

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 477, As Amended

BY LOCAL GOVERNMENT COMMITTEE

AN ACT

1 RELATING TO LEASES OF STATE-OWNED RECREATIONAL COTTAGE SITE AND HOMESITE  
2 LANDS; AMENDING SECTION 58-310, IDAHO CODE, TO REMOVE AN EXCEPTION RE-  
3 LATING TO SPECIFIED LAW, TO REVISE PROVISIONS RELATING TO THE REJECTION  
4 OF BIDS AND TO PROVIDE THAT ANY UNSUCCESSFUL BIDDER IS ENTITLED TO A RE-  
5 FUND OF THEIR PAYMENT; REPEALING SECTION 58-310A, IDAHO CODE, RELATING  
6 TO AN EXEMPTION FROM SPECIFIED CONFLICT APPLICATION AND AUCTION PRO-  
7 VISIONS FOR SINGLE FAMILY, RECREATIONAL COTTAGE SITES AND HOMESITES;  
8 AND REPEALING SECTION 58-310B, IDAHO CODE, RELATING TO THE AUCTION OF  
9 LEASES REGARDING CERTAIN STATE-OWNED LAND.  
10

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

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

14 58-310. TWO OR MORE APPLICANTS FOR SAME LAND -- AUCTION OF  
15 LEASE. ~~Except as otherwise authorized in sections 58-310A and 58-310B, Idaho~~  
16 ~~Code:~~ (1) When two (2) or more persons apply to lease the same land, the  
17 director of the department of lands, or his agent, shall, at a stated time,  
18 and at such place as he may designate, auction off and lease the land to the  
19 applicant who will pay the highest premium bid therefor, the annual rental to  
20 be established by the state board of land commissioners.

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

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

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

34 (5) The challenger of the current lease shall be required to provide  
35 payment of one (1) year's rental on the lease payable at the time of appli-  
36 cation to lease. If the amount of the annual rental bid be not paid forth-  
37 with by the successful bidder, together with the expense of such sale, if the  
38 state board of land commissioners shall require the same to be paid as here-  
39 inbefore provided, or if for any reason the successful bidder does not ac-  
40 cept the lease on the terms offered, the lease may be immediately reoffered  
41 in the same manner at public auction, without further notice. Any unsuccess-  
42 ful bidder is entitled to a refund of their payment.

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

4           SECTION 2. That Section [58-310A](#), Idaho Code, be, and the same is hereby  
5 repealed.

6           SECTION 3. That Section [58-310B](#), Idaho Code, be, and the same is hereby  
7 repealed.