



Legislative Reports 2009



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CURTAILMENT PROPOSED IN WD 130 & 140

IGWA's attempts to deliver the required 1.99 cfs to Snake River Farms per the Director's Order fell short despite numerous attempts to mediate a settlement between ground and spring water users. Spring users have thwarted or rejected every attempt to comply with the Director's Order leaving him with no other alternative but to curtail 41,000 acres in the Magic Valley.

Over the last two and a half years, IGWA has attempted to provide water, drill wells, purchase aquaculture rights, install aeration, pumping and filtration facilities to recirculate water, dry up lands, and compensate for or replace lost fish production to mitigate the 1.99 cfs. Because the Director does not believe he has the legal authority to approve compensation as an alternative to water unless both parties agree, he instructed Water Master Cindy Yenter to mail curtailment letter last week.

IGWA continues to work with the Department, legislature, disputants and other parties to resolve the issue. Tuthill will appear before the Senate Resource & Environment Committee this afternoon to discuss his Curtailment Order.

New Water Board Appointees: Last week the Idaho Water Board gained two new members when Governor Otter appointed Vince Alberdi, Twin Falls, and Roger Chase, Pocatello, to replace Vic Armacost and Claude Storer.

CAMP HEARING: Representative Bert Stevenson, chairman of the House Resource & Conservation Committee, will hold a public hearing on House Bill 210—**CAMP**—in Room 148 on Wednesday, March 11, 2009, starting at 1:30 p.m. In recent weeks some opposition to the CAMP process has surfaced, primarily from surface water users in the Upper Valley and on the Committee of Nine. IGWA members will attend the hearing to speak in support of CAMP.

Special points of interest:

Curtailment

CAMP

Water Board

Appointments

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March 9—13, 2009**Monday: March 9****Senate State Affairs:** S1132, Energy Efficiency/Integrated School Design,**JFAC,** Economic Stimulus: Office of Energy Resources, Rm. 316, 9:45 a.m.**Senate Resource & Environment:** Curtailment Notice/Tuthill & Wind Integration/BPA, Rm. 204, 1:30 p.m.**House Resource & Conservation,** S1002 “Appropriation of Water/Revise Definition of Service Area, Rm. 148, 1:30 p.m.**Tuesday, March 10****Northwest Power Planning & Conservation Council,** Evergreen Rm, Grove Hotel, Boise
Ag Lobbyists, Yen Ching Noon**RRGWD** Board Meeting, 1 p.m.**Wednesday: March 11****NPCC,** Grove Hotel, Boise
Food Producers Legislative Luncheon, Yen Ching, noon**Thursday: March 12****Idaho Water Supply Committee,** IDWR, 10 a.m.**IWUA Legislative Committee,** Boise**Friday: March 13***Follow the Idaho Legislature on the internet at**www.legislature.idaho.gov***WATER—HOUSE****H033** Repeals existing law relating to the Department of Agriculture and the artificial production of rainfall. **HOUSE:** 1/29 Introduce/Print 2/2 2nd to 3rd reading 2/3 **PASSED 69-0-1****SENATE:** 2/4 Introduced; Agriculture Affairs 2/24 “Do Pass” to 2nd reading 2/25 Returned to Ag Affairs**Sponsor:** Agricultural Affairs Committee **Fiscal Note:** None<http://www.legislature.idaho.gov/legislation/2009/H0033Bookmark.htm>**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 HEARING SCHEDULED****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:** 1/16 Introduce/Print 1/19 Resource & Environment 2/5 “Do Pass” 2/6 2nd to 3rd reading 2/11 **PASSED 35-0-0****HOUSE:** 2/12 Introduce/Resource & Conservation 3/9 Hearing**Sponsor:** Schroeder **Fiscal Note:** No impact to general fund; possible revenue increase to local governments providing services<http://www.legislature.idaho.gov/legislation/2009/S1002Bookmark.htm>**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. **HOUSE: 1/29 PASSED 69-0-1 SENATE: 2/12 PASSED 31-0-4 2/19 Governor signed Session Law Chapter 9 Effective 7/1/09 Sponsor:** Office Energy Resources/Kjellander **Fiscal Note:** None
<http://www.legislature.idaho.gov/legislation/2009/H0007Bookmark.htm>

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: 2/3 Introduce/State Affairs 2/26 Sponsor** requested bill be referred to Interim Environment, Energy & Technology
Sponsor: State Affairs Committee/Stevenson **Fiscal Note:** None to General Fund or other state fund
<http://www.legislature.idaho.gov/legislation/2009/H0052Bookmark.htm>

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
Sponsor: Office of Energy Resources, Kjellander **Fiscal Note:** The incentives within this legislation are designed to minimize negative impact on existing general fund revenue streams.
<http://www.legislature.idaho.gov/legislation/2009/H0122Bookmark.htm>

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**
Sponsor: Reps. Anderson & Eskeridge **Fiscal Note:** No negative net fiscal impact to state as whole
<http://www.legislature.idaho.gov/legislation/2009/H0200Bookmark.htm>

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**
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>

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 **Sponsor:** Werk, Kelly, Bock, LeFavour, Bilyea, Sagness, Thorson **Fiscal Note:** None <http://www.legislature.idaho.gov/legislation/2009/S1027Bookmark.htm>

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** **Contact:** Neil Colwell, Avista

Fiscal: None <http://www.legislature.idaho.gov/legislation/2009/S1119Bookmark.htm>

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

Sponsor: Werk, Anderson, Chew, Eskeridge **Fiscal Note:** None. Voluntary incentive is associated with funds already provided by the state general fund to the school district.

<http://www.legislature.idaho.gov/legislation/2009/S1120Bookmark.htm>

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 **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 **3/9** Hearing

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

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

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

APPROPRIATIONS

HO061 OMNIBUS RESCISSION AND SUPPLEMENTAL - Declares legislative intent regarding General Fund revenues and expenditures; transfers dedicated funds into the General Fund; reduces General Fund appropriations for all agencies and institutions for fiscal year 2009; and increases appropriations from dedicated and federal funds to partially offset General Fund reductions for some agencies.

HOUSE: 2/4 Introduce/Print **2/9 PASSED 68-1-1**

SENATE: 2/10 Introduce/Finance **2/11** “Do Pass” to 2nd reading **2/12** 3rd reading

Fiscal Note: Reduces General Fund appropriations by \$71,135,300; dedicated funds by \$2,369,600;

and federal funds by \$31,527,500; bill transfers \$56,731,700 from the Public Education Stabilization Fund;

\$5,000,000 from the Capitol Endowment Income Fund; \$12,000,000 from the Aquifer Planning

and Management Fund; \$11,950,200 from the Permanent Building Fund; and \$2,200,000 from

the Consumer Protection Fund into the General Fund. Increases General Fund appropriations by \$38,400, dedicated fund appropriations by \$625,800, and federal funds by \$410,200 for a total of \$1,070,800.

<http://www.legislature.idaho.gov/legislation/2009/H0061Bookmark.htm>

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.

HOUSE: 2/9 Introduce/Print **2/10** Environment, Energy & Technology **2/12** Re-referred **2/12** 2nd reading **2/13** 2nd to 3rd reading **2/17 ADOPTED 68-0-2**

SENATE: 2/18 Introduce/State Affairs **3/2** “Do Pass” to 10th Order **3/3 ADOPTED/voice vote**

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.

HOUSE: 2/11 Introduce/Print **2/12** Environment, Energy & Technology **2/19** “Do Pass” to 2nd reading **2/20** 3rd reading **2/24 ADOPTED 69-0-1**

SENATE: 2/25 Introduce/State Affairs **3/2** “Do Pass” to 10th Order **3/4 ADOPTED 33-0-2**

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.

HOUSE: 2/12 Introduce/Print **2/13** Resource & Conservation **2/26** “Do Pass” **2/27** 2nd to 3rd reading **3/2 ADOPTED 66-3-1**

SENATE: 3/3 Introduce/Resource & Environment **3/6** Committee hearing

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: 2/12** Introduce/Print **2/13** 10th Order **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

Upcoming Events:

March 16 Madison GWD Annual Meeting, Rexburg, 10 a.m.

March 19: IPCO IRPAC, Boise

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

April 1: EPA Industrial Stormwater Workshop, IF Public Library

April 14: 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

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>