

# LEAGUE OF WOMEN VOTERS OF UTAH LEGISLATIVE PRIORITIES AND PREVIEW

LWV Salt Lake UNIT MATERIAL

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The Utah Legislature opens January 25 Your League Legislative Action Corps will be on the hill working on League priorities.

You can help by getting to know your legislators, especially early in the session, and responding to calls for action when the time comes. We will try to make that easy for you. Meanwhile here is some background on League Priority issues and some questions to guide your unit discussion.

## 1. Priority: Ethics Reform

*Follow and take appropriate action on legislatively initiated ethics reform and attacks on the popular ethics initiative*

Will 2010 be the year of good government legislation?

Many bills in the 2010 Session will be about the League's priority issues ethics reform, influenced by the Utahns for Ethical Government ethics initiative petition and the Governor Huntsmans's Commission on Strengthening Utah's Democracy.

The Legislature's Interim Ethics Committee has proposed a bill, **SJR003 Joint Resolution on Ethics Complaint Procedure** sponsored by Senator Killpack and Representative Dougall, Committee chairs, as an answer to the ethics initiative that the League supports.

SJR003 provides for an Independent Legislative Ethics Commissions composed of three retired judges and two former legislators appointed by Majority and Minority legislative leaders. The Commission would screen citizen- or legislator-generated complaints against a lawmaker. The complaint must be filed against a currently sitting legislator within two years of the alleged action. An individual could not file a complaint during the 60 calendar days immediately preceding a primary or general election. This reflects legislators' concerns about "the public" judging them and complaints filed close to elections.

The Ethics Initiative proposes a 5-member commission, serving without compensation, whose members are drawn randomly from a pool of 20 individuals unanimously chosen by the Legislature's majority and minority party leaders. This commission will appoint staff and receive and investigate a complaint of ethics violations brought by any three people. The Commission makes findings and recommendations to the Legislature and requires a public response to its recommendations on the part of the Legislature, which makes the final decision. The commission also develops mandatory ethics training for the Legislature.

**SJR 3** is much narrower than the Ethics Initiative, which includes a Code of Conduct. However, two other bills, **Conduct of Public Officeholders and Candidates** and **Joint Resolution on the Legislative Code of Official Conduct**, have been requested by Representatives Powell and Dougall

We will follow the requested bills to see how they compare with the initiative's Code of Conduct, which provides that:

Legislators could not spend campaign funds on non-campaign personal expenses and contributing to one another's campaigns with money from their own campaign funds.

Legislators could not be paid lobbyists during their terms of office or for 2 years thereafter.

Legislators and their family members would be prohibited from accepting gifts from paid lobbyists, such as meals, Jazz tickets, and golf fees. (Gifts would not include light refreshments of negligible value.)

Legislators would be prohibited from accepting campaign donations from corporations, non-

profits, partnerships and unions.

Contributions from individuals would be limited to \$2500 from individuals and \$5000 per PAC in any two-year election cycle.

Any funds in a campaign account left after 5 years would go to the State School Fund or a Commission-selected-and-approved charitable organization of the legislator's choice.

Legislators would be prohibited from making threats, intimidating, or improperly interfering with or obstructing the duties and decisions of the courts and other employees of state government who are exercising the duties of their office.

## 2. Priority: Redistricting Reform

*Follow and take appropriate action on any legislatively initiated redistricting reform and attacks on the popular redistricting (FairBoundaries) petition*

No redistricting bills have been requested or filed at the legislature yet.

## 3. Priority: Elections

- a. *Support same day registration*
- b. *Support use of Medicare cards for voter identification at the polls*
- c. *Support repeal (if any) of voter identification at the polls*
- d. *Oppose identification requirements for voter registration*
- e. *Follow and take appropriate action on the recommendations of the Strengthening Democracy Commission*

**a. Same Day Voter Registration** bill has been requested by Rep Frank. The League supports this idea as a way to increase voter turnout.

**b. HB0079** filed by Representative Poulsen adds a valid **Medicare Card** as one of the permissible voter identification forms. The League supports HB 79 because elderly voters often lack driver licenses and other "official" identification needed at the polls.

**c. and d.** No bills have yet been requested that would add to **identification requirements** for registering or voting. The League opposes unnecessary requirements that make voting more difficult for senior, minority and low income citizens.

**e.** Several filed and requested bills were recommended by the **Governor's Commission on Strengthening Utah's Democracy**. The commission recommended campaign finance limitations, "same day" voter registration, giving the Lt. Governor more explicit campaign enforcement powers and making voter registration portable, i.e. once a citizen registered, the registration would follow one as one's address changed within the state. Voters would not have to re-register themselves when they moved.

Many committee discussions on campaign finance focused on "transparency" (making the contributions known as soon as possible) versus regulation (limiting contribution amounts). **HB 59 Campaign Finance Revisions** by Rep Grover flies in the face of the transparency argument because it pushes the requirement for reporting campaign contributions from corporations and political issue committees back to five days before an election instead of three days. **HB 56 Amended Campaign Financial Statements** by Rep Allen would tighten reporting requirements by discouraging the filing of "amended" reports that reveal contributions long after the election is over. The reluctance of previous Legislatures to enact campaign contribution limits is one of the reasons specific contribution amounts are contained in the Ethics Initiative.

At press time most of these recommendations are being addressed in bills being drafted by legislators who were Governor's Commission members: Chavez-Houck, Frank and Jenkins. We will watch for them to be numbered and introduced. One bill of interest "**Elections, Lobbying and Campaign Finance Enforcement Commission**" has been requested by Senator Jenkins. The Commission recommended the formation of an Elections, Lobbying Review Commission, comprised of three retired judges, to

enforce and review compliance with Utah's election, campaign finance and lobbying requirements. They would review complaints brought by candidates, legislators and the public. The commission would be staffed by the Lieutenant Governor's Office.

One requested bill **Compact Agreement Among the States to Elect the President by National Popular Vote** by Hansen will be familiar to League members. LWVUS Consensus was attempted on that proposal but was not reached.

#### 4. Priority: Education

- a. *Oppose budget cuts to public and higher education*
- b. *Follow statewide equalization changes*
- c. *Follow and take appropriate action on sex education reform*
- d. *Follow and take appropriate action on Division of Occupational and Professional Licensing database bills*

**a. The state budget shortfall** overall in the coming year is estimated to be as high as an unprecedented \$1 billion. Both public and higher education leaders fear serious damage to programs and an inability to cover growing student populations. Higher education already made cuts of 8 or 9 percent this year. The options, of course, are to either cut budgets or raise taxes. Senator Hillyard, co-chair of Executive Appropriations, has said legislators will look at cuts first, hoping to avoid tax increases. Budget changes are considered not in regular standing committees but in Appropriations Subcommittees, so it is important to follow those. The Legislative Action Corps would welcome your help.

Many conservative legislators, especially in the Senate, oppose all tax increases. But some bills already on file would raise revenue. **HB 203 Repeal of Sales and Use Tax Exemption Relating to Mining** by Watkins would bring in \$22 million by repealing an exemption on sales tax paid for mining equipment. **SB 23 Corporate Franchise and Income Tax Amendments** by Valentine would change the corporate franchise tax on foreign operating companies to increase education funds by \$50,000.

Other proposals would cut taxes. **HB 217 Income Tax Revisions** by Wimmer would reduce Utah's flat income tax rate of 5 percent to 4.75 percent beginning in 2011. Since all income tax revenue is dedicated to education, this would be a large targeted cut. The League favors a more progressive income tax. An initiative to change the current flat rate income tax back to a graduated tax has been filed. The Office of Planning and Budget estimates that the initiative would yield an annual revenue increase of \$218,500,000 in Education Fund revenue.

**b. Equalization.** In addition to income taxes, property taxes make up a large part of education budgets. An ongoing struggle is to equalize property tax support, that is, make up for the wide variation in property values in districts across the state that lead to large variations in revenue available to school districts, depending on their wealth. We expect that several bills will address equalization again this year although none are numbered yet.

**c. Sex education reform.** Rep Hemingway has been working on a bill during the interim to offer parents a choice of two tracks of sex education in the schools. One would offer more information about teen sexuality and the health benefits of contraception, including protection from sexually transmitted disease, than the current curriculum, which emphasizes abstinence only. Senator Urquhart, who is especially concerned about parental guidance, is working with Rep Hemingway. No bill has been filed yet.

**5. Priority: Oppose restoring sales tax on food.** In 2006 and 2007 legislators reduced the state sales tax on food to 3.0 percent. The food tax is stable and yields a great deal of revenue since everyone buys food. So now during the severe budget crunch and reduced sales tax revenue, some have suggested restoring the tax to its former level of 4.7 percent yielding revenue of about \$116 million, although no bill has been numbered yet.

The food tax is regressive. Low-income families spend a greater percentage of their income on food, thus a greater percentage of their income goes to food tax. A current proposal is to mitigate the regressiveness by offering an earned income tax credit to be claimed by low-income families. Some advocates favor this. Others report that in other states, very little of the food tax is recovered this way.

The League favors removing the food tax either all at once or gradually and replacing the lost revenue with other taxes, including income, sales, cigarette and severance taxes on non-metalliferous mining.

**6.Priority: Support increasing the cigarette tax.** Again this year Senator Christensen is proposing to raise the cigarette tax from 69.5 cents to \$2.00 a pack (**SB 40 Cigarette and Tobacco Tax Amendments**).

Aside from the revenue it would raise, the proven health effects of discouraging smoking, especially among young people, are of greater concern to the sponsor. One of the arguments against the increase has been that smokers would simply buy in nearby states with lower taxes, reducing instate sales. It would be interesting to see figures on this. But revenue needs plus health benefits make this tax increase one of the more likely to pass.

## **7. Priority: Healthcare Reform**

- a. *Follow and take appropriate action on changes to state healthcare reform*
- b. *Oppose opting out of Federal healthcare reform*
- c. *Follow and take appropriate action on abortion bills*

**a. State Healthcare Reform** will continue to be a legislative priority based on the work of a special legislative Health Care Reform Task Force and others.

**HB 87 Medical Assistance Asset Test Amendments** by Chavez-Houck would prohibit use of an asset test in determining eligibility of a child or independent foster care adolescent for medical assistance, including state funded health insurance. Many other bills are requested and will be followed by the League Legislative Action Corps.

**b.Opting out of Federal healthcare reform** will be opposed by the League. **HB 67 Health System Amendments** by Wimmer would require state agencies to report to the Legislature on impacts of adopting a Federal health care reform provision. The state could opt out of a particular Federal provision if it determined that to be in the best interest of the state.

**c. Abortion bills** already numbered are **HB 12 Abortion Amendments** by Wimmer, which tries to differentiate between abortion and criminal homicide, and **HB 200 Informed Consent Amendments** by Wimmer, which deals with informed consent requirements, including viewing of ultrasounds, for women seeking abortions.

## **8. Priority: Energy**

*Follow and take appropriate action on energy bills*

Bill requests dealing with renewable energy, methane gas, energy-efficient project revolving loan fund, and clean air will be of interest.

**HB 85 Responsible Development of Nuclear Power** by Seegmiller sets out rules for building a nuclear power plant. The Public Service Commission would have to issue a certificate. A licensed facility to take high-level nuclear waste would have to be in place. The plant would have to be economically advantageous to ratepayers. Responsible development of nuclear power generation should be added to state energy policy.

## **9. Priority: Natural Resources**

- a. *Oppose Snake Valley water transfers to Nevada*
- b. *Follow and take action reflecting 2009 consensus on water issues*
- c. *Follow and take appropriate action on land use issues*

The League is very concerned about future water resources, which are expected to dwindle, as reflected in our recent Water Study. Some bills of interest include **HB 33 Groundwater Recharge and Recovery Act** by Noel, **HB 34, Water Storage Projects** by Noel, **HB 84, Water Banking** by Draxler and **SB 32 Rainwater Harvesting** by Jenkins. We continue to oppose Snake Valley water transfers to Nevada, especially without sufficient scientific assessment of the effects on water supply, ecology and particulate air quality.

## **10. Other League positions**

*Take action in accordance with adopted League positions on bills as they come up*

### **Discussion Questions:**

1. In looking over proposed ethics bills and the Ethics Initiative, are there 2 or three provisions that you think are especially important, e.g. an independent commission, a gift ban or campaign finance contribution limits?
2. Do you think timely disclosure of campaign contributions is enough to ensure accountability or are limits on the amount contributed needed? Why?
3. Do you favor any particular tax increases to deal with the budget crunch, especially in education? (Education is funded in part by income, sales and property taxes.)
4. Are there specific budget cuts that you favor?
5. Do you agree with the provisions of HB 85, Responsible Development of Nuclear Power?