

Standing Up For Utah's Needs

2016 Report

**The 2016 Utah Citizens' Counsel
Assessment of Policy Progress in Utah**



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December 2016

Dear fellow Utahns,

UCC's Declaration of Utah Human Rights on the next page reflects our view that Utahns have a sense of community-- that they want to treat their fellow Utahns with respect, educate their children well, reduce crime, increase clean air, keep our water clean, reduce homelessness and poverty, assure quality health care and healthy environments for all, and participate in making their state and local governments effective and fair. To accomplish these goals requires both public and private sectors. Both have critical roles in promoting the general welfare, keeping us safe, and helping us stay united as a people, despite differing backgrounds and life experiences.

States, municipalities, and private citizens are increasingly looked to for innovative and promising approaches to meet the needs of our rapidly changing world. We believe that the issues, commendations, and recommendations in our reports this year have more than usual urgency. We must be about the business of solving problems together.

As Republican, Democrat, and politically nonaffiliated retirees with long experience in public policy matters, we solicit your serious attention to our 2016 report and recommendations. If they make sense to you, then we seek your help. A critical mass of support from all walks of life is needed to move Utah forward at a brisker pace than has been experienced in recent years.

We believe that one matter underlies many of our current problems as a country: income disparities that disproportionately affect lower income families. Everyone deserves an income adequate to meet basic needs, and a fair opportunity to reach beyond that basic level. Those with low incomes experience burdens that belie the promise of equal opportunity. They suffer more crime in their neighborhoods, greater environmental hazards, less adequate medical care, fewer educational opportunities, and reduced access to decent housing, transportation, and nutrition. Too many of our fellow Utahns are being denied basic human rights that the rest of us take for granted. We believe that our recommendations encourage a path toward making these rights a reality for all Utahns. An Executive Summary of our 2016 report follows on page 4.

Sincerely,

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*A Declaration of Utah Human Rights**Preamble*

In recognition that the inherent right of every member of the human family to dignity and respect serves as the foundation of freedom, justice, and tranquility in the state of Utah, as well as the United States of America and the world; and in recognition that this right also frames the shared responsibilities of individuals, organizations, and governments; and inspired by the Declaration of Independence, the Constitution of the United States, and the Universal Declaration of Human Rights, the Utah Citizens' Counsel (UCC) articulates the following statement of rights as the framework for UCC policy positions.

Article 1: All Utahns, regardless of race, color, ethnicity, religion, gender and gender identity, language, disability, political preference, age, birth status, military status, or other status, are entitled equally to dignity and respect as human beings and to equitable treatment under the law.

Article 2: All Utahns, young and old, have the right to live and thrive in a healthy environment that includes clean air, land, and water, and share in the responsibility to pass that healthy environment on to succeeding generations.

Article 3: All Utahns have the right to a public education that ensures literacy, numeracy, critical thinking, character development, and the capability for responsible citizenship to help secure a promising future for Utah in a complex, interdependent, and competitive world.

Article 4: All Utahns have the right to comprehensive, quality health care at reasonable cost, and responsible societal efforts to help them achieve and maintain optimal well-being, with appropriate initiatives that encourage and facilitate healthy living and the prevention of disease, disability, and injury.

Article 5: All Utahns have the right to security of person, especially freedom from physical harm and psychological abuse, whether experienced within the family or in the community at large.

Article 6: All Utahns have the right to the fundamental social support systems that assist in assuring a standard of living adequate for the well-being of both the individual and families, in all their configurations, including timely assistance in case of unemployment, disability, old age, and natural or man-made disasters.

Article 7: All Utahns have the right to transparent and ethical governance as well as effective participation in the democratic process.

UCC 2016 Executive Summary

Immigration

The estimated 250,000 Utah immigrants, those with and without legal documentation, are of enormous value to the state, adding greatly to our economic dynamism, tax revenues, and quality of life. We commend the generally reasonable law enforcement philosophy in the state that focuses on the small minority of undocumented immigrants committing criminal acts, and we urge our congressional delegation to support efforts to find a path to citizenship for the many thousands of immigrants without papers who contribute in so many ways to our state.

Environmental Health

Although the Legislature and other authorities have taken some significant steps to deal with our marginal summer air quality and frequent bouts of dangerous winter air pollution, additional steps are needed to ensure our health and safety. Adopting a modest tax on fossil fuels and other reasonable measures to discourage fossil fuel use and encourage non-polluting, renewable energy sources could have a significant impact. Energy efficiency needs to be emphasized in buildings, transportation, and industry. We remain steadfast in the opinion that future demand for municipal water can be met through conservation, and strongly recommend against spending huge public sums for unnecessary water development and pipeline projects.

Public Education

In recent decades, billions of public education dollars have been lost through tax cuts and spending shifts. The harmful impact on our education system is evident when Utah students' performance is measured against those in demographically comparable states. The state must significantly expand preschool programs, implement an effective support program for new teachers, increase teacher salaries, and increase the personal income tax rate to give our students and our state a first class education system.

Health

Utah's health system is more efficient and less expensive than those in most other states, but compared to a number of countries with equal or better outcomes, it is still unduly expensive and excludes far too many. By adopting the *Health Field Concept*, which vastly broadens the scope of health policy, and choosing the most effective incentives to increase healthcare quality and reduce costs, Utah's healthcare system can continue to improve. To meet the **urgent healthcare needs of those with low-incomes, Utah should not defer action while Congress debates**. We should seize the day to do what can be done now, continuing our role as one of the healthcare leaders in the nation.

Personal Security

Utah's lax gun ownership restrictions have led to the easy availability of these weapons. Gun involvement greatly increases the likelihood of death and injuries in domestic violence cases and other crimes. Reported sexual attacks on college women have in the past been mishandled or effectively ignored by college authorities. Reports of hate crimes have increased during and after the recent elections. Requiring background checks for all gun purchases, implementing vigorous and supportive college policies to aid sexual assault victims and passing a meaningful hate crimes bill would make Utah safer for all of its residents in the future.

Social Support Systems

The stress and disruption caused by Utah's acute shortage of affordable housing particularly harms our thousands of poor young children. The shortage has also begun to disrupt many sectors of our economy. All levels of government and other community stakeholders have begun to respond to the crisis, but much more needs to be done. To meet this challenge, we need to vigorously support the several recent proposals by committed advocates to go big and go bold in our search for solutions.

Participatory Government

In Utah, district boundaries at the federal and state level are drawn so that, in effect, legislators choose voters rather than voters choosing legislators. With the aid of advanced computer analysis, the Republican majority has created districts that shut out the state's substantial number of Democrats from all federal congressional seats and from every state legislative seat outside Salt Lake County. An independent Redistricting Commission would help ensure that the political preferences of all Utahns are represented in their legislative bodies.

Committee Reports

Immigration

Utah Citizens' Counsel Dignity and Respect for Human Beings Committee

Article 1. *All Utahns, regardless of race, color, ethnicity, religion, gender and gender identity, language, disability, political preference, age, birth status, military status, or other status, are entitled equally to dignity and respect as human beings and to equitable treatment under the law.*

Introduction

Among the myriad subjects that might have been covered in this article, immigration continued to be an inflammatory issue throughout the presidential campaign and election, so a brief factual update is appropriate. The most significant federal immigration change was the June U. S. Supreme Court 4-4 decision blocking President Barack Obama's 2014 Executive Action on Immigration. There were no attempted policy changes in Utah, but a new report that identified the significant contributions of immigrants in Utah deserves attention.

Supreme Court Decision

In *U.S. v. Texas*, the Court effectively ended the President's effort to allow as many as five million unauthorized immigrants who are parents of citizens or lawful permanent residents to apply for a program that would provide work permits and protect them from deportation.¹ The tie in the Supreme Court was made possible by the Senate's refusal to hold a hearing on or confirm President Obama's nomination of Merrick Garland, Chief Judge of the Court of Appeals for the D.C. Circuit. Known as DAPA, the Deferred Action for Parents of Americans was expected to be this administration's legacy on immigration. The Court's decision does not affect his 2012 order that has allowed 730,000 Dreamers (children brought here during a designated time period who passed a specific application process) to work legally in this country.

Ironically, President Obama's chief immigration legacy may be the years of raids in communities and increased enforcement at the border resulting in more deportations than under any previous administration. The tough tactics, mostly from his first term, did not lead to a compromise with Republicans on legislation but led instead to 2.4 million people being deported between 2009 and 2014. Visa overstays made up about 40% of the nation's undocumented.²

Closure of Provo Detention Center

A 120-day transitional period began on August 9, 2016 to remove immigrants detained in the Utah County Jail by U.S. Immigration and Customs Enforcement (ICE). Those detainees made up about 20-30% of the jail's population. An influx of local offenders had overcrowded the jail, and jail workers had been on mandatory overtime because the facility was short-staffed, according to an article in the *Salt Lake Tribune*.³ The largest facility with an ICE contract now appears to be in Henderson, Nevada.

Immigrant Labor, Innovation, and Entrepreneurship Are Critical Components of Utah's Economy

A group of Utah business, faith, and civic leaders joined in a roundtable discussion on August 3, 2016 to discuss a newly released report by the Partnership for a New American Economy. Based in New York City, the Partnership launched a campaign to urge Congress to take action on immigration reform.⁴ Highlights of its report entitled "The Contributions of New Americans in Utah," follow:

- Immigrants, both those who enter the country by legal means and those unauthorized to work and live in the U.S., contribute to the state in many ways.
- Foreign-born workers currently make up 11.1% of all entrepreneurs in the state, despite being just 8.6% of Utah's population.
- The estimated 250,000 immigrants living in Utah serve as everything from livestock workers to entrepreneurs, making critical contributions to Utah's economic success.
- Specifically, 13,280 immigrants in Utah are self-employed. Businesses owned by immigrants generated more than \$248 million in income and employed 31,224 people in the Beehive State in 2014.
- With more than \$5 billion a year in earnings and contributing one out of every thirteen tax dollars, immigrants play a key role as taxpayers and consumers.⁵

Clearly, Utah benefits from having immigrants in our midst. Allowing those who are undocumented to work legally would increase economic benefits as well as remove the continuing and constricting fear of separation and deportation for families.

Commendations:

- **The Partnership for a New American Economy** for their comprehensive and accessible study on immigrants in the United States and Utah
- **The gathering of Utah business, civic, and cultural leaders** to urge Congress to take action on immigration reform that coincided with the Partnership's release of "The Contributions of New Americans in Utah"

Recommendations:

- **Factual statistics on the contributions of immigrants** should be more widely disseminated to counteract the fear-mongering and false information of recent years.
- **Utah's freshly elected congressional delegation should support federal action** on comprehensive immigration reform in the new session of Congress.

Environmental Health

Utah Citizens' Counsel Environmental Health Committee

Article 2. All Utahns, young and old, have the right to live and thrive in a healthy environment that includes clean air, land, and water, and share in the responsibility to pass that healthy environment on to succeeding generations.

Introduction

As was the case last year, we again focus on air quality and water issues. Air quality has been “moderately” polluted all summer because of hot, dry weather. Lack of rain and high temperatures have also decreased water levels in Utah Lake and the Great Salt Lake, as well as leading to a spate of toxic algae blooms in local lakes. Although a number of positive steps were taken by Utah policymakers during the past year, several air quality and water bills passed by the 2016 Legislature represent antiquated mindsets that threaten the environment, quality of life, and economy of our state.

Context: Air Quality

National and international events need to be considered in charting paths and policies in Utah. The UN Framework Convention on Climate Change dealing with curbing greenhouse gas emissions has been ratified by enough countries, including China and the U.S., to go into effect by November 4, 2016.^{1,2} The EPA has proposed the Clean Power Plan to curb emissions from coal-fired electric stations. Utah and 23 other states have blocked implementation of the plan pending judicial appeals.³ In contrast to Utah, California has pledged to get 50% of its energy from renewables by 2030.⁴ In this spirit, Oakland, California has put a halt to the expansion of the Oakland Coal Export terminal. These events have a direct impact on Utah’s attempt to contribute \$51,000,000 to partially fund such an expansion of coal exports.⁵ Money allocated for the coal port in Oakland would be better used if it were distributed to counties impacted by the reduction in coal and oil production to help train displaced workers for the new energy economy.

The 2016 legislative session ended on a mixed note as far as reducing air pollution. Rebates for the purchase of electric and other low emitting vehicles were extended and have helped increase electric vehicle sales⁶ The Legislature has proposed extending the rebates through 2017. Ultra Low NOX water heaters will be required for sale after June 2018. Building codes to reduce building emissions and increase efficiency were modestly revised but were far from meeting the 2015 International Energy Conservation Code.⁷ In particular, HB121, Building Code Amendments, failed to pass in the last session and need to be introduced again in 2017. Tier 3 fuels from Utah refineries are still far away.⁸ More pressure needs to be placed on refiners and car dealers to transition to Tier 3 fuels and cars.⁹ Car dealers in Utah must make plug-in electrics widely available and train their salesmen about the importance of low pollution vehicles. Our recommendation on moderating urban speed limits to 60 mph has not been met. Reduction of the state’s high speed limits would not only reduce fuel consumption and air pollution but also reduce death and injury rates.^{10,11} The crash data analysis in the Appendix shows a very significant increase of crashes (15%) and fatalities (21%) in 2015 above those recorded in the previous five years.

Commendations: Air Quality

- **The bi-partisan Utah Legislature’s Clean Air Caucus efforts to promote cleaner air in Utah**
- **Salt Lake City’s new Sustainability Department.** It intends to achieve zero emissions in all new city buildings and has installed solar PV systems in many buildings. Its website has excellent information on air quality efforts, sustainability, and reduction of greenhouse emissions.¹²
- **The Utah Clean Air coalition (UCAIR) for its efforts to educate and promote activities to clean up Utah’s air.** It has several grant programs for innovation of technology to promote clean air.¹³
- **Breathe Utah, Heal Utah, Sierra Club, and Physicians for a Healthy Environment** for their continued work to promote a healthy environment for all Utahns.
- **Rooftop solar bill HB244,** which allows for solar lease by a Power Purchase Agreement. Several corporations, such as Vivint and Solar City, offer such leases.
- **Rocky Mountain Power’s promotion of solar power with its Subscriber Solar Program.**¹⁴
- **Passage of HB 237, which creates a Clean Air Fund.** Its revenues come from a voluntary tax contribution on Utah tax returns. The contributed money will be used for grants to individuals and for education to promote clean air.¹⁵
- **The Academic Senate of the University of Utah for its vote to reinvest endowment funds,** currently invested in fossil fuel companies, in renewable energy sources.¹⁶

Recommendations: Air Quality

- **The Legislature should institute a modest tax on fossil fuels and significantly expand incentives for solar and wind energy.**
- **Tier 3 fuels and more low-polluting tier 3 cars need to be made available in Utah as in California and many other states.**
- **The Legislature needs to fund more air monitor stations and improved sensors for the Department of Air Quality (DAQ).**
- **The State building code standards need to be upgraded to improve energy efficiency and reduction of fossil fuels.**
- **UCC urges Utah to reduce and enforce speed limits in urban areas.**

- **The Legislature needs to fund more charging stations for plug-in electric vehicles.**
- **Utah needs to actively promote renewable energy and reduce reliance on fossil fuels.**

Context: Water Availability

We remain steadfast in the opinion that future demand for municipal water can be met easily through conservation and incorporation of agricultural water as farmland is developed by municipalities rather than through investment in major new water projects. For years now, managers of Utah's municipal water (some water conservancy districts and the Division of Water Resources) have warned that demand for water will surpass the currently developed supply in about 25 years, limiting population growth and economic development. The solution, they argue, is investment in major new water projects such as the Bear River Development Project and the Lake Powell Pipeline. We believe these water projects will not be necessary, will cost taxpayers far more than the water is worth,¹⁷ will contribute to the gradual draining of the Great Salt Lake,¹⁸ jeopardizing one of the western hemisphere's most important stopovers for migrating birds, as well as the winter snowpack in the central Wasatch Mountains, and will result in economic and ecological damage to the Lower Colorado River Basin.

With one of the highest per capita domestic water use in the nation, Utah has extraordinary potential for conservation.¹⁹ Actual wasteful use of municipal water is largely a consequence of taxpayers subsidizing water. Consequently, individuals do not see the true cost of water use in their monthly bill, giving them little incentive to conserve. Contributing to the low incentive to conserve are flat pricing structures in which homeowners with the highest rates of use pay only slightly more than homeowners with low usage.²⁰

Let's look at current water allocation. Agriculture consumes by far the most water in Utah-- 82% of total use.²¹ Indoor residential use represents only 2.8%, whereas outdoor residential water use, primarily lawn watering, accounts for 7.1%. These numbers indicate that if our population were to double in the next 50 years,²² our indoor water needs would climb by only 2.8% of our current total water use. This increase could be met by simply restricting total outdoor residential water use to 61% of the current very high rate..

Added to the potential for conservation is the increase in municipal water supply that can occur when farmlands are developed.²³ As cities grow, some farmland is generally sold and developed, allowing transfer of water rights previously used for agriculture to municipal use. For example, the Utah Division of Water Resources has estimated that 100,000 acre-feet of water in the Utah Lake Basin, 95,000 acre-feet in the Weber River Basin, and 25,000 acre-feet in the Jordan River Basin will be available for transfer from agricultural to municipal use.

In 2015, the Office of the Legislative Auditor General questioned the Utah Division of Water Resources' projections that Utah's statewide demand for water will surpass the currently developed supply in a few decades.²⁴ The Auditor General found that the Division's projections for the future were flawed because (1) they were based on unreliable local water use data, (2) the potential of modest and practical conservation policies was not considered, and (3) they ignored the projected growth in municipal water supply that will come from agriculture water that is converted to municipal use as farmland is developed. Nevertheless, the DWR's projections were

used during the 2016 legislative session to justify passage of the Infrastructure Funding Amendments, Senate Bill 80.²⁵ This bill allocates funding for future projects such as the Bear River Development Project and Lake Powell Pipeline by diverting sales tax revenues originally slated for transportation. We fear passage of SB 80 reflects the lobbying efforts of those who would benefit financially from the big water projects rather than the welfare of the state's citizens.

Summarizing, what is at stake in future water availability is not the state's capacity for future growth but wetland habitats throughout Utah, including the Great Salt Lake, the Bear River Migratory Bird Refuge, and water to habitats and users in the Lower Colorado River Basin. Available data indicate that future demand for water can easily be met through conservation and transfer of agricultural water as farmlands are developed.

Harmful blooms of cyanobacteria are increasing in frequency and intensity worldwide and represent a serious threat to the ecological integrity, ecological services, and safe use of Utah's lakes and marshes.²⁶ These blooms result from increases of nutrients in the water, usually elevated nitrogen and phosphorus from agricultural field runoff. Additionally, warming from climate change enhances the initiation, magnitude, duration, and geographic range of cyanobacteria blooms. Thus, the dramatic algal blooms along the Wasatch Front during this past summer represent a warning to be taken seriously.

Commendations: Water Availability

- **The Utah Rivers Council and Friends of Great Salt Lake for their continuing efforts** to educate and inform citizens about water issues facing our state.
- **The Office of the Legislative Auditor General for its 2015 water use report** and ongoing efforts to evaluate the quality of water use data available for future planning
- **Dr. Wayne Wurtsbaugh of Utah State University and colleagues for their white paper** on the impacts of water development on the Great Salt Lake.²²

Recommendations: Water Availability

- **To avoid conflicts of interest, managers of water districts should not be members of state boards and advisory teams.**
- **To encourage conservation, the price of municipal water should reflect its actual cost.** Subsidizing water supply with property taxes must be phased out.²³
- **To encourage conservation, municipalities should institute block rate pricing structures** in which the price of water increases with the rate of use.
- **To reduce the impact of future algal blooms, Utah needs to set nutrient input reduction standards** for agricultural runoff into streams and rivers, institute conservation policies that reduce runoff from agricultural fields, and make protecting the ecosystems of our lakes a rallying cry for efforts by the State to reverse anthropogenic climate change.

Appendix

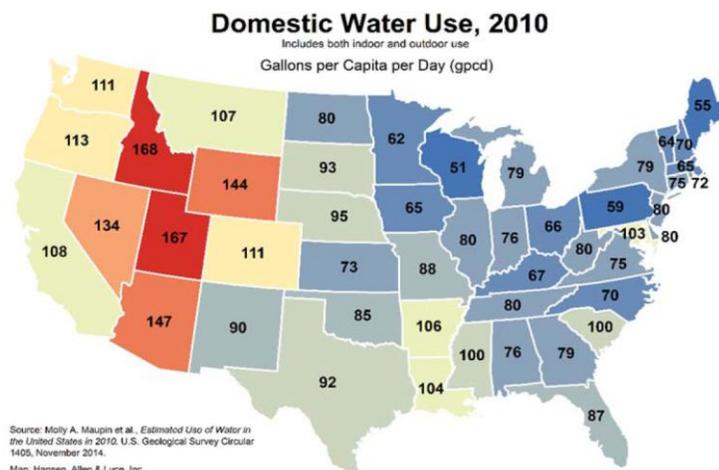
Vehicle Crash Data

Analysis of Utah vehicle crash data from 2010 to 2015 shows a 15% increase in car crashes in 2015 from the average of the five previous years. The urban speed limit was increased in December 2014. The data obtained from the Utah government report at the website <http://highwaysafety.utah.gov/crash-data/utah-crash-summaries/> (2015 appendix) is shown in the Table below. Total crashes (last column) before 2015, averaged over the five previous years, were 52,386 with a standard deviation of 2530. Total crashes in 2015, the first year after the urban speed limit was raised to 70 mph, amounted to 60,012-- an increase of 7626 or 14.6% over the five-year average and a very significant three standard deviations above average. Note also that fatal crashes increased by 21% over the average for the previous five years. The data for 2016 are not yet available. If these data show an equally significant increase in crashes and fatalities, it may give additional incentive to reduce and enforce speed limits.

| Year | Property only crashes | Injury Crashes | Fatal Crashes | Total Crashes |
|------------------------|-----------------------|----------------|---------------|---------------|
| 2010 | 34,155 | 14,995 | 218 | 49,368 |
| 2011 | 36,418 | 15,645 | 224 | 52,287 |
| 2012 | 34,635 | 15,765 | 200 | 50,600 |
| 2013 | 39,301 | 16,134 | 202 | 55,637 |
| 2014 | 37,388 | 16,426 | 222 | 54,036 |
| Average 5 yr | 36,379 | 15,793 | 213.2 | 52,386 |
| Standard dev | 2,094 | 542 | 11 | 2,530 |
| 2015 | 42,089 | 17,665 | 258 | 60,012 |
| 2015 increase | 5,710 | 1,872 | 45 | 7,626 |
| multipl stdd | 2.73 | 3.45 | 3.94 | 3.01 |
| 2015 % increase | 15.69 | 11.85 | 21.01 | 14.56 |

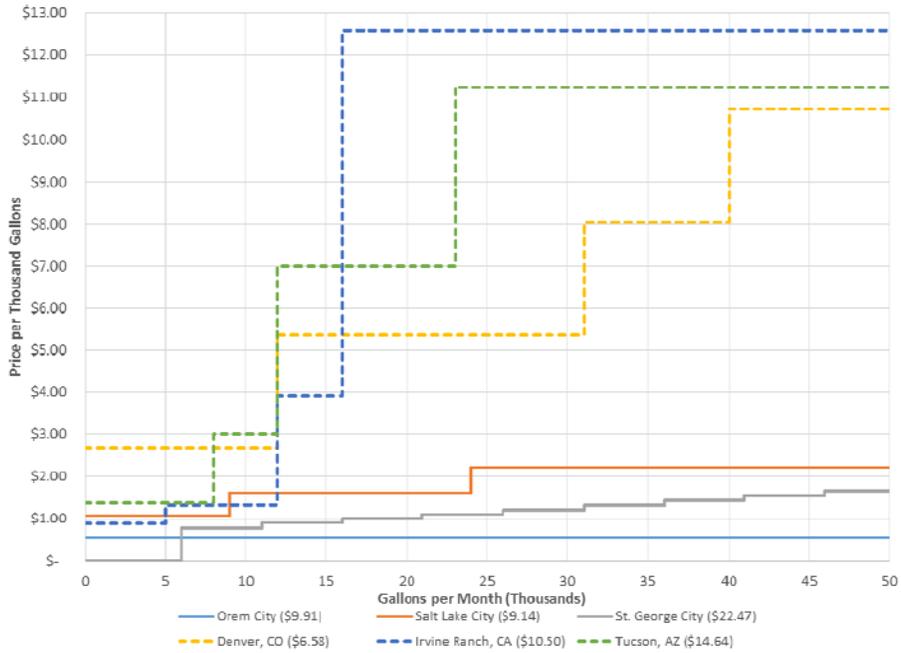
Water Use and Pricing in Utah

National data compiled in 2010 indicate that Utah has one of the highest rates of residential water consumption in the country.²⁷ Given that Utah is also the second driest state in the country, policymakers should focus on ways to incentivize more efficient use.



As described earlier, existing pricing policy for municipal water in most Utah cities does not encourage efficient water use. First, the use of property tax to subsidize the cost of water reduces customer incentive to be conservative. Second, the relatively flat pricing structure that characterizes most Utah municipalities provides no incentive to use water efficiently. As shown in Figure 2, many western cities outside Utah use block rate structures that charge consumers an increasingly higher price as consumption increases.²⁸

Figure 2. Comparison of City Water Rate Structures. A selected group of Utah Cities are shown to have flatter block rate structures when compared to those of other major western cities. More pronounced block rates tend to encourage conservation.



Source: City Water Departments.

Public Education

Utah Citizens' Counsel Education Committee

Article 3. *All Utahns have the right to a public education that ensures literacy, numeracy, critical thinking, character development, and the capability for responsible citizenship to help secure a promising future for Utah in a complex, interdependent, and competitive world.*

Introduction

Two years ago, UCC described the long-term decline in funding for public education as a percentage of the state budget and personal income. We also noted the concomitant disappointing achievement scores when disaggregated by ethnicity and compared to peer states. Last year we identified the research establishing the long-term benefits of high quality preschool programs, particularly for at-risk four-year-olds from low income families. Although the Utah Legislature has increased funding for public education in recent years and made modest initial investments in high quality preschool programming, the overall funding patterns lag well behind other states and do not demonstrate long-term commitment or investment in the education of Utah's children. For these reasons, we continue to focus on overall funding and preschool needs. We also address the newly trenchant issue of teacher shortage.

Funding for K-12 Public Education

Despite increases in the weighted pupil unit (the basic funding unit), Utah has been losing about 1 billion dollars a year in education funding over the past decade, due to earlier cuts in state income tax rates and property tax levies for schools, along with legislative shifts to higher education from public education.¹ We are not alone in recommending that this **funding shortfall must stop**. Governor Gary Herbert has encouraged greater investment,² although his statements fall short of what is needed. Education First and the Salt Lake Chamber of Commerce's Prosperity 20/20, both advocacy groups with well-respected backers, have been urging an increase in the personal income tax for several years.

Tired of inaction at the Legislature, Education First, with broad support, is pursuing an **initiative petition to place a 7/8 of 1% increase in the personal income tax rate on the 2018 ballot**. These tax rates have not increased since 1975. The flat tax rate of 5%, imposed in 2008, has resulted in a decline in overall effort.³ The initiative is variously estimated to produce between \$600-740 million/year in new revenues.⁴ Although an important step, it would not return Utah to the level of effort that was present 20 years ago. The growing Utah economy is among the best in the country. Polls show support for a tax increase for public education.⁵ Closing tax loopholes also would help close the gap between the funds raised by the initiative and the more than \$1 billion in lost annual revenue. Increased revenue should be targeted to areas likely to produce the most favorable outcomes: namely, high quality preschool programs, K-3 reading and numeracy improvements, all-day kindergarten, professional development, and teacher salary increases.

Teacher Shortage

News reports and information from the state's teacher colleges indicate a growing teacher shortage. Enrollment in teacher colleges is down significantly.⁶ The potential problem was

identified nearly a decade ago⁷ but has gained traction again only recently. When trained teachers are not available, students are harmed. Quality suffers. The Utah State Board of Education (USBE) recognizes the problem. Alternative routes to licensure have existed for a number of years, but more research needs to determine effectiveness and retention rates compared to teacher-college graduates. As a new stopgap, USBE is allowing local education agencies (LEAs) to hire noncertified teachers with a bachelor's degree in a subject area--an emergency response but hardly a long-term solution. Among other things, teaching expertise also depends on behavior management techniques and skill in selecting teaching methods. The Legislature's Education Interim Committee, in July 2016, asked the University of Utah Education Policy Center for current, in-depth research on the extent of the shortage, covering both recruitment and retention problems. Also an issue is whether retirements are a larger than expected problem. The Center's initial results are due by the end of 2016. Enough is known already, however, to begin to address the problem now.

Immediate steps include redressing the poor teacher retention rate. Data show that 40% of Utah teachers leave the profession within their first five years of teaching.⁸ Although we cannot prevent some from leaving for personal and family reasons, we can certainly decrease the turnover by improving the support for new teachers. Restoring professional development funds and targeting one-on-one mentoring of new teachers by a skilled, experienced teacher would be effective, as would assignments to less troubled schools. Sending new teachers into the most difficult school settings, without enough support, is a recipe for burnout. Peer collaboration, where teachers share tips as equals and collectively plan to solve behavior and instructional problems, is another recognized tool to improve teacher morale and effectiveness, reduce isolation and stress, and provide important support to all teachers, including new ones. Workload demands remain burdensome; incremental reductions in class sizes and testing requirements, and more auxiliary staff like social workers, school psychologists, and school nurses would all help.

Utah also must begin to **address teacher salaries**. The average starting salary for Utah teachers in 2012-2013 was \$33,081, about 8.5% below the national average.⁹ Over the past 20 years, the gap has widened between national teacher salaries and salaries of other college graduates. Utah's public school teachers are paid only 70.31% of what the state's other college graduates are paid--the 9th worst ratio in the country.¹⁰ In short, Utah's teacher salaries are less than satisfactory for a profession with the greatest influence on the growth and development of our children. Moreover, retirement benefits for new teachers were reduced as a result of 2010 legislation, decreasing the motivation of some to enter the teaching profession. Many young people, both female and male, choose to enter other professions or trades that allow them to better support themselves and their families. Salaries must be improved.

Expanding High Quality Preschools

In 2016, the Legislature passed Senate Bill 101, which appropriated \$11.5 million to expand high quality preschool programs across the state. Nine million dollars of that money utilized available federal funds (TANF, Temporary Assistance for Needy Families), which had built up a reserve over the years. The TANF funds, supplemented by a modest \$2 million of state funds, will be renewed each year for three years, with another \$500,000 allocated on a one-time basis for training 300 additional preschool teachers. Administration of SB 101 is divided between the USBE and the Division of Workforce Services (DWS). USBE administers the allocation of \$7

million to LEAs and charter schools, and \$2 million to a home-based online technology program (UPSTART). DWS administers the other \$2.5 million--\$1 million for scholarships to enable four-year-olds from the Intergenerational Poverty population to attend high quality public or private preschools, \$1 million for grant expansion of high quality private preschool programs, and \$500,000 for the preschool training noted above.

Under SB 101, USBE and DWS have joint responsibility to determine that program recipients are offering high quality preschool programs. Both agencies used lengthy applications, interviews, and observations using the Early Childhood Environmental Rating Scales (ECERS) as the basis for determining which applicants met the requirements.¹¹ The following LEAs were selected for grants: Davis, Granite, Iron, Jordan, Murray, Salt Lake City, Sevier, Washington, and Weber. Participating schools in those districts range from one to fourteen. Five private preschools were also selected for expansion money. Together, more than 1400 preschoolers are being newly served in school-based public and private programs and approximately 2700 through UPSTART (but for far shorter times each day).¹² The pilot programs underway under SB 101 and 2014's House Bill 96 (Pay for Success and preschool grant programs) are a beginning but are far from reaching most of the preschool children from low income families.¹³

Although there is impressive research on the short- and long-term benefits of high quality preschool education,¹⁴ Utah has yet to develop and **implement a common, statewide assessment** that compares the learning curves of preschool students in high quality and less-than-high quality programs as the students move through the school system. If the political will to significantly expand Utah's publicly supported preschool education is to scale up and garner significantly more state funding, Utah needs its own strong research-based rationale for doing so.

SB 101 requires USBE and DWS to select an independent evaluator to measure both short- and longer-term (through 3rd grade) outcomes of four-year-olds in their preschool programs. Together, USBE and DWS selected Jon Hobbs from California-based Education and Training Institute to analyze standardized assessment scores from preschoolers in SB 101 programs and those in programs not yet deemed high quality.¹⁵ At the same time, the Utah School Superintendents Association has developed a kindergarten readiness assessment, using teacher administered performance measures. The assessment is being piloted this year in hopes of refining it and using it statewide next year. Selecting uniform, reliable assessment measures of preschool programs is critical to evaluating student outcomes. The best research supports assessments that measure student cognitive and social-emotional growth and that include teacher-directed instruction in literacy and numeracy.¹⁶ Many school districts across the country, for example, Los Angeles and Seattle, have or are adopting multi-faceted assessment strategies.¹⁷ Utah must follow suit soon and obtain consensus among all LEAs about what constitutes valid, reliable assessment of outcomes.¹⁸ Both short-term and long-term outcomes are needed.

Expanding optional enhanced kindergarten for Utah students at risk is also important. HB 42, providing for such expansion, failed to pass the 2016 Legislature. The bill is expected to be reintroduced in the 2017 session. Like the research on the benefits of high quality preschools for at-risk children, the research on the value of full-day kindergarten for these same children is compelling.¹⁹ Together, high quality preschool and full-day kindergarten hold much promise for significantly narrowing the opportunity gap for at-risk children in school and into adulthood.

As preschool programs accelerate in the future, one unmet need is **attracting, preparing, and retaining well trained preschool teachers**. Most of them are paid poorly compared to K-12 teachers, many at wages that keep them near the poverty level. Unless preschool teachers are paid more, the incentive to teach for those with better paying career choices will be virtually nonexistent.

Commendations

- **Education First and Prosperity 20/20** for taking the lead to increase tax revenues for public education and restore badly needed funding to improve public education
- **Legislators Ann Millner and Lowry Snow** for promoting better preschool and kindergarten opportunities for children at risk
- **Professional USBE and DWS staff** for working well together to implement SB 101
- **Envision Utah and the United Way** for their visible community roles in furthering long-term investment in public education and high quality preschools for at-risk children
- **The University of Utah, Salt Lake City, Salt Lake County, Salt Lake Valley LEAs, and the United Way** for holding a joint early childhood symposium in September 2016
- **Representative Jack Draxler's (R) and Senator Jim Dabakis's (D) efforts** in the 2016 Legislature to increase the income tax rate for public education

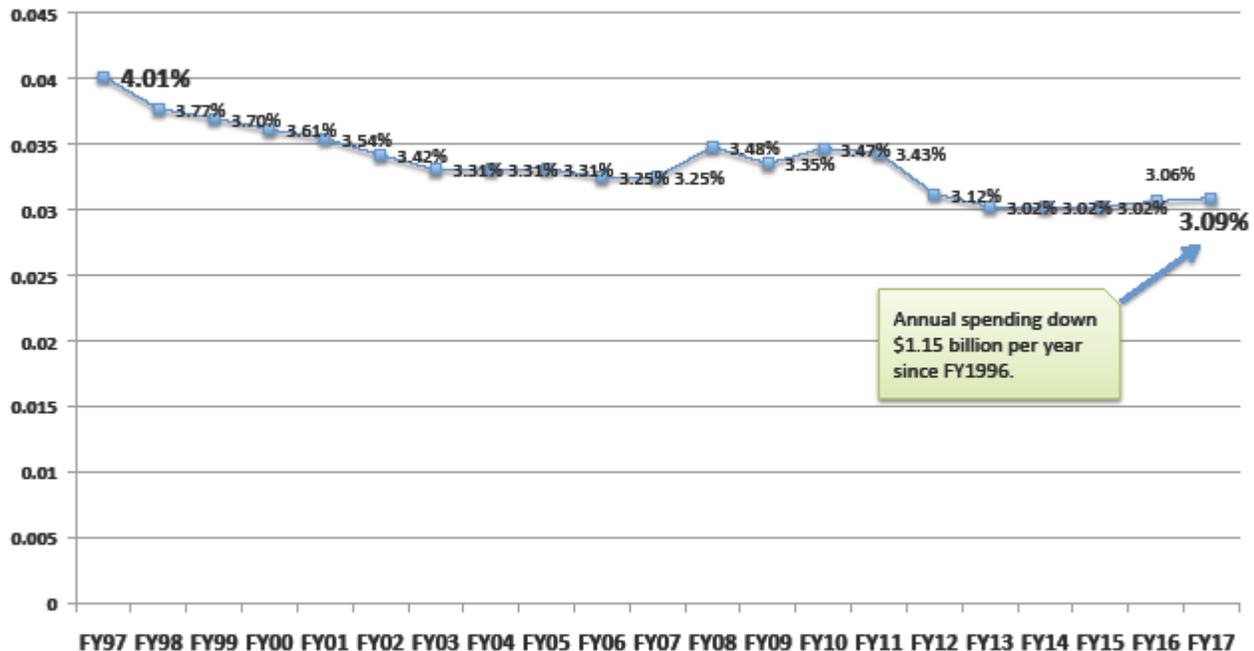
Recommendations

- **Public support of the upcoming ballot initiative** (labelled "Our Schools Now") to increase revenues for public education, and a **major marketing campaign by the sponsors** to demonstrate the fairness of the increase. **It is time for major investment in the intellectual and social infrastructure of our public schools, just as we have already done for our physical infrastructure in highways.**
- **Legislative expansion of state and federal funding** under SB 101 and HB 96 for high quality preschools and preschool teacher preparation
- **Legislative funding for increased teacher salaries and solutions to recruitment and retention problems, including restoration of lost funding for professional development**, utilizing proven methods to increase teacher skills
- **Legislative passage of an optional extended-day kindergarten bill**
- **USBE development, during 2017, in collaboration with the Utah School Superintendents, of a uniform statewide assessment** of short- and long-term preschool outcomes comparing various kinds of preschool programs
- **USBE reconsideration of its new Level 1 Licensure for noncertified teachers**

Appendix 1

The two tables on the following pages were prepared by Douglas Macdonald, former chief economist for the Utah State Tax Commission, 1979-2006

Utah Public Education (K-12) Operating Expenditures as a Percent of Utah Personal Income (Spending Effort)



Doug Macdonald, Econowest Associates, Inc. from: Division of Finance, 2014 CAFR, A-4;
Office of the Legislative Fiscal Analyst, Budget of the State of Utah, FY 2017, p 44, 272.

Health

Utah Citizens' Counsel Health Committee

Article 4. All Utahns have the right to comprehensive, quality health care at reasonable cost, and responsible societal efforts to help them achieve and maintain optimal well-being, with appropriate initiatives that encourage and facilitate healthy living and the prevention of disease, disability, and injury.”

Introduction

U.S. economic strength is hobbled by health care costs nearly twice those of economically comparable OECD nations.¹ The extra cost equals a tax of 6-8% on all income, increasing costs of living and decreasing international competitiveness. This cost does not buy better quality of life or international reputation. Health in the U.S. falls below that in most comparable nations. Utah does better than the U.S. as a whole, but not as well as many nations. Utah has room to improve health while releasing funds for such critical needs as education. It already provides models to improve the quality and cost of U.S. health care, and can do more.

The next few years will test whether costs can be better controlled and at the same time health can improve. Will changes in health policy and health care decrease or increase costs? Will cost controls improve or harm health? How will Utah be shaped by, or shape, these changes?²

Last year's report referenced the *Health Field Concept*,³ which enlarged the study of social and economic “determinants” (for example, pollution) of individual well-being and population health, to go beyond medical care. Consistent with this broader scope of health policy, the Citizens' Counsel this year amended Article 4 of its *Declaration of Utah Human Rights* to include other determinants of health. Our report this year expands the study of health determinants to broaden the tools used to improve health. Success requires connecting health improvement to other human rights⁴ as well as understanding conflicts arising among them.⁵

A second theme this year concerns how those responsible for better health are influenced by the incentives of market forces, regulations, and evaluations. Among the most serious challenges to better quality and lower costs of good health are dysfunctional incentives that focus professional or institutional concerns too narrowly and that discourage care for patients most needing it.

A final theme is Utah's senseless failure to accept new federal funding of Medicaid. That failure unfairly treats disadvantaged people and does not intelligently manage Utah's financial health.

The Situation

This report last year included many rankings and indicators measuring costs,⁶ access,⁷ and quality.⁸ This year we concentrate on two well-developed summative rankings. First, **Utah ranks among the very healthiest states, being among the top seven states for 25 years in the United Health Foundation's *America's Health Rankings*. Utah most commonly ranked first during the 90s and 5th to 7th in this decade, being 7th in the latest report.**⁹ The ranking focuses upon measures of health, rather than measures of health systems--the professionals, hospitals, insurers, and others directly providing health care. A second ranking, focusing on state health system performance, comes from **the Commonwealth Fund's *Scorecard on State Health***

System Performance,¹⁰ now in its fourth year, which compiles 42 indicators. The most recent *Scorecard* was the first that could “measure the effects of the Affordable Care Act’s 2014 coverage expansions.” It found “broad based improvements. On most of the 42 indicators, more states improved than worsened.”¹¹ The ranking **placed Utah 18th nationally, though Utah was 12th in preceding years.** The scoring ranks Utah in the top five for lifestyle and avoidable use, and cost; about average for equity, prevention, and treatment; and 36th for access.

Utah’s failure to immediately expand Medicaid lost a great opportunity. Leaders in Utah’s House of Representatives refused to allow a floor vote on a 2015 bill for full expansion proposed by Governor Gary Herbert, passed by the Senate, and broadly supported by the public. Utah’s uninsured rate of 10.5% is down from 14.6% in 2013¹² but is no longer lower than the national rate, which is now at 9.4%. Utah’s ranking moved from 25th to 36th as other states used Medicaid expansion to expand coverage. What passed in 2016, needing federal approval, is incomplete yet extravagantly expensive, using traditional, rather than enhanced, federal financial support.¹³ It requires more than half the state funding for full expansion but covers only a quarter as many citizens. It fails to address unfairness for the uninsured: Government already subsidizes everyone else, through direct subsidies or tax advantages, for their health insurance.¹⁴ Besides extending coverage, Medicaid expansion improves cost management and total population health.¹⁵

Measuring health, outcomes of health care, and costs can guide improvements. But selection, calculation, and uses of measures deserve care. Utah’s high ranking for healthy lives is no surprise, reflecting our life style, low poverty rate, and education. It is a credit to our people, to be built upon for a place to live and to do business. But such measurements of health may be misused by creating incentives for providers to improve their measures of costs and outcomes by selecting patients or enrollees on the basis of their health.

Problems with indicators as incentives increase with emphasis on transparency and competition in health care. Comparing healthcare systems by per-person costs and per-patient outcomes creates incentives to avoid paying for the care of those whose health is most vulnerable (the strongest determinant of insurers’ financial success) and to avoid treating difficult cases (a determinant of quality outcomes). Other incentives affecting health care may help or hurt costs and quality. For example, is the establishment of quick and confidential exchanges of patient clinical records discouraged to protect competitive advantages of electronic-health-record vendors and/or hospitals? Is that in the interests of patients, the general public, or providers?¹⁶

Appropriate measures, including determinants of health other than medical care, can improve the use and guidance of health care.

The health field concept¹⁷ looks beyond medical care.¹⁸ A study of health in England, over the last two centuries, found that changes in food supply, sanitation, and family size did more to improve well-being than did medical care.¹⁹ Such comparisons raise useful questions. What costs should be included in comparing programs and determinants?²⁰ To what extent do the cost and quality of health reflect superior health care? What credit and improvement efforts should go to life style, environment, socioeconomic conditions, or public health?²¹ Will improved patient-provider engagement build shared responsibility to manage cost and quality?²²

J. Michael McGinnis et al.²³ and others²⁴ **expanded the determinants to five domains, concluding that “the health of the population is the product of the intersecting influences from the different domains,** influences that are dynamic and that vary in their impact

depending upon when in the course of life they occur and upon the effects of preceding and subsequent factors.”²⁵ Each domain is briefly described below, showing McGinnis’ estimated proportion of preventable deaths attributable to each domain,²⁶ though “more important than these proportions are [sic]the nature of the influences in play where the domains intersect.”²⁷

Genetics (30%) establish “predispositions to health or disease [taking] form at conception” to shape many things, from what we look like, to what diseases we might experience, and to our life expectancies.²⁸ Research for personalized medicine, for example, studies the genome for better interventions and specificity for individual vulnerabilities and treatments.²⁹

Social Circumstances (15%) of our birth and lives shape educational attainment, employment, income disparities, poverty, housing, crime, and social cohesion. Arguably, the most consistent predictor of the likelihood of death in any given year is the level of education.³⁰

Environmental Conditions (5%) include hazards that can directly impact our health and well-being: toxic agents, microbial agents, air and water pollution, hazardous waste, radiation, “chemical contaminants of food,” safety related to buildings and roadways, “worksite conditions, and home hazards.”³¹

Behavioral Choices (40%) are life styles directly impacting health and well-being and may be the most significant domain in terms of early deaths.³² These choices relate to diet, physical exercise, sexual prudence, substance abuse, attitudes about safety; and stress management.³³

Medical Care (10%) includes the work of physicians, nurses, dentists, other providers of health care, hospitals, extended care homes, rehabilitation facilities, and surgical centers.³⁴ “John Bunker . . . estimated that since 1950 our system of medical care accounted for about three of the seven years by which life expectancy has increased.”³⁵ A growing emphasis upon patient engagement in health care takes on new dimensions if patients connect medical care to such other determinants of health as the environment.

More attention to these domains can guide improvements in cost analyses and comparisons. Utah’s personal health expenditures per capita are only 73% of national rates. This is commendable, but who or what is to be commended: Utah life-style, management of Utah’s health institutions, or what? From 2000 to 2014 the percentage never varied more than 3% from the 73% that marked both the beginning and end of this period, as expenditures for both Utah and the U.S. increased by 94% over these 15 years.³⁶ Medicare reimbursements, adjusted for age, sex, race, and local prices, show geographic variations large enough to study the determinants. In Utah’s hospital referral regions, costs per person per year are: Ogden: \$8,731; Provo: \$9,397; Salt Lake: \$8,480; the U.S. is \$9,687.³⁷ Utah’s “All Payer Claims Data Base,” now in geographic detail, time series, and comparability, adds opportunity to identify determinants.³⁸

Health costs are prompting a growing search for reforms, with Utah playing significant roles.³⁹ For example: (1) The *Harvard Business Review* used leaders from Intermountain Healthcare (reflecting the international standing of Brent James) and Harvard faculty⁴⁰ to compare “capitated payment” (payment per patient per month to emphasize efficiency of care coordination) and “bundled payment” (cost of all providers per incident to emphasize efficiency of specialization) as reforms to replace “fee-for-service billing” by procedure and provider.⁴¹ (2) The University of Utah is expanding research and assessments in genetics, medicine, public

health, and dentistry to reduce costs and improve outcomes.⁴² Cost accounting in a new application to three clinical projects (total hip and knee joint replacement, hospitalist laboratory utilization, and sepsis management) prompted changes in performance that appear to account for cost savings in the range of 10%.⁴³ An editorial reflection in *JAMA* concluded “The study . . . is an impressive and important step forward, not just for the University . . . but for the rest of US health care and other health care systems around the world that are focused on value. The findings offer proof of concept that improving value by patient condition can lead to lower costs and better quality—at the same time.”⁴⁴

Commendations

- Utah continues to be **among the top five states for healthy lifestyles and avoidable use, and cost of health care.**
- Utah **contributes to national innovations** to manage costs and quality.
- Utah’s **capabilities of health-related research, to improve the economy and health of the state and nation**, are growing in depth of data and capacity for research at health departments, universities, and health institutions.
- In Utah, though perhaps more so in the U.S., there is new **recognition of the variety of human conditions and programs that influence, and are influenced by, health.**

Recommendations

- That the Utah Department of Health lead an **evaluation of incentives and engage the cooperation** of providers, payers, and the public to exercise responsibility, **as a community, to manage costs and improve health.**
- That **for Medicaid⁴⁵ and other health needs of those with low-income, Utah not defer action while Congress debates.** That Utah seize the day to do what can be done now, to prepare for what might become possible, and to improve other determinants of health to help those, mostly poor, who are not now eligible for subsidies given all others.⁴⁶
- That Utah’s health care community **establish a state-wide clinical-health-information-network.**
- That Utah’s health care community **improve the measures of:**
 - **costs, to include assessment of determinants,**
 - **costs, quality, and access, by hospital referral region,⁴⁷** not just by institution,
 - **patient/physician engagement** that is two-way and meaningful.
- That Utah’s health care community apply a **broader range of determinants to:**
 - **manage costs and improve health;**
 - **support public health** programs;
 - **encourage work-place involvement** in employee and customer health;
 - **improve connections of education and health.**
- That to improve health, **implement the recommendations in the Environmental Health, Public Education, and Social Support sections of this report.**

Personal Security

Utah Citizens' Counsel Personal Security Committee

Article 5. *All Utahns have the right to security of person, especially freedom from physical harm and psychological abuse, whether experienced within the family or in the community at large.*

Introduction

The 2015 Committee Report on the right to personal security highlighted domestic violence, domestic violence-related homicides, and rape. Utahns continue to experience a high percentage of domestic violence-related homicides compared to the total number of homicides. Selected police departments have successfully employed the Lethality Assessment Protocol to reduce domestic violence-related deaths. Utahns continue to suffer a high incidence of rape. The Legislature has provided funding to test the backlog of rape kits to secure forensic evidence in rape cases. Utah is now one of only two states still out of compliance with the Prison Rape Elimination Act.¹ Despite overwhelming support, universal background checks are not required for all Utah gun sales.² This 2016 report updates these issues and examines additional concerns of suicide by firearms, campus rapes, and hate crimes.

Domestic Violence, Gun Violence, and Suicide

Utah's overall homicide rate is dramatically lower than the national average.³ Domestic violence-related homicides, however, constitute over 40% of Utah's adult homicides compared to 30% nationally.⁴ According to one estimate, domestic violence-related homicides rose to 47% of Utah's 58 homicides in 2015.⁵ Encouraging results have followed the introduction of the Lethality Assessment Protocol (LAP). Using LAP requires police officers to administer a questionnaire during domestic violence calls to help potential victims assess their degree of danger and learn how to obtain help. Based on LAP's initial success, the 2016 Legislature funded the training of 500 additional law enforcement officers and domestic violence advocates.⁶

Firearms significantly impact Utah's domestic violence and suicide deaths. The presence of a gun during domestic violence increases by 500% the risk of homicide for women.⁷ Firearms were used in nearly 60% of Utah's domestic violence-related homicides.⁸ One-third of domestic violence-related homicides are followed by the assailant's suicide, almost always with a gun.⁹ Although anyone convicted of domestic violence is legally prohibited from owning or possessing firearms,¹⁰ Utah has no reliable process for securing such prohibited firearms.¹¹

Suicides account for 87% of Utah's gun deaths.¹² Utah (and seven other western states) have a suicide rate 50% higher than the national rate.¹³ Of immense concern is the nearly three-fold increase in youth suicides since 2007.¹⁴ In 2013, suicide became the leading cause of death in Utah for 10-17-year-olds, the eighth highest rate nationally.¹⁵ When a gun is used, as happens in nearly half of lethal cases, a young person's impulsive decision to commit suicide is likely to be a tragically final one.¹⁶ The 2016 Legislature passed HB 440 to gather relevant information on the firearm source as well as the individual's medical and criminal history to help frame future policies to reduce Utah's suicide deaths.¹⁷

Rape Kits and Campus Rape

The Utah Department of Health confirms that over a lifetime, one in three Utah women will suffer sexual violence, and one in eight will suffer rape. The reported rape rate in 2014 was 30% higher for Utah women than for U.S. women (67.7 vs. 51.9 per 100,000).¹⁸

To signify its growing awareness of the issue, the 2015 Legislature designated a "Start by Believing Day." The 2016 House Judiciary panel rejected proposed HB 399 designed to limit the role of victims' advocates. Law enforcement officials joined activists to oppose it as reversing "years of reforms that have ensured rights to protective orders and services for people who have been raped or abused by their partners."¹⁹

In response to a 2014 study establishing that only 6% of reported rape cases in Salt Lake County led to criminal prosecutions, the Legislature provided funding for testing the backlog of rape kits that provide forensic evidence.²⁰ A 2016 follow-up report revealed that almost 60% of the nearly 2,000 rape kits submitted between 2010 and 2013 remained unprocessed by the end of 2015. It also revealed that the lack of comprehensive testing results in uneven justice. Iron County sent 40% of its rape kits to be tested while less than 20% were forwarded by local authorities in adjacent Washington County. Moreover, male victims were 46% more likely to have their rape kits designated for processing.²¹

Comprehensive testing is also a public safety issue. A rape kit taken in 2008 from a 14-year-old child was discovered by an Ogden nurse in 2014 and submitted to the Utah State Crime Lab. The forensic report led to the arrest in Arizona of a man listed as a sex offender in two other states. He is now serving ten years to life in a Utah prison.²² Multiple states have made testing of all rape kits mandatory. Idaho and other states have passed comprehensive regulations regarding funding, time-frames, and reporting.²³

College age women (18-24) are at three times greater risk of sexual assault than U.S. women in general.²⁴ That 76% of the 4,000 largest U.S. colleges reported no incidents of rape in 2014 defies credibility.²⁵ Since 2011, the Title IX Office for Civil Rights (OCR) has taken sexual violence complaints from individual students and currently has opened investigations at more than 200 schools. Although Utah campuses have not appeared on any of the publicized "worst offenders" lists,²⁶ complaints from students at three Utah campuses are being investigated.

Complaints against Westminster College and the University of Utah cited ineffective procedures and lack of timely resolutions.²⁷ The Brigham Young University complaint asserts that rather than suspending the Honor Code to investigate the sexual assault complaint, the University prioritized the Honor Code office interrogation.²⁸ Utah State University may join this Title IX list. Following recent adverse publicity for its failure to pursue three separate allegations against the same student athlete, its internal review concluded that the school had done nothing wrong but expects to adapt its policies going forward.²⁹

All four schools have publically acknowledged their procedural and policy shortcomings and publically committed to address sexual violence on their campuses more effectively.³⁰

Hate Crimes

Despite national ideals of liberty and equality, the U.S. has a history of overlooking violent acts against those physically assaulted simply because they are powerless minorities. The tragic story of Matthew Shepard, an openly gay college student who was brutally beaten and left to die on a Wyoming fence, illustrates the vulnerability of minorities to brutal attacks.

Hate crimes committed in Utah have not been adequately addressed. None of Utah's 1,279 reported hate crimes of the last 20 years has been prosecuted under the existing law.³¹ Utah's law stands alone amidst the 44 states with such laws for lacking the elements necessary for enforcement: citing bias or hate as a motive; listing protected classes; and containing an option for penalty enhancements beyond misdemeanors.³²

The consequences of Utah's current hate crimes law is revealed in the case of two men assaulted after leaving a Salt Lake neighborhood holiday party in December 2014. The victims had experienced no previous interaction with the two men who rushed at them while making verbal references to gay sexual acts and directing gay slurs at them. Despite a serious head injury suffered by one of the victims, arrest warrants were limited to misdemeanor charges.³³

The 2016 Legislature considered a serious Hate Crimes Amendment bill. SB 107 identified a hate crime as an attack upon a person, or a person's property, motivated by an assumption of the individual's identity within the most commonly marginalized groups based on "ancestry, disability, ethnicity, gender, gender identity, national origin, race, religion or sexual orientation." It also allowed for a one-step enhancement in the punishment phase.³⁴ The bill failed.

Some opponents, such as Governor Gary Herbert, argued that every violent crime is a hate crime.³⁵ Others feared, despite the safeguards in a companion resolution, SJR 13, that the First Amendment would be undercut.³⁶ The Church of Jesus Christ of Latter Day Saints issued this statement to explain its position, which proponents of the bill perceived as a statement of opposition.

The Utah Legislature achieved something extraordinary last year in arriving at legislation that protected both religious liberty rights and LGBT rights. Interests from both ends of the political spectrum are attempting to alter that balance. We believe that the careful balance achieved through being fair to all should be maintained.³⁷

Commendations:

- **The 2016 Legislature's one-time funding for additional Lethality Assessment Protocol training** for 500 law enforcement and victim services providers
- **The 2016 House Judiciary Committee's refusal to entertain the Victim's Rights Amendments** (HB 399) that would undermine support for victims of domestic violence
- **The 2016 Legislature's "Suicide Prevention and Gun Data Study" bill** (HB 440) designed to gain information about gun suicides

- **Utah's higher education institutions' public commitment to improving their respective sexual violence protocols**
- **BYU's acceptance of its Advisory Council's recommendation to adopt an "amnesty clause" suspending its Honor Code in cases of alleged sexual assault³⁸**

Recommendations:

- **The Utah Legislature should require background checks for all gun sales** as a common sense legal standard to keep guns out of the hands of dangerous people.
- **Utah should take steps to become compliant with the Prison Rape Elimination Act** to support the basic human rights to personal security of all people, including prisoners.
- **The Utah Department of Health should prioritize the launch of its proposed in-depth study of the causes leading to the high rate of youth suicide.**
- **The Utah Legislature should pass a bill requiring that all rape kits collected in Utah be submitted to the Utah State Crime Laboratory.**
- **Utah State University should permit an outside inquiry** into its failure to fully investigate an individual named by three alleged victims.
- **Utah should pass a hate crimes bill with the features of SB 107**, which includes (1) demonstrating bias as a motive, (2) listing vulnerable classes, and (3) containing penalty enhancements.

Social Support Systems

Utah Citizens' Counsel Social Support Systems Committee

Article 6: All Utahns have the right to the fundamental social support systems that assist in assuring a standard of living adequate for the well-being of both the individual and families, in all their configurations, including timely assistance in case of unemployment, disability, old age, and natural or human-made disasters.

Introduction

The 2015 report focused on poverty among families with young children, citing conclusive evidence that these children have a higher risk of developing cognitive and behavioral impairments that can limit them throughout their lives. More data has emerged in the last year attesting to the devastating impact of poverty on the developing brain.¹ One of the few steps taken in the last year to help poor children in their first three years has been expanding the proven home visiting programs (Nurse-Family Partnership and Parents as Teachers) to five new sites in Utah. A total of 730 families are now enrolled in the program.² State appropriations in 2016 providing funds for training childcare workers and for increasing the number of four-year-olds in pre-kindergarten are helpful, but much more needs to be done to help children during their first three years, when 75% of brain growth and development takes place.³ Our two years of research on the impact of poverty on children's brains indicates that one of the biggest impediments to poor children's healthy brain development is chronic housing insecurity,⁴ our focus in this report.

Utah's Growing Housing Insecurity Problem

The stress of being forced to move frequently from place to place (and perhaps even into a shelter) causes unhealthy stress levels for all family members, but it is particularly hard on young children. This constant stress has been definitively identified as a major impediment to a young child's cognitive and emotional development. A rootless life wreaks havoc on parents' attempts to meet their children's need for a secure, supportive environment.

Increasing numbers of Utahns are experiencing great difficulty keeping a roof over their heads. Those who do find housing must frequently pay more than half of their income for rent, leaving an insufficient amount for food, clothing, transport, and other necessities. Scores of these families are one paycheck, illness, divorce, incident of domestic violence, or even automobile breakdown away from homelessness.

While a housing boom is underway in Salt Lake County, the great majority of housing units are in the upscale, high rent category. The problem has escalated in recent years because the cost of housing has risen much faster than wages. In the last 10 years, Utah housing costs have increased by 17%, while wages have gone up only 3%.⁵

The housing insecurity problem manifests itself in many ways. At the extreme end of the spectrum are the homeless who cannot provide themselves with a nighttime residence other than the street or a public shelter. In 2015, approximately 14,500 people experienced homelessness in Utah, 70% in Salt Lake County.⁶ According to the Utah State Board of Education, 11,283 school-aged children were homeless in 2015. Approximately 40% of Utah's homeless are in family groups.⁷ The number of homeless school children increased 53% between 2007 and 2013, and continues to rise.⁸

Those whose median family income is 30% or less of the area's Average Median Income (A.M.I.) are most at risk. These extremely low-income (ELI) individuals live under the constant shadow of homelessness. About 21% (57,764) of the 279,489 Utah householders residing in rental units have income at this very low level.⁹ Federal guidelines provide that renter households who spend more than 30% of their gross income for housing and utilities are "cost burdened," and those who spend 50% or more are "severely cost burdened." Some 88% of ELI households in Utah are cost burdened, and 72% are extremely cost burdened, spending 50% or more of their incomes for housing alone.¹⁰ These cost burdens place these families under constant, debilitating stress.

Low-income Utahns have insufficient housing. The state's Fair Market Rent for a two-bedroom apartment is \$849 (\$938 in Salt Lake County). To afford a two-bedroom apartment in Salt Lake County, a single wage earner must earn \$18.04 an hour (\$16.32 an hour for the state as a whole).¹¹ The average Utah renter wage is \$12.39 an hour. There is a state-wide shortage of 46,036 "affordable" rental units for people with extremely low incomes.¹² Put another way, there are 33 affordable units for every 100 households with incomes at 0-30% of the AMI.¹³

At one time, the Salt Lake City and Salt Lake County Housing Authorities administered substantial public housing programs. However, changes in federal financing have left only about 945 of these public housing units in the county, and few exist elsewhere in the state.¹⁴ Public housing renters pay just 30% of gross income for rent and basic utilities. A second federal affordable housing program provides Housing Choice Vouchers (also known as Section 8 Vouchers), which enable recipients to rent subsidized housing on the open market for 30% of their gross income. There are approximately 5,800 of these vouchers in Salt Lake County.¹⁵ Over half of the spots on the list are reserved for the disabled, veterans, and other special groups, so a typical single, working mom must wait even longer for a voucher. The average waiting time is eight years. But the county list is currently so long that it has been closed since February 2014, leaving thousands of low-income parents with no possibility of gaining a rental subsidy. The Salt Lake City Housing Authority has 13,210 on its voucher waiting list and 2675 waiting for a public housing vacancy. Both lists were closed in October of 2015.¹⁶

Commendations

- **The Salt Lake City Council's recent bold and impactful vote, allocating nearly \$30 million dollars for affordable housing and for purchasing sites for four new homeless resource centers.** Pending mayoral approval, the \$21 million

directed toward affordable housing will help pay for new projects on the city's east side, in areas of greater economic opportunity. Funds will also be devoted to preserving current housing units, and increasing the number of rent subsidy vouchers for the city housing authority.

- **Salt Lake City and County's nationally recognized Housing First" program, which** has succeeded in obtaining permanent housing for 91% of the group labeled as "chronically homeless" (those who have been homeless for at least a year, or four times in one year).
- **Utah non-profit organizations on the front lines providing a bed and necessary resources for homeless families and individuals.** The shelters house as many as 1400 on a cold winter night.
- **The YWCA's model program to help domestic violence victims and their children.** They furnish a 181-bed shelter and then provide housing for up to two years in the Kathleen Robison Huntsman Apartments (charging just 30% of the woman's income). The program includes childcare, counseling, and all necessary case management services.
- **The Collective Impact on Homelessness Steering Committee, perhaps the most successful effort using a comprehensive approach.** Spearheaded by Salt Lake County, the committee includes the regional housing authorities, other relevant governmental entities, major medical providers, religious groups, the Downtown Alliance and additional large corporations, and most of the prominent nonprofits. The effort is partnered by the Kem C. Gardner Policy Institute and Policy Innovation Lab at the University of Utah, which provide essential research and data. The Committee has developed a three-year plan to minimize homelessness in Utah, the first year of which has been funded for a total of \$9.25 million. Such highly coordinated efforts among multiple public and private entities have been shown to have the biggest impact.
- **The long-standing public programs that maintain important safety nets over time and that move 310,000 Utahns above the poverty line each year, reducing the poverty rate from 20.6 percent (before counting government benefits and taxes) to 9.5 percent.** Nearly a third of those rescued from poverty are children. These essential programs include Social Security, SNAP (formerly food stamps), the federal Earned Income Tax Credit and Child Tax Credit, and federal rental assistance.

Recommendations

- **Early realization of the Salt Lake County Collective Impact program's goal to develop and implement a 10-year initiative to end child homelessness.**¹⁷ This will require continuing financial support from the state legislature and active

participation from the many community organizations that have joined in the Collective Impact process.

- **Expansion of diversion programs that keep people out of shelters**, such as the successful program initiated last year by the Salt Lake Community Action Program. Counselors in that program were able to divert 49% of families arriving at the door of the Road Home Shelter to alternate housing arrangements, and when necessary, connect them with the services and financial assistance to help them return to permanent housing.
- **Collective efforts from all sectors of government as well as nonprofits and corporations to make more low-cost housing available to ease the current housing crisis.** The federal government provides a limited number of tax credits for developers to build low-income rental units.¹⁸ We support Senator Hatch's proposal to significantly increase the number of these credits, which usually cover about 75% of construction costs. Programs such as the Olene Walker Housing Trust Fund and the Salt Lake City Housing Trust help with additional "gap" financing. Salt Lake County's *Pay for Success* program, in which participating corporations fund housing and other projects, and forego repayment if agreed upon performance goals are met, demonstrates a promising new approach.
- **Significant expansion of case management services.** These services help clients obtain housing, gain and maintain employment, and access educational opportunities and healthcare. This greatly increases the likelihood that these clients will be able to stay in their current homes. While a number of local agencies currently offer such services, caseloads are much too large, and the majority of potential clients are still not served.
- **Creation of a mix of facilities to meet the various needs that lead to homelessness.** The current "one size fits all" intake process for homeless services does not work well. The Salt Lake City Council's recent vote to create four homeless intake centers, each housing 150 clients, and each serving a separate special needs population, is a helpful step in this direction. At the same time, we see a continuing need to maintain a centrally located, low barrier shelter for emergency situations that in all reality can be expected to occur regardless of increased efforts.
- **Creation of a state-based Earned Income Tax Credit (EITC), now offered by 26 other states. We join the American Enterprise Institute and the Sutherland Institute in this recommendation.** Although the federal EITC program is helpful to low income residents, a state EITC would move additional families out of poverty and reduce the impacts of poverty on developing children.

Participatory Governance

Utah Citizens' Counsel Transparent, Ethical, and Participatory Governance Committee

Article 7. All Utahns have the right to transparent and ethical governance as well as effective participation in the democratic process.

Introduction

Last year's report focused on three needs: 1) redistricting, to reduce the power of one-party governance, 2) campaign finance reform, to reduce the outsized influence of big money, and 3) a more inclusive nominating process than the caucus/convention systems of the two major political parties. We believe that these unfinished pieces of business remain the most important to address in this year's report. Reform in each area would produce the greatest improvement in the functioning of our democratic republic.

Redistricting

As last year's report described, Utah's current legislative districts do not fairly represent Utah voters or their policy preferences. Republicans constitute 83% of the state legislature while representing about two-thirds of the state's voters.¹ The current gerrymandering of election districts has resulted in one-party monopolies across the nation's congressional and state legislative districts, inhibiting the ability to reach compromise among competing interests. It also has tended to result in more polarization of party positions, reducing the role both of moderate Republicans and moderate Democrats. **Democracy should mean that voters pick their elected representatives rather than the present system where our elected representatives pick their voters.**

David Daley, in his book *Ratf**cked: The True Story Behind the Secret Plan to Steal America's Democracy*, makes a persuasive case, based on detailed evidence, that **polarization across the country has resulted from sophisticated gerrymandering** by the political party with majority power in state elections since 2010--the Republican Party.² Utah has been no exception. Republicans with right-wing ideologies have been capturing more than their fair share of Utah's state and federal legislative districts.³

The best way to address the self-serving problem of the majority party and incumbents protecting themselves when they redistrict every ten years is to **introduce independent, nonpartisan redistricting commissions** in the states--that is, take away the process of redistricting from the political parties. Many states have confronted the need for redistricting directly. Six states currently have independent commissions with primary responsibility for drawing district lines; seven have political commissions.⁴ Five states have advisory commissions to recommend the boundaries to their state legislatures, and at least five have backup commissions made up of political officials or individuals appointed by political leaders who draw the district lines if their legislatures are unable to agree on a plan.⁵ Iowa has its own unique redistricting system.⁶ Five other states have reform efforts underway,⁷ and six more have lawsuits pending about their state's redistricting plan on racial or partisan grounds.⁸

Although achieving an independent Utah redistricting commission would be difficult, it is likely to address the problem of one-party governance more effectively than any other single reform. Under the federal constitution, no bar exists to establishing independent redistricting commissions where state law allows them. The U.S. Supreme Court upheld Arizona's commission, established by voter initiative, as constitutional under the federal election clause.⁹ The voters' exercise of the legislative function was deemed co-equal to that of the Arizona Legislature.

Utah's Constitution also allows citizens to exercise legislative power through the use of the initiative process. It states:

The Legislative power of the State shall be vested in (a) a Senate and House of Representatives which shall be designated the Legislature of the State of Utah; and (b) the people of the State of Utah as provided in Subsection (2).

(2)(a)(i) The legal voters of the State of Utah, in the numbers, under the conditions, in the manner, and within the time provided by statute, may: (A) initiate any desired legislation and cause it to be submitted to the people for adoption upon a majority of those voting on the legislation, as provided by statute¹⁰

Arizona's Constitution provides for amendments to its constitution by initiative; Utah's Constitution has no such provision. Therefore, a Utah independent redistricting commission might have to be established by statute, whether by initiative or passage by the Legislature.¹¹ Although Utah statutory conditions make it difficult to obtain the required number of initiative petition signatures to get on the ballot, it is not impossible. A broad coalition of supporters, with sufficient financing and organization, could write and submit a petition in time to place it on the 2018 ballot. Without such an initiative, we believe that our democracy is threatened by a legislature that is frequently unreceptive to public needs, and one-party rule is likely to continue.

Advisory redistricting commission bills were introduced in the 2016 legislative session, but no action was taken. Even if a bill passed, UCC doubts that advice from a nonpartisan advisory commission would be followed by the Legislature if the result was to undermine the power of the party in power. The bills, however, kept the issue of redistricting alive, as did a legislative resolution--not adopted--to broaden the criteria for redistricting.

Utah's Caucus/Convention System

Utah is one of only a few states to retain the caucus/convention system; others have direct primaries by the voters. The Count My Vote compromise (see last year's UCC report) allowed signature gathering as an alternative way to get on the primary ballot for those who did not gain sufficient votes in party conventions. The Republican Party, after losing its court cases challenging the compromise bill (SB 54), announced it would not file an appeal but would try to modify the law in the upcoming legislative session. Among other changes sought, the Party said it wanted control of candidate selection when the primary election did not produce a clear majority vote for one person.¹² Turning plurality votes back to the party for candidate selection, however, would undermine the basic purpose of SB 54.

Last year, we urged sufficient years of experience before modifying SB 54. It is still early to know how SB54 will affect future elections. The *Salt Lake Tribune* and *Deseret News* continue

to support SB 54,¹³ and the *Deseret News*, in an August 2016 editorial, expressed hope that opening up the nominating process would help more women gain legislative seats.¹⁴

The Utah Republican Party conducts a closed primary election; only registered Republicans can vote. The Utah Democratic Party conducts an open primary. **Closed primaries deny representation by nonaffiliated voters** in the selection of legislative candidates. Some states have a partially open primary, allowing nonaffiliated voters (but not registered members of an opposition political party) to participate. IndependentVoting.org, a national group organized in 30 states, is fighting the disenfranchisement of independent voters, who outnumber members of both the major political parties.¹⁵ It supports "top-two" nonpartisan primaries, in which all voters can choose any candidate without regard to party. Such primary election processes are already used in Louisiana, California, and Washington State.¹⁶ South Dakota had a similar measure on the ballot this year, but it was defeated.¹⁷

Campaign Finance Reform

Real reform of campaign financing is difficult to achieve, among other reasons because of a 2010 Supreme Court decision.¹⁸ *Citizens United v. Federal Election Commission* allowed corporations and unions to spend unlimited amounts of money in support of election candidates as long as not coordinated with individual campaigns.

Overturing *Citizens United* would be a start but would not prevent large amounts of "dark money" (undisclosed donors to 501(c)(4) nonprofits)¹⁹ in elections. Tax exemption given to other "527" groups (nonprofits with unlimited funding potential in elections whose donors must be disclosed) would also survive. Big money infects campaigns up and down the line.²⁰ By and large, middle and working classes don't contribute to campaigns. (The Sanders presidential campaign was an exception.) By May 31, 2016, 37% of political donations--\$462 million--had flowed to super PACs alone.²¹ Growing public frustration with the lack of campaign finance reform has increased distrust of democracy. Without finance reform, the possibility of actual oligarchical control of this country, whether by one party or big business interests, also increases. Ordinary citizens feel like their needs count far less than the preferences of those with money to influence lawmakers on key legislation.

Enforcing the requirement that super PACs remain independent of political campaigns is difficult because the PACs have various camouflaged ways to coordinate. For instance, they can share the same consultants and advertisers, and they can sell their data to the campaign.²² Money from super PACs also can influence the minds of voters through ads, canvassing, and get-out-the-vote (GOTV) campaigns. In other words, Super PACs influence not only lawmakers but voters.²³

Action in 19 states and more than 680 local governments supports a constitutional amendment to overturn *Citizens' United*.²⁴ New York became the first state with at least one Republican state legislative chamber (the state Senate) to call for a constitutional amendment to overturn *Citizens United*.²⁵ Other states with ongoing efforts include Arkansas, Minnesota, Nebraska, and New Hampshire.²⁶

An amendment to the U.S. Constitution would be difficult to adopt, but short of that, steps could be taken to rein in spending by special interests: Federal legislation should require disclosure of dark money and campaign contributions by government contractors, and blocks on

communications between so-called "independent" groups and political campaigns.²⁷ Another option would be a revitalization of public financing of federal campaigns²⁸ and a public financing mechanism for state campaigns in Utah. For instance, South Dakota passed a ballot measure to create a \$50 tax credit that each voter can use to donate to a political candidate. South Dakota also banned campaign contributions of more than \$100 from lobbyists and state contractors and requires that independent groups disclose their top five contributors to political ads and electioneering communications within 60 days of an election.²⁹ Seattle's reform was described in last year's UCC report. In 2015, the Salt Lake City Council passed campaign contribution limits on individuals and groups--\$3500 in the aggregate for the mayor's race and \$750 for Council races.³⁰ This was a beginning.

Commendations

- **Efforts by three legislators**, Chavez-Houck, Iwamoto, and Nelson, to pass legislation or rules seeking to constrain gerrymandering, although we do not believe anything short of an Independent Redistricting Commission will achieve state-level nonpartisanship
- **Introduction of bills to limit campaign contributions** by Democratic Representative Brian King and former Republican Representative Kraig Powell
- **Contribution limits for Salt Lake City mayoral and city council races**
- **Representative Greg Hughes' efforts to require disclosure** for nonprofits who engage in electioneering, even though the bill was challenged then gutted by a settlement
- **Salt Lake County's successful advisory redistricting commission and process**

Recommendations

- **A broad coalition of good government groups should underwrite an initiative petition establishing an independent, nonpartisan redistricting commission**, with preliminary study of the most feasible approach to such a process and commission.
- **The Gardner Policy Institute at the University of Utah, or a similar research group, should study campaign financing reform options** to ascertain the best way to limit campaign contributions and encourage smaller donors to become involved in elections.
- **The Legislature should establish legal state disclosure requirements** for 501(c)(3) and 501(c)(4) nonprofits. California's new disclosure law or New York's disclosure regulations could serve as models.
- **The Republican Party should be encouraged to open its primary elections to nonaffiliated voters. Alternatively, Utah should adopt a direct primary.**
- **The Legislature should allow SB 54 to remain as presently written, allowing more experience to ascertain its impact on voters and the democratic process.**

Endnotes for Article 1-7 Reports

Endnotes for Article 1 (Immigration)

¹ Adam Liptak and Michael Shear, "Supreme Court Tie Blocks Obama Immigration Plan," *New York Times*, June 23, 2016, accessed August 24, 2016, http://www.nytimes.com/2016/06/24/us/supreme-court-immigration-obama-dapa.html?_r=0.

² Ibid.

³ Mariah Noble, "Utah County Jail to End ICE Contract Due to Overcrowding," *Salt Lake Tribune*, August 17, 2016, accessed August 26, 2016, <http://www.sltrib.com/home/4244360-155/utah-county-jail-to-end-contract>.

⁴ Marjorie Cortez, "Report: Immigrant Labor, Innovation and Entrepreneurship Are Critical Components of Utah Economy," *Deseret News*, August 4, 2016, accessed August 16, 2016, <http://www.deseretnews.com/article/865659374/Report-Immigrant-labor-innovation-and-entrepreneurship-are-critical-components-of-Utah-economy.html?pg=all>.

⁵ "The Contributions of New Americans in Utah," *The Partnership for a New American Economy*, August 2016, accessed August 25, 2016, <http://www.renewoureconomy.org/wp-content/uploads/2016/10/nae-ut-report.pdf>. For a recent article on trends in Utah and other states over the past seven years, see the report by Jeffrey S. Passel and D'Vera Cohn, "Size of U.S. Unauthorized Immigrant Workers Stable After the Great Recession," November 3, 2016, *Pew Research Center: Hispanic Trends*, accessed November 26, 2016, <http://www.pewhispanic.org/2016/11/03/size-of-u-s-unauthorized-immigrant-workforce-stable-after-the-great-recession/>.

Endnotes for Article 2 (Environmental Health)

- ¹ “Paris Agreement - Status of Ratification,” *United Nations Framework Convention on Climate Change*, accessed November 30, 2016, http://unfccc.int/paris_agreement/items/9444.php. On October 5, 2016, the threshold for entry into force of the Paris Agreement was achieved. As of November 30, 115 parties to the convention had ratified the agreement. The UN Paris agreement went into force on November 4, 2016.
- ² “Paris Agreement,” accessed October 12, 2016, https://en.wikipedia.org/wiki/Paris_Agreement. This lists the conditions for the agreement, the signatories, and ratifying nations.
- ³ “Clean Power Plan for Existing Power Plants,” *U.S. Environmental Protection Agency*, accessed October 12, 2016, <https://www.epa.gov/cleanpowerplan/clean-power-plan-existing-power-plants>. On February 9, 2016, the Supreme Court stayed implementation of the Clean Power Plan pending further judicial review.
- ⁴ Samantha Page, “California Governor Signs Ambitious Renewable Energy Bill into Law,” *Think Progress*, October 7, 2015, accessed October 30, 2016, <https://thinkprogress.org/california-governor-signs-ambitious-renewable-energy-bill-into-law-255adbb6a378#.2qyac95xm>. This bill mandates that state-regulated electric utilities obtain 50% of their energy from renewables by 2030. Also it requires a 50% increase in energy efficiency in buildings by 2030.
- ⁵ Robert Gehrke, “New Bill Would Have Utah Taxpayers Invest \$51 Million in California Coal Port,” *Salt Lake Tribune*, February 29, 2016, accessed October 30, 2016, <http://www.sltrib.com/home/3599136-155/new-bill-would-have-utah-taxpayers> . . .
- ⁶ “Alternative Fuel and Fuel-Efficient Vehicle Tax Credit,” *U.S. Department of Energy, Alternative Fuels Data Center*, accessed October 30, 2016, <http://www.afdc.energy.gov/laws/4758>. Through 2017, new electric, natural gas, and propane vehicles registered in Utah are eligible for an income tax credit of 35% of the vehicle purchase price, up to \$1,500. Plug-in hybrid electric vehicles (PHEVs) will be eligible for a tax credit of \$1,000. Leased electric, natural gas, and propane vehicles are eligible for a tax credit on a prorated basis up to \$1,500. Leased plug-in hybrid electric vehicles will be eligible for a prorated tax credit up to \$1,000. For additional information, including eligible vehicles and restrictions, see the *Utah Department of Environmental Quality* website, accessed November 30, 2016, <http://www.deq.utah.gov/ProgramsServices/programs/air/cleanfuels/taxcredits/taxcreditsintro.htm>. See also House Bill 87(2016), <http://le.utah.gov/~2016/bills/static/HB0087.html>, and Utah Code 19-1-406, 59-7-605, and 59-10-1009.
- ⁷ “2015 International Energy Conservation Code,” *International Code Council*, accessed October 14, 2016, <http://codes.iccsafe.org/app/book/toc/2015/I-Codes/2015%20IECC%20HTML/index.html>.
- ⁸ Brian Maffly, “Environmental Leaders: Tier 3 Fuels Still a Long Way Away,” *Salt Lake Tribune*, February 17, 2016, accessed October 14, 2016, <http://www.sltrib.com/news/1710714-155/sulfur-tier-iii-refineries-lake-salt> . . .
- ⁹ “What You Need to Know About Tier 3,” *UCAIR*, accessed October 16, 2016, http://www.ucair.org/hot_topics/what-you-need-to-know-about-tier-3/.
- ¹⁰ Howie Garber, “UDOT Discounted Safety Data to Raise Speed Limits,” Op-Ed, *Salt Lake Tribune*, July 25, 2016, accessed October 30, 2016, <http://www.sltrib.com/opinion/4138179-155/op-ed-udot-discounted-safety-data-to> . . .
- ¹¹ “Standing Up for Utah’s Needs 2015,” *2015 Utah Citizen’s Counsel Report*, 16, accessed October 16, 2016, <http://www.utahcitizenscounsel.org/wp-content/uploads/2016/02/UCCAnnualReport2015.pdf>. This offers rationale for reducing speed limits. See also new data on vehicle crashes in Appendix of the present report.
- ¹² See the Salt Lake City website, SLCgreen, for the extensive sustainability efforts by the city, accessed October 16, 2016, <http://www.slcgreen.com>.
- ¹³ Utah Clean Air Coalition (UCAIR) is housed in the Utah State Department of Environmental Quality, accessed October 16, 2016, <http://www.ucair.org/>.
- ¹⁴ This website provides information for subscribing to their solar power system, accessed October 14, 2016, <https://www.rockymountainpower.net/subscriber>.
- ¹⁵ “Income Tax Contribution for Clean Air,” H.B. 237. This bill establishes a Clean Air Fund based on a voluntary tax contribution to promote better air in Utah, accessed October 30, 2016, <http://le.utah.gov/~2016/bills/static/hb0237.html>.

¹⁶ Brian Maffly, "University of Utah Faculty Vote to Dump Fossil Fuel Investments," *Salt Lake Tribune*, May 3, 2016, accessed October 16, 2016, <http://www.sltrib.com/news/3848394-155/university-of-utah-faculty-vote-to...>

¹⁷ Gail Blattenberger and Gabriel Lozada, Letter to Governor Gary Herbert from 19 university economics faculty stating their concerns that Utah taxpayers will ultimately be required to pay for 72% or more of the costs to build and maintain the Lake Powell Pipeline (2016), accessed October 23, 2016, <http://utahrivers.org/wp-content/uploads/2016/09/2016-Letter.pdf>.

¹⁸ Wayne Wurtsbaugh, et al, "Impacts of Water Development on the Great Salt Lake and the Wasatch Front," *Watershed Sciences Faculty Publications* (2016), accessed October 23, 2016, http://digitalcommons.usu.edu/wats_facpub/875/.

¹⁹ "A Performance Audit of Projections of Utah's Water Needs," *Office of the Legislative Auditor General*, 2015, accessed October 19, 2016, http://le.utah.gov/audit/15_01rpt.pdf.

²⁰ Ibid.

²¹ "How Utah Water Works: An Overview of Sources, Uses, Funding, and Pricing," *Office of Legislative Research and General Counsel*, 2012, accessed October 20, 2016, <http://le.utah.gov/interim/2012/pdf/00002706.pdf>.

²² "Population and Demographic Trends in Utah," *Office of Legislative Research and General Counsel*, May 2015, accessed October 20, 2016, <http://le.utah.gov/interim/2015/pdf/00002536.pdf>.

²³ "A Performance Audit."

²⁴ Ibid.

²⁵ "Infrastructure Funding Amendments," Senate Bill 80, 2016 General Session, accessed October 21, 2016, <http://le.utah.gov/~2016/bills/static/SB0080.html>. Also a news article by Don Gilman, "Adams' Bill Passes, Redirects Funds Towards Lake Powell Pipeline, Other Water, Education Projects," *St. George News*, March 11, 2016, accessed October 21, 2016, <http://www.stgeorgeutah.com/news/archive/2016/03/11/djg-adams-bill-aims-to-fund-lake-powell-pipeline-other-water-projects/#.WAFqdqvDq4Q>.

²⁶ Karl E. Havens and Hans W. Paerl, "Climate Change at a Crossroad for Control of Harmful Algal Blooms," *Environmental Science & Technology* 49 (2015), 12,605-06. J. M. O'Neil et al, "The Rise of Harmful Cyanobacteria Blooms: The Potential Roles of Eutrophication and Climate Change," *Harmful Algae* 14 (2012), 313-34. Hans W. Paerl and Jef Huisman, "Climate Change: A Catalyst for Global Expansion of Harmful Cyanobacterial Blooms," *Environmental Microbiology Reports* 1 (2009), 27-37. Hans W. Paerl et al, "Mitigating Cyanobacterial Harmful Algal Blooms in Aquatic Ecosystems Impacted by Climate Change and Anthropogenic Nutrients," *Harmful Algae* 54 (2016), 213-22.

²⁷ "A Performance Audit."

²⁸ Ibid.

Endnotes for Article 3 (Public Education)

¹ See tables prepared by Douglas MacDonald in Appendix 1. The Utah Foundation has come up with similar figures. See Benjamin Wood, "Tax Policies Shortchange Utah Schools \$1.2B a Year," *Salt Lake Tribune*, November 29, 2016, A1. As noted in the article, the Utah Foundation reported that Utah's funding effort "was ranked seventh in the nation in the mid-1990s. It has since dropped to 37th." Ibid, A4. The full Utah Foundation report is available at <http://www.utahfoundation.org/reports/getting-less-two-decades-k-12-education-revenue-spending/>. See also "Easing the Burden: Utah Tax Burden Taking Lowest Share of Income in 20 Years," *Utah Foundation*, January 14, 2015, accessed June 10, 2016, http://www.utahfoundation.org/report_category/taxes/.

² "Governor's Position on Education," accessed September 22, 2016, [education.html](http://www.utah.gov/governor/priorities/)
<http://www.utah.gov/governor/priorities/>.

³ "Individual Income Tax FY 1931-2015," *Utah State Tax Commission*, accessed September 22, 2016, <http://tax.utah.gov/econstats/history>.

⁴ Estimates supplied by Juliette Tennert, Kem C. Gardner Policy Institute; and Richard Kendell, Education First.

⁵ Utahpolicy.com, accessed September 2016, <http://utahpolicy.com/index.php/features/today-at-utah-policy/10242-utahns-overwhelmingly-support-income-tax-increase-to-fund-public-education>. See also Envision Utah's pamphlet, *Utahns' Vision for 2050, Education (2016)*, 27. As we know, the construction of poll questions can influence the outcome of a poll. A recent online poll by Envision Utah revealed how the public misunderstands school spending and believes that the percent of funds spent on school administration is far higher than it actually is. This particular poll found that only a bare majority supported a tax increase. Benjamin Wood, "Survey on Funding Shows Utahns Mistrust Schools, Administrators," *Salt Lake Tribune*, October 9, 2016, B1. It is likely that any proposed tax increase would need an extensive, accurate, and effective marketing campaign.

⁶ Annie Knox, "Utah Needs Teachers, but College Students Don't Want to Major in Education," *Salt Lake Tribune*, February 7, 2016, accessed September 2016, <http://www.sltrib.com/home/utah-needs-teachers-but-college-students>.

⁷ David J. Sperry, "An Educational Initiative for the State of Utah," a report submitted to the Utah K-16 Alliance from its special task force on teacher shortages (March 2007). A second Sperry report entitled "Report on Teacher Education Supply-Demand Needs of K-12 Education in the State of Utah" was submitted Fall 2007. These reports were preceded by a 2006 survey, from the same task force, of Utah teacher colleges and school districts. The reports identified looming teacher shortages and made recommendations to address them. University of Utah Professor Sperry, who headed the task force, was a scholar in residence at the Utah State Board of Regents at the time this work was done.

⁸ "At First Glance: Teachers in Utah," *Utah Education Policy Center, University of Utah 2* (2016), accessed September 21, 2016, www.uepc.utah.edu/documents/uepc_teacher_shortages.pdf.

⁹ "2012-2013 Average Starting Salaries by State," *National Education Association*, accessed September 24, 2016, <http://www.nea.org/home/2012-2013-average-starting-teacher-salary.html>. Compared to other western states, Utah's starting salary was a little higher than that of Arizona, Colorado, Idaho, and Montana, but lower than Nevada's (\$35,000 plus) and far lower than Wyoming's (\$43,000 plus).

The average salary (not starting salary) for all Utah teachers was \$49,393 in 2012-13, about 7% below the national average of \$53,648. "Teaching Salary by State," *Teacher Portal*, accessed September 24, 2016, <http://www.teacherportal.com/teacher-salaries-by-state>. The percentage below the national average was calculated by Bonneville Research. The national average for all states combined was calculated by Dixie Huefner.

¹⁰ "In No State Are Teachers Paid More Than Other College Graduates," *Economic Policy Institute*, Figure G, August 9, 2016, accessed September 17, 2016, www.epi.org/publication/the-teacher-pay-gap-is-wider-than-ever-teachers-pay-continues-to-fall-further-behind-pay-of-comparable-workers/.

¹¹ Jennifer Throndsen (USBE Elementary Literacy Coordinator), Interview with Dixie Huefner et al., August 16, 2016, and September 21, 2016; Tracy Gruber (Director, DWS Office of Child Care), Interview with Huefner et al., August 22, 2016 (notes in Huefner possession)

¹² Ibid. The Intergenerational Welfare Reform Commission's 2016 Annual Report provides somewhat higher estimates.

¹³ Ibid. Precise data are not available. Although several thousand preschoolers are being served through HB 96, SB 101, Head Start, and Title I, all administrators of these programs agree that there is a long way to go before all at-risk preschoolers are served.

¹⁴ Gregory Camilli et al., "Meta-Analysis of the Effects of Early Education Interventions on Cognitive and Social Development," *Teachers College Record* 112 (No.3) (2010), 579-620. (The article examines 123 comparative studies on early childhood interventions.) The authors concluded that positive effects were produced for cognitive outcomes, social skills, and school progress. The authors also stated that "specific aspects of the treatment that positively correlated with gains included teacher-directed instruction and small group instruction." See also Bruce Bradbury, et al., *Too Many Children Left Behind* (New York: Russell Sage Fd., 2015); Bette Chambers et al., "Literacy and Language Outcomes of Comprehensive and Developmental-Constructivist Approaches to Early Childhood Education: A Systematic Review," *The Best Evidence Encyclopedia*, accessed September 25, 2016, www.bestevidence.org; "The Research in Pre-K," *Center for Public Education*, accessed September 25, 2016, <http://www.centerforpubliceducation.org/Main-Menu/Pre-kindergarten/Pre-Kindergarten>.

¹⁵ Throndsen, e-mail message to Huefner, September 6, 2016.

¹⁶ Camilli et al., "Meta-Analysis."

¹⁷ There is no common assessment of kindergarten readiness across the country, or of performance outcomes for pre-K. Many different assessments are in use across the country, some that can be used beyond kindergarten, and some directed at 3 to 5-year-olds. California developed the DRDP-K (2015) for use with transition-K and kindergarten students; it is aligned with Common Core State Standards for kindergarten. Among other assessments in use across the country are the Teaching Strategies GOLD Assessment System, which is designed for children from birth through kindergarten; the Early Learning Scales (ELS) for 3 to 5-year-olds, and the Work Sampling System (WSS) for 3-year-olds to 6th graders. Portfolios of student work and observations of developmental progress in specific areas are key components of these approaches, but some of these assessments measure more domains than others. Material describing these assessments was provided by Celia Ayala, retired CEO, Los Angeles Universal Preschool (LAUP), Summer 2016. Seattle Public Schools (SPS) is currently developing its assessment system. Seattle voters in 2014 approved an initiative to fund high quality preschool throughout the city. SPS is collaborating with the city's Department of Education and Early Learning to manage eight public preschool classrooms. See <http://www.seattleschools.org/cms/One.aspx?portalId=627&pageId=9084716>, accessed September 25, 2016. SPS is developing a 4-stage approach to evaluation: 1) quality standards, 2) processes that support quality improvements, 3) child outcomes, and 4) administrative oversight and implementation. Material on "2015 Evaluation Strategy" was provided by Erica Johnson, Senior Early Learning Policy Adviser, Seattle Public Schools, Summer 2016.

¹⁸ The University of Utah co-sponsored an Early Childhood Education Symposium on September 26, 2016. Other sponsors were Salt Lake County, Salt Lake City, Granite School District, Salt Lake City School District, Head Start, and United Way. Discussion of effective practices, financing options, and program evaluation were all included in the day-long event.

¹⁹ See, e.g., "Starting Out Right: Pre-K and Kindergarten at a Glance," *Center for Public Education*, February 2012, accessed September 25, 2016, www.centerforpubliceducation.org/Main-Menu/Organizing-a-school/Starting-Out-Right-Pre-K-and-Kindergarten. This study found even higher gains for those who attended pre-K and half-day kindergarten than for those who attended only full-day kindergarten. The study did not measure outcomes for those who attended pre-K and full-day kindergarten.

Endnotes for Article 4 (Health)

¹ Comparing the economically advanced members of the Organization for Economic Co-operation and Development (OECD).

² Morone, a primary historian of the politics of health policy, described recent difficulties: “Partisan politics snarled both the passage and the implementation of the Affordable Care Act . . . Partisanship itself has been essential for American democracy, but American institutions were not designed to handle its current form—ideologically pure, racially sorted, closely matched parties playing by ‘Gingrich rules’ before a partisan media. The new partisanship injects three far-reaching changes into national health policy: an unprecedented lack of closure, a decline in the traditional political arts of compromise and bargaining, and a failure to define and debate alternative health policies.” He further explained with two quotes:

Let me warn you in the most solemn manner against the baneful effects of the spirit of party. . . . The disorders and miseries which result . . . always distract the public councils and enfeeble the public administration.

George Washington, “Farewell Address,” September 1796

If we are able to stop Obama on this, it will be his Waterloo. It will break him.

Senator Jim DeMint, July 2009

James A. Morone, “Partisanship, Dysfunction, and Racial Fears: The New Normal in Health Care Policy?” *Journal of Health Politics, Policy and Law* 41 (no.4) (2016), 827-46, accessed August 2016, doi:[10.1215/03616878-3620965](https://doi.org/10.1215/03616878-3620965).

³ Marc Lalonde, “*A New Perspective on the Health of Canadians: A Working Document*” (Ottawa, Department of National Health and Welfare, 1974).

⁴ Examples this year include: education (management of health costs should be a major determinant of public and private financial resources to support education, and education is a primary correlate of healthy life styles); governance (campaign finance reform may be crucial for the correction of dysfunctional incentives affecting health care and health); personal security (public safety is a crucial and sought-after determinant of health); environment (disease prevention provides a primary justification for the priorities given to reducing air and water pollution and even for city planning [e.g., *Village of Euclid v. Ambler Realty Co.*, 272 U.S. 365 (1926)], accessed November 2016, https://en.wikipedia.org/wiki/Village_of_Euclid_v._Ambler_Realty_Co.); social services (health is a primary determinant of the need for economic and social safety nets, while poverty and behavioral health difficulties are important determinants of poor physical and behavioral health [James S. House, “Social Determinants and Disparities in Health: Their Crucifixion, Resurrection, and Ultimate Triumph(?) in Health Policy,” *Journal of Health Politics, Policy and Law*, 41 (no. 4) (2016), 599-626, accessed August 2016, doi:[10.1215/03616878-3620845](https://doi.org/10.1215/03616878-3620845)).

⁵ Sarah Marchand, Daniel Wikler, and Bruce Landesman, “Class, Health, and Justice,” *The Milbank Quarterly* 76, (no.3) (1998), 449-468. The authors raise the question of whether socioeconomic disparities constitute injustice because (1) social inequality fails to maximize total community health, (2) unequal health is itself unfair, (3) justice requires emphasizing improvement of the health of the least advantaged group, and (4) justice requires giving priority to the sickest individuals.

⁶ “Health,” in *Standing Up for Utah’s Needs 2015*, Utah Citizens’ Counsel, 26, accessed October 2016, <http://www.utahcitizenscounsel.org/>.

⁷ *Ibid.*, 27.

⁸ *Ibid.*, 27-28

⁹ “America’s Health Rankings,” accessed October 2016, <http://www.americashealthrankings.org/explore/2015-annual-report/measure/Overall/state/UT>.

¹⁰ Douglas McCarthy et al., “Aiming Higher: Results from a Scorecard on State Health System Performance, 2015 Edition,” *The Commonwealth Fund*, accessed December 2015, http://www.commonwealthfund.org/~media/files/publications/fund-report/2015/dec/2015_scorecard_v5.pdf, Appendix Exhibit B1, 26.

¹¹ *Ibid.*, 2.

¹² *Ibid.*, 27.

¹³ Some members of the Utah Legislature expressed concern that the enhanced financing provided under the ACA (Affordable Care Act, also referred to as “ObamaCare”) for the Medicaid expansion population will be withdrawn.

However, there is no precedent for such a reduction in federal financial participation under the Medicaid or CHIP programs. Many states, however, are conditioning their coverage expansions on a continuation of the 90% federal financing. While the UCC agrees that it is very difficult to cut or eliminate Medicaid programs after an eligibility expansion, these are the hard decisions that the citizens of the state expect our political leaders to address. If such an automatic elimination of the expansion were required by a federal funding reduction, it would be up to a future legislature to decide through typical legislative processes the fate of the program, considering other state priorities and available state dollars.

The financial benefits of expansions are coming more into focus as states gain more experience. Legislatures and governors have sponsored studies of the expansion, and other independent studies have been undertaken. Even though enrollment is higher than expected in many states, these studies still generally show positive economic benefits to the states. State experiences differ because states differ in program and implementation. We suggest that topics to which Utah should give further consideration are how changes in base programs could save state dollars and how the infusions of additional federal money for full Medicaid expansion compare with the economic development of other state programs. A discussion by Sven Wilson of the potential multiplier effects concludes, while “highly skeptical of (large) multipliers (commonly used, in) a full cost-benefit framework where the *direct* benefits of spending on health insurance is [sic] so high, these *indirect* benefits are hardly needed to tip the balance in favor of Medicaid expansion.” Sven E. Wilson, “Economic Perspectives on Utah Medicaid Reform under the ACA,” 28-9, accessed December, 2016, <https://medicaid.utah.gov/Documents/pdfs/MedExpansionOption/EconomicPerspectives.pdf>, 28-9.

¹⁴ Michael Stapley, “My View: Because We’re All Dependent, Utah Should Pass Health Care Reform,” *Deseret News*, July 19, 2015, accessed November 20, 2015, <http://www.deseretnews.com/article/865632894/Because-were-all-dependent-Utah-should-pass-health-care-reform.html>.

¹⁵ McCarthy et al, “Aiming Higher,” 6.

¹⁶ Jordan Everson and Julia Adler-Milstein, “Engagement in Hospital Health Information Exchange Is Associated with Vendor Marketplace Dominance,” *Health Affairs* 35 (no.7) (2016), 1286-293, accessed August 2016, doi:10.1377/hlthaff.2015.1215.

¹⁷ “Health,” in *Standing Up for Utah’s Needs 2015*, Utah Citizens’ Counsel (2015), endnotes 25, 34. This builds upon Lalonde, *A New Perspective on the Health of Canadians* (Ottawa, Minister of Supply and Services, 1974). The concept has ancient roots and various components of emphasis, such as the socioeconomic environment (House, “Social Determinants and Disparities in Health,” accessed December 2016, doi:10.1215/03616878-3620845). The importance to health of socioeconomic conditions and disparities has a continuing though so-far relatively quiet exposition in the past half century. It is a concern of Lalonde’s 1971 health field concept. As House reports, it was more specifically addressed in Britain in the “Black Report” commissioned by the Labor government and when completed delivered to the new Conservative government of Margaret Thatcher “which issued 250 copies on a bank holiday with a preface by the secretary of health that essentially said that the new administration was not sure it believed the commission’s findings, and, even if it did, it could do nothing about them. Reissued by Penguin Press, the report became a sensation in social epidemiology in the United Kingdom and internationally.” House, “Social Determinants,” 608-09. It took on extended life in Europe in the 1990s as Margaret Whitehead and others reconfirmed and extended the findings, and was taken up in the U.S at a University of Utah conference that became the substance of an issue of *The Milbank Quarterly, A Journal of Public Health and Health Care Policy* 76 (no.3) (1998). By 2009 the report of the Robert Wood Johnson Foundation’s Commission to Build a Healthier America could be summarized by House (above) as “the conditions in which people ‘live, work, and play’ shape their health far more than access to and utilization of modern medical care.” House’s 2016 article is part of a special issue of the *Journal of Health Politics, Policy and Law*: “Bringing the Social Sciences to Health Policy: An Appreciation of David Mechanic,” 41(no.4) (2016).

¹⁸ Laura McGovern et al., “The Relative Contribution of Multiple Determinants to Health,” *Health Policy Brief* August 21, 2014, http://www.healthaffairs.org/healthpolicybriefs/brief.php?brief_id=123.

¹⁹ Thomas McKeown, “The Role of Medicine: Dream, Mirage, or Nemesis?” *Nuffield Provincial Hospitals Trust* (London, 1976) 178, accessed November 26, 2016, http://www.nuffieldtrust.org.uk/sites/files/nuffield/publication/The_Role_of_Medicine.pdf.

²⁰ Such measurements raise many questions of what to include. This increases the importance and difficulty of transparency about these choices and about the methods of measurement. The measurement of the value of good health carried to extreme could be the Gross Domestic Product, though even that would not include household and family efforts, voluntary unpaid work, or the beauty of healthy children and adults.

²¹ McGovern et al., "The Relative Contribution."

²² We believe there has been significant improvement in patient-provider communication and involvement. It is an active element of health care change. See for example Paul D. Cleary, "Evolving Concepts of Patient-Centered Care and the Assessment of Patient Care Experiences: Optimism and Opposition," *Journal of Health Politics, Policy and Law* 41 (no.4) (2016), 675-96, accessed December 2016, doi:[10.1215/03616878-3620881](https://doi.org/10.1215/03616878-3620881). In Utah, a major effort to improve transparency and engagement is underway by HealthInsight.

²³ J.M. McGinnis et al., "The Case for More Active Policy Attention to Health Promotion." *Health Affairs* 21(no. 2) (2002) 78-93, accessed December 2016, doi:[10.1377/hlthaff.21.2.78](https://doi.org/10.1377/hlthaff.21.2.78). McGinnis is a senior scholar at the Institute of Medicine and the executive director of its Roundtable on Value & Science-Driven Health Care. His career is summarized on Wikipedia, accessed October 31, 2016, [https://en.wikipedia.org/wiki/Talk:J. Michael McGinnis](https://en.wikipedia.org/wiki/Talk:J._Michael_McGinnis). See also McGovern et al. This brief points out that "While the five categories of determinants of health are generally accepted as the major contributors to health, recent research has suggested that other factors have a strong and unique impact on health and might be considered as possible mechanisms linking direct and indirect determinants, or as determinants in their own right. . . For example, stress appears to have a direct effect on health outcomes and may influence the way in which a person responds to other determinants." Some important efforts in the expansion of health determinants to include social determinants are:

World Health Organization, "Social Determinants of Health: The Solid Facts," 2003, accessed October 12, 2016, http://www.euro.who.int/_data/assets/pdf_file/0005/98438/e81384.pdf?ua=1.

Robert Wood Johnson Foundation, "Beyond Health Care: New Directions to a Healthier America," April 2009, accessed October 12, 2016, <http://www.rwjf.org/content/dam/farm/reports/reports/2009/rwjf40483>.

Atul Gawande, "The Hot Spotters: Can We Lower Medical Costs by Giving the Neediest Patients Better Care?" *The New Yorker*, January 24, 2011, 41-51.

Paul Tough, "The Poverty Clinic," *The New Yorker*, March 21, 2011, 25-32.

A. Solar and E. Scali, "Social Determinants of Health 1," *WHO Paper Series*, 2010, accessed October 12, 2016, http://www.who.int/social_determinants/corner/SDHDP1.pdf?ua=1

A. Solar, and A. Irwin. "Social Determinants of Health 2," *WHO Paper Series*, 2010, accessed October 12, 2016, http://www.who.int/social_determinants/corner/SDHDP2.pdf?ua=1.

The growing attention given determinants is evidenced in the recent issue of *JAMA*, "Addressing Social Determinants of Health and Health Inequalities," 316 (no. 16) (October 25, 2016).

²⁴ "The Relative Contributions of Multiple Determinants of Health Outcomes," *Health Affairs*, Health Policy Brief, August 21, 2014, accessed October 5, 2016, http://www.healthaffairs.org/healthpolicybriefs/brief.php?brief_id=123.

²⁵ Institute of Medicine, Health and Behavior, *The Interplay of Biological, Behavioral, and Societal Influences* (Washington: National Academy Press, 2001).

²⁶ J.M. McGinnis et al., "The Case for More Active Policy Attention to Health Promotion," *Health Affairs* 21 (no. 2) (2002), 78-93, accessed December 2016, doi:[10.1377/hlthaff.21.2.78](https://doi.org/10.1377/hlthaff.21.2.78).

²⁷ Ibid.

²⁸ Ibid.

²⁹ This is a focus of a program at the University of Utah, in a collaborative partnership with Intermountain Healthcare that, interestingly, is highly multidisciplinary: <http://healthsciences.utah.edu/phc/>.

³⁰ McGinnis et al., "The Case for More Active Policy."

³¹ Ibid.

³² Ibid.

³³ Ibid.

³⁴ McKeown, "The Role of Medicine."

³⁵ J. P. Bunker et al., "The Role of Medical Care in Determining Health: Creating an Inventory of Benefits," in *Society and Health*, B.C. Amick III et al. eds. (New York: Oxford University Press, 1995), 305-41.

³⁶ The Centers of Medicare and Medicaid Services, December 03, 2015, accessed October 11, 2016, <https://www.cms.gov/Research-Statistics-Data-and-Systems/Statistics-Trends-and-Reports/NationalHealthExpendData/NationalHealthAccountsHistorical.html>. Utah's 2010-14 values were estimated based on the national growth rates.

³⁷ "Total Medicare Reimbursement per Enrollee, by Adjustment Type" (data are for 2012), *The Dartmouth Atlas of Health Care*, accessed October 11, 2016, <http://www.dartmouthatlas.org/data/table.aspx?loc=46&loct 2&ind=225>.

³⁸ Data being collected and assembled by the Utah Department of Health. Further information available from Norman Thurston, the Office of Health Care Statistics, Utah Department of Health, Salt Lake City, <http://stats.health.utah.gov/>.

³⁹ For examples, see:

Robert Wood Johnson Foundation, accessed December. 2016, <http://www.rwjf.org/>;
 Kaiser Family Foundation, accessed December 2016, <http://www.kff.org/>;
 Commonwealth Fund, , accessed December 2016, <http://www.commonwealthfund.org/>;
Journal of Health Politics, Policy and Law, accessed December 2016, <http://jhpl.dukejournals.org>, such as August 2016;
Health Affairs, accessed December 2016, <http://www.healthaffairs.org/>, such as July 2016;
 Brookings Institution, accessed December. 2016, <http://www.brookings.edu/topic/health-care-industry/>;
 American Enterprise Institute, accessed December 2016, <http://www.aei.org/policy/health-care/>.

⁴⁰ David Leonhardt, "Making Health Care Better," *New York Times Magazine*, November 3, 2009, accessed November 29, 2016, <http://www.nytimes.com/2009/11/08/magazine/08Healthcare-t.html>.

⁴¹ Brent C. James and Gregory P. Poulsen, "The Case for Capitation," *Harvard Business Review*, July-August 2016, 102-11; Michael E. Porter and Robert S. Kaplan, "How to Pay for Health Care," *Harvard Business Review*, July-August 2016, 88-100.

⁴² The University of Utah has established a Health Policy & Health Economics interdisciplinary faculty cluster, accessed December 2016, <http://www.utah.edu/faculty/hp/he/>, and in Health Sciences a related section on Health Economics in the Center for Clinical & Translational Science, accessed December 2016, <http://medicine.utah.edu/ccts/population-health/health-economics/index.php>.

⁴³ Vivian S. Lee et al., "Implementation of a Value-Driven Outcomes Program to Identify High Variability in Clinical Costs and Outcomes and Association with Reduced Cost and Improved Quality," *JAMA* 316 (no. 2) (September 13, 2016), 1061.

⁴⁴ Michael E. Porter and Thomas H. Lee, "From Volume to Value in Health Care: The Work Begins," *JAMA*, 316 (no. 2) (September 13, 2016), 1048. Significance also reviewed by Elizabeth Whitman, "Utah Program Shows Promise in Improving Healthcare Quality While Trimming Costs," *Modern Health Care*, September 13, 2016, accessed October 11, 2016, <http://www.modernhealthcare.com/article/20160913/NEWS/160919972>.

⁴⁵ This should not be a partisan issue; the full expansion will build Utah's economy, increase fairness, and improve health. These are solid reasons to expand, if expansion remains possible, with positive benefits being verified through the experience of other states. These include:

- Basic fairness in availability of coverage to tens of thousands of individuals who cannot otherwise obtain coverage and the benefits of access to care, financial solvency, and enhanced life choices.
- Improved access and use of healthcare.
- Positive economic impacts on the state economy with the influx of hundreds of millions of new dollars into the state--the same impacts seen with the federal dollars received from Hill Air Force Base, transportation funds, as well as the estimates for increased economic growth for large private businesses that choose to locate in Utah.
- Reductions in the amount of hospital and physician uncompensated care.
- The elimination of the work disincentives existing in the current coverage structure. The current program results in total loss of coverage for parents when income exceeds approximately 55% of the federal poverty level (FPL). Coverage cannot be obtained through the health insurance exchange until income reaches 100% of the FPL. This is a significant gap which is only partially addressed by the current proposed Medicaid demonstration application. This creates a significant disincentive to accept incremental increases in income; a relatively modest increase in income is likely to result in the complete loss of insurance coverage potentially worth thousands of dollars and tangible financial and health security. This is a far greater disincentive than the possible disincentive to increase income above the 133% threshold under expanded Medicaid where the individual becomes eligible for relatively affordable coverage with significant cost sharing reductions available through the Health Insurance Exchange, or where it becomes more likely that employer-based coverage will be available. It is tragically ironic that the current Medicaid demonstration proposal aggravates the current structural work disincentives by requiring the newly eligible

individual to have what amounts to zero income in order to qualify for critical treatment for individuals with severe health conditions. This approach requires people to quit work in order to access the benefits.

- Strengthening the safety net delivery system.
- Likely positive impacts to the health care state budget.

Literature on the impacts of Medicaid expansion has been summarized by the Kaiser Family Foundation: Larisa Antonisse et al, "The Effects of Medicaid Expansion under the ACA: Findings from a Literature Review," *The Kaiser Commission on Medicaid and the Uninsured*, June 20, 2016, accessed July 26, 2016, <http://kff.org/report-section/the-effects-of-medicaid-expansion-under-the-aca-findings-from-a-literature-review-issue-brief/>). The report reviews findings from 61 studies of the impact of state Medicaid expansions under the ACA, concluding that:

... a large body of literature analyzing the effects of expansion has developed. In general, this research suggests that expansion has had largely positive impacts on coverage, access to care and utilization, as well as economic outcomes, including impacts on state budgets, the payer mix for hospitals and clinics, and employment and the labor market. Yet, some studies do not find significant impacts and some point to challenges following expansion, such as provider shortages in some areas. These challenges may make it difficult to meet the increased demand for care among the newly-eligible Medicaid population.

A report from the Commonwealth Fund documents that low-income adults in two Medicaid expansion states, Kentucky and Arkansas (the former with coverage through Medicaid and the latter through private insurance) realized significantly higher declines in the rate of the uninsured, received more primary and preventive care, made fewer emergency department visits, and reported better quality of care and health than low-income adults in Texas, which did not expand Medicaid. Benjamin D. Summers et al, "Changes in Utilization and Health Among Low-Income Adults after Medicaid Expansion or Expanded Private Insurance," *The Commonwealth Fund*, August 8, 2016, accessed August 16, 2016, <http://www.commonwealthfund.org/publications/in-the-literature/2016/aug/changes-utilization-health-low-income>. Since the Kaiser publication, there has been a procession of new publications documenting various positive aspects of medical program and Medicaid expansions:

- **Positive link between CHIP expansion and entrepreneurship (small business formation)**
Gareth Olds, "Entrepreneurship and Public Health Insurance," *Harvard Business School Working Paper*, June 2016, 16-144, accessed October 17, 2016, <http://www.hbs.edu/faculty/Pages/profile.aspx?facId=738736>.
- **Positive impacts on uncompensated care**
Fredric Blavin, "Association Between the 2014 Medicaid Expansion and US Hospital Finances," *JAMA*, 2016, 316 (no. 14), 1475-1483, accessed December 2016, doi:10.1001/jama.2016.14765, October 11, 2016.
- **Positive impacts on state savings**
Jesse Cross-Call, "Medicaid Expansion Producing State Savings and Connecting Vulnerable Groups to Care," *Center on Budget and Policy Priorities (CBPP)*, June 15, 2016, accessed December 2016, <http://www.cbpp.org/research/health/medicaid-expansion-producing-state-savings-and-connecting-vulnerable-groups-to-care>.
- **Positive impacts on proper utilization of services:**
Benjamin D. Summers, Robert J. Blendon, Arnold M. Epstein, and E. John Oray, "Changes in Utilization and Health Among Low-Income Adults After Medicaid Expansion or Expanded Private Insurance," *The Commonwealth Fund*, August 8, 2016, accessed August 16, 2016, <http://www.commonwealthfund.org/publications/in-the-literature/2016/aug/changes-utilization-health-low-income> accessed 8/16/16.
- **Positive impact on marketplace commercial premiums:**
Aditi P. Sen and Thomas DeLeire, "The Effect of Medicaid Expansion on Marketplace Premiums," Assistant Secretary of Planning and Evaluation, Dep't of HHS, Issue Brief, August 25, 2016, accessed August 26, 2016, <https://aspe.hhs.gov/pdf-report/effect-medicaid-expansion-marketplace-premiums>.
- **Positive impact on providers**
Adam Searing and Jack Hoadley, "Beyond the Reduction in Uncompensated Care: Medicaid Expansion Is Having a Positive Impact on Safety Net Hospitals and Clinics," *Georgetown University Center for Children and Families and, Georgetown University Health Policy Institute*, June 2016, accessed October 17, 2016,

http://www.khi.org/assets/uploads/news/14412/medicaid_hospitals-clinics-june-2016.pdf. There are multiple benefits outlined, including the reduction in uncompensated care: increased ability to fill system gaps by having the resources to open new clinics, buy new equipment, and hire new staff; and greater ability to integrate and improve the care they deliver, while those in non-expansion states are more likely to report “status quo” in their systems. One quote from the report sums this up: “Medicaid expansion has had a profound impact on our ability to deliver care—it is like night and day in our ability to provide care. I talk to my colleagues in other states that have not expanded and they simply cannot deliver care like we can.”

⁴⁶ What might be done now?

- Expand Medicaid, which may or may not be possible during an interim period between the inauguration of the new president and the adoption of a new health program.
- Enroll persons already eligible for Medicaid but who might now want to be enrolled because of the ACA penalty for being uninsured, because of better information provided such persons, and because of greater awareness of enrollment possibilities and benefits.
- Build public understanding of health insurance, including how it operates, the need for it, and the choices available.
- Increase the use and effectiveness of programs, education, and incentives for healthy and safe life styles.

What might be done in Utah to prepare for what might become possible?

- Monitor the congressional debate, to prepare for possible new law.
- Use Utah’s experience and needs to help shape new federal law, for example, the Utah experiences with alternative payment systems.
- Form a task force to monitor fiscal and program impact.

What might be done to better engage other determinants of health?

- Develop understanding that strengths and weaknesses of social and economic environments are especially important to the health of the least advantaged, and that the improvement of these environments, for example, pollution and education, deserve appropriate priority.
- Develop better ways for educators and health care providers to guide students and patients to healthy lifestyles and environments.
- Develop neighborhood-level health and environment programs, making use of the rapidly increasing data for comparisons and guidance between neighborhoods and across time.

⁴⁷ There are multiple problems of applying measures of costs and quality at the institutional level. A previously described problem is that they become incentives to compete by avoiding serving persons needing care. An additional problem is that these incentives to avoid care, while reducing expenditures by health-care institutions, substantially increase administrative costs for insurers and providers. They expand extensive paper-work, time-consuming approval processes, and complicated schedules of patient and procedure eligibilities. Further problems come from the expectation that the transparency created by the measures will create healthy competition through informed choice. But this expectation inadequately recognizes that insurance enrollees have very limited means to predict their medical needs, are highly dependent upon the professional judgement of providers who have conflicting financial interests, are making decisions under pressures and uncertainties of health emergencies, and are overwhelmed by legal and medical jargon.

These problems do not justify eliminating institutional-level measures of cost and quality. Instead, they call for careful design and use of the measures and for attending to similar measures for the community or hospital-referral areas, which account for the costs and health of persons underserved or left out of the health care system. Such measures of total community populations provide assessments, and hence incentives, if actively used, for payers and providers to be committed to the whole community. Such a commitment is appropriate for the ethical standards of the institutions and professions, as well as the special obligation of those institutions that are partly supported by charity, tax exemptions, or direct public financing.

These problems and their management are among those that raise arguments for restructuring the insurance market, which can be done in various ways that are not, and are not drifting toward, nationalized health care such as in the British health system. There are tested possibilities of insurance markets that more clearly avoid financial incentives to limit responsibility for health care, yet maintain private delivery of health care. These include expansion of

Medicare eligibility as well as higher regulation of private insurers to prohibit them from discriminating on an actuarial basis (somewhat similar to the regulation of utilities in the U. S.), as exist in

- *Germany*: “Healthcare in Germany,” *WikipediA*, ” https://en.wikipedia.org/wiki/Healthcare_in_Germany
- *Holland* :“Healthcare in the Netherlands,” *WikipediA*,, https://en.wikipedia.org/wiki/Healthcare_in_the_Netherlands, or
- *Switzerland* :“Healthcare in Switzerland,” *WikipediA*, https://en.wikipedia.org/wiki/Healthcare_in_Switzerland.

Although this may be considered a question of national, rather than state policy, Utah might at least reduce the problems of the current insurance market structure by careful and expanded use of its regulation of the health insurance market, by encouraging private sector cooperation for community efforts, for which Utah is already known, and by energetic use of cost, quality, and access measures for the community or hospital-referral areas.

Endnotes for Article 5 (Personal Security)

¹ Marcy Mistrett, "Governors Submit Assurances for PREA Compliance," *Campaign for Youth and Justice*, July 11, 2016, accessed August 30, 2016, <http://campaignforyouthjustice.org/news/blog/item/governors-submit-assurances-for-prea>. As of July 2016, Utah and Arkansas are the only two states that are either not in compliance or not providing assurances that they are moving toward compliance.

² Thomas Burr, "Poll: Utahns Overwhelmingly Favor Expanded Background Checks on Gun Sales," *Salt Lake Tribune*, January 6, 2016, accessed January 6, 2016, <http://www.sltrib.com/csp/mediapool/sites/sltrib/pages/printfriendly.csp?id=3382011>. The poll, taken in December 2015 by *UtahPolicy.com* showed that 76% of Utahns favored universal background checks.

³ Using FBI Uniform Crime Reports, the Death Penalty Information Center reports the national murder rate at 4.5 people per 100,000 compared with the Utah murder rate of 1.7 per 100,000, accessed May 20, 2015, <http://deathpenaltyinfo.org/murder-rates-nationally-and-state>.

⁴ Carly Figueroa, "Utah Above National Average for Domestic Violence Homicides; Victim Advocates Seek More Resources," *Fox13*, March 4, 2015, accessed September 22, 2016, <http://fox13now.com/2015/03/04/utah-above-national-average-for-domestic-violence-homi...> This information comes from an interview with Jennifer Oxborrow, Domestic Violence Coordinator for the Utah Department of Human Services.

⁵ Michael McFall, "The Utah Homicides of 2015," *Salt Lake Tribune*, January 3, 2016, accessed January 5, 2016, <http://www.sltrib.com/csp/mediapool/sites/sltrib/pages/printfriendly.csp?id=3303589>. Mallory Rogers, "My View: Domestic Violence: Why Are Utah Women Dying?," *Deseret News*, April 24, 2016, accessed September 23, 2016, <http://www.deseretnews.com/article/865652834/My-view-Domestic-violence-Why-are-Ut...>

⁶ McKenzie Romero, "Law Enforcement, Advocates Raise United Cry to Expand Life-Saving Domestic Violence Initiative," *Deseret News*, February 9, 2016, accessed February 10, 2016, <http://www.deseretnews.com/article/865647327/Law-enforcement-advocates-raise-united-cry-to-expand-life-saving-domestic-vi...>

⁷ J. C. Campbell, et al., "Risk Factors for Femicide in Abusive Relationships: Results from a Multisite Case Control Study," *American Journal of Public Health* 93 (no.7), July 2003, 1089-97, accessed October 28, 2014, <http://ajph.alphapublications.org/doi/full/10.2105/AJPH.93.7.1089>.

⁸ "Firearms and Domestic Violence in Utah," *Utah Domestic Violence Coalition, Releases and Advisories*, June 28 - July 31, 2016, accessed September 8, 2016, <http://tockify.com/newsroom/detail/23/146709360000>. From 2010-2013, firearms were used 59% of the time in Utah's domestic violence-related homicides, and 39% of the murderers had a history of domestic violence.

⁹ "Firearm Deaths in Utah," *Violence & Injury Prevention Program, Utah Department of Health*, accessed June 22, 2016, <http://www.health.utah.gov/vipp/pdf/FactSheets/2013FirearmDeaths.pdf>. In these murder-suicides, firearms were used in 93% of the suicides.

¹⁰ Rachel Snyder, "The Court Slams the Door on Domestic Abusers Owning Guns," *The New Yorker*, June 30, 2016, accessed October 8, 2014, <http://www.newyorker.com/news/news-desk/the-court-slams-the-door-on-domestic-violence-abusers->. In the 2016 *Voisine v. the United States* case, the Supreme Court rejected by 6-2 an attempt to weaken the federal ban on guns in the hands of those convicted of misdemeanor domestic violence. See *Voisine v. U.S.*, 579 U.S. ____ (2016).

¹¹ Robert Gehrke, "Utah Lawmaker Looks to Tighten Laws Keeping Guns out of Hands of Abusers," *Salt Lake Tribune*, August 5, 2016, accessed August 5, 2016, <http://www.sltrib.com/csp/mediapool/sites/sltrib/pages/printfriendly.csp?id=4195655>.

¹² "Violent Death Reporting System," *Violence & Injury Prevention Program, Utah Department of Health*, accessed July 22, 2016, <http://www.health.utah.gov/vipp/topics/nvdrs/prevention.html>. This data represents the 1,527 firearm deaths in Utah from 2009-2013.

¹³ David Crary, "In Western States, Region of Guns and Suicide, Outreach to Curb Deaths," *Salt Lake Tribune*, April 3, 2016, accessed April 3, 2016, <http://www.sltrib.com/csp/mediapool/sites/sltrib/pages/printfriendly.csp?id=3732953>. One prominent theory is that higher altitude in these states affects brain chemistry in a way that leads to depression and even suicide. See Theresa Fisher, "There's a Suicide Epidemic in Utah--And One Neuroscientist Thinks He Knows Why," *Mic*, November 17, 2014, accessed October 29, 2016, <http://mic.com/articles/104096/there-s-a-suicide-in-utah-and-one-neuroscientist>.

- ¹⁴ Max Roth, "Suicide Now Leading Cause of Death for Utahns Ages 10-17," *Fox 13*, July 10, 2016, accessed September 17, 2016, <http://fox13now.com/2016/07/10/suicide-now-leading-cause-of-death-for-utahns-ages-10...>
- ¹⁵ "Suicide Among Teens and Young Adults," *Violence & Injury Prevention Program, Utah Department of Health*, accessed September 20, 2016, <http://www.health.utah.gov/vipp/teens/youth-suicide/>. The Department of Health is preparing to launch an "in-depth study" of the sources behind these alarming statistics. See Michelle Price, "Utah Officials Unsure Why Youth Suicide Rate Has Nearly Tripled since 2007," *Salt Lake Tribune*, July 5, 2016, accessed October 29, 2016, <http://www.sltrib.com/csp/mediapool/sites/sltrib/pages/printfriendly.csp?id=4075258>.
- ¹⁶ Roth, "Suicide Now Leading Cause of Death"
- ¹⁷ Emily Larson, "Bill to Study Suicide, Gun Death Passes Committee," *Deseret News*, March 2, 2016, accessed March 3, 2016, <http://www.deseretnews.com/article/86549150/Bill-to-study-suicides-gun-death-passes-committee.html>.
- ¹⁸ "Rape and Sexual Assault," *Violence & Injury Prevention Program, Utah Department of Health*, accessed September 1, 2016, <http://www.health.utah.gov/vipp/topics/rape-sexual-assault/>.
- ¹⁹ Annie Knox, "Utah 'Victim Rights' Bill Dead After Opponents Flood Capitol Saying Proposal Had Opposite Intent," *Salt Lake Tribune*, March 2, 2016, accessed on March 3, 2016, <http://www.sltrib.com/csp/mediapool/sites/sltrib/pages/printfriendly.csp?id=3602551>.
- ²⁰ Erin Alberty and Janelle Stecklein, "Study: Most Rape Cases in Salt Lake County Never Prosecuted," *Salt Lake Tribune*, January 7, 2014, accessed September 23, 2016, <http://archive.sltrib.com/printfriendly.php?id=57323282&itype=cmsid>. For the study, thirty rape kits were chosen at random each year from 2003-2011 for a total of 270 kits.
- ²¹ Pat Reavy, "Only 1/5 of Rape Kits Collected by Police Submitted to Crime Lab, Study Finds," *Deseret News*, April 7, 2016, accessed September 3, 2016, <http://www.deseretnews.com/article/865651740/Only-15-of-rape-kits-collected-by-police-s...> The follow-up study looked at 1,874 rape kits from 7 Utah counties submitted from 2010-2013. Both studies were conducted by Julie Valentine, a member of BYU's nursing faculty and a Sexual Assault Nurse Examiner (SANE).
- ²² Stephen Hunt, "Once-Forgotten Utah Child Rape Case Ends with Perpetrator Going to Prison," *Salt Lake Tribune*, July 22, 2016, accessed July 28, 2016, <http://www.sltrib.com/csp/mediapool/sites/sltrib/pages/printfriendly.csp?id=4142423>; "Rape Kit Found in Fridge Allows Utah Police to Reopen Child Rape Case," *Salt Lake Tribune*, June 26, 2015, accessed July 28, 2016, <http://www.sltrib.com/csp/mediapool/sites/sltrib/pages/printfriendly.csp?id=2664987>. The victim was raped more than 20 times before she was 14. As a child she was reluctant to cooperate, but as an adult she was grateful to see her assailant prosecuted and convicted.
- ²³ Rebecca Beitsch, "Faced with Staggering Backlogs of Rape Kits, States Change Testing, Investigations," *Stateline* (Pew Charitable Trusts), February 17, 2016, accessed July 31, 2016, <http://www.pewtrusts.org/en/research-and-analysis/blogs/stateline/2016/02/17/faced-with-s...> "Relating to the Testing of Sexual Assault Evidence Kits," Idaho HB 528, 63rd Legislature, Second Regular Session, 2016.
- ²⁴ "Campus Sexual Violence: Statistics," *RAINN* (Rape, Abuse & Incest National Network), accessed August 29, 2016, <http://www.rainn.org/statistics/campus-sexual-violence>. RAINN also reports that women of the same age group not in college are at a 4 times greater risk.
- ²⁵ "91% of All Colleges Report Zero Incidents of Rape in 2014," *AAUW* (American Association of University Women), November 23, 2015, accessed August 29, 2016, <http://www.aauw.org/article/clery-act-data-analysis>.
- ²⁶ Alia Wong, "Adjusted College Rankings for Rape," *The Atlantic*, December 26, 2014, accessed September 18, 2016, <http://www.theatlantic.com/education/archive/2014/12/adjusting-college-rankings-for-rape>. Meredith Clark, "College Sexual Assault: A Campus-by-Campus Report Card," *MSNBC*, August 26, 2014, accessed September 18, 2016, <http://www.msnbc.com/ronan-farrow-daily/college-sexual-assault-campus-campus-report>. Skepticism about the accuracy of these rankings can be found in Jake New, "Advocates Warn against Ranking Colleges' Handling of Sexual Assault Based on Clery Data," *Inside Higher Ed*, June 13, 2016, accessed September 19, 2016, <http://www.insidehighered.com/print/news/2016/06/13/advocates-warn-against-ranking-c...>
- ²⁷ Annie Knox, "Feds Coming to Utah College to Investigate Handling of Reported Sexual Assault," *Salt Lake Tribune*, October 9, 2015, accessed August 16, 2016, <http://www.sltrib.com/csp/mediapool/sites/sltrib/pages/printfriendly.csp?id=3044271>. Westminster was the first Utah college to draw Title IX scrutiny for the response to a 2013 complaint that failed to be "timely and effective." Alex Stuckey, "University of Utah under Federal Investigation for Alleged Mishandling Sexual Assault Report," *Salt Lake Tribune*, July 27, 2016, accessed July 27, 2016,

<http://sltrib.com/csp/mediapool/sites/sltrib/pages/printfriendly.csp?id=4159470>. The University of Utah also failed to produce a timely result since both parties had graduated before its process reached a conclusion.

²⁸ Tad Walch, "BYU Under Investigation by Department of Education for Handling of Sexual Assault Reports," *Deseret News*, August 8, 2016, accessed August 16, 2016, <http://www.deseretnews.com/article/865659718/BYU-under-investigation-by-Department>. BYU appointed an internal Advisory Council to review its handling of sexual assault cases and invited the Utah Department of Public Safety to investigate the sharing of information in such cases between BYU police and the Honor Code Office. Some BYU students petitioned BYU to adopt an "amnesty" clause that suspends the Honor Code process in connection with sexual assault allegations modeled on the one recently enacted at Southern Virginia University (which has a similar Honor Code and a 90% LDS student body). See Tad Walch and Eric Schulzke, "Would BYU Honor Code Be Better with an Amnesty Clause like Southern Virginia's?" *Deseret News*, April 29, 2016, accessed August 18, 2016, <http://www.deseretnews.com/article/865653275/Would-BYU-honor-code-be-better-with-a...>

²⁹ Alex Stuckey, "After 4 Women Accused a Utah State University Student of Sex Assaults, No Charges and No Apparent Discipline," *Salt Lake Tribune*, July 24, 2016, accessed July 24, 2016, <http://sltrib.com/csp/mediapool/sites/sltrib/pages/printfriendly.csp?id=4045111>. These three students say Utah State never contacted them about their complaints. Alex Stuckey, "Utah State Says It Didn't Cover Up Wrongdoing, Will Make Changes to How It Handles Sexual Assault," *Salt Lake Tribune*, August 25, 2016, accessed August 26, 2016, <http://www.sltrib.com/csp/mediapool/sites/sltrib/pages/printfriendly.csp?id=4275751>. Local police are also under scrutiny for failing to respond to complaints from the same three women as well as a fourth, all of whom identified the same student athlete. "USU, Logan, Cache County Fail to Provide a Safe Campus," *Salt Lake Tribune*, August 7, 2016, accessed August 28, 2016, <http://sltrib.com/csp/mediapool/sites/sltrib/pages/printfriendly.csp?id=4198974>.

³⁰ Annie Knox, Benjamin Wood, and Alex Stuckey, "Utah Public Colleges Changing How They Dispense Discipline for Sexual Assault," *Salt Lake Tribune*, July 16, 2016, accessed July 16, 2016, <http://www.sltrib.com/csp/mediapool/sites/sltrib/pages/printfriendly.csp?id=4114052>. The article also contains a website reference to a chart entitled "Sexual Assaults on Utah College campuses--Statistics and Services + Investigation Process," <http://local.sltrib.com/graphics/campus%20sex%20assaults%20052916.pdf>.

³¹ Pamela Manson, "Utah Needs Hate-Crime Law with Teeth, Prosecutor Says," *Salt Lake Tribune*, August 5, 2016, accessed August 5, 2016, <http://www.sltrib.com/csp/mediapool/sites/sltrib/pages/printfriendly.csp?id=4194330>.

³² Jennifer Dobner, "Hate Crimes Bill Headed to Full Utah Senate," *Salt Lake Tribune*, February 12, 2016, accessed February 18, 2016, <http://www.sltrib.com/csp/mediapool/sites/sltrib/pages/printfriendly.csp?id=3527302>. Since 1992, nearly half of Utah hate crimes victims fall into the category of race (49%), while others include religion (20%), ethnicity (16%), and sexual orientation (15%).

³³ Jennifer Dobner, "Wyoming Men Charged in Gay Utah Men's Beatings--but Not with Hate Crime," *Salt Lake Tribune*, July 21, 2016, accessed July 21, 2016, <http://www.sltrib.com/csp/mediapool/sites/sltrib/pages/printfriendly.csp?id=4139842>.

³⁴ Dennis Romboy, "Utah Senate Gives Initial Approval to Hate Crimes Bill," *Deseret News*, February 26, 2016, accessed February 27, 2016, <http://www.deseretnews.com/article/86568737/Utah-Senate-gives-initial-approval-to-hate-crimes-bill.html>.

³⁵ Dennis Romboy, "State Senator Sees Hate Crime Bill as Follow-up to Utah Nondiscrimination, Religious Rights Law," *Deseret News*, January 29, 2016, accessed February 18, 2016, <http://www.deseretnews.com/article/865646510/State-senator-see-hate-crimes-bill-as-follow-up-to-Utah-nondiscrimination-relig...>

³⁶ Romboy, "Utah Senate Gives Initial Approval"

³⁷ Ben Winslow, "LDS Church Issues Statement on Hate Crimes Bill," *Fox 13*, February 17, 2016, accessed September 16, 2016, <http://fox13now.com/2016/02/17/lds-church-issues-statement-on-hate-crimes-bill/>.

³⁸ Tad Walch, "BYU Adopts Amnesty Clause, Other 'Sweeping Changes' to Help Sexual Assault Victims," *Deseret News*, October 26, 2016, accessed October 26, 2016, <http://www.deseretnews.com/article/865665672/BYU-advisory-council-recommends-as...> Julie Valentine, Janet Scharman, Ben Ogles, and Sandra Rogers were appointed to the BYU Advisory Committee by President Kevin Worthen. The President's Council announced that it would adopt all 23 recommendations and that several of the provisions, including the Amnesty clause, would become "effective immediately." See full report at <http://news.byu.edu/sites/default/files/AdvisoryCouncilReport.pdf>.

Endnotes for Article 6 (Social Support Systems)

¹ Erika Hayasaki, "How Poverty Affects the Brain," *Newsweek*, August, 25, 1916, accessed September 15, 2016, www.newsweek.com/2016/09/02/how-poverty-affects-brains-493239.html.

² Annual Report, Utah Intergenerational Welfare Reform Commission, 2016, Section 3(1), accessed August 31, 2016, <https://jobs.utah.gov/edo/intergenerational/igp16.pdf>.

³ *Ibid*, Section 3(2), 71. In 2016, the Legislature passed SB101, "High Quality School Readiness Program Expansion," funding it with \$11 million. This bill created and funded a scholarship program for intergenerational poverty children, allowing an additional 206 children to attend high-quality pre-school. That same bill funded an expansion of high-quality public and private pre-schools for low-income children. An estimated 1645 additional children will be served through these expansion grants.

⁴ Heather Sandstrom and Sandra Huerta, "The Negative Effects of Instability on Child Development: A Research Synthesis," *Urban Institute*, Low Income Working Families Discussion Paper #3, September 2013, accessed October 22, 2016, www.urban.org/.../412908-The-Negative-Effects-of-Instability-on-Child-Developmenten...

⁵ James A. Wood, Kem C. Gardner Policy Institute, University of Utah, quoted in Tony Semarad, "Rising Rents, Weak Wages Pinching Utah Tenants," *Salt Lake Tribune*, April 22, 2016, accessed July 16, 2016, <http://www.sltrib.com/home/3809325-155/rising-rents-weak-wages-putting-pinch...>

⁶ "2016 Needs Assessment," Utah Community Action, 36, accessed August 20, 2016, <https://www.utahca.org/wp-content/uploads/2016/08/Community-Needs-Assessment-2016.pdf>.

⁷ *Ibid*.

⁸ 2016 Legislative Fact Sheet on Salt Lake County HOMES Initiative, accessed September 8, 2016, <http://slco.org/homeless-services/homes-initiative/>.

⁹ "2016 Utah State Housing Profile," National Low Income Housing Coalition, updated June 24, 2016, and, state level statistics in "Congressional District Housing Profiles," National Low Income Housing Coalition, updated June 2016. These documents were provided by Tara Rollins of the Utah Low Income Housing Coalition, and in some cases are updated statistics from those in the Low Income Housing Coalition publication, "Out of Reach 2016," 225-27.

¹⁰ *Ibid*.

¹¹ *Ibid*.

¹² "2016 Legislative Fact Sheet."

¹³ "2016 Utah State Housing Profile."

¹⁴ "Impediments to Fair Housing Choice," *Bureau of Economic and Business Research*, David Eccles School of Business, University of Utah, May 2014, 11. However, current statistics from the Housing Authorities of Salt Lake City and Salt Lake County suggest there are 1018 public housing units in Salt Lake County.

¹⁵ "Five Year and Annual Plan," Housing Authority of Salt Lake City and Housing Authority of the County of Salt Lake, accessed October 22, 2016, www.hacsl.org/.

¹⁶ *Ibid*. "The Five Year and Annual Plan" states that the Salt Lake City Housing Authority administers 389 public housing units and 2728 Section 8 Vouchers. The Plan states that the County administers 626 public housing units and 2144 Section 8 Vouchers.

¹⁷ Marjorie Cortez, "A Real Plan to Help the Homeless Rises in Utah," *Deseret News*, July 31, 2016, accessed August 31, 2016, <http://www.deseretnews.com/article/865659107/A-real-plan-to-help-the-homeless-rises-in-Utah.html?pg=all>.

¹⁸ Will Fischer and Chye-Ching Huang, "The Mortgage Interest Deduction Is Ripe for Reform," *Center on Budget and Policy Priorities*, accessed October 30, 2016, www.cbpp.org/research/mortgage-interest-deduction-is-ripe-for-reform. The relatively small expenditures for affordable housing credits are dwarfed by the \$93 billion (in 2013) tax loss suffered by the federal government through the mortgage interest deduction. Approximately 77% of the benefits from the mortgage tax deduction in 2012 went to homeowners with incomes over \$100,000. Any one of the several suggested reforms of the mortgage tax credit would free up resources to underwrite additional affordable housing tax credits.

Endnotes for Article 7 (Participatory Governance)

¹ In the nine presidential elections dating back to 1984, the percent of Republican voters has varied from a low of 43.36% in 1992 to a high of 74.50% in 1984. See [en.wikipedia.org/wiki/United-States-presidential-election,-\[add each election year\]](http://en.wikipedia.org/wiki/United_States_presidential_election_-_each_election_year), accessed November 29, 2016. On average, Republican candidates for President of the U.S. captured 62.11% of the vote. In two elections, Independent candidates captured a significant percentage of the vote: 1992 (Perot) and 2016 (McMullin), so the actual percent of Republican voters in Utah is probably closer to 67-70% of the Utah electorate. In any event, Democrats are underrepresented. They should have between 25-30% of the state legislators, rather than the 16-17% they have had in recent years, due in large part to gerrymandering.

² David Daley, *Ratf**cked: The True Story Behind the Secret Plan to Steal America's Democracy* (New York: Liveright Pub.), 2016.

³ According to Hedrick Smith, former *New York Times* bureau chief and editor, gerrymandered districts have become "favorable turf for extremist candidates in the only seriously contested voting"--the primary election. See Hedrick Smith, "Can the States Save American Democracy?" *New York Times*, August 21, 2016, accessed August 23, 2016, http://www.nytimes.com/2016/08/21/opinion/can-the-states-save-american-democracy.html?_r=0.

⁴ "Redistricting Commissions: State Legislative Plans," *National Council of State Legislatures*, December 7, 2015, accessed September 28, 2016, www.ncsl.org/research/redistricting/2009-redistricting-commissions-table.aspx. Alaska, Arizona, California, Idaho, Montana, and Washington have independent commissions; Arkansas, Colorado, Hawaii, Missouri, New Jersey, Ohio, and Pennsylvania give the job to political commissions appointed by legislatures. For a breakout between a state's congressional redistricting and its state district procedures, see "State by State Redistricting Procedures," *Ballotpedia*, accessed September 28, 2016, https://ballotpedia.org/State-by-state_redistricting_procedures.

⁵ *The National Council of State Legislatures* lists five advisory commissions: Maine, New York, Virginia, Rhode Island, and Vermont. It lists five backup commissions: Connecticut, Illinois, Mississippi, Oklahoma, and Texas. *Ballotpedia* adds two more to the list--Maryland and Oregon.

⁶ "Redistricting Commissions." See also last year's UCC Article 7 report for more details.

⁷ South Dakota, Nebraska, Indiana, Florida, and Maryland. Republican governor John Kasich and Indiana's former Republican governor Mike Pence have both said that gerrymandering should be ended because it results in polarization and division. See "Can the States Save American Democracy?"

⁸ *Ibid.* Alabama, North Carolina, Virginia, Wisconsin, and Maryland. In November 2016, a special federal district court panel in Wisconsin ruled that Wisconsin's 2011 redistricting scheme was unconstitutionally partisan. Considered by commentators to be potentially transformative, the decision specified how courts could actually quantify (by a mathematical formula) whether gerrymandering indicated manipulative, unacceptably partisan boundaries. This case will move eventually to the U.S. Supreme Court. It deserves careful attention.

⁹ *Arizona State Legislature v. Arizona Independent Redistricting Commission*, 576 U.S. ____ (2015).

¹⁰ Utah Constitution, Art. VI, Section 1.

¹¹ If an initiative sought to establish an independent redistricting commission by amending the Utah Constitution, a court ruling would be unavoidable to validate the people's right to do so. Additional arguments for the legality of such an amendment would include Article I, Section 1, of the Utah Constitution, adopted in 1896: "All political power is inherent in the people; and all free governments are founded on their authority for the equal protection and benefit, and they have the right to alter or reform their government as the public welfare may require." Arguments against such an amendment would include Article XXIII, Section 1, also adopted in 1896: "Any amendment or amendments to this Constitution may be proposed in either house of the Legislature" (and requires a favorable vote of 2/3 of the Legislature prior to placement on the ballot at the next general election). An initiative might be written in such a way that if the Utah Supreme Court ruled that a constitutional amendment could not be initiated by the people, it could be adopted as a statute if approved by the voters.

¹² Bob Bernick at Utahpolicy.com reports that the Legislature may consider a runoff election of the top two candidates emerging from a primary election as a way to continue to honor the substantive requirements of SB 54. "GOP Leaders May Agree to Primary Run-off Election as Solution to SB 54 Plurality Issue," accessed September 27, 2016, <http://utahpolicy.com/index.php/features/today-at-utah-policy/10954-gop-leaders-may-agree-to-primary-run-off-elections-as-solution-to-sb54-plurality-issue>.

¹³ "GOP Caucus Aftermath Makes Case for SB 54," *Salt Lake Tribune*, March 29, 2016; "Utah Republicans Are Right to Allow SB54 Reforms to Go Forward," *Salt Lake Tribune*, September 4, 2016; "The Primary Election Confirms Benefits of SB 54," *Deseret News*, July 3, 2016.

¹⁴ "Utah Should Continue Its Proud History of Female Participation in Politics," *Deseret News*, August 9, 2016 (hoping SB54 will reform the caucus system and encourage more women to run for elective office).

¹⁵ See www.Independentvoting.org.

¹⁶ "States with Open Primaries for Other Elections," *Wikipedia*, accessed September 28, 2016, https://en.wikipedia.org/wiki/Open_primaries_in_the_United_States. Louisiana's, Washington's, and California's systems are frequently referred to as nonpartisan blanket primaries.

¹⁷ "South Dakota Nonpartisan Elections Constitutional Amendment V (2016), accessed November 28, 2016, [https://ballotpedia.org/South_Dakota_Nonpartisan_Elections_Constitutional_Amendment_V_\(2016\)](https://ballotpedia.org/South_Dakota_Nonpartisan_Elections_Constitutional_Amendment_V_(2016)).

¹⁸ 558 U.S. 310 (2010).

¹⁹ *Public Citizen v. FEC* represents ongoing litigation against a 501(c)(4) group, Crossroads GPS (GPS). Public Citizen's complaint to the Federal Election Commission alleged that GPS was, in actuality, a political committee formed to allow big donors to hide their donations and that, therefore, it was required to report its contributions and expenditures to the FEC. The FEC dismissed the complaint after its Republican and Democratic members deadlocked at 3-3. After various procedural maneuvers by both parties to the complaint and by GPS, further proceedings are continuing in the D.C. federal district court. *Public Citizen v. FEC*, accessed October 6, 2016, <http://www.citizen.org/litigation/forms/cases/getlinkforcase.cfm?cID=853>.

²⁰ The Supreme Court's decision in *McDonnell v. United States* (no. 15-474, June 17, 2016) also concerned many commentators. The Court vacated former Virginia Governor Robert McDonnell's conviction on bribery charges and remanded the case to a lower court because the jury instructions had been erroneous. The Governor had accepted \$175,000 in gifts, loans, and other benefits from a constituent and, in return, had held meetings and events and had called other officials on behalf of that constituent. Although the Court characterized the case as at least "distasteful," with "tawdry tales," nonetheless, on the basis of the overbroad jury instructions, none of the Governor's activities could be factually determined to have been "official acts" sufficient to constitute *quid pro quo* corruption. On remand, with a narrower instruction of what constitutes an "official act," a jury must find that the Governor's activities constituted "formal exercise of government power." *Ibid.*, 26-28.

²¹ A Super PAC is an independent political action committee that can accept unlimited donations for political campaigns as long as it doesn't coordinate with actual candidates. In general, donors are disclosed. It has been difficult, however, to block Super PACs from coordinating with candidate campaigns in various indirect ways.

²² Elizabeth Drew, "How Money Runs Our Politics," *New York Review of Books*, June 4, 2015, 24.

²³ Idress Kahloon, "Does Money Matter?" *Harvard Magazine*, July-Aug. 2016, 52-54.

²⁴ Smith, "Can the States Save American Democracy?" The 17 states mentioned are California, Colorado, Connecticut, Delaware, Hawaii, Illinois, Maine, Maryland, Massachusetts, Montana, New Jersey, New Mexico, Oregon, Rhode Island, Vermont, West Virginia, and New York. California's Proposition 59 and Washington's Initiative 735 for similar action was approved by voters this past November, bringing the number to 19.

²⁵ "New York Becomes 17th State to Call for an Amendment to Rein in Election Spending," *Public Citizen News* 36, (no.4), July/August 2016, 1. The Republican legislators supporting the amendment said "they understand that big-moneyed interests are hijacking our democracy."

²⁶ *Ibid.*

²⁷ Much information about money in politics and campaign finance reform efforts can be found at www.Democracy21.org, a nonprofit, nonpartisan organization founded by attorney/activist Fred Wertheimer. Its mission is to work "to strengthen our democracy and promote government integrity, accountability and transparency measures to accomplish its goals."

²⁸ No candidate has accepted public funds for presidential campaigns since John McCain in 2008. Barack Obama in the same campaign declined to accept public financing so he could raise more money. Candidate and outside spending on federal campaigns has grown so large that available public funding is inadequate. Congress could up the amount raised by increasing the match given to the optional taxpayer contribution checked on annual tax return forms while encouraging more Americans to contribute to public financing. See <https://thinkprogress.org/the-288-million-in-campaign-funds-that-candidates-arent-using-fa62673bbcdc#91ljnz75g>. See also www.Democracy21.org.

²⁹ "South Dakota Revision of State Campaign Finance and Lobbying Laws," accessed November 28, 2016, [https://ballotpedia.org/South_Dakota_Revision_of_State_Campaign_Finance_and_Lobbying_Laws_Initiated_Measure_22_\(2016\)](https://ballotpedia.org/South_Dakota_Revision_of_State_Campaign_Finance_and_Lobbying_Laws_Initiated_Measure_22_(2016)), accessed November 28, 2016. See also Smith, "Can the States Save American Democracy?"

³⁰ *Salt Lake City Code*, Section 2.46.050 (December 8, 2015). A candidate's own money is not included in the caps.