

## SJR008S01 compared with SJR008

~~text~~ shows text that was in SJR008 but was deleted in SJR008S01.

inserted text shows text that was not in SJR008 but was inserted into SJR008S01.

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Senator Stephen H. Urquhart proposes the following substitute bill:

### JOINT RESOLUTION ON TERM OF APPOINTED LIEUTENANT GOVERNOR

2014 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Stephen H. Urquhart**

House Sponsor: \_\_\_\_\_

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#### LONG TITLE

##### General Description:

This joint resolution of the Legislature proposes to amend the Utah Constitution to modify a provision relating to the term of office of the Lieutenant Governor following an appointment to that office.

##### Highlighted Provisions:

This resolution proposes to amend the Utah Constitution to ~~text~~:

- ▶ modify the term of an appointed Lieutenant Governor to be consistent with the term of Governor; and
- ▶ make a technical correction.

##### Special Clauses:

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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 10**

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*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 VII, Section 10, to read:

**Article VII, Section 10. [Governor's appointive power -- Governor to appoint to fill vacancy in other state offices -- Vacancy in the office of the Lieutenant Governor.]**

(1) (a) The Governor shall nominate, and by and with consent of the Senate, appoint all State and district officers whose offices are established by this Constitution, or which may be created by law, and whose appointment or election is not otherwise provided for.

(b) If, during the recess of the Senate, a vacancy occurs in any State or district office, the Governor shall appoint some qualified person to discharge the duties thereof until the next meeting of the Senate, when the Governor shall nominate some person to fill such office.

(2) If the office of State Auditor, State Treasurer, or Attorney General be vacated by death, resignation, or otherwise, it shall be the duty of the Governor to fill the same by appointment, from the same political party as the removed person; and the appointee shall hold office until a successor shall be elected and qualified, as provided by law.

(3) (a) A vacancy in the office of Lieutenant Governor occurs when:

(i) the Lieutenant Governor dies, resigns, is removed from office following impeachment, becomes Governor under Article VII, Section 11, ceases to reside within the State, or is determined, as provided in Subsection (3)(b), to have a disability that renders the Lieutenant Governor unable to discharge the duties of office for the remainder of the Lieutenant Governor's term of office; or

(ii) the Lieutenant Governor-elect fails to take office because of the Lieutenant Governor-elect's death, failure to qualify for office, or disability, determined as provided in Subsection (3)(b), that renders the Lieutenant Governor-elect unable to discharge the duties of

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office for the Lieutenant Governor-elect's full term of office.

(b) (i) Except when the disability of a Lieutenant Governor is determined under Article VII, Section 11, Subsection (6) because the Lieutenant Governor is acting as Governor under Article VII, Section 11, Subsection (5), the disability of a Lieutenant Governor or Lieutenant Governor-elect shall be determined by a written declaration stating that the Lieutenant Governor or Lieutenant Governor-elect is unable to discharge the powers and duties of the office.

(ii) The written declaration under Subsection (3)(b)(i) shall be transmitted to the Supreme Court and shall be signed by:

(A) the Governor; or

(B) (I) the Lieutenant Governor, if the Lieutenant Governor is the subject of the declaration; or

(II) the Lieutenant Governor-elect, if the Lieutenant Governor-elect is the subject of the declaration.

(iii) If the Lieutenant Governor or Lieutenant Governor-elect, as the case may be, disputes a declaration transmitted by the Governor under Subsection (3)(b)(i), the Lieutenant Governor or Lieutenant Governor-elect may, within ten days after the declaration is transmitted to the Supreme Court, file a petition requesting the Supreme Court to determine whether a disability exists as stated in the Governor's declaration.

(iv) In determining whether a disability exists, the Supreme Court shall follow procedures that the Court establishes, unless the Legislature by statute establishes procedures for the Supreme Court to follow in determining whether a disability exists.

(v) A determination of disability under this Subsection (3)(b) is final and conclusive.

(c) (i) If a vacancy in the office of Lieutenant Governor occurs, the Governor shall, with the consent of the Senate, appoint a person as Lieutenant Governor, to serve:

~~(A)~~ except as provided in Subsection (3)(c)(i)(B), the remainder of the unexpired term; or ~~(B)~~

~~(B)~~ ~~(A)~~ until the first Monday in January of the year following the next regular general election after the vacancy occurs, if ~~the vacancy occurs~~ ~~(A)~~ because the Lieutenant Governor becomes Governor an election is held for Governor and Lieutenant Governor under Article VII, Section 11, Subsection ~~(2)~~ during the first year of the term of office; or

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~~(B) for the remainder of the unexpired term, if the vacancy occurs after the first year of the term of office.} [(2)] (4).~~

(ii) The person appointed as Lieutenant Governor under Subsection (3)(c)(i) shall be from the same political party as the Governor.

(iii) Neither the President of the Senate nor the Speaker of the House of Representatives may, while acting as Governor under Article VII, Section 11, Subsection [(4)] (5), appoint a person as Lieutenant Governor to fill a vacancy in that office.

### Section 2. **Submittal to voters.**

The ~~{lieutenant governor}~~ 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, 2015.

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### Legislative Review Note

~~as of 10-23-13 12:22 PM~~

~~Office of Legislative Research and General Counsel}~~