

**MINUTES OF THE
GOVERNMENT OPERATIONS INTERIM COMMITTEE**
Wednesday, May 20, 2015 – 9:07 A.M. – Room 20 House Building

Members Present:

Sen. Margaret Dayton, Senate Chair
Rep. Jack R. Draxler, House Chair
Sen. Lyle W. Hillyard
Sen. Jani Iwamoto
Sen. Alvin B. Jackson
Sen. Scott K. Jenkins
Rep. Patrice M. Arent
Rep. Fred C. Cox
Rep. Brad M. Daw
Rep. Sophia M. DiCaro
Rep. Brian M. Greene
Rep. Brian S. King
Rep. Curtis Oda

Rep. Lee B. Perry
Rep. Jeremy A. Peterson
Rep. Dean Sanpei

Members Absent:

Rep. Merrill F. Nelson

Staff Present:

Mr. Brian J. Bean, Policy Analyst
Mr. Thomas R. Vaughn, Associate General
Counsel
Ms. Katie LeFevre, 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 Dayton called the meeting to order at 9:11 a.m.

Motion: Rep. Draxler moved to approve the minutes of the November 19, 2014, meeting. The motion passed unanimously with Sen. Jackson, Rep. Arent, Rep. King, Rep. Peterson, and Rep. Sanpei absent for the vote.

2. Report from the Department of Public Safety

Ms. Debbie Johnson, Legislative Liaison, Department of Public Safety, addressed the committee. She reported on state law enforcement agencies' use of unmanned aircraft systems, as required. She explained that though the Division of Emergency Management is not a law enforcement agency, the department included it in the report for transparency. She stated that two additional divisions, the Utah Highway Patrol and the State Fire Marshall's Office, are not law enforcement agencies but will be seeking authority from the Federal Aviation Administration to fly unmanned aircraft. She added that before a government entity can fly an unmanned aircraft, it must receive approval from the Federal Aviation Administration. She said that the three divisions are currently seeking this approval. She also reported that the department created a mechanism for the agencies to report online. She informed the committee that in the next legislative session, the department plans to ask the Legislature to modify the statute to be congruent with this practice.

Chair Dayton expressed appreciation for the department's effort, availability, and transparency.

3. Open and Public Meetings Act Training

Mr. Bean gave an overview of the Open and Public Meetings Act. The presentation focused on how the act applies to Legislators and common questions legislators have regarding the act. He discussed the

statutory definition of a meeting and a public body. He also explained the procedure for attending meetings electronically.

Mr. Bean responded to questions from the committee.

4. Long-Term Planning

Mr. Bean presented information regarding the significance of Utah's projected population growth. He discussed current and projected growth, rates of growth each year, and how the growth was calculated. He explained how counties that are currently the most populous are expected to also realize the most future growth. He discussed the minority share of the population, state employees, and the population's effect on elections.

Rep. Daw asked a clarifying question about who was counted as a full-time state employee. He and Chair Dayton expressed an interest in knowing the number of local government and school district employees in the state over time.

Sen. Hillyard asked for clarification on what area is included in the Salt Lake City River District and if there have been any studies on the safety of cities in Utah.

Sen. Jackson asked if the minority share of the population could be broken down by race.

Chair Dayton expressed interest in knowing whether illegal immigrants were included in the immigration figures and would like to know the statistical difference between legal and illegal immigration into the state.

5. Report from the Government Records Ombudsman

Ms. Rosemary Cundiff, Government Records Ombudsman, addressed the committee, explaining that the position she holds was created in 2012. She explained the purpose of the position, shared the number of consultations she conducted in the previous year, and compared the results to prior years. She explained that at the end of the fiscal year, she will update her report and publish it online. Ms. Cundiff explained that she is the only individual in the state designated to mediate disputes over access to government records.

The committee discussed how well the public is served by the Government Records Access and Management Act, the appeals process to obtain a government record, the importance of public access to government records, and the classification of video recordings made by police. Mr. Bean and Mr. Vaughn provided clarifying information.

Sen. Jenkins suggested that future reports from the Government Records Ombudsman include ways the Government Records Access Management Act can be improved.

Sen. Hillyard suggested the report describe areas of the law that are silent or ambiguous on particular issues and that it include recommendations for change.

6. Report from the Commission on Federalism

This item was not discussed.

7. Election Day Voter Registration Pilot Project

Mr. Justin Lee, Deputy Director of Elections, Office of the Lieutenant Governor, gave a presentation on the Election Day Voter Registration Pilot Project. He explained the project and legislation relevant to the project. He reported the number of counties and voters participating in the project in various locations, including a summary of the voters' ages and party affiliations.

The committee discussed data collection, outliers, and voter fraud.

Chair Dayton stated that the committee could discuss the sunset provisions of the pilot project after more data is collected on the project.

Mr. Lee concluded by stating that before the pilot project sunsets, the Office of the Lieutenant Governor will have collected data on the pilot project during both a municipal and a general election, including a presidential election. He expects that the variety of data will provide a better perspective on how the project works.

8. Report on Election Day Voting Centers

Mr. Lee also gave a presentation on Election Day voting centers. He explained their function and that their use is optional to a county, unless the county conducts an election entirely by mail. He stated that the Office of the Lieutenant Governor has found that Election Day voting centers work well and have proven to be beneficial for counties.

The committee discussed the possibility of duplicate ballots and the effect of the project.

Rep. Arent voiced concern for rural counties with only one Election Day voting center. She expressed an interest in knowing whether anyone was unable to vote.

Chair Dayton expressed appreciation for the work of the Office of the Lieutenant Governor and of the counties.

9. Sunset Review: State Facility Energy Efficiency Fund

Mr. John Harrington, Energy Office Manager, Division of Facilities Construction and Management, along with Ms. Bianca Shawma, presented to the committee. They explained that the State Facility Energy Efficiency Fund will sunset on July 1, 2016. They requested that the sunset be extended to July 1, 2021. Mr. Harrington explained the creation and purpose of the fund, describing how the fund has been well received. He shared the fund's projected savings to the state, the fund's return on investment, and information about loans made through the fund. He concluded by saying that the fund encourages state agencies and institutions to undertake energy efficiency projects while also reducing cost to the taxpayer.

Sen. Jenkins expressed concern regarding how energy savings is evaluated and measured. Chair Dayton offered to place proposed legislation regarding meters on a future agenda.

The committee discussed funding, the types of projects financed through the fund, how energy efficiency relates to efficiency standards, and the percentage of projects that have been declined due to insufficient funds.

Rep. Greene asked if the total cost of the projects was financed through the loan because it would affect the calculations for the return on investment. Mr. Harrington responded that he could perform those calculations, but in his view most loans covered the entire project's costs.

Rep. Draxler noted the potential savings the program might achieve for the state and expressed his concerns about accurately reporting the savings.

Motion: Rep. Draxler moved to extend the sunset date for the State Facility Energy Efficiency Fund to July 1, 2023.

Rep. Greene expressed concerns about the extension.

Sen. Jenkins stated that he supports energy efficiency, but wants the fund's results to be documented and verifiable through a meter. Mr. Vaughn explained that further documentation could be required through legislation and offered to open a committee bill.

Amended Motion: Rep. Draxler amended his motion, at the request of Chair Dayton, by moving to extend the sunset date for the State Facility Energy Efficiency Fund to 2023 and requesting that staff draft a bill to add a metering requirement. The motion passed unanimously with Sen. Hillyard and Rep. Perry absent for the vote.

10. Sunset Review: Risk Management Fund Coverage

Ms. Tani Downing, Director, Division of Risk Management, addressed the committee. She explained that statute allows a school district to voluntarily participate in the Risk Management Fund. She described the history of the Risk Management Fund's coverage of schools and explained the difference between school districts and charter schools, noting that all 41 school districts have chosen to be covered by the fund. She stated that the division recommended that the committee not allow the provision to sunset and suggested eliminating the sunset provisions from statute.

Ms. Downing explained that the provision allows a school district to voluntarily participate in the fund, and the committee discussed fund participants and the impact of allowing the provision to sunset.

Motion: Rep. Daw moved to remove the sunset review on the provision that allows a school district to voluntarily participate in the Risk Management Fund. The motion passed with Sen. Jenkins, Rep. Draxler, and Rep. Oda voting in opposition and Sen. Hillyard and Rep. Perry absent for the vote.

11. Other Items/Adjourn

Chair Dayton outlined the committee plan for interim, noting that the last two interim meetings will be reserved to focus on proposed legislation.

Rep. Draxler and Mr. Bean explained the unresolved issues from last session that the committee would study: school board elections and plurality.

Sen. Jenkins requested to be placed on the agenda to make a presentation at the meeting on state school board elections.

Rep. Arent requested that staff research how other states treat plurality and provide that information to the committee.

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MOTION: Rep. Draxler moved to adjourn the meeting. The motion passed unanimously with Sen. Hillyard and Rep. Daw absent for the vote.

Chair Dayton adjourned the meeting at 10:55 a.m.