

DEPARTMENT OF HUMAN SERVICES BUDGETARY

PROCEDURES AMENDMENTS

2020 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Norman K. Thurston

Senate Sponsor: _____

LONG TITLE

General Description:

This bill modifies provisions relating to the funding of Department of Human Services programs.

Highlighted Provisions:

This bill:

- ▶ allows the executive director of the Department of Human Services to:
 - designate up to three priority programs to receive funds from other programs that the department determines have unexpended funds from the fiscal year in which the funds were appropriated starting fiscal year 2021;
 - reallocate unexpended funds from the other programs to one or more of the designated priority programs before the end of the fiscal year in which the funds were appropriated; and
 - provides exceptions for which the unexpended funds may not be reallocated;

and

- ▶ requires the Department of Human Services to report annually to the Social Services Appropriations Subcommittee on the department's designation of priority programs for the next fiscal year and the department's use of unexpended funds for priority programs from the prior fiscal year.

Money Appropriated in this Bill:



28 None

29 **Other Special Clauses:**

30 None

31 **Utah Code Sections Affected:**

32 AMENDS:

33 **62A-1-111**, as last amended by Laws of Utah 2018, Chapter 200

34 **63J-1-206**, as last amended by Laws of Utah 2019, Chapters 182 and 468

35 ENACTS:

36 **62A-1-111.6**, Utah Code Annotated 1953



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

39 Section 1. Section **62A-1-111** is amended to read:

40 **62A-1-111. Department authority.**

41 The department may, in addition to all other authority and responsibility granted to the
42 department by law:

43 (1) adopt rules, not inconsistent with law, as the department may consider necessary or
44 desirable for providing social services to the people of this state;

45 (2) establish and manage client trust accounts in the department's institutions and
46 community programs, at the request of the client or the client's legal guardian or representative,
47 or in accordance with federal law;

48 (3) purchase, as authorized or required by law, services that the department is
49 responsible to provide for legally eligible persons;

50 (4) conduct adjudicative proceedings for clients and providers in accordance with the
51 procedures of Title 63G, Chapter 4, Administrative Procedures Act;

52 (5) establish eligibility standards for its programs, not inconsistent with state or federal
53 law or regulations;

54 (6) take necessary steps, including legal action, to recover money or the monetary value
55 of services provided to a recipient who was not eligible;

56 (7) set and collect fees for its services;

57 (8) license agencies, facilities, and programs, except as otherwise allowed, prohibited,
58 or limited by law;

59 (9) acquire, manage, and dispose of any real or personal property needed or owned by
60 the department, not inconsistent with state law;

61 (10) receive gifts, grants, devises, and donations; gifts, grants, devises, donations, or
62 the proceeds thereof, may be credited to the program designated by the donor, and may be used
63 for the purposes requested by the donor, as long as the request conforms to state and federal
64 policy; all donated funds shall be considered private, nonlapsing funds and may be invested
65 under guidelines established by the state treasurer;

66 (11) accept and employ volunteer labor or services; the department is authorized to
67 reimburse volunteers for necessary expenses, when the department considers that
68 reimbursement to be appropriate;

69 (12) carry out the responsibility assigned in the workforce services plan by the State
70 Workforce Development Board;

71 (13) carry out the responsibility assigned by Section 35A-8-602 with respect to
72 coordination of services for the homeless;

73 (14) carry out the responsibility assigned by Section 62A-5a-105 with respect to
74 coordination of services for students with a disability;

75 (15) provide training and educational opportunities for its staff;

76 (16) collect child support payments and any other money due to the department;

77 (17) apply the provisions of Title 78B, Chapter 12, Utah Child Support Act, to parents
78 whose child lives out of the home in a department licensed or certified setting;

79 (18) establish policy and procedures, within appropriations authorized by the
80 Legislature, in cases where the department is given custody of a minor by the juvenile court
81 under Section 78A-6-117 or ordered to prepare an attainment plan for a minor found not
82 competent to proceed under Section 78A-6-1301; any policy and procedures shall include:

83 (a) designation of interagency teams for each juvenile court district in the state;

84 (b) delineation of assessment criteria and procedures;

85 (c) minimum requirements, and timeframes, for the development and implementation
86 of a collaborative service plan for each minor placed in department custody; and

87 (d) provisions for submittal of the plan and periodic progress reports to the court;

88 (19) carry out the responsibilities assigned to it by statute;

89 (20) examine and audit the expenditures of any public funds provided to local

90 substance abuse authorities, local mental health authorities, local area agencies on aging, and
91 any person, agency, or organization that contracts with or receives funds from those authorities
92 or agencies. Those local authorities, area agencies, and any person or entity that contracts with
93 or receives funds from those authorities or area agencies, shall provide the department with any
94 information the department considers necessary. The department is further authorized to issue
95 directives resulting from any examination or audit to local authorities, area agencies, and
96 persons or entities that contract with or receive funds from those authorities with regard to any
97 public funds. If the department determines that it is necessary to withhold funds from a local
98 mental health authority or local substance abuse authority based on failure to comply with state
99 or federal law, policy, or contract provisions, it may take steps necessary to ensure continuity of
100 services. For purposes of this Subsection (20) "public funds" means the same as that term is
101 defined in Section [62A-15-102](#);

102 (21) pursuant to Subsection [62A-2-106\(1\)\(d\)](#), accredit one or more agencies and
103 persons to provide intercountry adoption services;

104 (22) within appropriations authorized by the Legislature, promote and develop a
105 system of care, as defined in Section [62A-1-104](#):

106 (a) in compliance with Title 63G, Chapter 6a, Utah Procurement Code; and

107 (b) that encompasses the department, department contractors, and the divisions,
108 offices, or institutions within the department, to:

109 (i) navigate services, funding resources, and relationships to the benefit of the children
110 and families whom the department serves;

111 (ii) centralize department operations, including procurement and contracting;

112 (iii) develop policies that govern business operations and that facilitate a system of care
113 approach to service delivery;

114 (iv) allocate resources that may be used for the children and families served by the
115 department or the divisions, offices, or institutions within the department, subject to the
116 restrictions in Section [63J-1-206](#);

117 (v) create performance-based measures for the provision of services; and

118 (vi) centralize other business operations, including data matching and sharing among
119 the department's divisions, offices, and institutions; [~~and~~]

120 (23) ensure that any training or certification required of a public official or public

121 employee, as those terms are defined in Section [63G-22-102](#), complies with Title 63G, Chapter
122 22, State Training and Certification Requirements, if the training or certification is required:

- 123 (a) under this title;
- 124 (b) by the department; or
- 125 (c) by an agency or division within the department[-]; and
- 126 (24) reallocate unexpended funds as provided in Section [62A-1-111.6](#).

127 Section 2. Section **62A-1-111.6** is enacted to read:

128 **62A-1-111.6. Powers and duties of the department to adjust program allocations**

129 **-- Use of remaining funds at the end of a fiscal year -- Reporting.**

130 (1) (a) Beginning fiscal year 2021, the department may:

- 131 (i) designate up to three programs, as defined in Subsection [63J-1-102\(12\)](#), as priority
- 132 programs to receive funds from another program that the department determines to have
- 133 unexpended funds from the fiscal year in which the funds were appropriated; and

134 (ii) reallocate unexpended funds from the other program to one or more of the
135 designated priority programs.

136 (b) The department shall make any reallocation of unexpended funds under Subsection
137 (1)(a) before the end of the fiscal year in which the funds were appropriated.

138 (2) On or before December 1 of each year, the department shall report to the Social
139 Services Appropriations Subcommittee:

140 (a) on the department's designation of priority programs to receive the unexpended
141 funds under Subsection (1)(a); and

142 (b) if applicable, on the department's use, during the prior fiscal year, of unexpended
143 funds reallocated under Subsection (1).

144 (3) Except in accordance with pay plans developed and adopted as described under
145 Subsection [67-19-12\(4\)\(a\)](#), the department may not allocate unexpended funds under
146 Subsection (1) for a priority program's personnel costs.

147 Section 3. Section **63J-1-206** is amended to read:

148 **63J-1-206. Appropriations governed by chapter -- Restrictions on expenditures --**

149 **Transfer of funds -- Exclusion.**

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

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

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

156 (b) This section does not apply to:

157 (i) the Legislature and its committees; and

158 (ii) the Investigation Account of the Water Resources Construction Fund, which is
159 governed by Section [73-10-8](#).

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

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

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

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

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

168 (c) (i) Except as provided in [~~Subsection (2)(c)(ii);~~] Subsections (2)(c)(ii) and
169 (2)(c)(iv), an appropriation or any surplus of any appropriation may not be diverted from any
170 department, agency, institution, division, or line item to any other department, agency,
171 institution, division, or line item.

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

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

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

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

180 (iv) The executive director of the Department of Human Services may transfer money
181 appropriated to the department between line items in accordance with Section [62A-1-111.6](#).

182 (d) The money appropriated subject to a schedule of programs or restriction may be

183 used only for the purposes authorized.

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

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

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