

IN THE SENATE

SENATE BILL NO. 1215

BY JUDICIARY AND RULES COMMITTEE

AN ACT

1 RELATING TO ADMINISTRATIVE RULES; CONTINUING CERTAIN RULES IN FULL FORCE
2 AND EFFECT UNTIL JULY 1, 2020; CONTINUING RULES APPROVED OR EXTENDED BY
3 ADOPTION OF A CONCURRENT RESOLUTION OF THE FIRST REGULAR SESSION OF THE
4 SIXTY-FIFTH IDAHO LEGISLATURE IN FULL FORCE AND EFFECT UNTIL JULY 1,
5 2020, OR UNTIL SUCH TIME AS THEY SHALL EXPIRE; PROVIDING THAT RULES RE-
6 JECTED BY CONCURRENT RESOLUTION SHALL BE NULL, VOID, AND OF NO FORCE AND
7 EFFECT; AUTHORIZING AGENCIES TO AMEND OR REPEAL CERTAIN RULES PURSUANT
8 TO THE ADMINISTRATIVE PROCEDURE ACT, AND DECLARING THE EFFECT OF THIS
9 ACT UPON ADMINISTRATIVE RULES; PROVIDING SEVERABILITY; AND PROVIDING
10 AN EFFECTIVE DATE.
11

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

13 SECTION 1. Except as provided in Sections 2, 3, and 4 of this act, ev-
14 ery rule, as defined in Section 67-5201, Idaho Code, that would expire on
15 July 1, 2019, pursuant to the provisions of subsections (1) and (2) of Sec-
16 tion 67-5292, Idaho Code, shall continue in full force and effect until July
17 1, 2020, at which time they shall expire and be of no further force and effect
18 as provided in Section 67-5292, Idaho Code.

19 SECTION 2. All rules, as defined in Section 67-5201, Idaho Code, which
20 have been affirmatively approved or extended by the adoption of a Concurrent
21 Resolution by both the Senate and the House of Representatives in the First
22 Regular Session of the Sixty-fifth Idaho Legislature shall continue in full
23 force and effect in such approved or extended language until July 1, 2020, at
24 which time they shall expire as provided in Section 67-5292, Idaho Code, or
25 until such earlier time as provided in the rule or as otherwise provided by
26 statute, unless further extended by statute.

27 SECTION 3. All rules, as defined in Section 67-5201, Idaho Code, which
28 have been rejected by the adoption of a Concurrent Resolution by both the
29 Senate and the House of Representatives in the First Regular Session of the
30 Sixty-fifth Idaho Legislature shall be null, void, and of no force and effect
31 as provided in Section 67-5291, Idaho Code.

32 SECTION 4. Nothing contained in this act shall be deemed to prohibit an
33 agency, as defined in Section 67-5201, Idaho Code, from amending or repeal-
34 ing rules which have been continued in full force and effect until July 1,
35 2020, pursuant to Sections 1 and 2 of this act, according to the procedures
36 contained in Chapter 52, Title 67, Idaho Code, and subject to submission to
37 the Legislature for approval. Nothing contained in this act shall endow any
38 administrative rule continued in full force and effect under this act with
39 any more legal stature than that of any administrative rule. Nothing con-
40 tained in this act shall be deemed to be a legislative approval of any rule
41 whose force and effect has been extended by this act, and nothing contained

1 herein shall constitute a legislative finding that any of the rules whose
2 force and effect have been extended hereunder are consistent with the leg-
3 islative intent of the statute (s) pursuant to which they were promulgated.

4 SECTION 5. The provisions of this act are hereby declared to be sever-
5 able, and if any provision of this act or the application of such provision to
6 any person or circumstance is declared invalid for any reason, such declara-
7 tion shall not affect the validity of the remaining portions of this act.

8 SECTION 6. This act shall be in full force and effect on and after July
9 1, 2019.