

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

Wednesday, November 16, 2011 – 8:00 a.m. – Room 30 House Building

Members:

Rep. Kraig Powell, House Cochair
Rep. R. Curt Webb, House Cochair
Sen. Casey O. Anderson
Sen. Margaret Dayton
Sen. Scott K. Jenkins
Sen. Ross I. Romero
Rep. Stewart Barlow
Rep. David G. Butterfield
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. Jeremy A. Peterson
Rep. Douglas Sagers
Rep. Stephen E. Sandstrom

Members Absent:

Sen. Peter C. Knudson, Senate Chair
Rep. Keith Grover
Rep. Mark A. Wheatley
Rep. Carl Wimmer

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 Powell called the meeting to order at 8:23 a.m. Sen. Knudson, Rep. Grover, and Rep. Wimmer were excused from the meeting.

MOTION: Sen. Dayton moved to approve the minutes of the October 19, 2011 meeting. The motion passed unanimously. Sen. Romero, Rep. Galvez, Rep. King, Rep. Sagers, and Rep. Sandstrom were absent for the vote.

MOTION: Rep. Butterfield moved to change the order of the agenda items: items 10 and 11 to follow item 6. The motion passed unanimously. Sen. Romero, Rep. Galvez, Rep. King, Rep. Sagers, and Rep. Sandstrom were absent for the vote.

2. Draft Legislation, "Election Law Amendments"

Ms. Brown reviewed 2012 General Session draft legislation, "Election Law Amendments" (2012FL-0177/006 and 007).

Mr. Mark Thomas, Director of Elections, Office of the Lieutenant Governor, explained how version seven of this legislation addresses issues which were raised by the Office of the Lieutenant Governor and discussed during previous interim meetings.

MOTION: Rep. Litvack moved to adopt 2012 General Session draft legislation, "Election Law Amendments" (2012FL-0177/006) as a committee bill. The motion passed unanimously with Rep. Galvez, Rep. Sagers, and Rep. Sandstrom absent for the vote.

3. Local Government Referendum Process

Sen. Jenkins introduced the issue of current statutory requirements regarding the collection of signatures to put a local government referendum on the ballot.

4. Draft Legislation, "Ballot Proposition Amendments"

Ms. Brown reviewed 2012 General Session draft legislation, "Ballot Proposition Amendments" (2012FL-0179/005 and 006). She explained that this draft bill repeals a provision restricting an initiative or referendum related to a land use ordinance, provides an exception for the residency requirement for a person who verifies a signature on a petition in certain circumstances, requires a verification on the final page of a local petition packet, and amends the signature requirements for a referendum on a local obligation law.

Mr. Thomas reviewed a Supreme Court decision effecting restrictions on initiatives or referenda regarding land use ordinances.

Mr. Lynn Galbraith, county delegate and former city council member from Kaysville, related his experience with having signatures invalidated because of replaced staples in the referendum binding.

MOTION: Sen. Jenkins moved to adopt 2012 General Session draft legislation, "Ballot Proposition Amendments" (2012 FL-0179/006), as a committee bill. The motion passed unanimously with Rep. Sagers and Rep. Sandstrom absent for the vote.

5. Draft Legislation, "State Issued Identification Numbers"

Rep. Wayne Harper distributed and reviewed 2012 General Session draft legislation, "State Issued Identification Numbers" (2012FL-0118/014). He explained that this draft bill prohibits the state and its political subdivisions from using a Social Security number to identify an individual, unless required to do so by federal or state law. The bill also prohibits the state and its political subdivisions from creating and assigning to an individual a nine-digit identification number, except when required to use a Social Security number, and exempts the State Tax Commission from the provisions of the bill.

Mr. Ronald Mortensen, citizen, spoke in favor of the bill due to his own experience with identity theft. He stated that even randomly generated nine-digit numbers have a 50 percent chance of being an existing Social Security number.

MOTION: Sen. Dayton moved to adopt 2012 General Session draft legislation, "State Issued Identification Numbers" (2012FL-0118/014), as a committee bill. The motion passed with Sen. Romero, Rep. Chavez-Houck, Rep. King, and Rep. Litvack voting in opposition. Rep. Butterfield, Rep. Fisher, and Rep. Sagers were absent for the vote.

6. Draft Legislation, "Procurement Amendments"

Sen. Wayne Niederhauser distributed and reviewed 2012 General Session draft legislation, "Procurement Amendments" (2012FL-0027/004), and acknowledged that further changes need to be made. He stated that the objective of the bill is to revise, update, and clarify the Utah Procurement Code.

Mr. Thomas Vaughn, Office of Legislative Research and General Counsel, reviewed changes made to the bill to correct errors and pointed out the addition of specific criminal provisions.

Mr. Kent Beers, Director, Division of State Purchasing and General Services, distributed the "2012 Procurement Code Update," which clarifies the procurement code update process. He then answered questions from the Committee.

7. Transfer of Development Rights

Ms. Janice Coleman, Audit Supervisor, Office of the Legislative Auditor General, reviewed the results of an audit performed by the Office of the Legislative Auditor General, published in December 2010, regarding county and municipal use of transfer of development rights (TDR) programs in Utah. The programs transfer development density away from property where development is not desired toward property where development is desired.

8. Draft Legislation, "Transferable Development Rights Amendments"

Sen. Niederhauser referred to working draft "Transferable Development Rights Amendments." The draft addresses the concerns of the audit, "A Performance Audit of County and Municipal TDR Use in Utah," which was previously distributed to the Committee. He said the bill would improve the established process, and increase transparency, when transferring development rights.

Mr. Elliott Christensen, formerly involved in water and land acquisition for the Church of Jesus Christ of Latter-day Saints, confirmed the lack of accounting when transferring development rights, specifically in Summit County. He suggested that Utah examine the TDR programs of other states for examples of effective legislation.

9. State Compensation Report: Utah Advisory Commission on Optimizing and Streamlining State Government

Mr. Jeff Herring, Executive Director, Department of Human Resource Management, reviewed the results of a study performed by an independent consulting firm regarding the compensation for state employees compared to the open market, recommendations on employee salary benefits, and how to make changes to the current compensation system and keep the state competitive.

Mr. Neville Kenning, Director of Human Resource Management, Hay Group, distributed and discussed "State of Utah: Total Compensation Market Survey and Analysis Study," a summary of the compensation study. He presented the group's recommendations based on the survey results.

Ms. Malinda Riley, Hay Group, reviewed the benefits portion of the analysis, then compared Utah's results to those of other states.

10. Electing President by National Popular Vote

Sen. Howard Stephenson suggested the Committee consider whether the President of the United States should be elected by national popular vote through an agreement with other states and within the current electoral system.

Mr. Pat Rosenstiel, spokesperson, National Popular Vote, distributed a packet of information, including "The Conservative Caucus," "National Popular Vote Fact Sheet," "National Popular Vote: 7 Western States vs. California," and a brochure, "National Popular Vote." He addressed the constitutionality of states voting for President by national popular vote.

Rep. Michael Noel also spoke in favor of electing the President by national popular vote.

11. Privatization Policy Board Report

Mr. Beers distributed and discussed "Privatization Policy Board 2010 Annual Report" regarding the Privatization Policy Board's recommendations on privatizing agency goods or services and the status of the commercial activities inventory.

Mr. Robin Riggs, Salt Lake Chamber of Commerce, also addressed the issue of privatization of goods and services.

12. Committee Business/Adjourn

MOTION: Rep. Galvez moved to adjourn the meeting. The motion passed unanimously. Sen. Jenkins, Rep. Fisher, and Rep. Greenwood were absent for the vote.

Chair Powell adjourned the meeting at 11:56 a.m.