

SENATE CONCURRENT RESOLUTION NO. 120

LEGISLATURE OF THE STATE OF IDAHO
Sixty-fourth Legislature, First Regular Session – 2017

IN THE SENATE
SENATE CONCURRENT RESOLUTION NO. 120
BY STATE AFFAIRS COMMITTEE

A CONCURRENT RESOLUTION STATING FINDINGS AND APPROVING
ADMINISTRATIVE RULES THAT IMPOSE A FEE OR CHARGE, WITH EXCEPTIONS,
AND REJECTING CERTAIN AGENCY RULE DOCKETS 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 certain Rules of the Board of Veterinary Medicine governing Rules of the State of Idaho Board of Veterinary Medicine are not consistent with legislative intent; and

WHEREAS, it is the finding of the Legislature that certain Rules of the Sexual Offender Management Board governing Rules of the Sexual Offender Management Board are 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-fourth 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 2017 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 46.01.01, Rules of the State of Idaho Board of Veterinary Medicine, Section 014., Subsection 02.f., only, adopted as pending fee rules under Docket Number **46-0101-1603**.

IDAPA 57.01.01, Rules of the Sexual Offender Management Board, Section 150., Subsections 02. and 04., only, adopted as pending fee rules under Docket Number **57-0101-1601**.

BE IT FURTHER RESOLVED that IDAPA 46.01.01, Rules of the State of Idaho Board of Veterinary Medicine, Section 014., Subsection 02.f., only, adopted as pending fee rules under Docket Number **46-0101-1603**, and IDAPA 57.01.01, Rules of the Sexual Offender Management Board, Section 150., Subsections 02. and 04., only, adopted as pending fee rules under Docket Number **57-0101-1601**, are hereby rejected and not approved, and thereby pursuant to Section 67-5291 and Section 67-5224, 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 / Fiscal Impact:

STATEMENT OF PURPOSE
RS25472C1

By statute, state agency rules promulgated under the Idaho Administrative Procedures Act that impose a fee or charge do not go into effect unless approved by concurrent resolution of the Legislature. This concurrent resolution approves agency rules imposing a fee or charge that were adopted during the prior calendar year and were submitted through the Office of Administrative Rules Coordinator to the Legislature for review during the 2017 legislative session, with two exceptions listed below, which shall be in full force and effect upon the adoption of this concurrent resolution or upon the date specified in the administrative rule.

Rules Rejected:

1. IDAPA 46.01.01, Rules of the State of Idaho Board of Veterinary Medicine, Section 014., Subsection 02.f., only, adopted as pending fee rules under Docket Number 46-0101-1603.
2. IDAPA 57.01.01, Rules of the Sexual Offender Management Board, adopted as pending fee rules under Docket Number 57-0101-1601 was approved with the exception of sections 150.02 and 150.04 only.

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:

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Adopted: March 24, 2017.