Date: 1-22-21

Senate Government Operations and Political Subdivisions Committee

Bill: HB 14 Water Conservancy District Amendments

Sponsor: Rep. Handy

Floor Sponsor: Sen. Weiler

UASD Position:

This Bill: amends provisions of the Election Code to provide for filling a vacancy on the board of a water conservancy district located in more than one county.

Discussion: Rep. Handy said this bill is intended to clarify the process for filling mid-term water board vacancies by adopting the same process established in code for initial appointment. There was no discussion

Yeas: 5

Nays: 0

N/V: 3

Outcome: Passed unanimously with a favorable recommendation.

Date: 1-22-21

Senate Government Operations and Political Subdivisions Committee

Bill: SB 34 Governmental Use of Facial Recognition Technology

Sponsor: Sen. Thatcher

Floor Sponsor: Rep. Seegmiller

UASD Position: Track

This Bill: addresses the state's use of facial recognition technology.

Discussion: Sen Thatcher presented the bill, saying it was unanimously recommended by the interim committee. It does not do everything that everyone wants, but it does everything that all sides found consensus on. Facial recognition technology is currently used when people get a driver's license to make sure they don't already have one in a different name. He said these programs should not be abused, used in violation of people's rights, and that citizens should have notice when they are subject to such recognition. A question was asked about dealing with identical twins and look-a-likes. Sen. Thatcher said computers don't have discretion but human beings do. After technology finds a match, two people have to look at the images, positively identify them, and agree. Twins typically come up with their own names on their driver's license, so it isn't an issue. Sen. Thatcher said this bill contains no restrictions on apple facial recognition or private commercial use from customers who choose that service; it merely restricts government's use of this power.

Sen. Riebe said people of color have a higher rate of facial recognition hits than caucasian people do. She wanted to clarify that this bill is only being used to flag people, not take action against those people. Sen. Thatcher said they addressed that beginning in line 143. He confirmed that there was an issue where people of color were disproportionately flagged by the computer. He said the best way to fix that was with additional training for the technicians. Training for how to look at different faces and racial profiles and the double confirmation resolve this issue. Sen. Riebe asked about the reports referenced in line 219 to confirm that a misidentified person would be eliminated from them.

Sen. Johnson asked what provisions there were to protect this data from being used in other places. Sen. Thatcher said only the Department of Public Safety has it. If another organization wanted to use it, they would have to bring probable cause in a case. Sen. Johnson said that means this can be used for other purposes. He said he can see the need for facial recognition in the

database, but wants a provision to say that this data cannot be used for any other purpose. Sen. Thatcher clarified that this is not only used for driver's licenses, it's also used for criminal identification. He explained that it's housed entirely by the department of public safety, which includes the Driver's License Division. Sen. Iwamoto asked about the machinery itself having issues recognizing people of color. Sen. Thatcher said the software does have challenges, which are being worked on, but in the meantime the solution is higher levels of training for the people using it. Sen. Iwamoto asked who the working groups were. Sen. Thatcher said Marina Lowe and Connor Boyack were waiting for public comment, that they both wanted to see this go further, but that this legislation is what has consensus.

Connor Boyack with the Libertas Institute said they participated in the process, but there was no agreement on final language. He said the bill largely codifies what department of public safety has decided to do through their own internal policy. Mr. Boyack said this legislation does not restrict law enforcement agencies across the state from acquiring and using facial recognition technology. He added it does not address livescanning, access to CCTV or video footage on government property, body camera footage, or facial recognition based on social media photos. He said that it is critical that this was limited to DPS and this bill does not go far enough.

Marina Lowe spoke on behalf of the ACLU of Utah and confirmed that this is the minimum that everyone could agree on. She said the biggest threat comes from the use of private databases, such as Facebook. Ms. Lowe acknowledged human beings can make errors, so that does not eliminate all the problems, particularly when it comes to facial recognition of people of color. She supports this legislation, but said the work does not stop here.

Sen. Thatcher said the driver's license division database is not released to anyone. Only the Department of Public Safety has access to the Driver's License Division database. Sen. Thatcher noted that it is true this bill permits other organizations to build their own databases. He said that this is good policy and while many think it doesn't go far enough, it is better than nothing.

Yeas: 5

Nays: 0

N/V: 3

Outcome: Passed unanimously with a favorable recommendation.

Date: 1-22-21

Senate Government Operations and Political Subdivisions Committee

Bill: SB 37 Public Infrastructure District Revisions

Sponsor: Sen. McCay

Floor Sponsor: Rep. Dunnigan

UASD Position: Support

This Bill:

Discussion: Sen. McCay introduced the bill, explaining what public infrastructure districts are. He said that the special districts came to him asking that their code be cleaned up by placing PID in its own area of code. Sen. McCay said there was a substitute with minor clean-up language, but the changes were only technical. Sen. Buxton moved that they adopt the first substitute. The motion to substitute passed unanimously. There was no discussion.

Yeas: 5

Nays: 0

N/V: 3

Outcome: Passed unanimously with a favorable recommendation.

Date: 1-22-21

Senate Government Operations and Political Subdivisions Committee

Bill: SB 72 Open and Public Meetings Amendments

Sponsor: Sen. Fillmore

Floor Sponsor: Rep. Pulsipher

UASD Position: Support

This Bill:

Discussion: Sen. Fillmore introduced the bill by saying he has sat on several boards and that everyone knows you cannot take a vote in a closed meeting. He explained that that was not actually in state code. This bill would codify that votes cannot be taken in a closed meeting, except to end the meeting. A question was asked about whether this bill would affect what can be discussed in a closed meeting. Sen. Fillmore said this bill will not change any of that.

Yeas: 5

Nays: 0

N/V: 3

Outcome: Passed unanimously with a favorable recommendation.