

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

2024 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: James A. Dunnigan

LONG TITLE

General Description:

This resolution modifies House Rules.

Highlighted Provisions:

This resolution:

- ▶ allows a lobbyist who is a former legislator to be present on the House floor when designated by the speaker-elect to preside until the representatives take the oath of office and elect a speaker;
- ▶ extends the time period during which a representative may use the representative's general session postage allowance;
- ▶ directs the Office of Legislative Research and General Counsel to share with caucus staff information in a representative's request for legislation, under certain circumstances;

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- ▶ changes the name of the Public Utilities, Energy, and Technology Standing Committee to the Public Utilities and Energy Standing Committee;
- ▶ adds the House Rules vice chair to the list of members who are not counted in determining a quorum for a standing committee, unless the member is present at the meeting;
- ▶ modifies the order in which a standing committee chair takes responses to a motion or substitute motion;
- ▶ updates inconsistent terminology;
- ▶ removes obsolete language;
- ▶ incorporates certain language from existing provisions of the Utah Code;
- ▶ for the first day of an annual general session, removes the requirement that legislation placed on the third reading calendar stay on the third reading calendar until at least the following day; and
- ▶ addresses remote participation in a House committee meeting.

Special Clauses:

None

Legislative Rules Affected:

AMENDS:

HR1-2-101

HR1-7-101

HR1-8-101

HR2-2-106

HR3-2-201

HR3-2-203

HR3-2-313

HR3-2-402

HR3-3-101

HR3-3-102

HR4-3-101

HR4-9-103

ENACTS:

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HR1-10-101

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

Section 1. **HR1-2-101** is amended to read:

HR1-2-101. Calling the House to order.

(1) On the first day of each annual general session of the Legislature during odd-numbered years, the speaker-elect shall designate a person to call the House to order and preside until the representatives have taken the oath of office and elected a speaker.

(2) (a) Notwithstanding HR2-4-101.2, the speaker-elect may designate under Subsection (1) a lobbyist who is a former speaker to call the House to order and preside until the representatives take the oath of office and elect a speaker.

(b) The lobbyist shall comply with HR2-4-101.2 immediately after the representatives elect a speaker.

Section 2. **HR1-7-101** is amended to read:

HR1-7-101. Citations -- Definitions -- Use of citations.

(1) As used in this chapter:

(a) "Citation" means a certificate for the purposes of:

(i) honoring or commending an individual who is a resident of Utah, or a group of individuals who are residents of Utah or have a substantial presence in or connection to Utah;

(ii) commemorating an event or the anniversary of an event that has significant relevance to Utah; or

(iii) expressing condolences to the family of a deceased individual who was a resident of Utah.

(b) "House of Representatives citation" means a citation issued on behalf of the Utah House of Representatives under HR1-7-103, that is signed by the representative sponsoring the citation and the speaker of the House of Representatives.

(c) "Legislator citation" means a citation issued on behalf of an individual representative under HR1-7-102.

(d) "Utah Legislature citation" means a citation issued on behalf of both [~~houses~~] chambers of the Utah Legislature under HR1-7-104, that is signed by the representative sponsoring the citation, the speaker of the House of Representatives, and the president of the

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Senate.

(2) A citation honoring or commending the same individual or group of individuals, or recognizing the same event or anniversary, should not be issued more than once every 10 years.

(3) A representative may request only one House of Representatives citation or Utah Legislature citation during a calendar year.

Section 3. ~~HR2-2-106~~ HR1-8-101 is amended to read:

HR1-8-101. House postage allowance.

(1) Each representative may deposit:

(a) up to ~~[300]~~ 500 letters into the House mail system during the ~~[annual general session]~~ period that begins the first day of the annual general session and ends 30 days after the day on which the Legislature adjourns the annual general session sine die; and

(b) up to 10 letters per month into the House mail system during the remainder of the year.

(2) Upon request from an individual representative, the speaker may grant an additional postage allowance.

Section 4. HR1-10-101 is enacted to read:

CHAPTER 10. MISCELLANEOUS

HR1-10-101. Requests for legislation -- Sharing with caucus staff.

(1) As used in this rule, "caucus staff" means House staff assigned to the chief sponsor's caucus.

(2) After a representative files a request for legislation in accordance with JR4-2-101, the Office of Legislative Research and General Counsel shall share with caucus staff the drafting instructions, as defined in JR4-1-101, provided in the request for legislation and the request's assigned short title, unless the representative:

(a) elects not to share the drafting instructions and short title with caucus staff; or

(b) fails to sign an acknowledgment, for purposes of Rule 1.6 of the Rules of Professional Conduct, that the Office of Legislative Research and General Counsel will share the representative's information in accordance with this rule.

(3) Caucus staff may share information received under Subsection (2) with other representatives in the chief sponsor's caucus.

Section 5. HR2-2-106 is amended to read:

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

(1) As used in this rule, "electronic cigarette" means any device, other than a combustible cigarette or cigar, intended to deliver vapor containing nicotine into a person's respiratory system.

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

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

Section ~~{4}~~6. **HR3-2-201** is amended to read:

HR3-2-201. Standing committees -- Creation.

~~{~~There are created the following standing committees to consider legislation during an annual general or special session:

- (1) Business and Labor;
- (2) Economic Development and Workforce Services;
- (3) Education;
- (4) Government Operations;
- (5) Health and Human Services;
- (6) House Rules;
- (7) Judiciary;
- (8) Law Enforcement and Criminal Justice;
- (9) Natural Resources, Agriculture, and Environment;
- (10) Political Subdivisions;
- (11) Public Utilities~~[-]~~ and Energy~~[-]~~ and Technology;
- (12) Revenue and Taxation; and
- (13) Transportation.

Section ~~{5}~~7. ~~{HR3-2-402}~~HR3-2-203 is amended to read:

HR3-2-203. Quorum requirements.

(1) Except as provided in Subsection (2), a majority of a standing committee is a quorum.

(2) In determining whether a quorum is present, the speaker, majority leader, majority whip, assistant majority whip, House Rules Committee chair, House Rules Committee vice chair, Executive Appropriations Committee chair, Executive Appropriations Committee vice

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chair, minority leader, minority whip, assistant minority whip, and the fourth member of leadership from the minority party are not counted in determining a quorum for a standing committee, except during the time that the representative is present at the meeting.

Section 8. HR3-2-313 is amended to read:

HR3-2-313. Chair to allow response to motions before placing motions for a vote.

(1) After the chair accepts an original motion, and before the chair places the original motion for a vote, the chair shall permit, in the following order:

~~[(a) committee members to debate the original motion;]~~

~~[(b)]~~ (a) the chief sponsor of the legislation that is affected by the original motion to respond to the original motion; ~~[and]~~

(b) committee members to debate the original motion; and

(c) the committee member who placed the original motion to have the final word on the motion.

(2) After a chair accepts a substitute motion, and before the chair places the substitute motion for a vote, the chair shall permit, in the following order:

(a) the committee member who placed the original motion to respond to the substitute motion;

~~[(b) committee members to debate the substitute motion;]~~

~~[(c)]~~ (b) the chief sponsor of the legislation that is affected by the substitute motion to respond to the substitute motion; ~~[and]~~

(c) committee members to debate the substitute motion; and

(d) the committee member who placed the substitute motion to have the final word on the motion.

Section 9. HR3-2-402 is amended to read:

HR3-2-402. Standing committee review of legislation with a fiscal impact.

(1) (a) A standing committee may not review legislation unless the legislation has an approved fiscal note.

(b) Notwithstanding Subsection (1)(a), a standing committee may consider a substitute not previously adopted, regardless of whether the substitute has an approved fiscal note.

(2) Except as provided in HR3-2-401, a standing committee in one or both ~~[houses]~~ chambers shall review legislation before the legislation is held in the opposite ~~[house]~~ chamber

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because of [its] the legislation's fiscal impact.

Section ~~{6}~~10. **HR3-3-101** is amended to read:

HR3-3-101. Chair to preserve order and decorum.

(1) The chair shall preserve order and decorum during a House committee meeting by:

- (a) ensuring nothing obstructs a walkway or the view of a meeting attendee;
- (b) ensuring the meeting is free from any audible or visual disturbance;
- (c) protecting state property from damage or disarray;
- (d) prohibiting speech likely to incite or produce imminent lawless action, fighting

words, or obscenity; and

(e) prohibiting any activity or item that poses a danger to the safety of a meeting attendee.

(2) To preserve order and decorum in accordance with Subsection (1), the chair may:

- (a) prohibit the following:
 - (i) standing, waving, yelling, or clapping;
 - (ii) loud noises;
 - (iii) food or drink, other than water in a closed container;
 - (iv) musical instruments;
 - (v) any item that may require excessive cleanup; or
 - (vi) to the extent necessary to preserve order and decorum, any other item or activity

the chair determines necessary;

- (b) clear the meeting room of one or more individuals;
- (c) recess the meeting without a motion; or
- (d) request assistance from:
 - (i) the sergeant-at-arms; or
 - (ii) the Utah Highway Patrol.

(3) To the extent reasonably applicable, any action by a chair under this rule applies to a member of the public participating in the meeting via video conference.

Section ~~{7}~~11. **HR3-3-102** is amended to read:

HR3-3-102. Prohibited items and activities in House committee meetings.

(1) A member of the public attending a meeting of a House committee may not:

~~{+}~~ (a) bring into the meeting room, or possess while in the meeting room, any of the

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following:

- [(a)] (i) a sign, poster, banner, or placard;
- [(b)] (ii) glitter or confetti;
- [(c)] (iii) a laser pointer;
- [(d)] (iv) paint;
- [(e)] (v) an open flame;
- [(f)] (vi) an incendiary device;
- [(g)] (vii) a noise maker;
- [(h)] (viii) flammable liquid; or
- [(i)] (ix) any harmful or hazardous substance; or
- [(2)] (b) engage in any of the following while in the meeting room:
 - [(a)] (i) commercial solicitation;
 - [(b)] (ii) leafletting;
 - [(c)] (iii) throwing an item; or
 - [(d)] (iv) adhering any item to a furnishing, a wall, or other state property.

(2) A member of the public participating in a House committee meeting via video

conference may not:

(a) use a virtual background other than one that is simple and free from distracting visuals; or

(b) engage in any behavior that if performed in the meeting room would violate

Subsection (1).

Section ~~{8}~~12. ~~{HR4-9-103}~~HR4-3-101 is amended to read:

HR4-3-101. Consideration of bills.

(1) Except for the 1st, 43rd, 44th, and 45th day of the annual general session, [a piece of] legislation may not be read for the third time until at least the day after it is placed on the third reading calendar.

(2) Legislation on third reading calendar shall be considered in the order that it appears on the calendar unless a constitutional majority vote of the members of the House directs other action.

Section 13. HR4-9-103 is amended to read:

HR4-9-103. Rules governing motions to reconsider.

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(1) A motion to reconsider takes precedence over all other motions and questions, except a motion to adjourn.

(2) (a) Except as provided in Subsection (2)(b), a motion to reconsider is debatable.

(b) A motion to reconsider is nondebatable only if the action it seeks to reconsider is nondebatable.

(3) When a motion to reconsider is made, the presiding officer shall:

(a) allow the proponents a total of five minutes to address the issue;

(b) allow the opponents a total of five minutes to address the issue; and

(c) allow the proponents one minute to sum up.

(4) (a) A motion to reconsider a vote on the final passage of a piece of legislation requires approval by a constitutional majority of representatives.

(b) [~~Upon~~] Except as provided in HR4-4-401, upon adoption of a motion to reconsider and if the legislation is in possession of the House, the presiding officer shall ensure that the legislation is placed at the top of the third reading calendar.

(c) The House may not reconsider a piece of legislation more than once.

Section ~~9~~14. **Effective date.**

This resolution takes effect upon a successful vote for final passage.