

1                   **EMERGENCY DISEASE RESPONSE FUNDING AMENDMENTS**

2                                   2020 GENERAL SESSION

3                                   STATE OF UTAH

4                                   **Chief Sponsor: Paul Ray**

5                                   Senate Sponsor: \_\_\_\_\_

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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 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                   **Utah Code Sections Affected:**

23                   AMENDS:

24                   **63I-2-263**, as last amended by Laws of Utah 2019, Chapters 182, 240, 246, 325, 370,  
25 and 483

26                   **63J-1-206**, as last amended by Laws of Utah 2019, Chapters 182 and 468



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

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

30 **63I-2-263. Repeal dates, Title 63A to Title 63N.**

31 (1) On July 1, 2020:

32 (a) Subsection **63A-1-203(5)(a)(i)** is repealed; and

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34 May 8, 2018," is repealed.

35 (2) Sections **63C-4a-307** and **63C-4a-309** are repealed January 1, 2020.

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37 repealed July 1, 2020.

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39 repealed on July 1, 2020:

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

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

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

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

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

45 (a) Section **63H-6-104.5** is repealed; and

46 (b) Subsections **63H-6-104(8)** and **(9)** are repealed.

47 (6) Section **63H-7a-303** is repealed on July 1, 2022.

48 (7) Subsection **63J-1-206(3)(b)**, relating to coronavirus, is repealed on July 1, 2021.

49 ~~(7)~~ (8) In relation to the Employability to Careers Program Board, on July 1, 2022:

50 (a) Subsection **63J-1-602.1(52)** is repealed;

51 (b) Subsection **63J-4-301(1)(h)**, related to the review of data and metrics, is repealed;

52 and

53 (c) Title 63J, Chapter 4, Part 7, Employability to Careers Program, is repealed.

54 ~~(8)~~ (9) Section **63J-4-708** is repealed January 1, 2023.

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

56 **63J-1-206. Appropriations governed by chapter -- Restrictions on expenditures --**  
57 **Transfer of funds -- Exclusion.**

58 (1) (a) Except as provided in Subsections (1)(b) and (2)(e), or where expressly

59 exempted in the appropriating act:

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

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

64 (b) This section does not apply to:

65 (i) the Legislature and its committees; and

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

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

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

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

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

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

76 (c) (i) [~~Except as provided in Subsection (2)(c)(ii), an~~] An appropriation or any surplus  
77 of any appropriation may not be diverted from any department, agency, institution, division, or  
78 line item to any other department, agency, institution, division, or line item.

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

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

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

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

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

89 (e) In order for a department, agency, or institution to transfer money appropriated to it

90 from one program to another program within a line item, the department, agency, or institution  
91 shall revise its budget execution plan as provided in Section 63J-1-209.

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

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

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

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

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

104 Section 3. **Effective date.**

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