

**Representative Eric K. Hutchings** proposes the following substitute bill:

**IN-HOME AND COMMUNITY BASED SUPPORT  
SERVICES FOR ADULTS WITH LONG-TERM  
CARE NEEDS**

2006 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Eric K. Hutchings**

Senate Sponsor: \_\_\_\_\_

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**LONG TITLE**

**General Description:**

This bill amends the state Medical Assistance Act and the Budgetary Procedures Act to require the Legislature, Department of Health, and the Department of Human Services to prioritize, and the governor to consider prioritizing funding for programs to support in-home and community based support services for adults with long-term care needs.

**Highlighted Provisions:**

This bill:

- ▶ makes legislative findings;
- ▶ directs the Legislature to prioritize appropriated funds for programs to support in-home care;
- ▶ directs the Department of Health and the Department of Human Services, within appropriation from the Legislature, to prioritize spending on long-term care needs of adults for in-home and community based support services; and
- ▶ amends the Budgetary Procedures Act to require the governor to consider prioritizing state spending on long-term care needs of adults for in-home and community based support services.



**Monies Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

**AMENDS:**

**63-38-2**, as last amended by Chapters 326 and 352, Laws of Utah 2004

**ENACTS:**

**26-18-403**, Utah Code Annotated 1953

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

Section 1. Section **26-18-403** is enacted to read:

**26-18-403. In-home and community based support services for adults with long-term care needs.**

(1) The Legislature finds that:

(a) in-home and community based support services have not been sufficiently available for many adults with long-term care needs;

(b) many adults with long-term care needs who would otherwise be able to stay in their own homes are at risk of being, or already have been placed in institutional settings, because in-home and community based support services or funds to pay for those services have not been available to them; and

(c) a variety of agencies, facilities, and individuals should be encouraged to provide in-home and community based support services to adults with long-term care needs.

(2) Within appropriations the Legislature shall prioritize funding for in-home and community based support services for long-term care needs of adults.

(3) The Department of Health and the Department of Human Services shall, subject to available funding, establish and administer programs of in-home and community based support services for adults with long-term care needs, by itself or in cooperation with the federal government, local governments, or private providers of in-home and community based support services.

Section 2. Section **63-38-2** is amended to read:

**63-38-2. Governor to submit budget to Legislature -- Contents -- Preparation -- Appropriations based on current tax laws and not to exceed estimated revenues.**

(1) (a) The governor shall, within three days after the convening of the Legislature in the annual general session, submit a budget for the ensuing fiscal year by delivering it to the presiding officer of each house of the Legislature together with a schedule for all of the proposed appropriations of the budget, clearly itemized and classified.

(b) The budget message shall include:

(i) a projection of estimated revenues and expenditures for the next fiscal year; and

(ii) the source of all direct, indirect, or in-kind matching funds for all federal grants or assistance programs included in the budget.

(2) At least 34 days before the submission of any budget, the governor shall deliver a confidential draft copy of his proposed budget recommendations to the Office of the Legislative Fiscal Analyst.

(3) (a) The budget shall contain a complete plan of proposed expenditures and estimated revenues for the next fiscal year based upon the current fiscal year state tax laws and rates.

(b) The budget may be accompanied by a separate document showing proposed expenditures and estimated revenues based on changes in state tax laws or rates.

(4) The budget shall be accompanied by a statement showing:

(a) the revenues and expenditures for the last fiscal year;

(b) the current assets, liabilities, and reserves, surplus or deficit, and the debts and funds of the state;

(c) an estimate of the state's financial condition as of the beginning and the end of the period covered by the budget;

(d) a complete analysis of lease with an option to purchase arrangements entered into by state agencies;

(e) the recommendations for each state agency for new full-time employees for the next fiscal year; which recommendation should be provided also to the State Building Board under Subsection 63A-5-103(2);

(f) any explanation the governor may desire to make as to the important features of the budget and any suggestion as to methods for the reduction of expenditures or increase of the

88 state's revenue; and

89 (g) the information detailing certain regulatory fee increases required by Section  
90 63-38-3.2.

91 (5) The budget shall include an itemized estimate of the appropriations for:

92 (a) the Legislative Department as certified to the governor by the president of the  
93 Senate and the speaker of the House;

94 (b) the Executive Department;

95 (c) the Judicial Department as certified to the governor by the state court administrator;

96 (d) payment and discharge of the principal and interest of the indebtedness of the state;

97 (e) the salaries payable by the state under the Utah Constitution or under law for the  
98 lease agreements planned for the next fiscal year;

99 (f) other purposes that are set forth in the Utah Constitution or under law; and

100 (g) all other appropriations.

101 (6) Deficits or anticipated deficits shall be included in the budget.

102 (7) (a) (i) For the purpose of preparing and reporting the budget, the governor shall  
103 require from the proper state officials, including public and higher education officials, all heads  
104 of executive and administrative departments and state institutions, bureaus, boards,  
105 commissions, and agencies expending or supervising the expenditure of the state moneys, and  
106 all institutions applying for state moneys and appropriations, itemized estimates of revenues  
107 and expenditures.

108 (ii) (A) The governor may also require other information under these guidelines and at  
109 times as the governor may direct.

110 (B) These guidelines may include a requirement for program productivity and  
111 performance measures, where appropriate, with emphasis on outcome indicators.

112 (b) The estimate for the Legislative Department as certified by the presiding officers of  
113 both houses shall be included in the budget without revision by the governor.

114 (c) The estimate for the Judicial Department, as certified by the state court  
115 administrator, shall also be included in the budget without revision, but the governor may make  
116 separate recommendations on it.

117 (d) The governor may require the attendance at budget meetings of representatives of  
118 public and higher education, state departments and institutions, and other institutions or

119 individuals applying for state appropriations.

120 (e) The governor may revise all estimates, except those relating to the Legislative  
121 Department, the Judicial Department, and those providing for the payment of principal and  
122 interest to the state debt and for the salaries and expenditures specified by the Utah  
123 Constitution or under the laws of the state.

124 (8) The total appropriations requested for expenditures authorized by the budget may  
125 not exceed the estimated revenues from taxes, fees, and all other sources for the next ensuing  
126 fiscal year.

127 (9) If any item of the budget as enacted is held invalid upon any ground, the invalidity  
128 does not affect the budget itself or any other item in it.

129 (10) (a) In submitting the budgets for the Departments of Health and Human Services  
130 and the Office of the Attorney General, the governor shall consider a separate recommendation  
131 in his budget for funds to be:

132 (i) contracted to:

133 [(i)] (A) local mental health authorities under Section 62A-15-110;

134 [(ii)] (B) local substance abuse authorities under Section 62A-15-110;

135 [(iii)] (C) area agencies under Section 62A-3-104.2;

136 [(iv)] (D) programs administered directly by and for operation of the Divisions of  
137 Substance Abuse and Mental Health and Aging and Adult Services;

138 [(v)] (E) local health departments under Title 26A, Chapter 1, Local Health  
139 Departments; and

140 [(vi)] (F) counties for the operation of Children's Justice Centers under Section  
141 67-5b-102[-]; and

142 (ii) prioritized for spending on in-home and community based support services for  
143 adults with long-term care needs.

144 (b) In his budget recommendations under Subsections (10)(a)(i)[, (ii), and (iii)] (A),  
145 (B), and (C), the governor shall consider an amount sufficient to grant local health departments,  
146 local mental health authorities, local substance abuse authorities, and area agencies the same  
147 percentage increase for wages and benefits that he includes in his budget for persons employed  
148 by the state.

149 (c) If the governor does not include in his budget an amount sufficient to grant the

increase described in Subsection (10)(b), he shall include a message to the Legislature regarding his reason for not including that amount.

(d) If the governor does not prioritize spending for in-home and community based support services described in Subsection (10)(a)(ii), the governor shall include a message to the Legislature regarding his reason for not prioritizing the funding.

(11) (a) In submitting the budget for the Division of Services for People with Disabilities, the Division of Child and Family Services, and the Division of Juvenile Justice Services within the Department of Human Services, the governor shall consider an amount sufficient to grant employees of corporations that provide direct services under contract with those divisions, the same percentage increase for cost-of-living that he includes in his budget for persons employed by the state.

(b) If the governor does not include in his budget an amount sufficient to grant the increase described in Subsection (11)(a), he shall include a message to the Legislature regarding his reason for not including that amount.

(12) (a) The Families, Agencies, and Communities Together Council may propose to the governor under Subsection 63-75-4(4)(e) a budget recommendation for collaborative service delivery systems operated under Section 63-75-6.5.

(b) The Legislature may, through a specific program schedule, designate funds appropriated for collaborative service delivery systems operated under Section 63-75-6.5.

(13) The governor shall include in his budget the state's portion of the budget for the Utah Communications Agency Network established in Title 63C, Chapter 7, Utah Communications Agency Network Act.

(14) (a) The governor shall include a separate recommendation in the governor's budget for funds to maintain the operation and administration of the Utah Comprehensive Health Insurance Pool.

(b) In making the recommendation the governor may consider:

(i) actuarial analysis of growth or decline in enrollment projected over a period of at least three years;

(ii) actuarial analysis of the medical and pharmacy claims costs projected over a period of at least three years;

(iii) the annual Medical Care Consumer Price Index;

(iv) the annual base budget for the pool established by the Commerce and Revenue Appropriations Subcommittee for each fiscal year;

(v) the growth or decline in insurance premium taxes and fees collected by the tax commission and the insurance department; and

(vi) the availability of surplus General Fund revenue under Section 63-38-2.5 and Subsection 59-14-204(5)(b).

(15) In adopting a budget for each fiscal year, the Legislature shall consider an amount sufficient to grant local health departments, local mental health authorities, local substance abuse authorities, and area agencies on aging the same percentage increase for wages and benefits that is included in the budget for persons employed by the state.

(16) (a) In adopting a budget each year for the Utah Comprehensive Health Insurance Pool, the Legislature shall determine an amount that is sufficient to fund the pool for each fiscal year.

(b) When making a determination under Subsection (16)(a), the Legislature shall consider factors it determines are appropriate, which may include:

(i) actuarial analysis of growth or decline in enrollment projected over a period of at least three years;

(ii) actuarial analysis of the medical and pharmacy claims costs projected over a period of at least three years;

(iii) the annual Medical Care Consumer Price Index;

(iv) the annual base budget for the pool established by the Commerce and Revenue Appropriations Subcommittee for each fiscal year;

(v) the growth or decline in insurance premium taxes and fees collected by the tax commission and the insurance department from the previous fiscal year; and

(vi) the availability of surplus General Fund revenue under Section 63-38-2.5 and Subsection 59-14-204(5)(b).

(c) The funds appropriated by the Legislature to fund the Utah Comprehensive Health Insurance Pool as determined under Subsection (16)(a):

(i) shall be deposited into the enterprise fund established by Section 31A-29-120; and

(ii) are restricted and are to be used to maintain the operation, administration, and management of the Utah Comprehensive Health Insurance Pool created by Section

212 31A-29-104.

213           (17) In considering the factors in Subsections (14)(b)(i), (ii), and (iii) and Subsections  
214 (16)(b)(i), (ii), and (iii), the governor and the Legislature may consider the actuarial data and  
215 projections prepared for the board of the Utah Comprehensive Health Insurance Pool as it  
216 develops its financial statements and projections for each fiscal year.