

**Representative Chad E. Bennion** proposes the following substitute bill:

**RESOLUTION ON SPECIAL SESSIONS OF THE LEGISLATURE**

2002 GENERAL SESSION

STATE OF UTAH

**Sponsor: Chad E. Bennion**

**This joint resolution of the Legislature proposes to amend the Utah Constitution to authorize the Legislature to call itself into special session. This joint resolution authorizes the Governor to add legislative business to a special session called by the Legislature and authorizes the Legislature to add legislative business to a special session called by the Governor. The joint resolution requires advance notice of legislative business in a special session convened by either the Governor or Legislature, with certain exceptions. The joint resolution prohibits a special session to be convened by the Legislature within a specified period after an annual general session. The joint resolution limits the total number of days per year of special sessions convened by the Legislature. This joint resolution makes conforming changes and clarifying changes, directs the lieutenant governor to submit the proposal to the voters, makes technical changes, and provides an effective date.**

This resolution proposes to change the Utah Constitution as follows:

AMENDS:

**ARTICLE VI, SECTION 16**

**ARTICLE VII, SECTION 6**

ENACTS:

**ARTICLE VI, SECTION 34**

*Be it resolved by the Legislature of the state of Utah, two-thirds of all members elected to each of the two houses voting in favor thereof:*

Section 1. It is proposed to amend Utah Constitution Article VI, Section 16, to read:

**Article VI, Section 16. [Duration of sessions.]**



26 (1) No annual general session of the Legislature [~~shall~~] may exceed 45 calendar days,  
27 except in cases of impeachment.

28 (2) [~~No special session shall exceed 30 calendar days, except~~] Except in cases of  
29 impeachment[-]:

30 (a) no special session convened by the Legislature under Article VI, Section 34 may  
31 exceed the 15-day limit under Subsection (5) of Article VI, Section 34; and

32 (b) no special session convened by the Governor under Article VII, Section 6 may exceed  
33 30 calendar days.

34 (3) When any session of the Legislature trying cases of impeachment exceeds the number  
35 of days it may remain in session as provided in this section, the members shall receive  
36 compensation only for expenses and mileage for those days in excess of [30]:

37 (a) 45, for an annual general session; or

38 (b) (i) for a special session convened by the Legislature under Article VI, Section 34, the  
39 15-day limit under Subsection (5) of Article VI, Section 34; or

40 (ii) 30, for a special session convened by the Governor under Article VII, Section 6.

41 Section 2. It is proposed to enact Utah Constitution Article VI, Section 34, to read:

42 **Article VI, Section 34. [Legislature may convene itself into session.]**

43 (1) In addition to the manner of convening the Legislature under Article VII, Section 6,  
44 and the reconvening of the Legislature under Article VII, Section 8 to reconsider a bill or item  
45 returned by the Governor, the Legislature may convene itself into special session with the  
46 concurrence of two-thirds of the members elected to each house, to conduct legislative business  
47 as specified by two-thirds of the members elected to each house, or as the Governor calls to the  
48 Legislature's attention while the Legislature is in session.

49 (2) In order to convene the Legislature into special session under this section, the presiding  
50 officer of each house shall poll the members of that house on the matter of convening into special  
51 session. If two-thirds of the members of each house are in favor of convening, the Legislature  
52 shall be convened in special session at a time set jointly by the presiding officer of each house.

53 (3) In a special session convened under this section:

54 (a) the Legislature may not transact any legislative business specified by two-thirds of the  
55 members elected to each house for which the Legislature has not provided 48 hours advance public  
56 notice; and

57 (b) the Legislature may not transact any legislative business that the Governor calls to its  
58 attention while in session for which the Governor has not provided 48 hours advance public notice,  
59 except in cases of emergency or with the concurrence of two-thirds of all members elected to each  
60 house.

61 (4) No special session of the Legislature may be convened under this section until 60 days  
62 after the adjournment sine die of the annual general session of the Legislature.

63 (5) All special sessions convened by the Legislature under this section may not  
64 cumulatively exceed 15 calendar days per calendar year.

65 Section 3. It is proposed to amend Utah Constitution Article VII, Section 6, to read:

66 **Article VII, Section 6. [Convening of extra sessions of Legislature.]**

67 (1) On extraordinary occasions, the Governor may convene the Legislature by  
68 proclamation, in which shall be stated the purpose for which the Legislature is to be convened, and  
69 it [~~shall~~] may transact no legislative business except that for which it was especially convened, or  
70 such other legislative business as the Governor may call to its attention while in session or as  
71 specified while in session by two-thirds of the members elected to each house. The Legislature,  
72 however, may provide for the expenses of the session and other matters incidental thereto.

73 (2) In a special session convened under this section:

74 (a) the Legislature may not transact any legislative business, whether specified by the  
75 Governor in the proclamation or called to the Legislature's attention while in session, for which  
76 the Governor has not provided 48 hours advance public notice, except in cases of emergency or  
77 with the concurrence of two-thirds of all members elected to each house; and

78 (b) the Legislature may not transact any legislative business specified by two-thirds of the  
79 members elected to each house for which the Legislature has not provided 48 hours advance public  
80 notice.

81 (3) The Governor may also by proclamation convene the Senate in extraordinary session  
82 for the transaction of executive business.

83 **Section 4. Submittal to voters.**

84 The lieutenant governor is directed to submit this proposed amendment to the voters of the  
85 state at the next regular general election in the manner provided by law.

86 **Section 5. Effective date.**

87 If the amendment proposed by this joint resolution is approved by a majority of those

88 voting on it at the next regular general election, the amendment shall take effect on January 1,  
89 2003.