

Don't get downwind of Speaker Denney

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By Marty Trillhaase of the Tribune

House State Affairs Committee Chairman Tom Loertscher, R-Iona, wouldn't be where he is without House Speaker Lawrence Denney, R-Midvale.

And where the eastern Idaho Republican finds himself is in the vortex of a widening scandal.

Simply put, Loertscher abused his public trust.

Back home, he's got a dispute with his neighbors about whether a road on his property is public right of way. He says no.

But a bill sponsored by the Idaho Association of Highway Districts would have submitted such claims to a public hearing before the county commissioners. If you're one of Loertscher's neighbors, you prefer the more convenient, cheaper and less formal process of going before local elected officials.

Not if you're Loertscher. He couldn't wait to take his dispute with the county to a judge.

First, however, he had to kill the highway district bill.

Three witnesses - highway district lobbyist Stuart Davis, state Rep. JoAn Wood, R-Rigby, and Rep. Leon Smith, R-Twin Falls - say the transportation-related measure was headed to the Transportation Committee. Wood should know. She printed the measure in the Ways and Means Committee, which she chairs. So should Smith. At that time, he was still chairman of the Transportation Committee.

Wood says that Loertscher went to his political ally in the speaker's chair and asked to have the bill transferred to State Affairs.

Once it got assigned to his panel, Loertscher bottled up the bill. Then Loertscher and his crony, former state Sen. Stan Hawkins, R-Ucon, filed a lawsuit.

For Loertscher, it's a bit of a mess.

Here, after all, was the veteran lawmaker who presided not once, but twice, over the ethics committee investigation into tax scofflaw and public timber thief Rep. Phil Hart, R-Athol. So you'd have to assume that Loertscher knows every detail of Idaho's public ethics laws. Whatever the letter of the law says, new House rules clearly state using legislative position for "gain, benefit or advantage" would justify an ethics investigation.

So why wouldn't Loertscher now expect one?

Because he knows his speaker.

This is the speaker who:

- Waited for Hart's permission before taking him off the tax-writing committee.
- Weaponized his absolute power to assign bills. Measures he didn't like, such as Smith's attempt to correct a 2010 measure giving health care providers a veto over end-of-life care or a modest move toward taxing Internet sales, ended up in hostile committees.
- Sealed off the ethics review process. No longer can you file an ethics complaint against a lawmaker. That's reserved exclusively for members of the House. Moreover, what the ethics panel does with those allegations remains confidential unless it finds "probable cause" that a violation has occurred.
- Intimidated critics. Rep. Eric Anderson, R-Priest Lake, filed a complaint against Hart for stealing timber from the state. For that, he got demoted from his perch as Loertscher's vice chairman at State Affairs.

At session's end, the speaker fired two chairmen - state Rep. Tom Trail, R-Moscow, from Agricultural Affairs and Smith at Transportation - for showing too much independence.

- Twisted the arm of a California developer looking for a tax break to fire its veteran lobbyist - former Rep. Jerry Deckard, who backed Denney's opponent, former Rep. Bill Deal, in the 2006 race for speaker - and replace him with a friend, Boise Republican Julie Ellsworth, who has since reclaimed a seat in the House.

Not all politicians are dirty. In fact, Idaho has a good record. In 2005, the state Senate came close to censuring former Sen. Jack Noble, R-Kuna, for breaking the rules. In 2003, former Speaker Bruce Newcomb called an ethics probe on himself for shutting the public out of a committee meeting.

But in this House of Representatives, under this speaker, the stench is unmistakable. You're just getting a fresh whiff. - M.T.