

**MINUTES OF THE  
LEGISLATIVE RECORDS COMMITTEE**  
Monday, August 6, 2012 – 9:00 a.m. – Room 450 Capitol Building

**Members Present:**

President Michael G. Waddoups  
Sen. Ross I. Romero  
Speaker Rebecca D. Lockhart  
Rep. David Litvack

**Staff Present:**

Ms. Rebecca Rockwell, Associate General Counsel  
Mr. Phil Dean, Policy Analyst  
Ms. Jennifer Christopherson, 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](http://www.le.utah.gov).

**1. Committee Business**

Pres. Waddoups called the meeting to order at 9:08 a.m.

**MOTION:** Rep. Litvack moved that Pres. Waddoups serve as Chair and Rep. Litvack as Co-Chair for the Legislative Records Committee. The motion passed unanimously.

Pres. Waddoups read a letter from Speaker Lockhart requesting the ability to participate in the meeting from a remote location. Ms. Rockwell went over the rules and requirements for conducting an electronic meeting and Pres. Waddoups and Speaker Lockhart approved Speaker Lockhart's request. He reminded the committee members of the committee voting requirements.

**2. Review of GRAMA Appeal by the Utah Democratic Party**

Mr. Joseph E. Hatch, attorney, Democratic Party, distributed copies of his letter dated August 1, 2012 to the committee and stated that he objected to the procedure taken to schedule the meeting due to insufficient notice.

Sen. Romero explained that he had discussed the timing of the meeting with Pres. Waddoups and that a continuance may be granted.

Mr. Hatch said that the Democratic Party's request for a fee waiver is primarily in the public's interest. He further explained that the Democratic Party requested documents from legislators in both the Republican and Democratic parties. Mr. Hatch responded to questions from the committee.

Mr. Robert H. Rees, Associate General Counsel, Office of Legislative Research and General Counsel (OLRGC), stated that the question before the committee is not if the documents should be made public, but whether the denial of the fee waiver request was appropriate. He responded to questions from the committee and explained that, due to the scope of the request and the compressed time frame in which the documents were gathered when almost the entire OLRGC staff worked on the records request following the general session, the final cost was more than the initial estimated cost.

Mr. Hatch responded to questions from the committee and said that he had waived the notice requirement if the meeting was to be scheduled later in September.

**MOTION:** Rep. Litvack moved to recess. The motion passed unanimously with Speaker Lockhart absent for the vote.

Pres. Waddoups called the meeting back to order.

Mr. Rees responded to questions from the committee and said that the office made its best effort to estimate the cost of the request but that it was an estimate. He further stated that there was every indication that the primary beneficiary of the request was the Democratic Party for various reasons including references to pending litigation by the Democratic Party on redistricting.

Mr. Jim Dabakis, Chairman, Democratic Party, was sworn in by Ms. Rockwell. He spoke in favor of the Democratic Party's fee waiver request and said that they went to great lengths to make their request very broad so that all legislators would be included and that they should have been informed that the fee would be higher than originally estimated.

Mr. Matt Lyon, Executive Director, Democratic Party, was sworn in by Ms. Rockwell. He spoke in favor of the Democratic Party's request for a fee waiver and went over a time line of events.

Mr. Hatch said that litigation is not their primary purpose in requesting the records. He requested a continuance.

Mr. Ivan DuBois, Executive Director, Republican Party, was sworn in by Ms. Rockwell. He spoke in favor of the denial of the fee waiver, stating that the Democratic Party should not be making such a broad records request and then asking for a fee waiver. He explained the difference in scope between the Democratic Party's request and the Republican Party's request and responded to questions from the committee. He said that the request of the Republican Party benefitted the public and therefore all of the documents they received were posted online.

Mr. Quang Dang, Represent Me Utah, was sworn in by Ms. Rockwell. He stated that Represent Me Utah is bipartisan and then spoke in favor of the Democratic Party's request for a fee waiver. He said that to say that the records are available to everyone is inaccurate due to the fees required.

Mr. Hatch made closing remarks and stated that the Democratic Party's request is primarily in the public's interest. He said that the Republican Party did not receive an underestimate of the fees for their request and pointed out that the Republican Party's request only asked for documents from Democrats.

Mr. Rees made closing remarks and said that the appeal deadline for the initial fees paid had passed and was not appealable to the committee. He also stated that there was no intent by the OLRGC to mislead anyone and that the office takes very seriously its responsibility to be impartial and nonpartisan, and takes every effort to treat everyone, regardless of affiliation, equally and according to the law.

**MOTION:** Sen. Romero moved to reverse the decision of the OLRGC to not provide a fee waiver and to grant a fee waiver and require that the additional documents be handed over to the Democratic Party.

Committee discussion followed. Sen. Romero withdrew his motion.

**MOTION:** Sen. Romero moved to grant a continuance.

The committee posed questions to staff regarding the rules and policies governing a continuance.

Ms. Rockwell discussed the rules and policies of governing a continuance.

Mr. Hatch commented that he is willing to waive the time requirements in order to have additional time to prepare.

Mr. Rees commented that Mr. Hatch has already proffered what his additional witnesses would say and that he is not sure if additional testimony would shed any more light on the issue beyond what has already been proffered.

Committee discussion followed.

The motion passed with Speaker Lockhart voting in opposition.

#### **4. Other Business / Adjourn**

The committee discussed when to schedule the continuance hearing.

Chair Waddoups adjourned the meeting at 11:52 a.m.