

ASSESSMENTS

Butch's Battle

One-party rule in Idaho doesn't mean the governor gets his way.

It's often said that big legislative majorities make for bad laws, or at least an unseemly amount of sloppiness in getting the work done. That may be the best explanation for the chaos that engulfed Idaho politics for the first four months of 2009.

To say that Republicans have a big majority in the Idaho legislature is, actually, to understate the case by quite a bit. They control the House by 52 to 18, and the Senate by 28 to 7. It's the most lopsided GOP majority anywhere in the country. Idaho essentially has one-party government. And it's not what you'd call a faction-ridden party. There are a few Republican moderates from the Boise area, but the GOP caucus tilts overwhelmingly to the right, as does Republican Governor C.L. "Butch" Otter. Moreover, many of the legislators are Otter's close friends. He presided over the Senate himself as lieutenant governor for 14 years, before going to Congress and then coming back in 2006 to campaign successfully for governor.

Of course, in a year like this, there's something that can make even the most secure majority quarrelsome: intractable budget problems. But Idaho doesn't really have those. Its mid-fiscal year shortfall of \$218 million, while big enough to worry about, was also small enough for budget writers to deal with. And by the end of March, they had dealt with it, mostly by holding down education costs. Not everyone was happy with that solution, but there was no war over it.

The war was over transportation, or more specifically, highway maintenance. Nearly every state has a problem with deteriorating roads, but Idaho's is one of the worst. An audit last year by an independent transportation consultant found at least 35 percent of the state's roads to



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Governor Otter thought the issue of fixing up roads transcended ideology. He was wrong.

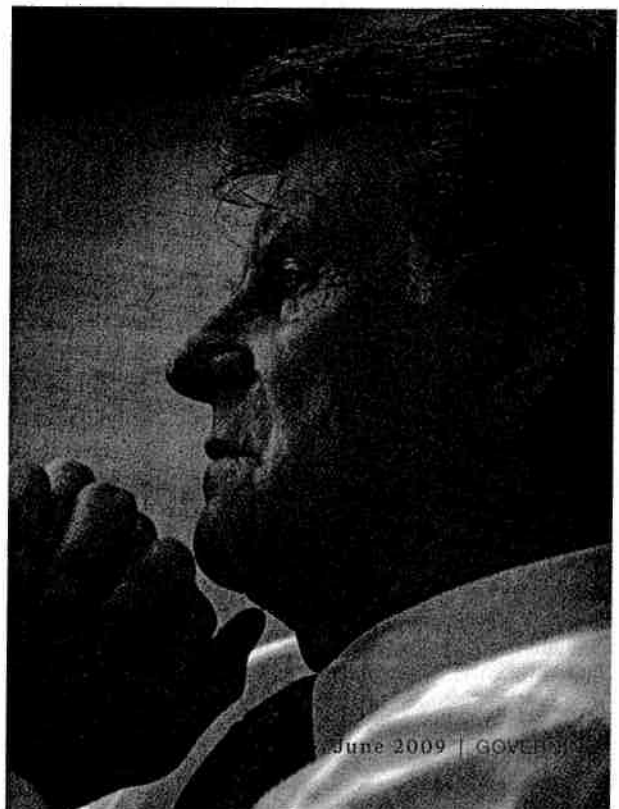
be in "mediocre" or "poor" condition. The true size of the problem was almost certainly greater, because local roads receiving 38 percent of state funding weren't even being monitored. "The condition of those roads is basically unknown," the auditor concluded. The roads that *were* being monitored were handled on a "worst-first" basis. In other words, a road in Idaho practically had to collapse into the earth before the state would fix it. By that time, it usually needed not just repair but total rebuilding, at a cost many times higher than would have been necessary with routine maintenance.

Given all this, it's not surprising that a governor would decide something significant had to be done. But it *is* a little surprising when the governor is Butch Otter. An electrician's son who married into the richest family in Idaho, Otter has spent more than 35 years in politics as a libertarian-leaning conservative who seemed to consider most government spending at all levels to be a waste of money. He once labeled Social Security a failure. Just a few days after his inauguration as governor in 2007, he blocked a reconstruc-

tion of the Idaho Capitol that legislators wanted; he didn't like fancy temples to government.

But this past January, Otter became convinced that Idaho's roads were a problem that transcended ideology. He started by declaring that the state's transportation system needed an emergency infusion of \$240 million—more money than the entire state budget shortfall.

By the time he delivered his State of the State speech on January 12, the governor had trimmed his sails a little. He proposed raising the state gas tax 2 cents a year for the next five years, which along



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with other increased fees would raise \$174 million by 2013—a pace he considered too slow but one he could live with. “We have let our investment deteriorate,” he warned the legislators. “We have not kept up with the kind of maintenance and repairs that any good enterprise must make a priority.” And he ended his discussion of the subject with a vow not to give in to expediency—in other words, not to give in any further on highways at all.

At first it seemed the governor’s stubbornness might pay off. He never had to worry much about the state Senate; most of the Republicans there were on his side. The House was the problem. And it only became a bigger problem as the session dragged on. Some of its GOP members were anti-tax stalwarts who wouldn’t vote to raise the levy on gasoline under any circumstances. Some felt a tax increase might be needed, but wasn’t a good idea during a recession.

But other opponents were textbook cases of the “big majority” problem. With 52 Republicans in the House, Otter didn’t need anything close to unanimous support within the party to pass his plan. Thirty-six out of 52 would have been enough. But if you’re a Republican legislator, and you know your constituents don’t like the gasoline tax, you can easily decide your vote isn’t required. There are so many others around to do the job.

So it was that on March 19, even after agreeing to trim his request to a 7-cent increase over three years, rather than 10 cents over five, the governor was dealt a punishing blow by his conservative House friends. Twenty-eight Republicans voted against the tax, and it went down 43 to 27. That’s when the session more or less turned into a farce.

The House leaders, not wishing to humiliate a governor they liked, decided to placate him with a one-time 2-cent increase that even one of its supporters called “piddly.” Apparently it wasn’t piddly enough, because it still lost by five votes, 37 to 32. Otter responded angrily that “for months now we have made every compromise, addressed every legitimate

concern and provided every alternative that opponents wanted ... 37 members of the House continue finding new excuses to do nothing.”

At that point, the Senate jumped in. Still clinging to the governor’s wobbly bandwagon, it voted 21 to 14 for a 6-cent increase, triple what the House had already rejected. The House Republicans not only thought it was too much money, but felt insulted that the Senate and governor were ignoring their wishes. “Butch is my friend,” House Majority Leader Mike Moyle said.

“But this is where my caucus is at, this is where the House is at, this is where I am at. We’re not going to raise fuel taxes this year.”

Whereupon, the governor threw a tantrum. He sat down at his desk and vetoed 25 bills, including most of the legislation needed to get the budget enacted. He said he wouldn’t consider signing them until the House changed its mind and gave him at least a substantial portion of what he wanted.

That was when some of the members began saying out loud what they had been thinking to themselves: The whole state government was beginning to look incompetent, if not ridiculous. “Legislators should be embarrassed,” the *Idaho Statesman* editorialized. “Dysfunctional,” said one legislator. “Paralysis,” said another. A senior House Republican lamented that Boise was beginning to look like Washington, “and it’s sad.”

Things got even more bizarre. On April 29, the House decided it didn’t want to fool with the Senate anymore and voted to adjourn for the year. House leaders sent a delegation to inform the other chamber of what they had done, but nobody was around in the Senate except a security guard. So they taped a message to the Senate door: “See ya later, gone home. Best Wishes, the House.”

It was a childish stunt, because everyone in the Capitol knew that both chambers would have to return to reconsider

the budget. But it reflected a quirk of politics that affects not only Idaho but most of the other Rocky Mountain states: The success of a legislative session is measured mostly by how soon it ends. The longer a session lasts, the more voters are sure government is wasting their money.

The nervous legislators in Idaho knew a couple of things: The session would extend beyond May 3, which was the latest any previous one had lasted. And it threatened to break the all-time record of 118 days, set in 2003. House members

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When you’re a member of a big majority, you can easily conclude that your vote is not required.

must have envisioned returning home to an electorate that considered them free-loading boobs. So they sent a message that they really and truly wanted to leave town, even though they knew they couldn’t.

In the end, they did go home just in time to avoid the odious 118-day record. The legislators still wouldn’t swallow a gas tax. But they found other ways to give the governor \$54 million for highway funding, less than a quarter of what he had originally asked for. Half that money was to be obtained by raiding the budgets of the State Police and the Parks and Recreation Department. The rest was to come from higher vehicle licensing fees and the repeal of a tax exemption for ethanol-fueled cars. Leaders of both chambers said they were satisfied with the deal. The governor offered them his congratulations, but added pointedly that “we do have a short-term solution only.”

This is a story about just one state, with its own peculiar set of values and procedures. But it’s also a cautionary tale about the legislative process in general. You want to have a majority, but you may not want it to get too big. When one-party government becomes lopsided, things tend to spiral out of control. **G**

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