



Becky Brusco, Analyst

GOVERNOR'S VETOES

Overview

During the 2009 General Session, Governor Huntsman vetoed two bills and one line-item. The Governor did not concur with one resolution, 1st Substitute Senate Concurrent Resolution 4, *Resolution Supporting Obesity Awareness* (Buttars). The Governor signed all other bills into law.

2009 General Session

*Veto*s

1st Substitute House Bill 156, *Subdivision Approval Amendments* (Webb)

The Governor vetoed 1st Substitute House Bill 156, *Subdivision Approval Amendments* (Webb), because the land exempted from local subdivision and planning requirements under 1st Substitute House Bill 156, *Subdivision Approval Amendments* (Webb), would create significant problems with access, sewer and waste water, roads and utility services for residents and communities.

In addition, 1st Substitute House Bill 156, *Subdivision Approval Amendments* (Webb) would cause the State's remaining agricultural lands to be fragmented by allowing one acre per one hundred to be carved out for separate development. In Duchesne County, for example, due to historic land divisions by metes and bounds, this legislation would be impossible to implement.

These issues were later addressed in a similar bill, House Bill 1001, *Subdivision Approval Amendments* (Webb), during the 2009 First Special Session. This bill was passed by the Legislature and immediately signed into law.

House Bill 353, *Truth in Advertising Act Amendments* (Morley)

The Governor vetoed House Bill 353, *Truth in Advertising Act Amendments* (Morley), due to potentially unconstitutional language therein. While protecting children from inappropriate materials is a laudable goal, the language of this bill is so broad that it would likely be struck down in court as an unconstitutional violation of the Dormant Commerce Clause and/or the First Amendment.

Furthermore, in response to the impacts of House Bill 353, *Truth in Advertising Act Amendments* (Morley), the industries most affected by this new requirement indicated that rather than risk being held liable, they would likely cease to issue any age-appropriate labels on goods and services. Therefore, the unintended consequence of the bill would be no guidance for parents and children in determining the age-appropriateness of a good or service, thereby potentially increasing children's exposure to material they or their parents may deem as inappropriate under the voluntary labeling system currently used and accepted by a significant majority of vendors.

Senate Bill 3, *Appropriations Adjustments* (Hillyard)

The Governor vetoed Item 175 of Senate Bill 3, *Appropriations Adjustments* (Hillyard), due to a technical error. The funds appropriated in this item were transferred from the Uniform School Fund to the Education Fund, whereas the funding should have been appropriated from the Education Fund to the Uniform School Fund in order to properly fund the education items as outlined in the remainder of the bill.

This item was later corrected as part of House Bill 1003, *Appropriations Adjustments Related to Federal Funds* (Bigelow), during the 2009 First Special Session.