



MURRAY  
CITY COUNCIL

## MURRAY CITY MUNICIPAL COUNCIL COMMITTEE OF THE WHOLE

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The Murray City Municipal Council met as a Committee of the Whole on Tuesday, April 18, 2017, in the Murray City Center, Conference Room #107, 5025 South State Street, Murray Utah.

### Council Members in Attendance:

Diane Turner, Chair	District #4
Dave Nicponski, Vice-Chair	District #1
Blair Camp	District #2
Brett Hales	District #5

### Absent:

Jim Brass	District #3
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### Others in Attendance:

Ted Eye	Mayor	Jan Lopez	Council Administrator
Janet Towers	Chief Admin. Officer	Jennifer Kennedy	City Recorder
Pattie Johnson	Council Office	Frank Nakamura	City Attorney
Tim Tingey	ADS Director	Jim McNulty	Development Services Manager
Craig Burnett	Police Chief	Steve Roberson	Fire Department
Kory Holdaway	KMH Consulting, LLC	Rees Davidson	Legislative Intern
David Stewart	LEC Consulting, LLC		

Ms. Turner called the Committee of the Whole meeting to order at 5:30 p.m. and welcomed those in attendance.

### 1. Approval of Minutes

Ms. Turner asked for corrections and approval on the minutes from March 7, 2017. Mr. Camp moved for approval and Mr. Hales seconded the motion. All were in favor.

### 2. Discussion Items

#### 2.1. 2017 Legislative Session Update – Representative Bruce Cutler

Representative Cutler reviewed a summary of the 2017 Legislative Session, where he shared a few perspectives and mentioned various house and senate bills. (See Attachment #1.)

**Public Education** - Since 50% of the state budget is related to public education, 60% of new revenue was applied in ways such as, increasing weighted pupil units, (WPU), fully funding enrollment growth, licensing, and bonuses for teachers in high poverty areas, as well as, reimbursements for teacher's supplies. He noted 60% was historically significant this year.

**Public Education Legislation** - Representative Cutler mentioned his personal bills, House Bill 35 (HB35), related to funding out-of-state tuition for Utah kids, who live closer to bordering state schools; and HB114, which related to amending and repealing outdated language for local school entities. Additional senate and house bills related to operations, higher education and scholarships can be found in the attached summary.

**Poverty, Homelessness and the Justice Reinvestment Initiative (JRI)** - HB441 passed on the last day of the session, adding funding of \$9.85 million for a new homeless resource center.

Mr. Hales asked if HB441 was the bill taking rights away from the cities located in Salt Lake County. Representative Cutler said the bill first came out in 2016, which affected the Midvale homeless shelter. He spoke out against the bill in the past and believed those decisions should remain at the local level and not the state level. If a city decided a shelter should be open for nine months or year round, the state should not tell cities what to do, just because a city is a subsidiary of the state. The rational for declaring 'a city is an entity of the state, and therefore, the state could tell cities what do to', first began because cities are licensed under state charter, although he did not agree with that concept. He explained, due to continued delays regarding homeless shelters, HB441 would require Salt Lake County to make a decision on location by March 30, 2017. Ms. Turner affirmed the bill did not include subsidy to cities. Representative Cutler confirmed and admitted it was challenging dealing with homelessness.

**Public Safety** - An item was noted to lower the drug and blood-alcohol driving level from .08% to .05%, where Utah would be leading the way with the lowest limit in the country. The bill was approved by the governor who also proposed a special session to address related issues. Mr. Camp noted the decrease did not go into effect until 2018.

**Transportation Bonding** – Funding of one billion dollars was significant this year for highways. The consensus during caucus discussions was, if improvements were going to be done, now was the time to make them, not just because of good credit ratings but considering inflation and rising interest rates. Great need was the main reason, for example, the freeway between 9000 South and 7200 South on Interstate 15, where heavy traffic is exiting, entering and merging all at once needs great improvement. The renovation of Bangerter Highway was noted as a major improvement project as well.

**Clean Air** – In an effort to incentivize refineries to start developing tier three engines and tier three fuels, Senate Bill 197 (SB197) was passed, which would provide a 90% reduction in emissions and would have significant impact for clear air issues.

Ms. Turner asked if rebate incentives were removed for electrical vehicle purchases. Representative Cutler was unclear, however, he said incentives were removed for rooftop solar purchases because the industry was thriving and incentives were no longer necessary. As a result, the more prominent need of

funding became clear for public education. Solar incentives were put in place when the industry was struggling years ago and choosing solar incentives now would mean taking funding from public education, therefore, it was a choice between clean air and education. When income tax incentives are given, funds are taken from public education; when sales tax incentives are given, funds are taken from cities. Either way, Representative Cutler felt both were costly, however, the new incentive, provided by SB197 regarding tier three engines and gasoline, would provide a more significant impact on clean air.

**Public Lands** – Hole in the Rock and Little Sahara were created as two new state parks. House Concurrent Resolution 11 (HCR11), a resolution urging the president to rescind the Bears Ears National Monument, and HCR12, a resolution reducing the size the Grand Staircase Monument were noted.

Mayor Eyre inquired about medicinal marijuana and asked whether it would be discussed again during the interim. Representative Cutler said there would be no further discussions about the issue this year.

Ms. Turner inquired about bills related to opioid abuse. Representative Cutler noted HB50, which limits the number of days in which an opiate may be prescribed for certain individuals. According to the doctor who promoted the bill, medication could not be prescribed for less than 30 days. However, with the new bill, a weekly dosage could be prescribed and monitored week by week. By avoiding the usual 30 day supply, which can typically be wasted, misused or fall into the hands of someone else, the bill allows better control of a substance.

Mr. Camp said *one size fits all*, does not always apply to all cities and noted Representative Cutler's great support as a huge benefit to Murray. He appreciated Representative Cutler's hard work related to the interests and rights of the city and was grateful for his continued efforts.

Representative Cutler mentioned HB164, the Municipal Enterprise Amendment, which he spoke out against and felt was not needed.

Ms. Turner thanked Representative Cutler for always being a great support to Murray City.

## **2.2. 2017 Legislative Session Update – Kory Holdaway, David Stewart, Rees Davidson**

Mr. Holdaway agreed the city was well represented and commended Representative Cutler for looking out for Murray's best interests and also noted Senator Shiozawa, as excellent representation.

Mr. Holdaway shared a *Cheat Sheet* document created by the Utah League of Cities and Towns (ULCT), which provided information from the 2017 General Legislation Session. He praised the ULCT for a great document and continuing on with excellent determination, despite a difficult situation with the recent resignation of the executive director, prior to the session starting. He appreciated their input and in-depth involvement with legislation and behind-the-scenes work to ensure cities interests were always at the forefront.

Particular bills were noted as listed below:

- HB164 - The Enterprise Fund initiative resulted in what became a transparency notice, better informing citizens of how funds are utilized.
- SB16 - Sales and Use Tax Exemption Changes, passed.

- SB197 - Refinery Sales and Use Tax Exemption Amendments, passed.
- SB110 – A bill by Senator Bramble, did not pass again, regarding remote sales and sales tax protection of remote sales. Mr. Holdaway felt the issue would continue to be discussed year after year, until the government decided to address it.

Mr. Stewart added, over the last 15 years more and more companies gradually began collecting sales tax. Of the top 100 on-line companies, 90 % participate in e-commerce and he believed the practice would continue, especially since Amazon recently voluntarily began remitting sales tax. Therefore, as a result, the anticipated massive revenues would in fact be significantly less, because over time companies had already been paying sales tax to states.

- HB441 - Housing and Homeless Reform Initiative Amendments appropriated a one-time \$9.8 million. The downside of HB441 was HB445, which was the funding portion of the bill and did not pass. The hope was to see ongoing funding, instead of one-time funding appropriated for the homeless issues. Continued efforts are expected during the interim.

Mr. Stewart explained the underlying concept of HB445 was to collect funding from all cities in the county to assist in the construction of homeless shelters. Since the county was unable to site facilities as planned and in the time frame expected, and especially when Draper city plans were unsuccessful, he believed funding would come about again by participation from each city. Until funding is met, homeless shelters cannot be built and his encouragement would be for all cities to be supportive regardless of where shelters were built.

- SB81 - Local Government Licensing Amendment, would protect home based businesses from paying licensing fees.

Mr. Nicponski asked if the bill meant cities could not enforce licensing on home based businesses. Mr. Holdaway said the city could enforce licensing only on certain home businesses.

Mr. Nakamura confirmed a fee could be charged if a business had impact, although, in many instances, the definition of a home based business was not very clear. Mr. Holdaway asked if SB81 needed further review. Mr. Nakamura said Murray would solve any confusion because the city defined exactly what type of home occupations were allowed in specific zones, based on the number of employees and traffic. As far as a definition in SB81, in terms of off sight impact, Mr. Nakamura was not clear how standard fees could be established.

- SB250 - Food Truck Licensing and Regulations. Previously, each city required a separate license. The notion came that food trucks should have some reciprocity from one city to the next city if licensing was granted.

To better understand how to be fair and accurate, the city will further analyze home based business licensing issues, as well as, food truck concerns with help from the legal department. Development Services Manager, Mr. McNulty stated it was discovered after benchmarking, several cities planned not enforce licensing until called out on noncompliance. Mr. Holdaway said Murray was ahead in accountability. Mr. Nakamura reiterated defining a home based business was impossible. Mr. Holdaway agreed.

- HB188 - Local Historic District Amendments, along with HB30 would allow a city to create a local historic district.
- HB253 - Short-term Rental Amendments. The bill prevents a political subdivision from prohibiting a citizen from listing short-term rentals on the internet. No significant change would be seen from what is currently allowed in Murray.
- SB87 - Civil Asset Forfeiture Revisions. Described as two competing bills in opposition that eventually came together. The Thatcher bill was a compromise with law enforcement.
- HB277- Highway General Obligation Bonds Authorization. Carried by Senator Harper, the one billion dollar bond bill was recognized as being useful and helpful.

Mr. Stewart noted the one billion dollar bond would be prioritized by the Transportation Commission providing funds to accelerate the core I-15 project. Murray would receive approximately \$1.5 million in funds sometime after July 1, 2017, as an Interlocal Agreement from the county, along with an additional \$200,000 for the amphitheater. Mr. Stewart would continue to follow up and keep the city informed.

### **2.3. Open and Public Meeting Act Training – Frank Nakamura**

As a public body, the council is required by law to receive yearly training on the Open and Public Meetings Act and Mr. Nakamura reviewed the requirements. Similar to the Government Records Acts and the Management Act, the laws for the Open and Public Meetings Act are transparency laws, therefore, intended to conduct training in public. Mr. Nakamura said some governments get into trouble because transparency is avoided and the benefits are not well understood. He believed transparency solves issues, especially when controversial and difficult topics need to be addressed, because in the end, it's an issue of trust. He recognized other governments who decide against bringing issues before the public or governing bodies, only to realize the public is upset because trust levels are gone. Overall, the public has a way of finding out the details and it is better to get public input.

He commended the city for maintaining great transparency, for example, he specified the council decided to include a public hearing during a council meeting regarding the canal trail, which was a difficult topic to discuss. Choosing to invite public comments was better in the long run, because whether the public agreed or disagreed with the outcome, trust levels remain.

He explained, unlike other municipals, who provide a broad category of discussion items for the public, Murray has been careful to disclose detailed agendas and publications in a timely manner because of a great commitment to transparency laws. Murray does not hold frequent closed meetings and adheres to the rules of closed meetings, which contributes to Murray's good reputation. Overall, by providing transparency, better government and trust are achieved. He thanked the council for their compliance because transparency in government means everything.

Should the question arise about whether an issue should be brought to the council, or what concern might be considered a public hearing, the city always errs on the side of disclosure.

Mr. Nakamura said laws have a difficult time keeping up with technology, for example, when using social media. Communication by email, Facebook and texting, should be carefully considered. He encouraged the council to keep in mind the purpose for using social media and how its use relates to city affairs.

Since all council decisions are entrusted by the public, the council should avoid meeting together with three members or less, at a specific time, because all decisions are to be made in the open.

For detailed information regarding the Open and Public Meetings Act see Utah Code Section 52-4-101 to 52-4-210.

**3. Announcements:** Ms. Lopez made the following announcement:

- Open Enrolment for PHEP Health Insurance would be held during the month of May.

**4. Adjournment:** Ms. Turner adjourned the meeting at 6:21 p.m.

**Pattie Johnson  
Council Office Administrator II**

## 2017 Session Summary

### Public Education funding

- About 60% of new revenue this year went to public education, the largest share in recent memory
- 4% increase in WPU (\$115,452,200), putting money where it can allow for greater flexibility and local control
- Fully funded enrollment growth, \$64,012,600 million
- 6.7% funding increase over last year
- Funding for Schools for the Deaf and Blind to build a new campus in Utah County
- \$5 million teacher supplies and materials reimbursement, shifted from one-time to ongoing funding
- \$2.6 million appropriation for educator licensing fees
- [HB 212](#) gives bonuses up to \$5,000 to highly effective teachers in schools in high poverty areas

### Public Education Legislation

- [HB 2](#), Public Education Budget Amendments, provides appropriations, sets the value of the weighted pupil unit at \$3,311 for fiscal year 2018; adjusts the number of weighted pupil units to reflect anticipated student enrollment in fall 2017; and repeals the Professional Practices Restricted Subfund and appropriates funding to pay teacher licensing fees.
- [HB 27](#), Interstate Compact on Military Children Amendments, extends the compact coverage to all full-time uniformed services members, so will allow all children of active duty National Guard and Reserve Members to qualify for coverage under the interstate compact.
- [HB 35](#), Minimum School Program Amendments, if a child who resides in a Utah school district's boundaries attends school in a neighboring state under this section, the State Board of Education may make an out-of-state tuition payment to the Utah school district of residence, using funds appropriated by the Legislature for necessarily existent small schools.
- [HB 43](#), American Indian and Alaskan Native Education Amendments, seeks to strengthen education for American Indian and Native Alaskan children in the state of Utah by creating a pilot program related to teachers at American Indian and Alaskan Native concentrated schools located in certain areas.
- [HB 62](#), Educator Rights Amendments, requires a local school board or charter school governing board to update a policy related to bullying and implement a grievance process for a school employee who experiences abusive conduct. It also provides for training related to abusive conduct.
- [HB 92](#), Physical Restraint in Schools, amends provisions related to the use of physical restraint in schools.
- [HB 114](#), Local School Entity Amendments, modifies provisions relating to the Minimum School Program Act by amending certain references to education entities in the act and repeals outdated language.
- [HB 119](#), School Board Midterm Replacement Process, allows a local school board to make an appointment to fill a vacancy on the local school board after a member of the local school board submits a letter of resignation.
- [HB 125](#), Student Residency Requirements, enacts provisions governing the school district of residency for a child who is receiving services from a health care facility or human services program.

- [HB 126](#), Student Plan for College and Career Readiness Provisions, brings the law into current practicing by replacing references to: "student education/occupation plan" or "SEOP" to "plan for college and career readiness" and and "student education plan" or "SEP" with "individual learning plan."
- [HB 166](#), School and Institutional Trust Fund Amendments, makes minor changes to the code for the operation of the School and Institutional Trust Fund Office (SITFO), including a change to the required number of board meetings and a change to the membership of the nominating committee.
- [HB 168](#), Kindergarten Supplement Enrichment Program, establishes the kindergarten supplemental enrichment program specifically for eligible schools in which at least 10% of the students experience intergenerational poverty or 50% of the students are eligible to receive free or reduced lunch in the previous year. The fiscal note requires this program to be paid using Temporary Assistance for Needy Families reserve funding. (TANF Funds).
- [HB 209](#), Administration of Medication to Students Amendment, allows for the administration of an opiate antagonist to a student in accordance with the Opiate Overdose Response Act.
- [HB 212](#), Incentive for Effective Teachers in High Poverty Schools, creates the Effective Teachers in High Poverty Schools Incentive Program, authorizes the State Board of Education to award a salary bonus to an eligible teacher and allows districts to apply for matching funds to give bonuses to teachers who teach in high poverty/high need schools and have a MGP of 70 or higher. This will bring highly qualified teachers to students with the highest need.
- [HB 231](#), Educator Evaluation Amendments, amends provisions related to educator evaluations.
- [HB 245](#), School District Procurement Process, modifies local school board advertising requirements related to a school construction project.
- [HB 288](#), School Sunscreen Provision, requires a public school to permit a student to possess and use sunscreen at school, permits a school employee to apply sunscreen on a student under certain conditions and provides immunity for an employee and employer, when an employee applies sunscreen on a student.
- [HB 292](#), Charter School Admission Amendments, allows a charter school to give an enrollment preference to the sibling of an individual who was previously enrolled in the charter school.
- [HB 308](#), Public Health and Schools, requires the Department of Health to create an online education module regarding certain preventable diseases and create a new vaccination exemption form.
- [HB 346](#), Suicide Prevention Programs, amends and enacts provisions relating to suicide prevention programs and appropriates, in addition to money to other agencies, \$125,000 to the State Board of Education (an increase of \$225,000 from the Education Fund and a decrease of \$100,000 from the General Fund), for suicide prevention programs.
- [HB 404](#), Early Warning Pilot Program, provides for systems to identify students in need of early intervention.
- [HB 413](#), Public School Membership in Associations, enacts language governing a public school's membership in certain associations by establishing requirements for the membership of an association governing body, requiring an association to provide certain reports to the State Board of Education and follow certain budgetary procedures. It also establishes an appeals panel to hear an appeal of certain decisions and requires an association to comply with the Open and Public Meetings Act, Government Records Access and Management Act (GRAMA) and Utah Public Officers' and Employees' Ethics Act.
- [HB 414](#), Utah Schools for the Deaf and Blind Referral Amendments, requires reporting results of a test for hearing loss to the Utah Schools for the Deaf and the Blind and an early intervention program under

certain circumstances and requires the Utah Schools for the Deaf and the Blind to provide educational services to certain individuals.

- [HB 426](#), Stem Amendments, creates an expendable special revenue fund called the "STEM Action Center Foundation Fund" and provides for treating a portion of money in the fund as an endowment fund so as to not expend the principal of the fund.
- [HCR 5](#), Concurrent Resolution on Clean Fuel School Buses, supports the dedication of a portion of the funds allocated to the state from the Volkswagen settlement for the purpose of replacing at least a portion of the 433 dirty diesel school buses with clean fuel school buses.
- [SB 1](#), Public Education Base Budget Amendments, appropriates \$4,602,148,100 with \$3,153,945,000 coming from state General, Education and Uniform School Funds for FY 2018 to support the operations of state and local education agencies.
- [SB 34](#), Competency Based Education Funding. Certain Districts and Charter schools have been participating in a Competency-Based Education Pilot. During the pilot one of the concerns that has arisen is the lack of funding that occurs if a student is able to move through the program and graduate early. This lack of funding could prevent school leaders from encouraging students to graduate early. This bill establishes the Reimbursement Program for Early Graduation From Competency-Based Education and authorizes the State Board of Education to reimburse a local education agency that offers a competency-based education for a student who graduates early.
- [SB 40](#), School Bus Inspection Revisions, changes the frequency of required safety inspections for school buses and requires random inspections on a portion of them.
- [SB 61](#), Students With Disabilities Accommodations Funding, Requires the State Board of Education to make rules regarding the disposition of any money appropriated to the board to reimburse local education agencies for certain services rendered to a student with a Section 504 accommodation plan and requires the board to present draft rules to the Public Education Appropriations Subcommittee for review and recommendation.
- [SB 102](#), Utah Student Privacy Act, requires that a public school to make a list of individuals who are authorized to access education records and that they provide training on student privacy laws. It also prohibits the sharing an education record with a school employee who is not authorized.
- [SB 125](#), Authorization to Modify Charter School Charter Agreements, amends provisions related to charter school enrollment preferences and the modification of charter agreements.
- [SB 127](#), State Board of Education Amendments, modifies a provision relating to the supervision of the director of the Division of Facilities Construction and Management over projects of the State Board of Education, includes the board as an educational procurement unit with independent procurement authority; removes employees from certain overtime provisions, expands the category of employees exempt from certain classification provisions and exempts certain employees from career service provisions.
- [SB 161](#), Bullying and Hazing Amendments, amends definitions related to bullying and hazing; requires a school board to update its policies regarding bullying, cyber-bullying, hazing, and retaliation by September 1, 2018; requires employees, students, and parents to sign a statement annually acknowledging receipt of the school board's policy; requires the State Board of Education to require a school board to report on provisions related to bullying, cyber-bullying, hazing and retaliation; requires the State Board to make rules describing standards for training and for school employees to be trained according to those standards.

- [SB 163](#), Student Information Amendments, permits a third-party contractor to identify for a student nonprofit institutions of higher education or scholarship providers that are seeking students who meet specific criteria; amends Utah Futures provisions by allowing a student to access information about an education or scholarship provider; allows an education provider or Utah business to request that Utah Futures send certain information to a student user; and authorizes the Utah Futures Steering Committee to charge a fee.
- [SB 180](#), Charter School Start-up Grants, removes the repeal date for charter school start-up grants.
- [SB 196](#), Health Education Amendments, amends provisions related to health instruction in public schools by repealing language prohibiting the advocacy of homosexuality in health instruction.
- [SB 220](#), Student Assessment and School Accountability Amendments, amends and enacts provisions related to assessments and accountability in the public education system.
- [SB 234](#), School Turnaround Amendments, amends provisions of the School Turnaround and Leadership Development Act by allowing more flexibility for low-performing schools and more directed support.

## Higher Education

- About 25% of new revenue
- \$62 million for operations
- \$14 million for Weber State U's social science building renovation
- \$8 million for Dixie State U's Human Performance Center
- \$5 million for the U of U's Medical Education & Discover/Rehabilitation Hospital)
- 2% salary increase, \$19 million
- \$7.2 million USHE tuition mitigation
- \$3.5 million student enrollment growth, the first time in a number of years that student growth in higher education has been explicitly funded
- \$6.5 million performance based funding ([SB 117](#))
- \$8 million ongoing for growth in the Regents' Scholarship. Has been previously funded with one-time funds but this ongoing funding, along with changes in [SB 256](#), will help ensure the scholarship's long-term viability.
- [HB 54](#) *Campus Free Speech Amendments* – designates outdoor campus areas as traditional public forums, meaning that free speech must be allowed with only reasonable time, place or manner restrictions on that speech. Those restrictions must be narrowly tailored to serve a significant institutional interest and based on published, content- and viewpoint-neutral criteria. It also creates a cause of action for violation of these free speech rights. Does not apply to expressive activity indoors.
- [HB 100](#) *Institutions of Higher Education Disclosure Requirements*, adds transparency for students and parents by requiring institutions of higher education to disclose information regarding program completion, job placement, wage earnings, average student debt and the amount of tax subsidy for programs at USHE institutions.
- [HB 165](#) *Higher Education Retirement Amendments*, provides that the Board of Directors of each applied technology college, rather than the State Board of Regents, shall designate the retirement systems or companies that their full-time employees may participate in.

- [HB 249](#) *Higher Education Financial Literacy Amendments*, requires postsecondary institutions to annually notify students of their student loan balance and direct them to a repayment calculator, and protects the institution from liability for the disclosure of that information.
- [HB 251](#) *Campus Advocate Confidentiality Amendments*, prohibits the disclosure of confidential communications related to advocacy services at an institution of higher ed.
- [SB 117](#) *Higher Education Performance Funding*, puts in place performance metrics for the performance outcomes adopted by the Legislature in 2015 and provides ongoing funding.
- [SB 194](#), *Utah Data Research Center Act*, establishes the Utah Data Research Center to coordinate data-centric initiatives between the Utah System of Higher Education, K-12, the Utah Department of Workforce Services and the Utah Department of Health.
- [SB 238](#) *Higher Education Governance Revisions*, makes a number of technical changes, including governance structural changes at both USHE and UCAT and process changes for presidential selection, while still allowing the State Board of Regents to make the final decision. It also renames the Utah College of Applied Technology the Utah System of Technical Colleges; sets up a process for a quarterly education coordination meeting between higher education, workforce services, GOED and other stakeholders; and helps put in place a system that will allow our institutions of higher education to be focused on specific priorities and set statewide goals, with metrics for reaching those goals.
- [SB 243](#) *Revised Uniform Athlete Agents Act*, updates state statute related to the recruitment and contracting of collegiate athletes. It also expands notification requirements and provides for reciprocal registration of athletes between states.
- [SB 168](#) *Career and College Readiness Mathematics Competency Revisions*, requires the State Board of Regents to select at least two tests for college-level math placement.
- [SJR 1](#) *Joint Rules Resolution on Funding Mix Determinations*, adjusts the funding ratio of state funds vs. tuition funds that have funded compensation costs to higher education. For over twenty years, the Legislature and public higher education have held constant the ratio funding compensation costs at 75% state and 25% tuition. This resolution defaults this ratio for compensation to follow the present overall mix of state dollars and tuition dollars currently funding higher education – which has been about 50% state funds and 50% tuition for the past few years. Intent language was adopted in this year's budget bills to hold the historical 75/25 ratio for the next two fiscal years.

## Scholarships

- [HB 24](#) *Student Prosperity Savings Program* – creates the Student Prosperity Savings Program, which allows businesses and individuals to receive tax credits for donations to college savings accounts for individuals raised in intergenerational poverty.
- [SB 64](#) *Student Scholarship Amendments*, changes the amount of the centennial scholarship to increase along with WPU and allows a student to defer the scholarship.
- [SB 149](#) *Financial Education and Savings Plan to Benefit At-risk Children*, creates the Parental Coaching to Encourage student Savings Program, which provides financial training to parents of economically disadvantaged children attending kindergarten. It encourages parents to start saving money for college and provides a \$50 contribution to the 529 savings accounts of these children if their parents successfully meet the requirements of the program.
- [SB 256](#) *Regents Scholarship Amendments*, makes some adjustments to the Regents Scholarships so it can remain viable. Since its implementation, \$42 million has been given out. The current system will be

kept in place for juniors and seniors already on this track, but beginning in FY 2019 the money will be sent directly to the colleges and universities, rather than the individual students, and the amount of a scholarship may be reduced based on other state aid awarded to that individual student.

### **Poverty, Homelessness and JRI**

- We reinvested more than \$40 million of Medicaid and CHIP savings into homelessness initiatives, justice reform and a new juvenile justice reform
- \$1 million Employability to Careers Program ([HB 240](#))

### **JRI**

- \$1,178,200 appropriated for juvenile justice system reform ([HB 239](#))
- \$1,560,000 for Indigent Defense Commission
- \$654,700 for electronic records system
  - Provides data connection among all involved agencies
  - Ensures judges have access to screenings when making decision (screens now the responsibility of counties in order to receive state mental health/substance abuse dollars)
  - Allows for analysis of application of JRI to ensure the processes is being followed and offenders are sent to appropriate programs
- \$1 million for a vivitrol (substance abuse) pilot program
- **\$11.4 million for mental health treatment**
- **\$6 million for behavioral health treatment (mental health and substance abuse)**
- **\$3 million appropriated for jail-based substance abuse programs**
- If fully funded and combined with a small county match, the 3 programs above will draw down an additional \$32 million in federal funds

### **Medical**

- Approximately \$6 million (\$22 million with federal match) in approved portion of expansion for lowest-income adults with children ([HB 437](#), 2016)
- \$1.4 million (\$5.5 million with federal match) for dental services for disabled adults
- Disability services
  - \$4.1 million for additional needs for disabled individuals
  - \$2 million this year (\$4.7 million including federal match), in addition to \$10 million the past two years (\$5M/\$5M), to offer a competitive wage reimbursement to companies to hire workers to begin clearing out DSPD waiting list
  - \$570,000 (\$1.6 million, including federal match) for state worker wage increases to clear out waiting list
  - \$750,000 (\$2,538,000 including federal match) for services for those on the DSPD waiting list

### **Homelessness and Public Safety**

- [\\$35 million](#) this year to battle homelessness

- \$9.85 million for new homeless resource centers ([HB 441](#))
- \$3,250,000 for affordable housing ([HB 36](#))
- [HB 283](#) authorizes the use of funds from the Family Employment Program to help prevent families with children from becoming homeless.
- Funding for Salt Lake County to clean up crime around homeless shelters and protect the vulnerable
  - \$264,400 for increased policing around the Midvale Shelter
  - Nearly \$3 million for county jail beds
  - \$427,000 in jail contract treatment
- Nearly \$5,854,200 to raise pay and establish a career ladder for corrections officers
- \$860,000 to complete implementation of UHP career ladder

### **Additional Public Safety Legislation**

- [HB 110](#) adds a number of new synthetic drugs to the Utah Controlled Substances Act.
- [HB 124](#) adds correctional officers, special function officers and federal officers to the peace officer classifications used in prosecuting assault against a peace officer.
- [HB 139](#) eliminates the defense of voluntary intoxication in a rape prosecution.
- [HB 149](#) creates the Child Abuse Offender Registry and requires that individuals convicted of felony child abuse and human trafficking register.
- [HB 161](#) prohibits the transfer of money or property between a pedestrian and an occupant of a vehicle on a paved highway with a speed limit of 35 mph or more, including shoulder areas, on- and off-ramps and medians.
- [HB 162](#) makes changes to the sentencing requirements for individuals convicted of DUI.
- [HB 198](#) establishes a provisional concealed carry permit for those between the ages of 18 and 20.
- [HB 200](#) requires that all sexual assault kits be tested to obtain DNA profiles.
- [HB 206](#) expands the scope of those restricted in their ownership of dangerous weapons to include an individual subject to a protective order or child protective order or an individual who has been convicted of assault against a cohabitant.
- [HB 235](#) authorizes the use of cameras on a school bus to capture photos or video of possible violations of traffic laws by the school bus driver.
- **Not completed**

### **Opioid Abuse**

- [HB 50](#) limits the number of days for which an opiate may be prescribed for certain individuals. It also places limitations on the prescribing of opiates and requires doctors to check the database in certain circumstances
- [HB 66](#) protects certain people from civil liability when administering an opioid antagonist and permits and overdose outreach provider to furnish an opiate antagonist to another overdose outreach provider. Clarifies that persons are not civilly liable when administering an opiate antagonist under certain circumstances
- [HB 146](#) allows for the partial filling of Schedule II controlled substances in certain circumstances.

- [HB 175](#) requires controlled substance prescribers to receive training in opioid abuse screening and requires Medicaid and the Public Employees' Insurance Program to reimburse for screening services.
- **Not completed**

### **HB 442, Alcohol Amendments**

*HB 442 streamlines and standardizes Utah's liquor laws by improving prevention measures, updating restaurant and retailer operations, clarifying licensing regulations and modifying the makeup of the Department of Alcoholic Beverage Control (DABC) Advisory Board.*

- Prevention Measures
  - New underage drinking prevention programs, 8<sup>th</sup> & 10<sup>th</sup> grades
  - Marks up alcohol price by 2% to fund school lunch program, underage drinking prevention efforts and DABC operations
- Improved training requirements for new licensees every three years, focusing on:
  - Statute awareness
  - Operating requirements
  - Prevention of over-consumption
  - Prevention of selling to minors
  - Implementation of age verification tools
- On-premise - restaurants and bars that prepare and serve alcohol directly
  - Responsible Alcohol Service Plan, RASP
    - Measures to prevent employees from over-serving & serving to minors
  - Dispensing options:
    - Leave "Zion Curtain" in place
    - Install a 42" barrier between dining area and dispensing area
    - Create a 10' buffer for minors from dispensing area without any barrier
- Off-Premise - retail establishments selling for off-premise consumption
  - All beer and like products moved to two locations, beer separated from other drinks
  - Department approval of labeling and packaging if it looks like a nonalcoholic product or could be misleading; approval falls on manufacturer
  - Gives DABC authority in issuance of licenses to off-premise retailers
- Licensing
  - New flat license fee for full-service restaurants, \$1650
  - Updates distance from community location - church, school, park, etc.
    - Restaurant - 250' walking distance or 200' straight line
    - Bar - 600' walking distance or 200' straight line
    - Commission can no longer grant variances
    - Does not affect existing licensees

- Standardizes licensees, creates distinction between bars & restaurants
  - Removes all club licenses
  - Requires all grandfathered restaurants to comply
  - Dining clubs must migrate to either a bar or restaurant
  - Licensees given until July 1, 2018
- DABC Advisory Board – 9 members: 8 voting, 1 non-voting
  - Four voting members, representing: retail, wholesale, manufacturing and restaurants
  - Two voting members representing organizations addressing alcohol or drug abuse prevention, enforcement or education
  - Director of the Division of Substance Abuse and Mental Health, voting member
  - Chair of the Utah Substance Use and Mental Health Advisory Council, voting member
  - Chair of the Commission, non-voting member

Many states have restrictions of some sort regarding children near bar areas, including: Washington, Michigan, Wyoming, Pennsylvania, South Dakota, Arizona, New Hampshire, Indiana, Idaho, Rhode Island, North Dakota, Oregon, Minnesota, Arkansas and Alaska.

### **Transportation Bonding**

*As the fastest growing state in the nation, with a hot job market and flourishing economy, Utah is finding that in many areas commercial development has outpaced projections and created increased road congestion. While the Utah Transportation Commission has looked ahead to prioritize and schedule necessary road construction projects, this new growth is forcing us to reconsider that timeline.*

- The Utah Transportation Commission has vetted, approved and scheduled a number of projects that, due to this explosive new growth, need to be dealt with on an accelerated timeline.
- SB 277 would bond for these necessary UDOT-prioritized road projects at an average \$250 million/year over four years. Completion of these projects in areas serving Utah's burgeoning employment base will allow for more fluid traffic flow and greater accessibility for employers and employees.
- Utah is one of only nine AAA bond rated states, one of the most fiscally responsible in the nation.
- When Utah borrows money for buildings and roads, we pay it off quickly - buildings in six years and roads in 15 years, both well before life expectancy of the projects.
- This new bonding won't change our current debt level; at this time the state is making principal reduction payments of approximately \$300 million per year and those reductions will closely mirror new debt.
- Based on current economic conditions, we will remain at approximately 45% of our debt limit or below, but the bill includes a trigger at 50% – if that point is reached, all new bonding stops.
- This is an ideal time to begin the process, with interest rates currently about 2% and construction costs rising at approximately 5% per year. The sooner we start the process, the lower the construction costs and interest rate.

## Clean Air

The Legislature just passed one of the most significant pieces of legislation for clean air in years. With [SB 197](#), refineries in the state are incentivized to switch over to the production of Tier 3 fuels which have a lower sulfur content and provide for much cleaner burning.

If everyone in the state were to use Tier 3 fuels and cars, it would have the equivalent effect of removing four of every five vehicles on the road. The investment of producers to change from Tier 2 to Tier 3 fuels will be significant, in the tens of millions of dollars, and this bill provides a sales tax exemption on certain products needed for that transition.

Appropriations:

- \$1.45 million for air monitoring equipment
- \$200,000 for Uinta Basin Storage Tank Emission Pilot Project (air quality research)
- \$2.5 million to help UTA build Depot District Clean Fuel Tech Center to expand CNG bus fleet and battery electric buses

Bills include:

- [HCR 5](#), concurrent resolution to support the dedication of a portion of the state funds from the Volkswagen settlement to replace a portion of our dirty diesel school buses with clean fuel buses.
- [HB 96](#), creating a requirement for operators of gasoline cargo trucks to prevent the release of petroleum vapors into the air.
- [HB 104](#), which allows counties to use revenue from emissions fees to maintain a national ambient air quality standard.
- [SB 24](#), extending the heavy duty vehicle tax credit to include heavy duty vehicles with hydrogen-electric and electric drivetrains.

## Lands

This year the Utah Legislature passed a number of bills that would allow us to better care for our public lands and permit greater recreational access on lands controlled by the federal government. These include:

- [HB 63](#), *Hole in the Rock State Park* - creates a state park in the Hole in the Rock area.
- [HB 95](#), *Little Sahara State Park Designation* - creates a state park in the Little Sahara Recreation Area.
- [HB 407](#), *Utah Public Land Management Act Amendments* - declares that the state should retain lands in state ownership “for the enjoyment and betterment of the public and state” and requires super-majority support of two-thirds of the Legislature for public land sales.
- [HCR 1](#), *Concurrent Resolution to Secure the Perpetual Health and Vitality of Utah's Public Lands and its Status as a Premier Public Lands State* - reiterates that Utah is a premier public lands state and is committed to remaining a public lands state. It asserts that local control of Utah's public lands would result in greater opportunities for outdoor recreation, as well as economic opportunities for rural Utah.

- HCR 11, *Concurrent Resolution Urging the President to Rescind the Bears Ears National Monument Designation* - so as to not place greater restrictions on use of the land and make it nearly impossible for recreationalists to use much of it as they do now.
- HCR 12, *Concurrent Resolution Urging Federal Legislation to Reduce or Modify the Boundaries of the Grand Staircase-Escalante National Monument* - to allow greater use on and around those lands for locals and recreationalists.

