

1 **HOUSE RULES RESOLUTION - TECHNICAL**

2 **CORRECTIONS**

3 2021 GENERAL SESSION

4 STATE OF UTAH

5 **Chief Sponsor: Timothy D. Hawkes**

7 **LONG TITLE**

8 **General Description:**

9 This resolution modifies provisions of House legislative rules to make technical
10 corrections.

11 **Highlighted Provisions:**

12 This resolution:

13 ▶ modifies parts of House legislative rules to make technical corrections, including
14 eliminating references to repealed rules provisions, eliminating redundant or
15 obsolete language, making minor wording changes, and correcting errors.

16 **Special Clauses:**

17 None

18 **Legislative Rules Affected:**

19 AMENDS:

20 **HR1-1-101**

21 **HR1-5-301**

22 **HR2-2-106**

23 **HR2-4-103**

24 **HR2-5-101**

25 **HR3-1-102**

26 **HR3-2-312**

27 **HR3-2-401**

28 **HR3-2-405**

29 **HR3-2-406**

- 30 [HR4-1-101](#)
- 31 [HR4-3-301](#)
- 32 [HR4-4-202](#)
- 33 [HR4-7-101](#)
- 34 [HR4-8-101](#)
- 35 [HR4-9-101](#)



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

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

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

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

42 (2) Except as provided in this ~~[section]~~ rule:

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

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

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

49 (3) Except as provided in Subsection (4), additional rules may be adopted and existing
50 rules may be suspended, amended, or repealed by a majority vote, except the following, which
51 require a two-thirds vote to adopt, suspend, amend, or repeal:

- 52 (a) rules governing limitation of debate;
- 53 (b) rules governing a motion to end debate (call the previous question);
- 54 (c) rules governing motions for lifting tabled legislation from committee;
- 55 (d) rules governing consideration of legislation during the last three days of a session;
- 56 and
- 57 (e) rules governing voting in Title 4, Chapter 7, Voting.

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

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

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

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

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

71 Section 2. **HR1-5-301** is amended to read:

72 **HR1-5-301. Special order of business -- Time certain.**

73 (1) (a) Except as provided in Subsection (2), a representative may make a motion, or
74 the House Rules committee may recommend, that a piece of legislation become a special order
75 of business on the time certain calendar.

76 (b) If the motion is approved by a majority of the members present, the chief clerk shall
77 place the legislation on the time certain calendar.

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

81 (3) At the time set for consideration of the legislation, the presiding officer shall place
82 the legislation before the House.

83 Section 3. **HR2-2-106** is amended to read:

84 **HR2-2-106. Smoking and electronic cigarettes prohibited.**

85 (1) As used in this [section] rule, "electronic cigarette" means any device, other than a

86 combustible cigarette or cigar, intended to deliver vapor containing nicotine into a person's
87 respiratory system.

88 (2) A person may not smoke or use an electronic cigarette in the House chamber or
89 other house controlled areas.

90 (3) The sergeant-at-arms shall enforce this rule.

91 Section 4. **HR2-4-103** is amended to read:

92 **HR2-4-103. Prohibitions on lobbying and fundraising.**

93 (1) As used in this [section] rule, "fundraising" means:

94 (a) the solicitation of a monetary contribution for any purpose; or

95 (b) the announcement or promotion of an event that has as one of its purposes the
96 collection of funds by means of a monetary contribution.

97 (2) Lobbying is prohibited on the House floor as provided under [HR2-4-101.2](#).

98 (3) (a) Distribution of literature or any other information that announces or promotes
99 fundraising is prohibited on the House floor.

100 (b) Notwithstanding Subsection (3)(a), a verbal announcement that involves or relates
101 to fundraising is permitted on the House floor if the announcement is:

102 (i) publicly made to all members on the House floor; and

103 (ii) an official announcement from the third house or authorized by the speaker of the
104 House.

105 Section 5. **HR2-5-101** is amended to read:

106 **HR2-5-101. Representatives may request and sponsor legislation -- Substituting a**
107 **sponsor -- Withdrawing as a cosponsor.**

108 (1) A representative may request and sponsor legislation as provided in Joint Rules
109 Title 4, Bills and Resolutions.

110 (2) (a) After a piece of legislation has been introduced, the chief representative sponsor
111 of the legislation may withdraw from sponsoring the legislation by:

112 (i) finding another representative to act as chief sponsor of the legislation; and

113 (ii) filing a substitution of sponsorship form with the chief clerk before final passage of

114 the legislation in the House.

115 (b) A representative seeking to withdraw as the chief sponsor need not obtain
116 permission from the House to withdraw.

117 (3) (a) [~~Before~~] During a general session, before final passage of [~~the~~] a piece of
118 legislation in the House, a representative cosponsor of [~~a bill~~] the legislation may withdraw as a
119 cosponsor [~~of that legislation~~].

120 (b) A representative seeking to withdraw as a cosponsor need not:

121 (i) obtain permission from the House to withdraw; or

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

123 Section 6. **HR3-1-102** is amended to read:

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

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

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

130 (a) refer the legislation to the House with a recommendation that the legislation be:

131 (i) referred to a standing committee for consideration; or

132 (ii) read the second time and placed on the third reading calendar if:

133 (A) the bill has received a favorable recommendation from a House standing
134 committee;

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

137 (C) the bill has received a favorable recommendation from the House Rules Committee
138 meeting as a standing committee as permitted under [HR3-1-101](#);

139 (D) if the legislation is a nonbinding resolution as defined in HR3-2-405, read the
140 second time and placed on the consent calendar; or

141 (E) the legislation was approved by a unanimous vote of the members present at an

142 interim committee meeting and met the posting requirements of [JR7-1-602.5](#); or

143 (b) hold the legislation.

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

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

152 (b) if the House Rules Committee refers the legislation to the House as provided for in
153 Subsection (2)(a):

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

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

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

160 (a) table legislation without the written consent of the sponsor;

161 (b) report out any legislation that has been tabled by a standing committee;

162 (c) amend legislation without the written consent of the sponsor; or

163 (d) substitute legislation without the written consent of the sponsor.

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

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

168 (a) when the Legislature is in session, give notice of its meetings according to the
169 requirements of [HR3-1-106](#);

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

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

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

175 (7) [~~Rules committee~~] House Rules Committee meetings are open to the public, but
176 comments and discussion are limited to members of the committee and the committee's staff.

177 Section 7. **HR3-2-312** is amended to read:

178 **HR3-2-312. Chair to accept all motions that are in order -- Once accepted, the**
179 **motion is pending.**

180 (1) The chair shall accept a motion requested by a member of a standing committee
181 who has been properly recognized unless the motion is prohibited by this chapter or by
182 parliamentary procedure.

183 (2) To properly accept a motion, the chair shall:

184 (a) restate each verbal motion;

185 (b) identify the number of each written motion to amend or substitute legislation; and

186 (c) [~~distribute copies of~~] ensure a copy of each written amendment or substitute [~~to~~
187 ~~members of the committee~~] is available online.

188 (3) When a chair properly accepts a motion under Subsection (2), the motion is
189 pending.

190 Section 8. **HR3-2-401** is amended to read:

191 **HR3-2-401. Standing committee review required -- Exceptions.**

192 (1) Except as provided in Subsection (2), the House of Representatives may not pass a
193 bill, joint resolution, or concurrent resolution during the annual general session unless a House
194 standing committee has given a favorable recommendation to the legislation.

195 (2) Subsection (1) does not apply to:

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

197 (b) legislation that has been approved by a unanimous vote of the members present at

198 an interim committee meeting;

199 (c) the revisor's statute; or

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

201 Committee, legislation that:

202 (i) exclusively appropriates money;

203 (ii) amends Utah Code Title 53F, Chapter 2, State Funding -- Minimum School

204 Program;

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

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

207 Section 9. **HR3-2-405** is amended to read:

208 **HR3-2-405. Consent calendar -- Nonbinding resolutions -- Committee**

209 **recommendations -- Licensure review reports.**

210 (1) As used in this [~~section~~] rule, "nonbinding resolution":

211 (a) means a resolution that:

212 (i) is primarily for the purpose of recognizing, honoring, or memorializing an

213 individual, group, or event;

214 (ii) requests, rather than compels, action or awareness by an individual or group; or

215 (iii) is informational or promotional in nature; and

216 (b) does not mean:

217 (i) a rules resolution;

218 (ii) a resolution for a constitutional amendment; or

219 (iii) any resolution that approves or authorizes any action, requires any substantive

220 action to be taken, or results in a change in law, policy, or funding.

221 (2) (a) A nonbinding resolution shall be placed on the consent calendar.

222 (b) A nonbinding resolution may be moved to the time certain calendar or other

223 calendar by a majority vote of those present.

224 (3) A standing committee may recommend that legislation in [~~its~~] the standing

225 committee's possession be placed on the consent calendar if:

226 (a) the committee approves a motion, by a unanimous vote of those present, to give the
227 legislation a favorable recommendation;

228 (b) immediately subsequent to that action, the committee approves a separate motion,
229 by a unanimous vote of those present, to recommend that the legislation be placed on the
230 consent calendar; and

231 (c) the legislation has a fiscal note that is less than \$10,000.

232 (4) If, in accordance with [HR3-1-102](#), the House Rules Committee forwards a
233 summary report from the Occupational and Professional Licensure Review Committee in
234 conjunction with legislation referred to a standing committee, the chair shall ensure that the
235 summary report is read orally to the committee before action is taken by the committee on the
236 legislation that is related to the summary report.

237 Section 10. **HR3-2-406** is amended to read:

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

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

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

245 (ii) [~~Before~~] Unless the amendment contains 15 or fewer words, before proposing a
246 motion to amend, a committee member shall ensure that a copy of the proposed amendment
247 [that contains more than 15 words is printed and distributed to committee staff and to all
248 committee members present] is available online.

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

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

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

253 (C) a word or an exact phrase that is inserted in multiple locations shall only be

254 counted for the first insertion.

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

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

259 Section 11. **HR4-1-101** is amended to read:

260 **HR4-1-101. Definitions.**

261 As used in this title:

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

264 (2) "Constitutional majority vote" means that the matter requires at least 38 votes to
265 pass on the House floor.

266 (3) "Constitutional two-thirds vote" means that the matter requires at least 50 votes to
267 pass on the House floor.

268 (4) "Majority vote" means that the matter requires the votes of at least a majority of a
269 quorum to pass on the House floor.

270 (5) "Two-thirds vote" means that the matter requires the vote of at least two-thirds of a
271 quorum to pass on the House floor.

272 (6) "Point of order" means a question raised by a representative about whether or not
273 there has been a breach of order, a breach of rules, or a breach of established parliamentary
274 practice.

275 (7) "Presiding officer" means the person presiding over the Utah House of
276 Representatives and includes:

277 (a) the speaker;

278 (b) the speaker pro tempore; and

279 (c) any representative presiding under [HR1-3-103](#).

280 (8) "Quorum" means that at least 38 members of the House of Representatives are
281 present.

282 Section 12. **HR4-3-301** is amended to read:

283 **HR4-3-301. Amendments in order on third reading -- 15 word rule -- Passage of**
284 **amendments by a majority vote.**

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

286 (2) (a) A representative may verbally propose an amendment to legislation if the
287 amendment contains 15 or fewer words [~~or less~~].

288 (b) [~~A~~] Unless the amendment contains 15 or fewer words, before a representative
289 makes a motion to amend, the representative shall ensure that a copy of the proposed
290 amendment [containing more than 15 words is printed on pink paper and available to the chief
291 clerk and each representative present before the motion to amend is made] is available online.

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

294 (i) numbering shall not be counted as a word;

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

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

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

300 (4) When legislation is amended by the House, the chief clerk shall:

301 (a) for each page of the legislation modified by a House amendment, cause a new page
302 to be printed that clearly identifies each House amendment to that page; and

303 (b) print that new page on lilac-colored paper.

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

305 **HR4-4-202. Disposition of legislation voted on third reading.**

306 (1) Except as provided in Subsection (2), the chief clerk or the chief clerk's designee
307 shall:

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

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

312 (c) for a piece of House legislation that has passed both houses, follow the procedures
313 and requirements of [~~JR4-6-101(1)(b)~~] JR4-5-101;

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

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

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

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

325 (i) a representative gives notice of intention to move for reconsideration to the chief
326 clerk;

327 (ii) a representative requests that the chief clerk hold the legislation; or

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

329 (b) When a representative moves for reconsideration or requests a hold under
330 Subsection (2)(a)(i) or (2)(a)(ii), the chief clerk shall give notice of the action to the speaker
331 and to the sponsor of the legislation.

332 (c) Notwithstanding the requirements of Subsection (2)(a), a piece of legislation may
333 be released earlier than 24 hours if the hold is released.

334 Section 14. **HR4-7-101** is amended to read:

335 **HR4-7-101. Definitions.**

336 As used in this chapter:

337 (1) "Electronic vote" means that those representatives present vote using an electronic

338 system that records and tallies their votes.

339 (2) "Roll call vote" means a verbal voting process where:

340 (a) the chief clerk or the chief clerk's designee verbally calls the name of each
341 representative alphabetically, except the speaker, who is called last;

342 (b) each representative present votes "aye" or "no" when the representative's name is
343 called;

344 (c) the chief clerk or the chief clerk's designee:

345 (i) tallies the vote;

346 (ii) records those representatives who are absent or not voting; and

347 (iii) gives a copy of the tally to the presiding officer; and

348 (d) the presiding officer announces the result of the vote.

349 (3) "Voice vote" means a verbal voting process where the presiding officer:

350 (a) poses the question to be voted upon in this form: "Those in favor (of the question)
351 say aye." and "Those opposed, say no."; and

352 (b) based upon the representative's responses, announces that the question either passed
353 or failed.

354 Section 15. **HR4-8-101** is amended to read:

355 **HR4-8-101. Definitions.**

356 [~~Call~~] As used in this chapter, "call of the House" means the process by which the
357 House may compel absent representatives to be present in the House chamber.

358 Section 16. **HR4-9-101** is amended to read:

359 **HR4-9-101. Motion to reconsider.**

360 (1) As used in this [~~section~~] rule, "legislative day" means a day when the House of
361 Representatives convenes in the House chamber and conducts House business.

362 (2) (a) Except as provided in Subsection (3), when a question has been decided on the
363 floor of the House, a representative voting with the prevailing side may move for
364 reconsideration after intervening business.

365 (b) If the motion to reconsider is to reconsider passage of a piece of legislation, the

366 representative making the motion shall include the number and short title of the legislation as
367 part of the motion.

368 (c) If a motion for reconsideration is made on the floor of the House after a piece of
369 legislation has left the possession of the House, the chief clerk shall request that the legislation
370 be returned to the House.

371 (d) The presiding officer shall rule a motion for reconsideration out of order unless the
372 motion is made:

373 (i) before the 43rd legislative day;

374 (ii) before the House adjourns on the legislative day after the legislative day on which
375 the action sought to be reconsidered occurred; and

376 (iii) by a representative who previously served notice.

377 (3) A representative may not make a motion to reconsider after the 42nd day of the
378 annual general session of the Legislature.