Attorney General David Leroy

Leroy rules region proposal is illegal

Pked Feb 18, 1981

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BOISE — Attorney General David Leroy declared unconstitutional Tuesday in a legal opinion a bill that would void a federal regional organization in Idaho.

Rep. Cameron Fullmer, R-Post Falls, had submitted the bill that would force the federal government to abandon its regional headquarters for its agencies by declaring its regional organization void in this state.

The bill also provided that all state and federal elected officers who took an oath of office to uphold the Constitution and attempted to enforce provisions of such an executive regional order would be guilty of a felony and liable to a fine of between $2,000 and $100,000 or a prison term of from 3 to 20 years, or both.

Another section would have provided that violators who attempted to enforce the regional organization would automatically vacate his office, including legislators, said Fullmer.

The bill had been referred to Leroy by the House Printing Committee for review as to its legality.

In view of the Leroy opinion, Fullmer told The Post-Register he may consider a joint memorial to the president and Congress urging action to eliminate federal regional govermment as a management and administrative concept.

Leroy said in reference to the bill "the proposed statute with criminal and civil sanctions is not drafted in sufficient form to comply with the constitutions of Idaho and the United States. It is too vague as a model act proposal.

"It was so broadly written as to cast doubt on a member of interstate compacts in education, amadormous fish and other such matters."

Leroy said he had called David Horton, Nevada lawyer, who had written the model bill and expressed his concern over the provisions.

Leroy said he then suggested the memorial route to Fullmer.

In other matters, Leroy, now 33, said he is looking with increasing interest at the gubernatorial races in 1982 but in any event likely will not seek re-election.

Leroy said he is conducting a telephone survey of between 500 and 700 voters across the state to determine the extent of his name identification and his attraction as a possible candidate.

Leroy said he is basing his possible campaign on what he calls his "sound and extensive goverment experience" and "aggressive leadership style."

"One of the reasons for my running is my conservative credential , my constitutional broad-based views and my high visibility in the office I hold."

He noted he has been active and forceful in the 25 months he has served in the office.

He said he has no time-table when and if a gubernatorial announcement is forthcoming but that it likely would be by the end of the year.

He said he is still pressing vigorously a bill to consolidate state attorneys under his office. He noted his office is the largest one in the state with 57, some 20 in the central office and the others placed in various departments, including regional attorneys in Idaho Falls and other of the larger cities of state.

Actually, he said, the bill would only add some 8 to 10 attorneys to his office. He contended the consolidation would simplify legal relationships among the various offices.

Gov. John V. Evans has vetoed such consolidation bills in 1979 and 1980 but Leroy said he is hopeful the one this year will be accepted.

Leroy said he also has drafted a bill to give pre-trial subpoena powers to prosecutors and it has been introduced in the House Judiciary, Rules and Administrative Committee.

He said the Criminal Investigative Demand Act is what he describes as a crime-fighting tool.

"It is a way for prosecutors, news organizations and judges to peacefully solve disputes about attempts to obtain evidence for criminal prosecutions," he explained.

He said further searches of Idaho newsrooms, such as the one last summer of KBCI-TV , could be prevented if this bill becomes law.

Leroy said current law gives prosecutors only the option of a search warrant to obtain material believed to be evidence. His bill provides a subpoena be used to get any evidence only after criminal charges are filed.

Leroy also charged "the governor's approach in naming two appointees to the Northwest Power Commission jeopardizes the possibility that Idaho can contribute in a positive way."

Leroy said he stands by his recent opinion to Senate President Pro Tem Reed Budge, R-Soda Springs, that those appointments require a legislative bill.

He predicted a lawsuit that could throw the matter into court, and in case of delays, would shift the appointment powers to the federal government, meaning the secretary of interior.