

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 414

BY STATE AFFAIRS COMMITTEE

AN ACT

RELATING TO ADMINISTRATIVE RULES; AMENDING SECTION 67-5221, IDAHO CODE, TO REVISE PROVISIONS RELATING TO PUBLIC NOTICE REQUIREMENTS FOR PROPOSED RULEMAKING, TO REMOVE LANGUAGE RELATING TO CERTAIN NEGOTIATED RATES AND TO MAKE TECHNICAL CORRECTIONS.

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

SECTION 1. That Section 67-5221, Idaho Code, be, and the same is hereby amended to read as follows:

67-5221. PUBLIC NOTICE OF PROPOSED RULEMAKING. (1) Prior to the adoption, amendment, or repeal of a rule, the agency shall publish notice of proposed rulemaking in the bulletin. The notice of proposed rulemaking shall include:

(a) ~~The~~ specific statutory authority for the rulemaking including a citation to the specific section of the Idaho Code that has occasioned the rulemaking, or the federal statute or regulation if that is the basis of authority or requirement for the rulemaking;

(b) ~~a~~ statement in nontechnical language of the substance of the proposed rule, including a specific description of any fee or charge imposed or increased;

(c) ~~a~~ specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year when the pending rule will become effective; provided, however, that notwithstanding section 67-5231, Idaho Code, the absence or accuracy of a fiscal impact statement provided pursuant to this subsection shall not affect the validity or the enforceability of the rule;

(d) ~~The~~ text of the proposed rule prepared in legislative format;

(e) ~~The~~ location, date, and time of any public hearings the agency intends to hold on the proposed rule;

(f) ~~The~~ manner in which persons may make written comments on the proposed rule, including the name and address of a person in the agency to whom comments on the proposal may be sent;

(g) ~~The~~ manner in which persons may request an opportunity for an oral presentation as provided in section 67-5222, Idaho Code; and

(h) ~~The~~ deadline for public comments on the proposed rule.

(2) (a) Coinciding with each issue of the bulletin, the coordinator shall cause the publication of an abbreviated notice with a brief description of the subject matter, showing any agency's intent to propose a new or changed rule that is a new addition to that issue of the bulletin. ~~The form of the notice shall be substantially as follows: typefaces used shall measure greater than seven (7) points, and space width shall not be less than two (2) newspaper columns in the form of an~~

1 official legal notice, as provided for in section 60-105, Idaho Code,  
2 and subject to the rates set forth therein. The content of the notice  
3 shall be substantially as follows:

4 ~~A prominent bold typeface heading designed to alert readers to~~  
5 ~~the rules and information contained in the notice.~~ The notice shall  
6 include the agency name and address, rule number, rule subject matter as  
7 provided in paragraph (1) (b) of this section, and the comment deadline.  
8 ~~A The notice shall also include a brief statement in a prominent bold~~  
9 ~~typeface that informs citizens where they can view the administrative~~  
10 ~~bulletin in hard copy or electronic form shall be included.~~

11 (b) The coordinator shall cause the notice required in paragraph  
12 (a) of this subsection to be published in at least the accepting  
13 newspaper of largest paid circulation that is published in each county  
14 in Idaho or, if no newspaper is published in the county, then in an  
15 accepting newspaper of largest paid circulation published in Idaho and  
16 circulated in the county. The newspaper of largest circulation shall be  
17 established by the sworn statement of average annual paid weekday issue  
18 circulation that has been filed by a newspaper with the United States  
19 post office for the calendar year immediately preceding the calendar  
20 year during which the advertisement in this section is required to be  
21 published. ~~The coordinator is authorized to negotiate a rate or rates~~  
22 ~~with any or all newspapers publishing these notices which will provide~~  
23 ~~adequate exposure to the notices by the least expensive means. For the~~  
24 ~~purposes of this section, the provisions of section 60-105, Idaho Code,~~  
25 ~~shall not apply.~~