

**MINUTES OF THE
LEGISLATIVE PROCESS COMMITTEE**

Thursday, June 22, 2000 - 10:00 a.m. - Room 405 - State Capitol

Members Present:

Sen. Leonard M. Blackham, Senate Chair
Rep. Melvin R. Brown, House Chair
Rep. Patrice M. Arent
Rep. Evan L. Olsen
Rep. Raymond W. Short

Members Absent:

Sen. Terry Spencer

Members Excused:

Sen. D. Edgar Allen
Rep. Brent H. Goodfellow

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 Brown called the meeting to order at 10:15 a.m.

2. Committee Business -

MOTION: Rep. Arent moved to approve the minutes of the May 9, 2000 meeting. The motion passed unanimously.

3. Mini Appropriations Process - Mr. John L. Fellows, Associate General Counsel, explained the changes made to draft legislation, "Joint Rules Resolution - Mini Appropriations Process," 2001FL-0015/003.

The committee discussed the process for mini appropriations and expressed concern passing bills too quickly on the last day of the general session. Rep. Olsen commented that Utah has made great strides regarding appropriation bills and suggested holding a one day special session two weeks after the session to review those bills that were passed in the last days to determine if the right time and action had been taken.

Chair Brown suggested that this bill be run separately, with the issue of subcommittee meetings during the interim being addressed in another bill. He said the basic concern seems to be not having enough time for proper review and study of bills.

Rep. Arent discussed the imbalance in the workload regarding the mini appropriations at committee hearings.

Chair Brown referred to a letter in the mailing packet sent to the appropriations subcommittee chairs from President Beattie and Speaker Stephens. Chair Brown said the letter encouraged each of the appropriations subcommittees to meet twice during the 2000 interim, with

at least one of these meetings being devoted to doing an in-depth, or zero based, budget review. Chair Brown indicated that this issue was brought up by the Legislative Process Committee to take action on but pointed out that it has now been addressed by the Legislative Management Committee.

The committee discussed the process of requiring the Executive Appropriations Committee to set aside funds at the beginning of the session to provide funding for special projects. Chair Brown said the issue is not to set aside a larger amount of money but to improve the process.

Mr. John Massey suggested clarifying how the money is going to be allocated and to let the subcommittees know there is a process in place and what is available.

Rep. Blackham referred to the proposed rule amendment on page 16 of the packet, highlighting Section (5) (a). He said the existing process outlined in the current rule is working but suggested eliminating the \$500,000 threshold at the end of paragraph (iv).

MOTION: Rep. Short moved to delete the proposed language of \$500,000 in Section (5) (a) (iv) of the proposed amendment. The motion passed unanimously. Staff indicated that eliminating this language made it unnecessary to include the proposed amendment in the draft resolution.

MOTION: Rep. Short moved to adopt the draft resolution as presented. The motion passed, with Rep. Arent voting in opposition.

4. Constitutional Notes - Ms. M. Gay Taylor, Legislative General Counsel, briefed the committee on the history of constitutional notes. She distributed a sample copy of a bill with a constitutional note, along with a chart on what other states are doing. She reported that, since 1996, the highest number of constitutional notes completed in one year was twenty-two. She said in the year 2000, there was a 52 percent passage rate of bills introduced, while those with constitutional notes had a 59 percent passage rate. She said that Utah was unique because it is the only state that prints constitutional notes on the bill. Ms. Taylor reported that, of the 13 states surveyed, constitutional issues are privately discussed with the sponsor rather than being printed on the bill.

Ms. Taylor said that the Office of Legislative Research and General Counsel was not the initiator of constitutional notes but took it on when requested. She indicated that there are advantages and disadvantages to the process and suggested that the office would follow whatever constitutional note process that the committee desired.

Rep. Arent indicated that she wanted as much information as possible on the bill, including information about a bill's constitutionality, but said that the current process doesn't address changes in the constitutional note when the bill is amended.

Rep. Olsen questioned the purpose for constitutional notes being printed on the bill. Ms. Taylor explained in the past, when there was a constitutional concern, only the sponsor was told privately of the concern. The Legislature directed that the constitutional note be placed on each bill so that all legislators have knowledge of the constitutional issue.

Chair Brown said that a constitutional note does prejudice some legislation.

Rep. Short said there is a lot of difference between an opinion and the law. He explained that staff should not be put into a position of a law suit by placing a constitutional note on a bill and then have it declared unconstitutional by the courts.

MOTION: Rep. Olsen moved to discontinue printing constitutional notes on bills and to direct staff to draft a resolution changing the rule. The motion passed, with Rep. Arent voting in opposition.

5. Bill Summaries - Mr. Stewart E. Smith, Managing Research Analyst, distributed a packet, "Bill Summaries," and presented an overview. He reviewed a list of what other states call their bill summaries and the content of those summaries. He provided samples of different style summaries and discussed the implications for staff and processing time for legislation. Mr. Smith pointed out the hazards of bill summaries, including colored words, perceived bias in brevity or length, the need to amend, and removing focus from the content of the bill. He emphasized that the staff is there to accomplish whatever the legislature would like. He asked that the non partisan staff not be put in a position where they are asked to tell the legislature if a bill is a good bill or not. He showed examples of colored language in other state's bill summaries.

Sen. Blackham spoke in support of the long title summary written on the bill by legislative staff, indicating it is more user friendly.

Mr. Fellows said it is difficult to write a neutral summary of anything. He said legislative staff does strive always for objectivity but it is difficult to take responsibility ultimately for the content of the summary.

Rep. Short said that a summary is a basic outline of what is in the bill. Rep. Short said that, instead of stating it provides an effective date, the effective date should be put in the long title. Mr. Fellows said the effective date is only put in the long title if it is something other than sixty days after the session. Mr. Smith also indicated that one of the reasons that specifics are not put in the bill is so they will not have to be amended.

Mr. Fellows said there are several options in terms of bill summaries. It is a question of what the legislature wants, who is responsible for the credibility of that summary, and what kind of staff resources are needed in order to accomplish those objectives.

Sen. Blackham recommended using the narrative form of long title summary written by staff.

MOTION: Rep. Short moved to continue this discussion at the July meeting and look at what other states are doing. The motion passed unanimously.

6. Other Items - Chair Brown suggested if there are other items the committee would like to discuss to let the chairs know for future agenda items.

Rep. Short noted that in Texas, the committee room was not opened to the public until the committee was going in to be seated. He questioned if there is any benefit to staff to keep the public out until membership is present.

Chair Brown brought up the issue of committee room configurations and indicated that it is not configured for good dialogue.

7. Adjourn -

MOTION: Rep. Arent moved to adjourn the meeting at 11:47 a.m. The motion passed unanimously.