



# CONSTITUTION OF THE STATE OF IDAHO

## ARTICLE IX EDUCATION AND SCHOOL LANDS

Section 7. STATE BOARD OF LAND COMMISSIONERS. The governor, superintendent of public instruction, secretary of state, attorney general and state controller shall constitute the state board of land commissioners, who shall have the direction, control and disposition of the public lands of the state, under such regulations as may be prescribed by law.

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# CONSTITUTION OF THE STATE OF IDAHO

## ARTICLE IX EDUCATION AND SCHOOL LANDS

Section 8. LOCATION AND DISPOSITION OF PUBLIC LANDS. It shall be the duty of the state board of land commissioners to provide for the location, protection, sale or rental of all the lands heretofore, or which may hereafter be granted to or acquired by the state by or from the general government, under such regulations as may be prescribed by law, and in such manner as will secure the maximum long term financial return to the institution to which granted or to the state if not specifically granted; provided, that no state lands shall be sold for less than the appraised price. No law shall ever be passed by the legislature granting any privileges to persons who may have settled upon any such public lands, subsequent to the survey thereof by the general government, by which the amount to be derived by the sale, or other disposition of such lands, shall be diminished, directly or indirectly. The legislature shall, at the earliest practicable period, provide by law that the general grants of land made by congress to the state shall be judiciously located and carefully preserved and held in trust, subject to disposal at public auction for the use and benefit of the respective object for which said grants of land were made, and the legislature shall provide for the sale of said lands from time to time and for the sale of timber on all state lands and for the faithful application of the proceeds thereof in accordance with the terms of said grants; provided, that not to exceed one hundred sections of state lands shall be sold in any one year, and to be sold in subdivisions of not to exceed three hundred and twenty acres of land to any one individual, company or corporation. The legislature shall have power to authorize the state board of land commissioners to exchange granted or acquired lands of the state on an equal value basis for other lands under agreement with the United States, local units of government, corporations, companies, individuals, or combinations thereof.

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# Idaho Statutes

## TITLE 58 PUBLIC LANDS

### CHAPTER 1 DEPARTMENT OF LANDS

58-101. STATE LAND BOARD -- CONSTITUTION -- DEPARTMENT OF LANDS CREATED. The governor, secretary of state, attorney general, state controller and superintendent of public instruction being constituted a state board of land commissioners by section 7 of article 9, of the Constitution of the state, as such board, have the direction, control and disposition of the public lands of the state. The board shall exercise the said constitutional functions through the instrumentality of a department of lands which is hereby created.

**History:**

[(58-101) 1895, p. 215, ch. 2, sec. 5; reen. 1899, p. 282, ch. 2, sec. 5; 1905, p. 131, sec. 30; 1905, p. 131, sec. 1; compiled R.C., sec. 1558; compiled and reen. C.L., sec. 1558; am. 1919, ch. 81, sec. 1, p. 289; C.S., sec. 2866; I.C.A., sec. 56-101; am. 1974, ch. 17, sec. 39, p. 308; am. 1994, ch. 180, sec. 118, p. 501.]

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# Idaho Statutes

## TITLE 58 PUBLIC LANDS

### CHAPTER 1 DEPARTMENT OF LANDS

58-104. STATE LAND BOARD -- POWERS AND DUTIES. The state board of land commissioners shall have power:

1. To exercise the general direction, control and disposition of the public lands of the state.
2. To appoint its executive officer, the director of the department of lands.
3. To perform legislative functions not inconsistent with law and to delegate to its executive officer and his assistants the execution of all policies adopted by it.
4. To review upon appeal all decisions of the director of the department of lands in contested matters.
5. To determine the policy, direct the work to be undertaken, solicit bids, contract for work to be performed, and appropriate from its funds the money necessary to carry out such work.
6. To prescribe rules, not inconsistent with law, for the government of the department, the conduct of its employees and clerks, the distribution and performance of its business and the custody, use and preservation of the records, papers, books, documents, and property pertaining thereto.
7. To engage in reseeding and reforestation programs on the public lands of the state.
8. To exchange any public lands of the state, over which the board has power of disposition and control for lands of equal value, the title to which, or power of disposition, belongs or is vested in the governing body or board of trustees of any state governmental unit, agency or institution.
9. To regulate and control the use or disposition of lands in the beds of navigable lakes, rivers and streams, to the natural or ordinary high water mark thereof, so as to provide for their commercial, navigational, recreational or other public use; provided, that the board shall take no action in derogation of or seeking to interfere with the riparian or littoral rights of the owners of upland property abutting or adjoining such lands; except that when necessary to provide for the highest and best use of such lands for commercial, navigational, recreational or other public purposes, the board may acquire the riparian or littoral rights of upland owners by purchase or gift. The term "natural or ordinary high water mark" as herein used shall be defined to be the line which the water impresses on the soil by covering it for sufficient periods to deprive the soil of its vegetation and destroy its value for agricultural purposes. Provided that this definition shall not be construed so as to affect or change the vested property rights of either the state of Idaho or of riparian or littoral property owners. Lands lying below the meander line of a lake bed encompassing a national wildlife refuge as established under the authority of the Migratory Bird

Conservation Act of February 18, 1929 (45 Stat. 1222), as amended, or the Fish and Wildlife Coordination Act (48 Stat. 401), as amended, or the Fish and Wildlife Act of 1956 (70 Stat. 1119), as amended (16 USC 742a through 742i), are not subject to the application of this act.

10. To enter into a joint exercise of powers agreement with the United States forest service in the department of agriculture, pursuant to section 67-2328, Idaho Code.

11. To direct and oversee the conduct and operations of the endowment fund investment board and the Idaho department of lands.

12. To appoint and consult with expert advisors for each critical function for which the state board of land commissioners has responsibility. In this context, the term "expert advisor" shall mean a person engaged in the business for which he holds himself out to be an expert and who is experienced in that field.

13. Strategically plan and establish policies to coordinate the management of state lands with the investment goals of the permanent endowment funds and earnings reserve funds.

14. To provide reports of the status and performance of state endowment lands and the respective endowment funds to the state affairs committees of the senate and the house of representatives within fourteen (14) days after a regular session of the legislature convenes.

15. To make distributions to endowment income funds as provided in section 57-723A, Idaho Code.

**History:**

[(58-104) 1919, ch. 81, sec. 4, p. 289; C.S., sec. 2869; I.C.A., sec. 104; am. 1955, ch. 61, sec. 1, p. 119; am. 1965, ch. 295, sec. 1, p. 785; am. 1967, ch. 236, sec. 1, p. 694; am. 1974, ch. 17, sec. 40, p. 308; am. 1996, ch. 281, sec. 1, p. 911; am. 1998, ch. 256, sec. 45, p. 841; am. 2004, ch. 154, sec. 1, p. 489.]

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# Idaho Statutes

## TITLE 58 PUBLIC LANDS

### CHAPTER 1 DEPARTMENT OF LANDS

58-119. POWERS OF DEPARTMENT. The department of lands shall have power:

1. To exercise, under the general control and supervision of the state board of land commissioners all the rights, powers and duties vested by law in the state board of land commissioners, except the supervision of public investments, the administration of the Carey Act and the administration of chapter 26 of [title 42](#), Idaho Code.

2. To exercise all the rights, powers and duties of the register of the state board of land commissioners except such as have been transferred.

3. To organize a central land records unit within the department for the purpose of establishing and maintaining an inventory and plat of all lands owned, leased, or held in trust by the state or any of its agencies, departments, institutions or instrumentalities, and to require any such agency, department, institution or instrumentality to file with the unit for recordation and platting any instrument by which the state or any such agency, department, institution or instrumentality acquires or disposes of title to real property or an estate therein.

**History:**

[(58-119) 1919, ch. 81, sec. 19, p. 289; C.S., sec. 2884; I.C.A., sec. 56-119; am. 1974, ch. 17, sec. 47, p. 308.]

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# Idaho Statutes

## TITLE 58 PUBLIC LANDS

### CHAPTER 1 DEPARTMENT OF LANDS

58-133. ACQUISITION, SALE, LEASE, EXCHANGE OR DONATION OF PUBLIC LANDS -- CREATION AND OPERATION OF LAND BANK FUND. (1) The state board of land commissioners may select and purchase, lease, receive by donation, hold in trust, or in any manner acquire for and in the name of the state of Idaho such tracts or leaseholds of land as it shall deem proper, and after inventory and classification as provided herein, shall determine the best use or uses of said lands: provided, however, that all state-owned lands classified as chiefly valuable for forestry, reforestation, recreation and watershed protection are hereby reserved from sale and set aside as state forests.

(2) The proceeds from the sale of state endowment land may be deposited into a fund which shall be known as the "land bank fund," which is hereby created in the state treasury for the purpose of temporarily holding proceeds from land sales pending the purchase of other land for the benefit of the beneficiaries of the endowment. A record shall be maintained showing separately from each of the respective endowments the moneys received from the sale of endowment lands. Moneys from the sale of lands which are a part of an endowment land grant shall be used only to purchase land for the same endowment.

(3) All moneys deposited in the land bank fund, including earnings on those moneys, are hereby continually appropriated to the state board of land commissioners for the purposes enumerated in this section. The state board of land commissioners may hold proceeds from the sale of land in the land bank fund for a period not to exceed five (5) years from the effective date of sale. If, by the end of the fifth year, the proceeds from the land sale have not been encumbered to purchase other land within the state, the proceeds shall be deposited in the permanent endowment fund of the respective endowment along with any earnings on the proceeds from the land sale, unless the period is extended by the legislature.

#### **History:**

[58-133, added 1935 (1st E.S.), ch. 6, sec. 2, p. 13; am. 1937, ch. 213, sec. 2, p. 359; am. 1998, ch. 256, sec. 46, p. 843; am. 2003, ch. 230, sec. 1, p. 590.]

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