

**SENATE RULES RESOLUTION - TECHNICAL**

**AMENDMENTS**

2004 GENERAL SESSION

STATE OF UTAH

**Sponsor: Lyle W. Hillyard**

Curtis S. Bramble  
D. Chris Buttars  
Gene Davis

David L. Gladwell  
Parley G. Hellewell  
Scott K. Jenkins

Ed P. Mayne  
Michael G. Waddoups

---

---

**LONG TITLE**

**General Description:**

This resolution amends Senate rules to conform with current practice.

**Highlighted Provisions:**

This resolution:

- ▶ modifies the role of the Senate Rules Committee and Secretary of the Senate;
- ▶ conforms other rules to current legislative practice; and
- ▶ provides a motion to govern reading of bills.

**Special Clauses:**

This resolution provides an immediate effective date.

**Legislative Rules Affected:**

AMENDS:

**SR-23.03**

**SR-23.14**

**SR-24.01**

**SR-24.12**

**SR-24.13**

**SR-24.19**

**SR-25.02**

**SR-25.05**

**SR-25.11**

SR-25.12

SR-27.16

SR-35.01

---

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

Section 1. **SR-23.03** is amended to read:

**SR-23.03. Daily Order of Business.**

The daily order of business is:

- (1) call to order by President;
- (2) the prayer and Pledge of Allegiance;
- ~~[(2)]~~ (3) roll call;
- ~~[(3)]~~ (4) report of excused absences and if quorum is present;
- ~~[(4) prayer and Pledge of Allegiance;]~~
- (5) report of journal committee;
- (6) communications from the Governor;
- (7) communications from the House:
  - (a) bills for signature of the President;
  - (b) bills for consideration; and
  - (c) bills for reconsideration of House amendments;
- (8) reference of bills from the President:
  - (a) bills assigned to standing committees; and
  - (b) bills placed on second reading calendar;
- (9) reports of Secretary of the Senate from standing committees:
  - (a) bills placed on second reading calendar;
  - (b) bills placed on consent calendar; and
  - (c) bills sent back to the Secretary of the Senate;
- (10) reports of special committees, including conference committees;
- (11) introduction of bills and presentation of resolutions to be given to the Secretary of

the Senate at least one hour before the beginning of the session for inclusion in that day's agenda:

(a) bills [~~assigned to Secretary of the Senate for referral~~] referred by the Senate Rules Committee for assignment by the President; and

- (b) bills placed on second reading calendar;
- (12) unfinished business;
- (13) consideration of bills on consent calendar;
- (14) special orders of business;
- (15) consideration of bills on third reading calendar;
- (16) consideration of bills on second reading calendar; and
- (17) miscellaneous business.

Section 2. **SR-23.14** is amended to read:

**SR-23.14. Passing Bills with Negative Fiscal Impact.**

(1) Except for the supplemental appropriations act that funds the bills passed during that session, all bills which have a negative fiscal impact on the state shall be acted upon by 12 noon on the last day of the annual general session.

(2) Any bill with a negative fiscal impact which has not been passed by the Senate by the time established in Subsection (1) shall be [~~sent to the Senate President~~] returned to the Senate Rules Committee for filing.

Section 3. **SR-24.01** is amended to read:

**SR-24.01. Senate Rules Committee; Duties.**

- (1) All legislation introduced shall be submitted to the Senate Rules Committee.
- (2) The Senate Rules Committee shall:
  - (a) prepare the Senate Rules and Joint Rules and report them to the Senate for approval, amendment, or disapproval before adjournment on the second day of each annual general session;
  - (b) examine each bill for proper form and order the bills printed;
  - (c) refer each bill to the Senate with a recommendation that:
    - (i) the legislation be referred to a standing committee for consideration;
    - (ii) the legislation be placed directly onto the second reading calendar;

(iii) the legislation be read the second time and placed onto the consent calendar; or  
[(†)] (iv) during the last week of the legislative session, the legislation be read the second time and placed onto the third reading calendar.

(3) Before sending a bill to a standing committee, the Senate Rules Committee, in carrying out its responsibilities under Subsection (2), may amend or substitute a bill only if the committee has the written consent of the sponsor.

Section 4. **SR-24.12** is amended to read:

**SR-24.12. Committee Responsibilities.**

(1) Each committee shall send a report to the Senate on each bill referred to it. With a majority vote, the committee may transmit bills with a favorable recommendation. Bills may be amended, held, tabled, returned to the [~~Secretary of the Senate~~] Senate Rules Committee, or substituted in committee. Any bill tabled in committee shall be held until a motion is made to remove it from the table. Any tabled bill not lifted at its second committee meeting after tabling shall be sent to the Secretary of the Senate for filing. A tabled bill can be lifted from the Secretary of the Senate or its assigned standing committee by a two-thirds vote of those Senators present on the floor of the Senate, or the President of the Senate can reassign the bill to a standing committee.

(2) The committee may prepare a bill addressing the same subject matter to be introduced under committee sponsorship. The chief sponsor or sponsors of a bill may request in writing that committee members sponsor the measure. Upon agreement by the committee, the chief sponsor may relinquish individual sponsorship of the bill. A majority vote of the committee is required to amend, substitute, table, recommend, return a bill to the Secretary of the Senate, hold, or substitute sponsorship of a bill.

(3) A secretary shall record attendance and take minutes of committee action. The records shall be filed for three years in the office of the Secretary of the Senate.

(4) If the chair allows public comment or testimony on a bill or other matter before the committee, the chair may, or a majority of the committee may, require that any or all person's testimony be taken under oath.

Section 5. **SR-24.13** is amended to read:

**SR-24.13. Reprinting a Bill.**

A committee chairman may order any bill that has been considerably amended in committee to be [~~retyped and~~] reprinted. This substitute bill shall be adopted by the committee prior to being reported out of committee.

If a bill has been referred to a standing committee, no substitute of that bill may be ordered officially printed until the bill is substituted by the standing committee. However, the sponsor of the substitute may have copies of the substitute bill made for limited distribution.

Section 6. **SR-24.19** is amended to read:

**SR-24.19. Committee Reports.**

All business referred to a committee shall be considered within a reasonable length of time. When a bill is acted upon by a committee, a committee report detailing committee action, and the bill, shall be returned immediately to the Senate. If a bill is tabled, the Senate shall be notified. This notification requires no Senate action, as the bill shall be automatically sent to the [~~Secretary of the~~] Senate Rules Committee.

Section 7. **SR-25.02** is amended to read:

**SR-25.02. Bills Placed on Calendar.**

All bills reported to the Senate by committees shall be placed at the bottom of the second reading calendar or on the consent calendar in the order received.

Section 8. **SR-25.05** is amended to read:

**SR-25.05. Second Reading Calendar.**

(1) After consideration of all bills on third reading calendar, bills on second reading calendar shall be considered. Each bill listed shall be read by title, unless the Senate suspends this requirement by a two-thirds vote. (cf. SR-27.16)

(2) The Secretary of the Senate or the secretary's designee shall read the committee report. A motion to adopt a "favorable" committee report places the bill before the Senate with all committee amendments. If a motion to adopt a "favorable" committee report does not receive a majority vote, the bill will be returned to the Secretary of the Senate.

(3) If a bill has not received a Senate standing committee or interim committee review and approval, the reading clerk shall note that.

(4) The final question on second reading calendar is: "Shall the bill (resolution) be read a third time?" The question shall be decided on a roll call vote. A constitutional majority vote is required to pass the bill on the second reading calendar.

Section 9. **SR-25.11** is amended to read:

**SR-25.11. Re-referring Bills to Committee.**

A bill that has been referred to a standing committee may be re-referred as follows:

- (1) by the presiding officer;
- (2) upon motion from the floor; and
- (3) if a bill has been reported back by the committee to which it was assigned with the recommendation that it be re-referred to the [~~Secretary of the~~] Senate Rules Committee.

Section 10. **SR-25.12** is amended to read:

**SR-25.12. Action on House Bills.**

When a House bill is received by the Senate with a transmittal letter informing the Senate that it has passed the House, the bill shall be read the first time and referred by the President to the [~~Secretary of the~~] Senate Rules Committee. Action on House bills is the same as for Senate bills.

If a House bill is identical to a Senate bill, the President of the Senate shall identify the bills and direct that the bill which was first requested from the Office of Legislative Research and General Counsel shall be adopted and take its place on the second reading calendar, unless otherwise directed by the majority of the body on the floor. The substitution shall be noted in the journal.

Section 11. **SR-27.16** is amended to read:

**SR-27.16. Constitutional Motion.**

(1) At the beginning of each session of the Senate, before the reading of any bill or resolution, the Senate Rules Committee chair shall make the following motion:

"Mr. (Madam) President, as [~~provided~~] allowed by the Utah Constitution and the Joint

Rules of the Legislature, I move that [~~we suspend the reading of the titles of all bills and resolutions on the Senate calendar as they are read for the first time and introduced, and considered on second reading, third reading, and consent calendars. I further move that this suspension apply to all bills and resolutions introduced during this legislative session, except that any Senator may request the reading of the long title, short title, or both of any House or Senate bill or resolution]~~ the Senate continue its practice of reading only the short title of bills and resolutions as they are introduced or considered on a Senate calendar and not read the long title of the bills and resolutions unless a majority of the Senate directs the reading of the long title, short title, or both of any House or Senate bill or resolution."

(2) At the beginning of each daily journal, the Journal Clerk shall record the page on which the motion to suspend reading of titles of bills and resolutions is made.

Section 12. **SR-35.01** is amended to read:

**SR-35.01. Executive Sessions; Process.**

When a motion for executive session is adopted, the Senate chamber doors shall be closed. The President may require all persons, except the Senators, Secretary, Reading Clerk, Docket Clerk, and Sergeant-at-Arms to leave. During the discussion, everyone present shall remain within the chamber. Everyone present shall keep all matters discussed in executive session confidential.

Section 13. **Effective date.**

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