

**MINUTES OF THE  
UTAH CONSTITUTIONAL REVISION COMMISSION**  
Friday, February 2, 2007 – 12:00 p.m. – Room W135 House Building

**Members Present:**

Mr. Kevin J. Worthen, Chair  
Rep. Sheryl L. Allen  
Sen. Mike Dmitrich  
Mr. Byron L. Harward  
Sen. Peter C. Knudson  
Mr. Michael Petersen  
Mr. Robin Riggs  
Ms. Kristine Strachan  
Mr. Roger Tew  
President John L. Valentine

**Members Absent:**

Judge Jon M. Memmott, Vice Chair  
Rep. Ralph Becker

**Staff Present:**

Mr. Robert H. Rees, Associate General Counsel  
Mr. Jerry Howe, Policy Analyst  
Ms. Brooke Ollerton, Legislative Secretary

**Note:** A list of others present, copy of related materials, and an audio recording of the meeting can be found at [www.le.utah.gov](http://www.le.utah.gov).

**1. Commission Business**

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

**MOTION:** Mr. Peterson moved to approve the minutes of the November 9, 2006 minutes, which were distributed at the meeting. The motion passed unanimously with Rep. Allen, Sen. Dmitrich, Mr. Riggs, and President Valentine absent for the vote.

**2. Review of Constitutional Amendments Proposed for Consideration During the 2007 General Session of the Utah Legislature**

Sen. McCoy introduced 2007 General Session S.J.R. 4, 1st sub., "Resolution Establishing Right to Health Care," which was distributed at the meeting. He explained that the resolution was modeled after Article X of the Utah Constitution regarding the public education system.

Mr. Harward asked if the resolution would require the state to build hospitals and employ doctors.

Sen. McCoy said that his intent was not to force the state into creating a system operated and owned by the state.

Mr. Tew commented that the constitutional amendment process is not a forum for ascertaining public will and that there is not currently public consensus on the issue. He pointed out that placing an amendment on the ballot implies endorsement.

Sen. McCoy said that the resolution would initiate debate on the issue. It would charge the Legislature with providing a state system of health care and the details would be left to the legislative process.

Sen. Knudson asked Chair Worthen if the Commission's role is to debate the merits of the issue or only to discuss the constitutionality of the proposed legislation.

Mr. Rees replied that the Commission's statutory responsibility is to give recommendations regarding proposed constitutional amendments.

Chair Worthen commented that in practice the Commission has given both constitutional and policy analysis.

Sen. Knudson expressed concern over the cost of a state health care system and the lack of a funding mechanism in the resolution.

Sen. McCoy said that the resolution does not define what the system will be like and pointed out that the financing of it is still open to debate. He indicated that he would change some language in the resolution and take it to the Health and Human Services standing committee during the interim.

**MOTION:** Sen. Dmitrich moved not to make a recommendation on S.J.R. 4 and to further study the issue in future meetings. The motion passed unanimously with President Valentine absent for the vote.

Sen. Bell introduced 2007 General Session S.J.R. 11, 1st Sub., "Resolution Providing Appointment of State Superintendent of Education," which was distributed in the mailing packet. He explained that it would allow the governor to appoint the state superintendent of education with the consent of the State Board of Education.

Mr. Riggs said he supported the notion that the governor should have more control over education. He asked Sen. Bell how the resolution would change the governor's involvement in education if the superintendent reports to the State Board of Education.

Sen. Bell responded that the superintendent would become part of the governor's cabinet and would report to the governor, in addition to the Board.

Mr. Tew suggested drafting more clear language explaining how the superintendent would interface with the board.

Sen. Bell acknowledged that the issue is controversial and said he would consider the Commission's suggestions.

The Commission discussed the appointment process under the resolution.

Ms. Natalie Gordon, Utah PTA, spoke in opposition to the resolution because making the superintendent a member of the governor's cabinet would create additional conflicts of interest.

**MOTION:** Mr. Riggs moved to not make any recommendation on S.J.R. 11, 1st sub., but to advise the sponsor of the resolution of the Commission's concerns by letter. The motion passed unanimously with President Valentine absent for the vote.

Rep. Allen updated the Commission on the status of 2007 General Session H.J.R. 4, "Resolution Revising Executive Officer Succession Provision," explaining that it had been on the board and circled for about two weeks.

Mr. Rees explained the details of the election the resolution requires.

The Commission discussed the political implication of the timing of the election.

**MOTION:** Mr. Harward moved to express the Commission's preference for H.J.R. 3 over H.J.R. 4 with the understanding that if H.J.R. 3 did not pass and H.J.R. 4 was amended to allow for a year or more to complete the election process, the Commission would support H.J.R. 4. The motion passed unanimously with President Valentine absent for the vote.

Mr. Rees explained that Rep. Becker would no longer pursue 2007 General Session H.J.R. 8, "Resolution Amending Annual General Session Date," in light of a similar resolution sponsored by President Valentine, 2007 General Session S.J.R. 12, "Resolution Amending Utah Constitution."

Mr. Harward pointed out an ambiguity in the wording of the resolution that might allow the Legislature to meet on federal holidays.

Sen. Knudson said that President Valentine's intent was that the Legislature not meet on those holidays.

**MOTION:** Rep. Allen moved to endorse S.J.R. 12, with the direction to staff to modify language to prohibit the Legislature from meeting on federal holidays. The motion passed unanimously.

President Valentine explained that the resolution should exclude federal holidays from 45 days which are counted as the general session, but he wanted to leave open the possibility of meeting on those holidays in case of an emergency.

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

Chair Worthen adjourned the meeting at 1:57 p.m.