

HJR 55 INTRODUCED BY BROWN, D., ET AL.
INTERIM STUDY OF SALES AND EXCHANGES OF STATE LANDS
BY REQUEST OF HOUSE LOCAL GOVERNMENT COMMITTEE

4/10 INTRODUCED
4/10 REFERRED TO STATE ADMINISTRATION
4/11 REREFERRED TO LOCAL GOVERNMENT
4/14 HEARING
4/14 TABLED IN COMMITTEE

1 House JOINT RESOLUTION NO. 55
 2 INTRODUCED BY Don Brun Vicki
 3 BY REQUEST OF THE HOUSE LOCAL GOVERNMENT COMMITTEE

4
 5 A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF
 6 REPRESENTATIVES OF THE STATE OF MONTANA REQUESTING AN
 7 INTERIM STUDY OF THE SALE AND EXCHANGE OF STATE LANDS; AND
 8 REQUIRING A REPORT OF THE FINDINGS OF THE STUDY TO THE 51ST
 9 LEGISLATURE.

10
 11 WHEREAS, Montana became a state by virtue of The
 12 Enabling Act (25 Stat. 676, Approved Feb. 22, 1889); and

13 WHEREAS, The Enabling Act granted lands to the state to
 14 encourage and help the new state in financing:

- 15 (1) the common schools;
- 16 (2) university purposes;
- 17 (3) agricultural colleges;
- 18 (4) a school of mines;
- 19 (5) a state reform school;
- 20 (6) state normal schools;
- 21 (7) a deaf and dumb asylum; and
- 22 (8) buildings at the capital; and

23 WHEREAS, in response to changing conditions, The
 24 Enabling Act has been amended by the U.S. Congress in 1921,
 25 1932, 1938, 1948, and 1957, to conform its provisions

1 relating to the use and disposition of granted lands to
 2 current practices; and

3 WHEREAS, lands currently may be sold, exchanged,
 4 leased, and conveyed pursuant to easements; and

5 WHEREAS, the great bulk of the lands originally granted
 6 to Montana are still owned by the state and are capable of
 7 producing funds for governmental operations; and

8 WHEREAS, the methods of selling, exchanging, leasing,
 9 and granting easements have apparent internal
 10 inconsistencies, and the process of making such
 11 transactions, formulated nearly a century ago, appears to
 12 operate almost on an ad hoc basis; and

13 WHEREAS, land use and land values have recently changed
 14 considerably with the depreciation of agricultural and
 15 petroleum prices, increases in mineral prices, and the
 16 spread of homebuilding outside of municipal limits, all of
 17 which impact the present and future values of a tract of
 18 land and its relative worth over the short-term and
 19 long-term aspect of state gain; and

20 WHEREAS, state fiscal constraints mandate that the
 21 maximum revenue consistent with prudent management must be
 22 achieved from state lands; and

23 WHEREAS, the process of sales and exchanges of state
 24 lands has never been examined by an interim study of the
 25 Legislature.



-2- INTRODUCED BILL
 HJR 55

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2 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE
3 OF REPRESENTATIVES OF THE STATE OF MONTANA:

4 That an appropriate interim committee be assigned to
5 study the process of the sale and exchange of state land
6 based upon present land use, long-term and short-term
7 benefits to the state and its economy, and benefits to the
8 institutions and programs directly benefited by the land.

9 BE IT FURTHER RESOLVED, that the committee report the
10 findings of the study to the 51st Legislature and, if
11 necessary, draft legislation to implement its
12 recommendations.

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