

What Passed And What Failed — A Recap Of The 2021 Legislative Session

KUER 90.1

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Published March 5, 2021

11:39 PM MST

<https://www.kuer.org/politics-government/2021-03-05/what-passed-and-what-failed-a-recap-of-utahs-2021-legislative-general-session>

The Utah Legislature wrapped up its 2021 General Session Friday at midnight. Lawmakers passed more than 500 bills.

The Utah Legislature closed out its 2021 General Session late Friday night after passing 503 bills.

With the ongoing pandemic, the 45-day meeting of lawmakers was [unlike any before](#). Masks were required in the Capitol, plexiglass dividers were installed, and the public was able to comment virtually during committee hearings.

“It’s allowed for people to have more input than probably ever before in the history of the legislative session,” said Senate President Stuart Adams, R-Layton. “It’s something I hope continues.”

Gov. Spencer Cox said he was grateful there were no COVID-19 outbreaks at the Capitol during the session.

“So many safety precautions were taken,” Cox said. “I want to thank the [Utah] Department of Health and their employees who got up at 4:00 in the morning so they could be here, set up at 6:00 every morning to to run tests for legislators, for our staff ... and to get through this session with very little disruption at all.”

COVID-19 Pandemic

✓ **Emergency Powers:** After several public spats with the governor’s office last year over COVID-19 restrictions, the Legislature passed a [bill that enacts sweeping limits](#) on the executive branch’s emergency powers. It allows the Legislature to override public health orders and lets local governments do the same with orders from local health departments.

✓ **Pandemic Endgame:** [Under this legislation](#), the statewide mask mandate would end on April 10, except for gatherings of 50 or more people where physical distancing isn’t possible. All other COVID-19 public health orders, would be terminated when certain public health thresholds are met. Those thresholds are related to case rates, ICU capacity and the number of vaccine doses in the state. Public health orders related to K-12 schools would be repealed by July 1. Cox said he would not veto the bill.

Social Issues

✗ **Trans Girls in School Sports:** One of two anti-trans bills this session would have banned transgender girls from competing on girls public school sports teams. It passed the House but a Senate committee killed it by declining to vote on the legislation. Gov. Spencer Cox had signaled he would veto the bill.

✗ **Gender Affirming Healthcare:** The other anti-trans bill would have prevented transgender minors from [accessing gender affirming healthcare](#), like hormone therapy, puberty blockers and surgery. During its first committee hearing, [lawmakers sent it back](#) to the Rules Committee, which decided not to give the legislation another public hearing. Cox also said he would veto this legislation.

✓ **Concealed Carry:** This bill sailed through the Legislature early in the session and was [signed into law](#) by Cox during the fourth week of the session. It removes the requirement to get a concealed carry permit, but still allows people to get them if they choose.

✓ **Cell Phone Content Filter:** Lawmakers [approved a bill](#) that would require tablets and smartphones sold in Utah to come with an [existing content filter turned on](#). The filter would block sexual content and could be turned off using a passcode.

Criminal Justice

✓ **Bail Reform Repeal:** The Legislature [voted to repeal](#) a major bail reform law they just [passed last year](#). The law required judges to release low level offenders using the least restrictive condition, like drug tests or ankle monitors. Supporters of the repeal said smaller counties have had trouble implementing the law. Critics of it argued bail reform is working well in the three largest counties that process the bulk of the state's criminal cases, and that the old cash bail system is inequitable. Cox said Friday night he wasn't sure if he would sign or veto the bill. He said it would be helpful to address the issue in a special session. ✗ A bill that would have [created a task force](#) to study the issue passed the Senate but didn't get a public hearing in the House.

✗ **DIY Rape Kits:** A bill that would [ban the sale of DIY rape kits](#) passed the House but [didn't make it through the Senate](#). Rape kits are used to collect evidence of a sexual assault. Both prosecution and defense attorneys have testified that DIY versions of these kits are not typically admissible in court. Lawmakers critical of the bill said it placed too many restrictions on private businesses.

✓ **Facial Recognition:** The Legislature [passed a bill](#) to prevent law enforcement agencies from scanning the state's drivers' license database using [facial recognition technology](#) — unless they're investigating high-level crimes. The legislation is a response to a [2019 report](#) from Georgetown University. It found the Utah Department of Public Safety [ran facial recognition searches on its drivers license database](#) on behalf of outside law enforcement agencies, including the Federal Bureau of Investigation and U.S. Immigration and Customs Enforcement.

✓ **College Education for Incarcerated Youth:** Incarcerated students in Utah currently have access to high school curriculums and can get their GED or diploma. The Legislature unanimously supported a [proposal that sets up a program to help students earn college credits](#), too. Advocates for the bill said [education helps reduce recidivism](#).

Police Reform and Protests

Lawmakers [proposed dozens of bills in response to last year's movement against police brutality and racial injustice](#). Some were more controversial than others.

✓ **Use of Force Reporting:** One police reform bill sailed through the Legislature without any trouble. It would require law enforcement agencies across Utah to [collect data](#) on use of force. The bill's sponsor and advocacy groups like the Utah Fraternal Order of Police said [more information was needed](#) to understand if excessive force is a problem in the state.

✗ **No-knock Warrants:** "No-knock" and "knock-and-announce" warrants came under scrutiny last year after police in Louisville shot and [killed Breonna Taylor](#) in her sleep. A Utah lawmaker proposed a bill that would [limit when those types of warrants are allowed](#). Civil liberties groups supported the bill, saying it would protect the safety of the public and police. Law enforcement argued it would [hinder their investigations](#) by giving people too much time to destroy evidence. The bill was held in committee twice.

✓ **Gang Enhancements:** Lawmakers passed a bill to [limit the use of increased penalties for certain crimes](#). Last summer, the Salt Lake County District Attorney used a gang enhancement to charge protesters with felonies for painting his office red. The bill would [only allow that to be used for violent crimes](#) against people — not property crimes.

✗ **Riot Penalties:** A bill that [increased penalties for people arrested for rioting](#) failed after passing the full Senate. It revoked bail for those people. One of the most controversial parts of the bill [would've](#)

given immunity to drivers who hit or kill people while the driver is leaving a protest. The American Civil Liberties Union of Utah called it the “license to kill” bill.

Education

✓ **Dixie State University Name Change:** One of the more controversial bills this session was about [changing the name of Dixie State University](#) in St. George, because of the term Dixie’s [ties to the Confederacy](#). The legislation passed the House, but the [Senate changed it](#) so that it no longer required the name “Dixie” to be dropped. The new version lays out the process for the DSU Board of Trustees and the Utah Board of Higher Education to come up with a name of the university by November. That change brought Sen. Don Ipson, R-St. George, on board with the legislation and he became the bill’s floor sponsor.

Funding: Within the first two weeks of the session, lawmakers added around \$475 million to the [public education base budget](#). In total, they’re spending more than \$6 billion on education — around a quarter of the Legislature’s budget.

Much of that funding boost is due to Amendment G, the constitutional amendment voters approved last year. That changed the way lawmakers can use money that’s typically allocated for education. It also triggered more money this year.

The funding includes a 6% increase in the weighted pupil unit — a big component of per pupil spending — and \$1,500 bonuses for teachers.

Lawmakers initially left Salt Lake City teachers out of those bonuses because the district had not resumed in-person learning. On the first day of the legislative session, the school board voted to start in-person learning again.

✓ **In-person Prioritization:** This bill changed a lot over the course of the session. Originally, it allowed parents to take their kids out of school districts that didn’t offer in-person learning and still have their funding follow them wherever they enrolled, including in a private school. After several versions, the sponsor landed on a bill that [requires colleges to offer at least 75% of their classes in person](#). It would also try to keep K-12 students in school by testing students during an outbreak and requiring only those who test positive to stay home.

Budget

Infrastructure and education [were big winners](#) in the budget this year. The budget includes \$115 million in one-time money for an infrastructure development account and around \$100 million for state parks and trails. Lawmakers approved an increase of around \$400 million for the public education base budget plus an additional \$76.5 million in the General Session budget. Higher education institutions are set to receive, in total, more than \$100 million for new buildings and to purchase new land.

The budget sets aside \$50 million to address housing and homelessness issues, including refunding an affordable housing bill that lawmakers cut funding for over the summer.

Lawmakers also restored funding for several bills that it cut last summer due to the pandemic.

Affordable Housing and Homelessness

✓ **Accessory Dwelling Units:** The Legislature approved a bill to [make it easier to build accessory dwelling units](#), like mother-in-law and basement apartments. The proposal loosens some of the zoning and construction regulations. It also [provides funding for loans](#) to homeowners who want to build these types of apartments and rent them out to low-income tenants.

✓ **Building Assistance:** This legislation creates [housing related grants](#) and allows government agencies to give land that they own to developers to create housing that is at least 20% affordable. The legislation creates grants to help developers create low-income housing in rural areas and grants for tenants having

trouble paying their rents. Those programs would cost the state \$800,000, which lawmakers have included in the state budget.

✓ **Homeless Services Restructure:** Utah will have a [new homeless council and services officer](#), under a bill passed by the Legislature. The intention is to streamline and coordinate homeless services and funding to more effectively address the issue throughout the state. In addition to the bill, legislative leaders also announced a partnership with local philanthropists. Together, they're investing \$730 million in addressing homelessness and affordable housing issues.

Voting

✓ **Party Switching:** In response to calls last year for [Democrats to register with the GOP](#) before the gubernatorial primary, the Legislature passed a bill that [limits when voters can switch their party affiliation](#) in the run-up to a primary election. Under the legislation, if a voter switches parties after March 31, that switch would [not take effect until after the primary election](#). Unaffiliated and new voters are allowed to register with a new party during that time. The idea behind the Republican-backed bill is to prevent Democrats from joining the Republican party en-masse to try to influence the party's primary election. However, [an analysis by Princeton University](#) found it wasn't Democrats switching over to the GOP last year. It was largely new and unaffiliated voters.

✗ **Signature Gathering:** The battle over a [2014 law, S.B. 54](#), continued this legislative session. S.B. 54 allows political candidates to get on a primary ballot by either gathering signatures or being nominated at a party convention. Previously, candidates' only option was to be nominated. The Republican party [unsuccessfully challenged that law](#) in court for years. During this session, [lawmakers considered a bill](#) that would have given political parties the option to [get rid of the signature gathering path to the ballot](#). That bill was circled in the Senate and died on the board.

✓ **Ballot Tracking:** The lieutenant governor's office already has a ballot tracking system on their website. But lawmakers approved a bill requiring the office to keep a tracking system, and to [offer text or email alerts](#) to people using that system.

Environment

✓ **Inland Port:** The inland port returned to the Legislature this year — like it does every year. Lawmakers passed a bill that creates a "bank" to [distribute \\$75 million in loans](#) for inland port infrastructure throughout the state. Those would go to [satellite ports](#). Lawmakers removed a section that would have gotten rid of a rule that prohibits the port's board members from owning land within five miles of the project's boundaries. Lawmakers introduced and passed [the legislation](#) within a week of the end of the session.

✗ **EV Cars:** The House [voted down a proposal](#) to dramatically increase annual fees for electric and hybrid vehicles. Over the next three years, fees would have risen to nearly 3.5 times what they are now. Supporters of the bill said the idea was to bring those fees closer to what the average driver of a gas-powered vehicle pays in gas taxes at the pump. But critics said the legislation would've been bad for efforts to improve Utah's air quality.

✓ **Colorado River Authority:** The Legislature's top two Republicans teamed up to sponsor a bill that [creates Utah's Colorado River Authority](#), which would help Utah renegotiate its water allowance from the river. It passed the Legislature easily. The bill's sponsors said Utah needs to make sure the state gets the water it deserves. But critics are wary of open meetings and records exemptions in the legislation.

Dead On Arrival

✘ **Minimum Wage:** Two Democrats sponsored bills this year to raise the state’s minimum wage, which is currently \$7.25 — the federal minimum wage. [One proposal](#) would have raised the minimum wage to \$15 per hour by July 2026. The [other proposal](#) had different scales for different types of counties — “nonurban,” “urban growth boundary” and urban.

✘ **Universal Background Check:** For the third year in a row, House Minority Leader Rep. Brian King, D-Salt Lake City, sponsored a bill that would [require background checks](#) for almost all gun transfers. There were exceptions for family members, law enforcement officers and temporary transfers. The legislation was never granted a public hearing.

✘ **Impeachment:** A [democratic proposal](#) would have created a committee to investigate Attorney General Sean Reyes for possible involvement in the [Jan. 6 attack at the U.S. Capitol](#). That investigation could have potentially led to impeachment proceedings. It never left the Rules Committee.

✘ **Equal Rights Amendment:** A resolution [ratifying the Equal Rights Amendment](#) was sent to the House Rules Committee during the first week of the session — and never left.

✘ **Qualified Immunity:** Qualified immunity protects police officers from being sued. Ending it is one of the demands that came out of last year’s protests for police reform. A proposal by Utah’s House Minority Leader [would have taken that on](#), but it was never given a hearing.