

MODIFICATIONS TO LEGISLATIVE MANAGEMENT

COMMITTEE

2011 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Christopher N. Herrod

Senate Sponsor: _____

LONG TITLE

General Description:

This bill modifies provisions of the Legislature title that relate to the Legislative Management Committee.

Highlighted Provisions:

This bill:

- ▶ provides definitions;
- ▶ revises language and structure of the code to improve readability and organization;
- ▶ changes the membership structure of the Legislative Management Committee and the House and Senate Management Committees;
- ▶ modifies provisions relating to appointment and replacement of members of the Legislative Membership Committee;
- ▶ changes the membership of the Research and General Counsel Subcommittee;
- ▶ changes the membership of the Budget Subcommittee;
- ▶ changes the membership of the Audit Subcommittee;
- ▶ changes the membership of the Subcommittee on Oversight; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:



28 None

29 **Utah Code Sections Affected:**

30 AMENDS:

31 **36-12-1**, as last amended by Laws of Utah 2000, Chapter 104

32 **36-12-6**, as last amended by Laws of Utah 1987, Chapter 18

33 **36-12-8**, as last amended by Laws of Utah 2001, Chapter 9

34 **36-12-8.1**, as enacted by Laws of Utah 2000, Chapter 165



36 *Be it enacted by the Legislature of the state of Utah:*

37 Section 1. Section **36-12-1** is amended to read:

38 **36-12-1. Definitions.**

39 As used in this chapter:

40 (1) "House majority party ratio" means the number obtained by dividing the number of
41 representatives who are members of the majority party in the House of Representatives by the
42 total number of representatives in the House of Representatives.

43 [~~1~~] (2) (a) "Interim committees" means legislative committees that are formed from
44 the membership of each house to function between sessions of the Legislature in order to study
45 subjects of legislative concern.

46 (b) "Interim committees" includes a commission, committee, council, task force, board,
47 or panel, in which legislative participation is required by law, which committee functions
48 between sessions of the Legislature.

49 [~~2~~] (3) "Legislative director" means the director of the Office of Legislative Research
50 and General Counsel, the legislative fiscal analyst, or the legislative auditor general.

51 (4) "Legislative management majority party ratio" means the number obtained by
52 dividing the number of majority party members on the Legislative Management Committee by
53 the total number of members on the Legislative Management Committee.

54 [~~3~~] (5) "Major political party" means either of the two political parties having the
55 greatest number of members elected to the two houses of the Legislature.

56 [~~4~~] (6) "Professional legislative staff" means the legislative directors and the
57 members of their staffs.

58 (7) "Senate majority party ratio" means the number obtained by dividing the number of

59 senators who are members of the majority party in the Senate by the total number of senators in
60 the Senate.

61 ~~[(5)]~~ (8) "Standing committees" means legislative committees organized under the
62 rules of each house of the Legislature for the duration of the legislative biennial term to
63 consider proposed legislation. As used in this chapter, "standing committees" excludes
64 appropriations committees, appropriations subcommittees, and rules committees.

65 Section 2. Section **36-12-6** is amended to read:

66 **36-12-6. Permanent committees -- House and Senate management -- Legislative**
67 **Management Committee -- Membership -- Meetings -- Quorum.**

68 (1) (a) There ~~[are]~~ is hereby established as ~~[permanent committees]~~ a permanent
69 committee of the Legislature a House Management Committee ~~[and a Senate Management~~
70 ~~Committee. The House Management Committee shall consist of]~~ consisting of eight members
71 of the House of Representatives~~[- four from each major political party. The membership shall~~
72 ~~include the elected leadership of the House of Representatives and additional members chosen~~
73 ~~at the beginning of each annual general session by the minority party caucus as needed to~~
74 ~~complete the full membership].~~

75 (b) Membership in the House Management Committee shall consist of:

76 (i) members of the majority party in a number equal to the number of members on the
77 committee multiplied by the House majority party ratio, with the resulting number rounded
78 down to the nearest whole number; and

79 (ii) members in the minority party in a number equal to the total number of committee
80 members minus the number of majority party members.

81 (c) Membership of the majority party seats on the committee shall be filled in the
82 following order:

83 (i) the speaker of the House of Representatives;

84 (ii) the House majority leader;

85 (iii) the House majority whip;

86 (iv) the House assistant majority whip; and

87 (v) members of the House of Representatives from the majority party, as appointed by
88 the speaker of the House, for any remaining seats, as necessary.

89 (d) Membership of the minority party seats on the committee shall be filled in the

90 following order:

91 (i) the House minority leader;

92 (ii) the House minority whip;

93 (iii) the House assistant minority whip; and

94 (iv) the fourth member of leadership from the minority party.

95 (e) The chairman of the committee shall be the speaker of the House of Representatives
96 or [his] the speaker's designee. [The]

97 (2) (a) There is hereby established as a permanent committee of the Legislature, a
98 Senate Management Committee [shall consist] consisting of eight members of the Senate[, four
99 from each major political party. The membership shall include the elected leadership of the
100 Senate and additional members chosen at the beginning of each annual general session by the
101 appropriate party caucus as needed to complete the full membership].

102 (b) Membership in the Senate Management Committee shall consist of:

103 (i) members of the majority party in a number equal to the number of members on the
104 committee multiplied by the Senate majority party ratio, with the resulting number rounded
105 down to the nearest whole number; and

106 (ii) members in the minority party in a number equal to the total number of committee
107 members minus the number of majority party members.

108 (c) Membership of the majority party seats on the committee shall be filled in the
109 following order:

110 (i) the president of the Senate;

111 (ii) the Senate majority leader;

112 (iii) the Senate majority whip;

113 (iv) the Senate assistant majority whip; and

114 (v) members of the Senate from the majority party, as appointed by the president of the
115 Senate, for any remaining seats, as necessary.

116 (d) Membership of the minority party seats on the committee shall be filled in the
117 following order:

118 (i) the Senate minority leader;

119 (ii) the Senate minority whip;

120 (iii) the Senate assistant minority whip; and

121 (iv) the fourth member of leadership from the minority party.

122 (e) The chairman of the committee shall be the president of the Senate or [his] the
 123 president's designee.

124 ~~[(2)]~~ (3) (a) There is hereby established a permanent committee of the Legislature to be
 125 known as the Legislative Management Committee.

126 (b) The committee shall consist of the membership of the House Management
 127 Committee and the Senate Management Committee meeting jointly. [The]

128 (c) During odd-numbered calendar years, the president of the Senate or [his] the
 129 president's designee shall [be chairman during 1987,] serve as chair and the speaker of the
 130 House of Representatives or [his] the speaker's designee shall [be vice-chairman] serve as
 131 vice-chair of the committee [during that year. The positions of chairman and vice-chairman of
 132 the Legislative Management Committee shall rotate annually between these two officers in
 133 succeeding years]. During even-numbered calendar years, the speaker of the House of
 134 Representatives or the speaker's designee shall serve as chair and the president of the Senate or
 135 the president's designee shall serve as vice-chair of the committee.

136 (d) The committee shall meet as often as is necessary to perform its duties, but not less
 137 than once each quarter.

138 (4) For the committees established in this section:

139 (a) if a vacancy occurs in a committee position that is based on a member's elected
 140 leadership position, the vacancy shall be filled by the new person elected to that leadership
 141 position; or

142 ~~[(3)]~~ (b) [H] if a legislator declines membership [on the committees established by this
 143 section] in a position that is based on a member's elected leadership position, or if a vacancy
 144 occurs in a position that is appointed by the speaker or president, a replacement shall be chosen
 145 by:

146 (i) the president of the Senate, if the vacancy is a majority-party member of Senate;

147 (ii) the speaker of the House of Representatives, if the vacancy is a majority-party
 148 member of the House of Representatives; or

149 (iii) the [leadership] minority leader of the appropriate minority party of the house in
 150 which the vacancy occurs, if the vacancy is a member of a minority party.

151 ~~[(4)]~~ (5) (a) The committees established by this section shall meet not later than 60

152 days after the adjournment sine die of the annual general session held in even-numbered
 153 calendar years and not later than 30 days after the adjournment sine die of the annual general
 154 session held in odd-numbered calendar years for the purpose of effecting their organization and
 155 prescribing rules and policies pertaining to their respective powers and duties.

156 (b) A majority of the members of each committee constitutes a quorum, and a majority
 157 of a quorum has authority to act in any matter falling within the jurisdiction of the committee.

158 Section 3. Section **36-12-8** is amended to read:

159 **36-12-8. Legislative Management Committee -- Research and General Counsel**
 160 **Subcommittee -- Budget Subcommittee -- Audit Subcommittee -- Duties -- Members --**
 161 **Meetings.**

162 (1) There [~~is~~] are created within the Legislative Management Committee three
 163 subcommittees [~~having equal representation from each major political party. The~~
 164 ~~subcommittees, their membership, and their functions are as follows:~~] as provided in this
 165 section.

166 (2) (a) The Research and General Counsel Subcommittee[~~, comprising~~] shall consist of
 167 six members[;] as follows:

168 (i) members of the majority party in a number equal to the number of members on the
 169 subcommittee multiplied by the legislative management majority party ratio, with the resulting
 170 number rounded down to the nearest whole number; and

171 (ii) members in the minority party in a number equal to the total number of
 172 subcommittee members minus the number of majority party members.

173 (b) The subcommittee shall recommend to the Legislative Management Committee a
 174 person or persons to hold the positions of director of the Office of Legislative Research and
 175 General Counsel and legislative general counsel.

176 [~~(b)~~] (3) (a) The Budget Subcommittee[~~, comprising~~] shall consist of six members[;] as
 177 follows:

178 (i) members of the majority party in a number equal to the number of members on the
 179 subcommittee multiplied by the legislative management majority party ratio, with the resulting
 180 number rounded down to the nearest whole number; and

181 (ii) members in the minority party in a number equal to the total number of
 182 subcommittee members minus the number of majority party members.

183 **(b)** The subcommittee shall recommend to the Legislative Management Committee a
 184 person to hold the position of legislative fiscal analyst.

185 ~~[(c)]~~ **(4)** ~~(a)~~ The Audit Subcommittee~~[, comprising]~~ which shall consist of four
 186 members~~[, shall:]~~ as follows:

187 (i) members of the majority party in a number equal to the number of members on the
 188 subcommittee multiplied by the legislative management majority party ratio, with the resulting
 189 number rounded down to the nearest whole number; and

190 (ii) members in the minority party in a number equal to the total number of
 191 subcommittee members minus the number of majority party members.

192 **(b)** The subcommittee shall:

193 (i) recommend to the Legislative Management Committee a person to hold the position
 194 of legislative auditor general; and

195 (ii) (A) review all requests for audits;

196 (B) prioritize those requests; and

197 (C) hear all audit reports and refer those reports to other legislative committees for
 198 their further review and action as appropriate.

199 ~~[(2)]~~ **(5)** The members of each subcommittee of the Legislative Management
 200 Committee shall be appointed from the membership of the Legislative Management Committee
 201 by an appointments committee comprised of the speaker and the minority leader of the House
 202 of Representatives and the president and the minority leader of the Senate.

203 ~~[(3)]~~ **(6)** Each subcommittee of the Legislative Management Committee shall meet as
 204 often as necessary to perform its duties. They may meet during and between legislative
 205 sessions.

206 Section 4. Section **36-12-8.1** is amended to read:

207 **36-12-8.1. Legislative Management Committee -- Subcommittee on Oversight --**
 208 **Members -- Duties -- Meetings.**

209 (1) There is created within the Legislative Management Committee a Subcommittee on
 210 Oversight ~~[comprised of the following members:]~~ consisting of six members as follows:

211 ~~[(a) from the Senate:]~~

212 ~~[(i) the president;]~~

213 ~~[(ii) the majority leader;]~~

- 214 ~~[(iii) the minority leader; and]~~
- 215 ~~[(iv) the minority whip;]~~
- 216 ~~[(b) from the House of Representatives:]~~
- 217 ~~[(i) the speaker;]~~
- 218 ~~[(ii) the majority leader;]~~
- 219 ~~[(iii) the minority leader; and]~~
- 220 ~~[(iv) the minority whip.]~~
- 221 (a) three members of the Senate Management Committee, with:
- 222 (i) members of the majority party in a number equal to the Senate majority party ratio
- 223 multiplied by three, with the resulting number rounded down to the nearest whole number;
- 224 (ii) members in the minority party in a number equal to the number three minus the
- 225 number of majority party members; and
- 226 (iii) the highest ranking members of each party's Senate leadership filling the
- 227 respective party seats; and
- 228 (b) three members of the House Management Committee, with:
- 229 (i) members of the majority party in a number equal to the House majority party ratio
- 230 multiplied by three, with the resulting number rounded down to the nearest whole number;
- 231 (ii) members in the minority party in a number equal to the number three minus the
- 232 number of majority party members; and
- 233 (iii) the highest ranking members of each party's house leadership filling the respective
- 234 party seats.
- 235 (2) The Subcommittee on Oversight shall:
- 236 (a) review and approve the budget for the Office of Legislative Fiscal Analyst, the
- 237 Office of Legislative Research and General Counsel, and the Office of Legislative Auditor
- 238 General; and
- 239 (b) provide an annual performance review for the legislative fiscal analyst, the director
- 240 of the Office of Legislative Research and General Counsel, and the legislative auditor general.
- 241 (3) (a) This subcommittee shall meet no later than June 1st of each year to conduct the
- 242 annual performance review and no later than November 1st of each year to review and approve
- 243 the budget of these offices.
- 244 (b) This subcommittee may meet as often as necessary to perform its duties.

Legislative Review Note
as of 2-16-11 4:40 PM

Office of Legislative Research and General Counsel