

S.J.R. 5

JOINT RULES RESOLUTION ON FISCAL NOTE PROCESS

SENATE COMMITTEE AMENDMENTS

AMENDMENT 1

JANUARY 25, 2011 3:38 PM

Senator **Wayne L. Niederhauser** proposes the following amendments:

1. *Page 1, Lines 15 through 16:*

15 ▶ provides for the placement of a performance note on legislation that creates a new
16 program or agency; =
= ▶ **provides that deadlines for fiscal notes and performance notes be calculated by business days rather than legislative days;**

2. *Page 2, Line 37:*

37 Legislative Rules Affected:

AMENDS:

JR4-2-403

3. *Page 2, Line 42:*

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

= **Section 1. JR4-2-403 is amended to read:**

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

{ ~~legislative~~ } **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.

4. *Page 6, Lines 156 through 157:*

156 (6) The Legislative Auditor General may use the performance note in its review of new
157 programs and agencies under Section { ~~35-12-15~~ } 36-12-15 .

Renumber remaining sections accordingly.