

REVISED

STATEMENT OF PURPOSE

RS27351C1 / S1283

The purpose of this amendment is to provide a consistent method across all state agencies for any person to request a waiver, variance, or amendment of an existing Idaho rule. Currently Idaho statute allows petitioners to request that an agency adopt, amend or repeal a rule, but there is no provision in Idaho's statutes for a person to request a waiver or variance of an existing rule without first being denied by the agency. The amendment prohibits a waiver, variance or amendment if the request is in violation of a statute.

The proposed legislation requires the petitioner to demonstrate at least one of the following:

1. The rule is unreasonable or causes an undue hardship
2. The petitioner's proposed alternative will provide substantially equal protection of health, safety and welfare
3. The petitioner's alternative would test an innovative practice

Some agencies currently use an appeal process to consider rule waivers or variances requiring the applicant to first be denied by the agency. This amendment would reduce the time and resources used by the petitioner and agency to address rule waiver and variance requests.

FISCAL NOTE

The proposed amendment will have no significant impact on the state General Fund or local government. There will be some staff time involved in reviewing a specific waiver request. Such requests would be relatively infrequent and could reduce staff time for those agencies that use a denial and formal appeal process to grant a waiver.

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DISCLAIMER: This statement of purpose and fiscal note are a mere attachment to this bill and prepared by a proponent of the bill. It is neither intended as an expression of legislative intent nor intended for any use outside of the legislative process, including judicial review (Joint Rule 18).