

Representative Wayne A. Harper proposes the following substitute bill:

**RESOLUTION AMENDING LEGISLATIVE
APPROPRIATIONS PROCESS**

2003 GENERAL SESSION

STATE OF UTAH

Sponsor: Wayne A. Harper

This resolution modifies Joint Rules. This resolution creates a Joint Budget Committee to replace the Executive Appropriations Committee, defines its membership, powers, and duties, and makes conforming changes in the budget process established in other joint rules. This resolution takes effect immediately.

This resolution affects legislative rules as follows:

AMENDS:

JR-3.02

JR-4.22.1

ENACTS:

JR-3.06

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

Section 1. **JR-3.02** is amended to read:

JR-3.02. Joint Appropriations Committee.

(1) The Joint Appropriations Committee of the Legislature consists of all the members of the Legislature.

(2) (a) The members of the Joint Appropriations Committee shall be divided into the following subcommittees:

(i) Capital Facilities and Administrative Services;

(ii) Commerce and Revenue;

(iii) Economic Development and Human Resources;



- 26 (iv) Executive Offices and Criminal Justice;
- 27 (v) Health and Human Services;
- 28 (vi) Higher Education;
- 29 (vii) Natural Resources;
- 30 (viii) Public Education;
- 31 (ix) Quasi-Governmental Entities; and
- 32 (x) Transportation, Environmental Quality, and National Guard.

33 (b) The President of the Senate and Speaker of the House shall appoint their respective
34 members to each subcommittee.

35 (c) The Quasi-Governmental Entities Subcommittee shall have the same members as
36 the Legislative Quasi-Governmental Entities Committee created in Section 63-95-201.

37 (3) (a) A majority of any committee or subcommittee constitutes a quorum for the
38 transaction of business.

39 (b) In determining a committee or subcommittee quorum, a majority is at least 50% in
40 one house and more than 50% in the other.

41 (c) In all decisions of the subcommittees, a majority vote will prevail. A majority vote
42 is at least 50% of the members of one house and more than 50% in the other house in
43 attendance.

44 ~~[(4) (a) There shall be an Executive Appropriations Committee consisting of 18~~
45 ~~members composed of:]~~

46 ~~[(i) three members of the majority leadership of the Senate and four members of the~~
47 ~~majority leadership of the House;]~~

48 ~~[(ii) two members of the minority leadership of the Senate and three members of the~~
49 ~~minority leadership of the House;]~~

50 ~~[(iii) the chair of the Senate Appropriations Committee and the chair of the House~~
51 ~~Appropriations Committee; and]~~

52 ~~[(iv) (A) one member from the majority party of the Senate as appointed by the~~
53 ~~President of the Senate or as chosen by the Senate majority caucus;]~~

54 ~~[(B) two members from the minority party of the Senate as appointed by the Senate~~
55 ~~minority leader or as chosen by the Senate minority caucus; and]~~

56 ~~[(C) one member from the minority party of the House as appointed by the House~~

57 minority leader or as chosen by the House minority caucus.]

58 [~~(b) A member of the Executive Appropriations Committee, whose membership is~~
59 ~~determined under Subsection (4)(a)(i) or (ii), may appoint a designee to permanently serve in~~
60 ~~that individual's place with the approval of the Speaker or the President for any majority party~~
61 ~~member or with the approval of the House or Senate minority party leader for any minority~~
62 ~~party member.]~~

63 [~~(c) In all decisions of the Executive Appropriations Committee, a majority vote~~
64 ~~prevails. When a division is requested, that vote must include at least 50% of the members of~~
65 ~~one house and more than 50% of the members of the other house in attendance.]~~

66 [~~(5) (a) The Executive Appropriations Committee shall meet no later than the third~~
67 ~~Wednesday in December to:]~~

68 [~~(i) direct staff as to what revenue estimate to use in preparing budget~~
69 ~~recommendations;]~~

70 [~~(ii) decide whether or not to set aside special allocations for the end of the session;]~~

71 [~~(iii) set aside an appropriate amount for fiscal note bills;]~~

72 [~~(iv) approve the appropriate amount for each subcommittee to use in preparing its~~
73 ~~budget; and]~~

74 [~~(v) set a budget figure.]~~

75 [~~(b) The chairs of each appropriation subcommittee are invited to attend this meeting.]~~

76 [~~(6) The Office of Legislative Fiscal Analyst shall prepare revised revenue estimates in~~
77 ~~February.]~~

78 [~~(7) The Executive Appropriations Committee shall include in its consideration tax~~
79 ~~collections and revenue policy, tax administration, and analysis of revenue sources.]~~

80 [~~(8) (4) (a) [With the approval of the Executive Appropriations Committee, time~~
81 ~~schedules for subcommittee meetings will be determined] The President and Speaker shall~~
82 ~~ensure that subcommittee meetings are scheduled~~ so that no conflict exists with the [~~annual~~
83 ~~general] floor sessions or standing committee meetings of the Legislature.~~

84 (b) Appropriations subcommittees may not meet while the Senate or House is in
85 session without special leave from the Speaker of the House and the President of the Senate.

86 [~~(9) (a) (i) It is the duty of the appropriations chair of each house to receive the reports~~
87 ~~of the subcommittees and to forward the reports to the Executive Appropriations Committee.]~~

88 ~~[(ii) The Executive Appropriations Committee shall combine the reports into a total~~
89 ~~appropriations bill.]~~

90 ~~[(b) The Executive Appropriations Committee shall establish a liaison between their~~
91 ~~committee and each of the appropriations subcommittees.]~~

92 ~~[(10) All proposed items of expenditure to be included in the final appropriations bill,~~
93 ~~including appropriations for the Legislature and its committees and staff, shall be submitted to~~
94 ~~one of the subcommittees named in this rule for consideration and recommendation.]~~

95 ~~[(11) (a) After receiving and reviewing subcommittee reports, the Executive~~
96 ~~Appropriations Committee may refer the report back to an appropriations subcommittee with~~
97 ~~any guidelines the Executive Appropriations Committee considers necessary to assist the~~
98 ~~subcommittee in producing a balanced budget.]~~

99 ~~[(b) The]~~

100 (5) (a) Each appropriation subcommittee shall:

101 (i) receive the recommended target budget for the subcommittee from the Joint Budget
102 Committee;

103 (ii) as practicable, hold hearings on the target budget;

104 (iii) if necessary, modify the target budget submitted to it by the Joint Budget
105 Committee; and

106 (iv) submit, in the form required by the Joint Budget Committee, a recommended
107 budget for each agency and institution over which it has jurisdiction to the Joint Budget
108 Committee.

109 (b) If the Joint Budget Committee returns the target budget to the appropriations
110 subcommittee for modification, the appropriation subcommittee shall meet to review the new
111 guidelines and report the adjustments to the [chairs of the Executive Appropriations] Joint
112 Budget Committee as soon as possible.

113 ~~[(12) (a) After receiving the reports, the appropriations chairs will report them to the~~
114 ~~Executive Appropriations Committee.]~~

115 ~~[(b) That committee shall:]~~

116 ~~[(i) make any further adjustments necessary to balance the budget; and]~~

117 ~~[(ii) complete all decisions necessary to draft the final appropriations bill no later than~~
118 ~~the 38th day of the annual general session.]~~

119 ~~[(13) (a) During the interim, the Executive Appropriations Committee shall meet at~~
 120 ~~least every other month on the day before interim meetings on alternating months between~~
 121 ~~Legislative Management Committee meetings.]~~

122 ~~[(b) The first meeting of the Executive Appropriations Committee shall be in the~~
 123 ~~month following the first meeting of the Legislative Management Committee.]~~

124 ~~[(c) The appropriations subcommittee chairs may attend these meetings and provide~~
 125 ~~input regarding their budget.]~~

126 ~~[(d) (i) Each year, the Executive Appropriations Committee shall:]~~

127 ~~[(A) select a state agency, institution, or program to be the subject of an in-depth~~
 128 ~~budget review; and]~~

129 ~~[(B) direct an appropriation subcommittee to conduct the in-depth budget review of the~~
 130 ~~agency and report back to the Executive Appropriations Committee.]~~

131 ~~[(ii) In conducting the in-depth budget review, the appropriations subcommittee shall:]~~

132 ~~[(A) study, in detail, the budget of the agency, institution, or program;]~~

133 ~~[(B) prepare a report making recommendations for reduction or additions to the budget~~
 134 ~~of that agency, institution, or program; and]~~

135 ~~[(C) present its findings and recommendations to the Executive Appropriations~~
 136 ~~Committee.]~~

137 Section 2. Section **JR-3.06** is enacted to read:

138 **JR-3.06. Joint Budget Committee.**

139 (1) There is created a Joint Budget Committee of the Utah Legislature consisting of:

140 (a) 16 members during the interim and the first 30 days of the annual general session;

141 and

142 (b) 22 members during the last 15 days of the annual general session.

143 (2) (a) The President of the Senate shall appoint two members of the 16 members as
 144 follows:

145 (i) one member of elected leadership; and

146 (ii) one member of the majority party to serve as chair of the Joint Budget Committee.

147 (b) The Senate shall select five members, three from the majority party and two from
 148 the minority party.

149 (c) The President of the Senate shall appoint three additional members to serve on the

150 committee during the last 15 days of the annual general session as follows:

151 (i) one member of majority leadership of the Senate; and

152 (ii) two members of minority leadership of the Senate.

153 (3) (a) The Speaker of the House shall appoint two members of the 16 members as

154 follows:

155 (i) one member of elected leadership; and

156 (ii) one member of the majority party to serve as chair of the Joint Budget Committee.

157 (b) The House shall select seven members, five from the majority party and two from

158 the minority party.

159 (c) The Speaker of the House shall appoint three additional members to serve on the

160 committee during the last 15 days of the annual general session as follows:

161 (i) one member of majority leadership of the House; and

162 (ii) two members of minority leadership of the House.

163 (4) (a) The Joint Budget Committee shall meet at least monthly and more frequently as

164 needed at the call of the chairs.

165 (b) A quorum is at least 50% of one house and more than 50% of the other house.

166 (c) The vote required for any motion in the committee to pass is at least 50% of one

167 house voting in favor and more than 50% of the other house voting in favor.

168 (d) (i) Except as provided in Subsection (4)(d)(ii), the Joint Budget Committee shall be

169 governed by Interim Committee Rules.

170 (ii) That portion of Interim Rule 2.02 that directs that members who miss two

171 consecutive meetings are not counted in determining a quorum does not apply to meetings of

172 the Joint Budget Committee.

173 (iii) For meetings of the Joint Budget Committee, all members of the committee are

174 counted in determining a quorum regardless of how many meetings they have missed.

175 (5) The Legislative Fiscal Analyst shall provide staff services to the committee.

176 (6) When functioning as a standing committee during the annual general session, the

177 Joint Budget Committee shall:

178 (a) review the budget recommendations that:

179 (i) state agencies and institutions submitted to the Governor;

180 (ii) the Governor submitted to the Legislature; and

- 181 (iii) the Legislative Fiscal Analyst created for the Legislature;
182 (b) after reviewing those budget recommendations, prepare a recommended target
183 budget for each appropriation subcommittee and submit it to the appropriation subcommittee
184 for its consideration, modification, and recommendation;
185 (c) after receiving budget recommendations from each appropriations subcommittee,
186 and after adding the additional members to the Joint Budget Committee as required by
187 Subsection (3)(b), either:
188 (i) refer the report back to an appropriations subcommittee with any guidelines the
189 Joint Budget Committee considers necessary to assist the subcommittee in producing a
190 balanced budget; or
191 (ii) adjust and revise those recommendations as necessary to balance the budget and to
192 establish final budget recommendations for each agency, institution, and entity of state
193 government;
194 (d) ensure that the Joint Budget Committee's final budget recommendations include all
195 of the proposed items of expenditure to be included in the final appropriations bill, including
196 appropriations for the Legislature and its committees and staff;
197 (e) complete all decisions necessary to draft the final appropriations bill no later than
198 the 38th day of the annual general session;
199 (f) direct the Legislative Fiscal Analyst to prepare an annual appropriation act, any
200 supplemental appropriation acts, any bonding or capital facility bills or authorizations, any
201 school financing acts, and any other legislation necessary to incorporate the Joint Budget
202 Committee's decisions;
203 (g) approve and submit to the Legislature an annual appropriation act, any
204 supplemental appropriation acts, any bonding or capital facility bills or authorizations, any
205 school financing acts, and any other legislation necessary to approve a balanced budget;
206 (h) review and approve revised revenue estimates in February; and
207 (i) perform the responsibilities required by JR-4.22.1.
208 (7) (a) The Joint Budget Committee shall meet no later than the third Wednesday in
209 December to:
210 (i) direct staff as to what revenue estimate to use in preparing budget
211 recommendations;

- 212 (ii) decide whether or not to set aside special allocations for the end of the session;
213 (iii) set aside an appropriate amount for fiscal note bills;
214 (iv) approve a target budget amount for each subcommittee to use in preparing its
215 budget; and
216 (v) set a budget figure.
217 (b) The chairs of each appropriation subcommittee are invited to attend this meeting.
218 (8) (a) When functioning as an interim committee when the Legislature is not in
219 session, the Joint Budget Committee shall:
220 (i) review, modify, and adopt revenue estimates and revised revenue estimates;
221 (ii) obtain a report each month from the Legislative Fiscal Analyst that identifies the
222 line-item transfers approved by the governor under Section 63-38-3 during the previous month
223 and review and discuss that report;
224 (iii) perform the responsibilities required by JR-4.22.1;
225 (iv) review monthly agency expenditures to ensure that they meet budget and
226 appropriation procedures and requirements;
227 (v) obtain a report each month from the Legislative Fiscal Analyst that identifies any
228 nonroutine expenditures or expenditures that are outside of or more than the line-item
229 appropriation made to the agency;
230 (vi) review personnel transfers between agencies, increases or decreases in full-time
231 employees within an agency, and vacancies in permanent positions within an agency if those
232 vacancies have not been filled within nine months; and
233 (vii) recommend or introduce legislation to address revenue, expenditure, accounting,
234 and other budget issues in state government.
235 (b) (i) Each year, the Joint Budget Committee shall select one or more state agencies,
236 institutions, or programs to be the subject of an in-depth budget review and either:
237 (A) conduct the in-depth budget review themselves; or
238 (B) direct an appropriation subcommittee to conduct the in-depth budget review of the
239 agency and report back to the Joint Budget Committee.
240 (ii) In conducting the in-depth budget review, the Joint Budget Committee or
241 appropriations subcommittee shall:
242 (A) study, in detail, the budget of the agency, institution, or program including staffing

243 needs, policies, and rules;

244 (B) prepare a report making recommendations for reduction or additions to the budget
245 of that agency, institution, or program; and

246 (C) present its findings and recommendations in the Joint Budget Committee's October
247 meeting.

248 Section 3. **JR-4.22.1** is amended to read:

249 **JR-4.22.1. Appropriations; Requests; Disposition.**

250 (1) (a) A legislator desiring to obtain funding for a project, program, or entity that has
251 not previously been funded, or to obtain additional or separate funding for a project, program,
252 or entity, shall file a signed Request for Appropriation with the Office of Legislative Fiscal
253 Analyst within the time limits established by JR-19.02.

254 (b) The request shall designate:

255 (i) the project, program, or entity to be funded;

256 (ii) the source for the funding;

257 (iii) the chief sponsor, who is knowledgeable about and responsible for providing
258 pertinent information as the appropriation is processed;

259 (iv) supporting legislators, if any, who wish to cosponsor the appropriation; and

260 (v) the appropriation subcommittee to which the sponsor wishes the request to be
261 assigned, if any.

262 (2) (a) When a member files a Request for Appropriation, the Legislative Fiscal
263 Analyst shall review the request.

264 (b) If the request requires that a statute be enacted, amended, or repealed, the
265 Legislative Fiscal Analyst shall immediately transfer the request to the Office of Legislative
266 Research and General Counsel as a Request for Legislation.

267 (c) If the request does not require that a statute be enacted, amended, or repealed, the
268 Legislative Fiscal Analyst shall number and title the request and refer the request to:

269 (i) the House chair of the [~~Executive Appropriations~~] Joint Budget Committee, if the
270 sponsor is a House member; or

271 (ii) the Senate chair of the [~~Executive Appropriations~~] Joint Budget Committee, if the
272 sponsor is a Senator.

273 (d) The House or Senate chair of the [~~Executive Appropriations~~] Joint Budget

274 Committee shall refer the request to the appropriate joint appropriations subcommittee.

275 (3) Each joint appropriations subcommittee that receives a Request for Appropriation
276 shall:

277 (a) allow the sponsor to present and discuss the request with the subcommittee;

278 (b) discuss the request; and

279 (c) either:

280 (i) include all or part of the requested appropriation in the budget recommendation

281 made to the [~~Executive Appropriations~~] Joint Budget Committee;

282 (ii) reject the request; or

283 (iii) recommend to the [~~Executive Appropriations~~] Joint Budget Committee that all or

284 part of the requested appropriation be placed on a funding prioritization list as may be

285 established by the [~~Executive Appropriations~~] Joint Budget Committee.

286 Section 4. **Effective date.**

287 This resolution takes effect upon approval by a constitutional majority vote of all

288 members of the Senate and House of Representatives.