

1 **EMERGENCY DISEASE RESPONSE FUNDING AMENDMENTS**

2 2020 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Paul Ray**

5 Senate Sponsor: Ann Millner

7 **LONG TITLE**

8 **General Description:**

9 This bill modifies the Budgetary Procedures Act by amending provisions relating to
10 funding for a state response to the coronavirus.

11 **Highlighted Provisions:**

12 This bill:

- 13 ▶ authorizes the Department of Administrative Services to transfer or divert money to
- 14 another department, agency, institution, or division only for the purposes of
- 15 providing a state response to the coronavirus;
- 16 ▶ makes technical and corresponding changes; and
- 17 ▶ creates a sunset date for the authorization in this bill.

18 **Money Appropriated in this Bill:**

19 None

20 **Other Special Clauses:**

21 This bill provides a special effective date.

22 This bill provides a coordination clause.

23 **Utah Code Sections Affected:**

24 AMENDS:

25 **63I-2-263**, as last amended by Laws of Utah 2019, Chapters 182, 240, 246, 325, 370,
26 and 483

27 **63J-1-206**, as last amended by Laws of Utah 2019, Chapters 182 and 468

28 **Utah Code Sections Affected by Coordination Clause:**

29 **63I-2-263**, as last amended by Laws of Utah 2019, Chapters 182, 240, 246, 325, 370,
30 and 483

31 **63J-1-206**, as last amended by Laws of Utah 2019, Chapters 182 and 468

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

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

35 **63I-2-263. Repeal dates, Title 63A to Title 63N.**

36 (1) On July 1, 2020:

37 (a) Subsection **63A-1-203(5)(a)(i)** is repealed; and

38 (b) in Subsection **63A-1-203(5)(a)(ii)**, the language that states "appointed on or after
39 May 8, 2018," is repealed.

40 (2) Sections **63C-4a-307** and **63C-4a-309** are repealed January 1, 2020.

41 (3) Title 63C, Chapter 19, Higher Education Strategic Planning Commission is
42 repealed July 1, 2020.

43 (4) The following sections regarding the World War II Memorial Commission are
44 repealed on July 1, 2020:

45 (a) Section **63G-1-801**;

46 (b) Section **63G-1-802**;

47 (c) Section **63G-1-803**; and

48 (d) Section **63G-1-804**.

49 (5) In relation to the State Fair Park Committee, on January 1, 2021:

50 (a) Section **63H-6-104.5** is repealed; and

51 (b) Subsections **63H-6-104(8)** and **(9)** are repealed.

52 (6) Section **63H-7a-303** is repealed on July 1, 2022.

53 (7) Subsection **63J-1-206(3)(b)**, relating to coronavirus, is repealed on July 1, 2021.

54 [(7)] (8) In relation to the Employability to Careers Program Board, on July 1, 2022:

55 (a) Subsection **63J-1-602.1(52)** is repealed;

56 (b) Subsection 63J-4-301(1)(h), related to the review of data and metrics, is repealed;
57 and

58 (c) Title 63J, Chapter 4, Part 7, Employability to Careers Program, is repealed.

59 [(8)] (9) Section 63J-4-708 is repealed January 1, 2023.

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

61 **63J-1-206. Appropriations governed by chapter -- Restrictions on expenditures --**
62 **Transfer of funds -- Exclusion.**

63 (1) (a) Except as provided in Subsections (1)(b) and (2)(e), or where expressly
64 exempted in the appropriating act:

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

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

69 (b) This section does not apply to:

70 (i) the Legislature and its committees; and

71 (ii) the Investigation Account of the Water Resources Construction Fund, which is
72 governed by Section 73-10-8.

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

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

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

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

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

81 (c) (i) [~~Except as provided in Subsection (2)(c)(ii), an~~] An appropriation or any surplus
82 of any appropriation may not be diverted from any department, agency, institution, division, or

83 line item to any other department, agency, institution, division, or line item.

84 ~~[(ii) The state superintendent may transfer money appropriated for the Minimum~~
85 ~~School Program between line items in accordance with Section 53F-2-205.]~~

86 ~~[(iii)]~~ (ii) If the money appropriated to an agency to pay lease payments under the
87 program established in Subsection 63A-5-228(3) exceeds the amount required for the agency's
88 lease payments to the Division of Facilities Construction and Management, the agency may:

89 (A) transfer money from the lease payments line item to other line items within the
90 agency; and

91 (B) retain and use the excess money for other purposes.

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

94 (e) In order for a department, agency, or institution to transfer money appropriated to it
95 from one program to another program within a line item, the department, agency, or institution
96 shall revise its budget execution plan as provided in Section 63J-1-209.

97 (f) (i) The procedures for transferring money between programs within a line item as
98 provided by Subsection (2)(e) do not apply to money appropriated to the State Board of
99 Education for the Minimum School Program or capital outlay programs created in Title 53F,
100 Chapter 3, State Funding -- Capital Outlay Programs.

101 (ii) The state superintendent may transfer money appropriated for the programs
102 specified in Subsection (2)(f)(i) only as provided by Section 53F-2-205.

103 (3) Notwithstanding Subsection (2)(c)(i):

104 (a) the state superintendent may transfer money appropriated for the Minimum School
105 Program between line items in accordance with Section 53F-2-205; and

106 (b) the Department of Administrative Services may transfer or divert money to another
107 department, agency, institution, or division only for the purposes of coordinating and providing
108 a state response to the coronavirus.

109 Section 3. **Effective date.**

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

114 Section 4. **Coordinating H.B. 494 with S.B. 207 -- Substantive and technical**
115 **amendments.**

116 If this H.B. 494 and S.B. 207, Paid Leave Amendments, both pass and become law, it is
117 the intent of the Legislature that the Office of Legislative Research and General Counsel shall
118 prepare the Utah Code database for publication by:

119 (1) not making the changes to Subsection [63J-1-206\(2\)\(c\)](#) in S.B. 207;

120 (2) replacing Subsection [63J-1-206\(3\)](#) in H.B. 494 to read:

121 "(3) Notwithstanding Subsection (2)(c)(i):

122 (a) the state superintendent may transfer money appropriated for the Minimum School
123 Program between line items in accordance with Section [53F-2-205](#);

124 (b) the Department of Administrative Services may transfer money appropriated for the
125 purpose of paying the costs of paid employee postpartum recovery leave under Section
126 [67-19-14.7](#) to another department, agency, institution, or division; and

127 (c) the Department of Administrative Services may transfer or divert money to another
128 department, agency, institution, or division only for the purposes of coordinating and providing
129 a state response to the coronavirus."; and

130 (3) modifying Subsection [63I-2-263\(7\)](#) in H.B. 494 to read:

131 "(7) Subsection [63J-1-206\(3\)\(c\)](#), relating to coronavirus, is repealed on July 1, 2021."