

**MINUTES OF THE  
LEGISLATIVE MANAGEMENT COMMITTEE**  
November 19, 2002 – 3:00 p.m. – Room 303 State Capitol

**Members Present:**

Speaker Martin R. Stephens, Chair  
President Al Mansell, Vice-Chair  
Sen. Ron Allen  
Sen. Mike Dmitrich  
Sen. Karen Hale  
Sen. Peter C. Knudson  
Sen. L. Steven Poulton  
Sen. John L. Valentine  
Rep. Patrice M. Arent  
Rep. Ralph Becker  
Rep. Jackie Biskupski  
Rep. Greg J. Curtis  
Rep. Brad King  
Rep. David Ure

**Members Absent:**

Sen. Gene Davis  
Rep. Tom Hatch

**Staff Present:**

Mr. Michael E. Christensen, Director  
Ms. M. Gay Taylor, General Counsel  
Ms. Beverlee LeCheminant, Secretary

**Note:** A list of others present and a copy of materials can be found at <http://www.image.le.state.ut.us/imaging/history.asp> or by contacting the Office of Legislative Research and General Counsel.

**1. Committee Business**

Chair Stephens called the meeting to order at 3:45 p.m.

Rep. Becker indicated that a motion that was passed in the October 22, 2002 meeting regarding an audit on Information Technology is missing a phrase that the Speaker added which stated “and any other issues raised during the course of the future audit.” He would like to have that added to the minutes.

**MOTION:** Sen. Valentine moved to approve the minutes of the October 22, 2002 meeting as amended. The motion passed unanimously. Sen. Mansell, Sen. Hale, Rep. Biskupski, Rep. Curtis, and Rep. Ure were absent for the vote.

**2. Proposed Policy Regarding Posting Information on the Legislature’s Web Page -**

Ms. Gay Taylor, General Counsel, indicated that staff has suggested three alternatives in terms of the voting requirements to the Proposed Policy Regarding Posting Information on the Legislature’s Web Page: (a) with prior approval of the Legislative Management Committee; or (b) with the prior approval of 2/3 of the Legislative Management Committee; or (c) with the unanimous prior approval of the Legislative Management Committee. The policy originally stated that it was essentially a majority vote. There was a suggestion made at the last meeting that perhaps it should be higher than a majority vote which would be either a 2/3 vote or unanimous approval.

**MOTION:** Rep. King moved to adopt the Proposed Policy Regarding Posting Information to the

Legislature's Web Page with the prior approval of 2/3 of the Legislative Management Committee. The motion passed unanimously.

Rep. Becker questioned whether the committee needs to take action regarding the APPLE Initiative being on the web page now there is a policy in place.

**MOTION:** Rep. Arent moved to put the APPLE Initiative on the Legislature's web page. The motion passed unanimously.

### **3. Disclaimer and Privacy Statement for Legislative Websites**

Ms. Taylor stated that currently there is a short disclaimer on the Legislature's web page and she was asked by the Legislative Automation Committee to draft a terms of use and a privacy statement for the Legislature's web page. She indicated that staff did a comparison with some other states, the federal government, and some private entities to glean information from them regarding their terms of use and privacy statements. Using this material, a terms of use and privacy statement were prepared and presented to the Legislative Automation Committee. That committee is now recommending it to LMC. She indicated that the terms of use and privacy policy are on pages 17-21 of the mailing packet.

Sen. Hale said that on page 4 of the Privacy Policy, paragraph 2.2, it says that "personally identifiable information is not routinely provided for marketing purposes." She suggested taking out the word "routinely" because that could imply that there is a possibility that the information could be used for marketing purposes. Ms. Taylor agreed with the suggestion.

**MOTION:** Rep. Curtis moved to adopt the Privacy Policy and the Terms of Use Policy with the deletion of the word "routinely" on page 4, paragraph 2.2 of the Privacy Policy. The motion passed unanimously.

### **4. Correspondence from Committees**

Mr. Michael Christensen indicated that there are three letters of requests from committees in the LMC packet. He said that the first letter is from the Government Operations Interim Committee which is requesting that LMC authorize the creation of a subcommittee of six legislators to meet to study the statewide initiative process and possible statutory changes to that process.

**MOTION:** Sen. Allen moved to accept the request of the Government Operations Interim Committee to form a subcommittee to study the statewide initiative process. The motion passed with Sen. King and Sen. Dmitrich voting in the negative. Sen. Mansell and Sen. Valentine were absent for the vote.

Mr. Christensen said the second letter is a request for the Executive Appropriations Committee and the Health and Human Services Appropriation Subcommittee to hear county budgetary priorities from county governing bodies before the end of the second week of the 2003 General Session.

Speaker Stephens questioned whether this could be done through intent language during the session. He is not sure that LMC is the place to consider this.

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Mr. John Massey, Fiscal Analyst's Office, suggested that this request be given to the Executive Appropriations Committee to consider as part of their interim agenda or to put it on the Master Study List.

Speaker Stephens said LMC could refer this letter to the chairs of the Executive Appropriations Committee and the chairs of the Health and Human Services Appropriations Subcommittee and ask them to consider doing this through intent language.

**MOTION:** Rep. Curtis moved to go on to the next item on the agenda.

**SUBSTITUTE MOTION:** Rep. Hale moved to send a copy of this letter to the chairs of the Executive Appropriations Committee. The motion passed unanimously. Sen. Mansell and Sen. Valentine were absent for the vote.

Mr. Christensen said the third letter is from the chairs of the Natural Resources Appropriations and Interim Committees asking for reimbursement for members who attended a combined informal meeting on October 11, 2002.

**MOTION:** Sen. Allen moved to give per diem to members of the Natural Resources Appropriations Subcommittee and the Natural Resources Interim Committee for per diem for the informal meeting.

The motion failed. Voting in the negative were Sen. Mansell, Sen. Knudson, Sen. Valentine, Sen. Poulton, Rep. King, Rep. Curtis, and Speaker Stephens.

## **5. Invitation for a Utah Constitution Seminar**

Ms. Nancy Bockelie, Utah State Bar, said she has spoken to some of LMC members regarding the concept of having a class on constitutional law issues for the Legislature. She has spoken to two law professors, Eric Luna from the University of Utah School of Law, and Kevin Worthen from the J. Reuben Clark Law School at BYU, and they would both be available and willing to give a presentation in conjunction with the new legislator training in January. The course would be an hour to an hour and a half and would be on the constitutional law topics that come up on a regular basis in the Legislature's work. This would provide a roadmap of issues to be aware of as new legislators are considering legislation. The idea is that if the Utah State Bar offers this course, it can be done in a nonpartisan independent way. The Utah State Bar would also be happy to provide refreshments as part of its offer. She indicated that members of LMC and any other legislators that would like to come to the presentation would also be invited, but the focus would be on the new legislators.

Rep. Curtis spoke in favor of the presentation. He said that he likes the idea of it not being a presentation from the Utah State Bar, but from professors of two universities who could also talk to current issues and the initiative process.

Rep. Becker spoke in favor of the presentation. He believes that the legislators would benefit from having a good understanding of the Utah and United States Constitutions as the foundation for their roles and the decisions they make.

**MOTION:** Rep. Curtis moved to have the constitutional law presentation included in the New Legislator

Orientation agenda for one hour. The motion passed unanimously. Sen. Poulton, Sen. Valentine, and Sen. Knudson were absent for the vote.

## **6. New Legislature Orientation**

Mr. Christensen said that staff is recommending that the New Legislature Orientation be held on December 2, 2002 and January 9, 2003. It would be more extensive than past orientations and would include computer training. It would begin at 8:00 a.m. and end at 5:00 p.m. each day.

**MOTION:** Sen. Dmitrich moved to authorize per diem payment for new legislators to participate in the New Legislature Orientation on December 2, 2002 and January 9, 2003. The motion passed unanimously. Sen. Poulton, Sen. Valentine, and Sen. Knudson were absent for the vote.

## **7. Sunset Reauthorization**

Mr. Christensen distributed and reviewed the Sunset Act and Repealers that are scheduled for repeal in 2003. He noted that various sunset assignments were given to interim committees during the interim and the action of the committees are listed on the handout. He stated that a motion needs to be passed to create a bill that will put the reauthorized items in one bill.

**MOTION:** Rep. Arent moved that all of the Sunset Act and Repealers be combined into one bill as recommended by staff and that she would like to be the sponsor of the legislation.

Rep. Curtis said that under Section 63-55b-178, which deals with the unauthorized practice of law without a license, that there may be more discussion in regard to the repeal date. He said that he would like to take this one out of the sunset bill and have it run as its own bill.

**SUBSTITUTE MOTION:** Rep. Curtis moved to take Section 63-55b-178 which deals with the unauthorized practice of law without a license out of the sunset bill and to put the rest of the items into one piece of legislation with Rep. Arent as the sponsor.

Speaker Stephens said that LMC will not know what the November interim committees will be recommending and it may not agree with what they recommend.

Ms. Taylor said that what has been done traditionally is to the extent the sunset acts are reauthorized, they have been put into one bill for simplicity. However, if the interim committees make changes to the law, they need to be sponsored in a separate bill.

Ms. Taylor pointed out for clarification that the Sunset Act and Repealers has traditionally been given to LMC at the beginning of the year to assign it out to interim committees and then, at the end of the year, the interim committees' actions are reported back to LMC. For convenience of the Legislature, the reauthorizations have all been put together in one bill. If the members would prefer to have each committee sponsor their own bill, that would clearly be an option.

Sen. Mansell said he would like to see the committees do their own bills.

Speaker Stephens said the motion before the committee is to put all of the sunset repealers together in one piece of legislation except for Section 63-55b-178 regarding practicing law without a license, and that the legislation will be sponsored by Rep. Arent. The motion passed. Voting in the negative were Sen. Poulton, Sen. Valentine, and Sen. Knudson. Rep. Biskupski was absent for the vote.

#### **8. Census Population**

Ms. Taylor said staff has prepared a resolution urging the United States Census Bureau (Bureau) to rework its data collection procedures. On the last page of the resolution, it highlights that with regard to male population in Utah that the average it is 51 percent beginning at birth. That figure is fairly consistent at 51 percent until age 19 through 21, then it drops to 45-47 percent, and then it goes back up to 51 percent through age 34. Ms. Taylor stated that the purpose of this resolution is to urge the Bureau, when constructing its documents for the next census, to take into account Americans who are temporarily living overseas. The Office of Legislative Research has an affidavit from its lawsuit that at the time of the 2000 census there were 11,176 members of the Church of Jesus Christ of Latter Day Saints who were temporarily serving as missionaries overseas, so the point of this resolution is to urge the Bureau while it is constructing its data questionnaire for 2010, to consider including in the census people who are temporarily living overseas, but their usual residence is in the state of Utah or elsewhere in the United States so that there can be more equity in the 2010 apportionment process.

**MOTION:** Rep Becker moved to adopt the resolution urging the reworking of census data collection procedures as a committee bill. The motion passed unanimously. Sen. Knudson, Sen. Poulton, and Sen. Valentine were absent for the vote.

#### **9. Other Business**

Speaker Stephens said that in the Legislature's rules it requires that the Executive Appropriations Committee will meet the third Wednesday in December. For some reason, when the dates were approved for this year in LMC, Executive Appropriations Committee was scheduled for Thursday, December 19 rather than Wednesday, December 18, so this needs to be corrected.

**MOTION:** Rep. Becker moved to change the date of the Executive Appropriations Committee meeting from Thursday, December 19 to Wednesday, December 18 at 8:00 a.m. The motion passed unanimously. Sen. Knudson, Sen. Poulton, and Sen. Valentine were absent for the vote.

#### **10. Adjourn**

**MOTION:** Sen. Mansell moved to adjourn. The motion passed unanimously.

Speaker Stephens adjourned the meeting at 4:40 p.m.

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