

PROPOSED CONSTITUTIONAL AMENDMENT

PROPOSAL TO AMEND UTAH CONSTITUTION -- TERMINOLOGY UPDATE

2019 General Session

Utah Constitution Sections Affected:

AMENDS:

ARTICLE I, SECTION 1

ARTICLE I, SECTION 11

ARTICLE I, SECTION 12

ARTICLE VI, SECTION 7

ARTICLE VI, SECTION 20

ARTICLE VI, SECTION 33

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 I, Section 1, to read:

Article I, Section 1. [Inherent and inalienable rights.]

All [men] persons have the inherent and inalienable right to enjoy and defend their lives and liberties; to acquire, possess and protect property; to worship according to the dictates of their consciences; to assemble peaceably, protest against wrongs, and petition for redress of grievances; to communicate freely their thoughts and opinions, being responsible for the abuse of that right.

Section 2. It is proposed to amend Utah Constitution, Article I, Section 11, to read:

Article I, Section 11. [Courts open -- Redress of injuries.]

All courts shall be open, and every person, for an injury done to [him-in-his] the person in his or her person, property, or reputation, shall have remedy by due course of law, which shall be administered without denial or unnecessary delay; and no person shall be barred from prosecuting or defending before any tribunal in this State, [by himself-or] with or without counsel, any civil cause to which [he] the person is a party.

Section 3. It is proposed to amend Utah Constitution, Article I, Section 12, to read:

Article I, Section 12. [Rights of accused persons.]

In criminal prosecutions the accused shall have the right to appear and defend in person and by counsel, to demand the nature and cause of the accusation [against-him], to have a copy thereof, to testify in [his] the accused's own behalf to be confronted by the witnesses against [him] the accused, to have compulsory process to compel the attendance of witnesses in [his] the accused's own behalf, to have a speedy public trial by an impartial jury of the county or district in which the offense is alleged to have been committed, and the right to appeal in all cases. In no instance shall any accused person, before final judgment, be compelled to advance money or fees to secure the rights herein guaranteed. The accused shall not be compelled to give evidence against himself or herself; a [wife] person shall not be compelled to testify against [her-husband; nor a husband-against-his-wife] the person's spouse, nor shall any person be twice put in jeopardy for the same offense. Where the defendant is otherwise entitled to a preliminary examination, the function of that examination is limited to determining whether probable cause exists unless otherwise provided by statute. Nothing in this constitution shall preclude the use of reliable hearsay evidence as defined by statute or rule in whole or in part at any preliminary examination to determine probable cause or at any pretrial proceeding with respect to release of the defendant if appropriate discovery is allowed as defined by statute or rule.

Section 4. It is proposed to amend Utah Constitution, Article VI, Section 7, to read:

Article VI, Section 7. [Ineligibility of legislator to office created at term for which elected.]

No member of the Legislature, during the term for which [he] the member was elected, shall be appointed or elected to any civil office of profit under this State, which shall have been created, or the emoluments of which shall have been increased, during the term for which [he] the member was elected.

Section 5. It is proposed to amend Utah Constitution, Article VI, Section 20, to read:

Article VI, Section 20. [Service of articles of impeachment.]

No person shall be tried on impeachment, unless [he] the person shall have been served with a copy of the articles thereof, at least ten days before the trial, and after such service [he] the person shall not exercise the duties of [his] office until [he shall have been] acquitted.

Section 6. It is proposed to amend Utah Constitution, Article VI, Section 33, to read:

Article VI, Section 33. [Legislative auditor appointed.]

The Legislature shall appoint a legislative auditor to serve at its pleasure. The legislative auditor shall have authority to conduct audits of any funds, functions, and accounts in any branch, department, agency or political subdivision of this state and shall perform such other related duties as mav be prescribed by the Leaislature.

[He] The legislative auditor shall report to and be answerable only to the Legislature.

Section 7. **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 8. **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.

Constitutional Amendment A Ballot Title

FOR

AGAINST

Shall the Utah Constitution be amended to change words that apply to a single gender (such as the word “men”) to words that are not limited to a single gender (such as the word “persons”)?

PROPOSED CONSTITUTIONAL AMENDMENT

PROPOSAL TO AMEND UTAH CONSTITUTION -- LEGISLATOR QUALIFICATIONS

2019 General Session

Utah Constitution Sections Affected:

AMENDS:

ARTICLE VI, SECTION 5

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 5, to read:

Article VI, Section 5. [Who is eligible as a legislator.]

(1) A person is not eligible to the office of senator or representative unless the person is:

(a) at the time of election or appointment:

[(a)] (i) a citizen of the United States;

[(b)] (ii) at least twenty-five years of age; and

[(c)] (iii) a qualified voter in the district from which the person is chosen;

[(d)] (b) a resident of the state for three consecutive years immediately prior to:

(i) the last date provided by statute for filing for the office, for a person seeking election to the office; or

(ii) the person's appointment to the office, for a person appointed to fill a mid-term vacancy; and

[(e)] (c) (i) a resident of the district from which the person is elected for six consecutive months immediately prior to t last date provided by statute for filing for the office; or

(ii) a resident of the district for which the person is appointed to fill a mid-term vacancy for six consecutive months immediately prior to the person's appointment.

(2) A person elected or appointed to the office of senator or representative may not continue to serve in that office after ceasing to be a resident of the district from which elected or for which appointed.

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, 2021.

Constitutional Amendment B Ballot Title

FOR

AGAINST

Shall the Utah Constitution be amended to specify that certain requirements that a person must meet to be eligible for the office of senator or representative in the Utah Legislature apply at the time the person is elected or appointed?

PROPOSED CONSTITUTIONAL AMENDMENT

PROPOSAL TO AMEND UTAH CONSTITUTION -- SLAVERY AND INVOLUNTARY

SERVITUDE PROHIBITION

2019 General Session

Utah Constitution Sections Affected:

AMENDS:

ARTICLE I, SECTION 21

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 I, Section 21, to read:

Article I, Section 21. [Slavery and involuntary servitude forbidden -- Limitation.]

(1) Neither slavery nor involuntary servitude[, except as a punishment for crime, whereof the party shall have been duly convicted,] shall exist within this State.

(2) Subsection (1) does not apply to the otherwise lawful administration of the criminal justice system.

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, 2021.

Constitutional Amendment C Ballot Title

FOR

AGAINST

Shall the Utah Constitution be amended to make the following changes to the Utah Constitution’s ban on slavery and involuntary servitude:

- remove the language that allows slavery and involuntary servitude as punishment for a crime; and
- clarify that the ban does not affect the otherwise lawful administration of the criminal justice system?

PROPOSED CONSTITUTIONAL AMENDMENT

PROPOSAL TO AMEND UTAH CONSTITUTION -- WATER RESOURCES OF MUNICIPALITIES

2019 General Session

Utah Constitution Sections Affected:

AMENDS:

ARTICLE XI, SECTION 6

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 XI, Section 6, to read:

Article XI, Section 6. [Municipal water rights and sources of water supply.]

[No municipal corporation; shall directly or indirectly, lease, sell, alien or dispose of any waterworks, water rights, or sources of water supply now, or hereafter to be owned or controlled by it; but all such waterworks, water rights and sources of water supply now owned or hereafter to be acquired by any municipal corporation, shall be preserved, maintained and operated by it for supplying its inhabitants with water at reasonable charges: Provided, That nothing herein contained shall be construed to prevent any such municipal corporation from exchanging water rights, or sources of water supply, for other water rights or sources of water supply of equal value, and to be devoted in like manner to the public supply of its inhabitants.]

(1) A municipality that owns, acquires, or controls water rights or sources of water supply to supply water to the public: (a) may not directly or indirectly lease, sell, alienate, or dispose of any of those water rights or sources of water supply; (b) shall preserve and maintain those water rights and sources of water supply to supply water to the municipality's inhabitants and others within the municipality's designated water service area; and (c) may by ordinance designate the geographic limits of the municipality's water service area and define the terms of service, including water service charges that are reasonable.

(2) Nothing in Subsection (1) may be construed to prevent a municipality from:

(a) supplying water to retail consumers outside the municipality's boundary but within the municipality's designated water service area for reasonable charges established by ordinance;

(b) contractually committing to supply water outside the municipality's designated water service area, if the water supplied is in excess of the water needed for the municipality's designated water service area; or

(c) exchanging water rights or sources of water supply for other water rights or sources of water supply that the municipality determines will equally enable the municipality to meet the needs of its designated water service area.

Section 2. **Replacing previous resolution -- 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 and to withdraw and not submit to voters H.J.R. 1, Proposal to Amend Utah Constitution -- Municipal Water Resources, passed during the 2019 General Session. This joint resolution replaces and supersedes H.J.R. 1, Proposal to Amend Utah Constitution -- Municipal Water Resources.

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, 2021.

Constitutional Amendment D Ballot Title

FOR

AGAINST

Shall the Utah Constitution be amended to:

- rewrite a provision relating to municipal water rights and sources of water supply;
- allow a municipality to define the boundary of the municipality's water service area and to set the terms of water service for that area;
- state that a municipality is not prevented from:
 - supplying water to water users outside the municipality's boundary; or
 - entering into a contract to supply water outside the municipality's water service area if the water is more than what is needed for the municipality's water service area; and
- modify the basis upon which a municipality is allowed to exchange water rights or sources of water supply?

PROPOSED CONSTITUTIONAL AMENDMENT

PROPOSAL TO AMEND UTAH CONSTITUTION -- THE RIGHT TO HUNT AND FISH

2020 General Session

Utah Constitution Sections Affected:

ENACTS:

ARTICLE I, SECTION 30

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 enact Utah Constitution Article I, Section 30, to read:

Article I, Section 30. [Right to hunt and fish.]

(1) The individual right of the people to hunt and to fish is a valued part of the State’s heritage and shall be forever preserved for the public good.

(2) The right under Subsection (1) includes the right to use traditional methods to hunt and to fish, subject only to statute, and rules and regulations adopted as provided by statute, to:

(a) promote wildlife conservation and management;

(b) provide reasonable regulation of hunting and fishing activities; and

(c) preserve the future of hunting and fishing.

(3) Public hunting and fishing shall be the preferred means of managing and controlling wildlife.

(4) This section does not affect:

(a) the law relating to trespass or property rights;

(b) the State’s sovereign authority over the State’s natural resources; or

(c) the State’s obligation to manage lands granted to the State under the Enabling Act.

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, 2021.

Constitutional Amendment E Ballot Title

FOR

AGAINST

Shall the Utah Constitution be amended to:

- preserve the individual right to hunt and to fish, including the right to use traditional hunting and fishing methods subject to certain regulation; and
- establish public hunting and fishing as the preferred way of managing and controlling wildlife?

PROPOSED CONSTITUTIONAL AMENDMENT

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.

(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.

Constitutional Amendment F Ballot Title

FOR

AGAINST

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 Leaislature: and

PROPOSED CONSTITUTIONAL AMENDMENT

PROPOSAL TO AMEND UTAH CONSTITUTION -- USE OF TAX REVENUE

2020 General Session

Utah Constitution Sections Affected:

AMENDS:

ARTICLE XIII, SECTION 5

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 XIII, Section 5, to read:

Article XIII, Section 5. [Use and amount of taxes and expenditures.]

(1) (a) The Legislature shall provide by statute for an annual tax sufficient, with other revenues, to defray the estimated ordinary expenses of the State for each fiscal year.

(b) If the ordinary expenses of the State will exceed revenues for a fiscal year, the Governor shall:

(i) reduce all State expenditures on a pro rata basis, except for expenditures for debt of the State; or (ii) convene the Legislature into session under Article VII, Section 6 to address the deficiency.

(2) (a) For any fiscal year, the Legislature may not make an appropriation or authorize an expenditure if the State’s expenditure exceeds the total tax provided for by statute and applicable to the particular appropriation or expenditure. (b) Subsection (2)(a) does not apply to an appropriation or expenditure to suppress insurrection, defend the State, or assist in defending the United States in time of war.

(3) For any debt of the State, the Legislature shall provide by statute for an annual tax sufficient to pay:

(a) the annual interest; and

(b) the principal within 20 years after the final passage of the statute creating the debt.

(4) Except as provided in Article X, Section 5, Subsection (5)(a), the Legislature may not impose a tax for the purpose of a political subdivision of the State, but may by statute authorize political subdivisions of the State to assess and collect taxes for their own purposes.

(5) All revenue from taxes on intangible property or from a tax on income shall be used;

[(a) to support the systems of public education and higher education as defined in Article X, Section 2[-]; and

(b) to support children and to support individuals with a disability.

(6) Proceeds from fees, taxes, and other charges related to the operation of motor vehicles on public highways and proceeds from an excise tax on liquid motor fuel used to propel those motor vehicles shall be used for:

(a) statutory refunds and adjustments and costs of collection and administration;

(b) the construction, maintenance, and repair of State and local roads, including payment for property taken for or damaged by rights-of-way and for associated administrative costs;

(c) driver education;

(d) enforcement of state motor vehicle and traffic laws; and

(e) the payment of the principal of and interest on any obligation of the State or a city or county, issued for any of the purposes set forth in Subsection (6)(b) and to which any of the fees, taxes, or other charges described in this Subsectio

(6) have been pledged, including any paid to the State or a city or county, as provided by statute.

(7) Fees and taxes on tangible personal property imposed under Section 2, Subsection (6) of this article are not subject to Subsection (6) of this Section 5 and shall be distributed to the taxing districts in which the property is located in the same proportion as that in which the revenue collected from real property tax is distributed.