

1                                   **RESOLUTION ON SPECIAL SESSIONS OF**  
2                                   **THE LEGISLATURE**  
3                                   2003 GENERAL SESSION  
4                                   STATE OF UTAH

5                                   **Sponsor: Chad E. Bennion**

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

17   This resolution proposes to change the Utah Constitution as follows:

18   AMENDS:

19                   **ARTICLE VI, SECTION 16**

20                   **ARTICLE VII, SECTION 6**

21   ENACTS:

22                   **ARTICLE VI, SECTION 34**

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

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

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

27                   (1) ~~[No]~~ Except in cases of impeachment:



28 (a) no annual general session of the Legislature [shall] may exceed 45 calendar days[;  
29 except in cases of impeachment. No special session shall exceed 30 calendar days, except in  
30 cases of impeachment.];

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

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

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

38 (a) 45, for an annual general session;

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

41 (c) 30, for a session convened by the Governor under Article VII, Section 6.

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

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

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

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

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

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

57 (b) the Legislature may not transact any legislative business that the Governor calls to  
58 its attention while in session for which the Governor has not provided 48 hours advance public

59 notice, except in cases of declared emergency or with the concurrence of two-thirds of all  
60 members elected to each house.

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

63 (5) All sessions convened by the Legislature under this section may not cumulatively  
64 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,  
69 and it ~~shall~~ may transact no legislative business except that for which it was especially  
70 convened, or such other legislative business as the Governor may call to its attention while in  
71 session or as specified while in session by two-thirds of the members elected to each house.  
72 The Legislature, however, may provide for the expenses of the session and other matters  
73 incidental thereto.

74 (2) In a session convened under this section:

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

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

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

84 Section 4. **Submittal to voters.**

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

87 Section 5. **Effective date.**

88 If the amendment proposed by this joint resolution is approved by a majority of those  
89 voting on it at the next regular general election, the amendment shall take effect on January 1,

90 2005.

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**Legislative Review Note**  
**as of 7-23-02 9:25 AM**

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

**Office of Legislative Research and General Counsel**

**State Impact**

It is estimated that publication and distribution costs to put this resolution on the ballot would be \$11,500 from the General Fund.

	<u>FY 04 Approp.</u>	<u>FY 05 Approp.</u>	<u>FY 04 Revenue</u>	<u>FY 05 Revenue</u>
General Fund	\$0	\$11,500	\$0	\$0
<b>TOTAL</b>	<b>\$0</b>	<b>\$11,500</b>	<b>\$0</b>	<b>\$0</b>

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**Individual and Business Impact**

No fiscal impact.

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**Office of the Legislative Fiscal Analyst**