

Representative Jefferson Moss proposes the following substitute bill:

APPROPRIATIONS PROCEDURES JOINT RESOLUTION

2022 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Jefferson Moss

Senate Sponsor: Jerry W. Stevenson

LONG TITLE

General Description:

This resolution enacts joint rules governing requests for appropriation and actions on proposed budget items.

Highlighted Provisions:

This resolution:

- ▶ defines "request for appropriation";
- ▶ with certain exceptions, prohibits inclusion of a request for appropriation in legislation unless certain requirements are met;
- ▶ allows a legislator to file a request for appropriation after the request deadline if the request is presented by a member of the Executive Appropriations Committee; and
- ▶ makes conforming amendments.

Special Clauses:

None

Legislative Rules Affected:

AMENDS:

JR3-2-101

JR3-2-701

JR3-2-702



- 26 [JR3-2-703](#)
- 27 [JR3-2-704](#)
- 28 [JR3-2-810](#)

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

31 Section 1. **JR3-2-101** is amended to read:

32 **JR3-2-101. Definitions.**

33 As used in this chapter:

34 (1) "Accountable process budget" means a budget that is created by starting from zero
35 and adding line items and programs recommended through an accountable budget process.

36 (2) "Accountable budget process" means a review of a line item or program in a simple
37 base budget to determine whether or the extent to which to recommend the line item or
38 program be included in a budget for the upcoming fiscal year.

39 (3) "Base budget" means:

40 (a) an accountable process budget; or

41 (b) for a line item or program that was not the subject of an accountable process budget
42 analysis during the immediately preceding interim, a simple base budget.

43 (4) "Chair" means:

44 (a) the chair of an appropriations subcommittee or the Executive Appropriations
45 Committee; or

46 (b) a member of a joint appropriations subcommittee or the Executive Appropriations
47 Committee member who is authorized to act as chair under JR3-2-303.

48 (5) "Committee" means a joint appropriations subcommittee or the Executive
49 Appropriations Committee.

50 (6) "Majority vote" means a majority of a quorum as provided in JR3-2-404.

51 (7) "Original motion" means a non-privileged motion that is accepted by the chair
52 when no other motion is pending.

53 (8) "Pending motion" refers to a motion starting when a chair accepts a motion and
54 ending when the motion is withdrawn or when the chair calls for a vote on the motion.

55 (9) (a) "Privileged motion" means a procedural motion to adjourn, set a time to
56 adjourn, recess, end debate, extend debate, or limit debate.

57 (b) "Privileged motions" are not substitute motions.

58 (10) (a) "Proposed budget item" means any funding item under consideration [~~by an~~
59 ~~appropriations committee~~] for inclusion in an appropriations bill.

60 (b) "Proposed budget item" includes a request for appropriation.

61 (11) "Request for appropriation" means a legislator request to:

62 (a) obtain funding for a project or program that has not previously been funded;

63 (b) significantly expand funding for an existing project or program; or

64 (c) obtain separate funding for a project or program.

65 [(11)] (12) (a) "Simple base budget" means amounts appropriated by the Legislature
66 for each line item for the current fiscal year that:

67 (i) are not designated as one-time in an appropriation, regardless of whether the
68 appropriation is covered by ongoing or one-time revenue sources; and

69 (ii) were not vetoed by the governor, unless the Legislature overrode the veto.

70 (b) "Simple base budget" includes:

71 (i) any changes to those amounts approved by the Executive Appropriations
72 Committee; and

73 (ii) amounts appropriated for debt service.

74 [(12)] (13) "Substitute motion" means a non-privileged motion that is made when a
75 non-privileged motion is pending.

76 [(13)] (14) "Under consideration" means the time starting when a chair opens a
77 discussion on a subject or an appropriations request that is listed on a committee agenda and
78 ending when the committee disposes of the subject or request, moves on to another item on the
79 agenda, or adjourns.

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

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

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

86 (b) Except for a base budget change adopted in accordance with JR3-2-402 or an
87 amendment to a proposed budget item described in JR3-2-703, a committee may not adopt,

88 recommend, or prioritize a request for appropriation that is not filed or generated in accordance
89 with this rule.

90 ~~[(b)]~~ (c) A legislator may not file a request for appropriation if the request is intended
91 to fund the fiscal impact of legislation.

92 ~~[(c)]~~ (d) The Office of the Legislative Fiscal Analyst shall automatically generate a
93 request for appropriation to fund the fiscal impact of legislation if:

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

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

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

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

101 (i) the day after the day on which the election canvass is complete; or

102 (ii) if the legislator-elect's election results have not been finalized as of the canvass
103 date, the day after the day on which the election results for the legislator-elect's race are final.

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

106 (i) fails to file to run for reelection;

107 (ii) resigns or is removed from office; or

108 (iii) is ineligible to be included on the ballot for the election in which the legislator
109 would have sought an additional term.

110 (3) (a) Except as provided in Subsection (3)(b), a legislator may not file a request for
111 appropriation with the Office of the Legislative Fiscal Analyst after noon on the 11th day of the
112 annual general session.

113 (b) After the date established by this Subsection (3), a legislator may file a request for
114 appropriation if:

115 (i) for a request by a House member, the representative makes a motion to file a request
116 for appropriation and that motion is approved by a constitutional majority of the House; ~~or~~

117 (ii) for a request by a senator, the senator makes a motion to file a request for
118 appropriation and that motion is approved by a constitutional majority vote of the Senate~~;~~ or

119 (iii) a member of the Executive Appropriations Committee has presented the request at
120 a public meeting of the Executive Appropriations Committee.

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

122 (a) is the chief sponsor; and

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

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

126 (ii) the statewide purpose of the project or program;

127 (iii) if applicable, the legislator's designee who is knowledgeable about and responsible
128 for providing pertinent information while the Office of the Legislative Fiscal Analyst processes
129 the request;

130 (iv) the state funding source from which the legislator proposes to fund the project or
131 program;

132 (v) the amount of the request and whether the amount is to be appropriated one-time,
133 ongoing, or a combination of one-time and ongoing;

134 (vi) an itemized budget for the project or program;

135 (vii) the state agency that has jurisdiction over the project or program;

136 (viii) if the request is for pass through funding that a state agency will distribute, the
137 type of entity or organization the legislator intends to receive the funding;

138 (ix) the scalability of the project or program; and

139 (x) one or more outcomes the legislator expects the project or program to achieve.

140 Section 3. **JR3-2-702** is amended to read:

141 **JR3-2-702. Review and referral of requests for appropriation.**

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

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

146 (c) If the request for appropriation contains each item described in JR3-2-701(4) and
147 does not require that a statute be enacted, amended, or repealed, the legislative fiscal analyst
148 shall number, title, and refer the request for appropriation to:

149 (i) the House chair of the Executive Appropriations Committee, if the sponsor is a

150 House member; or

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

153 (2) The House or Senate chair of the Executive Appropriations Committee shall refer
154 the request for appropriation to the joint appropriations subcommittee with oversight
155 responsibility or to the Executive Appropriations Committee.

156 (3) Each joint appropriations subcommittee that receives a request for appropriation
157 shall:

158 (a) allow the sponsor to present and discuss the request for appropriation with the
159 subcommittee;

160 (b) discuss the request for appropriation; and

161 (c) do one of the following:

162 (i) include all or part of the [~~requested appropriation~~] request for appropriation in the
163 budget recommendation made by the subcommittee or the Executive Appropriations
164 Committee;

165 (ii) reject the request for appropriation; or

166 (iii) recommend to the Executive Appropriations Committee that all or part of the
167 requested appropriation be placed on a funding prioritization list.

168 Section 4. **JR3-2-703** is amended to read:

169 **JR3-2-703. Amending proposed budget items -- Amendments must be germane.**

170 (1) (a) Except as provided in Subsection (2), and if recognized by the chair, a
171 committee member may make a motion to amend a proposed budget item [~~or request for~~
172 ~~appropriation~~] that is under consideration.

173 (b) (i) A committee member may propose a verbal amendment to a proposed budget
174 item [~~or request for appropriation~~] under consideration if the amendment contains 15 or fewer
175 words.

176 (ii) Before proposing a motion to amend, a committee member shall ensure that a
177 proposed amendment that contains more than 15 words is printed and distributed to committee
178 staff and to all committee members present.

179 (2) (a) A committee member may only make a motion to amend that is germane to the
180 proposed budget item [~~or request for appropriation~~] under consideration.

181 (b) A committee member who believes that an amendment is not germane to the
182 subject of the proposed budget item [~~or request for appropriation~~] may make a point of order or
183 appeal as described in [JR3-2-806](#).

184 Section 5. **JR3-2-704** is amended to read:

185 **JR3-2-704. Reconsideration of action.**

186 (1) Except as provided in Subsection (2), and if recognized by the chair, a committee
187 member may make a motion to reconsider the committee's action on a proposed budget item
188 [~~or request for appropriation~~] if the proposed budget item [~~or request for appropriation~~] is:

189 (a) assigned to the committee; and

190 (b) listed on the committee agenda as required by Utah Code Title 52, Chapter 4, Open
191 and Public Meetings Act.

192 (2) A committee may not reconsider its action:

193 (a) more than once in a meeting; and

194 (b) until the committee has considered other committee business.

195 Section 6. **JR3-2-810** is amended to read:

196 **JR3-2-810. Repeating defeated motion.**

197 (1) Except as provided in Subsection (2), a motion that is defeated may not be made by
198 a committee member until the committee has considered other committee business.

199 (2) A motion to postpone a proposed budget item [~~or a request for appropriation~~] to a
200 day certain, if defeated, may not be made again by any committee member during the same
201 committee meeting.