

IN THE SENATE

SENATE BILL NO. 1277, As Amended

BY RESOURCES AND ENVIRONMENT COMMITTEE

AN ACT

1 RELATING TO THE EXCHANGE OF STATE LAND; AMENDING SECTION 58-138, IDAHO CODE,
2 TO REMOVE CERTAIN PROVISIONS RELATING TO THE EXCHANGE OF STATE LANDS, TO
3 PROVIDE AN EXCEPTION TO EXCHANGE PROVISIONS FOR CERTAIN LANDS, TO PRO-
4 VIDE FOR THE EXCHANGE OF LANDS KNOWN AS "COTTAGE SITES," TO CLARIFY WHAT
5 THE EXCHANGE OF STATE LANDS MEANS, TO PROVIDE THAT CERTAIN PARTIES SHALL
6 NOT BE PROHIBITED FROM PURCHASING OR SELLING ASSETS RELATED TO ACCOM-
7 PLISHING AN EXCHANGE TRANSACTION BEFORE, SIMULTANEOUSLY OR AFTER THE
8 TRANSACTION, TO PROVIDE A CONDITION AND TO MAKE TECHNICAL CORRECTIONS.
9

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

11 SECTION 1. That Section 58-138, Idaho Code, be, and the same is hereby
12 amended to read as follows:

13 58-138. EXCHANGE OF STATE LAND. (1) The state board of land commis-
14 sioners may at its discretion, when in the state's best interest, exchange,
15 and do all things necessary to exchange fee simple title to include full
16 surface and mineral rights, to any of the state lands now or hereafter held
17 and owned by this state for ~~similar~~ lands of equal value, public or private,
18 ~~so as to consolidate state lands or aid the state in the control and manage-~~
19 ~~ment or use of state lands~~ excepting lands that have as their primary value
20 buildings or other structures, unless said buildings or other structures are
21 continually used by a public entity for a public purpose. Land that the state
22 owns known as "cottage sites" can be exchanged for lands of equal value,
23 public or private. As used in this section, an exchange of state lands means
24 a transaction in which the state conveys the land to another party or parties
25 pursuant to an agreement that predates the exchange, in which transaction a
26 party conveying land to the state may be different from a party to whom the
27 state conveyed land. The parties dealing with the state in such an exchange
28 transaction shall not be prohibited from purchasing or selling assets re-
29 lated to accomplishing the transaction before, simultaneously or after said
30 transaction, provided that all such prior and simultaneous purchases and
31 sales are expressly provided for in the exchange agreement.

32 (2) Provided further the state board of land commissioners may, in its
33 discretion, hereafter grant and receive less than fee simple title, and
34 grant or allow such reservations, restrictions, easements or such other
35 impairment to title as may be in the state's best interest.

36 (3) No exchanges shall be made involving leased lands except upon the
37 written agreement of the lessee.

38 (4) Subject to the approval of the state board of land commissioners,
39 the first lease on lands acquired through land exchange and in lieu selec-
40 tions shall be offered to the present user, lessee, or permittee of the land,
41 provided that the present user agrees in writing to enter into a contractual
42 management program through which the resource values of the land may be en-

1 hanced or improved for the purpose of increasing the income to the endowed
2 institutions.