

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 1

BY STATE AFFAIRS COMMITTEE

AN ACT

1 RELATING TO THE IDAHO ADMINISTRATIVE PROCEDURE ACT; PROVIDING LEGISLATIVE
2 INTENT; AMENDING SECTION 67-5291, IDAHO CODE, TO PROVIDE FOR PARTS OF A
3 RULE, TO REVISE TERMINOLOGY AND TO DEFINE A TERM; AND DECLARING AN EMER-
4 GENCY.
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6 Be It Enacted by the Legislature of the State of Idaho:

7 SECTION 1. LEGISLATIVE INTENT. It is the intent of the Legislature to
8 clarify its authority to approve or reject rules, in whole or in part, as
9 prescribed in Section 29, Article III, of the Constitution of the State of
10 Idaho. The power of the Legislature to approve or reject a part of a rule ap-
11 plies only to the entirety of a provision, such as a subsection or subpara-
12 graph, or to any new or amended language contained in such a provision. The
13 Legislature does not have the authority to reject certain and select words or
14 phrases that would alter the meaning or purpose of the entire rule.

15 SECTION 2. That Section 67-5291, Idaho Code, be, and the same is hereby
16 amended to read as follows:

17 67-5291. LEGISLATIVE REVIEW OF RULES. (1) The standing committees of
18 the legislature may review temporary, pending and final rules which have
19 been published in the bulletin or in the administrative code. If reviewed,
20 the standing committee which reviewed the rules shall report to the member-
21 ship of the body its findings and recommendations concerning its review of
22 the rules. If ordered by the presiding officer, the report of the committee
23 shall be printed in the journal. A concurrent resolution may be adopted
24 approving the rule, in whole or in part, or rejecting the rule where it is
25 determined that the rule ~~violates, or part of the rule, is not consistent~~
26 with the legislative intent of the statute under which the rule was made that
27 the rule was written to interpret, prescribe, implement or enforce, or where
28 it is determined that any rule, or part of a rule, previously promulgated and
29 reviewed by the legislature shall be deemed ~~not to violate~~ be consistent with
30 the legislative intent of the statute under which the rule was made the rule
31 was written to interpret, prescribe, implement or enforce. The rejection of
32 a rule, or part of a rule, by the legislature via concurrent resolution shall
33 prevent the agency's intended action from remaining in effect beyond the
34 date of the legislative action. It shall be the responsibility of the sec-
35 retary of state to immediately notify the affected agency of the filing and
36 effective date of any concurrent resolution enacted to approve or reject, in
37 whole or in part, an agency rule and to transmit a copy of the concurrent res-
38 olution to the director of the agency for promulgation. The agency shall be
39 responsible for implementing legislative intent as expressed in the concur-
40 rent resolution, including, as appropriate, the reinstatement of the prior
41 rule, if any, in the case of legislative rejection of a new rule. If a rule,

1 or part of a rule, has been rejected by the legislature, the agency shall pub-
2 lish notice of such rejection in the bulletin. Except as provided in section
3 67-5226, Idaho Code, with respect to temporary rules, every rule promulgated
4 within the authority conferred by law, and in accordance with the provisions
5 of chapter 52, title 67, Idaho Code, and made effective pursuant to section
6 67-5224(5), Idaho Code, shall remain in full force and effect until the same
7 is rejected by concurrent resolution, or until it expires as provided in
8 section 67-5292, Idaho Code, or by its own terms.

9 (2) For purposes of this section, "part of a rule" means a provision in a
10 rule that is designated either numerically or alphabetically or the entirety
11 of any new or amended language contained therein.

12 SECTION 3. An emergency existing therefor, which emergency is hereby
13 declared to exist, this act shall be in full force and effect on and after its
14 passage and approval.