

SENATE CONCURRENT RESOLUTION NO. 128

LEGISLATURE OF THE STATE OF IDAHO
Sixty-First Legislature, Second Regular Session - 2012

IN THE SENATE
SENATE CONCURRENT RESOLUTION NO. 128
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 AGENCY RULES THAT IMPOSE A FEE OR CHARGE THAT ARE NOT APPROVED BY THIS OR BY SEPARATE CONCURRENT RESOLUTION

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

WHEREAS, the Legislature pursuant to Section 67-5224, 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 67-5291, Idaho Code, in the event that the Legislature finds that the rules are not consistent with legislative intent; and

WHEREAS, the Legislature finds that a certain rule docket of the Bureau of Occupational Licenses, Rules of the Idaho Driving Businesses Licensure Board, is not consistent with legislative intent; and

WHEREAS, the Legislature finds that a certain rule docket of the Division of Building Safety, Rules Governing Continuing Education Requirements, is not consistent with legislative intent; and

WHEREAS, the Legislature finds that a certain rule docket of the Division of Building Safety, Rules Governing Plumbing Safety Licensing, 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 Sixty-first 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 2012 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 24.25.01, Bureau of Occupational Licenses, Rules of the Idaho Driving Businesses Licensure Board, adopted as a pending fee rule under Docket Number 24-2501-1101, the entire rulemaking docket;

IDAPA 07.01.07, Division of Building Safety, Rules Governing Continuing Education Requirements, adopted as a pending fee rule under Docket Number 07-0107-1101, the entire rulemaking docket; and

IDAPA 07.02.05, Division of Building Safety, Rules Governing Plumbing Safety Licensing, adopted as a pending fee rule under Docket Number 07-0205-1101, the entire rulemaking docket.

BE IT FURTHER RESOLVED that IDAPA 24.25.01, Bureau of Occupational Licenses, Rules of the Idaho Driving Businesses Licensure Board, adopted as a pending fee rule under Docket Number 24-2501-1101, the entire rulemaking docket; IDAPA 07.01.07, Division of Building Safety, Rules Governing Continuing Education Requirements, adopted as a pending fee rule under Docket Number 07-0107-1101, the entire rulemaking docket; and IDAPA 07.02.05, Division of Building Safety, Rules Governing Plumbing Safety Licensing, adopted as a pending fee rule under Docket Number 07-0205-1101, the entire rulemaking docket, are hereby rejected and not approved, and thereby pursuant to Sections 67-5224 and 67-5291, 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 67-5224, Idaho Code.

STATEMENT OF PURPOSE
RS21414

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 the Legislature. This concurrent resolution would approve agency rules imposing a fee or charge that have been adopted during the last calendar year and that were submitted through the Office of the Rules Coordinator to the Legislature for review during the current legislative session, with the exception of a rule docket of the Bureau of Occupational Licenses, relating to Rules of the Idaho Driving Businesses Licensure Board and two rule dockets of the Division of Building Safety, one relating to Rules Governing Continuing Education Requirements and one relating to Rules Governing Plumbing Safety Licensing.

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.

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Adpoted: March 21, 2012.