

Meeting Date: January 26, 2023

Agenda Item No. 6. a.

Agenda Item: Rulemaking update

Bureau Chief Approval: ES

Prepared by: Amber Worthington

Background:

Staff will update the Commission about legislative activity since initiation of the 2023 Legislature on January 9. Weekly legislative conference calls initiate on February 2 at 9:00 am MST. The Department has no agency-sponsored legislation.

Staff will provide an update on rulemaking. Fee and non-fee rules are currently “pending” and awaiting approval of the 2023 Legislature. Staff are preparing for year three of Governor Little’s Zero-Based Regulation Rulemaking process. This will continue the process of a comprehensive review, simplification and associated negotiated rulemaking of four or more chapters of IDAPA 13.

Statutory Authority and/or Policy Issues:

The Commission has rulemaking authority. The Idaho Administrative Procedure Act (Title 67, Chapter 52, Idaho Code) governs rulemaking in Idaho. Annually, the Commission considers ideas for rulemaking that may be driven by enactment of a new or amended statute by our state Legislature, enactment of a new law or regulation by the federal government, a citizen’s petition to amend or adopt a new rule, a change in an agency’s process or procedure requirements or a need to simply update a rule. Typically, the Commission discusses rulemaking ideas early in the calendar year and provides direction to staff to initiate rulemaking no later than their regularly scheduled March meeting so proper and timely notice can be given to the public with opportunity to participate in the rulemaking process (e.g., initiated with a notice of intent to promulgate rules published in the Idaho Administrative Bulletin).

Public Involvement Process:

Public involvement would occur through the negotiated rulemaking process and the Commission’s public input opportunity.

Justification:

This addresses Commission interest in rulemaking.

Staff Recommendation:

This agenda item is informational. Staff will request Commission direction to advance the year three strategy for “Zero-based Regulation Rulemaking”.