



# Fiscal Note and Budget Item Follow-Up Report

Executive Appropriations Committee

ISSUE BRIEF

## SUMMARY

This report reviews a limited number of fiscal notes and budget items from past legislative sessions to assess the accuracy of earlier estimates, report the current status of associated initiatives, and recommend potential future budget actions. It assesses the work of state agencies and institutions as well as the Office of the Legislative Fiscal Analyst (LFA). The findings not only relate to these specific initiatives themselves, but they will also improve the accuracy of future fiscal notes and budget items.

To prepare this report we reviewed 232 budget items, including those associated with bills. We reviewed primarily items from the 2017 General Session and select items from the 2015 through the 2018 General Sessions. We considered three key criteria, using agency input, supplemental information, and internal analysis:

- **Implementation:** Was the item fully implemented in a timely manner?
- **Accuracy:** Was the estimated cost or collection amount accurate compared to actual experience?
- **Performance:** Was performance measured? How successful was the item?

Using these criteria, we identified items for which an action of the Legislature, LFA, or a state agency or institution could improve the outcome of that item or inform future budget items. We included only items with recommended actions -- a total of 84 or 36 percent -- in the body of this report. (Additional information about item assessment is available in Appendix A.)

Because we selected items based on the opportunity for action, the report does not provide an assessment of the overall quality of work by state agencies or institutions or LFA on average or in total. At the end of the report, we compiled a list of items that we reviewed but which did not need a recommendation, as they were proceeding appropriately and the initial estimates were reasonably accurate. (A list of reviewed items is available in Appendix B. Detailed information on any budget item not included in the report may be requested directly from LFA.)

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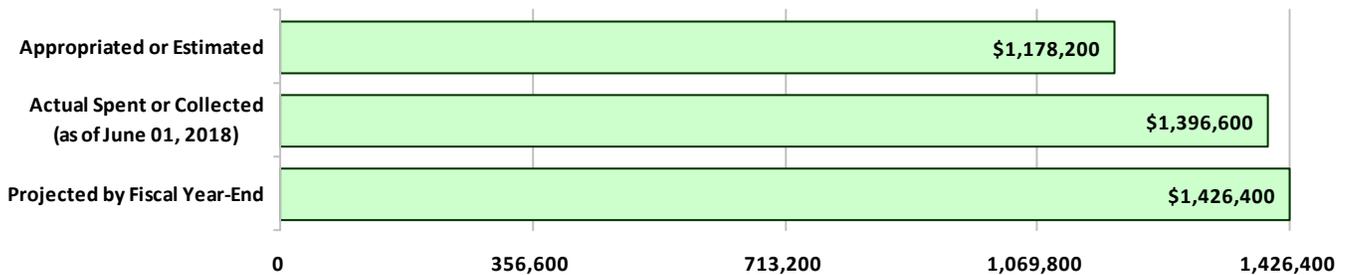
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## 2017 G.S. H.B. 239 - Juvenile Justice Amendments

Sponsor: Rep. V. Snow

Analyst: Alexander Wilson

Committee: EOCJ



### Explanation

Following recommendations from Pew Charitable Trusts and a collaborative effort of Utah State agencies forming the Utah Juvenile Justice Working Group, the Legislature passed H.B. 239 and reformed the Utah Juvenile Justice System. The bill affected all government agencies that work with juveniles whose behavior reaches state intervention. The bill had a fiscal impact on the Division of Child and Family Services (DCFS), the Division of Juvenile Justice Services (JJS), the Attorney General's Office, the Commission on Criminal and Juvenile Justice (CCJJ), and the Judiciary. This report points out issues found in our follow-up of the bill's implementation in each agency.

### 2018 Appropriations

Juvenile Courts: \$912,800 ongoing; \$87,200 one-time (Total \$1,000,000)

Attorney General: \$178,200 one-time

### Issue of Interest

#### Division of Juvenile Justice Services (JJS) -

The Legislature did not appropriate any additional funds to JJS, but JJS did a significant amount of funding reallocation during the implementation of this bill. By using year-to-date expenditures from January 1, 2018, JJS provided a detailed outline of estimated reallocations which resulted in a savings of \$380,700. As of June 1, 2018, JJS has spent \$2.2 million less than the January reallocation estimate. JJS attributes this difference to the timing of the report before the close of the fiscal year and delay in implementation. During the 2018 General Session, due to an audit released during the session by the Office of the Legislative Auditor General, the Legislature took: \$1,000,000 one-time from a delay in performance based contracts; \$400,000 ongoing from January estimated savings and; \$1.11 million from the restructuring of In-Home Observation and Assessment.

#### Division of Child and Family Services (DCFS) -

Prior to H.B. 239, the juvenile courts sometimes ordered youth into foster care for delinquency. Following H.B. 239, the courts instead refer youth to the Division of Child and Family Services (DCFS) for an assessment. Youth may still enter foster care but for other reasons, such as neglect or dependency (the inability of a parent or guardian to care for the youth appropriately). Since implementation, the number of youth age 12 and over entering foster care for delinquency has declined precipitously, whereas the number of youth entering for neglect and dependency has increased by an almost equal amount. Thus, the bill has successfully reduced delinquency placements. DCFS expects that the same youth are entering foster care, except through a different pathway. However, these data are aggregate totals and not based on tracking of individual youth.

#### Judiciary -

The Legislature appropriated \$1,000,000 (\$912,800 ongoing and \$87,200 one-time) to the Judiciary for the implementation of this bill. The Legislature intended the \$1,000,000 to cover the \$700,000 fiscal note for programming costs and \$300,000 for hiring. Future years appropriations would cover additional ongoing costs for

## 2017 G.S. H.B. 239 - Juvenile Justice Amendments

Sponsor: Rep. V. Snow

Analyst: Alexander Wilson

Committee: EOCJ

the Judiciary as reported in the fiscal note. The courts, to date, have spent \$1,074,500 on implementing the first phase of the case management programming. The second phase of programming is currently not designed and is intended to fix unforeseen issues that will arise and therefore has no cost estimate. The Judiciary hired 2 FTEs as Evidence Based Practice/Quality Assurance Coordinators in October 2017 and 0.5 FTE as a Finance Officer/Performance Based Contract Specialist in September 2017. To date the Judiciary has spent \$150,000 on the new positions and estimates a year-end cost of \$179,800. The Judiciary has indicated it has absorbed additional costs above appropriated amounts by shifting internal resources and postponing IT projects, specifically general updates for CARE and CORIS.

### Potential Action

Division of Juvenile Justice Services (JJS) -

We recommend the Legislature follow up on the implementation of this bill in JJS in future years to ensure there is not a surplus or deficit of reallocated funds and that only legislative priorities are funded.

Division of Child and Family Services (DCFS) -

We recommend that DCFS continue to track these data -- and track individual youths to the extent possible -- to understand the full effects of H.B. 239 over time and to determine the reasons for the changing trends in foster care placements based on delinquency, neglect, and dependency, and report these data for the first full year of implementation to the Social Services Appropriations Subcommittee before or during the 2019 General Session.

Judiciary -

We recommend that the Legislature follow-up on the implementation of this bill by the Judiciary in future years to ensure appropriations accurately account for expenses incurred as a result of the bill and quality outcomes within the fiscal restraints.

### Courts Response

Supports "As the major policies of this bill have just taken effect as of July 1, we recommend the Legislature continue to follow up on the fiscal impact of this bill to ensure that the yet unknown impacts will be address to ensure the quality results of the policy."

### Human Services Response

Supports "The Division of Juvenile Justice Services supports the Analyst's recommendation that the Legislature follow up on implementation of this bill in future years to ensure correct amount of appropriation when implementation is complete. Some provisions of H.B. 239 were not effective until July 1, 2018. For other provisions that were effective August 1, 2017 the agency does not have a full year of expense history."

### Human Services Response

Supports "The Division of Child and Family Services supports the recommendation that the division continue to track data to understand the effects of H.B. 239 and report on requested data to Social Service Subcommittee during 2019 General Session."

## 2015 G.S. Aging Waiver

Analyst: Clare Lence

Committee: SS



### Explanation

The Aging Waiver is one of Utah's eight Home and Community-Based Waivers, which allow the State to keep people out of institutional settings by providing supportive services in the community. The waiver allows the State to manage costs by limiting enrollment according to available funds. The Aging Waiver serves older adults who meet income and other eligibility qualifications, allowing them to maintain their independence and postpone costly institutional placement. During the 2015 General Session, the Legislature appropriated an additional \$200,000 ongoing General Fund beginning in FY 2016 to support the existing program and bring more individuals into services.

### Issue of Interest

With this appropriation and one-time nonlapsing funds, the Division of Aging and Adult Services (DAAS) brought all eligible individuals into services. However, the division had fewer nonlapsing funds available in subsequent years and clients in services became more costly, due to medical cost increases and longer life expectancy. As a result, Aging Waiver costs exceeded available funds in FY 2017 and likely will again in FY 2018. In FY 2017, the division transferred funds from another program, Local Government Grants – Formula Funds, to cover costs and in FY 2018, the division implemented a freeze on admitting new clients. As a result, the number of clients increased significantly in FY 2016 and FY 2017 but was notably lower in FY 2018:

- FY 2015 - 636 clients served
- FY 2016 - 731 clients served
- FY 2017 - 738 clients served
- FY 2018 - 465 clients served (through May 14, 2018)
- FY 2019 - 450 clients served (estimated as of June 2018)

DAAS anticipates balancing the Aging Waiver budget in FY 2019 but for the number of clients served to remain low and the number of individuals waiting for services to increase. As of June 2018, 267 individuals had applied for services and were on the waiting list. Although the freeze should be effective in managing the budget, it could leave the neediest older adults without services, or cause them to be served in a nursing home at significantly higher cost to the State (average waiver client costs were 15.3 percent of nursing home costs in FY 2017).

For FY 2019, the Legislature appropriated an additional \$100,000 one-time General Fund to the Aging Waiver. The practice of appropriating one-time funding for ongoing services, like using one-time nonlapsing funds for services, is detrimental to the long-term sustainability of the program.

### Potential Action

We recommend that the division:

1. Avoid utilizing nonlapsing funds, which are one-time in nature, to bring new individuals into services; and

## 2015 G.S. Aging Waiver

Analyst: Clare Lence

Committee: SS

2. Track of the number of individuals served and waiting for services, by local agency and in aggregate, and report these data annually in the Legislature’s Compendium of Budget Information (COBI), to accurately communicate the demand for services.

We further recommend that the Legislature:

3. Avoid appropriating one-time funding for ongoing services; and

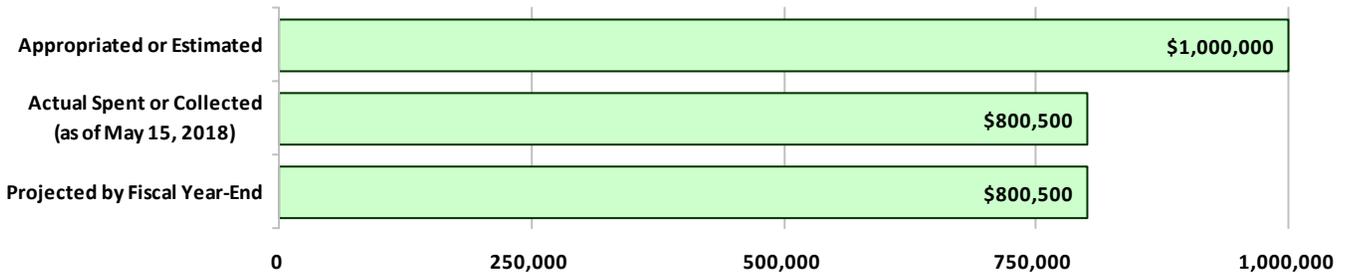
4. Consider a target for the number of individuals or a percentage of the individuals on the waiting list it wishes to serve and provide the needed ongoing funding, given that unserved individuals may enter nursing home care at a significantly higher cost.

### Human Services Response

Supports “The Division of Aging agrees to avoid using non-lapse funding unless there is a one-time circumstance in needing to cover services. The Division of Aging agrees with tracking the waiting list, as it currently does monitor applicants at a county (AAA) [Area Agency on Aging] level.”

**2015 G.S. Nurse Family Partnership**

Analyst: Russell Frandsen      Committee: SS



**Explanation**

The Legislature approved \$1,000,000 one-time in federal funds in FY 2016 for the Department of Health to contract for nurse home visits for low-income mothers who are pregnant or have a child under two years of age.

**Issue of Interest**

The program reported on the two performance measures below to reflect its impact. For the second measure the program performed well below its goal.

- 1) Increase in the percent of babies born at 37 weeks or later as compared to the general population -- 6.2 percent in the intervention group compared to the Utah average of 9.3 percent; and
- 2) Increase in the percent of infants screened for the Ages and Stages Questionnaire 3 by six months of age -- 42 percent in the intervention group compared to the Utah average of 64 percent.

The department indicates that the percent of infants screened dropped significantly because contracted employees learned that the program would be ending and sought employment elsewhere before the conclusion of the contract. Further, there were no consequences for contractors who failed to meet the performance goals.

**Potential Action**

We recommend that the Department of Health determine ways to improve contracting for services by (1) better enforcing performance goals and (2) maintaining contracted service through the end of contracts even if those contracts will not be renewed and report the results to the Social Services Appropriations Subcommittee.

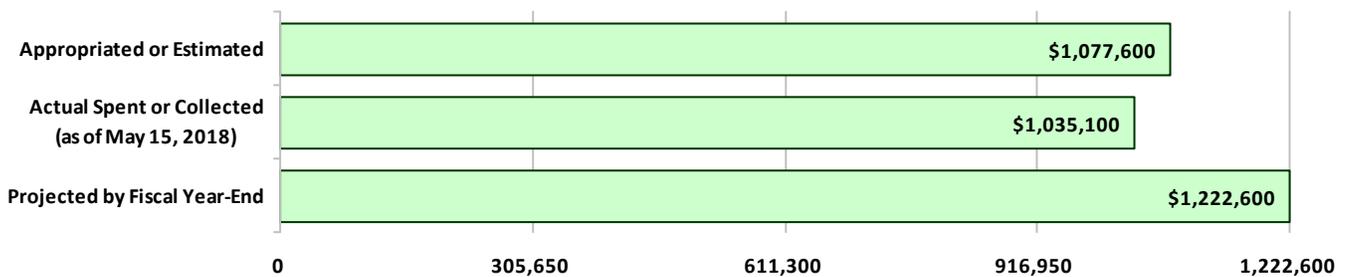
Health Response

Opposes      "The Division opposes the recommendation as it is currently proposed. This was a unique situation in which the Department/Division collaborated with sub-recipients to close down programs due to federal fiscal cuts while providing quality Nurse Family Partnership Home Visitation services to families for as long as possible."  
 "Family Health and Preparedness (FHP) has already developed and implemented a contract monitoring procedure to better track and enforce performance goals. This includes performance standard language into contracts. (Example: "The Sub-Recipient agrees to a minimum of two on-site monitoring visits, or at a frequency determined necessary and conducted by the DEPARTMENT to determine if the Sub-Recipient is in compliance with requirements set forth in this CONTRACT. 2. The Sub-Recipient agrees to develop, in conjunction with the DEPARTMENT, Continuous Quality Improvement Plans and/or Corrective Action Plans with strategies and timelines for correction and prevention of noncompliance identified during a monitoring review")."

## 2016 G.S. Medical Examiner Improve Autopsy Report Turnaround Times

Analyst: Russell Frandsen

Committee: SS



### Explanation

The Legislature provided ongoing funding of \$1,077,600 total funds (\$794,100 General Fund and \$283,500 dedicated credits) for 6.5 full-time equivalent (FTE) employees (including 2.5 FTE medical examiners) in the Department of Health - Office of the Medical Examiner (OME) to improve turnaround times for autopsy reports. The increase in dedicated credits is from an increase in the cremation fee from \$55 to \$100. As of January 2016, the office reported completing 75 percent of reports within 15 weeks. The office was also experiencing growth in the number of examinations, at an average increase of seven percent annually from FY 2010 to FY 2015. According to national accreditation standards, the office should have, at most, 325 cases per medical examiner annually. When fully staffed, the office had a caseload of 410 per medical examiner, but anticipated that an addition of 2.5 FTEs would decrease caseloads to 290.

### Issue of Interest

Minimum national accreditation standards require 90 percent of reports to be completed within 90 days; the ideal benchmark is 90 percent within 60 days. The OME has not applied for accreditation previously because caseloads and timeliness of reporting were higher than the required minimums. The Department of Health has used three different standards for reporting the time to 90 percent completion:

- (1) 42 days - Original performance measure for 2016 General Session building block, see page 4 of <https://le.utah.gov/interim/2016/pdf/00001203.pdf>;
- (2) 84 days - Agency proposed performance measures for building blocks funded in the 2016 General Session, see page 1 of <https://le.utah.gov/interim/2016/pdf/00002490.pdf>; and
- (3) 60 days - Original performance measure for 2018 General Session building block, citing national accreditation standards, see page 7 of <https://le.utah.gov/interim/2018/pdf/00001503.pdf>.

### Potential Action

We recommend that the Department of Health choose a consistent standard for reporting its performance on the percentage of reports completed to facilitate comparison of progress over time. Further, we recommend that the department inform the Social Services Appropriations Subcommittee of its progress in pursuing national accreditation for the OME.

### Health Response

Supports "The Department of Health supports the fiscal analyst's recommendation. The OME will use the national accreditation standard of 90% of case reports complete within 60 days as the benchmark for their performance. This is in line with ongoing QI metrics developed by the Department as well. As workload and staffing and performance measures meet accreditation standards, full accreditation will be sought and the Department will inform the committee of its progress in that direction."

## 2017 G.S. Behavioral Health Treatment of Justice Reform Population

Analyst: Clare Lence

Committee: SS



### Explanation

During the 2015 General Session, the Legislature passed H.B. 348, “Criminal Justice Programs and Amendments,” otherwise known as the Justice Reinvestment Initiative (JRI). At that time, the estimated cost of substance use disorder and mental health treatment for criminal justice-involved individuals was \$20.9 million. The Division of Substance Abuse and Mental Health (DSAMH) received \$4.9 million ongoing General Fund to pass through to Local Authorities to help meet this need. The Legislature appropriated an additional \$6.0 million ongoing General Fund for the item called “Behavioral Health Treatment of Justice Reform Population” for the same purpose during the 2017 General Session. The Legislature further directed, through S.B. 261, “Substance Use Disorder Programs” (2017 General Session) that this \$6.0 million be distributed through an application process and a Justice Reinvestment Committee (JRC), rather than through the usual DSAMH distribution formulas. As of June 6, 2018, the division had disbursed \$4,342,300 to Local Authorities but anticipated the full contracted amount of \$5,851,300 would be disbursed by the close of the fiscal year, consistent with local disbursements of other DSAMH funds. DSAMH expended the remaining balance of about \$150,000 for state-level administration.

### Issue of Interest

In FY 2017, substance use disorder and mental health treatment funded from the original JRI appropriation cost \$536 on average per client (with a range of \$316 to \$1,645, depending on the Local Authority). With the additional \$6.0 million added in FY 2018, and projecting from the reporting date of May 2, 2018 through the end of the fiscal year, the average cost-per-client increased to \$939 (with a range of \$388 to \$2,565). The division reports that Local Authorities are investing in different types of treatment, namely residential treatment programs, which are more expensive per client but should exhibit improved outcomes.

### Potential Action

We recommend that the division present a five-year (FY 2014-2018) history of outcomes data for substance use disorder and mental health treatment for criminal justice-involved individuals to the Social Services Appropriations Subcommittee before or during the 2019 General Session, to allow the committee to assess whether the investment in more intensive, expensive therapies and the resulting increase in cost-per-client expenditures has improved outcomes for this population. The division currently tracks these data and reports annually on its website: <https://dsamh.utah.gov/reports/outcomes>.

### Human Services Response

Supports "DSAMH agrees to provide a five-year history of outcomes data, which the division requests that the report comes in November or after to provide SFY18's complete data."

## 2017 G.S. H.B. 36 - Affordable Housing

Sponsor: Rep. Rebecca Edwards

Analyst: Maddy Oritt

Committee: SS



### Explanation

H.B. 36, "Affordable Housing Amendments," created an enterprise fund known as the Economic Revitalization and Investment Fund and authorized a one-time appropriation of \$2,061,000 to the fund from the General Fund. The bill allows the executive director of the Department of Workforce Services (DWS) to distribute funds from the Economic Revitalization and Investment Fund to one or more projects that meet the following criteria: 1) include affordable housing units for households whose income is not more than 30 percent of the area median income, 2) are rented at rates no greater than the rates described in Utah Code 35A-8-511(2)(b), and 3) include a deed restriction that reserves the affordable housing units for a period of 30 years. The bill also authorized a one-time appropriation of \$500,000 from the General Fund to the Olene Walker Loan Fund to develop a pilot landlord incentive program; the program would, under certain limited circumstances, reimburse landlords who provide housing to tenants using Federal Housing Choice Vouchers.

### Issue of Interest

DWS expended \$2,061,000 from the Economic Revitalization and Investment Fund (the full appropriation) on four affordable housing development projects. DWS has also expended \$45,660.99, or approximately 9 percent, of the initial \$500,000 appropriation to the Olene Walker Loan Fund for the pilot landlord incentive program. Though there is interest in the program, uptake in the first year has been slow. Additionally, because first-year leases have just ended and landlords are receiving judgments, invoice submission for reimbursement is concentrated in June/July. However, DWS reports that it is likely that funding in the amount of \$100,000 per year for three years would suffice to fund a three-year pilot.

### Potential Action

We recommend that the Legislature consider reallocating \$200,000 one-time General Fund to other priorities during the 2019 General Session.

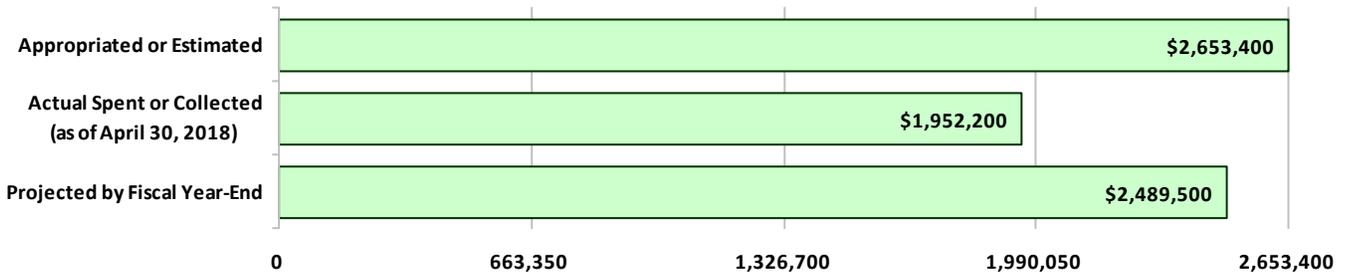
### Workforce Services Response

Opposes "We oppose taking these funds. This is a new program and has not yet had enough time to operate to fully calculate what funds are needed each year. The uptake on the pilot program naturally lags because rental agreements are often for 12-month periods. The program has not yet been in existence for 12 months. As such, we are just starting to get traction and have seen a recent increase in claims submitted. We recommend a status update in January 2019 in place of a reduction so we can more fully evaluate the participation in the program."

## 2017 G.S. Jail-Based Forensic Competency Restoration

Analyst: Clare Lence

Committee: SS



### Explanation

Individuals with mental illness who are in jails and deemed "not competent to proceed" are referred to the Utah State Hospital (USH). The USH operates an inpatient and an outreach forensic competency restoration program but has a waiting list for services. During the 2017 General Session, the Legislature provided \$3.0 million to establish a third program option, a 22-bed jail-based unit intended to restore individuals who require a level of care in between the existing programs -- those who do not need inpatient services but need more than outreach.

### Issue of Interest

The jail-based unit opened in October 2017. The Legislature reallocated \$346,600 one-time from this program to other priorities during the 2018 General Session based on estimates of a surplus due to the start-up timing. The USH's projections for costs through the end of FY 2018 suggest a potential additional surplus of \$163,900.

In July 2017, the Department of Human Services (DHS) entered into a lawsuit settlement agreement with the Disability Law Center that, according to DHS, "will provide for systemic improvements, including rapid screening and timely and individualized competency restoration treatment." The settlement agreement set the maximum time that an individual can wait in jail for program placement based on the following schedule:

- By March 31, 2018 – Maximum wait time of 60 days
- By September 30, 2018 – Maximum wait time of 30 days
- By March 31, 2019 – Maximum wait time of 14 days

The USH reports that wait times are now at 36 days, significantly below the current requirement of 60 days and nearing the next target of 30 days.

### Potential Action

We recommend that the Legislature consider reallocating FY 2018 surplus funds of \$163,900 from the jail-based unit and continue to monitor the ongoing costs of all forensic competency restoration programs to avoid over-funding these projects, while meeting the requirements of the settlement agreement.

We further recommend that the division continue to implement improvements that are bringing the State into compliance with the settlement agreement.

### Human Services Response

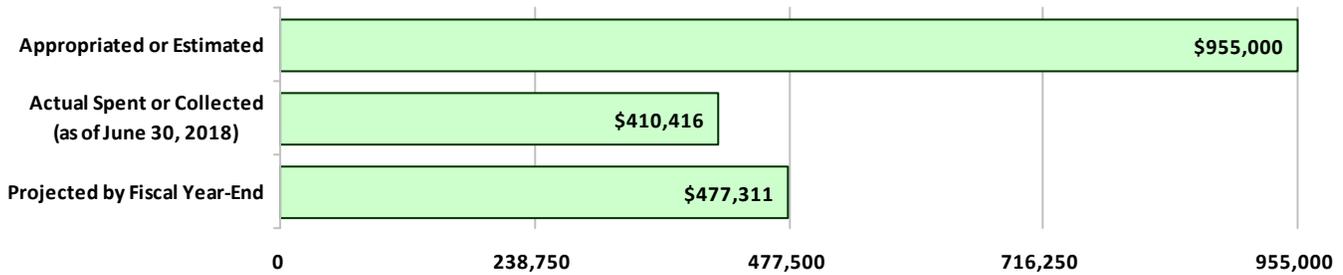
Supports "The State Hospital will continue its efforts in effectively implementing the improvements requested by the cost settlement."

**2017 G.S. S.B. 194 - Utah Data Research Center Act**

Sponsor: Sen. Jacob Anderegg

Analyst: Maddy Oritt

Committee: SS



**Explanation**

The Legislature passed S.B. 194, which established the Utah Data Research Center (UDRC) as a program within the Department of Workforce Services (DWS). The bill directed UDRC to build a longitudinal data system linking data across state agencies and education entities. UDRC must also conduct research to inform policy and provide the public with actionable data analysis.

**Issue of Interest**

DWS spent significantly less than its appropriation in FY 2018 because the Utah State Board of Education diverted grant funds it received from the U.S. Department of Education to UDRC to support systems development. The federal grant funding will last five years. The UDRC anticipates full spending of its appropriation in future years, and plans to use the underspent amount from FY 2018 for one-time costs in FY 2019, including building new servers for the database.

**Potential Action**

We recommend that DWS report to the Social Services Appropriations Subcommittee before or during the 2019 General Session on the status of FY 2018 and FY 2019 expenditures for UDRC, including why one-time server costs were not anticipated in DWS' original estimate of the cost to implement S.B. 194 and whether state funds are still needed when federal funding is available for the project.

**Workforce Services Response**

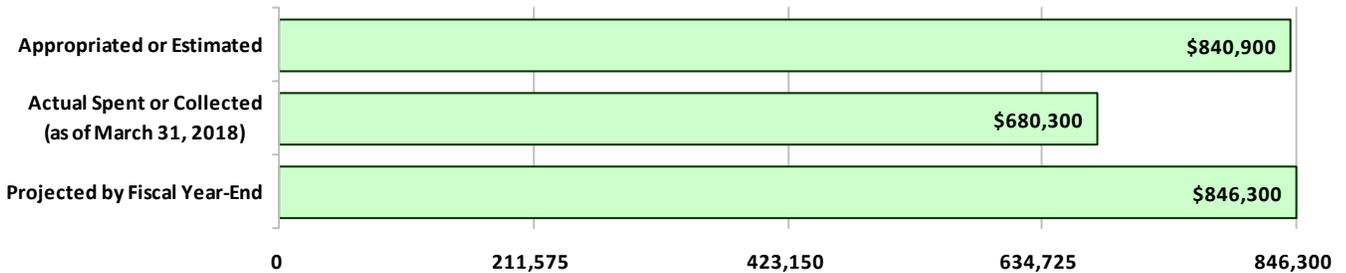
Neutral "We applied for, and received, the 5-year grant for the build of the system. The ongoing state appropriation is needed to cover the administrative piece of running the center (staffing, maintenance and upgrading of the system). As such, DWS opposes any funds be taken and recommends the funds still remaining at the closeout of FY'18 be carried over. With fiscal year-end closeout, we are still compiling the fiscal year 2018 expenses for UDRC and will have them to you as soon as possible."

## 2017 G.S. S.B. 266 - Division of Child and Family Services Appeals

Sponsor: Sen. Deidre Henderson

Analyst: Clare Lence

Committee: SS



### Explanation

S.B. 266, “Child and Family Services Appeals” (2017 General Session) required the Division of Child and Family Services (DCFS) to facilitate expungement of alleged perpetrators from supported and unsupported reports of child abuse or neglect in the division’s Statewide Automated Child Welfare Information System (SAFE) database, based on criteria determined by the division and set in rule. The Legislature appropriated an amount that aligned with the cost estimate provided by DCFS: one-time costs of \$840,900 (\$748,500 General Fund and \$92,400 federal funds) in FY 2018 to make the required database and rule changes, and ongoing costs of \$79,500 (\$70,800 General Fund and \$8,700 federal funds) beginning in FY 2019 for personnel to process expungement requests.

### Issue of Interest

S.B. 266 required significant database programming changes. DCFS and Department of Technology Services (DTS) staff estimated 8,800 hours of programming at a cost of \$679,100. Based on data provided by DCFS for the first three quarters of FY 2018 and their projections for the fourth quarter, the first-year costs of implementation were almost exactly equal to the amount appropriated, despite the inherent uncertainty of estimating for a new project. DCFS expended more on programming than they estimated but less on the FY 2018 workgroup meetings than the estimated ongoing staff costs for expungement that will begin in FY 2019. Costs included \$14,100 for workgroup meetings (\$15,100 by year-end), \$656,700 for programming (\$821,700 by year-end), and \$9,500 for a child welfare and technology conference, which provided training for programmers on the new database module. The division received nonlapsing authority during the 2018 General Session to carry forward any unspent funds related to S.B. 266 into FY 2019. Because programming is still in process and rules are in the public comment phase, DCFS has not processed any expungement requests as of May 2018; they expect to begin accepting requests in July 2018.

### Potential Action

We recommend that the division:

1. Utilize a similar process in the future for estimating programming costs for legislation related to the SAFE database and for managing these expenditures during implementation, because actual costs closely reflected estimated costs; and
2. Monitor costs related to expungement requests in FY 2019 and report these costs to the Social Services Appropriations Subcommittee during the 2019 Interim.

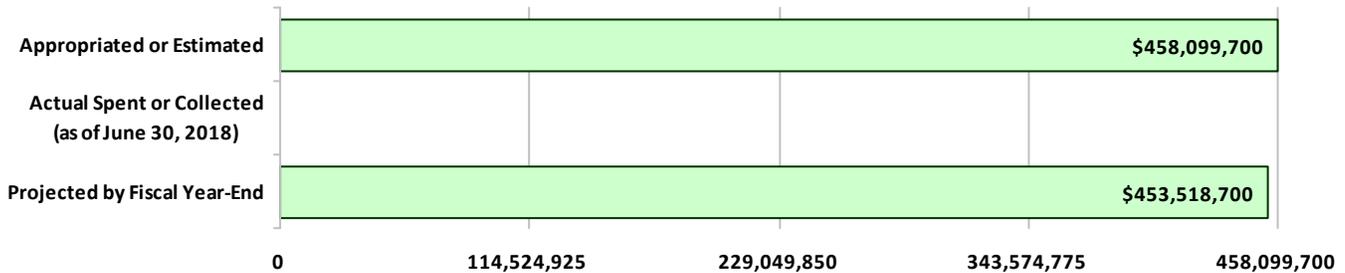
### Human Services Response

Supports “The Division of Child and Family Services supports both items related to the SB 266 follow-up.”

## 2018 G.S. Medicaid Caseload, Inflation and Program Changes

Analyst: Russell Frandsen

Committee: SS



### Explanation

During the 2017 and 2018 General Sessions, the Legislature provided \$458,099,700 General Fund in FY 2018 to pay for all Medicaid service costs in the Department of Health. When arriving at final point estimates for tax revenue projections, economists from the Legislative Fiscal Analyst's Office, the Governor's Office of Management and Budget, and the State Tax Commission compare numbers and attempt to reach a consensus. A similar process is used to forecast Medicaid costs, but with the Department of Health rather than the State Tax Commission.

The following areas create costs for the State in Medicaid: (1) Caseload - per member per month cost \$5.8 million higher than forecasted for FY 2017, (2) Inflationary Changes - 3.5 percent projected increase in accountable care organization contracts starting in January 2018 and drug prices increasing in the fee-for-service program, and (3) Program Changes - continued impact of federal regulation to provide autism spectrum disorder-related services when medically necessary up to age 21 and new blockbuster drugs. For more information, see: <https://le.utah.gov/interim/2018/pdf/00000537.pdf>. Because the Department of Health tracks total fund expenditures and does not determine General Fund spending throughout the year, there are no actuals to report for the General Fund until after the end of the fiscal year.

### Issue of Interest

The Department of Health anticipates not needing to use the \$9.4 million provided as a buffer in case costs come in higher than anticipated. The department estimates ending FY 2018 within 1% of its state funds appropriation of \$458,099,700 General Fund. As per UCA 26-18-402, any unspent funds in the Medicaid program at year end will lapse into the Medicaid Restricted Account.

### Potential Action

We recommend that the Department of Health report to the Social Services Appropriations Subcommittee the final expenditures of General Fund for Medicaid services compared to appropriations once they are available at the conclusion of FY 2018.

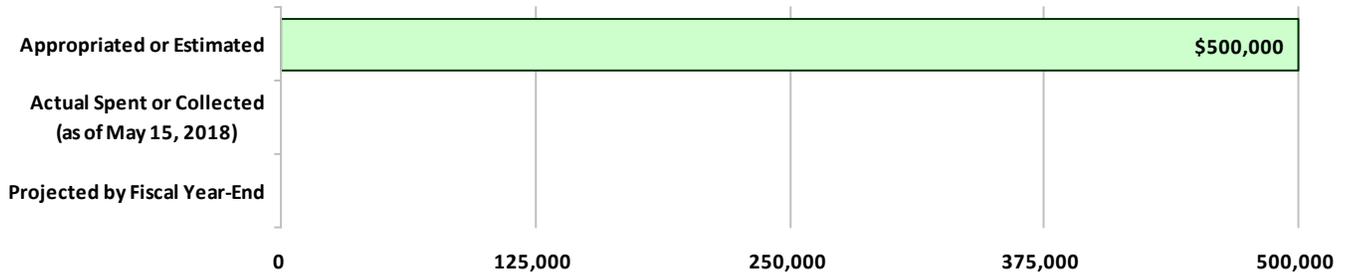
### Health Response

Supports "The Division of Medicaid and Health Financing supports the fiscal analyst's request that we report to the subcommittee the final expenditures of General Fund compared to the original appropriations."

## 2018 G.S. UCOOP for Outreach, Diversion and Partnerships to Support the DEA 360 Program

Analyst: Russell Frandsen

Committee: SS



### Explanation

During the 2018 General Session, the Legislature appropriated \$500,000 one-time General Fund to the Department of Health as an FY 2018 Supplemental for the Utah Coalition for Opioid Overdose Prevention (UCOOP). The Legislature's intent was to support and enhance the U.S. Drug Enforcement Administration (DEA) 360 Program, a comprehensive approach to tackling the cycle of violence and addiction generated by the link between drug cartels, violent gangs, and the rising problem of prescription opioid and heroin abuse in Utah.

### Issue of Interest

The contract for services is not in place and will not be in place until at least July and maybe later. However, the Department of Health received nonlapsing authority to carry forward the funds into FY 2019.

### Potential Action

We recommend that the Department of Health report to the Social Services Appropriations Subcommittee as soon as a contract for services with the Drug Enforcement Administration has been executed.

### Health Response

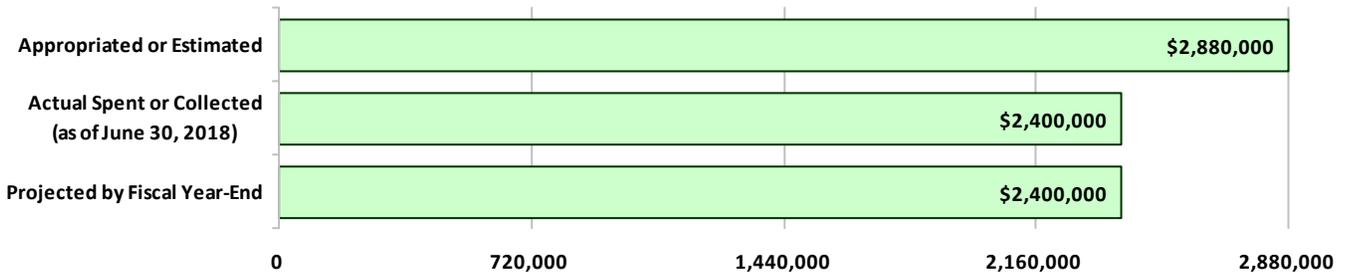
Supports "The Department of Health supports the fiscal analyst's recommendation that we report to the Social Service Appropriation Subcommittee as soon as a contract for services with the Drug Enforcement Administration has been executed."

## 2017 G.S. H.B. 168 - Kindergarten Supplemental Enrichment Program

Sponsor: Rep. V. Snow

Analyst: Maddy Oritt

Committee: PED



### Explanation

The Legislature appropriated \$8,640,000 (\$2,880,000 per year for three years, beginning in FY 2018) in Temporary Assistance for Needy Families (TANF) federal funding to the Utah State Board of Education (USBE) to establish and implement the Kindergarten Supplemental Enrichment Program in eligible schools throughout Utah. The purpose of the Kindergarten Supplemental Enrichment Program is to provide funding to schools to improve the academic competency of kindergarten students who are experiencing intergenerational poverty or are otherwise economically disadvantaged.

### Issue of Interest

USBE expended only 83 percent of the funding for year one. However, reimbursement requests from local education agencies receiving funding through this program are allowed through July 9, 2018, so it is possible that the total expended amount for FY 2018 will rise. Additionally, USBE anticipates that it will spend the full amount each year for the next two years.

### Potential Action

We recommend that the Department of Workforce Services (DWS) report to the Social Services Appropriations Subcommittee before or during the 2019 General Session on the status of FY 2018 and FY 2019 expenditures in the Kindergarten Supplemental Enrichment Program, to determine whether the full appropriation is likely to be spent over the three-year funding period. We also recommend that DWS report on its performance measures for this funding.

### Workforce Services Response

Supports "We support the recommendation to report on the status of expenditures in January 2019, prior to the start of the 2019 General Session."

## Appendix A - Budget Item Review Guidelines

How did we choose 84 items to include in the report out of the 232 items we reviewed? How did we develop the potential action recommendations?

We first considered the following key criteria:

1. Implementation
  - a. In what month and year was the project/program/bill fully implemented?
  - b. Did the project/program encounter any factors that caused a delay and implementation? Please explain.
  - c. Did the project/program encounter any factors that caused a change in scope? Please explain.
2. Accuracy
  - a. How much of the appropriation was spent as of the last reporting period?
  - b. What is the date of the last reporting period?
  - c. How much of the appropriation is expected to be spent by fiscal year-end?
3. Performance
  - a. How is the success of the project/program measured?
  - b. How successful has the project/program been according to those metrics?

We then considered the following questions:

1. Given agency reports of implementation, accuracy, and performance, are there areas of concern?
2. Is the agency's implementation progress appropriate for the type and scale of the program?  
Is implementation notably ahead or behind the anticipated timeline?
3. Is the agency's pattern of spending consistent with the type or scale of the program? Is the spending pattern aligned with the implementation progress?
4. Is actual spending similar to the original estimate? What improvements could be made by the agency or LFA in future estimates?
5. Is actual revenue collection similar to the original estimate? What improvements could be made by the agency or LFA in future estimates?
6. Is it likely that there will be excess funds remaining at year-end? Should these be reallocated to other purposes, or used for other needs related to the original item?
7. Is the agency measuring performance appropriately and well?
8. What are the actual performance results? Do the results suggest advisable changes to the program, including expansion, reduction, or closure?
9. Is the item something that was of particular legislative or public interest at the time it was funded?
10. Does the item illuminate a potential improvement for the agency or LFA that was not captured by the other questions?
11. Is there anything else about the item that could make it particularly interesting to legislators?

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## Appendix B - Additional Reviewed Budget Items

Ctte	Session	Bill or Budget Item Description	Analyst
BEDL	2017 G.S.	"Missing Stories" History Project	Andrea Wilko
BEDL	2017 G.S.	Business Resource Centers	Andrea Wilko
BEDL	2017 G.S.	Hill Air Force Base Air Show 2018	Andrea Wilko
BEDL	2017 G.S.	Humanities Council	Andrea Wilko
BEDL	2017 G.S.	Industrial Assistance Fund Replenishment	Andrea Wilko
BEDL	2017 G.S.	Life Science Economic Analysis	Andrea Wilko
BEDL	2017 G.S.	Moab Music Festival	Andrea Wilko
BEDL	2017 G.S.	Odyssey Dance Company	Andrea Wilko
BEDL	2017 G.S.	Reimbursement for Non-Compete Study	Andrea Wilko
BEDL	2017 G.S.	S.B. 155 - Funding for Critical Needs (Staff, Compensation, etc.)	Andrea Wilko
BEDL	2017 G.S.	S.B. 184 - Division of Occupational and Professional Licensing	Andrea Wilko
BEDL	2017 G.S.	S.B. 48 - Nurse Licensure Compact	Andrea Wilko
BEDL	2017 G.S.	Sundance and GOED Co-branding	Andrea Wilko
BEDL	2017 G.S.	Targeted Industries Procurement and Supply Chain Expansion	Andrea Wilko
BEDL	2017 G.S.	Utah Summer Games	Andrea Wilko
EAC	2017 G.S.	Legislative Auditor General Full Time Staff	Steven Allred
EAC	2017 G.S.	Legislative Research and General Counsel Full Time Staff	Steven Allred
EAC	2017 G.S.	S.B. 197 - Refinery Sales and Use Tax Exemption Amendments	Thomas Young
EAC	2017 G.S.	S.B. 276 - Transportation Funding Modifications	Thomas Young
EOCJ	2015 G.S.	Gunnison Prison Operation Costs (minus \$4.9 M 1x)	Gary Syphus
EOCJ	2016 G.S.	Adult Probation and Parole Agents	Gary Syphus
EOCJ	2016 G.S.	Judges Salary Increase	Gary Syphus
EOCJ	2017 G.S.	Additional Police Officer at Midvale Road Home	Maddy Oritt
EOCJ	2017 G.S.	Attorneys and Support Staff	Alexander Wilson
EOCJ	2017 G.S.	Case Settlements	Alexander Wilson
EOCJ	2017 G.S.	Certified Staff Compensation	Gary Syphus
EOCJ	2017 G.S.	Compensation for Non-Attorneys and Staff	Alexander Wilson
EOCJ	2017 G.S.	Department of Alcoholic Beverage Control (DABC) Inventory Operational Improvements	Alexander Wilson
EOCJ	2017 G.S.	Electronic Records System	Gary Syphus
EOCJ	2017 G.S.	Gold King Mine Litigation	Alexander Wilson
EOCJ	2017 G.S.	H.B. 17 - Offenses Against the Person Amendments	Gary Syphus
EOCJ	2017 G.S.	H.B. 390 - Suicide Prevention Modifications	Gary Syphus
EOCJ	2017 G.S.	H.B. 77 - 5th Judicial District Court Judgeship	Gary Syphus
EOCJ	2017 G.S.	Increase in Jail Contract Treatment	Gary Syphus
EOCJ	2017 G.S.	Indigent Defense Commission Grants	Alexander Wilson
EOCJ	2017 G.S.	Indigent Defense Commission Reallocation	Alexander Wilson
EOCJ	2017 G.S.	Medical Staffing	Gary Syphus
EOCJ	2017 G.S.	Municipal Incorporation	Alexander Wilson
EOCJ	2017 G.S.	Prison Relocation Oversight	Alexander Wilson
EOCJ	2017 G.S.	S.B. 134 - Indigent Defense Commission Amendments	Alexander Wilson
EOCJ	2017 G.S.	UHP Trooper Pay Plan	Gary Syphus
EOCJ	2017 G.S.	Wasatch Front Regional Council and Mountainland Association of Governments Transportation Funding	Alexander Wilson
HED	2016 G.S.	DXATC Campus Support for New Building	Sean Faherty
HED	2017 G.S.	Enrollment Growth	Spencer Pratt
HED	2017 G.S.	Southwest Applied Technology College (SWATC) Workplace Foundations	Sean Faherty

## Appendix B - Additional Reviewed Budget Items

Ctte	Session	Bill or Budget Item Description	Analyst
IGG	2016 G.S.	Avalanche Control	Brian Wikle
IGG	2017 G.S.	Class 8 Snow Plow Truck Replacement	Brian Wikle
IGG	2017 G.S.	CNG/Alternative Fuel Depot District	Brian Wikle
IGG	2017 G.S.	DAS Dedicated Credit Increase	Ryan Mortenson
IGG	2017 G.S.	DFCM SBEEP Energy Program On-going Funding	Ryan Mortenson
IGG	2017 G.S.	Dixie State University Human Performance Center	Brian Wikle
IGG	2017 G.S.	H.B. 319 - Data Security Management	Ryan Mortenson
IGG	2017 G.S.	Inspector General of Medicaid Adjustment	Ryan Mortenson
IGG	2017 G.S.	ISF - Dept of Technology Services	Ryan Mortenson
IGG	2017 G.S.	ISF - DFCM Operations & Maintenance	Ryan Mortenson
IGG	2017 G.S.	ISF - Fleet - Fuel Network	Ryan Mortenson
IGG	2017 G.S.	ISF - Risk Management - Liability Insurance	Ryan Mortenson
IGG	2017 G.S.	ISF - State Mail	Ryan Mortenson
IGG	2017 G.S.	Learning and Development	Brian Wikle
IGG	2017 G.S.	Reallocation from Construction to Maintenance	Brian Wikle
IGG	2017 G.S.	Revitalization of Downtown Helper	Brian Wikle
IGG	2017 G.S.	Right of Way Property Inventory	Brian Wikle
IGG	2017 G.S.	Right of Way Surplus Land Descriptions	Brian Wikle
IGG	2017 G.S.	S.B. 126 - Collection Process Amendments	Ryan Mortenson
IGG	2017 G.S.	S.B. 41 - State Highway System Amendments	Brian Wikle
IGG	2017 G.S.	S.B. 71 - Criminal Accounts Receivable Amendments	Ryan Mortenson
IGG	2017 G.S.	Snow College Land Banking	Brian Wikle
IGG	2017 G.S.	Surveyor's Monument Replacement	Ryan Mortenson
IGG	2017 G.S.	UDOT Snow Removal Winter 2016-17	Brian Wikle
IGG	2017 G.S.	Uintah Basin ATC Welding Technology Building	Brian Wikle
IGG	2017 G.S.	University of Utah Medical Education & Discovery / Rehabilitation Hospital	Brian Wikle
IGG	2017 G.S.	Weber State University Social Science Building Renovation	Brian Wikle
NRAEQ	2017 G.S.	Air Quality Monitoring Equipment	Alexander Wilson
NRAEQ	2017 G.S.	Carbon Canal Diversion Reconstruction	Ivan Djambov
NRAEQ	2017 G.S.	Carbon Canal Liner	Ivan Djambov
NRAEQ	2017 G.S.	Certificate of Veterinary Inspection Books (CVIs)	Ivan Djambov
NRAEQ	2017 G.S.	Conservation Commission Employees	Ivan Djambov
NRAEQ	2017 G.S.	Domestic Elk Hunting Permit	Ivan Djambov
NRAEQ	2017 G.S.	Energy Education Campaign	Alexander Wilson
NRAEQ	2017 G.S.	Federal Lands Exchange	Ivan Djambov
NRAEQ	2017 G.S.	Fire Policy Compliance	Ivan Djambov
NRAEQ	2017 G.S.	Foundation for Integrated Resource Management (FIRM)	Alexander Wilson
NRAEQ	2017 G.S.	Greater Sage-Grouse Litigation	Alexander Wilson
NRAEQ	2017 G.S.	Interagency Fire Dispatch Center	Ivan Djambov
NRAEQ	2017 G.S.	Lower Elevation Reservoir Study / Phase IV	Ivan Djambov
NRAEQ	2017 G.S.	Natural Resources Pass Through Account for Continuation of Contract	Ivan Djambov
NRAEQ	2017 G.S.	Office of Energy Development (OED) Lease Expenses	Alexander Wilson
NRAEQ	2017 G.S.	Price River Dredging	Ivan Djambov
NRAEQ	2017 G.S.	Public Hunting Access	Ivan Djambov
NRAEQ	2017 G.S.	RS 2477 Analyst	Ivan Djambov

## Appendix B - Additional Reviewed Budget Items

Ctte	Session	Bill or Budget Item Description	Analyst
NRAEQ	2017 G.S.	Sovereign Lands Management and Planning	Ivan Djambov
NRAEQ	2017 G.S.	Spill Coordinator	Alexander Wilson
NRAEQ	2017 G.S.	Utah's Own	Ivan Djambov
NRAEQ	2017 G.S.	Wild Horses and Burros Management	Ivan Djambov
PED	2016 G.S.	H.B. 460 - School Resource Officers and School Administrators Training and Agreement	Sean Faherty
PED	2017 G.S.	Beverley Taylor Sorenson Arts Learning Program	Ben Leishman
PED	2017 G.S.	Charter School Local Contribution	Ben Leishman
PED	2017 G.S.	Digital Teaching and Learning Program	Ben Leishman
PED	2017 G.S.	Drop out prevention program	Sean Faherty
PED	2017 G.S.	Dual Immersion	Ben Leishman
PED	2017 G.S.	Enrollment Growth - New Local Revenue	Ben Leishman
PED	2017 G.S.	Fine Arts Provisional Programs to POPS	Ben Leishman
PED	2017 G.S.	H.B. 404 - Early Warning Matching Grant Program	Sean Faherty
PED	2017 G.S.	iSEE - Combine Grant Programs	Ben Leishman
PED	2017 G.S.	iSEE - Increased Student Visits - Space Exploration	Ben Leishman
PED	2017 G.S.	iSEE Kindergarten Physics Education Program	Ben Leishman
PED	2017 G.S.	MSP Categorical Program Administration	Ben Leishman
PED	2017 G.S.	S.B. 220 - Student Assessment and School Accountability Amendments	Sean Faherty
PED	2017 G.S.	School LAND Trust Program	Ben Leishman
PED	2017 G.S.	Special Education Intensive Services	Ben Leishman
PED	2017 G.S.	Student Data Privacy Program	Sean Faherty
PED	2017 G.S.	Suicide Prevention Contributor - USOE	Sean Faherty
PED	2017 G.S.	Teacher Supplies & Materials Reimbursements	Ben Leishman
PED	2017 G.S.	WPU Value Increase	Ben Leishman
RIE	2017 G.S.	Internet Filtering	Thomas Young
SS	2014 G.S.	Family Resource Facilitators - TANF	Clare Lence
SS	2014 G.S.	Mental Health Early Intervention - Children/Youth	Clare Lence
SS	2014 G.S.	Mental Health Services Rates - DCFS	Clare Lence
SS	2015 G.S.	H.B. 364 - Suicide Prevention Amendments	Clare Lence
SS	2016 G.S.	ACA-Mandated Health Benefits for Employees	Clare Lence
SS	2016 G.S.	H.B. 192 - Drug Overdose Prevention Initiatives	Russell Frandsen
SS	2016 G.S.	Primary Care Grants	Russell Frandsen
SS	2016 G.S.	Utah Foster Care Foundation	Clare Lence
SS	2017 G.S.	Additional Needs for Individuals Receiving Disability Services	Clare Lence
SS	2017 G.S.	Disabilities Direct Care Staff Salary Increase Phase III	Clare Lence
SS	2017 G.S.	Disabilities Motor Transportation Payment (MTP)	Clare Lence
SS	2017 G.S.	Disability Services Portability	Clare Lence
SS	2017 G.S.	Disability Waiting List	Clare Lence
SS	2017 G.S.	Division of Blind and Visually Impaired	Maddy Orritt
SS	2017 G.S.	Donations from National Professional Men's Basketball Team Support of Women and Children Issues Acct	Clare Lence
SS	2017 G.S.	Fiscal Intermediary Rate Adjustment	Clare Lence
SS	2017 G.S.	Foster Families of Utah	Clare Lence
SS	2017 G.S.	H.B. 346 - Suicide Prevention Programs	Clare Lence
SS	2017 G.S.	Marriage Commission	Clare Lence
SS	2017 G.S.	Medicaid Match Funds for Local Mental Health Authorities - Medical Inflation and Caseload Increases	Clare Lence

## Appendix B - Additional Reviewed Budget Items

Ctte	Session	Bill or Budget Item Description	Analyst
SS	2017 G.S.	Medication Assisted Treatment	Clare Lence
SS	2017 G.S.	Out-of-Wedlock Pregnancy Prevention	Maddy Oritt
SS	2017 G.S.	Recovery Residence Fees - Dedicated Credits	Clare Lence
SS	2017 G.S.	S.B. 100 - Early Childhood Services Coordination Amendments	Maddy Oritt
SS	2017 G.S.	S.B. 123 - State Developmental Center Dental Clinic	Clare Lence
SS	2017 G.S.	S.B. 75 - Child Welfare Amendments	Clare Lence
SS	2017 G.S.	Special Administrative Expense Account (SAEA) Technical Adjustment	Maddy Oritt
SS	2017 G.S.	Substance Abuse Treatment Grant	Maddy Oritt
SS	2017 G.S.	TANF for Domestic Violence Shelters	Maddy Oritt
SS	2017 G.S.	TANF for Sexual Violence Prevention and Medical Care for Victims	Maddy Oritt
SS	2017 G.S.	United Way 2-1-1 Information and Referral System	Clare Lence
SS	2018 G.S.	Additional Savings from Mental Health Preferred Drug List - Savings	Russell Frandsen
SS	2018 G.S.	H.B. 12 - Family Planning Medicaid Waiver	Russell Frandsen