

INITIATIVE AMENDMENTS

2019 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: **Brad M. Daw**

Senate Sponsor: Curtis S. Bramble

LONG TITLE

General Description:

This bill modifies provisions relating to statewide initiatives.

Highlighted Provisions:

This bill:

- ▶ modifies the effective date of laws enacted by statewide initiative;
- ▶ modifies appeal provisions relating to conflicting initiatives; and
- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

20A-7-211, as last amended by Laws of Utah 2010, Chapter 367

20A-7-212, as last amended by Laws of Utah 2001, Chapter 20

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

Section 1. Section **20A-7-211** is amended to read:

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

(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) ~~[(†)]~~ 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44 superseded by another measure approved at the same election may ~~[apply to the Supreme~~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.