

SENATE RULES REVISIONS RESOLUTION

2000 GENERAL SESSION

STATE OF UTAH

Sponsor: L. Steven Poulton

A RESOLUTION OF THE SENATE REVISING SENATE RULES; MODIFYING STANDARDS FOR RECORDING A SENATOR AS ABSENT DURING A VOTE; MAKING TECHNICAL CHANGES; AND PROVIDING AN EFFECTIVE DATE.

This resolution affects legislative rules as follows:

AMENDS:

SR-24.04.1

SR-30.03

Be it resolved by the Senate of the state of Utah:

Section 1. **SR-24.04.1** is amended to read:

SR-24.04.1. Judicial Senate Confirmation Committee Procedures.

The committee appointed by the President of the Senate to review the final judicial appointee announced by the Governor shall comply with the following procedures:

(1) After the Judicial Nominating Commission announces the final nominees and forwards those names to the Office of Legislative Research and General Counsel as required by Utah Code Annotated Section [~~20-1-7.4~~] 20A-12-104, that office shall provide the resume of each nominee to each member of the Senate.

(2) When the Governor announces the appointee selected from the final nominees, the Office of Legislative Research and General Counsel shall provide the resume of the appointee and the news release described in Subsection (4) to each member of the Senate and to the news media, including television, radio, and the major circulation newspapers in Salt Lake City and the geographical area served by the judicial office to be filled by the appointee.

(3) The Office of Legislative Research and General Counsel shall provide a copy of this rule to the appointee.

(4) The chairman of the Judicial Senate Confirmation Committee shall direct the preparation of a news release which shall include:

(a) a brief description of the judicial position to be filled;

(b) the name of the appointee;

(c) a brief description of the functions of the Judiciary Senate Confirmation Committee;

(d) a request that members of the public and the Senate desiring to make comments shall contact the Office of Legislative Research and General Counsel by a specified deadline of not less than three business days after publication of the news release; and

(e) a notice that any person desiring to make comment shall submit a written statement of their testimony to staff which shall include that person's name, telephone number, and mailing address.

(5) (a) The chairman of the Judiciary Senate Confirmation Committee and two members of that committee, one selected by the President of the Senate and one selected by the Senate Minority Leader, shall review all written statements in determining whether a committee meeting or public hearing should be held.

(b) A public hearing shall be held if any one of the three committee members meeting under this section requests it. At that hearing, the committee shall hear from the appointee and any invited persons and vote on the appointment.

(c) If all three members determine that a public hearing is not necessary, the committee may still determine to hold a committee meeting to hear from the appointee and vote regarding the confirmation.

(6) Any public hearing or committee meeting shall be held prior to any Senate confirmation session.

(7) The Office of Legislative Research and General Counsel shall advise members of the Senate of the date, time, and location of any committee meeting or public hearing.

(8) The chairman of the committee may inquire of the chairman of the Judicial Nominating Commission whether certain facts were known to the nominating commission at the time that a judicial candidate was considered by the commission. The explanation provided by the chairman of the nominating commission shall not include any information related to the deliberative process of the nominating commission.

(9) The chairman of the committee may establish reasonable time limits for comments as

appears necessary.

(10) The committee may close the committee meeting or public hearing for the purposes outlined in Utah Code Annotated, Chapter 4, Title 52, Open and Public Meetings.

(11) The appointee may address the committee prior to and at the conclusion of the committee meeting or public hearing.

(12) The committee shall vote at the conclusion of any committee meeting or public hearing whether to recommend to the Senate the confirmation of the appointee.

(13) The committee shall convey any recommendation to the Senate and shall include the committee vote as required in Senate Rule 24.04(2).

(14) The committee may hold the public hearing in the geographic area to be served by the judicial office.

(15) If a public hearing is held, notice of the public hearing shall be sent to all members of the Senate and the media as provided in Subsection (4). It shall include a notice that:

(a) persons shall submit written statements to the Office of Legislative Research and General Counsel no later than 24 hours prior to the hearing and may be invited to testify; and

(b) these written statements submitted to committee staff and the names of persons who request to speak at the hearing will be provided to the appointee as soon as possible after receipt.

(16) (a) The committee chairman shall determine which persons making a timely request to speak under Subsection (15)(a) may address the committee.

(b) The committee shall proceed on the presumption that the appointee is qualified. Any person testifying in opposition to the appointment has the burden of then rebutting this presumption.

Section 2. **SR-30.03** is amended to read:

SR-30.03. Roll Call on Final Passage of Bills; When Required; Procedure.

The vote on final passage of all bills is by roll call. The Senators shall be called alphabetically, except the President, who is called last. A roll call vote on other questions shall be taken if requested by any Senator. Senators absent [~~or not voting~~] shall be so recorded.

Section 3. **Effective date.**

This resolution takes effect upon approval by a constitutional majority vote of all members

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of the Senate.