

IN THE SENATE

SENATE BILL NO. 1252

BY RESOURCES AND ENVIRONMENT COMMITTEE

AN ACT

RELATING TO THE TAYLOR GRAZING ACT; AMENDING SECTION 25-901, IDAHO CODE, TO REVISE PROVISIONS REGARDING GRAZING PREFERENCE RIGHTS; AMENDING SECTION 25-902, IDAHO CODE, TO REVISE PROVISIONS REGARDING GRAZING PREFERENCE RIGHTS AND TO MAKE A TECHNICAL CORRECTION; PROVIDING SEVERABILITY; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 25-901, Idaho Code, be, and the same is hereby amended to read as follows:

25-901. GRAZING PREFERENCE APPURTENANT TO BASE PROPERTY -- COMPENSABLE PROPERTY RIGHT. (1) The United States congress, in fulfilling the constitutional obligation to manage the property of the United States, passed the Taylor grazing act in 1934. Through this act, congress acknowledged grazing preference rights and provided for adjudication of allotments on which the grazing preference right was exercised. Livestock ranches are bought, sold, traded and inherited with assurance that the appurtenant grazing preference rights will be transferred to the new base property owner in association with the federal grazing allotment. Therefore, it is the intent of the legislature to ensure that grazing preference rights are compensable property rights under Idaho law.

(2) A grazing preference right shall be considered an appurtenance of the base property through which the grazing preference is maintained, associated with the federal grazing allotment.

(3) Any diminishment of, or failure to recognize, the grazing preference must be compensated as a taking of a real property right recognized pursuant to section 55-101, Idaho Code, including but not limited to cases where any portion of the federal grazing allotment associated with the grazing preference right is sold, exchanged, or otherwise disposed of and conveyed to the state or any other entity.

SECTION 2. That Section 25-902, Idaho Code, be, and the same is hereby amended to read as follows:

25-902. CONTINUING RIGHT TO GRAZING PREFERENCE. When a grazing preference right is made use of through sale, rental or other equitable distribution of base property to another person with the view of receiving benefit of grazing under the appurtenant preference right and the associated federal grazing allotment, such person, his heirs, executors, administrators, successors or assigns, shall not thereafter, without his consent, be deprived of the same without just compensation.

SECTION 3. SEVERABILITY. The provisions of this act are hereby declared to be severable, and if any provision of this act or the application of such

1 provision to any person or circumstance is declared invalid for any reason,  
2 such declaration shall not affect the validity of the remaining portions of  
3 this act.

4 SECTION 4. An emergency existing therefor, which emergency is hereby  
5 declared to exist, this act shall be in full force and effect on and after  
6 July 1, 2022.