



28           ▶ makes technical changes.

29 **Special Clauses:**

30           None

31 **Legislative Rules Affected:**

32 AMENDS:

33           **HR1-2-101**

34           **HR1-3-101**

35           **HR1-3-102**

36           **HR1-3-103**

37           **HR1-4-202**

38           **HR1-5-202**

39           **HR1-5-301**

40           **HR2-4-105**

41           **HR3-2-402**

42           **HR3-2-601**

43           **HR4-4-202**

44           **HR4-9-102**

45           **HR5-2-101**

46 ENACTS:

47           **HR1-8-101**

48           **HR2-6-101**



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

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

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

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

59 until the Representatives have taken the oath of office and elected a Speaker.

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

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

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

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

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

69 Section 3. **HR1-3-102** is amended to read:

70 **HR1-3-102. Duties of the Speaker.**

71 (1) The general duties of the Speaker are to:

72 (a) call the House to order at the time scheduled for convening, and proceed with the  
73 daily order of business;

74 (b) announce the business before the House in the order that it is to be acted upon;

75 (c) receive and submit in the proper manner all motions and proposals presented by  
76 Representatives;

77 (d) put to a vote all questions that arise in the course of proceedings, and announce the  
78 results of the vote;

79 (e) enforce the House Rules governing debates;

80 (f) enforce observance of order and decorum;

81 (g) inform the House on any point of order or practice;

82 (h) receive and announce to the House any official messages and communications;

83 (i) sign all acts, orders, and proceedings of the House;

84 (j) appoint the members of committees;

85 (k) assign responsibilities to, and supervise the officers and employees of, the House;

86 (l) assign places and determine access for news media representatives; and

87 (m) represent the House, declaring its will and obeying its commands.

88 (2) The Speaker shall:

89 (a) sign, or authorize a designee to sign, all requisitions on the Division of Finance to

90 pay House expenses; and

91 (b) give final approval of all expenditure requests as authorized by the majority and  
92 minority leaders of the House, including [~~per diem compensation~~] travel expenses, and  
93 expenses for in-state and out-of-state travel on legislative business.

94 Section 4. **HR1-3-103** is amended to read:

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

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

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

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

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

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

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

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

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

114 Section 5. **HR1-4-202** is amended to read:

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

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

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

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

119 (3) enforce the provision of Utah Code Title 26, Chapter 38, Utah Indoor Clean Air  
120 Act, in areas controlled by the House; and

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

122 Section 6. **HR1-5-202** is amended to read:

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

124 (1) The House of Representatives shall comply with the requirements of Title 52,  
125 Chapter 4, Open and Public Meetings Act, when holding an executive session.

126 [~~(1)~~] (2) When the House of Representatives approves a motion to go into executive  
127 session, the Sergeant-at-Arms shall close the House chamber doors.

128 [~~(2)~~] (3) The presiding officer may require that all persons, except the Representatives,  
129 Chief Clerk, Journal Clerk, and Sergeant-at-Arms leave the chamber, halls, gallery, and lounge.

130 [~~(3)~~] (4) During the executive session, everyone present must remain within the  
131 chamber.

132 [~~(4)~~] (5) Everyone present shall keep all matters discussed in executive session  
133 confidential.

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

136 Section 7. **HR1-5-301** is amended to read:

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

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

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

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

146 [~~(2)~~] (3) At the time set for consideration of the legislation, the presiding officer shall  
147 place the legislation before the House.

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

149 **CHAPTER 8. POSTAGE ALLOWANCE**

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

151 (1) Each Representative may deposit:

152 (a) up to 300 letters into the House mail system during the annual general session; and  
153 (b) up to 10 letters per month into the House mail system during the remainder of the  
154 year.

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

157 Section 9. **HR2-4-105** is amended to read:

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

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

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

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

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

169 (4) The Sergeant-at-Arms, under the direction of the Speaker, shall enforce the  
170 requirements of this rule.

171 Section 10. **HR2-6-101** is enacted to read:

172 **HR2-6-101. Campaign Contributions Prohibited on Capitol Hill.**

173 Members of the House may not accept campaign contributions from any person while  
174 on capitol hill, as the term "capitol hill" is defined in Section 36-5-1.

175 Section 11. **HR3-2-402** is amended to read:

176 **HR3-2-402. Voting -- Chair to Verbally Announce the Vote -- Dissenting**  
177 **Members to Be Reported -- Division of the Question.**

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

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

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

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

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

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

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

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

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

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

196 (b) verbally announce that the motion passed or that the motion failed;

197 (c) verbally identify by name either the committee members who voted "yes" or the  
198 committee members who voted "no"; and

199 (d) ensure that the vote is recorded in the minutes.

200 (5) Members dissenting from a committee report may [~~file a minority report or may~~] be  
201 listed on the committee report as dissenting.

202 Section 12. **HR3-2-601** is amended to read:

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

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

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

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

210 (b) If the standing committee chair is unavailable or unwilling to sign the committee  
211 report, and the legislation and committee report are not submitted to the Chief Clerk of the  
212 House by the next legislative day as required by this Subsection (1), the Chief Clerk of the  
213 House shall ensure that the official version of the legislation and a committee report detailing

214 the committee's action are submitted to the Chief Clerk of the House no later than the second  
215 legislative day after a piece of legislation is acted upon by a committee.

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

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

222 Section 13. **HR4-4-202** is amended to read:

223 **HR4-4-202. Disposition of Legislation Voted on Third Reading.**

224 (1) Except as provided in Subsection (2), the Chief Clerk or the Chief Clerk's designee  
225 shall:

226 (a) for a piece of House legislation passed by the House on third reading but not yet  
227 acted upon by the Senate, transmit the House legislation to the Senate for its further action;

228 (b) for a piece of House legislation that fails to pass the House on third reading, file the  
229 legislation;

230 (c) for a piece of House legislation that has passed both houses, follow the procedures  
231 and requirements of JR4-6-101(1)(b);

232 (d) for a piece of Senate legislation passed by the House on third reading and not  
233 amended or substituted in the House, transmit the Senate legislation to the presiding officer of  
234 the House for the presiding officer's signature and return the legislation to the Senate for the  
235 signature of the President of the Senate;

236 (e) for a piece of Senate legislation passed by the House on third reading that was  
237 amended or substituted in the House, transmit the legislation to the Senate with the  
238 amendments or substitute for further action by the Senate; and

239 (f) for a piece of Senate legislation that fails to pass the House on third reading,  
240 transmit the legislation to the Senate with notice of the House's action.

241 (2) (a) The Chief Clerk shall ensure that the House retains possession of a piece of  
242 legislation for no more than one legislative day when:

243 (i) a Representative gives notice of intention to move for reconsideration to the Chief  
244 Clerk and to the sponsor of the legislation;

- 245 (ii) a Representative requests that the Chief Clerk hold the legislation; or
- 246 (iii) the House passes a motion to retain possession of the legislation.
- 247 (b) Notwithstanding the requirements of Subsection (2)(a), a piece of legislation may
- 248 be released earlier than 24 hours if the House is given prior public notice of the release.

249 Section 14. **HR4-9-102** is amended to read:

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

251 When a Representative [~~gives notice that the Representative intends to make~~] makes a

252 motion to reconsider, the Chief Clerk or the Chief Clerk's designee shall:

- 253 (1) ensure that the [~~notice~~] motion is recorded in the House Journal; and
- 254 (2) retain the legislation in the possession of the House until the time for
- 255 reconsideration has expired or until the legislation has been reconsidered.

256 Section 15. **HR5-2-101** is amended to read:

257 **CHAPTER 2. LOBBYIST ETHICS**

258 **HR5-2-101. Lobbyist Code of Ethics.**

259 A lobbyist, volunteer lobbyist, or government official may not:

- 260 (1) attempt to influence a Representative, elected or appointed state official, state
- 261 employee, or legislative employee by means of deceit or by threat of violence or economic or
- 262 political reprisal against any person or property, with intent by doing so to alter or affect the
- 263 Representative's, elected or appointed state official's, state employee's, or legislative employee's
- 264 decision, vote, opinion, or action concerning any matter that is to be considered or performed
- 265 by the Representative, official, or employee or the agency or body of which the Representative,
- 266 official, or employee is a member;
- 267 (2) knowingly provide false information to a Representative, elected or appointed state
- 268 official, state employee, or legislative employee as to any material fact pertaining to any
- 269 legislation;
- 270 (3) knowingly omit, conceal, or falsify in any manner information required by the
- 271 lobbyist registration and lobbyist disclosure reports;
- 272 (4) participate in committee assignments or leadership races of the House of
- 273 Representatives;
- 274 (5) cause or influence the introduction of any piece of legislation, substitute, or
- 275 amendment for the purpose of afterwards becoming employed to secure its passage or defeat;

- 276 (6) misappropriate or misuse legislative office supplies;
- 277 (7) use legislative reproduction or facsimile machines without paying for that use;
- 278 (8) enter or use a Representative's, elected or appointed state official's, state  
279 employee's, or legislative employee's office, phone, computer, or parking space without explicit  
280 permission;
- 281 (9) attempt to remove or remove any document from any Representative's or legislative  
282 employee's office, desk, file cabinet, reproduction machine, facsimile machine, or any other  
283 place without explicit permission;
- 284 (10) engage in sexually harassing behavior or behavior violating the state's sexual  
285 harassment policy toward Representatives or employees of the Legislature;
- 286 (11) offer employment to a Representative or legislative employee that impairs the  
287 Representative's or legislative employee's independence of judgement as to their official duties;
- 288 (12) offer employment that would require or induce a Representative or legislative  
289 employee to disclose records classified as private, protected, or controlled;
- 290 (13) use or disclose for personal financial gain any records classified as private,  
291 protected, or controlled that were obtained from a Representative or legislative employee or  
292 conspire with any person for that purpose; ~~or~~
- 293 (14) induce or seek to induce a Representative or legislative employee to commit a  
294 violation of any provision of this House rule[-]; or
- 295 (15) give a campaign contribution to a Representative on capitol hill in violation of  
296 HR2-6-101.

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**Legislative Review Note**  
**as of 1-20-11 1:25 PM**

**Office of Legislative Research and General Counsel**

# FISCAL NOTE

H.R. 2, 2011 General Session

SHORT TITLE: House Rules Changes Resolution

SPONSOR: Harper, W.

STATE OF UTAH

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

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

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

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

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

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