

PENDING FEE RULES

COMMITTEE RULES

REVIEW BOOK

Submitted for Review Before
Senate State Affairs Committee
64th Idaho Legislature
First Regular Session -- 2017



Prepared by:

*Office of the Administrative Rules Coordinator
Department of Administration*

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SENATE STATE AFFAIRS COMMITTEE

ADMINISTRATIVE RULES REVIEW

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11.04.03 – RULES GOVERNING LICENSING AND FEES

DOCKET NO. 11-0403-1601

NOTICE OF RULEMAKING – ADOPTION OF PENDING FEE RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2017 Idaho State Legislature for final approval. Pursuant to Section 67-5224(5)(c), Idaho Code, this pending fee rule will not become final and effective until it has been approved by concurrent resolution of the legislature because of the fee being imposed or increased through this rulemaking. The pending fee rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution unless the rule is rejected.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending fee rule. The action is authorized pursuant to Sections 54-2506 and 54-2508, Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending fee rule and a statement of any change between the text of the proposed rule and the text of the pending fee rule with an explanation of the reasons for the change:

There are no changes to the pending fee rule and it is being adopted as originally proposed. The complete text of the proposed rule was published in the October 5, 2016, Idaho Administrative Bulletin, [Vol. 16-10, page 340-341](#).

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased. This fee or charge is being imposed pursuant to Section 54-2508, Idaho Code. Pursuant to Section 54-2508, Idaho Code, the Idaho State Racing Commission is responsible for the licensing of any person that participates, directly or indirectly, in any race meet in the State of Idaho. Part of the licensing process provided for in Section 54-2506, Idaho Code, is to obtain the criminal history of license applicants by submitting fingerprints to Federal Bureau of Investigation via the Idaho State Police Bureau of Criminal Identification. Since 2012 the Commission has charged applicants \$15 per fingerprint card but the fee charged to the Racing Commission by the FBI is currently set at \$25 per fingerprint card. Over the past four years the Commission has paid approximately \$22,700 more in fees than they have collected. A change in the rule to allow the Commission to charge the full amount of the fee charged by the Federal Bureau of Investigation, via the Idaho State Police Bureau of Criminal Identification, to each applicant as it is charged by the FBI will eliminate future losses. The fee for the fingerprinting of license applicants that is currently set at \$12.50 per fingerprint card will be raised to the full cost charged to the Racing Commission as it is changed. The fee as of September 2, 2016, is \$25 per fingerprint card.

This fee or charge is being imposed pursuant to Section 54-2508, Idaho Code.

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than \$10,000 during the fiscal year: There is no fiscal impact to the general fund as the Racing Commission is a funded by dedicated funds. If the rule is adopted the Commission would be charging applicants the full fee for fingerprinting as they are charged by Federal Bureau of Investigation via the Idaho State Police Bureau of Criminal Identification for processing fingerprint cards. The fiscal impact to the Racing Commission's dedicated funding will be positive. Since 2012 the Commission has been charging \$15 per card as allowed by rule, but the cost of the submission to the Idaho State Police Bureau of Criminal is \$25. The Commission has lost over \$22,700 in the past four years and a change in the rule will eliminate future losses.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending fee rule, contact Idaho State Racing Commission at (208) 884-7080.

DATED this 8th day of December, 2016

Ardie E. Noyes, Management Assistant
Idaho State Racing Commission
700 South Stratford Drive
Meridian, ID 83642
Phone: (208) 884-7080 / Fax (208) 884-7098

THE FOLLOWING NOTICE WAS PUBLISHED WITH THE PROPOSED RULE

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Sections 54-2506 and 54-2508, Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than October 19, 2016.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

DESCRIPTIVE SUMMARY: The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

This rule clarifies the rule language for the cost of fingerprinting and submission for review of fingerprint cards to collect the full cost of processing the fingerprint cards charged by the FBI, via the Idaho State Police Bureau of Criminal Identification, from the applicant.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased:

Pursuant to Section 54-2508, Idaho Code, the Idaho State Racing Commission is responsible for the licensing of any person that participates, directly or indirectly, in any race meet in the State of Idaho. Part of the licensing process provided for in Section 54-2506, Idaho Code, is to obtain the criminal history of applicants for licensure by submitting fingerprints to Federal Bureau of Investigation via the Idaho State Police Bureau of Criminal Identification. Since 2012 the Commission has charged applicants \$15 per fingerprint card, but the fee charged to the Racing Commission by the FBI is currently set at \$25 per fingerprint card. Over the past four years the Commission has paid approximately \$22,700 more in fees than they have collected. Allowing the Commission to charge the full amount of the fee charged by the Federal Bureau of Investigation, via the Idaho State Police Bureau of Criminal Identification, to each applicant as it is changed by the FBI will eliminate future losses.

The fee for the fingerprinting of applicants for licensure, which is currently set at \$12.50 per fingerprint card, will be raised to the full amount charged to the Racing Commission. The fee as of September 2, 2016, is \$25 per fingerprint card.

This fee is being imposed pursuant to Section 54-2508, Idaho Code.

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year resulting from this rulemaking:

There is no fiscal impact to the general fund as the Racing Commission is a funded by dedicated funds. If the rule is adopted the Commission would be charging applicants the full fee for fingerprinting as they are charged by Federal Bureau of Investigation via the Idaho State Police Bureau of Criminal Identification for processing fingerprint cards. The fiscal impact to the Racing Commission's dedicated funding will be positive. Since 2012 the Commission has been charging \$15 per card as allowed by rule, but the cost of the submission to the Idaho State Police Bureau of Criminal is \$25. The Commission has lost over \$22,700 in the past four years and a change in the rule will eliminate future losses.

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted because input was sought from stakeholders.

INCORPORATION BY REFERENCE: Pursuant to Section 67-5229(2)(a), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule:

No materials were incorporated by reference into this rule.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Idaho State Racing Commission at 208-884-7080.

Anyone may submit written comments regarding the proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before October 26, 2016.

DATED this 2nd day of September, 2016.

LSO Rules Analysis Memo

THE FOLLOWING IS THE TEXT OF FEE DOCKET NO. 11-0403-1601

050. FINGERPRINTS.

All persons between the ages of eighteen (18) and sixty-nine (69) applying for licensing pursuant to this chapter ~~must submit to finger printing~~ are required to submit information and fingerprints necessary to obtain criminal history information from the Idaho State Police Bureau of Criminal Identification and the Federal Bureau of Investigation. The Idaho State Racing Commission (ISRC) may receive criminal history information from the Idaho State Police Bureau of Criminal Identification and from the Federal Bureau of Investigation for the purpose of evaluating the fitness of applicants pursuant to Section 54-2508, Idaho Code. Pursuant to state and federal law, further dissemination or other use of the criminal history information is prohibited. (4-9-09)()

~~021.~~ **New License Applicants.** Any person that applies for a license from the Racing Commission ~~and is who has~~ not ~~currently licensed~~ been fingerprinted within the past five (5) years must be fingerprinted prior to a license being issued. Pursuant to Section 67-3008, Idaho Code, the ISRC shall submit a set of fingerprints obtained from the applicant and the required fees to the Idaho State Police Bureau of Criminal Identification for a criminal records check of state and national databases. (4-9-09)()

~~042.~~ **Existing Licensees.** Any person that currently holds a valid license from the ~~Racing Commission~~ ISRC must be re-fingerprinted at least every five (5) years in accordance with the procedures outlined in Subsection 050.01 of these rules. (4-9-09)()

~~03.~~ **Fees.** ~~There is a five dollar (\$5) fee for the finger printing and a ten dollar (\$10) fee for processing the finger prints.~~ The cost of taking and processing such fingerprints shall be the responsibility of the applicant. Fees for taking and processing fingerprints are in accordance with the amount(s) charged by the Idaho State Police Bureau of Criminal Identification pursuant to Section 67-3010, Idaho Code. (4-9-09)()