

HOUSE JOURNAL
of the
FIFTY–NINTH LEGISLATURE
of the
STATE OF UTAH
FIRST VETO OVERRIDE SESSION

House Chamber
State Capitol
Salt Lake City, Utah
May 6, 2011

In accordance with a joint proclamation by President Michael G. Waddoups and Speaker Rebecca D. Lockhart, the House of Representatives met in a First Veto Override Session in the House Chamber at the State Capitol.

The House was called to order by Speaker Rebecca Lockhart at 8:35 a.m.

Roll call showed all members present except Representatives Johnny Anderson, Steve Eliason, Ronda Menlove, Marie Poulson, and Brad Wilson.

Pledge of Allegiance and prayer by Representative Brad Last.

MISCELLANEOUS BUSINESS

Chief Clerk of the House Sandy Tenney read the following:

STATE OF UTAH
LEGISLATIVE DEPARTMENT

CALL OF LEGISLATIVE VETO OVERRIDE SESSION

Pursuant to Article VII, Sec. 8 of the Utah Constitution and Utah State Legislative Joint Rule JR2–2–201(4), the Legislature’s presiding officers—the Honorable Michael G. Waddoups, President of the Utah State Senate, and the Honorable Rebecca D. Lockhart, Speaker of the Utah House of Representatives—have polled the members of the Senate and the House of Representatives, and do hereby call the Utah State Legislature into a Legislative Veto Override Session to convene at 8:00 a.m., Friday, May 6, 2011.

Two-thirds of each house voted in favor of convening a Veto Override Session for the purpose of overriding the disapproval by Governor Gary R. Herbert of the following bills or items of appropriation passed by the Legislature which adjourned on March 10, 2011, but which were disapproved by the Governor after adjournment, viz:

- S.B. 229** TRANSPORTATION FUNDING REVISIONS
(Sen. J.S. Adams)
- S.B. 294** PATIENT ACCESS REFORM (Sen. J.S. Adams)
- S.B. 305** ECONOMIC DEVELOPMENT THROUGH
EDUCATION/CAREER ALIGNMENT
(Sen. H. Stephenson)
- H.B. 328** STATE GOVERNMENT WORK WEEK (Rep. M. Noel)

MICHAEL G. WADDOUPS
President
Utah State Senate

REBECCA D. LOCKHART
Speaker
House of Representatives

Communication filed.

CERTIFICATION

I, GREG BELL, LIEUTENANT GOVERNOR OF THE STATE OF UTAH, DO HEREBY CERTIFY THAT the attached copy of a Call for Legislative Veto Override Session issued on the 26th day of April, 2011 and signed by Michael G. Waddoups, President of the Senate, and Rebecca D. Lockhart, Speaker of the Utah House of Representatives, is a true and correct copy of the original Call for Legislative Veto Override Session calling the Fifty-Ninth Legislature of the State of Utah into a Legislative Veto Override Session at the State Capitol, Utah, on the 6th day of May, 2011, at 8:00 a.m., for the purposes named in the Proclamation.

I further certify that the membership of the Utah House of Representatives has not changed from that of the 2011 First Special Session.

IN TESTIMONY WHEREOF,
I have hereunto set my hand and
caused to be affixed the Great
Seal of the State of Utah, at Salt
Lake City, this 27th day of
April, 2011.

GREG BELL
Lieutenant Governor

Communication filed.

MISCELLANEOUS BUSINESS

Senators Urquhart, Stevenson, and Mayne formally notified the House of Representatives that the Senate was organized and ready to do business.

On motion of Representative Dee, the House voted to continue with the same organization for the First Veto Override Session as set up and constituted during the 2011 First Special Session of the Legislature insofar as it pertains to the Speakership, Majority Leadership and Minority Leadership.

On motion of Representative Harper, the House voted to adopt the same House Rules and Joint Rules for the First Veto Override Session as adopted in the 2011 First Special Session of the Fifty–Ninth Legislature

On motion of Representative Litvack, the House voted to authorize the Speaker to appoint a committee to wait upon the Senate to inform that Honorable Body that the House is organized and ready to do business.

The Speaker appointed Representatives Ray, Sumsion, and Janice Fisher.

On motion of Representative Harper, the House voted that the Governor's veto letters accompanying the return **H.B. 328, S.B. 229, S.B. 294, and S.B. 305** be spread upon the pages of the House Journal and that **H.B. 328** be placed on the House Third Reading Calendar for immediate consideration.

VETO LETTERS

Dear President Waddoups and Speaker Lockhart: March 30, 2011

The Utah House of Representatives has presented me with H.B. 328, STATE GOVERNMENT WORK WEEK. I have decided to veto this bill for a number of reasons.

First, there would be costs involved with moving the state back to a five day work week. My office, as well as the Department of Human Resource Management, alerted the Legislature that any bill proposing changes to the state work week would have to come with the monies attached to facilitate the change. Despite this, the bill passed without funding.

Second, the bill constitutes an unwarranted intrusion on the power granted to the Governor in Article VII, Section 5 of the Utah Constitution to faithfully execute the law. As such H.B. 328 violates Article V, Section of the Utah Constitution.

Third, the people of Utah have grown accustomed to extended Monday through Thursday hours. Although H.B. 328 purports to permit those hours to continue, as a practical matter, the aforementioned lack of funding would require the State to abandon those extended hours. Surveys have shown that the public, as well as state employees, overwhelmingly support extended hours. It would be too disruptive, and simply bad policy, to change them now.

We have been searching for ways to keep extended hours on Monday through Thursday while making critical services available on Fridays. The State has made great strides providing services on-line and has opened physical offices on Fridays where we have seen a need. To better ensure that the people of Utah can obtain such critical services on Fridays, I am today issuing an Executive Order mandating that by October 1, 2011, all state agencies will ensure that critical, public-facing services will be available on Fridays in one of three manners: (1) in-person; (2) on-line; or (3) with telephone support.

For these reasons, I have vetoed H.B. 328.

Gary R. Herbert
Governor

Communication filed.

* * *

Dear President Waddoups and Speaker Lockhart: March 30, 2011

The Utah Senate has presented me with S.B. 229, TRANSPORTATION FUNDING REVISIONS. I have vetoed this bill because it would unduly restrict the State's budget flexibility in future years.

S.B. 229 would earmark a growing percentage of certain sales tax proceeds for transportation projects. Although I agree that a modern and effective transportation system is vital to Utah's economic success, I am concerned that S.B. 229's automatic earmark will translate into decreased ability to fund other budget priorities, such as higher education, human services and economic development, in future years. The recent past has taught us that economic tides can turn quickly. To maintain our position as the best managed state in the nation, Utah must be able to react quickly to changed financial circumstances.

For these reasons, I have vetoed S.B. 229

Gary R. Herbert
Governor

Communication filed.

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Dear President Waddoups and Speaker Lockhart: March 30, 2011

The Utah Senate has presented me with S.B. 294, Second Substitute, PATIENT ACCESS REFORM. I have vetoed this bill because its provisions would negatively impact the State’s health reform efforts.

As you know, the Utah Health Exchange is a nationally recognized effort to expand access to, and reduce the cost of, health care. S.B. 294, which was publicly released in the waning hours of the 44th day of the session, would hurt the Exchange’s ability to operate effectively. It would likely lead to a redistribution of premiums in a fashion that would negatively impact older Utahns. S.B. 294 also carried a fiscal note that the Utah Legislature did not fund. At a time when we are challenging the federal government’s unconstitutional attempt to regulate health care and asking that this be lift to the states, it is imperative that Utah have the tools it needs to provide an example to the nation of how reform should occur.

For these reasons, I have vetoed S.B. 294.

Gary R. Herbert
Governor

Communication filed.

* * *

Dear President Waddoups and Speaker Lockhart: March 30, 2011

The Utah Senate has presented me with S.B. 305, Second Substitute, ECONOMIC DEVELOPMENT THROUGH EDUCATION/CAREER ALIGNMENT. I have vetoed this bill.

UtahFutures.org is a web-based advisement tool that has been launched by a number of State agencies, including the State Office of Education, the State Board of Regents, the Utah State Library and the Division of Workforce Services. I applaud the efforts of S.B. 305 to better align education with the business community. Indeed, my Education Excellence Commission has recommended that we align education with economic development and workforce needs.

S.B. 305, however, raises the possibility of legislators performing executive branch functions in violation of Article V, Section 1 of the Utah Constitution.

While this prevents me from signing S.B. 305, I will work with our state agencies to implement the intent of the bill by strengthening the education/career alignment in UtahFutures.org.

For this reason, I have vetoed S.B. 305.

Gary R. Herbert
Governor

Communication filed.

MISCELLANEOUS BUSINESS

Representative Ray reported that his committee had waited upon the Senate and informed that Honorable Body that the House of Representatives was organized and ready to do business.

THIRD READING CALENDAR

H.B. 328, STATE GOVERNMENT WORK WEEK, was before the House. Representative Noel explained the bill. Representatives Christensen, Nielson, Ivory, Draxler, Greenwood, Hendrickson, McIff, and M. Brown commented.

On motion of Representative Noel, the House voted to override the veto on **H.B. 328**. The veto was overridden on the following roll call:

Yeas, 50; Nays, 18; Absent or not voting, 7.

Voting in the affirmative were: Representatives

Barrus	M Brown	Christensen	Clark
Daw	Dee	Dougall	S Duckworth
Dunnigan	Julie Fisher	Froerer	Galvez
Greenwood	Grover	Harper	Hemingway
Hendrickson	Herrod	Hughes	Hutchings
Ipson	Ivory	King	Kiser
Last	Mathis	McIff	Morley
Newbold	Noel	Oda	Painter
Perry	J Peterson	V Peterson	Pitcher
Powell	Ray	Richardson	Sagers
Sandstrom	Sanpei	Seelig	Sumsion
Watkins	Webb	Wilcox	Wimmer
Wright	Lockhart		

Voting in the negative were: Representatives

Arent	Bird	Biskupski	Briscoe
D Brown	Butterfield	Chavez–Houck	Cosgrove

Cox	Draxler	Edwards	Janice Fisher
Gibson	Handy	Litvack	Moss
Nielson	Wiley		

Absent or not voting were: Representatives

Anderson	Eliason	Menlove	Poulson
Vickers	Wheatley	Wilson	

H.B. 328, having received a constitutional majority vote, the bill was transmitted to the Senate for consideration.

COMMUNICATION FROM THE SENATE

Madam Speaker:

May 6, 2011

On March 30, 2011, the Governor vetoed **S.B. 229**, TRANSPORTATION FUNDING REVISIONS, by Senator J. S. Adams, and upon reconsideration by a vote of 21 yeas, 3 nays, and 4 absent, the Senate overrode the Governor's veto and it is transmitted for consideration.

Annette B. Moore
Secretary of the Senate

Communication filed. The bill is placed on the Senate Third Reading Calendar.

THIRD READING CALENDAR

S.B. 229, TRANSPORTATION FUNDING REVISIONS, *Adams*, was before the House. Representative Dee explained the bill. Representatives Arent, McIff, Ivory, and Froerer commented.

The veto was overridden on the following roll call:

Yeas, 50; Nays, 18; Absent or not voting, 7.

Voting in the affirmative were: Representatives

Barrus	D Brown	M Brown	Butterfield
Christensen	Clark	Cox	Daw
Dee	Dougall	S Duckworth	Dunnigan
Janice Fisher	Julie Fisher	Froerer	Galvez
Gibson	Grover	Handy	Harper
Hemingway	Hendrickson	Herrod	Hughes
Ipson	Ivory	Kiser	Litvack
Mathis	Morley	Newbold	Noel
Oda	Painter	J Peterson	Pitcher

Ray	Richardson	Sagers	Sandstrom
Sanpei	Seelig	Sumsion	Watkins
Webb	Wilcox	Wiley	Wimmer
Wright	Lockhart		

Voting in the negative were: Representatives

Arent	Bird	Biskupski	Briscoe
Chavez–Houck	Cosgrove	Draxler	Edwards
Greenwood	Hutchings	King	Last
McIff	Moss	Nielson	Perry
V Peterson	Powell		

Absent or not voting were: Representatives

Anderson	Eliason	Menlove	Poulson
Vickers	Wheatley	Wilson	

S.B. 229 was returned to the Senate and will be forwarded to the Lt. Governor for filing.

MISCELLANEOUS BUSINESS

The House sauntered. Speaker Lockhart called the House to order at 11:15 a.m.

Representative Dee announced to the House that he had notified the Senate that the House had completed its business and is prepared to adjourn.

On motion of Representative Dee, the House voted to receive only one day of pay for the Veto Override Session.

On motion of Representative Dee, and at 11:20 a.m., the House voted to adjourn.

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