

IN THE SENATE

SENATE BILL NO. 1049

BY RESOURCES AND ENVIRONMENT COMMITTEE

AN ACT

1 RELATING TO ENDOWMENT LAND; AMENDING CHAPTER 1, TITLE 58, IDAHO CODE, BY
2 THE ADDITION OF A NEW SECTION 58-156, IDAHO CODE, TO PROVIDE FOR NOTICE
3 REGARDING ANY RESTRICTION, REGULATION, OR PROHIBITION OF SPECIFIED
4 ACTIVITIES ON STATE ENDOWMENT LANDS AND TO PROVIDE FOR VIOLATIONS AND
5 PENALTIES; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.
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7 Be It Enacted by the Legislature of the State of Idaho:

8 SECTION 1. That Chapter 1, Title 58, Idaho Code, be, and the same is
9 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
10 ignated as Section 58-156, Idaho Code, and to read as follows:

11 58-156. ENDOWMENT LAND -- CLOSURE, RESTRICTION, REGULATION, OR PROHI-
12 BITION. (1) Whenever the state board of land commissioners has promulgated
13 rules pursuant to chapter 52, title 67, Idaho Code, for the closure of endow-
14 ment lands or for restricting, regulating, or prohibiting specified activi-
15 ties on state endowment lands, the board shall provide notice of such clo-
16 sure, restriction, regulation, or prohibition to the public as follows:

17 (a) Notices shall be posted on the Idaho department of lands website and
18 made available at the department's supervisory area offices; and

19 (b) Notices shall also be posted at gates or road or trail entry points
20 onto the endowment land to which they apply and shall state:

21 (i) "Use restrictions apply" or similar wording; and

22 (ii) A website address and phone number for contacting the depart-
23 ment.

24 (2) Violation of any properly posted closure, restriction, regulation,
25 or prohibition of endowment lands promulgated by the state board of land com-
26 missioners pursuant to subsection (1) of this section shall be punishable as
27 follows:

28 (a) A warning ticket and advisory of the applicable closure, restric-
29 tion, regulation, or prohibition shall be issued to the violator if
30 it is the violator's first offense under this section within five (5)
31 years.

32 (b) If the violation is the violator's second violation of this section
33 within five (5) years of any prior conviction or warning under this sec-
34 tion, the violation shall be an infraction punishable by a fine of two
35 hundred fifty dollars (\$250).

36 (c) If the violation is the violator's third violation of this section
37 within five (5) years of any prior conviction or warning under this sec-
38 tion, the violation shall be a misdemeanor and shall be punishable by a
39 fine not to exceed one thousand dollars (\$1,000) or imprisonment in the
40 county jail for no more than six (6) months or both.

41 (d) For any offense that is accompanied by any actual physical harm, in-
42 jury, or damage to personal property or natural resources, the viola-

1 tion shall be treated as criminal trespass pursuant to section 18-7008,
2 Idaho Code, and subject to the penalties for criminal trespass with dam-
3 age set forth in section 18-7008(3)(b).

4 (3) For any conviction under subsection (2)(b) or (c) of this section,
5 the court shall additionally impose an order of restitution directing that
6 the violator pay restitution to the Idaho department of lands in an amount
7 sufficient to repair, replace, or correct any actual physical harm, injury,
8 or damage to personal property or natural resources resulting from the vio-
9 lation.

10 (4) For any conviction under subsection (2)(b) or (c) of this section,
11 the court may, in its discretion, additionally impose an order requiring the
12 violator to undergo boating, off-road, and/or snowmobile operator education
13 classes offered by the Idaho department of parks and recreation.

14 SECTION 2. An emergency existing therefor, which emergency is hereby
15 declared to exist, this act shall be in full force and effect on and after
16 July 1, 2023.