

Issue Brief – Follow-up on Prior Year Intent Language

DEPARTMENT OF HUMAN SERVICES

NUMBER DHS-08-02

FOLLOW-UP ON PRIOR YEAR INTENT LANGUAGE

According to a 1988 Memorandum to Chairs of the Appropriations Committee and Subcommittees from the Office of Legislative Research and General Counsel, “. . . the general appropriation acts should not implement substantive law. Consequently, all directives to state agencies made in the general appropriations act should be intimately related to the appropriation itself to avoid most potential conflicts.” The committee members, analyst or agency may introduce new intent language during the legislative process. All proposed intent language is subject to review by Legislative Research and General Counsel.

OBJECTIVE

The Objective of this issue brief is to determine if the agency complied with the intent language adopted by the Legislature during the 2006 General Session, adopt the analyst recommendations and introduce any new intent language for the 2007 General Session.

DISCUSSION AND ANALYSIS

The following is a list of legislative intent from the 2006 General Session with the agency’s response and the analyst’s recommendation.

The following intent language **is not recommended for inclusion:**

1. **H.B. 3, Item 62 Non-lapsing Authority for DORA:** *It is the intent of the Legislature that the funds appropriated for the Drug Offenders Reform Act be nonlapsing.*

Agency Response: This intent language applies to the end of fiscal year 2007. We will be able to report on this in the 2008 general session.

Analyst’s Recommendation: It is the recommendation of the Analyst that this intent language not be included in FY 2008 since the three-year pilot program will end in FY 2007.

2. **S.B. 4, Item 91 Delivery of Substance Abuse and Mental Health Services to persons with Hearing Disabilities:** *“It is the intent of the Legislature that the Division of Substance Abuse and Mental Health, in consultation with local mental health and substance abuse authorities and their providers, the Robert G. Sanderson Community Center of the Deaf and Hard of Hearing Programs within the Utah State Office of Rehabilitation, and others, identify critical issues related to the delivery of substance abuse and mental health services to persons with a hearing disability and report on those issues to the Health and Human Services Joint Appropriations Subcommittee and the Health and Human Services Interim Committee before October 1, 2006.”*

Agency Response: As a result of intent language the previous year, (the 2005 Legislative session), the Department of Human Services developed and facilitated a Task Force which included the above mentioned partners in the intent language as well as individuals from the deaf community. From this Task Force critical issues were identified as well as recommendations to address those issues. The Task Force concluded in October, 2005 with the recommendation to form from that group an ongoing quarterly coordination committee; responsible for ensuring action is taken on the goals and recommendations as well as to continue communication among partners and to problem solve issues.

The goals the Committee is addressing fall into four categories:

- Public awareness and education
- Consumer access

- Development of qualified mental health and substance abuse professionals
- Development of services

Some of the progress made on the goals is as follows:

- The Department of Human Services, Division of Substance Abuse & Mental Health and Sanderson Community Center co-sponsored two focus groups with the deaf community at the Sanderson Center in order to obtain feedback on critical issues.
- The Division of Substance Abuse & Mental Health provided financial scholarships to five individuals in the deaf community to attend the Alcohol and Drug School in June 2006.
- For the 2005 and 2006 year, the Utah School for the Deaf and Blind and Sanderson Community Center completed a series of training geared to the mental health professionals in the local mental health centers on the needs of the deaf population in treatment.
- The Utah School for Deaf and Blind, Sanderson Community Center and Division of Substance Abuse & Mental Health provided training to the Department of Human Services Administration building staff, focusing on understanding the needs of individuals in the deaf community. Division of Child & Family Services, Substance Abuse & Mental Health and Juvenile Justice participated.
- A community training in Tooele geared toward caseworkers and community members as well as a presentation at the Fall Substance Abuse Conference on the needs of the deaf community was completed this year. The Fall Substance Abuse Conference was attended by a variety of professionals from the public and private sectors.

Analyst's Recommendation: It is the recommendation of the Analyst that this intent language not be included in the upcoming General Session because DHS has identified the critical issues, and has therefore completed the requirements of this intent language.

The following prior year intent language is recommended for inclusion during the 2007 General Session:

3. **H.B. 1, Item 34 (Supplemental) Nonlapsing Authority for the Foster Care Citizens Review Board:** *"If funds are available, the Foster Care Citizens Review Board is authorized to not lapse funds at the end of FY 2006. These funds are to be used solely for one-time development, maintenance, and upgrading of computer software and equipment and for recruitment, training and retention of volunteers."*

Agency Response: The non-lapsing funds from FY 2006 are \$80,000. FCCRB plans to spend approximately \$60,000 on "SAFE" management information system enhancements and \$6,000 on equipment.

Analyst's Recommendation: It is the recommendation of the Analyst that this intent language be included for FY 2007 and FY 2008 with the following change: *"It is the intent of the Legislature that the Foster Care Citizens Review Board is authorized to have nonlapsing authority for one-time development, maintenance, and upgrading of computer software and equipment and for recruitment, training and retention of volunteers."*

4. **S.B. 4, Item 89 Nonlapsing Authority for EDO for e-REP Enhancements:** *"It is the intent of the Legislature that funds appropriated to the Office of Technology in the Executive Director Operations budget for e-REP enhancements are nonlapsing."*

Agency Responses: Based on the e-Rep schedule, these funds will be expended over fiscal year 2007 and fiscal year 2008 using the non-lapsing funds of \$454,300 (\$463,900 appropriated in FY 2004 less \$9,600 used in FY 2006).

Analyst's Recommendation: It is the recommendation of the Analyst that this intent language be included for FY 2008.

5. **S.B. 4, Item 90 Nonlapsing Authority for Drug Court and Drug Boards:** *“It is the intent of the Legislature that funds appropriated for Drug Courts and Drug Boards from the Tobacco Settlement Restricted Account at the end of FY 2007 be non-lapsing.”*

Agency Response: This intent language applies to the end of fiscal year 2007. We will be able to report on this in the 2008 general session.

Analyst’s Recommendation: It is the recommendation of the Analyst that nonlapsing authority be reauthorized for FY 2008 with the following changes: *“It is the intent of the Legislature that funds appropriated for Drug Courts and Drug Boards from the Tobacco Settlement Restricted Account and General Funds be non-lapsing.”*

6. **S.B. 4, Item 93 Nonlapsing Authority for ORS for e-REP Enhancements:** *“It is the intent of the Legislature that funds appropriated to the Office of Recovery Services for e-REP enhancements are nonlapsing.”*

Agency Response: Based on the e-Rep schedule, these funds will be expended over fiscal year 2007 and fiscal year 2008.

Analyst’s Recommendation: It is the recommendation of the Analyst that this intent language be included in FY 2008.

7. **S.B. 4, Item 92 Nonlapsing Authority for DSPD Emergency Services:** *“It is the intent of the Legislature that the Division of Services for People with Disabilities (DSPD) use nonlapsing funds to provide services for individuals needing emergency services, individuals needing additional waiver services, individuals who turn 18 years old and leave state custody from the Divisions of Child and Family Services and Juvenile Justice Services, and individuals court ordered into DSPD services. DSPD will report to the Office of Legislative Fiscal Analyst on the use of these funds.”*

Agency Response: During FY 2006, approximately \$1.9 million of non-lapsing funds were used for the purposes listed in the 2005 Legislative intent language. As of the beginning of FY 2007, the division had \$1.3 million of non-lapsing funds remaining.

Analyst’s Recommendation: It is the recommendation of the Analyst that this intent language be included the upcoming General Session.

8. **S.B. 4, Item 94 Nonlapsing Authority for DCFS Adoption Assistance and Out of Home Care Programs:** *“It is the intent of the Legislature that funds appropriated for the Adoption Assistance program and the Out of Home Care program in the Division of Child and Family Services not lapse at the end of FY 2007. It is further the intent of the Legislature that these funds be used for Adoption Assistance and Out of Home Care programs.”*

Agency Response: The ability to manage according to client needs rather than manage based on available funding has allowed the division to effectively meet client needs efficiently by allowing the funding saved to be carried forward into the next year to apply to continued growth in numbers of children requiring state support. The division requests that this intent language be continued for FY 2008.

Analyst’s Recommendation: It is the recommendation of the Analyst that this intent language be included the upcoming General Session with the following changes: *“It is the intent of the Legislature that funds appropriated for the Adoption Assistance program and the Out of Home Care program in the Division of Child and Family Services be nonlapsing. It is further the intent of the Legislature that these funds be used only for Adoption Assistance and Out of Home Care programs.”*

9. **S.B. 4, Item 95 Nonlapsing Authority for DAAS for One-time Expenditures:** *“If funds are available, the Division of Aging and Adult Services is authorized to not lapse up to \$100,000 at the end of FY 2007. These funds are to be used for senior center renovations and to assist with vehicle maintenance and replacements within local area agencies on aging.”*

Agency Response: The 2005 Legislature also adopted intent language allowing the Division non-lapsing authority. During FY 2006 the \$100,000 of non-lapsing funds permitted the completion of 10 projects at various locations in 7 of the 12 Area Agencies on Aging state-wide. All but one of the projects was in rural areas of the state where other funding sources are not readily available. The projects completed addressed critical health, safety and access or transportation needs. Participants were required to provide a 25 percent local match. The Division intends to follow the same process with the non-lapsing authority granted by the 2006 Legislature.

Analyst's Recommendation: It is the recommendation of the Analyst that this intent language be included as a supplemental in the upcoming General Session with the following changes: *“It is the intent of the Legislature that the Division of Aging and Adult Services is authorized to not lapse up to \$100,000 at the end of FY 2007 with \$45,000 to be used for senior center renovations and to assist with vehicle maintenance and replacements within the local area agencies on aging, and \$55,000 to be used for the Senior Transportation Ride Share Pilot Program.”*

The following is new supplemental (FY 2007) intent language proposed for adoption during the 2007 General Session:

“It is the intent of the Legislature that the Division of Substance Abuse and Mental Health has nonlapsing authority up to \$50,000 for the purchase of equipment including computers, software, supplies or improvements.”