

HJR004S01 compared with HJR004

~~deleted text~~ shows text that was in HJR004 but was deleted in HJR004S01.

inserted text shows text that was not in HJR004 but was inserted into HJR004S01.

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Representative Ken Ivory proposes the following substitute bill:

PROPOSAL TO AMEND UTAH CONSTITUTION -- LEGISLATIVE POWER RELATING TO CIVIL ACTION FOR CHILD SEXUAL ABUSE

2022 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Ken Ivory

Senate Sponsor: _____

LONG TITLE

General Description:

This joint resolution of the Legislature proposes to amend the Utah Constitution to address legislative power relating to causes of action for child sexual abuse.

Highlighted Provisions:

This resolution proposes to amend the Utah Constitution to:

- ▶ provide that the legislative power of the state includes the power to provide for the revival of a cause of action for child sexual abuse after expiration of the cause of action due to a statute of limitations.

Special Clauses:

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

This resolution provides a contingent effective date of January 1, 2023 for this proposal.

Utah Constitution Sections Affected:

AMENDS:

ARTICLE VI, SECTION 1.

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

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

Article VI, Section 1. [Power vested in Senate, House, and People.]

(1) (a) The Legislative power of the State shall be vested in:

~~[(a)]~~ (i) a Senate and House of Representatives which shall be designated the Legislature of the State of Utah; and

~~[(b)]~~ (ii) the people of the State of Utah as provided in Subsection (2).

(b) The Legislative power of the State includes the power to provide for the revival of a civil cause of action **against an individual** for child sexual abuse, as defined by statute, after ~~expiration of~~ the cause of action **has expired** due to an applicable statute of limitations.

(2) (a) (i) The legal voters of the State of Utah, in the numbers, under the conditions, in the manner, and within the time provided by statute, may:

(A) initiate any desired legislation and cause it to be submitted to the people for adoption upon a majority vote of those voting on the legislation, as provided by statute; or

(B) require any law passed by the Legislature, except those laws passed by a two-thirds vote of the members elected to each house of the Legislature, to be submitted to the voters of the State, as provided by statute, before the law may take effect.

(ii) Notwithstanding Subsection (2)(a)(i)(A), legislation initiated to allow, limit, or prohibit the taking of wildlife or the season for or method of taking wildlife shall be adopted upon approval of two-thirds of those voting.

(b) The legal voters of any county, city, or town, in the numbers, under the conditions, in the manner, and within the time provided by statute, may:

(i) initiate any desired legislation and cause it to be submitted to the people of the county, city, or town for adoption upon a majority vote of those voting on the legislation, as

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provided by statute; or

(ii) require any law or ordinance passed by the law making body of the county, city, or town to be submitted to the voters thereof, as provided by statute, before the law or ordinance may take effect.

Section 2. Submittal to voters.

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

Section 3. Contingent effective date.

If the amendment proposed by this joint resolution is approved by a majority of those voting on it at the next regular general election, the amendment shall take effect on January 1, 2023.