

Representative Wayne A. Harper proposes the following substitute bill:

HOUSE RULES CHANGES RESOLUTION

2011 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Wayne A. Harper

LONG TITLE

General Description:

This resolution modifies House rules.

Highlighted Provisions:

This resolution:

- ▶ modifies provisions governing who presides at the beginning of a general session;
- ▶ modifies provisions governing the election and responsibilities of the Speaker-Elect;
- ▶ makes changes to House rules governing per diem;
- ▶ requires the House to elect a Speaker within a certain time frame if there is a
vacancy;
- ▶ clarifies the responsibilities of the Sergeant-at-Arms;
- ▶ clarifies and modifies the House rules concerning executive sessions;
- ▶ clarifies and repeals provisions governing the time certain calendar;
- ▶ establishes a postage allowance for House members;
- ▶ modifies access provisions to areas controlled by the House;
- ▶ requires permission to hold a press conference in the House Chamber;
- ▶ changes provisions governing committee reports;
- ▶ removes provisions allowing filing of a minority report;
- ▶ adds provisions related to signing of committee reports;
- ▶ adds a notice requirement when a Representative intends to reconsider a piece of



- 26 legislation;
- 27 ▶ changes the maximum speaking time during debate; and
- 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 **HR3-2-102**

42 **HR3-2-402**

43 **HR3-2-601**

44 **HR4-4-202**

45 **HR4-6-105**

46 **HR4-9-102**

47 ENACTS:

48 **HR1-8-101**

49 REPEALS:

50 **HR3-2-303**

51

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

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

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

55 ~~[(1) Except as provided in Subsection (2), on]~~ On the first day of each annual general
56 session of the Legislature during odd-numbered years, ~~[the person whose term as Speaker of~~

57 ~~the House most recently expired shall call the House to order and preside until the~~
58 ~~Representatives have taken the oath of office and elected a new Speaker. (2) If the~~
59 ~~Speaker-elect was Speaker during the previous Legislature or if the former Speaker is~~
60 ~~unavailable,] the Speaker-elect shall designate a person to call the House to order and preside~~
61 ~~until the Representatives have taken the oath of office and elected a Speaker.~~

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

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

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

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

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

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

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

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

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

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

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

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

81 (e) enforce the House Rules governing debates;

82 (f) enforce observance of order and decorum;

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

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

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

86 (j) appoint the members of committees;

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

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

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

90 (2) The Speaker shall:

91 (a) sign, or authorize a designee to sign, all requisitions on the Division of Finance to
92 pay House expenses; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- 119 (1) maintain security in areas controlled by the House;
- 120 (2) enforce the House Rules at the direction of the presiding officer of the House;
- 121 (3) enforce the provision of Utah Code Title 26, Chapter 38, Utah Indoor Clean Air
- 122 Act, in areas controlled by the House; and
- 123 (4) provide other service as requested by the Chief Clerk or the Speaker.

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

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

126 (1) The House of Representatives shall comply with the requirements of Title 52,

127 Chapter 4, Open and Public Meetings Act, when holding an executive session.

128 [~~(1)~~] (2) When the House of Representatives approves a motion to go into executive

129 session, the Sergeant-at-Arms shall close the House chamber doors.

130 [~~(2)~~] (3) The presiding officer may require that all persons, except the Representatives,

131 Chief Clerk, Journal Clerk, and Sergeant-at-Arms leave the chamber, halls, gallery, and lounge.

132 [~~(3)~~] (4) During the executive session, everyone present must remain within the

133 chamber.

134 [~~(4)~~] (5) Everyone present shall keep all matters discussed in executive session

135 confidential.

136 (6) During the executive session, those within the chamber may not communicate with

137 anyone outside the chamber by verbal, written, electronic, or any other means.

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

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

140 (1) (a) [~~A~~] Except as provided in Subsection (2), a Representative may make a motion,

141 or the House Rules committee may recommend, that a piece of legislation become a special

142 order of business on the time certain calendar.

143 (b) If the motion is approved by a majority of the members present, the Chief Clerk

144 shall place the legislation on the time certain calendar.

145 (2) A motion to place a piece of legislation as a special order of business on the time

146 certain calendar may not be made if the legislation has not yet been placed on the third reading

147 calendar.

148 [~~(2)~~] (3) At the time set for consideration of the legislation, the presiding officer shall

149 place the legislation before the House.

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

151 **CHAPTER 8. POSTAGE ALLOWANCE**

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

153 (1) Each Representative may deposit:

154 (a) up to 300 letters into the House mail system during the annual general session; and

155 (b) up to 10 letters per month into the House mail system during the remainder of the
156 year.

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

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

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

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

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

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

169 (3) A representative may not hold a press conference in the house chamber without the
170 permission of the Speaker of the House.

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

173 [~~(4)~~] (5) The Sergeant-at-Arms, under the direction of the Speaker, shall enforce the
174 requirements of this rule.

175 Section 10. **HR3-2-102** is amended to read:

176 **HR3-2-102. Standing Committee Review Required -- Exceptions.**

177 (1) The House of Representatives may not pass a bill, joint resolution, or concurrent
178 resolution during the annual general session that has not been reviewed by a House standing
179 committee.

180 (2) This rule does not apply to:

- 181 (a) a resolution regarding legislative rules or legislative personnel;
182 (b) legislation that has been approved by an interim committee;
183 (c) the revisor's statute; or
184 (d) if the legislation was reviewed and approved by the Executive Appropriations
185 Committee, legislation that:
186 (i) exclusively appropriates monies;
187 (ii) amends Utah Code Title 53A, Chapter 17a, Minimum School Program Act;
188 (iii) amends Utah Code Title 67, Chapter 22, State Officer Compensation; [~~and~~] or
189 (iv) authorizes the issuance of general obligation or revenue bonds.
190 Section 11. **HR3-2-402** is amended to read:

191 **HR3-2-402. Voting -- Chair to Verbally Announce the Vote -- Dissenting**

192 **Members to Be Reported -- Division of the Question.**

- 193 (1) A committee member present shall vote on every question.
194 (2) (a) If requested by a committee member or at the discretion of the chair, the
195 standing committee chair may direct a roll call vote.
196 (b) During a vote, the standing committee chair may not take any motions or conduct
197 any other business.
198 (3) (a) If a question contains several points, a committee member may, except as
199 provided in Subsection (3)(d), request to have the question divided for purposes of voting.
200 (b) The committee member requesting division of the question shall clearly state how
201 the question is to be divided.
202 (c) (i) The standing committee chair shall determine how many divisions may be made
203 to any question.
204 (ii) The committee may seek to overrule the standing committee chair's decision only
205 once.
206 (d) A committee member may not request, and the standing committee chair may not
207 grant, division of the question when the motion directs that language be stricken and new
208 language be inserted.
209 (4) After the committee votes on a question, the standing committee chair shall:
210 (a) determine whether the motion passed or failed;
211 (b) verbally announce that the motion passed or that the motion failed;

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

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

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

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

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

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

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

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

225 (b) If the standing committee chair is unavailable or unwilling to sign the committee
226 report, and the legislation and committee report are not submitted to the Chief Clerk of the
227 House by the next legislative day as required by this Subsection (1), the Chief Clerk of the
228 House shall ensure that the official version of the legislation and a committee report detailing
229 the committee's action are submitted to the Chief Clerk of the House no later than the second
230 legislative day after a piece of legislation is acted upon by a committee.

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

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

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

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

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

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

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

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

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

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

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

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

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

260 (ii) a Representative requests that the Chief Clerk hold the legislation; or

261 (iii) the House passes a motion to retain possession of the legislation.

262 (b) Notwithstanding the requirements of Subsection (2)(a), a piece of legislation may
263 be released earlier than 24 hours if the House is given prior public notice of the release.

264 Section 14. **HR4-6-105** is amended to read:

265 **HR4-6-105. Representatives Not to Speak More Than Twice -- Maximum**
266 **Speaking Time.**

267 (1) (a) Without permission from the House, a Representative may not speak more than
268 twice on the same piece of legislation, substitute legislation, or amendment in any one debate
269 on the same day and on the same reading of the legislation.

270 (b) (i) Except as provided in Subsection (1)(b)(ii), the presiding officer may not grant a
271 Representative who has spoken once permission to speak again on the same piece of legislation
272 or substitute if any Representative who has not spoken wishes to speak.

273 (ii) The presiding officer may grant a Representative who has spoken once permission

274 to respond to a question if the Representative consents to a request that the Representative yield
275 to a question under HR4-6-104.

276 (2) A Representative may not speak longer than [~~15~~] 10 minutes at any time, unless
277 another Representative yields that Representative's time to the Representative who has the
278 floor.

279 (3) Unless extended by a majority vote:

280 (a) during the first 38 days of an annual general session, the presiding officer may not
281 allow the House to debate a piece of legislation for more than eight hours; and

282 (b) during the last seven days of an annual general session, the presiding officer may
283 not allow the House to debate a piece of legislation for more than two hours.

284 Section 15. **HR4-9-102** is amended to read:

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

286 When a Representative [~~gives notice that the Representative intends to make~~] makes a
287 motion to reconsider, the Chief Clerk or the Chief Clerk's designee shall:

288 (1) ensure that the [~~notice~~] motion is recorded in the House Journal; and

289 (2) retain the legislation in the possession of the House until the time for
290 reconsideration has expired or until the legislation has been reconsidered.

291 Section 16. **Repealer.**

292 This resolution repeals:

293 **HR3-2-303, Legislation Scheduled for Time Certain Has Priority in Committee.**