

IN THE SENATE

SENATE CONCURRENT RESOLUTION NO. 114

BY STATE AFFAIRS COMMITTEE

A CONCURRENT RESOLUTION

1 STATING LEGISLATIVE FINDINGS AND APPROVING ADMINISTRATIVE RULES THAT IMPOSE  
2 A FEE OR CHARGE, WITH EXCEPTIONS, AND REJECTING CERTAIN AGENCY RULE  
3 DOCKETS THAT ARE NOT APPROVED.  
4

5 Be It Resolved by the Legislature of the State of Idaho:

6 WHEREAS, the Legislature pursuant to Section 67-5224, Idaho Code, must  
7 approve certain administrative rules that impose a fee or charge by adoption  
8 of a concurrent resolution before the rules become effective; and

9 WHEREAS, the Legislature is vested with authority to reject executive  
10 agency rules under the provisions of Section 67-5291, Idaho Code, in the  
11 event that the Legislature finds that the rules are not consistent with leg-  
12 islative intent; and

13 WHEREAS, it is the finding of the Legislature that certain Rules of the  
14 Bureau of Occupational Licenses governing Rules of the Barber and Cosmetol-  
15 ogy Services Licensing Board are not consistent with legislative intent; and

16 WHEREAS, it is the finding of the Legislature that certain Rules of the  
17 Department of Parks and Recreation governing Rules Governing the Adminis-  
18 tration of Temporary Permits on Lands Owned by the Idaho Department of Parks  
19 and Recreation are not consistent with legislative intent; and

20 WHEREAS, the Legislature finds that it is in the public interest to  
21 adopt this resolution.

22 NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular  
23 Session of the Sixty-fifth Idaho Legislature, the Senate and the House of  
24 Representatives concurring therein, that all pending administrative rules  
25 or portions of pending administrative rules adopted by state agencies pur-  
26 suant to the Administrative Procedure Act during the prior calendar year,  
27 and submitted through the Office of the Administrative Rules Coordinator to  
28 the Legislature for review during the 2019 legislative session, which impose  
29 a fee or charge, be, and the same are approved, with the exception of the  
30 following enumerated pending fee rules:

31 IDAPA 24.28.01, Rules of the Bureau of Occupational Licenses,  
32 Rules of the Barber and Cosmetology Services Licensing Board, Sec-  
33 tion 851., Subsections 05., 06., and 07., only, adopted as pending  
34 fee rules under Docket Number 24-2801-1802.

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

1           BE IT FURTHER RESOLVED that IDAPA 24.28.01, Rules of the Bureau of Oc-  
2      cupational Licenses, Rules of the Barber and Cosmetology Services Licensing  
3      Board, Section 851., Subsections 05., 06., and 07., only, adopted as pending  
4      fee rules under Docket Number 24-2801-1802, and IDAPA 26.01.10, Rules of the  
5      Department of Parks and Recreation, Rules Governing the Administration of  
6      Temporary Permits on Lands Owned by the Idaho Department of Parks and Recre-  
7      ation, adopted as pending fee rules under Docket Number 26-0110-1701, the  
8      entire rulemaking docket, are hereby rejected and not approved, and thereby  
9      pursuant to Section 67-5291 and Section 67-5224, Idaho Code, are declared  
10     null, void, and of no force and effect.

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