

Senator Don L. Ipson proposes the following substitute bill:

JOINT RULES RESOLUTION - LEGISLATIVE PROCEDURE

MODIFICATIONS

2021 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Jefferson Moss

Senate Sponsor: Don L. Ipson

LONG TITLE

General Description:

This rules resolution modifies joint rules related to certain legislative procedures.

Highlighted Provisions:

This resolution:

- ▶ defines terms;
- ▶ requires each legislative office to develop and report performance measures;
- ▶ requires the Office of the Legislative Auditor General and the Office of the Legislative Fiscal Analyst, in collaboration with the Governor's Office of Management and Budget, to establish a process to target government processes for efficiency improvements;
- ▶ prohibits a legislator from filing a request for appropriation that is intended to fund the fiscal impact of legislation;
- ▶ for certain legislation, requires the Office of the Legislative Fiscal Analyst to generate a request for appropriation to fund the fiscal impact of the legislation;
- ▶ addresses the date beginning on which a legislator may file a request for appropriation;
- ▶ modifies the information a legislator is required to provide when filing a request for



- 26 appropriation;
- 27 ▶ repeals from legislative rule the process by which the legislative fiscal analyst
- 28 determines whether legislation creates a new agency or new program; and
- 29 ▶ repeals from legislative rule the process by which the legislative auditor general:
- 30 • reviews a new agency or new program; and
- 31 • reports the performance of the new agency or new program to the Executive
- 32 Appropriations Committee;
- 33 ▶ establishes a process for the consideration of legislation that affects workload; and
- 34 ▶ makes technical and conforming changes.

35 **Special Clauses:**

36 This resolution provides a special effective date.

37 **Legislative Rules Affected:**

38 AMENDS:

39 **JR3-2-701**

40 **JR3-2-702**

41 ENACTS:

42 **JR1-4-601**

43 **JR1-4-602**

44 **JR1-4-603**

45 **JR4-3-301**

46 **JR4-3-302**

47 **JR4-3-303**

48 REPEALS:

49 **JR4-2-404**

50 **JR4-2-405**

51 **JR4-3-110**



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

54 Section 1. **JR1-4-601** is enacted to read:

55 **Part 6. Performance Reporting and Government Efficiency Improvement Process**

56 **JR1-4-601. Definitions.**

57 As used in this part:

58 (1) "Appropriated entity" means any entity that receives state funds.

59 (2) "Product or service" means an appropriated entity's final output or outcome.

60 (3) "Government process" means a set of functions and procedures by which an

61 appropriated entity creates a product or service.

62 (4) "Legislative office" means:

63 (a) the Office of Legislative Research and General Counsel;

64 (b) the Office of the Legislative Auditor General;

65 (c) the Office of the Legislative Fiscal Analyst; or

66 (d) Legislative Services.

67 (5) "Performance measure" means a program objective, effectiveness measure,

68 program size indicator, or other related measure.

69 (6) "Targeted efficiency evaluation" means an evaluation of a government process

70 identified for efficiency improvements under this part.

71 Section 2. **JR1-4-602** is enacted to read:

72 **JR1-4-602. Performance reporting.**

73 Each legislative office shall:

74 (1) develop performance measures to include in an appropriations act for each fiscal

75 year; and

76 (2) annually submit to the Subcommittee on Oversight created in Utah Code Section

77 [36-12-8.1](#) a report that contains:

78 (a) any recommendations for legislative changes for the next fiscal year to the office's

79 previously adopted performance measures; and

80 (b) the final status of the office's performance measures included in the appropriations

81 act for the fiscal year ending the previous June 30.

82 Section 3. **JR1-4-603** is enacted to read:

83 **JR1-4-603. Efficiency improvement process.**

84 (1) By May 1, 2022, the Office of the Legislative Fiscal Analyst shall, in collaboration

85 with the Governor's Office of Management and Budget:

86 (a) establish a process to conduct targeted efficiency evaluations; and

87 (b) submit a plan to the Legislative Management Committee that:

88 (i) prioritizes the government processes for which the Office of the Legislative Fiscal
89 Analyst will conduct a targeted efficiency evaluation; and

90 (ii) establishes a schedule by which the Office of the Legislative Fiscal Analyst will
91 conduct each targeted efficiency evaluation.

92 (2) (a) When conducting a targeted efficiency evaluation under this rule, the Office of
93 the Legislative Fiscal Analyst may work with the Governor's Office of Management and
94 Budget and the appropriated entity that administers the government process to identify:

95 (i) any operational inefficiencies in the government process and ways to eliminate the
96 inefficiencies;

97 (ii) rewards or incentives for implementing recommendations of the targeted efficiency
98 evaluation; and

99 (iii) any misalignment in the appropriated entity's products or services in relation to the
100 appropriated entity's adopted performance measures.

101 (b) The Office of the Legislative Fiscal Analyst shall report to the Office of the
102 Legislative Auditor General the results of each targeted efficiency evaluation.

103 (3) (a) The Office of the Legislative Auditor General shall independently review the
104 results of each targeted efficiency evaluation and, based on that review, conduct further risk
105 assessment to determine the extent to which the appropriated entity has implemented any
106 recommendations from the targeted efficiency evaluation.

107 (b) Based on the review described in Subsection (3)(a), the Office of the Legislative
108 Auditor General may recommend to the Audit Subcommittee created in Utah Code Section
109 [36-12-8](#) that the Office of the Legislative Auditor General conducts an in-depth review of the
110 appropriated entity.

111 (c) The Office of the Legislative Auditor General shall provide a copy of any in-depth
112 review described in Subsection (3)(b) to the legislative interim committee and the legislative
113 appropriations subcommittee with oversight responsibility for the appropriated entity.

114 (4) (a) Upon receipt of an in-depth review described in Subsection (3), a legislative
115 interim committee shall:

116 (i) review the appropriated entity that is the subject of the in-depth review; and

117 (ii) if appropriate, recommend to the Legislature any legislation to improve the
118 efficiency of the appropriated entity.

119 (b) Upon receipt of an in-depth review described in Subsection (3), a legislative
120 appropriations subcommittee shall:
121 (i) review the appropriated entity that is the subject of the in-depth review;
122 (ii) determine whether the appropriated entity is appropriately using the appropriated
123 entity's state funds; and
124 (iii) if appropriate, recommend to the Legislature any budgetary changes to improve the
125 efficiency of the appropriated entity.

126 (5) As part of the efficiency improvement process described in this rule, the Office of
127 the Legislative Fiscal Analyst or the Office of the Legislative Auditor General may, in
128 consultation with the Governor's Office of Management and Budget:

129 (a) recommend that an appropriated entity receives training; or
130 (b) provide training to the appropriated entity.

131 (6) The efficiency improvement process described in this rule does not apply to a
132 legislative department government process.

133 Section 4. **JR3-2-701** is amended to read:

134 **JR3-2-701. Request for appropriation -- Contents -- Timing.**

135 (1) (a) A legislator wishing to obtain funding for a project[;] or program[; ~~or entity~~]
136 that has not previously been funded, or to obtain additional or separate funding for a project[;]
137 or program, [~~or entity~~], shall file a request for appropriation with the Office of the Legislative
138 Fiscal Analyst in accordance with this rule.

139 (b) A legislator may not file a request for appropriation if the request is intended to
140 fund the fiscal impact of legislation.

141 (c) The Office of the Legislative Fiscal Analyst shall automatically generate a request
142 for appropriation to fund the fiscal impact of legislation if:

143 (i) the legislation has an expenditure impact of \$1,000,000 or more from the General
144 Fund or the Education Fund; and

145 (ii) the Office of the Legislative Fiscal Analyst knows the fiscal impact of the
146 legislation before the deadline described in Subsection (3)(a).

147 (2) (a) A legislator may file a request for appropriation beginning 60 days after the day
148 on which the Legislature adjourns its annual general session sine die.

149 (b) A legislator-elect may file a request for appropriation beginning on:

150 (i) the day after the day on which the election canvass is complete; or
151 (ii) if the legislator-elect's election results have not been finalized as of the canvass
152 date, the day after the day on which the election results for the legislator-elect's race are final.

153 (c) An incumbent legislator may not file a request for appropriation as of the date that
154 the legislator:

155 (i) fails to file to run for reelection;
156 (ii) resigns or is removed from office; or
157 (iii) is ineligible to be included on the ballot for the election in which the legislator
158 would have sought an additional term.

159 ~~[(2)]~~ (3) (a) Except as provided in Subsection ~~[(2)]~~ (3)(b), a legislator may not file a
160 request for appropriation with the Office of the Legislative Fiscal Analyst after noon on the
161 11th day of the annual general session.

162 (b) After the date established by this Subsection ~~[(2)]~~ (3), a legislator may file a request
163 for appropriation if:

164 (i) for a request by a House member, the representative makes a motion to file a request
165 for appropriation and that motion is approved by a constitutional majority of the House; or
166 (ii) for a request by a senator, the senator makes a motion to file a request for
167 appropriation and that motion is approved by a constitutional majority vote of the Senate.

168 ~~[(3) The request shall designate:]~~

169 ~~[(a) the project, program, or entity to be funded;]~~

170 ~~[(b) the source for the funding;]~~

171 ~~[(c) the chief sponsor, who is knowledgeable about and responsible for providing~~
172 ~~pertinent information as the appropriation is processed;]~~

173 ~~[(d) supporting legislators, if any, who wish to cosponsor the appropriation; and]~~

174 ~~[(e) the joint appropriations subcommittee to which the sponsor wishes the request to~~
175 ~~be assigned, if any.]~~

176 (4) A legislator who files a request for appropriation:

177 (a) is the chief sponsor; and

178 (b) shall provide the following information related to the project or program that is the
179 subject of the request for appropriation:

180 (i) the name and a description of the project or program;

- 181 (ii) the statewide purpose of the project or program;
182 (iii) if applicable, the legislator's designee who is knowledgeable about and responsible
183 for providing pertinent information while the Office of the Legislative Fiscal Analyst processes
184 the request;
185 (iv) the state funding source from which the legislator proposes to fund the project or
186 program;
187 (v) the amount of the request and whether the amount is to be appropriated one-time,
188 ongoing, or a combination of one-time and ongoing;
189 (vi) an itemized budget for the project or program;
190 (vii) the state agency that has jurisdiction over the project or program;
191 (viii) if the request is for pass through funding that a state agency will distribute, the
192 type of entity or organization the legislator intends to receive the funding;
193 (ix) the scalability of the project or program; and
194 (x) one or more outcomes the legislator expects the project or program to achieve.

195 Section 5. **JR3-2-702** is amended to read:

196 **JR3-2-702. Review and action on requests for appropriation.**

197 (1) (a) The legislative fiscal analyst shall review each request for appropriation.

198 (b) If the request requires that a statute be enacted, amended, or repealed, the
199 legislative fiscal analyst shall immediately transfer the request to the Office of Legislative
200 Research and General Counsel as a request for legislation.

201 (c) If the request contains each item described in JR3-2-701(4) and does not require
202 that a statute be enacted, amended, or repealed, the legislative fiscal analyst shall number [and],
203 title [~~the request~~], and refer the request to:

204 (i) the House chair of the Executive Appropriations Committee, if the sponsor is a
205 House member; or

206 (ii) the Senate chair of the Executive Appropriations Committee, if the sponsor is a
207 Senate member.

208 (2) The House or Senate chair of the Executive Appropriations Committee shall refer
209 the request to the [~~appropriate~~] joint appropriations [~~subcommittees~~] subcommittee with
210 oversight responsibility or to the Executive Appropriations Committee.

211 (3) Each joint appropriations subcommittee that receives a request for appropriation

212 shall:

- 213 (a) allow the sponsor to present and discuss the request with the subcommittee;
- 214 (b) discuss the request; and
- 215 (c) do one of the following:
 - 216 (i) include all or part of the requested appropriation in the budget recommendation
 - 217 made by the subcommittee or the Executive Appropriations Committee;
 - 218 (ii) reject the request; or
 - 219 (iii) recommend that all or part of the requested appropriation be placed on a funding
 - 220 prioritization list.

221 Section 6. **JR4-3-301** is enacted to read:

222 **Part 3. Legislation Affecting Workload**

223 **JR4-3-301. Definitions.**

224 As used in this part:

225 (1) (a) "Affects workload" means:

226 (i) increases legislative workload; or

227 (ii) requiring:

228 (A) a state agency to staff a board, commission, task force, or other public body; or

229 (B) a person to submit or present a report to a legislative committee, a mixed

230 committee, the Executive Appropriations Committee, or an appropriations subcommittee.

231 (b) "Affects workload" includes reauthorizing an existing requirement described in

232 Subsection (1)(a)(ii).

233 (2) (a) "Increases legislative workload" means:

234 (i) placing a member of the Legislature on a board, commission, task force, or other
235 public body;

236 (ii) giving authority to a member of the Legislative Management Committee to appoint
237 a member of a board, commission, task force, or other public body; or

238 (iii) requiring a legislative staff office to staff a board, commission, task force, or other
239 public body.

240 (b) "Increases legislative workload" includes reauthorizing an existing provision
241 described in Subsection (2)(a).

242 (3) "Legislative committee" means the same as that term is defined in JR4-2-401.

243 (4) "Mixed committee" means the same as that term is defined in JR4-2-401.

244 (5) "State agency" means an office, department, agency, authority, commission, board,
245 institution, hospital, college, university, or other instrumentality of the state.

246 Section 7. **JR4-3-302** is enacted to read:

247 **JR4-3-302. Considering legislation that affects workload.**

248 (1) (a) The House shall refer any Senate legislation that affects workload to the House
249 Rules Committee before giving the legislation a third reading.

250 (b) The Senate shall table on third reading any House legislation that affects workload.

251 (2) Before adjourning on the 45th day of the annual general session:

252 (a) each legislator shall prioritize legislation that affects workload in accordance with
253 the process established by legislative leadership; and

254 (b) the Legislature may pass or defeat any legislation prioritized under Subsection

255 (2)(a).

256 Section 8. **JR4-3-303** is enacted to read:

257 **JR4-3-303. Reporting legislation that increases legislative workload.**

258 (1) The Office of Legislative Research and General Counsel shall:

259 (a) identify legislation that increases legislative workload before the legislation passes
260 both houses of the Legislature; and

261 (b) report legislation that increases legislative workload to the president of the Senate,
262 speaker of the House of Representatives, minority leaders, and the chairs of the Senate and
263 House Rules Committees.

264 (2) In making the report required by Subsection (1)(b), the Office of Legislative
265 Research and General Counsel may provide information and make recommendations about:

266 (a) the funding required by the legislation;

267 (b) the staffing resources required to implement the legislation;

268 (c) the time legislators and legislative staff will be required to commit as a result of the
269 legislation;

270 (d) if the legislation creates or reauthorizes a board, commission, task force, or other
271 public body, whether the responsibilities of that board, commission, task force, or other public
272 body could reasonably be accomplished through an existing entity or without legislation; and

273 (e) whether the legislation sunsets or repeals the board, commission, task force, or

274 other public body created by the legislation.

275 Section 9. **Repealer.**

276 This resolution repeals:

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

278 **JR4-2-405, Review of programs -- Failure to meet performance measures --**

279 **Revocation of program or appropriation.**

280 **JR4-3-110, Legislation increasing legislative workload.**

281 Section 10. **Effective date.**

282 This resolution takes effect on March 6, 2021.