

1                   **OPERATION RIO GRANDE FUNDING AMENDMENTS**

2                                   2017 FIRST SPECIAL SESSION

3                                   STATE OF UTAH

4                                   **Chief Sponsor: Brad R. Wilson**

5                                   Senate Sponsor: Jacob L. Anderegg

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7   **LONG TITLE**

8   **General Description:**

9           This bill modifies the Budgetary Procedures Act by amending provisions relating to  
10 funding for law enforcement, adjudication, corrections, and homeless services in a  
11 county of the first class.

12 **Highlighted Provisions:**

13           This bill:

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

20 **Money Appropriated in this Bill:**

21           This bill appropriates in fiscal year 2018:

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

27 **Other Special Clauses:**



28 This bill provides a special effective date.

29 **Utah Code Sections Affected:**

30 AMENDS:

31 **63I-2-263**, as last amended by Laws of Utah 2017, Chapter 430

32 **63J-1-206**, as last amended by Laws of Utah 2014, Chapter 189

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

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

36 **63I-2-263. Repeal dates, Title 63A to Title 63N.**

37 (1) Section **63A-5-227** is repealed on January 1, 2018.

38 (2) Section **63H-7a-303** is repealed on July 1, 2022.

39 (3) On July 1, 2019:

40 (a) in Subsection **63J-2-106**(3)(c)(i), the language that states "(i) Except as provided in

41 Subsection (3)(c)(ii)" is repealed; and

42 (b) Subsection **63J-1-206**(3)(c)(ii) is repealed.

43 [~~3~~] (4) Subsection **63N-3-109**(2)(f)(i)(B) is repealed July 1, 2020.

44 [~~4~~] (5) Section **63N-3-110** is repealed July 1, 2020.

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

46 **63J-1-206. Appropriations governed by chapter -- Restrictions on expenditures --**

47 **Transfer of funds -- Exclusion.**

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

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

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

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

56 (b) This section does not apply to:

57 (i) the Legislature and its committees; and

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

59 governed by Section 73-10-8.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

97 Section 3. **Appropriation.**

98 The following sums of money are appropriated for the fiscal year beginning July 1,  
99 2017, and ending June 30, 2018. These are additions to amounts previously appropriated for  
100 fiscal year 2018.

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

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

105 ITEM 1

106 To Department of Workforce Services - Operation Rio Grande

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

108 Schedule of Programs:

109 Operation Rio Grande \$4,900,000

110 Under Section 63J-1-603 the Legislature intends that appropriations provided under this  
111 Subsection (3)(a) not lapse at the close of fiscal year 2018. The use of any nonlapsing funds is  
112 limited to law enforcement, adjudication, corrections, and providing and addressing services  
113 for homeless individuals and families within a county of the first class.

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

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

118 ITEM 2

119 To General Fund

120 From Nonlapsing Balances - Corrections - Jail Contracting,

121	<u>One-time</u>	<u>\$4,900,000</u>
122	<u>Schedule of Programs:</u>	
123	<u>General Fund, One-time</u>	<u>\$4,900,000</u>
124	Section 4. <b>Effective date.</b>	
125	<u>If approved by two-thirds of all the members elected to each house, this bill takes effect</u>	
126	<u>upon approval by the governor, or the day following the constitutional time limit of Utah</u>	
127	<u>Constitution, Article VII, Section 8, without the governor's signature, or in the case of a veto,</u>	
128	<u>the date of veto override.</u>	

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**Legislative Review Note**  
**Office of Legislative Research and General Counsel**