Standing Up For Utah’s Needs
2020

The Utah Citizens' Counsel 2020 Assessment of Exceptional Opportunities to Build a Stronger, More Resilient, and Inclusive Economy

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November 2020

Dear fellow Utahns,

Our 2020 report is UCC’s sixth, and our first since 2018. We consider it our most important report, due to the gravity of the issues specifically relating to this particular place and time. Our positions respond to urgent needs displayed and documented by the pandemic that beset Utah and the country in February 2020 and which continues to surge as we issue our report. Our positions also reflect needs dramatized by the economic downturn accompanying the pandemic, unmistakable signs of racial injustice, and by earlier, failed legislative attempts at tax restructuring.

For the first time, our report includes an introductory section, based on the problems and opportunities facing Utah that were set forth by the Governor’s Office in the early months of the pandemic. In lieu of our past executive summaries, each of the following committee reports includes its own first-page summary of major positions. Finally, a new concluding section sets forth tax restructuring options for serious consideration to better position Utah for long-term prosperity and economic dignity for all Utahns.

The introduction and conclusion are important bookends to our report. Both undergird our seven committee reports and positions. Our Declaration of Utah Human Rights continues to serve as the framework for our work. The entire report takes seriously the invitation from government leaders to help transform government policies and programs into something bolder and better. This is the challenge awaiting all of us.

Sincerely,

The Utah Citizens’ Counsel

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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.
Introduction to 2020 Report: *Seizing the Moment*

On June 17, 2020, the Utah Economic Response Task Force released *Utah Leads Together IV* – Utah’s plan for recovery and revitalization in the wake of the COVID-19 pandemic and recession. In doing so, it observed that “this time is different”:

“The recession brought on by the spread of COVID-19 is unlike any other in modern U.S. history. The speed of the decline in both output and employment was excruciatingly steep…and the global, national and Utah economies will feel the effects of this recession long after public health concerns dissipate. Still—provided the virus can be managed appropriately and a vaccine becomes available as expected--a strong recovery is expected to take hold in the second half of 2020 and continue into 2021…. 

“Not only is this recession different, but the health crisis that precipitated it also causes some unique characteristics and create[sic] a heavy burden on society. Importantly, this burden is not equally shared—it falls disproportionately on low income workers and minorities…. 

“On the health side, minority and low-income populations suffer disproportionately from underlying health conditions that put them more at risk. Furthermore, their communities often lack access to medical services, and many find it harder to quarantine at home…. 

“Despite making up less than 20% of the state’s population, the Utah Latino community constitutes over 40% of Utah’s confirmed cases of COVID-19. We also know that the largest share of these cases originated in the workplace. These data points should inform policymakers in how best to respond and where to focus the allocation of resources.”

The *Message from State Leaders* introducing the Task Force Report points out that Utah faces “deep-seated societal challenges. Mass gatherings following the death of George Floyd in Minneapolis illuminated the plight of those who have been marginalized in our society, and remind each of us of our duty to each other.”

The *Message from State Leaders* recognizes “the complex risk-reward relationships among public health, economic wellbeing and social interactions, …and contemplates strategic actions and investments that will pay off not only immediately, but in the long term…. ” Those actions specifically include strategic investments in teachers, education technology, telecommunications, rapid reskilling and upskilling, cultural organizations, health care, recreational infrastructure and more, in the hope of “emerging from this crisis stronger than ever.”
In approaching its task, the Economic Response Task Force asked the following question: “How do we use this massive economic disruption to create a stronger, more resilient and inclusive economy... [recognizing] that hidden within this crisis is an opportunity to position Utah for long-term prosperity for all [italics added]?”

The Task Force articulates five guiding principles to inform Utah’s recovery and revitalization plan: speed, targeted programs, enduring benefit, flexibility, and innovation. The Task Force then offers specific suggestions for putting a plan in place using 100-day, 250-day, and 500-day horizons. The 100-Day horizon focuses primarily on federal assistance to mitigate the pandemic. The 250-Day horizon looks to accelerated state bonding to provide for construction-ready capital improvement projects and “reskilling” of workers. The 500-day horizon is the least specific but calls for researching and prioritizing strategic investment options, sharpening economic inclusion, and re-imagining economic development and incentives.

This last section of *Utah Leads Together IV* suggests that the Task Force will be calling on community leaders for help in crafting these investment strategies.

Hearing that call, the Utah Citizens Counsel, whose members collectively have hundreds of years of experience in public service and expertise in public policy, is pleased to present its 2020 Report and Recommendations for seizing the opportunity presented by this extraordinary moment in our State’s history to build “a stronger, more resilient and inclusive economy” and “position Utah for long-term prosperity” and economic dignity for all its citizens.

The over-arching theme of the Utah Citizens’ Counsel’s 2020 Report is the need to invest in people and provide everyone with economic respect and dignity—to seize this moment to “create paths out of poverty and reverse accelerating economic inequality, repair the hollowing out of the middle class, and cope with dramatic technological change [italics added],” based on principles which include:

- “The economic capacity to care for family while not being deprived of fully experiencing the moments, joys, and roles that humans most value;

- “Being able to pursue purpose and potential--to have true first and second chances in your economic life to contribute and find meaning and to never feel given up on;

- “To be able to work and participate in the economy--to work, care for family, and pursue potential--with respect and not with abuse, domination, or humiliation.”
In response to *Utah Leads Together IV*, UCC’s positions and recommendations in the following reports reflect the need to invest more in human capital along with material capital. We believe that the state has been underinvesting in people at the expense of present and future generations, who need to feel fully included in Utah’s promise of being one of the country’s best-led states. We must continue to reduce discrimination against undervalued groups of people and reduce inequalities in environmental health, education, health care, personal security, social support services, and participatory governance, all of which affect groups differently based on such factors as income, economic inequality, and access to power. Everyone should have a fair share of Utah’s economic growth and enjoy equal respect. And our young people must believe in the capacity of our state and local governments to be transparent and accountable and to deliver on such goals. We must offer them a future they can believe in.

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**Endnotes to Introduction**

2 Ibid., 1.
3 Ibid.
4 Ibid., 2.
Equal Dignity and Respect for Human Beings Committee Report

Introduction and Summary of Major Positions

The well-being of a society depends on the physical, mental, emotional, and economic well-being of its constituents; yet vast segments of Utah’s population are being left behind, year after year, in spite of the importance of their contributions to our state’s economy. Women, racial and ethnic minorities, and LGBTQ individuals represent more than half of the state’s population, and policymakers must do more to understand and address their needs and aspirations if Utah is to achieve the robust economic future to which it aspires.

The coronavirus pandemic, recession, and civil unrest have drawn attention to realities that can no longer be ignored, including longstanding gender and racial inequities in our state’s economy. When states ordered schools and restaurants shut down and small businesses closed, 60 percent of the eliminated jobs were held by women;¹ and many more were made dramatically more precarious due to the loss of care services for children, the elderly, the sick, and those with disabilities. Higher COVID infection rates among racial and ethnic minority groups present compelling evidence of the physical, economic and emotional challenges those communities face.²

An expansive vision of the under-utilized potential of Utah’s increasingly diverse population is essential as Utah rebuilds post pandemic, to sweep away barriers and open doors of opportunity and economic dignity for all, and to ensure a robust economy for Utah in the years ahead. The following priorities are expanded in the material in subsequent pages.

- Utah’s future economic well-being is critically dependent upon the work of women, minorities, and LGBTQ people. Policymakers, governmental entities, educators, health care providers, economic development advocates, and employers all need to better understand Utah’s rapidly changing demographic trends and develop opportunities for our changing local population that reduce discriminatory impacts on their employment.
- Authentic dialogue with women and representatives of Utah’s minority communities on specific challenges they face would help illuminate the compelling stories behind the statistics and unequivocally illustrate how current public policies unfairly impact the lives of real people and real families throughout our state.
- Transitioning to a minimum wage of $15/hour would serve to lift a significant percentage of the population out of poverty and put even more individuals and families on the path to economic dignity, security, and success.
- The Governor’s Office of Economic Development should assess the adequacy of its approach to bringing jobs to Utah in ways that highlight the experience of women, minorities, and LGBTQ individuals in the economy. Well-paying jobs for non-college-educated women and minorities should be a high priority, as well as policies that promote wealth acquisition among low-income minorities.
- Criminal justice reform is a critically important component of the work before policymakers in addressing the needs of minority communities, but it cannot succeed in the absence of well-paying employment opportunities, access to safe and affordable housing, access to good schools, child care, health care, and community-conscious safety and emergency services.
Women

Despite decades of work by the Governor’s Commission on the Status of Women, the more recent Women in the Economy Legislative Commission, and the tireless efforts of the Utah Women & Leadership Project, Utah retains its reputation as a place where women are not treated equally. This report offers a partial explanation for the continued economic inequality experienced by Utah women by focusing on the invisible unpaid and paid care work they do.

Care work involves providing a face-to-face service to children, the elderly, the sick, and the disabled. This work may be done in the household (both paid and unpaid), in the informal market (e.g., babysitting, elder care, domestic work), or the formal labor market (e.g., teachers, nurses, and other essential workers). Although men are becoming more involved in housework and childcare in the home, women remain accountable for the quality of care.

Official GDP statistics do not attempt to account for the value of care work done in the home. By its very nature, the work is largely invisible. Care work becomes visible only when the quality of care declines or when resources are strained. For example, the care work of mothers became more visible during the COVID-19 pandemic as women struggled to manage employment expectations as well as increased food production and home-schooling responsibilities, with diminished childcare options and availability.

Childcare. Forty-four percent of the labor force in Utah are women who average 33 hours of work per week, and women who work full time and year-round contribute almost $40,000 a year to household income. Sixty-one percent of mothers with children under 6 years old and 74 percent of mothers with children ages 6-17 are employed. Utah women are, therefore, significant contributors to the economic viability of their families and the state’s economy.

Childcare is an essential form of care work. Employed women with young children at home are dependent on the help of others when it comes to providing care while they meet the demands of their paid work. Utah’s current childcare system only meets about one third of the need.

Like roads, bridges, and communications systems, childcare is part of the basic infrastructure of our society—it is infrastructure for families, and it, too, is essential for keeping our economy going. Utah policy makers must give greater priority to the care work that women do. At a minimum, this means policies that support the childcare needs of working women. “Working parents should not be forced into a Faustian bargain of not working because they have no one to care for their child.”

The Wage Gap. The wage gap in Utah is among the largest in the nation. Women earn only 70 cents for every dollar that men make. The wage gap is generally explained by the type of jobs women select, inequalities in education, and discrimination.

Historically, as women entered the labor force, they continued to do the kinds of care work they had always done in their homes. Schools hired women to teach; hospitals hired women as nurses and nurses’ aides; eating establishments hired women to prepare and serve food; and businesses
hired women as secretaries to manage the routine activities of their organizations. Women’s wages are, therefore, often lower because of the care occupations they choose.

Women dominate in 23 of the 30 lowest-paying jobs in the U.S. Thirty-five percent of women’s net job gains during the recovery following the Great Recession were in jobs typically paying $10.10 per hour or less. Only 20% of men’s job gains have been in similar low-wage jobs.18

In Utah, women make up 82% of healthcare support; 80% of personal care services; 72% of office support; 70% of educational and library workers; and 67% of healthcare practitioners. By comparison, women are only 38% of management and financial service occupations, only 30% of production occupations, and only 26% of material moving occupations—all better paying jobs.19

A 2019 study of the economic vulnerability of female health workers in the United States found that 35% earned less than $15 per hour, well below a living wage. A total of 1.7 million female health care workers and their children live in poverty. Raising the minimum wage to $15 per hour would reduce poverty rates among these female health workers by as much as 50%.20

*Educating women as a solution to the wage gap problem.* Feminists have long encouraged women to seek more education, believing that the most effective way to protect women from falling into poverty is to give them access to higher education. College-educated women do earn more than non-college educated women, but despite greater investments in education, women have remained concentrated in lower-paying jobs such as health care support, personal and care services, and teaching.

Utah’s average teacher pay ($47,604) is significantly lower than the national average, and, on average, teachers earn less than three-quarters of what private sector professionals with bachelor’s degrees in other fields earn.21 Largely because of this, the average annual teacher attrition in Utah is approximately 11 percent.22 Increasing the salaries of women educators and librarians (both public and private), would improve the earning power of 1 in 4 full-time, year-round female workers in the state.23

Encouraging women to become educated in a greater variety of fields has led to a teacher shortage. Because policy makers are unwilling to recognize educators as worthy of professional pay levels, more women have chosen other, better paying occupations in law, medicine, and business. This trend then creates a new problem. The wage differential between college-educated and non-college-educated women is now greater than the wage differential among men, so the college wage gap among women has contributed to economic inequality in the state, and minority women and men pay an even larger penalty.24

To significantly reduce the wage gap Utah needs both to increase college-going among women—especially minority women—and to place women center stage in the economic development plans of the state. This means creating job opportunities for full-time work in well-paying jobs. According to the college gap research, investing in technology jobs brings higher wages for men but does little for the college gap among women. In addition, developing the recreation industry in Utah may create jobs, but these jobs do little for the earning power of non-college-educated
women, especially immigrant women. Women—especially non-college-educated women—simply have not benefited from the economic growth Utah has experienced in recent years.\textsuperscript{25}

Policy makers dismiss many of the low-paying occupational choices of women as irrational and ineffective; yet the economy is dependent upon the work they do in the occupations they choose. If policy makers want to reduce the gender wage gap, they need to increase the wages of teachers, incentivize the creation of year-round, well-paying jobs for both college-educated and non-college educated women, invest in childcare services for all employed women, and increase the minimum wage.

\textbf{The Motherhood Penalty.}\textsuperscript{26} Research has long demonstrated that much of the wage gap is a function of discrimination. Women are paid less because they are women. Sociological research has found some of that discrimination arises from a significant wage penalty for having children. Some researchers argue that having and raising children interferes with the accumulation of human capital and women’s level of productivity, while other research suggests employers believe without evidence that mothers are less competent or less committed to their jobs than are childless women.

Studies have found average wage penalties ranging from five to ten percent per child among women in their 20s and 30s.\textsuperscript{27} Thus, given the emphasis on families and children in Utah, some portion of the wage gap is likely due to the motherhood penalty.\textsuperscript{28} Ironically, the same research indicates that employers are much more willing to offer flexible time and higher wages to fathers, believing fatherhood makes a person stable and reliable, while believing motherhood is a distraction for female employees. Employed women, meanwhile, seek flextime policies to improve their reliability at work as they struggle to juggle the unpaid, and often unpredictable, care work for which they continue to be ultimately responsible.

\textbf{Racial and Ethnic Minorities}

Just as Utah women make vital contributions to the state’s economy, Utah’s diverse racial and ethnic minority populations underpin the state’s history and economic vibrancy. Utah has always been home to members of the Navajo, Ute, Paiute, Goshute, and Shoshone tribes, and has had a thriving African American population, which, though historically small in number, has grown by 44\% in the last decade.

In addition to those minority families that have lived in the area for generations, there are growing numbers of Latinx, Pacific Island, African, and Asian immigrants who have made Utah home more recently.\textsuperscript{29} The Hispanic population is now 14 percent of Utah’s total population, and in the last decade, Utah’s minority population has grown 32 percent--twice the total population growth for the state overall (16%).\textsuperscript{30}

Today, Utah’s minority communities account for approximately 20 percent of the state’s population, with 1 in 5 Utahns, 1 in 4 Wasatch Front residents, and 29\% of Salt Lake County residents identifying as racial minorities.\textsuperscript{31} “The Wasatch Front labor force is gradually becoming more diverse as the shares of all minority groups but one (American Indian) are increasing.”\textsuperscript{32}
Like women, racial minorities who live along the Wasatch Front are underrepresented in the professions and overrepresented in the service occupations. Minority women are especially underrepresented in the skilled craft category (where they could make better wages), and whatever wage penalties women face more generally, the penalties for minority women and men are dramatically greater.

Increasing diversity in Utah and along the Wasatch Front translates into an increasingly diverse labor force. Some estimate that by 2065, only 65% of Utah’s population will be non-Hispanic white. Low college enrollment and completion rates of Utah minorities aged 18-35 will have a substantial impact on Utah’s skilled labor force, with major implications for employers.

While employers will need to respond to the changing demographics of the Wasatch Front, policy makers and employers alike must educate themselves to understand the racial and ethnic inequalities that face racial and ethnic minority community members and implement policies that ameliorate those inequalities. The COVID-19 pandemic, the successes of the Black Lives Matter movement, and the activism of black athletes are all bringing greater awareness of social and economic inequalities in our society; without a measured, future-focused plan to integrate minorities and reduce education and wage gaps, the social unrest seen in Utah in 2020 will not go away. Policy makers and regional employers must engage new “practices that support and provide opportunities for the changing local population.”

**Understanding the Historic Roots of Racial Inequality.** Racial inequality in America began with the institution of the Atlantic slave trade by Portuguese royalty in the fifteenth century, and the efforts of a royal chronicler, Gomes de Zurara, to create a hierarchy of power, describing the enslaved Africans with negative qualities to justify their brutal treatment. When Spanish and Portuguese colonizers subsequently arrived in the Americas, they called all indigenous peoples “‘Indians,’ or negros da terra (Blacks from the land),” distinguishing them from Africans, thus normalizing and rationalizing “the increased importation of the supposedly ‘strong’ enslaved Africans and the ongoing genocide of the supposedly ‘weak’ Indians in the Americas.”

Then, beginning in 1735, “Carl Linnaeus locked in the racial hierarchy of humankind in Systema Naturae,” color-coding the races as White, Yellow, Red, and Black, attaching each race to one of the four regions of the world, and ascribing characteristics to each. White people, at the top of the hierarchy, were described as vigorous, muscular, smart, inventive and ruled by law; black people, at the bottom of the racial hierarchy, were described as sluggish, lazy, flat nosed, covered by grease, and ruled by caprice. This taxonomy was created and perpetuated to justify the disparate and indefensible treatment of people based solely on the color of their skin.

“Thus, powerful economic, political, and cultural self-interest--the accumulation of wealth in the case of royal Portugal and subsequent slave-traders--precipitated the racist policies, and then influential intellectuals produced the racist ideas in an attempt to justify the racist policies of their era and to redirect blame for their era’s racist policies away from those policies and onto people [of color].”
Such biological racism rested on two myths: that the races are meaningfully different in their biology and that these differences “create a hierarchy of value,” which took five centuries to categorically and indisputably discredit. Finally, in 2000, the first survey of the entire human genome was completed, proving that in genetic terms, all human beings, regardless of race, are more than 99.9 percent the same. Thus, the most fundamental fact of life on this Earth is our common humanity.  

Tragically, basic economic fairness, dignity, and opportunity are still being denied to the members of racial and ethnic minority communities in Utah and across the globe, and for Utahns, at least, those disparities are largely invisible to the majority white population. As Robin DiAngelo, author of White Fragility: Why It is So Hard for White People to Talk About Racism, poignantly noted in a recent TED Talk: Most of us “were born into white neighborhoods, went to predominantly white schools, studied, learned, worshipped, loved, worked and died in a segregated society without having any consistent on-going authentic relationships with persons of color, and without having a single person who loved, mentored, or guided us suggest there was any loss—that there was any inherent value in the perspectives or experiences of people of color. If our parents, schools, curriculum, teachers or governments saw value in those perspectives, we would have been given those perspectives, and we weren’t; and that has shaped what we care about, what we value, what we see, what we don’t see, who we build our lives with, and who we don’t build our lives with; and that is the level at which we must look inside ourselves, inside of our institutions, and inside our public policies.”

“Having lived our whole lives in a system in which white people are seen as central and inherently superior to people of color, our personalities and worldview were formed in that system. We did not choose it. It isn’t our fault. We do not need to feel guilty about it or look for anyone to blame for it,” but “we are responsible for changing it; because the current default of our society is one that reproduces inequality; and once we recognize it, we have a duty to address it.” We cannot simply carry on as we always have because inaction then becomes complicity.

**Wealth and Economic Viability.** Barriers to wealth accumulation are a perfect example of one of the most insidious ways people of color have been disadvantaged based on the color of their skin. Wealth is an important measure of economic health. When families have sufficient wealth, they can utilize income earned in the past to meet spending demands in the future, making them economically better off. They can afford to send their children to college; they have a buffer of economic security against periods of unemployment; they can take risks like starting a business; and they have the wherewithal to finance a comfortable retirement and possibly even provide an inheritance for their children. Unfortunately, the ability to accumulate wealth is much more challenging in minority communities.

To construct wealth, two primary building blocks are required:

- Steady, well-paid employment during one’s working life, to permit a decent standard of living plus the ability to save, and
• Access to well-functioning financial markets that provide a healthy rate of return on savings without undue risks.53

Minority populations, however, are less likely to acquire these building blocks; because of this the typical (median) wealth for white families in the United States ($171,000) is almost 10 times greater than for black families ($17,150).54 Likewise, the median wealth of white households was estimated to be eight times that of Hispanic households in 2017.55

The inability of blacks to create wealth derives from generations of public policies which denied African Americans the same opportunities as whites (e.g., slavery, mismanagement of the Freedman’s Savings Bank (1874), the Tulsa Greenwood District Massacre (1921), Jim Crow (1870-1968), the exemption of domestic agricultural and service occupations from the New Deal (1933 and 1939), the GI bill’s discriminatory implementation (1944), and redlining by banks.57 Efforts to curb these practices began with the 1968 Fair Housing Act and the 1977 Community Reinvestment Act, but the rules of those earlier eras undergird today’s economy, reproducing the same racial inequities 150 years after the end of slavery and more than 50 years after the end of Jim Crow segregation.58 The lost opportunities of several generations mean far fewer assets available to transfer to the next generation.

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. Educational attainment, the right occupation, and full-time employment are necessary, but not sufficient conditions for building wealth. Median wealth in black families with a head of house who holds a college degree is only one-eighth the median wealth of similar white families.59

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. Although most official discriminatory housing policies have finally been dismantled, as noted above, the lack of wealth accumulation has kept the racial wealth gap from closing, and discriminatory practices have persisted.60 The housing bubble brought on by predatory high-interest lending that occurred prior to the Great Recession, along with high rates of unemployment after the bubble burst, left many African American families starting over in their efforts to accumulate wealth.61

Hispanic populations have similarly found it difficult to accumulate wealth. For example, U.S-born Hispanics experienced a 7% decline in median wages after the Great Recession and continued to struggle through 2013. By 2017, median wages had returned to pre-recession levels, but the intervening years had taken their toll, reducing overall economic health.62

Minority communities suffer more during economic downturns because they have so few resources in reserve. The role of public 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 members of Utah’s minority communities. “Malign social policy has created and maintained the racial wealth gap, and only a progressive reorientation of this policy can close
The 2020 recession has again put minority communities at acute economic risk; and the racial and ethnic wealth gap needs to be addressed in policies to rebuild Utah’s pandemic-weakened economy.

**Disparate Impacts of COVID-19.** The COVID-19 pandemic is also spreading far faster among communities of color in Utah and has proven substantially more lethal, with minorities being infected, hospitalized, and killed at higher rates per capita than the state’s predominately white population.

> “We know that our health care system has disparities,” said state epidemiologist [Dr.] Angela Dunn during a daily media briefing earlier this year, ‘and this pandemic is shining a particularly bright light on those…It is inequitable access to tests and health care, in general,’ Dunn acknowledged, ‘that’s at least partially to blame for the racial disparity of those impacted by the virus.’”

The Latinx community has been the hardest hit in Utah. “Many in this community haven’t had access to medical care for years and haven’t been able to address underlying health concerns that exacerbate the virus’s impact,” said Dr. Dunn. The data also reflect higher rates of hospitalizations and deaths in the Latinx community—and across all people of color combined in Utah. “Our Hispanic communities are bearing a bigger burden than others,” Dunn said.

Utah’s Pacific Islander community has also been disproportionately impacted by COVID-19. “Jake Fitisemanu, a Samoan-Chinese American councilman in West Valley City, stated that the disparities are not surprising because they represent decades long mistreatment and segregation in the U.S. healthcare system. ‘Historically, there definitely is precedent for lack of health care access, lack of language-specific and culturally-responsive health outreach,’ he said. ‘It’s just tragic it hasn’t been fixed.’”

Jeanetta Williams, President of the NAACP in Salt Lake City, reported concerns that, despite being a small percentage of the overall Utah population, Black residents would also be disproportionately impacted because many have diabetes, hypertension, or asthma, which could make them sicker if they contract the illness. In addition, many African Americans are hired to work part-time and don’t have health benefits at their jobs.

In a recent study, University of Utah Professor Daniel Mendoza, found that Zip Codes with a higher minority population and lower-income households had almost 10 times as many COVID-19 cases. “We believe an important factor that drives this [data] is that lower-income households are generally employed at essential jobs and therefore can’t stay at home,” Mendoza said. “We must remember that the COVID-19 pandemic is not the first, nor will it be the last, global health crisis; and we must think of how to better prepare for the next one and how we can protect those who are most vulnerable.”

**Civil Unrest and Utah’s Response.** The summer of 2020 will be recorded as a divisive period of protests and counter protests resulting from multiple police shootings of black men (and women), the most notable being George Floyd in Minneapolis and Jacob Blake in Kenosha, Wisconsin. In Utah, protests centered on the shooting of Bernard Palacios-Carbajal by Salt Lake City Police. In
this year’s Personal Security Report, we address issues relating to criminal justice reform, which is a critically important component of the work before policymakers in addressing the needs of minority communities. Such reform efforts cannot succeed, however, in the absence of well-paying employment opportunities, access to safe and affordable housing, access to good schools, reliable transportation, childcare, health care, and community-conscious safety and emergency services.

**LGBTQ Individuals**

Discrimination against lesbian, gay, bisexual, transgender and queer (LGBTQ) citizens not only hurts the individuals themselves, but also hurts their families, the companies they work for, and the states they live in. A large and growing body of research documents the economic effects of violence, discrimination, and social stigma experienced by LGBTQ individuals, which limits their access to jobs, schooling, health care services, and political participation. All of these impacts create barriers to full participation in the economy and reduce economic output.

LGBTQ-inclusive policies and practices, meanwhile, have been shown to have a positive impact on a company’s bottom line and ability to attract and retain talent. Greater job satisfaction and well-being among employees creates a more productive workforce.

In Utah, some progress has been made in affirming LGBTQ rights. Utah’s Anti-Discrimination and Fair Housing Act, effective May 5, 2016, modified state law to include “sexual orientation” and “gender identity;” and the United States Supreme Court’s landmark decision in *Bostock v. Clayton County*, issued in June 2020, affirmed that Title VII of the Civil Rights Act of 1964 protects employees from discrimination based on sexual orientation and gender identity. Utah companies will likely face more charges of workplace and housing discrimination, however, unless their current practices are reformed to comport with current law. In 2009, there were 107 claims of discrimination (of all types) in the State of Utah; and in 2017, there were 264.

In 2019, Utah also strengthened its hate crimes bill, responding to the number of LGBTQ people who have been the target of hate crimes in Utah. The bill allowed judges to increase penalties for a crime if a defendant is convicted of targeting someone based on ancestry, disability, ethnicity, gender identity, national origin, race, religion, or sexual orientation. The new law serves as a powerful tool in protecting marginalized groups and persons, including LGBTQ individuals.

It is estimated that 3.7 percent of Utah’s adult population are likely LGBTQ-identified individuals. Population estimates indicate 4.48 same-sex couples per 1000 households (Utah ranks 30th among the states) with 20% of these households raising children. Thirty-five percent of LGBTQ-identified Utahns are college educated, like Utahns generally (34.8%).

The most pressing problem currently facing Utah’s LGBTQ community is addressing the needs of young people who are struggling with sexual orientation and gender identity. Families and youth without sufficient resources to deal with such issues are at a particular disadvantage. In addition,
bullying remains a serious problem in schools everywhere; and a national survey found 34 percent of LGBTQ students had been bullied on school property while 28 percent had been bullied online. The State of Utah’s 2019 Student Health and Risk Prevention (SHARP) Needs Assessment Survey reports that 29% of gay or lesbian students, 28% of bisexual students and 22% of students who answered “Not Sure” or “Other” regarding their sexual orientation were bullied on school property; and 38% of gay or lesbian students, 42% of bisexual students and 26% of students who answered “Not Sure” or “Other” regarding their sexual orientation were bullied online.

Suicide ideation remains a serious problem in Utah; and LGBTQ youth are particularly vulnerable. LGBTQ youth contemplate suicide at almost 3 times the rate of heterosexual youth but are almost 5 times as likely to attempt suicide. The CDC reported in 2017 that “the rate of youth ages 10 to 17 dying by suicide in Utah had increased an average of 22.8 percent each year from 2011 to 2015.” Nationally, the rate increased an average of 6 percent annually over the same period, suggesting that LGBTQ youth face significantly increased challenges in Utah. Fortunately, Utah policy makers have become focused on this issue in recent years. A Teen Suicide Prevention Task Force was established in January 2018, and the Task Force advocated for and helped pass 11 bills expanding mental health and suicide prevention resources and programs. Also, Utah became the 19th state to ban conversion therapy for minors in 2020. The Utah Citizens’ Counsel commends these efforts and urges ongoing action to break down the remaining barriers to full participation by LGBTQ individuals in our community.
Endnotes for Equal Dignity and Respect for Human Beings Report


3 The Governor’s Commission on the Status of Women was established in March 1973 and continued until 1990 when the Commission’s scope was expanded. The name was also changed to Governor’s Commission for Women and Families.

4 In May 2014, House Bill 90 was signed into law creating the Utah Women in the Economy Commission. The purpose was three-fold: 1) increase public and government understanding of the current and future impact and needs of the state’s women in the economy; 2) identify and recommend implementation of specific policies, procedures, and programs to respond to the rights, needs, and impact of women in the economy; and 3) facilitate coordination of the functions of public and private entities concerned with women in the economy. The group has reviewed research on women in higher education and women’s perceptions of economic choices and challenges (four major themes: childcare, job flexibility, benefits—health insurance and paid time off—, and education). The Commission has supported Sick Leave Amendments (HB69), Employer Tax Credit for Child Care (HB187), and Unemployment Insurance Amendments (HB432).

5 Originally established at Utah Valley University, the Center moved to Utah State University and boasts extensive research and policy recommendations. Accessed August 25, 2020, https://www.usu.edu/uwlp/.

6 “The Economic Status of Women in the States,” Institute for Women’s Policy Research, accessed August 13, 2020, https://iwpr.org/. In addition to employment and earnings (a D grade), the Institute gave Utah grades for Political participation (F), poverty & opportunity (D+), reproductive rights (C-), Health and Well-Being (B), and work and family (F). For example, Utah women earn 70 cents for every dollar a man earns, millennial women in the state experience depression 16.3 more days per year than millennial men, one third of Utah women work in low-wage jobs, and Utah men are 2.5 times more likely to work in STEM occupations than are Utah women. See also, “Utah ranked worst state for women’s equality three years in a row,” The Salt Lake Tribune, August 25, 2020, accessed August 26, 2020, https://www.sltrib.com/news/2020/08/24/utah-ranked-worst-state/.


House Bill 187 (Employer Tax Credit for Child Care) was introduced in the 2020 General Legislative Session but was given little consideration.


The gap is smaller in neighboring states like Idaho (76), Nevada and Wyoming (80), Arizona (84), and Colorado (86). *Status of Women in the States*, accessed September 1, 2020, https://statusofwomendata.org/state-data/.


Kathryn E. W. Himmelstein and Atheendar S. Venkatramani, “Economic Vulnerability among US Female Health Care Workers: Potential Impact of a $15-per-hour-Minimum Wage,” *American Journal Public Health* 109 (February 2019):198-205. The study utilized the 2017 Annual Social and Economic (ASEC) Supplement to the Current Population Survey (CPS). Nearly half of Black and Latina female health workers earned less than $15 per hour, and more than 10% lacked health insurance. More specifically, home health care aides are undervalued and underpaid nationally. In the U.S. nearly 2 million aides earn an average wage of just $9.61 per hour. Hours are unpredictable and the part-time work that results means these aides earn a median annual wage of $13,000 a year. Two assumptions were tested. If raising the minimum wage caused substantial loss of work hours, the $15-per-hour minimum wage would reduce poverty among female health workers by a smaller, but still substantial amount, 27%.


“A Vision for Teacher Excellence,” *Envision Utah*, accessed August 26, 2020, https://static1.squarespace.com/static/5e059ead36099b1445c1d246/v/5db71a5ba25a2753b01eb9a8/1572280925100/Vision_for_Teacher_Excellence.pdf. The teacher shortage comes at a time when Utah’s student population is growing by approximately 10,000 students per year. Utah’s increase in school-age population is among the highest in the nation. Without more attention to teacher compensation, class size will grow. Envision Utah has called for increasing new teacher salaries and providing a more calibrated retirement package. In addition, it calls for scholarships to aid Utah college students who want to become teachers.

Women constitute 70 percent of educational instruction and library workers in Utah. One in four employed women are teachers or librarians. By comparison, only 9 out of 100 employed men are teachers or librarians. “2014-2018 Occupations and Industries by Gender, State of Utah.”
Leslie McCall, “Gender and the new inequality: Explaining the college/non-college wage gap,” *American Sociological Review* 65(2000):234-255. McCall identified variations that accounted for a substantial gap in wages between college-educated and non-college-educated women (the college gap). Three variables explained one-fifth the variation in the college gap among women: a tight labor market, a high number of casualized jobs (part-time and seasonal work, as well as women earning income in unincorporated home-based businesses. Rising numbers of technology jobs increased the college gap among men but had little influence on the college wage gap for women.

Recently, Utah policy makers, to their credit, have begun to focus on Utah’s growing opportunity gap. As a response, Utah has expanded the Utah College Advising Corps and introduced the Utah Promise Scholarship. While an excellent first step, this is only a partial solution.


Other research reveals that the motherhood penalty begins to narrow by the mid-40s; the gap narrows from about $7500 among women age 27 to about $2500 by age 45. However, there is evidence that while women with fewer than three children are able to acquire wages equal to the wages of childless women by the time they reach 40, women in their 40s with more than three children continue to pay a 4 percent penalty per child and women in the 50s pay a 6 percent penalty. Overall, the research suggests that having one child never significantly hurts a mother’s wages, but a persistent wage penalty for older high-parity mothers cannot be ignored. This is the period of life when mothers face both the financial needs of older children as well as their own need to save for retirement. The findings for women in their 40s and 50s are somewhat suspect, as the motherless category becomes a mixture of women who remained childless voluntarily and those who ended up childless against their own will (e.g., infertility, poor health, the inability to find a suitable partner, or family demands such as caring for aging or disabled relatives).

While Utah’s total fertility rate fell below replacement levels in 2018 (2.03), Utah’s average number of children per family remains slightly above two (2.32), indicating that some Utah women continue to have more than two children. Given the conservative culture of Utah, it may be that older cohorts of women who had larger families continue to experience discrimination because they are mothers. The motherhood penalty, which is most severe for women younger than 40, continues to operate into the 40s and 50s for women with more than three children.

Much of this in-migration resulted from the Immigration and Nationality Act of 1965, the Refugee Act of 1980, and the Immigration Act of 1990. The new policies were designed to alter previous immigration laws that limited non-white immigration to the United States, such as the 1882 Chinese Restriction Act, the 1921 Emergency Quota Act, and the Immigration Act of 1924.

The term minority refers to those who identify as Hispanic or any race category other than white.


Ibid.


The Utah State Board of Regents has recognized the challenge Utah universities and colleges will face to maintain a well-educated work force for the future.

See UCC Health Committee Report regarding health disparities and social justice in Utah.


38 Ibram X. Kendi, How to be an Antiracist (New York: One World, 2019), 39.

40 Ibid., 40.

41 Ibid., 40-41.

42 Ibid., 41.

43 Ibid. The full taxonomy reads as follows:

- Homo sapiens europaeus at the top of the racial hierarchy, making up the most superior character traits: ‘Vigorous, muscular. Flowing blond hair. Blue eyes. Very smart, inventive. Covered by tight clothing. Ruled by law.’


- Homo sapiens americanus a mixed set of attributes: ‘Ill-tempered, impassive. Thick straight black hair; wide nostrils; harsh face; beardless. Stubborn, contented, free. Paints himself with red lines. Ruled by custom.’


44 Ibid.


46 Ibid., 52.

47 Ibid.

48 Ibid.

49 Robin DiAngelo, White Fragility: Why It is So Hard for White People to Talk About Racism (Boston: Beacon Press, 2018).


51 Ibid.


53 Ibid.

54 Kriston McIntosh, et.al. “Examining the Black-white wealth gap” Brookings, February 27, 2020, accessed September 1, 2020, https://www.brookings.edu/blog/up-front/2020/02/27/examining-the-black-white-wealth-gap/. Wealth is determined by taking the total market value of all physical and intangible assets owned (property, stocks and bonds, savings, automobiles) and then subtracting all debts.


56 “Jim Crow was the name of the racist caste system that operated primarily, but not exclusively, in southern and border states between 1877 and the mid-1960s. Jim Crow was more than a series of rigid anti-black laws. It was a way of life. Under Jim Crow, African Americans were relegated to the status of second-class citizens. Jim Crow represented the legitimization of anti-black racism...Craniologists, eugenicists, phrenologists, and Social Darwinists, at every educational level, buttressed the belief that blacks were innately, intellectually, and culturally inferior to whites...Newspaper and magazine writers routinely referred to blacks [in derogatory terms]—their articles reinforcing anti-black stereotypes. Even


58 Ibid.
59 “The Racial Wealth Gap.”
60 Flynn, et al., The Hidden Rules of Race.
61 “The Racial Wealth Gap.”
63 Ibid. See also “Systemic Inequality” and “The Case for Reparations.”
65 Ibid.
66 Ibid.
67 Ibid.
68 Ibid.
69 Ibid.
70 Ibid.
71 Ibid.
73 Ibid. “The study also found that the volume of residential traffic in poorer Zip Codes decreased by 10-15% following the ‘Stay Safe, Stay Home’ directive issued by Gov. Gary Herbert, while richer, and largely whiter Zip Codes saw a decrease of 50%. ‘A lot of different factors exist that cause higher cases of COVID-19 in minority and low-income populations, with the biggest being the need to continue working during the pandemic,’ Mendoza said. ‘These jobs generally impose a higher risk because, while an office job may only require close contact with 10-15 people in one day, a cashier at a grocery store can interact with 10-15 people in an hour. In this case, getting tested is a luxury, but it’s a necessary luxury.’”
74 Ibid.
Equal Dignity/Respect


“LGBT Data and Demographics,” Williams Institute, accessed July 1, 2020, https://williamsinstitute.law.ucla.edu/visualization/lgbt-tats/?topic=LGBT&area=49#about-the-data. It estimates 3.7 percent of Utah’s population are LGBTQ individuals, approximately 83,000 people.


Environmental Health Committee Report

Introduction and Summary of Major Positions

Utah Citizens’ Counsel makes the following recommendations to promote environmental health. We acknowledge that the burgeoning, life-threatening pandemic is an immediate concern. Yet, in the long term, the health and well-being of all ages are gravely threatened by continuing environmental problems such as air pollution and global climate change. We urge all Utah citizens and leaders to consider these UCC positions. Our documentation and rationale are found in the subsequent pages of this Environmental Health report.

- **Air quality.**
  - Continue to advance and implement automobile and truck legislation that reduces air pollution
  - *Tier 3 gasoline.* Do not extend tax credits to Holly and Big West refineries beyond the current expiration date, and press for their production of Tier 3 gasoline sooner. Ensure that, by 2022 at the latest, all gasoline being sold in Utah is Tier 3, low sulfur gasoline.
  - *Cleaner, more-efficient vehicles.* Incentivize sale and use of vehicles with low emissions and increase public understanding of their importance.
  - *Building codes.* Bring Utah residential building codes up to international standards. Develop more legislation to help home buyers understand the energy efficiency of prospective purchases as in the pilot program of HB235. Consider mandating that all new residential housing carry a Home Energy Rating System (HERS) score.
- **Public Transit.** Keep and increase planning for and investments in the future of public transportation. While ridership is temporarily down due to the pandemic, mass transit is crucial for our future. Rep. Schultz’s HB3, “Enhanced Mass Transit Strategic Business Plan” is important to implement as soon as possible.
- **Spending on roads.** To better balance current spending between new highways and mass transit, plan how to reduce spending on new and expanded highways. Reduce and eventually eliminate the approximately $500 million sales tax earmark for roads. This subsidy is keeping other taxes constitutionally designated for public roads artificially low, thus obscuring the true cost of our roads.
- **Digital communication.** Encourage use of teleworking, telemedicine, virtual meetings, and appropriate use of on-line university teaching to save time and expenses and to decrease pollution from vehicle use.
- **Inland Port project.** The Utah Inland Port Authority (UIPA) Strategic Business Plan lacks major elements expected in a business plan, including a budget for developing the port’s infrastructure and expected income. It does not address mitigation of environmental impacts adequately. Its aim of “revolutionizing global logistics for the next generation” is a grandiose promise that is not supported by specifics in the Plan.
- **Climate Change and Reduction of CO2.** Implement a revenue-neutral carbon fee and dividend system.
- **Climate Change and the Lake Powell Pipeline and Bear River Dam projects.** These projects are not economically justifiable nor supported by Utah taxpayers. Currently, the Water Infrastructure Restricted Account (WIRA) annually receives for these two projects approximately $40 million, which should be released for better uses.
Air Quality

Air quality has been a main subject of Utahns’ interest in the environment for the past several years and is emphasized again in this report. While Utah air quality is gradually improving, much more needs to be done to protect the health of our residents and economy. A 2020 “Utah Expert Assessment” study by BYU researchers found the following:

1. Air pollution shortens the life of the average Utahn by two years;
2. Air pollution costs Utah’s economy $1.8B annually;
3. Fossil fuel pollution causes or worsens many illnesses and conditions in Utah;
4. Many state-level actions could reduce air pollution while benefitting the economy.¹

Efforts to improve air quality were reflected in the 2020 Legislature’s approval of nearly $60M in appropriations and eight bills, including HB59 “Tax Credit for Alternative Fuel Heavy-duty Vehicles,” HB235 “Voluntary Home Energy Information Pilot Program,” and HB259 “Electric Vehicle Charging Network.” Much of this is the result of stellar work by members of the Clean Air Caucus of the Utah Legislature. Unfortunately, the Legislature failed to acknowledge or discuss recommendations of an important University of Utah report by the Gardner Policy Institute, commissioned by the 2019 Legislature to deal with climate and air quality.²

It is true that Utah air quality during recent decades has generally been improving. Most of that improvement is the result of federal standards for air quality and vehicular efficiency, but recognition must be given to our state officials for enforcing those high standards and collaborating with local officials and private entities to achieve them. Two private organizations, Envision Utah and Rocky Mountain Power have recently collaborated to produce an important on-line resource “Your Utah, Your Future” with a section devoted to helping residents and officials learn what they can do to improve air quality.³

Tier 3 fuels. “Tier 3” (low sulfur) gasoline used in high-efficiency “Tier 3” vehicles—those produced beginning in 2017—is predicted by the Environmental Protection Agency to reduce vehicular air pollution by 80%. Utah is a state where such an improvement in air quality is most desperately needed, but two of our refineries escaped the federal mandate to produce Tier 3 fuel beginning in 2020 due to legal loopholes. Fortunately, in January of 2020, three of Utah’s main gasoline suppliers—Chevron, Marathon, and Silver Eagle—did begin distributing exclusively low-sulfur Tier 3 gasoline, and Sinclair began piping in mostly Tier 3 gasoline from its Wyoming Refinery. That means that Utahns can now purchase Tier 3 gasoline at Chevron, Exxon, Shell, Silver Eagle, Sinclair, Speedway, and Texaco. However, two refineries—Holly Frontier and Big West—chose not to retool to produce Tier 3 gasoline.⁴ That means that Tier 3 gasoline is never or only occasionally available at some of our most popular retailers such as Conoco, Costco, Flying J, Harmons, Maverik, Phillips, 76, and Smiths. Great improvement in air quality could be made by helping the public understand where low-sulfur Tier 3 gasoline can be
purchased and where it cannot, but retailers selling it have been inexplicably slow to advertise its availability and enormous advantage for air quality. An excellent website https://www.tier3gas.org/ provides clear information and maps on this issue, but few residents are aware of it. Unfortunately, the Utah Clean Air Partnership (UCAIR) is unable to help with this issue due to statutory restrictions, so widespread publicity is still needed.

Lobbyists representing Holly and Big West pressed legislators for two more years of tax credits to assist them to produce Tier 3 gasoline belatedly, but under pressure from environmental advocates, lawmakers shortened the tax credit window to only 1.5 years. So we should expect to have widespread availability of cleaner Tier 3 gasoline in 2022.

**Cleaner, more-efficient vehicles.** Tier 3 vehicles emit far less pollution than do ordinary vehicles and have been mandated since 2017. It would be good if customers for new cars understood “smog ratings,” which range from 1 (worst) to 10 (best, only electric vehicles). If customers were to choose only vehicles with smog ratings of 6-10, air pollution could be drastically decreased. Availability and customer choice are of course key issues here.

Just before April 1, 2020, an EPA official claimed that President Trump’s rollback of mileage standards “will benefit our economy, will improve the U.S. fleet’s fuel economy, will make vehicles more affordable, and will save lives by increasing the safety of new vehicles.”5 We wish this were just an April Fool’s joke. The rollback of car fuel efficiency from 5% per year to just 1.5% will not help in reducing air pollution and global warming. The Legislature did pass some bills for reducing CO₂ emissions, as discussed below, but failed to endorse the “Utah Roadmap” as proposed in HCR11. The Roadmap, among other recommendations, proposes “(Milestone 5) Make Utah the market-based electric vehicle (EV) state.” Our concern is that the “market” for vehicles in Utah is going in the wrong direction. As reported in our previous annual reports, consumers continue to increase their purchase of light trucks and SUVs at the expense of more fuel-efficient smaller cars. New light truck purchases increased from 75% in 2018 to 78% in 2019 of all new vehicles purchased in Utah.6 Another check on market reality is the Utah State Tax Commission report on vehicle registrations as of February 2020.7 The data show that of the 2.7 million vehicles registered in Utah, only 8,041 (0.3%) are electric vehicles (EVs) and only 4,481 (0.17%) are plug-in hybrid electric vehicles (PHEVs).

If Utah is to become an “EV state,” the market forces for vehicles will need to change significantly. Some of the bills in the last session that did not pass should be reintroduced. HB176 “Vehicle Emissions Reduction Program,” which provides incentives to help Utahns replace vehicles that fail their emissions test, would be helpful. HB 281, “Tax Credit for Alternative Fuel Vehicles” should also be reintroduced to replace the former Utah tax credit for EVs, unwisely eliminated in 2016. Given the minute percentage of EVs and PHEVs noted above, the next Legislature should consider eliminating the surcharge on these vehicles until their
number increases to more than 2 or 3 percent of registered vehicles in Utah. Such a move would encourage buyers to increase purchase of PHEVs and EVs in Utah. PHEVs with better than 100 MPG ratings are in short supply at Utah dealerships, although many large Utah dealers will bring in a PHEV or EV if customers request them.

**Building Codes.** As vehicular pollution decreases due to the increased use of Tier 3 gasoline and vehicles, we can expect that the largest sources of air pollution and green-house gases (GHG—largely CO2) will be buildings and houses, mostly for space- and water-heating. The Legislature has updated building codes to international standards for commercial buildings but has lagged on updating them for single-family dwellings, fearing that buyers will be tempted to purchase more used houses. The current tight housing market makes that somewhat less likely, and two of the largest residential home builders in Utah—Ivory Homes and Garbett Homes—now offer an energy rating (Home Energy Rating System, HERS) on all their new homes, much like the mpg rating on new cars. This helps buyers understand that a more energy-efficient home that may initially cost more would actually save them money with greatly reduced utility bill charges over the life of the house.

Used homes have not had any such rating system, and utility bills are not always available to guide prospective buyers. However, this year’s HB235 “Voluntary Home Energy Information Pilot Program” (Rep. Arent and Sen. Bramble) provides a trial program to test and label used houses with a HERS rating, which is expected to provide the same benefits as such ratings on new houses.

Most new commercial buildings are now being built to standards equivalent to ‘LEED Silver” or better, because owners of such properties recognize the advantage such energy efficiency offers for long-term savings in building maintenance and operations. Salt Lake City’s net-zero Public Safety Building sets an excellent example of public sector investment in energy-efficient buildings, and a remarkable number of commercial buildings have followed suit. Salt Lake City requires owners of all large buildings to provide information on their structures’ energy efficiency, and the city is experimenting with publicizing those buildings that are above average.

**Public Transit**

Mass use of automobiles in Utah has resulted in growing gridlock, despite incredibly expensive attempts to widen freeways and to pave expensive real estate. The solution is to invest more in well-planned public transit. Sensing this, legislators led by Rep. Schultz this year passed HB3, “Enhanced Mass Transit Strategic Business Plan” and allocated one-time funding of $1.6 million to develop a strategic business plan to optimize investment in FrontRunner, expanding and increasing service.
Since public transit cannot operate profitably in traditional urban sprawl, it makes good economic sense to encourage “transit-oriented development” near public transportation corridors, along with walkable communities that reduce the need for vehicle use with mixed-used zoning and amenities promoting active transportation—walking, biking, and running.

**Digital Communication**

COVID-19 has had many negative consequences, but a positive result is a significant reduction in vehicular travel and resulting pollution. Among the valuable travel-reduction practices that could be continued without economic damage are some kinds of teleworking and telemedicine, appropriate online university teaching, and virtual meetings. State offices have demonstrated commendable leadership in promoting teleworking, and rural residents have benefitted from development of telemedicine. In-person teaching has practical and psychological advantages for some students, but appropriate use of online methods at the university level can reduce costs and increase availability of scarce educational resources, as has been demonstrated by Arizona State University and other leading institutions.⁹

**Need for Further Study of the Inland Port Project**

We recommend that the Utah Inland Port Authority (UIPA) base their business plan on the “Salt Lake Inland Port Market Assessment” published in August of 2016 by the Kem C. Gardner Policy Institute.¹⁰ That report addresses some of the environmental challenges of expanded truck, rail, and air traffic if the port is built.

UIPA’s business plan published in May of 2020 lacks major elements expected in such a plan.¹¹ It lacks a budget for developing the Port’s infrastructure and expected income from its operations. The word *logistics* is used more than 30 times in the report but is never clearly defined. The statement that UIPA is “charged with revolutionizing global logistics for the next generation” is a grandiose promise that may well be beyond UIPA’s scope and expertise.

The UIPA report emphasizes the need for considering the environmental impacts of greatly expanded truck and train traffic as well as the needed expansion of roads, water, sewer, and energy infrastructure. It proposes to work with the Department of Environmental Quality to mitigate these impacts. The strategy to “Promote sustainable logistics investments” (page 6), which includes such items as changing to zero-emission trucks and rail engines and clean cargo handling equipment, would help to reduce (or not expand) air pollution in the Wasatch Front. The business plan, however, should include more details of how such a change would be implemented. Skeptics remain unconvinced.
Climate Change

Reducing CO₂ Emissions. Climate change caused by burning fossil fuels poses a growing existential threat to humanity in general and Utah in particular. Regional wildfires related to climate change regularly and dramatically degrade air quality each year. Fortunately, climate change is increasingly addressed by business and political leaders and was discussed in “The Utah Road Map” as “Milepost 7: participate in the national dialogue about market-based approaches to reduce carbon emissions.” However, even that timid goal failed to achieve support this year as legislators rejected HCR7 on environmental and economic stewardship and Sen. Cullimore’s SCR12 “Concurrent Resolution Concerning Climate,” which would have encouraged Utah’s federal delegation to support a “carbon dividend,” i.e., a revenue-neutral carbon tax. Similarly, a citizen initiative on that subject labeled “Clean the Darn Air” failed to attract enough signatures to be included on the November 2020 ballot.

At least, the 2020 Legislature’s allocations of just under $60M would fund HB396 “EV Charging Infrastructure Amendments” (up to $50M), “Rural Electric Vehicle Charging Infrastructure” ($2M), “USU EV Research” ($3M), “Carbon Capture Demonstration” ($2M), and an “Enhanced Mass Transit Strategic Business Plan” ($1.6M). All the above have the potential to reduce Utah’s carbon footprint, but are vulnerable to drastic reductions due to the current economic recession.

At the same time, measures to combat COVID-19 have significantly reduced fossil fuel use and pollution. Holding down CO₂ emissions as we repair our economy will require foresight and discipline. One possibility could be increasing support for renewable energy and storage while phasing out our present extensive subsidies for fossil fuel extraction and processing. A possible model of this direction would be the federal government’s “Emergency Economic Stabilization Act of 2008” that provided extensive federal funding to Utah for energy-efficiency measures while primarily addressing stabilization of the general economy during the Great Recession.

Changing the Way We Need to Think About Water. The future of agriculture within our state, our forests and wetlands, and ultimately our economy is increasingly threatened by what climate change is doing to the hydrology of the Southwestern United States. Utah is warming faster than the global average, and our state is expected to warm an additional 8° to 10° F. by 2100. Higher temperatures enhance evaporation and transpiration, but more important, climate warming is diminishing the supply of water to our State. Utah receives the majority of its precipitation via winter snowfall, primarily during the months of December-March. However, due to warming, winters are starting later and ending sooner, shifting our annual precipitation from primarily a snow-driven to a rain-driven hydrology. This change impacts our water supply by decreasing winter snow accumulation and accelerating melting. Premature melting causes inefficient spring runoff patterns in which we lose more water to evaporation, transpiration, and...
sublimation. Modeling suggests that snow packs in the Western U.S. will be diminished by 80% by 2100. Additionally, global warming is slowing the Jet Stream over Utah. This diminishes our precipitation through an increased incidence of High Pressure Ridging during winter months, reducing the frequency of storms.

To see evidence of the hydrological impact that these changes are having on our state, see the United States Drought Monitor. The “Exceptional Drought” of 2018 was centered in The Four Corners Region. Today, the epicenter of the current Exceptional Drought is Central Utah. Modeling suggests that droughts in the Southwest are going to increase in intensity and duration well beyond those for which we have records.

Given the impacts of climate change on the hydrology of the Southwest, our only options for sustainable water policy come down to decisions about how we choose to use water and possible incentives for enhanced conservation. There are multiple actions citizens of our state can take to increase water conservation (see the Environmental Health sections of the 2017 and 2018 UCC yearly reports). In terms of water use policy, the single most important strategy that we advocate is the goal of ending planning and development of the Lake Powell Pipeline and Bear River Development projects. The Lake Powell Pipeline is estimated to cost $3.2 billion and the Bear River Development $2.9 billion. Because those two projects are needed neither now nor in the future and are unpopular with Utah taxpayers, the Legislature should (1) rescind the Water Infrastructure Restricted Account (Utah Code §73-10g-103), (2) return funds currently held in this account to the General Fund, (3) implement effective mechanisms to document water resources and consumer use; and (4) adopt policies that provide strong incentives for water conservation.

In light of the above and other dangers from climate change, more than one hundred Utah leaders have recently crafted and posted a succinct “Climate and Clean Air Compact,” which deserves active, tangible support from legislators and citizens. Our future depends on it.
Endnotes for Environmental Health Report


7 Utah State Tax Commission web site: https://tax.utah.gov/econstats/mv/registrations

Utah Tax commission Vehicle Registrations
with a expiration of greater than 1/1/20 as of 2/17/20

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20 The Water Infrastructure Restricted Account (WIRA), which allocates 1/16th of a cent of sales taxes specifically to Bear River Development and Lake Powell Pipeline, currently receives approximately $40 million annually.

Education Committee Report

Introduction and Summary of Major Positions

After more than two decades, the Utah Legislature is still content to let Utah remain at the bottom of the states in per pupil funding for public education. We make less effort per individual income-tax payer than we did in the 1990s or in previous decades. Our student performance rankings are fair-to-middling, and the wide achievement gap for poor and ethnic minority children is under-addressed. Does the Utah Legislature fail to understand what an excellent public education would provide and why it is essential to our long-term growth and welfare?

The current school year is a critical one, as Utah works to reopen its economy and respond to the multiple needs of its disadvantaged citizens. Schools and their staffs play a key role in the state’s economy, and education spending and funding issues are critical to our longer-term social and economic recovery. The Utah Legislature showed a deep misunderstanding of the pressing need for all income tax revenues to be devoted to public and higher education when it placed Constitutional Amendment G on the November ballot. The misleading ballot language asked voters if they would allow use of income tax revenue to support children and people with a disability. The language made no mention of the existing constitutional protection of income tax funds for education. How were voters to know that the expansion of income tax revenues for children and people with a disability was simply a shift of the funding source away from sales tax revenue and would support ongoing programs such as CHIP (Children’s Health Insurance) and social services for individuals with a disability. This seriously flawed proposal, which voters passed, is now in the Utah Constitution, where its reversal will be prohibitively difficult. The task now is to work aggressively to ensure that the state’s half-hearted commitment to education does not slip further. In subsequent pages we document public education needs that support the following urgent priorities:

- **Increased spending beyond that for enrollment growth and inflation is more essential than ever to meet public education needs** for competitive teacher salaries, school support services (e.g., mental health counselors, nurses, social workers, paraprofessionals), interventions to reduce the achievement gap experienced by poor and minority students, reduced class sizes in targeted grades, and improved health/safety practices.

- **Increased pressure on current and future legislatures to honor promises made to the educational community** to increase statutory funding for 1) annual enrollment growth and inflation, 2) basic school programs to increase school quality, and 3) creation of an easily tapped rainy day (economic stabilization) fund if/when another recession occurs.

- **Staged investment is required over the coming decade to achieve high-quality preschool programs for 3- and 4-year-olds by 2030. Utah needs a fully developed state-funded preschool program**, not the current sprinkling of underfunded pilot programs that vastly underserve the state’s population of at-risk children and place Utah near the bottom of the states in providing preschool opportunities.
Constitutional Amendment G and Public Education Funding Needs

In urging voters to pass Constitutional Amendment G, the Utah Legislature claimed that education revenue would become more stable. Behind this assertion was its concern that sales tax revenue has been growing at a slower pace than income tax revenue. The Legislature apparently believes that education has more income tax revenue than it needs and that some programs funded out of sales tax revenues should be shifted to income tax revenues. We strongly suggest that, for reasons explained below, the constitutional proposal was simply a way for the Legislature to avoid the real problem of underfunded schools and underfunded social services for children and individuals with a disability. Now that Amendment G has passed, there is much work to do to convince them otherwise and a great need to continue to push for better tax restructuring and increased revenue from sales tax sources.

Background. The Utah Constitution earmarked all income tax revenue for schools in 1946, after the end of WWII, reflecting the need to fund public education as the state’s top priority. A modestly progressive income tax with a top rate of 7.75% was adopted in 1975 and lasted until 2005, when a single 5% rate was instituted during the Huntsman Administration. The public was told that lowering the rate and expanding the base (growing the economy) would raise as much money as before. But this did not happen, partially because of the 2008-2009 Great Recession. In fact, from 2008 until 2019, school funding did not even meet pre-recession levels, let alone enrollment growth and inflation.

Other tax changes also produced losses in income tax revenue. In 1996, the state limited the amount that local school districts could raise from the state-mandated property tax rate. Also, in 1996, voters approved a constitutional amendment that allowed income tax revenues to be shared with higher education. Joining the two education systems may have seemed appropriate, given growth of the higher education budget that had cut into social services funding. The result was supposed to free up dollars needed for social service programs, but instead the savings were allocated primarily to road construction.

The losses in public education revenue are reflected in measures of taxpayer effort, an indication of a state’s commitment to public education. In the early and mid-1990s, Utah was ranked in the nation’s top fifteen states in the amount of its K-12 operating expenditures as a percent of $1000 of personal income. It is now ranked 38th, helping to explain why Utah’s per-pupil spending is currently a staggering $5000 lower than the national average ($7635 compared to the $12,756).

These revenue shortfalls in public education produced a loss of an average of $1.2 billion per year between 1997-2018! These figures make it easy to see why many Utahns question the Legislature’s commitment to a first-class education system. The legislative majority seems satisfied with just keeping the system running by funding enrollment growth and inflation but not meeting accelerating program needs.
How much has the past and current underfunding harmed education? Utah’s parental education levels remain above average compared to the nation—a boon for middle class white students. Our poverty levels are also among the lowest in the nation. Our percent of minority students is still comparatively low (although changing rapidly). These system characteristics should tend to result in higher student performance levels, so one would expect that Utah’s student achievement would be well above the national average. And for many years it was. In the mid-1990s our fourth and eighth grade students were consistently ranked in the top 15 states on the National Assessment of Educational Progress (NAEP). By the mid- to late-2000s, however, Utah student rankings had dropped 10-15 places. Although in the past few years Utah’s average NAEP scores have increased in reading and math at 4th or 8th grade levels, currently, less than 25% of graduating seniors meet American College Testing (ACT) composite benchmarks for college readiness in English, reading, math, and science—slightly below the national average. Although it is good news that our high school graduation rate has increased and is now at 87.4%, it too lags behind the national average for all ethnic groups, including white and Hispanic, when disaggregated by ethnicity.

Utah now has more than 666,000 K-12 students, 74% non-Hispanic white (the phrase used in the statistics) and 26% minority (17% Hispanic). Among these demographic shifts are increasing numbers of non-English-language learners. When performance is disaggregated by ethnic groups, Utah is among the worst 10 states for a growing achievement gap between white students and Hispanic, Native American, African American students, and children in poverty.

Much of the achievement gap can be attributed not just to language differences but also to deeper disadvantages that many children of color and poor children experience. They are more likely to experience housing insecurity and residential segregation and to live near environmental hazards. They have less access to health care, nutritious food, and quality early childhood learning experiences. The pandemic has exposed other problems: thousands of at-risk children lack laptops and access to the internet in their homes. Children in low-income and minority families are less likely to succeed without significant and consistent supplements to their normal life circumstances and opportunities. To reduce the achievement gap, broader social and educational interventions, including targeted early childhood programs and high-quality preschool programs are essential.

Politics of Constitutional Amendment G. The Amendment was promoted to the education community by tying it to 2020’s House Bill 357, which takes effect only if the amendment passes. Why didn’t the Legislature pass HB357 without making it conditional on passage of Constitutional Amendment G? HB 357 represents new and badly needed funds for public education, but only conditionally. At what price?

HB357 intends that the increased basic per pupil funding (weighted pupil unit, WPU) be moved from the Education Fund (used for both public and higher education) to the Uniform School Fund, which is still protected for public education alone. A new “economic stabilization” (rainy
day) fund for public education will also take effect. These commitments, however, are reversible. Already, because of the pandemic and resulting economic downturn, emergency cutbacks reduced the WPU increase to 1.8% from the original 6% in the FY21 appropriations until the economy improves. Although the Legislature, in a pandemic-caused special legislative session, passed a bill that was said to “guarantee” future replacement of the lost WPU funds, no statute is a guarantee of anything. No legislature can bind a future legislature, which is free to change the statutes (unlike the constitution) at any time.

Amendment G was opposed not only by UCC but also by Voices for Utah Children, the Utah League of Women Voters, the United Utah Party, and the Coalition for Persons with Disabilities. Nonetheless, it was supported by 54% of voters in the November election. We attribute its success to the misleading language of the ballot amendment itself and to widespread and well publicized support from organized groups representing public education. We understand why education groups like the UEA and the state PTA felt compelled to support the Amendment. Support was gained in return for the offer of substantially more money conditioned on passage of the amendment. Educators knew that if they did not show willingness to accept loss of the constitutional education earmark, the Legislature could simply cut the income tax rate as they had done before or shift tax credits from the income tax to the sales tax, denying schools access to needed money in that and other ways.17 This put the education community between the proverbial rock and a hard place. Moreover, the UEA and PTA hope to benefit from keeping the lines of communication and negotiation open with the Legislature.

For its part, the Legislature offered no such promise of more money for services to the disability community and children. All it did was shift the current social service program funds for these groups from sales tax revenue to income tax revenue, at the price of an initial $600 million loss to potential education funding.18 Disingenuously, it argued that supporting children and people with a disability—both groups whose social service and health needs tug at the heart—would help address the “whole child” better. Never mind that there was no new money promised for these groups and that the whole child could be served just as well out of two funding sources as one. Now we have a situation where education services are basically competing with health and social services for funding from the same source. This is a no-win for both groups.

Looking further at what was underpinning Constitutional Amendment G, we see that the Legislature was seeking greater flexibility in its use of sales tax revenue. It has lacked the political will to shift hundreds of millions of dollars earmarked for road construction from sales tax revenues to user fees like the gas tax, which are constitutionally designated to fund road construction and other transportation needs.19 It also failed in 2019 to substantially broaden the tax on consumer purchases of services, although such purchases constitute an ever-growing percent of sales compared to purchase of goods. Taxing more services would allow the sales tax revenue to grow appropriately.

In 2018, the Our Schools Now (OSN) initiative to increase the income tax rate by a modest 7/8% to raise about $750 million in new money for public schools also lost out.20 Most legislators
objected to the initiative, and some observers think that OSN was outmaneuvered. OSN’s civic leaders compromised with the Legislature, just as today’s education community has. OSN withdrew the initiative in return for promises of $200-300 million in new spending on public school improvements from existing income tax and promised increases in property tax revenues. The Legislature offered to provide $100 million more if the public would support a 10-cent increase in the gas tax. Such an increase would have allowed more money for state road construction to be funded from the gas tax instead of sales tax revenues. This shift would have freed up sales tax money for some higher education programs funded by income tax revenue, which then would have allowed $100 million more for public education out of income tax revenues. Got that? Not surprisingly, the voting public did not trust or understand the convoluted reasoning behind the gas tax increase and voted down the proposal. A much-needed effort to strengthen public education funding had been thwarted. We fear that Amendment G’s successful passage will lead to a similar result.

**Impact of Amendment G.** What does the initial loss of $600 million dollars mean for public education? What are its needs for that money? First, the need to address the severe teacher recruitment and retention problem is urgent. Envision Utah estimates that increasing teacher salaries to be competitive for college graduates alone would cost between $500-600 million annually. Its survey of prospective teachers also found that such salary increases would attract and retain significantly more skilled teachers than would the current low salaries even though the latter currently are combined with a good benefit package.

In addition, school support services are woefully inadequate, especially in light of the social and economic challenges facing many students. Several hundred million dollars are required to increase the number of school counselors, social workers, and paraprofessionals to adequate levels—crucially important interventions needed by at-risk students. Along with mental health professionals, such support staff could potentially supplement or reduce the workload of police resource officers. Still more millions are desperately needed to increase the number of school nurses to oversee the multiple and increasing health needs of children in school settings. These funding totals do not even address the cost of additional academic services for at-risk K-12 students, or pandemic-related curriculum and progress-assessment challenges, mental health needs, or the value of targeted class size reductions. They also do not address full funding for preschool programs for at-risk children, which we turn to next.

**State Preschool Needs**

Our recommendation for better preschool funding recognizes the well documented benefits of high-quality early-childhood education programs. Research shows that early learning experiences provide a strong and lasting foundation for later life success. Children require early, consistent, high-quality preschool to further and sustain their developmental gains. Moreover, preschool pays great social dividends. Despite this knowledge, access to public preschool
remains far too low in Utah, and private preschool is beyond reach for many families due to a variety of factors, among them, family resources, cultural norms, and geographic limitations.

Utah does not have a focused and coordinated system of preschool education. Until the 2019-2020 school year, Utah was among only six states that did not provide a state-funded, state-directed program meeting the criteria for recognition by the National Institute for Early Education Research (NIEER) as a state preschool program. Previous Utah programs were all small-scale pilot projects from various funding sources, including federal TANF (Temporary Assistance for Needy Families) funds. During the 2019 legislative session, Utah passed SB166 “School Readiness Amendments,” using General Funds ($6M) to replace lost federal funding from the time-limited federal TANF grant. Use of General Funds met NIEER qualifications for a state-funded preschool program starting in the 2019-2020 school year. However, as a result of the pandemic, this appropriation was eliminated, which means that Utah again will not be on NIEER’s list of states with state-funded preschool programs. Attempts to find funding from an alternative federal source failed.

According to 2018-2019 NIEER data, only 9% percent of 3-year-olds and 12% of 4-year-olds are served in all public Utah PreK programs. This includes the federally funded Head Start program (the oldest existing PreK program) and the federally required state special education programs for 3-5-year-olds with disabilities. The number of children served in state-funded preschool programs, excluding special education students, remains embarrassingly small.

Utah’s primary preschool need is to serve children at risk, who have the most to lose from failure to receive high-quality preschool. The State’s recently expanded “student access to high quality program readiness programs” (SB166) was established for preschoolers who were economically disadvantaged, English learners, or had a parent or guardian who has experienced at least one risk factor. The program intent is good, but it now needs appropriations, implementation, expansion, and evidence of maintenance of achievement as students move through the grades.

According to Utah’s Kindergarten Entrance and Exit Profile (KEEP), 37% of students entering kindergarten in 2018 lacked adequate prerequisite skills in literacy. Although they gained skills over the year, skill levels at kindergarten exit in literacy and numeracy for racial minorities, English learners, and the economically disadvantaged were significantly lower than the average. The achievement gaps are only partially closed after kindergarten entry. High-quality preschool would help close these gaps and greatly improve the likelihood of students’ long-term success.

UCC recommends a 10-year plan for scaling up preschool programs for at-risk children. Although monies may be scarce at the moment, talented professionals are not. We can tap their talent to create deliberate steps to scale up investments and measure outcomes.
• We need goals. A reasonable one would be to strive to match the current national average percent (34%)\(^3\) of 4-year-olds being served in statewide preschool programs.
• We need to invest in a preschool workforce with adequate salaries.\(^3\) This requires linkages with higher education and incentives for creating affordable training program.
• We need business leaders to advocate for investment in early learning programs.
• We need assessment tools to assess whether high-quality instruction is being delivered.
• We need a long-term perspective to allow the benefits of preschool investments to be revealed and measured over time.

Conclusion

Looking across Utah’s educational landscape, we see hardworking educators and thousands of eager students. But multiple opportunities to create an excellent public education system have been missed or misunderstood, and even when recognized, consistently underfunded. The message is unmistakable: Educationally, Utah has been slipping. Poorly informed education policy that ignores demographic realities has cost the state and its families dearly. We hope Utah will not prove to be like Esau in the Old Testament—having sold our educational birthright for a mess of pottage. Quality education takes a financial commitment that we are a long way from reaching. The next generation depends on us to boost our commitment.
Endnotes for Education Report


3 The single 5% rate is somewhat progressive because of credits and exemptions for those at the bottom of the pay scale, but the actual top rate has been only 4.4% because of various deductions/subsidies for high-income earners. Overall, Utah’s income taxes, when combined with property taxes and sales taxes, are regressive; the lowest 20% pay 7.5%, middle income groups more than 8%, the top 5% pay 7.3% and the top 1% pay 6.7%. “A Distributional Analysis of the Tax Systems in All 50 States,” Institute on Taxation & Economic Policy (2018), accessed August 2020, https://itep.sfo2.digitaloceanspaces.com/whopays-ITEP-2018.pdf. We note that Utah’s 5% rate was lowered to 4.95% in 2018 to offset an expected increase in the federal tax after the Trump Administration’s tax reform act of 2017. https://incometax.utah.gov/paying/tax-rates.


5 The Legislature allowed the rate to be lowered to keep property taxes from increasing as property values increased. In 2018, however, as part of its compromise with the Our Schools Now initiative, the Legislature passed HB293, which set a floor on the state basic rate for 5 years (until July 1, 2023), to keep the rate from being adjusted downward, which had had the effect of keeping revenue neutral as property tax values rose.

6 Earmarks to the Transportation Investment Fund have siphoned off sales tax revenue to the tune of hundreds of millions of dollars annually for many years. For an interesting 2015 article on the extent of those earmarks, see Lee Davidson, “Stop road- and water-project earmarks, experts say,” Salt Lake Tribune, November 10, 2015, accessed August 2020, https://archive.sltrib.com/article.php?id=3146948&itype=CMSID. Davidson said that “Such earmarks provided $461 million this year for state highway and transportation work — gobbling up about 20 percent of all state sales-tax money…”


9 “Getting by with Less: Two Decades of K-12 Education Revenue and Spending,” Utah Foundation, November 28, 2016, accessed September 12, 2020, https://www.utahfoundation.org/reports/getting-less-two-decades-k-12-education-revenue-spending/. Doug McDonald, the former chief economist for the Utah State Tax Commission reached the same conclusion even before the Utah Foundation research. See
UCC’s 2014 and 2016 Education Committee reports at www.utahcitizenscounsel.org. He has since updated his tables through 2018 with similar results.


12 Some critics attribute increases to intensive “teaching to the test” at the expense of the social sciences curricula, and other neglected areas. Other data sources note that Utah students’ sometimes-above-average performance usually disappears when disaggregated by ethnicity. Moreover, it is nothing to feel comfortable about, given that overall U.S. student performance compares unfavorably with student performance in other well-developed countries.

13 The National Center of Education Statistics, accessed August 28, 2020, https://nces.ed.gov/ccd/tables/ACGR_RE_and-characteristics 2017-17. The table shows Utah below the national average in nearly all racial and ethnic categories, including White, Hispanic, and Black. Only Utah’s 1.5% American Indian population was above the national average in their category of American Indian/Alaska Native.

14 “Top Utah Public Schools,” accessed September 8, 2020, https://www.publicschoolreview.com/utah; “It’s a cultural mosaic: Numbers show Utah’s public schools are becoming more diverse.”

15 Education Week, September 2020. Also, see Matthew Weinstein, “Utah revenues not keeping up with needs,” Salt Lake Tribune, September 15, 2019, O4.


18 This figure comes from the Lieutenant Governor’s Office. Among programs currently funded from sales taxes that would be eligible for income tax funding are the state funds in the Children’s Health Insurance Program (CHIP), multiple state programs in the Division of Child and Family Services, the Division for Services to People with Disabilities, the Office of Child Care, the Office of Rehabilitation, and possibly even children in Utah’s Medicaid programs.


20 The initial plan was later amended to a request for a .5% increase in the income tax and .5% in the sales tax, for an estimated $700 Million. Fifteen percent of the new money was also set aside for higher education.

21 The Legislative Fiscal Analyst, Jonathan Ball, reported to Our Schools Now leaders that the amount was expected to grow over time.


“A Vision for Teacher Compensation.” The document advocates for an average starting salary of $60,000 (growing to $110,000 by retirement) with benefit adjustments. This recommendation was included in the Governor’s Education Excellence Commission budget requests for fiscal year 2020. UEA states that the current average starting salary is $41,000, topping out at $79,000. “A Long-term Vision for Public Education” (2019), Utah Education Association (UEA) (in D. Hufner’s possession). In 2017-2018, the NEA reported that Utah’s average salary was $50,342, the 9th lowest in the country. Madeline Will, “Which States Have the Highest and Lowest Teacher Salaries?” Education Week, April 30, 2019.

Utah’s ratio of school counselors to students is 1 for every 648 students; the national average is 1:455. (The national standard is 1:250.) The current ratio of Utah school psychologists is 1:1950 (the national standard is 1:500-700). The ratio for Utah social workers is 1:3000 (the national standard is 1:250). To bring the number of school counselors to half the national optimum ratio of 1:250, that is to 1:500 is estimated to cost around $65 million annually [extrapolated from UEA estimates]. Similarly, significant costs would be needed to recruit more social workers, school psychologists, and paraprofessionals.

The 2018-2019 annual report of the Department of Health approaches the ratio of nurses to schools on a nuanced basis that requires evaluation of student health conditions in local schools rather than adopting a single ratio like that of the American Academy of Pediatrics of 1 to every 750 students (contrasting to Utah’s ratio of 1:3,773). Overall, the Department recommends one registered nurse for each school but allows for deviations depending on the specific health/acuity and social determinants of health (poverty, language barriers, etc.) in given schools that may call for more than one RN in a given school or, conversely, allow an RN to visit up to 5 schools once a week. The Department of Health concluded that a shortage of 827 nurses existed in Utah schools, a gap that would cost over $78 million to close. “Nursing Services in Utah Public Schools,” Utah Department of Health, accessed August 28, 2020, http://choosehealth.utah.gov/documents/pdfs/school-nurses/2019_annual_report_8-8-19.pdf.


Longer-term gains may include higher rates of high school graduation, improved labor market earnings, reduced crime, reduced welfare use, and improved health and health-related behaviors such as decreased substance abuse. For example, see “Early Education and Child Care: The Essential Sector,” Committee for Economic Development of The Conference Board (CED), May 2020, accessed September 7, 2020, www.ced.org/2020-solutions-briefs.


Ibid., 28 (Table 4). NIEER reports that, in Utah, 4,658 three-year-olds and 6,066 four-year-olds are served in State Pre-K, Pre-K special education, and Head Start combined (out of approximately 50,000 children in each age cohort).

Extrapolating from NIEER data, ibid., we can determine that Head Start serves a relatively small percent of Utah’s at-risk three- and four-year-olds, and the demand for its services exceeds its ability to
hire enough teachers and generate other needed resources to serve these preschoolers. State funding to supplement the federal funds would help significantly, and coordination between State and Head Start preschool goals and curricula would also be a benefit.

32 Risk factors also include such things as a parent under age 18, parent with low reading ability, exposure in the home to domestic violence or substance abuse, a member of a child's household is incarcerated, living in a neighborhood with high violence or crime; moving at least once in the past year; having ever been in foster care; living with multiple families in the same household, the primary language spoken in a child's home is a language other than English; or having at least one parent who has not completed high school. SB166 (2019), accessed September 11, 2020, https://le.utah.gov/~2019/bills/static/SB0166.html.


34 Ibid.


36 The very people we value to mitigate the effects of poverty and developmental disadvantages—the ones that so many Utah families depend on to support their children under the age of 5—are living close to poverty themselves with salaries well below the starting salaries for elementary school teachers. “Fact Sheet: Troubling Pay Gap for Early Childhood Teachers,” U.S. Department of Education (June 14, 2016), accessed September 9, 2020, https://www.ed.gov/news/press-releases/fact-sheet-troubling-pay-gap-early-childhood-teachers#. Preschool providers and caregivers should not have to bear this burden. Many workers say they cannot afford time off or the financial hardships to improve their professional training or degree advancement.
The Health Committee Report

Introduction and Summary of Major Positions

Utah is one of the five healthiest states in the nation and first for individual healthy behaviors.¹ Recent Medicaid expansion provided financial access to medical care for an estimated 125,000 individuals. Nevertheless, opportunity for improvement remains. National polls document that health is a major concern to Americans.² According to a recent Utah Foundation poll, health care (costs and accessibility) remains the top issue in Utah, and the coronavirus is tightly linked to each of the top five issues identified.³ Our positions on Utahns’ health and well-being include the following, all of which will be described more fully in the subsequent pages:

- **Strengthening public health.** Specific steps should be taken to strengthen the vision, role, and capacity of public health in the State of Utah.

- **Learning from the state’s response.** An independent review of the State’s response to COVID-19 should determine what was done well and what improvements could have been made, including recommendations for better management of future pandemics.

- **Supporting Medicaid expansion.** Utah should maintain Medicaid coverage for adults up to 138% of the federal poverty level and withdraw the waivers that create barriers to coverage.

- **Improving emotional well-being.** A thorough study should be completed to improve understanding of the causes of Utah’s high suicide and depression rates and then develop a plan for improvement, including access to quality prevention and treatment resources.

- **Increasing immunization levels.** The Department of Health should develop a plan to increase immunization levels and to optimize the use of a COVID-19 vaccine.

- **Improving infant mortality.** The Department of Health should work closely with physicians to develop a plan to reduce infant mortality in the State of Utah.

- **Determinants of health.** State efforts to improve health should include reducing poverty, improving education, keeping people safe, and improving the quality of our environment.

- **Guidelines for future health initiatives:**
  - *Equity and Justice for all*
  - *Optimization of financial resources*
  - *Significant expansion of financial access*
  - *Stabilization of health care financing*
  - *Alignment of incentives that encourage appropriate behavior*
  - *Administrative simplification*
  - *Prevention and preparedness*
  - *Uniform distribution of risk sharing*
  - *Subsidies for the financially disadvantaged*
COVID-19 and Population Health

The COVID-19 pandemic has impacted every nation in the world. As of November 6, 2020, there have been 49.6 million cases and 1.2 million deaths worldwide. These include 9.8 million cases and 236,257 deaths in the United States, and 127,279 cases and 649 deaths in Utah, and the spread of the virus and its many consequences is increasing.

The Utah Response to COVID-19. Utah was one of the first states to declare a statewide emergency related to COVID-19, but was among only 12 states that did not issue a statewide stay at home order. The Utah Department of Health and Dr. Angela Dunn, the State Epidemiologist, have provided timely and reliable information on the spread of COVID-19, including case and positivity rates, testing, hospitalization, ICU use, and deaths. The Utah case fatality rate (deaths as a percentage of cases) of 0.59 percent is one of the lowest in the United States, and Utah does have a low mortality rate of 20.0 deaths per 100,000 population, but there are seven states with lower rates. The case fatality and mortality performance is primarily related to Utah’s young, healthy population and exceptional health care systems, not the state’s management of COVID-19. As of November 6, 2020, Utah had confirmed 3,932 COVID-19 cases per 100,000 population, which is the second highest for states in the West and 11th highest in the nation. The case rate is very high for a young, healthy state and not acceptable. Additionally, a high percentage of COVID tests in Utah have been positive (around 19 %), which indicates many unreported cases and a need for more testing. The increasing rate has resulted in some of the highest COVID-19-related ICU bed occupancies since March and will increase the Utah mortality rate. All of this is most likely because of an ineffective plan to maximize compliance with public health guidelines since the emergency declaration, and failure of the Utah Office of Management and Budget to appropriately involve the Utah Department of Health (UDOH). As the State Auditor concluded, “pandemic preparations were not reasonably sufficient; [an] unclear chain of command hindered early emergency response; and the UDOH…had little involvement in decisions to purchase the dashboard and other services.” There were also many questionable expensive no-bid contracts for services and supplies, including the TestUtah initiative and the Healthy Together app.

Adherence to public health guidelines while opening up. Opening up our state safely during a pandemic, and being able to stay open, require a well-designed and executed plan to optimize compliance with public health standards. This did not happen, which was a notable cause for higher than expected case rates. For example, the wearing of masks is a proven intervention for controlling the spread of the virus, and Utah experienced significant non-compliance with public health guidelines. Some have argued that requiring masks, restricting large group gatherings, and social distancing infringe on personal liberty; however, reasonable restraints on individual liberty interests are well within the constitutional prerogative of the state when public health interests are implicated. For example, the health consequences of second-hand smoke are well documented. It is estimated that in 2020, there will be 41,000 deaths in the United States
related to second-hand smoke— a fraction of the total projected deaths related to COVID-19--, but smoking in public places is prohibited in Utah, and no one argues that they “have the freedom to choose to blow smoke in your face.” Furthermore, the risk of exposure to COVID-19 is substantially more serious since, unlike second-hand smoke, one cannot see or smell the coronavirus.

**COVID-19 Testing.** Testing serves many purposes: (1) test results confirm a diagnosis; (2) testing populates the important systems that track the spread of the virus; and (3) testing provides the ability to do case tracking, which is a critical tool in managing the spread. Delays between the manifestation of symptoms, obtaining a test, and receiving test results have challenged public health systems before and during the COVID-19 pandemic. And, as concluded by the State Auditor, more consideration should have been given to the contact tracing approach.

**Loss of employment.** It is estimated that up to 40 million individuals may lose employment resulting in 20 million claims for unemployment benefits. Research from Yale University found that “high unemployment rates increase mortality and low unemployment decreases mortality and increases the sense of well-being in a community.” In August 2020, Utah had the second lowest unemployment rate in the country at 4.1%. Opening up the economy is an important public policy consideration that should be made independent of political and ideological considerations and with the well-being of the public as the state’s number one priority.

**Access to healthcare.** Before COVID-19, it was estimated that 30 million people in the United States did not have health insurance and another 44 million were underinsured, and the number is growing. Utah ranked 34th of the 50 states with a 13 percent non-elderly uninsured rate in 2020. According to Kaiser Family Foundation data, there were about 210,000 non-elderly uninsured individuals in Utah in 2018. The United States does not provide universal health insurance coverage; and insurance coverage for a significant number of Americans is linked to employment, creating instability in the continuity of coverage for many individuals and families. It is estimated that 10 million Americans will lose their insurance as a result of COVID-19; and according to a recent poll by the Utah Foundation, “health care (costs and accessibility) remains the top issue [in Utah]…”

**Loss of revenue for hospitals and other healthcare providers.** Our healthcare systems have experienced a significant loss of revenue due to increased costs for equipment to treat COVID-19 patients, the closing of outpatient departments, and the postponement or cancellation of elective procedures. In addition, job losses and the rise in the number of uninsured patients have increased the impact of uncompensated care. The combination of these factors illustrates the challenges of unreliable and inconsistent revenue sources and the challenge for some hospitals to remain financially viable, Rural hospitals in Utah have been particularly hard hit. COVID-19 essentially stress tested our healthcare system in real time, exposing the need to explore more consistent and reliable methods for financing healthcare.
COVID-19—Health disparities and social justice. The disproportionate impact of the COVID-19 pandemic on vulnerable socio-economic communities and racial and ethnic minorities highlights the inequities in healthcare access and quality of care, as illustrated in the following table. Additionally, adequate testing resources were not available in areas where vulnerable populations are concentrated.

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<th></th>
<th>White alone, not Hispanic</th>
<th>Hispanic or Latino</th>
<th>Native Hawaiian/Pacific Islander</th>
<th>Black/African American</th>
<th>American Indian/Alaska Native</th>
<th>Asian</th>
</tr>
</thead>
<tbody>
<tr>
<td>Percent of Population</td>
<td>78%</td>
<td>14.2%</td>
<td>1.6%</td>
<td>2.1%</td>
<td>2.3%</td>
<td>3.8%</td>
</tr>
<tr>
<td>Number of Cases</td>
<td>62,754</td>
<td>32,497</td>
<td>3,868</td>
<td>1,978</td>
<td>1,747</td>
<td>2,511</td>
</tr>
<tr>
<td>Percent of Cases*</td>
<td>53.9%</td>
<td>27.9%</td>
<td>3.3%</td>
<td>1.7%</td>
<td>1.5%</td>
<td>2.2%</td>
</tr>
<tr>
<td>Cases per 100,000</td>
<td>2,551.1</td>
<td>6,091.0</td>
<td>8,124.5</td>
<td>3,396.5</td>
<td>3,094.6</td>
<td>2,171.4</td>
</tr>
</tbody>
</table>

Source: Coronavirus.utah.gov/case-counts/. As of November 1, 2020

*M9.7 percent of cases did not identify race or ethnicity

The relative number of cases and the case rate for Hispanics and Pacific Islanders is exceptionally high. The underlying causes of such health disparities are complex and interrelated, but they include cultural norms, social and structural determinants of health, racism and discrimination, economic and educational disadvantages, healthcare access and quality, individual behavior, and biology.

Misinformation and disinformation. Disinformation and misinformation about COVID-19 has adversely impacted efforts to control the spread of COVID-19. The distribution of complete and reliable information, and the aggressive identification and clarification of misinformation and disinformation should be a significant part of pandemic management.

Important Continuing Issues that Preceded COVID-19

The Cost and Quality of Healthcare. In 2018, the United States spent 16.9 percent of gross domestic product (GDP) on health care—nearly twice as much as the average OECD country, but while spending more on health care, we are not achieving comparable performance. The U.S. has poorer health outcomes, lower life expectancies, higher suicide rates, higher chronic disease burden, and a higher incidence of obesity. In short, “the U.S. has the highest rate of avoidable mortality because people are not receiving timely, high-quality healthcare.”
Higher prices are the primary reason the U.S. spends more on health care than any other country. Other reasons include more frequent use of expensive technologies, the volume of health care that has no value in treating or preventing injuries, illness, or disease, and a financing system in the U.S. that is one of the most complicated and costly in the world. Additionally, perverse incentives that cause insurers and providers to avoid high risk patients, and providers and consumers who dispense or consume unnecessary care or fail to seek or provide necessary care also impact both cost and quality. To be successful, responsible health system reform must address both cost and quality of health care.

**Medicaid Expansion.** The UCC has long supported the full expansion of Medicaid to 138% of the federal poverty level (FPL) and withdrawal of waivers that inhibit access to coverage. Most research related to Medicaid expansion has verified the positive results expansion states have experienced, and much more recent research continues to demonstrate the benefits.

**Medicaid and Public Health.** The Utah Department of Health (UDOH) was created nearly forty years ago from public health and medical assistance programs within the Department of Social Services. The purpose for which it was created was to expand the state’s health policy vision and facilitate working relationships to promote more efficient use of the state resources to improve public health. The UCC believes Utah’s recently-expanded Medicaid program is uniquely positioned to help drive public-health-focused responses to many of the shortcomings of our current health care system identified in this report.

**Mental Illness, Suicide, and Depression.** Utah and other Mountain States have consistently high suicide and depression rates. Using seven indicators of mental health, Mental Health America ranked Utah 41st for youth and 50th for adults (including the District of Columbia). This low ranking indicates both a higher rate of mental illness and less access to quality mental health care. There is a documented relationship between poverty, social welfare policies, and emotional well-being; and a study completed in 2020 specifically documented the relationship between state-level minimum wages, unemployment, and suicide levels. A thorough study of the specific causes of these high depression and suicide rates in Utah should be given high priority, followed by the development of a tailored plan to improve access to quality prevention and treatment resources.

**The Level of Immunizations in Utah.** Over the last 9 years the Utah immunization rate has declined. For the school year 2009-2010, Utah had the 6th highest immunization rate in the nation for kindergarten children at 97.7%. Mississippi ranked 1st with a rate of 99.7. For the school year 2018-2019, however, Utah dropped to 23rd with a rate of 92.6. Mississippi retained the top spot at 99.2. This trend must be reversed. The COVID-19 pandemic will continue to be a challenge until a safe and effective vaccine is produced for public use; and an effective public information campaign will be essential to instill confidence in and acceptance of the vaccine.
**Infant Mortality.** Infant mortality is used as an overall measure of population health. In 1995 Utah had the 3rd lowest infant mortality rate in the nation but dropped to 17th in 2018, as other states dramatically improved their infant mortality statistics while the Utah rate increased slightly.65 Similarly, significant improvement has occurred in many countries, as illustrated in the following table. 66

<table>
<thead>
<tr>
<th>Year</th>
<th>Utah Rate/1000 Births</th>
<th>Utah Rank</th>
<th>Best State</th>
<th>U.S. Average</th>
<th>Canada</th>
<th>United Kingdom</th>
<th>Spain</th>
</tr>
</thead>
<tbody>
<tr>
<td>1995</td>
<td>5.41</td>
<td>3</td>
<td>5.18</td>
<td>7.6</td>
<td>6.1</td>
<td>6.2</td>
<td>5.5</td>
</tr>
<tr>
<td>2006</td>
<td>5.12</td>
<td>5</td>
<td>4.7</td>
<td>6.9</td>
<td>5.3</td>
<td>5.6</td>
<td>4.4</td>
</tr>
<tr>
<td>2018</td>
<td>5.5</td>
<td>17</td>
<td>3.6 (NH)</td>
<td>5.9</td>
<td>4.7</td>
<td>3.9</td>
<td>2.7</td>
</tr>
</tbody>
</table>

Note: Utah infant death rates in 2017= 5.9, ranked #25; 2016 =5.4, #16; 2015= 5.1, #14; 2014= 4.9, #13

**Determinants of health.** The personal, social, economic, and environmental factors that influence health are known as “determinants of health.” Because of the failure of national political leaders to implement measures to correct basic problems in the structure and administration of health care, state leaders and members of the health care community in Utah have been shifting their efforts to better address the underlying determinants of health to improve the quality and the cost of good health.67 UCC is pursuing such opportunities by building connections across our study areas, with particular initial attention to relationships between environmental health, public education, social support services, and equal rights.

**Recommendations**

1. **Strengthen public health.** Specific steps should be taken to strengthen the vision, role and capacity of UDOH, including the establishment of a broad vision of health that incorporates all determinants of health. This should include ensuring that there is high quality medical and public health expertise in the leadership of the Department of Health. Medicaid should be even more strongly integrated into the public health system and used as a tool to implement social change that will have a direct impact on health and well-being and improve management of the COVID-19 pandemic.

2. **Learn from the state’s response.** There should be an independent review of the State response to COVID-19 to determine what was done well and where improvements could have been made. At a minimum, the analysis should determine why the Utah case rate was so high; whether the mortality rate was disproportionately high, given Utah’s young and healthy population; whether public health expertise was appropriately considered in the decision-making process; the propriety of decisions on no-bid contracts and purchases; and how the state response to the needs of its most vulnerable populations could have been improved.
3. **Improve testing for infectious diseases.** UDOH should work with the Association of Public Health Laboratories to develop a system to improve case tracking and minimize delays between manifestation of symptoms, testing, and obtaining test results.

4. **Medicaid expansion and public health.** Utah should maintain the Medicaid adult expansion that provides coverage to adults up to 138% of the federal poverty level (FPL). Additionally, Utah should withdraw the demonstration waivers that would create barriers to coverage, including the community engagement and premium requirements. 68

5. **Improve emotional well-being.** The Division of Substance Abuse and Mental Health should lead an effort to determine the causes of Utah’s high suicide and depression rates and develop a plan to improve mental wellness and increase prevention and treatment resources.

6. **Improve infant mortality.** The Department of Health should take the lead in determining why Utah’s relative ranking for infant mortality has declined and work with the medical community and public health partners to define and implement a strategy for improvement.

7. **Increase immunization rates.** UDOH, in conjunction with local health departments, should work with the health care provider community to develop a plan to improve immunization levels and to optimize the use of a COVID-19 vaccine when it becomes available.

8. **Determinants of health.** State efforts to improve health should include reducing poverty, improving education, keeping people safe, and improving the quality of our environment. An increase in the state minimum wage and efforts to manage global warming are examples.

9. **Guidelines for change.** The Utah Citizens’ Counsel urges policymakers to utilize the following guidelines to evaluate proposals for change:

   - **Equity and justice**—Proposals should be designed to reasonably and fairly produce benefits for all—minorities, rich and poor, healthy and infirm, rural and urban.
   - **Optimization of available financial resources.** Proposals should take advantage of available financial resources from Federal, State and community sources.
   - **Significant expansion of access to health care**—Initiatives should expand access to health care and move our community in the direction of achieving universal coverage.
   - **Subsidies for the financially disadvantaged**—Efforts to expand financial access should provide for adequate subsidies for the poor and disadvantaged.
   - **Stabilization of the financing of health care**—Reforms should provide options to eliminate erratic funding for providers and ensure continuity of insurance coverage for consumers.
   - **Alignment of incentives that encourage appropriate behaviors.** Reform initiatives should incentivize providers, insurers, and consumers to make decisions that eliminate disparities, promote quality care, improve health, and remove waste.
   - **Administrative simplification**—Reform proposals should reduce administrative costs and should simplify not complicate the existing system.
   - **Prevention and preparedness.** Special consideration should be given to initiatives that prevent illness, disease, and accidents and prepare our communities for future crises.
   - **Risk sharing**—Reform initiatives should facilitate a premium structure that promotes the uniform distribution of the cost of disease and injury across all insurance systems.
Endnotes for Health Report


9 Utah is one of the healthiest states in the nation, has the lowest median age (31.1 years) and the smallest population over age 65. It is therefore expected that Utah would experience low mortality.


15 Ibid.


“Early in the pandemic, delays in testing results made case tracking impossible. The Department of Health has indicated that there have been significant improvements and that testing delays are generally less that 48 hours.


“Rising unemployment causes higher death rates, Yale researcher shows,” *Yale News*, accessed September 11, 2020, https://news.yale.edu/2002/05/23/rising-unemployment-causes-higher-death-rates-new-study-yale-researcher-shows. “Economic growth is the single most important factor relating to length of life,” said principal investigator M. Harvey Brenner, visiting professor in the Global Health Division of the Department of Epidemiology and Public Health at Yale School of Medicine. Brenner is also professor of health policy and management at Johns Hopkins University and senior professor of epidemiology at Berlin University of Technology. “Employment is the essential element of social status and it establishes a person as a contributing member of society and also has very important implications for self-esteem,” said Brenner. “When that is taken away, people become susceptible to depression, cardiovascular disease, AIDS and many other illnesses that increase mortality.”


Ibid. Some of these will qualify for Medicaid or obtain coverage through the health insurance exchange or as a dependent, but the number remaining uninsured is significant.

“Utah Priorities 2020--What’s on Utah’s Mind: Voter Issues and Concerns in 2020.”


William Shrank, Teresa Rogstad, and Natasha Parekh, "Waste in the US Health Care System: Estimated Costs and Potential for Savings," JAMA (2019), 322(15), 1501-1509, accessed September 11, 2020, https://jamanetwork.com/journals/jama/article-abstract/2752664. Most experts estimate that about 25 percent of all health care delivered in the U.S. (and Utah) represents waste and has no value in treating or preventing injuries, illness, or disease. There are some that estimate over one-half of health care consumed is wasteful. The cost of this waste was estimated to be $760 to $935 billion.

Uwe E. Reinhardt, Priced Out: The Economic and Ethical Costs of American Health Care (Princeton: Princeton University Press, 2019), 25-40. It is estimated that only 4 of 9 employees in our current system are clinicians while the other five are administrators and consultants. And the number of non-clinicians is
growing. From 1990 to 2012, the number of workers in the U.S. health care system grew by 70 percent. Nearly 95 percent of the growth has been in non-doctor roles. And “for every doctor, only 6 of 16 non-doctor workers have clinical roles…and 10 of the 16 non-doctor workers are purely administrative and management staff.”


53 After the 2018 successful Medicaid expansion ballot initiative, the 2019 Legislature passed a complex bill that required the Utah Department of Health (UDOH) to go through a series of demonstration applications in an attempt to add additional conditions to the expansion, including limiting the expansion eligibility income limit to 100% FPL, a community engagement requirement, a cap on the number of enrollees based on the state appropriations available, addition of a per capita cap on per enrollee expenditures, and a number of other restrictions and program enhancements. While the demonstration application was being developed and making its way through the federal approval process, the Legislature authorized the state to expand Medicaid to adults with incomes under 100% FPL but with the regular Utah federal match of approximately 70%, versus the 90% federal match allowed under most adult expansion programs. This cost the state millions of dollars in lost federal matching revenue dollars each month while Utah worked through the demonstration application process.

The federal Medicaid agency, the Centers for Medicare and Medicaid Services (CMS), denied the state’s request for the partial expansion to 100% FPL as well as the request to cap enrollment. At this point, the State also apparently decided it would not pursue the per capita cap approach and developed and submitted a new demonstration application going to the full income limit of 138% FPL ($17,236 for an individual or $35,535 for a family of four) and again requesting the authority to place an enrollment cap on the new adult expansion population. The request also included many of the remaining waivers required under the state statute.

On December 23, 2019, CMS authorized UDOH to implement full Medicaid expansion in the state. The expansion extended Medicaid eligibility to adults with incomes up to 138% FPL. The federal government will cover 90% of the costs of these services, with the state covering the remaining 10%. It is estimated that up to 120,000 Utah adults are eligible for the expansion program. CMS also approved imposing a community engagement requirement on some newly eligible adults to receive Medicaid benefits. However, this requirement has been overturned by federal courts in several other states.

Utah’s demonstration application included other components, including premiums and surcharges for those over 100% of the federal poverty level, housing supports, and eligibility penalties for intentional program violations. CMS is still reviewing these requested waivers.

54 Research data from UCC Health reports prior to 2018 can be accessed at http://www.utahcitizenscounsel.org/. The research cited in endnote 61 includes financial benefits to the states, increased adult coverage, better access to care, better utilization of services, affordability of care, financial security among low-income populations, improved financial support of rural hospitals, and better employment. While coverage and enhanced access to services and the other areas of improvement continue to be important, three areas need to be highlighted in this UCC Health report, given the UCC focus on the strong interdependencies across our policy areas, and what we are experiencing with the COVID-19 pandemic. Medicaid expansion has:
• helped to reduce disparities in coverage by income, age, marital status, and, in some studies, race/ethnicity.
• reduced medical debt, over-limit credit card spending, and numbers of evictions and bankruptcies. Some research also points to an association between Medicaid expansion and improvements in other measures of financial stability, including food security.
• reportedly made it easier to seek employment or continue working.

55 "Medicaid Expansion and the Louisiana Economy," Louisiana Department of Health, accessed July 21, 2018, http://gov.louisiana.gov/assets/MedicaidExpansion/MedicaidExpansionStudy.pdf. This report has a summary of prior work done for other states around 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.”

"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/. 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.”


56 The Utah Commission on Executive Reorganization determined that it would be important to have a broad vision of health that effectively formulates policy to create the greatest potential to improve the well-being of Utahns. They believed that within a short time “health” could become the new great problem of domestic politics. Governor Matheson and the Legislature agreed, and Utah combined health activities, including Medicaid, under one administrative authority and built direct relationships between the highest levels of administrative and political responsibilities.

57 Medicaid can be an integral community component in redesigning and implementing better approaches to prevention, eliminating heath disparities, tackling the determinants of health, and implementing improved payment approaches for primary care.


### Kindergarten Immunization Rates
**Utah and Top Performing States**

<table>
<thead>
<tr>
<th>State</th>
<th>2018-19 Rate</th>
<th>2018-19 Rank</th>
<th>2009—10 Rate</th>
<th>2009-10 Rank</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mississippi</td>
<td>99.2</td>
<td>1</td>
<td>99.7</td>
<td>1</td>
</tr>
<tr>
<td>West Virginia</td>
<td>98.8</td>
<td>2</td>
<td>91.2</td>
<td>36</td>
</tr>
<tr>
<td>Maryland</td>
<td>97.4</td>
<td>3</td>
<td>97.2</td>
<td>13</td>
</tr>
<tr>
<td>New York</td>
<td>97.2</td>
<td>4</td>
<td>97.6</td>
<td>8</td>
</tr>
<tr>
<td>Massachusetts</td>
<td>96.9</td>
<td>5</td>
<td>93.0</td>
<td>27</td>
</tr>
<tr>
<td>Nebraska</td>
<td>96.9</td>
<td>5</td>
<td>97.5</td>
<td>9</td>
</tr>
<tr>
<td>Texas</td>
<td>96.9</td>
<td>5</td>
<td>98.1</td>
<td>5</td>
</tr>
<tr>
<td>California</td>
<td>96.5</td>
<td>6</td>
<td>93.6</td>
<td>26</td>
</tr>
<tr>
<td>Tennessee</td>
<td>96.5</td>
<td>6</td>
<td>97.4</td>
<td>10</td>
</tr>
<tr>
<td>Pennsylvania</td>
<td>96.4</td>
<td>7</td>
<td>86.9</td>
<td>42</td>
</tr>
<tr>
<td>State/Country</td>
<td>Infant Mortality Rate 2018</td>
<td>Rank</td>
<td>Infant Mortality Rate 2006</td>
<td>Rank</td>
</tr>
<tr>
<td>--------------------</td>
<td>----------------------------</td>
<td>------</td>
<td>---------------------------</td>
<td>------</td>
</tr>
<tr>
<td>New Hampshire</td>
<td>3.6</td>
<td>1</td>
<td>5.91</td>
<td>15</td>
</tr>
<tr>
<td>New Jersey</td>
<td>3.9</td>
<td>2</td>
<td>5.44</td>
<td>8</td>
</tr>
<tr>
<td>California</td>
<td>4.2</td>
<td>3</td>
<td>5.04</td>
<td>3</td>
</tr>
<tr>
<td>Connecticut</td>
<td>4.2</td>
<td>3</td>
<td>6.17</td>
<td>18</td>
</tr>
<tr>
<td>Massachusetts</td>
<td>4.2</td>
<td>3</td>
<td>4.85</td>
<td>2</td>
</tr>
<tr>
<td>Oregon</td>
<td>4.2</td>
<td>3</td>
<td>5.38</td>
<td>7</td>
</tr>
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<td>New York</td>
<td>4.3</td>
<td>7</td>
<td>5.64</td>
<td>10</td>
</tr>
<tr>
<td>Colorado</td>
<td>4.7</td>
<td>8</td>
<td>5.77</td>
<td>13</td>
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<tr>
<td>Washington</td>
<td>4.7</td>
<td>8</td>
<td>4.7</td>
<td>1</td>
</tr>
<tr>
<td>Montana</td>
<td>4.8</td>
<td>10</td>
<td>6</td>
<td>17</td>
</tr>
<tr>
<td>Rhode Island</td>
<td>5.0</td>
<td>11</td>
<td>6.22</td>
<td>20</td>
</tr>
<tr>
<td>Iowa</td>
<td>5.1</td>
<td>12</td>
<td>5.12</td>
<td>4</td>
</tr>
<tr>
<td>Idaho</td>
<td>5.1</td>
<td>12</td>
<td>6.82</td>
<td>26</td>
</tr>
<tr>
<td>Minnesota</td>
<td>5.1</td>
<td>12</td>
<td>5.18</td>
<td>6</td>
</tr>
<tr>
<td>Wyoming</td>
<td>5.3</td>
<td>15</td>
<td>6.78</td>
<td>25</td>
</tr>
</tbody>
</table>


<table>
<thead>
<tr>
<th>State</th>
<th>Infant Death Rate</th>
<th>Rank</th>
<th>Youth Death Rate</th>
<th>Rank</th>
<th>Maternal Death Rate</th>
<th>Rank</th>
<th>Suicide Rate</th>
<th>Rank</th>
</tr>
</thead>
<tbody>
<tr>
<td>Maine</td>
<td>5.4</td>
<td>16</td>
<td>6.29</td>
<td>21</td>
<td>6.4</td>
<td>12</td>
<td></td>
<td></td>
</tr>
<tr>
<td>North Dakota</td>
<td>5.5</td>
<td>17</td>
<td>5.92</td>
<td>16</td>
<td>7.08</td>
<td>18</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Texas</td>
<td>5.5</td>
<td>17</td>
<td>6.19</td>
<td>19</td>
<td>6.52</td>
<td>14</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Utah</td>
<td>5.5</td>
<td>17</td>
<td>5.12</td>
<td>5</td>
<td>5.41</td>
<td>3</td>
<td></td>
<td></td>
</tr>
<tr>
<td>United States Average</td>
<td>5.9</td>
<td>13*</td>
<td>6.9</td>
<td>26*</td>
<td>7.6</td>
<td>24*</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Sweden</td>
<td>2.0</td>
<td>1*</td>
<td>3.4</td>
<td>3*</td>
<td>4.1</td>
<td>2*</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Spain</td>
<td>2.7</td>
<td>3*</td>
<td>4.4</td>
<td>9*</td>
<td>5.5</td>
<td>12*</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Germany</td>
<td>3.2</td>
<td>7*</td>
<td>4.4</td>
<td>8*</td>
<td>5.3</td>
<td>8*</td>
<td></td>
<td></td>
</tr>
<tr>
<td>France</td>
<td>3.8</td>
<td>9*</td>
<td>4.5</td>
<td>10*</td>
<td>4.9</td>
<td>5*</td>
<td></td>
<td></td>
</tr>
<tr>
<td>United Kingdom</td>
<td>3.9</td>
<td>10*</td>
<td>5.6</td>
<td>22*</td>
<td>6.2</td>
<td>19*</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Canada</td>
<td>4.7</td>
<td>12*</td>
<td>5.3</td>
<td>18*</td>
<td>6.1</td>
<td>16*</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

*Ranking with OECD Countries

Note: Utah infant death rate in 2017 is 5.9, ranked #25; 2016 - 5.4, #16; 2015 - 5.1, #14; 2014 - 4.9, #13.

67 “Determinants” are discussed in our previous reports. See, for example, Utah Citizens’ Counsel, *Standing Up For Utah’s Needs, 2018 Report*, Health chapter. See also *Health Affairs*, which made research articles on health determinants topics of its 2020 February and April issues. In the February issue, Leora I. Horwitz and co-authors report on an extensive search of public announcements by health systems making investments in social determinants: 78 programs in 57 U. S. health systems, involving expenditures of at least $2.5 billion. This is an indication of levels and targets of interest in such programs. See also Leora I. Horwitz et al., "Quantifying Health Systems' Investment in Social Determinants Of Health, By Sector, 2017-19," *Health Affairs*, 39:2 (February 2020), 192-198.

Personal Security Committee Report

Equal Justice: A Case for Transformational Police Reform

Introduction and Summary of Major Positions

All Utahns have the right to personal security, including freedom from physical harm and psychological abuse, whether experienced within the family or within the community at large; and one of government’s sacred constitutional obligations—at every level—is to protect and defend the public from threats to its safety and well-being. Under the Fourteenth Amendment to the United States Constitution that duty further requires and guaranties equal protection to every member of our society, without exception.

The State and its political subdivisions endeavor to provide that security through law enforcement and the criminal justice system, but the revelations of 2020 have made inescapable the fact that significant inequalities, injustices, and inefficiencies exist in our law and justice systems, and they will no longer be tolerated by the public.

In the shock and anguish following the deaths of George Floyd and Bernardo Palacios-Carbajal, the shooting of 13-year old Linden Cameron, who is autistic, during a mental health crisis, and the mauling of Jeffery Ryans, who is African American, by a police K-9 unit, calls for reform by public officials and private citizens across the state have been universal: Something must be done. The only question is: How do we go about it?

The Governor, the Utah Legislature, the Salt Lake City Mayor and City Council, the Salt Lake Police Department, the Police Officer Standards and Training Agency, and others, have rushed to open investigations and implement initial procedural reforms to address some of the most obvious issues, but everyone understands much more is required.

Many options and approaches are being studied and considered—from procedural reform to structural change, and the Utah Citizens’ Counsel believes both are necessary to achieve true equal justice under law. As always, though, the devil is in the details; and, as recent legislative audits have revealed, much of the data needed to identify and assess the problems with specificity is not readily available due to diverse and siloed information systems and a lack of coordination and communication among the various geographic regions and levels of government, creating technical and administrative challenges and, in some instances, serious public safety concerns. The UCC, therefore:

- Endorses the recommendations of legislative auditors and urges lawmakers to create the structure and provide the funding to implement reforms with respect to law enforcement and criminal justice data collection, assimilation, reporting, communication, and transparency;
- Endorses the recommendations of the Governor, members of the Legislature, the Salt Lake City Mayor, City Council and Police Chief, to conduct a thorough assessment of police policies and practices, on a state and local basis, to identify equal justice issues, and fund and implement needed procedural and structural reforms.

The following report addresses both the need for and process of transformational reform.
The Situation Confronting Utah Law Enforcement, Lawmakers, and the Public

Nationally, people of color are 2.5 times more likely to be killed by police than white people but are less likely to be carrying a weapon. More than 1,000 unarmed people died as a result of police harm between 2013 and 2019; and about one third of them were black. Only about 1% of police officers involved in those deaths were charged with a crime; and even fewer have been convicted.

Although Utah has one of the lowest homicide rates in the nation, it has one of the highest homicide rates by police at 17% compared to 8% nationally. Indeed, as of 2014, police homicides were second only to domestic violence as the leading cause of homicide in Utah; and African Americans represented 10% of police homicides during the period from 2013-2019, even though they represented only 1.06% of Utah's population. Furthermore, between 2017 and 2018, Salt Lake County’s 3% African American population suffered 13% of its use-of-force actions and all three 2018 police fatalities.

A profile of incarcerated Americans also shows a severe racial disparity for African Americans: 33% of the prisoners, but only 13% of the population. According to the 2010 census, Utah's incarcerated, traced by race/ethnicity and projected as a percentage per 100,000 population, reveals even more serious discrepancies: Caucasians--367; Hispanic--832; African Americans--2,711.

Despite sweeping juvenile justice reform in 2017, data released by Voices for Utah Children in July reflected that minorities are still over-represented in the juvenile justice system. Between 2014 and 2018, arrests of children in Utah dropped 26.2%, according to the report. ‘That reduction, however, has not been equitable.’ White youths’ proportion of overall arrests dropped from 70% in 2014 to 56% in 2018,” while “the proportion of overall arrests for young people of color increased from 30% in 2014 to 44 % in 2018.”

Economic status intersects dramatically with race for individuals who are unable to “make bail,” and are, therefore, jailed until trial, which can take months or even years. The average bail for a felony is $10,000; and many Americans are unable to cover even a $400 emergency expense.

In addition, the majority of hate crimes by aggressors are based on a perception of the victim's race, with the majority of such victims in the United States being African American. Race is the primary category by far of reported hate crimes in Utah.

The most common encounter with law enforcement for all Americans occurs in traffic stops; but African Americans are stopped twice as often for their population size as Caucasians—a form of harassment based on racial profiling known as “Driving While Black.” Utah Representative Sandra Hollins, the first African American woman elected to the Utah Legislature, gave this illustrative account of her Utah “Driving While Black” experience. She and her husband were pulled over by a white officer while driving on the freeway. He first accused them of speeding, and then asked "How could you afford a car like this?" and "Where'd you get the money?" They answered him, but the officer commented before walking away: “I just wanted to see if you had an attitude. If you had attitude I was going to give you a ticket.”
The killing of George Floyd on Memorial Day 2020, however, brought America to its knees, as the video of his death, at the hands of Minneapolis Police Officer Derek Chauvin, played on a seemingly endless loop on television and social media around the world. The response from all quarters was immediate and unequivocal. This must never happen again. But it has…

At a press conference at the Capitol on June 7, 2020, Jeanetta Williams, President of the NAACP Salt Lake Branch and NAACP Tri-State Conference of Idaho-Nevada-Utah, called for legislation to address police relationships with the community and outlined broad goals for community discussion to address long-standing concerns. In a newsletter shortly thereafter, the NAACP Salt Lake Branch announced a cooperative agreement with the Fraternal Order of Police “to work together to bridge the community divide.” The newsletter goes on to say:

“The NAACP supports having School Resource Officers in schools. We support training for Resource Officers. The NAACP is not calling for de-funding of police departments. What we are saying is that there should be more social workers who directly work with police departments and when police officers are called on domestic violence disturbances. It is social workers who should go out on those calls. The NAACP is asking that police officers be trained or [have] a degree in social work in order to better deescalate these situations...

In addition, the NAACP considers racism a public health issue for the following reasons:

- Racism permeates our policies and institutions. It affects what people have and don’t have access to, and the amount and quality of services they get. This is the case with health care, as well as education, employment and benefits, housing and other areas – all of which affect health and well-being directly and indirectly.
- It affects the mental health because of its psychological toll on minorities’ sense of value and the need to reassert those rights and their place in society, which also impacts health overall.”

Williams and other community leaders then sat down with The Salt Lake Tribune, in a series of virtual meetings, to discuss what some of the solutions might look like, including:

- **more training for police officers and recruits**, including de-escalation training, implicit bias training, training in the history of oppression of people of color in the United States, and cultural sensitivity training to help them better understand why people of color are frustrated and often fearful of police. Shawn Newell, Vice President of the NAACP Salt Lake Branch, pointed out the irony that Utah police recruits are currently only required to complete 832 hours (15 weeks) of training, while hair stylists must complete 1600 hours of training;
- **increased restrictions on the use of force**, especially including but not limited to any maneuver that stops an individual from being able to breathe;
- **collection of data on police encounters with the public**, having officers record the race or ethnicity of individuals they police by getting it off their driver’s licenses or other identification documents, and tracking and reporting that data, with the intent of identifying and eliminating racial profiling;
• **creation of a national registry of officer misconduct and discipline**, available to all law enforcement agencies, to discourage the rehiring of officers with a history of misconduct complaints;²⁵

• **improving the culture and diversity of police departments** so that they are more representative of the communities they serve;²⁶ and

• **improving the diversity of state and local leaders and civilian review boards**, who oversee and set policy for law enforcement agencies.²⁷

Utah public officials listened and responded:

• Chokeholds were banned by Governor Gary Herbert (for the Highway Patrol) and by the Legislature (for Utah's 8,000 Utah police officers) in HB5001, sponsored by Representative Sandra Hollins;²⁸

• The Police Officer Standards and Training (POST) agency proposed extending its 15 weeks of training with 12 more hours on anti-bias and 18 more on defensive skills.²⁹

• Salt Lake City Police Chief Mike Brown formally banned chokeholds and firing tear gas into crowds;³⁰

• Salt Lake City Mayor Erin Mendenhall and the Salt Lake City Council adopted new rules requiring police body cameras, enhanced de-escalation tactics and anti-bias training, mandated the addition of social workers to the police force, and created a Commission on Racial Equity in Policing to promote police-community ties, and direct financial investments in minority communities;³¹

• Salt Lake City adopted a police budget for the new fiscal year to fund the reforms already approved and to set aside funding to support additional reforms being discussed by city leaders and the new Commission on Racial Equity in Policing;³² and

• The Salt Lake City Council is considering restrictions on the acquisition and use of military surplus equipment by Salt Lake City Police.³³

In addition, following a public outcry over Salt Lake County District Attorney Sim Gill’s determination that, under existing law, police officers were *legally justified* in shooting 22-year old Bernardo Palacios-Carbajal in the back while he was running away, Gill issued a detailed report, which was sent to lawmakers, the attorney general, the governor, and gubernatorial candidates, suggesting 22 specific policy reform ideas with respect to law enforcement’s use of deadly force.³⁴ In his cover letter, Gill said: “The use of deadly force by law enforcement has been under scrutiny for years...As the last two months of protests both here and across the country demonstrate, application of the current legal standards for officers’ use of force has produced outcomes that are questioned, reasonably, by many in our communities. When expectations of the community collide so strongly with what the law requires, a reexamination of what the law is, and a fulsome discussion of where it might go, is not just timely but crucial.”³⁵
“The laws justifying deadly force in Utah are more generous to law enforcement officers than to other members of our community. That was a policy decision made years ago, when Utah lawmakers determined that Utah’s use-of-force statute would permit an absolute defense and bar to prosecution of law enforcement officers whenever an officer, having used deadly force, reasonably believed the subject posed a serious threat to the officer or to any other individual,” Gill explains.36 In other words, the officer's self-reported mindset is the reference point in determining justifiability without reference to the context, while other individuals can claim self-defense only if there is a reasonable belief that the other person’s “imminent use of force” could cause death or serious injury.37

Gill then suggested, among other things, that the laws might be amended:

- to allow prosecutors and courts to consider whether “less-than-lethal force was reasonably available and would have been effective, rather than deadly force;”38
- to prohibit the use of deadly force when individuals pose a danger only to themselves;39
- and
- to require law enforcement to de-escalate or not escalate whenever reasonably possible, and make a justification defense unavailable if the officer escalates the situation,”40 saying that “[m]any law enforcement uses of deadly force involve mentally ill suspects who are threatening harm to themselves, are alone in a location without reasonable possibility of escape, or are threatening harm to third parties with unlikely or unavailable means…In those cases, both common sense and human empathy dictate that de-escalation and self-restraint should be used whenever possible.”41

Utah’s tragic summer and fall of 2020 continued, however:

- In mid-July, United States District Judge Robert Shelby dismissed a lawsuit brought by the family of Patrick Harmon, finding police officer Clinton Fox “legally objectively reasonable” in shooting Harmon three times in August 2017. Without expressing an opinion on broader legal issues, he pointed out that the decision “comes in the midst of an important national conversation concerning race and policing,” noting that the deaths of George Floyd and other black Americans have prompted widespread dissent against police brutality and calls to reconsider qualified immunity laws.42
- On August 11, 2020, the Salt Lake Tribune reported the brutal mauling of Jeffery Ryans, a 36-year old black man, by a Salt Lake Police dog and his handler, Officer Nickolas Pearce, while Ryans was kneeling on the ground with his hands in the air.43 Neither the Police Chief, nor the Mayor, nor the District Attorney were aware of the incident, however, until the Salt Lake Tribune published the bodycam footage, prompting Salt Lake City Police Chief Mike Brown to order a review of cases in which police dogs have been used during an arrest.44 Following that review, Chief Brown announced that of the 27 cases where a police dog bit someone since 2018, he was referring 18 to the District Attorney to be screened for charges against the officers.45 “The civilian review board then
found that city leaders did not know about the Jeffery Ryans incident because Officer Pearce’s supervising lieutenant never reported it to upper management, as required by policy.**46** Mayor Mendenhall subsequently announced policy changes “to ensure that no use of force goes unreported up the proper chain of command again,” saying “[t]he culture of an organization is shaped by the worst behavior a leader is willing to tolerate.”**47** Chief Brown then suspended indefinitely the Salt Lake City Police Department’s use of police dogs on suspects, as officials review cases going back further than 2018.**48**

- Then just two hours before Salt Lake City’s new use-of-force policy took effect on September 31, 2020, requiring police officers to try de-escalation first when responding to most cases, 13-year old Linden Cameron, who is autistic, was shot multiple times by police, who chased him as he ran away from them during a mental health crisis.**49** His mother had simply called 911 requesting a crisis intervention team for her son.**50**

This latest incident prompted an outcry from the Utah Disability Law Center, which said the shooting showed that the system is broken, and provided a 16-point outline [of suggestions] to fix it.**51** “One of those points calls for the creation of more robust crisis intervention teams, which are comprised of officers who receive intensive mental health training.”**52** “The simple fact that Linden’s mother had nowhere else to turn but to the police, the Disability Law Center wrote, was ‘a failure in leadership to ensure the health and safety of all Utahns.’”**53** Mayor Mendenhall promised a swift investigation, and called the shooting “a tragedy.”**54** Chief Brown told reporters: “We are having a mental health crisis… and are devoid of resources to deal with it.”**55** The Salt Lake Tribune reported, based on its own investigation, that “[i]n the past seven years, Salt Lake City police officers have responded to 42,000 such calls, which does not include incidents where it was not known that a person was suffering from a mental health episode.”**56** Salt Lake City’s small Crisis Intervention Team (CIT), however, only works five days a week, during normal business hours; and “most officers don’t want to be social workers, and shouldn’t have to be, according to Sherri Whitmer, CIT Utah President.**57**

**Legislative Audit Reports.**

On October 13, 2020, the Salt Lake Tribune reported the release of two significant legislative audits critical of the criminal justice system. The first found that passage of the Justice Reinvestment Initiative in 2014, designed to decrease the number of people sent to prison and decrease recidivism, had achieved just one of its goals: The number of people in prison--particularly low-level drug offenders--had gone down; but recidivism rates among those offenders had gone up.**58** “When lawmakers lowered the penalties for certain drug crimes, it led to more people receiving community supervision rather than prison time. But auditors say the state didn’t make that supervision count, failing to put in place procedures to ‘ensure oversight and accountability’ and only partially improved drug and mental health treatment….Sheriffs expressed concerns that their jails had become de facto mental health facilities, as low-level
offenders were locked up because there were no beds available at mental health centers.”

According to auditors, data wasn’t good enough to say how many offenders completed their treatment programs, so auditors were unable to say whether state money had been well spent. “Auditors suggested that if the Legislature wants that data, it should create a government body that develops statewide reporting standards and gathers that data,” finding that criminal justice data in Utah, as a whole, “is incomplete because of ‘silos’ across the system.”

The second audit, issued the same day, found serious and substantial issues with the way Utah’s entire criminal justice system shares data with police, prosecutors, judges, and others, and that much of the data needed to identify and assess the problems with specificity is not readily available due to diverse and siloed information systems and a lack of coordination and communication among the various geographic regions and levels of government, creating technical and administrative challenges and, in some instances, serious public safety concerns.

Because of under-reporting of warrants to the national data base “the vast majority of individuals wanted on felony and severe misdemeanor offenses in the State of Utah could evade the consequences of their behavior by simply crossing state lines,’ auditors wrote.” In addition, auditors found that Utah does not have a unified criminal justice information system because the system is decentralized among 130 local law enforcement agencies, 24 county jails, 29 county prosecutors’ offices and various state agencies, like the Department of Corrections, Board of Pardons and Parole and the Department of Safety. “When information is not shared between criminal justice agencies, operational effectiveness suffers, policies lack precision, and accountability weakens,” auditors observed.

In a legislative audit subcommittee meeting, the head of the Department of Corrections said he was overjoyed with the findings and recommendations. Senator Karen Mayne said passing legislation to revamp the way Utah’s criminal justice agencies share information would take a lot of work: “This is a huge overhaul, but I think we have the ability to put the pieces together.”

The Utah Citizens’ Counsel joins state and local officials and the public in:

- endorsing the recommendations of legislative auditors and urging lawmakers to create the structure and provide the funding to implement recommendations with respect to law enforcement and criminal justice data collection, assimilation, reporting, communication and transparency; and
- endorsing the recommendations of the Governor, members of the Legislature, the Salt Lake City Mayor, City Council and Salt Lake City Police Chief, to conduct a thorough assessment of police policies and practices, on a state and local basis, to identify equal justice issues, and fund and implement needed procedural and structural reforms.

The road ahead will not be easy; but the UCC offers the following roadmap to guide the process.
The Roadmap to Transformational Reform

Procedural Reform.
In the midst of similar violent unrest in 2014 and 2015, President Barack Obama convened a presidential Task Force on 21st Century Policing. The 11-member task force “included civil rights attorneys, community activists, academics and police professionals, who came together to develop specific recommendations and concrete steps for improving law enforcement and the relationship between the police and the community.” The Task Force’s final report in May 2015 “outlined specific improvements that can make policing more just, safe, effective and constitutional--and work better for everyone.” “The report addressed six ‘pillars,’” the first of which is “building trust and legitimacy--in recognition that they are not just prerequisites for police reform but for policing itself.”

The Task Force recommended that police departments have clear, specific policies on when officers can and cannot use force. Officers need “real-world training on when force is appropriate.” The report emphasizes the importance of community policing as a principle that “should be infused throughout the culture” of police departments, “with law enforcement, whenever possible, focusing on positive and productive nonenforcement interactions with community members.”

Reflecting on the work of the Task Force five years after the release of the Report, four Task Force members—law enforcement professionals all--mused that “[l]iving in a world where communities and the police are at odds is not a preordained reality. Our inheritance of racial inequality is not our destiny….We need one another, and the rest of the world needs an America that exemplifies freedom and the best of democratic values. The police will play a critical role in America’s future. Rather than a ‘Thin Blue Line,’ we must begin to see ourselves as a thread woven throughout the communities we serve and that hold together the fabric of democracy….We cannot lose focus once the streets become quiet, demonstrations subside and we get the sense that things are back to ‘normal.’ We must recognize that ‘normal’ is the problem. People are demanding a ‘new normal’–where equality and justice are real for all.”

During that same turbulent 2015 time period, the Atlantic released an article by Ta-Nehisi Coates, in which he articulates the over-arching challenge of criminal justice reform that provides equal justice for all, and illustrates not only the problem but also the solution:

“There is a tendency, when examining police shootings, to focus on tactics at the expense of strategy. One interrogates the actions of the officer in the moment trying to discuss their mind-state. We ask ourselves, “Were they justified in shooting?” But, in this time of heightened concern around policing, a more essential question might be, “Were we justified in sending them?” At some point, Americans decided that the best answer to every social ill lay in the
power of the criminal justice system. Vexing social problems—homelessness, drug use, the
inability to support one’s children, mental illness—are presently solved by sending in men and
women who specialize in inspiring fear and ensuring compliance. Fear and compliance have
their place, but it can’t be every place….

“When Walter Scott fled from the North Charleston police, he was not merely fleeing Michael
Thomas Slager, he was attempting to flee incarceration. He was doing this because we have
decided that the criminal justice system is the best tool for dealing with men who can’t, or won’t
support their children at a level that we deem satisfactory. Peel back the layers of most of the
recent police shootings that have captured attention and you will find a broad societal problem
that we have looked at, thrown our hands up, and said to the criminal justice system, ‘You
deal with this....’

“There is, of course, another way. Was Walter Scott’s malfunctioning third-brake light really
worth a police encounter? Should the state repeatedly incarcerate him for not paying child
support? Do we really want people trained to fight crime dealing with someone who’s ceased
taking medication? Does the presence of a gun really improve the chance of peacefully resolving
a drug episode? In this sense, the police—and the idea of police reform—are a symptom of
something larger....”

“There are many problems with expecting people trained in crime-fighting to be social workers.
In the black community, there is a problem of legitimacy.”

Coates points out that “for most [white] Americans, the police—and the criminal justice
system—are figures of authority. The badge does not merely represent rule via lethal force, but
rule through consent and legitimacy rooted in nobility.” “In contrast, “African Americans, for
most of our history, have lived under the power of the criminal justice system, not its authority.
The dominant feature in the relationship between African Americans and their country is
plunder, and plunder has made police authority an impossibility, and police power a
necessity....” “When African American parents give their children ‘The Talk,’ they do not urge
them to make no sudden movements in the presence of police out of a profound respect for the
democratic ideal, but out of the knowledge that police can, and will, kill them.”

This is the kind of history and cultural sensitivity training that police officers must be
trained to understand! They must be aware of what a person of color is likely thinking and
feeling, when approached by police. It is altogether different than what white citizens
generally have in their minds under similar circumstances. Furthermore, such knowledge,
understanding and empathy hold the key to deescalating potentially lethal encounters,
enhancing the chance that both the police and the public will get home safely.
The problem of restoring police authority,’ says Coates, ‘is not really a problem of police authority, but a problem of democratic authority. It is what happens when you decide to solve your problems with a hammer. To ask, at this late date, why the police seem to have lost their minds is to ask why our hammers are so bad at installing air conditioners. More, it is to ignore the state of the house all around us. A reform that begins with the officer on the beat is not reform at all. It is avoidance. It’s a continuance of American preference for considering the actions of bad individuals, as opposed to the function and intention of systems.”

**Structural Reform.**

That notion of structural change is at the heart of a brilliant article by Monica C. Bell, the Climenko Fellow and Lecturer on Law at Harvard Law School, and a Ph.D. Candidate in Sociology and Social Policy at Harvard University, in an article entitled “Police Reform and the Dismantling of Legal Estrangement,” published in the 2017 Issue of *The Yale Law Journal*. In the article, Bell observes that some scholars diagnose the problem of policing as one of ‘illegitimacy, i.e., that people lack confidence in the police and are, therefore, unlikely to comply or cooperate with them。” In response, they focus on “procedural justice and emphasize a police officer’s duty to treat people with dignity and respect, behave in a neutral and unbiased way, and exhibit an intent to help and give them voice to express themselves and their needs--largely in the context of police stops.”

Bell’s article argues, however, that legitimacy theory offers an incomplete diagnosis of the policy crisis, and, thus, deemphasizes deeply structural, group-centered approaches to the problem of policing. Instead, she “seeks to expand the predominant understanding of police mistrust among African Americans and the poor, suggesting that the concept of legal estrangement offers a better lens through which…policymakers can understand and respond to the current problems of policing.” A legal estrangement analysis focuses on the detachment and alienation of people of color and their sense that law operates to exclude them from society. It, therefore, points to structural approaches to reforming policing.

In so doing, Bell acknowledges that “the structural factors believed to contribute most fundamentally to cynicism, such as concentrated poverty, segregation and residential instability”--the problems of America’s broken opportunity structure--cannot be fully dismantled without fundamental shifts in economic distribution and eradication of racial discrimination. She argues that this “root causes’ mentality,” however, “encourages policy makers to ignore ways that policy practices and policy directly and actively contribute to legal estrangement and its concomitant racial and socioeconomic conditions.”

Instead, Bell suggests using a variety of strategies to address structures that contribute to legal estrangement, such as reorganizing police departments, shrinking and refining the footprint of
police, better compensating police, democratizing the police, and raising the stakes of Fourth Amendment jurisprudence.88

Transformational Change.
Illustrative of such a structural approach is Berkeley, California’s bold vision for policing’s future.89 In a remarkable move, City Council members passed several public safety reforms in a single omnibus bill, that included the creation of a new traffic enforcement agency, separate from the police department, a new network of first responders, a deep commitment to public safety data collection, dissemination and transparency, and significant budget reductions.90 In an article for Governing Magazine, Ryan Kost of the San Francisco Chronicle, explains what a traffic stop might look like, what happens when you call 911, and what police would do without the responsibility of handling traffic enforcement, homelessness, substance abuse and mental health crises, better handled by unarmed professionals, who can help community members get the help they need in a crisis. As envisioned, this new model will allow police officers to focus on the most critical threats to public safety, rather than minor traffic infractions that now take up 15-20% of their time, and relieve them of the burden of mental health and homelessness calls, which constitute more than 40% of their calls.91 In addition, it will allow them the time for community engagement and relationship building.92

City Council Member Ben Bartlett acknowledges that this new vision constitutes a “titanic” shift in the focus of policing and that Berkeley is trying to do something unprecedented, but city officials are clearly excited. “Essentially,” Bartlett says, “the vision for policing in Berkeley--and hopefully the rest of the country--is one of an elite cadre of licensed professional investigators who solve crimes.” “They wouldn’t feel like an occupying army and they wouldn’t feel like they are stuck in the dregs.”93 “I think it will lead to a happier force and better outcomes for the community.”94

The Utah Citizens’ Counsel believes such a bold vision is exactly what Utah policymakers should be considering and urges them to envision, fund, and implement their own bold design for equal justice under law in Utah. It would be our privilege to partner with you in that important and potentially transformational effort.
Endnotes for Personal Security Report

3 Ibid.
7 Ibid.
8 Data reflect that this disparity is largely due to differences in the treatment of drug offenses. Michelle Alexander, for example, identifies the sentencing disparity for crack cocaine vs. powder cocaine as a key technique, reflecting how prison sentencing reflects a new “Jim Crow” era. Michelle Alexander, The New Jim Crow: Mass Incarceration in the Age of Colorblindness (New York: New Press, 2012).
11 Ibid.
12 Ibid.
14 Ibid.
Salt Lake Branch NAACP Newsletter (undated), Summer 2020, 2.


Ibid.

Ibid.

Ibid. Profiling has been a serious problem since policing began, Representative Sandra Hollins pointed out. National data consistently reflect that people of color are pulled over, frisked and questioned at much higher rates than white individuals.

Ibid.

Ibid.

Ibid.


Ibid.

Ibid.

Ibid.

45 Ibid.
46 Ibid., A6
47 Ibid.
48 Ibid.
50 Ibid.
51 Ibid.
52 Ibid.
53 Ibid.
54 Ibid.
55 KUTV2, 10:00 o’clock News, October 3, 2020.
57 Ibid.
59 Ibid.
60 Ibid.
62 Ibid. In 2016, fewer than 1% of the state’s nearly 194,000 warrants – about 1600 – were reported to the National Crime Information Center, the Bureau of Justice Statistics reported.”
63 Ibid.
64 Ibid.
66 Ibid.
68 “There is a Playbook for Police Reform,” 2.
69 Ibid.
70 Ibid.
71 Ibid.
72 Ibid.
73 Ibid., 3.
75 Ibid., 3.
76 Ibid., 4.
77 Ibid.
78 Ibid.
80 Ibid., 2054.
81 Ibid.
82 Ibid.
83 Ibid.
For example, some scholars have argued that police practices directly contribute to persistent residential segregation. Police contact can negatively influence the prison reentry process, making it difficult for returning citizens to maintain employment and familial relationships. Multiple experiences with arrest of a parent can result in court dates for children that keep them out of school and siphon them into the criminal justice apparatus,” interrupting their education and ultimately placing them “at risk for incarceration and its related perils.” Ibid.


“In Sacramento, noncriminal traffic stops, medical and proactive incidents have, so far this year, accounted for 80% of how officers spend their time. Violent crime accounts for only 4%.” Ibid.
Social Support Systems Committee Report

Introduction and Summary of Major Positions

Today, 300,000 people in Utah cannot afford a decent place to live. Tens of thousands of Utah children arrive at kindergarten without the knowledge and skills they need to succeed in school. The current pandemic will surely add to these numbers. Investment in affordable housing and early childhood care and education programs would save Utah taxpayers millions now spent on social services and criminal justice to deal with the consequences of these deprivations. At the same time, a higher number of well-qualified workers paying taxes would support state economic development. Coping with the increased needs of those who have lost jobs and income due to the pandemic and giving special aid to the victims of systemic racism will require federal help. Meanwhile, important policies can and should be adopted at the state level to make progress on these issues. In the pages that follow we document the human needs that substantiate these recommendations for state action:

Overcoming the Impact of Childhood Poverty.

- Fund a pilot program developed at the University of Utah to increase the number of low-income families claiming the federal EITC and Child Tax Credits, and quickly implement it if successful.
- Establish a State Earned Income Tax Credit (EITC) at 10% of the federal level.
- Increase the minimum wage to at least $15/hour over four years, to help reduce the number of children living below the poverty level.
- Provide staff and funding for the Governor’s Early Childhood Commission and the Early Childhood Utah Advisory Council, to allow implementation of the Strategic Plan which was developed based on the 2019 Needs Assessment.
- Fund the proposals in the 2019 Needs Assessment to expand the early childhood education and care programs that mitigate the negative effects of poverty on children.

Increasing Affordable Housing.

- Analyze the housing status for different racial and ethnic groups in the 2020 State of Utah Affordable Housing Report.
- Subsidize the construction and preservation of more units of affordable housing through state bonding.
- Modify state and local statutes, zoning regulations, and residential design standards that inhibit affordable housing.
- Compile and publicize political subdivisions’ compliance with the 2019 requirement in SB34 to do more to facilitate moderate-income housing. We need to determine the extent to which communities outside Salt Lake City have increased affordable housing.
Impact of Poverty on Utah Children

Poverty harms children in ways that last a lifetime. Poverty does the most profound harm to children from birth through the age of five. The impact of the COVID-19 pandemic is likely casting thousands more Utah children into poverty. To give these children a decent chance at a fulfilling and productive life, and to employ public resources in the most cost-effective manner, we must decrease the number of children in poverty and mitigate its negative effects on those who remain poor. The need for action is most pressing for poor children from the racial and ethnic groups hit hardest by the virus.

In 2019, the National Academies of Sciences, Engineering, and Medicine (“the Academy”) issued a report at the request of Congress, reviewing the extensive scholarship on the many negative effects of poverty on young children, and determining the most effective programs to decrease childhood poverty by 50% in the United States within 10 years. The Academy affirmed that poverty, in and of itself, causes negative child outcomes, especially if it begins in early childhood and/or is persistent. Poverty does the greatest harm to small children because the earliest years of child development, ages birth through five, are foundational to building the brain’s architecture, which impacts a child’s lifelong learning, behavior, and health. These children will suffer from deficiencies in life skills that take much greater effort and expense to mitigate later in life through homeless facilities, remedial education programs, and increased costs for medical services, public safety, corrections, welfare, and food programs.¹

Numerous studies have demonstrated that when poor parents’ incomes are even modestly increased, their children are healthier, less subject to toxic stress, and more successful in school and in their subsequent lives.² The Academy found that child poverty costs the country as a whole $800 billion to $1.1 trillion each year – 4.0 to 5.4% of GDP³, so funds spent on decreasing childhood poverty would substantially decrease these expenditures and be cost effective.

These problems are becoming even more serious as the impact of the “pandemic recession” has dramatically pushed up poverty numbers all across the country.⁴ The massive job loss is already causing real harm to families. The Census Bureau’s Household Pulse Survey for the week ending July 21 reported about 20% of adults living with children said that their households didn’t have enough to eat in the past seven days. In Utah, 12% of families with children reported insufficient food for the previous week, and 16%, or approximately 138,000 children, live in households that are behind in rent or mortgage and/or didn’t get enough to eat.⁵

As Utah’s experience in the last decade indicates, economic expansion can do a lot to decrease the poverty rate.⁶ But indications are that recovery from the current recession will be slow and uneven. We must look elsewhere for the support our low-income residents (and particularly their young children) so urgently need. While local charity can help fill some immediate needs, federal and state government programs will be the major source of sustained relief.
Like all state governments, Utah has felt financial pressure from a combination of reduced state revenues and greatly increased needs of thousands of Utahns. In the last 15 years, Utah tax rates have dropped below the level necessary to fund the programs essential for meeting its citizens’ minimum needs. The strains of coping with the Coronavirus have greatly increased the gap between needed and available state resources. Under these bleak fiscal conditions, it is imperative to look first to policy options that bring the greatest benefit for the lowest cost.

**Reducing Childhood Poverty**

*Full subscription to the EITC and the CTC.* The most obvious opportunity is for Utah to mobilize to take full advantage of current federal anti-poverty programs. The state government could help finance a University of Utah pilot program to increase the number of low-income Utah families who take advantage of the federal Earned Income Tax Credit (EITC), and the Child Tax Credit (CTC), and thus provide a substantial amount of yearly additional cash to low-income workers.7

People must file a federal tax return to receive these credits. Often low-income people don’t have to file returns, but they forego these benefits if they don’t. In Utah, 25% of the EITC-eligible fail to file. The benefit structure of the EITC favors households with children, which in Utah narrows the target population to an estimated 30,000 non-claimant households with children. The participants’ average yearly benefit through the EITC program is $3,500. They could potentially receive an additional $2,800 from claiming the CTC and other benefits. Current tax law allows households to file taxes for up to three prior years, which means these families may realize even greater financial benefits.8

In order to increase EITC claimants, the Chairs of the Departments of Economics and of Family and Consumer Studies at the University of Utah, with other community partners, have proposed a program called Connect to Collect (“C2C”). The program aims to increase EITC participation in Utah by “hotspotting” areas of low participation/high need, and using trained volunteers to offer free tax filing services in locations frequented by eligible families. In these locations, eligible families are connected with trained Volunteer Income Tax Assistance (VITA) representatives ready to explain the tax credit programs and assist at no cost in claiming them on their tax returns.9 It would be highly cost effective for the state to give this program the financial support it needs to serve all eligible Utah workers.

*Enacting a State EITC.* Another State action which would modestly increase the cash available to low-income families at relatively little cost is enacting a state EITC. Utah’s 2019 tax reform bill included a state EITC provision which had a benefit equal to 10% of the federal amount, though only for families identified as experiencing intergenerational poverty. In the face of strong voter opposition to increasing the state sales tax on food, the Legislature repealed the
entire tax reform bill during the 2020 session. Utah should join 28 other states and make a state
EITC available to all federally eligible filers.

**Increasing the Minimum Wage.** Enacting an increase in the minimum wage, which has not been
increased since 2009, would give significant help to low-income families. Workers today earning
the federal and state minimum wage of $7.25 an hour are, after adjusting for inflation, paid 29%
less than their counterparts 50 years ago. Utah has not joined the 29 states which have enacted a
minimum wage higher than the federal level. A four-year program building up to a $15.00 per
hour minimum would provide meaningful aid, though it still would produce a wage level far
below that necessary to afford an average two-bedroom apartment in Utah.

Minimum wages are one of the most well-studied topics in economics. Although there
sometimes appears to be much controversy about size of the employment effects of the minimum
wage, the weight of recent evidence shows that minimum wage increases have worked exactly as
intended, by raising wages without substantial negative consequences on employment. Given the
increase in labor productivity in recent decades, a minimum wage of $15/hour is both fair and
socially affordable.10

**A universal child allowance.** The Academy report described earlier found that existing
government tax and transfer programs (Earned Income Tax Credit, Child Tax Credit, SNAP and
school breakfast and lunch programs, etc.) decreased the child poverty rate from 27.9% to 15.6%
between 1993 and 2016.11 After analyzing 20 program and policy options, the Academy found
that none of those options alone would reduce by 50% both childhood poverty and deep poverty
(family income below 50% of the poverty level). However, it found that the single most effective
option for reducing both poverty and deep poverty among children would be a child allowance of
$3000/year per child.12 At least 19 other countries have child allowance programs.13

**Mitigating the Negative Effects of Childhood Poverty**

**Early childhood education.** After years of study, our committee has determined that the most
effective policies for mitigating the devastating effects of poverty on young children are getting
them into high quality programs for children from birth to age 5, and their families into low-cost
housing. (A later section of this report addresses the housing issue.) The federal Early Head Start
and Head Start programs, as administered in Utah, provide excellent instruction for young
children, often for six hours a day. They address the children’s emotional and social development
as well as the scholastic skills they will need to do well in kindergarten and beyond. These
programs seek regular input from parents and help them with the at-home skills necessary to
promote their children’s development. The problem is that current Utah Head Start programs can
serve only 29% of eligible 3-5-year-olds and 11% of those under 3.14 Unfortunately, Utah has
not joined the 29 other states that provide state funds to help expand Head Start programs. We
urge significant state funding to allow expansion of this excellent program.
**Expansion and coordination of programs.** A variety of early childhood care and education programs are currently sponsored by county agencies, school districts, churches, and other groups. Community advocates including Voices for Utah Children and United Way have made vigorous efforts to expand and upgrade these programs. State-sponsored studies have highlighted the need for central coordination of the widely scattered efforts to provide these essential services for at-risk children.\textsuperscript{15}

**Support for Utah Early Childhood Commission and Council.** The 2019 Legislature established the Governor’s Early Childhood Commission (“the Commission”), and the Early Childhood Utah Advisory Council (“the Council”). A state-wide Needs Assessment, focused on Utah’s early childhood care and education system, provided insight into gaps and service needs.\textsuperscript{16} A Strategic Plan based on that Assessment was developed to guide the Commission and Council in aligning the fragmented services now available, and establishing appropriate additional services.\textsuperscript{17} This is an encouraging start, but the state needs to do more. As a first step, the Legislature should adequately staff and fund the Council and Commission, and prioritize implementation of the Strategic Plan. Ultimately, Utah, working in cooperation with federal programs, should develop and support a coordinated early childhood education program for all the children who need it.

**The Need for Housing**

Twenty-three percent of Utah children in 2018—215,000—lived in housing their families could not really afford. For Hispanic children the figure was 33%.\textsuperscript{18} They are victims of what the experts call housing insecurity. These families might be able to scrape together a few months’ rent, but then they get evicted. They might spend months bouncing among temporary digs supplied by friends and relations, only to find themselves in a homeless shelter when their luck runs out. This is a miserable situation for anyone, but its most severe consequences fall on children. Frequent moves often impose a toxic level of stress on young ones, stunting their cognitive and emotional development.\textsuperscript{19} Children forced to move among multiple schools in a single year are deprived of the continuity and support they need to keep up with their grade level.\textsuperscript{20}

**Racial disparities.** The crises of 2020 have dramatically demonstrated the importance of affordable housing and have also compelled a closer examination of the ethnic and racial composition of the low-income population. The annual State of Utah Affordable Housing Assessment has not reported data by ethnicity since 2017, but new data on homelessness in August 2020 confirmed substantial racial disparity.\textsuperscript{21} Also, in a survey in April 2020, 63% of professionals serving Utah’s multicultural communities reported that their clients were facing housing insecurity.\textsuperscript{22}
Homeless individuals and families are especially vulnerable to COVID-19 because of crowded congregate shelters or lack of access to hand-washing facilities for those unsheltered. Even minorities still in their own homes are more vulnerable because of smaller, more crowded, and sometimes multi-generational homes. The unequal burden born by Utah’s minority communities from COVID-19 and police violence suggests that we need better data on housing inequalities, too. Thus, the annual State of Utah Affordable Housing Report for 2020 should disaggregate housing data by racial and ethnic groups.

**Inadequate wages.** The great majority of the adults of all backgrounds who suffer from housing insecurity are in the workforce. A big underlying problem is that rental rates in the urban areas with the most jobs have grown much faster than wages. In its 2020 assessment, the National Low Income Housing Coalition reported that the wage needed to afford a median two-bedroom apartment in Utah was $19.83 per hour, much more than even the $15 per hour minimum wage we are recommending. Those on the lower rungs of Utah’s income ladder make barely half of the median rent cost. Families forced to spend more than 30% of their income on housing must stint on other necessities, including food, transportation, health and child care; yet over 43% of all Utah renter households paid more than 30% of their income on rent.

**Rental assistance.** The most effective short-term fix is expansion of rental assistance to limit all households’ spending on housing to 30% of income by providing the means for them to rent housing now out of reach financially. The main program to help low-income renters is the federally-funded Section 8 rental assistance program. Section 8 vouchers allow recipients to rent apartments on the open market and pay no more than 30% of their income. Even prior to the pandemic of 2020, however, the number of vouchers available was sufficient to assist just over 3 out of 10 low-income Utah households that paid 50% or more of their incomes for rent and utilities. Difficulties with the program also include a waiting list that is often in the thousands or closed altogether and some landlords’ unwillingness to rent to those paying with vouchers.

In the 2020 General Session, the Legislature rejected a proposal from the state’s hard-working Commission on Housing Affordability to appropriate state rental assistance funds. In summer, the Legislature did allocate $20 million of its federal CARES Act pandemic stimulus funds for rental assistance. Initially, assistance was targeted to those unable to obtain unemployment benefits. In August, eligibility expanded to include those also receiving unemployment, because the extra $600 per week in federal aid had ended, and landlords were authorized to apply on behalf of eligible tenants. These funds are still critical, despite a federal moratorium on most evictions for nonpayment of rent through December 31, 2020, because the moratorium only delays renters’ payments and risks massive evictions in January.

**Housing shortage.** Though the state has thus far declined to spend ongoing state funds for rental assistance, it has provided some support for development and preservation of affordable housing.
A big reason for high rents is that Utah has a statewide shortage of over 43,000 housing units available for those making less than 50% of the state’s median income. Over 29,000 subsidized housing units have been built in the last 40 years, most with federal tax credits, but the number of Utahns urgently needing such units has grown rather than declined. For at least the last ten years, the state has appropriated $2.423 million annually in ongoing funds and varying amounts of one-time funds for loans to help build or preserve affordable housing. In 2020, the Legislature approved an additional $10 million, one-time appropriation for this purpose, but the amount was later cut in half due to anticipated revenue shortfalls from the pandemic and recession.

Greater investment in affordable housing would boost the state’s economy. Governor Herbert’s Economic Response Task Force has recommended more state bonding for infrastructure, including housing, as part of the state’s plan for recovery from the pandemic recession, but so far, the Legislature has not done so. Construction of more affordable housing is complex and can face numerous impediments, but there are many steps the state can take to encourage it in addition to providing funds. For example, the state and its political subdivisions should study possible statutory changes to zoning and residential design standards that currently inhibit affordable housing.

Finally, the state should follow up on 2019 legislation (SB3400) requiring political subdivisions to strengthen the moderate-income housing elements of their general plans and to report to the state on their activities. The Division of Housing and Community Development should compile and publish a summary report on political subdivisions’ compliance with this requirement. Have any yet been denied transportation funds—the “stick” applicable in certain situations? Most important, to what extent and in which jurisdictions have the plans resulted in an actual increase in affordable housing?

**Conclusion**

In late 2020, many Utah residents are hurting badly. COVID-19 and the associated economic downturn have increased unemployment and poverty, especially among members of the state’s racial and ethnic minority communities, making decisive state action essential not only to alleviate the immediate problems of hunger and homelessness, but also to mitigate the consequences of long-term toxic stress on our state’s most vulnerable citizens. The research is unequivocal that such action will propel Utah’s economy and assure a more stable, productive and equitable future for all its people.
Endnotes for Social Support Systems Report


3 “A Roadmap to Reducing Child Poverty,” 3, discussed more fully in Conclusion 4, Chapter 4.


5 “Tracking the COVID-19 Recession’s Effects.”

6 Utah’s economic success over the past decade had decreased the percentage, and even the absolute number, of children in poverty. While 16% of children lived in poverty in 2010, that number was down to 10% by 2018. But though the poverty level for white children had declined to a pre-pandemic level of 7%, 19% of Latinx children, and 9% of mixed-race Utah children remained in poverty. “Kids Count Data Center,” Annie E. Casey Foundation, accessed July 12, 2020, https://www.aecf.org/work/kids-count/kids-count-data-center.


8 For example, a minimum wage worker in Utah, with 2 children, earns $14,500 a year, but is eligible for $1800 additional child tax credit, and $5810 in EITC. These benefits increase her income to $22,110. Similarly, if that same woman earned $12.50 an hour (about $25,000 annually), she would owe no federal income tax, and receive additional Child Tax Credit of $2800, and an EITC of $4565, for a total income of $32,365. A woman with two children earning $15.00 an hour (about $30,000) a year would owe no federal tax, and receive additional Child Tax Credit of $2800, and an EITC of $3512, for a total income of $36,312 (still not enough to pay for a two-bedroom apartment in Utah.) Thus, for very little expenditure of state funds to supplement the federal funds, thousands of low-income families could see a significant increase in available cash.

9 Kowaleski-Jones.


11 “A Roadmap to Reducing Child Poverty,” 4, discussed more fully in Conclusion 4-4, Chapter 4.

12 Ibid. The $3,000 child allowance reduced childhood poverty by 41% and met the goal of reducing deep poverty by 50% of the supplemental poverty measure, at a cost of $54 billion a year. The Academy also examined four different programmatic packages, each consisting of multiple policy changes. The package
that would cut poverty the most was built around a child allowance. An annual payment of $2,700 per child, coupled with work incentives (expansions of childcare, tax credits, and the minimum wage), would put an additional 600,000 adults to work and cut child poverty by 51%. The Academy didn’t explicitly say that a child allowance is the indispensable tool for cutting child poverty, but that seems to be the case.

11 Austria, Belgium, Bulgaria, Canada, Denmark, Estonia, Finland, France, Germany, Hungary, Ireland, Latvia, Luxembourg, the Netherlands, Poland, Romania, Slovakia, Sweden, UK. Jeff Madrick, *Invisible Americans: The Tragic Cost of Child Poverty* (Alfred A. Knopf: New York, 2020), 156. Presently, Canada’s Child Benefit program pays $4,803 per child (converted to U.S. dollars) for children under age 6, and $4,053 for those 6-17. That program would reduce childhood poverty in the U.S. by 53%, and deep poverty by 63%. Even more impressive, it would lower poverty among Black children from 23.7% to 9%; Latinx from 21.7% to 10.1% and whites from 7% to 3.6%. This program would add an additional $50 billion to $80 billion in costs, beyond the current U.S. Child Tax Credit, which excludes approximately one-third of needy children from receiving the full benefit. “What a Child Allowance Like Canada’s Would Do for Child Poverty in America,” *The Century Foundation*, accessed July 24, 2020, https://tcf.org/content/report/what-a-child-allowance-like-canadas-would-do-for-child-poverty-in-america/.


Taylor Stevens, “Racial Minorities Are Overrepresented in Salt Lake County Homeless System,” *Salt Lake Tribune*, August 13, 2020, https://www.sltrib.com/news/politics/2020/08/12/analysis-racial/. From July 1, 2019 to June 30, 2020, African Americans were 5.7 times more likely to seek homeless services in Salt Lake County than would be expected from their proportion in the county population. American Indian or Alaskan Natives were 3.9 times more likely. Pacific Islander populations, multiracial individuals, and Latinx communities show “similar disparities,” but specific figures were not provided.


According to federal guidelines, anyone spending over 30% of income on rent and utilities is considered “cost-burdened,” and those who spend over 50% are “severely cost-burdened.”

The U.S. Department of Housing and Urban Development will pay the other 70% up to Fair Market Rent (FMR), which is typically the 40th percentile of rent plus utilities for standard rental units in a local area. The FMR is determined annually.


Jess Peterson, Department of Workforce Services, email message to S. Olson, Oct. 28, 2020. As of October 28, unofficial data on rental assistance report 3289 applications from tenants, totaling $4.6 million, and approximately 1700 applications from landlords, totaling almost $3.7 million. Applicants must apply monthly, so figures represent months of rent paid, not the number of households assisted.


38 An Oregon law passed in 2019 to increase affordable housing by statewide up-zoning (which received a 2020 Ivory Prize for Outstanding Public Sector Achievement) could provide a helpful model. [Ivory Innovations](https://ivory-innovations.org/ivory-prize-2020-winner-announcement), Ivory Prize 2020 Winner Announcement, accessed August 19, 2020. The law requires all Oregon cities with populations over 10,000 to allow duplexes on all residential lots on which a single-family home is allowed. Cities over 25,000 must allow even greater density.
Participatory Governance Committee Report

Introduction and Summary of Major Positions

Utah needs and deserves more ethical, transparent government that better honors the role of citizen participation in governance. Where is our leadership failing Utahns? Among other things, the Legislature has been significantly modifying recent citizen initiatives legalizing medical marijuana, expanding Medicaid, and establishing a redistricting process to mitigate intentionally partisan gerrymandering. The Legislature lacks respect for the citizen initiative process and assumes it knows best, in spite of conflicts of interest and excessive financing from special interest groups. Along with the upcoming 2021 redistricting process, election processes assume more importance this year, and our report is a call both for informed citizen participation in our democracy and for governmental responsiveness. A summary of our top priorities is below. Explanations of the first four of our priorities are found on subsequent pages.

- Honest stateswomen and statesmen must be appointed to the 2021 Independent Redistricting Commission. Regardless of political affiliation, they must place the needs of our democratic republic ahead of partisan gerrymandering and honor the need for voters to elect their representatives and not for representatives to select their voters.
- The public must perform an important role in the redistricting process, insisting that the Commission adopt and implement the redistricting standards in the initial initiative and serving as a watchdog for the Commission’s work.
- As a national leader in vote-by-mail, Utah should continue to share its success and help other states adopt or expand it in the future and must continue to teach every registered Utah voter how to avoid making ballot mistakes. Utah elected officials must also continue to urge Utahns to understand the extra time required to count the paper ballots used in vote-by-mail systems. They must also explain, monitor, and safeguard the anti-fraud and anti-hacking measures used in our election processes.
- Ranked-choice voting (aka instant run-off voting) should be expanded to more Utah municipal, nonpartisan primary elections whenever more than two candidates are on the ballot, ensuring that election results reflect the wishes of a majority and not a mere plurality of voters. The Legislature should enact stronger legislation to encourage or incentivize ranked choice voting in such elections as the next step in evaluating RCV.
- Candidate access to the ballot by signature gathering must remain. In case the issue re-emerges in 2021, we refer readers to our 2018 report for details about the continuing, but currently latent, Republican Party opposition to allowing potential candidates to gather signatures as a means to gain access to the primary ballot. Republican Party leaders have wanted the Party to control which Republican candidates can appear on the ballot, but the Party convention in recent years has been dominated by delegates who do not represent the views of a majority of Republicans across the state.
Participatory Governance

2021 Redistricting and the Independent Redistricting Commission

The problem of undue partisan gerrymandering has received a great deal of national attention recently. Legislatures in one-party states have redrawn congressional and state legislative district boundaries after each 10-year census in ways which ensure that the party in power has more than its fair share of representation. The terms “packing” and “cracking” are used to refer to tactics whereby legislatures divide (crack) minority-party voters among separate districts to dilute their voting power and thereby reduce their chance of winning, or concentrate (pack) minority-party voters into fewer districts, allowing them to win more easily there while reducing their ability to have a chance to win in any other districts. How to determine mathematically when these techniques intentionally rob voters of their right to have their vote counted fairly has become a focus of intense interest.2

The U.S. Supreme Court ruled in 2019 that partisan redistricting was nonjusticiable,3 meaning that it was not for the federal courts to decide but was a political problem for Congress and the individual states to resolve. Utah’s successful 2018 Better Boundaries (BB) initiative sponsored by Utahns for Responsive Government (URG) would seem to fall within the scope of the kinds of state efforts that the Supreme Court said were not prevented by its decision.4

The 2018 BB initiative did not attempt to change the current understanding, based on the Utah Constitution, that ultimate authority to redistrict remains with the Utah Legislature. Instead, it created a seven-person Commission to recommend nonpartisan boundaries to the Legislature. The Commission consisted of two Republicans and one unaffiliated voter selected by majority party legislative leaders, two Democrats and one unaffiliated voter selected by minority party legislative leaders, and a chairperson appointed by the Governor. The Commission was charged with drawing maps of congressional, state legislative, and school board districts, based on updated population counts from the 2020 census and using a mandated set of nonpartisan criteria for map-drawing. A choice of a maximum of three maps per district was to be submitted to the Utah Legislature for its acceptance or rejection. If the Legislature declined to use a Commission map, it was required to explain how its substitute map still met the initiative’s redistricting standards. Its explanation and decision could be challenged in court.5

Notwithstanding the success of the ballot initiative, the Utah Legislature objected strenuously to public interference in what it saw as its own exclusive right to redistrict. A significant effort by URG to maintain the heart of the initiative resulted in a prolonged negotiation for a so-called compromise bill enacted by the 2020 Legislature and signed by the Governor. The new, 2020 enactment (SB 200)6 significantly waters down the initiative. Although it retains the Independent Redistricting Commission and the $1 million for staff support, it removes constraints on the former political or lobbying activities of the Republican and Democratic commissioners. It gives the Commission the authority to define and implement whichever of the initiative’s redistricting standards it chooses to adopt. It removes the right of private citizens to legally challenge the Legislature’s ultimate redistricting maps. It does not require the Legislature to even vote on any
map submitted by the Commission. In spite of such limitations, URG supported the compromise bill rather than lose the Independent Redistricting Commission entirely. The hope was that the Commission could function to recommend better redistricting maps than the Legislature alone would draw and create public pressure to select one of the maps submitted.

Now it is up to the legislative leaders to appoint Commissioners (by February 2021) who will honor their responsibilities and up to the public to do their jobs to ensure that the Commission functions in a nonpartisan fashion and builds momentum for reduced gerrymandering.

From our perspective, chief among the measures and values needed to ensure proper functioning of the Commission are:

1) A visible application process that is clear, easy to use, and open to eligible comers—which ideally should be made public by January 1, 2020;
2) Selection of Commissioners who are perceived by the public as good citizens, with meritorious and relevant backgrounds, representing a cross section of Utah residents;
3) A Commission committed to working together in common cause to achieve a fair process, with a chairperson who motivates members to abandon hidden political agendas.
4) A high turnout of well-informed voters at the seven hearings the Commission must conduct across the state;
5) Adherence by the Commission to the standards set forth in the original initiative⁷:
   • preserving communities of interest;
   • following natural, geographic, or man-made features, boundaries, or barriers
   • minimizing the division of municipalities and counties across multiple districts,
   • achieving boundary agreement among the different types of districts,
   • prohibiting the purposeful and undue favoring of (a) an incumbent elected official, (b) a candidate or prospective candidate, or (c) a political party.
6) Public’s willingness to submit their own maps for consideration;
7) Complete transparency of the Commission’s work, including its computer software and assessment tools, so that the public understands and appreciates the challenges involved in drawing fair maps that do not deliberately favor one political party over another;
8) Statewide media coverage of each phase of the Commission’s work;
9) Heavy public interest in and analysis of any maps drawn by the Legislature that substitute for the Commission’s recommendations;
10) Public ability and willingness to hold Utah legislators accountable for their decisions.

**Election Processes**

*Vote-by-Mail.* Utah adopted vote-by-mail ballot (also widely known as mail-in voting) in 2015 and now uses it statewide. Utah is one of 5 states (UT, CO, HI, OR, and WA) to have such a statewide ballot option. Most of the remaining states have a modified version of vote-by-mail—known as no-excuse absentee voting, which allows voters to request an absentee ballot without
having to state a reason such as medical infirmity or absence from the state on election day.\textsuperscript{8}

Various attempts were underway in a number of states to expand their mail-in system in time for the November 3rd election.

Some of the advantages of vote-by-mail are: (1) avoiding long lines and wait times on election day, thus greatly reducing health risks; (2) allowing voters more time to study the ballot and seek information on candidates and ballot questions; (3) making voting more convenient by not requiring voters to show up at a polling place; (4) increasing early voting, thus reducing the effectiveness of last-minute dirty campaigning; and (5) creating a paper trail for auditing purposes!

Vote-by-mail has been well accepted in Utah. The ballot is mailed to registered voters two to three weeks prior to election day, and about 90\% of voters are now using it.\textsuperscript{9} They can mail their ballots (pre-paid by most Utah counties) through the U.S. Postal Service\textsuperscript{10} or drop them into special drop-boxes. This pandemic-year, each county was asked to provide more drop boxes. In-person voting remained available, but provisions for outdoor voting were to be available if a health emergency made them necessary. No known attempts to suppress voting emerged.

Allegations that vote-by-mail increases fraud are unsubstantiated. States that use vote-by-mail have documented only miniscule fraud problems, far fewer than would be needed to affect the outcome.\textsuperscript{11} In Utah, an early problem of some LDS parents signing absentee ballots for their missionaries was discovered easily because the forged signature did not match the signature of the registered voter. In other words, the authentication procedure worked.\textsuperscript{12}

A theoretical problem called “ballot harvesting” (where someone collects a group of ballots, say, from a nursing home and that person could potentially influence the voters as they complete their ballots) has also been virtually nonexistent. It is handled in Utah by an updated 2020 statute prohibiting its use except in unusual circumstances (for instance, if issues arising from disability, age, or illness prevent a few voters from mailing their own ballots).\textsuperscript{13}

The bigger need, in the aftermath of this year’s general election, is for election officials to continue to urge patience as vote counts proceed and to extend efforts to explain procedures to authenticate mail-in ballots and minimize fraud. Going forward, they should continue to work to eliminate occasional mistakes in the printing and distribution of ballots in local jurisdictions and always insist that election outcomes be allowed to proceed under the rule of law and ensure that the public can trust that outcomes are accurate.

**Ranked Choice Voting.** What is ranked choice voting (RCV)? It is an election process that allows or requires voters to rank order their candidate preferences when more than two candidates are running for the same spot. Then, if no candidate acquires a majority of first place votes, more rounds of counting votes are used to produce a winner with the broadest public support. RCV is gaining interest across the country as a way to promote more democratic elections, rather than producing winners who have gathered only a plurality of support. Under
RCV, if no one is the majority winner after the first round of counting, the candidate with the fewest first place votes is eliminated, and the ballots favoring the eliminated candidate are recounted in favor of the candidate who was ranked second on those ballots. The same process of elimination continues until a candidate achieves a majority of the votes.

The current system. In recent multiple-candidate elections in Utah and across the country, the current system has allowed a candidate receiving less than a majority of votes to be elected to office. This occurs where nonpartisan municipal elections have multiple candidates and the votes are split so that no one receives a majority of the votes, forcing a run-off election. It also occurs in political party primary elections where the outcome in a voting district (like many of Utah’s one-party districts) or a one-party state (like Utah) effectively determines the outcome of the general election. It has also occurred in national presidential primary and general elections. In these situations, having a mere plurality winner harms our belief in majority rule.

Potential Advantages of RCV

1) A plurality doesn’t determine the outcome.
2) It can reduce partisanship and negative political advertising because candidates do not want to antagonize voters who might otherwise rank them second.
3) Voters can vote their conscience rather than feeling obligated to vote for the candidate with a better chance of winning.
4) One’s vote isn’t wasted if a favorite candidate drops out of the race prior to the election, because the voter’s other preferences still count.
5) It eliminates the need for a run-off election to get a majority, saving money and time.
6) It has worked in political party convention elections in many states.
7) It may encourage a bigger voter turnout.
8) It allows more than two candidates to compete without fear of “splitting the vote” among like-minded individuals and letting a fringe candidate slip through.
9) It creates incentives for candidates to reach out to a larger audience of voters, rather than just one political base.

A couple of examples out of many illustrate problems with plurality elections. In Utah’s 2020 Republican gubernatorial primary, well over 60% of the voters voted for someone other than the winner, who then became the general election winner in Utah’s overwhelmingly Republican state. In the 2016 presidential election, six states gave all their electoral college votes to a candidate who received only a plurality of votes in those states. In both examples, it is not known whether a different candidate would have won using an RCV process.

Potential Disadvantages of RCV

1) All primaries tend to attract only a plurality of eligible voters, so RCV may not overcome that problem and not be worth the time and effort for the county clerks.
2) It requires educating the public to a new method of voting (e.g., explaining that voters are free not to rank any candidate deemed unacceptable) and may produce more invalidated ballots or staff time to determine voter intent.

3) Transition to RCV can take money and time: Among possible costs: replacing outdated equipment, training staff to use new software, and redesigning the ballot.

4) The ballot may be cumbersome and require extra pages, depending on ballot design;

5) Some prefer runoff elections for the top 2 candidates as a better expression of the public will.

6) It may not produce a different outcome from the current method (i.e., the plurality winner would end up being the RCV winter)

7) It may produce more litigation on the part of losing candidates, as it has in Maine.

Who’s Using RCV? Ten states now use RCV for some local elections (CA, UT, CO, NM, MN, VA, MA, TN, MD). Five states used it in the 2020 Democratic presidential primaries (WY, KS, AK, MT, and HI). Maine uses RCV in federal elections and state-wide primary elections. Six states use it in military and overseas elections (IL, SC, LA, MI, AL, AK, presumably because there isn’t time for an overseas run-off election). Utah, Virginia, and Indiana have used it in political party conventions. A growing number of cities are using it, among them Santa Fe and Las Cruces NM; Cambridge, MA; Oakland and San Francisco, Minneapolis and St. Paul; with NYC starting in 2021.14 In the 2020 election, Massachusetts rejected an RCV proposal for state and federal legislative elections (presidential elections were not part of the proposal). An RCV proposal in Alaska that was part of a bigger reform package on the 2020 ballot appeared headed for defeat as of November 8th.15 Many lawsuits have tried but failed to overturn Maine’s federal RCV elections, but new attempts keep arising.16

The Utah Experience. Utah legislation (2018) allows local governments to adopt RCV in its Municipal Alternative Voting Methods Pilot Program.17 Two Utah County towns, Vineyard and Payson, chose to do so for their 2019 city council elections. Over eighty percent of surveyed respondents found it very or somewhat easy to use and wanted it used again. Three-fourths of the candidates also supported the process; the rest expressed no opinion. A 2020 legislative resolution (HCR8) passed, encouraging other municipalities to adopt RCV to avoid the need for a runoff election.18 (In effect, the primary becomes an instant run-off election, i.e., the final election.) Interest in mandating its use in nonpartisan municipal elections is building.19

Utah’s limited experience with RCV means that the public may not yet be ready to support it.20 Like vote-by-mail, which took several years for statewide support, more experience at local levels may be where to expand. If the results produce more majority winners and can be scaled up to be economically and logistically feasible, then RCV could be expanded to larger cities or statewide elections. We like the purposes of RCV but support more RCV experience before adopting it in place of the current system.
Endnotes for Participatory Governance Report

1 2018’s successful ballot Proposition 2, legalizing medical marijuana, was substantially altered by the Legislature, as was Proposition 3’s successful Medicaid expansion and Proposition 4’s successful establishment of an Independent Redistricting Commission. Opposing such legislative alterations, Representative Angela Romero introduced a bill (HB112) in the 2020 legislative session that would have required voter approval of any legislative bill that amended the substance of an initiative approved by the voters. The bill did not receive a hearing.


4 Ibid. The Court said that a number of states were addressing the issue of excessively partisan gerrymandering through state constitutional amendments and legislation that placed power to draw electoral districts in the hands of independent redistricting commissions. It said that nothing in its decision prevented those efforts.


6 SB200 is found at https://le.utah.gov/~2020/bills/static/SB0200.html.

7 The Legislature introduced an additional standard: i.e., preserve “cores” of former districts. “Cores” are not defined, but some think it means preservations of core constituents in former districts.


10 In counties that do not pay the return postage, the Post Office will return ballots lacking postage to the correct county anyway.

11 Oregon, for example, has "sent out more than 100 million mail-in ballots since 2000, and documented only about a dozen cases of proven fraud. That’s 0.00001% of the votes cast." See Wendy Weiser, “To Protect Democracy, Expand Vote By Mail, Brennan Center for Justice, June 30, 2020, accessed August 8, 2020, https://www.brennancenter.org/our-work/analysis-opinion/protect-democracy-expand-vote-mail.


13 SB6009 (2020), UCA 20A-3a-501. Other exceptions are if the person delivering the ballot lives in the same house as the voter or is an authorized election worker. The USPS is critical for rural Utah residents. According to the Rural Utah Project, in some communities, “not mailing your ballot means your best chance of voting is a two hour drive away. Unlike many metropolitan areas around the country, Garfield
County, Utah, does not provide ballot drop off locations for voters. If not for USPS, voters are left without a paddle. . . .” Email to D. Huefner from info@ruralutah.org, August 25, 2020.

1 These data come from FairVote.org, a national advocacy group particularly promoting RCV in the 2024 presidential primaries. See also Bill Theobald, “Ranked Elections rejected in Massachusetts, in Doubt in Alaska.” The Fulcrum, November 4, 2020, accessed November 6, 2020, https://thefulcrum.us/ranked-choice-voting-massachusetts-2648622323. The Fulcrum article reported that in the 2020 election, RCV was approved for municipal elections in 2 cities in California, 2 in Minnesota, and 1 in Colorado.

1 “Ranked Elections rejected in Massachusetts, in Doubt in Alaska.” The Alaska proposal was more complicated and included 3 topics: RCV for some state and federal elections; open top-4 primaries; and campaign finance disclosure reforms. For more detail about the proposals, see https://ballotpedia.org/Massachusetts_Question_2,_Ranked-Choice_Voting_Initiative_(2020) and https://ballotpedia.org/Alaska_Ballot_Measure_2,_Top-Four_Ranked-Choice_Voting_and_Campaign_Finance_Laws_Initiative_(2020).

1 Maine has had a series of court cases challenging RCV in both state and federal court. A federal district court has twice upheld Maine’s law from constitutional challenges by the loser of a 2018 congressional race. Maine’s Supreme Judicial Court has also ruled against proponents who wanted to overturn RCV. This past October, it denied a request by the Maine Republican Party for a stay of the court’s earlier denial of a proposed referendum on the November ballot asking voters to overturn Maine’s 2019 RCV extension to presidential elections. The Court denied the request because voting by absentee ballot was already underway and, in addition, it again affirmed the determination of the Maine Secretary of State that the referendum had failed to obtain enough eligible signatures for placement on the ballot. Scott Thistle, “Maine’s high court denies request to put ranked choice decision on hold,” October 2, 2020, accessed October 26, 2020, https://www.pressherald.com/2020/10/01/maines-high-court-asked-to-put-hold-on-ranked-choice-voting-decision/. The Maine Republican Party appealed the decision to the U.S. Supreme Court, but the last-minute appeal was rejected by Justice Breyer, acting for the Court. David Sharp, “Supreme Court turns away Maine GOP appeal on ranked choice voting,” October 7, 2020, accessed October 26, 2020, https://wgme.com/news/local/supreme-court-turns-away-maine-gop-appeal-on-ranked-choice-voting.


Conclusion: Tax Restructuring Committee Report

Introduction

The preceding committee reports have called upon the State of Utah to increase its investment in many public needs. The role of Utah’s state and local tax system is to raise revenue to provide such essential public services. In recent years, policy makers have recognized that the system needs updates to adapt to changing economic conditions and reflect other policy considerations.

The Utah Citizen’s Counsel (UCC) followed the Utah Legislature’s restructuring efforts over the past two years. We attended legislative committee meetings, testified at public hearings of the Tax Restructuring and Equalization Task Force, and took positions urging postponement and more extensive study. The tax reform plan that eventually passed the Legislature in 2019 ultimately failed to receive public support and was rescinded by the 2020 Legislature.

This concluding section of our 2020 report is based on the positions and priorities that are documented and explained in the preceding reports, as well as UCC positions on tax restructuring that emerged from our examination of the tax restructuring efforts of the 2019-2020 legislative sessions. Fundamentally, the UCC believes that our state and local tax system does not yield sufficient revenue to properly address the state’s education, health and human services, and physical infrastructure needs.

Below is a statement of principles that we believe should guide changes to Utah’s state and local tax system, followed by a statement of priorities for increased spending, and options to increase revenue, all of which deserve serious, detailed consideration by the Utah Legislature.

Principles

The UCC believes that an optimal state and local tax system:

1. Raises sufficient revenue to meet public needs.
2. Includes a diversity of sources to provide reasonable stability in changing economic conditions.
3. Ensures a fair distribution of the tax burden, recognizing differences in ability to pay.
4. Is accountable to taxpayers and avoids conflicts of interest and special treatment of narrow interests.
5. Minimizes the nontransparent use of tax preferences and establishes clear, regular, and independent evaluation for public review; or replaces them with direct, visible appropriations, subject to annual justification.
6. Ensures that taxes are simple to pay and simple to collect.
7. Is economically neutral, not unduly influencing spending and investment choices, except as incentives encouraging market decisions having broad public value (e.g., taxes and fees for highway usage) or to discourage externalities causing public harm (e.g., carbon tax to reduce pollution or global warming).
Priorities for Increased Expenditures

State tax revenues are used for three major spending priorities:

1. Public education and higher education, funded primarily from taxes on income and including all of Utah’s public schools, colleges, universities, and technical colleges.
2. Programs that provide essential health and human services, funded primarily from the General Fund (sales tax receipts) and including health care, employment services, family and disability services, criminal justice, environmental health, and conservation of natural resources.
3. New infrastructure and maintenance of existing infrastructure, partially funded from user fees, & including public buildings, water conservation projects, and transportation (public & private).

We see inadequate funding for many of these programs and believe enhanced revenue is needed:
   a) to strengthen the quality of the public schools and develop a statewide, high-quality preschool system,
   b) to adopt policies that enhance economic inclusion, including a livable wage for all workers, and ensure non-discrimination in hiring practices and employment;
   c) to increase the availability of affordable housing and reduce poverty,
   d) to ensure access to child care for working parents,
   e) to address crucial criminal justice and law enforcement reforms,
   f) to improve environmental health programs that conserve natural resources and reduce air, water, and ground pollution,
   g) to provide improved preventative health services and access to quality, individual health care services at a reasonable cost;
   h) to support universal broadband to allow modern delivery of many of these programs.¹

Options for Raising Sufficient Revenue

Policy makers should consider the following changes to various tax bases and rates, consistent with the principles stated above:

1. Gradually broaden the sales tax base in a way that reflects the economy as a whole, supports economic neutrality, protects interstate competitiveness.
2. Eliminate the current state sales tax earmarks that subsidize highway construction.
3. Find new sources of revenue for highway construction and maintenance, including increasing the motor fuel tax and user fees on trucks (to reflect the added impact that these vehicles have on road maintenance costs), and imposing tolls where appropriate and feasible.
4. Adopt a revenue-neutral carbon tax to decrease negative externalities (e.g., adverse health conditions, air pollution, and climate warming) associated with the burning of fossil fuels.
5. Increase bonding for roads and housing construction when interest rates are low.
6. Free up current capital reserves now held for projects that are an inefficient use of resources and environmentally unhealthy (e.g., Lake Powell Pipeline, Bear River Dam, Inland Port).
7. Encourage water districts to increase tiered user rates to encourage conservation.
8. Review sales tax preferences and tax preferences for economic development. If they are no longer justified, then eliminate them; if the performance requirements for economic development purposes are not met, then exact a tax repayment obligation.
9. Adopt a modest increase in the progressivity of the state individual income tax rate.
10. Maintain the rate floor of the minimum basic state property tax beyond its FY 2023 expiration date, to allow increases in property tax revenue as property values increase.

Conclusion

A society’s productive resources consist of both its human capital and physical infrastructure. Utah’s leaders should provide thoughtful and careful attention to both by making investments that will maintain a healthy economy and a flourishing culture.

Utahns’ tax burden has been falling while its physical and cultural infrastructure needs have been growing. The percent of total personal income paid in state and local taxes dropped from 11.1% in 2000 to 9.6% in 2014. A recent Utah Foundation report noted that Utah’s tax burden in 2016 was its lowest in 25 years, at $103.86 per $1,000 of personal income. By that year, the report also showed that Utah’s tax burden had fallen to 31st in the nation, while in 2003 and 2004, Utah had the sixth highest tax burden in the nation. Since 2000, the school-age percentage of the population has remained over twenty percent, and needs of the school-age population from an increasingly diverse society have grown.

This falling tax burden is the result of a number of factors, including the 2007 introduction of a single income tax rate of 5%; a combined legislative cut of $400 million to state individual income taxes, sales taxes, and business taxes in 2006 and 2007, and Utah’s “Truth in Taxation” law that constrained the growth in property tax revenue by requiring public notice and hearing if a local taxing entity wished to budget more than the existing amount of property tax revenue. During its 2018 General Session, the Legislature cut the individual income tax rate from 5% to 4.95%, reducing individual income tax revenue by about $56 million in FY 2020.

Prudent policymakers know that needed up-front investments can save money in the long run. This applies both to physical infrastructure and human capital. Keeping up with physical infrastructure needs avoids future remedial costs. Similarly, investments in such areas as physical and mental health care, child poverty reduction, quality public education, criminal justice reform, and clean air and water save taxpayers from higher costs of dealing with the consequences of future deprivation and disease. This year’s pandemic and economic downturn have revealed and dramatized where our human service needs are greatest. They provide opportunities to do something now to assure that Utah residents can enjoy a more productive, more equitable, safer, and more promising future.
Endnotes for Conclusion: Tax Restructuring Report


4 In 2000, 22.8 percent of the state’s population was school age, and in 2018, 21.5% of the population was of school age. See “Demographic Profile” (November 2019), Kem C. Gardner Policy Institute, accessed October 30, 2020, https://gardner.utah.edu/wp-content/uploads/State-of-Utah-Demographic-Profile-2010-2018.pdf.


7 Fiscal Note for HB293, Fifth Substitute, 2018 General Session,” Office of the Legislative Fiscal Analyst, accessed October 27, 2020, https://le.utah.gov/~2018/bills/static/HB0293.html. The cut to the individual income tax rate was meant to offset, in whole or in part, the anticipated increase in state income tax revenue caused by zeroing out the federal personal exemption in the 2017 federal Tax Cuts and Jobs Act. The 2018 legislation also reduced the state corporate income tax rate from 5.0% to 4.95%. The modification of the state corporate income tax will reduce Education Fund revenues by an additional $27.6 million beginning in FY 2022 when the change is fully implemented.