



Fiscal Note and Budget Item Follow-Up Report

Executive Appropriations Committee

ISSUE BRIEF

SUMMARY

This report follows-up on select fiscal notes and budget actions from past legislative sessions. For each item, the report includes a stop light (red, yellow, green) for implementation status, budget accuracy, and, where available, performance. It details original cost and/or revenue estimates, legislative appropriations, and actual experience. It is intended to create a feed-back loop that improves future estimates and initiatives.

The report is organized by Appropriations Subcommittee, year, and type of follow-up item. The report contains items from the 2012 through the 2014 legislative General Sessions, which is indicated in the top left corner of the page. Fiscal notes of bills passed during a legislative session are prefixed with the bill number.

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FISCAL NOTE AND BUDGET ITEM FOLLOW-UP REPORT

2013 G.S. Guardian Ad Litem Volunteer Advocate

Committee: EOCJ

Analyst: Gary Syphus

| Cost Estimate | Revenue Estimate | Original Approp. | Changes | Subtotal | Experienced | Difference |
|---------------|------------------|------------------|---------|----------|-------------|------------|
| \$50,000 | \$0 | \$50,000 | \$0 | \$50,000 | \$50,000 | \$0 |

Explanation

During the 2013 General Legislative session, the Office of GAL requested funding for a GAL Volunteer Advocate which the Legislature funded. The Office had previously relied on federal dollars to fund the position and that money was no longer available.

Implementation

The position remained staffed beginning in July 2013 (FY 2014) and continued into FY 2015 uninterrupted.

Accuracy

Of the \$50,000 appropriated for the volunteer advocate position, \$50,000 was spent on personnel costs for the position in FY 2014 and FY 2015.

Performance

In relation to the volunteer advocate position, the Office of the Guardian ad Litem estimates this position assisted in coordinating 770 volunteers who served 1,422 children and donated 34,588 hours in FY 2014.

FISCAL NOTE AND BUDGET ITEM FOLLOW-UP REPORT

2014 G.S. 6 Additional Troopers

Committee: EOCJ

Analyst: Gary Syphus

| Cost Estimate | Revenue Estimate | Original Approp. | Changes | Subtotal | Experienced | Difference |
|---------------|------------------|------------------|---------|-----------|-------------|------------|
| \$576,000 | \$0 | \$576,000 | \$0 | \$576,000 | \$564,000 | \$12,000 |

Explanation

The Legislature appropriated \$576,000 for six troopers to provide additional 24-hour, 7-days a week (24/7) coverage in rural areas along I-15.

Implementation

The Department of Public Safety reports that beginning in July of 2014 (FY 2015). The positions that were filled include 2 additional troopers for Box Elder County, 1 for Cedar City, 2 for Beaver County, and 1 for Juab County.

Accuracy

The Legislature appropriated \$576,000 for six troopers in FY 2015, actual costs were about \$564,000 over this same time period. Salary and benefits for one trooper is approximately \$74,000. Average cost of a car in rural areas is approximately \$15,000 per trooper. Training, radio charges, phone, network, and other costs are approximately \$5,000 per trooper annually. Cost for six troopers is estimated at approximately \$564,000.

Performance

The Department reports 24/7 trooper coverage along I-15 as a result of additional troopers in the assigned areas. They also report that "increasing troopers in these areas greatly decreases response times in calls for service, reduces need for call outs at off duty times, increases presence during peak times of DUI or criminal activity, and provides a positive response/assistance from local-rural agencies."

FISCAL NOTE AND BUDGET ITEM FOLLOW-UP REPORT

2014 G.S. Domestic Violence and Sexual Violence Support Services

Committee: EOCJ

Analyst: Clare Lence

| Cost Estimate | Revenue Estimate | Original Approp. | Changes | Subtotal | Experienced | Difference |
|---------------|------------------|------------------|---------|-----------|-------------|------------|
| \$150,000 | \$0 | \$150,000 | \$0 | \$150,000 | \$83,097 | \$66,903 |

Explanation

The Legislature appropriated \$150,000 from the General Fund one-time to the Utah Office for Victims of Crime -- a program under the Commission on Criminal and Juvenile Justice -- for the Utah Sexual Assault Services Program (USASP). The USASP provides funding for therapy for victims of rape and sexual assault through non-profit Rape Recovery Centers, with the aim of decreasing the amount of time that victims wait for treatment. The appropriation was intended to provide funding over two fiscal years. The program received \$150,000 in one-time funds during the 2012 General Session for the same purpose.

Implementation

In FY 2014, four Rape Recovery Centers received USASP funding throughout the year: CAPSA, Logan; DCCAV-Safe Harbor Crisis Center, Davis County; DOVE Center, St. George; and Rape Recovery Center, Salt Lake City.

Accuracy

Costs included therapy personnel for the four rape recovery centers, with allocations as follows: CAPSA: \$30,038; DCCAV-Safe Harbor: \$15,627; DOVE Center: \$6,480; and Rape Recovery Center: \$30,952. The total allocation for FY 2015 was \$83,097. The allocation for FY 2016 will also be \$83,097, for a total of \$166,194. The additional \$16,194 was made available from USASP funding that was authorized in the 2012 General Session, but was not used by the rape recovery centers.

Performance

During both FY 2013 and FY 2014, the Rape Recovery Centers that received funding reported that a total of 746 victims received counseling services under USASP, for a total of 3,804 counseling hours. Of those victims, 190 (25 percent) were considered underserved -- defined as a person with a disability, impaired hearing, limited English proficiency, immigrants, refugees, asylum seekers, and rural residents. The Rape Recovery Centers that previously had waiting lists for their clients reported a decrease in waiting time from 90 to 17 days. Other Rape Recovery Centers did not have a sexual assault therapeutic program prior to receiving funding.

FISCAL NOTE AND BUDGET ITEM FOLLOW-UP REPORT

2014 G.S. Free Market Protection and Privatization Board

Committee: EOCJ

Analyst: Clare Lence

| Cost Estimate | Revenue Estimate | Original Approp. | Changes | Subtotal | Experienced | Difference |
|---------------|------------------|------------------|---------|-----------|-------------|------------|
| \$150,000 | \$0 | \$150,000 | \$0 | \$150,000 | \$155,000 | (\$5,000) |

Explanation

The Legislature appropriated \$150,000 one-time from the General Fund to support the Free Market Protection and Privatization Board in the Governor's Office, whose duties include developing an inventory of State activities and identifying State activities that could be privatized. Statute directs the Governor's Office of Management and Budget (GOMB) to staff the board. Additional staff support may be procured through contracts with a private sector person or entity. The board is required to meet at least quarterly.

Implementation

GOMB assigned one FTE to staff the board. The board, including its advisory committees, met 13 times in FY 2015.

Accuracy

Total costs in FY 2015 were approximately \$155,000. Personnel costs were \$100,000 and \$51,800 was paid to a consultant to develop a privatization evaluation process. Other costs included per diem and travel expenses for board members.

Performance

The board met its statutory reporting responsibilities, including updating the Commercial Activities Inventory, appearing before the Government Operations Interim Committee, and issuing an annual report in January 2015. The board made privatization recommendations pertaining to two agencies. Neither agency has yet implemented the recommendations; the State Office of Education has indicated it intends to implement some or all of the recommendations.

FISCAL NOTE AND BUDGET ITEM FOLLOW-UP REPORT

2014 G.S. Hearing Officer

Committee: EOCJ

Analyst: Gary Syphus

| Cost Estimate | Revenue Estimate | Original Approp. | Changes | Subtotal | Experienced | Difference |
|---------------|------------------|------------------|---------|----------|-------------|------------|
| \$95,000 | \$0 | \$95,000 | \$0 | \$95,000 | \$91,391 | \$3,609 |

Explanation

Hearing Officers assist the Board of Pardons and Parole in holding hearing and making recommendations from which the Board reviews and makes parole and probation release decisions. The Legislature authorized an additional hearing officer in FY 2015 to assist with increasing prison and parole populations and subsequent required hearings.

Delays in hearings may increase incarceration costs to the Department of Corrections and conversely may save the Department when granting an earlier release, such as for those offenders who complete prescribed programming.

Implementation

The Board hired an additional hearing officer with mental health expertise in July of 2014 and continues uninterrupted until the present time.

Accuracy

The appropriation was \$95,000 and the experienced cost for FY 2015 was \$91,391 of which were mainly personnel expenses.

Performance

The mental health specialist hearing officer conducted an average of 24 hearings each month. The Board states that hiring an additional hearing officer improved the Board's ability to meet a rising number of offenders and in this specific case provides a better quality of service to an increasing population of offenders with mental illness.

FISCAL NOTE AND BUDGET ITEM FOLLOW-UP REPORT

2014 G.S. Identity Theft Reporting Information System (IRIS)

Committee: EOCJ

Analyst: Clare Lence

| Cost Estimate | Revenue Estimate | Original Approp. | Changes | Subtotal | Experienced | Difference |
|---------------|------------------|------------------|---------|-----------|-------------|------------|
| \$180,000 | \$0 | \$180,000 | \$0 | \$180,000 | \$161,000 | \$19,000 |

Explanation

The Legislature appropriated \$180,000 one-time from the General Fund to support the Identity Theft Reporting Information System (IRIS), which is administered by the Attorney General's Office. IRIS is a web-based system that assists victims of identity-related crimes. It is used by both the public and law enforcement agencies. Ongoing funding was requested to continue the program but only one-time funding was appropriated.

Implementation

The IRIS system was operational prior to the appropriation. Funds were used for system maintenance and for upgrades to the ID Theft Central website, through which the public and law enforcement agencies access IRIS and the Child Identity Protection System. The upgrades improved navigability for users, allowed administrators to more effectively track reports, and provided a more stable infrastructure for the technical components. The funding was also used to continue the contract with vendor FATPOT, which supports the law enforcement components of IRIS and maintains licenses for all law enforcement agencies to access the system.

Accuracy

Ten percent of funding remains and will be used to continue the program for part of FY 2016, using the Attorney General's nonlapsing authority.

Performance

The number of reports made by the public to ID Theft Central have since increased by 110 percent from FY 2014 to FY 2015.

FISCAL NOTE AND BUDGET ITEM FOLLOW-UP REPORT

2014 G.S. Jail Contracting Growth

Committee: EOCJ

Analyst: Gary Syphus

| Cost Estimate | Revenue Estimate | Original Approp. | Changes | Subtotal | Experienced | Difference |
|---------------|------------------|------------------|---------|-------------|-------------|-------------|
| \$4,095,400 | \$0 | \$4,095,400 | \$0 | \$4,095,400 | \$2,058,079 | \$2,037,321 |

Explanation

The Legislature funded \$4,095,400 ongoing for the estimated inmate bedspace needs for FY 2015 and beyond. The Department of Corrections plan to address inmate growth for this budget increase focused on maximizing available capacity in the county jail system via contract.

The most recent inmate growth projections at the time of the budget request, completed in July 2013, indicated the state's prison population was expected to increase by 144 inmates during FY15. This projected growth included 108 male inmates and 36 female inmates. As no additional state prison capacity would become available during FY 2015, all inmate growth would be addressed through contracts with county jails throughout the state.

Implementation

Beginning in July of 2015, the Department contracted with county jails to increase total available beds for state inmates. Of the original 144 beds funded, about 50% (app. 72) were used in FY 2015. The Department expects to use more beds at least in the short-term as prison populations continue to rise, however not at the rate expected for FY 2015.

Accuracy

The appropriation for this item was \$4,095,400 and the total expenditure was \$2,058,079 in FY 2015. The Department reports that this was in part "due to jail facilities not being ready to take the additional State inmates. Because there were delays in these facilities not being able to take inmates, funds were left unexpended during FY15. Additionally, several female beds available during FY15 in the county jails did not get used due to the medical conditions of female inmates that had kept them from a county jail placement."

Performance

The Department reports that a primary goal is "having a bed available and safely and securely housing a State inmate. During FY 2015, those inmates housed in contract county jails were housed safely and securely."

FISCAL NOTE AND BUDGET ITEM FOLLOW-UP REPORT

2014 G.S. H.B. 325 - Judicial Performance Evaluation of Justice Courts

Committee: EOCJ

Analyst: Clare Lence

| Cost Estimate | Revenue Estimate | Original Approp. | Changes | Subtotal | Experienced | Difference |
|---------------|------------------|------------------|---------|----------|-------------|------------|
| \$83,000 | \$0 | \$83,000 | \$0 | \$83,000 | \$17,141 | \$65,859 |

Explanation

The Legislature appropriated \$83,000 ongoing from the General Fund to support justice court judge evaluations by the Judicial Performance Evaluation Commission (JPEC), a program under the Commission on Criminal and Juvenile Justice. At its inception, statute mandated that JPEC evaluate justice court judges but sufficient funding was not provided. Subsequently, justice court judges received a statutory exemption until 2018 to give JPEC time to develop a program appropriate for these judges. Even with the exemption, evaluation for some judges had to begin immediately to have the data necessary for the 2018 evaluations.

Implementation

As of June 30, 2015, evaluations for all intended judges were completed, using surveys, courtroom observations, and content analyses. Some judges were also evaluated with a new, in-person interview protocol.

Accuracy

The evaluations of full-time justice court judges cost \$13,951 and the evaluations of part-time justice court judges cost \$3,200, for a total of \$17,141. The remaining \$65,854 was intended for personnel costs. For FY 2015, JPEC decided to test the new protocol using existing personnel, to better identify the needs for the new hire. As a result, the new hire will be an interviewer/writer rather than an administrator. Hiring is expected to occur in the first half of FY 2016.

Performance

Twenty-eight full-time and part-time justice court judges -- or 45 percent of all justice court judges -- were evaluated in FY 2015. This is aligned with the schedule for reporting of evaluations in 2018.

FISCAL NOTE AND BUDGET ITEM FOLLOW-UP REPORT

2014 G.S. Receiving Centers and Youth Services

Committee: EOCJ

Analyst: Gary Syphus

| Cost Estimate | Revenue Estimate | Original Approp. | Changes | Subtotal | Experienced | Difference |
|---------------|------------------|------------------|---------|-----------|-------------|------------|
| \$750,000 | \$0 | \$729,400 | \$0 | \$729,400 | \$729,400 | \$0 |

Explanation

In FY 2014 the Receiving Centers and Youth Services in Blanding and Cedar City were funded with \$750,000 in one-time General Fund. For the FY 2015 year, the Legislature redirected a total of \$729,300 (\$439,400 in ongoing funds and an additional \$290,000 in one-time funds) for the continued operation of these facilities in FY 2015.

Implementation

The Division of Juvenile Justice Services reports that the facilities in Blanding and Cedar City remained open starting in July 2014 and continuing throughout FY 2015.

Accuracy

The Division of Juvenile Justice Services originally estimated costs to be \$750,000 for these two facilities. The Legislature appropriated \$729,400 for FY 2015. The Division ultimately experienced \$729,400 in costs for FY 2015.

Performance

The Division reports that performance measures for all Receiving Centers and Youth Services are in aggregate while output measures are by program and are as follows:

- FY 2014 Admissions to the Receiving Center at Canyonlands Youth Center in Blanding: 39
- FY 2014 Admissions to the Receiving Center at Iron County Youth Center in Cedar City: 254
- Percent of law enforcement who return to duty within 20 minutes after bringing a youth to the Receiving Center: 87.1%
- Percent of youth who avoid receiving a new disposition for DCFS custody, DJJS custody, or Juvenile Court probation within 90 days of release from Youth Services: 95.0%

FISCAL NOTE AND BUDGET ITEM FOLLOW-UP REPORT

2014 G.S. Recidivism Reduction Initiative

Committee: EOCJ

Analyst: Gary Syphus

| Cost Estimate | Revenue Estimate | Original Approp. | Changes | Subtotal | Experienced | Difference |
|---------------|------------------|------------------|---------|-----------|-------------|------------|
| \$500,000 | \$0 | \$500,000 | \$0 | \$500,000 | \$247,500 | \$252,500 |

Explanation

The Legislature allocated \$500,000 ongoing to the Department of Corrections (DOC) to help reduce recidivism among offenders under the Department's jurisdiction starting in FY 2015.

Implementation

Beginning in July of 2014, the DOC expended funds for the Recidivism Reduction Initiative. The Department used funds to create one full-time position and to pay for programming change costs provided by Department of Technology Services (DTS). The DOC states that the expenditure total for FY 2015 represents only partial-year operations. The Department expects that full operation and related costs of the Initiative will take place in FY 2016 and beyond.

Accuracy

The Legislature appropriated \$500,000 ongoing and thus far the Department spent \$247,500 in FY2015.

The Department states that "the DTS programmer costs were lower than anticipated due to hiring and structural changes within DTS that delayed the start of the first project to January 2015. We anticipate to fully utilize these funds during next fiscal year. The funds not fully committed to these two items will be used in training and support costs for SUCCESS initiatives and Justice Reinvestment Initiative (JRI)-related implementation events during next fiscal year."

The DOC adds that "The SUCCESS DTS projects have taken more time to initiate than anticipated, we have targeted an October 2015 production release for the assessments project."

Performance

The Department reports reduced Region 3 probation commitments to prison during the last year in comparison to previous years and expect better data once initial phases of the project are complete.

FISCAL NOTE AND BUDGET ITEM FOLLOW-UP REPORT

2014 G.S. Salary Parity Increases - Guardian ad Litem Attorneys

Committee: EOCJ

Analyst: Gary Syphus

| Cost Estimate | Revenue Estimate | Original Approp. | Changes | Subtotal | Experienced | Difference |
|---------------|------------------|------------------|---------|-----------|-------------|------------|
| \$300,000 | \$0 | \$300,000 | \$0 | \$300,000 | \$300,000 | \$0 |

Explanation

During the 2014 General Legislative Session, the Legislature appropriated \$300,000 to the Office of Guardian ad Litem to address attorney's salaries related to recruitment and retention issues.

Implementation

Beginning on July 1, 2014, the Office of the Guardian ad Litem adjusted attorney salaries and continued throughout FY 2015. As a result, attorney salaries were increased on average by 8.9%

Accuracy

The Legislature appropriated \$300,000 in ongoing funds, of which the Office estimates to expend \$300,000 by the end of FY 2015.

Performance

The Office reports that attorney turnover was reduced to about 5% in FY 2015 in comparison with about an approximate 25% percent turnover rate in FY 2014 and similar amount in more recent years. The Office reports an additional undetermined benefit for children they represent in the form of increased continuity of representation.

FISCAL NOTE AND BUDGET ITEM FOLLOW-UP REPORT

2014 G.S. Trooper Overtime

Committee: EOCJ

Analyst: Gary Syphus

| Cost Estimate | Revenue Estimate | Original Approp. | Changes | Subtotal | Experienced | Difference |
|---------------|------------------|------------------|---------|-------------|-------------|------------|
| \$1,000,000 | \$0 | \$1,000,000 | \$0 | \$1,000,000 | \$1,000,000 | \$0 |

Explanation

The Legislature appropriated \$1,000,000 one-time for trooper overtime for use in FY 2015. Trooper overtime uses existing personnel through the utilization of overtime shifts. These shifts allow immediate and targeted increase in manpower during critical times and specific locations.

Implementation

The Department of Public Safety reports that for FY 2015 beginning in July, the Department used the entire \$1 million appropriation for overtime shifts for emergency call-outs for critical incidents, holiday week-end enforcement, snow storms, natural disasters, increased coverage at the State Capitol, and other special events.

Accuracy

Of the \$1,000,000 appropriated by the Legislature to the Department for trooper overtime, the Department reports that the entire appropriation was used for overtime shifts (in addition to some carryover funds).

Performance

The Department reports that about 35,500 hours (17 FTEs) of additional law enforcement strength were deployed in specific times and locations depending on situation and discretion of the Department.

FISCAL NOTE AND BUDGET ITEM FOLLOW-UP REPORT

2014 G.S. Unclaimed Property Outreach

Committee: EOCJ

Analyst: Clare Lence

| Cost Estimate | Revenue Estimate | Original Approp. | Changes | Subtotal | Experienced | Difference |
|---------------|------------------|------------------|---------|-----------|-------------|------------|
| \$150,000 | \$0 | \$150,000 | \$0 | \$150,000 | \$150,000 | \$0 |

Explanation

The Legislature appropriated \$100,000 one-time and \$50,000 ongoing from the Unclaimed Property Trust to the Unclaimed Property Program at the State Treasurer's Office to increase outreach to property owners. These funds were intended to pay for the services of a professional marketing agency and advertising purchases.

Implementation

A contract for branding, web design, video production, and public relations services was finalized with contractor GumCo on June 25, 2014. With GumCo, the division rolled out a new website design (mycash.utah.gov) and logo on March 2, 2015. The outreach campaign included: an email blitz, radio DJ endorsement spots, a press release, online banner ads, online brandview articles, television appearances, television ads, social media campaigns, and a print magazine ad. The campaign ran from the first week of March to the end of June 2015.

Accuracy

The FY 2015 costs for the GumCo contract were approximately \$240,000. The \$150,000 appropriation supplemented existing resources of the division, facilitating a larger outreach effort.

Performance

The outreach campaign ran from March to June 2015, in the last one-third of FY 2015. There were significant increases in both website hits and number of claims paid, even comparing the full FY 2015 to FY 2014. From FY 2014 to FY 2015, the number of website hits increased from 316,100 to 471,800, an increase of 49 percent; the number of claims paid increased from 11,600 to 24,300, an increase of 109 percent.

FISCAL NOTE AND BUDGET ITEM FOLLOW-UP REPORT

2014 G.S. Salary Parity Increases - Attorney General's Office

Committee: EOCJ

Analyst: Clare Lence

| Cost Estimate | Revenue Estimate | Original Approp. | Changes | Subtotal | Experienced | Difference |
|---------------|------------------|------------------|---------|-------------|-------------|------------|
| \$3,454,500 | \$0 | \$2,381,800 | \$0 | \$2,381,800 | \$1,592,700 | \$789,100 |

Explanation

A 2013 market comparability study showed that attorneys in the Attorney General's Office received compensation that was below comparable local public attorney offices. This low compensation contributed to high staff turnover and hiring challenges. The Legislature appropriated \$1,000,000 ongoing from the General Fund, \$138,200 in federal funds, and \$1,243,600 in dedicated credits to narrow the compensation gap.

Implementation

Compensation increases were provided to all attorneys as of July 1, 2014. Larger raises were given to sectors where the relative pay gaps were largest and where the retention and recruitment challenges were most significant.

Accuracy

Attorney General dedicated credits are obtained by billing state agencies for services. Because state agencies did not receive additional appropriations to cover these increases, the Attorney General was not able to collect the full amount of dedicated credits: \$454,500 was collected, \$789,100 less than the appropriated amount. Additionally, only 69 percent of the original request was appropriated. The office also received an increase for compensation during the 2015 General Session: \$750,000 General Fund and \$497,700 dedicated credits. In this case, additional funds were appropriated to state agencies; full collection may still be limited when agencies pay through certain non-General Fund sources, such as federal funds.

Performance

Attorney retention and morale has improved. The office still faces challenges filling vacant positions due to the compensation level.

FISCAL NOTE AND BUDGET ITEM FOLLOW-UP REPORT

2014 G.S. Criminal Appeals Attorneys

Committee: EOCJ

Analyst: Clare Lence

| Cost Estimate | Revenue Estimate | Original Approp. | Changes | Subtotal | Experienced | Difference |
|---------------|------------------|------------------|---------|-----------|-------------|------------|
| \$227,400 | \$0 | \$227,400 | \$0 | \$227,400 | \$260,600 | (\$33,200) |

Explanation

The Legislature appropriated \$227,400 ongoing from the General Fund for two additional criminal appeals attorneys at the Attorney General's Office, to manage a sharp increase in the number of felony criminal appeals and to complete post-conviction appeals of death penalty cases.

Implementation

Two new attorneys were hired by July 2014.

Accuracy

The new attorneys received salary and benefits compensation of \$89,000 in one instance and \$101,200 in the other. Attorney overhead costs -- including phone, computer, office furniture, internet access, IT support, supplies, clerical support, and bar dues -- are averaged at \$35,200 per attorney. Total costs were 14.6 percent more than the appropriation.

Performance

At any point during FY 2014, criminal appeals attorneys were handling three to six briefs with deadlines per attorney. With the two new attorneys, the average declined to two to four briefs per attorney, a 33 percent reduction. In FY 2014, appellate briefs took 120 to 180 days to file; in FY 2015, most briefs were filed within 90 to 120 days. Determining the effect of the new attorneys on expediting death penalty cases requires a longer time horizon, but they allowed the primary death penalty attorney to not forfeit hundreds of hours of comp time, as is typically the case.

FISCAL NOTE AND BUDGET ITEM FOLLOW-UP REPORT

2014 G.S. Amendment Three Defense

Committee: EOCJ

Analyst: Clare Lence

| Cost Estimate | Revenue Estimate | Original Approp. | Changes | Subtotal | Experienced | Difference |
|---------------|------------------|------------------|---------|-----------|-------------|-------------|
| \$1,115,300 | \$0 | \$500,000 | \$0 | \$500,000 | \$1,174,300 | (\$674,300) |

Explanation

In 2004, the Utah Constitution was amended to define marriage as between a man and a woman. The Attorney General's Office defended the amendment against a legal challenge in the case Kitchen v. Herbert, as required by the Utah Constitution. This one-time General Fund appropriation of \$500,000 was intended to reimburse the office for incurred costs.

Implementation

The case has ended. The appropriation was used to pay contract attorneys that were involved in the case; final payments were made to contract attorneys in December 2014.

Accuracy

The costs of contract attorneys, at \$550,100, were nearly covered by the appropriation. Other expenses and the costs of office attorneys and staff involved in the case were not covered, to the amount of \$624,200. These costs were covered with available funds from the Attorney General's nonlapsing balance.

Performance

Appropriate defense of the law was undertaken by the Attorney General, although the amendment was ultimately struck down by the courts.

FISCAL NOTE AND BUDGET ITEM FOLLOW-UP REPORT

2014 G.S. H.B. 96 - Early Intervention Initiatives

Committee: EOCJ

Analyst: Clare Lence

| Cost Estimate | Revenue Estimate | Original Approp. | Changes | Subtotal | Experienced | Difference |
|---------------|------------------|------------------|---------|-------------|-------------|-------------|
| \$3,000,000 | \$0 | \$3,000,000 | \$0 | \$3,000,000 | \$1,540,000 | \$1,460,000 |

Explanation

The Legislature appropriated \$3 million ongoing from the General Fund to the School Readiness restricted account, and from there to the School Readiness Initiative administered by the Governor's Office of Management and Budget (GOMB). The program enables the State to enter into a "pay for success" contract with private investors to fund preschool classes for at-risk children. The program also provides grants to public and private providers to deliver high quality preschool. Research has shown that high quality preschool can help at-risk children be grade-ready when entering kindergarten, avoiding the need for special education and associated costs to the State.

Implementation

The first cohort of 750 children in the "pay for success" program were enrolled in school year 2014-15, with \$1.5 million in funding from the investors. All children received a pre- and post-test of the Peabody Picture Vocabulary Test (PPVT) to determine whether they are likely to need special education upon entering kindergarten. Grants were distributed to public and private providers to enhance the quality of their preschool programs for school year 2014-15.

Accuracy

Actual costs in FY 2015 were as follows: \$1.042 million in grants, \$86,400 for grant program administration, \$200,000 for GOMB "pay for success" administration, and \$214,400 for independent program evaluation. Of the appropriation, \$1.5 million is reserved each year for future investor repayment. The repayment amount is based on children identified as needing special education before the start of preschool being remediated by the preschool program, and therefore not needing special education in kindergarten through grade six. Initial repayment is limited to the investment (\$7 million) plus 5 percent plus the AAA GO Bond rate (currently 2.52 percent). Additional payments may be made above that amount, depending on program performance. The actual repayment amount cannot be estimated until the rate of children identified by the PPVT and the rate of remediation are known.

Performance

Results of the PPVT testing have yet to be released. As the first cohort will enter kindergarten in the fall of 2015, the rate of children needing special education -- and therefore the rate of remediation -- is not yet known.

FISCAL NOTE AND BUDGET ITEM FOLLOW-UP REPORT

2014 G.S. Office Specialist

Committee: EOCJ

Analyst: Gary Syphus

| Cost Estimate | Revenue Estimate | Original Approp. | Changes | Subtotal | Experienced | Difference |
|---------------|------------------|------------------|---------|----------|-------------|------------|
| \$58,200 | \$0 | \$58,200 | \$0 | \$58,200 | \$57,367 | \$833 |

Explanation

The Legislature appropriated funding for an office specialist to assist the Board of Pardons and Parole with an increasing number of applications and other workload to the Board and clerical duties associated with an additional hearing officer.

Implementation

The Board filled this position in July of 2014 and remains filled.

Accuracy

The Board originally estimated \$58,200 in personnel costs associated with this position. In FY 2015 the Board experienced \$57,367 for this position. The ongoing personnel cost is \$54,828 and the non-personnel service cost (phone, email, DHRM charges, etc.) is \$2,539.

Performance

The Board reports that "after 2012 the number of pardon applications increased due to a change in the law that allowed the Board to order an expungement with a pardon. This change improved service to individuals seeking to clear their records but increased the number of applications from an average of 15 each year to 58 in FY2015."

FISCAL NOTE AND BUDGET ITEM FOLLOW-UP REPORT

2014 G.S. Legal Aid for Families

Committee: EOCJ

Analyst: Gary Syphus

| Cost Estimate | Revenue Estimate | Original Approp. | Changes | Subtotal | Experienced | Difference |
|---------------|------------------|------------------|---------|-----------|-------------|------------|
| \$200,000 | \$0 | \$200,000 | \$0 | \$200,000 | \$200,000 | \$0 |

Explanation

The Legislature appropriated \$200,000 one-time to the Courts to contract with a public legal services provider to assist family law and other cases for low-income parties and victims of domestic violence for FY 2015.

Implementation

Beginning in July of 2014, the Courts report contracting with the community legal services provider - And Justice for All who works with Utah Legal Services and Legal Aid Society of Salt Lake to provide legal services for certain low-income parties throughout the State.

Accuracy

The Legislature appropriated \$200,000 one-time for public legal defense services and \$200,000 was appropriated to the Courts who contracted with And Justice for All to provide this service. The Courts deployed all funds to And Justice for All who expended the entirety of funds in FY 2015.

Performance

The Courts report that the terms of the contract were met. In addition, And Justice for All reports that funding supported about 1,511 low-income parties in cases of family law, child support, domestic violence, protective order and civil stalking cases throughout the State.

FISCAL NOTE AND BUDGET ITEM FOLLOW-UP REPORT

2014 G.S. Rape Kit Processing Backlog

Committee: EOCJ

Analyst: Gary Syphus

| Cost Estimate | Revenue Estimate | Original Approp. | Changes | Subtotal | Experienced | Difference |
|---------------|------------------|------------------|---------|-----------|-------------|------------|
| \$750,000 | \$0 | \$750,000 | \$0 | \$750,000 | \$65,000 | \$685,000 |

Explanation

The Legislature appropriated \$750,000 one-time in FY 2015 for processing "rape kits". Funding would provide for DNA testing for sexual assault kits that had previously not been submitted by law enforcement agencies to the State Crime Lab. The State Crime Lab estimated to receive at least 1,000 rape kits with an estimated outsource cost of \$750 per kit.

Implementation

Beginning in July of 2015, the State Crime Lab negotiated a contract to outsource the untested kit processing. A prioritization criteria was developed for the untested kit submission and the Department submitted kits to the contracted provider for processing of which they received the results on fully-processed kits.

Accuracy

The Department was appropriated \$750,000 and expended \$65,000 with other pending/expected expenditures in FY 2015. The Department reports that thus far, the State Crime Lab received 1,187 kits. Of these kits, 305 were sent to the contracted vendor for processing and received 98 back from the contracted vendor and have spent \$65,000 for those 98.

The Department states that "the lab is currently in the process of screening the remaining kits and will soon send these to the contracted vendor. It is anticipated that the entire \$750,000 allocated will be spent by the end of this calendar year on the 1,089 kits that are still in process and yet to be billed for. The crime lab anticipates potentially another 1,000 to 1,500 kits are still at the local level."

Performance

The Department reports that when all kits have been processed the impact of the tested kits will be better measured. Measurements will include the total number of kits processed, total number of CODIS eligible profiles developed, and total number CODIS hits on these eligible profiles.

FISCAL NOTE AND BUDGET ITEM FOLLOW-UP REPORT

2014 G.S. Child Protection Attorney

Committee: EOCJ

Analyst: Clare Lence

| Cost Estimate | Revenue Estimate | Original Approp. | Changes | Subtotal | Experienced | Difference |
|---------------|------------------|------------------|---------|-----------|-------------|------------|
| \$11,000 | \$0 | \$110,000 | \$0 | \$110,000 | \$153,600 | (\$43,600) |

Explanation

The Legislature appropriated \$110,000 ongoing from the General Fund to the Attorney General's Office for an additional child protection attorney in the 4th Juvenile Court District, which encompasses Utah, Wasatch, Juab, and Millard Counties. Statewide, child protection caseloads have been increasing, with a large proportion of these cases originating in the 4th District.

Implementation

An additional attorney was added to the Provo Child Protection office in July 2014.

Accuracy

An internal applicant was chosen for this position. Due to his seniority, his salary and benefit costs were 40 percent higher than the amount appropriated.

Performance

Caseloads in the Provo Child Protection office were reduced to 120 cases per attorney in FY 2015, compared to 166 cases per attorney statewide in FY 2013. Child protection cases continue to increase, however, and the Attorney General anticipates a need for additional staff in the near term.

FISCAL NOTE AND BUDGET ITEM FOLLOW-UP REPORT

2014 G.S. Department of Public Safety Legal Support

Committee: EOCJ

Analyst: Clare Lence

| Cost Estimate | Revenue Estimate | Original Approp. | Changes | Subtotal | Experienced | Difference |
|---------------|------------------|------------------|---------|----------|-------------|------------|
| \$90,000 | \$0 | \$90,000 | \$0 | \$90,000 | \$115,200 | (\$25,200) |

Explanation

The Legislature appropriated \$90,000 ongoing from the General Fund to the Attorney General's Office for a second attorney to support the Department of Public Safety. The department had experienced additional legal needs due to requirements from legislation -- such as GRAMA, the Public Records Management Act, and the Governmental Immunities Act -- and the need to provide legal representation to the department's many boards, councils, and commissions.

Implementation

An entry-level attorney was hired in July 2014.

Accuracy

Salary and benefits for the new attorney were \$80,000. Attorney overhead costs -- including phone, computer, office furniture, internet access, IT support, supplies, clerical support, and bar dues -- are averaged at \$35,200 per attorney. Total costs were 28 percent higher than the appropriation.

Performance

With one attorney serving the Department of Public Safety, there were potential conflict-of-interest concerns. For certification and personnel issues requiring investigation, the Peace Officer Standards and Training (POST) performs a prosecutorial function and the POST Advisory Council performs a quasi-judicial function. Case law requires separation of these functions. With two attorneys, the same attorney is no longer providing counsel to both sides.

FISCAL NOTE AND BUDGET ITEM FOLLOW-UP REPORT

2014 G.S. UHP Salary Compression

Committee: EOCJ

Analyst: Gary Syphus

| Cost Estimate | Revenue Estimate | Original Approp. | Changes | Subtotal | Experienced | Difference |
|---------------|------------------|------------------|---------|-------------|-------------|------------|
| \$1,000,000 | \$0 | \$1,000,000 | \$0 | \$1,000,000 | \$1,000,000 | \$0 |

Explanation

The Legislature funded \$1,000,000 ongoing in FY 2015 to increase the salary ranges of troopers, sergeants, lieutenants, and captains in the Utah Highway Patrol and to move officers up in the range in helping to relieve salary compression as a result of starting salaries for new officers being "too close" to that of existing officers.

Implementation

The Department of Public Safety employed an adjusted pay plan in July of 2014. In place of pay range changes applicable officers were given an equivalent one-time bonus until additional necessary statutory changes were made in the 2015 General Session. Beginning in FY 2016, Department of Human Resource management (DHRM) made the pay range change to reflect the original intent of compensation changes.

Accuracy

The Legislature appropriated \$1,000,000 ongoing to the Department of Public Safety of which the Department applied the total appropriation (in addition to some internal savings), toward pay range changes to address pay compression among sworn law enforcement officers.

Performance

Of the approximately 525 sworn officers, about 500 sworn officers received some increase due to the change in ranges. On average, each range increased by six percent.

The range for a trooper went from a maximum of \$25.47/hour to \$27.00/hour, a sergeant from 29.97 to 31.77. A lieutenant from 33.41 to 35.41, and a captain from 41.51 to 44.00.

The Department reports that prior to recent material changes to compensation including this change to compression, approximately 10 troopers would leave annually to other law enforcement agencies due to lower salary concerns. Since these overall changes, they report zero officers left in the last year as a result of lower compensation.

Appendix A - Guidelines for Scoring Follow-ups

Fiscal Note Building Block Follow-Up Report

The Analyst follows up on bills and building blocks from two sessions ago.

- **Item Explanation**
What the appropriation is supposed to do. For bills the explanation is the fiscal note
- **Implementation**
Is the item being implemented in a timely manner?
- **Accuracy**
Was the fiscal note accurate? Both the Analyst and the agency are rated.
- **Performance Measures**
Shown and evaluated when appropriate.
- **Follow the Money**
The report traces funding from the original request to the remaining balance.

Red - Yellow - Green Guidelines

We point out problems, potential trouble, and things going as expected with traffic light colors.

One Size Does Not Fit All

Early on, we found that what was reasonable for revenue estimates is unreasonable for ordinary bills and building blocks. Our guidelines are less stringent when an agency is asked to do something new and different than their usual fare.

\$10,000 Rule

The temptation to manage a fiscal note is so great that we give an automatic Yellow to any bill with a fiscal note near \$10,000.

The Director's Exception

The Director may draw your attention to any bill or building block with a yellow if the item needs your attention.

Current Rules

Accuracy of Familiar Programs / Processes

-  Green - Within 5% of estimate or variances less than \$10,000.
-  Yellow - Greater than 5% but less than or equal to 10% of estimate and more than \$10,000.
-  Red - Greater than 10% of estimate and more than \$10,000.

Accuracy of Unfamiliar Programs / Processes

-  Green - Within 10% of estimate or variances less than \$10,000.
-  Yellow - Greater than 10% but less than or equal to 20% of estimate and more than \$10,000.
-  Red - Greater than 20% of estimate and more than \$10,000.

Accuracy of Revenue Bills

-  Green - Within the estimates margin of error.
-  Yellow - Greater than margin of error but less than two times margin of error.
-  Red - Greater than two times margin of error.

Implementation

-  Green - Implemented within the first month of the bill's effective date. The definition of implemented will vary according to the difficulty of the bill's task. Tasks that are too large to be implemented in the first month can be considered implemented if the agency has a reasonable plan and they are on schedule.
-  Yellow - Implemented after the first month but before the fourth month of the bill's effective date.
-  Red - Implemented after three months of the bill's effective date.

Performance Measures

The Analyst will decide if performance measures are appropriate and will use the "Implementation" guidelines. The Analyst will evaluate the agency's performance measures and recommend alternate measures when necessary.