

In the House of Representatives

H. B. No. 281

By STATE AFFAIRS COMMITTEE

AN ACT

CREATING A STATE DEPARTMENT OF NATURAL RESOURCES;
PROVIDING FOR THE APPOINTMENT, SALARY, TENURE AND
QUALIFICATIONS OF THE DIRECTOR THEREOF; AUTHORIZ-
ING THE DIRECTOR TO APPOINT A STAFF THEREFOR; SPE-
CIFYING THE POWERS AND DUTIES OF THE DIRECTOR
THEREOF; SPECIFYING THE AGENCIES THEREOF; PROVID-
ING FOR THE TRANSFER TO SAID DEPARTMENT OF THE
DEPARTMENT OF PUBLIC LANDS, THE STATE COOPERA-
TIVE BOARD OF FORESTRY, THE DEPARTMENT OF RECLA-
MATION, THE STATE SOIL CONSERVATION COMMISSION AND
THE BUREAU OF STATE PARKS AND RECREATION AREAS
TO FUNCTION AS AGENCIES THEREOF, EXCEPTING THERE-
FROM ALL POWERS AND DUTIES VESTED BY CONSTITUTION
IN THE STATE BOARD OF LAND COMMISSIONERS; AND AP-
PROPRIATING MONEY FROM THE GENERAL FUND OF THE
STATE OF IDAHO THEREFOR; AND PRESCRIBING AN EFFEC-
TIVE DATE.

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

SECTION 1. DEFINITIONS—As used as this Chapter:

- 2 (1) "Department" means the state department of natural re-
3 sources.
4 (2) "Director" means the director of the state department of
5 natural resources.

SECTION 2. CREATION OF STATE DEPARTMENT OF
2 NATURAL RESOURCES.—There is hereby created the state depart-

3 ment of natural resources in which shall be vested the administration
4 of the provisions of this chapter.

SECTION 3. DIRECTOR—APPOINTMENT, TENURE, SAL-
2 ARY.—The executive head of the department shall be a director who
3 shall be appointed by the Governor, subject to the advice and court of
4 the senate. The director shall serve at the pleasure of the Governor, and
5 his compensation shall be fixed within the limits of appropriations
6 made therefor.

SECTION 4. DIRECTOR—QUALIFICATIONS.—The director
2 shall be selected with special reference to his training, experience,
3 capacity and interest in the field of conservation, development and
4 use of natural resources. He shall possess an extensive knowledge of
5 the natural land, forest, water and mineral resources of the State
6 Idaho and have some knowledge of, or experience in, public administra-
7 tion.

SECTION 5. APPOINTMENT OF STAFF.—The director shall
2 appoint such technical, clerical and operational staff as the execution
3 of his duties and the operation of the department may require. The
4 staff shall be selected without regard to political affiliation and solely
5 on the basis of technical and professional skill and proficiency, and
6 after appointment shall not engage in political activity.

SECTION 6. POWERS AND DUTIES OF DIRECTOR. —

2 (1) The director shall direct and supervise all administrative
3 and technical activities of the department except as hereafter in this
4 section specifically limited. He shall devote his entire time to the
5 duties of his office, and shall follow no other gainful employment or
6 occupation.

7 (2) Within such limitations as may be provided by law, the
8 director may organize the department into various organizational
9 subdivisions or agencies, and may alter such organization and reassign
10 responsibilities and duties as he may deem appropriate.

11 (3) The director shall, except as hereafter in this section spec-
12 ifically limited, perform functions as follows:

13 (a) Formulate general policies relating to the work of the de-

14 partment and the various agencies thereof.

15 (b) Coordinate the functions of the various agencies of the
16 department.

17 (c) Subject to the provisions of general law, adopt, amend and
18 rescind such rules and regulations as he may deem necessary for the
19 operation of the department.

20 (d) Plan such studies and investigations as he may deem appro-
21 priate and carry out the same in conjunction with the various agencies
22 of the department.

23 (e) Coordinate all studies in the State of Idaho concerned
24 with the development, conservation and use of natural resources.

25 (f) Submit to the Governor and the Legislature recommenda-
26 tions for legislative or other action directed toward the more effective
27 development, conservation or use of the natural resources of the State
28 of Idaho.

29 (4) Except as hereafter in this section specifically limited, the
30 director shall, when directed by the Governor, represent the State
31 of Idaho in any interstate or national matters or proceedings affect-
32 ing the development, conservation or use of natural resources of the
33 State of Idaho, either in his capacity as director of the department or
34 on behalf of, and with the consent of, any other official designated by
35 law to so represent the State of Idaho. He shall assist the Governor,
36 and when directed by the Governor, assist other departments or
37 agencies of the State, and other organizations within the State in
38 matters relating to the development and conservation for use of the
39 natural land, water, timber and mineral resources of the State of
40 Idaho.

41 PROVIDED, HOWEVER, that all powers and duties relating to
42 the direction, control, location, protection, rental, sale or other dis-
43 position of any lands which heretofore have been, or hereafter may
44 be granted to the State of Idaho by the general government, which
45 said duties are vested in the State Board of Land Commissioners by
46 Sections 7 and 8 of Article 9 of the Constitution of the State of Idaho,
47 shall be specifically excluded from the powers and functions of the

48 director as provided in this chapter, and all powers and functions
49 of the director shall be specifically limited by the provisions of said
50 Sections 7 and 8 of Article 9 of the Constitution of the State of Idaho.

SECTION 7. AGENCIES ENUMERATED.—The department
2 shall consist of agencies as follows:

3 (1) Department of Public Lands, which shall hereafter be
4 known and referred to as the Bureau of Public Lands.

5 (2) State Cooperative Board of Forestry and the Department
6 of Forestry, which shall be known hereafter as the Bureau of For-
7 estry.

8 (3) Department of Reclamation, which shall be known here-
9 after as the Bureau of Reclamation.

10 (4) State Soil Conservation Commission.

11 (5) Bureau of State Parks and Recreation Areas.

12 (6) Such other agencies as the director may in his discretion
13 establish to cooperate with the various committees, districts, associa-
14 tions, and political subdivisions concerned with the development,
15 conservation or use of natural resources in the State of Idaho.

SECTION 8. BUREAU OF PUBLIC LANDS.—The Depart-
2 ment of Public Lands created by Section 58-101 of the Idaho Code is
3 hereby renamed the Bureau of Public Lands and is hereby transferred
4 to the department and shall hereafter function as an agency thereof,
5 and all existing laws of the State of Idaho which apply to the De-
6 partment of Public Lands and the Land Commissioner shall continue
7 to apply thereto, subject to the provisions of this chapter and as spe-
8 cifically limited in Section 6 of this chapter.

SECTION 9. STATE COOPERATIVE BOARD OF FORES-
2 TRY.—The State Cooperative Board of Forestry created by Section
3 38-101, Idaho Code, and the Department of Forestry which is hereby
4 renamed the Bureau of Forestry, are hereby transferred to the de-
5 partment and shall hereafter function as agencies thereof, and all
6 existing laws which apply to the State Cooperative Board of Forestry
7 and the State Forester shall continue to apply thereto, subject to the
8 provisions of this chapter.

SECTION 10. DEPARTMENT OF RECLAMATION. — The
2 Department of Reclamation created by Section 42-1506, Idaho Code, is
3 hereby renamed the Bureau of Reclamation, and is hereby transferred
4 to the department and shall hereafter function as an agency thereof,
5 and all existing laws of the State of Idaho which apply to the De-
6 partment of Reclamation and the State Reclamation Engineer shall
7 continue to apply thereto, subject to the provisions of this chapter.

SECTION 11. STATE SOIL CONSERVATION COMMIS-
2 SION.—The State Soil Conservation Commission created by Section
3 22-2718, Idaho Code, is hereby transferred to the department and shall
4 hereafter function as an agency thereof, and Title 42, Chapter 37,
5 Idaho Code, and all other existing laws of the State of Idaho which
6 apply to the State Soil Conservation Commission shall continue to
7 apply thereto.

SECTION 12. THE BUREAU OF STATE PARKS AND REC-
2 REATION AREAS.—The Bureau of State Parks and Recreation
3 Areas is hereby transferred to the department and shall hereafter
4 function as an agency thereof, subject to the provisions of this chap-
5 ter.

SECTION 13. ADVISORY COUNCIL CREATED.—There is
2 hereby created within the department a council to be called the Na-
3 tural Resources Advisory Council to be composed of the Director,
4 the State Land Commissioner, the State Forester, the State Reclama-
5 tion Engineer, the Executive Officer of the Soil Conservation Com-
6 mission, the Director of the Bureau of State Parks, the Director of
7 the Department of Fish and Game, the Director of the Bureau of
8 Mines and Geology and seven lay persons who are not otherwise in
9 the full time employ of the State who shall be appointed by the Gov-
10 ernor and shall be broadly representative of the State's interests in
11 natural resources and the use and conservation of those resources.
12 Not less than two of these lay persons shall be persons primarily in-
13 terested in forestry as a business; not less than one of these persons
14 shall be interested primarily in mining as a business; not less than one
15 of these persons shall be interested primarily in livestock as a business;

14 in all

16 one of these persons shall be engaged primarily in dry-farming and
17 two of these persons shall be interested in and primarily engaged in
18 irrigated agriculture. The council will advise with the Director, who
19 shall act as chairman of the council, in connection with all of the
20 duties and responsibilities conferred on him by this Act, and shall
21 advise the State Board of Land Commissioners, upon request, con-
22 cerning matters specifically committed to the jurisdiction of that
23 Board. The council may, on its own motion, order studies of matters
24 within the jurisdiction of the department and make recommenda-
25 tions to the Director or the Governor concerning representations
26 made to and negotiations carried on with other states. A member of
27 the Columbia River Compact Commission, when that Commission is
28 activated, and a member of the Bear River Compact Commission shall
29 sit with the council at its meetings but shall not be entitled to a vote
30 therein.

31 The council will meet regularly at the call of the Director, but not
32 less often than quarterly. The members of the council will serve with-
33 out compensation for their duties as members thereof, and no expense
34 allowance for attending meetings shall be claimed or paid.

SECTION 14. APPROPRIATIONS.—The appropriations made
2 in this 36th Legislature to the constituent bureaus and commissions
3 of the department will remain intact for expenditure at the discretion
4 of the chief officers thereof respectively; provided, however, that the
5 department will direct the preparation and presentation of a consoli-
6 dated budget to the 37th Legislature for all of the agencies under its
7 jurisdiction for the fiscal period commencing July 1, 1963.

8 There is hereby appropriated from any moneys in the general
9 fund to the Department of Natural Resources for the purposes of the
10 department as herein provided the sum of \$40,000, subject to the pro-
11 visions of Chapters 35 and 36, Title 67, Idaho Code.

12 Expenses for travel incurred by the Director in the performance
13 of his duties shall be charged pro-rata to the subordinate agencies
14 and/or institutions on whose behalf such travel is undertaken.

SECTION 15. This act shall be effective on and after July 1,
2 1961.