

Loertscher's obligation to explain

By Corey Taule

One doesn't raise the possibility of elected officials misusing their public offices lightly or frivolously. But there can be no question that events depicted in Friday's Post Register by reporter Emma Breyse demand investigations into the actions of two high-ranking members of the Idaho House of Representatives: House State Affairs Committee Chairman Tom Loertscher, R-Iona, and House Speaker Lawrence Denney, R-Midvale.

Here's what we know:

In December, Loertscher's longtime political ally, former State Sen. Stan Hawkins of Ucon, asked Bonneville County's commissioners to delay the mapping of public roads in the Bone area, where Loertscher and Hawkins own land. Hawkins told commissioners Loertscher would be too busy with the legislative session to participate in the process. Hawkins' request was granted.

In March, Stuart Davis, lobbyist for the Idaho Association of Highway Districts, introduced a bill that would have guaranteed disputes over county roads first go through a public hearing process and be fought in the courts only as a last resort.

The bill, House Bill 246, was printed in the House Ways and Means Committee. Rep. JoAn Wood, R-Rigby, who chairs that committee, has long been involved in legislative attempts to protect public access to county roads.

Wood told the Post Register she asked the clerk of the Idaho House of Representatives where HB 246 had been assigned. The clerk, Wood said, told her the bill was in the House Transportation Committee. That was confirmed by Davis and then-House Transportation Committee Chairman Leon Smith, R-Twin Falls.

Wood said she next checked with the Transportation Committee secretary to find out when a public hearing would be scheduled. Wood said the secretary told her HB 246 had been moved to State Affairs, the committee chaired by Loertscher.

Knowing that only the speaker of the House can order such a move, Wood said she asked Denney why he had taken the bill from Smith and given it to Loertscher.

Wood said Denney told her Loertscher came to him and requested the bill be moved to State Affairs.

Loertscher told Davis he needed to work on the bill and bring it back next year. The bill died without a public hearing.

In April, Loertscher, Hawkins and three other local landowners filed suit against Bonneville County. The lawsuit claims three roads on the county map are actually private and asks a judge to confirm that claim. Had HB 246 become law, Hawkins and Loertscher would have been forced to go through a public process before filing suit. Hawkins and Loertscher's neighbors have requested public hearings

on all three roads named in the lawsuit.

At a minimum, Loertscher should have recused himself from any involvement with a bill that could have impacted his personal dealings with his neighbors and the county. Clearly, Denney must convene an ethics panel to investigate what appears at best to be a conflict of interest and at worst a misuse of Loertscher's public office. There is precedence for such a move. In 2005, Senate Republican leadership convened a panel to look into the actions of Sen. Jack Noble, R-Kuna. Noble introduced a bill that would have allowed liquor sales closer to schools and churches. Noble, it turned out, owned a store in proximity to a public school and was attempting to attain a liquor license. The Senate panel voted to censure Noble, who resigned his Senate seat.

Last year, a bipartisan House panel, led by Loertscher, looked into ethics complaints filed against Rep. Phil Hart, R-Athol.

But Loertscher isn't the only one whose actions need looking into. He could not have seized control of HB 246 without Denney's assistance.

Why did Denney move a bill dealing with a transportation issue from the germane committee into State Affairs?

Did he know about Loertscher's road disputes when he made that call?

What was the nature of the conversation between Loertscher and Denney when HB 246 was discussed?

The public has a right to know.

Again, there is a precedent for Denney to convene a panel to examine his own decision. In 2003, House Speaker Bruce Newcomb convened an ethics panel to examine charges that he illegally closed a meeting of the House Revenue and Taxation Committee to the public.

These are serious matters that demand immediate, thorough, fair and bipartisan investigations. Nothing is more important than ensuring that the taxpaying public knows the legislative process is fairly and transparently conducted.

Loertscher and Denney have an obligation to explain their actions to those who trusted them with their influential positions.