

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

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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**



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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 are in favor of convening the Legislature into session because in their opinion a  
48 persistent fiscal crisis, war, natural disaster, or emergency in the affairs of the State necessitates  
49 convening the Legislature into session.

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

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

57 (d) In a session convened under this Subsection (3), the cumulative amount of

58 appropriations that the Legislature makes may not exceed an amount equal to 1% of the total  
59 amount appropriated by the Legislature for the immediately preceding completed fiscal year.

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

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

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

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

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

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

69 (3) no session of the Legislature convened by the Legislature under Article VI, Section  
70 2, Subsection (3) may exceed 10 calendar days.

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

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

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

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

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

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

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

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

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

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

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

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

95           (a) the annual interest; and

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

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

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

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

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

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

110           (c) driver education;

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

112           (e) the payment of the principal of and interest on any obligation of the State or a city  
113 or county, issued for any of the purposes set forth in Subsection (6)(b) and to which any of the

114 fees, taxes, or other charges described in this Subsection (6) have been pledged, including any  
115 paid to the State or a city or county, as provided by statute.

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

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

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

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

129 **Section 5. Submittal to voters.**

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

132 **Section 6. Contingent effective date.**

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