

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 leg-
islative 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 pur-
suant 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 Con-
trol Bureau, Rules Governing Alcohol Beverage Control, adopted as a
pending fee rule under Docket Number 11-0501-1501, the entire rule-
making 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,

1 Rules Governing Certified Family Homes, adopted as a pending fee rule under
2 Docket Number 16-0319-1502, the entire rulemaking docket, are hereby re-
3 jected and not approved, and thereby pursuant to Section 67-5291 and Section
4 67-5224, Idaho Code, are declared null, void and of no force and effect.

5 BE IT FURTHER RESOLVED that rule provisions imposing fees or charges
6 that were not submitted through the Office of the Administrative Rules Co-
7 ordinator for legislative review or that otherwise are not included and
8 approved in this concurrent resolution shall be null, void and of no force
9 and effect unless approved by adoption of a separate concurrent resolution
10 by both houses of the Legislature as provided in Section 67-5224, Idaho Code.