

Representative Wayne A. Harper proposes the following substitute bill:

HOUSE RULES CHANGES RESOLUTION

2011 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Wayne A. Harper

LONG TITLE

General Description:

This resolution modifies House rules.

Highlighted Provisions:

This resolution:

- ▶ modifies provisions governing who presides at the beginning of a general session;
- ▶ modifies provisions governing the election and responsibilities of the Speaker-Elect;
- ▶ requires the House to elect a Speaker within a certain time frame if there is a
vacancy;
- ▶ clarifies the responsibilities of the Sergeant-at-Arms;
- ▶ clarifies and modifies the House rules concerning executive sessions;
- ▶ clarifies and repeals provisions governing the time certain calendar;
- ▶ establishes a postage allowance for House members;
- ▶ modifies access provisions to areas controlled by the House;
- ▶ requires permission to hold a press conference in the House Chamber;
- ▶ changes provisions governing committee reports;
- ▶ removes provisions allowing filing of a minority report;
- ▶ adds provisions related to signing of committee reports;
- ▶ changes the maximum speaking time during debate; and
- ▶ makes technical changes.



26 **Special Clauses:**

27 None

28 **Legislative Rules Affected:**

29 AMENDS:

30 **HR1-2-101**

31 **HR1-3-101**

32 **HR1-3-103**

33 **HR1-4-202**

34 **HR1-5-202**

35 **HR1-5-301**

36 **HR2-4-105**

37 **HR3-2-102**

38 **HR3-2-402**

39 **HR3-2-601**

40 **HR4-6-105**

41 **HR4-9-102**

42 ENACTS:

43 **HR1-8-101**

44 REPEALS:

45 **HR3-2-303**



47 *Be it resolved by the House of Representatives of the state of Utah:*

48 Section 1. **HR1-2-101** is amended to read:

49 **HR1-2-101. Calling the House to Order.**

50 [~~(1) Except as provided in Subsection (2), on~~] On the first day of each annual general
51 session of the Legislature during odd-numbered years, [~~the person whose term as Speaker of~~
52 ~~the House most recently expired shall call the House to order and preside until the~~
53 ~~Representatives have taken the oath of office and elected a new Speaker. (2) If the~~
54 ~~Speaker-elect was Speaker during the previous Legislature or if the former Speaker is~~
55 ~~unavailable,~~] the Speaker-elect shall designate a person to call the House to order and preside
56 until the Representatives have taken the oath of office and elected a Speaker.

57 Section 2. **HR1-3-101** is amended to read:

58 **HR1-3-101. Election of Speaker.**

59 (1) The House of Representatives shall elect a Speaker from among its members to
60 perform the duties established by this chapter.

61 (2) (a) Following a general election and before January 1 of odd-numbered years, the
62 majority caucus shall elect a Speaker-Elect.

63 (b) Beginning January 1 of odd-numbered years, the Representative elected by the
64 majority caucus shall serve as Speaker-Elect and perform the duties of the Speaker until the
65 House elects a Speaker as required by Subsection (1).

66 Section 3. **HR1-3-103** is amended to read:

67 **HR1-3-103. Temporary Presiding Officer in Speaker's Absence.**

68 (1) (a) The Speaker shall name a Representative to act as Speaker Pro Tempore during
69 the absence of the Speaker.

70 (b) (i) If an interim vacancy in the office of Speaker occurs because of the death,
71 resignation, or disability of the Speaker, the Speaker Pro Tempore shall conduct the necessary
72 business of the House only until an election is held by the House to fill the vacancy.

73 (ii) If a vacancy occurs as described in Subsection (1)(b)(i), the House shall hold an
74 election to fill a vacancy in the office of Speaker no later than:

75 (A) five legislative days after the vacancy occurs if the vacancy occurs during the
76 general session; or

77 (B) 30 calendar days after the vacancy occurs if the vacancy occurs during the interim.

78 (2) Notwithstanding Subsection (1), the Speaker may name any other Representative to
79 perform the duties of presiding officer for a period not to exceed one legislative day.

80 (3) If the Speaker and the Speaker Pro Tempore are absent at the time the session is
81 scheduled to convene, and the Speaker has not designated another Representative to perform
82 the duties of presiding officer, the Representative of the majority party who is senior in House
83 service shall call the House to order and preside until one of them returns.

84 (4) The Speaker Pro Tempore, and each Representative authorized to preside by the
85 Speaker or this rule, has all the powers and responsibilities of the Speaker while presiding.

86 Section 4. **HR1-4-202** is amended to read:

87 **HR1-4-202. Duties of the Sergeant-at-Arms.**

88 The Sergeant-at-Arms and the employees under the Sergeant's direction shall:

89 (1) maintain security in areas controlled by the House;

90 (2) enforce the House Rules at the direction of the presiding officer of the House;

91 (3) enforce the provision of Utah Code Title 26, Chapter 38, Utah Indoor Clean Air

92 Act, in areas controlled by the House; and

93 (4) provide other service as requested by the Chief Clerk or the Speaker.

94 Section 5. **HR1-5-202** is amended to read:

95 **HR1-5-202. Executive Session.**

96 (1) The House of Representatives shall comply with the requirements of Title 52,

97 Chapter 4, Open and Public Meetings Act, when holding an executive session.

98 [~~(1)~~] (2) When the House of Representatives approves a motion to go into executive
99 session, the Sergeant-at-Arms shall close the House chamber doors.

100 [~~(2)~~] (3) The presiding officer may require that all persons, except the Representatives,
101 Chief Clerk, Journal Clerk, and Sergeant-at-Arms leave the chamber, halls, gallery, and lounge.

102 [~~(3)~~] (4) During the executive session, everyone present must remain within the
103 chamber.

104 [~~(4)~~] (5) Everyone present shall keep all matters discussed in executive session
105 confidential.

106 (6) During the executive session, those within the chamber may not communicate with
107 anyone outside the chamber by verbal, written, electronic, or any other means.

108 Section 6. **HR1-5-301** is amended to read:

109 **HR1-5-301. Special Order of Business -- Time Certain.**

110 (1) (a) [~~(A)~~] Except as provided in Subsection (2), a Representative may make a motion,
111 or the House Rules committee may recommend, that a piece of legislation become a special
112 order of business on the time certain calendar.

113 (b) If the motion is approved by a majority of the members present, the Chief Clerk
114 shall place the legislation on the time certain calendar.

115 (2) A motion to place a piece of legislation as a special order of business on the time
116 certain calendar may not be made if the legislation has not yet been placed on the third reading
117 calendar.

118 [~~(2)~~] (3) At the time set for consideration of the legislation, the presiding officer shall

119 place the legislation before the House.

120 Section 7. **HR1-8-101** is enacted to read:

121 **CHAPTER 8. POSTAGE ALLOWANCE**

122 **HR1-8-101. House Postage Allowance.**

123 (1) Each Representative may deposit:

124 (a) up to 300 letters into the House mail system during the annual general session; and

125 (b) up to 10 letters per month into the House mail system during the remainder of the
126 year.

127 (2) Upon request from an individual Representative, the Speaker may grant an
128 additional postage allowance.

129 Section 8. **HR2-4-105** is amended to read:

130 **HR2-4-105. News Media.**

131 (1) (a) News media with House press credentials shall be admitted to the House
132 chamber, halls, [~~lounge,~~] and committee rooms.

133 (b) While the House is convened in House chambers, news media [~~representatives~~]
134 shall remain in the area designated for the news media and may not enter the floor of the
135 House, the circle, lounge, or the Speaker's dais.

136 (2) With permission of the Speaker or the Speaker's designee, the news media may
137 conduct and record interviews in the House lounge, halls, available committee rooms, or in the
138 House chamber or gallery.

139 (3) A representative may not hold a press conference in the house chamber without the
140 permission of the Speaker of the House.

141 [~~(3) The news~~] (4) News media shall also comply with the other provisions in
142 HR2-4-102 and HR2-4-103.

143 [~~(4)~~] (5) The Sergeant-at-Arms, under the direction of the Speaker, shall enforce the
144 requirements of this rule.

145 Section 9. **HR3-2-102** is amended to read:

146 **HR3-2-102. Standing Committee Review Required -- Exceptions.**

147 (1) The House of Representatives may not pass a bill, joint resolution, or concurrent
148 resolution during the annual general session that has not been reviewed by a House standing
149 committee.

150 (2) This rule does not apply to:
151 (a) a resolution regarding legislative rules or legislative personnel;
152 (b) legislation that has been approved by an interim committee;
153 (c) the revisor's statute; or
154 (d) if the legislation was reviewed and approved by the Executive Appropriations
155 Committee, legislation that:

156 (i) exclusively appropriates monies;
157 (ii) amends Utah Code Title 53A, Chapter 17a, Minimum School Program Act;
158 (iii) amends Utah Code Title 67, Chapter 22, State Officer Compensation; ~~and~~ or
159 (iv) authorizes the issuance of general obligation or revenue bonds.

160 Section 10. **HR3-2-402** is amended to read:

161 **HR3-2-402. Voting -- Chair to Verbally Announce the Vote -- Dissenting**

162 **Members to Be Reported -- Division of the Question.**

163 (1) A committee member present shall vote on every question.

164 (2) (a) If requested by a committee member or at the discretion of the chair, the
165 standing committee chair may direct a roll call vote.

166 (b) During a vote, the standing committee chair may not take any motions or conduct
167 any other business.

168 (3) (a) If a question contains several points, a committee member may, except as
169 provided in Subsection (3)(d), request to have the question divided for purposes of voting.

170 (b) The committee member requesting division of the question shall clearly state how
171 the question is to be divided.

172 (c) (i) The standing committee chair shall determine how many divisions may be made
173 to any question.

174 (ii) The committee may seek to overrule the standing committee chair's decision only
175 once.

176 (d) A committee member may not request, and the standing committee chair may not
177 grant, division of the question when the motion directs that language be stricken and new
178 language be inserted.

179 (4) After the committee votes on a question, the standing committee chair shall:

180 (a) determine whether the motion passed or failed;

- 181 (b) verbally announce that the motion passed or that the motion failed;
- 182 (c) verbally identify by name either the committee members who voted "yes" or the
183 committee members who voted "no"; and
- 184 (d) ensure that the vote is recorded in the minutes.
- 185 (5) Members dissenting from a committee report may [~~file a minority report or may~~] be
186 listed on the committee report as dissenting.

187 Section 11. **HR3-2-601** is amended to read:

188 **HR3-2-601. Committee Reports.**

189 (1) (a) When a piece of legislation is acted upon by a committee, the standing
190 committee chair shall, no later than the next legislative day, submit to the Chief Clerk of the
191 House:

192 [~~(a)~~] (i) the official version of the legislation; and

193 [~~(b)~~] (ii) a committee report detailing the committee's action signed by the standing
194 committee chair.

195 (b) If the standing committee chair is unavailable or unwilling to sign the committee
196 report, and the legislation and committee report are not submitted to the Chief Clerk of the
197 House by the next legislative day as required by this Subsection (1), the Chief Clerk of the
198 House shall ensure that the official version of the legislation and a committee report detailing
199 the committee's action are submitted to the Chief Clerk of the House no later than the second
200 legislative day after a piece of legislation is acted upon by a committee.

201 (2) (a) If a piece of legislation is tabled by a committee and is not lifted from the table
202 at the next standing committee, the standing committee chair shall, no later than the next
203 legislative day, submit a committee report to the Chief Clerk of the House informing the House
204 that the legislation was tabled.

205 (b) After reading the committee report on the tabled legislation, the Chief Clerk shall
206 send the legislation to the House Rules Committee.

207 Section 12. **HR4-6-105** is amended to read:

208 **HR4-6-105. Representatives Not to Speak More Than Twice -- Maximum**
209 **Speaking Time.**

210 (1) (a) Without permission from the House, a Representative may not speak more than
211 twice on the same piece of legislation, substitute legislation, or amendment in any one debate

212 on the same day and on the same reading of the legislation.

213 (b) (i) Except as provided in Subsection (1)(b)(ii), the presiding officer may not grant a
214 Representative who has spoken once permission to speak again on the same piece of legislation
215 or substitute if any Representative who has not spoken wishes to speak.

216 (ii) The presiding officer may grant a Representative who has spoken once permission
217 to respond to a question if the Representative consents to a request that the Representative yield
218 to a question under HR4-6-104.

219 (2) A Representative may not speak longer than [~~15~~] 10 minutes at any time, unless
220 another Representative yields that Representative's time to the Representative who has the
221 floor.

222 (3) Unless extended by a majority vote:

223 (a) during the first 38 days of an annual general session, the presiding officer may not
224 allow the House to debate a piece of legislation for more than eight hours; and

225 (b) during the last seven days of an annual general session, the presiding officer may
226 not allow the House to debate a piece of legislation for more than two hours.

227 Section 13. **HR4-9-102** is amended to read:

228 **HR4-9-102. Motion to Reconsider -- Procedures.**

229 When a Representative [~~gives notice that the Representative intends to make~~] makes a
230 motion to reconsider, the Chief Clerk or the Chief Clerk's designee shall:

231 (1) ensure that the [~~notice~~] motion is recorded in the House Journal; and

232 (2) retain the legislation in the possession of the House until the time for
233 reconsideration has expired or until the legislation has been reconsidered.

234 Section 14. **Repealer.**

235 This resolution repeals:

236 **HR3-2-303, Legislation Scheduled for Time Certain Has Priority in Committee.**

FISCAL NOTE

H.R. 2 2nd Sub. (Gray)

SHORT TITLE: House Rules Changes Resolution

SPONSOR: Harper, W.

2011 GENERAL SESSION, STATE OF UTAH

STATE GOVERNMENT (UCA 36-12-13(2)(b))

Enactment of this bill likely will not materially impact the state budget.

LOCAL GOVERNMENTS (UCA 36-12-13(2)(c))

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for local governments.

DIRECT EXPENDITURES BY UTAH RESIDENTS AND BUSINESSES (UCA 36-12-13(2)(d))

Enactment of this bill likely will not result in direct, measurable expenditures by Utah residents or businesses.