

IN THE SENATE

SENATE JOINT RESOLUTION NO. 102

BY STATE AFFAIRS COMMITTEE

A JOINT RESOLUTION

1 PROPOSING AN AMENDMENT TO SECTION 8, ARTICLE IX, OF THE CONSTITUTION OF  
2 THE STATE OF IDAHO, RELATING TO THE LOCATION AND DISPOSITION OF PUBLIC  
3 LANDS; TO PROVIDE THAT THE LEGISLATURE SHALL PROVIDE BY LAW FOR THE SALE  
4 OR OTHER DISPOSITION OF THE GENERAL GRANTS OF LAND MADE BY CONGRESS TO  
5 THE STATE FROM TIME TO TIME, AND FOR THE SALE OF TIMBER ON ALL STATE  
6 LANDS, AT PUBLIC AUCTION OR THROUGH SUCH OTHER MEANS A PRUDENT INVESTOR  
7 WOULD USE WHILE CONSIDERING THE PURPOSES AND TERMS OF THE TRUST AND  
8 WHILE EXERCISING REASONABLE CARE, SKILL AND CAUTION, TO PROVIDE THAT  
9 THE PROCEEDS FROM ANY DISPOSITION OF LANDS SHALL BE FAITHFULLY APPLIED  
10 IN ACCORDANCE WITH THE TERMS OF THE GRANTS, AND TO DELETE A RESTRICTION  
11 PROHIBITING THE SALE OF MORE THAN THREE HUNDRED AND TWENTY ACRES OF LAND  
12 TO ANY ONE INDIVIDUAL, COMPANY OR CORPORATION; STATING THE QUESTION TO  
13 BE SUBMITTED TO THE ELECTORATE; DIRECTING THE LEGISLATIVE COUNCIL TO  
14 PREPARE THE STATEMENTS REQUIRED BY LAW; AND DIRECTING THE SECRETARY OF  
15 STATE TO PUBLISH THE AMENDMENT AND ARGUMENTS AS REQUIRED BY LAW.  
16

17 Be It Resolved by the Legislature of the State of Idaho:

18 SECTION 1. That Section 8, Article IX, of the Constitution of the State  
19 of Idaho be amended to read as follows:

20 SECTION 8. LOCATION AND DISPOSITION OF PUBLIC LANDS. It shall  
21 be the duty of the state board of land commissioners to provide for  
22 the location, protection, sale or rental of all the lands hereto-  
23 fore, or which may hereafter be granted to or acquired by the state  
24 by or from the general government, under such regulations as may  
25 be prescribed by law, and in such manner as will secure the maxi-  
26 mum long term financial return to the institution to which granted  
27 or to the state if not specifically granted; provided, that no state  
28 lands shall be sold for less than the appraised price. No law shall  
29 ever be passed by the legislature granting any privileges to per-  
30 sons who may have settled upon any such public lands, subsequent to  
31 the survey thereof by the general government, by which the amount  
32 to be derived by the sale, or other disposition of such lands, shall  
33 be diminished, directly or indirectly. The legislature shall, at  
34 the earliest practicable period, provide by law that the general  
35 grants of land made by congress to the state shall be judiciously  
36 located and carefully preserved and held in trust, ~~subject to dis-~~  
37 ~~posal at public auction~~ for the use and benefit of the respective  
38 object for which said grants of land were made, and ~~the legisla-~~  
39 ~~ture shall provide~~ for the sale or other disposition of said lands  
40 from time to time, and for the sale of timber on all state lands, ~~and~~  
41 ~~for the faithful application of~~ at public auction or through such  
42 other means a prudent investor would use while considering the pur-

1        poses and terms of the trust and while exercising reasonable care,  
2        skill and caution. The proceeds thereof from any disposition of  
3        lands shall be faithfully applied in accordance with the terms of  
4        said grants. ~~; provided, that not to exceed~~ No more than one hun-  
5        dred sections of state lands shall be sold in any one year, and to  
6        ~~be sold in subdivisions of not to exceed three hundred and twenty~~  
7        ~~acres of land to any one individual, company or corporation.~~ The  
8        legislature shall have power to authorize the state board of land  
9        commissioners to exchange granted or acquired lands of the state on  
10       an equal value basis for other lands under agreement with the United  
11       States, local units of government, corporations, companies, indi-  
12       viduals, or combinations thereof.

13       SECTION 2. The question to be submitted to the electors of the State of  
14       Idaho at the next general election shall be as follows:

15       "Shall Section 8, Article IX, of the Constitution of the State of Idaho  
16       be amended to provide that the Legislature shall provide by law for the sale  
17       or other disposition of the general grants of land made by Congress to the  
18       state from time to time, and for the sale of timber on all state lands, at pub-  
19       lic auction or through such other means a prudent investor would use while  
20       considering the purposes and terms of the trust and while exercising reason-  
21       able care, skill and caution; to provide that the proceeds from any disposi-  
22       tion of lands shall be faithfully applied in accordance with the terms of the  
23       grants; and to delete a restriction prohibiting the sale of more than three  
24       hundred and twenty acres of land to any one individual, company or corpora-  
25       tion?".

26       SECTION 3. The Legislative Council is directed to prepare the state-  
27       ments required by Section 67-453, Idaho Code, and file the same.

28       SECTION 4. The Secretary of State is hereby directed to publish this  
29       proposed constitutional amendment and arguments as required by law.