

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 223

BY STATE AFFAIRS COMMITTEE

AN ACT

1
2 RELATING TO THE IDAHO ADMINISTRATIVE PROCEDURE ACT; AMENDING SECTION
3 67-5291, IDAHO CODE, TO REMOVE PROVISIONS REGARDING LEGISLATIVE RE-
4 VIEW OF RULES AND TO REVISE PROVISIONS REGARDING LEGISLATIVE REVIEW OF
5 RULES; AND DECLARING AN EMERGENCY.

6 Be It Enacted by the Legislature of the State of Idaho:

7 SECTION 1. That Section 67-5291, Idaho Code, be, and the same is hereby
8 amended to read as follows:

9 67-5291. LEGISLATIVE REVIEW OF RULES. (1) A standing committee of the
10 legislature shall review any temporary, pending, or final rule that is ger-
11 mane to its committee and has been published in the bulletin or in the admin-
12 istrative code to determine if the rule is consistent with the legislative
13 intent of the statute that the rule was written to interpret, prescribe, im-
14 plement, or enforce. If a reviewed rule is approved, the standing committee
15 that approves the rule shall report its findings and recommendations to the
16 body. If ordered by the presiding officer, the committee's report shall be
17 printed in the journal.

18 (2) (a) All temporary, ~~and pending, and final~~ rules of any nature may be
19 approved ~~or rejected~~ by a concurrent resolution of the legislature. ~~The~~
20 ~~concurrent resolution shall state the effective date of the approval or~~
21 ~~rejection.~~

22 (b) The legislature may reject a final rule, in whole or in part, by con-
23 current resolution where the legislature determines that the rule, or
24 part of the rule, is not consistent with the legislative intent of the
25 statute that the rule was written to interpret, prescribe, implement,
26 or enforce. ~~When rejecting a rule, the legislature shall make a finding~~
27 ~~of facts as to why the rule does not meet the legislative intent of the~~
28 ~~enabling statute by identifying how the rule is inconsistent with the~~
29 ~~authority granted by or the requirements of the corresponding section~~
30 ~~of Idaho Code.~~ For purposes of this section, "part of the rule" means a
31 provision in a rule that is designated either numerically or alphabeti-
32 cally or the entirety of any new or amended language contained therein.
33 The rejection of a rule in whole or in part shall terminate the rule, in
34 whole or in part, as of ~~the effective date of the rejection~~ June 30 of the
35 year in which it was rejected, unless otherwise stated in the concurrent
36 resolution. An agency shall not, subsequent to the rejection, issue a
37 proposed rule that is substantially similar to the rejected rule unless
38 it is consistent with the legislative intent of the statute as expressed
39 in the concurrent resolution.

40 (c) The secretary of state shall immediately notify the affected agency
41 of the filing and effective date of any concurrent resolution enacted to
42 approve or reject, in whole or in part, an agency rule. When an agency

1 rule has been partially rejected, the secretary of state shall trans-
2 mit a copy of the concurrent resolution to the director of the agency for
3 promulgation of the rule as amended.

4 (d) The agency shall be responsible for implementing legislative in-
5 tent as expressed in the concurrent resolution, including, as appropri-
6 ate, the reinstatement of the prior rule in whole or in part, if any, in
7 the case of a resolution rejecting a rule in whole or in part. The agency
8 shall publish notice of rejection of a rule in whole or in part in the
9 bulletin.

10 (3) A temporary rule that is not approved by a concurrent resolution
11 shall expire by its own terms or ~~at adjournment sine die of the next succeed-~~
12 ~~ing regular session of the legislature~~ on June 30 of the year following its
13 adoption, whichever date is earlier, unless otherwise stated in a concurrent
14 resolution.

15 (4) Except as set forth in sections 67-5226 and 67-5228, Idaho Code, a
16 pending fee rule that is not approved by a concurrent resolution shall expire
17 upon adjournment sine die of the legislative session during which the agency
18 submits the pending fee rule to the legislature for review, unless otherwise
19 stated in the concurrent resolution.

20 (5) Except as set forth in sections 67-5226 and 67-5228, Idaho Code, a
21 pending non-fee rule that is not approved by a concurrent resolution shall
22 expire upon adjournment sine die of the legislative session during which the
23 agency submits the pending rule to the legislature for review, unless other-
24 wise stated in the concurrent resolution.

25 (6) ~~On and after January 1, 2024, pending~~ Pending fee and non-fee rules
26 shall become effective on July 1 in the year of the legislative session in
27 which the rule was approved by concurrent resolution unless otherwise speci-
28 fied in the concurrent resolution.

29 SECTION 2. An emergency existing therefor, which emergency is hereby
30 declared to exist, this act shall be in full force and effect on and after its
31 passage and approval.