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.
This bill provides a special effective date.

Utah Code Sections Affected:

AMENDS:

631-2-263, as last amended by Laws of Utah 2017, Chapter 430
63J-1-206, as last amended by Laws of Utah 2014, Chapter 189

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

Section 1. Section 631-2-263 is amended to read:

631-2-263. Repeal dates, Title 63A to Title 63N.
(1) Section 63A-5-227 is repealed on January 1, 2018.
(2) Section 63H-7a-303 is repealed on July 1, 2022.
(3) On July 1, 2019:
(a) in Subsection 63J-2-206(3)(c)(i), the language that states "(i) Except as provided in
Subsection (3)(c)(ii)" is repealed; and
(b) Subsection 63J-1-206(3)(c)(ii) is repealed.
[f(4)] (4) Subsection 63N-3-109(2)(f)(i)(B) is repealed July 1, 2020.
[f(5)] (5) Section 63N-3-110 is repealed July 1, 2020.

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

63J-1-206. Appropriations governed by chapter -- Restrictions on expenditures --
Transfer of funds -- Exclusion.
(1) As used in this section, "work program" means a budget that contains revenues and
expenditures for specific purposes or functions within an item of appropriation.
(2) (a) Except as provided in Subsection (2)(b), (3)(e), or where expressly exempted in
the appropriating act:
(i) all money appropriated by the Legislature is appropriated upon the terms and
conditions set forth in this chapter; and
(ii) any department, agency, or institution that accepts money appropriated by the
Legislature does so subject to the requirements of this chapter.
(b) This section does not apply to:
(i) the Legislature and its committees; and
(ii) the Investigation Account of the Water Resources Construction Fund, which is
governed by Section 73-10-8.

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

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

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

(ii) does not itself appropriate any money; and

(iii) is not itself an item of appropriation.

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

(ii) Until July 1, 2019, the Department of Workforce Services may 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.

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

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

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

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

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

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

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

(ii) The state superintendent may transfer money appropriated for the Minimum School
Program between line items of appropriation in accordance with Section 53A-17a-105.

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

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

Section 3. Appropriation.

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

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

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

ITEM 1

To Department of Workforce Services - Operation Rio Grande

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

Schedule of Programs:

Operation Rio Grande $4,900,000

The Legislature intends that:

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

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

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

The Legislature authorizes the Division of Finance to transfer the following amounts to
the unrestricted General Fund from the program balances indicated. Expenditures and outlays from the General Fund must be authorized by an appropriation.

ITEM 2

To General Fund

From Nonlapsing Balances - Corrections - Jail Contracting.

One-time

Schedule of Programs:

General Fund, One-time

$4,900,000

Section 4. Effective date.

If approved by two-thirds of all the members elected to each house, this bill takes effect upon approval by the governor, or the day following the constitutional time limit of Utah Constitution, Article VII, Section 8, without the governor's signature, or in the case of a veto, the date of veto override.