



BRAD LITTLE
GOVERNOR

April 6, 2023

The Honorable Mike Moyle
Speaker of the House
Idaho House of Representatives
Hand Delivered

Dear Mr. Speaker,

I hereby advise that I have transmitted to the Office of the Secretary of State, without my signature, the following House of Representatives bill, to wit:

House Bill 206aaSaaS

Cutting red tape and making Idaho the least regulated state in the country has been and continues to be one of my administration's major priorities. Through executive orders and other targeted actions, we have eliminated or simplified 95-percent of all administrative rules to ensure Idaho's regulations are streamlined, user-friendly, and easy to understand. I appreciate my legislative colleagues' support of our efforts.

In recent years, unfortunately, misguided provisions in the Idaho Administrative Procedures Act have brought chaos and uncertainty to the rule making process that has caused unnecessary costs to taxpayers and undermined the hard work the public and regulated community have dedicated toward negotiating better rules. I welcome legislative efforts to address these concerns; however, my support of House Bill 206aaSaa is mixed.

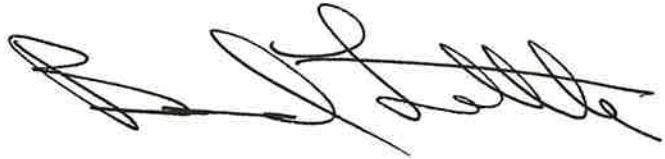
I applaud the Legislature's action in Section 8 of the bill. Repealing the need for a "going home bill" each year will save taxpayers money and provide Idahoans with the level of certainty they deserve. I also support the Legislature's commitment to review all administrative rules every eight years, codifying the requirement I imposed on all executive agencies in Executive Order No. 2020-01, Zero-Based Regulation.

On the other hand, I cannot support various amendments in Sections 1, 4, and 7 that interject the Legislature into the executive rulemaking process by requiring legislative pre-approval of rules before they take effect. By way of Article III, Section 29, of the Idaho Constitution, the Legislature has constitutional authority to review administrative rules that carry the force and effect of law to ensure those rules are consistent with legislative intent.

Conditioning the enforceability of rules on legislative action runs afoul of constitutional separation of powers and threatens to undermine the negotiated rule making process.

During my time as Governor, Idaho has led the nation in cutting red tape. Our track record in reducing regulatory burden is second to none. In 2016, Idahoans voted to protect our regulatory process, known as rulemaking, by putting it in our Idaho Constitution and preserving Legislative review of final rules that agencies have put into effect. I find provisions in House Bill 206aaSaaS to run counter to what Idahoans voted for while adding friction to a process that has allowed us to become the least regulated state in the country.

Sincerely,

A handwritten signature in black ink, appearing to read 'Brad Little', written in a cursive style.

Brad Little
Governor of Idaho