

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 520

BY JUDICIARY, RULES AND ADMINISTRATION COMMITTEE

AN ACT

1  
2 RELATING TO THE IDAHO ADMINISTRATIVE PROCEDURE ACT; AMENDING SECTION  
3 67-5242, IDAHO CODE, TO ESTABLISH PROVISIONS REGARDING HEARING NOTICES  
4 AND TO REVISE A PROVISION REGARDING PROCEDURE AT A HEARING; PROVIDING  
5 SEVERABILITY; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE  
6 DATE.

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

8 SECTION 1. That Section 67-5242, Idaho Code, be, and the same is hereby  
9 amended to read as follows:

10 67-5242. HEARING NOTICES AND PROCEDURE AT HEARING. (1) When an agency  
11 gives a person notice of an opportunity for a contested case hearing for  
12 which the person is entitled to notice by law, the notice shall:

13 (a) Be in writing;

14 (b) Set forth the agency action being taken;

15 (c) Identify the agency statute or rule authorizing the action;

16 (d) Inform the person of the right, procedure, and time limit to file a  
17 request for hearing; and

18 (e) Provide citation to any agency rules and procedures governing the  
19 contested case hearing.

20 ~~(1) (2) In a contested case other than an emergency proceeding Other~~  
21 ~~than emergency proceedings held pursuant to section 62-5247, Idaho Code, all~~  
22 ~~parties to a contested case hearing shall receive notice that shall include:~~

23 (a) A statement of the time, place, and nature of the hearing;

24 (b) A statement of the legal authority under which the hearing is to be  
25 held; and

26 (c) A short and plain statement of the matters asserted or the issues  
27 involved.

28 ~~(2) (3) At the hearing, the presiding officer:~~

29 (a) Shall regulate the course of the proceedings to assure that there  
30 is a full disclosure of all relevant facts and issues, including such  
31 cross-examination as may be necessary.

32 (b) Shall afford all parties the opportunity to respond and present ev-  
33 idence and argument on all issues involved, except as restricted by a  
34 limited grant of intervention or by a prehearing order.

35 (c) May give nonparties an opportunity to present oral or written  
36 statements. If the presiding officer proposes to consider a statement  
37 by a nonparty, the presiding officer shall give all parties an opportu-  
38 nity to challenge or rebut it and, on motion of any party, the presiding  
39 officer shall require the statement to be given under oath or affirma-  
40 tion.

41 (d) Shall cause the hearing to be recorded at the agency's expense. Any  
42 party, at that party's expense, may have a transcript prepared or may

1 cause additional recordings to be made during the hearing if the making  
2 of the additional recording does not cause distraction or disruption.

3 (e) May conduct all or part of the hearing by telephone, video confer-  
4 ence, or other electronic means, if each participant in the hearing has  
5 an opportunity to participate in the entire proceeding while it is tak-  
6 ing place.

7 SECTION 2. SEVERABILITY. The provisions of this act are hereby declared  
8 to be severable and if any provision of this act or the application of such  
9 provision to any person or circumstance is declared invalid for any reason,  
10 such declaration shall not affect the validity of the remaining portions of  
11 this act.

12 SECTION 3. An emergency existing therefor, which emergency is hereby  
13 declared to exist, this act shall be in full force and effect on and after  
14 July 1, 2026.