

**JOINT RESOLUTION AMENDING INTERIM
LEGISLATIVE RULES**

2005 GENERAL SESSION

STATE OF UTAH

Sponsor: Michael G. Waddoups

LONG TITLE

General Description:

This bill modifies joint interim rules.

Highlighted Provisions:

This resolution:

- ▶ expands the minimum number of subcommittee members from four to five;
- ▶ requires a legislator to obtain approval from the Legislative Expenses Oversight Committee for the legislator's chamber before qualifying for per diem for attending a committee or subcommittee meeting of which the legislator is not a member;
- ▶ modifies requirements governing the treatment of disorderly visitors;
- ▶ clarifies and modifies quorum requirements;
- ▶ modifies requirements governing sources of legislative procedure;
- ▶ clarifies requirements governing division of motions;
- ▶ clarifies requirements governing substitute motions;
- ▶ clarifies which motions may be amended;
- ▶ repeals the requirement governing suspension of the rules; and
- ▶ repeals the rule governing motions to hold.

Special Clauses:

None

Legislative Rules Affected:

AMENDS:



- 28 **IR1-1-202**
- 29 **IR3-1-102**
- 30 **IR3-1-103**
- 31 **IR3-2-101**
- 32 **IR3-4-201**
- 33 **IR3-4-204**

34 ENACTS:

- 35 **IR3-4-205**

36 REPEALS:

- 37 **IR2-1-102**
- 38 **IR3-4-101**
- 39 **IR3-4-102**
- 40 **IR3-4-302**



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

43 Section 1. **IR1-1-202** is amended to read:

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

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

- 46 (a) a majority of the interim committee votes to create the subcommittee;
- 47 (b) the per diem and expenses of the subcommittee members can be adequately
- 48 covered within the budget of the interim committee; and

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

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

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

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

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

57 Section 2. **IR3-1-102** is amended to read:

58 **IR3-1-102. Rights of Members to Attend Meetings -- Nonmembers of the**

59 **Committee or Subcommittee May Not Vote.**

60 (1) Any member of the Legislature may:

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

62 (b) if recognized by the chair, present the member's views on any subject under

63 consideration by the committee or subcommittee.

64 (2) Notwithstanding Subsection (1), a legislator must be a member of the committee or
65 subcommittee in order to:66 (a) vote on any decision of the committee or subcommittee; or67 (b) receive per diem for attending the meeting unless approval for receiving per diem is68 obtained from the Legislative Expenses Oversight Committee of the chamber in which the69 legislator is a member.70 Section 3. **IR3-1-103** is amended to read:71 **IR3-1-103. Order and Decorum -- Points of Order.**

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

73 hearings.

74 (b) The chair may order the committee room cleared of [~~visitors if visitors engage in~~
75 ~~disorderly conduct~~] any disorderly visitor.76 (2) (a) The chair shall decide points of order, subject to an appeal to the committee by
77 any member of the committee.78 (b) A committee member wishing to appeal a decision of the chair shall make a motion
79 appealing the decision of the chair.80 (c) The committee shall decide the point of order by a majority vote of the committee
81 members present.82 Section 4. **IR3-2-101** is amended to read:83 **IR3-2-101. Quorum Requirements.**84 (1) For the purpose of determining a committee or subcommittee quorum, a majority is
85 at least 50% in one house and more than 50% in the other.86 (2) If a member of the committee or subcommittee fails to attend two consecutive
87 meetings of a committee or subcommittee in any calendar year, that legislator's membership in
88 the committee or subcommittee is not counted for that calendar year in determining a quorum,
89 except for meetings that the legislator actually attends.

90 (3) Except for meetings that the legislator actually attends, legislators who are
91 members of the Legislative Management Committee are not counted in determining a quorum.

92 Section 5. **IR3-4-201** is amended to read:

93 **IR3-4-201. Motions to be Stated Before Debate -- Dividing a motion --**
94 **Withdrawing a Motion.**

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

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

97 (3) (a) If a motion contains several points, a committee member may request that the
98 motion be divided and that each part be voted upon separately.

99 (b) To be in order, the request to divide must clearly state how the question is to be
100 divided.

101 (c) Except as provided in Subsections (3)(d) and (e), if the request is in order, the chair
102 must divide the motion and take a separate vote on each part of the divided motion.

103 (d) (i) Except as provided in Subsections (3)(d)(ii) and (iii), a motion to strike out and
104 insert, or to delete and insert, is not subject to division.

105 (ii) If the committee rejects a motion to strike out and insert one proposition, a motion
106 to strike out and insert a different proposition is in order.

107 (iii) If the committee rejects a motion to delete and insert one proposition, a motion to
108 delete and insert a different proposition is in order.

109 (e) (i) The presiding officer shall determine how many divisions may be made to any
110 question.

111 (ii) The committee may seek to overrule this decision only once.

112 ~~[(3)]~~ (4) (a) A motion may be withdrawn at any time by the sponsor before it is divided
113 or amended.

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

117 Section 6. **IR3-4-204** is amended to read:

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

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

- 121 (2) The chair may not accept a substitute motion to a substitute motion.
122 Section 7. **IR3-4-205** is enacted to read:
123 **IR3-4-205. Which Motions May Be Amended (Masons Sec. 396).**
124 Each original main motion may be amended, and all other motions may be amended,
125 except the following motions:
126 (1) to adjourn;
127 (2) to appeal the decision of the chair;
128 (3) to raise a point of order;
129 (4) to divide another motion;
130 (5) to table;
131 (6) to remove from the table;
132 (7) to call the previous question;
133 (8) to amend an amendment;
134 (9) to move to the next item on the agenda;
135 (10) to call for division; or
136 (11) to reconsider.
137 Section 8. **Repealer.**
138 This resolution repeals:
139 **IR2-1-102, Interim Committees -- Initiating its Own Studies -- Process.**
140 **IR3-4-101, Mason's Manual of Legislative Procedure.**
141 **IR3-4-102, Suspension of Rules.**
142 **IR3-4-302, Motion to Hold.**

Legislative Review Note
as of 1-31-05 8:58 AM

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

Fiscal Note
Bill Number SJR013

Joint Resolution Amending Interim Legislative Rules

01-Feb-05

11:25 AM

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