

SENATE CONCURRENT RESOLUTION NO. 125

LEGISLATURE OF THE STATE OF IDAHO
Sixty-Second Legislature, First Regular Session - 2013

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 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, it is the finding of the Legislature that a certain rule of the Department of Agriculture governing Organic Food Product Rules is not consistent with legislative intent; and

WHEREAS, it is the finding of the Legislature that a certain rule docket of the State Athletic Commission, Rules of the State Athletic Commission, is not consistent with legislative intent; and

WHEREAS, it is the finding of the Legislature that a certain rule docket of the Idaho State Lottery Commission, Rules Governing Operations of the Idaho State Lottery, 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 First Regular Session of the Sixty-second 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 the Administrative Rules Coordinator to the Legislature for review during the 2013 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 02.06.33, the Department of Agriculture, Organic Food Product Rules, Section 201, Subsection 04.b, only, adopted as a pending fee rule under Docket Number 02-0633-1201;

IDAPA 03.01.01, the State Athletic Commission, Rules of the State Athletic Commission, adopted as a pending fee rule under Docket Number 03-0101-1201, the entire rulemaking docket; and

IDAPA 52.01.03, the Idaho State Lottery Commission, Rules Governing Operations of the Idaho State Lottery, adopted as a pending fee rule under Docket Number 52-0103-1201, the entire rulemaking docket.

BE IT FURTHER RESOLVED that IDAPA 02.06.33, the Department of Agriculture, Organic Food Product Rules, Section 201, Subsection 04.b, only, adopted as a pending fee rule under Docket Number 02-0633-1201; IDAPA 03.01.01, the State Athletic Commission, Rules of the State Athletic Commission, adopted as a pending fee rule under Docket Number 03-0101-1201, the entire rulemaking docket; and IDAPA 52.01.03, the Idaho State Lottery Commission, Rules Governing Operations of the Idaho State Lottery, adopted as a pending fee rule under Docket Number 52-0103-1201, 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 the Administrative 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 / Fiscal Impact:

STATEMENT OF PURPOSE
RS22203

By statute, state agency rules promulgated under the Idaho 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 were adopted during the last calendar year and that were submitted through the Office of the Administrative Rules Coordinator to the Legislature for review during the current legislative session, with the exception of a rule from the Department of Agriculture relating to Organic Food Product Rules, a rule docket of the State Athletic Commission relating to Rules of the State Athletic Commission and a rule docket of the Idaho State Lottery Commission relating to Rules Governing Operations of the Idaho State Lottery.

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.

Contact:

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.

Contact:

Dennis Stevenson, Administrative Rules Coordinator
Office of the Administrative Rules Coordinator
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Adopted: March 27, 2013.