



REQUIRED REPORTS TO EXECUTIVE APPROPRIATIONS COMMITTEE

EXECUTIVE APPROPRIATIONS COMMITTEE, MAY 19, 2015
STAFF: STEVEN ALLRED

ISSUE BRIEF

REQUIRED REPORTS TO EAC IN STATUTE OR RULE

On the following pages please see a listing of all reports required to be given to the Executive Appropriations Committee (EAC) by statute or rule. The listing is sorted by:

- Regular Reports
- One-time Reports (required to be given by a scheduled date)
- Contingent Reports (given only if certain conditions exist)
- Expired Reporting Provisions (one-time reports already given)

RECOMMENDATION

In order to maximize the EAC's flexibility and time to hear needed reports in a timely fashion, the Analyst recommends amending the provisions of certain reports that aren't essential to the EAC's functions by moving those reports to other committees or deleting them. Each change will require a bill or resolution to implement. Recommended changes are shown in bold and italics on the following pages. To summarize:

Regular Reports

- 1. 35A-11-203, Women in the Economy Commission annual report. Move to Social Services Appropriations Subcommittee.
- 4. 63A-13-502, Inspector General of Medicaid Services annual report. Move to Social Services and/or Infrastructure and General Government Appropriations Subcommittee.
- 14. 78B-6-1904, Attorney General annual report on the number of investigations into bad faith demand letters asserting patent infringements. Move to Executive Offices and Criminal Justice Appropriations Subcommittee or Judiciary Interim Committee.

Contingent Reports

- 20. 26-33a-106.5, Department of Health comparative analysis of individual facilities or clinics. Move to Health and Human Services Interim Committee.
- 21. 35A-3-302, DWS proposed rule changes that would modify eligibility requirements or amount of cash assistance a family would be eligible to receive. Currently required to be reported to either EAC or Social Services Appropriations Subcommittee. Move report only to Social Services.
- 27. 63A-13-204, Medicaid IG report if intends to use extrapolation. Currently required to be reported to both EAC and Social Services Appropriations Subcommittee. Move report only to Social Services.
- 28. 63J-1-218, Report if federal grants are reduced below appropriations and programs are modified commensurately. Delete – reports can be given ad hoc.
- 30. Government Procurement Private Proposal review committee actions. Move to Infrastructure and General Government Appropriations Subcommittee or Government Operations Interim Committee.

REQUIRED REPORTS TO EAC

- 32. 72-2-118, Upon request from EAC, Division of Finance report on G.O. bonds being paid from Centennial Highway Fund. Delete (CHF has been merged into the TIF).
- 33. 72-2-125, Before CHNF bonds may be issued, UDOT must report to EAC. Delete (CHNF has been merged into the TIF)
- 35. 72-6-206, UDOT must report on status of any tollway subject to a tollway development agreement to EAC, Transportation Interim Committee, or another committee designated by Legislative Management Committee. Remove EAC from the list.

Expired Reporting Provisions

- 37 – 41. Delete all five listed.

Required Reports to Executive Appropriations Committee

Regular Reports

<u>Citation</u>	<u>Description</u>
1 35A-11-203	Women in the Economy Commission annual report. No deadline given. Effective May 13, 2014. Recommendation: Move to Social Services Appropriations Subcommittee.
2 36-12-13	LFA revenue analysis, comparing current estimates to 15-year trends. To be reported before each upcoming general session. Effective May 13, 2014.
3 63A-3-8	Annual report from Division of Finance recommending closure of contribution dependant accounts that fail to receive at least \$30,000 in donations in one of the last three fiscal years. To be presented by November 30 each year. Effective May 12, 2015.
4 63A-13-502	Inspector General of Medicaid Services annual report. To be submitted by October 1 each year, presented to EAC by November 30 each year. Recommendation: Move to Social Services and/or Infrastructure and General Government Appropriations Subcommittee.
5 63J-1-205	Joint LFA/GOMB revenue volatility report, beginning in 2011 and every three years thereafter. To be presented prior to the EAC's December meeting.
6 63J-1-219	Federal receipts and contingency plan report. Compiled by the Division of Finance. To be submitted by December 1 each year.
7 63J-4-301	Executive director of GOMB (or designee) shall study the administration and effect of federal assistance programs and advise the governor and Legislature, through the EAC, of alternative recommended methods for administering those programs.
8 63J-5-201	Review appropriations subcommittee recommended federal funds and determine if the agency should be authorized to accept and participate in the federal program. To be done during each general session.
9 63J-5-202 & 203	Report on federal grants less than \$1M approved by the governor or Judicial Council. Reported during each applicable EAC meeting.

REQUIRED REPORTS TO EAC

- 10 63J-5-204 Report on federal grant requests between \$1M and \$10M. EAC may recommend approval, non-approval, or a special session. Reviewed each applicable EAC meeting. (Federal grants over \$10M must be approved by full Legislature.)
- 11 63J-7-201 & 202 Report on non-federal grants between \$10,000 and \$50,000 approved by the governor or Judicial Council. Reported during each applicable EAC meeting.
- 12 63J-7-203 Report on non-federal grants between \$50,000 and \$1M. EAC may recommend approval, non-approval, or a special session. Reviewed each applicable EAC meeting. (Grants over \$1M must be approved by the full Legislature.)
- 13 67-8-5 EOJCC compensation recommendations to EAC. To be given no later than 60 days before the start of each general session. Effective 2015 will include compensation recommendations for Board of Education.
- 14 78B-6-1904 Attorney General annual report to EAC on the number of investigations into demand letters asserting patent infringements in bad faith, the number of civil actions brought, and final resolutions. Effective May 13, 2014.
Recommendation: Move to Executive Offices and Criminal Justice Appropriations Subcommittee or Judiciary Interim Committee.
- 15 JR-4-405 Annual Office of Legislator General report on new agencies and performance notes follow-up.

One-time Reports

- | <u>Citation</u> | <u>Description</u> |
|-----------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 16 35A-5-403 | The CTE board shall conduct a comprehensive study of CTE in Utah, and report to EAC (and others). By July 1, 2015 report progress of the study; by July 1, 2016 report on final results of the study; by July 1, 2017 report on recommendations for the Legislature. Effective May 12, 2015. |
| 17 53A-1-710 | UETN must present funding proposal for a statewide digital teaching and learning program to the Education Interim Committee and EAC by December 1, 2015. Effective May 12, 2015. |
| 18 53A-17a-105 | Board of Education may use up to \$15M in excess balances at the end of FY 2015 to mitigate loss of flexibility related to implementing No Child Left Behind. Board shall report any actions to EAC. Effective May 12, 2015. |
| 19 63H-7a-404 | The Radio Network Division shall study a detailed design and planning proposal for upgrade of public safety communication network. The division must report to EAC when the study is complete. Effective July 1, 2015. |

Contingent Reports

<u>Citation</u>	<u>Description</u>
20 26-33a-106.5	<p>If the Department of Health determines it doesn't have enough data to do a comparative analysis of individual facilities or clinics, it must notify EAC prior to making a determination not to publish a report. Effective May 13, 2014.</p> <p>Recommendation: Move to Health and Human Services Interim Committee.</p>
21 35A-3-302	<p>If DWS proposes a rule change that would modify eligibility requirements or the amount of cash assistance a family would be eligible to receive, it shall report to either EAC or Social Services Appropriations Subcommittee.</p> <p>Recommendation: Report only to Social Services.</p>
22 53-2a-603 & 606	<p>If DPS needs to spend \$1M to \$3M from the Disaster Recovery Restricted Account in response to a declared disaster, they must first obtain approval from the governor and submit the expenditure to the EAC.</p>
23 53A-1-907	<p>Before legally binding the state by executing a federal education agreement or national program costing more than \$1M annually from state and local money, a school official shall receive approval from the governor and submit the agreement to EAC. EAC may recommend acceptance, rejection, or a special session. (An agreement over \$5M must be approved by the full Legislature.)</p>
24 53A-1-908	<p>Before legally binding the state by executing a federal education agreement or national program costing the state more than \$500,000, a school official shall submit the cost estimate to the governor and EAC. The EAC may ask its staff to make an independent cost estimate.</p>
25 53C-1-201	<p>Before SITLA may move money between line items, they must submit a report to EAC. EAC may recommend approval, non-approval, or a special session.</p>
26 59-12-2217	<p>Before taking action on a prioritization process for projects to be funded by a local option sales tax, a council of governments of a county of the first or second class shall submit the process to EAC for approval.</p>
27 63A-13-204	<p>If the Inspector General of Medicaid Services intends to use extrapolation as a method of auditing claims, the IG must first report its intent to the Social Services appropriations subcommittee and to EAC. Recommendation: Report only to Social Services Appropriations Subcommittee.</p>

28 63J-1-218 If federal grants are reduced below appropriations, programs supported by those grants must be reduced commensurately unless the Legislature appropriates state funds to offset the loss. This program modification must be reported to the Legislature through the EAC and LFA. **Recommendation: Delete.**

29 63N-11-106 No state agency may implement any part of PPACA unless it reports to EAC and others. Effective May 12, 2015.

30 63N-13-206, 209, & 210 If the Government Procurement Private Proposal review committee determines to proceed with a project, accepts a detailed proposal and signs and agreement, or decides to proceed with a project, the committee must submit a copy of the initial proposal to the chief procurement officer and the Executive Appropriations Committee for informational purposes. **Recommendation: Move to Infrastructure and General Government Appropriations Subcommittee or Government Operations Interim Committee.**

31 64-13e-105 Actual state daily incarceration rates used to calculate the average 3-year rate may not be less than the rates presented to EAC for purposes of setting the appropriation for UDC's budget. Average rate must be calculated before September 15 of each year.

32 72-2-118 Upon request from EAC, the Division of Finance shall report the status of all highway G.O. bonds being paid from the Centennial Highway Fund. **Recommendation: Delete because CHF has been moved to the TIF.**

33 72-2-125 Before CHNF bonds may be issued, UDOT must appear before EAC and present projects and needed amount. Upon request from EAC, Division of Finance shall report the status of all G.O. bonds being paid from CHNF and UDOT shall report the status of all projects. **Recommendation: Delete because CHNF has been moved to the TIF.**

34 72-2-124 Before TIF bonds may be issued, UDOT must appear before EAC and present the projects and needed amount.

35 72-6-206 UDOT and Transportation Commission must report on status of any tollway subject to a tollway development agreement to EAC, Transportation Interim Committee, or another committee designated by LMC. **Recommendation: Remove EAC.**

36 JR 3-2-501 During interim, EAC shall meet at least every other month on the day before interim meetings. The EAC may, based on a legislator's or citizen's complaint, review any appropriation, whether in an appropriations bill or otherwise, to ensure the entity to which the funds were appropriated complies with any legislative intent expressed in the legislation appropriating the funds.

Expired Reporting Provisions (Recommendation: Delete all)

<u>Citation</u>	<u>Description</u>
37 26-18-405	No later than June 1, 2011 Department of Health report on ways to maximize replacement of fee for service model with risk-based model.
38 53A-1-410	Utah Futures report to EAC by September 30, 2014 whether any portion of the program should be outsourced.
39 59-7-701	Revenue and Tax Interim Committee must report on taxation of S corporations to EAC by November 30, 2011.
40 63B-17-401	DFCM, DNR, and Uintah County may enter into a lease purchase agreement. Must first report the terms of the agreement to LFA. (2008)
41 63B-18-301	U of U report to EAC before entering into a contract with a developer to develop the Universe Project on land west of the football stadium. (2009)