

## **Article VI Legislative Department**

### **Article VI, Section 1 [Power vested in Senate, House, and People.]**

- (1) The Legislative power of the State shall be vested in:
  - (a) a Senate and House of Representatives which shall be designated the Legislature of the State of Utah; and
  - (b) the people of the State of Utah as provided in Subsection (2).
- (2)
  - (a)
    - (i) The legal voters of the State of Utah, in the numbers, under the conditions, in the manner, and within the time provided by statute, may:
      - (A) initiate any desired legislation and cause it to be submitted to the people for adoption upon a majority vote of those voting on the legislation, as provided by statute; or
      - (B) require any law passed by the Legislature, except those laws passed by a two-thirds vote of the members elected to each house of the Legislature, to be submitted to the voters of the State, as provided by statute, before the law may take effect.
    - (ii) Notwithstanding Subsection (2)(a)(i)(A), legislation initiated to allow, limit, or prohibit the taking of wildlife or the season for or method of taking wildlife shall be adopted upon approval of two-thirds of those voting.
  - (b) The legal voters of any county, city, or town, in the numbers, under the conditions, in the manner, and within the time provided by statute, may:
    - (i) initiate any desired legislation and cause it to be submitted to the people of the county, city, or town for adoption upon a majority vote of those voting on the legislation, as provided by statute; or
    - (ii) require any law or ordinance passed by the law making body of the county, city, or town to be submitted to the voters thereof, as provided by statute, before the law or ordinance may take effect.

### **Article VI, Section 2 [Time and location of annual general sessions -- Location of sessions convened by the Governor or Legislature -- Sessions convened by the Legislature.]**

- (1) Annual general sessions of the Legislature shall be held at the seat of government and shall begin on the day in January designated by statute.
- (2) A session convened by the Governor under Article VII, Section 6 and a session convened by the Legislature under Subsection (3) shall be held at the seat of government, unless convening at the seat of government is not feasible due to epidemic, natural or human-caused disaster, enemy attack, or other public catastrophe.
- (3)
  - (a) The President of the Senate and Speaker of the House of Representatives shall by joint proclamation convene the Legislature into session if a poll conducted by the President and Speaker of their respective houses indicates that two-thirds of all members elected to each house are in favor of convening the Legislature into session because in their opinion a persistent fiscal crisis, war, natural disaster, or emergency in the affairs of the State necessitates convening the Legislature into session.
  - (b) The joint proclamation issued by the President and Speaker shall specify the business for which the Legislature is to be convened, and the Legislature may not transact any business

other than that specified in the joint proclamation, except that the Legislature may provide for the expenses of the session and other matters incidental to the session.

- (c) The Legislature may not be convened into session under this Subsection (3) during the 30 calendar days immediately following the adjournment sine die of an annual general session of the Legislature.
- (d) In a session convened under this Subsection (3), the cumulative amount of appropriations that the Legislature makes may not exceed an amount equal to 1% of the total amount appropriated by the Legislature for the immediately preceding completed fiscal year.
- (e) Nothing in this Subsection (3) affects the Governor's authority to convene the Legislature under Article VII, Section 6.

**Article VI, Section 3 [Election of House members -- Terms.]**

- (1) The members of the House of Representatives shall be chosen biennially on even-numbered years by the qualified voters of the respective representative districts, on the first Tuesday after the first Monday in November.
- (2) Their term of office shall be two years from the first day of January next after their election.

**Article VI, Section 4 [Election of Senators -- Terms.]**

- (1) The senators shall be chosen by the qualified voters of the respective senatorial districts, at the same times and places as members of the House of Representatives.
- (2) Their term of office shall be four years from the first day of January next after their election.
- (3) As nearly one-half as may be practicable shall be elected in each biennium as the Legislature shall determine by law with each apportionment.

**Article VI, Section 5 [Who is eligible as a legislator.]**

- (1) A person is not eligible to the office of senator or representative unless the person is:
  - (a) at the time of election or appointment:
    - (i) a citizen of the United States;
    - (ii) at least twenty-five years of age; and
    - (iii) a qualified voter in the district from which the person is chosen;
  - (b) a resident of the state for three consecutive years immediately prior to:
    - (i) the last date provided by statute for filing for the office, for a person seeking election to the office; or
    - (ii) the person's appointment to the office, for a person appointed to fill a mid-term vacancy; and
  - (c)
    - (i) a resident of the district from which the person is elected for six consecutive months immediately prior to the last date provided by statute for filing for the office; or
    - (ii) a resident of the district for which the person is appointed to fill a mid-term vacancy for six consecutive months immediately prior to the person's appointment.
- (2) A person elected or appointed to the office of senator or representative may not continue to serve in that office after ceasing to be a resident of the district from which elected or for which appointed.

**Article VI, Section 6 [Who ineligible as legislator.]**

No person holding any public office of profit or trust under authority of the United States, or of this State, shall be a member of the Legislature: Provided That appointments in the State Militia, and the offices of notary public, justice of the peace, United States commissioner, and postmaster of the fourth class, shall not, within the meaning of this section, be considered offices of profit or trust.

**Article VI, Section 7 [Ineligibility of legislator to office created at term for which elected.]**

No member of the Legislature, during the term for which the member was elected, shall be appointed or elected to any civil office of profit under this State, which shall have been created, or the emoluments of which shall have been increased, during the term for which the member was elected.

**Article VI, Section 8 [Legislator, privilege from arrest.]**

Members of the Legislature, in all cases except treason, felony or breach of the peace, shall be privileged from arrest during each session of the Legislature, for fifteen days next preceding each session, and in returning therefrom; and for words used in any speech or debate in either house, they shall not be questioned in any other place.

**Article VI, Section 9 [Compensation of legislators -- Citizens' salary commission.]**

The Legislature shall not increase the salaries of its members on its own initiative, but shall provide by law for the appointment by the Governor of a citizens' salary commission to make recommendations concerning the salaries of members of the Legislature. Upon submission of the commission's recommendations, the Legislature shall by law accept, reject or lower the salary but may not, in any event, increase the recommendation. The Legislature shall provide by law for the expenses of its members. Until salaries and expenses enacted as authorized by this section become effective, members of the Legislature shall receive compensation of \$25 per diem while actually in session, expenses of \$15 per diem while actually in session, and mileage as provided by law.

**Article VI, Section 10 [Each house to be judge of election and qualifications of its members -- Expulsion -- Legislative ethics commission.]**

- (1) Each house shall be the judge of the election and qualifications of its members, and may punish them for disorderly conduct, and with the concurrence of two-thirds of all the members elected, expel a member for cause.
- (2)
  - (a) There is established a legislative ethics commission with authority to conduct an independent review of each complaint alleging unethical legislative behavior, to determine whether the complaint merits further consideration by the house of the member against whom the complaint is made.
  - (b)
    - (i) The commission shall consist of five members.
    - (ii) A commission member may not be a sitting legislator or a person who is registered as a lobbyist.
  - (c) The Legislature may by rule provide for:

- (i) procedures and requirements for filing a complaint alleging unethical legislative behavior;
- (ii) the qualifications, appointment, and terms of commission members; and
- (iii) commission duties, powers, operations, and procedures.

**Article VI, Section 11 [Majority is quorum -- Attendance compelled.]**

A majority of the members of each house shall constitute a quorum to transact business, but a smaller number may adjourn from day to day, and may compel the attendance of absent members in such manner and under such penalties as each house may prescribe.

**Article VI, Section 12 [Rules -- Choosing officers and employees.]**

Each house shall determine the rules of its proceedings and choose its own officers and employees.

**Article VI, Section 13 [Vacancies to be filled.]**

Vacancies that may occur in either house of the legislature shall be filled in such manner as may be provided by law.

**Article VI, Section 14 [Journals -- Yeas and nays.]**

Each house shall keep a journal of its proceedings, which, except in case of executive sessions, shall be published, and the yeas and nays on any question, at the request of five members of such house, shall be entered upon the journal.

**Article VI, Section 15 [Sessions to be public -- Adjournments.]**

All sessions of the Legislature, except those of the Senate while sitting in executive session, shall be public; and neither house, without the consent of the other, shall adjourn for more than three days, nor to any other place than that in which it may be holding session.

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

Except in cases of impeachment:

- (1) no annual general session of the Legislature may exceed 45 calendar days, excluding state holidays and federal holidays;
- (2) no session of the Legislature convened by the Governor under Article VII, Section 6 may exceed 30 calendar days; and
- (3) no session of the Legislature convened by the Legislature under Article VI, Section 2, Subsection (3) may exceed 10 calendar days.

**Article VI, Section 17 [Impeachment by House.]**

- (1) The House of Representatives shall have the sole power of impeachment, but in order to impeach, two-thirds of all the members elected must vote therefor.
- (2) If not already convened in an annual general session, the House of Representatives may convene for the purpose of impeachment if a poll of members conducted by the Speaker of the

House indicates that two-thirds of the members of the House of Representatives are in favor of convening.

**Article VI, Section 18 [Trial of impeachment by Senate.]**

- (1) All impeachments shall be tried by the Senate, and senators, when sitting for that purpose, shall take oath or make affirmation to do justice according to the law and the evidence.
- (2) Upon an impeachment by the House of Representatives, the Senate shall, if not already convened in an annual general session, convene for the purpose of trying the impeachment.
- (3) When the Governor is on trial, the Chief Justice of the Supreme Court shall preside.
- (4) No person shall be convicted without the concurrence of two-thirds of the senators elected.

**Article VI, Section 19 [Officers liable for impeachment -- Judgment -- Prosecution by law.]**

The Governor and other State and Judicial officers shall be liable to impeachment for high crimes, misdemeanors, or malfeasance in office; but judgment in such cases shall extend only to removal from office and disqualification to hold any office of honor, trust, or profit in the State. The party, whether convicted or acquitted, shall, nevertheless, be liable to prosecution, trial, and punishment according to law.

**Article VI, Section 20 [Service of articles of impeachment.]**

No person shall be tried on impeachment, unless the person shall have been served with a copy of the articles thereof, at least ten days before the trial, and after such service the person shall not exercise the duties of office until acquitted.

**Article VI, Section 21 [Removal of officers.]**

All officers not liable to impeachment shall be removed for any of the offenses specified in this article, in such manner as may be provided by law.

**Article VI, Section 22 [Reading of bills -- Bill to contain only one subject -- Bills passed by majority.]**

Every bill shall be read by title three separate times in each house except in cases where two-thirds of the house where such bill is pending suspend this requirement. Except general appropriation bills and bills for the codification and general revision of laws, no bill shall be passed containing more than one subject, which shall be clearly expressed in its title. The vote upon the final passage of all bills shall be by yeas and nays and entered upon the respective journals of the house in which the vote occurs. No bill or joint resolution shall be passed except with the assent of the majority of all the members elected to each house of the Legislature.

**Article VI, Section 24 [Presiding officers to sign bills.]**

The presiding officer of each house, not later than five days following adjournment, shall sign all bills and joint resolutions passed by the Legislature, certifying to their accuracy and authenticity as enacted by the Legislature.

**Article VI, Section 25 [Publication of acts -- Effective dates of acts.]**

All acts shall be officially published, and no act shall take effect until sixty days after the adjournment of the session at which it passed, unless the Legislature by a vote of two-thirds of all the members elected to each house, shall otherwise direct.

**Article VI, Section 26 [Private laws forbidden.]**

No private or special law shall be enacted where a general law can be applicable.

**Article VI, Section 27 [Games of chance not authorized.]**

The Legislature shall not authorize any game of chance, lottery or gift enterprise under any pretense or for any purpose.

**Article VI, Section 28 [Special privileges forbidden.]**

The Legislature shall not delegate to any special commission, private corporation or association, any power to make, supervise or interfere with any municipal improvement, money, property or effects, whether held in trust or otherwise, to levy taxes, to select a capitol site, or to perform any municipal functions.

**Article VI, Section 29 [Lending public credit and subscribing to stock or bonds forbidden -- Exception.]**

- (1) Neither the State nor any county, city, town, school district, or other political subdivision of the State may lend its credit or, except as provided in Subsection (2), subscribe to stock or bonds in aid of any private individual or corporate enterprise or undertaking.
- (2) Except as otherwise provided by statute, the State or a public institution of post-secondary education may acquire an equity interest in a private business entity as consideration for the sale, license, or other transfer to the private business entity of intellectual property developed in whole or in part by the State or the public institution of post-secondary education, and may hold or dispose of the equity interest.

**Article VI, Section 30 [Continuity in government.]**

- (1) Notwithstanding any general or special provisions of the Constitution, in order to insure continuity of state and local government operations when such operations are seriously disrupted as a result of natural or man-made disaster or disaster caused by enemy attack, the Legislature may:
  - (a) provide for prompt and temporary succession to the powers and duties of any elected or appointed public office, the incumbents of which may become unavailable for carrying on the powers and duties of such offices; and
  - (b) adopt measures necessary and proper for insuring the continuity of governmental operations including, but not limited to, the financing thereof.
- (2) Subsection (1) does not permit these temporary public officers to act or these temporary measures to be contrary to the Constitution and applicable law.

**Article VI, Section 31 [Additional compensation of legislators.]**

For attendance at meetings of interim committees established by law to function between legislative sessions, members of the Legislature shall receive additional per diem compensation and mileage at a rate not to exceed that provided in this Constitution for regular legislative sessions.

**Article VI, Section 32 [Appointment of additional employees -- Legal counsel.]**

- (1) The Legislature may appoint temporary or permanent nonmember employees for work during and between sessions.
- (2) The Legislature may appoint legal counsel which shall provide and control all legal services for the Legislature unless otherwise provided by statute.

**Article VI, Section 33 [Legislative auditor appointed.]**

The Legislature shall appoint a legislative auditor to serve at its pleasure. The legislative auditor shall have authority to conduct audits of any funds, functions, and accounts in any branch, department, agency or political subdivision of this state and shall perform such other related duties as may be prescribed by the Legislature. The legislative auditor shall report to and be answerable only to the Legislature.