

IN THE SENATE

SENATE JOINT RESOLUTION NO. 103

BY STATE AFFAIRS COMMITTEE

A JOINT RESOLUTION

1 PROPOSING AN AMENDMENT TO SECTION 8, ARTICLE IX OF THE CONSTITUTION OF THE
2 STATE OF IDAHO, RELATING TO STATE TRUST LANDS; STATING THE QUESTION TO
3 BE SUBMITTED TO THE ELECTORATE; DIRECTING THE LEGISLATIVE COUNCIL TO
4 PREPARE THE STATEMENTS REQUIRED BY LAW; AND DIRECTING THE SECRETARY OF
5 STATE TO PUBLISH THE AMENDMENT AND ARGUMENTS AS REQUIRED BY LAW.
6

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

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

10 Section 8. LOCATION AND DISPOSITION OF PUBLIC LANDS. (1) It
11 shall be the duty of the state board of land commissioners to pro-
12 vide for the location, protection, sale or rental of all the lands
13 heretofore, ~~or which may hereafter be~~ granted to or acquired by the
14 state by or from the general government, under such regulations
15 as may be prescribed by law, and in such manner as will secure the
16 maximum long term financial return to the institution to which
17 granted ~~or to the state if not specifically granted~~; provided, that
18 no ~~state~~ such lands shall be sold for less than the appraised price.
19 No law shall ever be passed by the legislature granting any privi-
20 leges to persons who may have settled upon any ~~such public granted~~
21 or acquired lands, subsequent to the survey thereof by the general
22 government, by which the amount to be derived by the sale, or other
23 disposition of such lands, shall be diminished, directly or indi-
24 rectly. The legislature shall, at the earliest practicable period,
25 provide by law that the general grants of land made by congress to
26 the state upon statehood shall be judiciously located and carefully
27 preserved and held in trust, subject to disposal at public auction
28 for the use and benefit of the respective object for which said
29 grants of land were made, and the legislature shall provide for the
30 sale of ~~said~~ such lands from time to time and for the sale of timber
31 on all state lands and for the faithful application of the proceeds
32 thereof in accordance with the terms of said grants; provided, that
33 not to exceed one hundred sections of state lands shall be sold in
34 any one year, and to be sold in subdivisions of not to exceed three
35 hundred and twenty acres of land to any one individual, company or
36 corporation. The legislature shall have power to authorize the
37 state board of land commissioners to exchange granted or acquired
38 lands of the state on an equal value basis for other lands under
39 agreement with the United States, local units of government, corpo-
40 rations, companies, individuals, or combinations thereof.

41 (2) Excluding lands granted pursuant to subsection (1) of this
42 section, lands acquired by the exchanging of lands granted pursuant

1 to subsection (1) of this section, and lands purchased with mon-
2 eys derived from the sale of lands granted pursuant to subsection
3 (1) of this section, all other lands granted to or acquired by the
4 state by or from the general government shall be held in a separate
5 trust as public lands of the state of Idaho. The trust shall re-
6 main inviolable and intact for this and future generations. Such
7 lands shall not be sold. Such lands may be exchanged for other lands
8 with two-thirds approval of the legislature. The state board of
9 land commissioners may lease such lands under such regulations as
10 may be prescribed by law. The state board of land commissioners
11 shall manage such lands by employing best management practices to
12 achieve a harmonious and coordinated management of the various re-
13 sources, each with the other, that avoids permanent impairment to
14 the land, ensures the development and utilization of the land and
15 its resources occurs in a manner that conserves existing and future
16 uses of the land, preserves valid existing rights, allows for the
17 acquisition of new rights, and is in accordance with state law. The
18 state board of land commissioners shall coordinate management with
19 agencies of the state to promote public recreation, scenic values,
20 watershed quality, and wildlife habitat and to further effectuate
21 the purposes of this trust. Revenue derived from such lands and
22 such other moneys that may be provided by legislative appropriation
23 shall be placed in a permanent designated fund, which is hereby cre-
24 ated in the state treasury, that shall be known as the public lands
25 trust fund, the proceeds of which shall be annually appropriated
26 by the legislature first to support operating and maintaining such
27 lands and then: to compensate counties for lands within the coun-
28 ties' boundaries that are held in the public lands trust; to improve
29 and increase public use and access; and to support primary and sec-
30 ondary public educational facilities.

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

33 "Shall Section 8, Article IX of the Constitution of the State of Idaho
34 be amended to provide that certain lands granted or acquired from the federal
35 government shall never be sold and shall be placed in a trust to be managed
36 for the benefit of the people of Idaho?"

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

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