

IN THE HOUSE OF REPRESENTATIVES
HOUSE CONCURRENT RESOLUTION NO. 49

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 AND THE SENATE RESOURCES AND ENVIRONMENT COMMITTEE, WITH AN
5 EXCEPTION.

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

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

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

14 WHEREAS, the House Resources and Conservation Committee and the Senate
15 Resources and Environment Committee reviewed pending rules adopted by the
16 Idaho Department of Lands; and

17 WHEREAS, the Senate Resources and Environment Committee approved pend-
18 ing rules of the Idaho Department of Lands, Rules Governing Dredge and Placer
19 Mining Operations, Docket No. 20-0301-2301, the entire docket; and

20 WHEREAS, the House Resources and Conservation Committee approved pend-
21 ing rules of the Idaho Department of Lands, Rules Governing Dredge and Placer
22 Mining Operations, Docket No. 20-0301-2301, with the exception of Section
23 051., Subsection 01., only; and

24 WHEREAS, it is the finding of the House of Representatives that certain
25 rules of the Idaho Department of Lands, Rules Governing Dredge and Placer
26 Mining Operations in Idaho, are not consistent with legislative intent be-
27 cause the changes do not reflect statutory requirements as provided in Sec-
28 tion 47-1317, Idaho Code, which states that "the cost and expense of making
29 such inspections shall be borne by the permittee"; and

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

32 NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular
33 Session of the Sixty-seventh Idaho Legislature, the House of Representa-
34 tives and the Senate concurring therein, that pending rules adopted by the
35 Idaho Department of Lands, Rules Governing Dredge and Placer Mining Opera-
36 tions in Idaho, pursuant to the Administrative Procedure Act and submitted
37 through the Office of the Administrative Rules Coordinator to the Legis-
38 lature for review during the 2024 legislative session and reviewed by the
39 House Resources and Conservation Committee and Senate Resources and Envi-
40 ronment Committee, be, and the same are hereby approved, with the exception
41 of IDAPA 20.03.01, Rules Governing Dredge and Placer Mining Operations in
42 Idaho, Docket No. 20-0301-2301, Section 051., Subsection 01., only, that
43 is rejected and not approved, and thereby pursuant to Section 67-5291, Idaho

1 Code, shall expire upon adjournment sine die of the legislative session and
2 be null, void, and of no force and effect.