

**MINUTES OF THE  
ADMINISTRATIVE RULES REVIEW COMMITTEE**  
July 13, 1999 - 9:00 a.m. - Room 305 State Capitol

**Members Present:**

Sen. Howard A. Stephenson, Cochair  
Rep. David Ure, Cochair  
Sen. Eddie "Ed" P. Mayne  
Sen. Howard C. Nielson  
Rep. Judy Ann Buffmire  
Rep. James R. Gowans

**Staff Present:**

Mr. Arthur L. Hunsaker,  
Research Analyst  
Ms. Esther D. Chelsea-McCarty,  
Associate General Counsel  
Ms. Wendy L. Bangarter,  
Legislative Secretary

**Members Excused:**

Sen. Mike Dmitrich  
Sen. L. Alma Mansell  
Rep. Martin R. Stephens  
Rep. John E. Swallow

**Note:** A list of others present and copies of materials distributed in the meeting are on file in the Office of Legislative Research and General Counsel.

**1. Call to Order and Approval of Minutes of Meeting Held June 15, 1999** - Sen. Stephenson called the meeting to order at 9:16 a.m.

**MOTION:** Rep. Ure moved to approve the minutes of the June 15, 1999 meeting. The motion passed unanimously.

**2. R25-7 Travel - Related Reimbursements for State Employees (Sen. Nielson)** - Sen. Nielson explained his concerns with the rule, making reference to a handout entitled "UPEA Position Paper: Private Vehicle Use Reimbursement." Raylene Ireland, Executive Director, Department of Administrative Services, provided background on the issue. She indicated that the rule was not an attempt by the agency to contradict legislative intent. Several concerns have been raised, and the agency has determined that the appropriate way to proceed is to allow the rule to lapse, study ways to resolve the issues, meet with the Legislative Management Committee in October, then file a new version of the rule.

Eric Isom, Utah Education Association, expressed thanks to Raylene Ireland and others in the executive branch involved with the issue for providing an opportunity for the organization's concerns to be heard.

**3. Need for Rules Governing State Employee Payroll Deductions (Sen. Stephenson)** - Sen. Stephenson provided background on the committee's involvement with the rules governing state employee payroll deductions since 1994, including a rule filed in 1997 that never went into effect. Kim Thorne, Director, Division of Finance, explained the division's efforts to address the need for regulation in this area. Possible solutions include developing a system that allows state

employees to make changes to their payroll deductions via the Internet, with the help of security features to protect the employee. However, the solutions will take time to implement.

Sen. Nielson referred to statements in the November 21, 1994 minutes. He was particularly concerned with the statement declaring that if employees do not indicate they do not want deductions made by a political action committee (PAC) to which they are affiliated, funds are deducted automatically.

Vik Arnold, Utah Education Association in Davis County, distributed an untitled handout which he said was a copy of the group's current payroll deduction form. He explained the purpose of the form and how it is intended to make the payroll deduction process easier for the employee. Sen. Stephenson asked if the funds are strictly dues or is some of it PAC donations. Mr. Arnold indicated that this question should be examined by legal counsel.

Sen. Nielson pointed out aspects of the form that are confusing and made clarifying suggestions. Mr. Arnold distributed a handout entitled, "Davis Education Association," which contained information on the association's membership, contributions, and contribution rates.

Max Miller, Parsons, Behle and Lattimer, asked if he could make a donation by means other than through his paycheck. Mr. Arnold said yes. Mr. Miller asked if a school district's collections could accommodate a separate collection for purposes the UEA is opposed to. Mr. Arnold indicated that the best way to donate in that situation is to simply put the money into the campaign of those elected officials who share the employee's viewpoint.

Sen. Mayne said the Legislature should consider whether to prohibit businesses receiving tax breaks from making political donations.

Paul Henderson, American Federation of Teachers, said they keep their membership funds and political donation funds separate. Funds come as one check and the organization separates PAC money from dues before they are deposited in their accounts. Members do not fill out a card to permit annual increases, but are notified of each increase and are free to leave the organization.

Sen. Nielson stressed the need for the employee to make an affirmative choice whether or not to contribute to a PAC. He also stressed the need to have the contribution collection system not be a financial burden carried by the state. Rep. Gowans said the applicable law is antiquated and needs to be updated. Rep. Buffmire stressed the need to not assume that the public cannot monitor the handling of their own financial resources.

Sen. Stephenson said since there are no rules in this area the committee can take no action.

**4. Committee Business**

**a. Discussion of Future Agenda Items** - Rep. Ure expressed concern that the Bureau of Criminal Identification (BCI) has stopped issuing renewal notices to concealed firearm permit holders. It also appears that there are no rules to govern the renewal process.

**MOTION:** Rep. Ure moved to have a letter drafted inviting the BCI to address these issues at a future meeting. The motion passed unanimously.

Sen. Stephenson expressed concern with the Utah State Retirement System's decision in the past few years to not release more detailed information on investments in its annual report and said this information should be more readily available.

Sen. Nielson asked about access to funds to deal with emergencies and procedures for determining under what circumstances the funds can be expended. Staff will look into the issue. Mr. Kent Bishop, Governor's Office of Planning and Budget, indicated that some emergency funds are available from the federal government.

The next committee meeting was scheduled for August 10. An alternate date of August 9 was scheduled in case August 10 was not feasible.

**b. Committee Assignments** - this item was delayed until the next meeting.

**5. Adjourn**

**MOTION:** Rep. Buffmire moved to adjourn the meeting at 11:07 a.m. The motion passed unanimously.

