

**Representative David L. Hogue** proposes the following substitute bill:

**RESOLUTION CLARIFYING REMOVAL**

**PROVISIONS**

2005 GENERAL SESSION

STATE OF UTAH

**Sponsor: David L. Hogue**

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**LONG TITLE**

**General Description:**

This joint resolution of the Legislature proposes to amend the Utah Constitution to clarify the Legislature's authority relating to the removal of certain officers from office.

**Highlighted Provisions:**

This resolution proposes to amend the Utah Constitution to:

- ▶ clarify that the Legislature retains authority to provide by statute for the removal by recall of officers not liable to impeachment for reasons other than those specified for impeachment; and
- ▶ clarify that officers liable to impeachment are not also subject to removal in the manner provided for the removal of officers not liable to impeachment.

**Special Clauses:**

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

This resolution provides a contingent effective date of January 1, 2007 for this proposal.

**Utah Constitution Sections Affected:**

AMENDS:

**ARTICLE VI, SECTION 21**

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*Be it resolved by the Legislature of the state of Utah, two-thirds of all members elected to each*



26 *of the two houses voting in favor thereof:*

27 Section 1. It is proposed to amend Utah Constitution Article VI, Section 21, to read:

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

29 (1) All officers not liable to impeachment [shall] may be removed for any of the  
30 offenses specified in this article, in such manner as may be provided by [law] statute.

31 (2) An officer liable to impeachment under Section 19 of this article is not also subject  
32 to removal in the manner provided by statute under Subsection (1).

33 (3) Nothing in this constitution may be construed to impair the authority of the  
34 Legislature to provide by statute for the removal by recall of officers not liable to impeachment  
35 for reasons other than the offenses specified in this article.

36 Section 2. **Submittal to voters.**

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

39 Section 3. **Effective date.**

40 If the amendment proposed by this joint resolution is approved by a majority of those  
41 voting on it at the next regular general election, the amendment shall take effect on January 1,  
42 2007.

**State Impact**

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

	<u>FY 2006</u> <u>Approp.</u>	<u>FY 2007</u> <u>Approp.</u>	<u>FY 2006</u> <u>Revenue</u>	<u>FY 2007</u> <u>Revenue</u>
General Fund	\$0	\$11,500	\$0	\$0
<b>TOTAL</b>	<b>\$0</b>	<b>\$11,500</b>	<b>\$0</b>	<b>\$0</b>

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**Individual and Business Impact**

No fiscal impact.

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**Office of the Legislative Fiscal Analyst**