

Negotiated Rulemaking Meeting Summary – May 17, 2023

Name of Negotiated Rulemaking: Rules of Practice and Procedures Before the State Board of Land Commissioners (IDAPA 20.01.01)

Docket number: 20-0101-2301

Location: Boise Staff Office, Garnet Conference Room, Idaho, and on Zoom/teleconference.

Date/Time: Wednesday, May 17, 2023 – from 1:30 pm to 1:40 am MT

Attendees: See participant list

Facilitated by: Scott Phillips, Policy, and Communications Chief – Idaho Department of Lands (IDL)

This meeting is the second of two scheduled meetings during the Negotiated public comment period, from May 3 to May 31, 2023.

Mr. Phillips provided an overview of the rulemaking process and reviewed the recommended changes to the rules.

Discussion:

The purpose of the public meeting was to provide an opportunity for the public to comment on proposed changes to the rules under the Governor's Zero-Based Regulation initiative. As part of this initiative, the Idaho Department of Lands conducts a comprehensive review every five years, replacing five or 20% of the rules each year. The focus of the meeting was on a specific Chapter of Rules - IDAPA 20.01.01, and the Idaho Department of Land, took a proactive approach to streamline the language and reduce word count by incorporating certain rules by reference.

During the meeting, it was mentioned that the Attorney General's rules for procedure and practice (Chapter 04.11.01) would be considered, with a caveat that the rules of the Office of Administrative Hearings, once promulgated, would replace those of the Attorney General. The participants acknowledged this and expressed no comments or objections.

Abby Delmas and Niko Lustra also attended the meeting and stated that they were present to monitor the proceedings but had no comments at that time. The draft rules were made available on the department's website for public review, aligning with the objective of soliciting feedback from the participants to incorporate any relevant comments into the ongoing rule-making process.

With no further comments from the attendees, Mr. Phillips suggested waiting for a few more minutes in case any additional participants joined in with comments. However, as no further input was received, the meeting concluded at 1:40 pm. It was also offered to address any questions regarding the structure of the rules, but there were no inquiries from Abby, Niko, or Ali Stice, a participant representing the Idaho Mining Association.

Mr. Phillips emphasized that this rulemaking was not introducing radical or substantial changes but rather aimed to incorporate and reference existing rules, such as those under the Attorney General's (Chapter 04.1101). Notably, certain portions of the Attorney General's rules were excluded due to the absence of relevant functions within the department. The future intention was to adopt rules promulgated by the Idaho Office of Administrative Hearings.

Towards the end, Mr. Phillips highlighted the upcoming important dates, including the deadline for written public comments, which was May 31. Instructions for submitting comments were provided on the Idaho Department of Lands 's website. Additionally, Mr. Phillips expressed gratitude for the participants' involvement and reminded them of the significance of their input in shaping the rules.