

This Is the End, My Friend

Conversion therapy! Fornication! Slavery! A venomous lizard not native to our state! 2019 Legislature reaches feverish conclusion.

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- Enrique Limón
Legislators have toiled away on Capitol Hill for the past 45 days, making new laws and devising fresh ways to control the lives of their more secular constituents. Asked to rank the performance of his legislative brethren, Gov. Gary Herbert dove deep into a schoolhouse metaphor. “It’s like I got a grade on a simple math test, and I got an A, but now we’ve got calculus, and maybe it was a B+, but it was a much harder class,” Herbert told *City Weekly* during the session’s final day. “And this was a much harder session. A lot of heavy lifting, a lot of complex issues, a lot of emotion out there.”

There were innumerable challenges and changes, Herbert added, but lawmakers weathered the storm. “New legislators, just learning the ropes. New leadership, just learning how to herd the cats,” the gov said. “But ultimately, overall a very positive grade, whether that’s a B+, A- ... I don’t know.”

We gave readers a taste of **what to expect** from this year's legislative session before its Jan. 28 kickoff. With the Capitol halls now empty, join us as we reflect on some of the bigger-ticket issues lawmakers tackled during the 63rd Legislature.

Ye Olde Hot-button Issues

Conversion therapy

State lawmakers routinely employ the "Think of the children!" defense when they weigh in on issues they don't like. Medical cannabis? "We must protect the youngest, the blessed and most vulnerable among us." Raising the amount of alcohol in the beers sold in grocery stores? "We must consider the kids, for they are our future."

Apparently that doesn't extend to protecting LGBTQ minors from a dangerous and destructive form of counseling.

Legislators seemed ready to pass a bill that would prohibit therapists from practicing conversion therapy—which tries to change a person's gender identity or sexual identity, and is linked to depression and suicide—on Utahns younger than age 18. But then Karianne Lisonbee, R-Clearfield, successfully proposed a substitute that **gutted the original bill**. (Never mind her **past Facebook comments** that say, "It is compassionate to recognize the inherent risks, emotional, physical and mental, [of] the homosexual lifestyle." Nothing to see here!)

Forward-thinkers got pissed off. **Activists and allies assembled**. Prominent members of the state's youth-suicide task force **quit in protest**. And unhappy supporters of equal rights reportedly contacted Lisonbee with "**vile messages**," to voice their frustrations. The ripples of those alleged threats wound up affecting other hot-button legislation. (Kelan Lyons)

Hate crimes

A **perennial issue** in the Legislature, lawmakers finally passed a bill that will give the state's hate crimes laws some teeth. Salt Lake County District Attorney Sim Gill **previously told City Weekly** that that statute was useless because it was too high of a burden for prosecutors to meet. "The end result, is it really is an injustice when it comes to hate crime in the state of Utah" Gill said.

Gov. Gary Herbert has indicated he will sign the legislation. Once that happens, prosecutors could seek enhanced charges for people who target others because of their race, religion, gender identity or sexual orientation, among other personal characteristics. The possibility of increased prison or jail time is why the **ACLU of Utah** was not among the supporters of **Senate Bill 103**.

As with conversion therapy, Lisonbee scored another 11th-hour change before the House approved the bill. "As many of you know, I have been targeted," Lisonbee said, referring to the aftermath of her comments about LGBTQ people. "I have had hateful things said about me. I have experienced death threats."

The House added “political expression” to the list of protected categories, a change the Senate later approved. (KL)

Abortion

Sometimes you have to hand it to the Legislature. They know that **House Bill 136** will be challenged in court. That *Roe v. Wade* is settled law. That women are human beings and therefore can be trusted to exercise free will. And, yet, they still approved legislation that will ban women from seeking abortions after 18 weeks of gestation (instead of the roughly 20 weeks already in the books). Sure, it’s a dumb and controlling way to waste taxpayer money merely to signal their pro-life virtues, but it’s the Utah Way, dammit!

“This bill preserves the woman’s right to choose to have an abortion for any reason up until 18 weeks,” Sen. Deidre Henderson, R-Spanish Fork, said. “I think it sends a message that we here in the state of Utah value life.”

Don’t like the bill? Too bad, you’re going to pay for the legal challenges. The ACLU of Utah has already vowed to **file a federal lawsuit**, as has the state’s **Planned Parenthood Action Council**.

“The U.S. Supreme Court has consistently held for over 40 years that states may not ban abortion prior to viability,” the ACLU of Utah wrote in a statement. “When the Utah Legislature passed a law in the early 1990s to ban abortions after 20 weeks, the 10th Circuit Court of Appeals ruled it was unconstitutional. This means legal challenges to HB 136 have direct case law, on point, within our circuit, that pre-viability abortion restrictions are unconstitutional.”

Herbert hasn’t said whether he’ll sign it, but when the topic comes up in news conferences he reminds reporters that he’s a “**pro-life guy**.” (KL)

Uniquely Utah

Gila monster

The Gila monster, a venomous and slow-moving lizard, lives in the Mojave Desert. If you see it in Utah, it’s only found in a part of Washington County in the southwest corner of the state. But that didn’t stop Rep. Lowry Snow, R-Santa Clara, from sponsoring **HB144**, which designates the Gila monster as the state reptile.

Utah has a state dinosaur (Utahraptor), a state fossil (Allosaurus), a state rock (coal), a state bird (California gull), and on and on. So why not a reptile? The idea was proposed by a group of middle school students at Lava Ridge Intermediate School north of St. George. Frankly, depending how you look at the bills from this session, you might wish these middle schoolers came up with a few more laws. But, by all means, let’s designate a reptile that also happens to be a mascot for a hockey team in Sin City. The bill is headed for Herbert’s desk. (Ray Howze)

State flag

First, **it was Salt Lake City**. Then, it was the Legislature. Flag designs and their critiques are all the rage of late and lawmakers couldn't resist weighing in this session. Except, as of the last day of the general session, it appears Utah is stuck with its state seal on the blue banner for now.

Two representatives proposed ideas for the flag—one wanted to **create a commission** for flags (because we don't have enough commissions or task forces already) and another came with a **ready-made design**. There was just one problem with his proposal: the date. While showcasing the patriotic red, white and blue and a beehive, Rep. Keven Stratton, R-Orem, added the year 1847—when Brigham Young and his followers settled Salt Lake Valley. It wasn't for another nearly 50 years that Utah was officially recognized as a state. And there's the issue of indigenous people who were here long before ol' Brigham ... which other legislators raised questions about. Meanwhile, Utah will keep its flag and lawmakers will likely find another topic *du jour* next year. (RH)

Ashgate

Catholicism is one of the biggest religions in the world. It even has its own city-state—something some Utahns might wish they had. However, that didn't stop one Bountiful teacher from having to apologize for helping wipe ashes from a student's forehead on Ash Wednesday.

News of the incident spread like wildfire. At the Capitol, it led to an **apologetic news conference** the last week of the session hosted by Rep. Todd Weiler, R-Woods Cross.

"This is something that happens when people aren't necessarily exposed to other cultures, other religions," Weiler said. "It's not always necessarily mean-spirited. This has been very educational for me."

The teacher—plus parents at the news conference—admitted they were unfamiliar with Ash Wednesday and called for more diversity training. How about more diversity in general? (RH)

The Environment

Inland port

Salt Lake City Mayor Jackie Biskupski is suing the state over creating an inland port in the city's Northwest Quadrant. But that hasn't stopped lawmakers from expanding the transportation and trade hub's footprint even farther. This session, the House and Senate passed **HB433**, which would allow the port to stretch into rural areas under certain conditions.

Originally, the bill included language prohibiting governmental entities from filing legal challenges to the port. That provision, however, was later removed and Biskupski went ahead with the lawsuit.

Still, the inland port appears to be moving ahead. As a result, Sen. Luz Escamilla, D-Salt Lake City, **proposed a bill** directing the Department of Environmental Quality to monitor the development's environmental impacts. The House and Senate passed the bill, sending it to

Herbert's desk. Hey, at least Utahns will now understand how much pollution the hub creates, even as they breathe its toxic air. (RH)

Plastic bags

Park City and Moab can rest easy. **Rep. Mike McKell's bill** to prohibit bans on plastic bags, straws and containers wasn't even brought up for a vote on the House floor. In fact, when McKell, R-Spanish Fork, tried to bring it up for a vote, he was shut down.

Park City and Moab already have passed ordinances that ban single-use plastic bags and Logan is considering something similar, **according to Fox 13**.

McKell said he wanted to create consistency in the ordinances, but faced pushback from municipalities that didn't want the state to dictate how they handled the plastic. (RH)

Radioactive waste

Take it all in. At least that's what some lawmakers would like to do with radioactive waste. In the session's first few weeks, **HB220**, sponsored by Rep. Carl Albrecht, R-Richfield, sailed through the Legislature. The bill, which **according to the *Deseret News*** appears likely to be signed by the governor, will allow facilities to accept depleted uranium.

Depleted uranium gets hotter the older it gets. HEAL Utah opposed the bill, citing concerns about bringing Class A waste into the state. EnergySolutions, however, says it would be able to store it at its facility in Tooele. Soon, we'll all be feeling radioactive. (RH)

About Goddamn Time

Marriage Ban

Joseph Smith is probably rolling in his grave—lawmakers sent a bill to Herbert's desk that would **ban 15-year-olds** from getting married, and set a maximum age gap of seven years between a minor and their hopeful spouse.

The House approved the measure 55-6, and the Senate OK'd it with a vote of 22-2, which means there are at least eight lawmakers who think high school freshmen should be allowed to legally bind themselves to a partner for the rest of their lives. One of the concerns is that pregnant children could leave Utah for another state that would let them get married in their early teenage years. Or that people will move in together without tying the knot. The horror!

Under **House Bill 234**, 16- and 17-year olds would need parental consent and judicial approval to get married. Rep. Angela Romero, D-Salt Lake City, the bill's sponsor, initially hoped to dash all minors' marriage dreams, but **accepted a compromise** embraced by the slow-to-change GOP supermajority. "I'm not giving up on raising the minimum age to 18," Romero told ***The Salt Lake Tribune***. "This is just a first step." (KL)

Sex

Sinners, I have good news: You can finally have sex outside of marriage in Utah. Until this session, fornication had inexplicably still been listed as a Class B misdemeanor—punishable by a \$1,000 fine and up to six months in jail, not a good old-fashioned stoning, as the archaic crime suggests—in the state’s criminal code. Thanks to **Senate Bill 43**, which would change that code, the law **will be repealed** if Herbert signs it.

Those naughty lawmakers also sent legislation to Herbert’s desk that would repeal laws criminalizing adultery and sodomy among consenting adults. As **Fox-13** reported, those parts of Utah’s criminal code are unenforceable, but give credit where credit is due, and join me in applauding the old-school Bible-lovers for helping make Utah less of a national laughing stock. (KL)

Slavery

Legislators approved a resolution floated by Rep. Sandra Hollins, D-Salt Lake City, the only African American member of the Legislature, that would remove language from Utah’s constitution that permits slavery “as punishment for crime, whereof the party shall have been duly convicted.”

Now that lawmakers have approved Hollins’ measure, voters will have the final say on whether to make the changes to the state’s constitution. A majority of Utahns will need to vote in favor of the ballot measure in 2020 in order to make sure the change stands. Unlike last election’s **voter-approved** ballot initiatives, it’s unlikely lawmakers will override the **people’s will** on this particular issue. (KL)

- Derek Carlisle
Rest in Peace, 2.0

Just two months ago, *City Weekly* **took a look** inside the Capitol Hill Morgue and made peace with the recently deceased people’s power, the medical-cannabis ballot initiative and Jim Dabakis’ senatorial career, among others. Now that the 63rd legislative session has concluded, join us in laying the following precious items to rest.

Guv’s lofty tax dreams

It turns out fundamentally rewriting the state’s tax code is too great a goal, even for a Republican supermajority. The session kicked off with **House Speaker Brad Wilson**, R-Kaysville, and **Gov. Gary Herbert** calling for a historic \$225-million tax cut. Returning to a perennial talking point, the guv also mentioned in his State of the State Address the importance of Utah modernizing its tax code. “A major structural budget challenge is Utah’s narrowing tax base,” Herbert said. “Developing a more equitable, simple and sustainable tax system will be our No. 1 priority this session.”

Alas, the tax gods were not on his side. Legislators hastily **tabled tax reform** after public backlash to their **proposed bill** that would have imposed new taxes on a myriad of services.

"I don't think we caved to anything. I think we responded to what the public understands and wants to do," Herbert said, according to the *Deseret News*. Expect the issue to be raised again in a special session over the summer. (KL)

Full-strength beer

Sometimes, you might think Frankenstein's monster is running the state's liquor laws. Half-dead brains lead to half-hearted solutions. As more states around the country make moves to approve full-strength beer in grocery stores and other places, Utah seemed destined to **remain at its 3.2 percent** alcohol by weight (4 percent alcohol by volume) level. However, as the end drew near, lawmakers **passed a bill** that found some middle ground—4 percent alcohol by weight, still shy of the typical 4.8 percent. If the gov signs it, well, at least you might only need one less beer before you roam downtown like Frankie. (RH)

Any trust your elected officials will responsibly appropriate your money

Of course there was talk Utahns would partially pay for the **Orrin Hatch Center**. As if the seven-term Utah senator—whose **estimated net worth** is more than \$4 million— would front the cost for some sort of sinful, masturbatory relic that honors his never-ending political career. **KUER 90.1 FM reported** Rep. Patrice Arent, D-Millcreek, unsuccessfully tried to steer the planned \$1.5 million for the Hatch Center toward clean-air initiatives. And why not? If there's anything we know about Hatch, it's that the Forrest Gump of national politics will outlive us all, regardless of his home state's air quality. On the last day, the \$1.5 million was stripped from the appropriations bill. (KL)

Bad air

Pour one out for bad air. It's kaput. Wait, not entirely. Inversions still get us down. But the Legislature passed a few bills to help quell pollution. A bill that **reduces the number** of warnings for idling from three down to one before a citation is issued passed; changes were made to the **wood-burning stove exchange program** that would allow for more people to use the incentive; and lawmakers **appropriated some money** to establish free-fare days on UTA when the air is bad enough. Take that, inversions. (RH)

So raise your glass of 3.4 percent by weight beer (while you can) and join us in a toast bidding *adieu* to this most bizarro of legislative sessions. What oddities will the 64th session present? Only time (and perhaps a good acid trip) will tell.