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GENERAL SESSION

February 29, 2012

Program Topics: **SB117 Gov. Records Access and Management Act Amendments**

Presented by: ***Business/Labor/Public Utilities & Technology
Workforce Services
Community & Economic Development***

Director: **Shauna Scott Bellacomo**

Speakers: **Sen. Curtis S. Bramble (R)** Dist. 16; Utah County (Provo)
 Linda Petersen – Utah Media Coalition

Sen. Bramble provided a short account of events preceding **SB177**. When the Government Records Access Management Act (GRAMA) was being re-crafted into SB477, legislators looked back to the 2007 state Supreme Court's Deseret News' decision to assist them in providing balance. In the Deseret News' case, the newspaper had prevailed in its request for records under the then-existing GRAMA law. The decision provided for courts to err on the side of the public's "right to know" when weighed against government privacy concerns. It applied the legislature's "clear and preeminent intent" to favor public disclosure when "countervailing interests are of equal weight."

GRAMA was revised last year to uphold the original intent of GRAMA, in light of new communication technology. However, circumstances surrounding the passage of SB477 precipitated a public outcry that led

to its being repealed. The senator said no law has caused such a firestorm. Currently, any communication (electronic, paper, etc.) is subject to GAMA. Sen. Bramble has organized a wide coalition, including Linda Peterson, into a GRAMA Working Group. Its mission has been to review SB477 and craft acceptable revisions. The senator noted that since technology evolves so fast, no amendments made today could cover innovations five years in the future.

Some provisions in **SB177** are: (1) Any Records Officer in any state agency must receive GAMA education training. (2) A State GRAMA Ombudsman will be created. (3) A clear definition of "what is *not* a record" will be established. Responding to questions, Sen. Bramble was kind enough to personally obtain a copy of the 50-page bill and refer to a specific section in **SB177** to clarify a technicality in the appeals process.

Linda Petersen said the fact that last year's SB477 seemed to come out of nowhere at the last minute alarmed open-government advocacy groups. The legislators were obviously concerned that their private communications were in jeopardy. But many in the public felt the "balancing test" had tipped too far in compelling those requesting information to prove public interest.

She said Sen. Bramble approached her because of her involvement with the Utah Media Coalition. She was asked to consult on the language of the bill. Skeptical at first, she now believes the GRAMA Working Group has created a better balancing test.

SB177, she affirmed, has been constructed in the spirit of co-operation.

Ms. Petersen said she is particularly pleased with the bill's provision regarding GAMA training for State Records Officers. She believes an Ombudsman is also a necessary addition to give private citizens "a friendly hand," when navigating the appeals process. Responding to questions, she said the Media Coalition is part of "GRAMA Watch," an organization set up to monitor legislation and rate proposed bills on how well they observe open-government principles.

Reported by Pam Grange

General Session II

Program Topics: **HB108 Internet Gambling**

Presented by: *Business/Labor/Public Utilities & Technology
Workforce Services
Community & Economic Development*

Director: **Shauna Scott Bellacomo**

Speakers: **Rep. Stephen Sandstrom (R)** Dist. 58; Utah County (Orem)
 Rep. Mark Wheatley (D) Dist. 35; Salt Lake County (Murray)

Rep. Sandstrom, speaking on behalf of his bill **HB108**, said he believes it to be one of the most important pieces of legislation to come out of the state legislature this year. Utah and Hawaii are the only two states in the U.S. that have kept illegal any form of gambling. Utah is a decidedly red state, while Hawaii is unquestionably blue. The senator said this underscores the fact that the gambling issue transcends any "red state/blue state" differences.

Utah's constitution makes illegal any "game of chance." The legislature, he continued, is tasked to define what constitutes gambling. **HB108** "defines Internet gambling, and

clarifies that gambling, which is prohibited in Utah, includes any form of Internet gambling."

Rep Sandstrom posed the rhetorical question, "Why is this bill necessary?" Currently, there is a bill in Congress (HR1174) that would legalize Internet gambling throughout the country. If passed, it will contain an opt out provision for any state whose governor declares, in writing, and within 60 days, that Internet gambling shall remain illegal in that state. The Indian Gaming Regulatory Act (INGRA) legalizes casinos on tribal land *if* the state allows any form of legal gambling. For this reason, Rep.

Sandstrom believes Utah must pass **HB108** in advance of the passage of HR1174.

The senator acknowledged “Indian casinos” themselves make money. However, he cited several statistics indicating the businesses within a 50-mile radius of those casinos lose money. He said the states allowing Indian casinos have generally experienced net losses.

Rep. Wheatley, speaking against **HB108**, said he does not oppose the bill because he advocates gambling. Rather, he feels strongly that representatives from the tribes themselves should have been given a voice

as the bill was being considered. He mentioned the chronic and documented problems of poverty, obesity, and alcoholism found on the Reservations.

Countering Rep. Sandstrom’s statistics, Rep. Wheatley alluded to The Choctaw Nation, which runs casinos in Mississippi. He said those Reservations enjoy an almost zero unemployment rate. Then he reiterated his concern that Utah tribes were not, and should have been, consulted for their input and perspective.

Reported by Pam Grange

General Session III

Program Topics: **SB138 Health Insurance Mandate**
 Accountability Amendments

Presented by: ***Business/Labor/Public Utilities & Technology***
 Workforce Services
 Community & Economic Development

Director: **Shauna Scott Bellacomo**

Speakers: **Kelly Atkinson** – Exec. Dir. of Utah Health Insurance Association
 Sen. Benjamin McAdams (D) Dist. 2; Minority Caucus Mgr.; Salt Lake
 County (SLC/S. SLC/WVC)

Mr. Atkinson said the Women’s State Legislative Council is comprised of some of the most intelligent and knowledgeable individuals in Utah regarding what is happening in state policy. We want an educated populace, he stressed.

He said **SB138** simply says we ought to pay for what we mandate. The autism community has opposed the bill, claiming it would damage the chances of autism treatments being covered by Utah insurance companies. Mr. Atkinson defended the bill, saying if the state mandates a health

insurance item (such as autism) on a health insurance policy, the state should have to fund it for public and higher education insurance provided by the state. Otherwise, a mandate would have to be covered by the regular funding allotted to education. This would cut into education funds.

Mandates by the state legislature don’t apply evenly across the insurance sectors. Two thirds of the insurance market (gov’t. workers, employers that self-fund, and the uninsured) are excluded from state

mandates by federal law. These sectors are federally regulated.

The other third of the insurance market includes employers who fully insure their employees by contracting with private insurers, and individuals who obtain their own insurance. This market is subject to state mandates. Mr. Atkinson believes this is unfair to small employers. **SB138** is intended to create a level playing field.

Sen. McAdams asserted the bill should not be promoted as one protecting education funds to public schools. He has been approached by lobbyists for the insurance industry to support it. Their interest, the senator said, is not in protecting education funding. He called **SB138** a “poison pill.” Its passage would kill all mandates, he said, which should be considered case by case

Mandates do increase the cost of insurance to everyone. But, remember, the senator stressed, the purpose of any insurance is to

protect against catastrophic circumstances and to spread the cost throughout a wide pool. He also noted the federal health insurance reform bill requires those with preexisting conditions to be covered, anyway.

Mentioning a friend who has a child with autism, Sen. McAdams said this issue has an especially personal meaning for him. Autism should be covered by insurance, he declared, and he is willing to pay the increased cost of those premiums.

In addition, he said, mandates are advantageous in that all insurers would be required to cover specific conditions. The free market needs these incentives, occasionally. No insurer would take the risk of covering autism, unilaterally. No one who doesn’t have an autistic child, he asserted, would buy that insurance.

Reported by Stuart Gygi

Correction: The name of last week’s speaker for the American Cancer Society’s Cancer Action Network (ACS CAN) was incorrectly given in the Bulletin as Michael Wyler. His name is Michael Siler.

**THIS BULLETIN IS A PUBLICATION OF
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