

1 **JOINT RULES RESOLUTION -**
2 **RECODIFICATION AND REVISIONS**

3 2007 GENERAL SESSION

4 STATE OF UTAH

5 **Chief Sponsor: Stephen H. Urquhart**

6 Senate Sponsor: John W. Hickman

8 **LONG TITLE**

9 **General Description:**

10 This bill recodifies and makes certain changes to the Legislature's Joint Rules.

11 **Highlighted Provisions:**

12 This resolution:

13 ▶ recodifies and revises joint rules governing bills and resolutions, legislative
14 expenses, and ethics.

15 **Special Clauses:**

16 None

17 **Legislative Rules Affected:**

18 **ENACTS:**

19 **JR4-1-101**

20 **JR4-1-201**

21 **JR4-1-202**

22 **JR4-1-203**

23 **JR4-1-301**

24 **JR4-1-302**

25 **JR4-1-303**

26 **JR4-1-401**

27 **JR4-2-101**



28 **JR4-2-102**
29 **JR4-2-103**
30 **JR4-2-201**
31 **JR4-2-202**
32 **JR4-2-203**
33 **JR4-2-204**
34 **JR4-2-301**
35 **JR4-2-401**
36 **JR4-2-402**
37 **JR4-2-403**
38 **JR4-2-501**
39 **JR4-2-502**
40 **JR4-2-503**
41 **JR4-2-504**
42 **JR4-3-101**
43 **JR4-3-201**
44 **JR4-4-101**
45 **JR4-4-102**
46 **JR4-4-103**
47 **JR4-4-104**
48 **JR4-4-105**
49 **JR4-4-106**
50 **JR4-4-107**
51 **JR4-4-108**
52 **JR4-4-109**
53 **JR4-4-201**
54 **JR4-4-202**
55 **JR4-4-203**
56 **JR4-5-101**
57 **JR4-5-201**
58 **JR4-5-202**

- 59 JR4-5-203
- 60 JR4-5-301
- 61 JR4-6-101
- 62 JR4-6-102
- 63 JR4-6-103
- 64 JR4-6-201
- 65 JR4-6-202
- 66 JR5-1-101
- 67 JR5-1-102
- 68 JR5-2-101
- 69 JR5-2-102
- 70 JR5-3-101
- 71 JR5-3-102
- 72 JR5-3-103
- 73 JR5-4-101
- 74 JR6-1-101
- 75 JR6-1-102
- 76 JR6-1-201
- 77 JR6-1-202
- 78 JR6-2-101
- 79 JR6-2-102
- 80 JR6-2-201
- 81 JR6-2-202
- 82 JR6-3-101
- 83 JR6-4-101
- 84 JR6-4-102
- 85 JR6-4-201
- 86 JR6-4-202
- 87 JR6-4-203
- 88 JR6-4-204
- 89 JR6-4-205

- 90 **JR6-4- 206**
- 91 **JR6-4-207**
- 92 **JR6-4-301**
- 93 **JR6-4-302**
- 94 **JR6-4-303**
- 95 **JR6-4-304**
- 96 **JR6-4-305**
- 97 **JR6-4-306**
- 98 **JR6-4-307**
- 99 **JR6-4-308**
- 100 **JR6-4-309**
- 101 **JR6-4-310**
- 102 **JR6-5-101**
- 103 **REPEALS:**
- 104 **JR-4.01**
- 105 **JR-4.02**
- 106 **JR-4.03**
- 107 **JR-4.04**
- 108 **JR-4.05**
- 109 **JR-4.06**
- 110 **JR-4.07**
- 111 **JR-4.08**
- 112 **JR-4.09**
- 113 **JR-4.10**
- 114 **JR-4.11**
- 115 **JR-4.12**
- 116 **JR-4.13**
- 117 **JR-4.14**
- 118 **JR-4.15**
- 119 **JR-4.16**
- 120 **JR-4.17**

- 121 **JR-4.18**
- 122 **JR-4.19**
- 123 **JR-4.20**
- 124 **JR-4.20.1**
- 125 **JR-4.21**
- 126 **JR-4.22**
- 127 **JR-4.22.1**
- 128 **JR-4.23**
- 129 **JR-4.24**
- 130 **JR-4.25**
- 131 **JR-4.26**
- 132 **JR-4.27**
- 133 **JR-4.28**
- 134 **JR-4.29**
- 135 **JR-4.30**
- 136 **JR-4.31**
- 137 **JR-4.32**
- 138 **JR-4.33**
- 139 **JR-4.34**
- 140 **JR-4.35**
- 141 **JR-4.36**
- 142 **JR-4.38**
- 143 **JR-4.39**
- 144 **JR-4.40**
- 145 **JR-6.01**
- 146 **JR-6.02**
- 147 **JR-6.03**
- 148 **JR-6.04**
- 149 **JR-7.01**
- 150 **JR-8.01**
- 151 **JR-8.02**

152	JR-8.03
153	JR-8.04
154	JR-8.05
155	JR-9.01
156	JR-9.02
157	JR-9.03
158	JR-13.01
159	JR-13.02
160	JR-13.03
161	JR-13.04
162	JR-13.05
163	JR-13.06
164	JR-13.07
165	JR-13.08
166	JR-13.09
167	JR-13.10
168	JR-13.11
169	JR-13.12
170	JR-13.13
171	JR-13.19
172	JR-13.20
173	JR-13.21
174	JR-13.22
175	JR-13.23
176	JR-13.24
177	JR-13.25
178	JR-13.26
179	JR-13.27
180	JR-13.28
181	JR-13.29
182	JR-13.30

- 183 **JR-13.31**
- 184 **JR-15.01**
- 185 **JR-15.02**
- 186 **JR-15.03**
- 187 **JR-15.04**
- 188 **JR-15.05**
- 189 **JR-16.01**
- 190 **JR-16.02**
- 191 **JR-16.03**
- 192 **JR-16.04**
- 193 **JR-16.05**
- 194 **JR-16.06**
- 195 **JR-16.07**
- 196 **JR-19.01**
- 197 **JR-19.02**
- 198 **JR-19.03**
- 199 **JR-19.04**
- 200 **JR-19.05**
- 201 **JR-19.06**
- 202 **JR-19.07**

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

205 Section 1. **JR4-1-101** is enacted to read:

206 **TITLE 4. BILLS AND RESOLUTIONS**

207 **CHAPTER 1. GENERAL PROVISIONS**

208 **Part 1. General Provisions and Format Requirements**

209 **JR4-1-101. Definitions.**

210 As used in this title:

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

213 (a) amends;

214 (b) enacts;

215 (c) repeals;

216 (d) repeals and reenacts; or

217 (e) renumbers and amends.

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

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

224 (4) "Constitutional joint resolution" means a joint resolution proposing to amend,
225 enact, or repeal portions of the Utah Constitution which, to be approved for submission to the
226 voters, must be passed by a two-thirds vote of both houses of the Legislature.

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

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

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

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

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

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

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

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

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

244 Section 2. **JR4-1-201** is enacted to read:

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.

Section 3. **JR4-1-202** is enacted to read:

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

276 any;

277 (i) a long title, which includes:

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

279 (ii) a list of each section of the Utah Code affected by the bill, which cites by statute

280 number those statutes that the bill proposes be amended, enacted, repealed and reenacted,

281 renumbered and amended, and repealed; and

282 (iii) for bills that contain an appropriation, the sum proposed to be appropriated by the

283 bill unless the bill is an appropriation bill or supplemental appropriation bill whose single

284 subject is the appropriation of money;

285 (j) an enacting clause in the following form: "Be it enacted by the Legislature of the

286 state of Utah:"; and

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

288 (2) The designation shall be a heading that identifies the bill by its house of

289 introduction and by unique number assigned to it by the Office of Legislative Research and

290 General Counsel and shall be in the following form: "S.B." or "H.B." followed by the number

291 assigned to the bill.

292 Section 4. **JR4-1-203** is enacted to read:

293 **JR4-1-203. Effective Date of Bills.**

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

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

297 Section 5. **JR4-1-301** is enacted to read:

298 **Part 3. Resolution Format**

299 **JR4-1-301. General Resolution Format Requirements.**

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

301 (2) Each resolution shall contain:

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

303 (b) a short title;

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

305 (d) the phrase "State of Utah";

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

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

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

311 (h) a long title, which shall include a list of constitutional sections, legislative rules, or
312 the Utah Supreme Court's Rules of Procedure or Rules of Evidence affected, if applicable;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

343 Section 6. **JR4-1-302** is enacted to read:

344 **JR4-1-302. Effective Date of Resolutions.**

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

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

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

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

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

353 Section 7. **JR4-1-303** is enacted to read:

354 **JR4-1-303. Distribution of Resolutions.**

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

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

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

363 (a) the Utah congressional delegation;

364 (b) the Speaker of the United States House of Representatives;

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

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

368 Section 8. **JR4-1-401** is enacted to read:

369 **Part 4. Amendments in Context**

370 **JR4-1-401. Identifying Adopted Amendments in Context.**

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

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

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

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

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

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

385 Section 9. **JR4-2-101** is enacted to read:

386 **CHAPTER 2. REQUESTING AND INTRODUCING BILLS AND RESOLUTIONS**

387 **Part 1. Requesting Bills or Resolutions**

388 **JR4-2-101. Requests for Legislation -- Contents -- Timing.**

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

392 (b) The request for legislation shall designate:

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

395 (ii) any supporting legislators from the same house as the chief sponsor who wish to
396 cosponsor the legislation.

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

399 (b) A legislator-elect may file a request for legislation beginning on the November 15

400 after the annual general election at which the legislator was elected.

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

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

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

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

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

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

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

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

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

430 (4) A legislator wishing to obtain funding for a project, program, or entity, when that

431 funding request does not require that a statute be enacted, repealed, or amended, may not file a
432 Request for Legislation but instead shall file a request for appropriation by following the
433 procedures and requirements of JR4-3-101.

434 Section 10. **JR4-2-102** is enacted to read:

435 **JR4-2-102. Prioritization.**

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

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

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

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

445 Section 11. **JR4-2-103** is enacted to read:

446 **JR4-2-103. Sponsorship Requirements.**

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

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

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

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

455 (3) Before the Secretary of the Senate or the Chief Clerk of the House may transfer
456 legislation to the opposite house, the chief sponsor shall:

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

459 (b) provide the Secretary or Chief Clerk with the name of that sponsor for designation
460 on the legislation.

461 Section 12. **JR4-2-201** is enacted to read:

462 **Part 2. Substitute and Replacement Bills**463 **JR4-2-201. Definitions.**464 As used in this part:465 (1) "Committee substitute" means a substitute bill or resolution that is prepared for
466 introduction in a Senate or House standing committee.467 (2) "Floor substitute" means a substitute bill or resolution that is prepared for
468 introduction on the Senate or House floor.469 (3) (a) "Germane" means that the substitute is relevant, appropriate, and in a natural
470 and logical sequence to the subject matter of the original legislation.471 (b) "Germane" includes a substitute that changes the effect or is in conflict with the
472 spirit of the original legislation if the substance of the substitute can be encompassed within the
473 short title of the underlying bill.474 (4) "Replacement legislation" means a bill, resolution, or substitute that replaces the
475 original because of a technical error.476 (5) "Substitute" means a new bill or resolution that:477 (a) replaces the old bill or resolution in title and body; and478 (b) is germane to the subject of the original bill or resolution.479 Section 13. **JR4-2-202** is enacted to read:480 **JR4-2-202. Substitutes.**481 (1) (a) By following the procedures and requirements of Senate or House rule, a
482 legislator may propose a committee substitute to any Senate or House legislation that is under
483 consideration by a committee of which the legislator is a member.484 (b) By following the procedures and requirements of Senate or House rule, a legislator
485 may propose a floor substitute to any Senate or House legislation that is under consideration by
486 the house of which the legislator is a member.487 (2) To initiate drafting of a substitute, a legislator shall give drafting instructions to the
488 attorney who drafted the legislation.489 (3) After the substitute sponsor has approved the substitute, the Office of Legislative
490 Research and General Counsel shall:491 (a) electronically set the line numbers of the substitute; and492 (b) distribute the substitute according to the sponsor's instructions.

493 Section 14. **JR4-2-203** is enacted to read:

494 **JR4-2-203. Replacement.**

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

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

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

501 (b) the legislation has been numbered; and

502 (c) copies of the legislation have been distributed.

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

506 Section 15. **JR4-2-204** is enacted to read:

507 **JR4-2-204. Substitutes and Amendments Must Be Germane.**

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

510 Section 16. **JR4-2-301** is enacted to read:

511 **Part 3. Drafting and Approval of Legislation by**

512 **Office of Legislative Research and General Counsel**

513 **JR4-2-301. Drafting and Sponsor Approval of Legislation.**

514 (1) After receiving a Request for Legislation, the Office of Legislative Research and
515 General Counsel shall:

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

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

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

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

521 (b) remove any ambiguities;

522 (c) avoid constitutional or statutory conflicts; and

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

524 (3) (a) Any Request for Legislation filed directly with the Office of Legislative
525 Research and General Counsel, with a complete accompanying draft, shall be reviewed and
526 approved by the Office of Legislative Research and General Counsel within three legislative
527 days.

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

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

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

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

535 Section 17. **JR4-2-401** is enacted to read:

536 **Part 4. Committee Notes, Fiscal Notes, Legislative**
537 **Review Notes, and Attorney Approval Notes.**

538 **JR4-2-401. Committee Notes.**

539 (1) As used in this rule:

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

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

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

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

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

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

550 (iii) staffed by the Office of Legislative Research and General Counsel or the Office of
551 the Legislative Fiscal Analyst.

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

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

- 555 (b) note on any legislation reviewed by a mixed committee:
556 (i) the number of legislators and nonlegislators on the mixed committee;
557 (ii) the number of legislators who voted for and against recommending the legislation;
558 and
559 (iii) that the committee recommends the legislation or has voted the legislation out
560 without recommendation; and
561 (c) ensure that the note is printed with the legislation.
- 562 Section 18. **JR4-2-402** is enacted to read:
563 **JR4-2-402. Legislative Review Notes.**
- 564 (1) The Legislative General Counsel shall place a legislative review note on the
565 legislation.
- 566 (2) If an amendment or substitute to legislation appears to substantively change the
567 legislation's constitutionality, any legislator may request an amended legislative review note by
568 making a motion in a standing committee or on the floor requesting that an amended legislative
569 review note be prepared.
- 570 (3) If the motion is approved by a majority vote, the rules committee of the chamber
571 where the request was made shall review the request and may either:
- 572 (a) request that the Legislative General Counsel prepare an amended legislative review
573 note; or
- 574 (b) if the rules committee determines that no amended legislative review note is
575 necessary, refer the legislation back to the standing committee or the floor.
- 576 (4) Once the rules committee has decided the question, a motion for an amended
577 legislative review note is out of order unless the legislation is subsequently amended or another
578 substitute is filed.
- 579 (5) (a) If an amended legislative review note is requested by the rules committee, when
580 the amended note is complete, the rules committee shall refer the legislation back to its
581 originating standing committee or give the legislation priority for floor action in preparing the
582 calendar.
- 583 (b) The amended legislative review note shall be made available to legislators in hard
584 copy or electronically.
- 585 (6) The legislative review note is not an official part of the legislation.

586 Section 19. **JR4-2-403** is enacted to read:

587 **JR4-2-403. Fiscal Notes.**

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

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

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

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

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

599 (c) The sponsor may:

600 (i) approve the release of the fiscal note;

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

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

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

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

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

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

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

614 Section 20. **JR4-2-501** is enacted to read:

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

616 **JR4-2-501. Numbering and Distributing Bills and Resolutions.**

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

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

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

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

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

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

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

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

628 Section 21. **JR4-2-502** is enacted to read:

629 **JR4-2-502. Reservation of Bill Numbers.**

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

631 (a) House Bill 1 is reserved for the State Agency and Higher Education Base Budget
632 bill and Senate Bill 1 is reserved for the Minimum School Program Base Budget Amendments
633 bill;

634 (b) House Bill 2 is reserved for the Minimum School Program Budget Amendments
635 bill and Senate Bill 2 is reserved for the New Fiscal Year Supplemental Appropriations Act;
636 and

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

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

640 (a) House Bill 1 is reserved for the Minimum School Program Base Budget
641 Amendments bill and Senate Bill 1 is reserved for the State Agency and Higher Education Base
642 Budget bill;

643 (b) House Bill 2 is reserved for the New Fiscal Year Supplemental Appropriations Act
644 and Senate Bill 2 is reserved for the Minimum School Program Budget Amendments bill; and

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

647 (3) In each annual general legislative session, House Bills 4 through 9 and Senate Bills

648 4 through 9 are reserved for other appropriations and funding bills.

649 Section 22. **JR4-2-503** is enacted to read:

650 **JR4-2-503. Distribution of Bills and Resolutions and Preparation for**
651 **Introduction.**

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

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

656 (b) post a copy on the Internet; and

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

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

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

661 (b) notify the Secretary of the Senate or the Chief Clerk of the House that the
662 legislation is ready for introduction.

663 Section 23. **JR4-2-504** is enacted to read:

664 **JR4-2-504. Printing Bills and Resolutions.**

665 (1) As provided in Senate or House Rules, legislation may be ordered printed in the
666 number of copies considered necessary.

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

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

671 Section 24. **JR4-3-101** is enacted to read:

672 **CHAPTER 3. REQUESTING APPROPRIATIONS**

673 **Part 1. Requesting Appropriations**

674 **JR4-3-101. Request for Appropriation.**

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

678 (2) (a) Except as provided in Subsection (2)(b), a legislator may not file a Request for

679 Appropriation with the Office of Legislative Fiscal Analyst after noon on the 11th day of the
680 annual general session.

681 (b) After the date established by this Subsection (2), a legislator may file a Request for
682 Appropriation if:

683 (i) for a request by a House member, the Representative makes a motion to file a
684 Request for Appropriation and that motion is approved by a constitutional majority of the
685 House; or

686 (ii) for a request by a Senator, the Senator makes a motion to file a Request for
687 Appropriation and that motion is approved by a constitutional majority vote of the Senate.

688 (3) The request shall designate:

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

690 (b) the source for the funding;

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

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

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

696 Section 25. **JR4-3-201** is enacted to read:

697 **Part 2. Disposition of Requests for Appropriation**

698 **JR4-3-201. Review and Action on Requests for Appropriation.**

699 (1) (a) The Legislative Fiscal Analyst shall review each Request for Appropriation.

700 (b) If the request requires that a statute be enacted, amended, or repealed, the
701 Legislative Fiscal Analyst shall immediately transfer the request to the Office of Legislative
702 Research and General Counsel as a Request for Legislation.

703 (c) If the request does not require that a statute be enacted, amended, or repealed, the
704 Legislative Fiscal Analyst shall number and title the request and refer the request to:

705 (i) the House chair of the Executive Appropriations Committee, if the sponsor is a
706 House member; or

707 (ii) the Senate chair of the Executive Appropriations Committee, if the sponsor is a
708 Senate member.

709 (2) The House or Senate chair of the Executive Appropriations Committee shall refer

710 the request to the appropriate joint appropriations subcommittee.

711 (3) Each joint appropriations subcommittee that receives a Request for Appropriation
712 shall:

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

714 (b) discuss the request; and

715 (c) do one of the following:

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

718 (ii) reject the request; or

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

722 Section 26. **JR4-4-101** is enacted to read:

723 **CHAPTER 4. INTRODUCTION AND CONSIDERATION OF BILLS**

724 **Part 1. Introduction and Consideration of Bills**

725 **JR4-4-101. Introduction of Legislation.**

726 (1) The Secretary of the Senate or Chief Clerk of the House shall inform the presiding
727 officer about legislation ready for introduction.

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

731 Section 27. **JR4-4-102** is enacted to read:

732 **JR4-4-102. Reference of Legislation.**

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

736 (2) The Secretary of the Senate and the Chief Clerk of the House or their designees
737 shall deliver all legislation assigned to a committee to the chair of that committee or to that
738 chair's designee.

739 Section 28. **JR4-4-103** is enacted to read:

740 **JR4-4-103. Committee Responsibilities.**

- 741 (1) Each standing committee shall:
742 (a) examine legislation referred to it;
743 (b) amend or substitute the legislation if necessary; and
744 (c) report the legislation back to the floor.
745 (2) If legislation is referred to an interim committee, the interim committee may
746 examine and recommend to the sponsor any changes to it that the committee considers
747 necessary.

748 Section 29. **JR4-4-104** is enacted to read:

749 **JR4-4-104. Floor Action.**

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

753 Section 30. **JR4-4-105** is enacted to read:

754 **JR4-4-105. Calendaring Bills -- Preference to Bill of other Chamber.**

755 During the third and fourth days of each week:

- 756 (1) the Senate shall consider House legislation appearing on the Senate calendar; and
757 (2) the House shall consider Senate legislation appearing on the House calendar.

758 Section 31. **JR4-4-106** is enacted to read:

759 **JR4-4-106. Notice to Other Chamber that Bill or Resolution has Failed.**

760 (1) When a piece of legislation that passed the Senate is rejected by the House, the
761 Chief Clerk of the House of Representatives shall transmit notice of the rejection to the Senate.

762 (2) When a piece of legislation that passed the House is rejected by the Senate, the
763 Secretary of the Senate shall transmit notice of the rejection to the House.

764 Section 32. **JR4-4-107** is enacted to read:

765 **JR4-4-107. Bill Transmitted to Other House.**

766 (1) The Secretary of the Senate or Chief Clerk of the House shall:

- 767 (a) transmit notice of passage on third reading to the other house;
768 (b) comply with the requirements of Subsection (2) if necessary; and
769 (c) if sent to the other house, enter the date of transmission in the journal.

770 (2) The Secretary of the Senate or Chief Clerk of the House shall, before transmitting a
771 piece of legislation to the other house, ensure that, if the legislation passed with amendments or

772 was substituted, the amendments or substitute are:

773 (a) retyped or reprinted in the typeface and on the color paper designated for each
774 house; and

775 (b) transmitted with the legislation.

776 Section 33. **JR4-4-108** is enacted to read:

777 **JR4-4-108. Consideration and Action on Amendments Made in the Other**
778 **Chamber.**

779 (1) (a) If the Senate amends and passes, or substitutes and passes, a piece of House
780 legislation, the House must either "concur" or "refuse to concur" in the amendments or
781 substitute.

782 (b) (i) If the House concurs, the legislation shall be voted on for final passage in the
783 House.

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

787 (c) If the House refuses to concur in the Senate amendments or substitute to a piece of
788 House legislation, the Chief Clerk of the House and the House shall follow the procedures and
789 requirements of JR3-2, Part 6, Conference Committees.

790 (2) (a) If the House amends and passes, or substitutes and passes, a piece of Senate
791 legislation, the Senate must either "concur" or "refuse to concur" in the amendments or
792 substitute.

793 (b) (i) If the Senate concurs, the legislation shall be voted on for final passage in the
794 Senate.

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

798 (c) If the Senate refuses to concur in the House amendments or substitute to a piece of
799 Senate legislation, the Secretary of the Senate and the Senate shall follow the procedures and
800 requirements of JR3-2, Part 6, Conference Committees.

801 Section 34. **JR4-4-109** is enacted to read:

802 **JR4-4-109. Striking the Enacting Clause.**

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

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

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

808 (i) the action conclusively defeats the legislation; and

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

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

813 Section 35. **JR4-4-201** is enacted to read:

814 **Part 2. Transmitting and Recording Receipt of Bills and Notices from Other Chamber**

815 **JR4-4-201. Transmittal Letters.**

816 The Secretary of the Senate or the Chief Clerk of the House of Representatives shall:

817 (1) attach a transmittal letter signed by the Secretary or Clerk to each piece of
818 legislation to be transmitted to the opposite house; and

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

821 Section 36. **JR4-4-202** is enacted to read:

822 **JR4-4-202. Receipts.**

823 (1) (a) Upon receipt of a transmittal letter from the Senate, the Chief Clerk of the
824 House of Representatives or the Clerk's designee shall sign a receipt recording the House's
825 receipt of the legislation.

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

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

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

830 Section 37. **JR4-4-203** is enacted to read:

831 **JR4-4-203. Possession of a Bill -- Process for Obtaining the Return of a Bill Sent**
832 **to the Other Chamber.**

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

834 received.

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

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

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

841 Section 38. **JR4-5-101** is enacted to read:

842 **CHAPTER 5. DEADLINES FOR PASSAGE OF CERTAIN BILLS**

843 **Part 1. Bills Containing Fiscal Notes**

844 **JR4-5-101. Deadline for Passing Certain Fiscal Note Bills.**

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

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

849 (2) (a) Before adjourning on the 33rd day of the annual general session, each legislator
850 shall prioritize fiscal note bills and identify other projects or programs for new or one-time
851 funding according to the process established by leadership.

852 (b) Before adjourning on the 40th day of the annual general session, the Legislature
853 shall either pass or defeat each bill with a fiscal note of \$10,000 or more except constitutional
854 amendment resolutions.

855 Section 39. **JR4-5-201** is enacted to read:

856 **Part 2. Appropriation Bills**

857 **JR4-5-201. Deadline for Passing Base Budget Bills.**

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

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

862 Section 40. **JR4-5-202** is enacted to read:

863 **JR4-5-202. Deadline for Passing Certain Appropriations Bills and School**
864 **Finance Bills.**

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

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

871 Section 41. **JR4-5-203** is enacted to read:

872 **JR4-5-203. Deadline for Passing the Final Appropriations Bill.**

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

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

877 Section 42. **JR4-5-301** is enacted to read:

878 **Part 3. Bond Bills**

879 **JR4-5-301. Deadline for Passing Bond Bills.**

880 (1) Each legislator shall receive a copy of any bond bill by noon on the 40th day of the
881 annual general session.

882 (2) Before the calendared closing time of the 40th day of the annual general session,
883 the Legislature shall either pass or defeat each bond bill.

884 Section 43. **JR4-6-101** is enacted to read:

885 **CHAPTER 6. DISPOSITION OF BILLS AFTER PASSAGE**

886 **Part 1. Certifying and Enrolling the Bill**

887 **JR4-6-101. Certification and Signature.**

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

- 890 (i) the date that the legislation passed the Senate;
- 891 (ii) the number of Senators voting for and against the legislation;
- 892 (iii) the number of Senators absent for the vote;
- 893 (iv) the date that the legislation passed the House;
- 894 (v) the number of Representatives voting for and against the legislation; and
- 895 (vi) the number of Representatives absent for the vote.

896 (b) When a piece of House legislation has passed both houses, the Chief Clerk of the
897 House shall certify its final passage by identifying:

- 898 (i) the date that the legislation passed the House;
899 (ii) the number of Representatives voting for and against the legislation;
900 (iii) the number of Representatives absent for the vote;
901 (iv) the date that the legislation passed the Senate;
902 (v) the number of Senators voting for and against the legislation; and
903 (vi) the number of Senators absent for the vote.

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

- 906 (i) first by the presiding officer of the house in which it was last voted upon; and
907 (ii) second, by the presiding officer of the other house.

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

- 910 (i) first by the presiding officer of the house in which it was last voted upon; and
911 (ii) second, by the presiding officer of the other house.

912 (c) Unless the session has adjourned sine die, the Secretary of the Senate or Chief
913 Clerk of the House shall note in the journal that the legislation was signed by the presiding
914 officer.

915 Section 44. **JR4-6-102** is enacted to read:

916 **JR4-6-102. Enrollment and Transmittal to the Governor.**

917 (1) (a) After a piece of legislation that has passed both houses has been signed by the
918 presiding officers, the Secretary or Chief Clerk shall deliver it to the Office of Legislative
919 Research and General Counsel.

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

- 921 (i) examine and enroll the legislation;
922 (ii) correct any technical errors as provided by Utah Code Section 36-12-12; and
923 (iii) transmit a copy of the enrolled legislation to:

924 (A) the Secretary of the Senate for legislation originating in the Senate; and
925 (B) the Chief Clerk of the House for legislation originating in the House.

926 (2) When enrolling the legislation, the Office of Legislative Research and General

927 Counsel shall:

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

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

932 (3) The Secretary of the Senate or Chief Clerk of the House shall:

933 (a) certify each enrolled piece of legislation;

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

935 (i) transmitted to the Governor;

936 (ii) filed with the Secretary or Chief Clerk;

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

938 (iv) transmitted to the Office of Legislative Printing.

939 Section 45. **JR4-6-103** is enacted to read:

940 **JR4-6-103. Legislative General Counsel to Correct Certain Technical Errors.**

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

943 Section 46. **JR4-6-201** is enacted to read:

944 **Part 2. Recalling a Bill After Passage**

945 **JR4-6-201. Recalling a Bill Before It is Signed by the Speaker and President.**

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

949 Section 47. **JR4-6-202** is enacted to read:

950 **JR4-6-202. Recalling a Bill from the Governor.**

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

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

956 (2) the Governor elects to return it.

957 Section 48. **JR5-1-101** is enacted to read:

958 TITLE 5. LEGISLATIVE EXPENSE AND MILEAGE REIMBURSEMENT
959 CHAPTER 1. GENERAL PROVISIONS

960 **JR5-1-101. Definitions.**

961 As used in this title:

- 962 (1) "Authorized legislative meeting" means:
- 963 (a) special sessions;
- 964 (b) veto override sessions;
- 965 (c) interim committee and subcommittee meetings;
- 966 (d) management committee and subcommittee meetings;
- 967 (e) executive appropriation and subcommittee meetings; and
- 968 (f) the meetings of any other body where legislative participation is required by law or
969 authorized by the Legislative Management Committee.

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

972 Section 49. **JR5-1-102** is enacted to read:

973 **JR5-1-102. Legislative Expenses Oversight Committee.**

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

- 976 (2) Each committee shall:

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

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

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

983 Section 50. **JR5-2-101** is enacted to read:

984 **CHAPTER 2. EXPENSE AND MILEAGE REIMBURSEMENT**
985 **DURING ANNUAL GENERAL SESSION**

986 **JR5-2-101. Lodging, Meals, and Incidental Expenses While in Annual General**
987 **Session.**

- 988 (1) This rule governs legislative expenses for lodging, meals, and incidental expenses

989 incurred when the Legislature is in annual general session.

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

993 Section 51. **JR5-2-102** is enacted to read:

994 **JR5-2-102. Transportation Cost Reimbursement While in Annual General**
995 **Session.**

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

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

999 (b) These costs shall be computed on the basis of actual mileage for private automobile
1000 use or the actual cost of alternative commercial transportation.

1001 Section 52. **JR5-3-101** is enacted to read:

1002 **CHAPTER 3. EXPENSE AND MILEAGE REIMBURSEMENT FOR**
1003 **AUTHORIZED LEGISLATIVE MEETINGS, SPECIAL**
1004 **SESSIONS, AND VETO OVERRIDE SESSIONS**

1005 **JR5-3-101. Meals and Incidental Expense Reimbursement for Authorized**
1006 **Legislative Meetings, Special Sessions, and Veto Override Sessions.**

1007 (1) This rule governs reimbursement for meals and incidental expenses for legislator
1008 attendance at authorized legislative meetings when the Legislature is not in annual general
1009 session.

1010 (2) For each day that a legislator attends an authorized legislative meeting, the
1011 legislator shall receive a meals and incidental expenses per diem equal to the federal meals and
1012 incidental expenses per diem rate for Salt Lake City.

1013 (3) The Legislative Expenses Oversight Committee established in JR5-1-102 shall
1014 ensure that legislators do not receive duplicate or improper reimbursements.

1015 Section 53. **JR5-3-102** is enacted to read:

1016 **JR5-3-102. Lodging Expense Reimbursement for Authorized Legislative**
1017 **Meetings, Special Sessions, and Veto Override Sessions.**

1018 (1) This rule governs reimbursement for lodging expenses for legislator attendance at
1019 authorized legislative meetings when the Legislature is not in annual general session.

1020 (2) If attendance at an authorized legislative committee meeting necessitates overnight
1021 accommodations, legislators shall receive reimbursement for actual lodging expenses up to the
1022 federal lodging per diem rate for Salt Lake City.

1023 (3) The Legislative Expenses Oversight Committee established in JR5-1-102 shall
1024 ensure that legislators do not receive duplicate or improper reimbursements.

1025 Section 54. **JR5-3-103** is enacted to read:

1026 **JR5-3-103. Travel Expense Reimbursement for Authorized Legislative Meetings,**
1027 **Special Sessions, and Veto Override Sessions.**

1028 (1) This rule governs reimbursement for travel expenses for legislator attendance at
1029 authorized legislative meetings when the Legislature is not in annual general session.

1030 (2) (a) Each legislator shall receive transportation costs to and from the authorized
1031 legislative committee meeting.

1032 (b) Transportation costs shall be computed on the basis of actual mileage for private
1033 automobile use or the actual cost of alternative commercial transportation.

1034 (3) The Legislative Expenses Oversight Committee established in JR5-1-102 shall
1035 ensure that legislators do not receive duplicate or improper reimbursements.

1036 Section 55. **JR5-4-101** is enacted to read:

1037 **CHAPTER 4. OUT-OF-STATE TRAVEL**

1038 **JR5-4-101. Reimbursement for Costs of Out-of-State Travel.**

1039 The following rules govern reimbursement for out-of-state travel by legislators:

1040 (1) (a) Subject to Subsections (1)(b) and (1)(c), legislators shall receive reimbursement
1041 for all approved actual and necessary expenses.

1042 (b) The presiding officer, the majority leader, and the minority leader shall meet
1043 annually to establish a policy governing out-of-state travel, including the process for them to
1044 approve out of state travel and approve reimbursement of expenses for that travel as required
1045 under Utah Code Section 36-12-17.

1046 (c) If a legislator elects to travel to an out-of-state destination by private automobile,
1047 the legislator shall receive actual mileage or the actual cost of alternative commercial
1048 transportation, whichever is less.

1049 (2) Each legislator shall provide supporting documentation for each expense for which
1050 the legislator seeks reimbursement.

1051 Section 56. **JR6-1-101** is enacted to read:

1052 **TITLE 6. LEGISLATIVE ETHICS AND ADJUDICATION**

1053 **OF ETHICS COMPLAINTS**

1054 **CHAPTER 1. ETHICS REQUIREMENTS GOVERNING LEGISLATORS**

1055 **Part 1. Ethical Standards for Legislators**

1056 **JR6-1-101. Legislative Ethics.**

1057 (1) The Utah Legislature consists of people who work part-time and must necessarily
1058 earn their living in other jobs and professions.

1059 (2) It is necessary to reconcile the functions of privately employed legislators who have
1060 their own private interests with the maintenance of high ethical standards and public
1061 confidence.

1062 (3) In seeking to balance these interests, it is necessary to avoid controls that might be
1063 so strict that they discourage capable and honorable persons from entering legislative service.

1064 (4) It is recognized that public confidence in the Legislature should be promoted and
1065 that competent members should serve in the Legislature even though most of them have private
1066 interests of various types.

1067 (5) It is also recognized that a citizen legislator is in a different position in doing
1068 business with the state and its political subdivisions than a public servant whose chief source of
1069 livelihood is derived from public funds.

1070 Section 57. **JR6-1-102** is enacted to read:

1071 **JR6-1-102. Code of Official Conduct.**

1072 (1) Each legislator shall comply with the guidelines established in Subsection (2).

1073 (2) In judging members of its house charged with an ethical violation, the Senate and
1074 House Ethics Committees shall consider whether or not the member has violated any of the
1075 following guidelines:

1076 (a) Members of the Senate and House shall not engage in any employment or other
1077 activity that would destroy or impair their independence of judgment.

1078 (b) Members of the Senate and House shall not be paid by a person, as defined in
1079 JR6-1-202, to lobby, consult, or to further the interests of any legislation or legislative matter.

1080 (c) Members of the Senate and House shall not exercise any undue influence on any
1081 governmental entity.

1082 (d) Members of the Senate and House shall not engage in any activity that would be an
1083 abuse of official position or a violation of trust.

1084 (e) Members of the Senate and House may engage in business or professional activity
1085 in competition with others, but shall not use any information obtained by reason of their
1086 official position to gain advantage over any competition for activities with the state and its
1087 political subdivisions.

1088 (f) Members of the Senate and House shall not engage in any business relationship or
1089 activity that would require the disclosure of confidential information obtained because of their
1090 official position.

1091 (g) Members of the Senate and House shall not use their official position to secure
1092 privileges for themselves or others.

1093 (h) While in session, members of the Senate and House shall disclose any conflict of
1094 interest on any legislation or legislative matter as provided in JR6-1-201.

1095 (i) Members of the Senate and House may accept small gifts, awards, or contributions
1096 if these favors do not influence them in the discharge of official duties.

1097 (j) Except as provided in Subsection (3), members of the Senate and the House may
1098 engage in business or professional activities with the state or its political subdivisions if the
1099 activities are entered into under the same conditions and in the same manner applicable to any
1100 private citizen or company engaged in similar activities.

1101 (k) Legislators may enter into transactions with the state by contract by following the
1102 procedures and requirements of Title 63, Chapter 56, Utah Procurement Code.

1103 (3) (a) As also required by Section 36-19-1, a legislator, member of the legislator's
1104 household, or client may not be a party to or have an interest in the profits or benefits of a state
1105 contract when the state contract is the direct result of a bill sponsored by the legislator, unless
1106 the contract is let in compliance with state procurement policies and is open to the general
1107 public.

1108 (b) Besides the penalties authorized by these rules, Section 36-19-1 also provides that
1109 any person violating this section is guilty of a class B misdemeanor.

1110 Section 58. **JR6-1-201** is enacted to read:

1111 **Part 2. Conflicts of Interest**

1112 **JR6-1-201. Declaring and Recording Conflicts of Interest.**

1113 (1) As used in this section:

1114 (a) (i) "Business in which the legislator is associated" means any business in which a
1115 legislator is a director, officer, owner, member, partner, employee, or is a holder of stocks or
1116 bonds in the company that have a fair market value of \$10,000 or more.

1117 (ii) "Business in which the legislator is associated" does not include business
1118 associations by members of the legislator's immediate family.

1119 (b) "Conflict of interest" means legislation or action by a legislator that the legislator
1120 reasonably believes may cause direct financial benefit or detriment to him, a member of the
1121 legislator's immediate family, or a business in which the legislator is associated, and that
1122 benefit or detriment is distinguishable from the effects of that action on the public or on the
1123 legislator's profession, occupation, or association generally.

1124 (c) "Immediate family" means the legislator's spouse and children living in the
1125 legislator's immediate household.

1126 (2) (a) (i) A legislator shall file a Declaration of Conflict of Interest form with the
1127 Secretary of the Senate if the legislator is a Senator, or with the Chief Clerk of the House of
1128 Representatives if the legislator is a Representative, to satisfy that legislator's disclosure of any
1129 conflicts of interest as required by Subsection (1) and Utah Code Section 76-8-109.

1130 (ii) The legislator shall file the form when:

1131 (A) the legislator takes the oath of office; and

1132 (B) the legislator changes employment.

1133 (b) This Declaration of Conflict of Interest form shall include:

1134 (i) the businesses in which the legislator is associated; and

1135 (ii) the general legislative subject areas in which the legislator may have a conflict of
1136 interest.

1137 (c) This Declaration of Conflict of Interest form is available to the public.

1138 (3) (a) Before or during any vote on legislation or any legislative matter in which a
1139 legislator has actual knowledge that he has a conflict of interest which is not stated on the
1140 conflict of interest form, that legislator shall orally declare to the committee or body before
1141 which the matter is pending that the legislator may have a conflict of interest and what that
1142 conflict is.

1143 (b) The Secretary of the Senate or the Chief Clerk shall:

1144 (i) direct committee secretaries to note the declaration of conflict of interest in the
1145 minutes of any committee meeting; and

1146 (ii) ensure that each declaration of conflict declared on the floor is noted in the Senate
1147 Journal or House Journal.

1148 (4) This requirement of disclosure of any conflict of interest does not prohibit a
1149 legislator from voting on any legislation or legislative matter.

1150 Section 59. **JR6-1-202** is enacted to read:

1151 **JR6-1-202. Disclosure of Outside Remuneration.**

1152 (1) As used in this section:

1153 (a) "Person" includes an individual, partnership, association, organization, company,
1154 and bodies politic and corporate or a lobbyist from any of these.

1155 (b) "Person" does not include a person who provides the legislator's primary source of
1156 income.

1157 (2) If any person provides remuneration to a legislator to compensate that legislator for
1158 a loss of salary or income while the Legislature is in session, that legislator shall file a written
1159 disclosure identifying:

1160 (a) that the legislator receives remuneration; and

1161 (b) the name of the person who provides the remuneration.

1162 (3) (a) The legislator shall file the disclosure by February 1 of each year with:

1163 (i) the Secretary of the Senate, if the legislator is a Senator; or

1164 (ii) the Chief Clerk of the House of Representatives if the legislator is a Representative.

1165 (b) This disclosure is available to the public.

1166 Section 60. **JR6-2-101** is enacted to read:

1167 **CHAPTER 2. HOUSE AND SENATE ETHICS COMMITTEES**

1168 **Part 1. Membership, Meetings, and Staff**

1169 **JR6-2-101. Ethics Committees -- Membership -- Jurisdiction.**

1170 (1) There is established a Senate Ethics Committee and a House Ethics Committee.

1171 (2) The Senate Ethics Committee shall be composed of:

1172 (a) the chair and three additional members appointed by the President of the Senate;

1173 and

1174 (b) the co-chair and three additional members appointed by the Senate minority leader.

- 1175 (3) The House Ethics Committee shall be composed of:
 1176 (a) the chair and three additional members appointed by the Speaker of the House of
 1177 Representatives; and
 1178 (b) the co-chair and three additional members appointed by the House minority leader.
 1179 (4) Members of the committees shall serve two year terms.
 1180 (5) If a complaint is filed against any member of the respective ethics committees, the
 1181 President of the Senate or the Speaker of the House shall appoint another member of the Senate
 1182 or House to serve in that member's place while the complaint is under review.

1183 Section 61. **JR6-2-102** is enacted to read:

1184 **JR6-2-102. Ethics Committee -- Meetings and Staff.**

- 1185 (1) The Senate and House Ethics Committees shall operate as both standing and
 1186 interim committees.
 1187 (2) The committees shall meet as necessary, either as called at the discretion of the
 1188 chair or by a majority vote of the committee.

1189 (3) A majority of the committee is a quorum.

1190 (4) The staff of the committees consists of:

- 1191 (a) the director of the Office of Legislative Research and General Counsel;
 1192 (b) the Legislative General Counsel; and
 1193 (c) any other members of the staff of that office designated by the director.

1194 Section 62. **JR6-2-201** is enacted to read:

1195 **Part 2. Jurisdiction and Powers**

1196 **JR6-2-201. Ethics Committee -- Jurisdiction.**

1197 The Senate Ethics Committee and House Ethics Committee shall review and adjudicate
 1198 any charges brought against a member of the Senate or House for acts that violate:

- 1199 (1) the Code of Official Conduct; or
 1200 (2) any law, rule, regulation, or other standard of conduct applicable to the conduct of a
 1201 member of the Senate or House in the performance of legislative responsibilities, if the conduct
 1202 would reflect discredit upon the Senate or House as a whole.

1203 Section 63. **JR6-2-202** is enacted to read:

1204 **JR6-2-202. Powers -- Subpoena -- Contempt.**

- 1205 (1) In hearing and processing all complaints, the rules established by this Title 6 govern

1206 the procedures to be followed by the Senate and House Ethics Committees.

1207 (2) (a) For all proceedings authorized by this title, the chair and the Director of the
1208 Office of Legislative Research and General Counsel may require, by subpoena or otherwise,
1209 the attendance and testimony of witnesses and the production of any materials that the
1210 committee considers necessary.

1211 (b) The committee chair may direct staff to:

1212 (i) issue subpoenas to require the attendance of witnesses;

1213 (ii) issue subpoenas to direct the production of evidence; or

1214 (iii) issue subpoenas that require both attendance and production of evidence.

1215 (3) (a) (i) The witness's disobedience to the chair's direction to answer a question, to a
1216 subpoena to appear, to a subpoena to produce evidence, or to a subpoena that requires both
1217 attendance and production of evidence, constitutes contempt.

1218 (ii) The chair's direction to answer a question may only be overruled by a vote of the
1219 majority of the committee members present.

1220 (iii) Because the object of the Fifth Amendment privilege not to incriminate oneself is
1221 so that no criminal action will be prosecuted, it is improper for a witness to invoke the Fifth
1222 Amendment privilege if the witness cannot be prosecuted for the crime to which the witness's
1223 testimony relates.

1224 (b) A majority of the members of the committee may compel obedience to the
1225 requirements of the committee by directing staff to file a contempt proceeding in state district
1226 court against any person who:

1227 (i) fails to comply with a subpoena or a subpoena duces tecum;

1228 (ii) refuses to answer a question relevant to the investigation that does not infringe on
1229 the person's constitutional rights; or

1230 (iii) is guilty of contempt on any other grounds specified in statute or recognized at
1231 common law.

1232 Section 64. **JR6-3-101** is enacted to read:

1233 **CHAPTER 3. FILING COMPLAINTS ALLEGING A**

1234 **VIOLATION OF LEGISLATIVE ETHICS**

1235 **JR6-3-101. Complaints -- Filing -- Form.**

1236 (1) Any legislator who wishes to file an ethics complaint against another legislator

1237 shall file a written complaint:

1238 (a) with the President of the Senate and the chair of the Senate Ethics Committee, if the
1239 complaint is against a Senator; or

1240 (b) with the Speaker of the House and the chair of the House Ethics Committee, if the
1241 complaint is against a Representative.

1242 (2) (a) The legislator filing the complaint shall ensure that it contains the following
1243 information:

1244 (i) the name and position or title of the person alleged to be in violation, who is the
1245 respondent;

1246 (ii) the name and address of at least three Senators, if the respondent is a Senate
1247 member, or at least three Representatives, if the respondent is a House member, who are filing
1248 the complaint, who are the complainants;

1249 (iii) the nature of the alleged violation;

1250 (iv) subject to Subsection (1)(b), any facts alleged to support the complaint; and

1251 (v) all documents that support the complaint as an attachment to it.

1252 (b) If any of the facts supporting the complaint are based upon the information and
1253 belief of the complainants, the complaint shall state that the facts are presented "upon
1254 information and belief" and give the basis for that information and belief.

1255 Section 65. **JR6-4-101** is enacted to read:

1256 **CHAPTER 4. ETHICS COMMITTEE PROCEDURES FOR EVALUATING**
1257 **AND ADJUDICATING COMPLAINTS**

1258 **Part 1. Notice and Review of Complaint for Sufficiency and Jurisdiction**

1259 **JR6-4-101. Review of Complaint for Compliance with Form Requirements and**
1260 **Notice of Complaint To Committee Members.**

1261 (1) (a) Within five days after receipt of the complaint, the staff of the committee, in
1262 consultation with the chair and co-chair, shall examine each complaint to determine if it is in
1263 compliance with JR6-3-101.

1264 (b) (i) If the chair and cochair determine that the complaint does not comply with
1265 JR6-3-101, the chair shall return the complaint to the complainants with a copy of the
1266 legislative rules on ethics.

1267 (ii) The complainants may resubmit the complaint.

1268 (c) If the chair and cochair determine that the complaint complies with this title, the
1269 chair shall:

1270 (i) accept the complaint;

1271 (ii) notify each member of the ethics committee that the complaint has been filed; and

1272 (iii) provide each member of the ethics committee with a copy of the complaint.

1273 (2) No committee member or staff may disclose publically any information received by
1274 the committee concerning any alleged violation until the member of the Senate or House
1275 charged in the violation has received the Summary of the Preliminary Inquiry required by
1276 JR6-4-206.

1277 Section 66. **JR6-4-102** is enacted to read:

1278 **JR6-4-102. First Ethics Committee Meeting -- Jurisdictional and Claim Review.**

1279 (1) Within 30 days after the complaint is accepted, the chair and cochair shall:

1280 (a) schedule an ethics committee meeting; and

1281 (b) place the ethics complaint on the agenda for consideration at that meeting with the
1282 recommendation that:

1283 (i) the complaint be considered; or

1284 (ii) the complaint be dismissed because it fails to allege facts that constitute a violation.

1285 (2) (a) At the ethics committee meeting, the committee shall determine:

1286 (i) whether or not the alleged violation in the complaint is within the jurisdiction of the
1287 committee; and

1288 (ii) whether or not the complaint merits further inquiry.

1289 (b) The chair shall notify the complainants and respondent, in writing, of the
1290 determination made by the committee.

1291 (3) If the committee determines that the complaint merits further inquiry, the
1292 committee meeting shall become a preliminary inquiry to determine whether the alleged
1293 violation occurred.

1294 Section 67. **JR6-4-201** is enacted to read:

Part 2. Preliminary Inquiry

1296 **JR6-4-201. General Rules Governing Preliminary Inquiries.**

1297 (1) The scope of the preliminary inquiry is limited to the alleged violations stated in the
1298 complaint.

- 1299 (2) (a) Only relevant or material evidence is admissible in the preliminary inquiry.
- 1300 (b) The chair's determination of admissibility is final and may only be overruled by a
- 1301 majority vote of the committee.
- 1302 (3) At the beginning of the preliminary inquiry, in order to expedite the committee's
- 1303 investigation and to facilitate a rapid resolution of the matter, the committee cochairs and the
- 1304 respondent may agree in writing that the procedural requirements of Part 3, Disciplinary
- 1305 Hearing, are waived.
- 1306 (4) (a) The preliminary inquiry is closed to the public.
- 1307 (b) The respondent and the respondent's counsel may be present during the presentation
- 1308 of testimony and evidence to the committee.
- 1309 (c) Only Ethics Committee members and staff may be present during other portions of
- 1310 the preliminary inquiry.
- 1311 (5) Except for the official record, no camera or recording device may be brought in or
- 1312 used in the preliminary inquiry.
- 1313 (6) Upon consent of a majority of its members, the committee may permit any person,
- 1314 not compelled or invited, to appear and testify at a hearing or submit a sworn written statement
- 1315 of facts or other documentary evidence for incorporation into the record.
- 1316 (7) (a) The release of any testimony or other evidence presented at a closed hearing and
- 1317 the form and manner of that release shall be by a majority vote of all members of the
- 1318 committee.
- 1319 (b) Committee members and committee staff may not publicly disclose any other part
- 1320 of the preliminary inquiry.
- 1321 (8) If a majority of the committee determines that further evidence and testimony are
- 1322 necessary, the committee shall:
- 1323 (a) adjourn and continue the preliminary inquiry hearing to a future date; and
- 1324 (b) establish that future date by majority vote.
- 1325 Section 68. **JR6-4-202** is enacted to read:
- 1326 **JR6-4-202. Chair as Presiding Judge.**
- 1327 (1) The committee chair is vested with the power to direct the committee in the
- 1328 preliminary inquiry.
- 1329 (2) (a) If a committee member objects to a decision of the chair, that member may

1330 appeal the decision to the committee by stating: "I appeal the decision of the chair."

1331 (b) This motion is non-debatable.

1332 (c) The chair shall direct a roll call vote to determine if the committee membership
1333 supports the decision of the chair.

1334 (d) A majority vote of the committee is necessary to overrule the decision of the chair.

1335 (3) The chair may set time limitations on any part of the preliminary inquiry.

1336 Section 69. **JR6-4-203** is enacted to read:

1337 **JR6-4-203. Testimony and Examination of Witnesses -- Oath -- Contempt.**

1338 (1) At the direction of the committee chair and cochair, the committee may hear the
1339 testimony of the complainants, the respondent, and witnesses.

1340 (2) (a) Each witness shall testify under oath.

1341 (b) Legislative General Counsel shall administer the oath to each witness.

1342 (3) The chair shall permit the witness to make a brief opening statement if the witness
1343 desires.

1344 (4) The committee chair shall direct the examination of the witness as follows:

1345 (a) After the witness's presentation, the chair shall:

1346 (i) give committee members the opportunity to question the witness; and

1347 (ii) give the respondent the opportunity to question the witness.

1348 (b) The committee chair may allow further examination of the witness by the
1349 committee, committee staff, or the respondent.

1350 (5) (a) If the witness objects to a question, the chair may direct the witness to answer.

1351 (b) If the witness still declines to answer the question, the witness may be held in
1352 contempt as provided in JR6-2-202.

1353 (6) (a) The committee chair shall direct each witness to furnish any relevant evidence
1354 for the committee's consideration if the witness has brought the material voluntarily or has been
1355 required to bring it by subpoena.

1356 (b) If the witness declines to provide evidence in response to a subpoena, the witness
1357 may be held in contempt as provided in JR6-2-202.

1358 (7) The chair may allow a witness to insert into the record a sworn written statement of
1359 reasonable length that is relevant to the purpose, subject matter, and scope of the investigation.

1360 Section 70. **JR6-4-204** is enacted to read:

1361 **JR6-4-204. Right to Counsel -- Limitations on Counsel.**

1362 (1) Any witness testifying before the committee may have the witness's counsel
1363 present.

1364 (2) During the preliminary inquiry, counsel for a witness shall confine his activity
1365 exclusively to private advice to his client about the witness's legal rights.

1366 (3) Counsel for a witness may not:

1367 (a) advise the witness during the witness's testimony, except when specifically
1368 requested by the witness;

1369 (b) address the committee;

1370 (c) ask questions of any witness, including the counsel's client; or

1371 (d) engage in oral arguments with the committee.

1372 (4) Because the committee seeks factual testimony within the personal knowledge of
1373 the witness, the witness's counsel may not suggest testimony and answers to the witness during
1374 the inquiry, but must allow the witness to present testimony and answer questions without
1375 prompting or suggestions.

1376 (5) If the witness's counsel fails to comply with any of the requirements of this
1377 JR6-4-204, the chair may exclude the counsel from the preliminary inquiry.

1378 Section 71. **JR6-4-205** is enacted to read:

1379 **JR6-4-205. Rights of the Respondent.**

1380 The chair shall give the respondent an opportunity to respond, orally or in writing, to
1381 the allegations stated in the complaint.

1382 Section 72. **JR6-4-206** is enacted to read:

1383 **JR6-4-206. Record.**

1384 (1) The chair shall ensure that:

1385 (a) a record of the preliminary inquiry is made; and

1386 (b) the record includes:

1387 (i) rulings of the chair;

1388 (ii) questions of the committee and its staff;

1389 (iii) the testimony and responses of witnesses;

1390 (iv) sworn statements submitted to the committee;

1391 (v) relevant documents; and

1392 (vi) any other matters that the committee or its chair directs.

1393 (2) After the preliminary inquiry is completed, the staff of the committee shall keep a
1394 file containing a comprehensive summary of the inquiry.

1395 Section 73. **JR6-4-207** is enacted to read:

1396 **JR6-4-207. Process for Making a Decision -- Remedies -- Publication of Decision.**

1397 (1) If, at the conclusion of the preliminary inquiry in which the procedural
1398 requirements of Part 3, Disciplinary Hearing, are not waived, the committee determines, by a
1399 preponderance of the evidence, that there is reason to believe that the alleged violation did
1400 occur, the committee shall direct staff to prepare a Summary of the Preliminary Inquiry.

1401 (2) If, at the conclusion of the preliminary inquiry in which the procedural
1402 requirements of Part 3, Disciplinary Hearing, are waived, the committee determines, by clear
1403 and convincing evidence, that the alleged violation did occur, the committee shall direct staff to
1404 prepare a Summary of the Preliminary Inquiry.

1405 (3) (a) After the announcement of the committee's decision in the Summary of the
1406 Preliminary Inquiry, if the procedural requirements of Part 3, Disciplinary Hearing, have been
1407 waived, the committee shall determine what recommendation should be made to the Senate or
1408 House with respect to any count that has been proved as provided in Subsection (4).

1409 (b) The committee may not hear any further testimony during the preliminary inquiry,
1410 except by a majority vote of the committee.

1411 (4) (a) A count is not proved unless a majority of the committee so determine by vote.

1412 (b) A count that is not proved is dismissed.

1413 (c) If a majority of the committee does not vote that a count has been proved, a motion
1414 to reconsider that vote may only be made by a member of the committee who voted that the
1415 count was not proved.

1416 (5) (a) The committee may, for any count that has been voted as proved, recommend
1417 one or more of the following actions:

1418 (i) censure;

1419 (ii) expulsion;

1420 (iii) denial or limitation of any right, power, or privilege of the respondent, if, under the
1421 Utah Constitution, the Senate or House may impose that denial or limitation, and if the
1422 violation bears upon the exercise or holding of any right, power, or privilege; or

- 1423 (iv) any other action that the committee determines is appropriate.
1424 (b) If a majority of the committee does not vote in favor of the recommendation for
1425 action, a motion to reconsider may only be made by a member of the committee who voted
1426 against the recommendation.

1427 Section 74. **JR6-4-301** is enacted to read:

Part 3. Disciplinary Hearing

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

1430 (1) If there is no waiver of the disciplinary hearing as provided in JR6-4-201(3), the
1431 Senate and House Ethics Committees shall follow the procedures in this part to prepare for and
1432 conduct a disciplinary hearing.

1433 (2) (a) Before beginning any disciplinary hearing, the committee shall:

1434 (i) adopt a statement establishing the scope and purpose of the hearing; and

1435 (ii) provide a copy of the statement to each witness.

1436 (b) The scope and purpose of the hearing may expand or contract during the hearing,
1437 depending upon the evidence received.

1438 (3) The respondent has the right to counsel during all stages of the disciplinary hearing.

1439 (4) The disciplinary hearing is open to the public.

1440 Section 75. **JR6-4-302** is enacted to read:

JR6-4-302. Appointment of Special Prosecutor.

1442 (1) (a) The chair shall appoint a special prosecutor.

1443 (b) This special prosecutor shall be paid by the Senate if it is a Senate Ethics
1444 Committee or the House if it is a House Ethics Committee.

1445 (2) The special prosecutor shall:

1446 (a) prepare the Statement of Alleged Violation as provided in JR6-4-303; and

1447 (b) act as prosecutor against the respondent in the disciplinary hearing.

1448 Section 76. **JR6-4-303** is enacted to read:

JR6-4-303. Statement of Alleged Violation.

1450 (1) In preparing the Statement of Alleged Violation, the special prosecutor shall, after
1451 reviewing the Summary of the Preliminary Inquiry, ensure that:

1452 (a) the statement is divided into separate counts; and

1453 (b) each count alleges a separate violation and includes the facts that support each

1454 alleged violation.

1455 (2) After completing the Statement of Alleged Violation, the special prosecutor shall:

1456 (a) review the statement with the committee chair and committee staff;

1457 (b) obtain approval of the statement from the committee chair; and

1458 (c) transmit the Statement of Alleged Violation to the respondent and to the

1459 complainants.

1460 Section 77. **JR6-4-304** is enacted to read:

1461 **JR6-4-304. Response to Statement of Alleged Violation.**

1462 (1) Within 30 calendar days after receipt of the Statement of Alleged Violation, the

1463 respondent may file a written response to the statement, which must be signed by the

1464 respondent or the respondent's counsel.

1465 (2) The respondent shall limit the response to the following:

1466 (a) an admission or denial of each count, under oath, with any supportive evidence or
1467 relevant information;

1468 (b) an objection to any or all counts on the grounds that the count fails to state facts
1469 that constitute a violation of the Code of Official Conduct or any law, rule, regulation, or other
1470 standard of conduct applicable to a member of the Senate or House in the performance of
1471 legislative responsibilities;

1472 (c) an objection to the jurisdiction of the committee considering the allegations
1473 contained in the statement;

1474 (d) a motion for a more detailed statement regarding the cause of action stated in the
1475 complaint; or

1476 (e) an objection to the participation of any member of the committee, the committee's
1477 staff, or the special prosecutor on the grounds that that person would be unable to render a fair
1478 and impartial judgment or investigation.

1479 (3) If the respondent fails to submit a response to the Statement of Alleged Violation or
1480 to any count contained in it, the statement or count constitutes an admission of the alleged
1481 violation.

1482 Section 78. **JR6-4-305** is enacted to read:

1483 **JR6-4-305. Committee Action on Statement of Alleged Violation and Response.**

1484 (1) (a) Within 30 calendar days after receipt of the respondent's response or the

1485 respondent's failure to respond within that time, the committee shall determine, by majority
1486 vote, to:

1487 (i) dismiss the complaint;
1488 (ii) grant or deny the respondent's motion for a more detailed statement, and if this
1489 motion is granted, direct the special prosecutor to give more detail in the Statement of Alleged
1490 Violation and give the respondent 30 days from receipt of this statement to respond as provided
1491 in JR6-4-304;

1492 (iii) hold a disciplinary hearing; or
1493 (iv) defer action, if a judicial proceeding is pending.

1494 (b) If the committee is unable to obtain a majority vote directing further proceedings
1495 against the respondent, the statement and complaint are considered dismissed.

1496 (2) The chair shall ensure that the respondent and complainants are notified, in writing,
1497 of the action taken by the committee.

1498 (3) The chair may:

1499 (a) extend any time limitation, if the extension would facilitate a fair and complete
1500 inquiry; or
1501 (b) shorten any time limitation, if special circumstances require it.

1502 (4) (a) If an objection to the participation of any person is raised in the respondent's
1503 response under JR6-4-304(2)(e), the committee, by majority vote, shall:

1504 (i) evaluate the person against whom the objection is raised to determine whether or
1505 not the person can fairly and impartially participate; and
1506 (ii) by majority vote, determine whether or not to allow that person to participate.

1507 (b) If a majority of the committee does not agree to exclude the person, the person may
1508 participate.

1509 Section 79. **JR6-4-306** is enacted to read:

1510 **JR6-4-306. Disciplinary Hearing -- General Requirements -- Two Phases.**

1511 The disciplinary hearing is open to the public and consists of two phases:

1512 (1) In Phase I, the committee must determine whether or not the counts in the
1513 Statement of Alleged Violation have been proved by clear and convincing evidence.

1514 (2) In Phase II, the committee must determine what recommendation should be made
1515 to the Senate or House with respect to any count that has been proved.

1516 Section 80. **JR6-4-307** is enacted to read:

1517 **JR6-4-307. Disciplinary Hearing Process -- Phase 1, Adjudication Phase.**

1518 (1) The chair shall:

1519 (a) call the meeting to order;

1520 (b) describe the committee's authority to conduct the hearing;

1521 (c) inform the committee, the respondent, and the attendees of the purpose and scope

1522 of the hearing; and

1523 (d) proceed with the hearing.

1524 (2) Witnesses and evidence shall be received in the following order whenever possible:

1525 (a) witnesses and evidence offered by the special prosecutor;

1526 (b) witnesses and evidence offered by the respondent; and

1527 (c) rebuttal witnesses.

1528 (3) All witnesses shall testify under oath.

1529 (4) Witnesses offered by the special prosecutor shall be:

1530 (a) examined first by the special prosecutor;

1531 (b) cross-examined by the respondent or the respondent's counsel;

1532 (c) examined by committee members and committee staff; and

1533 (d) redirect examination and recross examination, if permitted by the chair.

1534 (5) Witnesses offered by the respondent shall be:

1535 (a) examined first by the respondent or respondent's counsel;

1536 (b) cross-examined by the special prosecutor;

1537 (c) examined by committee members and committee staff; and

1538 (d) redirect examination and recross examination if permitted by the chair.

1539 (6) At the disciplinary hearing, the burden of proof rests upon the special prosecutor,

1540 who must establish a violation of any facts by clear and convincing evidence.

1541 (7) (a) For a count to be proved, a majority of the committee must vote that it is proved

1542 by clear and convincing evidence.

1543 (b) The chair shall dismiss each count that is not proved by majority committee vote.

1544 (c) If a majority of the committee does not vote that a count has been proved, a motion

1545 to reconsider that vote may only be made by a member of the committee who voted that the

1546 count was not proved.

1547 Section 81. **JR6-4-308** is enacted to read:

1548 **JR6-4-308. Disciplinary Hearing Process -- Phase II, Penalty Phase -- Remedies.**

1549 (1) The committee may not hear any further testimony during Phase II unless a
1550 majority of the committee votes to allow additional testimony.

1551 (2) In Phase II of the disciplinary hearing, the committee may, for any count that has
1552 been voted as proved, recommend one or more of the following actions:

1553 (a) censure;

1554 (b) expulsion;

1555 (c) denial or limitation of any right, power, or privilege of the respondent, if:

1556 (i) under the Utah Constitution, the Senate or House may impose that denial or
1557 limitation; and

1558 (ii) the violation bears upon the exercise or holding of the right, power, or privilege; or

1559 (d) any other action that the committee determines is appropriate.

1560 (3) If a majority of the committee does not vote in favor of the recommendation for
1561 action, a motion to reconsider may only be made by a member of the committee who voted
1562 against the recommendation.

1563 (4) The chair shall ensure that the committee's recommendation to the Senate or House
1564 is:

1565 (a) submitted in writing; and

1566 (b) contains a brief but complete statement of the evidence that supports the
1567 committee's recommendations.

1568 Section 82. **JR6-4-309** is enacted to read:

1569 **JR6-4-309. Announcement of Decision.**

1570 At the conclusion of the committee's deliberations in the disciplinary hearing, when a
1571 decision has been reached, the chair shall inform the respondent and his counsel of the
1572 committee's decision.

1573 Section 83. **JR6-4-310** is enacted to read:

1574 **JR6-4-310. Records of Disciplinary Hearing.**

1575 After the disciplinary hearing is completed, the staff of the committee shall keep a file
1576 containing a comprehensive summary of the disciplinary hearing.

1577 Section 84. **JR6-5-101** is enacted to read:

1578 **CHAPTER 5. ACTION BY SENATE OR HOUSE ON**
1579 **ETHICS COMMITTEE RECOMMENDATION**

1580 **JR6-5-101. Senate and House Action.**

1581 (1) The Senate or House shall:

1582 (a) consider the recommendations of the ethics committee; and

1583 (b) by a majority vote of that house, either accept, dismiss, or alter these
1584 recommendations.

1585 (2) If the committee recommends expulsion of a Senator or Representative, acceptance
1586 of this recommendation requires a two-thirds vote of all the members elected to the Senate or
1587 to the House.

1588 Section 85. **Repealer.**

1589 This resolution repeals:

1590 **JR-4.01, Defining "Bill."**

1591 **JR-4.02, Defining "Resolution."**

1592 **JR-4.03, Types of Resolutions.**

1593 **JR-4.04, Bill Size.**

1594 **JR-4.05, Form of Bills.**

1595 **JR-4.06, Form of Resolutions.**

1596 **JR-4.07, Designation.**

1597 **JR-4.08, Short Title and Long Title.**

1598 **JR-4.09, Reference to an Appropriation in a Bill.**

1599 **JR-4.10, Title of Bill to be Printed Once.**

1600 **JR-4.11, List of Sections Affected.**

1601 **JR-4.12, Enacting Clause.**

1602 **JR-4.13, Resolving Clauses.**

1603 **JR-4.14, Intent Language in an Appropriations Bill.**

1604 **JR-4.15, Enacting New Legislation.**

1605 **JR-4.16, Amendments in Bill.**

1606 **JR-4.17, Identifying Adopted Amendments in Context.**

1607 **JR-4.18, Amendment or Substitution to be Germane.**

1608 **JR-4.19, Early Effective Date.**

- 1609 **JR-4.20, Delayed Effective Date.**
- 1610 **JR-4.20.1, Retrospective Operation.**
- 1611 **JR-4.21, General Effective Date of Bills and Resolutions.**
- 1612 **JR-4.22, Bills; Requests; Drafting; Copies; Notes.**
- 1613 **JR-4.22.1, Appropriations; Requests; Disposition.**
- 1614 **JR-4.23, Amended Fiscal Note or Amended Legislative Review Letter.**
- 1615 **JR-4.24, Substitute and Replacement Bills.**
- 1616 **JR-4.25, Bill Backs.**
- 1617 **JR-4.26, Reading of Titles of Bills.**
- 1618 **JR-4.27, Prefiling of Bills.**
- 1619 **JR-4.28, Reference of Bills.**
- 1620 **JR-4.29, Bills Ordered Printed.**
- 1621 **JR-4.30, Printing of Identical Bills.**
- 1622 **JR-4.31, Reference to Standing or Interim Committee.**
- 1623 **JR-4.32, Secretary and Chief Clerk to Deliver Bills to Standing or Interim**
- 1624 **Committees.**
- 1625 **JR-4.33, Bills Referred to Committee.**
- 1626 **JR-4.34, Bill Transmitted to Other House.**
- 1627 **JR-4.35, Possession of a Bill.**
- 1628 **JR-4.36, Preference Given to Bills of Other House.**
- 1629 **JR-4.38, Striking Enacting Clause.**
- 1630 **JR-4.39, Distribution of Resolutions.**
- 1631 **JR-4.40, Reservation of Bill Numbers.**
- 1632 **JR-6.01, Transmittal Letter Accompany Bill.**
- 1633 **JR-6.02, Notice to Other House of Rejection.**
- 1634 **JR-6.03, Transmittal Letter; By Whom Sent; Form.**
- 1635 **JR-6.04, Sponsorship of Legislation in the Other House.**
- 1636 **JR-7.01, Concurrence in Amendments.**
- 1637 **JR-8.01, Certification.**
- 1638 **JR-8.02, Presiding Officers to Sign Bills.**
- 1639 **JR-8.03, Enrollment.**

- 1640 **JR-8.04, Sent to Governor.**
- 1641 **JR-8.05, Governor's Action of Bill Reported to Other House.**
- 1642 **JR-9.01, Recalling a Bill for Corrections.**
- 1643 **JR-9.02, Recall by Joint Resolution.**
- 1644 **JR-9.03, Time Limit on Recalling a Bill.**
- 1645 **JR-13.01, Annual General Sessions.**
- 1646 **JR-13.02, Eligibility of Senators and Representatives.**
- 1647 **JR-13.03, Ineligibility to be a Legislator.**
- 1648 **JR-13.04, Senator's and Representative's Ineligibility for Office Created during**
1649 **Term for Which Elected.**
- 1650 **JR-13.05, Privilege from Arrest.**
- 1651 **JR-13.06, Compensation.**
- 1652 **JR-13.07, Each House to Judge Election, Qualifications, and Expulsion of**
1653 **Members.**
- 1654 **JR-13.08, Quorum; Attendance Compelled.**
- 1655 **JR-13.09, Rules, Officers, and Employees.**
- 1656 **JR-13.10, Filling Vacancies.**
- 1657 **JR-13.11, Contents of Journal.**
- 1658 **JR-13.12, Public Sessions; Adjournments.**
- 1659 **JR-13.13, Special and Impeachment Sessions.**
- 1660 **JR-13.19, Bill Passage and One Subject Restriction.**
- 1661 **JR-13.20, Presiding Officers to Sign Bills.**
- 1662 **JR-13.21, Effective Date of Legislation.**
- 1663 **JR-13.22, Private or Special Laws.**
- 1664 **JR-13.23, Lotteries not Authorized.**
- 1665 **JR-13.24, Delegation of Legislative Power.**
- 1666 **JR-13.25, Lending Public Credit Forbidden.**
- 1667 **JR-13.26, Continuity in Government During Emergency.**
- 1668 **JR-13.27, Additional Legislative Compensation.**
- 1669 **JR-13.28, Power to Appoint Additional Employees.**
- 1670 **JR-13.29, Appointment of Legislative Auditor.**

- 1671 **JR-13.30, Veto Override Power and Sessions.**
- 1672 **JR-13.31, Judicial Power of Senate.**
- 1673 **JR-15.01, Definition.**
- 1674 **JR-15.02, Expenses While in Session.**
- 1675 **JR-15.03, Expenses for Authorized Legislative Meetings -- Special Sessions -- Veto**
- 1676 **Override Sessions.**
- 1677 **JR-15.04, Out-of-State Travel.**
- 1678 **JR-15.05, Legislative Expenses Oversight Committee.**
- 1679 **JR-16.01, Legislative Ethics.**
- 1680 **JR-16.02, Senate and House Ethics Committees.**
- 1681 **JR-16.03, Code of Official Conduct.**
- 1682 **JR-16.04, Rules of Procedure for the Senate and House Ethics Committees.**
- 1683 **JR-16.05, Declaring and Recording Conflict of Interest.**
- 1684 **JR-16.06, Disclosure of Remuneration.**
- 1685 **JR-16.07, Disciplinary Hearing.**
- 1686 **JR-19.01, Prioritization of Bills.**
- 1687 **JR-19.02, Requesting, Refiling, Approving, and Abandoning Bills.**
- 1688 **JR-19.03, Fiscal Note Threshold; Deadline for Passing Fiscal Note Bills.**
- 1689 **JR-19.04, Bond Bills; Availability and Deadline for Passage.**
- 1690 **JR-19.05, Appropriations Bills and School Finance Bills; Availability and**
- 1691 **Deadline for Passage.**
- 1692 **JR-19.06, Second Supplemental Appropriations Bill.**
- 1693 **JR-19.07, Base Budget Bills.**

Legislative Review Note
as of 2-2-07 6:08 PM

Office of Legislative Research and General Counsel

H.J.R. 11 - Joint Rules Resolution - Recodification and Revisions

Fiscal Note

2007 General Session

State of Utah

State Impact

Enactment of this bill will not require additional appropriations.

Individual, Business and/or Local Impact

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