

**RESOLUTION AMENDING LOCAL  
GOVERNMENT PROVISIONS**

2000 GENERAL SESSION

STATE OF UTAH

**Sponsor: Howard C. Nielson**

A JOINT RESOLUTION OF THE LEGISLATURE PROPOSING TO AMEND THE UTAH  
CONSTITUTION; MODIFYING THE LEGISLATIVE POWER PROVISION; PROVIDING  
FOR POWERS OF CITIES AND TOWNS; PROVIDING LEGISLATIVE INTENT; DIRECTING  
THE LIEUTENANT GOVERNOR TO REPLACE PROVISIONS FROM PREVIOUS JOINT  
RESOLUTION WITH THE PROVISIONS OF THIS JOINT RESOLUTION AND TO SUBMIT  
THE PREVIOUS JOINT RESOLUTION, AS MODIFIED, TO VOTERS; MAKING  
TECHNICAL CHANGES; AND PROVIDING AN EFFECTIVE DATE.

This resolution proposes to change the Utah Constitution as follows:

AMENDS:

**ARTICLE VI, SECTION 1**

ENACTS:

**ARTICLE XI, SECTION 7**

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

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

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

(1) The Legislative power of the State shall be vested in:

~~[1. In]~~ (a) a Senate and House of Representatives which shall be designated the  
Legislature of the State of Utah~~[-]; and~~

~~[2. In]~~ (b) the people of the State of Utah, as ~~[hereinafter-stated:]~~ provided in Subsection  
(2).

(2) (a) (i) The legal voters ~~[or such fractional part thereof,]~~ of the State of Utah ~~[as may~~

28 ~~be provided by law~~, in the numbers, under ~~[such] the~~ conditions ~~[and]~~, in ~~[such] the~~ manner, and  
 29 within ~~[such] the~~ time ~~[as may be]~~ provided by ~~[law] statute~~, may:

30 (A) initiate any desired legislation and cause ~~[the same] it~~ to be submitted to ~~[a vote of]~~  
 31 the people for ~~[approval or rejection,]~~ adoption upon a majority vote of those voting on the  
 32 legislation, as provided by statute; or [may]

33 (B) require any law passed by the Legislature, ~~[except those laws passed by a two-thirds~~  
 34 ~~vote of the members elected to each house of the Legislature{)]~~, to be submitted to the voters of  
 35 the State, as provided by statute, before ~~[such] the~~ law ~~[shall] may~~ take effect. ~~[Legislation]~~

36 (ii) Notwithstanding Subsection (2)(a)(i)(A), legislation initiated to allow, limit, or prohibit  
 37 the taking of wildlife or the season for or method of taking wildlife shall be adopted upon approval  
 38 of two-thirds of those voting.

39 (b) The legal voters ~~[or such fractional part thereof as may be provided by law,]~~ of any  
 40 ~~[legal subdivision] county, city, town, school district, or other political subdivision~~ of the State,  
 41 under ~~[such] the~~ conditions ~~[and]~~, in ~~[such] the~~ manner, and within ~~[such] the~~ time ~~[as may be]~~  
 42 provided by ~~[law] statute~~, may:

43 (i) initiate any desired legislation and cause ~~[the same] it~~ to be submitted to ~~[a vote of]~~ the  
 44 people of ~~[said legal subdivision] the county, city, town, school district, or other political~~  
 45 subdivision of the State for ~~[approval or rejection,]~~ adoption upon a majority vote of those voting  
 46 on the legislation, as provided by statute; or [may]

47 (ii) require any law or ordinance passed by the law making body of ~~[said legal subdivision]~~  
 48 the county, city, town, school district, or other political subdivision of the State to be submitted  
 49 to the voters thereof, as provided by statute, before ~~[such] the~~ law or ordinance ~~[shall] may~~ take  
 50 effect.

51 Section 2. It is proposed to enact Utah Constitution Article XI, Section 7, to read:

52 **Article XI, Section 7. [Cities and towns -- Powers.]**

53 Cities and towns may:

54 (1) as prescribed by statute, levy, assess, and collect taxes, borrow money, and levy and  
 55 collect special assessments for benefits conferred; and

56 (2) provide services, exercise powers, and perform functions that are reasonably related  
 57 to the safety, health, morals, and welfare of their inhabitants, except as the Legislature limits or  
 58 prohibits by statute.

59 Section 3. **Replacing portions of previous resolution -- Submittal to voters.**

60 (1) It is the intent of the Legislature that:

61 (a) the amendments in this joint resolution replace and supersede the amendments to the  
62 same sections of the Utah Constitution in S.J.R. 5, Resolution Amending State and Local  
63 Government Provisions, passed during the 1999 General Session;

64 (b) S.J.R. 5, Resolution Amending State and Local Government Provisions, passed during  
65 the 1999 General Session, be submitted to voters with the amendments in this joint resolution  
66 included in S.J.R. 5 as though they were included in it at the time it passed the Legislature; and

67 (c) because the amendments in this joint resolution replace and supersede amendments in  
68 S.J.R. 5 and become a part of that resolution, the amendments proposed by this joint resolution  
69 not be submitted separately to the voters of the state.

70 (2) The lieutenant governor is directed to include the amendments proposed by this joint  
71 resolution as a part of S.J.R. 5, Resolution Amending State and Local Government Provisions,  
72 passed during the 1999 General Session, in the place of the amendments to the same sections in  
73 that resolution, and to submit S.J.R. 5, as modified, to the voters of the state at the next regular  
74 general election in the manner provided by law.

75 Section 4. **Effective date.**

76 In accordance with Section 3 of this act, the amendments proposed by this joint resolution  
77 shall have the same effective date as S.J.R. 5, Resolution Amending State and Local Government  
78 Provisions, passed during the 1999 General Session, if S.J.R. 5 is approved by a majority of those  
79 voting on it at the next regular general election.

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**Legislative Review Note**

**as of 1-27-00 12:06 PM**

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

**Office of Legislative Research and General Counsel**