

Guest editorial Pitch a fit about tents? Build cabins instead

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It's comforting to see the 2012 Idaho Legislature gearing up to tackle the most important issues first this legislative session. It could have been funding for Idaho's public schools and universities, gearing up for mandated federal insurance exchanges or even debating the merits of Gov. Otter's IGEM program.

Instead it's anti-camping legislation.

Specifically, it's legislation that would force those pesky Occupy Movement folks off state land in front of the old Ada County Courthouse. Apparently the state doesn't have an anti-camping law. Upset at looking at the symbolic tents of a handful of protesters, state solons are springing into action.

House Assistant Majority Leader Scott Bedke said a bill to forbid camping on the Capitol Mall and nearby state property is on a greased rail and could come up sometime Wednesday, just 10 days into the session.

Since November the old courthouse property has been home to protesters who have joined a national movement against social and economic inequality. This flagrant misuse of state property apparently demands immediate action.

Bedke says the fast-track bill is modeled after a Boise ordinance that outlaws camping on city property. The Republican leader said that the right place for people to exercise free speech is on the Capitol steps, not a permanent tent city on taxpayer-owned land.

Two months of hanging around is two too many.

What's amazing to us is the lack of equal legislative indignation about individuals setting up permanent cabins on state-owned land in the Priest Lake area of northern Idaho. And they've been doing it for decades.

Sure these private individuals with their personal property built on state land pay a minimal fee for rent, but they don't want that rent to be subject to the highest bidder, something called "conflict auctions."

People who've rented the state-owned lots and built their own cabins on them argued that sharp rent increases could toss them out of family cabins that in some cases they've owned for generations. Think of it as an Occupy Priest Lake without protest signs.

Because the money for these leases on state land goes to public schools and Idaho law requires state endowment land be managed for the "maximum long-term financial return," Idaho Attorney General Lawrence Wasden sued the Idaho Land Board to allow competitive bidding on the use of the property.

Idaho's Constitution requires the Land Board to manage state endowment lands for maximum long-term returns to the endowment's beneficiaries.

How has the Legislature reacted to these state land "squatters" in the past?

Well, the last time anyone tried to bid on state-owned sites that had someone else's cabin on them when the lease came up for renewal, the Idaho Legislature did scramble into action. The Republican majority passed a law in 1990 exempting cabin sites from the constitutional requirement for conflict auctions.

Of course, when challenged in court that quick piece of legislation was ruled unconstitutional in 2010 by 4th District Judge Deborah Bail.

"The public auction requirement of the Constitution can't be negated by a statute," Judge Bail declared from the bench.

In 2011 the state Land Board unanimously supported legislation to repeal the law exempting cabin sites from conflict auctions on grounds it's unconstitutional. The bill passed the Idaho Senate, but never came up for a committee hearing in the House.

This lesson of legislative action or inaction when it comes to squatting on state land should be a simple one for the Occupy Movement.

Forget the tents. Build cabins.