

**JOINT RULES RESOLUTION - INTERIM
RULES RECODIFICATION**

2005 GENERAL SESSION

STATE OF UTAH

Sponsor: Michael G. Waddoups

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

IR3-1-102

IR3-1-103



- 28 **IR3-1-104**
- 29 **IR3-2-101**
- 30 **IR3-2-102**
- 31 **IR3-2-201**
- 32 **IR3-3-101**
- 33 **IR3-3-102**
- 34 **IR3-3-103**
- 35 **IR3-3-201**
- 36 **IR3-4-101**
- 37 **IR3-4-102**
- 38 **IR3-4-201**
- 39 **IR3-4-202**
- 40 **IR3-4-203**
- 41 **IR3-4-204**
- 42 **IR3-4-301**
- 43 **IR3-4-302**
- 44 **IR3-4-303**
- 45 **REPEALS:**
- 46 **IR-1.01**
- 47 **IR-1.02**
- 48 **IR-2.01**
- 49 **IR-2.02**
- 50 **IR-2.03**
- 51 **IR-2.04**
- 52 **IR-2.05**
- 53 **IR-2.06**
- 54 **IR-2.07**
- 55 **IR-2.08**
- 56 **IR-2.09**
- 57 **IR-3.01**
- 58 **IR-3.02**

- 59 IR-3.03
- 60 IR-3.05
- 61 IR-4.01
- 62 IR-4.02
- 63 IR-4.03
- 64 IR-4.04
- 65 IR-4.05
- 66 IR-4.06
- 67 IR-4.07
- 68 IR-4.08
- 69 IR-4.09
- 70 IR-4.10
- 71 IR-5.01
- 72 IR-5.02



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

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

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

77 **CHAPTER 1. GENERAL PROVISIONS AND ORGANIZATION**

78 **Part 1. General Provisions**

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

80 As used in this title:

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

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

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

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

89 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

121 covered within the budget of the interim committee; and

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

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

125 (3) The cochairs of the interim committee shall:

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

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

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

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

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

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

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

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

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

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

141 and

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

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

145 **TITLE 2. DUTIES OF INTERIM COMMITTEES**

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

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

148 Each interim committee shall:

149 (1) receive study assignments by resolution from the Legislature;

150 (2) receive study assignments from the Legislative Management Committee;

151 (3) investigate and study possibilities for improvement in government services within

152 its subject area;

153 (4) request and receive research reports from professional legislative staff pertaining to
154 the committee's study agenda;

155 (5) if useful, request, and if necessary, subpoena, testimony from government officials,
156 private organizations, and members of the public on issues being studied by the committee;

157 (6) make recommendations to the Legislature for legislative action; and

158 (7) prepare and recommend legislation to the Legislature based upon the committee's
159 studies.

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

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

162 (1) (a) An interim committee that wishes to study one or more matters not assigned to
163 it may submit a written request for permission to study the matter to the Legislative
164 Management Committee.

165 (b) The committee shall ensure that the request contains a brief description of the
166 proposed study and the name of the sponsor, if one exists.

167 (c) The interim committee or the sponsor may attach any explanatory or supplementary
168 materials to the request to assist the Legislative Management Committee in its deliberations.

169 (2) An interim committee may place matters on its agenda in addition to those assigned
170 to it when, after requesting permission from the Legislative Management Committee to study a
171 matter:

172 (a) it receives explicit permission or direction from the Legislative Management
173 Committee to study the matter; or

174 (b) the request has not been affirmatively disapproved by the Legislative Management
175 Committee within 30 days of receipt of the request.

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

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

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

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

182 (1) review and consider whether or not the recommendations in the audit report should

183 be implemented;

184 (2) request legislation or recommend appropriations to the Executive Appropriations
185 Committee, if appropriate; and

186 (3) report its actions to the Audit Subcommittee.

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

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

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

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

195 **TITLE 3. REQUIREMENTS FOR AND CONDUCT OF COMMITTEE**
196 **AND TASK FORCE MEETINGS**

197 **CHAPTER 1. MEETINGS**

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

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

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

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

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

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

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

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

216 (1) Any member of the Legislature may:
217 (a) attend any meeting of an interim committee or any of its subcommittees; and
218 (b) if recognized by the chair, present the member's views on any subject under
219 consideration by the committee or subcommittee.

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

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

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

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

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

228 (2) (a) The chair shall decide points of order, subject to an appeal to the committee by
229 any member of the committee.

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

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

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

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

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

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

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

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

242 (2) The chair shall:

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

245 where the meeting is held; and

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

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

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

250 **Part 1. Quorum and Voting Requirements**

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

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

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

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

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

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

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

263 (a) determine whether the motion passed or failed;

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

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

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

268 **Part 2. Minutes**

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

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

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

274 (2) Upon approval of the minutes by the committee, the minutes are the official record
275 of the proceedings of the committee and the electronic record, if any, may be destroyed unless

276 the committee or subcommittee, by majority vote, directs that the electronic record be
277 preserved.

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

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

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

285 **CHAPTER 3. CONDUCT OF MEETINGS**

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

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

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

290 (1) call of the committee to order by the chair;

291 (2) approval of the minutes of any previous meeting;

292 (3) announcement of the order of consideration of agenda items;

293 (4) announcement of time restrictions, if any;

294 (5) announcement of communications sent to the committee by the Legislative
295 Management Committee or other entities; and

296 (6) agenda business.

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

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

299 (1) The chair may recognize any committee member who wishes to speak to a matter
300 of business before the committee.

301 (2) Upon being recognized, the committee member shall confine his remarks to the
302 subject under discussion.

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

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

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

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

308 **Part 2. Public Hearings**

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

310 (1) An interim committee or subcommittee may hold public hearings in addition to or
311 instead of regular committee meetings.

312 (2) The chair, subject to the approval of the committee, may adopt procedures for the
313 orderly conduct of the hearing, including limitation of the time available for the entire hearing
314 and for all individual presenters, and the order in which those presenting shall address the
315 committee.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

345 (1) to fix the time at which to adjourn;

346 (2) to adjourn;

347 (3) to hold;

348 (4) to postpone to a time certain;

349 (5) to amend or substitute; or

350 (6) to call for the previous question.

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

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

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

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

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

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

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

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

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

363 **Part 3. Rules Governing Specific Motions**

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

365 A motion to adjourn is in order except:

366 (1) when the committee is in the process of voting;

367 (2) when a previous motion to adjourn has been defeated and there has been no
368 intervening business; or

369 (3) when another member of the committee has the floor.

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

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

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

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

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

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

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

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

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

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

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

388 Section 29. **Repealer.**

389 This resolution repeals:

390 **IR-1.01, Interim Committees.**

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

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

393 **IR-2.02, Committee Quorum.**

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

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

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

397 **IR-2.06, Public Hearing.**

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

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

- 400 **IR-2.09, Visitors.**
- 401 **IR-3.01, Committee Responsibilities.**
- 402 **IR-3.02, Minutes.**
- 403 **IR-3.03, Proposals for Studies.**
- 404 **IR-3.05, Review of Rules Referred by Administrative Rules Review Committee.**
- 405 **IR-4.01, Motions to be Stated Before Debate.**
- 406 **IR-4.02, Motions in Order During Debate.**
- 407 **IR-4.03, Withdrawing a Motion.**
- 408 **IR-4.04, Motion to Adjourn.**
- 409 **IR-4.05, Motions to be Decided without Debate.**
- 410 **IR-4.06, Substitute Motions.**
- 411 **IR-4.07, Motion to Hold.**
- 412 **IR-4.08, Motion to Postpone.**
- 413 **IR-4.09, Motion to End Debate.**
- 414 **IR-4.10, Members to Vote; Recording of Votes.**
- 415 **IR-5.01, Mason's Manual of Legislative Procedure.**
- 416 **IR-5.02, Suspension of Rules.**
- 417 **Section 30. Effective date.**
- 418 This resolution takes effect upon approval by a constitutional majority vote of all
- 419 members of the Senate and House of Representatives.

Legislative Review Note
as of 1-14-05 12:37 PM

Based on a limited legal review, this legislation has not been determined to have a high probability of being held unconstitutional.

Office of Legislative Research and General Counsel

Legislative Committee Note
as of 01-14-05 3:48 PM

The Joint House and Senate Rules Committee recommended this bill.

Fiscal Note
Bill Number SJR004

Joint Rules Resolution - Interim Rules Recodification

18-Jan-05

1:17 PM

State Impact

Provisions of this resolution can be handled within existing budgets.

Individual and Business Impact

No fiscal impact.

Office of the Legislative Fiscal Analyst