

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 586

BY STATE AFFAIRS COMMITTEE

AN ACT

1 RELATING TO PUBLIC LAND; AMENDING SECTION 58-701, IDAHO CODE, TO REVISE PRO-
2 VISIONS REGARDING THE CESSION OF CERTAIN LANDS FOR MILITARY PURPOSES
3 AND LANDS IN THE TERRITORY OF THE YELLOWSTONE NATIONAL PARK; AMENDING
4 SECTION 58-702, IDAHO CODE, TO REVISE PROVISIONS REGARDING CONSENT BY
5 THE STATE TO CERTAIN PURCHASES OF LAND BY THE GOVERNMENT OF THE UNITED
6 STATES AND TO CLARIFY THE PARAMETERS OF USE OF SUCH LANDS; AMENDING
7 SECTION 58-703, IDAHO CODE, TO REVISE PROVISIONS REGARDING CESSION OF
8 LAND TO THE GOVERNMENT OF THE UNITED STATES FOR A NATIONAL VETERANS'
9 SANATORIUM AND HOSPITAL; AMENDING SECTION 58-705, IDAHO CODE, TO RE-
10 VISE PROVISIONS REGARDING CONSENT BY THE STATE TO CERTAIN PURCHASES BY
11 THE GOVERNMENT OF THE UNITED STATES OF LANDS FOR MIGRATORY LABOR HOMES
12 PROJECTS; REPEALING SECTION 58-706, IDAHO CODE, RELATING TO STATE CON-
13 SENT TO LAND PURCHASE BY THE UNITED STATES FOR STREAM FLOW PROTECTION,
14 PRODUCTION OF TIMBER AND EROSION CONTROL; AMENDING CHAPTER 7, TITLE
15 58, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 58-708, IDAHO CODE, TO
16 PROVIDE LEGISLATIVE INTENT; AND AMENDING CHAPTER 7, TITLE 58, IDAHO
17 CODE, BY THE ADDITION OF A NEW SECTION 58-709, IDAHO CODE, TO PROVIDE FOR
18 LIMITATION ON THE ACQUISITION OF LAND BY THE UNITED STATES GOVERNMENT.
19

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

21 SECTION 1. That Section 58-701, Idaho Code, be, and the same is hereby
22 amended to read as follows:

23 58-701. MILITARY LANDS -- YELLOWSTONE NATIONAL PARK LANDS -- CESSION
24 -- JURISDICTION FOR EXECUTION OF PROCESS RESERVED. Pursuant to article 1,
25 section 8, paragraph 17, of the ~~U~~constitution of the United States, consent
26 to purchase is hereby given, and exclusive jurisdiction ceded, to the United
27 States over and with respect to all lands embraced within the military posts
28 and reservations of Fort Sherman and Boise Barracks, together with such
29 other lands in the state as may be now ~~or hereafter acquired and held by the~~
30 United States for military purposes, ~~either as additions to the said posts~~
31 ~~or as new military posts or reservations which~~ as of the effective date of
32 this act, that may be established for the common defense; and, also, all such
33 lands within the state as may be included in the territory of the Yellowstone
34 National Park, as the borders are defined as of the effective date of this
35 act, reserving, however, to the state a concurrent jurisdiction for the exe-
36 cution, upon said lands, or in the buildings erected thereon, of all process,
37 civil or criminal, lawfully issued by the courts of the state, and not incom-
38 patible with this cession.

39 SECTION 2. That Section 58-702, Idaho Code, be, and the same is hereby
40 amended to read as follows:

1 58-702. CONSENT TO PURCHASES BY UNITED STATES -- JURISDICTION FOR EX-
2 ECUTION OF PROCESS RESERVED -- COORDINATION WITH COUNTY COMMISSIONERS. (1)
3 Consent is given to any purchase already made ~~or that may hereafter be made,~~
4 by the government of the United States, of any lots, or tracts of land, within
5 this state, for the use of such government, and to erect thereon and use such
6 buildings, or other improvements, as may be deemed necessary by said govern-
7 ment for the specific purposes enumerated in article 1, section 8, paragraph
8 17, of the constitution of the United States; and over such lands and the
9 buildings, or improvements, that are, or may be, erected thereon, the said
10 government shall have entire control and jurisdiction, except that the state
11 shall have jurisdiction to execute thereon all process, civil or criminal,
12 lawfully issued by the courts of this state, and not incompatible with this
13 cession.

14 (2) The United States shall coordinate its real property acquisitions
15 with the board of county commissioners of the county in which the land is lo-
16 cated.

17 SECTION 3. That Section 58-703, Idaho Code, be, and the same is hereby
18 amended to read as follows:

19 58-703. LAVA HOT SPRINGS -- CESSION TO UNITED STATES AUTHORIZED. The
20 state board of land commissioners, acting for and on behalf of the state of
21 Idaho, is hereby authorized, empowered and directed to cede, grant, relin-
22 quish and convey to the government of the United States, such part or parcels
23 of lands hereinafter described as may be convenient and necessary, and re-
24 quired as and for a site for a national veterans' sanatorium or hospital,
25 and such portion of the hot mineral and cold water and water rights appur-
26 tenant to the said lands as may be necessary and convenient for the operation
27 and maintenance of such institution, and such mineral baths as may be main-
28 tained and operated in connection therewith, and for the irrigation, opera-
29 tion and maintenance of the grounds and lands upon which such institution and
30 baths are located and maintained. Upon acceptance by the United States gov-
31 ernment and the proper department or bureau thereof, authorized by any act
32 of congress prior to the effective date of this act, to erect such veterans'
33 sanatorium or hospital, the state board of land commissioners shall execute
34 a conveyance in fee simple to said United States government or its depart-
35 ment or bureau, which deed shall be signed by the governor and countersigned
36 by the secretary of state and by the director of the department of lands, and
37 attested with the great seal of the state and seal of the state board of land
38 commissioners, which said deed shall operate to convey a good and sufficient
39 title in fee simple.

40 SECTION 4. That Section 58-705, Idaho Code, be, and the same is hereby
41 amended to read as follows:

42 58-705. CONSENT TO LAND PURCHASE FOR MIGRATORY LABOR HOMES PROJECTS
43 -- JURISDICTION. Consent is given to any purchase already made, ~~or that may~~
44 ~~hereafter be made~~ prior to the effective date of this act, by the government
45 of the United States of any lots, or tracts of land within this state, for
46 migratory labor homes projects; and over such lands and the buildings or im-
47 provements that are, or may hereafter be, erected thereon the United States

1 shall have entire control and jurisdiction, except that the state shall have
2 jurisdiction to execute thereon any process, civil or criminal, lawfully is-
3 sued by the courts of this state, and not incompatible with this cession.

4 SECTION 5. That Section [58-706](#), Idaho Code, be, and the same is hereby
5 repealed.

6 SECTION 6. That Chapter 7, Title 58, Idaho Code, be, and the same is
7 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
8 ignated as Section 58-708, Idaho Code, and to read as follows:

9 58-708. LEGISLATIVE INTENT. The federal government land management
10 agencies currently administer more than sixty-two percent (62%) of the land
11 mass within the borders of the state of Idaho. Those agencies have become en-
12 cumbered with conflicting federal laws and regulations causing a paralysis
13 of management on those lands. This nonmanagement has created serious health
14 and safety issues for Idaho citizens and communities, impeding the ability
15 of the state of Idaho to protect the health, safety and welfare of Idaho cit-
16 izens, in addition to obstructing the economic prosperity within the state
17 of Idaho.

18 Section 7 of the Idaho admission act of 1890 specifies that: "Five per
19 cent of the proceeds of the sales of public lands lying within said state
20 which shall be sold by the United States subsequent to the admission of said
21 state into the union, after deducting all the expenses incident to the same,
22 shall be paid to the said state, to be used as a permanent fund, the interest
23 of which only shall be expended for the support of the common schools within
24 said state."

25 Idaho received a total of nineteen thousand three hundred seventy-nine
26 dollars (\$19,379) for fiscal year 2012 through fiscal year 2015 from the fed-
27 eral government for the sale of public land. This shows a clear lack of in-
28 terest by the federal government to dispose of such land in Idaho. Yet, the
29 federal government continues to seek an expansion of Idaho land holdings,
30 further reducing the private property base. It is therefore incumbent that
31 Idaho assert its sovereign right as a state, through the protections pro-
32 vided by the provisions of article 1, section 8, paragraph 17, of the consti-
33 tution of the United States, and that the Idaho Legislature decide on addi-
34 tional land acquisitions by the federal government.

35 SECTION 7. That Chapter 7, Title 58, Idaho Code, be, and the same is
36 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
37 ignated as Section 58-709, Idaho Code, and to read as follows:

38 58-709. UNITED STATES GOVERNMENT -- LIMITATION ON THE ACQUISITION OF
39 LAND. Notwithstanding any other provision of law, the state of Idaho hereby
40 withdraws, revokes, cancels and rescinds any and all previously granted au-
41 thorization for the United States government, or any of its agents, to pur-
42 chase, receive by gift or bequest, or in any other manner acquire any addi-
43 tional land within the borders of the state of Idaho, unless it is specifi-
44 cally consented to by a future act of the legislature of the state of Idaho,
45 as required in article 1, section 8, paragraph 17, of the constitution of the
46 United States, and then only for the purposes enumerated therein.