

INITIATIVE PETITION

To the Honorable Greg Bell, Lieutenant Governor:

We, the undersigned citizens and registered voters of the State of Utah, respectfully demand that the following law entitled “**FAIR SOLUTION INITIATIVE**” be submitted to the legal voters of Utah for their approval or rejection at the regular general election to be held on November 2, 2010. Each signer says: “I have personally signed this petition; I am registered to vote in Utah or intend to become registered to vote in Utah before the certification of the petition names by the county clerk; and my residence and post office address are written correctly after my name.”

FAIR SOLUTION INITIATIVE

LONG TITLE

General Description:

This bill enacts provisions in the Legislative Code pertaining to the involuntary redistribution and relocation of homosexuals to municipalities outside state boundaries or, to their rehabilitation in state sanctioned facilities.

Highlighted Provisions:

This bill:

- provides definitions and rules regarding relocation and rehabilitation;
- establishes the office of a relocation and rehabilitation commissioner;
- establishes a volunteer board constituted of Utah residents to advise and assist in the execution of the relocation and rehabilitation process;
- establishes requirements for holding the office of commissioner or participating in the volunteer board;
- provides transportation accommodations for affected parties;
- enacts guidelines for criminal prosecution of delinquent homosexuals;
- enacts guidelines for criminal prosecution of persons harboring homosexuals;
- provides an effective date for this bill.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

ENACTS:

- 55-7-101, Utah Code Annotated 1953
- 55-7-201, Utah Code Annotated 1953
- 55-7-301, Utah Code Annotated 1953
- 55-7-302, Utah Code Annotated 1953
- 55-7-303, Utah Code Annotated 1953
- 55-7-304, Utah Code Annotated 1953
- 55-7-401, Utah Code Annotated 1953
- 55-7-501, Utah Code Annotated 1953
- 55-7-601, Utah Code Annotated 1953
- 76-10-3001, Utah Code Annotated 1953
- 76-10-3001a, Utah Code Annotated 1953
- 76-10-3002, Utah Code Annotated 1953

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

Intent Statement.

It is the intent of the People in enacting this initiative to heal the divides in this state currently afflicted on us by the homosexual population and give them the compassionate choice to either leave the state or conform to the moral standards of society and uphold the values of family and traditional marriage. No scientific evidence has ever proven that sexual preference is genetic, and as such, even should the rest of society tolerate these deviants, we can no longer allow them to wander unchecked infecting the minds of helpless children. This altruistic compromise allows Utah freedom from the blight of homosexuals and allows those who chose to do so the ability to reintegrate into a society based on traditional values.

In 2004, the People of Utah passed Amendment 3 by 65% of the popular vote to limit marriage to its traditional definition. Since that time, the homosexual community in Utah has continued to grow and exhibit offensive behavior while relentlessly bombarding our children with carefully placed messages in the media. This statute, if enacted, would offer a final solution to afford our children protection from the expanding influence of homosexuals and strengthen our cultural mores at a time when society's moral anchors are being displaced with reckless abandon.

The People intend to send a message with this initiative that the traditional family is the bedrock of society and that we will not be silent in protecting our families and our religious freedoms. In past campaigns, such as the 2008 Proposition 8 Campaign in California, the homosexual community has sought to denigrate and disparage religious communities and others who support the natural family in an attempt to do irreparable harm to the moral fabric of society. They have attacked our sacred institutions and any attempts to reconcile with the deviants are followed by thuggish and brutish behavior including vandalism, defamation, trespassing and violence. Even now, the homosexuals are mounting a federal lawsuit that attempts to override state's rights regarding traditional marriage. In order to maintain the natural order of society and prevent homosexuals from subverting our cultural institutions, we recommend the adoption of this initiative.

Section 1. Section **55-7-101** is enacted to read:

55-7-101. Declaration of Policy.

Affected parties must either:

- (a) Leave the State by their own means;
- (b) Use State provided transportation options to leave the State; or
- (c) Attend a rehabilitation program.

Section 2. Section **55-7-201** is enacted to read:

55-7-201. Definition of Terms.

As used in this part:

- (1) "Homosexual" means any person that willingly engages in acts of a sexual nature with the same sex, including, but not limited to, kissing, oral sex and sodomy.
- (2) "Affected parties" means any person identified as a homosexual per Subsection (1).
- (3) "Rehabilitation program" means any program certified by the volunteer board to assist homosexuals in reasserting their moral heterosexual nature and transition out of a gay identity and lifestyle.
- (4) "Religious based facilities" means any facility owned or operated by a faith-based organization including, but not limited to, churches, temples, synagogues, mosques and meetinghouses.

Section 3. Section **55-7-301** is enacted to read:

55-7-301. Office of Relocation and Rehabilitation.

- (1) (a) There is created the Office of Relocation and Rehabilitation consisting of the following:
- (i) the commissioner of the Relocation and Rehabilitation Commission;
 - (ii) two members appointed by the governor with the consent of the Senate consisting of:
 - (A) a representative of traditional family values, in making this appointment the governor shall consider nominations from non-profit organizations that promote the natural traditional family which is based on one man and one woman and encourages natural procreation; and
 - (B) a representative of rehabilitation programs, in making this appointment the governor shall consider nominations from non-profit organization that assist people to diminish same-sex attraction, overcome homosexual behavior, and transition out of a gay identity and lifestyle.
- (b) (i) Except as provided in Subsection (1)(b)(ii), as terms of members appointed under Subsection (1)(a)(ii) expire, the governor shall appoint each new member or reappointed member to a two-year term.
- (ii) Notwithstanding the requirements of Subsection (1)(b)(i), the governor shall, at the time of appointment or reappointment, adjust the length of terms to ensure that the terms of members appointed under Subsection (1)(a)(ii) are staggered so one member is appointed every two years.
- (c) The commissioner shall serve as chair of the board.
- (d) A vacancy occurring on the board for any cause of the members appointed under Subsection (1)(a)(ii) shall be filled by the governor with the consent of the Senate pursuant to this section for the unexpired term of the vacating member.
- (e) The governor may at any time remove a member appointed under Subsection (1)(a)(ii) but only for inefficiency, neglect of duty, malfeasance or malfeasance in office, or for cause upon a hearing.
- (f) A member of the board appointed under Subsection (1)(a)(ii) may not hold any other office in the government of the United States, this state or any other state, or of any county government or municipal corporation within a state.
- (g) (i) (A) A member appointed under Subsection (1)(a)(ii) may not receive compensation for the member's services, but may receive per diem and expenses incurred in the performance of the member's official duties at the rates established by the Division of Finance under Sections [63A-3-106](#) and [63A-3-107](#).
- (B) A member appointed under Subsection (1)(a)(ii) may decline to receive per diem and expenses for the member's service.
- (ii) The commissioner may not receive additional compensation, per diem, or expenses from the commissioner's service on the board that is in addition to the monies received as commissioner.
- (2) A meeting of the board may be called:
- (a) by the chair; or
 - (b) jointly by the members appointed under Subsection (1)(a)(ii).
- (3) The chair may provide staff and administrative support as necessary from the Office of Relocation and Rehabilitation.
- (4) A vacancy in the board shall not impair the right of the remaining members to exercise all the powers of the board, and two members of the board shall at all times constitute a quorum.
- (5) The board shall have an official seal which shall be judicially noticed.

Section 4. Section **55-7-302** is enacted to read:

55-7-302. Relocation and Rehabilitation Board -- Offices -- Jurisdiction -- Member's Participation in Case.

The principal office of the board shall be at the state capitol, but it may meet and exercise any or all of its powers at any other place including religious based facilities. The board may, by one or more of its members or by such agents or agencies as it may designate, prosecute any inquiry necessary to its functions in any part of the state. A member who participates in such inquiry shall not be disqualified from subsequently participating in a decision of the board in the same case.

Section 5. Section **55-7-303** is enacted to read:

55-7-303. Relocation and Rehabilitation Board -- Rules and Regulations.

The board shall have authority from time to time to make, amend and rescind such rules and regulations as may be necessary to carry out the provisions of this act. Such rules and regulations shall be effective upon publication in the manner in which the board shall prescribe.

Section 6. Section **55-7-304** is enacted to read:

55-7-304. Hearings and investigations -- Power of board -- Witnesses -- Procedure.

For the purpose of all hearings and investigations, which, in the opinion of the board, are necessary and proper for the exercise of the powers vested in it:

- (1) The board, or its duly authorized agents or agencies, shall at all reasonable times have access to, for the purpose of examination, and the right to copy, any evidence of any person being investigated or proceeded against for being a homosexual, participating in homosexual or other offensive behavior that relates to any matter under investigation or in question. Any member of the board shall have power to issue subpoenas requiring the attendance and testimony of witnesses and the production of any evidence that relates to any matter under investigation or in question, before the board, its member, agent, or agency conducting the hearing or investigation. Any member of the board, or any agent or agency designated by the board, for these purposes, may administer oaths and affirmations, examine witnesses, and receive evidence. Attendance of witnesses and the production of evidence may be required from any place in the state at any duly designated place of hearing.
- (2) In case of contumacy or refusal to obey a subpoena issued to any person, any district court of Utah within the jurisdiction of which the inquiry is carried on or within the jurisdiction of which the person guilty of contumacy or refusal to obey is found or resides or transacts business upon application by the board shall have jurisdiction to issue to the person an order requiring the person to appear before the board, its member, agent, or agency, to produce evidence if so ordered, or to give testimony touching the matter under investigation or in question; and any failure to obey the order of the court may be punished by the court as a contempt.
- (3) In the event a witness asserts a privilege against self-incrimination including, but not limited to sodomy and fornication, testimony and evidence from the witness may be compelled pursuant to Title 77, Chapter 22b, Grants of Immunity.
- (4) Complaints, orders, and other processes and papers of the board, its member, agent, or agency, may be served either personally, by certified or registered mail, by telegraph, or by leaving a copy at the principal office or place of business of the person required to be served. The verified return by the individual serving the documents setting forth the manner of the service shall be proof of the service, and the return post office receipt or telegram receipt when certified or registered and mailed or telegraphed shall be proof of service. Witnesses summoned before the board, its member, agent, or agency, shall be paid the same fees and mileage that are paid witnesses in the courts of the state, and witnesses whose depositions are taken and the persons taking them shall be entitled to the same fees paid for the same services in the courts of the state.
- (5) All departments and agencies of the state, when directed by the governor, shall furnish to the board, upon its request, all records, papers, and information in their possession relating to any matter before the board.

Section 7. Section **55-7-401** is enacted to read:

55-7-401. Conduct Forcing Violation of Act Illegal.

Any person, association, or corporation engaging in boycotts, picketing, protests, rallies, or other conduct, a purpose of which is to denounce or violate, or encourage others to denounce or violate any provision of this chapter, shall be guilty of illegal conduct contrary to public policy.

Section 8. Section **55-7-601** is enacted to read:

55-7-501. Transport of Affected Parties.

Transport of Affected parties provided by the State must occur via passenger rail to a destination within the contiguous United States or Canada.

Section 8. Section **55-7-701** is enacted to read:

55-7-601. Effective Date.

This initiative will be effective on January 1, 2011, if approved by voters in the next general election.

Section 9. Section **76-10-3001** is enacted to read:

76-10-3001. Delinquent Homosexuals -- Definitions -- Penalties.

(1) Any person defined as a Homosexual by Section 55-7-201 that fails to comply with Section 55-7-101 shall be considered delinquent.

(2) A violation of this section is a third degree felony.

Section 10. Section **76-10-3001a** is enacted to read:

76-10-3001a. Failure to disclose homosexual identity.

(1) A person is guilty of failure to disclose sexual identity if during the period of time that the person is lawfully subjected to a stop as described in Section 77-7-15:

(a) a peace officer demands that the person disclose the person's sexual identity;

(b) the demand described in Subsection (1)(a) is reasonably related to the circumstances justifying the stop or to Section 55-7-101 et seq. or Section 76-10-3201 et seq.;

and

(c) the person fails to disclose the person's sexual identity.

(2) Failure to disclose identity is a class B misdemeanor.

Section 11. Section **76-10-3002** is enacted to read:

76-10-3002. Transporting or harboring homosexuals -- Definition -- Penalty.

(1) For purposes of this part, "homosexual" means an individual as defined in Section 55-7-202.

(2) It is unlawful for a person to knowingly, with the intent to violate state law, conceal, harbor, or shelter from detection an homosexual in a place within this state, including a building or means of transportation, knowing or in reckless disregard of the fact that the homosexual is in the State of Utah in violation of state law.

(3) A person who violates Subsection (2) is guilty of a class C misdemeanor.