

CONSOLIDATED MOTIONS ON APPROPRIATIONS  
SUBCOMMITTEE REPORTS  
for  
EXECUTIVE APPROPRIATIONS COMMITTEE  
February 26, 2021

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# 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 2-119 of the subcommittee's report, excluding priority list items and fees already adopted in S.B. 8.

With the following changes:

## Intent Language

Add the following language:

1. The Legislature intends that the Governor's Office of Economic Development use \$20 million provided by this item to: (1) Assist small businesses that experienced a high level of revenue decline in a consecutive four month period in 2019 compared to the same period in 2020 or began operations after January 1, 2020 and can demonstrate the effects of COVID-19 on the business and provide evidence of solvency; and (2) in consultation with the Department of Heritage and Arts, assist organizations that host live events, or provide live event or entertainment services that promote and support economic opportunity in Utah.
2. The Legislature intends that the appropriation of \$250,000 in this item be nonlapsing and used for a Bears Ears Visitor Center Master Plan. The Legislature further intends that, if H.B. 341, 2021 General Session passes, the Division of Indian Affairs may only spend this \$250,000 in consultation with the Bears Ears Visitor Center Advisory Committee.
3. The Legislature intends that \$10 million provided by this item for the Industrial Assistance Fund be used to facilitate loans that support the Utah Lake Restoration Project.

# 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 3-6 through 3-84 of the subcommittee's report, excluding priority list items and fees already adopted in S.B. 8.

With the following changes:

#### Intent Language

Add the following language:

1. The Legislature intends that the Department of Corrections may transfer up to \$6 million of operational funding in the Programs and Operations – Adult Probation and Parole Programs appropriation unit for the Behavioral Health Transition Facility to the Division of Facilities Construction and Management in FY 2022 to complete construction of the facility. The Legislature further intends that the Department of Corrections report electronically to the Executive Offices and Criminal Justice Appropriations Subcommittee no later than one week prior to the transfer on the amount that will be transferred.
2. Under Section 63J-1-603 of the Utah Code, the Legislature intends that appropriations of up to \$1,500,000 provided for the Governor's Office in Item 60 of Chapter 4 Laws of Utah 2020 not lapse at the close of Fiscal Year 2021. The use of any unused funds is limited to one-time expenditures of the Lieutenant Governor's Offices to reimburse counties for voting equipment.
3. The Legislature intends that the appropriations provided to the Judicial Council/State Court Administrator-Juror, Witness, Interpreter line item for the 2021 Fiscal Year may be used for the payment of temporary employees supporting remote jury trials.

Amend the following language:

4. Replace "The Legislature intends that with the complete transition of the Attorney General's Office into an ISF model that the Attorney General's Office attend a rate committee hearing to evaluate and determine legislative recommendations for ISF hourly rates by October 1st, 2021 and report back to the Executive Offices and Criminal Justice Subcommittee in the meeting following the hearing" with "The Legislature intends that, before October 1, 2021, the Office of the Attorney General submit to the rate committee described in Section 67-5-34 a proposed rate and fee schedule for legal services rendered by the Office of the Attorney General to an

agency.”

## Rates

1. Approve the following language to amend the Attorney General’s ISF rates:

Under the terms and conditions of Utah Code Title 63J Chapter 1 and other fee statutes as applicable, the following fees and rates are approved for the use and support of the government of the State of Utah for the Fiscal Year beginning July 1, 2021 and ending June 30, 2022: Child Protection Attorney I-II - Co-Located Rate – 80.00; Child Protection Attorney I-II - Office Rate – 83.00; Child Protection Attorney III-IV - Co-Located Rate – 100.00; Child Protection Attorney III-IV - Office Rate - 103.00; Child Protection Attorney V - Co-located Rate - 124.00; Child Protection Attorney V - Office Rate - 128.00; Child Protection Paralegal - Co-Located Rate - 59.00; Child Protection Paralegal - Office Rate - 61.00; Civil Attorney I - II - Co-Located Rate - 86.00; Civil Attorney I - II - Office Rate - 89.00; Civil Attorney III - IV - Co-Located Rate - 106.00; Civil Attorney III - IV - Office Rate - 109.00; Civil Attorney I-II - Litigation Rate - 100.00; Civil Attorney III-IV - Litigation Rate - 119.00; Civil Attorney V - Co-Located Rate - 130.00; Civil Attorney V - Litigation Rate - 143.00; Civil Attorney V - Office Rate - 134.00; Civil Paralegal - Co-Located Rate - 65.00; Civil Paralegal - Litigation Rate - 66.00; Civil Paralegal - Office Rate - 67.00; Criminal Division Attorney I-II - Co-Located - 108.00; Criminal Division Attorney I-II - Office Rate - 112.00; Criminal Division Attorney III-IV - Co-Located Rate - 123.00; Criminal Division Attorney III-IV - Office Rate - 127.00; Criminal Division Attorney V - Co-Located Rate - 139.00; Criminal Division Attorney V - Office Rate - 144.00; Criminal Division Investigator - Co-Located Rate - 70.00; Criminal Division Investigator - Office Rate - 73.00; Criminal Division Paralegal - Co-Located Rate - 56.00; Criminal Division Paralegal - Office Rate - 58.00. The Legislature intends that the aforementioned fees apply for the Attorney General Internal Service Fund.

# 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 4-7 through 4-61 of the subcommittee's report, excluding priority list items and fees already adopted in S.B. 8.

# 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 5-5 through 5-121 of the subcommittee’s report, excluding priority list items and fees already adopted in S.B. 8.

With the following changes:

Budgets

1. Appropriate the amounts shown in the table below to programs in the Railroad Crossing Safety line item and to approve the intent language following the table.

	FY 2021
To Department of Transportation – Railroad Crossing Safety from	
Rail Transportation Restricted Account, One-time	1,372,500
Schedule of Programs	
Railroad Crossing Environmental Impact Studies	152,500
Railroad Crossing Improvements	1,220,000

Notwithstanding intent language in H.B. 3, 2020 General Session, Item 316, the Legislature intends that the Department of Transportation use \$1,372,500 appropriated in this item to partner with Brigham City on engineering, design, environmental analysis, and construction of a grade separated rail crossing project on Forest Street to make safety improvements and address traffic delays associated with railroad operations. Furthermore, the Legislature intends that under Section 63J-1-603 of the Utah Code this appropriation shall not lapse at the close of FY 2021. The use of any nonlapsing funds is limited to the purposes stated herein.

2. Move from FY 2021 to FY 2022 certain one-time appropriations to the Education Fund Budget Reserve Account and General Fund Budget Reserve Account as shown in the table below.

	FY 2021	FY 2022
To Education Budget Reserve Account from		
Education Fund, One-time	(83,517,700)	83,517,700
To General Fund Budget Reserve Account from		
General Fund, One-time	(11,747,200)	11,747,200
<b>Total</b>	<b>(95,264,900)</b>	<b>95,264,900</b>

Intent Language

Add the following language:

1. The Legislature intends that the Division of Facilities Construction and Management (DFCM) may use the money appropriated in this item to pay for costs of a capital development project approved by the Legislature in the 2021 General Session that exceed the amount appropriated for the project, but not to exceed six percent more than the amount appropriated for the project. The Legislature further intends that if the estimated completion cost of an approved project exceeds 106 percent of the amount appropriated for the project, that the DFCM director report the estimated cost to the Executive Appropriations Committee and receive the committee's recommendation before proceeding with the project.
2. The Legislature intends that the appropriation of \$7,636,300 in this item be used to pay for excess damages that have resulted from a personal injury claim against the state. The Legislature further intends that the funds be paid in installments through an annuity or trust arrangement, and that in the event of the claimant's untimely death, all funds remaining in the annuity or trust shall be returned to the state.
3. The Legislature intends that if the Department of Transportation determines that land owned by the department near the Calvin L. Rampton Complex is surplus to the department's needs, a portion of proceeds from the sale of the surplus property may be used to help mitigate traffic impact associated with the Taylorsville State Office Building.



# 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 6-6 through 6-143 of the subcommittee's report, excluding priority list items and fees already adopted in S.B. 8.

With the following changes:

### Budgets

1. Delete the item "Motorized Rentals (duplicate, Sen. Sandall's motion" on top of page 6-8 and on top of page 6-66.
2. Appropriate \$25,000 one-time in FY 2021, and \$25,000 ongoing in FY 2022, from Dedicated Credits to the Horse Racing General Fund Restricted Account. From this account, appropriate \$25,000 one-time to the Agriculture - Administration Line Item in FY 2021, and \$25,000 ongoing to the Agriculture - Animal Industry line item ongoing in FY 2022.

### Intent Language

Add the following language:

1. The Legislature intends that the Department of Agriculture and Food's Brand Inspection Program is authorized to charge the following three fees in the amounts shown: 1) Brand Recording: \$75; and 2) Brand Verification of Ownership at Slaughter: \$10 per animal; 3) Aquaculture Inspection: Supplemental Health Inspection: \$100.
2. The Legislature intends that the Department of Agriculture and Food's Regulatory Services Division is authorized to charge the following four fees in the amounts shown: 1) Operate milk manufacturing plant: \$1,000; 2) Operate a milk processing plant: \$2,000; 3) Dairy products distributor: \$500; and 4) Fuel Dispenser Inspection, including LPG/CNG: \$50.
3. The Legislature intends that ongoing funds appropriated to the Division of Water Quality for independent scientific review during the 2016 General Session be used on activities to support the Water Quality Act as outlined in R317-1-10.

4. Utah Coal to Carbon Fiber RFA: The Legislature intends that the \$1,000,000 one-time General Fund be used by the University of Utah to support the Coal to Materials project for research and project development.
5. Monroe Mountain RFA: The legislature intends that the \$400,000 one-time General Fund appropriation in the Public Lands Policy Coordinating Office be used to conduct grazing utilization surveys and pre-NEPA analysis on Monroe Mountain.
6. Box Elder County Air Quality RFA: The legislature intends that the \$250,000 one-time General Fund appropriation be used to address air quality issues in Box Elder County.
7. Amending State and County Resource Management Plans RFA: The Legislature intends that \$500,000 of the General Fund appropriation to the Public Lands Policy Coordinating Office be utilized to review the State and County Resource Management Plans to address Access to Public Lands, Renewable Energy Resources, Utility Corridors, Critical Mineral Resources and Rare Earth Element, and Pipeline and Infrastructure.
8. Protection of Utah Natural Resources and Public Lands RFA: The Legislature intends that \$5,000,000 of the General Fund appropriation to the Public Lands Policy Coordinating Office be used to address imminent policy, multi-use issues on federal lands and for coordination and litigation actions.
9. Utah Veterinary Diagnostic Laboratory (UVDL) RFA: The legislature intends that \$100,000 of the one-time General Fund for the Utah Veterinary Diagnostic Laboratory be used to study additional veterinarian and lab needs in the state of Utah.
10. Economic Impact Study of Natural Resources and Energy Sectors RFA: The Legislature intends that the \$100,000 one-time from the General Fund be used to fund a comprehensive economic impact study of Utah's natural resources and energy sectors.
11. Jordan River Improvements RFA: The Legislature intends that the \$1.5 million one-time from the General Fund be used for reconstructing approximately 500 ft of the Jordan River channel for safe navigation and passage over the North Point Brighton Canal Diversion Structure.
12. Utah Lake Authority RFA: The Legislature intends that the \$9.8 million one-time from the General Fund be used for initial projects related to the restoration and maintenance of Utah Lake, including addressing algae blooms and invasive species.
13. The Legislature intends that the funding for Great Salt Lake groundwater studies shall not lapse at the close of FY 2021.
14. The Legislature intends that the funding for integrated water planning and land use shall not lapse at the close of FY 2021.

# PUBLIC EDUCATION APPROPRIATIONS SUBCOMMITTEE

## (TAB 7 OF SUBCOMMITTEE REPORTS)

I move that we adopt the appropriations adjustments, intent language, special motions, and rates and fees as listed on pages 7-5 through 7-49 of the subcommittee's report, excluding priority list items and fees already adopted in S.B. 8.

With the following changes:

### Budgets

#### 1. Transfer of Balances – ELL Software Licenses

Transfer funding remaining in the State Board of Education – Initiative Programs line item for ELL Software Licenses to the Minimum School Program for allocation to local education agencies:

State Board of Education – Initiative Programs	
Beginning Nonlapsing Balances	(\$1,500,000)
Schedule of Programs	
ELL Software Licenses	(\$1,500,000)
State Board of Education – Minimum School Program – Related to Basic School Program	
Beginning Nonlapsing Balances	\$1,500,000
Schedule of Programs	
English Language Learner Software	\$1,500,000

### Statutory or Intent Language

#### 1. Use of Federal Coronavirus Relief Funds – Senate Bill 1 Intent Language

Modify the intent language in Senate Bill 1, Public Education Base Budget Amendments to change the list of allowable uses from those outlined in Items 2, 9, 22, and 33 of Senate Bill 1 to the use of funds designated under section 313(d) of the Coronavirus Response and Relief Supplemental Appropriations (CRRSA) Act for any activity listed in section 313(d) except for the following:

- a. School facility repairs and improvements to enable operation of schools to reduce risk of virus transmission and exposure to environmental health hazards, and to support student health needs.
- b. Inspection, testing, maintenance, repair, replacement, and upgrade projects to improve the indoor air quality in school facilities, including mechanical and non-mechanical heating, ventilation, and air conditioning systems, filtering, purification and other air cleaning, fans, control systems, and window and door repair and replacement.

2. English Language Learner Software

The Legislature intends that:

- (1) The State Board of Education allocate the appropriation under this section [\$3,000,000 ongoing and \$1,500,000 one-time] to local education agencies using a formula that provides a base amount for all LEAs with remaining funding distributed in proportion to the LEA's share of statewide English language learner students; and
- (2) A local education agency select a vendor and use an allocation of money to pay for software licenses used for English language learner instruction.

3. Use of Prior-Year Data

Allow the State Board of Education to use data from FY 2020 (School Year 2019-2020) at the Board's discretion to execute programmatic funding distributions to local education agencies in FY 2021 or FY 2022 where data may be inconsistent due to COVID-19 adjustments. Require that the State Board of Education report to the Public Education Appropriations Subcommittee before September 30, 2021 on instances where FY 2020 data was used.

4. USBE Report on School-level Financial Data

The Legislature intends that the State Board of Education report to the Public Education Appropriations Subcommittee regarding how school-level data included in the Annual Financial Reports (AFRs) and Annual Program Reports (APRs) will be reported in a public-facing format on or before September 30, 2021.

5. Modify the following language:

- a. Item 1 on page 7-7 – to exclude the final sentence “The fee charged will range from \$910 for centers with 1-5 pupils and less than 1 hour of travel time to \$4,480 for centers with more than 76 pupils and over 5 hours of travel time.”
6. Of the appropriations provided to State Board of Education – Teaching and Learning, \$225,000 is to implement the provisions of American Indian and Alaskan Native Education (Senate Bill 124, 2020 General Session).
  7. Of the appropriations provided by this item, \$800,000 one-time is to implement the provisions of Concurrent Enrollment Certificate Pilot Program (House Bill 336, 2020 General Session).

Special Motions

1. Exclude the following language:
  - a. Item 4 on page 7-9

Fees

1. Residential Treatment Center Fee Schedule

Replace the fee schedule outlined in page 7-11 with the following Residential Treatment Center Fee schedule:

<b>Fee Name</b>	<b>Fee Amount</b>	<b>Number of Schools</b>	<b>Estimated Revenue</b>
1-75 Students	\$2,690	12	\$32,280
1-75 Students, with 2+ Hours Travel Required	\$3,745	3	\$11,235
76+ Students	\$3,390	7	\$23,730
76+ Students, with 2+ Hours Travel Required	\$4,445	4	\$17,780
	<b>Total</b>	<b>26</b>	<b>\$85,025</b>

# SOCIAL SERVICES APPROPRIATIONS SUBCOMMITTEE

## (TAB 8 OF SUBCOMMITTEE REPORTS)

I move that we adopt the appropriation adjustments, intent language, special motions, and rates and fees as listed on pages 8-7 through 8-144 of the subcommittee's report, excluding priority list items and fees already adopted in S.B. 8.

With the following changes:

### Budgets

1. Appropriate federal funds to the Unemployment Compensation Fund (5110) in the amount of \$678,300 one-time in FY2021 and \$16,800 one-time in FY2022 as follows:
  - a. \$3,300 one-time in FY 2021 and \$300 one-time in FY 2022 from the Unemployment Compensation Fund (fund 5110) for administration of the Lost Wages Assistance Program in the Department of Workforce Services - State Office of Rehabilitation line item.
  - b. \$41,700 one-time in FY 2021 and \$1,500 one-time in FY 2022 from the Unemployment Compensation Fund (fund 5110) for administration of the Lost Wages Assistance Program in the Department of Workforce Services - Administration line item.
  - c. \$138,400 one-time in FY 2021 and \$3,400 one-time in FY 2022 from the Unemployment Compensation Fund (fund 5110) for administration of the Lost Wages Assistance Program in the Department of Workforce Services – Operations and Policy line item.
  - d. \$494,900 one-time in FY 2021 and \$11,600 one-time in FY 2022 from the Unemployment Compensation Fund (fund 5110) for administration of the Lost Wages Assistance Program in the Department of Workforce Services – Unemployment Insurance line item.
2. Appropriate \$2,073,500 in federal funds for FY 2021 for the Department of Workforce Services – Operations and Policy line item, as approved by the subcommittee.
3. Move \$210,800 of one-time dedicated credits from FY 2021 to FY 2022 in the DHS – Utah State Developmental Center budget to match subcommittee action.
4. Update federal funds for Social Determinants of Health Electronic Referral System and Long Term Fiscal and Operational Plan as follows: Increase one-time matching federal funds from \$300,000 to \$2,700,000 in FY 2021 and from \$100,000 to \$900,000 in FY 2022.
5. Adjust Expendable Receipts for Medicaid as follows:
  - a. Medicaid Services: change from \$214,584,700 to \$41,245,700

- b. Medicaid and Health Financing: change from \$12,565,200 to (\$126,800)

Intent Language

Add the following language:

1. The Legislature intends that \$15 million provided by this item for the Homeless to Housing Reform Restricted Account be used in combination with an equal matching amount of \$15 million from philanthropic, community and local government sources to support direct homeless services and associated homeless service system needs statewide as determined by the new Utah Homeless Council and state homeless coordinator, based on the new statewide homelessness planning and budgeting process and accountability metrics.
2. The Legislature intends that up to \$10 million of the appropriation provided by this item be used for gap financing of private activity bond financed multi-family housing. The Legislature further intends that up to \$25 million of the appropriation be used to match private dollars for the preservation and rehabilitation of affordable housing units for low-income individuals through the Utah Housing Preservation Fund.
3. The Legislature intends that funding provided for the item “Family Resource Facilitator and Prevention Request” be spent over three years, FY 2022-24, and that the Department of Human Services request nonlapsing authority as needed to retain the funding for that period of time.
4. The Legislature intends that the Department of Human Services provide to the Social Services Appropriations Subcommittee no later than August 15, 2022 the following information for the medication assisted treatment (MAT) program: (1) cost per client; (2) changes in employment, housing, education, and income among clients; (3) number of new charges/bookings for clients; (4) a best effort to describe savings to the state (lower unemployment benefits, uncompensated healthcare, etc.); and (5) options for other funding sources to defray state costs.

Amend the following language:

5. Replace “The Legislature intends that the Department of Health report to the Social Services Appropriations Subcommittee within two weeks of any U.S. Supreme Court ruling on the viability of work requirements in Medicaid and its implication on work requirement options for Utah Medicaid populations.” with “The Legislature intends that the Department of Health provide a written report to the Social Services Appropriations Subcommittee within two weeks of any U.S. Supreme Court ruling on the viability of work requirements in Medicaid and its implication on work requirement options for Utah Medicaid populations.”
6. The Department of Health may use up to a combined maximum of ~~\$13,800,000~~ \$14,640,000 from the General Fund Restricted - Medicaid Restricted Account and associated federal matching funds provided for Medicaid Services and Children's Health Insurance Program only in

the case that non-federal fund appropriations provided for FY 2021 in all other items of appropriation within the respective line item are insufficient to pay appropriate claims within the respective line item for FY 2021 when combined with federal matching funds.

Special Motions

1. Exclude special motion #1 on page 24.



# EXECUTIVE APPROPRIATIONS COMMITTEE

## (TAB 9 OF SUBCOMMITTEE REPORTS)

I move that we adopt the appropriation adjustments, intent language, and rates and fees as listed on pages 9-4 through 9-23 of the committee's report, excluding priority list items and fees already adopted in S.B. 8.