

**JOINT RULES RESOLUTION - INTERIM  
RULES RECODIFICATION**

2005 GENERAL SESSION

STATE OF UTAH

**Sponsor: Michael G. Waddoups**

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**LONG TITLE**

**General Description:**

This resolution recodifies interim rules.

**Highlighted Provisions:**

This resolution:

- ▶ renumbers and rewrites rules governing interim committees and special committees.

**Special Clauses:**

This resolution takes effect immediately.

**Legislative Rules Affected:**

ENACTS:

**IR1-1-101**

**IR1-1-201**

**IR1-1-202**

**IR1-1-203**

**IR2-1-101**

**IR2-1-102**

**IR2-2-101**

**IR2-2-102**

**IR3-1-101**

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**IR3-1-104**

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**IR3-3-201**

**IR3-4-101**

**IR3-4-102**

**IR3-4-201**

**IR3-4-202**

**IR3-4-203**

**IR3-4-204**

**IR3-4-301**

**IR3-4-302**

**IR3-4-303**

**REPEALS:**

**IR-1.01**

**IR-1.02**

**IR-2.01**

**IR-2.02**

**IR-2.03**

**IR-2.04**

**IR-2.05**

**IR-2.06**

**IR-2.07**

**IR-2.08**

**IR-2.09**

**IR-3.01**

- IR-3.02
- IR-3.03
- IR-3.05
- IR-4.01
- IR-4.02
- IR-4.03
- IR-4.04
- IR-4.05
- IR-4.06
- IR-4.07
- IR-4.08
- IR-4.09
- IR-4.10
- IR-5.01
- IR-5.02

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*Be it resolved by the Legislature of the state of Utah:*

Section 1. **IR1-1-101** is enacted to read:

**TITLE 1. COMMITTEE AND TASK FORCE ORGANIZATION AND STRUCTURE**

**CHAPTER 1. GENERAL PROVISIONS AND ORGANIZATION**

**Part 1. General Provisions**

**IR1-1-101. Definitions.**

As used in this title:

(1) (a) "Interim Committee" means a committee established in Rule IR1-1-201 that is composed of members of the Senate and House, meeting jointly.

(b) "Interim committee" does not mean a standing committee as designated in SR-24.05 and HR-24.05.

(2) "Special Committee" means a legislative committee or task force that is not an

interim committee.

(3) "Subcommittee" means a subsidiary unit of an interim committee or special committee.

Section 2. **IR1-1-201** is enacted to read:

**Part 2. Organization**

**IR1-1-201. Interim Committees Established -- Membership -- Chairs -- Chair**

**Duties.**

(1) The President of the Senate and the Speaker of the House shall:

(a) appoint members from their respective chambers to serve on the following joint interim committees:

(i) Business and Labor Interim Committee;

(ii) Education Interim Committee;

(iii) Government Operations Interim Committee;

(iv) Health and Human Services Interim Committee;

(v) Judiciary Interim Committee;

(vi) Law Enforcement and Criminal Justice Interim Committee;

(vii) Natural Resources, Agriculture, and Environment Interim Committee;

(viii) Political Subdivisions Interim Committee;

(ix) Public Utilities and Technology Interim Committee;

(x) Retirement and Independent Entities Interim Committee;

(xi) Revenue and Taxation Interim Committee;

(xii) Transportation Interim Committee; and

(xiii) Workforce Services and Community and Economic Development Interim Committee; and

(b) appoint one member from their chamber to serve as cochair of each interim committee.

(2) The chairs of each interim committee, meeting jointly, shall:

(a) determine the agenda for committee meetings;

- (b) assist and give direction to staff in the conduct of the committee's business; and
- (c) perform other duties assigned by the committee.

Section 3. **IR1-1-202** is enacted to read:

**IR1-1-202. Interim Committees -- Creation and Organization of Subcommittees.**

(1) An interim committee may establish one or more subcommittees if:

(a) a majority of the interim committee votes to create the subcommittee;

(b) the per diem and expenses of the subcommittee members can be adequately covered within the budget of the interim committee; and

(c) the interim committee solicits and receives approval from the Legislative Management Committee to create the subcommittee.

(2) The interim committee shall establish the powers and duties of the subcommittee.

(3) The cochairs of the interim committee shall:

(a) appoint at least four legislators to serve on the subcommittee from the membership of the interim committee that created the subcommittee; and

(b) appoint at least one legislator who is a member of the interim committee that created the subcommittee as chair of the subcommittee.

Section 4. **IR1-1-203** is enacted to read:

**IR1-1-203. Special Committees -- Creation and Organization of Subcommittees.**

(1) A special committee may not create a subcommittee unless:

(a) the legislation creating the special committee authorizes the creation of a subcommittee; and

(b) the per diem and expenses of the subcommittee members can be adequately covered from the budget of the special committee.

(2) Notwithstanding Subsection (1), a special committee may create a subcommittee if:

(a) the legislation creating the special committee does not explicitly prohibit the creation of a subcommittee;

(b) the Legislative Management Committee approves creation of the subcommittee; and

(c) the per diem and expenses of the subcommittee members can be adequately covered

from the budget of the special committee.

Section 5. **IR2-1-101** is enacted to read:

**TITLE 2. DUTIES OF INTERIM COMMITTEES**

**CHAPTER 1. INTERIM COMMITTEES - GENERAL RESPONSIBILITIES**

**IR2-1-101. Interim Committees -- General Duties.**

Each interim committee shall:

- (1) receive study assignments by resolution from the Legislature;
- (2) receive study assignments from the Legislative Management Committee;
- (3) investigate and study possibilities for improvement in government services within its subject area;
- (4) request and receive research reports from professional legislative staff pertaining to the committee's study agenda;
- (5) if useful, request, and if necessary, subpoena, testimony from government officials, private organizations, and members of the public on issues being studied by the committee;
- (6) make recommendations to the Legislature for legislative action; and
- (7) prepare and recommend legislation to the Legislature based upon the committee's studies.

Section 6. **IR2-1-102** is enacted to read:

**IR2-1-102. Interim Committees -- Initiating its Own Studies -- Process.**

- (1) (a) An interim committee that wishes to study one or more matters not assigned to it may submit a written request for permission to study the matter to the Legislative Management Committee.
- (b) The committee shall ensure that the request contains a brief description of the proposed study and the name of the sponsor, if one exists.
- (c) The interim committee or the sponsor may attach any explanatory or supplementary materials to the request to assist the Legislative Management Committee in its deliberations.
- (2) An interim committee may place matters on its agenda in addition to those assigned to it when, after requesting permission from the Legislative Management Committee to study a

matter:

- (a) it receives explicit permission or direction from the Legislative Management Committee to study the matter; or
- (b) the request has not been affirmatively disapproved by the Legislative Management Committee within 30 days of receipt of the request.

Section 7. **IR2-2-101** is enacted to read:

**CHAPTER 2. INTERIM COMMITTEES - OTHER RESPONSIBILITIES**

**IR2-2-101. Interim Committees -- Reviewing Audit Reports.**

When an interim committee or a special committee receives an audit report from the Audit Subcommittee of the Legislative Management Committee for its review, the committee shall:

- (1) review and consider whether or not the recommendations in the audit report should be implemented;
- (2) request legislation or recommend appropriations to the Executive Appropriations Committee, if appropriate; and
- (3) report its actions to the Audit Subcommittee.

Section 8. **IR2-2-102** is enacted to read:

**IR2-2-102. Interim Committees -- Review of Rules Referred by Administrative Rules Review Committee.**

When an interim committee receives an administrative rule for review from the Administrative Rules Review Committee, the interim committee may review that rule and make recommendations to the Legislative Management Committee and the Administrative Rules Review Committee about whether or not the rule should be repealed.

Section 9. **IR3-1-101** is enacted to read:

**TITLE 3. REQUIREMENTS FOR AND CONDUCT OF COMMITTEE**

**AND TASK FORCE MEETINGS**

**CHAPTER 1. MEETINGS**

**IR3-1-101. Interim Committees -- Joint Meetings -- Location of Meetings -- Notice**

**of Meetings.**

(1) The corresponding interim committees of each chamber shall meet jointly, unless otherwise determined by the chair of each interim committee.

(2) (a) Each interim committee shall meet at the time and in the room assigned by the Legislative Management Committee.

(b) An interim committee may meet at additional times or in other locations as determined by the chairs, if reasonable notice is issued as required by Utah Code Title 52, Chapter 4, Open and Public Meetings.

(3) Each committee chair shall ensure that each interim committee meeting is open to the public, except as otherwise provided in Utah Code Title 52, Chapter 4, Open and Public Meetings.

(4) Each committee chair shall ensure that the time, location, and agenda of each interim committee meeting is posted in the places designated by the Legislative Management Committee.

Section 10. **IR3-1-102** is enacted to read:

**IR3-1-102. Rights of Members to Attend Meetings -- Nonmembers of the Committee or Subcommittee May Not Vote.**

(1) Any member of the Legislature may:

(a) attend any meeting of an interim committee or any of its subcommittees; and

(b) if recognized by the chair, present the member's views on any subject under consideration by the committee or subcommittee.

(2) Notwithstanding Subsection (1), a legislator must be a member of the committee or subcommittee in order to vote on any decision of the committee or subcommittee.

Section 11. **IR3-1-103** is enacted to read:

**IR3-1-103. Order and Decorum -- Points of Order.**

(1) (a) The chair shall preserve order and decorum in committee meetings and hearings.

(b) The chair may order the committee room cleared of visitors if visitors engage in disorderly conduct.

(2) (a) The chair shall decide points of order, subject to an appeal to the committee by



any member of the committee.

(b) A committee member wishing to appeal a decision of the chair shall make a motion appealing the decision of the chair.

(c) The committee shall decide the point of order by a majority vote of the committee members present.

Section 12. **IR3-1-104** is enacted to read:

**IR3-1-104. Visitors.**

(1) (a) The chair shall ensure that visitors to a committee meeting or hearing sit in chairs designated for that purpose.

(b) The chair may not allow visitors to speak during a committee meeting unless:

(i) the chair specifically invites them to speak; or

(ii) the meeting has been designated a public hearing and the visitors agree to comply with any restrictions on time and order announced by the chair.

(2) The chair shall:

(a) ensure that the number of visitors, members, and staff at a hearing or meeting does not exceed the number posted by the state fire marshal as the limit of occupancy for the room where the meeting is held; and

(b) announce when the limit is reached and prevent the entry of additional persons into the room.

Section 13. **IR3-2-101** is enacted to read:

**CHAPTER 2. QUORUM AND VOTING REQUIREMENTS - MINUTES**

**Part 1. Quorum and Voting Requirements**

**IR3-2-101. Quorum Requirements.**

(1) For the purpose of determining a committee or subcommittee quorum, a majority is at least 50% in one house and more than 50% in the other.

(2) If a member of the committee or subcommittee fails to attend two consecutive meetings of a committee or subcommittee, that legislator's membership in the committee or subcommittee is not counted in determining a quorum, except for meetings that the legislator

actually attends.

Section 14. **IR3-2-102** is enacted to read:

**IR3-2-102. Voting Requirements.**

(1) For the purpose of voting in a meeting, a majority is at least 50% in one house and more than 50% in the other.

(2) After the committee votes, the chair shall:

(a) determine whether the motion passed or failed;

(b) verbally announce that the motion passed or that the motion failed; and

(c) verbally identify by name either the committee members who voted "yes" or the committee members who voted "no."

Section 15. **IR3-2-201** is enacted to read:

**Part 2. Minutes**

**IR3-2-201. Minutes.**

(1) (a) Each interim committee and each subcommittee shall keep minutes of meetings as required by Utah Code Title 52, Chapter 4, Open and Public Meetings.

(b) Meetings of interim committees and subcommittees may be electronically recorded to assist in preparing accurate minutes of the meeting.

(2) Upon approval of the minutes by the committee, the minutes are the official record of the proceedings of the committee and the electronic record, if any, may be destroyed unless the committee or subcommittee, by majority vote, directs that the electronic record be preserved.

(3) (a) Except as provided in Subsection (3)(b), each interim committee and each subcommittee shall ensure that the vote of each member on any question is recorded in the minutes of the meeting.

(b) Questions approved by unanimous vote or by a substantial majority of those present may be recorded as approved with only the names of those opposed and those absent listed in the minutes.

Section 16. **IR3-3-101** is enacted to read:

**CHAPTER 3. CONDUCT OF MEETINGS**

**Part 1. Order of Business, Debate, and Voting**

**IR3-3-101. Order of Business.**

Unless otherwise determined by the chair or by a majority vote of the interim committee, each committee or subcommittee shall substantially follow this order of business:

- (1) call of the committee to order by the chair;
- (2) approval of the minutes of any previous meeting;
- (3) announcement of the order of consideration of agenda items;
- (4) announcement of time restrictions, if any;
- (5) announcement of communications sent to the committee by the Legislative Management Committee or other entities; and
- (6) agenda business.

Section 17. **IR3-3-102** is enacted to read:

**IR3-3-102. Obtaining the Floor in Committee -- Remarks to be Germane.**

- (1) The chair may recognize any committee member who wishes to speak to a matter of business before the committee.
- (2) Upon being recognized, the committee member shall confine his remarks to the subject under discussion.

Section 18. **IR3-3-103** is enacted to read:

**IR3-3-103. Members Required to Vote.**

Each committee member present at the committee meeting shall vote "yea" or "nay" on each question put to a vote by the chair.

Section 19. **IR3-3-201** is enacted to read:

**Part 2. Public Hearings**

**IR3-3-201. Public Hearings.**

- (1) An interim committee or subcommittee may hold public hearings in addition to or instead of regular committee meetings.
- (2) The chair, subject to the approval of the committee, may adopt procedures for the orderly conduct of the hearing, including limitation of the time available for the entire hearing

and for all individual presenters, and the order in which those presenting shall address the committee.

(3) The committee may, at any time, close the public hearing and begin a regular committee meeting.

(4) Upon majority vote of the committee, any presenter's testimony may be taken under oath.

Section 20. **IR3-4-101** is enacted to read:

**CHAPTER 4. PARLIAMENTARY RULES GOVERNING INTERIM COMMITTEES**

**Part 1. Parliamentary Authority and General Parliamentary Requirements**

**IR3-4-101. Mason's Manual of Legislative Procedure.**

Where not otherwise specified in these rules, the proceedings of the interim committees and their subcommittees shall be conducted in accordance with Mason's Manual of Legislative Procedure.

Section 21. **IR3-4-102** is enacted to read:

**IR3-4-102. Suspension of Rules.**

Except for rules on motions which require a two-thirds vote, any rule not constitutionally or statutorily required may be suspended by a majority vote of a committee or subcommittee.

Section 22. **IR3-4-201** is enacted to read:

**Part 2. General Rules Governing Motions**

**IR3-4-201. Motions to be Stated Before Debate -- Withdrawing a Motion.**

(1) When a motion is made, it shall be stated by the chair before debate.

(2) When a motion is stated by the chair, it is in the possession of the committee.

(3) (a) A motion may be withdrawn at any time by the sponsor before it is divided or amended.

(b) After a motion has been divided or amended, it may be withdrawn by the sponsor only if the withdrawal of the motion is approved by a majority of the committee members present.

Section 23. **IR3-4-202** is enacted to read:

**IR3-4-202. Motions in Order During Debate.**

While a question is being debated, the chair may not accept any other motion except a motion:

- (1) to fix the time at which to adjourn;
- (2) to adjourn;
- (3) to hold;
- (4) to postpone to a time certain;
- (5) to amend or substitute; or
- (6) to call for the previous question.

Section 24. **IR3-4-203** is enacted to read:

**IR3-4-203. Motions to be Decided without Debate.**

(1) The chair may not allow debate on a motion to adjourn, a motion to recess, a motion to end debate, or an appeal of the decision of the chair on a point of order.

(2) The chair shall decide, without allowing debate, each point of order raised after a motion to adjourn, a motion to recess, or a motion to end debate is made.

Section 25. **IR3-4-204** is enacted to read:

**IR3-4-204. Substitute Motions.**

(1) A substitute motion, if adopted by a majority of the committee members present, disposes of the original motion.

(2) The chair may not accept a substitute motion to a substitute motion.

Section 26. **IR3-4-301** is enacted to read:

**Part 3. Rules Governing Specific Motions**

**IR3-4-301. Motion to Adjourn.**

A motion to adjourn is in order except:

- (1) when the committee is in the process of voting;
- (2) when a previous motion to adjourn has been defeated and there has been no intervening business; or
- (3) when another member of the committee has the floor.

Section 27. **IR3-4-302** is enacted to read:

**IR3-4-302. Motion to Hold.**

(1) (a) A successful motion to hold temporarily removes the matter from consideration by the committee.

(b) A motion to hold may include a time certain for the matter to be considered on the committee's agenda.

(c) When a motion to hold a matter has been defeated, the chair may not accept a subsequent motion to hold the same matter at the same meeting.

(2) The committee may consider the matter that is the subject of a successful motion to hold if:

(a) the chair places the matter on a future agenda; or

(b) when the public notice requirements of Utah Code Title 52, Chapter 4, Open and Public Meetings, have been met, a committee member makes a motion to consider the matter, and the committee approves the motion.

Section 28. **IR3-4-303** is enacted to read:

**IR3-4-303. Motion to End Debate.**

A motion to end debate passes only if it is approved by a two-thirds vote of the committee members present.

Section 29. **Repealer.**

This resolution repeals:

**IR-1.01, Interim Committees.**

**IR-1.02, Creation and Organization of Subcommittees.**

**IR-2.01, Meetings of Interim Committees.**

**IR-2.02, Committee Quorum.**

**IR-2.03, Committee and Subcommittee Majority; Quorum; Voting.**

**IR-2.04, Rights of Members to Attend Meetings.**

**IR-2.05, Order of Business.**

**IR-2.06, Public Hearing.**

**IR-2.07, Order and Decorum.**

**IR-2.08, Obtaining the Floor in Committee.**

**IR-2.09, Visitors.**

**IR-3.01, Committee Responsibilities.**

**IR-3.02, Minutes.**

**IR-3.03, Proposals for Studies.**

**IR-3.05, Review of Rules Referred by Administrative Rules Review Committee.**

**IR-4.01, Motions to be Stated Before Debate.**

**IR-4.02, Motions in Order During Debate.**

**IR-4.03, Withdrawing a Motion.**

**IR-4.04, Motion to Adjourn.**

**IR-4.05, Motions to be Decided without Debate.**

**IR-4.06, Substitute Motions.**

**IR-4.07, Motion to Hold.**

**IR-4.08, Motion to Postpone.**

**IR-4.09, Motion to End Debate.**

**IR-4.10, Members to Vote; Recording of Votes.**

**IR-5.01, Mason's Manual of Legislative Procedure.**

**IR-5.02, Suspension of Rules.**

**Section 30. Effective date.**

This resolution takes effect upon approval by a constitutional majority vote of all members of the Senate and House of Representatives.