

INITIATIVE PROTECTION ACT

2020 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Angela Romero

Senate Sponsor: _____

LONG TITLE

General Description:

This bill provides that, if the Legislature repeals or materially amends an initiative, the repeal or amendment does not take effect unless and until approved by the voters.

Highlighted Provisions:

This bill:

- ▶ provides that, if the Legislature repeals or materially amends an initiative, the repeal or amendment does not take effect unless and until approved by the voters;
- ▶ provides exceptions; and
- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

20A-7-214, as last amended by Laws of Utah 2019, Chapter 275

ENACTS:

20A-7-215, Utah Code Annotated 1953

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



28 Section 1. Section **20A-7-214** is amended to read:

29 **20A-7-214. Fiscal review -- Repeal, amendment, or resubmission.**

30 (1) No later than 60 days after the date of an election in which the voters approve an
31 initiative petition, the Office of the Legislative Fiscal Analyst shall:

32 (a) for each initiative approved by the voters, prepare a final fiscal impact statement,
33 using current financial information and containing the information required by Subsection
34 [20A-7-202.5\(2\)](#); and

35 (b) deliver a copy of the final fiscal impact statement to:

36 (i) the president of the Senate;

37 (ii) the minority leader of the Senate;

38 (iii) the speaker of the House of Representatives;

39 (iv) the minority leader of the House of Representatives; and

40 (v) the first five sponsors listed on the initiative application.

41 (2) If the final fiscal impact statement exceeds the initial fiscal impact estimate by 25%
42 or more, the Legislature shall review the final fiscal impact statement and may, in any
43 legislative session following the election in which the voters approved the initiative petition:

44 (a) subject to Section [20A-7-215](#), repeal the law established by passage of the
45 initiative;

46 (b) subject to Section [20A-7-215](#), amend the law established by passage of the
47 initiative; or

48 (c) pass a joint or concurrent resolution informing the voters that they may file an
49 initiative petition to repeal the law enacted by the passage of the initiative.

50 Section 2. Section **20A-7-215** is enacted to read:

51 **20A-7-215. Legislature amending or repealing initiative -- Requirement to submit**
52 **action to voters -- Exceptions.**

53 (1) Except as provided in Subsection (2), if, after the voters approve a law proposed by
54 initiative under this part, the Legislature passes a bill repealing or amending the law, and the
55 bill becomes law:

56 (a) the lieutenant governor shall submit the bill passed by the Legislature for approval
57 or rejection by the voters at the next regular general election that is at least 180 days after the
58 bill becomes law;

59 (b) the lieutenant governor, the Office of Legislative Research and General Counsel,
60 the Legislative Fiscal Analyst's Office, and all other persons shall, in relation to the vote,
61 comply with the provisions for submitting arguments and voter information in the same
62 manner as if the vote was on a statewide referendum and as if the sponsors of the initiative that
63 is repealed or amended by the Legislature are the sponsors of the statewide referendum; and

64 (c) the bill does not go into effect unless and until a majority of the voters voting at the
65 regular general election described in Subsection (1)(a) approve the bill.

66 (2) Subsection (1) does not apply if:

67 (a) the bill amends the law only by making technical changes, cross-reference changes,
68 or changes to conform with other legislation if the changes do not materially alter the law
69 passed by initiative; or

70 (b) the bill that amends or repeals the law passed by initiative does not become law
71 earlier than 10 years after the day on which the law passes by initiative.