

Representative Eric K. Hutchings proposes the following substitute bill:

1 **BUDGET PRIORITY FOR IN-HOME AND**
2 **COMMUNITY BASED LONG-TERM CARE**

3 2007 GENERAL SESSION

4 STATE OF UTAH

5 **Chief Sponsor: Eric K. Hutchings**

6 Senate Sponsor: Ed Mayne

8 **LONG TITLE**

9 **General Description:**

10 This bill amends the Budgetary Procedures Act to require the governor and the
11 Legislature to consider prioritizing funding for programs to support in-home and
12 community based support services for adults with long-term care needs.

13 **Highlighted Provisions:**

14 This bill:

15 ▶ amends the Budgetary Procedures Act to require the governor and the Legislature to
16 consider prioritizing state spending on long-term care needs of adults for in-home
17 and community based support services.

18 **Monies Appropriated in this Bill:**

19 None

20 **Other Special Clauses:**

21 None

22 **Utah Code Sections Affected:**

23 AMENDS:

24 **63-38-2**, as last amended by Chapters 213 and 316, Laws of Utah 2006



26 *Be it enacted by the Legislature of the state of Utah:*

27 Section 1. Section **63-38-2** is amended to read:

28 **63-38-2. Governor to submit budget to Legislature -- Contents -- Preparation --**
29 **Appropriations based on current tax laws and not to exceed estimated revenues.**

30 (1) (a) The governor shall, within three days after the convening of the Legislature in
31 the annual general session, submit a budget for the ensuing fiscal year by delivering it to the
32 presiding officer of each house of the Legislature together with a schedule for all of the
33 proposed appropriations of the budget, clearly itemized and classified.

34 (b) The budget message shall include:

35 (i) a projection of estimated revenues and expenditures for the next fiscal year; and

36 (ii) the source of all direct, indirect, or in-kind matching funds for all federal grants or
37 assistance programs included in the budget.

38 (2) At least 34 days before the submission of any budget, the governor shall deliver a
39 confidential draft copy of his proposed budget recommendations to the Office of the
40 Legislative Fiscal Analyst.

41 (3) (a) The budget shall contain a complete plan of proposed expenditures and
42 estimated revenues for the next fiscal year based upon the current fiscal year state tax laws and
43 rates.

44 (b) The budget may be accompanied by a separate document showing proposed
45 expenditures and estimated revenues based on changes in state tax laws or rates.

46 (4) The budget shall be accompanied by a statement showing:

47 (a) the revenues and expenditures for the last fiscal year;

48 (b) the current assets, liabilities, and reserves, surplus or deficit, and the debts and
49 funds of the state;

50 (c) an estimate of the state's financial condition as of the beginning and the end of the
51 period covered by the budget;

52 (d) a complete analysis of lease with an option to purchase arrangements entered into
53 by state agencies;

54 (e) the recommendations for each state agency for new full-time employees for the next
55 fiscal year; which recommendation should be provided also to the State Building Board under
56 Subsection 63A-5-103(2);

57 (f) any explanation the governor may desire to make as to the important features of the
58 budget and any suggestion as to methods for the reduction of expenditures or increase of the
59 state's revenue; and

60 (g) the information detailing certain regulatory fee increases required by Section
61 63-38-3.2.

62 (5) The budget shall include an itemized estimate of the appropriations for:

63 (a) the Legislative Department as certified to the governor by the president of the
64 Senate and the speaker of the House;

65 (b) the Executive Department;

66 (c) the Judicial Department as certified to the governor by the state court administrator;

67 (d) payment and discharge of the principal and interest of the indebtedness of the state;

68 (e) the salaries payable by the state under the Utah Constitution or under law for the
69 lease agreements planned for the next fiscal year;

70 (f) other purposes that are set forth in the Utah Constitution or under law; and

71 (g) all other appropriations.

72 (6) Deficits or anticipated deficits shall be included in the budget.

73 (7) (a) (i) For the purpose of preparing and reporting the budget, the governor shall
74 require from the proper state officials, including public and higher education officials, all heads
75 of executive and administrative departments and state institutions, bureaus, boards,
76 commissions, and agencies expending or supervising the expenditure of the state moneys, and
77 all institutions applying for state moneys and appropriations, itemized estimates of revenues
78 and expenditures.

79 (ii) (A) The governor may also require other information under these guidelines and at
80 times as the governor may direct.

81 (B) These guidelines may include a requirement for program productivity and
82 performance measures, where appropriate, with emphasis on outcome indicators.

83 (b) The estimate for the Legislative Department as certified by the presiding officers of
84 both houses shall be included in the budget without revision by the governor.

85 (c) The estimate for the Judicial Department, as certified by the state court
86 administrator, shall also be included in the budget without revision, but the governor may make
87 separate recommendations on it.

88 (d) The governor may require the attendance at budget meetings of representatives of
89 public and higher education, state departments and institutions, and other institutions or
90 individuals applying for state appropriations.

91 (e) The governor may revise all estimates, except those relating to the Legislative
92 Department, the Judicial Department, and those providing for the payment of principal and
93 interest to the state debt and for the salaries and expenditures specified by the Utah
94 Constitution or under the laws of the state.

95 (8) The total appropriations requested for expenditures authorized by the budget may
96 not exceed the estimated revenues from taxes, fees, and all other sources for the next ensuing
97 fiscal year.

98 (9) If any item of the budget as enacted is held invalid upon any ground, the invalidity
99 does not affect the budget itself or any other item in it.

100 (10) (a) In submitting the budgets for the Departments of Health and Human Services
101 and the Office of the Attorney General, the governor shall consider a separate recommendation
102 in his budget for funds to be:

103 (i) contracted to:

104 [(i)] (A) local mental health authorities under Section 62A-15-110;

105 [(ii)] (B) local substance abuse authorities under Section 62A-15-110;

106 [(iii)] (C) area agencies under Section 62A-3-104.2;

107 [(iv)] (D) programs administered directly by and for operation of the Divisions of
108 Substance Abuse and Mental Health and Aging and Adult Services;

109 [(v)] (E) local health departments under Title 26A, Chapter 1, Local Health
110 Departments; and

111 [(vi)] (F) counties for the operation of Children's Justice Centers under Section
112 67-5b-102[-]; and

113 (ii) when considering funding of long-term care needs for the elderly and disabled,
114 prioritized for spending on in-home and community based support services for adults with
115 long-term care needs.

116 (b) In his budget recommendations under Subsections (10)(a)(i)[, (ii), and (iii)](A),
117 (B), and (C), the governor shall consider an amount sufficient to grant local health departments,
118 local mental health authorities, local substance abuse authorities, and area agencies the same

119 percentage increase for wages and benefits that he includes in his budget for persons employed
120 by the state.

121 (c) If the governor does not include in his budget an amount sufficient to grant the
122 increase described in Subsection (10)(b), he shall include a message to the Legislature
123 regarding his reason for not including that amount.

124 (d) If the governor does not prioritize spending for in-home and community based
125 support services described in Subsection (10)(a)(ii), the governor shall include a message to the
126 Legislature regarding his reason for not prioritizing the funding.

127 (11) (a) In submitting the budget for the Department of Agriculture, the governor shall
128 consider an amount sufficient to grant local soil conservation districts and Utah Association of
129 Conservation District employees the same percentage increase for wages and benefits that he
130 includes in his budget for persons employed by the state.

131 (b) If the governor does not include in his budget an amount sufficient to grant the
132 increase described in Subsection (11)(a), he shall include a message to the Legislature
133 regarding his reason for not including that amount.

134 (12) (a) In submitting the budget for the Utah State Office of Rehabilitation and the
135 Division of Services for People with Disabilities, the Division of Child and Family Services,
136 and the Division of Juvenile Justice Services within the Department of Human Services, the
137 governor shall consider an amount sufficient to grant employees of corporations that provide
138 direct services under contract with those divisions, the same percentage increase for
139 cost-of-living that he includes in his budget for persons employed by the state.

140 (b) If the governor does not include in his budget an amount sufficient to grant the
141 increase described in Subsection (12)(a), he shall include a message to the Legislature
142 regarding his reason for not including that amount.

143 (13) (a) The Families, Agencies, and Communities Together Council may propose to
144 the governor under Subsection 63-75-4(4)(e) a budget recommendation for collaborative
145 service delivery systems operated under Section 63-75-6.5.

146 (b) The Legislature may, through a specific program schedule, designate funds
147 appropriated for collaborative service delivery systems operated under Section 63-75-6.5.

148 (14) The governor shall include in his budget the state's portion of the budget for the
149 Utah Communications Agency Network established in Title 63C, Chapter 7, Utah

150 Communications Agency Network Act.

151 (15) (a) The governor shall include a separate recommendation in the governor's
152 budget for funds to maintain the operation and administration of the Utah Comprehensive
153 Health Insurance Pool.

154 (b) In making the recommendation the governor may consider:

155 (i) actuarial analysis of growth or decline in enrollment projected over a period of at
156 least three years;

157 (ii) actuarial analysis of the medical and pharmacy claims costs projected over a period
158 of at least three years;

159 (iii) the annual Medical Care Consumer Price Index;

160 (iv) the annual base budget for the pool established by the Commerce and Revenue
161 Appropriations Subcommittee for each fiscal year;

162 (v) the growth or decline in insurance premium taxes and fees collected by the tax
163 commission and the insurance department; and

164 (vi) the availability of surplus General Fund revenue under Section 63-38-2.5 and
165 Subsection 59-14-204(5)(b).

166 (16) In adopting a budget for each fiscal year, the Legislature shall consider an amount
167 sufficient to grant local health departments, local mental health authorities, local substance
168 abuse authorities, area agencies on aging, soil conservation districts, and Utah Association of
169 Conservation District employees the same percentage increase for wages and benefits that is
170 included in the budget for persons employed by the state.

171 (17) (a) In adopting a budget each year for the Utah Comprehensive Health Insurance
172 Pool, the Legislature shall determine an amount that is sufficient to fund the pool for each
173 fiscal year.

174 (b) When making a determination under Subsection (17)(a), the Legislature shall
175 consider factors it determines are appropriate, which may include:

176 (i) actuarial analysis of growth or decline in enrollment projected over a period of at
177 least three years;

178 (ii) actuarial analysis of the medical and pharmacy claims costs projected over a period
179 of at least three years;

180 (iii) the annual Medical Care Consumer Price Index;

181 (iv) the annual base budget for the pool established by the Commerce and Revenue
182 Appropriations Subcommittee for each fiscal year;

183 (v) the growth or decline in insurance premium taxes and fees collected by the tax
184 commission and the insurance department from the previous fiscal year; and

185 (vi) the availability of surplus General Fund revenue under Section 63-38-2.5 and
186 Subsection 59-14-204(5)(b).

187 (c) The funds appropriated by the Legislature to fund the Utah Comprehensive Health
188 Insurance Pool as determined under Subsection (17)(a):

189 (i) shall be deposited into the enterprise fund established by Section 31A-29-120; and

190 (ii) are restricted and are to be used to maintain the operation, administration, and
191 management of the Utah Comprehensive Health Insurance Pool created by Section
192 31A-29-104.

193 (18) In adopting a budget each year for the Department of Health and the Department
194 of Human Services, the Legislature shall consider:

195 (a) funding of long-term care needs for the elderly and disabled; and

196 (b) prioritizing for spending on in-home and community based support services for
197 adults with long-term care needs.

198 [~~18~~] (19) In considering the factors in Subsections (15)(b)(i), (ii), and (iii) and
199 Subsections (17)(b)(i), (ii), and (iii), the governor and the Legislature may consider the
200 actuarial data and projections prepared for the board of the Utah Comprehensive Health
201 Insurance Pool as it develops its financial statements and projections for each fiscal year.

Fiscal Note**H.B. 249 1st Sub. (Buff) - Budget Priority for In-home and Community Based
Long-term Care**

2007 General Session

State of Utah

State Impact

Enactment of this bill will not require additional appropriations. Any fiscal impact would depend on legislative appropriations and/or shifting of resources between programs or departments.

Individual, Business and/or Local Impact

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for individuals, businesses, or local governments. Any benefit to individuals would depend on legislative action.

1/29/2007, 9:48:22 AM, Lead Analyst: Alfred, S.

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