



# THE UTAH VOTER

*The League of Women Voters of Utah*

Volume 72,2 Winter 2004

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## *Nuclear Waste Regulation in Utah*

Zita Bell, study chair; Reva Servoss, technical expert; Marelynn Zipser, observer/scribe

Members of the LWVUT "Nuclear Waste" committee have been observing the "Task Force on Hazardous Waste Regulation and Tax Policy" from its first meeting in May 2003. Since October, the Task Force and the public became aware of new plans to bring "Hotter Radioactive" wastes to Utah, without any public involvement either by the legislature, the governor or Utah residents. This is our "non-technical take" on major facts, as background to future LWVUT study.

Envirocare of Utah, in Toole Co., is the only corporation in the U.S. that has received an exemption from State and Federal regulations in order to store radioactive wastes on its private lands. (The background to this amazing story, is for another time.). The Utah Division of Radiation Control (DRC) has oversight of much of the Envirocare Surface Landfill. However, one segment of the landfill, labeled 11e(2), is still regulated by the federal government and is presently used for disposal of mildly radioactive Uranium mill tailings (radioactive dirt).

In October 2003, the *Salt Lake*

*Tribune* brought to the public's attention that Envirocare was being considered to receive the highly "radioactive Superfund clean up" wastes from Ohio, called the Fernald wastes. Rep. Rob Bishop, Envirocare's former legislative lobbyist, "tucked into" the major, lengthy Congressional Energy Bill a single provision that would reclassify the Fernald waste.

### **Mission Statement**

**The League of Women Voters is a multi-issue, non-partisan organization whose mission is to encourage the informed and active participation of citizens in government and to influence public policy through education and advocacy.**

To understand this "provision", we need to go back to 1997, when Congress made many changes connected with the clean-up of radioactive wastes. All "post-1978" mildly radioactive Uranium mill tailings could simply be disposed of in a commercial landfill licensed by NRC (Nuclear Regulatory Commission), such as Envirocare. These wastes were called 11e(2) after the section of the law that produced them. wastes to 11e(2) to move them to Utah.

Continued on Page 5

## Legislative Preview

By  
Sandy Peck

The LWVUT Board has arranged the state League's priorities for the 2004 legislative session into three tiers, based on our 2004 program and likely legislation. Here is an overview of what's coming up, with some detail about Tier 1 priorities and League positions. Please use [www.le.state.ut.us](http://www.le.state.ut.us) to read bills and see the latest list of filed bills

Tier 1 Priorities are:

1. Election Process Reforms - HAVA Help America Vote Act
2. The Utah Corrections System - Drug Treatment for Offenders
- 3 Nuclear Waste Regulation - Task Force
4. Tax Policy, Education and Water Development Funding
5. Protection of Utah's Citizen Initiative Process.

### **1. Election Process Reforms - HAVA ( Help America Vote Act.)**

A subcommittee of the HAVA State Plan Committee, which is implementing the federal Help America Vote Act, will decide this spring what kind of electronic voting machines to purchase. The machines are basically touch-screen computers with an audio component. Each precinct must have at least one machine accessible to the hearing impaired.

*Continued on Page 14/13*

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Dues for membership in a local League of Women Voters in Utah include a \$10 payment to the LWVUT to cover administrative costs including a subscription to *The Utah Voter*.

*Internet Services are generously donated to the League of Women Voters of Utah by Xmission, found on the web at [www.xmission.com](http://www.xmission.com)*

*President's Letter*

Nanette Benowitz



At our last board meeting, the League set priorities for the 2004 Legislative Session, began design work on a new web site, completed the Juvenile Justice Position Statement and started preparations for Council in Logan this May.

Sandy Peck and her Lobby Corps have been monitoring the Interim Committees faithfully and publishing the Legislative Updates on line and on radio. The priorities for the upcoming session, will follow in the legislative section of this VOTER. Starting on January 24th, the LWVU Board and the Lobby Corps will meet regularly on Saturday mornings (10 AM) at the League office to review the week and prepare for the coming week. For a special first meeting on the 17th at the Main Salt Lake City Library, Sandy has planned a training session that will include a packet of information to facilitate handling your way around the capital this session. Any league member is invited to join the Lobbying Corps and/or join us for the league briefings on Saturday morning.

The League Lobby Corps is staying on top of issues and has plans to keep the membership informed through the web and the VOTER. Anyone interested in being on this league group, as a reader, a monitor, or a writer, would be very welcome. Again, merely inform the office of your interest.

Thank you to Marie Irvine and Pat Comarell for designing and implementing the new web page. Hopefully, all of you have had the chance to go to [www.lwvutah.org](http://www.lwvutah.org) and take a look. We have many plans to disseminate information here. The legislative updates that Sandy is sending via email will appear here along with decisions made at the Saturday morning league caucus. The nuclear waste study committee will provide background information to compliment the article in this VOTER. Along with the State Voter, we are encouraging local leagues to use the website for their VOTERS and/or to advertise their local meetings. We encourage you to get in the habit of checking the web site regularly. We also promise to send out emails when pertinent information has been added. We are looking for volunteers who might be interested in working on the website and we are planning a training sessions on 'how to' in the near future. If you are interested, let the office know.

Thank you to Gaye Littleton, Reva Servoss, Marelynn Zipser and Sandy Peck for the final version of the Juvenile Justice Position. Both the background to writing the study and the statement are included in the VOTER. The Committee has ordered new studies to be distributed to new members, police chiefs, higher education and members of the Corrections and Judicial System. If any of you have members of your community that you feel should or would like to receive a copy of the study, let Sandy know (801)-272-8682.

The Nuclear Waste Study is a work in progress, as it appears the reclassification of hazardous waste is a work in progress. The committee is going to the Task Force on Hazardous Waste meetings and Zita Bell, our study chair, is in a constant mode of self-directed study.

Thank you to Ann O'Connell for the interesting and timely study on Water Taxation. Salt Lake has completed its discussion and the other leagues have scheduled time in the coming months. In April, we will update our position on the funding of water and encourage all of you to read the material and participate in your local league's discussion. If your local league is not planning a unit discussion and you have opinions you would like to be considered, please contact the office via email, phone or in writing. The State League plans to have a statement ready for LWVU Council 2004.

In closing, I would like to acknowledge our new governor, Olene Walker. Olene was an active member of the league for many years. We congratulate her!

Nanette Benowitz

## LEAGUE OF WOMEN VOTERS OF UTAH PROGRAM 2003-2005

approved 5/17/03

- I. Act to implement League consensus positions regarding the Utah corrections system.
  - A. Complete consensus on the League study "The Utah Juvenile Justice System."
  - B. Monitor and advocate for League corrections positions at the Utah Legislature.
  
- II Act to promote election process reform.
  - A. Participate in Utah's Vote Act (HAVA).
  - B. Encourage local Leagues to participate in county commission hearings on the State Plan in May and June 2003 and to work with county clerks to educate voters about the provisions of HAVA.
  
- III. Study voting systems: how voters express preference for candidates and how voter preferences are counted in contests with more than two candidates.
  
- IV Act to promote campaign finance reform, with a primary focus on campaign contribution limits for candidates for state offices. Encourage local Leagues to submit at least one letter to the editor and one letter each to their respective state senators and representatives.
  
- V. Act to protect Utah's citizen initiative process.
  
- VI. Monitor the issue of health care for the uninsured.
  
- VII. Study nuclear waste: "What Citizens Need to Know to Make Intelligent Decisions about Nuclear Waste." Initial emphasis will be given to Utah's involvement with low-level waste.



### Meet the Board Clockwise from lower left:

**Nanette Benowitz, President**  
**Gaye Littleton, Program**  
**Marelynn Zipser, Secretary**  
**Marilyn Odell, Treasurer (standing)**  
**Valerie Harding, Field Service (standing)**  
**Nancy Wingelaar, Development**  
**Jane Osterhaus, Communications (far right)**  
**Sandy Peck, Legislative Issues**

## Nuclear Waste Continued

Citizens of Utah were in shock again, a few weeks later, when the Tribune revealed that another batch of Superfund waste from near Niagara Falls, NY, similar to Fernald, but even hotter, was also heading for Envirocare. This time, the reclassification of the waste was incorporated in an "Energy and Water Spending" bill by Senator Bennett's staff. The Senator professes not to know how it was inserted into the appropriations bill, but he has been trying since 1999 to get the waste reclassified for storage in our West Desert. His stated motivation is job creation in a remote area.

Now, why are the so called "K-65" residues from Ohio and N.Y. "hotter" than the average tailing wastes? Because, they are the byproducts of a very rich ore which came in the 1940's from the former Belgian Congo with a 65% Uranium content (vs.5% in domestic ore). The sludge contains primarily radioactive Radium-226. In their present state, the waste silos have radium concentrations 100 to 125 times as radioactive as what Envirocare can accept today under present NRC license.

Another concern: as radium decays with the long half-life of 1600 years (hazardous life of 32000 years) it produces the gas radon at a steady rate. Radon is a heavy gas (it clings to the ground), well known as a lung carcinogen, that EPA recommends to clean-up from homes at thousands of times lower concentrations. Radium emits penetrating gamma rays as well as alpha radiation and is considered a serious health hazard essentially forever.

In order to meet federal transportation standards for hazardous materials, the contractors at the two sites planned to use "robots" to dilute the waste with cement. For the 9,000 cubic yards of Fernald waste, mixing one part of waste to four parts of cement, and for the 4,000 cubic yards from NY, mixing one part with five parts of cement. Even after this dilution, the concentrations of radium would still be 25 times as high as Envirocare's NRC license permits.

Thus, not surprisingly, it surfaced at the November Task Force hearing that Envirocare had actually filed with NRC, in March 2002 to raise its license for radium (in the uranium byproduct) by a factor of 25, to match

to match the Fernald diluted values.. A notice was published in the Federal Register, with a 30-day comment period. No policy-maker or regulator from Utah commented. [The Utah Division of Radiation Control(DRC) director stated recently that even after dilution, the wastes would still be five times more radioactive than the limit in Utah's law for Radium-226.]

To make things even more interesting, Utah filed with NRC several years ago to obtain regulatory authority over the mill tailings, 11e(2) portion, of the Envirocare site. Approval is expected sometime in Spring 2004. Once the state has "primacy", Envirocare needs to apply to state agencies for permits to accept the waste (and follow Utah's laws.)

What were some of the background "Incentives"? The Fernald waste was originally supposed to be vitrified and transported to Nevada. However, all actions taken by the contractors turned into technical failures and made the silos even hotter\*. Yucca Mountain, Nevada, proposed underground repository for this waste, is embroiled in a controversy of its own. The Department of Energy is "under the gun" to clean-up, it offered the contractors very generous bonuses (Fluor Fernald will get \$215 million if the \$4 billion job is completed by Dec. 2006).

One way to earn the bonuses is to get the material classified as 11e(2) and then ship it off to a licensed surface landfill. Envirocare (the cheapest solution) offered to take the Ohio material once it was reclassified. The other two "low level" commercial sites (S. Carolina and Washington) did not want the material.

The Utah Dept. of Environmental Quality (DEQ) evidently knew this was afoot in July, but was not required to inform anyone, including the Governor, and did not.

Some additional arguments given:  
Since Envirocare has a rail spur into its site, transportation by rail would be cheaper and probably safer than a larger number of truckloads to Nevada. There could be economic benefits from greater employment, some taxes\*\*(10 cents per cubic foot) and Envirocare's corporate income tax (contract worth \$14 million).

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*Read Sandy's legislative updates daily on our website [www.lwvut.org](http://www.lwvut.org). Listen to League updates every morning during the session on KCPW 88.3 and 105.3 FM in Salt Lake at 6:50 a.m. and 8:50 a.m. Attend League Legislative Caucus every Saturday at 10 a.m. during the session at the League office. Email your legislator!*

**To join official LWVUS listserves go to [www.lwv.org](http://www.lwv.org)**

- Click on "member site" Enter the username and password.
- Click on "online grassroots network" (links in red along the left side).
- Click on "to join any of these lists "click here".
- Fill out the form and check the lists you'd like to join.

**Two very lively unofficial listserves:**

<http://groups.yahoo.com/group/tradeposition>  
Multiple topics (Right now HAVA, the blackout and energy policy, civil liberties and the Patriot Act are hot topics.)

**The next time you need to buy cards or wrapping paper think about helping the League at the same time.**

**The Current Company will share fifty percent of its profits with the League if members and friends mention the LWVUT when they order through the website [Currentfun.com](http://Currentfun.com)**

**You will see LWV Utah on the popup menu.**

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## Suggestions for Celebrating the League's 84th Birthday

**The state board is promoting a combined state and local league fundraising project aimed at raising hard money and avoiding higher per-member-payments (PMP) for Local Leagues.**

**On February 15, HBO will premier an original film *Iron Jawed Angels*, which highlights the drama around final passage of the 19th Amendment.**

**The film is recommended by the LWVUS Board and focuses on only a short piece of the women's suffrage movement.**

**Consider hosting a movie viewing and discussion house party. By inviting new members and nonmembers to attend, League leaders could help to explain the organization's history and continued role in our communities.**

**March is Women's History Month and Young Voter Month**

**Please call Nancy Wingelaar for more information at 801-942-4030 or [wingelaar06@cs.com](mailto:wingelaar06@cs.com)**

## Program Planning Explained

from Gigi Brandt, LWV Salt Lake and LWVUS packet

Local Leagues review position and plan program annually, but state and local Leagues do so biennially.

Therefore, every two years state and local leagues participate in the LWVUS program planning process by reviewing existing positions and making recommendations regarding those items and possible new items. Local League members also review positions and make recommendations for their annual program and for the Utah League every two years, in odd numbered years.

The LWVUS program planning process asks members to review the 29 LWVUS positions in four areas: government, international relations, natural resources and social policy. Additionally, members are asked to choose one LWVUS position for systematic review and update similar to the current Update on Presidential Selection and the Trade and UN positions during the 2000-2002 biennium. Members are also asked to recommend any new study item. Member input will guide the LWVUT board to fill out the report to be e-mailed to LWVUS by March 1. The LWVUS board will compile these reports and make program recommendations to be decided on at the LWVUS Convention in June 2004. Members can review the Leader's Guide, LWVUS Policy Positions and a copy of the Report Form and Impact on Issues on the Members Site of the LWVUS website at <http://www.lwv.org/leaders.html>.

As a reminder, the Members Site on [lwv.org](http://lwv.org) can be accessed by the User ID and Password available from your League president or the League office. Many members do not realize that LWVUS positions can be used for member education and advocacy purposes. At its December Board meeting, the LWV-Salt Lake Board decided to include a form similar to the one found at the LWVUS website in the February Salt Lake Voter to offer input from members unable to attend the general meeting. The form is reproduced in this *Utah Voter*.

\*\*\*\*\*  
**\*\*Proposed LWVUS Position on the Selection of the President**

The League of Women voters believes that the direct-popular-vote method for electing the President and the Vice President is essential to representative government. The League of Women Voters believes, therefore, that the Electoral College should be abolished. The League also supports uniform voting qualifications and procedures for presidential elections. The League supports changes in the presidential election system—from the candidate selection process to the general election—to provide voters with sufficient information about candidates and their positions, public policy issues, and the selection process itself. The League supports action to ensure that the media, political parties, candidates, and all levels of government achieve these goals and provide that information.

The LWVUS is asking each member for concurrence on preceding statement . A full background and rationale will appear in the January/February *National Voter*.

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# LEAGUE REPORT FORM

League \_\_\_\_\_ State \_\_\_\_\_ League File # \_\_\_\_\_

Program Item <small>**Currently being updated in the 2002-2004 biennium</small>	Retain	Drop	Using for state or local education activities	Using for state or local advocacy activities
<b>Government</b>				
Citizen's right to Vote				
<b>DC Self-Government and Full Voting Representation</b>				
Apportionment				
Campaign Finance				
Election of the President**				
Citizen's Right to Know/Citizen Participation				
<b>Individual Liberties</b>				
Public policy on reproductive choices				
Congress				
The Presidency				
<b>International Relations</b>				
United Nations				
Trade				
U.S. Relations with Developing Countries				
Arms Control				
Military Policy and Defense Spending				
<b>Natural Resources</b>				
Natural Resources				
Resource Management				
Environmental Protection and Pollution Control				
Public Participation				
Agricultural Policy				
<b>Social Policy</b>				
Equality of Opportunity				
Fiscal Policy				
Health Care				
Meeting Basic Human Needs				
Child Care				
Early Intervention for Children at Risk				
Violence Prevention				
Gun Control				
Urban Policy				

# LEAGUE REPORT FORM

League \_\_\_\_\_ State \_\_\_\_\_ League File # \_\_\_\_\_

INSTRUCTIONS: Read the following LWVUS Public Policy Positions. Check off retain (meaning there is still member understanding of and agreement with the position) or drop (meaning the position is dropped and no action can be taken under that position) for each program item. In addition, please use the appropriate column to tell us which positions you have used in the last year either for education or advocacy.

**UPDATE: Please choose one LWVUS position for review and update in the 2004-2006 Biennium:**

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**Recommended scope of update:**

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**Recommended sources of funding for update:**

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**OTHER PROGRAM RECOMMENDATIONS: If your League has a recommendation for a study or program item for concurrence, or another program suggestion, please list here:**

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**Recommended scope of program recommendation:**

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**Recommended sources of funding for program recommendation:**

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## Statements in the Name of the League

The following statement was approved at the November 2003 LWVUT Board. Thanks to all Local Leagues for their support and participation. The League's Juvenile Justice work continues. This statement will form the basis for any action we take on the issue in the future.

We have recently ordered a reprinting of the Juvenile Justice Study because of the high interest in our work, particularly from the law enforcement community.

The LWV of Utah is indebted to Reva Servoss for her insight and dedication to the project. The study could not have been produced without her commitment to the League and its principles.

### LWVU POSITION ON JUVENILE JUSTICE 2003

In 2002, the League of Women Voters of Utah published a landmark 75 page Juvenile Justice study, describing the current stakeholders who promote and carry out the policies of the JJ system. All major aspects of the system's complex organization were presented. A flowchart of an offender's progress through the system was created to illustrate how the system functions.

Utah's Juvenile Justice system is considered one of the nation's best, but it is challenged by continuing concerns about the relationship between parental abuse and subsequent abuse by youth, an increasing number of female youth offenders, sex offenses, over-representation of minority youth, lack of programs in rural areas, and funding for evaluation of programs and services.

Based on the study material, the members of the League reach the following consensus position on Juvenile Justice in Utah.

The League of Women Voters of Utah supports the three goals of the 2001 Utah Juvenile Justice system mission statement, "Balanced and Restorative Justice":

- protection of the public's right to live in a safe and secure setting;
- the obligation of an offender to restore to the victim and to the community the loss created by the offender's actions; and
- development while under the jurisdiction of the juvenile justice system of an offender's competency to be a responsible and productive citizen.

The League supports a Juvenile Justice system with:

- uniform access to programs and services statewide for the rehabilitation of all youth offenders, but tailored to urban/rural needs and relying on community resources;
- early risk assessment tools and early intervention schemes developed in conjunction with local police, schools, families and communities to help keep offenders out of the system with the caveat that there be frequent evaluation of these experimental programs for reliability, accuracy and validity, especially to ensure that minority youth are not negatively impacted;
- professional evaluation and assessment of all ongoing programs, services, staff and facilities, including their relationship to recidivism rates as well as budget and administrative considerations;
- retention of the current system organization with the Juvenile Court administering all probation activities and cooperating with the Division of Youth Corrections and with continuing oversight by the Auditor General.

We support Legislative action to improve the Juvenile Justice system by:

- providing more facilities and treatment options designed for female youth offenders;
- ensuring that minority youth receive unbiased and equal treatment in all aspects of the system, including intake;
- increasing treatment options for mentally ill offenders;
- increasing the number of attorneys and staff with juvenile justice expertise;
- increasing programs for youth in transition from secure care to parole in order to reduce recidivism;
- implementing the Auditor General's recommendation to recognize and stabilize funding for the Criminal and Juvenile Justice Consortium as the system's research and evaluation agency;
- reducing placements of youth out-of-state, where adequate monitoring is impossible.

## Nuclear Waste Regulation in Utah (cont'd)

### *What is the current status?*

The public objected to (1) accepting hotter "Uranium Byproducts", (2) Envirocare raising its radium license limits and (3) in general, to Utah becoming the nation's dumping ground. Governor Walker stated her opposition in no uncertain terms. Rep. Matheson conveyed his opposition, Sen. Bennett and Rep. Bishop back-pedaled. The Utah Task Force on Hazardous Waste Regulation and Tax Policy, at its November (see below) meeting recommended that legislation be drafted to require the approval of the Legislature and the Governor before radioactive waste that exceeds certain concentration limits be disposed of in Utah.

After the "Alliance for Unity", made up of religious, civic and business leaders, spoke out against storage of this material in Utah, Envirocare withdrew its federal application for the license-change request. The company stated it would not bid for the Ohio waste until (1) State officials would accept higher levels of radioactive wastes and (2) DEQ receives oversight of the 11e(2) site.

Meanwhile, the major Energy Bill has yet to pass (for reasons unrelated to 11e(2)).

However, Congress passed (and the president signed) the Energy and Water Appropriations Bill, which reclassified the pre-1978 wastes as "11e(2) byproduct materials" so they could be disposed of in surface landfills. But Sen. Bennett succeeded in placing a temporary roadblock to this process. The highly concentrated wastes from Ohio and NY have to wait until Utah regulators receive oversight of the area from the federal government. This proposition will remain in effect until Jan. 2005, approximately when the Utah moratorium on hotter wastes ends, and the Legislative Task Force is scheduled to present its recommendations on radioactive wastes. [As Sen. Bennett stated: "We are changing the law so that Utah will be making the decisions for our state, not NRC"]

- \*\*10 cents/cubic foot or \$2.70/cubic yard x 69,000 cubic yards of "transportable waste" = \$186,300 to Utah (one time tax)
- "Cleaning Up the Cold War Mess" - see: [www.IEER.org/reports/cleanup/ccwm.pdf](http://www.IEER.org/reports/cleanup/ccwm.pdf)

## TASK FORCE REPORT

Based on information received in 11 meetings and 4 public

1. The Task Force Concluded that:
  - a. Waste facilities regulated by the Department of Environmental Quality (DEQ) appear to be in substantial compliance with DEQ regulations;
  - b. DEQ is providing effective oversight and monitoring of waste facilities to ensure compliance (4 dissenting votes--Bell, Hillyard, Arent, Jones);
  - c. In order to implement Legislative policies relating to waste management, additional statutory requirements may be necessary (4 dissenting votes--Bell, Hillyard, Arent, Jones);
  - d. The task force should seek additional information by engaging an independent analysis of current DEQ regulatory requirements for the operation of waste facilities to determine adequacy to provide effective management of state environmental concerns and safeguard public health and quality of life; and
  - e. If adequate funding is available, the independent analysis under (d) should be reported to the task force by May 1, 2004.

NOTE: The original motion contained a "vote of confidence in DEQ" provision, which was voted down.

2. The Task Force recommended draft legislation "Hazardous Waste and Nonhazardous Solid Waste Fee Tax Amendments" to HB 286. This would revoke doubling of the fee on Clean Harbors and remove 3% gross receipts tax on ECDC and Clean Harbors. Fiscal impact would be negligible since tax receipts from Envirocare are anticipated to more than cover any reduction in revenue from the other sources.
3. *The Task Force recommended that legislation be drafted to require the approval of the Legislature and the Governor before radioactive waste that exceeds a certain radioactive concentration can be disposed of in the state.*
4. The task Force recommended that there be no legislative action (during the 2004 session) until Task Force can complete its work.
5. The Task Force moved to send letter to NRC urging delay in Envirocare permit until state gains primacy over the 11e(2) area.

The Task Force also moved to request appropriations for:

- (1) site visit to Barnwell, SC and the Washington facilities where B & C waste is accepted.
- (2) an independent expert consultant to review current & future procedures and regulations.

QUESTION: Will the state fund these requests?

### What's Next?

The Task Force will resume in May, perhaps with funding for an external, independent consultant and some travel. Will the Task Force agree to let Envirocare expand to the higher levels of Class B and C low level wastes? Having legislators and the governor making joint decisions, will ensure greater public awareness of what decisions are made. We will watch for outcomes on 11e(2). Will Envirocare reapply for a change in license? How might members of the Task Force propose to legislate higher levels of radioactive wastes? What taxes will they recommend ?

### Legislative Priorities (Part 3)

#### 4. Tax policy, education and water development funding.

The need to fund education growth of 145,000 new students over 10 years plus the cost of reforms is leading to various tax and budget proposals on sales tax exemptions, property tax exemptions and increases, earmarking of the sales tax for roads and water development and re-working the income tax (e.g. HB 45 Jones-Mascaro). "Zoning for dollars" is a sales tax distribution issue for local governments. No bills yet address water funding by taxes. Gov Walker's budget wants to return to the General Fund \$65 million from roads and \$18 million from local roads as well as \$14 million in sales tax earmarked for water. League earmarking position: Earmarking of taxes for a specific purpose is appropriate in some cases, but should be used with restraint so that flexibility is not limited. If a tax is earmarked, there should be a logical relationship between the tax and its use. It may be advisable to re-evaluate earmarking periodically. The sales and use tax should not be earmarked (This position argues against earmarking the general sales tax because it lacks a logical relationship with water or highway use. The gas tax on the other hand is already dedicated to roads and highways are also supported by federal dollars. Each one-cent increase in the gas tax yields \$13 million. Water development and use is funded by user fees as well, plus property tax and 3 loan funds in addition to sales tax. User fees have the advantage of encouraging conservation of natural resources, which the League supports as well. **Bill: HB 45 Individual Income Tax Amendments for Education Funding Jones, P.** Expands income tax brackets so that more income is taxed at higher rates Indexes brackets for inflation Gradually eliminates personal exemptions beyond the first four per family (Dependents with disabilities keep exemption) Phases out the 50% federal deductibility on state income tax (All instead of half of the federal tax you pay would be state taxable income) Adds an Earned Income Tax Credit for lower and middle income families. Current version would yield \$46.3 million.

**League income tax positions:** From League Studies: Utah income taxes should be more progressive. Tax brackets should be spread so that the top rate is reached at a higher income level and the tax rate on higher incomes should be increased. Adopted by both the League and the 1990 State Legislature: The overall state income tax system should be indexed for inflation. The state income tax system should shield subsistence income from taxation.

\*\*This position argues against eliminating personal income exemptions, especially for low income families, a problem Jones-Mascaro tries to solve in part by adding an earned income tax credit for lower and middle incomes League sales tax exemption positions: All current sales tax exemptions should undergo periodic review, and there should be a formal procedure for review of proposed sales tax exemptions. The cost and benefit criteria used to evaluate proposed sales tax exemptions should include: - the number of new jobs created if the exemption is granted; - the median wage level for newly created jobs; - other additional tax revenue if exemption is granted; - lost sales tax revenue; - perceived fairness to other taxpayers; and - environmental impact

**5. Protection of Utah's citizen initiative process.** The Utah Supreme Court has not yet ruled on Utah's initiative process as defined in SB 28 in the 2003 session. If it does so before the end of the session, the legislature could respond with another bill. Suit was brought in October by the Safe Havens for Learning (now Havens for Learning) coalition, sponsors of an initiative to prohibit bringing guns, including concealed weapons, into schools. The League is a member of that Coalition.

We believe current the law violates the fundamental constitutional right of the people to initiate legislation by making the process overly burdensome: it requires 7 hearings statewide before petitions can even be circulated, signatures from 26 (89%) of the 29 counties, only one year instead of 2 election cycles to gather signatures, and a ban on submitting initiatives that are the same or similar to initiatives submitted in the previous two years. (This same-or-similar ban would allow opponents to file a sham initiative for the sole purpose of disqualifying future real initiatives.) The process is particularly burdensome compared with what's required of the legislature: approval by 15 not 26 senators, one or 2 hearings at the Capitol not 7 statewide, and no restriction on multiple efforts to pass a particular law. SB 28 left in place a burdensome signature removal provision that allows signatures on petitions to be removed by opponents for 30 days after they are turned in to the county clerk but doesn't allow proponents to replace those signatures. Opponents of Initiative 1 (the B&C waste ban) used this to zero in on a small number of counties and undo the work of supporters by getting a small number of signers to remove their names. This could be done again under current law by focusing on 1 to 4 Senate districts. It gives an advantage to those who can afford to send a large group of people accompanied by notaries public to get signatures removed—a financial burden. It's worth noting that since 1960, under a less burdensome standards including requiring signatures from only one half or two thirds of Utah counties, only 18 initiatives have gained the ballot. Only 4 have passed.

See the website for updates on tiers 2 and 3.

## Legislative Priorities (Part 2)

Federal money (\$15-20 million in Utah) is available to buy most of the voting machines, but counties will still have to pay a share.

**HB 9. (Aagard) Absentee Ballot Amendments** The 2003 Second Special Session approved (HB2001) which reduced election costs for small counties (4<sup>th</sup>, 5<sup>th</sup>, 6<sup>th</sup> class) by allowing fewer, larger precincts for primaries. (League Position: We believe that voting district size should be allowed to vary by county.) Since larger precincts might mean longer Election Day lines, HB 9 is offered to encourage more absentee voting. Interim Government Operations considered Early Voting over a 10-day period in clerks' offices and other locations, also aimed at reducing the number of machines needed, but Early Voting was not recommended by that committee.

**SB 8. (Evans,B) Local Referendum Amendments** Delays a local law from taking effect if it has been challenged by a referendum that has qualified to be on the ballot. If approved if approved the law takes effect on the date of the election. (This corrects a conflict between current law and the Utah Constitution.)

**SB 10. (Hickman) Amendments to Local Referendum Process** Increases the number of days allowed to file the petition for a referendum on a local law from 35 to 45 days after the law passed.

### 2. The Utah Corrections System - Drug Treatment for Offenders

#### Numbered Bills:

**SB 21 (Buttars) Drug Offenders Reform Act** Requires that on and after July 1, 2004, offenders convicted of an offense in violation of the Utah Controlled Substances Act, must participate in the screening and assessment process; and on and or after July 1, 2005, offenders convicted of any felony offense must participate in the screening and assessment process; and that the results of any screening and assessment of an offender be provided to the court prior to sentencing.

Prevents the Board of Pardons and Parole from paroling an offender who has not been screened (and assessed if necessary) within the 6 months prior to the parole date, except on the condition that the offender will be screened within 45 days after being paroled.

**HB 34 (Christensen) Unlawful Controlled Substances in Correctional Facilities** Requires the Department of Correction to advise persons visiting inmates at correctional facilities: of prohibited items; that distribution of controlled substances to inmates is subject to criminal penalties, including incarceration; and that all visitors may be required to submit to a search as a condition of the visit, as required by current law; Provides for an additional year or more of incarceration for person violating controlled substances laws at a correctional facility; and increases the penalty from a class B misdemeanor to a third degree felony for persons bringing contraband tobacco products to a correctional facility in violation of state law.

During interim, the Law Enforcement and Criminal Justice committee heard officials from several states testify that drug treatment for offenders saves incarceration costs. It was reported that in Utah 80 to 90 percent of offenders are addicted, yet only 20 to 30 percent receive treatment. SB 9 would require systematic assessment of drug offenders beginning this year, and of felons in 2005. This would allow the scope of the problem to be verified, and judges could use the information for more appropriate sentences. Use of controlled substances is a common technical parole violation that sends offenders back to prison. The League's study of the state corrections system found that drug treatment programs currently are offered but have long waiting lists. League Position: Effective reintegration into society should be the primary focus of prison programs (such as literacy, education and vocational training). Apparently substance abuse is a significant barrier to that focus.

HB 34 addresses a related problem-- controlled substances being brought into prison by visitors, delivery workers and by mail.

**3 Nuclear Waste Regulation - Task Force.** The League has been observing the legislative Task Force on Hazardous Waste Regulation and Tax Policy (See related article in this Voter) in preparation for our planned study, "What Citizens Need to Know to Make Intelligent Decisions about Nuclear Waste."

#### Requested Bills:

Approval Required for Disposal of Certain Radioactive Waste in Utah

Hazardous Waste Regulation and Tax Policy Task Force

The Task Force has recommended that the only 2004 legislation relating to nuclear waste should be a bill requiring the approval of *both* the Governor and the Legislature in order to permit more highly radioactive waste coming to Utah. The Task Force recommends appropriating money to hire an independent expert to review regulation and procedures and to visit B and C waste facilities in Washington state and Barnwell SC.

Davis County News

The Davis County League has begun our 2003-2004 meetings with a couple of interesting and well-attended meetings, beginning with our annual meeting and fund raising event in October.

Our first meeting was held on Saturday, October 22 at the Bountiful Ridge Country Club. We began with our annual meeting where we elected the new president, Peggy Carrico. Peggy has been a long time member of the League serving on the local and state boards in various positions. She is employed by Intermountain Health Care as the Director of Behavioral Health. This is her first time as president of the Davis County League. Ivy McChesney is the Treasurer and Kay Hall is Secretary.

Following the annual meeting the members listened to a fascinating presentation by Stephanie Peterson, ACLU Spokesperson on "Civil Liberties and the Patriot Act." Stephanie made those attending aware of the some of the ways the Patriot Act has effected our rights at home and in our international relationships.

The Davis County League also used this as our fund raising event for the State League. The lunch was catered by the Country Club and we charged \$15 per person. We were able to make a \$100 profit for the state. There were 20 people in attendance and our membership is 17, so we had quite a few new visitors and previous members in attendance.

We held a dinner meeting on December 11 at the Oakridge Country Club in Farmington. Our presenter was the Governor's Chief of Staff, Lynne Ward, a Davis County resident, and she talked about the "View from the Hill." We had very good attendance and a returning member joined. It was a great time to find out from Lynne some of the things we can expect from our new governor and for her to hear and pass on what League members are concerned about. Many expressed their support of Governor Walker.

I can't close an article about the Davis County League without expressing our appreciation to Nancy Cooper and Nelda Bishop who have been rotating presidents for the Davis League over the past sixteen plus years that I've been a member here. Their dedication and knowledge make them a testament to the strength of the league. Thanks Nancy and Nelda.

**Peggy Carrico**  
**Davis County League President**

***The League observer corps is active year-round. Join us!***

**Give Sandy a call 272-8683, or email her at [lwwut@xmission.com](mailto:lwwut@xmission.com)**

**We need people to attend meetings, write letters, and make phone calls**

Join the other intrepid volunteers:

***Legislative Committees***

**Education**

Kay Wallace/Pat Nielsen/Kathy Dorn

**Government Operations**

Sandy Peck

**Health/Human Services**

Jone Foster/Joyce Barnes

**Judiciary**

Pat Nielsen

**Law Enforcement/Criminal Justice**

Reva Servoss/Mary Fogg/Mary Buchanan/Pat Nielsen

**Natural Resources**

Marilyn Odell/Marelynn Zipser/Debbie Goodman

**Political Subdivisions**

Ann Zeigler/Bonnie Fernandez

**Public Utilities**

Kathy Van Dame

**Revenue and Taxation**

Bonnie Fernandez/David Blackbird

**Transportation**

Marelynn Zipser

**Workforce Services/Community and Economic Development**

Kay Brim

***Task Forces, Commissions***

**Hazardous and Nuclear Waste and Taxation Tax Force**

Reva Servoss/Marelynn Zipser

**Legislative Process Committee**

Sandy Peck/Marelynn Zipser

**Constitutional Revision Commission**

Sandy Peck

**Tax Review Commission**

Sandy Peck/Dorothy Owen

**See Page 2 for members who represent the League as members of Commissions and other bodies.**

## *Spotlight on Local Leagues*

### **LWV CACHE COUNTY**

*From Co-President Joyce Davis*

The Cache County League will hold the traditional "Breakfast with Our Legislators" on January 17. An excellent turnout is expected. In February, state school board member Therese Thurer will address a meeting on the topic "The Challenge to public Schools."

The November meeting was a discussion of child abuse led by social worker Mary Bissonette. Mary's talk was titled "Is there a War on Children." Members have shown a strong interest in this subject after participating in the Juvenile Justice study. The calendar year ended with a Holiday social.

### **LWV UTAH COUNTY**

*From Mary Lou Huffmon, President*

The Utah County League was extremely active in voter service activities during the month of October. Candidates meetings were sponsored for the cities of Eagle Mountain and Pleasant Grove, and former LWV-Utah County president Stella Welsh addressed a Relief Society meeting to explain Utah's mass meeting process. Mary Lou Huffmon outlined the state League's Juvenile Justice Study to the organization Women in Leadership.

In November the discussion topic was "Causes of Child Abuse." This League continues to pursue projects that compliment the state League Juvenile Justice Study.

In the winter and spring, the LWV-Utah County will participate in the state study "Taxation for Utah Water Delivery and Development." and the national study on selecting the president

### **LWV DAVIS COUNTY**

*Please refer to page 13*

### **LWV GRAND COUNTY**

*From Cynthia Smith, President*

The Grand County League was busy in October preparing for and presenting our Candidate's Forum for the Moab City Council Candidates. The Forum was held October 15 at the Civic Center. We had a fairly good crowd, and as usual, we had the forum filmed. It was then broadcast on our local TV channel three different times, including the night before the election. Even though the Chamber of Commerce and some other organizations have started doing candidate forums, the League Forum is still the one everyone regards as the most important.

We also run ads in the local media encouraging everyone to vote. In November we had a morning breakfast meeting where we discussed the Juvenile Justice Study. Even though we were too late to get our responses tallied with everyone else, we had a good discussion. This also gave some new members their first exposure to studying and coming to consensus on the questions given.

On December 5th we had a dessert potluck social for members and friends at a private home. We all brought a white elephant gift and had lots of fun exchanging these and sampling all the desserts.

LWVUS Convention June 2004 in Washington DC! Plan for it!

LWVUT Council Cache County, May 2004

## *Spotlight on Local Leagues*

### **LWV CEDAR CITY**

*From Barbara Prestwich, President*

The Cedar City League held its general meeting in September and Nanette Benowitz was a special guest observer. One issue presented was a name change to the League of Women Voters of Iron County because not all members live in Cedar City and League members currently observe city council meetings in Enoch and Parowan.

In October the League co-sponsored a debate for the Cedar City council candidates with the local newspaper and radio station. League members officiated and the media provided publicity before and after the event.

November was reserved for a consensus meeting on the LWVUT water study "Taxation for Utah Water Delivery and Development." Members decided to follow local water issues more closely and are arranging an information meeting on the Iron County Water District Assessment Report in January or early February.

### **LWV SALT LAKE**

*From Pat Nielson, President*

The Holiday social featured an address by new Salt Lake Tribune Editor in Chief, Nancy Conway. Her candid remarks regarding the reactions of elected officials to the paper's coverage of the nuclear waste issues were of particular interest.

Because most state League legislative observers come from the Salt Lake League, Salt Lake will sponsor a training on using the Utah Legislature's website. This is both an effort to encourage more participation at the Legislature and a direct response to the comments gathered from the Salt Lake League's recent telephone survey.

Planned for winter are the national League's study on presidential selection, national program making and duty at the Legislature

### **LWV WEBER COUNTY**

*By Co-President Marilyn Odell*

Fall was a busy time for us with a well attended membership picnic in September, orientation for new members in early October, two candidate debates for Ogden mayoral race and a fascinating panel of women in politics in November. We especially appreciated George Barker, former Weber League president, but now a resident of St. George, for doing the orientation. The reason we had two candidate debates was a request to moderate a debate between all 9 primary candidates. Our preplanned debate between the two winners of the primary drew a standing room only crowd of close to 100 people. The panel with four women, a mayor, a county commissioner, a state legislator and a city council person coordinated well with an Ogden reporter's assignment to do a feature story on this subject. She got plenty of material and we got a nice mention in the story.

Our plans for the near future include a repeat in January of Tari Moore's very successful workshop on following state and national issues on the Web especially targeted at new members plus a session for a group sponsored by the Ogden-Weber Chamber of Commerce. We plan to have a meeting in February on the water taxation issue and the fund raising dinner to jointly benefit the LWVU and the Weber League, probably in March. Our newsletter will be sent out soon after Christmas to alert members of the upcoming events. Our new member/newsletter editor, Myrna LaPee', does a great job getting it out by email as much as possible.

Marie Irvine continues to maintain our website ([www.weberleague.org](http://www.weberleague.org)) although the number of people who contact it is disappointing. We keep looking for new ways to attract users.

## *Acknowledgments*

*Thank you to all contributors to the LWV-UT  
Fall 2003 - Winter 2004*

**Alma Anderson****Reggie Benowitz****Stephen Benowitz****Dottie Bintz****Evelyn Bertilson****Dottie Bintz****Jean Binyon****Georgene Bond****Joel Bown****Lee Brennan****Marilyn Campbell****Peggy Carrico****Peggy Christensen****Catherin Cooper****Pat Comarell****Lea Cotter****Joyce Davis****Lula DeValve****Pat Eager****Kathy Fitzgerald****Mary Fogg****Irene Fryer****Marcia Harris****Anne Hatch****Tina Hose –Sumner****Mary House****Roslyn Kirk****Barbara Kitchens****Michael Lavelle****Ruth Mager****Natalie Mallinckrodt****Merrilee McCall****Ivy McChesney****Roz McGee****Jan Miller****Ann O'Connell****Mary Olsen****Jane Osterhaus****Gina Rieke****Bonnie rock****Sarah Rule Salzberg****Peggy Shaw****Judi Short****Alice Steiner****Irene Sweeney****Georgia Beth Thompson****Sharon Walkington****Nancy Wingelaar****Corinne Wunderli****Patricia Zeigler****United Way Federal Campaign**


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Thank you to everyone who has helped recently with Utah League mailings and volunteered to help in the office.

Nanette Benowitz	Sharon Walkington
David Blackbird	Jill Petersen
Kay Brim	Noreen Ogden
Patricia Clark	Charlotte Newman
Connie Cowley	Irene Fryer
Pat Eager	Dottie Bintz
Anne Zeigler	Marelynn Zipser

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Internet Services are generously donated to the League of Women Voters of Utah by xmission, found on the web at [www.Xmission.com](http://www.Xmission.com). Web hosting services generously donated by Ari Benowitz and Bandwidth Consulting.

# Join the League!

When you join a Local League you also become a member of the League of Women Voters of Utah and the League of Women Voters of the United States. Membership dues for most Local Leagues in Utah are between \$35 and \$50.

Any citizen of voting age is eligible to join the League. If you contact a Local League President or the LWVUT Office as a prospective member you will receive a membership form and three months of complimentary mailings from the state and local Leagues and an invitation to attend upcoming meetings. Should you decide to join, you will also receive a member handbook and mailings from the LWVUS including the National Voter.

You can contact the LWVUT office at 801-272-8683 or [lwvut@xmission.com](mailto:lwvut@xmission.com). See page 2 for a list of Local League presidents. *If there is no LL in your area please contact the office to discuss the possibilities, including becoming a Member at Large!*

## LWVUT MEMBER-AT-LARGE APPLICATION

DATE: \_\_\_\_\_

NAME: \_\_\_\_\_

TELEPHONE: H \_\_\_\_\_ W \_\_\_\_\_

E-MAIL \_\_\_\_\_ FAX \_\_\_\_\_

ADDRESS \_\_\_\_\_ CITY \_\_\_\_\_ ZIP \_\_\_\_\_

**Dues include VOTERS, study materials and membership in local, state and national Leagues (or member at large status)**

*For divided payments and low income and student memberships please call the office (272-8683) for information*

Member Dues		\$45.00
Household dues	\$22.50 for each additional member in a household	\$
Contribution	(not including dues)	\$
<small>(To be tax-deductible contributions must be to "LWV Education Fund")</small>		
	<b>TOTAL ENCLOSED</b>	\$ _____

**Hours I can spend on League activities each month:**

\_\_\_ 0-2 \_\_\_ 3-5 \_\_\_ 5-10

\_\_\_ I might get involved with short, "one-time projects"

Expressing a preference does NOT commit you to an activity.

**I am interested in:**

\_\_\_ **Studying and discussing issues**

\_\_\_ **Writing studies, articles, statements**

\_\_\_ **Observing Government**

\_\_\_ **Organizing public meetings**

\_\_\_ **Voter Service**

\_\_\_ **Helping in the office**

\_\_\_ **Website Development**



# THE UTAH VOTER

*The League of Women Voters of Utah*

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Web [www.lwvutah.org](http://www.lwvutah.org)

RETURN SERVICE REQUESTED

## Legislative Priorities

**Nuclear Waste**

**Davis Gets New President**

**The Program Making Process**

## Calendar

## Inside

<p style="text-align: center;"><b>January 2004</b></p> <p><b>17th</b>—Legislative web training 8 a.m. Legislative observer meeting 9:30 a.m. Salt Lake City Main Library 210 East 4th South</p> <p><b>19th</b> The Utah State Legislature in Session</p> <p style="text-align: center;"><b>March 2004</b></p> <p><b>3rd</b> Legislative Session Ends Instant Runoff Study</p> <p style="text-align: center;"><b>May 2004</b></p> <p>LWVUT Council in Cache County</p> <p style="text-align: center;"><b>June 2004</b></p> <p>LWVUS Convention in Washington DC</p>	<p>Legislative News 1</p> <p>Nuclear Waste Update 1</p> <p>Board List 2</p> <p>President's Letter 3</p> <p>League Program 4</p> <p>Local League Presidents /Action Contacts 6</p> <p>LWVUS Program Planning 8</p> <p>Statements in the Name of the League     Juvenile Justice Position 11</p> <p>Davis County LWV has a new president 15</p> <p>LWVUT Lobby Corps 15</p> <p>Spotlight on Local Leagues 16</p> <p>Acknowledgments 18</p>
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