

1                                   **JOINT RULES RESOLUTION - REQUEST FOR**  
2   **APPROPRIATION**

3   2021 GENERAL SESSION

4   STATE OF UTAH

5   **Chief Sponsor: Jefferson Moss**

6   Senate Sponsor: Don L. Ipson

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8 **LONG TITLE**

9 **General Description:**

10                   This rules resolution modifies joint rules related to a request for appropriation.

11 **Highlighted Provisions:**

12                   This resolution:

13                   ▶ prohibits a legislator from filing a request for appropriation that is intended to fund  
14 the fiscal impact of a bill;

15                   ▶ addresses the date beginning on which a legislator may file a request for  
16 appropriation;

17                   ▶ modifies the information a legislator is required to provide when filing a request for  
18 appropriation;

19                   ▶ repeals from legislative rule the process by which the legislative fiscal analyst  
20 determines whether legislation creates a new agency or new program; and

21                   ▶ repeals from legislative rule the process by which the legislative auditor general:

22                                   • reviews a new agency or new program; and

23                                   • reports the performance of the new agency or new program to the Executive

24 Appropriations Committee; and

25                   ▶ makes technical and conforming changes.

26 **Special Clauses:**

27                   This resolution provides a special effective date.



28 **Legislative Rules Affected:**

29 AMENDS:

30 **JR3-2-701**

31 **JR3-2-702**

32 REPEALS:

33 **JR4-2-404**

34 **JR4-2-405**

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36 *Be it resolved by the Legislature of the state of Utah:*

37 Section 1. **JR3-2-701** is amended to read:

38 **JR3-2-701. Request for appropriation -- Contents -- Timing.**

39 (1) (a) A legislator wishing to obtain funding for a project[;] or program[; or entity]  
40 that has not previously been funded, or to obtain additional or separate funding for a project[;]  
41 or program, [or entity;] shall file a request for appropriation with the Office of the Legislative  
42 Fiscal Analyst in accordance with this rule.

43 (b) A legislator may not file a request for appropriation if the request is intended to  
44 fund the fiscal impact of a bill.

45 (2) (a) A legislator may file a request for appropriation beginning 60 days after the day  
46 on which the Legislature adjourns its annual general session sine die.

47 (b) A legislator-elect may file a request for appropriation beginning on:

48 (i) the day after the day on which the election canvass is complete; or

49 (ii) if the legislator-elect's election results have not been finalized as of the canvass  
50 date, the day after the day on which the election results for the legislator-elect's race are final.

51 (c) An incumbent legislator may not file a request for appropriation as of the date that  
52 the legislator:

53 (i) fails to file to run for reelection;

54 (ii) resigns or is removed from office; or

55 (iii) is ineligible to be included on the ballot for the election in which the legislator  
56 would have sought an additional term.

57 ~~(2)~~ (3) (a) Except as provided in Subsection ~~(2)~~ (3)(b), a legislator may not file a  
58 request for appropriation with the Office of the Legislative Fiscal Analyst after noon on the

59 11th day of the annual general session.

60 (b) After the date established by this Subsection [~~(2)~~] (3), a legislator may file a request  
61 for appropriation if:

62 (i) for a request by a House member, the representative makes a motion to file a request  
63 for appropriation and that motion is approved by a constitutional majority of the House; or

64 (ii) for a request by a senator, the senator makes a motion to file a request for  
65 appropriation and that motion is approved by a constitutional majority vote of the Senate.

66 [~~(3) The request shall designate:~~]

67 [~~(a) the project, program, or entity to be funded;~~]

68 [~~(b) the source for the funding;~~]

69 [~~(c) the chief sponsor, who is knowledgeable about and responsible for providing  
70 pertinent information as the appropriation is processed;~~]

71 [~~(d) supporting legislators, if any, who wish to cosponsor the appropriation; and]~~

72 [~~(e) the joint appropriations subcommittee to which the sponsor wishes the request to  
73 be assigned, if any.]~~

74 (4) A legislator who files a request for appropriation:

75 (a) is the chief sponsor; and

76 (b) shall provide the following information related to the project or program that is the  
77 subject of the request for appropriation:

78 (i) the name and a description of the project or program;

79 (ii) the statewide purpose of the project or program;

80 (iii) if applicable, the legislator's designee who is knowledgeable about and responsible  
81 for providing pertinent information while the Office of the Legislative Fiscal Analyst processes  
82 the request;

83 (iv) the state funding source from which the legislator proposes to fund the project or  
84 program;

85 (v) the amount of the request and whether the amount is to be appropriated one-time,  
86 ongoing, or a combination of one-time and ongoing;

87 (vi) an itemized budget for the project or program;

88 (vii) the state agency that has jurisdiction over the project or program;

89 (viii) if the request is for pass through funding that a state agency will distribute, the

90 type of entity or organization the legislator intends to receive the funding;

91 (ix) the scalability of the project or program; and

92 (x) one or more outcomes the legislator expects the project or program to achieve.

93 Section 2. **JR3-2-702** is amended to read:

94 **JR3-2-702. Review and action on requests for appropriation.**

95 (1) (a) The legislative fiscal analyst shall review each request for appropriation.

96 (b) If the request requires that a statute be enacted, amended, or repealed, the  
97 legislative fiscal analyst shall immediately transfer the request to the Office of Legislative  
98 Research and General Counsel as a request for legislation.

99 (c) If the request contains each item described in JR3-2-701(4) and does not require  
100 that a statute be enacted, amended, or repealed, the legislative fiscal analyst shall number [~~and~~],  
101 title [~~the request~~], and refer the request to:

102 (i) the House chair of the Executive Appropriations Committee, if the sponsor is a  
103 House member; or

104 (ii) the Senate chair of the Executive Appropriations Committee, if the sponsor is a  
105 Senate member.

106 (2) The House or Senate chair of the Executive Appropriations Committee shall refer  
107 the request to the [~~appropriate~~] joint appropriations [~~subcommittees~~] subcommittee with  
108 oversight responsibility or to the Executive Appropriations Committee.

109 (3) Each joint appropriations subcommittee that receives a request for appropriation  
110 shall:

111 (a) allow the sponsor to present and discuss the request with the subcommittee;

112 (b) discuss the request; and

113 (c) do one of the following:

114 (i) include all or part of the requested appropriation in the budget recommendation  
115 made by the subcommittee or the Executive Appropriations Committee;

116 (ii) reject the request; or

117 (iii) recommend that all or part of the requested appropriation be placed on a funding  
118 prioritization list.

119 Section 3. **Repealer.**

120 This resolution repeals:

- 121           **JR4-2-404, Performance review notes -- Review of performance measures.**
- 122           **JR4-2-405, Review of programs -- Failure to meet performance measures --**
- 123 **Revocation of program or appropriation.**
- 124           **Section 4. Effective date.**
- 125           This resolution takes effect on March 6, 2021.