

CONSTITUTIONAL AMENDMENT

F

Shall the Utah Constitution be amended to:

- change when annual general sessions of the Utah Legislature begin from the fourth Monday in January to a day in January designated by a law passed by the Utah Legislature; and
- exclude state holidays that are not also federal holidays from counting towards the maximum number of days of the Utah Legislature's annual general sessions?

Ballot Title

FOR

AGAINST

Legislative Votes

Utah Senate

29 Yes 0 No 0 Not Present

Utah House of Representatives

50 Yes 24 No 1 Not Present

Bill Title & Session

2020 Legislative General Session
Senate Joint Resolution (S.J.R.) 3
*Proposal to Amend Utah
Constitution -- Annual General
Session of the Legislature*

IMPARTIAL ANALYSIS

Current Provisions of the Utah Constitution

The Utah Constitution currently requires each annual general session of the Utah Legislature to begin on the fourth Monday in January.

The Utah Constitution also states that an annual general session may not exceed 45 calendar days, excluding federal holidays. The constitution does not exclude state holidays from the 45-day limit. In other words, state holidays that are not also federal holidays count towards the 45-day limit.

Effect of Constitutional Amendment F

Constitutional Amendment F changes the start day of annual general sessions of the Utah Legislature from the fourth Monday in January to a day in January designated by a law passed by the Utah Legislature.

The amendment also excludes state holidays that are not also federal holidays from counting towards the 45-day limit of annual general sessions of the Utah Legislature.

Effective Date

If approved by voters, Constitutional Amendment F takes effect on January 1, 2021.

Fiscal Effects

The Legislative Fiscal Analyst has determined that Constitutional Amendment F will have no fiscal effect and will not result in any increase or decrease in revenue or cost to the state or to local governments.

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ARGUMENT IN FAVOR

The Legislature has changed the start date of the annual General Legislative Session twice in the last two decades. One change was to accommodate the 2002 Winter Olympics. Another change was to avoid overlapping the Martin Luther King Jr holiday in 2008. More changes will likely be needed in the future, especially if the state hosts another Winter Olympics.

The Utah Constitution sets the start date of the General Legislative Session. Changing the Constitution to adjust something as simple as the start date of the General Legislative Session is a lengthy process that costs taxpayers money. Each time the start date needs to be adjusted, a bill must be passed a year in advance and then voters must approve the change in the following November election.

This Constitutional Amendment F does not change the number of days the Legislature is in session, it remains at 45 days, and still preserves the guidelines in the Utah Constitution pertaining to the General Legislative Session while allowing the Legislature to be flexible.

As the Utah Constitution now dictates, the session would still need to begin in January and run for only 45 consecutive days, with the exception of federal and state holidays. The only change included in Constitutional Amendment F is removing the specific January start date from the Constitution and instead specifying the January start date in statute. The Legislature would be enabled to set the start date by passing a bill. This will allow for more adaptability in determining a start date.

Vote for flexibility. Vote for saving taxpayer's money. Vote FOR Constitutional Amendment F.

-Senator Ann Millner and Representative Mike McKell

No rebuttal was submitted to the argument in favor of Constitutional Amendment F.
No argument was submitted against Constitutional Amendment F.

FULL TEXT OF CONSTITUTIONAL AMENDMENT F

PROPOSAL TO AMEND UTAH CONSTITUTION -- ANNUAL GENERAL SESSION OF THE LEGISLATURE

2020 General Session

Utah Constitution Sections Affected:

AMENDS:

ARTICLE VI, SECTION 2

ARTICLE VI, Section 16

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 2, to read:

Article VI, Section 2. [Time and location of annual general sessions – Location of sessions convened by the Governor or Legislature -- Sessions convened by the Legislature.]

(1) Annual general sessions of the Legislature shall be held at the seat of government and shall begin on ~~[the fourth Monday]~~ the day in January designated by statute.

(2) A session convened by the Governor under Article VII, Section 6 and a session convened by the Legislature under Subsection (3) shall be held at the seat of government, unless convening at the seat of government is not feasible due to epidemic, natural or human-caused disaster, enemy attack, or other public catastrophe.

(3) (a) The President of the Senate and Speaker of the House of Representatives shall by joint proclamation convene the Legislature into session if a poll conducted by the President and Speaker of their respective houses indicates that two-thirds of all members elected to each house are in favor of convening the Legislature into session because in their opinion a persistent fiscal crisis, war, natural disaster, or emergency in the affairs of the State necessitates convening the Legislature into session. (b) The joint proclamation issued by the President and Speaker shall specify the business for which the Legislature is to be convened, and the Legislature may not transact any business other than that specified in the joint proclamation, except that the Legislature may provide for the expenses of the session and other matters incidental to the session.

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

(d) In a session convened under this Subsection (3), the cumulative amount of appropriations that the Legislature makes may not exceed an amount equal to 1% of the total amount appropriated by the Legislature for the immediately preceding completed fiscal year.

(e) Nothing in this Subsection (3) affects the Governor's authority to convene the Legislature under Article VII, Section 6. Section 2. It is proposed to amend Utah Constitution, Article VI, Section 16, to read:

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

Except in cases of impeachment:

(1) no annual general session of the Legislature may exceed 45 calendar days, excluding state holidays and federal holidays;

(2) no session of the Legislature convened by the Governor under Article VII, Section 6 may exceed 30 calendar days; and

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

Section 3. 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 4. 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, 2021.