LEGISLATIVE RULES

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JOINT RULES

JOINT RULES

TITLE 1. JOINT RULES GOVERNING GENERAL LEGISLATIVE ORGANIZATION AND PROCESS

CHAPTER 1. RULES OF PROCEDURE

JR1-1-101. Sources governing legislative procedure.

Rules of legislative procedure are derived from several sources and take precedence in the following order:

(1) constitutional provisions, statutory provisions, and case law;
(2) these legislative rules;
(3) custom, usage, and practice; and
(4) Mason's Manual of Legislative Procedure.

JR1-1-102. Adoption of Legislative Rules.

(1) (a) At the beginning of each legislative session, the Legislature shall adopt Joint Rules and the Interim Rules by a constitutional two-thirds vote of all senators and representatives.

(b) Except as provided in Subsection (1)(c), after the initial adoption of Joint and Interim Rules, the Legislature may adopt additional Joint and Interim Rules or amend or repeal existing Joint or Interim Rules by a constitutional majority vote.

(c) The Legislature may adopt or amend a Joint or Interim Rule that includes a voting requirement of more than a constitutional majority only by a constitutional two-thirds vote of all senators and representatives.

(2) The Senate and House Rules Committees shall:
(a) meet before each annual general session of the Legislature convenes;
(b) review Joint Rules and Interim Rules; and
(c) recommend to the Legislature any modifications that they consider necessary.

CHAPTER 2. CONVENING AND ADJOURNING THE LEGISLATURE

Part 1. Convening the Legislature

JR1-2-101. Convening the Legislature -- Process -- Date.

(1) The Legislature shall convene:

(a) on the date set by the Utah Constitution for the beginning of the annual general session; or

(b) on the date set by the governor in the proclamation that calls the Legislature into special session.

(2) The Legislature shall convene by:
(a) each house being called to order;
(b) having an invocation;

(c) reciting the pledge of allegiance;

(d) reading the certificates of election and giving the oath of office to legislators, if necessary;

(e) calling the roll and declaring whether or not a quorum is present;

(f) electing a presiding officer, if necessary;

(g) appointing standing committees, if necessary;

(h) adopting rules;

(i) giving and receiving the notifications required in JR1-2-102 and JR1-2-103; and

(j) introducing bills.

(3) Nothing in this rule:

(a) requires the Senate or House to perform the items in this rule in a particular order; or

(b) prohibits the Senate or House from adding or deleting items.

(4) The daily order of business set forth in SR1-5-103 and HR1-5-103 governs on all legislative days other than the day on which the Legislature convenes.

JR1-2-102. Notification of organization of each house.

Immediately after the organization of the Senate and House of Representatives at the beginning of each session of the Legislature, each house shall appoint a committee composed of three legislators to notify the other house that it is organized and ready to transact business.

JR1-2-103. Joint Committee to notify governor.

Upon a motion of the respective houses, a joint committee consisting of three senators and three representatives shall be appointed to inform the governor personally that:

(1) both houses of the Legislature have convened and are organized; and

(2) they are ready to receive any communications from the governor.

Part 2. Adjourning the Legislature

JR1-2-201. Consent of other house required.

(1) Except as provided in Subsection (2), each house may adjourn from day to day until:

(a) the constitutional time limit for an annual general session or special session expires;

(b) the Legislature is dissolved because the terms of office of a majority of the members of the legislative body have expired; or

(c) the Legislature adjourns sine die.

(2) As provided in Utah Constitution, Article VI, Section 15, neither house may adjourn for more than three days unless the other house consents by majority vote.

JR1-2-202. Adjournment sine die.

(1) (a) If the Legislature is meeting until midnight on the last day of any session, the speaker and the president shall, at midnight, announce the time to the members of their respective houses.

(b) Each house shall cease its business at midnight.

(2) Adjournment sine die shall be made after:

(a) a committee from each house has notified the opposite house that they have completed their work;

(b) a joint committee has notified the governor that the Legislature has completed its work; and

(c) the governor has informed the joint committee that he has nothing further to present to the Legislature.

CHAPTER 3. RECORD AND DISTRIBUTION OF LEGISLATIVE ACTION

Part 1. Recording Legislative Action

JR1-3-101. Secretary and chief clerk to keep records of action.

(1) The secretary of the Senate and the chief clerk of the House, or their designees, shall record on each bill's jacket each action on every bill or resolution taken by the Senate and House of Representatives.

(2) (a) The Senate secretary or her designee shall ensure that adopted Senate amendments are inserted in the bill on goldenrod paper.

(b) The chief clerk of the House or her designee shall ensure that adopted House amendments are inserted in the bill on lilac paper.

JR1-3-102. Senate and House Journals.

(1) Each house shall:

(a) keep a journal of its proceedings;

(b) publish the journal daily;

(c) ensure that its journal is continuous during the legislative session, with pages numbered in consecutive order;

(d) ensure that the vote on final passage of each bill is by yeas and nays and is entered upon the journal;

(e) ensure that the vote on any other question is by yeas and nays and is entered upon the journal at the request of five members of that house; and

(f) base the journal upon the record of the proceedings taken by the reading or docket clerk and the electronic recording of those proceedings.

(2) The secretary of the Senate and the chief clerk of the House of Representatives shall provide a final certification of the journal for their respective house.

Part 2. Use of Legislative Seal

JR1-3-201. Authorized use of legislative seal.

(1) As used in this rule:

(a) "Legislative business" means activities performed by a legislator, during the legislator's term of office that are within the course and scope of the work of a legislator.

(b) "Legislative business" includes the use of the legislative seal on letterhead, memoranda, facsimile cover sheets, news releases, and other materials.

(c) "Legislative seal" means the emblem of the Utah State Senate or Utah House of Representatives designed and adopted by each body to authenticate official communications of the body or its members.

(2) (a) Each legislator shall ensure that, in using the legislative seal, the reputation and integrity of the legislative institution is preserved.

(b) A legislator may use the legislative seal for legislative business on personalized legislative stationary, business cards, and on other documents.

(c) The legislative seal may not be used on any political campaign materials.

(d) A person may not use the seal for any purpose once the person ceases to be a legislator.

(3) The Senate and House shall provide to a member, upon request, an electronic or camera-ready copy of the legislative seal.

CHAPTER 4. MISCELLANEOUS RULES

Part 1. Procurement

JR1-4-101. Request for proposals.

(1) A legislator, a legislative committee, the House, the Senate, or a staff office may request that the Legislative Management Committee issue a request for proposals to obtain a good or service for the Legislature, a legislative committee, the House, or the Senate.

(2) A person may not issue, on behalf of the Legislature, a legislative committee, the House, or the Senate, a request for proposals, unless authorized by the Legislative Management Committee.

(3) Upon approving the issuance of a request for proposals, the Legislative Management Committee:

(a) shall assign the drafting of the request for proposals to the Office of Legislative Research and General Counsel;

(b) may assign another staff office to work with the Office of Legislative Research and General Counsel in drafting the request for proposals;

(c) shall assign a person, committee, group of people, or staff office to review the draft request for proposals and give final approval for the request for proposals to be issued as drafted;

(d) may assign a committee, person, group of people, or staff office to review responses to the request for proposals and to make a recommendation regarding award of a contract;

(e) shall assign a committee, person, group of people, or staff office to make a final decision regarding whether to award a contract and to whom the contract shall be awarded; and

(f) if the request for proposals is for an analysis, report, recommendation, or consultation, may assign a committee, person, group of people, or staff office to:

(i) review the analysis, report, recommendation, or consultation;

(ii) determine whether the contractor fulfilled its obligations in a satisfactory manner; and

(iii) authorize payment to the contractor.

(4) The Office of Legislative Research and General Counsel is responsible for advising

and assisting a person or entity described in this rule in relation to the legal requirements of the request for proposals process.

(5) This rule does not apply to a request for proposals issued by a staff office to obtain a good or service solely for a staff office.

TITLE 2. SPECIAL SESSIONS AND VETO OVERRIDE SESSION

CHAPTER 1. SPECIAL SESSIONS

JR2-1-101. Annual general session rules apply.

Except as otherwise provided in this chapter, rules adopted by each house of the Legislature during the immediately preceding annual general session apply to the conduct of that house during a special session.

JR2-1-102. Introduction of bills.

Legislation authorized by the governor's special session proclamation may be introduced in either house at any time during a special session of the Legislature.

JR2-1-103. Motion to reconsider.

A motion to reconsider a piece of special session legislation may be made at any time during that special session of the Legislature.

CHAPTER 2. VETO OVERRIDE SESSIONS

Part 1. General Veto Override Procedures

JR2-2-101. Veto override process.

(1) A bill passed by the Legislature and vetoed by the governor shall be reconsidered first in the house of origin of the bill.

(2) (a) When a vetoed bill is returned to the House or Senate by the governor, it shall be placed on the third reading calendar.

(b) The Legislature may not amend or otherwise modify a vetoed bill or item of appropriation.

(3) If a constitutional two-thirds of the members elected to the first house vote to pass the bill, it shall be sent to the other house, together with the governor's objections.

(4) If a constitutional two-thirds of the members elected to the other house approve the bill, the bill becomes law.

Part 2. Veto Override Sessions

JR2-2-201. Poll to convene and calling a veto override session.

(1) (a) If the Legislature is prevented by adjournment sine die from reconsidering any vetoed bill or item of appropriation vetoed by the governor, the president of the Senate and the

speaker of the House shall poll their respective members by mail or other means to determine if the Legislature shall convene to reconsider vetoed legislation.

(b) Each member shall respond to the poll in writing, by telephone, or other available means.

(2) (a) The president and speaker shall notify the governor about the results of the poll.

(b) The sponsor of a bill being considered for the veto override shall be provided, upon request, the itemized list of how each legislator responded to the poll.

(3) (a) If two-thirds of the members of each house are in favor of convening a veto override session, the Legislature shall convene in a veto override session not to exceed five calendar days, at a time agreed upon by the president and speaker.

(b) A veto override session, if called, shall be convened prior to 60 days after the adjournment of the session at which the bill or appropriation item under consideration was passed.

(4) (a) The presiding officers shall issue the call of the veto override session of the Legislature to their members.

(b) The call shall contain a list of each bill and appropriation item vetoed by the governor and the date and time for convening the veto override session.

(5) The Legislature shall consider the vetoed bills and appropriation items according to the process outlined in JR2-2-101.

JR2-2-202. Scope.

The Legislature may consider only bills or appropriation items vetoed by the governor and may not consider any bill or appropriation item that was not vetoed by the governor.

JR2-2-203. Rules governing.

Except as otherwise provided in this chapter, the rules adopted by each house of the Legislature during the immediately preceding annual general session apply to the conduct of that house during a veto override session.

TITLE 3. JOINT CONVENTIONS AND JOINT COMMITTEES

CHAPTER 1. JOINT CONVENTIONS

JR3-1-101. Process for calling and conducting -- Scope.

(1) (a) The president of the Senate and the speaker of the House may, by mutual consent, call joint conventions of the two houses and shall include in the call the purpose for which the joint convention is called.

(b) Joint conventions shall be held in the chambers of the House of Representatives, with the president of the Senate presiding.

(2) At the time fixed for the joint convention:

(a) the House of Representatives shall prepare to receive the Senate; and

(b) the Senate shall proceed to the chamber of the House of Representatives.

(3) The secretary of the Senate and the chief clerk of the House of Representatives shall:

(a) act as secretaries of the joint convention; and

(b) enter the proceedings of the convention in the journal of at least one house.

(4) At a joint convention, members of either house may not engage in the transaction of any business other than that for which they were assembled.

JR3-1-102. Rules governing joint conventions.

(1) The House Rules govern the proceedings in joint convention except those House Rules that are clearly not applicable.

(2) (a) Absent House members may be compelled to attend joint conventions under House Rules.

(b) Absent Senate members may be compelled to attend joint conventions under Senate Rules.

(c) The sergeant-at-arms of each house shall attend joint conventions to compel the attendance of absent members if called upon.

(3) Joint conventions may adjourn from time to time as necessary.

CHAPTER 2. JOINT COMMITTEES

Part 1. General Rules Governing Joint Committees

JR3-2-101. Interim Rules govern.

Committees of the Legislature meeting jointly shall be organized and operate under the Interim Rules, as applicable.

JR3-2-102. Minimum membership.

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

JR3-2-103. Announcing the vote.

(1) After a joint committee votes, 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) verbally identify by name either the committee members who voted "yes" or the committee members who voted "no."

(2) Members dissenting from a committee report may file a minority report or may be listed on the majority report as dissenting.

Part 2. Standing Committees

JR3-2-201. Standing committees.

The chairs of like committees in each house may convene joint committee meetings and hearings on legislative subjects of common interest.

Part 3. Joint Appropriations Committee and Appropriation Subcommittees

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

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

JR3-2-302. Appropriation subcommittees -- Created -- Membership -- Quorum and voting requirements.

(1) The members of the Joint Appropriations Committee shall be divided into the following subcommittees:

(a) Infrastructure and General Government;

(b) Business, Economic Development, and Labor;

(c) Executive Offices and Criminal Justice;

(d) Social Services;

(e) Higher Education;

(f) Natural Resources, Agriculture, and Environmental Quality;

(g) Public Education; and

(h) Retirement and Independent Entities.

(2) (a) Subject to Subsection (3), the president of the Senate and speaker of the House shall appoint their respective members to each subcommittee.

(b) (i) The president of the Senate shall designate one senator in each subcommittee as the Senate chair.

(ii) The speaker of the House shall designate one representative in each subcommittee as the House chair and one representative in each subcommittee as the House vice chair.

(3) The Retirement and Independent Entities Subcommittee shall have the same members as the Retirement and Independent Entities Committee created in Section 63E-1-201.

(4) (a) A majority of any appropriations subcommittee is a quorum for the transaction of business.

(b) In determining a subcommittee quorum, a majority is at least 50% in one house and more than 50% in the other.

(5) (a) In all decisions of the subcommittees, a majority vote prevails.

(b) A majority vote is at least 50% of the members of one house and more than 50% in the other house in attendance.

Part 4. Executive Appropriations Committee and Appropriation Process -- Session

JR3-2-401. Executive appropriations -- Creation -- Membership -- Quorum and voting requirements.

(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 person is a member of the majority party and the designee is approved by the speaker or the president; or

(b) the person is a member of the minority party and the designee is approved by the House or Senate minority party leader.

(3) (a) A majority of the Executive Appropriations Committee is a quorum for the transaction of business.

(b) In determining a committee quorum, a majority is at least 50% in one house and more than 50% in the other.

(4) (a) In all decisions of the Executive Appropriations Committee, a majority vote prevails.

(b) A majority vote is at least 50% of the members of one house and more than 50% of the members of the other house in attendance.

(5) The Office of Legislative Fiscal Analyst shall staff the Executive Appropriations Committee and its subcommittees.

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

(1) As used in this rule:

(a) "Base budget" means amounts appropriated by the Legislature for each item of appropriation for the current fiscal year that:

(i) are not designated as one-time in an appropriation, regardless of whether or not the appropriations is covered by ongoing or one-time revenue sources; and

(ii) were not vetoed by the governor, unless the Legislature overrode the veto.

(b) "Base budget" includes:

(i) any changes to those amounts approved by the Executive Appropriations Committee; and

(ii) amounts appropriated for debt service.

(2) (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;

(ii) decide whether or not to set aside special allocations for the end of the session;

(iii) approve the appropriate amount for each subcommittee to use in preparing its

budget;

(iv) set a budget figure; and

(v) adopt a base budget in accordance with Subsection (2)(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 (2)(a), appropriations from the General Fund, the Education Fund, and the Uniform School Fund shall be set as follows:

(i) if the next fiscal year ongoing revenue estimates set under Subsection (2)(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 (2)(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; and

(iii) in making a reduction under Subsection (2)(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 (2)(b)(ii).

(c) The chairs of each appropriation subcommittee are invited to attend this meeting.

(3) Appropriations subcommittees may not meet while the Senate or House is in session without special leave from the speaker of the House and the president of the Senate.

(4) All proposed items of expenditure to be included in the appropriations bills shall be submitted to one of the subcommittees named in JR3-2-302 for consideration and recommendation.

(5) (a) After receiving and reviewing subcommittee reports, the Executive Appropriations Committee may refer the report back to an 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.

(6) (a) After receiving the reports, the Executive Appropriations Committee chairs will report them to the Executive Appropriations Committee.

(b) That committee shall:

(i) make any further adjustments necessary to balance the budget; and

(ii) complete all decisions necessary to draft the final appropriations bill no later than the 38th day of the annual general session.

Part 5. Executive Appropriations Committee and Subcommittees -- Interim

JR3-2-501. Meetings -- 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) Appropriation subcommittees shall meet at least once during the interim and may also hold additional meetings if authorized by the Legislative Management Committee.

(3) (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.

JR3-2-502. In-depth budget review.

(1) Each year, the Executive Appropriations Committee shall:

(a) select a state agency, institution, or program to be the subject of an in-depth budget review; and

(b) direct an appropriation subcommittee to conduct the in-depth budget review of the agency and report back to the Executive Appropriations Committee.

(2) In conducting the in-depth budget review, the appropriations subcommittee shall:

(a) study, in detail, the budget of the agency, institution, or program;

(b) prepare a report making recommendations for reduction or additions to the budget of that agency, institution, or program; and

(c) present its findings and recommendations to the Executive Appropriations Committee.

Part 6. Conference Committees

JR3-2-601. Appointment and chairs.

(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) If the House refuses to recede, the speaker shall appoint a conference committee of three.

(d) If the speaker does not immediately appoint a conference committee, the president may appoint a conference committee.

(e) Whenever the president or speaker appoint 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 a like committee.

(f) After receiving the notice and request, the presiding officer of the other house shall appoint a conference committee of three.

(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) If the Senate refuses to recede, the president shall appoint a conference committee of three.

(d) If the president does not immediately appoint a conference committee, the speaker may appoint a conference committee.

(e) Whenever the president or speaker appoint 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 a like committee.

(f) After receiving the notice and request, the presiding officer of the other house shall appoint a conference committee of three.

(3) (a) The first senator named on the conference committee is the Senate chair of the committee, and the first representative named on the committee is the House chair.

(b) No more than two members of the conference committee may be members of the majority party.

(c) The conference committee chairs shall:

(i) arrange the time and place of all meetings; and

(ii) direct the preparation of reports.

JR3-2-602. 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, the presiding officer of each house may either appoint a new committee or reappoint the former committee.

(5) Before a bill being considered by a conference committee is abandoned, not to be reviewed again by either house during the remainder of the session, each house shall vote to refuse further conferences by the same committee or a new committee.

JR3-2-603. Conference committee report -- Contents -- Disposition.

(1) The conference committee's report shall be in writing.

(2) (a) Subject to Subsection (2)(b), the committee may report any modifications or amendments to the bill that they think 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) (a) After a motion to adopt the conference committee report is approved, the bill shall be put at the top of the third reading calendar in the first house for consideration.

(b) When the first house has acted on the bill, it shall transmit the bill and the report to the other house, along with a letter explaining its action.

(c) Before a house's vote is taken on the conference committee report, the report shall be read.

JR3-2-604. 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.

TITLE 4. BILLS AND RESOLUTIONS

CHAPTER 1. GENERAL PROVISIONS

Part 1. General Provisions and Format Requirements

JR4-1-101. Definitions.

As used in this title:

(1) "Bill" means legislation introduced for consideration by the Legislature that does any, some, or all of the following to Utah statutes:

(a) amends;

(b) enacts;

(c) repeals;

(d) repeals and reenacts; or

(e) renumbers and amends.

(2) "Boldface" means the brief descriptive summary of the contents of a statutory section prepared by the Office of Legislative Research and General Counsel that is printed for each title, chapter, part, and section of the Utah Code.

(3) "Concurrent resolution" means a written proposal of the Legislature and governor, which, to be approved, must be passed by both houses of the Legislature and concurred to by the governor.

(4) "Constitutional joint resolution" means a joint resolution proposing to amend, enact,

or repeal portions of the Utah Constitution which, to be approved for submission to the voters, must be passed by a two-thirds vote of both houses of the Legislature.

(5) "House resolution" means a written proposal of the House of Representatives which, to be approved, must be passed by the House of Representatives.

(6) "Joint resolution" means a written proposal of the Legislature which, to be approved, must be passed by both houses of the Legislature.

(7) "Laws of Utah" means all of the laws currently in effect in Utah.

(8) "Legislation" means bills and resolutions introduced for consideration by the Legislature.

(9) "Request for Legislation" means a formal request from a legislator or interim committee that a bill or resolution be prepared by the Office of Legislative Research and General Counsel.

(10) "Resolution" includes constitutional joint resolutions, other joint resolutions, concurrent resolutions, House resolutions, and Senate resolutions.

(11) "Senate resolution" means a written proposal of the Senate which, to be approved, must be passed by the Senate.

(12) "Statute" means a law that has met the constitutional requirements for enactment.

(13) "Statutory section" means the unique unit of the laws of Utah that is identified by a title, chapter, and section number.

Part 2. Bill Format

JR4-1-201. General bill format requirements.

(1) Each bill shall be typewritten or printed on paper 8-1/2 by 11 inches.

(2) (a) When a bill proposes to enact new law, all of the language proposed to be enacted by the bill shall be underlined.

(b) When a bill proposes to enact a statutory section of new law, all of the language in the entire section must be underlined.

(c) When a bill proposes to repeal an existing statutory section and reenact that statutory section using new language, the new language of the entire section shall be underlined.

(3) When a bill proposes to amend a statutory section without repealing the entire statutory section:

(a) all of the language to be repealed must appear between brackets with the letters struck through; and

(b) all of the new language proposed to be enacted by the bill must be underlined.

(4) When a bill proposes to repeal a statutory section, the statutory sections to be repealed shall be listed in the long title as required by these rules and listed by statutory section number and bold face at the end of the bill before any special clauses.

JR4-1-202. Specific bill format requirements.

(1) Each bill shall contain:

(a) a designation containing the information required by Subsection (2);

(b) a short title, which provides a short common description of the bill;

(c) the year and type of legislative session in which the bill is to be introduced;

(d) the phrase "State of Utah";

(e) the sponsor's name, after the heading "Chief Sponsor:";

(f) if the bill is a House bill that has passed third reading in the House, the Senate sponsor's name after the heading "Senate Sponsor:";

(g) if the bill is a Senate bill that has passed third reading in the Senate, the House sponsor's name after the heading "House Sponsor:";

(h) a list of cosponsors who are members of the same house as the chief sponsor, if any;

(i) a long title, which includes:

(i) a brief general description of the subject matter in the bill;

(ii) a list of each section of the Utah Code affected by the bill, which cites by statute number those statutes that the bill proposes be amended, enacted, repealed and reenacted, renumbered and amended, and repealed; and

(iii) for bills that contain an appropriation, the sum proposed to be appropriated by the bill unless the bill is an appropriation bill or supplemental appropriation bill whose single subject is the appropriation of money;

(j) an enacting clause in the following form: "Be it enacted by the Legislature of the state of Utah:"; and

(k) the subject matter, given in one or more sections.

(2) The designation shall be a heading that identifies the bill by its house of introduction and by unique number assigned to it by the Office of Legislative Research and General Counsel and shall be in the following form: "S.B." or "H.B." followed by the number assigned to the bill.

JR4-1-203. Effective date of bills.

(1) Unless otherwise directed by the Legislature, a bill becomes effective 60 days after the adjournment of the session at which it passed.

(2) The 60 days begins to run the day after the Legislature adjourns sine die.

Part 3. Resolution Format

JR4-1-301. General resolution format requirements.

(1) Each resolution shall be typewritten or printed on paper 8-1/2 by 11 inches.

(2) Each resolution shall contain:

(a) a designation containing the information required by Subsection (3);

(b) a short title;

(c) the year and type of legislative session in which the resolution is to be introduced;

(d) the phrase "State of Utah";

(e) the sponsor's name, after the heading "Chief Sponsor:";

(f) if the resolution is a House resolution that has passed third reading in the House, the Senate sponsor's name after the heading "Senate Sponsor:";

(g) if the resolution is a Senate resolution that has passed third reading in the Senate, the House sponsor's name after the heading "House Sponsor:";

(h) a long title, which shall include a list of constitutional sections, legislative rules, or

the Utah Supreme Court's Rules of Procedure or Rules of Evidence affected, if applicable;

(i) a resolving clause containing the information required by Subsection (4);

(j) for joint resolutions, concurrent resolutions, Senate resolutions, and House resolutions:

(i) one or more paragraphs that begin with the word "Whereas" that function as the preamble; and

(ii) one or more paragraphs that begin with the words "Be it Resolved" that identify the statement of purpose or policy; and

(k) special clauses including, if necessary, an effective date.

(3) The designation shall be a heading that identifies the resolution by its house of introduction and by unique number assigned to it by the Office of Legislative Research and General Counsel and shall be in the following form:

(a) for constitutional joint resolutions and joint resolutions: "S.J.R." or "H.J.R." followed by the number assigned to the joint resolution;

(b) for concurrent resolutions: "S.C.R." or "H.C.R." followed by the number assigned to the concurrent resolution;

(c) for Senate resolutions: "S.R." followed by the number assigned to the Senate resolution; or

(d) for House resolutions: "H.R." followed by the number assigned to the House resolution.

(4) Each resolution shall contain a resolving clause in one of the following forms:

(a) in a constitutional joint resolution, or in a joint resolution proposing to amend the Utah Supreme Court's Rules of Procedure or Rules of Evidence: "Be it resolved by the Legislature of the state of Utah, with at least two-thirds of all members elected to each of the two houses concurring:";

(b) in a joint resolution: "Be it resolved by the Legislature of the state of Utah:";

(c) in a concurrent resolution: "Be it resolved by the Legislature of the state of Utah, with the Governor concurring:";

(d) in a Senate resolution: "Be it resolved by the Senate of the state of Utah:"; or

(e) in a House resolution: "Be it resolved by the House of Representatives of the state of Utah:".

JR4-1-302. Effective date of resolutions.

Unless otherwise directed by the Legislature, a resolution becomes effective on the day that the resolution receives final approval from:

(1) the House of Representatives or the Senate, if it is a single house resolution;

(2) both the House of Representatives and the Senate, if it is a joint resolution;

(3) the House of Representatives, the Senate, and the governor, if it is a concurrent resolution; or

(4) the House of Representatives, the Senate, and the voters at the next general election, if it is a constitutional joint resolution.

JR4-1-303. Distribution of resolutions.

(1) (a) Subject to Subsection (2), the secretary of the Senate shall ensure that Senate Resolutions and Senate Joint Resolutions are distributed as required by the resolution.

(b) Subject to Subsection (2), the chief clerk of the House shall ensure that House Resolutions and House Joint Resolutions are distributed as required in the resolution.

(2) If either the House or the Senate, or both, enact a resolution urging action by the United States House of Representatives, the United States Senate, or the United States Congress as a whole, in informing those entities of the action, the resolution may only be sent to:

(a) the Utah congressional delegation;

(b) the speaker of the United States House of Representatives;

(c) the majority leader of the United States Senate; and

(d) at the request of the legislative sponsor, any member of the appropriate U.S. House or U.S. Senate committee or subcommittee.

Part 4. Amendments in Context

JR4-1-401. Identifying adopted amendments in context.

(1) When a Senate committee or floor amendment is adopted in the Senate, the Senate amendment shall be noted in the legislation with additional spacing and markers indicating the beginning and ending of the adopted Senate amendment.

(2) When a House committee or floor amendment is adopted in the House, the House amendment shall be noted in the legislation with additional spacing and markers indicating the beginning and ending of the adopted House amendment.

(3) (a) Notwithstanding JR4-1-201, and except as provided in Subsection (3)(b), when an additional section from the Utah Code is added to a bill by amendment:

(i) all of the language in the section that is to be repealed must appear between brackets with the letters struck through; and

(ii) all of the new language in the section that is proposed to be enacted by the bill must be underlined.

(b) If the additional section added to the bill by amendment is to be repealed, the text of the repealed section need not be included.

CHAPTER 2. REQUESTING AND INTRODUCING BILLS AND RESOLUTIONS

Part 1. Requesting Bills or Resolutions

JR4-2-101. Requests for legislation -- Contents -- Timing.

(1) (a) A legislator wishing to introduce a bill or resolution shall file a request for legislation with the Office of Legislative Research and General Counsel within the time limits established by this rule.

(b) The request for legislation shall designate:

(i) the chief sponsor, who is knowledgeable about and responsible for providing pertinent information as the legislation is drafted; and

(ii) any supporting legislators from the same house as the chief sponsor who wish to

cosponsor the legislation.

(2) (a) Any legislator may file a request for legislation beginning 60 days after the Legislature adjourns its annual general session sine die.

(b) A legislator-elect may file a request for legislation beginning on the November 15 after the annual general election at which the legislator was elected.

(c) (i) If an incumbent legislator does not file to run for reelection or is defeated in a political party convention, primary election, or general election, that legislator may not file any requests for legislation as of that date.

(ii) The Office of Legislative Research and General Counsel shall abandon each request for legislation from the legislator that is pending on that date unless, within 30 days after that date, another member of the Legislature qualified to file a request for legislation assumes sponsorship of the legislation.

(d) (i) If, for any reason, a legislator who filed a request for legislation is unavailable to serve in the next annual general session, the former legislator shall seek another legislator to assume sponsorship of each request for legislation filed by the legislator who is unavailable to serve.

(ii) If the former legislator is unable to find another legislator to sponsor the legislation within 30 days, the Office of Legislative Research and General Counsel shall abandon each pending request for legislation from the legislator who is unavailable to serve.

(3) (a) Except as provided in Subsection (3)(c), a legislator may not file a request for legislation with the Office of Legislative Research and General Counsel after noon on the 11th day of the annual general session.

(b) Except as provided in Subsection (3)(c), by noon on the 11th day of the annual general session, each legislator shall, for each request for legislation on file with the Office of Legislative Research and General Counsel, either approve the request for numbering or abandon the request.

(c) After the date established by this Subsection (3), a legislator may file a request for legislation and automatically approve the legislation for numbering if:

(i) for House legislation, the representative makes a motion to request a bill or resolution for drafting and introduction and that motion is approved by a constitutional majority of the House; or

(ii) for Senate legislation, the senator makes a motion to request a bill or resolution for drafting and introduction and that motion is approved by a constitutional majority vote of the Senate.

(4) A legislator wishing to obtain funding for a project, program, or entity, when that funding request does not require that a statute be enacted, repealed, or amended, may not file a request for legislation but instead shall file a request for appropriation by following the procedures and requirements of JR4-3-101.

JR4-2-102. Prioritizing legislation.

(1) (a) Beginning on the first day on which a request for legislation may be filed under JR4-2-101, a legislator may designate up to three requests for legislation as priority requests subject to the following deadlines:

(i) priority request number one must be requested on or before the first Thursday in December, or the following business day if the first Thursday falls on a holiday;

(ii) priority request number two must be requested on or before the first Thursday in January, or the following business day if the first Thursday falls on a holiday; and

(iii) priority request number three must be requested on or before the first Thursday of the annual general session.

(b) A legislator who fails to make a priority request on or before a deadline loses that priority request. However, the legislator is not prohibited from using any remaining priority requests that are associated with a later deadline, if available.

(c) A legislator who begins serving after a deadline has passed is entitled to use only those priority requests that are available under an unexpired deadline.

(2) A legislator may not:

(a) revoke a priority designation once it has been requested;

(b) transfer a priority designation to a different request for legislation; or

(c) transfer a priority designation to another legislator.

(3) (a) (i) When sufficient drafting information is available, prioritized requests for legislation and interim committee bills shall be drafted before other requests for legislation.

(ii) Subject to preference for priority status as provided in Subsection (3)(a)(i), requests for legislation shall be drafted on a first-in, first-out basis.

(b) Except as otherwise provided in these rules, the Office of Legislative Research and General Counsel shall reserve as many bill numbers as necessary to allow all prioritized requests for legislation to receive lower bill numbers than non-prioritized requests.

JR4-2-103. Legislation -- Sponsorship requirements.

(1) (a) The legislator who approves the legislation for numbering is the chief sponsor.

(b) The chief sponsor may withdraw sponsorship of the legislation by following the procedures and requirements of Senate Rules or House Rules.

(2) (a) Before or after the bill is introduced, legislators from the same house as the chief sponsor may have their names added to or deleted from the legislation as co-sponsors by following the procedures and requirements of Senate Rules or House Rules.

(b) Except as provided in Subsection (3), only legislators who are members of the same house as the chief sponsor may co-sponsor legislation.

(3) Before the secretary of the Senate or the chief clerk of the House may transfer legislation to the opposite house, the chief sponsor shall:

(a) designate a member of the opposite house as sponsor of the legislation for that house; and

(b) provide the secretary or chief clerk with the name of that sponsor for designation on the legislation.

Part 2. Substitute and Replacement Bills or Resolutions

JR4-2-201. Definitions.

As used in this part:

(1) "Committee substitute" means a substitute bill or resolution that is prepared for introduction in a Senate or House standing committee.

(2) "Floor substitute" means a substitute bill or resolution that is prepared for introduction on the Senate or House floor.

(3) (a) "Germane" means that the substitute is relevant, appropriate, and in a natural and logical sequence to the subject matter of the original legislation.

(b) "Germane" includes a substitute that changes the effect or is in conflict with the spirit of the original legislation if the substance of the substitute can be encompassed within the short title of the underlying bill.

(4) "Replacement legislation" means a bill, resolution, or substitute that replaces the original because of a technical error.

(5) "Substitute" means a new bill or resolution that:

(a) replaces the old bill or resolution in title and body; and

(b) is germane to the subject of the original bill or resolution.

JR4-2-202. Substitute bills or resolutions.

(1) (a) By following the procedures and requirements of Senate or House rule, a legislator may propose a committee substitute to any Senate or House legislation that is under consideration by a committee of which the legislator is a member.

(b) By following the procedures and requirements of Senate or House rule, a legislator may propose a floor substitute to any Senate or House legislation that is under consideration by the house of which the legislator is a member.

(2) To initiate drafting of a substitute, a legislator shall give drafting instructions to the attorney who drafted the legislation.

(3) After the substitute sponsor has approved the substitute, the Office of Legislative Research and General Counsel shall:

(a) electronically set the line numbers of the substitute; and

(b) distribute the substitute according to the sponsor's instructions.

JR4-2-203. Replacement bills or resolutions.

(1) If the Legislative General Counsel determines that a numbered bill or resolution contains a technical error, the Office of Legislative Research and General Counsel may prepare and submit a replacement bill or resolution that corrects the error.

(2) A sponsor may not file, and legislative staff may not create, replacement legislation if:

(a) the original legislation has been approved by the sponsor;

(b) the legislation has been numbered; and

(c) copies of the legislation have been distributed.

(3) Nothing in this rule prohibits a sponsor from preparing amendments to the original legislation or one or more substitutes of the original legislation and proposing their adoption by a committee or by either house of which the legislator is a member.

JR4-2-204. Substitute bills and amendments to bills must be germane.

A bill may not be amended or substituted unless the changes are germane to the purpose of the original bill.

Part 3. Drafting and Approval of Legislation by Office of Legislative Research and General Counsel

JR4-2-301. Drafting and sponsor approval of legislation.

(1) After receiving a request for legislation, the Office of Legislative Research and General Counsel shall:

(a) review the request and any accompanying draft; and

(b) draft the legislation for approval by the sponsor.

(2) In drafting the legislation, the Office of Legislative Research and General Counsel shall, when applicable:

(a) ensure that the legislation is in proper legal form;

(b) remove any ambiguities;

(c) avoid constitutional or statutory conflicts; and

(d) correct technical errors as provided in Utah Code Section 36-12-12.

(3) (a) Any request for legislation filed directly with the Office of Legislative Research and General Counsel, with a complete accompanying draft, shall be reviewed and approved by the Office of Legislative Research and General Counsel within three legislative days.

(b) This three day deadline may be extended if the director of the Office of Legislative Research and General Counsel requests it and states the reasons for the delay.

(4) When the Office of Legislative Research and General Counsel has completed the legislation, the office shall:

(a) send the legislation to the chief sponsor for review and approval; and

(b) after the chief sponsor approves the legislation, number and distribute the legislation as provided in JR4-2-503.

Part 4. Committee Notes, Fiscal Notes, and Legislative Review Notes

JR4-2-401. Committee notes.

(1) As used in this rule:

(a) "Legislative committee" means a committee, commission, task force, or other policy or advisory body that is created by statute, legislation, or by the Legislative Management Committee and that is composed exclusively of legislators.

(b) (i) "Legislative committee" does not mean a standing committee.

(ii) Notwithstanding Subsection (1)(b)(i), "Legislative committee" includes each Rules Committee.

(c) "Mixed committee" means a committee, commission, task force, or other policy or advisory body that is:

(i) created by statute, legislation, or by the Legislative Management Committee;

(ii) composed of legislator members and nonlegislative members; and

(iii) staffed by the Office of Legislative Research and General Counsel or the Office of

the Legislative Fiscal Analyst.

(2) The Office of Legislative Research and General Counsel shall:

(a) note on any legislation reviewed by a legislative committee that the committee recommends the legislation or has voted the legislation out without recommendation;

(b) note on any legislation reviewed by a mixed committee:

(i) the number of legislators and nonlegislators on the mixed committee;

(ii) the number of legislators who voted for and against recommending the legislation; and

(iii) that the committee recommends the legislation or has voted the legislation out without recommendation; and

(c) ensure that the note is printed with the legislation.

JR4-2-402. Legislative review notes.

(1) The Legislative General Counsel shall place a legislative review note on the legislation.

(2) (a) If an amendment or a substitute to legislation appears to substantively change the legislation's constitutionality, the Legislative General Counsel shall prepare an amended legislative review note for the legislation.

(b) The amended legislative review note shall be made available to legislators in hard copy or electronically.

(3) The legislative review note or amended legislative review note is not an official part of the legislation.

JR4-2-403. Fiscal notes.

(1) (a) (i) When the Legislative Fiscal Analyst receives the electronic copy of the approved legislation from the Office of Legislative Research and General Counsel, that office shall, within three business days:

(A) review and analyze the legislation to determine its fiscal impact; and

(B) provide a fiscal note to the sponsor of the legislation.

(ii) The three day deadline for the preparation of the fiscal note may be extended if the Legislative Fiscal Analyst requests it, states the reasons for the delay, and informs the sponsor of the legislation of the delay.

(b) If the Legislative Fiscal Analyst determines that the legislation has no fiscal impact, the Legislative Fiscal Analyst may release the fiscal note immediately after the sponsor has received a copy of the fiscal note.

(c) The sponsor may:

(i) approve the release of the fiscal note;

(ii) direct that the fiscal note be held; or

(iii) if the sponsor disagrees with the fiscal note, contact the Legislative Fiscal Analyst to discuss that disagreement and provide evidence, data, or other information to support a revised fiscal note.

(d) If the sponsor does not contact the Legislative Fiscal Analyst with instructions about the fiscal note within one 24 hour legislative day, the Legislative Fiscal Analyst shall release the

fiscal note.

(e) The Legislative Fiscal Analyst shall make the final determination on the fiscal note.

(f) The fiscal note shall be printed with the legislation.

(2) If an amendment or a substitute to legislation appears to substantively change the fiscal impact of the legislation, the Legislative Fiscal Analyst shall prepare an amended fiscal note for the legislation.

(3) The fiscal note is not an official part of the legislation.

JR4-2-404. Performance review notes -- Review of performance measures.

(1) As used in this section:

(a) (i) "New agency" means:

(A) a state governmental entity that did not previously exist;

(B) a governmental entity that requires a new appropriation for new funding;

(C) a governmental entity that is modified by legislation to add significant services or benefits that were not previously offered by the governmental entity; or

(D) a governmental entity that is modified by legislation to substantially expand the scope of individuals or entities that are entitled to receive the services or benefits offered by the governmental entity.

(ii) "New agency" does not mean a governmental entity that has been renamed or moved to another organizational position within that branch of government unless the governmental entity meets the criteria in Subsection (1)(a)(i)(C) or (D).

(b) (i) "New program" means a program:

(A) created by statute that did not previously exist;

(B) that requires a new appropriation or an increased appropriation for the purpose of adding significant services or benefits that were not previously offered;

(C) that is modified by legislation to add significant services or benefits that were not previously offered by the program; or

(D) that is modified by legislation to substantially expand the scope of individuals or entities that are entitled to receive the services or benefits offered by the program.

(ii) "New program" does not mean a program that has been renamed or moved to another organizational position within that branch of government unless the governmental entity meets the criteria in Subsection (1)(b)(i)(C) or (D).

(2) (a) When the Legislative Fiscal Analyst receives the electronic copy of approved legislation from the Office of Legislative Research and General Counsel, the Legislative Fiscal Analyst shall, within three business days, review and analyze the legislation to determine if it creates a new program or a new agency.

(b) If the Legislative Fiscal Analyst determines that the legislation creates a new agency or a new program, the Legislative Fiscal Analyst shall:

(i) notify the sponsor of the legislation that the legislation qualifies for a performance note;

(ii) notify the governmental entity that will supervise the new agency or the governmental entity that will administer the new program that the governmental entity must submit a performance note that meets the requirement of Subsection (4) to the Legislative Fiscal

Analyst within three business days; and

(iii) prepare a statement to be attached to the legislation containing the information required by Subsection (2)(c).

(c) The statement shall:

(i) disclose that a performance note is required, disclose the name of the governmental entity required to provide the performance note, and disclose the date on which the performance note is to be provided by the governmental entity; or

(ii) disclose that a performance note is not required because the legislation does not create a new program or new agency.

(d) (i) The Legislative Fiscal Analyst may extend the deadline for the governmental entity's submission of the performance note if:

(A) the governmental entity requests that the deadline be extended to a date certain in writing before the performance note is due; and

(B) the sponsor of the legislation agrees to extend the deadline.

(ii) If the deadline is extended, the Legislative Fiscal Analyst shall indicate the extended deadline on the legislation.

(e) (i) When a governmental entity provides a performance note to the Legislative Fiscal Analyst, the sponsor of the legislation shall either approve the release of the performance note or reject the performance note.

(ii) If the sponsor approves the performance note provided by the governmental entity, the Legislative Fiscal Analyst shall attach the performance note to the legislation.

(iii) If the sponsor rejects the performance note provided by the governmental entity, the Legislative Fiscal Analyst shall attach the following to the legislation:

(A) the performance note provided by the governmental entity, with a notation that the sponsor rejected the submission; and

(B) if the sponsor provides an alternative performance note to the Legislative Fiscal Analyst within three business days, the alternative performance note, with a notation that the sponsor provided the alternative note due to the sponsor's rejection of the governmental entity's submission.

(f) If the governmental entity does not provide a performance note by the submission deadline, the Legislative Fiscal Analyst shall attach a performance note to the legislation that indicates only that the governmental entity did not submit performance measures by the submission deadline.

(3) If the sponsor of the legislation disputes the Legislative Fiscal Analyst's determination as to whether a performance note is required, the sponsor shall contact the Legislative Fiscal Analyst to discuss that disagreement and provide evidence, data, or other information to support a different determination.

(4) A performance note shall contain the following information:

(a) the name of the governmental entity submitting the performance note, as applicable;

(b) the names and titles of the individuals who prepared the performance note; and

(c) a statement of performance measures that:

(i) explains the purpose and duties of the new program or agency;

(ii) lists the services that will be provided by the new program or agency;

(iii) lists the goals and proposed impacts that the new program or agency intends to achieve within one, two, and three years;

(iv) lists the resources and steps required to achieve the goals and proposed impacts;

(v) lists the benchmarks that the new program or agency will monitor to measure progress toward the goals and outcome;

(vi) lists the performance measures that will be used to evaluate progress toward the goals and proposed impacts; and

(vii) states how information on progress and performance measures will be gathered in a reliable, objective fashion.

(5) After legislation that creates a new program or a new agency has gone into effect, the Legislative Auditor General shall, subject to the procedures and requirements of Section 36-12-15:

(a) provide an outline of best practices to the governmental entity that administers the new program or to the new agency;

(b) include in the outline information to assist that governmental entity or new agency with the creation of:

(i) policies that promote best practices;

(ii) performance measures; and

(iii) data collection procedures; and

(c) for a new program or a new agency that was created by legislation where the governmental entity failed to provide a performance note:

(i) provide a notice to the governmental entity that administers the new program or to the new agency that the governmental entity or agency is required to submit a performance note to the Legislative Auditor General within 30 calendar days of the date of the notice;

(ii) retain the performance note that is received from the governmental entity or new agency and forward a copy of the note to:

(A) the primary sponsor of the legislation;

(B) the opposite house sponsor of the legislation;

(C) the president of the Senate and speaker of the House; and

(D) the Senate minority leader and House minority leader; and

(iii) if the governmental entity or new agency fails to provide a performance review note within the required deadline, provide notice to those listed in Subsection (5)(c)(ii) that a performance note was requested from, but was not received from, the governmental entity that administers the new program or the new agency.

(6) The Legislative Auditor General may use the performance note in its review of new programs and agencies under Section 36-12-15.

JR4-2-405. Review of programs -- Failure to meet performance measures -- Revocation of program or appropriation.

(1) Subject to the procedures and requirements of Section 36-12-15, the Legislative Auditor General shall:

(a) review each new agency or new program that has been determined to be a new agency or new program that is subject to the requirements of JR4-2-404;

(b) if the legislation's performance note contained a performance note submitted by the governmental entity and an alternative performance note submitted by the sponsor of the legislation, review the new agency or new program under each of the performance note standards;

(c) make a determination as to whether each goal, proposed impact, and performance measure has been met or not met, and whether the new agency or new program has substantially met its goals and proposed impacts, and has provided adequate performance measures; and

(d) if authorized and prioritized by the Legislative Audit Subcommittee, perform a second, more in-depth review of a new agency or new program and revise or change the determination based upon the results of the in-depth review.

(2) (a) At least annually, the Legislative Auditor General shall provide the Executive Appropriations Committee with a report listing the new agencies and new programs reviewed, and for each new agency or program, a description of the review conducted and the determination made.

(b) If a governmental entity refuses to supply a required performance note or if the Legislative Auditor General makes a determination that a new agency or new program has not substantially met its goals, proposed impacts, or has not provided adequate performance measures, the Legislative Auditor General shall provide notice of the refusal or determination to:

(i) the new agency or the governmental entity that administers the new program;

(ii) the sponsor and opposite house sponsor of the legislation that was subject to the performance note requirements under JR4-2-404, or the president of the Senate or speaker of the House, as appropriate, if the sponsor or opposite house sponsor is no longer serving as a legislator; and

(iii) the chairs of the Executive Appropriations Committee.

(3) Upon receipt of a report or notice issued under Subsection (2), the chairs of the Executive Appropriations Committee shall place the report or notice on the agenda for review and consideration at the next Executive Appropriations Committee meeting.

(4) When considering a report or notice submitted under Subsection (2), the Executive Appropriations Committee may elect to:

(a) direct the Office of Legislative Research and General Counsel to prepare legislation that would repeal or modify a new agency or new program and:

(i) adopt the legislation as a committee bill; or

(ii) decline to adopt the legislation as a committee bill;

(b) recommend that the Legislature reduce or eliminate appropriations for a new agency or new program;

(c) take no action; or

(d) take another action that a majority of the committee approves.

Part 5. Numbering, Distribution, and Printing of Bills and Resolutions

JR4-2-501. Numbering and distributing bills and resolutions.

After receiving approval from the sponsor under JR4-2-301, the Office of Legislative Research and General Counsel shall:

(1) proofread the legislation and perform other quality control measures;

(2) indicate on the first page of the legislation that the drafting attorney has approved the legislation for filing;

(3) place a committee or task force note on the legislation if required by JR4-2-401;

(4) place a legislative review note on the legislation, if one is required by JR4-2-402;

(5) assign a number to the legislation to appear after the designation required by JR4-1-202 and JR4-1-301;

(6) electronically set the legislation's line numbers; and

(7) distribute an electronic copy of the legislation as required by JR4-2-503.

JR4-2-502. Reservation of bill numbers.

(1) In annual general legislative sessions occurring in odd-numbered years:

(a) House Bill 1 is reserved for the State Agency and Higher Education Base Budget Bill and Senate Bill 1 is reserved for the Public Education Base Budget Amendments Bill;

(b) House Bill 2 is reserved for the Public Education Budget Amendments Bill and Senate Bill 2 is reserved for the New Fiscal Year Supplemental Appropriations Act; and

(c) House Bill 3 is reserved for the Current Fiscal Year Supplemental Appropriations Bill, and Senate Bill 3 is reserved for the Appropriations Adjustments Bill.

(2) In annual general legislative sessions occurring in even-numbered years:

(a) House Bill 1 is reserved for the Public Education Base Budget Amendments Bill and Senate Bill 1 is reserved for the State Agency and Higher Education Base Budget Bill;

(b) House Bill 2 is reserved for the New Fiscal Year Supplemental Appropriations Act and Senate Bill 2 is reserved for the Public Education Budget Amendments Bill; and

(c) House Bill 3 is reserved for the Appropriations Adjustments Bill, and Senate Bill 3 is reserved for the Current Fiscal Year Supplemental Appropriations Bill.

(3) In each annual general legislative session, House Bills 4 through 9 and Senate Bills 4 through 9 are reserved for other appropriations and funding bills.

JR4-2-503. Distribution of bills and resolutions and preparation for introduction.

(1) After the Office of Legislative Research and General Counsel has numbered a piece of legislation, the office shall:

(a) provide an electronic copy of the legislation to the Office of Legislative Printing and the Office of the Legislative Fiscal Analyst;

(b) post a copy on the Internet; and

(c) deliver a paper copy of the legislation to the chief sponsor.

(2) After receiving a copy of the numbered bill from Legislative Printing, the docket clerk shall:

(a) create the official backed copy of the legislation; and

(b) notify the secretary of the Senate or the chief clerk of the House that the legislation is ready for introduction.

JR4-2-504. Printing bills and resolutions.

(1) As provided in Senate or House Rules, legislation may be ordered printed in the

number of copies considered necessary.

(2) A sponsor may have copies of his legislation printed in the quantity that the sponsor considers necessary.

(3) As provided in Senate or House Rules, legislation may be printed before receiving a committee note or fiscal note.

CHAPTER 3. REQUESTING APPROPRIATIONS

Part 1. Requesting Appropriations

JR4-3-101. Request for appropriation.

(1) A legislator wishing to obtain funding for a project, program, or entity that has not previously been funded, or to obtain additional or separate funding for a project, program, or entity, shall file a request for appropriation with the Office of Legislative Fiscal Analyst.

(2) (a) Except as provided in Subsection (2)(b), a legislator may not file a request for appropriation with the Office of Legislative Fiscal Analyst after noon on the 11th day of the annual general session.

(b) After the date established by this Subsection (2), 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; or

(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.

(3) The request shall designate:

(a) the project, program, or entity to be funded;

(b) the source for the funding;

(c) the chief sponsor, who is knowledgeable about and responsible for providing pertinent information as the appropriation is processed;

(d) supporting legislators, if any, who wish to cosponsor the appropriation; and

(e) the appropriation subcommittee to which the sponsor wishes the request to be assigned, if any.

Part 2. Disposition of Requests for Appropriation

JR4-3-201. Review and action on requests for appropriation.

(1) (a) The Legislative Fiscal Analyst shall review each request for appropriation.

(b) If the request 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 does not require that a statute be enacted, amended, or repealed, the Legislative Fiscal Analyst shall number and title the request and refer the request 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 to the appropriate joint appropriations subcommittee.

(3) Each joint appropriations subcommittee that receives a request for appropriation shall:

(a) allow the sponsor to present and discuss the request with the subcommittee;

(b) discuss the request; and

(c) do one of the following:

(i) include all or part of the requested appropriation in the budget recommendation made by the subcommittee to the Executive Appropriations Committee;

(ii) reject the request; or

(iii) recommend to the Executive Appropriations Committee that all or part of the requested appropriation be placed on a funding prioritization list as may be established by the Executive Appropriations Committee.

CHAPTER 4. INTRODUCTION AND CONSIDERATION OF LEGISLATION

Part 1. Introduction and Consideration of Legislation

JR4-4-101. Introduction of legislation.

(1) The secretary of the Senate or chief clerk of the House shall inform the presiding officer about legislation ready for introduction.

(2) When directed to do so by the presiding officer, the reading clerk shall introduce the legislation by reading its number and short title, which constitutes the legislation's first reading.

JR4-4-102. Reference of legislation.

(1) During an annual general or special session of the Legislature, after a piece of legislation has been introduced and read for the first time, it shall be referred to a committee or to the floor as provided in Senate or House Rules.

(2) The secretary of the Senate and the chief clerk of the House or their designees shall deliver all legislation assigned to a committee to the chair of that committee or to that chair's designee.

JR4-4-103. Committee responsibilities.

(1) Each standing committee shall:

(a) examine legislation referred to it;

(b) amend or substitute the legislation if necessary; and

(c) report the legislation back to the floor.

(2) If legislation is referred to an interim committee, the interim committee may examine and recommend to the sponsor any changes to it that the committee considers necessary.

JR4-4-104. Floor action.

According to the procedures and requirements of Senate Rules and House Rules, each house shall consider legislation that is referred to it by a committee or that is otherwise in its possession.

JR4-4-105. Calendaring legislation -- Preference for legislation of other chamber.
During the third and fourth days of each week:
(1) the Senate shall consider House legislation appearing on the Senate calendar; and
(2) the House shall consider Senate legislation appearing on the House calendar.

JR4-4-106. Notice to other chamber that legislation has failed.
(1) When a piece of legislation that passed the Senate is rejected by the House, the chief clerk of the House of Representatives shall transmit notice of the rejection to the Senate.
(2) When a piece of legislation that passed the House is rejected by the Senate, the secretary of the Senate shall transmit notice of the rejection to the House.

JR4-4-107. Legislation transmitted to other house.
(1) The secretary of the Senate or chief clerk of the House shall:
(a) transmit notice of passage on third reading to the other house;
(b) comply with the requirements of Subsection (2) if necessary; and
(c) if sent to the other house, enter the date of transmission in the journal.
(2) The secretary of the Senate or chief clerk of the House shall, before transmitting a piece of legislation to the other house, ensure that, if the legislation passed with amendments or was substituted, the amendments or substitute are:
(a) retyped or reprinted in the typeface and on the color paper designated for each house; and
(b) transmitted with the legislation.

JR4-4-108. Consideration and action on amendments to legislation made in the other chamber.
(1) (a) If the Senate amends and passes, or substitutes and passes, a piece of House legislation, the House must either "concur" or "refuse to concur" in the amendments or substitute.
(b) (i) If the House concurs, the legislation shall be voted on for final passage in the House.
(ii) If the legislation passes, the chief clerk of the House shall notify the Senate, obtain the signatures required by JR4-6-101, and send the legislation to the Office of Legislative Research and General Counsel for enrolling.
(c) If the House refuses to concur in the Senate amendments or substitute to a piece of House legislation, the chief clerk of the House and the House shall follow the procedures and requirements of Joint Rules Title 3, Chapter 2, Part 6, Conference Committees.
(2) (a) If the House amends and passes, or substitutes and passes, a piece of Senate legislation, the Senate must either "concur" or "refuse to concur" in the amendments or substitute.
(b) (i) If the Senate concurs, the legislation shall be voted on for final passage in the

Senate.

(ii) If the legislation passes, the secretary of the Senate shall notify the House, obtain the signatures required by JR4-6-101, and send the legislation to the Office of Legislative Research and General Counsel for enrolling.

(c) If the Senate refuses to concur in the House amendments or substitute to a piece of Senate legislation, the secretary of the Senate and the Senate shall follow the procedures and requirements of Joint Rules Title 3, Chapter 2, Part 6, Conference Committees.

JR4-4-109. Striking the enacting clause.

(1) (a) (i) Either house may strike the enacting clause on any piece of legislation by following the procedures and requirements of Subsection (1)(a)(ii).

(ii) To strike an enacting clause, a legislator shall make a motion on the floor to strike the enacting clause and a majority of the members of that house must approve the motion.

(b) If the enacting clause of a piece of legislation is struck:

(i) the action conclusively defeats the legislation; and

(ii) a motion to reconsider the action is out of order.

(2) The enacting clause of each piece of legislation that has not passed the Legislature before adjournment sine die of an annual general session or a special session is automatically stricken.

Part 2. Transmitting and Recording Receipt of Legislation and Notices from Other House

JR4-4-201. Transmittal letters.

The secretary of the Senate or the chief clerk of the House of Representatives shall:

(1) attach a transmittal letter signed by the secretary or clerk to each piece of legislation to be transmitted to the opposite house; and

(2) ensure that the piece of legislation, with its transmittal letter, is sent to the opposite house.

JR4-4-202. Memorializing formal receipt of legislation from other house.

(1) (a) Upon receipt of a transmittal letter from the Senate, the chief clerk of the House of Representatives or the clerk's designee shall sign a receipt recording the House's receipt of the legislation.

(b) Once the receipt is signed, the legislation is in the possession of the House.

(2) (a) Upon receipt of a transmittal letter from the House, the secretary of the Senate or the secretary's designee shall sign a receipt recording the Senate's receipt of the legislation.

(b) Once the receipt is signed, the legislation is in the possession of the Senate.

JR4-4-203. Possession of a bill -- Process for obtaining the return of legislation sent to the other house.

(1) A piece of legislation is in the possession of the house in which it has been receipted.

(2) A piece of legislation in the possession of one house may be returned to the other house only when:

(a) the house having possession of the legislation receives a written request from the opposite house requesting return of the legislation; and

(b) a majority of the house having possession of the legislation votes to return the legislation to the opposite house.

CHAPTER 5. DEADLINES FOR PASSAGE OF CERTAIN BILLS

Part 1. Bills Containing Fiscal Notes

JR4-5-101. Deadline for passing certain fiscal note bills.

(1) (a) The House shall refer any Senate bill with a fiscal note of $10,000 or more to the House Rules Committee before giving that bill a third reading.

(b) The Senate shall table on third reading each House bill with a fiscal note of $10,000 or more.

(2) (a) Before adjourning on the 32nd day of the annual general session, each legislator shall prioritize fiscal note bills and identify other projects or programs for new or one-time funding according to the process established by leadership.

(b) Before adjourning on the 39th day of the annual general session, the Legislature shall either pass or defeat each bill with a fiscal note of $10,000 or more except constitutional amendment resolutions.

Part 2. Appropriation Bills

JR4-5-201. Deadline for passing base budget bills.

(1) Each legislator shall receive a copy of each base budget bill for the next fiscal year by calendared floor time on the first day of the annual general session.

(2) By noon on the tenth day, but not before the third day, of the annual general session, the Legislature shall either pass or defeat each base budget bill.

JR4-5-202. Deadline for passing certain appropriations bills and school finance bills.

(1) Each legislator shall receive a copy of any General Appropriations Bills, any Supplemental Appropriations Bills, and any School Finance Bills by calendared floor time on the 43rd day of the annual general session.

(2) Before the calendared closing time of the 43rd day of the annual general session, the Legislature shall either pass or defeat those General Appropriations Bills, Supplemental Appropriations Bills, and School Finance Bills.

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

(1) Each legislator shall receive a copy of the final appropriations bill by calendared floor time on the 45th day of the annual general session.

(2) By noon on the 45th day of the annual general session, the Legislature shall either pass or defeat the final appropriations bill.

Part 3. Bond Bills

JR4-5-301. Deadline for passing bond bills.

(1) Each legislator shall receive a copy of any bond bill by noon on the 39th day of the annual general session.

(2) Before the calendared closing time of the 39th day of the annual general session, the Legislature shall either pass or defeat each bond bill.

CHAPTER 6. DISPOSITION OF LEGISLATION AFTER PASSAGE

Part 1. Certifying and Enrolling the Legislation

JR4-6-101. Certification and signature.

(1) (a) When a piece of Senate legislation has passed both houses, the secretary of the Senate shall certify its final passage by identifying:

(i) the date that the legislation passed the Senate;

(ii) the number of senators voting for and against the legislation;

(iii) the number of senators absent for the vote;

(iv) the date that the legislation passed the House;

(v) the number of representatives voting for and against the legislation; and

(vi) the number of representatives absent for the vote.

(b) When a piece of House legislation has passed both houses, the chief clerk of the House shall certify its final passage by identifying:

(i) the date that the legislation passed the House;

(ii) the number of representatives voting for and against the legislation;

(iii) the number of representatives absent for the vote;

(iv) the date that the legislation passed the Senate;

(v) the number of senators voting for and against the legislation; and

(vi) the number of senators absent for the vote.

(2) (a) Except as provided in Subsection (2)(b), within one legislative day of final passage, each piece of legislation shall be signed:

(i) first by the presiding officer of the house in which it was last voted upon; and

(ii) second, by the presiding officer of the other house.

(b) Within five days following the adjournment sine die of a legislative session, each piece of legislation passed on the final day of that legislative session shall be signed:

(i) first by the presiding officer of the house in which it was last voted upon; and

(ii) second, by the presiding officer of the other house.

(c) Unless the session has adjourned sine die, the secretary of the Senate or chief clerk of the House shall note in the journal that the legislation was signed by the presiding officer.

JR4-6-102. Enrollment and transmittal of legislation to the governor.

(1) (a) After a piece of legislation that has passed both houses has been signed by the

presiding officers, the secretary or chief clerk shall deliver it to the Office of Legislative Research and General Counsel.

(b) The Office of Legislative Research and General Counsel shall:

(i) examine and enroll the legislation;

(ii) correct any technical errors as provided by Utah Code Section 36-12-12; and

(iii) transmit a copy of the enrolled legislation to:

(A) the secretary of the Senate for legislation originating in the Senate; and

(B) the chief clerk of the House for legislation originating in the House.

(2) When enrolling the legislation, the Office of Legislative Research and General Counsel shall:

(a) include the name of the House floor sponsor for Senate legislation under the heading "House Sponsor:"; or

(b) include the name of the Senate floor sponsor for House legislation under the heading "Senate Sponsor:".

(3) The secretary of the Senate or chief clerk of the House shall:

(a) certify each enrolled piece of legislation;

(b) ensure that a copy of the enrolled legislation is:

(i) transmitted to the governor;

(ii) filed with the secretary or chief clerk;

(iii) transmitted to the chief sponsor upon request; and

(iv) transmitted to the Office of Legislative Printing.

JR4-6-103. Legislative General Counsel to correct certain technical errors.

The Legislative General Counsel may correct technical errors in the code in preparing the database for publication.

Part 2. Recalling Legislation After Passage

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

Legislation in the possession of the other house or the Office of Legislative Research and General Counsel may be recalled by a motion and a constitutional majority vote from the members of both houses.

JR4-6-202. Recalling legislation from the governor.

When a bill has passed both houses of the Legislature, been signed by the presiding officers, been enrolled, and has been sent to the governor for his approval, it can be recalled only if:

(1) a joint resolution requesting that the governor return the legislation is passed by a constitutional majority vote of both houses; and

(2) the governor elects to return it.

TITLE 5. LEGISLATIVE EXPENSE AND MILEAGE REIMBURSEMENT

CHAPTER 1. GENERAL PROVISIONS

JR5-1-101. Definitions.

As used in this title:

(1) "Authorized legislative meeting" means:

(a) special sessions;

(b) veto override sessions;

(c) interim committee and subcommittee meetings;

(d) management committee and subcommittee meetings;

(e) executive appropriation and subcommittee meetings; and

(f) the meetings of any other body where legislative participation is required by law or authorized by the Legislative Management Committee.

(2) "Mileage" means the mileage reimbursement allowance approved by the Division of Finance for state employees.

JR5-1-102. Legislative Expenses Oversight Committee.

(1) The presiding officer and the majority leader and minority leader of each house are the Legislative Expenses Oversight Committee for that house.

(2) Each committee shall:

(a) establish procedures to implement the rules on legislative expenses, including establishing vouchering systems and procedures for the disbursement of legislative expenses; and

(b) meet at least annually, or at the request of a majority of the committee, to review legislative expenses and travel budgets.

(3) The presiding officer may authorize temporary emergency legislative expenses.

CHAPTER 2. EXPENSE AND MILEAGE REIMBURSEMENT DURING ANNUAL GENERAL SESSION

JR5-2-101. Lodging, meals, and incidental expenses while in annual general session.

(1) This rule governs legislative expenses for lodging, meals, and incidental expenses incurred when the Legislature is in annual general session.

(2) Each legislator shall receive an expense allowance equal to the sum of the federal lodging per diem rate for Salt Lake City and the federal meals and incidental expenses per diem rate for Salt Lake City.

JR5-2-102. Transportation cost reimbursement while in annual general session.

(1) This rule governs transportation costs incurred by legislators when the Legislature is in annual general session.

(2) (a) Each legislator shall receive transportation costs to and from the session.

(b) These costs shall be computed on the basis of actual mileage for private automobile use or the actual cost of alternative commercial transportation.

CHAPTER 3. EXPENSE AND MILEAGE REIMBURSEMENT FOR AUTHORIZED LEGISLATIVE MEETINGS, SPECIAL SESSIONS, AND VETO OVERRIDE SESSIONS

JR5-3-101. Meals and incidental expense reimbursement for authorized legislative meetings, special sessions, and veto override sessions.

(1) This rule governs reimbursement for meals and incidental expenses for legislator attendance at authorized legislative meetings when the Legislature is not in annual general session.

(2) For each day that a legislator attends an authorized legislative meeting, the legislator shall receive a meals and incidental expenses per diem equal to the federal meals and incidental expenses per diem rate for Salt Lake City.

(3) The Legislative Expenses Oversight Committee established in JR5-1-102 shall ensure that legislators do not receive duplicate or improper reimbursements.

JR5-3-102. Lodging expense reimbursement for authorized legislative meetings, special sessions, and veto override sessions.

(1) This rule governs reimbursement for lodging expenses for legislator attendance at authorized legislative meetings when the Legislature is not in annual general session.

(2) If attendance at an authorized legislative committee meeting necessitates overnight accommodations, legislators shall receive reimbursement for actual lodging expenses up to the federal lodging per diem rate for Salt Lake City.

(3) The Legislative Expenses Oversight Committee established in JR5-1-102 shall ensure that legislators do not receive duplicate or improper reimbursements.

JR5-3-103. Travel expense reimbursement for authorized legislative meetings, special sessions, and veto override sessions.

(1) This rule governs reimbursement for travel expenses for legislator attendance at authorized legislative meetings when the Legislature is not in annual general session.

(2) (a) Each legislator shall receive transportation costs to and from the authorized legislative committee meeting.

(b) Transportation costs shall be computed on the basis of actual mileage for private automobile use or the actual cost of alternative commercial transportation.

(3) The Legislative Expenses Oversight Committee established in JR5-1-102 shall ensure that legislators do not receive duplicate or improper reimbursements.

CHAPTER 4. OUT-OF-STATE TRAVEL

JR5-4-101. Reimbursement for costs of out-of-state travel.

The following rules govern reimbursement for out-of-state travel by legislators:

(1) (a) Subject to Subsections (1)(b) and (1)(c), legislators shall receive reimbursement for all approved actual and necessary expenses.

(b) The presiding officer, the majority leader, and the minority leader shall meet annually to establish a policy governing out-of-state travel, including the process for them to approve out

of state travel and approve reimbursement of expenses for that travel as required under Utah Code Section 36-12-17.

(c) If a legislator elects to travel to an out-of-state destination by private automobile, the legislator shall receive actual mileage or the actual cost of alternative commercial transportation, whichever is less.

(2) Each legislator shall provide supporting documentation for each expense for which the legislator seeks reimbursement.

CHAPTER 5. COMMUNICATION DEVICE EXPENSES

JR5-5-101. Reimbursement for communications device expenses.

(1) The presiding officer, the majority leader, and the minority leader of each house of the Legislature may establish a policy governing reimbursement for expenses related to communications devices, which policy shall include:

(a) the types of communications device expenses that will be reimbursed to legislators; and

(b) the process for reimbursement of communications device expenses.

(2) A legislator may, pursuant to a policy adopted under Subsection (1), be reimbursed for use of a communications device that is:

(a) owned by the legislator; and

(b) used by the legislator in the legislator's capacity as an employee of the Legislature.

JR5-5-102. Verification -- Procedures.

(1) Each legislator shall provide supporting documentation for each cost or expense for which a legislator seeks reimbursement under this chapter.

(2) The Legislative Expenses Oversight Committee shall ensure that procedures are established for the purpose of avoiding duplicate or improper reimbursements.

JR5-5-103. Declining reimbursement and reduced reimbursement.

(1) A legislator may decline to request or receive reimbursement for any expense that is reimbursable under this chapter.

(2) A legislator may request and receive a partial or reduced reimbursement for any expense that is reimbursable under this chapter.

TITLE 6. LEGISLATIVE ETHICS AND ADJUDICATION OF ETHICS COMPLAINTS

CHAPTER 1. ETHICS REQUIREMENTS GOVERNING LEGISLATORS

Part 1. Ethical Standards for Legislators

JR6-1-101. Legislative ethics.

(1) The Utah Legislature consists of people who work part-time and must necessarily earn their living in other jobs and professions.

(2) It is necessary to reconcile the functions of privately employed legislators who have their own private interests with the maintenance of high ethical standards and public confidence.

(3) In seeking to balance these interests, it is necessary to avoid controls that might be so strict that they discourage capable and honorable persons from entering legislative service.

(4) It is recognized that public confidence in the Legislature should be promoted and that competent members should serve in the Legislature even though most of them have private interests of various types.

(5) It is also recognized that a citizen legislator is in a different position in doing business with the state and its political subdivisions than a public servant whose chief source of livelihood is derived from public funds.

JR6-1-102. Code of official conduct.

(1) Each legislator shall comply with the guidelines established in Subsection (2).

(2) In judging members of its house charged with an ethical violation, the Senate and House Ethics Committees shall consider whether or not the member has violated any of the following guidelines:

(a) Members of the Senate and House shall not engage in any employment or other activity that would destroy or impair their independence of judgment.

(b) Members of the Senate and House shall not be paid by a person, as defined in JR6-1-202, to lobby, consult, or to further the interests of any legislation or legislative matter.

(c) Members of the Senate and House shall not exercise any undue influence on any governmental entity. "Undue influence" means deceit or threat of violence.

(d) Members of the Senate and House shall not engage in any activity that would be an abuse of official position or a violation of trust.

(e) Members of the Senate and House shall not use any nonpublic information obtained by reason of their official position to gain advantage over any business or professional competition for activities with the state and its political subdivisions.

(f) Members of the Senate and House shall not engage in any business relationship or activity that would require the disclosure of confidential information obtained because of their official position.

(g) Members of the Senate and House shall not use their official position to secure privileges for themselves or others.

(h) While in session, members of the Senate and House shall disclose any conflict of interest on any legislation or legislative matter as provided in JR6-1-201.

(i) Members of the Senate and House may accept small gifts, awards, or contributions if these favors do not influence them in the discharge of official duties.

(j) Except as provided in Subsection (3), members of the Senate and the House may engage in business or professional activities with the state or its political subdivisions if the activities are entered into under the same conditions and in the same manner applicable to any private citizen or company engaged in similar activities.

(k) Legislators may enter into transactions with the state by contract by following the procedures and requirements of Title 63G, Chapter 6, Utah Procurement Code.

(3) (a) As also required by Section 36-19-1, a legislator, member of the legislator's

household, or client may not be a party to or have an interest in the profits or benefits of a state contract when the state contract is the direct result of a bill sponsored by the legislator, unless the contract is let in compliance with state procurement policies and is open to the general public.

(b) Besides the penalties authorized by these rules, Section 36-19-1 also provides that any person violating this section is guilty of a class B misdemeanor.

Part 2. Conflicts of Interest

JR6-1-201. Declaring and recording conflicts of interest -- Financial disclosure form.

(1) As used in this section, "conflict of interest" is as defined in Section 76-8-109.

(2) A legislator shall file a financial disclosure form in compliance with Section 76-8-109 and according to the requirements of this section:

(a) on the first day of each general session of the Legislature; and

(b) each time the legislator changes employment.

(3) The financial disclosure form shall include the disclosures required by Section 76-8-109.

(4) (a) The financial disclosure form shall be filed with:

(i) the secretary of the Senate, for a legislator that is a senator; or

(ii) the chief clerk of the House of Representatives, for a legislator that is a representative.

(b) The secretary of the Senate and the chief clerk of the House of Representatives shall ensure that:

(i) blank financial disclosure forms are made available on the Internet and at the offices of the Senate and the House of Representatives; and

(ii) financial disclosure forms filed under this rule are made available to the public on the Internet and at the offices of the Senate or the House of Representatives.

(5) (a) Before or during any vote on legislation or any legislative matter in which a legislator has actual knowledge that the legislator has a conflict of interest which is not stated on the financial disclosure form, that legislator shall orally declare to the committee or body before which the matter is pending:

(i) that the legislator may have a conflict of interest; and

(ii) what that conflict is.

(b) The secretary of the Senate or the chief clerk of the House of Representatives shall:

(i) direct committee secretaries to note the declaration of conflict of interest in the minutes of any committee meeting; and

(ii) ensure that each declaration of conflict declared on the floor is noted in the Senate Journal or House Journal.

(6) This requirement of disclosure of any conflict of interest does not prohibit a legislator from voting on any legislation or legislative matter.

JR6-1-202. Disclosure of outside remuneration.

(1) As used in this section:

(a) "Person" includes an individual, partnership, association, organization, company, and bodies politic and corporate or a lobbyist from any of these.

(b) "Person" does not include a person who provides the legislator's primary source of income.

(2) If any person provides remuneration to a legislator to compensate that legislator for a loss of salary or income while the Legislature is in session, that legislator shall file a written disclosure identifying:

(a) that the legislator receives remuneration; and

(b) the name of the person who provides the remuneration.

(3) (a) The legislator shall file the disclosure by February 1 of each year with:

(i) the secretary of the Senate, if the legislator is a senator; or

(ii) the chief clerk of the House of Representatives, if the legislator is a representative.

(b) This disclosure is available to the public.

Part 3. Ethics Training

JR6-1-301. Ethics training course -- Internet availability -- Content -- Participation tracking.

(1) The Office of Legislative Research and General Counsel shall develop and maintain an ethics training course for members of the Legislature.

(2) The ethics training course shall include training materials and exercises that are available on the Internet to legislators and to the public.

(3) The ethics training course shall be designed to assist legislators in understanding and complying with current ethical and campaign finance requirements under state law, legislative rules, and federal law.

(4) The ethics training course shall include provisions for verifying when a legislator has successfully completed key training exercises.

(5) A legislator shall successfully complete the key training exercises of the ethics training course once each year or as directed by the Legislative Management Committee.

CHAPTER 2. HOUSE AND SENATE ETHICS COMMITTEES AND INDEPENDENT LEGISLATIVE ETHICS COMMISSION

Part 1. Membership, Meetings, and Staff

JR6-2-101. Ethics committees -- Membership.

(1) There is established a Senate Ethics Committee and a House Ethics Committee.

(2) The Senate Ethics Committee shall be composed of:

(a) the chair and three additional senators appointed by the president of the Senate; and

(b) the vice chair and three additional senators appointed by the Senate minority leader.

(3) The House Ethics Committee shall be composed of:

(a) the chair and three additional representatives appointed by the speaker of the House of Representatives; and

(b) the vice chair and three additional representatives appointed by the House minority leader.

(4) A committee member shall serve a two-year term.

(5) (a) If a member of an ethics committee is accused of wrongdoing in a complaint to be reviewed by the committee, or if a member of an ethics committee determines that he or she has a conflict of interest in relation to a complaint to be reviewed by the ethics committee, a member of the Senate or House shall be appointed to temporarily serve in that member's place while the complaint is under review as follows:

(i) except as provided in Subsection (5)(a)(ii), the member shall be appointed by the person who appointed the member who is being temporarily replaced, consistent with Subsection (2), for a member of the Senate Ethics Committee, or Subsection (3), for the House Ethics Committee; or

(ii) if the person designated to make the appointment under Subsection (5)(a)(i) is accused of wrongdoing in the complaint or determines that he or she has a conflict of interest in relation to the complaint, the appointment shall be made by:

(A) the Senate majority leader, if the person designated is the president of the Senate;

(B) the Senate minority whip, if the person designated is the Senate minority leader;

(C) the House majority leader, if the person designated is the speaker of the House; or

(D) the House minority whip, if the person designated is the House minority leader.

(b) The temporary committee member's term ends when the committee has concluded its review of the complaint.

JR6-2-102. Ethics committee -- Meetings and staff.

(1) The Senate and House Ethics Committees shall operate as both standing and interim committees.

(2) The committees shall meet as necessary, either as called at:

(a) the discretion of the chair; or

(b) by a majority vote of the committee.

(3) A majority of the committee is a quorum.

(4) The staff of each committee consists of:

(a) the director of the Office of Legislative Research and General Counsel;

(b) the Legislative General Counsel; and

(c) any other staff designated by the director or the Legislative General Counsel.

JR6-2-103. Independent Legislative Ethics Commission -- Membership.

(1) There is established an Independent Legislative Ethics Commission.

(2) The commission is composed of five persons, each of whom is registered to vote in this state, appointed as follows:

(a) two members, who have served, but no longer serve, as judges of a court of record in this state, each of whom shall be nominated by the mutual consent of the president of the Senate and the speaker of the House, and appointed by a majority vote of the president of the Senate, speaker of the House, Senate minority leader, and House minority leader;

(b) one member, who has served, but no longer serves, as a judge of a court of record in

this state, nominated by the mutual consent of the Senate minority leader and the House minority leader, and appointed by a majority vote of the president of the Senate, speaker of the House, Senate minority leader, and House minority leader;

(c) one member, who has served as a member of the Legislature in this state no more recently than four years before the date of appointment, appointed by the mutual consent of the president of the Senate and the speaker of the House of Representatives; and

(d) one member, who has served as a member of the Legislature in this state no more recently than four years before the date of appointment, appointed by the mutual consent of the Senate minority leader and House minority leader.

(3) A member of the commission may not, during the member's term of office on the commission, act or serve as:

(a) an officeholder as defined in Section 20A-11-101;

(b) an agency head as defined in Section 67-16-3;

(c) a lobbyist as defined in Section 36-11-102; or

(d) a principal as defined in Section 36-11-102.

(4) (a) (i) Except as provided in Subsection (4)(a)(ii), each member of the commission shall serve a four-year term.

(ii) When appointing the initial members upon formation of the commission, one member nominated by the president of the Senate and the speaker of the House of Representatives and one member nominated by the Senate minority leader and House minority leader shall be appointed to a two-year term so that approximately half of the commission is appointed every two years.

(b) (i) When a vacancy occurs in the commission's membership for any reason, a replacement member shall be appointed for the unexpired term of the vacating member using the procedures and requirements of Subsection (2).

(ii) For the purposes of this rule, an appointment for an unexpired term of a vacating member is not considered a full term.

(c) A member may not be appointed to serve for more than two full terms, whether those terms are two or four years.

(d) A member of the commission may resign from the commission by giving one month's written notice of the resignation to the president of the Senate, speaker of the House, Senate minority leader, and House minority leader.

(e) The chair of the Legislative Management Committee shall remove a member from the commission if the member:

(i) is convicted of, or enters a plea of guilty to, a crime involving moral turpitude;

(ii) enters a plea of no contest or a plea in abeyance to a crime involving moral turpitude; or

(iii) fails to meet the qualifications of office as provided in this rule.

(f) If a commission member is accused of wrongdoing in a complaint, or if a commission member determines that he or she has a conflict of interest in relation to a complaint, a temporary commission member shall be appointed to serve in that member's place for the purposes of reviewing that complaint using the procedures and requirements of Subsection (2).

(5) (a) A member of the commission may not receive compensation or benefits for the

member's service, but may receive per diem and expenses incurred in the performance of the member's official duties at the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.

(b) A member may decline to receive per diem and expenses for the member's service.

(6) (a) The commission members shall convene a meeting annually each January and elect, by a majority vote, a commission chair from among the commission members.

(b) A person may not serve as chair for more than two consecutive years.

JR6-2-104. Independent Legislative Ethics Commission -- Meetings -- Staff.

(1) The Independent Legislative Ethics Commission shall meet for the purpose of reviewing an ethics complaint when:

(a) except otherwise expressly provided in this title, called to meet at the discretion of the chair; or

(b) called to meet by a majority vote of the commission.

(2) A majority of the commission is a quorum.

(3) (a) The commission shall prepare, on an annual basis, a summary data report that contains:

(i) a general description of the activities of the commission during the past year;

(ii) the number of ethics complaints filed with the commission;

(iii) the number of ethics complaints reviewed by the commission;

(iv) the number of complaints filed against a member of the House of Representatives;

(v) the number of complaints filed against a member of the Senate;

(vi) a summary description of any ethics complaints that were recommended by the commission for review by a Legislative ethics committee; and

(vii) an accounting of the commission's budget and expenditures.

(b) The summary data report shall be submitted to an appropriate committee of the Legislature on an annual basis.

(c) The summary data report shall be a public record.

(4) (a) The Senate and the House of Representatives shall employ staff for the commission at a level that is reasonable to assist the commission in performing its duties as established in this chapter.

(b) The Legislative Management Committee shall:

(i) authorize each staff position for the commission; and

(ii) approve the employment of each staff member for the commission.

(c) Staff for the commission shall work only for the commission and may not perform services for the Senate, House of Representatives, or other legislative offices.

Part 2. General Powers and Procedures

JR6-2-201. Authority to review complaint -- Grounds for complaint -- Limitations on filings.

(1) Subject to the requirements of this chapter, the Senate Ethics Committee, the House Ethics Committee, and the Independent Legislative Ethics Commission are authorized to review

an ethics complaint against a legislator if the complaint alleges:

(a) a violation of the Code of Official Conduct as provided in JR6-1-102;

(b) a conviction of, or a plea of guilty to, a crime involving moral turpitude; or

(c) a plea of no contest or a plea in abeyance to a crime involving moral turpitude.

(2) (a) For an alleged violation under Subsection (1)(a), the complaint must be filed within two years of the date that the action or omission that forms the basis of the alleged violation occurred or within two years of the date that the action or omission would have been discovered by a reasonable person.

(b) For an alleged violation under Subsection (1)(b) or (c), the complaint shall be filed within two years of the date that the plea or conviction that forms the basis of the allegation was entered.

(3) (a) A complaint may not contain an allegation if that allegation and the general facts and circumstances supporting that allegation have been previously reviewed by the commission or an ethics committee unless:

(i) the allegation was previously reviewed by the commission and dismissed without being referred to an ethics committee for review;

(ii) the allegation is accompanied by material facts or circumstances supporting the allegation that were not raised or pled to the commission when the allegation was previously reviewed; and

(iii) the allegation and the general facts and circumstances supporting that allegation have only been reviewed by the commission on one previous occasion.

(b) If an allegation in the complaint does not comply with the requirements of Subsection (3)(a), the allegation shall be summarily dismissed with prejudice by:

(i) the chair of the Independent Legislative Ethics Commission, when reviewing the complaint under JR6-4-101; or

(ii) the commission, when reviewing the complaint under JR6-4-201.

JR6-2-202. General powers -- Jurisdiction.

(1) The commission and the committees have jurisdiction only over an individual who is currently serving in the Legislature.

(2) The commission and the committees shall dismiss an ethics complaint if the respondent legislator resigns from the Legislature.

Part 3. General Provisions Governing Hearings on Ethics Complaint

JR6-2-301. General procedures for conducting a hearing on an ethics complaint.

(1) In conducting a hearing on a complaint, the Independent Legislative Ethics Commission or the Senate or House Ethics Committee shall comply with the following process in the order specified:

(a) introduction and instructions for procedure and process, at the discretion of the chair;

(b) complainants' opening argument, to be presented by a complainant or complainants' counsel;

(c) complainants' presentation of evidence and witnesses in support of allegations in the

complaint;

(d) consideration of motions to dismiss the complaint or motions for a directed verdict, as applicable;

(e) respondent's opening argument, to be presented by the respondent or respondent's counsel;

(f) respondent's presentation of evidence and witnesses refuting allegations in the complaint;

(g) presentation of rebuttal evidence and witnesses by the complainants, at the discretion of the chair;

(h) presentation of rebuttal evidence and witnesses by the respondent, at the discretion of the chair;

(i) complainants' closing argument, to be presented by a complainant or complainants' counsel;

(j) respondent's closing argument, to be presented by the respondent or respondent's counsel;

(k) deliberations by the commission or committee; and

(l) adoption of the commission's or committee's findings.

(2) The commission or an ethics committee may, in extraordinary circumstances, vary the order contained in Subsection (1) by majority vote and by providing notice to the parties.

(3) The chair may schedule the examination of a witness or evidence subpoenaed at the request of the chair or the committee under JR6-2-303 at the chair's discretion.

JR6-2-302. Chair as presiding judge.

(1) Except as expressly provided otherwise in this title, the chair of the Independent Legislative Ethics Commission and the chair of the Senate or House Ethics Committee is vested with the power to direct the commission or committee during meetings authorized by this title.

(2) Unless expressly prohibited from doing so under this title, the commission or committee may overrule a decision of the chair by using the following procedure:

(a) If a member objects to a decision of the chair, that member may appeal the decision by stating:

(i) "I appeal the decision of the chair."; and

(ii) the basis for the objection.

(b) This motion is nondebatable.

(c) The chair shall direct a roll call vote to determine if the commission or committee supports the decision of the chair.

(d) A majority vote of the commission or committee is necessary to overrule the decision of the chair.

(3) The chair may set time limitations on any part of a meeting or hearing authorized by this title.

JR6-2-303. Subpoena powers.

(1) For all proceedings authorized by this title, the Independent Legislative Ethics Commission or the Senate or House Ethics Committee may issue a subpoena to:

(a) require the attendance of a witness;
(b) direct the production of evidence; or
(c) require both the attendance of a witness and the production of evidence.
(2) The commission shall issue a subpoena under this rule:
(a) as required under JR6-2-305;
(b) at the direction of the commission chair, if the chair determines that the testimony or evidence is relevant to the review of a complaint under Chapter 4, Part 2, Review of Ethics Complaint by the Independent Legislative Ethics Commission; or
(c) upon a vote of a majority of the commission members.
(3) An ethics committee shall issue a subpoena under this rule:
(a) as required under JR6-2-305;
(b) at the direction of the committee chair or vice chair, if the chair or vice chair determines that the testimony or evidence is relevant to review of a complaint under Chapter 4, Part 3, Review of Ethics Complaint by Ethics Committee; or
(c) upon a vote of a majority of the committee members.
(4) The director of the Office of Legislative Research and General Counsel shall issue a subpoena on behalf of an ethics committee when requested to do so by one of the persons or entities authorized to do so under Subsection (3).

JR6-2-304. Contempt of the Legislature.

(1) (a) The following actions constitute contempt of the Legislature in relation to actions and proceedings under this title:
(i) disobedience to a direction of the commission chair;
(ii) disobedience to a direction of an ethics committee chair;
(iii) failure to answer a question during a hearing when directed to do so by:
(A) the commission chair, unless the direction is overridden by the commission under JR6-2-302;
(B) an ethics committee chair, unless the direction is overridden by the committee under JR6-2-302; or
(C) a majority of the commission or committee;
(iv) failure to comply with a subpoena or other order issued under authority of this title;
(v) violation of privacy provisions established by JR6-3-102;
(vi) violation of the communication provisions established by JR6-2-306;
(vii) violation of a request to comply with a provision of this title by a chair or a majority of the members of the commission or committee; or
(viii) any other ground that is specified in statute or recognized at common law.
(b) Because the purpose of the Fifth Amendment privilege not to incriminate oneself is to prevent prosecution for criminal action, it is improper for a witness to invoke the Fifth Amendment privilege if the witness cannot be prosecuted for the crime to which the witness's testimony relates.
(2) (a) The following persons may authorize an enforcement action against a person in contempt of the Legislature under the provisions of this title:
(i) the commission chair, subject to the provisions of JR6-2-302;

(ii) members of the commission, by means of a majority vote;
(iii) an ethics committee chair, subject to the provisions of JR6-2-302; or
(iv) members of an ethics committee, by means of a majority vote.
(b) In initiating and pursuing an action against an individual for contempt of the Legislature, the plaintiff shall comply with the procedures and requirements of Section 36-14-5.

JR6-2-305. Testimony and examination of witnesses -- Oath -- Procedure -- Contempt.

(1) (a) The chair shall ensure that each witness listed in the complaint and response is subpoenaed for appearance at the hearing unless:
(i) the witness is unable to be properly identified or located; or
(ii) service is otherwise determined to be impracticable.
(b) The chair shall determine the scheduling and order of witnesses and presentation of evidence.
(c) The commission or committee may, by majority vote:
(i) overrule the chair's decision not to subpoena a witness under Subsection (1)(a);
(ii) modify the chair's determination on the scheduling and order of witnesses under Subsection (1)(b);
(iii) decline to hear or call a witness that has been requested by the complainant or respondent;
(iv) decline to review or consider evidence submitted in relation to an ethics complaint; or
(v) request and subpoena witnesses or evidence according to the procedures of JR6-2-303.
(2) (a) Each witness shall testify under oath.
(b) The chair or the chair's designee shall administer the oath to each witness.
(3) After the oath has been administered to the witness, the chair shall direct testimony as follows:
(a) allow the party that has called the witness, or that party's counsel, to question the witness;
(b) allow the opposing party, or that party's counsel, to cross-examine the witness;
(c) allow additional questioning by a party or a party's counsel as appropriate;
(d) give commission or committee members the opportunity to question the witness; and
(e) as appropriate, allow further examination of the witness by the commission or committee, or the parties or their counsel.
(4) (a) If the witness, a party, or a party's counsel objects to a question, the chair shall:
(i) direct the witness to answer; or
(ii) rule that the witness is not required to answer the question.
(b) If the witness declines to answer a question after the chair or a majority of the commission or committee determines that the witness is required to answer the question, the witness may be held in contempt as provided in JR6-2-304.
(5) (a) The chair or a majority of the members of the commission or committee may direct a witness to furnish any relevant evidence for consideration if the witness has brought the

material voluntarily or has been required to bring it by subpoena.

(b) If the witness declines to provide evidence in response to a subpoena, the witness may be held in contempt as provided in JR6-2-304.

JR6-2-306. Communications of commission and committee members.

(1) As used in this section, "third party" means:

(a) for a member of the Independent Legislative Ethics Commission, a person who is not a member of the commission or staff to the commission; or

(b) for a member of an ethics committee, a person who is not a member of the committee or staff to the committee.

(2) While a complaint is under review by the commission or an ethics committee, a member of that commission or committee may not initiate or consider any communications concerning the complaint with a third party unless:

(a) the communication is expressly permitted under the procedures established by this title; or

(b) the communication is made by the third party, in writing, simultaneously to:

(i) all members of the commission or committee; and

(ii) a staff member of the commission or committee.

(3) (a) While the commission is reviewing a complaint under this title, a commission member may communicate outside of the meetings, hearing, or deliberations with another member of, or staff to, the commission, only if the member's communication does not materially compromise the member's responsibility to independently review and make decisions in relation to the complaint.

(b) While a committee is reviewing a complaint under this title, a committee member may communicate outside of the meeting, hearing, or deliberations with another member of, or staff to, the committee, only if the member's communication does not materially compromise the member's responsibility to independently review and make decisions in relation to the complaint.

(4) While a complaint is under review by an ethics committee, a member of the commission may not comment publicly or privately about the commission's decision, reasoning, or other matters relating to the ethics complaint, but may provide or refer a questioner to the commission's written recommendation.

JR6-2-307. Attorney fees and costs.

(1) A person filing a complaint under this title:

(a) may, but is not required to, retain legal representation during the complaint review process; and

(b) is responsible for payment of complainants' attorney fees and costs incurred.

(2) (a) A legislator against whom a complaint is filed under this title:

(i) may, but is not required to, retain legal representation during the complaint review process; and

(ii) is responsible for that legislator's own attorney fees and costs involved, except as provided in Subsection (2)(b).

(b) The Senate, for a senator, or the House of Representatives, for a representative, shall

pay the reasonable attorney fees and costs incurred by a legislator against whom a complaint is filed under this title if:

(i) the commission declines to recommend that any allegation in the complaint be reviewed by an ethics committee; or

(ii) an ethics committee determines that none of the allegations in the complaint that were recommended for review by the commission have been proved.

(3) (a) An attorney participating in a hearing before the commission or an ethics committee shall comply with:

(i) the Rules of Professional Conduct established by the Utah Supreme Court;

(ii) the procedures and requirements of this title; and

(iii) the directions of the chairs, commission, and ethics committees.

(b) Violations of Subsection (3)(a) may constitute:

(i) contempt of the Legislature under JR6-2-304; or

(ii) a violation of the Rules of Professional Conduct subject to enforcement by the Utah State Bar.

CHAPTER 3. FILING A COMPLAINT ALLEGING A VIOLATION OF LEGISLATIVE ETHICS

JR6-3-101. Ethics complaints -- Filing -- Form.

(1) (a) The following individuals, who shall be referred to as the complainants, may file a complaint against an individual legislator if the complaint meets the requirements of JR6-2-201 and Subsection (1)(b):

(i) two or more members of the House of Representatives, for a complaint against a representative, provided that the complaint contains evidence or sworn testimony that:

(A) sets forth facts and circumstances supporting the alleged violation; and

(B) is evidence or sworn testimony of the type that would generally be admissible under the Utah Rules of Evidence;

(ii) two or more members of the Senate, for a complaint against a senator, provided that the complaint contains evidence or sworn testimony that:

(A) sets forth facts and circumstances supporting the alleged violation; and

(B) is evidence or sworn testimony of the type that would generally be admissible under the Utah Rules of Evidence; or

(iii) two or more registered voters currently residing within Utah, if, for each alleged violation pled in the complaint, at least one of those registered voters has actual knowledge of the facts and circumstances supporting the alleged violation.

(b) A complainant may file a complaint only against an individual who is serving as a member of the Legislature on the date that the complaint is filed.

(2) (a) Complainants shall file a complaint with the chair of the Independent Legislative Ethics Commission.

(b) An individual may not file a complaint during the 60 calendar days immediately preceding:

(i) a regular primary election, if the accused legislator is a candidate in the primary

election; or

(ii) a regular general election in which the accused legislator is a candidate, unless the accused legislator is unopposed in the election.

(3) The complainants shall ensure that each complaint filed under this rule is in writing and contains the following information:

(a) the name and position or title of the legislator alleged to be in violation, who shall be referred to as the respondent;

(b) the name, address, and telephone number of each individual who is filing the complaint;

(c) a description of each alleged violation, including for each alleged violation:

(i) a reference to:

(A) the section of the code of conduct alleged to have been violated; or

(B) the criminal provision violated and the docket number of the case involving the legislator;

(ii) the name of the complainant or complainants who have actual knowledge of the facts and circumstances supporting each allegation;

(iii) the facts and circumstances supporting each allegation, which shall be provided by:

(A) copies of official records or documentary evidence; or

(B) one or more affidavits, each of which shall comply with the following format:

(I) the name, address, and telephone number of the signer;

(II) a statement that the signer has actual knowledge of the facts and circumstances alleged in the affidavit;

(III) the facts and circumstances testified to by the signer;

(IV) a statement that the affidavit is believed to be true and correct and that false statements are subject to penalties of perjury; and

(V) the signature of the signer;

(d) a list of the witnesses that the complainants wish to have called, including for each witness:

(i) the name, address, and, if available, one or more telephone numbers of the witness;

(ii) a brief summary of the testimony to be provided by the witness; and

(iii) a specific description of any documents or evidence complainants desire the witness to produce;

(e) a statement that each complainant:

(i) has reviewed the allegations contained in the complaint and the sworn statements and documents attached to the complaint;

(ii) believes that the complaint is submitted in good faith and not for any improper purpose such as for the purpose of harassing the respondent, causing unwarranted harm to the respondent's reputation, or causing unnecessary expenditure of public funds; and

(iii) believes the allegations contained in the complaint to be true and accurate; and

(f) the signature of each complainant.

JR6-3-102. Privacy of ethics complaints -- Contempt -- Enforcement of finding of contempt -- Dismissal.

(1) (a) Except as provided in Subsection (1)(b) or (c), a person, including the complainants, the respondent, commission members, a committee chair or vice chair, or staff to the commission or a committee, may not disclose the existence of a complaint, a response, nor any information concerning any alleged violation that is the subject of a complaint.

(b) The restrictions in Subsection (1)(a) do not apply to:

(i) a complaint or response that is publicly released by the commission and referred to an ethics committee for review under the procedures and requirements of JR6-4-204, and the allegations contained in the publicly released complaint or response; or

(ii) the respondent's voluntary disclosure of a finding by the commission that no allegations in a complaint were proved, after that finding is issued by the commission under the procedures and requirements of JR6-4-204.

(c) Nothing in this rule prevents a person from disclosing facts or allegations about potential criminal violations to law enforcement authorities.

(2) A person who violates the provisions of Subsection (1)(a) is in contempt of the Legislature and proceedings may be initiated to enforce the finding of contempt using the procedures provided in JR6-2-304 and Section 36-14-5.

(3) If the existence of an ethics complaint is publicly disclosed during the period that the Independent Legislative Ethics Commission is reviewing the complaint, the complaint shall be summarily dismissed without prejudice.

CHAPTER 4. PROCEDURES FOR REVIEWING ETHICS COMPLAINTS

Part 1. Initial Review of Ethics Complaint and Response

JR6-4-101. Review of ethics complaint for compliance with form requirements -- Independent requirements for complaint -- Notice.

(1) Within five business days after receipt of a complaint, the staff of the Independent Legislative Ethics Commission, in consultation with the chair of the commission, shall examine the complaint to determine if it is in compliance with JR6-2-201 or JR6-3-101.

(2) (a) If the chair determines that the complaint does not comply with JR6-2-201 or JR6-3-101, the chair shall:

(i) return the complaint to the first complainant named on the complaint with:

(A) a statement detailing the reason for the non-compliance; and

(B) a copy of the applicable legislative rules; and

(ii) notify the president of the Senate and the chair and vice-chair of the Senate Ethics Committee, if the legislator named in the complaint is a senator, or the speaker of the House of Representatives and the chair and vice-chair of the House Ethics Committee, if the legislator named in the complaint is a representative, that:

(A) a complaint was filed against a member of the Senate or House, respectively, but was returned for non-compliance with legislative rule; and

(B) the fact that a complaint was filed and returned shall be kept confidential until the commission submits its annual summary data report as required by JR6-2-104.

(b) If a complaint is returned for non-compliance with the requirements of this title, the

complainants may file another complaint if the new complaint independently meets the requirements of JR6-3-101, including any requirements for timely filing.

(3) If the chair determines that the complaint complies with the requirements of this rule, the chair shall:

(a) accept the complaint;

(b) notify the president of the Senate and the chair and vice-chair of the Senate Ethics Committee, if the legislator named in the complaint is a senator, or the speaker of the House of Representatives and the chair and vice-chair of the House Ethics Committee, if the legislator named in the complaint is a representative, that:

(i) a complaint has been filed against an unidentified member of the Senate or House, respectively;

(ii) the identity of the legislator and the allegations raised in the complaint are confidential pending the commission's review of the complaint; and

(iii) the fact that a complaint was filed shall be kept confidential until the commission publicly discloses the existence of the complaint via:

(A) a recommendation that an allegation in the complaint be heard by a legislative ethics committee; or

(B) submission of the commission's annual summary data report as required by JR6-2-104;

(c) notify each member of the Independent Legislative Ethics Commission that the complaint has been filed and accepted; and

(d) promptly forward the complaint to the legislator who is the subject of the ethics complaint via personal delivery or a delivery method that provides verification of receipt, together with a copy of the applicable legislative rules and notice of the legislator's deadline for filing a response to the complaint.

JR6-4-102. Meeting of the Independent Legislative Ethics Commission for review of complaint -- Procedures.

By no later than 10 calendar days after the day on which the complaint is accepted under JR6-4-101, the commission chair shall:

(1) schedule a commission meeting on a date no later than 60 calendar days after the date on which the committee chair and vice chair accept the complaint;

(2) place the complaint on the agenda for consideration at that meeting;

(3) provide notice of the date, time, and location of the meeting to:

(a) the members of the commission;

(b) the first complainant named in the complaint; and

(c) the respondent; and

(4) provide a copy of the complaint to each member of the commission.

JR6-4-103. Response to ethics complaint -- Filing -- Form.

(1) The legislator that is the subject of the complaint may file a response to the complaint no later than 30 days after the day on which the legislator receives delivery of the complaint.

(2) The respondent shall file the response with the commission and shall ensure that the

response is in writing and contains the following information:

(a) the name, address, and telephone number of the respondent;

(b) for each alleged violation in the complaint:

(i) each affirmative defense asserted in response to the allegation, including a general description of each affirmative defense and the facts and circumstances supporting the defense to be provided by one or more affidavits, each of which shall comply with the following format:

(A) the name, address, and telephone number of the signer;

(B) a statement that the signer has actual knowledge of the facts and circumstances alleged in the affidavit;

(C) the facts and circumstances testified to by the signer;

(D) a statement that the affidavit is believed to be true and correct and that false statements are subject to penalties of perjury; and

(E) the signature of the signer;

(ii) the facts and circumstances refuting the allegation, which shall be provided by:

(A) copies of official records or documentary evidence; or

(B) one or more affidavits, each of which shall comply with the following format:

(I) the name, address, and telephone number of the signer;

(II) a statement that the signer has actual knowledge of the facts and circumstances alleged in the affidavit;

(III) the facts and circumstances testified to by the signer;

(IV) a statement that the affidavit is believed to be true and correct and that false statements are subject to penalties of perjury; and

(V) the signature of the signer;

(c) a list of the witnesses that the respondent wishes to have called, including for each witness:

(i) the name, address, and, if available, telephone number of the witness;

(ii) a brief summary of the testimony to be provided by the witness; and

(iii) a specific description of any documents or evidence the respondent desires the witness to produce;

(d) a statement that the respondent:

(i) has reviewed the allegations contained in the complaint and the sworn statements and documents attached to the response; and

(ii) believes the contents of the response to be true and accurate; and

(e) the signature of the respondent.

(3) Promptly after receiving the response, the commission shall provide copies of the response to:

(a) each member of the commission; and

(b) the first named complainant on the complaint.

Part 2. Review of Ethics Complaint by the Independent Legislative Ethics Commission

JR6-4-201. Review of ethics complaint by the Independent Legislative Ethics Commission.

(1) The scope of the Independent Legislative Ethics Commission's review is limited to the alleged violations stated in the complaint.

(2) (a) Before holding the meeting for review of the complaint, the commission chair may schedule a separate meeting of the commission for the purposes of:

(i) hearing motions or arguments from the parties, including hearing motions or arguments relating to dismissal of a complaint, admission of evidence, or procedures;

(ii) holding a vote of the commission, with or without the attendance of the parties, on procedural or commission business matters relating to a complaint; or

(iii) reviewing a complaint, with or without the attendance of the parties, to determine if the complaint should be dismissed in whole or in part, by means of a majority vote of the commission, because it pleads facts or circumstances against a legislator that have already been reviewed by the commission or an ethics committee as provided in JR6-2-201.

(b) Notwithstanding JR6-4-102, the commission may, by a majority vote, change the date of the meeting for review of the complaint in order to accommodate:

(i) a meeting authorized under Subsection (2)(a); or

(ii) necessary scheduling requirements.

(3) (a) The commission shall comply with the Utah Rules of Evidence except where the commission determines, by majority vote, that a rule is not compatible with the requirements of this title.

(b) The chair shall make rulings on admissibility of evidence consistent with the provisions of JR6-2-302.

(4) (a) All meetings and hearings authorized in this part are closed to the public.

(b) The following individuals may be present during the presentation of testimony and evidence to the commission:

(i) the complainants, except that no more than three complainants may be present at one time;

(ii) complainants' counsel, if applicable;

(iii) the respondent;

(iv) the respondent's counsel, if applicable;

(v) members of the commission;

(vi) staff to the commission;

(vii) a witness, while testifying before the commission; and

(viii) necessary security personnel.

(c) The complainants, respondent, and their respective counsel may be excluded from a portion of the meeting when the commission discusses administrative, procedural, legal, or evidentiary issues by:

(i) the order of the chair, subject to override as provided in JR6-2-302; or

(ii) a majority vote of the commission.

(d) When the commission deliberates at the conclusion of presentation of testimony and evidence, the commission shall ensure that those deliberations are closed to all persons except for the members of the commission and commission staff.

(5) If a majority of the commission determines that a continuance is necessary to obtain further evidence and testimony, to accommodate administrative needs, or to accommodate the

attendance of commission members, witnesses, or a party, the commission shall:

(a) adjourn and continue the meeting to a future date and time after notice to the parties; and

(b) establish that future date and time by majority vote.

JR6-4-202. Record -- Recording of meetings.

(1) (a) Except as provided in Subsection (1)(b), an individual may not use a camera or other recording device in any meeting authorized by this part.

(b) (i) The commission shall keep an audio or video recording of all portions of each meeting authorized by this part.

(ii) If the commission elects, by a majority vote, to release the commission's recommendation in a public meeting, the meeting may, upon a majority vote of the commission, be opened to cameras or other recording devices.

(2) In addition to the recording required in Subsection (1), the chair shall ensure that a record of the meeting or hearing is made, which shall include:

(a) official minutes taken during the meeting or hearing, if any;

(b) copies of all documents or other items admitted into evidence by the commission;

(c) copies of any documents or written orders or rulings issued by the chair or the commission; and

(d) any other information that a majority of the commission or the chair directs.

(3) Except for the recommendation prepared by the commission, which shall be either a private or public record as determined in JR6-4-204, any recording, testimony, evidence, or other record of a meeting authorized by this part is a private record under Section 63G-2-302 and may not be disclosed.

JR6-4-203. Process for making a decision -- Deliberations.

(1) After each party has presented a closing argument, the commission shall, at the direction of the chair, begin its private deliberations:

(a) immediately after conclusion of the closing arguments; or

(b) at a future meeting of the commission, on a date and time determined by a majority of the members of the commission.

(2) (a) The chair of the commission shall conduct the deliberations.

(b) Upon a motion made by a commission member, the commission may exclude commission staff from all or a portion of the deliberations by a majority vote of the commission.

(3) (a) During deliberations, for each allegation reviewed by the commission, each member shall determine and cast a vote stating whether the allegation is:

(i) proven by a preponderance of the evidence; or

(ii) not proven.

(b) A verbal roll call vote shall be taken on each allegation and each member's vote shall be recorded.

(4) (a) A count is not considered to be proven unless four of the five members of the commission vote that the count is proven.

(b) A count that is not considered to be proven is dismissed.

(c) (i) Before the commission issues its recommendation under JR6-4-204, the commission may, upon a majority vote, reconsider and hold a new vote on an allegation.

(ii) A motion to reconsider a vote may only be made by a member of the commission who voted that the allegation was not proved.

(5) At the conclusion of deliberations, the commission shall prepare its recommendations as provided in JR6-4-204.

JR6-4-204. Recommendations of commission.

(1) If the commission determines that no allegations in the complaint were proved, the commission shall:

(a) issue and enter into the record an order that the complaint is dismissed because no allegations in the complaint were found to have been proved;

(b) classify all recordings, testimony, evidence, orders, findings, and other records directly relating to the meetings authorized by this part as private records under Section 63G-2-302;

(c) provide notice of the determination, in a manner determined by a majority vote of the commission, to:

(i) the respondent; and

(ii) the first complainant named on the complaint; and

(d) provide notice to each person named in Subsection (1)(c) that, under the provisions of JR6-3-102 and other provisions of this title, a person who discloses the findings of the commission in violation of any provision of this chapter is in contempt of the Legislature and is subject to penalties for contempt.

(2) If the commission determines that one or more of the allegations in the complaint were proved, the commission shall:

(a) if one or more allegations were not found to have been proven, enter into the record an order dismissing those unproven allegations;

(b) prepare a written recommendation to the Senate Ethics Committee, if the respondent is a senator, or to the House Ethics Committee, if the respondent is a representative, that:

(i) lists the name of each complainant;

(ii) lists the name of the respondent;

(iii) states the date of the recommendation;

(iv) for each allegation that was found to be proven:

(A) provides a reference to the code of conduct or criminal provision allegedly violated;

(B) states the number and names of commission members voting that the allegation was proved and the number and names of commission members voting that the allegation was not proved;

(C) at the option of those members voting that the allegation was proved, includes a statement by one or all of those members stating the reasons for voting that the allegation was proved, provided that the statement does not cite specific evidence, specific testimony, or specific witnesses; and

(D) at the option of those members voting that the allegation was not proved, includes a statement by one or all of those members stating the reasons for voting that the allegation was not

proved, provided that the statement does not cite specific evidence, specific testimony, or specific witnesses;

(v) contains any general statement that is adopted for inclusion in the recommendation by a majority of the members of the commission;

(vi) contains a statement referring the allegations found to have been proved to the appropriate ethics committee for review;

(vii) states the name of each member of the commission; and

(viii) is signed by each commission member;

(c) direct staff to publicly release the recommendation, the complaint, and the response, subject to the redaction of any allegations that were dismissed by the commission; and

(d) classify all other recordings, testimony, evidence, orders, findings, and other records directly relating to the meetings and hearings authorized by this part as private records under Section 63G-2-302.

(3) The commission shall ensure that a copy of the recommendation is made publicly available and promptly provided to:

(a) the respondent, together with notice that the respondent may amend the respondent's witness list as provided in JR6-4-301;

(b) the first complainant named on the complaint, together with notice that the complainants may amend their witness list as provided in JR6-4-301; and

(c) the chair and vice chair of the Senate Ethics Committee, if the respondent is a senator, or the chair and vice chair of the House Ethics Committee, if the respondent is a representative.

(4) The commission shall ensure that, within five business days of the date of issuance of the recommendation:

(a) the complaint and the response are redacted to remove references to those allegations found not to have been proven by the commission, if one or more allegations were found not to have been proven; and

(b) the following documents are made publicly available and are provided to the chair and vice chair of the Senate Ethics Committee, if the respondent is a senator, or the chair and vice chair of the House Ethics Committee, if the respondent is a representative:

(i) a cover letter referring the allegations contained in the edited complaint to the ethics committee for the committee's review;

(ii) a copy of the edited complaint;

(iii) a copy of the edited response; and

(iv) a copy of the recommendation.

Part 3. Review of Ethics Complaint by Ethics Committee

JR6-4-301. Receipt of recommendation from Independent Legislative Ethics Commission -- Scheduling of Ethics Committee hearing -- Amendments.

(1) Within five calendar days of the date that the chair of the Senate Ethics or House Ethics Committee receives the commission's recommendation as provided under JR6-4-204, the chair and vice chair of the committee shall:

(a) schedule a committee hearing to review the complaint on a date no later than 30 days after the day on which the committee receives the recommendation; and

(b) place the ethics complaint on the agenda for consideration at that hearing.

(2) (a) The complainants may not amend the complaint.

(b) The respondent may not amend the response.

(c) The complainant and respondent may file with the committee, within 10 days of the date of issuance of the commission's recommendations, an amended list of witnesses and evidence that they wish to have subpoenaed by the committee.

JR6-4-302. Review of ethics complaint by Ethics Committee.

(1) The scope of the committee's review is limited to the alleged violations found to have been proven by the commission, as pled in the edited complaint and the edited response provided by the commission.

(2) (a) Before holding the hearing for review of the complaint as scheduled in JR6-4-301, the chair may schedule a separate meeting of the committee to:

(i) hear motions or arguments from the parties, including hearing motions or arguments relating to dismissal of a complaint, admission of evidence, or procedures; or

(ii) hold a vote of the committee, with or without the attendance of the parties, on procedural or committee business matters relating to a complaint.

(b) Notwithstanding JR6-4-301, the committee may, by a majority vote, change the date of the hearing scheduled in JR6-4-301 in order to accommodate:

(i) a meeting authorized under Subsection (2)(a); or

(ii) necessary scheduling requirements.

(3) (a) The committee shall comply with the Utah Rules of Evidence, except where the committee determines, by majority vote, that a rule is not compatible with the requirements of this title.

(b) The chair shall make rulings on admissibility of evidence consistent with the provisions of JR6-4-202.

(4) (a) A meeting or hearing held under this Chapter 4, Part 3, Review of Ethics Complaint by Ethics Committee:

(i) is subject to the requirements of Title 52, Chapter 4, Open and Public Meetings Act; and

(ii) may be closed by a majority vote of the committee, held in the public portion of the meeting, for:

(A) any purpose permitted under Section 52-4-205;

(B) the purpose of discussing legal, evidentiary, or procedural matters with the committee or staff; or

(C) deliberations, as provided in JR6-4-304.

(b) Only committee members, committee staff, and necessary security personnel may attend a closed meeting.

(5) If a majority of the committee determines that a continuance of a meeting or hearing is necessary to obtain further evidence and testimony, to accommodate administrative needs, or to accommodate the attendance of committee members, witnesses, or a party, the chair or

committee shall:

(a) adjourn and continue the hearing or meeting to a future date and time; and

(b) establish that future date and time by majority vote.

JR6-4-303. Record -- Recording of meetings.

(1) (a) Except as provided in Subsection (1)(b), an individual may not use a camera or other recording device in any meeting authorized by this part.

(b) (i) The committee shall keep an audio or video recording of all portions of each meeting authorized by this part.

(ii) If the committee elects, by a majority vote, to release the committee's finding and order in a public meeting, that meeting may, upon a majority vote of the committee, be opened to cameras or other recording devices.

(2) In addition to the recording required in Subsection (1), the chair shall ensure that a record of each hearing or meeting is made, which shall include:

(a) official minutes taken during the meeting or hearing, if any;

(b) copies of all documents or other items admitted into evidence;

(c) copies of any documents, written orders, or written rulings issued by the chair or the committee; and

(d) any other information that a majority of the committee or the chair directs.

(3) (a) Except as provided in Subsection (3)(b), all recordings, testimony, evidence, and other records of meetings and hearings authorized by this part are public records.

(b) All recordings, minutes, and other records produced during a closed meeting authorized under this part are classified as private records under Section 63G-2-302.

JR6-4-304. Process for making a decision -- Deliberations -- Voting in public meeting.

(1) After each party has presented a closing argument, the committee shall deliberate in a closed meeting:

(a) immediately after conclusion of the closing arguments; or

(b) at a future meeting of the committee, on a date and time determined by a majority of the members of the committee.

(2) The chair of the committee shall conduct the deliberations.

(3) During the deliberations, committee members may:

(a) discuss evidence and testimony;

(b) discuss and debate whether an allegation was proven or not proven;

(c) discuss and debate what actions should be taken or not taken against the respondent in relation to each allegation;

(d) discuss and debate any other matter related to the allegations in the complaint that is before the committee; and

(e) conduct, at the call of the chair or a majority of the members of the committee, a non-binding straw poll on any matter related to the complaint.

(4) (a) Notwithstanding JR6-2-306, and except as provided in Subsection (4)(b), from the time of completion of closing arguments through the time that the written finding and order are

publicly issued, a committee member may not discuss any of the following matters with any other person outside of official committee deliberations:

(i) the substance or specifics of the allegations, testimony, or evidence of the complaint under review;

(ii) a committee member's intended vote;

(iii) a committee member's recommendation for actions to be taken or not taken against the respondent in relation to the complaint; or

(iv) any other non-administrative matter related to the complaint.

(b) During deliberations, committee members may privately consult with staff for the purpose of discussing legal, evidentiary, or procedural matters.

(5) Deliberations shall continue until they are concluded or continued to another date and time:

(a) at the direction of the chair, subject to JR6-2-302; or

(b) upon a motion approved by a majority of the committee members.

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

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

(a) proven by clear and convincing evidence; or

(b) not proven.

(2) For any count that has been voted as proven, the committee shall, by a motion approved by a majority of the members of the committee, recommend one or more of the following actions:

(a) censure;

(b) expulsion;

(c) denial or limitation of any right, power, or privilege of the respondent, if, under the Utah Constitution, the Senate or House may impose that denial or limitation, and if the violation bears upon the exercise or holding of any right, power, or privilege; or

(d) any other action that the committee determines is appropriate.

(3) Votes shall be taken by verbal roll call and each member's vote shall be recorded.

(4) A count is not considered to be proven unless a majority of the committee votes that the count is proven.

(5) The committee, by a motion for reconsideration that is approved by a majority of the committee, may reconsider and hold a new vote provided that:

(a) a motion to reconsider a vote on whether an allegation was proven or not proven may only be made by a member of the committee who voted that the allegation was not proven; and

(b) a motion to reconsider a vote recommending an action against the respondent may only be made by a member of the committee who voted against the recommendation.

(6) A count that is not voted as "proven" by a majority of the members of the committee is dismissed.

(7) The committee may close the meeting for the purposes of further deliberations, subject to the requirements of JR6-4-304:

(a) at the direction of the chair, subject to override by the committee as provided in JR6-2-302; or

(b) upon a motion approved by a majority of the members of the committee.

(8) After a final vote has been cast on each allegation and recommendation, the committee shall prepare the finding and order as provided in JR6-4-306.

JR6-4-306. Finding and order.

(1) (a) If the committee determines that no allegations in the complaint were proved, the committee shall prepare a finding and order that:

(i) lists the name of each complainant;

(ii) lists the name of the respondent;

(iii) states the date of the finding and order;

(iv) for each allegation contained in the complaint:

(A) provides a reference to the code of conduct or criminal provision alleged to have been violated; and

(B) states the number and names of committee members voting that the allegation was proved and the number and names of committee members voting that the allegation was not proved;

(v) order that the complaint is dismissed because no allegations in the complaint were found to have been proved;

(vi) provide any general statement that is adopted for inclusion in the recommendation by a majority of the committee members; and

(vii) states the name of each committee member.

(b) Each committee member shall sign the finding and order.

(2) (a) If the committee determines that one or more allegations in the complaint were proved, the committee shall issue a finding and order that:

(i) lists the name of each complainant;

(ii) lists the name of the respondent;

(iii) states the date of the finding and order;

(iv) for each allegation contained in the complaint:

(A) provides a reference to the code of conduct or criminal provision alleged to have been violated;

(B) states the number and names of committee members voting that the allegation was proved and the number and names of committee members voting that the allegation was not proved;

(C) if the allegation was not found to have been proven, orders that the allegation be dismissed; and

(D) if the allegation was found to have been proven, contains:

(I) a description of any actions that the committee recommended be taken;

(II) the number and names of committee members voting in favor of each recommendation and the number and names of committee members voting against each recommendation;

(III) at the option of those members voting in favor of a recommendation, a statement by

one or all of those members stating the reasons for making the recommendation; and

(IV) at the option of those members against a recommendation, a statement by one or all of those members stating the reasons for opposing the recommendation;

(v) contains any general statement that is adopted for inclusion in the finding and order by a majority of the committee members;

(vi) contains a statement directing that the finding be delivered to:

(A) for the Senate Ethics Committee, to the president of the Senate, the Senate majority leader, and the Senate minority leader; or

(B) for the House Ethics Committee, to the speaker of the House of Representatives, the House majority leader, and the House minority leader; and

(vii) states the name of each committee member.

(b) Each committee member shall sign the finding and order.

(3) A copy of the finding and order shall be made publicly available.

(4) A written copy of the finding and order shall be provided to:

(a) the respondent;

(b) the first complainant named on the complaint; and

(c) any individuals required to receive a copy as stated in the finding and order.

CHAPTER 5. ACTION BY SENATE OR HOUSE ON ETHICS COMMITTEE RECOMMENDATION

JR6-5-101. Senate and House action.

(1) The Senate or House shall:

(a) consider the recommendations of the ethics committee; and

(b) by a majority vote of that house, either accept, dismiss, or alter these recommendations.

(2) If the committee recommends expulsion of a senator or representative, acceptance of this recommendation requires a two-thirds vote of all the members elected to the Senate or to the House.

CHAPTER 6. COMMUNICATIONS WITH OTHER BRANCHES OF GOVERNMENT

JR6-6-101. Communications with the judiciary.

(1) As used in this section, "final decision or order" means a decision or order that determines the rights of the parties and concerning which appellate remedies have been exhausted or the time for appeal has expired.

(2) (a) A legislator may not communicate, either verbally or in writing, with a judge in reference to a particular judicial case or proceeding until a final decision or order has been made on the matter.

(b) Inquiries to the judiciary that are merely technical or logistical in nature should be made with the Administrative Office of the Courts or a clerk of the court.

JR6-6-102. Exceptions -- Acting in normal course of private employment.

The restrictions in this chapter shall not apply to a communication that a legislator makes with the judiciary in the normal course of the legislator's private employment, provided that the legislator does not use his or her status as a legislator in an attempt to unduly influence the judiciary.

INTERIM RULES

INTERIM RULES

TITLE 1. COMMITTEE AND TASK FORCE ORGANIZATION AND STRUCTURE

CHAPTER 1. GENERAL PROVISIONS AND ORGANIZATION

Part 1. General Provisions

IR1-1-101. Definitions.

As used in this title:

(1) (a) "Interim committee" means a committee established in IR1-1-201 that is composed of members of the Senate and House, meeting jointly.

(b) "Interim committee" does not mean a standing committee as designated in SR3-2-201 and HR3-2-201.

(2) "Special committee" means a legislative committee or task force that is not an interim committee.

(3) "Subcommittee" means a subsidiary unit of an interim committee or special committee.

Part 2. Organization

IR1-1-201. Interim committees established -- Membership -- Chairs -- Chair duties.

(1) The president of the Senate and the speaker of the House shall:

(a) appoint members from their respective chambers to serve on the following joint interim committees:

(i) Business and Labor Interim Committee;

(ii) Education Interim Committee;

(iii) Government Operations Interim Committee;

(iv) Health and Human Services Interim Committee;

(v) Judiciary Interim Committee;

(vi) Law Enforcement and Criminal Justice Interim Committee;

(vii) Natural Resources, Agriculture, and Environment Interim Committee;

(viii) Political Subdivisions Interim Committee;

(ix) Public Utilities and Technology Interim Committee;

(x) Retirement and Independent Entities Interim Committee;

(xi) Revenue and Taxation Interim Committee;

(xii) Transportation Interim Committee; and

(xiii) Workforce Services and Community and Economic Development Interim Committee; and

(b) appoint one member from their chamber to serve as cochair of each interim committee.

(2) The chairs of each interim committee, meeting jointly, shall:

(a) determine the agenda for committee meetings;

(b) assist and give direction to staff in the conduct of the committee's business; and
(c) perform other duties assigned by the committee.

IR1-1-202. Interim committees -- Creation and organization of subcommittees.
(1) An interim committee may establish one or more subcommittees if:
(a) a majority of the interim committee votes to create the subcommittee;
(b) the per diem and expenses of the subcommittee members can be adequately covered within the budget of the interim committee; and
(c) the interim committee solicits and receives approval from the Legislative Management Committee to create the subcommittee.
(2) The interim committee shall establish the powers and duties of the subcommittee.
(3) The cochairs of the interim committee shall:
(a) appoint at least four legislators to serve on the subcommittee from the membership of the interim committee that created the subcommittee; and
(b) appoint at least one additional legislator who is a member of the interim committee that created the subcommittee as chair of the subcommittee.

IR1-1-203. Special committees -- Creation and organization of subcommittees.
(1) A special committee may not create a subcommittee unless:
(a) the legislation creating the special committee authorizes the creation of a subcommittee; and
(b) the per diem and expenses of the subcommittee members can be adequately covered from the budget of the special committee.
(2) Notwithstanding Subsection (1), a special committee may create a subcommittee if:
(a) the legislation creating the special committee does not explicitly prohibit the creation of a subcommittee;
(b) the Legislative Management Committee approves creation of the subcommittee; and
(c) the per diem and expenses of the subcommittee members can be adequately covered from the budget of the special committee.

TITLE 2. DUTIES OF INTERIM COMMITTEES

CHAPTER 1. INTERIM COMMITTEES - GENERAL RESPONSIBILITIES

IR2-1-101. Interim committees -- General duties.
Each interim committee shall:
(1) receive study assignments by resolution from the Legislature;
(2) receive study assignments from the Legislative Management Committee;
(3) investigate and study possibilities for improvement in government services within its subject area;
(4) request and receive research reports from professional legislative staff pertaining to the committee's study agenda;
(5) if useful, request, and if necessary, subpoena, testimony from government officials,

private organizations, and members of the public on issues being studied by the committee;

(6) make recommendations to the Legislature for legislative action; and

(7) prepare and recommend legislation to the Legislature based upon the committee's studies.

CHAPTER 2. INTERIM COMMITTEES - OTHER RESPONSIBILITIES

IR2-2-101. Interim committees -- Reviewing audit reports.

When an interim committee or a special committee receives an audit report from the Audit Subcommittee of the Legislative Management Committee for its review, the committee shall:

(1) review and consider whether or not the recommendations in the audit report should be implemented;

(2) request legislation or recommend appropriations to the Executive Appropriations Committee, if appropriate; and

(3) report its actions to the Audit Subcommittee.

IR2-2-102. Interim committees -- Review of rules referred by Administrative Rules Review Committee.

When an interim committee receives an administrative rule for review from the Administrative Rules Review Committee, the interim committee may review that rule and make recommendations to the Legislative Management Committee and the Administrative Rules Review Committee about whether or not the rule should be repealed.

TITLE 3. REQUIREMENTS FOR AND CONDUCT OF COMMITTEE AND TASK FORCE MEETINGS

CHAPTER 1. MEETINGS

IR3-1-101. Interim committees -- Joint meetings -- Location of meetings -- Notice of meetings.

(1) The corresponding interim committees of each chamber shall meet jointly, unless otherwise determined by the chair of each interim committee.

(2) (a) Each interim committee shall meet at the time and in the room assigned by the Legislative Management Committee.

(b) An interim committee may meet at additional times or in other locations as determined by the chairs, if reasonable notice is issued as required by Utah Code Title 52, Chapter 4, Open and Public Meetings.

(3) Each committee chair shall ensure that each interim committee meeting is open to the public, except as otherwise provided in Utah Code Title 52, Chapter 4, Open and Public Meetings.

(4) Each committee chair shall ensure that the time, location, and agenda of each interim committee meeting is posted in the places designated by the Legislative Management Committee.

IR3-1-102. Rights of members to attend meetings -- Nonmembers of the committee or subcommittee may not vote.

(1) Any member of the Legislature may:

(a) attend any meeting of an interim committee or any of its subcommittees; and

(b) if recognized by the chair, present the member's views on any subject under consideration by the committee or subcommittee.

(2) Notwithstanding Subsection (1), a legislator must be a member of the committee or subcommittee in order to:

(a) vote on any decision of the committee or subcommittee; or

(b) receive per diem for attending the meeting unless approval for receiving per diem is obtained from the Legislative Expenses Oversight Committee of the chamber in which the legislator is a member.

IR3-1-103. Order and decorum -- Points of order.

(1) (a) The chair shall preserve order and decorum in committee meetings and hearings.

(b) The chair may order the committee room cleared of any disorderly visitor.

(2) (a) The chair shall decide points of order, subject to an appeal to the committee by any member of the committee.

(b) A committee member wishing to appeal a decision of the chair shall make a motion appealing the decision of the chair.

(c) The committee shall decide the point of order by a majority vote of the committee members present.

IR3-1-104. Visitors.

(1) As used in this rule, "committee" means any interim committee, special committee, or subcommittee.

(2) (a) The chair shall ensure that visitors to a committee meeting or hearing sit in chairs designated for that purpose.

(b) The chair may not allow visitors to speak during a committee meeting unless:

(i) the chair specifically invites them to speak; or

(ii) the meeting has been designated a public hearing and the visitors agree to comply with any restrictions on time and order announced by the chair.

(3) (a) If the chair allows public comment or testimony on a bill or other matter before the committee, the chair may, or a majority of the committee may, require that any or all person's testimony be taken under oath.

(b) The oath shall be administered by the committee chair, cochair, or committee staff.

(4) The chair shall:

(a) ensure that the number of visitors, members, and staff at a hearing or meeting does not exceed the number posted by the state fire marshal as the limit of occupancy for the room where the meeting is held; and

(b) announce when the limit is reached and prevent the entry of additional persons into the room.

IR3-1-105. Electronic meetings.

(1) As used in this rule:

(a) "Anchor location" means the physical location in the building and city where the committee would normally meet and from which the electronic meeting originates or from which the participants are connected.

(b) "Committee" means an interim committee, special committee, or subcommittee of the Legislature.

(c) "Electronic meeting" means a public meeting of a committee that is partially convened or conducted by means of a voice telephone or computer web or video conference.

(d) "Electronic notice" means electronic mail or fax.

(e) "Monitor" means to:

(i) hear live, by speaker, or by other equipment, all of the public statements of each member of the committee who is participating in a meeting; or

(ii) see and hear, by computer screen or other visual medium, all of the public statements of each member of the committee who is participating in a meeting.

(f) "Participate" means the ability to communicate with all of the members of a committee, either verbally or electronically, so that each member of the committee can hear or see the communication.

(g) "Public hearing" means a committee meeting at which comments from the public will be accepted.

(h) "Public statement" means a statement made in the ordinary course of business of the committee with the intent that all other members of the public body receive it.

(i) "Remote location" means a location other than the anchor location from which a committee member may participate in the meeting.

(2) A committee chair may, by following the procedures and requirements of this section, convene and conduct an electronic meeting.

(3) (a) A committee member who will be more than 50 miles away from the anchor location on the day and at the time of a scheduled meeting may request that the chair allow the member to participate from a remote location.

(b) If a committee member wishes to participate in a committee meeting from a remote location, the committee member shall, at least three days before the meeting, contact the committee chair and request that the chair convene and conduct an electronic meeting.

(c) After receiving the request, the chair shall:

(i) determine whether or not the committee member will be more than 50 miles away from the anchor location on the day and at the time of a scheduled meeting;

(ii) if the committee member will be more than 50 miles away from the anchor location on that day and time, consult with committee staff to determine whether or not there are sufficient equipment and connections to allow the committee member to participate from a remote location; and

(iii) obtain permission from the president of the Senate and the speaker of the House of Representatives to conduct an electronic meeting.

(d) If the president and speaker approve, and if sufficient equipment and connections

exist, the chair may grant the committee member's request to participate from a remote location.

(4) A chair convening or conducting an electronic meeting shall:

(a) establish the anchor location for the public meeting in the building and city where the committee would normally meet if it were not holding an electronic meeting;

(b) provide space and facilities at the anchor location so that interested persons and the public may attend and monitor the open portions of the meeting;

(c) if the meeting is a public hearing, or if the chair intends to allow public comment, provide space and facilities at the anchor location so that interested persons and the public may attend, monitor, and participate in the open portions of the meeting; and

(d) if necessary, establish and communicate protocols and procedures governing the electronic meeting to ensure order and fair opportunities to participate by those committee members participating electronically at one or more remote locations and at the anchor location.

(5) A chair convening or conducting an electronic meeting shall ensure that:

(a) public notice of the meeting, as required by Section 52-4-202 of the Utah Code, is given including posting written notice at the anchor location; and

(b) in addition to giving public notice required by Subsection (5)(a), notice of the electronic meeting given to committee members at least 24 hours before the meeting shall describe how the committee members will be connected to the electronic meeting.

(6) A committee member participating from a remote location is included in calculating a quorum and may vote.

CHAPTER 2. QUORUM AND VOTING REQUIREMENTS - MINUTES

Part 1. Quorum and Voting Requirements

IR3-2-101. Quorum requirements.

(1) For the purpose of determining a committee or subcommittee quorum, a majority is at least 50% in one house and more than 50% in the other.

(2) If a member of the committee or subcommittee fails to attend two consecutive meetings of a committee or subcommittee in any calendar year, that legislator's membership in the committee or subcommittee is not counted for that calendar year in determining a quorum, except for meetings that the legislator actually attends.

(3) Except for meetings that the legislator actually attends, legislators who are members of the Legislative Management Committee are not counted in determining a quorum.

(4) Notwithstanding the requirements of Subsections (2) and (3), at least one senator must be present in order to have a committee or subcommittee quorum.

IR3-2-102. Voting requirements.

(1) For the purpose of voting in a meeting, a majority is at least 50% in one house and more than 50% in the other.

(2) After the committee votes, 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) verbally identify by name either the committee members who voted "yes" or the committee members who voted "no."

Part 2. Minutes

IR3-2-201. Minutes.

(1) (a) Each interim committee and each subcommittee shall keep minutes of meetings as required by Utah Code Title 52, Chapter 4, Open and Public Meetings.

(b) Meetings of interim committees and subcommittees may be electronically recorded to assist in preparing accurate minutes of the meeting.

(2) Upon approval of the minutes by the committee, the minutes are the official record of the proceedings of the committee and the electronic record, if any, may be destroyed unless the committee or subcommittee, by majority vote, directs that the electronic record be preserved.

(3) (a) Except as provided in Subsection (3)(b), each interim committee and each subcommittee shall ensure that the vote of each member on any question is recorded in the minutes of the meeting.

(b) Questions approved by unanimous vote or by a substantial majority of those present may be recorded as approved with only the names of those opposed and those absent listed in the minutes.

CHAPTER 3. CONDUCT OF MEETINGS

Part 1. Order of Business, Debate, and Voting

IR3-3-101. Order of business.

Unless otherwise determined by the chair or by a majority vote of the interim committee, each committee or subcommittee shall substantially follow this order of business:

(1) call of the committee to order by the chair;

(2) approval of the minutes of any previous meeting;

(3) announcement of the order of consideration of agenda items;

(4) announcement of time restrictions, if any;

(5) announcement of communications sent to the committee by the Legislative Management Committee or other entities; and

(6) agenda business.

IR3-3-102. Obtaining the floor in committee -- Remarks to be germane.

(1) The chair may recognize any committee member who wishes to speak to a matter of business before the committee.

(2) Upon being recognized, the committee member shall confine his remarks to the subject under discussion.

IR3-3-103. Members required to vote.

Each committee member present at the committee meeting shall vote "yea" or "nay" on

each question put to a vote by the chair.

Part 2. Public Hearings

IR3-3-201. Public hearings.

(1) An interim committee or subcommittee may hold public hearings in addition to or instead of regular committee meetings.

(2) The chair, subject to the approval of the committee, may adopt procedures for the orderly conduct of the hearing, including limitation of the time available for the entire hearing and for all individual presenters, and the order in which those presenting shall address the committee.

(3) The committee may, at any time, close the public hearing and begin a regular committee meeting.

(4) Upon majority vote of the committee, any presenter's testimony may be taken under oath.

CHAPTER 4. PARLIAMENTARY RULES GOVERNING INTERIM COMMITTEES

Part 1. Parliamentary Authority and General Parliamentary Requirements

IR3-4-101. Motions to be stated before debate -- Dividing a motion -- Withdrawing a motion.

(1) When a motion is made, it shall be stated by the chair before debate.

(2) When a motion is stated by the chair, it is in the possession of the committee.

(3) (a) If a motion contains several points, a committee member may request that the motion be divided and that each part be voted upon separately.

(b) To be in order, the request to divide must clearly state how the question is to be divided.

(c) Except as provided in Subsections (3)(d) and (e), if the request is in order, the chair must divide the motion and take a separate vote on each part of the divided motion.

(d) (i) Except as provided in Subsections (3)(d)(ii) and (iii), a motion to strike out and insert, or to delete and insert, is not subject to division.

(ii) If the committee rejects a motion to strike out and insert one proposition, a motion to strike out and insert a different proposition is in order.

(iii) If the committee rejects a motion to delete and insert one proposition, a motion to delete and insert a different proposition is in order.

(e) (i) The presiding officer shall determine how many divisions may be made to any question.

(ii) The committee may seek to overrule this decision only once.

(4) (a) A motion may be withdrawn at any time by the sponsor before it is divided or amended.

(b) After a motion has been divided or amended, it may be withdrawn by the sponsor only if the withdrawal of the motion is approved by a majority of the committee members present.

IR3-4-102. Motions in order during debate.

While a question is being debated, the chair may not accept any other motion except a motion:

(1) to fix the time at which to adjourn;
(2) to adjourn;
(3) to hold;
(4) to postpone to a time certain;
(5) to amend or substitute; or
(6) to call for the previous question.

IR3-4-103. Motions to be decided without debate.

(1) The chair may not allow debate on a motion to adjourn, a motion to recess, a motion to end debate, or an appeal of the decision of the chair on a point of order.

(2) The chair shall decide, without allowing debate, each point of order raised after a motion to adjourn, a motion to recess, or a motion to end debate is made.

IR3-4-104. Substitute motions.

(1) A substitute motion, or any part of the substitute motion, if adopted by a majority of the committee members present, disposes of the original motion.

(2) The chair may not accept a substitute motion to a substitute motion.

IR3-4-105. Which motions may be amended (Masons Sec. 396).

Each original main motion may be amended, and all other motions may be amended, except the following motions:

(1) to adjourn;
(2) to appeal the decision of the chair;
(3) to raise a point of order;
(4) to divide another motion;
(5) to table;
(6) to remove from the table;
(7) to call the previous question;
(8) to amend an amendment;
(9) to move to the next item on the agenda;
(10) to call for division; or
(11) to reconsider.

Part 2. General Rules Governing Motions

IR3-4-201. Motion to adjourn.

A motion to adjourn is in order except:

(1) when the committee is in the process of voting;
(2) when a previous motion to adjourn has been defeated and there has been no

intervening business; or

(3) when another member of the committee has the floor.

IR3-4-202. Motion to end debate.

A motion to end debate passes only if it is approved by a two-thirds vote of the committee members present.

SENATE RULES

SENATE RULES

TITLE 1. RULES GOVERNING ORGANIZATION AND MANAGEMENT OF THE SENATE

CHAPTER 1. ADOPTION OF RULES AND PRACTICES

SR1-1-101. Adoption, amendment, or suspension of Senate Rules.

(1) The Senate shall adopt Senate Rules at the beginning of each legislative session by a constitutional two-thirds vote.

(2) Except as provided in this Subsection (2) and in Subsection (3), after the initial adoption of Senate Rules, additional rules may be adopted or existing rules may be suspended, amended, or repealed by a majority vote, except rules governing motions for lifting tabled legislation from committee, which require a two-thirds vote to adopt, suspend, amend, or repeal.

(3) If the suspension of any Senate Rule is governed by the Utah Constitution or Utah statutes, the Senate may suspend that rule only as provided by that constitutional or statutory provision.

SR1-1-102. Constitutional motion.

At the beginning of each annual general or special session of the Senate, before the reading of any piece of legislation, the Senate Rules Committee chair shall make the following motion:

"Mr. (Madam) President, as allowed by the Utah Constitution and the Joint Rules of the Legislature, I move that the Senate continue its practice of reading only the short title of bills and resolutions as they are introduced or considered on a Senate calendar and not read the long title of the bills and resolutions unless a majority of the Senate directs the reading of the long title, short title, or both of any House or Senate bill or resolution."

SR1-1-103. Mason's Manual of Legislative Procedure -- Reference.

In addition to Senate Rules and other applicable legislative rules, the presiding officer may use Mason's Manual of Legislative Procedure as a reference when a question arises about parliamentary practice, legislative process, or legislative procedure that is not resolved by reference to legislative rules.

CHAPTER 2. INITIAL ORGANIZATION

SR1-2-101. Calling the Senate to order.

On the first day of each annual general session of the Legislature during odd-numbered years, the president-elect shall designate a person to call the Senate to order and preside until the senators have taken the oath of office and elected a president.

CHAPTER 3. PRESIDENT OF THE SENATE

SR1-3-101. Election of president.

(1) The Senate shall elect a president to perform the duties established by this chapter.

(2) (a) Following a regular general election and before January 1 of odd-numbered years, the Senate majority caucus shall select a president-elect.

(b) Beginning January 1 of odd-numbered years, the senator elected by the majority caucus shall serve as president-elect and perform the duties of the president until the Senate elects a president as required by Subsection (1).

SR1-3-102. Duties of the president.

(1) The general duties of the president are to:

(a) assign responsibilities to and supervise the officers and employees of the Senate;

(b) assign places and determine access for news media representatives;

(c) call the Senate to order at the time scheduled for convening, and proceed with the daily order of business;

(d) announce the business before the Senate in the order that it is to be acted upon;

(e) receive and submit all motions and proposals presented by senators;

(f) put to a vote all questions that arise in the course of proceedings, and announce the results of the vote;

(g) enforce the Senate Rules governing debates;

(h) enforce observance of order and decorum;

(i) inform the Senate on any point of order or practice;

(j) receive and announce to the Senate any official messages and communications;

(k) sign all acts, orders, and proceedings of the Senate;

(l) appoint the members of committees; and

(m) represent the Senate, declaring its will and obeying its commands.

(2) The president shall:

(a) sign, or authorize a designee to sign, all requisitions on the Division of Finance to pay Senate expenses; and

(b) give final approval of all expenditure requests as authorized by the majority and minority leaders of the Senate, including per diem compensation, travel expenses, and expenses for in-state and out-of-state travel on legislative business.

SR1-3-103. Temporary presiding officer in president's absence.

(1) (a) The president may call a senator to the chair as president pro tempore.

(b) The president pro tempore's appointment terminates when directed by the president or when the Senate adjourns, whichever comes first.

(2) The president pro tempore, and each senator authorized to preside by the president, has all the powers of the president while presiding.

CHAPTER 4. OTHER SENATE OFFICERS

Part 1. Secretary of the Senate

SR1-4-101. Appointment of secretary of the Senate.

Before the annual general session of the Legislature is convened, the president or president-elect of the Senate shall appoint a person to serve as secretary of the Senate.

SR1-4-102. Duties of the secretary of the Senate.

The general duties of the secretary of the Senate are to:

(1) act as chief administrative officer of the Senate, subject to direction by the president;

(2) certify and transmit legislation to the Senate and inform the Senate of all House action;

(3) assist in the preparation of the Senate journal and certify it as an accurate reflection of Senate action;

(4) make the following technical corrections to legislation either before or following final passage:

(a) correct the spelling of words;

(b) correct the erroneous division and hyphenation of words;

(c) correct mistakes in numbering sections and their references;

(d) capitalize words or change capitalized words to lower case;

(e) change numbers from words to figures or from figures to words;

(f) underscore or remove underscoring in legislation without a motion to amend; or

(g) any combination of Subsections (4)(a) through (f);

(5) modify the long title of a piece of legislation to ensure that the long title accurately reflects any changes to the legislation made by amendment or substitute;

(6) supervise all Senate personnel during the session and assign them duties and responsibilities;

(7) keep a record of the attendance of all Senate employees and ensure that any in-session employee who is absent may not be paid without the written consent or subsequent approval of the president;

(8) act as custodian of all official documents;

(9) receive all numbered legislation from the Office of Legislative Research and General Counsel;

(10) record the number, title, sponsor, each action, and final disposition of each piece of legislation on the back of the legislation;

(11) prepare and distribute the daily order of business each day;

(12) advise the president on parliamentary procedure, constitutional requirements, Joint Rules, and Senate Rules;

(13) read, or cause to be read, the title of all bills and other materials as requested by the president;

(14) receive committee reports and present them to the Senate;

(15) assist with amendments to legislation;

(16) record votes and present the results to the president;

(17) transmit all enrolled Senate bills and Senate concurrent resolutions to the governor;

(18) maintain all calendars for the Senate floor;

(19) respond to inquiries from legislators, government agencies, and members of the

public regarding Senate history, activities, and legislative action; and

(20) represent the Senate at schools, organizations, clubs, and other civic groups when requested by the president.

Part 2. Sergeant-at-Arms

SR1-4-201. Appointment of sergeant-at-arms.

Before the annual general session of the Legislature is convened, the president or president-elect of the Senate shall appoint a person to serve as sergeant-at-arms of the Senate.

SR1-4-202. Duties of the sergeant-at-arms.

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

(1) maintain security;

(2) enforce the Senate Rules and other legislative rules at the direction of the presiding officer or the Senate; and

(3) provide other service as requested by the secretary of the Senate or the president.

CHAPTER 5. SCHEDULE FOR THE SENATE

Part 1. Convening and Daily Schedule

SR1-5-101. Hour of meeting.

The Senate shall meet at 10 a.m. daily except Saturdays and Sundays, unless otherwise announced by the presiding officer.

SR1-5-102. Roll call -- Quorum.

(1) The presiding officer or the presiding officer's designee shall:

(a) take a roll call of senators at the beginning of each day's session; and

(b) ensure that the names of those present and absent are recorded in the journal.

(2) (a) The Senate may not begin Senate business until a constitutional majority of senators are present as a quorum.

(b) Notwithstanding Subsection (2)(a), less than a majority of senators may:

(i) convene each day; and

(ii) compel the attendance of absent members.

SR1-5-103. Daily order of business.

(1) The daily order of business is:

(a) call to order by the president or the president's designee;

(b) prayer and pledge of allegiance;

(c) roll call;

(d) announcement of excused absences and whether or not a quorum is present;

(e) communications from the governor;

(f) communications from the House:

(i) bills for signature of the president;
(ii) bills for consideration; and
(iii) bills for reconsideration of House amendments;
(g) reference of bills from the president:
(i) bills assigned to standing committees; and
(ii) bills placed on second reading calendar;
(h) reports from standing committees:
(i) bills placed on the second reading calendar;
(ii) bills placed on the consent calendar; and
(iii) bills sent back to the secretary of the Senate;
(i) reports of special committees, including conference committees;
(j) introduction of legislation given to the secretary of the Senate:
(i) bills referred by the Senate Rules Committee for assignment by the president; and
(ii) bills placed on second reading calendar;
(k) unfinished business;
(l) consideration of legislation on consent calendar;
(m) special orders of business;
(n) consideration of legislation on the third reading calendar;
(o) consideration of bills on second reading calendar; and
(p) miscellaneous business.

(2) With the approval of a constitutional majority of senators, the Senate may, at any time, proceed out of order to any business.

(3) The presiding officer shall decide all questions of priority of Senate business without debate.

Part 2. Guest Speakers and Executive Sessions

SR1-5-201. Special order of business -- Time certain.

(1) (a) A senator, on the senator's own initiative or upon recommendation from the president, may make a motion that a piece of legislation become a special order of business on the time certain calendar.

(b) If the motion is approved by a majority of the members present, the secretary of the Senate shall place the legislation on the time certain calendar.

(2) At the time set for consideration of the legislation, the presiding officer shall place the legislation before the Senate.

SR1-5-202. Unfinished business.

When the Senate has unfinished business at the time of recess or adjournment, that unfinished business has priority on the daily order of business for the next legislative day.

CHAPTER 6. IMPEACHMENT

SR1-6-101. Impeachment.

If the House of Representatives submits articles of impeachment to the Senate to begin an impeachment trial, the Senate shall adopt, by majority vote, policies establishing procedures for, and governing the conduct of, the impeachment process.

CHAPTER 7. COMMENDING OR EXPRESSING CONDOLENCES TO UTAH CITIZEN

SR1-7-101. Commendation or condolence citations -- Types of citations -- Use of citations.

(1) As used in this chapter:

(a) (i) "Citation" means a certificate issued to honor or commend an individual or group, or to express condolences to the family of a deceased individual.

(ii) "Citation" includes a legislator citation, a Senate citation, and a Utah Legislature citation.

(b) "Legislator citation" means a citation issued on behalf of an individual senator.

(c) "Senate citation" means a citation issued on behalf of the Senate.

(d) "Utah Legislature citation" means a citation issued on behalf of both houses of the Legislature.

(2) Senators shall use a citation to express the commendation or condolence of a senator, the Senate, or the Legislature.

SR1-7-102. Obtaining a legislator citation.

(1) With the approval of the presiding officer, a senator may request that the secretary of the Senate prepare a citation for the senator's own signature.

(2) A legislator citation does not require any floor action by the Senate.

SR1-7-103. Obtaining a Senate citation.

(1) During any legislative session, a senator may:

(a) request that the secretary of the Senate prepare a citation for the senator's signature; and

(b) after making and receiving permission for personal privilege, make a motion on the floor of the Senate to:

(i) approve the citation; and

(ii) authorize the president to sign the citation on behalf of the Senate.

(2) When the Legislature is not in session, a senator may request a citation for the sponsor's and the president's signature.

SR1-7-104. Obtaining a Utah Legislature citation.

(1) During any legislative session, a senator may:

(a) request that the secretary of the Senate prepare a citation for the senator's signature; and

(b) after making and receiving permission for personal privilege, make a motion of the floor of the Senate to:

(i) approve the citation;
(ii) authorize the president to sign the citation on behalf of the Senate; and
(iii) present the proposed citation to the House for its approval.
(2) When the Legislature is not in session, a senator may request a citation for the sponsor's, the president's, and the speaker's signature.

CHAPTER 8. POSTAGE ALLOWANCE

SR1-8-101. Senator postage allowance.
(1) Each senator may request 20 first-class postage stamps from Senate staff at the beginning of the year.
(2) In addition to the postage stamps, each senator may deposit:
(a) up to five letters per day into the Senate mail system during the annual general session; and
(b) up to 10 letters per month into the Senate mail system during each interim period.
(3) Upon request from an individual senator, the president may grant an additional postage allowance.

TITLE 2. RULES GOVERNING ATTENDANCE, BEHAVIOR, AND DECORUM IN THE SENATE

CHAPTER 1. ATTENDANCE

SR2-1-101. Senators shall be present.
A senator shall be present within the Senate chamber during a session of the Senate, unless excused or unavoidably absent.

SR2-1-102. Absent senators.
If a quorum of the Senate is not present at the time the Senate is scheduled to convene, the presiding officer shall direct the sergeant-at-arms to:
(1) find sufficient absent senators to make a quorum for the transaction of business; and
(2) escort them to the chamber.

CHAPTER 2. DECORUM

SR2-2-201. President to maintain order.
The president or presiding officer shall maintain order and decorum during sessions of the Senate.

SR2-2-202. Disorderly conduct in Senate.
The president or presiding officer may order the Senate areas or gallery cleared if a disturbance occurs.

SR2-2-203. Smoking not permitted.

(1) As provided in Utah Code Title 26, Chapter 38, Utah Indoor Clean Air Act, a person may not smoke in a building on capitol hill.

(2) The sergeant-at-arms shall enforce this rule in the areas controlled by the Senate.

SR2-2-204. Impugning motives of a senator.

(1) A senator may not impugn the motives of any other senator either on the floor of the Senate or in committee.

(2) A senator who believes that the motives of any senator has been impugned by another senator may raise a point of order.

SR2-2-205. Movement out of and within the Senate chamber.

(1) When the president or presiding officer is presenting a question, a senator may not leave the Senate chamber.

(2) When a senator is speaking, no person may walk between the senator and the president or presiding officer.

CHAPTER 3. CONFLICTS OF INTEREST

SR2-3-101. Reporting conflicts of interest.

Immediately preceding or during the roll call, a senator may make a brief statement explaining any conflict of interest.

CHAPTER 4. GENERAL RULES GOVERNING THE SENATE FLOOR

SR2-4-101. Admittance to the Senate chamber.

(1) (a) While the Senate is convened in annual general session or special session and except as provided in Subsection (1)(b), only legislators, legislative officers and employees, professional staff, former legislators who are not registered as lobbyists, legal spouses of legislators, interns, and persons invited by senators are allowed in the Senate chamber, halls, and lounge.

(b) The president of the Senate may deny access to the Senate chamber, halls, and lounge to any person, other than a legislator, if the person uses that access to influence legislative decisions.

(2) (a) A senator or the senator's intern shall accompany each visitor in the chamber, lounge, or hallways and is responsible for that visitor.

(b) After the visit, the senator or the senator's intern shall ensure that the visitor leaves the chamber, lounge, or hallway.

SR2-4-102. Senator's chairs not to be occupied by others.

When the Senate is convened in session, no one other than the president or a senator may occupy the chair or use the desk of the president or any senator.

SR2-4-103. Lobbying prohibited.
Lobbying by non-legislators is not permitted in the Senate chamber.

SR2-4-104. Recognition of visiting groups and individuals.
(1) The presiding officer may recognize visiting groups and individuals.
(2) A senator who requests and receives personal privilege may introduce visiting groups or individuals.

SR2-4-105. News media.
(1) (a) Subject to Subsection (1)(b), news media with Senate press credentials shall be admitted to the Senate chamber, halls, lounge, and committee rooms.
(b) In order to be admitted to the Senate chamber, news media shall comply with the dress requirements and other rules of decorum established in the Senate Handbook.
(c) (i) News media without Senate press credentials may be admitted to the Senate chamber only when the Senate is not convened in formal session.
(ii) News media with Senate press credentials who do not meet the requirements of Subsection (1)(b) may be admitted to the Senate chamber only when the Senate is not convened in formal session.
(2) With permission, the news media may conduct and record interviews in the Senate lounge, halls, or available committee rooms.
(3) The news media shall also comply with the other provisions in SR2-4-102 and SR2-4-103.

SR2-4-106. Executive sessions.
(1) A senator may make a motion to convene the Senate in executive session.
(2) When a motion for executive session is adopted, the presiding officer shall direct the sergeant-at-arms to close the Senate chamber doors.
(3) The president may require all persons, except the senators, secretary, reading clerk, docket clerk, and sergeant-at-arms to leave the Senate chamber.
(4) During the discussion, every person present shall remain within the Senate chamber.
(5) During and after conclusion of the executive session, each person who was present in the executive session shall keep all matters discussed in executive session confidential.

CHAPTER 5. RULES GOVERNING SPONSORING LEGISLATION

SR2-5-101. Senators may request and sponsor legislation -- Substituting a sponsor -- Withdrawing as a cosponsor.
(1) A senator may request and sponsor legislation as provided in Joint Rules Title 4, Bills and Resolutions.
(2) (a) After a piece of legislation has been introduced, the chief Senate sponsor of the legislation may withdraw from sponsoring the legislation by:
(i) finding another senator to act as chief sponsor of the legislation; and
(ii) filing a substitution of sponsorship form with the secretary of the Senate before final

passage of the legislation in the Senate.

(b) A senator seeking to withdraw as the chief sponsor need not obtain permission from the Senate to withdraw.

(3) (a) Before final passage of the legislation in the Senate, a senator cosponsor of a bill may withdraw as a cosponsor of that legislation.

(b) A senator seeking to withdraw as a cosponsor need not:

(i) obtain permission from the Senate to withdraw; or

(ii) provide a substitute cosponsor for the legislation.

TITLE 3. RULES GOVERNING THE RULES COMMITTEE AND THE STANDING COMMITTEES OF THE SENATE

CHAPTER 1. SENATE RULES COMMITTEE AND OTHER SPECIAL COMMITTEES

Part 1. Senate Rules Committee

SR3-1-101. Senate Rules Committee -- Appointment -- General responsibilities.

(1) The president shall appoint members of the Senate to serve on the Senate Rules Committee.

(2) The Senate Rules Committee shall perform the following functions as further elaborated in this part:

(a) when assigned by the president, receive introduced legislation from the Senate and recommend that they be assigned to a Senate standing committee or to the Senate second or third reading calendar;

(b) after the Senate has sifted -- sent legislation on the second and third reading calendars back to the Senate Rules Committee -- make recommendations to the Senate about which legislation should be assigned to the third reading calendar and the order in which it should be heard; and

(c) function as a standing committee or interim committee when reviewing Joint Rules, Interim Rules, or Senate Rules.

SR3-1-102. Senate Rules Committee -- Assignment duties.

(1) (a) Subject to Subsection (1)(b), the presiding officer shall submit all legislation introduced in the Senate to the Senate Rules Committee.

(b) The president may direct legislation to be sent directly to a standing committee or to one of the Senate floor calendars.

(2) For all legislation not specified in SR3-1-103 that is referred to the Senate Rules Committee, the committee shall:

(a) examine the legislation for proper form, including fiscal note and committee note, if any; and

(b) either:

(i) hold the legislation; or

(ii) refer legislation to the Senate with a recommendation that:

(A) the legislation be referred to a standing committee for consideration;

(B) the legislation be placed directly onto the second reading calendar;

(C) the legislation be read the second time and placed onto the consent calendar; or

(D) during the last week of the legislative session, the legislation be read the second time and placed on the third reading calendar.

(3) In carrying out its functions and responsibilities under this rule, the Senate Rules Committee may not amend, substitute, or table legislation without the written consent of the sponsor.

(4) If the chair of the Senate Rules Committee receives a summary report from the Occupational and Professional Licensure Review Committee related to newly regulating an occupation or profession within the two calendar years immediately preceding the session in which a piece of legislation is introduced related to the regulation by the Division of Occupational and Professional Licensing of that occupation or profession:

(a) the chair of the Senate Rules Committee shall ensure that the Senate Rules Committee is informed of the summary report before the Senate Rules Committee takes action on the legislation; and

(b) if the Senate Rules Committee refers the legislation to the Senate as provided in Subsection (2)(c):

(i) the Office of Legislative Research and General Counsel shall make the summary report reasonably available to the public and to legislators; and

(ii) if the legislation is referred to a standing committee, the Senate Rules Committee shall forward the summary report to the standing committee.

SR3-1-103. Senate Rules Committee -- Prioritization duties.

(1) The Senate Rules Committee shall:

(a) make recommendations that prioritize each piece of legislation for committee and floor action and review; and

(b) update the priority in Subsection (1)(a) as necessary for the calendar.

(2) The Senate Rules Committee may recommend a time certain for floor consideration of any legislation when it is reported out of the Senate Rules Committee, or at any other time.

SR3-1-104. Senate Rules Committee -- Calendaring interim committee legislation.

(1) The presiding officer shall have a piece of interim committee legislation that was approved by a majority vote of the interim committee members read for the first time and referred to the Senate Rules Committee for calendaring.

(2) (a) The Senate Rules Committee may refer the legislation to the calendar without standing committee review, or it may recommend that the legislation be referred to a standing committee.

(b) If the Senate Rules Committee recommends that the legislation be placed on the second or third reading calendar without standing committee review, any three senators may, within three working days, request that the legislation be reviewed by a standing committee before the legislation's consideration on the floor.

(c) If a request by three senators is received, the presiding officer may assign the bill to a

standing committee.

Part 2. Special Committees and Task Forces

SR3-1-201. Special committees.

(1) The Senate may form special committees, including task forces, by motion or resolution.

(2) The president shall appoint the members of those special committees.

CHAPTER 2. SENATE STANDING COMMITTEES

Part 1. General Provisions

SR3-2-101. Definitions.

As used in this chapter, "standing committee chair" means the chair of a standing committee or the chair's designee.

SR3-2-102. Standing committee review required -- Exceptions.

(1) The Senate may not pass a bill, joint resolution, or concurrent resolution during the annual general session that has not been reviewed by:

(a) a Senate standing committee;

(b) the Senate Rules Committee; or

(c) the Legislative Management Committee.

(2) This rule does not apply to:

(a) a resolution regarding legislative rules or legislative personnel;

(b) legislation that has been approved by an interim committee;

(c) the revisor's statute;

(d) legislation introduced or received from the House during the last three days of the annual general session; or

(e) if the legislation was reviewed and approved by the Executive Appropriations Committee, legislation that:

(i) exclusively appropriates money;

(ii) amends Utah Code Title 53A, Chapter 17a, Minimum School Program Act;

(iii) amends Utah Code Title 67, Chapter 22, State Officer Compensation; or

(iv) authorizes the issuance of general obligation or revenue bonds.

SR3-2-103. Standing committee review of legislation with a fiscal impact.

Except as provided in SR3-2-102, a standing committee in one or both houses shall review a piece of legislation before the legislation is held in the opposite house because of its fiscal impact.

SR3-2-104. Standing committees prohibited from meeting while the Senate is in session -- Exceptions.

A standing committee may not meet while the Senate is in session unless:

(1) the chair receives permission to meet from the president; or

(2) a floor motion for the committee to meet while the Senate is in session is approved by a majority of the senators present.

Part 2. Organization of Senate Standing Committees

SR3-2-201. Standing committees.

(1) The president shall appoint the following standing committees:

(a) Business and Labor;

(b) Education;

(c) Government Operations and Political Subdivisions;

(d) Health and Human Services;

(e) Judiciary, Law Enforcement, and Criminal Justice;

(f) Natural Resources, Agriculture, and Environment;

(g) Revenue and Taxation;

(h) Rules;

(i) Transportation and Public Utilities and Technology; and

(j) Workforce Services and Community and Economic Development.

(2) The Senate members of the Retirement and Independent Entities Committee created in Utah Code Section 63E-1-201 are a Senate standing committee.

SR3-2-202. Committee chair and vice chair.

(1) The first member named on a committee is the chair of the committee.

(2) The chair of the committee may designate a vice chair, pro tempore.

SR3-2-203. Committee attendance -- Quorum.

(1) Except as provided in Subsection (2), a majority of a standing committee is a quorum for the transaction of business.

(2) In determining whether or not a quorum is present, the president, majority leader, majority whip, assistant majority whip, Senate Rules Committee chair, Executive Appropriations Committee chair, minority leader, minority whip, assistant minority whip, and the fourth member of leadership from the minority party are not counted in determining a quorum for a standing committee, except during the time that the senator is present at the meeting.

Part 3. Notice and Agendas for Senate Standing Committees

SR3-2-301. Chair to set agenda.

The standing committee chair shall:

(1) set the agenda for a standing committee meeting; and

(2) ensure that legislation or other business referred to the committee is considered within a reasonable time.

SR3-2-302. Notice of standing committee meetings.

(1) With the exception of any conference committee, the chair may call committee meetings after giving not less than 24 hours public notice as required under Utah Code Title 52, Chapter 4, Open and Public Meetings Act.

(2) The standing committee chair shall:

(a) notify the sponsor of legislation pending before the committee of the time and place of the committee meeting in which the legislation will be considered; and

(b) invite the chief Senate sponsor, chief House sponsor, or both sponsors to present the legislation to the committee before the committee acts on it.

SR3-2-303. Legislation scheduled for time certain on the Senate floor has priority in committee.

If legislation assigned to a standing committee has been placed on the Senate floor's time certain calendar, the standing committee chair shall place that legislation on an agenda for the standing committee's review so that the committee's report on the legislation is received by the floor before the time set for consideration of the legislation.

SR3-2-304. Agenda to include tabled legislation.

(1) A standing committee chair shall ensure that the standing committee's agenda lists the number, title, and sponsor of any legislation tabled by the standing committee at the last standing committee meeting.

(2) As provided in SR3-2-408, the standing committee may lift the tabled legislation from the table only at the committee meeting held following the one at which it was tabled.

Part 4. Standing Committee Meetings

SR3-2-401. Chair to preserve order -- Appeal -- Restrictions on visitors -- Disorderly conduct in committee meeting -- Closed meetings.

(1) (a) The standing committee chair shall decide points of order.

(b) On motion and approval by a majority vote of the committee members present, the committee may override the chair's decision on any point of order.

(c) The motion and action shall be entered in the standing committee minutes.

(2) (a) A visitor may not speak or address the committee unless the visitor is recognized by the standing committee chair.

(b) The standing committee chair may impose restrictions on the time a visitor is allowed to speak.

(c) A visitor, other than a House member or staff member, may not sit in senators' chairs.

(3) The standing committee chair may order the committee room cleared of visitors if there is disorderly conduct.

(4) A standing committee may close a committee meeting only by following the procedures and requirements of Utah Code Title 52, Chapter 4, Open and Public Meetings Act.

SR3-2-402. Voting -- Chair to verbally announce the vote -- Dissenting members to

be reported -- Division of the question.

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

(b) Although most questions will be put to voice vote:

(i) the standing committee chair may direct a roll call vote; or

(ii) a committee member may make a motion requesting a roll call vote.

(2) (a) If a question contains several points, a committee member may, except as provided in Subsection (2)(c), request to have the question divided for purposes of voting.

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

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

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

(a) determine whether the motion passed or failed;

(b) verbally announce that the motion passed or that the motion failed;

(c) verbally identify by name either the committee members who voted "yes" or the committee members who voted "no"; and

(d) ensure that the vote is recorded in the minutes.

(4) Members dissenting from a committee report may file a minority report or may be listed on the majority report as dissenting.

SR3-2-403. Committee order of business.

Unless the standing committee chair or a majority of the committee determines otherwise, the standing committee order of business is:

(1) call to order by the standing committee chair;

(2) approval of the minutes of previous meetings;

(3) announcement of the agenda;

(4) announcement of time restrictions, if any;

(5) communications, if any; and

(6) consideration of standing committee business.

SR3-2-404. Public comment during standing committee meetings.

(1) (a) During a standing committee meeting, the chair shall receive public comment and testimony during the public comment phase of the committee meeting if a public comment portion is held.

(b) The standing committee chair, or a majority of the standing committee, may terminate the public comment phase of the committee meeting.

(c) Once the public comment phase of the committee meeting has ended, non-committee members may not provide public comment unless the standing committee chair or a majority of the standing committee authorizes additional public comment.

(2) (a) At the direction of the standing committee chair, or upon a majority vote of the standing committee, the testimony of any person speaking during the public comment phase of the committee meeting may be taken under oath.

(b) The standing committee chair or committee staff shall administer the oath.

SR3-2-405. Public hearings.

(1) The standing committee chair or a majority of the committee may:

(a) hold a public hearing in addition to, or instead of, a regular standing committee meeting; and

(b) hold the public hearing as provided in Subsection (1)(a) on a single piece of legislation or on a broader subject contained in one or more pieces of legislation.

(2) If the standing committee holds a public hearing independent of a regular standing committee meeting, the standing committee chair shall:

(a) give notice of the public hearing by complying with the procedures and requirements of Utah Code Title 52, Chapter 4, Open and Public Meetings Act; and

(b) ensure that the notice required by Subsection (2)(a) includes the legislation to be considered.

(3) The standing committee chair may, subject to the approval of the standing committee, adopt procedures for the orderly conduct of the hearing, including:

(a) limiting the time for the public hearing;

(b) limiting the time that individual speakers may speak; and

(c) directing the order in which speakers will be heard.

(4) During a public hearing, the standing committee may request or require testimony by persons who have expertise on the legislation under discussion.

(5) (a) At the direction of the standing committee chair, or upon a majority vote of the standing committee, the testimony of any person speaking during the public hearing may be taken under oath.

(b) The standing committee chair or committee staff shall administer the oath.

SR3-2-406. Standing committee duties -- Process.

(1) Each committee shall send a report to the Senate on each bill referred to it.

(2) (a) With a majority vote, a standing committee may, for each piece of legislation in its possession:

(i) pass the legislation out of the standing committee with a recommendation that it be placed on the second reading calendar;

(ii) pass the legislation out of the standing committee with a recommendation that it be placed on the third reading calendar;

(iii) pass the legislation out of committee with a recommendation that it be placed on the consent calendar;

(iv) amend the legislation;

(v) substitute the legislation;

(vi) hold the legislation, either by formal motion or by taking no action;

(vii) table the legislation;

(viii) send the legislation to the Senate Rules Committee; or

(ix) perform some combination of Subsections (2)(a)(i) through (viii).

(b) The chair shall:

(i) subject to SR3-2-304 and SR3-2-408, hold a bill tabled in committee until a motion is made to remove it from the table; and

(ii) send a tabled bill not lifted at the committee meeting after it is tabled to the secretary of the Senate for filing.

(3) A standing committee may report a piece of legislation to the Senate with the recommendation that the legislation be placed on the consent calendar if:

(a) the sponsor has requested that the legislation be placed on the consent calendar;

(b) the committee has passed the legislation out favorably by a unanimous vote with a quorum present; and

(c) in a separate motion and vote, the committee has, with a quorum present, unanimously recommended that the legislation be placed on the consent calendar.

(4) The standing committee chair shall ensure that:

(a) the committee sends a report to the Senate detailing its action on each piece of legislation referred to it;

(b) a secretary records attendance and takes minutes of committee action; and

(c) the record of attendance and minutes are filed in the office of the secretary of the Senate for three years.

(5) If, in accordance with SR3-1-102, the Senate Rules Committee forwards a summary report from the Occupational and Professional Licensure Review Committee in conjunction with legislation referred to a standing committee, the chair of the standing committee shall ensure that the summary report is read orally to the standing committee before action is taken by the standing committee on the legislation that is related to the summary report.

SR3-2-407. Reconsideration of action.

(1) Except as provided in Subsection (2), a standing committee may, by majority vote of those present, reconsider any committee action at any time before the committee report is sent to the Senate.

(2) A standing committee may not reconsider a piece of legislation more than once.

SR3-2-408. Disposition of legislation tabled in a standing committee.

(1) The standing committee chair shall hold any legislation tabled in a standing committee until the next committee meeting.

(2) At that next committee meeting, the standing committee may, with a two-thirds vote, lift the tabled legislation from the table.

(3) If the motion to lift a piece of tabled legislation is successful, the standing committee may take any of the actions on the legislation authorized by SR3-2-406(2).

(4) The standing committee chair shall send any legislation tabled in the standing committee that is not lifted from the table at the committee meeting after tabling to the secretary of the Senate for filing.

SR3-2-409. Substitute legislation -- Substitutes must be germane.

(1) Except as provided in Subsection (2), a committee member may, if recognized by the committee chair while the standing committee is debating a piece of legislation, make a motion

to substitute the legislation.

(2) (a) The committee member making the motion to substitute shall ensure that the substitute is germane to the subject of the original legislation under consideration.

(b) If a committee member believes that a substitute is not germane to the subject of the original legislation, the committee member may raise a point of order alleging that the substitute is not germane.

(c) The committee chair shall rule on the point of order by determining whether or not the substitute is germane to the subject of the original legislation.

SR3-2-410. Amending legislation -- Amendment must be germane.

(1) (a) Except as provided in Subsection (2), a committee member may, if recognized by the standing committee chair while the committee is debating a piece of legislation, make a motion to amend the legislation.

(b) (i) A committee member may propose a verbal amendment to a piece of legislation if the amendment contains 25 words or fewer.

(ii) A committee member shall ensure that a proposed amendment containing more than 25 words is printed and distributed to all committee members present and to committee staff before the amendment is proposed.

(2) (a) The committee member making the motion to amend shall ensure that the amendment is germane to the subject of the original legislation under consideration.

(b) If a committee member believes that an amendment is not germane to the subject of the original legislation, the committee member may raise a point of order alleging that the amendment is not germane.

(c) The standing committee chair shall rule on the point of order by determining whether or not the amendment is germane to the subject of the original legislation.

Part 5. Senate Standing Committee Parliamentary Procedures

SR3-2-501. Obtaining the floor in committee -- Remarks to be germane.

(1) The standing committee chair shall recognize any committee member who wishes to speak to the subject under consideration.

(2) Upon recognition by the standing committee chair, the committee member shall ensure that the member's remarks are germane to the subject under consideration.

SR3-2-502. Motions in committee -- General requirements and procedure.

(1) (a) Except as provided in Subsection (2), any standing committee member who is recognized by the standing committee chair may make a motion.

(b) A second to the motion is not required.

(2) (a) A committee member may not make:

(i) a motion to strike the enacting clause of a bill; or

(ii) a motion to circle.

(b) A standing committee may pass a motion to hold a bill.

(3) The standing committee chair shall:

(a) restate each oral motion made by a committee member; and

(b) ensure that each written motion made by a committee member is distributed to the committee members.

(4) The committee member who made a motion may withdraw the motion.

SR3-2-503. Motions in committee -- Substitute motions.

(1) A standing committee member may, upon recognition by the standing committee chair, make a substitute motion, which, if adopted by vote of a majority of the members present, disposes of the original motion.

(2) If the substitute motion is not adopted, the original motion is revived.

(3) A standing committee member may not make a substitute motion if another substitute motion has been made and is pending.

SR3-2-504. Motions in committee -- Motions in order during debate.

(1) (a) When a motion or question is being debated, the standing committee chair may not accept any other motion except a motion:

(i) to adjourn, which is nondebateable;

(ii) to determine the time to which to adjourn, which is debateable;

(iii) to recess, which is nondebateable;

(iv) to end debate (call the previous question), which is nondebateable and requires a majority vote to pass;

(v) to refer to another committee, which is debateable;

(vi) to extend the time for debate, which is debateable;

(vii) to limit debate, which is debateable;

(viii) to postpone to a time certain, which is debateable;

(ix) to table, which is nondebateable;

(x) to take from the table, which is nondebateable;

(xi) to adopt a substitute, which is debateable; or

(xii) to amend, which is debateable.

(b) Points of order and appeals of the decision of the chair are not motions and are always in order.

(c) The standing committee chair shall grant priority to the motions listed in Subsection (1)(a) according to the order in which they are listed in that subsection.

(d) The standing committee chair shall terminate debate if the standing committee adopts a motion to end debate by a majority vote.

(2) If a motion to postpone a piece of legislation to a day certain, to postpone a piece of legislation indefinitely, or to return a piece of legislation to the Senate Rules Committee is defeated, a committee member may not make the same motion on the same piece of legislation during the same committee meeting.

SR3-2-505. Motions in committee -- Nondebateable motions.

(1) The standing committee chair may not allow debate on a motion:

(a) to adjourn;

(b) to recess;
(c) to table; or
(d) to take from the table.
(2) The standing committee chair shall decide all points of order arising from one of the motions identified in Subsection (1) without debate.

SR3-2-506. Motions in committee -- Motion to adjourn.
(1) A motion to adjourn is always in order except:
(a) when a vote is being taken;
(b) when a previous motion to adjourn has been defeated and no intervening business has been transacted; or
(c) when another committee member has the floor.
(2) (a) If a motion to adjourn has been made, no substitute motion for adjournment is in order.
(b) A motion to adjourn may be held by the standing committee chair if the sponsor of the motion to adjourn approves.

Part 6. Senate Standing Committee Reports to the Senate

SR3-2-601. Committee reports.
(1) When a piece of legislation is acted upon by a committee, and the legislation is not lifted from the table by the next committee meeting, the standing committee chair shall submit to the secretary of the Senate:
(a) the official version of the legislation; and
(b) a committee report detailing the committee's action signed by the standing committee chair.
(2) (a) If a piece of legislation is tabled by a committee and the legislation is not lifted from the table at the committee's next meeting, the standing committee chair shall submit a committee report to the secretary of the Senate informing the Senate that the legislation was tabled.
(b) After reading the committee report on the tabled legislation, the secretary of the Senate shall send the legislation to the Senate Rules Committee.

CHAPTER 3. CONFIRMATION COMMITTEES

Part 1. Executive Office Confirmation Committees

SR3-3-101. Senate confirmation committees.
(1) The president shall:
(a) appoint one or more Senate executive confirmation committees composed of no more than seven senators, no more than five of whom are from the same political party;
(b) appoint as members of the confirmation committee the Senate appropriations subcommittee chair and the Senate standing committee chair having jurisdiction over the agency

or entity to which the nominee is appointed; and

(c) designate one senator to act as chair of the committee.

(2) If called by the chair, the committee shall, before any Senate confirmation session:

(a) meet to review gubernatorial nominations to fill an executive branch position; and

(b) make a recommendation to the Senate to either confirm or not confirm the nominee.

(3) (a) The confirmation committee shall review the resume and qualifications of any full-time gubernatorial executive branch appointee and may interview appointees.

(b) If a meeting is held, the committee shall submit a committee report to the Senate in a form that identifies to the Senate the votes "for" and votes "against" confirmation.

(4) A standing committee may close a committee meeting only by following the procedures and requirements of Utah Code Title 52, Chapter 4, Open and Public Meetings Act.

Part 2. Judicial Confirmation Committee

SR3-3-201. Senate Judicial Confirmation Committee -- Membership.

(1) The president shall:

(a) appoint a Senate Judicial Confirmation Committee of no more than seven senators, no more than five of whom are from the same political party; and

(b) designate one senator to act as chair of the committee.

(2) The president may not convene the Senate to consider confirmation of a judicial appointee until the Senate Judicial Confirmation Committee has submitted its recommendation.

SR3-3-202. Senate Judicial Confirmation Committee -- Confirmation process.

(1) (a) The Senate Judicial Confirmation Committee shall comply with the procedures established in this rule.

(b) Each committee member shall ensure that records received by them that are classified "private," "protected," or "controlled" under Utah Code Title 63G, Chapter 2, Government Records Access and Management Act, are released only if the requirements of that act are met.

(2) After the Judicial Nominating Commission announces the nominees and forwards those names to the Office of Legislative Research and General Counsel as required by Utah Code Section 20A-12-104, that office shall provide the resume of each nominee to each member of the Senate.

(3) When the governor provides the president of the Senate with the nominees' resumes, application materials, and other related documents, the president shall provide that information to the members of the Senate Judicial Confirmation Committee.

(4) After the governor announces the appointee and provides the information required by Utah Code Section 67-1-2:

(a) the chair of the Senate Judicial Confirmation Committee shall direct the preparation of a news release which shall include:

(i) a brief description of the judicial position to be filled;

(ii) the name of the appointee;

(iii) a brief description of the functions of the Senate Judicial Confirmation Committee;

(iv) a request that members of the Senate wanting to make comments contact the chair or

the Office of Legislative Research and General Counsel by the deadline specified in the news release, which may not be less than 10 business days after publication of the news release;

(v) a request that members of the public wanting to make comments contact the Office of Legislative Research and General Counsel by the deadline specified in the news release, which may not be less than 10 business days after publication of the news release; and

(vi) a notice that any person wanting to comment submit a written statement detailing the substance of their testimony, including the person's name, telephone number, and mailing address, to the Office of Legislative Research and General Counsel; and

(b) the Office of Legislative Research and General Counsel shall:

(i) provide the resume of the appointee and the news release described in this Subsection (4) to:

(A) each member of the Senate; and

(B) the news media, including television, radio, and the major circulation newspapers in Salt Lake City and the geographical area served by the judicial office to be filled by the appointee; and

(ii) provide the appointee's resume, application materials, and other related documents to each member of the Senate Judicial Confirmation Committee.

(5) (a) The chair of the Senate Judicial Confirmation Committee may direct its staff to investigate:

(i) the background, qualifications, and fitness for judicial office of the appointee generally; and

(ii) specific issues raised or revealed by any member of the committee, any senator, or any member of the public, or that may arise at any time during the Senate confirmation process.

(b) In conducting the investigation, committee staff may contact any person or organization that might have information about the nominee's fitness for judicial office.

(c) The chair may direct staff to ask the governor, the chair of the Judicial Nominating Commission, or both, whether or not certain facts revealed by the investigation were known to the governor or the nominating commission at the time the candidate was considered by either of them.

(6) (a) The chair of the Senate Judicial Confirmation Committee shall provide public notice of each committee meeting.

(b) The public notice shall include an explanation that:

(i) any person wanting to testify regarding the appointee shall submit a written request to testify to the Office of Legislative Research and General Counsel at least 24 hours before the meeting is scheduled to begin; and

(ii) portions of the meeting may be closed under Utah Code Title 52, Chapter 4, Open and Public Meetings Act.

(7) Before convening a meeting of the Senate Judicial Confirmation Committee, the chair shall:

(a) review all written statements from persons desiring to address the committee regarding the governor's appointee;

(b) review all records to be distributed to the committee and classify each record as "public" or "private" by applying the standard contained in Subsection 63G-2-302(1)(e)(i);

(c) determine which persons making a timely request to testify under Subsection (6)(a) may address the committee; and

(d) if necessary, establish reasonable time limits for public comment.

SR3-3-203. Senate Judicial Confirmation Committee -- Meeting process.

(1) In conducting the Senate Judicial Confirmation Committee meeting:

(a) the chair shall allow the appointee to address the committee before the committee hears any other testimony, after the last witness testifies before the committee, and before the committee makes its decision;

(b) the chair may hold committee meetings in the geographic area to be served by the judicial office; and

(c) the chair may allow testimony from any person wishing to testify, whether the person has submitted a written request to testify or not.

(2) Before opening comments by the nominee, or at any other time during the meeting, the committee may close the committee meeting for any of the purposes outlined in Utah Code Title 52, Chapter 4, Open and Public Meetings Act.

(3) In determining whether to recommend that the nominee be confirmed or rejected by the Senate, the Senate Judicial Confirmation Committee shall:

(a) review the appointee's resume, application materials, and any other documents or information related to the nominee's fitness for judicial office;

(b) review each written statement submitted to the committee;

(c) interview, under oath or affirmation, each judicial appointee;

(d) consider the oral testimony of persons testifying to the committee;

(e) base its decision regarding confirmation solely upon a consideration of the nominee's fitness for judicial office without regard to any partisan political consideration;

(f) vote on whether or not to recommend confirmation of the appointee to the Senate; and

(g) transmit its recommendation to the Senate in a form that identifies to the Senate the votes "for" and the votes "against" confirmation.

SR3-3-204. Copy to judicial nominee.

The Office of Legislative Research and General Counsel shall provide a copy of this rule to each judicial appointee seeking Senate confirmation.

SR3-3-205. Constitution takes precedence over these rules.

Nothing contained in SR3-3-201 through SR3-3-204 may be construed to limit the authority of the Senate as provided in Utah Constitution Article VIII, Section 8.

TITLE 4. SENATE FLOOR PROCEDURES

CHAPTER 1. GENERAL PROVISIONS

SR4-1-101. Definitions.

(1) (a) "Appropriations bill" means a bill that appropriates money and makes no change

to statute.

(b) Notwithstanding Subsection (1)(a), "appropriations bill" includes the public education budget bills.

(2) "Constitutional majority vote" means that the matter requires 15 votes to pass on the Senate floor.

(3) "Constitutional two-thirds vote" means that the matter requires 20 votes to pass on the Senate floor.

(4) "Majority vote" means that the matter requires the votes of a majority of those present to pass on the Senate floor.

(5) "Point of order" means a question raised by a senator about whether or not there has been a breach of order, a breach of rules, or a breach of established parliamentary practice.

(6) "Presiding officer" means the person presiding over the Senate and includes:

(a) the president;

(b) the president pro tempore; and

(c) any senator presiding under SR1-3-103.

(7) "Two-thirds vote" means that the matter requires the vote of two-thirds of those present to pass on the Senate floor.

CHAPTER 2. GENERAL FLOOR PROCEDURES FOR THE SENATE

Part 1. General Guidelines

SR4-2-101. Duties of presiding officer.

The presiding officer may:

(1) call the Senate to order at the time scheduled for convening and proceed with the daily order of business;

(2) announce the business before the Senate in the order that it is to be acted upon;

(3) receive each motion and proposal presented by a senator and submit it to the Senate;

(4) put to a vote all questions that arise in the course of proceedings and announce the results of the vote;

(5) enforce the Senate Rules governing debates;

(6) enforce observance of order and decorum;

(7) inform the Senate on any point of order or practice;

(8) receive and announce to the Senate any official messages and communications; and

(9) sign all bills, resolutions, orders, and proceedings of the Senate.

SR4-2-102. Obtaining the floor.

(1) When a senator wishes to be recognized to speak, the senator shall rise and address the presiding officer as:

(i) "Mr. (Madam) President"; or

(ii) "Mr. (Madam) President pro temp.

(2) If two or more senators rise at the same time to speak, the presiding officer shall decide which senator is to speak first.

(3) After being recognized, the senator shall confine the senator's remarks to the issue under consideration.

SR4-2-103. Calling a senator to order for violation of a rule.

(1) As used in this rule, "censure" means an official reprimand or condemnation, which, if approved by the majority of the Senate, is printed in the journal.

(2) (a) The presiding officer may call a senator to order for violating any Senate Rule or Joint Rule.

(b) A senator may call a senator to order for violating any Senate Rule or Joint Rule by raising a point of order under SR4-2-201.

(3) If a senator appeals the ruling of the presiding officer, the Senate shall decide the issue after debate.

(4) (a) If the decision is favorable to the senator who has been called to order, the senator may proceed.

(b) If the decision is unfavorable, the senator is subject to censure by the Senate.

SR4-2-104. Calling a senator to order for conduct in debate.

(1) (a) If a senator raises a point of order for words spoken in debate, the senator raising the point of order shall repeat the words to which exception is taken.

(b) The secretary of the Senate shall ensure that the words to which exception is taken are recorded in the journal.

(2) When a point of order for words spoken in debate is made, the senator who spoke the words may not continue to speak until a ruling on the point of order is made, unless the presiding officer grants that senator permission to explain the senator's words.

(3) A senator may not be called to order or censured for words spoken in debate if there has been intervening business.

SR4-2-105. Motions in writing.

(1) Except as provided in Subsection (2), if a senator requests that a motion be presented in writing, the presiding officer shall require that the maker of the motion prepare and submit a written motion.

(2) The presiding officer may not require that the following motions be presented in writing:

(a) a motion to adjourn;

(b) a motion to circle;

(c) a motion to table; or

(d) a motion to refer to committee.

Part 2. Point of Order and Appeals of the Decision of the Chair

SR4-2-201. Point of order.

(1) (a) If a senator believes that there has been a breach of order, a breach of rules, or a breach of established parliamentary practice, the senator may rise and, without being recognized,

state: "point of order."

(b) When a senator raises a point of order:

(i) the presiding officer shall interrupt the proceedings;

(ii) the senator who has the floor shall yield the floor; and

(iii) the presiding officer shall ask the senator raising the point of order to "state your point."

(c) When the presiding officer responds "state your point," the senator shall briefly explain the alleged breach to the body, citing to appropriate authority if possible.

(2) (a) The presiding officer may speak to points of order in preference to other senators rising for that purpose.

(b) The presiding officer may:

(i) rule on the point of order immediately;

(ii) consult with the secretary of the Senate and then rule on the point of order; or

(iii) defer the point of order until the presiding officer can research and rule on the point of order.

(c) (i) Although points of order are generally decided without debate, the presiding officer may submit the point of order to the Senate for decision in doubtful cases.

(ii) If submitted to the Senate for decision, a presiding officer shall allow debate or discussion on the point of order by recognizing members of the Senate who wish to speak to the point of order.

(iii) A decision by the Senate deciding a point of order is not subject to appeal.

(3) When the presiding officer rules on the point of order, any senator who disagrees with the presiding officer's decision may appeal that decision to the Senate by following the procedures and requirements of SR4-2-202.

SR4-2-202. Appeals from the decision of the chair.

(1) Although the tradition in the Senate is to give great weight to the rulings of the presiding officer and to not make appeals lightly, a senator who disagrees with a ruling of the presiding officer may appeal that decision to the Senate by rising and, without waiting to be recognized, saying "I appeal the decision of the chair."

(2) When a senator appeals the decision of the chair, the presiding officer shall clearly state the decision appealed from and may state the reasons for the decision.

(3) (a) An appeal is debatable.

(b) A senator may not speak more than once on the appeal without leave of the Senate.

(4) The question on appeal is: "Shall the decision of the chair stand as the judgment of the Senate?"

(5) When a decision of the presiding officer is appealed, a majority vote of the senators present is required to override that decision.

(6) The secretary of the Senate shall ensure that the appeal and the action of the Senate on the appeal are entered in the journal.

CHAPTER 3. SPECIAL SENATE FLOOR PROCEDURES

Part 1. Bills and Resolutions

SR4-3-101. Bills placed on calendars.

(1) (a) The secretary of the Senate shall cause each bill reported to the Senate by a Senate standing committee or the Senate Rules Committee to be placed at the bottom of the second reading calendar or on the consent calendar in the order that the bill is received.

(b) The presiding officer shall ensure that each bill that is placed on the second reading calendar but lacks a fiscal note is circled until the fiscal note is received.

(2) The secretary of the Senate shall ensure that each bill on the second reading calendar that is passed by a constitutional majority vote is placed at the bottom of the third reading calendar.

SR4-3-102. Consideration of bills.

(1) Except for the 43rd, 44th, and 45th day of the annual general session, a piece of legislation may not be read for the third time until at least the day after it is placed on the third reading calendar.

(2) Legislation on the third reading calendar shall be considered in the order that it appears on the calendar unless a constitutional majority vote of the members of the Senate directs other action.

SR4-3-103. Reassigning legislation assigned to a standing committee.

Legislation that has been assigned to a standing committee may be assigned to the Senate Rules Committee or a different standing committee by:

(1) the presiding officer;

(2) the Senate by majority vote upon motion from the floor; or

(3) the Senate by majority vote if the committee to which the legislation was assigned recommends in its committee report that the legislation be returned to the Senate Rules Committee.

SR4-3-104. Action of bills tabled in committee.

(1) (a) A senator may make a motion to lift a bill tabled in the standing committee from the secretary of the Senate or from the standing committee that has possession of the bill.

(b) If the motion passes by a two-thirds vote of those senators present on the floor of the Senate, the bill is placed on the Senate second reading calendar.

(2) The president of the Senate can reassign a bill tabled in a standing committee to another standing committee.

SR4-3-105. Action on House legislation.

(1) When a piece of House legislation is received by the Senate with a transmittal letter informing the Senate that it has passed the House, the presiding officer shall:

(a) have the legislation read for the first time; and

(b) refer it to the Senate Rules Committee.

(2) Action on House legislation is the same as for Senate legislation.

SR4-3-106. Time limit for Senate legislation.

Except for an appropriations bill, the Senate may not consider a piece of legislation introduced by a senator after the 42nd day of the annual general session of the Legislature.

Part 2. Substitute Legislation

SR4-3-201. Substitute legislation.

(1) A motion to adopt a substitute piece of legislation is in order on second or third reading.

(2) The Office of Legislative Research and General Counsel shall number each substitute for recordkeeping and tracking purposes before the substitute is officially printed.

SR4-3-202. Substitute must be germane.

(1) Except as provided in Subsection (2), a senator may, if recognized by the presiding officer while the senator is debating a piece of legislation, make a motion to substitute the legislation.

(2) (a) The senator making the motion to substitute shall ensure that the substitute is germane to the subject of the original legislation under consideration.

(b) If a senator believes that a substitute is not germane to the subject of the original legislation, the senator may raise a point of order alleging that the substitute is not germane.

(c) The presiding officer shall rule on the point of order by determining whether or not the substitute is germane to the subject of the original legislation.

Part 3. Floor Amendments

SR4-3-301. Amendments in order on second or third reading -- 10 word rule -- Passage of amendments by a majority vote.

(1) A motion to amend a piece of legislation is in order on second or third reading.

(2) (a) Except as provided in Subsection (3) or (4), a senator may, if recognized by the presiding officer while the Senate is debating a piece of legislation, make a motion to amend the legislation.

(b) (i) A senator may verbally propose an amendment to a piece of legislation if the amendment contains 10 words or fewer.

(ii) A senator shall ensure that a proposed amendment containing more than 10 words is printed and distributed to the secretary of the Senate and to all senators before the amendment is proposed.

(3) (a) The senator making the motion to amend shall ensure that the amendment is germane to the subject of the original legislation under consideration.

(b) If a senator believes that an amendment is not germane to the subject of the original legislation, the senator may raise a point of order alleging that the amendment is not germane.

(c) The presiding officer shall rule on the point of order by determining whether or not the amendment is germane to the subject of the original legislation.

(4) A constitutional amendment, resolution, or bill requiring a constitutional two-thirds vote for final passage may be amended by a majority vote.

(5) When legislation is amended by the Senate, the secretary of the Senate shall:

(a) for each page of the legislation modified by a Senate amendment, cause a new page to be printed that clearly identifies each Senate amendment to that page; and

(b) print that new page on goldenrod-colored paper.

CHAPTER 4. SENATE CALENDARS

Part 1. Second Reading Calendar

SR4-4-101. Second reading calendar.

(1) (a) After the Senate considers all legislation on the third reading calendar that is not circled or tabled, the Senate shall consider legislation on the second reading calendar as follows:

(i) the presiding officer shall cause each piece of legislation on the second reading calendar to be read by title before debate begins, unless the Senate suspends this requirement by a two-thirds vote;

(ii) the secretary of the Senate or the secretary's designee shall read the committee report, noting for the Senate those instances when the legislation did not receive a Senate standing committee review or an interim committee review;

(iii) if the Senate passes a motion to adopt a "favorable" committee report, the legislation, including any substitute or amendment adopted by the standing committee that is identified in the committee report, is before the Senate; and

(iv) the presiding officer shall allow debate on the legislation.

(b) If the Senate fails to pass a motion to adopt a "favorable" committee report, the legislation will be returned to the secretary of the Senate.

(2) (a) The final question on second reading is: "Shall the bill (resolution) be read a third time?"

(b) The presiding officer shall place the question as a roll call vote.

(c) If a constitutional majority of the Senate votes in favor of the motion, the legislation is passed to the third reading calendar.

Part 2. Third Reading Calendar

SR4-4-201. Third reading calendar -- Procedures.

(1) (a) For the third reading on a piece of legislation, the secretary of the Senate or the secretary's designee shall read the legislation by title, unless the Senate suspends this requirement by a two-thirds vote.

(2) When the secretary of the Senate or the secretary's designee has completed the third reading of the legislation, the legislation is before the Senate for debate.

(3) When debate on the legislation is complete, the presiding officer shall:

(a) pose the final question: "This bill (resolution) has been read three times. The question is: Shall the bill (resolution) pass?"; and

(b) place the question as a roll call vote.

SR4-4-202. Disposition of legislation voted on third reading.

(1) Except as provided in Subsection (2), the secretary of the Senate or the secretary's designee shall:

(a) for a piece of Senate legislation passed by the Senate on third reading but not yet acted upon by the House, transmit the Senate legislation to the House for its further action;

(b) for a piece of Senate legislation that fails to pass the Senate on third reading, file the legislation;

(c) for a piece of Senate legislation that has passed both houses in the same form, follow the procedures and requirements of JR4-6-101(1)(b);

(d) for a piece of House legislation passed by the Senate on third reading and not amended or substituted in the Senate, transmit the House legislation to the presiding officer of the House for the presiding officer's signature;

(e) for a piece of House legislation passed by the Senate on third reading that was amended or substituted in the Senate, transmit the legislation to the House with the amendment or substitute for further action by the House; and

(f) for a piece of House legislation that fails to pass the Senate on third reading, transmit the legislation to the House with notice of the Senate's action.

(2) When a senator gives notice of intention to move for reconsideration, the secretary of the Senate shall:

(a) record the notice in the journal; and

(b) keep possession of the bill until:

(i) the time for reconsideration has expired as provided in Title 4, Chapter 9, Reconsideration of Senate Action; or

(ii) the bill has been reconsidered.

Part 3. Consent Calendar

SR4-4-301. Consent calendar.

(1) If a standing committee report recommends that a piece of legislation be placed on the consent calendar and the standing committee report is adopted by the Senate, the secretary of the Senate or the secretary's designee shall:

(a) read the legislation for the second time; and

(b) place the legislation on the consent calendar.

(2) (a) Whenever the consent calendar contains legislation, the presiding officer shall inform the Senate each day that:

(i) there are items on the consent calendar; and

(ii) if any senator objects to a piece of legislation on the consent calendar, three or more senators may move the legislation to the second reading calendar by notifying the secretary of the Senate verbally or in writing.

(b) If the secretary of the Senate receives requests to move a piece of legislation from the consent calendar to the second reading calendar from three or more senators, the secretary shall:

(i) remove the legislation from the consent calendar; and

(ii) place the legislation at the bottom of the second reading calendar.

(3) If, after three days during which the Senate has floor time, no more than two members have registered objections to the legislation, the legislation shall be:

(a) read the third time;

(b) placed before the Senate; and

(c) considered for final passage.

(4) (a) The presiding officer shall pose the question on each consent calendar bill in the following form:

"The presiding officer has determined that a quorum is present.

Those who favor the question say, 'aye.'

Does the chair hear a single dissenting nay to the question?"

(b) If the presiding officer hears no nays to the question, a unanimous vote of the senators present shall be recorded in favor of the legislation.

(c) If the presiding officer hears any nays to the question, a roll call vote shall be taken immediately.

(5) Notwithstanding the requirements of Subsection (4), any senator may, before the roll call vote is taken, make a motion to remove the bill from the consent calendar and place it on the bottom of the third reading calendar.

(6) Nothing in this section prevents a senator from challenging the ruling of the chair or asking for a vote on any question.

Part 4. Concurrence Calendar

SR4-4-401. Concurrence calendar.

(1) After the secretary of the Senate or the secretary's designee reads the transmittal letter from the House informing the Senate that the House has amended or substituted a piece of Senate legislation, the presiding officer shall place the legislation on the concurrence calendar.

(2) (a) During the first 43 days of the annual general session, the legislation shall remain on the concurrence calendar over at least one night before the Senate may consider the question of concurrence.

(b) During the last two days of the annual general session and during any special session, the Senate may consider legislation for concurrence after the Senate has been given a reasonable time to review the House changes.

(3) (a) When presenting legislation to the Senate for concurrence, the presiding officer shall ask the sponsor of the legislation for a motion.

(b) The sponsor of the legislation may move to either:

(i) concur with the House amendments; or

(ii) refuse to concur with the House amendments and ask the House to recede from their amendments.

(c) If a motion to concur with the House amendments passes by majority vote, the presiding officer shall:

(i) pose the question: "This bill (resolution) has been read three times. The question is:

Shall the Senate concur with the House amendments?"; and

(ii) take the final roll call vote on the legislation.

(d) If a motion to refuse to concur with the Senate amendments and ask the Senate to recede from their amendments passes by a majority vote, the secretary of the Senate shall return the legislation to the House for its further action.

(e) If the House refuses to recede, the Senate and House shall follow the procedures and requirements of JR3-2-601 relating to the appointment of a conference committee.

Part 5. Time Certain Calendar

SR4-4-501. Time certain calendar.

The secretary of the Senate or the secretary's designee shall place on the time certain calendar legislation or other matters approved by the Senate for a time certain under:

(1) SR1-5-301; or

(2) other rules allowing matters to be set for a time certain.

CHAPTER 5. COMMITTEE OF THE WHOLE

SR4-5-101. Committee of the whole -- Purpose -- Process.

(1) Because only members of the Senate may speak to the Senate while the Senate is conducting business on the floor, the Senate must resolve itself into a committee of the whole in order to allow nonmembers to address the Senate.

(2) The Senate may resolve itself into a committee of the whole if:

(a) a senator makes a motion for the Senate to resolve itself into a committee of the whole; and

(b) the motion is approved by a majority vote of those present.

SR4-5-102. Procedure in committee of the whole.

(1) The presiding officer shall chair and preside over the committee of the whole.

(2) Senate Rules apply in the committee of the whole, except that:

(a) a senator may not speak more than twice on the same subject;

(b) roll call votes are out of order during a committee of the whole; and

(c) a senator may not appeal the decision of the chair.

SR4-5-103. Motion to dissolve committee of the whole.

A motion to dissolve a committee of the whole is always in order and is nondebateable.

CHAPTER 6. SENATE FLOOR PARLIAMENTARY PROCEDURES

Part 1. General Requirements

SR4-6-101. Obtaining the floor in the Senate -- Remarks to be germane.

(1) A senator may speak to the subject under consideration if the senator is recognized by

the presiding officer.

(2) Upon recognition by the presiding officer, the senator shall ensure that the senator's remarks are germane to the subject under consideration.

SR4-6-102. Motions on the floor -- General requirements and procedures.

(1) (a) A senator who is recognized by the presiding officer may make a motion.

(b) A second to the motion is not required.

(2) The presiding officer shall restate each oral motion made by a senator.

(3) (a) After a motion is stated by the presiding officer, it is in the possession of the Senate.

(b) The motion may be withdrawn by the senator who made it or by a majority vote of the Senate.

SR4-6-103. Sponsor may open and close debate.

After coming to a piece of legislation on a calendar or after accepting a motion, the presiding officer shall recognize the chief sponsor of the piece of legislation or of the motion and allow the chief sponsor to open and close debate on the legislation or motion.

SR4-6-104. Interruptions and questions.

(1) A senator may not interrupt or question another senator in debate without that senator's consent.

(2) (a) To obtain consent, the querying senator shall address the presiding officer and ask if the senator speaking will yield the floor to a question or series of questions.

(b) If the senator speaking consents to yield the floor to a question or series of questions, the presiding officer shall allow the querying senator to ask the question or questions.

(c) If the senator speaking declines to yield the floor to a question or series of questions, the presiding officer:

(i) shall inform the querying senator that the senator speaking has declined; and

(ii) may not allow the querying senator to ask a question or series of questions.

SR4-6-105. Senators not to speak more than twice -- Maximum speaking time.

(1) Without permission from the Senate, a senator may not speak more than twice on the same piece of legislation, substitute legislation, or amendment in any one debate on the same day and on the same reading of the legislation.

(2) (a) Except as provided in Subsection (2)(b), the presiding officer may not grant a senator who has spoken once permission to speak again on the same piece of legislation if any senator who has not spoken wishes to speak.

(b) The presiding officer may grant a senator who has spoken once permission to respond to a question if the senator consents to a request that the senator yield to a question under SR4-6-104.

SR4-6-106. Order of action.

If a senator makes a motion to amend or substitute legislation during debate on second or

third reading, the presiding officer shall ensure that the Senate debates and passes or defeats the motion to amend or substitute before allowing debate and action on the legislation itself.

SR4-6-107. Substitute motions.

(1) A senator may, upon recognition by the presiding officer, make a substitute motion, which, if adopted by vote of a majority of the Senate, disposes of the original motion.

(2) If the substitute motion is not adopted, the original motion is revived.

(3) A senator may not make a substitute motion if another substitute motion has been made and is pending.

SR4-6-108. Dividing a motion or question.

(1) (a) Except as provided in Subsection (1)(b)(i), if a motion or a question in debate contains several points, a senator may ask to have the question divided for purposes of the vote.

(b) (i) A motion to strike out and insert is not subject to division.

(ii) Notwithstanding Subsection (1)(b)(i), the rejection of a motion to strike out and insert one proposition does not preclude a motion to strike out and insert a different proposition.

(2) The request to divide shall clearly state how the motion or question is to be divided.

(3) (a) The presiding officer shall determine how many divisions may be made to any motion or question.

(b) The Senate may seek to overrule the chair's decision only once.

SR4-6-109. Motions in order during debate.

(1) (a) When a motion or question is being debated, the presiding officer may not accept any other motion except a motion:

(i) to adjourn, which is nondebateable;

(ii) to determine the time to adjourn, which is debateable;

(iii) to recess, with the senator having the floor retaining the floor when the Senate reassembles, which is nondebateable;

(iv) to call the Senate;

(v) to refer to a committee, which is debateable;

(vi) to table, which is debateable;

(vii) to lift from the table, which is debateable;

(viii) to circle, which is debateable;

(ix) to postpone to a time certain, which is debateable;

(x) to strike the enacting clause, which is debateable;

(xi) to adopt a substitute, which is debateable; or

(xii) to amend, which is debateable.

(b) Points of order and appeals of the decision of the presiding officer are not motions and are always in order.

(c) The presiding officer shall grant priority to the motions listed in Subsection (1)(a) according to the order in which they are listed in that rule.

(2) A senator may not make, and the presiding officer may not accept, a motion for the previous question, which is a call for an end to debate and a vote on the matter under discussion.

(3) If a motion to postpone a piece of legislation to a day certain or a motion to refer a piece of legislation to a committee is defeated, a senator may not make the same motion on the same piece of legislation during the same reading of the legislation.

(4) When a motion to refer to committee, to postpone indefinitely, to postpone to a time certain, or to table is made, the presiding officer may not allow consideration of amendments or debate on the main question.

SR4-6-110. Nondebateable motions.

(1) The presiding officer may not allow debate on a motion:

(a) to adjourn; or

(b) to recess.

(2) The presiding officer shall decide all points of order arising from one of the above motions without debate.

Part 2. Specific Motions

SR4-6-201. Motion to adjourn.

A motion to adjourn is always in order except:

(1) when a vote is being taken;

(2) when a previous motion to adjourn has been defeated and no intervening business has been transacted; or

(3) when another senator has the floor.

SR4-6-202. Motion to circle.

(1) A motion to circle a piece of legislation holds the legislation in place on the calendar.

(2) (a) A motion to circle preserves all amendments or substitutes to the legislation already adopted by the Senate.

(b) A motion to circle extinguishes all amendments or substitutes pending at the time that the motion is made.

(3) When a motion to uncircle is made:

(a) amendments, substitutes, or both that were already adopted by the Senate are part of the legislation; and

(b) any amendments or substitutes that were being discussed at the time the legislation was circled are extinguished and a new motion to amend or substitute must be made in order to revive them.

SR4-6-203. Motion to strike the enacting clause.

(1) When a motion to strike the enacting clause passes by a constitutional majority, the bill from which the enacting clause was stricken is dead and may not be revived.

(2) Nothing in this rule precludes a senator from introducing a new bill identical to the bill whose enacting clause was struck.

CHAPTER 7. VOTING

Part 1. General Requirements

SR4-7-101. Definitions.

(1) "Roll call vote" means a verbal voting process where:

(a) the secretary of the Senate or the secretary's designee verbally calls the name of each senator alphabetically, except the president, who is called last;

(b) each senator present votes "aye" or "nay" when the senator's name is called;

(c) the secretary of the Senate or the secretary's designee:

(i) tallies the vote;

(ii) records those senators who are absent or not voting; and

(iii) gives a copy of the tally to the presiding officer; and

(d) the presiding officer announces the result of the vote.

(2) "Voice vote" means a verbal voting process where the presiding officer:

(a) poses the question to be voted upon in this form: "Those in favor (of the question) say 'aye'." and "Those opposed say 'nay'."; and

(b) based upon the senator's responses, announces that the question either passed or failed.

SR4-7-102. Number of votes required for passage.

(1) Unless otherwise specified in these rules:

(a) each piece of legislation requires a constitutional majority vote -- 15 votes -- to pass;

(b) amendments to the Utah Constitution, amendments to court rules, and certain motions specified in these rules require a constitutional two-thirds vote -- 20 votes -- to pass;

(c) legislation that is intended to take effect earlier than 60 days after adjournment of the session in which it passes requires a constitutional two-thirds vote -- 20 votes -- to pass with that immediate effective date;

(d) certain motions require a two-thirds vote -- two-thirds of those present -- to pass; and

(e) other motions require a majority vote -- a majority of those present -- to pass.

(2) The Senate may only suspend a rule requiring that a motion must receive a two-thirds vote or a constitutional two-thirds vote to pass by a two-thirds vote.

SR4-7-103. Senators present required to vote.

(1) (a) A senator present within the Senate chamber when a vote is being taken shall vote.

(b) A senator shall vote within the time limit fixed by the presiding officer.

(c) Immediately before a roll call vote or when casting a roll call vote, a senator may, upon recognition by the presiding officer, make a brief statement explaining any conflict of interest.

(d) With the permission of the presiding officer, a senator may briefly explain a vote.

(2) (a) A senator may not vote on a piece of legislation or motion unless the senator is present in the Senate chamber.

(b) If the vote is a roll call vote or division, a senator entering the chamber after the

question is posed and before the presiding officer announces the result, may have the question stated and vote.

SR4-7-104. Disturbing Senate staff during voting prohibited.

While a roll call vote is being taken, a person may not disturb or remain by the desks of the secretary of the Senate, the docket clerk, the reading clerk, the voting machine operator, or the public address system operator.

SR4-7-105. Changing vote before vote is closed.

A senator may change the senator's vote before the presiding officer announces the result.

SR4-7-106. Voting or changing vote after the vote is announced.

After the vote is announced, a senator may not vote or change the senator's vote unless:

(1) there is unanimous consent of the senators present; and

(2) the result of the vote is not changed.

Part 2. Voting Process

SR4-7-201. Means of voting -- Requirements.

(1) The presiding officer shall ensure that the vote on final passage of a piece of legislation is taken by roll call vote.

(2) The presiding officer shall conduct a roll call vote on other questions if requested by a senator.

(3) During a roll call vote, the presiding officer may not accept a motion or other business, except for a request from a senator to disclose a conflict of interest or to explain the senator's vote, until after the presiding officer announces the result of the vote.

SR4-7-202. Placing the question -- Voice vote -- Division.

(1) The presiding officer shall place all questions other than those identified in SR4-7-201 by voice vote.

(2) After taking a voice vote, if the presiding officer is in doubt about which side prevailed, the presiding officer may require the Senate to vote by roll call vote.

(3) If the presiding officer questions the result of the count, or if a senator calls for division, the presiding officer shall require that those voting aye stand and be counted first, followed by those voting nay standing and being counted.

CHAPTER 8. CALL OF THE SENATE

SR4-8-101. Definitions.

"Call of the Senate" means the process by which the Senate may compel absent senators to be present in the Senate chamber.

SR4-8-102. Initiating a call of the Senate.

(1) Subject to the requirements of this rule, a senator may demand a call of the Senate by standing and verbally stating "call of the Senate."

(2) After a senator demands a call of the Senate, the presiding officer shall say: "It requires at least five senators to require a call of the Senate. Will those in favor of the call please stand?"

(3) If the presiding officer determines that five or more senators demand a call of the Senate, the presiding officer shall order the call.

SR4-8-103. Effect of call of the Senate.

(1) Except for receiving and acting on the report of the sergeant-at-arms under SR4-8-105, the Senate may not transact any business during a call of the Senate.

(2) (a) During a call of the Senate, the presiding officer shall declare out of order each motion except:

(i) a motion to adjourn; or

(ii) a motion to lift the call of the Senate.

(b) The motions identified in Subsection (2)(a) must receive a majority vote from the senators present to pass.

SR4-8-104. Process for conducting a call of the Senate.

(1) During a call of the Senate:

(a) a senator present in the chamber may not leave the chamber; and

(b) the sergeant-at-arms or the sergeant's designees shall close the doors to the Senate chamber.

(2) After ordering the call of the Senate, the presiding officer may:

(a) in consultation with the secretary of the Senate, identify any absent senators; and

(b) provide the sergeant-at-arms with the names of those senators who are absent but who have not asked to be excused.

(3) The sergeant-at-arms or the sergeant's designees shall:

(a) search for the absent senators;

(b) if they are found, escort them to the Senate chamber; and

(c) make a report to the Senate about the sergeant's efforts.

SR4-8-105. Lifting the call of the Senate.

(1) The sergeant-at-arms may make a report on the call at any time.

(2) (a) If, based upon the sergeant-at-arms' report, the presiding officer determines that all senators are present or accounted for, the presiding officer may:

(i) order the call to be lifted without motion; or

(ii) recognize a senator for a motion to lift the call of the Senate.

(b) If the motion is approved by a majority of those present, the call of the Senate is lifted.

(c) If the motion is not approved, the sergeant-at-arms and the sergeant's designees shall continue searching for the absent senators.

(3) After the call is lifted:

(a) the sergeant-at-arms and the sergeant's designees shall open the doors of the Senate chamber; and

(b) the Senate shall proceed with the order of business that was pending when the call was ordered.

CHAPTER 9. RECONSIDERATION OF SENATE ACTION

SR4-9-101. Motion to reconsider.

(1) As used in this section, "legislative day" means a day when the Senate convenes in the Senate chamber and conducts Senate business.

(2) (a) Except as provided in Subsection (3), when a question has been decided on the floor of the Senate, a senator voting with the prevailing side may:

(i) move for reconsideration after intervening business; or

(ii) give notice that a motion for reconsideration will be made.

(b) If a motion for reconsideration is made on the floor of the Senate after a piece of legislation has left the possession of the Senate, the secretary of the Senate shall request that the legislation be returned to the Senate.

(c) The presiding officer shall rule a motion for reconsideration out of order unless the motion is made:

(i) before the 43rd legislative day;

(ii) before the Senate adjourns on the legislative day after the legislative day on which the action sought to be reconsidered occurred; and

(iii) by a senator who previously served notice.

(3) A senator may not make a motion to reconsider after the 42nd day of the annual general session of the Legislature.

SR4-9-102. Notice of motion to reconsider.

When a senator gives notice that the senator intends to make a motion to reconsider, the secretary of the Senate or the secretary's designee shall:

(1) ensure that the notice is recorded in the journal; and

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

SR4-9-103. Rules governing motions to reconsider.

(1) A motion to reconsider a vote on the final passage of a piece of legislation requires approval by a constitutional majority of senators.

(2) Upon adoption of a motion to reconsider, the secretary of the Senate shall ensure that the legislation is placed at the top of the calendar on which it last appeared.

(3) The Senate may not reconsider a piece of legislation more than once.

TITLE 5. LOBBYIST ETHICS AND ENFORCEMENT

CHAPTER 1. GENERAL PROVISIONS

SR5-1-101. Definitions.

As used in this Senate Rule:

(1) (a) "Government official" means:

(i) an individual elected to a position in state or local government when acting within the individual's official capacity; or

(ii) an individual appointed to or employed in a full-time or part-time position by state or local government when acting within the scope of employment or within the individual's official capacity.

(b) "Government official" does not mean a member of the legislative branch of state government.

(2) "Lobbyist" has the meaning identified in Utah Code Section 36-11-102.

(3) (a) "Volunteer lobbyist" means a person not registered as a lobbyist who engages in lobbying within the meaning of Utah Code Section 36-11-102.

(b) "Volunteer lobbyist" does not mean an individual who appears on the individual's own behalf to engage in lobbying within the meaning of Utah Code Section 36-11-102.

CHAPTER 2. LOBBYIST ETHICS

SR5-2-101. Lobbyist code of ethics.

A lobbyist, volunteer lobbyist, or government official may not:

(1) attempt to influence any legislator or legislative employee by means of deceit or by threat of violence or economic or political reprisal against any person or property, with intent by doing so to alter or affect the legislator's or legislative employee's decision, vote, opinion, or action concerning any matter that is to be considered or performed by the legislator, the legislative employee, or the agency or body of which the legislator or employee is a member;

(2) knowingly provide false information to any legislator or legislative employee as to any material fact pertaining to any legislation;

(3) knowingly omit, conceal, or falsify in any manner information required by the lobbyist registration and lobbyist disclosure reports;

(4) participate in leadership races of the Senate;

(5) cause or influence the introduction of any bill or amendment for the purpose of afterwards becoming employed to secure its passage or defeat;

(6) engage in workplace discrimination or harassment, or in behavior that violates the Legislature's workplace harassment policy;

(7) offer employment that would require or induce a legislator or legislative employee to disclose records classified as private, protected, or controlled;

(8) use or disclose for any purpose any records classified as private, protected, or controlled that were obtained from a legislator or legislative employee or conspire with any person for that purpose; or

(9) induce or seek to induce any legislator or legislative employee into committing a violation of any provision of this Senate Rule.

CHAPTER 3. ENFORCEMENT OF LOBBYIST CODE OF ETHICS

SR5-3-101. Enforcement -- Written complaint.

(1) To initiate an ethics complaint against a lobbyist, volunteer lobbyist, or government official who has violated the lobbyist code of ethics established in SR5-2-101, either two senators from one party and one senator from another party, or five senators, shall sign and file a written complaint with the president of the Senate.

(2) The written complaint shall contain:

(a) the name of each of the senators who is filing the complaint;

(b) the name of the lobbyist, volunteer lobbyist, or government official who is the subject of the complaint;

(c) the nature of the alleged violation, citing specifically to the provisions of SR5-2-101 that the lobbyist, volunteer lobbyist, or government official is alleged to have violated;

(d) all documents that support the complaint as an attachment to it; and

(e) any facts alleged to support the complaint.

(3) (a) Any complaint filed under this rule is a protected record under Utah Code Title 63G, Chapter 2, Government Records Access and Management Act, until referred to the investigating committee for action, because disclosure of the information in the complaint would constitute a clearly unwarranted invasion of personal privacy and that disclosure is not in the public interest.

(b) Any complaint filed under this rule that is withdrawn by the complainants is a protected record under Utah Code Title 63G, Chapter 2, Government Records Access and Management Act, because disclosure of the information in the complaint would constitute a clearly unwarranted invasion of personal privacy and that disclosure is not in the public interest.

SR5-3-102. Enforcement -- Meeting of the parties and witnesses.

(1) After receiving the complaint, the president shall meet with the legislators who filed the complaint, the lobbyist, volunteer lobbyist, or government official who is the subject of the complaint, and any other persons who have relevant information about the complaint.

(2) If, after that meeting, all of the senators who signed the complaint wish to proceed with the complaint, they shall, within 14 calendar days from the date of the meeting, send a letter to the president requesting that the president appoint a committee to investigate the complaint.

SR5-3-103. Enforcement -- Investigating committee.

(1) (a) Within 14 calendar days after receipt of a letter requesting the appointment of a committee to investigate the complaint, the president shall:

(i) appoint a committee composed of five members, three from the majority party and two from the minority party, to investigate the complaint; and

(ii) designate one senator as the committee chair.

(b) The president may not appoint a senator who signed the complaint to the investigating committee.

(2) (a) The chair of the committee shall schedule a committee meeting to investigate the complaint.

(b) (i) The committee shall comply with the procedures and requirements of Utah Code Title 52, Chapter 4, Open and Public Meetings Act, including the procedures and requirements for closing a meeting.

(ii) The Office of Legislative Research and General Counsel shall staff the committee.

(c) (i) At the hearing, the committee shall review the complaint.

(ii) The committee may allow the legislators who filed the complaint to address and be questioned by the committee.

(iii) The committee shall provide the lobbyist, volunteer lobbyist, or government official who is the subject of the complaint with the opportunity to address and be questioned by the committee.

(iv) The committee may allow other persons with information relevant to the complaint to address and be questioned by the committee.

(v) (A) The complainants, the lobbyist, volunteer lobbyist, or government official, and any witness appearing before the committee, may have legal counsel present.

(B) That counsel may privately advise their client about the client's legal rights when specifically requested to do so by their client, but may not address the committee, ask questions of any party or witness, or engage in oral arguments with the committee.

(C) If counsel fails to abide by any of these rules, the committee may exclude the counsel from the meeting.

(D) Upon completion of the investigation, the committee shall report to the president, recommending what action, if any, should be taken against the lobbyist, volunteer lobbyist, or government official.

(3) The president, after reviewing the committee's recommendation, may take appropriate action.

HOUSE RULES

HOUSE RULES

TITLE 1. RULES GOVERNING ORGANIZATION AND MANAGEMENT OF THE UTAH HOUSE OF REPRESENTATIVES

CHAPTER 1. ADOPTION OF RULES AND PRACTICES

HR1-1-101. Adoption, amendment, or suspension of House Rules.

(1) The House of Representatives shall adopt House rules at the beginning of each legislative session by a constitutional two-thirds vote.

(2) Except as provided in this Subsection (2) and in Subsection (3), after the initial adoption of House rules, additional rules may be adopted or existing rules may be suspended, amended, or repealed by a majority vote, except the following, which require a two-thirds vote to adopt, suspend, amend, or repeal:

(a) rules governing limitation of debate;

(b) rules governing a motion to end debate (call the previous question);

(c) rules governing motions for lifting tabled legislation from committee;

(d) rules governing consideration of legislation during the last three days of a session; and

(e) rules governing voting in Title 4, Chapter 7, Voting.

(3) (a) A rule that includes a voting requirement of more than a constitutional majority must be adopted and may only be amended, suspended, or repealed by a constitutional two-thirds vote of all representatives.

(b) If the suspension of any House Rule is governed by the Utah Constitution or Utah statutes, the House may suspend that rule only as provided by that constitutional or statutory provision.

HR1-1-102. Constitutional motion.

At the beginning of each session of the House, before the reading of any piece of legislation, the House Rules Committee chair shall make the following motion:

"Mr. (Madam) Speaker, as allowed by the Utah Constitution and the Joint Rules of the Legislature, I move that the House continue its practice of reading only the short title of bills and resolutions as they are introduced or considered on a House calendar and not read the long title of the bills and resolutions unless a majority of the House directs the reading of the long title, short title, or both of any House or Senate bill or resolution."

HR1-1-103. Mason's Manual of Legislative Procedure -- Reference.

In addition to House Rules and other applicable legislative rules, the presiding officer may use Mason's Manual of Legislative Procedure as a reference when a question arises about parliamentary practice, legislative process, or legislative procedure that is not resolved by reference to legislative rules.

CHAPTER 2. INITIAL ORGANIZATION

HR1-2-101. Calling the House to order.

On the first day of each annual general session of the Legislature during odd-numbered years, the speaker-elect shall designate a person to call the House to order and preside until the representatives have taken the oath of office and elected a speaker.

CHAPTER 3. SPEAKER OF THE HOUSE

HR1-3-101. Election of speaker.

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

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

(b) Beginning January 1 of odd-numbered years, the representative elected by the majority caucus shall serve as speaker-elect and perform the duties of the speaker until the House elects a speaker as required by Subsection (1).

HR1-3-102. Duties of the speaker.

(1) The general duties of the speaker are to:

(a) call the House to order at the time scheduled for convening, and proceed with the daily order of business;

(b) announce the business before the House in the order that it is to be acted upon;

(c) receive and submit in the proper manner all motions and proposals presented by representatives;

(d) put to a vote all questions that arise in the course of proceedings, and announce the results of the vote;

(e) enforce the House Rules governing debates;

(f) enforce observance of order and decorum;

(g) inform the House on any point of order or practice;

(h) receive and announce to the House any official messages and communications;

(i) sign all acts, orders, and proceedings of the House;

(j) appoint the members of committees;

(k) assign responsibilities to, and supervise the officers and employees of, the House;

(l) assign places and determine access for news media representatives; and

(m) represent the House, declaring its will and obeying its commands.

(2) The speaker shall:

(a) sign, or authorize a designee to sign, all requisitions on the Division of Finance to pay House expenses; and

(b) give final approval of all expenditure requests as authorized by the majority and minority leaders of the House, including per diem compensation, travel expenses, and expenses for in-state and out-of-state travel on legislative business.

HR1-3-103. Temporary presiding officer in speaker's absence.

(1) (a) The speaker shall name a representative to act as speaker pro tempore during the absence of the speaker.

(b) (i) If an interim vacancy in the office of speaker occurs because of the death, resignation, or disability of the speaker, the speaker pro tempore shall conduct the necessary business of the House only until an election is held by the House to fill the vacancy.

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

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

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

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

(3) If the speaker and the speaker pro tempore are absent at the time the session is scheduled to convene, and the speaker has not designated another representative to perform the duties of presiding officer, the representative of the majority party who is senior in House service shall call the House to order and preside until one of them returns.

(4) The speaker pro tempore, and each representative authorized to preside by the speaker or this rule, has all the powers and responsibilities of the speaker while presiding.

CHAPTER 4. OTHER HOUSE OFFICERS

Part 1. Chief Clerk

HR1-4-101. Appointment of chief clerk.

The speaker or speaker-elect of the House shall appoint a person to serve as chief clerk of the Utah House of Representatives.

HR1-4-102. Duties of the chief clerk.

The general duties of the chief clerk are to:

(1) act as chief administrative officer of the House, subject to direction by the speaker of the House;

(2) certify and transmit legislation to the Senate and inform the Senate of all House action;

(3) assist in the preparation of the House Journal and certify it as an accurate reflection of House action;

(4) make the following technical corrections to legislation either before or following final passage:

(a) correct the spelling of words;

(b) correct the erroneous division and hyphenation of words;

(c) correct mistakes in numbering sections and their references;

(d) capitalize words or change capitalized words to lower case;

(e) change numbers from words to figures or from figures to words; and

(f) underscore or remove underscoring in legislation without a motion to amend;

(5) modify the long title of a piece of legislation to ensure that the long title accurately reflects any changes to the legislation made by amendment or substitute;

(6) supervise all House of Representatives' non-partisan personnel during a session and assign them duties and responsibilities;

(7) keep a record of the attendance of each in-session employee and ensure that each in-session employee is paid only for hours worked;

(8) be the custodian of all official documents;

(9) receive all numbered legislation from the Office of Legislative Research and General Counsel;

(10) record the number, title, sponsor, each action, and final disposition of each piece of legislation on the legislation;

(11) prepare and distribute the daily order of business each day;

(12) advise the speaker on parliamentary procedure, constitutional requirements, and Joint and House Rules;

(13) assist with amendments to legislation;

(14) record votes and present the results to the speaker;

(15) transmit all enrolled House bills and House concurrent resolutions to the governor;

(16) approve material for placement on the representatives' desks if a representative has authorized that distribution;

(17) maintain all calendars for the House floor; and

(18) record the votes of any member who is present in the House chamber who requests assistance of the chief clerk.

Part 2. Sergeant-at-Arms

HR1-4-201. Appointment of sergeant-at-arms.

The speaker or speaker-elect of the House shall appoint a person to serve as sergeant-at-arms of the Utah House of Representatives.

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

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

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

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

(3) enforce the provision of Utah Code Title 26, Chapter 38, Utah Indoor Clean Air Act, in areas controlled by the House; and

(4) provide other service as requested by the chief clerk or the speaker.

CHAPTER 5. SCHEDULE FOR THE HOUSE OF REPRESENTATIVES

Part 1. Convening and Daily Schedule

HR1-5-101. Hour of meeting.

During the regular general session, the House shall meet at 10:00 a.m. daily except

Saturdays and Sundays, unless otherwise announced by the presiding officer.

HR1-5-102. Roll call -- Quorum.

(1) The presiding officer or the presiding officer's designee shall:

(a) take a roll call of representatives at the beginning of each day's session; and

(b) ensure that the names of those present and absent are recorded in the journal.

(2) (a) The House may not begin House business until a constitutional majority of representatives are present as a quorum.

(b) Notwithstanding Subsection (2)(a), less than a majority of representatives may:

(i) convene each day; and

(ii) compel the attendance of absent members.

HR1-5-103. Daily order of business.

(1) The daily order of business is:

(a) call to order by the presiding officer;

(b) prayer and Pledge of Allegiance;

(c) roll call;

(d) announcement of excused absences;

(e) communications from the governor;

(f) communications from the Senate;

(g) reports from committees;

(h) introduction of legislation given to the chief clerk at least one hour before the beginning of the session for inclusion in that day's agenda;

(i) unfinished business;

(j) consideration of legislation on consent calendar;

(k) consideration of legislation on the concurrence calendar;

(l) consideration of legislation on the third reading calendars; and

(m) miscellaneous business.

(2) With the approval of a constitutional majority of representatives, the House may, at any time, proceed out of order to any business.

(3) The presiding officer shall decide all questions of priority of House business without debate.

Part 2. Guest Speakers and Executive Sessions

HR1-5-201. Scheduling guest speakers.

(1) As used in this rule:

(a) "Guest speaker" means a person who is scheduled to address the House of Representatives who is not a representative.

(b) "Guest speaker" does not include:

(i) a person who is called to address the House on a particular piece of legislation or issue under consideration by the House; or

(ii) a representative's introduction or acknowledgment of a visitor or special guest who

does not address the House.

(2) Before a guest speaker may address the House, the chief clerk, under the direction of the speaker, must schedule the guest speaker for a time certain on the House Daily Order of Business.

HR1-5-202. Executive session.

(1) The House of Representatives shall comply with the requirements of Title 52, Chapter 4, Open and Public Meetings Act, when holding an executive session.

(2) When the House of Representatives approves a motion to go into executive session, the sergeant-at-arms shall close the House chamber doors.

(3) The presiding officer may require that all persons, except the representatives, chief clerk, journal clerk, and sergeant-at-arms leave the chamber, halls, gallery, and lounge.

(4) During the executive session, everyone present must remain within the chamber.

(5) Everyone present shall keep all matters discussed in executive session confidential.

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

Part 3. Miscellaneous Requirements Relating to the House Schedule

HR1-5-301. Special order of business -- Time certain.

(1) (a) Except as provided in Subsection (2), a representative may make a motion, or the House Rules committee may recommend, that a piece of legislation become a special order of business on the time certain calendar.

(b) If the motion is approved by a majority of the members present, the chief clerk shall place the legislation on the time certain calendar.

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

(3) At the time set for consideration of the legislation, the presiding officer shall place the legislation before the House.

HR1-5-302. Messages and reports received at any time.

The presiding officer may present communications from the governor, the Senate, other state officers, and the House Rules Committee at any time, unless the presiding officer is presenting a question or a vote is being taken.

HR1-5-303. Unfinished business.

When the House has unfinished business at the time of recess or adjournment, that unfinished business has priority on the daily order of business on the next legislative day.

CHAPTER 6. IMPEACHMENT

HR1-6-101. Impeachment.

If any representative submits a resolution to the House to begin impeachment proceedings, the House shall adopt, by constitutional majority vote, policies establishing procedures for, and governing the conduct of, the impeachment process.

CHAPTER 7. COMMENDING OR EXPRESSING CONDOLENCES TO UTAH CITIZEN

HR1-7-101. Commendation or condolence citations -- Types of citations -- Use of citations.

(1) As used in this chapter:

(a) (i) "Citation" means a certificate issued to honor or commend an individual or group, or to express condolences to the family of a deceased individual.

(ii) "Citation" includes a legislator citation, a House of Representatives citation, and a Utah Legislature citation.

(b) "House of Representatives citation" means a citation issued on behalf of the Utah House of Representatives.

(c) "Legislator citation" means a citation issued on behalf of an individual representative.

(d) "Utah Legislature citation" means a citation issued on behalf of both houses of the Utah Legislature.

(2) representatives shall use a citation to express the commendation or condolence of a representative, the Utah House of Representatives, or the Utah Legislature.

HR1-7-102. Obtaining a legislator citation.

(1) With the approval of the presiding officer, a representative may request that the chief clerk of the House prepare a citation for the representative's own signature.

(2) A Legislator citation does not require any floor action by the House of Representatives.

HR1-7-103. Obtaining a House of Representatives citation.

(1) During any legislative session, a representative may:

(a) request that the chief clerk of the House prepare a citation for the representative's signature; and

(b) after requesting and receiving permission for personal privilege, make a motion on the floor of the House to:

(i) approve the citation; and

(ii) authorize the speaker of the House to sign the citation on behalf of the House of Representatives.

(2) When the Legislature is not in session, a representative may request a citation for the sponsor's and the speaker's signature.

HR1-7-104. Obtaining a Utah Legislature citation.

(1) During any legislative session, a representative may:

(a) request that the chief clerk of the House prepare a citation for the representative's

signature; and

(b) after requesting and receiving permission for personal privilege, make a motion of the floor of the House to:

(i) approve the citation;

(ii) authorize the speaker of the House to sign the citation on behalf of the House of Representatives; and

(iii) present the proposed citation to the Senate for its approval.

(2) When the Legislature is not in session, a representative may request a citation for the sponsor's and the speaker's and the president's signature.

CHAPTER 8. POSTAGE ALLOWANCE

HR1-8-101. House postage allowance.

(1) Each representative may deposit:

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

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

(2) Upon request from an individual representative, the speaker may grant an additional postage allowance.

TITLE 2. RULES GOVERNING ATTENDANCE, BEHAVIOR, AND DECORUM IN THE UTAH HOUSE OF REPRESENTATIVES

CHAPTER 1. ATTENDANCE

HR2-1-101. Representatives shall be present.

A member of the Utah House of Representatives shall be present within the House chamber during a session of the House, unless excused or unavoidably absent.

HR2-1-102. Absent representatives.

If a quorum of the Utah House of Representatives is not present at the time the House is scheduled to convene, the presiding officer or the presiding officer's designee shall direct the sergeant-at-arms to:

(1) find sufficient absent representatives to make a quorum for the transaction of business; and

(2) escort them to the chamber.

CHAPTER 2. DECORUM

HR2-2-101. Speaker to maintain order.

The speaker or presiding officer shall maintain order and decorum during sessions of the House.

HR2-2-102. Breaches of the order of the House.

(1) The speaker or presiding officer may call a representative to order if the representative is speaking impertinently, superfluously, tediously, or irrelevantly.

(2) If called to order, the representative shall sit down, unless granted permission to explain the speech.

HR2-2-103. Disorderly conduct in House.

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

(2) The sergeant-at-arms shall enforce this rule in the areas controlled by the House.

HR2-2-104. Impugning motives of a representative.

(1) A representative may not impugn the motives of any other representative either on the floor of the House or in committee.

(2) A representative who believes that the motives of any representative has been impugned by another representative may raise a point of order.

HR2-2-105. Movement out of and within the House chamber.

(1) When the speaker or presiding officer is presenting a question, a representative may not leave the House chamber.

(2) When a representative is speaking, no person may walk between the representative and the speaker or presiding officer.

HR2-2-106. Smoking and electronic cigarettes prohibited.

(1) As used in this section, "electronic cigarette" means any device, other than a combustible cigarette or cigar, intended to deliver vapor containing nicotine into a person's respiratory system.

(2) A person may not smoke or use an electronic cigarette in the House chamber or other house controlled areas.

(3) The sergeant-at-arms shall enforce this rule.

CHAPTER 3. CONFLICTS OF INTEREST

HR2-3-101. Reporting conflicts of interest.

(1) (a) Except as provided in Subsection (1)(b), a representative satisfies the requirement of Utah Code Section 76-8-109 to disclose a conflict of interest by filing the Declaration of Conflict of Interest form required by JR6-1-201 with the chief clerk of the House.

(b) (i) In addition to the Declaration of Conflict of Interest form required by Section 76-8-109 and JR6-1-201, before or during any vote on legislation or any legislative matter in which a representative has actual knowledge that the representative has a conflict of interest that is not stated on the conflict of interest form, that representative shall orally declare to the committee or body before which the matter is pending that the representative may have a conflict of interest and what that conflict is.

(ii) The declaration of conflict of interest shall be noted in the minutes of any committee meeting or in the Senate or House Journal.

(2) (a) Before speaking on the floor of the House on any legislation or legislative matter in which a representative reasonably believes that the representative may have a conflict of interest, the representative should orally disclose to the House that the representative may have a conflict of interest and what that conflict is.

(b) The chief clerk shall ensure that the declaration of the conflict of interest is noted in the House Journal.

(3) Nothing in this House rule requires a representative with a conflict of interest on legislation or a legislative matter pending before the House to orally disclose that conflict of interest if the representative does not speak on the legislation or legislative matter and the conflict has been disclosed on the representative's conflict of interest form.

CHAPTER 4. GENERAL RULES GOVERNING THE HOUSE FLOOR

HR2-4-101. Admittance to House chamber.

(1) As used in this rule:

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

(b) "Governor's staff" means:

(i) a person employed directly by the Office of the Governor or the Office of the Lieutenant Governor; and

(ii) the director of the Office of Planning and Budget.

(c) "Guest" means a person who is not a legislator, legislative employee, a member of professional legislative staff, an intern, a lobbyist, the governor, or the lieutenant governor.

(d) "House conference rooms" means one of the conference rooms adjacent to the House lounge, speaker's office, or the majority caucus room.

(e) "House halls" means the passageways that allow access to:

(i) the House chamber;

(ii) the House lounge;

(iii) the House offices; and

(iv) other areas behind and adjoining the House chamber.

(f) (i) "House offices" means the offices behind and adjacent to the House chamber and the reception areas connected to them.

(ii) "House offices" includes each House conference room.

(g) (i) "House space" means the House chamber, House lounge, House offices, the House halls, and the other areas behind and adjoining the House chamber.

(ii) "House space" does not mean the common public space outside the front of the House chamber.

(h) "Immediate family" means any parent, spouse, child, grandparent, grandchild, great-grandparent, great-grandchild, or sibling of a member of the House who is not a lobbyist.

(i) "Intern" means a person who is an official participant in the intern program sponsored by the Utah Legislature.

(j) "Legislative employee" means persons employed directly by the House or Senate.

(k) (i) "Lobbyist" means either:

(A) a person required to register as a lobbyist by Section 36-11-103; or

(B) a person who is seeking to influence any legislator to vote for or vote against any legislation.

(ii) "Lobbyist" does not mean the governor or lieutenant governor.

(l) "Professional legislative staff" means persons employed by the Office of Legislative Research and General Counsel, the Office of Legislative Fiscal Analyst, the Office of the Legislative Auditor General, and the Office of Legislative Printing.

(2) (a) While the House is convened in annual general session or special session and except as provided in Subsections (2)(b), (c), (d), and (e):

(i) only legislators, legislative employees, professional legislative staff, interns, former legislators who are not lobbyists, the governor, and the lieutenant governor are allowed in the House chamber; and

(ii) a representative may have no more than one guest in the House chamber at any one time.

(b) A representative may invite only one of the following to sit next to the representative in the House chamber:

(i) a member of the representative's immediate family;

(ii) another legislator;

(iii) a legislative employee;

(iv) a member of professional legislative staff; or

(v) an intern.

(c) The speaker or the speaker's designee may authorize special guests to be present in the chamber or to sit with a representative.

(d) (i) Except as provided in Subsection (2)(d)(ii), lobbyists do not have access to the floor of the House.

(ii) (A) The representative sponsoring a piece of legislation being debated by the House may invite one lobbyist with expertise on the legislation being considered to be present in the chamber.

(B) The representative shall inform the sergeant-at-arms that the lobbyist is present.

(C) The representative shall ensure that the lobbyist is seated on a bench in the rear of the chamber during the presentation and debate on the legislation.

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

(E) When the House moves to another item of business, the lobbyist shall leave the House floor.

(e) representatives who invite guests who are not lobbyists into the chamber shall:

(i) unless the guest is authorized by this rule to sit next to the representative, ensure that the guest sits on a bench in the rear of the chamber; and

(ii) inform the guest that they may stay only for a short visit not to exceed one hour.

(f) representatives who are visited by groups shall arrange with the sergeant-at-arms for them to be seated in the gallery.

(3) (a) While the House is convened in annual general session or special session and except as provided in Subsection (3)(b), only legislators, legislative employees, professional legislative staff, immediate family, interns, former legislators who are not lobbyists, the governor, the lieutenant governor, and the governor's staff are allowed in the House lounge.

(b) (i) A representative may invite a small number of lobbyists or guests to meet with the representative in the House lounge to educate them about the legislative process or to discuss specific legislative issues.

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

(4) (a) While the House is convened in annual general session or special session and except as provided in Subsection (4)(b), only legislators, legislative employees, professional legislative staff, immediate family, interns, and former legislators who are not lobbyists are allowed in the House offices.

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

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

(5) (a) While the House is convened as a body in House chambers, and except as provided in Subsection (5)(b), only the following persons are allowed in the House halls:

(i) legislators;

(ii) legislative employees;

(iii) professional legislative staff;

(iv) interns;

(v) former legislators who are not lobbyists;

(vi) the governor; and

(vii) the lieutenant governor.

(b) Immediate family, lobbyists, and guests in transit to the House chamber, House lounge, or House offices may pass through the House halls.

(6) The sergeant-at-arms, under the direction of the speaker, shall enforce the requirements of this rule.

HR2-4-102. Representatives' chairs not to be occupied by others.

When the House is convened in session, no one other than the speaker or a member may occupy the chair or use the desk of the speaker or any representative.

HR2-4-103. Lobbying prohibited.

Lobbying is not permitted in the House chamber.

HR2-4-104. Recognition of visiting groups and individuals.

(1) The presiding officer may recognize visiting groups and individuals.

(2) A representative who requests and receives personal privilege from the speaker or the speaker's designee may introduce visiting groups or individuals.

HR2-4-105. News media.

(1) (a) News media with House press credentials shall be admitted to the House chamber, halls, and committee rooms.

(b) While the House is convened in House chambers, news media shall remain in the area designated for the news media and may not enter the floor of the House, the circle, lounge, or the speaker's dais.

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

(3) A representative may not hold a press conference in the House chamber without the permission of the speaker of the House.

(4) News media shall also comply with the other provisions in HR2-4-102 and HR2-4-103.

(5) The sergeant-at-arms, under the direction of the speaker, shall enforce the requirements of this rule.

CHAPTER 5. RULES GOVERNING SPONSORING LEGISLATION

HR2-5-101. Representatives may request and sponsor legislation -- Substituting a sponsor -- Withdrawing as a cosponsor.

(1) A representative may request and sponsor legislation as provided in Joint Rules Title 4, Bills and Resolutions.

(2) (a) After a piece of legislation has been introduced, the chief representative sponsor of the legislation may withdraw from sponsoring the legislation by:

(i) finding another representative to act as chief sponsor of the legislation; and

(ii) filing a substitution of sponsorship form with the chief clerk before final passage of the legislation in the House.

(b) A representative seeking to withdraw as the chief sponsor need not obtain permission from the House to withdraw.

(3) (a) Before final passage of the legislation in the House, a representative cosponsor of a bill may withdraw as a cosponsor of that legislation.

(b) A representative seeking to withdraw as a cosponsor need not:

(i) obtain permission from the House to withdraw; or

(ii) provide a substitute cosponsor for the legislation.

TITLE 3. RULES GOVERNING THE RULES COMMITTEE AND THE STANDING COMMITTEES OF THE UTAH HOUSE OF REPRESENTATIVES

CHAPTER 1. HOUSE RULES COMMITTEE AND OTHER SPECIAL COMMITTEES

Part 1. House Rules Committee

HR3-1-101. House Rules Committee -- Appointment -- General responsibilities.

(1) The speaker shall appoint members of the House of Representatives to serve on the House Rules Committee.

(2) The House Rules Committee shall perform the following functions as further elaborated in this part:

(a) receive introduced legislation from the House and recommend that the legislation be assigned to a House standing committee or to the House third reading calendar;

(b) receive legislation from the House that has been sent back to the House Rules Committee from the third reading calendar, and recommend to the House which legislation should be assigned to the third reading calendar and the order in which it should be heard; and

(c) function as a standing committee or interim committee when reviewing Joint Rules, Interim Rules, and House Rules.

HR3-1-102. House Rules Committee -- Assignment duties.

(1) The presiding officer shall submit all legislation introduced in the House of Representatives to the House Rules Committee.

(2) For all legislation not specified in HR3-1-103 that is referred to the House Rules Committee, the committee shall:

(a) examine the legislation for proper form, including fiscal note and interim committee note, if any; and

(b) either:

(i) refer legislation to the House with a recommendation:

(A) that the legislation be referred to a standing committee for consideration; or

(B) that the legislation be read the second time and placed on the third reading calendar; or

(ii) hold the legislation.

(c) If the chair of the House Rules Committee receives a summary report from the Occupational and Professional Licensure Review Committee related to newly regulating an occupation or profession within the two calendar years immediately preceding the session in which a piece of legislation is introduced related to the regulation by the Division of Occupational and Professional Licensing of that occupation or profession:

(i) the chair of the House Rules Committee shall ensure that the House Rules Committee is informed of the summary report before the House Rules Committee takes action on the legislation; and

(ii) if the House Rules Committee refers the legislation to the House as provided for in Subsection (2)(a)(i):

(A) the Office of Legislative Research and General Counsel shall make the summary report reasonably available to the public and to legislators; and

(B) if the legislation is referred to a standing committee, the House Rules Committee shall forward the summary report to the standing committee.

(3) In carrying out its functions and responsibilities under this rule, the House Rules

Committee may not:

(a) table legislation without the written consent of the sponsor;

(b) report out any legislation that has been tabled by a standing committee;

(c) amend legislation without the written consent of the sponsor; or

(d) substitute legislation without the written consent of the sponsor.

(4) The House Rules Committee may recommend a time certain for floor consideration of any legislation when it is reported out of the House Rules Committee, or at any other time.

(5) When the committee is carrying out its functions and responsibilities under this rule, the committee shall:

(a) during a legislative session, give notice of its meetings by either:

(i) providing oral notice from the House floor of the time and place of its next meeting; or

(ii) when oral notice is impractical, post written notice of its next meeting;

(b) when the Legislature is not in session, post a notice of meeting at least 24 hours before the meeting convenes;

(c) have as its agenda all legislation in its possession for assignment to committee or to the House calendars; and

(d) prepare minutes that include a record, by individual representative, of votes taken.

(6) Anyone may attend a meeting of the rules committee, but comments and discussion are limited to members of the committee and the committee's staff.

HR3-1-103. House Rules Committee -- Standing and Interim Committee duties.

(1) The House Rules Committee has all the powers, functions, and duties of a standing committee or interim committee when it:

(a) prepares the House Rules, Interim Rules, and Joint Rules and presents them to the House before adjournment on the second day of each annual general session; or

(b) reviews all proposed House Rules, Interim Rules, or Joint Rules resolutions.

(2) Any rules resolutions reviewed and approved by the House Rules Committee may be reported directly to the House for its approval, amendment, or disapproval.

(3) When meeting as a standing committee or interim committee under this rule, persons other than committee members may address the committee at the discretion of the chair.

(4) When meeting as a standing committee or interim committee under this rule, the House Rules Committee shall comply with the provisions of Utah Code Title 52, Chapter 4, Open and Public Meetings Act.

HR3-1-104. Rules committee duties during sifting.

(1) Upon motion from the floor, the House Rules Committee shall prioritize legislation for floor action and review and update this priority as necessary for the calendars.

(2) The House Rules Committee may recommend a time certain for floor consideration of any legislation when it is reported out of the House Rules Committee, or at any other time.

(3) When the House Rules Committee is carrying out its functions and responsibilities under this rule, the committee shall:

(a) during a legislative session, give notice of its meetings by either:

(i) providing oral notice from the floor of the time and place of its next meeting; or

(ii) when oral notice is impractical, post written notice of its next meeting;

(b) when the Legislature is not in session, post a notice of meeting at least 24 hours before the meeting convenes;

(c) have as its agenda all legislation in its possession; and

(d) prepare minutes that include a record, by individual representative, of votes taken.

(4) Anyone may attend a meeting of the rules committee, but comments and discussion are limited to members of the committee and committee staff.

HR3-1-105. Calendaring interim committee legislation.

(1) The presiding officer shall have interim committee legislation that was approved by a majority vote of the interim committee members, read for the first time and referred to the House Rules Committee for calendaring.

(2) (a) The House Rules Committee may refer the legislation to the calendar without standing committee review, or it may recommend that the legislation be referred to a standing committee.

(b) If the House Rules Committee recommends that the legislation be placed on the Third Reading Calendar without standing committee review, the sponsor or any other representative may move that the legislation be reviewed by a standing committee before the legislation's consideration on the floor.

(c) If this motion is approved by a majority of the representatives present, the legislation shall be referred to a standing committee for consideration.

Part 2. Special Committees and Task Forces

HR3-1-201. Special committees.

(1) The House may form special committees, including task forces, by motion or resolution.

(2) The speaker shall appoint the members of those special committees.

CHAPTER 2. HOUSE STANDING COMMITTEES

Part 1. General Provisions

HR3-2-101. Definitions.

As used in this chapter, "standing committee chair" means the chair of a standing committee or the chair's designee.

HR3-2-102. Standing committee review required -- Exceptions.

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

(2) This rule does not apply to:

(a) a resolution regarding legislative rules or legislative personnel;
(b) legislation that has been approved by an interim committee;
(c) the revisor's statute; or
(d) if the legislation was reviewed and approved by the Executive Appropriations Committee, legislation that:
(i) exclusively appropriates monies;
(ii) amends Utah Code Title 53A, Chapter 17a, Minimum School Program Act;
(iii) amends Utah Code Title 67, Chapter 22, State Officer Compensation; or
(iv) authorizes the issuance of general obligation or revenue bonds.

HR3-2-103. Standing committee review of legislation with fiscal impact.
Except as provided in HR3-2-102, a standing committee open to the public in one or both houses shall review a piece of legislation before the legislation is held in the opposite house because of its fiscal impact.

HR3-2-104. Standing committees prohibited from meeting while House is in session -- Exceptions.
(1) A standing committee may not meet while the House is in session unless:
(a) the chair receives permission to meet from the speaker; or
(b) a floor motion for the committee to meet while the House is in session is approved by a majority of the representatives present on the floor.
(2) Unless a committee is authorized to meet as provided in Subsection (1), any action taken by a standing committee while the House is in session is invalid.

Part 2. Organization of House Standing Committees

HR3-2-201. Standing committees.
(1) The speaker shall appoint the following standing committees, including appointing a chair and vice-chair:
(a) Business and Labor;
(b) Education;
(c) Government Operations;
(d) Health and Human Services;
(e) House Rules;
(f) Judiciary;
(g) Law Enforcement and Criminal Justice;
(h) Natural Resources, Agriculture, and Environment;
(i) Political Subdivisions;
(j) Public Utilities and Technology;
(k) Revenue and Taxation;
(l) Transportation; and
(m) Workforce Services and Community and Economic Development.
(2) The members of the Retirement and Independent Entities Committee created in Utah

Code Section 63E-1-201 who are appointed from the House of Representatives are a standing committee.

HR3-2-202. Committee attendance -- Quorum.

(1) Except as provided in Subsection (2), a majority of a standing committee is a quorum for the transaction of business.

(2) In determining whether or not a quorum is present, the speaker, majority leader, majority whip, assistant majority whip, House Rules Committee chair, House Appropriations Committee chair, minority leader, minority whip, assistant minority whip, and the fourth member of leadership from the minority party are not counted in determining a quorum, except during the time that the representative is present at the meeting.

Part 3. Notice and Agendas for House Standing Committees

HR3-2-301. Chair to set agenda.

The standing committee chair, or the standing committee chair's designee, shall set the agenda for standing committee meetings.

HR3-2-302. Notice of standing committee meetings.

(1) (a) The standing committee chair may call committee meetings after giving not less than 24 hours public notice as required under Utah Code Title 52, Chapter 4, Open and Public Meetings Act.

(b) Staff shall post the time, room number, and agenda of a committee meeting in an area accessible to the public.

(2) The standing committee chair shall:

(a) notify the sponsor of legislation pending before the committee of the time and place of the committee meeting in which the legislation will be considered; and

(b) invite the chief sponsor to present the legislation to the committee before the committee acts on it.

HR3-2-304. Agenda to include tabled legislation.

(1) A standing committee chair shall ensure that the standing committee's agenda lists the number, title, and sponsor of any legislation tabled by the standing committee at the previous standing committee meeting.

(2) As provided in HR3-2-408, the standing committee may lift the tabled legislation from the table at the meeting following the one at which it was tabled.

Part 4. Standing Committee Meetings

HR3-2-401. Chair to set the agenda -- Chair to preserve order -- Appeal -- Restrictions on visitors -- Disorderly conduct in committee meeting.

(1) (a) The standing committee chair shall decide points of order.

(b) On motion and approval by a majority vote of the committee members present, the

committee may override the chair's decision on any point of order.

(c) The motion and action shall be entered in the standing committee minutes.

(2) (a) A visitor may not speak or address the committee unless the visitor is recognized by the standing committee chair.

(b) The standing committee chair may impose restrictions on the time a visitor is allowed to speak.

(c) A visitor may not sit in representatives' chairs.

(d) The standing committee chair may order the committee room cleared of visitors if there is disorderly conduct.

HR3-2-402. Voting -- Chair to verbally announce the vote -- Dissenting members to be reported -- Division of the question.

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

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

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

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

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

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

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

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

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

(a) determine whether the motion passed or failed;

(b) verbally announce that the motion passed or that the motion failed;

(c) verbally identify by name either the committee members who voted "yes" or the committee members who voted "no"; and

(d) ensure that the vote is recorded in the minutes.

(5) Members dissenting from a committee report may be listed on the committee report as dissenting.

HR3-2-403. Committee order of business.

Unless the standing committee chair or a majority of the committee determines otherwise, the standing committee order of business is:

(1) call to order by the standing committee chair;

(2) approval of the minutes of previous meetings;

(3) announcement of the agenda;

(4) announcement of time restrictions, if any;
(5) communications, if any; and
(6) consideration of standing committee business.

HR3-2-404. Public comment during standing committee meetings.

(1) (a) During a standing committee meeting, the chair shall receive public comment and testimony during the public comment portion of the committee meeting, if a public comment portion is held.

(b) The standing committee chair, or a majority of the standing committee, may terminate the public comment phase of the committee meeting.

(c) Once any public comment phase of the committee meeting has ended, non-committee members may not provide public comment unless the standing committee chair or a majority of the standing committee authorizes additional public comment.

(2) (a) At the direction of the standing committee chair, or upon a majority vote of the standing committee, the testimony of any person speaking during the public comment phase of the committee meeting may be taken under oath.

(b) The standing committee chair or committee staff shall administer the oath.

HR3-2-405. Public hearings.

(1) The standing committee chair or a majority of the committee may:

(a) hold a public hearing in addition to, or instead of, a regular standing committee meeting; and

(b) hold the public hearing on a single piece of legislation or on a broader subject contained in one or more pieces of legislation.

(2) If the standing committee holds a public hearing independent of a regular standing committee meeting, the standing committee chair shall:

(a) give notice of the public hearing by complying with the procedures and requirements of Utah Code Title 52, Chapter 4, Open and Public Meetings Act; and

(b) ensure that the notice includes the legislation to be considered.

(3) The standing committee chair may, subject to the approval of the standing committee, adopt procedures for the orderly conduct of the hearing, including:

(a) limiting the time for the public hearing;

(b) limiting the time that individual speakers may speak; and

(c) directing the order in which speakers will be heard.

(4) During a public hearing, the standing committee may request or require testimony by persons who have expertise on the legislation under discussion.

(5) (a) At the direction of the standing committee chair, or upon a majority vote of the standing committee, the testimony of any person speaking during the public hearing may be taken under oath.

(b) The standing committee chair or committee staff shall administer the oath.

HR3-2-406. Standing committee duties -- Process.

(1) With a majority vote, a standing committee may, for each piece of legislation in its

possession:

(a) pass the legislation out of the standing committee with a recommendation that it be read for the second time and placed on the third reading calendar;

(b) pass the legislation out of committee with a recommendation that it be read for the second time and placed on the consent calendar;

(c) amend the legislation;

(d) substitute the legislation;

(e) hold the legislation by making a motion to hold or by making a motion to move to the next agenda item;

(f) table the legislation;

(g) return the legislation to the House Rules Committee; or

(h) some combination of Subsections (1)(a) through (g).

(2) If in accordance with HR3-1-102 the House Rules Committee forwards a summary report from the Occupational and Professional Licensure Review Committee in conjunction with legislation referred to a standing committee, the chair of the standing committee shall ensure that the summary report is read orally to the standing committee before action is taken by the standing committee on the legislation that is related to the summary report.

(3) A standing committee may report a piece of legislation to the House with the recommendation that the legislation be placed on the consent calendar if:

(a) the sponsor has requested that the legislation be placed on the consent calendar;

(b) the committee has passed the legislation out favorably by unanimous vote with a quorum present; and

(c) in a separate motion and vote, the committee has, with a quorum present, unanimously recommended that the legislation be placed on the consent calendar.

(4) The standing committee chair shall ensure that:

(a) the committee sends a report to the House detailing its action on each piece of legislation referred to it;

(b) a secretary records attendance and takes minutes of committee action; and

(c) the record of attendance and minutes are filed in the office of the chief clerk of the House and retained for three years.

HR3-2-407. Reconsideration of action.

(1) Except as provided in Subsection (2), a standing committee may, by majority vote of those present, reconsider any committee action at any time before the committee report is sent to the House.

(2) A standing committee may not reconsider a piece of legislation more than once.

HR3-2-408. Disposition of legislation tabled in a standing committee.

(1) The standing committee chair shall hold any legislation tabled in a standing committee until the next committee meeting.

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

(b) When a motion to lift a piece of tabled legislation is made, the standing committee

chair shall:

(i) give proponents five minutes to address the motion;

(ii) give opponents five minutes to address the motion; and

(iii) give the proponents one minute to sum up.

(c) (i) If tabled legislation is lifted from the table at the next committee meeting after it was tabled, the standing committee may not take any further action on the legislation at that meeting.

(ii) If the legislation is placed on an agenda for a subsequent standing committee meeting, the standing committee may take any of the actions on the legislation authorized by HR3-2-406(1).

(3) The standing committee chair shall send any legislation tabled in the standing committee that is not lifted from the table at the next standing committee meeting to the House Rules Committee for filing.

(4) With a constitutional two-thirds vote of the House of Representatives, the House may lift legislation tabled in a standing committee meeting from:

(a) the House Rules Committee; or

(b) that standing committee before the committee's next meeting.

HR3-2-409. Substitute legislation -- Substitutes must be germane.

(1) Except as provided in Subsection (2), a representative may, if recognized by the committee chair while the standing committee is debating a piece of legislation, make a motion to substitute the legislation.

(2) (a) The committee member making the motion to substitute shall ensure that the substitute is germane to the subject of the original legislation under consideration.

(b) If a committee member believes that a substitute is not germane to the subject of the original legislation, the committee member may raise a point of order alleging that the substitute is not germane.

(c) The committee chair shall rule on the point of order by determining whether or not the substitute is germane to the subject of the original legislation.

HR3-2-410. Amending legislation -- Amendment must be germane.

(1) (a) Except as provided in Subsection (2), a committee member may, if recognized by the standing committee chair while the committee is debating a piece of legislation, make a motion to amend the legislation.

(b) (i) A committee member may verbally propose an amendment to a piece of legislation if the amendment contains 15 words or less.

(ii) A committee member shall ensure that a proposed amendment containing more than 15 words is printed and distributed to the committee staff and all committee members present before the amendment is proposed.

(2) (a) The committee member making the motion to amend shall ensure that the amendment is germane to the subject of the original legislation under consideration.

(b) If a committee member believes that an amendment is not germane to the subject of the original legislation, the committee member may raise a point of order alleging that the

amendment is not germane.

(c) The standing committee chair shall rule on the point of order by determining whether or not the amendment is germane to the subject of the original legislation.

Part 5. House Standing Committee Parliamentary Procedures

HR3-2-501. Obtaining the floor in committee -- Remarks to be germane.

(1) The standing committee chair shall recognize any committee member who wishes to speak to the subject under consideration.

(2) Upon recognition by the standing committee chair, the committee member shall ensure that the member's remarks are germane to the subject under consideration.

HR3-2-502. Motions in committee -- General requirements and procedures.

(1) (a) Except as provided in Subsections (2) and (3), any standing committee member who is recognized by the standing committee chair may make a motion.

(b) A second to the motion is not required.

(2) (a) A committee member may not speak to a matter and then make a motion unless the committee member has:

(i) asked the standing committee chair to allow the member to reserve the right to make a motion; and

(ii) received permission to do so from the standing committee chair.

(b) In speaking to the matter, the committee member shall confine the member's remarks to the subject of the motion to be made.

(c) A committee member may only reserve the right to make:

(i) a motion to amend; or

(ii) a substitute motion.

(3) A committee member may not make:

(a) a motion to strike the enacting clause of a bill;

(b) a motion to strike the resolving clause of a resolution; or

(c) a motion to circle.

(4) A motion to move to the next agenda item is in order if there is at least one additional item of business on the committee's agenda.

(5) The standing committee chair shall:

(a) restate each oral motion made by a committee member; and

(b) ensure that each written motion made by a committee member is distributed to the committee members.

(6) The committee member who made a motion may withdraw it at any time before the vote on the motion, unless a substitute motion has been made and is still pending.

HR3-2-503. Substitute motions.

(1) A committee member may, upon recognition by the standing committee chair, make a substitute motion, which, if adopted by a vote of a majority of the members present, disposes of the original motion.

(2) If the substitute motion is not adopted, the original motion is revived.

(3) The committee member who made a substitute motion may withdraw it any time before the vote on the substitute motion.

(4) A committee member may not:

(a) make a substitute motion if another substitute motion has been made and is pending; or

(b) make a motion to end debate (call the previous question) as a substitute motion.

HR3-2-504. Motions in order during debate.

(1) (a) When a motion or question is being debated, the standing committee chair may not accept any other motion except a motion:

(i) to adjourn, which is nondebatable;

(ii) to determine the time to which to adjourn, which is debatable;

(iii) to recess, which is nondebatable;

(iv) to end debate (call the previous question), which is nondebatable and requires a two-thirds vote to pass;

(v) to refer to another committee, which is debatable;

(vi) to limit debate, which is debatable;

(vii) to table, which is debatable;

(viii) to adopt a substitute, which is debatable; or

(ix) to amend, which is debatable.

(b) Points of order and appeals of the decision of the chair are not motions and are always in order.

(c) The standing committee chair shall grant priority to the motions listed in Subsection (1)(a) according to the order in which they are listed in that subsection.

(2) (a) If a motion to amend or substitute the legislation has been proposed and is under consideration by the committee, the standing committee chair shall treat a motion to end debate (call the previous question) as directed only toward adoption of the amendment or substitute.

(b) If no motion to amend or substitute legislation has been made, the standing committee chair shall treat a motion to end debate (call the previous question) as directed toward action on the legislation itself.

(3) If a motion to return a piece of legislation to the Rules committee is defeated, a committee member may not make the same motion on the same piece of legislation during the same committee meeting.

HR3-2-505. Nondebatable motions.

(1) The standing committee chair may not allow debate on a motion:

(a) to adjourn;

(b) to recess; and

(c) to end debate (call the previous question).

(2) The standing committee chair shall decide all points of order arising from one of the motions identified in Subsection (1) without debate.

HR3-2-506. Motion to adjourn.

A motion to adjourn is always in order except:

(1) when a vote is being taken;

(2) when a previous motion to adjourn has been defeated and no intervening business has been transacted; or

(3) when another committee member has the floor.

Part 6. House Standing Committee Reports to the House

HR3-2-601. Committee reports.

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

(i) the official version of the legislation; and

(ii) a committee report detailing the committee's action signed by the standing committee chair.

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

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

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

TITLE 4. HOUSE FLOOR PROCEDURES

CHAPTER 1. GENERAL PROVISIONS

HR4-1-101. Definitions.

(1) "Appropriations bill" means a bill that appropriates money and makes no change to statute.

(2) "Constitutional majority vote" means that the matter requires 38 votes to pass on the House floor.

(3) "Constitutional two-thirds vote" means that the matter requires 50 votes to pass on the House floor.

(4) "Majority vote" means that the matter requires the votes of a majority of those present to pass on the House floor.

(5) "Two-thirds vote" means that the matter requires the vote of two-thirds of those present to pass on the House floor.

(6) "Point of order" means a question raised by a representative about whether or not there has been a breach of order, a breach of rules, or a breach of established parliamentary practice.

(7) "Presiding officer" means the person presiding over the Utah House of Representatives and includes:

(a) the speaker;

(b) the speaker pro tempore; and

(c) any representative presiding under HR1-3-103.

CHAPTER 2. GENERAL FLOOR PROCEDURES FOR THE UTAH HOUSE OF REPRESENTATIVES

Part 1. General Guidelines

HR4-2-101. Duties of presiding officer.

The presiding officer may:

(1) call the House to order at the time scheduled for convening, and proceed with the daily order of business;

(2) announce the business before the House in the order that it is to be acted upon;

(3) receive and submit all motions and proposals presented by representatives;

(4) put to a vote all questions that arise in the course of proceedings, and announce the results of the vote;

(5) enforce the House Rules governing debates;

(6) enforce observance of order and decorum;

(7) inform the House on any point of order or practice;

(8) receive and announce to the House any official messages and communications; and

(9) sign all bills, resolutions, orders, and proceedings of the House.

HR4-2-102. Obtaining the floor.

(1) When a representative wishes to be recognized to speak, the representative shall:

(a) notify the presiding officer by electronic means; or

(b) if the electronic notification system is not operational, rise and address the presiding officer as:

(i) "Mr. (Madam) Speaker"; or

(ii) "Mr. (Madam) Speaker Pro Temp."

(2) If two or more representatives rise at the same time to speak, the presiding officer shall decide which representative is to speak first.

(3) After being recognized, the representative shall confine the representative's remarks to the issue under consideration.

HR4-2-103. Calling a representative to order for violation of a rule.

(1) (a) The presiding officer may call a representative to order for violating any House or Joint Rule.

(b) Any representative may call another representative to order for violating any House or Joint Rule by raising a point of order under HR4-2-201.

(2) If the representative called to order appeals the ruling of the presiding officer, the House shall decide the issue without debate.

(3) (a) If the decision is favorable to the representative who has been called to order, the representative may proceed.

(b) If the decision is unfavorable, the representative is subject to censure by the House.

(4) Notwithstanding Subsection (1), a representative may not be called to order or censured for words spoken in debate if there has been intervening business.

HR4-2-104. Motions in writing.

(1) A representative shall submit certain motions to amend in writing as required by HR4-3-301.

(2) Except as provided in Subsection (3), if a representative requests that a motion be presented in writing, the presiding officer may require that the maker of the motion prepare and submit a written motion to the chief clerk.

(3) The presiding officer may not require that the following motions be presented in writing:

(a) a motion to adjourn;

(b) a motion to circle;

(c) a motion to table; or

(d) a motion to refer to committee.

Part 2. Point of Order and Appeals of the Decision of the Chair

HR4-2-201. Point of order.

(1) (a) If a representative believes that there has been a breach of order, a breach of rules, or a breach of established parliamentary practice, the representative may rise and, without being recognized, state: "point of order."

(b) When a representative raises a point of order:

(i) the presiding officer shall interrupt the proceedings;

(ii) the representative who has the floor shall yield the floor; and

(iii) the presiding officer shall ask the representative raising the point of order to "state your point."

(c) When the presiding officer responds "state your point," the representative shall briefly explain the alleged breach to the body, citing to appropriate authority if possible.

(2) (a) The presiding officer may:

(i) speak to points of order in preference to other representatives rising for that purpose;

(ii) rule on the point of order immediately;

(iii) consult with the chief clerk, the parliamentarian, or both before ruling on the point of order; or

(iv) suggest that the House recess until the presiding officer can research and rule on the point of order.

(b) (i) Although points of order are generally decided without debate, the presiding officer may submit the point of order to the House for decision in doubtful cases.

(ii) If submitted to the House for decision, a presiding officer shall allow debate or discussion on the point of order by recognizing members of the House who wish to speak to the point of order.

(iii) A decision by the House deciding a point of order is not subject to appeal.

(3) When the presiding officer rules on the point of order, any representative who disagrees with the presiding officer's decision may appeal that decision to the House by following the procedures and requirements of HR4-2-202.

HR4-2-202. Appeals from the decision of the chair.

(1) Although the tradition in the Utah House is to give great weight to the rulings of the presiding officer and not make appeals lightly, a representative who disagrees with a ruling of the presiding officer may appeal that decision to the House by rising and, without waiting to be recognized, saying "I appeal the decision of the chair."

(2) When a representative appeals the decision of the chair, the presiding officer shall clearly state the decision appealed from and may state the reasons for the decision.

(3) (a) An appeal is debatable.

(b) A representative may not speak more than once on the appeal without leave of the House.

(4) The question on appeal is: "Shall the decision of the chair stand as the judgment of the House?"

(5) When a decision of the presiding officer is appealed, a majority vote of the representatives present is required to override that decision.

(6) The chief clerk shall ensure that the appeal and the action of the House on the appeal are entered in the journal.

CHAPTER 3. SPECIAL HOUSE FLOOR PROCEDURES

Part 1. Bills and Resolutions

HR4-3-101. Consideration of bills.

(1) Except for the 43rd, 44th, and 45th day of the annual general session, a piece of legislation may not be read for the third time until at least the day after it is placed on the third reading calendar.

(2) Legislation on third reading calendar shall be considered in the order that it appears on the calendar unless a constitutional majority vote of the members of the House directs other action.

HR4-3-102. Re-assigning legislation assigned to a standing committee.

Legislation that has been assigned to a standing committee may be assigned to the Rules committee or a different standing committee by:

(1) the presiding officer;

(2) the House of Representatives by majority vote upon motion from the floor; or

(3) the House of Representatives by majority vote if the committee to which the legislation was assigned recommends in its committee report that the legislation be returned to the House Rules Committee.

HR4-3-103. Action on Senate legislation.

(1) When a piece of Senate legislation is received by the House with a transmittal letter informing the House that it has passed the Senate, the presiding officer shall:

(a) have the legislation read for the first time; and

(b) refer it to the House Rules Committee.

(2) Action on Senate legislation is the same as for House legislation.

HR4-3-104. Time limit for House legislation.

(1) Except for an appropriations bill, the House may not consider a piece of legislation introduced by a House member after the 42nd day of the annual general session of the Legislature.

(2) The House may suspend this rule only by a constitutional two-thirds vote.

Part 2. Substitute Legislation

HR4-3-201. Substitute legislation.

(1) A motion to adopt a substitute piece of legislation is in order on third reading.

(2) The Office of Legislative Research and General Counsel shall number each substitute for record keeping and tracking purposes.

HR4-3-202. Substitute must be germane.

(1) Except as provided in Subsection (2), a representative may, if recognized by the presiding officer while the House is debating a piece of legislation, make a motion to substitute the legislation.

(2) (a) The representative making the motion to substitute shall ensure that the substitute is germane to the subject of the original legislation under consideration.

(b) If a representative believes that a substitute is not germane to the subject of the original legislation, the representative may raise a point of order alleging that the substitute is not germane.

(c) The presiding officer shall rule on the point of order by determining whether or not the substitute is germane to the subject of the original legislation.

Part 3. Floor Amendments

HR4-3-301. Amendments in order on third reading -- 15 word rule -- Passage of amendments by a majority vote.

(1) A motion to amend a piece of legislation is in order on third reading.

(2) (a) A representative may verbally propose an amendment to legislation if the

amendment contains 15 words or less.

(b) A representative shall ensure that a proposed amendment containing more than 15 words is printed on pink paper and available to the chief clerk and each representative present before the motion to amend is made.

(3) A constitutional amendment, resolution, or bill requiring a constitutional two-thirds vote for final passage, may be amended by a majority vote.

(4) When legislation is amended by the House, the chief clerk shall:

(a) for each page of the legislation modified by a House amendment, cause a new page to be printed that clearly identifies each House amendment to that page; and

(b) print that new page on lilac-colored paper.

HR4-3-302. Amendment must be germane.

(1) Except as provided in Subsection (2), a representative may, if recognized by the presiding officer while the House is debating a piece of legislation, make a motion to amend the legislation.

(2) (a) The representative making the motion to amend shall ensure that the amendment is germane to the subject of the original legislation under consideration.

(b) If a representative believes that an amendment is not germane to the subject of the original legislation, the representative may raise a point of order alleging that the amendment is not germane.

(c) The presiding officer shall rule on the point of order by determining whether or not the amendment is germane to the subject of the original legislation.

CHAPTER 4. HOUSE CALENDARS

Part 1. Second Reading Calendar

HR4-4-101. Second reading calendar.

(1) The chief clerk of the House or the chief clerk's designee shall:

(a) read to the House each standing committee report submitted to the House; and

(b) read the legislation by title unless the House suspends this requirement by a two-thirds vote.

(2) The adoption of the House standing committee report is the second reading of each piece of legislation referred to in the report.

(3) (a) If the House passes a motion to adopt the committee report, the amendments and substitutes adopted by the committee and identified on the committee report become legally part of the legislation.

(b) If a motion to adopt the committee report fails, the chief clerk shall return the legislation to the House Rules Committee.

(4) A majority vote of the House is required to:

(a) approve a motion to adopt the committee report; and

(b) pass the legislation on second reading to the third reading or consent calendar.

Part 2. Third Reading Calendar

HR4-4-201. Third reading calendar -- Procedures.

(1) (a) For the third reading on a piece of legislation, the chief clerk of the House or the chief clerk's designee shall read the legislation by title unless the House suspends this requirement by a two-thirds vote.

(b) (i) After reading the title of the legislation, the chief clerk or the chief clerk's designee shall identify the House standing committee that reviewed the legislation and the vote in that committee.

(ii) If the legislation has not been reviewed by a House standing committee, the chief clerk or the chief clerk's designee shall announce that the legislation was not reviewed by a House standing committee.

(2) When the chief clerk or the chief clerk's designee has completed the third reading of the legislation, the legislation is before the House for debate.

(3) When debate on the legislation is complete, the presiding officer shall take the final vote on the legislation.

HR4-4-202. Disposition of legislation voted on third reading.

(1) Except as provided in Subsection (2), the chief clerk or the chief clerk's designee shall:

(a) for a piece of House legislation passed by the House on third reading but not yet acted upon by the Senate, transmit the House legislation to the Senate for its further action;

(b) for a piece of House legislation that fails to pass the House on third reading, file the legislation;

(c) for a piece of House legislation that has passed both houses, follow the procedures and requirements of JR4-6-101(1)(b);

(d) for a piece of Senate legislation passed by the House on third reading and not amended or substituted in the House, transmit the Senate legislation to the presiding officer of the House for the presiding officer's signature and return the legislation to the Senate for the signature of the president of the Senate;

(e) for a piece of Senate legislation passed by the House on third reading that was amended or substituted in the House, transmit the legislation to the Senate with the amendments or substitute for further action by the Senate; and

(f) for a piece of Senate legislation that fails to pass the House on third reading, transmit the legislation to the Senate with notice of the House's action.

(2) (a) The chief clerk shall ensure that the House retains possession of a piece of legislation for no more than one legislative day when:

(i) a representative gives notice of intention to move for reconsideration to the chief clerk;

(ii) a representative requests that the chief clerk hold the legislation; or

(iii) the House passes a motion to retain possession of the legislation.

(b) Notwithstanding the requirements of Subsection (2)(a), a piece of legislation may be released earlier than 24 hours if the House is given prior public notice of the release.

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

(1) A representative may make a motion to lift a piece of legislation from a standing committee or the House Rules Committee and place it on the third reading calendar.

(2) (a) Except as provided in Subsection (2)(b), if the motion is approved by a majority of the members present, the presiding officer shall direct that the legislation be placed on the bottom of the third reading calendar.

(b) During the 43nd, 44th, and 45th day of the annual general session, and during any special session, a motion to lift a piece of legislation from a standing committee or the House Rules Committee must be approved by a vote of two-thirds of the members present.

Part 3. Consent Calendar

HR4-4-301. Consent calendar.

(1) If a standing committee report recommends that a piece of legislation be placed on the consent calendar and the standing committee report is adopted by the House, the chief clerk or the chief clerk's designee shall place the legislation on the consent calendar.

(2) (a) Whenever the consent calendar contains legislation, the presiding officer shall inform the House each day that:

(i) there are items on the consent calendar; and

(ii) if any representative objects to a piece of legislation on the consent calendar, that representative should inform the chief clerk.

(b) If the chief clerk receives written objections to a piece of legislation from six or more representatives, the chief clerk shall:

(i) remove the legislation from the consent calendar;

(ii) inform the sponsor that the legislation has been removed from the consent calendar; and

(iii) place the legislation at the bottom of the third reading calendar.

(3) The presiding officer shall announce that the legislation has been removed from the consent calendar.

(4) (a) If, after two calendar days, no more than five members have registered written objections to the legislation with the chief clerk:

(i) the legislation shall be read the third time;

(ii) the presiding officer shall grant the sponsor of the legislation two minutes to introduce and explain the legislation; and

(iii) the presiding officer shall pose the question and take the final vote on the legislation.

(b) The presiding officer may not allow debate on legislation on the consent calendar.

Part 4. Concurrence Calendar

HR4-4-401. Concurrence calendar.

(1) After the chief clerk or the chief clerk's designee reads the transmittal letter from the Senate informing the House that the Senate has amended a piece of House legislation, the

presiding officer shall place the legislation on the concurrence calendar.

(2) (a) During the first 43 days of the annual general session, the legislation shall remain on the concurrence calendar for at least one legislative day before the House may consider the question of concurrence.

(b) During the last two days of the annual general session, and during any special session, the House may consider legislation for concurrence after the House has been given a reasonable time to review the Senate amendments.

(3) (a) When presenting legislation to the House for concurrence, the presiding officer shall ask the sponsor of the legislation for a motion.

(b) The sponsor of the legislation may move to either:

(i) concur with the Senate amendments; or

(ii) refuse to concur with the Senate amendments and ask the Senate to recede from their amendments.

(c) If a motion to concur with the Senate amendments passes by majority vote, the presiding officer shall:

(i) pose the question: "Shall the bill (resolution) as amended by the Senate pass?"; and

(ii) take the final vote on the legislation.

(d) If a motion to refuse to concur with the Senate amendments and ask the Senate to recede from their amendments passes by a majority vote, the chief clerk shall return the legislation to the Senate for its further action.

(e) If the Senate refuses to recede, the Senate and House shall follow the procedures and requirements of JR3-2-601 relating to the appointment of a conference committee.

Part 5. Time Certain Calendar

HR4-4-501. Time certain calendar.

The chief clerk or the clerk's designee shall place on the time certain calendar legislation or other matters approved by the House for a time certain under:

(1) HR1-5-301; or

(2) other rules allowing matters to be set for a time certain.

CHAPTER 5. COMMITTEE OF THE WHOLE

HR4-5-101. Committee of the whole -- Purpose -- Process.

(1) Because only members of the Utah House of Representatives may speak to the House while the House is conducting business on the floor, the House must resolve itself into a Committee of the Whole in order to allow non-members to address the House.

(2) The House may resolve itself into a Committee of the Whole if:

(a) a representative makes a motion for the House to resolve itself into a Committee of the Whole; and

(b) the motion is approved by a majority vote of those present.

HR4-5-102. Procedure in committee of the whole.

(1) The presiding officer shall chair and preside over the Committee of the Whole.
(2) House Rules apply in the Committee of the Whole, except that:
(a) a representative may not speak more than twice on the same subject;
(b) roll call votes are out of order during a Committee of the Whole; and
(c) a representative may not appeal the decision of the chair.

HR4-5-103. Motion to dissolve committee of the whole.
A motion to dissolve a Committee of the Whole is always in order and is nondebatable.

CHAPTER 6. HOUSE FLOOR PARLIAMENTARY PROCEDURES

Part 1. General Requirements

HR4-6-101. Obtaining the floor in the House -- Remarks to be germane.
(1) A representative may speak to the subject under consideration if the representative is recognized by the presiding officer.
(2) Upon recognition by the presiding officer, the representative shall ensure that the representative's remarks are germane to the subject under consideration.

HR4-6-102. Motions on the floor -- General requirements and procedures.
(1) (a) Except as provided in Subsections (2) and (3), a representative who is recognized by the presiding officer may make a motion.
(b) A second to the motion is not required.
(2) (a) A representative may not speak to a matter and then make a motion unless the representative has:
(i) asked the presiding officer to allow the representative to reserve the right to make a motion; and
(ii) received permission to do so from the presiding officer.
(b) In speaking to the matter, the representative shall confine the representative's remarks to the subject of the motion to be made.
(c) A representative may only reserve the right to make:
(i) a motion to amend; or
(ii) a substitute motion.
(3) The presiding officer shall:
(a) restate each oral motion made by a representative; and
(b) ensure that each written motion made by a representative is available to any representative who requests a written copy.
(4) The representative who made a motion may withdraw it any time before the vote on the motion.

HR4-6-103. Sponsor may open and close debate.
When a piece of legislation is on a calendar and ready for debate, or after accepting a motion, the presiding officer shall:

(1) recognize the chief sponsor of the piece of legislation or of the motion and allow the chief sponsor to open and close debate on the legislation or motion; and

(2) allow the chief sponsor to close debate even if a motion to end debate has passed the House.

HR4-6-104. Interruptions and questions.

(1) A representative may not interrupt or question another representative in debate without that representative's consent.

(2) (a) To obtain consent, the querying representative shall address the presiding officer and, upon recognition by the presiding officer, ask if the representative speaking will yield the floor to a question.

(b) If the representative speaking consents to yield the floor to a question, the presiding officer shall allow the querying representative to ask the question.

(c) If the representative speaking declines to yield the floor to a question, the presiding officer:

(i) shall inform the querying representative that the representative speaking has declined; and

(ii) may not allow the querying representative to ask a question.

HR4-6-105. Representatives not to speak more than twice -- Maximum speaking time.

(1) (a) Without permission from the House, a representative may not speak more than twice on the same piece of legislation, substitute legislation, or amendment in any one debate on the same day and on the same reading of the legislation.

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

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

(2) A representative may not speak longer than 10 minutes at any time, unless another representative yields that representative's time to the representative who has the floor.

(3) Unless extended by a majority vote:

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

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

HR4-6-106. Order of action.

If a representative makes a motion to amend or substitute legislation during debate on third reading, the presiding officer shall ensure that the House debates and passes or defeats the motion to amend or substitute before allowing debate and action on the legislation itself.

HR4-6-107. Substitute motions.

(1) A representative may, upon recognition by the presiding officer, make a substitute motion, which, if adopted by vote of a majority of the House, disposes of the original motion.

(2) If the substitute motion is not adopted, the original motion is revived.

(3) A representative may not:

(a) make a substitute motion if another substitute motion has been made and is pending; or

(b) make a motion to end debate (call the previous question) as a substitute motion.

HR4-6-108. Dividing a motion or question.

(1) (a) Except as provided in Subsection (1)(b)(i), if a motion or a question in debate contains several points, a representative may ask to have the question divided for purposes of the vote.

(b) (i) A motion to strike out and insert is not subject to division.

(ii) Notwithstanding Subsection (1)(b)(i), the rejection of a motion to strike out and insert one proposition does not preclude a motion to strike out and insert a different proposition.

(2) The request to divide must clearly state how the motion or question is to be divided.

(3) (a) The presiding officer shall determine how many divisions may be made to any motion or question.

(b) The House may seek to overrule the chair's decision only once.

HR4-6-109. Motions in order during debate.

(1) (a) When a motion or question is being debated, the presiding officer may not accept any other motion except a motion:

(i) to adjourn, which is nondebatable;

(ii) to determine the time to which to adjourn, which is debatable;

(iii) to recess, which is nondebatable;

(iv) to end debate (call the previous question), which is nondebatable and requires a two-thirds vote to pass;

(v) to refer to a committee, which is debatable;

(vi) to limit debate, which is debatable;

(vii) to postpone to a time certain, which is debatable;

(viii) to circle, which is debatable;

(ix) to strike the enacting clause, which is debatable;

(x) to substitute, which is debatable; or

(xi) to amend, which is debatable.

(b) Points of order and appeals of the decision of the presiding officer are not motions and are always in order.

(c) The presiding officer shall grant priority to the motions listed in Subsection (1)(a) according to the order in which they are listed in that rule.

(2) (a) If an amendment or substitute to a piece of legislation has been proposed and is under consideration by the House, the presiding officer shall treat a motion to end debate (call the previous question) as directed only toward the amendment or substitute.

(b) If no motion to amend or substitute a piece of legislation has been made, the chair shall treat a motion to end debate (call the previous question) as directed toward action on the legislation itself.

(3) If a motion to postpone a piece of legislation to a day certain or a motion to return a piece of legislation to the House Rules committee is defeated, a representative may not make the same motion on the same piece of legislation during the same reading of the legislation.

(4) When a motion to refer to committee, to postpone to a time certain, or to circle is made, the presiding officer may not allow consideration of amendments or debate on the main question.

(5) During a roll call, no motion or other business is in order except for a call of the House, until after the announcement of the result of the vote.

HR4-6-110. Nondebatable motions.

(1) The presiding officer may not allow debate on a motion:

(a) to adjourn;

(b) to recess;

(c) to end debate (call the previous question); or

(d) to extend the time for debate.

(2) The presiding officer shall decide all points of order arising from one of the above motions without debate.

Part 2. Specific Motions

HR4-6-201. Motion to adjourn.

A motion to adjourn is always in order except:

(1) when a vote is being taken;

(2) when a previous motion to adjourn has been defeated and no intervening business has been transacted; or

(3) when another representative has the floor.

HR4-6-202. Motion to circle.

(1) A motion to circle a piece of legislation holds the legislation in place on the calendar.

(2) (a) A motion to circle preserves all amendments to the legislation already adopted by the House.

(b) A motion to circle extinguishes all amendments pending at the time that the motion is made.

(3) When a motion to uncircle is made:

(a) amendments already adopted by the House are part of the legislation; and

(b) any amendments that were being discussed at the time the legislation was circled are extinguished and a new motion to amend must be made in order to revive them.

HR4-6-203. Motion to strike the enacting clause.

(1) When a motion to strike the enacting clause passes by a constitutional majority, the

bill from which the enacting clause was stricken is dead and may not be revived.

(2) Nothing in this rule precludes a representative from introducing a new bill identical to the bill whose enacting clause was struck.

CHAPTER 7. VOTING

Part 1. General Requirements

HR4-7-101. Definitions.

(1) "Electronic vote" means that those representatives present vote using an electronic system that records and tallies their votes.

(2) "Roll call vote" means a verbal voting process where:

(a) the chief clerk or the chief clerk's designee verbally calls the name of each representative alphabetically, except the speaker, who is called last;

(b) each representative present votes "aye" or "nay" when the representative's name is called;

(c) the chief clerk or the chief clerk's designee:

(i) tallies the vote;

(ii) records those representatives who are absent or not voting; and

(iii) gives a copy of the tally to the presiding officer; and

(d) the presiding officer announces the result of the vote.

(3) "Voice vote" means a verbal voting process where the presiding officer:

(a) poses the question to be voted upon in this form: "Those in favor (of the question) say aye." and "Those opposed, say nay."; and

(b) based upon the representative's responses, announces that the question either passed or failed.

HR4-7-102. Number of votes required for passage.

(1) Unless otherwise specified in these rules:

(a) each piece of legislation requires a constitutional majority vote -- 38 votes -- to pass;

(b) amendments to the Utah Constitution, legislation that is intended to take effect earlier than 60 days after adjournment of the session in which it passes, amendments to court rules, and certain motions specified in these rules require a constitutional two-thirds vote -- 50 votes -- to pass;

(c) certain motions require a two-thirds vote -- two-thirds of those present -- to pass; and

(d) other motions require a majority vote -- a majority of those present -- to pass.

(2) The House may only suspend a rule requiring that a motion must receive a two-thirds vote or a constitutional two-thirds vote to pass by a two-thirds vote.

HR4-7-103. Representatives required to vote -- Representatives must be present to vote.

(1) (a) A representative present within the House chamber when a vote is being taken shall vote.

(b) (i) The chief clerk may record the vote of any representative who is present in the House Chamber who requests assistance of the chief clerk.

(ii) The representative shall ensure that the electronic vote is recorded accurately.

(c) Each representative shall vote within the time limit fixed by the presiding officer.

(d) Immediately before an electronic vote or a roll call vote, a representative may, upon recognition by the presiding officer, make a brief statement explaining any conflict of interest.

(2) (a) A representative may not vote on a piece of legislation or motion unless the representative is present in the House chamber.

(b) If the vote is by electronic vote or roll call vote, a representative entering the chamber after the question is posed, and before the presiding officer closes the vote or announces the result, may have the question stated and vote.

HR4-7-104. Disturbing House staff during voting prohibited.

While an electronic vote or roll call vote is being taken, a person may not disturb or remain by the desks of the chief clerk of the House, the docket clerk, the minute clerk, the voting machine operator, or the public address system operator.

HR4-7-105. Changing vote before vote is closed.

A representative may change the representative's vote before the presiding officer closes the vote or announces the result.

HR4-7-106. Voting or changing vote after the vote is closed.

(1) After the vote is announced or an electronic vote is closed, a representative may not vote or change the representative's vote unless:

(a) there is unanimous consent of the representatives present; and

(b) the result of the vote is not changed.

(2) A representative wishing to vote or change the representative's vote after the vote has been taken on legislation or on a question shall, before the House begins the next order of business:

(a) seek and obtain recognition from the presiding officer; and

(b) make a motion for leave of the body to vote or to change the representative's vote.

Part 2. Voting Process

HR4-7-201. Means of voting -- Requirements.

(1) The presiding officer shall ensure that the vote on final passage of a piece of legislation is taken by electronic vote or roll call vote.

(2) The presiding officer may place other questions to the House using a voice vote, an electronic vote, or a roll call vote.

HR4-7-202. Placing the question -- Voice vote -- Division of the House.

(1) After taking a voice vote, if the presiding officer is in doubt about which side prevailed, the presiding officer may require the House to vote by electronic vote or roll call vote.

(2) (a) After taking a voice vote and announcing the results of the voice vote, a representative may call for division of the House without being recognized.

(b) If five or more members request a division of the House, the presiding officer shall require the House to vote by electronic vote or roll call vote.

HR4-7-203. Placing the question -- Electronic vote -- Process.

(1) When conducting an electronic vote, the presiding officer shall announce that voting is open on the measure or question that is to be voted upon.

(2) (a) Except as provided in Subsection (2)(b), the chief clerk or the chief clerk's designee shall ensure that the electronic board identifies:

(i) the number of the piece of legislation being voted upon, if the vote is on a bill or resolution; or

(ii) by brief description, the nature of the matter being voted upon, if the vote is on a motion or question.

(b) If the legislation or matter cannot be electronically displayed, the presiding officer shall announce the measure at the time the presiding officer announces that voting is open.

(3) The presiding officer may establish a specific time limit for voting.

(4) The presiding officer shall announce that voting is closed and close the vote.

(5) When an electronic vote is taken, the printed tally sheets are the official record of the vote.

CHAPTER 8. CALL OF THE HOUSE

HR4-8-101. Definitions.

"Call of the House" means the process by which the House may compel absent representatives to be present in the House chamber.

HR4-8-102. Initiating a call of the House.

(1) Subject to the requirements of this rule, a representative may, without being recognized by the presiding officer, demand a call of the House by verbally stating "call of the House."

(2) After a representative demands a call of the House, the presiding officer shall say: "It requires at least 10 representatives to require a call of the House. Will those in favor of the call please stand."

(3) If the presiding officer determines that 10 or more representatives demand a call of the House, the presiding officer shall order the call.

HR4-8-103. Effect of call of the House.

(1) Except for receiving and acting on the report of the sergeant-at-arms under HR4-8-104, the House may not transact any business during a call of the House.

(2) (a) During a call of the House, the presiding officer shall declare out of order each motion except:

(i) a motion to adjourn; or

(ii) a motion to lift the call of the House.

(b) The motions identified in Subsection (2)(a) must receive a majority vote from the representatives present to pass.

HR4-8-104. Process for conducting a call of the House.

(1) During a call of the House:

(a) a representative present in the chamber may not leave the chamber; and

(b) the sergeant-at-arms or the sergeant's designees shall close the doors to the House chamber.

(2) After ordering the call of the House, the presiding officer shall:

(a) in consultation with the chief clerk, identify any absent representatives; and

(b) provide the sergeant-at-arms with the names of those representatives who are absent but who have not asked to be excused.

(3) The sergeant-at-arms or the sergeant's designees shall:

(a) search for the absent representatives;

(b) if they are found, escort them to the House chamber; and

(c) make a report to the House about the sergeant's efforts.

HR4-8-105. Lifting the call of the House.

(1) The sergeant-at-arms may make a report on the call at any time.

(2) (a) If the presiding officer determines that all representatives are present or accounted for, the presiding officer may:

(i) order the call to be lifted without motion; or

(ii) recognize a representative for a motion to lift the call of the House.

(b) If the motion is approved by a majority of those present, the call of the House is lifted.

(c) If the motion is not approved, the sergeant-at-arms and the sergeant's designees shall continue searching for the absent representatives.

(3) After the call is lifted:

(a) the sergeant-at-arms and the sergeant's designees shall open the doors of the House chamber; and

(b) the House shall proceed with the order of business that was pending when the call was ordered.

CHAPTER 9. RECONSIDERATION OF HOUSE ACTION

HR4-9-101. Motion to reconsider.

(1) As used in this section, "legislative day" means a day when the House of Representatives convenes in the House chamber and conducts House business.

(2) (a) Except as provided in Subsection (3), when a question has been decided on the floor of the House, a representative voting with the prevailing side may move for reconsideration after intervening business.

(b) If the motion to reconsider is to reconsider passage of a piece of legislation, the

representative making the motion shall include the number and short title of the legislation as part of the motion.

(c) If a motion for reconsideration is made on the floor of the House after a piece of legislation has left the possession of the House, the chief clerk shall request that the legislation be returned to the House.

(d) The presiding officer shall rule a motion for reconsideration out of order unless the motion is made:

(i) before the 43rd legislative day;

(ii) before the House adjourns on the legislative day after the legislative day on which the action sought to be reconsidered occurred; and

(iii) by a representative who previously served notice.

(3) A representative may not make a motion to reconsider after the 42nd day of the annual general session of the Legislature.

HR4-9-102. Motion to reconsider -- Procedures.

When a representative makes a motion to reconsider, the chief clerk or the chief clerk's designee shall:

(1) ensure that the motion is recorded in the House Journal; and

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

HR4-9-103. Rules governing motions to reconsider.

(1) A motion to reconsider takes precedence over all other motions and questions, except a motion to adjourn.

(2) (a) Except as provided in Subsection (2)(b), a motion to reconsider is debatable.

(b) A motion to reconsider is nondebatable only if the action it seeks to reconsider is nondebatable.

(3) When a motion to reconsider is made, the presiding officer shall:

(a) allow the proponents a total of five minutes to address the issue;

(b) allow the opponents a total of five minutes to address the issue; and

(c) allow the proponents one minute to sum up.

(4) (a) A motion to reconsider a vote on the final passage of a piece of legislation requires approval by a constitutional majority of representatives.

(b) Upon adoption of a motion to reconsider and if the legislation is in possession of the House, the chief clerk shall ensure that the legislation is placed at the top of the third reading calendar.

(c) The House may not reconsider a piece of legislation more than once.

TITLE 5. LOBBYIST ETHICS AND ENFORCEMENT

CHAPTER 1. GENERAL PROVISIONS

HR5-1-101. Definitions.

As used in this House Rule:

(1) (a) "Government official" means:

(i) an individual elected to a position in state or local government when acting within the individual's official capacity; and

(ii) an individual appointed to or employed in a full-time or part-time position by state or local government when acting within the scope of employment or within the individual's official capacity.

(b) "Government official" does not mean a member of the legislative branch of state government.

(2) "Lobbyist" has the meaning identified in Subsections 36-11-102(11)(a) and (b).

(3) (a) "Volunteer lobbyist" means a person not registered as a lobbyist who engages in lobbying within the meaning of Subsection 36-11-102(10).

(b) "Volunteer lobbyist" does not mean an individual who appears on the individual's own behalf to engage in lobbying within the meaning of Subsection 36-11-102(10).

CHAPTER 2. LOBBYIST ETHICS

HR5-2-101. Lobbyist code of ethics.

A lobbyist, volunteer lobbyist, or government official may not:

(1) attempt to influence a representative, elected or appointed state official, state employee, or legislative employee by means of deceit or by threat of violence or economic or political reprisal against any person or property, with intent by doing so to alter or affect the representative's, elected or appointed state official's, state employee's, or legislative employee's decision, vote, opinion, or action concerning any matter that is to be considered or performed by the representative, official, or employee or the agency or body of which the representative, official, or employee is a member;

(2) knowingly provide false information to a representative, elected or appointed state official, state employee, or legislative employee as to any material fact pertaining to any legislation;

(3) knowingly omit, conceal, or falsify in any manner information required by the lobbyist registration and lobbyist disclosure reports;

(4) participate in committee assignments or leadership races of the House of Representatives;

(5) cause or influence the introduction of any piece of legislation, substitute, or amendment for the purpose of afterwards becoming employed to secure its passage or defeat;

(6) misappropriate or misuse legislative office supplies;

(7) use legislative reproduction or facsimile machines without paying for that use;

(8) enter or use a representative's, elected or appointed state official's, state employee's, or legislative employee's office, phone, computer, or parking space without explicit permission;

(9) attempt to remove or remove any document from any representative's or legislative employee's office, desk, file cabinet, reproduction machine, facsimile machine, or any other place without explicit permission;

(10) engage in sexually harassing behavior or behavior violating the state's sexual

harassment policy toward representatives or employees of the Legislature;

(11) offer employment to a representative or legislative employee that impairs the representative's or legislative employee's independence of judgement as to their official duties;

(12) offer employment that would require or induce a representative or legislative employee to disclose records classified as private, protected, or controlled;

(13) use or disclose for personal financial gain any records classified as private, protected, or controlled that were obtained from a representative or legislative employee or conspire with any person for that purpose; or

(14) induce or seek to induce a representative or legislative employee to commit a violation of any provision of this House rule.

CHAPTER 3. ENFORCEMENT OF LOBBYIST CODE OF ETHICS

HR5-3-101. Enforcement -- Written complaint.

(1) To initiate an ethics complaint against a lobbyist, volunteer lobbyist, or government official who has violated the Lobbyist Code of Ethics established in HR5-2-101, three representatives shall file a written complaint with the speaker of the House, the House minority leader, and the lobbyist, volunteer lobbyist, or government official who is the subject of the complaint.

(2) The written complaint shall contain:

(a) the name and address of each of the three representatives who are filing the complaint;

(b) the name of the lobbyist, volunteer lobbyist, or government official who is the subject of the complaint;

(c) the nature of the alleged violation, citing specifically to the provisions of HR5-2-101 that the lobbyist, volunteer lobbyist, or government official is alleged to have violated;

(d) all documents that support the complaint as an attachment to it; and

(e) the facts alleged to support the complaint.

(3) (a) A complaint filed under this rule is a protected record under Utah Code Title 63G, Chapter 2, Government Records Access and Management Act, until referred to the House Management Committee for action, because disclosure of the information in the complaint would constitute a clearly unwarranted invasion of personal privacy and that disclosure is not in the public interest.

(b) A complaint filed under this rule that is dismissed by the speaker and minority leader is a protected record under Title 63G, Chapter 2, Government Records Access and Management Act, because disclosure of the information in the complaint would constitute a clearly unwarranted invasion of personal privacy and that disclosure is not in the public interest.

HR5-3-102. Enforcement -- Speaker review -- Minority leader review.

(1) (a) After receiving the complaint, the speaker shall meet with the representatives who filed the complaint, the lobbyist, volunteer lobbyist, or government official who is the subject of the complaint, and any other persons who have relevant information about the complaint.

(b) In that meeting, the speaker may choose to meet with those persons together or

separately.

(2) (a) After the meeting, the speaker shall inform the minority leader that the speaker recommends that:

(i) the complaint be dismissed;

(ii) the lobbyist, volunteer lobbyist, or government official be privately chastised and the complaint be dismissed; or

(iii) the House Management Committee be convened to hear the complaint.

(b) (i) After receipt of the speaker's recommendation, the minority leader shall meet with the representatives who filed the complaint, the lobbyist, volunteer lobbyist, or government official who is the subject of the complaint, and any other persons who have relevant information about the complaint.

(ii) In that meeting, the minority leader may choose to meet with those persons together or separately.

(c) After the meeting, the minority leader shall prepare a letter informing the speaker that the minority leader:

(i) concurs in the speaker's recommendation for disposition of the complaint; or

(ii) does not concur in the speaker's recommendation for disposition of the complaint.

(d) If the minority leader concurs in the speaker's recommendation, the speaker shall implement the decision.

(e) If the minority leader does not concur in the speaker's recommendation, the speaker shall, within 30 days after having received the written complaint, convene the House Management Committee to hear the complaint.

HR5-3-103. Enforcement -- Hearing -- Staff.

(1) If the speaker must convene the House Management Committee, the speaker shall, after consultation with the House minority leader, schedule a House Management Committee meeting to adjudicate the complaint.

(2) (a) The committee must comply with the procedures and requirements of Utah Code Title 52, Chapter 4, Open and Public Meetings Act, including the procedures and requirements for closing a meeting.

(b) The Office of Legislative Research and General Counsel shall staff the committee.

(3) (a) At the hearing, the committee shall review the complaint.

(b) The committee may allow the representatives who filed the complaint to address and be questioned by the committee.

(c) The committee shall provide the lobbyist, volunteer lobbyist, or government official who is the subject of the complaint with the opportunity to address and be questioned by the committee.

(d) The committee may allow other persons with information relevant to the complaint to address and be questioned by the committee.

(e) (i) The complainants, the lobbyist, volunteer lobbyist, or government official, and any witness appearing before the committee may have legal counsel present.

(ii) That counsel may privately advise their client about the client's legal rights when specifically requested to do so by their client, but may not address the committee, ask questions

of any party or witness, or engage in oral arguments with the committee.

(iii) If counsel fails to abide by any of these rules, the committee may exclude the counsel from the meeting.

HR5-3-104. Enforcement -- Penalty.

(1) If the House Management Committee determines by a preponderance of the evidence that the lobbyist, volunteer lobbyist, or government official has violated one or more provisions of HR5-2-101, the committee may impose any sanction against the lobbyist, volunteer lobbyist, or government official that is not forbidden by the United States constitution or the Utah Constitution.

(2) Appropriate sanctions include, but are not limited to, any, all, or some combination of the following:

(a) prohibiting the lobbyist, volunteer lobbyist, or government official from access to some or all of the legislative area of the State Capitol for a period of time; and

(b) recommending an adjudicative proceeding be filed with the lieutenant governor against the lobbyist under Utah Code Title 36, Chapter 11, Part 4, Penalties and Statutory Construction.

CHAPTER 4. APPROVED MEETING OR ACTIVITY

HR5-4-101. Approval for a meeting or activity paid for by lobbyist, principal, or government officer.

(1) This rule governs the approval of a meeting or activity as authorized by Title 36, Chapter 11, Lobbyist Disclosure and Regulation Act, which provides that travel to, lodging at, food or beverage served at, sponsorship of an official event of, official entertainment at, and admission to an approved meeting or activity are not expenditures regulated by the act.

(2) As provided by Section 36-11-102, an "approved meeting or activity" means a meeting or an activity:

(a) to which a representative is invited;

(b) the expenses for the representative's attendance at which are paid by a lobbyist, principal, or state or federal government officer; and

(c) the legislator's attendance at which is approved by the speaker of the House.

(3) The speaker of the House may only approve a meeting or an activity if:

(a) the primary purpose of the meeting or activity is to provide information on issues that the House may consider; and

(b) any sporting, recreational, or artistic event provided as an official event or entertainment of the meeting or activity is not the primary purpose of the meeting or activity.

(4) (a) A representative shall submit a written request for approval of a meeting or activity to the speaker of the House.

(b) A written request shall contain:

(i) the meeting's or activity's date and location;

(ii) a description of the meeting's or activity's primary purpose;

(iii) a list of any official event or entertainment provided as part of the meeting or

activity; and

(iv) the name of a lobbyist, principal, or state or federal government officer paying for any item described in Subsection (1) and the estimated cost of the item.

(5) Within two business days of approving a meeting or activity, the written request and approval shall be posted on the House's website.

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