

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 257

BY WAYS AND MEANS COMMITTEE

AN ACT

1 RELATING TO ADMINISTRATIVE RULES; CONTINUING CERTAIN RULES IN FULL FORCE
2 AND EFFECT UNTIL JULY 1, 2012; CONTINUING RULES APPROVED OR EXTENDED BY
3 ADOPTION OF A CONCURRENT RESOLUTION OF THE FIRST REGULAR SESSION OF THE
4 SIXTY-FIRST IDAHO LEGISLATURE IN FULL FORCE AND EFFECT UNTIL JULY 1,
5 2012, OR UNTIL SUCH TIME AS THEY SHALL EXPIRE; PROVIDING THAT RULES RE-
6 JECTED BY CONCURRENT RESOLUTION SHALL BE NULL, VOID AND OF NO FORCE AND
7 EFFECT; AUTHORIZING AGENCIES TO AMEND OR REPEAL CERTAIN RULES PURSUANT
8 TO THE ADMINISTRATIVE PROCEDURE ACT AND DECLARING THE EFFECT OF THIS ACT
9 UPON ADMINISTRATIVE RULES; AND PROVIDING SEVERABILITY.
10

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

12 SECTION 1. Except as provided in Sections 2, 3 and 4 of this act, every
13 rule, as that term is defined in Section 67-5201, Idaho Code, that would ex-
14 pire on July 1, 2011, pursuant to the provisions of subsections (1) and (2)
15 of Section 67-5292, Idaho Code, shall continue in full force and effect until
16 July 1, 2012, at which time they shall expire as provided in Section 67-5292,
17 Idaho Code.

18 SECTION 2. All rules, as that term is defined in Section 67-5201, Idaho
19 Code, which have been affirmatively approved or extended by the adoption of
20 a Concurrent Resolution by both the Senate and the House of Representatives
21 in the First Regular Session of the Sixty-first Idaho Legislature shall con-
22 tinue in full force and effect in such approved or extended language until
23 July 1, 2012, at which time they shall expire as provided in Section 67-5292,
24 Idaho Code, or until such earlier time as provided in the rule or as otherwise
25 provided by statute, unless further extended by statute.

26 SECTION 3. All rules, as that term is defined in Section 67-5201, Idaho
27 Code, which have been rejected by the adoption of a Concurrent Resolution by
28 both the Senate and the House of Representatives in the First Regular Session
29 of the Sixty-first Idaho Legislature shall be null, void and of no force and
30 effect as provided in Section 67-5291, Idaho Code.

31 SECTION 4. Nothing contained in this act shall be deemed to prohibit an
32 agency, as that term is defined in Section 67-5201, Idaho Code, from amend-
33 ing or repealing rules which have been continued in full force and effect un-
34 til July 1, 2012, pursuant to Sections 1 and 2 of this act, according to the
35 procedures contained in Chapter 52, Title 67, Idaho Code, and subject to sub-
36 mission to the Legislature for approval. Nothing contained in this act shall
37 endow any administrative rule continued in full force and effect under this
38 act with any more legal stature than that of an administrative rule. Nothing
39 contained in this act shall be deemed to be a legislative approval of any rule
40 whose force and effect has been extended by this act, and nothing contained
41 herein shall constitute a legislative finding that any of the rules whose

1 force and effect have been extended hereunder are consistent with the leg-
2 islative intent of the statute(s) pursuant to which they were promulgated.

3 SECTION 5. The provisions of this act are hereby declared to be sever-
4 able and if any provision of this act or the application of such provision to
5 any person or circumstance is declared invalid for any reason, such declara-
6 tion shall not affect the validity of the remaining portions of this act.