

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 47

BY RESOURCES AND CONSERVATION COMMITTEE

AN ACT

1 RELATING TO THE STATE LAND BOARD; AMENDING SECTION 58-104, IDAHO CODE, TO
2 PROVIDE THAT CERTAIN REVENUE FROM NAVIGABLE WATERWAYS SHALL BE DE-
3 POSITED IN THE NAVIGABLE WATERWAYS FUND, TO PROVIDE FOR THE CREATION
4 OF THE FUND, TO PROVIDE FOR THE USE OF THE FUND, TO REQUIRE APPROPRIA-
5 TION, TO PROVIDE THAT CERTAIN MONEYS SHALL BE DEPOSITED IN THE WATERWAYS
6 IMPROVEMENT FUND AT THE BEGINNING OF EACH FISCAL YEAR, TO PROVIDE THAT
7 ROYALTIES FROM EXTRACTION OF MINERALS FROM NAVIGABLE WATERWAYS SHALL
8 BE DEPOSITED IN THE PUBLIC SCHOOL PERMANENT ENDOWMENT FUND AND TO MAKE
9 TECHNICAL CORRECTIONS.
10

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

12 SECTION 1. That Section 58-104, Idaho Code, be, and the same is hereby
13 amended to read as follows:

14 58-104. STATE LAND BOARD -- POWERS AND DUTIES. The state board of land
15 commissioners shall have power:

16 1. To exercise the general direction, control and disposition of the
17 public lands of the state.

18 2. To appoint its executive officer, the director of the department of
19 lands.

20 3. To perform legislative functions not inconsistent with law and to
21 delegate to its executive officer and his assistants the execution of all
22 policies adopted by it.

23 4. To review upon appeal all decisions of the director of the department
24 of lands in contested matters.

25 5. To determine the policy, direct the work to be undertaken, solicit
26 bids, contract for work to be performed, and appropriate from its funds the
27 money necessary to carry out such work.

28 6. To prescribe rules, not inconsistent with law, for the government
29 of the department, the conduct of its employees and clerks, the distribution
30 and performance of its business and the custody, use and preservation of the
31 records, papers, books, documents, and property pertaining thereto.

32 7. To engage in reseeding and reforestation programs on the public
33 lands of the state.

34 8. To exchange any public lands of the state, over which the board
35 has power of disposition and control for lands of equal value, the title to
36 which, or power of disposition, belongs or is vested in the governing body or
37 board of trustees of any state governmental unit, agency or institution.

38 9. (a) To regulate and control the use or disposition of lands in the
39 beds of navigable lakes, rivers and streams, to the natural or ordinary
40 high water mark thereof, so as to provide for their commercial, navi-
41 gational, recreational or other public use; provided, that the board
42 shall take no action in derogation of or seeking to interfere with the

1 riparian or littoral rights of the owners of upland property abutting
2 or adjoining such lands; except that when necessary to provide for the
3 highest and best use of such lands for commercial, navigational, recre-
4 ational or other public purposes, the board may acquire the riparian or
5 littoral rights of upland owners by purchase or gift. The term "natural
6 or ordinary high water mark" as herein used shall be defined to be the
7 line which the water impresses on the soil by covering it for sufficient
8 periods to deprive the soil of its vegetation and destroy its value for
9 agricultural purposes. Provided that this definition shall not be con-
10 strued so as to affect or change the vested property rights of either the
11 state of Idaho or of riparian or littoral property owners. Lands lying
12 below the meander line of a lake bed encompassing a national wildlife
13 refuge as established under the authority of the Migratory Bird Conser-
14 vation Act of February 18, 1929 (45 Stat. 1222), as amended, or the Fish
15 and Wildlife Coordination Act (48 Stat. 401), as amended, or the Fish
16 and Wildlife Act of 1956 (70 Stat. 1119), as amended (16 U.S.C. 742a
17 through 742i), are not subject to the application of this act.

18 (b) Revenue generated by the state from navigable waterways, except
19 mineral royalties, shall be deposited in the navigable waterways fund,
20 which is hereby created in the dedicated fund of the state treasury,
21 and used for the state's administration of navigable waterways, and may
22 be expended only pursuant to appropriation. At the beginning of each
23 fiscal year, those moneys in the navigable waterways fund that exceed
24 two hundred percent (200%) of the current year's appropriations for the
25 state's administration of navigable waterways shall be deposited in the
26 waterways improvement fund established pursuant to section 57-1501,
27 Idaho Code.

28 (c) Royalties arising from extraction of minerals from navigable wa-
29 terways shall be deposited in the public school permanent endowment
30 fund established pursuant to section 33-902, Idaho Code.

31 10. To enter into a joint exercise of powers agreement with the United
32 States forest service in the department of agriculture, pursuant to section
33 67-2328, Idaho Code.

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

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

41 13. Strategically plan and establish policies to coordinate the man-
42 agement of state lands with the investment goals of the permanent endowment
43 funds and earnings reserve funds.

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

48 15. To make distributions to endowment income funds as provided in sec-
49 tion 57-723A, Idaho Code.