

1 **JOINT RULES RESOLUTION ON PRIORITIZATION OF**
2 **LEGISLATION AND PERFORMANCE NOTES**

3 2014 GENERAL SESSION

4 STATE OF UTAH

5 **Chief Sponsor: Rebecca Chavez-Houck**

6 Senate Sponsor: _____

7
8 **LONG TITLE**

9 **General Description:**

10 This joint rules resolution of the Legislature modifies provisions related to prioritization
11 of legislation and a performance review note.

12 **Highlighted Provisions:**

13 This resolution:

- 14 ▶ permits a legislative committee consisting entirely of legislators, or a mixed
15 committee consisting of legislators and nonlegislator members, to prioritize a
16 request for legislation for drafting;
- 17 ▶ excludes the Rules Committee from the legislative committees that may prioritize
18 legislation;
- 19 ▶ requires the legislative fiscal analyst to review and analyze legislation to determine
20 if it creates a new program or a new agency within one business day instead of three
21 business days of receiving the legislation; and
- 22 ▶ makes technical changes.

23 **Special Clauses:**

24 None

25 **Legislative Rules Affected:**

26 AMENDS:

27 **JR4-2-102**



28 **JR4-2-404**

29

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

31 Section 1. **JR4-2-102** is amended to read:

32 **JR4-2-102. Drafting and prioritizing legislation.**

33 (1) (a) Requests for legislation shall be drafted on a first-in, first-out basis.

34 (b) Notwithstanding Subsection (1)(a), the following requests for legislation shall be
35 drafted before other requests for legislation when sufficient drafting information is available:

36 (i) a request for legislation that is prioritized by a legislator under Subsection (2); and

37 (ii) except as provided in Subsection (1)(c), a request for legislation that is prioritized
38 by the majority vote of [an interim committee] a legislative committee or a mixed committee as
39 those terms are defined under JR4-2-401.

40 (c) The Rules Committee may not prioritize legislation for drafting under Subsection
41 (1)(b).

42 (2) (a) Beginning on the first day on which a request for legislation may be filed under
43 **JR4-2-101**, a legislator may designate up to three requests for legislation as priority requests
44 subject to the following deadlines:

45 (i) priority request number one must be requested on or before the first Thursday in
46 December, or the following business day if the first Thursday falls on a holiday;

47 (ii) priority request number two must be requested on or before the first Thursday in
48 January, or the following business day if the first Thursday falls on a holiday; and

49 (iii) priority request number three must be requested on or before the first Thursday of
50 the annual general session.

51 (b) A legislator who fails to make a priority request on or before a deadline loses that
52 priority request. However, the legislator is not prohibited from using any remaining priority
53 requests that are associated with a later deadline, if available.

54 (c) A legislator who begins serving after a deadline has passed is entitled to use only
55 those priority requests that are available under an unexpired deadline.

56 (d) A legislator may not designate a request for legislation as a priority request unless
57 the request:

58 (i) provides specific or conceptual information concerning the change or addition to

59 law or policy that the legislator intends the proposed legislation to make; or

60 (ii) identifies the specific situation or concern that the legislator intends the legislation
61 to address.

62 (3) A legislator may not:

63 (a) revoke a priority designation once it has been requested;

64 (b) transfer a priority designation to a different request for legislation; or

65 (c) transfer a priority designation to another legislator.

66 (4) Except as otherwise provided in these rules, the Office of Legislative Research and
67 General Counsel shall reserve as many bill numbers as necessary to allow each request for
68 legislation that has been prioritized as permitted under Subsection (1)(b) to receive a lower bill
69 number than non-prioritized requests.

70 Section 2. **JR4-2-404** is amended to read:

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

72 (1) As used in this section:

73 (a) (i) "New agency" means:

74 (A) a state governmental entity that did not previously exist;

75 (B) a governmental entity that requires a new appropriation for new funding;

76 (C) a governmental entity that is modified by legislation to add significant services or
77 benefits that were not previously offered by the governmental entity; or

78 (D) a governmental entity that is modified by legislation to substantially expand the
79 scope of individuals or entities that are entitled to receive the services or benefits offered by the
80 governmental entity.

81 (ii) "New agency" does not mean a governmental entity that has been renamed or
82 moved to another organizational position within that branch of government unless the
83 governmental entity meets the criteria in Subsection (1)(a)(i)(C) or (D).

84 (b) (i) "New program" means a program:

85 (A) created by statute that did not previously exist;

86 (B) that requires a new appropriation or an increased appropriation for the purpose of
87 adding significant services or benefits that were not previously offered;

88 (C) that is modified by legislation to add significant services or benefits that were not
89 previously offered by the program; or

90 (D) that is modified by legislation to substantially expand the scope of individuals or
91 entities that are entitled to receive the services or benefits offered by the program.

92 (ii) "New program" does not mean a program that has been renamed or moved to
93 another organizational position within that branch of government unless the governmental
94 entity meets the criteria in Subsection (1)(b)(i)(C) or (D).

95 (c) "Performance note" means the statement of performance measures and information
96 that may be required to be printed with certain legislation according to the requirements of this
97 rule.

98 (2) (a) When the legislative fiscal analyst receives the electronic copy of approved
99 legislation from the Office of Legislative Research and General Counsel, the legislative fiscal
100 analyst shall, within [~~three business days~~] one business day, review and analyze the legislation
101 to determine if it creates a new program or a new agency.

102 (b) If the legislative fiscal analyst determines that the legislation creates a new agency
103 or a new program, the legislative fiscal analyst shall:

104 (i) notify the sponsor of the legislation that the legislation qualifies for a performance
105 note;

106 (ii) notify the governmental entity that will supervise the new agency, or the
107 governmental entity that will administer the new program, that the governmental entity must
108 submit a performance note that meets the requirements of Subsection (6) to the legislative
109 fiscal analyst within three business days; and

110 (iii) prepare a notice that contains the information required by Subsection (2)(c) and
111 print the notice with the legislation.

112 (c) The notice shall:

113 (i) disclose that a performance note is required, disclose the name of the governmental
114 entity required to provide the performance note, and disclose the date on which the
115 performance note is to be provided by the governmental entity; or

116 (ii) disclose that a performance note is not required because the legislation does not
117 create a new program or new agency.

118 (d) (i) The legislative fiscal analyst may extend the deadline for the governmental
119 entity's submission of the performance note if:

120 (A) the governmental entity requests that the deadline be extended to a date certain in

121 writing before the performance note is due; and

122 (B) the sponsor of the legislation agrees to extend the deadline.

123 (ii) If the deadline is extended, the legislative fiscal analyst shall indicate the extended
124 deadline as part of the performance note that is ultimately printed with the legislation.

125 (3) If the sponsor of the legislation disputes the legislative fiscal analyst's
126 determination as to whether a performance note is required, the sponsor shall contact the
127 legislative fiscal analyst to discuss that disagreement and provide evidence, data, or other
128 information to support a different determination.

129 (4) (a) (i) When a governmental entity provides a performance note to the legislative
130 fiscal analyst, the legislative fiscal analyst shall provide a copy of the performance note to the
131 sponsor.

132 (ii) The sponsor of the legislation shall either approve the release of the performance
133 note or reject the performance note.

134 (b) If the sponsor approves the performance note provided by the governmental entity,
135 the legislative fiscal analyst shall print the performance note with the legislation.

136 (c) If the sponsor rejects the performance note provided by the governmental entity, the
137 legislative fiscal analyst shall print the following with the legislation:

138 (i) the performance note provided by the governmental entity, with a notation that the
139 sponsor rejected the submission; and

140 (ii) if the sponsor provides an alternative performance note to the legislative fiscal
141 analyst within three business days of receiving the performance note, the alternative
142 performance note, with a notation that the sponsor provided the alternative note due to the
143 sponsor's rejection of the governmental entity's submission.

144 (5) If the governmental entity does not provide a performance note by the submission
145 deadline, the legislative fiscal analyst shall print a performance note with the legislation that
146 indicates only that the governmental entity did not submit performance measures by the
147 submission deadline.

148 (6) A performance note shall contain the following information:

149 (a) the name of the governmental entity submitting the performance note, as applicable;

150 (b) the names and titles of the individuals who prepared the performance note; and

151 (c) a statement of performance measures that:

- 152 (i) explains the purpose and duties of the new program or agency;
- 153 (ii) lists the services that will be provided by the new program or agency;
- 154 (iii) lists the goals and proposed impacts that the new program or agency intends to
155 achieve within one, two, and three years;
- 156 (iv) lists the resources and steps required to achieve the goals and proposed impacts;
- 157 (v) lists the benchmarks that the new program or agency will monitor to measure
158 progress toward the goals and outcome;
- 159 (vi) lists the performance measures that will be used to evaluate progress toward the
160 goals and proposed impacts; and
- 161 (vii) states how information on progress and performance measures will be gathered in
162 a reliable, objective fashion.
- 163 (7) The performance note is not an official part of the legislation.
- 164 (8) After legislation that creates a new program or a new agency has gone into effect,
165 the legislative auditor general shall, subject to the procedures and requirements of Section
166 [36-12-15](#):
- 167 (a) provide an outline of best practices to the governmental entity that administers the
168 new program or to the new agency;
- 169 (b) include in the outline information to assist that governmental entity or new agency
170 with the creation of:
 - 171 (i) policies that promote best practices;
 - 172 (ii) performance measures; and
 - 173 (iii) data collection procedures; and
- 174 (c) for a new program or a new agency that was created by legislation where the
175 governmental entity failed to provide a performance note:
 - 176 (i) provide a notice to the governmental entity that administers the new program or to
177 the new agency that the governmental entity or agency is required to submit a performance note
178 to the legislative auditor general within 30 calendar days of the date of the notice;
 - 179 (ii) retain the performance note that is received from the governmental entity or new
180 agency and forward a copy of the note to:
 - 181 (A) the primary sponsor of the legislation;
 - 182 (B) the opposite house sponsor of the legislation;

183 (C) the president of the Senate and speaker of the House; and
184 (D) the Senate minority leader and House minority leader; and
185 (iii) if the governmental entity or new agency fails to provide a performance review
186 note within the required deadline, provide notice to those listed in Subsection (8)(c)(ii) that a
187 performance note was requested from, but was not received from, the governmental entity that
188 administers the new program or the new agency.
189 (9) The legislative auditor general may use the performance note in its review of new
190 programs and agencies under Section [36-12-15](#).

Legislative Review Note
as of 1-24-14 9:38 AM

Office of Legislative Research and General Counsel