

1 **PROPOSAL TO AMEND UTAH CONSTITUTION --**
2 **SPECIAL SESSIONS OF THE LEGISLATURE**

3 2018 GENERAL SESSION

4 STATE OF UTAH

5 **Chief Sponsor: Brad R. Wilson**

6 Senate Sponsor: Daniel Hemmert

8 **LONG TITLE**

9 **General Description:**

10 This joint resolution of the Legislature proposes to amend the Utah Constitution to
11 modify provisions relating to special sessions of the Legislature.

12 **Highlighted Provisions:**

13 This resolution proposes to amend the Utah Constitution to:

- 14 ▶ authorize the Legislature to convene a session of the Legislature, under specified
- 15 circumstances;
- 16 ▶ provide a process for the Legislature to convene a session;
- 17 ▶ impose certain limitations on a session convened by the Legislature;
- 18 ▶ make a related clarification for sessions convened by the Governor; and
- 19 ▶ enact a provision providing options for the Governor to address a shortfall of
- 20 revenues to defray ordinary expenses of the state, including calling the Legislature
- 21 into session.

22 **Special Clauses:**

23 This resolution directs the lieutenant governor to submit this proposal to voters.

24 This resolution provides a contingent effective date of January 1, 2019 for this proposal.

25 **Utah Constitution Sections Affected:**

26 AMENDS:

27 **ARTICLE VI, SECTION 2**



28 **ARTICLE VI, SECTION 16**

29 **ARTICLE VII, SECTION 7**

30 **ARTICLE XIII, SECTION 5**

31

32 *Be it resolved by the Legislature of the state of Utah, two-thirds of all members elected to each*
33 *of the two houses voting in favor thereof:*

34 Section 1. It is proposed to amend Utah Constitution, Article VI, Section 2, to read:

35 **Article VI, Section 2. [Time and location of annual general sessions -- Location**
36 **of sessions convened by the Governor or Legislature -- Sessions convened by the**
37 **Legislature.]**

38 (1) Annual general sessions of the Legislature shall be held at the seat of government
39 and shall begin on the fourth Monday in January.

40 (2) A session convened by the Governor under Article VII, Section 6 and a session
41 convened by the Legislature under Subsection (3) shall be held at the seat of government,
42 unless convening at the seat of government is not feasible due to epidemic, natural or
43 human-caused disaster, enemy attack, or other public catastrophe.

44 (3) (a) The President of the Senate and Speaker of the House of Representatives shall
45 by joint proclamation convene the Legislature into session if a poll conducted by the President
46 and Speaker of their respective houses indicates that two-thirds of all members elected to each
47 house ~~→~~ [

48 ~~(i) have determined that in their opinion convening the Legislature into session is~~
49 ~~necessary because of a persistent fiscal crisis, war, natural disaster, or emergency in the affairs~~
50 ~~of the State; and~~

51 ~~(ii)~~ ← ~~→~~ are in favor of convening the Legislature into session ~~→~~ **because in their opinion**
51a **a persistent fiscal crisis, war, natural disaster, or emergency in the affairs of the State**
51b **necessitates convening the Legislature into session** ← ~~→~~ .

52 (b) The joint proclamation issued by the President and Speaker shall specify the
53 business for which the Legislature is to be convened, and the Legislature may not transact any
54 business other than that specified in the joint proclamation, except that the Legislature may
55 provide for the expenses of the session and other matters incidental to the session.

56 (c) The Legislature may not be convened into session under this Subsection (3) during
57 the 30 calendar days immediately following the adjournment sine die of an annual general
58 session of the Legislature.

59 (d) In a session convened under this Subsection (3), the cumulative amount of
 60 appropriations that the Legislature makes may not exceed an amount equal to 1% of the total
 61 amount appropriated by the Legislature for the immediately preceding completed fiscal year.

62 (e) Nothing in this Subsection (3) affects the Governor's authority to convene the
 63 Legislature under Article VII, Section 6.

64 Section 2. It is proposed to amend Utah Constitution, Article VI, Section 16, to read:

65 **Article VI, Section 16. [Duration of sessions.]**

66 [(+) Except in cases of impeachment[;]:

67 (1) (1) no annual general session of the Legislature may exceed 45 calendar days,
 68 excluding federal holidays[;];

69 (2) [~~No~~] no session of the Legislature convened by the Governor under Article VII,
 70 Section 6 may exceed 30 calendar days[~~, except in cases of impeachment.]; and~~

71 (3) no session of the Legislature convened by the Legislature under Article VI, Section
 72 2, Subsection (3) may exceed 10 calendar days.

73 Section 3. It is proposed to amend Utah Constitution, Article VII, Section 7, to read:

74 **Article VII, Section 7. [Adjournment of Legislature by Governor.]**

75 In case of a disagreement between the two houses of the Legislature at any special
 76 session convened by the Governor under Article VII, Section 6, with respect to the time of
 77 adjournment, the Governor shall have power to adjourn the Legislature to such time as the
 78 Governor may think proper if it is not beyond the time fixed for the convening of the next
 79 Legislature.

80 Section 4. It is proposed to amend Utah Constitution, Article XIII, Section 5, to read:

81 **Article XIII, Section 5. [Use and amount of taxes and expenditures.]**

82 (1) (a) The Legislature shall provide by statute for an annual tax sufficient, with other
 83 revenues, to defray the estimated ordinary expenses of the State for each fiscal year.

84 (b) If the ordinary expenses of the State will exceed revenues for a fiscal year, the
 85 Governor shall:

86 (i) reduce all State expenditures on a pro rata basis, except for expenditures for debt of
 87 the State; or

88 (ii) convene the Legislature into session under Article VII, Section 6 to address the
 89 deficiency.

90 (2) (a) For any fiscal year, the Legislature may not make an appropriation or authorize
91 an expenditure if the State's expenditure exceeds the total tax provided for by statute and
92 applicable to the particular appropriation or expenditure.

93 (b) Subsection (2)(a) does not apply to an appropriation or expenditure to suppress
94 insurrection, defend the State, or assist in defending the United States in time of war.

95 (3) For any debt of the State, the Legislature shall provide by statute for an annual tax
96 sufficient to pay:

97 (a) the annual interest; and

98 (b) the principal within 20 years after the final passage of the statute creating the debt.

99 (4) Except as provided in Article X, Section 5, Subsection (5)(a), the Legislature may
100 not impose a tax for the purpose of a political subdivision of the State, but may by statute
101 authorize political subdivisions of the State to assess and collect taxes for their own purposes.

102 (5) All revenue from taxes on intangible property or from a tax on income shall be used
103 to support the systems of public education and higher education as defined in Article X,
104 Section 2.

105 (6) Proceeds from fees, taxes, and other charges related to the operation of motor
106 vehicles on public highways and proceeds from an excise tax on liquid motor fuel used to
107 propel those motor vehicles shall be used for:

108 (a) statutory refunds and adjustments and costs of collection and administration;

109 (b) the construction, maintenance, and repair of State and local roads, including
110 payment for property taken for or damaged by rights-of-way and for associated administrative
111 costs;

112 (c) driver education;

113 (d) enforcement of state motor vehicle and traffic laws; and

114 (e) the payment of the principal of and interest on any obligation of the State or a city
115 or county, issued for any of the purposes set forth in Subsection (6)(b) and to which any of the
116 fees, taxes, or other charges described in this Subsection (6) have been pledged, including any
117 paid to the State or a city or county, as provided by statute.

118 (7) Fees and taxes on tangible personal property imposed under Section 2, Subsection
119 (6) of this article are not subject to Subsection (6) of this Section 5 and shall be distributed to
120 the taxing districts in which the property is located in the same proportion as that in which the

121 revenue collected from real property tax is distributed.

122 (8) A political subdivision of the State may share its tax and other revenues with
123 another political subdivision of the State as provided by statute.

124 (9) Beginning July 1, 2016, the aggregate annual revenue from all severance taxes, as
125 those taxes are defined by statute, except revenue that by statute is used for purposes related to
126 any federally recognized Indian tribe, shall be deposited annually into the permanent State trust
127 fund under Article XXII, Section 4, as follows:

- 128 (a) 25% of the first \$50,000,000 of aggregate annual revenue;
- 129 (b) 50% of the next \$50,000,000 of aggregate annual revenue; and
- 130 (c) 75% of the aggregate annual revenue that exceeds \$100,000,000.

131 **Section 5. Submittal to voters.**

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

134 **Section 6. Contingent effective date.**

135 If the amendment proposed by this joint resolution is approved by a majority of those
136 voting on it at the next regular general election, the amendment shall take effect on January 1,
137 2019.

Legislative Review Note
Office of Legislative Research and General Counsel