

Constitutional Amendment C

Ballot Title

Shall the Utah Constitution be amended to:

- authorize the Legislature to convene into a limited session if two-thirds of the Utah Senate and House members agree that convening is necessary because of a fiscal crisis, war, natural disaster, or emergency in the affairs of the state;
- require the Governor to reduce state expenditures or convene the Legislature into session if state expenses will exceed revenue for a fiscal year; and
- require a session of the Legislature, other than the 45-day annual general session, to be held at the state capitol, unless it is not feasible due to a specified condition?

Impartial Analysis

Constitutional Amendment C makes three main changes to the Utah Constitution. The Amendment: (1) allows the president of the Utah Senate and the speaker of the Utah House of Representatives to convene the Legislature into session under certain limited circumstances; (2) requires the Governor to take certain action if the state's expenditures will exceed revenue for a fiscal year; and (3) requires a session of the Legislature convened by the Governor or the Legislature to be held at the state capitol in Salt Lake City unless it is not feasible due to certain circumstances.

1. Legislative Sessions

Current Provisions of the Utah Constitution

The current Utah Constitution provides two ways for the Legislature to meet together -- or convene -- in a session to conduct the legislative business of considering and passing laws. First, the Utah Constitution requires the Legislature to meet each year in a 45-day general session. The Constitution does not place any limits on the business that the Legislature may consider during an annual general session.

Second, the Constitution authorizes the Governor to convene the Legislature into session, commonly referred to as a special session, at a time other than an annual general session for no more than 30 days. The business that the Legislature may consider during a session convened by the Governor is limited to the business specified by the Governor.

Other than the annual general session and a session convened by the Governor, the Utah Constitution does not provide for the convening of the Legislature into session.

Effect of Amendment C

Amendment C authorizes the Legislature to be convened into session at a time other than the 45-day annual general session or when the Governor convenes the Legislature into session. The Amendment authorizes the president of the Utah Senate and the speaker of the Utah House

of Representatives to convene the Legislature into session if two-thirds of all Senate and House members are in favor of convening because in their opinion a persistent fiscal crisis, war, natural disaster, or emergency in the affairs of the state requires convening. The business that the Legislature may conduct during the session is limited to the business specified in a proclamation that the Senate president and House of Representatives speaker issue to convene the session.

Amendment C contains the following additional limitations on a session convened by the president and speaker:

- the session may not be convened within the 30 days following the completion of a 45-day annual general session;
- the session may not last more than 10 calendar days; and
- the total amount of money that the Legislature authorizes to be spent may not exceed 1% of the total amount authorized to be spent for the immediately preceding fiscal year.

2. Requirements if State Expenditures Exceed State Revenue

Current Provisions of the Utah Constitution

Under the current Utah Constitution, the Legislature authorizes the spending of state money for each fiscal year, which is a period beginning July 1 and ending the following June 30. The spending authorizations occur before the start of a fiscal year and are based on projections of future state revenue for that same period. The Legislature may not authorize more money to be spent during a fiscal year than the state is expected to receive during that period.

If actual revenue during any fiscal year turns out to be less than the amount of money the Legislature previously authorized to be spent, the Governor may, in the manner and in the amounts chosen by the Governor, reduce the amount that state agencies spend. Alternatively, the Governor may, but is not required to, convene the Legislature into session to adjust the amount of money to be spent to match the amount of state revenue.

Effect of Amendment C

Amendment C requires the Governor to take one of two actions if the state's expenses will exceed the state's revenue for a fiscal year. The Governor must either (1) reduce proportionately the amount of money spent, except for money spent for the state's debt, or (2) convene the Legislature into session so that the Legislature may address the revenue shortfall.

3. Location of Legislative Sessions

Current Provisions of the Utah Constitution

The current Utah Constitution requires each 45-day annual general session of the Legislature to be held at the state capitol in Salt Lake City and does not provide any exception to that requirement. The Constitution does not currently specify the location for a session convened by the Governor.

Effect of Amendment C

Amendment C requires a session of the Legislature that is convened by the Governor or a session convened by the Senate president and House speaker, as authorized under Amendment C, to be held at the state capitol in Salt Lake City. The Amendment makes an exception to that requirement if convening at the state capitol is not feasible due to epidemic, natural or human-caused disaster, enemy attack, or other public catastrophe.

Effective Date

If approved by voters, Constitutional Amendment C takes effect January 1, 2019.

Fiscal Impact

If the Legislature follows past practice and convenes into session on days when the Legislature is holding meetings anyway, Amendment C will not have a material impact on state costs. The legislative fiscal analyst estimates that the Legislature convening into session on a day other than a day when the Legislature is holding meetings anyway will increase state costs by \$50,000 for each day the Legislature is convened in session.