

IN THE SENATE

SENATE CONCURRENT RESOLUTION NO. 108

BY JUDICIARY AND RULES COMMITTEE

A CONCURRENT RESOLUTION

1
2 STATING LEGISLATIVE FINDINGS AND APPROVING FEE RULES OF THE DEPARTMENT
3 OF FISH AND GAME, THE DEPARTMENT OF LANDS, AND THE IDAHO DEPARTMENT
4 OF WATER RESOURCES/IDAHO WATER RESOURCE BOARD REVIEWED BY THE SENATE
5 RESOURCES AND ENVIRONMENT COMMITTEE AND THE HOUSE RESOURCES AND CONSER-
6 VATION COMMITTEE WITH AN EXCEPTION.

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

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

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

15 WHEREAS, the Senate Resources and Environment Committee and the House
16 Resources and Conservation Committee reviewed rules that impose a fee or
17 charge adopted by the Department of Fish and Game, the Department of Lands,
18 and the Idaho Department of Water Resources/Idaho Water Resource Board; and

19 WHEREAS, it is the finding of the Legislature that rules of the Idaho De-
20 partment of Water Resources/Idaho Water Resource Board, Water Supply Bank
21 Rules, are not consistent with legislative intent; and

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

24 NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Ses-
25 sion of the Sixty-seventh Idaho Legislature, the Senate and the House of Rep-
26 resentatives concurring therein, that pending fee rules adopted by the De-
27 partment of Fish and Game, the Department of Lands, and the Idaho Department
28 of Water Resources/Idaho Water Resource Board, pursuant to the Administra-
29 tive Procedure Act and submitted through the Office of the Administrative
30 Rules Coordinator to the Legislature for review during the 2023 legislative
31 session and reviewed by the Senate Resources and Environment Committee and
32 the House Resources and Conservation Committee, be, and the same are hereby
33 approved, with the exception of the following enumerated pending fee rule.

34 BE IT FURTHER RESOLVED that Rules of the Idaho Department of Water
35 Resources/Idaho Water Resource Board, Water Supply Bank Rules, IDAPA
36 37.02.03, Docket No. 37-0203-2201, the entire docket, is hereby rejected
37 and not approved, and thereby pursuant to Sections 67-5291 and 67-5224,
38 Idaho Code, is declared null, void, and of no force and effect.