

Department of Government Operations - Nonlapsing Balances intent language IGG Committee, Aug 8, 2023

2023 General Session

Administrative Rules

63G-3-402(6) allows all funds appropriated or collected for publishing the office's publications shall be nonlapsing.

Agency Response

Plan to Spend - Nonlapsing amounts are generally directed to further eRules development. Specifically, in FY 2024, we plan on developing a subscription system for eRules as well as address load-time improvements. Nonlapsing funds will also be used to provide additional enhancements to the eRules system as indicated by agency and public needs.

DFCM Administration (H.B. 6, Item 5)

Under the terms of 63J-1-603 of the Utah Code, the Legislature intends that appropriations provided for DFCM Administration in Item 6, Chapter 8, Laws of Utah 2022, shall not lapse at the close of FY 2023. Expenditures of these funds are limited to information technology projects, customer service, optimization efficiency projects, time-limited FTE's, and Governor's Mansion maintenance: \$1,500,000; and Energy Program operations \$200,000.

Agency Response

Plan to Spend - \$1,500,000 to be limited to information technology projects, customer service, optimization efficiency projects, Project Management related FTEs, and Governor's Mansion maintenance; \$200,000 to be limited to Energy Program operations

- If there is a plan to save all or a portion of the nonlapsing appropriations over multiple year to pay for an anticipated expense
 - o Estimated cost of the expense? *The \$1,500,000 non-lapsing amount is largely for construction project management that varies from year to year, depending on the amount of appropriated and non-state funded projects approved each year. The \$200,000 non-lapsing balance is for Energy Project Management and Energy Studies that vary from year to year.*
 - o Number of years until the agency will accumulate the amount required to pay for the expense? *The \$1,500,000 non-lapsing balance is accumulated year to year and fluctuates both in increases and decreases. Because the main driver of the fund is non-state funded project management fees, which are capped on how much that can be collected each year, we need to carry the maximum*

balance forward to be available when the workload increases. The \$200,000 non-lapsing balance is used every year.

Executive Director (H.B. 6, Item 6, S.B. 3, Item 27)

Under the terms of 63J-1-603 of the Utah Code, the Legislature intends that up to \$390,000 of appropriations provided for the Executive Director line item in Item 6, Chapter 8, Laws of Utah 2022, shall not lapse at the close of FY 2023. Expenditures of these funds are limited to: general operations of the Executive Directors Office \$125,000; capital improvements/maintenance, DP software, and equipment \$75,000; leadership training \$50,000; website maintenance \$100,000; and internal auditing \$40,000.

Agency Response

Plan to Spend - Expenditures of these funds are limited to: general operations of the Executive Directors Office \$125,000; capital improvements/maintenance, DP software, and equipment \$75,000; leadership training \$50,000; website maintenance \$100,000; and internal auditing \$40,000.

- If there is a plan to save all or a portion of the nonlapsing appropriations over multiple year to pay for an anticipated expense
 - o Estimated cost of the expense?
 - o Number of years until the agency will accumulate the amount required to pay for the expense?

Under the terms of 63J-1-603 of the Utah Code, the Legislature intends that up to \$375,000 of appropriations provided for the Executive Director line item in Item 30, Chapter 193, Laws of Utah 2022, shall not lapse at the close of FY 2023. Expenditures of these funds are limited to general operations of the Executive Director Office and contract expenses for the ISF audit and implementation of consultant recommendations.

Agency Response

Plan to Spend - Expenditures of these funds are limited to general operations of the Executive Director Office and contract expenses for the ISF audit and implementation of consultant recommendations.

- If there is a plan to save all or a portion of the nonlapsing appropriations over multiple year to pay for an anticipated expense
 - o Estimated cost of the expense?
 - o Number of years until the agency will accumulate the amount required to pay for the expense?

Under Section 63-J-1-603 of the Utah Code, the Legislature intends that the \$145,000 appropriated for Internal Audit Support for Small Agencies, H.B. 3, Item 23 (2023 GS), shall not lapse at the close of FY 2023.

Agency Response

Plan to Spend - Expenditures of these funds are limited to general operations of the Executive Director Office and contract expenses for the ISF audit and implementation of consultant recommendations.

- If there is a plan to save all or a portion of the nonlapsing appropriations over multiple year to pay for an anticipated expense
 - o Estimated cost of the expense?
 - o Number of years until the agency will accumulate the amount required to pay for the expense?

Finance Mandated (H.B. 6, Item 7)

Under the terms of 63J-1-603 of the Utah Code, the Legislature intends that up to \$4,000,000 of appropriations provided for the Autism Amendments program in the Division of Finance Mandated line item in Item 54, Chapter 8, Laws of Utah 2022, shall not lapse at the close of FY 2023. Expenditures of these funds are limited to autism services provided.

Agency Response

Plan to Spend - Expenditures of these funds are limited to autism services provided.

- If there is a plan to save all or a portion of the nonlapsing appropriations over multiple year to pay for an anticipated expense
 - o Estimated cost of the expense?
 - o Number of years until the agency will accumulate the amount required to pay for the expense?

Under the terms of 63J-1-603 of the Utah Code, the Legislature intends that appropriations provided for Ethics Commission in Item 8, Chapter 8, Laws of Utah 2022, shall not lapse at the close of FY 2023. Expenditures of these funds are limited to Ethics Commission investigations and Commission and staff expenses: \$120,000.

Agency Response

Plan to Spend - Expenditures of these funds are limited to Ethics Commission investigations and Commission and staff expenses: \$120,000.

- If there is a plan to save all or a portion of the nonlapsing appropriations over multiple year to pay for an anticipated expense
 - o Estimated cost of the expense?
 - o Number of years until the agency will accumulate the amount required to pay for the expense?

Under the terms of 63J-1-603 of the Utah Code, the Legislature intends that up to \$5,000,000 of appropriations provided for the Division of Finance Mandated line item in Item 149, Chapter 300, Laws of Utah 2022, shall not lapse at the close of FY 2023. Expenditures of these funds

are limited to fund the allocation to the Public Lands Litigation appropriations unit contingent on EAC approval.

Agency Response

Plan to Spend - Expenditures of these funds are limited to fund the allocation to the Public Lands Litigation appropriations unit contingent on EAC approval.

- If there is a plan to save all or a portion of the nonlapsing appropriations over multiple year to pay for an anticipated expense
 - o Estimated cost of the expense?
 - o Number of years until the agency will accumulate the amount required to pay for the expense?

Finance Administration (H.B. 6, Item 9)

Under the terms of 63J-1-603 of the Utah Code, the Legislature intends that up to \$3,400,000 appropriations provided for the Finance Administration line item in Item 9, Chapter 8, Laws of Utah 2022 shall not lapse at the close of FY 2023. Expenditures of these funds are limited to maintenance and operation of statewide systems \$2,650,000; websites \$100,000; training \$150,000; professional services and studies \$200,000; computer replacement \$50,000; and costs associated with federal funds accountability \$250,000.

Agency Response

Plan to Spend - Expenditures of these funds are limited to maintenance and operation of statewide systems \$2,650,000; websites \$100,000; training \$150,000; professional services and studies \$200,000; computer replacement \$50,000; and costs associated with federal funds accountability \$250,000.

- If there is a plan to save all or a portion of the nonlapsing appropriations over multiple year to pay for an anticipated expense
 - o Estimated cost of the expense?
 - o Number of years until the agency will accumulate the amount required to pay for the expense?

Inspector General of Medicaid Services (H.B. 6, Item 10)

Under terms of 63J-1-603 of the Utah Code, the Legislature intends that up to \$500,000 appropriations provided for the Inspector General of Medicaid Services line item in Item 10, Chapter 8, Laws of Utah 2022, shall not lapse at the close of FY 2023. Expenditures of these funds are limited to: additional staff \$100,000; training \$15,000; travel \$10,000; and case management system \$375,000.

Agency Response

Plan to Spend - Expenditures of these funds are limited to: additional staff \$100,000; training \$15,000; travel \$10,000; and case management system \$375,000.

- If there is a plan to save all or a portion of the nonlapsing appropriations over multiple year to pay for an anticipated expense
 - o Estimated cost of the expense? **Yes, the plan is to hold the funds until we obtain the CMS approval on our case management system and make the purchase. It is currently with CMS and so we are hopeful that it will be in FY2024. One of the hardest parts about purchasing a new system is unanticipated expenditures. We only have a rough estimate of how much it will cost and having these non-lapsing funds held as a safety net will cover those unanticipated expenditures that almost always come with a purchase of this size.**
 - o Number of years until the agency will accumulate the amount required to pay for the expense? **We anticipated that this will only be one to two years.**

The Legislature intends that the Inspector General of Medicaid Services retain up to an additional \$60,000 of the states share of Medicaid collections during FY 2024 to pay the Office of the Attorney General for the state costs of the one attorney FTE that the Office of the Inspector General is using.

Agency Response

Plan to Spend - To pay the Office of the Attorney General for the state costs of the one attorney FTE that the Office of the Inspector General is using.

- If there is a plan to save all or a portion of the nonlapsing appropriations over multiple year to pay for an anticipated expense
 - o Estimated cost of the expense?
 - o Number of years until the agency will accumulate the amount required to pay for the expense?

Judicial Conduct Commission (H.B. 6, Item 11)

Under the terms of 63J-1-603 of the Utah Code, the Legislature intends that up to \$100,000 of appropriations provided for the Judicial Conduct Commission line item in Item 11, Chapter 8, Laws of Utah 2022, shall not lapse at the close of FY 2023. Expenditures of these funds are limited to professional services for investigations.

Agency Response

Plan to Spend - Expenditures of these funds are limited to professional services for investigations.

- If there is a plan to save all or a portion of the nonlapsing appropriations over multiple year to pay for an anticipated expense
 - o Estimated cost of the expense?
 - o Number of years until the agency will accumulate the amount required to pay for the expense?

Post Conviction Indigent Defense (H.B. 6, Item 12)

Under the terms of 63J-1-603 of the Utah Code, the Legislature intends that up to \$200,000 of appropriations provided for Post Conviction Indigent Defense line item in Item 12, Chapter 8, Laws of Utah 2022, shall not lapse at the close of FY 2023. Expenditures of these funds are limited to legal costs for death row inmates.

Agency Response

Plan to Spend - Expenditures of these funds are limited to legal costs for death row inmates.

- If there is a plan to save all or a portion of the nonlapsing appropriations over multiple year to pay for an anticipated expense
 - o Estimated cost of the expense?
 - o Number of years until the agency will accumulate the amount required to pay for the expense?

Archives (H.B. 6, Item 13)

Under the terms of 63J-1-603 of the Utah Code, the Legislature intends that up to \$250,000 of appropriations provided for the State Archives line item in Item 13, Chapter 8, Laws of Utah 2022, shall not lapse at the close of FY 2023. Expenditures of these funds limited to: electronic records management and preservation \$75,000; records repository systems improvements \$25,000; and computer systems upgrades \$50,000, and open records portal and public notice website upgrades \$100,000.

Agency Response

Plan to Spend - Expenditures of these funds limited to: electronic records management and preservation \$75,000; records repository systems improvements \$25,000; and computer systems upgrades \$50,000, and open records portal and public notice website upgrades \$100,000.

- If there is a plan to save all or a portion of the nonlapsing appropriations over multiple year to pay for an anticipated expense
 - o Estimated cost of the expense? Yes. The Division anticipates non-lapsing savings of \$70,000.00. These funds will be used to supplement electronic records management and preservation activities (a growing on-going expense), upgrade the server that supports the automated storage and retrieval system (one-time expense), and create a utility in the content management system to deliver finding aids to the public via the website in life-time (one-time expense).
 - o Number of years until the agency will accumulate the amount required to pay for the expense? E-records preservation is an expanding/growing expense. Any savings over multiple years will be used to some extent to supplement appropriated funding. The division anticipates a larger on-going funding request in the future.

Chief Information Officer (H.B. 6, Item 14)

Under the terms of 63J-1-603 of the Utah Code, the Legislature intends that up to \$37,250,000 of appropriations provided for the Chief Information Officer line item in Item 14, Chapter 8, Laws of Utah 2022, shall not lapse at the close of FY 2023. Expenditures of these funds are limited to costs associated with DTS rate study, other IT initiatives, to implement the provisions relating to a technology innovation program (H.B. 395, 2018 General Session) \$250,000; for network enhancement, data security, and broadband (S. B. 1001 Item 45, 2021 Special Session 1) \$12,000,000; for development of a Human Capital Management system (H.B. 2, Item 36, 2022 General Session) \$5,000,000; and for Innovation funds (H.B. 2, Item 36, 2022 General Session) \$20,000,000.

Agency Response

Plan to Spend - HCM/Payroll Project, Citizen Portal Project, IT initiatives in the CIO Office, technology innovation program

- If there is a plan to save all or a portion of the nonlapsing appropriations over multiple years to pay for an anticipated expense? **Yes...Citizen Portal Project and HCM/Payroll Project will take three years to accomplish so carry over funding will be requested each year for the next three years.**
 - o Estimated cost of the expense? **Citizen Portal estimate \$20 million and HCM/Payroll estimate \$22-25 million**
 - o Number of years until the agency will accumulate the amount required to pay for the expense? **Citizen Portal already funded and HCM/Payroll ongoing appropriation over three years.**

Integrated Technology (H.B. 6, Item 15)

Under the terms of 63J-1-603 of the Utah Code, the Legislature intends that up to \$600,000 of appropriations provided for the Integrated Technology Services line item in Item 15, Chapter 8, Laws of Utah 2022, shall not lapse at the close of FY 2023. Expenditures of these funds are limited to: Utah Geospatial Resource Center projects \$175,000; Google imagery \$100,000; Global Positioning System Reference Network upgrades and maintenance \$300,000; and Survey Monument Restoration grant obligations to local government \$25,000.

Agency Response

Plan to Spend - Utah Geospatial Resource Center Projects, Global Positioning System Reference Network, Google Imagery, and Survey Monument Restoration

If there is a plan to save all or a portion of the nonlapsing appropriations over multiple years to pay for an anticipated expense? **No**

- o Estimated cost of the expense? **N/A**

- Number of years until the agency will accumulate the amount required to pay for the expense? N/A