

(S.J.R. 12)

CONSTITUTIONAL AMENDMENT C

RESOLUTION AMENDING UTAH CONSTITUTION

2007 GENERAL SESSION

SENATE: 29-0-0
HOUSE: 72-0-3

BALLOT TITLE

YES

No

Shall the Utah Constitution be amended to:

- change the start of the Legislature's annual general session from the third Monday in January to the fourth Monday in January; and
- exclude federal holidays from the calculation of the 45-day limit on annual general sessions of the Legislature?

IMPARTIAL ANALYSIS

Effect of Constitutional Amendment C

Constitutional Amendment C moves the beginning date of annual general sessions of the Legislature from the third Monday in January to the fourth Monday in January. Under this Amendment, each annual general session of the Legislature will begin a week after the federal holiday commemorating the birth of Martin Luther King, Jr.

This Amendment also excludes federal holidays from the calculation of the 45-day limit on annual general sessions of the Legislature. Presidents' Day is the only federal holiday that would currently fall within a 45-day annual general session beginning the fourth Monday in January. Under Constitutional Amendment C, Presidents' Day would not be considered when calculating the 45-day limit.

The effect of Constitutional Amendment C is that annual general sessions of the Legislature would begin one week later than under the current Utah Constitution. In addition, annual general sessions would end one week and a day later than under the current Utah Constitution.

Effective date

If approved by voters, Constitutional Amendment C takes effect January 1, 2009.

Fiscal impact

Enactment of this Amendment will not likely result in any increase or decrease in revenue or cost to state or local government.

ARGUMENT IN FAVOR

The Utah Constitution currently directs that the annual legislative session will run for 45 calendar days beginning the third Monday of January. If citizens approve Amendment A, we will begin the session on the *fourth* Monday of January and exclude national holidays from the 45-day count.

This minor calendar change would have three very positive effects, as follows:

1) A YES vote on Amendment A would allow Utah citizens to more appropriately honor the late Reverend Dr. Martin Luther King, Jr., President George Washington, and President Abraham Lincoln.

Martin Luther King Day falls on the same day that the State Constitution requires the legislative session to begin (third Monday in January). The Senate and House hold special events to honor Dr. King on the opening day of the session.

However, many Utahns suggest that convening the session later would be a more appropriate way to remember his legacy. I would like to honor that suggestion.

ARGUMENT IN FAVOR (continued)

In addition, President's Day (third Monday in February) occurs during the legislative session.

Intended to provide pause to honor heroes and leaders in U.S. history, the meaning of these national holidays might sometimes be lost in the intensity of session work.

2) A YES vote on Amendment A would provide eight additional session days after final tax revenue amounts become available to establish the state budget.

For many years Utah has been recognized as one of the best-managed states in the union. Key to that success has been its consistent use of sound budgeting principles and conservative revenue estimating. Building a balanced, multi-billion dollar budget is a lot of work, and each day matters. Final revenue estimates, however, aren't available until mid February. This only gives the legislature two weeks to make adjustments, hold hearings, consider and pass a budget before the end of the session. Moving the starting date back a week will allow more time to prepare the state's annual budget which would help ensure continued budget-making success.

3) A YES vote on Amendment A would give legislators, staff, and citizens an additional post-holiday-season week in January to prepare for the general session. Additional draft legislation, budget analysis, and other technical work can be accomplished before the session begins, providing for more efficient use of time during the session.

This minor calendar change makes a lot of sense. I invite you to vote with me and approve this constitutional amendment.

-John Valentine
President of the Utah Senate

ARGUMENT AGAINST

No argument submitted.

COMPLETE TEXT CONSTITUTIONAL AMENDMENT C

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 of general sessions.]

Annual general sessions of the Legislature shall be held at the seat of government and shall begin on the [~~third~~] fourth Monday in January.

Section 2. It is proposed to amend Utah Constitution Article VI, Section 16, to read:

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

(1) [~~No~~] Except in cases of impeachment, no annual general session of the Legislature may exceed 45 calendar days, [~~except in cases of impeachment~~] excluding federal holidays.

(2) No session of the Legislature convened by the Governor under Article VII, Section 6 may exceed 30 calendar days, except in cases of impeachment.

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. **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, 2009.