

Intent Language Update

- Review of 6/14/2005 and 11/8/2005 Actions
- Subcommittee Review of Intent Language Proposed for Statute
- Staff Presentation of Nonlapsing Balance Information to Subcommittees
- Recommendations for Standard Nonlapsing Language

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Review of Previous Action

- 6/14/2005 - Directed staff to cull 2005 intent, recommend items for statute, and report
- 6/14/2005 – Directed staff to prepare information on nonlapsing balances for review by subcommittees during General Session
- 11/8/2005 – Heard staff recommendations on intent to be put in statute, directed staff to review items with subcommittees and report

Intent Language Proposed for Statute

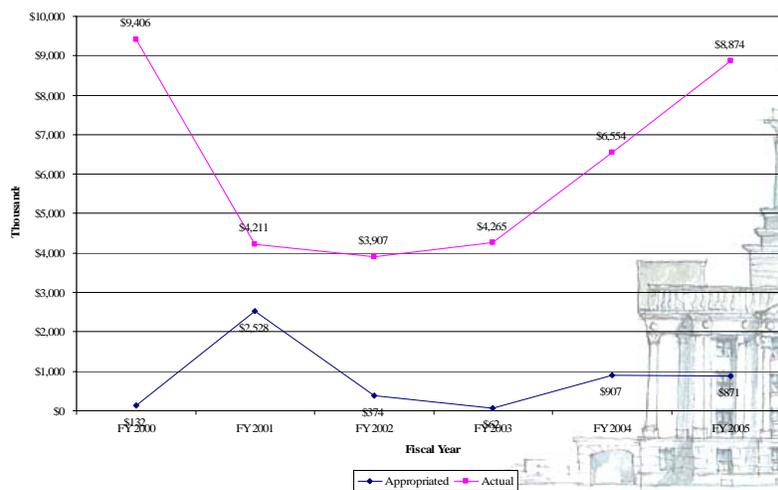
- Subcommittees reviewed staff recommendations during 2006 General Session
- Subcommittee actions summarized on hand-out
 - Most took no action on putting intent in statute
 - Public Ed used MSP to put language into statute
 - Some repeated language as intent

Nonlapsing Balance Information

- Answer Questions about Urgency:
 - Why does a line-item need nonlapsing authority 16 months in advance of fiscal year end?
 - Would nonlapsing authority four months in advance (next General Session) suffice?
 - Is the authority for specific items? If so, statute says we must list them.

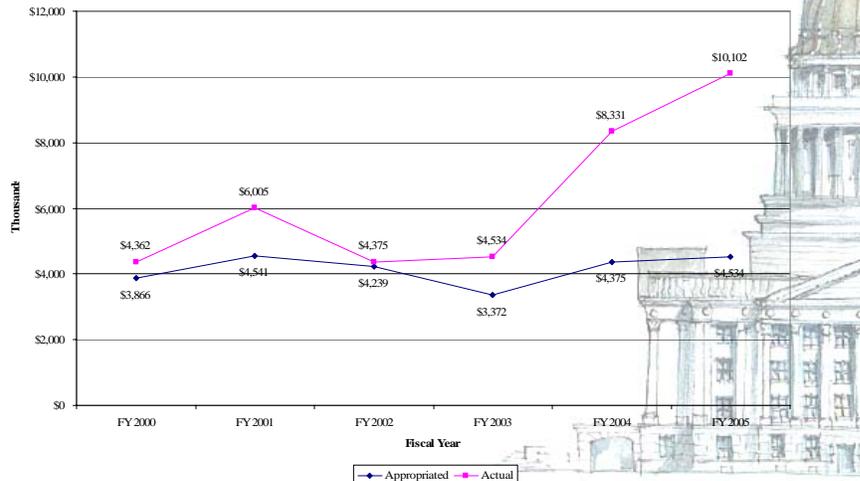
Nonlapsing Balance Information

Tax Commission - Tax Administration Closing Nonlapsing Appropriation Balances



Nonlapsing Balance Information

State Board of Education - State Office of Education Closing Nonlapsing Appropriation Balances



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Nonlapsing Balance Information

- Review Spending Patterns:
 - If agency does not receive nonlapsing authority, or if NLBs are stagnate, look at spending on one-time items in the last two months of the Fiscal Year.
 - High year-end expenditure on travel, bonuses, and/or equipment could indicate areas where subcommittees could reprioritize.

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Nonlapsing Balance Information

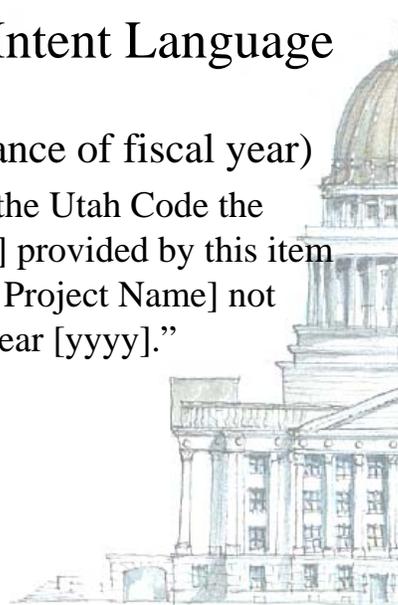
- Get Specifics:
 - Agencies should be able to tell the subcommittee what will be purchased with nonlapsing balances, or for what reason they carry a reserve.
 - If specific expenditures are anticipated, list them in the Supplemental Appropriations Act under UCA 63-38-8

Nonlapsing Balance Recommendation

- Recommend adoption of standard language for nonlapsing balance intent statements
 - General, with original appropriation
 - General, following beginning of fiscal year
 - Specific, following beginning of fiscal year

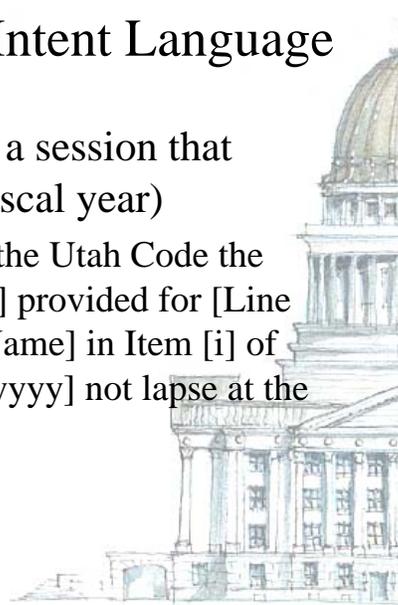
Standard Nonlapsing Intent Language

- General Language (in advance of fiscal year)
 - “Under Section 63-38-8 of the Utah Code the Legislature intends that [\$x] provided by this item for [Line Item, Program, or Project Name] not lapse at the close of fiscal year [yyyy].”



Standard Nonlapsing Intent Language

- General Language (during a session that follows the beginning of fiscal year)
 - “Under Section 63-38-8 of the Utah Code the Legislature intends that [\$x] provided for [Line Item, Program, or Project Name] in Item [i] of Chapter [c] Laws of Utah [yyyy] not lapse at the close of fiscal year [zzzz].”



Standard Nonlapsing Intent Language

- Specific Language (during a session that follows the beginning of fiscal year)
 - “Under Section 63-38-8.1 of the Utah Code the Legislature intends that Item [i] of Chapter [c] Laws of Utah [yyyy] not lapse at the close of Fiscal Year [zzzz]. The use of any nonlapsing funds is limited to the following:
 - Specific One-time Project or Use - \$x”

Potential EAC Action

- Direct staff to draft bill codifying intent language
- Direct staff to use standard nonlapsing intent language

Update on Intent Language Recommended for Statute Status Following Subcommittee Review

<u>Subcommittee</u>	<u>Line Item</u>	<u>Statement</u>	<u>Reviewed</u>	<u>Put In Statute</u>	<u>Repeated As Intent</u>
Executive Offices and Criminal Justice					
	Courts - Administration	It is the intent of the Legislature that the Administrative Office of the Courts: 1) reimburse up to \$100,000 to any private nonprofit organization that, in reliance on representation that certain legal expenses for domestic violence would be reimbursed, has incurred expenses for: (a) legal advice for low income family members and low income victims of domestic violence about family law matters; and (b) legal representation in family law matters in Utah district or juvenile courts to low income family members and low income victims of domestic violence. 2) before reimbursing the monies to the private organization, obtain a written, signed, and dated certification from the organization that the monies were used or will be used exclusively to provide the services of 1(a) and 1(b).	No	HB1003 (05SS1)	No
	Attorney General	It is the intent of the Legislature that up to \$123,100 of the appropriation provided from the General Fund Restricted-Constitutional Defense account be used to pay the Attorney General's Office to address the interests of state and local governments on public lands issues when the Attorney General determines that a statewide public purpose exists.	No	SB239 (05GS)	No
Capital Facilities and Administrative Services					
	Finance - Mandated	The Legislature intends that funds provided for the LeRay McAllister Critical Lands Conservation Fund shall not lapse.	Yes	No Action	No
	Post-Conviction Indigent Defense Fund	The Legislature intends that funds provided for the Post-Conviction Indigent Defense Fund shall not lapse.	Yes	No Action	No
	Facilities Construction Management	DFCM's internal service fund may add up to three FTEs and up to two vehicles beyond the authorized level if new facilities come on line or maintenance agreements are requested. Any added FTEs or vehicles will be reviewed and may be approved by the Legislature in the next legislative session.	Yes	No Action	Yes

<u>Subcommittee</u>	<u>Line Item</u>	<u>Statement</u>	<u>Reviewed</u>	<u>Put In Statute</u>	<u>Repeated As Intent</u>
	Division of Finance	It is the intent of the Legislature that the Department of Administrative Services develop and implement a mileage reimbursement program that requires agencies to reimburse employees for personal vehicle use at a rate equal to, or less than, the per mile cost of a mid-size sedan operated by the Division of Fleet Operations. It is also the intent of the Legislature that these rules be applied to legislative staff, the judicial branch and the Utah System of Higher Education. The rule should make exception for instances where a state fleet vehicle is not available to the employee , for mileage reimbursements for elected officials of the state and members of boards and commissions who do not have access to the state fleet for use in their official duties.	Yes	No Action	No
Health & Human Services					
	DOH – Health Systems Improvement	It is the intent of the Legislature that civil money penalties collected for child care provider violations be considered nonlapsing.	Yes	No Action	Yes
	DOH – Health Systems Improvement	It is the intent of the Legislature that the fees collected for the purpose of plan reviews by the Bureau of Health Facility Licensure, Certification and Resident Assessment be considered nonlapsing.	Yes	No Action	Yes
	DOH – Health Systems Improvement	It is the intent of the Legislature that civil money penalties collected for health care provider violations be considered nonlapsing.	Yes	No Action	Yes
	DOH – Health Systems Improvement	It is the intent of the Legislature that funds for the Primary Care Grants Program be considered nonlapsing	Yes	No Action	Yes
	DOH – Health Systems Improvement	It is the intent of the Legislature that funding for the Primary Care Grants Program not be expended for inter-departmental projects except for Community Partnered Mobile Dental Services.	Yes	No Action	Yes
	DOH – Community and Family Health Services	It is the intent of the Legislature that funding for alcohol, tobacco, and other drug prevention, reduction, cessation, and control programs be considered nonlapsing.	Yes	No Action	Yes
	DHS – Services for People with Disabilities	It is the intent of the Legislature that funds appropriated for the home and community based services waiting list for people with disabilities be used exclusively for direct services and related support.	Yes	No Action	No
	DHS - DSPD & DCFS	It is the intent of the Legislature that funds appropriated for cost of living increases for employees of private service providers contracting with the Division of Services for People with Disabilities and the	Yes	No Action	No

<u>Subcommittee</u>	<u>Line Item</u>	<u>Statement</u>	<u>Reviewed</u>	<u>Put In Statute</u>	<u>Repeated As Intent</u>
		Division of Child and Family Services be used exclusively for that purpose. It is further the intent of the Legislature that these divisions report to the Health and Human Services Appropriations Subcommittee during the 2006 General Session on the use of such funds, based on reports from providers, regarding its distribution and impact on salaries of various categories of staff, including, but not limited to, administrators, supervisors and direct care workers.			
Natural Resources					
	DNR – Administration	It is the intent of the Legislature that ongoing funding for the Bear Lake Regional Commission be expended only as a one-to-one match with funds from the State of Idaho.	Yes	No Action	Yes
	DNR – Wildlife Resources	It is the intent of the Legislature that appropriations from the General Fund Restricted – Wildlife Habitat Account be nonlapsing.	Yes	No Action	Yes
	DNR – Utah Geological Survey	It is the intent of the Legislature that the Utah Geological Survey’s Mineral Lease funds be nonlapsing.	Yes	No Action	Yes
	DAF – Administration	It is the intent of the Legislature that the appropriation for conservation easements, whether granted to charitable organizations specified under UCA 57-18-3 or held by the Department of Agriculture & Food, be used to conserve agricultural lands and be nonlapsing.	Yes	No Action	Yes
	DAF – Administration	It is the intent of the Legislature that funds collected in the Organic Certification Program be nonlapsing.	Yes	No Action	Yes
	DAF – Administration	It is the intent of the Legislature that collections for the "Ag Tag" license plate be nonlapsing.	Yes	No Action	No
	DAF – Resource Conservation	It is the intent of the Legislature that funding approved for Soil Conservation District elections be nonlapsing and be spent only during even-numbered years when elections take place.	Yes	No Action	Yes
	DAF – Resource Conservation	It is the intent of the Legislature that the Soil Conservation Districts submit annual reports documenting supervisory expenses to the Legislative Fiscal Analyst, the Office of Planning and Budget, and the Soil Conservation Commission. It is also the intent of the Legislature that these documents be reviewed and reported to the Governor and the Legislature.	Yes	No Action	Yes

<u>Subcommittee</u>	<u>Line Item</u>	<u>Statement</u>	<u>Reviewed</u>	<u>Put In Statute</u>	<u>Repeated As Intent</u>
	Office of Public Lands Coordination	It is the intent of the Legislature that funds expended from the R.S. 2477 Fund be used for litigation or negotiations designed to quiet title to existing rights of way established before 1976 under R.S. 2477 guidelines. It is further the intent of the Legislature that the Governor or his designee shall present a report to the Legislature prior to or during the 2006 General Session detailing activities funded within this line item, including information on cooperation and coordination with counties and the Utah Attorney General's Office.	Yes	No Action	No
Public Education	State Board of Education	It is the intent of the Legislature that the State Board of Education, in consultation with the State Charter School Board, distribute the \$100,000 ongoing Uniform School Fund revenue appropriated for charter school administration on an equalized per student basis as determined by actual fall enrollment count to charter schools that receive funding through the Minimum School Program - Administrative Cost Formula program.	Yes	SB5 (06GS)	No