

HJR016S01 compared with HJR016

~~deleted text~~ shows text that was in HJR016 but was deleted in HJR016S01.

inserted text shows text that was not in HJR016 but was inserted into HJR016S01.

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Senator Lyle W. Hillyard proposes the following substitute bill:

JOINT RULES RESOLUTION ~~{ }~~ AMENDMENTS TO JOINT RULES

2020 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: James A. Dunnigan

Senate Sponsor: ~~{ }~~ Lyle W. Hillyard

LONG TITLE

General Description:

This rules resolution makes changes to the joint legislative rules.

Highlighted Provisions:

This resolution:

- ▶ modifies the timing for when a newly elected legislator is considered eligible to request bill files;
- ▶ modifies the rules for determining when a non-returning legislator may no longer request bill files;
- ▶ consolidates rules relating to posting of bill-related information on the legislative website into a single section;

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- ▶ changes the number of priority bill designations and modifies the deadlines for requesting priority bill designations;
- ▶ removes disused drafting deadline requirements;
- ▶ clarifies and modifies committee coverage and procedures related to:
 - the procedures for creating and the contents of interim committee notes placed on legislation; and
 - the display of draft legislation and committee note information on the legislature's website;
- ▶ requires certain information to be made available on the legislative website;
- ▶ modifies conflict of interest provisions;
- ▶ modifies and clarifies provisions related to adoption of interim committee study lists during the first yearly meeting of each interim committee;
- ▶ modifies provisions related to time periods when certain legislative committees are, with certain exceptions, prohibited from meeting;
- ▶ clarifies that legislators meeting remotely during an electronic meeting, are required to vote on motions, consistent with attendance in person;
- ▶ modifies provisions related to an interim committee electing to authorize chairs to independently open committee bill files;
- ▶ modifies requirements and procedures for the opening and drafting of committee bill files;
- ▶ requires draft legislation being considered in an interim meeting to be publicly posted on the legislature's website for a certain period before the meeting time and provides that certain actions may not be taken if draft legislation fails to comply with the requirements;
- ▶ modifies provisions related to verbal amendments to draft legislation being reviewed in interim committees; and
- ▶ removes an outdated procurement rule.

Special Clauses:

None

Legislative Rules Affected:

AMENDS:

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JR2-1-101

JR4-2-101

JR4-2-102

JR4-2-301

JR4-2-401

JR6-1-201

JR7-1-401

JR7-1-405

JR7-1-407

JR7-1-602

JR7-1-609

ENACTS:

JR4-2-505

JR7-1-602.5

REPEALS:

JR1-4-101

Be it resolved by the Legislature of the state of Utah:

Section 1. **JR2-1-101** is amended to read:

JR2-1-101. Annual general session rules apply.

Except as otherwise provided in this chapter, rules adopted or amended by each house of the Legislature during the immediately preceding annual general session, and any intervening session, apply to the conduct of that house during a special session.

Section 2. **JR4-2-101** is amended to read:

JR4-2-101. Requests for legislation -- Contents -- Timing.

(1) (a) A legislator wishing to introduce a bill or resolution shall file a Request for Legislation with the Office of Legislative Research and General Counsel within the time limits established by this rule.

(b) The request for legislation shall:

(i) designate the chief sponsor, who is knowledgeable about and responsible for providing pertinent information as the legislation is drafted;

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(ii) designate any supporting legislators from the same house as the chief sponsor who wish to cosponsor the legislation; and

(iii) (A) provide specific information concerning the change or addition to law or policy that the legislator intends the proposed legislation to make; or

(B) identify the specific situation or concern that the legislator intends the legislation to address.

(2) (a) Any legislator may file a request for legislation beginning 60 days after the Legislature adjourns its annual general session sine die.

(b) A legislator-elect may file a request for legislation beginning on:

~~(i) [the November 15 after the annual general election at which the legislator was elected]~~ (i) the day after the date the election canvass is completed; or

(ii) if the legislator-elect's election results have not been finalized as of the canvass date, the day after the date the election results for the legislator-elect's race are finalized.

(c) (i) ~~[If an]~~ An incumbent legislator ~~[does not file to run for reelection or is defeated in a political party convention, primary election, or general election, that legislator]~~ may not file any requests for legislation as of ~~[that date]~~ the date that the legislator:

(A) fails to file to run for reelection;

(B) resigns or is removed from office; or

(C) is ineligible to be included on the ballot for the election in which the legislator would have sought an additional term.

(ii) Subsection (2)(c)(i) does not apply to a request for legislation for a special session that occurs before the legislator leaves office.

~~[(ii)]~~ (iii) The Office of Legislative Research and General Counsel shall abandon each request for legislation from the legislator that is pending on that date unless, within 30 days after that date, another member of the Legislature qualified to file a request for legislation assumes sponsorship of the legislation.

(d) (i) If, for any reason, a legislator who filed a request for legislation is unavailable to serve in the next annual general session, the former legislator shall seek another legislator to assume sponsorship of each request for legislation filed by the legislator who is unavailable to serve.

(ii) If the former legislator is unable to find another legislator to sponsor the legislation

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within 30 days, the Office of Legislative Research and General Counsel shall abandon each pending request for legislation from the legislator who is unavailable to serve.

(3) (a) Except as provided in Subsection (3)(c), a legislator may not file a Request for Legislation with the Office of Legislative Research and General Counsel after noon on the 11th day of the annual general session.

(b) Except as provided in Subsection (3)(c), by noon on the 11th day of the annual general session, each legislator shall, for each Request for Legislation on file with the Office of Legislative Research and General Counsel, either approve the request for numbering or abandon the request.

(c) After the date established by this Subsection (3), a legislator may file a Request for Legislation and automatically approve the legislation for numbering if:

(i) for House legislation, the representative makes a motion to request a bill or resolution for drafting and introduction and that motion is approved by a constitutional majority of the House; or

(ii) for Senate legislation, the senator makes a motion to request a bill or resolution for drafting and introduction and that motion is approved by a constitutional majority vote of the Senate.

(4) A legislator wishing to obtain funding for a project, program, or entity, when that funding request does not require that a statute be enacted, repealed, or amended, may not file a Request for Legislation but instead shall file a request for appropriation by following the procedures and requirements of JR3-2-701.

~~[(5) The Office of Legislative Research and General Counsel shall publicly provide, on the Legislature's website:]~~

~~[(a) a listing of each legislator's name and the number of bill files that are currently open in the name of that legislator for the current legislative session; and]~~

~~[(b) a listing, on the respective committee page, of the short title of each bill opened in the name of the committee, or adopted as a committee bill by the committee, during the interim, and for each bill listed:]~~

~~[(i) an indication as to whether the bill has been recommended by the committee or not; and]~~

~~[(ii) as applicable, the vote cast for the motion to recommend.]~~

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Section 3. **JR4-2-102** is amended to read:

JR4-2-102. Drafting and prioritizing legislation.

(1) As used in this section, "interim committee" means a committee established under JR7-1-201.

(2) (a) Requests for legislation shall be drafted on a first-in, first-out basis, except for legislation that is prioritized under the provisions of this section.

(b) When sufficient drafting information is available, the following requests for legislation shall be drafted before other requests for legislation, in the following order of priority:

(i) a committee bill file, as defined in JR7-1-101; and

(ii) a request for legislation that is prioritized by a legislator under Subsection (3).

(3) (a) Beginning on the first day on which a request for legislation may be filed under JR4-2-101, a ~~[legislator]~~ member of the House of Representatives may designate up to ~~[three]~~ four requests for legislation as priority requests, and a member of the Senate may designate up to five requests for legislation as priority requests, subject to the following deadlines:

(i) priority request number one for representatives, and priority request numbers one and two for senators, must be requested on or before November 15, or the following regular business day if November 15 falls on a weekend or a holiday;

(ii) priority request number ~~[one]~~ two for representatives, and priority request ~~{numbers two and}~~ number three for senators, must be requested on or before the first Thursday in December, or the following business day if the first Thursday falls on a holiday;

~~[(ii)]~~ (iii) priority request number ~~[two]~~ three for representatives, and four for senators must be requested on or before the first Thursday in January, or the following business day if the first Thursday falls on a holiday; and

~~[(iii)]~~ (iv) priority request number ~~[three]~~ four for representatives, and five for senators must be requested on or before the first Thursday of the annual general session.

(b) A legislator who fails to make a priority request on or before a deadline loses that priority request. However, the legislator is not prohibited from using any remaining priority requests that are associated with a later deadline, if available.

(c) A legislator who begins serving or becomes eligible to request a bill file after a deadline has passed is entitled to use only those priority requests that are available under an

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unexpired deadline.

(d) A legislator may not designate a request for legislation as a priority request unless the request:

(i) provides specific or conceptual information concerning the change or addition to law or policy that the legislator intends the proposed legislation to make; or

(ii) identifies the specific situation or concern that the legislator intends the legislation to address.

(4) A legislator may not:

(a) revoke a priority designation once it has been requested;

(b) transfer a priority designation to a different request for legislation; or

(c) transfer a priority designation to another legislator.

(5) Except as provided under JR4-2-502 or as otherwise provided in these rules, the Office of Legislative Research and General Counsel shall:

(a) reserve as many bill numbers as necessary to number the bills recommended by an interim committee; and

(b) number all other legislation in the order in which the legislation is approved by the sponsor for numbering.

Section 4. **JR4-2-301** is amended to read:

JR4-2-301. Drafting and sponsor approval of legislation.

(1) After receiving a request for legislation, the Office of Legislative Research and General Counsel shall:

(a) review the request and any accompanying draft; and

(b) draft the legislation for approval by the sponsor in the order and priority set under JR4-2-102.

(2) In drafting the legislation, the Office of Legislative Research and General Counsel shall, when applicable:

(a) ensure that the legislation is in proper legal form;

(b) remove any ambiguities;

(c) avoid constitutional or statutory conflicts; and

(d) correct technical errors as provided in Utah Code Section 36-12-12.

~~[(3)(a) Any request for legislation filed directly with the Office of Legislative~~

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~~Research and General Counsel, with a complete accompanying draft, shall be reviewed and approved by the Office of Legislative Research and General Counsel within three legislative days.]~~

~~[(b) This three day deadline may be extended if the director of the Office of Legislative Research and General Counsel requests it and states the reasons for the delay.]~~

~~[(4)] (3)~~ When the Office of Legislative Research and General Counsel has completed the legislation, the office shall:

- (a) send the legislation to the chief sponsor for review and approval; and
- (b) after the chief sponsor approves the legislation, number and distribute the

legislation as provided in JR4-2-503.

Section 5. **JR4-2-401** is amended to read:

JR4-2-401. Committee notes -- Notations on bill.

(1) As used in this rule:

(a) "Legislative committee" means a committee, commission, task force, or other policy or advisory body that is created by statute, legislation, or by the Legislative Management Committee and that is composed exclusively of legislators.

(b) (i) "Legislative committee" does not mean a standing committee or an appropriations subcommittee.

(ii) Notwithstanding Subsection (1)(b)(i), "legislative committee" includes each Rules Committee.

(c) "Mixed committee" means a committee, commission, task force, or other policy or advisory body that is:

- (i) created by statute, legislation, or by the Legislative Management Committee;
- (ii) composed of legislator members and nonlegislative members; and
- (iii) staffed by the Office of Legislative Research and General Counsel or the Office of

the Legislative Fiscal Analyst.

(2) ~~[The Office of Legislative Research and General Counsel shall]~~ When a legislative committee or mixed committee has reviewed and voted to recommend a piece of legislation, the Office of Legislative Research and General Counsel shall note the following on the legislation when the legislation is numbered for introduction as a bill:

- (a) ~~[note on any legislation reviewed by]~~ that the committee recommended the

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legislation; and

~~(b) (i) for a legislative committee[: (i) that the committee recommends the legislation or has voted the legislation out without recommendation; and (ii)]~~, the committee vote, listed by numbers of yeas, nays, and absent; or

~~[(b) note on any legislation reviewed by]~~

(ii) for a mixed committee:

~~(+)~~ (A) the number of legislators and nonlegislators on the mixed committee[; and]

~~[(ii) the number of legislators who voted for and against recommending the legislation; and (c) ensure that the note is printed with the legislation.];~~

(B) the committee vote, listed by the number of yeas, nays, and absent; and

(C) the votes cast by legislators on the committee, listed by the number of yeas, nays, and absent.

Section 6. **JR4-2-505** is enacted to read:

JR4-2-505. Bill information requirements on legislative website.

In addition to other requirements of rule and law, and procedures established by the office, the Office of Legislative Research and General Counsel shall publicly provide the following information on the Legislature's website:

(1) a listing of each legislator's name and the number of bill files that are currently open in the name of that legislator for the current legislative session; and

(2) on the respective web page for each legislative committee or mixed committee, as those terms are defined in JR4-2-401:

(a) a listing of the short title of each piece of legislation that:

(i) is opened by the committee or its chairs, as provided under JR7-1-602;

(ii) is adopted as a committee bill by the committee; or

(iii) is reviewed by the committee and receives a vote for committee recommendation;

and

(b) if a vote to recommend a piece of legislation listed in Subsection (2)(a) was held:

(i) by a legislative committee:

(A) a notation as to whether the legislation was recommended by the committee or not;

and

(B) a listing of the votes cast by the members of the committee, listed by name and

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vote; or

(ii) by a mixed committee:

(A) a listing of votes cast by the members of the committee as a whole, listed by name and vote; and

(B) a listing of only those votes cast by legislator members of the committee, listed by name and vote.

Section 7. **JR6-1-201** is amended to read:

JR6-1-201. Conflict of interest -- Filing requirements -- Verbal disclosure requirements.

(1) As used in this section, "conflict of interest" means the same as that term is defined in Utah Code Section 20A-11-1602.

~~[(2) A legislator shall file a financial disclosure form in compliance with Utah Code Section 20A-11-1603 and according to the requirements of this section:]~~

~~[(a) on the first day of each general session of the Legislature; and]~~

~~[(b) each time the legislator changes employment.]~~

~~[(3) The financial disclosure form shall include the disclosures required by]~~

(2) A legislator shall file a conflict of interest disclosure by complying with the requirements of Utah Code Title 20A, Chapter 11, Part 16, Conflict of Interest Disclosures.

~~[(4)(a) The financial disclosure form shall be filed with:]~~

~~[(i) the secretary of the Senate, for a legislator that is a senator; or]~~

~~[(ii) the chief clerk of the House of Representatives, for a legislator that is a representative.]~~

~~[(b) The secretary of the Senate and the chief clerk of the House of Representatives shall ensure that:]~~

~~[(i) blank financial disclosure forms are made available on the Internet and at the offices of the Senate and the House of Representatives; and]~~

~~[(ii) financial disclosure forms filed under this rule are made available to the public on the Internet and at the offices of the Senate or the House of Representatives.]~~

~~[(5)(a) Before or during any vote on legislation or any legislative matter in which]~~

(3) If a legislator has actual knowledge that the legislator has a conflict of interest [which] that is not stated on the legislator's financial disclosure form filed under Subsection

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(2), that legislator shall, before or during a vote on legislation or any legislative matter, orally declare to the committee or [~~body before which the matter is pending~~] legislative body:

[~~(i)~~] (a) that the legislator may have a conflict of interest; and

[~~(ii)~~] (b) what that conflict is.

[~~(b) The~~] (4) A verbal declaration of a conflict of interest under Subsection (3) shall be recorded:

(a) for a declaration made on the floor, in the Senate or House Journal by the secretary of the Senate or the chief clerk of the House of Representatives [~~shall~~]; or

(b) for a declaration made in a committee or other meeting, in the minutes of the meeting.

[~~(i) direct committee secretaries to note the declaration of conflict of interest in the minutes of any committee meeting; and~~]

[~~(ii) ensure that each declaration of conflict declared on the floor is noted in the Senate Journal or House Journal.~~]

[~~(6) This requirement of disclosure of any conflict of interest does~~]

(5) The requirements of this rule do not prohibit a legislator from voting on any legislation or legislative matter.

Section 8. **JR7-1-401** is amended to read:

JR7-1-401. Interim committees to receive study assignments -- Adoption of study items.

(1) Each interim committee shall:

(a) study issues assigned to the committee by:

(i) passed legislation; or

(ii) the Legislative Management Committee; and

(b) review programs and hear reports as required by statute.

(2) Each interim committee may:

(a) as provided in Utah Code Subsection 36-12-5(1)(d), investigate and study possibilities for improvement in government services within the interim committee's subject area;

(b) receive research reports from interim committee staff [~~pertaining~~] that relate to the interim committee's [~~study agenda~~] subject area;

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(c) request testimony from government officials, private organizations, or members of the public on issues being studied by the interim committee;

(d) make recommendations to the Legislature for legislative action; or

(e) prepare one or more committee bills based on the interim committee's studies.

(3) ~~During~~ Each interim committee shall adopt a list of interim study items during the interim committee's first meeting of each calendar year~~[, the interim committee]~~ as follows:

(a) the interim committee shall review the ~~[interim committee's]~~ study items ~~[described in]~~ provided by the Legislative Management Committee under Subsection ~~[(1)(a)]~~ (1)(a)(ii);

(b) the interim committee may, by majority vote, modify or add to the list of study items described in Subsection ~~[(1)(a), provided any modification or addition is within the interim committee's subject area]~~ (3)(a), provided that any additional item adopted by the committee is consistent with the interim committee's duties as described in Subsection (1) or (2) of this rule; and

(c) the interim committee shall adopt the original or amended list of study items ~~[described in Subsection (1)(a), with any modifications or additions,]~~ by majority vote.

Section 9. **JR7-1-405** is amended to read:

JR7-1-405. Prohibited meeting times -- Exceptions.

(1) ~~[A]~~ Except as provided in this rule, a legislative committee may not meet:

(a) while the Senate or the House of Representatives is in session~~[, unless the meeting is approved by: (i) the president of the Senate and the speaker of the House of Representatives; or (ii) (A) a majority vote of the Senate; and (B) a majority vote of the House of Representatives]~~; or

(b) ~~[except as provided in Subsection (2);]~~ during the period that begins ~~[January 1]~~ on the first Thursday in December and ends the day after the day on which the Legislature adjourns that year's general session sine die.

(2) Subsection ~~[(1)(b)]~~ (1) does not apply to:

(a) the Legislative Management Committee and its subcommittees;

(b) the Senate Management Committee;

(c) the House Management Committee;

(d) the Senate or House Legislative Expenses Oversight Committee;

(e) a senate confirmation committee;

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~~(d)~~ a meeting of the Administrative Rules Review Committee for the purpose of considering draft legislation reauthorizing agency rules in accordance with Utah Code Section 63G-3-502; or

~~(b)~~ (e) the Legislative Process Committee.

(3) A meeting otherwise prohibited by this rule may be held if approved by:

(a) the president of the Senate and the speaker of the House of Representatives; or

(b) a majority vote of the Senate and a majority vote of the House of Representatives.

~~(3)~~ (4) ~~[An]~~ Any action of a legislative committee that occurs during a meeting that violates this rule is invalid.

Section 10. **JR7-1-407** is amended to read:

JR7-1-407. Electronic legislative committee meetings.

(1) A chair may, by following the procedures and requirements of this rule, convene and conduct an electronic meeting of a legislative committee.

(2) (a) A member of a legislative committee who will be more than 50 miles away from the anchor location on the day and at the time of a scheduled meeting of the legislative committee may request that the chair allow the member to participate from a remote location.

(b) If a member of a legislative committee wishes to participate in a meeting of the legislative committee from a remote location, the member shall, at least three days before the meeting, contact the chair and request that the chair convene and conduct an electronic meeting.

(c) After receiving the request, the chair shall:

(i) determine whether the member will be more than 50 miles away from the anchor location on the day and at the time of the scheduled meeting;

(ii) if the chair determines that the member will be more than 50 miles away from the anchor location on that day and time, consult with committee staff to determine whether there are sufficient equipment and connections to allow the member to participate from a remote location; and

(iii) obtain permission from the president of the Senate and the speaker of the House of Representatives to conduct an electronic meeting.

(d) If the requirements of Subsection (2)(c) are satisfied, the chair may grant the member's request to participate from a remote location.

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(3) A chair convening or conducting an electronic meeting shall, if necessary, establish and communicate protocols and procedures governing the electronic meeting to ensure order and fair opportunities for all members of the legislative committee to participate.

(4) A chair convening or conducting an electronic meeting shall ensure that:

(a) public notice of the meeting, as required by Utah Code Section 52-4-202, is given including posting written notice at the anchor location; and

(b) notice of the electronic meeting describing how the members will be connected to the electronic meeting is given to each member of the legislative committee at least 24 hours before the meeting.

(5) A member of a legislative committee participating from a remote location is included in calculating a quorum and [~~may~~] shall vote.

Section 11. **JR7-1-602** is amended to read:

JR7-1-602. Interim committee chairs' authority to open committee bill files.

(1) [~~During an interim committee's first meeting of a calendar year, the~~] An interim committee may[~~, by motion and majority vote,~~] authorize the committee chairs to [~~do one of the following: (1) open one or more committee bill files related to any study item~~] independently open one or more committee bill files throughout the interim period if:

(a) that authority is granted by the interim committee to the chairs by means of a motion and majority vote;

(b) the motion and vote occur during the interim committee's first meeting of the calendar year;

(c) the subject matter of each committee bill file opened by the chairs is directly related to:

(i) a study item on the list adopted by the interim committee under JR7-1-401(3)[~~, as the chairs deem necessary, or (2) open one or more committee bill files related to one or more study items that are: (a) adopted by the interim committee under JR7-1-401(3), and (b) specified in the motion.~~]; or

(ii) a subject or issue that is expressly stated in the motion made under this rule; and

(d) the decision to open each committee bill file is made jointly by the chairs.

(2) No committee other than an interim committee may delegate the authority to independently open a committee bill file to the chair or chairs of a committee.

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(3) In the next interim committee meeting after opening a bill file, the chairs shall give the committee members notice:

(a) that the chairs have opened the committee bill file; and

(b) of the short title and subject matter of the committee bill file.

Section 12. **JR7-1-602.5** is enacted to read:

JR7-1-602.5. Draft legislation presented to legislative committees during the interim.

(1) Draft legislation that is presented to a legislative committee for the committee's review shall be:

(a) listed on the agenda of the committee's meeting in accordance with Utah Code Title 52, Chapter 4, Open and Public Meetings Act; and

(b) publicly posted on the Legislature's website at least 24 hours in advance of the time of commencement of the committee meeting.

(2) (a) A legislator seeking to present draft legislation to a legislative committee for review shall provide the drafting attorney with clear and final instructions for completing the draft legislation no later than three full working days before the commencement time of the committee meeting where the legislation will be reviewed, or at an earlier time if significant drafting time is required.

(b) Draft legislation will be drafted in the priority and order set forth under JR4-2-102.

(3) (a) Draft legislation that is recommended by a legislative committee but did not meet the posting requirements of Subsection (1)(b) may not be placed directly on the reading calendar by a rules committee under SR3-1-102 or HR3-1-102.

(b) This Subsection (3) does not apply to draft legislation that met the requirements of Subsection (1)(b) but was amended or substituted during the committee meeting.

Section 13. **JR7-1-609** is amended to read:

JR7-1-609. Amending draft legislation -- Verbal amendments -- Amendments must be germane and clear.

(1) Subject to Subsection (2), when timely and when recognized by the chair, a member of a legislative committee may make a motion to amend the draft legislation under consideration.

(2) (a) A member of the legislative committee may make a motion to amend the draft

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legislation only if the subject of the proposed amendment is germane to the subject of the draft legislation.

(b) If a member of the legislative committee believes a proposed amendment is not germane to the subject of the draft legislation, the member may make a point of order in accordance with JR7-1-509.

(3) [~~During a legislative committee's last meeting before the start of a general session,~~
a] A member of the legislative committee may make a motion for a verbal amendment only if the verbal amendment is sufficiently clear to allow the members of the legislative committee to know how the draft legislation will read when the verbal amendment is incorporated into the draft legislation.

Section 14. Repealer.

This resolution repeals:

JR1-4-101, Request for proposals.