

SENATE BILL NO. 1097

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~~*This sentence is marked with strikethrough and italic, indicating text to be removed.*~~

Bill Status

S1097.....by STATE AFFAIRS
ADMINISTRATIVE RULES - Amends existing law to require that an agency include in a notice of proposed rulemaking a citation to the specific section of the Idaho Code that has occasioned the rulemaking and a specific description, if applicable, of any fiscal impact greater than ten thousand dollars.

02/07 Senate intro - 1st rdg - to printing

02/08 Rpt prt - to St Aff

Bill Text

]]]] LEGISLATURE OF THE STATE OF IDAHO]]]]
Fifty-eighth Legislature First Regular Session - 2005

IN THE SENATE

SENATE BILL NO. 1097

BY STATE AFFAIRS COMMITTEE

1 AN ACT
2 RELATING TO ADMINISTRATIVE RULES; AMENDING SECTION 67-5221, IDAHO CODE, TO
3 REQUIRE THAT AN AGENCY INCLUDE IN A NOTICE OF PROPOSED RULEMAKING A CITA-
4 TION TO THE SPECIFIC SECTION OF THE IDAHO CODE THAT HAS OCCASIONED THE
5 RULEMAKING AND A SPECIFIC DESCRIPTION, IF APPLICABLE, OF ANY FISCAL IMPACT
6 GREATER THAN TEN THOUSAND DOLLARS; AND DECLARING AN EMERGENCY.

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

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

10 67-5221. PUBLIC NOTICE OF PROPOSED RULEMAKING. (1) Prior to the adoption,
11 amendment, or repeal of a rule, the agency shall publish notice of proposed
12 rulemaking in the bulletin. The notice of proposed rulemaking shall include:
13 (a) the specific statutory authority for the rulemaking including a cita-

14 tion to ~~a~~ the specific section of the Idaho Code that has occasioned the
 15 rulemaking, or the federal statute or regulation if that is the basis of
 16 authority or requirement for the rulemaking;
 17 (b) a statement in nontechnical language of the substance of the proposed
 18 rule, including a specific description of any fee or charge imposed or
 19 increased;
 20 (c) a specific description, if applicable, of any fiscal impact greater
 21 than ten thousand dollars (\$10,000);
 22 (d) the text of the proposed rule prepared in legislative format;
 23 (e) the location, date, and time of any public hearings the agency
 24 intends to hold on the proposed rule;
 25 (f) the manner in which persons may make written comments on the pro-
 26 posed rule, including the name and address of a person in the agency to
 27 whom comments on the proposal may be sent;
 28 (g) the manner in which persons may request an opportunity for an oral
 29 presentation as provided in section 67-5222, Idaho Code; and
 30 (h) the deadline for public comments on the proposed rule.
 31 (2) (a) Coinciding with each issue of the bulletin, the coordinator shall
 32 cause the publication of an abbreviated notice with a brief description of
 33 the subject matter, showing any agency's intent to propose a new or
 34 changed rule that is a new addition to that issue of the bulletin. The
 35 form of the notice shall be substantially as follows: typefaces used shall
 36 measure greater than seven (7) points, and space width shall not be less
 37 than two (2) newspaper columns. The content of the notice shall be sub-
 38 stantially as follows:
 39 A prominent bold typeface heading designed to alert readers to the
 40 rules and information contained in the notice. The notice shall include
 41 the agency name and address, rule number, rule subject matter as provided
 42 in paragraph (1)(b) of this section, and the comment deadline. A brief
 43 statement in a prominent bold typeface that informs citizens where they

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1 can view the administrative bulletin in hard copy or electronic form shall
 2 be included.
 3 (b) The coordinator shall cause the notice required in paragraph (a) of
 4 this subsection to be published in at least the accepting newspaper of
 5 largest paid circulation that is published in each county in Idaho or, if
 6 no newspaper is published in the county, then in an accepting newspaper of
 7 largest paid circulation published in Idaho and circulated in the county.
 8 The newspaper of largest circulation shall be established by the sworn
 9 statement of average annual paid weekday issue circulation that has been
 10 filed by a newspaper with the United States post office for the calendar
 11 year immediately preceding the calendar year during which the advertise-
 12 ment in this section is required to be published. The coordinator is
 13 authorized to negotiate a rate or rates with any or all newspapers pub-
 14 lishing these notices which will provide adequate exposure to the notices
 15 by the least expensive means. For the purposes of this section, the provi-
 16 sions of section 60-105, Idaho Code, shall not apply.

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

Statement of Purpose / Fiscal Impact

STATEMENT OF PURPOSE

RS 14795

When agencies promulgate administrative rules, it is sometimes difficult to identify the specific state statute that precipitated the rule change, as opposed to the general rulemaking authority granted to the agency. Further, while legislators may request that an agency prepare a statement of economic impact on a case-by-case basis, there presently is no mechanism (like fiscal notes on bills and resolutions) to routinely alert legislators and other interested parties to any significant fiscal impact on the state budget that might result from a rule change or adoption.

This bill would amend Section 67-5221, Idaho Code, to require that an agency include in a notice of proposed rulemaking a citation to the specific section of the Idaho Code that has occasioned the rulemaking, as well as a specific description, if applicable, of any fiscal impact greater than \$10,000.

FISCAL NOTE

Other than a slight increase printing and publication charges for additional text in required rulemaking notices, this bill has no fiscal impact on the state general account.

Contact: Sen. Tim Corder, 334-1342
Rep. Bruce Newcomb, Speaker, 332-1111
Rep. Lawrence Denney, Maj. Leader, 332-1120
Rep. Mike Moyle, Asst. Maj. Leader, 332-1120
Rep. Julie Ellsworth, Maj. Caucus Chair, 332-1120
Rep. Wendy Jaquet, Min. Leader, 332-1132

STATEMENT OF PURPOSE/FISCAL NOTE

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