

HR0004S01 compared with HR0004

~~{deleted text}~~ shows text that was in HR0004 but was deleted in HR0004S01.

Inserted text shows text that was not in HR0004 but was inserted into HR0004S01.

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Representative James A. Dunnigan proposes the following substitute bill:

RULES RESOLUTION ON HOUSE RULES

2019 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: James A. Dunnigan

LONG TITLE

General Description:

This rules resolution amends House rules governing standing committees and floor conduct and procedures.

Highlighted Provisions:

This resolution:

- ▶ addresses the duties of the sergeant-at-arms and the employees under the sergeant's direction;
- ▶ prohibits certain items from the House gallery;
- ▶ modifies the circumstances under which the governor, the lieutenant governor, the state attorney general, the state treasurer, the state auditor, governor's staff, and certain former legislators may be present on the House floor and in House space;
- ▶ provides that a guest who accompanies a representative on the House floor shall sit next to the representative;

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- ▶ allows a standing committee chair or vice chair to designate a member of the standing committee to conduct a meeting of the standing committee;
- ▶ modifies the list of motions that are prohibited in a standing committee meeting;
- ▶ prohibits a motion to lift tabled legislation from a standing committee or the House Rules Committee and place it on the third reading calendar; and
- ▶ makes technical and conforming changes.

Special Clauses:

This resolution provides a coordination clause.

Legislative Rules Affected:

AMENDS:

[HR1-4-202](#)

[HR2-2-103](#)

HR2-4-101

HR2-4-101.2

HR2-4-101.3

HR2-4-101.4

HR2-4-102

HR3-2-202

HR3-2-317

HR3-2-406

HR3-2-407

[HR3-2-408](#)

HR3-2-510

HR3-2-511

HR4-4-203

Legislative Rules Affected by Coordination Clause:

HR2-4-101.2

HR2-4-102

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

Section 1. ~~HR2-4-101~~ HR1-4-202 is amended to read:

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HR1-4-202. Duties of the sergeant-at-arms.

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

- (1) maintain security in areas controlled by the House;
- (2) enforce the House Rules at the direction of the presiding officer of the House;
- (3) enforce the provision of Utah Code Title 26, Chapter 38, Utah Indoor Clean Air

Act, in areas controlled by the House; ~~and~~

(4) when the House is convened in annual general session or special session, receive and, in coordination with the chief clerk, transmit written messages to representatives on the House floor from or on behalf of individuals who are present at the capitol; and

~~[(4)] (5) provide other service as requested by the chief clerk or the speaker.~~

Section 2. HR2-2-103 is amended to read:

HR2-2-103. Disorderly conduct in House -- Items prohibited in House gallery.

(1) (a) The speaker or presiding officer may order the House areas or gallery cleared if a disturbance occurs.

~~[(2)] (b) The sergeant-at-arms shall enforce this ~~rule~~ subsection in the areas controlled by the House.~~

(2) Signs, banners, placards, and other similar materials are prohibited in the House gallery.

Section 3. HR2-4-101 is amended to read:

HR2-4-101. Definitions.

As used in this chapter:

(1) "Former legislator" means a person who is not a current member of the Legislature, but who served in the Utah House or Utah Senate at one time.

~~[(2) "Governor's staff" means:]~~

~~[(a) a person employed directly by the Office of the Governor or the Office of the Lieutenant Governor; and]~~

~~[(b) the director of the Office of Planning and Budget.]~~

~~[(3)] (2) (a) "Guest" means an individual who is afforded access to the House space under a provision of this chapter, who is not an individual described in Subsection [(3)(b)] (2)(c) or a special guest as described under HR2-4-101.2(5).~~

(b) "Guest" includes:

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(i) the governor, the lieutenant governor, the state attorney general, the state treasurer, the state auditor, and governor's staff; and

(ii) a former legislator who is an individual described in Subsection (2)(b)(i).

~~[(b)] (c)~~ "Guest" does not mean a legislator, a member of House or Senate staff, a member of professional legislative staff, a House intern, or a lobbyist ~~[, the governor, the lieutenant governor, the state attorney general, the state treasurer, or the state auditor].~~

~~[(4)] (3)~~ "House conference rooms" means one of the conference rooms adjacent to the House lounge, speaker's office, or the majority caucus room.

~~[(5)] (4)~~ "House halls" means the passageways that allow access to:

- (a) the House chamber;
- (b) the House lounge;
- (c) the House offices; or
- (d) any other nonpublic areas adjoining the House chamber.

~~[(6)] (5)~~ "House intern" means an individual who is:

- (a) an official participant in the student intern program sponsored by the Utah Legislature and administered by the Office of Legislative Research and General Counsel; and
- (b) is assigned to a representative.

~~[(7)] (6)~~ "House offices" means:

- (a) Representatives' offices adjacent to the House chamber;
- (b) Representatives' offices on the third and fourth floors of the capitol building;
- (c) Representatives' offices in the House building; and
- (d) kitchens, restrooms, elevators, and any auxiliary rooms in the nonpublic areas connected with the offices listed above.

~~[(8)] (7)~~ "House or Senate staff" means an individual who is employed directly by the House or Senate.

~~[(9)] (8)~~ (a) "House space" means the House chamber, House lounge, House offices, House halls, and House conference rooms.

(b) "House space" does not mean the common public space outside the House chamber.

~~[(10)] (9)~~ "Immediate family" means any parent, spouse, child, grandparent, grandchild, great-grandparent, great-grandchild, sibling, aunt, uncle, niece, or nephew of a

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member of the House, provided that the individual is not a lobbyist.

~~[(11)]~~ (10) "Lobbying" means communicating with a legislator for the purpose of influencing the passage, defeat, amendment, or postponement of legislative action.

~~[(12)]~~ (11) "Lobbyist" means an individual who is required to register as a lobbyist by Utah Code Section 36-11-103.

~~[(13)]~~ (12) "Professional legislative staff" means an individual employed by one of the Legislature's profession-based staff offices, namely the Office of Legislative Research and General Counsel, the Office of the Legislative Fiscal Analyst, the Office of the Legislative Auditor General, or the Office of Legislative Printing.

Section ~~(2)~~4. **HR2-4-101.2** is amended to read:

HR2-4-101.2. Admittance to House floor -- Prohibition against lobbying -- Rules for lobbyists on House floor.

(1) ~~[While]~~ Except as otherwise provided in this rule, while the House is convened in annual general session or special session, only the following individuals are permitted on the House floor:

- (a) a legislator;
- (b) a member of House or Senate staff;
- (c) a member of professional legislative staff;
- (d) a House intern; and
- (e) a former legislator who is not ~~[a lobbyist; and]~~:

(i) a lobbyist; or

~~[(f)]~~ (ii) the governor, lieutenant governor, state attorney general, state treasurer, ~~[and]~~ or state auditor.

(2) (a) While the House is convened in annual general session or special session, a representative may invite one ~~[of the following individuals as a]~~ guest who is not a lobbyist to accompany the representative on the House floor, provided that:

~~[(i) a member of the representative's immediate family;]~~

~~[(ii) an administrative assistant other than a House intern; or]~~

~~[(iii) a constituent who resides in the member's district.]~~

(i) the guest sits next to the representative;

(ii) the representative ensures that the guest does not impede staff work, distract from

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the work of the House, or encroach on a neighboring representative's desk;

(iii) the guest complies with the requirements of this rule, HR2-4-102, and HR2-4-103;

and

(iv) no representative objects.

(b) A representative may have no more than one guest on the House floor at any one time.

~~[(c) A representative who invites a guest onto the House floor shall:]~~

~~[(i) if the guest is not seated next to the representative as permitted under HR2-4-102, ensure that the guest sits on a bench on the House floor, provided that seating is available; and]~~

~~[(ii) ensure that the guest stays only for a short visit not to exceed one hour.]~~

(3) A lobbyist, a guest, or an individual described in Subsection (1)(e)~~]; Subsection (1)(f), or Subsection (2)]~~ is prohibited from lobbying on the House floor.

(4) (a) Except as provided in this Subsection (4), a lobbyist is not permitted on the House floor.

(b) A representative sponsoring a piece of legislation being debated by the House may invite one lobbyist with expertise on the legislation being considered to be present on the House floor during the presentation and debate on the legislation, if:

(i) the representative informs the sergeant-at-arms that the lobbyist is present on the House floor;

(ii) the representative ensures that the lobbyist is seated on a bench on the House floor during the presentation and debate on the legislation;

(iii) the representative ensures that the lobbyist does not engage in lobbying on the House floor; and

(iv) the lobbyist leaves the House floor when the House moves to another item of business.

(c) If the representative sponsoring the legislation needs the assistance of the lobbyist during the course of debate on the legislation, the representative may request permission of the speaker to have the lobbyist approach the representative sponsoring the legislation to provide the needed information to the representative.

(5) The speaker or the speaker's designee may authorize special guests to be present in the House chamber or on the House floor.

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~~[(6) A representative who is visited by two or more guests shall arrange with the sergeant-at-arms for the guests to be seated in the House gallery.]~~

Section ~~{3}~~5. **HR2-4-101.3** is amended to read:

HR2-4-101.3. Admittance to the House lounge.

(1) While the House is convened in annual general session or special session only the following individuals are permitted in the House lounge:

- (a) a legislator;
- (b) a member of House or Senate staff;
- (c) a member of professional legislative staff;
- (d) a member of the representative's immediate family;
- (e) a House intern;
- (f) a former legislator who is not ~~[a lobbyist];~~
- (i) a lobbyist; or

~~[(g) (ii) the governor, [the] lieutenant governor, [the] state attorney general, [the] state treasurer, [and the] or state auditor; and~~

~~[(h) the governor's staff, or a staff member for the attorney general, the state treasurer, or the state auditor; and]~~

~~[(f)]~~ (g) a lobbyist or guest as provided in Subsection (2).

(2) (a) A representative may invite a small number of lobbyists or guests to meet with the representative in the House lounge for the purpose of educating the lobbyists or guests about the legislative process or to discuss specific legislative issues.

(b) The representative shall ensure that the lobbyists and guests leave the House space when the meeting is over.

Section ~~{4}~~6. **HR2-4-101.4** is amended to read:

HR2-4-101.4. Admittance to the House offices, conference rooms, and halls.

(1) While the House is convened in annual general session or special session only the following individuals are permitted in the House offices:

- (a) a legislator;
- (b) a member of House or Senate staff;
- (c) a member of professional legislative staff;
- (d) a House intern;

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(e) a member of the representative's immediate family;

(f) a former legislator who is not [~~a lobbyist; and~~];

(i) a lobbyist; or

(ii) the governor, ~~the~~ lieutenant governor, ~~the~~ state attorney general, ~~the~~ state treasurer, or ~~the~~ state auditor; and

(g) a lobbyist or guest, as provided in Subsection (3).

(2) An administrative assistant who is not a House intern is permitted in:

(a) the office of the representative who is employing the administrative assistant;

(b) the common areas of the House offices;

(c) a conference room in the House space, when meeting to discuss legislative business with a representative; and

(d) the office of another representative with the consent of that representative.

(3) (a) A representative may invite a small number of lobbyists or guests to meet with the representative in the representative's House office or a House conference room to discuss specific legislative issues.

(b) The representative shall ensure that the lobbyists and guests leave the House space when the meeting is over.

(4) (a) While the House is convened as a body on the House floor, and except as provided in Subsection (4)(b), only the following individuals are allowed in the House halls:

(i) a legislator;

(ii) a member of House or Senate staff;

(iii) a member of professional legislative staff;

(iv) a House intern;

(v) an administrative assistant who is not a House intern; and

(vi) a former legislator who is not [~~a lobbyist; and~~];

(A) a lobbyist; or

~~(vii)~~ (B) the governor, lieutenant governor, state attorney general, state treasurer, ~~and~~ or state auditor.

(b) Immediate family of a representative, a lobbyist, a guest, an administrative assistant who is not a House intern, or any other authorized individual who is in transit to the House chamber, House lounge, or House offices may pass through the House halls when traveling to

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and from an authorized destination.

(5) An administrative assistant to a representative who is not a House intern is not permitted to use or be issued an access badge that grants access to the House floor, House lounge, House offices, House conference rooms, or House hallways.

Section ~~{5}~~7. **HR2-4-102** is amended to read:

HR2-4-102. Representatives' chairs and seating on the House floor.

(1) No one other than the speaker may occupy the chair or use the desk of the speaker, without the speaker's authorization.

(2) When the House is convened in session, only the representative assigned to a desk and chair may occupy the chair or use the desk, except that a legislator may sit in the chair of another legislator.

(3) [~~When~~] In accordance with HR2-4-101.2, when the House is convened in session, a representative may invite one individual to sit next to the representative on the House floor[~~if the representative complies with the requirements of HR2-4-101.2 and the invited individual is:~~].

~~[(a) another legislator;]~~

~~[(b) a member of House or Senate staff;]~~

~~[(c) a member of professional legislative staff;]~~

~~[(d) a House intern;]~~

~~[(e) a member of the representative's immediate family;]~~

~~[(f) a constituent who resides in the representative's district; or]~~

~~[(g) a special guest who is authorized to access the House floor under HR2-4-101.2(5).]~~

Section ~~{6}~~8. **HR3-2-202** is amended to read:

HR3-2-202. Speaker to appoint committee members, chairs, and vice chairs.

(1) The speaker of the House shall appoint members of the House to each standing committee.

(2) The speaker of the House shall appoint a chair to each standing committee.

(3) The speaker of the House may appoint a vice chair to each standing committee.

(4) A vice chair may perform the duties of a chair:

(a) as requested by the chair; or

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(b) in the absence of the chair.

(5) The chair, or the vice chair as authorized under Subsection (4), may designate a member of the committee to conduct a standing committee meeting [~~when neither the chair nor the vice chair is able to attend a meeting~~].

(6) A committee member designated under Subsection (5) may conduct a committee meeting but may not perform the duties of a chair described in HR3-2-302 and HR3-2-303.

Section ~~{7}~~9. **HR3-2-317** is amended to read:

HR3-2-317. Chair to decide points of order -- Committee may appeal chair's decision.

(1) A chair shall rule on a point of order without committee discussion or debate.

(2) As provided in [~~HR3-2-506~~] HR3-2-507, a committee member may:

(a) make a point of order; or

(b) appeal the decision of the chair.

Section ~~{8}~~10. **HR3-2-406** is amended to read:

HR3-2-406. Amending legislation -- Verbal amendments -- Amendments must be germane.

(1) (a) [~~Except as provided in~~] Subject to Subsection (2) and HR3-2-306, and if recognized by the chair during the sponsor presentation phase or the committee action phase, a committee member may make a motion to amend the legislation that is under consideration.

(b) (i) A committee member may propose a verbal amendment to the legislation under consideration if the amendment contains 15 or fewer words.

(ii) Before proposing a motion to amend, a committee member shall ensure that a proposed amendment that contains more than 15 words is printed and distributed to committee staff and to all committee members present.

(iii) Each word inserted shall count as one of the 15 words permitted under a verbal amendment, except that:

(A) numbering shall not be counted as a word;

(B) instructions to delete a word or words shall not count as a word; and

(C) a word or an exact phrase that is inserted in multiple locations shall only be counted for the first insertion.

(2) (a) A committee member may only make a motion to amend that is germane to the

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subject of the legislation under consideration.

(b) A committee member who believes that an amendment is not germane to the subject of the legislation may make a point of order or appeal as described in HR3-2-506.

Section ~~{9}~~11. ~~{HR3-2-407}~~HR3-2-408 is amended to read:

HR3-2-408. Legislation tabled in a standing committee -- Requirements.

(1) If legislation is tabled, the chair shall list the tabled legislation on the committee agenda for the next committee meeting.

(2) At the next committee meeting, the committee may, by a two-thirds vote, lift the tabled legislation from the table.

(3) If a motion to lift tabled legislation is successful, the standing committee may make any motion on the legislation that is authorized under this chapter.

(4) (a) If legislation is tabled by a committee and the legislation is not lifted from the table at the committee's next meeting, the committee chair shall submit a committee report to the chief clerk of the House informing the House that the legislation was tabled.

(b) After reading the committee report on the tabled legislation, the chief clerk of the House shall send the tabled legislation to the House Rules Committee for filing.

(5) After tabled legislation is sent to the House Rules Committee for filing, a representative may not make a motion to:

(a) lift the tabled legislation from the House Rules Committee and place it on the third reading calendar; or

(b) lift the tabled legislation from the House Rules Committee and refer it to a standing committee for consideration.

Section 12. HR3-2-407 is amended to read:

HR3-2-407. Substitute legislation -- Substitutes must be germane.

(1) Except as provided in Subsection (2), and if recognized by the chair during the committee action phase, a committee member may make a motion to substitute legislation that is under consideration.

(2) (a) A committee member may only make a motion to substitute that is germane to the subject of the legislation under consideration.

(b) A committee member who believes that ~~[an amendment]~~ a substitute is not germane to the subject of the legislation may make a point of order or appeal as described in

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HR3-2-507.

Section ~~{10}~~13. **HR3-2-510** is amended to read:

HR3-2-510. Prohibited motions.

(1) (a) Except for a motion to adjourn, a committee member may not make a motion unless a quorum of the standing committee is present.

(b) When a quorum is not present, a motion to adjourn is passed with a majority vote of those present.

(2) No motion is in order during a vote.

(3) A point of order is not in order during a vote.

(4) A committee member may not make a motion to:

(a) strike the enacting clause of legislation;

(b) strike the resolving clause of a resolution;

(c) circle legislation; ~~[or]~~

(d) place legislation on a time certain calendar[-];

~~(e) postpone legislation to a day certain; or~~

~~(f) postpone legislation indefinitely.~~

Section ~~{11}~~14. **HR3-2-511** is amended to read:

HR3-2-511. Repeating defeated motion.

(1) Except as provided in Subsection (2), a motion that is defeated may not be made by a committee member until the committee has considered other committee business.

(2) A motion to ~~[postpone legislation to a day certain, to postpone legislation indefinitely, or to]~~ return legislation to the House Rules Committee, if defeated, may not be made again by any committee member during the same committee meeting.

Section ~~{12}~~15. **HR4-4-203** is amended to read:

HR4-4-203. Motion to lift legislation from committee.

(1) ~~(a) [A] Except as provided in Subsection (1)(b), a representative may make a motion to lift legislation from a standing committee or the House Rules Committee and place it on the third reading calendar.~~

~~(b) A representative may not make a motion under Subsection (1)(a) if the legislation was tabled by a standing committee.~~

(2) Except as provided in Subsections (3) and (4), a motion to lift legislation from a

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standing committee or the House Rules Committee may be approved with a majority vote of the members present.

~~[(3)(a) A motion to lift legislation that was tabled by a standing committee requires a vote of two-thirds of the members present.]~~

~~[(b)]~~ (3) A motion to lift legislation that failed to pass a standing committee motion to send the legislation to the second reading calendar requires a vote of two-thirds of the members present.

(4) A motion to lift legislation during the 43rd, 44th, and 45th day of the annual general session, and during any special session, requires a vote of two-thirds of the members present.

(5) If a motion to lift legislation is approved, the presiding officer shall direct that the legislation be placed on the third reading calendar.

Section ~~(13)~~16. **Coordinating H.R. 4 with H.R. 2 -- Superseding technical and substantive amendments.**

If this H.R. 4 and H.R. 2, House Rules Resolution - House Floor Conduct, both pass, it is the intent of the House of Representatives that the amendments to HR2-4-101.2 and HR2-4-102 in this resolution supersede the amendments to HR2-4-101.2 and HR2-4-102 in H.R. 2 when the Office of Legislative Research and General Counsel prepares the Legislative Rules database for publication.