

Silly voters; how dare you tell legislators no?

Marty Trillhaase/Lewiston Tribune

Idahoans are a trusting lot. If two-thirds of the House and Senate members say they ought to amend the Idaho Constitution, voters usually are amenable to the idea.

Voters said no in 1984, when lawmakers wanted to make it easier to gerrymander legislative districts by removing the state's constitutional ban on dividing counties.

Voters saw the politicians putting their interests ahead of the constituents.

But since then, lawmakers forwarded 30 constitutional amendments and 30 amendments were approved.

Until 2014.

That year, lawmakers placed on a ballot a measure that would enshrine in the state charter the idea that legislators could approve or kill regulations set forth by the executive branch.

More to the point, the person at the top of that separate branch of government - the governor - would have nothing to say about it.

Actually, that's been the practice in Idaho for 30 years. In 1986, the Idaho Supreme Court said lawmakers were operating within their constitutional authority. Four years later, the Supreme Court said it again.

Of course, the Supreme Court always reserved its prerogative to re-interpret the state constitution. In fact, state lawmakers didn't wait for an adverse Supreme Court ruling when they stopped amending rules - rather than simply approving or rejecting them. They recognized they were writing laws without going to the trouble of getting the governor's signature. And by doing so, they risked running afoul of the court.

That's how the tension of separation of powers is supposed to function. The system corrected itself.

But lawmakers - who have cowed Gov. C.L. "Butch" Otter into an object of passivity - wanted to tie the Supreme Court's hands. So two years ago, they sent to the voters an amendment that would have preserved their rule-making powers for all time.

It was a naked display of self-interest and a majority of voters saw through it - rejecting the measure 205,936 to 201,231.

Undeterred, lawmakers have been flexing their muscles all over the place.

They have decided to pre-empt cities and counties from deciding for themselves whether to ban plastic bags from the solid waste stream.

They ignored the fact no city or county has passed such a ban.

They turned a deaf ear to Sen. Dan Johnson, R-Lewiston, who as Lewiston's solid waste manager has some expertise in this field. Noted Johnson, solid waste is a local government issue.

And they brushed off questions about the practical implications of the state butting into this matter.

Nor did they stop there. Lawmakers have moved toward stopping any city, county or group of voters from raising the minimum wage within their communities.

Never mind that no community has yet taken that step. McCall even defeated a voter initiative to that effect last year.

Never mind that any Idaho community sharing a border with Washington or Oregon already has learned to accommodate different minimum-wage scales.

So back before the Legislature is a rule-making amendment that could end up on the November general election ballot. The measure surfaced at about the same time Justice Jim Jones announced his retirement, which triggered a four-way race to succeed him.

Why should anyone be surprised that lawmakers have decreed the voters made a mistake two years ago and the courts can't be trusted?

All you can say is these legislators have a mighty high opinion of themselves. - M.T.