

IN THE SENATE

SENATE JOINT RESOLUTION NO. 105

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 PROVIDE THAT LAND IS
11 TO BE SOLD IN SUBDIVISIONS OF NOT TO EXCEED SIX THOUSAND FOUR HUNDRED
12 ACRES OF LAND TO ANY ONE INDIVIDUAL, COMPANY OR CORPORATION, RATHER THAN
13 SOLD IN SUBDIVISIONS OF NOT TO EXCEED THREE HUNDRED AND TWENTY ACRES OF
14 LAND TO ANY ONE INDIVIDUAL, COMPANY OR CORPORATION; STATING THE QUES-
15 TION TO BE SUBMITTED TO THE ELECTORATE; DIRECTING THE LEGISLATIVE COUN-
16 CIL TO PREPARE THE STATEMENTS REQUIRED BY LAW; AND DIRECTING THE SECRE-
17 TARY OF STATE TO PUBLISH THE AMENDMENT AND ARGUMENTS AS REQUIRED BY LAW.
18

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

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

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

1 ~~the faithful application of at public auction or through such other~~
2 ~~means a prudent investor would use while considering the purposes~~
3 ~~and terms of the trust and while exercising reasonable care, skill~~
4 ~~and caution. Tthe proceeds thereof from any disposition of lands~~
5 ~~shall be faithfully applied in accordance with the terms of said~~
6 ~~grants.; provided, that not to exceed~~ No more than one hundred sec-
7 tions of state lands shall be sold in any one year, and to be sold in
8 subdivisions of not to exceed ~~three hundred and twenty six thousand~~
9 ~~four hundred~~ acres of land to any one individual, company or cor-
10 poration. The legislature shall have power to authorize the state
11 board of land commissioners to exchange granted or acquired lands
12 of the state on an equal value basis for other lands under agreement
13 with the United States, local units of government, corporations,
14 companies, individuals, or combinations thereof.

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

17 "Shall Section 8, Article IX, of the Constitution of the State of Idaho
18 be amended to provide that the Legislature shall provide by law for the sale
19 or other disposition of the general grants of land made by Congress to the
20 state from time to time, and for the sale of timber on all state lands, at pub-
21 lic auction or through such other means a prudent investor would use while
22 considering the purposes and terms of the trust and while exercising reason-
23 able care, skill and caution; to provide that the proceeds from any dispo-
24 sition of lands shall be faithfully applied in accordance with the terms of
25 the grants; and to provide that land is to be sold in subdivisions of not to
26 exceed six thousand four hundred acres of land to any one individual, com-
27 pany or corporation, rather than sold in subdivisions of not to exceed three
28 hundred and twenty acres of land to any one individual, company or corpora-
29 tion?".

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

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