

**MINUTES OF THE
GOVERNMENT OPERATIONS and POLITICAL SUBDIVISIONS
INTERIM COMMITTEE**

Wednesday, October 19, 2011 – 9:00 a.m. – Room 30 House Building

Members:

Sen. Peter C. Knudson, Senate Chair
Rep. Kraig Powell, House Cochair
Sen. Casey O. Anderson
Sen. Margaret Dayton
Sen. Scott K. Jenkins
Sen. Ross I. Romero
Rep. Stewart Barlow
Rep. Rebecca Chavez-Houck
Rep. Rebecca P. Edwards
Rep. Janice M. Fisher
Rep. Brad J. Galvez
Rep. Richard A. Greenwood
Rep. Brian S. King
Rep. David Litvack
Rep. Curtis Oda
Rep. Lee B. Perry
Rep. Stephen E. Sandstrom
Rep. Mark A. Wheatley
Rep. Carl Wimmer

Members Absent:

Rep. R. Curt Webb, House Cochair
Rep. David G. Butterfield
Rep. Keith Grover
Rep. Jeremy A. Peterson
Rep. Douglas Sagers

Staff Present:

Mr. Arthur L. Hunsaker, Policy Analyst
Mr. Joseph T. Wade, Policy Analyst
Ms. Emily R. Brown, Associate General Counsel
Ms. Victoria S. Ashby, Associate General Counsel
Ms. Wendy Bangerter, Legislative Secretary
Ms. Lori Rammell, 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

Chair Knudson called the meeting to order at 9:10 a.m. Rep. Peterson, Rep. Sagers, and Rep. Webb were excused from the meeting.

MOTION: Rep. Fisher moved to approve the minutes of the September 21, 2011 meeting. The motion passed unanimously. Rep. Litvack, Rep. Perry, and Rep. Wimmer were absent for the vote.

Mr. Hunsaker referred the Committee to three written annual reports required by statute to be presented to the Committee: (1) The Quality Growth Commission; (2) The Constitutional Defense Council; and (3) The Utah Department of Health. The reports were distributed to the Committee at the meeting. He suggested that the committee members review them and submit their concerns to staff.

2. Draft Legislation, "Voter Information Pamphlets"

Ms. Emily Brown reviewed 2012 General Session draft legislation, "Voter Information Pamphlets" (2012FL-0214/004), previously distributed and discussed by the Committee, and explained that the bill changes the deadlines for providing information for the pamphlet and the distribution time line. She explained that it also authorizes a notice of the website on which a voter information pamphlet is published and the phone number to call to request a pamphlet by mail.

Mr. Mark Thomas, Director of Elections, Office of the Lieutenant Governor, explained that the draft legislation is in response to the Military and Overseas Voting Empowerment Act, which requires ballots to be sent out to military and overseas voters 45 days before elections.

Committee discussion followed.

Mr. Scott Hogenson, Chief Deputy Clerk/Auditor, Utah County, reviewed advantages of the online voter information pamphlet. He expressed concern that as counties are asked to put together parts of the pamphlet online, there may not be consistency in the entire project. He requested that the Office of the Lieutenant Governor maintain oversight of the project.

MOTION: Sen. Jenkins moved to adopt 2012 General Session draft legislation, "Voter Information Pamphlets" (2012FL-0214/004), as a committee bill. The motion passed unanimously. Sen. Romero, Rep. Litvack, Rep. Perry, and Rep. Wimmer were absent for the vote.

3. Draft Legislation, "Candidate Vacancy Amendments"

Ms. Brown reviewed 2012 General Session draft legislation, "Candidate Vacancy Amendments" (2012FL-0212/002), a concept previously discussed by the Committee, and addressed the conditions under which a political party may replace a candidate. The bill was distributed to the Committee prior to the meeting.

Committee discussion followed.

MOTION: Sen. Jenkins moved to adopt 2012 General Session draft legislation, "Candidate Vacancy Amendments" (2012FL-0212/002), as a committee bill. The motion passed unanimously. Sen. Romero, Rep. Litvack, Rep. Perry, and Rep. Wimmer were absent for the vote.

4. Draft Legislation, "Petitions by Candidates or Political Parties"

Ms. Brown reviewed 2012 General Session draft legislation, "Petitions by Candidates or Political Parties" (2012FL-0216/001), which establishes requirements for the form and content of petitions filed by an unaffiliated candidate or a political party. The bill was distributed to the Committee at the meeting.

Chair Knudson excused himself from the meeting and Chair Powell assumed chairing the meeting.

MOTION: Sen. Dayton moved to adopt 2012 General Session draft legislation, "Petitions by Candidates or Political Parties" (2012FL-0216/001), as a committee bill. The motion passed unanimously. Sen. Knudson, Rep. Litvack, Rep. Perry, and Rep. Wimmer were absent for the vote.

5. Draft Legislation, "Voter Registration Amendments"

Ms. Brown distributed and reviewed 2012 General Session draft legislation, "Voter Registration Amendments," (2012FL-0215/004). She explained the sponsor's desire for voting records and registration to be as up-to-date and accurate as possible. She noted that the bill outlines how and when a voter name would be removed from the official register. An earlier version of the bill was distributed to the Committee prior to the meeting.

Mr. Thomas responded to questions from the Committee.

Committee discussion followed. Committee members recommended the following amendments to the bill:

line 47 before "two," insert "next"
line 59 before "remove," delete "may" and insert "shall."

Rep. Powell agreed to the proposed amendments.

MOTION: Sen. Jenkins moved to adopt 2012 General Session draft legislation, "Voter Registration Amendments" (2012FL-0215/004), as a committee bill as amended.

SUBSTITUTE MOTION: Rep. Chavez-Houck made a substitute motion to move to the next item on the agenda. The motion failed with Sen. Romero, Rep. Edwards, Rep. Fisher, Rep. King, Rep. Litvack, Rep. Wheatley, and Rep. Wimmer voting in favor of the motion. Sen. Knudson and Rep. Greenwood were absent for the vote.

Committee discussion followed.

Sen. Knudson returned and assumed chairing the meeting.

Mr. Scott Hogenson, Chair, Legislative Policy Committee, spoke in favor of tools that will allow better registration turnout and recommended continued work on the legislation.

Mr. Scott Konopasek, Director of Elections, Salt Lake County, spoke in favor of processes that keep the integrity of voter registration. He shared three points: (1) Under federal and state law, there are already tools in place that will address this issue; (2) the draft legislation is in conflict with certain Department of Justice interpretations of the national Voter Registration Act; and (3) There are technical issues regarding responsibilities assigned to county clerks that would be more appropriately assigned to the lieutenant governor's office.

Sen. Jenkin's original motion passed with Sen. Romero, Rep. Chavez-Houck, Rep. Edwards, Rep. Fisher, Rep. Litvack, and Rep. Wheatley voting in opposition to the motion and Rep. Greenwood and Rep. King absent for the vote.

6. Draft Legislation, "Government Records Access and Management Act - Voter Registration Records"

Ms. Brown reviewed 2012 General Session draft legislation, "Government Records Access and Management Act - Voter Registration Records" (2012FL-0213/004), which classifies the email address that is provided as part of a voter's registration as a private record. The bill was distributed to the Committee prior to the meeting.

Mr. Thomas explained that this protection is currently awarded to overseas voters but the legislation would expand that protection to all voters. He explained the benefit of storing an email address for voters as a means of contact, but said it would not be desirable to gather and store the addresses of all voters unless they were protected from vendors who purchase voter registration records.

Mr. Jeff Salt, Director, Great Salt Lake Keeper, a local environmental group, offered an alternative choice which would give a registering voter the option to have the voter's email address preserved and protected or to have it deleted after the registration process is completed. He suggested that this issue should be addressed by the Government Records Access and Management Act workgroup for study.

Committee discussion followed.

MOTION: Sen. Dayton moved to adopt 2012 General Session draft legislation, "Government Records Access and Management Act - Voter Registration Records" (2012FL-0213/004), as a committee bill. The motion passed with Sen. Romero, Rep. Chavez-Houck, Rep. Fisher, and Rep. Wheatley voting in opposition to the motion and Rep. Greenwood, Rep. King, and Rep. Sandstrom absent for the vote.

7. State Agency Consolidation

Rep. Wayne Harper introduced those giving the final report regarding the study of consolidating certain state agencies.

Mr. Michael Mower, Deputy Chief of Staff, Operations, Office of the Governor, explained efforts made, both past and present, to gather information that will help determine what is and is not working in state government.

Ms. Jenny Wilson, Cochair, Advisory Council on Optimizing and Streamlining State Government (Council), distributed "Report to Governor Herbert" and explained the process used by the Council to gather information and the recommendations received. She listed the areas of government that were studied as Government Services, Business and Regulatory Services, and Health and Community.

Mr. Tom Bingham, Cochair, Advisory Council on Optimizing and Streamlining State Government, observed that the Council's process was good, but that this was just the beginning of what needs to be done. They attempted to identify areas that need further study and attention. He recommended that the affected agencies be reviewed to validate if the recommendations made should or should not be followed regarding their respective agencies. He will submit an e-report to staff.

Committee discussion followed.

8. Definition of Countywide Services

Mr. Adam Trupp, Utah Association of Counties, explained efforts of the counties and the Utah League of Cities and Towns to create two lists: one consisting of government services they agree are best performed at the county level, and one consisting of government services they agree are best performed at the municipal level. He stated that it needs continued work before legislation can be presented. He said direction from the Legislature has been helpful.

Mr. Lincoln Shurtz, Utah League of Cities and Towns, explained the complexity of the issue, noting that how services are used determines how taxes are paid. He stated that local governments are getting better at coordinating services to avoid duplication of services.

9. Cost Savings in State Government

Rep. Lee Perry distributed and reviewed "Time to Reboot?" and "Accountability and Oversight over DTS Could be Enhanced." He requested that the Committee consider ways to allow state agencies to use sources other than the Division of Technology Services and Fleet Operations if agencies can show a cost savings by using their own employees and/or the private sector.

Mr. Ken Peterson, Chief Operating Officer, Division of Technology Services, distributed and reviewed "Department of Technology Services" and "DTS Brings Value to Utah Government." He explained efforts by his department to reduce costs and improve services. They have privatized some services while retaining those that it could offer at better rates.

Mr. Sam Lee, Division Director, Department of Fleet Operations, distributed and reviewed two graphs, "Class Level Actual Vehicle Per Month Savings; DFO Monthly Lease Rates Compared to Private Sector Leasing Companies (June 2011)" and "Cumulative Fleet Savings from 1996 to 2011." He stated that the department wants to out-source as is prudent but feels good about the centralized model they now use.

10. Committee Business/Adjourn

MOTION: Rep. Barlow moved to adjourn the meeting. The motion passed unanimously. Sen. Jenkins, Rep. Greenwood, Rep. King, Rep. Oda, Rep. Sandstrom, and Rep. Wimmer were absent for the vote.

Chair Knudson adjourned the meeting at 11:49 a.m.