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FOR YOUR INFORMATION
The Idaho Statesman
Boise, Idaho
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by **Bill Dentzer**
Page 1 of 5

Late consensus on road bill caps highly uneven session

GOP infighting was distraction, and not a ton of things got done

The silver lining in the snow-laden storm clouds in Idaho over the winter might be that the weather's crippling impact on state roads got the Legislature to find its wallet for major infrastructure repair and reconstruction.

That plan for roads and bridges, and the repeal of the sales tax on grocery food, were the standout accomplishments of the session. But only one might live after lawmakers head for home: Gov. Butch Otter, departing from his customary midsession reticence, weighed in to oppose the grocery tax repeal before lawmakers voted on it. His veto is widely expected.

An 80-day legislative session went three days past its predicted end date as lawmakers struggled in the final weeks to reach agreement on rival tax cut measures and the highway finance plan. The last big lift was the roads bill, which passed the Senate and the House on Tuesday.

Aside from those efforts, lawmakers slogged through a quirky, meandering session dogged by uncertainty over how the power shift in Washington, D.C., would affect state issues such as health care, and GOP infighting in the House that poisoned relationships and repeatedly slowed proceedings or brought them to a dead stop.

The session began with controversy and conflict in the House when a North Idaho lawmaker frequently at odds with leadership was stripped of her committees for making disparaging remarks about how female colleagues advance in seniority. The lawmaker later apologized and was reinstated, but tension lingered between the House GOP majority leadership and a group of mostly freshmen, far-right lawmakers who stood by Rep. Heather Scott.

Heading into extra innings at the beginning of this week, the Legislature had passed 241 of 530 bills introduced this year, with another 65 passed by one house and pending in the other. Twenty-three bills died in floor votes —14 in the Senate and 9 in the House — an unusually high number. It was in many ways a session of half-measures, or none at all.

The big four: Roads, taxes, schools, health care

Roads and bridges: The \$320 million package cruised the Capitol in various forms for more than a month before lawmakers finally gave it the green light. Its chances seemed to improve almost daily as winter's apparent toll worsened. All but \$20 million from state general fund revenues will be borrowed against future federal road payments, the biggest share going to rebuilding the congested, accident-plagued stretch of Interstate 84 through Canyon County.

Lawmakers approved it over opposition from some who incorrectly read the funding as state debt financing; in fact, all expenses, including interest and issuance costs, are federally reimbursed. Others objected to paying for road maintenance out of the general fund — in this case, using 1 percent of sales tax revenue — instead of through user fees, such as fuel taxes and vehicle registration fees. The final deal contained minor tweaks aimed at soothing some of the concerns.

Cutting taxes: The House moved an income tax cut plan before January was over. That bill sat untouched in the Senate for more than a month before it was scooped up for a complete makeover, returning to the agenda as the grocery tax repeal. Both houses readily adopted the repeal in spite of the governor's tacit promise of a veto. But House leaders, holding out hope to send the governor a tax cut he could support, resurrected their income tax plan as a bolt-on to another tax bill and sent it back to the Senate, which rejected that second bill Wednesday morning. Going with it as collateral damage was a \$115 million unemployment insurance tax cut for state employers sought by the governor. That leaves only the grocery tax repeal heading to the governor's desk.

Education: Otter opened the 2017 session with a State of the State Address that again made education funding his top priority; in particular, the third year of a five-year plan to boost teacher salaries. And education budgets, including \$1.7 billion for K-12 schools, mostly sailed through both houses.

But money wasn't the only education issue they addressed. Lawmakers stripped references to climate change from school science standards — at least temporarily, pending another review next year. A plan for a pilot program to help rural schools collaborate and share resources passed the House but went nowhere in the Senate.

Health care: With the change of administrations in Washington, the Legislature punted on any significant action to help Idaho's poor and uninsured get health care via Obamacare-enabled Medicaid expansion. It rejected a modest plan to use \$10 million in state funds to help the gap group, an estimated 78,000 people who make too much to qualify for Medicaid and not enough to qualify for insurance subsidies under the federal health care plan.

Session standouts or new this year

Environment/resources: The Legislature approved new regulations for the state's fledgling oil and gas industry that protect property owners, encourage competition and provide for greater transparency. It approved the first fee increase for hunting and fishing licenses since 2004 — a 20 percent increase that includes a "price lock" that allows those who buy licenses every year to avoid the increase.

Faith healing: A years-long effort to address faith-healing exemptions in state civil and criminal law died in the Senate. Last year's legislative review of the issue of sick children who die when their parents don't seek medical care resulted in a bill that critics on all sides rejected.

Crime victims rights: A proposal to put before voters a state constitutional amendment to expand the rights of crime victims and their next of kin passed the Senate but died in a House committee. Opponents said the change would overburden the state's criminal justice system.

Idaho National Lab: Authorization came for the state Board of Education and Building Authority to finance the \$90 million construction of a cybersecurity research facility and advanced supercomputer center at INL in Idaho Falls.

Safer sidewalks: As part of the session-ending roads package, the Legislature reached back to enact an unfulfilled promise from two years ago to fund improved child pedestrian safety along state and local roads.

Civil asset forfeiture: The law changed to require authorities to demonstrate a direct link between drug-related criminal activity and property seized. Existing law allowed police to seize someone's cash or cars if authorities believe the property is tied to a crime, and a person need not be charged with a crime to have property seized.

Fireworks: A proposed ban on the retail sale of aerial fireworks was rejected. It was meant to stop fires like the one that scorched 2,500 acres of Boise Foothills land near Table Rock last summer.

Courts and lawyers: In response to a state Supreme Court ruling last year, lawmakers approved retaining the current practice of judicial discretion for awarding attorney fees in civil proceedings, rather than moving to a blanket "loser pays" system.

College savings: The annual tax deduction for college savings contributions went from \$4,000 to \$6,000, and \$12,000 for joint filers.

New takes on perennial favorites

Abortion: Getting repealed, pursuant to a court settlement, was Idaho's invalidated ban on the prescription of abortion-inducing drugs via telemedicine.

Civil rights: The Add the Words effort to add LGBT protections to state civil rights law, which has drawn big protests and arrests for civil disobedience in previous years, got little public discussion and no legislative attention this year.

Constitutional convention: A proposal that would have added Idaho to the list of states that have called for a convention seeking a balanced budget amendment was rejected.

Criminal justice: A statewide standard for retaining physical evidence in sexual assault investigations was approved — for 55 years, or until the sentence is fulfilled. The bill followed news reports that sometimes evidence collected in police rape kits is never sent for analysis, and the state did not have uniform rules for handling such evidence.

A “heroin-induced homicide” bill that would have made someone liable for another’s death regardless of intent to cause it was rejected. Opponents cited conflicts with the legal definition of murder, which includes clear intent.

Gambling: A move to ban video gaming machines at tribal casinos died in a House committee by one vote. Opponents said the proposed ban violated state law and was outside the scope of what was authorized in a 2002 voter initiative.

Guns: Lawmakers extended Idaho’s concealed weapon privileges to active military but let die a proposal to revise laws on self-defense shootings, which gun rights advocates said was unnecessary. A measure to expand the list of felony convictions that bar a person from owning a gun was pulled back for being too broad.

Immigration: A bill to ban sanctuary cities in Idaho died in committee. Idaho today has no sanctuary cities — places where local authorities decline to enforce federal immigration laws against undocumented immigrants — and no city has proposed such a status.

Voting: A plan to limit the timing of early voting statewide to between three weeks and one week before an election was killed; current law allows for earlier starts and later finishes. A change in how Idaho would fill a vacant U.S. House seat was vetoed by Otter, who said the process, requiring both a primary and general election, was too cumbersome and time-consuming.

Smaller stuff: Dog racing, delivery robots, faster passing

Other transportation measures: A \$75 annual surcharge on gas hybrid vehicles imposed two years ago was repealed. It remains in effect for plug-in hybrid vehicles.

A change to traffic law was approved to let motorists drive up to 15 mph over the speed limit when passing on two-lane state roads where the posted limit is at least 55 mph. A proposal to ban police officers from arbitrarily stopping motorcyclists was defeated. Opponents said the prohibition should apply to all citizens, not just bikers.

Dog racing: New exceptions were created from the state’s dog-racing ban for nonbetting exhibition races at county fair side shows, sled-dog racing and training.

Alcohol and nudity: After an ACLU lawsuit, state law was changed to allow nudity and explicit sexual portrayals in live performances in certain theaters, concert halls and other venues that serve alcohol.

Robot delivery: “Personal delivery” robots that carry groceries and other small parcels were approved to operate on state sidewalks.

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A quiet end to 2017 session

Adjourning at noon on the dot, the Idaho Legislature closed its 2017 session Wednesday with a routine appropriations bill — an anticlimactic end to a session that saw big increases in road and education funding and a possible repeal of an unpopular tax on groceries.

The House concluded business officially at 10:48 a.m. after passing the spending bill and sending it to the Senate. The House postponed a vote on the bill till the very end as a kind of insurance to prevent the Senate from adjourning prematurely.

The Senate had a little more to do, at first rejecting, as expected, a last-chance tax bill from the House that included a fractional income tax cut. It then approved a measure on pedestrian safety related to the watershed \$320 million road funding package the Legislature sent to the governor Tuesday. The appropriations bill followed.

“I feel good about this session,” said Senate President Pro Tem Brent Hill, R-Rexburg. “It didn’t turn out the way I expected, but I feel good about it.”

Lawmakers could not find consensus on a proposal to expand health care for thousands of Idahoans without coverage.

“I’m hopeful that between now and next year that we have some increased certainty inside the Beltway on whatever they’re going to do (on health care) so the Legislature can engage,” Senate Majority Leader Bart Davis said.

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