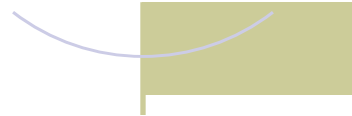




# Legislative Reports 2009



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**March 16, 2009**

Special points of interest:

**Mitigation Plan  
Submitted  
CAMP Vote Set for  
Thursday  
IWRB Confirmation  
Hearings on Friday**

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## **Mitigation Plan Submitted; CAMP Vote Postponed; IWRB Appointees To Be Confirmed; Budget Setting Begins**

**IGWA submitted a Mitigation Plan that it hopes will forestall curtailment of 41,000 ground water acres in the Magic Valley with a plan submitted to IDWR on Friday. The Director must now decide to accept the plan.**

**The House Resource and Conservation Committee delayed action on H0210 (Comprehensive Aquifer Management Plan) until this week. The committee delayed action on the bill first until March 17th and now March 19th. The delay accommodates drafting amendments proposed last week by the Idaho Water Users' Legislative Committee. Proposed amendments reference the formation of an Implementation Committee and fee structure that are outlined in the Plan, but not in the bill as currently written.**

**The Senate Resource & Environment Committee will hold confirmation hearings on Friday for three Idaho Water Resource Board appointees:** board chairman Terry Uhling, current board member Leonard Beck and recent appointee Vince Alberdi. Alberdi's appointment raises the hackles of many ground water users. As the retired general manager of the Twin Falls Canal Company, he has been vocal in calling for a strict interpretation of the prior appropriation doctrine, curtailment of junior water users, and his unenthusiastic support for CAMP. If adopted by the legislature as it is expected to be, IWRB will be charged with implementing and funding CAMP. It is unclear as yet whether IGWA will support or oppose Alberdi's appointment.

A fourth appointee, Roger Chase, may also be confirmed. Chase, a former legislator and current mayor of Pocatello, is expected to bring an understanding of the importance of the CAMP process to Eastern Idaho's economy and municipal ground water users to the board.

**JFAC resumed its budget setting agenda** today after revising its schedule to review the federal stimulus package. Idaho Office of Energy Resources and the Public Utilities Commission's budgets were addressed to day. Idaho Department of Environmental Quality is tentatively scheduled for Wednesday and Idaho Department of Water Resources for Friday.

**March 16—20, 2009****Monday: March 16**

**JFAC:** Budget Setting: Idaho Public Utilities Commission, Office of Energy Resources Rm. 316

**Madison GWD Annual Meeting,** Rexburg Chamber of Commerce, 10 a.m.

**Tuesday, March 17**

**Ag Lobbyists,** Yen Ching Noon

**House Resource & Conservation,** S1002 “Appropriation Water/Revise Definition Service Area, Rm. 148, 1:30 p.m.

**IGWA Status Conference** for Snake River Farms Mitigation Plan, IDWR, Boise, 1:30 p.m.

**Wednesday: March 18**

**JFAC** Budget Setting: IDEQ (Tentative)

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

**Thursday: March 19**

**IPCO IRPAC Meeting,** Boise Headquarters, 10 a.m.

**House Resource & Conservation,** H0210 “CAMP”, Rm. 148, 1:30 p.m.

**Friday: March 20**

**JFAC** Budget Setting: IDWR (Tentative)

**Senate Resource & Environment,** IWRB Confirmation Hearings for Terry Uhling, Leonard Beck, Vince Alberdi & Roger Chase (tentative), Rm. 204, 1:30 p.m.

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**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 Held to “Time Certain”, Tuesday, March 17th/Postponed to March 19th

**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 Held to Time Certain—March 17th **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 **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 3/12 General Orders 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 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 **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 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

**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 - 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 **3/9 Ret'd to Finance**

**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: 2/17 ADOPTED 68-0-2** **SENATE: 3/3 ADOPTED/voice vote** **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. **HOUSE: 2/24 ADOPTED 69-0-1** **SENATE: 3/4 ADOPTED 33-0-2** **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.

**HOUSE: 3/2 ADOPTED 66-3-1** **SENATE: 3/19 ADOPTED** **voice vote**

**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

**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 **3/13** 10th Order

**Upcoming Events:**

**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>