

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 197

BY STATE AFFAIRS COMMITTEE

AN ACT

1 RELATING TO ADMINISTRATIVE RULES; AMENDING SECTION 67-5201, IDAHO CODE,  
2 TO REVISE DEFINITIONS AND TO DEFINE TERMS; AMENDING SECTION 67-5222,  
3 IDAHO CODE, TO PROVIDE REQUIREMENTS REGARDING PUBLIC PARTICIPATION IN  
4 AGENCY RULEMAKING AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION  
5 67-5224, IDAHO CODE, TO REVISE PROVISIONS REGARDING ADMINISTRATIVE  
6 RULES AND TO REMOVE PROVISIONS REGARDING THE EFFECTIVE DATE OF AD-  
7 MINISTRATIVE RULES; AMENDING SECTION 67-5226, IDAHO CODE, TO REVISE  
8 PROVISIONS REGARDING TEMPORARY RULES AND TO REMOVE A PROVISION REGARD-  
9 ING TEMPORARY RULES; REPEALING SECTION 67-5291, IDAHO CODE, RELATING  
10 TO LEGISLATIVE REVIEW OF RULES; AMENDING CHAPTER 52, TITLE 67, IDAHO  
11 CODE, BY THE ADDITION OF A NEW SECTION 67-5291, IDAHO CODE, TO PROVIDE  
12 FOR LEGISLATIVE REVIEW OF RULES; AMENDING SECTION 67-5292, IDAHO CODE,  
13 TO REVISE PROVISIONS REGARDING THE EXPIRATION OF ADMINISTRATIVE RULES;  
14 AMENDING SECTION 20-212, IDAHO CODE, TO REMOVE A CODE REFERENCE AND TO  
15 MAKE TECHNICAL CORRECTIONS; AND DECLARING AN EMERGENCY.  
16

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

18 SECTION 1. That Section 67-5201, Idaho Code, be, and the same is hereby  
19 amended to read as follows:

20 67-5201. DEFINITIONS. As used in this chapter:

21 (1) "Administrative code" means the Idaho administrative code estab-  
22 lished in this chapter.

23 (2) "Adopt" means that an agency has, under the regular rulemaking  
24 process, promulgated a temporary rule, a new rule chapter, or an amendment or  
25 repeal of a final rule that will be submitted for review by the legislature as  
26 either a temporary rule or a pending rule.

27 ~~(2)~~ (3) "Agency" means each state board, commission, department or of-  
28 ficer authorized by law to make rules or to determine contested cases, but  
29 does not include the legislative or judicial branches, executive officers  
30 listed in section 1, article IV of the constitution of the state of Idaho in  
31 the exercise of powers derived directly and exclusively from the constitu-  
32 tion, the state militia or the state board of correction.

33 ~~(3)~~ (4) "Agency action" means:

34 (a) The whole or part of a rule or order;

35 (b) The failure to issue a rule or order; or

36 (c) An agency's performance of, or failure to perform, any duty placed  
37 on it by law.

38 ~~(4)~~ (5) "Agency head" means an individual or body of individuals in whom  
39 the ultimate legal authority of the agency is vested by any provision of law.

40 ~~(5)~~ (6) "Bulletin" means the Idaho administrative bulletin established  
41 in this chapter.

1       ~~(6)~~ (7) "Chief administrative hearing officer" means the administra-  
2 tor of the office of administrative hearings created pursuant to section  
3 67-5280, Idaho Code.

4       ~~(7)~~ (8) "Contested case" means a proceeding that results in the is-  
5 suance of an order.

6       ~~(8)~~ (9) "Coordinator" means the administrative rules coordinator pre-  
7 scribed in section 67-5202, Idaho Code.

8       ~~(9)~~ (10) "Document" means any executive order, notice, rule or state-  
9 ment of policy of an agency.

10       ~~(10)~~ (11) "Final rule" means a ~~rule that has been adopted by an agency~~  
11 ~~under the regular rulemaking process and is in effect~~ rule that has been ap-  
12 proved by the legislature and is in effect.

13       ~~(11)~~ (12) "Hearing officer" means the chief administrative hearing of-  
14 ficer and any hearing officers appointed by him pursuant to sections 67-5281  
15 through 67-5283, Idaho Code, or a person appointed by an agency or board to  
16 hear a contested case.

17       ~~(12)~~ (13) "License" means the whole or part of any agency permit, cer-  
18 tificate, approval, registration, charter, or similar form of authorization  
19 required by law, but does not include a license required solely for revenue  
20 purposes.

21       ~~(13)~~ (14) "Official text" means the text of a document issued, pre-  
22 scribed, or promulgated by an agency in accordance with this chapter and is  
23 the only legally enforceable text of such document. Judicial notice shall be  
24 taken of all documents issued, prescribed, or promulgated in accordance with  
25 this chapter.

26       ~~(14)~~ (15) "Order" means an agency action of particular applicability  
27 that determines the legal rights, duties, privileges, immunities, or other  
28 legal interests of one (1) or more specific persons.

29       ~~(15)~~ (16) "Party" means each person or agency named or admitted as a  
30 party or properly seeking and entitled as of right to be admitted as a party.

31       (17) "Pending fee rule" means any pending rule all or a portion of which  
32 imposes or increases a fee or charge.

33       (18) "Pending non-fee rule" means any pending rule that is not a pending  
34 fee rule.

35       ~~(16)~~ (19) "Pending rule" means a ~~rule that has been adopted by an agency~~  
36 ~~under the regular rulemaking process and remains subject to legislative re-~~  
37 ~~view~~ proposed rule that an agency has adopted under the regular rulemaking  
38 process but remains subject to legislative review, is not a final rule, and  
39 is not in effect.

40       ~~(17)~~ (20) "Person" means any individual, partnership, corporation, as-  
41 sociation, governmental subdivision or agency, or public or private organi-  
42 zation or entity of any character.

43       ~~(18)~~ (21) "Proposed rule" means a ~~rule published in the bulletin as pro-~~  
44 ~~vided in section 67-5221, Idaho Code~~ an agency proposal that has been adopted  
45 and remains subject to review by the legislature.

46       ~~(19)~~ (22) "Provision of law" means ~~the whole~~ all or a part of the state or  
47 federal constitution, or of any state or federal:

48       (a) Statute; or

49       (b) Rule or decision of court.

1       ~~(20)~~ (23) "Publish" means to bring before the public by publication in  
 2 the bulletin or administrative code, by electronic means or as otherwise  
 3 specifically provided by law.

4       ~~(21)~~ (24) "Rule" means ~~the whole~~ all or a part of an agency statement of  
 5 general applicability that has been promulgated in compliance with the pro-  
 6 visions of this chapter and that implements, interprets, enforces, or pre-  
 7 scribes:

8       (a) Law ~~or policy~~; or

9       (b) The procedure or practice requirements of an agency. The term in-  
 10 cludes the amendment, repeal, or suspension of an existing rule, but  
 11 does not include:

12       (i) Statements concerning only the internal management or in-  
 13 ternal personnel policies of an agency and not affecting private  
 14 rights of the public or procedures available to the public; or

15       (ii) Declaratory rulings issued pursuant to section 67-5232,  
 16 Idaho Code; or

17       (iii) Intra-agency memoranda; or

18       (iv) Any written statements given by an agency that pertain to  
 19 an interpretation of a rule or to the documentation of compliance  
 20 with a rule.

21       (25) "Rule chapter" means the numeric designation of a grouping of re-  
 22 lated agency rules by the coordinator.

23       ~~(22)~~ (26) "Rulemaking" means the process for formulation, and adoption,  
 24 ~~amendment or repeal~~ of a rule.

25       ~~(23)~~ (27) "Standard" means a manual, guideline, criterion, specifica-  
 26 tion, requirement, measurement or other authoritative principle providing a  
 27 model or pattern in comparison with which the correctness or appropriateness  
 28 of specified actions, practices or procedures may be determined.

29       ~~(24)~~ (28) "Submitted for review" means that a rule has been provided to  
 30 the legislature for review at a regular or special legislative session as  
 31 provided in section 67-5291, Idaho Code.

32       ~~(25)~~ (29) "Temporary rule" means a rule authorized by the governor to  
 33 become effective before it has been submitted to the legislature for review  
 34 and that expires by its own terms or by operation of law no later than the con-  
 35 clusion of the next succeeding regular legislative session unless extended  
 36 or replaced by a final rule as provided in section ~~67-5226~~, Idaho Code.

37       SECTION 2. That Section 67-5222, Idaho Code, be, and the same is hereby  
 38 amended to read as follows:

39       67-5222. PUBLIC PARTICIPATION. (1) Prior to the adoption, ~~amendment,~~  
 40 ~~or repeal~~ of a rule, the agency shall afford all interested persons reason-  
 41 able opportunity to submit data, views and arguments, orally or in writing.  
 42 The agency shall receive comments for not less than twenty-one (21) days af-  
 43 ter the date of publication of the notice of proposed rulemaking in the bul-  
 44 letin.

45       (2) When promulgating substantive rules, the agency shall provide an  
 46 opportunity for oral presentation if requested by twenty-five (25) persons,  
 47 a political subdivision, or an agency. The request must be made in writing  
 48 and be within fourteen (14) days of the date of publication of the notice of  
 49 proposed rulemaking in the bulletin, or within fourteen (14) days prior to

1 the end of the comment period, whichever is later. An opportunity for oral  
 2 presentation need not be provided when the agency has no discretion as to the  
 3 substantive content of a proposed rule because the proposed rule is intended  
 4 solely to comply:

5 (a) ~~with~~ With a controlling judicial decision or court order; or

6 (b) ~~with~~ With the provisions of a statute or federal rule that has been  
 7 amended since the adoption of the agency rule.

8 (3) Every agency must allow oral presentation through video conference  
 9 or telephone. Beginning July 1, 2026, all agencies must post a video or au-  
 10 dio recording of any oral presentation and public hearing on a rule within  
 11 fifteen (15) days after the meeting and retain such recording and post the  
 12 recording on the agency's website, if any, for not less than three (3) years.

13 SECTION 3. That Section 67-5224, Idaho Code, be, and the same is hereby  
 14 amended to read as follows:

15 67-5224. PENDING RULE ~~— FINAL RULE — EFFECTIVE DATE~~. (1) Prior to the  
 16 adoption, ~~amendment, or repeal~~ of a rule, the agency shall consider fully all  
 17 written and oral submissions respecting the proposed rule.

18 (2) Subject to the provisions of subsection (3) of this section, the  
 19 agency shall publish the text of a pending rule and a notice of adoption of  
 20 the pending rule in the bulletin. The notice of adoption of the pending rule  
 21 shall consist of a concise explanatory statement containing:

22 (a) Reasons for adopting the rule;

23 (b) ~~A statement of any change~~ Any changes between the text of the pro-  
 24 posed rule and the text of the pending rule with ~~an explanation of the~~  
 25 reasons for any changes;

26 (c) The date on which the pending rule will become final and effective,  
 27 as provided in ~~subsection 67-5291(5) of this section, Idaho Code,~~ and a  
 28 statement that the pending rule ~~may be rejected~~ must be approved by con-  
 29 current resolution of the legislature;

30 (d) An identification of any ~~portion of the pending fee rule imposing~~  
 31 ~~or increasing a fee or charge~~ and a statement that this ~~portion of the~~  
 32 pending fee rule shall not become final and effective unless affirma-  
 33 tively approved by concurrent resolution of the legislature;

34 (e) The specific statutory authority for the rulemaking including a ci-  
 35 tation to the specific section of the Idaho Code that has occasioned the  
 36 rulemaking, or the federal statute or regulation if that is the basis of  
 37 authority or requirement for the rulemaking; and

38 (f) Except as otherwise required in paragraph (g) of this subsection,  
 39 a specific description, if applicable, of any negative fiscal impact on  
 40 the state general fund greater than ten thousand dollars (\$10,000) dur-  
 41 ing the fiscal year when the pending rule will become effective; pro-  
 42 vided however, that notwithstanding section 67-5231, Idaho Code, the  
 43 absence or accuracy of a fiscal impact statement provided pursuant to  
 44 this paragraph shall not affect the validity or the enforceability of  
 45 the rule; or

46 (g) If a notice of proposed rulemaking of the Idaho state tax commis-  
 47 sion, a specific description of any negative or positive fiscal impact  
 48 greater than ten thousand dollars (\$10,000) during the fiscal year when  
 49 the pending rule will become effective; provided however, notwith-

1 standing section 67-5231, Idaho Code, the absence or accuracy of a  
 2 fiscal impact statement provided pursuant to this paragraph shall not  
 3 affect the validity or the enforceability of the rule.

4 (3) With the permission of the coordinator, the agency need not pub-  
 5 lish in full the text of the pending rule if no significant changes have been  
 6 made from the text of the proposed rule as published in the bulletin, but the  
 7 notice of adoption of the pending rule must cite the volume of the bulletin  
 8 where the text is available and note all changes that have been made.

9 (4) An agency shall not publish a pending rule until at least seven (7)  
 10 days after the close of all public comment.

11 ~~(5) (a) Except as set forth in sections 67-5226 and 67-5228, Idaho Code,~~  
 12 ~~a pending rule shall become final and effective upon the conclusion of~~  
 13 ~~the legislative session at which the rule was submitted to the legisla-~~  
 14 ~~ture for review, or as provided in the rule, but no pending rule adopted~~  
 15 ~~by an agency shall become final and effective before the conclusion of~~  
 16 ~~the regular or special legislative session at which the rule was sub-~~  
 17 ~~mitted for review. A rule which is final and effective may be applied~~  
 18 ~~retroactively, as provided in the rule.~~

19 ~~(b) When the legislature approves a pending rule pursuant to section~~  
 20 ~~67-5291, Idaho Code, the rule shall become final and effective upon~~  
 21 ~~adoption of the concurrent resolution or such other date specified in~~  
 22 ~~the concurrent resolution.~~

23 ~~(c) Except as set forth in sections 67-5226 and 67-5228, Idaho Code,~~  
 24 ~~no pending rule or portion thereof imposing a fee or charge of any kind~~  
 25 ~~shall become final and effective until it has been approved by concu-~~  
 26 ~~rent resolution.~~

27 ~~(6) (5) Each agency shall provide the administrative rules coordinator~~  
 28 ~~with a description of any pending fee rule or portion thereof imposing a new~~  
 29 ~~fee or charge or increasing an existing fee or charge, along with a citation~~  
 30 ~~of the specific statute authorizing the imposition or increase of the fee or~~  
 31 ~~charge. The administrative rules coordinator shall provide the legislature~~  
 32 ~~with a compilation of the descriptions provided by the agencies.~~

33 ~~(7) (6) At the conclusion of the legislative session Upon adjournment~~  
 34 ~~sine die of the legislature or as soon thereafter as is practicable, the~~  
 35 ~~coordinator shall publish the date upon which the legislature adjourned~~  
 36 ~~sine die of adjournment and the date rules became effective and a list of~~  
 37 ~~final rules becoming effective on a different date, as provided in section~~  
 38 ~~67-5224(5) 67-5291, Idaho Code, and temporary rules remaining in effect as~~  
 39 ~~provided in section 67-5226(3) 67-5291, Idaho Code.~~

40 SECTION 4. That Section 67-5226, Idaho Code, be, and the same is hereby  
 41 amended to read as follows:

42 67-5226. TEMPORARY RULES. (1) If the governor finds that:

43 (a) Protection of the public health, safety, or welfare; or

44 (b) Compliance with deadlines in amendments to governing law or federal  
 45 programs; or

46 (c) Conferring a benefit;

47 requires a rule to become effective before it has been submitted to the leg-  
 48 islature for review, the agency may proceed with such notice as is practi-  
 49 cable and adopt a temporary rule, except as otherwise provided in section

1 67-5229(1) (d), Idaho Code. The agency may make the temporary rule immedi-  
 2 ately effective. The agency shall incorporate the required finding and a  
 3 concise statement of its supporting reasons in each rule adopted in reliance  
 4 upon the provisions of this subsection.

5 (2) A pending fee rule adopted pursuant to subsection (1) of this sec-  
 6 tion ~~which imposes a fee or charge~~ may become effective under this section  
 7 before it has been approved by concurrent resolution only if the governor  
 8 finds that the fee or charge is necessary to avoid immediate danger ~~which~~  
 9 ~~justifies the imposition of the fee or charge.~~

10 ~~(3) In no case shall a rule adopted pursuant to this section remain in~~  
 11 ~~effect beyond the conclusion of the next succeeding regular session of the~~  
 12 ~~legislature unless the rule is approved by concurrent resolution, in which~~  
 13 ~~case the rule may remain in effect until the time specified in the resolution~~  
 14 ~~or until the rule has been replaced by a final rule which has become effective~~  
 15 ~~as provided in section 67-5224(5), Idaho Code.~~

16 ~~(4)~~ (3) Temporary rules shall be published in the first available issue  
 17 of the bulletin.

18 ~~(5)~~ (4) Temporary rules are not subject to the requirements of section  
 19 67-5223, Idaho Code, provided that the ~~administrative rules~~ coordinator  
 20 sends a copy of the temporary rules to the director of the legislative ser-  
 21 vices office.

22 ~~(6)~~ (5) Concurrently with the promulgation of a rule under this sec-  
 23 tion, or as soon as reasonably possible thereafter, an agency shall commence  
 24 the promulgation of a proposed rule in accordance with the rulemaking re-  
 25 quirements of this chapter, unless the temporary rule adopted by the agency  
 26 will expire by its own terms or by operation of law before the proposed rule  
 27 could become final.

28 SECTION 5. That Section [67-5291](#), Idaho Code, be, and the same is hereby  
 29 repealed.

30 SECTION 6. That Chapter 52, Title 67, Idaho Code, be, and the same is  
 31 hereby amended by the addition thereto of a NEW SECTION, to be known and des-  
 32 ignated as Section 67-5291, Idaho Code, and to read as follows:

33 67-5291. LEGISLATIVE REVIEW OF RULES. (1) A standing committee of the  
 34 legislature may review any temporary, pending, or final rule that is germane  
 35 to its committee and has been published in the bulletin or in the administra-  
 36 tive code to determine if the rule is consistent with the legislative intent  
 37 of the statute that the rule was written to interpret, prescribe, implement,  
 38 or enforce. If a reviewed rule is approved, the standing committee that ap-  
 39 proves the rule shall report its findings and recommendations to the body.  
 40 If ordered by the presiding officer, the committee's report shall be printed  
 41 in the journal.

42 (2) (a) All temporary, pending, and final rules of any nature that are  
 43 approved by the germane committees shall be compiled in a concurrent  
 44 resolution of the legislature that may be approved or rejected by the  
 45 same. The concurrent resolution shall state the effective date of the  
 46 approval or rejection.

47 (b) The legislature may reject a rule, in whole or in part, where the  
 48 legislature determines that the rule, or part of the rule, is not con-

1           sistent with the legislative intent of the statute that the rule was  
 2           written to interpret, prescribe, implement, or enforce. For purposes  
 3           of this section, "part of the rule" means a provision in a rule that is  
 4           designated either numerically or alphabetically or the entirety of any  
 5           new or amended language contained therein. The rejection of a rule in  
 6           whole or in part shall terminate the rule, in whole or in part, as of the  
 7           effective date of the rejection. An agency shall not, subsequent to the  
 8           rejection, issue a proposed rule that is substantially similar to the  
 9           rejected rule unless it is consistent with the legislative intent of the  
 10          statute as expressed in the concurrent resolution.

11          (c) The secretary of state shall immediately notify the affected agency  
 12          of the filing and effective date of any concurrent resolution enacted to  
 13          approve or reject, in whole or in part, an agency rule. When an agency  
 14          rule has been partially rejected, the secretary of state shall trans-  
 15          mit a copy of the concurrent resolution to the director of the agency for  
 16          promulgation of the rule as amended.

17          (d) The agency shall be responsible for implementing legislative in-  
 18          tent as expressed in the concurrent resolution, including, as appropri-  
 19          ate, the reinstatement of the prior rule in whole or in part, if any, in  
 20          the case of a resolution rejecting a rule in whole or in part. The agency  
 21          shall publish notice of rejection of a rule in whole or in part in the  
 22          bulletin.

23          (3) A temporary rule that is not approved by a concurrent resolution  
 24          shall expire by its own terms or at adjournment sine die of the next succeed-  
 25          ing regular session of the legislature, whichever date is earlier.

26          (4) Except as set forth in sections 67-5226 and 67-5228, Idaho Code, a  
 27          pending fee rule that is not approved by a concurrent resolution shall expire  
 28          upon adjournment sine die of the legislative session during which the agency  
 29          submits the pending fee rule to the legislature for review.

30          (5) Except as set forth in sections 67-5226 and 67-5228, Idaho Code, a  
 31          pending non-fee rule that is not approved by a concurrent resolution shall  
 32          expire upon adjournment sine die of the legislative session during which the  
 33          agency submits the pending rule to the legislature for review.

34          SECTION 7. That Section 67-5292, Idaho Code, be, and the same is hereby  
 35          amended to read as follows:

36          67-5292. EXPIRATION OF ADMINISTRATIVE RULES. ~~(1) Notwithstanding any~~  
 37          ~~other provision of this chapter to the contrary, every rule adopted and be-~~  
 38          ~~coming effective after June 30, 1990, shall automatically expire on July 1~~  
 39          ~~of the following year unless the rule is extended by statute. Extended rules~~  
 40          ~~shall then continue to expire annually on July 1 of each succeeding year un-~~  
 41          ~~less extended by statute in each such succeeding year.~~

42          ~~(2) All rules adopted prior to June 30, 1990, shall expire on July 1,~~  
 43          ~~1991, unless extended by statute. Thereafter, any rules which are extended~~  
 44          ~~shall then continue to expire annually on July 1 of each succeeding year un-~~  
 45          ~~less extended by statute in each succeeding year.~~

46          ~~(3) This section is a critical and integral part of this chapter. If any~~  
 47          ~~portion of this section or the application thereof to any person or circum-~~  
 48          ~~stance is held invalid, the invalidity shall be deemed to affect all rules~~

1 ~~adopted subsequent to the effective date of this act and such rules shall be~~  
 2 ~~deemed null, void and of no further force and effect.~~

3 (1) Each rule chapter that is in effect on July 1, 2026, shall expire  
 4 on a sunset date established by the coordinator. The sunset schedule shall  
 5 be staggered proportionally between July 1, 2026, and June 30, 2034, and the  
 6 sunset date shall be posted on each rule.

7 (2) Each new rule that becomes effective after July 1, 2026, shall be  
 8 assigned a sunset date by the coordinator that is eight (8) years from the  
 9 rule's effective date.

10 SECTION 8. That Section 20-212, Idaho Code, be, and the same is hereby  
 11 amended to read as follows:

12 20-212. RULES -- AUTHORITY OF BOARD. (1) The state board of correction  
 13 shall make all necessary rules to carry out the provisions of this chapter  
 14 not inconsistent with express statutes or the state constitution and to  
 15 carry out those duties assigned to the department of correction pursuant to  
 16 the provisions of chapter 8, title 20, Idaho Code. The board shall fix the  
 17 time and place of meetings, the order of business, the form of records to be  
 18 kept, the reports to be made, and all other rules necessary to the efficient  
 19 management and control of the state penitentiary and all properties used in  
 20 connection therewith. All rules of the board shall be subject to review of  
 21 the legislature pursuant to sections 67-454~~7~~ and 67-5291 and ~~67-5292~~, Idaho  
 22 Code, but no other provisions of chapter 52, title 67, Idaho Code, shall ap-  
 23 ply to the board, except as otherwise specifically provided by statute. When  
 24 making rules required by this section, the board or the department shall sub-  
 25 mit the rules to the office of the state administrative rules coordinator~~7~~ in  
 26 a format suitable to the office of the state administrative rules coordina-  
 27 tor as provided in section 67-5202, Idaho Code, and the board or department  
 28 shall pay all the fees provided in section 67-5205, Idaho Code. The office of  
 29 the state administrative rules coordinator is authorized and shall publish  
 30 the board or department's rules in the administrative bulletin. Addition-  
 31 ally, whenever the board or department desires to amend, modify or repeal any  
 32 of its rules, it shall follow the procedure provided in this section. All  
 33 rules~~7~~ or the amendment or repeal of rules shall be effective thirty (30)  
 34 days after the date of publication by the office of the administrative rules  
 35 coordinator. If the board determines that the rules need to be effective at  
 36 a sooner date, they shall issue a proclamation indicating that the public  
 37 health, safety and welfare is in jeopardy and, if the governor agrees, the  
 38 rules shall be effective upon the governor signing the proclamation.

39 (2) "Rule" as used in this section means the whole or a part of the board  
 40 of correction or department of correction's statement of general applica-  
 41 bility that has been promulgated in compliance with the provisions of this  
 42 section and that implements, interprets or prescribes:

43 (a) Law or policy; or

44 (b) The procedure or practice requirements of the board or department.

45 The term includes the amendment, repeal, or suspension of an existing  
 46 rule, but does not include:

47 (i) Statements concerning only the internal management or in-  
 48 ternal personnel policies of an agency and not affecting private  
 49 rights of the public or procedures available to the public; or



- 1 (ii) Declaratory rulings issued pursuant to statute or the  
2 board's rules; or  
3 (iii) Intra-department memoranda; or  
4 (iv) Any written statements given by the department or board ~~which~~  
5 that pertain to an interpretation of a rule or to the documentation  
6 of compliance with a rule.

7 (3) At the same time that the proclamation of rulemaking is filed with  
8 the coordinator, the board or department shall provide the same notice,  
9 ~~accompanied by~~ the full text of the rule under consideration in legislative  
10 format, ~~as well as~~ and a statement of the substance of the intended action, to  
11 the director of legislative services. If the rulemaking is based ~~upon~~ on a  
12 requirement of federal law or regulation, a copy of that specific federal law  
13 or regulation shall accompany the submission to the director of legislative  
14 services. The director of legislative services shall analyze and refer the  
15 material under consideration to the germane joint subcommittee created in  
16 section 67-454, Idaho Code.

17 (4) The board or department shall prepare and deliver to the germane  
18 joint subcommittee a statement of economic impact with respect to a rule if  
19 the germane joint subcommittee files a written request with the board or de-  
20 partment for such a statement. The statement shall contain an evaluation of  
21 the costs and benefits of the rule, including any health, safety, or welfare  
22 costs and benefits. The adequacy of the contents of the statement of eco-  
23 nomic impact is not subject to judicial review.

24 SECTION 9. An emergency existing therefor, which emergency is hereby  
25 declared to exist, this act shall be in full force and effect on and after its  
26 passage and approval.