

IN THE SENATE

SENATE BILL NO. 1145

BY STATE AFFAIRS COMMITTEE

AN ACT

RELATING TO STATE LANDS; AMENDING SECTION 58-310, IDAHO CODE, TO REMOVE CODE REFERENCES RELATING TO COTTAGE SITE LEASES AND CONFLICT BID LEASES; REPEALING SECTIONS 58-310A AND 58-310B, IDAHO CODE, RELATING TO LEASES OF SINGLE FAMILY, RECREATIONAL COTTAGE SITES AND HOMESITES NOT SUBJECT TO CONFLICT APPLICATION AND AUCTION PROVISIONS AND RELATING TO TWO OR MORE APPLICANTS FOR THE SAME LAND AND AUCTION OF THE LEASE; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 58-310, Idaho Code, be, and the same is hereby amended to read as follows:

58-310. TWO OR MORE APPLICANTS FOR SAME LAND -- AUCTION OF LEASE. ~~Except as otherwise authorized in sections 58-310A and 58-310B, Idaho Code--~~

(1) When two (2) or more persons apply to lease the same land, the director of the department of lands, or his agent, shall, at a stated time, and at such place as he may designate, auction off and lease the land to the applicant who will pay the highest premium bid therefor, the annual rental to be established by the state board of land commissioners.

(2) The director shall give notice by letter at least fourteen (14) days prior to the date of such auction, which notice shall be sent in the course of regular mail, to each of the applicants, notifying them of the time and place such auction is to be held. The notice shall be sent to the name and address exactly as it is given in the application.

(3) If any applicants fail to appear in person or by proxy at the time and place so designated in said notice, the director may proceed to auction and lease any part or all of the lands applied for.

(4) The state board of land commissioners shall have power to reject any and all bids made at such auction sales, when in their judgment there has been fraud or collusion, or for any other reason, which in the judgment of said state board of land commissioners justified the rejection of said bids.

(5) The challenger of the current lease shall be required to provide payment of one (1) year's rental on the lease payable at the time of application to lease. If the amount of the annual rental bid be not paid forthwith by the successful bidder, together with the expense of such sale, if the state board of land commissioners shall require the same to be paid as hereinbefore provided, or if for any reason the successful bidder does not accept the lease on the terms offered, the lease may be immediately reoffered in the same manner at public auction, without further notice.

(6) Only those persons who have filed applications in the manner and at the time provided for by statute or rule shall be permitted to bid at any such auction for the lease of state lands.

1 SECTION 2. That Sections [58-310A](#) and [58-310B](#), Idaho Code, be, and the
2 same are hereby repealed.

3 SECTION 3. An emergency existing therefor, which emergency is hereby
4 declared to exist, this act shall be in full force and effect on and after its
5 passage and approval.