

1109 W. Main, Suite 300  
P.O. Box 2624  
Boise, ID 83701-2624

Phone: 208 381-0294  
Fax: 208 381-5272

Email: [lynnominaga@hotmail.com](mailto:lynnominaga@hotmail.com)  
[btominaga@idahowaterpolicygroup.org](mailto:btominaga@idahowaterpolicygroup.org)

**March 23, 2009**

Special points of interest:

**Senate Resource Committee confirms IWRB appointees.**

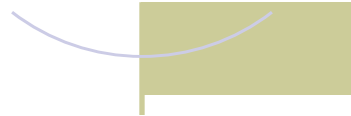
**CAMP approval still up in the air.**

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# Legislative Reports 2009



## Appropriation Bills Begin to Report Out

Appropriation bills began reporting out of the Joint Finance & Appropriations Committee (JFAC) last week, a sure sign that spring and adjournment are on the horizon. Issues still to be resolved include putting the legislature's stamp of approval on CAMP. CAMP has run into some problems that, while not entirely unexpected, have turned out to be more serious than previously anticipated.

IDWR's budget was set Friday, March 20th. The Department faces an overall decrease of 10.2% in 2010. The good news is that there are no staff reductions, but some staff members will be reassigned.

Last week Vince Alberdi, Leonard Beck, Roger Chase and Terry Uhling appeared in the Senate Resource & Environment Committee for confirmation hearings. The committee voted today, Monday March 23rd, to confirm all four appointments. A vote of full Senate will follow, possibly as early as Wednesday or Thursday of this week.

Seeing the budget-setting process underway is a positive sign that the session is moving toward adjournment, even though it is probably still at least several weeks away. A major and contentious hurdle must be addressed in the form of transportation funding.

A reminder to all Irrigation Pumpers: The annual meeting is scheduled for 10 a.m. on Thursday, March 26th, at Racine Law Offices in Pocatello.

IGWA's Executive Committee will meet at 1 p.m. on March 26th, also at Racine Law Offices.

**March 23-27, 2009**

**Monday: March 23**

**JFAC:** Personnel Adjustments  
Rm. 316

**Senate Resource & Environ-  
ment, IWRB Confirmation**  
Vote on IWRB appointees:  
Terry Uhling, Leonard Beck,  
Vince Alberdi & Roger Chase  
Rm. 204, 1:30 p.m.

**Tuesday, March 24**

**House State Affairs:** S1123  
Public Utility Rates, Rm 145, 9  
a.m.

**Ag Lobbyists,** Yen Ching  
Noon

**Wednesday: March 25**

**Food Producers Legislative  
Luncheon,** Yen Ching, noon

**Thursday: March 26**

**IIPA Annual Meeting,** Racine  
Law/Pocatello, 10 a.m.

**IGWA EC Meeting,** Racine  
Law/Pocatello, noon to 4

**Bingham GWD Annual Meet-  
ing,** Snake River Jr. High, 7  
p.m.

**Friday: March 27**

**JFAC Budget Setting** tenta-  
tive concludes

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**WATER—HOUSE**

**H033** Repeals existing law relating to the Department of Agriculture and the artificial production of rainfall. **HOUSE: 2/3 PASSED 69-0-1**

**SENATE 2/25** Returned to Ag Affairs

**H0210** COMPREHENSIVE AQUIFER MANAGEMENT PLAN Adds to existing law to provide that the Comprehensive Aquifer Management Plan for the Eastern Snake Plain Aquifer is approved as a component of the Comprehensive State Water Plan; to provide that the Idaho Water Resource Board shall prepare and submit a funding mechanism to the Legislature for approval; and to provide that implementation of Phase I of the plan is subject to legislative approval of a funding mechanism.

**HOUSE: 3/4** Introduce/Print **3/5** Resource & Conservation

**3/11** Held to “Time Certain: Subject to the Call of the Chair.

**Contact:** Representative Bert Stevenson **Fiscal Note:** No state funds obligated; state agencies authorized to use approximately \$100,000 previously appropriated funds to implement this year.

<http://www.legislature.idaho.gov/legislation/2009/H0210Bookmark.htm>

**WATER—SENATE**

**S1002** Amends existing law relating to appropriation of water to revise the definition of “service area” for a municipality and to revise the criteria for domestic water systems. **SENATE: 2/11 PASSED 35-0-0**

**HOUSE: 3/17 Held in committee**

**S1096** PROCUREMENT Amends existing law relating to procurement requirements to provide an exception to certain procurement requirements for the procurement of used personal property by irrigation districts and their boards of control. (Competitive bidding)

**SENATE: 2/13** Introduce/Print **2/16** Commerce & Human Resources  
**2/25** “Do Pass” **2/26** 2nd to 3rd reading **3/2 PASSED 25-7-3**

**HOUSE: 3/3** Introduce/State Affairs

**Sponsor:** IWUA/Semanko **Fiscal Note:** None

<http://www.legislature.idaho.gov/legislation/2009/S1096Bookmark.htm>

**H007** Adds to existing law to allow the Public Utilities Commission to provide priority designation for electric transmission projects that will cause state agencies to expedite their permit procedures for electric transmission projects. **Session Law Chapter 9 Effective 7/1/09**

**H052** Amends existing law to provide that with the approval of the Public Utilities Commission, a public utility may establish reasonable nonrecurring charges for new customers to partially recover the costs of public utility capital investment in new facilities to serve new customer growth.

**HOUSE: 2/26 Held per sponsor's request.** Bill to be referred to Interim Committee

**H0122 ENERGY ENTERPRISE ZONES** - Adds and amends existing law to provide for renewable energy enterprise zone designation and to provide state tax incentives for projects located in those zones.

**HOUSE: 2/13 Introduce/Print 2/16 Revenue & Taxation Held per sponsor's request.**

**H0200 ENERGY RESOURCE AUTHORITY** Amends existing law to provide additional powers of the state treasurer to invest state funds or other funds in fixed or variable rate bonds of the Idaho Energy Resources Authority upon certain conditions. **HOUSE: 2/25 Introduce/Print 2/26 Energy, Environment & Technology Held per sponsor's request**

**H0203 TAXATION—RENEWABLE ENERGY PROJECTS** Amends existing law to provide a property tax exemption for renewable energy projects and to provide an energy tax on renewable energy projects to be paid to local units of government in lieu of the property tax. **HOUSE: 2/27 Introduce/Print 3/2 Revenue & Tax 3/12 General Orders 3/18 Report out amended 3/19 2nd reading as amended 3/20 3rd reading as amended Sponsor: Rep. Cronin Fiscal Note: None to state general fund**

<http://www.legislature.idaho.gov/legislation/2009/H0203Bookmark.htm>

**H0208 PROPERTY EXEMPT FROM TAXATION** Amends existing law to provide that a renewable energy device attached to residential property shall be exempt from taxation. **HOUSE: 2/27 Introduce/Print 3/2 Revenue & Taxation Sponsor: Sen. McKenzie/Rep. Eskeridge Fiscal Note: None to general fund**

<http://www.legislature.idaho.gov/legislation/2009/H0208Bookmark.htm>

**H0209 PROPERTY - TAX EXEMPTION** Adds to existing law to provide that certain energy property shall be exempt from taxation. **HOUSE: 2/27 Introduce/Print 3/2 Revenue & Taxation**

**Sponsor: Sen. McKenzie/Rep. Eskeridge Fiscal Note: None to state general fund**

<http://www.legislature.idaho.gov/legislation/2009/H0209Bookmark.htm>

**H0233 PROPERTY—TAX EXEMPTION** Amends existing law to provide that a renewable energy device attached to residential property shall be exempt from taxation; and to provide that certain energy property shall be exempt from taxation. **HOUSE: 3/12 Introduce/Print 3/13 2nd reading 3/16 2nd to 3rd reading 3/17 General Orders 3/18 Report out amended 3/19 2nd reading as amended 3/20 3rd reading as amended**

**Sponsor: Werk, McKenzie, Moyle, Eskeridge Fiscal Note: None to general fund**

<http://www.legislature.idaho.gov/legislation/2009/H0233Bookmark.htm>

## ENERGY— SENATE

**S1027 ENERGY FACILITY SITING** Adds to existing law relating to energy facility siting to require a siting certificate in certain circumstances, to create a siting panel, to provide authority and responsibilities of the panel, to provide for an application for a siting certificate, to provide duties of an applicant upon submittal of an application, and to provide duties of the Public Utilities Commission upon receipt of an application.

**SENATE:** 1/23 Introduce/print 1/26 State Affairs **Held**

**S1097 PUBLIC HIGHWAYS—UTILITIES** Adds to existing law relating to public highways and utilities to provide that certain public highway agencies or any private party working with such agency on a project which may require relocation of utility facilities shall permit the affected utility to participate in project development meetings, to provide for a meeting, to provide that certain public highway agencies and affected utilities shall use best efforts to eliminate or minimize certain costs, and to provide that failure by the affected utility to respond to written notice shall not affect the public highway agency's ability to proceed with the project and to provide limits to application. **SENATE:** 2/13 Introduce/Print 2/16 Transportation 2/18 "Do Pass" 2/20 **PASSED 30-0-5 HOUSE:** 2/23 Introduce/Transportation **Contact:** Ed Lodge/Qwest **Fiscal Note:** No impact to state general fund <http://www.legislature.idaho.gov/legislation/2009/S1097Bookmark.htm>

**S1119** Amends existing law to provide for low-income bill payment assistance and other programs to public utility customers under certain conditions. **SENATE:** 2/18 Introduce/Print 2/19 State Affairs 2/25 "Do Pass" 2/26 2nd to 3rd reading 3/5 **FAILED 17-18-0**

**S1120 SCHOOL BUILDINGS** Adds to and amends existing law relating to public school buildings and school districts to provide for school building design and energy efficiency.

**SENATE:** 2/18 Introduce/Print 2/19 State Affairs **Re-introduced as S1132**

**S1123 PUBLIC UTILITY RATES** Adds to existing law to provide that public utility commission binding ratemaking treatments are applicable when costs of a new electric generation facility are included in rates, to provide procedures and to provide for rules. **SENATE:** 2/23 Introduce/Print 2/24 State Affairs 3/5 Report out "Do Pass" 3/6 2nd to 3rd reading 3/9 **PASSED 31-2-2**

**HOUSE:** 3/10 Introduce/State Affairs

**Contact:** Sen. Curt McKenzie **Fiscal Note:** None to General Fund

<http://www.legislature.idaho.gov/legislation/2009/S1123Bookmark.htm>

**S1132 SCHOOL BUILDINGS** Adds to and amends existing law relating to public school buildings and school districts to provide for school building design and energy efficiency. **SENATE:** 3/2 Introduce/Print 3/3 Education 3/6 Refer to State Affairs 3/10 Report out "Do Pass" 3/13 **34-1-0**

**HOUSE:** 3/16 Introduce/Education 3/18 Ret'd to Desk; refer to Environment Committee 3/24 Hearing scheduled **Contact:** Senator McKenzie **Fiscal Note:** Voluntary incentive from state general funds already provided <http://www.legislature.idaho.gov/legislation/2009/S1132Bookmark.htm>

**S1143 PUBLIC UTILITIES COMMISSION** Amends and repeals existing law relating to public utilities regulation to revise Public Utilities Commission authority regarding rates and to revise procedures before the Commission. **SENATE:** 3/6 Introduce/Print 3/9 State Affairs

**Contact:** Senator Geddes **Fiscal Note:** None to general fund

<http://www.legislature.idaho.gov/legislation/2009/S1143.pdf>

## APPROPRIATIONS

**HO061** OMNIBUS RESCISSION AND SUPPLEMENTAL - **HOUSE: 3/9 Ret'd to Finance**

**H0250** OMNIBUS RESCISSION AND SUPPLEMENTAL - Declares legislative intent regarding General Fund revenues and expenditures for fiscal year 2009; adjusts the Public School appropriation; transfers dedicated funds into the General Fund; reduces General Fund appropriations for state agencies and institutions; increases appropriations from dedicated and federal funds to partially offset General Fund reductions for some agencies; and adjusts the appropriation for medicaid to account for a change in the Federal Medical Assistance Percentage (FMAP). **HOUSE: 3/18** Introduce/Print **3/19** 2nd reading **3/20** To 3rd reading

**H0255** OFFICE OF ENERGY RESOURCES - Transfers \$1.2 million to the Renewable Energy Resources Fund and \$920,028.30 into the General Fund for fiscal year 2009. **HOUSE: 3/19** Introduce/Print **3/20** To 2nd reading

## CONCURRENT RESOLUTIONS, JOINT MEMORIALS, PROCLAMATIONS & RESOLUTIONS

**HCR013** NATURAL RESOURCE ISSUES - STUDY - Stating findings of the Legislature and authorizing the Legislative Council to appoint a committee to undertake and complete a study of natural resource issues. **3/9 To Secretary of State**

**HCR016** ENERGY, ENVIRONMENT AND TECHNOLOGY ISSUES - STUDY - Stating the findings of the Legislature and authorizing an interim legislative study committee on energy, environment and technology issues. **3/9 To Secretary of State**

**HCR018** NATURAL RESOURCE INTERIM COMMITTEE - requests the Natural Resources Interim Committee to study the impacts of conversion of working ranches, farms and forests to other uses. The resolution also asks for an examination of the need for new state policy initiatives to protect the values that such lands contribute to local economies, agricultural heritage, wildlife habitat, and recreational opportunities. **3/16 To Secretary of State**

**HJM006** CLEAN WATER RESTORATION ACT OF 2007 - OPPOSITION TO - Stating the findings of the Legislature and opposing any proposed federal legislation similar to the Clean Water Restoration Act of 2007 and urging Congress not to enact any similar legislation. **HOUSE: 3/13** Introduce/Print **3/16** State Affairs **3/18** Ret'd to Desk; re-refer to 2nd reading **3/19** 2nd to 3rd reading

**SCR103** DEPARTMENT OF ENVIRONMENTAL QUALITY - RULE - Stating findings of the legislature rejecting a certain rulemaking docket of the Department of Environmental Quality relating to individual/subsurface sewage disposal rules. **SENATE: 2/17 ADOPTED 27-7-1** **HOUSE: 2/18** Introduce/Health & Welfare **3/3** Refer to Environment, Energy & Technology **3/5** Report out "Do Pass" **3/6** 2nd to 3rd Reading

**SCR109** QUAGGA MUSSELS - ZEBRA MUSSELS - Stating findings of the Legislature resolving that a condition of extreme peril exists in and around the water bodies of the state of Idaho; proclaiming that a state of emergency exists within the state of Idaho; and asking that deficiency warrant funding authorized by the Idaho Invasive Species Act of 2008 be used by the Idaho State Department of Agriculture for personnel, equipment and facilities for the performance of any and all activities associated with quagga and zebra mussel prevention, development and implementation of incident response plans and interagency agreements. **SENATE: 3/12** Introduce/Print **3/16** Ag Affairs **3/19** Do Pass/10th Order **3/20 ADOPTED 31-0-4**

**Upcoming Events:**

**March 31:** EPA Industrial Stormwater Workshop, AIC Training Room, Boise

**April 1:** EPA Industrial Stormwater Workshop, IF Public Library

**April 14:** EPA Industrial Stormwater Workshop, NIC Workforce Training Center, Post Falls

**April: Tentative Legislative Adjournment**

**STANDING COMMITTEE INFORMATION**

**SENATE**

**Agricultural Affairs:** T, TH, 8:00 am, Room 211  
Chairman: Corder  
Secretary: Arlene Mahaffey  
332-1330

**Resources and Environment**

M, W, F, 1:30 pm, Room 204  
Chairman: Schroeder  
Secretary: Juanita Budell  
332-1323

**State Affairs**

M, W, F, 8:00 am, Room 204  
Chairman: McKenzie  
Secretary: Deborah Riddle  
332-1326

**HOUSE**

**Agricultural Affairs**  
Even Days, pm, Room 228  
Chairman: Trail  
Secretary: Lisa Daniels  
332-1137

**Environment, Energy, and Technology**

Even Days, pm, Room 145  
Chairman: Raybould  
Secretary: Peggy Heady  
332-1128

**Resources and Conservation**

Odd Days, pm, Room 148  
Chairman: Stevenson  
Secretary: Molly Smith  
332-1136

**State Affairs**

Daily, am, Room 145  
Chairman: Loertscher  
Secretary: Marsha Walker  
332-1145

**APPOINTMENTS/CONFIRMATIONS**

3/23 Idaho Water Resource Board: Vince Alberdi, Leonard Beck, Roger Chase, Terry Uhling

Idaho Energy Resources Authority: Larry Crowley

**RULES**

**24-0501-0801** Pending Rule Rules of the Board of Drinking Water & Wastewater Professionals

**31-0101-0801** Pending Rule Rules of Procedure of the Idaho Public Utilities Commission IPUC

**37-0301-0801** Adjudication Rules IDWR

**37-0309-0601** Well Construction Standard Rules IDWR

**58-0112-0801** Pending Rule Rules for Administration of Water Pollution Control Loans (*Rulemaking to provide flexibility for use of loan fees and to meet nonpoint source needs*) IDEQ

**58-0108-0802** Pending Rule Idaho Rules for Public Drinking Water Systems (*Incorporation by reference of federal Ground Water*) IDEQ

**58-0108-0803** Pending Rule Idaho Rules for Public Drinking Water Systems (*Incorporation by reference of National Primary Drinking Water Regulations for Lead and Copper*) IDEQ

**58-0108-0801** Pending Rule Idaho Rules for Public Drinking Water Systems (*Revision and clarification of facility and design standards*)

**58-0116-0801** Pending Rule Wastewater Rules (*Revision and clarification of facility and design standards*) IDEQ

**58-0111-0801** Pending Fee Rule Ground Water Quality Rule (*Rulemaking to clarify portions of the Ground Water Quality Rule to promote consistency in application of the rule to mining activities*) IDEQ

**58-0103-0801** Pending Rule Individual/Subsurface Sewage Disposal Rules (*Rulemaking to provide for a revised method to estimate wastewater flow from single-family dwellings*) IDEQ

**More information regarding these and other rules may be viewed at**

<http://adm.idaho.gov/adminrules/bulletin>