

PROTECTED DRAFT

Representative Brad R. Wilson proposes the following substitute bill:

OPERATION RIO GRANDE FUNDING AMENDMENTS

2017 FIRST SPECIAL SESSION

STATE OF UTAH

Chief Sponsor: Brad R. Wilson

Senate Sponsor: Jacob L. Anderegg

LONG TITLE

General Description:

This bill modifies the Budgetary Procedures Act by amending provisions relating to funding for law enforcement, adjudication, corrections, and homeless services.

Highlighted Provisions:

This bill:

- ▶ authorizes the Department of Workforce Services to transfer or divert money to another department, agency, institution, or division only for the purposes of law enforcement, adjudication, corrections, and providing and addressing services for homeless individuals and families for a certain period of time; and
- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

This bill appropriates in fiscal year 2018:

- ▶ to the Department of Workforce Services - Operation Rio Grande, as a one-time appropriation:
 - from the General Fund, \$4,900,000; and
- ▶ to the General Fund, as a one-time appropriation:
 - from Nonlapsing Balances - Corrections - Jail Contracting, \$4,900,000.

Other Special Clauses:



26 This bill provides a special effective date.

27 **Utah Code Sections Affected:**

28 AMENDS:

29 **63I-2-263**, as last amended by Laws of Utah 2017, Chapter 430

30 **63J-1-206**, as last amended by Laws of Utah 2014, Chapter 189

31

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

33 Section 1. Section **63I-2-263** is amended to read:

34 **63I-2-263. Repeal dates, Title 63A to Title 63N.**

35 (1) Section 63A-5-227 is repealed on January 1, 2018.

36 (2) Section 63H-7a-303 is repealed on July 1, 2022.

37 (3) On July 1, 2019:

38 (a) in Subsection 63J-2-206(3)(c)(i), the language that states "(i) Except as provided in
39 Subsection (3)(c)(ii)" is repealed; and

40 (b) Subsection 63J-1-206(3)(c)(ii) is repealed.

41 ~~[(3)]~~ (4) Subsection 63N-3-109(2)(f)(i)(B) is repealed July 1, 2020.

42 ~~[(4)]~~ (5) Section 63N-3-110 is repealed July 1, 2020.

43 Section 2. Section **63J-1-206** is amended to read:

44 **63J-1-206. Appropriations governed by chapter -- Restrictions on expenditures --**
45 **Transfer of funds -- Exclusion.**

46 (1) As used in this section, "work program" means a budget that contains revenues and
47 expenditures for specific purposes or functions within an item of appropriation.

48 (2) (a) Except as provided in Subsection (2)(b), (3)(e), or where expressly exempted in
49 the appropriating act:

50 (i) all money appropriated by the Legislature is appropriated upon the terms and
51 conditions set forth in this chapter; and

52 (ii) any department, agency, or institution that accepts money appropriated by the
53 Legislature does so subject to the requirements of this chapter.

54 (b) This section does not apply to:

55 (i) the Legislature and its committees; and

56 (ii) the Investigation Account of the Water Resources Construction Fund, which is

57 governed by Section 73-10-8.

58 (3) (a) Each appropriation item is to be expended subject to any schedule of programs
59 and any restriction attached to the appropriation item, as designated by the Legislature.

60 (b) Each schedule of programs or restriction attached to an appropriation item:

61 (i) is a restriction or limitation upon the expenditure of the respective appropriation
62 made;

63 (ii) does not itself appropriate any money; and

64 (iii) is not itself an item of appropriation.

65 (c) ~~[An]~~ (i) Except as provided in Subsection (3)(c)(ii), an appropriation or any surplus
66 of any appropriation may not be diverted from any department, agency, institution, or division
67 to any other department, agency, institution, or division.

68 (ii) Until July 1, 2019, the Department of Workforce Services may transfer or divert
69 money to another department, agency, institution, or division only for the purposes of law
70 enforcement, adjudication, corrections, and providing and addressing services for homeless
71 individuals and families.

72 (d) The money appropriated subject to a schedule or programs or restriction may be
73 used only for the purposes authorized.

74 (e) In order for a department, agency, or institution to transfer money appropriated to it
75 from one program to another program within an item of appropriation, the following procedure
76 shall be followed:

77 (i) The department, agency, or institution seeking to make the transfer shall prepare:

78 (A) a new work program for the fiscal year involved that consists of the currently
79 approved work program and the transfer sought to be made; and

80 (B) a written justification for the new work program that sets forth the purpose and
81 necessity for the transfer.

82 (ii) The Division of Finance shall process the new work program with written
83 justification and make this information available to the Governor's Office of Management and
84 Budget and the legislative fiscal analyst.

85 (f) (i) Except as provided in Subsection (3)(f)(ii), money may not be transferred from
86 one item of appropriation to any other item of appropriation.

87 (ii) The state superintendent may transfer money appropriated for the Minimum School

88 Program between line items of appropriation in accordance with Section 53A-17a-105.

89 (g) (i) The procedures for transferring money between programs within an item of
90 appropriation as provided by Subsection (3)(e) do not apply to money appropriated to the State
91 Board of Education for the Minimum School Program or capital outlay programs created in
92 Title 53A, Chapter 21, Public Education Capital Outlay Act.

93 (ii) The state superintendent may transfer money appropriated for the programs
94 specified in Subsection (3)(g)(i) only as provided by Section 53A-17a-105.

95 **Section 3. Appropriation.**

96 The following sums of money are appropriated for the fiscal year beginning July 1,
97 2017, and ending June 30, 2018. These are additions to amounts previously appropriated for
98 fiscal year 2018.

99 Subsection (3)(a). **Operating and Capital Budgets.**

100 Under the terms and conditions of Title 63J, Chapter 1, Budgetary Procedures Act, the
101 Legislature appropriates the following sums of money from the funds or accounts indicated for
102 the use and support of the government of the state of Utah.

103 ITEM 1

104 To Department of Workforce Services - Operation Rio Grande

105 From General Fund, One-time \$4,900,000

106 Schedule of Programs:

107 Operation Rio Grande \$4,900,000

108 The Legislature intends that:

109 (1) The Department of Workforce Services submit to the Office of the Legislative
110 Fiscal Analyst and the Governor's Office of Management and Budget an accounting of any ✕
111 transfer or expenditure of the funds provided by this Subsection (3)(a) one week before
112 executing the transactions; and

113 (2) Under Section 63J-1-603, appropriations provided under this Subsection (3)(a) not
114 lapse at the close of fiscal year 2018. The use of any nonlapsing funds is limited to law
115 enforcement, adjudication, corrections, and providing and addressing services for homeless
116 individuals and families.

117 Subsection (3)(b). **Transfers to Unrestricted Funds.**

118 The Legislature authorizes the Division of Finance to transfer the following amounts to

119 the unrestricted General Fund from the program balances indicated. Expenditures and outlays
120 from the General Fund must be authorized by an appropriation.

121 ITEM 2

122 To General Fund

123 From Nonlapsing Balances - Corrections - Jail Contracting,

124 One-time \$4,900,000

125 Schedule of Programs:

126 General Fund, One-time \$4,900,000

127 Section 4. **Effective date.**

128 If approved by two-thirds of all the members elected to each house, this bill takes effect

129 upon approval by the governor, or the day following the constitutional time limit of Utah

130 Constitution, Article VII, Section 8, without the governor's signature, or in the case of a veto,

131 the date of veto override.