

HR0002S01 compared with HR0002

~~deleted text~~ shows text that was in HR0002 but was deleted in HR0002S01.

inserted text shows text that was not in HR0002 but was inserted into HR0002S01.

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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;

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- ▶ modifies access provisions to areas controlled by the House;
- ▶ ~~{prohibits campaign contributions on capitol hill}~~ 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 legislation;
- ▶ ~~{modifies the House Lobbyist Code of Ethics related to campaign contributions}~~ changes the maximum speaking time during debate; and
- ▶ makes technical changes.

Special Clauses:

None

Legislative Rules Affected:

AMENDS:

HR1-2-101

HR1-3-101

HR1-3-102

HR1-3-103

HR1-4-202

HR1-5-202

HR1-5-301

HR2-4-105

HR3-2-102

HR3-2-402

HR3-2-601

HR4-4-202

HR4-6-105

HR4-9-102

~~{ **HR5-2-101** }~~

~~{~~ENACTS:

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HR1-8-101

REPEALS:

~~HR2-6-101~~; HR3-2-303

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

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

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

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

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

HR1-3-101. Election of Speaker.

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

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

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

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

HR1-3-102. Duties of the Speaker.

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

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

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

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

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

(e) enforce the House Rules governing debates;

(f) enforce observance of order and decorum;

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

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

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

(j) appoint the members of committees;

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

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

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

(2) The Speaker shall:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

HR1-5-202. Executive Session.

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

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

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

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

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

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

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

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

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

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or the House Rules committee may recommend, that a piece of legislation become a special order of business on the time certain calendar.

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

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

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

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

CHAPTER 8. POSTAGE ALLOWANCE

HR1-8-101. House Postage Allowance.

(1) Each Representative may deposit:

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

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

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

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

HR2-4-105. News Media.

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

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

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

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

~~[(3) - (f) The news]~~ (4) News media shall also comply with the other provisions in

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HR2-4-102 and HR2-4-103.

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

Section 10. ~~{HR2-6-101}~~ HR3-2-102 is ~~{enacted}~~ amended to read:

~~{~~ ~~————~~ ~~HR2-6-101}~~ HR3-2-102. ~~{Campaign Contributions Prohibited on Capitol Hill.~~

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

Review Required -- Exceptions.

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

(2) This rule does not apply to:

(a) a resolution regarding legislative rules or legislative personnel;

(b) legislation that has been approved by an interim committee;

(c) the revisor's statute; or

(d) if the legislation was reviewed and approved by the Executive Appropriations

Committee, legislation that:

(i) exclusively appropriates monies;

(ii) amends Utah Code Title 53A, Chapter 17a, Minimum School Program Act;

(iii) amends Utah Code Title 67, Chapter 22, State Officer Compensation; [and] or

(iv) authorizes the issuance of general obligation or revenue bonds.

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

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

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

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

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

(3) (a) If a question contains several points, a committee member may, except as

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provided in Subsection (3)(d), request to have the question divided for purposes of voting.

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

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

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

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

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

(a) determine whether the motion passed or failed;

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

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

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

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

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

HR3-2-601. Committee Reports.

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

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

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

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

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legislative day after a piece of legislation is acted upon by a committee.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Section 14. ~~{HR4-9-102}~~HR4-6-105 is amended to read:

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

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

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

(ii) The presiding officer may grant a Representative who has spoken once permission to respond to a question if the Representative consents to a request that the Representative yield to a question under HR4-6-104.

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

(3) Unless extended by a majority vote:

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

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

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

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

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

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

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

Section ~~{15}~~16. ~~{HR5-2-101}~~ is amended to read:

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~~CHAPTER 2. LOBBYIST ETHICS~~

~~HR5-2-101. Lobbyist Code of Ethics.~~

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

- ~~(1) attempt to influence a Representative, elected or appointed state official, state employee, or legislative employee by means of deceit or by threat of violence or economic or political reprisal against any person or property, with intent by doing so to alter or affect the Representative's, elected or appointed state official's, state employee's, or legislative employee's decision, vote, opinion, or action concerning any matter that is to be considered or performed by the Representative, official, or employee or the agency or body of which the Representative, official, or employee is a member;~~
- ~~(2) knowingly provide false information to a Representative, elected or appointed state official, state employee, or legislative employee as to any material fact pertaining to any legislation;~~
- ~~(3) knowingly omit, conceal, or falsify in any manner information required by the lobbyist registration and lobbyist disclosure reports;~~
- ~~(4) participate in committee assignments or leadership races of the House of Representatives;~~
- ~~(5) cause or influence the introduction of any piece of legislation, substitute, or amendment for the purpose of afterwards becoming employed to secure its passage or defeat;~~
- ~~(6) misappropriate or misuse legislative office supplies;~~
- ~~(7) use legislative reproduction or facsimile machines without paying for that use;~~
- ~~(8) enter or use a Representative's, elected or appointed state official's, state employee's, or legislative employee's office, phone, computer, or parking space without explicit permission;~~
- ~~(9) attempt to remove or remove any document from any Representative's or legislative employee's office, desk, file cabinet, reproduction machine, facsimile machine, or any other place without explicit permission;~~
- ~~(10) engage in sexually harassing behavior or behavior violating the state's sexual harassment policy toward Representatives or employees of the Legislature;~~
- ~~(11) offer employment to a Representative or legislative employee that impairs the Representative's or legislative employee's independence of judgement as to their official duties;~~

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~~———— (12) offer employment that would require or induce a Representative or legislative employee to disclose records classified as private, protected, or controlled;~~

~~———— (13) use or disclose for personal financial gain any records classified as private, protected, or controlled that were obtained from a Representative or legislative employee or conspire with any person for that purpose; [or]~~

~~———— (14) induce or seek to induce a Representative or legislative employee to commit a violation of any provision of this House rule[-]; or~~

~~———— (15) give a campaign contribution to a Representative on capitol hill in violation of HR2-6-101.~~

Legislative Review Note

~~———— as of 1-20-11 1:25 PM~~

~~———— Office of Legislative Research and General Counsel; **Repealer.**~~

This resolution repeals:

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