

28 **ARTICLE VI, SECTION 16**

29 **ARTICLE VI, SECTION 17**

30 **ARTICLE VI, SECTION 18**

31 **ARTICLE VI, SECTION 19**



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

35 Section 1. It is proposed to amend Utah Constitution Article VI, Section 16, to read:

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

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

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

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

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

46 (1) The House of Representatives shall have the sole power of impeachment, but in
47 order to impeach, two-thirds of all the members elected must vote therefor.

48 (2) If not already convened in an annual general session, the House of Representatives
49 may convene for the purpose of impeachment if a poll of members conducted by the Speaker of
50 the House indicates that two-thirds of the members of the House of Representatives are in
51 favor of convening.

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

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

54 (1) All impeachments shall be tried by the Senate, and senators, when sitting for that
55 purpose, shall take oath or make affirmation to do justice according to the law and the
56 evidence.

57 (2) Upon an impeachment by the House of Representatives, the Senate shall, if not
58 already convened in an annual general session, convene for the purpose of trying the

59 impeachment.

60 (3) When the Governor is on trial, the Chief Justice of the Supreme Court shall preside.

61 (4) No person shall be convicted without the concurrence of two-thirds of the senators
62 elected.

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

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

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

71 Section 5. **Submittal to voters.**

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

74 Section 6. **Effective date.**

75 If the amendment proposed by this joint resolution is approved by a majority of those
76 voting on it at the next regular general election, the amendment shall take effect on January 1,
77 2005.

Legislative Review Note
as of 1-26-04 3:20 PM

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

Office of Legislative Research and General Counsel

State Impact

It is estimated that publication and distribution costs to put this resolution on the ballot would be \$11,500 from the General Fund.

	<u>FY 2005</u> <u>Approp.</u>	<u>FY 2006</u> <u>Approp.</u>	<u>FY 2005</u> <u>Revenue</u>	<u>FY 2006</u> <u>Revenue</u>
General Fund	\$11,500	\$0	\$0	\$0
TOTAL	\$11,500	\$0	\$0	\$0

Individual and Business Impact

No fiscal impact.
