

Standing Up For Utah's Needs

2018 Report

**The 2018 Utah Citizens' Counsel
Assessment of Policy Progress in Utah**
www.utahcitizenscounsel.org



Dedicated to improving public policy

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October 2018

Dear fellow Utahns,

This is our 5th annual report. Each year we tackle a limited number of issues that are directly related to the kinds of Utah communities we want--ones that honor basic human rights. Our *Declaration of Utah Human Rights* on page 3 remains the framework for our analyses.

It is increasingly clear that the growing economic inequality across this great country is multiplying the range of problems being experienced, directly or indirectly, by all Utahns.

We are experiencing social and cultural divisions, loss of trust in government, and, for all but the wealthier among us, relative wage declines, job insecurities, and health care instabilities. Problems of income inequality interact with many other policy issues: air and water quality, educational opportunities, health care delivery systems, domestic violence and gun violence, homelessness and toxic stress, and even basic challenges to engaging effectively as voters in our representative government. Our seven reports explore these issues and interactions.

As many of you know, we are a nonpartisan group of retirees with public policy experience across multiple areas. We hope that our collective insights, knowledge, and beliefs are of interest to those who care about the functioning of Utah government and civil society at all levels.

We value the contributions of both the public and private sectors and the activism of many groups who strive to improve the functioning of our democracy and the health, safety, and welfare of all Utahns. Six of our reports--those addressing policy actions in Utah last year--offer specific commendations to selected private groups, government bodies, and individuals for efforts to help Utah make progress. Those same reports also include important recommendations for promoting continuing progress. We invite you to read our Executive Summary on pages 4-5 and then dig into the specifics that support our policy recommendations.

Sincerely,

Sheryl Allen
Diana Allison
John Bennion
Marie Cornwall
Pat Christensen
Michael Deily
Irene Fisher
Nancy Haanstad
Dixie Huefner

Robert Huefner
Louise Knauer
Cheryll May
Julie Miller
Rex Olsen
Stewart Olsen
Dee Rowland
Andrew Schoenberg

Harry Fuller, Michael Stapley (Leave of Absence)
With volunteer staff support from David Carrier, University of Utah

We invite you to read more about UCC members, our mission, our history,
our emeriti members, and our previous reports at our website

www.utahcitizenscounsel.org



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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 2018 Executive Summary

Equal Rights

The extent of income inequality in the U.S. serves as a general framework that overhangs our other reports this year. The report describes conditions that reflect the growing inequality between the super-rich minority and the rest of us, especially those on the bottom tiers of the income ladder. It documents the explosive income growth in recent decades of those in the top 1%, compared to the sluggish growth or stagnation of real income of those in lower brackets, especially the bottom fifth. This extreme income inequality has led to growing inequality in access to such basic needs as health, education, and personal safety; other opportunities to thrive and succeed, and in the capacity to enjoy the right to equitable treatment under the law. Recommendations in each of the subsequent reports point directly or indirectly to measures on the state level aimed at redressing the inequality that threatens the very core of our democratic system.

Environmental Health

On most fronts, factors contributing to Utah air pollution got worse during the last year. The state failed to enact strong measures to mitigate our high pollution levels. Major wildfires in Utah and across the west added serious smoke pollution to the ozone and particulate pollution levels that continued unabated since last year. The report documents the frighteningly high likelihood of a 35-year drought in the state if major steps are not taken to curb global warming through reduction of CO₂ emissions. It also discloses the 11-foot drop in the level of the Great Salt Lake, to its lowest point since 1847, and warns that the proposed Bear River Project would cause another drop, contributing to toxic dust storms and biodiversity problems. Among recommendations are a pollution fee for cars, a revenue-neutral carbon tax on greenhouse gases, and environmental impact evaluations for major new development projects like the Inland Port.

Education

Losses in public education funding over the last 20 years have led to increasingly urgent problems. To increase proficiency in reading and math, better serve increased numbers of dual language learners, reduce high teacher attrition rates, and meet other local school district needs, we advocate a Yes vote on the 2018 ballot (Question 1) asking support for a 10-cent increase in the gas tax per gallon. The increase would free up over \$100 million annually from the general fund that will enable a shift from roads to public education. Also urgent is the need for more public, high-quality preschools for the thousands of at-risk children who need them to be ready for Kindergarten entrance. Among recommendations are better alignment of goals and standards among early education stakeholders and evaluation criteria for pre-K assessment to obtain better outcome measures to compare programs.

Health

We are fortunate to live in one of the healthiest states in the nation, but nonetheless thousands of Utahns still have no regular access to health care, and the percentage of those to whom access is denied is growing. A second concern is that many Social Determinants of Health (SDoH), including people's physical and social environment, education opportunities, and level of personal safety, continue to have a negative impact on the health status of many Utahns. We

recommend adoption of Ballot Proposition 3, which expands Medicaid for those under 65 with incomes equal to 138% of the federal poverty line, funded by a small increase in the sales tax. Its enactment would draw about \$800 million federal dollars annually to support Medicaid services, provide the best benefit package at the lowest cost for clients, and streamline program administration. In terms of the SDoH, the report notes that improvements in air quality, gun safety, and early childhood education would significantly upgrade health levels in the state.

Personal Security

Domestic violence, gun violence including suicide, hate crimes, and the high rate of deaths in Utah jails remain problems. The rate of domestic-violence-related homicides is far higher than the national rate. We support the Utah Domestic Violence Commission's legislative request for \$1.5 million to increase and expand the shelters that protect women from violent partners. Youth suicides in the state have increased at four times the national rate and have reached epidemic proportions. The 2019 Utah Legislature should pass fundamental gun safety laws, including authority for families to have firearms temporarily removed from a family member or person living with the family who is likely to injure self or others, universal background checks, a bump stock ban, and a safe gun storage requirement. We also need an effective hate crimes bill and a detailed accounting of all incarceration deaths, accompanied by policies deterring suicide and assuring appropriate medical treatments in all Utah jails.

Social Support Systems

Though Utah enjoys the sixth lowest poverty rate in the nation, we still have nearly 100,000 children living in poverty, many of whom suffer from toxic stress. Negative consequences include an impairment of normal brain development, subsequent cognitive and behavioral problems, and diminished success in school. Toxic stress also leads to a greatly increased likelihood of developing a variety of debilitating diseases, such as cardiovascular, immune, and psychiatric disorders. To combat toxic stress, we recommend increases in poor people's family income, e.g., increasing the state minimum wage and enacting a state Earned Income Tax Credit. Utah also needs to expand high-quality early childhood and parent education programs to serve far more of the deserving children than are currently being served. Utah should join the 21 other states that supplement the federal Nurse Family Partnership program, and join the 40 other states that appropriate state money to supplement the federal Head Start/Early Head Start programs.

Participatory Governance

Utah has a pressing need for fair redistricting. The gerrymandered boundaries currently drawn by the Utah Legislature mean that legislators pick their voters rather than vice versa. As a result, voting participation in recent decades has radically decreased and uncontested elections have increased, as has voter distrust of government. We urge a yes vote for Proposition 4 on the November 2018 ballot, which establishes an independent redistricting commission to draft the maps for submission to the Legislature, using strict standards to keep communities together and prevent partisan boundaries. If the Legislature rejects the commission's maps, it must follow the standards established in the initiative. We also urge the Legislature to maintain the right to gather signatures to secure a place on the primary ballot. Finally, it is time for Utah to support the National Popular Vote movement, an interstate compact that would guarantee the Presidency to the candidate who receives the most popular votes in all 50 states and the District of Columbia.

Committee Reports

Equal Rights

Utah Citizens' Counsel Equal Rights 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 to dignity and respect as human beings and to equitable treatment under the law.

Introduction

As Americans, we want to believe that the United States is a land of equal dignity, respect and opportunity, where those who work hard, sacrifice, and shoulder their responsibilities can achieve a secure and stable life for themselves and their families. For much of the last century, economic growth made that dream a reality for many. During the thirty years between 1947 and 1977, the gross national product (GNP) per capita doubled, and the incomes of families at all levels of income doubled as well, fueled by an increasingly educated work force.¹ “Average schooling increased by six years between 1900 and 1970, with growing numbers of children completing more education than their parents. This, coupled with technological advances that benefited both high-and low-skilled workers, led to widely shared increases in living standards and intergenerational mobility.”²

Some families, of course, had significantly greater financial resources to invest in their children. “In 1947, the income of families in the 80th percentile of the income distribution was 3.1 times that of families at the 20th percentile.”³ Americans were generally willing to accept this degree of income inequality, however, because (1) “incomes of families at the bottom of the distribution were growing quite rapidly,” (2) “inequality remained relatively stable for the first three decades after World War II,” and (3) there was a relatively “high rate of intergenerational economic mobility.”⁴ Thus, “[g]rowing up in a poor family did not have to mean that one’s children would repeat that experience.”⁵

Over the next three decades, from 1977 to 2007, however, “the fruits of economic growth were confined to a much smaller proportion of the population.”⁶ Although American GDP per capita nearly doubled again, family income for those in the 20th percentile *grew only 7%* after adjusting for inflation, while the income of families in the top 1 percent *increased by 90%*, and families in the top .1% saw their incomes grow by *more than 300%*.⁷

A number of factors contributed to the stagnation of income in the bottom tiers of the economic spectrum and the increase in income inequality, especially advancements in technology and the outsourcing of jobs to lower-wage countries, which reduced the demand for American workers with relatively little formal education.⁸ From 1977 to 2007, the inflation-adjusted wages of college graduates grew by 25%, while the wages of high school graduates increased by only 1%, and the wages of high school dropouts fell by 13%.⁹

Technological changes and outsourcing, although important, played only a small role in explaining the extraordinary increase in the earnings at the top of the distribution. “Indeed, the dramatic increase in inequality at the top of the U.S. earnings distribution is not found in other high income countries in Europe and Asia that experienced the same technological changes.”¹⁰

Rather, they are the result of dramatic shifts in social and economic policy that, although beyond the scope of this report to examine in detail, are critical to understanding the issue.¹¹ Our focus is on the profound impact of economic inequality on families, especially low income families.¹²

Education

While the rewards of a college education have never been higher, the resources available to low income families to pay for quality preschool, access to good K-12 public schools, or college investments, have fallen sharply.¹³ One consequence is a staggering income-based gap in children's achievement scores. "Among children born around 1950, test scores of low income children lagged behind those of their better-off peers by a little over half a standard deviation, about 60 points on an SAT-type test. Fifty years later, this gap was twice as large."¹⁴ Given the importance of early learning in nurturing educational success, it is no surprise that growth in the income-based gap in children's reading and mathematics scores has resulted in a larger gap in educational attainment between children growing up in poor families and their more affluent peers.

Growing gaps in educational attainment have resulted in decreased educational mobility. "Until 1970, fewer than one in ten men and women entering adulthood had completed less schooling than their parents. By the 1990s, more than 20 percent of men and almost as large a fraction of women had less education than their parents...." High school graduation rates have remained stagnant, and growth in college graduation rates has been due largely to children from middle-class and affluent families.¹⁵

Historically, the United States has expected its public schools to help level the playing field for children from various backgrounds, but our schools are no longer performing that mission effectively and may indirectly be making them worse.¹⁶ More affluent families can purchase housing in neighborhoods where less affluent families cannot afford to live, dramatically increasing residential segregation in recent decades. This results in fewer interactions between rich and poor children in settings including schools, child care centers, libraries, churches, and grocery stores. It also makes it more difficult for neighborhood schools to recruit and retain high quality teachers. "Without the financial and human resources and political clout of the wealthy, institutions in poorer neighborhoods...decline in quality, which in turn has detrimental effects on the education and life chances of children born into poor families."¹⁷

As the more affluent have become increasingly isolated in better neighborhoods and schools, the extent of inequality has become less visible to them. This has led to increased social conflict and a reduced sense of common purpose, making it harder to mobilize the public concern necessary to deal with problems of disadvantage among the most at risk. *But mobilize we must!* "The growing attainment gaps between children from low- and high-income families threaten the nation's future." They jeopardize economic growth because a large percentage of children from low-income families leave school without the skills to earn a decent living in a rapidly changing economy. "The American Dream of upward socioeconomic mobility is now beyond the reach of many low-income children. This is particularly distressing because a shared belief in upward mobility has always been the glue that holds our diverse pluralistic democracy together."¹⁸

In Utah, educators, parents, students, community leaders, and legislators are engaged in efforts to increase funding for public education to reduce teacher turnover and provide students and teachers with the supports to address the most pressing issues facing public education, as discussed in the Public Education Committee report. Much remains to be done, however, as that report makes abundantly clear.

Health

Research also clearly demonstrates that overall levels of health are far worse in more economically unequal societies.¹⁹ Life expectancy is longer and rates of adult mortality, infant mortality, and obesity are lower in more equal societies, while the United States--by most measures the richest country on earth--has per capita shorter average life spans, higher infant mortality rates, more cases of mental illness, more obesity, more drug abuse, and more of its citizens incarcerated *than any other developed nation on earth*.²⁰

The 2018 KIDS COUNT Data Book, released June 27 by The Annie E. Casey Foundation, reflects that Utah saw a 3% increase in the percent of low birthweight babies and an 8% rise in the child and teen death rate between 2010 and 2016. The percentage of children without health insurance, while improving along with the rest of the nation, is still 40th lowest in the nation.²¹

These conditions affect everyone.²² In “*The Spirit Level: Why More Equal Societies Almost Always Do Better*,” British epidemiologists Richard G. Wilkinson and Kate Pickett argue, based on thirty years of research, that feelings of dominance and submission, which are enhanced by widening inequality, have a deep impact on our psychology and our social relations, increasing social distance, intensifying mistrust and competition for status, feeding feelings of humiliation and status anxiety that, in turn, lead to poor health.²³ And a research study published in the *Journal of the American College of Surgeons* in 2016, reports that “income inequality is independently associated with higher health care expenditures and more health care use,” providing an independent *economic* argument for addressing the issue of economic inequality in our society.²⁴ The Health Committee report discusses efforts being made in Utah that relate to these issues.

Personal Safety

Rates of violence are also significantly higher in unequal societies, affecting the personal safety of all citizens.²⁵ “The link between economic inequality and both property crime and violent crime is well-established,”²⁶ although explanations of this correlation vary among experts. Sociologists and epidemiologists tend to focus on feelings of inferiority, status competition, anxiety, distrust, and a lack of community cohesion to explain higher levels of violent crime, while economists tend to see property crime as an occupational choice based on the perception that the risks of being caught are low.²⁷ Again, however, the impacts of economic inequality on our personal safety affect all members of society. According to Voices for Utah Children, 44,000 Utah kids have had an incarcerated parent.²⁸ Suggestions for addressing issues like these are discussed in the Personal Security Committee report.

Community Engagement

Economic inequality also changes the way individuals interact with one another and engage in society itself.²⁹ Key findings from the research demonstrate that people living in societies with higher levels of inequality (1) have lower levels of trust, (2) are less likely to help each other through acts of altruism, (3) have lower rates of social and civic participation, (4) have lower voter turnout, and (5) are less likely to engage in cultural activities.³⁰

A Growing Threat

Income inequality is a growing issue not only in the United States but across the globe. In a letter to CEOs, Black Rock's Larry Fink wrote: "Since the financial crisis [of 2007-2008], those with capital have reaped enormous benefits. At the same time, many individuals across the world are facing a combination of low rates, low wage growth, and inadequate retirement systems."³¹ Individuals such as French economist Thomas Piketty and wealthy investors and CEOs such as Bill Gates and Warren Buffet have each offered approaches to solving the problem on a national and international scale.³² Many others in this country have also addressed this issue, suggesting policy changes such as a more progressive income tax, increase in the inheritance tax, better reporting and evaluation of corporate tax subsidies, and a tuition-free higher education system. These proposals deserve closer analysis, but the main concern of UCC is what we can do on the state and local level in Utah. Though income disparities are less wide in Utah, and inter-class mobility is greater than in the rest of the country, we still have hundreds of thousands of fellow citizens who are denied equal access to good health, quality education, and the prospect of a bright future.

In an October 2016 report published by the Federal Reserve Bank of San Francisco addressing the consequences of rising income inequality, the authors suggest an increase in the safety net and a modest increase in tax rates, concluding as follows: "According to our analysis, the increase in income inequality since 1970 has generated large welfare gains for households in the top 20% of the income distribution and significant welfare losses for those in the bottom 80%, measured relative to a scenario that holds inequality constant. Alternative simulations imply that a relatively modest boost in the historical growth rate of government redistributive transfers, accompanied by modestly higher average tax rates, could have achieved small but equal welfare gains for all households. Overall, our results suggest that there is room for policy actions that could offset the negative consequences of rising income inequality."³³ Since the October 2016 report, however, national and state government policy decisions have taken an opposite approach, exacerbating the growing crisis of income inequality in both the U.S. and Utah. State tax reform can and should be part of the solution.

We must make our choice. We may have democracy, or we may have wealth concentrated in the hands of a few, but we can't have both.

Louis Brandeis

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 and Background

Utah's rapid population growth and associated expanding infrastructure continues to exacerbate the state's environmental challenges. This year's report again addresses the issues of how to improve air quality and provide enough water for future needs. The new prison and the Inland Port Project developments in the northwest quadrant of Salt Lake City illustrate the need to adequately plan for the needed infrastructure and a serious evaluation of environmental and community impacts.¹ Attempts by developers to increase housing densities and reduce urban sprawl have met with resistance by parts of the public and some local officials in Salt Lake County.² Last year's report warned about the threats of global warming and recommended adoption of a revenue neutral tax on fossil fuel emissions.³ The record-breaking heat waves in 2018, globally and in the U.S., as well as devastating fires in Europe, California, and Utah evidence the need for urgent action to reduce the human contribution to global warming.⁴ The impact on water availability from the threat of a mega-drought in the western states warrants a special section in this year's report.

Air Quality

In last year's report, we welcomed 2017 Utah House Concurrent Resolution 18, which urged car buyers to consider smog ratings when purchasing new cars. Unfortunately, this past year has shown scant progress in the purchase of cars with lower pollution ratings. New data from the Utah State Tax Commission for the first two quarters of 2018 indicate that car buyers are ignoring pollution ratings. The more fuel-efficient passenger cars were only 24.7% of vehicles sold.⁵ A year earlier the number was 29%. This trend, if not reversed, will make reductions in air pollution on the Wasatch Front very difficult because vehicles are responsible for nearly 50% of emissions.⁶ Sales of electric vehicles (EV) and plug-in hybrid electric vehicles (PHEV) have increased but still represent less than 1% of new vehicles sold.⁷ A significant obstacle to increased sales of zero-emission vehicles (ZEVs) in Utah is the lack of inventory. For example, in a recent internet search we failed to find a Toyota Prius Prime Plus, a plug-in hybrid, within 100 miles of Salt Lake City. The 2018 Utah Legislature's House Bill (HB) 479 ("Zero Emission Vehicle Program"), which would have mandated more allocations to Utah of ZEVs by car manufacturers, did not pass.⁸ The 2018 Senate Bill (SB) 136 imposes an extra registration fee of \$122 for electric vehicles and an extra \$52 for plug-in hybrids.⁹ The rationale is that owners of these vehicles do not help pay for roads, which are funded by a tax on fossil fuels. This extra fee and the elimination in 2017 of Utah's tax credit for electric vehicles does not facilitate increased ZEV sales in Utah. The recent EPA proposal to

relax vehicle fuel efficiency requirements also poses a threat to improving air quality nationally and in Utah.¹⁰

We are also particularly concerned about the clearly negative impact the proposed Utah Inland Port would have on air quality along the Wasatch Front. We live in an area that ranks 8th worst in the country for short-term, small particulate pollution and 18th for ozone.¹¹ By definition, the proposed inland port will dramatically increase truck, train and airplane traffic to the Wasatch Front, and at this point there has not been an environmental impact study and no serious attempt by the Utah Inland Port Authority Board to address environmental concerns.¹² We cannot imagine how the proposed inland port could operate without significantly decreasing the quality of our already marginal air. At the very least, careful analysis and modeling of the air quality impact of the increased traffic needs to be completed before the State moves forward with this project.

Future of the Great Salt Lake: Implications of Water Use

In November 2016 the level of the Great Salt Lake reached its lowest level in recorded history.¹³ Since the arrival of the Mormon Pioneers in 1847 the level of the lake has dropped approximately 11 feet, representing a 48% loss of the lake's volume.¹⁴ As important, this loss of water has decreased the area of the lake bed by 50%,¹⁵ significantly increasing exposure of Wasatch Front residents to toxic air pollution during wind storms.¹⁶ Although natural fluctuations in rain and snowfall cause the level of the lake to rise and fall, a recent study has shown that there has not been a long-term decrease in regional stream flow and precipitation sufficient to cause the observed drop in volume of the lake.¹⁷ Instead, the researchers found that water development projects and river and stream diversions have resulted in a continuous reduction of water flow into the lake, approaching a 40% reduction in recent years. Current evaluations of state water resources indicate that Utahns consume a total of approximately 1.8 billion cubic meters of water that would otherwise enter the lake: agriculture use takes 63%; salt pond mineral production extracts 13%; municipal and industrial uses accounts for 11%; evapotranspiration from constructed wetlands accounts for 10%; and 3% results from reservoir evaporation.¹⁸ It turns out that we are the cause of our shrinking lake.

The authors of this study point out that future water development will further reduce lake inflow. For example, the Utah Division of Water Resources estimates that water consumption from the proposed Bear River Project would decrease the level of Great Salt Lake by approximately 8 inches.¹⁹ Although this change may seem small in the face of the previous 11-foot reduction, it will further increase salinity, reduce biodiversity of the ecosystem, and expose another 31 square miles of lakebed, contributing to more severe dust storms.

As the population of the Wasatch Front increases in the coming years, Utahns face a difficult dilemma. Do we find ways to conserve and dramatically reduce our water use, painful as that would be, or do we let the lake continue to decrease in size? Do we allow the day to come when the lake dries completely and the name of our capital city becomes a stark reminder of our failed environmental stewardship?

Are We Facing a Drought of Biblical Proportions?

This summer, as Californians debated whether the catastrophic drought of 2013-2017 had actually left their still-parched and wildfire plagued state,²⁰ no one questioned the reality of the expanding “exceptional” drought centered in the Four Corners region of Colorado, New Mexico, Arizona, and Utah.²¹ Stunning examples of just how dry the Four Corners region has become are the recent springtime closures of national forests in Colorado, New Mexico, and Arizona--an attempt to protect the forests from human caused wildfires.²² Severe drought extends northward throughout the vast majority of our state,²³ providing conditions for an exceptionally destructive wildfire season that has already consumed five times the average acreage and doubled the firefighting cost.²⁴

Within the context of global climate warming,²⁵ recent examples of dying montane forests, massive wildfires, closed national forests, and threatened agriculture raise the specter of a future Southwest landscape in which all or most of the trees are dead, toxic dust storms rage, and agriculture is impossible. Unfortunately, this is the scenario predicted by a recent study published in *Science Advances*.²⁶ The researchers used state-of-the-art atmosphere “general circulation” models to simulate the variables that govern mega-drought risk. They defined mega-drought as “a multidecadal (35-year) period of aridity as bad as, if not worse than, the worst droughts of the 20th century.” Their modeling indicates that by the end of the century, if our emission of greenhouse gases continues unabated, regional temperature increases will push the risk of mega-drought above 90% if precipitation rates do not change and above 99% if precipitation decreases, as is predicted. Stated simply, this study suggests that before the end of the century, business-as-usual emissions of greenhouse gases would make a mega-drought a near certainty. It must be emphasized that a mega-drought in the Southwest would negatively impact essentially every aspect of our ecosystem and every aspect of our way of life. Literally, this study makes it is reasonable to question whether civilization as we know it can persist in the American Southwest through the century. Fortunately, the researchers found that aggressive reduction in global greenhouse gas emissions to keep regional warming below 2° C would cut the risk of mega-drought nearly in half.

If this study were an outlier it would be sensible to ignore it. A growing series of investigations, however, indicate that climate warming will, in the near future, disproportionately impact the American Southwest.²⁷ We believe forecasted regional consequences of climate warming demand that Utahns adopt a leadership role in aggressively combating climate warming. The level of our action will determine the future of our children and grandchildren.

Commendations:

- **Robert Davies (physicist at USU)** for his continuing efforts to educate the public and the Utah Legislature about climate change and the need to curb emissions of heat trapping gases
- **Utah chapters of the Citizens’ Climate Lobby** for their efforts to promote passage of a Carbon Fee and Dividend policy
- **Utah Legislature’s Clean Air Caucus** for its efforts to promote cleaner air

- **Salt Lake City’s Climate Positive 2040 Program** and its goal to achieve 100% renewable energy for community electricity supply by 2032²⁸
- **UCAIR (Utah Clean Air partnership)** for its expanded outreach and public education efforts to reduce air pollution
- **Friends of Great Salt Lake** for their continuing efforts to protect the ecosystem of the Great Salt Lake through education, research, and advocacy
- **Utah Rivers Council** for its continuing advocacy to protect our wetlands and educate the public on the Lake Powell Pipeline and Bear River development projects
- **Pacific Corp, the parent company of Rocky Mountain Power,** for ongoing efforts to reduce CO₂ emissions from their coal-fired power plants²⁹

Recommendations:

- **We continue to promote the idea of a pollution fee for cars,** particularly those with high emissions, and we recommend reintroduction of Utah HB 457.
- **The Legislature should require that new car advertising include gas consumption and pollution ratings.**
- **Utah leaders and planners need to begin questioning the desirability and presumed inevitability of the projected doubling of population** in Utah. Such unrestrained growth will make it very difficult to improve air quality in the Wasatch Front counties.
- **The Legislature should reinstitute tax incentives for low emission and electric vehicles.**
- **Utah needs to follow California and 9 other states** to mandate a minimum percentage of ZEV vehicles as proposed by HB 479 in 2018.
- **We urge more municipalities in Utah to join Salt Lake City, Park City, Moab and Summit County** in striving to achieve 100% renewable energy and reduce greenhouse gas emissions by 80% by 2040.
- **Major development projects in the Wasatch Front counties,** such as the Inland Port, the new prison in Salt Lake City, and the Olympia Hills development **must include environmental evaluations that address impact on air quality, water availability, and wetlands around the Great Salt Lake.**
- **We continue to recommend that the state legislature place a price on greenhouse gases.** A carbon tax would provide incentive for innovation and reduced use of fossil fuels. HB 403, introduced in 2018 by Rep. Joel Briscoe, is a revenue neutral carbon tax plan that we endorse.
- **To protect against future reductions in the level of the Great Salt Lake and to preserve the lake’s wetlands,** residents of the Wasatch Front need to take water conservation seriously and advocate against the Bear River Development Project.

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

Last year's report focused on the Our Schools Now (OSN) initiative petition to increase income and sales tax revenue for improvements in public education. Although the petition looked like it was gathering enough valid signatures to be on the 2018 ballot, a behind-the-scenes effort to forge a compromise with the Legislature emerged, and the OSN team decided to withdraw the signature-gathering effort and adopt the compromise. We focus below on the compromise and the resultant proposal for a gas tax increase that will be on the ballot in lieu of the income and sales tax increase in the initiative. We also return to our former focus on the need to scale up efforts to provide preschool to three- and four-year-olds. Both foci are essential aspects of the educational attainment and future welfare of Utah's youngest generations.

Our Schools Now Compromise

It is fair to say that the Legislature and the Governor were firmly opposed to an income tax increase for public education and kept touting their own ability to increase spending for public education without a tax increase.¹ In trying to keep up with student growth and inflation factors, what they refused to acknowledge publicly was how far behind they had fallen in making up for lost revenue and reduced effort over time. Over the past 20 years or so, millions of dollars of income tax revenues have been siphoned off for higher education, property tax cuts have harmed the basic school program, and revenue from the 5% flat income tax has generated less than expected.² A report by the legislative fiscal analyst, requested by legislators during negotiations with OSN, showed that, after adjusting budgets for inflation and enrollment growth, funding for K-12 education, on a per student basis, has not grown in 20 years,³ despite increasingly critical needs to address achievement gaps, increased numbers of dual language learners, high teacher attrition rates, inadequate teacher salaries and support services, and large classroom sizes.

The OSN/legislative compromise has several components. One major component resulted in a five-year freeze on the floor of the basic state property tax rate (not the separate school district levies), so that it cannot be reduced to keep revenues neutral. In other words, freezing the base rate now allows the revenues for public education to rise as the value of real property increases.⁴ These increased revenues will go into a special trust fund for public education program improvements, as will two other, more technical revenue components.⁵ Another major element of the compromise committed the Legislature to placing a question on the 2018 ballot asking voters if they would support an increase in the state gas tax by 10 cents a gallon. Although this increase in gas tax revenues legally must go to improve roads and transportation, the Legislature has promised that millions of dollars previously going to roads from the General Fund would now be freed up to go to education. This transfer of funds would add more than \$100 million to public education revenues annually.⁶

Voter approval of the proposed gas tax increase is an important component of the overall compromise and will help to ensure that the Legislature will keep the rest of its promises intact. The legislative fiscal analyst estimates that the new revenue components collectively could raise approximately \$386 million in new spending for public education by the fifth year (at which point the future of the revenues becomes more uncertain).⁷

As part of the compromise, OSN backers also negotiated for future inclusion of the initiative's program elements in a 2019 bill. Among elements to be preserved is discretion by each school district (and each principal and school, using broad district guidelines) to determine the most effective way to spend the money. Other requirements will be equal per-student distribution of the money, transparency, accountability, and performance improvement--with specific requirements for annual progress measures. Prioritized needs include teacher salary increases in some districts and reduction in teacher turnover in all districts, especially in schools located in low income neighborhoods. Turnover is affected as much by heavy teaching loads and lack of sufficient support as it is by low salaries. Needed supports include social workers, psychologists, nurses, and ongoing training in coping with diverse languages and cultural backgrounds.

Utah remains dead last among all the states in expenditures per student.⁸ As a result, class sizes and teaching loads are among the highest in the country. Overall student achievement in Utah remains below state proficiency goals in literacy, math, and science.⁹ Reducing the achievement gap of ethnic minority students and those for whom English is a second language remains a top priority. Principals will have an important opportunity to direct additional revenue to classrooms and support services to directly help these students achieve proficiency levels.

The proposed gas tax increase, along with the changes to the state property tax and special increases to the per-pupil allocations will provide a steady 5-year source of additional revenue for schools, with a built-in inflationary factor. Absent implementation of the compromise, new money for public education is likely to be limited to keeping up with enrollment growth. The gas tax ballot provision will test whether voters are truly willing to pay more to support program improvements in education, as polls have consistently suggested. Major support for the tax increase is coming solidly from the business community, the Governor, the state Department of Transportation, public and higher education, and legislative leaders.

Preschool Programs

For the past three years, UCC's public education committee has tracked Utah's attempts to improve preschool education for at-risk three- and four-year olds. Utah began implementing pilot preschool programs in 2014 (House Bill 96) and expanded high-quality preschool pilot programs during the 2016 session (Senate Bill 101). In 2018, HB 380 required the Utah State Board of Education (USBE) to develop school readiness assessments. The preschool pilot programs funded by state and private providers have increased the number of preschoolers served and have pushed evaluation efforts, but Utah still lags far behind other states and is one of only seven states without a state-funded preschool (pre-K) program for three- and four-year olds.¹⁰

The Importance of High-Quality Preschool Programs

Utah has long recognized that parents and caregivers are a child's first teachers. A young child's physical, social, emotional, and cognitive development, however, depends on provision of a safe

and supportive environment. Research has documented the harm that poverty, homelessness, and other toxic social/emotional stressors produce on children's brain development and health in the critical years from birth to three and continuing into the preschool years.¹¹ Complicating matters, school readiness skills of preschoolers vary widely, not only because of varying rates of development but also because so many low-income children cannot access the benefits of high-quality early learning programs. Further, an increasing number of three- and four-year olds in Utah live in homes where the first language is not English. These dual language learners (DLL) need skilled teachers and services that align with their culture and first language.¹²

Utah's population projections indicate a 67% increase by 2050. Combined with Utah's high fertility rate and household size, these projections could result in the state continuing to have the highest number of young children per household of any state.¹³ Further, population growth patterns reveal that too many children from racial and ethnic minorities are likely to experience poverty, poor health, and learning delays if we do not intervene.¹⁴ It cannot be emphasized enough that early learning experiences determine whether a child's developing brain architecture provides a strong or weak foundation for all future learning, behavior, and health.¹⁵ Research shows that low-income children enrolled in high-quality preschools are more likely to have increased cognitive function, graduate from high school, experience better overall health, and be less likely to be incarcerated than their peers who lack such opportunities.¹⁶ For every \$1 invested in high-quality preschools, research suggests at least a \$7 dollar return on the public's investment.¹⁷ Children who enter kindergarten healthy and ready to learn can reap these benefits. We can pay now or pay more later--with the resulting far greater suffering and harm to our children and expense to taxpayers.

Early Childhood Education Programs in Utah

Utah's early childhood intervention programs (0-3) and preschool programs (3-5) have been fragmented among multiple providers, lacking common definitions of high-quality care and high-quality preschool. Providers have different funding sources, goals, standards, and curriculum philosophies. In late December 2017, the Utah Education Policy Center and the Division of Workforce Services' Office of Child Care (OCC) completed a state-mandated needs assessment of Utah's services and resources for children ages birth-five.¹⁸ The study examined current service initiatives, highlighting several ongoing preschool programs, including UPSTART,¹⁹ federally funded Head Start and Early Start, and pilot public preschool initiatives. The latter include preschool grants to school districts and Pay for Success' private investments--reimbursable by the state if certain outcomes are obtained. The study revealed many gaps and challenges and the fact that far too few children are reached by these early learning programs.

Utah has yet to develop and implement a uniform statewide preschool assessment based on a common understanding of what constitutes a high-quality preschool. Indeed, there is no requirement that all state-funded preschools meet all of the Utah State Board of Education (USBE) standards for a high-quality preschool.²⁰ And philosophical tensions remain. These disagreements need to be resolved because quality of preschool is critical to effective outcomes. USBE, in response to HB 380, plans to have an assessment ready for implementation in late 2019.²¹ Lacking assessment data and agreed-upon, uniform quality standards, it is next to impossible to determine whether one preschool program is of better quality than another.²² In

other words, it remains difficult to document children's learning outcomes and demonstrate data-driven accountability to state policymakers.

Future Challenges

Utah lacks a comprehensive, statewide pre-K program. Utah's fragmented system, varying quality guidelines, and limited data sets impede development of useful strategic planning tools, coordinated guidelines, and implications for long-term resource allocations. A multidisciplinary group of public and private providers known as Early Childhood Utah (ECU) has been attempting to coordinate their services. We believe, however, that much more leadership is required from the governor's office, the Legislature, and agency heads. House Bill 319, which would have created a formal Commission on Early Childhood Education supported by an advisory council, was not passed in the 2018 legislative session. Such an act is badly needed to strengthen the existing informal network.

Commendations

- Our Schools Now co-chairs Gail Miller (Chairwoman, Larry H. Miller Group), Scott Anderson (CEO, Zion's Bank), and Ron Jibson (retired CEO, Questar) for their **leadership of the OSN initiative and steadfastness in pursuing the need for increased revenues** for public education
- **The Utah Office of Child Care and the Utah Education Policy Center** for their December 2017 report on services and resources for children ages birth-five.
- **United Way's Promise Partnerships** that bring together leaders from business, government, nonprofits, school districts, and higher education to share information and try to improve strategies that directly benefit young children and their families.
- **Voices for Utah Children** for continuing to promote better funding for pre-K and full day Kindergarten expansion.

Recommendations

- **Voters should support the November 2018 ballot resolution to increase the gas tax** by 10 cents per gallon as a critical way for voters to demonstrate their understanding of the need to invest more in the future of public education.
- **The public should hold the Legislature accountable** for the promises it made under the OSN compromise, e.g., full funding of enrollment growth and inflation, legislative support of the gas tax increase, a task force of legislators and educators to work out details of future funding and distribution formulas, and significant increases in public school and higher education funding for the next five years.
- **The Legislature should pass the equivalent of last year's HB 319** to require alignment of goals and standards among early education stakeholders and to promote maximum use of federal, state, local, and private dollars.
- **The USBE should develop an evidence-based statewide pre-K assessment tool** by the 2019-2020 school year that can compare outcomes in high quality preschools to programs of lesser quality.

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

Last year this report (1) continued to seek the expansion of Medicaid for full access to health care and (2) gave new attention to Social Determinants of Health (SDoH, i.e., determinants beyond medical care). These priorities remain this year, along with new opportunities. To improve health and better manage its costs, we urge: (A) expanding Medicaid by passing ballot Proposition 3 in November and (B) improving understanding and use of SDoH, such as air pollution (environmental health report), domestic violence (personal security report), and preschool programs (education report).

The Situation

Overall Measures: (Utah ranks high, while recent improvements and comparisons among states and nations suggest room for further improvements)¹

The latest health rankings show Utah well within the highest-ranking states in the nation: moving from 8th to 4th in one ranking and maintaining its ranking of 5th in another. Utah is favored by demographics, lifestyles, education, relative income equality, and by the quality and efficiency of its medical care. Further improvements that can make Utah a substantially better place to live and to do business are within our reach.

Access (coming closer to universal access, but slipping in rank)

Failure to expand Medicaid left Utah behind other states and lowered its ranking in respect to the availability and equality of health care. Voter passage of Utah's Proposition 3 to expand Medicaid will add Utah to the 33 states filling the primary hole in insurance coverage.

Cost (now the major issue)

Utah health care costs, per person or per procedure, are among the lowest in the nation. Utah can, however, gain better health and economic advantage by understanding why this is the case. To some extent, the lower costs reflect the relative efficiency and effectiveness of medical care; they also reflect SDoH in the state, such as the low poverty rate. There is room for improvement in both areas.

Quality (arguably a primary means to control cost)

Higher expenditures presumably buy higher quality. In health, this presumption is often wrong. Better health can reduce expenditures. Improving the SDoH presents win-win opportunities.

Opportunities

A. Expand Medicaid

Access continues to be a challenging concern for Utah, with its uninsured rate significantly increasing in 2017.² Access can be improved by expanding Medicaid to the adult population under 138% of the federal poverty level (FPL).³ The UCC once again calls for Utah to move forward with this opportunity.⁴ In prior reports the UCC addressed the many positive outcomes Utah is likely to experience by implementing a Medicaid expansion.⁵ Recent research continues to verify the benefits realized by states that have already adopted this Medicaid option. Among the positive impacts are: financial benefits to the state,⁶ increased adult coverage (without sacrificing coverage for traditional Medicaid enrolled populations), better access to care, better utilization of services, affordability of care, financial security among low-income populations, and improved financial support of rural hospitals.⁷ Recent reports also include better employment opportunities, with enrollees in Ohio, for example, reporting that Medicaid enrollment made it easier to seek or maintain employment.⁸

There are now three different Medicaid expansion proposals that would go beyond the recently implemented, though limited, expansion.⁹

1. *Medicaid expansion to 100% of the Federal Poverty Level (FPL) under HB 472.* The Governor has submitted to Centers for Medicare & Medicaid Services (CMS) a demonstration application in alignment with the 2018 House Bill 472 “Medicaid Expansion Revisions.” This proposal will expand Medicaid to most adults under 100% of FPL, utilizing the enhanced 90% federal match authorized under the ACA. (Most Utah Medicaid programs receive a federal match rate of approximately 70%.) It also has a community engagement/work requirement¹⁰ that complicates the determination of eligibility. It has the authority to limit enrollment based on the program budget.¹¹ It is funded utilizing an increase in the Utah hospital assessment.¹²
2. *Enhancement Waiver Program--HB 325.* If CMS fails to approve the HB 472 application, then, under HB 325, DOH can add inpatient and outpatient hospital services and specialty physician services to the existing Primary Care Network (PCN) demonstration.¹³
3. *Ballot initiative, Utah Decides Healthcare Act of 2018.* If passed in November, this will provide for a full-benefit adult expansion to 138% FPL utilizing 90% federal matching dollars. It will prohibit reductions in current eligibility standards, benefit levels, and provider reimbursement. It has no enrollment caps and is funded through a 0.15 percentage point state sales tax increase.¹⁴

Although all 3 approaches have inherent flaws, UCC believes Utah as a whole, and its low-income population in particular, will be far better off under the ballot initiative. Our reasons include:

- It will draw in more federal dollars than the other approaches, allowing the state to take full advantage of the positive financial impacts of the enhanced federal matching dollars.

- It provides a better benefit package to the low-income adult population than do the other approaches and is less costly to that population, which struggles to meet basic living costs in today's economy.
- It is administratively simpler for all system participants, providing the opportunity to eliminate multiple current benefit packages. There would be no need for the PCN program with its limited benefit package, and with the expansion being funded with new revenue, there may be no need to continue with the modest benefit reductions like fewer covered hospital services, speech and audiology services, and some therapy visits that are currently applied to low income parents.¹⁵
- There is no work requirement under this approach.¹⁶ (Most new recipients already work.)
- The next best option, expansion to 100% FPL under HB472, is unlikely to receive the necessary federal waiver.¹⁷
- Proposed time limits and work requirements under alternative options dampen access for new populations that critically need coverage, and set a problematic precedent for Utah's Medicaid program, even as recent reports find that coverage is already helping these populations in their employment, their health care, and their health status.¹⁸

B. Address Social Determinants of Health (SDoH) to improve health and manage costs.

Improving the social determinants of health (SDoH) can upgrade health and help manage costs.¹⁹ A common definition of SDoH is that provided by the World Health Organization:

The social determinants of health are the conditions in which people are born, grow, live, work and age. These circumstances are shaped by the distribution of money, power and resources at global, national and local levels. The social determinants of health are mostly responsible for health inequities - the unfair and avoidable differences in health status seen within and between countries.²⁰

The concept embraces essentially all aspects of society. Definitions can vary, differentiating or consolidating determinants as situations change.²¹

Utah has many opportunities to address SDoH to improve health and lower the costs of health care. These include SDoH in which we are in a relatively good position (e.g., healthy lifestyles) and those in which we are in a relatively poor position (e.g., urban air pollution). Both types of opportunities show up in other committee reports in this year's report. Table 4 in the endnotes illustrates possible connections with recommendations made in other sections of this assessment.²² Identifying these connections can increase support for their recommendations by identifying health benefits related to them. If this support leads to implementation of the recommendations, that in turn improves health.

For example, a primary concern of the education report is the need for better preschool programs to prepare students for kindergarten. High-quality programs are needed to successfully address young children's academic, emotional, and social development, which research has shown reduces later problems such as dropping out of school, incarceration, and unemployment.²³

Our assessment last year suggested two connections, as examples of the way the reports are linked. The first is the recommendation in the environmental health report to encourage shifting from carbon-fueled energy generation to renewable energy in order to reduce CO₂ emissions that are primary determinants of global warming. Although CO₂ emissions in themselves are not direct health hazards, reducing them by reducing combustion of carbon-based fuels immediately affects the ground-level pollutants of noxious gases and fine particles that constitute major environmental health hazards. Thus, the recommendations to increase the use of renewable energy sources have large direct benefits for promoting health and reducing health care costs. A second connection last year concerned the personal security recommendation for more government research on the dangers of guns and proper regulation of the purchase and storage of guns. Some encouraging efforts are now emerging for reducing domestic violence and suicides.

Next year's report will further these two connections, with special attention to the roles of public health programs and to increasing data resources. Additional attention will go to 1) the long-term connections of preschool preparation and health and (2) more immediate connections between clinical health care and the concerns of public health programs.²⁴

In Utah, there are new initiatives to identify and address opportunities to improve health through SDoH. One is a collaborative pilot effort led by Intermountain hospitals and SelectHealth in Ogden and St. George. The effort seeks to improve health by focusing on non-medical factors such as housing instability, utility needs, food insecurity, interpersonal violence, and transportation.²⁵ Another is a recent symposium about SDoH held at the Kem Gardner Policy Institute.²⁶ These and other efforts provide enthusiasm and guidance for using SDoH to connect health with other concerns and recommendations in this year's UCC assessment.

Commendations

- **The successful voter initiative, which places on the November ballot an expansion of Medicaid to the full extent of the provisions of the Affordable Care Act.**
- Various, though still generally independent, **efforts by hospitals with other health care providers (1) to make better and better coordinated use of clinical information systems, (2) to engage patients in the understanding and treatment of medical problems, through clinical information systems, and (3) to pursue improved health through SDoH.**
- **The Utah Department of Health's progress, with local health departments and HealthInsight, in developing and analyzing better measures of medical care.**

Recommendations

- **Citizens should vote yes on Proposition 3 to expand Medicaid.**
- **Utah should improve its use of Social Determinants of Health to increase health and reduce its costs.**

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 2017 Personal Security Report focused on issues of domestic-violence-related homicides and the impact of the Lethality Assessment Protocol in reducing these murders. It urged action to recognize the prevalence of dating violence. The lethal impact of guns on society led to the recommendation for Universal Background Checks. We lauded HB 200, mandating that all rape kits be tested, as a turning point in the treatment of Utah rape victims, and Brigham Young University for allowing 'amnesty' regarding its Honor Code during sexual assault investigations.¹ Utah still has not joined the Prison Rape Elimination Act, or passed a robust hate crimes bill. The 2018 Report will again address domestic violence, gun violence (including suicide), and hate crimes, as well as the high rate of deaths in Utah's county jails.

Domestic Violence

The Department of Justice (DOJ) has undermined efforts to stigmatize domestic violence as a criminal assault violating personal security. A 2014 immigration court ruling² allowed aliens to petition for asylum when their home country failed to secure protection against violence in the home.³ Attorney General Jeff Sessions used his veto power over immigration court decisions to rescind this ruling, and disqualified such claims as matters of "private violence."⁴

Despite Utah's low overall homicide rate, domestic-violence-related homicides have accounted for over 40% of its total murders over the last two decades, compared with 30% nationally. Intimate partner violence accounts for one in three female homicide victims compared with one in twenty males.⁵ A partnership between the Utah Domestic Violence Coalition (UDVC) and multiple Utah police departments has significantly reduced the death toll through the adoption of the Lethality Assessment Protocol.⁶ Building on that success, and given the heavy demand for everyday services in its 13 overtaxed shelters, the UDVC is requesting \$1.5 million in dedicated budget funding.⁷

Even though dating conflicts account for 25% of domestic assaults, Utah laws limited the legal category of domestic violence to married, divorced, or co-habitant relationships.⁸ The highly publicized 2017 murder of a woman and her son by an ex-boyfriend prompted broad support for the "Relationship Violence and Offenses Amendment" bill sponsored by Representative Angela Romero and Senator Todd Weiler.⁹ As a result, dating violence must now be regarded as domestic violence by Utah's law enforcement and court systems. Passage of SB 27 was a key Article 5 Recommendation from the 2017 UCC Report.

Despite the UDVC's support, the 2018 "Duty to Assist in an Emergency" bill failed. HB 125 directed bystanders to contact authorities via 911 when witnessing a person in danger of "serious bodily harm," whether by accident or assault (unless such action would endanger the caller).¹⁰

Gun Violence

Gun violence remains a major U.S. health and safety problem costing over 30,000 lives annually. This approximates the current number of motor vehicle deaths, which have been in steady decline for years, due largely to safety regulations such as seat belts.¹¹ Yet gun laws are remarkably few. Congress, via the 1966 Dickey Amendment, prohibited the Centers for Disease Control (CDC) from any research advocating gun control after a CDC study concluded that firearms in the house elevated the residents' risk of suicide or homicide.¹² Congress also cut gun research funding from the CDC budget, and attached the Dickey Amendment to all subsequent CDC budgets.¹³

Two recent mass killings have intensified the debate over firearms. Bump stocks that convert semi-automatic rifles (like the AR-15) into weapons of war were used to kill 58 concert-goers in Las Vegas.¹⁴ Subsequently, despite multiple warnings to authorities, a former student murdered 17 people at a Parkland, Florida high school. The latter tragedy gave life to the national student-led March For Our Lives (MFOL) campaign that demands stricter regulations of firearms and their access.¹⁵

Contrary to Utah's status as a staunch gun-rights state, a surprising number of gun safety bills have been submitted for the 2019 legislative session.¹⁶ Utah-MFOL activists¹⁷ helped motivate the Legislature to create a Utah Safe Schools Commission (USSC),¹⁸ whose report calls for two of these proposed firearms safety regulations.¹⁹ First, a Red Flag law would permit families, through the courts or police, to have firearms removed temporarily from someone who is likely to injure self or others.²⁰ Second, a Universal Background Checks (UBC) requirement would close loopholes (such as gun shows or private online sales) that allow buyers to avoid the National Instant Criminal Background Check System.²¹ (Additional "common-sense" firearm proposals include a concurrent resolution directing Congress to revoke the Dickey Amendment, and a ban on bump stocks.)²²

Guns and Suicide

Suicides constitute over 60% of gun deaths nationally, and over 85% of gun deaths in Utah.²³ Utahns reside in the Mountain West "suicide belt" and suffer the nation's 5th highest rate of suicide.²⁴ Even more alarming, Utah's youth suicides have grown at 4 times the national rate to become the leading cause of death for its 10-17 year-olds. Firearms, too available and so lethal, account for half the fatalities.²⁵ The primary means of reducing youth suicides or accidents, according to the Utah Department of Public Safety, lies in requiring owners to employ gun locks (or safes), as mandated in another proposed 2019 bill, "Safe Storage of Firearms Amendment."²⁶

Prompted by a CDC recommendation that Utah should do more to address youth suicides,²⁷ Governor Gary Herbert created the Teen Suicide Prevention Task Force in January 2017 with a charge to compile an overview of state efforts to reverse the ongoing tragedy.²⁸ The University of Utah Neuropsychiatric Institute inaugurated a SafeUT app in 2016 to allow students 24/7 contact with a crisis counselor.²⁹ Over 26,000 SafeUT chats or tips interactions have occurred from 2017 through April 2018.³⁰ Representative Steve Eliason, chair of the Task Force, passed a 2018 bill to fund mobile crisis outreach teams and require schools to adopt suicide prevention programs.³¹ Utah's Medical Examiner Office hired a suicide research coordinator to conduct "psychological autopsies" through interviews with victims' friends and family, with a specific

focus on marginalized communities such as Native Americans and LGBTQ students.³² CDC research indicates that lesbian, gay, and bisexual youth are 4 times more likely to attempt suicide than their heterosexual counterparts. (Utah is one of 25 states that has declined to allow sexual orientation questions in its student surveys.)³³

Hate Crimes

Utah is not immune to the recent national uptick in hate crimes³⁴--attacks upon those perceived to be members of a social group despised by the assailant. These acts also serve the purpose of intimidating the victim's entire community, typically a racial or religious minority. Although hate crimes remain "vastly" underreported,³⁵ Utah agencies acknowledged 66 such incidents in 2016 to the Federal Bureau of Investigation. The lack of a single successful hate crimes prosecution under Utah's vacuous 20-year-old law dramatizes the need for reform. Senator Daniel Thatcher's 2017 "Victim Selection Penalty Enhancement" bill stressed that all citizens, not just minorities, would gain protection through a robust hate crimes bill.³⁶ The 2017 bill, like its 2016 antecedent, faced a barrier in the broad perception that a statement³⁷ by the Church of Jesus Christ of Latter-day Saints (LDS) indicated its resistance. Prior to the 2018 session, he made a bold challenge to the LDS Church--publicly clarify whether it opposed SB 86.³⁸ While every other major faith in Utah supported the bill, the LDS church remained silent, and the reform bill went down to defeat.³⁹

Two 2018 events illustrate this legal lacuna. Mark Olic Porter told his Draper apartment complex neighbors that African-Americans should not be tenants, and even asserted that "all black people should be exterminated." When Porter yelled racial slurs at a 7-year-old boy riding his scooter in the courtyard, his father protested. After more slurs, Porter zip-caned the father in the neck with a stun device.⁴⁰ Despite the damage of such racist conduct within its own community, Utah could only charge Porter with aggravated assault. Ultimately, the federal government prosecuted him under its own hate crimes statute.⁴¹ (Porter served 9 months in prison.)⁴²

Following the Utah Pride Festival, four participants were harassed with anti-gay slurs and chased by a group of men. They found refuge in the Doki Doki dessert shop where a single employee offered them sanctuary, and then took some blows for blocking the door.⁴³ Even if the \$5,000 reward led to arrests, Utah's dormant law could not deliver a hate crimes conviction.⁴⁴

Jail Deaths

The 2014 Bureau of Justice Statistics reported that Utah's county jails had the nation's highest rate of in-custody deaths--a number that totaled 24 in 2016.⁴⁵ There are no federal policies outlining standards for the treatment of county jail inmates, two thirds of whom are being held while awaiting trial. The *Salt Lake Tribune's* detailed coverage of several inmate deaths generated public attention to the issue.⁴⁶

Reportedly, some Utah jails did invite inspections from the Utah Sheriffs Association, but those findings were not made public, prompting an American Civil Liberties (ACLU) lawsuit.⁴⁷ And, until recent months, the handbook of 600 guidelines used in operating Utah's 25 jails also remained publicly unavailable. Its author, Gary DeLand, formerly the head of Utah's Department of Corrections, asserted proprietary rights over the document.⁴⁸

Critics focus on two interrelated concerns--preventing suicides (the highest percentage of jail deaths in Utah and elsewhere), and failing to provide appropriate medical treatment for inmates. New inmates have been denied access to ongoing medical prescriptions, and those undergoing detoxification have been denied medical services.⁴⁹

Senator Todd Weiler's SB 205 ("Incarceration Reports," passed in 2018) directs Utah's prisons and jails to submit information to the Commission on Criminal and Juvenile Justice regarding all in-custody deaths, current lists of approved medications, and which treatments, if any, are available to inmates with substance or alcohol addiction. After a Working Group compiles this feedback for Senator Weiler by November, 2018, he will determine whether new laws should be proposed.⁵⁰

Commendations

- **The Utah Legislature's expansion of the legal definition of domestic violence to include dating violence** through SB 27, "Dating Violence and Offenses Amendment"
- **Utah-March For Our Lives students**, whose commitment to active citizenship and safe schools has inspired hope for bipartisan consensus on Utah gun laws
- **Utah Safe Schools Commission Report's** endorsement of concrete steps to help ensure students' safety and well-being while at Utah's public schools
- **Utah's efforts to address youth suicide** through the Teen Suicide Prevention Task Force, the SafeUT app, crisis outreach teams, and the suicide prevention specialist
- **Terrance Mannerly's** courageous actions to stop hate crime assailants at the door of the Doki Doki dessert shop
- **The *Salt Lake Tribune*** for highlighting the human cost of Utah's jail deaths, and the **American Civil Liberties Union** for demanding mandatory jail reviews
- **The Utah Legislature's passage of "Incarceration Reports,"** requiring an account of all Utah in-custody deaths and a review of basic medical practices in Utah's jails

Recommendations

- **The Utah Legislature should endorse a version of the "Duty to Assist in an Emergency"** bill to help defend victims of intended or unintended violence.
- **The Utah Legislature** should support the concurrent resolution urging Congress to **withdraw the Dickey Amendment** and facilitate CDC's research on gun violence.
- **The Utah Legislature should pass fundamental gun safety laws** currently in process for the 2019 Legislature, including Red Flag authority, Universal Background Checks, a ban on bump stocks, and a safe storage requirement for gun owners.
- **Utah School Districts should allow sexual orientation questions on the Youth Risk Behavior Survey** that could help address Utah's youth suicide epidemic.
- **The Utah Legislature should pass an effective hate crimes bill** with provisions such as found in the 2018 "Victim Selection Penalty Enhancement" bill.
- **The Utah Legislature should require a record of all incarceration deaths**, and establish policies to deter suicide and assure appropriate medical treatments in Utah jails.

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

For the last three years, our committee has focused on the harmful impacts of poverty on children. While some of these children thrive in spite of their circumstances, many suffer damage from toxic stress, defined as “the prolonged experience of significant adversity” in their environment.¹ This stress can affect their physical and emotional health, and their prospects for leading successful lives.

Last year’s report examined the element of *housing insecurity* as a major contributor to this harmful stress, and proposed steps to expand programs providing housing for low income people. While a number of relatively low-cost housing units have been built in the last year, the ratio of available affordable units to the number of people who need them has not improved. While Salt Lake area wages increased very slightly more than rental costs between March 2017 and March 2018 (3.5% for wages compared to 3.3% for rentals), the great disparity between wages and rents remained basically the same, and tens of thousands of Utahns continue to suffer from incredible stresses caused by housing insecurity.² As the biggest single expense in a family’s budget, expensive housing makes it impossible for low income families to pay for other urgently needed items. Research over the last year has reinforced our conclusion that a meaningful increase in low income housing is the single most effective step we can take to give poor young children a better chance to thrive in the future.³

While continuing to track the Utah housing situation, our committee this year is focusing on programs that help to prevent and mitigate the toxic stress that has such a harmful impact on poor children. The effectiveness of income supplements, high-quality parent training, and early childhood daycare programs in improving poor children’s health and future prospects have been clearly demonstrated.⁴ The difficulty is in finding the resources needed to provide these programs to the thousands of Utah children who urgently need them.

A Generation at Risk

Utah’s 2017 poverty rate of 9.7% is the sixth lowest in the country,⁵ but that still leaves nearly 100,000 Utah children living in poverty.⁶ This relatively low rate means that it should be within our grasp to virtually eliminate poverty for those children. Those children would no longer suffer from the many sources of stress they now experience, including food insecurity, frequent moves, and living in overcrowded and often squalid conditions. Their parents, who are themselves frequently suffering from the scars of a deprived childhood, would reap the same benefits.

Recent research has demonstrated that the stress and anxiety caused by poverty deprivations have their biggest impact on small children. These children often suffer far more than immediate distress. The stresses of poverty have the potential to weaken their developing brain architecture, and “permanently set the body’s stress system on high alert.”⁷ Normal cognitive and emotional development is impaired, and these children are beset with a lifetime inability to focus and control impulsivity. These victims of early childhood toxic stress are much more likely to drop out of high school, have children out of wedlock, become addicted to drugs or alcohol, be unemployed, and become incarcerated. They are also much more likely to suffer from a variety of debilitating diseases, including cardiovascular, immune, and psychiatric disorders.⁸ Without early prevention and treatment of toxic stress, many of its sufferers are condemned to a life of ill health. A recent report issued by Intermountain Healthcare and SelectHealth stated that while “clinical care” comprised 10% of the contributors to people’s health status, “social and economic factors” made up 40%!⁹ This demonstrates that we must go far beyond providing medical clinics if we are going to give poor children (and their parents) an equal opportunity for a healthy life.

A Fair Chance—How to Prevent or Mitigate Early Childhood Toxic Stress

Two basic approaches can prove successful in preventing or mitigating toxic stress in early childhood. The first is to increase poor people’s incomes or (as with affordable housing programs) increase their spending power, allowing them to provide a more secure and peaceful environment for their children. Many studies have shown that even small increments in family income can make large differences in poor children’s health, well-being, and school performance.¹⁰

This option is attractive not only because it helps provide children and their parents a decent living standard; it also, in the long run, saves a great amount of public money. A recent in-depth study of the public costs of childhood poverty looked at the categories of reduced adult earnings, increased crime, increased health care costs, the costs of homeless shelters and other homeless services, costs involved in treating maltreated children, crime deterrence costs, and the increased costs of incarceration. The study estimated the total long-term public cost of child poverty to be slightly over one trillion dollars per year.¹¹

An upfront investment in reducing poverty and its effects lowers the costs associated with its attendant problems. For example, one recent report suggests that childhood poverty could be reduced by 50 percent with a nation-wide investment of \$70 billion dollars. That would save approximately \$515 billion yearly in tax funds.¹² For every dollar spent in poverty reduction, the US would save over \$7 by eliminating the economic fallout from poverty. Even if we use a more conservative estimate of child poverty (by adding the value of welfare and tax transfers to families’ income), we would still save \$419 billion; for every dollar spent in poverty reduction, the US would save almost \$6.¹³

Major policy options for giving poor families an immediate increase in income would be to increase the federal and state Earned Income Tax Credits (EITC) and the Child Tax Credit. Significant increases in the EITC are a “gift that keeps on giving.” These increases improve infant and maternal health, produce better school performance and greater college enrollment, increased work and earnings in the next generation, and even increased Social Security retirement benefits.¹⁴

Another effective public policy is increasing the minimum wage. The value of a dollar has decreased 17.5% since 2009, when the minimum wage was last increased.¹⁵ Minimum wage workers working 40 hours a week would still make an income far below the poverty line.¹⁶ Decreasing regressive taxes, such as that on food, would also give a small boost to poor people's income. Longer range programs to increase income include training programs for better paying jobs. This training is particularly important for Utah women, who currently have the highest ratio of gender wage inequality in the nation, earning only 71 cents for each dollar earned by Utah men.

Although measures to increase earned income are crucial, we must not forget those who cannot join the paid labor force because they are at home taking care of aging or disabled relatives, or young children. These essential workers are just as deserving of public financial support, if needed, as those bringing home paychecks.

The second approach to giving poor children a fair chance at life is to provide high-quality care services for young children, and consistent parenting training and support for their parents. Utah has several excellent, evidence-based programs that provide these services, including the Nurse Family Partnership and the Head Start and Early Head Start programs.

The federally funded Nurse Family Partnership program sends specially trained nurses to visit new moms starting in pregnancy and continuing with regular visits during the baby's first two years. The nurse becomes a trusted resource for the new moms and helps them to take the necessary steps to ensure their baby's physical health and proper cognitive and emotional development.

The program has frequently been cited for its effectiveness and excellent cost-benefit ratio. Voices for Utah Children recently cited the positive outcomes of the Partnership program in Salt Lake County in 2012. Program outcomes included a 30% decline in expensive preterm deliveries, an 18.9% increase in employment of moms 18 and older, a 40% decrease in maternal smoking, and a 50% reduction in domestic violence during pregnancy.¹⁷ Sadly, few of the potential program beneficiaries are receiving these services. The comprehensive *Early Childhood Services Study*, published in December 2017 by the University of Utah Education Policy Center and the Workforce Services Child Care Office, concluded that only 5% of the estimated total Utah demand for nurse and other home visiting services was being met.¹⁸

High-quality Head Start and Early Head Start programs have also proven their worth in aiding low income children and their parents, despite fragmented and uneven quality nationwide¹⁹ Those sponsored by Utah Community Action, headquartered in Salt Lake City, offer comprehensive services for low income children and their parents, including health and dental screenings and treatments, and an education curriculum stressing social/emotional development, academic success, and physical development for each child. The program also offers "self-sufficiency" services to parents, connecting them to appropriate community services, teaching them techniques to promote their children's learning and development, and encouraging them to participate in classroom committees and the local policy council.²⁰

Again, however, the difficulty is that so few eligible children are enrolled in this and similar excellent programs. The *Early Childhood Services Study*, cited earlier, quoted the National Head Start Association as estimating that only 26% of eligible Utah children have access to Head Start, and only 9% of eligible children have access to Early Head Start.²¹ This has made for long waiting lists for these services. A 2016 report from the National Institute for Early Education Research stated that \$182,956,634 in additional funding would be needed to provide Head Start services to 50% of low-income 3- and 4-year-olds in Utah.²² Public resources will always be scarce. It is important to enact programs which provide the services that have the biggest impact. Supporting poor young children and their parents is clearly one of these services.

Commendations

- The Early Childhood Utah program, administered by the state Bureau of Child Development, for securing a **five-year federal grant for \$426,600 annually for early childhood collective impact projects** in Ogden, South Salt Lake, and San Juan County.²³
- **Salt Lake Community Action, for securing federal funding to add 10 new Early Head Start classes to their program,** and to expand the contact hours to six per day, year-round. They hope to win funding again next year to continue expansion of this vital program.
- **The Utah Intergenerational Poverty Welfare Reform Commission,** for producing six years of comprehensive, insightful reports on the problem of persistent poverty. In response to this year's report, the Legislature appropriated \$1,000,000 to Workforce Services for a pilot program for counties to implement local solutions to intergenerational poverty.
- **Faculty at the U of U Medical School, IHC personnel, and others who have vigorously supported the "trauma-informed care" model for medical practitioners.**

Recommendations

- **Utah should join the 29 other states that have enacted a minimum wage above the \$7.25 federal level.**²⁴ A start would be Representative Lynn Hemingway's proposal to immediately increase the minimum wage to \$10.24 per hour, raising it to \$12.00 by 2022.²⁵ The long-range goal is to reach a living wage level for low income workers.
- The State needs to finally **pass the state Earned Income Tax Credit** at an initial rate of 10% of the federal level, which nearly passed last year.
- The State of Utah needs to significantly expand programs to help young at-risk children and their parents. **A modest start would be adoption of the Voices for Utah Children proposal for state enactment of an ongoing appropriation of \$2 million per year for the Nurse-Family Partnership,** joining 21 other states that have appropriated funds for NFP and/or home visitation.
- **Utah should join the 40 other states that contribute significantly to their Head Start and Early Head Start Programs.**

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 UCC focused exclusively on the value of a nonpartisan redistricting process, recommending public support of the ballot initiative entitled Better Boundaries. The initiative gathered the necessary signatures to be on the November 2018 ballot as Proposition 4. We are updating last year's report to emphasize the importance of this initiative. In addition, we followed the controversy and litigation efforts of the Count My Vote initiative, which the Utah Lieutenant Governor's Office determined to be ineligible for the 2018 ballot because of the number of signature rescissions that came in after the deadline for signature gathering. Finally, this year we are introducing the concept of the National Popular Vote, a movement to allow the popular vote in presidential elections to determine the actual outcome in the Electoral College. All three of these movements reflect dissatisfaction by significant segments of the population with legislative governance and the current state of political parties. For democracy to flourish as expected, government needs to perform in such a way as to gain widespread respect for its role in creating healthy communities and honoring public needs and interests. We hope these three movements will push government in the right direction.

Better Boundaries Initiative: Proposition 4

Gerrymandering, whereby state legislatures draw partisan boundaries for state and federal elections, has become increasingly problematic. Multiple states and court decisions have ruled that the process must become more nonpartisan so that legislators are not, in effect, selecting their voters. Instead, voters must be given a fair chance to select their legislators. Ohio, Pennsylvania, Wisconsin, Maryland, and North Carolina are among the most recent states to initiate legal challenges to their redistricting processes.¹ Michigan, Missouri, and Colorado have ballot initiatives this November to establish independent redistricting processes, and in May Ohio passed a measure curbing gerrymandering.²

Better Boundaries (BB) would like Utah to become another of the states that reduces the effect of gerrymandering for federal and state legislatures. Its initiative would establish a seven-person commission made up of Republican, Democratic, and unaffiliated voters who have not held elective office or been lobbyists or party activists in the recent past. In the ballot initiative, this independent redistricting commission is charged with drawing one to three maps to submit to the Legislature for its approval. The Commission is given strict standards or criteria for map drawing, standards that minimize dividing cities and counties and that prohibit use of partisan political data. Five of the seven commissioners must approve any map submitted to the Legislature. If this super majority cannot be achieved, then the Chief Justice of the Utah Supreme Court will intervene to determine which map(s) will be submitted. If the Legislature does not approve one of the submitted maps, it can draw its own map but must follow the standards established in the initiative. The Commission may critique the legislative map publicly, and private citizens may challenge the map in court.³

Review of Potential Benefits of Proposition 4

Passing the initiative is expected to produce multiple benefits, including:

- 1) Honoring the right of voters to choose their political leaders and not vice versa.
- 2) Building more trust in the fairness of the election process.
- 3) Producing less polarization in decision making and more accountability. (Current polarization has resulted in reduced ability in the U.S. Congress and the state legislature for members of political parties to come together to solve pressing problems and to respect the will of the people.)
- 4) Increasing the number of citizens who will register and vote because their vote will actually matter.
- 5) Producing more competitive elections so that, in what should be swing districts, the party in power does not automatically win because of the way it drew boundaries to split the votes of the party not in power.

Redistricting to reduce gerrymandering is not designed to change the reality of which party has the support of the majority of a state's registered voters but is designed to more accurately reflect the proportional power of the minority party in any given state.

Impact of U.S. Supreme Court Decisions

The U.S. Supreme Court had two gerrymandering cases before it in 2018, one from Wisconsin and one from Maryland. In June 18, 2018 rulings, the Court declined to decide the two challenges to gerrymandering, ruling that the plaintiffs in the Wisconsin case did not have standing (did not allege sufficiently particularized injury) to sue. The Court sent the case back to lower courts to allow four of the plaintiffs to try to provide evidence of their direct injuries.⁴ In the Maryland case, the Court issued an unsigned opinion rejecting plaintiffs' request for a preliminary injunction and remanding the case to the lower court.⁵ The impact of these decisions leaves the issue of partisan gerrymandering unresolved by the highest court in the land. A decision on the merits must await future cases.

Supporters and Opponents of Proposition 4

Currently, the only stated opponents of the initiative are legislators, who have disliked the ability of ordinary citizens to initiate a law that the Legislature itself has declined to pass. In Utah, the initiative process is extremely difficult and, when undertaken, has reflected the fact that members of the public believe that the state legislature is ignoring what is in the best interests of the state. It takes enormous commitment and resources to succeed in getting an initiative on the ballot and then to build understanding among registered voters so that the initiative has a chance of passing. The Governor has given support to the initiative, although his support has been characterized as "lukewarm." Multiple good government groups and members of *both* major political parties support the initiative. Endorsers can be found at www.betterboundaries.org.

Count My Vote Initiative

The 2018 Count My Vote (CMV) initiative allowed political party candidates to appear on their party's primary election ballot by one of two methods: 1) nomination by the party at its nominating convention or 2) gathering signatures from 1% of registered party members in the pertinent jurisdiction. Passage of the 2018 CMV initiative was intended to solidify prior legislative support for the dual options enacted in 2014 (Senate Bill 54)--a compromise that had resulted in withdrawal of the 2013 CMV initiative for a direct primary.⁶ The 2018 initiative also introduced improvements over SB 54 by reducing from 2% to 1% the number of signatures of party members required for a candidate to qualify for the ballot. It also established a party primary runoff election if the leading candidate received no more than 35% of the primary vote.⁷ Both these additions solved problems that had arisen under SB 54 provisions.

CMV 2018 backers were motivated to reintroduce an initiative by the continuing efforts of most members of the Republican Party leadership to negate SB 54, both in court and legislatively. CMV asserted that the caucus/convention process was unfair to most party members and was producing ideologically narrow candidates while ignoring the will of most party voters.⁸ CMV initially met the state's requirements for inclusion on the November 2018 ballot.⁹ Opponents (organized as Keep My Vote), however, mounted a 30-day signature rescission effort *after* the final date for submitting the petition signatures, an effort that succeeded.

CMV backers filed a legal challenge in state court, arguing that the statutory rescission provision violated the Equal Protection Clause of the 14th Amendment to the U.S. Constitution. Opponents had convinced fewer than 600 registered voters to remove their signatures from three of the 26 required Senate Districts after backers could no longer gather signatures. This number was less than half of one percent (0.04%) of the 131,000 valid signers, which CMV argued gave opponents, in effect, a veto power to keep the initiative from being decided by the state's voters. In short, CMV argued that the constitutional right of the people to initiate legislation had been unduly burdened.¹⁰

The CMV complaint also stated that bulk filing of the vast majority of rescission requests by CMV opponents was illegal, asserting that the plain language of the statute required voters to submit their signature removal requests personally to a county clerk.¹¹ In late August 2018, the Utah Supreme Court ruled against CMV (postponing the issuance of a written opinion explaining its reasoning), so the initiative will not appear on the ballot. This means that the ball is now back in legislative hands for resolution of the appropriate process for political party nominations.

National Popular Vote Interstate Compact Movement

Dissatisfied with national elections that have allowed a candidate to become President when another candidate has received more popular votes (e.g., Al Gore in 2000, and earlier elections), a movement sprang up in 2006 to change the way Electoral College votes are counted. An interstate compact entitled the National Popular Vote (NPV), if enacted by enough states, would guarantee the Presidency to the candidate who receives the most popular votes in all 50 states and the District of Columbia. Under the Compact, if the nation's voters give a majority to any one candidate, each state belonging to the Compact would require that all its state's electors cast their votes for that candidate.¹²

This approach to a change in the Electoral College process would not require the onerous task of amending the U.S. Constitution. The Constitution leaves it to states to decide how to allocate their electoral votes. States with close votes in winner-take-all states, in effect, negate the effect of all minority votes that count in the popular vote tally but not in the Electoral College.

Supporters argue that the Compact would create a fairer election process because states that cast all their Electoral College votes for the winner of the national popular vote would assure that candidates would feel compelled to campaign in all 50 states rather than concentrating on swing states with the most electoral votes. In other words, each state, regardless of size and political power, would count.

The National Popular Vote Interstate Compact has already been enacted into law by 11 states and D.C., which together comprise 172 electoral votes. Those states are: CA, CT, HI, IL, MA, MD, NJ, NY, RI, VT, and WA (3 small states and D.C., 4 medium-size states, and 4 large states).¹³ Two hundred seventy electoral votes are needed to constitute a majority of the Electoral College. Other states currently considering the Compact include AR, AZ, CO, DE, GA, ME, MI, MO, NC, NM, NV, OK, and OR.¹⁴ Bills to adopt the Compact were introduced by Republican members of the Utah Legislature in 2007, 2011, and 2012 but were not seriously considered.¹⁵ Republican Representative Jeremy Peterson introduced it again in the 2018 session, and it was heard in the Government Operations Committee¹⁶ but was not forwarded to the House because not enough groundwork had been laid to assure its passage, according to those in the know.¹⁷

Commendations

- **The Better Boundaries organization for its successful** campaign to get its initiative petition on the November 2018 ballot
- **The Count My Vote backers for filing suit** to challenge the allegedly illegal rescission procedures
- **State Representative Jeremy Peterson for introducing National Popular Vote legislation** in the 2018 Utah legislative session

Recommendations

- **Utah voters should pass the Better Boundaries (Proposition #4) initiative** and by a sizable majority to better shield the initiative from subsequent legislative tampering.
- **The Utah Legislature should not revise Proposition #4 if it passes.** Substantive revisions prior to giving the independent redistricting commission a chance to work would be disrespectful of the Utah Constitution's initiative provision and the will of the majority of the voting public.
- **The Utah Legislature should ensure that signature gathering remains an option for securing a place on the primary ballot** of Utah's political parties and should amend SB 54 to reflect improvements to that law introduced in the 2018 CMV initiative.
- **The Utah Legislature should support the National Popular Vote movement.** It is timely to again consider legislation to become part of the NPV Compact.

Endnotes

Endnotes for Article 1 (Equal Rights)

¹ Greg J. Duncan and Richard J. Murnane, *Restoring Opportunity: The Crisis of Inequality and the Challenge for American Education* (Cambridge: Harvard Education Press, 2015), citing Claudia D. Goldin and Lawrence F. Katz, *The Race Between Education and Technology* (Cambridge: Belnap Press of Harvard University Press, 2008), 1.

² Ibid.

³ Greg J. Duncan and Richard J. Murnane, *Whither Opportunity?* (New York: Russell Sage Foundation, 2011), 3, noting that the Census Bureau began annual tracking of family income in 1947.

⁴ Ibid.

⁵ Ibid.

⁶ Ibid., 5.

⁷ Ibid.

⁸ Ibid.

⁹ Ibid.

¹⁰ Ibid.

¹¹ See, generally, Michele E. Gilman, “A Court for the One Percent: How the Supreme Court Contributes to Economic Inequality,” *2 Utah L. Rev.* 2014; Matthew Stewart, “The Birth of a New American Aristocracy,” *The Atlantic* (June 2018); Jane Mayer, *Dark Money* (New York: Doubleday, 2016); Noam Chomsky, *Requiem for the American Dream: The Ten Principles of Concentration of Wealth & Power* (New York: Seven Stories Press, 2017). In the United States, “trickle down” economic policies that support tax cuts for the rich with the aim of boosting economic growth and jobs have led to a \$2 trillion annual redistribution of wealth from the bottom 99 percent of earners to the top 1 percent over the last 30 years. Laurie Goering, “Growing Wealth Inequality ‘dangerous’ threat to democracy,” *Reuters Business News*, April 15, 2016, accessed July 9, 2018, <https://www.reuters.com/article/US-democracy-wealth-inequality-idUSKCN0XC1Q2>.

¹² In next year's Equal Rights report, we will focus on the extensive effects of economic inequality on *minorities and women*. We would be remiss, however, if we failed to point out, in the context of this report, the significance of *wealth inequality* and its disparate impact on African Americans. “Wealth is a crucially important measure of economic health, allowing families to transfer income earned in the past to meet spending demands in the future, such as by building up savings to finance a child’s college education. Wealth also provides a buffer of economic security against periods of unemployment, or risk-taking, like starting a business. And wealth is necessary to finance a comfortable retirement or provide an inheritance to children. In order to construct wealth, a number of building blocks are required. Steady, well-paid employment during one’s working life is important, as it allows for a decent standard of living plus the ability to save. Also access to well-functioning financial markets that provide a healthy rate of return on savings without undue risks is crucial. Failure in the provision of these building blocks to the African-American population have led to an enormous racial wealth gap... Average wealth for white families is *seven times higher* than average wealth for black families. Worse still, median white wealth (wealth for the family in the exact middle of the overall distribution...) is *twelve times higher* than median black wealth.” Janelle Jones, “The Racial Wealth Gap: How African-Americans have been short-changed out of the materials to build wealth,” *Working Economics Blog*, February 13, 2017, accessed July 30, 2018, <https://www.epi.org/blog/the-racial-wealth-gap-how-african-americans-have-been-shortchanged-out-of-the-materials-to-build-wealth>.

More than 25% of black households have zero or negative net worth, compared with less than 10% of white families, and these differences persist and are growing, even after taking age, household structure, education level, income and occupation into account. Ibid. *Housing equity* makes up about two-thirds of all wealth for the typical household, and the racial wealth gap is primarily a housing wealth gap. “Besides facing discrimination in employment and wage-setting for generations, even those African-American families that did manage to earn decent incomes were barred from accessing the most important financial market for typical families: the housing market. Housing policies that prevented blacks from acquiring land, created redlining and restrictive covenants, and encouraged lending discrimination reinforced the racial wealth gap for decades...;” and “[e]ven as much *de jure* discrimination in housing was dismantled by public policy, *de facto* segregation and the legacy of wealth non-accumulation kept the racial wealth gap from closing. During the housing bubble that was the disastrous run-up to the Great Recession, the exposure to predatory, high-interest, and high-leverage mortgages led to an absolute wealth disaster for African-American families when the bubble burst. In the aftermath of the bubble’s burst, *black unemployment rates rose to levels twice as high as white unemployment*, leading to higher rates of delinquency and foreclosure for black families. And the sluggish recovery has only made matters worse, as *home values recover at*

different rates across racial barriers.” Ibid. “The role of policy in creating and maintaining the racial wealth gap makes it clear just how difficult it will be to close the gap through the individual choices and behaviors of African-Americans. Educational attainment, the right occupation, and full-time employment are necessary, but not sufficient conditions for building wealth.... Median wealth for black families whose head has a college degree, for example, is only one-eighth the wealth of the median white family whose head has a college degree.... Malign social policy has created and maintained the racial wealth gap, and only a progressive reorientation of this policy can close it....” Ibid. See also Angela Hanks, Danyelle Solomon and Christian E. Weller, “Systemic Inequality,” *Center for American Progress*, February 21, 2018, accessed July 30, 2018, <https://www.americanprogress.org/issues/race/reports/2018/02/21/447051/systemic-inequality>; Ta-Nehisi Coates, “The Case for Reparations,” *The Atlantic*, June 2014, accessed August 15, 2018, <https://www.theatlantic.com/magazine/archive/2014/06/the-case-for-reparations/361631/>.

¹³ Duncan & Murnane, *Whither Opportunity?*, 5.

¹⁴ Ibid.

¹⁵ Ibid., 6.

¹⁶ Duncan & Murnane, *Restoring Opportunity*, 2. Differences in the way that families at different ends of the income spectrum must use their money and time have transformed income gaps into achievement gaps.

¹⁷ Ibid., 8.

¹⁸ Ibid., 124.

¹⁹ Richard G. Wilkinson and Kate Pickett, *The Spirit Level: Why More Equal Societies Almost Always Do Better* (London: Allen Lane, 2009). See also Diego B. Lopez, Andrew P. Loehner, David C. Chang, “Impact of Income Inequality on the Nation’s Health,” *Journal of the American College of Surgeons*, October 2016, accessed July 9, 2018, <https://www.science/doi.org/10.1016/j.jamcollsurg.2016.08.016>.

²⁰ Wilkinson and Pickett, *The Spirit Level*, 21.

²¹ Terry Haven, “Utah Ranks Sixth Nationwide in Child Well-Being,” *Voices for Utah Children Press Release June 27, 2018*, accessed August 19, 2018, https://utahchildren.org/index.php?option=com_k2&view=item&id=921:2018-kids-count-data-book/. (Jessie Mandel, Senior Health Policy Analyst for Voices for Utah Children stated that “Utah has made progress improving our child insurance rate thanks to CHIP, Medicaid and the Affordable Care Act, but we are still lagging behind the rest of the nation. We need to follow the lead of high-performing states by expanding Medicaid, helping kids stay covered year-around by improving Medicaid eligibility and outreach, and ensuring that immigration status is not a barrier to kids’ coverage.”

²² Ibid.

²³ “The Spirit Level.”

²⁴ “Impact of Income Inequality on the Nation’s Health.”

²⁵ Richard Wilkinson and Kate Pickett, “How Does Inequality Affect the Individual, Society and the Economy?,” *The Equality Trust* 2018, accessed July 9, 2018, <https://www.equalitytrust.org.uk/about-inequality/impacts>.

²⁶ Ibid, citing numerous sources.

²⁷ Ibid.

²⁸ “Supporting the Children of Incarcerated Parents,” *Voices for Utah Children*, April 25, 2016, accessed October 13, 2018, <https://utahchildren.org/newsroom/press-releases/item/714-supporting-the-children-of-incarcerated-parents>.

²⁹ How Does Inequality Affect the Individual, Society and the Economy?”

³⁰ Ibid.

³¹ Emmie Martin, “US States with the Highest Levels of Income Inequality,” *CNBC*, March 12, 2018, accessed July 9, 2018, <https://www.cnbc.com/2018/03/12/us-states-with-the-highest-levels-of-income-inequality.html>. “A 2017 report from global charity Oxfam found that the richest 1 percent of people in the world control 82% of the total wealth. Put another way, just 42 people own the same amount of wealth as the poorest 50 percent of the global population.”

³²Ibid. To address the issue, French economist Thomas Piketty, in his book *Capital in the Twenty-First Century*, has suggested a progressive tax on capital rather than income, which he argues will slow the spread of inequality while preserving competition. Billionaire Bill Gates proposes an alternative solution: a progressive tax on consumption. Warren Buffett, the world’s third richest man, however, has weighed in urging an increase in access to the Earned Income Tax Credit, a federal tax credit targeted at working class Americans that gives them a credit, starting with the first dollar they earn, which rises until it hits a ceiling, then phases out from there. “According to the Center on Budget and Policy Priorities, more than 27 million taxpayers got the EITC in 2013; and in the 2012 tax year, the average EITC was \$2,982 for a family with children.” “There is no disincentive effect: A gain in wages always produces a gain in overall income,” says Buffett. “The process is simple. You file a tax return, and the government

sends you a check. In essence, the EITC rewards work and provides an incentive for workers to improve their skills. Equally important, it does not distort market forces, thereby maximizing employment.”

³³ Kevin J. Lansing and Agnieszka Markiewicz, “Consequences of Rising Income Inequality,” *Federal Reserve Bank of San Francisco Economic Letter October 17, 2016*, accessed July 9, 2018, <https://www.frbsf.org/economic-research/publications/economiv-letter/2016/october/welfare-consequences-of-income-inequality/>.

Endnotes for Article 2 (Environmental Health)

¹ Stan Penfold, “Will air emissions cloud inland ports success?” *Salt Lake Tribune*, June 16, 2018, <https://www.sltrib.com/opinion/commentary/2018/06/16/stan-penfold-will-air-emissions-cloud-inland-ports-success/>. Panagioti Tsoikas, “Environmental Problems Taint Plan for New Prison in Utah,” *Prison Legal News*, February 2016, accessed August 8, 2018,

<https://www.prisonlegalnews.org/news/2016/feb/2/environmental-problems-taint-plan-new-prison-utah/>.

² Simone Francis, “Southwest valley mayors unite to oppose Olympia Hills development,” *GOOD4UTAH.com*, posted June 06, 2018, accessed August 8, 2018,

<https://www.good4utah.com/news/local-news/southwest-valley-mayors-unite-to-oppose-olympia-hills-development/1221561885>. Deseret News Editorial Board, “In our opinion: High-density growth highlights tensions between planners and residents,” *Deseret News*, December 26, 2017, accessed August 8, 2018, <https://www.deseretnews.com/article/865694409/In-our-opinion-High-density-growth-highlights-tensions-between-planners-and-residents.html>.

³ House Bill 403, sponsored in the 2018 legislative session by Representatives Joel K Briscoe, Becky Edwards, and Dixon Pitcher, placed a tax on carbon dioxide emissions. The tax would start at \$10 per metric ton CO₂ and increase annually at 3.5% plus inflation with a cap of \$100 in inflation-adjusted 2018 dollars, and would be used to reduce other taxes:

- Eliminate state portion of sales tax on grocery store food (~\$140M)
- Eliminate state portion of sales tax on residential and commercial consumption of electricity and fuels (~\$40M for residential and ~\$30M for commercial)
- Rebate state sales tax on mining and manufacturing equipment (~\$60M).
- Rebate state income tax to mining and manufacturing companies (~\$100M).
- It would also fund a 75% match of federal Earned Income Tax Credit for low-income working families at risk of Intergenerational Poverty (~\$50M).

The first priority for Carbon Fund revenue is zeroing out impacts of tax reductions on the General Fund, Education Fund, Transportation Infrastructure Fund of 2005, etc. If any revenue remains, second priority is providing up to \$50M/year to reduce local air pollution from sources including locomotives, school buses, and lawn and garden equipment via the CARROT Program (Clean Air Retrofit, Replacement, and Off-Road Technology Program). Any remaining revenue goes to the General Fund. Bill accessed October 1, 2018, <https://le.utah.gov/~2018/bills/static/HB0403.html>.

⁴ “Evidence,” *NASA Global Climate Change*, accessed August 13, 2018,

<https://climate.nasa.gov/evidence/>. Shows multiple causes and effects on climate due to global warming.

⁵ Data of Utah vehicle sales for the first two quarters of 2018 were calculated from data on the Utah State Tax Commission website, accessed September 13, 2018, <https://tax.utah.gov/econstats/mv/new-vehicle-sales>.

⁶ “Debunking Utah’s Most Common Air Quality Myths,” *UCAIR (Utah Clean AIR partnership)*

Advertisement on *KUTV.com*, accessed August 16, 2018, <https://kutv.com/sponsored/ucair/debunking-utahs-most-common-air-quality-myths>. **Myth:** Refineries and other industrial sources are the biggest air polluters along the Wasatch Front. **Fact:** Vehicle exhaust is by far the largest contributor to air pollution—roughly 48 percent. Refineries and large industrial facilities represent about 13 percent of total emissions along the Wasatch Front. Of that 13 percent, 3 percent comes from Utah refineries and about 10 percent from the remaining industrial source points.

⁷ Data on 2017 Utah sales of electric vehicles and plug in hybrid vehicles computed from the Auto Alliance website, accessed August 14, 2018, <https://autoalliance.org/in-your-state/UT/>. (EV at 0.44%, PHEV at 0.37% for a total of 0.81%).

⁸ HB 479, “Zero Emission Vehicle Program,” accessed August 8, 2018,

<https://le.utah.gov/~2018/bills/static/HB0479.html>.

⁹ “2018 Legislative Roundup: Clean Energy Wins and Challenges” *Utah Clean Energy*, accessed August 14, 2018, <https://utahcleanenergy.org/issues/item/447-2018-legislative-roundup-clean-energy-wins-and-challenges>.

¹⁰ Opinion section, “Mayors: EPA move to roll back vehicle emissions standards threatens Utahns’ health, air quality improvements,” *Salt Lake Tribune*, April 15, 2018, accessed August 8, 2018, <https://www.sltrib.com/opinion/commentary/2018/04/14/mayors-epa-move-to-roll-back-vehicle-emissions->

[standards-threatens-utahns-health-air-quality-improvements/](#). The proposed changes in the CAFÉ (Corporate Average Fuel Economy) standards would not only remove the future increases in fuel efficiencies of cars and light trucks but also rescind and prevent more stringent air pollution requirements imposed by individual states such as California.

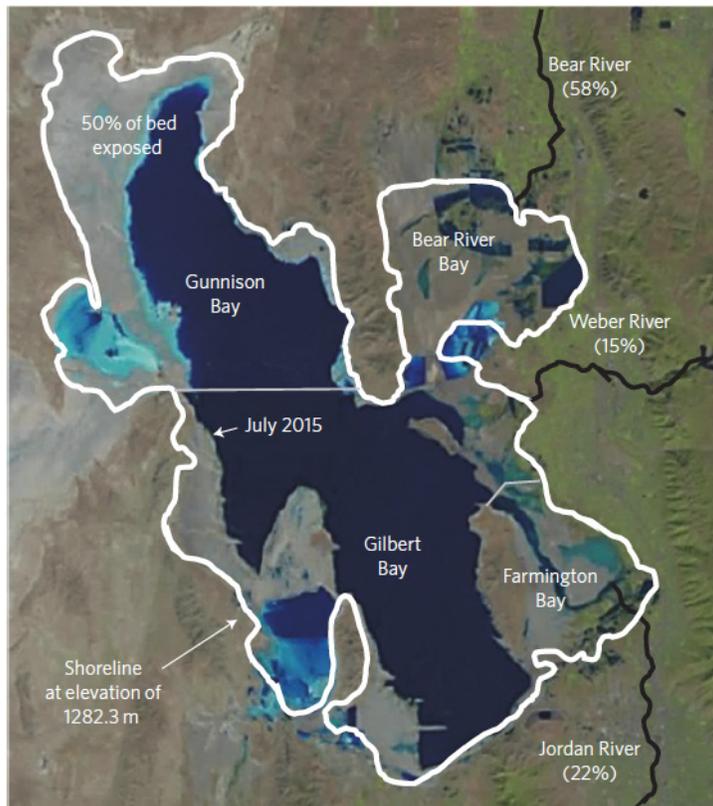
¹¹ Denni Cawley, "UPHE Statement on Inland Port," *Utah Physicians for a Healthy Environment*, accessed August 19, 2018, <http://uphe.org/may-23uphe-inland-port/>.

¹² Katie McKellar, "Environmental advocates warn they'll be 'watching closely' as Utah Inland Port board begins business," *Deseret News*, July 30, 2018, accessed August 19, 2018, <https://www.deseretnews.com/article/900026408/after-last-months-false-start-inland-port-board-kicks-off-first-meeting.html>.

¹³ Kacey Deamer. "Utah's Great Salt Lake Is Shrinking," *Live Science*, accessed August 19, 2018, <https://www.livescience.com/57055-utah-great-salt-lake-shrinking.html>.

¹⁴ Wayne A. Wurtsbaugh, et al., (2017) "Decline of the world's saline lakes," *Nature Geoscience*, 10 (11) 816-821.

¹⁵ Ibid. "Influence of water use on the areal extent of Great Salt Lake, Utah." The white line shows the lake margin at the average no-diversion elevation of 1,282.3 m. The July 2015 NASA image shows the lake at near-record-low levels, exposing half of the lakebed.



¹⁶ "Decline of the world's saline lakes."

¹⁷ Ibid.

¹⁸ Ibid.

¹⁹ Ibid.

²⁰ "Forecast: More drought ahead for Ventura County, Southern California," *VC Star*, accessed June 20, 2018, <https://www.vcstar.com/story/news/special-reports/outdoors/2018/06/08/forecast-more-drought-ahead-ventura-county-southern-california/629471002/>.

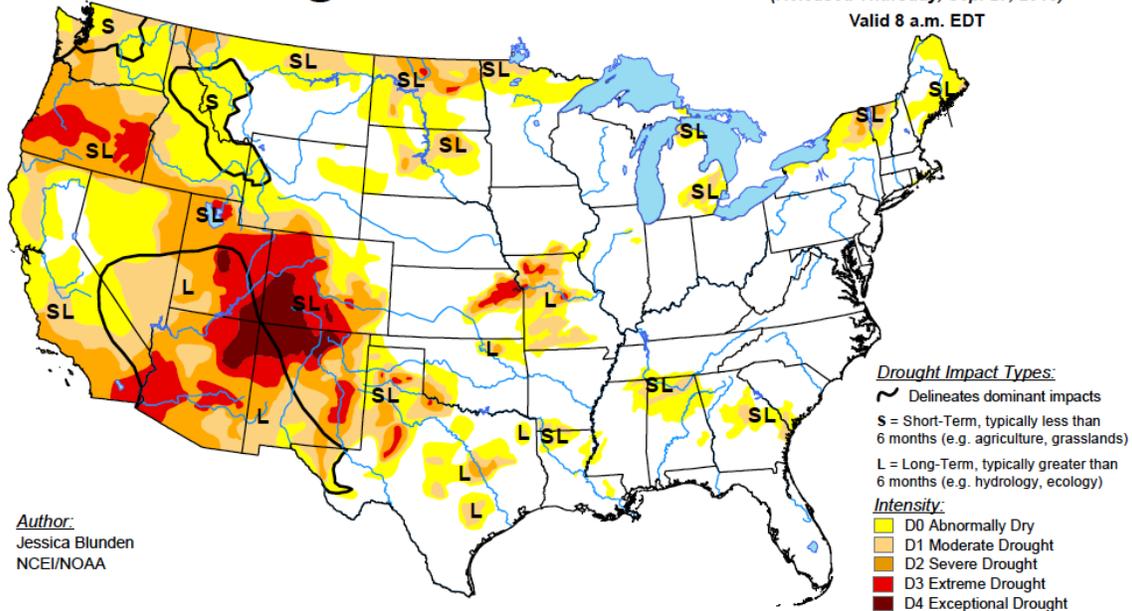
²¹ "United States Drought Monitor. Map for September 25, 2018," *The National Drought Mitigation Center, University of Nebraska-Lincoln*, accessed September 29, 2018, <http://droughtmonitor.unl.edu/CurrentMap.aspx>.

U.S. Drought Monitor

September 25, 2018

(Released Thursday, Sep. 27, 2018)

Valid 8 a.m. EDT



“Experts: ‘Alarming’ drought conditions hit U.S. Southwest,” *Denver Post*, accessed June 20, 2018, <https://www.denverpost.com/2018/05/23/colorado-southwest-drought/>.

²² “Extreme fire danger forces rare shutdown of national forests in West.” *CBS News*, accessed June 20, 2018, <https://www.cbsnews.com/news/san-juan-national-forest-closed-extreme-fire-danger-2018-06-12/>.

²³ “United States Drought Monitor. Map for September 25, 2018.”

²⁴ “Costs to Fight Wildfires in Utah Double This Year,” *Insurance Journal*, accessed September 29, 2018, <https://www.insurancejournal.com/news/west/2018/09/24/502133.htm>.

²⁵ “Causes: A Blanket around the Earth,” *NASA, Global Climate Change*, accessed September 19, 2017, <https://www.climate.nasa.gov/causes/>. Donald Wuebbles, et al., “Climate Science Special Report (CSSR) (Final Clearance, Fifth Order Draft),” *U.S. Global Change Research Program*, June 28, 2017, accessed September 19, 2017, <http://www.nytimes.com/packages/pdf/climate/2017/climate-report-final-draft-clean.pdf?mcubz=0>.

²⁶ T. R. Ault, J. S. Mankin, B. L. Cook, & J. E. Smerdon, (2016), “Relative impacts of mitigation, temperature, and precipitation on 21st-century megadrought risk in the American Southwest,” *Science Advances*, 2(10), e1600873.

²⁷ Gregg Garfin, et al., (2014). *Southwest: The Third National Climate Assessment*, accessed October 10, 2018, <https://nca2014.globalchange.gov/highlights/regions/southwest>. J. Funk, & S. Saunders (2014), “Rocky Mountain Forests at Risk,” Union of Concerned Scientists, accessed October 10, 2018, <https://www.ucsusa.org/sites/default/files/attach/2014/09/Rocky-Mountain-Forests-at-Risk-Full-Report.pdf>.

R. Barbero, et al. (2015), “Climate change presents increased potential for very large fires in the contiguous United States,” *International Journal of Wildland Fire*, 24(7), 892-899. J. R. Gremer, J. B. Bradford, S. M. Munson, & M. C. Duniway (2015), “Desert grassland responses to climate and soil moisture suggest divergent vulnerabilities across the southwestern United States,” *Global Change Biology*, 21(11), 4049-4062. M. D. Bartos, & M. V. Chester. (2015), “Impacts of climate change on electric power supply in the Western United States,” *Nature Climate Change*, 5(8), 748. D. L. Ficklin, S. M. Robeson, & J. H. Knouft (2016), “Impacts of recent climate change on trends in baseflow and stormflow in United States watersheds,” *Geophysical Research Letters*, 43(10), 5079-5088. J. T. Abatzoglou, & A. P. Williams (2016), “Impact of anthropogenic climate change on wildfire across western US forests,” *Proceedings of the National Academy of Sciences*, 113(42), 11770-11775. J. L. Hand, et al. (2016), “Earlier onset of the spring fine dust season in the southwestern United States,” *Geophysical Research Letters*, 43(8), 4001-

4009. J. Hansen, & M. Sato (2016), "Regional climate change and national responsibilities," *Environmental Research Letters*, 11(3), 034009. Y. Tang, et al. (2015), "The potential impact of regional climate change on fire weather in the United States," *Annals of the Association of American Geographers*, 105(1), 1-21. J. S. Littell, et al. (2016), "A review of the relationships between drought and forest fire in the United States," *Global Change Biology*, 22(7), 2353-2369. B. R. Pagán, et al. (2016), "Extreme hydrological changes in the southwestern US drive reductions in water supply to Southern California by mid century," *Environmental Research Letters*, 11(9), 094026.

²⁸ Plan "Climate Positive 2040," *Salt Lake City Sustainability*, accessed October 4, 2018, <https://www.slc.gov/sustainability/climate-positive/>.

²⁹ In 2015, PacifiCorp closed the 172-megawatt Carbon Power Plant near Helper, Utah, permanently removing approximately one million tons of CO₂ emissions every year. In 2025, the 1,900-megawatt Intermountain Power Agency (a separate agency from PacifiCorp and Rocky Mt. Power) is scheduled to close the Intermountain Power Project near Delta, Utah. This will remove approximately twelve million tons of CO₂ emissions every year. Combined, closing these facilities will remove 40% of CO₂ emissions from Utah coal-fired power plants (as compared to 2014 GHG--greenhouse gas--emissions from these sources). "Safety Always, 2017 Annual Report," *Intermountain Power Agency*, accessed October 1, 2018, https://www.ipautah.com/wp-content/uploads/2017/12/IPA-Annual-2017_FINAL.pdf. In addition, PacifiCorp continues to invest in renewable energy systemwide, committing to add more than 1,100 megawatts in solar and wind capacity through power purchases to the more than 1,000 megawatts of installed wind capacity. "Global Climate Change," *PacifiCorp*, accessed October 1, 2018, <http://www.pacificorp.com/env/ec/gcc.html>.

Endnotes for Article 3 (Public Education)

¹ At the same time that it opposed the income tax increase, the Legislature reduced the personal income tax by .05% to make up for an anticipated increase in the federal income tax as a result of the Trump Administration's federal tax reform act of 2017. (See p. 2 of the withholding tables at <https://tax.utah.gov/forms/pubs/pub-14.pdf>.) This reduction might or might not have helped market the projected OSN income tax increase.

² Previous UCC Public Education Committee reports, 2014-2017, have continued to document these losses. See the reports at www.utahcitizenscounsel.org/past-annual-reports.

³ Summer 2018 phone conversation between Dixie Huefner and Richard Kendell, major OSN Steering Committee member, who was present for the OSN negotiations.

⁴ House Bill 293 set a floor on the state basic rate for the next five years. For about 20 years the state property tax rate had been adjusted downward when necessary to keep revenue relatively neutral as the value of real property rose. The basic levy could not rise unless a school district held "truth in taxation" hearings before trying to capture new revenue, which many districts were reluctant to do politically.

⁵ The agreement with the Legislature to allow revenues to rise as property values increase also provides that the state basic rate will be indexed to the basic per pupil allocation (known as the weighted pupil unit or wpu), This indexing is projected to produce another, smaller annual increase. The special trust fund is also to include monies generated by a 1.5% increase above the annual increases in the wpu. The current value of the wpu is \$3311, so, if the \$3311 wpu value is increased by 3% next year (\$99.03), then an additional 1.5% (\$49.67 per wpu) would go into the special trust fund. Although these two technical components would generate fewer revenues per year than the two components discussed in the text of this report, they nonetheless help to increase the total revenues over the next five years. Creation of the special trust fund is included in the terms of the agreement between OSN, the Utah Legislature, and Governor Herbert, which are spelled out in an April 16, 2018 letter to Lt. Governor Spencer Cox, signed by OSN leaders Scott Anderson, Rob Jibson, and Gail Miller. A copy of the letter is in the possession of the UCC Public Education Committee.

⁶ The legislative fiscal analyst projects \$40 million for what remains of FY 19, which began on July 1, 2018. The projections increase to over \$100 million in each subsequent fiscal year through FY 2023. Projections resulting from increases in property tax revenues increase at a slower rate but reach \$100 million by FY 2022. Table from the Legislative Fiscal Analyst and provided to the UCC Public Education Committee by Richard Kendell.

⁷ Ibid.

⁸ "State Education Spending Per Pupil," accessed August 29, 2018, <http://www.governing.com/gov-data/education-data/state-education-spending-per-pupil-data.html>. Data are from 2016. *Education Week* also shows Utah in last place in its 2018 Quality Counts report, "Map: Per-Pupil Spending State by State," accessed September 11, 2018, <https://www.edweek.org/ew/collections/quality-counts-2018-state-finance/map-per-pupil-spending-state-by-state.html>. Even when adjusted for regional cost variations, Utah still comes in last at \$7207 per pupil, compared to the average of \$12,526 across the states.

⁹ The past three years of statewide SAGE (Student Assessment of Growth and Excellence) test scores show similar results. The 2016 SAGE proficiency results for grades 3-11 show the percentage of students who are proficient in English language arts, math, and science at below 50% in each subject, with far lower proficiency for those who are economically disadvantaged and English language learners. See "Utah SAGE Statewide Test Results, School Year 2015-2016," *Utah State Board of Education*, accessed September 11, 2018, <https://www.schools.utah.gov/file/c2d00ec1-61cc-4999-8a2e-4ab91700edc1>. The 2017 results dipped slightly in all three areas. "SAGE Results for State, 2017," *Utah State Board of Education*, accessed September 17, 2018, <https://datagateway.schools.utah.gov/Assessment/SAGE/2017>. The percent of those proficient reported in 2018 statewide results also remains below 50%. "SAGE Results for State, 2018" *Utah State Board of Education*, accessed September 17, 2018, <https://datagateway.schools.utah.gov/Assessment/SAGE/2018>. Comparably, the 2017 ACT (American College Testing) scores for all Utah high school graduates showed only 35% reached benchmark scores for college readiness in 3 or 4 of the 4 subjects tested: 58% met the English benchmark, 35% the math benchmark, 43% the reading benchmark, and 34% the science benchmark. "The Condition of College & Career Readiness, 2017 Utah Key Findings," accessed September 13, 2018, <http://www.act.org/content/dam/act/unsecured/documents/cccr2017/Utah-CCCR-2017-Final.pdf>.

¹⁰ "State of Preschool Yearbook 2017," *NIEER*, accessed August 17, 2018, http://nieer.org/wp-content/uploads/2018/04/YB2017_Utah_Release.pdf. It is also worth noting that optional extended-day kindergarten

programs for at-risk students were expanded in 2017 under HB 168 but still serve only a small proportion of at-risk five-year olds.

¹¹ See, e.g., "Invest in a Strong Start for Children: New Brain Research," *The Center for High Impact Philanthropy*, University of Pennsylvania, accessed August 18, 2018, <https://www.impact.upenn.edu/our-analysis/opportunities-to-achieve-impact/early-childhood-toolkit/why-invest/new-brain-research>. See also "Early Childhood Services Study," *Division of Workforce Services' Office of Child Care, and the Utah Education Policy Center* (December 2017), accessed August 15, 2018, <https://jobs.utah.gov/occ/EarlyChildhoodServicesStudy.pdf>, 32. For more detailed abuse and neglect statistics, see also "Child Maltreatment Facts in Utah," *Child Trends*, accessed August 18, 2018, <https://www.childtrends.org/publications/child-maltreatment-facts-in-Utah>.

¹² Dina Castro, Linda Espinosa, and Mariela Paez (2011). "Defining and measuring quality in early childhood practices that promote dual language learners' development and learning." In M. Zaslow, et al. (eds.) *Quality measurement in early childhood settings*, 270 (Baltimore, MD: Brookes).

¹³ Pamela S. Perlich, et al., "Utah's long-term demographic and economic projections summary." Research Brief, *Kem C. Gardner Policy Institute* (July 2017), retrieved at <http://gardner.utah.edu/wp-content/uploads/Projections-Brief-Final.pdf>, 3, as reported in "Early Childhood Services Study," 8.

¹⁴ See "Early Childhood Services Study," 9.

¹⁵ "Brain Architecture," *Center on the Developing Child, Harvard University* accessed August 19, 2018, <https://www.developingchild.harvard.edu/science/key-concepts/brain-architecture>.

¹⁶ For positive long-term outcomes from the Chicago Parent Center's preschool/K-3 interventions, see Arthur J. Reynolds, Suh-Ruu Ou, and Judy A. Temple, "A Multicomponent, Preschool to Third Grade Preventive Intervention and Educational Attainment at 35 Years of Age," *JAMA Pediatrics*, 2018, accessed August 18, 2018, doi: [10.1001/jamapediatrics.2017.4673](https://doi.org/10.1001/jamapediatrics.2017.4673). An example of positive effects that held steady over elementary grades is NC's high-quality preschool programs that resulted in fewer grade retentions, fewer special education placements through fifth grade, and higher test scores. See Kenneth A. Dodge, et al., "Impact of North Carolina's Early Childhood Programs and Policies on Educational Outcomes in Elementary School," accessed August 18, 2018, doi: [10.1111/cdev.12645](https://doi.org/10.1111/cdev.12645). Other similar research results from earlier studies are found in the 2015-2017 UCC Public Education Committee reports, available at www.utahcitizenscounsel.org/past-annual-reports.

¹⁷ "Invest in a Strong Start for Children," *The Center for High Impact Philanthropy*, University of Pennsylvania, accessed August 18, 2018, <https://impact.upenn.edu>. The Center's 3-minute video at this site even suggests a potential return of up to 16 to 1.

¹⁸ "Early Childhood Services Study." The study encompasses four areas of analysis: family support and safety; health and development; early learning; and economic stability. Our focus is on early learning, but all four areas are clearly interrelated.

¹⁹ UPSTART is a technology-based, online, largely state-funded preschool program. A new state audit shows that the percentage in 2018 of preschoolers from low-income families had dropped to 42% from 71% in 2014. As funding has increased over the past three years, the number of students from families without income restrictions has grown significantly. The audit questioned whether the purpose of the program is still for low-income students and recommended that the Legislature review the program. Marjorie Cortez, "Legislative audit: Is Upstart's focus on low-income students slipping?" *Deseret News*, July 24, 2018, accessed July 24, 2018, <https://www.deseretnews.com/article/900025840/legislative-audit-is-upstarts-focus-on-low-income-students-slipping.html>.

²⁰ High-quality standards have been recodified in state law at Utah Code Annotated 53F-6-304. They include an evidence-based curriculum that is aligned with all of the developmental domains and academic content defined in the USBE Early Childhood Standards. Also included are requirements for ongoing student assessment, pre- and post-assessment, class size limits, ongoing program evaluation and data collection, family engagement, and at least the minimum training for staff to reach the level of child development associate (CDA).

²¹ Email communication from Jennifer Throndsen, USBE PreK Literacy and Library Media Coordinator, to Julie Miller, August 15, 2018. It seems plausible that the USBE's recently implemented kindergarten entrance assessment could provide a starting point for developing an assessment of learning outcomes of 4-year olds exiting preschool programs.

²² Of course, multiple variables are at play in determining causes of outcome differences, such as the demographics of the children in the program, the given preschool curriculum, training and experience levels of the teachers, and overall number of high-quality elements in place.

Endnotes for Article 4 (Health)

¹ The following measures update the overall statistics in our 2017 report. They come from two national reports.

The first report, “America’s Health Rankings” “builds upon the World Health Organization’s definition of health: “Health is a state of complete physical, mental, and social” well-being.

“America’s Health Rankings, 2017” *United Health Foundation*, accessed June 2018, had not been updated for 2018. <https://www.americashealthrankings.org/learn/reports/2017-annual-report>, 152. The summative ranking places Utah fourth for 2017, climbing from eighth in 2016.

The report uses four “determinants” of health and a summative category of “outcome” of the determinants. The table shows Utah’s ranking and examples of measures used for each category.

Determinant Category	Number of Measures	Utah's Rank	Example Measures (determinants and outcomes)	Utah's Rank
Behaviors	6	1	High School Graduation	26
Community and Environment	8	9	Air Pollution	30
Policy	8	35	Public Health Funding	30
Clinical Care	5	15	Preventable Hospitalizations	2
Outcomes	8	2	Diabetes	2

The report offers specific commentaries:

“Strengths: • Low prevalence of smoking • Low percentage of children in poverty • Low cancer death rate.

“Challenges: • Lower number of primary care physicians • High incidence of pertussis • High drug death rate

“Highlights: • In the past five years, drug deaths increased 24% from 18.4 to 22.9 deaths per 100,000 population • In the past five years, smoking decreased 25% from 11.8% to 8.8% of adults • In the past seven years, cancer deaths increased 10% from 1374 to 1505 deaths per 100,000 population • In the past four years, preventable hospitalizations decreased 25% from 37.2 to 27.9 discharges per 1,000 Medicare enrollees • In the past four years, cardiovascular deaths increased 11% from 208.0 to 231.8 deaths per 100,000 population”

In partial updates for 2018, “The state ranks second for senior health and sixth for the health of women and children.”

The second referenced national report, “Scorecard on State Health System Performance,” measures the professionals, hospitals, insurers, and others directly providing health care. “Commonwealth Fund Scorecard on State Health System Performance, 2017,” *Commonwealth Fund*, accessed June, 2018,

<http://www.commonwealthfund.org/interactives/2017/mar/state-scorecard/#chapter1>.

These are the categories and Utah’s rankings.

www.commonwealthfund.org/~media/Files/2018%20State%20Scorecard/Utah.pdf498.260857248.1528581184-821125935.1528581184:

Dimension Category	Number of Indicators	Utah's 2018 Rank	Example Indicators	Utah's 2018 Rank
Access and affordability	6	32	Adults 19-64 uninsured	28
Prevention and treatment	16	21	Hospital 30 Day Mortality	35
Avoidable hospital use and cost	13	2	Potentially avoidable E.D. visits	2
Healthy lives	10	1	Deaths amenable to health care	5
Disparity	19	3	Low income uninsured, ages 19-64	31

Compared with the rankings a year ago, Utah maintained its overall ranking of 5. Utah fell from 26th to 32nd in access and affordability (largely a reflection of greater progress made by other states that expanded Medicaid under the Affordable care Act) and from 14 to 21 in prevention and treatment. Utah improved from 8 to 3 in disparity and maintained its rankings of 2 in avoidable hospital use and cost, and 1 in healthy life styles.

An international comparison is provided by Wikipedia’s summary of international data showing that in quality the U.S. ranks “26 among the 34 OECD member countries, (even though) it has the highest costs by far. All OECD countries have achieved universal (or almost universal) health coverage, except the U.S. and Mexico.”, “Health care,” *Wikipedia*, accessed September 6, 2018, https://en.wikipedia.org/wiki/Health_care.

For the rankings last year see: “Standing Up For Utah’s Needs, 2017 Report,” 17 (with endnotes 20-21), *Utah Citizens’ Counsel*, www.utahcitizenscounsel.org.

² Dan Witters, “Uninsured Rate Rises in 17 States in 2017,” *Gallup*, accessed July 21, 2018,

<https://news.gallup.com/poll/233597/uninsured-rate-rises-states-2017.aspx>. After passage of the ACA, states using it

to expand Medicaid eligibility achieved major decreases in the percentage of their populations without insurance. States not expanding Medicaid also had a decrease in their uninsured percentage, but at an average decrease of a far smaller amount. Their decrease is attributed to an improving economy, the ACA's expansion of the individual market, and the individual coverage mandate. In 2017 the national uninsured rate increased slightly, by 1.3 percentage points. But Utah's rate increased by 2.1 percentage points, adding to the gap between Utah and states that expanded Medicaid eligibility. Utah's uninsured rate now ranks 31st in the nation.

Utah rates of uninsurance

Without health insurance 2013	Without health insurance 2016	Without health insurance 2017	Change in uninsured 2017 vs 2016
15.6%	9.7%	11.8%	+ 2.1%

"Health Insurance Coverage in the United States: 2017," *United States Census Bureau*, September 2018, accessed September 14, 2018, <https://www.census.gov/content/dam/Census/library/publications/2018/demo/p60-264.pdf>.

³ This expansion directly authorized in the Affordable Care Act (ACA) is to 133% of the FPL. The ACA Medicaid Expansion, however, permits the use of Modified Adjusted Gross Income (MAGI) in calculating qualifying income. In certain cases this will allow for up to a 5% disregard of some income, which can create an effective rate of 138% of FPL rather than the statutory 133%.

⁴ While UCC applauds Utah for increasing the Medicaid income eligibility limit for parent's eligibility to 60% of poverty ("Utah Medicaid State Plan," *Utah Department of Health Medicaid website*, accessed July 21, 2018, <https://health.utah.gov/stplan/spa/S25.pdf>), the failure to expand Medicaid more broadly has been an unfortunate missed opportunity to improve low-income Utah residents' access to care and reduce their financial burdens as well as to better support the state's economy and health care providers. The minimal expansion initiative that passed in 2016 was approved by CMS in late 2017, allowing Utah to provide full Medicaid benefits to a very limited number of adults without dependent children, was also a step in the right direction. (CMS website, accessed July 21, 2018, <https://www.medicaid.gov/Medicaid-CHIP-Program-Information/By-Topics/Waivers/1115/downloads/ut/ut-primary-care-network-ca.pdf>). This demonstration amendment provides coverage to adults ages 19-64 with incomes at zero percent of the federal poverty level (FPL) who are chronically homeless or involved in the criminal justice system, and in need of substance use or mental health treatment; or only in need of substance use or mental health treatment.) However, while this expansion helps address some important public policy needs, it is an incomplete and expensive approach, using traditional, rather than enhanced, federal financial support. As discussed in our report last year, the proposal fails to address unfairness in our public health care policies for the uninsured and fails to fully capitalize on the fact that Medicaid expansion improves cost management and total population health. ("Health," in "Standing Up for Utah's Needs, 2016 Report," 22, *Utah Citizens' Counsel*, accessed August 10, 2017, <http://www.utahcitizenscounsel.org/>). In prior year reports, UCC has pointed to the literature indicating the financial benefits related to expansion utilizing the enhanced 90% federal funding provided under the ACA. We pointed out that the research results generally show positive economic benefits to the states in spite of higher than estimated enrollment. State experiences differ because states differ in program and implementation. Last year's report also pointed to a discussion by Sven Wilson of the potential multiplier effects. He 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. Newer studies also support this outcome.

⁵ All prior reports can be accessed at www.utahcitizenscounsel.org/.

⁶ James A. Richardson, Jared J. Llorens, and Roy L. Heidelberg, "Medicaid Expansion and the Louisiana Economy," *LSU Public Administration Institute*, accessed July 21, 2018, <http://gov.louisiana.gov/assets/MedicaidExpansion/MedicaidExpansionStudy.pdf>. This report has a summary of prior work done for other states in the area of financial benefits. Two of its conclusions are that for Louisiana expansion, "The estimated state tax receipts generated by the infusion of federal dollars exceeded the state dollars budgeted for the Medicaid expansion program by over \$50 million and this does not include any net budgetary savings from moving participants from one Medicaid program to Medicaid expansion with the higher FMAP" and "The economic impact associated with the Medicaid expansion program is spread across the state and will be sustained as long as Medicaid expansion is sustained."

⁷ Richard C. Lindrooth, Marcelo C. Perrailon, Rose Y. Hardy, and Gregory J. Tung, "Understanding The Relationship Between Medicaid Expansions and Hospital Closures," *Health Affairs*, accessed July 24, 2018, <https://www.healthaffairs.org/doi/abs/10.1377/hlthaff.2017.0976>.

⁸ Robin Rudowitz and Larisa Antonisse, "Implications of the ACA Medicaid Expansion: A Look at the Data and Evidence," *Kaiser Family Foundation*, accessed July 21, 2018, https://www.kff.org/medicaid/issue-brief/implications-of-the-aca-medicaid-expansion-a-look-at-the-data-and-evidence/?utm_campaign=KFF-2018-May-Medicaid-Expansion-Costs-Benefits&utm_source=hs_email&utm_medium=email&utm_content=62972269&hsenc=p2ANqtz-97YeMS9yhi_Htox9qBVzu207j4OxKgSI--F_XehEmsmws7uHj1pZvwF3AgUOsnImPccv-8f_M3t8pzVfAS-V09PAIUBYMRjDpsifN1Bfjvuy3Dpig&hsmi=62972269. This has a review of the more current research literature on the impacts of Medicaid expansion. Additionally, see "The Effects of Medicaid Expansion under The ACA: A Systematic Review," *Health Affairs*, accessed July 21, 2018, <https://www.healthaffairs.org/doi/full/10.1377/hlthaff.2017.1491>. "After analyzing seventy-seven published studies, we found that expansion was associated with increases in coverage, service use, quality of care, and Medicaid spending. Furthermore, very few studies reported that Medicaid expansion was associated with negative consequences, such as increased wait times for appointments—and those studies tended to use study designs not suited for determining cause and effect."

⁹ For a detailed side-by-side comparison of the three approaches, see Laura Summers, "Utah's Expanding Medicaid Coverage: Three Scenarios," *Kem C. Gardner Policy Institute*, accessed October 13, 2018, <http://gardner.utah.edu/wp-content/uploads/Medicaid-Expansion-Brief-Final.pdf>.

¹⁰ "Utah's 1115 Demonstration Application," *CMS website*, accessed July 21, 2018, <https://medicaid.utah.gov/Documents/files/Utah%201115%20PCN%20Waiver-Adult%20Expansion%20Amendment-21Jun18.pdf>. Individuals who do not meet an exemption and are required to participate in a work requirement will be referred for participation on the first of the month following approval of the Demonstration program. This will be month one of the three-month participation period (this is the same as SNAP). Individuals will be required to complete participation requirements within the three-month period. Once they have met the work requirement, they will be eligible for the remainder of their eligibility period. Eligibility periods are 12 months. The individual must complete participation requirements every 12 months to continue to receive Medicaid.

¹¹ "Utah's 1115 Demonstration Application." "The Utah demonstration proposal has several different components, including:

- Adult Expansion to adults ages 19-64 who have household income up to 95 percent of the federal poverty level (FPL) using the modified adjusted gross income (MAGI) methodology, which includes a five percent of FPL income disregard.
- Community Engagement—Requires non-exempt individuals eligible under the demonstration to participate in a work requirement.
- Employer Sponsored Insurance (ESI) – Provides premium reimbursement and wrap-around Medicaid coverage to demonstration-eligible individuals who have access to ESI.
- The ability to limit enrollment based on the available state funding.

¹² There are two major components of this demonstration that CMS may not approve. First, Utah is requesting that the federal government pay the 90% federal financing even though the expansion request goes only to 100% of poverty. CMS has already declined to approve two prior requests for this expansion approach, one from Arkansas, the other from Massachusetts. Both these states would reduce their income limit for expansion adults from 133% FPL to 100% FPL. Some Utah legislators have argued that Utah has a different approach in that the other two states were proposing to reduce an existing income limit, thereby terminating coverage while Utah would be expanding coverage, offering more people Medicaid. However, it is not clear how CMS could make this type of distinction under the terms of 1115 demonstration authority. The second issue is capping adult expansion enrollment based on the available state funding. While the adult expansion population is an optional coverage group under original Medicaid, it is not clear that CMS has the legal authority or desire to grant this type of waiver of optional groups' entitlement status under 1115 statute. If CMS were to approve such a waiver, it would not be surprising to see litigation on the issue.

¹³ The authority for the PCN program comes from section 1115 of the Social Security Act, which gives the Secretary of the Department of Health and Human Services the authority to waive specific provisions of the Medicaid program law and regulations. This demonstration example will still continue to have significant limitations in its benefit

package, such as providing only 4 prescriptions a month. The current reductions in adult traditional Medicaid benefits and the demonstration enrollees benefit package will also continue.

¹⁴ An effort by a consortium of interest groups led by the Utah Health Policy Project organized the *Ballot Initiative, Utah Decides Healthcare Act of 2018*, which succeeded with the petition drive and now campaigns for November votes to enact the initiative. This was highlighted in the *New York Times* by Robert Pear, "Medicaid Expansion Finds Grass-Roots Support in Conservative Utah," September 9, 2018, accessed September 13, 2018, <https://www.nytimes.com/2018/09/09/us/politics/utah-medicare-expansion.html>.

¹⁵ "Utah Medicaid Provider Manual, Non-Traditional Medicaid Plan," accessed October 13, 2018, [https://medicaid.utah.gov/Documents/manuals/pdfs/Medicaid%20Provider%20Manuals/Archives/Non-Traditional%20Medicaid%20\(NTM\)%20\(Archived%20April%202018\)/Archive/2016/NTM-manual4-16.pdf](https://medicaid.utah.gov/Documents/manuals/pdfs/Medicaid%20Provider%20Manuals/Archives/Non-Traditional%20Medicaid%20(NTM)%20(Archived%20April%202018)/Archive/2016/NTM-manual4-16.pdf).

¹⁶ UCC believes that work requirements are counter-productive. Most Medicaid recipients are already working. Those that are not are typically either unable to work due to a disability that is preventing them from working even though they are not receiving disability benefits, are retired, are students, or are caring for household members. Those that are working often have more limited education and are in jobs/occupations that are low wage, volatile in nature, have higher unemployment rates, and have had stagnant wages over the past 15 years. Although the Utah requirement is not as onerous as many that are being proposed across the country, it is not clear how this requirement benefits the beneficiaries while it does add extra paperwork burden to many that must meet the requirement as well as many who will be exempt. For more information regarding the characteristics of those who are in the newly eligible population, see:

- "Most Workers in Low-Wage Labor Market Work Substantial Hours, in Volatile Jobs," *The Center for Budget and Policy Priorities*, accessed July 29, 2018, https://www.cbpp.org/research/poverty-and-inequality/most-workers-in-low-wage-labor-market-work-substantial-hours-in?utm_source=CBPP+Email+Updates&utm_campaign=42adc42d06-EMAIL_CAMPAIGN_2018_07_27_08_45&utm_medium=email&utm_term=0_ee3f6da374-42adc42d06-43400417
- Norman J. Waitzman, "Who would be newly eligible for coverage under the Healthy Utah Plan, or Full Medicaid Expansion? A Demographic and Labor Market Profile," 2014 presentation to Utah Legislature's [was this a legislative task force?]Health Reform Task Force, accessed July 29, 2018, <https://le.utah.gov/interim/2014/pdf/00003826.pdf>.

¹⁷ Although there are problems with this approach as described in above endnotes, UCC believes this is preferred to the enhanced PCN waiver with its reduced benefit package along with its capped enrollment and proposed work requirement.

¹⁸ "Ohio Medicaid Group VIII Assessment: A Report to the Ohio General Assembly," *Ohio Department of Medicaid*, accessed July 30, 2017, <http://medicaid.ohio.gov/Portals/0/Resources/Reports/Annual/Group-VIII-Assessment.pdf>; Drew Altman, "No, Medicaid Isn't Broken," *Axios*, accessed July 30, 2018, <https://www.axios.com/no-medicare-isnt-broken-2404950733.html>.

¹⁹ "Research demonstrates that improving population health and achieving health equity will require broad approaches that address social, economic, and environmental factors that influence health." From "Beyond Health Care: The role of Social Determinants in Promoting Health and Health Equity," *Kaiser Family Foundation*, accessed September 9, 2018, <https://www.kff.org/search/?s=Social+determinants+of+health>.

²⁰ "Social determinants of health," *World Health Organization*, accessed September 8, 2018, http://www.who.int/social_determinants/sdh_definition/en/.

²¹ Common variations illustrate the purposeful openness of the concept, explain its meaning and use. See, e.g., the quote below from *U.S. Centers for Disease Control (CDC)*, accessed September 9, 2018, <https://www.cdc.gov/socialdeterminants/>.

"Conditions in the places where people live, learn, work, and play affect a wide range of health risks and outcomes. These conditions are known as social determinants of health (SDOH). We know that poverty limits access to healthy foods and safe neighborhoods and that more education is a predictor of better health. We also know that differences in health are striking in communities with poor SDOH such as unstable housing, low income, unsafe neighborhoods, or substandard education. By applying what we know about SDOH, we can not only improve individual and population health but also advance health equity." See other language below from "An Opportunity to Address Societal Determinants of Health," *Healthy People 2020*, accessed September 8, 2018 <https://www.healthypeople.gov/2010/hp2020/advisory/societaldeterminantshealth.htm>.

"We know that taking care of ourselves by eating well and staying active, not smoking, getting the recommended immunizations and screening tests, and seeing a doctor when we are sick all influence our health" but "there is growing recognition that *social and economic factors shape individuals' ability to engage in healthy behaviors*. For example, children born to parents who have not completed high school are more likely to live in an environment that poses barriers to health such as lack of safety, exposed garbage, and substandard housing. They also are less likely to have sidewalks, parks or playgrounds, recreation centers, or a library. Social norms and attitudes, such as discrimination, racism and distrust of government; exposure to crime, violence and social disorder; residential segregation, language and literacy challenges; and socioeconomic problems such as concentrated poverty; all affect health. Further evidence shows that *stress* negatively affects health across the lifespan, and that environmental factors may have multi-generational impacts."

"Addressing social determinants of health is not only important for improving overall health, but also for reducing the disparities, and hence the inequality, influenced by social and economic disparities. Resources that enhance quality of life have a significant influence on population health outcomes. Examples of these resources include safe and affordable housing, access to quality education, public safety, and availability of healthy foods, local emergency and health services, and environments free of life-threatening toxins."

Healthy People 2020 is highlighting the breadth of concerns by emphasizing the goal of "creating social and physical environments that promote good health for all." This broad emphasis is also in the work of the World Health Organization and that of other U.S. health initiatives such as the National Partnership for Action to End Health Disparities, the National Prevention and Health Promotion Strategy, and such professional and institutional organizations as those of land use planners, public health officers, and health insurers. Some initiatives seek to increase the focus on health in non-health sectors, while others focus on having the health care system address broader social and environmental factors that influence health. The Utah Citizens' Counsel has the broader concern, with the health and equity impacts of both social and physical situations and programs.

²² Examples of possible relationships of SDoH to Utah Citizen Counsel's committee reports.

Examples of SDoH

<u>Chapter topic</u> particular concern	Examples of related SDoH	How SDoH can be improved	How health then is improved
<u>Equal Rights</u> Equal in law, dignity and opportunity	Economic opportunities; income disparities; and employment	Equal opportunity for women, children, low income, and minorities	Life expectancy and infant mortality by race and income
<u>Environmental Health</u> Air & water pollution and global warming	CO ₂ emissions; DEQ measures of pollution; water availability	Shifting to renewable resources and economic incentives	Reduced burdens of chronic disease
<u>Public Education</u> Investment in preschool education	Kindergarten readiness	High quality preschool, e.g. for those of limited English or income	Improved physical and mental health of children and mothers
<u>Health</u> Health promotion programs	Healthy life styles (diets, exercise, habits, immunizations, etc.)	Coordinating public health and insurers' programs	Disease prevention
<u>Personal Security</u> Domestic and gun violence	Status of women; pervasive level of gun violence	Education re gender equality, base gun laws on scientific data	Reduced premature deaths and physical and emotional trauma
<u>Social Support</u> Family needs, focus on young children	Toxic stress in housing; healthy family life; Income status	Quality housing and its environment; income v. costs of living	Incidence and costs of environmental and income-related disease
<u>Participatory Governance</u> Equal representation	Trust in election processes and government officials	Citizens' trust in gov't fairness, transparency, and accountability	Citizen commitment to community progress in the public's health

²³ "Standing Up for Utah's Needs, 2016 Report," 43 (endnote 14) and "2015 Report," 24 (endnote 5), *Utah Citizens' Counsel*, www.utahcitizenscounsel.org.

²⁴ "Standing Up For Utah's Needs, 2017 Report, Health Chapter and recommendations," *Utah Citizens' Counsel*, www.utahcitizenscounsel.org.

²⁵ "New Alliance Seeks to Promote Health and Prevent Illness by Addressing Social Determinants of Health in Ogden, St. George," *Intermountain News Release*, June 27, 2018.

²⁶ "Data Points, Social Determinants of Health," *Kem Gardner Policy Institute, University of Utah*, August 2018.

Endnotes for Article 5 (Personal Security)

¹ Campus Safety Magazine has highlighted a 'loophole' to the 2017 amnesty pledge (assumed to allow a student at a BYU-affiliated university to make a sexual assault complaint without fear of being punished for the student's own Honor Code violation). In August 2018, a BYU-Idaho student's sexual assault allegation was verified by school officials. However, she was suspended for two semesters because she had been drinking at the time of the attack. Students are required to have the endorsement of their LDS Bishop confirming their "worthiness" to attend the university. The punishment came not from the university, but from her LDS Bishop, who told her the school's Honor Code amnesty policy was 'irrelevant.' See Erin Alberty, "Her Mormon College Upheld Her Sex-Assault Complaint-- But Kicked Her Out Anyway. The Case Shows a 'Loophole' in BYU's Honor Code Amnesty, Experts and Victims Say," *Salt Lake Tribune*, August 5, 2018, accessed August 25, 2018, <https://www.sltrib.com/news/2018/08/05/her-mormon-college-upheld/>.

² Amy Grenier, "Landmark Decision on Asylum Claims Recognizes Domestic Violence Victims," *American Immigration Council: Immigration Impact*, September 2, 2014, accessed June 6, 2018, <http://immigrationimpact.com/2014/09/02/landmark-decision-on-asylum-claims-recognizes-domestic-violence-victims>.

³ Asylum status extends to those who persuasively prove they have a "well-founded fear of persecution," usually based on categories such as race and religion, but also including a generic category of those endangered as members of a "particular social group" (such as sexual minorities or family members of known dissidents). Since the A-R-C-G case, those fleeing domestic violence and gang violence have been included as a "particular social group." See Miriam Jordan, "Her Husband's Killers Told Her She Was Next. These Days, That's Not Enough for Asylum," *New York Times*, August 7, 2018, accessed August 7, 2018, <https://www.nytimes.com/2018/08/07/us/migrants-asylum-credible-fear.html>.

⁴ Katie Benner and Caitlin Dickerson, "Sessions Says Domestic and Gang Violence Are Not Grounds for Asylum," *New York Times*, June 11, 2018, accessed June 12, 2018, <https://www.nytimes.com/2018/06/11/us/politics/sessions-domestic-violence-asylum.html>.

Subsequently, the American Civil Liberties Union filed a law suit on behalf of petitioners (Grace v. Session), and asked for a pause in deportations while the court system considered whether the new limitations violated U.S. or international law. Vivian Yee, "Judge Threatens Sessions With Contempt Over Deported Asylum Seekers," *New York Times*, August 9, 2018, accessed August 9, 2018, <https://www.nytimes.com/2018/08/09/us/asylum-judge-deported.html?module=Watching>.

⁵ Paighen Harkins, "In Utah, the 'Most Likely Murder Scenario is Going to be Perpetrated by Someone You Know and Love,'" *Salt Lake Tribune*, December 31, 2017, accessed December 31, 2017, <http://www.sltrib.com/news/2017/12/31/in-utah-the-most-likely-murder-scenario-is-going-to-be-perpetrated-by-someone-you-love/>. State and national statistics overlap regarding intimate partner violence--1 in 3 female homicide victims die at the hands of an intimate partner, while only 1 in 20 male victims do.

⁶ Since its introduction in July 2015, LAP has been integral to screening 6,500 domestic violence victims, of which 3/4 received crisis counseling, and 1/2 were provided shelter. Paighen Harkins, "Utah Domestic Violence Coalition is Seeking State Funding, and It's Armed with Stats to Show Why It Thinks It Deserves the Money," *Salt Lake Tribune*, February 7, 2018, accessed February 15, 2018, <http://www.sltrib.com/news/2018/02/07/utah-domestic-violence-coalition-is-see-ongoing-state-funding-and-theyre-armed-with-statistics-to-show-why-they-think-they-deserve-it/>.

⁷ Utah Social Services Appropriations Committee, Overview of SFY 19 Legislative Funding Request for Domestic Violence Services, Utah Domestic Violence Coalition, February 8, 2018.

⁸ Editorial, "Utah Must Face its Problem of Domestic Violence," *Salt Lake Tribune*, June 16, 2017.

⁹ Mariah Noble and Paighen Harkins, "'If I Can Find Her, I Will Kill Her:' Man Threatened Sandy Woman And Her Son in the Days And Hours Leading Up To Their Death, Police Investigation Shows," *Salt Lake Tribune*, February 1, 2018, accessed February 2, 2018, <https://www.sltrib.com/news/2018/02/01/if-i-can-find-her-i-will-kill-her-man-threatened-sandy-woman-and-her-son-in-the-days-and-hours-leading-up-to-their-death-police-investigation-shows>.

¹⁰ W. Anderson, "Lawmakers Reject Bill That Would Have Made It a Crime to Ignore People in Need of Assistance," *Salt Lake Tribune*, February 12, 2018, accessed February 13, 2018, <http://www.sltrib.com/news/politics/2018/02/12/lawmakers-reject-bill-that-would-have-made-it-a-crime-to-ignore-people-in-need-of-assistance>. University of Utah Law Professor Amos Guiora, author of *The Crime of Complicity: The Bystander in the Holocaust*, joined the UDV in testifying on behalf of HB 125 before the House Judiciary

Committee. Ross Chambless, Communications Specialist, Utah House Democratic Caucus, "House Judiciary Committee Passes H.B. 125, 'Duty to Assist in an Emergency' By Vote of 9 to 3," January 31, 2018.

¹¹ "Gun Deaths Outpace Motor Vehicle Deaths in 21 States and the District of Columbia in 2014," *Violence Policy Center*, January 11, 2016, accessed July 1, 2018, <http://www.vpc.org/press/gun-deaths-surpass-motor-vehicle-deaths-in-21-states-and-the-district-of-columbia/>. Utah is one of the 21 states.

¹² Ironically, former Arkansas Congressman Jay Dickey deeply regretted the consequences of the Dickey Amendment, and compared the successful "scientific, evidence-based approach" to reducing car deaths to the dearth of research on gun deaths. Opinion: Jay Dickey and Mark Rosenberg, "We Won't Know the Cause of Gun Violence Until We Look For It," *Washington Post*, July 27, 2012.

¹³ After the Parkland killings, Congress noted in the 2018 omnibus budget that the Dickey Amendment does not itself prohibit research on firearms. However, CDC funding is specified by project, and Congress has provided no funding to study gun violence. Nathaniel Weixel, "Funding Bill Won't Prompt New Gun Research, Experts Say," *The Hill*, March 25, 2018, accessed March 26, 2018, <http://thehill.com/policy/healthcare/380026-funding-bill-wont-prompt-new-cdc-gun-research-experts-say>. The National Institutes of Health was also subjected to Dickey Amendment-type language in 2012. "Improving Gun Policy Science," *Rand Corporation*, accessed June 6, 2018, <https://www.rand.org/research/gun-policy/essays/improving-gun-policy-science.html>. Such Congressional roadblocks have led a few states to authorize and fund their own scientific examinations of gun violence. Michael Ollove, "Little National Research is Done on Gun Violence, so Some States are Stepping In," *Washington Post*, March 12, 2018.

¹⁴ David DeMille, "Report: Las Vegas Gunman Had Purchased At Least 55 Guns Over Previous Year," *The Spectrum* (USA Network), January 19, 2018, accessed June 29, 2018, <https://www.thespectrum.com/story/news/2018/01/19/report-las-vegas-gunman-had-purchased-least-55>. With bump stocks, a semi-automatic weapon fires at a rate of about 9 shots a second, nearly as lethal as the continuous fire of an automatic weapon (14 rounds per second). Grace Donnelly, "What You Need To Know About Bump Stock Gun Accessories," *Fortune*, February 21, 2018, accessed on June 27, 2018, <http://fortune.com/2018/02/21/bump-stocks-bar-las-vegas-shooting/>.

¹⁵ "March for Our Lives Highlights: Students Protesting Guns Say 'Enough is Enough,'" *New York Times*, March 24, 2018, accessed July 9, 2018, <https://www.nytimes.com/2018/03/24/us/march-for-our-lives.html>. The March For Our Lives Mission Statement includes 1) Universal comprehensive background checks, 2) Bringing the ATF into the 21st century with a digitized, searchable database, 3) Funds for the CDC to research the gun violence epidemic in America, 4) A high-capacity magazine ban, 5) A ban on semi-automatic assault rifles. "Mission Statement," *March For Our Lives*, accessed July 15, 2018, <https://marchforourlives.com/mission-statement/>.

¹⁶ Lee Davidson, "On First Day to Propose Bills for Next Year's Utah Legislature, House Democrats Take Aim at Gun Violence," *Salt Lake Tribune*, May 8, 2018, accessed June 4, 2018, <https://www.sltrib.com/news/politics/2018/05/08/on-first-day-to-propose-bills-for-next-year>. All the gun safety bills discussed below are currently "in process" as to their final language prior to the 2019 session. The titles can be found at <https://le.utah.gov/documents/bill.htm> under "Bill Request," 2019 Session, under the name of the Senator or Representative. (For example, Rep. Handy - "'Extreme Risk' Protection Order" bill; Rep. King - "Universal Background Checks for Firearm Purchasers" bill; Rep. Arent - "Concurrent Resolution Urging Congress to Repeal the Dickey Amendment" bill and "Prohibition on the Sale of Firearm Modification Devices" bill; Rep. Weight - "Safe Storage of Firearms Amendments" bill.)

¹⁷ The Utah-March for Our Lives website illustrates its continuing political impact through 1) its Mission Statement, 2) a voter registration option, 3) the assignment of letter grades to 2018 legislative candidates (federal or state) who responded to MFOL's questionnaire, and 4) a 'get involved' tab listing its current scheduled events. See March for Our Lives Utah, "Not Just a March," <https://marchforourlivesutah.com/mission-statement>.

¹⁸ Wendy Leonard, "'Never Again': Thousands in Utah Rally for Gun Reform, Safer Schools," *Deseret News*, March 24, 2018, accessed July 8, 2018, <https://www.deseretnews.com/article/900013833/utah-marchers-convene-to-support-nationwide-push-for-safer-schools-gun-control.html>.

¹⁹ Utah Safe Schools Commission, "All of USS.....TOGETHER," June 2018, accessed July 7, 2018, <https://house.utah.gov/2018/06/20/utah-safe-schools-commission-report/>.

²⁰ Benjamin Wood, "Utah School Safety Panel Recommends Confiscating Guns in Cases of 'Extreme Risk,'" *Salt Lake Tribune*, June 20, 2018, accessed June 21, 2018, <https://sltrib.com/news/education/2018/06/20/court-ordered-confiscation-of-guns-top-school-safety-panels-list-of-recommendations/>. The Parkland killer provided a text book case of when a Red Flag law could be used to protect others. Kirk Johnson, "States Mull 'Red Flag' Gun Seizures From People Deemed Dangerous," *New York Times*, February 23, 2018, accessed February 25, 2018,

<https://www.nytimes.com/2018/02/23/us/red-flag-guns.html>. A Red Flag bill, HB 483, was introduced by Rep. Steve Handy in the 2018 session, but failed to pass. It will be resubmitted in 2019. Marjorie Cortez, "Extreme Risk Court Order Would Allow Police to Remove Guns, Ammo From Violent, Unstable Individuals," *Deseret News*, March 4, 2018, accessed March 5, 2018, <https://www.deseretnews.com/article/9000012007/extreme-risk-court-order-would-allow-police-to-remove-guns-ammo-from-violent-unstable-individuals.html>.

²¹ "Universal Background Checks," *Giffords Law Center*, accessed July 8, 2018, <http://lawcenter.giffords.org/gun-laws/policy-areas/background-checks/universal-background>. Rep. Brian King is sponsoring a Universal Background Check bill ("Universal Background Checks for Firearm Purchasers") that enjoys a 90% level of public support in Utah and nationally. King Comments, Utah Gun Safety Coalition dinner, Episcopal Diocese, Salt Lake City, June 13, 2018.

²² The Congressional refusal to fund CDC research on gun violence has been noted above. Rep. Patrice Arendt is sponsoring both the "Concurrent Resolution Urging Congress to Repeal the Dickey Amendment" and the "Prohibition on the Sale of Firearm Modification Devices." Arendt Comments, Utah Gun Safety Coalition dinner, Episcopal Diocese, Salt Lake City, June 13, 2018. The Department of Justice has ordered the Alcohol, Tobacco, Firearms and Explosives Bureau (ATF) to evaluate the merits of prohibiting bump stocks, with the public comments phase ending at the end of June 2018. "Rulemaking, Bump-Stock-Type Devices," Bureau of Alcohol, Tobacco, Firearms and Explosives, March 29, 2018, accessed July 7, 2018, <https://www.atf.gov/rules-and-regulations/rulemaking>. However, the ATF has on 10 previous occasions concluded that bump stocks are legal under current law. Congressional action is the only route to making them illegal. Declan McCullagh, "ATF Flips on Bump Stock Ban, Some Gun Rights Groups Are Mad," *Reason*, June 27, 2018, accessed August 19, 2018, <https://reason.com/archives/2018/06/27/atf-flips-on-bump-stock-ban-some-gun-rig.print>. A handful of states have outlawed bump stocks, with limited success in getting citizens to turn them over to authorities, or destroy them. Matt Vasilogambros, "So States Ban Bump Stocks. Now How Do They Enforce The Law?," *Stateline (Pew)*, May 18, 2018, accessed June 29, 2018, <http://www.pewtrusts.org/en/research-and-analysis/blogs/stateline/2018/05/18/so-states-ban-bump-stocks-now-how-do-they-enforce-the-law>.

²³ "Violent Death Reporting System," *Violence and Injury Prevention Program, Utah Department of Health*, accessed September 9, 2018, <http://www.health.utah.gov/vipp/topics/nvdrs/prevention.html>.

²⁴ Amy Ellis Nutt, "Utah's Suicide Rate Has Shot Up 46.5% Since 1999--Making It The Fifth-Highest In The Nation," *Salt Lake Tribune*, June 7, 2018, accessed, June 8, 2018, <https://www.sltrib.com/news/2018/06/07/suicide-rates-rise-sharply-in-utah-and-across-the-country-new-report-shows/>.

²⁵ Luke Ramseth, "Utah's Governor Launches Youth Suicide Task Force as State Reveals 44 Suicide Deaths Among 10-To-17-Year-Olds in 2017," *Salt Lake Tribune*, January 17, 2018, accessed July 4, 2018, <https://www.sltrib.com/news/health/2018/01/17/utah-launches-youth-suicide-task-force-as-state-officials-reveal-a-2017-spike-to-44-suicide-deaths-among-10-to-17-year-olds/>.

²⁶ "Free Gun Locks: Store Them Safe," *Utah Department of Public Safety*, accessed July 5, 2018, <https://dpsnews.utah.gov/firearm-safety-store-them-safe/>. Rep. Elizabeth Weight's proposed bill requiring gun owners to employ trigger locks or secure storage when firearms are not in use has attracted opposition from the National Rifle Association. Lee Davidson, "Utah Lawmakers Debate Requiring Gun Locks: Lifesaver or Infringement of Rights?" *Salt Lake Tribune*, July 18, 2018, accessed July 24, 2018, <https://www.sltrib.com/news/politics/2018/07/18/utah-lawmakers-debate/>.

²⁷ "CDC Investigation Shows Youth Suicides in Utah Increasing," *Utah Department of Health*, November 30, 2017, accessed August 30, 2018, <https://health.utah.gov/featured-news/cdc-investigation-shows-youth-suicides-in-utah-increasing>.

²⁸ The Task Force proposed its recommendations under the severe time frame of one month. See the link found under Kylie Walsh, "Task Force Submits Youth Suicide Prevention Recommendations," *State of Reform*, February 2, 2018, accessed August 29, 2018, <https://stateofreform.com/wp-content/uploads/2018/02/02.20.2018-Memorandum-Teen-Suicide-Prevention-Task-Force-Recommendations.pdf>.

²⁹ "SafeUT," *University of Utah Health Care, University Neuropsychiatric Institute*, accessed June 25, 2018, <https://attorneygeneral.utah.gov/safeut-safety-crises-support/>. The app can be downloaded from Apple's App Store or Google Play. Congress recently passed legislation (with support from Utah's Rep. Chris Steward and Sen. Orrin Hatch) to conduct a feasibility study for a national three-digit suicide hotline. See "Nation's Largest Suicide Prevention Organization Thanks Members of Congress for Passing the National Suicide Hotline Improvement Act (H.R. 2345 & S. 1015)," *American Foundation for Suicide Prevention*, July 23, 2018. The current 24/7 National Suicide Prevention Hotline can be reached at 1-800-273-TALK (8255).

³⁰ Marjorie Cortez, "University of Utah Shouldering Growing Costs of SafeUT App as Use Proliferates," *Deseret News*, August 14, 2018, accessed September 4, 2018, <https://www.deseretnews.com/article/900028136/university-of-utah-shouldering-growing-costs-of-safeut-app-as-use-proliferates.html>.

³¹ Luke Ramseth, "With Youth Suicides at 'Epidemic Proportions,' Utah Panel Calls for Expanding Mental-Health Support, Outreach and Encouraging more Gun Locks," *Salt Lake Tribune*, February 20, 2018, accessed August 28, 2018, <https://www.sltrib.com/news/2018/02/20/with-youth-suicides-at-epidemic-proportions-utah-panel-calls-for-expanding-mental-health-support-outreach-and-encouraging-more-gun-locks/>.

³² Kyle Fitzpatrick "In A State Plagued By Suicide, 1 Researcher Is Taking A Revolutionary Approach," *Popsugar*, June 25, 2018, accessed July 10, 2018, <https://www.popsugar.com/news/Michael-Staley-Suicide-Prevention-LGBTQ-Pride-Interview-44857243>.

³³ Kelly Gifford, "Utah School Districts Block Sexual-Orientation Questions on Student Survey," *Salt Lake Tribune*, April 6, 2017, <http://archive.sltrib.com/article.php%3Fid%3D513276%26type%3DCMID>. A 2016 joint CDC and Utah Health Department project, Youth Risk Behavior Survey, fell through after two school districts (Davis and Cache) refused to allow a sexual orientation question that could potentially help address Utah's suicide epidemic.

³⁴ The Federal Bureau of Investigation has confirmed that hate crimes have risen nationally by 40% since 2015. In Utah, the majority of the 66 hate crimes reported in 2016 were aimed at persons perceived to be of a given race or religion. Jennifer Dobner, "Salt Lake County Joins the Push for Stiffer Utah Hate Crimes Law," *Salt Lake Tribune*, January 9, 2018, accessed January 10, 2018, <https://www.sltrib.com/news/2018/01/10/slco-joins-the-push-for-stiffer-utah-hate-crimes-law/>.

³⁵ That the Federal Bureau of Investigation officially identifies between 5,000 to 6,000 annual hate crimes "vastly understates" the numbers, according to the Bureau of Justice Statistics, which estimates 250,000 such crimes. The primary reasons are: 1) only one-half of the victims contact the police, 2) law enforcement agencies are not required to categorize hate crime data or report it to the FBI, and 3) 9 of 10 cooperating agencies claim zero incidents occurred in their jurisdiction. Swarthi Shanmugasundaram, "Hate Crimes, Explained," *Southern Poverty Law Center*, April 15, 2018, accessed August 8, 2018, <https://www.splcenter.org/20180415/hate-crimes-explained>.

³⁶ Daphne Chen, "Utah Senator Revives Proposal to Beef Up State's Hate Crime Laws," *Deseret News*, September 21, 2016, accessed November 26, 2016, <http://www.deseretnews.com/article/865662984/Utah-senator-revives-proposal-to-beef-up-states-hate-crimes-laws.html?pg=all>.

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/>. The LDS Church issued the following statement on the 2016 Hate Crimes bill: "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."

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Approximately 51% of Salt Lake City householders live in rental housing. Half of them are cost burdened, spending 30% or more of their incomes on housing, while nearly a quarter are severely cost burdened, spending over 50% of their incomes on housing. See the Dashboard at www.slc.gov/hand/programs/ and "Growing SLC: A Five Year Plan 2018-2022," "Housing Crisis," Chapter 4, adopted by the Salt Lake City Council in December 2017, published January 2, 2018, accessed July 18, 2018, www.slcdocs.com/hand/Growing_SLC_Final_Attachments.pdf. Despite the presence of 11,000 Section 8 Housing Choice Vouchers, 25,000 tax credit rental units, and another 5,000 assisted units, there is a serious shortfall of rental housing in Utah. At least 75,000 renter households with incomes below the median have no rental assistance and face severe housing burdens. James Wood, et al., "What Rapidly Rising Prices Mean for Housing Affordability," *Gardner Business Review*, May 2018, accessed June 29, 2018, <http://gardner.utah.edu/wp-content/uploads/May2018HousingReport.pdf>.

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- ⁶ The 2013 initiative had provided for a direct primary, negating the party's role in nominating candidates for public office.
- ⁷ See "Public Hearing Presentation" on the Count My Vote website, accessed August 15, 2018, www.countmyvote.org. Senate Bill 54, enacted in 2014, requires a higher percentage of registered voters to sign a nominating petition and does not have provisions for a primary run-off in case no candidate receives a majority of the votes. SB 54, accessed August 15, 2018, <https://le.utah.gov/~2014/bills/static/SB0054.html>.
- ⁸ The most prominent example was when popular U.S. Senator Robert Bennett was eliminated as the party's senatorial candidate at the 2010 party convention. Current U.S. House Representative John Curtis was also eliminated as the Republican Party's candidate at the 2016 special convention to replace Jason Chaffetz, who had resigned, but Curtis was able to gather enough signatures under SB 54 to run in the Republican primary, where he won handily.
- ⁹ CMV gathered about 19,000 more valid signatures than the required 113,143 statewide as well as signatures equal to 10% of the last presidential vote in 26 of Utah's 29 Senate districts.
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