

TITLE 67
STATE GOVERNMENT AND STATE AFFAIRS

CHAPTER 44
LAVA HOT SPRINGS

67-4401. MANAGEMENT AND CONTROL. All right to the operation, management and control, and to the maintenance and improvement of the lands and property belonging to the state of Idaho situated within and near the city of Lava Hot Springs, in Bannock County, state of Idaho, hereinafter more particularly described is hereby vested in the Lava Hot Springs Foundation which shall be an agency within the department of parks and recreation. Said foundation shall consist of five (5) members who shall be appointed by the governor and who shall hold office for a term of six (6) years, save and except the first members who shall be appointed by the governor as follows: one (1) to be appointed for a term of six (6) years, one (1) to be appointed for a term of four (4) years and one (1) to be appointed for a term of two (2) years, and thereafter as their terms expire the governor to appoint their successors for terms of six (6) years. At least one (1) member shall be a resident of the city of Lava Hot Springs. The members shall be compensated as provided by section [59-509\(g\)](#), Idaho Code. The said foundation shall not receive any property from, nor operate any school, college or institution of learning.

[67-4401, added 1919, ch. 30, sec. 1, p. 16; am. 1949, ch. 137, sec. 1, p. 242; am. 1974, ch. 8, sec. 18, p. 35; am. 1978, ch. 279, sec. 1, p. 677; am. 1980, ch. 247, sec. 84, p. 649; am. 1989, ch. 172, sec. 1, p. 420.]

67-4402. POWERS AND DUTIES OF FOUNDATION. The foundation shall have powers and duties as follows:

(1) To take charge of all personal property and the lands and property of the state of Idaho situated within and near the village of Lava Hot Springs and hereinafter more fully described and to have a general supervision and control of all buildings, improvements, and property appertaining thereto.

(2) To lease any real or personal property not used or needed by the foundation for a period not exceeding ninety-nine (99) years, to any individual or company, subject to approval by the board of examiners of the state of Idaho. Any lease entered into pursuant to this section shall be exempt from limitation as to term of lease as set forth in section [58-307](#), Idaho Code.

(3) To enter into contracts with federal, state, and local governmental agencies for flood control projects and measures, for multiple use water resource development, and for any other project or measure incidental or conducive to the attainment of the purposes of the foundation.

(4) To exercise such powers as are incidental or conducive to the attainment of the purposes of the foundation, including the power to contract and the power to sue and be sued.

(5) To promulgate such rules as may be necessary to discharge the duties of the foundation.

(6) To employ such personnel as may be necessary for the administration of its duties in accordance with the rules of the administrator of the division of human resources promulgated pursuant to [chapter 52, title 67](#), Idaho Code.

(7) To appoint an executive director of the foundation as provided herein and to advise him in the performance of his duties and his formulation of general policies affecting the foundation.

(8) To encourage and promote interest in the Lava Hot Springs properties and in the foundation.

(9) To hold an annual meeting during the month of January in each year and, in addition thereto, at such other times as the said members may prescribe.

(10) To have and use an official seal.

[(67-4402) 1919, ch. 30, sec. 2, p. 108; C.S., sec. 1291; I.C.A., sec. 65-4102; am. 1935, ch. 5, sec. 2, p. 16; am. 1959, ch. 266, sec. 1, p. 561; am. 1965, ch. 108, sec. 1, p. 213; am. 1978, ch. 279, sec. 2, p. 677; am. 2002, ch. 55, sec. 1, p. 123.]

67-4403. DESCRIPTION OF PROPERTY. Description of property: The property hereinbefore referred to, and herewith placed under the jurisdiction and control of the said foundation, is described as follows: The northwest quarter (1/4) of the southwest quarter (1/4), and lots nine (9) and ten (10) in section twenty-two (22), and lots seven (7) and eight (8) in section twenty-one (21) in township nine (9), south, range thirty-eight (38) east of the Boise meridian, together with all and singular the tenements, hereditaments and appurtenances thereunto belonging, or in any wise appertaining, and the hot springs and hot waters arising and flowing thereon, in Bannock County, state of Idaho.

[(67-4403) 1919, ch. 30, sec. 3, p. 108; C.S., sec. 1292; I.C.A., sec. 65-4103; am. 1935, ch. 5, sec. 3, p. 16.]

67-4404. EXECUTIVE DIRECTOR -- APPOINTMENT, POWERS, AND DUTIES. The foundation shall appoint an executive director who shall serve at the pleasure of the foundation, and be qualified by reason of education, training, experience, and demonstrated ability to fill such position. The executive director shall exercise the following powers and duties in addition to all other powers and duties inherent in the position or delegated or imposed by the foundation:

(1) Be a nonvoting member of the foundation and secretary thereto.

(2) Be the administrative officer of the foundation.

(3) Suggest such rules as may be necessary for the efficient operation of his office.

[(67-4404) 1919, ch. 30, sec. 6, p. 108; C.S., sec. 1293; I.C.A., sec. 65-4104; am. 1935, ch. 5, sec. 4, p. 16; am. 2002, ch. 55, sec. 2, p. 124.]

67-4405. RECEIPTS AND APPROPRIATION INURING TO USE OF FOUNDATION. The entire receipts of and from any source whatsoever that may inure to the benefit of the said foundation through its operation of the said property, bathing facilities, pleasure resort, hospital or sanitarium and the rents and royalties accruing from any mineral lease that shall be made of foundation lands shall be deposited in the Lava Hot Springs foundation fund, and all moneys now in or hereafter deposited in such fund are hereby continuously appropriated for the use and benefit of the said foundation.

[(67-4405) 1919, ch. 30, sec. 5, p. 108; C.S., sec. 1294; I.C.A., sec. 65-4105; am. 1935, ch. 5, sec. 5, p. 16; am. 1953, ch. 139, sec. 1, p. 229; am. 2021, ch. 169, sec. 1, p. 473.]

67-4406. LEASE OF PROPERTY AUTHORIZED. The state board of land commissioners and the Lava foundation board are hereby authorized to negotiate for and enter into an agreement of lease by which the lands granted to the state of Idaho by the act of congress approved June 13, 1902, and commonly referred to as the Lava Hot Springs Grant, being particularly described as the northwest quarter of the southwest quarter and lots 9 and 10 in section 22, and lots 7 and 8 in section 21, in township 9 south, range 38 east Boise meridian, together with the improvements, bathing facilities, equipment, personal property, tenements, hereditaments and appurtenances, shall be devoted to public use in conformity with the terms of the grant act above referred to, and in the manner and upon the terms required in addition by [chapter 3, title 58](#).

[67-4406, added 1943, ch. 164, sec. 1, p. 342.]

67-4407. SUSPENSION OF LAVA HOT SPRINGS FOUNDATION ACT UPON LEASING. Upon such lease becoming effective, and for the term of such lease, the provisions of the Lava Hot Springs Foundation Act, Chapter 5, 1935 Session Laws, amendatory of [Chapter 41, Title 65](#), Idaho Code Annotated, [sections [67-4401](#) -- 67-4405, Idaho Code] shall be suspended and without operative force.

[67-4407, added 1943, ch. 164, sec. 2, p. 342.]

67-4408. APPROPRIATION FOR OPERATION WHEN NOT LEASED. There is hereby continuously appropriated out of the Lava Hot Springs account the entire receipts of and from any sources whatsoever that may hereafter inure to the benefit of the Lava Hot Springs foundation through its operation of the property of the said foundation, bathing facilities, pleasure resort, hospital or sanitarium. The foundation may also expend any other moneys that may be appropriated, donated, bequeathed or granted for the use of the foundation, provided that the appropriation herein made shall not be effective or the funds appropriated available during any period when the provisions of the Lava Hot Springs foundation act, sections [67-4401](#) through [67-4405](#), Idaho Code, shall be suspended as herein provided.

[67-4408, added 1943, ch. 164, sec. 3, p. 342; am. 1989, ch. 176, sec. 1, p. 428; am. 2021, ch. 169, sec. 2, p. 473.]

67-4409. LAVA HOT SPRINGS CAPITAL IMPROVEMENT ACCOUNT. There is hereby created and established in the agency asset fund in the state treasury a continuously appropriated account to be known as the Lava Hot Springs capital improvement account to which shall be credited or deposited such moneys and interest accruing over and above the operation and maintenance cost from the Lava Hot Springs foundation account, as the members of the foundation may from time to time determine. The purposes for which moneys in the account may be used shall be to acquire, purchase, improve, repair, furnish, and equip Lava Hot Springs facilities and sites. All claims against the account shall be examined, audited and allowed in the same manner now or hereafter provided by law for claims against the state. This account shall be invested by the

state treasurer in investments permitted by section [67-1210](#), Idaho Code, and the interest shall be returned to the account.

[67-4409, added 1980, ch. 355, sec. 1, p. 919; am. 2021, ch. 169, sec. 3, p. 474.]