LEGISLATURE OF THE STATE OF IDAHO
Sixty-fifth Legislature Second Regular Session - 2020

IN THE SENATE

SENATE CONCURRENT RESOLUTION NO. 139

BY JUDICIARY AND RULES COMMITTEE

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE 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 29, Article III, of the Idaho
Constitution, 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
Department of Agriculture, Rules Governing Pesticide and Chemigation Use
and Application, are not consistent with legislative intent; and
WHEREAS, it is the finding of the Legislature that certain Rules of the
Board of Veterinary Medicine, Rules of the State of Idaho Board of Veterinary
Medicine, are not consistent with legislative intent; and
WHEREAS, it is the finding of the Legislature that certain Rules of the
Department of Health and Welfare, Vital Statistics Rules, are not consistent
with legislative intent; and
WHEREAS, it is the finding of the Legislature that certain Rules of the
Dentistry Board, Rules of the Idaho State Board of Dentistry, are not consis-
tent with legislative intent; and
WHEREAS, it is the finding of the Legislature that certain Rules of the
Division of Building Safety, Rules of the Idaho Electrical Board, 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 Second 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 pur-
suant to the Administrative Procedure Act during the prior calendar year,
and submitted through the Office of the Administrator Rules Coordinator to
the Legislature for review during the 2020 legislative session, that impose
a fee or charge, be, and the same are hereby approved, with the exception of
the following enumerated pending fee rules:

IDAPA 02.03.03, Rules of the Department of Agriculture, Rules
Governing Pesticide and Chemigation Use and Application, Sections
310., 320., 550.03., and 600., only, adopted as pending fee rules
under Docket Number 02-0303-1901.
IDAPA 46.01.01, Rules of the Board of Veterinary Medicine,
Rules of the State of Idaho Board of Veterinary Medicine, Section
011., Subsection 01., only, adopted as pending fee rules under
Docket Number 46-0101-1900F.

IDAPA 46.01.01, Rules of the Board of Veterinary Medicine,
Rules of the State of Idaho Board of Veterinary Medicine, adopted
as pending fee rules under Docket Number 46-0101-1902, the entire
rulemaking docket.

IDAPA 16.02.08, Rules of the Department of Health and Wel-
fare, Vital Statistics Rules, Section 201., Subsection 06., only,
adopted as pending fee rules under Docket Number 16-0000-1900F.

IDAPA 19.01.01, Rules of the Dentistry Board, Rules of the
Idaho State Board of Dentistry, Sections 035. and 036., only,
adopted as pending fee rules under Docket Number 19-0101-1901.

IDAPA 07.01.01, Rules of the Division of Building Safety,
Rules of the Idaho Electrical Board, Section 105., Subsections 09.,
a. and b., only, adopted as pending fee rules under Docket Number
07-0101-1901.

BE IT FURTHER RESOLVED that IDAPA 02.03.03, Rules of the Department
of Agriculture, Rules Governing Pesticide and Chemigation Use and Appli-
cation, Sections 310., 320., 550.03., and 600., only, adopted as pending
fee rules under Docket Number 02-0303-1901; IDAPA 46.01.01, Rules of the
Board of Veterinary Medicine, Rules of the State of Idaho Board of Veteri-
ary Medicine, Section 011., Subsection 01., only, adopted as pending fee
rules under Docket Number 46-0101-1900F; IDAPA 46.01.01, Rules of the Board
of Veterinary Medicine, Rules of the State of Idaho Board of Veterinary
Medicine, adopted as pending fee rules under Docket Number 46-0101-1902,
the entire rulemaking docket; IDAPA 16.02.08, Rules of the Department of
Health and Welfare, Vital Statistics Rules, Section 201., Subsection 06.,
only, adopted as pending fee rules under Docket Number 16-0000-1900F; IDAPA
19.01.01, Rules of the Dentistry Board, Rules of the Idaho State Board of
Dentistry, Sections 035. and 036., only, adopted as pending fee rules under
Docket Number 19-0101-1901; and IDAPA 07.01.01, Rules of the Division of
Building Safety, Rules of the Idaho Electrical Board, Section 105., Subsec-
tion 09., a. and b., only, adopted as pending fee rules under Docket Number
07-0101-1901, are hereby rejected and not approved, and thereby pursuant to
Sections 67-5291 and 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 legis-
lar 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.