

INITIATIVE AMENDMENTS

2011 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Lyle W. Hillyard

House Sponsor: David G. Butterfield

LONG TITLE

General Description:

This bill amends provisions in Title 20A, Chapter 7, Issues Submitted to the Voters, related to statewide and local initiatives.

Highlighted Provisions:

This bill:

- ▶ requires an initiative to contain no more than one subject to the same extent a bill may not pass with more than one subject under the Utah Constitution;
- ▶ authorizes initiative petition sponsors to change the text of a proposed law following public hearings; and
- ▶ requires the Governor's Office of Planning and Budget to update an initial fiscal impact estimate if the text of a proposed law is changed.

Money Appropriated in this Bill:

None

Other Special Clauses:

⠠→ [None] This bill coordinates with S.B. 165, Election Law Amendments, by merging technical and substantive amendments. ←⠠

Utah Code Sections Affected:

AMENDS:

- 20A-7-202**, as last amended by Laws of Utah 2008, Chapter 237
- 20A-7-203**, as last amended by Laws of Utah 2007, Chapter 78
- 20A-7-204**, as last amended by Laws of Utah 1995, Chapter 153

S.B. 72



28 20A-7-204.1, as last amended by Laws of Utah 2010, Chapter 90

29 20A-7-209, as last amended by Laws of Utah 2010, Chapter 367

30 20A-7-502, as last amended by Laws of Utah 2008, Chapter 237

30a **H→ Utah Code Sections Affected by Coordination Clause:**

30b **20A-7-203, as last amended by Laws of Utah 2007, Chapter 78 ←H**

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

33 Section 1. Section 20A-7-202 is amended to read:

34 **20A-7-202. Statewide initiative process -- Application procedures -- Time to**
35 **gather signatures -- Grounds for rejection.**

36 (1) Persons wishing to circulate an initiative petition shall file an application with the
37 lieutenant governor.

38 (2) The application shall contain:

39 (a) the name and residence address of at least five sponsors of the initiative petition;

40 (b) a statement indicating that each of the sponsors:

41 (i) is a resident of Utah; and

42 (ii) has voted in a regular general election in Utah within the last three years;

43 (c) the signature of each of the sponsors, attested to by a notary public;

44 (d) a copy of the proposed law that includes:

45 (i) the title of the proposed law, which clearly expresses the subject of the law; and

46 (ii) the text of the proposed law; and

47 (e) a statement indicating whether or not persons gathering signatures for the petition
48 may be paid for doing so.

49 (3) The application and its contents are public when filed with the lieutenant governor.

50 (4) (a) The sponsors shall qualify the petition for the regular general election ballot no
51 later than one year after the application is filed.

52 (b) If the sponsors fail to qualify the petition for that ballot, the sponsors must:

53 (i) submit a new application;

54 (ii) obtain new signature sheets; and

55 (iii) collect signatures again.

56 (5) The lieutenant governor shall reject the application **H→ or application addendum**
56a **filed under Subsection 20A-7-204.1(4) ←H** and not issue circulation sheets

57 if:

58 (a) the law proposed by the initiative is patently unconstitutional;

183 (vi) one in the Uintah Basin region -- Daggett, Duchesne, or Uintah County; and

184 (vii) one in the Wasatch Front region -- Davis, Morgan, Salt Lake, Tooele, or Weber

185 County.

186 (b) Of the seven meetings, at least two of the meetings must be held in a first or second
187 class county, but not in the same county.

188 (2) At least three calendar days before the date of the public hearing, the sponsors
189 shall:

190 (a) provide written notice of the public hearing to:

191 (i) the lieutenant governor for posting on the state's website; and

192 (ii) each state senator, state representative, and county commission or county council
193 member who is elected in whole or in part from the region where the public hearing will be
194 held; and

195 (b) publish written notice of the public hearing detailing its time, date, and location:

196 (i) in at least one newspaper of general circulation in each county in the region where
197 the public hearing will be held; and

198 (ii) on the Utah Public Notice Website created in Section 63F-1-701.

199 (3) (a) During the public hearing, the sponsors shall either:

200 (i) video tape or audio tape the public hearing and, when the hearing is complete,
201 deposit the complete audio or video tape of the meeting with the lieutenant governor; or

202 (ii) take comprehensive minutes of the public hearing, detailing the names and titles of
203 each speaker and summarizing each speaker's comments.

204 (b) The lieutenant governor shall make copies of the tapes or minutes available to the
205 public.

206 (4) (a) Within 14 days after conducting the seventh public hearing required by
207 Subsection (1)(a) and before circulating an initiative petition for signatures, the sponsors of the
208 initiative petition may change the text of the proposed law if:

209 (i) a change to the text is:

210 (A) germane to the text of the proposed law filed with the lieutenant governor under
211 Section 20A-7-202; and

212 (B) consistent with the requirements of Subsection 20A-7-202(5); and

213 (ii) each sponsor signs ~~H~~→ , attested to by a notary public, ←~~H~~ an application addendum
213a to change the text of the proposed law.

276 (B) if the initiative seeks to enact a municipal ordinance, has voted in a regular
277 municipal election in Utah:

278 (I) except as provided in Subsection (2)(b)(ii)(B)(II), within the last three years; or

279 (II) within the last five years, if the sponsor's failure to vote within the last three years
280 is due to the sponsor's residing in a municipal district that participates in a municipal election
281 every four years;

282 (c) the signature of each of the sponsors, attested to by a notary public; and

283 (d) a copy of the proposed law that includes:

284 (i) the title of the proposed law, which clearly expresses the subject of the law; and

285 (ii) the text of the proposed law.

286 (3) A proposed law submitted under this section may not contain more than one subject
287 to the same extent a bill may not pass containing more than one subject as provided in Utah
288 Constitution, Article VI, Section 22.

288a **Ĥ→ Section 7. Coordinating S.B. 72 with S.B. 165 -- Merging technical and substantive**
288b **amendments.**

288c **If this S.B. 72 and S.B. 165, Election Law Amendments, both pass, it is the intent of the**
288d **Legislature that the Office of Legislative Research and General Counsel, in preparing the Utah**
288e **Code database for publication merge the changes from both bills to modify Subsection 20A-7-**
288f **203(2)(d) to read:**

288g **"(d) contain the initial fiscal impact estimate's summary statement issued by the Governor's**
288h **Office of Planning and Budget according to Subsection 20A-7-202.5(2)(b), including any**
288i **update according to Subsection 20A-7-204.1(4), and the cost estimate for printing and**
288j **distributing information related to the initiative petition according to Subsection**
288k **20A-7-202.5(3), printed or typed in not less than 12-point, bold type, at the top of each**
288l **signature sheet under the title of the initiative;" ←Ĥ**

Legislative Review Note
as of 2-16-11 11:59 AM

Office of Legislative Research and General Counsel