

**MINUTES OF THE
LEGISLATIVE MANAGEMENT COMMITTEE**

June 16, 2009 – 3:00 p.m. – 445 State Capitol

Members Present:

President Michael G. Waddoups, Chair
Speaker David Clark, Vice-Chair
Sen. Gregory S. Bell
Sen. Scott K. Jenkins
Sen. Patricia W. Jones
Sen. Sheldon Killpack
Sen. Karen Mayne
Sen. Luz Robles
Sen. Ross I. Romero
Rep. Brad L. Dee

Rep. Kevin Garn
Rep. James Gowans
Rep. David Litvack
Rep. Rebecca Lockhart
Rep. Carol Spackman Moss
Rep. Jennifer M. Seelig

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 Waddoups called the meeting to order at 3:08 p.m.

MOTION: Rep. Lockhart moved to approve the minutes of the April 7, 2009 meeting. The motion passed unanimously.

2. Letters from Legislative Committees

Mr. Christensen reviewed the letters from the following interim committees requesting approval for their prioritized study lists for this interim:

- Business and Labor Interim Committee
- Education Interim Committee
- Government Operations and Political Subdivisions Interim Committee
- Judiciary, Law Enforcement, and Criminal Justice Interim Committee
- Natural Resources, Agriculture, and Environment Interim Committee
- Public Utilities and Technology Interim Committee
- Revenue and Taxation Interim Committee
- Transportation Interim Committee
- Workforce Services and Community and Economic Development Interim Committee
- Health and Human Services Interim Committee
- Retirement and Independent Entities Appropriations Subcommittee

MOTION: Rep. Garn moved to approve the Health Care Reform Task Force's request to create three working groups to focus on specific technical issues, and the Revenue and Taxation Interim Committee's request to establish three working groups to more effectively study the items before the committee this interim.

SUBSTITUTE MOTION: Rep. Litvack moved to approve the Health Care Reform Task Force's request and the Revenue and Taxation Interim Committee's request with the following amendments: 1)

that the working groups be done by interim day, September 16, and 2) that each working group can only meet three times.

Rep. Garn requested a division of the Substitute Motion.

Rep. Litvack moved that the working groups be finished with their work by interim day, September 16th. The motion failed with Sen. Killpack, Sen. Mayne, Sen Jenkins, and Rep. Garn and Rep. Lockhart voting in the negative.

Rep. Litvack moved that each working group be authorized to meet three times. The motion passed unanimously.

MOTION: Rep. Litvack moved to approve the remainder of the interim committee requests with the clarification in the Public Utilities and Technology Interim Committee's letter to add the savings to the public in switching to alternative energy sources. The motion passed unanimously.

3. Overview of Amendment A (2008 General Election)

Mr. Fellows introduced Mr. Robert Rees, the Office of Legislative Research and General Counsel's state constitutional expert and staff to the Constitutional Revision Commission. Mr. Fellows indicated that Mr. Rees wrote Amendment A and will be giving an overview of it.

Mr. Rees said that Article VII of the Utah Constitution was amended effective January 1st of this year to modify and clarify the provisions relating to when there is a vacancy in the office of the governor. Under the constitution as it now stands, if the governor leaves office, the lieutenant governor automatically becomes governor. The new governor would then appoint, with the consent of the senate, someone to be the new lieutenant governor. If the vacancy happens in the first year of the four-year term of the governor, the new governor serves until the next general election. Then a new governor and lieutenant governor will be elected at that time to serve the remaining two years of the four-year term. If the vacancy happens after the first year of the term of office, the new governor and new lieutenant governor will serve the remainder of the four-year term.

Mr. Fellows said there is a constitutional provision that allows the governor to appoint a qualified person to discharge the duties of any state or district office during the recess of the senate before the governor actually appoints. There could be a situation where Lieutenant Governor Herbert becomes governor, announces the person he is nominating for lieutenant governor, and also appoints that person to temporarily act as lieutenant governor pending confirmation by the senate. This would be within the constitutional requirements and the senate could decide how quickly they want to convene to consider the nominee. If the person appointed by the governor to temporarily act as lieutenant governor is rejected by the senate, the governor would have to appoint a new person as lieutenant governor.

4. Approval of Official Legislative Meetings

Mr. Fellows distributed a list of authorized legislative meetings and indicated that it has routinely been the practice of the Legislative Management Committee (LMC) to approve payment for per diem and expenses for authorized legislative committee meetings. He said that the list distributed to the committee was adopted in 2008 and those committees that are bracketed out no longer exist because they have been repealed or expired. The only committee that has been added is the Utah State Scenic Byway Committee. Mr. Fellows stated that the list includes a Section 5 which consists of five committees to which the President and Speaker appoint members, but whose members do not necessarily have to be legislators. By including Section 5, if the President or Speaker appoint a legislator as a member of one of those committees, the legislator may receive per diem and expenses.

MOTION: Speaker Clark moved to adopt the Authorized Legislative Meetings on the list. The motion passed unanimously.

5. Other Business

No other business was discussed.

6. Adjourn

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

President Waddoups adjourned the meeting at 3:55 p.m.