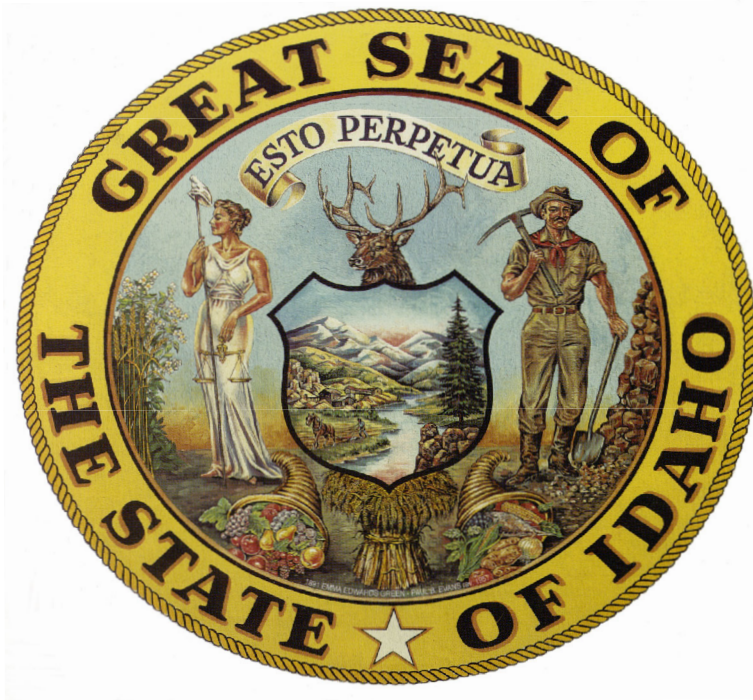


IDAHO ADMINISTRATIVE BULLETIN

July 3, 2024 – Vol. 24-7

Office of the Governor
Division of Financial Management
Office of the Administrative Rules Coordinator



The Idaho Administrative Bulletin is published monthly by the Office of the Administrative Rules Coordinator, Division of Financial Management, Office of the Governor, pursuant to Title 67, Chapter 52, Idaho Code.

Brad Little, Governor
Lori Wolff, Administrator, Division of Financial Management
Josh Scholer, Deputy General Counsel
Bradley A. Hunt, Administrative Rules Coordinator
Logan P. Medel, Administrative Rules Specialist
Margaret Major, Desktop Publishing Specialist
All Rights Reserved / Printed in the United States of America

IDAPA 20 – IDAHO DEPARTMENT OF LANDS
20.03.13 – ADMINISTRATION OF COTTAGE SITE LEASES ON STATE LANDS
DOCKET NO. 20-0313-2401 (ZBR CHAPTER REWRITE)
NOTICE OF RULEMAKING – PROPOSED RULE

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Sections 58-104(6) and 58-105, Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than July 17, 2024.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

DESCRIPTIVE SUMMARY: The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

The Idaho Department of Lands initiated this rulemaking in compliance with [Executive Order 2020-01: Zero-Based Regulation](#). IDAPA 20.03.13 provides guidance for residential cottage site leasing on state lands by establishing restrictions regarding assignments and describing how annual rent will be determined. It is the Department's intention to make minimal updates to the rule text.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased: N/A.

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state General Fund greater than ten thousand dollars (\$10,000) during the fiscal year resulting from this rulemaking: N/A.

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(1), Idaho Code, negotiated rulemaking was conducted. The Notice of Intent to Promulgate Rules - Negotiated Rulemaking was published in the March 6, 2024 edition of the Idaho Administrative Bulletin, [Vol. 24-3, pages 14-15](#).

INCORPORATION BY REFERENCE: Pursuant to Section 67-5229(2)(a), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule: N/A

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Kemp Smith at 208-334-0202 or KeSmith@idl.idaho.gov.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before July 24, 2024.

DATED this 3rd day of June, 2024.

Kemp Smith, Commercial and Residential Program Manager
Idaho Department of Lands
300 N. 6th Street, Suite 103
P.O. Box 83720
Boise, Idaho 83702
Phone: 208-334-0202; Fax: 208-334-3698
rulemaking@idl.idaho.gov

THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 20-0313-2401
(ZBR Chapter Rewrite.)

20.03.13 – ADMINISTRATION OF COTTAGE SITE LEASES ON STATE LANDS

000. LEGAL AUTHORITY.

The ~~State Board of Land Commissioners~~ has adopted these rules in accordance with Article IX, Section 8 of the Idaho Constitution and Sections 58-104(1) and 58-304, Idaho Code. (3-18-22)()

001. ~~TITLE AND SCOPE.~~

~~01. Title. These rules are titled IDAPA 20.03.13, “Administration of Cottage Site Leases on State Lands.” (3-18-22)~~

~~02. Scope. It is the intent and express policy of the Board in administration of eCottage sSite leases located on state-owned lands administered by the Board, to provide for a reasonable rental income from those lands in accordance with the requirements of the Idaho Constitution of the State of Idaho. (3-18-22)()~~

002. -- 009. (RESERVED)

010. DEFINITIONS.

~~For the purposes of these rules, unless otherwise indicated by express term or by context, the term: (3-18-22)~~

01. **Annual Rental.** The rental paid on or before January 1, in advance, for the following year. (3-18-22)

02. **Board.** The State Board of Land Commissioners, or its designee. (3-18-22)()

03. **Cottage Site.** Any state-owned lot that is leased for recreational residential purposes. (3-18-22)

04. **Department.** The Idaho Department of Lands. (3-18-22)

~~05. Lessee. A tenant of a cottage site. (3-18-22)~~

011. -- 019. (RESERVED)

020. SALE AND ASSIGNMENT ~~—REQUIRED DOCUMENTATION.~~

01. **Documentation of Sale.** The Prior to the assignment of a Cottage Site Lease, the lessee must provide the Department, at their expense, the following documents concerning associated with a eCottage sSite sale prior to assignment of the cottage site lease. (3-18-22)()

a. The original of the current lease; or (3-18-22)

b. A signed and notarized Affidavit of Loss if the current lease has been lost. (3-18-22)

02. **Assignments.** A lease may ~~only~~ be assigned only to an individual or to a husband or wife. The Board will not recognize assignments to corporations, partnerships, or companies. Leases may be assigned to and held by an estate only if one (1) individual or husband or wife are designated as the sole contact for all billing and correspondence. A lessee may only hold one (1) eCottage sSite lease at a time. (3-18-22)()

021. -- 024. (RESERVED)

025. ~~LEASE RATE ANNUAL RENTAL DETERMINATION — ANNUAL RENTAL.~~

Annual ~~R~~ental is set by the Board ~~from time to time as deemed necessary.~~ It is the intent of the ~~State Board of Land Commissioners~~ that ~~those~~ rental rates be determined through market indicators of comparable land values. (3-18-22)()

026. -- 999. (RESERVED)