



HUMAN SERVICES NONLAPSING AND LAPSING BALANCES

SOCIAL SERVICES APPROPRIATIONS SUBCOMMITTEE
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ISSUE BRIEF

SUMMARY

The Department of Human Services has numerous revenue sources. While most of these sources are fully spent in any given year, this brief summarizes unused funds at the end of fiscal years resulting either in the funds being: 1) carried forward into the subsequent fiscal year (called *nonlapsing funds*) or 2) returned to the state General Fund (called *lapsing funds*). This brief also provides a seven-year history of unspent funds at year-end for the various divisions within the department.

LEGISLATIVE ACTION

This issue brief is for information only.

BACKGROUND

The Department of Human Services has numerous revenue sources. These sources include state General Fund, state restricted funds, federal funds, collections known as *dedicated credits*, and *revenue transfers* such as federal Medicaid funds from the Department of Health. Not all of these sources are fully spent in a given year. This may result from: 1) timing differences in how expenditures happen; 2) lower expenses realized than appropriations provided; or 3) strategic department planning to provide itself with excess unobligated funds to use for a reserve or for specific projects.

NONLAPSING BALANCES IN STATUTE

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](#).”

HISTORY OF YEAR-END NONLAPSING AND LAPSING FUNDS

Table 1 on pages 2-3 shows a seven-year history of year-end nonlapsing and lapsing funds by division within the Department of Human Services.

HUMAN SERVICES NONLAPSING AND LAPSING BALANCES

Department of Human Services Nonlapsing and Lapsing Funds History

Division	Type	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014	FY 2015	FY 2016	Purpose/Explanation
Executive Director Operations	Closing Nonlapsing (All General Fund)	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 17,800	\$ 17,800	FY2007: Non-lapse: \$391,300 for eREP associated enhancement, \$10,000 for Foster Care Citizen Review Board; Lapse: \$150,000 for inter-county-adoptions Licensing funding not used.
	Lapsing Balance (All General Fund)	\$ 606,000	\$ 56,900	\$ 149,800	\$ 16,400	\$ 25,600	\$ -	\$ -	FY2008: Non-lapse: \$271,000 for eREP associated enhancement, \$2,068,300 for DORA; Lapse: \$114,400 for inter-county-adoptions Licensing funding not used.
	General/Education Fund	\$ 7,966,600	\$ 7,489,400	\$ 7,107,400	\$ 7,108,500	\$ 7,697,100	\$ 8,020,900	\$ 8,020,900	FY2009: eREP associated funding not used. FY2010 - FY2016: Program funding not used.
Substance Abuse and Mental Health	Closing Nonlapsing (All General Fund)	\$ 114,700	\$ 249,500	\$ 208,800	\$ 254,800	\$ 294,000	\$ 1,106,100	\$ 986,200	FY2007: Nonlapsing - Unexpended balances in MH Therapist Scholarship and Veteran's Mental Health Counseling. Also \$50,000 authorized for Line Item unexpended balance. Lapsing - \$25,200 to Restricted Fund 1112 and balance of Line Item under expenditures.
	Lapsing Balance (All General Fund)	\$ 1,810,300	\$ 103,700	\$ -	\$ 236,800	\$ 258,200	\$ 100,500	\$ 170,400	FY2008: Nonlapsing - Unexpended balances in MH Therapist Scholarship, Veteran's Mental Health Counseling, and State Substance Abuse Services. Lapsing - \$25,100 to Restricted Fund 1112 and Line Item under expenditures (mostly State Hospital). FY2009: Nonlapsing - Drug Courts unexpended balance and \$50,000 authorized for Line Item unexpended balances. Lapsing - \$20,300 to Restricted Fund 1112 and Line Item under expenditures (mostly State Hospital and Children's Outplacement). FY2010: Nonlapsing - Drug Courts and State Substance Abuse Services unexpended balances and \$3,300 for line item unexpended balances. Lapsing - \$31,800 to Restricted Fund 1112 and Line Item under expenditures (mostly State Hospital and Children's Outplacement). FY2011: Nonlapsing - Drug Courts and State Substance Abuse Services unexpended balances. Also \$50,000 authorized for Line Item unexpended balances. Lapsing - \$45,500 to Restricted Fund 1112 and Line Item under expenditures (mostly State Hospital and Children's Outplacement). FY2012: Nonlapsing - Drug Courts and State Substance Abuse Services unexpended balances. Also \$47,100 for Line Item unexpended balances. Lapsing - \$48,800 to Restricted Fund 1112 and no amounts to Unrestricted General Fund (Fund 1000). FY2013: Nonlapsing - Drug Courts and State Substance Abuse Services unexpended balances. Also \$50,000 authorized for Line Item unexpended balances. Lapsing - \$129,800 to Restricted Fund 1112 and Line Item under expenditures (mostly Community Mental Health Services, State Hospital, and DORA). FY2014: Nonlapsing - State Substance Abuse Services unexpended balances. Also \$50,000 authorized for Line Item unexpended balances. Lapsing - \$137,047 to Restricted Fund 1112 and Line Item under expenditures (mostly Community Mental Health Services and State Hospital). FY2015: In the 2014 Legislative Session, the Legislature appropriated funding for FY15 and FY16 in HB2 line item 79 of 2014 Session. It outlined \$720,400 for the FY16 budget year, which explains why the Closing Nonlapsing amount is higher than normal. FY2016: Nonlapsing - State Substance Abuse, Mental Health and Utah State Hospital unexpended balances related to continued IRI system enhancements and the State Hospital's phone system upgrade. Lapsing - \$170,300 to Restricted Fund 1112.
	General/Education Fund	\$ 83,868,200	\$ 80,865,400	\$ 84,745,400	\$ 90,236,000	\$ 95,255,700	\$ 99,869,000	\$ 106,557,500	
Services for People with Disabilities	Closing Nonlapsing (All General Fund)	\$ 17,500	\$ 73,600	\$ 695,000	\$ 2,717,400	\$ 6,676,200	\$ 1,186,700	\$ 439,900	One-time savings from building block appropriations and one-time savings from attrition. FY2014: The closing nonlapsing balance was higher at the end of FY2014 due to delays in receiving services. The average time for someone to receive service after coming off the waiting list has more than double between FY 13 and FY 14. This delay causes a build-up of one-time funds. It is believed that the cause of this delay is the lack of provider capacity due to low average wages for direct services workers. A rate increase is included in the Governor's budget. The funds are used according to statute (62A-5-102 (7) and legislative intent. FY2015 and FY2016: One-time savings from building block appropriation and one-time savings from attrition.
	Lapsing Balance (All General Fund)	\$ 100	\$ 100	\$ 100	\$ 100	\$ 100	\$ 100	\$ 100	For FY 2009, DSPD collected more ARRA than appropriated. The Division lapsed General Fund in an amount that equaled that additional ARRA collection.
	General/Education Fund	\$ 36,043,900	\$ 44,835,600	\$ 57,517,600	\$ 65,863,900	\$ 69,553,200	\$ 67,826,800	\$ 81,213,300	
Office of Recovery Services	Closing Nonlapsing (All General Fund)	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	In 2006, Legislature Intent language in SB4 stated that funds appropriated to ORS for eREP-related enhancements were nonlapsing. Of the \$37,400 appropriated, \$8,200 were non-lapsing at the end of the year.
	Lapsing Balance (All General Fund)	\$ 1,700	\$ 1,503,300	\$ 1,900	\$ 3,000	\$ 100	\$ 10,200	\$ 8,600	All lapsing balances are General Fund. In most years, there is a fairly insignificant amount lapsing that is just due to coming in as close to the budgeted amount as possible. In FY 2011, ORS was able to cut its budget much faster than anticipated and still had ARRA funds available. Use of the ARRA funds was maximized in lieu of General Fund, and the remaining unused 1.5 million was allowed to lapse back to the General Fund.

HUMAN SERVICES NONLAPSING AND LAPSING BALANCES

Department of Human Services Nonlapsing and Lapsing Funds History									
Division	Type	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014	FY 2015	FY 2016	Purpose/Explanation
Child and Family Services	Closing Nonlapsing (All General Fund)	\$ 3,764,200	\$ 7,809,300	\$ 7,254,000	\$ 5,690,500	\$ 134,500	\$ 747,600	\$ 1,219,000	<p>There are three main reasons that contribute to Non-lapsing balances. First, the amount of Dedicated Credits and Federal Funds the division receives. Per the Budgetary Procedures Act these must be spent first. Next, employee turnover can have a big impact on Non-lapsing balances. Sometimes economic factors outside the division's control contribute to turnover. Lastly, client counts may be lower than originally projected at the time the request is done. Historically, the division has kept a high Non-lapsing balance as a buffer for the fluctuations that can come from fewer Federal dollars, low turnover, or higher client counts. In addition, when the division has opportunities such as the Title IV-E Waiver or expanding In-Home services the Non-lapsing balances allows the division the flexibility needed to ramp up services and hire staff needed for a successful launch.</p> <p>FY2014: To address concerns with employee morale, DCFIS instituted a practice of hiring employees in anticipation of turnover. This allowed the division to have their employees fully trained before moving them into the field and improved retention. The practice was continued as funding allowed.</p> <p>FY2015: This balance consists of four items. First, \$400,000 was non-lapsed for the Grand Families program to continue in FY 2016 & FY 2017 (see 2014 General Session House Bill 2 Item 82). Next, the division carried forward \$12,500 for the National Professional Men's Basketball funding for Women and Children issues to be sent out in FY 2016 (See UC 62A-1-202(5)). Third, \$197,900 was non-lapsed for the adoption subsidy savings to be used in Title IV-E or Title IV-B activities that enhance in-home, service delivery and adoption assistance. Lastly, \$137,200 non-lapsed to continue the practice of hiring employees in anticipation of turnover. This allowed the division to have their employees fully trained before moving them into the field and improved retention. The practice was continued as funding allowed.</p> <p>FY2016: \$200,000 was non-lapsed for the Grand Families program to continue in FY 2017 (see 2014 General Session House Bill 2 Item 82). \$36,500 was non-lapsed for the adoption subsidy savings to be used in Title IV-E or Title IV-B activities that enhance in-home, service delivery and adoption assistance (See P.L. 112-34 [Social Security Act Section 473(e)]). \$70,700 was reinvested into in-home services according to the IV-E federal waiver. The purpose of this reinvestment of funds is to increase capacity to keep children safely at home and reduce the need for foster care, in accordance with Utah's Child Welfare Demonstration Project authorized under Section 1130 of the Social Security Act (Act) (42 U.S.C. 1320a-9), which grants a waiver for certain foster care funding requirements under Title IV-E of the Act. \$575,000 is expected to be used to acquire additional vehicles to expand the DCFIS state fleet, in addition, we've funded one-time adoption assistance expenses in the amount of \$216,800 per Under Section 63J-1-603 of the Utah Code, the Legislature intends that any remaining funds provided for the Division of Child and Family Services, in Item 30, Chapter 10, Laws of Utah 2015 not lapse at the close of Fiscal Year 2016.</p>
	Lapsing Balance (All General Fund)	\$ 7,438,800	\$ -	\$ -	\$ -	\$ 27,700	\$ 223,300	\$ 63,648	<p>Lapsing funds usually come from Appropriation Units that don't have Non-lapsing authority (FY 2007 - FY 2009). With the unbundling change starting in FY 2011, more General Fund was given so a large lapsing balance occurred. From FY 2011 through FY 2013, all unexpended funds became Non-lapsing for purposes mentioned above. Starting in FY 2014, the Choose Life (\$25,000) and Children's Account (\$2,700) General Fund Restricted funds lapsed balance back. For FY 2015, Choose Life (\$25,000), Domestic Violence (\$142,700) and Children's Account (\$55,200) General Fund Restricted accounts lapsed the above amounts back into their respective funds. General Fund of \$400 was lapsed. For FY 2016, Choose Life (\$25,000) and Domestic Violence (\$38,200) General Fund Restricted accounts lapsed the above amounts back into their respective funds. General Fund of \$448 was lapsed.</p>
	General/Education Fund	\$ 91,554,600	\$ 112,714,700	\$ 101,635,800	\$ 104,199,800	\$ 106,940,400	\$ 113,172,000	\$ 113,172,000	
Aging and Adult Services	Closing Nonlapsing (All General Fund)	\$ -	\$ 8,900	\$ -	\$ -	\$ 230,500	\$ 273,500	\$ 220,600	<p>In FY07, DAAS was granted \$100,000 non-lapsing authority (2007GS, SB1). These funds were given to individual Area Agencies by the State Board of Aging through a competitive application process. In regards to FY11, \$8,900 in non-lapsing authority was granted (2011GS, HB3) and was limited to lease expenditures.</p> <p>FY2014: Closing nonlapsing in FY14 DAAS was granted \$230,500 non-lapsing authority. \$213,500 is to be used for client services for the Aging Waiver consistent with the requirements found at UCA 63J-1-603(3)(b). \$17,000 is to be used for Adult Protective Services for the purchase of computer equipment and software, capital equipment or improvements, equipment or supplies consistent with the requirements found at UCA 63J-1-603.</p> <p>FY2015: Closing nonlapsing in FY15 DAAS was granted \$273,500 non-lapsing authority. \$223,500 is to be used for client services for the Aging Waiver consistent with the requirements found at UCA 63J-1-603(3)(b). \$50,000 is to be used for Adult Protective Services for the purchase of computer equipment and software, capital equipment or improvements, equipment or supplies consistent with the requirements found at UCA 63J-1-603.</p> <p>FY2016: Closing nonlapsing in FY16 DAAS was granted \$220,600 non-lapsing authority. \$170,600 is to be used for client services for the Aging Waiver consistent with the requirements found at UCA 63J-1-603(3)(b). \$50,000 is to be used for Adult Protective Services for the purchase of computer equipment and software, capital equipment or improvements, equipment or supplies consistent with the requirements found at UCA 63J-1-603.</p>
	Lapsing Balance (All General Fund)	\$ 270,300	\$ 288,200	\$ 58,200	\$ 63,200	\$ 100	\$ 100	\$ 35	<p>In FY11, DAAS lapsed \$20,900 from Fund 1115 Restricted Revenue related to the Alzheimer's Task Force. All other lapsing balances mainly originated from the Aging Waiver, Aging Alternatives, and Adult Protective Services (APS) programs. For the Aging Waiver and Alternatives programs, most of the funds are passed through to the local Area Agencies on Aging. The lapsing balances are likely attributed to timing of attrition and the time it takes to bring an individual on to services. The APS non-lapsing balances are mainly attributed to turnover savings.</p> <p>FY2014: The \$100 lapsing balance is due to a rounding error. Any FY14 unexpended funds are to be used for the intended purpose as explained in the cell above. Unexpended funds mainly originate from the Aging Waiver, Aging Alternatives, and Adult Protective Services (APS) programs.</p> <p>FY2015: The \$100 lapsing balance is due to a rounding error. Any FY15 unexpended funds are to be used for the intended purpose as explained in the cell above. Unexpended funds mainly originate from the Aging Waiver, Aging Alternatives, and Adult Protective Services (APS) programs.</p> <p>FY2016: The \$35 lapsing balance is due to a rounding error. Any FY16 unexpended funds are to be used for the intended purpose as explained in the cell above. Unexpended funds mainly originate from the Aging Waiver, Aging Alternatives, and Adult Protective Services (APS) programs.</p>
	General/Education Fund	\$ 12,461,400	\$ 12,342,700	\$ 12,421,300	\$ 12,767,500	\$ 13,012,800	\$ 13,136,200	\$ 13,136,200	
Human Services	Closing Nonlapsing	\$ 3,896,400	\$ 8,141,300	\$ 8,157,800	\$ 8,662,700	\$ 7,335,200	\$ 3,331,700	\$ 2,883,500	
	Lapsing Balance	\$ 10,127,200	\$ 1,952,200	\$ 210,000	\$ 319,500	\$ 311,800	\$ 334,200	\$ 242,783	
	General/Education Fund	\$ 245,096,100	\$ 271,956,900	\$ 276,119,900	\$ 292,711,100	\$ 305,193,100	\$ 315,060,400	\$ 335,135,400	

Table 1