

**MINUTES OF THE
GOVERNMENT OPERATIONS INTERIM COMMITTEE**

Wednesday, September 18, 2002 – 2:00 p.m. – Room 405 State Capitol

Members Present:

Sen. John W. Hickman, Senate Chair
Rep. Craig W. Buttars, House Chair
Sen. Ron Allen
Sen. Lyle W. Hillyard
Sen. Millie M. Peterson
Rep. Eli H. Anderson
Rep. Ron Bigelow
Rep. DeMar "Bud" Bowman
Rep. Don E. Bush
Rep. Neil A. Hansen
Rep. Neal B. Hendrickson
Rep. Bradley A. Winn
Rep. Peggy Wallace

Members Absent:

President Al Mansell

Staff Present:

Mr. John Q. Cannon, Research Analyst
Mr. John L. Fellows, Associate General Counsel
Ms. Cassandra N. Bauman, Legislative Secretary

Note: A list of others present and a copy of materials can be found at <http://www.image.le.state.ut.us/imaging/history.asp> or by contacting the committee secretary at 538-1032.

1. Committee Business

Chair Hickman called the meeting to order at 2:17 p.m.

MOTION: Rep. Bowman moved to approve the minutes of the June 19, 2002 meeting. The motion passed unanimously with Sen. Allen, Sen. Hillyard, Rep. Hansen, Rep. Hendrickson, and Rep. Winn absent for the vote.

2. Equal Employment Opportunity

Mr. Cannon introduced the issue. He explained that Section 67-19-6.3 requires the director of DHRM (Department of Human Resource Management) to prepare an affirmative action report and submit the report to the Legislature for review before implementation. He indicated that the Legislative Management Committee, when reviewing the DHRM report, requested that the Government Operations Interim Committee review the issue. He explained that DHRM has prepared an Equal Employment Opportunity Plan instead of an Affirmative Action Plan. He distributed draft legislation "Equal Employment Opportunity - Technical Changes" and indicated that the legislation is an attempt to conform statute to practice.

Ms. Karen Okabe, Director, DHRM, explained that the Equal Employment Opportunity Plan is a policy statement in how the agencies handle employees whereas the Affirmative Action Plan is more statistical data in how agencies will hire employees. She indicated that the plan is consistent with merit principles and is a fair employment plan. Committee discussion followed.

MOTION: Rep. Wallace moved that the Government Operations Interim Committee approve the Equal Employment Opportunity Plan for publication and distribution. The motion passed unanimously with Rep. Hansen and Rep. Winn absent for the vote.

MOTION: Sen. Peterson moved that the Committee adopt "Equal Employment Opportunity - Technical Changes" as a committee bill. The motion passed unanimously with Rep. Hansen and Rep. Winn absent for the vote.

3. State Armory Board

Mr. Cannon distributed "Sections Repealed by 'State Armory Board Amendments'" and discussed draft legislation "State Armory Board Amendments." He explained that the legislation was drafted in response to the June 19, 2002 committee discussion. He indicated that the legislation reflects changes in practice regarding communication and cooperation between the State Armory Board and the Legislature when the Armory Board sells armories or armory premises. He stated that obsolete sections would be repealed.

Lieutenant Colonel Larry Schmidt, Utah National Guard, indicated that the Armory Board has no objections to the changes made by the legislation. He responded to committee questions.

Sen. Hickman asked whether there would be an objection to including legislative notification before acquiring armories or armory premises. Lt. Colonel Schmidt indicated that he does not foresee a problem with including this provision.

Mr. Fellows indicated that the legislation could be amended to reflect Sen. Hickman's question. He suggested Subsection 39-2-2(4)(b) be amended to read:

- (b) The board shall notify the chairs of the Executive Appropriations Committee and the Office of the Legislative Fiscal Analyst at least 30 days before entering a binding agreement to:
 - (i) sell any armory or army premises;
 - (ii) sell any real property interests owned by the National Guard; or
 - (iii) acquire any interests in real property.

MOTION: Rep. Bush moved to amend "State Armory Board Amendments," as suggested, and adopt the legislation as a committee bill. The motion passed unanimously with Rep. Hansen and Rep. Winn absent for the vote.

4. Recodification of Governor's Office of Planning and Budget

Mr. Fellows provided background on the issue, as discussed in the June 19, 2002 meeting. He indicated that staff worked with GOPB (Governor's Office of Planning and Budget) on the legislation presented.

Ms. Lynne Ward, Director, GOPB, indicated that the legislation adequately clarifies statute in relation to GOPB.

MOTION: Sen. Peterson moved to adopt "Governor's Office of Planning and Budget Recodification and Revisions" as a committee bill. The motion passed unanimously with Rep. Hansen absent for the vote.

5. Statewide Initiatives

Mr. Fellows stated that the Legislative Management Committee assigned CRC (Utah Constitutional Revision Commission) as well as the Government Operations Interim Committee to review the statewide initiative process. He explained the decision in *Gallivan v. Walker*, indicating that the Utah Supreme Court ruled that the geographic distribution requirement for initiative petitions is unconstitutional and discussed its implications and answered questions from the Committee.

Mr. Deno Himonas, attorney, indicated that the initiative process is very important in securing fundamental rights for the citizenry. He indicated that the Committee has a number of options in amending the initiative law to conform with the court decision.

Ms. Lisa Watts Baskin, attorney, opined that there are a number of sections in the initiative statutes that could be unconstitutional, and that she would be willing to work with the Committee in resolving initiative legislation problems.

Mr. Hugh Matheson, Chairman, Utah's Against Unfair Taxes, expressed appreciation for the Committee's study of statewide initiatives and encouraged the Committee to establish further guidelines for the initiative process. He opined that the Utah Supreme Court ignored legislative intent in the *Gallivan* case.

Ms. Olene S. Walker, Lieutenant Governor, State of Utah, indicated that her office would be willing to assist the Committee in working out administrative issues.

MOTION: Sen. Hillyard moved to establish a working group to study the issue and report back to the Committee in November with suggestions of areas that should be changed. The motion passed unanimously with Rep. Bowman, Rep. Bigelow, and Rep. Buttars absent for the vote.

Chair Hickman assigned Sen. Hickman, Sen. Hillyard, Sen. Peterson, Rep. Bush, Rep. Hendrickson, and Rep. Winn to the work group.

6. Other Items / Adjourn

MOTION: Rep. Anderson moved to adjourn the meeting. The motion passed unanimously with Rep. Bigelow and Rep. Bowman absent for the vote. Chair Hickman adjourned the meeting at 3:48 p.m.