



April 2010

Confusion on Health Reform Continues

The League of Women Voters has nationally taken very strong positions that health care should be available to all citizens. Now that the Obama Administration has succeeded in passing their Health Care bills, titled "Patient Protection and Affordable Health Care Act" (H.R. 3590) and the "Health Care and Education Reconciliation Act of 2010," (H.R. 4872) there is still dispute about them, as well as confusion. Many don't know what the bills contain.

To read a complete summary from the Library of Congress, go to <http://thomas.loc.gov/cgi-bin/bdquery/z?d111:HR03590:@@D&summ2=m&> and <http://thomas.loc.gov/cgi-bin/bdquery/z?d111:HR04872:@@D&summ2=m&>

Below is a brief summary of some immediate benefits in the bills. The following is trustworthy, though not all inclusive:

- * 32 million uninsured American citizens will now have coverage available.
- * Discrimination on the basis of pre-existing conditions (starting this year with children and high risk pools for adults), health status, and gender will no longer be permitted.
- * An insured person's child can be covered to age 26 instead of being discontinued after high school. Insurance can't be revoked if you get sick; automatic annual or lifetime pay limits are not allowed.
- * Small businesses and nonprofits will receive significant tax cuts this year to more affordably offer insurance to their employees; people taking early retirement will receive help to cover their premium costs.
- * The government will invest in preventive ("wellness") care, and in training new primary care personnel: doctors, nurses, public health professionals, and state level consumer assistance programs.
- * Seniors will receive a rebate this year to reduce donut hole drug costs not covered by Medicare, and in the future there will be discounts up to 50 percent.

Other parts are slated to be effective 2011 and onward:

- * Starting January 1, insurance companies will be required to spend 80 percent of premiums on medical services (for small groups), 85

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Keeping the Lake Wet: A Water Appropriation for Great Salt Lake

APRIL 28, 29 & 30 University of Utah

During our discussions of water policy in the Fall, many of you expressed concern about the future of the Great Salt Lake. The Friends of Great Salt Issues Forum will focus on the Lake's water problems in the context of growth, climate change, and the unique importance of the lake to wildlife and our quality of life.

There will be discussion of Utah water law and the challenge it presents to those who want to save the lake. And most important, there will be presentation on a conservation pool (of water, of course) for the lake. Go to the website: www.fogsl.org. You can get to the forum from the middle of the home page. There the important information is on the left where you can get to daily schedules by clicking of the day and date, and to an abstract of presentations by clicking on the speaker. Registration is easy and best of all, you can register for just one day of your choosing if that is best for you.

HEALTH CARE continued from previous page

- percent (for large groups), or rebate money to payers.
- * On the same date, the bill provides funding for offices of health insurance consumer assistance, and insurance companies will have to prove a need for raising rates to them. Unjustifiable rate raises may be disallowed by states.
- * There is a section called CLASS—Community Living Services and Assistance Act — to help cover the cost of long-term care. Because long-term care often bankrupts and exhausts ordinary people, this will be an important section of the insurance provisions.
- * In 2011 funding starts for doubling community health centers ability to treat patients, to be complete in five years.
- * Health savings accounts are allowed, in combination with catastrophic coverage insurance.
- * The bill strengthens and stabilizes the Medicare trust fund for nine additional years.

As our average ages increase, more and more of us will need and benefit from the protections offered in the bill. Only time will tell if savings result, but better insurance and more peace of mind are “sure things.” It is worth remembering that Medicare, which hardly anyone would want repealed, was much hated and fought against in its first year or two. Now no one old enough to have it would turn it down.

— **Linda Johnson**
Co-president, LWVSL

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Biennial Council in Moab

All members are invited to join us in Moab on May 14 and 15 for the biennial Council of the League of Women Voters of Utah.

On Friday evening, May 14 we'll have a dinner and speaker selected by the LWV of Grand County. On Saturday, May 15 we'll begin the day with a continental breakfast and then hold our business meeting to fill vacant board offices, review the program approved at the 2009 Convention, and approve a budget for the coming year.

Sue Kirkham of the Grand County League has provided a list of accommodations within walking distance of the Moab Arts & Recreation Center where our meeting will be held. Since this is a busy season in Moab and we're a small group we're not able to reserve a block of rooms. However, this list should provide a range of prices:

Cali Cochitta Bed & Breakfast - www.moabdreaminn.com 888-429-8112
Best Western Greenwell Inn - www.greenwellinnmoab.com 800-528-1234
Bowen Motel www.bowenmotel.com 800-874-5439
Gonzo Inn www.gonzoinn.com 800-791-4044
Kokopelli Lodge & Suites www.kokopellilodge.com 888-530-3134
Ramada Inn Downtown Moab www.ramadainnmoab.com 888-989-1988

If you're planning to go to Council, please notify the League office so that a Council workbook can be prepared for you and we'll have a firm number for meals. If you have other questions, call or email me, Marilyn O'Dell at 801-393-7225 or maodell2@gmail.com.

Utah Foundation Priorities Starts Political Year

Utah Foundation released on March 25 "The 2010 Utah Priorities Survey: The Top Issues and Concerns of Utah Voters for the 2010 Election." The top 10 issues of concern are (in order) jobs and the economy, government spending, kindergarten through 12th-grade education, health care, the ethics of elected officials, taxes, energy issues including utilities and gasoline prices, states' rights versus the federal government, environmental issues including air quality and pollution and immigration.

For the first time, a much smaller percentage of Utah citizens (51 percent) answered the question, Is Utah headed in the right direction? Positively. (In 2004 and 2008 respondents answered 65 percent and 68 percent positively.) For a full discussion of the survey and its methodology go to <http://utahfoundation.org/img/pdfs/rr691.pdf>

Contributors to the League

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 George Sumner
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Special Meeting for Program

A Program Planning meeting for all members will be held May 11 (Tuesday) at 10:45 a.m. at the Town Club. Lunch will be served at Noon.

Reservations must be made by sending a check to Alice Steiner for \$13. She will pay for everyone's lunch but must be reimbursed by those attending by Friday, May 7. Please mail your check by May 5 to:

Alice Steiner
 69 S Street
 Salt Lake City, UT 84103

This change in the calendar replaces the potluck program planning meeting scheduled for May 10th.

Gigi Brandt will lead the discussion of what action and study we want for the League of Women Voters of Salt Lake this coming year. The Program Planning process is an important League tool for identifying issues for study. It gives members the opportunity to balance the pros and cons, assess possible support, and consider the timeliness of issues.

(We have already given National LWWUS our idea for national program in March, a review of our position on campaign finance. After hearing from Leagues all around the country LWWUS will propose a program for consideration by the delegates to National Convention in Atlanta June 11-15.)

On May 11th we will be asking for your ideas about Salt Lake programming. As a member you know how important this process is – the League is a grass roots organization – what do you really want the League to do? For new members to the process, please come and see how “democracy in action” really works.

— **Anne Zeigler**

LWV Program Recommendations Announced

The national League of Women Voters board is recommending retention of all LWWUS positions, a concurrence to amend and update the Arms Control position (on the floor of Convention) and a new study, the Federal Role in Public Education to be adopted at the Convention in June. The Convention Workbook is to be posted on the LWWUS website at the end of April and details about the new study and the arms control concurrence will be included in the workbook.

The National League and Environmental/Natural Resource issues --History
PLANNING continued on next page

NYT Poll Pegs Tea Partiers

Tea Party supporters are wealthier and more well-educated than the general public, and are no more or less afraid of falling into a lower socioeconomic class, according to the latest New York Times/CBS News poll.

PLANNING continued

The national League has a long history of being interested in environmental issues. In the 1920s and 1930s the League studied land erosion, flood control and creation of the Tennessee Valley Authority. In the 1950s, it studied water resources. The 1970s saw studies on air pollution, land use, waste management and energy. The League also added safe drinking water issues in that decade. To League members, the interrelations between water quality and quantity, air and land use have been prominent since the beginning. It is appropriate that that LWVUS current focus is on climate change.

2010 Legislative Action (Inaction) on Ethics and Elections

The 2010 Utah Legislature, prompted by the ethics initiative, passed a record number of 12 ethics related bills. *HJR15* is the constitutional amendment which will be on the 2010 ballot. It establishes a five member independent advisory ethics commission composed of three retired state judges and two former legislators. Other bills included modifications of rules governing the receipt and disposition of ethics complaints, modifications of the open meeting laws and GRAMA restrictions relating to the ethics commission. For a comparison with the ethics initiative go to <http://www.utahnsforethicalgovernment.org/pdf/UEGcomparison.1010.pdf>

In general the ethics procedure passed by the legislature favors legislators rather than the public and probably means that the status quo will remain. Utah can say, if voters approve, that it has an ethics commission. The ethics interim committee has only scheduled three meetings this year--May, June and November. The ethics interim committee will be working on a new code of conduct for legislators. The ethics bills passed in this session will not mean very much if the code of conduct remains much the same.

Campaign finance: *HB124* limits the use of campaign funds for personal use. A last minute amendment in the Senate would allow the use of personal funds for a "friend" to attend a legislative sanctioned meeting. *Sub 7H329* amends campaign finance regulations favoring the "transparency" approach rather than the limitation of funds. It did not include a limitation on campaign donations and requires the Lt. Governor to make donations public within three days of receiving. Limitation of campaign donations is a study item for the 2010 interim.

Sub 1HB2270 relates to financial disclosure and conflicts of interest for legislative,

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Redistricting proposal passes senate committee

The U.S. Senate Redistricting Committee considered two resolutions for plans that would be constitutional amendments on the November ballot. The Republican-supported plan would have assigned a commission to re-draw the legislative districts, whereas the Democratic plan would keep the pencils in the hands of lawmakers.

Points of contention included who wrote the language in the Republican-supported plan: The League of Women Voters or Republican legislative staff attorneys.

<http://www.kmox.com/Redistricting-proposal-passes-senate-committee/6802418>

PLANNING continued

executive and state school board candidates. Since it was passed by a two thirds majority, it takes effect immediately for the 2010 elections. To see the law in action, go to <http://elections.utah.gov/2010Candidates.htm>.

Most controversial was the passage of the law, 2nd Substitute SB275, providing for the process for removing names from initiative and referendum petitions. The law takes effect immediately. The petitions have to be delivered by April 15 at which point the names of the public signatories are part of the public record. Signers may remove their signatures until May 15. One legislative observer has suggested that all the laws limiting initiative and referendums in total could be challenged in court as unconstitutional.

Rep. Chavez-Houck's bill establishing an independent advisory redistricting commission never made it out of rules committee.

Elections Legislation

Many of the recommendations of the Governor's Commission on Strengthening Democracy were defeated or didn't see the light of day. SB195 which would have established and funded an independent commission of the Lt. Governor's office to review and enforce compliance with Utah's election laws and campaign finance and lobbying regulations never materialized. It has been put on the list of study items for the interim.

HB161 authorizes the Lt. Governor to compare addresses on the state voter registration database with address changes submitted to other state agencies. He then notifies county clerks of the changes in names and addresses.

Elections and ethics items on the interim study list include disclosure of employment data on campaign contributions, candidate vacancies, a compact among states on presidential elections, Election Day registration, and requiring county clerks to administer all elections.

Local Program Planning

(Details on P. 4)

Reserve May 11 to join the Salt Lake Board in deciding the Salt Lake League's program for 2010-11. The Board will take input and recommend a program (including new studies) to be voted at annual meeting.

Transparency Graded

Seven of the nation's states garnered A or B grades on a "Transparency 2.0" budget accountability and accessibility report issued by the U.S. Public Interest Research Group. In *Following The Money: How The 50 States Rate In Providing Online Access To Government Spending Data*, USPIRG examines whether or not states allow citizens to see government expenditures online and grades them from "A" to "F."

The seven leading states – Kentucky, Ohio, Illinois, Minnesota, Texas, Missouri and Pennsylvania, who received As and Bs – provide information that is highly searchable, and include detailed data about government contracts, tax subsidies and grants to businesses.

Twenty-five other states including Utah received Cs and Ds.

Local Government: Follow Your Passions

By Kathryn Fitzgerald, Local Government Chair

Local government is often where the action is on the issues closest to your heart. As a Leaguer, you are encouraged to follow the issues that affect you personally and to attend local government meetings that address them. You can always speak as an individual citizen about any issue. You do need to remember that you can't identify yourself in any way as a League member when you speak personally.

How do you know when issues affecting you personally are coming up before local governing bodies? If you are interested in Salt Lake City or County, here are URLs to sign up to receive regular notices of meetings and agendas:

For Salt Lake City, there are two:

<http://www.slcgov.com/citizen/> : under "Listserves," go to "Sign up for emails, newsletters and City Council News"

<http://www.slcgov.com/BC/> : Go to "Sign up for email updates" for meeting times, dates and agendas for Boards and Commissions, like the Planning Commission.

If you live in other cities, go to your city's web page to find this information. Your city's web address can be found on the Calendar of Local Government Meetings on the Salt Lake City League webpage.

What can you expect when you go to a meeting? Ann Wechsler's report below describes two Salt Lake City Council hearings about an issue that she is still following because it has yet to be resolved. Ann's report expresses her own views, which do not necessarily reflect the positions of the League of Women Voters. We include the report for three reasons: one, it provide important background information on the issue; two, it illustrates the kind of passion that leads Leaguers to get involved locally; and three, it emphasizes the importance of paying attention to local issues. Ann plans to continue to attend Salt Lake City Council meetings that deal with this bond issue.

I encourage all Leaguers who attend local government meetings to email me a report so we can inform the rest of League about the issues and our activities. My email address is Kathryn.Fitzgerald@yahoo.com.

Salt Lake City Council Befuddled by Sports Complex

Do you remember voting on the Proposition 5 Bond in 2003? Probably not, but the proposed construction of a Regional Sports Complex, estimated at \$22.8 million, barely passed. Thirty soccer and eight baseball fields on 160 acres near the mouth of the Jordan River were proposed – the subject of two lengthy Council public meetings held in January, 2010. The cost is now estimated to be \$43 million for the total project.

Cost is not the only concern. Council members recently learned that the Blueprint Jordan River they endorsed just last year conflicts with the city's dream of a mega

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Correction to March Voter articles.

In the article about LWVUS program planning, the word “no” was left out of the mention of the Library unit’s ideas. The sentence should have read

:

Library-2 members wanted no federal role in education.

LOCAL continued

sports complex (forcing them to weasel out of their endorsement, or find a way to accommodate both?). They have spent many hours getting briefed by the city administration, which itself seems to have trouble recollecting what it had in mind for Prop 5. A contingent of conservationists has been digging deep to refresh the collective memory – not only about the details of Prop 5 but about the quality of the largest remaining open space on the Jordan River. Judging by the last two January council meetings – with standing room only for soccer dads, moms, and whole teams, punctuated by pleas from proponents of open space unfettered with parking stalls, bullet proof restrooms, and fences – a ho-hum bond issue has become a festering divide.

What I have learned from these two council episodes, both of which outlasted my attention span of three hours each, is that I need to pay more attention to bond issues. In a private meeting with a council member, I was surprised to learn that \$22.8 million was a fanciful number, never justified by credible cost estimates (a habit of city administrations, I hear). And though I paid a good deal of attention to Envision Utah’s “Blueprint Jordan River”, I was as shocked as many to learn that this 160 acres, designated for habitat restoration, was coveted by the soccer constituency and the administration, and well-connected Envision Utah principals did not know that!

With the SLC Council agendas arriving automatically in my inbox, and frantic alerts from activists to stand up for raptors and rivers, I attended these meetings. The Salt Lake City Council is to be commended for entertaining public comment at consecutive meetings (even after the lengthy State of the City speech) until everyone was heard. I learned much, and am still weighing the arguments on both sides. However, I probably won’t be voting “yes” to any bond issues proposed by Salt Lake City in the future without justified and transparent cost projections.

—Ann Wechsler

***Check out the next page if
you’re interested in finding a
local meeting.***

Moench to Speak on Clear Air

For our annual spring environmental focus, we are pleased to announce that Dr. Brian Moench, who heads the Utah Physicians for a Healthy Environment, will be speaking on “Smothering Utah’s Future.”

“Right now, along the Wasatch Front, plans are being drawn up for more freeways, thousands of more cars, hundreds of thousands of new homes, more industry and a virtual limitless influx of people, all without any plan for the air pollution consequences. Without a drastic change in public policy, our air pollution will become intolerable, our children and grandchildren won’t be able to live here, nor will they want to,” he says.

Place: Girl Scout Headquarters - 445 East 4500 South, SLC

Date: Saturday, May 1

Time: 10 a.m.

Refreshments: Coffee, juice and rolls

Clean Air Event Features Renowned Activist

Brian Moench is the founder and president of the Utah Physicians for a Healthy Environment (UPHE). UPHE was founded three years ago after one of our classic, prolonged winter inversions during which no politicians or community leaders either addressed the issue of air quality or expressed any understanding or concern about what the health consequences were to the community. Dr. Moench and his friends and colleagues decided someone had to step up and start doing something about the problem.



Dr. Brian Moench

Dr. Moench practices at LDS Hospital and Intermountain Medical Center as an anesthesiologist, is fellowship trained in intensive care medicine, and is a former instructor in anesthesia at Harvard Medical School. UPHE has played a significant role in preventing the construction of coal power plants in the Intermountain area and a proposed petroleum coke power plant in Davis County, decreasing the environmental impact of the Mountain View Corridor, has helped shape public opinion against the Snake Valley water pipeline and has been recognized by the EPA as influencing their decision to declare Wasatch Front air quality in violation of federal standards.

Calendar of Local Meetings

Have you wanted to attend a local city council meeting but couldn’t find the time? Or you knew the time but were unsure of the place? Or you wondered if a topic of interest was on the agenda for the next meeting? League has the answer to all of your questions at a single site. The Salt Lake League’s *Calendar of Local Government Meetings* provides the following information for every city council and planning commission business meeting and work session in the county:

- the scheduled meeting dates
- the starting time
- the location
- the URL for getting the next meeting’s agenda online.

Just go to the League of Women Voters of Utah webpage www.lwvutah.org and scroll down to Salt Lake in the last red and white box on the left of the page. Click on Salt Lake and scroll down to the **Find a Meeting** heading in the middle of the page.

This is the only site on the web that lists in a single location all of the Salt Lake cities and county council and planning commission meeting times, places and agenda URLs.

— **Kathryn Fitzgerald, Local Government Chair**

Save the Date:

Wed., June 2, at the
 Girl Scout Building,
 455 E. 4500 So.,
 at 5:30 p.m.
 for the Salt Lake
 LWV Annual Meeting
 and pot-luck dinner.

Salt Lake Annual Meeting Precedes Convention

Salt Lake League's Annual Meeting this year will be enjoyed June 2 at the Girl Scouts Office Building, 445 East 4500 South, starting at 5 p.m. It is a generally informative meeting during which we discuss the past year's activities and set our unit meeting programs for next year. Last year's Annual General Meeting was much fun (and educational too) as we discussed in detail the way the League reaches consensus agreements on studies, so that when a League Position is announced it's a true reflection of members' thinking.

This year the Annual Meeting will be held shortly before the National Meeting, during which national League will discuss a concurrence (a general agreement to an existing study) to amend and update the Arms Control position on the floor of Convention, and a study of the "Federal Role in Public Education." Your League officers who attend that meeting will benefit greatly from hearing your opinions on those subjects at our Annual Meeting.

The Annual Meeting is also a fun, sociable event. Board members (and all others who feel moved to cook) supply the makings for a pot luck supper. While the food is a non-competitive event, it's always a highlight of our Annual Meeting. So please put June 2 at the Girl Scouts' office at 5:00 p.m. on your "must-do" calendar. There is plenty of parking on both sides and behind the building, access is through the door in the back, not from the sides. We'll send a reminder by email, and we hope to see you there.

SHAUNA L. BAYLE,

801-834-0067

412 E. 3400 So. Salt Lake City, UT
 84115

Shauna is a native of Salt Lake City. She graduated from Skyline High and has two Associate degrees. One is from Steven Henager and the other from Salt Lake Community College in Office Management. She has worked many different jobs in various fields. Shauna has done Secretarial and Data Entry work and has been a Home Health Aide and worked in Nursing Homes. She became interested in the League when she saw League members fielding the Fair Boundaries and Ethics petitions. She is interested in getting young people registered to vote and looks forward to working to that end.



Memorial/ Celebration Contribution

Joyce Barnes
in honor of
Vivian Nelson Jensen

She was appointed by the late Gov. Scott M. Matheson to fulfill the unexpired portion of her husband's term in the Senate. In 1982, she successfully ran for the State House of Representatives where she served for one term.

National Convention Explores Issues

The 90th Anniversary of the League of Women Voters is an exciting time to attend the LWVUS National Convention in Atlanta, GA June 11-15. Registration is due by May 14 and those committed (or close to it) are: Marilyn Odell, Sandy Peck, Ann O'Connell, Jenn Gonnely, Polly Hough, Linda Johnson, Nancy Cooper and Anne Zeigler. The 4-1/2 day is filled with workshops, plenary sessions, and speakers. Some of the topics for discussion will be:

- The role of the federal government in Education with emphasis on Improving Civic Literacy
- Climate Change
- Health Care
- Cap and Trade versus Carbon Tax
- Ethics in our Congress and Lobbying Reform
- Immigration and many more

The Atlanta Marriott Marquis Hotel located in the heart of Atlanta at Peachtree Center will be the host location. And there are lots of fun things to see and do in Atlanta.

Leagues from 50 states will be at Convention. They will be proposing studies and lobbying heavily for their choice. Some that we have already been asked to support are:

- Privatization of Public Services
- Regulation of Financial Institutions
- Mental Health
- Establishment of a federal Department of Peace

States will also be sponsoring and asking us to support resolutions and concurrences such as:

- LWV Arizona is recommending a concurrence to change the LWVUS position on election of the President

- League members from 12 states are proposing a resolution that reaffirms the LWVUS commitment to its health care position

It's exciting to watch the process and participate as a delegate. I guarantee you will learn a great deal and the association with such caring, articulate and experienced women will be a treat you will love.

Please call Anne Zeigler, 801-944-4163, with any questions and access to the website.



Hinckley Forums are held in Orson Spencer Hall, Room 255, at the University of Utah. All forums are free and open to the public and are sponsored by the Hinckley Institute of Politics and The Sam Rich Program in International Politics.

[Hinckley Forums](#)



Seated at the League of Women Voters table above are (left to right) Tina Hose, Fraser Nelson, Anne Zeigler, Marie Fulmer, Linda Johnson, , Jone Foster, Mutsumi Bramble, Joyce Barnes, Cosette Joesten and Margo Thurman.

LWV Joins in International Women’s Day Event

The evening of March 4, 2010 League members joined 200 other guests at the Girl Scouts’ fourth International Women’s Day Event at the I.J and Jeanne Wagner Jewish Community Center. The evening featured a food, wine and dessert buffet and a silent auction.

This annual event raises money to ensure that Girl Scouts of Utah programs are available to all girls who would like to participate. The Distinguished Alumnae Award, an honor given to a Girl Scout alumna who demonstrates the highest levels of leadership and excellence in their chosen field, was presented to Senator Patricia W. Jones.

— **Tina Hose**



From left: Girl Scout supporters Anne Zeigler, Marie Fulmer and Linda Johnson.



...According to the Utah League of Women Voters

The 2011 State Budget

Review prepared by Alice Larkin Steiner

The Utah State Legislature had a very large budget shortfall to deal with in the 2010 Legislative session — \$850 million from the \$11.9 billion 2010 revised budget. A shortfall occurs when the projected revenue is less than the budget in the current fiscal year. The flexibility of the General Fund Sales Tax revenue allows the State to “backfill” lower revenues in some funds with General Fund monies. This was done for Public Education (K-12) with the budget cut being only 1.9 percent. Clearly, however, a reduction does not provide additional funding for new students coming into the schools. A portion of the shortfall was filled with (a) use of approximately 60 percent of the rainy day funds and approximately 145 percent increases in the tobacco and snuff taxes. Major cuts were made in Higher Education (-5 percent), USTAR, and Health and Human Services (-3 percent). Additionally, \$113 million in transportation projects were deferred to better times. Programs which received no cuts or new money included Friday openings of several Drivers’ License offices and DORA, the Drug Offender Reform Act treatment program.

No Permanent Fixes for Education

By Marilyn Bown

Although predictions for 11,000 new students in public education and 24,000 in higher education exist, funding was cut 12.5 percent in higher and 1 percent in public education during the 2010 Legislative Session. Temporary equalization measures, i.e. Rep. Ben McAdams’ SB175, along with base budget, capital outlay, and land account amendment bills, passed but no permanent fixes for funding Utah Education did.

While higher education program funding dropped 5 percent, college students’ tuition rose 10 percent. Sen. Dennis Stowell’s SB52 changed the Board of Regents representation, adding rural members. Two hazing bills won approval. Sen. Stuart Adams’ SB55 authorized higher education institutions to create charter schools.

Charter schools fared well with passing HB246, retirement benefits for employees; Sen. Howard Stephenson’s SB2, move of charter-school funding from state to districts; and Stephenson’s SB188, removing charter enrollment cap with growth dependent on appropriations.

Stephenson’s SB16, or U-PASS, increased adaptive computer testing but minimized the number of tests administered. Sen. Karen Morgan’s SB56, changed from keeping 3rd grade students at reading grade level to reading interventions. Without fiscal note, Rep. Marie Poulson’s HJR3 on teacher performance pay passed easily.

Neither Sen. Stephen Urquardt’s SB54 on reproductive health education nor Sen. Pat Jones’ vending machine bill lasted through the session. Inconsistencies continue: Rep. Mark Wheatley’s non-approved LEED standards for public schools now appears on the list of legislative concerns for 2011.

LWV-Utah positions oppose budget cuts to education, support study of statewide equalization changes, and support appropriate action on reproductive health reform. We have work to do.

MORE LEGISLATIVE ROUNDUP on next page

Utah League of Women Voters Legislative Roundup

Natural Resources and More at the 2010 Legislature

By Ann O'Connell

Two positive water bills passed swiftly through the 2010 legislature with no opposition whatsoever.

Rep. Mike Noel's bills had to do with storing Virgin River water in the Navajo sandstone aquifer under the Sand Hollow reservoir. This storage is of particular interest to us since we now have some knowledge of storing water in aquifers after having studied Utah water last fall. Rep. Noel did a professional job of vetting the bills during the interim process. They were recommended by the interim legislative Natural Resources, Agriculture, and Environment Committee and the Water Task Force of select legislators and water experts during the interim meetings. During the session the Senate standing committee presented no obstacle and the votes on the floor were unanimous. Similarly Senator Dennis Stowell efficiently shepherded a bill for a special district that would allow the water users of the Beryl-Enterprise area to begin to restore their aquifer. It ran into a little opposition over wording about taxation. Creating a new type of special district is not simple as there is a rather complex set of statutes on special districts already in existence. New and old wording needs to be made consistent and unintended consequences are frequent, but after a little tweaking the bill proceeded on its way. The easy progress and success of these bills demonstrate how much of the better part of our legislature's business is done. It is not all message bills and headline making social issues.

Unfortunately other water bills were not so positive. The League of Women Voters was critical of several of them because they restricted public access to certain records or processes. Rep. Fred Hunsaker's bill asked canal companies to have contingency plans in case of emergency. However the concerned public cannot see or judge these plans since they are considered the proprietary information of a private business. The public policy conflict here is that water, and how it is managed and distributed, is of critical interest to the public but the canal companies are not considered public entities and as such are allowed to keep certain of their affairs to themselves. League members now have some understanding of the history of water in Utah and we see how past developments (the perhaps haphazard evolution of private irrigation systems) comes back to haunt us. Another weakness in Rep. Hunsaker's bill is that it lacks real teeth as emergency plans are only required if a company wants state funds. To be fair, Rep. Hunsaker worked long and hard to design a bill that might have any hope of passing successfully out of the Natural Resources, Agriculture, and Environment Committee and through the legislature in face of this session's hue and cry over private property rights and the free enterprise system. Let us hope more stringent legislation will not require another canal failure.

Stream access was debated in just such an atmosphere of pontification about basic principles. It was unusual to see two bills compete head on the floor of the House. Rep. Lori Fowlke's bill intended to put in statute the Utah Supreme Court Decision that recognized a right of the public to float or wade Utah streams even when they flow through private property. Public access to Utah waters has been considered an historical tradition by many of its citizens; however, it has always been an actual annoyance to some property owners and an anxiety for many others. Fishers and river runners supported Rep. Fowlke's bill. Property owners and property rights advocates supported Rep. Kay McCliff's bill which gave property owners the right (with some exceptions) to keep sportsman from floating or wading the streams that run through their property. House member discussed the bills together. The issues were clearly defined. I thought Rep. Craig Powell of Heber City made a most interesting comment when he said (not a direct quote) that although he thought that it was better public policy for the waters of Utah to be open to the public, the



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...**NATURAL RESOURCES** continued

concept of the predominance of private property had become our legal precedence so he felt constrained to vote for Rep. McIff's bill. Only a lawyer could make such a statement and Rep. Powell has an impressive legal resume. In my opinion, however, most of the two sessions devoted to stream access was taken up with unnecessary and tedious oratory about the sacredness of private property.

Furthermore, I think that since there have been no ugly incidents since the Utah Supreme Court decision that supported open access, this matter could have been put aside for more critical discussions such as money for education. As an aside, Rep. Fowlke spent the summer meeting with the various interest groups and thought she had written a good compromise bill. Rep. McIff sat down with his history and constitutional law books to write his version and he won.



The three companion bills on using eminent domain against the federal government are a very serious matter. They are a part of Utah's southern counties' ongoing war against federal ownership of so much of their territory. The back story is that the Feds evidently have not allowed access to School and Institutional Trust Lands (SITLA) that could be developed but can only be accessed through federal land.

I do not know the specific facts of the dispute; however, the anger and frustration are apparent. The legal strategy enabled by the legislation is for Utah to use eminent domain against the federal government to gain access to these properties. It is a novel concept but there is a high probability that it is unconstitutional; legislative legal council has said as much. From past experience we know this will be an expensive legal campaign. It is particularly irritating that in a time of economic stress, SITLA funds formerly assigned to go straight to Utah schools will be used to support the initial legal costs.

Unfortunately I could go on with a discussion of a bill to preserve farmland and more but no doubt I have already told you more than you wanted to know. On the other hand, if you are fascinated with the ins and outs of the Utah legislature I suggest you join the LWVUT Legislative Action Corps listserve. It is particularly lively during the legislative session. Call the League office.

Open Government Bills Rare

By Sherilyn Bennion

The Utah Legislature seems rarely to pass legislation intended to make government more open to citizen observation and participation. This session was no exception. HB60 added management plans of canal companies to records not subject to disclosure under Utah's Government Records Access Management Act (GRAMA), and HB189 allowed meetings discussing water rights to be closed under Utah's Open Meetings Act. The package of ethics reform bills, including SB136 and SB138, allows closure of meetings and records of the independent ethics commission that would be created by constitutional amendment if voters approve. Some provisions of these bills were made less objectionable as they moved through the legislative process, but all restrict citizen access.

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By Kathy Van Dame

Among the message bills and resolutions passed this year were three related to action on Energy and Climate Change. They proposed to delay action until “uncertainties” are resolved:

HB 395 – Limitation of Actions Amendments limits the liability of a person or business for damage or injury caused by greenhouse gas emissions (Noel and Jenkins). HJR 12-Climate Change Joint Resolution proposes to hold off action on climate change for 10 years because recent revelations throw doubt on the science (K Gibson and Jenkins). HJR 21 – Joint Resolution on Energy Policy urges the Governor to remove Utah from the Western Climate Initiative group of states (Noel and Urquhart).



Some good renewable and efficient energy bills passed:

HB70 – Retrofit Compressed Natural Gas Vehicles Amendments sets procedures to register natural gas retrofit vehicles without EPA certification. (Draxler and Madsen)

HB116 – Political Subdivision Facility Energy Efficiency authorizes political subdivisions to employ consultants to analyze their energy consumption and create energy efficiency programs. (Hunsaker and Jenkins)

2nd substitute HB 145 – Renewable Energy Financing Provisions allows third parties to install renewable energy systems, such as solar for example, on non-taxpaying property and sell that energy to the property owner. The 3rd party gets a tax credit and passes it on to the property owner by charging him lower electricity rates than he would have to pay a utility. (Last and Urquhart)

HB318 – Revolving Loan Fund for Certain Energy Efficient Projects allows Utah’s Energy Efficiency zero interest revolving loan fund to be used by cities, counties and towns. It’s already used by school districts. Energy project savings can be used to repay the loan and be re-directed to other public services. (Barrus and Stowell)

SB104 – Renewable Energy Modifications adds a new kind of renewable energy to Utah’s list— stored compressed air, from wind stored in a salt cavern, e.g. for release at a later time to run a turbine. (Urquhart and Ipsom)

HB73 – Utah Construction Trades Continuing Education Amendments will improve best practices in the construction industry. (Morley and Adams)

HJR5 – Clear Air Resolution encourages Utahns to eliminate unnecessary idling to reduce vehicle exhaust that harms public health and the environment. (Moss and Jones)

And some good bills failed:

HB85 – Responsible Development of Nuclear Power Generation would have required new nuclear plants to be advantageous to ratepayers and federal waste storage to be in place. (Seegmiller)

SB94 – Assessment Area Act Amendments would have allowed loans for renewable energy to be paid back through property taxes, and be passed on to the new owner if the property was sold. Municipal bonds could have encouraged residents and businesses to save energy with efficient windows, insulation, efficient HVAC and renewable energy systems. The bill was opposed by banks that saw it as an intrusion on their business. (Niederhauser)

HB153 – Recycling of Electronic Items would have authorized the state to capture the recycling fee

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Health Care on the Hill 2010

By Jenn Gonnely

The possibility of federal health care reform legislation was a specter that hung heavily over the 2010 Legislative Session in Utah. At some point during debate of nearly every health care bill the argument was made for keeping federal government out of Utah.

Most prominent among this sort of legislation was HB67, Health System Amendments sponsored by Rep. Carl Wimmer. Originally, this bill required that any provisions passed within federal health reform could not be implemented in the state of Utah without a vote of the legislature, thus holding off any changes, no matter how beneficial, until the 2011 legislative session. Additionally, while not in the bill it was Rep. Wimmer's stated purpose to introduce this legislation as a state constitutional amendment in the 2011 session. In the end, the bill signed by the Governor only required that state agencies that implement federal reforms report to the legislature. It prohibited the mandate to individuals to buy health insurance.

HB294 Health System Reform Amendments sponsored by Speaker of the House, Rep. David Clark, passed. It is meant to help the state health exchange that was enacted during the 2009 session be more competitive and thus "tell the feds to get off our backs." The exchange will now be open not only to small businesses but also to large businesses. Zions Bank, the City of Spanish Fork, APX Alarms, and Health Equality will be the first to join. It also puts stronger limits on how adjusters calculate premiums and takes some steps to assure that prices of plans purchased both inside and outside of the exchange are not drastically different. These steps are meant to help lower the cost of insurance within the exchange, which is currently higher than insurance purchased out of the exchange. This bill does not change the fact that the exchange is not open to individuals and does not help decrease number of uninsured Utahans.

I am pleased to say the League of Women Voters had a positive impact during the session. HB66. Prosthetic Limb Health Insurance Parity by Rep. David Litvak was actively supported by the League and its members. This bill addressed the manner in which insurance companies address internal and external prosthetics differently. While internal, such as a hip replacement, are fully covered by insurance, a prosthetic to take the place of an amputated limb, like a leg or an arm, is not covered. Many amputees find themselves in an untenable position of not being able to afford the prosthetics that they need to return to work and life. This bill requires that insurance companies that provide insurance to public employees provide at least one plan that covers prosthetics at the same level as Medicare. While this bill does not go far enough to cover all of the amputees in Utah who need help, it is seen by amputee advocates as a significant step. Tami Stanley, who is an amputee and champion of this bill wanted to thank the membership of the League for all of their help.



... ENERGY and CLIMATE continued

built into the purchase price of items like computers. (Edwards and Urquhart)

SB70 would have changed Cool Keeper, the brief interruption of air-conditioning during peak demand times, from opt in to opt out (Van Tassel) but the Governor vetoed it as mandatory and government intrusion.

One bad bill that passed: SB242 – Economic Development Incentives for Alternative Energy Projects could cost taxpayers millions of dollars. It allows oil shale, petcoke, uranium, oil and tar sands to be classified as "renewable," therefore eligible for a tax credit. (Van Tassel)

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*The League of Women Voters is a nonpartisan political organization
that encourages informed and active participation in government.*

Unit meetings

Dr. Brian Moench
“Smothering Utah’s Future”

Place: Girl Scout Headquarters - 445 East 4500 South, SLC

Date: Saturday, May 1

Time: 10 a.m.

Refreshments: Coffee, juice and rolls

The Town Club Unit will be meeting Wednesday, May 5 at 10:45 a.m.

Place: Town Club, 1081 East South Temple

Topic: What do we want to learn about next year?

Lunch: \$13, please reserve with Alice Steiner (akarsteiner@aol.com or 801-363-9193)