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Overall Education Funding Narrative

- A number of years ago, with the lowering and flattening of the state income tax, the Legislature laid the groundwork for a competitive economy that would allow us to attract new businesses and jobs and result in growth, low unemployment and rising wages
 - This strategy has been enormously successful and Utah has enjoyed one of the most robust economies in the nation since that time
 - This has led to higher incomes and increased state tax receipts, which has allowed the state to fund education at historic levels.

- As a result of the recently-passed federal tax reform, and a projected windfall to the state, we were able to cut the state income tax rate yet again, from 5% to 4.95% in order to reinforce our competitive edge and allow our economy to continue to prosper
- Utah has funded education at historic levels since 2015
- Total new state education dollars over the last four years has exceeded \$1.7 billion
 - \$1.1 billion of that has gone toward K-12 education
 - The remaining funds have been dedicated to higher ed
- This year, FY 2019, even with the tax cut, we are continuing the trajectory of record education funding
 - 61% of our overall state tax dollars are dedicated to education
 - 46% toward the funding of K-12, about \$3.3 billion
 - 15% toward higher ed, about \$1 billion
 - Of new state funds 57% are devoted to overall education funding, K-16, in the amount of \$459 million
 - 35% to K-12, a total of \$282 million
 - 22% to higher ed, a total of \$177 million

Public Education

The Utah Legislature was able to continue the trajectory of the recent past with historic levels of new education funding. Schools will see a \$282 million increase this year, and a total of \$459 million when combined with higher education. Since 2015, over \$1 billion in new money has been injected into K-12 education in Utah.

- 35% of new state funds this year were devoted to K-12
- Education property tax changes/tax rebalancing, [HB 293](#) (please see “Taxes” for talking points)
- Funded enrollment growth of \$35,228,100
- \$10 million added to the digital teaching and learning grant program to support school technology plans
- \$4.7 million for initiatives to help student succeed, including mental health, college preparation, targeted financial aid and mentoring for at-risk students
- \$5.8 million for the kindergarten supplemental enrichment program established in [HB 168](#) (2017), for the State Board of Education to develop kindergarten entry and exit assessments and to administer the grant program.
- \$1.7 million for early intervention reading analytical software to be able to identify struggling students early
- \$3 million in additional ongoing funding for the early intervention reading program
- Carson Smith Scholarship for special needs students increased by \$400,000

- \$700,000 to add dual language immersion programs in five new schools and serve an additional 6,700 students (new and existing programs)
- Complete recodification and reorganization/cleanup of education code with [HB 10](#), [HB 11](#), [SB 11](#) and [SB 12](#).
- [HB 46](#), Educator Licensing Modifications, authorizes the implementation of an educator licensing system, repeals the requirement that a superintendent hold a license and specifies that youth suicide prevention training for employees requires *a minimum* of two hours of training *every three years* (italicized words are newly added).
- [HB 231](#), Charter School Funding Amendments, would not allow charter schools that go over their enrollment cap to receive additional funding until every school under enrollment is funded.
- [HB 233](#), Teacher Salary Supplement Revisions, increases the salary supplement for special education teachers to \$4,100.
- [HB 236](#), Public Education Reference Check Amendments, requires an education agency to make certain reference check requests and respond quickly when they receive such requests in order to protect the students in their care.
- [HB 264](#), Elementary School Counselor Program, creates a program for elementary schools to receive a grant to hire a counselor or social worker for targeted mental health support in schools with a large number of high risk students and students experiencing intergenerational poverty.
- [HB 313](#), Public School Revisions, changes how the State Charter School Board is appointed by allowing all appointments made by the governor, subject to the approval of the Senate. Requires the establishment of rules establishing minimum standards for charter schools and changes the status and powers of the State Charter School Board.
- [HB 317](#), Special Education Amendments, extends the State Board of Ed's responsibility for the education of students with disabilities to those younger than 22 (from 21).
- [HB 380](#), Utah School Readiness Initiative Amendments, strengthens and expands an existing school readiness program for at-risk children that provides high quality preschool programs. It includes entry and exit assessments, as well as program requirements.
- [HB 408](#), Public Education Amendments, creates the program Utah Leading Through Effective, Actionable, and Dynamic Education and authorizes the director to collaborate with participating universities and create and maintain electronic resources and a research clearinghouse.
- [SB 87](#), School Security Locks, amends code regarding hardware height and provisions for locks and bolt locks on doors for use during a school lockdown.
- [SB 115](#), Upstart Program Amendments, permits the State Board of Education to issue an RFP and enter a contract for a two-year pilot of a home-based educational technology program.
- [SB 127](#), Reading Software Program Amendments, eliminates public school usage requirements for early interactive reading software and authorizes the State Board to acquire

certain analytical software to monitor the use of interactive reading software and its impact on performance.

- [SB 132](#), Competency-based Education Amendments, repeals a limit on the number of planning grants the State Board of Ed may award for competency-based education because of high demand for these grants.
- [SB144](#) Authorizes a local school board to unlock significant new revenue sources from debt service or capital local levy for technology and infrastructure projects and programs in our schools.
- [SB 145](#), School Funding Revisions, changes the definition of at-risk so more factors are included, including homelessness and chronic absenteeism and puts money into programs for those school districts that are unable to create enough revenue through their own local tax.
- [SB 153](#), Carson Smith Scholarship Amendments, adds deafblindness as a qualifying disability to be eligible for a Carson Smith scholarship.
- [SB 173](#), State Charter School Board Amendments, amends the State Charter School Board membership by adding a member with expertise in personalized learning who supports innovation, in an effort to improve outcomes for charter schools.
- [SB 194](#), Early Literacy Program, amends provisions related to the consequences of a district or charter schools failing to meet a goal in the school's plan related to early literacy, requires the State Board to provide support for those schools.
- [SB 198](#), School Disciplinary Action Amendments, requires the State Board of Education to work with schools and law enforcement agencies to compile an annual report regarding disciplinary actions related to students and other information regarding race, gender, age and disability status of a student involved in law enforcement and disciplinary actions.
- [SB 232](#), School Transportation Amendments, subject to legislative appropriations requires the State Board of Education to reimburse student transportation costs incurred by rural schools and charter schools.

Higher Education

- \$68 million for Davis Technical College Allied Health Building
- \$17 million for Dixie State University Human Performance Center
- [HB 116](#), Student Civil Liberties Protection Act, requires state institutions of higher education to review their policies to ensure none of them violate students' civil liberties and if they do, to amend them. It also permits a student to submit a complaint about a school policy to the State Board of Regents.
- [HB 300](#), Higher Education Modifications, makes changes to the appointment of local boards of directors in the Utah System of Technology Colleges, does away with the requirement of Senate consent for the student member of the State Board of Regents and provides that board

members may be removed by the governor for cause. It also establishes the Higher Education Strategic Planning Commission.

- [HB 349](#), Higher Education Legacy Scholarship Amendments, repeals a provision that restricts a student from counting time toward establishing resident student status while the student receives an alumni legacy nonresident scholarship.
- [HB 437](#), Career and Technical Education Scholarships, creates a scholarship to a technical college for individuals enrolling in a high demand program who makes satisfactory progress in a career and technical education pathway.
- [SB 104](#), Talent Development and Retention Strategy, creates the Talent Development Incentive Loan Program to award forgivable loans to individuals who graduate in programs that lead to jobs in high demand the state. It also allows private businesses to help fund the scholarships.
- [SB 147](#), Nursing Initiative, provides a process for funding to meet the projected demand for nurses.
- [SB 162](#), Intergenerational Poverty Matching - Education Savings Plan, removes restrictions on the age of students who can participate in this savings program by allowing anyone who meets the criteria and is under the age of 20, and provides matching funds.
- [SB 195](#), Credit Acceptance by Higher Education Institutions, requires an institution of higher education to accept general credit from a regionally accredited institution or an approved private provider.
- [SB 207](#), Student Data Protection Amendments, requires an education entity to receive written consent in order to share personally identifiable student data and requires notice in order to collect student data.
- [SB 209](#), 529 Savings Plan Amendments, modifies the eligibility criteria for a beneficiary of the plan to include a child in a household receiving services for low-income households or individuals.

Regulation Reduction

- [HB 36](#), Free Expression Regulation Amendments, requires that a political subdivision ensure that restrictions on expressive activity on public grounds comply with constitutional requirements, that the restrictions be adopted by ordinance and prevents the political subdivision from prohibiting political activities on public grounds.
- [HB 173](#), Occupational Licensing Requirement Amendments, allows DOPL to issues a license to a Utah resident who has been licensed in a trade, profession or occupation in another state and has at least one year experience in that state and the experience and skills necessary to demonstrate competence.
- [HB 181](#), Home Consumption and Homemade Food Act, states that home-based producers may be exempt from certain state, county or city regulations regarding the preparation,

serving, use, consumption or storage of food and food products that are produced and sold within the state, sold directly to an informed end consumer and for home consumption if they include a disclosure that the food was processed or prepared without government inspection.

- [SB 108](#), Raw Milk Amendments, allows the sale of raw milk at a farmer's market and from a mobile refrigerated truck and exempts the sale of a limited amount from certain regulations.
 - Up to 120 gallons/month may be sold directly to the consumer if:
 - it is for household use
 - sale and delivery is upon the premises where the milk is produced
 - The producer labels the raw milk as specified
- [SB 129](#), Private Investigator License Revisions, reduces the number of hours of investigative experience from 10,000 to 5,000 to apply for a private investigator agency license, in addition to other requirements.
- [SB 167](#), Food Truck Regulation Amendments, simplifies and builds on the work of [SB 250](#) (2017), which prevented a political subdivision from requiring multiple business licenses, permits or fees and required reciprocity between local health departments and fire inspections. This bill simply cuts through some of the red tape and cleans up problems with the last bill by restricting the ability to regulate a food truck through a land use or zoning ordinance and prohibiting certain regulation, including on private property.

Taxes (as per Jonathan Ball)

- [HB 293](#), Tax Rebalancing Revisions:
 1. Reduces the state income tax rate from 5% to 4.95% (-\$53M).
 2. Expands mandatory single sales factor apportionment to make Utah more competitive for business (\$0 this year, -\$28M in FY 2022).
 3. Freezes the basic property tax levy for five years and uses new revenue to equalize other education property taxes (+\$36M).
 4. Indexes the basic levy to legislated changes in the weighted pupil unit value and places new revenue into the Teacher and Student Success Account (+\$19M).
 5. Expands the “circuit breaker” property tax credit for low income homeowners (-\$180,000).
 - Because of the phase-in of single sales factor, increases total revenue by \$1.6 million in FY 2019 and \$21.6 million in FY 2020.
 - Lowers income tax revenue by \$53.1 million and increases property tax revenue by \$54.7 million in FY 2019.
 - (The fiscal note shows \$103 million and \$123 million because of a \$101 million transfer from the Education Fund to new accounts created in the bill. That transfer is just an accounting function and is offset in the expenditure section.)

- Increases funding for education by \$55 million, \$37 million of which is used for equalization of local property taxes and \$18 million of which goes to Basic School Program (after accounting for the transfer shown in the fiscal note).
- For a typical Utah family of four with a \$60,000 income and a \$250,000 house, the income tax rate reduction in this bill saves about \$29 in 2019. The property tax changes cost about \$23 in 2019, for a net savings of \$6.
- Individuals and families who qualify for the homeowner’s credit (the “circuit breaker”) could claim an additional credit of \$14 per year in FY 2019.
- The circuit breaker, income tax changes and education fund spending combined in this bill cost our state budget \$84.4 million ongoing, offset by \$31.1 million one-time.
- These income tax changes and increased education fund spending are paid for using the new revenue the state will receive as a result of federal tax reform (\$80 million in FY 2019, \$85 million in FY 2020).
- Shifting from the highly volatile income tax to the more stable property tax will benefit public education going forward.
- [HJR 20](#) directs the Lt. Governor to place a question on the ballot that would ask voters if the state should increase the gas tax by the equivalent of 10 cents per gallon, indexed for inflation.
 - If the ballot question eventually results in a 10-cents per gallon gas tax increase, the typical family of four, making \$60,000 a year, driving 12,000 miles per year in a vehicle that gets 25 miles per gallon would pay an additional \$48 per year.
- Combined (HB 293 and HJR 20), the state income, property and gas tax changes would be an increase of about \$42 per year for a typical family of four, compared with several hundred dollars per year under the Our Schools Now proposal.
- The combined state and federal tax changes from federal tax reform save a typical family about \$1,500 per year; when combined with our state tax changes, that amounts to about \$1,450 per year.

Rainy Day Funds

- Paid back \$85 million in FY 2010 loans from our rainy-day funds. That \$85 million was on-top of \$34 million that went into reserves via statutory formula last summer.
- Bolstered our “working rainy day fund” by appropriating \$67 million in above-trend ongoing revenue to pay for buildings. Doing so fulfilled our commitments from the 2017 general session and put in place a mechanism for future capital investment.
- Put away another \$10 million in informal reserves – this time for public education growth and school building security.

Poverty

- [HB 326](#), Intergenerational Poverty Initiative, establishes a pilot program in DWS to address intergenerational poverty, and appropriates \$1 million on a one-time basis.
- [SB 162](#), Intergenerational Poverty Matching - Education Savings Plan, removes restrictions on the age of students who can participate in this savings program by allowing anyone who meets the criteria and is under the age of 20, and provides matching funds.
- [SB 221](#), Property Tax Abatement for Indigents, provides an appeal process for a property owner dissatisfied with a county's decision on an application for an abatement or deferral of property tax for a poor person.

JRI

- \$1.1 million to implement reforms recommended by the Juvenile Justice Working Group to support evidence-based programs for holding delinquent youth accountable in the community while residing at home.
- [HB 106](#), Education Grant Program for Individuals in the Justice System, creates a pilot program for education programs specifically for individuals in the justice system and appropriates \$159,900 for two employees to operate the program.
- [HB 132](#), Juvenile Justice Modifications,
- [HB 157](#), Justice Reinvestment Amendments, would provide inmates with alternative treatment programs that include cognitive behavior therapy such as anger management and GED counseling, and prepare inmates for life outside of jail.
- [HB 291](#), Sentencing Commission Length of Supervision Guidelines, provides that the length of an offender's probation or parole term may not exceed the length of the maximum sentence, unless one year or less and removes some lifetime parole requirements and the requirement that an offender found guilty with a mental illness and placed on probation or parole must be supervised for at least five years.

Healthcare

- [HB 12](#), Family Planning Services Amendments, requires the Department of Health to seek a federal Medicaid waiver authorizing the creation of a four-year pilot program to extend Medicaid family planning services to individuals not otherwise eligible and requires the program to separately pay for long-acting reversible contraception at the time of childbirth.
- [HB 19](#), Health Insurance Right to Shop Amendments, permits a health insurer to develop and implement a savings reward program for enrollees and requires PEHP to implement such a program. This would allow a member of a health plan to shop for low-cost options and receive financial incentives if the final cost of a service is lower than the average cost.
- [HB 325](#), Primary Care Network Amendments, provides enhanced benefits for some in the state's Primary Care Network (PCN), subject to a federal Medicaid waiver. Contains a

coordinating clause that will allow this law to take effect only if [HB 472](#) does not receive the necessary federal waivers for its implementation

- [HB 435](#), Medicaid Dental Benefits, provides dental benefits to certain adults in the Medicaid program who are receiving treatment for substance use disorder.
- [HB 472](#), Medicaid Expansion Revisions:
 - Expands Medicaid to 100% Federal Poverty Level (FPL) and allows those from 100-138% to remain on the ACA exchange.
 - Allows an enrollment cap that limits the state's liability.
 - Does not provide coverage for those with available employer-based health insurance or those over 100% FPL who all have access to the exchange.
 - No new state funds:
 - Repurposes some existing Medicaid funding at enhanced match and
 - \$25 million annual hospital assessment.
 - Work effort requirement, same as under TANF.
- [SB 150](#), Utah Statewide Stroke and Cardiac Registry Act, creates statewide stroke and cardiac registries and registry advisory committees within the Department of Health to analyze information gathered to promote and encourage better care, alleviate unnecessary death and disability and minimize costs.

Homelessness and Affordable Housing

- [HB 430](#), Affordable Housing Amendments, creates the Commission on Housing Affordability in DWS to:
 - increase awareness and understanding of the housing affordability needs of the state and how those needs may be best met,
 - identify and recommend implementation of specific strategies and programs to meet those needs,
 - facilitate communication and coordination of public and private entities involved in affordable housing
 - study and report on the status and effectiveness of policies and programs, within the state and out
 - provide recommendations.
- [HB 462](#), Homeless Services Amendments, amends provisions for how money in the Olene Walker Housing Loan Fund may be used and creates a funding mechanism for homeless shelters by creating the Homeless to Housing Reform Restricted Account, funded by the Legislature, private donations and money from other sources.
 - \$13.2 million ongoing for homeless services
- [SB 196](#), Homeless Identification Documents, waives fees to obtain certain identification documents for an individual who is homeless.

- [SB 235](#), Homeless Shelter Funding Amendments, creates the Homeless Shelter Cities Mitigation Restricted Account and requires the State Tax Commission to deposit a percentage of the local option sales tax into the account. It allows redevelopment agencies to transfer funds to a county or municipality, creates a process for municipalities with shelters to obtain funds for public safety services and to pay for programs to mitigate the impact of the shelter.
 - \$2.5 million one-time into the Homeless Shelter Cities Mitigation Restricted Account for eligible municipalities

Cannabis/Hemp

- [HB 25](#), Cannabinoid Product Board Membership Amendments, modifies the make-up of the Cannabinoid Product Board and requires it to review research on cannabis products with a cannabidiol-to-THC ratio of less than 10:1.
- [HB 195](#), Medical Cannabis Policy, creates a "right to try" cannabis-based treatment for terminally ill patients. A state-approved grower and processor would be authorized as the sole source and patients would be given a one-month supply at a time by their physician, who would be limited to providing cannabis to 15, or fewer, patients.
- [HB 197](#), Cannabis Cultivation Amendments, requires the Department of Agriculture and Food to ensure the cultivation and processing of cannabis for academic or medical research purposes, authorizes them to contract with a third party to cultivate/process, and establishes a state dispensary.
- [HB 302](#), Cultivation of Industrial Hemp, allows for Utahns to apply for a license to participate in an industrial hemp research pilot program through the Department of Agriculture and Food.
- [SB 130](#), Cannabidiol Product Act, creates the legal framework to engage in the processing and sale of cannabidiol by authorizing the sale and use of cannabidiol products in some circumstances as well as the cultivation, production and possession of hemp. It also requires labeling and testing for these products.

Opioid Abuse/Substance Abuse

- [HB 14](#), Substance Abuse Treatment Facility Patient Brokering, makes it illegal to pay for the referral of an individual for substance abuse disorder.
- [HB 99](#) Substance Abuse and Mental Health Act Amendments, includes peer support services for individuals with mental health disorders.
- [HB 366](#), Substance Use Disorder Treatment Amendments makes some minor modifications to a bill passed last year, [HB 286](#) Essential Treatment and Intervention Act (2017), which created a statewide task force to start to address the opioid epidemic. The changes made in this bill include:

- requiring a binding commitment to pay, rather than a "financial guarantee," when an individual seeks an order for essential treatment and intervention
- allowing the documentation of certain emergency, life saving treatments to qualify to reduce the number of essential treatment examinations required by a court
- establishing procedures to follow when an individual fails to comply with a court order related to a petition for essential treatment and intervention
- allowing a court to designate an individual to be a personal representative
- [HB 399](#), Opioid Abuse Prevention and Treatment Amendments, requires a pharmacist filling a prescription for an opiate to affix a warning label and include an informational brochure on the risks of addiction and overdose.

Mental Health/Suicide Prevention

- [HB 41](#), Mental Health Crisis Line Amendments, provides a statewide mental health crisis line and requires that it meet certain staffing and operational standards. Also requires that calls may be transferred from local crisis lines to the statewide line to ensure an effective and timely response.
 - \$2.9 million to expand mental health crisis line services
- [HB 42](#), Medicaid Waiver for Mental Health Crisis Services, requires the Department of Health to seek a Medicaid waiver for certain mental health crisis resources, including intervention provided by a mobile crisis outreach team.
- [HB 139](#), Telepsychiatric Consultation Access Amendments, requires the state Medicaid program to reimburse for telepsychiatric consultations and requires certain health plans to provide coverage for the use of physician-to-physician telehealth psychiatric consultations. There is a shortage of psychiatrists to adequately meet the mental health needs of our population, causing long waits and/or inadequate care. This legislation should help ease some of these difficulties and allow patients faster and more extensive access to mental health care.
- [HB 264](#), Elementary School Counselor Program, authorizes the State Board of Education to award grants to local education agencies to provide targeted school-based mental health supports in elementary schools.
- [HB 308](#), Telehealth Mental Health Pilot Program, creates a telehealth mental health pilot project grant program.
- [HB 370](#), Suicide Prevention and Medical Examiner Provisions:
 - Amends provisions regarding medical examiner records
 - Expands the scope and funding of youth suicide prevention programs in schools
 - Provides for the awarding of grants:
 - for institutions of higher education to Implement the School Safety and Crisis Line,
 - to develop five new mobile crisis outreach teams

- for communities to provide mental health crisis response training
 - Creates the Statewide Suicide Prevention Coalition and the Governor’s Suicide Prevention Fund.
- [SB 31](#), Utah Mobile Crisis Outreach Team Act, requires the Mental Health Crisis Line Commission to serve as the mobile crisis outreach team (MCOT) advisory committee and requires the Division of Substance Abuse and Mental Health to set standards for an MCOT certification.
- [SB 32](#), Mental Health Crisis Line Commission Sunset Amendments, amends the sunset date for the Mental Health Crisis Line Commission from 2018 to 2023.

Public Safety

- \$1.2 million for [HB 200](#) (2017), which requires all sexual assault kits to be submitted to the crime lab and tested. This funding will aid in creating a tracking database and provide training for first responders and investigators. (For more information on the issues surrounding the initial kit backlog, please see [here](#).)
- [HB 13](#), Public Safety Peer Counseling Provisions, allows for the creation of peer support and counseling services within public safety agencies and prohibits the release of information obtained through that counseling.
- [HB 43](#), Blood Testing Amendments, states that an individual may be required to submit to a blood test for law enforcement only if:
 - the individual or legal representative of the individual with authority to give consent gives consent to the blood test;
 - the peace officer obtains a warrant; or
 - there exists a judicially recognized exception to obtaining a warrant exists as established by the courts.
- [HB 69](#), National Crime Prevention and Privacy Compact, allows Utah to join the compact and permits the sharing of information relating to background checks and criminal histories.
- [HB 86](#), Manslaughter Amendments, expands the crime of manslaughter to include knowingly providing another with the physical means to commit suicide.
- [HB 160](#), Domestic Violence Provisions, permits a court to order the transfer of a wireless phone number to a victim in a protective order case when the current account holder is the perpetrator.
- [HB 177](#), Trauma-informed Justice Provisions, establishes a process for developing a cross-discipline (police, prosecutors, courts, corrections, parole) and cross-jurisdiction (city, county, state) statewide approach to trauma informed criminal justice care for victims of crime, basically a "customer service" model of care.

- [HB 248](#), Compensatory Service in Lieu of Fine Amendments, allows a defendant the option of performing compensatory service in lieu of a fine for a conviction of an infraction or misdemeanor.
- [HB 295](#), Driving Under the Influence Modifications, increases the penalty for DUI to a class A misdemeanor if the individual was also driving the wrong direction.
- [SB 57](#), Police Service Animal Amendments, makes it a second degree felony to intentionally or knowingly kill a police service dog.
- [SB 154](#), Prohibition of Law Enforcement Quotas, prohibits a political subdivision or law enforcement agency from imposing an arrest or citation quota on a police officer.
- [SB 160](#), Cold Case Database, requires law enforcement agencies to share information for any unsolved missing persons or homicide case that is three or more years old through a secure cold case database.
- [SB 230](#), Law Enforcement Protection Amendments, creates a process by which a law enforcement officer may have their personal information removed from publicly available state or local government sites for up to four years.

Separation of Powers

- [HB 198](#), Attorney General Responsibility Amendments, requires the AG apply concepts from the Rules of Professional Conduct in identifying any potential conflicts of interest in providing a legal opinion to the Legislature, and eliminate potential conflicts through confidentiality and screening procedures. After complying with this process, the AG is required to provide an opinion within 30 days or by a date on which the AG and requester agree, and act in good faith throughout this process. Additionally, the AG may not invoke potential conflict of interest or attorney-client privilege as grounds to withhold an opinion and the Legislature is permitted to petition the Utah Supreme Court to obtain a legal opinion if it is not given within the prescribed period of time.
- [SB 171](#), Intervention Amendments, provides that the Legislature may intervene as a matter of right in state litigation under certain circumstances.

Elections

- [HB 35](#), Municipal Alternate Voting Methods Pilot Project, creates a pilot project to allow a municipality to conduct nonpartisan races using instant runoff voting.
- [HB 141](#), Early Voting Amendments, permits a municipal or county clerk to reduce the early voting period and extends the periods for dealing with a challenge to a voter's eligibility.
- [HB 218](#), Modifications to Election Law, provides that an otherwise eligible voter may register to vote, and vote, by casting a provisional ballot on election day or during the early voting period and requires information be given when an individual registers past the voter

registration deadline regarding each manner still available to register to vote in the current election. Adds a provision that would remove voters from the vote-by-mail list if they don't participate in two straight general elections. Also simplifies the driver license registration process and mandates in-person voting centers in vote-by-mail counties for between four and 14 days leading up to an election.

- [HB 320](#), Campaign Finance Modifications, prohibits a person from making a campaign contribution to the lieutenant governor, attorney general, state auditor or state treasurer while the Legislature is in session.
- [SB 17](#), Election Law Modifications, fixes errors identified by the LGs office. It modifies the provisions of a notice of election and a deadline relating to the voter information pamphlet; requires a registered political party to notify the LG of convention dates; and makes changes to the rulemaking authority of the director of elections and the declaration of candidacy for a write-in candidate.
- [HB 281](#), Voter Eligibility Amendments, allows a 17-year-old to register for and vote in a primary if the individual will be 18 on or before the date of the general election.
- [SB 94](#), Voting Amendments, creates a process for an individual to register as a poll watcher and designates activities in which a poll watcher may engage.

Clean Air/Alternative Energy

- [HB 101](#), Air Quality Emissions Testing Amendments, creates a three-year pilot program to test diesel vehicle emissions in nonattainment counties that currently test gasoline emissions and are not testing diesel vehicles.
- [HB 261](#), Renewable Energy Amendments, would allow a power company to construct or own a solar generation facility over 2 megawatts per customer meter
- [HB 331](#), Air Pollution Mitigation Education Program, requires the Driver License Division and State Board of Education to create rules regarding the creation and dissemination of educational materials to students in driver education and applicants for a driver license on ways drivers can help improve air quality and the harmful effects of vehicle emissions.
- [SB 141](#), Electric Energy Amendments, makes changes agreed to by the parties in the net metering agreement last year by permitting the renewable energy systems tax credit for rooftop solar to continue at \$1600 through 2020, phasing out by 2024.
- [SB 157](#), Residential Solar Energy Amendments, requires solar energy retailers to provide a written disclosure that includes estimated customer savings, future operations and maintenance services, how future legal changes may impact the investment and information on the system.

Lands/Rural Issues and Initiatives

- [HB 212](#), Business Expansion and Retention Initiative Amendments, requires money from the Industrial Assistance Account be available to the Rural Fast Track Program and Business Expansion and Retention Initiative each year and requires GOED to consider a recommendation from the Governor's Rural Partnership Board when awarding financial assistance through those programs.
- [HB 249](#), Statewide Resource Management Plan Adoption, adopts the statewide resource management plan, on file with the Public Lands Policy Coordinating Office, and requires the office, as funding allows, to monitor the implementation of the plan at the state and local levels.
- [HB 253](#), Trust Lands Amendments, allows the director of SITLA to make determinations regarding the management, protection and preservation of plant species proposed for designation as endangered or threatened.
- [HB 304](#), High Cost Infrastructure Amendments, provides that *rural* high cost infrastructure development projects can qualify for a high cost infrastructure tax credit AND refundable state tax credits.
- [HB 327](#), Rural Online Initiative, establishes a pilot program to provide more employment opportunities to help rural Utahns find online jobs and business opportunities. Works in conjunction with [HB 390](#).
- [HB 357](#), Evaluating Tax Revenue Foregone from Federally Controlled Lands, requires the Commission on Federalism to hold a hearing on the impact of the federal PILT payments on the state, authorizes them to engage each of the state's elected members of Congress in coordinating with the federal government to secure PILT payments that are equivalent to the property tax the state would generate if the land weren't federally controlled and requires them to communicate the results of the hearing and any action taken to those members of Congress.
- [HB 381](#), Agricultural Water Optimization, creates the Agricultural Water Optimization Task Force to identify critical issues facing the state's long-term water supply, identify obstacles and recommend solutions to the quantification of agricultural water use, and identify methods of increasing agricultural production while reducing water consumption.
- [HB 390](#), Rural Economic Development Incentives, authorizes a rural employment expansion grant for the creation of new jobs in counties of the fourth, fifth or sixth class. Works in conjunction with [HB 327](#).

A few other interesting bills

- [HB 45](#), Consumer Reporting Agency Fees, prohibits a credit agency from charging a fee to place or remove a security freeze.
- [HB 145](#), Pedestrian Safety Amendments, adds to existing law passed last year that pedestrians are restricted from impeding or blocking traffic, which would include panhandling, on a state route or highway with a median and a fixed guideway, or any railway that shares the highway

right-of-way. Last year, [HB 161](#) (2017) outlawed panhandling at freeway exits and on highways. This bill simply adds additional restrictions.

- [HB 152](#), Good Samaritan Law Amendments, establishes that a person who, in good faith, uses reasonable force to enter a locked and unattended vehicle to remove a confined child is not liable for damages in a civil action if the child is in imminent danger, notifies a first responder of the confined child prior to entering the vehicle and stays with the child until their arrival.
- [HB 216](#), Jordan River Recreation Area, authorizes the Division of Parks and Recreation, with the Jordan River commission and relevant land owning jurisdiction, to expend money on projects around the Jordan River. One-time \$500,000 from DNR; ongoing \$500,000 for operation/management from General Fund.
- [HB 241](#), Post-employment Restrictions Amendments, outlaws non-competes for employees of broadcast media outlets who earn less than \$47,500 per year. Those earning more could enter into non-compete agreements for up to one year but if an employee is fired without cause or doesn't renew their contract, the non-compete cannot be enforced. Contracts are also limited to four years in length.
- [SB 71](#), Road Tolls Provisions, allows the Department of Transportation to establish a tollway and grants authority to collect tolls.

[HB 38](#), Fireworks Restrictions

- Changes dates:
 - for sale of fireworks:
 - June 24-July 25 (from June 23-July 27),
 - New Year's eve and Chinese New Year's eve remain the same
 - for discharge of fireworks:
 - July 2-5 (instead of July 1-7) and
 - July 22-25 (instead of July 21-27)
 - New Year's eve and Chinese New Year's eve remain the same
- Increases the fine for discharging outside of permitted dates and times
- Clarifies when a municipality may prohibit fireworks
- Requires retailers that sell fireworks to display maps indicating areas within the county in which they are prohibited and signs listing discharge dates, times and penalties
- Imposes civil liability when fireworks cause a fire

[SB 136](#), Transportation Governance Amendments

- UTA
 - Name of UTA changes to Transit District of Utah (TDU)

- Three-member full-time paid board of trustees
 - Nominated by counties, appointed by the governor with consent from the Senate
 - Salt Lake County – 1
 - Utah county with Tooele County – 1
 - Davis County and Weber County with Box Elder County – 1
 - Serve at-will, under governor
 - Three-year, staggered terms
 - Chair appointed by governor from among the three members
- Executive director
 - Appointed by the board of trustees
- Creates a nine-member local advisory board
 - Make recommendations to board of trustees
- Must have approval from State Bonding Authority prior to issuance of any new bonds
- UDOT
 - Structure change to accommodate increased role in multimodal planning and capital development
 - Second deputy director
 - Creates Planning and Investment Division
 - Creates overall structure to form future Transit Transportation Investment Fund (TTIF)
 - Requires at least 40% non-state funding
 - Political subdivisions may create Transportation Reinvestment Zones to capture increases in property taxes around transportation infrastructure improvements
 - Local option sales taxes
 - Creates authorization for additional local option sales tax of 0.20% for public transit
 - Three-year phase-in of new, increased registration fees for some vehicles:
 - \$120 for electric
 - \$50 for plug-in hybrids
 - \$20 for other hybrids
 - Gas tax funds our transportation infrastructure
 - As more traditional vehicles are being replaced with electric and hybrid automobiles, the state faces a problem – fewer dollars to fund the needs of a growing population and increasing demands.
 - These vehicles currently don't generate tax funds to pay for roads to the same degree as those that run on gas and diesel, and this new fee is only about 50%, per vehicle, of what the gas tax would generate.

- This provision is a good start toward every driver paying their fair share.

SB 234, Utah Inland Port Authority

(See background/talking points [here](#))

- Creates the Utah Inland Port Authority
- Establishes the area boundary
 - Respects the existing development line that divides areas of development from areas protected from development prior to March 1, 2018
- Preserves local land use control, as all land use authority stays with the respective municipality except for appeals, which go to an appeals panel
 - Municipality cannot prohibit natural resources into the area but charges the board with being environmentally conscious
- Authorizes the port authority to:
 - work to establish an inland port and a foreign trade zone
 - adopt a project area plan and budget and to issue bonds
 - receive the tax increment created in the area
- Establishes a board to govern the port authority
 - Includes 11 members with four-year terms:
 - Governor appoints two:
 - GOED
 - One other
 - Senate president appoints one
 - Speaker of the House appoints one
 - Salt Lake County mayor appoints one
 - Chair of the Community Impact Fund Board appoints one from among members of the board
 - Chair of the Salt Lake Airport Advisory Board serves or appoints one
 - Salt Lake City council person whose area includes the port authority serves
 - West Valley city manager, with consent of city council, appoints one
 - Executive director of UDOT shall serve
 - Director of the Salt Lake County office of Regional Economic Development serves
 - Requires the board to hire an experienced executive director by November 1, 2018

Port Authority Talking Points

The development of an inland port in the Northwest Quadrant (NWQ) of Salt Lake City presents the state with a significant generational opportunity. Such a port has been contemplated since at least the 1970s, when legislation was passed granting “authority of state or political subdivisions to establish port authority.” A number of attempts have been made to move forward over the years, and have led to what is currently a broadly accepted vision and understanding of the area’s potential.

Recent History

- 2015 – Utah Legislature began discussing legislation on an inland port
- August 2016, Kem C. Gardner Policy Institute released a report - Utah meets the criteria for a successful inland port
- October 2016, Governor Herbert announced - state would be participating in an exploratory team to evaluate the potential development of an inland port
- 2017 – Utah Legislature funded a study on an inland port by the World Trade Center Utah

Why It Makes Sense

- Salt Lake City stands as a major crossroads of the west:
 - Direct rail connections to all major west coast terminals
 - Access to all major interstates, both north-south and east-west
 - International airport, Delta’s fourth largest hub, moves over three million pounds of cargo each year
 - Situated in the middle of many major western population centers
- Utah has an incredibly strong economy
- Cheap labor costs relative to most coastal cities
- New, costly infrastructure going in around the NWQ with the new state prison, allows for significant cost mitigation

This is a State Issue

- The impact of this international port will be felt throughout the entire western United States, and its operations go far beyond the functions or funding ability of a city
- When Salt Lake County began taking action to establish a port authority back in the 1990s, the biggest obstacle was the need for state funding
- Tremendous infrastructure needs, requiring resources of city, county and state, all working together
- 100% of tax increment will be used to fund infrastructure and operational needs within the development
 - Salt Lake City had wanted the benefit of 95-98% of the tax increment, with only 2-5% going to the port authority
- Current boundaries encompass land from Salt Lake City, West Valley City, Magna and unincorporated Salt Lake County

- Need authority to plan and coordinate among all relevant entities

Salt Lake City Has Refused to Negotiate in Good Faith

- For years, Salt Lake City has worked to delay or kill previous attempts at legislation, which is why the Legislature funded one more study in 2017 rather than moving forward
- The Legislature made repeated changes to SB 234 to accommodate the requests of Salt Lake
- The city loudly and publicly opposed the bill at every turn
- In the end, a good bill was passed that was many years in the making. As the authority forms and establishes a long-term plan, we expect adjustments will be made that will further strengthen the legislation.

Narrative

The development of an inland port in the Northwest Quadrant of Salt Lake City presents the state with a significant generational opportunity. Such a port has been contemplated since at least the 1970s, when legislation was passed granting “authority of state or political subdivisions to establish port authority.” A number of attempts have been made to move forward over the years and have led to what is currently a broadly accepted vision and understanding of the area’s potential.

In August of 2016, the Kem C. Gardner Policy Institute released a report finding that Utah meets the criteria for a successful inland port. Later that year, Governor Herbert announced that the state would be participating in an exploratory team to evaluate the potential development of an inland port to once again evaluate its viability.

The Legislature has been seriously discussing legislation on this issue since at least 2015 and funded a World Trade Center Utah study just last year. There was also a bill in 2017, that didn’t pass, that would have started the process that was accomplished with SB 234 this year. This is not a new issue for anyone who’s been paying attention, as Salt Lake City should have been.

Utah’s capital city stands as a major crossroads of the west, situated in the middle of many major western population centers, with direct rail connections to all major west coast terminals; access to all major interstates, both north-south and east-west; and an international airport that moves over three million pounds of cargo each year.

Our strong economy and relatively cheap labor costs—in addition to the recent decision to locate the new Utah State Prison near the Northwest Quadrant, allowing for significant shared infrastructure—all work together to make Salt Lake an even more attractive location for an inland port.

The 2016 Kem C. Gardner report found that significant investments will need to be made in infrastructure going forward in order for the port to become operational. Back in 1990 when the county had begun taking action, based on legislation, to establish a port authority, it lacked the funds to do so. It requested state appropriations which it never received, and consequently it never became functional.

The infrastructure needs of this project will be tremendous and will require resources of the city, county and state, all working together to create the largest economic development project the state has ever see. With SB 234, the tax increment that will be realized from the land within the project area will be used to fund the many operational needs of the area. It makes no sense for the state to invest in the development of the inland port but for one city alone to reap a financial windfall for that development, without themselves contributing in any significant way to the infrastructure improvements that will lead to the increased tax increment in the first place.

The impact of this international port will be felt throughout the entire western United States and its operations go far beyond the functions of a city. West Valley City, Magna and unincorporated Salt Lake County all have land within the current port authority area, along with Salt Lake City. Despite Salt Lake City's protests, both West Valley and Salt Lake County have made it very clear that they are pleased to partner with the state and work together to improve the area and provide a robust business hub with new economic activity and jobs for their residents. They understand the need for massive new investment in the area and are committed to the proposed plan of 100 percent of the new tax increment being used for development and improvement.

The Legislature made repeated changes to SB 234 to accommodate requests of Salt Lake City and despite these changes, the city publicly opposed the bill at every turn. In the end, a good bill was passed that was many years in the making. Land use authority will remain with the local jurisdiction but the taxing increment, of which Salt Lake had wanted 95-98 percent, was granted 100 percent to the Port Authority for projects and infrastructure enhancing the mission of the Authority and for operational expenses. As the authority forms and establishes a long-term plan, we expect adjustments will be made that will further strengthen this initial legislation.

Legislature and Our Schools Now Agreement on Education Funding

The Utah Legislature and Our Schools Now have successfully worked together to find common ground in their efforts to better fund education for the schoolchildren of Utah. It has been agreed that the best path forward is to not only increase education funding now, but to also fix the significant structural issues in the tax system that have led to our current education funding imbalance.

Education in Utah will receive an additional \$292 million this year. As a result of the discussions with Our Schools Now, the Legislature has committed to make a number of tax changes and place a question on the ballot that together could lead to an additional \$845 per pupil by 2023.

These efforts, which will replace the Teacher and Student Success Act ballot initiative, are detailed below:

1. Creation of the Teacher and Student Success Account

This account will be used to directly fund schools at the local level and will include specific guidelines, management and oversight. In the first year of the program, the equivalent of 1.5 percent WPU will be deposited into the fund, which at this time is equivalent to approximately \$47 million, and will pass through the local education agency (LEA). Distributions from this account will begin in 2020 directly to schools through the TSSA.

2. Establishing a Working Group

The Legislature will work with Our Schools Now and other education stakeholders to determine the administration of the Teacher and Student Success Account. The working group will review and make recommendations to the Legislature on equal distribution, local control, transparency, performance improvement, accountability and approved areas of investment.

3. 10-Cent Gas Tax Ballot Question

[HB 491](#) authorizes a non-binding question to go on the ballot. [HJR 20](#) directs the Lt. Governor to place a question on the ballot that would ask voters if the state should increase the gas tax by the equivalent of 10 cents per gallon, indexed for inflation.

Implementing a 10-cent per gallon tax would generate approximately \$170 million in new revenue for the Transportation Fund in the first year. Thirty percent would be dedicated to local roads and the remaining 70 percent would be used to offset an equivalent cut in funding for transportation, that would then go toward education. Of these new education funds, 80 percent is intended for the Teacher and Student Success Account for K-12 and 20 percent for higher education performance funding.

4. Freezing the Basic Rate and Indexing the Basic Levy

[HB 293](#) freezes the state basic property tax rate for 5 years and uses new revenue to equalize student spending among all LEAs. It also indexes the basic levy and places new revenue into the Teacher and Student Success Account subject to periodic review.

5. Amendments to Education Rainy Day Fund

During the interim, the Legislature will work to change the statute to allow the use of Rainy Day Funds to continue the tradition of funding student enrollment growth and inflation even in economic downturns.

6. Local Funding of Technology

[SB144](#) Authorizes a local school board to unlock significant new revenue sources for technology and infrastructure projects and programs in our schools.