

1 **SENATE RULES RESOLUTION - TECHNICAL**

2 **AMENDMENTS**

3 2004 GENERAL SESSION

4 STATE OF UTAH

5 **Sponsor: Lyle W. Hillyard**

6 Curtis S. Bramble

 David L. Gladwell

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9

10 **LONG TITLE**

11 **General Description:**

12 This resolution amends Senate rules to conform with current practice.

13 **Highlighted Provisions:**

14 This resolution:

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

18 **Special Clauses:**

19 This resolution provides an immediate effective date.

20 **Legislative Rules Affected:**

21 AMENDS:

22 **SR-23.03**

23 **SR-23.14**

24 **SR-24.01**

25 **SR-24.12**

26 **SR-24.13**

27 **SR-24.19**



- 28 **SR-25.02**
- 29 **SR-25.05**
- 30 **SR-25.11**
- 31 **SR-25.12**
- 32 **SR-27.16**
- 33 **SR-35.01**



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

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

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

38 The daily order of business is:

39 (1) call to order by President;

40 (2) the prayer and Pledge of Allegiance;

41 [~~2~~] (3) roll call;

42 [~~3~~] (4) report of excused absences and if quorum is present;

43 [~~4~~ prayer and Pledge of Allegiance;]

44 (5) report of journal committee;

45 (6) communications from the Governor;

46 (7) communications from the House:

47 (a) bills for signature of the President;

48 (b) bills for consideration; and

49 (c) bills for reconsideration of House amendments;

50 (8) reference of bills from the President:

51 (a) bills assigned to standing committees; and

52 (b) bills placed on second reading calendar;

53 (9) reports of Secretary of the Senate from standing committees:

54 (a) bills placed on second reading calendar;

55 (b) bills placed on consent calendar; and

56 (c) bills sent back to the Secretary of the Senate;

57 (10) reports of special committees, including conference committees;

58 (11) introduction of bills and presentation of resolutions to be given to the Secretary of

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

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

63 (b) bills placed on second reading calendar;

64 (12) unfinished business;

65 (13) consideration of bills on consent calendar;

66 (14) special orders of business;

67 (15) consideration of bills on third reading calendar;

68 (16) consideration of bills on second reading calendar; and

69 (17) miscellaneous business.

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

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

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

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

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

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

80 (1) All legislation introduced shall be submitted to the Senate Rules Committee.

81 (2) The Senate Rules Committee shall:

82 (a) prepare the Senate Rules and Joint Rules and report them to the Senate for
83 approval, amendment, or disapproval before adjournment on the second day of each annual
84 general session;

85 (b) examine each bill for proper form and order the bills printed;

86 (c) refer each bill to the Senate with a recommendation that:

87 (i) the legislation be referred to a standing committee for consideration;

88 (ii) the legislation be placed directly onto the second reading calendar;

89 (iii) the legislation be read the second time and placed onto the consent calendar; or

90 [~~(d)~~] (iv) during the last week of the legislative session, the legislation be read the
91 second time and placed onto the third reading calendar.

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

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

96 **SR-24.12. Committee Responsibilities.**

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

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

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

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

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

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

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

121 prior to being reported out of committee.

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

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

126 **SR-24.19. Committee Reports.**

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

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

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

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

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

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

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

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

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

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

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

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

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

153 (1) by the presiding officer;

154 (2) upon motion from the floor; and

155 (3) if a bill has been reported back by the committee to which it was assigned with the

156 recommendation that it be re-referred to the [~~Secretary of the~~] Senate Rules Committee.

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

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

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

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

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

169 **SR-27.16. Constitutional Motion.**

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

172 "Mr. (Madam) President, as [~~provided~~] allowed by the Utah Constitution and the Joint
173 Rules of the Legislature, I move that [~~we suspend the reading of the titles of all bills and~~
174 ~~resolutions on the Senate calendar as they are read for the first time and introduced, and~~
175 ~~considered on second reading, third reading, and consent calendars. I further move that this~~
176 ~~suspension apply to all bills and resolutions introduced during this legislative session, except~~
177 ~~that any Senator may request the reading of the long title, short title, or both of any House or~~
178 ~~Senate bill or resolution] the Senate continue its practice of reading only the short title of bills
179 and resolutions as they are introduced or considered on a Senate calendar and not read the long
180 title of the bills and resolutions unless a majority of the Senate directs the reading of the long
181 title, short title, or both of any House or Senate bill or resolution."~~

182 (2) At the beginning of each daily journal, the Journal Clerk shall record the page on

183 which the motion to suspend reading of titles of bills and resolutions is made.

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

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

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

191 Section 13. **Effective date.**

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

Legislative Review Note

as of 1-12-04 3:39 PM

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

Office of Legislative Research and General Counsel

Interim Committee Note

as of 01-14-04 8:46 AM

The Senate Rules Committee recommended this bill.

Fiscal Note
Bill Number SR0002

Senate Rules Resolution - Technical Amendments

19-Jan-04

10:15 AM

State Impact

Provisions of this resolution can be enacted within existing budgets.

Individual and Business Impact

No fiscal impact.

Office of the Legislative Fiscal Analyst