

**MINUTES OF THE
LEGISLATIVE PROCESS COMMITTEE**

Tuesday, May 9, 2000 - 2:00 p.m. - Room 405 - State Capitol

Members Present:

Sen. Leonard M. Blackham, Senate Chair
Sen. D. Edgar Allen
Rep. Patrice M. Arent
Rep. Brent H. Goodfellow
Rep. Evan L. Olsen
Rep. Raymond W. Short

Members Absent:

Rep. Melvin R. Brown, House Chair
Sen. Terry Spencer

Staff Present:

Mr. Stewart E. Smith,
Managing Research Analyst
Mr. John L. Fellows,
Associate General Counsel
Ms. Glenda S. Whitney,
Legislative Secretary

Note: A list of others present and copies of materials distributed in the meeting are on file in the Office of Legislative Research and General Counsel.

1. Call to Order - Chair Blackham called the meeting to order at 2:15 p.m.

2. Committee Business -

MOTION: Sen. Allen moved to approve the minutes of the April 25, 2000 meeting. The motion passed unanimously.

3. Joint Rules Resolution - Mini Appropriations Process - Mr. John L. Fellows, Associate General Counsel, reviewed draft legislation, "Joint Rules Resolution - Mini Appropriations Process," and received direction and input for revisions from the committee.

Mr. Fellows noted that during the 2000 General Session, this legislation passed both the senate and the house in the form presented to the committee, but failed to pass because of a house amendment to which the senate never concurred.

At the chair's request, Mr. Fellows explained the process for addressing appropriation requests in detail.

Chair Blackham suggested that the committee look at the procedure for the filing of a request.

Mr. Lee Burke, Utah State University (USU), explained that USU, because of its land grant role, has extension agents in every county that serve the needs of the people. He indicated that problems are brought back to the legislature in the form of mini appropriation bills to the legislature. He expressed concern with the appropriations going to the higher education subcommittee, and that appropriations are not being funded because there are so many other larger items that are funded before getting to the smaller projects. He also suggested that mini

appropriation bills be prioritized and sent to the appropriations subcommittee that deals with their particular subject.

Chair Blackham suggested that new language may be needed directing the Fiscal Analyst to consider both the subject and the department to receive the funding and after consultation with the sponsor, direct the request to the most appropriate appropriation subcommittee.

The committee expressed concern with the funding process, time lines, and the flexibility of the requests for appropriations. After committee discussion, Sen. Blackham summarized the suggestions of the committee and it was recommended that the Executive Appropriation Committee set aside an appropriate amount of money as desired, to meet special small projects and improvements. It was also suggested to specify the amount of money to be set aside.

Chair Blackham suggested on page 3, line 88 to insert language, "(v) legislators desired appropriations' subcommittee assignment."

Chair Blackham asked staff to draft a letter to the Executive Appropriation Committee recommending that some of the money that has been set aside for fiscal notes in the past be set aside for small projects, also noting that any request for more than \$500,000 will not be considered a small project.

Rep. Short indicated that the amount of \$500,000 may be too high.

Chair Blackham said the committee will review the letter and the budget amount at the next meeting.

Chair Blackham turned the chair over to Rep. Olsen.

4. Duplication of Study Topics - Mr. Stewart E. Smith, Managing Research Analyst, presented an overview of the topic of duplication of study topics. He called the attention of the committee to Utah Code Section 36-12-7 which contains the duties and role of the Legislative Management Committee (LMC) in receiving study requests from interim committees and managing duplication among interim committees. He said that appropriate bases for the LMC to deny a study request include inadequate funding to properly complete the study or duplication of the work. The LMC will meet this month to consider requests from the interim committees. Mr. Smith pointed out that the LMC has authority to dictate all studies and the time and place of all meetings but has chosen to exercise only that authority necessary to manage the interim process. He distributed a handout, "H.B. 307 Legislative Interim Committees - Short, R." which broadly defined "interim committees."

Rep. Arent questioned whether or not the duplication of study topics is a big problem. Mr. Smith responded that some duplication of study items has been encouraged because of the different points of view from which committees examine the issues. It is not generally seen as a problem, but the informal study request came from the Executive Appropriations Committee. Mr. Smith asked if policy and budget issues could not be separated, and if most policy issues did not have a budget component to them?

Mr. John E. Massey, Legislative Fiscal Analyst, indicated that this issue has not been a big problem and did not think it required a study of any sort on how it is to be handled. He did suggest that it may be helpful to get together with the Office of Legislative Research and General Counsel earlier in the process and develop a list of those areas that may be duplicated and present it to the LMC at the beginning of the interim.

Mr. Fellows suggested looking at the issue of what is a fiscal issue and what is a policy issue before assigning the study items to interim committees.

Mr. Smith said the option exists for Executive Appropriations Committee or any other interim committee to make recommendations to the LMC on specific assignments.

Rep. Short said there may not be a big problem with duplication but expressed concern with overlapping of study items.

Rep. Goodfellow said if there is unwanted duplication, Mr. Massey's idea of communicating a list of issues that might be duplicated between the staff offices would solve the problem.

The chair was returned to Sen. Blackham.

Chair Blackham suggested that a letter be drafted to the Executive Appropriations Committee indicating the recommendation that the Fiscal Analyst Office work with Legislative Research and General Counsel in developing a list of potentially duplicated study items early in the process and submit it to the LMC at their first meeting of each interim.

Sen. Allen also suggested that the LMC consider amending Utah Code Section 36-12-7 to insert, "provide oversight and coordination of possible duplicated items."

Chair Blackham asked staff to work together in drafting a letter to the Executive Appropriations Committee with recommendations regarding the duplication of study items.

5. Interim Appropriations Subcommittee Activity - Chair Blackham reviewed last years Legislative Process Committee recommendations, which were: 1) have monthly interim meetings

of the appropriation subcommittees; 2) compensate up to four working meetings of the appropriation subcommittee co-chairs with the fiscal analyst assigned; and 3) compensate subcommittee members in attending meetings, conferences, or fact finding trips approved by the subcommittee chairs and the President or Speaker. Chair Blackham asked what direction the committee would like to take on this issue.

Rep. Short suggested to the LMC that they review the budget and expenditures that had not been used by committees near the end of the interim year and make them available to accomplish the purposes of the appropriation subcommittees.

Chair Blackham said it could be recommended to the LMC to start the process the last three months of the interim year, ask the Fiscal Analyst Office to review the budget and expenditures, and calculate the amount of money that could be used, if so desired, by other committees.

Rep. Arent encouraged having more appropriation subcommittee meetings and site visits so that the members could be better prepared on the issues.

Rep. Olsen commented on the importance of having the chairs of the appropriation committee meet with the Fiscal Analyst Office so to better understand the broader issue. Then, if necessary, the full committee could be approved to go on site visits.

Chair Blackham suggested that the Legislative Process Committee make a recommendation that they implement the process this fall, and after reviewing the budget, get a response from the LMC if the idea was acceptable.

Mr. Massey said that for a number of years, appropriation subcommittees have been authorized to meet twice during the interim. However, there are only three or four committees that are taking advantage of those approved meetings.

Chair Blackham asked staff to draft a letter to the LMC suggesting that they encourage the appropriation committee chairs to use the approved meetings and also suggested approving site visits for some committees.

Sen. Allen also suggested recommending a set date for those subcommittee meetings as part of the recommendation.

6. Other Items -

Mrs. Jane A. Peterson, Information Coordinator, Office of Legislative Research and General Counsel, distributed a handout, "Memorandum - Internet Broadcasting," and introduced

the topic of broadcasting legislative proceedings and presented what other states are currently doing.

Rep. Arent suggested pursuing this issue by researching its cost, and how well it is working in other states.

Rep. Short suggested researching only the audio broadcasting and its associated cost.

Chair Blackham asked staff to research this issue and the committee will study this issue at a future meeting.

Rep. Goodfellow recognized and commended legislative staff on a report that noted Utah was ranked fifth in the nation in terms of the organization, accessibility, and accuracy of its criminal statutes.

Rep. Short suggested addressing the issue of email and the use of it on the floor during the general session. He also suggested addressing the issue of people management on the floor during the general session because of limited space, i.e., media. He said part of this may include the process of presenting bills. He suggested that presenting the legislation at the front of the chambers may help hold the attention of the members.

Chair Blackham noted that the Legislative Process Committee will meet on June 22, 2000 at 10:00 a.m., July 13, 2000 at 9:00 a.m., and August 15, 2000 at 9:00 a.m.

7. Adjourn -

MOTION: Rep. Arent moved to adjourn the meeting at 4:00 p.m. The motion passed unanimously.

