

STATE BUDGET PROVISIONS

2005 GENERAL SESSION

STATE OF UTAH

Sponsor: Greg J. Curtis

LONG TITLE

General Description:

This bill defines what happens if the Legislature fails to pass comprehensive appropriation acts to fund state government and to fund other units of government for the next fiscal year.

Highlighted Provisions:

This bill:

▶ authorizes, with certain exceptions, the duplication of the prior fiscal year's appropriations that fund state government if the Legislature fails to pass comprehensive appropriation acts for the next fiscal year.

Monies Appropriated in this Bill:

None

Other Special Clauses:

This bill provides an immediate effective date.

Utah Code Sections Affected:

ENACTS:

63-38-3.7, Utah Code Annotated 1953

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

Section 1. Section **63-38-3.7** is enacted to read:

63-38-3.7. Comprehensive appropriations acts not enacted -- Effect.

(1) As used in this section:



28 (a) "Comprehensive appropriation acts" means one or more appropriation acts that,
29 taken together, provide all the funding for state government in a fiscal year.

30 (b) "Current fiscal year" means:

31 (i) the fiscal year for which the Legislature has passed one or more comprehensive
32 appropriation acts that appropriate monies to state agencies and other government entities; and

33 (ii) the fiscal year in which those monies are being spent.

34 (c) "Next fiscal year" means the fiscal year beginning the July 1 after the current fiscal
35 year.

36 (2) If comprehensive appropriation acts for the next fiscal year are either not passed by
37 the Legislature, or are vetoed by the governor, the appropriations for the current fiscal year are
38 duplicated and become the appropriations for the next fiscal year until the Legislature modifies
39 or revises them.

40 (3) This section does not apply if, as a result of applying this section, the state's
41 expenditures would exceed the total tax provided for by statute and applicable to the particular
42 appropriation or expenditure.

43 Section 2. **Effective date.**

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

Legislative Review Note
as of 12-3-04 9:20 AM

Based on a limited legal review, this legislation has not been determined to have a high probability of being held unconstitutional.

Office of Legislative Research and General Counsel