

Representative James A. Dunnigan proposes the following substitute bill:

RULES RESOLUTION ON HOUSE RULES

2019 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: James A. Dunnigan

LONG TITLE

General Description:

This rules resolution amends House rules governing standing committees and floor conduct and procedures.

Highlighted Provisions:

This resolution:

- ▶ addresses the duties of the sergeant-at-arms and the employees under the sergeant's direction;
- ▶ prohibits certain items from the House gallery;
- ▶ modifies the circumstances under which the governor, the lieutenant governor, the state attorney general, the state treasurer, the state auditor, governor's staff, and certain former legislators may be present on the House floor and in House space;
- ▶ provides that a guest who accompanies a representative on the House floor shall sit next to the representative;
- ▶ allows a standing committee chair or vice chair to designate a member of the standing committee to conduct a meeting of the standing committee;
- ▶ modifies the list of motions that are prohibited in a standing committee meeting;
- ▶ prohibits a motion to lift tabled legislation from a standing committee or the House Rules Committee and place it on the third reading calendar; and
- ▶ makes technical and conforming changes.



26 **Special Clauses:**

27 This resolution provides a coordination clause.

28 **Legislative Rules Affected:**

29 AMENDS:

30 **HR1-4-202**

31 **HR2-2-103**

32 **HR2-4-101**

33 **HR2-4-101.2**

34 **HR2-4-101.3**

35 **HR2-4-101.4**

36 **HR2-4-102**

37 **HR3-2-202**

38 **HR3-2-317**

39 **HR3-2-406**

40 **HR3-2-407**

41 **HR3-2-408**

42 **HR3-2-510**

43 **HR3-2-511**

44 **HR4-4-203**

45 **Legislative Rules Affected by Coordination Clause:**

46 **HR2-4-101.2**

47 **HR2-4-102**



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

50 Section 1. **HR1-4-202** is amended to read:

51 **HR1-4-202. Duties of the sergeant-at-arms.**

52 The sergeant-at-arms and the employees under the sergeant's direction shall:

- 53 (1) maintain security in areas controlled by the House;
- 54 (2) enforce the House Rules at the direction of the presiding officer of the House;
- 55 (3) enforce the provision of Utah Code Title 26, Chapter 38, Utah Indoor Clean Air

56 Act, in areas controlled by the House; [~~and~~]

57 (4) when the House is convened in annual general session or special session, receive
 58 and, in coordination with the chief clerk, transmit written messages to representatives on the
 59 House floor from or on behalf of individuals who are present at the capitol; and

60 ~~[(4)]~~ (5) provide other service as requested by the chief clerk or the speaker.

61 Section 2. **HR2-2-103** is amended to read:

62 **HR2-2-103. Disorderly conduct in House -- Items prohibited in House gallery.**

63 (1) (a) The speaker or presiding officer may order the House areas or gallery cleared if
 64 a disturbance occurs.

65 ~~[(2)]~~ (b) The sergeant-at-arms shall enforce this ~~[rule]~~ subsection in the areas
 66 controlled by the House.

67 (2) Signs, banners, placards, and other similar materials are prohibited in the House
 68 gallery.

69 Section 3. **HR2-4-101** is amended to read:

70 **HR2-4-101. Definitions.**

71 As used in this chapter:

72 (1) "Former legislator" means a person who is not a current member of the Legislature,
 73 but who served in the Utah House or Utah Senate at one time.

74 ~~[(2) "Governor's staff" means:]~~

75 ~~[(a) a person employed directly by the Office of the Governor or the Office of the~~
 76 ~~Lieutenant Governor; and]~~

77 ~~[(b) the director of the Office of Planning and Budget.]~~

78 ~~[(3)]~~ (2) (a) "Guest" means an individual who is afforded access to the House space
 79 under a provision of this chapter, who is not an individual described in Subsection ~~[(3)(b)]~~
 80 (2)(c) or a special guest as described under [HR2-4-101.2\(5\)](#).

81 (b) "Guest" includes:

82 (i) the governor, the lieutenant governor, the state attorney general, the state treasurer,
 83 the state auditor, and governor's staff; and

84 (ii) a former legislator who is an individual described in Subsection (2)(b)(i).

85 ~~[(b)]~~ (c) "Guest" does not mean a legislator, a member of House or Senate staff, a
 86 member of professional legislative staff, a House intern, or a lobbyist~~[, the governor, the~~
 87 ~~lieutenant governor, the state attorney general, the state treasurer, or the state auditor].~~

88 [~~(4)~~] (3) "House conference rooms" means one of the conference rooms adjacent to the
89 House lounge, speaker's office, or the majority caucus room.

90 [~~(5)~~] (4) "House halls" means the passageways that allow access to:

91 (a) the House chamber;

92 (b) the House lounge;

93 (c) the House offices; or

94 (d) any other nonpublic areas adjoining the House chamber.

95 [~~(6)~~] (5) "House intern" means an individual who is:

96 (a) an official participant in the student intern program sponsored by the Utah
97 Legislature and administered by the Office of Legislative Research and General Counsel; and

98 (b) is assigned to a representative.

99 [~~(7)~~] (6) "House offices" means:

100 (a) Representatives' offices adjacent to the House chamber;

101 (b) Representatives' offices on the third and fourth floors of the capitol building;

102 (c) Representatives' offices in the House building; and

103 (d) kitchens, restrooms, elevators, and any auxiliary rooms in the nonpublic areas
104 connected with the offices listed above.

105 [~~(8)~~] (7) "House or Senate staff" means an individual who is employed directly by the
106 House or Senate.

107 [~~(9)~~] (8) (a) "House space" means the House chamber, House lounge, House offices,
108 House halls, and House conference rooms.

109 (b) "House space" does not mean the common public space outside the House
110 chamber.

111 [~~(10)~~] (9) "Immediate family" means any parent, spouse, child, grandparent,
112 grandchild, great-grandparent, great-grandchild, sibling, aunt, uncle, niece, or nephew of a
113 member of the House, provided that the individual is not a lobbyist.

114 [~~(11)~~] (10) "Lobbying" means communicating with a legislator for the purpose of
115 influencing the passage, defeat, amendment, or postponement of legislative action.

116 [~~(12)~~] (11) "Lobbyist" means an individual who is required to register as a lobbyist by
117 Utah Code Section [36-11-103](#).

118 [~~(13)~~] (12) "Professional legislative staff" means an individual employed by one of the

119 Legislature's profession-based staff offices, namely the Office of Legislative Research and
 120 General Counsel, the Office of the Legislative Fiscal Analyst, the Office of the Legislative
 121 Auditor General, or the Office of Legislative Printing.

122 Section 4. **HR2-4-101.2** is amended to read:

123 **HR2-4-101.2. Admittance to House floor -- Prohibition against lobbying -- Rules**
 124 **for lobbyists on House floor.**

125 (1) ~~[White]~~ Except as otherwise provided in this rule, while the House is convened in
 126 annual general session or special session, only the following individuals are permitted on the
 127 House floor:

128 (a) a legislator;

129 (b) a member of House or Senate staff;

130 (c) a member of professional legislative staff;

131 (d) a House intern; and

132 (e) a former legislator who is not ~~[a lobbyist, and]~~;

133 (i) a lobbyist; or

134 ~~[(f)]~~ (ii) the governor, lieutenant governor, state attorney general, state treasurer, [and]
 135 or state auditor.

136 (2) (a) While the House is convened in annual general session or special session, a
 137 representative may invite one ~~[of the following individuals as a]~~ guest who is not a lobbyist to
 138 accompany the representative on the House floor, provided that:

139 ~~[(i) a member of the representative's immediate family;]~~

140 ~~[(ii) an administrative assistant other than a House intern; or]~~

141 ~~[(iii) a constituent who resides in the member's district.]~~

142 (i) the guest sits next to the representative;

143 (ii) the representative ensures that the guest does not impede staff work, distract from
 144 the work of the House, or encroach on a neighboring representative's desk;

145 (iii) the guest complies with the requirements of this rule, [HR2-4-102](#), and [HR2-4-103](#);

146 and

147 (iv) no representative objects.

148 (b) A representative may have no more than one guest on the House floor at any one
 149 time.

150 ~~[(c) A representative who invites a guest onto the House floor shall:]~~
151 ~~[(i) if the guest is not seated next to the representative as permitted under HR2-4-102;~~
152 ~~ensure that the guest sits on a bench on the House floor, provided that seating is available; and]~~
153 ~~[(ii) ensure that the guest stays only for a short visit not to exceed one hour.]~~

154 (3) A lobbyist, a guest, or an individual described in Subsection (1)(e)~~[-Subsection~~
155 ~~(1)(f), or Subsection (2)]~~ is prohibited from lobbying on the House floor.

156 (4) (a) Except as provided in this Subsection (4), a lobbyist is not permitted on the
157 House floor.

158 (b) A representative sponsoring a piece of legislation being debated by the House may
159 invite one lobbyist with expertise on the legislation being considered to be present on the
160 House floor during the presentation and debate on the legislation, if:

161 (i) the representative informs the sergeant-at-arms that the lobbyist is present on the
162 House floor;

163 (ii) the representative ensures that the lobbyist is seated on a bench on the House floor
164 during the presentation and debate on the legislation;

165 (iii) the representative ensures that the lobbyist does not engage in lobbying on the
166 House floor; and

167 (iv) the lobbyist leaves the House floor when the House moves to another item of
168 business.

169 (c) If the representative sponsoring the legislation needs the assistance of the lobbyist
170 during the course of debate on the legislation, the representative may request permission of the
171 speaker to have the lobbyist approach the representative sponsoring the legislation to provide
172 the needed information to the representative.

173 (5) The speaker or the speaker's designee may authorize special guests to be present in
174 the House chamber or on the House floor.

175 ~~[(6) A representative who is visited by two or more guests shall arrange with the~~
176 ~~sergeant-at-arms for the guests to be seated in the House gallery.]~~

177 Section 5. **HR2-4-101.3** is amended to read:

178 **HR2-4-101.3. Admittance to the House lounge.**

179 (1) While the House is convened in annual general session or special session only the
180 following individuals are permitted in the House lounge:

- 181 (a) a legislator;
- 182 (b) a member of House or Senate staff;
- 183 (c) a member of professional legislative staff;
- 184 (d) a member of the representative's immediate family;
- 185 (e) a House intern;
- 186 (f) a former legislator who is not [~~a lobbyist~~];
- 187 (i) a lobbyist; or
- 188 ~~[(g)]~~ (ii) the governor, [the] lieutenant governor, [the] state attorney general, [the] state
- 189 treasurer, [and the] or state auditor; and
- 190 ~~[(h) the governor's staff, or a staff member for the attorney general, the state treasurer,~~
- 191 ~~or the state auditor; and]~~
- 192 ~~[(i)]~~ (g) a lobbyist or guest as provided in Subsection (2).
- 193 (2) (a) A representative may invite a small number of lobbyists or guests to meet with
- 194 the representative in the House lounge for the purpose of educating the lobbyists or guests
- 195 about the legislative process or to discuss specific legislative issues.
- 196 (b) The representative shall ensure that the lobbyists and guests leave the House space
- 197 when the meeting is over.
- 198 Section 6. **HR2-4-101.4** is amended to read:
- 199 **HR2-4-101.4. Admittance to the House offices, conference rooms, and halls.**
- 200 (1) While the House is convened in annual general session or special session only the
- 201 following individuals are permitted in the House offices:
- 202 (a) a legislator;
- 203 (b) a member of House or Senate staff;
- 204 (c) a member of professional legislative staff;
- 205 (d) a House intern;
- 206 (e) a member of the representative's immediate family;
- 207 (f) a former legislator who is not [~~a lobbyist; and~~];
- 208 (i) a lobbyist; or
- 209 (ii) the governor, lieutenant governor, state attorney general, state treasurer, or state
- 210 auditor; and
- 211 (g) a lobbyist or guest, as provided in Subsection (3).

212 (2) An administrative assistant who is not a House intern is permitted in:
213 (a) the office of the representative who is employing the administrative assistant;
214 (b) the common areas of the House offices;
215 (c) a conference room in the House space, when meeting to discuss legislative business
216 with a representative; and
217 (d) the office of another representative with the consent of that representative.

218 (3) (a) A representative may invite a small number of lobbyists or guests to meet with
219 the representative in the representative's House office or a House conference room to discuss
220 specific legislative issues.

221 (b) The representative shall ensure that the lobbyists and guests leave the House space
222 when the meeting is over.

223 (4) (a) While the House is convened as a body on the House floor, and except as
224 provided in Subsection (4)(b), only the following individuals are allowed in the House halls:

- 225 (i) a legislator;
- 226 (ii) a member of House or Senate staff;
- 227 (iii) a member of professional legislative staff;
- 228 (iv) a House intern;
- 229 (v) an administrative assistant who is not a House intern; and
- 230 (vi) a former legislator who is not [~~a lobbyist, and~~];
- 231 (A) a lobbyist; or

232 [~~(vii)~~] (B) the governor, lieutenant governor, state attorney general, state treasurer,
233 [~~and~~] or state auditor.

234 (b) Immediate family of a representative, a lobbyist, a guest, an administrative assistant
235 who is not a House intern, or any other authorized individual who is in transit to the House
236 chamber, House lounge, or House offices may pass through the House halls when traveling to
237 and from an authorized destination.

238 (5) An administrative assistant to a representative who is a not a House intern is not
239 permitted to use or be issued an access badge that grants access to the House floor, House
240 lounge, House offices, House conference rooms, or House hallways.

241 Section 7. **HR2-4-102** is amended to read:

242 **HR2-4-102. Representatives' chairs and seating on the House floor.**

243 (1) No one other than the speaker may occupy the chair or use the desk of the speaker,
244 without the speaker's authorization.

245 (2) When the House is convened in session, only the representative assigned to a desk
246 and chair may occupy the chair or use the desk, except that a legislator may sit in the chair of
247 another legislator.

248 (3) ~~When~~ In accordance with [HR2-4-101.2](#), when the House is convened in session, a
249 representative may invite one individual to sit next to the representative on the House floor~~[-if~~
250 ~~the representative complies with the requirements of [HR2-4-101.2](#) and the invited individual~~
251 ~~is:]~~.

252 ~~[(a) another legislator;]~~

253 ~~[(b) a member of House or Senate staff;]~~

254 ~~[(c) a member of professional legislative staff;]~~

255 ~~[(d) a House intern;]~~

256 ~~[(e) a member of the representative's immediate family;]~~

257 ~~[(f) a constituent who resides in the representative's district, or]~~

258 ~~[(g) a special guest who is authorized to access the House floor under~~

259 ~~[HR2-4-101.2](#)(5).]~~

260 Section 8. **HR3-2-202** is amended to read:

261 **HR3-2-202. Speaker to appoint committee members, chairs, and vice chairs.**

262 (1) The speaker of the House shall appoint members of the House to each standing
263 committee.

264 (2) The speaker of the House shall appoint a chair to each standing committee.

265 (3) The speaker of the House may appoint a vice chair to each standing committee.

266 (4) A vice chair may perform the duties of a chair:

267 (a) as requested by the chair; or

268 (b) in the absence of the chair.

269 (5) The chair, or the vice chair as authorized under Subsection (4), may designate a
270 member of the committee to conduct a standing committee meeting ~~[when neither the chair nor~~
271 ~~the vice chair is able to attend a meeting].~~

272 (6) A committee member designated under Subsection (5) may conduct a committee
273 meeting but may not perform the duties of a chair described in [HR3-2-302](#) and [HR3-2-303](#).

274 Section 9. **HR3-2-317** is amended to read:

275 **HR3-2-317. Chair to decide points of order -- Committee may appeal chair's**
276 **decision.**

277 (1) A chair shall rule on a point of order without committee discussion or debate.

278 (2) As provided in [~~HR3-2-506~~] [HR3-2-507](#), a committee member may:

279 (a) make a point of order; or

280 (b) appeal the decision of the chair.

281 Section 10. **HR3-2-406** is amended to read:

282 **HR3-2-406. Amending legislation -- Verbal amendments -- Amendments must be**
283 **germane.**

284 (1) (a) [~~Except as provided in~~] Subject to Subsection (2) and [HR3-2-306](#), and if
285 recognized by the chair during the sponsor presentation phase or the committee action phase, a
286 committee member may make a motion to amend the legislation that is under consideration.

287 (b) (i) A committee member may propose a verbal amendment to the legislation under
288 consideration if the amendment contains 15 or fewer words.

289 (ii) Before proposing a motion to amend, a committee member shall ensure that a
290 proposed amendment that contains more than 15 words is printed and distributed to committee
291 staff and to all committee members present.

292 (iii) Each word inserted shall count as one of the 15 words permitted under a verbal
293 amendment, except that:

294 (A) numbering shall not be counted as a word;

295 (B) instructions to delete a word or words shall not count as a word; and

296 (C) a word or an exact phrase that is inserted in multiple locations shall only be
297 counted for the first insertion.

298 (2) (a) A committee member may only make a motion to amend that is germane to the
299 subject of the legislation under consideration.

300 (b) A committee member who believes that an amendment is not germane to the
301 subject of the legislation may make a point of order or appeal as described in [HR3-2-506](#).

302 Section 11. **HR3-2-408** is amended to read:

303 **HR3-2-408. Legislation tabled in a standing committee -- Requirements.**

304 (1) If legislation is tabled, the chair shall list the tabled legislation on the committee

305 agenda for the next committee meeting.

306 (2) At the next committee meeting, the committee may, by a two-thirds vote, lift the
307 tabled legislation from the table.

308 (3) If a motion to lift tabled legislation is successful, the standing committee may make
309 any motion on the legislation that is authorized under this chapter.

310 (4) (a) If legislation is tabled by a committee and the legislation is not lifted from the
311 table at the committee's next meeting, the committee chair shall submit a committee report to
312 the chief clerk of the House informing the House that the legislation was tabled.

313 (b) After reading the committee report on the tabled legislation, the chief clerk of the
314 House shall send the tabled legislation to the House Rules Committee for filing.

315 (5) After tabled legislation is sent to the House Rules Committee for filing, a
316 representative may not make a motion to:

317 (a) lift the tabled legislation from the House Rules Committee and place it on the third
318 reading calendar; or

319 (b) lift the tabled legislation from the House Rules Committee and refer it to a standing
320 committee for consideration.

321 Section 12. **HR3-2-407** is amended to read:

322 **HR3-2-407. Substitute legislation -- Substitutes must be germane.**

323 (1) Except as provided in Subsection (2), and if recognized by the chair during the
324 committee action phase, a committee member may make a motion to substitute legislation that
325 is under consideration.

326 (2) (a) A committee member may only make a motion to substitute that is germane to
327 the subject of the legislation under consideration.

328 (b) A committee member who believes that [~~an amendment~~] a substitute is not
329 germane to the subject of the legislation may make a point of order or appeal as described in
330 [HR3-2-507](#).

331 Section 13. **HR3-2-510** is amended to read:

332 **HR3-2-510. Prohibited motions.**

333 (1) (a) Except for a motion to adjourn, a committee member may not make a motion
334 unless a quorum of the standing committee is present.

335 (b) When a quorum is not present, a motion to adjourn is passed with a majority vote

336 of those present.

337 (2) No motion is in order during a vote.

338 (3) A point of order is not in order during a vote.

339 (4) A committee member may not make a motion to:

340 (a) strike the enacting clause of legislation;

341 (b) strike the resolving clause of a resolution;

342 (c) circle legislation; [~~or~~]

343 (d) place legislation on a time certain calendar[-];

344 (e) postpone legislation to a day certain; or

345 (f) postpone legislation indefinitely.

346 Section 14. **HR3-2-511** is amended to read:

347 **HR3-2-511. Repeating defeated motion.**

348 (1) Except as provided in Subsection (2), a motion that is defeated may not be made by
349 a committee member until the committee has considered other committee business.

350 (2) A motion to [~~postpone legislation to a day certain, to postpone legislation~~
351 ~~indefinitely, or to~~] return legislation to the House Rules Committee, if defeated, may not be
352 made again by any committee member during the same committee meeting.

353 Section 15. **HR4-4-203** is amended to read:

354 **HR4-4-203. Motion to lift legislation from committee.**

355 (1) (a) [~~A~~] Except as provided in Subsection (1)(b), a representative may make a
356 motion to lift legislation from a standing committee or the House Rules Committee and place it
357 on the third reading calendar.

358 (b) A representative may not make a motion under Subsection (1)(a) if the legislation
359 was tabled by a standing committee.

360 (2) Except as provided in Subsections (3) and (4), a motion to lift legislation from a
361 standing committee or the House Rules Committee may be approved with a majority vote of
362 the members present.

363 [~~(3) (a) A motion to lift legislation that was tabled by a standing committee requires a~~
364 ~~vote of two-thirds of the members present.]~~

365 [~~(b)~~] (3) A motion to lift legislation that failed to pass a standing committee motion to
366 send the legislation to the second reading calendar requires a vote of two-thirds of the members

367 present.

368 (4) A motion to lift legislation during the 43rd, 44th, and 45th day of the annual
369 general session, and during any special session, requires a vote of two-thirds of the members
370 present.

371 (5) If a motion to lift legislation is approved, the presiding officer shall direct that the
372 legislation be placed on the third reading calendar.

373 Section 16. **Coordinating H.R. 4 with H.R. 2 -- Superseding technical and**
374 **substantive amendments.**

375 If this H.R. 4 and H.R. 2, House Rules Resolution - House Floor Conduct, both pass, it
376 is the intent of the House of Representatives that the amendments to [HR2-4-101.2](#) and
377 [HR2-4-102](#) in this resolution supersede the amendments to [HR2-4-101.2](#) and [HR2-4-102](#) in
378 H.R. 2 when the Office of Legislative Research and General Counsel prepares the Legislative
379 Rules database for publication.