

**MINUTES OF THE
LEGISLATIVE PROCESS COMMITTEE**

Tuesday, October 30, 2001 - 2:00 p.m. – Room 305 – State Capitol

Members Present:

Rep. Ron Bigelow, House Chair
Sen. D. Edgar Allen
Rep. Patrice M. Arent
Rep. Ben C. Ferry
Rep. Brent H. Goodfellow

Members Absent:

Sen. Leonard M. Blackham, Senate Chair
Sen. Terry Spencer
Rep. Bradley T. Johnson

Staff Present:

Mr. Stewart E. Smith, Managing Research Analyst
Mr. John L. Fellows, Associate General Counsel
Ms. Glenda S. Whitney, Legislative Secretary

Note: A list of others present and a copy of materials can be found at <http://www.image.le.state.ut.us/imaging/history.asp> or contact the Office of Legislative Research and General Counsel.

1. Call to Order

Chair Bigelow called the meeting to order at 2:10 p.m. He noted that Sen. Blackham and Rep. Johnson asked to be excused from the meeting.

2. Committee Business

MOTION: Sen. Allen moved to approve the minutes of the August 22, 2001 meeting. The motion passed unanimously.

Mr. John L. Fellows, Associate General Counsel, referred the committee to the mailing packet to review draft legislation "Committee Notes on Bills." It was explained that this bill was discussed and approved at the August meeting.

3. Expanding the Authority of the Legislative Compensation Commission

Chair Bigelow noted that, at the August 22, 2001 meeting, the Legislative Compensation Commission agreed to return with recommendations for changes in salary and suggestions relating to the authority of the Legislative Compensation Commission.

Ms. Janis Kline, Vice Chair, Legislative Compensation Commission, distributed a packet "Report of the Utah Legislative Compensation Commission." She reviewed the report and outlined the recommendations of the Legislative Compensation Commission.

Ms. Kline explained that the Commission is charged with making salary recommendations with the statutory philosophy to maintain a citizen legislature in Utah but to compensate members fairly for their service in order that all individuals may have an opportunity to serve. She said that, in the current report, the recommendations are to increase the salary level from \$120 to \$130 per day for each calendar day for annual general sessions and other authorized meeting days. Additionally, no change was recommended for the additional leadership compensation. She said these recommendations are consistent with the

historical evaluation of salaries done by the Commission. However, she said that, there are broader issues that this committee and the Commission have considered and discussed in the report.

Ms. Kline indicated that the Commission has no authority to make recommendations about other benefits and expense payments made to state legislators. She briefed the committee on the history of salary increases and methods of compensation used by other states.

Ms. Kline said that the Commission has discussed the two methods of salary payment -- daily rate or annual salary -- and the potential recommendation to change to an annual salary. She said that they have come up with an alternative that would provide a good solution. This solution would be the use of a base salary amount plus an added differential to compensate for extra meetings. The Commission has not created a detailed implementation plan because this method is not currently allowed by state law. They did not have specific recommendations as to the structure at this time other than to suggest a salary level that would cover the general session and assume other "qualified" meetings. An additional amount would then be added for the excess over the base level.

The Commission believes that in order to more properly fill its role, they need to have the opportunity to deal with the broad issue of compensation, including expenses and benefits, rather than only salary.

Rep. Arent thanked the Commission for their work on this report.

4. Changes to Legislative Salary

Mr. Mark Bedel, staff, Legislative Compensation Commission, said that this report will go to the full Legislature at the 2002 General Session along with a formal presentation to the Executive Appropriations Committee on November 13, 2001.

After committee discussion, the following motions were made.

MOTION: Rep. Ferry moved to direct staff to draft legislation to encompass the recommendation of the Legislation Compensation Commission presented on page 7 of their report. This recommendation is to amend the state statute and/or constitution to provide the Commission with authority to make recommendation on the entire legislative compensation package, including expense reimbursements and benefits.

SUBSTITUTE MOTION: Rep. Goodfellow moved that the committee accept the Commissions report, thank them for their hard work, and include Rep. Ferry's motion as part of the motion. The motion passed unanimously.

Rep. Arent suggested that if a constitutional amendment is going to be prepared it be presented to the Constitutional Revision Commission for review.

Chair Bigelow said that because this is the last scheduled Legislative Process Committee meeting, any individual legislator who is interested may request this bill.

5. Indexing the Appropriations Act

Mr. John Massey, Legislative Fiscal Analyst, said that this presentation would show how Legislators can currently search appropriations bills' content on-line. He mentioned that the presentation would then explore short-term solutions to finding appropriations detail, and, finally, it would discuss long-term approaches to indexing.

Mr. Jonathan Ball, Technology Analyst, distributed a hand-out "Indexing Appropriations Acts," and demonstrated the use of Adobe Acrobat for searching appropriations bills as soon as they are available through the legislative bill browser, or the Internet.

He said that in the short-term, the Office of the Legislative Fiscal Analyst could add tables of contents to the appropriations bills, showing location of individual programs. Mr. Ball also mentioned that these tables of contents could be cross-referenced across the four major appropriations bills. These tables, he said, could be in place for the 2002 Legislative Session.

Mr. Ball then explained that indexing to the individual project level would require an effort to define "special project", followed by extensive programming to allow budgeting on a "zero-base" rather than incremental basis. He suggested that this could be accomplished by the 2003 legislative session.

Mr. Massey and Mr. Ball responded to questions from the committee.

6. Initiating Legislative Special Sessions

Mr. Stewart Smith, Managing Research Analyst, distributed an information packet "Calling the Legislature into Special Session." He told the committee that the Utah Legislature was among 19 state legislatures which cannot call themselves into special session. Of these 19 legislatures, four have year-round or no-limit annual general sessions, and 7 may add subjects to a governor's call. In the remaining 31 states, either the legislature or the governor may call a special session. Mr. Smith reviewed the powers of the legislatures in categories by the length of their general sessions. He provided copies and reviewed with the committee the constitutional and statutory language authorizing legislatures to call themselves into special session.

Mr. Smith also provided copies and explained a draft resolution to amend the Utah Constitution, "Resolution Authorizing the Calling of Special Sessions by the Legislature." He said that this draft legislation was prepared for Senator Hickman, who was unable to attend the meeting.

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After the presentation, the committee discussed what other states have done regarding special sessions.

MOTION: Rep. Goodfellow moved that the Legislative Process Committee support the concept of drafting a constitutional amendment to allow the Legislature to call itself into a special session. The motion passed unanimously.

7. Other Items

8. Adjournment

MOTION: Rep. Arent moved to adjourn the meeting. The motion passed unanimously. Chair Bigelow adjourned the meeting at 3:34 p.m.