

**MODIFICATIONS TO LEGISLATIVE MANAGEMENT****COMMITTEE**

2011 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Christopher N. Herrod**

Senate Sponsor: \_\_\_\_\_

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**LONG TITLE****General Description:**

This bill modifies provisions of the Legislature title that relate to the Legislative Management Committee.

**Highlighted Provisions:**

This bill:

- ▶ provides definitions;
- ▶ revises language and structure of the code to improve readability and organization;
- ▶ changes the membership structure of the Legislative Management Committee and the House and Senate Management Committees;
- ▶ modifies provisions relating to appointment and replacement of members of the Legislative Membership Committee;
- ▶ changes the membership of the Research and General Counsel Subcommittee;
- ▶ changes the membership of the Budget Subcommittee;
- ▶ changes the membership of the Audit Subcommittee;
- ▶ changes the membership of the Subcommittee on Oversight; and
- ▶ makes technical changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

**AMENDS:**

**36-12-1**, as last amended by Laws of Utah 2000, Chapter 104

**36-12-6**, as last amended by Laws of Utah 1987, Chapter 18

**36-12-8**, as last amended by Laws of Utah 2001, Chapter 9

**36-12-8.1**, as enacted by Laws of Utah 2000, Chapter 165

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

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

**36-12-1. Definitions.**

As used in this chapter:

(1) "House majority party ratio" means the number obtained by dividing the number of representatives who are members of the majority party in the House of Representatives by the total number of representatives in the House of Representatives.

~~[(1)]~~ (2) (a) "Interim committees" means legislative committees that are formed from the membership of each house to function between sessions of the Legislature in order to study subjects of legislative concern.

(b) "Interim committees" includes a commission, committee, council, task force, board, or panel, in which legislative participation is required by law, which committee functions between sessions of the Legislature.

~~[(2)]~~ (3) "Legislative director" means the director of the Office of Legislative Research and General Counsel, the legislative fiscal analyst, or the legislative auditor general.

(4) "Legislative management majority party ratio" means the number obtained by dividing the number of majority party members on the Legislative Management Committee by the total number of members on the Legislative Management Committee.

~~[(3)]~~ (5) "Major political party" means either of the two political parties having the greatest number of members elected to the two houses of the Legislature.

~~[(4)]~~ (6) "Professional legislative staff" means the legislative directors and the members of their staffs.

(7) "Senate majority party ratio" means the number obtained by dividing the number of

senators who are members of the majority party in the Senate by the total number of senators in the Senate.

[~~(5)~~] (8) "Standing committees" means legislative committees organized under the rules of each house of the Legislature for the duration of the legislative biennial term to consider proposed legislation. As used in this chapter, "standing committees" excludes appropriations committees, appropriations subcommittees, and rules committees.

Section 2. Section **36-12-6** is amended to read:

**36-12-6. Permanent committees -- House and Senate management -- Legislative Management Committee -- Membership -- Meetings -- Quorum.**

(1) (a) There ~~[are]~~ is hereby established as ~~[permanent committees]~~ a permanent committee of the Legislature a House Management Committee ~~[and a Senate Management Committee. The House Management Committee shall consist of]~~ consisting of eight members of the House of Representatives~~[, four from each major political party. The membership shall include the elected leadership of the House of Representatives and additional members chosen at the beginning of each annual general session by the minority party caucus as needed to complete the full membership].~~

(b) Membership in the House Management Committee shall consist of:

(i) members of the majority party in a number equal to the number of members on the committee multiplied by the House majority party ratio, with the resulting number rounded down to the nearest whole number; and

(ii) members in the minority party in a number equal to the total number of committee members minus the number of majority party members.

(c) Membership of the majority party seats on the committee shall be filled in the following order:

(i) the speaker of the House of Representatives;

(ii) the House majority leader;

(iii) the House majority whip;

(iv) the House assistant majority whip; and

(v) members of the House of Representatives from the majority party, as appointed by the speaker of the House, for any remaining seats, as necessary.

(d) Membership of the minority party seats on the committee shall be filled in the

following order:

(i) the House minority leader;

(ii) the House minority whip;

(iii) the House assistant minority whip; and

(iv) the fourth member of leadership from the minority party.

(e) The chairman of the committee shall be the speaker of the House of Representatives or [his] the speaker's designee. [The]

(2) (a) There is hereby established as a permanent committee of the Legislature, a Senate Management Committee [shall consist] consisting of eight members of the Senate[, four from each major political party. The membership shall include the elected leadership of the Senate and additional members chosen at the beginning of each annual general session by the appropriate party caucus as needed to complete the full membership].

(b) Membership in the Senate Management Committee shall consist of:

(i) members of the majority party in a number equal to the number of members on the committee multiplied by the Senate majority party ratio, with the resulting number rounded down to the nearest whole number; and

(ii) members in the minority party in a number equal to the total number of committee members minus the number of majority party members.

(c) Membership of the majority party seats on the committee shall be filled in the following order:

(i) the president of the Senate;

(ii) the Senate majority leader;

(iii) the Senate majority whip;

(iv) the Senate assistant majority whip; and

(v) members of the Senate from the majority party, as appointed by the president of the Senate, for any remaining seats, as necessary.

(d) Membership of the minority party seats on the committee shall be filled in the following order:

(i) the Senate minority leader;

(ii) the Senate minority whip;

(iii) the Senate assistant minority whip; and

(iv) the fourth member of leadership from the minority party.

(e) The chairman of the committee shall be the president of the Senate or ~~[his]~~ the president's designee.

~~[(2)]~~ (3) (a) There is hereby established a permanent committee of the Legislature to be known as the Legislative Management Committee.

(b) The committee shall consist of the membership of the House Management Committee and the Senate Management Committee meeting jointly. ~~[The]~~

(c) During odd-numbered calendar years, the president of the Senate or [his] the president's designee shall [be chairman during 1987,] serve as chair and the speaker of the House of Representatives or [his] the speaker's designee shall [be vice-chairman] serve as vice-chair of the committee [during that year. The positions of chairman and vice-chairman of the Legislative Management Committee shall rotate annually between these two officers in succeeding years]. During even-numbered calendar years, the speaker of the House of Representatives or the speaker's designee shall serve as chair and the president of the Senate or the president's designee shall serve as vice-chair of the committee.

(d) The committee shall meet as often as is necessary to perform its duties, but not less than once each quarter.

(4) For the committees established in this section:

(a) if a vacancy occurs in a committee position that is based on a member's elected leadership position, the vacancy shall be filled by the new person elected to that leadership position; or

~~[(3)]~~ (b) ~~[If]~~ if a legislator declines membership ~~[on the committees established by this section]~~ in a position that is based on a member's elected leadership position, or if a vacancy occurs in a position that is appointed by the speaker or president, a replacement shall be chosen by:

(i) the president of the Senate, if the vacancy is a majority-party member of Senate;

(ii) the speaker of the House of Representatives, if the vacancy is a majority-party member of the House of Representatives; or

(iii) the [leadership] minority leader of the appropriate minority party of the house in which the vacancy occurs, if the vacancy is a member of a minority party.

~~[(4)]~~ (5) (a) The committees established by this section shall meet not later than 60

days after the adjournment sine die of the annual general session held in even-numbered calendar years and not later than 30 days after the adjournment sine die of the annual general session held in odd-numbered calendar years for the purpose of effecting their organization and prescribing rules and policies pertaining to their respective powers and duties.

(b) A majority of the members of each committee constitutes a quorum, and a majority of a quorum has authority to act in any matter falling within the jurisdiction of the committee.

Section 3. Section 36-12-8 is amended to read:

**36-12-8. Legislative Management Committee -- Research and General Counsel Subcommittee -- Budget Subcommittee -- Audit Subcommittee -- Duties -- Members -- Meetings.**

(1) There ~~is~~ are created within the Legislative Management Committee three subcommittees ~~[having equal representation from each major political party. The subcommittees, their membership, and their functions are as follows:]~~ as provided in this section.

(2) (a) The Research and General Counsel Subcommittee~~[-,comprising]~~ shall consist of six members~~[-]~~ as follows:

(i) members of the majority party in a number equal to the number of members on the subcommittee multiplied by the legislative management majority party ratio, with the resulting number rounded down to the nearest whole number; and

(ii) members in the minority party in a number equal to the total number of subcommittee members minus the number of majority party members.

(b) The subcommittee shall recommend to the Legislative Management Committee a person or persons to hold the positions of director of the Office of Legislative Research and General Counsel and legislative general counsel.

~~[(b)]~~ (3) (a) The Budget Subcommittee~~[-,comprising]~~ shall consist of six members~~[-]~~ as follows:

(i) members of the majority party in a number equal to the number of members on the subcommittee multiplied by the legislative management majority party ratio, with the resulting number rounded down to the nearest whole number; and

(ii) members in the minority party in a number equal to the total number of subcommittee members minus the number of majority party members.

(b) The subcommittee shall recommend to the Legislative Management Committee a person to hold the position of legislative fiscal analyst.

~~[(c)]~~ (4) (a) The Audit Subcommittee~~[, comprising]~~ which shall consist of four members~~[, shall:]~~ as follows:

(i) members of the majority party in a number equal to the number of members on the subcommittee multiplied by the legislative management majority party ratio, with the resulting number rounded down to the nearest whole number; and

(ii) members in the minority party in a number equal to the total number of subcommittee members minus the number of majority party members.

(b) The subcommittee shall:

(i) recommend to the Legislative Management Committee a person to hold the position of legislative auditor general; and

(ii) (A) review all requests for audits;

(B) prioritize those requests; and

(C) hear all audit reports and refer those reports to other legislative committees for their further review and action as appropriate.

~~[(2)]~~ (5) The members of each subcommittee of the Legislative Management Committee shall be appointed from the membership of the Legislative Management Committee by an appointments committee comprised of the speaker and the minority leader of the House of Representatives and the president and the minority leader of the Senate.

~~[(3)]~~ (6) Each subcommittee of the Legislative Management Committee shall meet as often as necessary to perform its duties. They may meet during and between legislative sessions.

Section 4. Section **36-12-8.1** is amended to read:

**36-12-8.1. Legislative Management Committee -- Subcommittee on Oversight -- Members -- Duties -- Meetings.**

(1) There is created within the Legislative Management Committee a Subcommittee on Oversight ~~[comprised of the following members:]~~ consisting of six members as follows:

~~[(a) from the Senate:]~~

~~[(i) the president;]~~

~~[(ii) the majority leader;]~~

214 ~~[(iii) the minority leader; and]~~

215 ~~[(iv) the minority whip;]~~

216 ~~[(b) from the House of Representatives:]~~

217 ~~[(i) the speaker;]~~

218 ~~[(ii) the majority leader;]~~

219 ~~[(iii) the minority leader; and]~~

220 ~~[(iv) the minority whip:]~~

221 (a) three members of the Senate Management Committee, with:

222 (i) members of the majority party in a number equal to the Senate majority party ratio  
223 multiplied by three, with the resulting number rounded down to the nearest whole number;

224 (ii) members in the minority party in a number equal to the number three minus the  
225 number of majority party members; and

226 (iii) the highest ranking members of each party's Senate leadership filling the  
227 respective party seats; and

228 (b) three members of the House Management Committee, with:

229 (i) members of the majority party in a number equal to the House majority party ratio  
230 multiplied by three, with the resulting number rounded down to the nearest whole number;

231 (ii) members in the minority party in a number equal to the number three minus the  
232 number of majority party members; and

233 (iii) the highest ranking members of each party's house leadership filling the respective  
234 party seats.

235 (2) The Subcommittee on Oversight shall:

236 (a) review and approve the budget for the Office of Legislative Fiscal Analyst, the  
237 Office of Legislative Research and General Counsel, and the Office of Legislative Auditor  
238 General; and

239 (b) provide an annual performance review for the legislative fiscal analyst, the director  
240 of the Office of Legislative Research and General Counsel, and the legislative auditor general.

241 (3) (a) This subcommittee shall meet no later than June 1st of each year to conduct the  
242 annual performance review and no later than November 1st of each year to review and approve  
243 the budget of these offices.

244 (b) This subcommittee may meet as often as necessary to perform its duties.



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**Legislative Review Note**  
**as of 2-16-11 4:40 PM**

**Office of Legislative Research and General Counsel**

# FISCAL NOTE

H.B. 387

SHORT TITLE: Modifications to Legislative Management Committee

SPONSOR: Herrod, C.

2011 GENERAL SESSION, STATE OF UTAH

STATE GOVERNMENT (UCA 36-12-13(2)(b))

Enactment of this bill likely will not materially impact the state budget.

LOCAL GOVERNMENTS (UCA 36-12-13(2)(c))

Enactment of this bill likely will not result in direct, measurable costs for local governments.

DIRECT EXPENDITURES BY UTAH RESIDENTS AND BUSINESSES (UCA 36-12-13(2)(d))

Enactment of this bill likely will not result in direct, measurable expenditures by Utah residents or businesses.