

IN THE SENATE

SENATE BILL NO. 1065

BY RESOURCES AND ENVIRONMENT COMMITTEE

AN ACT

1 RELATING TO LAND OWNERSHIP; AMENDING TITLE 67, IDAHO CODE, BY THE ADDITION
2 OF A NEW CHAPTER 84, TITLE 67, IDAHO CODE, TO PROVIDE A POLICY REGARDING
3 LAND OWNERSHIP, TO SET FORTH REQUIREMENTS FOR STATE AGENCIES REGARDING
4 THE ACQUISITION AND SALE OF CERTAIN PROPERTIES, TO PROVIDE THAT UNDER
5 SPECIFIED CONDITIONS STATE AGENCIES SHALL BE REQUIRED TO RECEIVE PER-
6 MISSION FOR ACQUISITION OF LAND FROM COUNTY COMMISSIONERS AND TO PRO-
7 VIDE THAT UNDER SPECIFIED CONDITIONS THE FISH AND GAME COMMISSION SHALL
8 NOT BE REQUIRED TO SELL LAND DUE TO CERTAIN LAND DONATIONS.
9

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

11 SECTION 1. That Title 67, Idaho Code, be, and the same is hereby amended
12 by the addition thereto of a NEW CHAPTER, to be known and designated as Chap-
13 ter 84, Title 67, Idaho Code, and to read as follows:

14 CHAPTER 84

15 LAND OWNERSHIP -- NO NET LOSS -- PRIVATE PROPERTY

16 67-8401. POLICY REGARDING LAND OWNERSHIP -- NO NET LOSS PRIVATE PROP-
17 ERTY -- EXCEPTION. (1) The federal government administers approximately
18 sixty-three percent (63%) of the land in Idaho, while state, county, municipi-
19 pal and other governments own or administer approximately seven percent (7%)
20 of Idaho land. Therefore, it is incumbent that Idaho preserves and protects
21 the remaining thirty percent (30%) of land that is in private ownership. To
22 this end, it is hereby declared the policy of the state of Idaho that there
23 shall be no net loss of private property within the state.

24 (2) All state agencies shall consider and use all available, cost-ef-
25 fective means to accomplish their public purpose, including acquiring land
26 from other governmental entities, prior to considering the acquisition of
27 property from private ownership. State agencies shall make a good faith
28 effort to sell an equal or greater amount of property into private ownership
29 prior to acquiring any parcel that is necessary to their public purpose.
30 State agencies shall make a prioritized list of all parcels of property that
31 they have acquired and shall sell into private ownership any parcels that are
32 not necessary to their public purpose.

33 (3) In the event the acreage of any new acquisition of land within any
34 particular county, when added to the acreage already held by the state within
35 that county, exceeds one percent (1%) of the total acreage of private land
36 within that county, the state agency proposing to acquire property shall be
37 required to receive permission for such acquisition from the county com-
38 missioners who, in determining whether to grant permission, among other
39 things, shall consider the effect of such acquisition upon the tax base of
40 the county.

1 (4) Provided however, that any land donations made after the effective
2 date of this act that are three hundred twenty (320) acres or less and that
3 are specifically required for mitigation of impacts from federally licensed
4 or operated hydroelectric facilities on fish or wildlife habitat shall not
5 require the fish and game commission to sell an equal or greater amount of
6 land.