

RETIREMENT FISCAL NOTE REQUIREMENTS

2023 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Lincoln Fillmore

House Sponsor: Walt Brooks

LONG TITLE

Committee Note:

The Retirement and Independent Entities Interim Committee recommended this bill.

Legislative Vote: 8 voting for 0 voting against 7 absent

General Description:

This bill modifies the duties of the Office of the Legislative Fiscal Analyst.

Highlighted Provisions:

This bill:

▸ directs the Office of the Legislative Fiscal Analyst to include specified additional information in the fiscal estimate for each proposed bill that changes retirement benefits for public employees.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

36-12-13, as last amended by Laws of Utah 2021, Chapters 254, 421

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

Section 1. Section **36-12-13** is amended to read:



28 **36-12-13. Office of the Legislative Fiscal Analyst established -- Powers, functions,**
29 **and duties -- Qualifications.**

30 (1) There is established an Office of the Legislative Fiscal Analyst as a permanent staff
31 office for the Legislature.

32 (2) The powers, functions, and duties of the Office of the Legislative Fiscal Analyst
33 under the supervision of the fiscal analyst are:

34 (a) (i) to estimate general revenue collections, including comparisons of:

35 (A) current estimates for each major tax type to long-term trends for that tax type;

36 (B) current estimates for federal fund receipts to long-term federal fund trends; and

37 (C) current estimates for tax collections and federal fund receipts to long-term trends
38 deflated for the inflationary effects of debt monetization; and

39 (ii) to report the analysis required under Subsection (2)(a)(i) to the Legislature's
40 Executive Appropriations Committee before each annual general session of the Legislature;

41 (b) to analyze in detail the state budget before the convening of each legislative session
42 and make recommendations to the Legislature on each item or program appearing in the
43 budget, including:

44 (i) funding for and performance of programs, acquisitions, and services currently
45 undertaken by state government to determine whether each department, agency, institution, or
46 program should:

47 (A) continue at its current level of expenditure;

48 (B) continue at a different level of expenditure; or

49 (C) be terminated; and

50 (ii) increases or decreases to spending authority and other resource allocations for the
51 current and future fiscal years;

52 (c) to prepare on all proposed bills fiscal estimates that reflect:

53 (i) potential state government revenue impacts;

54 (ii) anticipated state government expenditure changes;

55 (iii) anticipated expenditure changes for county, municipal, local district, or special
56 service district governments; [~~and~~]

57 (iv) anticipated direct expenditure by Utah residents and businesses, including the unit
58 cost, number of units, and total cost to all impacted residents and businesses; and

59 (v) if the proposed bill changes retirement benefits under a system or plan governed by
60 Title 49, Utah State Retirement and Insurance Benefit Act, the anticipated effect on:

61 (A) each affected system's or plan's unfunded actuarial accrued liability and actuarial
62 funded ratio, based on current employer contributions;

63 (B) employer contributions and member contributions;

64 (C) a retiree's retirement allowance;

65 (D) the total cost to active members and retirees; and

66 (E) the total cost to employers for all active members and retirees;

67 (d) to indicate whether each proposed bill will impact the regulatory burden for Utah
68 residents or businesses, and if so:

69 (i) whether the impact increases or decreases the regulatory burden; and

70 (ii) whether the change in burden is high, medium, or low;

71 (e) beginning in 2017 and repeating every three years after 2017, to prepare the
72 following cycle of analyses of long-term fiscal sustainability:

73 (i) in year one, the joint revenue volatility report required under Section [63J-1-205](#);

74 (ii) in year two, a long-term budget for programs appropriated from major funds and
75 tax types; and

76 (iii) in year three, a budget stress test comparing estimated future revenue to and
77 expenditure from major funds and tax types under various potential economic conditions;

78 (f) to report instances in which the administration may be failing to carry out the
79 expressed intent of the Legislature;

80 (g) to propose and analyze statutory changes for more effective operational economies
81 or more effective administration;

82 (h) to prepare, before each annual general session of the Legislature, a summary
83 showing the current status of the following as compared to the past nine fiscal years:

84 (i) debt;

85 (ii) long-term liabilities;

86 (iii) contingent liabilities;

87 (iv) General Fund borrowing;

88 (v) reserves;

89 (vi) fund and nonlapsing balances; and

- 90 (vii) cash funded capital investments;
- 91 (i) to make recommendations for addressing the items described in Subsection (2)(h) in
- 92 the upcoming annual general session of the Legislature;
- 93 (j) to prepare, after each session of the Legislature, a summary showing the effect of
- 94 the final legislative program on the financial condition of the state;
- 95 (k) to conduct organizational and management improvement studies in accordance
- 96 with Title 63J, Chapter 1, Part 9, Government Performance Reporting and Efficiency Process,
- 97 and legislative rule;
- 98 (l) to prepare and deliver upon request of any interim committee or the Legislative
- 99 Management Committee, reports on the finances of the state and on anticipated or proposed
- 100 requests for appropriations;
- 101 (m) to recommend areas for research studies by the executive department or the interim
- 102 committees;
- 103 (n) to appoint and develop a professional staff within budget limitations;
- 104 (o) to prepare and submit the annual budget request for the office;
- 105 (p) to develop a taxpayer receipt:
- 106 (i) available to taxpayers through a website; and
- 107 (ii) that allows a taxpayer to view on the website an estimate of how the taxpayer's tax
- 108 dollars are expended for government purposes; and
- 109 (q) to publish or provide other information on taxation and government expenditures
- 110 that may be accessed by the public.
- 111 (3) The legislative fiscal analyst shall have a master's degree in public administration,
- 112 political science, economics, accounting, or the equivalent in academic or practical experience.
- 113 (4) In carrying out the duties provided for in this section, the legislative fiscal analyst
- 114 may obtain access to all records, documents, and reports necessary to the scope of the
- 115 legislative fiscal analyst's duties according to the procedures contained in Title 36, Chapter 14,
- 116 Legislative Subpoena Powers.
- 117 (5) The Office of the Legislative Fiscal Analyst shall provide any information the State
- 118 Board of Education reports in accordance with Subsection [53E-3-507\(7\)](#) to:
- 119 (a) the chief sponsor of the proposed bill; and
- 120 (b) upon request, any legislator.