

1                                   **SENATE RULES REVISIONS RESOLUTION**

2   2000 GENERAL SESSION

3   STATE OF UTAH

4   **Sponsor: L. Steven Poulton**

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

8 This resolution affects legislative rules as follows:

9 AMENDS:

10           **SR-24.04.1**

11           **SR-30.03**

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

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

14           **SR-24.04.1. Judicial Senate Confirmation Committee Procedures.**

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

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

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

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

**\*SR0002\***

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

- 30 (a) a brief description of the judicial position to be filled;
- 31 (b) the name of the appointee;
- 32 (c) a brief description of the functions of the Judiciary Senate Confirmation Committee;
- 33 (d) a request that members of the public and the Senate desiring to make comments shall  
34 contact the Office of Legislative Research and General Counsel by a specified deadline of not less  
35 than three business days after publication of the news release; and
- 36 (e) a notice that any person desiring to make comment shall submit a written statement of  
37 their testimony to staff which shall include that person's name, telephone number, and mailing  
38 address.

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

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

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

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

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

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

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

59 appears necessary.

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

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

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

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

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

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

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

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

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

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

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

82 **SR-30.03. Roll Call on Final Passage of Bills.**

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

86 Section 3. **Effective date.**

87 This resolution takes effect upon approval by a constitutional majority vote of all members  
88 of the Senate.

**Legislative Review Note**  
**as of 12-3-99 9:54 AM**

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

**Office of Legislative Research and General Counsel**