

Otter used veto stamp, Moyle supplied the ink

Marty Trillhaase/Lewiston Tribune

When former Boise Mayor Brent Coles was mired in corruption charges in 2003, Idaho Attorney General Lawrence Wasden's office was called in.

At the request of local prosecutors who begged off because of conflicts of interest, Wasden's deputies investigated and prosecuted Coles, winning a conviction that sent Coles to jail for six months.

That same year, former Twin Falls County Clerk Bob Fort was caught embezzling more than \$60,000. Again, to avoid a potential conflict of interest at the local level, Wasden's office investigated and prosecuted. Fort served a year behind bars and was ordered to make restitution.

In 2006 and 2007, Wasden's office investigated and prosecuted former Bonneville County Prosecutor Kimball Mason in two separate cases linked to Mason's theft of firearms from the Idaho Falls Police evidence locker. Mason ended up in prison.

It's not always a given that Wasden's shop will get these cases. Prosecutors have other options and Wasden can always say no.

But after laboring through a series of trials - but no convictions - for former Canyon County Prosecutor John Bujack, six Canyon County lawmakers sought to assign the attorney general authority to investigate and prosecute these cases - although by the time their bill cleared the Legislature, it had been diluted to leave the attorney general in charge of public corruption investigations while giving local prosecutors the final say about who actually pursues criminal charges.

The measure also recognized the attorney general's expertise on open meeting law violations, extending to his office authority to enforce that law at the city and county level. He already has that responsibility for state officials.

It was reasonable enough. And the Senate passed it unanimously. Only three House members opposed it.

Why did Idaho Gov. C.L. (Butch) Otter veto it Thursday?

Because Wasden asked him to.

Not that Wasden was shirking this opportunity. But in the closing hours of the 2013 session, House Majority Leader Mike Moyle sabotaged it.

Since 2009, Wasden's office has suffered from the budget ax. Five years later, the office budget is \$1.5 million and almost 8 percent behind where it stood on the eve of the Great Recession.

The office staff is smaller by the equivalent of 13.5 full-time positions.

The unit responsible for the Coles, Fort and Mason prosecutions at one time had three lawyers and four investigators; it now has two of each. Last year, it turned down 15 requests from county prosecutors to take on cases.

Hence, lawmakers offered a separate \$212,000 appropriation to hire a lawyer and an investigator to handle the new workload. Only one senator, Coeur d'Alene Republican Bob Nonini, opposed giving Wasden the money.

But when it got to the House, Moyle instructed budget committee co-Chairwoman Maxine Bell, R-Jerome, to yank the funding bill.

"He said they didn't need it," Bell told the Spokesman-Review's Betsy Russell. "We were perfectly willing to fund what they needed. What he said was they can do it out of their budget."

Moyle wasn't always so reserved when it came to spending money on lawyers. If Moyle had his way, lawmakers would be burning through tax dollars to pay for self-serving reviews of legislation Wasden had deemed unconstitutional.

What the majority leader left behind was a huge, steaming mound of unfunded mandate.

Under the bill on Otter's desk, Wasden could no longer defer to take on these cases; he'd be obligated to proceed without the means to do so.

He'd be forced to draw on resources elsewhere in his office.

At Wasden's request, Otter brought out the veto stamp.

But Moyle provided the ink .- M.T.