

**MINUTES OF THE  
UTAH CONSTITUTIONAL REVISION COMMISSION**  
Friday, February 4, 2005 – 12:00 noon – Room W010 House Building

**Members Present:**

Mr. Kevin J. Worthen, Chair  
Judge Jon M. Memmott, Vice Chair  
Rep. Ralph Becker  
Mr. Michael E. Christensen  
Chief Justice Christine Durham  
Mr. Byron L. Harward  
Mr. Morris D. Linton  
Mr. Michael Petersen  
Mr. Robin Riggs  
Ms. Kristine Strachan

**Members Absent:**

Speaker Greg J. Curtis  
Sen. Mike Dmitrich  
Mr. Kermit Hall  
Sen. Peter C. Knudson  
President John L. Valentine

**Staff Present:**

Mr. Robert H. Rees, Associate General Counsel  
Ms. Phalin L. Flowers, Legislative Secretary

**Note:** A list of others present and a copy of related materials can be found at [www.leg.utah.gov](http://www.leg.utah.gov) or by contacting the commission secretary, Cassandra Bauman, at 538-1032. A recording of the meeting is available from the commission secretary.

**1. Commission Business**

Chair Worthen called the meeting to order at 12:15 p.m.

**MOTION:** Mr. Petersen moved to approve the minutes of the November 4, 2004 meeting. The motion passed unanimously.

**2. Review of Constitutional Amendments Proposed for Consideration During the 2005 General Session of the Utah Legislature**

**SJR 2 "Resolution on Property Tax for Certain Personal Property" (J. Hickman)**

This resolution was not discussed.

**SJR 11 "Resolution Limiting Number of Governor's Terms" (C. Walker)**

Sen. Carlene Walker explained the legislation, stating that the legislation limits a governor to serving two elected terms. She clarified that it does not prohibit an individual who has filled a partial term, for example Governor Olene Walker, from then serving two elected terms.

Sen. Walker explained that the governor controls thousands of jobs and creates a bureaucracy. She stated that an eight-year time limit for the governor to fulfill his agenda is good public policy. She stated that 35 states have term limits for the governor.

Mr. Michael Lee, General Counsel, Governor's Office, indicated that Governor Huntsman strongly supports the legislation. He explained that the chief executive has an enormous amount of authority and discretion that accumulate over time. He stated that, as a preventative matter, the state needs to take

measures to keep a governor from accumulating so much power that it disrupts the republican form of government.

Mr. Harward explained that an elected official with the possibility of reelection thinks more of his constituents than someone who won't face the voters again, indicating that term limits may give the governor a different perspective during his second term in office.

The Commission discussed whether the limit should be two consecutive terms rather than a lifetime limit of two elected terms.

**MOTION:** Mr. Harward moved to endorse the concept of the legislation and to recommend that the Legislature consider whether the term limit should be two consecutive elected terms or two elected terms.

**SUBSTITUTE MOTION:** Mr. Petersen moved to recommend SJR 11 to the Legislature. The motion passed with Mr. Worthen, Mr. Harward, and Mr. Linton voting in opposition.

#### **HJR 12 "Resolution Eliminating Property Tax on Personal Property" (J. Dougall)**

Rep. John Dougall introduced the resolution. He stated that the legislation would eliminate the property tax on personal property.

Mr. Harward questioned if there was companion legislation to address the revenue loss this legislation would create. Judge Memmott indicated that this legislation has the potential to shift the tax burden from businesses to homeowners. Chief Justice Durham questioned what the problem is that the legislation is designed to fix.

Rep. Dougall explained that the legislation is designed to open discussion for policy decisions on tax reform.

**MOTION:** Mr. Riggs moved that the Commission study this item in the 2005 Interim if the resolution does not pass. The motion passed unanimously.

#### **HJR 5 "Resolution Clarifying Removal Provisions" (D. Hogue)**

Rep. David Hogue introduced the resolution. He stated that the Commission heard this issue in the 2004 Interim. He explained that voters should have some kind of recourse to deal with a person who is elected that does not comply with his campaign promises. He reiterated that the resolution was brought about from concerns of his constituents in a recent election. He responded to questions.

**MOTION:** Mr. Harward moved to recommend HJR 5 to the Legislature with the clarification that officers subject to impeachment would not be subject to alternative removal procedures.

**SUBSTITUTE MOTION:** Chief Justice Durham moved to recommend HJR 5 to the Legislature. She suggested Article VI, Section 21, Subsection (2) be amended to read:

(2) Officers subject to impeachment may not be removed by recall. Nothing in this constitution may be construed to impair the authority of the Legislature to provide, by statute, for the recall of officers not liable to impeachment for reasons other than the offenses specified in this article.

The motion passed unanimously.

**2005FL0109 "Resolution Establishing Redistricting Commission" (R. McGee)**

Rep. Roz McGee stated that this issue has great effect on the faith of the citizens on the democratic process. She indicated that the provisions are similar to those she presented in the 2003 and 2004 General Sessions. She stated that redistricting cannot be completely removed from the political arena, but that she believes redistricting should be removed from the Legislature. She expressed the desire for the voters to elect their legislators and not the legislators selecting their voters.

Mr. Harward pointed out that the legislation specifies that all members of the redistricting commission constitutes a quorum. He explained that this would give one member the power to hold up any action by the commission by not attending a meeting.

Chief Justice Durham expressed concern that the Supreme Court appoint a ninth member of the commission under Article IX, Section 1, Subsection (2)(a)(ii)(B)(I).

Chair Worthen expressed concern for Subsection (5)(a) of the draft. He indicated that the provisions may conflict with each other and that the preservation of communities of common interest may be a difficult criterium to achieve. Rep. Becker indicated that the legislation could specify the definition of a community of common interest.

Ms. Sandy Peck, League of Women Voters, spoke in favor of a state redistricting commission.

**MOTION:** Chief Justice Durham moved that the Commission support the concept of a redistricting commission.

**SUBSTITUTE MOTION:** Rep. Becker moved to recommend draft legislation "Resolution Establishing Redistricting Commission" with revisions as discussed by the Commission to the Legislature. The motion failed with Rep. Becker and Mr. Harward voting in favor.

The original motion passed with Mr. Linton, Judge Memmott, Mr. Riggs, and Mr. Worthen voting in opposition.

**HJR 7 "Resolution Amending State Auditor Qualifications" (R. Romero)**

Rep. Ross Romero explained that the resolution requires the State Auditor to be a licensed certified public accountant. He noted that he has a bill which would also require auditors in counties of the first class to also be licensed certified public accountants.

Mr. Auston Johnson, Utah State Auditor, spoke in favor of the legislation.

**MOTION:** Chief Justice Durham moved to recommend HJR 7 to the Legislature. The motion passed unanimously with Mr. Christensen absent for the vote.

### **3. Other Items / Adjourn**

The next meeting is tentatively scheduled for Thursday, May 5, 2005 at 1:00 p.m.

Chair Worthen indicated that Mr. Kermit Hall has resigned from the Commission and the Commission will start the process of finding a new member.

Chair Worthen adjourned the meeting at 1:56 p.m.