

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 582

BY STATE AFFAIRS COMMITTEE

AN ACT

1 RELATING TO LANDS; AMENDING TITLE 58, IDAHO CODE, BY THE ADDITION OF A NEW
2 CHAPTER 15, TITLE 58, IDAHO CODE, TO PROVIDE LEGISLATIVE INTENT, TO PRO-
3 VIDE A SHORT TITLE, TO PROVIDE FOR LANDS RECEIVED FROM THE FEDERAL GOV-
4 ERNMENT, TO PROVIDE ADMINISTRATION AND MANAGEMENT CRITERIA, TO PROVIDE
5 FOR MULTIPLE USE AND TO PROVIDE FOR SUSTAINED YIELD.
6

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

8 SECTION 1. That Title 58, Idaho Code, be, and the same is hereby amended
9 by the addition thereto of a NEW CHAPTER, to be known and designated as Chap-
10 ter 15, Title 58, Idaho Code, and to read as follows:

11 CHAPTER 15

12 IDAHO MULTIPLE USE SUSTAINED YIELD ACT

13 58-1501. LEGISLATIVE INTENT. The transfer of certain federally held
14 public lands to the state of Idaho would fulfill the promise made in the U.S.
15 constitution, the Idaho constitution, the Idaho admissions act and congres-
16 sional acts under the equal footing doctrine. The equal footing doctrine
17 requires that any new state enter the union with all the same rights as the
18 original thirteen states.

19 The preamble to the Idaho admission act of 1890, in part, states:
20 "Whereas, said convention and the people of said territory have asked the
21 admission of said territory into the Union of States on an equal footing with
22 the original states in all respects whatever."

23 And, section 1 of the Idaho admission act of 1890, in part, provides:
24 "(Section) 1. Idaho admitted to union - Constitution ratified. - The state
25 of Idaho is hereby declared to be a state of the United States of America, and
26 is hereby declared admitted into the union on an equal footing with the orig-
27 inal states in all respects whatever;"

28 Such rights include the grant of all land held in trust by the federal
29 government for the states once they are granted statehood. Sister states
30 to whom this guarantee has been fulfilled have control of their destiny and
31 absolute economic freedom and have a distinct advantage over the state of
32 Idaho.

33 Congress has not fulfilled its contractual obligation in the Idaho ad-
34 mission act to bring Idaho into full statehood. This act of the Idaho legis-
35 lature is laying out a path to the citizens of Idaho as to how those lands will
36 be managed once the contract is fulfilled.

37 58-1502. SHORT TITLE. This chapter shall be known as the "Idaho Multi-
38 ple Use Sustained Yield Act."

1 58-1503. LANDS RECEIVED FROM FEDERAL GOVERNMENT. All lands received
2 by the state of Idaho by grant, purchase, law, court decree or other method
3 from the United States of America, or any agency thereof, on and after July
4 1, 2016, not specifically designated as state endowment land shall be exclu-
5 sively administered by the state of Idaho pursuant to the provisions of this
6 chapter.

7 58-1504. MANAGEMENT CRITERIA. All lands of the state of Idaho subject
8 to this chapter shall be administered and managed by the state of Idaho for
9 multiple use and sustained yield in relation to timber production and har-
10 vest, livestock range, mineral exploration and development, watershed, fish
11 and wildlife and outdoor recreation, provided that the foregoing shall not
12 interfere with or impair any bona fide and existing rights of a person in ex-
13 istence at the time the lands are acquired by the state of Idaho.

14 58-1505. MULTIPLE USE. For purposes of this chapter, the management
15 model of "multiple use" means the management of all the various renewable
16 surface resources of lands of the state of Idaho subject to this chapter so
17 they are utilized in combination with all uses:

18 (1) To best meet the needs of residents of the state of Idaho making the
19 most efficient and economically beneficial use of the surface resources or
20 related services over areas large enough to provide sufficient flexibility
21 for periodic adjustments in use to conform to changing needs and conditions;

22 (2) That some land will be used for less than all of the resources;

23 (3) To effect harmonious and coordinated management of the various re-
24 sources, each with the other, without permanent impairment of the productiv-
25 ity of the land, with consideration being given to the relative values of the
26 various resources and uses, not necessarily the combination of all uses on
27 every acre, and no mandate for the highest dollar return or the highest unit
28 output.

29 58-1506. SUSTAINED YIELD. For purposes of this chapter, the manage-
30 ment model of "sustained yield" means the management of all the various re-
31 sources, surface and subsurface, renewable and nonrenewable, of lands of the
32 state of Idaho subject to this chapter to effect the achievement and mainte-
33 nance in perpetuity of a high-level annual or regular periodic output of the
34 various resources of the lands without permanent impairment of the produc-
35 tivity of the land.