

# SENATE CONCURRENT RESOLUTION NO. 129

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

IN THE SENATE  
SENATE CONCURRENT RESOLUTION NO. 129  
BY STATE AFFAIRS COMMITTEE

A CONCURRENT RESOLUTION STATING LEGISLATIVE FINDINGS AND APPROVING AND EXTENDING TEMPORARY RULES REVIEWED BY THE LEGISLATURE, WITH STATED EXCEPTIONS.

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

WHEREAS, the Legislature by statute must approve temporary rules by adoption of a concurrent resolution approving the rule if the temporary rule is to remain in effect beyond the end of the current legislative session; and

WHEREAS, the expiration of temporary rules would occasion additional expense to state agencies in readopting and republishing temporary rules needed to conduct state business; 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 temporary rules adopted by state agencies pursuant to the Administrative Procedure Act and submitted to the Legislature at the Legislature's request through the Office of Rules Coordinator for review during the 2012 legislative session, and all temporary rules previously approved and extended by concurrent resolution adopted in a prior regular session of the Idaho Legislature, be, and the same are approved, with the exception of the following enumerated temporary rules:

IDAPA 16.03.09, Department of Health and Welfare, Medicaid Basic Plan Benefits, adopted as a temporary rule under Docket Number 16-0309-1201, the entire rulemaking docket; and

IDAPA 26.01.36, Department of Parks and Recreation, Rules Governing the Winter Recreational Parking Permit Program, adopted as a temporary rule under Docket Number 26-0136-1101, the entire rulemaking docket.

BE IT FURTHER RESOLVED that a temporary rule or partial temporary rule approved by this concurrent resolution shall remain in effect until it expires by its own terms or by operation of law or until it is replaced by a final rule, but in no event shall a temporary rule remain in effect beyond the conclusion of the First Regular Session of the Sixty-second Idaho Legislature unless it is further extended by adoption of a concurrent resolution by both houses of the Legislature. Temporary rules or sections of temporary rules which are excepted from approval hereunder or which were not submitted to the Legislature for review during the 2012 legislative session shall expire by operation of statute upon adjournment of the Second Regular Session of the Sixty-first Idaho Legislature, unless approved by adoption of a separate concurrent resolution by both houses of the Legislature.

## STATEMENT OF PURPOSE RS21415

By statute, temporary rules adopted by state agencies under the Administrative Procedures Act expire at the end of the current legislative session. This concurrent resolution would approve and extend agency temporary rules beyond the current legislative session, with the exception of a temporary rule of the Department of Health and Welfare relating to Medicaid Basic Plan Benefits and a temporary rule of the Department of Parks and Recreation relating to Rules Governing the Winter Recreational Parking Permit Program.

## 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 rules themselves. By adopting this resolution, the legislature avoids having agency rules expire, which would occasion additional expense to state agencies for readopting and republishing temporary rules needed to conduct state business.

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