

# SENATE CONCURRENT RESOLUTION NO. 108

LEGISLATURE OF THE STATE OF IDAHO

Sixty-seventh Legislature

First Regular Session – 2023

IN THE SENATE  
SENATE CONCURRENT RESOLUTION NO. 108  
BY JUDICIARY AND RULES COMMITTEE

A CONCURRENT RESOLUTION STATING LEGISLATIVE FINDINGS AND APPROVING FEE RULES OF THE DEPARTMENT OF FISH AND GAME, THE DEPARTMENT OF LANDS, AND THE IDAHO DEPARTMENT OF WATER RESOURCES/IDAHO WATER RESOURCE BOARD REVIEWED BY THE SENATE RESOURCES AND ENVIRONMENT COMMITTEE AND THE HOUSE RESOURCES AND CONSERVATION COMMITTEE WITH AN EXCEPTION.

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 legislative intent; and

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

WHEREAS, it is the finding of the Legislature that rules of the Idaho Department of Water Resources/Idaho Water Resource Board, Water Supply Bank Rules, are 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-seventh Idaho Legislature, the Senate and the House of Representatives concurring therein, that pending fee rules adopted by the Department of Fish and Game, the Department of Lands, and the Idaho Department of Water Resources/Idaho Water Resource Board, pursuant to the Administrative Procedure Act and submitted through the Office of the Administrative Rules Coordinator to the Legislature for review during the 2023 legislative session and reviewed by the Senate Resources and Environment Committee and the House Resources and Conservation Committee, be, and the same are hereby approved, with the exception of the following enumerated pending fee rule.

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

## Statement of Purpose / Fiscal Impact:

### STATEMENT OF PURPOSE RS30755 / SCR108

This legislation states legislative findings and approves fee rules of the Idaho Department of Fish and Game, the Idaho Department of Lands, and the Idaho Department of Water Resources/Idaho Water Resource Board. These rules were reviewed by the Senate Resources and Environment Committee and the House Resources and Conservation Committee with an exception.

### FISCAL NOTE

There should be no fiscal impact to the general fund since these adoptions add no significant duties or responsibilities to applicable agencies.

### Contact:

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Adopted: March 30, 2023.