

**MINUTES OF THE
LEGISLATIVE MANAGEMENT COMMITTEE**

July 8, 2008 – 11:00 a.m. – C450 State Capitol

Members Present:

Speaker Greg J. Curtis
President John L. Valentine, Chair
Sen. Curtis S. Bramble
Sen. Gene Davis
Sen. Mike Dmitrich
Sen. Brent Goodfellow
Sen. Patricia W. Jones
Sen. Sheldon Killpack
Rep. Brad L. Dee
Rep. Brad King
Rep. David Litvack
Rep. David Clark
Rep. Carol Spackman Moss
Rep. Gordon E. Snow

Members Absent:

Sen. Dan R. Eastman
Rep. Phil Riesen

Staff Present:

Mr. Michael E. Christensen, Director
Mr. John L. Fellows, General Counsel
Ms. Beverlee LeCheminant, Secretary

Note: A list of others present, a copy of related materials, and an audio recording of the meeting can be found at www.le.utah.gov.

1. Committee Business

President Valentine called the meeting to order at 11:10 a.m.

2. Consider Authorizing Legislative Counsel to Represent the Legislature in Litigation

Mr. John Fellows, General Counsel indicated that Legislative Management Committee (LMC) has established policies governing the involvement of legislative counsel and the Legislature in litigation. He summarized those policies by stating that if the Legislature, the House or Senate, a committee of the Legislature, or an individual legislator is sued, the Office of Legislative Research and General Counsel (OLRGC) would automatically represent the Legislature and be involved in the lawsuit. However, if the Legislature is not a defendant, the policies require a majority vote of LMC in order to authorize legislative counsel to represent the Legislature in litigation or to involve them affirmatively in going forward with litigation.

Mr. Fellows stated that the *Gregory v. Shurtleff* lawsuit litigation raises questions as to whether S.B. 2 violated the single subject rule of the Utah State Constitution. There is a significant legislative interest in this litigation because of the effect the court's ruling on the application of the single subject rule may have on the Legislature's ability to do its business in the future. Mr. Fellows said that this meeting is being held to see if LMC is interested in having OLRGC intervene on behalf of the Legislature and become a party to the lawsuit. If LMC votes to do so, OLRGC would represent the Legislature's interest in the lawsuit. Mr. Fellows emphasized that this is an important constitutional principle that governs the Legislature and has implications on its ability to do business in the future in terms of how it prepares combined pieces of legislation.

MOTION: Sen. Bramble moved that the Office of Legislative Research and General Counsel be authorized to file a motion to intervene as a party in the *Gregory v. Shurtleff* lawsuit and continue to represent the Utah Legislature and its interests through all phases of the lawsuit. The motion passed unanimously.

MOTION: Rep. Clark moved that OLRGC consult with the chairs of LMC for direction during the course of this litigation. The motion passed unanimously.

3. Letters from Interim Committees and Appropriations Subcommittees

Mr. Christensen reviewed a letter from the Revenue and Taxation Interim Committee requesting permission to hold two public hearings on property tax issues, one in the northern region and one in the southern region of the state, including overnight lodging.

MOTION: Sen. Goodfellow moved to approve the Revenue and Taxation Interim Committee's request. The motion passed unanimously.

Mr. Christensen reviewed a letter from the Health System Reform Task Force requesting that the Health and Human Services Appropriations subcommittee be authorized to hold one additional meeting in either August or September.

MOTION: Rep. Litvack moved to approve the Health System Reform Task Force's request. The motion passed unanimously.

Mr. Christensen reviewed a letter from the Health and Human Services Appropriations Subcommittee requesting permission to hold an interim meeting on October 8, 2008 at the Matheson Court House.

MOTION: Speaker Curtis moved to approve the Health and Human Services Appropriations Subcommittee's request. The motion passed unanimously.

Mr. Christensen reviewed a letter from the Executive Appropriations Committee recommending that LMC make a request to the governor to have the Governor's Office of Planning and Budget develop a "Comprehensive Approach to Turnover Savings for Inclusion in Governor's Budget Recommendations" and report that approach to the Executive Appropriations Committee before the next legislative general session.

MOTION: Sen. Davis moved to approve the Executive Appropriations Committee's recommendation. The motion passed unanimously.

Mr. Christensen reviewed a letter from the Native American Legislative Liaison Committee requesting permission to hold a committee meeting while attending the annual Native American Summit at Fort Duchesne on September 24th and 25th.

MOTION: Rep. Snow moved to approve the Native American Legislative Liaison Committee's request. The motion passed unanimously.

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MOTION: Rep. Dee moved that the Immigration Interim Committee be authorized to hold public hearings at various sites throughout the state. The motion passed unanimously.

4. Adjourn

MOTION: Speaker Curtis moved to adjourn the meeting. The motion passed unanimously.

President Valentine adjourned the meeting at 11:42 a.m.