

HR0004S01 compared with HR0004

~~deleted text~~ shows text that was in HR0004 but was deleted in HR0004S01.

inserted text shows text that was not in HR0004 but was inserted into HR0004S01.

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Representative James A. Dunnigan proposes the following substitute bill:

HOUSE RULES RESOLUTION ~~{}~~ AMENDMENTS TO HOUSE RULES

2023 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: James A. Dunnigan

LONG TITLE

General Description:

This resolution modifies legislative rules governing the House of Representatives.

Highlighted Provisions:

This resolution:

- ▶ modifies references to members of House staff;
- ▶ prohibits a standing committee from reviewing legislation without an approved fiscal note;
- ▶ amends the circumstances under which a standing committee may recommend legislation be placed on the consent calendar;
- ▶ allows a standing committee member to make a motion to recess without a quorum present;
- ▶ prohibits a representative from reading a written speech or using a display, exhibit,

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demonstration, or prop during debate on the House floor; and

- ▶ makes corrections to House rules, including eliminating obsolete language and clarifying existing requirements.

Special Clauses:

This resolution provides a coordination clause.

Legislative Rules Affected:

AMENDS:

~~HR1-1-101~~

HR1-4-201

HR1-4-202

HR1-5-201

HR1-5-202

HR1-5-301

HR3-1-101

HR3-1-102

HR3-1-103

HR3-2-306

HR3-2-310

HR3-2-318

HR3-2-319

HR3-2-401

HR3-2-402

HR3-2-405

HR3-2-406

HR3-2-408

HR3-2-510

HR4-2-201

HR4-4-101

HR4-4-201

HR4-4-202

HR4-4-301

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HR4-4-501

HR4-6-105.5

HR4-7-102

HR4-7-104

HR4-8-104

HR4-9-101

HR4-9-103

ENACTS:

HR1-4-301

HR1-4-302

REPEALS AND REENACTS:

HR1-4-101

HR1-4-102

Legislative Rules Affected by Coordination Clause:

HR3-3-101

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 new Legislature convening in odd-numbered years:~~

~~———— (2) Except as provided in this rule:~~

~~———— (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] presiding officer shall announce to the House that the previously adopted rules apply to the newly convened session.~~

~~———— (3) (a) Except as otherwise provided in this Subsection (3), additional rules may be adopted and existing rules may be suspended, amended, or repealed by a majority vote.~~

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- ~~—— (b) The following rules require a two-thirds vote to suspend:~~
- ~~—— (i) rules governing limitation of debate;~~
- ~~—— (ii) rules governing a motion to end debate (call the previous question);~~
- ~~—— (iii) rules governing motions for lifting tabled legislation from committee;~~
- ~~—— (iv) rules governing consideration or reconsideration of legislation during the last three days of a session;~~
- ~~—— (v) rules governing voting in Title 4, Chapter 7, Voting; and~~
- ~~—— (vi) rules that include a two-thirds voting requirement.~~
- ~~—— (c) A rule that includes a constitutional majority voting requirement may only be suspended by a constitutional majority vote.~~
- ~~—— (d) A rule that includes a constitutional two-thirds voting requirement may only be suspended by a constitutional two-thirds vote.~~
- ~~—— (e) 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.~~
- ~~—— (4) 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] presiding officer shall announce to the House that the previously adopted rules apply to the newly convened Legislature.~~

‡ Section ~~{2}~~1. **HR1-4-101** is repealed and reenacted to read:

Part 1. ~~{}~~House Chief of Staff

HR1-4-101. Appointment of the House chief of staff.

The speaker or speaker-elect of the House shall appoint an individual to serve as chief of staff of the House.

Section ~~{3}~~2. **HR1-4-102** is repealed and reenacted to read:

HR1-4-102. Duties of the House chief of staff.

The chief of staff shall perform duties as assigned by the speaker or speaker-elect.

Section ~~{4}~~3. **HR1-4-201** is amended to read:

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HR1-4-201. Appointment of sergeant-at-arms.

~~[The speaker or speaker-elect of the House]~~ The chief of staff or the chief of staff's designee shall appoint a person to serve as sergeant-at-arms of the Utah House of Representatives.

Section ~~{5}~~4. HR1-4-202 is amended to read:

HR1-4-202. Duties of the sergeant-at-arms.

~~[The]~~ Subject to the chief of staff's or the chief of staff's designee's direction, the sergeant-at-arms and the employees under the sergeant's direction shall:

- (1) maintain security in areas controlled by the House;
- (2) enforce the House Rules ~~[at the direction of the presiding officer of the House];~~
- (3) enforce the ~~[provision]~~ provisions of Utah Code Title 26, Chapter 38, Utah Indoor Clean Air Act, in areas controlled by the House;
- (4) when the House is convened in annual general session or special session, receive and, in coordination with ~~[the chief clerk]~~ House staff, transmit written messages to representatives on the House floor from or on behalf of individuals who are present at the capitol; and
- (5) provide other service as requested by the ~~[chief clerk]~~ chief of staff or the speaker.

Section ~~{6}~~5. HR1-4-301 is enacted to read:

Part 3. ~~{}~~Chief Clerk of the House

HR1-4-301. Appointment of the chief clerk.

(1) The speaker or speaker-elect of the House ~~{, or the speaker's or speaker-elect's designee.}~~ shall appoint an individual to serve as chief clerk of the House.

(2) The chief clerk reports to the chief of staff.

Section ~~{7}~~6. HR1-4-302 is enacted to read:

HR1-4-302. Duties of the chief clerk.

~~{~~ ~~Subject to the chief of staff's direction, the}~~ The chief clerk shall perform the following duties:

(1) certify and transmit legislation to the Senate and inform the Senate of all House action;

(2) assist in the preparation of the House Journal and certify it as an accurate reflection of House action;

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(3) make the following technical corrections to legislation either before or following final passage:

- (a) correct the spelling of words;
- (b) correct the erroneous division and hyphenation of words;
- (c) correct mistakes in numbering sections and their references;
- (d) capitalize words or change capitalized words to lower case;
- (e) change numbers from words to figures or from figures to words; or
- (f) underscore or remove underscoring in legislation without a motion to amend;

(4) modify the long title of a piece of legislation to ensure that the long title accurately reflects any changes to the legislation made by amendment or substitute;

- (5) act as custodian of all official documents related to legislation;
- (6) receive all numbered legislation from the Office of Legislative Research and

General Counsel;

(7) record the number, title, sponsor, each action, and final disposition of each piece of legislation on the legislation;

- (8) prepare and distribute the daily order of business each day;
- (9) advise the speaker on parliamentary procedure, Joint Rules, and House Rules;
- (10) assist with amendments to legislation;
- (11) record votes and, if requested, present the results to the speaker;
- (12) record the votes of any member who is present in the House chamber who

requests assistance of the chief clerk;

- (13) transmit all enrolled House bills and House concurrent resolutions to the

governor;

(14) approve material for placement on the representatives' desks if a representative has authorized that distribution;

- ~~(14)~~15) maintain all calendars for the House floor; and
- ~~(15)~~16) other duties as assigned by the chief of staff.

Section ~~8~~7. HR1-5-201 is amended to read:

HR1-5-201. Scheduling guest speakers.

- (1) As used in this rule:
 - (a) "Guest speaker" means a person who is scheduled to address the House of

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Representatives who is not a representative.

(b) "Guest speaker" does not include:

(i) a person who is called to address the House on a particular piece of legislation or issue under consideration by the House; or

(ii) a representative's introduction or acknowledgment of a visitor or special guest who does not address the House.

(2) Before a guest speaker may address the House, the [~~chief clerk, under the direction of the speaker,~~] speaker must schedule the guest speaker for a time certain on the House daily order of business.

Section ~~{9}~~8. **HR1-5-202** is amended to read:

HR1-5-202. Executive session.

(1) The House of Representatives shall comply with the requirements of Utah Code Title 52, Chapter 4, Open and Public Meetings Act, when holding an executive session.

(2) When the House of Representatives approves a motion to go into executive session, the sergeant-at-arms shall close the House chamber doors.

(3) The presiding officer may require that all persons, except the representatives [~~chief clerk, journal clerk, and sergeant-at-arms~~] and specified staff leave the chamber, halls, gallery, and lounge.

(4) During the executive session, everyone present must remain within the chamber.

(5) Everyone present shall keep all matters discussed in executive session confidential.

(6) During the executive session, those within the chamber may not communicate with anyone outside the chamber by verbal, written, electronic, or any other means.

Section ~~{10}~~9. **HR1-5-301** is amended to read:

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

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

(b) If the motion is approved by a majority of the members present, the [~~chief clerk~~] presiding officer shall place the legislation on the time certain calendar.

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

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calendar or the consent calendar.

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

Section ~~{11}~~10. **HR3-1-101** is amended to read:

HR3-1-101. House Rules Committee -- Appointment -- General responsibilities.

(1) The speaker shall appoint members of the House of Representatives to serve on the House Rules Committee.

(2) The House Rules Committee shall perform the following functions as further elaborated in this part:

(a) receive introduced legislation from the House and recommend that the legislation be assigned to a House standing committee or to the House third reading calendar;

(b) receive legislation from the House that has been sent back to the House Rules Committee from the third reading calendar, and recommend to the House which legislation should be assigned to the third reading calendar and the order in which it should be heard; and

(c) function as a standing committee or interim committee when reviewing Joint Rules, [~~Interim Rules,~~] House Rules, or other legislation.

Section ~~{12}~~11. **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 examine the legislation [~~referred to it~~] for proper form, including fiscal note and committee note, if any, and either:

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

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

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

(A) has received a favorable recommendation from a House standing committee;

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

(C) has received a favorable recommendation from the House Rules Committee meeting as a standing committee as permitted under HR3-1-101; or

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~~[(D) was approved by a unanimous vote of the members present at an interim committee meeting and met the posting requirements of JR7-1-602.5; or]~~

(b) hold the legislation.

~~[(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:]~~

~~[(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]~~

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

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

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

~~[(4)] (3) In carrying out the House Rules Committee's functions and responsibilities under this rule, the 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.~~

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

~~[(6)] (5) When the House Rules Committee is carrying out the committee's functions and responsibilities under this rule, the committee shall:~~

~~(a) when the Legislature is in session, give notice of the committee's meetings according to the requirements of HR3-1-106;~~

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

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before the meeting convenes;

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

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

~~[(7)]~~ (6) House 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 ~~{13}~~12. **HR3-1-103** is amended to read:

HR3-1-103. House Rules Committee -- Standing and interim committee duties.

(1) The House Rules Committee has all the powers, functions, and duties of a standing committee or interim committee when it reviews proposed House Rules, ~~[Interim Rules,]~~ Joint Rules resolutions, or other legislation.

(2) Any rules resolutions or legislation reviewed and approved by the House Rules Committee may be reported directly to the House for ~~[its approval, amendment, or disapproval]~~ consideration.

(3) When meeting as a standing committee or interim committee under this rule, ~~[persons]~~ individuals other than committee members may address the committee at the discretion of the chair.

(4) When meeting as a standing committee or interim committee under this rule, the House Rules Committee shall comply with the provisions of Utah Code Title 52, Chapter 4, Open and Public Meetings Act.

Section ~~{14}~~13. **HR3-2-306** is amended to read:

HR3-2-306. Sponsor presentation.

(1) (a) Except as provided in Subsection (2), during the presentation phase, a committee member may not amend legislation, substitute legislation, or dispose of legislation.

(b) All other motions are in order during the presentation phase.

(2) During the presentation phase of a committee meeting, the chair may accept a ~~[simple]~~ motion to amend legislation if the chair permits:

(a) committee questions and debate;

(b) public comment as provided in HR3-2-308;

(c) the sponsor of the legislation affected by the amendment to respond to the motion to amend; and

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(d) the committee member who made the motion to amend to have the final word on the motion as required under HR3-2-313.

(3) During the presentation phase of a standing committee meeting, the chair shall:

(a) permit the legislative sponsor to present the sponsor's legislation; and

(b) except as provided in Subsection (4), and at the election of the legislative sponsor, permit [~~persons~~] individuals who have expertise on the legislation to assist with the presentation as provided in HR3-2-304.

(4) The chair may not permit a legislative intern or a legislative aide to present legislation.

Section ~~{15}~~14. **HR3-2-310** is amended to read:

HR3-2-310. Chair to preserve order -- Powers to preserve order.

(1) The chair shall preserve order and decorum during standing committee meetings by:

(a) controlling outbursts and demonstrations; and

(b) ensuring that committee members, presenters, witnesses, and visitors act in a dignified and respectful manner.

(2) To preserve order, the chair may:

(a) clear the committee room of any person who engages in disorderly conduct;

(b) recess a standing committee meeting without a motion; or

(c) request assistance from:

(i) the sergeant-at-arms; or

(ii) the Utah Highway Patrol.

Section ~~{16}~~15. **HR3-2-318** is amended to read:

HR3-2-318. Chair to send standing committee reports to the House.

(1) When a standing committee approves a motion to dispose of legislation under the requirements of HR3-2-408 or HR3-2-403, the chair shall, no later than the next legislative day, submit to the chief clerk of the House:

(a) the official version of the legislation; and

(b) a committee report, signed by the chair, describing the committee's action.

(2) (a) A committee member who dissents from a motion to dispose of legislation may request to be listed by name on the committee report.

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(b) If a committee member requests to be listed by name on a committee report, the committee report shall include the name of the committee member.

(3) If, for any reason, the chair does not submit a committee report to the chief clerk of the House as required in Subsection (1), the chief clerk of the House shall ensure that the official version of the legislation and the committee report are submitted before the end of the second legislative day after the ~~[legislation was acted on by a standing committee]~~ committee disposed of the legislation.

Section ~~{17}~~16. **HR3-2-319** is amended to read:

HR3-2-319. Chair to ensure integrity of minutes -- Retention of minutes.

(1) The chair shall:

(a) ensure that a secretary takes minutes of standing committee meetings;

(b) present the minutes to the committee for approval; and

(c) send the approved minutes to ~~[the office of the chief clerk of]~~ the House.

~~[(2) The chief clerk of the House shall retain committee minutes for three years.]~~

~~[(3)]~~ (2) The chair shall ensure that committee minutes comply with the requirements of Utah Code Title 52, Chapter 4, Open and Public Meetings Act.

~~[(4) The chair shall ensure that committee minutes include:]~~

~~[(a) the date, time, and place of each committee meeting;]~~

~~[(b) a list of committee members present;]~~

~~[(c) each motion made;]~~

~~[(d) the vote on each motion;]~~

~~[(e) points of order; and]~~

~~[(f) the outcome of each appeal of the decision of the chair.]~~

Section ~~{18}~~17. **HR3-2-401** is amended to read:

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

(1) Except as provided in Subsection (2), the House of Representatives may not pass a bill, joint resolution, or concurrent resolution during the annual general session unless a House 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~~

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~~an interim committee meeting]~~ is a committee bill as defined in JR7-1-101 that:

(i) received its favorable recommendation by a unanimous vote of the members present at the authorized legislative committee; and

(ii) satisfied the posting requirements described in JR7-1-602.5;

(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 ~~{19}~~18. **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 shall review legislation before the legislation is held in the opposite house because of its fiscal impact.

Section ~~{20}~~19. **HR3-2-405** is amended to read:

HR3-2-405. Consent calendar -- Nonbinding resolutions -- Committee recommendations ~~{-- Licensure review reports--}~~.

(1) As used in this rule, "nonbinding resolution":

(a) means a resolution that:

(i) is primarily for the purpose of recognizing, honoring, or memorializing an individual, group, or event;

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

(iii) is informational or promotional in nature; and

(b) does not mean:

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(i) a rules resolution;
(ii) a resolution for a constitutional amendment; or
(iii) any resolution that approves or authorizes any action, requires any substantive action to be taken, or results in a change in law, policy, or funding.

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

(b) A nonbinding resolution may be moved to the time certain calendar or other calendar by a majority vote of those present.

(3) A standing committee may recommend that legislation in the standing committee's possession be placed on the consent calendar if:

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

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

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

~~[(4) If, in accordance with HR3-1-102, the House Rules Committee forwards a summary report from the Occupational and Professional Licensure Review Committee in 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 ~~{21}~~20. **HR3-2-406** is amended to read:

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

(1) (a) Subject to Subsection (2) and HR3-2-306, and if recognized by the chair during the [sponsor] presentation phase or 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 15 or fewer words.

(ii) Unless the amendment contains 15 or fewer words, before proposing a motion to amend, a committee member shall ensure that a copy of the proposed amendment is available online.

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

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

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

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

(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 HR3-2-506.

Section ~~{22}~~21. **HR3-2-408** is amended to read:

HR3-2-408. Legislation tabled in a standing committee -- Requirements.

(1) If legislation is tabled, the chair shall list the tabled legislation on the committee agenda for the next committee meeting.

(2) At the next committee meeting, the committee may, by a two-thirds vote, lift the tabled legislation from the table.

(3) If a motion to lift tabled legislation is successful, the standing committee may make any motion on the legislation that is authorized under this chapter.

(4) (a) If legislation is tabled by a committee and the legislation is not lifted from the table at the committee's next meeting, the committee chair shall submit a committee report to the chief clerk of the House informing the House that the legislation was tabled.

(b) After reading the committee report on the tabled legislation, the [~~chief clerk of the House~~] presiding officer shall send the tabled legislation to the House Rules Committee for filing.

(5) After tabled legislation is sent to the House Rules Committee for filing, a representative may not make a motion to:

(a) lift the tabled legislation from the House Rules Committee and place it on the third reading calendar; or

(b) lift the tabled legislation from the House Rules Committee and refer it to a standing committee for consideration.

Section ~~{23}~~22. **HR3-2-510** is amended to read:

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HR3-2-510. Prohibited motions.

(1) (a) Except for a motion to adjourn or a motion to recess, a committee member may not make a motion unless a quorum of the standing committee is present.

(b) When a quorum is not present, a motion to adjourn or a motion to recess is passed with a majority vote of those present.

(2) No motion is in order during a vote.

(3) A point of order is not in order during a vote.

(4) A committee member may not make a motion to:

(a) strike the enacting clause of legislation;

(b) strike the resolving clause of a resolution;

(c) circle legislation;

(d) place legislation on a time certain calendar;

(e) postpone legislation to a day certain; or

(f) postpone legislation indefinitely.

Section ~~{24}~~23. HR4-2-201 is amended to read:

HR4-2-201. Point of order.

(1) (a) If a representative believes that there has been a breach of order, a breach of rules, or a breach of established parliamentary practice, the representative may rise and, without being recognized, state: "point of order."

(b) When a representative raises a point of order:

(i) the presiding officer shall interrupt the proceedings;

(ii) the representative who has the floor shall yield the floor; and

(iii) the presiding officer shall ask the representative raising the point of order to "state your point."

(c) When the presiding officer responds "state your point," the representative shall briefly explain the alleged breach to the body, citing to appropriate authority if possible.

(2) (a) The presiding officer may:

(i) speak to points of order in preference to other representatives rising for that purpose;

(ii) rule on the point of order immediately;

(iii) consult with [~~the chief clerk~~] staff, the parliamentarian, or both before ruling on

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the point of order; or

(iv) suggest that the House recess until the presiding officer can research and rule on the point of order.

(b) (i) Although points of order are generally decided without debate, the presiding officer may submit the point of order to the House for decision in doubtful cases.

(ii) If submitted to the House for decision, a presiding officer shall allow debate or discussion on the point of order by recognizing members of the House who wish to speak to the point of order.

(iii) A decision by the House deciding a point of order is not subject to appeal.

(3) When the presiding officer rules on the point of order, any representative who disagrees with the presiding officer's decision may appeal that decision to the House by following the procedures and requirements of HR4-2-202.

Section ~~(25)~~24. **HR4-4-101** is amended to read:

HR4-4-101. Committee reports -- Second reading calendar.

(1) [~~The chief clerk of the House or the chief clerk's designee~~] House staff shall:

(a) read to the House each standing committee report submitted to the House; and

(b) read the legislation by title unless the House suspends this requirement by a two-thirds vote.

(2) (a) If the House passes a motion to adopt the committee report, the amendments and substitutes adopted by the committee and identified on the committee report become legally part of the legislation.

(b) If a motion to adopt the committee report fails, the [~~chief clerk~~] presiding officer shall return the legislation to the House Rules Committee.

(3) A majority vote of the House is required to:

(a) approve a motion to adopt the committee report; and

(b) pass the legislation on second reading to the third reading or consent calendar.

(4) The placement of a piece of legislation on a House reading calendar is the second reading of that legislation.

Section ~~(26)~~25. **HR4-4-201** is amended to read:

HR4-4-201. Third reading calendar -- Procedures.

(1) (a) For the third reading on a piece of legislation, [~~the chief clerk of the House or~~

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~~the chief clerk's designee~~] House staff shall read the legislation by title unless the House suspends this requirement by a two-thirds vote.

(b) (i) After reading the title of the legislation, [~~the chief clerk or the chief clerk's designee~~] House staff shall identify the House standing committee that reviewed the legislation and the vote in that committee.

(ii) If the legislation has not been reviewed by a House standing committee, [~~the chief clerk or the chief clerk's designee~~] House staff shall announce that the legislation was not reviewed by a House standing committee.

(2) When [~~the chief clerk or the chief clerk's designee~~] House staff has completed the third reading of the legislation, the legislation is before the House for debate.

(3) When debate on the legislation is complete, the presiding officer shall take the final vote on the legislation.

Section ~~{27}~~26. **HR4-4-202** is amended to read:

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

(1) Except as provided in Subsection (2), ~~{}~~the chief clerk or the chief clerk's designee ~~{ the presiding officer }~~ shall:

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

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

(c) for a piece of House legislation that has passed both houses, ~~{}~~follow ~~{ ensure }~~ the procedures and requirements of JR4-5-101 ~~{ are followed }~~;

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

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

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

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

(i) a representative gives notice of intention to move for reconsideration to the chief clerk or ~~{}~~ chief of staff; the presiding officer;

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

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

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

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

Section ~~{28}~~ 27. **HR4-4-301** is amended to read:

HR4-4-301. Consent calendar.

(1) The [~~chief clerk or the chief clerk's designee~~] presiding officer shall place legislation on the consent calendar if:

(a) a standing committee report recommends that the legislation be placed on the consent calendar and the standing committee report is adopted by the House; or

(b) the legislation is a nonbinding resolution as provided in HR3-2-405.

(2) If the chief clerk receives written objections to a piece of legislation from six or more representatives, the ~~{}~~ chief clerk ~~{}~~ presiding officer shall:

(a) remove the legislation from the consent calendar;

(b) inform the sponsor that the legislation has been removed from the consent calendar;

and

(c) place the legislation at the bottom of the third reading calendar.

(3) When legislation is removed from the consent calendar, the presiding officer shall inform the House of its removal.

(4) (a) If, after two calendar days, no more than five members have registered written objections to the legislation with the chief clerk:

(i) the legislation shall be read the third time;

(ii) the presiding officer shall grant the sponsor of the legislation two minutes to introduce and explain the legislation; and

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(iii) the presiding officer shall pose the question and take the final vote on the legislation.

(b) The presiding officer may not allow debate on legislation on the consent calendar.

(5) (a) If the representative sponsoring the legislation on the consent calendar is absent from the floor when the legislation is ready to be read for the third time and considered for passage, a representative may make a motion to circle the legislation.

(b) If the motion to circle is successful and the representative sponsoring the legislation has not moved to uncircle the legislation before floor time is recessed or adjourned, the bill shall be placed on the bottom of the third reading calendar.

Section ~~{29}~~28. **HR4-4-501** is amended to read:

HR4-4-501. Time certain calendar.

The [~~chief clerk or the clerk's designee~~] presiding officer shall place on the time certain calendar legislation or other matters approved by the House for a time certain under:

- (1) HR1-5-301; or
- (2) other rules allowing matters to be set for a time certain.

Section ~~{30}~~29. **HR4-6-105.5** is amended to read:

HR4-6-105.5. Prohibited references during debate.

(1) During debate on the House floor, a representative may not:

(a) allude to or discuss what was done or said in committee in relation to the legislation under debate, except that a representative may allude to or discuss information contained on a House or Senate committee report[-];

(b) use a display, exhibit, demonstration, or prop, including an individual who is present on the House floor, to illustrate the representative's remarks or to emphasize the representative's position; or

(c) read from a written, prepared speech.

(2) During debate on the House floor, a representative may use notes when delivering a speech.

(3) Nothing in this rule affects a representative's ability to seek approval in accordance with HR1-4-302(14) to have material placed on the representatives' desks.

Section ~~{31}~~30. **HR4-7-102** is amended to read:

HR4-7-102. Number of votes required for passage.

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Unless otherwise specified in these rules:

(1) each piece of legislation requires a constitutional majority vote -- 38 votes -- to pass;

(2) amendments to the Utah Constitution, legislation described in Utah Constitution, Article VI, Section 25 that is intended to take effect earlier than 60 days after adjournment of the session in which it passes, amendments to court rules, and certain motions specified in these rules require a constitutional two-thirds vote -- 50 votes -- to pass; and

(3) a motion requires a majority vote to pass.

Section ~~{32}~~31. **HR4-7-104** is amended to read:

HR4-7-104. Disturbing House staff during voting prohibited.

While an electronic vote or roll call vote is being taken, a person may not disturb or remain by the desks of [~~the chief clerk of the House, the docket clerk, the minute clerk, the voting machine operator, or the public address system operator~~] House staff conducting or helping to conduct the roll call vote.

Section ~~{33}~~32. **HR4-8-104** is amended to read:

HR4-8-104. Process for conducting a call of the House.

(1) During a call of the House:

- (a) a representative present in the chamber may not leave the chamber; and
- (b) the sergeant-at-arms or the sergeant's designees shall close the doors to the House chamber.

(2) After ordering the call of the House, the presiding officer shall:

- (a) [~~in consultation with the chief clerk,~~] identify any absent representatives; and
- (b) provide the sergeant-at-arms with the names of those representatives who are absent but who have not asked to be excused.

(3) The sergeant-at-arms or the sergeant's designees shall:

- (a) search for the absent representatives;
- (b) if they are found, escort them to the House chamber; and
- (c) make a report to the House about the sergeant's efforts.

Section ~~{34}~~33. **HR4-9-101** is amended to read:

HR4-9-101. Motion to reconsider.

(1) As used in this rule, "legislative day" means a day when the House of

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Representatives convenes in the House chamber and conducts House business.

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

(b) If the motion to reconsider is to reconsider passage of a piece of legislation, the representative making the motion shall include the number and short title of the legislation as part of the motion.

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

(d) 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 House adjourns on the legislative day after the legislative day on which the action sought to be reconsidered occurred; and
- (iii) by a representative who previously served notice to the chief clerk or the presiding officer.

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

Section ~~{35}~~34. **HR4-9-103** is amended to read:

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

(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

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requires approval by a constitutional majority of representatives.

(b) Upon adoption of a motion to reconsider and if the legislation is in possession of the House, the [~~chief clerk~~] 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 ~~36~~35. **Coordinating H.R. 4 and H.R. 1 -- Substantive amendments.**

If this H.R. 4 and H.R. 1, House Rules Resolution - House Committee Security, both pass, it is the intent of the Legislature that the Office of Legislative Research and General Counsel, in preparing the House Rules for publication, amend HR3-3-101(2)(c) in H.R. 1 to read:

"(c) recess the meeting without a motion; or".