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2013 Utah Legislature: And now for the scary session

By Rep. Kraig Powell For the Deseret News

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Senators and representatives will meet during the closing session of the Utah State Legislature in Salt Lake City this week. (Jeffrey D. Allred, Deseret News)

The annual Utah legislative session began on Jan. 28 and ends this week on March 14.

A little-known fact is that the final week of the legislative session bears little resemblance to the previous six weeks.

The official procedure at the Legislature for passing a bill is to have the bill heard and passed by a committee in one chamber, pass the floor in that chamber and then repeat the same committee and floor process in the other chamber.

For example, this would mean that the bill will pass a House committee, then the House floor, then a Senate committee, then the Senate floor (or vice-versa if the bill starts in the Senate).

Approximately 250 bills (or roughly 60 to 70 percent of all bills passed by the Legislature) follow this normal process. These bills are typically passed during the first six weeks of the legislative session, a period that I call the “simple session.”

But many other bills follow a much different process during the “scary session” of the Legislature, comprising the final week.

During this last week, many bills being considered have had only one committee hearing, and will not have a committee hearing in the second chamber.

Many of these bills are not even publicly known or unveiled until the beginning of the last week of the session.

Typically, with only six or seven working days left in the session, these bills will have one hurried committee hearing in one chamber (for example, a Senate standing committee).

After the end of the sixth week, no more committee hearings are held. The final committee hearings at the end of the sixth week are typically chock full of agenda items, and very little time is available to discuss each bill in committee.

The single committee hearing is apparently held to satisfy an observed rule that requires a committee hearing in at least one chamber.

Then, during the final week of the session, only floor debate occurs in both the House and Senate, as committee hearings have ended.

On day one and day two of the final week, the House passes House bills and the Senate passes Senate bills, to get them all lined up in the queue.

On days three, four and five, the House considers only Senate bills and the Senate considers only House bills.

The House dictates which House bills the Senate will consider on these last three days, and the Senate dictates which Senate bills the House will consider.

These last five days are incredibly long and hectic. As many as 200 bills are debated and passed during the scary session.

It concerns me that many of the most significant and far-reaching bills are passed in this manner in the final hours of the legislative session, without careful consideration and deliberation.

Bills that are introduced and discussed in several committees during the simple session are usually well-publicized by the media and well-studied by citizens.

These bills undergo a valuable refining process during several committee hearings, in which contrasting points of view are acknowledged and incorporated into the bills, and compromises are reached.

Without the time and scrutiny brought to bear during the simple session, bills that are rushed through during the scary session often result in bad policy, unintended consequences and hidden favors for special interest groups.

I believe the Utah Legislature needs to seriously re-evaluate its rules and processes that allow this subversion of the democratic process.

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