

1 **CONSTITUTIONAL REVISION COMMISSION**

2 **AMENDMENTS**

3 2006 GENERAL SESSION

4 STATE OF UTAH

5 **Chief Sponsor: Peter C. Knudson**

6 House Sponsor: LaVar Christensen

7

8 **LONG TITLE**

9 **General Description:**

10 This bill modifies provisions relating to the Utah Constitutional Revision Commission.

11 **Highlighted Provisions:**

12 This bill:

- 13 ▶ rennumbers and amends provisions relating to the Utah Constitutional Revision
- 14 Commission;
- 15 ▶ reduces commission membership by one member;
- 16 ▶ permits the commission to invite testimony from the governor, state agencies,
- 17 members of the Utah Legislature, and responsible members of the public;
- 18 ▶ clarifies provisions relating to the appointment of members to fill vacancies;
- 19 ▶ provides that a person appointed to fill a vacancy begins serving a new term;
- 20 ▶ modifies a provision relating to commission recommendations to the Legislature;
- 21 ▶ repeals a provision concerning staggering the terms of commission members in
- 22 1977 and a provision relating to commission reports; and
- 23 ▶ makes technical corrections.

24 **Monies Appropriated in this Bill:**

25 None

26 **Other Special Clauses:**

27 None



28 **Utah Code Sections Affected:**

29 ENACTS:

30 **63-54-101**, Utah Code Annotated 1953

31 **63-54-102**, Utah Code Annotated 1953

32 RENUMBERS AND AMENDS:

33 **63-54-103**, (Renumbered from 63-54-1, as last amended by Chapter 98, Laws of Utah
34 1997)

35 **63-54-104**, (Renumbered from 63-54-2, as last amended by Chapter 98, Laws of Utah
36 1997)

37 **63-54-105**, (Renumbered from 63-54-3, as last amended by Chapter 280, Laws of Utah
38 1999)

39 **63-54-106**, (Renumbered from 63-54-4, as last amended by Chapter 98, Laws of Utah
40 1997)

41 **63-54-107**, (Renumbered from 63-54-5, as last amended by Chapter 98, Laws of Utah
42 1997)

43 **63-54-108**, (Renumbered from 63-54-6, as last amended by Chapter 98, Laws of Utah
44 1997)

45 **63-54-109**, (Renumbered from 63-54-8, as last amended by Chapter 220, Laws of Utah
46 1998)

47 REPEALS:

48 **63-54-7**, as last amended by Chapter 98, Laws of Utah 1997

49 **63-54-9**, as last amended by Chapter 98, Laws of Utah 1997



51 *Be it enacted by the Legislature of the state of Utah:*

52 Section 1. Section **63-54-101** is enacted to read:

53 **CHAPTER 54. CONSTITUTIONAL REVISION COMMISSION ACT**

54 **63-54-101. Title.**

55 This chapter is known as the "Constitutional Revision Commission Act."

56 Section 2. Section **63-54-102** is enacted to read:

57 **63-54-102. Definitions.**

58 As used in this chapter, "commission" means the Utah Constitutional Revision

59 Commission created under Section 63-54-103.

60 Section 3. Section **63-54-103**, which is renumbered from Section 63-54-1 is
61 renumbered and amended to read:

62 ~~[63-54-1].~~ **63-54-103. Creation -- Members -- Appointment -- Qualifications --**
63 **Term of office -- Maximum length of service.**

64 (1) There is created a state commission to be known as the Utah Constitutional
65 Revision Commission, composed of [46] 15 members.

66 ~~[(1)]~~ (2) (a) [Three members shall be appointed by the] The speaker of the House of
67 Representatives shall appoint three members from the House of Representatives, not more than
68 two of whom ~~[shall]~~ may be from the same political party.

69 ~~(b) [Three members shall be appointed by the]~~ The president of the Senate shall
70 appoint three members from the Senate, not more than two of whom ~~[shall]~~ may be from the
71 same political party.

72 ~~(c) [Three members shall be appointed by the]~~ The governor shall appoint three
73 members, not more than two of whom ~~[shall]~~ may be from the same political party.

74 ~~[(2) The director of the Office of Legislative Research and General Counsel shall be an~~
75 ~~ex-officio member of the commission.]~~

76 (3) (a) The nine members appointed [and the ex-officio member] under Subsection (2)
77 shall [then] select six additional members.

78 (b) In selecting [these] the six additional members, consideration shall be given to
79 achieving representation from the major geographical areas of the state and to achieving as
80 closely as possible equal bipartisan representation.

81 (4) The term for each commission member shall be six years.

82 (5) A commission member may not serve on the commission longer than 12 years.

83 Section 4. Section **63-54-104**, which is renumbered from Section 63-54-2 is
84 renumbered and amended to read:

85 ~~[63-54-2].~~ **63-54-104. Vacancies -- Maximum length of service.**

86 ~~[(1) The commission shall select a chair and a vice chair from its own membership.]~~

87 ~~[(2)]~~ (1) If [one of the members] a member appointed by the speaker of the House
88 [shall resign or be] resigns, is unable to serve, or is no longer a member of the House of
89 Representatives, the vacancy shall be filled by the speaker of the House, as provided in

90 Subsection 63-54-103(2)(a).

91 ~~[(3)]~~ (2) If ~~[one of the members]~~ a member appointed by the president of the Senate
 92 ~~[shall resign or be]~~ resigns, is unable to serve, or is no longer a member of the Senate, the
 93 vacancy shall be filled by the president of the Senate, as provided in Subsection
 94 63-54-103(2)(b).

95 ~~[(4)]~~ (3) If ~~[one of the members]~~ a member appointed by the governor ~~[shall resign]~~
 96 resigns or ~~[be]~~ is unable to serve, the vacancy shall be filled by the governor, as provided in
 97 Subsection 63-54-103(2)(c).

98 ~~[(5)]~~ (4) If ~~[one of the members]~~ a member appointed by the nine commission ~~[shall~~
 99 ~~resign]~~ members appointed under Subsection 63-54-103(3) resigns or ~~[be]~~ is unable to serve,
 100 the vacancy shall be filled by ~~[the]~~ those nine commission members as provided in Subsection
 101 63-54-103(3).

102 (5) A person appointed to fill a vacancy under this section does not serve the remaining
 103 unexpired term of the member that the person is replacing but begins serving a new term.

104 Section 5. Section **63-54-105**, which is renumbered from Section 63-54-3 is
 105 renumbered and amended to read:

106 ~~[63-54-3].~~ **63-54-105. Duties.**

107 (1) Subject to Subsection (2), the Utah Constitutional Revision Commission shall:

108 (a) conduct a comprehensive examination of the Utah Constitution, as amended, and
 109 make recommendations to the governor and the Legislature as to specific proposed
 110 constitutional amendments to implement the commission's recommendations for changes in the
 111 constitution; and

112 (b) upon request of the governor, president of the Senate, speaker of the House of
 113 Representatives, minority leader of the Senate, minority leader of the House, or the legislative
 114 sponsor of a resolution to amend the Utah Constitution, advise the governor and the Legislature
 115 on any proposed constitutional amendment or revision.

116 (2) The commission ~~[shall]~~ may not make ~~[any]~~ a recommendation on a proposed
 117 constitutional amendment ~~[before]~~ after both houses of the Legislature ~~[take]~~ have taken final
 118 action on it.

119 (3) The commission shall select a chair and a vice chair from among its members.

120 Section 6. Section **63-54-106**, which is renumbered from Section 63-54-4 is

121 renumbered and amended to read:

122 ~~[63-54-4].~~ **63-54-106. The commission may invite testimony.**

123 ~~[The commission in]~~ In performing its duties and responsibilities ~~[shall consider any~~
124 ~~recommendations]~~, the commission may invite testimony from the governor, state agencies,
125 members of the Utah Legislature, and responsible members of the public.

126 Section 7. Section **63-54-107**, which is renumbered from Section 63-54-5 is
127 renumbered and amended to read:

128 ~~[63-54-5].~~ **63-54-107. Public hearings -- Purpose.**

129 The ~~[Utah Constitutional Revision Commission]~~ commission may hold ~~[any]~~ public
130 hearings ~~[as]~~ that it considers advisable and in ~~[such]~~ locations within the state ~~[as]~~ that it ~~[may~~
131 ~~choose]~~ chooses in order to afford any interested person who is a citizen of this state an
132 opportunity to appear and present views in respect to any subject relating to the work of the
133 commission.

134 Section 8. Section **63-54-108**, which is renumbered from Section 63-54-6 is
135 renumbered and amended to read:

136 ~~[63-54-6].~~ **63-54-108. Per diem and expenses of members -- Reports to**
137 **legislators and to governor.**

138 (1) (a) ~~[(i) Members]~~ A member who ~~[are]~~ is not a government ~~[employees shall]~~
139 employee ~~may not~~ receive ~~[no]~~ compensation or benefits for ~~[their services]~~ the member's
140 service, but may receive per diem and expenses incurred in the performance of the member's
141 official duties at the rates established by the Division of Finance under Sections 63A-3-106 and
142 63A-3-107.

143 ~~[(i)]~~ (b) ~~[Members]~~ A member who is not a government employee may decline to
144 receive per diem and expenses for ~~[their]~~ the member's service.

145 ~~[(b)-(i)]~~ (2) (a) ~~[State]~~ A state government officer ~~[and]~~ or employee ~~[members]~~
146 member who ~~[do]~~ does not receive salary, per diem, or expenses from ~~[their]~~ the member's
147 agency for ~~[their]~~ the member's service may receive per diem and expenses incurred in the
148 performance of ~~[their]~~ the member's official duties from the commission at the rates established
149 by the Division of Finance under Sections 63A-3-106 and 63A-3-107.

150 ~~[(i)]~~ (b) ~~[State]~~ A state government officer ~~[and]~~ or employee ~~[members]~~ member may
151 decline to receive per diem and expenses for ~~[their]~~ the member's service.

152 ~~[(c)]~~ (3) ~~[Legislators]~~ Each legislator on the committee shall receive compensation and
153 expenses as provided by law and legislative rule.

154 ~~[(2) The commission shall submit to the members of the Legislature and to the~~
155 ~~governor at least 30 days prior to the convening of the Legislature its recommendations for~~
156 ~~revisions and amendments of the Utah Constitution.]~~

157 Section 9. Section **63-54-109**, which is renumbered from Section 63-54-8 is
158 renumbered and amended to read:

159 ~~[63-54-8].~~ **63-54-109. Appointment of staff.**

160 The Office of Legislative Research and General Counsel shall, in consultation with the
161 chair and vice chair, provide staffing for the commission. The office shall employ other staff
162 members as the commission considers desirable or necessary.

163 Section 10. **Repealer.**

164 This bill repeals:

165 Section **63-54-7, Terms of members -- Vacancies -- Reappointment.**

166 Section **63-54-9, Publication of reports.**

Legislative Review Note
as of 1-26-06 10:34 AM

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