

MEETINGS OF INTERIM COMMITTEES

1998 GENERAL SESSION

STATE OF UTAH

Sponsor: Lloyd W. Frandsen

AN ACT RELATING TO THE LEGISLATURE; AMENDING PROVISIONS RELATING TO INTERIM COMMITTEE MEETINGS; ALLOWING EXTRA MEETINGS TO BE SCHEDULED BY THE CHAIRS; SUGGESTING SPECIAL SESSIONS SHOULD NOT CONFLICT WITH INTERIM MEETINGS; AND MAKING TECHNICAL CHANGES.

This act affects sections of Utah Code Annotated 1953 as follows:

AMENDS:

**36-12-5**, as last amended by Chapter 47, Laws of Utah 1985

**36-12-7**, as last amended by Chapter 2, Laws of Utah 1995

**67-1-1**, as last amended by Chapter 38, Laws of Utah 1993

*Be it enacted by the Legislature of the state of Utah:*

Section 1. Section **36-12-5** is amended to read:

**36-12-5. Duties of interim committees.**

(1) It is the duty of each interim committee:

- (a) to receive study assignments by resolution from the appropriate house of the Legislature;
- (b) to receive study assignments from its corresponding Senate or House Management Committee, created under Section 36-12-6;
- (c) to place matters on its study agenda upon notification to its Senate or House Management Committee~~[- If a];~~ which study request if it has not been disapproved by the appropriate management committee within 30 days of receipt of the request, the interim committee may proceed with the requested study;
- (d) to request research reports from the professional legislative staff pertaining to the committee's agenda of study;
- (e) to investigate and study possibilities for improvement in government services within its subject area;

(f) to accept reports from the professional legislative staff and make recommendations for legislative action with respect to such reports; [and]

(g) to exercise its constitutional and statutory oversight responsibilities to the executive and judicial branches and make recommendations for legislative action with respect to such oversight; and

[(g)] (h) to prepare and recommend to the Legislature a legislative program in response to the committee's study agenda.

(2) Reports and recommendations of the interim committees shall be completed and made public at least 30 days prior to any legislative session at which the reports and recommendations are submitted. A copy of the reports and recommendations shall be mailed to each member or member-elect of the Legislature, to each elective state officer, and to the state library.

Section 2. Section **36-12-7** is amended to read:

**36-12-7. Legislative Management Committee -- Duties.**

(1) The Senate or House Management Committee shall:

(a) receive legislative resolutions directing studies on legislative matters and may assign these studies to the appropriate interim committee of its house;

(b) assign to interim committees of the same house, matters of legislative study not specifically contained in a legislative resolution but considered significant to the welfare of the state;

(c) receive requests from interim committees of its house for matters to be included on the study agenda of the requesting committee. Appropriate bases for denying a study include inadequate funding to properly complete the study or duplication of the work;

(d) establish a budget account for interim committee day as designated by Legislative Management Committee and for all other legislative committees of its house and allocate to that account sufficient funds to adequately provide for the work of [~~the committee~~] those committees; and

(e) designate the time and place for periodic meetings of the interim committees.

(2) (a) In designating the periodic meetings of interim committees, the Legislative Management Committee shall schedule at least eight meetings each year.

(b) (i) In at least two of these scheduled interim committee meetings, the committee chairs shall give priority to the oversight responsibilities of the committee as provided in Subsection 36-12-5(1)(g); or

(ii) if the interim committee does not have significant oversight responsibilities in any given year, the committee chairs may choose not to hold those committee meetings.

~~[(2)]~~ (3) To maximize the use of legislators' available time, the Senate and House Management Committees should attempt to schedule the committee meetings of their respective houses during the same one or two-day period each month. This does not preclude an interim committee from meeting at any time it determines necessary to complete its business.

~~[(3)]~~ (4) The Legislative Management Committee shall:

(a) (i) employ, after recommendation of the appropriate subcommittee of the Legislative Management Committee, without regard to political affiliation, and subject to approval of a majority vote of both houses, persons qualified for the positions of director of the Office of Legislative Research and General Counsel, legislative fiscal analyst, legislative general counsel, and legislative auditor general.

(ii) Appointments to these positions shall be for terms of six years subject to renewal under the same procedure as the original appointment.

(iii) A person may be removed from any of these offices prior to the expiration of his term only by a majority vote of both houses of the Legislature or by a 2/3 vote of the management committee for such causes as inefficiency, incompetency, failure to maintain skills or adequate performance levels, insubordination, misfeasance, malfeasance, or nonfeasance in office.

(iv) In the event a vacancy occurs in any of these offices after adjournment of the Legislature, the committee shall appoint an individual to fill the vacancy until such time as the person is approved or rejected by majority vote of the next session of the Legislature;

(b) develop policies for personnel management, compensation, and training of all professional legislative staff;

(c) develop a policy within the limits of legislative appropriation for the authorization and payment to legislators of compensation and travel expenses, including out-of-state travel;

(d) approve special study budget requests of the legislative directors; and

(e) assist the speaker-elect of the House of Representatives and the president-elect of the Senate, upon selection by their majority party caucus, to organize their respective houses of the Legislature and assume the direction of the operation of the Legislature in the forthcoming annual general session.

Section 3. Section **67-1-1** is amended to read:

**67-1-1. General powers and duties.**

In addition to those prescribed by the constitution, the governor has the following powers and must perform the following duties[?].

- (1) He shall supervise the official conduct of all executive and ministerial officers.
- (2) He shall see that all offices are filled and the duties thereof performed, or in default thereof, apply such remedy as the law allows, and, if the remedy is imperfect, acquaint the Legislature therewith at its next session.
- (3) He shall make appointments and fill vacancies as required by law.
- (4) He is the sole official organ of communication between the government of this state and the government of any other state and of the United States.
- (5) Whenever any suit or legal proceeding is pending against this state, or which may affect the title of this state to any property, or which may result in any claim against the state, he may direct the attorney general to appear on behalf of the state, and may employ such additional counsel as he may judge expedient.
- (6) He may require the attorney general or the county attorney or district attorney of any county to inquire into the affairs or management of any corporation doing business in this state.
- (7) He may require the attorney general to aid any county attorney or district attorney in the discharge of his duties.
- (8) He may offer rewards, not exceeding \$1,000 each, payable out of the general fund, for the apprehension of any convict who has escaped from the state prison, or any person who has committed, or is charged with the commission of, a felony.
- (9) He must perform such duties respecting fugitives from justice as are prescribed by law.

(10) He must issue and transmit election proclamations as prescribed by law.

(11) He must issue land warrants and patents as prescribed by law.

(12) He must, prior to each regular meeting of the Legislature, deliver to the Division of Archives for publication all biennial reports of officers, commissions, and boards for the two preceding years.

(13) He may require any officer, commission, or board to make special reports to him in writing.

(14) He must discharge the duties of a member of all boards of which he is or may be made a member by the constitution or by law.

(15) He shall each year issue a proclamation recommending the observance of Arbor day, by the planting of trees, shrubs, and vines, in the promotion of forest growth and culture, and in the adornment of public and private grounds, places and ways, and in such other efforts and undertakings as shall be in harmony with the general character of such holiday.

(16) He may, on extraordinary occasions, convene the Legislature into session in the manner provided in Utah Constitution Article VII, Section 6; except any extraordinary session of the Legislature should not be scheduled on the date of the periodic meetings of legislative interim committees.

~~[(16)]~~ (17) He has such other powers and must perform such other duties as are devolved upon him by law.