

RESOLUTION ON IMPEACHMENT AUTHORITY

2004 GENERAL SESSION

STATE OF UTAH

Sponsor: John L. Valentine

LONG TITLE

General Description:

This joint resolution of the Legislature proposes to amend the Utah Constitution to modify provisions relating to impeachment.

Highlighted Provisions:

This resolution proposes to amend the Utah Constitution to:

- ▶ modify a provision regarding officers subject to impeachment to eliminate an exception for justices of the peace;
- ▶ eliminate a provision limiting to expenses and mileage the compensation that legislators may receive for days beyond the number allowed for annual general or special sessions when trying cases of impeachment;
- ▶ clarify that the House may convene for the purpose of impeachment when not already in an annual general session;
- ▶ clarify that, upon impeachment by the House, the Senate shall, if not already convened in an annual general session, convene for the purpose of trying the impeachment; and
- ▶ make technical changes.

Special Clauses:

This resolution directs the lieutenant governor to submit this proposal to voters.

This resolution provides an effective date.

Utah Constitution Sections Affected:

AMENDS:

ARTICLE VI, SECTION 16

ARTICLE VI, SECTION 17

ARTICLE VI, SECTION 18

ARTICLE VI, SECTION 19

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 16, to read:

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

(1) No annual general session of the Legislature [~~shall~~] may exceed 45 calendar days, except in cases of impeachment.

(2) No [~~special~~] session [~~shall~~] of the Legislature convened by the Governor under Article VII, Section 6 may exceed 30 calendar days, except in cases of impeachment. [~~When any session of the Legislature trying cases of impeachment exceeds the number of days it may remain in session as provided in this section, the members shall receive compensation only for expenses and mileage for those days in excess of 30.]~~

Section 2. It is proposed to amend Utah Constitution Article VI, Section 17, to read:

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.

Section 3. It is proposed to amend Utah Constitution Article VI, Section 18, to read:

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.

Section 4. It is proposed to amend Utah Constitution Article VI, Section 19, to read:

Article VI, Section 19. [Officers liable for impeachment -- Judgment --

Prosecution by law.]

The Governor and other State and Judicial officers[~~, except justices of the peace,~~] 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.

Section 5. Submittal to voters.

The lieutenant governor is directed to submit this proposed amendment to the voters of the state at the next regular general election in the manner provided by law.

Section 6. Effective date.

If the amendment proposed by this joint resolution is approved by a majority of those voting on it at the next regular general election, the amendment shall take effect on January 1, 2005.