

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 leg-
islative intent; and

WHEREAS, it is the finding of the Legislature that a certain rule of the
Department of Agriculture governing Organic Food Product Rules is not con-
sistent with legislative intent; and

WHEREAS, it is the finding of the Legislature that a certain rule docket
of the State Athletic Commission, Rules of the State Athletic Commission, is
not consistent with legislative intent; and

WHEREAS, it is the finding of the Legislature that a certain rule docket
of the Idaho State Lottery Commission, Rules Governing Operations of the
Idaho State Lottery, 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 First Regular
Session of the Sixty-second 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 2013 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 02.06.33, the Department of Agriculture, Organic Food
Product Rules, Section 201, Subsection 04.b, only, adopted as a
pending fee rule under Docket Number 02-0633-1201;

IDAPA 03.01.01, the State Athletic Commission, Rules of the
State Athletic Commission, adopted as a pending fee rule under
Docket Number 03-0101-1201, the entire rulemaking docket; and

IDAPA 52.01.03, the Idaho State Lottery Commission, Rules Gov-
erning Operations of the Idaho State Lottery, adopted as a pending

1 fee rule under Docket Number 52-0103-1201, the entire rulemaking
2 docket.

3 BE IT FURTHER RESOLVED that IDAPA 02.06.33, the Department of Agri-
4 culture, Organic Food Product Rules, Section 201, Subsection 04.b, only,
5 adopted as a pending fee rule under Docket Number 02-0633-1201; IDAPA
6 03.01.01, the State Athletic Commission, Rules of the State Athletic Com-
7 mission, adopted as a pending fee rule under Docket Number 03-0101-1201,
8 the entire rulemaking docket; and IDAPA 52.01.03, the Idaho State Lottery
9 Commission, Rules Governing Operations of the Idaho State Lottery, adopted
10 as a pending fee rule under Docket Number 52-0103-1201, the entire rulemak-
11 ing docket; are hereby rejected and not approved, and thereby pursuant to
12 Sections 67-5224 and 67-5291, Idaho Code, are declared null, void and of no
13 force and effect.

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