

**MINUTES OF THE
GOVERNMENT OPERATIONS INTERIM COMMITTEE**
Wednesday, October 15, 2008 – 2:00 p.m. – Room C450 State Capitol

Members Present:

Pres. John L. Valentine
Sen. Brent H. Goodfellow
Rep. Ron Bigelow
Rep. DeMar Bud Bowman
Rep. Glenn A. Donnelson
Rep. Keith Grover
Rep. Neil A. Hansen
Rep. Neal B. Hendrickson
Rep. Eric K. Hutchings
Rep. Curtis Oda
Rep. Larry B. Wiley

Members Absent:

Sen. Peter C. Knudson, Senate Chair
Rep. Douglas C. Aagard, House Chair
Sen. Gregory S. Bell
Rep. Lorie D. Fowlke
Rep. John G. Mathis

Staff Present:

Mr. Benjamin N. Christensen, Policy Analyst
Mr. Christopher R. Parker, Associate General Counsel
Ms. Chelsea Barrett, Legislative 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

Rep. Donnelson called the meeting to order at 2:26 p.m.

MOTION: Rep. Donnelson moved to approve the minutes of the August 20, 2008 meeting. The motion passed unanimously with Rep. Bigelow, Rep. Bowman and Rep. Grover absent for the vote.

Rep. Donnelson noted that Chair Aagard and Chair Knudson are both excused from today's meeting.

2. State Per Diem Standardization for State Agency Boards (draft legislation)

Mr. Christensen explained that during the June meeting, the Committee asked staff to draft standardized language for providing per diem and travel expenses for state policy boards and committees.

Mr. Christensen referred the Committee to "State Per Diem Language for State Agency Boards," a presentation slide from the June committee meeting. He outlined the changes of "Standardized Language for Per Diem and Travel Expenses for Utah Boards and Commissions," a handout previously mailed to Committee members.

Mr. Reidhead, Director, Division of Finance, and Rick Beckstead, Department of Administrative Services, explained "Summary of State Agency Response to State's Finance Request for Information Regarding Boards/Commissions," which was distributed to the Committee. Mr. Reidhead explained that under Utah Code Section 63A-3-106, the Division of Finance is required to "establish per diem rates for all state officers and employees of the executive branch...for attendance at official meetings." These rates are made by rule (R25-5-4) and set at \$60 per diem for each official meeting attended that lasts up to four hours and \$90 for a meeting lasting longer than four hours.

Mr. Reidhead distributed and explained "Responses from State Survey of Meeting Per Diem Rates," which summarized findings for several states' per diem rate systems.

The Committee discussed the presentation and the 2009 General Session draft legislation, "Per Diem and Travel Expenses for State Boards and Commissions."

Rep. Bigelow asked whether the information presented included funding for the higher education per diem rates. Mr. Reidhead noted that higher education rates are standardized under a different set of rules.

MOTION: Rep. Oda moved to adopt 2009 General Session draft legislation, "Per Diem and Travel Expenses for State Boards and Commissions." The motion passed unanimously.

3. Election Law Changes (draft legislation)

Mr. Parker explained that during the June meeting, the Committee received a list of suggested changes to the Election Code from a representative from the Office of the Lieutenant Governor. Under the direction of the committee chairs, these changes have been prepared into draft legislation for the Committee's consideration.

Mr. Michael J. Cragun, Office of the Lieutenant Governor, explained 2009 General Session draft legislation, "Election Law Changes," which incorporates the items discussed from the June meeting into bill format.

MOTION: Sen. Goodfellow moved to approve 2009 General Session draft legislation, "Election Law Changes" as a committee bill. The motion passed unanimously.

4. Open and Public Meetings Act Revisions -- Availability of Minutes (draft legislation)

Mr. Christensen explained that during the September meeting, after hearing public testimony, the Committee asked interested parties to provide their recommendations to the committee staff so that draft legislation could be prepared to address key issues regarding the availability of minutes of open meetings. He reviewed the three issues that emerged from the meeting: (1) making the recording available early; (2) making draft minutes available without waiting for approval; and (3) requiring approval of minutes.

Rep. Donnelson handed the Chair position to Pres. Valentine.

Rep. Oda asked about the possibility of incorporating a visual cue that indicated "draft" or "unofficial" on minutes that were not official. Pres. Valentine and the Committee agreed to have Rep. Oda work with staff to incorporate language indicating unofficial status for minutes in 2009 General Session draft legislation, "Open and Public Meetings Act -- Meeting Record."

Pres. Valentine asked the public for comment on the issue.

Ms. Linda Peterson, Foundation of Open Government, noted appreciation for the Committee on acknowledging the importance of accurate information being distributed to the public. She noted the importance of some time-sensitive information that is often included in minutes.

Mr. Joel Campbell, Utah Press Association, explained that the idea of a "draft" can be harmful and troublesome in delivering accurate information. He praised the system the Legislature uses for posting meeting minutes and audio recordings and the committee staff's objective handling of the issue. He expressed a preference for Option B included in the 2009 General Session draft legislation, "Open and Public Meetings Act -- Meeting Record."

Ms. Donna Weber, City of Orem and Utah Municipal Clerks Association, explained her preferences for Option A included in the 2009 General Session draft legislation, "Open and Public Meetings Act -- Meeting Record."

Mr. LeGrand Bitter, Association of Special Districts, noted that he supports Option C indicated in 2009 General Session draft legislation, "Open and Public Meetings Act -- Meeting Record."

Mr. John Reidhead, Director, Department of Finance, noted he supports Option A or C in 2009 General Session draft legislation, "Open and Public Meetings Act -- Meeting Record."

The Committee agreed to approve, in concept, 2009 General Session draft legislation, "Open and Public Meetings Act -- Meeting Record" using Option A and to include changes that were discussed. The draft legislation will be considered at the next meeting.

5. Other Items / Adjourn

MOTION: Rep. Donnelson moved to adjourn. The motion passed unanimously with Rep. Bigelow and Rep. Bowman absent for the vote.

Pres. Valentine adjourned the meeting at 3:25 p.m.