

How a Bill Becomes a Law In Utah

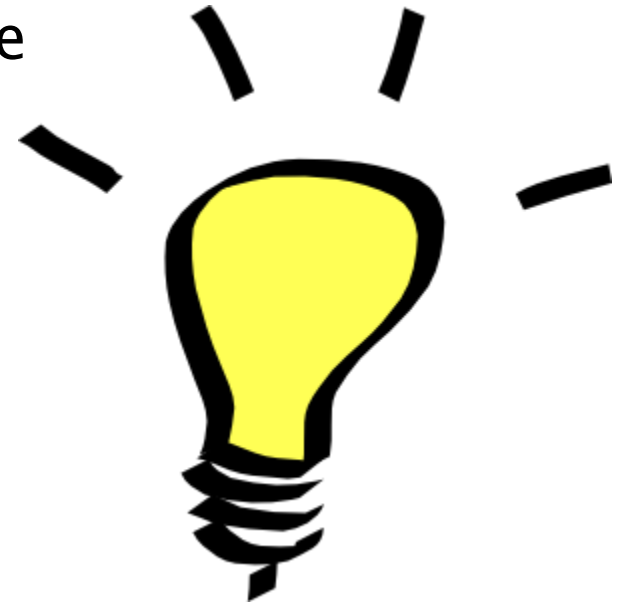
Office of Legislative Research and
General Counsel

December 2014



An Idea

- ▶ A legislator has an idea
- ▶ Ideas come from:
 - Legislator – personal experience
 - Constituent
 - Special Interest or Lobbyist
 - State or local government



A Bill File is Created

- ▶ The legislator files a request for legislation with Legislative Research and General Counsel (OLRGC)
 - Can be protected (legislator's eyes only)
 - Can be prioritized (legislator's top three bills)
- ▶ Bill or resolution



Attorney Contacts Legislator

- ▶ The bill file is assigned to an attorney at OLRGC
 - Based upon subject area of bill file
- ▶ Attorney contacts legislator for more information
 - The legislator may refer the attorney to other stakeholders: constituents, special interests, others
- ▶ Attorney drafts the legislation



Bill Drafting Rules

- ▶ First in, first out basis (JR4-2-102)
- ▶ Interim Committee bills
- ▶ Priority bills
- ▶ Priority bill dates:
 - First Thursday in December
 - First Thursday in January
 - On or before first Thursday of general session

Out for Approval

- ▶ Once complete, attorney sends draft to the legislator for final review and approval



Bill is Numbered

- ▶ Once approved, OLRGC gives the bill a number, e.g., H.B. 45 or S.B. 112
- ▶ Copies are sent to:
 - Sponsoring legislator
 - Docket clerk in House/Senate
 - Bill Room
 - Office of the Legislative Fiscal Analyst for fiscal note
- ▶ Also posted on the Legislature's website



Parts of a Numbered Bill

LEGISLATIVE GENERAL COUNSEL
⌘ Approved for Filing: P. Asplund ⌘
⌘ 01-27-12 6:10 AM ⌘

H.B. 100

Bill number

Drafting Attorney

Short Title

1 **SOCIAL WORKER EXAMINATION AMENDMENTS**
2 2012 GENERAL SESSION
3 STATE OF UTAH
4 **Chief Sponsor: David Litvack**
5 Senate Sponsor: David P. Hinkins

Sponsors

7 **LONG TITLE**
8 **General Description:**
9 This bill modifies the Social Worker Licensing Act by amending provisions for
10 licensing exams under certain circumstances.
11 **Highlighted Provisions:**

Bill Must be Read Three Times

- ▶ The Utah Constitution requires that “every bill shall be read by title three separate times in each house...” (Art. VII Sec. 2)

First Reading

- ▶ Bill introduced in House/Senate by number and short title
- ▶ Referred to the Rules Committee
- ▶ Rules Committee decides which standing committee the bill should be sent to



Standing Committee

- ▶ Chair of standing committee puts bill on agenda for public meeting
- ▶ Sponsor presents the bill to the committee
- ▶ Chair usually allows the public a chance to speak in favor or against the bill
- ▶ Standing committee may take action on bill

Standing Committee Action

- ▶ **Amend:** make changes to the bill
- ▶ **Substitute:** replace bill with an entirely new bill (must be germane to the subject of the bill)
- ▶ **Hold:** take no action, can take action at a subsequent meeting
- ▶ **Table:** If not lifted at next meeting, bill returned for filing
- ▶ **Pass the bill:** pass the bill out with a favorable recommendation, or no recommendation to the House/Senate

Second Reading

Different in Each House

▶ House

- Committee report is read and adopted by the body
- No debate or amendments are allowed
- Placed on calendar for third reading



▶ Senate

- Bill is presented to body and debated
- Can be substituted/amended
- Must pass by a majority of senators present to move to the third reading calendar

Third Reading

No Difference in the Houses

- ▶ Bill read by number/short title
- ▶ Sponsor explains bill, answers questions from other legislators
- ▶ Other legislators may make amendments, substitute the bill, or take other action



Amendments and Substitutes

- ▶ Created through OLRGC, unless made verbally
 - Less than 15 words on House floor
 - Less than 10 words on Senate floor
- ▶ Must be germane to original bill
- ▶ Protected until legislator releases them

Substitute Bill

Bill
number

LEGISLATIVE GENERAL COUNSEL
⌚ Approved for Filing: R.H. Rees ⌚
⌚ 02-20-12 4:23 PM ⌚

H.B. 56
1st Sub. (Buff)

Sponsor of substitute

Representative David Litvack proposes the following substitute bill:

1
2
3
4
5
6

CONDOMINIUM AMENDMENTS

2012 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: David Litvack

Senate Sponsor: _____

Final Passage

- ▶ Bill must pass by a constitutional majority (Utah Constitution)
 - 38 aye votes in the House
 - 15 aye votes in the Senate
- ▶ Resolutions amending Utah Constitution require 2/3 majority to pass:
 - 50 votes in House
 - 20 votes in Senate

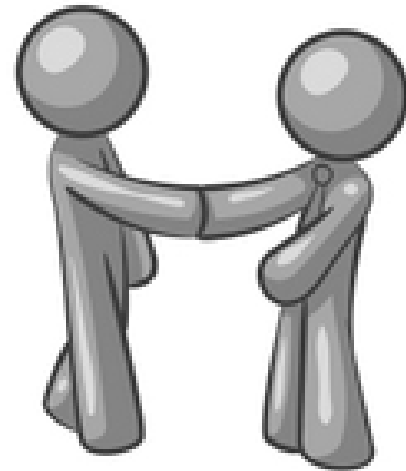


Bills Must Pass both Houses

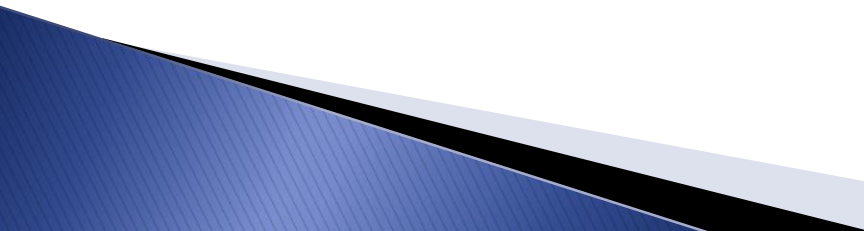
- ▶ Once passed, sent to the opposite house to go through the process all over again
 - First Reading
 - Standing committee hearing
 - Second Reading
 - Third Reading (final passage)

Opposite House Floor Sponsor

- ▶ In order for bill to be heard by the opposite house, legislator must find opposite house sponsor
 - Original house sponsor must designate a floor sponsor before bill is transferred to opposite house



The Concurrence Process

- ▶ If either house amends a bill, the bill is sent back to originating house for concurrence of the amendment.
 - ▶ If the originating house refuses to concur, the bill is sent back to the house that amended the bill and that house is asked to rescind from its amendment.
 - ▶ If the house that amended the bill refuses to rescind its amendment the bill goes to conference.
- 

Conference Committee



- ▶ A conference committee is created to resolve the conflicts between the two houses on a bill.
- ▶ Both the president and speaker appoint three members to a conference committee.
- ▶ The committee's task is to find a solution to which both houses can agree.
- ▶ That compromise is presented to each house for approval. If approved, the bill is voted on again.

Enrolling Process

- ▶ Once bill passes both houses, it is signed by President and Speaker
- ▶ Returned to OLRGC for enrolling process
 - Double checks all amendments
 - Checks for mistakes



Enrolled Bill

Enrolled Copy

H.B. 100

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SOCIAL WORKER EXAMINATION AMENDMENTS

2012 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: David Litvack

Senate Sponsor: David P. Hinkins

Delivered to the Governor

- ▶ After enrolling, sent back to the House/Senate
- ▶ House/Senate deliver enrolled bills to the governor for action.



Governor's Action

- ▶ Governor has 20 days from adjournment to:
 - Sign the bill (becomes law)
 - Not sign the bill (becomes law)
 - Veto the bill (does not become law unless overridden by legislature)



VETO!



APPROVED

Veto Override

- ▶ Legislature can override the governor's veto of any bill or line item
- ▶ 2/3 of the House/Senate must be in favor to convene veto override session
- ▶ Veto override session must begin within 60 days of adjournment
- ▶ 2/3 vote required in both houses for override

Effective Date of New Laws

- ▶ New laws become effective 60 days after adjournment, unless specifically noted in the bill.

89 (9) The Tax Commission may suspend or revoke a registration if it determines that the
90 required fee has not been paid and the fee is not paid upon reasonable notice and demand.

91 Section 2. Effective date - Retrospective operation.

92 (1) If approved by two-thirds of all the members elected to each house, this bill takes
93 effect upon approval by the governor, or the day following the constitutional time limit of Utah
94 Constitution Article VII, Section 8, without the governor's signature, or in the case of a veto,
95 the date of veto override.

96 (2) This bill has retrospective operation to January 1, 2012.

New Laws Published

- ▶ Legislature's website (about May 15)
- ▶ The Laws of Utah (late summer)
- ▶ The Utah Code (fall)

