

**MINUTES OF THE
LEGISLATIVE MANAGEMENT COMMITTEE**

Tuesday, April 2, 2013 – 2:00 p.m. – Room 445 State Capitol

Members Present:

President Wayne L. Niederhauser, Chair
Speaker Rebecca D. Lockhart, Vice Chair
Sen. J. Stuart Adams
Sen. Gene Davis
Sen. Patricia W. Jones
Sen. Peter C. Knudson
Sen. Karen Mayne
Sen. Ralph Okerlund
Rep. Joel K. Briscoe
Rep. Rebecca Chavez-Houck
Rep. Brad L. Dee
Rep. Gregory H. Hughes
Rep. Jennifer M. Seelig

Members Absent:

Sen. Luz Robles
Rep. Tim M. Cosgrove
Rep. Don Ipson

Staff Present:

Mr. Michael E. Christensen, Director
Mr. John L. Fellows, General Counsel
Ms. Phalin L. Flowers, Administrative Assistant

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

1. Committee Business

Chair Niederhauser called the meeting to order at 2:12 p.m. Sen. Roblez, Rep. Cosgrove, and Rep. Ipson were excused from the meeting.

MOTION: Vice Chair Lockhart moved to approve the minutes of the November 13, 2012 meeting. The motion passed unanimously with Rep. Hughes absent for the vote.

2. Interim Committee Schedule

Mr. Christensen presented “Utah Legislature 2013 Interim Schedule.” He explained that this proposed schedule has interim committee meetings on the third Wednesday of each month from May through November. He also pointed out that the Legislature normally takes one month off during the summer. With the major national legislative conferences in August this year, Mr. Christensen stated that the proposed schedule shows no interim committee meetings in August.

MOTION: Vice Chair Lockhart moved to approve “Utah Legislature 2013 Interim Schedule.” The motion passed unanimously.

3. Authorized Legislative Meetings

Mr. Christensen discussed “Authorized Legislative Meetings.” He explained that the document, once approved by the committee, lists the approved meetings that legislators can be paid for if they attend.

MOTION: Sen. Okerlund moved to include all executive confirmation committees as authorized legislative meetings, including:

- Senate Business and Labor Confirmation Committee
- Senate Economic Development and Workforce Services Confirmation Committee
- Senate Education Confirmation Committee
- Senate Government Operations Confirmation Committee

- Senate Health and Human Services Confirmation Committee
- Senate Law Enforcement and Criminal Justice Confirmation Committee
- Senate Natural Resources, Agriculture, and Environment Confirmation Committee
- Senate Political Subdivisions Confirmation Committee
- Senate Retirement and Independent Entities Confirmation Committee
- Senate Revenue and Taxation Confirmation Committee
- Senate Transportation and Public Utilities and Technology Confirmation Committee

The motion passed unanimously.

MOTION: Vice Chair Lockhart moved to approve “Authorized Legislative Meetings” as amended. The motion passed unanimously.

4. Master Study Resolution

Mr. Christensen discussed “Master Study Resolution - Proposed Assignment of Items.” He explained that staff made the initial assignments to the interim committees based on subject, but that the Legislative Management Committee makes the final decision on where each item is assigned, and that the committee can move study items from one committee to another.

MOTION: Vice Chair Lockhart moved to assign the following master study items to the Occupational and Professional Licensure Review Committee:

- 5. Art Therapy – to study art therapy licensing (Weiler)
- 6. Behavioral Analysts – to study the licensing of behavioral analysts (H.B. 400) (Menlove)
- 7. Building Plans Examiners – to study the licensing of building plans examiners (Wiley)
- 10. Continuing Education for Massage Therapists – to study whether to require continuing education requirements as a condition of license renewal as a massage therapist (H.B. 351) (House Health and Human Services Standing Committee)
- 16. Licensing Alternatives – to study licensing alternatives, specifically certification and registration (Edwards)
- 17. Licensing of Advanced Practice Registered Nurses – to study changes to the licensure of Advanced Practice Registered Nurse (APRN) interns so they will be more likely to remain in Utah after they finish their training at the University of Utah (Redd)
- 21. Music Therapists – to study the licensing, certification, or other state recognition of music therapists (H.B. 169) (Edwards)

The motion passed unanimously.

Rep. Seelig distributed and discussed a document with additional study items for committees.

MOTION: Rep. Seelig moved to add Rep. Chavez-Houck’s name to master study item number 71 and to include the following study items to the corresponding committees that were inadvertently excluded from the Master Study Resolution:

- Government Operations Interim Committee
 - Straight Party Voting Elimination – to study the possible elimination of straight party voting (H.B. 258) (Arent)
 - Lobbyist Disclosure for Legislators-elect – to study applying lobbyist disclosure and regulation provisions to a legislator-elect (H.B. 274, 2011 and H.J.R. 4, 2011) (Arent)
 - Campaign Finance – to study establishing contribution limits and making the violation of those limits a class A misdemeanor (H.B. 311) (King)

- Judiciary Interim Committee
 - Adoption Amendments – to study second-parent adoptions (H.B. 214) (Chavez-Houck)
- Law Enforcement and Criminal Justice Interim Committee
 - Study the use of electronically-filed citations for certain criminal code violations (Wheatley)
- Legislative Process Committee
 - Establishing an Office of Constituent Relations – to study the creation of an office of constituent services within the Office of Legislative Research and General Counsel (Arent)
 - Guidance on Consent Calendar Legislation – to study providing guidance on when legislation should be considered for the Consent Calendar (Arent)
- Natural Resources, Agriculture, and Environment Interim Committee
 - Animal Shelters – to study if it is more costly to use lethal injections as opposed to carbon monoxide and to study how animal shelters are regulated and how the legislature can ensure that shelters are using compressed carbon monoxide (H.B. 150) (Romero)

The motion passed unanimously.

Vice Chair Lockhart asked that staff include a note to the chairs of the Education Interim Committee that many of the items assigned to the Education Interim Committee may also be studied by the Education Task Force, the Higher Education Appropriations Subcommittee, and the Public Education Appropriations Subcommittee, and that the chairs should coordinate with the chairs of these other committees to avoid duplicate studies.

MOTION: Vice Chair Lockhart moved to assign the following master study items to additional committees for study:

- 74. Fees for Government Records Requests – to study whether to require a governmental entity to fulfill a records request without charge under certain circumstances (H.B. 122) (King) to Government Operations Interim Committee and Political Subdivisions Interim Committee
- 76. GRAMA Requests to Local Governments – to study ways to address Government Records Access and Management Act (GRAMA) requests made to local governments that are written broadly and are typically used by marketing organizations (Handy) to Government Operations Interim Committee and Political Subdivisions Interim Committee
- 104. Offsetting Federal Medical Device Tax – to study whether Utah should adopt a provision similar to Indiana to offset the 2.3% tax on medical devices imposed by the Patient Protection and Affordable Care Act (Weiler) to Health and Human Services Interim Committee and Revenue and Taxation Interim Committee

The motion passed unanimously.

Vice Chair Lockhart distributed and discussed “Changes in Master Study Resolutions Assignments.”

MOTION: Vice Chair Lockhart moved to assign the following study items to committees as additional study items or as highest priorities:

- Business and Labor Interim Committee – assign as highest priority
 - 13. Digital Billboard Advertising – to study changes to current law relating to billboards and electronic or mechanical changeable message signs (S.B. 76) (Knudson)
 - Master License for Hotels – to study a hotel master license for liquor sales (Valentine)
 - 3rd Substitute H.B. 228 “Alcoholic Beverage Control Act Amendments” conference committee report requesting study of:

- H.B. 218 “Alcohol Amendments” (Froerer)
 - 1st Substitute H.B. 228 “Alcohol Beverage Control Act Amendments” (Wilcox)
 - H.B. 350 “Amendments Related to Alcohol” (Oda)
 - S.B. 261 “Amendments Related to Alcohol Beverage Control” (Valentine)
 - Issues related to the postponement of the effective date for authorizing the transfer of certain retail licenses issued under Title 32B, Alcoholic Beverage Control Act
- Revenue and Taxation Interim Committee – assign as highest priority
 - 208. Multi-state Tax Compact – to study the multi-state tax compact to identify its costs and benefits to the state of Utah and to the State Tax Commission regarding income tax nexus studies, multi-state audits, and other issues related to the compact agreement (Harper)
 - 204. State Tax Commission – to study the qualifications and appointment of members of the Utah State Tax Commission (Valentine) (reassign to the Revenue and Taxation Interim Committee)
 - Transportation Interim Committee – assign as highest priority
 - Conduct the work envisioned by S.B. 63 “Transportation Planning and Funding” (Harper), which proposed the creation of a task force, but did not pass
 - Natural Resources, Agriculture, and Environment Interim Committee – assign as highest priority
 - Conduct the work envisioned by S.B. 216 “Water Pollution Task Force” (Okerlund), which proposed the creation of a task force, but did not pass
 - Legislative Process Committee – additional study items
 - How legislation is submitted, what information is required, and when
 - The role circled bills play in the process, and how long is it appropriate to keep a bill circled
 - The rules and process surrounding the use of boxcar bills
 - The study of ways that legislators can get their bills drafted more quickly (Sen. Urquhart)

The motion passed unanimously.

Sen. Jones requested that the letter sent to the chairs of the Business and Labor Interim Committee by the Legislative Management Committee request that the study of digital billboards include coordination with efforts made by members of the Salt Lake Chamber Task Force, as they have already been studying this issue in depth.

MOTION: Vice Chair Lockhart moved to approve the master study items list as amended. The motion passed unanimously.

MOTION: Vice Chair Lockhart moved to assign master study item 1. References to “General Fund” in Code to the Political Subdivisions Interim Committee, rather than the Executive Appropriations Committee. The motion passed unanimously.

5. Other Committee Assignments

This item was discussed under agenda item 4. Master Study Resolution.

6. Sunset Review Assignments

MOTION: Vice Chair Lockhart moved to approve the sunset review assignments listed under “Sunset Act and Repealers – Acts of Entities that are Scheduled for Repeal in 2014 and January of 2015.” The motion passed unanimously.

Mr. Fellows gave a brief explanation of sunset review items that will be automatically repealed in 2014 and 2015.

7. Legislative Ethics Commission – Annual Report

Ms. Kim Bouck, Executive Director, Legislative Ethics Commission, distributed and discussed “Independent Legislative Ethics Commission – Summary Data Report to the Utah Legislature.” She explained that there were no ethics complaints made to the commission during 2011 or 2012 and she gave a brief overview of the commission’s budget and expenditures. Ms. Bouck also said that she has already reached the 40 hour cap for hours she is authorized to work for the year, but that there is still commission work that remains to be done.

Vice Chair Lockhart requested that the issue of Ms. Bouck’s hourly cap be on the next Legislative Management Committee agenda. She also asked that Ms. Bouck take a recommendation back to the commission that they consider changing the commission’s website URL. She explained that the executive branch now has an independent ethics commission, and that constituents might confuse the Legislative Ethics Commission’s website for the executive branch ethics commission website.

MOTION: Sen. Davis moved to hold the next Legislative Management Committee meeting in May. The motion passed unanimously.

8. Other Items / Adjourn

MOTION: Vice Chair Lockhart moved to approve one meeting for appropriations subcommittees during the interim, with the option for an additional meeting with an approved agenda. The motion passed unanimously.

MOTION: Vice Chair Lockhart moved to assign the study of administrative subpoenas to the Judiciary Interim Committee.

MOTION: Vice Chair Lockhart moved to adjourn the meeting. The motion passed unanimously.

Chair Niederhauser adjourned the meeting at 2:53 p.m.