

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 docket
of the Department of Health and Welfare, Rules Governing Standards for Child
Care Licensing is not consistent with legislative intent; and

WHEREAS, it is the finding of the Legislature that certain rules of the
Department of Lands governing Regulation of Beds, Waters and Airspace Over
Navigable Lakes are not consistent with legislative intent; and

WHEREAS, it is the finding of the Legislature that certain rules of the
Department of Lands governing the Leases on State-Owned Submerged and For-
merly Submerged Lands are not consistent with legislative intent; and

WHEREAS, it is the finding of the Legislature that a certain rule docket
of the Endowment Fund Investment Board, Rules Governing the Credit Enhance-
ment Program for School Districts 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 Ses-
sion of the Sixtieth Idaho Legislature, the Senate and the House of Represen-
tatives concurring therein, that all pending administrative rules or por-
tions of pending administrative rules adopted by state agencies pursuant to
the Administrative Procedure Act during the prior calendar year, and sub-
mitted through the Office of Rules Coordinator to the Legislature for review
during the 2010 legislative session, which impose a fee or charge, be, and
the same are approved, with the exception of the following enumerated pend-
ing fee rules:

IDAPA 16.06.02, Rules of the Department of Health and Welfare,
Rules Governing Standards for Child Care Licensing, adopted as a
pending fee rule under Docket Number 16-0602-0901, the entire rule-
making docket.

1 IDAPA 20.03.04, Rules of the Department of Lands, Regulation
2 of Beds, Waters and Airspace Over Navigable Lakes, Section 020, Ap-
3 plications, Subsection 07.e, Forms, Filing, Section 035, Temporary
4 Permits, Subsection 04, Fee, and Section 065, Assignments, Subsec-
5 tion 02, Assignment Fee, only, adopted as pending fee rules under
6 Docket Number 20-0304-0901;

7 IDAPA 20.03.17, Rules of the Department of Lands, Leases on
8 State-Owned Submerged and Formerly Submerged Lands, Section 030,
9 Lease Application, Fee, and Procedure, Subsection 01, Fee, and
10 Section 055, Assignments, Assignment Fee, Subsection 02, Assign-
11 ment Fee, only, adopted as pending fee rules under Docket Number
12 20-0317-0901; and

13 IDAPA 32.01.01, Rules of the Endowment Fund Investment
14 Board, Rules Governing the Credit Enhancement Program for School
15 Districts, adopted as pending fee rules under Docket Number
16 32-0101-0901 (New Chapter), the entire rulemaking docket.

17 BE IT FURTHER RESOLVED that IDAPA 16.06.02, Rules of the Department of
18 Health and Welfare, Rules Governing Standards for Child Care Licensing,
19 adopted as a pending fee rule under Docket Number 16-0602-0901, the entire
20 rulemaking docket; IDAPA 20.03.04, Rules of the Department of Lands,
21 Regulation of Beds, Waters and Airspace Over Navigable Lakes, Section
22 020, Applications, Subsection 07.e, Forms, Filing, Section 035, Temporary
23 Permits, Subsection 04, Fee, and Section 065, Assignments, Subsection 02,
24 Assignment Fee, only, adopted as pending fee rules under Docket Number
25 20-0304-0901; IDAPA 20.03.17, Rules of the Department of Lands, Leases on
26 State-Owned Submerged and Formerly Submerged Lands, Section 030, Lease
27 Application, Fee, and Procedure, Subsection 01, Fee, and Section 055,
28 Assignments, Assignment Fee, Subsection 02, Assignment Fee, only, adopted
29 as pending fee rules under Docket Number 20-0317-0901; and IDAPA 32.01.01,
30 Rules of the Endowment Fund Investment Board, Rules Governing the Credit
31 Enhancement Program for School Districts, adopted as pending fee rules under
32 Docket Number 32-0101-0901 (New Chapter), the entire rulemaking docket, are
33 hereby rejected and not approved, and thereby pursuant to Section 67-5291
34 and Section 67-5224, Idaho Code, are declared null, void and of no force and
35 effect.

36 BE IT FURTHER RESOLVED that rule provisions imposing fees or charges
37 that were not submitted through the Office of Rules Coordinator for leg-
38 islative review or that otherwise are not included and approved in this
39 concurrent resolution shall be null, void and of no force and effect unless
40 approved by adoption of a separate concurrent resolution by both houses of
41 the Legislature as provided in Section 67-5224, Idaho Code.