

1 **SENATE RULES RESOLUTION - SENATE RULES**

2 **RECODIFICATION**

3 2011 GENERAL SESSION

4 STATE OF UTAH

5 **Chief Sponsor: Margaret Dayton**

7 **LONG TITLE**

8 **General Description:**

9 This resolution recodifies and revises Senate Rules.

10 **Highlighted Provisions:**

11 This resolution:

- 12 ▶ reorganizes, renumbers, and makes corrections and additions to Senate Rules.

13 **Special Clauses:**

14 None

15 **Legislative Rules Affected:**

16 **ENACTS:**

17 **SR1-1-101**

18 **SR1-1-102**

19 **SR1-1-103**

20 **SR1-2-101**

21 **SR1-3-101**

22 **SR1-3-102**

23 **SR1-3-103**

24 **SR1-4-101**

25 **SR1-4-102**

26 **SR1-4-201**

27 **SR1-4-202**



- 28 **SR1-5-101**
- 29 **SR1-5-102**
- 30 **SR1-5-103**
- 31 **SR1-5-201**
- 32 **SR1-5-202**
- 33 **SR1-6-101**
- 34 **SR1-7-101**
- 35 **SR1-7-102**
- 36 **SR1-7-103**
- 37 **SR1-7-104**
- 38 **SR1-8-101**
- 39 **SR2-1-101**
- 40 **SR2-1-102**
- 41 **SR2-2-201**
- 42 **SR2-2-202**
- 43 **SR2-2-203**
- 44 **SR2-2-204**
- 45 **SR2-2-205**
- 46 **SR2-3-101**
- 47 **SR2-4-101**
- 48 **SR2-4-102**
- 49 **SR2-4-103**
- 50 **SR2-4-104**
- 51 **SR2-4-105**
- 52 **SR2-4-106**
- 53 **SR2-5-101**
- 54 **SR3-1-101**
- 55 **SR3-1-102**
- 56 **SR3-1-103**
- 57 **SR3-1-104**
- 58 **SR3-1-201**

- 59 SR3-2-101
- 60 SR3-2-102
- 61 SR3-2-103
- 62 SR3-2-104
- 63 SR3-2-201
- 64 SR3-2-202
- 65 SR3-2-203
- 66 SR3-2-301
- 67 SR3-2-302
- 68 SR3-2-303
- 69 SR3-2-304
- 70 SR3-2-401
- 71 SR3-2-402
- 72 SR3-2-403
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- 74 SR3-2-405
- 75 SR3-2-406
- 76 SR3-2-407
- 77 SR3-2 -408
- 78 SR3-2-409
- 79 SR3-2-410
- 80 SR3-2-501
- 81 SR3-2-502
- 82 SR3-2-503
- 83 SR3-2-504
- 84 SR3-2-505
- 85 SR3-2-506
- 86 SR3-2-601
- 87 SR3-3-101
- 88 SR3-3-201
- 89 SR3-3-202

90	SR3-3-203
91	SR3-3-204
92	SR3-3-205
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98	SR4-2-105
99	SR4-2-201
100	SR4-2-202
101	SR4-3-101
102	SR4-3-102
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109	SR4-3-301
110	SR4-4-101
111	SR4-4-201
112	SR4-4-202
113	SR4-4-301
114	SR4-4-401
115	SR4-4-501
116	SR4-5-101
117	SR4-5-102
118	SR4-5-103
119	SR4-6-101
120	SR4-6-102

- 121 SR4-6-103
- 122 SR4-6-104
- 123 SR4-6-105
- 124 SR4-6-106
- 125 SR4-6-107
- 126 SR4-6-108
- 127 SR4-6-109
- 128 SR4-6-110
- 129 SR4-6-201
- 130 SR4-6-202
- 131 SR4-6-203
- 132 SR4-7-101
- 133 SR4-7-102
- 134 SR4-7-103
- 135 SR4-7-104
- 136 SR4-7-105
- 137 SR4-7-106
- 138 SR4-7-201
- 139 SR4-7-202
- 140 SR4-8-101
- 141 SR4-8-102
- 142 SR4-8-103
- 143 SR4-8-104
- 144 SR4-8-105
- 145 SR4-9-101
- 146 SR4-9-102
- 147 SR4-9-103
- 148 SR5-1-101
- 149 SR5-2-101
- 150 SR5-3-101
- 151 SR5-3-102

- 152 **SR5-3-103**
- 153 REPEALS:
- 154 **SR-20.01**
- 155 **SR-20.02**
- 156 **SR-20.03**
- 157 **SR-20.04**
- 158 **SR-20.05**
- 159 **SR-20.06**
- 160 **SR-20.07**
- 161 **SR-20.08**
- 162 **SR-20.09**
- 163 **SR-21.01**
- 164 **SR-21.02**
- 165 **SR-22.01**
- 166 **SR-22.02**
- 167 **SR-22.03**
- 168 **SR-22.04**
- 169 **SR-22.05**
- 170 **SR-22.06**
- 171 **SR-22.07**
- 172 **SR-22.08**
- 173 **SR-22.09**
- 174 **SR-22.10**
- 175 **SR-23.01**
- 176 **SR-23.02**
- 177 **SR-23.03**
- 178 **SR-23.04**
- 179 **SR-23.05**
- 180 **SR-23.06**
- 181 **SR-23.07**
- 182 **SR-23.08**

- 183 SR-23.09
- 184 SR-23.10
- 185 SR-23.11
- 186 SR-23.12
- 187 SR-23.13
- 188 SR-23.14
- 189 SR-24.01
- 190 SR-24.02
- 191 SR-24.03
- 192 SR-24.04
- 193 SR-24.04.1
- 194 SR-24.05
- 195 SR-24.06
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- 200 SR-24.11
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- 203 SR-24.14
- 204 SR-24.15
- 205 SR-24.16
- 206 SR-24.17
- 207 SR-24.18
- 208 SR-24.19
- 209 SR-24.20
- 210 SR-24.21
- 211 SR-24.22
- 212 SR-24.23
- 213 SR-24.24

214	SR-24.25
215	SR-24.26
216	SR-24.27
217	SR-24.28
218	SR-24.29
219	SR-24.30
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221	SR-25.02
222	SR-25.03
223	SR-25.04
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235	SR-25.16
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237	SR-27.02
238	SR-27.03
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244	SR-27.09

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- 250 SR-27.15
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- 256 SR-28.05
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- 272 SR-31.02
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- 274 SR-31.04
- 275 SR-31.05

- 276 **SR-31.06**
- 277 **SR-32.01**
- 278 **SR-32.02**
- 279 **SR-32.03**
- 280 **SR-32.04**
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- 288 **SR-34.02**
- 289 **SR-34.03**
- 290 **SR-35.01**
- 291 **SR-35.02**
- 292 **SR-35.03**
- 293 **SR-36.02**
- 294 **SR-36.03**
- 295 **SR-36.04**
- 296 **SR-36.05**
- 297 **SR-36.06**
- 298 **SR-36.07**
- 299 **SR-37.24**
- 300 **SR-38.01**
- 301 **SR-38.02**
- 302 **SR-38.03**
- 303 **SR-38.04**
- 304 **SR-38.05**

306 *Be it resolved by the Senate of the state of Utah:*

307 Section 1. **SR1-1-101** is enacted to read:

308 **TITLE 1. RULES GOVERNING ORGANIZATION AND**
309 **MANAGEMENT OF THE SENATE**
310 **CHAPTER 1. ADOPTION OF RULES AND PRACTICES**

311 **SR1-1-101. Adoption, amendment, or suspension of Senate Rules.**

312 (1) The Senate shall adopt Senate Rules at the beginning of each legislative session by
313 a constitutional two-thirds vote.

314 (2) Except as provided in this Subsection (2) and in Subsection (3), after the initial
315 adoption of Senate Rules, additional rules may be adopted or existing rules may be suspended,
316 amended, or repealed by a majority vote, except rules governing motions for lifting tabled
317 legislation from committee, which require a two-thirds vote to adopt, suspend, amend, or
318 repeal.

319 (3) If the suspension of any Senate Rule is governed by the Utah Constitution or Utah
320 statutes, the Senate may suspend that rule only as provided by that constitutional or statutory
321 provision.

322 Section 2. **SR1-1-102** is enacted to read:

323 **SR1-1-102. Constitutional motion.**

324 At the beginning of each annual general or special session of the Senate, before the
325 reading of any piece of legislation, the Senate Rules Committee chair shall make the following
326 motion:

327 "Mr. (Madam) President, as allowed by the Utah Constitution and the Joint Rules of the
328 Legislature, I move that the Senate continue its practice of reading only the short title of bills
329 and resolutions as they are introduced or considered on a Senate calendar and not read the long
330 title of the bills and resolutions unless a majority of the Senate directs the reading of the long
331 title, short title, or both of any House or Senate bill or resolution."

332 Section 3. **SR1-1-103** is enacted to read:

333 **SR1-1-103. Mason's Manual of Legislative Procedure -- Reference.**

334 In addition to Senate Rules and other applicable legislative rules, the presiding officer
335 may use Mason's Manual of Legislative Procedure as a reference when a question arises about
336 parliamentary practice, legislative process, or legislative procedure that is not resolved by

337 reference to legislative rules.

338 Section 4. **SR1-2-101** is enacted to read:

339 **CHAPTER 2. INITIAL ORGANIZATION**

340 **SR1-2-101. Calling the Senate to order.**

341 On the first day of each annual general session of the Legislature during odd-numbered
342 years, the president-elect shall designate a person to call the Senate to order and preside until
343 the senators have taken the oath of office and elected a president.

344 Section 5. **SR1-3-101** is enacted to read:

345 **CHAPTER 3. PRESIDENT OF THE SENATE**

346 **SR1-3-101. Election of president.**

347 (1) The Senate shall elect a president to perform the duties established by this chapter.

348 (2) (a) Following a regular general election and before January 1 of odd-numbered
349 years, the Senate majority caucus shall select a president-elect.

350 (b) Beginning January 1 of odd-numbered years, the senator elected by the majority
351 caucus shall serve as president-elect and perform the duties of the president until the Senate
352 elects a president as required by Subsection (1).

353 Section 6. **SR1-3-102** is enacted to read:

354 **SR1-3-102. Duties of the president.**

355 (1) The general duties of the president are to:

356 (a) assign responsibilities to and supervise the officers and employees of the Senate;

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

358 (c) call the Senate to order at the time scheduled for convening, and proceed with the
359 daily order of business;

360 (d) announce the business before the Senate in the order that it is to be acted upon;

361 (e) receive and submit all motions and proposals presented by senators;

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

364 (g) enforce the Senate Rules governing debates;

365 (h) enforce observance of order and decorum;

366 (i) inform the Senate on any point of order or practice;

367 (j) receive and announce to the Senate any official messages and communications;

- 368 (k) sign all acts, orders, and proceedings of the Senate;
- 369 (l) appoint the members of committees; and
- 370 (m) represent the Senate, declaring its will and obeying its commands.
- 371 (2) The president shall:
- 372 (a) sign, or authorize a designee to sign, all requisitions on the Division of Finance to
- 373 pay Senate expenses; and
- 374 (b) give final approval of all expenditure requests as authorized by the majority and
- 375 minority leaders of the Senate, including per diem compensation, travel expenses, and expenses
- 376 for in-state and out-of-state travel on legislative business.

377 Section 7. **SR1-3-103** is enacted to read:

378 **SR1-3-103. Temporary presiding officer in president's absence.**

- 379 (1) (a) The president may call a senator to the chair as president pro tempore.
- 380 (b) The president pro tempore's appointment terminates when directed by the president
- 381 or when the Senate adjourns, whichever comes first.

382 (2) The president pro tempore, and each senator authorized to preside by the president,
383 has all the powers of the president while presiding.

384 Section 8. **SR1-4-101** is enacted to read:

385 **CHAPTER 4. OTHER SENATE OFFICERS**

386 **Part 1. Secretary of the Senate**

387 **SR1-4-101. Appointment of secretary of the Senate.**

388 Before the annual general session of the Legislature is convened, the president or
389 president-elect of the Senate shall appoint a person to serve as secretary of the Senate.

390 Section 9. **SR1-4-102** is enacted to read:

391 **SR1-4-102. Duties of the secretary of the Senate.**

392 The general duties of the secretary of the Senate are to:

- 393 (1) act as chief administrative officer of the Senate, subject to direction by the
- 394 president;
- 395 (2) certify and transmit legislation to the Senate and inform the Senate of all House
- 396 action;
- 397 (3) assist in the preparation of the Senate journal and certify it as an accurate reflection
- 398 of Senate action;

399 (4) make the following technical corrections to legislation either before or following
400 final passage:

401 (a) correct the spelling of words;

402 (b) correct the erroneous division and hyphenation of words;

403 (c) correct mistakes in numbering sections and their references;

404 (d) capitalize words or change capitalized words to lower case;

405 (e) change numbers from words to figures or from figures to words;

406 (f) underscore or remove underscoring in legislation without a motion to amend; or

407 (g) any combination of Subsections (4)(a) through (f);

408 (5) modify the long title of a piece of legislation to ensure that the long title accurately
409 reflects any changes to the legislation made by amendment or substitute;

410 (6) supervise all Senate personnel during the session and assign them duties and
411 responsibilities;

412 (7) keep a record of the attendance of all Senate employees and ensure that any
413 in-session employee who is absent may not be paid without the written consent or subsequent
414 approval of the president;

415 (8) act as custodian of all official documents;

416 (9) receive all numbered legislation from the Office of Legislative Research and
417 General Counsel;

418 (10) record the number, title, sponsor, each action, and final disposition of each piece
419 of legislation on the back of the legislation;

420 (11) prepare and distribute the daily order of business each day;

421 (12) advise the president on parliamentary procedure, constitutional requirements, Joint
422 Rules, and Senate Rules;

423 (13) read, or cause to be read, the title of all bills and other materials as requested by
424 the president;

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

426 (15) assist with amendments to legislation;

427 (16) record votes and present the results to the president;

428 (17) transmit all enrolled Senate bills and Senate concurrent resolutions to the
429 governor;

- 430 (18) maintain all calendars for the Senate floor;
- 431 (19) respond to inquiries from legislators, government agencies, and members of the
- 432 public regarding Senate history, activities, and legislative action; and
- 433 (20) represent the Senate at schools, organizations, clubs, and other civic groups when
- 434 requested by the president.

435 Section 10. **SR1-4-201** is enacted to read:

436 **Part 2. Sergeant-at-Arms**

437 **SR1-4-201. Appointment of sergeant-at-arms.**

438 Before the annual general session of the Legislature is convened, the president or

439 president-elect of the Senate shall appoint a person to serve as sergeant-at-arms of the Senate.

440 Section 11. **SR1-4-202** is enacted to read:

441 **SR1-4-202. Duties of the sergeant-at-arms.**

442 The sergeant-at-arms and the employees under the sergeant's direction shall:

- 443 (1) maintain security;
- 444 (2) enforce the Senate Rules and other legislative rules at the direction of the presiding
- 445 officer or the Senate; and
- 446 (3) provide other service as requested by the secretary of the Senate or the president.

447 Section 12. **SR1-5-101** is enacted to read:

448 **CHAPTER 5. SCHEDULE FOR THE SENATE**

449 **Part 1. Convening and Daily Schedule**

450 **SR1-5-101. Hour of meeting.**

451 The Senate shall meet at 10 a.m. daily except Saturdays and Sundays, unless otherwise

452 announced by the presiding officer.

453 Section 13. **SR1-5-102** is enacted to read:

454 **SR1-5-102. Roll call -- Quorum.**

- 455 (1) The presiding officer or the presiding officer's designee shall:
- 456 (a) take a roll call of senators at the beginning of each day's session; and
- 457 (b) ensure that the names of those present and absent are recorded in the journal.
- 458 (2) (a) The Senate may not begin Senate business until a constitutional majority of
- 459 senators are present as a quorum.
- 460 (b) Notwithstanding Subsection (2)(a), less than a majority of senators may:

- 461 (i) convene each day; and
- 462 (ii) compel the attendance of absent members.
- 463 Section 14. **SR1-5-103** is enacted to read:
- 464 **SR1-5-103. Daily order of business.**
- 465 (1) The daily order of business is:
- 466 (a) call to order by the president or the president's designee;
- 467 (b) prayer and pledge of allegiance;
- 468 (c) roll call;
- 469 (d) announcement of excused absences and whether or not a quorum is present;
- 470 (e) communications from the governor;
- 471 (f) communications from the House:
- 472 (i) bills for signature of the president;
- 473 (ii) bills for consideration; and
- 474 (iii) bills for reconsideration of House amendments;
- 475 (g) reference of bills from the president:
- 476 (i) bills assigned to standing committees; and
- 477 (ii) bills placed on second reading calendar;
- 478 (h) reports from standing committees:
- 479 (i) bills placed on the second reading calendar;
- 480 (ii) bills placed on the consent calendar; and
- 481 (iii) bills sent back to the secretary of the Senate;
- 482 (i) reports of special committees, including conference committees;
- 483 (j) introduction of legislation given to the secretary of the Senate:
- 484 (i) bills referred by the Senate Rules Committee for assignment by the president; and
- 485 (ii) bills placed on second reading calendar;
- 486 (k) unfinished business;
- 487 (l) consideration of legislation on consent calendar;
- 488 (m) special orders of business;
- 489 (n) consideration of legislation on the third reading calendar;
- 490 (o) consideration of bills on second reading calendar; and
- 491 (p) miscellaneous business.

492 (2) With the approval of a constitutional majority of senators, the Senate may, at any
493 time, proceed out of order to any business.

494 (3) The presiding officer shall decide all questions of priority of Senate business
495 without debate.

496 Section 15. **SR1-5-201** is enacted to read:

497 **Part 2. Miscellaneous Requirements Relating to the Senate Schedule**

498 **SR1-5-201. Special order of business -- Time certain.**

499 (1) (a) A senator, on the senator's own initiative or upon recommendation from the
500 president, may make a motion that a piece of legislation become a special order of business on
501 the time certain calendar.

502 (b) If the motion is approved by a majority of the members present, the secretary of the
503 Senate shall place the legislation on the time certain calendar.

504 (2) At the time set for consideration of the legislation, the presiding officer shall place
505 the legislation before the Senate.

506 Section 16. **SR1-5-202** is enacted to read:

507 **SR1-5-202. Unfinished business.**

508 When the Senate has unfinished business at the time of recess or adjournment, that
509 unfinished business has priority on the daily order of business for the next legislative day.

510 Section 17. **SR1-6-101** is enacted to read:

511 **CHAPTER 6. IMPEACHMENT**

512 **SR1-6-101. Impeachment.**

513 If the House of Representatives submits articles of impeachment to the Senate to begin
514 an impeachment trial, the Senate shall adopt, by majority vote, policies establishing procedures
515 for, and governing the conduct of, the impeachment process.

516 Section 18. **SR1-7-101** is enacted to read:

517 **CHAPTER 7. COMMENDING OR EXPRESSING CONDOLENCES**

518 **TO UTAH CITIZEN**

519 **SR1-7-101. Commendation or condolence citations -- Types of citations -- Use of**
520 **citations.**

521 (1) As used in this chapter:

522 (a) (i) "Citation" means a certificate issued to honor or commend an individual or

523 group, or to express condolences to the family of a deceased individual.

524 (ii) "Citation" includes a legislator citation, a Senate citation, and a Utah Legislature
525 citation.

526 (b) "Legislator citation" means a citation issued on behalf of an individual senator.

527 (c) "Senate citation" means a citation issued on behalf of the Senate.

528 (d) "Utah Legislature citation" means a citation issued on behalf of both houses of the
529 Legislature.

530 (2) Senators shall use a citation to express the commendation or condolence of a
531 senator, the Senate, or the Legislature.

532 Section 19. **SR1-7-102** is enacted to read:

533 **SR1-7-102. Obtaining a legislator citation.**

534 (1) With the approval of the presiding officer, a senator may request that the secretary
535 of the Senate prepare a citation for the senator's own signature.

536 (2) A legislator citation does not require any floor action by the Senate.

537 Section 20. **SR1-7-103** is enacted to read:

538 **SR1-7-103. Obtaining a Senate citation.**

539 (1) During any legislative session, a senator may:

540 (a) request that the secretary of the Senate prepare a citation for the senator's signature;

541 and

542 (b) after making and receiving permission for personal privilege, make a motion on the

543 floor of the Senate to:

544 (i) approve the citation; and

545 (ii) authorize the president to sign the citation on behalf of the Senate.

546 (2) When the Legislature is not in session, a senator may request a citation for the

547 sponsor's and the president's signature.

548 Section 21. **SR1-7-104** is enacted to read:

549 **SR1-7-104. Obtaining a Utah Legislature citation.**

550 (1) During any legislative session, a senator may:

551 (a) request that the secretary of the Senate prepare a citation for the senator's signature;

552 and

553 (b) after making and receiving permission for personal privilege, make a motion of the

554 floor of the Senate to:

555 (i) approve the citation;

556 (ii) authorize the president to sign the citation on behalf of the Senate; and

557 (iii) present the proposed citation to the House for its approval.

558 (2) When the Legislature is not in session, a senator may request a citation for the
559 sponsor's, the president's, and the speaker's signature.

560 Section 22. **SR1-8-101** is enacted to read:

561 **CHAPTER 8. ADMINISTRATIVE PROVISIONS**

562 **SR1-8-101. Senator postage allowance.**

563 (1) Each senator may request 20 first-class postage stamps from Senate staff at the
564 beginning of the year.

565 (2) In addition to the postage stamps, each senator may deposit:

566 (a) up to five letters per day into the Senate mail system during the annual general
567 session; and

568 (b) up to 10 letters per month into the Senate mail system during each interim period.

569 (3) Upon request from an individual senator, the president may grant an additional
570 postage allowance.

571 Section 23. **SR2-1-101** is enacted to read:

572 **TITLE 2. RULES GOVERNING ATTENDANCE, BEHAVIOR,**
573 **AND DECORUM IN THE SENATE**

574 **CHAPTER 1. ATTENDANCE**

575 **SR2-1-101. Senators shall be present.**

576 A senator shall be present within the Senate chamber during a session of the Senate,
577 unless excused or unavoidably absent.

578 Section 24. **SR2-1-102** is enacted to read:

579 **SR2-1-102. Absent senators.**

580 If a quorum of the Senate is not present at the time the Senate is scheduled to convene,
581 the presiding officer shall direct the sergeant-at-arms to:

582 (1) find sufficient absent senators to make a quorum for the transaction of business;

583 and

584 (2) escort them to the chamber.

585 Section 25. **SR2-2-201** is enacted to read:

586 **CHAPTER 2. DECORUM**

587 **SR2-2-201. President to maintain order.**

588 The president or presiding officer shall maintain order and decorum during sessions of
589 the Senate.

590 Section 26. **SR2-2-202** is enacted to read:

591 **SR2-2-202. Disorderly conduct in Senate.**

592 The president or presiding officer may order the Senate areas or gallery cleared if a
593 disturbance occurs.

594 Section 27. **SR2-2-203** is enacted to read:

595 **SR2-2-203. Smoking not permitted.**

596 (1) As provided in Utah Code Title 26, Chapter 38, Utah Indoor Clean Air Act, a
597 person may not smoke in a building on capitol hill.

598 (2) The sergeant-at-arms shall enforce this rule in the areas controlled by the Senate.

599 Section 28. **SR2-2-204** is enacted to read:

600 **SR2-2-204. Impugning motives of a senator.**

601 (1) A senator may not impugn the motives of any other senator either on the floor of
602 the Senate or in committee.

603 (2) A senator who believes that the motives of any senator has been impugned by
604 another senator may raise a point of order.

605 Section 29. **SR2-2-205** is enacted to read:

606 **SR2-2-205. Movement out of and within the Senate chamber.**

607 (1) When the president or presiding officer is presenting a question, a senator may not
608 leave the Senate chamber.

609 (2) When a senator is speaking, no person may walk between the senator and the
610 president or presiding officer.

611 Section 30. **SR2-3-101** is enacted to read:

612 **CHAPTER 3. CONFLICTS OF INTEREST**

613 **SR2-3-101. Reporting conflicts of interest.**

614 Immediately preceding or during the roll call, a senator may make a brief statement
615 explaining any conflict of interest.

616 Section 31. **SR2-4-101** is enacted to read:

617 **CHAPTER 4. GENERAL RULES GOVERNING THE SENATE FLOOR**

618 **SR2-4-101. Admittance to the Senate chamber.**

619 (1) (a) While the Senate is convened in annual general session or special session and
620 except as provided in Subsection (1)(b), only legislators, legislative officers and employees,
621 professional staff, former legislators who are not registered as lobbyists, legal spouses of
622 legislators, interns, and persons invited by senators are allowed in the Senate chamber, halls,
623 and lounge.

624 (b) The president of the Senate may deny access to the Senate chamber, halls, and
625 lounge to any person, other than a legislator, if the person uses that access to influence
626 legislative decisions.

627 (2) (a) A senator or the senator's intern shall accompany each visitor in the chamber,
628 lounge, or hallways and is responsible for that visitor.

629 (b) After the visit, the senator or the senator's intern shall ensure that the visitor leaves
630 the chamber, lounge, or hallway.

631 Section 32. **SR2-4-102** is enacted to read:

632 **SR2-4-102. Senator's chairs not to be occupied by others.**

633 When the Senate is convened in session, no one other than the president or a senator
634 may occupy the chair or use the desk of the president or any senator.

635 Section 33. **SR2-4-103** is enacted to read:

636 **SR2-4-103. Lobbying prohibited.**

637 Lobbying by non-legislators is not permitted in the Senate chamber.

638 Section 34. **SR2-4-104** is enacted to read:

639 **SR2-4-104. Recognition of visiting groups and individuals.**

640 (1) The presiding officer may recognize visiting groups and individuals.

641 (2) A senator who requests and receives personal privilege may introduce visiting
642 groups or individuals.

643 Section 35. **SR2-4-105** is enacted to read:

644 **SR2-4-105. News media.**

645 (1) (a) Subject to Subsection (1)(b), news media with Senate press credentials shall be
646 admitted to the Senate chamber, halls, lounge, and committee rooms.

647 (b) In order to be admitted to the Senate chamber ~~§→ [;~~
 648 ~~—— (i) each male reporter shall wear a business suit with a dress shirt, tie, dress shoes, and~~
 649 ~~dress socks or a sport coat with a dress shirt, dress pants, tie, dress shoes, and dress socks; and~~
 650 ~~—— (ii) each female reporter shall wear a dress with dress shoes and dress socks or~~
 651 ~~stockings, a dress skirt and dress blouse with dress shoes and dress socks or stockings, or a~~
 652 ~~woman's business suit with dress shoes and dress socks or stockings;]~~ , news media shall comply with
 652a the dress requirements and other rules of decorum established in the Senate Handbook. ~~←§~~

653 (c) (i) News media without Senate press credentials may be admitted to the Senate
 654 chamber only when the Senate is not convened in formal session.

655 (ii) News media with Senate press credentials who do not meet the requirements of
 656 Subsection (1)(b) may be admitted to the Senate chamber only when the Senate is not
 657 convened in formal session.

658 (2) With permission, the news media may conduct and record interviews in the Senate
 659 lounge, halls, or available committee rooms.

660 (3) The news media shall also comply with the other provisions in SR2-4-102 and
 661 SR2-4-103.

662 Section 36. **SR2-4-106** is enacted to read:

663 **SR2-4-106. Executive sessions.**

664 (1) A senator may make a motion to convene the Senate in executive session.

665 (2) When a motion for executive session is adopted, the presiding officer shall direct
 666 the sergeant-at-arms to close the Senate chamber doors.

667 (3) The president may require all persons, except the senators, secretary, reading clerk,
 668 docket clerk, and sergeant-at-arms to leave the Senate chamber.

669 (4) During the discussion, every person present shall remain within the Senate
 670 chamber.

671 (5) During and after conclusion of the executive session, each person who was present
 672 in the executive session shall keep all matters discussed in executive session confidential.

673 Section 37. **SR2-5-101** is enacted to read:

674 **CHAPTER 5. RULES GOVERNING SPONSORING LEGISLATION**

675 **SR2-5-101. Senators may request and sponsor legislation -- Substituting a**
 676 **sponsor -- Withdrawing as a cosponsor.**

677 (1) A senator may request and sponsor legislation as provided in Joint Rules Title 4,

678 Bills and Resolutions.

679 (2) (a) After a piece of legislation has been introduced, the chief Senate sponsor of the
680 legislation may withdraw from sponsoring the legislation by:

681 (i) finding another senator to act as chief sponsor of the legislation; and

682 (ii) filing a substitution of sponsorship form with the secretary of the Senate before
683 final passage of the legislation in the Senate.

684 (b) A senator seeking to withdraw as the chief sponsor need not obtain permission
685 from the Senate to withdraw.

686 (3) (a) Before final passage of the legislation in the Senate, a senator cosponsor of a
687 bill may withdraw as a cosponsor of that legislation.

688 (b) A senator seeking to withdraw as a cosponsor need not:

689 (i) obtain permission from the Senate to withdraw; or

690 (ii) provide a substitute cosponsor for the legislation.

691 Section 38. **SR3-1-101** is enacted to read:

692 **TITLE 3. RULES GOVERNING THE RULES COMMITTEE**

693 **AND THE STANDING COMMITTEES OF THE SENATE**

694 **CHAPTER 1. SENATE RULES COMMITTEE AND**

695 **OTHER SPECIAL COMMITTEES**

696 **Part 1. Senate Rules Committee**

697 **SR3-1-101. Senate Rules Committee -- Appointment -- General responsibilities.**

698 (1) The president shall appoint members of the Senate to serve on the Senate Rules
699 Committee.

700 (2) The Senate Rules Committee shall perform the following functions as further
701 elaborated in this part:

702 (a) when assigned by the president, receive introduced legislation from the Senate and
703 recommend that they be assigned to a Senate standing committee or to the Senate second or
704 third reading calendar;

705 (b) after the Senate has sifted -- sent legislation on the second and third reading
706 calendars back to the Senate Rules Committee -- make recommendations to the Senate about
707 which legislation should be assigned to the third reading calendar and the order in which it
708 should be heard; and

709 (c) function as a standing committee or interim committee when reviewing Joint Rules,
 710 Interim Rules, or Senate Rules.

711 Section 39. **SR3-1-102** is enacted to read:

712 **SR3-1-102. Senate Rules Committee -- Assignment duties.**

713 (1) (a) Subject to Subsection (1)(b), the presiding officer shall submit all legislation
 714 introduced in the Senate to the Senate Rules Committee.

715 (b) The president may direct legislation to be sent directly to a standing committee or
 716 to one of the Senate floor calendars.

717 (2) For all legislation not specified in SR3-1-103 that is referred to the Senate Rules
 718 Committee, the committee shall:

719 (a) examine the legislation for proper form, including fiscal note and committee note, if
 720 any; and

721 (b) either:

722 (i) hold the legislation; or

723 (ii) refer legislation to the Senate with a recommendation that:

724 (A) the legislation be referred to a standing committee for consideration;

725 (B) the legislation be placed directly onto the second reading calendar;

726 (C) the legislation be read the second time and placed onto the consent calendar; or

727 (D) during the last week of the legislative session, the legislation be read the second
 728 time and placed on the third reading calendar.

729 (3) In carrying out its functions and responsibilities under this rule, the Senate Rules
 730 Committee may not amend ~~§~~ [or] , ~~§~~ substitute ~~§~~ , or table ~~§~~ legislation without the
 730a written consent of the sponsor.

731 (4) If the chair of the Senate Rules Committee receives a summary report from the
 732 Occupational and Professional Licensure Review Committee related to newly regulating an
 733 occupation or profession within the two calendar years immediately preceding the session in
 734 which a piece of legislation is introduced related to the regulation by the Division of
 735 Occupational and Professional Licensing of that occupation or profession:

736 (a) the chair of the Senate Rules Committee shall ensure that the Senate Rules
 737 Committee is informed of the summary report before the Senate Rules Committee takes action
 738 on the legislation; and

739 (b) if the Senate Rules Committee refers the legislation to the Senate as provided in

740 Subsection (2)(c):

741 (i) the Office of Legislative Research and General Counsel shall make the summary
742 report reasonably available to the public and to legislators; and

743 (ii) if the legislation is referred to a standing committee, the Senate Rules Committee
744 shall forward the summary report to the standing committee.

745 Section 40. **SR3-1-103** is enacted to read:

746 **SR3-1-103. Senate Rules Committee -- Prioritization duties.**

747 (1) The Senate Rules Committee shall:

748 (a) make recommendations that prioritize each piece of legislation for committee and
749 floor action and review; and

750 (b) update the priority in Subsection (1)(a) as necessary for the calendar.

751 (2) The Senate Rules Committee may recommend a time certain for floor consideration
752 of any legislation when it is reported out of the Senate Rules Committee, or at any other time.

753 Section 41. **SR3-1-104** is enacted to read:

754 **SR3-1-104. Senate Rules Committee -- Calendaring interim committee**
755 **legislation.**

756 (1) The presiding officer shall have a piece of interim committee legislation that was
757 approved by a majority vote of the interim committee members read for the first time and
758 referred to the Senate Rules Committee for calendaring.

759 (2) (a) The Senate Rules Committee may refer the legislation to the calendar without
760 standing committee review, or it may recommend that the legislation be referred to a standing
761 committee.

762 (b) If the Senate Rules Committee recommends that the legislation be placed on the
763 second or third reading calendar without standing committee review, any three senators may,
764 within three working days, request that the legislation be reviewed by a standing committee
765 before the legislation's consideration on the floor.

766 (c) If a request by three senators is received, the presiding officer may assign the bill to
767 a standing committee.

768 Section 42. **SR3-1-201** is enacted to read:

769 **Part 2. Special Committees and Task Forces**

770 **SR3-1-201. Special committees.**

771 (1) The Senate may form special committees, including task forces, by motion or
772 resolution.

773 (2) The president shall appoint the members of those special committees.

774 Section 43. **SR3-2-101** is enacted to read:

775 **CHAPTER 2. SENATE STANDING COMMITTEES**

776 **Part 1. General Provisions**

777 **SR3-2-101. Definitions.**

778 As used in this chapter, "standing committee chair" means the chair of a standing
779 committee or the chair's designee.

780 Section 44. **SR3-2-102** is enacted to read:

781 **SR3-2-102. Standing committee review required -- Exceptions.**

782 (1) The Senate may not pass a bill, joint resolution, or concurrent resolution during the
783 annual general session that has not been reviewed by:

- 784 (a) a Senate standing committee;
- 785 (b) the Senate Rules Committee; or
- 786 (c) the Legislative Management Committee.

787 (2) This rule does not apply to:

- 788 (a) a resolution regarding legislative rules or legislative personnel;
- 789 (b) legislation that has been approved by an interim committee;
- 790 (c) the revisor's statute;
- 791 (d) legislation introduced or received from the House during the last three days of the
792 annual general session; or

793 (e) if the legislation was reviewed and approved by the Executive Appropriations
794 Committee, legislation that:

- 795 (i) exclusively appropriates money;
- 796 (ii) amends Utah Code Title 53A, Chapter 17a, Minimum School Program Act;
- 797 (iii) amends Utah Code Title 67, Chapter 22, State Officer Compensation; or
- 798 (iv) authorizes the issuance of general obligation or revenue bonds.

799 Section 45. **SR3-2-103** is enacted to read:

800 **SR3-2-103. Standing committee review of legislation with a fiscal impact.**

801 Except as provided in SR3-2-102, a standing committee in one or both houses shall

802 review a piece of legislation before the legislation is held in the opposite house because of its
803 fiscal impact.

804 Section 46. **SR3-2-104** is enacted to read:

805 **SR3-2-104. Standing committees prohibited from meeting while the Senate is in**
806 **session -- Exceptions.**

807 A standing committee may not meet while the Senate is in session unless:

808 (1) the chair receives permission to meet from the president; or

809 (2) a floor motion for the committee to meet while the Senate is in session is approved

810 by a majority of the senators present.

811 Section 47. **SR3-2-201** is enacted to read:

812 **Part 2. Organization of Senate Standing Committees**

813 **SR3-2-201. Standing committees.**

814 (1) The president shall appoint the following standing committees:

815 (a) Business and Labor;

816 (b) Education;

817 (c) Government Operations and Political Subdivisions;

818 (d) Health and Human Services;

819 (e) Judiciary, Law Enforcement, and Criminal Justice;

820 (f) Natural Resources, Agriculture, and Environment;

821 (g) Revenue and Taxation;

822 (h) Rules;

823 (i) Transportation and Public Utilities and Technology; and

824 (j) Workforce Services and Community and Economic Development.

825 (2) The Senate members of the Retirement and Independent Entities Committee

826 created in Utah Code Section 63E-1-201 are a Senate standing committee.

827 Section 48. **SR3-2-202** is enacted to read:

828 **SR3-2-202. Committee chair and vice chair.**

829 (1) The first member named on a committee is the chair of the committee.

830 (2) The chair of the committee may designate a vice chair, pro tempore.

831 Section 49. **SR3-2-203** is enacted to read:

832 **SR3-2-203. Committee attendance -- Quorum.**

833 (1) Except as provided in Subsection (2), a majority of a standing committee is a
834 quorum for the transaction of business.

835 (2) In determining whether or not a quorum is present, the president, majority leader,
836 majority whip, assistant majority whip, Senate Rules Committee chair, Executive
837 Appropriations Committee chair, minority leader, minority whip, assistant minority whip, and
838 the fourth member of leadership from the minority party are not counted in determining a
839 quorum for a standing committee, except during the time that the senator is present at the
840 meeting.

841 Section 50. **SR3-2-301** is enacted to read:

842 **Part 3. Notice and Agendas for Senate Standing Committees**

843 **SR3-2-301. Chair to set agenda.**

844 The standing committee chair shall:

845 (1) set the agenda for a standing committee meeting; and

846 (2) ensure that legislation or other business referred to the committee is considered
847 within a reasonable time.

848 Section 51. **SR3-2-302** is enacted to read:

849 **SR3-2-302. Notice of standing committee meetings.**

850 (1) With the exception of any conference committee, the chair may call committee
851 meetings after giving not less than 24 hours public notice as required under Utah Code Title
852 52, Chapter 4, Open and Public Meetings Act.

853 (2) The standing committee chair shall:

854 (a) notify the sponsor of legislation pending before the committee of the time and place
855 of the committee meeting in which the legislation will be considered; and

856 (b) invite the chief Senate sponsor, chief House sponsor, or both sponsors to present
857 the legislation to the committee before the committee acts on it.

858 Section 52. **SR3-2-303** is enacted to read:

859 **SR3-2-303. Legislation scheduled for time certain on the Senate floor has priority**
860 **in committee.**

861 If legislation assigned to a standing committee has been placed on the Senate floor's
862 time certain calendar, the standing committee chair shall place that legislation on an agenda for
863 the standing committee's review so that the committee's report on the legislation is received by

864 the floor before the time set for consideration of the legislation.

865 Section 53. **SR3-2-304** is enacted to read:

866 **SR3-2-304. Agenda to include tabled legislation.**

867 (1) A standing committee chair shall ensure that the standing committee's agenda lists
868 the number, title, and sponsor of any legislation tabled by the standing committee at the last
869 standing committee meeting.

870 (2) As provided in SR3-2-408, the standing committee may lift the tabled legislation
871 from the table only at the committee meeting held following the one at which it was tabled.

872 Section 54. **SR3-2-401** is enacted to read:

873 **Part 4. Standing Committee Meetings**

874 **SR3-2-401. Chair to preserve order -- Appeal -- Restrictions on visitors --**
875 **Disorderly conduct in committee meeting -- Closed meetings.**

876 (1) (a) The standing committee chair shall decide points of order.

877 (b) On motion and approval by a majority vote of the committee members present, the
878 committee may override the chair's decision on any point of order.

879 (c) The motion and action shall be entered in the standing committee minutes.

880 (2) (a) A visitor may not speak or address the committee unless the visitor is
881 recognized by the standing committee chair.

882 (b) The standing committee chair may impose restrictions on the time a visitor is
883 allowed to speak.

884 (c) A visitor, other than a House member or staff member, may not sit in senators'
885 chairs.

886 (3) The standing committee chair may order the committee room cleared of visitors if
887 there is disorderly conduct.

888 (4) A standing committee may close a committee meeting only by following the
889 procedures and requirements of Utah Code Title 52, Chapter 4, Open and Public Meetings Act.

890 Section 55. **SR3-2-402** is enacted to read:

891 **SR3-2-402. Voting -- Chair to verbally announce the vote -- Dissenting members**
892 **to be reported -- Division of the question.**

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

894 (b) Although most questions will be put to voice vote:

- 895 (i) the standing committee chair may direct a roll call vote; or
- 896 (ii) a committee member may make a motion requesting a roll call vote.
- 897 (2) (a) If a question contains several points, a committee member may, except as
- 898 provided in Subsection (2)(c), request to have the question divided for purposes of voting.
- 899 (b) The committee member requesting division of the question shall clearly state how
- 900 the question is to be divided.
- 901 (c) A committee member may not request, and the standing committee chair may not
- 902 grant, division of the question when the motion directs that language be stricken and new
- 903 language be inserted.
- 904 (3) After the committee votes on a question, the standing committee chair shall:
- 905 (a) determine whether the motion passed or failed;
- 906 (b) verbally announce that the motion passed or that the motion failed;
- 907 (c) verbally identify by name either the committee members who voted "yes" or the
- 908 committee members who voted "no"; and
- 909 (d) ensure that the vote is recorded in the minutes.
- 910 (4) Members dissenting from a committee report may file a minority report or may be
- 911 listed on the majority report as dissenting.

912 Section 56. **SR3-2-403** is enacted to read:

913 **SR3-2-403. Committee order of business.**

914 Unless the standing committee chair or a majority of the committee determines

915 otherwise, the standing committee order of business is:

- 916 (1) call to order by the standing committee chair;
- 917 (2) approval of the minutes of previous meetings;
- 918 (3) announcement of the agenda;
- 919 (4) announcement of time restrictions, if any;
- 920 (5) communications, if any; and
- 921 (6) consideration of standing committee business.

922 Section 57. **SR3-2-404** is enacted to read:

923 **SR3-2-404. Public comment during standing committee meetings.**

924 (1) (a) During a standing committee meeting, the chair shall receive public comment

925 and testimony during the public comment phase of the committee meeting if a public comment

926 portion is held.

927 (b) The standing committee chair, or a majority of the standing committee, may
928 terminate the public comment phase of the committee meeting.

929 (c) Once the public comment phase of the committee meeting has ended,
930 non-committee members may not provide public comment unless the standing committee chair
931 or a majority of the standing committee authorizes additional public comment.

932 (2) (a) At the direction of the standing committee chair, or upon a majority vote of the
933 standing committee, the testimony of any person speaking during the public comment phase of
934 the committee meeting may be taken under oath.

935 (b) The standing committee chair or committee staff shall administer the oath.

936 Section 58. **SR3-2-405** is enacted to read:

937 **SR3-2-405. Public hearings.**

938 (1) The standing committee chair or a majority of the committee may:

939 (a) hold a public hearing in addition to, or instead of, a regular standing committee
940 meeting; and

941 (b) hold the public hearing as provided in Subsection (1)(a) on a single piece of
942 legislation or on a broader subject contained in one or more pieces of legislation.

943 (2) If the standing committee holds a public hearing independent of a regular standing
944 committee meeting, the standing committee chair shall:

945 (a) give notice of the public hearing by complying with the procedures and
946 requirements of Utah Code Title 52, Chapter 4, Open and Public Meetings Act; and

947 (b) ensure that the notice required by Subsection (2)(a) includes the legislation to be
948 considered.

949 (3) The standing committee chair may, subject to the approval of the standing
950 committee, adopt procedures for the orderly conduct of the hearing, including:

951 (a) limiting the time for the public hearing;

952 (b) limiting the time that individual speakers may speak; and

953 (c) directing the order in which speakers will be heard.

954 (4) During a public hearing, the standing committee may request or require testimony
955 by persons who have expertise on the legislation under discussion.

956 (5) (a) At the direction of the standing committee chair, or upon a majority vote of the

957 standing committee, the testimony of any person speaking during the public hearing may be
958 taken under oath.

959 (b) The standing committee chair or committee staff shall administer the oath.

960 Section 59. **SR3-2-406** is enacted to read:

961 **SR3-2-406. Standing committee duties -- Process.**

962 (1) Each committee shall send a report to the Senate on each bill referred to it.

963 (2) (a) With a majority vote, a standing committee may, for each piece of legislation in
964 its possession:

965 (i) pass the legislation out of the standing committee with a recommendation that it be
966 placed on the second reading calendar;

967 (ii) pass the legislation out of the standing committee with a recommendation that it be
968 placed on the third reading calendar;

969 (iii) pass the legislation out of committee with a recommendation that it be placed on
970 the consent calendar;

971 (iv) amend the legislation;

972 (v) substitute the legislation;

973 (vi) hold the legislation, either by formal motion or by taking no action;

974 (vii) table the legislation;

975 (viii) send the legislation to the Senate Rules Committee; or

976 (ix) perform some combination of Subsections (2)(a)(i) through (viii).

977 (b) The chair shall:

978 (i) subject to SR3-2-304 and SR3-2-408, hold a bill tabled in committee until a motion
979 is made to remove it from the table; and

980 (ii) send a tabled bill not lifted at the committee meeting after it is tabled to the
981 secretary of the Senate for filing.

982 (3) A standing committee may report a piece of legislation to the Senate with the
983 recommendation that the legislation be placed on the consent calendar if:

984 (a) the sponsor has requested that the legislation be placed on the consent calendar;

985 (b) the committee has passed the legislation out favorably by a unanimous vote with a
986 quorum present; and

987 (c) in a separate motion and vote, the committee has, with a quorum present,

988 unanimously recommended that the legislation be placed on the consent calendar.

989 (4) The standing committee chair shall ensure that:

990 (a) the committee sends a report to the Senate detailing its action on each piece of
991 legislation referred to it;

992 (b) a secretary records attendance and takes minutes of committee action; and

993 (c) the record of attendance and minutes are filed in the office of the secretary of the
994 Senate for three years.

995 (5) If, in accordance with SR3-1-102, the Senate Rules Committee forwards a
996 summary report from the Occupational and Professional Licensure Review Committee in
997 conjunction with legislation referred to a standing committee, the chair of the standing
998 committee shall ensure that the summary report is read orally to the standing committee before
999 action is taken by the standing committee on the legislation that is related to the summary
1000 report.

1001 Section 60. **SR3-2-407** is enacted to read:

1002 **SR3-2-407. Reconsideration of action.**

1003 (1) Except as provided in Subsection (2), a standing committee may, by majority vote
1004 of those present, reconsider any committee action at any time before the committee report is
1005 sent to the Senate.

1006 (2) A standing committee may not reconsider a piece of legislation more than once.

1007 Section 61. **SR3-2 -408** is enacted to read:

1008 **SR3-2 -408. Disposition of legislation tabled in a standing committee.**

1009 (1) The standing committee chair shall hold any legislation tabled in a standing
1010 committee until the next committee meeting.

1011 (2) At that next committee meeting, the standing committee may, with a two-thirds
1012 vote, lift the tabled legislation from the table.

1013 (3) If the motion to lift a piece of tabled legislation is successful, the standing
1014 committee may take any of the actions on the legislation authorized by SR3-2-406(2).

1015 (4) The standing committee chair shall send any legislation tabled in the standing
1016 committee that is not lifted from the table at the committee meeting after tabling to the
1017 secretary of the Senate for filing.

1018 Section 62. **SR3-2-409** is enacted to read:

1019 **SR3-2-409. Substitute legislation -- Substitutes must be germane.**

1020 (1) Except as provided in Subsection (2), a committee member may, if recognized by
1021 the committee chair while the standing committee is debating a piece of legislation, make a
1022 motion to substitute the legislation.

1023 (2) (a) The committee member making the motion to substitute shall ensure that the
1024 substitute is germane to the subject of the original legislation under consideration.

1025 (b) If a committee member believes that a substitute is not germane to the subject of
1026 the original legislation, the committee member may raise a point of order alleging that the
1027 substitute is not germane.

1028 (c) The committee chair shall rule on the point of order by determining whether or not
1029 the substitute is germane to the subject of the original legislation.

1030 Section 63. **SR3-2-410** is enacted to read:

1031 **SR3-2-410. Amending legislation -- Amendment must be germane.**

1032 (1) (a) Except as provided in Subsection (2), a committee member may, if recognized
1033 by the standing committee chair while the committee is debating a piece of legislation, make a
1034 motion to amend the legislation.

1035 (b) (i) A committee member may propose a verbal amendment to a piece of legislation
1036 if the amendment contains 25 words or fewer.

1037 (ii) A committee member shall ensure that a proposed amendment containing more
1038 than 25 words is printed and distributed to all committee members present and to committee
1039 staff before the amendment is proposed.

1040 (2) (a) The committee member making the motion to amend shall ensure that the
1041 amendment is germane to the subject of the original legislation under consideration.

1042 (b) If a committee member believes that an amendment is not germane to the subject of
1043 the original legislation, the committee member may raise a point of order alleging that the
1044 amendment is not germane.

1045 (c) The standing committee chair shall rule on the point of order by determining
1046 whether or not the amendment is germane to the subject of the original legislation.

1047 Section 64. **SR3-2-501** is enacted to read:

1048 **Part 5. Senate Standing Committee Parliamentary Procedures**

1049 **SR3-2-501. Obtaining the floor in committee -- Remarks to be germane.**

1050 (1) The standing committee chair shall recognize any committee member who wishes
1051 to speak to the subject under consideration.

1052 (2) Upon recognition by the standing committee chair, the committee member shall
1053 ensure that the member's remarks are germane to the subject under consideration.

1054 Section 65. **SR3-2-502** is enacted to read:

1055 **SR3-2-502. Motions in committee -- General requirements and procedure.**

1056 (1) (a) Except as provided in Subsection (2), any standing committee member who is
1057 recognized by the standing committee chair may make a motion.

1058 (b) A second to the motion is not required.

1059 (2) (a) A committee member may not make:

1060 (i) a motion to strike the enacting clause of a bill; or

1061 (ii) a motion to circle.

1062 (b) A standing committee may pass a motion to hold a bill.

1063 (3) The standing committee chair shall:

1064 (a) restate each oral motion made by a committee member; and

1065 (b) ensure that each written motion made by a committee member is distributed to the
1066 committee members.

1067 (4) The committee member who made a motion may withdraw the motion.

1068 Section 66. **SR3-2-503** is enacted to read:

1069 **SR3-2-503. Motions in committee -- Substitute motions.**

1070 (1) A standing committee member may, upon recognition by the standing committee
1071 chair, make a substitute motion, which, if adopted by vote of a majority of the members
1072 present, disposes of the original motion.

1073 (2) If the substitute motion is not adopted, the original motion is revived.

1074 (3) A standing committee member may not make a substitute motion if another
1075 substitute motion has been made and is pending.

1076 Section 67. **SR3-2-504** is enacted to read:

1077 **SR3-2-504. Motions in committee -- Motions in order during debate.**

1078 (1) (a) When a motion or question is being debated, the standing committee chair may
1079 not accept any other motion except a motion:

1080 (i) to adjourn, which is nondebateable;

- 1081 (ii) to determine the time to which to adjourn, which is debateable;
- 1082 (iii) to recess, which is nondebateable;
- 1083 (iv) to end debate (call the previous question), which is nondebateable and requires a
- 1084 majority vote to pass;
- 1085 (v) to refer to another committee, which is debateable;
- 1086 (vi) to extend the time for debate, which is debateable;
- 1087 (vii) to limit debate, which is debateable;
- 1088 (viii) to postpone to a time certain, which is debateable;
- 1089 (ix) to table, which is nondebateable;
- 1090 (x) to take from the table, which is nondebateable;
- 1091 (xi) to adopt a substitute, which is debateable; or
- 1092 (xii) to amend, which is debateable.
- 1093 (b) Points of order and appeals of the decision of the chair are not motions and are
- 1094 always in order.
- 1095 (c) The standing committee chair shall grant priority to the motions listed in Subsection
- 1096 (1)(a) according to the order in which they are listed in that subsection.
- 1097 (d) The standing committee chair shall terminate debate if the standing committee
- 1098 adopts a motion to end debate by a majority vote.
- 1099 (2) If a motion to postpone a piece of legislation to a day certain, to postpone a piece of
- 1100 legislation indefinitely, or to return a piece of legislation to the Senate Rules Committee is
- 1101 defeated, a committee member may not make the same motion on the same piece of legislation
- 1102 during the same committee meeting.
- 1103 Section 68. **SR3-2-505** is enacted to read:
- 1104 **SR3-2-505. Motions in committee -- Nondebateable motions.**
- 1105 (1) The standing committee chair may not allow debate on a motion:
- 1106 (a) to adjourn;
- 1107 (b) to recess;
- 1108 (c) to table; or
- 1109 (d) to take from the table.
- 1110 (2) The standing committee chair shall decide all points of order arising from one of
- 1111 the motions identified in Subsection (1) without debate.

1112 Section 69. **SR3-2-506** is enacted to read:

1113 **SR3-2-506. Motions in committee -- Motion to adjourn.**

1114 (1) A motion to adjourn is always in order except:

1115 (a) when a vote is being taken;

1116 (b) when a previous motion to adjourn has been defeated and no intervening business
1117 has been transacted; or

1118 (c) when another committee member has the floor.

1119 (2) (a) If a motion to adjourn has been made, no substitute motion for adjournment is in
1120 order.

1121 (b) A motion to adjourn may be held by the standing committee chair if the sponsor of
1122 the motion to adjourn approves.

1123 **Part 6. Senate Standing Committee Reports to the Senate**

1124 Section 70. **SR3-2-601** is enacted to read:

1125 **SR3-2-601. Committee reports.**

1126 (1) When a piece of legislation is acted upon by a committee, and the legislation is not
1127 lifted from the table by the next committee meeting, the standing committee chair shall submit
1128 to the secretary of the Senate:

1129 (a) the official version of the legislation; and

1130 (b) a committee report detailing the committee's action signed by the standing
1131 committee chair.

1132 (2) (a) If a piece of legislation is tabled by a committee and the legislation is not lifted
1133 from the table at the committee's next meeting, the standing committee chair shall submit a
1134 committee report to the secretary of the Senate informing the Senate that the legislation was
1135 tabled.

1136 (b) After reading the committee report on the tabled legislation, the secretary of the
1137 Senate shall send the legislation to the Senate Rules Committee.

1138 Section 71. **SR3-3-101** is enacted to read:

1139 **CHAPTER 3. CONFIRMATION COMMITTEES**

1140 **Part 1. Executive Office Confirmation Committees**

1141 **SR3-3-101. Senate confirmation committees.**

1142 (1) The president shall:

1143 (a) appoint one or more Senate executive confirmation committees composed of no
1144 more than seven senators, no more than five of whom are from the same political party;

1145 (b) appoint as members of the confirmation committee the Senate appropriations
1146 subcommittee chair and the Senate standing committee chair having jurisdiction over the
1147 agency or entity to which the nominee is appointed; and

1148 (c) designate one senator to act as chair of the committee.

1149 (2) If called by the chair, the committee shall, before any Senate confirmation session:

1150 (a) meet to review gubernatorial nominations to fill an executive branch position; and

1151 (b) make a recommendation to the Senate to either confirm or not confirm the
1152 nominee.

1153 (3) (a) The confirmation committee shall review the resume and qualifications of any
1154 full-time gubernatorial executive branch appointee and may interview appointees.

1155 (b) If a meeting is held, the committee shall submit a committee report to the Senate in
1156 a form that identifies to the Senate the votes "for" and votes "against" confirmation.

1157 (4) A standing committee may close a committee meeting only by following the
1158 procedures and requirements of Utah Code Title 52, Chapter 4, Open and Public Meetings Act.

1159 Section 72. **SR3-3-201** is enacted to read:

1160 **Part 2. Judicial Confirmation Committee**

1161 **SR3-3-201. Senate Judicial Confirmation Committee -- Membership.**

1162 (1) The president shall:

1163 (a) appoint a Senate Judicial Confirmation Committee of no more than seven senators,
1164 no more than five of whom are from the same political party; and

1165 (b) designate one senator to act as chair of the committee.

1166 (2) The president may not convene the Senate to consider confirmation of a judicial
1167 appointee until the Senate Judicial Confirmation Committee has submitted its
1168 recommendation.

1169 Section 73. **SR3-3-202** is enacted to read:

1170 **SR3-3-202. Senate Judicial Confirmation Committee -- Confirmation process.**

1171 (1) (a) The Senate Judicial Confirmation Committee shall comply with the procedures
1172 established in this rule.

1173 (b) Each committee member shall ensure that records received by them that are

1174 classified "private," "protected," or "controlled" under Utah Code Title 63G, Chapter 2,
1175 Government Records Access and Management Act, are released only if the requirements of
1176 that act are met.

1177 (2) After the Judicial Nominating Commission announces the nominees and forwards
1178 those names to the Office of Legislative Research and General Counsel as required by Utah
1179 Code Section 20A-12-104, that office shall provide the resume of each nominee to each
1180 member of the Senate.

1181 (3) When the governor provides the president of the Senate with the nominees'
1182 resumes, application materials, and other related documents, the president shall provide that
1183 information to the members of the Senate Judicial Confirmation Committee.

1184 (4) After the governor announces the appointee and provides the information required
1185 by Utah Code Section 67-1-2:

1186 (a) the chair of the Senate Judicial Confirmation Committee shall direct the preparation
1187 of a news release which shall include:

1188 (i) a brief description of the judicial position to be filled;

1189 (ii) the name of the appointee;

1190 (iii) a brief description of the functions of the Senate Judicial Confirmation
1191 Committee;

1192 (iv) a request that members of the Senate wanting to make comments contact the chair
1193 or the Office of Legislative Research and General Counsel by the deadline specified in the
1194 news release, which may not be less than 10 business days after publication of the news
1195 release;

1196 (v) a request that members of the public wanting to make comments contact the Office
1197 of Legislative Research and General Counsel by the deadline specified in the news release,
1198 which may not be less than 10 business days after publication of the news release; and

1199 (vi) a notice that any person wanting to comment submit a written statement detailing
1200 the substance of their testimony, including the person's name, telephone number, and mailing
1201 address, to the Office of Legislative Research and General Counsel; and

1202 (b) the Office of Legislative Research and General Counsel shall:

1203 (i) provide the resume of the appointee and the news release described in this

1204 Subsection (4) to:

1205 (A) each member of the Senate; and
1206 (B) the news media, including television, radio, and the major circulation newspapers
1207 in Salt Lake City and the geographical area served by the judicial office to be filled by the
1208 appointee; and
1209 (ii) provide the appointee's resume, application materials, and other related documents
1210 to each member of the Senate Judicial Confirmation Committee.
1211 (5) (a) The chair of the Senate Judicial Confirmation Committee may direct its staff to
1212 investigate:
1213 (i) the background, qualifications, and fitness for judicial office of the appointee
1214 generally; and
1215 (ii) specific issues raised or revealed by any member of the committee, any senator, or
1216 any member of the public, or that may arise at any time during the Senate confirmation process.
1217 (b) In conducting the investigation, committee staff may contact any person or
1218 organization that might have information about the nominee's fitness for judicial office.
1219 (c) The chair may direct staff to ask the governor, the chair of the Judicial Nominating
1220 Commission, or both, whether or not certain facts revealed by the investigation were known to
1221 the governor or the nominating commission at the time the candidate was considered by either
1222 of them.
1223 (6) (a) The chair of the Senate Judicial Confirmation Committee shall provide public
1224 notice of each committee meeting.
1225 (b) The public notice shall include an explanation that:
1226 (i) any person wanting to testify regarding the appointee shall submit a written request
1227 to testify to the Office of Legislative Research and General Counsel at least 24 hours before the
1228 meeting is scheduled to begin; and
1229 (ii) portions of the meeting may be closed under Utah Code Title 52, Chapter 4, Open
1230 and Public Meetings Act.
1231 (7) Before convening a meeting of the Senate Judicial Confirmation Committee, the
1232 chair shall:
1233 (a) review all written statements from persons desiring to address the committee
1234 regarding the governor's appointee;
1235 (b) review all records to be distributed to the committee and classify each record as

1236 "public" or "private" by applying the standard contained in Subsection 63G-2-302(1)(e)(i);

1237 (c) determine which persons making a timely request to testify under Subsection (6)(a)

1238 may address the committee; and

1239 (d) if necessary, establish reasonable time limits for public comment.

1240 Section 74. **SR3-3-203** is enacted to read:

1241 **SR3-3-203. Senate Judicial Confirmation Committee -- Meeting process.**

1242 (1) In conducting the Senate Judicial Confirmation Committee meeting:

1243 (a) the chair shall allow the appointee to address the committee before the committee

1244 hears any other testimony, after the last witness testifies before the committee, and before the

1245 committee makes its decision;

1246 (b) the chair may hold committee meetings in the geographic area to be served by the

1247 judicial office; and

1248 (c) the chair may allow testimony from any person wishing to testify, whether the

1249 person has submitted a written request to testify or not.

1250 (2) Before opening comments by the nominee, or at any other time during the meeting,

1251 the committee may close the committee meeting for any of the purposes outlined in Utah Code

1252 Title 52, Chapter 4, Open and Public Meetings Act.

1253 (3) In determining whether to recommend that the nominee be confirmed or rejected by

1254 the Senate, the Senate Judicial Confirmation Committee shall:

1255 (a) review the appointee's resume, application materials, and any other documents or

1256 information related to the nominee's fitness for judicial office;

1257 (b) review each written statement submitted to the committee;

1258 (c) interview, under oath or affirmation, each judicial appointee;

1259 (d) consider the oral testimony of persons testifying to the committee;

1260 (e) base its decision regarding confirmation solely upon a consideration of the

1261 nominee's fitness for judicial office without regard to any partisan political consideration;

1262 (f) vote on whether or not to recommend confirmation of the appointee to the Senate;

1263 and

1264 (g) transmit its recommendation to the Senate in a form that identifies to the Senate the

1265 votes "for" and the votes "against" confirmation.

1266 Section 75. **SR3-3-204** is enacted to read:

1267 **SR3-3-204. Copy to judicial nominee.**

1268 The Office of Legislative Research and General Counsel shall provide a copy of this
1269 rule to each judicial appointee seeking Senate confirmation.

1270 Section 76. **SR3-3-205** is enacted to read:

1271 **SR3-3-205. Constitution takes precedence over these rules.**

1272 Nothing contained in SR3-3-201 through SR3-3-204 may be construed to limit the
1273 authority of the Senate as provided in Utah Constitution Article VIII, Section 8.

1274 Section 77. **SR4-1-101** is enacted to read:

1275 **TITLE 4. SENATE FLOOR PROCEDURES**
1276 **CHAPTER 1. GENERAL PROVISIONS**

1277 **SR4-1-101. Definitions.**

1278 (1) (a) "Appropriations bill" means a bill that appropriates money and makes no change
1279 to statute.

1280 (b) Notwithstanding Subsection (1)(a), "appropriations bill" includes the public
1281 education budget bills.

1282 (2) "Constitutional majority vote" means that the matter requires 15 votes to pass on
1283 the Senate floor.

1284 (3) "Constitutional two-thirds vote" means that the matter requires 20 votes to pass on
1285 the Senate floor.

1286 (4) "Majority vote" means that the matter requires the votes of a majority of those
1287 present to pass on the Senate floor.

1288 (5) "Point of order" means a question raised by a senator about whether or not there has
1289 been a breach of order, a breach of rules, or a breach of established parliamentary practice.

1290 (6) "Presiding officer" means the person presiding over the Senate and includes:

1291 (a) the president;

1292 (b) the president pro tempore; and

1293 (c) any senator presiding under SR1-3-103.

1294 (7) "Two-thirds vote" means that the matter requires the vote of two-thirds of those
1295 present to pass on the Senate floor.

1296 Section 78. **SR4-2-101** is enacted to read:

1297 **CHAPTER 2. GENERAL FLOOR PROCEDURES FOR THE SENATE**

1298 **Part 1. General Guidelines**

1299 **SR4-2-101. Duties of presiding officer.**

1300 The presiding officer may:

1301 (1) call the Senate to order at the time scheduled for convening and proceed with the
1302 daily order of business;

1303 (2) announce the business before the Senate in the order that it is to be acted upon;

1304 (3) receive each motion and proposal presented by a senator and submit it to the
1305 Senate;

1306 (4) put to a vote all questions that arise in the course of proceedings and announce the
1307 results of the vote;

1308 (5) enforce the Senate Rules governing debates;

1309 (6) enforce observance of order and decorum;

1310 (7) inform the Senate on any point of order or practice;

1311 (8) receive and announce to the Senate any official messages and communications; and

1312 (9) sign all bills, resolutions, orders, and proceedings of the Senate.

1313 Section 79. **SR4-2-102** is enacted to read:

1314 **SR4-2-102. Obtaining the floor.**

1315 (1) When a senator wishes to be recognized to speak, the senator shall rise and address
1316 the presiding officer as:

1317 (i) "Mr. (Madam) President"; or

1318 (ii) "Mr. (Madam) President pro temp.

1319 (2) If two or more senators rise at the same time to speak, the presiding officer shall
1320 decide which senator is to speak first.

1321 (3) After being recognized, the senator shall confine the senator's remarks to the issue
1322 under consideration.

1323 Section 80. **SR4-2-103** is enacted to read:

1324 **SR4-2-103. Calling a senator to order for violation of a rule.**

1325 (1) As used in this rule, "censure" means an official reprimand or condemnation,
1326 which, if approved by the majority of the Senate, is printed in the journal.

1327 (2) (a) The presiding officer may call a senator to order for violating any Senate Rule
1328 or Joint Rule.

1329 (b) A senator may call a senator to order for violating any Senate Rule or Joint Rule by
1330 raising a point of order under SR4-2-201.

1331 (3) If a senator appeals the ruling of the presiding officer, the Senate shall decide the
1332 issue after debate.

1333 (4) (a) If the decision is favorable to the senator who has been called to order, the
1334 senator may proceed.

1335 (b) If the decision is unfavorable, the senator is subject to censure by the Senate.

1336 Section 81. **SR4-2-104** is enacted to read:

1337 **SR4-2-104. Calling a senator to order for conduct in debate.**

1338 (1) (a) If a senator raises a point of order for words spoken in debate, the senator
1339 raising the point of order shall repeat the words to which exception is taken.

1340 (b) The secretary of the Senate shall ensure that the words to which exception is taken
1341 are recorded in the journal.

1342 (2) When a point of order for words spoken in debate is made, the senator who spoke
1343 the words may not continue to speak until a ruling on the point of order is made, unless the
1344 presiding officer grants that senator permission to explain the senator's words.

1345 (3) A senator may not be called to order or censured for words spoken in debate if there
1346 has been intervening business.

1347 Section 82. **SR4-2-105** is enacted to read:

1348 **SR4-2-105. Motions in writing.**

1349 (1) Except as provided in Subsection (2), if a senator requests that a motion be
1350 presented in writing, the presiding officer shall require that the maker of the motion prepare
1351 and submit a written motion.

1352 (2) The presiding officer may not require that the following motions be presented in
1353 writing:

1354 (a) a motion to adjourn;

1355 (b) a motion to circle;

1356 (c) a motion to table; or

1357 (d) a motion to refer to committee.

1358 Section 83. **SR4-2-201** is enacted to read:

1359 **Part 2. Point of Order and Appeals of the Decision of the Chair**

1360 **SR4-2-201. Point of order.**

1361 (1) (a) If a senator believes that there has been a breach of order, a breach of rules, or a
1362 breach of established parliamentary practice, the senator may rise and, without being
1363 recognized, state: "point of order."

1364 (b) When a senator raises a point of order:

1365 (i) the presiding officer shall interrupt the proceedings;

1366 (ii) the senator who has the floor shall yield the floor; and

1367 (iii) the presiding officer shall ask the senator raising the point of order to "state your
1368 point."

1369 (c) When the presiding officer responds "state your point," the senator shall briefly
1370 explain the alleged breach to the body, citing to appropriate authority if possible.

1371 (2) (a) The presiding officer may speak to points of order in preference to other
1372 senators rising for that purpose.

1373 (b) The presiding officer may:

1374 (i) rule on the point of order immediately;

1375 (ii) consult with the secretary of the Senate and then rule on the point of order; or

1376 (iii) defer the point of order until the presiding officer can research and rule on the
1377 point of order.

1378 (c) (i) Although points of order are generally decided without debate, the presiding
1379 officer may submit the point of order to the Senate for decision in doubtful cases.

1380 (ii) If submitted to the Senate for decision, a presiding officer shall allow debate or
1381 discussion on the point of order by recognizing members of the Senate who wish to speak to
1382 the point of order.

1383 (iii) A decision by the Senate deciding a point of order is not subject to appeal.

1384 (3) When the presiding officer rules on the point of order, any senator who disagrees
1385 with the presiding officer's decision may appeal that decision to the Senate by following the
1386 procedures and requirements of SR4-2-202.

1387 Section 84. **SR4-2-202** is enacted to read:

1388 **SR4-2-202. Appeals from the decision of the chair.**

1389 (1) Although the tradition in the Senate is to give great weight to the rulings of the
1390 presiding officer and to not make appeals lightly, a senator who disagrees with a ruling of the

1391 presiding officer may appeal that decision to the Senate by rising and, without waiting to be
1392 recognized, saying "I appeal the decision of the chair."

1393 (2) When a senator appeals the decision of the chair, the presiding officer shall clearly
1394 state the decision appealed from and may state the reasons for the decision.

1395 (3) (a) An appeal is debatable.

1396 (b) A senator may not speak more than once on the appeal without leave of the Senate.

1397 (4) The question on appeal is: "Shall the decision of the chair stand as the judgment of
1398 the Senate?"

1399 (5) When a decision of the presiding officer is appealed, a majority vote of the senators
1400 present is required to override that decision.

1401 (6) The secretary of the Senate shall ensure that the appeal and the action of the Senate
1402 on the appeal are entered in the journal.

1403 Section 85. **SR4-3-101** is enacted to read:

1404 **CHAPTER 3. SPECIAL SENATE FLOOR PROCEDURES**

1405 **Part 1. Bills and Resolutions**

1406 **SR4-3-101. Bills placed on calendars.**

1407 (1) (a) The secretary of the Senate shall cause each bill reported to the Senate by a
1408 Senate standing committee or the Senate Rules Committee to be placed at the bottom of the
1409 second reading calendar or on the consent calendar in the order that the bill is received.

1410 (b) The presiding officer shall ensure that each bill that is placed on the second reading
1411 calendar but lacks a fiscal note is circled until the fiscal note is received.

1412 (2) The secretary of the Senate shall ensure that each bill on the second reading
1413 calendar that is passed by a constitutional majority vote is placed at the bottom of the third
1414 reading calendar.

1415 Section 86. **SR4-3-102** is enacted to read:

1416 **SR4-3-102. Consideration of bills.**

1417 (1) Except for the 43rd, 44th, and 45th day of the annual general session, a piece of
1418 legislation may not be read for the third time until at least the day after it is placed on the third
1419 reading calendar.

1420 (2) Legislation on the third reading calendar shall be considered in the order that it
1421 appears on the calendar unless a constitutional majority vote of the members of the Senate

1422 directs other action.

1423 Section 87. **SR4-3-103** is enacted to read:

1424 **SR4-3-103. Reassigning legislation assigned to a standing committee.**

1425 Legislation that has been assigned to a standing committee may be assigned to the

1426 Senate Rules Committee or a different standing committee by:

1427 (1) the presiding officer;

1428 (2) the Senate by majority vote upon motion from the floor; or

1429 (3) the Senate by majority vote if the committee to which the legislation was assigned

1430 recommends in its committee report that the legislation be returned to the Senate Rules

1431 Committee.

1432 Section 88. **SR4-3-104** is enacted to read:

1433 **SR4-3-104. Action of bills tabled in committee.**

1434 (1) (a) A senator may make a motion to lift a bill tabled in the standing committee from
1435 the secretary of the Senate or from the standing committee that has possession of the bill.

1436 (b) If the motion passes by a two-thirds vote of those senators present on the floor of
1437 the Senate, the bill is placed on the Senate second reading calendar.

1438 (2) The president of the Senate can reassign a bill tabled in a standing committee to
1439 another standing committee.

1440 Section 89. **SR4-3-105** is enacted to read:

1441 **SR4-3-105. Action on House legislation.**

1442 (1) When a piece of House legislation is received by the Senate with a transmittal letter
1443 informing the Senate that it has passed the House, the presiding officer shall:

1444 (a) have the legislation read for the first time; and

1445 (b) refer it to the Senate Rules Committee.

1446 (2) Action on House legislation is the same as for Senate legislation.

1447 Section 90. **SR4-3-106** is enacted to read:

1448 **SR4-3-106. Time limit for Senate legislation.**

1449 Except for an appropriations bill, the Senate may not consider a piece of legislation
1450 introduced by a senator after the 42nd day of the annual general session of the Legislature.

1451 Section 91. **SR4-3-201** is enacted to read:

1452 **Part 2. Substitute Legislation**

1453 **SR4-3-201. Substitute legislation.**

1454 (1) A motion to adopt a substitute piece of legislation is in order on second or third
1455 reading.

1456 (2) The Office of Legislative Research and General Counsel shall number each
1457 substitute for recordkeeping and tracking purposes before the substitute is officially printed.

1458 Section 92. **SR4-3-202** is enacted to read:

1459 **SR4-3-202. Substitute must be germane.**

1460 (1) Except as provided in Subsection (2), a senator may, if recognized by the presiding
1461 officer while the senator is debating a piece of legislation, make a motion to substitute the
1462 legislation.

1463 (2) (a) The senator making the motion to substitute shall ensure that the substitute is
1464 germane to the subject of the original legislation under consideration.

1465 (b) If a senator believes that a substitute is not germane to the subject of the original
1466 legislation, the senator may raise a point of order alleging that the substitute is not germane.

1467 (c) The presiding officer shall rule on the point of order by determining whether or not
1468 the substitute is germane to the subject of the original legislation.

1469 Section 93. **SR4-3-301** is enacted to read:

1470 **Part 3. Floor Amendments**

1471 **SR4-3-301. Amendments in order on second or third reading -- Ten word rule --**
1472 **Passage of amendments by a majority vote.**

1473 (1) A motion to amend a piece of legislation is in order on second or third reading.

1474 (2) (a) Except as provided in Subsection (3) or (4), a senator may, if recognized by the
1475 presiding officer while the Senate is debating a piece of legislation, make a motion to amend
1476 the legislation.

1477 (b) (i) A senator may verbally propose an amendment to a piece of legislation if the
1478 amendment contains 10 words or fewer.

1479 (ii) A senator shall ensure that a proposed amendment containing more than 10 words
1480 is printed and distributed to the secretary of the Senate and to all senators before the
1481 amendment is proposed.

1482 (3) (a) The senator making the motion to amend shall ensure that the amendment is
1483 germane to the subject of the original legislation under consideration.

1484 (b) If a senator believes that an amendment is not germane to the subject of the original
1485 legislation, the senator may raise a point of order alleging that the amendment is not germane.

1486 (c) The presiding officer shall rule on the point of order by determining whether or not
1487 the amendment is germane to the subject of the original legislation.

1488 (4) A constitutional amendment, resolution, or bill requiring a constitutional two-thirds
1489 vote for final passage may be amended by a majority vote.

1490 (5) When legislation is amended by the Senate, the secretary of the Senate shall:

1491 (a) for each page of the legislation modified by a Senate amendment, cause a new page
1492 to be printed that clearly identifies each Senate amendment to that page; and

1493 (b) print that new page on goldenrod-colored paper.

1494 Section 94. **SR4-4-101** is enacted to read:

CHAPTER 4. SENATE CALENDARS

Part 1. Second Reading Calendar

1497 **SR4-4-101. Second reading calendar.**

1498 (1) (a) After the Senate considers all legislation on the third reading calendar that is not
1499 circled or tabled, the Senate shall consider legislation on the second reading calendar as
1500 follows:

1501 (i) the presiding officer shall cause each piece of legislation on the second reading
1502 calendar to be read by title before debate begins, unless the Senate suspends this requirement
1503 by a two-thirds vote;

1504 (ii) the secretary of the Senate or the secretary's designee shall read the committee
1505 report, noting for the Senate those instances when the legislation did not receive a Senate
1506 standing committee review or an interim committee review;

1507 (iii) if the Senate passes a motion to adopt a "favorable" committee report, the
1508 legislation, including any substitute or amendment adopted by the standing committee that is
1509 identified in the committee report, is before the Senate; and

1510 (iv) the presiding officer shall allow debate on the legislation.

1511 (b) If the Senate fails to pass a motion to adopt a "favorable" committee report, the
1512 legislation will be returned to the secretary of the Senate.

1513 (2) (a) The final question on second reading is: "Shall the bill (resolution) be read a
1514 third time?"

1515 (b) The presiding officer shall place the question as a roll call vote.

1516 (c) If a constitutional majority of the Senate votes in favor of the motion, the legislation
1517 is passed to the third reading calendar.

1518 Section 95. **SR4-4-201** is enacted to read:

1519 **Part 2. Third Reading Calendar**

1520 **SR4-4-201. Third reading calendar -- Procedures.**

1521 (1) (a) For the third reading on a piece of legislation, the secretary of the Senate or the
1522 secretary's designee shall read the legislation by title, unless the Senate suspends this
1523 requirement by a two-thirds vote.

1524 (2) When the secretary of the Senate or the secretary's designee has completed the third
1525 reading of the legislation, the legislation is before the Senate for debate.

1526 (3) When debate on the legislation is complete, the presiding officer shall:

1527 (a) pose the final question: "This bill (resolution) has been read three times. The
1528 question is: Shall the bill (resolution) pass?"; and

1529 (b) place the question as a roll call vote.

1530 Section 96. **SR4-4-202** is enacted to read:

1531 **SR4-4-202. Disposition of legislation voted on third reading.**

1532 (1) Except as provided in Subsection (2), the secretary of the Senate or the secretary's
1533 designee shall:

1534 (a) for a piece of Senate legislation passed by the Senate on third reading but not yet
1535 acted upon by the House, transmit the Senate legislation to the House for its further action;

1536 (b) for a piece of Senate legislation that fails to pass the Senate on third reading, file
1537 the legislation;

1538 (c) for a piece of Senate legislation that has passed both houses in the same form,
1539 follow the procedures and requirements of JR4-6-101(1)(b);

1540 (d) for a piece of House legislation passed by the Senate on third reading and not
1541 amended or substituted in the Senate, transmit the House legislation to the presiding officer of
1542 the House for the presiding officer's signature;

1543 (e) for a piece of House legislation passed by the Senate on third reading that was
1544 amended or substituted in the Senate, transmit the legislation to the House with the amendment
1545 or substitute for further action by the House; and

1546 (f) for a piece of House legislation that fails to pass the Senate on third reading,
1547 transmit the legislation to the House with notice of the Senate's action.

1548 (2) When a senator gives notice of intention to move for reconsideration, the secretary
1549 of the Senate shall:

1550 (a) record the notice in the journal; and

1551 (b) keep possession of the bill until:

1552 (i) the time for reconsideration has expired as provided in Title 4, Chapter 9,

1553 Reconsideration of Senate Action; or

1554 (ii) the bill has been reconsidered.

1555 Section 97. **SR4-4-301** is enacted to read:

1556 **Part 3. Consent Calendar**

1557 **SR4-4-301. Consent calendar.**

1558 (1) If a standing committee report recommends that a piece of legislation be placed on
1559 the consent calendar and the standing committee report is adopted by the Senate, the secretary
1560 of the Senate or the secretary's designee shall:

1561 (a) read the legislation for the second time; and

1562 (b) place the legislation on the consent calendar.

1563 (2) (a) Whenever the consent calendar contains legislation, the presiding officer shall
1564 inform the Senate each day that:

1565 (i) there are items on the consent calendar; and

1566 (ii) if any senator objects to a piece of legislation on the consent calendar, three or
1567 more senators may move the legislation to the second reading calendar by notifying the
1568 secretary of the Senate verbally or in writing.

1569 (b) If the secretary of the Senate receives requests to move a piece of legislation from
1570 the consent calendar to the second reading calendar from three or more senators, the secretary
1571 shall:

1572 (i) remove the legislation from the consent calendar; and

1573 (ii) place the legislation at the bottom of the second reading calendar.

1574 (3) If, after three days during which the Senate has floor time, no more than two
1575 members have registered objections to the legislation, the legislation shall be:

1576 (a) read the third time;

1577 (b) placed before the Senate; and

1578 (c) considered for final passage.

1579 (4) (a) The presiding officer shall pose the question on each consent calendar bill in the
1580 following form:

1581 "The presiding officer has determined that a quorum is present.

1582 Those who favor the question say, 'aye.'

1583 Does the chair hear a single dissenting nay to the question?"

1584 (b) If the presiding officer hears no nays to the question, a unanimous vote of the
1585 senators present shall be recorded in favor of the legislation.

1586 (c) If the presiding officer hears any nays to the question, a roll call vote shall be taken
1587 immediately.

1588 (5) Notwithstanding the requirements of Subsection (4), any senator may, before the
1589 roll call vote is taken, make a motion to remove the bill from the consent calendar and place it
1590 on the bottom of the third reading calendar.

1591 (6) Nothing in this section prevents a senator from challenging the ruling of the chair
1592 or asking for a vote on any question.

1593 Section 98. **SR4-4-401** is enacted to read:

1594 **Part 4. Concurrence Calendar**

1595 **SR4-4-401. Concurrence calendar.**

1596 (1) After the secretary of the Senate or the secretary's designee reads the transmittal
1597 letter from the House informing the Senate that the House has amended or substituted a piece
1598 of Senate legislation, the presiding officer shall place the legislation on the concurrence
1599 calendar.

1600 (2) (a) During the first 43 days of the annual general session, the legislation shall
1601 remain on the concurrence calendar over at least one night before the Senate may consider the
1602 question of concurrence.

1603 (b) During the last two days of the annual general session and during any special
1604 session, the Senate may consider legislation for concurrence after the Senate has been given a
1605 reasonable time to review the House changes.

1606 (3) (a) When presenting legislation to the Senate for concurrence, the presiding officer
1607 shall ask the sponsor of the legislation for a motion.

- 1608 (b) The sponsor of the legislation may move to either:
- 1609 (i) concur with the House amendments; or
- 1610 (ii) refuse to concur with the House amendments and ask the House to recede from
- 1611 their amendments.
- 1612 (c) If a motion to concur with the House amendments passes by majority vote, the
- 1613 presiding officer shall:
- 1614 (i) pose the question: "This bill (resolution) has been read three times. The question is:
- 1615 Shall the Senate concur with the House amendments?"; and
- 1616 (ii) take the final roll call vote on the legislation.
- 1617 (d) If a motion to refuse to concur with the Senate amendments and ask the Senate to
- 1618 recede from their amendments passes by a majority vote, the secretary of the Senate shall return
- 1619 the legislation to the House for its further action.
- 1620 (e) If the House refuses to recede, the Senate and House shall follow the procedures
- 1621 and requirements of JR3-2-601 relating to the appointment of a conference committee.

Section 99. **SR4-4-501** is enacted to read:

Part 5. Time Certain Calendar

SR4-4-501. Time certain calendar.

The secretary of the Senate or the secretary's designee shall place on the time certain calendar legislation or other matters approved by the Senate for a time certain under:

- 1627 (1) SR1-5-301; or
- 1628 (2) other rules allowing matters to be set for a time certain.

Section 100. **SR4-5-101** is enacted to read:

CHAPTER 5. COMMITTEE OF THE WHOLE

SR4-5-101. Committee of the whole -- Purpose -- Process.

(1) Because only members of the Senate may speak to the Senate while the Senate is conducting business on the floor, the Senate must resolve itself into a committee of the whole in order to allow nonmembers to address the Senate.

(2) The Senate may resolve itself into a committee of the whole if:

(a) a senator makes a motion for the Senate to resolve itself into a committee of the whole; and

(b) the motion is approved by a majority vote of those present.

1639 Section 101. **SR4-5-102** is enacted to read:

1640 **SR4-5-102. Procedure in committee of the whole.**

1641 (1) The presiding officer shall chair and preside over the committee of the whole.

1642 (2) Senate Rules apply in the committee of the whole, except that:

1643 (a) a senator may not speak more than twice on the same subject;

1644 (b) roll call votes are out of order during a committee of the whole; and

1645 (c) a senator may not appeal the decision of the chair.

1646 Section 102. **SR4-5-103** is enacted to read:

1647 **SR4-5-103. Motion to dissolve committee of the whole.**

1648 A motion to dissolve a committee of the whole is always in order and is nondebateable.

1649 Section 103. **SR4-6-101** is enacted to read:

1650 **CHAPTER 6. SENATE FLOOR PARLIAMENTARY PROCEDURES**

1651 **Part 1. General Requirements**

1652 **SR4-6-101. Obtaining the floor in the Senate -- Remarks to be germane.**

1653 (1) A senator may speak to the subject under consideration if the senator is recognized
1654 by the presiding officer.

1655 (2) Upon recognition by the presiding officer, the senator shall ensure that the senator's
1656 remarks are germane to the subject under consideration.

1657 Section 104. **SR4-6-102** is enacted to read:

1658 **SR4-6-102. Motions on the floor -- General requirements and procedures.**

1659 (1) (a) A senator who is recognized by the presiding officer may make a motion.

1660 (b) A second to the motion is not required.

1661 (2) The presiding officer shall restate each oral motion made by a senator.

1662 (3) (a) After a motion is stated by the presiding officer, it is in the possession of the
1663 Senate.

1664 (b) The motion may be withdrawn by the senator who made it or by a majority vote of
1665 the Senate.

1666 Section 105. **SR4-6-103** is enacted to read:

1667 **SR4-6-103. Sponsor may open and close debate.**

1668 After coming to a piece of legislation on a calendar or after accepting a motion, the
1669 presiding officer shall recognize the chief sponsor of the piece of legislation or of the motion

1670 and allow the chief sponsor to open and close debate on the legislation or motion.

1671 Section 106. **SR4-6-104** is enacted to read:

1672 **SR4-6-104. Interruptions and questions.**

1673 (1) A senator may not interrupt or question another senator in debate without that
1674 senator's consent.

1675 (2) (a) To obtain consent, the querying senator shall address the presiding officer and
1676 ask if the senator speaking will yield the floor to a question or series of questions.

1677 (b) If the senator speaking consents to yield the floor to a question or series of
1678 questions, the presiding officer shall allow the querying senator to ask the question or
1679 questions.

1680 (c) If the senator speaking declines to yield the floor to a question or series of
1681 questions, the presiding officer:

1682 (i) shall inform the querying senator that the senator speaking has declined; and

1683 (ii) may not allow the querying senator to ask a question or series of questions.

1684 Section 107. **SR4-6-105** is enacted to read:

1685 **SR4-6-105. Senators not to speak more than twice -- Maximum speaking time.**

1686 (1) Without permission from the Senate, a senator may not speak more than twice on
1687 the same piece of legislation, substitute legislation, or amendment in any one debate on the
1688 same day and on the same reading of the legislation.

1689 (2) (a) Except as provided in Subsection (2)(b), the presiding officer may not grant a
1690 senator who has spoken once permission to speak again on the same piece of legislation if any
1691 senator who has not spoken wishes to speak.

1692 (b) The presiding officer may grant a senator who has spoken once permission to
1693 respond to a question if the senator consents to a request that the senator yield to a question
1694 under SR4-6-104.

1695 Section 108. **SR4-6-106** is enacted to read:

1696 **SR4-6-106. Order of action.**

1697 If a senator makes a motion to amend or substitute legislation during debate on second
1698 or third reading, the presiding officer shall ensure that the Senate debates and passes or defeats
1699 the motion to amend or substitute before allowing debate and action on the legislation itself.

1700 Section 109. **SR4-6-107** is enacted to read:

1701 **SR4-6-107. Substitute motions.**

1702 (1) A senator may, upon recognition by the presiding officer, make a substitute motion,
1703 which, if adopted by vote of a majority of the Senate, disposes of the original motion.

1704 (2) If the substitute motion is not adopted, the original motion is revived.

1705 (3) A senator may not make a substitute motion if another substitute motion has been
1706 made and is pending.

1707 Section 110. **SR4-6-108** is enacted to read:

1708 **SR4-6-108. Dividing a motion or question.**

1709 (1) (a) Except as provided in Subsection (1)(b)(i), if a motion or a question in debate
1710 contains several points, a senator may ask to have the question divided for purposes of the vote.

1711 (b) (i) A motion to strike out and insert is not subject to division.

1712 (ii) Notwithstanding Subsection (1)(b)(i), the rejection of a motion to strike out and
1713 insert one proposition does not preclude a motion to strike out and insert a different
1714 proposition.

1715 (2) The request to divide shall clearly state how the motion or question is to be divided.

1716 (3) (a) The presiding officer shall determine how many divisions may be made to any
1717 motion or question.

1718 (b) The Senate may seek to overrule the chair's decision only once.

1719 Section 111. **SR4-6-109** is enacted to read:

1720 **SR4-6-109. Motions in order during debate.**

1721 (1) (a) When a motion or question is being debated, the presiding officer may not
1722 accept any other motion except a motion:

1723 (i) to adjourn, which is nondebateable;

1724 (ii) to determine the time to adjourn, which is debateable;

1725 (iii) to recess, with the senator having the floor retaining the floor when the Senate
1726 reassembles, which is nondebateable;

1727 (iv) to call the Senate;

1728 (v) to refer to a committee, which is debateable;

1729 (vi) to table, which is debateable;

1730 (vii) to lift from the table, which is debateable;

1731 (viii) to circle, which is debateable;

- 1732 (ix) to postpone to a time certain, which is debateable;
1733 (x) to strike the enacting clause, which is debateable;
1734 (xi) to adopt a substitute, which is debateable; or
1735 (xii) to amend, which is debateable.
1736 (b) Points of order and appeals of the decision of the presiding officer are not motions
1737 and are always in order.
1738 (c) The presiding officer shall grant priority to the motions listed in Subsection (1)(a)
1739 according to the order in which they are listed in that rule.
1740 (2) A senator may not make, and the presiding officer may not accept, a motion for the
1741 previous question, which is a call for an end to debate and a vote on the matter under
1742 discussion.
1743 (3) If a motion to postpone a piece of legislation to a day certain or a motion to refer a
1744 piece of legislation to a committee is defeated, a senator may not make the same motion on the
1745 same piece of legislation during the same reading of the legislation.
1746 (4) When a motion to refer to committee, to postpone indefinitely, to postpone to a
1747 time certain, or to table is made, the presiding officer may not allow consideration of
1748 amendments or debate on the main question.
1749 Section 112. **SR4-6-110** is enacted to read:
1750 **SR4-6-110. Nondebateable motions.**
1751 (1) The presiding officer may not allow debate on a motion:
1752 (a) to adjourn; or
1753 (b) to recess.
1754 (2) The presiding officer shall decide all points of order arising from one of the above
1755 motions without debate.
1756 Section 113. **SR4-6-201** is enacted to read:
1757 **Part 2. Specific Motions**
1758 **SR4-6-201. Motion to adjourn.**
1759 A motion to adjourn is always in order except:
1760 (1) when a vote is being taken;
1761 (2) when a previous motion to adjourn has been defeated and no intervening business
1762 has been transacted; or

1763 (3) when another senator has the floor.

1764 Section 114. **SR4-6-202** is enacted to read:

1765 **SR4-6-202. Motion to circle.**

1766 (1) A motion to circle a piece of legislation holds the legislation in place on the
1767 calendar.

1768 (2) (a) A motion to circle preserves all amendments or substitutes to the legislation
1769 already adopted by the Senate.

1770 (b) A motion to circle extinguishes all amendments or substitutes pending at the time
1771 that the motion is made.

1772 (3) When a motion to uncircle is made:

1773 (a) amendments, substitutes, or both that were already adopted by the Senate are part of
1774 the legislation; and

1775 (b) any amendments or substitutes that were being discussed at the time the legislation
1776 was circled are extinguished and a new motion to amend or substitute must be made in order to
1777 revive them.

1778 Section 115. **SR4-6-203** is enacted to read:

1779 **SR4-6-203. Motion to strike the enacting clause.**

1780 (1) When a motion to strike the enacting clause passes by a constitutional majority, the
1781 bill from which the enacting clause was stricken is dead and may not be revived.

1782 (2) Nothing in this rule precludes a senator from introducing a new bill identical to the
1783 bill whose enacting clause was struck.

1784 Section 116. **SR4-7-101** is enacted to read:

1785 **CHAPTER 7. VOTING**

1786 **Part 1. General Requirements**

1787 **SR4-7-101. Definitions.**

1788 (1) "Roll call vote" means a verbal voting process where:

1789 (a) the secretary of the Senate or the secretary's designee verbally calls the name of
1790 each senator alphabetically, except the president, who is called last;

1791 (b) each senator present votes "aye" or "nay" when the senator's name is called;

1792 (c) the secretary of the Senate or the secretary's designee:

1793 (i) tallies the vote;

- 1794 (ii) records those senators who are absent or not voting; and
1795 (iii) gives a copy of the tally to the presiding officer; and
1796 (d) the presiding officer announces the result of the vote.
1797 (2) "Voice vote" means a verbal voting process where the presiding officer:
1798 (a) poses the question to be voted upon in this form: "Those in favor (of the question)
1799 say 'aye.'" and "Those opposed say 'nay.'"; and
1800 (b) based upon the senator's responses, announces that the question either passed or
1801 failed.

1802 Section 117. **SR4-7-102** is enacted to read:

1803 **SR4-7-102. Number of votes required for passage.**

1804 (1) Unless otherwise specified in these rules:

1805 (a) each piece of legislation requires a constitutional majority vote -- 15 votes -- to
1806 pass;

1807 (b) amendments to the Utah Constitution, amendments to court rules, and certain
1808 motions specified in these rules require a constitutional two-thirds vote -- 20 votes -- to pass;

1809 (c) legislation that is intended to take effect earlier than 60 days after adjournment of
1810 the session in which it passes requires a constitutional two-thirds vote -- 20 votes -- to pass
1811 with that immediate effective date;

1812 (d) certain motions require a two-thirds vote -- two-thirds of those present -- to pass;
1813 and

1814 (e) other motions require a majority vote -- a majority of those present -- to pass.

1815 (2) The Senate may only suspend a rule requiring that a motion must receive a
1816 two-thirds vote or a constitutional two-thirds vote to pass by a two-thirds vote.

1817 Section 118. **SR4-7-103** is enacted to read:

1818 **SR4-7-103. Senators present required to vote.**

1819 (1) (a) A senator present within the Senate chamber when a vote is being taken shall
1820 vote.

1821 (b) A senator shall vote within the time limit fixed by the presiding officer.

1822 (c) Immediately before a roll call vote or when casting a roll call vote, a senator may,
1823 upon recognition by the presiding officer, make a brief statement explaining any conflict of
1824 interest.

1825 (d) With the permission of the presiding officer, a senator may briefly explain a vote.

1826 (2) (a) A senator may not vote on a piece of legislation or motion unless the senator is
1827 present in the Senate chamber.

1828 (b) If the vote is a roll call vote or division, a senator entering the chamber after the
1829 question is posed and before the presiding officer announces the result, may have the question
1830 stated and vote.

1831 Section 119. **SR4-7-104** is enacted to read:

1832 **SR4-7-104. Disturbing Senate staff during voting prohibited.**

1833 While a roll call vote is being taken, a person may not disturb or remain by the desks of
1834 the secretary of the Senate, the docket clerk, the reading clerk, the voting machine operator, or
1835 the public address system operator.

1836 Section 120. **SR4-7-105** is enacted to read:

1837 **SR4-7-105. Changing vote before vote is closed.**

1838 A senator may change the senator's vote before the presiding officer announces the
1839 result.

1840 Section 121. **SR4-7-106** is enacted to read:

1841 **SR4-7-106. Voting or changing vote after the vote is announced.**

1842 After the vote is announced, a senator may not vote or change the senator's vote unless:

1843 (1) there is unanimous consent of the senators present; and

1844 (2) the result of the vote is not changed.

1845 Section 122. **SR4-7-201** is enacted to read:

1846 **Part 2. Voting Process**

1847 **SR4-7-201. Means of voting -- Requirements.**

1848 (1) The presiding officer shall ensure that the vote on final passage of a piece of
1849 legislation is taken by roll call vote.

1850 (2) The presiding officer shall conduct a roll call vote on other questions if requested
1851 by a senator.

1852 (3) During a roll call vote, the presiding officer may not accept a motion or other
1853 business, except for a request from a senator to disclose a conflict of interest or to explain the
1854 senator's vote, until after the presiding officer announces the result of the vote.

1855 Section 123. **SR4-7-202** is enacted to read:

1856 **SR4-7-202. Placing the question -- Voice vote -- Division.**

1857 (1) The presiding officer shall place all questions other than those identified in
1858 SR4-7-201 by voice vote.

1859 (2) After taking a voice vote, if the presiding officer is in doubt about which side
1860 prevailed, the presiding officer may require the Senate to vote by roll call vote.

1861 (3) If the presiding officer questions the result of the count, or if a senator calls for
1862 division, the presiding officer shall require that those voting aye stand and be counted first,
1863 followed by those voting nay standing and being counted.

1864 Section 124. **SR4-8-101** is enacted to read:

1865 **CHAPTER 8. CALL OF THE SENATE**

1866 **SR4-8-101. Definitions.**

1867 "Call of the Senate" means the process by which the Senate may compel absent senators
1868 to be present in the Senate chamber.

1869 Section 125. **SR4-8-102** is enacted to read:

1870 **SR4-8-102. Initiating a call of the Senate.**

1871 (1) Subject to the requirements of this rule, a senator may demand a call of the Senate
1872 by standing and verbally stating "call of the Senate."

1873 (2) After a senator demands a call of the Senate, the presiding officer shall say: "It
1874 requires at least five senators to require a call of the Senate. Will those in favor of the call
1875 please stand?"

1876 (3) If the presiding officer determines that five or more senators demand a call of the
1877 Senate, the presiding officer shall order the call.

1878 Section 126. **SR4-8-103** is enacted to read:

1879 **SR4-8-103. Effect of call of the Senate.**

1880 (1) Except for receiving and acting on the report of the sergeant-at-arms under
1881 SR4-8-105, the Senate may not transact any business during a call of the Senate.

1882 (2) (a) During a call of the Senate, the presiding officer shall declare out of order each
1883 motion except:

1884 (i) a motion to adjourn; or

1885 (ii) a motion to lift the call of the Senate.

1886 (b) The motions identified in Subsection (2)(a) must receive a majority vote from the

1887 senators present to pass.

1888 Section 127. **SR4-8-104** is enacted to read:

1889 **SR4-8-104. Process for conducting a call of the Senate.**

1890 (1) During a call of the Senate:

1891 (a) a senator present in the chamber may not leave the chamber; and

1892 (b) the sergeant-at-arms or the sergeant's designees shall close the doors to the Senate
1893 chamber.

1894 (2) After ordering the call of the Senate, the presiding officer may:

1895 (a) in consultation with the secretary of the Senate, identify any absent senators; and

1896 (b) provide the sergeant-at-arms with the names of those senators who are absent but
1897 who have not asked to be excused.

1898 (3) The sergeant-at-arms or the sergeant's designees shall:

1899 (a) search for the absent senators;

1900 (b) if they are found, escort them to the Senate chamber; and

1901 (c) make a report to the Senate about the sergeant's efforts.

1902 Section 128. **SR4-8-105** is enacted to read:

1903 **SR4-8-105. Lifting the call of the Senate.**

1904 (1) The sergeant-at-arms may make a report on the call at any time.

1905 (2) (a) If, based upon the sergeant-at-arms' report, the presiding officer determines that
1906 all senators are present or accounted for, the presiding officer may:

1907 (i) order the call to be lifted without motion; or

1908 (ii) recognize a senator for a motion to lift the call of the Senate.

1909 (b) If the motion is approved by a majority of those present, the call of the Senate is
1910 lifted.

1911 (c) If the motion is not approved, the sergeant-at-arms and the sergeant's designees
1912 shall continue searching for the absent senators.

1913 (3) After the call is lifted:

1914 (a) the sergeant-at-arms and the sergeant's designees shall open the doors of the Senate
1915 chamber; and

1916 (b) the Senate shall proceed with the order of business that was pending when the call
1917 was ordered.

1918 Section 129. **SR4-9-101** is enacted to read:

1919 **CHAPTER 9. RECONSIDERATION OF SENATE ACTION**

1920 **SR4-9-101. Motion to reconsider.**

1921 (1) As used in this section, "legislative day" means a day when the Senate convenes in
1922 the Senate chamber and conducts Senate business.

1923 (2) (a) Except as provided in Subsection (3), when a question has been decided on the
1924 floor of the Senate, a senator voting with the prevailing side may:

1925 (i) move for reconsideration after intervening business; or

1926 (ii) give notice that a motion for reconsideration will be made.

1927 (b) If a motion for reconsideration is made on the floor of the Senate after a piece of
1928 legislation has left the possession of the Senate, the secretary of the Senate shall request that
1929 the legislation be returned to the Senate.

1930 (c) The presiding officer shall rule a motion for reconsideration out of order unless the
1931 motion is made:

1932 (i) before the 43rd legislative day;

1933 (ii) before the Senate adjourns on the legislative day after the legislative day on which
1934 the action sought to be reconsidered occurred; and

1935 (iii) by a senator who previously served notice.

1936 (3) A senator may not make a motion to reconsider after the 42nd day of the annual
1937 general session of the Legislature.

1938 Section 130. **SR4-9-102** is enacted to read:

1939 **SR4-9-102. Notice of motion to reconsider.**

1940 When a senator gives notice that the senator intends to make a motion to reconsider, the
1941 secretary of the Senate or the secretary's designee shall:

1942 (1) ensure that the notice is recorded in the journal; and

1943 (2) retain the legislation in the possession of the Senate until the time for
1944 reconsideration has expired or until the legislation has been reconsidered.

1945 Section 131. **SR4-9-103** is enacted to read:

1946 **SR4-9-103. Rules governing motions to reconsider.**

1947 (1) A motion to reconsider a vote on the final passage of a piece of legislation requires
1948 approval by a constitutional majority of senators.

1949 (2) Upon adoption of a motion to reconsider, the secretary of the Senate shall ensure
1950 that the legislation is placed at the top of the calendar on which it last appeared.

1951 (3) The Senate may not reconsider a piece of legislation more than once.

1952 Section 132. **SR5-1-101** is enacted to read:

1953 **TITLE 5. LOBBYIST ETHICS AND ENFORCEMENT**

1954 **CHAPTER 1. GENERAL PROVISIONS**

1955 **SR5-1-101. Definitions.**

1956 As used in this Senate Rule:

1957 (1) (a) "Government official" means:

1958 (i) an individual elected to a position in state or local government when acting within
1959 the individual's official capacity; or

1960 (ii) an individual appointed to or employed in a full-time or part-time position by state
1961 or local government when acting within the scope of employment or within the individual's
1962 official capacity.

1963 (b) "Government official" does not mean a member of the legislative branch of state
1964 government.

1965 (2) "Lobbyist" has the meaning identified in Utah Code Section 36-11-102.

1966 (3) (a) "Volunteer lobbyist" means a person not registered as a lobbyist who engages in
1967 lobbying within the meaning of Utah Code Section 36-11-102.

1968 (b) "Volunteer lobbyist" does not mean an individual who appears on the individual's
1969 own behalf to engage in lobbying within the meaning of Utah Code Section 36-11-102.

1970 Section 133. **SR5-2-101** is enacted to read:

1971 **CHAPTER 2. LOBBYIST ETHICS**

1972 **SR5-2-101. Lobbyist code of ethics.**

1973 A lobbyist, volunteer lobbyist, or government official may not:

1974 (1) attempt to influence any legislator or legislative employee by means of deceit or by
1975 threat of violence or economic or political reprisal against any person or property, with intent
1976 by doing so to alter or affect the legislator's or legislative employee's decision, vote, opinion, or
1977 action concerning any matter that is to be considered or performed by the legislator, the
1978 legislative employee, or the agency or body of which the legislator or employee is a member;

1979 (2) knowingly provide false information to any legislator or legislative employee as to

1980 any material fact pertaining to any legislation;

1981 (3) knowingly omit, conceal, or falsify in any manner information required by the
1982 lobbyist registration and lobbyist disclosure reports;

1983 (4) participate in leadership races of the Senate;

1984 (5) cause or influence the introduction of any bill or amendment for the purpose of
1985 afterwards becoming employed to secure its passage or defeat;

1986 (6) engage in workplace discrimination or harassment, or in behavior that violates the
1987 Legislature's workplace harassment policy;

1988 (7) offer employment that would require or induce a legislator or legislative employee
1989 to disclose records classified as private, protected, or controlled;

1990 (8) use or disclose for any purpose any records classified as private, protected, or
1991 controlled that were obtained from a legislator or legislative employee or conspire with any
1992 person for that purpose; or

1993 (9) induce or seek to induce any legislator or legislative employee into committing a
1994 violation of any provision of this Senate Rule.

1995 Section 134. **SR5-3-101** is enacted to read:

1996 **CHAPTER 3. ENFORCEMENT OF LOBBYIST CODE OF ETHICS**

1997 **SR5-3-101. Enforcement -- Written complaint.**

1998 (1) To initiate an ethics complaint against a lobbyist, volunteer lobbyist, or government
1999 official who has violated the lobbyist code of ethics established in SR5-2-101, either two
2000 senators from one party and one senator from another party, or five senators, shall sign and file
2001 a written complaint with the president of the Senate.

2002 (2) The written complaint shall contain:

2003 (a) the name of each of the senators who is filing the complaint;

2004 (b) the name of the lobbyist, volunteer lobbyist, or government official who is the
2005 subject of the complaint;

2006 (c) the nature of the alleged violation, citing specifically to the provisions of
2007 SR5-2-101 that the lobbyist, volunteer lobbyist, or government official is alleged to have
2008 violated;

2009 (d) all documents that support the complaint as an attachment to it; and

2010 (e) any facts alleged to support the complaint.

2011 (3) (a) Any complaint filed under this rule is a protected record under Utah Code Title
2012 63G, Chapter 2, Government Records Access and Management Act, until referred to the
2013 investigating committee for action, because disclosure of the information in the complaint
2014 would constitute a clearly unwarranted invasion of personal privacy and that disclosure is not
2015 in the public interest.

2016 (b) Any complaint filed under this rule that is withdrawn by the complainants is a
2017 protected record under Utah Code Title 63G, Chapter 2, Government Records Access and
2018 Management Act, because disclosure of the information in the complaint would constitute a
2019 clearly unwarranted invasion of personal privacy and that disclosure is not in the public
2020 interest.

2021 Section 135. **SR5-3-102** is enacted to read:

2022 **SR5-3-102. Enforcement -- Meeting of the parties and witnesses.**

2023 (1) After receiving the complaint, the president shall meet with the legislators who
2024 filed the complaint, the lobbyist, volunteer lobbyist, or government official who is the subject
2025 of the complaint, and any other persons who have relevant information about the complaint.

2026 (2) If, after that meeting, all of the senators who signed the complaint wish to proceed
2027 with the complaint, they shall, within 14 calendar days from the date of the meeting, send a
2028 letter to the president requesting that the president appoint a committee to investigate the
2029 complaint.

2030 Section 136. **SR5-3-103** is enacted to read:

2031 **SR5-3-103. Enforcement -- Investigating committee.**

2032 (1) (a) Within 14 calendar days after receipt of a letter requesting the appointment of a
2033 committee to investigate the complaint, the president shall:

2034 (i) appoint a committee composed of five members, three from the majority party and
2035 two from the minority party, to investigate the complaint; and

2036 (ii) designate one senator as the committee chair.

2037 (b) The president may not appoint a senator who signed the complaint to the
2038 investigating committee.

2039 (2) (a) The chair of the committee shall schedule a committee meeting to investigate
2040 the complaint.

2041 (b) (i) The committee shall comply with the procedures and requirements of Utah Code

2042 Title 52, Chapter 4, Open and Public Meetings Act, including the procedures and requirements
2043 for closing a meeting.

2044 (ii) The Office of Legislative Research and General Counsel shall staff the committee.

2045 (c) (i) At the hearing, the committee shall review the complaint.

2046 (ii) The committee may allow the legislators who filed the complaint to address and be
2047 questioned by the committee.

2048 (iii) The committee shall provide the lobbyist, volunteer lobbyist, or government
2049 official who is the subject of the complaint with the opportunity to address and be questioned
2050 by the committee.

2051 (iv) The committee may allow other persons with information relevant to the complaint
2052 to address and be questioned by the committee.

2053 (v) (A) The complainants, the lobbyist, volunteer lobbyist, or government official, and
2054 any witness appearing before the committee, may have legal counsel present.

2055 (B) That counsel may privately advise their client about the client's legal rights when
2056 specifically requested to do so by their client, but may not address the committee, ask questions
2057 of any party or witness, or engage in oral arguments with the committee.

2058 (C) If counsel fails to abide by any of these rules, the committee may exclude the
2059 counsel from the meeting.

2060 (D) Upon completion of the investigation, the committee shall report to the president,
2061 recommending what action, if any, should be taken against the lobbyist, volunteer lobbyist, or
2062 government official.

2063 (3) The president, after reviewing the committee's recommendation, may take
2064 appropriate action.

2065 Section 137. **Repealer.**

2066 This resolution repeals:

2067 **SR-20.01, Calling the Senate to Order.**

2068 **SR-20.02, Election of President.**

2069 **SR-20.03, President May Call a Senator to Chair.**

2070 **SR-20.04, Temporary Presiding Officer in President's Absence.**

2071 **SR-20.05, Duties of the President.**

2072 **SR-20.06, Duties of the Secretary of the Senate.**

- 2073 **SR-20.07, Duties of the Sergeant-at-Arms.**
- 2074 **SR-20.08, Substitution of Sponsor; Withdrawal of Cosponsor.**
- 2075 **SR-20.09, Senate Postage Allowance.**
- 2076 **SR-21.01, Senators Must be Present.**
- 2077 **SR-21.02, Absent Senators.**
- 2078 **SR-22.01, President to Maintain Order; Appeal Process.**
- 2079 **SR-22.02, Disorderly Conduct in Senate.**
- 2080 **SR-22.03, Smoking not Permitted.**
- 2081 **SR-22.04, Obtaining the Floor.**
- 2082 **SR-22.05, Calling a Senator to Order for Violation of a Rule.**
- 2083 **SR-22.06, Calling a Senator to Order for Conduct in Debate.**
- 2084 **SR-22.07, Impugning Motives of a Senator.**
- 2085 **SR-22.08, President to Decide Who is Entitled to Floor.**
- 2086 **SR-22.09, Senators Not to Leave Chamber.**
- 2087 **SR-22.10, Disturbing Circle During Roll Call Vote Prohibited.**
- 2088 **SR-23.01, Hour for Meeting.**
- 2089 **SR-23.02, Roll Call; Quorum.**
- 2090 **SR-23.03, Daily Order of Business.**
- 2091 **SR-23.04, Messages and Reports Received at any Time.**
- 2092 **SR-23.05, Action out of Regular Order.**
- 2093 **SR-23.06, Priority of Business.**
- 2094 **SR-23.07, Unfinished Business.**
- 2095 **SR-23.08, Final Certification of the Journal.**
- 2096 **SR-23.09, Commendation; Condolence Citations.**
- 2097 **SR-23.10, Types of Citations; Use of Citations.**
- 2098 **SR-23.11, Standing Committee Review of Fiscal Impact Bills.**
- 2099 **SR-23.12, Printing Certain Fiscal Bills.**
- 2100 **SR-23.13, Standing Committee Review.**
- 2101 **SR-23.14, Passing Bills with Negative Fiscal Impact.**
- 2102 **SR-24.01, Senate Rules Committee; Duties.**
- 2103 **SR-24.02, Senate Rules Committee to Establish Calendar.**

- 2104 **SR-24.03, Legislation Scheduled for Time Certain has Priority in Committee.**
- 2105 **SR-24.04, Senate Confirmation Committee(s).**
- 2106 **SR-24.04.1, Judicial Senate Confirmation Committee Procedures.**
- 2107 **SR-24.05, Standing Committees.**
- 2108 **SR-24.06, Committee Chairman.**
- 2109 **SR-24.07, Notice of Committee Meeting.**
- 2110 **SR-24.08, Agenda to Include Tabled Bills.**
- 2111 **SR-24.09, Committees not to Meet while Senate is in Session.**
- 2112 **SR-24.10, Special Committees.**
- 2113 **SR-24.11, Committee Attendance; Quorum.**
- 2114 **SR-24.12, Committee Responsibilities.**
- 2115 **SR-24.13, Reprinting a Bill.**
- 2116 **SR-24.14, Public Hearings.**
- 2117 **SR-24.15, Sponsor of Bill to be Notified.**
- 2118 **SR-24.16, Voting; Chair to Verbally Announce the Vote; Dissenting Members to**
- 2119 **be Reported.**
- 2120 **SR-24.17, Chairman to Preserve Order; Appeal.**
- 2121 **SR-24.18, Committee Report to Include Signature of Chairman.**
- 2122 **SR-24.19, Committee Reports.**
- 2123 **SR-24.20, Disorderly Conduct in Committee Meeting.**
- 2124 **SR-24.21, Obtaining the Floor in Committee.**
- 2125 **SR-24.22, Visitors.**
- 2126 **SR-24.23, Committee Order of Business.**
- 2127 **SR-24.24, Motions.**
- 2128 **SR-24.25, Motion to End Debate.**
- 2129 **SR-24.26, Votes.**
- 2130 **SR-24.27, Reconsideration of Action.**
- 2131 **SR-24.28, Committee of the Whole.**
- 2132 **SR-24.29, Procedure in Committee of the Whole.**
- 2133 **SR-24.30, Motion to Dissolve Committee of the Whole.**
- 2134 **SR-25.01, Calendaring Interim Committee Bills.**

- 2135 **SR-25.02, Bills Placed on Calendar.**
- 2136 **SR-25.03, Consideration of Bills.**
- 2137 **SR-25.04, Special Order of Business.**
- 2138 **SR-25.05, Second Reading Calendar.**
- 2139 **SR-25.06, Bill Placed on Third Reading Calendar.**
- 2140 **SR-25.07, Reprinting a Bill.**
- 2141 **SR-25.08, Third Reading Calendar.**
- 2142 **SR-25.09, Third Reading of Money Bills.**
- 2143 **SR-25.10, Amendments to Senate Bills.**
- 2144 **SR-25.11, Re-referring Bills to Committee.**
- 2145 **SR-25.12, Action on House Bills.**
- 2146 **SR-25.13, Time Limit for Senate Bills.**
- 2147 **SR-25.14, Consent Calendar.**
- 2148 **SR-25.15, Concurrence Calendar.**
- 2149 **SR-25.16, Substitute Bills or Resolutions.**
- 2150 **SR-27.01, Motions to be Stated Before Debate.**
- 2151 **SR-27.02, Withdrawing a Motion.**
- 2152 **SR-27.03, No Second Required of Motions.**
- 2153 **SR-27.04, Motion in Order During Debate.**
- 2154 **SR-27.05, Motion to Adjourn.**
- 2155 **SR-27.06, Motion to Table.**
- 2156 **SR-27.07, Motion to Circle.**
- 2157 **SR-27.08, Motion to Postpone.**
- 2158 **SR-27.09, Motion to Strike Enacting Clause.**
- 2159 **SR-27.10, Filling Blanks.**
- 2160 **SR-27.11, Motion or Amendment Must be Germane.**
- 2161 **SR-27.12, Motion to Refer to Committee, Postpone, or Table.**
- 2162 **SR-27.13, Nondebatable Motions.**
- 2163 **SR-27.14, Division of a Question.**
- 2164 **SR-27.15, Substitute Motions.**
- 2165 **SR-27.16, Constitutional Motion.**

- 2166 **SR-28.01, Senators Not to Speak More than Twice.**
- 2167 **SR-28.02, Interruptions and Questions.**
- 2168 **SR-28.03, Sponsor May Open and Close Debate.**
- 2169 **SR-28.04, Committee Chairman to Report Findings.**
- 2170 **SR-28.05, Previous Question.**
- 2171 **SR-29.01, Amendments and Motions in Writing; Length Restrictions.**
- 2172 **SR-29.02, Passage of Amendments by a Majority Vote.**
- 2173 **SR-29.03, Amendments in Order on Second and Third Reading.**
- 2174 **SR-29.04, Senate Action on Committee Amendments.**
- 2175 **SR-29.05, Amendments Referred to Committees to be Reported.**
- 2176 **SR-29.06, Order of Action.**
- 2177 **SR-30.01, Senators Required to Vote.**
- 2178 **SR-30.02, Senators Not to Vote Unless Present.**
- 2179 **SR-30.03, Roll Call on Final Passage of Bills; When Required; Procedure.**
- 2180 **SR-30.06, Number of Votes Required for Passage.**
- 2181 **SR-30.07, Voting or Changing Vote After Decision Announced.**
- 2182 **SR-30.08, Changing Votes Before Decision Announced.**
- 2183 **SR-30.09, Putting the Question; Division.**
- 2184 **SR-30.10, Consent Calendar.**
- 2185 **SR-31.01, Call of the Senate.**
- 2186 **SR-31.02, Motion for Call of the Senate.**
- 2187 **SR-31.03, Leaving the Chamber.**
- 2188 **SR-31.04, Sergeant-at-Arms to Bring Absent Senators.**
- 2189 **SR-31.05, Senate Under Call; Lifting the Call; Adjournment.**
- 2190 **SR-31.06, Lifting the Call of the Senate.**
- 2191 **SR-32.01, Reconsideration Requires a Constitutional Majority Vote.**
- 2192 **SR-32.02, Motion to Reconsider.**
- 2193 **SR-32.03, Notice of Motion to Reconsider.**
- 2194 **SR-32.04, No Motion to Reconsider within Three Days of Adjournment Sine Die.**
- 2195 **SR-33.01, Admittance to Senate Chamber.**
- 2196 **SR-33.02, Senators' Chairs Not to be Occupied by Others.**

- 2197 **SR-33.03, Lobbying.**
- 2198 **SR-33.04, Sergeant-at-Arms to Enforce Legislative Rules.**
- 2199 **SR-33.05, Recognition of Visiting Groups and Individuals.**
- 2200 **SR-33.06, News Media.**
- 2201 **SR-34.01, Adoption, Amendment, and Suspension of Senate Rules.**
- 2202 **SR-34.02, Legislative Rules Governed by the Constitution or Statute.**
- 2203 **SR-34.03, Mason's Manual of Legislative Procedure; Reference.**
- 2204 **SR-35.01, Executive Sessions; Process.**
- 2205 **SR-35.02, Executive Nominations Session.**
- 2206 **SR-35.03, Executive Committee Meetings.**
- 2207 **SR-36.02, Impeachment by Senate.**
- 2208 **SR-36.03, Officers Subject to Impeachment; Judgment; Prosecution by Law.**
- 2209 **SR-36.04, Service of Articles of Impeachment.**
- 2210 **SR-36.05, Removal of Officers.**
- 2211 **SR-36.06, Judicial Power of Senate.**
- 2212 **SR-36.07, Senate Confirmation of Gubernatorial Nominees.**
- 2213 **SR-37.24, Impeachment.**
- 2214 **SR-38.01, Definitions.**
- 2215 **SR-38.02, Lobbyist Code of Ethics.**
- 2216 **SR-38.03, Enforcement; Written Complaint.**
- 2217 **SR-38.04, Enforcement; Meeting of the Parties and Witnesses.**
- 2218 **SR-38.05, Enforcement; Investigating Committee.**

Legislative Review Note
as of 2-9-11 10:14 AM

Office of Legislative Research and General Counsel

FISCAL NOTE

S.R. 1

SHORT TITLE: **Senate Rules Resolution - Senate Rules Recodification**

SPONSOR: **Dayton, M.**

2011 GENERAL SESSION, STATE OF UTAH

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

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

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

Enactment of this resolution likely will not result in direct, measurable costs for local governments.

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

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