

# IDAHO LEGISLATIVE SERVICES OFFICE

### Administrative Rules Overview

### Changes Made by House Bill 206a

- Cleaner, simpler definitions for the types of rules and what it means to adopt a rule.
- It is now stated in Code that standing committees "**shall**" review administrative rules germane to the committee. Previously, it was stated that committees "**may**" review such rules.
- When rejecting a rule, the Legislature must now make a "**finding of fact**" as to why the rule does not meet the legislative intent of the enabling statute. Previously, the Legislature needed only to state that the rule did not meet legislative intent.
- Agencies are now required to allow public testimony on their administrative rules proposals via video conference or telephone, and beginning in 2026, agencies must post a recording of a public hearing on an administrative rule on the agency's website for at least three years.
- Requires that all administrative rules reviewed by the Legislature, including nonfee rules, must be approved by a concurrent resolution in order to take effect. Previously, non-fee rules would take effect automatically upon sine die unless rejected via passage of a concurrent resolution.
- Eliminates the requirement that all administrative rules will expire unless extended by the Legislature.
- Beginning in 2026, the Legislature will periodically review all existing administrative rules on a staggered, eight-year schedule.



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## ADMINISTRATIVE RULES OVERVIEW

#### **Overview of Rules Review Process**

New Rule or Revised Existing Rule – adopted by an agency

If an agency conducts negotiated rulemaking for a particular rule, it will receive feedback from the public and other interested parties via submitted comments or public hearings.

**Temporary rule -** takes effect <u>immediately</u> with Governor's approval.

**Proposed rule** - is not yet in effect.

Submitted to the Legislature in January

**Pending Rule** 

Committees **"shall"** review administrative rules germane to their committee.

(Typically, in the first weeks of session)

Committee findings and recommendations regarding approved rules are reported to the Body.

LSO prepares concurrent resolutions to approve rules based on the committee reports.

Terri Kondeff, Director

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https://legislature.idaho.gov/lso/