

# HB0133S01 compared with HB0133

~~deleted text~~ shows text that was in HB0133 but was deleted in HB0133S01.

Inserted text shows text that was not in HB0133 but was inserted into HB0133S01.

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Representative Brad M. Daw proposes the following substitute bill:

## INITIATIVE AMENDMENTS

2019 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Brad M. Daw**

Senate Sponsor: \_\_\_\_\_

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### LONG TITLE

#### General Description:

This bill modifies provisions relating to statewide initiatives.

#### Highlighted Provisions:

This bill:

- ▶ modifies the effective date of laws enacted by statewide initiative;
- ▶ modifies appeal provisions relating to conflicting initiatives; and
- ▶ makes technical and conforming changes.

#### Money Appropriated in this Bill:

None

#### Other Special Clauses:

None

#### Utah Code Sections Affected:

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AMENDS:

**20A-7-211**, as last amended by Laws of Utah 2010, Chapter 367

**20A-7-212**, as last amended by Laws of Utah 2001, Chapter 20

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

Section 1. Section **20A-7-211** is amended to read:

**20A-7-211. Return and canvass -- Conflicting measures -- Law effective on proclamation.**

(1) The votes on the law proposed by the initiative petition shall be counted, canvassed, and delivered as provided in Title 20A, Chapter 4, Part 3, Canvassing Returns.

(2) After the state board of canvassers completes its canvass, the lieutenant governor shall certify to the governor the vote for and against the law proposed by the initiative petition.

(3) (a) The governor shall immediately issue a proclamation that:

(i) gives the total number of votes cast in the state for and against each law proposed by an initiative petition; and

(ii) declares those laws proposed by an initiative petition that were approved by majority vote to be in full force and effect [~~as the law of Utah~~] on the date described in Subsection 20A-7-212(2).

(b) When the governor believes that two proposed laws, or that parts of two proposed laws approved by the people at the same election are entirely in conflict, he shall proclaim that measure to be law that has received the greatest number of affirmative votes, regardless of the difference in the majorities which those measures have received.

(c) (i) Within 10 days after the governor's proclamation, any qualified voter who signed the initiative petition proposing the law that is declared by the governor to be superseded by another measure approved at the same election may apply to the [~~Supreme Court~~] appropriate court to review the governor's decision.

(ii) The court shall:

(A) consider the matter and decide whether [~~or not~~] the proposed laws are in conflict; and

(B) certify [~~its~~] the court's decision to the governor.

(4) Within 10 days after the [~~Supreme Court certifies its~~] court certifies the decision,

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the governor shall:

(a) proclaim all those measures approved by the people as law that the [~~Supreme Court~~] court has determined are not in conflict; and

(b) of all those measures approved by the people as law that the [~~Supreme Court has determined~~] court determines to be in conflict, proclaim as law [~~the one~~], regardless of the difference in majorities, the law that received the greatest number of affirmative votes, [regardless of difference in majorities] to be in full force and effect on the date described in Subsection 20A-7-212(2).

Section 2. Section **20A-7-212** is amended to read:

### **20A-7-212. Effective date.**

(1) A proposed law submitted to the Legislature by initiative petition and [~~enacted by them~~] passed by the Legislature takes effect 60 days after the [~~final adjournment of the session of the Legislature that passed it, unless a different~~] last day of the session of the Legislature in which the law passed, unless:

(a) a later effective date is included in the proposed law; or

(b) an earlier effective date is included in the proposed law and the proposed law passes the Legislature by a two-thirds vote of the members elected to each house of the Legislature.

(2) [~~(a) Any~~] A proposed law submitted to the people by initiative petition that is approved by the voters at [~~any election does not take effect until at least five days after the date of the official proclamation of the vote by the governor.~~] an election takes effect:

(a) except as provided in Subsections (2)(b) through (e), on the day that is 60 days after the last day of the general session of the Legislature next following the election;

(b) except as provided in Subsection (2)(d) or (e), if the proposed law effectuates a tax increase:

(i) except as provided in Subsection (2)(b)(ii), January 1 of the year after the general session of the Legislature next following the election;<sup>f</sup>

~~(c) † or~~

(ii) at the beginning of the applicable taxable year that begins on or after January 1 of the year after the general session of the Legislature next following the election, for a tax described in:

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(A) Title 59, Chapter 6, Mineral Production Tax Withholding;

(B) Title 59, Chapter 7, Corporate Franchise and Income Taxes;

(C) Title 59, Chapter 8, Gross Receipts Tax on Certain Corporations Not Required to Pay Corporate Franchise or Income Tax Act; or

(D) Title 59, Chapter, 10, Individual Income Tax Act;

(c) except as provided in Subsection (2)(d) or (e), if the proposed law effectuates a tax decrease ~~};~~ five days after the day on which the governor issues the proclamation described in Section 20A-7-211; or

~~— (d);~~

(i) except as provided in Subsection (2)(c)(ii), April 1 immediately following the election; or

(ii) for a tax described in Subsection (2)(b)(ii)(A) through (D), at the beginning of the applicable taxable year that begins on or after January 1 immediately following the election;

(d) except as provided in Subsection (2)(e), January 1 of the year after the general session of the Legislature next following the election, if the proposed law effectuates a change in a tax described in:

(i) Title 59, Chapter 2, Property Tax Act;

(ii) Title 59, Chapter 3, Tax Equivalent Property Act; or

(iii) Title 59, Chapter 4, Privilege Tax; or

(e) if the proposed law specifies a special effective date that is after the otherwise applicable effective date described in ~~Subsection~~ Subsections (2)(a) ~~};~~ through ~~(b), or (c) d~~, the date specified in the proposed law.

~~[(b) Any act or law submitted to the people by initiative that is approved by the voters at any election takes effect on the date specified in the initiative petition.]~~

~~[(c) If the initiative petition does not specify an effective date, a law approved by the voters at any election takes effect five days after the date of the official proclamation of the vote by the governor.]~~

(3) (a) The governor may not veto a law adopted by the people.

(b) The Legislature may amend any initiative approved by the people at any legislative session.