

**MINUTES OF THE
LEGISLATIVE MANAGEMENT COMMITTEE**

January 24, 2005 – 4:00 p.m. – W325 House Building

Members Present:

President John L. Valentine, Chair
Speaker Greg J. Curtis, Vice-Chair
Sen. Ron Allen
Sen. Gene Davis
Sen. Dan R. Eastman
Sen. Beverly Ann Evans
Sen. Peter C. Knudson
Rep. Jeff Alexander
Rep. Ralph Becker
Rep. Ben C. Ferry
Rep. Patricia W. Jones
Rep. Brad King
Rep. Rosalind J. McGee
Rep. Stephen H. Urquhart

Members Absent:

Sen. Mike Dmitrich
Sen. Paula F. Julander

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 related materials can be found at www.le.utah.gov, or by contacting the committee secretary, Beverlee LeCheminant, at 538-1032. A recording of the meeting is available from the committee secretary.

1. Committee Business

President Valentine called the meeting to order at 3:00 p.m.

MOTION: Rep. Alexander moved to approve the minutes of the November 9, 2004 meeting. The motion passed unanimously. Sen. Eastman and Rep. Urquhart were absent for the vote.

2. *Decker v. Njord*, UDOT Settlement Agreement

Mr. John Njord, Executive Director, Utah Department of Transportation (UDOT), distributed a synopsis of the *Decker v. Njord* case and indicated that this case began a number of years ago when UDOT resurfaced a street in Layton, Utah and Mr. Decker claimed that UDOT should have provided wheelchair accessible ramps at every crossing along the street when it was resurfaced. He stated that a few months after the case was filed against UDOT, it was certified as a class action. Mr. Decker's suit is to require UDOT to provide wheelchair accessible ramps at every crossing location of the state highway system. Mr. Njord said that UDOT and the Disability Law Center have agreed on a proposed settlement to this case and the settlement calls for UDOT to do a comprehensive inventory of state roads to see where curb ramps should be installed. He indicated that UDOT is required to provide wheelchair accessible ramps in conformance with ADA and, in order to settle this case, UDOT has agreed to install wheelchair accessible ramps at every location in the state highway system at a cost of approximately \$1 million per year over the next ten years and to pay the legal fees of the Disability Law Center, which are something less than \$100,000 thus far. Mr. Njord said that because this settlement is over \$1 million, it needs the concurrence of both the Legislature and the Governor.

MOTION: Sen. Knudson moved that the committee approve the drafting of a concurrent resolution to give to the Legislature and the Governor for their approval of this settlement agreement. The motion passed unanimously.

3 Update on *Ivie v. State of Utah, et al*

Ms. Gay Taylor, General Counsel, gave the committee an update on the *Ivie v. State of Utah* case. She indicated that the court decided the case, not on the basis of legislative immunity, but under Utah's Whistle Blower Statute, saying that neither Sen. Hickman or Rep. Urquhart are employers of Mr. Ivie and, therefore, the suit was not properly brought.

4 Update on *Poll v. Office of Legislative Auditor General*

Ms. Taylor gave the committee an update on the *Poll v. Office of Legislative Auditor General* case. She stated that a hearing was held on January 4, 2005 regarding this case and that the court reviewed the arguments and determined that there was not sufficient justification to release the medical school records to Mr. Brent Poll. She said that this was a district court decision and Mr. Poll is free to appeal that decision to a Court of Appeals.

5 Government Records Access and Management Act - Fees for Legislative Drafting Manual

Ms. Taylor said that the Legislative Management Committee (LMC) sets by policy all of the fees that the Office of Legislative Research and General Counsel charges for legislative information and that the current charge for the Legislative Drafting Manual is \$10. Ms. Taylor indicated that the Drafting Manual has been updated and contains more information and examples and, as a result, it costs Legislative Printing \$12.31 to produce the manual, which is just their cost. She stated that staff would recommend that this cost be recovered by charging \$15 for the manual.

MOTION: Rep. King moved to approve the \$15 charge for the Legislative Drafting Manual as recommended by staff. The motion passed unanimously.

6 Other Business

Sen. Allen said that with regard to the legislators' state e-mail addresses, there is some question as to how each legislator manages their state e-mail, how it relates to GRAMA, and what happens when the legislators use it for personal use. He suggested that one possible solution would be to bill legislators a reasonable amount for their state e-mail address so that they would basically own it.

Rep. Becker said this issue was put on an interim study list two years ago and no action was taken. He asked staff to put this issue back on the interim study list because there are legal and policy questions on how this issue should be treated under current statute.

No action was taken on this issue.

7 Adjourn

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MOTION: Sen. Davis moved to adjourn. The motion passed unanimously.

President Valentine adjourned the meeting at 4:30 p.m.

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