



INTENT LANGUAGE & NONLAPSING BALANCES FOLLOW-UP (DWS)

SOCIAL SERVICES APPROPRIATIONS SUBCOMMITTEE
STAFF: STEPHEN JARDINE & RUSSELL FRANSEN

ISSUE BRIEF

SUMMARY

The objective of this issue brief is to determine if the Department of Workforce Services complied with the 44 intent language statements adopted by the Legislature during the 2014 General Session and five intent language statements from the 2013 General Session that had impacts through June 30, 2014. This issue brief provides a follow up to each of the pieces of intent language passed. The Analyst has no concerns of non-compliance. This brief is for informational purposes only and requires no legislative action.

DISCUSSION AND ANALYSIS

Intent Language Overview

The Analyst has no concerns of non-compliance with any intent language issued last year. The following is a list of 44 legislative intent statements from the 2014 General Session with the Department of Workforce Services' response or comments by the Analyst. Intent language may be adopted by the Legislature to explain or place conditions on the use of funds. Intent language is binding for one year and may not contradict or change statutory language. Follow up to intent language related to ARRA (federal stimulus) funding can be found in the Issue Brief entitled "ARRA Funds Approval." The Subcommittee may want to direct the agency to take further action on the information presented in the reports requested by the Legislature.

Intent Language from the 2014 General Session

There are 44 intent language statements reviewed below. These 44 statements can be grouped into the following three categories (two statements fall into two categories):

1. Providing nonlapsing authority (seven intent language statements)
2. Providing specific direction (17 intent language statement)
 - a. 12 of these relate to the use of Temporary Assistance for Needy Families (TANF) funding
3. Requiring a report (20 intent language statements)
 - a. 16 of these reports are for performance measures

1. Nonlapsing Authority for Computers and Projects in Administration (S.B. 8, Item 9):

Under Section 63J-1-603 of the Utah Code the Legislature intends that up to \$200,000 of the appropriations provided for the Administration line item in Item 10 of Chapter 6 Laws of Utah 2013 not lapse at the close of Fiscal Year 2014. The use of any non-lapsing funds is limited to computer equipment/software and special projects/studies. (The agency nonlapsed \$0).

Agency Response: "No fiscal year 2014 General Fund was nonlapsed in this line item."

2. Nonlapsing Authority for Computers and Projects for Operations and Policy (S.B. 8, Item 10):

Under Section 63J-1-603 of the Utah Code the Legislature intends that up to \$3,100,000 of the appropriations provided for the Operation and Policy line item in Item 11 of Chapter 6 Laws of Utah 2013 not lapse at the close of Fiscal Year 2014. The use of any non-lapsing funds is limited to computer equipment/software and one-time projects associated with addressing

client services due to caseload growth or refugee services. (The agency nonlapsed \$1,822,400).

Agency Response: “The department nonlapsed \$1,822,400. The department will use \$50,000 nonlapsing funds for refugee capacity building projects and activities; \$272,439 nonlapsing funds were transferred to the Department of Human Services per intent language in HB 2, item 80; \$1,500,000 nonlapsing funds were transferred to the Department of Health per intent language in HB 2, item 72.”

3. Nonlapsing Authority for Employment Development and Projects for Operations and Policy for Special Administrative Expense Account (S.B. 8, Item 10):

Under Section 63J-1-603 of the Utah Code the Legislature intends that up to \$3,900,000 of the appropriations provided for the Operation and Policy line item in Item 84 of Chapter 405 Laws of Utah 2013 for the Special Administrative Expense Account not lapse at the close of Fiscal Year 2014. The use of any non-lapsing funds is limited to employment development projects and activities or one-time projects associated with client services. The Legislature further intends the Department of Workforce Services provide a detailed status and progress report on the use of Special Administrative Expense Account funds for employment development projects and activities as well as one-time projects associated with client services to the Office of the Legislative Fiscal Analyst by September 1, 2014. (The agency nonlapsed \$2,217,800).

Agency Response: “The department nonlapsed \$2,217,800 and will use it as described in the intent language above. The department submitted a progress report [<http://le.utah.gov/interim/2014/pdf/00005529.pdf>] on the use of Special Administrative Expense Account funds to the Office of the Legislative Fiscal Analyst on June 24, 2014.”

4. Nonlapsing Authority for Employment Services for Operations and Policy for Reed Act Funding (S.B. 8, Item 10):

Under Section 63J-1-603 of the Utah Code the Legislature intends that up to \$3,300,000 of the appropriations provided for the Operation and Policy line item from Reed Act funding in Item 84 of Chapter 405 Laws of Utah 2013 not lapse at the close of Fiscal Year 2014. The use of any non-lapsing funds is limited to one-time projects associated with employment services. The Legislature further intends Reed Act funds appropriated for Fiscal Year 2014 to the Department of Workforce Services be used for workforce development and labor exchange activities consistent with UCA 35A-4-501(3)(b). (The agency nonlapsed \$0).

Agency Response: “No fiscal year 2014 General Fund was nonlapsed in this line item.”

5. Nonlapsing Authority for Computers and Projects for General Assistance (S.B. 8, Item 11):

Under Section 63J-1-603 of the Utah Code the Legislature intends that up to \$800,000 of the appropriations provided for the General Assistance line item in Item 12 of Chapter 6 Laws of Utah 2013 not lapse at the close of Fiscal Year 2014. The use of any non-lapsing funds is limited to computer equipment/software and one-time projects associated with client services. (The agency nonlapsed \$647,600).

Agency Response: “The department nonlapsed \$647,600 of fiscal year 2014 General Fund in this line item and will use it for one-time projects and activities related to General Assistance client services.”

6. Nonlapsing Authority for Computers and Projects for Unemployment Insurance (S.B. 8, Item 12):

Under Section 63J-1-603 of the Utah Code the Legislature intends that up to \$60,000 of the appropriations provided for the Unemployment Insurance line item in Item 13 of Chapter 6

Laws of Utah 2013 not lapse at the close of Fiscal Year 2014. The use of any non-lapsing funds is limited to computer equipment/software and one-time projects associated with addressing appeals or public assistance overpayment caseload growth. (The agency nonlapsed \$0).

Agency Response: "No fiscal year 2014 General Fund was nonlapsed in this line item."

7. Nonlapsing Authority for Building Projects for Housing and Community Development (S.B. 8, Item 13):

Under Section 63J-1-603 of the Utah Code, the Legislature intends that General Fund appropriations provided by Item 63 Chapter 416 Laws of Utah 2012 for the Department of Workforce Services' Housing and Community Development line item not lapse at the close of Fiscal Year 2014. The amount of any non-lapsing funds shall not exceed \$1,000,000. The use of any non-lapsing authority is limited to general funds appropriated by the legislature for building projects. (The agency nonlapsed \$1,000,000).

Agency Response: "The department nonlapsed \$1,000,000 for building projects at Volunteers of America and Lantern House. The capital improvement projects are now underway."

8. Conditional Savings From Affordable Care Act Mandatory Changes (S.B. 3, Item 74):

Under Section 63J-1-603 of the Utah Code, the Legislature intends that up to \$330,200 of savings above \$800,000 from affordable care act mandatory changes not lapse at the close of FY 2014. The use of any nonlapsing funds is limited to respite care provided by the Department of Human Services in FY 2015. (There were \$272,000 in savings).

Agency Response: "The department nonlapsed \$272,000 of fiscal year 2014 General Fund in the Operations and Policy line item as described in item 2 above. The department transferred these funds to the Department of Human Services in fiscal year 2015."

9. Conditional Savings From Higher Federal Match Rate (S.B. 3, Item 74):

Under Section 63J-1-603 of the Utah Code, the Legislature intends that up to \$1,500,000 of savings above \$3,030,000 from savings from higher federal match rate for certain Medicaid eligibility systems maintenance and operations not lapse at the close of FY 2014. The use of any nonlapsing funds is limited to replacing the Medicaid Management Information System in the Department of Health in FY 2015. (There were \$2,461,400 in savings).

Agency Response: "The department nonlapsed \$1,500,000 of fiscal year 2014 General Fund in the Operations and Policy line item as described in item 2 above. The department transferred these funds to the Department of Health in fiscal year 2015."

10. Use of National Housing Trust Fund (H.B. 2, Item 77):

The Legislature intends that if any money is allocated from the National Housing Trust Fund to the State of Utah, the Department of Workforce Services is authorized to receive this money and this money shall be allocated to the Division of Housing and Community Development for use by the division in increasing and preserving the supply of rental housing, and increasing homeownership and housing opportunities, for low income households in accordance with federal requirements.

Agency Response: "To date [December 2014], the National Housing Trust Fund has not awarded funds to states."

11. Direction for Spending Reed Act Funds (H.B. 2, Item 75):

The Legislature intends Reed Act funds appropriated for Fiscal Year 2015 to the Department of Workforce Services be used for workforce development and labor exchange activities consistent with UCA 35A-4-501(3)(b).

Agency Response: "The department continues to use the funds during fiscal year 2015 to pay for labor exchange activities, connecting job seekers with employers."

12. Conditions of Release of Funding for Road Home Homeless Shelter (H.B. 3, Item 98):

The Legislature intends that the \$500,000 in new funding provided for Road Home Homeless Shelter to the Department of Workforce Services not be released until a building permit is obtained. If the money is not released in FY 2015, then under Section 63J-1-603 of the Utah Code, the Legislature intends that up to \$500,000 not lapse at the close of FY 2015. The use of any nonlapsing funds is limited to respite care provided by the Department of Human Services in FY 2016.

Agency Response: "As of [February 5, 2015], no building permit has been issued. The Road Home was to have their pre-construction meeting with Midvale City [February 5, 2015] for their permit. They are prepared for demolition and site preparation during the first week of April. Construction should be complete by November."

13. Use of TANF Funding for Child Care Competitive Rate Subsidy Increase (H.B. 2, Item 75):

The Legislature intends that the \$6,144,900 provided to the Department of Workforce Services for the child care competitive rate subsidy increase from federal Temporary Assistance for Needy Families (TANF) funding spent over future years in equal amount each year for the following three years.

Agency Response: "The department budgeted \$6,144,900 in federal TANF federal funds to be spent for child care competitive subsidy rate increases in future years in equal amounts each year for the following three years."

14. Conditional TANF Funding for Child Care Competitive Rate Subsidy Increase (H.B. 2, Item 75):

The \$8,193,200 in federal funds appropriated for child care competitive rate subsidy increase in Department of Workforce Services in Operations and Policy line item is dependent upon the availability of and qualification for the child care competitive rate subsidy increase for Temporary Assistance for Needy Families federal funds.

Agency Response: "The DWS Office of Child Care (OCC) utilized the funds transferred from TANF to Child Care to increase the subsidy rate to child care providers. The performance measure associated with this proposal is to raise the reimbursement rate to a minimum of 60 percent of the market rate throughout the state. This rate is established through the biennial market rate study performed by OCC.

As of July 1, 2014, all child care providers accepting child care subsidies are receiving a rate equal to a minimum of 60 percent of the market rate for child care services."

15. Conditional TANF Funding for After School Programs (H.B. 2, Item 75):

The \$2,179,200 in federal funds appropriated for after school programs to address intergenerational poverty in Department of Workforce Services in Operations and Policy line item is dependent upon the availability of and qualification for the after school programs to address intergenerational poverty for Temporary Assistance for Needy Families federal funds.

Agency Response: "The DWS Office of Child Care is developing the grant for release in early 2015."

16. Conditional TANF Funding for Child Care for 60 Days During Temporary Unemployment (H.B. 2, Item 75):

The \$566,600 in federal funds appropriated for child care for 60 days during temporary unemployment in Department of Workforce Services in Operations and Policy line item is dependent upon the availability of and qualification for the child care for 60 days during temporary unemployment for Temporary Assistance for Needy Families federal funds.

Agency Response: “The DWS Office of Child Care (OCC) utilized funds to develop and implement a program that will allow children to remain in an appropriate child care setting upon a parent’s loss of employment where the parent worked a minimum of 32 hours per week. The program allows continuity of child care for up to 60 days, if the parent voluntarily participates in OCC’s ‘Job Search Child Care’ program. The program will be in effect in early 2015.”

17. Conditional TANF Funding for Refugee Services (H.B. 2, Item 75):

The \$1,500,000 in federal funds appropriated for refugee services in Department of Workforce Services - Operations and Policy line item is dependent upon the availability of and qualification for refugee services for Temporary Assistance for Needy Families federal funds.

Agency Response: “This funding is being used for the Community Resource Specialists (6 workers) and the Women's Service Coordinator. The women's service coordinator will 1) create six community based-sustainable refugee women's leadership groups that hold monthly forums, 2) establish an anti-violence refugee youth council, 3) hold women's workshops and track attendance and administer pre/post assessments done at 4 month increments, 4) form education-based trauma support groups (coping training) and measure success through assessments meant to find reduced risk factors and elevated protective measures for participating women and 5) host six men's outreach events and measure success by attendance, pre/post understanding surveys. The Community Resource specialists will work directly, and solely, with the Karen, Sudanese/South Sudanese, Bhutanese, Congolese and Burundian refugee communities. Overall components of the project include: 1) Intensive, but limited, Case Management which performance will be measured by initial assessments to form the baseline and setting family goals and tracking if they meet those goals, 2) Increased integration of mainstream volunteers which performance will be measured by maintaining a volunteer log of all volunteers and hours contributed, 3) Community-wide capacity building which performance will be measured by on-going observation of increases in community capacity and 4) Improving access to community resources which will be measured by tracking the amount of attendees at workshops, lessons learned, and if any new connections were created with existing resources.”

18. Explore TANF Funding for Garland and Hyrum Community Resource Centers (H.B. 2, Item 75):

The Legislature intends the Department of Workforce Services explore the viability of Temporary Assistance for Needy Families (TANF) funding for services provided at the Garland and Hyrum Community Resource Centers and utilize TANF funding if these two resource centers are found to provide services that meet one of the four TANF purposes.

Agency Response: “See responses for items 19 and 20 below.”

19. Conditional TANF Funding for Garland Community Resource Center (H.B. 2, Item 75):

The \$104,000 in federal funds appropriated for the Garland Community Resource Center in Department of Workforce Services - Operations and Policy line item is dependent upon the

availability of and qualification for the Garland Community Resource Center for Temporary Assistance for Needy Families federal funds.

Agency Response: “The Garland Community Resource Center qualified to receive TANF federal funds from the department as a subrecipient. The Center starting providing services on October 1, 2014. They have served 17 families through the month of October. They have not yet utilized their measurement tool due to the short period of time since the contract has been in place.”

20. Conditional TANF Funding for Hyrum Community Resource Center (H.B. 2, Item 75):

The \$150,000 in federal funds appropriated for the Hyrum Community Resource Center in Department of Workforce Services - Operations and Policy line item is dependent upon the availability of and qualification for the Hyrum Community Resource Center for Temporary Assistance for Needy Families federal funds.

Agency Response: “The Hyrum Community Resource Center qualified to receive TANF federal funds from the department as a subrecipient. From July 2014 through October 2014, the Hyrum Community Resource Center has served 173 adults and 100 children. They have begun using their evaluation tool - Parenting Education and Nursery Surveys, but the results have not yet been compiled.”

21. Use of TANF Funding for Children's Center (H.B. 2, Item 75):

The Legislature intends that the \$750,000 provided to the Department of Workforce Services for the Children's Center increase from federal Temporary Assistance for Needy Families (TANF) funding spent over future years in equal amount each year for the following three years.

Agency Response: “The department budgeted \$750,000 in TANF federal funds to be spent at the Children's Center in equal amounts each year for the following three years.”

22. Conditional TANF Funding for Children's Center (H.B. 2, Item 75):

The \$1,000,000 in federal funds appropriated for the Children's Center in Department of Workforce Services - Operations and Policy line item is dependent upon the availability of and qualification for the Children's Center for Temporary Assistance for Needy Families federal funds.

Agency Response: “The Children's Center qualified to receive TANF federal funds from the department as a subrecipient. From July 2014 through October 2014, the Children's Center has served 24 families. They have not yet utilized their measurement tools due to the short period of time since the contracts have been in place.”

23. Use of TANF Funding for Weber County Youth Impact Program (H.B. 2, Item 75):

The Legislature intends that the \$25,000 provided to the Department of Workforce Services for the Weber County Youth Impact Program increase from federal Temporary Assistance for Needy Families (TANF) funding be spent over future years in equal amount each year for the following one year.

Agency Response: “The department budgeted \$25,000 in TANF federal funds to be spent at the Weber County Youth Impact Program in equal amounts each year for the following one year.”

24. Conditional TANF Funding for Weber County Youth Impact Program (H.B. 2, Item 75):

The \$50,000 in federal funds appropriated for the Weber County Youth Impact Program in Department of Workforce Services - Operations and Policy line item is dependent upon the

availability of and qualification for the Weber County Youth Impact Program for Temporary Assistance for Needy Families federal funds.

Agency Response: “The Weber County Youth Impact Program qualified to receive TANF federal funds from the department as a subrecipient. Weber Youth Impact enrolled 27 new participants between July 2014 and November 2014. Since the start of the school year, their study hall program has served a range of 15-36 kids per day. The study hall coordinator administers, grades, and submits packets to the Ogden School District to assist in credit recovery toward a high school diploma. This funding allows Youth Impact to serve more children at a younger age to ensure long term outcomes of completing high school and enrolling in post high school education.”

25. Report on Possible Consolidation of Background Check Systems (H.B. 2, Item 74):

The Legislature intends that the Departments of Workforce Services, Health, Human Services, Technology Services, and the Utah State Office of Rehabilitation provide a report regarding all current background checks of individuals and possible efficiencies for consolidation. The Legislature intends that agencies provide a report to the Office of the Legislative Fiscal Analyst by September 1, 2014. The report shall include the following regarding each background check program: (1) name and purpose of the program, (2) expenditures and staffing for the last three years, (3) types of problems the background check is looking for, (4) the databases searched, and (5) technology used. The report should provide recommendations where different background check systems might be combined.

Agency Response: “The department reported [<http://le.utah.gov/interim/2014/pdf/00004218.pdf>] on background checks as required by the intent language.”

26. Report on Possible Candidates for TANF Funding (H.B. 2, Item 75):

The Legislature intends the Department of Workforce Services provide a report to the Office of the Legislative Fiscal Analyst no later than September 1, 2014 on efforts to pursue Temporary Assistance for Needy Families (TANF) funding for items identified by the Legislature as possible candidates for meeting one or more of the four TANF purposes.

Agency Response: “The department reported on possible candidates for TANF funding as required by the intent language” [<http://le.utah.gov/interim/2014/pdf/00005525.pdf> (New Outcomes – TANF), and <http://le.utah.gov/interim/2014/pdf/00005527.pdf> (\$50,000,000 in TANF Grant Awards – Listed by Cities Only)].

27. Report on Using TANF to Serve Families in Need Statewide (H.B. 2, Item 75):

The Legislature intends the Department of Workforce Services (DWS) actively seek ways to use available Temporary Assistance for Needy Families (TANF) funding to increase services to families in need statewide. The Legislature further intends DWS provide to the Office of the Legislative Fiscal Analyst no later than September 1, 2014 a report that includes a(n): 1) detail of DWS efforts to serve families in need statewide including additional ways of serving families pursued in the prior 6 months, 2) analysis of relevant fiscal implications including implications on systems and staffing, 3) review of demographic data informing why individuals are currently not receiving services, 4) review of other options to implement additional services and programs, 5) inventory of other states currently availing themselves of options not currently in place in Utah, and 6) further options for Legislative consideration to use available TANF funding to better serve families in need statewide.

Agency Response: “The department reported [<http://le.utah.gov/interim/2014/pdf/00004265.pdf>] on using TANF to serve families in need statewide as required by the intent language.”

28. TANF Waiver for Supported Employment Services (H.B. 2, Item 75):

The Legislature intends the Department of Workforce Services seek a Temporary Assistance for Needy Families (TANF) waiver from the United States Department of Health and Human Services during the 2014 Interim. The purpose of the request is to waive federal TANF requirements with regard to supported employment services provided to individuals with disabilities who might otherwise meet the TANF purposes of: provide assistance to needy families so that children can be cared for in their own homes, reduce the dependency of needy parents by promoting job preparation, work and marriage, and encourage the formation and maintenance of two parent families. The Legislature further intends the Department of Workforce Services provide a report on its efforts to seek a federal TANF waiver to the Office of the Legislative Fiscal Analyst no later than September 1, 2014.

Agency Response: “The department requested that the U.S. Department of Health and Human Services (HHS) waive the federal TANF requirement with regard to supported employment services provided to individuals with disabilities who might otherwise meet the TANF purposes. HHS denied the department’s request. [<http://le.utah.gov/interim/2014/pdf/00004423.pdf>]”

29. Performance Measures for New Funding (S.B. 3, Item 73 and H.B. 2, Item 74):

The Legislature intends that the Department of Workforce Services prepare proposed performance measures for all new state funding or TANF federal funds for building blocks and give this information to the Office of the Legislative Fiscal Analyst by June 30, 2014. The Department of Workforce Services shall provide its first report on its performance measures to the Office of the Legislative Fiscal Analyst by October 31, 2014. The Office of the Legislative Fiscal Analyst shall give this information to the legislative staff of the Health and Human Services Interim Committee. If the new money will go to a pass through entity, the Department of Workforce Services shall work with each pass through entity to provide the same performance measure information.

Agency Response: “The department provided its initial report [<http://le.utah.gov/interim/2014/pdf/00004205.pdf>] on performance measures and then the follow up report [<http://le.utah.gov/interim/2014/pdf/00005465.pdf>] was provided to the LFA on October 31, 2014.”

30. Performance Measures for Administration Line Item (S.B. 8, Item 29):

The Legislature intends that the Department of Workforce Services report on the following performance measures for the Administration line item: provide accurate and timely department-wide fiscal administration. Goal: manage, account and reconcile all funds within state finance close out time lines and with zero audit findings by January 1, 2015 to the Social Services Appropriations Subcommittee.

Agency Response: “The department provided accurate and timely department-wide fiscal administration by managing, accounting for, and reconciling all funds for fiscal year 2014 within the time lines required by State Finance and with zero audit findings related to closeout.”

31. Performance Measures for Operations and Policy Line Item (S.B. 8, Item 30):

The Legislature intends that the Department of Workforce Services report on the following performance measures for the Operations and Policy line item: (1) Labor Exchange - Total job placements (Target = 50,000 placements per calendar quarter), (2) Temporary Assistance for Needy Families Recipients - positive closure rate (Target = 70% per calendar month), and (3)

Eligibility Services - internal review compliance accuracy (Target = 95%) by January 1, 2015 to the Social Services Appropriations Subcommittee.

Agency Response: “The Labor Exchange - Total job placements for FY 2014 was 48,598. The Temporary Assistance for Needy Families Recipients - positive closure rate for FY 2014 was 62%, and Eligibility Services - internal review compliance accuracy for FY 2014 was 90%.”

32. Performance Measures for General Assistance Line Item (S.B. 8, Item 31):

The Legislature intends that the Department of Workforce Services report on the following performance measures for the General Assistance line item: (1) Positive closure rate (Supplemental Security Income achievement or closed with earnings) (Target = 45%), (2) General Assistance customers served (Target = 735), and (3) Internal review compliance accuracy (Target = 80%) by January 1, 2015 to the Social Services Appropriations Subcommittee.

Agency Response: “The Positive closure rate was 40%. The General Assistance customers served was 2,210. The Internal review compliance accuracy was 81%.”

33. Performance Measures for Unemployment Insurance Line Item (S.B. 8, Item 32):

The Legislature intends that the Department of Workforce Services report on the following performance measures for the Unemployment Insurance (UI) line item: (1) Percentage of New Employer Status Determinations made within 90 days of the last day in the quarter in which the business became Liable (Target => 70%), (2) Percentage of UI Separation Determinations with Quality scores equal to or greater than 95 points, based on the evaluation results of quarterly samples selected from all determinations (Target => 75%), and (3) Percentage of UI Benefits Payments made within 14 days after the week ending date of the first compensable week in the benefit year (Target => 87%) by January 1, 2015 to the Social Services Appropriations Subcommittee.

Agency Response: “The Percentage of New Employer Status Determinations made within 90 days of the last day in the quarter in which the business became Liable was 95.4%. The Percentage of UI Separation Determinations with Quality scores equal to or greater than 95 points was 90.8%. The Percentage of UI Benefits Payments made within 14 days was 94.0%.”

34. Performance Measures for Housing and Community Development Line Item (S.B. 8, Item 33):

The Legislature intends that the Department of Workforce Services report on the following performance measures for the Housing and Community Development line item: (1) Ending Chronic Homelessness - offer housing to all chronically homeless individuals who want to be housed (Target = 9% reduction per year), (2) Utilities Assistance for Low-income Households - Number of eligible households assisted with home energy costs (Target = 35,000 households), and (3) Weatherization Assistance - Number of low income households assisted by installing permanent energy conservation measures in their homes (Target = 800 homes) by January 1, 2015 to the Social Services Appropriations Subcommittee.

Agency Response: “The Annual Reduction in the Chronically Homeless in FY 2014 was -8.9 percent. The Utility Assistance (HEAT) households served in FY 2014 was 37,092. The Weatherization Assistance, households served for FY 2014 was 569.”

35. Performance Measures for Zoos Line Item (S.B. 8, Item 34):

The Legislature intends that the Department of Workforce Services report on the following performance measures for the Zoos line item: A review of the financial statements is completed every year (the Department of Workforce Services is required only to pass through the funds to

two Utah zoos, Hogle Zoo and Willow Park Zoo - the Department of Workforce Services is also to verify that state funds are used for operations only; no state funds may be used for administration) by January 1, 2015 to the Social Services Appropriations Subcommittee.

Agency Response: "Financial statements have been received and reviewed to ensure that state funds are used for operations expense only."

36. Performance Measures for Special Service Districts Line Item (S.B. 8, Item 35):

The Legislature intends that the Department of Workforce Services report on the following performance measures for the Special Service Districts line item: the Department of Workforce Services is required to pass through the funds to qualifying special service districts in counties of the 5th, 6th and 7th class (this is completed quarterly) by January 1, 2015 to the Social Services Appropriations Subcommittee.

Agency Response: "All funds designated for the qualifying special services districts for the first quarter were distributed in October on schedule. The second quarter distribution will be made in January. The third quarter distribution will be made in April. The fourth quarter distribution will be made in July."

37. Performance Measures for Permanent Community Impact Fund Line Item (S.B. 8, Item 47):

The Legislature intends that the Department of Workforce Services report on the following performance measures for the Permanent Community Impact Fund line item: (1) 100% of new receipts will be invested in communities annually, (2) hire up to 5 rural planners to determine needs and impacts of infrastructure development in rural Utah, and (3) staff and board will meet at least three times per year with representatives of each partnering sector by January 1, 2015 to the Social Services Appropriations Subcommittee.

Agency Response: "(1) The Permanent Community Impact Board is on schedule to commit 100% of new receipts to communities this year; (2) as of February [4], 2015, 4 rural planners have been hired and 1 more will be hired this year; (3) as of February [4], 2015, the Permanent Community Impact Board has met 8 times, with 4 more meetings scheduled yet this fiscal year."

38. Performance Measures for Intermountain Weatherization Training Fund Line Item (S.B. 8, Item 49):

The Legislature intends that the Department of Workforce Services report on the following performance measures for the Intermountain Weatherization Training Fund line item: (1) number of private individuals trained each year (Target => 50) and (2) number of private individuals receiving training certifications (Target => 48) by January 1, 2015 to the Social Services Appropriations Subcommittee.

Agency Response: "To date, 103 individuals have received training, with 21 becoming certified. The program is on target to reach their training goals by year end."

39. Performance Measures for Navajo Revitalization Fund Line Item (S.B. 8, Item 50):

The Legislature intends that the Department of Workforce Services report on the following performance measures for the Navajo Revitalization Fund line item: (1) Allocate new and re-allocated funds within one year to improve the quality of life for those living on the Utah portion of the Navajo Reservation (Target = \$4.57 million allocated) and (2) Improve the housing stock on the Navajo Reservation by investing in new and improved sanitary housing

(Target = \$3.0 million invested) by January 1, 2015 to the Social Services Appropriations Subcommittee.

Agency Response: “As of January, 2015, 95% of the funding has been committed. It is anticipated that all funds will be committed by year-end, assuming the tribal boards bring project applications up for review.”

40. Performance Measures for Olene Walker Housing Loan Fund Line Item (S.B. 8, Item 51):

The Legislature intends that the Department of Workforce Services report on the following performance measures for the Olene Walker Housing Loan Fund line item: (1) Housing units preserved or created (Target = 800), (2) Construction jobs preserved or created (Target = 1,200), and (3) Leveraging of other funds in each project to Olene Walker Housing Loan Fund monies (Target = 9:1) by January 1, 2015 to the Social Services Appropriations Subcommittee.

Agency Response: “The [Olene Walker Housing Loan Fund] is on target to meet these performance goals by year-end. The largest funding round of the fiscal year (conducted in concert with tax credit applications) will occur in January, 2015. For the previous fiscal year, over 900 units were preserved or created and leveraging of OWHLF dollars was 15:1.”

41. Performance Measures for Qualified Emergency Food Agencies Fund Line Item (S.B. 8, Item 52):

The Legislature intends that the Department of Workforce Services report on the following performance measure for the Qualified Emergency Food Agencies Fund line item: distribute, on a first come, first served basis, the sales tax rebates to qualifying food pantries (Target = 100%) by January 1, 2015 to the Social Services Appropriations Subcommittee.

Agency Response: “The [Qualified Emergency Food Agencies Fund] program is on target to meet this goal by year end.”

42. Performance Measures for Uintah Basin Revitalization Fund Line Item (S.B. 8, Item 53):

The Legislature intends that the Department of Workforce Services report on the following performance measure for the Uintah Basin Revitalization Fund line item: allocate new and re-allocated funds within one year to improve the quality of life for those living in the Uintah Basin (Target = \$8.4 million allocated) by January 1, 2015 to the Social Services Appropriations Subcommittee.

Agency Response: “To date, 68% of the funding has been committed. It is anticipated that all funds will be committed by year-end, assuming the tribal boards bring project applications up for review.”

43. Performance Measures for Unemployment Compensation Fund Line Item (S.B. 8, Item 60):

The Legislature intends that the Department of Workforce Services report on the following performance measures for the Unemployment Compensation Fund line item: (1) Unemployment Insurance (UI) Trust Fund Balance is greater than the minimum adequate reserve amount and less than the maximum adequate reserve amount (Target = \$577 million to \$773 million), (2) The Average High Cost Multiple is the UI Trust Fund balance as a percentage of Total UI Wages divided by the Average High Cost Rate (Target => 1), and (3) Contributory Employers UI Contributions Due Paid Timely (Target => 90%) by January 1, 2015 to the Social Services Appropriations Subcommittee.

Agency Response: “The Unemployment Compensation Fund, Trust Fund Balance for FY 2014 was \$730,359,217, which was within the target range from \$577,000,000 to \$773,000,000. The Average High Cost Multiple is the UI Trust Fund balance as a percentage of Total UI Wages divided by the

Average High Cost Rate for FY 2014 was 140%. The contributory employers UI contributions due paid timely was 95%.”

44. Performance Measures for Fund and Account Transfers to the Pamela Atkinson Homeless Account (S.B. 8, Item 63):

The Legislature intends that the Department of Workforce Services report on the following performance measures for the Fund and Account Transfers to the Pamela Atkinson Homeless Account: (1) Hire twenty new case managers by 9/1/14 by partner agencies to provide supportive services to 900 of the chronic homeless currently housed, (2) homeless providers funded by the State (except domestic violence shelter providers) will utilize the Centralized Client Intake and Coordinated Assessment System (Target => 80%), and (3) complete by scheduled date the statewide report of homeless demographics and conditions by county (Target = November 1) by January 1, 2015 to the Social Services Appropriations Subcommittee.

Agency Response: “1) As of January, 2015, 18 case managers have been hired. The original goal reflected a slightly larger appropriation request than what was received, so the target has been modified slightly. 2) Over 80% of our funded agencies are using the coordinated assessment and the VI-SPDAT assessment tool to prioritize clients for housing. 3) This report was completed on October 10, 2014. It is available online at <http://jobs.utah.gov/housing/scso/documents/homelessness2014.pdf>.”

Nonlapsing Balances

Under the Budgetary Procedures Act (UCA 63J-1-602), no revenue collection, appropriation from a fund or account, or appropriation to a program may be treated as nonlapsing unless:

1. It is expressly referenced in UCA 63J-1-602
2. It is designated in a condition of appropriation in the appropriations bill, or
3. Nonlapsing authority is granted under UCA 63J-1-603.

UCA 63J-1-602 also states that “each legislative appropriations subcommittee shall review the accounts and funds that have been granted nonlapsing authority under this section of Section 63J-1-603.”

Intent Language from the 2013 General Session

The following five items of intent language were passed in the 2013 General Session. These items could not be fully reviewed until the close of FY 2014. These five statements can be grouped into the following two categories:

1. Providing nonlapsing authority (four intent language statements)
2. Providing specific direction (one intent language statement)

1. Nonlapsing Authority for Operations and Policy for Special Administrative Expense Account (H.B. 3, Item 80):

Under Section 63J-1-603 of the Utah Code the Legislature intends that up to \$3,900,000 of the appropriations provided for the Operation and Policy line item for the Special Administrative Expense Account in Item 13 of Chapter 14 and Item 92 of Chapter 416 Laws of Utah 2012 not lapse at the close of Fiscal Year 2013. The use of any nonlapsing funds is limited to employment development projects and activities or one-time projects associated with client services. The Legislature further intends DWS provide a detailed status and progress report on the use of Special Administrative Expense Account funds for employment development projects

and activities as well as one-time projects associated with client services to the Office of the Legislative Fiscal Analyst by September 1, 2013. (The agency nonlapsed \$3,900,000).

Agency Response: “The department submitted a ‘detailed status and progress report’ concerning the use of Special Administrative Expense Account funds to the Office of the Legislative Fiscal Analyst prior to September 1, 2013. The department used the nonlapsing funds in fiscal year 2014 for employment development projects.” The full report is available at <http://le.utah.gov/interim/2013/pdf/00003196.pdf>.

2. Nonlapsing Authority for Operations and Policy for Affordable Care Act (H.B. 3, Item 80):

Under Section 63J-1-603 of the Utah Code, the Legislature intends that up to \$667,600 for Operations and Policy not lapse at the close of Fiscal Year 2013. The use of any non-lapsing funds is limited to compliance with Affordable Care Act legislation. (The agency nonlapsed \$244,300).

Agency Response: “The department nonlapsed \$244,300 of the fiscal year 2013 General Fund appropriation to develop and modify systems for the Affordable Care Act (ACA) mandatory changes. Nonlapsing funds were used in fiscal year 2014 to complete system development and modifications to ensure the department met ACA requirements.”

3. Nonlapsing Authority for General Assistance (H.B. 3, Item 81):

Under Section 63J-1-603 of the Utah Code the Legislature intends that up to \$600,000 of the appropriations provided for the General Assistance line item in Item 14 of Chapter 14 Laws of Utah 2012 not lapse at the close of Fiscal Year 2013. The use of any nonlapsing funds is limited to computer equipment/software and one-time projects associated with client services. (The agency nonlapsed \$172,200).

Agency Response: “The department nonlapsed \$172,200 of fiscal year 2013 General Fund in this line item. The department used \$43,300 of this nonlapsing funding for one-time costs associated with General Assistance services. There were no other one-time costs, so the remaining \$128,900 lapsed at the end of fiscal year 2014.”

4. Nonlapsing Authority for Pamela Atkinson Homeless Trust Fund Special Projects (H.B. 3, Item 133):

Under Section 63J-1-603 of the Utah Code, the Legislature intends that up to \$1,500,000 of Item 63 of Chapter 416, Laws of Utah 2012 of unused funds appropriated for the Pamela Atkinson Homeless Trust Fund Special Projects line item not lapse at the close of Fiscal Year 2013. The use of any nonlapsing funds is limited to building projects. (The agency nonlapsed \$1,000,000).

Agency Response: “The department nonlapsed \$1,000,000 at the close of fiscal year 2013. This funding is for capital improvement projects at Lantern House and Volunteers of America. The department also nonlapsed this funding at the close of fiscal year 2014 (see item 7 above). The capital improvement projects are now underway.”

5. Align Supplemental Nutrition Assistance Program Regulations and Medicaid Regulations (H.B. 3, Item 80 & S.B. 2, Item 84):

The Legislature intends that to the extent possible with existing appropriations, the Department of Workforce Services shall align Supplemental Nutrition Assistance Program regulations and Medicaid regulations.

Agency Response: “The department applied for a waiver from USDA Food and Nutrition Service (FNS) to eliminate the requirement to interview customers who apply for SNAP benefits. This was

done to align Supplemental Nutrition Assistance Program (SNAP) regulations with the Medicaid regulations which do not require department personnel to interview customers who apply for Medicaid. To prove the concept, FNS approved the department to participate in a pilot program to eliminate the interview requirement for 20% of SNAP cases. The pilot program concluded in November 2013. FNS is currently analyzing the accuracy of SNAP cases opened without an interview compared to the cases opened with an interview to assess whether they will allow the department to eliminate the interview requirement for all SNAP customers.”