

Robert Gehrke: Making laws to make political points is nothing new, but here are a few glaring examples

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It's probably because I've been spending time up at the 2020 Legislature at the same time I've been introducing my kids to the wonders of "Seinfeld," but I've been thinking a lot about what I've started calling Seinfeld bills: Bills about nothing.

They take different forms. There are resolutions that simply give kudos to a group or mark some anniversary, whether its celebratory or tragic — recognizing the 250th anniversary of the United States (six years early) or condemning Sen. Mitt Romney's impeachment vote against President Trump.

There are bills that create task forces or commissions to study issues that may or may not bear fruit. There are bills that tinker around the edges of issues or fix mistakes already in law.

But then there are the message bills, proposals that often generate a lot of attention but not a lot of real results. And they are often calculated for one simple reason — to benefit the sponsor politically.

Take Rep. Casey Snider's proposal to amend the Utah Constitution to create a fundamental right to hunt. In committee, outdoors groups lined up to praise Snider, and more than one of his fellow lawmakers wept while they talked about the wonders of the outdoors and hunting with their children.

Now, this isn't an attack on hunting or even a criticism of Snider. If people want to hunt, go hunt. If Utahns want it in the Constitution, great. But what does this constitutional "right" really mean? Not much, it turns out.

The amendment Snider is proposing says hunting would be a right subject to "reasonable" laws, rules and regulation. So you don't really have a "right" to hunt when and where you want. The Division of Wildlife Resources can still lock you up for poaching or cite you for fishing without a license.

Basically, things would stay exactly as they are now.

Of course, all of our rights in the Constitution are subject to some restrictions, but if the Legislature wants to restrict your right to exercise your religion, for example, it has to show there is a "compelling state interest." If it wants to restrict your right to hunt, it just has to show the law is not unreasonable.

So this ends up being red meat — preferably venison — that will bring the outdoors folks to the polls in November and give Snider a nice bullet point on shiny campaign flyers when he runs for reelection, but won't do much else.

There are other bills that could fall into this "message" category. The way Rep. Brady Brammer's warning labels for obscene internet content — porning labels — has been diluted to the point that it's likely judges will toss out any cases that get that far.

The ultimate message bill this session is Sen. Dan McCay's total ban on abortions that aren't medically necessary.

If it passes, the bill won't take effect until the U.S. Supreme Court rules that similar laws passed in other states aren't unconstitutional — essentially overturning *Roe v. Wade*. Utah already has a ban on abortion after 18 weeks which is being litigated and on hold pending a court ruling. So McCay's bill ends up being more about showboating, but that didn't stop him from sitting alongside the Eagle Forum's Gayle Ruzicka on Wednesday talking about the need to do something now rather than waiting to act when — or if — the court acts. In the meantime, he'll get kudos for doing the Eagle Forum's bidding and get to tout that during his campaign.

Marina Lowe, an attorney with the Utah of the ACLU, called these sort of abortion bills "an annual tradition."

The plus side of a bill that doesn't do anything is that it at least isn't as harmful and cruel as the other abortion bills sponsored this session — Sen. Curt Bramble's proposal regarding the disposal of fetal remains and Rep. Steve Christiansen's plan to require any woman getting an abortion to have a compulsory ultrasound.

It is hard to comprehend why Christiansen would require a woman with a nonviable pregnancy to endure the additional trauma of having to see images of the fetus and hearing its heartbeat — if there is one to be heard — and then charged for the service.

Silver lining, I guess, is that his bill allows a woman to "avert her eyes." Sometimes it's enough to make you want to avert your eyes from what's happening at the Legislature. But voters shouldn't avert their eyes to these antics. They should open them wide and see these message bills for what they are — cheap political posturing disguised as policymaking — and not be taken in by bills that are about nothing, even if they are dressed up in a puffy shirt.