

Moved by McKenzie

Seconded by McGee

IN THE SENATE  
SENATE AMENDMENT TO H.B. NO. 614

AMENDMENT TO THE BILL

1  
2 On page 1 of the printed bill, delete lines 9 through 41; delete page 2,  
3 and insert:

4 "SECTION 1. That Section 67-5223, Idaho Code, be, and the same is hereby  
5 amended to read as follows:

6 67-5223. INTERIM LEGISLATIVE REVIEW -- STATEMENT OF ECONOMIC IM-  
7 PACT. (1) After notice of proposed rulemaking is filed with the coordinator,  
8 the coordinator, after making technical corrections as authorized in  
9 section 67-5202, Idaho Code, shall provide the notice, accompanied by the  
10 full text of the rule under consideration in legislative format, as well as  
11 a statement of the substance of the intended action, to the director of leg-  
12 islative services. If the proposed rulemaking is based upon a requirement of  
13 federal law or regulation, a copy of that specific federal law or regulation  
14 shall accompany the submission to the director of legislative services. The  
15 director of legislative services shall analyze and refer the material under  
16 consideration to the germane joint subcommittee created in section 67-454,  
17 Idaho Code.

18 (2) An agency shall prepare and deliver to the germane joint subcom-  
19 mittee a statement of economic impact with respect to a proposed rule if the  
20 germane joint subcommittee files a written request with the agency for such  
21 a statement. The statement shall contain an evaluation of the costs and ben-  
22 efits of the rule, including any health, safety, or welfare costs and bene-  
23 fits.

24 (3) An agency shall prepare for inclusion with the filing of the pro-  
25 posed rule change a statement of economic impact on all proposed rules in  
26 which a fee or charge is imposed or increased. The cost/benefit analysis  
27 shall include reasonably estimated costs to the agency to implement the rule  
28 and the reasonably estimated costs borne by citizens, or the private sector  
29 or both. The adequacy of the contents of the statement of economic impact in  
30 subsections (1) and (2) of this section is not subject to judicial review and  
31 the accuracy of a fiscal impact statement provided pursuant to this subsec-  
32 tion shall not affect the validity or the enforceability of the rule.

33 SECTION 2. That Section 67-5229, Idaho Code, be, and the same is hereby  
34 amended to read as follows:

35 67-5229. INCORPORATION BY REFERENCE. (1) If the incorporation of its  
36 text in the agency rules would be unduly cumbersome, expensive, or otherwise  
37 inexpedient, an agency may incorporate by reference in its rules and without  
38 republication of the incorporated material in full, all or any part of:

1 (a) A code, standard or rule adopted by an agency of the United States;  
 2 (b) A code, standard or rule adopted by any nationally recognized or-  
 3 ganization or association;  
 4 (c) A code or standard adopted by Idaho statute or authorized by Idaho  
 5 statute for adoption by rule; or  
 6 (d) A final rule of a state agency; provided however, that a state  
 7 agency shall not adopt a temporary rule incorporating by reference a  
 8 rule of that agency that is being or has been repealed unless the rule  
 9 providing for the incorporation has been reviewed and approved by the  
 10 legislature.

11 (2) The agency shall, as part of the rulemaking:

12 (a) Include in the notice of proposed rulemaking a brief written synop-  
 13 sis of why the incorporation is needed; and

14 (b) Note where ~~copies of the incorporated material may be obtained or~~  
 15 ~~electronically accessed~~ an electronic copy can be obtained or provide  
 16 an electronic link to the incorporated materials that at a minimum will  
 17 be posted on the agency's website or included in the rule that is pub-  
 18 lished in the administrative code on the website of the office of the  
 19 administrative rules coordinator; and

20 (~~c~~) If otherwise unavailable, provide one (1) copy of the incorporated  
 21 material to the Idaho supreme court law library ~~note where copyrighted~~  
 22 or other proprietary materials can be viewed or purchased.

23 (3) The incorporated material shall be identified with specificity  
 24 and shall include the date when the code, standard or rule was published,  
 25 approved or became effective. If the agency subsequently wishes to adopt  
 26 amendments to previously incorporated material, it shall comply with the  
 27 rulemaking procedures of this chapter.

28 (4) Unless prohibited by other provisions of law, the incorporated ma-  
 29 terial is subject to legislative review in accordance with the provisions of  
 30 section 67-5291, Idaho Code, and shall have the same force and effect as a  
 31 rule."

32 CORRECTION TO TITLE

33 On page 1, delete lines 2 through 7, and insert:

34 "RELATING TO ADMINISTRATIVE RULES; AMENDING SECTION 67-5223, IDAHO CODE, TO  
 35 PROVIDE FOR STATEMENTS OF ECONOMIC IMPACT TO BE FILED WITH RULES; AND  
 36 AMENDING SECTION 67-5229, IDAHO CODE, TO REVISE PROCEDURES FOR INCORPO-  
 37 RATION BY REFERENCE IN RULEMAKING AND TO MAKE A TECHNICAL CORRECTION."