

# The Utah Voter

# The League of Women Voters of Utah

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## **Important Dates**

- 15 May 2004, Council, Logan Utah
- June 12-15 LWV National Meeting, Washington DC
- April 14 Hatch Hearings (Patriot Act) in Utah

## **Response Needed from Local Leagues**

LWV/SL has a grand opportunity: to display all things League Like at a prime store location in the downtown city library. We are limited only by our imaginations and commitments of time and energy. Besides showing off the League, we hope to pursue our mission of a more active, better-informed electorate. We will have a voting machine. All of this depends on the number of LWV willing to staff the space, plus appropriate other organization participation. The target times are September to November 2! All who would like to participate in the planning and staffing are

encouraged to call Pat Nielson, 801 583 6932 or the league Office, 801 272 8683. Let's make this happen!

Local League Presidents, please check with your members, and let us know who will receive the Voter by e-mail instead of regular mail.

## **President's Letter**

Congratulations, first and foremost, to Sandy Peck and LWV Lobby team! The League had a very successful presence at the Capital this year and an expanded information site on the web. The details of our efforts are all summarized in this Voter as well as on our web site, www.lwvutah.org.

 This year's session provided us the opportunity to join with a very diverse coalition in support of HJR 10 Joint Resolution Reaffirming the State of Utah's Commitment



to the Constitution and the Bill of Rights." Members of the coalition are: Gayle Ruzicka-Utah Eagle Forum, Dani Eyer-ACLU of Utah, Lorna Vogt-Utah Progressive Network, Bill Barton-GrassRoots, The Conservative Caucus, Steve Erickson, Citizens Education Project, Iqbal Hossein – Islamic Society, Nadeem Tusneem-Muslim Forum of Utah, Lloyd Selleneit-Former Utah Legislator, Aaron Turpen, Warren Keuffel. The group as a whole

wants to stay abreast of current activity in Washington and to remain educated in preparation for the hearing on civil liberties that Senator Hatch will chair in Utah on April 14<sup>th</sup> at 10 a.m. in the Moot Courtroom at the University of Utah College of Law, 332 South 1400 East. I will keep all of you informed as well.

As several other leagues have done in the state, Salt Lake is taking advantage of the keen interest in civil liberties by sponsoring a dinner that will feature their Community Luncheon speaker (The luncheon is Salt Lake's major fundraising event of the year). Their theme is A Dinner with Harvey Rishikof: A DC perspective of the War on Terror. Harvey Rishikof is a Visiting Professor of Law and National Security Studies at the National War College in Washington D.C. and the brother-in-law of Nancy Melling, our state education fund chair.

Council will be held on May 15<sup>th</sup> in Logan. Along with budget and nominating, we hope to review the following:

- Sharon Walkington, our Voter Service chair, plans to give us an overview of the Voter Service activities that state plans to be involved in this summer and fall such as the LWVU Voter's Guide and use of the web.
- Again, we will have a workshop on leadership training with an emphasis on board responsibility and prioritizing. It seems this is never a redundant subject.
- Salt Lake has completed their study of Water Taxation Policy and is in the process of asking for concurrence with the other local leagues. The statement will hopefully be ready for presentation at Council. It has provided excellent and lively discussions for local leagues that have already spent unit time on the subject. Thank you to Ann O'Connell for compiling the information.
- Zita Bell and her Nuclear Waste Study Team have been very diligent in attending and monitoring the legislative task force. Both Marelynn Zipser and Reva Servoss have been keeping us apprised of Task Force activity. Look forward to a more in-depth presentation in the months to come

I have been asked to be a panelist for the Utah Women's Alliance for Building Community (UWABC) Conference at Westminster College on April 20<sup>th</sup>. This year's program is titled: "What You Didn't Know Probably Hurt You." The purpose of this group of women is to support professional women by providing resources for political education and involvement.

At the suggestion of the president of the Utah County League, the state submitted a letter to the editor (written by Mary Lou Huffmon) encouraging everyone to participate in local caucuses on March 23<sup>rd</sup>. After spending a good portion of my life this winter helping Sandy monitor our State Legislature, I hope all of you participated in this election process. We need to know our legislators and they need to hear from us on a regular basis. The first step is knowing the candidates and voting for them.

I have once again developed an overwhelming pride in the League and how well it keeps me informed of the issues that affect me. I felt compelled to keep my friends so informed, and email them the legislative updates on a regular basis. What surprised me was that they read and enjoyed them. Several commented on how they missed hearing from me every morning now that the session has ended. Many of them winter outside of Utah, and it kept them apprised of what was happening at home. I suggest you all try this next year. You might be surprised at their response.

Nanette Benowitz

Just because you do not take an interest in politics doesn't mean politics won't take an interest in you.

Pericles (430 B.C.)



## The League at the Legislature

Hearty thanks to our great lobby corps who daily observed, spoke and emailed their reports to me, alerting us to the need for action. I passed along the information on our KCPW daily legislative update. That report was also emailed to hundreds of people around the state and posted on our website (<a href="www.lwvutah.org">www.lwvutah.org</a>) Many recipients passed the report along to their lists or linked to it on our website, then took action to contact their legislators. Thank you all so much!

-Sandy Peck

Here's a look at how League priorities fared at the legislature this year. \*= League supported, # = League opposed

#### TIER 1

#### **Election Process Reforms:**

#### (\*HB 9, Aagard) Passed.

No Excuse Absentee ballots will be easier to use, records of application for ballots will be available to the public, and precincts with fewer than 500 voters can be administered as absentee-only. They could increase turnout and save money on buying new voting equipment.

#### (HB 301, Thompson) Passed.

Voter registration forms will include a notice of penalties for illegal voter registration beginning next year. Up to one year in jail and up to \$2500.

#### (\*SB 115, Bramble) Passed. Vetoed.

Dates for special elections including bond elections will be held only in June and November on Primary and General Election days.

#### Corrections:

(\*SB 21, Buttars) Passed the House and was supported in the Senate, but failed due to a \$6.2 million fiscal note. Drug Offenders Reform Act.

Convicted felons would have to participate in screening and assessment for substance abuse, with results provided to the courts before sentencing to allow diversion to treatment. The program start up cost prevented its passage, although savings in incarceration and social costs are estimated to be at least \$10 for every \$1 spent. Senator Buttars will run it again next year. *League position*: Support corrections programs that rehabilitate offenders.

#### Radioactive Waste:

#### (\*HB 145, Urquhart) Passed.

The governor, the legislature and local planning and zoning bodies will have to approve storage of radioactive waste hotter than Class A in Utah.

## Tax Policy, Education Funding and Water Funding:

#### (\*HB 45, Jones & Mascaro) Failed.

Would expand and index income tax brackets, phase out 50% federal deductibility, add an earned income tax credit, and gradually eliminate personal exemptions beyond 4 per family has held by the House Revenue and Taxation Committee. Would have yielded \$79 million for public education. *League Position:* Make income tax more progressive. Protect subsistence income. Fund quality public education.

#### (#HB 271, Ferrin) Failed.

A refundable income tax credit up to \$2000 for private school tuition passed House committee but failed to reach the House floor for a vote. \$150,000 was budgeted for interim study. *League Position:* Oppose tuition tax credits

#### (#HB 115, Philpot) Passed. Vetoed.

A \$100,000 scholarship fund to provide vouchers for disabled students at private schools, administered by state education officials and paid for from the General Fund. Opposed and requested veto. *League Position:* Oppose tuition tax credits.

#### (\*HB 230, Styler) Failed.

Would stabilize the state property tax rate to allow more revenue to come to the schools as property values increase.

#### (HB 168, Harper) Passed.

Individual and Corporate Income Tax Task Force made up of legislators, and representatives of the Tax Commission, the public and the State Office of Education. To consider information from governor's tax advisers and report November 2004.

#### TIER 2

## Campaign Finance and Ethics

#### (\*HB 137, Dougall) Passed

Requires municipal election candidates to report contributions and expenditures 7 days before election and 30 days after. Municipal clerks must notify candidates at time of filing and 14 days before the election that reports are due and that failure to report will lead to removal from the ballot.

#### (\*HR 3, Becker) Failed.

Would prohibit lobbyists, principals, and government officers from giving, and House members from receiving, gifts valued at more than \$15. Held by Rules Committee

#### Legislative Process

### (\*HR 2, Becker) Failed.

Would require all committees to hold a public hearing and inform the public about rules for giving testimony. Held by Rules Committee.

#### (HJR 8, Bennion) Failed.

Would amend the Constitution to allow the legislature to call itself into session when 2/3 of each house requested. Required 48-hour advance public notice of business to be addressed. Senate left on 3<sup>rd</sup> reading table.

#### **Education Reform**

#### (SB 185, Hatch) Passed

Revises the State School Board statewide nominating committee to include an equal number of members representing education and business interests. Also requires one nominating committee member to live in each district where a board member will be up for election. Addresses competency based education and teacher certification.

#### (\*SB 230, J. Evans) Passed.

**Provides \$2.5 mill**ion one time and \$12.5million ongoing for FY 2004-2005, to be matched by voluntary property tax increases in school districts, for reading programs that will help all children read at grade level by the third grade.

#### **Concealed Weapons**

#### (#SB 48, Waddoups) Passed.

Local authorities (including school districts) and state entities (including the University of Utah) may not restrict the use of firearms on public or private property without the legislature's authorization. Does not restrict or expand private property rights. Intent language says private colleges can regulate guns. *League (US) Position:* Protect the

health and safety of citizens through limiting the accessibility and regulating the ownership of handguns and semi-automatic weapons. The League supports regulating firearms for consumer safety.

#### TIER 3

## Health and Safety

#### (\*SHB 69, McGee) Failed. No hearing.

Requires pharmacist to dispense a generic drug if less expensive and therapeutically equivalent, but not if substitution would make ineligible for reimbursement by a third party. Opposed by some insurers.

## (\*SB 71, Hale) Failed.

Makes failure to wear a seatbelt a primary offense. Infraction, \$45 fine, not a moving violation. Assigned to unsympathetic Natural Resources by House Rules.

## Wildlife, Conservation

#### (\*HB 71, Buffmire) Passed.

Requires water conservancy districts and retail water providers to describe in more detail their plans for water conservation, including time lines and evaluation of progress.

#### (\*HB 247, Styler) Passed.

Task Force Studying Water Issues made up of legislators, to be repealed Nov 30 2005

#### **Child Welfare Bills**

#### (#4SHB 140, Christensen) Passed. Vetoed.

Exempts health care decisions made by "mature minors" from parental responsibility for neglect. Studies role of guardian ad litem as counsel for child. May delay child access to counsel and prevent counsel from speaking at citizen case reviews. Repeals presumption of responsibility of care giver. Exempts some records from GRAMA except to Legislature. Veto requested.

## (#SHB 266, Harper) Failed. Sent to study.

Comprehensive bill to increase parental rights vis-a-vis child protection from abuse and neglect.

#### (#4SSB 90, Thomas) Failed.

Based child medical neglect on general, not medical, competence of parent. Made entrance into the home to confirm neglect almost impossible.

**Lobby Corps:** Nanette Benowitz, Bonnie Fernandez, Mary Buchanan, Kathy Dorn, Bonnie Fernandez, Mary Fogg, Jone Foster, Debbie Goodman, Stuart Gygi, Emily Hall, Carolyn Nelson, Pat Nielson, Ann O'Connell, Marilyn Odell (from Ogden), Reva Servoss, Kathy van Dame, Kay Wallace, Anne Zeigler, Marelynn Zipser, and Olga Keshevaya (from Rowland Hall) **KCPW reporters:** Nancy Melling, Joyce Barnes, Pat Brim, and Marelynn Zipser were up at 6 a.m. to get ready to report live at 6:54 on KCPW and at 8:10 on KPCW in Park City.

#### **Vetoes Requested of Governor**

The League submitted letters to Governor Olene Walker requesting that she veto specific legislation. The complete letters are posted on the web site. Summaries are below.

## 3<sup>rd</sup> Substitute HB 115 - Carson Smith Special Needs Scholarships.

HB 115, like tuition tax credits, directs taxpayer money to private schools. The League position since the 1970s has been to oppose tuition tax credits. We do not think it appropriate to use the state tax system and public money to support private schools. In the case of children with disabilities, federal law already allows that a school district unable to provide a free and appropriate public education (FAPE) must pay for private schooling. But if appropriate public

schooling is available, parents must use it. The number of private schools with services for children with disabilities such as autism is small, which means they are not accessible to most children, particularly in rural areas. Supporting private schools with public fund diverts taxpayer dollars needed to improve services in public schools throughout the state. Voters (who pay the bills) can hold public schools accountable because they elect school boards and other government officials who make school policy. Although Carson Smith scholarships will be administered by the State Board of Education, HB 115 limits the board's authority to regulate private schools. We believe the goal of providing equal access to education for all children with disabilities can be better met by funding the public school system than by supporting private schools.

# 3<sup>rd</sup> Substitute HB 140 - Child and Family Services and Related Judicial Code Amendments.

The national League position on Early Intervention for Children at Risk includes support for policies and programs that ensure the safety of all children, including child abuse and neglect prevention. HB 140 does provide for detailed study by the Child Welfare Legislative Oversight Panel of the need for guardians ad litem. However, other provisions of concern include: a) "A parent or guardian may not be found guilty of neglect for the medical decisions made by a mature minor." Decisions by medical professionals may not always be right, but they are more likely to be informed and are at least relevant. This burden should not be put on the shoulders of an uninformed child. b) Some HB 140 provisions appear to allow parents to hamper children's access to independent counsel. Timely access to counsel is a basic right of our system of justice. In disputes between DCFS and parents, an independent voice for children seems crucial and should not be delayed by the other parties. c) Statements and interviews by guardians ad litem (but not other parties in the litigation) are prohibited even if a protected record isn't disclosed. This restriction appears to be aimed at preventing communicating with the press, a restriction we would generally oppose on behalf of the public's right to know as long as professional ethics were followed.

#### Second Substitute SB 175, Protection of Private Lawfully Obtained Property.

We believe these amendments to the Utah Uniform Forfeiture Procedures Act negate the will of the majority of Utah voters who for good reason enacted that law by initiative petition, Initiative B - Utah Property Protection Act, in the 2000 General Election.

Law enforcement agencies in Utah have abused the power of forfeiture through careless or improper handling of money and goods (including confiscated drugs). They have spent forfeiture money in activities specifically forbidden such as paying informants. The improper handling of forfeiture proceeds by law enforcement should be remedied somewhat by the provision in SB 175 that funnels forfeiture proceeds through an account managed by the Commission on Criminal and Juvenile Justice. However, basic arguments against forfeiture remain, based on protection of citizen rights.

We believe the basic flaw in SB 175 is inappropriately allowing those who exercise the police power of the state to enrich and enhance that power by seizing property. This presents too great a temptation for officers of the law and too great a danger that citizens' rights will be abused.

Forfeiture procedures that allow police to seize the property before the owner is proven guilty of any crime is unjust, regardless of whether the property is returned after the owner is acquitted. This law is a response to drug crimes, particularly those committed by wealthy offenders. But many offenders are poor members of minority or immigrant groups who find the court system

intimidating and unaffordable. Defense attorneys tell us that many instances of abuse are not even reported, much less redressed for this population.

We believe that funding for law enforcement, and funding for the substance abuse treatment that would reduce the need for law enforcement, should come from the taxpayers who benefit from it and can hold elected officials accountable.

#### Substitute SB 48 - Uniform Firearm Laws.

SB 48 gives blanket authority for the state to set firearms policy for all state entities, but specifically mentions only public school districts, public schools and state institutions of higher education. However educational institutions have special characteristics that support allowing more discretion to regulate firearms on campus. We believe permitting students, faculty, and staff to carry firearms on campus would chill vigorous debate and create a substantial risk of campus violence. Students should be encouraged to express differing views, particularly political and religious views, without the fear that disagreements will escalate to violence. In SB 48 "The individual right of the people to keep and bear arms for security and defense of self, family, others, property, or the state, as well as for other lawful purposes. . . " (Utah Constitution, Article I, Section 6) is cited as the reason for the bill. But this concern with security and defense seems to be more an ideological statement than a matter of fact. Empirical studies confirm that the presence of firearms significantly increases the risk of gun related violence. Research shows a correlation between gun possession and binge drinking, drug use, driving under the influence, and fighting. College students aged 18 to 22 are more likely to commit suicide by using a gun than any other age group. In committee, Brigham Young University testified that their firearms policy, which is stricter than the University of Utah's since even visitors may not bring guns on campus, has worked well and should not be changed. Public universities should be allowed to follow the same successful policy.

## **Party Caucuses**

Hope you didn't forget to attend your Party Caucus on the evening of Tuesday March 23rd.

The delegates you elected to convention will nominate your legislators for the coming two years.

## 2004 Voters Guide...going Electronic

Sharon Walkington has offered to do a General Election Voters Guide in an electronic format. She and Joyce Barnes (Voter Service chair for LWV-SL) also plan to approach the SL Tribune about publishing it.

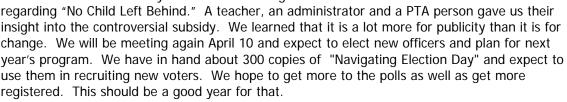
We are proposing that the guide cover state offices—judges, state school board, state legislators as well as governor, US Senate, and US House. Local Leagues, if you desire, can link information about local races for mayor, county council, judges, and school board on the e-Voters Guide. The League also participates in the VoteUtah.org website.

Questions for candidates will be formulated by Sharon's committee. Local leagues will receive the questions and training at Council.

#### **LOCAL LEAGUE UPDATES**

#### Cache League:

On March 11 we had a very informative meeting



-Joyce Davis

#### Davis League:

The Davis League met in February at the South Davis Library to hear valuable information from the Weber Water Conservancy District. We will meet with our legislators for a wrap-up session on March 24.

-Peggy Carrico

#### St. George League:

St. George League has not done anything since the fall elections.

-Georgia Barker

#### Salt Lake League:

As the year speeds toward spring, more is happening. We lobbied, we celebrated, we anguished and then did a legislative wrap-up on March 9, with Sandy Peck and representatives Carol Spackman Moss (D) and Steven Mascaro (R). We had excellent participation. March Units will discuss the Patriot Act using a video and materials assembled by Professor Wayne McCormack, U of U College of Law. We will prepare local program in April in preparation for our Annual Meeting May 24, 2004 at 5:30 PM.

Our annual State of the Community Lunch will be at Little America on April 15. Representative Afton Bradshaw will receive the League Community Service Award, and Harvey Rishikof, Visiting Professor of Law and National Security Studies at the National War College in Washington DC, will speak on "Politics, War and Rights: The Transformation of the Modern Liberal State." -Pat Nielson

#### **Utah County League:**

Next meeting is March 30, 7 pm at the Provo Library. The topic is Air Quality and Power Plants and is a fact finding public meeting with speakers Reg Olsen, Department of Environmental Quality, which is currently reviewing Calpine's application for a gas fired power plant to be located on the now defunct Geneva Steel property, and speaker Arden Pope, BYU Professor of Economics, expert on air pollution's health and economic effects in Utah County and elsewhere. Utah County faces phenomenal growth prospects and its roads are already grid locked during commuter times. How much more air pollution is Utah County able to afford, given our increasing number of inversion pollution days as this past winter and how would a power plant affect pollution levels?

On April 21, an afternoon meeting will be at member Susan Chasson's home. The topic is concern over this year's legislative efforts to weaken child protection laws and the attack on the office of guardian ad litem. It is a members' and invited guests' time to discuss issues and perhaps become part of a county effort to counter such efforts. We are looking at representatives from affected agencies and support groups to attend. Susan Chasson is in charge and is our contact person. Susan, a nurse practitioner, has worked with the local Children's Justice Center and has worked extensively with victims of rape and abuse. She has also filed to run as a state representative in 2004.

June 4 - Our annual meeting with lunch will be at member Canah Tedjamulia' home.
-Mary Lou Huffmon

#### Weber League

The Weber League held a very successful fundraiser early in March. We hosted a dinner at the Ogden Country Club with Calvin Grondahl, the political cartoonist for our local paper, as the guest speaker. Everybody in Ogden who is interested in what's happening starts the day with Grondahl's cartoon so we thought he would be a good draw.

We got permission to use one of his cartoons in our invitation, which we sent out to everyone we could think of. We charged a little more than \$5 over our cost. We were actually surprised by the turnout: 92 people attended the dinner and another 6 sent regrets with a donation. We were especially pleased that the publisher of the paper and his wife attended. Grondahl brought overheads of his cartoons and just chatted about them for an hour.

In addition to the fundraiser, we've held two discussion meetings for our members. One covered the national position on presidential selection and the other was on water taxation. Both were well attended and lively

We've scheduled our Annual Meeting for April 12 at a Greek restaurant to honor one of our members, Zada Haws, who is a great activist in the community.

-Marilyn O'Dell

#### Council

Council will be held May 15 in Logan. Along with Board training, there will also be a session on the electronic Voter's Guide. The Local league president and 3 voting delegates from each local league should attend. One delegate needs to be the Voter Service liaison to the state board. Others may attend, but only 3 voting delegates per local league. Unit at large may send 1 delegate. The meeting will start at 10AM and probably run until 2 PM. Location in Logan will be provided at a later date. Registration information will be sent out approximately May 1.

# Keep on Lobbyin'

The legislature is resting, but Congress is in session. So watch for action alerts. This year's legislative priorities for LWVUS are in three tiers. Tier 1 core issues: Election Reform and Campaign Finance Reform. Tier 2 issues: Civil Liberties, Clean Air and Reproductive Choice. Tier 3 issues: DC Voting Rights, Gun Control, Health Care and Tax/Deficit Policy.



## **Traditional Legislative Wrap-Up Poem**

by Elizabeth Hindley, Women's State Legislative Council

## 54th Utah Legislature - The Message Session

This session was not soul stirring, innovative nor mind-bending.

It was prodictable long winded and

It was predictable, long-winded and seemingly never ending.

Pre-election promises were lost in committee by translation.

For this they wanted applause, kind words and jubilation.

Although a bill may start out reflecting the people's will,

it usually ends up with no resemblance to the original bill.

Crowds in the rotunda said,

"We no longer accept the promises you preach."

Then tried to improve the moment and catch the good within their reach.

We read their lips, "No new taxes" -on big families they mean.
Those of us, having already "been there and done that," are not so keen.

Confusion reigned.

Did someone really try to add polygamy to the same-sex marriage bill? To condemn or to condone, that was the question,

causing strife, name calling and lost friendships on the hill.

Of course we were against a bill called "utopia."

We think we are already there.

But the Fiber-Optic Network Bill passed at a cost of 540 Mil.

That should leave our cupboards bare.

We have a new liquor law: A pitcher of beer cannot be served to a lone lad or lass. Take away the handle and what do you have

-not a pitcher, but a glass.

They declared a sin tax on strip clubs to enhance their own stature. What an overwhelming vote this one should capture. The hate crimes bill was killed in committee. Now surely that is a crime. When will that one have its day? It is surely past its time.

The Governor's bill regarding reading skills for children was held until the end. She smiled knowing they were only teasing and that by the stroke of midnight they would bend.

The Marriott Library could shake, rattle and roll off the hill, since seismic renovation was not a passed bill.

In Sunday schools and in private schools, too guns can be banned now, But not at the U.

There was no risk taking. After all, this is the year of elections.

Many hack eyed morality bills were debated giving rise to much reflection.

Meaningless constitutional changes were approached by resolution.

Wouldn't the people's vote by ballot have been a reasonable solution.

The perennial pill bill is very persistent. They certainly have abused it. Could it be that the reason it is so resistant is because they want to lose it.

All the child abuse bills submitted, they realized were bad bills for child protection. One was brought out for debate at 11:54 on the last night of the session.

Until the clock struck twelve, it was grandly filibustered. A favorable public opinion could never have been mustered. Regarding changing Child Services Rules we have only this to say, "If it ain't broke, don't fix it." It's the children who'll have to pay.

A one per-cent raise for state employees was such a token gesture. Was it a compliment or an affront? It was all that they could venture.

Please become more involved. Give your legislator a call, and should you fail to make that call you should not complain at all.

# **Contributors** (Dec 15 - Mar 23)

**United Way** Computer Associates **Xmission ISP Services** Martha Ball Regina Benowitz

Stephen Benowitz Nancy Borgenicht Jenny Box - cache Marilyn Campbell Lea Cotter - mal Lou Ann Christensen Peggy Christensen Beverly Dalley Joyce Davis - cache

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Anne Hatch - Cache Martha Hill - Cedar City Janelle Jarvis - Utah County Boyer and Pat Jarvis Barbara Kitchens Kathleen Knight -mal

Mimi Levitt Susan Lewon Sue Lind Ruth Magar Norma Matheson Merilee McCall - Davis

Roz McGee Nancy Melling Charlotte Newman

# THANK YOU!!

Marilyn Oberg - Davis Mary Olsen Dorothy Owen Tom Proffitt - Cache **Evelyn Richards** 

Bonnie Rock

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