Office of The
Legislative
Fiscal
Analyst

Jonathan C. Ball
Director

MEMORANDUM FOR INFRASTRUCTURE AND GENERAL GOVERNMENT APPROPRIATIONS SUBCOMMITTEE

FROM: Brian Wikle, Analyst

DATE: July 14, 2016

SUBJECT: Fiscal Note and Budget Item Follow-up Report

The 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 full report is available at http://le.utah.gov/interim/2016/pdf/00003034.pdf. It is organized by Appropriations Subcommittee, year, and type of follow-up item. The following pages of this document extract from the full report those follow-up items that are under the purview of the Infrastructure and General Government Appropriations Subcommittee.

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Fiscal Note and Budget Item Follow-Up Report

Executive Appropriations Commitee

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 2014 through the 2016 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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2014 G.S. Airport Construction

Committee: IGG

Analyst: Angela Oh

Cost Estimate	Revenue Estimate	Original Approp.	Changes	Subtotal	Experienced	Difference
$5,000,000	$0	$5,000,000	$0	$5,000,000	$1,110,200	$3,889,800

Explanation

During the 2014 General Session, the Legislature appropriated $5.0 million one-time to the Utah Department of Transportation (UDOT) in their Aeronautics Airport Construction program (Division of Aeronautics). The primary revenue sources for the Aeronautics Restricted Account are airplane registration fees and aviation fuel taxes.

This appropriation allows UDOT to better program long-term local airport construction projects throughout the State.

Implementation

This appropriation was in addition to UDOT's existing budget of $3,536,100 in the Aeronautics Restricted Account in the Airport Construction program. Expenditures for this appropriation were first recorded in July 2014.

Project expenditures have been programmed through FY 2020 (see Accuracy section for details on programmed funds).

Accuracy

Funds have been programmed from FY 2015 through FY 2020 as follows:

FY 2015: $728,000
FY 2016: $1,272,000
FY 2017: $1,000,000
FY 2018: $500,000
FY 2019: $1,000,000
FY 2020: $500,000

As of May 2016, UDOT has spent $1,110,200 of this appropriation. Expenditures have been less than programmed due to the local match requirement. Airport sponsors are responsible for a match when they receive a state grant (State 90 percent, airport sponsor 10 percent). Most sponsors require a few years to budget their match. This is one reason for the multi-year plan.

Performance

The Division of Aeronautics uses a Pavement Condition Index (PCI) as a performance measure. To date, there have been two pavement projects completed using the $5.0 million appropriation.

1. SkyPark - Runway rehabilitation project. Prior to the project, the runway had a PCI of 36. The PCI is now 100.

2. Blanding - Pavement preservation project. Prior to the project, the PCI was 79. The PCI is now 88.

For non-pavement projects, performance is either complete or not-complete. For example, the project to update durable medical equipment (DME) at Moab, $130,000, was noted as "complete" following an Federal Aviation Administration inspection and acceptance. Other projects are simply noted as "complete" once they are accepted by the airport sponsor or by Division of Aeronautics engineers.

2015 G.S. USDB Salt Lake Campus Building

Committee: IGG

Analyst: Angela Oh

Cost Estimate	Revenue Estimate	Original Approp.	Changes	Subtotal	Experienced	Difference
$16,000,000	$0	$16,000,000	$0	$16,000,000	$10,445,700	$5,554,300

Explanation

The Legislature appropriated $16.0 million one-time ($1.5 million in the 2014 General Session and $14.5 million in the 2015 General Session) to the Capital Development line item for the Utah Schools for the Deaf and the Blind's (USDB) Salt Lake Center. The project will allow USDB to provide services to deaf and blind students located in the Salt Lake region with enough space for anticipated growth.

This project consists of 45,000 square feet of classrooms, observation rooms, sensory rooms, a Braille literacy room, gross motor rooms, therapy rooms, and others.

Implementation

The construction of the project is 80 percent complete. The Division of Facilities Construction and Management is working on the exterior finishes and landscaping.

Accuracy

The programming and design funding, $1.5 million one-time, and the construction funding, $14.5 million one-time, have been on-budget and no additional appropriations are expected to complete this project.

As of June 13, 2016, $10,455,700 in expenditures has been recorded, with the remainder of the funding expected to be used by the completion of the project.

Performance

The scope, schedule, and quality of the project will meet the needs of USDB. The project is on schedule to be completed by August 21, 2016 in time for classes to begin for the new school year.

2015 G.S. Capital Development - Unified State Lab

Committee: IGG

Analyst: Angela Oh

Cost Estimate	Revenue Estimate	Original Approp.	Changes	Subtotal	Experienced	Difference
$41,741,500	$0	$41,741,500	$0	$41,741,500	$20,062,700	$21,678,800

Explanation

The Legislature appropriated $41,741,500 one-time ($2.0 million in the 2013 General Session and $39,741,500 in the 2015 General Session) to the Capital Development line item for the Unified State Laboratories Module 2. This will complete the project by adding a facility for the Medical Examiner (Department of Health), the agriculture laboratories (Department of Agriculture and Food), and the crime laboratories (Department of Public Safety).

The facility is 90,756 square feet and includes modern safety and engineering features that are currently lacking in each of the separate laboratories, such as: biological safety cabinets, externally exhausted fume hoods, negative air pressure laboratory spaces, etc.

Implementation

The design of the facility was completed the same year when funding was received. The construction of the new lab is approximately 61 percent complete. The structure has been completed and interior work is currently being performed.

Accuracy

The funding was determined by use of a capital budget estimate (CBE). The project received programming and design funding of $2.0 million one-time in the 2013 General Session and $39,741,500 one-time in the 2015 General Session for the construction.

As of June 13, 2016, $20,062,700 in expenditures has been recorded. The project is slightly under budget, any remaining balance upon completion of the building will be deposited into the Capital Budget's project reserve fund.

Performance

The facility will meet the needs of the Department of Health, Department of Agriculture and Food, and the Department of Public Safety. The project is on schedule to be completed by November 24, 2016.

2015 G.S. Capital Development - Dixie ATC Campus

Committee: IGG

Analyst: Angela Oh

Cost Estimate	Revenue Estimate	Original Approp.	Changes	Subtotal	Experienced	Difference
$31,900,000	$0	$31,900,000	$0	$31,900,000	$2,531,500	$29,368,500

Explanation

During the 2015 General Session the Legislature appropriated $31.9 million one-time to the Capital Development line item for Dixie Applied Technology College's (DXATC) permanent campus. DXATC was established in 2001 and has been in leased and borrowed space since its inception.

This appropriation provides a permanent campus to DXATC located at the old airport in Washington County. Programs at the new campus will include: Business, Medical/Healthcare, Drafting and Design, Information Technology, Auto/Diesel, and others.

Implementation

The project design has been completed and the construction has started. The footings are 90 percent complete and the foundations have been started.

Accuracy

The original capital budget estimate (CBE) was $44,900,000 with $13.0 million in private donations/other funding and $31,900,000 in state funding. DXATC was not able to meet their goal of $13.0 million in other funding, therefore the budget was reduced to $39,900,000 (which is comprised of $31,900,000 in state funding and $8.0 million in other funding). The original CBE was for 177,000 gross square feet and was then reduced to 150,000 gross square feet with the revised budget.

As of June 14, 2016, $2,531,500 in expenditures has been recorded, with the remainder of the funding expected to be used by the completion of the project.

Performance

The project is on track to be completed by July 30, 2018.

2015 G.S. Capital Development - UU Crocker Science Center

Committee: IGG

Analyst: Angela Oh

Cost Estimate	Revenue Estimate	Original Approp.	Changes	Subtotal	Experienced	Difference
$34,000,000	$0	$34,000,000	$0	$34,000,000	$7,084,300	$26,915,700

Explanation

During the 2015 General Session the Legislature appropriated $34.0 million one-time to the Capital Development line item for the University of Utah's Crocker Science Center (George Thomas building).

This project consists of a renovation and an addition. The renovation of the George Thomas building will house a new math and science initiative at the university. The Crocker Science Center will have new facilities for scientific research and undergraduate teaching.

Implementation

The design of the building has been completed. For the new addition, the excavation is complete and the micropiles (deep foundation elements) are in progress. For the existing building, the selective demolition is complete and the structural upgrade is underway.

Accuracy

The total project budget is $55.0 million with $34.0 million from state funding and $21.0 million in private funding. As of June 13, 2016, $7,084,300 in expenditures has been recorded, with the remainder of the funding expected to be used by the completion of the project.

Performance

This project is on schedule to be completed by November 30, 2017.

2015 G.S. Historic Wendover Airfield

Committee: IGG

Analyst: Steve Allred

Cost Estimate	Revenue Estimate	Original Approp.	Changes	Subtotal	Experienced	Difference
$500,000	$0	$500,000	$0	$500,000	$500,000	$0

Explanation

The Legislature appropriated $500,000 one-time to the Capital Budget for pass-through by the Division of Facilities Construction and Management to make improvements on Historic Wendover Airfield buildings.

Implementation

The division processed the payment in September, 2015. The majority of the funds will not be spent until the division receives matching funds for the Enola Gay Hangar. However, a portion of the funds were to assist in the final work on the Officer's Club that the State assisted with a year ago, and that portion of the project has been completed. Construction on the hangar should begin in July, 2016. Under terms of an agreement signed with the Historic Wendover Airfield, the Airfield is required to provide a report in September, 2016.

Accuracy

Final costs will not be known until the project is complete.

Performance

The agency did not provide any performance measures.

2015 G.S. Olympic Oval Expansion

Committee: IGG

Analyst: Steve Allred

Cost Estimate	Revenue Estimate	Original Approp.	Changes	Subtotal	Experienced	Difference
$3,000,000	$0	$3,000,000	$0	$3,000,000	$0	$3,000,000

Explanation

The Legislature appropriated $3.0 million one-time to the Capital Budget for pass-through by the Division of Facilities Construction and Management to expand the Olympic Oval.

Implementation

To date there has been no activity on these funds. The director of the Olympic Legacy Foundation informed the division that they were still raising their remaining portion of the funding needed for the project, and asked the division to hold the $3 million from the State until they are ready to begin.

Accuracy

To date there has been no activity on these funds.

Performance

The agency did not provide any performance measures.

2015 G.S. Box Elder DPS Consolidation

Committee: IGG

Analyst: Steve Allred

Cost Estimate	Revenue Estimate	Original Approp.	Changes	Subtotal	Experienced	Difference
$2,500,000	$0	$2,500,000	$0	$2,500,000	$1,060,123	$1,439,877

Explanation

The Legislature appropriated $2.5 million one-time to the Division of Facilities Construction and Management to purchase and improve a building to allow several public safety agencies in Box Elder County to consolidate into one building.

Implementation

This project is being managed in-house by DFCM and was not done as a pass-through to Box Elder County. The division completed purchase of the facility on February 17, 2016. Design started mid-March, 2016 and should be finalized around July, 2016. Construction is scheduled to start fall 2016 and should be completed late 2016 or early 2017.

Accuracy

To date the property has been purchased and is going to be remodeled for agency use. Approximately $1,037,000 was used to purchase the property and the remainder will be used to remodel the facility to house the Utah Highway Patrol, Drivers License Division and Dispatch/911. The division has retained Frank Murdock Architect to do the design and it is approximately 50 percent complete. To date the project is on budget.

Performance

Construction should be completed late 2016 or early 2017. Completion of the project on time, on budget, and to high standards will be the final performance measure.

2015 G.S. Olympic Park Improvement

Committee: IGG

Analyst: Steve Allred

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 $1.0 million one-time to the Capital Budget for pass-through by the Division of Facilities Construction and Management to improve the Olympic Park.

Implementation

The division processed the payment in September, 2015. Funds were used for the Utah Olympic park parking lot expansion and utility line replacement. A report will be provided by the recipient in the fall of 2016.

Accuracy

Final costs will not be known until the recipient provides a report in the fall of 2016.

Performance

The agency did not provide any performance measures.

2015 G.S. USU Clinical Services Building

Committee: IGG

Analyst: Angela Oh

Cost Estimate	Revenue Estimate	Original Approp.	Changes	Subtotal	Experienced	Difference
$10,000,000	$0	$10,000,000	$0	$10,000,000	$1,136,200	$8,863,800

Explanation

During the 2015 General Session the Legislature appropriated $10.0 million one-time to the Capital Development line item for Utah State University's Clinical Services Building. The 87,750 square foot building is a part of the university's College of Education and Human Services.

The facility will include integrated service delivery, vocational and graduate student training activities, clinical research, and community outreach.

Implementation

The project design is 80 percent complete and is scheduled to be done by August 30, 2016. The first construction package for the demolition of the existing building and site work will begin on July 1, 2016.

Accuracy

This project consists of $20.0 million in non-state funding and $10.0 million in state funding. As of June 15, 2016, $1,136,200 in expenditures has been recorded, with the remainder of the funding expected to be used by the completion of the project.

Performance

The project is on schedule to be completed by October 24, 2017.

2015 G.S. New Open Records Appropriation Unit

Committee: IGG

Analyst: Brian Wikle

Cost Estimate	Revenue Estimate	Original Approp.	Changes	Subtotal	Experienced	Difference
$730,000	$0	$730,000	$0	$730,000	$730,000	$0

Explanation

At the request of the Department of Administrative Services, the Legislature created a new unit for the Archives Open Records program within the Division of Archives and Records Service's line item. The Legislature transferred $730,000 from the Archives Administration program within the line item to the Open Records program. (S.B. 2, 2015 G.S., Item 36)

Implementation

Upon the effective date, funds transferred from the appropriated unit within the State Archives to a new unit. Total funding to the Archives line item remained the same.

Accuracy

Archives expended 94 percent of funding through the first three quarters of FY 2016 and expects to spend the entire funding by the end of the fiscal year.

Performance

Archives is more accurately tracking expenditures for personnel, IT services, current expenses, and performance of activities specific to open records initiatives that have been mandated by the Legislature. These include expenditures associated with the Utah Public Notice Website, the government records ombudsman office, and the Open Records Portal for GRAMA requests for all governmental entities.

2015 G.S. H.B. 379 - Underground Storage Tank Amendments

Committee: IGG

Sponsor: Rep. Steve Eliason

Analyst: Brian Wikle

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

Explanation

In H.B. 379, 2015 G.S., the Legislature appropriated $150,000 one-time to the Division of Fleet Operations to upgrade the condition of underground storage tanks so that fuel sites can qualify for a rebate of the environmental assessment fee.

Implementation

The Division of Fleet Operations has been working on upgrading underground storage tanks on an ongoing basis as needs are identified and funding is available. The division posted the first expenditures from this appropriation in October 2015.

Accuracy

The division has spent the entire appropriation to upgrade 16 underground storage tanks. It estimates that it will cost another $6 million to $8 million to upgrade the State's remaining 210 underground storage tanks.

Performance

The division upgraded 16 underground storage tanks and all of those tanks passed inspections.

2015 G.S. S.B. 64 - Utah Educational Savings Plan Amendments

Committee: IGG

Sponsor: Sen. Todd Weiler

Analyst: Brian Wikle

Cost Estimate	Revenue Estimate	Original Approp.	Changes	Subtotal	Experienced	Difference
$20,800	$0	$20,800	$0	$20,800	$0	$20,800

Explanation

The Legislature authorized $20,800 one-time in dedicated credits revenue to the Division of Finance for programming costs. (S.B. 3, 2015 G.S., Item 84)

Implementation

The Division of Finance did not receive dedicated credits from the Utah Educational Savings Plan. The division provided service to UESP by leveraging programming changes made to the FINDER system in a prior year for a UESP-related legislative bill.

Accuracy

Not applicable (see "Implementation").

Performance

Not applicable (see "Implementation").

2015 G.S. S.B. 157 - Government Records Amendments

Committee: IGG

Sponsor: Sen. Curtis Bramble

Analyst: Brian Wikle

Cost Estimate	Revenue Estimate	Original Approp.	Changes	Subtotal	Experienced	Difference
$28,600	$0	$28,600	$0	$28,600	$28,600	$0

Explanation

The Legislature appropriated $28,600 to the Division of Archives and Records Service for processing appeals of decisions concerning records. (S.B. 3, 2015 G.S., Item 83)

Implementation

Archives anticipated, analyzed, and put into action steps to process the new appeals hearings requests required by GRAMA as of the effective date of the bill.

Accuracy

Archives expended 83 percent of funding through the first three quarters of FY 2016 and expects to spend the entirety of the funding by the end of the fiscal year.

Performance

Funding helped Archives to handle a 42 percent increase in GRAMA appeals work volume, and political subdivisions affected by the change in legislation received additional training and assistance.

2015 G.S. S.B. 255 - Data Security Management Council

Committee: IGG

Sponsor: Sen. Wayne Harper

Analyst: Brian Wikle

Cost Estimate	Revenue Estimate	Original Approp.	Changes	Subtotal	Experienced	Difference
$2,600	$0	$2,600	$0	$2,600	$2,600	$0

Explanation

The Legislature appropriated $2,600 to the Department of Technology Services (DTS) to provide staff services to the Data Security Management Council. (S.B. 3, 2015 G.S., Item 87)

Implementation

The council convened six meetings in FY 2016, with the first meeting occurring on August 25, 2015. DTS provided staff for each of the council's meetings.

Accuracy

Through the first three quarters of FY 2016, DTS expended $1,733. The department expects to spend the full $2,600 appropriation by the end of FY 2016.

Performance

DTS provided staff for each of the council's meetings in FY 2016. Department staff set agendas, scheduled meetings, and took minutes during meetings.

2015 G.S. S.B. 264 - Survey Monuments Replacement

Committee: IGG

Sponsor: Sen. Ralph Okerlund

Analyst: Brian Wikle

Cost Estimate	Revenue Estimate	Original Approp.	Changes	Subtotal	Experienced	Difference
$100,000	$0	$100,000	$0	$100,000	$60,000	$40,000

Explanation

The Legislature appropriated $100,000 one-time to the Automated Geographic Reference Center (AGRC) to provide staff support for the Monument Replacement and Restoration Committee to administer a grant program to counties. (H.B. 264, 2015 G.S.)

Implementation

The committee met regularly throughout FY 2016 with the first meeting occurring in September 2015.

Accuracy

The committee awarded grants totaling $60,000 for FY 2016. The 2016 Legislature allowed AGRC to carryover the remaining funding to FY 2017 (S.B. 3, 2016 G.S., Item 54), and it will award the remaining $40,000 in FY 2017. According to county surveyors and committee members, the funding amount is insufficient to meet requests.

Performance

Recipients of the grants are required to detail for the committee how the award was spent.

2015 G.S. H.B. 148 - State Employee Health Clinic

Committee: IGG

Sponsor: Rep. Stewart Barlow

Analyst: Brian Wikle

Cost Estimate	Revenue Estimate	Original Approp.	Changes	Subtotal	Experienced	Difference
$153,100	$0	$153,100	$0	$153,100	$0	$153,100

Explanation

The Legislature appropriated $153,100 one-time to Finance – Mandated – Employee Health Benefits to establish a pilot program for a state employee health clinic. (S.B. 3, 2015 G.S., Item 86)

Implementation

Several months after the 2015 Legislative Session, the Division of Finance discussed the appropriation with the Department of Health and PEHP and both entities determined that the appropriation was not needed. The Division of Finance will lapse the money back to the General Fund at the end of FY 2016. H.B. 148 did not require PEHP to do anything out of the ordinary course of its operations, and PEHP did not expend any of the appropriation. The clinics anticipate starting a pharmacy program within the next six months and spending up to $5,000 for licenses, initial medication purchase, and secure storage for medications.

Accuracy

None of the appropriation has been spent and neither the Department of Health nor PEHP anticipate needing the funding in FY 2016. The Division of Finance will lapse the money back to the General Fund at the end of FY 2016.

Performance

The agency indicates that the "clinics have treated 192 new urgent care PEHP patients, 213 new primary care PEHP patients, and 983 previously established PEHP patient office visits." The analyst marked this item yellow due to a lack of context such as how the clinics altered dependence on more expensive health care options and do people consume more healthcare or just shift away from more expensive options.

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
- **Implementationn**
  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.