

IN THE SENATE

SENATE BILL NO. 1072

BY COMMERCE AND HUMAN RESOURCES COMMITTEE

AN ACT

1 RELATING TO THE IDAHO ADMINISTRATIVE PROCEDURE ACT; AMENDING SECTION
2 67-5205, IDAHO CODE, TO REVISE PROVISIONS REGARDING FEES ASSOCIATED
3 WITH PUBLISHING CERTAIN RULES AND TO MAKE TECHNICAL CORRECTIONS.
4

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

6 SECTION 1. That Section 67-5205, Idaho Code, be, and the same is hereby
7 amended to read as follows:

8 67-5205. FORMAT -- COSTS -- DISTRIBUTION -- FUNDS. (1) The administra-
9 tive code and the permanent supplements thereto shall be published in such a
10 manner that every agency has an opportunity to procure, at reasonable cost
11 from the coordinator, individual electronic copies of the rules and state-
12 ments of policy of such agency published by authority of this chapter. No
13 administrative rule or statement of policy published in the administrative
14 code or the permanent supplements shall be reset or otherwise reprinted at
15 public expense upon a format distinct from that of the administrative code
16 without a certification by the coordinator that such special format is nec-
17 essary for the effective performance by the agency of its functions.

18 (2) The prices to be charged for individual electronic copies of and
19 subscriptions to the administrative code, the permanent supplements thereto
20 and the bulletin, and for rules and statements of policy, which prices may
21 be fixed without reference to the restrictions placed upon and fixed for the
22 sale of other publications of the state shall be set by rules promulgated by
23 the coordinator. The coordinator may set prices without reference to the re-
24 strictions placed upon the sale of other publications of the state.

25 (3) The coordinator shall provide to the legislature free electronic
26 copies of all rules subject to review by the legislature pursuant to section
27 67-5291, Idaho Code, and may distribute other free electronic copies for of-
28 ficial use.

29 (4) Without limiting the generality of the provisions of subsection (2)
30 of this section, the rules of the coordinator may provide for volume dis-
31 counts to be available to established law book publishers who agree to in-
32 corporate fully administrative rules, the permanent supplements thereto and
33 the bulletin into their general scheme of promotion and distribution, and
34 may provide for the free reciprocal exchange of publications between this
35 state and other states and foreign jurisdictions. The provisions of this
36 section include the authority to exchange, display, access and publish texts
37 through electronic media.

38 (5) There is hereby created in the state treasury the administrative
39 code fund. All moneys received from the production of rules, the sale of
40 the administrative code, the permanent supplements thereto, or the bul-
41 letin, and for providing electronic access, shall be deposited in the fund.
42 All agencies ~~which~~ that have any material published electronically in the

1 bulletin, administrative code or supplements thereto, or newspapers, are
2 hereby authorized and directed to pay out of their appropriations to the
3 coordinator their respective shares of the costs of such publication and
4 distribution of such material. All moneys placed in the fund may be appro-
5 priated to the coordinator for the administration of the provisions of this
6 chapter, and for the publication and distribution of the bulletin, adminis-
7 trative code or supplements thereto, as authorized in this chapter.

8 (6) (a) The coordinator shall charge ~~an annual fee~~ to each participating
9 agency as follows:

10 (i) An annual fee for each page published electronically in the
11 administrative code, not to exceed fifty-six dollars (\$56.00) per
12 page. ~~In addition, the coordinator shall charge a fee to each par-~~
13 ~~ticipating agency~~

14 (ii) A fee for each page published electronically in the bulletin,
15 not to exceed sixty-one dollars (\$61.00) per page. A fee per page
16 may be charged even though less than a full page of publication is
17 required, ~~and each~~ however, there shall be no fee associated with
18 any portion of a publication necessitated by or pertaining to the
19 removal of a rule or a reduction of the regulatory obligation im-
20 posed by a rule.

21 (b) Each participating agency shall promptly pay into the administra-
22 tive code fund such charge.