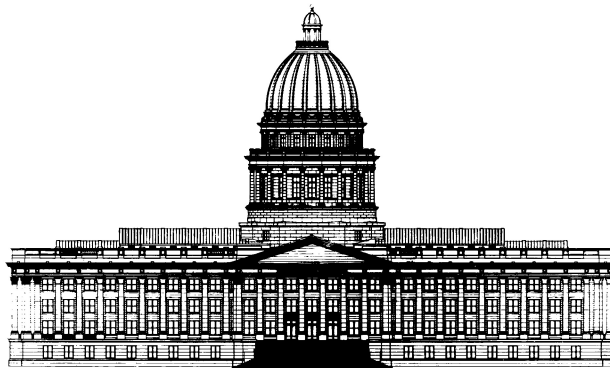


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# RULES

of the

FIFTY-SEVENTH  
LEGISLATURE



**STATE OF UTAH 2008**

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# **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 Joint Rules 1-2-102 and 1-2-103;
- 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 Senate Rule 23.03 and House Rule 23.03 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.

**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) Capital Facilities and Government Operations;
  - (b) Commerce and Workforce Services;
  - (c) Economic Development and Revenue;
  - (d) Executive Offices and Criminal Justice;
  - (e) Health and Human Services;
  - (f) Higher Education;
  - (g) Natural Resources;
  - (h) Public Education;
  - (i) Retirement and Independent Entities; and
  - (j) Transportation, Environmental Quality, and National Guard.
- (2) Subject to Subsection (3), the President of the Senate and Speaker of the House shall appoint their respective members to each subcommittee.

(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.**

(1) As used in this rule, "base budget" means:

(a) 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; and

(b) any changes to those amounts approved by the Executive Appropriations Committee.

(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 base budgets and direct the Legislative Fiscal Analyst to prepare one or more appropriations acts appropriating base budgets for the next fiscal year.

(b) 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.**

(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.

**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) Consistent with JR4-2-101 on prefiling of bills, beginning 60 days after each annual general session and ending December 1 of each year, each legislator may make an irrevocable and nontransferable prioritization of up to three bills.

(2) (a) (i) When sufficient drafting information is available, priority bills and interim committee bills shall be drafted first.

(ii) All other bills shall be drafted on a first-in, first-out basis.

(b) Except as otherwise provided in these rules, before numbering any bills, the Office of Legislative Research and General Counsel shall reserve as many bill numbers as necessary to allow all designated priority bills to be the first bills numbered.

#### **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, Legislative Review Notes, and Attorney Approval 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) If an amendment or substitute to legislation appears to substantively change the legislation's constitutionality, any legislator may request an amended legislative review note by making a motion in a standing committee or on the floor requesting that an amended legislative review note be prepared.

(3) If the motion is approved by a majority vote, the rules committee of the chamber where the request was made shall review the request and may either:

(a) request that the Legislative General Counsel prepare an amended legislative review note; or

(b) if the rules committee determines that no amended legislative review note is necessary, refer the legislation back to the standing committee or the floor.

(4) Once the rules committee has decided the question, a motion for an amended legislative review note is out of order unless the legislation is subsequently amended or another substitute is filed.

(5) (a) If an amended legislative review note is requested by the rules committee, when the amended note is complete, the rules committee shall refer the legislation back to its originating standing committee or give the legislation priority for floor action in preparing the calendar.

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

(6) The 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 legislative 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.

## **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 Minimum School Program Base Budget Amendments bill;

(b) House Bill 2 is reserved for the Minimum School Program 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 Minimum School Program 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 Minimum School Program 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 JR4-6-1031, 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 JR3-2, 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 JR3-2, 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 33rd 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 40th 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 40th day of the annual general session.

(2) Before the calendared closing time of the 40th 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.

**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.

(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 may engage in business or professional activity in competition with others, but shall not use any information obtained by reason of their official position to gain advantage over any 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 63, Chapter 56, 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.**

(1) As used in this section:

(a) (i) "Business in which the legislator is associated" means any business in which a legislator is a director, officer, owner, member, partner, employee, or is a holder of stocks or bonds in the company that have a fair market value of \$10,000 or more.

(ii) "Business in which the legislator is associated" does not include business associations by members of the legislator's immediate family.

(b) "Conflict of interest" means legislation or action by a legislator that the legislator reasonably believes may cause direct financial benefit or detriment to him, a member of the legislator's immediate family, or a business in which the legislator is associated, and that benefit or detriment is distinguishable from the effects of that action on the public or on the legislator's profession, occupation, or association generally.

(c) "Immediate family" means the legislator's spouse and children living in the legislator's immediate household.

(2) (a) (i) A legislator shall file a Declaration of Conflict of Interest form with the Secretary of the Senate if the legislator is a Senator, or with the Chief Clerk of the House of Representatives if the legislator is a Representative, to satisfy that legislator's disclosure of any conflicts of interest as required by Subsection (1) and Utah Code Section 76-8-109.

(ii) The legislator shall file the form when:

(A) the legislator takes the oath of office; and

(B) the legislator changes employment.

(b) This Declaration of Conflict of Interest form shall include:

(i) the businesses in which the legislator is associated; and

(ii) the general legislative subject areas in which the legislator may have a conflict of interest.

(c) This Declaration of Conflict of Interest form is available to the public.

(3) (a) Before or during any vote on legislation or any legislative matter in which a legislator has actual knowledge that he has a conflict of interest which is not stated on the

conflict of interest form, that legislator shall orally declare to the committee or body before which the matter is pending that the legislator may have a conflict of interest and what that conflict is.

(b) The Secretary of the Senate or the Chief Clerk 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.

(4) 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.

## **CHAPTER 2. HOUSE AND SENATE ETHICS COMMITTEES**

### **Part 1. Membership, Meetings, and Staff**

#### **JR6-2-101. Ethics Committees -- Membership -- Jurisdiction.**

(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 members appointed by the President of the Senate; and

(b) the cochair and three additional members appointed by the Senate minority leader.

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

(a) the chair and three additional members appointed by the Speaker of the House of Representatives; and

(b) the cochair and three additional members appointed by the House minority leader.

(4) Members of the committees shall serve two year terms.

(5) If a complaint is filed against any member of the respective ethics committees, the

President of the Senate or the Speaker of the House shall appoint another member of the Senate or House to serve in that member's place while the complaint is under review.

**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 the discretion of the chair or by a majority vote of the committee.

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

(4) The staff of the committees consists of:

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

(b) the Legislative General Counsel; and

(c) any other members of the staff of that office designated by the director.

**Part 2. Jurisdiction and Powers of Ethics Committee**

**JR6-2-201. Ethics Committee -- Jurisdiction.**

The Senate Ethics Committee and House Ethics Committee shall review and adjudicate any charges brought against a member of the Senate or House for acts that violate:

(1) the Code of Official Conduct; or

(2) any law, rule, regulation, or other standard of conduct applicable to the conduct of a member of the Senate or House in the performance of legislative responsibilities, if the conduct would reflect discredit upon the Senate or House as a whole.

**JR6-2-202. Powers -- Subpoena -- Contempt.**

(1) In hearing and processing all complaints, the rules established by this Title 6 govern the procedures to be followed by the Senate and House Ethics Committees.

(2) (a) For all proceedings authorized by this title, the chair and the Director of the Office of Legislative Research and General Counsel may require, by subpoena or otherwise, the attendance and testimony of witnesses and the production of any materials that the committee considers necessary.

(b) The committee chair may direct staff to:

(i) issue subpoenas to require the attendance of witnesses;

(ii) issue subpoenas to direct the production of evidence; or

(iii) issue subpoenas that require both attendance and production of evidence.

(3) (a) (i) The witness's disobedience to the chair's direction to answer a question, to a subpoena to appear, to a subpoena to produce evidence, or to a subpoena that requires both attendance and production of evidence, constitutes contempt.

(ii) The chair's direction to answer a question may only be overruled by a vote of the majority of the committee members present.

(iii) Because the object of the Fifth Amendment privilege not to incriminate oneself is so that no criminal action will be prosecuted, 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.

(b) A majority of the members of the committee may compel obedience to the requirements of the committee by directing staff to file a contempt proceeding in state district court against any person who:

- (i) fails to comply with a subpoena or a subpoena duces tecum;
- (ii) refuses to answer a question relevant to the investigation that does not infringe on the person's constitutional rights; or
- (iii) is guilty of contempt on any other grounds specified in statute or recognized at common law.

### **CHAPTER 3. FILING COMPLAINTS ALLEGING A VIOLATION OF LEGISLATIVE ETHICS**

#### **JR6-3-101. Complaints -- Filing -- Form.**

(1) Any legislator who wishes to file an ethics complaint against another legislator shall file a written complaint:

(a) with the President of the Senate and the chair of the Senate Ethics Committee, if the complaint is against a Senator; or

(b) with the Speaker of the House and the chair of the House Ethics Committee, if the complaint is against a Representative.

(2) (a) The legislator filing the complaint shall ensure that it contains the following information:

(i) the name and position or title of the person alleged to be in violation, who is the respondent;

(ii) the name and address of at least three Senators, if the respondent is a Senate member, or at least three Representatives, if the respondent is a House member, who are filing the complaint, who are the complainants;

(iii) the nature of the alleged violation;

(iv) subject to Subsection (1)(b), any facts alleged to support the complaint; and

(v) all documents that support the complaint as an attachment to it.

(b) If any of the facts supporting the complaint are based upon the information and belief of the complainants, the complaint shall state that the facts are presented "upon information and belief" and give the basis for that information and belief.

### **CHAPTER 4. ETHICS COMMITTEE PROCEDURES FOR EVALUATING AND ADJUDICATING COMPLAINTS**

#### **Part 1. Notice and Review of Ethics Complaint for Sufficiency and Jurisdiction**

#### **JR6-4-101. Review of Ethics Complaint for Compliance with Form Requirements**

**and Notice of Complaint To Committee Members.**

(1) (a) Within five days after receipt of the complaint, the staff of the committee, in consultation with the chair and cochair, shall examine each complaint to determine if it is in compliance with JR6-3-101.

(b) (i) If the chair and cochair determine that the complaint does not comply with JR6-3-101, the chair shall return the complaint to the complainants with a copy of the legislative rules on ethics.

(ii) The complainants may resubmit the complaint.

(c) If the chair and cochair determine that the complaint complies with this title, the chair shall:

(i) accept the complaint;

(ii) notify each member of the ethics committee that the complaint has been filed; and

(iii) provide each member of the ethics committee with a copy of the complaint.

(2) No committee member or staff may disclose publically any information received by the committee concerning any alleged violation until the member of the Senate or House charged in the violation has received the Summary of the Preliminary Inquiry required by JR6-4-206.

**JR6-4-102. First Ethics Committee Meeting -- Jurisdictional and Claim Review.**

(1) Within 30 days after the complaint is accepted, the chair and cochair shall:

(a) schedule an ethics committee meeting; and

(b) place the ethics complaint on the agenda for consideration at that meeting with the recommendation that:

(i) the complaint be considered; or

(ii) the complaint be dismissed because it fails to allege facts that constitute a violation.

(2) (a) At the ethics committee meeting, the committee shall determine:

(i) whether or not the alleged violation in the complaint is within the jurisdiction of the committee; and

(ii) whether or not the complaint merits further inquiry.

(b) The chair shall notify the complainants and respondent, in writing, of the determination made by the committee.

(3) If the committee determines that the complaint merits further inquiry, the committee meeting shall become a preliminary inquiry to determine whether the alleged violation occurred.

**Part 2. Preliminary Inquiry****JR6-4-201. General Rules Governing Preliminary Inquiries.**

(1) The scope of the preliminary inquiry is limited to the alleged violations stated in the complaint.

(2) (a) Only relevant or material evidence is admissible in the preliminary inquiry.

(b) The chair's determination of admissibility is final and may only be overruled by a majority vote of the committee.

(3) At the beginning of the preliminary inquiry, in order to expedite the committee's

investigation and to facilitate a rapid resolution of the matter, the committee cochairs and the respondent may agree in writing that the procedural requirements of Part 3, Disciplinary Hearing, are waived.

(4) (a) The preliminary inquiry is closed to the public.

(b) The respondent and the respondent's counsel may be present during the presentation of testimony and evidence to the committee.

(c) Only Ethics Committee members and staff may be present during other portions of the preliminary inquiry.

(5) Except for the official record, no camera or recording device may be brought in or used in the preliminary inquiry.

(6) Upon consent of a majority of its members, the committee may permit any person, not compelled or invited, to appear and testify at a hearing or submit a sworn written statement of facts or other documentary evidence for incorporation into the record.

(7) (a) The release of any testimony or other evidence presented at a closed hearing and the form and manner of that release shall be by a majority vote of all members of the committee.

(b) Committee members and committee staff may not publicly disclose any other part of the preliminary inquiry.

(8) If a majority of the committee determines that further evidence and testimony are necessary, the committee shall:

(a) adjourn and continue the preliminary inquiry hearing to a future date; and

(b) establish that future date by majority vote.

#### **JR6-4-202. Chair as Presiding Judge.**

(1) The committee chair is vested with the power to direct the committee in the preliminary inquiry.

(2) (a) If a committee member objects to a decision of the chair, that member may appeal the decision to the committee by stating: "I appeal the decision of the chair."

(b) This motion is nondebateable.

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

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

(3) The chair may set time limitations on any part of the preliminary inquiry.

#### **JR6-4-203. Testimony and Examination of Witnesses -- Oath -- Contempt.**

(1) At the direction of the committee chair and cochair, the committee may hear the testimony of the complainants, the respondent, and witnesses.

(2) (a) Each witness shall testify under oath.

(b) Legislative General Counsel shall administer the oath to each witness.

(3) The chair shall permit the witness to make a brief opening statement if the witness desires.

(4) The committee chair shall direct the examination of the witness as follows:

(a) After the witness's presentation, the chair shall:

(i) give committee members the opportunity to question the witness; and

- (ii) give the respondent the opportunity to question the witness.
- (b) The committee chair may allow further examination of the witness by the committee, committee staff, or the respondent.
- (5) (a) If the witness objects to a question, the chair may direct the witness to answer.
- (b) If the witness still declines to answer the question, the witness may be held in contempt as provided in JR6-2-202.
- (6) (a) The committee chair shall direct each witness to furnish any relevant evidence for the committee's 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 JR6-2-202.
- (7) The chair may allow a witness to insert into the record a sworn written statement of reasonable length that is relevant to the purpose, subject matter, and scope of the investigation.

**JR6-4-204. Right to Counsel -- Limitations on Counsel.**

- (1) Any witness testifying before the committee may have the witness's counsel present.
- (2) During the preliminary inquiry, counsel for a witness shall confine his activity exclusively to private advice to his client about the witness's legal rights.
- (3) Counsel for a witness may not:
  - (a) advise the witness during the witness's testimony, except when specifically requested by the witness;
  - (b) address the committee;
  - (c) ask questions of any witness, including the counsel's client; or
  - (d) engage in oral arguments with the committee.
- (4) Because the committee seeks factual testimony within the personal knowledge of the witness, the witness's counsel may not suggest testimony and answers to the witness during the inquiry, but must allow the witness to present testimony and answer questions without prompting or suggestions.
- (5) If the witness's counsel fails to comply with any of the requirements of this JR6-4-204, the chair may exclude the counsel from the preliminary inquiry.

**JR6-4-205. Rights of the Respondent.**

The chair shall give the respondent an opportunity to respond, orally or in writing, to the allegations stated in the complaint.

**JR6-4-206. Record.**

- (1) The chair shall ensure that:
  - (a) a record of the preliminary inquiry is made; and
  - (b) the record includes:
    - (i) rulings of the chair;
    - (ii) questions of the committee and its staff;
    - (iii) the testimony and responses of witnesses;
    - (iv) sworn statements submitted to the committee;

- (v) relevant documents; and
- (vi) any other matters that the committee or its chair directs.
- (2) After the preliminary inquiry is completed, the staff of the committee shall keep a file containing a comprehensive summary of the inquiry.

**JR6-4-207. Process for Making a Decision -- Remedies -- Publication of Decision.**

(1) If, at the conclusion of the preliminary inquiry in which the procedural requirements of Part 3, Disciplinary Hearing, are not waived, the committee determines, by a preponderance of the evidence, that there is reason to believe that the alleged violation did occur, the committee shall direct staff to prepare a Summary of the Preliminary Inquiry.

(2) If, at the conclusion of the preliminary inquiry in which the procedural requirements of Part 3, Disciplinary Hearing, are waived, the committee determines, by clear and convincing evidence, that the alleged violation did occur, the committee shall direct staff to prepare a Summary of the Preliminary Inquiry.

(3) (a) After the announcement of the committee's decision in the Summary of the Preliminary Inquiry, if the procedural requirements of Part 3, Disciplinary Hearing, have been waived, the committee shall determine what recommendation should be made to the Senate or House with respect to any count that has been proved as provided in Subsection (4).

(b) The committee may not hear any further testimony during the preliminary inquiry, except by a majority vote of the committee.

(4) (a) A count is not proved unless a majority of the committee so determine by vote.

(b) A count that is not proved is dismissed.

(c) If a majority of the committee does not vote that a count has been proved, a motion to reconsider that vote may only be made by a member of the committee who voted that the count was not proved.

(5) (a) The committee may, for any count that has been voted as proved, recommend one or more of the following actions:

(i) censure;

(ii) expulsion;

(iii) 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

(iv) any other action that the committee determines is appropriate.

(b) If a majority of the committee does not vote in favor of the recommendation for action, a motion to reconsider may only be made by a member of the committee who voted against the recommendation.

### **Part 3. Disciplinary Hearing**

**JR6-4-301. Disciplinary Hearing -- General Provisions.**

(1) If there is no waiver of the disciplinary hearing as provided in JR6-4-201(3), the Senate and House Ethics Committees shall follow the procedures in this part to prepare for and

conduct a disciplinary hearing.

(2) (a) Before beginning any disciplinary hearing, the committee shall:

(i) adopt a statement establishing the scope and purpose of the hearing; and

(ii) provide a copy of the statement to each witness.

(b) The scope and purpose of the hearing may expand or contract during the hearing, depending upon the evidence received.

(3) The respondent has the right to counsel during all stages of the disciplinary hearing.

(4) The disciplinary hearing is open to the public.

**JR6-4-302. Appointment of Special Prosecutor.**

(1) (a) The chair shall appoint a special prosecutor.

(b) This special prosecutor shall be paid by the Senate if it is a Senate Ethics Committee or the House if it is a House Ethics Committee.

(2) The special prosecutor shall:

(a) prepare the Statement of Alleged Violation as provided in JR6-4-303; and

(b) act as prosecutor against the respondent in the disciplinary hearing.

**JR6-4-303. Statement of Alleged Violation.**

(1) In preparing the Statement of Alleged Violation, the special prosecutor shall, after reviewing the Summary of the Preliminary Inquiry, ensure that:

(a) the statement is divided into separate counts; and

(b) each count alleges a separate violation and includes the facts that support each alleged violation.

(2) After completing the Statement of Alleged Violation, the special prosecutor shall:

(a) review the statement with the committee chair and committee staff;

(b) obtain approval of the statement from the committee chair; and

(c) transmit the Statement of Alleged Violation to the respondent and to the complainants.

**JR6-4-304. Response to Statement of Alleged Violation.**

(1) Within 30 calendar days after receipt of the Statement of Alleged Violation, the respondent may file a written response to the statement, which must be signed by the respondent or the respondent's counsel.

(2) The respondent shall limit the response to the following:

(a) an admission or denial of each count, under oath, with any supportive evidence or relevant information;

(b) an objection to any or all counts on the grounds that the count fails to state facts that constitute a violation of the Code of Official Conduct or any law, rule, regulation, or other standard of conduct applicable to a member of the Senate or House in the performance of legislative responsibilities;

(c) an objection to the jurisdiction of the committee considering the allegations contained in the statement;

(d) a motion for a more detailed statement regarding the cause of action stated in the

complaint; or

(e) an objection to the participation of any member of the committee, the committee's staff, or the special prosecutor on the grounds that that person would be unable to render a fair and impartial judgment or investigation.

(3) If the respondent fails to submit a response to the Statement of Alleged Violation or to any count contained in it, the statement or count constitutes an admission of the alleged violation.

**JR6-4-305. Committee Action on Statement of Alleged Violation and Response.**

(1) (a) Within 30 calendar days after receipt of the respondent's response or the respondent's failure to respond within that time, the committee shall determine, by majority vote, to:

- (i) dismiss the complaint;
  - (ii) grant or deny the respondent's motion for a more detailed statement, and if this motion is granted, direct the special prosecutor to give more detail in the Statement of Alleged Violation and give the respondent 30 days from receipt of this statement to respond as provided in JR6-4-304;
  - (iii) hold a disciplinary hearing; or
  - (iv) defer action, if a judicial proceeding is pending.
- (b) If the committee is unable to obtain a majority vote directing further proceedings against the respondent, the statement and complaint are considered dismissed.
- (2) The chair shall ensure that the respondent and complainants are notified, in writing, of the action taken by the committee.

(3) The chair may:

- (a) extend any time limitation, if the extension would facilitate a fair and complete inquiry; or

- (b) shorten any time limitation, if special circumstances require it.
- (4) (a) If an objection to the participation of any person is raised in the respondent's response under JR6-4-304(2)(e), the committee, by majority vote, shall:
- (i) evaluate the person against whom the objection is raised to determine whether or not the person can fairly and impartially participate; and
  - (ii) by majority vote, determine whether or not to allow that person to participate.
- (b) If a majority of the committee does not agree to exclude the person, the person may participate.

**JR6-4-306. Disciplinary Hearing -- General Requirements -- Two Phases.**

The disciplinary hearing is open to the public and consists of two phases:

(1) In Phase I, the committee must determine whether or not the counts in the Statement of Alleged Violation have been proved by clear and convincing evidence.

(2) In Phase II, the committee must determine what recommendation should be made to the Senate or House with respect to any count that has been proved.

**JR6-4-307. Disciplinary Hearing Process -- Phase I, Adjudication Phase.**

- (1) The chair shall:
  - (a) call the meeting to order;
  - (b) describe the committee's authority to conduct the hearing;
  - (c) inform the committee, the respondent, and the attendees of the purpose and scope of the hearing; and
  - (d) proceed with the hearing.
- (2) Witnesses and evidence shall be received in the following order whenever possible:
  - (a) witnesses and evidence offered by the special prosecutor;
  - (b) witnesses and evidence offered by the respondent; and
  - (c) rebuttal witnesses.
- (3) All witnesses shall testify under oath.
- (4) Witnesses offered by the special prosecutor shall be:
  - (a) examined first by the special prosecutor;
  - (b) cross-examined by the respondent or the respondent's counsel;
  - (c) examined by committee members and committee staff; and
  - (d) redirect examination and recross examination, if permitted by the chair.
- (5) Witnesses offered by the respondent shall be:
  - (a) examined first by the respondent or respondent's counsel;
  - (b) cross-examined by the special prosecutor;
  - (c) examined by committee members and committee staff; and
  - (d) redirect examination and recross examination if permitted by the chair.
- (6) At the disciplinary hearing, the burden of proof rests upon the special prosecutor, who must establish a violation of any facts by clear and convincing evidence.
- (7) (a) For a count to be proved, a majority of the committee must vote that it is proved by clear and convincing evidence.
  - (b) The chair shall dismiss each count that is not proved by majority committee vote.
  - (c) If a majority of the committee does not vote that a count has been proved, a motion to reconsider that vote may only be made by a member of the committee who voted that the count was not proved.

**JR6-4-308. Disciplinary Hearing Process -- Phase II, Penalty Phase -- Remedies.**

- (1) The committee may not hear any further testimony during Phase II unless a majority of the committee votes to allow additional testimony.
- (2) In Phase II of the disciplinary hearing, the committee may, for any count that has been voted as proved, 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:
    - (i) under the Utah Constitution, the Senate or House may impose that denial or limitation; and
    - (ii) the violation bears upon the exercise or holding of the right, power, or privilege; or
  - (d) any other action that the committee determines is appropriate.
- (3) If a majority of the committee does not vote in favor of the recommendation for



action, a motion to reconsider may only be made by a member of the committee who voted against the recommendation.

(4) The chair shall ensure that the committee's recommendation to the Senate or House is:

- (a) submitted in writing; and
- (b) contains a brief but complete statement of the evidence that supports the committee's recommendations.

**JR6-4-309. Announcement of Decision.**

At the conclusion of the committee's deliberations in the disciplinary hearing, when a decision has been reached, the chair shall inform the respondent and his counsel of the committee's decision.

**JR6-4-310. Records of Disciplinary Hearing.**

After the disciplinary hearing is completed, the staff of the committee shall keep a file containing a comprehensive summary of the disciplinary hearing.

**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.

# **INTERIM RULES GENERALLY**

## **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 Rule 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 SR-24.05 and HR-24.05.

(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.

## **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. General Rules Governing Motions**

#### **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. Rules Governing Specific 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**

### **20. ORGANIZATION AND OFFICERS**

#### **SR-20.01. Calling the Senate to Order.**

On the first day of every 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.

#### **SR-20.02. Election of President.**

The Senate shall elect a President who shall preside during the session and be responsible for the general direction of the Senate.

#### **SR-20.03. President May Call a Senator to Chair.**

The President may call a Senator to the chair as President Pro Tempore and that Senator has the power of the President while conducting. This substitution does not extend beyond adjournment.

#### **SR-20.04. Temporary Presiding Officer in President's Absence.**

If the President and the President Pro Tempore are absent at the time the session is scheduled to convene, the Senator who is senior in Senate service shall call the Senate to order and preside until one of them returns.

#### **SR-20.05. 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 it is to be acted upon;
  - (e) receive and submit in the proper manner all motions and proposals presented by Senators;
  - (f) put to a vote all questions which arise in the course of the proceedings, and announce the results of the vote;
  - (g) enforce the rules of order during debate;
  - (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;
  - (m) represent the Senate, declaring its will and obeying its commands; and
  - (n) sign or authorize a designee to sign all requisitions on the Division of Finance to pay

Senate expenses.

(2) The President shall 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 in-state and out-of-state travel on legislative business.

**SR-20.06. Duties of the Secretary of the Senate.**

(1) A Secretary of the Senate shall be appointed by the President or President-elect before each session is convened.

(2) The Secretary shall:

(a) act as chief administrative officer of the Senate, subject to direction by the President;  
(b) supervise all Senate personnel during the session and interim and assign them duties and responsibilities;

(c) keep a record of the attendance of all employees, and not pay for the day or days of absence any employee who is absent without the written consent or subsequent approval of the President;

(d) be custodian of all official documents;

(e) receive from the Office of Legislative Research and General Counsel all numbered bills and resolutions;

(f) record the number, title, sponsor, each action, and final disposition of each bill on its bill jacket;

(g) prepare and distribute the legislative agenda each day;

(h) assist the Reading Clerk in preparation of the Senate Journal and certify it as an accurate reflection of Senate action;

(i) read the long title of all bills and other materials as requested by the President;

(j) receive committee reports and present them to the Senate;

(k) advise the President on parliamentary procedure, constitutional requirements, and Joint and Senate Rules;

(l) assist with amendments to bills;

(m) record votes and present the results to the President;

(n) correct spelling, erroneous division and hyphenation of words, correct mistakes in numbering sections and their references, capitalize or lower case words, change numbers from words to figures or from figures to words, and underscore or remove underscoring in bills without a motion to amend, either before or after final passage of a bill;

(o) modify the long title of any bill or resolution to ensure that the long title accurately reflects any changes to the bill or resolution made by amendment or substitute;

(p) certify and transmit bills to the House of Representatives and inform the House of all Senate action;

(q) transmit to the Governor all enrolled Senate bills;

(r) respond to inquiries from legislators, government agencies, and members of the public regarding Senate history, activities, and legislative action; and

(s) represent the Senate at schools, organizations, clubs, and other civic groups when asked by the President.

**SR-20.07. Duties of the Sergeant-at-Arms.**

A Sergeant-at-Arms shall be appointed by the President or President-elect prior to the convening of each session. The Sergeant-at-Arms is to maintain security, enforce the Senate Rules and provide other service as requested by the Secretary or the President.

**SR-20.08. Substitution of Sponsor; Withdrawal of Cosponsor.**

The Senate sponsor of a bill can withdraw that sponsorship if another Senator agrees to sponsor the bill and this substitution of sponsorship is submitted to the Secretary of the Senate in writing prior to final passage of the bill in the Senate. This substitution of sponsorship can be without permission from the Senate.

A Senator cosponsor of a bill may withdraw that cosponsorship without permission from the Senate and without a substitute cosponsor prior to final passage of the bill in the Senate.

**SR-20.09. Senate 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 ten 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.

## **21. ATTENDANCE**

**SR-21.01. Senators Must be Present.**

Every Senator shall be present within the Senate chamber during a session of the Senate, unless excused or unavoidably absent.

**SR-21.02. Absent Senators.**

If a quorum of Senators is not present at the time the Senate is scheduled to convene, the Sergeant-at-Arms shall find enough absent Senators to make a quorum for the transaction of business, and escort them to the chamber.

## **22. DECORUM**

**SR-22.01. President to Maintain Order; Appeal Process.**

The President shall maintain order and decorum. He may speak to points of order in preference to other Senators rising for that purpose. The President's decision on questions of order is subject to an appeal to the Senate by any Senator. No Senator shall speak more than once on an appeal without leave of the Senate. The question on appeal is: "Shall the decision of

the chair stand as the judgment of the Senate?" The question and the action of the Senate on it shall be recorded in the journal.

**SR-22.02. Disorderly Conduct in Senate.**

The President may order the Senate areas or gallery cleared if a disturbance occurs.

**SR-22.03. Smoking Not Permitted.**

As provided in the Utah Indoor Clean Air Act, a person may not smoke in the State Capitol Building. The Sergeant-at-Arms shall enforce this rule in the Senate controlled areas.

**SR-22.04. Obtaining the Floor.**

When a Senator wishes to be recognized to speak, the Senator shall rise and address the President as "Mr. (Madam) President." After being recognized, the Senator must confine his remarks to the issue under consideration.

**SR-22.05. Calling a Senator to Order for Violation of a Rule.**

A Senator violating any Senate or Joint Rule can be called to order by the President or by any Senator. If the Senator appeals the ruling, the Senate shall decide the issue without debate. If the decision is favorable to the Senator who has been called to order, the Senator may proceed. If the decision is unfavorable, the Senator is subject to censure by the Senate.

**SR-22.06. Calling a Senator to Order for Conduct in Debate.**

If a Senator is called to order for words spoken in debate, the Senator making the call shall repeat the words to which exception is taken and the words shall be recorded by the Reading Clerk. If called to order, the Senator shall sit down, unless granted permission to explain. A Senator may not be called to order or censured for words spoken in debate if there has been intervening business.

**SR-22.07. Impugning Motives of a Senator.**

No Senator shall impugn the motives of any other Senator either on the floor of the Senate or in committee.

**SR-22.08. President to Decide Who is Entitled to Floor.**

If two or more Senators rise at the same time to speak, the President shall decide which Senator is to speak first.

**SR-22.09. Senators Not to Leave Chamber.**

When the President is presenting a question, no Senator may leave the Senate chamber. When a Senator is speaking, no person may walk between the Senator and the President or his designee.

**SR-22.10. Disturbing Circle During Roll Call Vote Prohibited.**

No person shall disturb or remain by the desks of the Secretary of the Senate, Docket

Clerk, or Reading Clerk while a roll call vote is being taken.

## **23. ORDER OF BUSINESS**

### **SR-23.01. Hour for Meeting.**

The Senate shall meet at 10:00 a.m. daily, except Saturdays and Sundays, unless otherwise announced by the President.

### **SR-23.02. Roll Call; Quorum.**

A roll call of Senators shall be taken at the beginning of session each day and the names of those present and absent recorded in the journal. A majority of Senators must be present for a quorum before beginning Senate business. Less than a majority may convene each day. Less than a majority may compel the attendance of absent members.

### **SR-23.03. Daily Order of Business.**

The daily order of business is:

- (1) call to order by President;
- (2) the prayer and Pledge of Allegiance;
- (3) roll call;
- (4) report of excused absences and if quorum is present;
- (5) report of journal committee;
- (6) communications from the Governor;
- (7) communications from the House:
  - (a) bills for signature of the President;
  - (b) bills for consideration; and
  - (c) bills for reconsideration of House amendments;
- (8) reference of bills from the President:
  - (a) bills assigned to standing committees; and
  - (b) bills placed on second reading calendar;
- (9) reports of Secretary of the Senate from standing committees:
  - (a) bills placed on second reading calendar;
  - (b) bills placed on consent calendar; and
  - (c) bills sent back to the Secretary of the Senate;
- (10) reports of special committees, including conference committees;
- (11) introduction of bills and presentation of resolutions to be given to the Secretary of the Senate at least one hour before the beginning of the session for inclusion in that day's agenda:
  - (a) bills referred by the Senate Rules Committee for assignment by the President; and
  - (b) bills placed on second reading calendar;
- (12) unfinished business;
- (13) consideration of bills on consent calendar;
- (14) special orders of business;
- (15) consideration of bills on third reading calendar;

- (16) consideration of bills on second reading calendar; and
- (17) miscellaneous business.

**SR-23.04. Messages and Reports Received at any Time.**

Messages from the Governor, the House of Representatives, other state officers, and the Senate Rules Committee may be received at any time, except when the President is presenting a question, or when a vote is being taken.

**SR-23.05. Action out of Regular Order.**

The Senate may at any time, with majority approval of all Senators present, proceed out of order to any business.

**SR-23.06. Priority of Business.**

All questions of priority of Senate business shall be decided by the chair without debate.

**SR-23.07. Unfinished Business.**

Unfinished business at the time of recess or adjournment has priority on the daily order of business on the following legislative day.

**SR-23.08. Final Certification of the Journal.**

The Secretary of the Senate and the Reading Clerk are responsible for the final certification of the Senate Journal.

**SR-23.09. Commendation; Condolence Citations.**

To express the commendation or condolence of the Legislature or the Senate, legislators shall use the legislative citation form exclusively.

**SR-23.10. Types of Citations; Use of Citations.**

(1) There are two types of legislative citations: individual and by one or both houses of the Legislature.

(2) With the approval of the presiding officer, an individual legislator may request the Secretary of the Senate to prepare a commendation or condolence citation for the Senator's own signature. This citation is done without any floor action.

(3) During a session of the Legislature, a legislator may request the Secretary of the Senate to prepare a commendation or condolence citation for the Senate sponsor's signature, which citation shall also be presented to the Senate, by motion, to authorize the President of the Senate to sign on behalf of the Senate; or to one house and then the other for the approval of both the Senate and the House. This motion is in order as an item of personal privilege.

(4) When the Legislature is not in session, a legislator may request a commendation or condolence citation for the sponsor's and the President's signature, or the sponsor's, the President's, and the Speaker's signature.

**SR-23.11. Standing Committee Review of Fiscal Impact Bills.**

Except as provided in Senate Rule 23.13, all bills shall be reviewed by a standing committee open to the public in one or both houses before being held in the opposite house because of fiscal impact.

**SR-23.12. Printing Certain Fiscal Bills.**

On the last Monday of the annual general session, the following bills shall be completed by the Executive Appropriations Committee, printed, and available to all legislators: the appropriations act, any supplemental appropriations acts except the supplemental appropriation act that funds the bills passed during that session, the school finance act, and any bonding act.

**SR-23.13. Standing Committee Review.**

(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 Senate standing committee.

(2) This rule does not apply to:

- (a) any resolution regarding legislative rules or legislative personnel;
- (b) bills that have been approved by an interim committee;
- (c) the revisor's statute; or
- (d) the appropriations act, the supplemental appropriations acts, the school finance act, the executive compensation act, and any bonding act that has been reviewed and approved by the Executive Appropriations Committee.

**SR-23.14. Passing Bills with Negative Fiscal Impact.**

(1) Except for the supplemental appropriations act that funds the bills passed during that session, all bills which have a negative fiscal impact on the state shall be acted upon by 12 noon on the last day of the annual general session.

(2) Any bill with a negative fiscal impact which has not been passed by the Senate by the time established in Subsection (1) shall be returned to the Senate Rules Committee for filing.

## **24. COMMITTEES**

**SR-24.01. Senate Rules Committee; Duties.**

- (1) All legislation introduced shall be submitted to the Senate Rules Committee.
- (2) The Senate Rules Committee shall:
  - (a) prepare the Senate Rules and Joint Rules and report them to the Senate for approval, amendment, or disapproval before adjournment on the second day of each annual general session;
  - (b) examine each bill for proper form and order the bills printed;
  - (c) refer each bill to the Senate with a recommendation that:
    - (i) the legislation be referred to a standing committee for consideration;
    - (ii) the legislation be placed directly onto the second reading calendar;
    - (iii) the legislation be read the second time and placed onto the consent calendar; or
    - (iv) during the last week of the legislative session, the legislation be read the second



time and placed onto the third reading calendar.

(3) Before sending a bill to a standing committee, the Senate Rules Committee, in carrying out its responsibilities under Subsection (2), may amend or substitute a bill only if the committee has 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 for 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.

#### **SR-24.02. Senate Rules Committee to Establish Calendar.**

The Senate Rules Committee shall prioritize every bill for committee and floor action and review and update this priority as necessary for the calendar.

#### **SR-24.03. Legislation Scheduled for Time Certain has Priority in Committee.**

(1) The Senate Rules Committee may recommend a time certain for floor consideration of any bill when it is reported out of the Senate Rules Committee, or at any time after the bill is reported out of the Senate Rules Committee.

(2) A bill scheduled for a time certain has priority status in the standing committee to which it is assigned.

#### **SR-24.04. Senate Confirmation Committee(s).**

(1) The President shall:

(a) appoint a Senate Executive Confirmation Committee(s) of no more than seven Senators, no more than four of whom are from the same political party;

(b) appoint the Senate appropriations subcommittee chair and 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 meet and make a recommendation to the Senate before any Senate confirmation session to review gubernatorial nominations to fill executive branch positions.

(3) (a) The 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 convey its recommendation to the Senate in

a form that identifies to the Senate how each Senate Executive Confirmation Committee member voted on the nominee.

**SR-24.04.1. Judicial Senate Confirmation Committee Procedures.**

- (1) The President shall:
    - (a) appoint a Senate Judicial Confirmation Committee of no more than seven Senators, no more than four 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.
  - (3)
    - (a) The 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 Annotated Title 63, Chapter 2, Government Records Access and Management Act, are released only pursuant to the requirements of that act.
  - (4) 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 Annotated Section 20A-12-104, that office shall provide the resume of each nominee to each member of the Senate.
  - (5) When the Governor provides the President of the Senate with the nominees' resume, application materials, and other related documents, the President shall provide that information to the chair and two members of the Senate Judicial Confirmation Committee, one selected by the President of the Senate and one selected by the Senate Minority Leader.
  - (6) After the Governor announces the appointee and provides the information required by Utah Code Annotated 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 ten business days after publication of the news release;
      - (v) a request that members of the public wanting to make comments must contact the Office of Legislative Research and General Counsel by the deadline specified in the news release, which may not be less than ten business days after publication of the news release; and
      - (vi) a notice that any person wanting to comment must submit a written statement 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
- (6) 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.

(7) (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.

(8) (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 must submit a written statement 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 Annotated Title 52, Chapter 4, Open and Public Meetings.

(9) 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 63-2-302(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.

(10) In conducting the meeting:

(a) the chair shall allow the appointee to address the committee:

(i) before the committee hears any other testimony; and

(ii) after the last witness testifies before the committee and before the committee makes its decision; and

(b) the chair may hold committee meetings in the geographic area to be served by the judicial office.

(11) The committee may close the committee meeting for any of the purposes outlined in Utah Code Annotated Title 52, Chapter 4, Open and Public Meetings.

(12) In determining whether to recommend that the nominee be confirmed or rejected, 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) base its decision regarding confirmation solely upon a consideration of the nominee's fitness for judicial office without regard to any partisan political consideration;
  - (e) vote on whether or not to recommend confirmation of the appointee to the Senate;
- and

(f) convey its recommendation to the Senate in a form that identifies to the Senate how each Senate Judicial Confirmation Committee member voted on the nominee.

(13) The Office of Legislative Research and General Counsel shall provide a copy of this rule to judicial appointees.

(14) Nothing contained in this rule shall be construed to limit the authority of the Senate as provided in Utah Constitution Article VIII, Section 8.

#### **SR-24.05. 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) Senate Rules;
  - (i) Transportation and Public Utilities and Technology; and
  - (j) Workforce Services and Community and Economic Development.
- (2) The members of the Retirement and Independent Entities Committee created in Section 63E-1-201 who are appointed from the Senate are a standing committee.

#### **SR-24.06. Committee Chairman.**

The first member named on a committee shall be the chairman. The chairman of the committee may designate a vice-chairman, pro tem.

#### **SR-24.07. Notice of Committee Meeting.**

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 Title 52, Chapter 4, Open and Public Meetings. Each chair shall post the time, room number, and agenda of all committee meetings in areas open to the public.

#### **SR-24.08. Agenda to Include Tabled Bills.**

Standing committee agendas shall list the bill number, title, and sponsor of any bill tabled at either of the two previous meetings. This tabled bill may be lifted from the table at either of the two meetings following the one at which it was tabled.

**SR-24.09. Committees not to Meet while Senate is in Session.**

No committee may meet while the Senate is in session without the President's permission or a majority approval of the Senators present.

**SR-24.10. Special Committees.**

Special committees, including task forces, may be formed by motion or resolution, and members shall be appointed by the President.

**SR-24.11. Committee Attendance; Quorum.**

(1) A majority of any committee or subcommittee constitutes a quorum for the transaction of business.

(2) The President, Majority Leader, Majority Whip, Assistant Majority Whip, Senate Rules Committee Chair, Senate Appropriations Committee Chair, Minority Leader, Minority Whip, and Assistant Minority Whip, and the fourth member of leadership from the minority party are not counted in determining a quorum for standing committees, except for meetings that the legislator actually attends.

**SR-24.12. Committee Responsibilities.**

(1) Each committee shall send a report to the Senate on each bill referred to it. With a majority vote, the committee may transmit bills with a favorable recommendation. Bills may be amended, held, tabled, returned to the Senate Rules Committee, or substituted in committee. Any bill tabled in committee shall be held until a motion is made to remove it from the table. Any tabled bill not lifted at its second committee meeting after tabling shall be sent to the Secretary of the Senate for filing. A tabled bill can be lifted from the Secretary of the Senate or its assigned standing committee by a two-thirds vote of those Senators present on the floor of the Senate, or the President of the Senate can reassign the bill to a standing committee.

(2) The committee may prepare a bill addressing the same subject matter to be introduced under committee sponsorship. The chief sponsor or sponsors of a bill may request in writing that committee members sponsor the measure. Upon agreement by the committee, the chief sponsor may relinquish individual sponsorship of the bill. A majority vote of the committee is required to amend, substitute, table, recommend, return a bill to the Secretary of the Senate, hold, or substitute sponsorship of a bill.

(3) A secretary shall record attendance and take minutes of committee action. The records shall be filed for three years in the office of the Secretary of the Senate.

(4) 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.

(5) If in accordance with SR-24.01 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.

**SR-24.13. Reprinting a Bill.**

A committee chairman may order any bill that has been considerably amended in committee to be reprinted. This substitute bill shall be adopted by the committee prior to being reported out of committee.

If a bill has been referred to a standing committee, no substitute of that bill may be ordered officially printed until the bill is substituted by the standing committee. However, the sponsor of the substitute may have copies of the substitute bill made for limited distribution.

**SR-24.14. Public Hearings.**

(1) A committee may hold public hearings in addition to or instead of regular meetings. A public hearing may be held on the subject matter contained in one or more bills, resolutions, or proposals. The chair shall give notice to the public in accordance with Title 52, Chapter 4, Open and Public Meetings law. The notice shall include the bills or resolutions to be considered. The chair, subject to the approval of the committee, may adopt procedures for the orderly conduct of the hearing, including limitation on time for the hearing and for individual speakers, and the order in which speakers will be heard. By motion the committee may adjourn the public hearing and begin a regular committee meeting.

(2) When public hearings are being held, the committee may request testimony by persons who have expertise on the bills under discussion. At the direction of the chair or upon a majority vote of the committee, the testimony may be taken under oath. The oath shall be administered by the committee chair, or cochair, or committee staff. All public comment and testimony shall be received during the public comment phase of the committee meeting. Upon motion, the public comment phase of the committee meeting shall terminate. The public may not again participate except upon motion to take additional public comment.

**SR-24.15. Sponsor of Bill to be Notified.**

The chairman of each committee shall notify the sponsor of any bill pending before the committee of the time and place it will be considered. Before any committee acts on a bill which has been referred to it for consideration, it shall invite the chief sponsor or sponsors to explain the bill.

**SR-24.16. Voting; Chair to Verbally Announce the Vote; Dissenting Members to be Reported.**

- (1) 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."
- (2) Members dissenting from a committee report may file a minority report or may be

listed on the majority report as dissenting.

**SR-24.17. Chairman to Preserve Order; Appeal.**

The committee chairman shall decide points of order. On motion and approval by majority vote, the committee may override the chairman's decision on any point of order. The motion and action shall be entered in the committee minutes.

**SR-24.18. Committee Report to Include Signature of Chairman.**

All reports of bills and resolutions from a standing committee shall be signed by the chairman of the committee or a member authorized by the chairman.

**SR-24.19. Committee Reports.**

All business referred to a committee shall be considered within a reasonable length of time. When a bill is acted upon by a committee, a committee report detailing committee action, and the bill, shall be returned immediately to the Senate. If a bill is tabled, the Senate shall be notified. This notification requires no Senate action, as the bill shall be automatically sent to the Senate Rules Committee.

**SR-24.20. Disorderly Conduct in Committee Meeting.**

The chairman may order the committee room cleared of visitors if there is disorderly conduct.

**SR-24.21. Obtaining the Floor in Committee.**

The chairman shall recognize any member wishing to speak to the subject under consideration. The member's remarks shall be germane.

**SR-24.22. Visitors.**

Visitors to a committee meeting or hearing may not sit in legislators' chairs. The number of people in a committee meeting may not exceed the maximum posted by the State Fire Marshal. The chairman shall maintain that limit.

During committee meetings, visitors may not speak unless called upon by the chairman. Restrictions on time may be announced.

**SR-24.23. Committee Order of Business.**

Unless the chairman or majority of the committee determines otherwise, the order of business is:

- (1) call to order by the chairman;
- (2) approval of minutes of previous meeting;
- (3) announcement of agenda;
- (4) announcement of time restrictions;
- (5) communications;
- (6) consideration of committee business.

**SR-24.24. Motions.**

Senate Rules regarding motions govern committee meetings and hearings with the following exception:

- (1) A motion to strike the enacting clause is never in order.
- (2) A motion to circle is never in order. A bill may, however, be held in committee within the time limit imposed by SR-24.19.

**SR-24.25. Motion to End Debate.**

A motion to end debate in committee shall be adopted by a majority vote of the committee.

**SR-24.26. Votes.**

Each committee member present shall vote on every question and the vote shall be recorded in the minutes.

**SR-24.27. Reconsideration of Action.**

By majority vote of those present, any committee action may be reconsidered at any time prior to the committee report being sent to the Senate. However, no bill may be reconsidered by the committee more than once.

**SR-24.28. Committee of the Whole.**

On majority vote of those present, the Senate may resolve itself into a committee of the whole.

**SR-24.29. Procedure in Committee of the Whole.**

The President will be chairman and preside over the committee of the whole. Senate Rules apply, except:

- (1) no Senator may speak more than twice on the same subject;
- (2) roll call votes may not be taken; and
- (3) no appeal may be taken from a decision of the chair.

**SR-24.30. Motion to Dissolve Committee of the Whole.**

A motion to dissolve a committee of the whole is always in order and shall be decided without debate.

**25. THE CALENDAR AND PASSAGE OF BILLS****SR-25.01. Calendaring Interim Committee Bills.**

- (1) An interim committee bill that has been approved by a majority vote of the interim committee members, shall be read for the first time and referred to the Rules Committee for calendaring.
- (2) The Rules Committee may refer the bill to the calendar without standing committee



review, or may refer the bill to a standing committee.

(3) (a) If the Rules Committee calendars the bill without standing committee review, the sponsor or any three Senators may, within two working days, request that the bill be reviewed by a standing committee before the bill's consideration on the floor.

(b) The President shall then assign the bill to the appropriate committee.

#### **SR-25.02. Bills Placed on Calendar.**

(1) All bills reported to the Senate by committees shall be placed at the bottom of the second reading calendar or on the consent calendar in the order received.

(2) Each bill or substitute bill placed on the second reading calendar without a fiscal note shall be circled until the fiscal note is received.

#### **SR-25.03. Consideration of Bills.**

Bills on third reading calendar shall be considered in the order they appear on the calendar unless a majority vote of the Senators present directs other action.

The Secretary shall be responsible for maintaining the calendar properly listing the bills.

#### **SR-25.04. Special Order of Business.**

A bill may become a special order of business on the time certain calendar by designation of the President of the Senate or with majority approval. At the time set for consideration, the President shall place the bill before the Senate.

#### **SR-25.05. Second Reading Calendar.**

(1) After consideration of all bills on third reading calendar, bills on second reading calendar shall be considered. Each bill listed shall be read by title, unless the Senate suspends this requirement by a two-thirds vote. (cf. SR-27.16)

(2) The Secretary of the Senate or the secretary's designee shall read the committee report. A motion to adopt a "favorable" committee report places the bill before the Senate with all committee amendments. If a motion to adopt a "favorable" committee report does not receive a majority vote, the bill will be returned to the Secretary of the Senate.

(3) If a bill has not received a Senate standing committee or interim committee review and approval, the reading clerk shall note that.

(4) The final question on second reading calendar is: "Shall the bill (resolution) be read a third time?" The question shall be decided on a roll call vote. A constitutional majority vote is required to pass the bill on the second reading calendar.

#### **SR-25.06. Bill Placed on Third Reading Calendar.**

Each bill passing second reading calendar shall be placed at the bottom of third reading calendar. No bill may be read the third time until the day after its second reading.

#### **SR-25.07. Reprinting a Bill.**

Upon a motion and the approving vote of a majority of the Senators present, any bill that has been considerably amended on second reading may be ordered retyped and reprinted.

**SR-25.08. Third Reading Calendar.**

(1) (a) For its third reading, each bill listed shall be read by title, unless by two-thirds vote the Senate suspends this requirement. (Utah Constitution Article VI, Section 22; cf. SR-27.16)

(b) The bill shall then be considered.

(2) (a) The final question is: "This bill (resolution) has been read three times; the question is: Shall the bill (resolution) pass?"

(b) The final vote shall then be taken.

**SR-25.09. Third Reading of Money Bills.**

A majority of the Senate may direct the reading of the long title of all bills appropriating money.

**SR-25.10. Amendments to Senate Bills.**

All pages with amendments by the Senate shall be reprinted on goldenrod paper.

**SR-25.11. Re-referring Bills to Committee.**

A bill that has been referred to a standing committee may be re-referred as follows:

(1) by the presiding officer;

(2) upon motion from the floor; and

(3) if a bill has been reported back by the committee to which it was assigned with the recommendation that it be re-referred to the Senate Rules Committee.

**SR-25.12. Action on House Bills.**

When a House bill is received by the Senate with a transmittal letter informing the Senate that it has passed the House, the bill shall be read the first time and referred by the President to the Senate Rules Committee. Action on House bills is the same as for Senate bills.

If a House bill is identical to a Senate bill, the President of the Senate shall identify the bills and direct that the bill which was first requested from the Office of Legislative Research and General Counsel shall be adopted and take its place on the second reading calendar, unless otherwise directed by the majority of the body on the floor. The substitution shall be noted in the journal.

**SR-25.13. Time Limit for Senate Bills.**

No Senate bill, except the appropriations bills, may be considered after the 42nd day of the annual general session of the Legislature. The Senate may suspend this rule by a majority vote of its members present.

**SR-25.14. Consent Calendar.**

(1) (a) Standing committees may report a bill to the Senate with the recommendation that it be placed on the consent calendar, if:

(i) the sponsor has requested that the bill be placed on the consent calendar; and

(ii) the bill has the unanimous recommendation of the standing committee with a quorum present.

(b) The Secretary of the Senate shall provide appropriate forms for reporting the committee's recommendation.

(2) Upon adoption of the committee report by the Senate, the bill shall be read for the second time and placed on the consent calendar.

(3) (a) Each day, the President shall call attention to the bills on the consent calendar to determine if any Senator objects to any bill's placement on the consent calendar.

(b) Any Senator may object to the bill's placement on the consent calendar by verbal objection on the floor or by notifying the Secretary of the Senate.

(c) If three or more Senators object to a bill's placement on the consent calendar, the bill shall be removed from the consent calendar and placed at the bottom of the second reading calendar.

(4) If, after three days during which the Senate has floor time, no more than two members have registered objections to a bill on the consent calendar, the bill shall be:

(a) read for the third time;

(b) placed before the Senate; and

(c) considered for final passage according to the provisions of SR-30.10.

#### **SR-25.15. Concurrence Calendar.**

(1) (a) After the transmittal letter from the House informing the Senate that the House has amended a Senate bill is read, the bill shall be placed on the concurrence calendar.

(b) During the first 43 days of the annual general session, the bill shall remain on the concurrence calendar for at least one legislative day before the Senate may consider the question of concurrence.

(c) During the last two days of the annual general session, and during any special sessions, the bill may be considered for concurrence after giving senators a reasonable time to review the House amendments.

(2) When presented to the Senate, the question shall be: "This bill (resolution) has been read three times; the question is: Shall the Senate concur in the House amendments?"

#### **SR-25.16. Substitute Bills or Resolutions.**

If any substitution of a bill or resolution is made, that substitution shall be referred to the Office of Legislative Research and General Counsel. That office shall number each substitution for record keeping and bill tracking purposes prior to its being officially printed.

## **27. MOTIONS**

#### **SR-27.01. Motions to be Stated Before Debate.**

When a motion is made orally, it shall be stated by the President; if the motion is made in writing, it shall be given to the Secretary and distributed to the members.

**SR-27.02. Withdrawing a Motion.**

After a motion is stated by the President or read by the Secretary, it is in the possession of the Senate. The motion may be withdrawn by a majority vote.

**SR-27.03. No Second Required of Motions.**

No second is required to any motion during any Senate floor consideration or in a Senate committee.

**SR-27.04. Motion in Order During Debate.**

When a question is under debate, no motion may be received except:

- (1) to determine the time to which to adjourn;
- (2) to adjourn;
- (3) to recess with the Senator having the floor retaining the floor when the Senate reassembles;
- (4) to call the Senate;
- (5) to refer to a committee (commit or recommit);
- (6) to table;
- (7) to circle;
- (8) to postpone to a time certain;
- (9) to amend.

Questions of privilege, order, and an appeal are also in order during debate.

These several motions have the priority listed in this rule.

During roll call, no motion or other business is in order until after the announcement of the result of the vote.

**SR-27.05. 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 Senator has the floor.
- (2) If a motion for adjournment has been made, no substitute motion for adjournment is in order. However, a motion for adjournment may be held by the President with the approval of the sponsor of the original motion.

**SR-27.06. Motion to Table.**

A motion to table a bill holds the bill until a successful motion is made to remove it from the table. A bill may be taken from the table by motion at any time.

**SR-27.07. Motion to Circle.**

A motion to circle any bill temporarily holds the bill in place on the calendar.

**SR-27.08. Motion to Postpone.**

If a motion to postpone to a day certain or indefinitely or to refer a matter to committee is defeated, such motion may not be renewed on the same day, or during the same reading of a bill.

**SR-27.09. Motion to Strike Enacting Clause.**

A motion to strike the enacting clause of a bill has precedence over a motion to amend. If carried, this motion defeats the bill.

**SR-27.10. Filling Blanks.**

When a blank is to be filled on a bill with a sum or a time, those motions proposing the least sum and the shortest time are given precedence.

**SR-27.11. Motion or Amendment Must be Germane.**

A substitute motion or amendment must be germane to the original motion.

**SR-27.12. Motion to Refer to Committee, Postpone, or Table.**

A motion to refer to committee, to postpone indefinitely, to postpone to a day certain, or to table precludes consideration of all amendments and debate on the main question.

**SR-27.13. Nondebatable Motions.**

A motion to adjourn, circle, recess, table, or take from the table shall be decided without debate. All questions of order arising from one of the above motions shall also be decided without debate.

**SR-27.14. Division of a Question.**

If a question in debate contains several points, a Senator may have the question divided. The motion to divide must clearly state how the question is to be divided. A motion to strike out and insert is not subject to division. However, 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.

The President or his designee shall determine how many divisions may be made to any question. The body may seek to overrule this decision only once.

**SR-27.15. Substitute Motions.**

A substitute motion, if adopted by a majority of the Senators present, disposes of the original motion.

**SR-27.16. Constitutional Motion.**

(1) At the beginning of each session of the Senate, before the reading of any bill or resolution, 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."

(2) At the beginning of each daily journal, the Journal Clerk shall record the page on which the motion to suspend reading of titles of bills and resolutions is made.

## **28. DEBATE**

### **SR-28.01. Senators Not to Speak More than Twice.**

Without permission from the Senate, no Senator may speak more than twice on the same bill, each amendment, or substitution in any one debate on the same day and on the same reading of the bill. Senators who have spoken once are not entitled to the floor again, except for explanation, if any Senator who has not spoken wishes to speak.

### **SR-28.02. Interruptions and Questions.**

No Senator shall interrupt or question another Senator in debate without the Senator's consent. To obtain such consent, the Senator shall first address the President and receive the consent of the member through the President.

### **SR-28.03. Sponsor May Open and Close Debate.**

The chief sponsor of any legislation or motion shall open and close debate.

### **SR-28.04. Committee Chairman to Report Findings.**

The President shall, if requested during debate on a bill, have the chairman of the standing committee to which the bill was assigned report the recommendations of the committee to the Senate.

### **SR-28.05. Previous Question.**

The motion for the previous question, which is a call for an end to debate and a vote on the matter under discussion, may not be entertained on the floor of the Senate.

## **29. AMENDMENTS AND SUBSTITUTIONS**

### **SR-29.01. Amendments and Motions in Writing; Length Restrictions.**

(1) (a) All floor amendments that are more than ten words shall be typewritten on tan paper and distributed to the Secretary, the Reading Clerk, and to all Senators before the amendment is proposed.

(b) All other motions except motions to adjourn, circle, table, or refer to committee, shall be written if requested by any Senator.

(2) All committee amendments that are more than 25 words shall be typewritten and distributed to the committee members and committee staff before the amendment is proposed.

### **SR-29.02. Passage of Amendments by a Majority Vote.**

A constitutional amendment, resolution, or bill requiring a vote of two-thirds of the Senators for final passage, may be amended by a majority vote.

**SR-29.03. Amendments in Order on Second and Third Reading.**

Amendments or substitutions are in order on the second and third readings of any bill.

**SR-29.04. Senate Action on Committee Amendments.**

Amendments or any substitution made in committee are part of the bill upon adoption of the committee report by the Senate.

**SR-29.05. Amendments Referred to Committees to be Reported.**

When a bill is referred to committee with amendments or a substitution pending, action on the amendments or substitution shall be reported to the Senate.

**SR-29.06. Order of Action.**

If a motion for an amendment or substitution is made, the Senate shall first consider the amendment or substitution, before turning its attention to the bill itself.

### **30. VOTING**

**SR-30.01. Senators Required to Vote.**

All Senators within the Senate chamber when a vote is being taken shall vote. Immediately preceding the roll call, a Senator may make a brief statement explaining any conflict of interest. Any Senator may briefly explain a vote.

**SR-30.02. Senators Not to Vote Unless Present.**

Senators may not vote on a bill or motion unless present in the Senate chamber. If the vote is by roll call or division, a Senator entering the chamber after the question is posed, and before it is decided, may have the question stated and vote.

**SR-30.03. Roll Call on Final Passage of Bills; When Required; Procedure.**

The vote on final passage of all bills is by roll call. The Senators shall be called alphabetically, except the President, who is called last. A roll call vote on other questions shall be taken if requested by any Senator. Senators absent shall be so recorded.

**SR-30.06. Number of Votes Required for Passage.**

A majority vote is a majority of those present, except for passage of a bill, which requires 15 votes. All matters requiring a constitutional majority require 15 votes. All matters requiring a constitutional two-thirds require 20 votes. All motions which require a two-thirds vote may only be suspended by that same two-thirds vote.

**SR-30.07. Voting or Changing Vote After Decision Announced.**

After a roll call vote is announced on any question no Senator may vote or change his vote, unless there is unanimous consent of the Senators present and the result of the vote is not changed.

**SR-30.08. Changing Votes Before Decision Announced.**

Any Senator may change his vote before the decision is announced by the chair. All Senators must vote within the time limit fixed by the President.

**SR-30.09. Putting the Question; Division.**

The President shall pose questions in this form: "Those in favor (of the question) say aye." After the affirmative vote is counted, the President shall say: "Those opposed, say nay." The negative vote shall be counted. If the President questions the result of the count, or if a division is called for, those voting aye shall stand and be counted first, followed by those voting nay standing and being counted.

**SR-30.10. Consent Calendar.**

(1) The President shall pose the question on each consent calendar bill in the following form:

"The President 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?"

(2) If the President hears no nays to the question, a unanimous vote of the Senators present shall be recorded in favor of the legislation.

(3) If the President hears any nays to the question, a roll call vote shall be taken immediately.

(4) Notwithstanding the requirements of Subsection (3), any Senator may make a motion before the roll call vote is taken to remove the bill from the consent calendar and place it on the bottom of the third reading calendar.

(5) Nothing in this section prevents a Senator from challenging the ruling of the chair or asking for a vote on any question.

## **31. CALL OF THE SENATE**

**SR-31.01. Call of the Senate.**

Any five Senators may demand a call of the Senate to compel absent Senators to be present in the Senate chamber.

**SR-31.02. Motion for Call of the Senate.**

When a motion is made for a call of the Senate, the President shall say: "It requires five Senators to make a call of the Senate. Those in favor of the call stand."

**SR-31.03. Leaving the Chamber.**



No Senator may leave the chamber when a call of the Senate is ordered. The doors of the Senate chamber shall be closed.

**SR-31.04. Sergeant-at-Arms to Bring Absent Senators.**

The President shall call the roll of the Senate and the Secretary shall note the absentees. At the President's direction, the Secretary shall furnish the Sergeant-at-Arms a list of those who are absent without leave. The Sergeant-at-Arms shall find the absent Senators and escort them to the Senate chamber.

**SR-31.05. Senate Under Call; Lifting the Call; Adjournment.**

No business may be transacted while the Senate is under call, except receiving and acting on the report of the Sergeant-at-Arms. No motion is in order except a motion to adjourn or to suspend further proceedings under the call. These motions shall be by voice vote with a simple majority.

**SR-31.06. Lifting the Call of the Senate.**

The Sergeant-at-Arms may report on the call at any time. If the report is accepted, the call shall be lifted, and the business pending when the call was ordered shall proceed. A motion to lift the call will be by voice vote and a simple majority. If the motion is adopted, the Senate reconvenes. If the motion is not adopted, the Sergeant-at-Arms shall continue searching for the absent Senators. When all Senators are present or accounted for, the call shall be lifted without motion. The doors of the Senate chamber shall be opened and the Senate shall proceed with the order of business.

## **32. RECONSIDERATION**

**SR-32.01. Reconsideration Requires a Constitutional Majority Vote.**

A motion to reconsider a vote on the final passage of a bill requires approval by a constitutional majority of Senators. Upon adoption of a motion to reconsider, the bill shall be placed at the top of the calendar on which it last appeared. No bill may be reconsidered by the Senate more than once.

**SR-32.02. Motion to Reconsider.**

When a question has been decided, any Senator voting with the prevailing side may move for reconsideration after intervening business, or may give notice that the motion will be made. If a motion for reconsideration is made after a bill has left the possession of the Senate, the Secretary shall request the bill be returned to the Senate. A motion for reconsideration is not in order unless made prior to adjournment of the next legislative day, by a Senator who previously served notice. A motion to reconsider takes precedence over all other motions and questions, except the motion to adjourn.

**SR-32.03. Notice of Motion to Reconsider.**

When a Senator gives notice of intention to move for reconsideration, the Reading Clerk shall record the notice in the journal. The Secretary shall keep possession of the bill until the time for reconsideration has expired or the bill has been reconsidered.

**SR-32.04. No Motion to Reconsider within Three Days of Adjournment Sine Die.**

No motion to reconsider is in order after the 42nd day of the annual general session of the Legislature.

### **33. PRIVILEGE**

**SR-33.01. Admittance to Senate Chamber.**

(1) Only legislators, legislative officers and employees, professional staff, former legislators who are not registered as lobbyists, and persons invited by Senators are allowed in the Senate chamber, halls, and lounge. This privilege may not be extended to anyone, other than a legislator, if the person uses the privilege to influence legislative decisions.

(2) All visitors shall be accompanied by a Senator in the chamber, lounge, or hallways. After the visit, the guest must leave the chamber, lounge, or hallway. The Senator is responsible for his guest.

**SR-33.02. Senators' Chairs Not to be Occupied by Others.**

When the Senate is in session, no one other than the President or a Senator may use the desks or chairs of the President or any Senator.

**SR-33.03. Lobbying.**

Lobbying is not permitted in the Senate chamber.

**SR-33.04. Sergeant-at-Arms to Enforce Legislative Rules.**

The Sergeant-at-Arms and the employees under his direction shall enforce the Legislative Rules.

**SR-33.05. Recognition of Visiting Groups and Individuals.**

Visiting groups and individuals may be recognized by the President or introduced by any Senator requesting personal privilege for that purpose.

**SR-33.06. News Media.**

News media representatives, with Senate press credentials, shall be admitted to the Senate chamber, halls, lounge, and committee rooms. With permission, the news media may conduct and record interviews in the Senate lounge. They may also film and record interviews in the halls or available committee rooms. The news media shall also comply with other provisions in SR-33.01 to SR-33.05.

## **34. RULES**

### **SR-34.01. Adoption, Amendment, and Suspension of Senate Rules.**

(1) These Senate rules shall be initially adopted at the beginning of each legislative session by a constitutional two-thirds vote.

(2) Except as provided in this subsection, after the initial adoption of these 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 the lifting of a tabled bill from committee; and
- (b) rules governing voting as in SR-30.06.

### **SR-34.02. Legislative Rules Governed by the Constitution or Statute.**

If the suspension of any Legislative Rule is governed by the Utah Constitution or its statutes, that rule may be suspended only as provided therein.

### **SR-34.03. Mason's Manual of Legislative Procedure; Reference.**

In addition to 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.

## **35. EXECUTIVE SESSIONS**

### **SR-35.01. Executive Sessions; Process.**

When a motion for executive session is adopted, the Senate chamber doors shall be closed. The President may require all persons, except the Senators, Secretary, Reading Clerk, Docket Clerk, and Sergeant-at-Arms to leave. During the discussion, everyone present shall remain within the chamber. Everyone present shall keep all matters discussed in executive session confidential.

### **SR-35.02. Executive Nominations Session.**

When executive nominations are sent by the Governor to the Senate for confirmation, they shall be read by the Secretary and referred without motion to the appropriate Senate Confirmation Committee. The final question on each nomination will be: "Will the Senate advise and consent to this nomination?" The final question may not be asked of the Senate on the day the nomination is reported from the committee, unless by unanimous consent. While any nomination remains with the Senate it is in order to reconsider the vote.

### **SR-35.03. Executive Committee Meetings.**

A legislative committee may hold a closed executive committee meeting only if the requirements of Utah Code Ann. Sections 52-4-4 and 52-4-5 (1953) of the Open and Public Meetings Act are satisfied.

## **36. CONSTITUTIONAL PROVISIONS AFFECTING THE SENATE**

### **SR-36.02. Impeachment by Senate.**

All trials for impeachment shall be conducted by the Senate. When sitting for that purpose, each Senator shall take an oath or make an affirmation to do justice according to the law and the evidence. When the Governor is on trial, the Chief Justice of the Supreme Court presides. No person may be convicted without the concurrence of two-thirds of the Senators elected. Utah Constitution Article VI, Section 18.

### **SR-36.03. Officers Subject to Impeachment; Judgment; Prosecution by Law.**

The Governor, other state and judicial officers, except justices of the peace, are subject to impeachment for high crimes, misdemeanors, or malfeasance in office. Judgment in impeachment cases only extends to removal from office and disqualification to hold any office of honor, trust, or profit in the state. The person tried, whether convicted or acquitted, is subject to prosecution, trial, and punishment according to law. Utah Constitution Article VI, Section 19.

### **SR-36.04. Service of Articles of Impeachment.**

No person may be tried for impeachment unless he has been served with a copy of the articles of impeachment at least ten days before his trial. After a person has been served, he may not exercise the duties of his office until he has been acquitted. Utah Constitution Article VI, Sec. 20.

### **SR-36.05. Removal of Officers.**

All officers who are not subject to impeachment shall be removed from office for any of the offenses specified in Utah Constitution Article VI, in the manner provided by law. Utah Constitution Article VI, Section 21.

### **SR-36.06. Judicial Power of Senate.**

The Senate is vested with the judicial power of the state when it sits as a court of impeachment. Utah Constitution Article VIII, Section 1.

### **SR-36.07. Senate Confirmation of Gubernatorial Nominees.**

The Governor shall nominate and, with the consent of the Senate, shall appoint all state and district offices whose offices are established by the Utah Constitution or whose appointment has been created by law, and whose appointment or election is not otherwise provided for.

## **37. IMPEACHMENT**

### **SR-37.24. 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.

### **38. LOBBYIST ETHICS AND ENFORCEMENT**

#### **SR-38.01. 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 his 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 his 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(9)(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(8).

(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(8).

#### **SR-38.02. 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 him or the agency or body of which he 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 sexually harassing behavior or behavior violative of the Utah Legislature's sexual harassment policy towards legislators or employees of the Legislature;

(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.

**SR-38.03. 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 SR-38.02, two Senators from one party and one Senator from another party 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 SR-38.02 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 Title 63, 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 whose 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 Title 63, 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 whose disclosure is not in the public interest.

**SR-38.04. 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 three 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.

**SR-38.05. 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 Title 52, Chapter 4, Open and Public Meetings, 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

## 20. ORGANIZATION AND OFFICERS

### **HR-20.01. Calling the House to Order.**

(1) Except as provided in Subsection (2), on the first day of each annual general session of the Legislature during odd-numbered years, the person whose term as Speaker of the House is expiring shall call the House to order and preside until the Representatives have taken the oath of office and elected a new Speaker.

(2) If the Speaker-elect was Speaker during the previous Legislature or if the former Speaker is unavailable, 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.

### **HR-20.02. Election of Speaker.**

The House shall elect a Speaker who shall preside during the session and be responsible for the general direction of the House.

### **HR-20.03. Speaker May Call a Representative to Chair.**

The Speaker shall name a Representative to act as Speaker Pro Tempore during the absence of the Speaker and the Speaker Pro Tempore has all the powers of the Speaker while conducting. However, the Speaker has the right to name any other Representative to perform the duties of the chair for a period not to exceed one legislative day. In the event of an interim vacancy in the office of the Speaker, through death, resignation, or disability of the Speaker, the Speaker Pro Tempore shall conduct the necessary business of the House only until such time as an election can be held in the House to fill the vacancy.

### **HR-20.04. Temporary Presiding Officer in Speaker's Absence.**

If the Speaker and the Speaker Pro Tempore are absent at the time the session is scheduled to convene, 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.

### **HR-20.05. Duties of the Speaker.**

The general duties of the Speaker are to:

- (1) assign responsibilities to and supervise the officers and employees of the House;
- (2) assign places and determine access for news media representatives;
- (3) call the House to order at the time scheduled for convening, and proceed with the daily order of business;
- (4) announce the business before the House in the order it is to be acted upon;
- (5) receive and submit in the proper manner all motions and proposals presented by Representatives;
- (6) put to a vote all questions which arise in the course of proceedings, and announce the results of the vote;



- (7) enforce the rules of order during debates;
- (8) enforce observance of order and decorum;
- (9) inform the House on any point of order or practice;
- (10) receive and announce to the House any official messages and communications;
- (11) sign all acts, orders, and proceedings of the House;
- (12) appoint the members of committees;
- (13) represent the House, declaring its will and obeying its commands; and
- (14) sign or authorize a designee to sign all requisitions on the Division of Finance to pay House expenses. The Speaker shall give final approval of all expenditure requests as authorized by the majority and minority leaders of the House. These include per diem compensation and travel expenses and in-state and out-of-state travel on legislative business.

#### **HR-20.06. Duties of the Chief Clerk.**

A Chief Clerk of the House shall be appointed by the Speaker or Speaker-elect before each session is convened. The general duties of the Chief Clerk are to:

- (1) certify and transmit all bills to the Senate and inform the Senate of all House action;
- (2) assist the Journal Clerk in preparation of the House Journal and certify it as an accurate reflection of House action;
- (3) correct the spelling of words, erroneous division and hyphenation of words, correct mistakes in numbering sections and their references, capitalize or decapitalize words, change numbers from words to figures or from figures to words, and underscore or remove underscoring in bills without a motion to amend, which technical corrections may be made either before or following final passage of a bill;
- (4) modify the long title of any bill or resolution to ensure that the long title accurately reflects any changes to the bill or resolution made by amendment or substitute;
- (5) (a) supervise all House of Representatives personnel during the session and assign them duties and responsibilities, including keeping a record of the attendance of all employees; and
  - (b) provide that any in-session employee who is absent may not be paid for the day or days of absence;
- (6) be the custodian of all official documents;
- (7) receive from the Office of Legislative Research and General Counsel all numbered bills and resolutions;
- (8) record the number, title, sponsor, each action, and final disposition of every bill on the bill backs;
- (9) prepare and distribute the daily order of business each day;
- (10) advise the Speaker on parliamentary procedure, constitutional requirements, and Joint and House Rules;
- (11) assist with amendments to bills;
- (12) record votes and present the results to the Speaker;
- (13) transmit to the Governor all enrolled House bills; and
- (14) approve material for placement on the Representatives' desks if a House member has authorized that distribution.

**HR-20.07. Duties of the Sergeant-at-Arms.**

- (1) A Sergeant-at-Arms shall be appointed by the Speaker or the Speaker-elect prior to the convening of each session.
- (2) The Sergeant-at-Arms shall:
  - (a) maintain security;
  - (b) enforce the House Rules at the direction of the presiding officer or the body; and
  - (c) provide other service as requested by the Chief Clerk or the Speaker.

**HR-20.08. Substitution of Sponsor; Withdrawal of Cosponsor.**

(1) The Representative sponsor of a bill can withdraw that sponsorship if another Representative agrees to sponsor the bill and this substitution of sponsorship is submitted to the Chief Clerk in writing prior to final passage of the bill in the House. This substitution of sponsorship can be without permission from the House.

(2) A Representative cosponsor of a bill may withdraw that cosponsorship without permission from the House and without a substitute cosponsor prior to final passage of the bill in the House.

## **21. ATTENDANCE**

**HR-21.01. Representatives Shall be Present.**

Every member of the House shall be present within the House chamber during a session of the House, unless excused or unavoidably absent.

**HR-21.02. Absent Representatives.**

If a quorum of Representatives is not present at the time the House is scheduled to convene, the Sergeant-at-Arms shall find the absent Representatives to make a quorum for the transaction of business, and escort them to the chamber.

## **22. DECORUM**

**HR-22.01. Speaker to Maintain Order; Appeal Process.**

The Speaker shall maintain order and decorum. He may speak to points of order in preference to other Representatives rising for that purpose. The Speaker's decision on questions of order is subject to an appeal to the House by any Representative. No Representative may speak more than once on the appeal, without leave of the House. The question on appeal is: "Shall the decision of the chair stand as the judgment of the House?" When a decision of the Speaker is appealed by a Representative, a majority vote of the Representatives present is required to override that decision. The question and the action of the House on the appeal shall be entered on the journal.

**HR-22.02. Disorderly Conduct in House.**

The Speaker may order the House areas or gallery cleared if a disturbance occurs.

**HR-22.03. Smoking Not Permitted.**

As provided in the Utah Indoor Clean Air Act, a person may not smoke in the State Capitol Building. The Sergeant-at-Arms shall enforce this rule in the House controlled areas.

**HR-22.04. Obtaining the Floor.**

When a Representative wishes to be recognized to speak, the Representative shall:

- (1) notify the Speaker by electronic means; or
- (2) rise and address the Speaker as "Mr. (Madam) Speaker," if the electronic notification system is not operational.

After being recognized, the Representative shall confine his remarks to the issue under consideration.

**HR-22.05. Calling a Representative to Order for Violation of a Rule.**

A Representative violating any House or Joint Rule can be called to order by the Speaker or by any Representative. If the Representative appeals the ruling, the House shall decide the issue without debate. If the decision is favorable to the Representative who has been called to order, the Representative may proceed. If the decision is unfavorable, the Representative is subject to censure by the House.

**HR-22.06. Calling a Representative to Order for Conduct in Debate.**

A Representative may not be called to order under HR-28.06 or censured for words spoken in debate if there has been intervening business.

**HR-22.07. Impugning Motives of a Representative.**

No Representative shall impugn the motives of any other Representative either on the floor of the House or in committee.

**HR-22.08. Speaker to Decide Who is Entitled to Floor.**

If two or more Representatives rise at the same time to speak, the Speaker shall decide which Representative is to speak first.

**HR-22.09. Representatives Not to Leave Chamber.**

When the Speaker is presenting a question, no Representative may leave the House chamber. When a Representative is speaking, no person may walk between the Representative and the Speaker or the designee of the Speaker.

**HR-22.10. Voting.**

No person shall disturb or remain by the desks of the Chief Clerk of the House, Docket Clerk, Reading Clerk, Journal Clerk, Voting Machine Operator, or Public Address System Operator while an electronic or roll call vote is being taken.

## **23. ORDER OF BUSINESS**

### **HR-23.01. Hour of Meeting.**

The House shall meet at 10:00 a.m. daily except Saturdays and Sundays, unless otherwise announced by the Speaker.

### **HR-23.02. Roll Call; Quorum.**

A roll call of Representatives shall be taken at the beginning of session each day and the names of those present and absent recorded in the journal. A majority of Representatives must be present for a quorum before beginning House business. Less than a majority may convene each day. Less than a majority may compel the attendance of absent members.

### **HR-23.03. Daily Order of Business.**

The daily order of business is:

- (1) call to order by Speaker;
- (2) roll call;
- (3) prayer and Pledge of Allegiance;
- (4) announcement of excused absences;
- (5) communications from the Governor;
- (6) communications from the Senate;
- (7) reports of standing committees:
  - (a) reports of House Rules Committee;
  - (b) committees reporting out bills;
- (8) reports of special committees;
- (9) announcements of committee meetings;
- (10) introduction of bills and resolutions given to the Chief Clerk at least one hour before the beginning of the session for inclusion in that day's agenda;
- (11) unfinished business;
- (12) consideration of bills on consent calendar;
- (13) consideration of bills on third reading calendar; and
- (14) miscellaneous business.

### **HR-23.04. Messages and Reports Received at any Time.**

Messages from the Governor, the Senate, other state officers, and the House Rules (Sifting) Committee may be received at any time, except when the Speaker is presenting a question, or when a vote is being taken.

### **HR-23.05. Action out of Regular Order.**

The House may at any time, with the approval of a constitutional majority of all Representatives, proceed out of order to any business.

**HR-23.06. Priority of Business.**

All questions of priority of House business shall be decided by the chair without debate.

**HR-23.07. Unfinished Business.**

Unfinished business at the time of recess or adjournment has priority on the daily order of business on the following legislative day.

**HR-23.08. Final Certification of the Journal.**

The Chief Clerk of the House and the Journal Clerk are responsible for the final certification of the House Journal.

**HR-23.09. Commendation; Condolence Citations.**

To express the commendation or condolence of the Legislature or the House of Representatives, legislators shall use the legislative citation form exclusively.

**HR-23.10. Types of Citations; Use of Citations.**

- (1) There are two types of legislative citations:
  - (a) by individual; and
  - (b) by one or both houses of the Legislature.
- (2) With the approval of the presiding officer, an individual legislator may request the Chief Clerk of the House to prepare a commendation or condolence citation for the Representative's own signature. This citation is done without any floor action.
- (3) During a session of the Legislature, a legislator may request the Chief Clerk of the House to prepare a commendation or condolence citation for the Representative sponsor's signature, which citation shall also be presented to the House, by motion, to authorize the Speaker of the House to sign on behalf of the House of Representatives; or to one house and then the other for the approval of both the Senate and the House. This motion is in order as an item of personal privilege.
- (4) When the Legislature is not in session, a legislator may request a commendation or condolence citation for the sponsor's and the Speaker's signature, or the sponsor's, the Speaker's, and the President's signature.

**HR-23.11. Standing Committee Review of Fiscal Impact Bills.**

Except as provided in House Rule 23.13, all bills shall be reviewed by a standing committee open to the public in one or both houses before being held in the opposite house because of fiscal impact.

**HR-23.13. Standing Committee Review.**

- (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) any resolution regarding legislative rules or legislative personnel;

- (b) bills that have been approved by an interim committee;
- (c) the revisor's statute; or
- (d) the appropriations act, the supplemental appropriations acts, the school finance act, the executive compensation act, and any bonding act that has been reviewed and approved by the Executive Appropriations Committee.

## 24. COMMITTEES

### **HR-24.01. House Rules Committee.**

- (1) All legislation introduced shall be submitted to the House Rules Committee.
- (2) (a) The House Rules Committee has all the powers, functions, and duties of a standing committee when it:
  - (i) prepares the House Rules and Joint Rules and presents them to the House before adjournment on the second day of each annual general session; or
  - (ii) reviews all House Rules or Joint Rules resolutions.
- (b) Any rules resolutions reviewed and approved by the House Rules Committee may be reported directly to the House for its approval, amendment, or disapproval.
- (c) Notwithstanding Subsection (6), when meeting as a standing committee under this Subsection (2), persons other than committee members may make comments and recommendations at the discretion of the chair.
- (3) For all legislation not specified in Subsection (2) that is referred to the House Rules Committee, the committee shall:
  - (a) examine each piece of legislation for proper form, including fiscal note, legislative committee note, and mixed committee note, if any, and, when in proper form either:
    - (i) refer the 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.
- (b) Notwithstanding Subsection (3)(a), in extraordinary circumstances, the House Rules Committee may refer a piece of legislation without a fiscal note to the House of Representatives with a recommendation that the legislation be:
  - (i) referred to a standing committee for consideration; or
  - (ii) read the second time and placed on the third reading calendar.
- (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 (3)(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.

(4) In carrying out its functions and responsibilities under Subsection (3), the House Rules Committee may not:

(a) table a bill without the written consent of the sponsor;

(b) report out any bill that has been tabled by a standing committee;

(c) amend a bill without the written consent of the sponsor;

(d) substitute a bill without the written consent of the sponsor; or

(e) sponsor a bill, except for the revisor's bill.

(5) When this committee is carrying out the functions and responsibilities of Subsection (3), this 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 bills in its possession for assignment to committee; and

(d) prepare minutes that include a record, by individual legislator, of votes taken.

(6) Anyone may attend a meeting of the rules committee, but comments and discussion are limited to members of the committee.

#### **HR-24.02. House Rules Committee to Establish Calendar.**

Upon motion from the floor, the House Rules Committee shall prioritize every bill for floor action and review and update this priority as necessary for the calendar.

#### **HR-24.03. Legislation Scheduled for Time Certain Has Priority in Committee.**

The House Rules Committee may recommend a time certain for floor consideration of any bill when it is reported out of the House Rules Committee, or any time thereafter. A bill scheduled for a time certain has priority status in the standing committee to which it is assigned.

#### **HR-24.05. Standing Committees.**

(1) The Speaker shall appoint the following standing committees:

(a) Business and Labor;

(b) Education;

(c) Government Operations;

(d) Health and Human Services;

(e) House Rules (Sifting);

(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 Section 63E-1-201 who are appointed from the House of Representatives are a standing committee.

**HR-24.06. Committee Chairman.**

The first member named on a committee shall be the chairman. The second member named shall be the vice-chairman.

**HR-24.07. Notice of Committee Meeting.**

With the exception of the House Rules Committee functioning as provided in HR-24.01 Subsection (2), and any conference committee, the chair may call committee meetings after giving not less than 24 hours public notice as required under Title 52, Chapter 4, Open and Public Meetings. Staff shall post the time, room number, and agenda of all committee meetings in areas open to the public.

**HR-24.08. Agenda to include Tabled Bills.**

Standing committee agendas shall list the bill number, title, and sponsor of any bill tabled at the previous meeting. As provided in HR-24.12, this tabled bill may be lifted from the table at the meeting following the one at which it was tabled.

**HR-24.09. Committees Not to Meet While House is in Session.**

No committee may meet while the House is in session without the permission of the Speaker or a majority approval of the House members present.

**HR-24.10. Special Committees.**

Special committees, including task forces, may be formed by motion or resolution, and shall be appointed by the Speaker.

**HR-24.11. Committee Attendance; Quorum.**

(1) A majority of any committee or subcommittee constitutes a quorum for the transaction of business.

(2) The Speaker, Majority Leader, Majority Whip, Assistant Majority Whip, House Rules Committee Chair, House Appropriations Committee Chair, Minority Leader, Minority Whip, and Assistant Minority Whip, and the fourth member of leadership from the minority party are not counted in determining a quorum, except for meetings the legislator actually attends.

**HR-24.12. Committee Responsibilities.**



(1) Each committee shall send a report to the House on each bill referred to it. With a majority vote, the committee may transmit bills with a favorable recommendation. Bills may be amended, held, tabled, returned to the House Rules Committee, or substituted in committee. Unless the bill is tabled, held, or returned to the House Rules Committee, the committee shall make a favorable recommendation on the matter to the House. Any bill tabled in committee shall be held until the next meeting, at which time it can be lifted from the table by a two-thirds vote of the committee. Any bill tabled in committee and not lifted at its next committee meeting shall be sent to the House Rules Committee for filing. When a motion to lift a tabled bill is made, the proponents shall be given five minutes to address the motion, the opponents shall be given five minutes to address the motion, and the proponents shall be given one minute to sum up. If a tabled bill is lifted at the next committee meeting, no further action may be taken at that time. However, if the bill is scheduled for a subsequent meeting, it may receive other committee action, including being reported out favorably. A tabled bill can be lifted from the House Rules Committee by a constitutional two-thirds vote of the House of Representatives. If a bill is tabled in a standing committee meeting and a Representative desires to lift the tabled bill from that committee prior to the committee's next meeting, the Representative may do so only with the approving vote of two-thirds of all elected Representatives.

(2) The committee may prepare a bill addressing the same subject matter to be introduced under committee sponsorship. The chief sponsor or sponsors of a bill may request in writing that committee members sponsor the measure. Upon agreement by the committee, the individual sponsor may relinquish individual sponsorship of the bill. A majority vote of the committee is required to amend, substitute, table, recommend, hold, or sponsor a bill.

(3) Except as specifically provided in this rule regarding the House Rules Committee, HR-24.01 governs the actions that may be appropriately taken by the House Rules Committee.

(4) A secretary shall record attendance and take minutes of committee action. The records shall be filed for three years in the office of the Chief Clerk of the House.

(5) 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 person's or all persons' testimony be taken under oath.

(6) If in accordance with HR-24.01 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.

#### **HR-24.14. Public Hearing.**

(1) A public hearing may be held in addition to, or instead of, a regular committee meeting. A public hearing may be held on the subject matter in one or more bills, resolutions, or proposals. The chair shall give the notice in accordance with Title 52, Chapter 4, Open and Public Meetings law. The notice shall include the bills or resolutions to be considered. The chair may, subject to the approval of the committee, adopt procedures for the orderly conduct of the hearing, including limitation on time for the hearing and for individual speakers, and the order in which speakers will be heard. By motion the committee may adjourn the public hearing

and begin a regular committee meeting.

(2) When public hearings are being held, the committee may request testimony by persons who have expertise on the bills under discussion. At the direction of the chair, or upon a majority vote of the committee, the testimony may be taken under oath. The oath shall be administered by the committee chair, cochair, or committee staff. All public comment and testimony shall be received during the public comment phase of the committee meeting. Upon motion, the public comment phase of the committee meeting shall terminate. The public may not again participate except upon motion to take additional public comment.

**HR-24.15. Sponsor of Bill to be Notified.**

The chairman of each committee shall notify the sponsor of any bill pending before the committee of the time and place it will be considered. Before any committee acts on a bill which has been referred to it for consideration, it shall invite the chief sponsor or sponsors to explain the bill.

**HR-24.16. Voting -- Chair to Verbally Announce the Vote -- Dissenting Members to be Reported.**

(1) 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."

(2) (a) Members dissenting from a committee report may be listed by name on the committee report as dissenting.

(b) If any member of the committee desires to be listed on the committee report as dissenting, that committee member shall advise the committee during the meeting in which the committee report was adopted.

(c) If any member of the committee states the member's intent to be listed on the committee report as dissenting, staff for that committee shall prepare the committee report with any dissenting committee member listed separately by name.

**HR-24.17. Chairman to Preserve Order; Appeal.**

The committee chairman shall decide points of order. On motion and approval by a majority vote of the committee members present, the committee may override the chairman's decision on any point of order. The motion and action shall be entered in the committee minutes.

**HR-24.18. Committee Report to Include Signature of Chairman.**

All reports of bills and resolutions from a standing committee shall be signed by the chairman of the committee or a member authorized by the chairman.

**HR-24.19. Committee Reports.**

(1) All business referred to a committee shall be considered in the order determined by the committee chair.

(2) When a bill is acted upon by a committee, the bill and a committee report detailing committee action shall be submitted to the Chief Clerk of the House no later than the next legislative day.

(3) (a) If a bill is tabled, the House shall be notified.

(b) This notification requires no House action, because the bill will be automatically sent to the House Rules Committee.

**HR-24.20. Disorderly Conduct in Committee Meeting.**

The chairman may order the committee room cleared of visitors if there is disorderly conduct.

**HR-24.21. Obtaining the Floor in Committee.**

The chairman shall recognize any member wishing to speak to the subject under consideration. The member's remarks shall be germane.

**HR-24.22. Visitors.**

Visitors to a committee meeting or hearing may not sit in legislators' chairs. The number of people in a committee meeting may not exceed the maximum posted by the State Fire Marshal. The chairman shall maintain that limit.

During committee meetings, visitors may not speak unless called upon by the chairman. Restrictions on time may be announced.

**HR-24.23. Committee Order of Business.**

Unless the chairman or majority of the committee determines otherwise, the order of business is:

- (1) call to order by the chairman;
- (2) approval of minutes of previous meeting;
- (3) announcement of agenda;
- (4) announcement of time restrictions;
- (5) communications; and
- (6) consideration of committee business.

**HR-24.24. Motions.**

House Rules regarding motions govern committee meetings and hearings with the following exceptions:

- (1) A motion to strike the enacting clause is never in order.
- (2) A motion to circle is never in order. A bill may, however, be held in committee within the time limit imposed by HR-24.19.

**HR-24.25. Motion to End Debate.**

A motion to end debate in committee shall be adopted by a two-thirds vote of the committee members present.

**HR-24.26. Votes.**

Each committee member present shall vote on every question and the vote shall be recorded in the minutes.

**HR-24.27. Reconsideration of Action.**

(1) Except as provided in Subsection (2), a 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 committee may not reconsider a bill more than once.

**HR-24.28. Committee of the Whole.**

On majority vote of those present, the House may resolve itself into a committee of the whole.

**HR-24.29. Procedure in Committee of the Whole.**

The Speaker will be chairman and preside over the committee of the whole. House Rules apply, except:

- (1) no Representative may speak more than twice on the same subject;
- (2) roll call votes may not be taken; and
- (3) no appeal may be taken from a decision of the chair.

**HR-24.30. Motion to Dissolve Committee of the Whole.**

A motion to dissolve a committee of the whole is always in order and shall be decided without debate.

**HR-24.33. Scheduling Guest Speakers.**

Any guest speaker must be scheduled for a time certain by the House Rules Committee prior to being heard on the floor of the House. A guest speaker does not include a person who is called to address the House on a particular bill or issue under consideration by the House, nor does it include a legislator's introduction or acknowledgment of a visitor or special guest who does not address the House.

## **25. THE CALENDAR AND PASSAGE OF BILLS**

**HR-25.01. Calendaring Interim Committee Bills.**

An interim committee bill which has been approved by a majority vote of the interim committee members, shall be read for the first time and referred to the House Rules Committee for calendaring. The House Rules Committee may refer the bill to the calendar without standing committee review, or it may recommend that the bill be referred to a standing committee. If the House Rules Committee calendars the bill without standing committee review, the sponsor or any other Representative may move that the bill be reviewed by a standing committee prior to a bill's consideration on the floor. If this motion is approved by a majority of the Representatives

present, the bill shall be referred to a standing committee for consideration.

**HR-25.03. Consideration of Bills.**

(1) Except for the 43rd, 44th, and 45th day of the session, a bill may not be read the third time until the day after it is placed on the third reading calendar.

(2) Bills on third reading calendar shall be considered in the order they appear on the calendar unless a constitutional majority vote of the members of the House directs other action.

(3) The Chief Clerk shall maintain the calendar properly listing the bills.

**HR-25.04. Special Order of Business.**

A bill may become a special order of business on the time certain calendar by recommendation from the House Rules Committee or with the approval of a majority of the members present. At the time set for consideration, the Speaker shall place the bill before the House.

**HR-25.05. Second Reading Calendar.**

(1) The Chief Clerk of the House or his designee shall read the committee report to the House and this constitutes the second reading of any bill referred to in the report. Each bill listed shall be read by title, unless the House suspends this requirement by a two-thirds vote. (cf. HR-27.16)

(2) The Reading Clerk shall read the committee report.

(3) A motion to adopt a "favorable" committee report places the bill before the House with all committee amendments. If a motion to adopt a "favorable" committee report does not receive a majority vote, the bill shall be returned to the House Rules Committee.

(4) A majority vote of the members present is required to pass the bill on the second reading calendar.

(5) Any listing of dissenting members on a committee report is not to be read by the Reading Clerk or entered as part of the report in the journal.

**HR-25.08. Third Reading Calendar.**

(1) (a) For its third reading, each bill listed shall be read by title, unless by two-thirds vote the House members suspend this requirement. (Utah Constitution Article VI, Section 22; cf. HR-27.16)

(b) The bill shall then be considered.

(2) (a) On each bill, after reading the title, the reading clerk shall announce which House standing committee reviewed the bill and the vote in that committee.

(b) If a bill has not received a House standing committee review, the reading clerk shall announce that the bill received no House standing committee review.

(3) (a) The final question is: "This bill (resolution) has been read three times; the question is: Shall the bill (resolution) pass?"

(b) The final vote shall then be taken.

**HR-25.09. Third Reading of Money Bills.**

A majority of the House may direct the reading of the long title of all bills appropriating money.

**HR-25.10. Amendments to House Bills.**

All pages with amendments by the House shall be reprinted on lilac paper.

**HR-25.11. Re-referring Bills to Committee.**

A bill that has been referred to a standing committee may be re-referred as follows:

- (1) by the presiding officer;
- (2) upon motion from the floor; and
- (3) if a bill has been reported back by the committee to which it was assigned with the recommendation that it be re-referred to the House Rules Committee.

**HR-25.12. Action on Senate Bill.**

(1) When a Senate bill is received by the House with a transmittal letter informing the House that it has passed the Senate, the bill shall be read the first time and referred by the Speaker to the House Rules Committee. Action on Senate bills is the same as for House bills.

(2) If a Senate bill is identical to a House bill, the House Rules Committee shall identify the bills and direct that the bill which was first requested from the Office of Legislative Research and General Counsel shall be adopted at the direction of the House Rules Committee. Any substitution shall be noted in the journal.

**HR-25.13. Time Limit for House Bills.**

No House bill, except the appropriations bills may be considered after the 42nd day of the annual general session of the Legislature. The House may suspend this rule only by a constitutional two-thirds vote of all its members.

**HR-25.14. Consent Calendar.**

(1) Standing committees may report a bill to the House with the recommendation that it be placed on the consent calendar if:

- (a) the sponsor has requested it;
- (b) the committee has passed the bill out favorably by an 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 bill be placed on the consent calendar.

(2) Upon adoption of the committee report by the House, the Chief Clerk of the House shall place the bill on the consent calendar.

(3) (a) Each day, the Speaker shall call the attention of the members of the House to the bills on the consent calendar and inform them that if they have any objections to any of these bills, they should register them with the Chief Clerk.

(b) If objections are registered by six or more members of the House, the bill shall be removed from the consent calendar, and placed on the bottom of the third reading calendar.

(c) No debate is in order on a bill on consent calendar.

(4) If after three days during which the House has floor time, no more than five members have registered objections to the bill with the Chief Clerk:

- (a) the bill shall be read the third time (cf. HR-27.16);
- (b) the sponsor of the bill may take two minutes to introduce and explain the bill; and
- (c) the bill shall be placed before the House, and considered for final passage.

#### **HR-25.15. Concurrence Calendar.**

(1) (a) After the transmittal letter from the Senate informing the House that the Senate has amended a House bill is read, the bill shall be placed on the concurrence calendar.

(b) During the first 43 days of the annual general session, the bill shall remain on the concurrence calendar for at least one legislative day before the House may consider the question of concurrence.

(c) During the last two days of the annual general session, and during any special sessions, the bill may be considered for concurrence after giving House members reasonable time to review the Senate amendments.

(2) When presented to the House, the question shall be: "This bill (resolution) has been read three times; the question is: Shall the House concur in the Senate amendments?"

## **26. CONFLICT OF INTEREST**

#### **HR-26.01. Declaration of Conflict of Interest Form.**

The filing of the Declaration of Conflict of Interest form with the Chief Clerk of the House each year and whenever the legislator changes employment satisfies the requirement of disclosing a legislator's conflict of interest.

#### **HR-26.02. Verbal Disclosure of Conflict of Interest in House Floor Debate.**

(1) (a) Before speaking on the floor of the House on any legislation or legislative matter in which a House member reasonably believes that he may have a conflict of interest, the House member should orally disclose to the House that he may have a conflict of interest and what that conflict is.

(b) The declaration of the conflict of interest shall be noted in the House Journal.

(2) Nothing in this House rule requires a House member with a conflict of interest on legislation or a legislative matter pending before the House to orally disclose that conflict of interest if the House member does not speak on the legislation or legislative matter and the conflict has been disclosed on the legislator's conflict of interest form.

## **27. MOTIONS**

#### **HR-27.01. Motion to Be Stated Before Debate.**

(1) No Representative may speak to a matter and reserve the right to make a motion after those comments unless he receives permission to do so by the Speaker. The Representative shall

confine his remarks to the subject of the motion to be made. The only motions which can be reserved in this way are:

- (a) a motion to amend; and
- (b) a substitute motion.

(2) When a motion is made orally, it shall be stated by the Speaker; if the motion is made in writing, it shall be given to the Chief Clerk and distributed to the members.

**HR-27.02. Withdrawing a Motion.**

A motion may be withdrawn by the maker of the motion at any time prior to the vote on the motion.

**HR-27.03. No Second Required of Motions.**

No second is required to any motion during any House floor consideration or in a House committee.

**HR-27.04. Motion in Order During Debate.**

When a question is under debate, no motion may be received except:

- (1) to determine the time to which to adjourn;
- (2) to adjourn;
- (3) to recess;
- (4) to call the House;
- (5) to move the previous question;
- (6) to refer to a committee (commit or recommit);
- (7) to limit debate;
- (8) to postpone to a time certain;
- (9) to circle;
- (10) to strike the enacting clause; or
- (11) to amend.

Questions of privilege, order, and an appeal are also in order during debate.

These several motions have the priority listed in this rule.

If an amendment to a bill has been proposed and is under consideration by the body, any motion for the previous question shall only be directed toward the amendment. If no amendment or substitution to a bill has been proposed to the house, a motion to move the previous question shall be to the bill itself.

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.

**HR-27.05. 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 Representative has the floor.



(2) If a motion for adjournment has been made, no substitute motion for adjournment is in order. However, a motion for adjournment may be amended with the approval of the sponsor of the original motion.

**HR-27.07. Motion to Circle.**

- (1) A motion to circle any bill temporarily holds the bill in place on the calendar.
- (2) (a) A motion to circle preserves all amendments 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 bill; and
  - (b) any amendments that were being discussed at the time the bill was circled are extinguished and a new motion to amend must be made in order to revive them.

**HR-27.08. Motion to Postpone.**

If a motion to postpone to a day certain or indefinitely or to refer a matter to committee is defeated, such motion may not be renewed on the same day, or during the same reading of a bill.

**HR-27.09. Motion to Strike Enacting Clause.**

A motion to strike the enacting clause of a bill has precedence over a motion to amend. If carried, this motion defeats the bill.

**HR-27.10. Filling Blanks.**

When a blank is to be filled on a bill with a sum or a time, those motions proposing the least sum and the shortest time are given precedence.

**HR-27.11. Amendment Must be Germane.**

Any amendment must be germane to the original bill or resolution under consideration and may not be offered if it is opposite to the motion or amendment it replaces.

**HR-27.12. Motion to Refer to Committee, Postpone, or Circle.**

A motion to refer to committee, to postpone to a time certain, or to circle precludes consideration of all amendments and debate on the main question.

**HR-27.13. Nondebatable Motions.**

A motion to adjourn or recess, shall be decided without debate. A motion for previous question or to extend the time for debate are also nondebatable motions. All questions of order arising from one of the above motions shall also be decided without debate.

**HR-27.14. Division of a Question.**

If a question in debate contains several points, a Representative may have the question divided. The request to divide must clearly state how the question is to be divided. A motion to strike out and insert is not subject to division. However, 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.

The Speaker or the designee of the Speaker shall determine how many divisions may be made to any question. The body may seek to overrule this decision only once.

**HR-27.15. Substitute Motions.**

A substitute motion, if adopted by vote of a majority of the members present, disposes of the original motion.

A motion for the previous question, which is a call for an end to debate and a vote on the matter under discussion, cannot be made as a substitute motion.

**HR-27.16. Constitutional Motion.**

At the beginning of each session of the House, before the reading of any bill or resolution, 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."

**HR-27.17. Motion to Lift a Bill from Committee.**

(1) Any member of the House may make a motion to lift a bill or resolution 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 bill or resolution shall be placed on the third reading calendar.

(b) During the 43, 44, and 45 day of the annual general session, and during any special session, a motion to lift a bill from committee must be approved by a vote of two-thirds of the members present.

## **28. DEBATE**

**HR-28.01. Representatives Not to Speak More Than Twice; Maximum Floor Time.**

(1) Without permission from the House, no Representative may speak more than twice on the same bill, each amendment, or substitution in any one debate on the same day and on the same reading of the bill. Representatives who have spoken once are not entitled to the floor again, except for explanation, if any Representative who has not spoken wishes to speak.

(2) No Representative may speak longer than 15 minutes at any time, unless another Representative yields his time to the Representative who has the floor.

(3) Unless extended by a majority vote:

(a) during the first 38 days of any general session floor time on any legislation may not exceed eight hours;

(b) during the last seven days of any general session, floor time on any legislation may

not exceed two hours.

**HR-28.02. Interruptions and Questions.**

No Representative shall interrupt or question another Representative in debate without the Representative's consent. To obtain such consent, the Representative shall first address the Speaker and receive the consent of the member through the Speaker.

**HR-28.03. Sponsor May Open and Close Debate.**

Notwithstanding the passage of a motion to end debate, the chief sponsor of any legislation or motion shall open and close debate.

**HR-28.04. Committee Chairman to Report Findings.**

The Speaker shall, if requested during debate on a bill, have the chairman of the standing committee to which the bill was assigned report the recommendations of the committee to the House.

**HR-28.05. Previous Question.**

The motion for the previous question, which is a call for an end to debate and a vote on the matter under discussion, must be approved by a vote of two-thirds of the Representatives present.

**HR-28.06. Breaches of the Order of the House.**

The Speaker may call a Representative to order if the Representative is speaking impertinently, superfluously, tediously, or irrelevantly. If called to order, the Representative shall sit down, unless granted permission to explain his speech.

## **29. AMENDMENTS AND SUBSTITUTIONS**

**HR-29.01. Motions in Writing.**

All amendments to bills over 15 words shall be typewritten on pink paper and distributed to the Chief Clerk, the Journal Clerk, and all Representatives before the amendment is proposed. All other motions except motions to adjourn, circle, table, or refer to committee shall be written if requested by any Representative.

**HR-29.02. Passage of Amendments by a Majority Vote.**

A constitutional amendment, resolution, or bill requiring a vote of a constitutional two-thirds of the members of the House for final passage, may be amended by a majority vote.

**HR-29.03. Amendments in Order on Third Reading.**

Amendments or substitutions are in order on the third reading of a bill.

**HR-29.04. Reporting on Committee Amendments.**

Amendments or any substitution made in committee are part of the bill upon adoption of the committee report by the House.

**HR-29.05. Amendments Referred to Committees to be Reported.**

When a bill is referred to committee with amendments or substitution pending, action on the amendments or substitution shall be reported to the House.

**HR-29.06. Order of Action.**

If a motion for an amendment or substitution is made, the House shall first consider the amendment or substitution, before turning its attention to the bill itself.

### **30. VOTING**

**HR-30.01. Representatives Required to Vote.**

All Representatives within the House chamber when a vote is being taken shall vote. Immediately preceding the roll call vote, a Representative may make a brief statement explaining any conflict of interest.

**HR-30.02. Representatives Not to Vote Unless Present.**

Representatives may not vote on a bill or motion unless present in the House chamber. If the vote is by roll call or division, a Representative entering the chamber after the question is posed, and before it is decided, may have the question stated and vote.

**HR-30.03. Roll Call on Final Passage of Bills.**

The vote on final passage of all bills is by roll call or by electronic voting. If by roll call, the names of the Representatives shall be called alphabetically, except the Speaker, who is called last. A roll call vote or electronic voting on other questions shall be taken if requested by five Representatives present. Representatives absent or not voting shall be so recorded.

**HR-30.04. Electronic Voting and Closing the Vote.**

In voting electronically, the Speaker shall announce that voting is open for the measure which is to be voted upon. The measure shall be electronically indicated as to whether it is a bill or a resolution and its number shall be given. If it cannot be electronically indicated, the Speaker will announce the measure at the time he announces the voting is open. The Speaker may fix a specific time limit for voting. The Speaker shall close the voting by announcing: "It appearing that all members present have voted, voting is closed."

**HR-30.05. Tally Sheets on Electronic Roll Call.**

When an electronic roll call vote is taken, the printed tally sheets constitute the official record of the vote.

**HR-30.06. Number of Votes Required for Passage.**

A majority vote is a majority of those present, except for passage of a bill, which requires 38 votes. All matters requiring a constitutional majority require 38 votes. All matters requiring a constitutional two-thirds require 50 votes. All motions requiring a two-thirds vote may only be suspended by that same two-thirds vote.

**HR-30.07. Voting or Changing Vote After Decision Announced.**

(1) After the vote is announced on any question no Representative may vote or change his vote, unless there is unanimous consent of the Representatives present and the result of the vote is not changed.

(2) A Representative desiring to vote or change his vote after the vote has been taken on legislation or on a motion must do so prior to the next order of business before the House.

**HR-30.08. Changing Vote Before Decision Announced.**

Any Representative may change his vote prior to the closing of voting by the chair. All Representatives must vote within the time limit fixed by the Speaker.

**HR-30.09. Putting the Question; Division.**

The Speaker shall pose questions in this form: "Those in favor (of the question) say aye." After the affirmative vote is counted, the Speaker shall say: "Those opposed, say nay." The negative vote shall be counted. If the Speaker questions the result of the count, or if a division is called for, electronic voting may be reopened or the Speaker may require those voting aye to stand and be counted first, followed by those voting nay standing and being counted.

## **31. CALL OF THE HOUSE**

**HR-31.01. Call of the House.**

Any ten Representatives may demand a call of the House to compel absent Representatives to be present in the House chamber.

**HR-31.02. Motion for Call of the House.**

When a motion is made for a call of the House, the Speaker shall say: "It requires ten Representatives to make a call of the House. Those in favor of the call stand." If a sufficient number rise, the call shall be ordered.

**HR-31.03. Leaving the Chamber.**

No Representative may leave the chamber when a call of the House is ordered. The doors of the House chamber shall be closed.

**HR-31.04. Sergeant-at-Arms to Bring Absent Representatives.**

The Speaker shall call the roll of the House and the Chief Clerk shall note the absentees. At the Speaker's direction, the Chief Clerk shall furnish the Sergeant-at-Arms with a list of those who are absent without leave. The Sergeant-at-Arms shall find the absent Representatives and

escort them to the House chamber.

**HR-31.05. House Under Call; Lifting the Call; Adjournment.**

No business may be transacted while the House is under call, except receiving and acting on the report of the Sergeant-at-Arms. No motion is in order except a motion to adjourn or a motion to suspend further proceedings under the call. These motions shall be determined by yeas and nays by a majority vote.

**HR-31.06. Lifting the Call of the House of Representatives.**

The Sergeant-at-Arms may make a report on the call at any time. If the report is accepted, the call shall be lifted, and the business pending when the call was ordered shall proceed. A motion to lift the call is by voice vote and a simple majority. If the motion is adopted, the House reconvenes. If the motion is not adopted, the Sergeant-at-Arms shall continue searching for the absent Representatives. When all Representatives are present or accounted for, the call shall be lifted without motion. The doors of the House chamber shall be opened and the House shall proceed with the order of business.

## **32. RECONSIDERATION**

**HR-32.01. Floor Reconsideration Requires Majority Vote.**

(1) A motion to reconsider a vote on the final passage of a bill requires approval by a constitutional majority of Representatives.

(2) Upon adoption of a motion to reconsider, the bill shall be placed at the top of the third reading calendar.

(3) No bill may be reconsidered by the House of Representatives more than once.

(4) This rule does not apply to a motion to reconsider made in a committee.

**HR-32.02. Motion to Reconsider.**

(1) (a) When a question has been decided on the floor of the House, any Representative voting with the prevailing side may:

- (i) move for reconsideration after intervening business; or
- (ii) give notice that the motion will be made.

(b) If a motion for reconsideration is made on the floor of the House after a bill has left the possession of the House, the Chief Clerk shall request the bill be returned to the House.

(c) A motion for reconsideration is out of order unless the motion is made:

- (i) before the House adjourns on the legislative day after the action occurred upon which the reconsideration is sought; and
- (ii) by a Representative who previously served notice.

(2) (a) When a question has been decided in a committee meeting, any Representative voting with the prevailing side may move for reconsideration after intervening business.

(b) A motion for reconsideration of a motion disposing of a bill is out of order unless the motion is made at the same committee meeting at which the action occurred upon which the

reconsideration is sought.

(3) (a) On the House floor and in committee:

(i) A motion to reconsider takes precedence over all other motions and questions, except a motion to adjourn.

(ii) A motion to reconsider is only nondebatable if the action it seeks to reconsider is nondebatable.

(iii) When a motion to reconsider is made, the proponents shall be given five minutes to address the issue, the opponents of the motion shall be given five minutes to address the issue, and the proponents shall be given one minute to sum up.

(b) A floor motion to reconsider passage of a bill shall include the number and short title of the bill.

#### **HR-32.03. Notice of Motion to Reconsider; Floor Notice.**

(1) (a) When a Representative gives notice of intention to move for reconsideration of floor action, the Journal Clerk shall record the notice in the journal.

(b) The Chief Clerk shall retain the bill until the time for reconsideration has expired or the bill has been reconsidered.

(2) (a) The Chief Clerk shall ensure that the House retains possession of a bill for at least 24 hours when:

(i) a Representative gives notice of intention to move for reconsideration to the Chief Clerk;

(ii) a Representative requests the circle to hold a bill; or

(iii) a motion is passed to retain possession of a bill.

(b) Notwithstanding the requirements of Subsection (2)(a), a bill may be released earlier than 24 hours if the House is given prior public notice of the release.

#### **HR-32.04. No Motion to Reconsider Within Three Days of Adjournment Sine Die.**

No motion to reconsider is in order after the 42nd day of the annual general session of the Legislature.

### **33. PRIVILEGE**

#### **HR-33.01. 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 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 halls" means the passageways that allow access to the House chamber, House lounge, House offices, and other areas behind and adjoining the House chamber.

(e) (i) "House offices" means the offices behind and adjacent to the House chamber and the reception areas connected to them.

(ii) "House offices" includes the rules committee conference room.

(f) (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.

(g) "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.

(h) "Intern" means a person who is an official participant in the intern program sponsored by the Utah Legislature.

(i) (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.

(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 may authorize special guests to be present in the chamber or to sit with a legislator.

(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 bill being debated by the House may invite one lobbyist with expertise on the bill 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 bill.

(D) If, during the course of debate on the bill, 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 bill 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 only stay 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 the rules committee 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.

#### **HR-33.02. Representatives' Chairs Not Be Occupied by Others.**

When the House is 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.

**HR-33.03. Lobbying.**

Lobbying is not permitted in the House chamber.

**HR-33.04. Sergeant-at-Arms to Enforce Legislative Rules.**

The Sergeant-at-Arms and the employees under his direction shall enforce the Legislative Rules.

**HR-33.05. Recognition of Visiting Groups and Individuals.**

Visiting groups and individuals may be recognized by the Speaker or introduced by any Representative requesting personal privilege for that purpose.

**HR-33.06. News Media.**

(1) (a) News media representatives with House press credentials shall be admitted to the House chamber, halls, lounge, and committee rooms.

(b) While the House is convened as a body in House chambers, news media representatives shall remain in the area designated for the news media and may not enter the floor of the House, the circle, 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) The news media shall also comply with the other provisions in HR-33.02 and HR-33.03.

(4) The Sergeant-at-Arms, under the direction of the Speaker, shall enforce the requirements of this rule.

## **34. RULES**

**HR-34.01. Adoption, Amendment, or Suspension of House Rules.**

(1) These House rules shall be initially adopted at the beginning of each legislative session by a constitutional two-thirds vote.

(2) Except as provided in this subsection and in Subsection (3), after the initial adoption of these 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 motions on the previous question;
  - (c) rules governing motions for lifting a tabled bill from committee;
  - (d) rules governing consideration of bills during the last three days of a session; and
  - (e) rules governing voting as in HR-30.06.
- (3) Any 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.

**HR-34.02. Legislative Rules Governed by the Constitution or Statute.**

If the suspension of any Legislative Rule is governed by the Utah Constitution or its statutes, that rule may be suspended only as provided therein.

**HR-34.03. Mason's Manual of Legislative Procedure; Reference.**

In addition to 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.

### **35. EXECUTIVE SESSIONS**

**HR-35.01. Executive Sessions.**

When a motion for executive session is adopted, the House chamber doors shall be closed. The Speaker may require all persons, except the Representatives, Chief Clerk, Journal Clerk, and Sergeant-at-Arms to leave. During the discussion, everyone present shall remain within the chamber. Everyone present shall keep all matters discussed in executive session confidential.

### **36. CONSTITUTIONAL PROVISION AFFECTING THE HOUSE**

**HR-36.01. Impeachment Proceedings Initiated by House.**

The House of Representatives has the sole power to initiate impeachment proceedings. In order to impeach, two-thirds of all the members elected must vote in favor of it. Utah Constitution Article VI, Section 17.

**HR-36.03. Officers Subject to Impeachment, Judgment, Prosecution by Law.**

The Governor, other state and judicial officers, except justices of the peace, are subject to impeachment for high crimes, misdemeanors, or malfeasance in office. Judgment in impeachment cases only extends to removal from office and disqualification to hold any office of honor, trust, or profit in the state. The person tried, whether convicted or acquitted, is subject to prosecution, trial, and punishment according to law. Utah Constitution Article VI, Section 19.

**HR-36.04. Service of Articles of Impeachment.**

No person may be tried for impeachment unless he has been served with a copy of the articles of impeachment at least ten days before his trial. After a person has been served, he may not exercise the duties of his office until he has been acquitted. Utah Constitution Article VI, Section 20.

**HR-36.05. Removal of Officers.**

All officers who are not subject to impeachment shall be removed from office for any of the offenses specified in Utah Constitution Article VI, in the manner provided by law. Utah Constitution Article VI, Section 21.

**37. IMPEACHMENT**

**HR-37.10. Impeachment.**

If any member submits a resolution to the House to begin impeachment proceedings, the House shall adopt, by majority vote, policies establishing procedures for, and governing the conduct of, the impeachment process.

**38. LOBBYIST ETHICS AND ENFORCEMENT**

**HR-38.01. 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 his 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 his 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(9)(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(8).
- (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(8).

**HR-38.02. Lobbyist Code of Ethics.**

A lobbyist, volunteer lobbyist, or government official may not:

- (1) attempt to influence any legislator, 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 legislator'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 him or the agency or body of which he is a member;
- (2) knowingly provide false information to any legislator, 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 bill 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 legislator'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 legislator'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 violative of the Utah Legislature's sexual harassment policy towards legislators or employees of the Legislature;

(11) offer employment to any legislator or legislative employee that impairs the legislator's or legislative employee's independence of judgement as to their official duties;

(12) offer employment that would require or induce a legislator 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 legislator or legislative employee or conspire with any person for that purpose; or

(14) induce or seek to induce any legislator or legislative employee into committing a violation of any provision of this House rule.

#### **HR-38.03. List of Lobbyists and Clients.**

On the first day of each annual general legislative session, the first day of each special session, and on February 15, the Chief Clerk of the House shall inform house members about how to obtain a current list of registered lobbyists and their clients.

#### **HR-38.04. 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 HR-38.02, three legislators 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 HR-38.02 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 Title 63, 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 whose disclosure is not in the public interest.

(b) Any complaint filed under this rule that is dismissed by the Speaker and minority leader is a protected record under Title 63, 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 whose disclosure is not in the public interest.

**HR-38.05. Enforcement; Speaker Review; Minority Leader Review.**

(1) (a) After receiving the complaint, the Speaker 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.

(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 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.

(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.

**HR-38.06. 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 Title 52, Chapter 4, Open and Public Meetings, 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 legislators 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.

#### **HR-38.07. Enforcement; Penalty.**

(1) If the committee determines by a preponderance of the evidence that the lobbyist, volunteer lobbyist, or government official has violated one or more provisions of HR-38.02, the committee may impose any sanction against the lobbyist, volunteer lobbyist, or government official that is not forbidden by the United States or 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 Capitol for a period of time; and

(b) recommending an adjudicative proceeding be filed with the lieutenant governor against the lobbyist under Title 36, Chapter 11, Part 4, Penalties and Statutory Construction.

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