SENATE CONCURRENT RESOLUTION NO. 153

LEGISLATURE OF THE STATE OF IDAHO
Sixty-Third Legislature, Second Regular Session - 2016

IN THE SENATE
SENATE CONCURRENT RESOLUTION NO. 153
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 a certain rule docket of the Idaho State Police, Alcohol Beverage Control Bureau, Rules Governing Alcohol Beverage Control, is not consistent with legislative intent; and

WHEREAS, it is the finding of the Legislature that a certain rule docket of the Department of Health and Welfare, Rules Governing Certified Family Homes, 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-third 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 2016 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 11.05.01, the Idaho State Police, Alcohol Beverage Control Bureau, Rules Governing Alcohol Beverage Control, adopted as a pending fee rule under Docket Number **11-0501-1501**, the entire rulemaking docket.

IDAPA 16.03.19, the Department of Health and Welfare, Rules Governing Certified Family Homes, adopted as a pending fee rule under Docket Number **16-0319-1502**, the entire rulemaking docket.

BE IT FURTHER RESOLVED that IDAPA 11.05.01, the Idaho State Police, Alcohol Beverage Control Bureau, Rules Governing Alcohol Beverage Control, adopted as a pending fee rule under Docket Number 11-0501-1501, the entire rulemaking docket, and IDAPA 16.03.19, the Department of Health and Welfare, Rules Governing Certified Family Homes, adopted as a pending fee rule under Docket Number 16-0319-1502, 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 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
RS24721

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, with two exceptions, approves agency rules imposing a fee or charge that were adopted during the prior calendar year and were submitted through the Office of the Administrative Rules Coordinator to the Legislature for review during the 2016 legislative session which shall be in full force and effect upon the adoption of this concurrent resolution or upon the date specified in the administrative rule.

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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Adopted: March 24, 2016.