

4477 W. Emerald, Ste. C-250  
Boise, ID 83706  
Telephone: 208 381-0294  
Fax: 208 381-5272  
Email:  
lwpg.ltominaga@gmail.com  
lwpg.btominaga@gmail.com

www.idah2o.org

**March 26, 2018**

---

## **Sine Die Adjournment**

### Inside this issue:

Legislation—Water	2-3
Legislation—Energy	3
Legislation—Other	4
Appropriations	4-5
Resolutions	5-6
Rules	6
Apptments & Calendar	7

*Follow the  
Idaho Legislature  
on the internet  
at*

[www.legislature.idaho.gov](http://www.legislature.idaho.gov)

# 2018 Legislative Reports

March 26

The Idaho Legislature is expected to formally adjourn sine die this week. Legislators are in Boise waiting for the Governor to take final action on the legislation that has been submitted. Idaho's constitution says that the Governor has five (5) days to act on legislation when the legislature is in session or ten (10) once the legislature has adjourned sine die.

We would like to thank Idaho's legislators for their service. To those who are retiring or have decided not to seek re-election, it has been our pleasure to work with you. To those returning home to campaign for re-election, we wish you well.

**Idaho's primary election is scheduled for Tuesday, May 15th.**

## Water - House

**LAW HO370 WATER DISTRICTS** – Amends existing law to revise provisions relating to water district meetings and elections; and to provide that absentee and proxy voting is prohibited unless authorized by specified law. **Session Law Chapter 40 Effective: 07/01/2018**

**LAW HO371 CRITICAL GROUND WATER AREAS** – Amends existing law to revise provisions regarding certain administration on a time priority basis. **Session Law Chapter 41 Effective: 07/01/2018**

**LAW HO372 WATER RIGHTS** – Amends existing law to provide a fee for applications to change only the legal description for the place of use or the point of diversion under specified conditions. **Session Law Chapter 42 Effective: 07/01/2018**

**HO603aaS STOCKWATER RIGHTS** - Amends and adds to existing law to provide additional legislative intent regarding certain stockwater rights; to provide for the forfeiture of certain stockwater rights and to provide a procedure; and to clarify that if an agency of the federal government acquires a stockwater right, that right shall never be utilized for any purpose other than watering of livestock unless otherwise approved by the state. **House: 02/26 PASSED 67-0-3 Senate: PASSED w/amendments 35-0-0 House: 03/21** Returned to Resources & Conservation

**HO718 STOCKWATER RIGHTS** - Amends and adds to existing law to provide legislative intent regarding certain stockwater rights; to provide for the forfeiture of certain stockwater rights and to provide a procedure; and to clarify that if any agency of the federal government acquires a stockwater right, that right shall never be utilized for any purpose other than watering of livestock unless otherwise approved by the state. **House: 03/20** Introduced; 1st reading; referred for printing; Printed; to 2nd reading **03/21** 2nd to 3rd reading *Rules Suspended* **PASSED 65-2-3 Senate:** Introduced; 1st reading; referred to Resources & Environment **03/22** Report out Do Pass to 2nd reading *Rules Suspended* **PASSED 31-0-4** To Governor

## Water - Senate

**LAW S1218 ENVIRONMENTAL QUALITY** – Amends and adds to existing law to revise factors to be considered when the Director of the Idaho State Department of Agriculture is deciding whether to designate a poultry animal feeding operation; to provide that certain law shall not affect the authority of the Department of Environmental Quality to administer and enforce an Idaho NPDES program; to provide that the Director of the Department of Environmental Quality shall consult with the Director of the Idaho State Department of Agriculture before certifying discharges from poultry operations; and to provide for the Idaho Pollutant Discharge Elimination System Program and fund. **Session Law Chapter 22 Effective: 03/01/2018**

**LAW S1260 LAKE PEND OREILLE, PEND OREILLE RIVER, PRIEST LAKE AND PRIEST RIVER COMMISSION** – Amends existing law to provide that the commission shall have the authority to designate representatives to participate in proceedings regarding the Columbia River Basin; and to provide that moneys in the commission fund may also be used to provide for participation in proceedings regarding the Columbia River Basin. **Session Law Chapter 63 Effective: 03/13/18**

## **Water - Senate *continued***

**LAW S1261 PRIEST LAKE** – Amends existing law to provide that the Priest Lake outlet control structure shall be under the supervision and control of the Idaho Water Resource Board; to revise provisions regarding the operation and maintenance of the structure; and to revise provisions regarding the maintenance and regulation of the water surface level of Priest Lake. **Session Law Chapter 62 Effective: 07/01/2018**

**LAW S1268 DRAINAGE DITCHES** - Amends and adds to existing law to revise drainage commissioner compensation provisions; to provide for assessment for the payment or retirement of any bonds or warrants; to revise provisions regarding the sale of personal property of a drainage district; to provide for the trade-in or exchange of personal property of the district. **Session Law Chapter 92 Effective: 07/01/2018**

**LAW S1305 STOCKWATER** - Amends existing law to provide that for rights to the use of water for in-stream or out-of-stream livestock purposes associated with grazing on federally owned or managed land established under the diversion and application to beneficial use method of appropriation, the water right shall be an appurtenance to the base property. **Senate: 02/22 PASSED 34-0-1 House: 03/08 PASSED 68-0-2 03/13 To Governor 03/19 Governor signed Session Law Chapter 146 Effective: 07/01/2018**

**S1306aaH LOCAL LAND USE PLANNING** - Amends existing law to provide for notice to irrigation districts, Carey Act operating companies, nonprofit irrigation entities, lateral ditch associations and drainage districts that have requested to receive notice whenever a county or city considers a proposed subdivision or any other site-specific land development application. **Senate: 02/26 PASSED 33-0-2 House: 03/12 PASSED w/amendments 63-0-7 Senate: 03/15 PASSED 33-0-2 as amended 03/20 To Governor**

## **Energy - House**

**LAW HO392 ENERGY TAX** – Amends existing law to provide and revise dates by which notification shall be made of electrical, gas, solar, wind and geothermal energy producer’s tax allotment and apportionment. **Session Law 31 Effective: 07/01/2018**

## Other - House

**LAW HO480 ELECTRICAL CONTRACTORS AND JOURNEYMEN** - Amends existing law to change the names of specialty contractors, specialty journeymen and specialty trainees to limited electrical contractors, limited electrical installers and limited electrical installer trainees. **House: 02/21 PASSED 66-0-3**  
**Senate: 03/13 PASSED 34-0-1 03/16** To Governor **03/20** Governor signed **Session Law Chapter Effective:**

**H0604aa AGRICULTURAL LAND ANNEXATION** - Amends existing law to provide a requirement regarding annexation of certain agricultural land. **House: PASSED 58-11-1**  
**Senate: 03/02** Introduce; 1st reading; referred to Local Government & Taxation

**H0623 IDAHO ADMINISTRATIVE PROCEDURE ACT** - Repeals, amends and adds to existing law to revise procedures for contested cases and hearing officers. **House: 03/06 PASSED 47-23-0**  
**Senate: 03/07** Introduce; 1st reading; referred to Judiciary & Rules

## Appropriations - House

**LAW HO651 OFFICE OF SPECIES CONSERVATION** - Appropriates \$14,245,000 to the Office of Species Conservation for fiscal year 2019; and limits the number of authorized full-time equivalent positions to 14.00. **Session Law Chapter 134 Effective: 07/01/2018**

**HO677 DEPARTMENT OF WATER RESOURCES** - Appropriates \$26,461,800 to the Department of Water Resources for fiscal year 2019; limits the number of authorized full-time equivalent positions to 163.00; provides for transfers; and provides legislative intent. **House: 03/09** Introduce; 1st reading; referred for printing **03/12** Printed; filed for 2nd reading **03/12** 2nd to 3rd reading **03/14 PASSED 66-0-4** **Senate:** Introduce; 1st reading; referred to Finance **03/15** Report out Do Pass to 2nd reading **03/16** 2nd to 3rd reading **03/19 PASSED 32-1-2 03/22** To Governor

**HO685 DEPARTMENT OF LANDS** - Appropriates \$59,362,800 to the Department of Lands for fiscal year 2019; limits the number of authorized full-time equivalent positions to 321.15; exempts certain appropriation object transfer limitations; appropriates and transfers \$20,000,000 from the General Fund to the Fire Suppression Deficiency Fund for fiscal year 2018; and provides legislative authorization for prior period adjustments. **House: 03/14 PASSED 67-0-3** **Senate:** Introduce; 1st reading; referred to Finance **03/15** Report out Do Pass to 2nd reading **03/16** 2nd to 3rd reading **03/19 PASSED 33-0-2 03/22** To Governor

**HO696 DEPARTMENT OF ENVIRONMENTAL QUALITY** - Appropriates an additional \$50,000 to the Department of Environmental Quality for fiscal year 2019. **House: 03/15** Introduce; 1st reading; referred for printing **03/16** Printed; filed for 2nd reading **03/19 PASSED 69-0-1** **Senate: 03/20** Introduce; 1st reading; referred to Finance; Report out Do Pass to 2nd reading **03/21** 2nd to 3rd reading **03/22** *Rules Suspended* **PASSED 34-0-1 03/22** To Governor

**HO712 DEPARTMENT OF WATER RESOURCES** - Appropriates and transfers \$1,000,000 to the Water Management Fund for fiscal year 2018; provides legislative intent regarding the uses of the Water Management Fund; and provides legislative intent regarding project prioritization. **House: 03/19** Introduce; 1st reading; refer for printing **03/20** Printed; filed for 2nd reading **03/21** 2nd to 3rd reading *Rules Suspended* **PASSED 66-0-4** **Senate: 03/21** Introduce; 1st reading; referred to Finance; report out Do Pass to 2nd reading **03/22** 2nd to 3rd reading *Rules Suspended* **PASSED 34-0-1** To Governor

## Appropriations - Senate

**LAW S1328 OFFICE OF ENERGY AND MINERAL RESOURCES** - Appropriates \$1,308,700 to the Office of Energy and Mineral Resources for fiscal year 2019; and limits the number of authorized full-time equivalent positions to 8.00. **Session Law Chapter 106 Effective: 07/01/2018**

**LAW S1330 SOIL AND WATER CONSERVATION COMMISSION** - Appropriates \$3,324,400 to the Soil and Water Conservation Commission for fiscal year 2019; limits the number of authorized full-time equivalent positions to 21.75; and provides legislative intent regarding trustee and benefit payments distribution. **Session Law Chapter 108 Effective: 07/01/2018**

**S1340 PUBLIC UTILITIES COMMISSION** - Appropriates \$6,682,600 to the Public Utilities Commission for fiscal year 2019; limits the number of authorized full-time equivalent positions to 52.00; and increases the salaries of the Public Utilities Commissioners. **Senate: 03/08 PASSED 35-0-0 House: 03/13 PASSED 67-0-3 03/20** Governor signed **Session Law Chapter 174 Effective: 07/01/2018**

**S1360 DEPARTMENT OF ENVIRONMENTAL QUALITY** - Appropriates \$66,620,100 to the Department of Environmental Quality for fiscal year 2019; limits the number of authorized full-time equivalent positions to 386.00; transfers \$1.5 million from the Water Pollution Control Fund to the Environmental Remediation Basin Fund; provides legislative intent regarding the Environmental Remediation Basin Fund and requires an annual report; provides legislative intent regarding uses of the Water Pollution Control Fund; provides legislative intent regarding certain moneys appropriated for agricultural best management practices; and provides reappropriation authority for moneys associated with agricultural best management practices. **Senate: 03/15 PASSED 33-0-2 House: 03/16** 1st to 2nd reading **03/19** 2nd to 3rd reading **03/20 PASSED 56-12-2 03/22** To Governor

**S1378 DEPARTMENT OF ENVIRONMENTAL QUALITY** - Appropriates an additional \$290,000 to the Department of Environmental Quality for fiscal year 2019. **Senate: 03/19** Introduce; 1st reading; referred for printing; Printed; referred to Finance; Report out Do Pass to 2nd reading **03/20** 2nd to 3rd reading *Rules Suspended* **PASSED 35-0-0 House: 03/21** 1st to 2nd reading *Rules Suspended 62-4-4 03/22* To Governor

## Resolutions - House

**HCR031 CLIMATE CHANGE STUDY COMMITTEE** – Stating findings of the Legislature and authorizing the Legislative Council to appoint a committee to undertake and complete a study of climate change and its impact on Idaho. **House: 01/24** Introduce; 1st reading; referred for printing **01/25** Printed; referred to House Ways & Means

**HCR035 DEPARTMENT OF ENVIRONMENTAL QUALITY – RULE REJECTION** – Stating findings of the Legislature and rejecting certain rules of the Department of Environmental Quality relating to Idaho Rules for Public Drinking Water Systems. **House: 02/28** Held in committee

**HCR037 DIVISION OF BUILDING SAFETY - RULE REJECTION** - Stating findings of the Legislature and rejecting a certain rule of the Division of Building Safety relating to Rules Concerning Idaho State Plumbing Code. **House: 03/01** Withdrawn

## Resolutions Memorials Proclamations

**HCR063 ADVANCE REACTOR INDUSTRY** - Stating findings of the Legislature and recognizing the potential for the State of Idaho to be a worldwide leader in the manufacturing and commercialization of the advanced reactor industry, including the fabrication and manufacturing of small modular reactors; acknowledging the opportunity this position brings to Idaho's overall economic, business, and technological sectors; and urging exploration of a variety of new public-private program and policy partnerships that promote, establish, and advance the advanced reactor industry. **House: 03/20** Introduce; 1st reading; referred for printing **03/21** Printed; referred to Ways & Means

**ADOPTED HJM011 COLUMBIA RIVER TREATY** - A joint memorial urging the U.S. Department of State to support specified positions in negotiations with Canada regarding any modification or future implementation of the Columbia River Treaty. **03/14** To Secretary of State

**HP001 CONSTITUTIONAL DEFENSE COUNCIL FUND** - Stating findings of the Legislature and proclaiming that the Joyce Livestock Company and the LU Ranching Company should be reimbursed from the Constitutional Defense Council Fund for attorney's fees that they incurred for restoring, maintaining and advancing the sovereignty and authority of the State of Idaho over stockwater rights. **House: 03/14** Introduce; 1st reading; referred for printing; printed; referred to State Affairs **03/15** Report out Do Pass to 2nd reading **03/16** 2nd to 3rd reading **03/19 ADOPTED voice vote Senate: 03/19** Introduce; 1st reading; referred to State Affairs **03/21** Report out Do Pass to 10th Order **03/22 ADOPTED 28-6-1** Filed in office Chief Clerk

**HR007 HITEST SMELTER PROJECT** - Stating findings of the House of Representatives and urging the State of Idaho to protect the Lake Pend Oreille and Priest Lake watershed areas from a silicon smelter operation proposed in adjacent Washington State. **House: 03/16** Introduce; 1st reading; referred for printing **03/19** Printed; referred to State Affairs

**ADOPTED SCR132 WILD & SCENIC RIVERS** - Stating findings of the Legislature and recognizing the 50th Anniversary of the Wild and Scenic Rivers Act, and celebrating the contributions that Idahoans have made to protect and appreciate rivers and streams in Idaho, and across the nation. **03/13** To Secretary of State

**ADOPTED SCR146 OCCUPATIONAL LICENSING** - Stating findings of the Legislature and the Legislative Council to appoint a committee to undertake and complete a study of occupational licensing and certification laws and rules in Idaho. **Senate: 03/03/14 ADOPTED 34-0-1 House: 03/14** 1st reading; refer to Business **03/20** Report out Do Pass to 2nd reading **03/21** 2nd to 3rd reading; *Rules Suspended* **ADOPTED 65-3-2 03/22** Deliver to Secretary of State

**ADOPTED SJM104 AGRICULTURAL TRANSPORT** - Requesting Congress and USDOT and the Federal Motor Carrier Safety Administration to grant exemption to agricultural commodity transporters from electronic log book requirements. **03/20** Delivered to Secretary of State

## Approved Rules Dockets

**Docket No. 58-0102-1502** Water Quality Standards: Copper Criteria for Aquatic Life Use

**Docket No. 58-0102-1701** Water Quality Standards: Update to Selenium Criteria for Aquatic Life Use

**Docket No. 58-0102-1702** Water Quality Standards: Revision to Criteria for Toxic Substances table

**Docket No. 58-0125-1701** Rules Regulating the Idaho Pollutant Discharge Elimination System Program

**Docket No. 07-1001-1701** Rules Governing the Damage Prevention Board

## APPOINTMENTS/REAPPOINTMENTS

Brent Baker, Lake Pend Oreille Basin Commission

Dr. Renee Breedlovestrout, Idaho Oil & Gas Conservation Commission, July 1, 2017-July 1, 2019

Marc Brinkmeyer, Lake Pend Oreille Basin Commission

James Classen, Idaho Oil & Gas Conservation Commission, July 1, 2017-July 1, 2021

Kevin Dickey, Idaho Oil & Gas Conservation Commission, July 1, 2017-July 1, 2020

Mark Shigeta, Idaho Oil & Gas Conservation Commission, July 1, 2017-July 1, 2021

Michael Elliott, Idaho Energy Resources Authority

David Groeschl, Oil and Gas Conservation Commission, commencing January 16, 2018

Catherine Roemer, State Soil and Water Conservation, July 1, 2017-July 1, 2022

Dr. John Rusche, Idaho Water Resource Board, August 31, 2017-January 1, 2019

H. Norman Wright, State Soil and Water Conservation Commission, July 1, 2017-July 1, 2022

Jim Yost, Northwest Power & Conservation Council, January 2018-2021

## Calendar

**Monday: March 26**

**Tuesday: March 27** Idaho Ground Water Appropriators, Inc., Board meeting, Chubbuck,

**Wednesday: March 28** Idaho Irrigation Pumpers Association, Annual Meeting, Chubbuck,

**Thursday: March 29** Ag All-Stars meeting noon

**Friday: March 30**

### Senate Committees:

**Agricultural Affairs**, T/TH, 8 am, Rm WW53

**Commerce and Human Resources**, T/TH, 1:30 pm, Rm WW54

**Finance**, Daily, 8 am, Rm C310

**Judiciary and Rules**, M/W/F, 1:30 pm, Rm WW54

**Resources and Environment**, M/W/F, 1:30 pm, Rm WW55

**Transportation**, T/TH, 1:30 pm, Rm WW53

**Education**, M/T/W/Th, 3 pm, Rm WW55

**Health and Welfare**, M, T, W, Th, 3:00 pm, Room WW54

**Local Government & Taxation**, T/W/Th, 3 pm, WW53

**State Affairs**, M/W/F, 8 am, Rm WW55

### House Committees:

**Agricultural Affairs**, Even Days, pm, Room EW42

**Appropriations**, Daily, am, Room C310

**Commerce & Human Resources**, Odd Days, pm, Rm EW05

**Environment, Energy, & Technology**, Even Days, pm, Rm EW41

**Judiciary, Rules, & Administration**, Odd Days, pm, Rm EW42

**Resources and Conservation**, Odd Days, pm, Room EW40

**State Affairs**, Daily, am, Room EW40

**Ways and Means**, On Call, pm, Room EW05

**Business**, Odd Days, pm, Room EW41

**Education**, Daily, a.m., EW41

**Health & Welfare**, Daily, am, Rm EW20

**Local Government**, Even Days, pm, Rm EW05

**Revenue & Taxation**, Daily, am, Rm EW42

**Transportation and Defense**, Even Days, pm, Rm EW40

Follow the Idaho Legislature on the internet at [www.legislature.idaho.gov](http://www.legislature.idaho.gov)

*An electronic version of the 2017 Legislative Directory is available on the Legislature's website.*