

SENATE JOURNAL

FIRST VETO OVERRIDE SESSION OF THE FIFTY–NINTH LEGISLATURE

In accordance with a joint proclamation of the members of the Fifty–Ninth Legislature of the State of Utah, the Senate met in the Senate Chamber at the State Capitol in the First Veto Override Session at 8:20 a.m. on Friday, May 6, 2011.

Prayer –Senator Dan Liljenquist

Pledge of Allegiance – Senator Ben McAdams

The Senate was called to order at 9:00 a.m., with President Michael Waddoups presiding.

Roll Call – All Senators present, except Senators Hillyard, Bramble, and Morgan, excused.

Annette B. Moore, Secretary of the Senate, read the following Proclamation and Certification:

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 at Salt Lake City, 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 State Senate has not changed from that of the 2011 1st Special Session with the following exception(s):

TENTH DISTRICT: County of Salt Lake

Aaron Osmond

TWENTY-EIGHTH DISTRICT: Counties of Beaver, Garfield, Iron, Kane, Millard, Washington

Vacant

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

Greg Bell
Lieutenant Governor

STATE OF UTAH

LEGISLATIVE DEPARTMENT

CALL OF LEGISLATIVE VETO OVERRIDE SESSION

Pursuant to Article VII, Section 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. on Friday, May 6, 2011.

Two-thirds of each house voted in favor of convening a Veto Override Session to consider overriding the disapproval by Governor Gary R. Herbert of the following bills 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

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On motion of Senator Jenkins, the Senate voted that the President of the Senate and the Officers of the Senate for the First Veto Override Session be the same as for the 2011 General Session of the Fifty–Ninth Legislature.

On motion of Senator Dayton, the Senate voted that the Senate Rules and the Joint Rules of the 2011 General Session of the Fifty–Ninth Legislature be adopted for the First Veto Override Session.

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President Waddoups appointed Senators Jerry Stevenson, Stephen Urquhart, and Karen Mayne as a committee to notify the House of Representatives that the Senate is organized and ready to do business.

President Waddoups appointed a committee comprised of Senators John Valentine, Dan Liljenquist, and Pat Jones to notify the Governor that the Senate is convened in the First Veto Override Session.

Senator Stevenson reported that the House has been notified that the Senate is organized and ready to do business.

Senator Valentine reported that the Governor has been notified.

On motion of Senator Jenkins, under suspension of the rules, the Senate voted to suspend the reading of **S.B. 229**, **S.B. 294**, and **S.B. 305** with their accompanying veto messages, place them immediately on the Third Reading Calendar for reconsideration, and spread the governor’s veto messages for **S.B. 229**, **S.B. 294**, **S.B. 305**, and **H.B. 328** upon the pages of the Senate Journal.

COMMUNICATIONS FROM THE GOVERNOR

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

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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 left 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

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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

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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

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On motion of Senator Adams, the Senate voted to override the Governor's veto of **S.B. 229**, TRANSPORTATION FUNDING REVISIONS. Senator Adams explained the bill. Senators Stephenson, Reid, Okerlund, Valentine, Romero, Jones, Mayne, and Liljenquist commented. The veto override passed on the following roll call:

Yeas, 21; Nays, 3; Absent, 4.

Voting in the affirmative were: Senators

Adams	Christensen	Davis	Dayton
Hinkins	Jenkins	Knudson	Liljenquist
Madsen	Mayne	McAdams	Niederhauser
Okerlund	Osmond	Reid	H. Stephenson
J. Stevenson	Thatcher	Urquhart	Van Tassell
Waddoups			

Voting in the negative were: Senators

Jones	Romero	Valentine
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Absent or not voting were: Senators

Bramble Hillyard Morgan Robles

S.B. 229 was transmitted to the House for further consideration.

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S.B. 294, PATIENT ACCESS REFORM, was before the Senate.

On motion of Senator Adams, the bill was circled.

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S.B. 305, ECONOMIC DEVELOPMENT THROUGH EDUCATION / CAREER ALIGNMENT, was before the Senate.

On motion of Senator Stephenson, the bill was circled.

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On motion of Senator Knudson, and at 9:30 a.m., the Senate sauntered.

The Senate was called to order at 11:10 a.m., with President Waddoups presiding.

COMMUNICATIONS FROM THE HOUSE

Mr. President: May 6, 2011

On March 30, 2011, the Governor vetoed **H.B. 328**, STATE GOVERNMENT WORK WEEK, by Representative M. Noel, and by a vote of 50 ayes, 18 nays, 7 absent, the House overrode the Governor’s veto and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed.

H.B. 328 was placed on the Third Reading Calendar.

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Mr. President: May 6, 2011

The House, by a vote of 50 yeas, 18 nays, 7 absent, overrode the Governor’s veto of **S.B. 229**, TRANSPORTATION FUNDING REVISIONS, by Senator J. S. Adams, and it is returned to the Senate for transmission to the Lt. Governor.

Sandy D. Tenney, Chief Clerk

Communications filed.

S.B. 229 was sent to the Lt. Governor's office for filing.

THIRD READING CALENDAR

H.B. 328, STATE GOVERNMENT WORK WEEK, was before the Senate and explained by Senator Jenkins. Senators Jones, Romero, Valentine, Robles, Dayton, Davis, Urquhart, and Liljenquist commented.

On motion of Senator Jenkins, the bill was circled.

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On motion of Senator Jenkins, and at 11:40 a.m., the Senate adjourned until 7:30 p.m., Saturday, May 7, 2011.