

# Bills that pass the frog test

**William L. Spence/Lewiston Tribune**

BOISE - The slew of "litmus test" bills we've seen this session reminds me of a famous fairy tale, the one about the princess who kisses a frog that turns into a handsome prince.

Apparently in some versions of the story, the prince only appears after the frog is thrown against a wall in disgust. Either way, the slimy creature represents something gross and undesirable, an unwanted amphibian that magically transforms into the girl's heartfelt desire.

Like the frog, these bills seem faintly ridiculous at first. They do little but demonstrate the Legislature's commitment to guns, motherhood and apple pie. They rarely have much affect on Idaho's quality of life - yet they're often presented as major accomplishments, the type of important work lawmakers are sent here to perform.

They raise an interesting question: Are voters getting what they want, or what they deserve?

Take, for example, last week's Federal Firearm, Magazine and Register Ban Enforcement Act, which subjects public officials to a civil penalty if they violate the Idaho Constitution by ordering an employee to confiscate someone's guns in compliance with a federal directive.

Sen. Steve Vick, R-Dalton Gardens, said the legislation is intended to protect Idaho citizens.

"This bill wasn't law enforcement's idea," he said. "Its intent is to protect our citizens' right to keep and bear arms."

Sen. Elliot Werk, D-Boise, noted the bill essentially opens federal law to constitutional interpretation by any and all public officials, just because they outrank someone and may at some point order them to enforce those laws.

However, given the requirement that they "knowingly and willfully" violate the Idaho Constitution, he said, it's unlikely Vick's bill will ever actually come into effect.

"It sounds to me like the only way this happens is if we have someone who has a nefarious purpose to void the Idaho Constitution, who has been diligently taking notes about their conspiratorial intent, and who then orders someone to confiscate a gun," he said.

Werk likened this individual to a "mad scientist" who plots to subvert the Constitution by sending his evil minions out to wreck havoc on unsuspecting gun owners.

Similarly, Sen. Steven Thayn, R-Emmett, recently introduced the Restoring Constitutional Governance Act, which makes it illegal for U.S. military forces to capture Idaho citizens and treat them as enemy combatants.

Should anyone be worried about that, they can now rest easy.

Yet even as lawmakers protect us from these unlikely scenarios, real public safety threats are essentially being ignored.

In a budget presentation last week, for example, Idaho State Police Chief Col. Ralph Powell noted his agency has 10 fewer commissioned officers today than it did 20 years ago, even though the population has increased by almost 40 percent during that time.

"All ISP districts have been substantially understaffed, causing safety concerns for officers as well as the public," he said.

ISP, which was created 75 years ago today, handled almost 216,000 service calls in 2013, including 21,270 motorist assists and 5,156 vehicle collisions. It issued 63,441 citations and arrested more than 1,400 impaired drivers.

The agency typically has no more than four patrol officers working a district at any given time, Powell said. Although the districts are larger than some Eastern states, five out of six don't have adequate staff to provide 24-hour coverage.

A 2011 study found it needs more than 90 additional patrol officers. The agency asked for 15 positions in fiscal 2015; the governor is recommending six. It asked for eight people last year and actually had its authorized head count reduced by six.

Which brings me back to voters: Is this what they had in mind?

When they go to the polls - or when they choose to stay home and leave the decision to others - are they hoping for do-nothing bills that protect citizens from hypothetical threats, or do they want real solutions to real problems?

That's phrased unfairly, but the question is sincere: Do we have the Legislature voters wanted, or the one they got because they didn't bother to vote, didn't bother to communicate with their elected representatives, and didn't bother to penalize them for wasting time on the wrong kinds of bills?

The answer seems to depend on whether these measures are frogs or princes.

After all, an "activist" Legislature that's keen on solving problems only has a few tools at its disposal: redistribution of wealth, regulations, civil or criminal penalties. That's how it gets the job done - and quite often, the cure ends up being worse than the original complaint. That's why Idahoans are so suspicious of government.

In that case, do-nothing bills may be the closest thing to a handsome prince they can hope for: They allow us to thumb our nose at a distant and distrusted federal government, without burdening ourselves with messy taxes, penalties or regulations disguised as solutions.

I'm not sure that benefits anyone stuck on a back road waiting for the state patrol, but I guess we'll find out in the next election whether real help is important.

---

*Spence covers politics for the Tribune. He may be contacted at [bspence@lmtribune.com](mailto:bspence@lmtribune.com) or (208) 791-9168.*