

HR0002S01 compared with HR0002

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

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

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Representative James A. Dunnigan proposes the following substitute bill:

HOUSE RULES RESOLUTION - AMENDMENTS TO HOUSE RULES

2020 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: James A. Dunnigan

LONG TITLE

General Description:

This rules resolution modifies House rules.

Highlighted Provisions:

This resolution:

- ▶ modifies the language of rules provisions for improved clarity;
- ▶ provides clarifying cross references with related rules provisions;
- ▶ modifies provisions governing the adoption of rules at the beginning of a session;
- ▶ modifies provisions governing conflicts of interest;
- ▶ modifies requirements for the rules committee relating to placement of certain bills directly on the third reading calendar;
- ▶ modifies language in the readings requirement made by the chief clerk at the commencement of legislative sessions; and

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- ▶ removes duplicative provisions; ~~{and}~~
- ▶ ~~{repeals}~~ amends a provision that conflicts with statute.

Special Clauses:

None

Legislative Rules Affected:

AMENDS:

HR1-1-101

HR2-3-101

HR3-1-102

HR3-1-105

~~{REPEALS:~~

~~{~~ **HR5-4-101**

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

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

HR1-1-101. Adoption, amendment, or suspension of House Rules.

(1) The House of Representatives shall adopt House rules, by a constitutional two-thirds vote, at the beginning of each [~~legislative session by a constitutional two-thirds vote~~] new Legislature convening in odd-numbered years.

(2) Except as provided in this section:

(a) (i) during an annual general session held in an even-numbered year, rules adopted by the House of Representatives during the immediately preceding general session, as amended during that general session and any intervening session, apply to the conduct of the House; and

(ii) during any special session, House rules apply as provided in JR2-1-101.

(b) for a session described in this Subsection (2), the chief clerk shall announce to the House that the previously adopted rules apply to the newly convened session.

~~[(2)]~~ (3) Except as provided in [this Subsection (2) and in Subsection (3), after the initial adoption of House rules] Subsection (4), additional rules may be adopted [or] and existing rules may be suspended, amended, or repealed by a majority vote, except the following, which require a two-thirds vote to adopt, suspend, amend, or repeal:

(a) rules governing limitation of debate;

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- (b) rules governing a motion to end debate (call the previous question);
- (c) rules governing motions for lifting tabled legislation from committee;
- (d) rules governing consideration of legislation during the last three days of a session;

and

- (e) rules governing voting in Title 4, Chapter 7, Voting.

~~[(3)]~~ (4) (a) A rule that includes a voting requirement of more than a constitutional majority must be adopted and may only be amended, suspended, or repealed by a constitutional two-thirds vote of all representatives.

(b) If the suspension of any House rule is governed by the Utah Constitution or Utah statutes, the House may suspend that rule only as provided by that constitutional or statutory provision.

(5) If a motion to adopt the rules under Subsection (1) meets or exceeds a majority vote but fails to reach a constitutional two-thirds vote:

(a) rules adopted by the House of Representatives during the immediately preceding general session, as amended during that general session and any intervening session, apply to the conduct of the House; and

(b) the chief clerk shall announce to the House that the previously adopted rules apply to the newly convened Legislature.

Section 2. **HR2-3-101** is amended to read:

HR2-3-101. Conflicts of interest.

~~[(1)(a) Except as provided in Subsection (1)(b), a representative satisfies the requirement of Utah Code Section 20A-11-1603 to disclose a conflict of interest by filing the declaration of conflict of interest form required by JR6-1-201 with the chief clerk of the House.]~~

~~[(b)(i) In addition to the declaration of conflict of interest form required by Utah Code Section 20A-11-1603 and JR6-1-201, before or during any vote on legislation or any legislative matter in which a representative has actual knowledge that the representative has a conflict of interest that is not stated on the conflict of interest form, that representative shall orally declare to the committee or body before which the matter is pending that the representative may have a conflict of interest and what that conflict is.]~~

~~[(ii) The declaration of conflict of interest shall be noted in the minutes of any~~

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~~committee meeting or in the Senate or House Journal.]~~

~~[(2) (a) Before speaking on the floor of the House on any legislation or legislative matter in which a representative reasonably believes that the representative may have a conflict of interest, the representative should orally disclose to the House that the representative may have a conflict of interest and what that conflict is.]~~

~~[(b) The chief clerk shall ensure that the declaration of the conflict of interest is noted in the House Journal.]~~

~~[(3) Nothing in this House rule requires a representative with a conflict of interest on legislation or a legislative matter pending before the House to orally disclose that conflict of interest if the representative does not speak on the legislation or legislative matter and the conflict has been disclosed on the representative's conflict of interest form.]~~

A House member shall comply with the conflict of interest requirements provided in:

- (1) Utah Code Title 20A, Chapter 11, Part 16, Conflict of Interest Disclosures; and
- (2) JR6-1-201.

Section 3. **HR3-1-102** is amended to read:

HR3-1-102. House Rules Committee -- Assignment duties.

(1) The presiding officer shall submit all legislation introduced in the House of Representatives to the House Rules Committee.

(2) For all legislation not specified in HR3-1-103 that is referred to the House Rules Committee, the committee shall~~[(a)]~~ examine the legislation referred to it for proper form, including fiscal note and ~~[interim]~~ committee note, if any~~[, and (b) either]~~, and either:

~~[(+)]~~ (a) refer the legislation to the House with a recommendation that the legislation be:

~~[(A)]~~ (i) [that the legislation be] referred to a standing committee for consideration; or

~~[(B)]~~ (ii) [that the legislation be] read the second time and placed on the third reading calendar if [the legislation has received a favorable recommendation from]:

~~[(+)]~~ (A) the bill has received a favorable recommendation from a House standing committee[; except for those bills];

(B) the bill is exempted from the House standing committee review requirements under HR3-2-401; [or]

~~[(+)]~~ (C) the bill has received a favorable recommendation from the House Rules

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Committee meeting as a standing committee as permitted under HR3-1-101; or

~~(D)~~ the legislation was approved by a unanimous vote of an interim committee and met the posting requirements of JR7-1-602.5; or

~~(ii)~~ (b) hold the legislation.

~~(e)~~ (3) If the chair of the House Rules Committee receives a summary report from the Occupational and Professional Licensure Review Committee related to newly regulating an occupation or profession within the two calendar years immediately preceding the session in which a piece of legislation is introduced related to the regulation by the Division of Occupational and Professional Licensing of that occupation or profession:

~~(f)~~ (a) the chair of the House Rules Committee shall ensure that the House Rules Committee is informed of the summary report before the House Rules Committee takes action on the legislation; and

~~(ii)~~ (b) if the House Rules Committee refers the legislation to the House as provided for in Subsection (2)~~(b)(i)~~(a):

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

~~(B)~~ (ii) if the legislation is referred to a standing committee, the House Rules Committee shall forward the summary report to the standing committee.

~~(3)~~ (4) In carrying out its functions and responsibilities under this rule, the House Rules Committee may not:

- (a) table legislation without the written consent of the sponsor;
- (b) report out any legislation that has been tabled by a standing committee;
- (c) amend legislation without the written consent of the sponsor; or
- (d) substitute legislation without the written consent of the sponsor.

~~(4)~~ (5) The House Rules Committee may recommend a time certain for floor consideration of any legislation when it is reported out of the House Rules Committee, or at any other time.

~~(5)~~ (6) When the committee is carrying out its functions and responsibilities under this rule, the committee shall:

(a) ~~[during a legislative session]~~ when the Legislature is in session, give notice of its meetings ~~[by either:]~~ according to the requirements of HR3-1-106;

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~~[(i) providing oral notice from the House floor of the time and place of its next meeting; or]~~

~~[(ii) when oral notice is impractical, post written notice of its next meeting;]~~

(b) when the Legislature is not in session, post a notice of meeting at least 24 hours before the meeting convenes;

(c) have as its agenda all legislation in its possession for assignment to committee or to the House calendars; and

(d) prepare minutes that include a record, by individual representative, of votes taken.

~~[(6)]~~ (7) ~~[Anyone may attend a meeting of the rules committee]~~ Rules committee meetings are open to the public, but comments and discussion are limited to members of the committee and the committee's staff.

Section 4. **HR3-1-105** is amended to read:

HR3-1-105. Motion to require committee review.

~~[(1) The presiding officer shall have interim committee legislation that was approved by a majority vote of the interim committee members, read for the first time and referred to the House Rules Committee for calendaring.]~~

~~[(2)(a) The House Rules Committee may refer the legislation to the calendar without standing committee review, or it may recommend that the legislation be referred to a standing committee.]~~

~~[(b)]~~ (1) If the House Rules Committee recommends that ~~[the]~~ legislation be placed on the third reading calendar without standing committee review, the sponsor or any other representative may move that the legislation be reviewed by a standing committee before the legislation's consideration on the floor.

~~[(c)]~~ (2) If this motion is approved by a majority of the representatives present, the legislation shall be referred to a standing committee for consideration.

Section 5. ~~{Repealer;}~~ HR5-4-101

~~—This resolution repeals}~~ is amended to read:

HR5-4-101 ~~{;}~~ ~~{}~~ Approved activities.

(1) This rule governs the designation of an approved activity as authorized by Utah Code Title 36, Chapter 11, Lobbyist Disclosure and Regulation Act.

(2) Consistent with Utah Code Section 36-11-102, an "approved activity" means [a] an

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event, a tour, or a meeting:

(a) to which a representative is invited; and

(b) at which the representative's attendance is approved by the speaker of the House.