

# Who cares about the Constitution? Not Denney

**Marty Trillhaase/Lewiston Tribune**

Led by former House Speaker Lawrence (Boss) Denney, a contingent of Republican insurgents aim to violate the Idaho Constitution.

Not go through the process of amending the Idaho Constitution.

Just break it.

Denney, who wants to be Idaho's next secretary of state, is joined by a slate of candidates for state offices - such as governor, attorney general, controller and superintendent of public instruction - who want to secure a majority of seats on the five-member land board.

That board is charged with managing Idaho's 2.5 million acres of endowment lands and its \$1.7 billion permanent endowment fund. Profits go to schools, colleges and universities and other state agencies.

Denney and company don't like the job it's been doing lately.

They're peeved at the land board for investing in urban real estate and businesses such as a storage facility the state acquired about four years ago, a decision that created no end of complaints about the state competing in the private market.

Denney told the Idaho Statesman he'd put a premium on "getting the land board out of commercial property. As a member of the land board, I will strongly advocate to stop purchasing commercial property where we are competing with private business."

Presumably, that means returning the endowment to its core businesses of harvesting timber and renting out grazing leases.

Good politics?

Perhaps.

Unconstitutional?

Absolutely.

Since 1890, Idaho's Constitution has charged the land board with managing endowment assets for the "maximum long term financial return" for Idaho schoolchildren and others.

It doesn't say anything about avoiding political controversy or even promoting economic sectors.

In a modern, diversified economy, getting the "maximum long term financial return" is impossible to accomplish simply with trees and livestock. The state is lucky to break even on its 1.7 million acres of grazing lands. The remaining 800,000 acres of timberland generate a good return - provided the housing market is healthy. When housing collapsed during the Great Recession, so did the state's timber profits.

Consequently, the state began to diversify. First, however, the land board took its case to the people. Three times between 1998 and 2000, the land board sought amendments to the state constitution that allowed it to transfer unprofitable holdings into cash and then invest in equities or in other real estate. Lawmakers went so far as to get permission from Congress, which had to amend Idaho's admissions act to implement the changes.

Each required a two-thirds majority in both the House and Senate - and voter approval at next election.

There was no mystery. Everyone involved knew the changes would lead Idaho endowment dollars toward the purchase of more profitable downtown real estate. Among the legislators who supported all three measures was none other than Denney himself.

So he's no novice. He knows what the constitution says. Only a dolt or a cynical politician would openly propose evading the state charter without expecting a school board member or a parent to stop him in court.

If Denney is serious, he could reverse the process.

Change the constitution instead.

Remove the requirement for "maximum long term financial gain."

Jettison the 1998 and 2000 amendments authorizing the land board to expand beyond timber and grazing lands.

Get two-thirds of the House and Senate members to concur.

Then sell the idea to a majority of Idaho voters.

Of course, that's not the job of a secretary of state.

That's more in line with the job Denney holds today.

Come to think of it, why hasn't he done so already? Could it be he doesn't relish the thought of a bruising political fight that would bind every member of the Legislature to more school budget cuts or higher taxes to compensate for the loss of endowment income?

Or could it be that he knows taking such a step would deprive him and his political allies of a cheap campaign slogan? Could anyone be so disingenuous? - M.T.

