

Idaho Code Cleanup Act Guidance

April 2025

Official Guidance on the implementation of the Idaho Code Cleanup Act
(House Bill 14 | Idaho Code 67-3701, et seq).



Division *of* Financial Management
Executive Office of the Governor

During the 2025 Legislative Session, Governor Little signed [House Bill 14](#) (“Idaho Code Cleanup”). By signing this bill, Governor Little continues to make Idaho the least regulated state in the country. This bill requires agencies to report any code chapters, sections, or subsections that the agencies find obsolete, outdated, or unnecessary. It immediately took effect upon the Governor’s signature.

When implementing Idaho Code Cleanup, agencies should do so with the goal of conducting a full review of its statutes to develop Executive Agency Legislation (“EAL”) to eliminate chapters, sections, or subsections identified as obsolete, outdated, and/or unnecessary. We outlined 6 steps to help agencies manage their time for meeting the deadlines for EAL and implementing Idaho Code Cleanup.

Please follow the below steps:

Step 1: Identify Agency’s Enabling Statutes

Target Completion Date: May 2, 2025

Step 1a: The head of the agency (“Agency Head(s)”) (e.g., Director, Administrator) must designate a representative (“Agency Representative”) to lead the implementation of Idaho Code Cleanup and ensure the agency meets target completion dates and report deadlines. Once the Agency Representative is selected, the Agency Head or Agency Representative must notify Lauren Smyser via email (lauren.smyser@dfm.idaho.gov).

Step 1b: The Agency Representative must identify its agency's enabling statutes, associated code sections, and any code sections (“Agency Law(s)”) that the agency implements, administers, or enforces. The Agency Representative may need to consult with other agency employees to identify all Agency Laws.

Step 1c: Using Example A (“Master List(s)”), the Agency Representative must create a Master List with all Agency Laws.

EXAMPLE A
Master List

Division of Financial Management Idaho Code Clean Up Master List							
Regulatory & Legislative Affairs Bureau							
Title	Chapter	Section	Title Name Chapter Name Section Name	Code Lead	Reviewing Attorney	Status	EAL
67	52	01	State Governmen t and State Affairs Idaho Administrati ve Procedure	Brad Hunt	Lauren Smyser	Step 3	N

			Act Definitions				
Budget Bureau							
Title	Chapter	Section	Title Name Chapter Name Section Name	Code Lead	Reviewing Attorney	Status	EAL
67	35	01B	State Government and State Affairs State Budget Definitions	Chris Davis	Lauren Smyser	Step 2	N

When completing the Master List, please follow the below instructions:

- Agency Laws:
 - Please include the title, chapter, section, title name, chapter name, and section name.
 - In the section column, please hyperlink the official statutory text that you are reviewing. You can find the official statutory text [here](#). Please be mindful that Idaho Statutes are updated on the Idaho Legislature’s website July 1 following the legislative session. If a code section will change on July 1, 2025, please consider how those changes impact the agency’s review.
- Code Lead: For each of the Agency Laws, the Agency Representative must designate an employee most familiar with that particular section of Idaho Code ("**Code Lead**") to review it and determine whether it’s obsolete, outdated, unnecessary, or necessary.
- Reviewing Attorney: For each of the Agency Laws, the Agency Representative will also assign an attorney to review ("**Reviewing Attorney**") the Agency Laws and determine the legal impacts if the agency repeals that Agency Law. The Reviewing Attorney should be an attorney that is familiar with the applicable Agency Law.
- Status: To ensure the review process is completed by the target dates and report deadlines. The Agency Representative should check in with Code Leads on a weekly basis to determine the status of the review process.

- EAL: When implementing the Idaho Code Cleanup, Agency Representatives must collaborate with Code Leads, Agency Heads, Reviewing Attorneys, and other appropriate staff to identify Agency Laws that may be repealed or amended through the EAL process.

Please note that the Agency Representative will need to update the Master List when he or she receives Preliminary Reports (defined below) from Reviewing Attorneys.

Step 1d: The Agency Representative must populate a Preliminary Report (defined below) for each Code Lead and Reviewing Attorney to fill out with the required information. The Preliminary Report must contain the following headings in accordance with Example B ("Preliminary Report"):

**EXAMPLE B
Preliminary Report**

Division of Financial Management Idaho Code Clean Up Preliminary Report								
Title	Chapter	Section*	Title Name Chapter Name Section Name	Code Lead	Reviewing Attorney	Classificati on*	Concise Explanatory Statement*	EAL

*See Step 2b for more details on completing these sections.

Step 1e: The Agency Representative must send each Code Lead the following: (i) this guidance document and (ii) the Preliminary Report generated for that Code Lead to complete.

Step 2: Identify Obsolete, Outdated, or Unnecessary Code Sections

Target Completion Date: June 1, 2025

Step 2a: Using the draft Preliminary Report, each Code Lead should, with staff input, identify chapters, sections, or subsections that could be deemed obsolete, outdated, or unnecessary. The Code Lead should ask staff to consider the following questions:

- Do you use this Agency Law to implement or enforce any agency program?
- Does this Agency Law describe a dead program (e.g., one that has never been implemented or has not been implemented or funded for more than 4 years)?
- Was this a time-limited program (e.g., used to transfer personnel to another agency that has since been completed or to respond to a since-passed threat or emergency)?
- Is this Agency Law necessary for the daily, monthly, or yearly operations of agency business?
- Does this Agency Law relate to a dead committee that has not been empaneled or has not met in more than 2 years?
- Is this Agency Law still applicable to the agency or does it apply to another agency?

- Are other agencies applying or relying on this Agency Law?
- If repealed, how would the public be impacted?
- If repealed, what stakeholders will be impacted?

Step 2b: Using the Preliminary Report provided by the Agency Representative, the Code Lead must classify chapters, sections, or subsections, based on whether they are deemed (A) unnecessary, (B) outdated, (C) obsolete, or (D) necessary.

With classification, the Code Lead should provide a concise explanatory statement providing why the classification was selected for that section. Such statement should be 1 – 2 sentences but should be sufficient for members of the general public to be able to easily ascertain the reason for that determination. Please also:

- keep in mind the questions in 2a when drafting the explanatory statements.
- remember to use simple, plain language when drafting such statements.

The following classifications must be used:

- Classification 1 | Unnecessary (UNN) | this should be used for sections that are not required for public health, safety, or welfare.
- Classification 2 | Outdated (OUT) | this should be used for sections that are no longer applicable or pertinent, duplicative with other provisions of Idaho Code, or superseded by other laws.
- Classification 3 | Obsolete (OB) | this should be used for expired, unused, void, unenforceable, or not enforced code provisions.
- Classification 4 | Necessary (N) | this should be used for non-duplicative sections of law that (A) the agency uses to implement or enforce existing programs and/or (B) is necessary to the public health, safety, or welfare. Please carefully consider whether a statute is truly necessary and do not simply use this as a default.
- Classification 5 | More Research Required (MRR) | this should only be used if at this time, the Code Lead cannot confidently determine whether the chapter, section, or subsection of Idaho Code is outdated, obsolete, or unnecessary. This should be rarely used.

Step 2c: The Code Lead must send the Preliminary Report to the Reviewing Attorney and Agency Representative.

Step 3: Review by Reviewing Attorney

Completion Date: June 20, 2025

Step 3a: The Reviewing Attorney should conduct an initial review of the Preliminary Report. While reviewing the Preliminary Report, ask:

- Do other Idaho statutes supersede this Agency Law?
- Does this Agency Law conflict with federal statutes or regulations?
- Does this Agency Law conflict with the Idaho Constitution?
- Do any court cases impact the effectiveness or legality of this Agency Law?
- Is this Agency Law necessary for a federal program?
- If repealed, what stakeholders will be impacted?

Step 3b: Meet with the Code Lead to discuss the initial review and address any questions or issues identified.

Step 3c: Revise the Preliminary Report based on your legal review and feedback from meeting with the Code Lead. If you determine that any Agency Law identified in the Preliminary Report as obsolete, unnecessary, or outdated is actually legally necessary revise the Preliminary Report accordingly.

Further, if you determine that an Agency Law classified as “More Research Required” can be changed to a different classification, then do so. If you cannot change that Agency Law’s classification from “More Research Required” to a different classification, please immediately contact Lauren Smyser at the Division of Financial Management to discuss.

Step 3d: Send the Preliminary Report to the Code Lead and Agency Representative.

Step 3e: Upon legal review and approval, the Agency Representative or Code Lead must update the Preliminary Report and Master List for Agency Head approval.

Step 4: Review by Agency Head

Target Completion Date: June 27, 2025

Step 4a: Review the Master List and Preliminary Report, and finalize proposals for EAL for submission:

When reviewing, consider the following:

- Based on your technical expertise as Agency Head, is there any reason why the agency needs this chapter, section, or subsection?
- Based on your government experience, is there any reason why the agency needs this chapter, section, or subsection?
- If repealed, what stakeholders will be impacted?

Step 4b: Submit EAL proposals (ideas) by the June 30, 2025 deadline. You will have until August 8, 2025 to draft this proposed legislation. Please review all proposed EAL ideas prior to final submittal of your

agency’s EAL.

Step 4c: Send approved Master List to Lauren Smyser (lauren.smyser@dfm.idaho.gov) at DFM.

Step 5: Draft & Submit Legislative Report

Due Date: August 1, 2025

Draft a final report to the legislature that identifies code chapters, sections, or subsections that the agency deemed obsolete, outdated, or unnecessary. **DO NOT INCLUDE AGENCY LAW THAT IS DEEMED NECESSARY OR THAT IS OTHERWISE NOT DEEMED OBSOLETE, UNNECESSARY, OR OUTDATED.**

Please use the format provided below in Example C (“Legislative Report”).

**EXAMPLE C
Legislative Report**

Division of Financial Management Idaho Code Clean Up Legislative Report			
Idaho Code Citation	Classification	Concise Notation	Repeal?

- Idaho Code Citation: Provide the legal citation to each chapter, section, or subsection deemed obsolete, unnecessary, or outdated.
- Classification: Identify whether the code chapter, section, or subsection is obsolete, unnecessary, and/or outdated.
- Concise Notation: Using the concise explanatory statement provided by the Preliminary Reports, provide a concise notation explaining why the identified code provision is deemed obsolete, outdated, and/or unnecessary.
- Repeal: Based on analysis and approvals by your agency, simply mark:
 - “Y” to indicate it should be repealed,
 - “N” to indicate it should not be repealed, or
 - “Y - EAL” to indicate it is being repealed or amended as EAL.

Submit the Legislative Report to the Division of Financial Management and the Governor’s Office by **August 1, 2025**. Please email it to your assigned DFM analyst, assigned Governor’s Office policy advisor, and Lauren Smyser (lauren.smyser@dfm.idaho.gov).

Step 6: Submit Legislative Report to Idaho Legislative Service Office

Due Date: September 1, 2025

On **September 1, 2025**, submit the agency’s final Legislative Report to the Idaho Legislative Service Office through an online web portal. DFM will work with Idaho Legislative Service Office to ensure agencies receive portal information before September 1, 2025.

If you have any questions about Idaho Code Cleanup or its implementation, please contact Lauren Smyser (lauren.smyser@dfm.idaho.gov).