

Office of the
Legislative Fiscal Analyst

FY 2002 Budget Recommendations

Joint Appropriations Subcommittee for
Executive Offices and Criminal Justice

Governor's Office

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1.0 Governor’s Office

Summary

The Governor’s Office is the Executive arm of State Government. Under the label of the “Governor’s Office” are the programs and budget of the Governor’s personal staff and statewide oversight and service functions relative to planning and budget.

	Analyst FY 2002 Base	Analyst FY 2002 Changes	Analyst FY 2002 Total
Financing			
General Fund	2,977,100		2,977,100
Dedicated Credits Revenue	66,200		66,200
Restricted Revenue	2,000,000		2,000,000
Transfers - Environmental Quality	4,000		4,000
Transfers - Health	6,000		6,000
Transfers - Human Services	6,000		6,000
Transfers - Natural Resources	3,000		3,000
Transfers - Workforce Services	4,000		4,000
Total	\$5,066,300	\$0	\$5,066,300
Programs			
Administration	1,731,000		1,731,000
Governor's Residence	259,200		259,200
Washington Office	225,400		225,400
Motor Voter Registration			
Elections	662,800		662,800
Task Forces	59,200		59,200
Constitutional Defense Council	49,500		49,500
Governor Extra	2,000,000		2,000,000
Commission for Women and Families	79,200		79,200
Governor's Emergency Fund			
Total	\$5,066,300	\$0	\$5,066,300
FTE/Other			
Total FTE	34		34
Vehicles	3		3

2.0 Issues: Governor's Office

2.1 Elections

Publication costs for Initiative B resulted in a funding shortfall for the elections pamphlet. If additional funding becomes available the Analyst would recommend an appropriation of \$65,000 from the General Fund.

2.2 RS 2477 Line Item

The Analyst recommends making RS 2477 a separate line item in the Governor's budget. The Analyst also recommends that the following intent language be adopted:

It is the intent of the Legislature that funds expended from the Constitutional Defense Fund be used for litigation designed to quiet title to existing rights of way established before 1976 under RS 2477 guidelines. It is further the intent of the Legislature that the Governor or his designee shall present a report to the Legislature during each General Session detailing activities funded within this line item.

2.3 Emergency Fund

The Governor has a very small fund which he can utilize in for State emergencies. The fund balance is traditionally authorized at \$100,000. Funds this year were authorized for the clean up of the Riverdale floods and are also expected to be used for the creation of the nuclear waste opposition office. If funding becomes available the Analyst recommends that \$100,000 be authorized to replenish the fund.

2.4 Nonlapsing Intent Language

It is the intent of the Legislature that funding for the Governor's budget be nonlapsing.

It is the intent of the Legislature that funding for the Elections Program be nonlapsing.

It is the intent of the Legislature that funding for the Commission on Women and Families be nonlapsing.

It is the intent of the Legislature that funding for the Emergency Fund be nonlapsing.

It is the intent of the Legislature that funding for the RS 2477 program be nonlapsing.

3.1 Administration

Recommendation

The Analyst recommends \$1,731,000 for the Governor’s Administration.

	2000	2001	2002	Est/Analyst
	Actual	Estimated	Analyst	Difference
Financing				
General Fund	1,731,500	1,748,000	1,724,000	(24,000)
General Fund, One-time		(9,400)		9,400
Dedicated Credits Revenue	15,800	7,000	7,000	
Transfers - Governor's Office Administrat	8,400			
Beginning Nonlapsing	318,200	188,400		(188,400)
Closing Nonlapsing	(186,100)			
Total	\$1,887,800	\$1,934,000	\$1,731,000	(\$203,000)
Expenditures				
Personal Services	1,462,100	1,412,900	1,376,100	(36,800)
In-State Travel	9,400	10,000	4,700	(5,300)
Out of State Travel	64,100	65,100	28,000	(37,100)
Current Expense	315,700	376,200	304,700	(71,500)
DP Current Expense	36,500	69,800	17,500	(52,300)
Total	\$1,887,800	\$1,934,000	\$1,731,000	(\$203,000)
FTE/Other				
Total FTE	22	22	21	(1)
Vehicles		2	2	

Purpose

The Administrative section of the Governor’s Office is responsible for the coordination and development of policy and state issues that are of concern to the Governor.

3.2 Residence

Recommendation

The Analyst recommends \$259,200 for the Residence.

	2000 Actual	2001 Estimated	2002 Analyst	Est/Analyst Difference
Financing				
General Fund	270,000	262,800	259,200	(3,600)
General Fund, One-time		(1,000)		1,000
Dedicated Credits Revenue	100			
Closing Nonlapsing	(2,000)			
Total	\$268,100	\$261,800	\$259,200	(\$2,600)
Expenditures				
Personal Services	161,500	171,000	168,400	(2,600)
In-State Travel	100	100	100	
Out of State Travel	9,200	6,000	6,000	
Current Expense	95,000	82,400	82,400	
DP Current Expense	2,300	2,300	2,300	
Total	\$268,100	\$261,800	\$259,200	(\$2,600)
FTE/Other				
Total FTE	4	4	4	
Vehicles		1	1	

Purpose

The Residence section of the budget includes funding for the Governor's Mansion and staff support for the First Lady of Utah

3.3 Washington Office

Recommendation

The Analyst recommends \$225,400 for the Washington Office.

	2000 Actual	2001 Estimated	2002 Analyst	Est/Analyst Difference
Financing				
General Fund	210,000	207,000	202,400	(4,600)
General Fund, One-time		(1,400)		1,400
Transfers - Human Services	6,000	6,000	6,000	
Transfers - Health	6,000	6,000	6,000	
Transfers - Environmental Quality	4,000	4,000	4,000	
Transfers - Workforce Services	4,000	4,000	4,000	
Transfers - Natural Resources	3,000	3,000	3,000	
Closing Nonlapsing	(300)			
Total	\$232,700	\$228,600	\$225,400	(\$3,200)
Expenditures				
Personal Services	186,400	184,200	172,900	(11,300)
In-State Travel	1,300	300	1,200	900
Out of State Travel	9,900	2,700	9,900	7,200
Current Expense	35,100	41,400	41,400	
Total	\$232,700	\$228,600	\$225,400	(\$3,200)
FTE/Other				
Total FTE	2	2	2	

Purpose The purpose of the Washington Office is to promote and facilitate intergovernmental actions at the State/federal level. The Office serves as a liaison resource between the State and federal, executive and legislative branches in Washington D.C.

3.4 Constitutional Defense Council

Recommendation The Analyst recommends \$49,500 for the Constitutional Defense Council

	2000	2001	2002	Est/Analyst
	Actual	Estimated	Analyst	Difference
Financing				
General Fund	49,500	49,500	49,500	
Beginning Nonlapsing	38,400	63,300		(63,300)
Closing Nonlapsing	(63,300)			
Total	<u>\$24,600</u>	<u>\$112,800</u>	<u>\$49,500</u>	<u>(\$63,300)</u>
Expenditures				
Current Expense	24,600	112,800	49,500	(63,300)
Total	<u>\$24,600</u>	<u>\$112,800</u>	<u>\$49,500</u>	<u>(\$63,300)</u>
FTE/Other				

Purpose Funding for the Constitutional Defense Council is used for legal resources required to defend the State in challenges against federal mandates.

3.5 RS 2477

Recommendation The Analyst recommends \$2,000,000 for the RS 2477.

	2000	2001	2002	Est/Analyst
	Actual	Estimated	Analyst	Difference
Financing				
Restricted Revenue		1,196,000	2,000,000	804,000
Transfers		307,200		(307,200)
Total	<u>\$0</u>	<u>\$1,503,200</u>	<u>\$2,000,000</u>	<u>\$496,800</u>
Expenditures				
Personal Services		350,000	350,000	
In-State Travel		10,000	10,000	
Out of State Travel		2,000	2,000	
Current Expense		530,000	1,026,800	496,800
DP Current Expense		311,200	311,200	
Other Charges/Pass Thru		300,000	300,000	
Total	<u>\$0</u>	<u>\$1,503,200</u>	<u>\$2,000,000</u>	<u>\$496,800</u>

Purpose

Revised Statute 2477 (RS 2477) granted rights-of-way over “public lands, not reserved for public uses.”¹ The act created a self-executing system that allowed states to establish rights-of-way through use. Once a right of way was established, it was protected under RS 2477 and did not need affirmation from the federal government. Although the statute was repealed in 1976, rights-of-way established by 1976 remain legally valid.

The statute was a standing offer of a free rights of way over the public domain, and as soon as it was accepted in an appropriate manner by the agents of the public, or the public itself, a highway was established.²

Until recently, RS 2477 rights-of-way were not a particularly controversial area of public land management. However, recent efforts to limit access and prohibit motorized travel in wilderness areas, monuments and other areas of federal domain invigorated the RS 2477 debate. Since other agencies and local governments are in the process of mapping RS 2477 roads, the Analyst believes that the Constitutional Defense Fund should be used to protect Utah’s rights to established rights-of-way rather than to expand mapping efforts. To ensure this, the Analyst recommends the following intent language:

It is the intent of the Legislature that funds expended from the Constitutional Defense Fund be used for litigation designed to quiet title to existing rights of way established before 1976 under RS 2477 guidelines. It is further the intent of the Legislature that the Governor or his designee shall present a report to the Legislature each General Session detailing activities funded within this line item.

3.6 Task Forces

Recommendation

The Analyst recommends \$59,200 be appropriated for Task Forces.

¹ 43 U.S.C. 932

² 85 N.W. 47 as quoted by Barbara Hjelle in the Journal of Energy, Natural Resources and Environmental Law, Vol. 14(2), pp. 301-322.

	2000	2001	2002	Est/Analyst
	Actual	Estimated	Analyst	Difference
Financing				
General Fund	14,500			
Federal Funds	8,100			
Dedicated Credits Revenue		248,000	59,200	(188,800)
Beginning Nonlapsing	44,100	37,100		(37,100)
Closing Nonlapsing	(37,100)			
Total	<u>\$29,600</u>	<u>\$285,100</u>	<u>\$59,200</u>	<u>(\$225,900)</u>
Expenditures				
Personal Services		45,800	44,700	(1,100)
In-State Travel	3,200	500	3,200	2,700
Out of State Travel	1,000	500	1,000	500
Current Expense	10,400	8,400	10,300	1,900
DP Current Expense	15,000	37,700		(37,700)
Other Charges/Pass Thru		192,200		(192,200)
Total	<u>\$29,600</u>	<u>\$285,100</u>	<u>\$59,200</u>	<u>(\$225,900)</u>
FTE/Other				
Total FTE	1	1	1	

Purpose

The Task Force Section is utilized to focus on special issues that are of concern to the Governor. Dedicated credits in this section come from donations by private or non-profit firms.

3.7 Elections Office

Recommendation

The Analyst recommends \$662,800 for the Elections Office. If additional funding becomes available the Analyst recommends funding a building block of \$65,000 for increased costs related to the publication of the Voter Information Pamphlet resulting from the passage of Initiative B.

	2000	2001	2002	Est/Analyst
	Actual	Estimated	Analyst	Difference
Financing				
General Fund	1,146,000	666,900	662,800	(4,100)
General Fund, One-time		306,700		(306,700)
Transfers - Governor's Office Administration	100			
Beginning Nonlapsing		130,300		(130,300)
Closing Nonlapsing	(130,300)			
Total	<u>\$1,015,800</u>	<u>\$1,103,900</u>	<u>\$662,800</u>	<u>(\$441,100)</u>
Expenditures				
Personal Services	172,500	229,300	225,200	(4,100)
In-State Travel	1,800	900	9,000	8,100
Out of State Travel	2,000	4,200	4,200	
Current Expense	773,000	804,500	339,400	(465,100)
DP Current Expense	66,500	65,000	85,000	20,000
Total	<u>\$1,015,800</u>	<u>\$1,103,900</u>	<u>\$662,800</u>	<u>(\$441,100)</u>
FTE/Other				
Total FTE	5	5	5	

Purpose

The Elections Office administers and enforces Utah’s election laws and ensures full implementation of the Motor Voter Act, which requires states to set up election sites where motor vehicles are registered. The Election Office provides the public with voter registration information at these state owned or occupied facilities.

The elections section is also utilized to print the voter information pamphlet and fund other election year requirements.

3.8 Commission on Women and Families

Recommendation The Analyst recommends \$79,200 for the Commission on Women and Families.

	Analyst FY 2002 Base	Analyst FY 2002 Changes	Analyst FY 2002 Total
Financing			
General Fund	79,200		79,200
Total	<u>\$79,200</u>	<u>\$0</u>	<u>\$79,200</u>
Programs			
Commission for Women and Families	79,200		79,200
Total	<u>\$79,200</u>	<u>\$0</u>	<u>\$79,200</u>
FTE/Other			
Total FTE	1		1

Purpose The Commission on Women and Families actively publish information about issues in which women have a unique or particular interest. The original Commission on the Status of Women was established in 1964. Statutory authority was provided in 1973.

3.9 Emergency Fund

Recommendation If funding becomes available the Analyst recommends replenishing the fund in the amount of \$100,000.

	2000 Actual	2001 Estimated	2002 Analyst	Est/Analyst Difference
Financing				
General Fund, One-time	40,000			
Beginning Nonlapsing	17,000	57,000		(57,000)
Closing Nonlapsing	(57,000)			
Total	<u>\$0</u>	<u>\$57,000</u>	<u>\$0</u>	<u>(\$57,000)</u>
Expenditures				
Current Expense		57,000		(57,000)
Total	<u>\$0</u>	<u>\$57,000</u>	<u>\$0</u>	<u>(\$57,000)</u>

Purpose Authorization for expenditures from the Emergency Fund are found in 63-38-10, Utah Code Annotated, 1953.

4.0 Additional Information: Governor's Office

4.1 Funding History

	1998	1999	2000	2001	2002
Financing	Actual	Actual	Actual	Estimated	Analyst
General Fund	2,931,300	2,969,700	3,502,100	3,015,000	2,977,100
General Fund, One-time		152,000	40,000	294,700	
Federal Funds	45,000	(8,100)	8,100		
Dedicated Credits Revenue	69,500	74,300	17,100	255,000	66,200
Restricted Revenue				1,196,000	2,000,000
Transfers				307,200	
Transfers - Environmental Quality	4,000	4,000	4,000	4,000	4,000
Transfers - Governor's Office Administration		1,400	8,500		
Transfers - Health	6,000	6,000	6,000	6,000	6,000
Transfers - Human Services	6,000	6,000	6,000	6,000	6,000
Transfers - Natural Resources	34,000	3,000	3,000	3,000	3,000
Transfers - Workforce Services	4,400	4,000	4,000	4,000	4,000
Beginning Nonlapsing	1,069,800	862,300	440,400	504,200	
Closing Nonlapsing	(862,300)	(440,500)	(504,200)		
Total	\$3,307,700	\$3,634,100	\$3,535,000	\$5,595,100	\$5,066,300
Programs					
Administration	2,062,600	2,097,900	1,887,800	1,934,000	1,731,000
Governor's Residence	255,200	249,500	268,100	261,800	259,200
Washington Office	207,400	215,200	232,700	228,600	225,400
Motor Voter Registration	578,000	679,000			
Elections		102,900	1,015,800	1,103,900	662,800
Task Forces	94,300	116,000	29,600	285,100	59,200
Constitutional Defense Council	43,600	18,000	24,600	112,800	49,500
Governor Extra				1,503,200	2,000,000
Commission for Women and Families	66,600	68,700	76,400	108,700	79,200
Governor's Emergency Fund		86,900		57,000	
Total	\$3,307,700	\$3,634,100	\$3,535,000	\$5,595,100	\$5,066,300
Expenditures					
Personal Services	1,790,900	2,053,100	2,023,500	2,456,700	2,399,400
In-State Travel	27,900	20,500	21,100	23,800	30,200
Out of State Travel	69,500	110,700	92,300	95,500	54,100
Current Expense	1,195,200	1,271,300	1,275,900	2,038,900	1,864,700
DP Current Expense	175,100	176,600	122,200	488,000	417,900
DP Capital Outlay	13,800	1,900			
Capital Outlay	52,000				
Other Charges/Pass Thru	(16,700)			492,200	300,000
Total	\$3,307,700	\$3,634,100	\$3,535,000	\$5,595,100	\$5,066,300
FTE/Other					
Total FTE	29	27	35	35	34
Vehicles				3	3