## **Flopped flip**

May 14th, 2010 •







JEERS ... to Republican congressional candidate Vaughn Ward. Last month, when he was cozying up to the Tea Party, Ward allowed that it wasn't such a good idea to have the great unwashed vote for members of the U.S. Senate. Better, he agreed, to repeal the 97-year-old 17th Amendment to the Constitution and return that discretion to the state legislatures.

There are people who argue such a trade-off is worth it to restore balance between the federal government and the states. But they ignore a preceding century and a half of conflict and corruption. They forget the rise of the Progressive movement, whose members included Idaho's William E. Borah. They've missed the last nine decades of people making their own Senate picks.

Ward - and his fellow Republican candidate, state Rep. Raul Labrador, R-Eagle - were trying to impress the fringe element of the GOP.

Then it was exposed as a wacky idea.

Ward started tap dancing around it.

"I'm not changing the position. I'm clarifying, would be a better way to put it," he said.

He meant to say he's for imposing term limits - and not just on senators but on unelected congressional staff members.

When the Tea Party Boise survey asked about it, Ward said he was for repeal.



He said the same thing when Boise State University political scientist emeritus Jim Weatherby asked Ward and Labrador about it on an April 30 public television program.

"Originally envisioned, the framers of the Constitution believed that the Senate was to be picked by our state legislatures and through the 17th Amendment they changed that, and I think that body, the Senate, is no longer beholden to it and tied to the state," he said. "And I think that's what's important, is when you look at how states' rights have been so abrogated, it's because of things like the 17th Amendment that has taken away those rights from our states."

That's clear, isn't it?

JEERS ... to state Rep. Jim Moeller, D-Vancouver. The idea of extending Washington's sales tax to candy but only some candy - originated with him.

Folded into the omnibus tax package that raises \$800 million to plug part of the state's \$2.8 billion deficit, Moeller's plan had a flaw.

Defining candy isn't easy and Washington's compact with the multistate Streamlined Sales Tax Project makes it worse.

The Streamlined Sales Tax Project is a consortium of states that has standardized sales tax definitions in order to collect tax owed on e-commerce and catalog sales. Until Congress acts - something the tax project is seeking - states can seek only voluntary compliance.

Participating in the streamlined tax project nets Washington about \$7 million a year.

Taxing candy will bring the state about \$31 million.

Sugar?

Tax it.

Something with grain-based flour?

Don't tax it.

Comb through a list of 3,600 confections and you'll find licorice is exempt, Three Musketeers bars are taxed.

Unless candy manufacturers can bar-code this information onto their products, retailers either will have to reprogram their scanners - or resort to reading the state's list every time a question comes up. Even at that, the product line is constantly shifting. So from time to time, retailers will be left to guess.

Nor do they have much time to prepare. The tax takes effect June 1.

CHEERS ... to AARP of Idaho. It has drawn attention to Gov. C. L. (Butch) Otter's decision to opt out of offering a high-risk insurance pool to 34,000 Idahoans who either can't get health coverage or can't get affordable policies because of a pre-existing condition.



Idaho operates a modest high-risk pool, which covers about 1,500 people but at much higher rates.

As part of the federal health care reform bill, insurance companies can't discriminate against people with pre-existing conditions, but that provision doesn't kick in until 2014.

So states have an option: Use federal dollars to administer a high-risk pool for the next four years or have the federal Department of Health and Human Services do it for them.

As AARP notes, it makes no difference to the bottom line. The feds will pay for the program - about \$24 million will pass through Idaho between now and 2014. But operating the program from an Idaho base would have been more receptive to Idahoans' needs.

Otter made an important decision here, with consequences for thousands of his constituents. Until AARP intervened, however, Otter's choice did not get the scrutiny it warranted.

JEERS ... to Idaho Supreme Court Justice Jim Jones. First he challenges 2nd District Judge John Bradbury to a debate. Then he backs out.

Bradbury is running against Jones' colleague, Justice Roger Burdick, in the May 25 primary. Jones is unopposed for another term.

Unhappy with Bradbury's charges against the courts, such as his criticism of using retired judges to preside over cases, Jones sought to defend the system and counter Bradbury's arguments.

The public would have benefited. Burdick and Bradbury haven't gone into those issues much. Jones is a serious man who was a successful Idaho attorney general. The idea of him debating Bradbury would lead you to think he's committed to bringing the facts to the voters.

But then he flinched.

"Since these issues are not legitimately subject to debate, I am not sure what purpose a debate would serve," Jones said.

Nobody compelled Jones to get involved. This wasn't his race to begin with. If he wasn't going to follow through, why did he agree to debate in the first place? - M.T.

