

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 608

BY STATE AFFAIRS COMMITTEE

AN ACT

1 RELATING TO PUBLIC LANDS; AMENDING CHAPTER 1, TITLE 58, IDAHO CODE, BY THE
2 ADDITION OF A NEW SECTION 58-157, IDAHO CODE, TO RECOGNIZE THAT ACCESS
3 TO PUBLIC LANDS IS PART OF THE CUSTOM AND CULTURE OF THE STATE, TO PRO-
4 VIDE THAT CERTAIN LANDS SHALL BE DECLARED TO BE PUBLIC LANDS, TO PROVIDE
5 THAT LANDS SHALL BE ACQUIRED AND MANAGED FOR PUBLIC ACCESS, MULTIPLE USE
6 AND SUSTAINED YIELD, TO PROVIDE THAT SHOULD ADDITIONAL PUBLIC LANDS BE
7 GRANTED FROM THE FEDERAL GOVERNMENT THE STATE SHALL HOLD THEM IN TRUST
8 FOR ALL IDAHOANS AND ENSURE PUBLIC ACCESS, TO PROVIDE THAT ANY TRANS-
9 FER OF FEDERAL LANDS TO THE STATE SHALL BE STRUCTURED TO PREVENT SALE OF
10 THE LANDS, TO PROVIDE AN EXCEPTION, TO PROVIDE FOR THE EXCHANGE OF LIM-
11 ITED AMOUNTS OF STATE LANDS, TO PROVIDE THAT ANY EXCHANGE SHALL CAUSE NO
12 MORE THAN A DE MINIMIS LOSS OR GAIN IN VALUE OF THE STATE LANDS WITHIN
13 ANY COUNTY AND TO PROVIDE THAT STATE OFFICERS SHALL ENDEAVOR TO ENSURE
14 THAT FEDERAL LEGISLATION TRANSFERRING ANY LANDS DIRECTS THAT THE LANDS
15 BE HELD AND MANAGED IN PERPETUITY FOR PURPOSES OTHER THAN MAXIMIZATION
16 OF FINANCIAL RETURN.
17

18 Be It Enacted by the Legislature of the State of Idaho:

19 SECTION 1. That Chapter 1, Title 58, Idaho Code, be, and the same is
20 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
21 ignated as Section 58-157, Idaho Code, and to read as follows:

22 58-157. PUBLIC LANDS -- LEGISLATIVE INTENT -- OWNERSHIP. (1) Access to
23 public lands is part of the custom and culture of the people of the state of
24 Idaho, including those representing a vast range of interests such as those
25 concerned about Idaho wildlife, timber, motorized and nonmotorized access,
26 grazing, and environmental and tribal issues. All lands granted to the state
27 of Idaho by congress after July 1, 2018, are declared to be the public lands
28 of the state and shall be held in trust in perpetuity for the people. These
29 lands shall be acquired and managed for public access, multiple use and sus-
30 tained yield in accordance with the terms of this section, unless otherwise
31 provided by law or by congressional act granting such lands to the state.

32 (2) Should the state of Idaho be granted any additional public lands
33 from the federal government, the state shall be committed to holding, pro-
34 tecting and managing such public lands, holding them in trust for the benefit
35 of all Idahoans, and the state is further committed to ensuring public access
36 to such lands.

37 (3) (a) To prevent loss of access to public lands, regardless of whether
38 they are managed by federal agencies or by the state, and for this rea-
39 son, any transfer of federal lands to the state shall be structured to
40 prevent sale of those lands, except where limited sales or exchanges
41 would actually enhance public access and management, such as where a

1 sale or land exchange might help consolidate state lands resulting in
2 greater access.

3 (b) The legislature may provide for the exchange of limited amounts of
4 state lands, acquired under this section, for similar types of lands to
5 consolidate isolated or scattered parcels, and to improve access, uti-
6 lization and management. Provided however, any exchanges of lands ac-
7 quired or disposed of collectively shall cause no more than a de minimis
8 loss or gain in value of the state lands within any county.

9 (4) Section 8, article IX, of the constitution of the state of Idaho re-
10 quires that all lands received by grant or acquisition from the federal gov-
11 ernment must be used to secure the maximum long-term financial return to the
12 institution to which the land is granted or to the state if not specifically
13 granted. When acquiring federal lands pursuant to this section, state of-
14 ficers shall endeavor to ensure that the federal legislation transferring
15 lands to Idaho directs that lands be held and managed in perpetuity for pur-
16 poses other than maximization of financial returns, in which case the terms
17 of the conveyance would control.