

**MINUTES OF THE  
LEGISLATIVE MANAGEMENT COMMITTEE**

May 20, 2003 – 3:00 p.m. – 303 State Capitol

**Members Present:**

President Al Mansell, Chair  
Speaker Martin R. Stephens, Vice-Chair  
Sen. Ron Allen  
Sen. Gene Davis  
Sen. Mike Dmitrich  
Sen. Karen Hale  
Sen. Peter C. Knudson  
Sen. John L. Valentine  
Sen. Michael G. Waddoups  
Rep. Jeff Alexander  
Rep. Greg J. Curtis

Rep. Brent H. Goodfellow  
Rep. Patricia W. Jones  
Rep. Brad King  
Rep. Karen W. Morgan  
Rep. Michael R. Styler

**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 Mansell called the meeting to order at 3:20 p.m.

**MOTION:** Sen. Valentine moved to approve the minutes of the March 28, 2003 meeting. The motion passed unanimously.

**2. Design West Final Settlement on University of Utah Housing Project**

Mr. Joseph Jenkins, Director, Division of Facilities Construction and Management, presented a final settlement agreement on the University of Utah Housing Project with Design West.

**MOTION:** Sen. Valentine recommended that the Division of Facilities Construction and Management approve and sign the \$1,000,000 settlement agreement on the University of Utah Housing Project with Design West, with \$300,000 coming from DPIC insurance, \$350,000 coming from DFCM, and \$350,000 coming from the Division of Risk Management. The motion passed unanimously. Sen. Dmitrich was absent for the vote.

**3. State Fair Park**

Ms. Donna Dahl, Executive Director, Utah State Fair Park Authority, gave an update on the state fair and indicated that additional funds are needed in order to effectively operate the state fair park.

**MOTION:** Speaker Stephens moved that the Natural Resources, Agriculture and Energy Interim Committee study the financial needs of the State Fair Park and report back to Legislative Management

Committee (LMC) as to whether this issue should be dealt with in a special session or the next general session. The motion passed unanimously. Sen. Davis, Sen. Knudson, and Rep. Alexander were absent for the vote.

**4. Sunset of Occupational and Professional Review Committee (36-23-106)**

Ms. Taylor said that in the last LMC meeting, a question was raised about whether the Occupational and Professional Licensure Review Committee could do sunset reviews. She indicated that the committee is statutorily authorized to conduct sunset reviews.

**5. Sunset Review of Administrative Office of the Courts and Commission on Criminal and Juvenile Justice**

Ms. Taylor reported that during the 2003 General Session, the Legislature extended the sunset date for the Office of the Court Administrator from July 1, 2003 to July 1, 2008, and changed the sunset date for the Commission on Criminal and Juvenile Justice from July 1, 2012 to July 1, 2004.

**6. Subcommittee on Oversight**

Ms. Taylor said that in March 2001, there was a recommendation made that salaries of the three legislative staff directors be put at an E5 position with a salary range of \$82,800 to \$111,800. That recommendation was sent to the Subcommittee on Oversight (Subcommittee) to study. When the Subcommittee met, it approved the various salaries of the three directors all within that E5 range. LMC then took action to approve the pay plan at the E5 position with the salaries of the three directors within that range. Ms. Taylor stated that she discovered in preparing for the Subcommittee this year that DHRM classifies the level \$82,800 to \$111,800 salary range as a level E6 rather than an E5. She indicated that this has been discussed by the Subcommittee and the Subcommittee has requested that LMC change the pay plan in terms of LMC's policy on legislative staff directors from E5 to E6. This will not result in any dollar figure change, but will characterize the present director salary range with that of DHRM.

**MOTION:** Speaker Stephens moved to change the legislative staff directors' salary range from E5 to E6. The motion passed unanimously. Sen. Davis, Sen. Knudson, and Rep. Alexander were absent for the vote.

**7. Policies for Handling Records Requests**

Ms. Taylor reviewed a revised edition of the policies for handling records requests.

**MOTION:** Speaker Stephens moved to adopt LMC's policies for handling records requests as proposed beginning on page 33, the Records Retention Schedule on page 43, and the fees for legislative information beginning on page 49 with a change on page 52, Item 13, to delete the word "introduced" and insert the word "original." The motion passed unanimously. Sen. Davis, Sen. Knudson, and Rep. Alexander were absent for the vote.

## **8. Interim Committee Requests**

Mr. Christensen reviewed letters from the interim committees and the Executive Appropriations Committee regarding study items, and the following actions were taken:

**MOTION:** Speaker Stephens moved to approve all of the study items on the Utah Technology Commission list. The motion passed unanimously. Sen. Davis, Sen. Knudson, and Rep. Alexander were absent for the vote.

**MOTION:** Sen. Valentine moved to approve all of the study items on the Public Utility and Technology Interim Committee's list. The motion passed unanimously. Sen. Davis, Sen. Knudson, and Rep. Alexander were absent for the vote.

**MOTION:** Speaker Stephens moved to have staff send a letter to the chairs of the Native American Legislative Liaison Committee requesting them to outline the committee's goals and what the committee hopes to accomplish during the 2003 interim and to have them send an itinerary of the committee's overnight visit to the Navajo reservation to LMC. The motion passed unanimously. Sen. Davis, Sen. Knudson, and Rep. Alexander were absent for the vote.

**MOTION:** Sen. Waddoups moved to approve all of the study items on the Political Subdivisions Interim Committee's list except the last item of "other municipal and county issues."

**SUBSTITUTE MOTION:** Sen. Valentine moved to ask the chairs of the Political Subdivisions Interim Committee to recommend to LMC item by item from the Master Study Resolution what the committee would like to study. The motion passed unanimously. Sen. Davis, Sen. Knudson, and Rep. Alexander were absent for the vote.

**MOTION:** Rep. Curtis moved to approve the Political Subdivisions Interim Committee's request to recreate the Special Districts Subcommittee and to give them permission to hold two meetings during the interim.

**SUBSTITUTE MOTION:** Sen. Valentine moved to deny the Political Subdivisions Interim Committee's request to recreate the Special Districts Subcommittee and to encourage the committee to file a task force bill on this issue in the 2004 General Session. The motion passed unanimously. Sen. Davis, Sen. Knudson, and Rep. Alexander were absent for the vote.

**MOTION:** Sen. Waddoups moved to approve all of the study items on the Transportation Interim Committee's list. The motion passed unanimously. Sen. Davis, Sen. Knudson, and Rep. Alexander were absent for the vote.

**MOTION:** Speaker Stephens moved to approve all of the study items on the Law Enforcement and Criminal Justice Interim Committee's list. The motion passed unanimously. Sen. Davis, Sen. Knudson, and Rep. Alexander were absent for the vote.

**MOTION:** Rep. King moved to approve all of the study items on the Workforce Services and Community and Economic Development Interim Committee's list. The motion passed unanimously. Sen. Davis, Sen. Knudson, and Rep. Alexander were absent for the vote.

**MOTION:** Sen. Waddoups moved to approve all of the study items on the Natural Resources, Agriculture, and Environment Interim Committee's list and to request that the chairs send a prioritized list of these study items back to LMC. The motion passed unanimously. Sen. Davis, Sen. Knudson, and Rep. Alexander were absent for the vote.

**MOTION:** Sen. Waddoups moved to approve the study items on the Government Operations Interim Committee's list with the exception of #3 - State Regulatory Issues. The motion passed unanimously. Sen. Davis, Sen. Knudson, and Rep. Alexander were absent for the vote.

**MOTION:** Sen. Waddoups moved to approve all of the study items on the Business and Labor Interim Committee's list, but to delete the word "including" in all of the study items and insert the word "specifically"; to add to the insurance study item, clues scoring; and that the committee receive a report created by the Department of Insurance regarding public relations. The motion passed unanimously. Sen. Davis, Sen. Knudson, and Rep. Alexander were absent for the vote.

**MOTION:** Sen. Dmitrich moved to approve the study items on the Health and Human Services Interim Committee's list, with the exception of "health and human services legislation proposed by committee members" and include the administrative rule regarding insuring children that have been separated through divorce to live in another state. The motion passed unanimously. Sen. Davis, Sen. Knudson, and Rep. Alexander were absent for the vote.

**MOTION:** Sen. Valentine moved to approve all of the study items on the Education Interim Committee's list, but to encourage the committee that study item #1 - creating a definition of public education, be its top priority to study. The motion passed unanimously. Sen. Allen, Sen. Davis, Sen. Knudson, and Rep. Alexander were absent for the vote.

**MOTION:** Speaker Stephens moved to approve three additional meetings for the Education RFP Committee per the Education Interim Committee's request, but requested additional information and agendas for the two additional Education Interim Committee meetings. The motion passed unanimously. Sen. Allen, Sen. Davis, Sen. Knudson, and Rep. Alexander were absent for the vote.

**MOTION:** Sen. Waddoups moved that study item #216 - Rollback Tax and One-Time in Lieu Fee Amendments, be reassigned to the Revenue and Taxation Interim Committee. The motion passed unanimously. Sen. Allen, Sen. Davis, Sen. Knudson, and Rep. Alexander were absent for the vote.

**MOTION:** Speaker Stephens moved that LMC request a list of study items from the Revenue and Taxation Interim Committee; and that #173 - Homestead Exemption Increase, be reassigned to the Judiciary Interim Committee; and that #180 - Unemployment Tax, be reassigned to the Judiciary Interim Committee. The motion passed unanimously. Sen. Allen, Sen. Davis, Sen. Knudson, and Rep. Alexander

were absent for the vote.

**MOTION:** Rep. Morgan moved to approve all of the study items on the Judiciary Interim Committee's list with the exception of #6, the request for an ad hoc committee, and for the committee to prioritize those items in #6 and study them as a full committee.

**SUBSTITUTE MOTION:** Sen. Valentine moved to approve the Judiciary Interim Committee's list of study items and to approve two subcommittee meetings, consisting of up to five people, and that those two subcommittee meetings are made in correlation with the ad hoc State Bar Committee, and that the full committee then study these issues. The motion passed unanimously. Sen. Davis, Sen. Knudson, Rep. Alexander, Rep. Goodfellow, and Rep. Styler were absent for the vote.

## **9. Appropriation Subcommittee Requests**

Mr. Christensen reviewed letters from the Appropriations Subcommittees and the following actions were taken:

**MOTION:** Speaker Stephens moved to approve the request from the Capital Facilities and Administrative Services Appropriations Subcommittee for a two day, overnight trip to view facilities and to hear from campus and agency representatives on site regarding capital needs, with the stipulation that the committee forward to LMC an itemized agenda of the meeting. The motion passed. Voting in the negative were Sen. Valentine, Sen. Waddoups, and President Mansell. Rep. Curtis, Rep. King, Rep. Goodfellow, Rep. Morgan, and Rep. Styler were absent for the vote.

**MOTION:** Speaker Stephens moved to reconsider LMC's action on the Capital Facilities and Administrative Services Appropriations Subcommittee's request. The motion passed unanimously.

**MOTION:** Speaker Stephens moved to have staff send a letter to the Capital Facilities and Administrative Services Appropriations Subcommittee asking them to prioritize their meetings with the things that need to be accomplished over the next year. The motion passed unanimously.

**MOTION:** Sen. Allen moved to approve the request of the Commerce and Revenue Appropriations Subcommittee to hold two interim meetings. The motion passed unanimously.

**MOTION:** Sen. Knudson moved to approve the Executive Offices and Criminal Justice Appropriations Subcommittee's request for two interim subcommittee meetings.

**SUBSTITUTE MOTION:** Sen. Waddoups moved to approve only the second meeting in Item #2 of the Executive Offices and Criminal Justice Appropriations Subcommittee's request. The motion passed unanimously.

**MOTION:** Speaker Stephens moved to approve the Economic Development and Human Resources Appropriations Subcommittee's request to hold a subcommittee meeting in August, to not approve the

September meeting, but LMC would review it when the subcommittee has a firm agenda. The motion passed unanimously.

**MOTION:** Sen. Valentine moved to approve the Health and Human Services Appropriations Subcommittee's request for one off-campus meeting in August at the Fourth Street Homeless Clinic with the committee to discuss budgetary issues at that same meeting. The motion passed unanimously.

**MOTION:** Sen. Hale moved to approve the Higher Education Appropriations Subcommittee's request to hold a Higher Education Appropriations Subcommittee meeting on August 20, but to combine the visits into one day with no overnight stay. The motion passed unanimously.

**MOTION:** Speaker Stephens moved to approve the Natural Resources Appropriations Subcommittee's request to hold an interim subcommittee meeting on Wednesday, August 20. The motion passed unanimously.

**MOTION:** Sen. Valentine moved to approve the Joint Public Education Appropriations Subcommittee's request to hold a committee meeting on Tuesday, July 15. The motion passed unanimously.

**MOTION:** Regarding the Public Education Appropriations Subcommittee's request to visit, individually, a charter school, Speaker Stephens moved to go on to the next agenda item. The motion passed unanimously. Sen. Allen was absent for the vote.

#### **10. HB 105 "Internet Privacy and Security"**

Ms. Taylor said that HB 105 "Internet Privacy and Security Act" was vetoed by the Governor and Rep. Harper has asked that it be sent to the Information Technology Commission and the Public Utilities and Technology Interim Committee for interim study.

**MOTION:** Speaker Stephens moved that H.B. 105, "Internet Privacy and Security Act," be referred to the Information Technology Commission and the Public Utilities and Technology Interim Committee for study. The motion passed unanimously.

#### **11. Other Legislative Requests for Study**

Ms. Taylor indicated that Sen. Hillyard is requesting four issues for study by interim committees: coordinating statute of limitations throughout the Utah Code; rights of parentage; Uniform Trust Act and Uniform Principal and Income Act; and whistle blower protection of employees.

**MOTION:** Speaker Stephens moved to send the coordinating statute of limitations throughout the Utah Code item to the Judiciary Interim Committee. The motion passed unanimously.

**MOTION:** Speaker Stephens moved to send the rights of parentage study item to the Judiciary Interim Committee. The motion passed unanimously.

**MOTION:** Sen. Valentine moved to send the Uniform Trust Act and Uniform Principal and Income Act study item to the Judiciary Interim Committee. The motion passed unanimously.

**MOTION:** Rep. Curtis moved to send the whistle blower protection for employees study item to the Government Operations Interim Committee. The motion passed unanimously.

#### **12. Lawsuit of Ivie v. Utah**

Ms. Taylor stated that a lawsuit has been filed in which Sen. Hickman and Rep. Urquhart were named as defendants. The complaint alleges these legislators influenced a budget reduction during the 2002 General Session and, as a result, two people were rified, one of whom is suing the Department of Health, the state of Utah, and these two legislators. Ms. Taylor indicated that she would recommend that the Office of Legislative Research and General Counsel be directed to represent Sen. Hickman and Rep. Urquhart in this lawsuit, and if that representation is authorized, that staff be directed to send a letter to the Division of Risk Management and the Attorney General to that effect.

**MOTION:** Sen. Valentine moved to authorize Legislative General Counsel to represent Sen. William Hickman and Rep. Steven Urquhart, who are named as defendants in the Ivie v. Utah case. The motion passed unanimously.

#### **13. Other Business**

Sen. Waddoups pointed out that Sen. Evans has requested that a subcommittee of the Judiciary Committee be formed for a minority office review. He and Speaker Stephens told Sen. Evans that they would bring this issue to LMC with the intent to get a motion passed to have staff send a letter to the chairs of the Judiciary Interim Committee requesting that they consider prioritizing this issue as one of Judiciary Interim Committee's study items.

**MOTION:** Sen. Waddoups moved that staff send a letter to the chairs of the Judiciary Interim Committee requesting that the Judiciary Interim Committee consider prioritizing a review of the minority office as one of its study items this year. The motion passed unanimously.

**MOTION:** Sen. Dmitrich moved that the NCSL Planning Committee be authorized to pay legislative members per diem for one meeting per month, up to 11 meetings through July of 2004. The motion passed unanimously.

#### **14. Adjourn**

**MOTION:** Sen. Knudson moved to adjourn the meeting. The motion passed unanimously.

President Mansell adjourned the meeting at 6:15 p.m.