

CONSOLIDATED MOTIONS  
for  
EXECUTIVE APPROPRIATIONS COMMITTEE  
March 6, 2020

Table of Contents

BUSINESS, ECONOMIC DEVELOPMENT, AND LABOR ..... - 1 -

EXECUTIVE OFFICES AND CRIMINAL JUSTICE..... - 2 -

HIGHER EDUCATION ..... - 5 -

INFRASTRUCTURE AND GENERAL GOVERNMENT ..... - 6 -

NATURAL RESOURCES, AGRICULTURE, AND ENVIRONMENTAL QUALITY ..... - 9 -

PUBLIC EDUCATION ..... - 11 -

RETIREMENT AND INDEPENDENT ENTITIES..... - 13 -

SOCIAL SERVICES ..... - 14 -

EXECUTIVE APPROPRIATIONS COMMITTEE..... - 17 -

# BUSINESS, ECONOMIC DEVELOPMENT, AND LABOR APPROPRIATIONS SUBCOMMITTEE (TAB 2 OF SUBCOMMITTEE REPORTS)

I move that we adopt the appropriation adjustments, intent language, and rates and fees as listed on pages 2-7 through 2-132 of the subcommittee's report,

With the following changes:

## Budgets

1. Adjust appropriations made in Senate Bill 4, 2020 General Session, as follows:
  - Item 14, Inland Port Authority FY 2020: Change the (\$500,000) from Pass-through revenue to \$500,000 as a Pass-through expenditure;
  - Item 15, Point of the Mountain Authority FY 2020: Change the (\$900,000) from Pass-through revenue to \$900,000 as a Pass-through expenditure;
  - Item 70, Inland Port Authority FY 2021: Change the (\$1,000,000) From Pass-through revenue to \$1,000,000 as a Pass-through expenditure; and
  - Item 71, Point of the Mountain Authority FY 2021: Change the (\$1,000,000) From Pass-through revenue to \$1,000,000 as a Pass-through expenditure.

## Intent Language

Exclude the following language:

1. Item #7 on page 2-9.
2. Item #8 on page 2-9

Amend the following language:

3. Under Section 63J-1-603 of the Utah Code, the Legislature intends that appropriations provided to the Governor's Office of Economic Development - Talent Ready Utah in Laws of Utah 2019 shall not lapse at the close of Fiscal Year 2020. The use of any nonlapsing funds is limited to contractual obligations and support, ~~\$1,500,000~~ \$5,400,000.

# EXECUTIVE OFFICES AND CRIMINAL JUSTICE

## APPROPRIATIONS SUBCOMMITTEE

### (TAB 3 OF SUBCOMMITTEE REPORTS)

I move that we adopt the appropriation adjustments, intent language, special motions, and rates and fees as listed on pages 3-8 through 3-105 of the subcommittee's report,

With the following changes:

#### Budgets

1. Reallocate \$3,000,000 ongoing in FY 2021 from the General Fund for Offender Housing from the Department of Corrections – Executive Director to the Department of Administrative Services – Division of Facilities Construction and Management
2. Reallocate \$1,650,000 one-time in FY 2021 from the General Fund for Commerce Clause Legal Challenge from the Department of Natural Resources to the Attorney General's Office.
3. On p. 3-6 of the ongoing reallocation list, delete the title "Community Placement/Provider Infrastructure" for \$1,250,000 and insert "Expansion of Youth Services".

#### Intent Language

Add the following language:

1. 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.

Exclude the following language:

2. Item #14 on page 3-11.
3. Item #15 on page 3-11.
4. Item #16 on page 3-11.
5. Item #17 on page 3-12.

6. Item #52 on page 3-16.
7. Item #84 on page 3-20.

Amend the following language:

8. Item #26 on page 3-13: 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.
9. Item #56 on page 3-16: The Legislature intends that the Governor's Office report on the following performance measure for the Governor's Office line item: (1) Number of registered voters and the percentage that voted during the November 2019 general election (Target = increased turnout compared to the 2014 mid-term election); (2) Number of constituent affairs responses ~~(A baseline will be established for this new measure at the end of FY 2018)~~ by October 15, 2021 to the Executive Offices and Criminal Justice Appropriations.
10. Item #79 on page 3-20: The Legislature intends that Peace Officer Standards and Training (POST) be able to utilize the funding it received for the purposes of replacing simulators or for other repair needs at POST such as the indoor shooting range or the EVO track.

#### Special Motions

1. Do not approve items #1 and #2 on page 3-26.
2. Exclude #7 on page 3-27 and replace with the following:

On the EOCJ Reallocation list, make the following changes to the \$1,712,000 for Statewide Criminal Justice and Vulnerable Population Plan and \$800,000 for County Incentive/Intake Screening Grant Program:

- **Homeless Resources** - Appropriate \$1,500,000 million to the Homeless to Housing Reform Restricted Account, appropriate \$1,500,000 from the account to the Department of Workforce Services, and approve the following intent language:

*The Legislature intends that \$1,500,000 appropriated from the Homeless to Housing Reform Restricted Account in this item be granted to one or more homeless shelters that began operations on or after January 1, 2019 for operational costs; a homeless shelter receiving a grant shall provide matching funds equal to the grant amount, in accordance with 35A-8-604(8)(a). The Legislature further intends that for entities to qualify for matching funds for this funding amount for \$1,500,000, that entity funds also increase operational resource funding as opposed to bonding, in-kind, or other indirectly related resources.*

- **Indigent Defense Commission - Counsel of first of Appearance** – appropriate \$500,000 for indigent defense services for counsel of first appearance with the following intent language:

*The Legislature intends that in FY 2021 that \$150,000 one-time of this amount be used by the Indigent Defense Commission to direct a study in coordination with the Administrative Office of the Courts to identify inefficiencies in court processes and how they are impacted by indigent defense, prosecutors and overall court processes/procedures.*

- **CCJJ Data** - \$150,000 for CCJJ to support Statewide Criminal Justice/Vulnerable Population data needs with the following intent language:

*The Legislature intends that the Commission on Criminal and Juvenile Justice (CCJJ) organize and coordinate a data gathering and sharing system within the state to help inform processes related to the criminal justice system from arrest through end of supervision, as well as inform process related to non-judicial diversion efforts statewide related to receiving centers and other forms of diversions for adult and juvenile criminal justice systems.*

- **SL County Jail Screening and Assessment** - \$362,000 for Salt Lake County to restore screening and assessment funding to Salt Lake County for use in the jail and in other non-judicial diversion efforts within the county.

## HIGHER EDUCATION APPROPRIATIONS SUBCOMMITTEE (TAB 4 OF SUBCOMMITTEE REPORTS)

I move that we adopt the appropriation adjustments, intent language, and rates and fees as listed on pages 4-6 through 4-56 of the subcommittee's report.

# INFRASTRUCTURE AND GENERAL GOVERNMENT APPROPRIATIONS SUBCOMMITTEE (TAB 5 OF SUBCOMMITTEE REPORTS)

I move that we adopt the appropriation adjustments, intent language, special motions, and rates and fees as listed on pages 5-6 through 5-87 of the subcommittee’s report,

With the following changes:

Budgets

1. Add the following adjustments to the Transportation Investment Fund (TIF) Capacity Program to match estimated expenditures:

	FY 2020, one-time	FY 2021, one-time
<b>To TIF Capacity Program from</b>		
TIF of 2005	241,144,800	274,130,600

2. Add the following adjustments to appropriations to programs in the Highway System Construction line item to more closely match estimated expenditures while ensuring that total appropriations from the Transportation Fund do not exceed estimated revenues to the fund:

	FY 2020, one-time	FY 2021, ongoing
<b>To Highway System Construction – Federal Construction from</b>		
Transportation Fund	(169,330,700)	(150,982,600)
Federal Funds	(187,773,900)	(216,348,900)
<b>To Highway System Construction – Rehabilitation/Preservation from</b>		
Transportation Fund	148,845,400	178,845,400
Federal Funds	111,334,800	111,334,800
<b>To Highway System Construction – State Construction from</b>		
Transportation Fund	2,477,300	2,477,300
<b>To Highway System Construction – Total from</b>		
Transportation Fund	(18,008,000)	30,340,100
Federal Funds	(76,439,100)	(105,014,100)

3. Reallocate money from the Transportation Fund for snowplow operations as follows:
  - From the Highway System Construction line item: (\$7,000,000) ongoing in FY 2021;
  - To the Operations line item: \$6,500,000 ongoing;
  - To the Engineering Services line item: \$185,000 ongoing; and
  - To the Region Management line item: \$315,000 ongoing.

4. Reallocate \$6,000,000 from the General Fund one-time in FY 2021 from the Transit Transportation Investment Fund (TTIF) appropriated in Senate Bill 6, Item 85, 2020 General Session, to Department of Transportation – Aeronautics – Airport Construction.
5. Appropriate \$89,504,500 one-time in FY 2020 from the Transportation Investment Fund of 2005 to Debt Service – General Obligation Bonds – Transportation. Background: In conjunction with the Series 2020 general obligation bond issue, the state conducted a cash defeasance of two 2015 maturities. Cash needs to be appropriated to complete the defeasance.
6. Reallocate \$3,000,000 ongoing in FY 2021 from the General Fund for Offender Housing from the Department of Corrections – Executive Director to the Capital Budget – Capital Development – Other State Government line item.
7. Do not approve “Third Lane for SR 36 from I-80 to SR 138” on page 5-7 and related entries throughout the subcommittee’s report.
8. Do not approve “Transit Funding, Including Fronrunner Double Tracking” on page 5-7 and related entries throughout the subcommittee’s report.

Intent Language

Add the following language:

1. The Legislature intends that during FY 2021 the Division of Facilities and Construction Management may use a portion of the \$30,800,600 appropriated from the Education Fund for the Salt Lake Community College Herriman Campus General Education Building and the \$60,000,000 appropriated from the Education Fund for the University of Utah Applied Sciences Building in this item for programming and design for these buildings, but that the division may not use the appropriations for construction of these buildings until FY 2022.
2. The Legislature intends that, when preparing the FY 2022 base budget bills, the Legislative Fiscal Analyst shall eliminate \$646,500 ongoing from the Education Fund to the Capital Development Fund and include \$646,500 one-time from the Education Fund to the Capital Development Fund, and include \$646,500 ongoing from the Education Fund reduced one-time to the University of Utah Operations and Maintenance line item.

Amend the following language:

3. Item #7 on page 5-8: The Legislature intends that unexpended proceeds derived from the sale of real property or an interest in real property from a maintenance facility ~~and that the department intends to use in accordance with Utah Code Annotated 72-5-111(1)(d)~~ shall not lapse at the close of FY 2020. Expenditures of these funds are limited to the purchase or improvement of another maintenance facility, including real property: \$1,500,000.

Exclude the following language:

4. Item #3 on page 5-8.

# NATURAL RESOURCES, AGRICULTURE, AND ENVIRONMENTAL QUALITY APPROPRIATIONS SUBCOMMITTEE

## (TAB 6 OF SUBCOMMITTEE REPORTS)

I move that we adopt the appropriation adjustments, intent language, special motions, and rates and fees as listed on pages 6-7 through 6-130 of the subcommittee's report,

With the following changes:

### Budgets

1. Reallocate money from the General Fund for the Utah Lake Ecosystem funding item/request for appropriation as follows:
  - From the Division of Water Quality: (\$100,000) one-time in FY 2020 and (\$200,000) ongoing in FY 2021; and
  - To the Division of Forestry, Fire and State Lands: \$100,000 one-time in FY 2020 and \$200,000 ongoing in FY 2021.
2. Eliminate an appropriation for a repealed funding source for FY 2020 (mistakenly appropriated in the Base Budget Bill): Department of Agriculture, Plant Industry Line Item: Cannabinoid Product Restricted Account (GFR) – (\$560,000).
3. Reallocate \$1,650,000 one-time in FY 2021 from the General Fund for Commerce Clause Legal Challenge from the Department of Natural Resources to the Attorney General's Office.
4. Appropriate the following additional FY 2021 one-time restricted funds for the Dalton Wells project:
  - Engineering and Operating Expenses: \$350,000 from the Sovereign Lands Management Restricted Account; and
  - Trail Access, Improvements, and Maintenance: \$100,000 from the Off-highway Vehicle Restricted Account.

## Intent Language

Add the following language:

1. Under the terms of 63J-1-603 of the Utah Code, the Legislature intends that \$1 million appropriated for the Bonneville Salt Flats Restoration Project shall not lapse at the close of FY 2020.
2. Under the terms of 63J-1-603 of the Utah Code, the Legislature intends that appropriations of up to \$200,000 provided in Item 274, S.B. 2, 2019 General Session, to the Division of Drinking Water shall not lapse at the close of FY 2020. Expenditures of these funds are limited to the Panguitch City Water Restoration.
3. Under the terms of 63J-1-603 of the Utah Code, the Legislature intends that appropriations of up to \$1,000,000 for the Isotopes Research Center provided in Item 43, S.B. 3, 2019 General Session, to the Office of Energy Development shall not lapse at the close of FY 2020.
4. The Legislature intends that the Division of Water Resources use the \$750,000 appropriation to the Rebate Program for Water Reduction Devices to issue rebates. The Legislature further intends that the division develop a plan to issue fixed amount rebates and report to the Natural Resources, Agriculture, and Environmental Quality Appropriations Subcommittee on their plan before July 1, 2020.
5. The Legislature intends that the \$2 million appropriation for the Water Restoration Initiative be used for projects that benefit both wildlife and livestock. The funding is to be leveraged with funding from other state, federal, and private sources.

Exclude the following language:

6. Item #1 on page 6-10.
7. Item #2 on page 6-10.
8. Item #3 on page 6-10.

# PUBLIC EDUCATION APPROPRIATIONS SUBCOMMITTEE

## (TAB 7 OF SUBCOMMITTEE REPORTS)

I move that we adopt the appropriation adjustments, intent language, special motions, and rates and fees as listed on pages 7-6 through 7-48 of the subcommittee's report,

With the following changes:

### Budgets

### Intent Language

Add the following language:

1. The Legislature intends that the State Board of Education report on or before September 30, 2020, to the Public Education Appropriations Subcommittee on the following performance measures for the Initiative Programs line item:

#### *Intergenerational Poverty Interventions Grant Program Performance Measures*

- Improvement in the following areas for regularly participating afterschool students, as measured by appropriate assessment:
  - Reading proficiency rates (target = 8 points);
  - Math proficiency rates (target = 7 points); and
  - Science proficiency rates (target = 4 points).

#### *Partnerships for Student Success Grant Program Performance Measures*

- Percentage of grade 3 students at Partnerships for Student Success schools who met reading benchmark at year end (target=55%);
- Percentage of grade 8 students at Partnerships for Student Success schools proficient in mathematics (target=24%); and
- High school graduation rate for students at Partnerships for Student Success schools (target=86%).

Exclude the following language:

2. Item #1 on page 7-7.
3. Item #2 on page 7-7.
4. Item #3 on page 7-7-.
5. Item #4 on page 7-7.

6. Item #5 on page 7-7.

7. Item #7 on page 7-7.

RETIREMENT AND INDEPENDENT ENTITIES  
APPROPRIATIONS SUBCOMMITTEE  
(TAB 8 OF SUBCOMMITTEE REPORTS)

I move that we adopt the appropriation adjustments, intent language, and rates and fees as listed on pages 8-5 through 8-13 of the subcommittee's report.

# SOCIAL SERVICES APPROPRIATIONS SUBCOMMITTEE

## (TAB 9 OF SUBCOMMITTEE REPORTS)

I move that we adopt the appropriation adjustments, intent language, special motions, and rates and fees as listed on pages 9-9 through 9-175 of the subcommittee's report,

With the following changes:

### Budgets

1. Amend funding item, "Increase Revenue Related to Interest Income in PCIBF" on page 9-124 of the subcommittee's report by moving the \$800,000 from Uintah Basin Revitalization Fund to Permanent Community Impact Bonus Fund on page 9-122.
2. Amend funding item, "Variable Fund Adjustment Decrease Federal Funds Appropriation Related to ASPIRE Grant" on page 9-124 of the subcommittee's report by moving the \$1,120,000 from the State Office of Rehabilitation to the Unemployment Compensation Fund.
3. Reduce appropriations to Department of Human Services – Division of Services for People with Disabilities by \$12.4 million one-time in FY 2020 from the Medicaid Restricted Account.

### Intent Language

Add the following language:

1. The Legislature intends that increases for [insert building block name] should be passed on to the respective clinical providers and not be used for administrative functions within Medicaid's contracted accountable care organizations. [Explanation: This language would be added to each new Medicaid provider rate increase where providers contract with accountable care organizations.]
2. Under Section 63J-1-603 of the Utah Code the Legislature intends that up to \$16,000,000 General Fund provided in this line item for the Department of Health's Emergency Disease Response line item shall not lapse at the close of Fiscal Year 2020. The use of any nonlapsing funds is limited to state response to coronavirus.

Amend the following language:

3. Exclude intent language item #4 on page 9-13 and replace with: The Legislature intends that the Departments of Health and Environmental Quality use the ongoing funding provided in item 58 of Chapter 10, Laws of Utah 2019 to report to the Office of the Legislative Fiscal Analyst by May

1, 2020 on the pros and cons of changing the water testing relationship between the two departments as well as private sector alternatives to the Department of Health's laboratory testing services.

4. Exclude intent language item #29 on page 9-16 and replace with: The Legislature intends that the Department of Health work with rural hospitals to propose options to the Office of the Legislative Fiscal Analyst by October 1, 2022 for a new reimbursement methodology for rural inpatient hospital billing that gives the State of Utah more control over the annual inflationary increases and keeps the total funding close to previous levels that could start with FY 2022.
5. Item #66 on page 9-20: The Legislature intends that, in accordance with UCA 35A-8-608(3)(g)(ii), the prioritized list of Homeless Shelter Cities Mitigation Program grant requests, including the recommended grant amount for each grant-eligible entity, be approved as submitted to the Social Services Appropriations Subcommittee by the State Homeless Coordinating Committee ~~in accordance with Chapter 312 Laws of Utah 2018~~.
6. Item #1 on page 9-13: The Departments of Health ~~and Human Services~~ may use up to a combined maximum of \$12,400,000 from the General Fund Restricted - Medicaid Restricted Account and associated federal matching funds provided for Medicaid Services, ~~Services for People with Disabilities~~, and Children's Health Insurance Program only in the case that non-federal fund appropriations provided for FY 2020 in all other items of appropriation within the respective line item are insufficient to pay appropriate Medicaid claims within the respective line item for FY 2020 when combined with federal matching funds.
7. Item #2 on page 9-13: The Legislature intends that the Departments of Health and Workforce Services ~~create~~ recommend an option for clients for recurring automatic withdrawal payments to pay their CHIP premiums and report on their ~~progress~~ recommendations to the Office of the Legislative Fiscal Analyst by October 1, 2020.
8. Item #33 on page 9-16: The Departments of Health ~~and Human Services~~ may use up to a combined maximum of \$12,400,000 from the General Fund Restricted - Medicaid Restricted Account and associated federal matching funds provided for Medicaid Services, ~~Services for People with Disabilities~~, and Children's Health Insurance Program only in the case that non-federal fund appropriations provided for FY 2020 in all other items of appropriation within the respective line item are insufficient to pay appropriate Medicaid claims within the respective line item for FY 2020 when combined with federal matching funds.

Exclude the following language:

9. Item #15 on page 9-14.
10. Item #49 on page 9-18.

### Rates and Fees

1. Change fee #510 on page 9-150 "Annual Licensed Child Care Facility Base" to \$62.00.
2. Change fee #1025 on page 9-167 "Qualified Medical Provider Registration (Initial) (per Provider)" to \$100.00.

### Special Motions

1. Exclude #2 on page 9-42.

# EXECUTIVE APPROPRIATIONS COMMITTEE

## (TAB 10 OF SUBCOMMITTEE REPORTS)

I move that we adopt the appropriation adjustments, intent language, and rates and fees as listed on pages 10-4 through 10-22 of the subcommittee's report.