

**JOINT RULES RESOLUTION -  
APPROPRIATION PROCESS REVISIONS**

2004 GENERAL SESSION

STATE OF UTAH

**Sponsor: Wayne A. Harper**

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**LONG TITLE**

**General Description:**

This resolution modifies the Legislature's appropriation process.

**Highlighted Provisions:**

This resolution:

- ▶ establishes more detailed procedures for the appropriations process;
- ▶ establishes a Joint Budget Interim Committee and defines its membership, powers, and duties; and
- ▶ makes technical and conforming corrections.

**Special Clauses:**

This resolution takes effect immediately.

**Legislative Rules Affected:**

AMENDS:

**JR-3.02**

**JR-4.22.1**

ENACTS:

**JR-3.07**

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

Section 1. **JR-3.02** is amended to read:

**JR-3.02. Joint Appropriations Committee.**



28           (1) The Joint Appropriations Committee of the Legislature consists of all the members  
29 of the Legislature.

30           (2) (a) The members of the Joint Appropriations Committee shall be divided into the  
31 following subcommittees:

32           (i) Capital Facilities and Administrative Services;

33           (ii) Commerce and Revenue;

34           (iii) Economic Development and Human Resources;

35           (iv) Executive Offices and Criminal Justice;

36           (v) Health and Human Services;

37           (vi) Higher Education;

38           (vii) Natural Resources;

39           (viii) Public Education;

40           (ix) Retirement and Independent Entities; and

41           (x) Transportation, Environmental Quality, and National Guard.

42           (b) The President of the Senate and Speaker of the House shall appoint their respective  
43 members to each subcommittee.

44           (c) The Retirement and Independent Entities Subcommittee shall have the same  
45 members as the Retirement and Independent Entities Committee created in Section 63E-1-201.

46           (3) (a) A majority of any committee or subcommittee constitutes a quorum for the  
47 transaction of business.

48           (b) In determining a committee or subcommittee quorum, a majority is at least 50% in  
49 one house and more than 50% in the other.

50           (c) In all decisions of the subcommittees, a majority vote will prevail. A majority vote  
51 is at least 50% of the members of one house and more than 50% in the other house in  
52 attendance.

53           (4) (a) There shall be an Executive Appropriations Committee consisting of 18  
54 members composed of:

55           (i) three members of the majority leadership of the Senate and four members of the  
56 majority leadership of the House;

57           (ii) two members of the minority leadership of the Senate and three members of the  
58 minority leadership of the House;

59 (iii) the chair of the Senate Appropriations Committee and the chair of the House  
60 Appropriations Committee; and

61 (iv) (A) one member from the majority party of the Senate as appointed by the  
62 President of the Senate or as chosen by the Senate majority caucus;

63 (B) two members from the minority party of the Senate as appointed by the Senate  
64 minority leader or as chosen by the Senate minority caucus; and

65 (C) one member from the minority party of the House as appointed by the House  
66 minority leader or as chosen by the House minority caucus.

67 (b) A member of the Executive Appropriations Committee, whose membership is  
68 determined under Subsection (4)(a)(i) or (ii), may appoint a designee to permanently serve in  
69 that individual's place with the approval of the Speaker or the President for any majority party  
70 member or with the approval of the House or Senate minority party leader for any minority  
71 party member.

72 (c) In all decisions of the Executive Appropriations Committee, a majority vote  
73 prevails. When a division is requested, that vote must include at least 50% of the members of  
74 one house and more than 50% of the members of the other house in attendance.

75 (d) In making its decisions, the Executive Appropriations Committee shall include in  
76 its consideration tax collections and revenue policy, tax administration, and analysis of revenue  
77 sources.

78 (5) (a) The Executive Appropriations Committee shall meet no later than the third  
79 Wednesday in December to:

80 (i) ~~[direct staff as to what]~~ adopt a revenue estimate [to] for use in preparing the budget  
81 recommendations;

82 (ii) receive recommendations from the Joint Budget Interim Committee;

83 ~~[(it)]~~ (iii) decide whether or not to set aside special allocations for the end of the  
84 session;

85 ~~[(iii)]~~ (iv) set aside an appropriate amount for fiscal note bills;

86 ~~[(iv)]~~ (v) approve the appropriate amount for each subcommittee to use in preparing its  
87 budget as provided in Subsection (5)(c); and

88 ~~[(v)]~~ (vi) set a total budget figure.

89 (b) The chairs of each appropriation subcommittee are invited to attend this meeting.

90 ~~[(6) The Office of Legislative Fiscal Analyst shall prepare revised revenue estimates in~~  
91 ~~February].~~

92 ~~[(7) The Executive Appropriations Committee shall include in its consideration tax~~  
93 ~~collections and revenue policy, tax administration, and analysis of revenue sources.]~~

94 ~~[(8) (a) With the approval of the Executive Appropriations Committee, time schedules~~  
95 ~~for subcommittee meetings will be determined]~~

96 (c) In that meeting, the Executive Appropriations Committee shall:

97 (i) review the budget recommendations that:

98 (A) state agencies and institutions submitted to the Governor;

99 (B) the Governor submitted to the Legislature; and

100 (C) the Legislative Fiscal Analyst created for the Legislature; and

101 (ii) after reviewing those budget recommendations, prepare a recommended target  
102 budget for each appropriation subcommittee and submit it to the appropriation subcommittee  
103 for its consideration, modification, and recommendation.

104 (6) (a) Each appropriation subcommittee shall:

105 (i) receive the recommended target budget for the subcommittee from the Executive  
106 Appropriations Committee;

107 (ii) as practicable, hold hearings on the target budget;

108 (iii) if necessary, modify the target budget submitted to the subcommittee by the  
109 Executive Appropriations Committee; and

110 (iv) submit to the Executive Appropriations Committee, in the form required by the  
111 Executive Appropriations Committee, a recommended budget for each agency and institution  
112 over which the appropriation subcommittee has jurisdiction.

113 (b) If the Executive Appropriations Committee returns the target budget to the  
114 appropriations subcommittee for modification, the appropriation subcommittee shall meet to  
115 review the new guidelines and report the adjustments to the Executive Appropriations  
116 Committee as soon as possible.

117 (7) After receiving budget recommendations from each appropriations subcommittee,  
118 the Executive Appropriations Committee shall:

119 (a) review and approve revised revenue estimates in February;

120 (b) either:

- 121 (i) adopt the appropriation subcommittee's budget recommendations without change;  
122 (ii) refer the report back to an appropriations subcommittee, instruct the appropriation  
123 subcommittee to revise its budget, and provide the appropriations subcommittee with any  
124 guidelines that the Joint Budget Committee considers necessary to assist the subcommittee in  
125 producing a balanced budget; or  
126 (iii) adjust and revise the appropriation subcommittee's recommendations as necessary  
127 to balance the budget and to establish final budget recommendations for each agency,  
128 institution, and entity of state government;  
129 (c) ensure that the Executive Appropriation Committee's final budget  
130 recommendations include all of the proposed items of expenditure to be included in the final  
131 appropriations bill, including appropriations for the Legislature and its committees and staff;  
132 (d) complete all decisions necessary to draft the final appropriations bill no later than  
133 the 38th day of the annual general session;  
134 (e) direct the Legislative Fiscal Analyst to prepare an annual appropriation act, any  
135 supplemental appropriation acts, any bonding or capital facility bills or authorizations, any  
136 school financing acts, and any other legislation necessary to incorporate the Executive  
137 Appropriation Committee's decisions;  
138 (f) approve and submit to the Legislature an annual appropriation act, any  
139 supplemental appropriation acts, any bonding or capital facility bills or authorizations, any  
140 school financing acts, and any other legislation necessary to approve a balanced budget; and  
141 (g) perform the responsibilities required by JR-4.22.1.  
142 (8) (a) The President and Speaker shall ensure that appropriations subcommittee  
143 meetings are scheduled so that no conflict exists with the ~~[annual general]~~ floor sessions or  
144 standing committee meetings of the Legislature.  
145 (b) Appropriations subcommittees may not meet while the Senate or House is in  
146 session without special leave from the Speaker of the House and the President of the Senate.  
147 (9) The Office of Legislative Fiscal Analyst shall prepare revised revenue estimates in  
148 February and submit them to the Executive Appropriations Committee for review and  
149 approval.  
150 ~~[(9) (a) (i) It is the duty of the appropriations chair of each house to receive the reports~~  
151 ~~of the subcommittees and to forward the reports to the Executive Appropriations Committee.]~~

152 ~~[(ii) The Executive Appropriations Committee shall combine the reports into a total~~  
153 ~~appropriations bill.]~~

154 ~~[(b) The Executive Appropriations Committee shall establish a liaison between their~~  
155 ~~committee and each of the appropriations subcommittees.]~~

156 ~~[(10) All proposed items of expenditure to be included in the final appropriations bill,~~  
157 ~~including appropriations for the Legislature and its committees and staff, shall be submitted to~~  
158 ~~one of the subcommittees named in this rule for consideration and recommendation.]~~

159 ~~[(11) (a) After receiving and reviewing subcommittee reports, the Executive~~  
160 ~~Appropriations Committee may refer the report back to an appropriations subcommittee with~~  
161 ~~any guidelines the Executive Appropriations Committee considers necessary to assist the~~  
162 ~~subcommittee in producing a balanced budget.]~~

163 ~~[(b) The subcommittee shall meet to review the new guidelines and report the~~  
164 ~~adjustments to the chairs of the Executive Appropriations Committee as soon as possible.]~~

165 ~~[(12) (a) After receiving the reports, the appropriations chairs will report them to the~~  
166 ~~Executive Appropriations Committee.]~~

167 ~~[(b) That committee shall:]~~

168 ~~[(i) make any further adjustments necessary to balance the budget; and]~~

169 ~~[(ii) complete all decisions necessary to draft the final appropriations bill no later than~~  
170 ~~the 38th day of the annual general session.]~~

171 ~~[(13) (a) During the interim, the Executive Appropriations Committee shall meet at~~  
172 ~~least every other month on the day before interim meetings on alternating months between~~  
173 ~~Legislative Management Committee meetings.]~~

174 ~~[(b) The first meeting of the Executive Appropriations Committee shall be in the~~  
175 ~~month following the first meeting of the Legislative Management Committee.]~~

176 ~~[(c) The appropriations subcommittee chairs may attend these meetings and provide~~  
177 ~~input regarding their budget.]~~

178 ~~[(d) (i) Each year, the Executive Appropriations Committee shall:]~~

179 ~~[(A) select a state agency, institution, or program to be the subject of an in-depth~~  
180 ~~budget review; and]~~

181 ~~[(B) direct an appropriation subcommittee to conduct the in-depth budget review of the~~  
182 ~~agency and report back to the Executive Appropriations Committee.]~~

183 ~~[(ii) In conducting the in-depth budget review, the appropriations subcommittee shall:]~~  
184 ~~[(A) study, in detail, the budget of the agency, institution, or program;]~~  
185 ~~[(B) prepare a report making recommendations for reduction or additions to the budget~~  
186 ~~of that agency, institution, or program; and]~~  
187 ~~[(C) present its findings and recommendations to the Executive Appropriations~~  
188 ~~Committee.]~~

189 Section 2. Section **JR-3.07** is enacted to read:

190 **JR-3.07. Joint Budget Interim Committee.**

191 (1) There is created a Joint Budget Interim Committee of the Utah Legislature  
192 consisting of 15 members.

193 (2) (a) The President of the Senate shall appoint three members of the 15 members as  
194 follows:

195 (i) one member of the majority party as Senate chair of the committee; and

196 (ii) two members of the minority party.

197 (b) The Senate chairs of the following appropriation subcommittees are ex officio  
198 voting members of the Joint Budget Interim Committee:

199 (i) Capital Facilities and Administrative Services;

200 (ii) Commerce and Revenue;

201 (iii) Economic Development and Human Resources; and

202 (iv) Executive Offices and Criminal Justice.

203 (3) (a) The Speaker of the House shall appoint three members of the 15 members as  
204 follows:

205 (i) one member of the majority party as House chair of the committee; and

206 (ii) two members of the minority party.

207 (b) The House chairs of the following appropriation subcommittees are ex officio  
208 voting members of the Joint Budget Interim Committee:

209 (i) Health and Human Services;

210 (ii) Higher Education;

211 (iii) Natural Resources;

212 (iv) Public Education; and

213 (v) Transportation, Environmental Quality, and National Guard.

214 (4) (a) The Joint Budget Interim Committee shall meet at least monthly and more  
215 frequently as needed at the call of the chairs.

216 (b) Four members from each house are a quorum.

217 (c) The vote required for any motion in the committee to pass is at least 50% of one  
218 house voting in favor and more than 50% of the other house voting in favor.

219 (d) (i) Except as provided in Subsection (4)(d)(ii) and (iii), the Joint Budget Interim  
220 Committee shall be governed by Interim Committee Rules.

221 (ii) That portion of Interim Rule 2.02 that directs that members who miss two  
222 consecutive meetings are not counted in determining a quorum does not apply to meetings of  
223 the Joint Budget Interim Committee.

224 (iii) For meetings of the Joint Budget Interim Committee, all members of the  
225 committee are counted in determining a quorum regardless of how many meetings they have  
226 missed.

227 (5) The Joint Budget Interim Committee shall:

228 (a) review, modify, and adopt revenue estimates and revised revenue estimates;

229 (b) obtain each month from the Legislative Fiscal Analyst a report identifying the  
230 line-item transfers approved by the Governor under Section 63-38-3 during the previous month  
231 and review and discuss that report;

232 (c) perform the responsibilities required by JR-4.22.1;

233 (d) review monthly agency expenditures to ensure that they meet budget and  
234 appropriation procedures and requirements;

235 (e) obtain a report each month from the Legislative Fiscal Analyst that identifies any  
236 nonroutine expenditures or expenditures that are outside of or more than the line-item  
237 appropriation made to the agency;

238 (f) review personnel transfers between agencies, increases or decreases in full-time  
239 employees within an agency, and vacancies in permanent positions within an agency if those  
240 vacancies have not been filled within nine months; and

241 (g) recommend or introduce legislation to address revenue, expenditure, accounting,  
242 and other budget issues in state government.

243 (6) (a) Each year, the Joint Budget Interim Committee shall select one or more state  
244 agencies, institutions, or programs to be the subject of an in-depth budget review and either:



245 (i) conduct the in-depth budget review themselves; or  
246 (ii) direct an appropriation subcommittee to conduct the in-depth budget review of the  
247 agency and report back to the Joint Budget Interim Committee.

248 (b) In conducting the in-depth budget review, the Joint Budget Interim Committee or  
249 appropriations subcommittee shall:

250 (i) study, in detail, the budget of the agency, institution, or program including staffing  
251 needs, policies, and rules;

252 (ii) prepare a report making recommendations for reductions or additions to the budget  
253 of that agency, institution, or program; and

254 (iii) present its findings and recommendations in the Joint Budget Interim Committee's  
255 October meeting.

256 Section 3. **JR-4.22.1** is amended to read:

257 **JR-4.22.1. Appropriations; Requests; Disposition.**

258 (1) (a) A legislator desiring to obtain funding for a project, program, or entity that has  
259 not previously been funded, or to obtain additional or separate funding for a project, program,  
260 or entity, shall file a signed Request for Appropriation with the Office of Legislative Fiscal  
261 Analyst within the time limits established by JR-19.02.

262 (b) The request shall designate:

263 (i) the project, program, or entity to be funded;

264 (ii) the source for the funding;

265 (iii) the chief sponsor, who is knowledgeable about and responsible for providing  
266 pertinent information as the appropriation is processed;

267 (iv) supporting legislators, if any, who wish to cosponsor the appropriation; and

268 (v) the appropriation subcommittee to which the sponsor wishes the request to be  
269 assigned, if any.

270 (2) (a) When a member files a Request for Appropriation, the Legislative Fiscal  
271 Analyst shall review the request.

272 (b) If the request requires that a statute be enacted, amended, or repealed, the  
273 Legislative Fiscal Analyst shall immediately transfer the request to the Office of Legislative  
274 Research and General Counsel as a Request for Legislation.

275 (c) If the request does not require that a statute be enacted, amended, or repealed, the

276 Legislative Fiscal Analyst shall number and title the request and refer the request to:  
277           (i) the House chair of the [~~Executive Appropriations~~] Joint Budget Interim Committee,  
278 if the sponsor is a House member; or  
279           (ii) the Senate chair of the [~~Executive Appropriations~~] Joint Budget Interim  
280 Committee, if the sponsor is a Senator.  
281           (d) The House or Senate chair of the [~~Executive Appropriations~~] Joint Budget Interim  
282 Committee shall refer the request to the appropriate joint appropriations subcommittee.  
283           (3) Each joint appropriations subcommittee that receives a Request for Appropriation  
284 shall:  
285           (a) allow the sponsor to present and discuss the request with the subcommittee;  
286           (b) discuss the request; and  
287           (c) either:  
288           (i) include all or part of the requested appropriation in the budget recommendation  
289 made to the Executive Appropriations Committee;  
290           (ii) reject the request; or  
291           (iii) recommend to the Executive Appropriations Committee that all or part of the  
292 requested appropriation be placed on a funding prioritization list as may be established by the  
293 Executive Appropriations Committee.  
294           Section 4. **Effective date.**  
295           This resolution takes effect upon approval by a constitutional majority vote of all  
296 members of the Senate and House of Representatives.

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**Legislative Review Note**  
**as of 12-16-03 12:59 PM**

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

**Office of Legislative Research and General Counsel**