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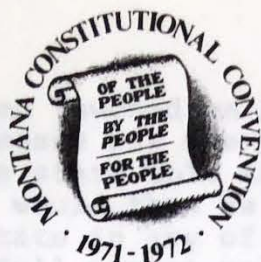
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MONTANA CONSTITUTIONAL CONVENTION

STATE CAPITOL • HELENA, MONTANA 59601 • TELEPHONE 406/449-3750

EDUCATION AND PUBLIC LANDS COMMITTEE

Place of Meeting: Senate Chambers

Date Meeting Held: 1/27/72
Hour Meeting Held: 1:32 P.M.

Committee Chairman: Richard Champoux

MINUTES OF THE TENTH MEETING OF THE EDUCATION AND PUBLIC LANDS COMMITTEE

SUBJECT OF MEETING: General Discussion on Public Lands

Roll Call:

Richard Champoux	<u>Present</u>
Robert Noble	<u>Present</u>
Lloyd Barnard	<u>Present</u>
William Burkhardt	<u>Present</u>
Marjorie Cain	<u>Present</u>
Max Conover	<u>Present</u>
Carl Davis	<u>Present</u>
Gene Harbaugh	<u>Present</u>
Dan Harrington	<u>Present</u>
Robert Woodmansey	<u>Present</u>

INTERESTED PERSONS TESTIFYING

Ted Schwinden - State Land Commissioner
Fred Johnson - Great Falls lawyer
Dolores Colburg - State Superintendent of Public Instruction
Maruice Hickey - Montana Education Association
Fletcher Newby - Environmental Council

DISCUSSION:

The chairman called the meeting to order. He then introduced both committees. The chairman read several letters concerning public lands. The chair was then turned over to Mr. Davis to act as chairman.

The first speaker was Mr. Ted Schwinden, Commissioner, Department of State Lands. He said the State Lands Trust was granted to Montana by the enabling act for support of public education. The original grant was 5.1 million acres. Of this land, 90% of the remaining land is of the original grant.

He then touched on Public Access. He said in the lease of state lands the lessee has the right to fence or close such lands to public access. If the state told the lessee to keep the land open to the public, the state would then be liable to whatever happened to this land. No interest or estate in any of the state lands may ever be disposed of at less than full market value. He said this committee is primarily interested in modification or retention of public lands. He said these lands are ours because of the enabling act, so be sure that this provision is not changed. None of this land shall be sold except at public sales. He said of the 7.3 million dollar average from rentals, 95% is distributed direct to the schools. 5% each year is placed in the permanent fund. He said article 17 of the present provision does not keep pace with the terms in the enabling act. He suggested the inclusion of an exchange provision in the constitution. The Resource Development Act it permits the retention by the State Land Department of 2 1/2% of the 95% of the total income be placed in an ear-marked revenue fund to be used for the preservation and enhancement of income from state lands.

Next, Fred Johnson a Great Falls, lawyer testified. He said his family has been a lessee of state land since statehood. He talked about public access. He said most people leasing state lands are not opposed to public access of it, but that so many of the people misuse the land. He felt these should be called Trust Lands and not public lands. He said the lessee is paying a rent. His money is going into the the public schools of the State, whereas the recreationist is getting something for nothing. He suggested that the committees reaffirm to the state these lands in the provisions set forth by the enabling act.

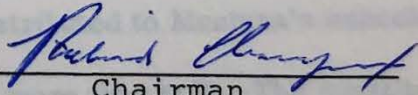
Dolores Colburg, State Superintendent of Public Instruction spoke next. A written statement of her testimony is attached.

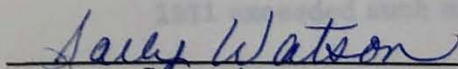
Maurice Hickey, Director of Field Services of the Montana Education Association testified next. A prepared statement is attached to the minutes.

Mr. Fletcher Newby, executive director of the Environmental Quality Council spoke next. A copy of his testimony is attached.

C. R. Anderson from Western Montana College in Dillon spoke next. He said we have done quite well with our school lands. He felt that the State Superintendent of Public Instruction should most definitely be on the State Land Board.

The meeting was then adjourned.


Chairman


Secretary