Representative Brad M. Daw proposes the following substitute bill:

1	**INITIATIVE AMENDMENTS**
2	2019 GENERAL SESSION
3	STATE OF UTAH
4	**Chief Sponsor: Brad M. Daw**
5	Senate Sponsor: Curtis S. Bramble
6	
7	**LONG TITLE**
8	**General Description:**
9	This bill modifies provisions relating to statewide initiatives.
10	**Highlighted Provisions:**
11	This bill:
12	‣ modifies the effective date of laws enacted by statewide initiative;
13	‣ modifies appeal provisions relating to conflicting initiatives; and
14	‣ makes technical and conforming changes.
15	**Money Appropriated in this Bill:**
16	None
17	**Other Special Clauses:**
18	None
19	**Utah Code Sections Affected:**
20	AMENDS:
21	**20A-7-211**, as last amended by Laws of Utah 2010, Chapter 367
22	**20A-7-212**, as last amended by Laws of Utah 2001, Chapter 20
23	
24	*Be it enacted by the Legislature of the state of Utah:*
25	Section 1. Section **20A-7-211** is amended to read:

26   **20A-7-211.   Return and canvass -- Conflicting measures -- Law effective on**

27   **proclamation.**

28   (1) The votes on the law proposed by the initiative petition shall be counted,

29   canvassed, and delivered as provided in Title 20A, Chapter 4, Part 3, Canvassing Returns.

30   (2) After the state board of canvassers completes its canvass, the lieutenant governor

31   shall certify to the governor the vote for and against the law proposed by the initiative petition.

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

33   (i) gives the total number of votes cast in the state for and against each law proposed by

34   an initiative petition; and

35   (ii) declares those laws proposed by an initiative petition that were approved by

36   majority vote to be in full force and effect [as the law of Utah] on the date described in

37   Subsection 20A-7-212(2).

38   (b) When the governor believes that two proposed laws, or that parts of two proposed

39   laws approved by the people at the same election are entirely in conflict, he shall proclaim that

40   measure to be law that has received the greatest number of affirmative votes, regardless of the

41   difference in the majorities which those measures have received.

42   (c) [(i)] Within 10 days after the governor's proclamation, any qualified voter who

43   signed the initiative petition proposing the law that is declared by the governor to be

44   superseded by another measure approved at the same election may [apply to the Supreme

45   Court] bring an action in the appropriate court to review the governor's decision.

46   [(ii) The court shall:]

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

48   and]

49   [(B) certify its decision to the governor.]

50   (4) Within 10 days after the [Supreme Court certifies its decision] day on which the

51   court issues an order in an action described in Subsection (3)(c), the governor shall:

52   (a) proclaim all those measures approved by the people as law that the [Supreme

53   Court] court has determined are not entirely in conflict; and

54   (b) of all those measures approved by the people as law that the [Supreme Court has

55   determined] court determines to be entirely in conflict, proclaim as law [the one], regardless of

56   the difference in majorities, the law that received the greatest number of affirmative votes,

57   [regardless of difference in majorities] to be in full force and effect on the date described in

58   Subsection 20A-7-212(2).

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

60   **20A-7-212.   Effective date.**

61   (1) A proposed law submitted to the Legislature by initiative petition and [enacted by

62   them] passed by the Legislature takes effect 60 days after the [final adjournment of the session

63   of the Legislature that passed it, unless a different] last day of the session of the Legislature in

64   which the law passed, unless:

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

66   (b) an earlier effective date is included in the proposed law and the proposed law

67   passes the Legislature by a two-thirds vote of the members elected to each house of the

68   Legislature.

69   (2) [(a) Any] A proposed law submitted to the people by initiative petition that is

70   approved by the voters at [any election does not take effect until at least five days after the date

71   of the official proclamation of the vote by the governor.] an election takes effect:

72   (a) except as provided in Subsections (2)(b) through (e), on the day that is 60 days after

73   the last day of the general session of the Legislature next following the election;

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

75   increase:

76   (i) except as provided in Subsection (2)(b)(ii), January 1 of the year after the general

77   session of the Legislature next following the election; or

78   (ii) at the beginning of the applicable taxable year that begins on or after January 1 of

79   the year after the general session of the Legislature next following the election, for a tax

80   described in:

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

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

83   (C) Title 59, Chapter 8, Gross Receipts Tax on Certain Corporations Not Required to

84   Pay Corporate Franchise or Income Tax Act; or

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

86   (c) except as provided in Subsection (2)(d) or (e), if the proposed law effectuates a tax

87   decrease:

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

89   election; or

90   (ii) for a tax described in Subsection (2)(b)(ii)(A) through (D), at the beginning of the

91   applicable taxable year that begins on or after January 1 immediately following the election;

92   (d) except as provided in Subsection (2)(e), January 1 of the year after the general

93   session of the Legislature next following the election, if the proposed law effectuates a change

94   in a tax described in:

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

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

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

98   (e) if the proposed law specifies a special effective date that is after the otherwise

99   applicable effective date described in Subsections (2)(a) through (d), the date specified in the

100 proposed law.

101   [(b) Any act or law submitted to the people by initiative that is approved by the voters

102 at any election takes effect on the date specified in the initiative petition.]

103   [(c) If the initiative petition does not specify an effective date, a law approved by the

104 voters at any election takes effect five days after the date of the official proclamation of the

105 vote by the governor.]

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

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

108 session.