

IN THE HOUSE OF REPRESENTATIVES
HOUSE CONCURRENT RESOLUTION NO. 36

BY WAYS AND MEANS COMMITTEE

1 A CONCURRENT RESOLUTION
2 STATING FINDINGS OF THE LEGISLATURE AND APPROVING PENDING RULES OF THE IDAHO
3 DEPARTMENT OF LANDS REVIEWED BY THE HOUSE RESOURCES AND CONSERVATION
4 COMMITTEE WITH AN EXCEPTION.

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

6 WHEREAS, pursuant to Section 67-5291, Idaho Code, the Legislature must
7 approve pending administrative rules by adoption of a concurrent resolu-
8 tion; and

9 WHEREAS, pursuant to the provisions of Section 67-5291, Idaho Code, any
10 pending rule that is not approved by adoption of a concurrent resolution
11 shall expire upon adjournment sine die of the legislative session during
12 which the agency submits the pending rule to the Legislature for review; and

13 WHEREAS, the House Resources and Conservation Committee reviewed pend-
14 ing rules adopted by the Idaho Department of Lands; and

15 WHEREAS, it is the finding of the Legislature that certain rules of
16 the Idaho Department of Lands, Rules Governing Dredge and Placer Mining
17 Operations in Idaho, are not consistent with legislative intent because
18 the changes do not reflect statutory requirements as provided in Section
19 47-1317, Idaho Code, which states that "the cost and expense of making such
20 inspections shall be borne by the permittee"; and

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

23 NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Ses-
24 sion of the Sixty-seventh Idaho Legislature, the House of Representatives
25 and the Senate concurring therein, that pending rules adopted by the Idaho
26 Department of Lands, Rules Governing Dredge and Placer Mining Operations in
27 Idaho, pursuant to the Administrative Procedure Act and submitted through
28 the Office of the Administrative Rules Coordinator to the Legislature for
29 review during the 2024 legislative session and reviewed by the House Re-
30 sources and Conservation Committee, be, and the same are hereby approved,
31 with the exception of IDAPA 20.03.01, Rules Governing Dredge and Placer Min-
32 ing Operations in Idaho, Docket No. 20-0301-2301, Section 051., Subsection
33 01., only, that is rejected and not approved, and thereby pursuant to Section
34 67-5291, Idaho Code, shall expire upon adjournment sine die of the legisla-
35 tive session and be null, void, and of no force and effect.