

Representative Mike K. McKell proposes the following substitute bill:

**JOINT RESOLUTION ON APPOINTMENT OF LEGAL
COUNSEL FOR EXECUTIVE OFFICERS**

2014 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Mike K. McKell

Senate Sponsor: _____

LONG TITLE

General Description:

This joint resolution of the Legislature proposes to amend the Utah Constitution to modify provisions relating to executive branch officers.

Highlighted Provisions:

This resolution proposes to amend the Utah Constitution to:

- ▶ authorize the Lieutenant Governor, State Auditor, and State Treasurer each to appoint legal counsel to advise them under certain circumstances.

Special Clauses:

This resolution directs the Lieutenant Governor to submit this proposal to voters.

This resolution provides a contingent effective date of January 1, 2015, for this proposal.

Utah Constitution Sections Affected:

AMENDS:

ARTICLE VII, SECTION 14

ARTICLE VII, SECTION 15

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 VII, Section 14, to read:

28 **Article VII, Section 14. [Duties of Lieutenant Governor.]**

29 (1) The Lieutenant Governor shall:

30 ~~[(1)]~~ (a) serve on all boards and commissions in lieu of the Governor whenever so
31 designated by the Governor;

32 ~~[(2)]~~ (b) perform such duties as may be delegated by the Governor; and

33 ~~[(3)]~~ (c) perform other duties as may be provided by statute.

34 (2) The Lieutenant Governor may appoint legal counsel to advise the Lieutenant
35 Governor when a conflict of interest prevents the Attorney General from providing legal
36 advice, except that the appointed legal counsel may not represent the Lieutenant Governor in
37 judicial proceedings.

38 Section 2. It is proposed to amend Utah Constitution, Article VII, Section 15, to read:

39 **Article VII, Section 15. [Duties of State Auditor and State Treasurer.]**

40 (1) The State Auditor shall perform financial post audits of public accounts except as
41 otherwise provided by this Constitution.

42 (2) The State Treasurer shall be the custodian of public moneys.

43 (3) Each shall perform other duties as provided by statute.

44 (4) The State Auditor may appoint legal counsel to advise the State Auditor when a
45 conflict of interest prevents the Attorney General from providing legal advice, except that the
46 appointed legal counsel may not represent the State Auditor in judicial proceedings.

47 (5) The State Treasurer may appoint legal counsel to advise the State Treasurer when a
48 conflict of interest prevents the Attorney General from providing legal advice, except that the
49 appointed legal counsel may not represent the State Treasurer in judicial proceedings.

50 **Section 3. Submittal to voters.**

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

53 **Section 4. Contingent effective date.**

54 If the amendment proposed by this joint resolution is approved by a majority of those
55 voting on it at the next regular general election, the amendment shall take effect on January 1,
56 2015.

