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Utah Legislative Update: April 2016

Insight — April 21, 2016

April is an odd month in the Utah political scene. After the sprint-finish of the Legislative session and the whirlwind signing period for the Governor both concluded in March, many local political junkies can find themselves strangely depressed and looking for action. There is, of course, action to be found, you just have to know where to look!

This is the month when the leadership of both the House and Senate poll their membership to see if there is any appetite for a veto-override session. This year Governor Herbert vetoed 3 bills and lined item vetoed 7 appropriations. He also allowed one bill to go into law without his signature (usually an expression of displeasure, but obviously short of a veto). A veto override session requires that 2/3 of the members indicate a willingness to override one or more of the vetoed bills or line items. If a veto override session is held, it would begin on Monday, May 9th according to Article VII, Section 8 of the Utah Constitution. The Governor and legislative leadership have announced that they have agreed on a Special Session to address some of the line item funding objections and seek better solutions than a veto override allows the education funding line items. A veto override may still happen on the non-appropriation issues. For more information on the bills and appropriations that were vetoed, see the list and explanation below.

For those of you weary of the Presidential campaign cycle, but still interested in elections, April is the month for county and state party conventions. 2016 will be a very interesting election cycle in Utah politics because of the new signature path to the ballot (which has now been upheld by the Utah Supreme Court) and the number of candidates seeking both the signature gathering AND party convention path to the Primary Election ballot. No cycle will ever mirror this one as the Legislature is sure to modify the ballot path options before the 2018 election cycle. Drama, intrigue, and tests of party purity abound! I'm a both a county and state delegate for the Republican Party this year so feel free to turn the tables and lobby me on how I should vote!

The Legislature will return to regular interim hearings and meetings in May as they begin preparing for the 2017 General Session. I review all the interim committee agendas for issues of concern to clients. If you want to place an issue on my radar, please let me know. The Government Affairs team recommends that if you have an issue that needs legislative attention, the interim committee process is a very valuable tool to vet the issue and meet with relevant Legislators in a state with such a short annual session. We are always happy to help map out a plan for legislative

success.

Governor's Vetoes:

HB 258 Solid Waste Amendments

(<http://le.utah.gov/~2016/bills/static/HB0258.html>) Rep. Curt Oda

- This bill dealt with the definition of recycled solid waste products as component of solid & hazardous waste regulation. The Governor cited a letter sent by the EPA objecting to the bill and threatening the primacy of the Utah DEQ as his reason for vetoing the bill.

HB 377 Grandparent Right Amendments

(<http://le.utah.gov/~2016/bills/static/HB0377.html>) Rep. Christensen

- This bill dealt with visitation rights by grandparents when a biological parent's rights are terminated. The Governor stated he felt the bill might jeopardize the rights of adoptive parents and discourage family members from adopting.

SB 87 Administrative Rulemaking Act Modifications

(<http://le.utah.gov/~2016/bills/static/SB0087.html>) Sen. Stephenson

- This bill would have exempted the State Board of Education from current laws on public hearings. The Governor stated concerns about decreased transparency for this important policy area and a desired to see increased transparency in public education.

Governor's Line Item Vetoes:

HB 2 New Fiscal Year Supplemental Appropriations Act

(<http://le.utah.gov/~2016/bills/static/HB0002.html>) Rep. Sanpei

- This is a large appropriations spending bill. The Governor vetoed line item #111
- Line Item #111: was tied to HB 430, Hole in the Rock State Park Designation, which ultimately didn't pass and therefore couldn't be funded.

HB 3 Appropriations Adjustments

(<http://le.utah.gov/~2016/bills/static/HB0003.html>) Rep. Sanpei

- This is a large appropriations spending bill. The Governor vetoed the following line items: 31, 47, 52, 125, 149
- Line Item #31: was tied to HB 43 Firearm Safety and Violence Prevention in Public Schools because the bill carried its own appropriation inside the bill and was thus double funded.
- Line Item #47: was tied to SB 90 Falsification of Information in a Protective Order Proceeding, which ultimately didn't pass and therefore couldn't be funded.
- Line Item #52: was also tied to SB 90 Falsification of Information in a Protective Order Proceeding, which ultimately didn't pass and therefore couldn't be funded.
- Line Item #125: was tied to HB 221 Immunization of Students

Amendments, which ultimately didn't pass and therefore couldn't be funded.

- Line Item #149: was tied to HB 441 Child Placement Amendments, which ultimately didn't pass and therefore couldn't be funded.

SB 2 Public Education Budget Amendments

(<http://le.utah.gov/~2016/bills/static/SB0002.html>) Sen. Hillyard

- This appropriations spending bill is dedicated to Public Education spending. The Governor vetoed line item #6 which included \$998,900 of ongoing funds and \$3,775,000 of one-time funds.
- Line Item #6: included both ongoing and onetime funds tied to the UPSTART Early Childhood Education Program, the ProStart Culinary Arts Program, and the Early Intervention Program. The Governor included objections to each of the programs as well as a general note that he preferred an increase to the WPU (Weighted per Pupil Unit) which would allow districts more flexibility in education spending rather than having the Legislature dictate how the funds must be spent.

Governor Allowed to go into Law Without Signature:

HB 220 Legislative Organization Amendments

(<http://le.utah.gov/~2016/bills/static/HB0220.html>) Rep. Christensen

- This bill changed the make-up of the Legislative Management Committee and the Legislative Budget Subcommittee to include more members for the majority party. The Governor stated he felt this was a legislative management issue. As the head up the Executive Branch of government it was not his place to interfere with the Legislative Branch and thus allowed the bill to become law without his signature.

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