

1 **RESOLUTION AUTHORIZING THE**
2 **LEGISLATURE TO CALL ITSELF INTO**
3 **SESSION**

4 2004 GENERAL SESSION

5 STATE OF UTAH

6 **Sponsor: Chad E. Bennion**

7
8 **LONG TITLE**

9 **General Description:**

10 This joint resolution of the Legislature proposes to amend the Utah Constitution to
11 modify provisions relating to legislative sessions.

12 **Highlighted Provisions:**

13 This resolution proposes to amend the Utah Constitution to:

- 14 ▶ authorize the Legislature to call itself into session;
15 ▶ provide a method for the Legislature to call itself into session;
16 ▶ limit the number of days that the Legislature may be in session in any calendar year

17 for sessions which the Legislature convenes itself;

18 ▶ authorize the Governor to add legislative business to a session convened by the
19 Legislature and authorize the Legislature to add legislative business to a session
20 convened by the Governor;

21 ▶ require advance notice of legislative business in a session convened by the
22 Legislature, with certain exceptions;

23 ▶ prohibit the Legislature from convening a session within a specified period after an
24 annual general session; and

- 25 ▶ make conforming and clarifying changes.

26 **Special Clauses:**

27 This resolution directs the lieutenant governor to submit this proposal to voters.



28 This resolution provides an effective date.

29 **Utah Constitution Sections Affected:**

30 AMENDS:

31 **ARTICLE VI, SECTION 16**

32 **ARTICLE VII, SECTION 6**

33 ENACTS:

34 **ARTICLE VI, SECTION 34**

35

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

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

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

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

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

44 (b) no session individually, and no sessions cumulatively, convened by the Legislature
45 under Article VI, Section 34 may exceed 15 calendar days in a calendar year; and

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

48 (2) When any session of the Legislature trying cases of impeachment exceeds the
49 number of days it may remain in session as provided in [this section] Subsection (1), the
50 members shall receive compensation only for expenses and mileage for those days in excess of
51 [30] the applicable number of days under Subsection (1).

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

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

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

57 (2) In order to convene the Legislature into session under this section, the presiding
58 officer of each house shall poll the members of that house on the matter of convening into

59 session for one or more specified items of legislative business. If two-thirds of the members of
 60 each house are in favor of convening for one or more of the specified items of legislative
 61 business, the Legislature shall be convened in session at a time set jointly by the presiding
 62 officer of each house, to transact that legislative business for which two-thirds of the members
 63 of each house were in favor of convening into session, or other legislative business as the
 64 Governor calls to the Legislature's attention while the Legislature is in session.

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

66 (a) the Legislature may not transact any of the legislative business specified by
 67 two-thirds of the members elected to each house for which the Legislature has failed to provide
 68 48 hours advance public notice; and

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

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

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

76 **Article VII, Section 6. [Convening of extra sessions of Legislature -- Advance**
 77 **public notice.]**

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

85 ~~[(b) The]~~ (2) In a session convened under this section:

86 (a) the Legislature may not transact any legislative business, whether specified by the
 87 Governor in the proclamation or called to the Legislature's attention while in [a special] session
 88 [convened under Subsection (1)(a)], for which the Governor has [not provided] failed to
 89 provide 48 hours advance public notice, except in cases of declared emergency or with the

90 concurrence of two-thirds of all members elected to each house[-]; and

91 (b) the Legislature may not transact any legislative business specified by two-thirds of
92 the members elected to each house for which the Legislature has failed to provide 48 hours
93 advance public notice.

94 [~~2~~] (3) The Governor may also by proclamation convene the Senate in extraordinary
95 session for the transaction of executive business.

96 **Section 4. Submittal to voters.**

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

99 **Section 5. Effective date.**

100 If the amendment proposed by this joint resolution is approved by a majority of those
101 voting on it at the next regular general election, the amendment shall take effect on January 1,
102 2005.

Legislative Review Note
as of 12-17-03 2:32 PM

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

Office of Legislative Research and General Counsel

Fiscal Note
Bill Number HJR008

Resolution Authorizing the Legislature to Call Itself Into Session *02-Mar-04*
11:31 AM

SECOND AMENDED NOTE

State Impact

Because of a coordination clause with this resolution and SJR6, that has passed both houses of the Legislature, the fiscal note attached to SJR6 will be sufficient for publication and distribution costs to put both on the ballot.

Individual and Business Impact

No fiscal impact.

Office of the Legislative Fiscal Analyst