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UTAH CHILD ABUSE PREVENTION BOARD		
2005 GENERAL SESSION		
	STATE OF UTAH	
	Sponsor: Paul Ray	
David Litvack	Steven R. Mascaro	Tim M. Cosgrove
LONG TITLE		
General Description:		
•	Litah Child Abuse Prevention Roard	and transfers oversight of the
This bill creates the Utah Child Abuse Prevention Board and transfers oversight of the Children's Trust Account from the Child Abuse Advisory Council and the Board of		C
Child and Family Services to the Utah Child Abuse Prevention Board created by this		
bill.		
Highlighted Provisions:		
This bill:		
defines terms;		
changes the nar	ne of the Children's Trust Account to	the Children's Trust Fund;
describes how f	funds in the Children's Trust Fund may	y be used;
• creates, within	the governor's office, the Utah Child A	Abuse Prevention Board and
lists the duties and powers	of the board;	
provides that th	e board is the sole entity with the auth	nority to administer the
Children's Trust Fund;		
establishes men	nbership of the board;	
provides for the	e organization of the board, including:	
• the appoints	ment of a chair; and	
• the creation	of committees;	
provides that m	embers of the board serve without pay	y, but are entitled to a per diem
and reimbursement for exp	enses;	



28	 creates the position of executive director of the Children's Trust Fund as a cabinet
29	level position and establishes the executive director's duties and compensation;
30	provides for staff support of the board;
31	• eliminates the responsibility of the Child Abuse Advisory Council and the Board of
32	Child and Family Services to oversee the Children's Trust Account or Children's
33	Trust Fund; and
34	 makes technical changes.
35	Monies Appropriated in this Bill:
36	None
37	Other Special Clauses:
38	None
39	Utah Code Sections Affected:
10	AMENDS:
11	26-2-12.5 , as last amended by Chapter 202, Laws of Utah 1995
12	62A-4a-311, as last amended by Chapter 246, Laws of Utah 2003
13	67-22-2, as last amended by Chapters 156 and 306, Laws of Utah 2004
14	ENACTS:
15	63-99-101 , Utah Code Annotated 1953
16	63-99-102 , Utah Code Annotated 1953
17	63-99-105 , Utah Code Annotated 1953
18	63-99-106 , Utah Code Annotated 1953
19	63-99-107 , Utah Code Annotated 1953
50	63-99-108 , Utah Code Annotated 1953
51	63-99-109 , Utah Code Annotated 1953
52	RENUMBERS AND AMENDS:
53	63-99-103, (Renumbered from 62A-4a-309, as last amended by Chapter 321, Laws of
54	Utah 2000)
55	63-99-104, (Renumbered from 62A-4a-310, as renumbered and amended by Chapter
56	260, Laws of Utah 1994)
57	

Be it enacted by the Legislature of the state of Utah:

58

59	Section 1. Section 26-2-12.5 is amended to read:	
60	26-2-12.5. Certified copies of birth certificates Fees credited to Children's	
61	Trust Fund.	
62	(1) In addition to the fees provided for in Section 26-1-6, the department and local	
63	registrars authorized to issue certified copies shall charge an additional \$3 fee for each certified	
64	copy of a birth certificate, including certified copies of supplementary and amended birth	
65	certificates, under Sections 26-2-8 through 26-2-11. This additional fee may be charged only	
66	for the first copy requested at any one time.	
67	(2) The fee shall be transmitted monthly to the state treasurer and credited to the	
68	Children's Trust [Account] Fund established in Section [62A-4a-309] 62A-99-103.	
69	Section 2. Section 62A-4a-311 is amended to read:	
70	62A-4a-311. Child Abuse Advisory Council Creation Membership	
71	Expenses.	
72	(1) (a) There is established the Child Abuse Advisory Council composed of no more	
73	than 25 members who are appointed by the board.	
74	(b) Except as required by Subsection (1)(c), as terms of current council members	
75	expire, the board shall appoint each new member or reappointed member to a four-year term.	
76	(c) Notwithstanding the requirements of Subsection (1)(b), the board shall, at the time	
77	of appointment or reappointment, adjust the length of terms to ensure that the terms of council	
78	members are staggered so that approximately half of the council is appointed every two years.	
79	(d) The council shall have geographic, economic, gender, cultural, and philosophical	
80	diversity.	
81	(e) When a vacancy occurs in the membership for any reason, the replacement shall be	
82	appointed for the unexpired term.	
83	(2) The council shall elect a chairperson from its membership at least biannually.	
84	(3) (a) Members shall receive no compensation or benefits for their services, but may	
85	receive per diem and expenses incurred in the performance of the member's official duties at	
86	the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.	
87	(b) Members may decline to receive per diem and expenses for their service.	
88	(4) (a) The council shall hold a public meeting quarterly.	
89	(b) Within budgetary constraints, meetings of the council may also be held on the call	

90	of <u>:</u>
91	(i) the chair[,]; or [of]
92	(ii) a majority of the members.
93	(c) Thirteen members of the council shall constitute a quorum at any meeting [and the]
94	(d) The action of the majority of the members present at a meeting shall be the action
95	of the council.
96	(5) The council shall advise the board on matters relating to child abuse and neglect.
97	[The council shall also recommend to the board how funds contained in the Children's Trust
98	Account shall be allocated.]
99	Section 3. Section 63-99-101 is enacted to read:
100	CHAPTER 99. CHILDREN'S TRUST FUND
101	<u>63-99-101.</u> Title.
102	This chapter is known as the "Children's Trust Fund."
103	Section 4. Section 63-99-102 is enacted to read:
104	<u>63-99-102.</u> Definitions.
105	As used in this chapter:
106	(1) "Board" means the Utah Child Abuse Prevention Board created in Section
107	<u>63-99-106.</u>
108	(2) "Child abuse and neglect" means the same as the term "child abuse or neglect"
109	defined in Section 62A-4a-402.
110	(3) "Executive director" means the executive director of the Children's Trust Fund
111	described in Section 63-99-109.
112	(4) "Trust fund" means the Children's Trust Fund created under Section 63-99-103.
113	Section 5. Section 63-99-103, which is renumbered from Section 62A-4a-309 is
114	renumbered and amended to read:
115	[62A-4a-309]. <u>63-99-103.</u> Children's Trust Fund.
116	(1) There shall be a restricted account within the General Fund [to] that shall be known
117	as the Children's Trust [Account] Fund. [This account is for crediting of]
118	(2) The trust fund shall receive:
119	(a) allocations and contributions from government and private sources; and [from
120	appropriate]

121	(b) revenues received under Section 26-2-12.5 for child abuse and neglect prevention	
122	programs described in Section [62A-4a-305] <u>63-99-105</u> .	
123	[(2)] <u>(3)</u> Money shall be:	
124	(a) appropriated from the [account] trust fund to the [division] board by the Legislature	
125	under [the Utah] Title 63, Chapter 38, Budgetary Procedures Act[-,]; and [shall be]	
126	(b) drawn upon by the executive director of the trust fund under the direction of the	
127	board.	
128	[(3)] (4) (a) [The Children's Trust Account] Except as provided in Subsection (4)(b),	
129	the trust fund may only be used [only] to implement prevention programs described in Section	
130	[62A-4a-305, and may only be allocated to entities that provide a one-to-one match,	
131	comprising a match from the community of at least 50% in cash and up to 50% in in-kind	
132	donations, which is 25% of the total funding received from the Children's Trust Account. The	
133	entity that receives the statewide evaluation contract is excepted from the cash-match	
134	provisions of this Subsection (3)] 63-99-105.	
135	(b) Notwithstanding Subsection (4)(a):	
136	(i) at least 10% of the funds received by the trust fund during the fiscal year shall be	
137	maintained as a trust investment; and	
138	(ii) not more than 10% of the funds received by the trust fund during the fiscal year	
139	may be used for the board's administrative expenses.	
140	Section 6. Section 63-99-104, which is renumbered from Section 62A-4a-310 is	
141	renumbered and amended to read:	
142	[62A-4a-310]. <u>63-99-104.</u> Funds Transfers and gifts.	
143	On behalf of the [Children's Trust Account, the department, through the division,] trust	
144	fund, the board may accept transfers, grants, gifts, bequests, or any money made available from	
145	any source to implement this [part] chapter.	
146	Section 7. Section 63-99-105 is enacted to read:	
147	63-99-105. Prevention programs.	
148	Programs contracted under this chapter:	
149	(1) shall be designed to provide child abuse and neglect prevention; and	
150	(2) may include community-based programs that:	
151	(a) relate to:	

152	(i) prenatal care;
153	(ii) perinatal bonding;
154	(iii) child growth and development;
155	(iv) basic child care;
156	(v) care of children with special needs;
157	(vi) coping with family stress;
158	(vii) crisis care;
159	(viii) aid to parents;
160	(ix) child abuse education;
161	(x) support groups for:
162	(A) abusive or potentially abusive parents; and
163	(B) children of a parent described in Subsection (2)(a)(x)(A);
164	(xi) early identification of families where the potential for child abuse and neglect
165	exists;
166	(xii) positive youth development;
167	(xiii) mentoring;
168	(xiv) academic enhancement;
169	(xv) tutoring;
170	(xvi) literacy; or
171	(xvii) parent education;
172	(b) include a component designed to prevent the occurrence or recurrence of, or reduce
173	the risk of:
174	(i) child abuse;
175	(ii) child neglect;
176	(iii) sexual molestation;
177	(iv) sexual exploitation;
178	(v) medical neglect; or
179	(vi) educational neglect;
180	(c) the board may consider potentially effective in reducing the incidence of family
181	problems leading to child abuse or neglect; or
182	(d) are designed to establish and assist community resources that prevent child abuse

183	and neglect.
184	Section 8. Section 63-99-106 is enacted to read:
185	63-99-106. Utah Child Abuse Prevention Board Creation and membership
186	Appointments Terms Removal Nominating committee Executive committee
187	Subcommittees.
188	(1) There is created within the governor's office the Utah Child Abuse Prevention
189	Board.
190	(2) Subject to Subsection (3), the board is composed of 11 voting members as follows:
191	(a) subject to Subsection (4):
192	(i) the executive director of the Department of Workforce Services;
193	(ii) the director of the Division of Community and Family Health Services within the
194	Department of Health;
195	(iii) the director of the Division of Substance Abuse and Mental Health within the
196	Department of Human Services;
197	(iv) the director of the Division of Child and Family Services within the Department of
198	Human Services; and
199	(v) the state superintendent of the Office of Education;
200	(b) one member:
201	(i) nominated by the chair of the Board of Child and Family Services within the
202	Department of Human Services; and
203	(ii) appointed by the Board of Child and Family Services within the Department of
204	Human Services;
205	(c) one member:
206	(i) nominated by the chair of the Child Abuse Advisory Council within the Department
207	of Human Services; and
208	(ii) appointed by the Child Abuse Advisory Council within the Department of Human
209	Services; and
210	(d) as provided in Subsection (5), four members, nominated by the nominating
211	committee, and appointed by the governor, representing each of the following:
212	(i) one member representing private hospitals specializing in the care of children;
213	(ii) two members representing nonprofit organizations that have a primary purpose of

214	preventing child abuse and neglect; and
215	(iii) one:
216	(A) family practice physician;
217	(B) pediatrician;
218	(C) physician specializing in obstetrics and gynecology; or
219	(D) psychiatrist.
220	(3) (a) Subject to Subsection (5), if any of the positions or entities described in
221	Subsections (2)(a) through (c) cease to exist, the position shall be filled by a person:
222	(i) representing a position or entity similar to the position or entity that has ceased to
223	exist;
224	(ii) nominated by the nominating committee described in Subsection (5); and
225	(iii) appointed by the governor.
226	(b) Subject to Subsection (3)(c), a member appointed by the governor shall serve a
227	three-year term.
228	(c) Notwithstanding Subsection (3)(b), the executive committee of the board, described
229	in Subsection (6), may adjust the length of the terms of the initial members to ensure that
230	approximately 1/3 of the members appointed by the governor are appointed each year.
231	(d) Members appointed by the governor may be removed:
232	(i) by the governor for cause; or
233	(ii) for an ethical violation, under the bylaws established in Subsection
234	63-99-108(1)(a)(i)(C).
235	(e) Members appointed by the governor may not serve more than five consecutive
236	terms.
237	(f) If a vacancy occurs in a position appointed by the governor, the governor shall
238	appoint a person to fill the vacancy for the unexpired term of the member being replaced.
239	(4) A person described under Subsection (2)(a) may designate another person to serve
240	as a member of the board in that person's place.
241	(5) (a) The nominating committee of the board is created as follows:
242	(i) subject to Subsection (5)(a)(ii), the nominating committee shall consist of five
243	members of the board appointed by the board;
244	(ii) the members of the initial nominating committee shall be appointed by the Board

245	of Child and Family Services within the Department of Human Services; and
246	(iii) after all initial members of the board are appointed, the initial nominating
247	committee described in Subsection (5)(a)(ii) is dissolved and replaced by the nominating
248	committee described in Subsection (5)(a)(i).
249	(b) The nominating committee described in Subsection (5)(a) shall nominate for
250	appointment by the governor to the board, the members described in Subsections (2)(d) and
251	(3)(a).
252	(c) In nominating members of the board, the nominating committee shall take into
253	account the community's geographic, professional, cultural, and socio-economic diversity.
254	(d) (i) The governor must appoint or reject the nomination of a person nominated by
255	the nominating committee described in this Subsection (5) within 60 days of the day on which
256	the governor is notified, in writing, of the nomination.
257	(ii) If the governor does not appoint or reject a nominee within the time described in
258	Subsection (5)(d)(i), the nominee shall be considered appointed by the governor.
259	(6) The board shall establish an executive committee consisting of as many of the
260	board's members as the board considers appropriate.
261	(7) The board may establish subcommittees to assist the board in accomplishing the
262	duties described in Section 63-99-108.
263	Section 9. Section 63-99-107 is enacted to read:
264	63-99-107. Action of the Utah Child Abuse Prevention Board Appointment of
265	chair Meetings Members serve without compensation Reimbursement for
266	expenses.
267	(1) (a) A majority of the members of the board constitute a quorum.
268	(b) The action of a majority of a quorum constitutes the action of the board.
269	(2) The board shall appoint one of its members as chair.
270	(3) (a) The chair shall call and hold meetings of the board at least bimonthly.
271	(b) One or more additional meetings may be called upon request of a majority of the
272	board's members.
273	(4) (a) A member of the board who is not a government employee shall receive no
274	compensation or benefits for the member's services, but may:
275	(i) receive per diem, and expenses incurred in the performance of the member's official

276	duties at the rates established by the Division of Finance under Sections 63A-3-106 and	
277	<u>63A-3-107; or</u>	
278	(ii) decline to receive per diem and expenses for the member's service.	
279	(b) A member of the board who is a state government officer or employee and who	
280	does not receive salary, per diem, and expenses from the member's agency for the member's	
281	service may:	
282	(i) receive per diem and expenses incurred in the performance of the member's official	
283	duties at the rates established by the Division of Finance under Sections 63A-3-106 and	
284	63A-3-107; or	
285	(ii) decline to receive per diem and expenses for the member's service.	
286	Section 10. Section 63-99-108 is enacted to read:	
287	63-99-108. Powers and duties of the Utah Child Abuse Prevention Board.	
288	(1) The board shall:	
289	(a) adopt bylaws that include:	
290	(i) an ethics policy that provides for:	
291	(A) disclosure by board members of conflicts of interest;	
292	(B) recusal of a board member from participating in an action of the board when the	
293	member has a conflict of interest;	
294	(C) removal of a board member for an ethical violation; and	
295	(D) ethical standards approved by the board; and	
296	(ii) a requirement for each member to sign a "commitment to serve" that contains the	
297	duties and expectations of board members;	
298	(b) make rules, pursuant to Title 63, Chapter 46a, Utah Administrative Rulemaking	
299	Act, relating to the expenditure of funds contained in the trust fund;	
300	(c) annually prepare and publish a report to the Health and Human Services Interim	
301	Committee of the Legislature:	
302	(i) on or before November 1;	
303	(ii) describing how the board fulfilled its duties during the year; and	
304	(iii) making recommendations on how the state should act to address issues relating to	
305	the prevention of child abuse and neglect;	
306	(d) facilitate the exchange of information between persons concerned with issues	

307	relating to the prevention of child abuse or neglect;		
308	(e) advise the Legislature, state agencies, and the public regarding issues relating to:		
309	(i) the trust fund; or		
310	(ii) the prevention of child abuse and neglect; and		
311	(f) be the sole entity with the authority to administer the trust fund.		
312	(2) The board may:		
313	(a) advocate for the prevention of child abuse and neglect;		
314	(b) coordinate with private nonprofit entities to raise funds for deposit in the trust fund;		
315	(c) consistent with Subsection (3), contract with, or issue grants to, any person to		
316	establish a community-based education or service program designed to reduce the occurrence		
317	of child abuse and neglect;		
318	(d) engage in fundraising efforts; and		
319	(e) apply for grants.		
320	(3) A contract or grant described in Subsection (2)(c):		
321	(a) shall contain a provision permitting the board, or the board's designee to:		
322	(i) evaluate the program that the contract or grant relates to; and		
323	(ii) terminate the contract or grant if the board determines that the purpose of the		
324	contract or grant is not being accomplished;		
325	(b) pursuant to the requirements of law, shall be financed from:		
326	(i) the trust fund; or		
327	(ii) other funds received pursuant to this section;		
328	(c) may be awarded to:		
329	(i) existing programs; or		
330	(ii) demonstration projects; and		
331	(d) may be considered for continuation or renewal if the program is successful in		
332	accomplishing the goals of the program.		
333	Section 11. Section 63-99-109 is enacted to read:		
334	63-99-109. Utah Child Abuse Prevention Board Executive director and staff.		
335	(1) (a) Subject to Subsection (1)(b), the board shall hire an executive director for the		
336	Children's Trust Fund.		
337	(b) The board may not hire an executive director until the person selected by the board		

338	is confirmed by the governor.		
339	(c) The governor shall establish the salary of the executive director within the salary		
340	range fixed by the Legislature in Title 67, Chapter 22, State Officer Compensation.		
341	(2) The executive director shall:		
342	(a) be responsible only to the board;		
343	(b) under the direction of the board, admin	ister the duties of the board; and	
344	(c) manage the staff support for the board.		
345	(3) The executive director may hire staff to	provide administrative support to the	
346	executive director and the board within the funds:		
347	(a) appropriated to the board by the Legisla	ture for that purpose; or	
348	(b) made available for that purpose under S	Subsection 63-99-103(4)(b)(ii).	
349	Section 12. Section 67-22-2 is amended to read:		
350	67-22-2. Compensation Other state of	ficers.	
351	(1) The governor shall establish salaries for	r the following state officers within the	
352	following salary ranges fixed by the Legislature:		
353	State Officer	Salary Range	
354	Commissioner of Agriculture and Food	\$65,200 - \$88,400	
355	Commissioner of Insurance	\$65,200 - \$88,400	
356	Commissioner of the Labor Commission	\$65,200 - \$88,400	
357	Director, Alcoholic Beverage Control		
358	Commission	\$65,200 - \$88,400	
359	Commissioner, Department of		
360	Financial Institutions	\$65,200 - \$88,400	
361	Members, Board of Pardons and Parole	\$65,200 - \$88,400	
362	Executive Director, Children's		
363	Trust Fund	<u>\$65,200 - \$88,400</u>	
364	Executive Director, Department		
365	of Commerce	\$65,200 - \$88,400	
366	Executive Director, Commission on		
367	Criminal and Juvenile Justice	\$65,200 - \$88,400	
368	Adjutant General	\$65,200 - \$88,400	

369	Chair, Tax Commission	\$70,600 - \$95,200
370	Commissioners, Tax Commission	\$70,600 - \$95,200
371	Executive Director, Department of	
372	Community and Economic	
373	Development	\$70,600 - \$95,200
374	Executive Director, Tax Commission	\$70,600 - \$95,200
375	Chair, Public Service Commission	\$70,600 - \$95,200
376	Commissioners, Public Service	
377	Commission	\$70,600 - \$95,200
378	Executive Director, Department	
379	of Corrections	\$76,800 - \$103,600
380	Commissioner, Department of Public Safety	\$76,800 - \$103,600
381	Executive Director, Department of	
382	Natural Resources	\$76,800 - \$103,600
383	Director, Governor's Office of Planning	
384	and Budget	\$76,800 - \$103,600
385	Executive Director, Department of	
386	Administrative Services	\$76,800 - \$103,600
387	Executive Director, Department of	
388	Human Resource Management	\$76,800 - \$103,600
389	Executive Director, Department of	
390	Environmental Quality	\$76,800 - \$103,600
391	Executive Director, Department of	
392	Workforce Services	\$83,600 - \$112,900
393	Executive Director, Department of	
394	Health	\$83,600 - \$112,900
395	Executive Director, Department	
396	of Human Services	\$83,600 - \$112,900
397	Executive Director, Department	
398	of Transportation	\$83,600 - \$112,900
399	Chief Information Officer	\$83,600 - \$112,900

400	(2) (a) The Legislature fixes benefits for the state offices outlined in Subsection (1) as
401	follows:
402	(i) the option of participating in a state retirement system established by Title 49, Utah
403	State Retirement and Insurance Benefit Act, or in a deferred compensation plan administered
404	by the State Retirement Office in accordance with the Internal Revenue Code and its
405	accompanying rules and regulations;
406	(ii) health insurance;
407	(iii) dental insurance;
408	(iv) basic life insurance;
409	(v) unemployment compensation;
410	(vi) workers' compensation;
411	(vii) required employer contribution to Social Security;
412	(viii) long-term disability income insurance;
413	(ix) the same additional state-paid life insurance available to other noncareer service
414	employees;
415	(x) the same severance pay available to other noncareer service employees;
416	(xi) the same sick leave, converted sick leave, educational allowances, and holidays
417	granted to Schedule B state employees, and the same annual leave granted to Schedule B state
418	employees with more than ten years of state service;
419	(xii) the option to convert accumulated sick leave to cash or insurance benefits as
420	provided by law or rule upon resignation or retirement according to the same criteria and
421	procedures applied to Schedule B state employees;
422	(xiii) the option to purchase additional life insurance at group insurance rates according
423	to the same criteria and procedures applied to Schedule B state employees; and
424	(xiv) professional memberships if being a member of the professional organization is a
425	requirement of the position.
426	(b) Each department shall pay the cost of additional state-paid life insurance for its
427	executive director from its existing budget.
428	(3) The Legislature fixes the following additional benefits:
429	(a) for the executive director of the State Tax Commission a vehicle for official and
430	personal use;

431	(b) for the executive director of the Department of Transportation a vehicle for official
432	and personal use;
433	(c) for the executive director of the Department of Natural Resources a vehicle for
434	commute and official use;
435	(d) for the Commissioner of Public Safety:
436	(i) an accidental death insurance policy if POST certified; and
437	(ii) a public safety vehicle for official and personal use;
438	(e) for the executive director of the Department of Corrections:
439	(i) an accidental death insurance policy if POST certified; and
440	(ii) a public safety vehicle for official and personal use;
441	(f) for the Adjutant General a vehicle for official and personal use; and
442	(g) for each member of the Board of Pardons and Parole a vehicle for commute and
443	official use.
444	(4) (a) The governor has the discretion to establish a specific salary for each office
445	listed in Subsection (1), and, within that discretion, may provide salary increases within the
446	range fixed by the Legislature.
447	(b) The governor shall apply the same overtime regulations applicable to other FLSA
448	exempt positions.
449	(c) The governor may develop standards and criteria for reviewing the performance of
450	the state officers listed in Subsection (1).
451	(5) Salaries for other Schedule A employees, as defined in Section 67-19-15, which are

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Act, shall be established as provided in Section 67-19-15.

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Based on a limited legal review, this legislation has not been determined to have a high probability of being held unconstitutional.

not provided for in this chapter, or in Title 67, Chapter 8, Utah Executive and Judicial Salary

Office of Legislative Research and General Counsel

State Impact

This bill requires an ongoing appropriation of \$218,700. Of this amount, \$183,900 is from the General Fund and \$34,800 is from the authorized portion from collections for the Children's Trust Fund. The General Fund Restricted - Children's Trust Fund of approximately \$350,000 will be moved from the Department of Human Services to the new office within the Office of the Governor.

	FY 2006	FY 2007	FY 2006	FY 2007
	Approp.	Approp.	Revenue	Revenue
General Fund	\$183,900	\$173,700	\$0	\$0
General Fund Restricted	\$34,800	\$34,800	\$0	\$0
TOTAL	\$218,700	\$208,500	\$0	\$0

Individual and Business Impact

The fiscal impact to individuals or businesses will depend on the action of the Board and Office established by this bill.

Office of the Legislative Fiscal Analyst