

## **SENATE CONCURRENT RESOLUTION NO. 125**

LEGISLATURE OF THE STATE OF IDAHO  
Sixtieth Legislature Second Regular Session 2010

IN THE SENATE  
SENATE CONCURRENT RESOLUTION NO. 125  
BY STATE AFFAIRS COMMITTEE

### **A CONCURRENT RESOLUTION STATING LEGISLATIVE FINDINGS AND APPROVING ADMINISTRATIVE RULES THAT IMPOSE A FEE OR CHARGE, WITH STATED EXCEPTIONS AND REJECTING CERTAIN AGENCY RULES THAT ARE NOT APPROVED**

Be It Resolved by the Legislature of the State of Idaho:

WHEREAS, the Legislature pursuant to Section 675224, Idaho Code, must approve certain administrative rules that impose a fee or charge by adoption of a concurrent resolution before the rules become effective; and

WHEREAS, the Legislature is vested with authority to reject executive agency rules under the provisions of Section 675291, Idaho Code, in the event that the Legislature finds that the rules are not consistent with legislative intent; and

WHEREAS, it is the finding of the Legislature that a certain rule docket of the Department of Health and Welfare, Rules Governing Standards for Child Care Licensing is not consistent with legislative intent; and

WHEREAS, it is the finding of the Legislature that certain rules of the Department of Lands governing Regulation of Beds, Waters and Airspace Over Navigable Lakes are not consistent with legislative intent; and

WHEREAS, it is the finding of the Legislature that certain rules of the Department of Lands governing the Leases on State Owned Submerged and Formerly Submerged Lands are not consistent with legislative intent; and

WHEREAS, it is the finding of the Legislature that a certain rule docket of the Endowment Fund Investment Board, Rules Governing the Credit Enhancement Program for School Districts is not consistent with legislative intent; and

WHEREAS, the Legislature finds that it is in the public interest to adopt this resolution.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixtieth Idaho Legislature, the Senate and the House of Representatives concurring therein, that all pending administrative rules or portions of pending administrative rules adopted by state agencies pursuant to the Administrative Procedure Act during the prior calendar year, and submitted through the Office of Rules Coordinator to the Legislature for review during the 2010 legislative session, which impose a fee or charge, be, and the same are approved, with the exception of the following enumerated pending fee rules:

IDAPA 16.06.02, Rules of the Department of Health and Welfare, Rules Governing Standards for Child Care Licensing, adopted as a pending fee rule under Docket Number 16-0602-0901, the entire rulemaking docket.

IDAPA 20.03.04, Rules of the Department of Lands, Regulation of Beds, Waters and Airspace Over Navigable Lakes, Section 020, Applications, Subsection 07.e, Forms, Filing, Section 035, Temporary Permits, Subsection 04, Fee, and Section 065, Assignments, Subsection 02, Assignment Fee, only, adopted as pending fee rules under Docket Number 20-0304-0901;

IDAPA 20.03.17, Rules of the Department of Lands, Leases on State Owned Submerged and Formerly Submerged Lands, Section 030, Lease Application, Fee, and Procedure, Subsection 01, Fee, and Section 055, Assignments, Assignment Fee, Subsection 02, Assignment Fee, only, adopted as pending fee rules under Docket Number 20-0317-0901; and

IDAPA 32.01.01, Rules of the Endowment Fund Investment Board, Rules Governing the Credit Enhancement Program for School Districts, adopted as pending fee rules under Docket Number 32-0101-0901 (New

Chapter), the entire rulemaking docket.

BE IT FURTHER RESOLVED that IDAPA 16.06.02, Rules of the Department of Health and Welfare, Rules Governing Standards for Child Care Licensing, adopted as a pending fee rule under Docket Number 16-0602-0901, the entire rulemaking docket; IDAPA 20.03.04, Rules of the Department of Lands, Regulation of Beds, Waters and Airspace Over Navigable Lakes, Section 020, Applications, Subsection 07.e, Forms, Filing, Section 035, Temporary Permits, Subsection 04, Fee, and Section 065, Assignments, Subsection 02, Assignment Fee, only, adopted as pending fee rules under Docket Number 20-0304-0901; IDAPA 20.03.17, Rules of the Department of Lands, Leases on StateOwned Submerged and Formerly Submerged Lands, Section 030, Lease Application, Fee, and Procedure, Subsection 01, Fee, and Section 055, Assignments, Assignment Fee, Subsection 02, Assignment Fee, only, adopted as pending fee rules under Docket Number 20-0317-0901; and IDAPA 32.01.01, Rules of the Endowment Fund Investment Board, Rules Governing the Credit Enhancement Program for School Districts, adopted as pending fee rules under Docket Number 32-0101-0901 (New Chapter), the entire rulemaking docket, are hereby rejected and not approved, and thereby pursuant to Section 675291 and Section 675224, Idaho Code, are declared null, void and of no force and effect.

BE IT FURTHER RESOLVED that rule provisions imposing fees or charges that were not submitted through the Office of Rules Coordinator for legislative review or that otherwise are not included and approved in this concurrent resolution shall be null, void and of no force and effect unless approved by adoption of a separate concurrent resolution by both houses of the Legislature as provided in Section 675224, Idaho Code

**Statement of Purpose / Fiscal Impact:**

**STATEMENT OF PURPOSE**  
**RS19837**

By statute, agency rules adopted under the Administrative Procedure Act that impose a fee or charge do not go into effect unless approved by concurrent resolution of both houses of the Legislature. This concurrent resolution would approve agency fee or charge rules that have been adopted during the last calendar year and that were submitted through the Office of the Rules Coordinator to the Legislature or review during the current legislative session, with the following exceptions: (1) Two fee rules of the Department of Lands dealing with the regulation of beds, waters and airspace over navigable lakes that were rejected by the Senate Resources and Environment Committee; (2) Two fee rules of the Department of Lands dealing with leases on stateowned submerged and formerly submerged lands that were rejected by the Senate Resources and Environment Committee; (3) a fee rule docket of the Endowment Fund Investment Board dealing with rules governing the credit enhancement program for school districts that was rejected by the Senate State Affairs Committee and by the House Education Committee; and (4) A rulemaking docket of the Department of Health and Welfare governing standards for child care licensing that was rejected by the House Health and Welfare Committee.

**FISCAL NOTE**

Adoption of this concurrent resolution, in and of itself, could have no fiscal impact upon any state or local government funds or accounts, beyond the scope or impact of the individual fee rules themselves.

Adopted: March 29, 2010.

Contact:  
Name: Paige Alan Parker  
Office: Legislative Services Office  
Phone: (208) 3344857