

GENERAL SESSION

March 8, 2017

Program Topics: The ERA, SITLA Lands

Part I Presented by: The State Issues Committee
Chairs, Kari Malkovich and Seraya Amirthalingam

SJR10 Joint Resolution: Ratifying the Equal Rights Amendment to the US Constitution

Speakers:

Sen. Jim Dabakis (D), Utah Senate District 2
Gayle Ruzicka, Eagle Forum

Part II Presented by: The Natural Resources Committee,
Chairs, Kimber Gabryszak and Kendra Seeley

HB408: State Property and School and Institutional Trust Land Amendments

Speakers:

Rep. Michael Noel (R), Utah House District 73



*Pro and Con:
Sen. Dabakis
and Gayle Ruzicka*

[SJR10](#), The ERA.
By Gay Lynn
Bennion and
Lorene Kamalu.

Sen. Dabakis had
women approach
him to ask if he
would sponsor the
ERA before the
Utah Legislature.

He looked at the 24 words of the original amendment, which he says essentially means: "equality of the law will not be

abridged by sex." In 1923 and in the late 1970s the amendment was brought forward but failed to obtain the necessary state approvals (38 states are needed). He feels strongly about equal treatment and had thought there would not be opposition in today's climate.

The legislature will pass about 1000 bills this session. All bills go to the Rules Committee before being heard. Fewer than five percent or less of sponsored bills are not passed out of the Rules Committee, but that was the fate of the ERA. Given that over 10,000 people

marched for women's rights at the Capitol in January, 2017, Senator Dabakis finds it unacceptable that ERA was not given the dignity of a hearing. He sees this as a giant lack of respect for people with a different opinion than the committee members.

Utah ranks lowest in the nation for the percentage of women in management and ties with Wyoming for lowest pay for women. He feels that the Rules Committee smothered voices before they were heard. The ERA needs 3 more states approval to be ratified. In the 1970s, the first 35 states passed the ERA quickly after its introduction. In 1977 Indiana was the last to pass it. Utah failed to pass it in 1978. The ratification process may need to start over now because of time limits, but Sen. Dabakis wonders why the Utah legislature will not allow discussion? He says the state is run by Republicans, and he encourages the citizens to raise the issue and demand passage.

Gayle Ruzicka, past president of the Eagle Forum, acknowledged that Utah is a Republican state, just as California is a state led by Democrats. She has had the same frustration with the Rules Committee when bills she promoted were stuck there. She feels given the low representation of Democrats, the Rules Committee goes out of their way to listen to bills sponsored by them. She sees the Rules Committee as a sifting process that must act as a limit on the number of bills that reach the full legislature.

She stated she was wearing red for International Women's Day and that she loves being a woman and the mother of 12 children. She also referred to her "ERA NO" badge and explained that one of her heroes is Phyllis Schlafly, the founder of the Stop Era organization, which evolved to become the Eagle Forum.

She said the ERA did pass in 35 states quickly until organizations saw the problems it raises. She said the original bill had a 7 year limit and promoters obtained an illegal extension to 1982. She said a Supreme Court decision in 1982 determined that the ratification period had expired. She said the process could have been started again, but public support just died.

She told the group that although she approves of equal rights and protections, any legislation needs to be more specific. Changing the constitution is a serious issue and should be done with great care.

She expressed concern about how the ERA would impact women if the military draft was activated. There would be no exceptions for women. Men naturally want to protect women. In a fighting situation, male soldiers should be free to focus on the situation, not distracted by trying to protect female soldiers. Given that women are a slight majority, it is possible that our military would become majority female. She noted that Israel drafts women, but they are treated differently than men.

She gave the example of social security benefits as an area where women are already getting equal rights. In her own life, she spent most of her working years raising a large family and not earning a wage. She said the work in raising a family is just as important as having a paid job. Even though she did not earn much money through wages, she has social security income through her husband's employment.

WSLC member Arlene Pentilla questioned whether social security benefits would be affected by passage of the ERA. Ruzicka gave a brief reply on the history of social security benefits regarding non-working women.

WLSC member Josie Valdez stated that the constitution has had to be changed to

allow women, blacks and Native Americans to vote and to enact the Civil Rights Act. Ruzicka replied that Title 9 and other federal laws do support women's rights.

She is concerned that constitutional changes like ERA also affect states' rights.

[Ed.: The ERA ratification time limit has an unclear legal status. For example, the 27th Amendment was ratified 203 years after its introduction. Congress may have the ability to override ratification time periods.]



Rep. Noel

[HB408](#), SITLA Land Development

Utah's state enabling act established the school trust lands which comprise 3.4 million acres of surface land.

These areas are administered by a semi-private organization called SITLA. The monies from the state management of land prior to the establishment of SITLA in 1996 resulted in a trust fund of \$50M. Rep. Noel said that "150 years" of management should have accrued much more money. Today the trust has \$2.3B.

Tim Donaldson is the School Children's Trust director for the Utah Board of Education, and he represents the interests of the school children of Utah with respect to the school trust lands.

Rep. Noel pointed out that state lands are not subject to local zoning laws. He feels that the trust lands should enjoy the same privilege. If it does not, then individuals can interfere with SITLA's management plans.

For example, some SITLA land has been leased for gravel development, but local individuals have objected to the usage and have sued to prevent it.

SITLA has a weapon that it can use to overrule local municipalities, but the board normally works amicably with local interests.

The bill in question has a single line that extends zoning law exemptions to state trust lands. Rep. Noel said that an attorney had advised him that if the permittees are connected to SITLA, then the language of the bill achieves his purpose of assuring SITLA's ability to use the lands for the benefit of Utah's school children.

A WSLC member asked if the SITLA board constituted a small group with unchecked power. Rep. Noel lauded SITLA's beneficial oversight. The board has members who uphold their "sacred" responsibility to see that the lands are managed so that they maximally benefit Utah's school children.

SITLA money goes directly to local councils on a yearly basis. WSLC member Fred Ash offered the information that in 2016 it amounted to \$45M. Rep. Noel said that the amount could go up to \$400M in the foreseeable future.

The money does not go towards teacher salaries. The PTA supports the bill.

Rep. Noel said that although he does believe in local oversight, he feels that school trust land should be subject to no more restrictions than other state land. That means that local zoning laws are moot. He feels that there is no cause for concern. The system has worked well for "150 years".

WSLC member Kimber Gabryszak is a professional city planner. Rep. Noel addressed the group at her invitation, but she could not find any members of government who were willing to go on record with opposition because of the bill's "very sensitive" nature. She therefore chose to represent the

opposition herself from the viewpoint of Utah communities.



*Kimber
Gabryszak*

She pointed out that trust lands can be adjacent to cities or county residential areas, and that leads to concerns about water runoff, land slides, roads, and other issues. She views HB408 as a loophole that would be eagerly exploited by developers to the detriment of surrounding communities.

She offered the scenario of a developer colluding with SITLA to sell private land to the trust, create a major project free of local permits, and then buy the land back.

The Utah League of Cities and Towns is opposed to the bill as currently drafted. She indicated that negotiation about expediting permits might be a way forward, but wholesale exemption is not acceptable.

NOTE: Members present at the March 8 meeting voted in favor of a resolution opposing HB408.

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President: Shauna Scott-Bellacomo
Advisor: Donna Murphy
Editor: Hilarie Orman
Reporters: Lorene Kamalu and Gay Lynn Bennion

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