

1                   **JOINT RULES RESOLUTION - TECHNICAL AMENDMENTS**

2   2020 GENERAL SESSION

3   STATE OF UTAH

4                           **Chief Sponsor: James A. Dunnigan**

5                           Senate Sponsor: Lyle W. Hillyard

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7   **LONG TITLE**

8   **Committee Note:**

9           The Legislative Process Committee recommended this bill.

10           Legislative Vote:    8 voting for   0 voting against    0 absent

11   **General Description:**

12           This joint rules resolution makes technical changes to the joint legislative rules.

13   **Highlighted Provisions:**

14           This resolution:

- 15           ▶    makes existing terms consistent in their use;
- 16           ▶    provides cross-references for existing terms;
- 17           ▶    corrects inconsistent terms; and
- 18           ▶    repeals duplicate provisions.

19   **Special Clauses:**

20           None

21   **Legislative Rules Affected:**

22   AMENDS:

23           **JR3-2-806**

24           **JR6-4-305**

25           **JR7-1-411**

26           **JR7-1-509**

27           **JR7-1-611**



28 REPEALS:

29 **JR4-5-203**

30 **JR4-6-101**

31 **JR4-6-201**

32 **JR4-6-202**

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

35 Section 1. **JR3-2-806** is amended to read:

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

37 (1) A point of order is not a motion and, except during a vote, may be made by a  
38 member of an appropriations committee at any time during a committee meeting.

39 (2) If a member of an appropriations committee is concerned that legislative rules or  
40 procedures are not being followed, the committee member may make a point of order.

41 (3) When a point of order is made, the chair shall immediately allow the committee  
42 member to state the member's point.

43 (4) A chair shall rule on the point of order without committee discussion or debate as  
44 provided in [JR3-2-612](#).

45 (5) An appeal of the decision of the chair is not a motion and may be made by a  
46 committee member after the chair has ruled on a point of order.

47 (6) (a) An appropriations committee may, by majority vote, [~~override~~] overrule the  
48 decision of the chair on a point of order.

49 (b) If the committee [~~overrides~~] overrules the decision of the chair, the ruling of a  
50 committee is final.

51 (c) If a committee does not [~~override~~] overrule the decision of the chair, the ruling of a  
52 chair is final.

53 Section 2. **JR6-4-305** is amended to read:

54 **JR6-4-305. Vote on allegations and recommendations -- Public meeting --**  
55 **Standards -- Reconsideration.**

56 (1) After conclusion of the deliberations, the committee shall meet in public and, for  
57 each allegation reviewed by the committee, vote on whether the allegation is:

58 (a) proven by clear and convincing evidence; or

- 59 (b) not proven.
- 60 (2) For any count that has been voted as proven, the committee shall, by a motion  
61 approved by a majority of the members of the committee, recommend one or more of the  
62 following actions:
- 63 (a) censure;
- 64 (b) expulsion;
- 65 (c) denial or limitation of any right, power, or privilege of the respondent, if, under the  
66 Utah Constitution, the Senate or House may impose that denial or limitation, and if the  
67 violation bears upon the exercise or holding of any right, power, or privilege; or
- 68 (d) any other action that the committee determines is appropriate.
- 69 (3) Votes shall be taken by verbal roll call and each member's vote shall be recorded.
- 70 (4) A count is not considered to be proven unless a majority of the committee votes  
71 that the count is proven.
- 72 (5) The committee, by a motion for reconsideration that is approved by a majority of  
73 the committee, may reconsider and hold a new vote provided that:
- 74 (a) a motion to reconsider a vote on whether an allegation was proven or not proven  
75 may only be made by a member of the committee who voted that the allegation was not proven;  
76 and
- 77 (b) a motion to reconsider a vote recommending an action against the respondent may  
78 only be made by a member of the committee who voted against the recommendation.
- 79 (6) A count that is not voted as "proven" by a majority of the members of the  
80 committee is dismissed.
- 81 (7) The committee may close the meeting for the purposes of further deliberations,  
82 subject to the requirements of [JR6-4-304](#):
- 83 (a) at the direction of the chair, subject to ~~[override]~~ being overruled by the committee  
84 as provided in [JR6-2-302](#); or
- 85 (b) upon a motion approved by a majority of the members of the committee.
- 86 (8) After a final vote has been cast on each allegation and recommendation, the  
87 committee shall prepare the finding and order as provided in [JR6-4-306](#).
- 88 Section 3. **JR7-1-411** is amended to read:
- 89 **JR7-1-411. Creation and organization of subcommittees.**

90 (1) A legislative committee may establish one or more subcommittees if approved by:

91 (a) a majority vote of the legislative committee; and

92 (b) the Legislative Management Committee.

93 (2) The legislative committee shall establish each study assignment of a subcommittee

94 by majority vote.

95 (3) After a legislative committee establishes a subcommittee, the chairs of the

96 legislative committee shall:

97 (a) appoint at least four members of the legislative committee to serve on the

98 subcommittee;

99 (b) appoint at least one and no more than two additional members of the legislative

100 committee as chair or cochairs of the subcommittee; and

101 (c) establish the subcommittee's powers, duties, and reporting requirements.

102 (4) Each member of a subcommittee shall receive:

103 (a) compensation for attendance of a meeting of the subcommittee that is an authorized

104 legislative day as defined in [JR5-1-101](#); and

105 (b) reimbursement for expenses in accordance with Title 5, Legislative Compensation

106 and Expenses.

107 Section 4. **JR7-1-509** is amended to read:

108 **JR7-1-509. Point of order -- Appeal of chair's decision.**

109 (1) (a) If a member of a legislative committee is concerned that the chair is not

110 following or enforcing legislative rule or procedure, the member may make a point of order.

111 (b) A point of order is not a motion.

112 (2) Except during a vote, a member of a legislative committee may make a point of

113 order at any time during a meeting of the legislative committee without recognition by the

114 chair.

115 (3) If a member of a legislative committee makes a point of order, the chair shall:

116 (a) immediately allow the member to state the member's point of order; and

117 (b) rule on the point of order without discussion or debate.

118 (4) (a) A member of the legislative committee may appeal the chair's ruling on a point

119 of order.

120 (b) An appeal of the chair's ruling on a point of order is not a motion.

121 (5) Except during a vote, a member of a legislative committee may appeal the chair's  
122 ruling on a point of order at any time during a meeting of the legislative committee without  
123 recognition by the chair.

124 (6) (a) If a member of the legislative committee appeals the chair's ruling on a point of  
125 order, the chair shall place a vote asking the members of the legislative committee whether to  
126 [~~override~~] overrule the chair's ruling on the point of order.

127 (b) The legislative committee may overrule the chair's ruling by a majority vote.

128 (7) (a) If the legislative committee [~~overrides~~] overrules the chair's ruling, the ruling of  
129 the legislative committee is final.

130 (b) If the legislative committee does not [~~override~~] overrule the chair's ruling, the  
131 ruling of the chair is final.

132 Section 5. **JR7-1-611** is amended to read:

133 **JR7-1-611. Assignment of committee bills -- Report on committee bills and study**  
134 **items.**

135 (1) The chairs of each legislative committee shall:

136 (a) assign each of the legislative committee's bills a chief sponsor and a floor sponsor  
137 from the opposite chamber; and

138 (b) deliver to the Senate Rules Committee and the House Rules Committee a report  
139 that includes, for each of the legislative committee's committee bills:

140 (i) the short title;

141 (ii) the chief sponsor;

142 (iii) the floor sponsor; and

143 (iv) how each member of the [~~interim~~] legislative committee voted when the [~~interim~~]  
144 legislative committee gave the committee bill a favorable recommendation, including whether  
145 a member was absent at the time of the vote.

146 (2) In addition to the items described in Subsection (1), the chairs of each interim  
147 committee shall deliver to the Legislative Management Committee:

148 (a) a copy of the report described in Subsection (1)(b); and

149 (b) the disposition of each issue assigned to or studied by the interim committee during  
150 the preceding calendar year.

151 (3) (a) The chairs of an interim committee shall comply with this rule on or before

152 December 15.

153 (b) The chairs of a special committee shall comply with this rule as soon as practicable.

154 Section 6. **Repealer.**

155 This resolution repeals:

156 **JR4-5-203, Deadline for passing the final appropriations bill.**

157 **JR4-6-101, Certification and signature.**

158 **JR4-6-201, Recalling legislation before it is signed by the speaker and president.**

159 **JR4-6-202, Recalling legislation from the governor.**