

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 36

BY JUDICIARY, RULES AND ADMINISTRATION COMMITTEE

AN ACT

1 RELATING TO THE IDAHO ADMINISTRATIVE PROCEDURE ACT; AMENDING CHAPTER 52,  
2 TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-5251A, IDAHO  
3 CODE, TO ESTABLISH PROVISIONS REGARDING THE ISSUANCE OF A SUBPOENA IN A  
4 CONTESTED CASE; PROVIDING SEVERABILITY; AND DECLARING AN EMERGENCY AND  
5 PROVIDING AN EFFECTIVE DATE.  
6

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

8 SECTION 1. That Chapter 52, Title 67, Idaho Code, be, and the same is  
9 hereby amended by the addition thereto of a NEW SECTION, to be known and des-  
10 ignated as Section 67-5251A, Idaho Code, and to read as follows:

11 67-5251A. SUBPOENAS. (1) Upon request by a party in a contested case or  
12 on a presiding officer's own initiative, the presiding officer, on a showing  
13 of general relevance and reasonable scope of the evidence sought for use at  
14 the hearing, may issue a subpoena for the attendance of a witness and the pro-  
15 duction of books, records, and other evidence.

16 (2) Unless otherwise provided by law or agency rule, a subpoena issued  
17 pursuant to this section shall be served in the manner provided by law for the  
18 service of a subpoena in a civil action.

19 (3) Witness fees shall be paid by the party requesting a subpoena pur-  
20 suant to this section in the manner provided by law for witness fees in a  
21 civil action.

22 (4) Any subpoena issued pursuant to this section may be enforced by the  
23 district courts of this state within the jurisdiction in which the inquiry  
24 is being conducted or within the jurisdiction in which the person to whom the  
25 subpoena was issued resides or conducts his business. The court shall have  
26 jurisdiction to hear the parties, determine the reasonableness of the sub-  
27 poena, and set aside, modify, or enforce the subpoena by its order in accor-  
28 dance with the evidence. Any failure to obey such court order may be punished  
29 by the court as a contempt of the order.

30 SECTION 2. SEVERABILITY. The provisions of this act are hereby declared  
31 to be severable and if any provision of this act or the application of such  
32 provision to any person or circumstance is declared invalid for any reason,  
33 such declaration shall not affect the validity of the remaining portions of  
34 this act.

35 SECTION 3. An emergency existing therefor, which emergency is hereby  
36 declared to exist, this act shall be in full force and effect on and after  
37 July 1, 2025.