

Chapter 2 Requesting and Introducing Bills and Resolutions

Part 1 Requesting Bills or Resolutions

JR4-2-101 Requests for legislation -- Contents -- Timing.

- (1)
 - (a) A legislator wishing to introduce a bill or resolution shall file a Request for Legislation with the Office of Legislative Research and General Counsel within the time limits established by this rule.
 - (b) The request for legislation shall:
 - (i) designate the chief sponsor, who is knowledgeable about and responsible for providing pertinent information as the legislation is drafted;
 - (ii) designate any supporting legislators from the same house as the chief sponsor who wish to cosponsor the legislation; and
 - (iii)
 - (A) provide specific or conceptual information concerning the change or addition to law or policy that the legislator intends the proposed legislation to make;
 - (B) identify the specific situation or concern that the legislator intends the legislation to address; or
 - (C) identify the general subject area within which the proposed legislation is likely to fall.
- (2)
 - (a) Any legislator may file a request for legislation beginning 60 days after the Legislature adjourns its annual general session sine die.
 - (b) A legislator-elect may file a request for legislation beginning on the November 15 after the annual general election at which the legislator was elected.
 - (c)
 - (i) If an incumbent legislator does not file to run for reelection or is defeated in a political party convention, primary election, or general election, that legislator may not file any requests for legislation as of that date.
 - (ii) The Office of Legislative Research and General Counsel shall abandon each request for legislation from the legislator that is pending on that date unless, within 30 days after that date, another member of the Legislature qualified to file a request for legislation assumes sponsorship of the legislation.
 - (d)
 - (i) If, for any reason, a legislator who filed a request for legislation is unavailable to serve in the next annual general session, the former legislator shall seek another legislator to assume sponsorship of each request for legislation filed by the legislator who is unavailable to serve.
 - (ii) If the former legislator is unable to find another legislator to sponsor the legislation within 30 days, the Office of Legislative Research and General Counsel shall abandon each pending request for legislation from the legislator who is unavailable to serve.
- (3)
 - (a) Except as provided in Subsection (3)(c), a legislator may not file a Request for Legislation with the Office of Legislative Research and General Counsel after noon on the 11th day of the annual general session.

- (b) Except as provided in Subsection (3)(c), by noon on the 11th day of the annual general session, each legislator shall, for each Request for Legislation on file with the Office of Legislative Research and General Counsel, either approve the request for numbering or abandon the request.
- (c) After the date established by this Subsection (3), a legislator may file a Request for Legislation and automatically approve the legislation for numbering if:
 - (i) for House legislation, the representative makes a motion to request a bill or resolution for drafting and introduction and that motion is approved by a constitutional majority of the House; or
 - (ii) for Senate legislation, the senator makes a motion to request a bill or resolution for drafting and introduction and that motion is approved by a constitutional majority vote of the Senate.
- (4) A legislator wishing to obtain funding for a project, program, or entity, when that funding request does not require that a statute be enacted, repealed, or amended, may not file a Request for Legislation but instead shall file a request for appropriation by following the procedures and requirements of JR4-3-101.

JR4-2-102 Drafting and prioritizing legislation.

- (1)
 - (a) Requests for legislation shall be drafted on a first-in, first-out basis.
 - (b) Notwithstanding Subsection (1)(a), the following requests for legislation shall be drafted before other requests for legislation when sufficient drafting information is available:
 - (i) a request for legislation that is prioritized by a legislator under Subsection (2); and
 - (ii) a request for legislation that is requested by the majority vote of an interim committee.
- (2)
 - (a) Beginning on the first day on which a request for legislation may be filed under JR4-2-101, a legislator may designate up to three requests for legislation as priority requests subject to the following deadlines:
 - (i) priority request number one must be requested on or before the first Thursday in December, or the following business day if the first Thursday falls on a holiday;
 - (ii) priority request number two must be requested on or before the first Thursday in January, or the following business day if the first Thursday falls on a holiday; and
 - (iii) priority request number three must be requested on or before the first Thursday of the annual general session.
 - (b) A legislator who fails to make a priority request on or before a deadline loses that priority request. However, the legislator is not prohibited from using any remaining priority requests that are associated with a later deadline, if available.
 - (c) A legislator who begins serving after a deadline has passed is entitled to use only those priority requests that are available under an unexpired deadline.
 - (d) A legislator may not designate a request for legislation as a priority request unless the request:
 - (i) provides specific or conceptual information concerning the change or addition to law or policy that the legislator intends the proposed legislation to make; or
 - (ii) identifies the specific situation or concern that the legislator intends the legislation to address.
- (3) A legislator may not:
 - (a) revoke a priority designation once it has been requested;
 - (b) transfer a priority designation to a different request for legislation; or

- (c) transfer a priority designation to another legislator.
- (4) Except as provided under JR4-2-502 or as otherwise provided in these rules, the Office of Legislative Research and General Counsel shall:
 - (a) reserve as many bill numbers as necessary to number the bills recommended by an interim committee; and
 - (b) number all other legislation in the order in which the legislation is approved by the sponsor for numbering.

JR4-2-103 Legislation -- Sponsorship requirements.

- (1)
 - (a) The legislator who approves the legislation for numbering is the chief sponsor.
 - (b) The chief sponsor may withdraw sponsorship of the legislation by following the procedures and requirements of Senate Rules or House Rules.
- (2)
 - (a) Before or after the bill is introduced, legislators from the same house as the chief sponsor may have their names added to or deleted from the legislation as co-sponsors by following the procedures and requirements of Senate Rules or House Rules.
 - (b) Except as provided in Subsection (3), only legislators who are members of the same house as the chief sponsor may co-sponsor legislation.
- (3) Before the secretary of the Senate or the chief clerk of the House may transfer legislation to the opposite house, the chief sponsor shall:
 - (a) designate a member of the opposite house as sponsor of the legislation for that house; and
 - (b) provide the secretary or chief clerk with the name of that sponsor for designation on the legislation.

Part 2

Substitute and Replacement Bills or Resolutions

JR4-2-201 Definitions.

As used in this part:

- (1) "Committee substitute" means a substitute bill or resolution that is prepared for introduction in a Senate or House standing committee.
- (2) "Floor substitute" means a substitute bill or resolution that is prepared for introduction on the Senate or House floor.
- (3)
 - (a) "Germane" means that the substitute is relevant, appropriate, and in a natural and logical sequence to the subject matter of the original legislation.
 - (b) "Germane" includes a substitute that changes the effect or is in conflict with the spirit of the original legislation if the substance of the substitute can be encompassed within the short title of the underlying bill.
- (4) "Replacement legislation" means a bill, resolution, or substitute that replaces the original because of a technical error.
- (5) "Substitute" means a new bill or resolution that:
 - (a) replaces the old bill or resolution in title and body; and

(b) is germane to the subject of the original bill or resolution.

JR4-2-202 Substitute bills or resolutions.

- (1)
 - (a) By following the procedures and requirements of Senate or House rule, a legislator may propose a committee substitute to any Senate or House legislation that is under consideration by a committee of which the legislator is a member.
 - (b) By following the procedures and requirements of Senate or House rule, a legislator may propose a floor substitute to any Senate or House legislation that is under consideration by the house of which the legislator is a member.
- (2) To initiate drafting of a substitute, a legislator shall give drafting instructions to the attorney who drafted the legislation.
- (3) After the substitute sponsor has approved the substitute, the Office of Legislative Research and General Counsel shall:
 - (a) electronically set the line numbers of the substitute; and
 - (b) distribute the substitute according to the sponsor's instructions.

JR4-2-203 Replacement bills or resolutions.

- (1) If the legislative general counsel determines that a numbered bill or resolution contains a technical error, the Office of Legislative Research and General Counsel may prepare and submit a replacement bill or resolution that corrects the error.
- (2) A sponsor may not file, and legislative staff may not create, replacement legislation if:
 - (a) the original legislation has been approved by the sponsor;
 - (b) the legislation has been numbered; and
 - (c) copies of the legislation have been distributed.
- (3) Nothing in this rule prohibits a sponsor from preparing amendments to the original legislation or one or more substitutes of the original legislation and proposing their adoption by a committee or by either house of which the legislator is a member.

JR4-2-204 Substitute bills and amendments to bills must be germane.

A bill may not be amended or substituted unless the changes are germane to the purpose of the original bill.

Part 3
Drafting and Approval of Legislation by Office
of Legislative Research and General Counsel

JR4-2-301 Drafting and sponsor approval of legislation.

- (1) After receiving a request for legislation, the Office of Legislative Research and General Counsel shall:
 - (a) review the request and any accompanying draft; and
 - (b) draft the legislation for approval by the sponsor.

- (2) In drafting the legislation, the Office of Legislative Research and General Counsel shall, when applicable:
 - (a) ensure that the legislation is in proper legal form;
 - (b) remove any ambiguities;
 - (c) avoid constitutional or statutory conflicts; and
 - (d) correct technical errors as provided in Utah Code Section 36-12-12.
- (3)
 - (a) Any request for legislation filed directly with the Office of Legislative Research and General Counsel, with a complete accompanying draft, shall be reviewed and approved by the Office of Legislative Research and General Counsel within three legislative days.
 - (b) This three day deadline may be extended if the director of the Office of Legislative Research and General Counsel requests it and states the reasons for the delay.
- (4) When the Office of Legislative Research and General Counsel has completed the legislation, the office shall:
 - (a) send the legislation to the chief sponsor for review and approval; and
 - (b) after the chief sponsor approves the legislation, number and distribute the legislation as provided in JR4-2-503.

Part 4

Committee Notes, Fiscal Notes, and Legislative Review Notes

JR4-2-401 Committee notes.

- (1) As used in this rule:
 - (a) "Legislative committee" means a committee, commission, task force, or other policy or advisory body that is created by statute, legislation, or by the Legislative Management Committee and that is composed exclusively of legislators.
 - (b)
 - (i) "Legislative committee" does not mean a standing committee.
 - (ii) Notwithstanding Subsection (1)(b)(i), "legislative committee" includes each Rules Committee.
 - (c) "Mixed committee" means a committee, commission, task force, or other policy or advisory body that is:
 - (i) created by statute, legislation, or by the Legislative Management Committee;
 - (ii) composed of legislator members and nonlegislative members; and
 - (iii) staffed by the Office of Legislative Research and General Counsel or the Office of the Legislative Fiscal Analyst.
- (2) The Office of Legislative Research and General Counsel shall:
 - (a) note on any legislation reviewed by a legislative committee that the committee recommends the legislation or has voted the legislation out without recommendation;
 - (b) note on any legislation reviewed by a mixed committee:
 - (i) the number of legislators and nonlegislators on the mixed committee;
 - (ii) the number of legislators who voted for and against recommending the legislation; and
 - (iii) that the committee recommends the legislation or has voted the legislation out without recommendation; and
 - (c) ensure that the note is printed with the legislation.

JR4-2-402 Legislative review notes.

- (1) The legislative general counsel shall place a legislative review note on the legislation.
- (2)
 - (a) If an amendment or a substitute to legislation appears to substantively change the legislation's constitutionality, the legislative general counsel shall prepare an amended legislative review note for the legislation.
 - (b) The amended legislative review note shall be made available to legislators in hard copy or electronically.
- (3) The legislative review note or amended legislative review note is not an official part of the legislation.

JR4-2-403 Fiscal notes.

- (1)
 - (a)
 - (i) When the legislative fiscal analyst receives the electronic copy of the approved legislation from the Office of Legislative Research and General Counsel, that office shall, within three business days:
 - (A) review and analyze the legislation to determine its fiscal impact; and
 - (B) provide a fiscal note to the sponsor of the legislation.
 - (ii) The three day deadline for the preparation of the fiscal note may be extended if the legislative fiscal analyst requests it, states the reasons for the delay, and informs the sponsor of the legislation of the delay.
 - (b) If the legislative fiscal analyst determines that the legislation has no fiscal impact, the legislative fiscal analyst may release the fiscal note immediately after the sponsor has received a copy of the fiscal note.
 - (c) The sponsor may:
 - (i) approve the release of the fiscal note;
 - (ii) direct that the fiscal note be held; or
 - (iii) if the sponsor disagrees with the fiscal note, contact the legislative fiscal analyst to discuss that disagreement and provide evidence, data, or other information to support a revised fiscal note.
 - (d) If the sponsor does not contact the legislative fiscal analyst with instructions about the fiscal note within one 24 hour legislative day, the legislative fiscal analyst shall release the fiscal note.
 - (e) The legislative fiscal analyst shall make the final determination on the fiscal note.
 - (f) The fiscal note shall be printed with the legislation.
- (2) If an amendment or a substitute to legislation appears to substantively change the fiscal impact of the legislation, the legislative fiscal analyst shall prepare an amended fiscal note for the legislation.
- (3) The fiscal note is not an official part of the legislation.

JR4-2-404 Performance review notes -- Review of performance measures.

- (1) As used in this section:
 - (a)

- (i) "New agency" means:
 - (A) a state governmental entity that did not previously exist;
 - (B) a governmental entity that requires a new appropriation for new funding;
 - (C) a governmental entity that is modified by legislation to add significant services or benefits that were not previously offered by the governmental entity; or
 - (D) a governmental entity that is modified by legislation to substantially expand the scope of individuals or entities that are entitled to receive the services or benefits offered by the governmental entity.
 - (ii) "New agency" does not mean a governmental entity that has been renamed or moved to another organizational position within that branch of government unless the governmental entity meets the criteria in Subsection (1)(a)(i)(C) or (D).
 - (b)
 - (i) "New program" means a program:
 - (A) created by statute that did not previously exist;
 - (B) that requires a new appropriation or an increased appropriation for the purpose of adding significant services or benefits that were not previously offered;
 - (C) that is modified by legislation to add significant services or benefits that were not previously offered by the program; or
 - (D) that is modified by legislation to substantially expand the scope of individuals or entities that are entitled to receive the services or benefits offered by the program.
 - (ii) "New program" does not mean a program that has been renamed or moved to another organizational position within that branch of government unless the governmental entity meets the criteria in Subsection (1)(b)(i)(C) or (D).
 - (c) "Performance note" means the statement of performance measures and information that may be required to be printed with certain legislation according to the requirements of this rule.
- (2)
- (a) When the legislative fiscal analyst receives the electronic copy of approved legislation from the Office of Legislative Research and General Counsel, the legislative fiscal analyst shall, within one business day, review and analyze the legislation to determine if it creates a new program or a new agency.
 - (b) If the legislative fiscal analyst determines that the legislation does not create a new agency or a new program, the legislative fiscal analyst shall print a performance note with the legislation that, notwithstanding Subsection (6), indicates only that the legislation does not create a new agency or a new program.
 - (c) If the legislative fiscal analyst determines that the legislation creates a new agency or a new program, the legislative fiscal analyst shall:
 - (i) notify the sponsor of the legislation that the legislation qualifies for a performance note;
 - (ii) notify the governmental entity that will supervise the new agency, or the governmental entity that will administer the new program, that the governmental entity must submit a performance note that meets the requirements of Subsection (6) to the legislative fiscal analyst within three business days;
 - (iii) prepare a notice disclosing:
 - (A) that a performance note is required;
 - (B) the name of the governmental entity required to provide the performance note; and
 - (C) the date on which the performance note is to be provided by the governmental entity; and
 - (iv) print the notice with the legislation.
 - (d) The legislative fiscal analyst may extend the deadline for the governmental entity's submission of the performance note if:

- (i) the governmental entity requests that the deadline be extended to a date certain in writing before the performance note is due; and
 - (ii) the sponsor of the legislation agrees to extend the deadline.
- (3) If the sponsor of the legislation disputes the legislative fiscal analyst's determination as to whether a performance note is required, the sponsor shall contact the legislative fiscal analyst to discuss that disagreement and provide evidence, data, or other information to support a different determination.
- (4)
 - (a)
 - (i) When a governmental entity provides a performance note to the legislative fiscal analyst, the legislative fiscal analyst shall provide a copy of the performance note to the sponsor.
 - (ii) The sponsor of the legislation shall either approve the release of the performance note or reject the performance note.
 - (b) If the sponsor approves the performance note provided by the governmental entity, the legislative fiscal analyst shall print the performance note with the legislation.
 - (c) If the sponsor rejects the performance note provided by the governmental entity, the legislative fiscal analyst shall print the following with the legislation:
 - (i) the performance note provided by the governmental entity, with a notation that the sponsor rejected the submission; and
 - (ii) if the sponsor provides an alternative performance note to the legislative fiscal analyst within three business days of receiving the performance note, the alternative performance note, with a notation that the sponsor provided the alternative note due to the sponsor's rejection of the governmental entity's submission.
- (5) If the governmental entity does not provide a performance note by the submission deadline, the legislative fiscal analyst shall print a performance note with the legislation that indicates only that the governmental entity did not submit performance measures by the submission deadline.
- (6) A performance note shall contain the following information:
 - (a) the name of the governmental entity submitting the performance note, as applicable;
 - (b) the names and titles of the individuals who prepared the performance note; and
 - (c) a statement of performance measures that:
 - (i) explains the purpose and duties of the new program or agency;
 - (ii) lists the services that will be provided by the new program or agency;
 - (iii) lists the goals and proposed impacts that the new program or agency intends to achieve within one, two, and three years;
 - (iv) lists the resources and steps required to achieve the goals and proposed impacts;
 - (v) lists the benchmarks that the new program or agency will monitor to measure progress toward the goals and outcome;
 - (vi) lists the performance measures that will be used to evaluate progress toward the goals and proposed impacts; and
 - (vii) states how information on progress and performance measures will be gathered in a reliable, objective fashion.
- (7) The performance note is not an official part of the legislation.
- (8) After legislation that creates a new program or a new agency has gone into effect, the legislative auditor general shall, subject to the procedures and requirements of Utah Code Section 36-12-15:
 - (a) provide an outline of best practices to the governmental entity that administers the new program or to the new agency;

- (b) include in the outline information to assist that governmental entity or new agency with the creation of:
 - (i) policies that promote best practices;
 - (ii) performance measures; and
 - (iii) data collection procedures; and
- (c) for a new program or a new agency that was created by legislation where the governmental entity failed to provide a performance note:
 - (i) provide a notice to the governmental entity that administers the new program or to the new agency that the governmental entity or agency is required to submit a performance note to the legislative auditor general within 30 calendar days of the date of the notice;
 - (ii) retain the performance note that is received from the governmental entity or new agency and forward a copy of the note to:
 - (A) the primary sponsor of the legislation;
 - (B) the opposite house sponsor of the legislation;
 - (C) the president of the Senate and speaker of the House; and
 - (D) the Senate minority leader and House minority leader; and
 - (iii) if the governmental entity or new agency fails to provide a performance review note within the required deadline, provide notice to those listed in Subsection (8)(c)(ii) that a performance note was requested from, but was not received from, the governmental entity that administers the new program or the new agency.
- (9) The legislative auditor general may use the performance note in its review of new programs and agencies under Utah Code Section 36-12-15.

JR4-2-405 Review of programs -- Failure to meet performance measures -- Revocation of program or appropriation.

- (1) Subject to the procedures and requirements of Utah Code Section 36-12-15, the legislative auditor general shall:
 - (a) review each new agency or new program that has been determined to be a new agency or new program that is subject to the requirements of JR4-2-404;
 - (b) if the legislation's performance note contained a performance note submitted by the governmental entity and an alternative performance note submitted by the sponsor of the legislation, review the new agency or new program under each of the performance note standards;
 - (c) make a determination as to whether each goal, proposed impact, and performance measure has been met or not met, and whether the new agency or new program has substantially met its goals and proposed impacts, and has provided adequate performance measures; and
 - (d) if authorized and prioritized by the Legislative Audit Subcommittee, perform a second, more in-depth review of a new agency or new program and revise or change the determination based upon the results of the in-depth review.
- (2)
 - (a) At least annually, the legislative auditor general shall provide the Executive Appropriations Committee with a report listing the new agencies and new programs reviewed, and for each new agency or program, a description of the review conducted and the determination made.
 - (b) If a governmental entity refuses to supply a required performance note or if the legislative auditor general makes a determination that a new agency or new program has not substantially met its goals, proposed impacts, or has not provided adequate performance

measures, the legislative auditor general shall provide notice of the refusal or determination to:

- (i) the new agency or the governmental entity that administers the new program;
 - (ii) the sponsor and opposite house sponsor of the legislation that was subject to the performance note requirements under JR4-2-404, or the president of the Senate or speaker of the House, as appropriate, if the sponsor or opposite house sponsor is no longer serving as a legislator; and
 - (iii) the chairs of the Executive Appropriations Committee.
- (3) Upon receipt of a report or notice issued under Subsection (2), the chairs of the Executive Appropriations Committee shall place the report or notice on the agenda for review and consideration at the next Executive Appropriations Committee meeting.
- (4) When considering a report or notice submitted under Subsection (2), the Executive Appropriations Committee may elect to:
- (a) direct the Office of Legislative Research and General Counsel to prepare legislation that would repeal or modify a new agency or new program and:
 - (i) adopt the legislation as a committee bill; or
 - (ii) decline to adopt the legislation as a committee bill;
 - (b) recommend that the Legislature reduce or eliminate appropriations for a new agency or new program;
 - (c) take no action; or
 - (d) take another action that a majority of the committee approves.

Part 5

Numbering, Distribution, and Printing of Bills and Resolutions

JR4-2-501 Numbering and distributing bills and resolutions.

After receiving approval from the sponsor under JR4-2-301, the Office of Legislative Research and General Counsel shall:

- (1) proofread the legislation and perform other quality control measures;
- (2) indicate on the first page of the legislation that the drafting attorney has approved the legislation for filing;
- (3) place a committee or task force note on the legislation if required by JR4-2-401;
- (4) place a legislative review note on the legislation, if one is required by JR4-2-402;
- (5) assign a number to the legislation to appear after the designation required by JR4-1-202 and JR4-1-301;
- (6) electronically set the legislation's line numbers; and
- (7) distribute an electronic copy of the legislation as required by JR4-2-503.

JR4-2-502 Reservation of bill numbers.

- (1) In each annual general legislative session, House Bills 1 through the number of bill numbers specified under Subsection (2)(a) and Senate Bills 1 through the number of bill numbers specified under Subsection (2)(a) are reserved for other appropriations and funding bills.
- (2)

- (a) By November 1, the Office of the Legislative Fiscal Analyst shall notify the Office of Legislative Research and General Counsel of the number of bill numbers to reserve in each house for fiscal legislation for the next annual general legislative session.
 - (b) The notice under Subsection (2)(a) shall include the short title and the chief sponsor of each bill number reserved.
- (3) To the extent practicable, each bill reserved under this section shall alternate the sponsoring chamber between the House and Senate each year.

JR4-2-503 Distribution of bills and resolutions and preparation for introduction.

- (1) After the Office of Legislative Research and General Counsel has numbered a piece of legislation, the office shall:
- (a) provide an electronic copy of the legislation to the chief sponsor, the Office of Legislative Printing, and the Office of the Legislative Fiscal Analyst; and
 - (b) post a copy on the Internet.
- (2) After receiving a copy of the numbered bill from legislative printing, the docket clerk shall:
- (a) create the official backed copy of the legislation; and
 - (b) notify the secretary of the Senate or the chief clerk of the House that the legislation is ready for introduction.

JR4-2-504 Printing bills and resolutions.

- (1) As provided in Senate or House Rules, legislation may be ordered printed in the number of copies considered necessary.
- (2) A sponsor may have copies of his legislation printed in the quantity that the sponsor considers necessary.
- (3) As provided in Senate or House Rules, legislation may be printed before receiving a committee note or fiscal note.