

Cheers & Jeers: Year-end edition

Marty Trillhaase/Lewiston Tribune

JEERS ... to Idaho Gov. C.L. "Butch" Otter. Consider this partial record of the past 12 months:

- On Jan. 12, Otter opened the legislative session with these words: "I welcome financially responsible legislation that addresses steady, ongoing and sustainable transportation infrastructure in Idaho; however, I will NOT entertain proposals aimed at competing for general fund tax dollars with education and our other required public programs or services."

Thirteen weeks later, that's just what lawmakers threw back in the governor's face. In exchange for \$95 million in fuel tax and registration fee increases, legislative right-wingers insisted upon raiding surplus sales and income tax receipts that otherwise would go toward general fund programs - primarily public schools and higher education - for the next two years.

Otter's response?

He signed it.

- The mess that was Otter's singular "achievement" - the massive \$60 million Idaho Education Network - finally crashed. But before it did, Otter had any number of chances to intervene after it became clear his prior Department of Administration Director Mike Gwartney changed the rules in the middle of the bidding process in 2009 by steering the contract away from Syringa Network LLC toward Qwest (now CenturyLink). Year after year, as Syringa's litigation became more serious and the bills mounted, Otter remained inert while Gwartney's successor, Teresa Luna, issued one assurance after another that everything would turn out all right.

Finally, a district court judge invalidated the contract. The Legislature shifted the project from Otter's office to Superintendent of Public Instruction Sherri Ybarra, who provided schools with more bandwidth at less cost.

Otter did manage to look after Luna. After Otter couldn't get her nomination past a skeptical Senate, Luna found a job - albeit one that paid \$39,000 less than what she was making at Administration - as the new emergency planner for the state Bureau of Homeland Security.

- Otter botched his veto of a bill pulling the plug on instant horse racing terminals - basically slot machines - at race tracks in Garden City, Idaho Falls and Post Falls. The governor had five days to act. He took seven.

All of which set in motion a comedy of errors involving the state Senate GOP majority leadership and Secretary of State Lawrence "Boss" Denney, culminating with a unanimous

Idaho Supreme Court ruling invalidating the veto - and handing over \$57,407 of your tax money to the lawyers who won the case on behalf of the Coeur d'Alene Tribe.

- Speaking of legal fees, Otter has presided over a state that has surrendered more than \$2.1 million to lawyers who successfully argued the state had infringed on rights guaranteed their clients under the U.S. Constitution. About one-third of that went toward fighting four lesbian couples who overturned Idaho's unconstitutional ban on same-sex marriage. Otter piled \$53,000 onto that bill by insisting upon hiring his own private attorneys rather than relying on Attorney General Lawrence Wasden.

Otter's latest legal maneuver involves his suit against Interior Secretary Sally Jewell's bipartisan sage grouse recovery plan - which avoided a much more burdensome listing under the Endangered Species Act.

Once again, rather than turning to Wasden's office - which boasts some of the state's most experienced natural resources lawyers - Otter resorted to Boise attorney Tom Perry instead. So far, that's cost taxpayers \$142,000 for two months of work.

One possible explanation - Perry's ties to Otter.

Before he walked through the revolving door into private practice, Perry worked on Otter's staff - where he was paid a yearly salary of \$100,755.

- With first lady Lori Otter at his side, the sitting governor of this state has launched his own political action committee - Otterpac - which can accept any amount of money from any source, corporations included. With those funds, Otterpac intends "to directly help local, county and state races, including the election of precinct committeemen."

To some, this is a sign of desperation from a governor who has squandered his influence with the Legislature, his party and the public. But you have to wonder what corporate Idaho will seek in return for these contributions.

What a year, right?

And to think this is only the first quarter of Otter's third term.

CHEERS ... to Congressman Mike Simpson, R-Idaho. This summer, he achieved the seemingly impossible - he steered through a divided, dysfunctional Congress his bill protecting 275,665 acres of wilderness in the Boulder-White Clouds range.

It was an achievement that eluded Simpson's predecessors, including the late Sen. Frank Church, D-Idaho, the late Sen. Jim McClure, R-Idaho, and former Gov. Cecil D. Andrus.

It almost eluded Simpson. For 15 years, he doggedly pursued this dream, cobbling together a coalition of Idaho conservationists, ranchers, recreationists and local officials.

Several times, Simpson came achingly close. In 2006, outgoing House Speaker Dennis Hastert betrayed his pledge to include the measure in a must-pass bill.

In 2010, Sen. Jim Risch, R-Idaho, withdrew his support. Since then, Simpson's Republican colleague, former House Resources Committee Chairman Doc Hastings, R-Wash., refused to allow Simpson a hearing.

Things started moving when President Obama promised to take charge by declaring nearly twice as much area a national monument. Meanwhile, Hasting's successor as chairman of House Resources, Utah Rep. Rob Bishop, gave Simpson a hearing.

For his ninth attempt, Simpson labeled the bill the "Elvis version. It's now or never" - and secured Obama's pledge to hold back on a national monument proclamation for six months while he made a final push to pass his measure.

Risch reversed himself and expedited the bill through the Senate. In a rare Oval Office ceremony, Obama signed it into law. Simpson emerged with the gold standard of wilderness protection, an act of Congress that is unambiguous and free of the clutter of constant court challenges and regulatory interpretations.

JEERS ... to Clarkston City Councilor Terry Beadles. Through the year-long political slog over the city's policy toward retail marijuana stores, Beadles has veered between political intransigence and willful resentment.

But give him points for consistency: Beadles - who ran unopposed two years ago - could barely conceal his contempt for public opinion.

Joined by a majority of his colleagues, Beadles supported imposing a moratorium on pot stores - even though 56 percent of his constituents approved Washington's Initiative 502 in 2012.

When the issue heated up again in June, Beadles offered this retort: "Are you aware people in the South voted for slavery?"

Voters reacted in November to the council's ham-handedness by sweeping away Mayor Kathleen Warren and the majority that imposed that ban.

With their grip on office about to expire, a chagrined Beadles and the lame-duck councilors refused to back down, leaving the moratorium in place until their terms came to a bitter end.

In a post-election swipe at the people supporting legalized marijuana sales, Beadles branded them one-issue voters with no commitment to civic affairs.

"How many of you have ever volunteered for a committee?" he asked.

Then earlier this month, the same 4-3 majority of lame ducksters hired Todd Richardson - who had prosecuted the pot store ban - as city attorney, imposing him upon the incoming councilors.

When people in the audience protested, Beadles replied: "You'll get your dope."

JEERS ... to former state Rep. Susan Fagan, R-Pullman. Her five years in Olympia came crashing down this spring when she was caught stealing from the taxpayers.

Before she was forced to resign in May, Fagan apparently could not get by on her \$42,106 legislative pay plus the \$120 per diem she accepted for every day the Legislature was in session. That worked out to \$12,360 for this year's 88 days in Olympia.

Tipped off by legislative staffers who said Fagan coerced them into helping her falsify travel vouchers, ethics investigators discovered the Pullman Republican concocted fictitious official appointments so she could bill taxpayers for the cost of a campaign event and inflated her mileage in order to drain an unlimited House travel account.

And this from a politician who lectured: "We must live within our means."

CHEERS ... to University of Idaho President Chuck Staben. Credit him for nudging Idaho closer to the realization that balancing the state budget on the backs of college students will deprive more young people of a higher education.

To compensate for stingy state budgets, Idaho's institutions have been squeezing students with tuition spikes. Today's college student pays 47 percent of the cost of his education - more than double the rate of 15 years ago.

Not surprisingly, the "go-on" rate among Idaho high school graduates is dropping. In the high school class of 2014, only half of the students pursued more schooling. Four years ago, the National Center for Higher Education Management Systems ranked Idaho's 2010 "go-on" rate last in the country.

"Student tuition and fees continue to increase dramatically, something like 25 percent (since 2011)," Staben told the Legislature's budget-writing committee as the year began. "If we continue on that trajectory, we may soon outpace the ability of kids to go to college. We may already be there; in my opinion, the single largest impediment to college is affordability."

So Staben offered lawmakers a deal: Find enough state money to pay for the 3 percent employee pay hike Gov. Otter promised but did not fund and the UI would freeze tuition.

This was an audacious maneuver, placing the onus where it belonged. Lawmakers did not take Staben up on it.

Next, Staben persuaded the State Board of Education to adopt a direct admissions initiative - notifying high school students that they qualify for the state's four-year schools and community colleges.

Finally, Staben pushed to address an obvious oversight: No one had asked Idaho's young people why they choose to forego more schooling past high school. So, he assigned the UI's James A.

and Louise McClure Center for Public Policy Research to survey high school students both in the spring and then in the fall.

Their replies will be reported early next year.

JEERS ... to Idaho state Sen. Sheryl Nuxoll, R-Cottonwood, and her 7th Legislative District colleague, Rep. Shannon McMillan, R-Silverton.

Together, they helped give 183,000 Idaho kids and their parents a bad scare last spring by putting at risk the state's ability to enforce child support payments.

As the legislative session was about to adjourn in April, Nuxoll sounded the alarm about Senate Bill 1067 - which put the state child support collection system in compliance with the federal Preventing Sex Trafficking and Strengthening Families Act. The federal act is tied to the 2007 Hague Convention on International Recovery of Child Support and Family Maintenance.

Nuxoll had voted for it. But then she pounced on the House Health and Welfare Committee with this startling revelation: The Hague Convention includes Bosnia and Albania "that are Muslim controlled countries and they are governed under Islamic law."

The specter of Sharia law was just enough to lead McMillan in the wrong direction. She was among nine of the House Health and Welfare Committee's 17 members to kill SB 1067 in its tracks. With the session shutting down, extraordinary means would be required to revive it - and House Speaker Scott Bedke, R-Oakley, sat on his hands.

But the feds were unwilling to look the other way. They gave Idaho 60 days to get with the program or lose access to the national database needed to collect most of the \$205 million distributed to Idaho children each year.

So Gov. Otter called lawmakers back to Boise May 18 for a one-day special session. Solid majorities approved the must-pass bill.

The fate of 5,344 children living within the 7th District did not deter Nuxoll, McMillan or the third member of their delegation, state Rep. Paul Shepherd, R-Riggins, however.

They voted for the deadbeat dads.

CHEERS ... to outgoing Idaho Department of Commerce Director Jeff Sayer.

In October, Sayer walked into a hearing room and told a panel of lawmakers eyeing a new round of tax cuts they were on the wrong track.

Even though Idaho's tax burden is the nation's 41st lowest tax burden and the lowest throughout the West, GOP lawmakers insist lowering them further would make Idaho's economic desert bloom.

It hasn't worked out that way.

Almost two decades of whittling away at state government has produced underfunded schools and an unskilled workforce that earns less than every state except Mississippi.

The business leaders Sayer talks to say tax rates are not the problem; it's Idaho's inability to keep up with the automation in the technical trades, in food processing, timber, aerospace and manufacturing.

The last thing Idaho needs now is to drain even more resources from education and job training programs, Sayer said.

"We're going to draw people to our state if we can produce high-paying jobs," Sayer said. "Is the tax rate a factor? Maybe. But it's not near the factor as demonstrating to people that we're investing in our education system, that we're investing in infrastructure, that we're providing high-speed broadband in rural communities. Those are the kinds of things that are attracting people to our state, not a tax rate."

When the tax panel wrapped up its work two months later, it seemingly followed Sayer's advice by not endorsing any cuts in income and sales taxes or in the personal property tax businesses pay on equipment.

Sayer may have literally changed the conversation in the state Capitol.

JEERS ... to Washington state Sen. Ann Rivers, R-La Center. Thanks to her, minors in possession of marijuana face felony prosecutions. Consequently, that may interfere with diverting young people out of the court system entirely - and expose them to the stigma of a felony conviction haunting them their entire lives.

Talk about a major overreaction in a state where adult recreational use of marijuana not only is legal, but is taxed and regulated by the state.

Until this year, underage marijuana possession was a misdemeanor. Rivers told the Tribune's Mary Stone she sponsored the legislation in order to send "a message to our kids that this is adult behavior."

Message received. Asotin County Prosecutor Ben Nichols launched felony charges against six juveniles - two of whom pleaded guilty before Asotin County Superior Court Judge Scott Gallina.

Nichols eventually engaged in legal gymnastics - essentially concluding some portion of the state law is superfluous - to reverse course, withdraw the felony charges and proceed with misdemeanor charges.

But Gallina's action tells you Rivers' legislation has generated a dangerous precedent.

CHEERS ... to former Idaho Gov. Phil Batt. Idaho's 29th chief executive ripped the roof off his Republican Party's Lincoln Day banquet in Nampa.

By late February, it became clear the GOP would do nothing more than hold a public hearing on a bill outlawing discrimination on the job, in housing and public accommodations on the basis of "sexual orientation and gender identity."

When the House State Affairs Committee broke along party lines - Republicans against, Democrats for - the latest effort to "add the words" was consigned to failure.

All of which stood in contrast to Batt's legacy. As a legislator, he championed Idaho's Human Rights Act. As governor, he literally willed his party toward extending worker compensation insurance to farm laborers.

"Now, we think it's OK to kill a civil rights expansion on a party-line vote. It's not OK and we'll regret it," Batt told the Canyon County GOP.

The former governor volunteered how his gay grandson left behind the torment he suffered in Idaho and moved to California, where he is now prospering in software design and analysis. His sister, who is not gay, followed him.

"Neither will be returning to Idaho except for visits, and this is not only my loss but it's your loss, too," Batt said. "I've been called a RINO (Republican in Name Only) by some people. I don't mind. If my interest in civil rights bans me from present-day Idaho GOP, so be it. Some think it does, most do not."

CHEERS ... to Idaho Superintendent of Public Instruction Sherri Ybarra. Political miscues and all, Ybarra provided something sorely lacking during the eight years her predecessor, Tom Luna, was in charge: a basic understanding of what's going on in the classroom.

Luna had been a businessman and politician with no experience as a classroom teacher.

Before her election in 2014, Ybarra was a teacher and administrator in the Mountain Home School District.

When Ybarra's office took charge of the Idaho Education Network mess, it delivered local control, more bandwidth and less cost.

Gone were Luna's political cronies. Ybarra brought on board people such as interim chief deputy Pete Koehler, who earlier rescued the Nampa School District from a financial morass.

And she found common ground with Idaho's educators, who had endured Luna's top-down mandates.

"We have the sense that our issues and our opinions are being used at the ground level to help formulate what she is going to do," Madison School District Superintendent Geoff Thomas told the Idaho Statesman's Bill Roberts in a profile earlier this year.

You'd have to say Ybarra's performance adds up to the year's most pleasant political surprise. - M.T.

JEERS ... to the Idaho School Boards Association. Twice, the Lewiston School Board has sought this statewide lobby's help in finding some way to finance a new high school.

Twice, the ISBA has refused.

Let's be frank: After three failed bond elections, the odds that Lewiston voters will ever pass a property tax increase to finance a high school bond - by a two-thirds majority - are fairly remote.

The district has a far better chance of passing a local-option sales tax surcharge - the same vehicle Nez Perce County used to finance a new jail. But such a move requires legislative approval and Lewiston won't get far working on its own.

When it sought the ISBA's endorsement last year, the organization's state convention voted no, 1,587 in favor to 1,985 against.

Then this year, the ISBA's executive committee remained neutral to Lewiston's request.

In November, the full ISBA membership - egged on by smaller districts - again told Lewiston no by 56.5 percent.

Every year, Lewiston pays \$9,825 in dues to the ISBA.

What is it getting in return?