
INTENT LANGUAGE TO BE CONSIDERED FOR STATUTE

A REPORT TO THE
EXECUTIVE APPROPRIATIONS COMMITTEE

OFFICE OF THE LEGISLATIVE FISCAL ANALYST
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INTRODUCTION

In the June, 2005 Executive Appropriations Committee, the Office of the Legislative Fiscal Analyst (LFA) presented a report entitled *Intent Language as Used in Appropriations Acts*. Among the report's recommendations was that legislators should consider converting some statements of intent to statute. In response to the report, members of the Executive Appropriations Committee asked the LFA to compile into a single document items of intent that should be considered for statute. This report does so.

Items of intent included in this document have been recommended by appropriations subcommittee staff for review by appropriations subcommittee members. The intent is organized by subcommittee for ease of distribution.

EXECUTIVE OFFICES AND CRIMINAL JUSTICE APPROPRIATIONS SUBCOMMITTEE

The following intent statements, included in previous appropriations acts, should be considered by the appropriations subcommittee for inclusion in statute.

Courts - Administration

It is the intent of the Legislature that the Administrative Office of the Courts: 1) reimburse up to \$100,000 to any private nonprofit organization that, in reliance on representation that certain legal expenses for domestic violence would be reimbursed, has incurred expenses for: (a) legal advice for low income family members and low income victims of domestic violence about family law matters; and (b) legal representation in family law matters in Utah district or juvenile courts to low income family members and low income victims of domestic violence. 2) before reimbursing the monies to the private organization, obtain a written, signed, and dated certification from the organization that the monies were used or will be used exclusively to provide the services of 1(a) and 1(b).

Attorney General

It is the intent of the Legislature that up to \$123,100 of the appropriation provided from the General Fund Restricted-Constitutional Defense account be used to pay the Attorney General's Office to address the interests of state and local governments on public lands issues when the Attorney General determines that a statewide public purpose exists.

CAPITAL FACILITIES AND ADMINISTRATIVE SERVICES APPROPRIATIONS SUBCOMMITTEE

The following intent statements, included in previous appropriations acts, should be considered by the appropriations subcommittee for inclusion in statute.

DAS Division of Finance – Mandated

The Legislature intends that funds provided for the LeRay McAllister Critical Lands Conservation Fund shall not lapse.

Post-Conviction Indigent Defense Fund

The Legislature intends that funds provided for the Post-Conviction Indigent Defense Fund shall not lapse.

Division of Facilities Construction Management Internal Service Fund:

DFCM's internal service fund may add up to three FTEs and up to two vehicles beyond the authorized level if new facilities come on line or maintenance agreements are requested. Any added FTEs or vehicles will be reviewed and may be approved by the Legislature in the next legislative session.

Division of Finance:

It is the intent of the Legislature that the Department of Administrative Services develop and implement a mileage reimbursement program that requires agencies to reimburse employees for personal vehicle use at a rate equal to, or less than, the per mile cost of a mid-size sedan operated by the Division of Fleet Operations. It is also the intent of the Legislature that these rules be applied to legislative staff, the judicial branch and the Utah System of Higher Education. The rule should make exception for instances where a state fleet vehicle is not available to the employee, for mileage reimbursements for elected officials of the state and members of boards and commissions who do not have access to the state fleet for use in their official duties.

HEALTH AND HUMAN SERVICES APPROPRIATIONS SUBCOMMITTEE

The following intent statements, included in previous appropriations acts, should be considered by the appropriations subcommittee for inclusion in statute.

Department of Health – Health Systems Improvement

It is the intent of the Legislature that civil money penalties collected for child care provider violations be considered nonlapsing.

It is the intent of the Legislature that the fees collected for the purpose of plan reviews by the Bureau of Health Facility Licensure, Certification and Resident Assessment be considered nonlapsing.

It is the intent of the Legislature that civil money penalties collected for health care provider violations be considered nonlapsing.

It is the intent of the Legislature that funds for the Primary Care Grants Program be considered nonlapsing

It is the intent of the Legislature that funding for the Primary Care Grants Program not be expended for inter-departmental projects except for Community Partnered Mobile Dental Services.

Department of Health Community and Family Health Services

It is the intent of the Legislature that funding for alcohol, tobacco, and other drug prevention, reduction, cessation, and control programs be considered nonlapsing.

Department of Human Services – Division of Services for People with Disabilities

It is the intent of the Legislature that funds appropriated for the home and community based services waiting list for people with disabilities be used exclusively for direct services and related support.

Department of Human Services – Division of Services for People with Disabilities and Division of Child and Family Services

It is the intent of the Legislature that funds appropriated for cost of living increases for employees of private service providers contracting with the Division of Services for People with Disabilities and the Division of Child and Family Services be used exclusively for that purpose. It is further the intent of the Legislature that these divisions report to the Health and Human Services Appropriations Subcommittee during the 2006 General Session on the use of such funds, based on reports from providers, regarding its distribution and impact on salaries of various categories of staff, including, but not limited to, administrators, supervisors and direct care workers.

NATURAL RESOURCES APPROPRIATIONS SUBCOMMITTEE

The following intent statements, included in previous appropriations acts, should be considered by the appropriations subcommittee for inclusion in statute.

Department of Natural Resources – Administration

It is the intent of the Legislature that ongoing funding for the Bear Lake Regional Commission be expended only as a one-to-one match with funds from the State of Idaho.

Department of Natural Resources – Wildlife Resources

It is the intent of the Legislature that appropriations from the General Fund Restricted – Wildlife Habitat Account be nonlapsing.

Department of Natural Resources – Utah Geological Survey

It is the intent of the Legislature that the Utah Geological Survey's Mineral Lease funds be nonlapsing.

Department of Agriculture and Food – Administration

It is the intent of the Legislature that the appropriation for conservation easements, whether granted to charitable organizations specified under UCA 57-18-3 or held by the Department of Agriculture & Food, be used to conserve agricultural lands and be nonlapsing.

It is the intent of the Legislature that funds collected in the Organic Certification Program be nonlapsing.

It is the intent of the Legislature that collections for the "Ag Tag" license plate be nonlapsing.

Department of Agriculture and Food – Resource Conservation

It is the intent of the Legislature that funding approved for Soil Conservation District elections be nonlapsing and be spent only during even-numbered years when elections take place.

It is the intent of the Legislature that the Soil Conservation Districts submit annual reports documenting supervisory expenses to the Legislative Fiscal Analyst, the Office of Planning and Budget, and the Soil Conservation Commission. It is also the intent of the Legislature that these documents be reviewed and reported to the Governor and the Legislature.

Office of Public Lands Coordination:

It is the intent of the Legislature that funds expended from the R.S. 2477 Fund be used for litigation or negotiations designed to quiet title to existing rights of way established before 1976 under R.S. 2477 guidelines. It is further the intent of the Legislature that the Governor or his designee shall present a report to the Legislature prior to or during the 2006 General Session detailing activities funded within this line item, including information on cooperation and coordination with counties and the Utah Attorney General's Office.

PUBLIC EDUCATION APPROPRIATIONS SUBCOMMITTEE

The following intent statements, included in previous appropriations acts, should be considered by the appropriations subcommittee for inclusion in statute.

State Board of Education:

It is the intent of the Legislature that the State Board of Education, in consultation with the State Charter School Board, distribute the \$100,000 ongoing Uniform School Fund revenue appropriated for charter school administration on an equalized per student basis as determined by actual fall enrollment count to charter schools that receive funding through the Minimum School Program - Administrative Cost Formula program.