



# CAPITOL REVIEW

## A WEEKLY LEGISLATIVE REPORT

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Vol. 17 No. 11

3/29/2017

#### Sine Die - 2017 Adjournment

Wednesday, March 29, marked the 80<sup>th</sup> and final day of the 2017 Legislative Session. With the adjournment of the session, known as Sine Die, history shows some very long sessions for Idaho. The Legislature tends to run long in non-election years, but this one is nowhere near as long as 2003, which ended May 3, after 118 days. The 2009 session came close to tying that record with 117 days, ending on May 8. Those who have wondered the halls for a while will tell you there are all kinds of factors that play in - sunny weather, election year, too much money, not enough money, snow melting off the mountains, flowers in bloom, just plain tired and headed home, rent runs out on apartments or a spouse is tired of the lawmaker being gone. When we look at the numbers related to legislation for 2017 there are also some trends. As of last week, the report shows 777 new laws have been prepared, compared to 831 developed in 2016. When you add amendments and engrossments in Idaho Code, you can add another 229 for a total of 1,006 in 2017, compared to 1,142 in 2016. Bills passed by both Houses at this time are 241 compared to last year when a more aggressive Legislature had passed 329 bills by the end of the session. The Legislature has a life of its own and each day will roll by at the speed the people in charge deem necessary. All we know is that eventually it comes to an end.

#### TRANSPORTATION FUNDING SUCCESS

A new week brought new hope for transportation funding in the Legislature. After S1188a failed last week on the Senate floor by a 15-20 vote, and with a legislature itching to finish the session by last Friday, the proponents of allocating more resources to Idaho's roads were nervous that there would be little done this session. Canyon County legislators had the most at stake politically due to the major damage on I-84 over the winter and their very public declarations that something had to be done.

A number of proposals had been developed through the session and this week saw one last effort only a day or two away from adjournment. S1206 was introduced and fast-tracked through the Senate on Monday so there could be a vote on the Senate floor that same morning. The bill permits a \$320 million+ investment in Idaho's road system of which \$300 million will be in GARVEE bonds. It also would extend Idaho's "surplus eliminator" for two more years, through which any unanticipated state surplus at the end of the year would be split between roads and the state's rainy-day savings account. The surplus eliminator has proven to be a good funnel for extra revenue, has helped the state quickly pay for federal transportation bonding, and has kept lawmakers' hands off extra revenue for pet projects. The surplus eliminator will vary from year to year, but in previous years it has been anywhere from \$21.9 million to \$108.3 million.

S1206 also diverts 1% of Idaho's sales tax proceeds into road work. That 1% is projected to be \$15 million next year. Idaho has refrained from using state general funds, which comes from sales and income taxes for roads. Instead, lawmakers have relied on gas taxes, vehicle registration fees, and federal funds to pay for roads, reserving the general fund for education, prisons, and health and welfare. The bill passed on a 19-16 vote in the Senate but lost support from some of the Senate's top advocates of road upgrades for how it affects general fund budgeting. Among those in opposition was co-chairman of JFAC, Shawn Keough, whose general philosophy on road funding and the general fund has been closely in step with the Governor's.

After the Senate vote, the bill was sent to the House, which quickly assembled a Transportation Committee hearing, and passed the committee on an 11-6 vote. Directly after the hearing, the Republicans held a caucus to gauge the temperature of the vote for and against the bill. The caucus is for legislators only and is a closed meeting with the members not divulging what is talked about while convened. S1206 was then

transferred to the House floor, and by the time evening had come around, had been voted on 51-19 in favor. The bill will now make its way to the Governor's desk. Once it is officially transmitted to his office, and the Legislature has officially adjourned for the session, the Governor will have 10 calendar days (not including Sunday) to either sign, veto, or let the bill take effect without his signature. At play in all this is the possibility of the Governor vetoing the bill, but with the Legislature having no recourse or way to pass an amended bill unless they reconvene in a special session. The next few days could develop some interesting fallout if the Governor does not agree with the Legislature.

### **EMERGENCY FUNDING UPDATE**

The \$52 million in emergency funding (S1141) also passed this week and will go directly to provide emergency assistance for counties that have received a gubernatorial declaration of disaster and are eligible for state support. The funding is provided by the Office of Emergency Management in the Military Division and the grant applicants are eligible to receive assistance from the state with a 10% local match. These funds are used to meet the immediate needs of the community for health and safety as well as to stabilize the environment.

### **INVASIVE SPECIES COORDINATOR**

A much discussed bill (H274a) that has been renovated three times with three separate bill numbers, has passed both Houses and will be sent to the Governor. The bill amends the Idaho Invasive Species Act by establishing a position in the Governor's office, an Administrator of Invasive Species Policy, and places the Idaho Invasive Species Council in Idaho Code. H274 sets up the duties of the administrator and the Department of Agriculture and lays out the coordination efforts between state agencies. H274 also establishes in Idaho Code the Idaho Invasive Species Council. The council will be chaired by the administrator of invasive species policy and will be a joint effort between local, tribal, state, and federal governments, as well as non-profit and private entities. The purpose of the council is to foster coordinated approaches that support local initiatives for the prevention and control of invasive species.

Wrapped up in all this discussion has been a letter jointly circulated by the Governor and the Director of Agriculture to weed superintendents and other parties (not including legislators). The letter addressed serious concerns about the content of H274a and how it has the potential to cause

complication in the way business is being done to fight invasive species (including weeds) in Idaho. Everyone is well aware that since the legislation places the position in the Governor's office, that the Governor will have a lot to say about the position and the future of H274a. The oversight of invasive species in Idaho has been under the direction of the ISDA for several years. Annual reports are given to the Legislature and other groups who have inquired about the success of the program (specifically the boat check stations). The summer interim working committee seemed to be divided between their opinions as to whether or not ISDA was accomplishing the task. This resulted in Invasive Species being one of the main topics of the 2017 session, culminating in the creation and passage of H274a. Now we wait and see the outcome from the Governor.

### **SAFE ROUTES TO SCHOOLS**

"A promise is a promise" and it played out in the final hours of the 2017 legislative session when H334 surfaced from the House Transportation Committee. H334 dates back a few years to a deal that was made between the Republicans and the Democrats. The leaders in both parties found themselves facing a similar situation on Tuesday, March 28, as the session was about to wrap up. H334 allocates \$2 million to school safety addressing specifically the issue of sidewalks and rights-of-way for students biking or walking to school. The \$2 million was promised several legislative sessions ago but never delivered. Assistant Majority Leader Brent Crane said, "Let's make it right and get the funds where they were originally promised." Rep. Janet Trujillo explained to the House members about the change in demographics where many of our rural schools are now finding that they are located in urban settings with increased traffic. The measure seems to make good sense as we look at the changing landscape in Idaho and a good protective measure for students who may walk or ride bikes to school. In fact, in many communities, developers of new subdivisions will often allocate a certain number of acres for a school facility, which is a prime example of how H334 would be helpful in protecting students. The proposed projects will be funded through the Strategic Initiatives Program. H334 provides for a split of 60% for state and 40% for local units of government. The 40% local split would be put in a fund called the Local Strategic Initiatives fund.