

IN THE HOUSE OF REPRESENTATIVES  
HOUSE CONCURRENT RESOLUTION NO. 29

BY STATE AFFAIRS COMMITTEE

1 A CONCURRENT RESOLUTION  
2 STATING FINDINGS OF THE LEGISLATURE AND REJECTING CERTAIN RULES OF THE  
3 DEPARTMENT OF ADMINISTRATION RELATING TO RULES OF THE DIVISION OF PUR-  
4 CHASING.

5 Be It Resolved by the Legislature of the State of Idaho:

6 WHEREAS, the Legislature is vested with authority to reject executive  
7 agency rules under the provisions of Section 67-5291, Idaho Code, in the  
8 event that the Legislature finds that the rules are not consistent with leg-  
9 islative intent; and

10 WHEREAS, it is the finding of the Legislature that certain rules of the  
11 Department of Administration relating to Rules of the Division of Purchas-  
12 ing are not consistent with legislative intent and should be rejected be-  
13 cause they exceed the scope of authority granted to the administrator by cre-  
14 ating in rule a type of solicitation called an "invitation to negotiate" or  
15 a "competitive negotiation" that is not permitted by statute or included in  
16 the statutory definition of a "solicitation."

17 NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular  
18 Session of the Sixty-seventh Idaho Legislature, the House of Representa-  
19 tives and the Senate concurring therein, that final rule contained in IDAPA  
20 38.05.01, Section 011., Subsections 05., 14., 17., and 18.; Section 051.,  
21 Subsections 02. and 04.; Section 070.; Section 084., Subsection 01.a.; and  
22 Section 094., relating to Rules of the Division of Purchasing, Rules of the  
23 Department of Administration, only, be, and the same are hereby rejected and  
24 declared null, void, and of no force and effect.