

STATE BOARD OF LAND COMMISSIONERS

August 20, 2024

Regular Agenda

Subject

Adoption of Pending Rule IDAPA 20.03.13 *Administration of Cottage Site Leases on State Lands*

Question Presented

Shall the Land Board adopt the pending rule for IDAPA 20.03.13?

Background

The Idaho Department of Lands (Department) administers a residential cottage site leasing program on behalf of the State Board of Land Commissioners (Land Board) for state endowment lands, the administration of which is aided by IDAPA 20.03.13. These activities are authorized by Idaho Code Title 58, Chapter 3 – Appraisal, Lease, and Sale Of Lands. The adoption of related rules is authorized by Idaho Code 58-104.

Following Executive Order 2020-01, Zero-Based Regulation, this rule chapter is scheduled to be repealed and replaced in 2024 for review during the 2025 legislative session.

The Department received Land Board approval on January 16, 2024 to enter negotiated rulemaking.

Discussion

The Department's outreach for negotiated rulemaking included the following:

- Published the Notice of Negotiated Rulemaking in the Idaho Administrative Bulletin on March 6, 2024.
- Created a rulemaking webpage to post documents, scheduling information, and comments (<https://www.idl.idaho.gov/rulemaking/docket-20-0313-2401/>).
- Posted rulemaking notices to Townhall Idaho.
- Communicated with current cottage site lessees to invite participation in the rulemaking exercise.

Negotiated rulemaking meetings were held in Boise on March 27 and April 8, 2024. A total of two non-Department affiliated people attended these meetings, neither of them a current cottage site lessee. One written comment was received during negotiated rulemaking. A summary of the negotiated rulemaking is included as Attachment 1.

The proposed rule was published in the July 3, 2024 Idaho Administrative Bulletin (Attachment 2). No comments were received during the proposed rulemaking period, and no further changes have been made to the rule text.

The draft rule streamlines the rule language, while continuing to provide guidance for residential cottage site leasing on state lands by noting restrictions regarding assignments and describing how annual rent will be determined. The proposed rule significantly reduces regulatory volume with a 19.43 percent net reduction in word count, and a 50 percent net reduction in restrictive word count. The proposed changes seek to comply with Executive Order 2020-01.

If approved by the Land Board, the Department will submit the Notice of Adoption of Pending Rule (Attachment 3) to the Office of the Administrative Rules Coordinator for the 2025 legislative session.

Recommendation

Adopt the pending rule for IDAPA 20.03.13 *Administration of Cottage Site Leases on State Lands*.

Board Action

A motion was made by Secretary of State McGrane that the Land Board adopt the pending rule for IDAPA 20.03.13 *Administration of Cottage Site Leases on State Lands*.

Superintendent Critchfield seconded the motion. The motion carried on a vote of 5-0.

Attachments

1. Negotiated Rulemaking Summary
2. Notice of Rulemaking – Proposed Rule with Rule Text
3. Draft Notice of Adoption of Pending Rule

