



# League of Women Voters of Utah

## The Utah Voter

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Voter Editor: Nanette Benowitz

*The League of Women Voters of Utah is a nonpartisan political organization that encourages the informed and active participation of citizens in government, works to increase understanding of major public policy issues, and influences public policy through education and advocacy.*

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### Important Dates:

**January 10, 2006**                      **League Day at the Legislature (page 5)**

**January 16, 2006**                      **First day of the Legislature**

**February 1, 2006:**



**Kay Maxwell**, president of LWVUS, will be in Salt Lake to speak with league members. The board is planning her activities for the day and will notify members of details as they are finalized. Save the day to meet an exciting woman and to learn more about the National League.

Kay Maxwell is the 16th president of the League of Women Voters of the United States (LWVUS) and chair of the League of Women Voters Education Fund (LWVEF). A longtime resident of Greenwich, Connecticut, Ms. Maxwell has been a League member since 1976.

During her 29 years of service with the League of Women Voters, Ms. Maxwell has held numerous leadership posts at different levels within the national organization. Her first exposure to the national League was as a lobby corps member in the early 1980s. Ms. Maxwell returned to a national post as budget chair for the League from 1996-1998. In 1998, Ms.

Maxwell was elected to serve a two-year term on the League's national board as first vice president. During that time, she conducted training of women leaders in Bosnia and was the Oversight Trustee for several League international programs.

Ms. Maxwell's international community service led her to become an active participant in the U.S. Department of State's International Speakers and Citizen Connect Programs. Since 1999, Ms. Maxwell has traveled to Israel, the West Bank, Rwanda, Kuwait, Jamaica, Mongolia and Korea to conduct civic participation training sessions for women political, NGO and business leaders. Professionally, Ms. Maxwell's international expertise elevated her to serve as the vice president for Program Administration and Corporate Development at the International Executive Service Corps (IESC), an international economic development organization. Ms. Maxwell worked for the Connecticut-based IESC from 1993-2003, broadening her portfolio from programmatic work in the Newly Independent States, Asia, Africa and the Near East to the administration of programs worldwide.

Active in the Connecticut state League (LWVCT) since the mid-1980s, Ms. Maxwell served as the field service vice president from 1985 to 1989. Her work during those four years helped revitalize the League's corporate image. Ms. Maxwell ascended to the presidency of the Connecticut League in 1989, serving in this capacity until 1993.

Ms. Maxwell's leadership in the League and her commitment to strengthening democracy worldwide has earned her several honors, including the first "Citizen of the Year" award from the Connecticut Secretary of the State in 1993, the 1999 BRAVA Award for Career and Volunteer Accomplishments from the YWCA of Greenwich, Connecticut and the "Women Who Make a Difference" award from the International Women's Forum in 2003.

Ms. Maxwell is a member of the boards of DC Vote and the Leadership Conference on Civil Rights. She is a member of the CT Compensation Commission for Elected State Officers and Judges and served on the American Bar Association's Blue Ribbon Commission on the American Jury, as well as the Advisory Board of the New Voters Project. Ms. Maxwell is a member of the International Women's Forum, the Women's Foreign Policy Group, and the Congressional District 4 Advisory Council of the Connecticut Permanent Commission on the Status of Women. Throughout the 1990s, she was an active member of The Forum for World Affairs and currently serves as a member of its Advisory Board. Ms. Maxwell is a former board member of Planned Parenthood of Connecticut Public Policy Fund and the Women's Campaign School at Yale University.

Ms. Maxwell attended Smith College and earned a B.A. in International Relations from the University of Pennsylvania. She is married to Steve Maxwell and has one son, John.

## Notes from the Board

This is not a President's letter because the League of Women Voters of Utah is without a President. Helen Peters resigned in September. This was the second resignation in as many months. Janice Gygi resigned her Development Chair position when she was named as acting UVSC vice president. So ...without a president and a money person where does that leave the League?

Fortunately, Helen Peters led a great board orientation in July where goals were set and plans made for this next year. The remaining board members do their jobs well and with little supervision. Marilyn Odell, Treasurer and chair of the Redevelopment Agencies study, has kept the books and ably chaired the committee. Kathy Dorn and Sandy Peck have kept tabs on the Legislature during the interim and have written the legislative newsletter that is in this VOTER. They and the Lobby Corps will provide daily legislative updates on KCPW by email and our website during the session.

But we still need a President or two co-presidents and a development chair. Please consider volunteering or calling the office with the names of candidates.

We have some exciting news for the first time ever, the National President of the League of Women Voters of the US will visit Utah. President Kay Maxwell is slated to be in Salt Lake City on February 1. She is doing a tour of the western states, visiting New Mexico, Utah and Arizona. Mark February 1 on your calendars and plan to visit with her. At press date, we have not determined her schedule.

Thanks go to:

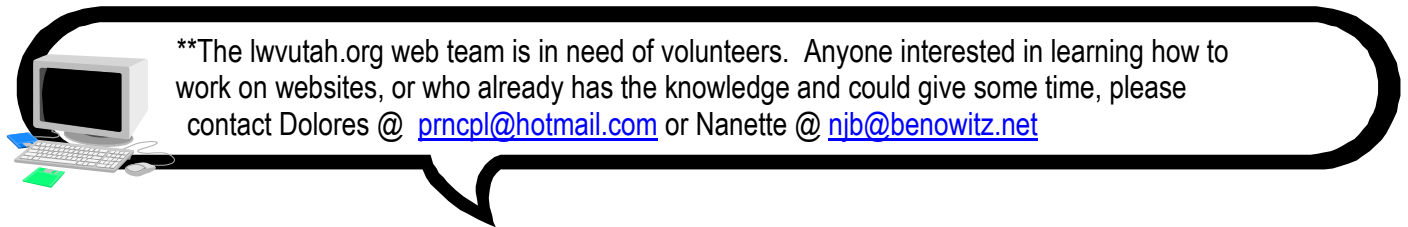
**Nanette Benowitz** for producing an stupendous fall Utah Voter, for giving the League testimony at the Salt Lake City Hearing on Taxes on October 19, and for donating the Utah League website for many years.

**Sandy Peck** for writing the testimony for the tax hearing and for everything else she does for the League.

**Nancy Wingelaar** for organizing the League non-party fund raiser which netted \$2,484.11.

**Kathy Dorn** for serving as office assistant at the League office during Sandy Peck's vacation.

Gigi Brandt, First Vice-President



**\*\*The lwvutah.org web team is in need of volunteers. Anyone interested in learning how to work on websites, or who already has the knowledge and could give some time, please contact Dolores @ [prncpl@hotmail.com](mailto:prncpl@hotmail.com) or Nanette @ [njb@benowitz.net](mailto:njb@benowitz.net)**

**LWV-Utah Program Gigi Brandt VP-Program**

The RDA and Hate Crimes study committees have been working diligently. The Hate Crimes committee is looking toward a completion date in the spring of 2006. The RDA committee has a December 20 editing committee date and hopes to have the pre-legislative draft on the LWVUtah website before the Legislature begins in January.

In even years the League of Women Voters of the US does program planning in the winter preceding their convention. This years convention is June 10-13 in Minneapolis. See the article on page 11 for more information.

**REDEVELOPMENT AGENCY STUDY** By Marilyn Odell, Study Chair

This study was completed before the 2006 session of the Utah Legislature because we know that a bill has been drafted and we expect that it will be discussed and some legislation will be passed. We are providing this information so that individual League members can make informed decisions and discuss their opinions with legislators.

The LWVU has no position on this subject at this time because there was not enough time to hold meetings to obtain consensus. The questions contained at the end of the study address items that the Study Committee thought were important.

Our plan is to revise the study after the end of the session when we know what changes are made in the law and then to hold meetings on consensus.

The study will be available on our web site under 'publications: Redevelopment Agency Study' <http://www.lwvutah.org/publications.html>



## EXECUTIVE SUMMARY

***Redevelopment Agencies (RDA's) use tax increment revenue to promote redevelopment and economic development. RDA's are created by municipalities or counties and enabled by state law. An explanation of RDA operation is included in the study.***

The 2005 Legislature amended the law governing RDA's to address abuses. These problems were:

- Use of redevelopment tax increment to attract large scale retailers
- Use of eminent domain to provide land for large scale retailers
- Use of redevelopment in areas that were not blighted
- Loss of taxes by counties and schools

To mitigate these abuses the 2005 Legislature passed Senate Bill 184 amending the RDA law. Most items in the amendment will expire in 2006. Senator Curtis Bramble (R) requested the Utah League of Cities and Towns to draft new legislation for the 2006 session.

The legislation is not yet available. However, it is our understanding that:

- A new track, Community Development, will be added to the Economic Development and Redevelopment tracks;
- A supermajority vote of the Taxing Entity Committee meeting would be required for Economic Development and Redevelopment areas (This vote must be at least 7 days after the project is introduced.);
- The term of any project area would be negotiated with these committees;
- Criteria for blight will be more stringent (Blight is only used for Redevelopment projects.);
- Tax increment from retail business in Economic Development Areas is not allowed;
- Eminent domain will not be allowed for any projects implemented under this law.

Since this proposal was requested by Senator Bramble, the legislative sponsor of the 2005 legislation, it has a good chance of getting to the floor as proposed. Suggestions by the Salt Lake County Auditor and the Utah State Board of Education may have less chance to affect the law.

This study also gives a short history of the Salt Lake City and Ogden RDA's, the two biggest RDA's in the state by project dollars. Information is included about their current finances, use of affordable housing funds, examples of projects, and two projects in Ogden that have been affected by the prohibition in SB 184 of the use of eminent domain.

## Election Study

*“representative assembly...should be in miniature an exact portrait of the people at large. It should think, feel, reason, and act like them.”*

JOHN ADAMS, ESSAY, THOUGHTS ON GOVERNMENT  
APR. 1776 PAPERS 4:86-93 <http://www.constitution.org/jadams/thoughts.htm>

## Election System Reform - To Provide the MOST 'Representative' Democracy

The League of Women Voters of Utah would like to thank the League of Women Voters of Metropolitan Phoenix for the use of their study. The section on the Election of the President, some discussions specific to Arizona, and schematic diagrams of election processes and ballots have been omitted for economy. The complete study may be obtained from the LWVMP Education Fund, 49 E. Thomas Road, Suite 102, Phoenix, AZ 85012 for \$5.00. E-Mail: [lwvmp1@lwvaz.org](mailto:lwvmp1@lwvaz.org).

### Scope

*“A study of voting systems for electing representative bodies at all levels of government.”*

**Introduction:**

Ours is a representative democracy - a few are elected to make decisions for many. Voters feel well represented when their representatives vote as they would like. Conversely, voters who more closely identify with the losing candidate in their district may not feel represented at all under current "winner-take-all" systems. While geographical location used to bind people together in their views, such is no longer the case. Thus, amenable acceptance of "winner-take-all" systems begs the question:

*Would you rather have a representative from your neighborhood who shares none of your views, or*

*Would you rather be represented by someone outside of your neighborhood, but who supports your views?*

Voters who feel their votes are "wasted" (never electing a candidate) become so disaffected that they may cease to vote. We lose voters and citizens participating in their system. The LWV is concerned with the health of our democracy, with broad and meaningful participation in our political process and with ensuring the voting rights of all citizens.

Nationwide, our systems for electing representatives are seldom questioned, while many other world democracies are abandoning "winner-take-all" for alternative systems. Recently, in the face of voter apathy, government dissatisfaction and the imbroglio of the 2000 presidential election results, alternative election systems have become topics of discussion and analysis both state and nationwide. We feel that it is important to consider alternative systems as they might apply to Arizona and Maricopa County.

Not everyone will agree on the most desirable system. No one can deny, however, that the choice of an electoral system has considerable consequences for the way that citizens' votes are translated into representation.

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**Part II of the state's studies on election systems is now available on our web site:**

<http://www.lwvutah.org/Studies/Election%20System%20Reform%20Part%20II.pdf>

<b>LWV LEGISLATIVE ACTION</b> Kathy Dorn - Legislative Director
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Come One Come All! The 2006 Legislative session begins mid January.

We will do our first Saturday Caucus on January 21<sup>st</sup> at the League office at 9 AM. Bagels and coffee will again be provided. I urge all of the Leagues to send a representative to that meeting. It is exciting as the session is just about to start, bills have been filed and we can focus on where League action will be needed. We know that Tax Reform, RDA, election law changes and how to use a hefty revenue surplus, are on the radar now but there is other buzz too.

Please make watching the Legislature a priority this year!



**ATTENTION ATTENTION ATTENTION**

On January 10<sup>th</sup> at 11:15, we are hosting a lunch and a legislative briefing in the East Building on Capitol Hill. You are asked to purchase your own lunch and join us at the far end of the cafeteria in the Beehive Room. We have asked Roz McGee, Greg Bell and Steve Mascaro to join us to discuss the upcoming session, especially the tax bills coming out of the Tax Reform Task Force and other key bills.

You, as the Lobby Corps, are the heart and soul of our information gathering but we also want to include any and ALL leaguers and friends of the League. We ask that the Lobby Corps and any one interested in participating with the league legislative monitoring team, plan on staying for a few minutes after the speakers to review the corps priorities for the first week and confirm observing assignments.

Thanks for reserving this important date and ask the weather gods to shine down on us too.

See you in the New Year!!  
Kathy Dorn, Legislative Liaison - LWV of Utah

No RSVP is being requested but I would have greater peace of mind if we knew who was coming. The room holds 30 comfortably.



## Representative Roz McGee

District 28 (D)

Spouse: Zell

Address: 2552 E 1700 S, SALT LAKE CITY, UT 84108

Email: [rozmcgee@xmission.com](mailto:rozmcgee@xmission.com) Home phone: 801-583-6039

**Education:** B.S., Industrial Relations (economics and political science), University of North Carolina at Chapel Hill; M.P.A., University of Utah

**Profession:** Executive Director, Utah Children, 1988 to 2001

**Legislative Assignments:** Executive Appropriations Committee; Health and Human Services Appropriations Subcommittee; House Judiciary Committee; House Revenue and Taxation Committee;

Legislative Management Committee



## Representative Steve Mascaro

District 47 (R)

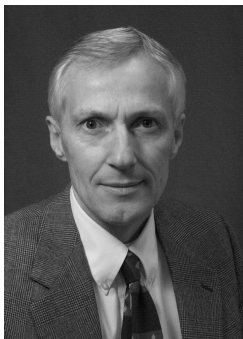
Spouse: Marilyn

Address: 3075 W 9050 S, WEST JORDAN, UT 84088

Email: [stevem@vmh.com](mailto:stevem@vmh.com) Home Phone: 801-569-2719 Work Phone: Cell Phone: 801-580-2260

**Education:** B.S., Marketing Management, California State University, Fullerton, 1971

**Legislative Assignments:** Health and Human Services Appropriations Subcommittee; House Health and Human Services Committee; House Workforce Services and Community and Economic Development Committee (Vice Chair)



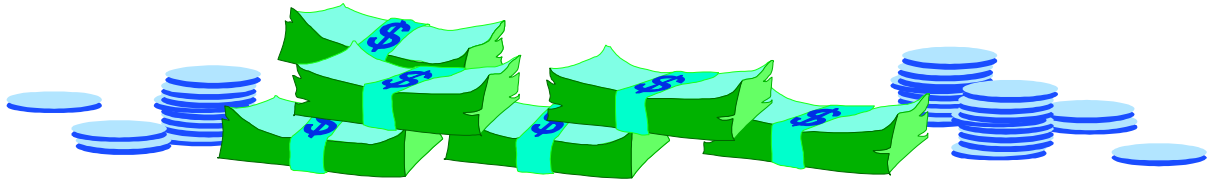
## Senator Greg Bell

District 22 (R)





Spouse: JoLynn

**Education:** B.A., Weber State University, J.D., University of Utah College of Law

**Legislative Assignments: Standing Committees:** Health & Human Services; Judiciary, Law Enforcement & Criminal Justice; Revenue & Taxation **Appropriations Committees:** Higher Education (co-chair)



This would be a good opportunity for you to consider making a contribution to the league for our legislative activities such as:

-  Lobby Corps activities on the hill and their caucus on Saturdays during the session,
-  Legislative report broadcasted on KCPW every morning of the session,
-  LWVU League Action Alerts, and
-  League Day at the Legislature


## 2006 LEGISLATION AND LWVUTAH LEGISLATIVE PRIORITIES

Tier 1	Tier 2
Taxes	Education
Health Care Access	Corrections
Election Process	Water Policy
Ethics	GRAMA
Citizen Initiatives	Nuclear Waste

### TIER 1

#### Taxes

2006 will be an interesting year because the Tax Reform Tax Force has met for several months in subcommittees looking at income tax, sales tax, property tax and RDAs (Redevelopment Agencies). Several bills have been brought forward. Concurrently, the Governor has proposed some tax reforms, including a flatter income tax and removing the sales tax from food, which are probably the two main issues this session. Bills already being written propose: several ways to reform the income tax, a cut in the corporate income tax, sales tax exemptions for businesses, disclosing the cost of tax exemptions in the governor's budget, diverting more sales tax revenue to water projects, property tax relief and an earned income tax credit for low income taxpayers, and changing the rates and distribution of the sales tax. It will be difficult to choose among so many bills unless we look at the system overall and some underlying principles are kept in mind.

-  The League's tax system principles are: "The most important criteria for evaluating taxes are adequacy and equity. A major consideration from the standpoint of government is adequacy, or whether the tax produces the necessary amount of revenue. From the point of view of the taxpayer, it is important that taxes should be fair and equitable, both for those in similar economic circumstances and those at different economic levels. Other important criteria are benefits received, stability, responsiveness and simplicity. Taxpayers should receive adequate benefits, either direct or indirect, from taxes they pay. There should be a mix of stable taxes, which produces a predictable amount of revenue regardless of economic fluctuations, and responsive taxes, which increase or decrease according to the ups and downs of the economy. A tax that is easy to understand and comply with is more acceptable than one that is not."

The conclusions from former Governor Olene Walker's tax study group are also worth considering. Its recommendation was that the tax system should be designed to be stable from year to year to avoid alternating painful budget cuts with unsustainable revenue surpluses. The group also pointed out that the current structure falls short of covering expected budget growth regardless of the ups and downs in the economy. One remedy is to broaden the tax base so that all taxpayers and all sectors of the economy, including services as well as manufacturing, pay a share. This would be fairer and increase total revenue. Then if revenue grew beyond what was needed, tax rates could be lowered.

#### Health Care Access

As health care becomes so much more expensive, more people are uninsured and Congress threatens to cut Medicaid, the League becomes more and more concerned. The Legislature estimates that Medicaid growth in caseload and inflation alone,

without adding any services, will exceed 10 percent this year. Proposed bills would increase access in various limited areas, such as reducing the cost of prescriptions, decreasing asset tests for Medicaid patients and children, and increasing care for foster children, prison inmates, uninsurable persons, rural area residents, emancipated minors, and adults with long term care needs. Preventive measures such as banning smoking in taverns, private clubs and social and fraternal organizations and regulating mold in homes are proposed. A related issue is whether the state can afford to pay for health care for retired employees, including retired governors and legislators.

- *The national League's health care position says: "Every U.S. resident should have access to a basic level of quality care that includes the prevention of disease, health promotion and education, primary care (including prenatal and reproductive health), acute care, long-term care and mental health care."*
- *The state League supports adequate funding for Medicaid recipients, including optical and dental care.*

## Election Process Reform

As implementation continues of HAVA, the Help America Vote Act, two important bills are expected this session. One allows early voting two weeks before Election Day in various locations. The other creates common polling places to give more people access to the new electronic voting machines and reduce the number of machines needed. The state also needs new laws to spell out the exact procedures to be followed when electronic voting machines are certified and used. We will closely follow these bills because voter access is the heart and soul of League. A task force on legislative reforms proposed last year is back and a constitutional amendment establishing a redistricting commission will be proposed. These bills would increase citizens' access to their government.

## Ethics

The corrupting role of money in politics is a continuing League priority. Bills regulating lobbyists, gifts to elected and public officials, the disclosure of campaign contributions and personal use of campaign funds are coming up this year. We have supported similar bills and will continue to do so.

- *The LWVUS position on campaign finance says: "Methods of financing political campaigns should ensure the public's right to know, combat corruption and undue influence, allow candidates to compete more equitably for public office and allow maximum citizen participation in the political process."*

## Citizen Initiative Process

No legislation changing the initiative process is proposed. However, there is a possibility that the question of increasing the minimum wage would go to the voters as an opinion question on the November ballot if the legislature doesn't put it into statute. Senator Mayne will propose the increase, and a governor's working group headed by Pamela Atkinson is studying how the minimum wage level affects the state economy and human service needs.

## TIER 2

### Education

With an unusually large surplus of \$ 1 billion in tax revenue this year, education needs should have a better chance of being funded. Tax cuts will take part of the surplus (cuts ranging from \$60 million to \$230 million have been proposed by the governor and legislators). The Governor's budget has \$234 million in new funding for education including a 5.5 percent (\$110 million) increase in the weighted pupil unit and \$63 million for growth. The legislature has also approved funding for education growth in their base budget. Proposals that would require additional funding include increased financial incentives for teachers working in schools with a high percentage of low income students, money to improve math instruction in grades 4-6, and higher pay to attract teachers to special education, speech pathology and advanced math. Also coming up are bills regarding full-day kindergarten for at risk students, special education funding, class size reduction, school fee waivers, help in passing the high school exit exam, education information technology systems, charter schools and two tuition tax credit or voucher proposals.



- *Our position: “The League of Women Voters of Utah supports adequate financing of the public schools to ensure quality education.”*

## **Corrections/Law enforcement**

This year we are watching two corrections issues in particular, privatization of prison services and the DORA pilot. DORA is the Drug Offenders Rehabilitation Act which diverts drug offenders from prison into treatment. This concept has shown promise in the current pilot project.

- *Our support for rehabilitation under DORA is based on a position from our recent study of the Utah corrections system: “The League of Women Voters of Utah believes that effective reintegration into society should be the primary focus of prison programs.”*
- *Regarding privatizing services, the League “recognize(s) the continued need for correction facilities, but is opposed to the private ownership or management of prisons.”*

## **Water Policy**

The question of how water projects should be funded has been studied by the League and bears on several bills, including how much of the sales tax should be earmarked for water.

Look for Ann O’Connell’s article on water policy following this article. Our natural resources lobby persons will be following these bills closely and reporting at our 9 o’clock Saturday caucus meetings. Groundwater management and water re-use bills are expected as well.

## **GRAMA**

A legislative task force on the Government Records and Management Act (GRAMA) has led to several bills about which records and emails should be accessible to the public. Issues include when records are relevant to public business, privacy between a citizen and an elected official, requiring minutes for open meetings, requiring electronic recording of all open and closed meetings, requiring rules for electronic meetings held by public officials, and whether multiple GRAMA requests should be considered harassment.

The League generally tries to protect the public’s right to know.

## **Nuclear Waste**

A resolution asking the Legislature and the Governor to approve expansion of the low level radioactive waste disposal site at Environcare has been filed. The League has opposed this in the past as premature and not well studied.

- *The LWWUS position poses three questions: 1) Is the proposed facility needed at this time? 2)Is the site suitable? 3) Did the selection process provide ample and effective opportunities for public participation?*

## **Water Issues:** by Ann O’Connell

The LWWUT board has decided to oppose three water project financing bills that will come before the legislature this winter. They as yet have no numbers but do have sponsors. All three passed out of the NR/AG/ENV interim committee with committee recommendation. That is ominous but not surprising in view of the tradition among water buffalos and legislators that it is their duty to bring all available water into the urban areas of Utah. The League can base its opposition on our water taxation position which we adopted two years ago. We also have environmental positions that support opposition to bringing more water to urban areas for extravagant outdoor usage at the expense of the natural environment. Below are brief descriptions of the three bills and the water taxation position in full. In summary it says users should pay for water and water projects. The League recommends that in the future, we, the people of Utah, learn to will live within a more austere water budget, and entertain a serious public discussion of the impact of human consumption on the environment.

## THE BILLS

- 1.) Representative Ure is the sponsor of a bill that would raise the cap on sales tax now allocated to water projects and direct the new funds to pay for Bear River development. Some of you may remember the long and checkered history of this piece of the sales tax. Originally it was for repairs after the 1983 floods. Since then it has mainly been allocated to water projects. It brings to mind the warning from tax conservatives that once a tax is imposed one can never get rid of it. It seems they may be right.
- 2.) Senator Hillyard is the sponsor of a bill appropriating a portion of each year's state tax surplus to water development. This proposal would allocate 25 percent of the state's surplus (after Rainy Day Fund is reconstituted and other statutory requirements had been met) to pay for dam development. It is probably fair to say that the LWV would have other priorities for surplus taxes.
- 3.) Representative Adams is the sponsor of a bill that removes what might be called a fiscal safeguard in the Bear River Development Act. Originally the Act was written with a provision requiring that 70 percent of the water be contracted for before construction could begin. This would ensure that the project actually be needed before committing to building it. Removing the safeguard means that the state could start building a project without having to show that it is needed by having water districts actually sign up for the water.

## LWWUT WATER TAXATION POSITION

The LWV of Utah has positions on water conservation and planning strategies which we hope will enable future generations to live on a limited water budget without threatening the health of the natural environment. We also support policies that support a safe and reliable water supply for our citizens. Therefore we understand the necessity for a stable revenue flow to pay for water delivery infrastructure. Since user fees may be unstable or burdensome, especially in times of drought and under regimens of strict conservation measures, additional revenue sources that are not tied to rates of consumption may be necessary. A state sales tax and local property taxes have been a traditional support for water districts in Utah, but the League believes that other sources might be more equitable, for example assessments on each water account or hook-up.



Any water policy or fee should meet the following standards:

- 1) Transparency - easily identified and understood
- 2) Voter approval - approved by direct vote of the citizen or elected representatives
- 3) Time limitation - subject to time limits or scheduled sunset review

Furthermore, a robust public discussion on water policy is critical in a state where water is limited, rapid growth is predicted, and competing environmental and lifestyle choices must be considered.

## OTHER PERTINENT LEAGUE POSITIONS

LWWUT Natural Resources Positions in brief:



Act to insure the wise management of resources in the public interest and an environment beneficial to life



Act to insure citizen participation in the management of air quality, energy development, land use, waste management, and water resources.

LWVUS Natural Resources Positions in brief:



Resource management decisions must be based on a thorough assessment of population growth and of current and future needs. THE INHERENT CHARACTERISTICS AND CARRYING CAPACITIES OF EACH AREA'S NATURAL RESOURCES MUST BE CONSIDERED IN THE PLANNING PROCESS.

-special consideration for the protection of areas of critical environmental concern, natural hazards, historical importance and aesthetic value. (the Great Salt Lake would be such.)

## POSITIONS OF OTHER GROUPS

The Utah Rivers Council and the Utah Taxpayers Association oppose these bills. The Rivers Council touts figures that demonstrate that the counties that would receive the water will not need the water even by 2050. After that date the predicted shortfalls are small and could be met with less environmental and financial cost. The Council also argues that the Bear River is

itself an important resource for wildlife, hunting, and recreation and contributes 40 percent of the surface inflows to the Great Salt Lake. The Bear River Delta supports incredible bird populations in the wetlands at the river's delta and is critical for the maintenance of migration flyways. The proposed diversions would take 18 percent of the Bear River's flow in an average year; 70 percent of the flow in a dry year.

The Utah Taxpayers Association opposes the bills on the tax fairness issue and appears to agree with the League that water users should pay for their own water infrastructure. It should be noted that Kennecott Land has finally made official announcement of its plans for development on its extensive land holdings on the west side of the Salt Lake Valley. The non-profit groups that have a mission to protect the lake and its wildlife are unable at this point to say what this means for the future of water development or the health of the Great Salt Lake ecosystem. We do know that the Jordan River cannot take any more sewage plant effluent. What kind of water requirement is planned? Will it require Bear River water? The lake cannot afford more water diversion and have any hope of being a healthy environment. Kennecott Land is proud of its plans for smart growth and transportation but so far has said little about water and sewage.



## THE LEAGUE OF WOMEN VOTERS OF UTAH Testimony

### Tax Reform Testimony - October 19, 2005

Thank you for the opportunity to comment on the work of the Tax Reform Task Force. League members have been observing your deliberations and have learned a great deal. We have not had the opportunity to see direct comparisons between all of the proposals before you. But we want to share with you the principles that guide our choices so far.

League study of Utah's tax system has led to consensus on these basic principles. We support a system that is

- *Fair and equitable*
- *Understandable to the taxpayer and encourages compliance*
- *Provides adequate resources for government services and allows flexibility to meet future needs*
- *Provides adequate benefits to taxpayers*
- *Is made up of both stable taxes [such as the property tax] that bring in a predictable amount of revenue regardless of economic fluctuations, and responsive taxes [such as sales and income taxes]*

By fair and equitable we mean that for all individual taxpayers an approximately equal percentage of their income should go to sales, income and property taxes combined. We believe that is a worthy goal for Utah.

### Income Tax Proposals

#### A More Progressive Income Tax.

Sales and property taxes tend to be regressive. They put a heavier burden on low income taxpayers who must spend more on life's necessities. That's why we favor making the income tax more progressive so that the total burden will be fairer. Based on our understanding of the five proposals you have heard, the League supports Senator Bell's plan as the most progressive and the simplest. We also support Governor Huntsman's plan because it does seem more progressive than our current system. Senator Bramble's proposal amends the Governor's plan to allow more deductions for mortgage interest and not cap the number of personal exemptions at five. However, the evidence you have heard from other states seems to say that such tax breaks are not deciding factors in home ownership or family size. We urge you to consider carefully whether revenue that we need and a fairer system would be lost if such amendments were made.

Proposed income tax changes would lower the top bracket from 7 percent to 5 percent. Although this is said to attract economic development to the state, we have not seen evidence for that. The League supports promoting economic development in Utah through a strong public education system, which attracts workers who demand a good education for their children and prepares students for the work force of the future. An educated workforce is a strong draw because labor is a large part of an employer's costs. We worry that changes in our income tax, earmarked for education, will not provide adequate resources to educate Utah's workforce and we encourage you to consider this in your income tax deliberations.

### Federal Deductibility.

One option not discussed by the Task Force to our knowledge is ending the practice of deducting part of the federal income tax we owe from our state income tax obligation. We believe ending this deduction would broaden the base, increase revenue and improve progressivity under any rate structure. Since we receive services from both state and federal governments, we should pay for both.

## **Sales Tax Proposals**

### Sales Tax on Food.

To make taxes fairer, the League favors elimination of the sales tax on food, but we recognize the difficulty in finding some \$200 million to replace it, especially in communities that depend heavily on food tax revenue. We therefore support the refundable income tax credit of \$75 per person for low-income taxpayers proposed by Utah Issues.

### Broadening the Sales Tax Base.

The League believes that the sales tax should be more broadly based. As we have learned in Task Force meetings, a tax rate can be lowered if the tax is applied to more items. We therefore support taxing more personal consumption services, although not health care. According to Task Force figures, this would yield \$200 million (\$150 million to the state General Fund and \$50 million to local government), and it would add fairness because taxpayers with higher incomes purchase more personal services. It also reflects the shift in our economy from manufacturing to services.

### Exempting Business Inputs.

We oppose narrowing the tax base by exempting all business inputs used in the production process in primary industries from sales tax. This would reduce revenue by as much as \$265 million (\$200 million from the state General Fund and \$65 million locally.)

### Encourage Economic Development.

The League wants to encourage economic development. We all depend on it. However, we are not convinced that business tax breaks accomplish that. As you have heard, the individual and family tax burden in Utah is high compared to the tax burden on business. We therefore believe that relief for families should be a higher priority. Furthermore, our state needs more funds for transportation and health care, just to name two programs that benefit all of us, including business. That is why we caution against granting further tax relief to the business sector until these needs become less urgent.

## **Property Tax Proposals**

We have learned a great deal about property taxes from the Task Force. The League recognizes the advantages of the local property tax: it is stable and predictable and has a direct relationship to local benefits and maintains local control. We are concerned that revenue from the property tax is not keeping up with inflation. This forces local government to depend more on sales tax revenue, which can drop drastically during economic downturns and curtail vital services.

### Add an Inflation Factor.

The League therefore supports including an inflation factor in property tax rates. According to the Legislative Fiscal Analyst, revenues would increase by \$13 million. We believe this would partially and properly reflect growth in the value of the tax base and would allow local governments to budget more realistically.

### Expand the Circuit Breaker.

A disadvantage of the property tax is that it is difficult for taxpayers with limited or fixed incomes to pay. We therefore support making more low-income taxpayers eligible for the circuit breaker. We understand that the modest proposal you are considering would increase the income eligibility ceiling for this tax break from 188% to 225% of the federal poverty level and cost \$6 million in revenue.

### Keep Voted Leeways Stable.

The League supports respecting the property tax rate approved by voters for their public schools by letting the rate stand for at least 12 years. This would honor the wishes of voters and add stability to public school revenues.

## **Tax Reform and Revenue**

Should tax reforms be revenue neutral, increase revenue or cut taxes? This question and a current revenue surplus has been part of your discussion. We believe that "surplus" means more revenue than was projected, which of course depends on how well we predict economic activity. We do not believe "surplus" means more revenue than we know what to do with. Funding is not in surplus for better education, comprehensive health care, transportation and other needs in our fast-growing state. We hope you will include those needs in your deliberations and thank you for your consideration.

*Nanette Benowitz*, League of Women Voters of Utah



## THE LEAGUE OF WOMEN VOTERS OF THE UNITED STATES Program

According to the LWVUS publication, *In League*, "Program is the League's 'reason for being,' the basis of both education and action efforts." Program - governmental issues chosen for study and action - is an essential element of League and, because it is so important, has traditionally originated with the membership through the program planning process.

LWVUS Program Planning materials, including Report Forms, were distributed to state and local Leagues and ILOs in October. Report Forms are due back in the LWVUS office by March 1, 2006.

It is important for Leagues to participate in this process. Unfortunately, grassroots participation in this process has steadily declined over time. As a result, we are seeing program planning at the state and local level increasingly being replaced by program planning on the convention floor, which traditionally accounts for only 1.3 percent of the membership. In 2004, only 29 percent of local and state Leagues participated in LWVUS program planning, making it difficult for the LWVUS Board to determine the extent of interest on specific issues for study and action.

In order to open up the process, a LWVUS Program Planning discussion list is being made available for the first time to engage members in conversation about issues of national interest prior to the March 2006 deadline for Leagues and ILOs to submit suggestions for program. To subscribe, send an e-mail to: [subscribe-lwv-programplanning@lists.lwv.org](mailto:subscribe-lwv-programplanning@lists.lwv.org)

### Timeline

- **October 1** – LWVUS Program Planning materials sent out and discussion list available online.
- **November 2005** – February 2006 – Leagues provide opportunities for members to participate in LWVUS Program Planning.
- **March 1, 2006** – All Report Forms due to LWVUS.
- **March 2006** – LWVUS Program Planning Committee analyzes Report Form responses and drafts proposal for LWVUS board review.
- **April 2006** – LWVUS Board considers draft and approves a Proposed Program for the 2006-2008 biennium.
- **May 2006** – Proposed program is sent to all Leagues for review.
- **June 2006** – Convention delegates adopt 2006-2008 LWVUS program after debate and discussion, as well as any not-recommended items granted consideration by convention.
- **July 2006-June 2008** – LWVUS Board implements adopted program.

### ***New Project Focuses on Improving U.S. Election Workforce Performance***

**Washington** – IFES, (International Foundation for Election Systems), the Pollworker Institute, and the League of Women Voters (LWV) are launching a year-long research project aimed at improving pollworker recruitment and training in the United States. The \$378,000 project is part of the country's multi-billion dollar effort to address shortcomings in election administration that emerged in recent elections.

Project staff will conduct focus groups and a web-based survey of elections officials in more than 100 key counties across the nation. They will then produce a manual that recommends best practices for training and recruiting pollworkers. The manual will be made available to elections officials countrywide. The project is the latest U.S. program managed by IFES, an international nonprofit organization that supports the building of democratic societies.

"IFES is excited to offer this invaluable service to election officials who carry an unsung and heavy burden to ensure our democracy," said Scott Lansell, who leads IFES' U.S. Elections Services Unit.

Jennifer Collins-Foley, president of the newly-created Pollworker Institute said the new program will develop better recruitment and training methods to improve the Election Day experience for voters and election officials.

"Poor training is the hidden vulnerability in our election system, compromising everything from access to the polls to a reliable vote count," she said.

The project will research and compile existing state requirements for pollworkers for the first time. The decentralization of the U.S. election system –which includes more than 3,000 counties– makes the systematic compilation of pollworker standards and regulations a huge undertaking.

"Uniform standards are needed for the election workforce, and this project will help highlight what is and what isn't working, and promote ways to improve our election system," said LWV President Kay J. Maxwell.

Project consultant Elizabeth Berman, a political science professor at California State Polytechnic University said, "The project researches the challenges facing election officials in diverse jurisdictions as they attempt to recruit and train this army of volunteers."

The project is funded by the United States Election Assistance Commission, an independent bipartisan agency created by the Help America Vote Act of 2002.

In an effort to protect our electoral processes through election reform, the League has released the Next Steps on Election Reform report and started a new project to improve the performance of the election workforce.

 [http://www.lwv.org/Content/ContentGroups/Publications/VoterInformation/voting\\_nextsteps\\_color.pdf](http://www.lwv.org/Content/ContentGroups/Publications/VoterInformation/voting_nextsteps_color.pdf)

**The following is the intro to the national Election Reform Report:**

**On March 3-4, 2005, approximately 40 people from state and local government, advocacy organizations, academic institutions, the news media and the U.S. Election Assistance Commission (EAC) gathered for a forum in Chantilly, Virginia, to discuss the 2004 election and the next steps on election reform.**

An obvious focus of the group's discussions was the Help America Vote Act (HAVA) of 2002. Where there were disagreements among the forum participants, they tended to revolve around legal requirements in areas ranging from provisional voting to the design of statewide voter registration databases.

However, there was wide agreement on an array of management issues at the heart of America's efforts to improve elections.

We need more resources and steady funding for elections in this country. We need to professionalize elections management. We need to ramp up research and development on voting technologies

and processes. And we need to instill a service focus into elections. In the view of the League of Women Voters, these issues present an opportunity for progress — an opportunity to build on the foundation provided by HAVA and to make elections work for the voter.

This report captures some of the comments and discussion during the forum. We publish it in the hope that it will bring the forum's content to a wider audience and draw added attention to what America can and must do to deliver on the promise of free and fair elections.

Kay J. Maxwell, President - League of Women Voters of the United States

## **Remarks by LWVUS President Kay J. Maxwell - Redistricting Public Briefing Capitol Hill, November 2, 2005**

The League of Women Voters would like to thank David Skaggs of the Council for Excellence in Government and Trevor Potter from the Campaign Legal Center for pulling together these important recommendations by an impressive group of leaders. The fact that we are all here this morning sends an important message to our elected officials and to voters: The way that legislative and congressional districts are drawn in this country isn't working, but there is something that can be done about it.

Redistricting reform is an issue that goes to the heart of our democratic system of government. Representative democracy depends on the voters freely choosing their elected officials. When, instead, officials choose their voters, our system cannot work for long.

The problems with unfair and partisan gerrymandering are as old as the Republic. But today, with the advent of modern computers and intensifying partisanship, it is possible to create legislative districts where the results of an election will be known before any votes are cast or tabulated. This is just what is happening across the nation. And it threatens our democracy.

In some states, incumbents of both parties get together to protect themselves from real elections. In other states, one party or another draws the districts so they will have many more seats that they would be entitled to if fair lines were drawn. In either case, the people are locked out. Decisions are not made by the electorate, but by politicians manipulating the electorate.

It is time to do something about this trend. It is time to stop partisan redistricting and develop mechanisms to ensure fair results, so that elections determine the shape of our legislatures.

The redistricting reform principles we are announcing today will go far in protecting our democracy. They include important procedural steps and they include important substantive standards. These reform principles will advance the League's overall goals for redistricting: "one person, one

vote;" effective representation of minority citizens; and opposition to partisan gerrymandering. The principles chart a roadmap for achieving real reform.

We in the League of Women Voters are committed to working across the nation to see these types of reform put in place through citizen initiative and state legislative action. We are committed to taking the next steps to ensure real redistricting reform across the country.

At the national level, reforming our redistricting process is part of the League's Democracy Agenda, an advocacy and public education effort to protect our electoral processes.

We are also on the front lines helping reforms take root state-by-state. The League's network of state and local Leagues and grassroots members are making a difference for voters in communities from coast to coast. We have both a long history of work on this issue, and current experience working in key states for reform.

This will be a long battle. We need to reform the processes of redistricting, and then we need to ensure that fair redistricting plans are adopted after the 2010 census. We will have many opportunities in many states to get the job done.

The League of Women Voters believes that now is the time to bring redistricting reform to the nation's attention. This report's release is a valuable step in that process. True redistricting reform will improve our electoral system, and bring us closer to the democratic ideal. The League of Women Voters is committed to making democracy work, and real redistricting reform will help our democracy work the way it should.



## ACTION ALERT:

Oppose Torture, Support the McCain Amendment!

December 7, 2005

***The following passed the House on December 14<sup>th</sup> by a vote of 308-122 and the Senate on December 21<sup>st</sup> by 93-0. President Bush doesn't appear likely to veto it. We would like to congratulate Representatives' Bishop, Cannon and Matheson and Senators' Hatch and Bennett for supporting this legislation.***

### Included below are highlights from the LWVUS Action Alert:

Congress has passed the Department of Defense (DOD) Appropriations bill, the Senate version of which included an amendment opposing torture sponsored by Senator John McCain (R AZ). The Senate overwhelmingly passed the anti-torture amendment in early October by a vote of 90-9. A conference committee worked out the differences between the House and Senate versions of the defense appropriations bill, so that the McCain amendment is now included in the final DOD appropriations bill.

The McCain anti-torture amendment reinforces existing law and bans "cruel, inhuman or degrading treatment or punishment" against anyone under custody or control of the U.S. government. The amendment: 1) prohibits all forms of detainee treatment and interrogation that are not specifically authorized by the U.S. Army Field Manual for DOD detainees, and 2) bars conduct prohibited by the U.S. Constitution and the U.N. Convention Against Torture for all detainees.

The LWVUS Action Alert supported the United States recommitting itself to following human rights standards in order to regain standing in international relations and to ensure that our nation remains true to the underlying values of our democratic system.

### **On October 5, 2005, Kay Maxwell, president of LWVUS, gave the league's position on McCain's Opposition to Torture Amendment**

The League of Women Voters urges your strong support for an amendment to H.R. 2863, the Department of Defense appropriations bill, proposed by Senator John McCain concerning interrogation of military prisoners. The amendment would bar "cruel, inhuman or degrading treatment or punishment" against anyone in U.S. custody and require all Department of Defense personnel to follow procedures in the Army Field Manual when detaining and interrogating suspects.

Founded in 1920, the League of Women Voters has long supported civil liberties and human rights in the United States and around the world. Like most Americans, we are deeply concerned about the alleged abuses of military prisoners in Iraq and Afghanistan, the well documented mistreatment of detainees at Abu Ghraib prison, and the interrogation methods reportedly used on prisoners at Guantanamo Bay.

It is our understanding that the McCain Amendment would prohibit all forms of detainee treatment and interrogation not specifically authorized by the U.S. Army Field Manual on Intelligence. This amendment would ban practices that constitute torture or cruel, inhuman, or degrading treatment. It would bar treatment prohibited by the U.S. Constitution, the Geneva Conventions, and the U.N. Convention Against Torture.

The League of Women Voters believes that the McCain Amendment reinforces existing law. It will ensure that American forces act in accordance with U.S. law and international norms. The United States must recommit itself to following human rights standards in order to regain standing in international relations and to ensure that our nation remains true to the underlying values of our democratic system. In doing so, we will make it clear that the United States does not condone torture.

In these difficult times, it is important that we remember that in fighting to protect America, we must not sacrifice the very safeguards that are the foundation of our liberties.

For additional information, please contact LWVUS Grassroots Lobbyist Angela Canterbury at [lobbying@lww.org](mailto:lobbying@lww.org)

**The battle to end torture continues. When Congress returns, it will be considering legislation that will require the President to report to Congress on detainees held secretly by the CIA overseas without judicial oversight in response to recent reports in the Washington Post (Dana Priest, *CIA Holds Terror Suspects in Secret Prisons: Debate Is Growing Within Agency About Legality and Morality of Overseas System Set Up After 9/11*, WASHINGTON POST (Wednesday, November 2, 2005: A01). Available at <http://www.washingtonpost.com/wp-dyn/content/article/2005/11/01/AR2005110101644.html> ) that the CIA has secretly been holding thousands of individuals in violation of international and domestic law, several senators have proposed amendments to the 2006 Intelligence Authorization Act.**

## Background on Human Rights

*"The USA Patriot Act was destined to foster abuses, as it weakened the system of checks and balances on law enforcement while setting aside due process safeguards under the law."*

**--Jumana Musa, Amnesty International USA Advocacy Director for Domestic Human Rights and International Justice, Inter Press Service, Sept 21, 2005**

### **Policymakers on torture take note -- remember Pinochet**

Philippe Sands Sunday, November 13, 2005 (SF Chronicle)

Before embarking on international travels, David Addington and others who are said to be closely associated with the crafting of the Bush administration's policy on the interrogation of detainees would do well to reflect on the fate of Augusto Pinochet.

The Chilean senator and former head of state was unexpectedly arrested during a visit to London on Oct. 16, 1998, at the request of a Spanish judge who sought his extradition on various charges of international criminality, including torture.

The House of Lords -- Britain's upper house -- ruled that the 1984 convention prohibiting torture removed any right he might have to claim immunity from the English courts and gave a green light to the continuation of extradition proceedings.

As counsel for Human Rights Watch, I participated in that case. This allowed me to witness the case firsthand. It also gave me the opportunity to chat with Pinochet's advisers, and one conversation in particular has remained vividly at the forefront of my mind.

"It never occurred to us that the torture convention would be used to detain the senator," remarked the human rights adviser who had been involved in the decision by Pinochet and Chile to ratify the Convention Against Torture in 1988.

Pinochet spent more than a year in custody before being

returned to Chile on medical grounds.

The adviser's words came back to me recently, during a debate with Professor John Yoo at the World Affairs Council of San Francisco.

Yoo, a UC Berkeley law professor, is the author of legal advice that rode roughshod over the torture convention, and contributed to at least one opinion that ignored the well-established international definition of torture.

These opinions are plainly inconsistent with the requirements of international law. They may have opened a door into the forbidden world of torture, and were perhaps offered as part of a policy on the part of the U.S. administration to allow more aggressive interrogation techniques in the "war on terror."

Yoo was well aware of the torture convention. However, when I raised the Pinochet precedent in our debate, he seemed slightly taken aback.

It seems he may not have turned his mind to the possibility that a legal adviser associated with a policy that permits torture contrary to international legal obligations could be subject to international investigation.

How might this happen?

The United States has led the world in promoting



international human rights laws. It played a leading role in negotiating a global convention that would outlaw the use of torture in any circumstances.

The convention sets up an elaborate enforcement mechanism. The United States and the 140- plus other countries that have joined the convention agree to take certain actions if any person who has committed torture is found on their territory.

Such a person is to be investigated, and if the facts warrant, must either be prosecuted for the crime of torture or extradited to another country that will prosecute.

The convention intends to avoid impunity for this most serious of international crimes by removing the possibility that the torturer will be able to find any safe haven. This was the basis for Pinochet's arrest in Britain.

The potential problem for Yoo, vice presidential chief of staff David Addington and others who may have been associated with torture, is to be found in Article 4 of the convention. This section criminalizes not only the act of torture itself but also other acts, including "an act by any person which constitutes complicity or participation in torture."

Can the mere drafting of legal advice that authorizes a policy of torture amount to complicity in torture?

Any case will turn on its particular facts. A prosecutor would have to establish that there was a direct causal connection between the legal advice and the carrying out of particular acts of torture, or perhaps a clear relationship between the legal advice and a governmental policy that permitted torture (or turned a blind eye to it).

That evidence is not yet established, and it would be inappropriate to prejudge the outcome of any investigations that may be carried out in the future.

Nevertheless, those associated with the legal opinions and their surrounding policies should be aware that there is case law from Nuremberg that suggests that lawyers and policymakers can be criminally liable for the advice they have given and the decisions they have taken.

In the case of United States vs. Josef Altstotter, some of the accused were lawyers who had been involved in enacting and enforcing Nazi laws and Hitler decrees that permitted crimes against humanity. None of the defendants was charged with murder or the

abuse of a particular person. They were charged with participating in a governmentally organized system of cruelty. As the tribunal put it: "The dagger of the assassin was concealed beneath the robe of the jurist." Eight of the 14 were convicted in December 1947 for "complicity in international crime."

It is not just lawyers who should beware. Some media reports have suggested that a chief architect of the policy that gave rise to the legal advice was Addington, who has recently been appointed as the vice president's chief of staff, after Lewis Libby's indictment and resignation.

If Addington did play such a role, and if further evidence emerges that acts of torture resulted from the existence of any such policy, then he too may wish to reflect carefully before embarking on foreign travels.

Responsibility may go even higher in the administration's hierarchy.

These are early days in understanding the precise relationship between the administration's policy on detainee interrogations, the legal advice and the allegations of abuse at Guantanamo, Abu Ghraib and elsewhere.

There is a need for a full and independent investigation. There is an urgent need to bring into law Sen. John McCain's sensible and welcome proposal to explicitly ban abusive treatment and give effect to the United States' obligations under the torture convention.

In the meantime, the Pinochet and Altstotter cases and the torture convention should serve as a salutary reminder of the growing reach of international criminal law.

The possibility cannot be excluded that the Pinochet precedent will come back to haunt Addington, Yoo and others in the Bush administration. International law is not just for other people in other countries. Ignoring it will not be cost-free, including worries about foreign travel, as former Peruvian president Alberto Fujimori learned last week when he was taken into custody in Chile.

Philippe Sands is professor of law at University College London and a practicing barrister. He is the author of "Lawless World: America and the Making and Breaking of Global Rules," published by Viking. Contact us at [insight@sfchronicle.com](mailto:insight@sfchronicle.com) Copyright 2005 SF Chronicle



**The LWV of Salt Lake studied 'Human Rights in Post 9/11 Foreign Polity (LWV Seattle Study). For anyone interested in reading this, go to the League web site, under Local Leagues (Salt Lake), October Program.**

<http://www.lwvutah.org/lwvsl%20information/Human%20Rights%20in%20Post%209-11%20Foreign%20Policy.doc>

## League of Women Voters of Salt Lake

We had an excellent meeting on November 17 at the Whitmore Library. The discussion about access to natural gas and the price increases included panelists from Questar, the Public Service Commission and Roger Ball, formerly with the Committee of Consumer Services. Over 50 people attended. The discussion was lively and the question and answer period could have gone on for quite a while but we needed to vacate the library!

The annual holiday meeting was a great success. Mayor Jo-Ann Seghini spoke about what can be and MUST be done on a local basis to help communities provide health care, housing, etc. for their population without relying on state or federal money. The Salt Lake Tribune had a fine article the next day, including her picture. How the reporter took down all the details so quickly is a tribute to him.

We are looking forward to the upcoming legislative session with a luncheon on the Hill early in January.

*Joyce Barnes co- President*

### **Ann O'Connell's comments on the Salt Lake League's involvement with the Legacy Highway:**

*'It was a long and trying process. I have no idea of how many negotiating sessions I attended. It seemed as if the process would never be completed. (Read Goedel, Escher, Bach for background on the philosophical impossibility of ever reaching the finish line.) Then when we were almost done the two Salt Lake League presidents were required to do a lot of signing, first an "agreement of understanding" which set out general principle. That happened in August and was followed by many more sessions negotiating the details. Then in October the League (and the other plaintiffs) signed the Legacy Settlement Agreement itself, twice, once to assure the legislature the plaintiffs were sincere, and then after the legislature voted, the final document. The Settlement sets out the parameters of the Parkway, the nature preserve, and the resolution of some other issues. The plaintiffs will not sue UDOT to stop Legacy as long as they and the legislature adhere to the Settlement. Both UDOT and the plaintiffs could see that they had more to lose than gain by more delay. I don't think either side will tell you the precise reasons. That is part of the negotiation mystique.'*

The following was reprinted from the Salt Lake Voter:

### **Legacy Highway Settlement**

The Legacy Settlement is a compromise so members of the League of Women Voters of Salt Lake will be pleased with some of it and disappointed with other parts. I suspect you know of most of the specifics: additional acres preserved in a critical hole in the Legacy Nature Preserve, a parkway rather than a highway, some protection from billboards and restrictions on large trucks. As a biologist and birder I am particularly excited about a long range study of the reproductive success of the birds in the nature preserve.

The litigants will continue to work with the UDOT Legacy Design Team on parkway features. I think it is fair to say the UDOT team is excited about parkway design. Evidently none have been built in the United States for many years. We need to ensure that Legacy sets a precedent for future road building in Utah and elsewhere. Hopefully it will be something we all can be proud of.

The Legacy debate in the House of Representatives was long and impassioned, although I thought the less passionate speeches were the better ones. Legacy opponents were most compelling when they talked of the legislative mission. They argued that it was their prerogative to make state transportation decisions that a small group of activists should not be able to stop a project that they, as representatives of the people, had approved. Although several representatives argued that it was wrong that small numbers of opponents could use the courts to this effect, there were others who, while also opposed to the compromise, spoke eloquently in defense of the citizen's right to go to the courts. Legislators are complex and interesting people.

The litigant groups were roundly castigated. As League members, we know that the only purpose for that kind of rhetoric is to rally one's supporters, it convinces no one else. It became so tiresome that Representative Carol Moss could be quiet no longer and rose to make an extemporaneous speech. I am paraphrasing her as best I can. She said that she was tired of the name calling. She reminded the body that one of the plaintiffs was the LWV of Salt Lake who were those wonderful ladies who come up here, sit through our boring meetings taking notes, and try to tell the public what we are doing. Of course that is exactly what the League does.

The final vote was 50 to 21. Everyone who signed the Settlement Agreement worked very hard to ensure that it passed. They were Roger Borgenicht of Utahns for Better Transportation (UBET), Marc Heilesen of the Sierra Club \*, Rhonda Devereaux of Great Salt Lake Audubon, Lynn de Freitas of Friends of Great Salt Lake, and the UDOT team and the LWVSL of course. One never knows what words, phone calls, constituent pressures make the difference in a lobbying campaign. However I do believe League members were critical in turning around one confused legislator. Neither is there any way to know before the vote is taken when enough has been done, but the numbers say to me we all worked very hard and very effectively.

\*Law Professor Bob Adler was our chief negotiator during the long meetings with UDOT.

When it was announced that there were 19 primary candidates for four seats on the Ogden City Council we decided to try to get information out on their positions. We asked each candidate to state their priorities and posted those that were received on our web site. After the primary Marie kept the information only from those who won. The race was so hot that one candidate called the night before the forum that we had scheduled long in advance to say he couldn't appear because we were taking questions from the audience. It was a lively session and the library auditorium was packed.



The presentation by Attorney General Shurtleff on hate crimes was also well attended. Although not as lively as the candidate forum it was covered by the Ogden paper and the League was actually mentioned as the sponsor.

Our next event will be a "Meet Your State Legislator" night that we will host jointly with the Weber Women's Legislative Council in early January.

*Brenda Kidman, president*

### MEMORIAL FUND

The Memorial Fund, a joint savings account for both the State and the Salt Lake Leagues, has \$5000.00 which is used for office supplies and/or equipment. Stuart Gygi, the Salt Lake League Treasurer, is the chair. In addition both Salt Lake and State have two representatives. The Memorial Fund Committee meets whenever the office has a need for equipment. For example, the last purchase was two years ago. The fund purchased our current copy/fax/scan/printer.

*This fund is available for contributions from members or non-members in memory of League members who have passed away.*

The League of Women Voters of Utah would like to thank:  
**Xmission** for their internet services ( [lwwut@mail.xmission.com](mailto:lwwut@mail.xmission.com) )  
**BandCon** for their web-hosting ( [www.lwwutah.com](http://www.lwwutah.com) )

*We would like to the following for their generous contributions to the league:*

Community Wireless of Park City (KCPW) - Science Fiction Writers of America - United Way-Combined Federal Campaign

- |                    |                    |                  |                    |
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| Ann O'Connell      | Evelyn Bertilson   | Marcia Harris    | Pat Comarell       |
| Anne Hatch         | Freddie Cooper     | Marelynn Zipser  | Pat Eager          |
| Anonymous          | Georgene Bond      | Marie Fulmer     | Patricia Zeigler   |
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The League would like to thank Kay Brim, Nancy Wingelaar, Mary Fogg and Irene Fryer for assembling the Fall VOTER.



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### **Support the League of Women Voters to strengthen our democracy**

**Join the League of Women Voters of Utah**, a respected, national grassroots organization that acts on important issues that affect you, your community and our nation. You can make a difference on the issues! Membership forms are available on line at <http://www.lwvutah.org/form.html>

**We are –**

- *Empowering millions of voters to protect their right to vote*
- *Working to ensure that ALL votes are counted and all voices are heard*
- *Preserving our constitutional rights by safeguarding civil liberties*
- *Acting as a force for positive change in our communities and in our democracy*

We believe that sensible, responsible, civil discourse and action based on substance, rather than partisan battles is essential if we are to avoid polarization and get something done. We believe that American democracy is at risk and that now is the time to act.

**Donate to the league.** Your tax-deductible contribution will provide important support for advancing our critical work to safeguard the vote. Contribute today!