

DECISION MEMORANDUM

**TO: COMMISSIONER KJELLANDER
COMMISSIONER RAPER
COMMISSIONER ANDERSON
COMMISSION SECRETARY
COMMISSION STAFF
LEGAL**

FROM: STEPHEN GOODSON, POLICY ADVISOR

DATE: MAY 7, 2021

SUBJECT: NOTICE OF NEGOTIATED RULEMAKING – IDAPA 31.01.01

BACKGROUND

On January 16, 2020 Governor Little signed Executive Order No. 2020-01, “Zero-Based Regulation.” Executive Order No. 2020-01 requires each agency to review its rule chapters over a five-year period.

Executive Order 2020-01 also directed Division of Financial Management (DFM) to create a schedule under which each agency is to review its rule chapters. The Idaho Public Utilities Commission is scheduled to review IDAPA 31.01.01 – Rules of Procedure of the Idaho Public Utilities Commission – this year.

Due to a moratorium on state agencies proposing rulemaking, typically agency review of rules starts after the Legislature adjourns Sine Die. Legislative Services Office (LSO) and DFM have now suspended this policy for this year.

On Monday May 3, 2021 DFM sent a memo to all state agencies directing them to submit a completed Notice of Negotiated Rulemaking form to DFM by Wednesday May 12, 2021.

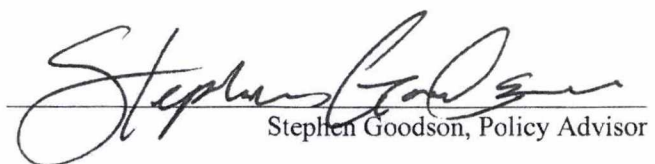
DFM’s memo directs each agency to fully analyze and perform a thorough and meaningful review of the rule and how it can be improved.

STAFF RECOMMENDATIONS

Staff recommends the Commission direct Staff to submit the necessary forms to publish a Notice of Negotiated Rulemaking in the Administrative Bulletin. Staff also recommends the Commission authorize Staff to conduct negotiated rulemaking consistent with *Idaho Code* § 67-5220, Executive Order No. 2020-01, and DFM directives.

COMMISSION DECISION

Does the Commission wish to approve Staff’s recommendations? Anything else?


Stephen Goodson, Policy Advisor