

Processes in Other States for Directing Spending to Nonprofits

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Issue

Provide examples of states with publicly documented legislative processes for receiving and considering requests for funding nonprofits and other non-governmental organizations before passing legislation directing appropriations to them (i.e. passing what is sometimes referred to as earmarks).

Summary

We identified at least four states with a publicly recorded method for administering requests for legislatively directed spending to nonprofits: Delaware, Florida, Hawaii, and Utah. We briefly describe each state's process below.

This report provides examples of states with plainly evident processes. It is not a survey of all states or all budget processes that may be relevant. In general, while there are some budgeting commonalities among the states, the manner and way they appropriate funding can vary considerably (see, e.g., [Budget Processes in the States 2021](#) by the National Association of State Budget Officers). Additionally, what is considered to be an “earmark” is also subject to debate and variation (see, e.g., the Congressional Research Service's [RL34648 Report](#)).

State Examples

Delaware

The Delaware General Assembly has a [dedicated process](#) for handling “grants-in-aid,” which, by law, are appropriations from its General Fund to any county, municipality, corporation, private agency, or person for a public purpose ([Del. Code Ann. tit. 29, § 6301](#)). Grant applications are assigned a team of legislators from the Joint Finance Committee who review them and make funding recommendations to the full committee. Notification of Joint Finance Committee meetings to discuss grants-in-aid are posted online and provided to the media. Meetings are open to the public.

Grant-in-aid applications can be [submitted online](#) through a system maintained by the Delaware Controller General’s Office. More information about that system and the grants are available on this [legislative webpage](#). It notes, among other things, that all materials submitted during the grant application process are subject to public inspection upon request under the Freedom of Information Act.

Historically, [it appears](#) that these grants are compiled into a single bill and passed separately from the state’s operating budget and bond bills. For legislative passage of grant-in-aid appropriations, state law requires an affirmative vote of three-fourths of all members in each chamber ([Del. Code Ann. tit. 29, § 6341](#)).

Florida

The two chambers in Florida’s legislature have established rules for intaking and handling requests for appropriations to projects by nonprofits and other local entities (see Florida’s [House Rule 5.14](#), [Senate Rules 2.2 & 2.3](#), and [Joint Rules 2.2 & 2.3](#)). The Joint Rules generally require, among other things, specific information about requested appropriations projects (including the name of the legislator submitting it for consideration) to be in writing and published online before passage by a chamber, and that the Budget Conference Committee allow for public testimony on these projects at each noticed meeting. Appropriation project request forms and project requests from the House and Senate are published online (see [here](#) and [here](#)).

Hawaii

Hawaii has statutes governing grant appropriations to nonprofits and others ([Haw. Rev. Stat. Ann. Ch. 42F](#)). Among other things, these laws specify what must be included in grant applications and standards for awarding grants (i.e. criteria the entity must meet to be eligible for a grant). The state legislature has a [dedicated webpage](#) for these grants, which includes request forms, instructions, and compilations of submitted applications. By law, the expending agency monitors grants to

ensure compliance with the statutes and the grant's public purpose and legislative intent ([Haw. Rev. Stat. Ann. § 42F-106](#)).

Utah

The Utah legislature's joint rules [establish a process](#) for legislators to obtain funding for projects by nonprofits and others through requests for appropriation. Specifically, [JR3-2-701](#) details when requests may be submitted and the information that must be included in each request. Under [JR3-2-702](#), requests are reviewed by the Executive Appropriations or a joint appropriations subcommittee, which may recommend that a request be included on a funding prioritization list. Past requests for appropriation are listed on [this webpage](#) by legislative sponsor.

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