

RESOLUTION REGARDING JUDICIAL POWER

2006 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Gregory H. Hughes

Senate Sponsor: Howard A. Stephenson

LONG TITLE**General Description:**

This joint resolution of the Legislature proposes to amend the Utah Constitution to modify provisions relating to the judicial power of the state.

Highlighted Provisions:

This resolution proposes to amend the Utah Constitution to:

- ▶ provide that the judicial power of the state does not include the power to:
 - require an appropriation of state funds, with limited exceptions;
 - require the expenditure of funds by a political subdivision; or
 - require the imposition or increase of a state or local tax.

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 VIII, SECTION 1

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 VIII, Section 1, to read:

Article VIII, Section 1. [Judicial powers -- Courts.]



(1) (a) The judicial power of the State shall be vested in a Supreme Court, in a trial court of general jurisdiction known as the district court, and in such other courts as the Legislature by statute may establish.

(b) The judicial power of the State does not include the power to:

(i) require the appropriation of state funds, except to the extent that the appropriation is required by Article VIII, Section 14 or Article XIII, Section 5, Subsection (5) or (6);

(ii) require the expenditure of funds by a political subdivision of the State; or

(iii) require the imposition or increase of a state or local tax.

(2) The Supreme Court, the district court, and such other courts designated by statute shall be courts of record. Courts not of record shall also be established by statute.

Section 2. 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 3. 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, 2007.

Legislative Review Note

as of 1-10-06 1:45 PM

Based on a limited legal review, this legislation has not been determined to have a high probability of being held unconstitutional.

Office of Legislative Research and General Counsel

Fiscal Note
Bill Number HJR017

Resolution Regarding Judicial Power*30-Jan-06**8:15 AM*

State Impact

Publication and distribution costs to put this resolution on the ballot will be \$11,500 from the General Fund.

	<u>FY 2007</u> <u>Approp.</u>	<u>FY 2008</u> <u>Approp.</u>	<u>FY 2007</u> <u>Revenue</u>	<u>FY 2008</u> <u>Revenue</u>
General Fund, One-Time	\$11,500	\$0	\$0	\$0
TOTAL	\$11,500	\$0	\$0	\$0

Individual and Business Impact

No fiscal impact.

Office of the Legislative Fiscal Analyst