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Committee on Transportation

Senator Daniel Webster, Chairman

PRIVATIZATION OR TRANSFER OF FUNCTIONS OF THE DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

SUMMARY

This report examines current and potential privatization or outsourcing initiatives within the Department of Highway Safety and Motor Vehicles (DHSMV). While the report includes an overview of the entire agency, the focus of the report is on motor vehicle and driver licensing functions.

The Department currently outsources a significant number of motor vehicle- and driver-related functions, including some of its key customer services. For example, local tax collectors serve as agents for DHSMV and process most motor vehicle title and registration transactions. The Department has also contracted with private vendors for the delivery of driver license testing services and the administration of Internet-based applications that allow on-line renewal of vehicle registrations and driver licenses.

There are a number of additional outsourcing options relating to the delivery of motor vehicle and driver license services which the Legislature may wish to consider. For example, one option is to authorize DHSMV to contract with private agents to issue driver licenses and motor vehicle titles and registrations. Several states, including Ohio and Arizona, have outsourced driver license and motor vehicle field operations and have reported positive experiences.

In addition to outsourcing options, there are several related policy considerations which the Legislature may wish to address. For example, recent changes in the delivery of motor vehicle and driver services have altered the long established roles of DHSMV and its agents and generated uncertainty surrounding future service delivery responsibilities. The Legislature may wish to provide additional guidance regarding the future responsibilities of DHSMV and its agents.

BACKGROUND

Privatization is generally defined as transferring government functions or assets, or shifting of government management and service delivery to the private sector. Outsourcing is a related but slightly different method of contracting for services. Outsourcing represents a basic redefinition of an organization around a few, well chosen core competencies supported by outside relationships for other activities. While both of these terms are used in this report, outsourcing more accurately describes the current and potential initiatives discussed in this report.

Overview of the Department of Highway Safety and Motor Vehicles

The Department's mission is to make highways safe through service, education and enforcement. To accomplish this mission, DHSMV has a budget of \$340 million and almost 5,000 positions. Each year DHSMV collects more than \$1.2 billion in revenue through its licensing and regulatory responsibilities. The Department is organized into five major units: the Florida Highway Patrol, the Division of Driver Licenses, the Division of Motor Vehicles, the Division of Administrative Services, and Information Systems Administration.

Florida Highway Patrol - Through enforcement of laws and public education, the Florida Highway Patrol (FHP) works to reduce the number of deaths and injuries on Florida's roadways. The patrol is divided into the following six operational units:

- Traffic Enforcement enforces traffic laws and apprehends drivers who violate laws by engaging in illegal activities while on the highway;
- Traffic Homicide Investigations conducts investigations of fatal car crashes and provides evidence for the prosecution of offenders;

- Safety Education promotes driver safety and education through safety presentations, media contacts, and news releases;
- The FHP Academy provides law enforcement training to FHP recruits and in-service training to members of the patrol;
- Investigations conducts criminal investigations targeting auto theft rings, driver license odometer, and title fraud cases; and
- Administration provides support to the director in the oversight of the various patrol activities relating to accreditation, inspections, and special operations.

Driver Licenses - This Division promotes safety on the highways by licensing qualified drivers, controlling and improving problem drivers, ensuring drivers are financially responsible for their actions, and maintaining records for driver evaluation. The Division provides services to the driving public through a network of 146 field offices (including selected county tax collector offices) located throughout the state. The Division's nine bureaus are organized into three functional areas: licensing services, educational services, and financial responsibility.

Licensing services are administered by the following seven bureaus: North Field Operations, Central Field Operations, South Field Operations, Customer Service, Records, Driver Improvement, and Administrative Review. Licensing services include the following major activities:

- Issuing driver licenses, including the administration of knowledge (written) and skills (road) tests, and identification cards;
- Administering the Commercial Driver License, Organ Donor, and Motor Voter programs;
- Identifying and controlling problem drivers by revoking, canceling, or suspending driving privileges;
- Assisting customers by resolving questions pertaining to driver licenses, financial responsibility, suspensions and reinstatements; and
- Maintaining driver records and conducting administrative hearings involving hardship license reinstatements, suspension, medical competency, and financial responsibility.

The Bureau of Driver Education and DUI Programs is responsible for educational services which include monitoring driver improvement courses and commercial driving schools, training and licensing instructors, and monitoring motorcycle safety programs and instructors.

The Bureau of Financial Responsibility is responsible for ensuring drivers acquire and maintain adequate motor vehicle insurance and for identifying uninsured motorists.

Motor Vehicles - This Division protects Florida consumers through motor vehicle and vessel titling and registration services. The Division also regulates motor vehicle and mobile home manufacturers and dealers. Most motor vehicle registration and title transactions are initiated through county tax collectors who serve as agents for DHSMV. The Division's five bureaus are responsible for the following activities:

- The Bureau of Titling and Registration issues and cancels motor vehicle and vessel titles, records liens, and maintains records of vehicle and vessel title transactions. In addition, this bureau issues, renews, transfers, and maintains inventory for license plates and registration decals;
- The Bureau of Technical and Customer Assistance provides information on motor vehicle title and registration records and responds to questions concerning title and registration transactions;
- The Bureau of Field Operations enforces licensing regulations governing motor vehicle, mobile home, and recreational vehicle dealers. In addition, this bureau enforces titling, registration, and insurance laws;
- The Bureau of Mobile Home and Recreational Vehicle Construction is responsible for ensuring all mobile/manufactured homes sold in Florida meet federal and state construction standards; and
- The Bureau of Motor Carrier Services registers and audits Florida-based commercial motor carriers in connection with international agreements governing registration and fuel use taxes.

Administrative Services - The Division of Administrative Services provides support services to each of the other divisions such as personnel administration, budgeting, purchasing, training, and accounting.

Information Systems Administration - Information Systems Administration provides a wide range of data processing services through the Kirkman Data Center. This unit is responsible for all electronic records pertaining to driver licenses and motor vehicles.

Considerations Relating to Privatization

Privatization of services has become an increasingly popular management option for restructuring governmental organizations and services. A 1997 study conducted by the Council of State Governments (*Private Practices: A Review of Privatization in State Government*) found a majority of states have expanded privatization activities in recent years and anticipated increased use of privatization in the future. The study found transportation agencies privatized the most programs and services, followed by administration and general services, corrections, higher education and social services. Agencies reporting the least amount of privatization were education, labor, public safety and the treasury.

Proponents argue privatization, when properly implemented, can reduce program costs. This is attributable to lower labor costs, reduced regulatory requirements, and reduced overhead. Proponents also maintain privatization can improve the quality of services through the use of more innovative service delivery strategies and newer technology. Opponents of privatization counter that privatization can result in reduced public accountability, service quality problems, and higher long-term costs. While proponents and opponents disagree regarding the relative merits of privatization, there is general agreement that program selection and implementation are key factors in the outcome of privatization initiatives.

A number of entities have evaluated the privatization experiences of state and local governments in order to identify critical considerations that should be addressed in assessing privatization. The consensus of opinion is the best candidates for privatization are programs with clearly defined tasks, reliable unit cost data for comparison, sound performance measures to monitor service delivery, and with existing private sector service providers. Experience indicates cost savings are more likely to result when several qualified private vendors compete to deliver services.

METHODOLOGY

In order to assess options relating to the privatization or transfer of DHSMV functions, Senate staff interviewed numerous stakeholders, including representatives from DHSMV, county tax collectors, clerks of court, private

tag agencies, and other interested parties. Staff obtained information on best practices and management trends in other states through the American Association of Motor Vehicle Administrators and the National Conference of State Legislatures. Staff also conducted telephone interviews with motor vehicle agency officials in other states. Finally, staff conducted an extensive review of current law and published materials. Survey research used in this report was undertaken in cooperation with the Legislature's Office of Program Policy Analysis and Government Accountability.

FINDINGS

The Department currently outsources a significant number of functions, including some of its key business processes and services. For example, county tax collectors serve as DHSMV agents and process most title and registration transactions. Similarly, DHSMV has contracted with private vendors for the operation of several promising technology-based customer service applications. There are a number of additional outsourcing options which the Legislature and DHSMV may wish to consider. For example, one option is to authorize private entities to serve as agents for DHSMV and provide driver and motor vehicle services. In addition, there are several related policy considerations the Legislature may wish to address. For example, recent changes in service delivery methods may warrant clarification of the responsibilities of DHSMV and its agents.

Privatization of Driver/Vehicle Services in Other States

Survey responses from other states indicate the majority of states continue to administer driver license programs through state-operated facilities. Motor vehicle services are generally delivered through state offices or local government agencies serving as state agents. Privatization is most common in the areas of driver improvement and commercial driver license testing. This section profiles motor vehicle and driver license services in three states, Ohio, Virginia, and Arizona, that have privatized a portion of their driver/vehicle services.

Ohio - Since 1989, the State of Ohio has authorized private businesses, known as deputy registrars, to contract with the state to offer driver license and vehicle registration services. Other than skills testing (conducted by the Ohio State Highway Patrol), these

franchisees are authorized to process most vehicle/driver transactions. The Ohio Department of Motor Vehicles currently supplies and maintains the necessary computer equipment for over 200 deputy registrars. Under the contract terms, Ohio provides each deputy registrar with an exclusive contract for a designated geographical area.

Deputy registrars are appointed for three-year terms and must reapply at the end of the term of the contract to be considered for reappointment. The fee for an Ohio driver's license varies by age (\$10.75 to \$3.75). In addition to these fees, deputy registrars are authorized to impose of a service fee of \$2.25 for each transaction plus a \$1.50 lamination fee for each driver's license, and \$0.90 for each vision exam administered. Deputy registrars also receive \$2.25 for each motor vehicle registration transaction.

Virginia - The State of Virginia has a more centralized service delivery system, and targets the rural areas of the state for privatization of motor vehicle services. The Virginia Department of Motor Vehicles operates 73 motor vehicle service centers. These centers are full service, meaning customers may obtain all motor vehicle-related transactions (driver license, vehicle titling and registration) in one location. These full-service centers are generally located in urban areas of the state.

In rural areas of the state, Virginia contracts with county tax collectors, other local governmental agencies, and small businesses to supply limited motor vehicle services. Compensation is based on whether the agent completes the transaction or forwards the documentation to the state for additional processing. The compensation for agents who forward documentation to the state is statutorily set at 3.5 percent of the first \$500,000 of gross collections, 2 percent of the next \$500,000 of gross collections, and one percent of all gross collections in excess of \$1 million. The compensation for agents who actually issue registration decals is statutorily set at 3.5 percent of the first \$1 million of gross collections and one percent of all gross collections in excess of \$1 million.

Arizona - The Arizona Department of Motor Vehicles currently operates approximately 70 full-service centers.

Arizona also allows third party vendors to conduct a wide range of motor vehicle-related services including driver licenses, registration, titles, commercial and standard driver license testing, DUI schools, driver improvement schools, and Internet renewal services for driver licenses and registrations.

Prior to 1993, Arizona had a situation in which, similar to Florida, the state offered driver license services, and the county tax collector, known as tax assessors in Arizona, offered registration and titling services. In 1993, the Arizona motor vehicle agency was authorized to initiate a pilot project to allow third parties to offer motor vehicle-related services to the public. Approximately 660 private companies currently provide motor vehicle services. Arizona did not close any of its state operated facilities or lay off any personnel. Because of the high population growth in the state, third parties helped the state keep up with demand for services.

Arizona law does not cap the surcharge a private company may charge for services. According to Arizona officials, competition between state offices, which do not impose a surcharge, and the private offices, have kept surcharges reasonable. Prospective third party vendors must complete a detailed application, pass a background investigation, and provide an acceptable business plan. The state does not limit the number of vendors for any geographical area. The state maintains strong oversight of the agent system. During the first year Arizona audits 100 percent of the new agent transactions and randomly tests about 10 percent of all transactions in subsequent years.

Current Outsourcing within DHSMV

The Department currently outsources a significant number of motor vehicle and driver license activities. In addition to the maintenance of equipment and facilities, data entry, and other support functions typically outsourced by governmental agencies, DHSMV has outsourced some of its key business processes and services. For example, registration and title services, driver license issuance, answering customer inquiries, and driver improvement programs are outsourced to varying degrees.

Registration and Title Services - Since 1933, Florida's county tax collectors have served as agents of DHSMV for the issuance of motor vehicle titles and registrations. Tax collectors also process mobile home, vessel, and disabled parking transactions. In addition to the license taxes and fees associated with title and registration transactions, tax collectors are authorized to retain a service fee of \$4.25 for title transactions and \$2.50 for registration transactions (an additional fee of 50 cents is charged for transactions processed at a branch office.) A fee of \$7 is charged for expedited or "Fast Title" transactions.

Private tag agencies are also authorized to conduct title and registration transactions in certain counties. For example, in Miami-Dade County 26 private tag agencies serve as branch offices of the county tag agency. Private tag agencies also operate in Broward, Manatee, and Volusia counties. These private tag agencies contract with the county and are authorized to charge fees which are in addition to state and county fees. In the case of Miami-Dade County, tag agencies charge an additional fee of \$3 for registration transactions and \$12 title applications.

Driver License Issuance - Since 1996, county tax collectors have been authorized to provide driver license services as agents of DHSMV. Currently, 21 tax collectors are providing driver license services at 29 locations. Services available through the tax collectors include new licenses, renewals, duplicates, learner's permits, and identification cards. In addition, tax collectors are authorized to provide commercial driver license (CDL) services. However, a number of the participating tax collectors have opted not to administer the skills (road) test. A service fee of \$5.25 is charged for driver license services obtained through a tax collector office. One dollar of this service fee is deposited into the Highway Safety Operating Trust Fund and the remaining \$4.25 is retained by the tax collector.

Skills/Knowledge Testing - The Department has several initiatives underway to outsource specific components of driver license testing. For example, there are currently 456 third-party testers conducting the CDL skills test. These third-party testers account for 87 percent of the CDL skills tests administered. There are presently 13 third-party testers performing the motorcycle skills and knowledge tests. The Department also has agreements with 54 school districts to conduct testing through their school-based driver education programs.

The Department is currently monitoring a pilot project in which seven vendors are providing skills testing for non-CDL operator licenses. Participants in this pilot project include commercial driving schools, a non-profit safety council, and an adult education center. The vendor contract does not specify a fee structure. In fact, several vendors have advised DHSMV that they do not intend to charge a fee but will offer the skills test as part of their driving instruction curriculum. Effective January 1, 2001, these vendors will also be authorized to conduct knowledge testing.

Technology and Recent Outsourcing Initiatives

The Department has recently expanded the role of technology in the delivery of motor vehicle and driver services. In most cases, DHSMV has relied on private vendors for the development and operation of these "e-commerce" applications. In addition to enhanced customer convenience, these applications eliminate the manual effort typically required by using automation technology to process each transaction from start to finish with the exception of mailroom processing. Several of these technology-based services are summarized below.

Internet Renewal of Driver Licenses - The Department website contains a feature ("Express Lane") allowing Florida motorists to perform driver license renewals and address changes on-line. In order to renew a license using this system an individual must have a Visa or Master Card. In addition to the renewal fee (\$15) or the change of address fee (\$10), a service fee of \$3 is applicable. This service fee is used to offset the credit card service fee and vendor processing.

Internet Registration Renewal - In November, the DHSMV website will include a feature allowing Florida residents to renew their vehicle and vessel registrations on-line. In order to renew a registration using this system an individual must have a personal identification number (included in the notice of renewal) and Visa or Master Card. A \$3 fee for credit card and vendor processing is applicable.

Additional Outsourcing Options

There are a number of additional outsourcing options relating to motor vehicle and driver license services which the Legislature and DHSMV may wish to consider. Several of these options build on current outsourcing efforts, while others represent new outsourcing initiatives. For example, one outsourcing option is to allow DHSMV to contract directly with private entities for the issuance of driver license and motor vehicle services.

Expansion of Driver License Services in Tax Collector Offices - An OPPAGA survey of tax collectors revealed a number of reasons why many tax collectors have elected not to offer driver license services. Insufficient office space and staff were the most frequently cited reasons. A number of tax collectors reported that an existing state driver license office is too close to the tax collector's office to provide a substantial increase in customer service. Some respondents said the \$4.25 fee retained by tax collectors is insufficient given the work

required, and several stated this additional service fee is unfair to citizens.

Some of the reasons cited by tax collectors for not providing driver license services will likely be addressed over time. For example, a number of tax collectors said they intend to plan future offices to accommodate the space demands of driver license services. Similarly, if the trend toward consolidation of state driver license offices continues, some of the tax collectors in impacted areas will likely choose to provide driver license services.

However, a significant number of tax collectors, including some of those serving large urban counties, are unlikely to accept responsibility for driver license services in the near future.

One option to encourage more tax collectors to provide driver license services would be to revise driver license fees to allow tax collectors to retain more revenue. Currently, all driver license fees are deposited into the General Revenue Fund. Allowing the tax collectors to keep a portion of these fees would entice additional tax collectors to provide driver license services. Depending on the amount of the fee retained, there would be a corresponding fiscal impact on the General Revenue Fund. During fiscal year 1999-2000, driver license fees generated \$87 million in revenue.

Expand Third-Party Driver License Testing - Another option for outsourcing of driver license services is to expand third-party driver license testing. As previously discussed, DHSMV is currently conducting a third-party pilot program involving seven vendors. The Department has authorized third party testing for CDL services for a number of years and generally considers this experience to be a success. There are numerous private entities (safety councils, driving schools, automobile associations, etc.) that would appear to be candidates for providing this testing. Finally, expansion of third-party skills and knowledge testing might stimulate more interest on the part of tax collectors in providing driver license services.

There are several important considerations to keep in mind in connection with third party testing. First, as a recent investigation into fraudulent CDL testing in Illinois and Florida demonstrated, there is considerable potential for fraud. This potential for fraud highlights the need for close monitoring and oversight of contractors by DHSMV. Another consideration is the potential impact to the public in terms of cost and convenience. Two participants in the current skills testing pilot project recently indicated they intend to charge a base fee of \$30 for testing. This fee will be in addition to the \$20 initial

license fee imposed under s. 322.21, F.S. Similarly, requiring individuals to visit two or three different service providers in the course of obtaining a driver license is contrary to the concept of one-stop service.

Authorize Agents Other than Tax Collectors - Another outsourcing option is to allow DHSMV to contract directly with private agents to provide driver and motor vehicle services. As the experiences of other states such as Ohio, Arizona, and New Jersey indicate, competitive outsourcing of driver license and motor vehicle field operations is a viable service delivery option. Moreover, private tag agencies and the recently discontinued motor vehicle emissions testing program provide a precedent for the outsourcing of motor vehicle services in Florida.

There are a number of potential advantages associated with the outsourcing of the Department's field operations. Through a transaction-based fee structure, contractors could be required to assume responsibility for facilities, personnel, overhead, and equipment, minimizing or eliminating the need for state financial support. Through the use of contractual performance measures and incentives, the state could ensure customer services meet qualitative standards, while allowing contractors considerable operational flexibility. Stringent agency oversight and the use of strict performance standards could ensure that the state maintains adequate control over what remains fundamentally a public safety program.

One potential disadvantage of outsourcing DHSMV field operations is the fragmentation of services between private and public entities. Similarly, there are concerns relating to the loss of program control and accountability. This loss of control and accountability is a particular concern in light of issues surrounding identity fraud, the Motor Voter Program, and personal information contained in driving records. Cost savings accrued through outsourcing would likely be offset by the need for increased monitoring and oversight of contractors. Finally, the method of compensation for agents, and the resulting fiscal impact on the public and state, is uncertain.

Mobile Home Construction Services

In recent years, the Legislature has considered several proposals to transfer or privatize the Mobile Home and Recreational Vehicle Construction Services program. For example, a 1999 bill (CS/SB 1026) would have transferred this program to the Department of Community Affairs which oversees the fabrication of

commercial structures, single-family dwellings, and lawn storage buildings.

There would be little impact to the public by transferring or privatizing the Mobile Home Construction program. Transferring the program to the Department of Community Affairs would place the program in the agency which has primary responsibility for housing-related programs. Alternatively, DHSMV could allow a private sector company to contract with the federal Department of Housing and Urban Development to inspect mobile homes and issue seals and labels, effectively privatizing the program. Existing personnel could be utilized and program revenues would continue to support the program.

Additional Policy Considerations

In addition to the outsourcing issues previously discussed, there are several related policy considerations the Legislature may wish to address. For example, ongoing changes in the delivery of motor vehicle and driver services may require the Legislature to clarify the responsibilities of DHSMV and its local agents. Similarly, recent developments may warrant reexamination of an optional two-year motor vehicle registration period. These policy considerations directly impact the staffing and workload of DHSMV and its local agents.

Coordination of Vehicle/Driver Services - Since the merger of the Department of Public Safety and the Department of Motor Vehicles in 1969, driver and motor vehicle services in Florida have been housed within one agency. While within the same agency, the divisions of Driver Licenses and Motor Vehicles have remained operationally independent. Customer services reflected this separation, with DHSMV providing driver license services through state-managed field offices, and motor vehicle services delivered through county tax collectors. This fragmentation of services often frustrated the public due to the fact customers were required to visit a state office for driver license services, a tax collector office for motor vehicle services, and the DHSMV headquarters for records and other services.

More recently, the concept of full service or “one stop” delivery of motor vehicle-related services has been implemented in selected locations. As previously discussed, 21 tax collectors are currently processing driver license transactions in addition to title and registration services. Additionally, DHSMV recently opened its first full service center in Pensacola. Staff

from both the Division of Driver Licenses and the Division of Motor Vehicles is co-located at this facility. Customers visiting this office can obtain all vehicle/driver services at one location. The Department is evaluating the operation of this office and may establish additional full service facilities in the future.

The benefits to the public of recent service delivery innovations such as Internet-based services and one stop service centers are undeniable. However, these new service delivery strategies have altered the long-established roles of DHSMV and its agents and generated some uncertainty regarding future responsibilities. For example, with the advent of Internet registration renewal and full-service field offices, DHSMV is providing motor vehicle registration services to the public directly, rather than through local tax collectors. Some tax collectors have complained DHSMV’s Internet-based services frustrates the efforts of those tax collectors who are developing their own Internet-based capabilities and could represent a significant revenue loss for all tax collectors.

Recent and proposed changes in the delivery of motor vehicle/driver services will require close coordination by DHSMV and its agents to ensure that the public is served efficiently and responsively. Similarly, these changes will likely require substantial reengineering within DHSMV. The Department, in consultation with its agents and other interested parties, should articulate a coherent vision for the future of vehicle/driver services and develop a supporting action plan. In furtherance of this effort, the Legislature may wish to provide additional statutory direction regarding the future responsibilities of DHSMV and its agents.

Optional Two-Year Registration - The Department and county tax collectors spend millions of dollars annually in connection with the registration of 14 million motor vehicles in Florida. A longer registration period would reduce the frequency of customer visits to tax collector and DHSMV offices and reduce the associated workload. In the past both the Department and tax collectors have supported an extended registration period. A number of other states, including New York, Connecticut, and Oregon, have implemented a two-year vehicle registration period. One major obstacle to two-year registration, annual motor vehicle emissions testing, was eliminated during the 2000 Legislative Session.

Two potential problems cited in connection with extended registration are costs and enforcement. Currently, the average fees associated with registering a motor vehicle are \$42 per year. Based on this figure, a

two-year registration fee would amount to \$84. This fee, combined with the fact Florida does not prorate or allow for refunds on unused registration fees, might deter many motorists from participating in an extended registration option.

The enforcement concerns stem from the problem of stopping persons with invalid motor vehicle registrations from continuing to drive. Under a two-year registration plan, if an individual's registration is suspended that person would continue to possess a valid registration decal for the remainder of the registration period. Unless the individual voluntarily surrendered the decal, or a law enforcement officer stopped the vehicle, the individual would be able to continue to operate the vehicle with an invalid registration. The only other deterrent to the continued operation of the vehicle is the license plate seizure program authorized under s. 324.202, F.S. The overall effectiveness of this pilot program, operational since 1996 in three counties, remains indeterminate.

RECOMMENDATIONS

Options for the privatization or transfer of motor vehicle and driver functions within DHSMV include the following:

- Expansion of driver license services available through tax collector offices;
- Authorize the use of agents other than tax collectors for the issuance of driver license and motor vehicle services;
- Expansion of third-party testing for driver license services;
- Transfer the Bureau of Mobile Home Construction to the Department of Community Affairs or privatize this function;
- Clarify the roles and responsibilities of DHSMV and its agents; and
- Provide for an optional two-year motor vehicle registration period.

COMMITTEE(S) INVOLVED IN REPORT *(Contact first committee for more information.)*

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MEMBER OVERSIGHT

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