

**Effective 3/9/2017**

## **Chapter 2 Joint Committees**

### **Part 1 General Rules Governing Joint Committees**

#### **JR3-2-101 Definitions.**

As used in this chapter:

- (1) "Accountable process budget" means a budget that is created by starting from zero and adding line items and programs recommended through an accountable budget process.
- (2) "Accountable budget process" means a review of a line item or program in a simple base budget to determine whether or the extent to which to recommend the line item or program be included in a budget for the upcoming fiscal year.
- (3) "Base budget" means:
  - (a) an accountable process budget; or
  - (b) for a line item or program that was not the subject of an accountable process budget analysis during the immediately preceding interim, a simple base budget.
- (4) "Chair" means:
  - (a) the chair of an appropriations subcommittee or the Executive Appropriations Committee; or
  - (b) a member of a joint appropriations subcommittee or the Executive Appropriations Committee member who is authorized to act as chair under JR3-2-303.
- (5) "Committee" means a joint appropriations subcommittee or the Executive Appropriations Committee.
- (6) "Majority vote" means a majority of a quorum as provided in JR3-2-404.
- (7) "Original motion" means a non-privileged motion that is accepted by the chair when no other motion is pending.
- (8) "Pending motion" refers to a motion starting when a chair accepts a motion and ending when the motion is withdrawn or when the chair calls for a vote on the motion.
- (9)
  - (a) "Privileged motion" means a procedural motion to adjourn, set a time to adjourn, recess, end debate, extend debate, or limit debate.
  - (b) "Privileged motions" are not substitute motions.
- (10)
  - (a) "Proposed budget item" means any funding item under consideration for inclusion in an appropriations bill.
  - (b) "Proposed budget item" includes a request for appropriation.
- (11) "Request for appropriation" means a legislator request to:
  - (a) obtain funding for a project or program that has not previously been funded;
  - (b) significantly expand funding for an existing project or program; or
  - (c) obtain separate funding for a project or program.
- (12)
  - (a) "Simple base budget" means amounts appropriated by the Legislature for each line item for the current fiscal year that:
    - (i) are not designated as one-time in an appropriation, regardless of whether the appropriation is covered by ongoing or one-time revenue sources; and
    - (ii) were not vetoed by the governor, unless the Legislature overrode the veto.

- (b) "Simple base budget" includes:
  - (i) any changes to those amounts approved by the Executive Appropriations Committee; and
  - (ii) amounts appropriated for debt service.
- (13) "Substitute motion" means a non-privileged motion that is made when a non-privileged motion is pending.
- (14) "Under consideration" means the time starting when a chair opens a discussion on a subject or an appropriations request that is listed on a committee agenda and ending when the committee disposes of the subject or request, moves on to another item on the agenda, or adjourns.

**JR3-2-102 Rules governing joint committees.**

Committees of the Legislature meeting jointly shall be organized and operate under:

- (1) standing committee rules, for standing committees meeting jointly;
- (2) interim committee rules, for interim committees meeting jointly; and
- (3) the rules under this part, for joint appropriations subcommittee or the Executive Appropriations Committee.

Amended by H.J.R. 15, 2017 General Session

**JR3-2-103 Minimum membership.**

Each standing, appropriation, and interim committee, meeting jointly, shall have at least two senators and at least two representatives in its membership.

Repealed and Re-enacted by H.J.R. 15, 2017 General Session

**Part 2  
Standing Committees**

**JR3-2-201 Standing committees.**

The chairs of similar standing committees in the House and Senate may convene a joint standing committee meeting to discuss legislation of common interest with the approval of both the speaker of the House and president of the Senate.

Repealed and Re-enacted by H.J.R. 15, 2017 General Session

**Part 3  
Creation and Organization**

**JR3-2-301 Joint Appropriations Committee -- Creation.**

The Joint Appropriations Committee of the Legislature consists of all the members of the Legislature.

Enacted by H.J.R. 9, 2006 General Session

**JR3-2-302 Joint appropriations subcommittees -- Creation -- Membership.**

The members of the Joint Appropriations Committee shall be divided into the following joint appropriations subcommittees:

- (1) Infrastructure and General Government;
- (2) Business, Economic Development, and Labor;
- (3) Executive Offices and Criminal Justice;
- (4) Social Services;
- (5) Higher Education;
- (6) Natural Resources, Agriculture, and Environmental Quality; and
- (7) Public Education.

Amended by S.J.R. 2, 2021 General Session

**JR3-2-303 President and speaker to appoint committee members, chairs, and vice chairs.**

- (1)
  - (a) The president of the Senate and speaker of the House shall appoint their respective members to each committee.
  - (b)
    - (i) The president of the Senate shall designate one senator in each committee as the Senate chair.
    - (ii) The speaker of the House shall designate one representative in each committee as the House chair and one representative in each committee as the House vice chair.
- (2) A vice chair may perform the duties of a chair:
  - (a) as requested by the chair; or
  - (b) in the absence of the chair.
- (3) The chair, or the vice chair as authorized under Subsection (2), may designate a member of the committee to conduct a committee meeting when neither the chair nor the vice chair is able to attend a meeting.
- (4) A committee member designated under Subsection (3) may conduct a committee meeting but may not perform the duties of a chair described in JR3-2-603 and JR3-2-604.
- (5) The Office of the Legislative Fiscal Analyst shall staff the joint appropriations subcommittees.

Amended by S.J.R. 2, 2021 General Session

**Part 4**

**Executive Appropriations Committee and Appropriation Process -- Session**

**JR3-2-401 Executive appropriations -- Creation -- Membership -- Staffing.**

- (1) There is created an Executive Appropriations Committee consisting of 20 members composed of:
  - (a) three members of the majority leadership of the Senate and four members of the majority leadership of the House;
  - (b) two members of the minority leadership of the Senate and three members of the minority leadership of the House;
  - (c) the chair and vice chair of the Senate Appropriations Committee and the chair and vice chair of the House Appropriations Committee; and

- (d)
  - (i) one member from the majority party of the Senate as appointed by the president of the Senate or as chosen by the Senate majority caucus;
  - (ii) two members from the minority party of the Senate as appointed by the Senate minority leader or as chosen by the Senate minority caucus; and
  - (iii) one member from the minority party of the House as appointed by the House minority leader or as chosen by the House minority caucus.
- (2) A member of the Executive Appropriations Committee, whose membership is determined under Subsection (1)(a) or (b), may appoint a designee to permanently serve in that individual's place if:
  - (a) the individual is a member of the majority party and the designee is approved by the speaker or the president; or
  - (b) the individual is a member of the minority party and the designee is approved by the House or Senate minority party leader.
- (3) The Office of the Legislative Fiscal Analyst shall staff the Executive Appropriations Committee.

Amended by H.J.R. 15, 2017 General Session

**JR3-2-402 Executive appropriations -- Duties -- Base budgets.**

- (1)
  - (a) The Executive Appropriations Committee shall meet no later than the third Wednesday in December to:
    - (i) direct staff as to what revenue estimate to use in preparing budget recommendations, to include a forecast for federal fund receipts;
    - (ii) consider treating above-trend revenue growth as one-time revenue for major tax types and for federal funds;
    - (iii) hear a report on the historical, current, and anticipated status of the following:
      - (A) debt;
      - (B) long term liabilities;
      - (C) contingent liabilities;
      - (D) General Fund borrowing;
      - (E) reserves;
      - (F) fund balances;
      - (G) nonlapsing appropriation balances;
      - (H) cash funded infrastructure investment; and
      - (I) changes in federal funds paid to the state;
    - (iv) hear a report on:
      - (A) the next fiscal year base budget appropriation for Medicaid accountable care organizations according to Section 26-18-405.5;
      - (B) an explanation of program funding needs;
      - (C) estimates of overall medical inflation in the state; and
      - (D) mandated program changes and their estimated cost impact on Medicaid accountable care organizations;
    - (v) decide whether to set aside special allocations for the end of the session, including allocations:
      - (A) to address any anticipated reduction in the amount of federal funds paid to the state; and
      - (B) of one-time revenue to pay down debt and other liabilities;

- (vi) decide whether to set aside special allocations for legislation that will reduce taxes, including legislation that will reduce one or more tax rates;
  - (vii) subject to Subsection (1)(c), unless waived by majority vote, if the amortization rate as defined in Utah Code Section 49-11-102 for the new fiscal year is less than the amortization rate for the preceding fiscal year, set aside an amount equal to the value of the reduction in the amortization rate;
  - (viii) approve the appropriate amount for each subcommittee to use in preparing its budget;
  - (ix) set a budget figure; and
  - (x) adopt a base budget in accordance with Subsection (1)(b) and direct the legislative fiscal analyst to prepare one or more appropriations acts appropriating one or more base budgets for the next fiscal year.
- (b) In a base budget adopted under Subsection (1)(a), the Executive Appropriations Committee shall set appropriations from the General Fund, the Income Tax Fund, and the Uniform School Fund as follows:
- (i) if the next fiscal year ongoing revenue estimates set under Subsection (1)(a)(i) are equal to or greater than the current fiscal year ongoing appropriations, the new fiscal year base budget is not changed;
  - (ii) if the next fiscal year ongoing revenue estimates set under Subsection (1)(a)(i) are less than the current fiscal year ongoing appropriations, the new fiscal year base budget is reduced by the same percentage that projected next fiscal year ongoing revenue estimates are lower than the total of current fiscal year ongoing appropriations;
  - (iii) in making a reduction under Subsection (1)(b)(ii), appropriated debt service shall not be reduced, and other ongoing appropriations shall be reduced, in an amount sufficient to make the total ongoing appropriations, including the unadjusted debt service, equal to the percentage calculated under Subsection (1)(b)(ii); and
  - (iv) the new fiscal year base budget shall include an appropriation to the Department of Health for Medicaid accountable care organizations in the amount required by Section 26-18-405.5.
- (c)
- (i) The Executive Appropriations Committee shall:
    - (A) comply with the set aside requirement described in Subsection (1)(a)(vii) using money from the General Fund, Income Tax Fund, and Uniform School Fund;
    - (B) accumulate money set aside under Subsection (1)(a)(vii) across fiscal years; and
    - (C) when the total amount set aside under Subsection (1)(a)(vii), including any amount to be set aside in the new fiscal year, equals or exceeds the cost of a 0.50% increase in benefited state employee salaries for the new fiscal year, include in the base budget an increase in benefited state employee salaries equal to the total set aside amount.
  - (ii) The Executive Appropriations Committee may waive or modify a requirement described in Subsection (1)(c)(i) by majority vote.
- (d) The chairs of each joint appropriations subcommittee are invited to attend this meeting.
- (2) All proposed budget items shall be submitted to one of the subcommittees named in JR3-2-302 for consideration and recommendation.
- (3)
- (a) After receiving and reviewing subcommittee reports, the Executive Appropriations Committee may refer the report back to a joint appropriations subcommittee with any guidelines the Executive Appropriations Committee considers necessary to assist the subcommittee in producing a balanced budget.
  - (b) The subcommittee shall meet to review the new guidelines and report the adjustments to the chairs of the Executive Appropriations Committee as soon as possible.

- (4)
- (a) After receiving the reports, the Executive Appropriations Committee chairs will report them to the Executive Appropriations Committee.
  - (b) The Executive Appropriations Committee shall:
    - (i) make any further adjustments necessary to balance the budget; and
    - (ii) complete all decisions necessary to draft the final appropriations bills no later than the last Friday before the 45th day of the annual general session.

**JR3-2-403 Quorum requirements.**

A quorum of a joint appropriations subcommittee and the Executive Appropriations Committee is at least 50% in one house and more than 50% in the other, subject to the requirements in JR3-2-404.

**JR3-2-404 Voting requirements.**

- (1) A majority vote of a joint appropriations subcommittee and the Executive Appropriations Committee is at least 50% of those in attendance in one house and more than 50% of those in attendance in the other.
- (2) For an appropriation subcommittee, and excluding the Executive Appropriations Committee, in determining whether a quorum is present, a legislator who is the president, the speaker, a majority leader, a majority whip, an assistant majority whip, the Senate Rules Committee chair, the House Rules Committee chair, an Executive Appropriations Committee chair, an Executive Appropriations Committee vice chair, a minority leader, a minority whip, an assistant minority whip, or the fourth member of leadership from a minority party, is not counted in determining a quorum for the committee, except during the time that the legislator is present at the meeting.

**JR3-2-405 Committee order of business.**

Unless a committee chair, or a committee by majority vote, determines otherwise, the order of business for an appropriations committee is:

- (1) call to order by the chair;
- (2) approval of the minutes of previous meetings;
- (3) announcement of the agenda;
- (4) announcement of time restrictions, if any, subject to the requirements of JR3-2-604; and
- (5) consideration of appropriations committee business.

Enacted by H.J.R. 15, 2017 General Session

**Part 5**  
**Executive Appropriations Committee and Subcommittees -- Interim**

**JR3-2-501 Meetings -- Accountable process budget creation -- Appropriation reviews.**

- (1)
  - (a) During the interim, the Executive Appropriations Committee shall meet at least every other month on the day before interim meetings.

- (b) The appropriations subcommittee chairs may attend these meetings and provide input regarding their budget.
- (2) Appropriations subcommittees shall meet at least once during the interim and may also hold additional meetings if authorized by the Legislative Management Committee.
- (3)
  - (a) Each interim, each appropriations subcommittee shall create an accountable process budget for approximately 20% of the budgets that fall within the appropriations subcommittee's responsibilities.
  - (b) Each appropriations subcommittee shall ensure that each of the budgets for which the appropriations subcommittee has responsibility is the subject of an accountable budget process at least once every five years.
  - (c) For each budget that is subject to an accountable budget process, an appropriations subcommittee shall:
    - (i) review and discuss the budget evaluation submitted in accordance with Utah Code Section 63J-1-903;
    - (ii) identify whether any portion of the budget overlaps with another budget; and
    - (iii) identify any opportunities to increase budgetary efficiencies.
- (4)
  - (a) The Executive Appropriations Committee may, based on a legislator's or citizen's complaint, review any appropriation, whether in an appropriations bill or otherwise, to ensure that the entity to which the funds were appropriated complies with any legislative intent expressed in the legislation appropriating the funds.
  - (b) If the Executive Appropriations Committee finds that an entity has not complied with any legislative intent concerning an appropriation expressed in the legislation appropriating the fund, the committee may make a recommendation concerning the appropriation to the entity receiving the funds and the Legislative Management Committee.

## **Part 6 Duties of a Committee Chair**

### **JR3-2-601 Chair to enforce legislative rules and procedures.**

The chair shall ensure the integrity of the appropriations committee process by enforcing legislative rules and parliamentary procedure without delay.

Repealed and Re-enacted by H.J.R. 15, 2017 General Session

### **JR3-2-602 Chair to set agenda -- Requirements.**

The chair of an appropriations committee shall set the agenda for the committee meeting.

Repealed and Re-enacted by H.J.R. 15, 2017 General Session

### **JR3-2-603 Chair to post notice and agenda -- Notification to sponsors of request for an appropriation.**

- (1) The chair shall cause a public notice and agenda to be posted at least 24 hours before each appropriations committee meeting as required under Utah Code Title 52, Chapter 4, Open and Public Meetings Act.
- (2) The chair shall notify the sponsor of a request for appropriation that is listed on an agenda of the time and place of the committee meeting in which the request for appropriation will be considered not less than 24 hours before the committee meeting.

Repealed and Re-enacted by H.J.R. 15, 2017 General Session

**JR3-2-604 Chair may direct order of agenda -- Time restrictions.**

The chair, or a committee by majority vote, may adopt committee procedures and time restrictions, including:

- (1) directing the order of the agenda;
- (2) directing the order in which a witness or presenter will be heard;
- (3) directing the number of witnesses or presenters that will be heard; and
- (4) limiting the time the committee will spend on:
  - (a) an item on the agenda; or
  - (b) an individual witness or presenter.

Repealed and Re-enacted by H.J.R. 15, 2017 General Session

**JR3-2-605 Chair to preserve order and decorum.**

In accordance with JR7-1-302, the chair shall preserve order and decorum during a committee meeting.

**JR3-2-606 Chair to recognize committee members -- Remarks to be germane -- Committee members may make motions when recognized -- Addressing the committee.**

- (1) The chair shall recognize a committee member who desires to speak to a subject that is under consideration by an appropriations committee.
- (2) Upon recognition by the chair, a committee member:
  - (a) shall ensure that the member's remarks are germane to the subject under consideration; and
  - (b) may make a motion that is authorized by this chapter.
- (3)
  - (a) Presenters, witnesses, visitors, staff, and committee members may not speak to an appropriations committee unless recognized by the chair.
  - (b) The chair may not take comment from a member of the public unless:
    - (i) the individual provides the individual's legal name and the entity that the individual represents, if any; and
    - (ii) if the individual is participating via video conference:
      - (A) the individual provides the individual's place of residence; and
      - (B) the individual's video is enabled.

**JR3-2-607 Chair to accept all motions that are in order -- Once accepted, the motion is pending.**



- (1) The chair shall accept a motion requested by a member of an appropriations committee who has been properly recognized unless the motion is prohibited by this chapter or by parliamentary procedure.
- (2) To properly accept a motion, the chair shall:
  - (a) restate each verbal motion; and
  - (b) distribute copies of each written motion to members of the committee.
- (3) When a chair properly accepts a motion under Subsection (2), the motion is pending.

Enacted by H.J.R. 15, 2017 General Session

**JR3-2-608 Chair to allow response to motions before placing motions for a vote.**

After a motion has been accepted, and before the chair places a motion for a vote, the chair shall permit:

- (1) members of the committee to ask the committee member who placed the motion questions about the motion;
- (2) members of the committee to debate the motion;
- (3) the sponsor of a budget item or request for appropriation that is affected by the motion to respond to the motion; and
- (4) the committee member who placed the motion to have the final word on the motion.

Enacted by H.J.R. 15, 2017 General Session

**JR3-2-609 Chair to place motion for vote.**

After the chair has permitted a committee member to sum on a motion as required under JR3-2-608(4), the chair shall place the motion for a vote unless the motion is withdrawn subject to the requirements of JR3-2-811.

Enacted by H.J.R. 15, 2017 General Session

**JR3-2-610 Chair to verbally announce vote on motions -- Motions pass with majority vote of a quorum -- Exceptions.**

- (1) After an appropriations committee votes on a motion, the chair shall:
  - (a) determine whether the motion passed or failed;
  - (b) verbally announce that the motion passed or that the motion failed; and
  - (c) if the vote on the motion is not unanimous, verbally identify by name either the committee members who voted "yes" or the committee members who voted "no."
- (2) Unless otherwise specifically indicated in this chapter, motions pass with a majority vote of a quorum as defined in JR3-2-404.

Enacted by H.J.R. 15, 2017 General Session

**JR3-2-611 Chair may direct a roll call vote.**

Although most motions will be determined by a voice vote, the chair, or a committee by majority vote, may direct a roll call vote.

Enacted by H.J.R. 15, 2017 General Session

**JR3-2-612 Chair to decide points of order -- Committee may appeal chair's decision.**

- (1) A chair shall rule on a point of order without committee discussion or debate.
- (2) As provided in JR3-2-806, a committee member may:
  - (a) make a point of order; or
  - (b) appeal the decision of the chair.

Enacted by H.J.R. 15, 2017 General Session

**JR3-2-613 Chair to ensure integrity of minutes -- Retention of minutes -- Content requirements.**

- (1) The chair shall:
  - (a) ensure that a secretary takes minutes of appropriation committee meetings; and
  - (b) present the minutes to the committee for approval.
- (2) The chair shall ensure that committee minutes comply with the requirements of Utah Code Title 52, Chapter 4, Open and Public Meetings Act.
- (3) The chair shall ensure that committee minutes include:
  - (a) the date, time, and place of each committee meeting;
  - (b) a list of committee members present;
  - (c) each motion made;
  - (d) the vote on each motion;
  - (e) points of order; and
  - (f) the outcome of each appeal of the decision of the chair.

Enacted by H.J.R. 15, 2017 General Session

**Part 7**  
**Duties of an Appropriations Committee**

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

- (1)
  - (a) A legislator intending to file a request for appropriation shall file the request for appropriation with the Office of the Legislative Fiscal Analyst in accordance with this rule.
  - (b) Except for an amendment to a proposed budget item described in JR3-2-703, a committee may not adopt, recommend, or prioritize a request for appropriation that is not filed or generated in accordance with this rule.
  - (c) A legislator may not file a request for appropriation if the request is intended to fund the fiscal impact of legislation.
  - (d) The Office of the Legislative Fiscal Analyst shall automatically generate a request for appropriation to fund the fiscal impact of legislation if:
    - (i) the legislation has an expenditure impact of \$1,000,000 or more from the General Fund or the Income Tax Fund; and
    - (ii) the Office of the Legislative Fiscal Analyst knows the fiscal impact of the legislation before the deadline described in Subsection (3)(a).
- (2)
  - (a) A legislator may file a request for appropriation beginning 60 days after the day on which the Legislature adjourns its annual general session sine die.
  - (b) A legislator-elect may file a request for appropriation beginning on:

- (i) the day after the day on which the election canvass is complete; or
  - (ii) if the legislator-elect's election results have not been finalized as of the canvass date, the day after the day on which the election results for the legislator-elect's race are final.
- (c)
- (i) An incumbent legislator may not file a request for appropriation as of the date that the legislator:
    - (A) fails to file to run for reelection;
    - (B) is ineligible to be included on the ballot for the election in which the legislator would have sought an additional term; or
    - (C) fails to win reelection and the legislator's opponent is eligible to file a request for appropriation under Subsection (2)(b).
  - (ii) Subsection (2)(c)(i) does not apply to a request for appropriation for a general session that occurs while the legislator is in office.
- (3)
- (a) Except as provided in Subsection (3)(b), a legislator may not file a request for appropriation with the Office of the Legislative Fiscal Analyst after noon on the 11th day of the annual general session.
  - (b) After the date established by this Subsection (3), a legislator may file a request for appropriation if:
    - (i) for a request by a House member, the representative makes a motion to file a request for appropriation and that motion is approved by a constitutional majority of the House;
    - (ii) for a request by a senator, the senator makes a motion to file a request for appropriation and that motion is approved by a constitutional majority vote of the Senate; or
    - (iii) a member of the Executive Appropriations Committee has presented the request at a public meeting of the Executive Appropriations Committee.
- (4) A legislator who files a request for appropriation:
- (a) is the chief sponsor; and
  - (b) shall provide the following information related to the project or program that is the subject of the request for appropriation:
    - (i) the name and a description of the project or program;
    - (ii) the statewide purpose of the project or program;
    - (iii) if applicable, the legislator's designee who is knowledgeable about and responsible for providing pertinent information while the Office of the Legislative Fiscal Analyst processes the request;
    - (iv) the state funding source from which the legislator proposes to fund the project or program;
    - (v) the amount of the request and whether the amount is to be appropriated one-time, ongoing, or a combination of one-time and ongoing;
    - (vi) an itemized budget for the project or program;
    - (vii) the state agency that has jurisdiction over the project or program;
    - (viii) if the request is for pass through funding that a state agency will distribute, the type of entity or organization the legislator intends to receive the funding;
    - (ix) the scalability of the project or program; and
    - (x) one or more outcomes the legislator expects the project or program to achieve.

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

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

- (b) If the request for appropriation requires that a statute be enacted, amended, or repealed, the legislative fiscal analyst shall immediately transfer the request to the Office of Legislative Research and General Counsel as a request for legislation.
- (c) If the request for appropriation contains each item described in JR3-2-701(4) and does not require that a statute be enacted, amended, or repealed, the legislative fiscal analyst shall number, title, and refer the request for appropriation to:
  - (i) the House chair of the Executive Appropriations Committee, if the sponsor is a House member; or
  - (ii) the Senate chair of the Executive Appropriations Committee, if the sponsor is a Senate member.
- (2) The House or Senate chair of the Executive Appropriations Committee shall refer the request for appropriation to the joint appropriations subcommittee with oversight responsibility or to the Executive Appropriations Committee.
- (3) Each joint appropriations subcommittee that receives a request for appropriation shall:
  - (a) allow the sponsor to present and discuss the request for appropriation with the subcommittee;
  - (b) discuss the request for appropriation; and
  - (c) do one of the following:
    - (i) include all or part of the request for appropriation in the budget recommendation made by the subcommittee or the Executive Appropriations Committee;
    - (ii) reject the request for appropriation; or
    - (iii) recommend to the Executive Appropriations Committee that all or part of the requested appropriation be placed on a funding prioritization list.

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

- (1)
  - (a) Except as provided in Subsection (2), and if recognized by the chair, a committee member may make a motion to amend a proposed budget item that is under consideration.
  - (b)
    - (i) A committee member may propose a verbal amendment to a proposed budget item under consideration if the amendment contains 15 or fewer words.
    - (ii) Before proposing a motion to amend, a committee member shall ensure that a proposed amendment that contains more than 15 words is printed and distributed to committee staff and to all committee members present.
- (2)
  - (a) A committee member may only make a motion to amend that is germane to the proposed budget item under consideration.
  - (b) A committee member who believes that an amendment is not germane to the subject of the proposed budget item may make a point of order or appeal as described in JR3-2-806.

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

- (1) Except as provided in Subsection (2), and if recognized by the chair, a committee member may make a motion to reconsider the committee's action on a proposed budget item if the proposed budget item is:
  - (a) assigned to the committee; and
  - (b) listed on the committee agenda as required by Utah Code Title 52, Chapter 4, Open and Public Meetings Act.

- (2) A committee may not reconsider its action:
  - (a) more than once in a meeting; and
  - (b) until the committee has considered other committee business.

**JR3-2-705 Testimony may be taken under oath.**

- (1) At the direction of the chair, or upon a majority vote of the committee, the testimony of a witness, presenter, or visitor who speaks to a committee may be taken under oath.
- (2) The chair or committee staff shall administer the oath.

Enacted by H.J.R. 15, 2017 General Session

**JR3-2-706 Additional committee meetings.**

With permission from the president of the Senate and the speaker of the House, a chair may hold an appropriations committee meeting independent of the regularly scheduled committee meetings.

Enacted by H.J.R. 15, 2017 General Session

**JR3-2-707 Closed appropriations committee meetings.**

An appropriations committee may close a committee meeting in accordance with the procedures and requirements of Utah Code Title 52, Chapter 4, Open and Public Meetings Act.

Enacted by H.J.R. 15, 2017 General Session

**JR3-2-708 Prohibited from meeting while House or Senate is in session -- Exceptions.**

- (1) An appropriations committee may not meet while the House or Senate is in session unless:
  - (a)
    - (i) the House chair receives permission from the speaker to meet; and
    - (ii) the Senate chair receives permission from the president to meet; or
  - (b)
    - (i) a majority of the House approves a motion for the committee to meet while the House is in session; and
    - (ii) a majority of the Senate approves a motion for the committee to meet while the Senate is in session.
- (2) Unless a committee is authorized to meet as provided in Subsection (1), any action taken by a committee while the House or Senate is in session is invalid.

Enacted by H.J.R. 15, 2017 General Session

**JR3-2-709 Review of nonlapsing appropriations.**

- (1) Each appropriations subcommittee shall:
  - (a) during an accountable budget process under JR3-2-501, review each account, fund, and appropriation to a program that is designated as nonlapsing under Utah Code Section 63J-1-602.1 or 63J-1-602.2; and
  - (b) review any nonlapsing appropriations report submitted in accordance with Utah Code Section 63J-1-602.

- (2) For any nonlapsing appropriation that is saved over multiple years to pay for an anticipated expense, an appropriations subcommittee shall make a recommendation as to whether the Legislature should instead appropriate one-time funding for the expense.

## **Part 8**

### **Appropriations Committee Parliamentary Procedures**

#### **JR3-2-801 Obtaining the floor in committee -- Remarks to be germane.**

- (1) As required in JR3-2-606, a chair shall recognize a committee member who desires to speak to the committee.
- (2) A committee member who is recognized by the chair may make a motion consistent with the requirements of this chapter.
- (3) A second to a motion is not required.

Enacted by H.J.R. 15, 2017 General Session

#### **JR3-2-802 Committee members shall vote.**

A committee member shall vote on every motion placed for a vote while the committee member is present at a meeting.

Enacted by H.J.R. 15, 2017 General Session

#### **JR3-2-803 Privileged motions in committee -- General requirements, procedure, and priority.**

- (1) Privileged motions:
  - (a) are non-debatable; and
  - (b) take precedence over non-privileged motions.
- (2) If a privileged motion is requested while another privileged motion is pending, the chair shall grant priority to the privileged motions in the following order:
  - (a) adjourn;
  - (b) set time to adjourn;
  - (c) recess;
  - (d) end debate or call the question;
  - (e) extend debate; and
  - (f) limit debate.
- (3) Except for a motion to adjourn, a privileged motion, if adopted, does not dispose of other pending motions.

Enacted by H.J.R. 15, 2017 General Session

#### **JR3-2-804 Original motions in committee -- General requirements, procedure, and priority.**

- (1) Original motions:
  - (a) are debatable; and
  - (b) may be replaced with a substitute motion.
- (2) A committee member may not make an original motion if:
  - (a) a privileged motion is pending; or

- (b) a substitute motion is pending.

Enacted by H.J.R. 15, 2017 General Session

**JR3-2-805 Substitute motions in committee -- General requirements, procedure, and priority.**

- (1) Substitute motions:
  - (a) are debatable; and
  - (b) take precedence over original motions.
- (2)
  - (a) A committee member may make a substitute motion if an original motion is pending.
  - (b) A committee member may not make a substitute motion if:
    - (i) a privileged motion is pending; or
    - (ii) another substitute motion is pending.
  - (c) If a substitute motion is adopted, a substitute motion disposes of the original motion.
  - (d) If a substitute motion is not adopted, the original motion is pending.

Enacted by H.J.R. 15, 2017 General Session

**JR3-2-806 Point of order -- Appeal of chair's decision.**

- (1) A point of order is not a motion and, except during a vote, may be made by a member of an appropriations committee at any time during a committee meeting.
- (2) If a member of an appropriations committee is concerned that legislative rules or procedures are not being followed, the committee member may make a point of order.
- (3) When a point of order is made, the chair shall immediately allow the committee member to state the member's point.
- (4) A chair shall rule on the point of order without committee discussion or debate as provided in JR3-2-612.
- (5) An appeal of the decision of the chair is not a motion and may be made by a committee member after the chair has ruled on a point of order.
- (6)
  - (a) An appropriations committee may, by majority vote, overrule the decision of the chair on a point of order.
  - (b) If the committee overrules the decision of the chair, the ruling of a committee is final.
  - (c) If a committee does not overrule the decision of the chair, the ruling of a chair is final.

**JR3-2-807 Point of information.**

- (1) A point of information is not a motion and, except during summation or a vote, may be made by a member of an appropriations committee at any time during a committee meeting.
- (2) If a member of an appropriations committee desires clarification on any aspect of a committee meeting, the committee member may make a point of information.
- (3) When a point of information is made, the chair shall immediately allow the committee member to state the point.

Enacted by H.J.R. 15, 2017 General Session

**JR3-2-808 Division of a motion.**

- (1) A division is not a motion and, except during a vote, may be made by a member of an appropriations committee at any time during a committee meeting without being recognized by the chair.
- (2) The committee member who divides a motion shall clearly state how the motion is to be divided.
- (3) A committee member may not divide a motion in such a manner that could create an unintelligible or ambiguous result.

Enacted by H.J.R. 15, 2017 General Session

**JR3-2-809 Prohibited motions.**

- (1)
  - (a) Except for a motion to adjourn, a committee member may not make a motion unless a quorum of the committee is present.
  - (b) When a quorum is not present, a motion to adjourn is passed with a majority vote of those present.
- (2) No motion is in order during a vote.
- (3) A point of order is not in order during a vote.

Enacted by H.J.R. 15, 2017 General Session

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

- (1) Except as provided in Subsection (2), a motion that is defeated may not be made by a committee member until the committee has considered other committee business.
- (2) A motion to postpone a proposed budget item to a day certain, if defeated, may not be made again by any committee member during the same committee meeting.

**JR3-2-811 Withdraw motion.**

A pending motion may be withdrawn at any time before the motion is placed for a vote.

Enacted by H.J.R. 15, 2017 General Session

## **Part 9 Conference Committees**

**JR3-2-901 Appointment and chairs -- Notice.**

- (1)
  - (a) If the Senate refuses to concur in the House amendments to a Senate bill, the secretary of the Senate shall notify the House of the refusal and ask the House to recede from its amendments.
  - (b) Either house may recede from its position on any difference existing between the two houses by a majority vote of its members.
  - (c)
    - (i) If the House refuses to recede, the speaker shall appoint a conference committee of three.
    - (ii) After making the appointment, the speaker shall:



- (A) publicly announce the House members of the conference committee and the time and place that the conference committee will meet;
  - (B) ensure that no more than two of the appointees are members of the majority party; and
  - (C) direct House staff to provide electronic notice that identifies the House members of the conference committee and the time and place of the conference committee meeting.
- (d) If the speaker does not immediately appoint a conference committee, the president may appoint a conference committee as provided in Subsection (2)(c).
- (e) After the Senate refuses to concur in the House amendments to a Senate bill, the House may not amend or substitute the bill, unless:
- (i) the sole effect of the amendment or substitute is to recede from one or more House amendments to the bill; or
  - (ii) the amendment or substitute is part of a conference committee report.
- (2)
- (a) If the House refuses to concur in the Senate amendments to a House bill, the chief clerk of the House shall notify the Senate of the refusal and ask the Senate to recede from its amendments.
- (b) Either house may recede from its position on any difference existing between the two houses by a majority vote of its members.
- (c)
- (i) If the Senate refuses to recede, the president shall appoint a conference committee of three.
  - (ii) After making the appointment, the president shall:
    - (A) publicly announce the Senate members of the conference committee and the time and place that the conference committee will meet;
    - (B) ensure that no more than two of the appointees are members of the majority party; and
    - (C) direct Senate staff to provide electronic notice that identifies the Senate members of the conference committee and the time and place of the conference committee meeting.
- (d) If the president does not immediately appoint a conference committee, the speaker may appoint a conference committee as provided in Subsection (1)(c).
- (e) After the House refuses to concur in the Senate amendments to a House bill, the Senate may not amend or substitute the bill, unless:
- (i) the sole effect of the amendment or substitute is to recede from one or more Senate amendments to the bill; or
  - (ii) the amendment or substitute is part of a conference committee report.
- (3)
- (a) Whenever the president or speaker appoints a conference committee, the secretary of the Senate or chief clerk of the House shall:
- (i) immediately notify the other house of the action taken; and
  - (ii) request the appointment of conference committee members from that other house.
- (b) After receiving the notice and request, the presiding officer of the other house shall:
- (i) appoint a conference committee of three;
  - (ii) publicly announce the members of the conference committee from that house and the time and place that the conference committee will meet; and
  - (iii) direct staff to provide electronic notice that identifies the members of the conference committee and the time and place of the conference committee meeting.
- (4)
- (a) The first senator named on the conference committee is the Senate chair of the committee, and the first representative named on the conference committee is the House chair.

- (b) The conference committee chairs shall direct the preparation of the conference committee report.

**JR3-2-902 Conference committee procedures.**

- (1) The chair from the house of origin of the bill shall chair meetings of the committee.
- (2) Staff from the Office of Legislative Research and General Counsel may attend the conference committee meeting to assist in the preparation of the committee report.
- (3)
  - (a) Subject to Subsection (3)(b), conference committee meetings are open to the public.
  - (b) Public comment may not be received or made during a conference committee meeting unless a majority of committee members from one house and at least 50% from the other house vote to receive public comment.
- (4)
  - (a) A majority of committee members from each house must approve a conference committee report in order for it to be presented to the Legislature.
  - (b)
    - (i) If the conference committee cannot reach an agreement, the committee shall report the failure to agree to both houses.
    - (ii) Upon notice that a conference committee has failed to agree:
      - (A) the presiding officer of each house may appoint a new committee by following the requirements of JR3-2-901 or reappoint the former committee and announce the time and place of the committee's meeting; or
      - (B) either house may vote to refuse further conferences.
    - (iii) If a house votes to refuse further conferences, the bill shall be returned to the originating house and filed.

**JR3-2-903 Conference committee report -- Contents -- Disposition.**

- (1) The conference committee's report shall:
  - (a) be in writing; and
  - (b) list the vote of each member of the conference committee by name.
- (2)
  - (a) Subject to Subsection (2)(b), the committee may report any modifications or amendments to the bill that the committee thinks advisable.
  - (b) A conference committee may not consider or report on any matter except those at issue between the two houses.
- (3)
  - (a) If the bill being discussed by the conference committee is a House bill, the Senate conference committee members shall present the conference committee report first to the Senate.
  - (b) If the bill being discussed by the conference committee is a Senate bill, the House conference committee members shall present the conference committee report first to the House.
- (4) Before a house votes on a motion to adopt a conference committee report, the report shall be read.
- (5)
  - (a) If a house approves a motion to adopt a conference committee report, the bill shall be put at the top of the house's third reading calendar for consideration.

- (b) If the house is the first house to consider the conference committee report, after the house acts on the bill, the house shall transmit the bill and the conference committee report to the other house along with a letter explaining the house's action.
- (6)
  - (a) If a motion to adopt a conference committee report fails, either house may request that the other house:
    - (i) appoint a new committee by following the requirements of JR3-2-901; or
    - (ii) reappoint the former committee and announce the time and place of the committee's meeting.
  - (b) If a house refuses a request under Subsection (6)(a), the bill shall be returned to the originating house and filed.

**JR3-2-904 Failure to meet.**

If the members of the conference committee do not meet in a timely manner after being appointed, the presiding officers of both houses may appoint a new conference committee and disband the original conference committee.

Enacted by H.J.R. 15, 2017 General Session