

## SENATE CONCURRENT RESOLUTION NO. 114

LEGISLATURE OF THE STATE OF IDAHO  
Sixty-fifth Legislature, First Regular Session – 2019

IN THE SENATE  
SENATE CONCURRENT RESOLUTION NO. 114  
BY STATE AFFAIRS COMMITTEE

A CONCURRENT RESOLUTION STATING LEGISLATIVE 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 Bureau of Occupational Licenses governing Rules of the Barber and Cosmetology Services Licensing Board are not consistent with legislative intent; and

WHEREAS, it is the finding of the Legislature that certain Rules of the Department of Parks and Recreation governing Rules Governing the Administration of Temporary Permits on Lands Owned by the Idaho Department of Parks and Recreation 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-fifth 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 2019 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 24.28.01, Rules of the Bureau of Occupational Licenses, Rules of the Barber and Cosmetology Services Licensing Board, Section 851., Subsections 05., 06., and 07., only, adopted as pending fee rules under Docket Number 24-2801-1802.

IDAPA 26.01.10, Rules of the Department of Parks and Recreation, Rules Governing the Administration of Temporary Permits on Lands Owned by the Idaho Department of Parks and Recreation, adopted as pending fee rules under Docket Number 26-0110-1701, the entire rulemaking docket.

BE IT FURTHER RESOLVED that IDAPA 24.28.01, Rules of the Bureau of Occupational Licenses, Rules of the Barber and Cosmetology Services Licensing Board, Section 851., Subsections 05., 06., and 07., only, adopted as pending fee rules under Docket Number 24-2801-1802, and IDAPA 26.01.10, Rules of the Department of Parks and Recreation, Rules Governing the Administration of Temporary Permits on Lands Owned by the Idaho Department of Parks and Recreation, adopted as pending fee rules under Docket Number 26-0110-1701, the entire rulemaking docket, 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**  
**RS27127**

This concurrent resolution approves pending administrative rules, or portions thereof, that impose a fee or charge adopted by state agencies during the prior calendar year and submitted to the Legislature for review during the 2019 legislative session except for the following enumerated dockets, or portions thereof, which were rejected: IDAPA 24.28.01, Rules of the Bureau of Occupational Licenses, Rules of the Barber and Cosmetology Services Licensing Board, Section 851., Subsections 05., 06., and 07., only, adopted as pending fee rules under Docket Number 24-2801-1802; and IDAPA 26-01.10, Rules of the Department of Parks and Recreation, Rules Governing the Administration of Temporary Permits on Lands owned by the Idaho Department of Parks and Recreation, adopted as pending fee rules under Docket Number 26-0110-1701, the entire rulemaking docket.

**FISCAL NOTE**

This legislation accepts the administrative rules and rejects certain administrative rules dockets. It does not require funding from the General Fund or local entities.

**Contact:**  
Senator Mark Harris  
(208) 332-1429

Adopted: April 1, 2019.