

IN THE SENATE

SENATE CONCURRENT RESOLUTION NO. 128

BY STATE AFFAIRS COMMITTEE

A CONCURRENT RESOLUTION

1 STATING LEGISLATIVE FINDINGS AND APPROVING ADMINISTRATIVE RULES THAT IMPOSE
2 A FEE OR CHARGE, WITH STATED EXCEPTIONS, AND REJECTING AGENCY RULES THAT
3 IMPOSE A FEE OR CHARGE THAT ARE NOT APPROVED BY THIS OR BY SEPARATE CON-
4 CURRENT RESOLUTION.
5

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

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

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

14 WHEREAS, the Legislature finds that a certain rule docket of the Bureau
15 of Occupational Licenses, Rules of the Idaho Driving Businesses Licensure
16 Board, is not consistent with legislative intent; and

17 WHEREAS, the Legislature finds that a certain rule docket of the Divi-
18 sion of Building Safety, Rules Governing Continuing Education Requirements,
19 is not consistent with legislative intent; and

20 WHEREAS, the Legislature finds that a certain rule docket of the Divi-
21 sion of Building Safety, Rules Governing Plumbing Safety Licensing, is not
22 consistent with legislative intent; and

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

25 NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Ses-
26 sion of the Sixty-first Idaho Legislature, the Senate and the House of Rep-
27 resentatives concurring therein, that all pending administrative rules or
28 portions of pending administrative rules adopted by state agencies pursuant
29 to the Administrative Procedure Act during the prior calendar year, and sub-
30 mitted through the Office of Rules Coordinator to the Legislature for review
31 during the 2012 legislative session, which impose a fee or charge, be, and
32 the same are approved, with the exception of the following enumerated pend-
33 ing fee rules:

34 IDAPA 24.25.01, Bureau of Occupational Licenses, Rules of the
35 Idaho Driving Businesses Licensure Board, adopted as a pending
36 fee rule under Docket Number 24-2501-1101, the entire rulemaking
37 docket;

38 IDAPA 07.01.07, Division of Building Safety, Rules Governing
39 Continuing Education Requirements, adopted as a pending fee rule
40 under Docket Number 07-0107-1101, the entire rulemaking docket;
41 and

1 IDAPA 07.02.05, Division of Building Safety, Rules Governing
2 Plumbing Safety Licensing, adopted as a pending fee rule under
3 Docket Number 07-0205-1101, the entire rulemaking docket.

4 BE IT FURTHER RESOLVED that IDAPA 24.25.01, Bureau of Occupational Li-
5 censes, Rules of the Idaho Driving Businesses Licensure Board, adopted as
6 a pending fee rule under Docket Number 24-2501-1101, the entire rulemaking
7 docket; IDAPA 07.01.07, Division of Building Safety, Rules Governing Con-
8 tinuing Education Requirements, adopted as a pending fee rule under Docket
9 Number 07-0107-1101, the entire rulemaking docket; and IDAPA 07.02.05,
10 Division of Building Safety, Rules Governing Plumbing Safety Licensing,
11 adopted as a pending fee rule under Docket Number 07-0205-1101, the entire
12 rulemaking docket, are hereby rejected and not approved, and thereby pur-
13 suant to Sections 67-5224 and 67-5291, Idaho Code, are declared null, void
14 and of no force and effect.

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