

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

**RESOLUTION ON SPECIAL SESSIONS OF**

**THE LEGISLATURE**

2003 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 session. This joint resolution authorizes the Governor to add legislative business to a session called by the Legislature and authorizes the Legislature to add legislative business to a session called by the Governor. The joint resolution requires advance notice of legislative business in a session convened by the Legislature, with certain exceptions. The joint resolution prohibits a session to be convened by the Legislature within a specified period after an annual general session. The joint resolution limits the length of sessions convened by the Legislature and the total number of days per year of 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:*



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

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

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

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

32 (b) no session convened by the Legislature under Article VI, Section 34 may exceed  
33 the number of calendar days remaining in the 15-day limit under Subsection (5) of Article VI,  
34 Section 34 for the calendar year in which the session is held, after taking into consideration all  
35 sessions convened previously that calendar year under Article VI, Section 34; and

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

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

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

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

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

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

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

47 (1) In addition to reconvening itself under Article VII, Section 8 to reconsider a bill or  
48 item returned by the Governor, the Legislature may convene itself into session with the  
49 concurrence of two-thirds of the members elected to each house, as provided in Subsection (2).

50 (2) In order to convene the Legislature into session under this section, the presiding  
51 officer of each house shall poll the members of that house on the matter of convening into  
52 session for one or more specified items of legislative business. If two-thirds of the members of  
53 each house are in favor of convening for one or more of the specified items of legislative  
54 business, the Legislature shall be convened in session at a time set jointly by the presiding  
55 officer of each house, to transact that legislative business for which two-thirds of the members  
56 of each house were in favor of convening into session, or other legislative business as the

57 Governor calls to the Legislature's attention while the Legislature is in session.

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

59 (a) the Legislature may not transact any of the legislative business specified by  
60 two-thirds of the members elected to each house for which the Legislature has failed to provide  
61 48 hours advance public notice; and

62 (b) the Legislature may not transact any legislative business that the Governor calls to  
63 its attention while in session for which the Governor has failed to provide 48 hours advance  
64 public notice, except in cases of declared emergency or with the concurrence of two-thirds of  
65 all members elected to each house.

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

68 (5) All sessions convened by the Legislature under this section may not cumulatively  
69 exceed 15 calendar days in any calendar year.

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

71 **Article VII, Section 6. [Convening of extra sessions of the Legislature -- Advance**  
72 **public notice.]**

73 (1) ~~[(a)]~~ On extraordinary occasions, the Governor may convene the Legislature by  
74 proclamation, in which shall be stated the purpose for which the Legislature is to be convened,  
75 and it may transact no legislative business except that for which it was especially convened, or  
76 such other legislative business as the Governor may call to its attention while in session[-;  
77 ~~subject to Subsection (1)(b)]~~ or as specified while in session by two-thirds of the members  
78 elected to each house. The Legislature, however, may provide for the expenses of the session  
79 and other matters incidental thereto.

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

81 ~~[(b) The]~~ (a) the Legislature may not transact any legislative business, whether  
82 specified by the Governor in the proclamation or called to the Legislature's attention while in [a  
83 special] session [convened under Subsection (1)(a)], for which the Governor has [not provided]  
84 failed to provide 48 hours advance public notice, except in cases of declared emergency or with  
85 the concurrence of two-thirds of all members elected to each house[-]; and

86 (b) the Legislature may not transact any legislative business specified by two-thirds of  
87 the members elected to each house for which the Legislature has failed to provide 48 hours

88 advance public notice.

89 [~~2~~] (3) The Governor may also by proclamation convene the Senate in extraordinary  
90 session for the transaction of executive business.

91 **Section 4. Submittal to voters.**

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

94 **Section 5. Effective date.**

95 If the amendment proposed by this joint resolution is approved by a majority of those  
96 voting on it at the next regular general election, the amendment shall take effect on January 1,  
97 2005.