

**League of Women Voters of Idaho  
Positions  
May 2009**

<b>Positions in Brief by Category .....</b>	<b>1</b>
<b>GOVERNMENT .....</b>	<b>1</b>
<b>CIVIL RIGHTS .....</b>	<b>1</b>
<b>NATURAL RESOURCES .....</b>	<b>1</b>
<b>SOCIAL POLICY.....</b>	<b>2</b>
<b>Positions in Detail.....</b>	<b>3</b>
<b>GOVERNMENT .....</b>	<b>3</b>
REAPPORTIONMENT .....	3
VOTE BY MAIL.....	3
<b>CIVIL RIGHTS .....</b>	<b>6</b>
JUDICIAL SELECTION .....	6
<b>NATURAL RESOURCES .....</b>	<b>9</b>
COLUMBIA RIVER BASIN.....	9
ENERGY.....	9
HAZARDOUS MATERIALS.....	11
LAND-USE PLANNING.....	12
<b>SOCIAL POLICY.....</b>	<b>14</b>
CHILD CARE .....	14
EDUCATION IN IDAHO.....	15
CHARTER SCHOOLS AND VIRTUAL SCHOOLS IN IDAHO.....	18
ENDOWMENT LANDS.....	20
HEALTH CARE .....	22
IDAHO'S TAX STRUCTURE .....	23
REHABILITATIVE PROGRAMS IN THE IDAHO CRIMINAL JUSTICE SYSTEM...	26

## League of Women Voters of Idaho

### ***Positions in Brief by Category***

#### **GOVERNMENT**

##### *Reapportionment*

Support for a bipartisan citizens' reapportionment commission to reapportion both houses of the Idaho Legislature on a population basis with substantially equal legislative districts; support for anti-gerrymandering controls, public hearings, and judicial review.

##### *Vote by Mail*

Support for a vote by mail election system in Idaho that is secure, accurate, recountable, and accessible with particular focus on measures that address concerns about accessibility and security of voting by mail.

#### **CIVIL RIGHTS**

##### *Judicial Selection*

Support for merit selection with retention by uncontested election as the preferred method of choosing judges for Idaho state courts. Evidence shows this method to be the one most likely to ensure having judges who make decisions based on findings of fact and the rule of law rather than shifting public opinion or the wishes of special interest groups.

Support for widespread understanding of judicial rules of conduct for both judges and those seeking to become judges.

Support for the establishment of a judicial nomination commission responsible for the development of a list of qualified candidates for the judiciary. This commission would have a balanced membership including lay persons, legal professionals, and representatives from the recognized political parties.

Support for greater public awareness of judicial selection methods, the merits of each, and the relationship of selection methods to judicial independence and accountability.

#### **NATURAL RESOURCES**

##### *Columbia River Basin*

Support for minimum stream flows; support for comprehensive planning on a basin-wide basis for conservation, development, and management; support for an inventory of water resources within the basin.

##### *Energy*

Support for regional energy planning; support for demand-side management (conservation) as a significant source of additional energy; support for a least-cost plan for acquisition of additional generation and transmission resources.

##### *Hazardous Materials*

Support for state legislation mandating the Worker and Community's right to know concerning hazardous materials; support for state efforts to ensure public safety and the protection of the environment in the transportation of hazardous materials.

### *Land-Use Planning*

Support for comprehensive land-use planning for Idaho; support for local planning within state guidelines and with state assistance; support for citizen participation and consideration of the public's interest in land-use decisions.

## **SOCIAL POLICY**

### *Child Care*

Support for enforceable child-care licensing regulations which address health, safety, fire and supervision standards.

### *Education in Idaho*

Support for revision of the state school fund distribution formula to achieve greater equalization of educational opportunity and tax burden; support for increased state funding for public schools; support for kindergartens, career and vocational education, and special education; support for reducing the supermajority required to pass bonds.

### *Endowment Lands*

Support for management of Idaho's endowment lands to provide maximum revenue consistent with good land management policies and practices, protection of the environment and preservation of future values; support for a statutorily-created Land Board.

### *Health Care*

Support for a basic level of quality health care at an affordable cost available to all residents; support for the equitable distribution of services, efficient and economical delivery of care, advancement of medical research and technology, and a reasonable total expenditure for health care.

### *Idaho's Tax Structure*

Support for a tax structure which is balanced, equitable, adequate, and which is administered in a thorough and cost effective manner; support for greater understanding and involvement in the budgeting processes; support for increased taxation on extraction of mineral resources; support for revision of the state income, property, and sales taxes.

### *Rehabilitative Programs in the Idaho Criminal Justice System*

Support for adequate state funding to maintain professional staff; support for educational and transitional programs directly linked to current offender populations; support for dedicated facilities and space to ensure adequate delivery of those programs; support for data collection and measurement protocols; and support for mechanisms which hold contractors immediately accountable for the programs they deliver.

## ***Positions in Detail***

### **GOVERNMENT**

#### **REAPPORTIONMENT**

##### Position in Brief

Support for a bipartisan citizens' reapportionment commission to reapportion both houses of the Idaho Legislature on a population basis with substantially equal legislative districts; support for anti-gerrymandering controls, public hearings, and judicial review.

##### Details of Position

The League of Women Voters of Idaho believes that a bipartisan citizens' commission on reapportionment would be the most effective and least expensive method of achieving fair and equitable representation for the people of the state. Such a commission should be composed of an uneven number of members, preferably between five and nine in total.

The League believes that appointments to the commission should be made by the majority and minority leadership of the Idaho Legislature in equal numbers. The chairman should be selected by the commission members. No more than one half plus one should be from one party. Incumbent legislators should not be allowed to serve on the commission.

The reapportionment commission law should include anti-gerrymandering standards and be constructed in agreement with constitutional provisions related to reapportionment. The League further supports public hearings on the commission's reapportionment plan and judicial review prior to the plan becoming law. The plan should not be subject to legislative oversight or approval. (*Adopted February, 1988*)

##### Explanation

Convention delegates in 1987 voted to study the application of an independent citizens' reapportionment commission to the continuous reapportionment problems which have plagued Idaho. Members explored the history of reapportionment in Idaho, state and federal constitutional requirements, court decisions, and the approaches other states have taken to solve reapportionment challenges.

Primary among the findings were that from the early 1960's through the 1980's, every time the legislature reapportioned itself the plan has been successfully challenged in court and had to be rewritten. In contrast, in states where reapportionment commissions have done the job, the process has been smoother and less costly.

### **VOTE BY MAIL**

##### Position in Brief

Support for a vote by mail election system in Idaho that is secure, accurate, recountable, and accessible with particular focus on measures that address concerns about accessibility and security of voting by mail.

##### Details of Position

The League of Women Voters of the United States (LWVUS) Position on Citizen's Right to Vote that was announced in March 1982 states "The League of Women Voters of the United States believes that voting is a fundamental citizen right that must be guaranteed." At the 2004 Convention,

*The League determined that in order to ensure integrity and voter confidence in elections, the LWVUS supports the implementation of voting systems and procedures that are secure, accurate,*

*recountable, and accessible. State and local Leagues may support a particular voting system appropriate to their area, but should evaluate them based on the “secure, accurate, recountable and accessible” criteria.* (LWVUS “Impact on Issues 2006-2008: A Guide to Public Policy Positions.” 2007, p. 11)

In 2007, legislation was introduced into the Idaho Legislature to adopt a new section of Idaho Code that would allow the Board of County Commissioners to designate all elections within the county to be conducted by an all mail system. The League of Women Voters of Idaho (LWVID) was asked to be a supporter of the legislation.

In its study of vote by mail, LWVID looked at the many aspects of vote by mail including security, accuracy, recountability, and accessibility of this type of voting system.

Five issues were not pertinent to the criteria listed above but are of general interest. These are:

1. It is factually evident from the Oregon and Washington State experiences that voter turnout is increased by the Vote by Mail process, especially in low profile elections such as school board, library or highway district elections. Nine counties in Idaho currently have designated mail ballot precincts in rural areas as allowed by Idaho Statute 34-308 MAIL BALLOT PRECINCT. The percentage of turnout statewide in the 2006 primary was 52.72% in mail out precincts compared to 28.39% turnout in the rest of those counties.
2. Without question, Vote by Mail is simpler and less complicated for election officials who are currently administering two voting systems—absentee balloting and traditional neighborhood polling. Idaho clerks were unanimous in supporting the 2006 legislation to allow vote by mail.
3. Whether there would be a cost saving or a cost increase in an Idaho Vote by Mail process is unknown. Oregon and Washington have both seen a cost savings, but there is no guarantee that the same would be true for Idaho.
4. Any proposed legislation to change the voting system in the state of Idaho would be in compliance with the Idaho Constitution and the Help America Vote Act (HAVA.)
5. The right to a secret ballot is stated in the Idaho Constitution, Article VI, Suffrage and Elections, SECTION 1: *SECRET BALLOT GUARANTEED. All elections by the people must be by ballot. An absolutely secret ballot is hereby guaranteed, and it shall be the duty of the legislature to enact such laws as shall carry this section into effect.* Oregon has not received a single complaint in over 20 years about coercion. In a survey of over 1000 voters in Oregon, only one voter responded that he was forced to vote for a specific candidate. Once the ballot is sent out by the elections office, it is up to voter to guarantee that the ballot be kept secret rather than the government assure secrecy. The individual voter must be in control of his/her ballot.

### *Security*

The League believes that a Vote by Mail system, if designed and implemented similarly to Oregon and Washington, would be as secure as our present system. With Vote by Mail, every signature would be checked against the recorded signature. Computers would be used to guarantee that duplicate voting is very unlikely. Oregon and Washington clerks indicated that Vote by Mail is less open to tampering. Registration accuracy, up-to-date addresses and postal delivery to the registered voter, and timing of ballots sent/forwarded and returned are all areas that need to be assured. Legislation should include training of election workers to verify signatures on ballots; that election workers check for duplicate voting; but most importantly, when legislation is written to implement Vote by Mail, concerns of keeping the ballots secure throughout the voting process will be addressed.

### *Accuracy*

Oregon and Washington clerks state they have a higher degree of control over processes and checks and balances. Vote by Mail avoids the problem presented by the aging of available poll workers, with accompanying hearing and eyesight loss and resulting errors. The process is simpler for election officials

and offers fewer opportunities for error. Voting records are kept more current. If a ballot is returned from the post office as undeliverable, the voter can then be placed on inactive status. The longer period for processing ballots under Vote by Mail enables a more consistent and less hurried handling of unanticipated problems.

#### *Recountable*

Vote by Mail is a paper ballot that election workers can recount. Oregon voters can call to see if their ballot has arrived; a similar provision in Idaho should be implemented. Counting can be watched by anyone who wants to observe under the current system and should be retained.

#### *Accessibility*

Every registered voter would receive a ballot under Vote by Mail. Vote by mail makes voting more accessible to voters because the hours and days are not restricted to twelve hours on a Tuesday. The voter has more opportunity to study the ballot with Vote by Mail. Travel and weather issues wouldn't interfere with voting. There would be no confusion about where people should vote on Election Day. There still needs to be the opportunity for disabled people to vote in person on the special accessible machines.

There is concern that Vote by Mail would make it more difficult for the poor, transient and homeless to vote if they do not have a mailing address. Clerks have already been able to make accommodations for this segment of the population so that they do not become disenfranchised. For the disabled population the burden of being the cause of long lines would be removed if he/she is able to vote at one's own speed. If voting locations become fewer and the possibility that some locations will be less handicapped accessible, vote by mail may allow more accessibility for disabled voters.

Registration and voting on Election Day is allowed in Idaho Statute 34-308 MAIL BALLOT PRECINCT and should be retained in any proposed legislation to expand Vote by Mail.

#### *General Comments*

Education of the citizens would be a big responsibility of the election authority. Voters in Oregon and Washington have the opportunity to study ballot issues before voting by using a Voters Guide that is delivered three weeks prior to the deadline to submit the ballot. League would be in a position to help voters understand the new system.

(Adopted May 2009)

# **CIVIL RIGHTS**

## **JUDICIAL SELECTION**

### Position in Brief

Support for merit selection with retention by uncontested election as the preferred method of choosing judges for Idaho state courts. Evidence shows this method to be the one most likely to ensure having judges who make decisions based on findings of fact and the rule of law rather than shifting public opinion or the wishes of special interest groups.

In addition, LWVID supports widespread understanding of judicial rules of conduct for both judges and those seeking to become judges.

LWVID supports the establishment of a judicial nomination commission responsible for the development of a list of qualified candidates for the judiciary. This commission would have a balanced membership including lay persons, legal professionals, and representatives from the recognized political parties.

Finally, LWVID supports greater public awareness of judicial selection methods, the merits of each, and the relationship of selection methods to judicial independence and accountability.

### Details of Position

An independent judicial branch is the cornerstone of our democratic form of government. It receives its power from several sources. First and most important, Article III of the U.S. Constitution specifically calls for a separation of powers within which justices will retain their positions and receive remuneration. Second, the "Guarantee Clause" in Article IV implicitly refers to the principles of judicial independence. In addition to constitutional grounding, The Federalist Papers discussed and defined judicial independence on a personal, ethical level, focusing on the protection of individual liberty and equality. And later, in the State of Idaho, lengthy debate at the 1889 Constitutional Convention laid the groundwork for methods of selection of judges which would uphold fairness, equity and impartiality in the Idaho judicial system. Over time, however, changes in political and social trends and behaviors have emphasized the need to modify previously accepted selection methods in order to maintain and strengthen judicial independence.

Idaho's judicial selection method must reinforce judicial independence and accountability. To ensure this, an understanding of the following points is important in deciding which method of selection should be adopted: 1) pros and cons of each method; 2) implementation of the method; 3) historical precedence for making a choice of method; 4) adjunct requirements including but not limited to the composition and selection of a nominating commission; 5) the most efficacious length of tenure for judges; and 6) financing elections.

### *Merit Selection*

Merit Selection, often identified as the Missouri Plan, is used in many states with slightly different elements. The basics of Merit Selection include an appointive system in which a nonpartisan, broad-based nominating commission recruits and evaluates judicial candidates to determine which are best qualified, and submits the names of the most qualified applicants to an appointing authority, often the governor, who may choose only from those names submitted. Most of the states that use Merit Selection systems also provide for "retention elections" for judges who are appointed, in which a judge's name must appear, unopposed, on the ballot at the end of a term.

Idaho uses a variation of the Missouri Plan for Magistrate Judges. The District Magistrates Commission nominates a short list of qualified applicants for appointment by the Commission. The appointed

Magistrate Judge later stands for retention in an uncontested election. Supreme, Appellate, and District court judges are selected through nonpartisan elections, with appointment used in instances where a judge resigns midterm. In this case, the names of two to four nominees are selected by the Idaho Judicial Council and presented to the Governor for final appointment. Those appointed then run as incumbents at the next election.

LWVID supports Merit Selection because it has the ingredients most likely to support the concept of judicial independence, that is, to ensure an independent, fair, and competent judiciary to interpret and apply the laws governing us. Further, Merit Selection reduces political and special interest group influence, removes campaigning and the reliance on campaign contributions, curtails indebtedness to special interests, and speaks to eliminating the appearance of impropriety. LWVID believes these benefits of Merit Selection are potent enough to secure the support of legislators, members of the Idaho State Bar and citizens of Idaho.

LWVID recognizes that political challenges are inherent in any selection method. To implement an effective Merit System, strong guidelines must be developed for the judicial nomination commission, including objective criteria, both for the appointment of commission members, and for the recommending of candidates for judicial positions. Commission membership should be balanced, with equal representation from legal and lay communities and the recognized political parties. Membership should also be representative of the state's demographic groups. In addition, commission members should demonstrate an understanding of the qualities of mind germane to the judicial function. Members should not be beholden to the governor, legislature, or special interest groups. While the commission cannot be entirely free of political influence, its makeup and integrity are paramount.

#### *Selection by Election*

Election of public officials is the tissue and bone of our democratic society. Judicial positions, however, are significantly different from legislative and executive offices, and therefore judicial selection methods must reflect that difference. Judges represent the rule of law, not the will of the majority. To ensure that judicial decisions are based on findings of fact and on the law in each case, rules of judicial conduct generally forbid candidates from making campaign promises as to how they would make decisions on the bench. And, because they are subject to rules about soliciting funds and what they may say, they are particularly vulnerable to misleading advertising and attacks on judicial independence by opposing groups.

LWVID believes judicial elections, partisan or non-partisan, present stumbling blocks to judicial independence. Recent judicial elections in Idaho have become not only more contentious, and more partisan, but also have involved increasingly large amounts of money. In 2002, special interest groups, seeking to place a justice amenable to their biases on the Idaho Supreme Court, undertook a last-minute TV campaign which made questionable claims about the incumbent.

Judges should not have to worry about the next election, and who has given how much money to their campaign. Judges should have the full confidence of litigants and the public when making decisions, and this confidence should not be compromised because of campaigns and contributions. Given these problems, qualified individuals may choose not to run for the judiciary. Political shrewdness does not necessarily equate with judicial wisdom. It is important for citizens to understand that, because the law protects people, judges must follow the law instead of popular opinion, financial or political indebtedness, expediency or political correctness.

Recognizing that the goal of establishing a Merit Selection system in Idaho may not be reached immediately, LWVID believes the existing nonpartisan election system of judicial selection can be improved, perhaps through public financing, with sources of funding such as taxes, check off boxes on tax forms, dedicated fines, or others. Also, as a stopgap measure, improvements could be made in Idaho

campaign finance disclosure laws. The standards of allowable speech for judicial candidates are now in flux, in light of the U.S. Supreme Court's *Minnesota v White* decision, which addresses the issues of campaign promises and freedom of speech in judicial campaigns.

#### *Judicial Tenure*

Tenure for judges varies from two years in some states to life in others. In Idaho, tenure is four years unless appointment is made in the middle of a term. The general consensus across the United States is that longer tenure is better because it further protects judges from outside influences by reducing the frequency of the need to stand for election or retention.

#### *Public Education*

LWVID believes judicial independence can be preserved only through public knowledge of the processes involved. It is evident that there is a need for greater understanding of issues such as how our judicial system works, the meaning of judicial independence, judicial rules of conduct, the difference between popular election of judges and other officials, judicial tenure, the various methods of judicial selection, and the qualifications of candidates for judicial positions. LWVID is committed to increasing public knowledge and understanding about judicial independence and accountability. (*Adopted December, 2003*)

## **NATURAL RESOURCES**

### **COLUMBIA RIVER BASIN**

#### Position in Brief

Support for minimum stream flows; support for comprehensive planning on a basin-wide basis for conservation, development, and management; support for an inventory of water resources within the basin.

#### Details of Position

The League of Women Voters of Idaho is concerned about the many uses of the Columbia River beyond the generation of electricity. Minimum stream flows should be established as a public right and maintained on streams in the Columbia River Basin. Regional planning policy should provide for irrigated agriculture as well as for the protection and enhancement of anadromous and resident fish.

In order to meet the present and future needs within the Columbia River Basin, the League of Women Voters of Idaho believes comprehensive planning on a basin-wide basis for conservation, development and management of water is essential to the optimum utilization of our water resources. Machinery is needed which will provide coordinated planning and administration among federal, state and other agencies and establish a process for resolving conflicts among uses. Procedures should be established which provide information and an opportunity for citizen participation in policy decisions affecting water resources development. The federal government has a role in financing water resources development, but state and local government and private users should share such costs based on benefits received and the ability to pay.

The League believes that wise planning for the use of water in the Columbia River Basin requires an inventory of the water resources within the basin. This inventory should include all water-related rights, current use and projected needs. This information should be readily available to concerned agencies and the general public. (*Adopted May, 1981, reorganized May, 1988*)

#### Explanation

The 1979 LWVI Convention voted to work with Washington, Oregon and Montana Leagues to promote coordinated multi-purpose management of Columbia River Basin waters through an inter-League task force. With the Oregon and Washington Leagues, LWVI has supported protection for Hells Canyon. Most recently LWVI support Protected Areas amendments of the Northwest Power Planning Council limiting segments of Northwest streams from future hydropower development to benefit anadromous and resident fish and to enhance wildlife habitat.

The League has worked for minimum stream flow legislation and the "Water/Power" initiative to set minimum stream flows and continues to support establishment of base flows for individual streams.

## **ENERGY**

#### Position in Brief

Support for regional energy planning; support for demand side management (conservation) as a significant source of additional energy, support for a least-cost plan for acquisition of additional generation and transmission resources.

## Details of Position

### *Regional Energy Planning*

The League of Women Voters of Idaho supports the efforts of the Northwest Power Planning Council which represents the states in the Northwest, to develop and maintain a regional energy plan, integrating electric power demand and supply strategies.

The electric utility industry has changed since the original position was adopted. Although deregulation of Idaho's electric utilities has not occurred, there have been many changes affecting the northwest states due to deregulation in other states and in portions of the industry. The federal role, largely through the Federal Energy Regulatory Commission (FERC), has forced some changes on the region that the NWPPC does not oversee. A major example is the order that transmission lines be opened to all electricity generators. This is part of the reason there are "merchant" plants, (electricity generated for sale on the open market), being proposed across the region, including Idaho. Many merchant plants are not proposed by traditional utilities providing electricity to a service area. The plants are speculative, moneymaking ventures. The NWPPC has no regulatory influence over the merchant plants, and neither does Idaho's Public Utilities Commission. Regional planning is more difficult in the current utility environment.

### *Conservation and Renewable Resources*

The League believes that a comprehensive effort to achieve cost-effective region-wide conservation will have great long-term benefits for all the people of the Northwest. Conservation is a significant source of additional energy in the region, and conservation strategies should be included in utilities' resource planning. Cost effectiveness of conservation investments should include environmental, social and health costs of generating and distributing electricity from new sources. When the need for additional power is determined, emphasis should be given to the development of decentralized facilities which rely on renewable resources.

The need for conservation and renewable resources continues to be an issue in Idaho and the Northwest. The NWPPC reports that, "during the last few years of the 1990s, utilities developed conservation at half the rate the Council had determined to be cost effective in the 1998 power plan. Had cost-effective conservation been fully developed, it would have displaced approximately 180 megawatts of power, enough for about 100,000 average northwest homes. Because cost-effective conservation was not developed, the region's utilities had to purchase additional power, often at extraordinarily high prices."

In 2001, the NWPPC released an analysis that shows the Northwest could acquire an amount of energy conservation equal to the output of a large natural gas-fired power plant during the next three years (about 300 megawatts) at a lower cost than building such a plant. The Northwest Energy Coalition contends the region could conserve many times that in cost-effective methods. Further, growing a regional renewable energy industry would help the region's economy.

Most of the power plants being built or planned are not being built by the regulated utilities. Siting is an issue because there are few state regulations other than air quality permits and possibly water rights transfers or ground water permits required. There are no state land-use regulations for siting power plants. Decisions are made at the county level. The LWVID should consider whether it should advocate for a state siting process.

The NWPPC has no authority over determining additional power needs. Many of the plants being built or planned are merchant plants and all or most of the power would be sold out of the region. These plants do not go through a needs analysis by the NWPPC or the Idaho Public Utilities Commission. But some of the expensive power from merchant plants may be purchased by local utilities when power is needed. This is

a disincentive for regulated utilities to build their own power plants. The volatility of energy prices has relegated planning and acquisition of resources to a different realm than when the original position was taken. (*Adopted May, 2002*)

#### Explanation

The League of Women Voters of Idaho has been and continues to be involved in programs and policies mandated by the 1978 National Energy Act. Among these are energy conservation measures in commercial and residential buildings, redesigning utility rate structures and public education that provides a basic understanding of what energy is and the costs and benefits of its production and use. In 1981 the League joined the Northwest Conservation Act Coalition, now known as the Northwest Energy Coalition, a joint effort of agricultural, low-income, ratepayer, environmental, labor, solar and other citizen groups throughout the Pacific Northwest. The Coalition works to ensure implementation of the Northwest Power Act. The League will continue to work on the implementation of this plan.

## **HAZARDOUS MATERIALS**

#### Position in Brief

Support for state legislation mandating the Worker and Community's right to know concerning hazardous materials; support for state efforts to ensure public safety and the protection of the environment in the transportation of hazardous materials.

#### Details of Position

The League of women Voters of Idaho believes that state laws are necessary in the area of hazardous materials handling because federal laws are not adequate to protect the worker and the community from involuntary exposure to *hazardous* materials. Both industry and government must share in the responsibility to protect citizens and the environment.

Access to basic information about hazardous materials, including identity, flammability, reactivity, acute and chronic health effects and routes of exposure should be mandated. Information as to use, transportation and disposal of *hazardous* materials within the state should be gathered and made available to the public. (*Adopted May, 1985; amended October, 1985*)

The state Department of Transportation should have the authority to monitor and regulate the passage of hazardous materials or waste into or across Idaho, as well as hazardous shipments within the state. The League supports all state efforts to protect the public and the environment. (*Adopted February, 1986; reorganized May, 1988*)

#### Explanation

It became apparent that the Worker and Community's right to know was to become a legislative issue in 1986. In addition, legislation regarding transportation of *hazardous* wastes was being prepared. The LWVID Board selected *Hazardous Waste* legislation as a priority item for the 1986 session. In order to speak to the area of waste transportation, a concurrence was necessary. Local Leagues were able to utilize study materials on right-to know and a videotape of a workshop on the "Status of Hazardous Waste in Idaho" to become informed about this issue. Concurrence was upheld in February, 1986.

## **LAND-USE PLANNING**

### Position in Brief

Support for comprehensive land-use planning for Idaho; support for local planning within state guidelines and with state assistance; support for citizen participation and consideration of the public's interest in land-use decisions.

### Details of Position

The League of Women Voters of Idaho believes that Idaho needs comprehensive land-use planning to provide orderly growth and development to promote wise use of natural resources, to protect the environment and to enhance the quality of life for all Idaho citizens. Development should be judged on the basis of need and social and environmental goals as well as economic gain. The League believes local units of government should make local land-use decisions, but it is the responsibility of the state to determine general policies and to establish a process for and use planning. The state should set guidelines, require local planning, subject local plans to state review and veto plans which do not meet state standards. Local governments should be able to adopt more stringent regulations than the state guidelines if they wish and should be allowed to use innovative land-use planning and regulatory techniques. Local governments should be assisted with technical and financial help from the state. The state should plan for areas where local governments fail to act.

State comprehensive planning is needed for areas and activities which are of more than local impact or concern such as historic, fragile or hazardous lands, renewable resource lands, areas affected by public investment and developments whose benefits or detriment affect more than one locality. As future needs are identified, the state should acquire and hold lands for public purposes by purchase, easement, leases or options.

The planning process should ensure coordination and cooperation among local governments, regional planning groups and state and federal agencies. Methods should be found by which the state could influence decisions made for federal lands within the state. State agencies controlling lands should be required to do comprehensive land-use planning which conforms to state guidelines. Before state endowment lands are sold, the proposed use should be reviewed for conformity to local plans and state policies.

All levels of government should provide for and encourage citizen participation in all stages of the land-use planning process. Mechanisms should be developed to minimize conflicts of interest on the part of persons who make land-use planning decisions. Private property rights should be protected; however, where there are conflicts between private and public interests, greater consideration should be given to long-term public benefit. Appeal boards should be established to arbitrate conflicts between governmental bodies and also between citizens and governmental bodies. The citizens' right to appeal should include all citizens regardless of residence, ownership of property or financial involvement. (*Adopted March, 1975*)

### Explanation

The 1973 Convention of the League of Women Voters of Idaho adopted a study of State Land-Use Planning. Following two years of study, the position was developed in 1975. League supported legislation which became the Local Planning Act of 1975. Land Use Letters explaining the local Planning Act and exploring the myths and realities of land-use planning were published in 1976 and 1977.

Over the intervening years, the League has successfully opposed continuous attempts to repeal or weaken the Local Planning Act. In 1981, a concerted effort included guest editorials in local and

conservation newspapers, legislative bill analyses for planners and planning commissioners throughout the state, and intensive lobbying at the statehouse. In November 1982, LWVI sponsored a seminar/workshop on the Local Planning/Zoning Commissions in their communities and counties.

While mandated by the Local Planning Act, many communities and some counties in Idaho have yet to become effectively involved in the planning process. Growth in the 1990s has spurred many Idaho cities and counties which had ignored the Local Planning Act to institute comprehensive plans and zoning. In 1995, only five counties lack comprehensive plans. In four out of the five counties without comprehensive plans, the major cities do have planning and zoning. Growth is also causing many communities with existing comprehensive plans to update their plans. The League will continue to work for full implementation, statewide, of the Local Planning Act. Another of the League's goals is to see state government again become active in the planning process.

FURTHER INFORMATION ON THIS TOPIC CAN BE FOUND UNDER THE LEAGUE'S NATIONAL POSITION ON NATURAL RESOURCES.

## **SOCIAL POLICY**

### **CHILD CARE**

#### Position in Brief:

Support for enforceable child-care licensing regulations which address health, safety, fire and supervision standards.

#### Details of Position

The League of Women Voters of Idaho believes that all children in the care of non-relatives outside the home deserve to be adequately protected by statewide licensing standards. Minimum standards should apply to all child-care facilities, with more stringent standards available depending upon the size and type of operation.

The League believes that health provisions should cover such areas as sanitation, food preparation, illness and immunizations as well as record-keeping. Recognized applicable fire and building codes should be the foundation for safety and fire standards. Standards of supervision need to take into account the different needs of different ages of children. Appropriate standards for child-care providers should cover character, background checks and education or training.

#### Explanation

The League of Women Voters of Idaho joined with other organizations in the early 1970s to lobby for an effective child-care licensing law. The existing law, which contained health, safety, fire and supervision standards, had no enforcement clause, rendering it virtually useless. League position was based on an earlier League of Women Voters of the United States study and consensus supporting child-care services as a part of equal access to employment and education. There was an assumption in the national position of minimal enforced standards in all states. This lobbying effort was unsuccessful.

In 1979, building on local League interest in child-care regulations, the League of Women Voters of Idaho conducted a statewide survey of parents, providers and officials. A concurrence statement supporting “enforceable licensing regulations for day care centers” was adopted in 1980 in an attempt to give the League an effective voice in pending child-care legislation. League assumption was that the existing law would remain in effect and that enforcement provisions would be added, e.g., changing “may” to “shall.”

Continuing lobbying efforts, culminating in 1987 with passage of totally new child-care legislation, demonstrated that the 1980 concurrence was incomplete and did not fully express League position. Implementation of the 1987 child-care legislation has demonstrated that more needs to be done in the area of child-care regulation. Delegates to Council adopted this expanded position in May 1988 to enable the League to speak to needed improvements.

In 1993, the Idaho Legislature passed a law requiring four hours of training for child-care directors and staff. Several cities in Idaho operate their own licensing for child care, but this does not give children equal protection through uniform statewide standards. Idaho Department of Health and Welfare is participating in a three-year project with the American Public Health Association to improve health and safety standards and practices in child care. The League position does not address issues of access or affordability. These issues will continue to come to the fore in Idaho.

## EDUCATION IN IDAHO

### Position in Brief

Support for revision of the state school fund distribution formula to achieve greater equalization of educational opportunity and tax burden; support for increased state funding for public schools; support for kindergartens, career and vocational education, and special education; support for reducing the supermajority required to pass bonds.

### Details of Position

The League of Women Voters of Idaho believes that every child in Idaho should have an equal educational opportunity in the “general, uniform, and thorough system of public free common schools” required by Article IX of the Idaho Constitution. (*Adopted October, 1971*)

The League believes that the goal of equal educational opportunity cannot be realized until assessment practices are uniform throughout the state. [See Idaho’s Tax Structure] (*Adopted January, 1970, amended July, 1979*)

### *Funding*

The League supports consistency in state education funding based on long-term educational goals. To allow local school districts to plan more effectively and deal with local needs, caution is urged in the use of one-time funding and in attaching detailed “strings” to school appropriations. Inducements to lowering class size should be offered. (*Adopted, July 1991*)

To set a realistic goal for levels of state support for public schools, the League believes that a meaningful “state average cost per pupil” should be computed taking into consideration such factors as the average teacher’s salary in the Rocky Mountain states (The League believes that teacher salaries should be increased so that the average salary for Idaho teachers reaches the average salary for teachers in contiguous states. Adopted July 1991), the number of teachers needed in Idaho, and improvements needed in the educational program. Among the areas where educational program improvements may be needed are guidance, libraries, administrative procedures and curriculum. (*Adopted January, 1970, amended November, 1973*).

### *Bonding*

The majority needed to pass a school bond issue should be either (a) not more than 60% or (b) 55% if the school district’s bonded indebtedness is less than 0.2% of market value. (*Adopted July 1991*)

### *Distribution of State Funds*

The League believes that the distribution of state funds to school districts should result in equalization by guaranteeing that districts taxing at the same rate would receive the same total numbers of dollars per distribution unit from state and local taxes. (*Adopted January 1970, amended July 1983, amended May 2002*)

### *Kindergarten*

The League believes that kindergarten programs should be provided by all Idaho school districts. (*Adopted January, 1971, amended July, 1983*)

### *Class Size*

The League believes that class size should be reduced, beginning in primary grades, with a goal of 22 per homeroom teacher for grades K-3. Next, class size should be reduced in grades 4-12 with a goal of 25 per class, except by teacher request in such classes as band, choir, and physical education. In order for Idaho students and taxpayers to realize maximum benefit from class size reduction, each Idaho school would be responsible for instituting programs to take advantage of this goal. (*Adopted July, 1991*)

### *Career and Vocational Education*

The League believes that every Idahoan should have access to vocational education and recommends additional local, state and federal funds for this increasingly important part of Idaho's education program. Introduction to the world of work should start in the elementary school with more structured career guidance beginning at the junior high school level. The League favors cooperative approaches such as sharing of vocational education facilities by neighboring high schools, the development of skill centers, use of college or junior college facilities by high school students of neighboring school districts or the creation of cooperative service agencies by two or more school districts. League members believe that vocational education programs should include job experiences. (*Adopted May, 1972*)

### *Special Education*

The League of Women Voters believes that the State of Idaho should provide educational programs and services for exceptional children: "Those children whose handicaps, or whose capabilities, are so great as to require special education and special services in order to develop to their fullest capacity" (Idaho Code 33-2002) Exceptional children include those who are physically, emotionally and mentally handicapped, those with learning disabilities, and those who are capable of unusual academic and/or creative achievement.

Services for exceptional children should be provided at the earliest possible age. Diagnosis and treatment should be available to all preschool children. All children should be screened periodically throughout their school years to determine if they require special programs or services. Exceptional children should be mainstreamed as much as possible.

The State Department of Education should provide leadership and expertise in helping districts initiate special education programs, evaluating ongoing programs for inclusiveness and effectiveness, and conducting research as a basis for program changes. The State Department of Education should have the power to withhold funds from districts which do not comply with the law requiring districts to provide special education.

Parents and the public must be made aware of the rights and needs of exceptional children, the importance of identifying exceptional traits as early as possible and the value of proper programs and services.

Increased cooperation and coordination between social agencies and school districts and between the State Department of Education and the Department of Health and Welfare are essential in order to get maximum benefit from the money spent and to help all of Idaho's exceptional children develop to their fullest capacity. (*Adopted January, 1975*)

### *Students at Risk*

The League recommends programs for preschool children that involve family participation. Children will then enter school ready to learn, with parents ready to be involved in their children's education. Idaho should develop means to identify at-risk students, and districts should develop early intervention programs, including programs to bring students who are behind up to their normal grade level. To plan for the success of all students, League believes that alternative school programs should be readily available throughout the state. (*Adopted February, 1992*)

### *Academic Accountability*

The League sponsors the use of effective teaching techniques which can assure active learning and student success and return the maximum benefit from reduced class size. Teachers and administrators should receive ongoing training in these techniques. The League believes that Idaho should use a variety of tools, including performance-based assessment to evaluate student learning. (*Adopted February, 1992*)

### *Professional Reform*

The League recommends shared decision making among building administrators, teachers and parents as a means to encourage flexibility and opportunity for innovation. Each school district should develop an effective evaluation system, including formative (goal setting) assistance and summative (annual professional evaluation) assistance. (*Adopted February, 1992*)

### Explanation

Concern for the study of education of Idaho's children has been part of the League of Women Voters of Idaho's program since a study of public school finance was adopted in 1967. Consensus recognized the need for changes in order to ensure equity in the financing of public schools; namely, revision of the formula for distributing state school funds and removal of certain fiscal restrictions placed on school districts.

While working for these legislative changes, the League completed a study of kindergartens in 1970. Members agreed that kindergartens should be included as part of the state's public school system and joined other groups in working for their establishment. Public kindergartens are now a reality.

Vocational Education was the next study item adopted under the Education Program. League members agreed that every Idahoan should have access to vocational training, that career education should be initiated in the elementary schools, and that these programs should be adequately funded and should involve cooperation among educational institutions at all levels.

The 1972-73 year was designated for "Action in Education." The League gave Education top legislative priority. One of the main activities was to initiate education coalitions across the state to provide lobbying pressure.

Special Education was adopted as a new study item in 1973. League members agreed that special education and services should be available for all of Idaho's exceptional children, including physical and mentally handicapped and the gifted. One of the greatest needs identified in the study was to inform parents, school administrators, district trustees and the public of the rights and needs of exceptional children. The publication "Idaho's Exceptional Children—Education for All" was prepared in response to that need. The booklet was revised in 1977 and 1979, and it was printed in Spanish in 1978.

In February 1977, the League of Women Voters of Idaho was awarded a grant from the League of Women Voters Education Fund to participate in the National Education Finance Reform Project funded by the Ford Foundation. The Idaho School Funding Reform project was an 18-month public information campaign. Working with other organizations concerned about education, the League published flyers, booklets, and data sheets; produced a slide-tape show; held a series of workshops across the state and organized speakers' bureaus to acquaint legislators, educators, and concerned citizens with the school funding system.

Publications on school finance have been a regular part of the League's education program. The first publication, "Your School Taxes at Work" was issued in 1975, followed by "School Taxes—Today's Challenge: School Finance in 1977." In 1979 "Who Pays for Idaho's Schools" was printed; this publication was updated in 1980 and the name was changed to "Paying for Idaho's Public Schools." "Paying for Idaho's Public Schools" was again revised in 1983 to reflect changes in the property tax base

resulting from the 1% Initiative and the shift from the Foundation Education Program to the Educational Support Program. This booklet has become a popular resource in the state and was updated again in 1988 and 1993.

FURTHER INFORMATION ON THIS TOPIC CAN BE FOUND UNDER THE LWVUS POSITION ON SOCIAL POLICY, EDUCATION.

*Updated by 1992 and 2002 LWVID Council meetings.*

## **CHARTER SCHOOLS AND VIRTUAL SCHOOLS IN IDAHO**

### Position in Brief

The League of Women Voters of Idaho supports public oversight through elected officials and officers in the formation, governance, and operation of charter schools; believes charter schools should be in legal compliance from the petitioning process through operation; supports fairness in the selection process for charter school attendance to ensure equal access; supports limiting enrollment in virtual schools to Idaho students unless there is compliance with a compact between states for compensation; supports the requirement that charter schools, including virtual schools, must meet the same applicable state education and accreditation standards as traditional public schools and that materials and methods used in charter schools should be appropriate and available for use in any public school; believes that charter schools should be held accountable for their financial activities by all local and state entities charged with oversight responsibilities; and supports compensation from the state to chartering entities for their oversight of charter schools.

### Details of Position

The Legislature of the State of Idaho passed legislation in 1998 to allow the establishment of charter schools in Idaho. The stated purpose of charter schools was to experiment with different teaching methods and curriculum with a student population that is there by choice, with the expectation that successful methodologies would be incorporated into the traditional public schools. Charter schools are publicly funded, are non-discriminatory and non-sectarian.

In its study of charter and virtual schools, the League of Women Voters of Idaho looked at the many aspects of these schools, including the governance and operation, academic and financial accountability, and the state's role in financing and overseeing the establishment and operation of the schools. It is the issues regarding how the state approves and oversees charter schools that the League seeks to address in this position statement.

### *Governance and Operation*

The League of Women Voters of Idaho believes that the Idaho Department of Education should have the power to require that a charter school petition be in compliance with the Sufficiency Review before the petition is presented to the chartering entity for approval.

While founders of the charter school might be the original board of directors, future members should be elected by the parents of children in the school. The process would allow for the inclusion of parents and guardians of students, members of the community with expertise in business and law, as well as a non-voting ex-officio member from the chartering entity. Members of the board of directors should be bound by the State of Idaho Code of Ethics. For example, no one with a financial interest in the school or its curriculum should serve on the

board. The process of selecting the board of directors must be included in the Articles of Incorporation for the non-profit charter school, and included in the petition.

Members of the chartering entities, whether local School Boards, or the Charter Commission, should be accountable to the public. Election could be an issue primarily in the case of the Charter School Commission, since members of local School Boards are already publicly elected.

To minimize conflict of interest issues and promote independent oversight of the charter school, the board of the chartering entity and the board of directors of the charter school should not be one and the same.

#### *Student Selection and Demographics*

To ensure fairness in selection, and promote diverse demographics in charter schools, the lottery for places in a charter school should not be based on any specific information about the applicants. An identification number which corresponds to the student's application and the grade level of the student are the only items of information which should be available to anyone prior to the lottery. The specific information on the applicant would be accessible only after the lottery has taken place.

A qualified independent third party such as a member of the local school district board of trustees, or a representative of the Idaho State Department of Education should conduct the lottery process, which includes the drawing of the names, the assignment of codes for priority placement, and preparation of the official attendance list. Representatives of the charter school and the chartering entity could provide oversight.

Only Idaho residents should be eligible for enrollment in Idaho virtual schools since Idaho taxpayers fund the enterprise. Out-of-state students could be accepted if Idaho is compensated by the students' states or school districts of residence. Traditional public schools already have compact agreement with other states which permit such compensation, and those compacts could be extended to virtual schools as well.

#### *Academic Accountability*

Charter and virtual schools must be accountable in terms of stated learning objectives, methods of assessment and reporting of assessment results. Curriculum materials should be evaluated by the Department of Education for appropriateness and availability to traditional schools, and for their support of the charter school goals and state education standards. Materials and methods used in a charter school should be appropriate for use in a traditional school.

Because accreditation standards for traditional schools and brick and mortar charter schools don't fit virtual schools, state accreditation standards should be developed for virtual schools. The standards for teachers and administrators should be at least as rigorous as those for other public schools.

#### *Financial Accountability*

Charter and virtual schools must be accountable for their financial activities to their chartering entities and to all other offices of the state government responsible for their financial oversight.

Chartering entities incur additional expenses in overseeing charter schools and should therefore be given financial compensation by the Department of Education to cover those expenses.

### *Explanation*

The delegates to the League of Women Voters of Idaho Convention of 2005 voted to study Charter Schools and Virtual Academies, including but not limited to financial and academic accountability, curriculum, and the impact on the local school districts and student achievement. This study was an extension of the League's existing education position, undertaken so that action could be taken on charter and virtual schools, a new development in education.

A Resource Committee provided a study guide and background information on specific topics to local Leagues. Charter School Study Committees in these Leagues researched their assigned topics, and their work was combined by the Resource Committee into a comprehensive report covering the following topics: Governance and Operation; Student Selection and Demographics; Academic Accountability; and Financial Accountability. This report was used by the study committees in local Leagues in preparation for membership consensus meetings.

This position, resulting from the study and consensus process in Local Leagues, allows the League of Women Voters of Idaho work with legislators and administrators to achieve the best possible governance of charter schools and virtual schools in Idaho. *Adopted March, 2007*

## **ENDOWMENT LANDS**

### Position in Brief

Support for management of Idaho's endowment lands to provide maximum revenue consistent with good land management policies and practices, protection of the environment and preservation of future values; support for a statutorily-created Land Board.

### Details of Position

The League of Women Voters of Idaho believes that Idaho's endowment lands should be managed to provide the maximum possible revenue for public schools and other endowed institutions. Maximizing revenue can, however, be in conflict with other important values such as good land-use practices, protection of the environment and preservation of other future-oriented values. When the short-term goal of maximizing income for the endowment is in conflict with those other values arising from more long-term goals, the long-term goals are more important.

To achieve the above purposes, the League supports:

- a moratorium on endowment land sales until all such lands are inventoried and classified
- establishment of long-range management policies
- consolidation of endowment lands to form better management units
- acquisition of in-lieu lands to which Idaho is entitled
- special consideration for endowment lands which are unique because of historical, recreational or other values

In order to achieve optimum long-range management of Idaho's endowment lands, adequate funding should be made available through increased legislative appropriations, combined with a percentage of the income from the endowment lands. *(Adopted March, 1975)*

Before state endowment lands are sold, the proposed use should be reviewed for conformity to local plans and state policies. (*Adopted March, 1975*)

The State Land Board should concern itself with the establishment of policy in which actual management of the endowment lands should be entrusted to the Department of Public Lands. Composition of the Land Board should be established by statute. Members of the board should be appointed with staggered terms and should include a representative for education and persons with expertise in land management. (*Adopted October, 1979*)

### Explanation

The League of Women Voters of Idaho's study of public school finance generated many unanswered questions about the source of funds from endowment lands. The League adopted the issue for study in 1971 and reached a consensus position in 1973. Since then, League members have informed parents, teachers, and others of the purposes for which these lands were endowed. The League provided input regarding such areas as management policies, lease rates, geothermal regulations and mining implementation.

The League of Women Voters of Idaho updated this study in 1978-79 with a committee guide and a publication entitled *State Endowment Lands*. In 1979, local Leagues concurred with an expansion of the endowment lands consensus dealing with the Land Board.

The 1993-94 legislature increased appropriations to create two positions: 1) a new range position in eastern Idaho established to help manage, and 2) a dock leasing position in northern Idaho to generate income. The Department of Lands consensus was that funding was adequate in timber management and inadequate in lands, range and minerals. The appropriations included a cost-of-living and doing business increase. In 1993-94, over \$3 million was distributed to permanent endowment lands and \$8 million was distributed through the income funds.

An informal land-use budgeting process is used. A private appraiser is hired to establish the highest and best use, comparing adjacent and surrounding land. Local input may be provided through the local highway district and county commissioners.

Standard operating procedure steps are as follows:

- The Department of Lands proposes a budget to the Land Board who can approve or disapprove any line item.
- The budget is presented by the director to the Joint Finance Appropriations Committee who sets a budget which is then voted upon by the whole legislature.
- The legislature can also change line items.
- Special interest groups can find a sponsor to carry a bill through a legislative committee (e.g. funds clear cutting).

By direction of the Land Board, the Department of Lands has been working for one year for public involvement. The policy is now being published.

The composition of the State Land Board is determined by the State Constitution. Board positions are held by virtue of elected offices and consist of: Governor, Secretary of State, Attorney General, State Auditor, and Superintendent of Public Schools. Staggered terms are not considered possible as the elections for these positions are concurrent every four years. League members will continue to monitor the State Land Board meetings and to work with education and conservation groups to ensure that good land-use management is consistent with maximum revenues. The League may revisit its position to address public participation in Land Board decisions. There is a lawsuit pending at the Idaho State Supreme Court, to be heard in the summer of 1994. (*Selkirk-Priest Basin Association v the Idaho Land*

Board. 1993-94) The League has been requested to support the case through forums, debate and in public discussion. (*Updated 1994*)

## **HEALTH CARE**

### Position in Brief

Support for a basic level of quality health care at an affordable cost available to all residents; support for the equitable distribution of services, efficient and economical delivery of care, advancement of medical research and technology, and a reasonable total expenditure level for health care.

### Details on Position

The League of Women Voters of Idaho believes that a basic level of care should include the prevention of disease, health promotion and education, primary care (including prenatal and reproductive health), acute care, long-term care and mental health care. Dental, vision and hearing care are also important, particularly for children. The League believes that under any system of health care reform, consumers/patients should be permitted to purchase services or insurance coverage beyond the basic level.

The League of Women Voters of Idaho supports taxes adequate to finance a basic level of health care, provided health care reforms contain effective cost control strategies.

The League believes that efficient and economical delivery of care can be enhanced by such cost control methods as:

- The reduction of administrative costs
- Area planning for the allocation of personnel, facilities and equipment
- The establishment of maximum levels of public reimbursement to providers
- Malpractice reform
- The use of managed care
- Utilization review of treatment
- Mandatory second opinions before surgery or extensive treatment
- Consumer accountability through deductibles and co-payments

The League supports an equitable distribution of health care services by:

- Allocating medical resources to underserved areas
- Providing for training health care professionals in needed fields of care, standardizing basic levels of service for publicly funded health care programs
- Requiring insurance plans to use community rating instead of experience rating, and
- Establishing insurance pools for small businesses and organizations

The League of Women Voters of Idaho believes that the ability of a patient to pay for services should not be a consideration in the allocation of health care resources. Limited resources should be allocated based on the following criteria considered together: urgency of the medical condition, life expectancy of the patient, expected outcome of the treatment, cost of the procedure, duration of care, the quality of life of the patient after treatment, and the wishes of the patient and the family.

## IDAHO'S TAX STRUCTURE

### Position in Brief

Support for a tax structure which is balanced, equitable, adequate, and which is administered in a thorough and cost effective manner; support for greater understanding and involvement in the budgeting processes; support for increased taxation on extraction of mineral resources; support for revision of the state income, property, and sales taxes.

### Details of Position

#### *Principles of Taxation*

The League of Women Voters of Idaho believes that Idaho should maintain a balanced tax structure which includes a variety of broad-based taxes such as the property tax, income tax and sales tax. League supports measures which will make Idaho's tax structure equitable, financially adequate for citizen needs and which can be administered with thoroughness and fairness. (*Adopted July, 1977; amended May, 1988*)

#### *Local Fiscal Authority*

The League of Women Voters of Idaho believes that there are unnecessary restrictions on the fiscal authority of local governmental units. League supports elimination of rigid statutory limits on taxes and opposes limits on yearly budget increases. The 5% cap on increases in the property tax part of local tax district budgets should be repealed or raised. The 1% property tax limitation should be similarly eliminated. (*Adopted January, 1970; amended July, 1979; amended May, 1985*)

The League supports changes in the laws pertaining to elections for tax levies and bond issues to require not more than a 60% majority of the votes cast for passage. League members agree that elections to set property taxes above a limit set by law (overrides) should require a simple majority vote for passage. (*Adopted May, 1969; amended July, 1979*)

The League believes that local option taxes should be available to local governments; approval by a majority vote should be required before the imposition of a local option tax. (*Adopted February, 1980*)

#### *Property Tax*

The League of Women Voters of Idaho supports appraisal practices and reappraisal schedules which treat like properties in a like manner in all counties in Idaho. The public needs to be better informed about appraisals, reappraisals and sales ratio studies. More understandable and informative assessment notices and tax notices with clear explanations and definitions should be developed.

The League favors assessment of property at full cash value. League members support a full disclosure law to give assessors information on the selling price of property so appraisals can be more accurate. Assessors and appraisers should meet definite job qualifications and should also be required to complete approved training courses. Real and personal property should be appraised by county officials rather than by the state. (*Adopted July, 1977*)

In order to focus property tax relief on those who need it most, the League members support "circuit breaker" type property tax reduction. (*Adopted February, 1979*)

The League of Women Voters of Idaho supports taxing agricultural land on the basis of its value for agricultural production. When the use of agricultural land is changed, an amount of money equal to at least three times the difference for that year between the property tax on the land appraised as agricultural land and for the new use should be collected and distributed to the governmental units which tax that land in order to offset some of the public costs of development (*Adopted August, 1980*)

### *Budget Process*

The public needs to be better informed about the budget processes of the state, counties, cities, school districts and other taxing units because in many instances setting budgets effectively determines tax rates. The public should have ample opportunity to have input into setting budgetary priorities so the budget will reflect the needs and desires of the community as a whole. (*Adopted July, 1977, amended July, 1979, amended May, 2002*)

### *Severance Tax*

League supports increased taxation on extraction of mineral resources, with part of that revenue to go to the state general fund and part to be used specifically to mitigate local impacts of the extraction activity on the social and natural environment. (*Adopted February, 1982*)

### *Income Tax*

The League of Women Voters of Idaho believes that the progressivity in the state income tax structure should be maintained and improved. (*Adopted May, 1985, amended May, 1994, amended May, 2002*)

### *Sales Tax*

The League believes that a statewide sales tax should be at least 3% but no greater than 5% on all purchases. The exemption of sales tax for the Idaho National Engineering Laboratory and on purchases of metal bullion and monetized bullion should be eliminated. A general production exemption should be maintained in the sales tax. (*Adopted May, 1984; amended November, 1986*)

### Explanation

In 1975, Convention delegates voted to begin a study of Idaho's tax structure. This logical extension of the League's studies of the Idaho Constitution, financing education and land-use was believed to be basic to an understanding of how state and local governments function. The study began with an overview and inventory of present taxes and the constitutional limitations on taxation.

The study focused on property taxation with an emphasis on the assessment of real property. The budget processes of local taxing units—especially cities, counties and school districts—were observed.

Beginning in 1977, property tax exemptions, classification of property for differential taxation and property tax relief measures such as “circuit breaker” and “homestead exemption” were studied. While League members reached agreement concerning the “circuit breaker,” no consensus emerged on the “homestead exemption.”

The focus of the tax study then moved to financing local government with particular reference to the effects of the 1% property tax limitation, state “revenue sharing” and local option taxes. Public workshops on these topics were held throughout the state in October 1979.

During 1981-83, the study of “existing and alternative revenues sources” examined the possibilities of severance taxes for Idaho, and League members agreed to support increased state taxation on mineral resource extraction. League also supported increased appropriations for tax auditors and other measures to improve collection of state taxes due.

The study of sales tax exemptions yielded only two (the exemption of purchases of INEL now INEEL and the exemption on purchases of precious metal bullion and monetized bullion) that members could agree to eliminate. League members did agree that some type of production exemption should be maintained in the sales tax code. Preference for an income tax increase over an increase in sales tax rates was indicated due to the regressive nature of sales taxes.

The League of Women Voters of Idaho supported full implementation of the 1986 Tax Reform Act into Idaho Code. With the exception of the investment tax credit, federal code changes were generally adopted in Idaho. During the same session, Idaho made a few steps toward more progressivism in the state's income tax schedule.

In 1992, voters rejected an initiative to re-impose the 1% property tax limitation. Over the years, the legislature has passed laws weakening the effects of the 1% initiative approved by voters in 1978. The 5% cap on local government budgets was removed in 1991 and "Truth in Taxation," an attempt to involve the public in budget decisions, was instituted. The law, requiring a certain advertising format when budget increases are proposed, has been ineffective, partly due to the confusing format of the advertisements. Legislation to improve these advertisements failed in 1993 and 1993.

During the 1980s and early 1990s, Idaho's income tax structure was one of the most progressive in the United States. The top bracket went to 8.5% in the 1980s.

Most property tax measures supported by the League at that time were in effect in 1994, with the noticeable exception of full disclosure of the selling price of property. Also, there continued to be no provision or payment of avoided property taxes when land changes from agricultural to another use.

The "circuit breaker" program in which the state pays property taxes for qualifying senior citizens had been expanded prior to 1994, with higher income limits and higher maximum payments.

League members will continue to work to bring about better understanding of the entire tax structure in Idaho. Another continuing goal is more public understanding of and involvement in the budgeting process at all levels of government. Additional areas for future study may include Real Estate Transfer Taxes and Corporate Income Tax Structure. *(Updated 1994, amended May, 2002)*

Since 1994, League has not undertaken serious study of any issues related to Idaho's tax structure. Meanwhile, much has changed both in the state's economy and in the state's tax policy, with consequent effects on the state's tax structure.

Governor Batt successfully backed legislation in 1994 that attempted to respond to concerns raised by the 1% initiative. "Truth in Taxation" was dismantled. Also, in effect since 1995, budgets of local taxing districts are capped at annual increases of no more than 3% plus a component for new construction. A simple majority of votes can override the cap for two years, though it seldom goes to a vote. A 2/3 majority can raise levies permanently to the levy limit.

A final piece of Governor Batt's response to the 1% initiative was to begin replacing a portion of local school districts' maintenance and operations levies with state funds. He proposed to phase this effort in over several years. However, after the first step was taken, no subsequent steps followed. Meanwhile, with supermajority (2/3) requirements remaining in effect for bond elections, Idaho stands alone as the only state in the nation with both no state funding for school facilities and a supermajority requirement for bond elections. These and other factors combine to raise questions about the ability of local school district to provide safe and adequate school facilities. In general, the adequacy and fairness of funding for education remains contentious.

Over this period Idaho has been one of the five fastest-growing states in the nation. Housing prices have escalated, raising questions about such issues as the \$100,000 ceiling on the homeowners' exemption, the lack of "circuit breaker" protection for non-senior low-income homeowners, and the fairness of the tax code's treatment of renters.

Legislation enacted in 2000 and 2001 reduced corporate and personal income tax rates, addressed 'bracket creep' and the so-called marriage penalty, and extended a variety of other credits and exemptions. Meanwhile, the personal income tax brackets have never been adjusted for inflation, so the progressivism of Idaho's personal income tax has eroded over time.

The composition of the state's General Fund has changed dramatically since the early 1990s. Today, it is significantly more dependent on the personal income tax and less dependent on the sales tax and especially the corporate income tax than it was a decade ago. It may be time to ask if Idaho's tax structure is out of balance.

Several tax expenditures, including the investment tax credit, the production exemption and several sales tax exemptions are growing quite rapidly. Perhaps the effect of some of these tax expenditures on the state's ability to fund citizen needs should be re-examined.

In the wake of recent tax reductions, Idaho now appears to have a structural deficit—a tax structure that is inadequate for raising the revenues necessary to fund the state's on-going commitments. Over the next few years, proposals to raise taxes in one form or another (in particular the sales tax) can be expected to be put forward.

In view of the length of time since League last undertook any serious study of tax issues and in view of the magnitude of the changes that have occurred in the state's economy and in the state's tax structure in the interim, the time seems ripe for a serious re-examination of Idaho's tax structure. League would then be enabled to make a valuable contribution to tax structure debates when they arise, as they inevitably will over the next decade.

*(Adopted May, 2002)*

## **REHABILITATIVE PROGRAMS IN THE IDAHO CRIMINAL JUSTICE SYSTEM**

### Position in Brief

Support for adequate state funding to maintain professional staff, support for educational and transitional programs directly linked to current offender populations; support for dedicated facilities and space to ensure adequate delivery of those programs, support for data collection and measurement protocols, and support for mechanisms which hold contractors immediately accountable for the programs they deliver.

### Details of Position

- The legislature should appropriate funding to maintain a professional staff to administer, train, deliver, and evaluate rehabilitative, educational, and transitional programs in the Idaho criminal justice system. Idaho's reliance on volunteers, interns, and contractors, while often laudable, results in uneven application of programs for offenders.
- The legislature should appropriate funding for dedicated facilities and space for rehabilitative, educational, and substance abuse treatment programs in correctional institutions and districts and to establish halfway houses in specified communities.
- Funding should be appropriated to institutionalize essential data collection and measurement protocols rather than relying on grant money to maintain such systems.
- Funding of programs should be directly linked to the number of offenders so availability can fluctuate with the prisoner population. Programs are not available to the same percentage of the offender population year to year because funding for programs has not increased proportionately with the increase in offender population.
- Mechanisms should be put in place so that contractors, including private prison operators, can be more immediately accountable for the programs they deliver.

Explanation

Money would be better spent on funding of rehabilitation, education, substance abuse, and transition programs and evaluating of those programs for their effect on recidivism rather than increasing funding for additional prison space and operating costs.