

If HJR 5's so great, why does it need so much help?

Marty Trillhaase/Lewiston Tribune

Whatever else it is, House Joint Resolution 5 is not some obscure, innocuous, good-government housekeeping measure offered up by a benevolent Legislature looking out for the good of us all.

If all it does is put a necessary comma here, clean up some clunky language there, you would not have political bagmen stuffing \$107,000 into a campaign to convince the electorate to approve such a minor, technical and nonthreatening measure.

Supposedly, this constitutional amendment merely leaves in place the longtime custom of state lawmakers rejecting or approving rules and regulations drafted by state agencies such as the Department of Environmental Quality, the Idaho Board of Education and the Department of Water Resources. If it's a simple rule, both the House and Senate must agree to kill it; if the measure involves fees, then only one house is needed to stop it.

Back in 1990, the Idaho Supreme Court sanctioned that process - but HJR 5 would pre-empt the court from ever changing its mind.

When a similar measure failed at the polls two year ago, it was close. So you'd think it shouldn't be that difficult persuading about 2,400 people who voted no last time to give their consent now - especially when their representatives in the Legislature were practically unanimous in asking for their support.

HJR 5's backers have the floor to themselves; there is no organized effort to sink the amendment. You wouldn't know it from the way individual lawmakers - virtually all Republicans - have pulled out their campaign wallets and contributed to Citizens for HJR 5.

In the last reporting period from Oct. 1 through Oct. 23, 36 campaigns and political committees contributed \$40,000 to the effort. Among them:

- House Speaker Scott Bedke, R-Oakley - \$5,000.
- The Senate Republican PAC of Idaho - \$5,000.
- Congressman Mike Simpson, R-Idaho - \$5,000.
- The House Republican Caucus - \$5,000.
- House Majority Leader Mike Moyle, R-Star - \$1,000.
- Senate Majority Leader Bart Davis, R-Idaho Falls - \$500.
- Rep. Paul Shepherd, R-Riggins - \$300.

What could account for men and women volunteering to give campaign cash they may one day need for themselves? Could it be that HJR 5 does not merely preserve the current system, but instead - as Gov. C.L. "Butch" Otter pointed out - would grant new powers to lawmakers to reject rules "in whole or in part"?

"That fundamentally changes the dynamic of legislative review and is a serious breach of the balance and separation of powers between the legislative, executive and judicial branches - a hallmark of our form of government," Otter wrote in an oped last week. "By taking a belt-and-suspenders approach to the rules review process, HJR 5 would disenfranchise the other branches and make the Legislature Idaho's preeminent government organ."

At least you can see what lawmakers have to gain from passing the amendment. On the other hand, why would more than a dozen corporate special interests - mostly in the natural resource extractive industries - fork over another \$37,500? Among these are:

- Micron Technology - \$5,000.
- Idaho Forest Group - \$5,000.
- Idaho Dairyman's Association - \$5,000.
- The Idaho Irrigation Pumpers Association - \$3,000.

- Avista - \$2,500.
- Hecla - \$2,500.
- Intermountain Gas - \$2,000.

Could there be something to Attorney General Lawrence Wasden's reasoning that lawmakers are particularly susceptible to the influence of corporate lobbyists?

Rather than work with the agencies to bend rules and regs to their liking, these special interests would prefer dealing with the more compliant Legislature.

"The current system insulates much of the executive rulemaking from lobbying influence based on the notice and hearing process by which rules must be adopted," Wasden wrote. "HJR 5 will permanently allow well-heeled individual interests to overturn the open negotiated process of rulemaking by hiring a lobbyist who can then influence the Legislature to reject rules based on narrow lobbied interests. HJR 5 will permanently substitute the influence of lobbyists for the will of the people and should be rejected."

If HJR 5 is truly - as the measure's advertising campaign suggests - in the best interests of the people, then why do all these heavy hitters need so much political firepower? Perhaps there is something to what Otter and Wasden are saying. - M.T.