

LEGISLATURE OF THE STATE OF IDAHO

Sixtieth Legislature

First Regular Session - 2009

IN THE SENATE

SENATE BILL NO. 1021

BY SCHROEDER

AN ACT

RELATING TO SOIL CONSERVATION DISTRICTS; AMENDING SECTION 22-2718, IDAHO CODE, TO PROVIDE A QUALIFICATION REQUIREMENT FOR MEMBERS OF THE SOIL CONSERVATION COMMISSION AND TO PROVIDE AN EXCEPTION.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 22-2718, Idaho Code, be, and the same is hereby amended to read as follows:

22-2718. STATE SOIL CONSERVATION COMMISSION. (1) There is hereby established and created in the department of agriculture of the state of Idaho the state soil conservation commission which shall in cooperation with the director of the department of agriculture perform all functions conferred upon it by this chapter. The soil conservation commission shall be a nonregulatory agency. The commission shall consist of five (5) members appointed by the governor, but no more than three (3) members shall be a member of the same political party. To be qualified for appointment to the commission, members shall have served as a supervisor in a soil conservation district pursuant to the provisions of this chapter. Current members of the commission shall not be subject to this requirement. The term of office of each commission member shall be five (5) years; except that upon July 1, 1967, the governor shall appoint one (1) member for a term of one (1) year, one (1) member for a term of two (2) years, one (1) member for a term of three (3) years, one (1) member for a term of four (4) years and one (1) member for a term of five (5) years. From and after the initial appointment the governor shall appoint a member of the commission to serve in office for a term of five (5) years commencing upon July 1 of that year. A vacancy which occurs in an unexpired term shall be filled for its remainder by the governor's appointment. Any commissioner may be removed during his term of office by the governor. Any commissioner so removed shall have notice of the same in writing, specifying the reasons for the removal. Each vacancy on the commission shall be filled by appointment by the governor. Such appointments shall be confirmed by the senate. The commission may invite the state conservationist of the United States department of agriculture natural resources conservation service, the president of the Idaho association of soil conservation districts and the dean of the college of agriculture of the university of Idaho or his designated representative to serve as nonvoting advisory members of the commission. The commission shall keep a record of its official actions, shall adopt a seal, which seal shall be judicially noticed, and may perform such acts, hold such public hearings, and promulgate such rules as may be necessary for the execution of its functions under this chapter.

(2) The director of the department of agriculture shall appoint the administrator of the soil conservation commission from persons recommended by the soil conservation commission. The state soil conservation commission may employ such technical experts and such other

1 agents and employees, permanent and temporary, as it may require, and shall determine their
2 qualifications, duties and compensation. The commission may call upon the attorney general
3 of the state for such legal services as it may require. It shall have authority to delegate to
4 its chairman, to one (1) or more of its members, or to one (1) or more agents or employees,
5 such powers and duties as it may deem proper. It shall be supplied with suitable office
6 accommodations, and shall be furnished with the necessary supplies and equipment. Upon
7 request of the commission, for the purpose of carrying out any of its functions, the supervising
8 officer of any state agency, or of any state institution of learning shall insofar as may be
9 possible under available appropriation, and having due regard to the needs of the agency to
10 which the request is directed, assign or detail to the commission members of the staff or
11 personnel of such agency or institution of learning, and make such special reports, surveys, or
12 studies as the commission may request.

13 (3) The commission shall designate its chairman, and may from time to time, change
14 such designation. A majority of the commission shall constitute a quorum, and the concurrency
15 of a majority in any matter within their duties shall be required for its determination. The
16 chairman and members of the commission shall be compensated as provided by section
17 59-509(h), Idaho Code. The commission shall provide for the execution of surety bonds for
18 all employees and officers who shall be entrusted with funds or property; shall provide for the
19 keeping of a full and accurate record of all proceedings and of all resolutions, and orders issued
20 or adopted; and shall provide for an annual audit of the accounts of receipts and disbursements.

21 (4) In addition to the duties and powers hereinafter conferred upon the state soil
22 conservation commission, it shall have the following responsibilities:

23 (a) To offer such assistance as may be appropriate to the supervisors of soil conservation
24 districts, organized as provided hereinafter, in the carrying out of any of their powers and
25 programs.

26 (b) To keep the supervisors of each of the several districts organized under the provisions
27 of this chapter informed of the activities and experience of all other districts organized
28 hereunder, and to facilitate an interchange of advice and experience between such districts
29 and cooperation between them.

30 (c) To coordinate the progress of the several soil conservation districts organized
31 hereunder so far as this may be done by advice and consultation.

32 (d) To secure the cooperation and assistance of the United States and any of its agencies,
33 and of agencies of this state, in the work of such districts.

34 (e) To disseminate information throughout the state concerning the activities and
35 programs of the soil conservation districts in areas where their organization is desirable.

36 (f) To provide for the establishment and encouragement of the "Idaho OnePlan" as a
37 primary computer-based conservation planning process for all natural resource concerns.
38 Establishment and encouragement will be accomplished through an executive group
39 and steering committee both containing private, state and federal representation. The
40 information provided by those using the "Idaho OnePlan" shall be deemed to be trade
41 secrets, production records or other proprietary information and shall be kept confidential
42 and shall be exempt from disclosure pursuant to section 9-340D, Idaho Code.

43 (5) In addition to other powers, functions and duties of soil conservation districts and
44 the state soil conservation commission provided in this chapter, the commission shall have the
45 following additional powers, functions and duties:

- 1 (a) The commission shall conduct, in cooperation with appropriate federal and state
2 agencies and the owners and operators of privately owned forest lands, rangelands and
3 agricultural lands in this state, conservation improvements on or in respect to these lands
4 for the purposes of implementing conservation systems to conserve and improve natural
5 resource conditions;
- 6 (b) The commission shall assist and advise soil conservation districts and other entities
7 in implementing the conservation improvements, projects, and the water quality program
8 for agriculture. To the extent that there are available general funds, the commission shall
9 provide for grants and cost-share opportunities and, as legislatively designated, utilize
10 the resource conservation and rangeland development fund for loans for conservation
11 improvements. Provided however, that the commission shall determine whether general
12 or resource conservation and rangeland development funds are available before approving
13 any conservation improvements, projects, and cost-share opportunities and, after having
14 made such determination, shall enter into the necessary contracts for implementation;
- 15 (c) The state soil conservation commission shall be the agency responsible for the
16 administration of funds accruing to the resource conservation and rangeland development
17 fund and for all general funds appropriated as a separate and distinct action of the
18 legislature to implement the powers, functions and duties of soil conservation districts and
19 the commission; and
- 20 (d) The commission shall promulgate such rules as are necessary to carry out the
21 purposes of this chapter.