

SR0001S01 compared with SR0001

~~deleted text~~ shows text that was in SR0001 but was deleted in SR0001S01.

inserted text shows text that was not in SR0001 but was inserted into SR0001S01.

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Senator David G. Buxton proposes the following substitute bill:

SENATE RULES RESOLUTION ~~SB~~ TECHNICAL

CORRECTIONS

2021 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: David G. Buxton

LONG TITLE

General Description:

This resolution modifies provisions of Senate legislative rules to make technical corrections.

Highlighted Provisions:

This resolution:

- ▶ modifies parts of Senate legislative rules to make technical corrections, including eliminating references to repealed rules provisions, eliminating redundant or obsolete language, making minor wording changes, and correcting errors.

Special Clauses:

None

Legislative Rules Affected:

AMENDS:

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SR1-1-101

SR1-9-101

SR2-4-101

SR2-5-101

SR3-2-312

SR3-2-401

~~{ SR3-2-405~~

{ SR3-2-406

SR4-1-101

SR4-3-301

SR4-4-202

SR4-4-301

SR4-7-101

SR4-8-101

SR4-9-101

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

Section 1. **SR1-1-101** is amended to read:

SR1-1-101. Adoption, amendment, or suspension of Senate rules.

(1) (a) The Senate shall adopt Senate rules, by a constitutional two-thirds vote, at the beginning of each new Legislature convening in an odd-numbered year.

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

(i) rules adopted by the Senate during the immediately preceding annual general session, as amended during that general session and any intervening session, apply to the conduct of the Senate; and

(ii) the secretary of the Senate shall announce to the Senate that the previously adopted rules apply to the newly convened Legislature.

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

(i) during an annual general session held in an even-numbered year, rules adopted by the Senate during the immediately preceding general session, as amended during that general

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session and any intervening session, apply to the conduct of the Senate; and

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

(b) For a session described in Subsection (2)(a), the secretary of the Senate shall announce to the Senate that the previously adopted rules apply to the newly convened session.

(3) Except as provided in Subsection (4), additional rules may be adopted and existing rules may be suspended, amended, or repealed by a majority vote, except for those rules that require a two-thirds vote to adopt, suspend, amend, or repeal, including:

(a) rules governing motions for lifting tabled legislation from committee under SR4-3-104; and

(b) rules governing consideration of legislation during the last three days of a session.

(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.

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

Section 2. **SR1-9-101** is amended to read:

SR1-9-101. Informal poll on United States Senate candidates.

(1) In a year where there is an election for a seat in the United States Senate, the Senate shall conduct an informal poll of their members to determine each member's preferred candidate for each seat that is up for election.

(2) The poll required by this ~~[section]~~ rule shall:

(a) be conducted and completed within 30 days of the last day for filing for the office of United States Senator, as provided in Utah Code Section 20A-9-202;

(b) be voluntary on the part of each senator;

(c) be administered by the legislative auditor general, who shall:

(i) establish procedures and conduct the poll in a manner that assures that the poll is conducted fairly and accurately; and

(ii) act subject to the direction of the Audit Subcommittee;

(d) have a ballot containing the name of each person who has declared candidacy for the seat as of the conclusion of the last day for filing plus an option to select "none of the

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above"; and

(e) be conducted by secret ballot.

(3) Immediately after conducting the poll, the legislative auditor general shall make the results of the poll public by listing, for each seat that is up for election, the total number of votes cast for each candidate.

Section 3. **SR2-4-101** is amended to read:

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

(1) (a) While the Senate is convened in annual general session or special session and except as specifically provided elsewhere in this [section] rule, only legislators, legislative officers and employees, professional staff, former legislators who are not registered as lobbyists, legal spouses of legislators, interns, and persons invited by senators are allowed in the Senate chamber, halls, and lounge.

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

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

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

(3) (a) A senator may invite a guest to accompany the senator on the Senate floor, provided that:

(i) the senator ensures that the guest does not encroach on a neighboring senator's desk space, impede staff work, or distract from the work of the Senate, and no neighboring senator makes such an objection;

(ii) the guest complies with the requirements of SR2-4-102, SR2-4-103, and Senate Handbook policies on decorum and access; and

(iii) if the guest is an adult, the guest complies with rules and Senate Handbook policies that relate to dress requirements.

(b) A senator who believes that a guest is intruding on desk space, is impeding staff work, or is distracting from the work of the Senate may communicate the senator's objection to the senator who has invited the guest, or through the majority leader, the minority leader, or the

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president of the Senate.

Section 4. **SR2-5-101** is amended to read:

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

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

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

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

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

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

(3) (a) [~~Before~~] During a general session, before final passage of [~~the~~] a piece of legislation in the Senate, a senator cosponsor of [~~a bill~~] the legislation may withdraw as a cosponsor [~~of that legislation~~].

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

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

(ii) provide a substitute cosponsor for the legislation.

Section 5. **SR3-2-312** is amended to read:

SR3-2-312. Chair to accept all motions that are in order -- Once accepted, the motion is pending.

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

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

(a) restate each verbal motion;

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

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

(3) When a chair properly accepts a motion under Subsection (2), the motion is

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pending.

Section 6. **SR3-2-401** is amended to read:

SR3-2-401. Standing committee review required -- Exceptions.

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

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

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

(b) legislation that has been approved by a unanimous vote of the members present at an interim committee meeting;

(c) the revisor's statute; or

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

(i) exclusively appropriates money;

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

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

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

Section 7. ~~{SR3-2-405}~~ SR3-2-406 is amended to read:

~~{~~ SR3-2-405. Consent calendar:

~~_____ (1) A standing committee may recommend that legislation in its possession be placed on the consent calendar if:~~

~~_____ (a) the committee approves a motion, by a unanimous vote of the members present, to send the legislation to the second reading calendar;~~

~~_____ (b) immediately subsequent to that action, the chief sponsor requests that the legislation be placed on the consent calendar; and~~

~~_____ (c) in a separate motion and vote, the committee [unanimously] approves by unanimous vote of the members present the sponsor's request to place the legislation on the consent calendar instead of the second reading calendar.~~

~~_____ (2) If, in accordance with SR3-1-102, the Senate Rules Committee forwards a summary report from the Occupational and Professional Licensure Review Committee in~~

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~~conjunction with legislation referred to a standing committee, the chair shall ensure that the summary report is read orally to the committee before action is taken by the committee on the legislation that is related to the summary report.~~

~~Section 8. SR3-2-406 is amended to read:~~

‡ **SR3-2-406. Amending legislation -- Amendments must be germane.**

(1) (a) 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 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 25 or fewer words.

(ii) ~~[Before]~~ Unless an amendment contains 25 or fewer words, before proposing a motion to amend, a committee member shall ensure that a copy of the proposed amendment ~~[that contains more than 25 words is printed and distributed to committee staff and to all committee members present]~~ is available online.

(2) (a) A committee member may only make a motion to amend that is germane to the 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 SR3-2-506.

Section ~~9~~8. **SR4-1-101** is amended to read:

SR4-1-101. Definitions.

As used in this title:

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

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

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

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

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

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

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

- (a) the president;
- (b) the president pro tempore; and
- (c) any senator presiding under SR1-3-103.

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

Section ~~{10}~~9. SR4-3-301 is amended to read:

SR4-3-301. Amendments in order on second or third reading -- 10 word rule -- Passage of amendments by a majority vote.

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

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

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

(ii) [~~A~~] Unless the amendment contains 10 or fewer words, before a senator makes a motion to amend, the senator shall ensure that a copy of the proposed amendment [containing more than 10 words is printed and distributed to the secretary of the Senate and to all senators before the amendment is proposed] is available online.

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

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

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

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

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

- (a) for each page of the legislation modified by a Senate amendment, cause a new page

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to be printed that clearly identifies each Senate amendment to that page; and

(b) print that new page on tan paper on the second reading and on goldenrod-colored paper on the third reading.

Section ~~{11}~~10. **SR4-4-202** is amended to read:

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

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

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

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

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

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

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

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

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

(a) record the notice in the journal; and

(b) keep possession of the bill until:

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

Reconsideration of Senate Action; or

(ii) the bill has been reconsidered.

Section ~~{12}~~11. **SR4-4-301** is amended to read:

SR4-4-301. Consent calendar.

(1) If a standing committee report recommends that a piece of legislation be placed on

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the consent calendar and the standing committee report is adopted by the Senate, the secretary of the Senate or the secretary's designee shall:

- (a) read the legislation for the second time; and
- (b) place the legislation on the consent calendar.

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

- (i) there are items on the consent calendar; and
- (ii) if any senator objects to a piece of legislation on the consent calendar, three or

more senators may move the legislation to the second reading calendar by notifying the secretary of the Senate verbally or in writing.

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

- (i) remove the legislation from the consent calendar; and
- (ii) place the legislation at the bottom of the second reading calendar.

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

- (a) read the third time;
- (b) placed before the Senate; and
- (c) considered for final passage.

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

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

Those who favor the question say, 'aye.'

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

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

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

(5) Notwithstanding the requirements of Subsection (4), any senator may, before the roll call vote is taken, make a motion to remove the bill from the consent calendar and place it

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on the bottom of the third reading calendar.

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

Section ~~{13}~~12. **SR4-7-101** is amended to read:

SR4-7-101. Definitions.

As used in this chapter:

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

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

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

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

(i) tallies the vote;

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

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

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

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

(a) poses the question to be voted upon in this form: "Those in favor (of the question) say 'aye.'" and "Those opposed say 'nay.'"; and

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

Section ~~{14}~~13. **SR4-8-101** is amended to read:

SR4-8-101. Definitions.

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

Section ~~{15}~~14. **SR4-9-101** is amended to read:

SR4-9-101. Motion to reconsider.

(1) As used in this [section] rule, "legislative day" means a day when the Senate convenes in the Senate chamber and conducts Senate business.

(2) (a) Except as provided in Subsection (3), when a question has been decided on the floor of the Senate, a senator voting with the prevailing side may:

(i) move for reconsideration after intervening business; or

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(ii) give notice that a motion for reconsideration will be made.

(b) If a motion for reconsideration is made on the floor of the Senate after a piece of legislation has left the possession of the Senate, the secretary of the Senate shall request that the legislation be returned to the Senate.

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

(i) before the 43rd legislative day;

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

(iii) by a senator who previously served notice.

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