

Leroy extends varied marks to Legislature

BY BEN J. PLASTINO
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BOISE — Attorney General David Leroy, openly nursing gubernatorial aspirations, said Wednesday that he gives both high and low marks to the 1981 Idaho Legislature.

"In my assessment I give them high marks because the threat that the Legislative sessions would be conducted on a government as usual basis with increased taxes did not develop," he said. "Also they have handled difficult financial circumstances and also a number of emotional issues."

He identified the emotional issues as the Northwest Water Power Council Bill that challenges the right of Democratic Gov. John V. Evans to appoint two Democrats to the council, Right-to-Work bill which was killed by the Senate, and the challenge to the election of Sen. John Peavey, D-Carey, which was rejected unanimously because no alleged election violations were uncovered.

"I give the Legislature low marks from a legal adviser point of view," he said. "There were very few bills in which their constitutionality were questioned but the legislators wasted time in various stages before moving."

He mentioned one of this as the measure involving the Twin Falls Canal Co. which proposed legislative increase of compensation for condemned property.

"I also question some of the political strategy employed intentionally or unintentionally, such as the state employee salaries."

Leroy explained the public employee salary actions of the Legislature brought "a potential alienation of union laborers who voted Republican."

He also pointed to possible political drawbacks in threatening to close Lewis-Clark State College, and other state institutions.

"The fact is," he said, "on all of those issues a strident stance was taken. If by turn of economic conditions it is shown that the tough financial policy was not necessary, then Republican fortunes may be damaged to some extent."

"To the extent that individual legislators took hard stands on basis of principles and on basis of the best information they had available then those votes are commendable. To the extent any imposition is unnecessarily inflexible in the face of unknown future conditions, that is often politically hazardous."

He said the budget coverage was unusually intensive this year because of its importance in view of the tight financing. He said the news media made a greater effort to supply more information on this to satisfy the readers.

Leroy, 34, insisted he is not vacillating on his gubernatorial intentions. He said he is "going to make serious evaluation of the potential for success in placing my name for governor."

"I will be calculating and objective in this. I have not attempted to raise any money yet and we have held up solicitation of major contributions."

He did say, however, "I probably will not run for re-election," adding he also is looking at the lieutenant governor's race.

Leroy said he is backing a bill to allow prosecutors to subpoena evidence from persons, businesses and newsrooms for crime investigation. He explained he saw an opportunity to work with the news media in a voluntary effort to improve the justice procedure along this line.

"I see some chance to work out an agreement."

The bill is under House consideration but has attracted the objection of several segments of the press in hearings before the House Judiciary Committee.

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Legislative limelights...

Overriding governor's veto all for the best

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The failure of the Idaho Senate to sustain the gubernatorial veto on the \$195,000 public school appropriation was for the best because the Idaho Legislature would not have changed the figures much.

Four Democrats, including all three members of the leadership, Minority Leader Ron Twilegar, Boise; Assistant Minority Leader Kermit Kiebert, Hope; and Caucus Chairman Mike Mitchell, Lewiston, plus Ron Beitelspacher, Grangeville, voted with almost a solid phalanx of Republicans in rejecting the governor's veto. Only Republican Sen. Vern Brassey, Boise, joined the eight Democrats in support of Gov. John V. Evans.

The vote was 26-9 to override and at least 12 were needed to sustain the veto.

This is the first time in years that this writer can remember that the Senate has failed to sustain a gubernatorial veto. It comes on the heels of the House recently sustaining his veto on the salary longevity elimination bill, the first time in years this also has taken place.

Twilegar immediately responded that the override "is not a repudiation of the governor." He explained the four dissenting Democrats said they agreed with the governor that the public school appropriations were inadequate but they felt sustaining the veto would have meant another bill that would not have increased the appropriations much, or might even have caused for a reduction.

This assessment by Twilegar is likely accurate because it was general knowledge in the legislative halls the Republicans were convinced the money wasn't there. There were some who wanted even lower funding.

Two moderate Republican friends of the governor, Reps. Kitty Gurnsey, Boise, and Elaine Kearnes, Idaho Falls, remarked in their telephone hookup talk to the Greater Idaho Falls Chamber of Commerce legislative breakfast last week they thought a veto would be unwise. They said at that time about the same figures would be

included in a new bill, slightly above or even below.

Evans, however, in the long run may be the winner because he dramatized his opposition to what he called inadequate funding, insisting the money is available with an upturn in the economy. This, of course, is challenged by the Republican leadership which insists in not budging from its \$422.5 million revenue projection limits. The end of the next two fiscal years, June, 1981, and June, 1982, will determine who is right.

Nevertheless, it was a keen disappointment for the governor that members of his own party leadership would fail to support his action, regardless of the reason.

Although Twilegar declares it is not a repudiation of the governor, it still means the governor can't count on them for support of other vetoes he may have in mind. He considered such action particularly on what he felt was lack of funding for air and water quality and higher education, in particular.

The action means the governor now will be inclined to veer away from vetos and take his case to the people. He had planned to do this Friday in a trip to Idaho Falls which he canceled in view of efforts to override the veto.

Ramifications of the veto override are difficult to assess at this time on how it will affect the future action of this and the 1982 Legislatures and the entire spectrum of the Evans Administration. How public schools, higher education, health and welfare programs and other state activities fare in the future will be an important factor.

The governor had taken a poll which indicated his veto would be upheld in the House but he likely had little idea it was in danger in the Senate. As it developed one Republican legislator he depended on for support didn't materialize and the veto was overridden by the bare two-thirds 46-23, with one absent.

These final days of the Legislature will be interesting to watch but it would appear the Republican controlled faction holds the upper hand in shoving through its key appropriation bills.