

# Otter and Legislature wasted time so you pay

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The Idaho Supreme Court issued a surprisingly nuanced ruling last week that has major implications for your pocketbook as well as how laws are passed in Boise. And it finally cleared up long-standing speculation over the governor's power when it comes to vetoing laws.

For starters, the ruling means you'll still have to pay taxes on groceries in the Gem State, at least for the time being.

For the Legislature, the ruling means lawmakers will have to stay in session until they deliver all their bills to the governor and not let them trickle to his desk sometimes days after the session, which has been the tradition in Idaho for almost 30 years.

For the governor, it means he has 10 days from the time the Legislature is dismissed to veto a bill - not 10 days from the time it hits his desk.

It was this timing issue that led to the court case. In a rush to pass some kind of tax relief this session, lawmakers made a mad scramble at the very last minute to repeal the state's 6 percent tax on groceries. Gov. C.L. "Butch" Otter had warned lawmakers not to give him a grocery tax bill - Otter presumably favored an income tax cut instead - so the governor vetoed the grocery bill on April 11, nine days after lawmakers gave him the bill on March 31.

Thirty lawmakers sued, saying Otter had missed the deadline to veto.

The case essentially hinged on when the veto clock starts: 10 days from the time the Legislature dismisses, as it says in the state Constitution, or 10 days from the time the bill hits his desk, as the courts ruled in a 1978 decision?

In its latest ruling, the Supreme Court sided with the lawmakers who sued but gave Otter the benefit of the doubt and let the veto stand. Some pundits described the ruling as splitting the baby.

(It is worth pointing out that we'd never have been in this mess had Otter simply vetoed the grocery tax repeal earlier. He had, after all, made his position clear to lawmakers before the bill was even crafted. If he knew he wasn't going to sign it, why wait so long for the veto?)

No matter now. The court has spoken.

So what's that mean going forward?

Most important for the masses will be the future of the grocery tax. It's clear the GOP-led Legislature is desperate to pass a tax cut. Will they try groceries again or pursue an income tax cut, as the House had originally planned last year? Both?

Otter had opposed the grocery bill because it would have left the state with an approximately \$80 million shortfall. An income tax is likely to create a shortfall, too.

Our advice is to pursue the grocery tax repeal. Because it's a flat tax, it places a larger burden on low-income residents. And it could be stifling job growth here, because businesses (and shoppers) in border communities will cross state lines to avoid the tax.

Start with groceries and work out the kinks. Find the money to erase the shortfall. Craft a better bill.

The ruling especially means lawmakers should avoid at all costs the kinds of last-minute rushes on major legislation that puts their bills in veto jeopardy. Make grocery tax repeal the first bill of the next session and use that time to perfect the bill. As we saw in the spring, waiting until the last minute leads to imperfect legislation.

And for Otter, our advice is to be more decisive. This isn't his first veto to run into trouble because of timing.

The Supreme Court has given the marching orders. Now, the question is: Will Otter and the Legislature be able to follow them?