

CONSTITUTIONAL AMENDMENT C – ARGUMENT IN FAVOR

Vox populi. The “voice of the People.” That phrase refers to the Legislature, the People’s elected representatives. Yet currently in Utah, that voice is effectively silenced more than ten months of the year. Even if facing a critical need affecting Utah residents, the Legislature is without power to speak for the People to address and resolve that need without gubernatorial permission.

Constitutional Amendment C enables the voice of the People to speak for them any time there is a critical need – not just during the 45 days of the annual general session. Those instances will be rare, but the residents of Utah should not be deprived of their voice when there is an immediate need for action.

Constitutional Amendment C specifies the very limited circumstances under which the Legislature can be called into session outside the annual 45-day general session. First, two-thirds of all members of both the Senate and House of Representatives must agree that convening the Legislature is necessary because of a persistent fiscal crisis, war, natural disaster, or emergency in the affairs of state. Second, the session cannot be convened within 30 days of the annual 45-day general session and can last no more than 10 calendar days. Finally, only 1% of the state’s annual budget could be affected during the session.

In addition to allowing the voice of the People to speak on a critical issue facing the state, Constitutional Amendment C also provides a safeguard against the state spending more than it takes in. The Amendment enables the Governor to reduce state expenditures to avoid overspending or to call the Legislature into session to deal with the shortfall.

The residents of 35 other states have the ability for their voices to be heard through their elected representatives in a session convened by their legislatures. Utah’s residents also deserve to have their voice heard through their elected representatives in the Legislature in a moment of critical need. Constitutional Amendment C ensures that the People’s voice will have the opportunity to be heard if and when that moment arises.

Vote FOR Constitutional Amendment C.

- Representative Brad Wilson and Senator Hemmert

CONSTITUTIONAL AMENDMENT C – REBUTTAL TO ARGUMENT IN FAVOR

In my 38 years serving in the legislature, I can think of only one time that the governor and legislative leaders disagreed about the need to call a special session. All other times we have been able to work out a compromise to either resolve the issue without legislative action or to enter a special session under a clearly stated agenda. I cannot imagine a natural disaster that is serious enough that the legislature would want to call itself into special session and the governor would not want to act as well. Historically, when we have had a mid-year budget shortfall, the governor has usually had the necessary tools to handle the issue immediately to create a stop-gap until the next legislative session.

If we have the power to call ourselves into special session, I am concerned about how expanded the agenda for the special sessions may be without more clearly defined limitations than what are set forth in this proposed amendment. Expanded days for meetings for the legislature limits who can take their time from work and families to serve as legislators. This is an unnecessary expansion of legislative powers that is not in the best interest of the State especially within the context of separation of powers set forth in our Constitution.

- Senator Lyle Hillyard

CONSTITUTIONAL AMENDMENT C – ARGUMENT AGAINST

In my experience, special sessions can be nightmares. The notice is usually short and the session is only one day. These problems prevent the general public and those with concerns about unintended consequences

of proposed legislative action from being able to express their concerns and help improve the legislation. This public input is what makes the legislative process work.

Currently, a special session can only be called by the governor, who must set the agenda. The legislature is free to approve, amend or reject the presented issue. This process has worked well over the last 100+ years as established in our state Constitution. The mischief can occur when others try to add additional items to the agenda that may at first appear simple, but public debate and input may reveal unintended consequences that we need to consider.

This proposed change would allow the legislature to bypass the governor by the legislature calling a special session, even over the governor's objection, and then pass bills with a 2/3 majority leaving him no power to veto.

Finally, I am concerned about the constant pressure to move us from a part-time to a full-time legislature. Adding the power for the legislature to call a special session puts added pressure on legislators to continue meeting. We do enough damage in the regular 45-day session.

Senator Lyle Hillyard

CONSTITUTIONAL AMENDMENT C – REBUTTAL TO ARGUMENT AGAINST

Special legislative sessions *can* be challenging. But what would be even more challenging is to have a critical need of the state go unmet because the Legislature was powerless to act. Constitutional Amendment C enables the Legislature to be the voice of the People at a time of critical need. It is carefully designed to avoid the potential problems mentioned in the opposing argument.

The Amendment does not change the Governor's ability to veto a bill passed by the Legislature. The Governor maintains veto power over legislation passed at a session under this proposal the same as with any other legislation.

Adding further last-minute items to the agenda of a session under Amendment C is not possible. The Senate president and House speaker are required to issue a joint proclamation clearly defining the critical issues to be considered at the session. The Amendment forbids the Legislature from considering any other item of business.

Finally, the Amendment carefully safeguards the model of a part-time Legislature that has served Utah so well for over 100 years. The Amendment recognizes only a very narrow set of circumstances that would justify the Legislature calling itself into session. The restrictions on when, why, and for how long the Legislature may convene under this proposal are entirely supportive of the idea of a part-time Legislature.

The Amendment ensures that the Legislature has the ability to be the voice of the People at a time of critical need.

Please join me in voting FOR Constitutional Amendment C.

- Representative Brad Wilson & Senator Hemmert