LEGISLATIVE INTENT LANGUAGE

EXECUTIVE OFFICES AND CRIMINAL JUSTICE APPROPRIATIONS SUBCOMMITTEE
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ISSUE BRIEF

The following is the summary of the legislative intent language proposed for the agencies in the Executive Offices and Criminal Justice Appropriations Subcommittee:

Nonlapsing Intent Language

Office of the Governor

1. **Governor's Office – Governor's Office - $2,000,000; 1,750,000; $500,000**

   Under Section 63J-1-603 of the Utah Code, the Legislature intends that appropriations of up to $2,000,000 provided for the Governor's Office in Item 69 of Chapter 9 Laws of Utah 2019 not lapse at the close of Fiscal Year 2020. The use of any unused funds is limited to one-time expenditures of the Governor and Lieutenant Governor's Offices.

   Under section 63J-1-603 of the Utah Code, the Legislature intends that appropriations of up to $250,000 for the Governor's Office in Item 99 and up to $1,500,000 for the Governor's Office in Item 107 of Chapter 508 Laws of Utah 2019 not lapse at the close of Fiscal Year 2020. The use of any funds is limited to the same purposes as the original appropriations.

   Under section 63J-1-603 of the Utah Code, the Legislature intends that appropriations of up to $500,000 for the Governor's Office in Item 97 of Chapter 463 Laws of Utah 2018 not lapse at the close of Fiscal Year 2020. The use of any funds is limited to the same purposes as the original appropriations.

2. **Governor's Office – Governor's Office of Management and Budget - $1,300,000; $850,000**

   Under section 63J-1-603 of the Utah Code, the Legislature intends that appropriations of up to $1,300,000 provided for the Governor's Office - Governor's Office of Management and Budget in Item 70 of Chapter 9 Laws of Utah 2019 not lapse at the close of Fiscal Year 2020. The use of any funds is limited to one-time expenditures of the Governor's Office of Management and Budget.

   Under section 63J-1-603 of the Utah Code, the Legislature intends that appropriations of up to $850,000 for the Governor's Office - Governor's Office of Management and Budget in Item 22 of Chapter 397 Laws of Utah 2018 not lapse at the close of Fiscal Year 2020. The use of any funds is limited to the same purposes as the original appropriations.

3. **Governor's Office – Emergency Fund - $100,100**

   Under section 63J-1-603 of the Utah Code, the Legislature intends that appropriations of up to $100,100 for the Governor's Office - Emergency Fund in in Item 67 of Chapter 9 Laws of Utah 2019 not lapse at the close of Fiscal Year 2020. The use of any funds is limited to emergency expenditures.

4. Governor's Office – Constitutional Defense Council - $14,000

Under section 63J-1-603 of the Utah Code, the Legislature intends that appropriations of up to $14,000 provided for the Governor's Office - Constitutional Defense Council in Item 27 of Chapter 417 Laws of Utah 2012 not lapse at the close of Fiscal Year 2020. The use of any funds is limited to one-time expenditures authorized by the Constitutional Defense Council.

5. Governor's Office – Commission on Criminal and Juvenile Justice - $1,700,000

Under section 63J-1-603 of the Utah Code, the Legislature intends that appropriations up to $1,700,000 provided for the Commission on Criminal and Juvenile Justice Commission in Item 66 of Chapter 9 Laws of Utah 2019 not lapse at the close of fiscal year 2020. The Legislature also intends that dedicated credits that have not been expended shall also not lapse at the close of fiscal year 2020. The use of any unused funds is limited to employee incentives, one-time remodeling costs, equipment purchases, one-time DTS projects, research and development contracts, one-time costs associated with H.B. 414, Restitution Reporting enacted during the 2019 General Session, extradition costs, meeting and travel costs, and state pass through grant programs.

6. Governor's Office – CCJJ Salt Lake County Jail Bed Housing - $500,000

Under section 63J-1-603 of the Utah Code, the Legislature intends that appropriations up to $500,000 provided for the Commission on Criminal and Juvenile Justice in Item 64 of Chapter 9 Laws of Utah 2019 not lapse at the close of fiscal year 2020. The use of any unused funds is limited to contracts between Salt Lake County and other counties to house inmates or for housing Salt Lake County inmates in Oxbow.

7. Governor's Office - CCJJ Child Welfare Parental Defense - $75,000

Under section 63J-1-603 of the Utah Code, the Legislature intends that appropriations up to $75,000 provided for the Parental Defense in Item 46 of Chapter 5 Laws of Utah 2019 not lapse at the close of fiscal year 2020. The Legislature also intends that dedicated credits that have not been expended shall also not lapse at the close of fiscal year 2020.

Office of the Attorney General

8. Attorney General - Attorney General's Office - $3,000,000

Under Section 63-J-1-603 of the Utah Code, the Legislature intends that appropriations of up to $3,000,000 to the Attorney General's Office provided for in Item 49 of Chapter 9 Laws of Utah 2019 not lapse at the close of Fiscal Year 2020. The use of any unused funds is limited to purchase of computer hardware and software, specific program development/operation, pass-thru funds appropriated by the Legislature and other one-time operational and capital expenses.

9. Attorney General - Contract Attorneys $60,000

Under Section 63-J-1-603 of the Utah Code, the Legislature intends that appropriations of up to $60,000 provided for contract expense in Item 51 of Chapter Laws of Utah 2019 not lapse at the close of Fiscal Year 2020. The use of any unused funds is limited to professional services for attorneys under contract with the Office of the Attorney General and other litigation expenses.

10. Attorney General - Children's Justice Centers - $450,000

Under Section 63-J-1-603 of the Utah Code, the Legislature intends that appropriations of up to $450,000 provided for contract expense in Item 50 of Chapter 9 Laws of Utah 2019 not lapse at the close of Fiscal Year 2020. The use of any unused funds is limited to costs passed-thru to operate the local CJC's or for one-time operational expenses.

11. Attorney General - Prosecution Council - $150,000

Under Section 63-J-1-603 of the Utah Code, the Legislature intends that appropriations of up to $150,000 provided for contract expense in Item 52 of Chapter 9 Laws of Utah 2019 not lapse at the close of Fiscal Year 2020. The use of any unused funds is limited to expense associated with providing training and technical assistance to prosecutors. Funds set aside for training commitments and other agreements may cross fiscal years; thus, non-lapsing authority is requested to meet financial commitments.

Office of the State Auditor

12. State Auditor $500,000

Under the terms of 63J-1-603 of the Utah Code, the Legislature intends that appropriations of up to $500,000 provided for the Office of the State Auditor in Item 75 of Chapter 9, Laws of Utah 2019 not lapse at the close of Fiscal Year 2020. The use of any unused funds is limited to the same purposes of the original appropriation including local government oversight, audit activities, and data analysis.

Office of the State Treasurer

13. State Treasurer - $400,000

Under Section 63-J-1-603 of the Utah Code, the Legislature intends that appropriations of up to $400,000 provided for the Office of the State Treasurer in Item 84 of Chapter 9, Laws of Utah 2019 not lapse at the close of Fiscal Year 2020. The use of any unused funds is limited to Computer Equipment/Software, Equipment/Supplies, Special Projects and Unclaimed Property Outreach.

Juvenile Justice Services

14. Juvenile Justice Services – Programs and Operations - $2,000,000

Under Section 63J-1-603 of the Utah Code, the Legislature intends that appropriations of up to $2,000,000 provided for the Department of Human Services - Division of Juvenile Justice Services Programs and Operations in Item 73 of Chapter 9, Laws of Utah 2019 not lapse at the close of Fiscal Year 2020. The use of any unused funds is limited to expenditures for data processing and technology-based expenditures; facility repairs, maintenance, and improvements; capital development; other charges and pass-through expenditures; and short-term projects and studies that promote efficiency and service improvement.

15. Juvenile Justice Services – Community Providers $2,500,000

Under Section 63J-1-603 of the Utah Code, the Legislature intends that appropriations of up to $2,500,000 provided for the Department of Human Services - Division of Juvenile Justice Services - Community Providers, in Item 74 of Chapter 9, Laws of Utah 2019 not lapse at the close of Fiscal Year 2020. The use of any unused funds is limited to expenditures for pass-through expenditures; and short-term projects that promote efficiency and service improvement.

Board of Pardons and Parole

16. Board of Pardons and Parole - $800,000

Under Section 63J-1-603 of the Utah Code, the Legislature intends that appropriations of up to $800,000 provided for the Board of Pardons and Parole in Item 53 of Chapter 9 Laws of Utah 2019 not lapse at the close of Fiscal Year 2020. The use of any non-lapsing funds shall be limited to capital improvements, computer equipment/electronic records development, and employee training.

Corrections

17. Corrections – Programs & Operations - $10,000,000

Under Section 63J-1-603 of the Utah Code, the Legislature intends that the appropriations of up to $10,000,000 for the Utah Department of Corrections - Programs and Operations in item 54 of chapter 9, Laws of Utah 2019 not lapse at the close of Fiscal Year 2020. The use of any non-lapsing funds shall be limited to the following items: stab & ballistic vests, uniforms, radio supplies & equipment, authorized vehicle purchases, inmate support & food costs, inmate programming, firearms & ammunition, computer equipment/software & support, equipment & supplies, employee training & development, building & office remodeling, furniture, and special projects.

18. Corrections – Medical Services - $2,000,000

Under Section 63J-1-603 of the Utah Code, the Legislature intends that the appropriations of up to $2,000,000 for the Utah Department of Corrections - Medical Services in item 55 of chapter 9, Laws of Utah 2019 not lapse at the close of Fiscal Year 2020. The use of any non-lapsing funds shall be limited to o purchase pharmaceuticals, medical supplies & equipment, computer equipment/software, and employee training & development.

19. Corrections – Jail Contracting - $5,000,000

Under Section 63J-1-603 of the Utah Code, the Legislature intends that the appropriations of up to $5,000,000 for the Utah Department of Corrections - Jail Contracting in item 56 of chapter 9, Laws of Utah 2019 not lapse at the close of Fiscal Year 2020. The use of any non-lapsing funds shall be limited to housing inmates, and treatment programming for inmates housed at the county jails.

20. Corrections – Utah Correctional Industries

Under Section 63J-1-603 of the Utah Code, the Legislature intends that the appropriation for the Utah Department of Corrections - Utah Correctional Industries in item 92 of chapter 9, Laws of Utah 2019 not lapse at the close of Fiscal Year 2020. Any non-lapsing retained earnings would be used in the on-going operations of UCI.

Courts

21. Courts – Administration - $2,500,000

To Judicial Council/State Court Administrator - Administration Under Section 63J-1-603(3) of the Utah Code, the Legislature intends that appropriations of up to $2,500,000 provided to the Judicial Council/State Court Administrator-Administration in Laws of Utah 2019 Chapter 9, Item 57 and in Chapter 359, Item 7 and in Chapter 508, Items 75 and Items 78 through 92 shall not lapse at the close of Fiscal Year 2020. The use of any unused funds is limited to market comparability salary adjustments and career track advancement; employee retention, training, education assistance, and incentives; translation and interpreter services; IT programming and contracted support; computer equipment and software; courts security; special projects and studies; temporary employees (law clerks); trial court program support and senior judge assistance; grant match; and purchase of Utah code and rules for judges.

Under Sections 63J-1-603 and 63J-1-602.1(66) of the Utah Code, the Legislature intends that any unspent funds remaining in the Law Library (Budget Line BAAA, Appropriation Code BAB) shall not lapse at the close of Fiscal Year 2020. Unused funds are to be used to supplement the costs of the Courts' Self-help Center.

Under Section 63J-1-603 of the Utah Code, the Legislature intends that any unspent funds donated or paid to the juvenile court by private sources for the purpose of compensatory service programs shall not lapse at the close of Fiscal Year 2020. Unused funds are to be used to benefit the community through juvenile community service programs such as graffiti removal and community service.

22. Courts – Grand – Jury - $800

Under Section 63J-1-603 of the Utah Code, the Legislature intends that the appropriations of up to $800 provided to the Judicial Council/State Court Administrator-Grand Jury in Laws of Utah 2019 Chapter 9, Item 59 shall not lapse at the close of Fiscal Year 2020. The use of any non-lapsing funds is limited to expenses related to the grand jury

23. Courts - Contracts and Leases - $500,000

Under Section 63J-1-603 of the Utah Code, the Legislature intends that appropriations of up to $500,000 provided to the Judicial Council/State Court Administrator-Contracts and Leases in Laws of Utah 2019 Chapter 9, Item 58 and in Chapter 359, Item 8 shall not lapse at the close of Fiscal Year 2020. The use of any non-lapsing funds is limited to lease cost increases, contractual obligations and support.

24. Courts - Jury and Witness Fees - $1,000,000

Under Section 63J-1-603 of the Utah Code, the Legislature intends that the appropriations of up to $1,000,000 provided to the Judicial Council/State Court Administrator-Juror, Witness, Interpreter in Laws of Utah 2019 Chapter 9, Item 61 and in Chapter 359, Item 10 shall not lapse at the close of Fiscal Year 2020. The use of any non-lapsing funds is limited to expenses for jury, witness fees and interpretation services.

Guardian ad Litem

25. Courts - Guardian ad Litem - $500,000

Under Section 63J-1-603 of the Utah Code, the Legislature intends that appropriations of up to $500,000 provided to the Judicial Council/State Court Administrator-Guardian ad Litem in Laws of Utah 2019 Chapter 9, Item 60 and in Chapter 359, Item 9 shall not lapse at the close of Fiscal Year 2020. The use of any non-lapsing funds is limited to employee training, development, and incentives; computer equipment and software, special projects and studies, and temporary employees.

Public Safety

26. Programs and Operations - $10,000,000

Under section 63J-1-603 of the Utah Code, the Legislature intends that appropriations of up to $10,000,000 provided for The Department of Public Safety - Programs and Operations not lapse at the close of Fiscal Year 2020. This amount excludes any nonlapsing funds from accounts listed under section 63J-1-602.1 and section 63J-1-602.2. Funding shall be used for equipment, technology, emergencies, and other one-time operating expenses. Under section 63J-1-603 of the Utah Code, the Legislature intends that PSAP dedicated credits of up to $1,200,000 provided for the Department of Public Safety - Programs and Operations CITS Communications division not lapse at the close of Fiscal Year 2020.

27. Emergency Management – $500,000

Under section 63J-1-603 of the Utah Code, the Legislature intends that appropriations of up to $500,000 provided for The Department of Public Safety -Emergency Management not lapse at the close of Fiscal Year 2020. This amount excludes any nonlapsing funds from accounts listed under section 63J-1-602.1 and section 63J-1-602.2. Funding shall be used for equipment, technology, and emergencies or disasters.

28. Emergency Management – National Guard Response - $150,000

Under section 63J-1-603 of the Utah Code, the Legislature intends that appropriations of up to $150,000 provided for the Department of Public Safety - National Guard Response line item not lapse at the close of Fiscal Year 2020. Funds shall be limited to reimbursement for emergency costs.

29. Emergency Management - Emergency and Disaster Management - $7,718,300

Under section 63J-1-603 of the Utah Code, the Legislature intends that appropriations up to $7,718,300 provided for The Department of Public Safety - Emergency Management - Emergency and Disaster Management not lapse at the close of Fiscal Year 2020. Funding will be used for reimbursement for emergency costs and loans that qualify as determined in statute.

30. Bureau of Criminal Identification - $2,500,000

Under section 63J-1-603 of the Utah Code, the Legislature intends that appropriations up to $2,500,000 provided for The Department of Public Safety - Bureau of Criminal Identification not lapse at the close of Fiscal Year 2020. Funding shall be used for training, equipment purchases, and other one-time operating expenses.

31. Peace Officers' Standards and Training - $750,000

Under section 63J-1-603 of the Utah Code, the Legislature intends that appropriations up to $750,000 provided for The Department of Public Safety - Peace Officers' Standards and Training not lapse at the close of Fiscal Year 2020. Funding shall be used for equipment, technology, and other one-time operating expenses.

32. Driver License - $1,000,000

Under section 63J-1-603 of the Utah Code, the Legislature intends that appropriations up to $1,000,000 provided for The Department of Public Safety - Driver License not lapse at the close of Fiscal Year 2020. This amount excludes any nonlapsing funds from accounts listed under section 63J-1-602.1 and 63J-1-602.2. Funding shall be used for one-time enhancements to the uninsured motorist program and other one-time operating expenses.

33. Highway Safety - $100,000

Under section 63J-1-603 of the Utah Code, the Legislature intends that appropriations of up to $100,000 provided for The Department of Public Safety - Highway Safety not lapse at the close of Fiscal Year 2020. This amount excludes any nonlapsing funds from accounts listed under section 63J-1-602.1 and section 63J-1-602.2. Funding shall be used for equipment, technology, and other one-time operating expenses.

Other Intent Language

Office of the Attorney General

34. Attorney General's Office – Vehicles

The Legislature intends that the Attorney General's Office, Criminal Department, may purchase up to six (6) additional vehicles with department funds in Fiscal Year 2020 or Fiscal Year 2021.

Governor

35. Salt Lake County Jail Housing Program

The Legislature intends that any payments from the Commission on Criminal and Juvenile Justice for housing prisoners from Salt Lake County in other counties be limited to the rate of $26 per day, per prisoner.

Corrections

36. Adult Probation and Parole – Vehicles

The Legislature intends that, if the Department of Corrections is able to reallocate resources internally to fund additional Adult Probation & Parole Agents, for every two agents hired, the Legislature grants the authority to purchase one vehicle with Department funds for FY2020 and FY2021.

37. *Adult Probation and Parole – Community Correctional Centers*

The Legislature intends that the Department of Corrections use the General Fund appropriation of $3,000,000 ongoing in this item for community correctional centers. The department may request assistance from the Division of Facilities Construction and Management and transfer funds to the Capital Projects Fund for any construction that will be overseen by the state.

38. *Adult Probation and Parole – Community Correctional Centers*

The Legislature intends that the Department of Corrections use the General Fund appropriation of $8,600,000 one-time in FY 2019 in this item for community correctional centers. The department may request assistance from the Division of Facilities Construction and Management and transfer funds to the Capital Projects Fund for any construction that will be overseen by the state. Under Section 63J-1-603 of the Utah Code, the Legislature intends that this appropriation not lapse at the close of fiscal year 2020.

39. Division of Prison Operations – Vehicles

The Legislature intends that the Department of Corrections, Division of Prison Operations, be able to purchase one vehicle with Department funds.

40. Division of Prison Operations Inmate Placement Program - Vehicles

The Legislature intends that, if the Department of Corrections is able to reallocate resources internally to fund two additional Lieutenants in the Department's Division of Prison Operations Inmate Placement Program, the Legislature grants authority to purchase two vehicles with Department funds.

41. Jail Contracting – Final State Daily Incarceration Rate

The Legislature intends that under Section 64-13e-105 the Legislature intends that the final state daily incarceration rate be set at $73.87 for FY 2021.

Public Safety

42. Programs and Operations – Vehicles

The Legislature intends that the Department of Public Safety is authorized to increase its fleet by the same number of new officers or vehicles authorized and funded by the Legislature for Fiscal Year 2020 and Fiscal Year 2021.

43. State Crime Lab – Firearms Transfer

The Legislature intends that in accordance with Utah Code Ann. 24-3-103 the Department of Public Safety transfer all firearms received from court adjudications (Criminal Evidence) to the department for its use. These firearms will be transferred to the State Crime Laboratory and department training section for official use only. In addition, all ammunition received by the department with these firearms will be used by the State Crime Laboratory and training section for official use only. All other evidentiary property of value that has been adjudicated and received by the department will be transferred to State Surplus for auction.

44. Aero Bureau – Helicopter Proceeds

The Legislature intends that any proceeds from the sale of the salvaged helicopter parts and any insurance reimbursements for helicopter repair are to be used by the department for its Aero Bureau operations. The Department of Public Safety is authorized to increase its fleet by the same number of new officers or vehicles authorized and funded by the Legislature for Fiscal Year 2020 and Fiscal Year 2021.

45. Fire Marshal – Vehicles

The Legislature intends that the Fire Marshal office is authorized to increase its fleet by one vehicle as it transitions a non-sworn position to a sworn position.

46. SBI - Abandoned Property

The Legislature intends that the State Bureau of Investigations within the Department of Public Safety be able to use $107,738.03 of unclaimed and abandoned seized funds for purposes of public interest. Examples of public interest include payment of court awarded attorney fees and interest charges. Legislative authority is required under Section 24-3-103(7).

47. Evidence - Vehicles

The Legislature intends that the Utah Department of Public Safety be able to purchase up to six vehicles for its centralized evidence management program.

48. POST - Repairs

The Legislature intends that Peace Officer Standards and Training (POST) be able to utilize the funding it received to replace simulators for other repair needs at POST such as the indoor shooting range or the EVO track.