

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 576, As Amended in the Senate

BY REVENUE AND TAXATION COMMITTEE

AN ACT

1 RELATING TO THE SOIL CONSERVATION DISTRICT LAW; AMENDING SECTION 22-2716,
2 IDAHO CODE, TO REVISE THE NAME OF A CERTAIN COMMISSION; AMENDING SECTION
3 22-2717, IDAHO CODE, TO DEFINE A TERM, TO REMOVE DEFINITIONS, TO REVISE
4 THE NAME OF A CERTAIN COMMISSION AND TO MAKE TECHNICAL CORRECTIONS;
5 AMENDING SECTION 22-2718, IDAHO CODE, TO REVISE THE NAME OF A CERTAIN
6 COMMISSION, TO REVISE REQUIREMENTS RELATING TO THE QUALIFICATIONS AND
7 APPOINTMENT OF SUCH COMMISSION MEMBERS, TO DELETE REFERENCE TO THE
8 IDAHO ASSOCIATION OF SOIL CONSERVATION DISTRICTS, TO REVISE PROVI-
9 SIONS RELATING TO THE POWERS AND DUTIES OF SUCH COMMISSION AND TO MAKE
10 TECHNICAL CORRECTIONS; AMENDING SECTION 22-2719, IDAHO CODE, TO REVISE
11 THE NAME OF A CERTAIN COMMISSION AND TO MAKE TECHNICAL CORRECTIONS;
12 AMENDING SECTION 22-2720, IDAHO CODE, TO REVISE THE NAME OF A CERTAIN
13 COMMISSION, TO PROVIDE REQUIREMENTS FOR DISTRICTS FORMED BY CONSOL-
14 IDATION, TO PROVIDE FOR THE ALLOCATION OF FUNDS TO DISTRICTS FORMED
15 BY CONSOLIDATION AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION
16 22-2721, IDAHO CODE, TO REVISE THE NAME OF A CERTAIN COMMISSION, TO
17 PROVIDE THAT SUPERVISORS SHALL BE REGISTERED TO VOTE IN THE STATE OF
18 IDAHO, TO REVISE AUDIT REQUIREMENTS FOR DISTRICTS, TO PROVIDE THAT
19 SUPERVISORS ARE SUBJECT TO RECALL AND TO MAKE TECHNICAL CORRECTIONS;
20 AMENDING SECTION 22-2721, IDAHO CODE, AS AMENDED BY SECTION 4, CHAPTER
21 341, LAWS OF 2009, TO REVISE THE NAME OF A CERTAIN COMMISSION, TO PROVIDE
22 THAT SUPERVISORS SHALL BE REGISTERED TO VOTE IN THE STATE OF IDAHO, TO
23 REVISE AUDIT REQUIREMENTS FOR DISTRICTS, TO PROVIDE THAT SUPERVISORS
24 ARE SUBJECT TO RECALL AND TO MAKE TECHNICAL CORRECTIONS; AMENDING
25 SECTION 22-2723, IDAHO CODE, TO MAKE TECHNICAL CORRECTIONS; AMENDING
26 SECTION 22-2724, IDAHO CODE, TO MAKE TECHNICAL CORRECTIONS; AMENDING
27 SECTION 22-2725, IDAHO CODE, TO REVISE THE NAME OF A CERTAIN COMMISSION
28 AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 22-2725, IDAHO
29 CODE, AS AMENDED BY SECTION 5, CHAPTER 341, LAWS OF 2009, TO REVISE
30 THE NAME OF A CERTAIN COMMISSION AND TO MAKE TECHNICAL CORRECTIONS;
31 AMENDING SECTION 22-2727, IDAHO CODE, TO REVISE THE NAME OF A CERTAIN
32 COMMISSION, TO INCREASE THE MAXIMUM ALLOCATION OF FUNDS TO DISTRICTS,
33 TO SPECIFY THAT CERTAIN ALLOCATIONS TO DISTRICTS ARE BASED UPON A PREVI-
34 OUS FISCAL YEAR ALLOCATION, TO PROVIDE THAT A DISTRICT ALLOCATION SHALL
35 NOT EXCEED A CERTAIN AMOUNT IN A FISCAL YEAR AND TO MAKE TECHNICAL COR-
36 RECTIONS; AMENDING SECTION 22-2730, IDAHO CODE, TO REVISE THE NAME OF A
37 CERTAIN COMMISSION AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION
38 22-2731, IDAHO CODE, TO REVISE THE NAME OF A CERTAIN COMMISSION AND TO
39 MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 22-2732, IDAHO CODE, TO
40 REVISE THE NAME OF A CERTAIN COMMISSION, TO REQUIRE SOIL CONSERVATION
41 DISTRICTS AND THE STATE SOIL AND WATER CONSERVATION COMMISSION TO KEEP
42 EACH OTHER INFORMED OF LOAN APPLICATIONS RECEIVED AND TO MAKE TECHNICAL
43 CORRECTIONS; AMENDING SECTION 22-2733, IDAHO CODE, TO REVISE THE NAME
44 OF A CERTAIN COMMISSION AND TO MAKE TECHNICAL CORRECTIONS; AMENDING
45

1 SECTION 22-2734, IDAHO CODE, TO REVISE THE NAME OF A CERTAIN COMMISSION
2 AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 22-2735, IDAHO
3 CODE, TO REVISE THE NAME OF A CERTAIN COMMISSION, TO REQUIRE THAT
4 CERTAIN VOUCHERS BE APPROVED BY THE CHAIRMAN AND THE ADMINISTRATOR OF
5 THE STATE SOIL AND WATER CONSERVATION COMMISSION AND TO MAKE TECHNICAL
6 CORRECTIONS; AMENDING SECTION 22-5201, IDAHO CODE, TO REVISE THE NAME
7 OF A CERTAIN COMMISSION; AMENDING SECTION 22-5202, IDAHO CODE, TO
8 REVISE THE NAME OF A CERTAIN COMMISSION; AMENDING SECTION 22-5203,
9 IDAHO CODE, TO REVISE THE NAME OF A CERTAIN COMMISSION; AMENDING SEC-
10 TION 22-5205, IDAHO CODE, TO REVISE THE NAME OF A CERTAIN COMMISSION;
11 AMENDING SECTION 22-5206, IDAHO CODE, TO REVISE THE NAME OF A CERTAIN
12 COMMISSION; AMENDING SECTION 36-2404, IDAHO CODE, TO REVISE THE NAME OF
13 A CERTAIN COMMISSION; AMENDING SECTION 39-3602, IDAHO CODE, TO REVISE
14 THE NAME OF A CERTAIN COMMISSION; AMENDING SECTION 39-6407, IDAHO CODE,
15 TO REVISE THE NAME OF A CERTAIN COMMISSION AND TO MAKE TECHNICAL COR-
16 RECTIONS; AMENDING SECTION 39-6609, IDAHO CODE, TO REVISE THE NAME OF A
17 CERTAIN COMMISSION AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION
18 42-3703, IDAHO CODE, TO REVISE THE NAME OF A CERTAIN COMMISSION AND
19 TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 42-3705, IDAHO CODE,
20 TO REVISE THE NAME OF A CERTAIN COMMISSION; AMENDING SECTION 42-3706,
21 IDAHO CODE, TO REVISE THE NAME OF A CERTAIN COMMISSION; AMENDING SECTION
22 42-3707, IDAHO CODE, TO REVISE THE NAME OF A CERTAIN COMMISSION AND
23 TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 42-3717, IDAHO CODE,
24 TO REVISE THE NAME OF A CERTAIN COMMISSION AND TO MAKE A TECHNICAL
25 CORRECTION; AMENDING SECTION 67-818, IDAHO CODE, TO REVISE THE NAME OF A
26 CERTAIN COMMISSION.

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

28 SECTION 1. That Section 22-2716, Idaho Code, be, and the same is hereby
29 amended to read as follows:

30 22-2716. LEGISLATIVE DETERMINATION AND DECLARATION OF POLICY. (1) It
31 is the determination of the state of Idaho that:

32 (a) Forest lands, rangelands and agricultural lands maintained in
33 a healthy condition are a legitimate land use contributing to the
34 economic, social and environmental well-being of the state and its
35 citizens;

36 (b) It is essential to the general welfare of all citizens of this state
37 that multiple use conservation improvements be implemented on a broader
38 scale on both public and private lands;

39 (c) Due to numerous economic and practical issues relating to the
40 improvements of individual tracts of land, both public and private re-
41 source conservation improvements, projects and programs of the nature
42 contemplated by this chapter would enhance the economic productivity
43 and environmental quality of the state; and

44 (d) It is sound public policy for the state of Idaho to provide for ac-
45 counts to finance loans, grants, cost-share funding and tax incentives
46 to the end that forest lands, rangelands and agricultural lands within
47 the state can provide the greatest benefit to all concerned.

1 (2) It is the intent of the state of Idaho to provide a means by which
2 funds, including federal, state, private and other moneys, can be obtained
3 and utilized for the accelerated development of water quality programs,
4 multiple use forest land, rangeland, and agricultural land conservation
5 improvements in the state, and to provide that these improvements, projects
6 and programs be locally planned, coordinated and implemented through statu-
7 tory provisions pertaining to soil conservation districts, the state soil
8 and water conservation commission, appropriate state and federal agencies,
9 and the owners and operators of privately owned lands.

10 (3) It is in the best interest of the state of Idaho:

11 (a) To emphasize nonregulatory, science-based technical assistance,
12 incentive-based financial programs and informational and educational
13 programs at the local level;

14 (b) To maintain, preserve, conserve and rehabilitate forest lands,
15 rangelands and agricultural lands to assure the protection and produc-
16 tivity of the state's natural resources;

17 (c) That soil conservation districts, as governmental subdivisions,
18 and the state soil and water conservation commission, as a state agency,
19 are the primary entities to provide assistance to private landowners
20 and land users in the conservation, sustainment, improvement and
21 enhancement of Idaho's natural resources;

22 (d) To establish policies for cooperative working relationships
23 between local soil conservation districts, the state soil and water
24 conservation commission, local, state and federal agencies and public
25 and private groups to plan, develop and implement conservation goals
26 and initiatives with local landowners and land users;

27 (e) That soil conservation districts and the state soil and water con-
28 servation commission lead nonregulatory efforts to conserve, sustain,
29 improve and enhance Idaho's private and state lands and to provide
30 assistance to private landowners and land users to plan, develop and
31 implement conservation plans addressing soil, water, air, plant and
32 animal resources. Technical, financial and educational assistance to
33 landowners and land users is vital to that effort; and

34 (f) That the state soil and water conservation commission provide sup-
35 port to soil conservation districts in the wise use and enhancement of
36 soil, water and related resources.

37 (4) It is the policy of the state of Idaho:

38 (a) To provide appropriate tax policies and program mechanisms that
39 provide incentives for private landowners and land users to voluntarily
40 manage forest lands, rangelands and agricultural lands in a manner that
41 promotes conservation;

42 (b) That the health, safety and general welfare of the people of this
43 state can be greatly enhanced by providing nonregulatory opportunities
44 to landowners and land users in order to increase the ability of such
45 landowners and land users to readily understand and plan for local,
46 state and federal natural resource requirements and opportunities
47 through technological innovation and processes;

48 (c) To enhance natural resource productivity in order to promote a
49 strong natural resource sector, reduce unintended adverse effects of

1 resource development and use, protect individual and community health
2 and safety and encourage stewardship;

3 (d) That conservation plan implementation shall include best man-
4 agement practices implemented according to the standards and spec-
5 ifications developed by the United States department of agriculture
6 natural resources conservation service (NRCS) as designated by the
7 agricultural pollution abatement plan. Those practices shall include,
8 but not be limited to: irrigation water management systems; prescribed
9 grazing; forest stand improvement; establishment of grass, trees and
10 shrubs to reduce wind and water erosion; promotion of sound community
11 development; protection of water and air resources from agricultural
12 nonpoint sources of impairment; maintenance, restoration or enhance-
13 ment of wetlands and fish and wildlife habitat; protection of upstream
14 watersheds from flood risk; and protection of watersheds from the
15 effects of chronic water shortages and risks; and

16 (e) That all conservation programs authorized pursuant to this chap-
17 ter shall deliver services fairly and equitably, strengthen the conser-
18 vation district delivery system, provide timely science-based informa-
19 tion and provide conservation information and educational programs and
20 experiences to youth and adults.

21 SECTION 2. That Section 22-2717, Idaho Code, be, and the same is hereby
22 amended to read as follows:

23 22-2717. DEFINITIONS. Whenever used or referred to in this chapter,
24 unless a different meaning clearly appears from the context:

25 (1) "Administrator" means the administrator for the Idaho state soil
26 and water conservation commission.

27 (2) "Agency of this state" includes the government of this state and
28 any subdivision, agency, or instrumentality, corporate or otherwise, of the
29 government of this state.

30 (23) "Agricultural pollution abatement plan" or "ag plan" means the
31 document developed by the state soil and water conservation commission and
32 approved by the commission and the department of environmental quality,
33 that provides appropriate technical, programmatic, informational and
34 educational processes, guidelines and policies for addressing agricultural
35 pollution.

36 ~~(3) "Agriculture" or "department of agriculture" means an executive~~
37 ~~department of state government created in section 22-101, Idaho Code.~~

38 (4) "Best management practices" or "BMPs" means practices, techniques,
39 or measures developed or identified by the designated agency and identified
40 in the state water quality management plan which are determined to be a cost-
41 effective and practicable means of preventing or reducing pollutants gener-
42 ated from nonpoint sources to a level compatible with water quality goals.

43 (5) "Commission" or "state soil and water conservation commission"
44 means the agency created in section 22-2718, Idaho Code.

45 (6) "Conservation plan" means a description of identified natural re-
46 source issues and a specific schedule of implementation of component prac-
47 tices necessary to resolve those specific resource issues as agreed upon by
48 the landowner.

49 (7) "Designated agency" is as defined in section 39-3602, Idaho Code.

1 (8) "District," "conservation district," "soil conservation dis-
 2 trict," or "soil and water conservation district" means a governmental
 3 subdivision(s) of this state, and a public body corporate and politic,
 4 organized in accordance with the provisions of this ~~act~~ chapter, for the
 5 purposes, with the powers~~7~~ and subject to the restrictions hereinafter set
 6 forth.

7 (9) "Due notice" means notice published at least twice, with an inter-
 8 val of at least seven (7) days between the two (2) publication dates, in a
 9 newspaper or other publication of general circulation within the appropri-
 10 ate area, or if no such publication of general circulation be available, by
 11 posting at a reasonable number of conspicuous places within the appropri-
 12 ate area, such posting to include, where possible, posting at public places
 13 where it may be customary to post notices concerning county or municipal af-
 14 fairs generally. At any hearing held pursuant to such notice, at the time and
 15 place designated in such notice, adjournment may be made from time to time
 16 without the necessity of renewing such notice for such adjournment dates.

17 (10) "Eligible applicant" means an individual agricultural owner, op-
 18 erator, partnership, corporation, conservation district, irrigation dis-
 19 trict, canal company or other agricultural or grazing interest.

20 (11) "Government" or "governmental" includes the government of this
 21 state, the government of the United States, and any subdivisions, agency, or
 22 instrumentality, corporate or otherwise, of either of them.

23 ~~(12) "Idaho association of soil conservation districts (IASCD)" means~~
 24 ~~an incorporated, nongovernmental entity representing all soil conservation~~
 25 ~~districts in Idaho.~~

26 ~~(13)~~ "Idaho OnePlan" means a computer-based system for improving effi-
 27 ciency and effectiveness of natural resource planning by landowners and land
 28 users.

29 (143) "Landowner" or "owner" includes any person, firm, or corporation
 30 who shall hold title to any lands lying within a district organized under the
 31 provisions of this chapter. A buyer on contract, who is the occupier of land,
 32 shall be construed as landowner.

33 (154) "Land user" means any entity with a lease, permit or similar busi-
 34 ness agreement with a landowner to implement, manage or utilize such land for
 35 activities related to use of the land.

36 (165) "Natural resources conservation service" or "NRCS" means the
 37 agency governed by the provisions of 16 U.S.C. sections 590a through 590d and
 38 590f.

39 (176) "Nominating petition" means a petition filed under the provisions
 40 of section 22-2721, Idaho Code, to nominate candidates for the office of su-
 41 pervisor of a soil conservation district.

42 ~~(187)~~ "Participant" means an individual agricultural owner, operator,
 43 partnership, private corporation, conservation district, irrigation dis-
 44 trict, canal company, or other agricultural or grazing interest approved by
 45 the commission or an individual agricultural owner, operator, partnership,
 46 or private corporation approved for implementation of conservation improve-
 47 ments, projects, or the water quality program for agriculture.

48 (198) "Petition" means a petition filed under the provisions of subsec-
 49 tion ~~A.~~ (1) of section 22-2719, Idaho Code, for the creation of a district.

1 ~~(2019)~~ "Project sponsor" means a conservation district, irrigation
2 district, canal company, or other agricultural or grazing interest, as
3 determined appropriate by the commission, that enters into a conservation
4 improvement or water quality project agreement with the commission.

5 ~~(210)~~ "Qualified elector" means any person who is qualified to vote pur-
6 suant to the requirements of section 34-104, Idaho Code.

7 ~~(221)~~ "Riparian land" means the beds of streams, the adjacent veg-
8 etation communities and the land thereunder, which are predominately
9 influenced by their association with water and are privately owned.

10 ~~(232)~~ "Specifications" means the materials, operations and procedures
11 necessary to obtain the desired standards of construction and installation.

12 ~~(243)~~ "Standards" means the minimum limits of technical excellence of a
13 component practice for its planning, design and construction.

14 ~~(254)~~ "State" means the state of Idaho.

15 ~~(265)~~ "Supervisor" means one (1) of the members of the governing body of
16 a district elected or appointed in accordance with the provisions of this ~~act~~
17 chapter.

18 ~~(276)~~ "Total maximum daily load" is as defined in section 39-3602, Idaho
19 Code.

20 ~~(287)~~ "United States" or "agencies of the United States" includes the
21 United States of America, the natural resources conservation service of the
22 United States department of agriculture, and any other agency or instrumen-
23 tality, corporate or otherwise, of the United States of America.

24 SECTION 3. That Section 22-2718, Idaho Code, be, and the same is hereby
25 amended to read as follows:

26 22-2718. IDAHO STATE SOIL AND WATER CONSERVATION COMMISSION. (1)
27 There is hereby established and created in the department of agriculture of
28 the state of Idaho the Idaho state soil and water conservation commission
29 which shall in cooperation with the director of the department of agri-
30 culture perform all functions conferred upon it by this chapter. The soil
31 conservation commission and shall be a nonregulatory agency. The commission
32 shall consist of five (5) members appointed by the governor, but no more
33 than three (3) members shall be a member of the same political party. In
34 appointing commission members, the governor shall give consideration to ge-
35 ographic representation. Commission members shall be chosen with due regard
36 to their demonstrated expertise including, but not limited to, knowledge of
37 and interest in water quality and other natural resource issues, production
38 agriculture, banking or other similar financial experience or experience
39 as a county commissioner. The soil and water conservation districts may
40 submit to the governor a list of up to three (3) names for each vacancy on
41 the commission and the governor may, in his discretion, consider any such
42 submission in the appointment of commission members. The term of office
43 of each commission member shall be five (5) years; except that upon July 1,
44 1967 2010, the governor shall appoint one (1) member for a term of one (1)
45 year, one (1) member for a term of two (2) years, one (1) member for a term
46 of three (3) years, one (1) member for a term of four (4) years and one (1)
47 member for a term of five (5) years. From and after the initial appointment
48 the governor shall appoint a member of the commission to serve in office
49 for a term of five (5) years commencing upon July 1 of that year. A vacancy

1 which occurs in an unexpired term shall be filled for its remainder by the
2 governor's appointment. ~~Any commissioner may be removed during his term of~~
3 ~~office by the governor. Any commissioner so removed shall have notice of~~
4 ~~the same in writing, specifying the reasons for the removal.~~ Each vacancy
5 on the commission shall be filled by appointment by the governor. Such
6 appointments shall be confirmed by the senate. Commission members shall
7 serve at the pleasure of the governor. The commission may invite the state
8 conservationist of the United States department of agriculture natural
9 resources conservation service, ~~the president of the Idaho association~~
10 ~~of soil conservation~~ a representative from a district or districts and
11 the dean of the college of agriculture of the university of Idaho or his
12 designated representative, or any other person or entity as the commission
13 deems appropriate, to serve as nonvoting advisory members of the commission.
14 The commission shall keep a record of its official actions, shall adopt a
15 seal, which seal shall be judicially noticed, and may perform such acts, hold
16 such public hearings, and promulgate such rules as may be necessary for the
17 execution of its functions under this chapter.

18 (2) ~~The director of the department of agriculture~~ state soil and water
19 conservation commission shall appoint the administrator of the state soil
20 and water conservation commission ~~from persons recommended by the soil con-~~
21 ~~servation commission.~~ The state soil and water conservation commission may
22 employ such technical experts and such other agents and employees, permanent
23 and temporary, as it may require, and shall determine their qualifications,
24 duties and compensation. The commission may call upon the attorney general
25 of the state for such legal services as it may require. It shall have author-
26 ity to delegate to its chairman, to one (1) or more of its members, or to one
27 (1) or more agents or employees, such powers and duties as it may deem proper.
28 ~~It shall be supplied with suitable office accommodations, and shall be fur-~~
29 ~~nished with the necessary supplies and equipment~~ The commission may estab-
30 lish offices, incur expenses, enter into contracts and acquire services and
31 personal property as may be reasonable for the proper administration and en-
32 forcement of this chapter. Upon request of the commission, for the purpose
33 of carrying out any of its functions, the supervising officer of any state
34 agency, or of any state institution of learning, shall insofar as may be pos-
35 sible under available appropriation, and having due regard to the needs of
36 the agency to which the request is directed, assign or detail to the com-
37 mission members of the staff or personnel of such agency or institution of
38 learning, and make such special reports, surveys, or studies as the commis-
39 sion may request.

40 (3) The commission shall designate its chairman, and may from time to
41 time, change such designation. A majority of the commission shall consti-
42 tute a quorum, and the concurrency of a majority in any matter within their
43 duties shall be required for its determination. The chairman and members of
44 the commission shall be compensated as provided by section 59-509(h), Idaho
45 Code. The commission shall provide for the execution of surety bonds for all
46 employees and officers who shall be entrusted with funds or property; shall
47 provide for the keeping of a full and accurate record of all proceedings and
48 of all resolutions, and orders issued or adopted; and shall provide for an
49 annual audit of the accounts of receipts and disbursements.

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

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

7 (b) To keep the supervisors of each of the several soil conservation
8 districts ~~organized under the provisions of this chapter~~ informed of
9 the activities and experience of all other soil conservation districts
10 ~~organized hereunder,~~ and to facilitate an interchange of advice and
11 experience between such districts and cooperation between them.

12 (c) To coordinate the progress of the several soil conservation dis-
13 tricts ~~organized hereunder~~ so far as this may be done by advice and con-
14 sultation.

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

18 (e) To disseminate information throughout the state concerning the ac-
19 tivities and programs of the soil conservation districts in areas where
20 their organization is desirable.

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

30 (5) In addition to other powers, functions and duties of soil conserva-
31 tion districts and the state soil and water conservation commission provided
32 in this chapter, the commission shall have the following additional powers,
33 functions and duties:

34 (a) The commission shall conduct, in cooperation with appropriate fed-
35 eral and state agencies and the owners and operators of privately owned
36 forest lands, rangelands and agricultural lands in this state, conser-
37 vation improvements on or in respect to these lands for the purposes of
38 implementing conservation systems to conserve and improve natural re-
39 source conditions;

40 (b) The commission shall assist and advise soil conservation districts
41 and other entities in implementing the conservation improvements,
42 projects, and the water quality program for agriculture. To the extent
43 that there are available general funds, the commission shall provide
44 for grants and cost-share opportunities and, as legislatively desig-
45 nated, utilize the resource conservation and rangeland development
46 fund for loans for conservation improvements. Provided however, that
47 the commission shall determine whether general or resource conserva-
48 tion and rangeland development funds are available before approving
49 any conservation improvements, projects, and cost-share opportunities

1 and, after having made such determination, shall enter into the neces-
2 sary contracts for implementation;

3 (c) The ~~state soil conservation~~ commission shall be the agency respon-
4 sible for the administration of funds accruing to the resource conser-
5 vation and rangeland development fund and for all general funds appro-
6 priated as a separate and distinct action of the legislature to imple-
7 ment the powers, functions and duties of soil conservation districts
8 and the commission; ~~and~~

9 (d) On or before March 1 of each year, the commission shall report to
10 the senate agricultural affairs committee and the house agricultural
11 affairs committee; and

12 (e) The commission shall promulgate such rules as are necessary to
13 carry out the purposes of this chapter.

14 SECTION 4. That Section 22-2719, Idaho Code, be, and the same is hereby
15 amended to read as follows:

16 22-2719. CREATION OF SOIL CONSERVATION DISTRICTS. ~~A.~~ (1) Any twenty-
17 five (25) owners of land lying within the limits of the territory proposed to
18 be organized into a district may file a petition with the state soil and water
19 conservation commission asking that a soil conservation district be orga-
20 nized to function in the territory described in the petition. Such petition
21 shall set forth:

22 (~~1~~a) The proposed name of said district;

23 (~~2~~b) That there is need, in the interest of the public health, safety~~7~~
24 and welfare, for a soil conservation district to function in the terri-
25 tory described in the petition;

26 (~~3~~c) A description of the territory proposed to be organized as a dis-
27 trict, which description shall not be required to be given by metes and
28 bounds or by legal subdivisions, but shall be deemed sufficient if gen-
29 erally accurate;

30 (~~4~~d) A request that the state soil and water conservation commission
31 duly define the boundaries for such district; that a referendum be held
32 within the territory so defined on the question of the creation of a soil
33 conservation district in such territory; and that the commission deter-
34 mine that such a district be created.

35 Where more than one (1) petition is filed covering parts of the same terri-
36 tory, the state soil and water conservation commission may consolidate all
37 of any such petitions.

38 ~~B.~~ (2) Within thirty (30) days after such petition has been filed with
39 the state soil and water conservation commission, it shall cause due notice
40 to be given of a proposed hearing upon the question of the desirability and
41 necessity, in the interest of the public health, safety~~7~~ and welfare, of the
42 creation of such district, upon the question of the appropriate boundaries
43 to be assigned to such district, upon the propriety of the petition and
44 other proceedings taken under this chapter, and upon all questions relevant
45 to such inquiries. All owners of land within the limits of the territory
46 described in the petition, and of lands within any territory considered for
47 addition to such described territory, and all other interested parties,
48 shall have the right to attend such hearings and to be heard. If it shall ap-
49 pear upon the hearing that it may be desirable to include within the proposed

1 district territory outside of the area within which due notice of the hearing
2 has been given the hearing shall be adjourned and the due notice of further
3 hearing shall be given throughout the entire area considered for inclusion
4 in the district, and such further hearing held. After such hearing, if the
5 commission shall determine upon the facts presented at such hearing and upon
6 such other relevant facts and information as may be available, that there is
7 need in the interest of the public health, safety and welfare, for a soil con-
8 servation district to function in the territory considered at the hearing,
9 it shall make and record such determination, and shall define by metes and
10 bounds or by legal subdivisions, the boundaries of such district. In making
11 such determination and in defining such boundaries, the commission shall
12 give due weight and consideration to the topography of the area considered
13 and of the state, the composition of soils therein, the distribution of
14 erosion, the prevailing land use practices, the desirability and necessity
15 of including within the boundaries the particular lands under consideration
16 and the benefits such lands may receive from being included within such
17 boundaries, the relation of the proposed area to the existing watersheds
18 and agricultural regions, and to other soil conservation districts already
19 organized or proposed for organization under the provisions of this chapter,
20 and such other physical, geographical, and economic factors as are relevant,
21 having due regard to the legislature determinations set forth in section
22 22-2716, Idaho Code. The territory to be included within such boundaries
23 need not be contiguous. If the commission ~~shall~~ determines after such
24 hearing, after due consideration of the said relevant facts, that there
25 is no need for a soil conservation district to function in the territory
26 considered at the hearing, it shall make and record such determination
27 and shall deny the petition. After six (6) months shall have expired from
28 the date of the denial of such petition, subsequent petitions covering the
29 same or substantially the same territory may be filed as aforesaid and new
30 hearings held and determinations made thereon.

31 ~~C.~~ (3) After the commission has made and recorded a determination that
32 there is need, in the interest of the public health, safety, and welfare,
33 for the organization of a district in a particular territory and has defined
34 the boundaries thereof, it shall consider the question whether the opera-
35 tion of a district within such boundaries with the powers conferred upon soil
36 conservation districts in this chapter is administratively practicable and
37 feasible. To assist the commission in the determination of such adminis-
38 trative practicability and feasibility, it shall be the duty of the commis-
39 sion, at the next election held after entry of the finding that there is need
40 for the organization of the proposed district and the determination of the
41 boundaries thereof, to hold a referendum, subject to the provisions of sec-
42 tion 34-106, Idaho Code, within the proposed district upon the proposition
43 of the creation of the district, and to cause notice of such election to be
44 given as provided in section 34-1406, Idaho Code. The question shall be sub-
45 mitted by ballots upon which the words "For creation of a soil conservation
46 district of the lands below described and lying in the county(ies) of ...
47 and" and "Against creation of a soil conservation district of the lands
48 below described and lying in the county(ies) of and" shall appear,
49 with a square before each proposition and a direction to insert an X mark in
50 the square before one or the other of said propositions as the voter may favor

1 or oppose creation of such district. The ballot shall set forth the bound-
 2 aries of such proposed district as determined by the commission. All qual-
 3 ified electors who own lands or reside within the proposed district shall be
 4 eligible to vote in said referendum.

5 ~~D.~~ (4) The commission shall pay all expenses for the issuance of such no-
 6 tice and the conduct of such hearings and election, and shall supervise the
 7 conduct of such hearings and election. It shall issue appropriate regula-
 8 tions governing the conduct of such hearings and election. No informali-
 9 ties in the conduct of the election or in any matter relating thereto shall
 10 invalidate the election or the result thereof if notice thereof shall have
 11 been given substantially as herein provided and the election shall have been
 12 fairly conducted.

13 ~~E.~~ (5) The commission shall publish the result of the election and shall
 14 thereafter consider and determine whether the operation of the district
 15 within the defined boundaries is administratively practicable and feasible.
 16 If the commission ~~shall~~ determines that the operation of such district is
 17 not administratively practicable and feasible, it shall record such deter-
 18 mination and deny the petition. If the commission ~~shall~~ determines that the
 19 operation of such district is administratively practicable and feasible,
 20 it shall record such determination and shall proceed with the organization
 21 of the district in the manner hereinafter provided. In making such deter-
 22 mination the commission shall give due regard and weight to the attitudes
 23 of the owners of lands lying within the defined boundaries, the number of
 24 landowners and qualified electors eligible to vote in the election who shall
 25 have voted, the proportion of the votes cast in the election in favor of the
 26 creation of the district to the total number of votes cast, the approximate
 27 wealth and income of the landowners of the proposed district, the probable
 28 expense of carrying on erosion control and other conservation operations
 29 within such district, and such other economic and social factors as may
 30 be relevant to such determination, having due regard to the legislative
 31 determination set forth in section 22-2716, Idaho Code; provided, however,
 32 ~~that~~ the commission shall not have authority to determine that the operation
 33 of the proposed district within the defined boundaries is administratively
 34 practicable and feasible unless at least a majority of the votes cast in the
 35 election upon the proposition of creation of the district shall have been
 36 cast in favor of the creation of such district.

37 ~~F.~~ (6) If the commission ~~shall~~ determines that the operation of the
 38 proposed district within the defined boundaries is administratively prac-
 39 ticable and feasible, it shall appoint two (2) supervisors to act, with the
 40 three (3) supervisors elected as provided hereinafter, as the governing
 41 body of the district. Such district shall be a governmental subdivision of
 42 this state and a public body corporate and politic, upon the taking of the
 43 following proceedings:

44 (a) The two (2) appointed supervisors shall present to the secretary
 45 of state an application signed by them which shall set forth (and such
 46 application need contain no detail other than the mere recitals): (±i)
 47 that a petition for the creation of the district was filed with the state
 48 soil and water conservation commission pursuant to the provisions of
 49 this chapter, and that the proceedings specified in this chapter were
 50 taken pursuant to such petition; that the application is being filed in

1 order to complete the organization of the district as a governmental
2 subdivision and a public body, corporate and politic, under this chap-
3 ter; and that the commission has appointed them as supervisors; (2ii)
4 the name and official residence of each of the supervisors, together
5 with a certified copy of the appointments evidencing their right to
6 office; (3iii) the term of office of each of the supervisors; (4iv) the
7 name which is proposed for the district; and (5v) the location of the
8 principal office of the supervisors of the district. The application
9 shall be subscribed and sworn to by each of the said supervisors before
10 an officer authorized by the laws of this state to take and certify
11 oaths, who shall certify upon the application that he personally knows
12 the supervisors and knows them to be the officers as affirmed in the
13 application, and that each has subscribed thereto in the officer's
14 presence.

15 (b) The application shall be accompanied by a statement by the state
16 soil and water conservation commission, which shall certify (and such
17 statement need contain no detail other than the mere recitals) that a
18 petition was filed, notice issued, and hearing held as aforesaid; that
19 the commission did duly determine that there is need, in the interest
20 of the public health, safety and welfare, for a soil conservation dis-
21 trict to function in the proposed territory and did define the bound-
22 aries thereof; that notice was given and an election held on the ques-
23 tion of the creation of such district, and that the result of the elec-
24 tion showed a sixty ~~per cent~~ percent (60%) majority of the votes cast in
25 the election to be in favor of the creation of the district; that there-
26 after the commission did duly determine that the operation of the prop-
27 posed district is administratively practicable and feasible. The said
28 statement shall set forth the boundaries of the district as they have
29 been defined by the commission.

30 (c) The secretary of state shall examine the application and statement
31 and, if he finds that the name proposed for the district is not identi-
32 cal with that of any other soil conservation district of this state or so
33 nearly similar as to lead to confusion or uncertainty, he shall receive
34 and file them and shall record them in an appropriate book of record in
35 his office.

36 (d) If the secretary of state ~~shall~~ finds that the name proposed for
37 the district is identical with that of any other soil conservation
38 district of this state, or so nearly similar as to lead to confusion
39 and uncertainty, he shall certify such fact to the state soil and water
40 conservation commission which shall thereupon submit to the secretary
41 of state a new name for the said district, which shall not be subject
42 to such defects. Upon receipt of such new name free of such defects,
43 the secretary of state shall record the application and statement with
44 the name so modified, in an appropriate book of record in his office.
45 When the application and statement have been made, filed, and recorded,
46 as herein provided, the district shall constitute a governmental
47 subdivision of this state and a public body corporate and politic.
48 The secretary of state shall make and issue to the said supervisors a
49 certificate under the seal of the state, of the due organization of the
50 said district, and shall record such certificate with the application

1 and statement. The boundaries of such district shall include the terri-
 2 tory as determined by the state soil and water conservation commission
 3 as aforesaid, but in no event shall they include any area included
 4 within the boundaries of another soil conservation district organized
 5 under the provisions of this ~~act~~ chapter except as provided in section
 6 22-2720, Idaho Code.

7 ~~G.~~(7) After six (6) months shall have expired from the date of entry of
 8 a determination by the state soil and water conservation commission that op-
 9 eration of a proposed district is not administratively practicable and fea-
 10 sible, and denial of a petition pursuant to such determination, subsequent
 11 petitions may be filed as aforesaid, and action taken thereon in accordance
 12 with the provisions of this chapter.

13 ~~H.~~(8) Petitions for including additional territory within an existing
 14 district may be filed with the state soil and water conservation commission
 15 and the proceedings herein provided for in the case of petitions to organize
 16 a district shall be observed in the case of petitions for such inclusion. The
 17 commission shall prescribe the form for such petitions, which shall be as
 18 nearly as may be in the form prescribed in this chapter for petitions to orga-
 19 nize a district. Where the total number of landowners in the area proposed
 20 for inclusion ~~shall be~~ is less than twenty-five (25), the petition may be
 21 filed when signed by a two-thirds (2/3) majority of the owners of such area,
 22 and in such case no election need be held. In elections upon petitions for
 23 such inclusion, all owners of land and qualified electors lying within the
 24 proposed additional area shall be eligible to vote.

25 ~~I.~~(9) Incorporated cities, not already included within a district, may
 26 be included by presentation of a request of the district approved by the gov-
 27 erning body along with a request of the city approved by the mayor and coun-
 28 cil, to the state soil and water conservation commission. The commission
 29 shall consider and act on such joint request at the earliest convenience. If
 30 the joint request is denied, the commission shall so notify the district and
 31 city in writing and state the reasons for such denial. After six (6) months
 32 shall have expired from the date of denial of such joint request, a subse-
 33 quent joint request may again be made. If the joint request is approved, the
 34 commission shall then cause the necessary papers to be filed with the secre-
 35 tary of state. This shall include an amended legal description of the bound-
 36 aries of the total district.

37 SECTION 5. That Section 22-2720, Idaho Code, be, and the same is hereby
 38 amended to read as follows:

39 22-2720. CONSOLIDATION OF OR DELETION FROM AND ADDITION TO NEW OR EX-
 40 ISTING DISTRICTS. ~~(1-)~~ Petitions for consolidating two (2) or more exist-
 41 ing districts or for deleting territory from one (1) or more existing dis-
 42 tricts and adding the deleted territory to one (1) or more existing districts
 43 or incorporating the deleted territory into a new district or districts may
 44 be filed with the state soil and water conservation commission on such forms
 45 as may be prescribed by the state soil and water conservation commission.

46 ~~(2-)~~ The petitions provided for in subsection (1) of this section
 47 shall be signed by twenty-five (25) landowners in the area proposed to
 48 be consolidated or the area proposed to be deleted plus the district or
 49 districts to which it is to be added or the territory which is to be included

1 in a new district or districts, as the case may be. Provided, however, ~~that~~
 2 if two-thirds (2/3) of the landowners of all such territory total less than
 3 twenty-five (25), then, ~~in that event,~~ such lesser number of signatures will
 4 suffice for the petition.

5 ~~(3-)~~ Within thirty (30) days after receipt of such a petition, the state
 6 soil and water conservation commission shall cause due notice of hearing on
 7 the matter to be given in all of the areas concerned.

8 ~~(4-)~~ At the close of the hearing ~~hereinbefore provided for,~~ the state
 9 soil and water conservation commission ~~must~~ shall make and record the fol-
 10 lowing determinations:

11 ~~(a-)~~ Whether or not, in the opinion of the commission, the proposal set
 12 forth by the petition would serve the public health, safety and welfare.

13 ~~(b-)~~ Whether or not, in the opinion of the commission, the proposal set
 14 forth by the petition is administratively practicable and feasible.

15 ~~(5-)~~ If either or both of the determinations made under subsection (4)
 16 of this section are in the negative, the matter is closed. Provided, how-
 17 ever, ~~that~~ after six (6) months have expired from the date of such determi-
 18 nation, a new petition may be filed involving substantially the same propos-
 19 als.

20 ~~(6-)~~ If both of the determinations made under subsection (4) of this
 21 section are in the affirmative and if the proposal involves the consolida-
 22 tion of two (2) or more existing districts or if the proposal involves the
 23 deletion of territory from one (1) or more districts and the addition of that
 24 territory to another existing district or districts, then the commission
 25 shall proceed to effect the change as per the commission's determinations
 26 hereinbefore referred to. The state soil and water conservation commission
 27 shall effect the change ~~here referred to~~ by filing with the secretary of
 28 state a sworn statement of a member of the commission stating:

29 ~~(a-)~~ The name of the district or districts which are consolidated, if
 30 any, i;

31 ~~(b-)~~ The name of the district or districts from which the territory is
 32 deleted or added, if any, i; and

33 ~~(c-)~~ A description of the boundaries of the consolidated district or of
 34 the territory remaining in the district or districts deleted from and
 35 the district or districts added to, according to the commission's de-
 36 termination ~~hereinbefore referred to~~.

37 From and after the time of filing of such statement with the secretary of
 38 state, the changes will be effective. If the name of a district formed by
 39 the consolidation of two (2) or more existing districts differs from that of
 40 either of the consolidated districts, the secretary of state shall issue and
 41 record a new certificate of organization of said district.

42 (7-) Within ten (10) days after the filing of a statement providing for
 43 the formation of a consolidated district as prescribed in subsection (6) of
 44 this section, the supervisors of each district involved in the consolidation
 45 shall meet and, from their number, shall designate a chairman of the consoli-
 46 dated district. Incumbent supervisors of districts involved in a consolida-
 47 tion may serve until any such supervisor's term expires. Any vacancy on the
 48 governing body of a district formed by consolidation shall not be filled un-
 49 til only five (5) supervisors, or seven (7) upon written request pursuant to
 50 section 22-2721, Idaho Code, remain on the governing body of such district.

1 Thereafter, vacancies shall be filled consistent with procedures prescribed
 2 in section 22-2721, Idaho Code.

3 (8) A district formed by the consolidation of two (2) or more districts
 4 shall receive a sum not to exceed eight thousand five hundred dollars
 5 (\$8,500) for each district involved in the formation of the consolidated
 6 district for a period of three (3) years after the formation of such dis-
 7 trict. The maximum allocation of fifty thousand dollars (\$50,000) per
 8 district set forth in section 22-2727, Idaho Code, shall not apply to a
 9 district formed by consolidation for a period of three (3) years following
 10 the formation of such district. Upon expiration of the three (3) year time
 11 period, a district formed by consolidation shall be treated as one (1)
 12 district and shall be subject to all provisions of section 22-2727, Idaho
 13 Code.

14 (9) The office of any district supervisor is hereby declared to be va-
 15 cant, when, after the deletion of territory, such district supervisor is no
 16 longer a landowner within the district deleted from.

17 (~~8-10~~) If both of the determinations made under subsection (4) of this
 18 section are in the affirmative and if the proposal involves the addition of
 19 territory ~~deleted~~ deleted from one (1) or more existing districts to other
 20 territory thus forming a new district, a referendum shall be held and other
 21 procedures followed as in cases involving the original formation of a dis-
 22 trict where no existing district is involved. In such a case, due notice
 23 shall be given in the area which may comprise the new district.

24 (~~9-11~~) If a new district is formed under the procedure prescribed in
 25 subsection (~~8~~10) of this section, part of the area which is composed of an
 26 old district, the state soil and water conservation commission shall cause
 27 to be filed with the secretary of state a sworn statement of a member of the
 28 commission stating:

29 (a-) The name of the district or districts deleted from; and

30 (b-) A description of the boundaries of the territory remaining in the
 31 district or districts deleted from.

32 From and after the time of filing of such statement with the secretary of
 33 state, the change in the boundaries of the existing districts shall be ef-
 34 fective.

35 SECTION 6. That Section 22-2721, Idaho Code, be, and the same is hereby
 36 amended to read as follows:

37 22-2721. ELECTION, APPOINTMENT, QUALIFICATIONS AND TENURE OF SUPER-
 38 VISORS. (1) The governing body of the district shall consist of five (5)
 39 supervisors, elected or appointed as provided in this chapter. Elections
 40 shall be conducted pursuant to the provisions of this section and the uniform
 41 district election law, chapter 14, title 34, Idaho Code. If at any time the
 42 supervisors of a district deem it necessary, they may request permission
 43 from the state soil and water conservation commission to increase the number
 44 of supervisors to seven (7). Upon receipt of such a request in writing,
 45 signed by all five (5) supervisors, stating a valid reason for such need, the
 46 commission shall grant permission. The additional supervisors shall then
 47 be appointed as outlined in ~~subparagraph C.~~ subsection (5) of this section
 48 until such time as regular district elections for two (2) supervisors in
 49 each district. At that time those districts having seven (7) supervisors

1 shall then elect four (4) supervisors for four (4) year terms. The two (2)
2 supervisors appointed by the commission shall be persons who are by training
3 and experience qualified to perform the specialized services which will be
4 required of them in the performance of their duties. All supervisors shall
5 be landowners or farmers of the district where they are elected or appointed
6 and shall be registered to vote in the state of Idaho.

7 ~~A.~~(2) Within thirty (30) days after the date of issuance by the sec-
8 retary of state of a certificate of organization of a soil conservation
9 district, nominating petitions may be filed with the state soil and water
10 conservation commission to nominate candidates for supervisors of each
11 district. The state soil and water conservation commission, unless it has
12 contracted with the county clerk to conduct the election, shall designate
13 an individual to act as the election official. If contracted to do so, the
14 county clerk shall act as the election official. The election official
15 shall have authority to extend the time within which nominating petitions
16 may be filed. No such nominating petition shall be accepted by the election
17 official unless it shall be subscribed by not less than five (5) persons
18 who are qualified electors owning land or residing within the boundaries of
19 the district. The election official shall give due notice of an election
20 to be held, subject to the provisions of section 34-106, Idaho Code, for
21 the election of three (3) supervisors for the district. The names of all
22 nominees on behalf of whom such nominating petitions have been filed within
23 the time herein designated, shall appear arranged in the alphabetical order
24 of the surnames, upon ballots, with a square before each name and directions
25 to insert a mark in the square before any three (3) names to indicate the
26 voter's preference. The three (3) candidates who shall receive the largest
27 number, respectively, of the votes cast in such election shall be the elected
28 supervisors for such district. The commission shall pay all the expenses
29 of such election, which shall be supervised and conducted by the election
30 official.

31 ~~B.~~(3) All elections in districts, excluding the first election as pro-
32 vided in ~~subparagraph A.~~ subsection (2) of this section, shall be conducted
33 by the district supervisors of the districts involved who shall designate an
34 individual to be the election official, or the county clerk if contracted for
35 that purpose. Such election shall be held on the first Tuesday succeeding
36 the first Monday of November in each even-numbered year. Such elections
37 shall be in compliance with the provisions of chapter 14, title 34, Idaho
38 Code, and shall be supervised and conducted by the election official. The
39 cost of conducting such elections shall be borne by the district involved.
40 The election official shall certify to the state soil and water conserva-
41 tion commission the names of the elected supervisors. The state soil and
42 water conservation commission shall issue certificates of election to each
43 elected supervisor so certified. The state soil and water conservation
44 commission may authorize each district to contract with the county clerk
45 or county clerks of the county or counties in which the district is located
46 to conduct the election for the soil conservation district. If a district
47 election is conducted by a county clerk, the county clerk must provide a
48 ballot for the district election, and must provide a process that allows only
49 qualified electors of the district to vote in that district's election.

1 (4) In any election for supervisor, if after the deadline for filing
2 a declaration of intent as a write-in candidate, it appears that the num-
3 ber of qualified candidates who have been nominated is equal to the number
4 of supervisors to be elected, it shall not be necessary for the candidates
5 to stand for election, and the board of supervisors shall declare such can-
6 didates elected as supervisors, and the state soil and water conservation
7 commission shall immediately make and deliver to such persons certificates
8 of election.

9 ~~C.~~(5) In any election for supervisors of a soil conservation district,
10 if after the expiration of the date for filing written nominations it appears
11 that only one (1) qualified candidate has been nominated for each position to
12 be filled and no declaration of intent has been filed by a write-in candidate
13 as provided in ~~subparagraph D.~~ subsection (6) of this section, it shall not
14 be necessary to hold an election, and the election official shall, no later
15 than seven (7) days before the scheduled date of the election, declare such
16 candidate elected as supervisor, and the state soil and water conservation
17 commission shall immediately make and deliver to such person a certificate
18 of election.

19 ~~D.~~(6) No write-in vote for supervisor shall be counted unless a decla-
20 ration of intent has been filed with the election official indicating that
21 the person making the declaration desires the office and is legally quali-
22 fied to assume the duties of supervisor if elected as a write-in candidate.
23 The declaration of intent shall be filed not later than twenty-five (25) days
24 before the day of election.

25 ~~E.~~(7) The supervisors shall designate a chairman and may, from time to
26 time, change such designation. The term of office of each supervisor shall
27 be four (4) years commencing on the first day of January next following elec-
28 tion, except that the two (2) supervisors who are first appointed shall be
29 designated to serve for terms of two (2) years. A supervisor shall hold of-
30 fice until a qualified successor has been elected or appointed. Vacancies
31 shall be filled for the unexpired term. The selection of successors to fill
32 an unexpired term, or for a full term shall be made by a vote of the majority
33 of the supervisors duly qualified and acting at the time the vacancy shall
34 arise and the supervisors shall certify the name of the appointed supervisor
35 to the state soil and water conservation commission ~~who~~ which shall issue a
36 certificate of such appointment.

37 ~~F.~~(8) A majority of the supervisors shall constitute a quorum and the
38 concurrence of a majority in any matter within their duties shall be required
39 for its determination. A supervisor shall be entitled to expenses, in-
40 cluding travel expense, necessarily incurred in the discharge of duties. A
41 supervisor shall receive no compensation for services from regular district
42 funds, county funds authorized in section 22-2726, Idaho Code, or state
43 funds authorized in section 22-2727, Idaho Code.

44 (9) In the event the district has a special project, approved by the
45 state soil and water conservation commission, making project funds avail-
46 able from federal or other sources, a supervisor may receive compensation
47 not to exceed thirty-five dollars (\$35.00) per day plus actual and necessary
48 expenses from project funds for services directly related to the project.

49 (10) The supervisors may employ a secretary, technical experts, and
50 such other officers, agents, and employees, permanent and temporary as

1 they may require, and shall determine their qualifications, duties and
 2 compensation. The supervisors may call upon the attorney general of the
 3 state for such legal services as they may require or may employ their own
 4 counsel and legal staff. The supervisors may delegate to their chairman, to
 5 one (1) or more supervisors, or to one (1) or more agents, or employees, such
 6 powers and duties as they may deem proper. The supervisors shall furnish
 7 to the state soil and water conservation commission, upon request, copies
 8 of such ordinances, rules, orders, contracts, forms and other documents as
 9 they shall adopt or employ, and such other information concerning ~~their~~ the
 10 supervisors' activities as ~~it~~ the commission may require in the performance
 11 of ~~its~~ the commission's duties under this chapter.

12 (11) The supervisors shall provide for the execution of surety bonds for
 13 all employees and officers who shall be entrusted with funds or property;
 14 they shall provide for the keeping of a full and accurate record of all pro-
 15 ceedings and of all resolutions, and orders issued or adopted; and shall pro-
 16 vide for independent financial audits in accordance with the provisions of
 17 section 67-450B, Idaho Code, ~~with the exception of the provisions of subsec-~~
 18 ~~tion (2) (d) of section 67-450B, Idaho Code. The governing body of a district~~
 19 ~~whose annual budget from all sources does not exceed fifty thousand dollars~~
 20 ~~(\$50,000) may elect to have its financial statements reviewed on a biennial~~
 21 ~~basis. Biennial reports of review shall include a review of each fiscal year~~
 22 ~~since the previous review report. Any sSupervisors may shall be removed by~~
 23 ~~the state soil conservation commission upon notice and hearing, for neglect~~
 24 ~~of duty or malfeasance in office, but for no other reason subject to recall in~~
 25 accordance with the provisions of chapter 17, title 34, Idaho Code.

26 (12) The supervisors may invite the legislative body of a municipality
 27 or county located near the territory comprised within the district to desig-
 28 nate a representative to advise and consult with the supervisors of the dis-
 29 trict on all questions of program and policy which may affect the property,
 30 water supply, or other interests of such municipality or county.

31 SECTION 7. That Section 22-2721, Idaho Code, as amended by Section 4,
 32 Chapter 341, Laws of 2009, be, and the same is hereby amended to read as fol-
 33 lows:

34 22-2721. ELECTION, APPOINTMENT, QUALIFICATIONS AND TENURE OF SUPER-
 35 VISORS. (1) The governing body of the district shall consist of five (5)
 36 supervisors, elected or appointed as provided in this chapter. Elections
 37 shall be conducted pursuant to the provisions of this section and the uniform
 38 district election law, chapter 14, title 34, Idaho Code. If at any time the
 39 supervisors of a district deem it necessary, they may request permission
 40 from the state soil and water conservation commission to increase the number
 41 of supervisors to seven (7). Upon receipt of such a request in writing,
 42 signed by all five (5) supervisors, stating a valid reason for such need, the
 43 commission shall grant permission. The additional supervisors shall then be
 44 appointed as outlined in subsection ~~6-~~ (5) of this section until such time as
 45 regular district elections for two (2) supervisors in each district. At that
 46 time those districts having seven (7) supervisors shall then elect four (4)
 47 supervisors for four (4) year terms. The two (2) supervisors appointed by
 48 the commission shall be persons who are by training and experience qualified
 49 to perform the specialized services which will be required of them in the

1 performance of their duties. All supervisors shall be landowners or farmers
2 of the district where they are elected or appointed and shall be registered
3 to vote in the state of Idaho.

4 ~~A.~~(2) Within thirty (30) days after the date of issuance by the sec-
5 retary of state of a certificate of organization of a soil conservation
6 district, nominating petitions may be filed with the state soil and water
7 conservation commission to nominate candidates for supervisors of each
8 district. The county clerk shall conduct the election for the district
9 and shall be the election official for the district. The election official
10 shall have authority to extend the time within which nominating petitions
11 may be filed. No such nominating petition shall be accepted by the election
12 official unless it shall be subscribed by not less than five (5) persons
13 who are qualified electors owning land or residing within the boundaries of
14 the district. The election official shall give due notice of an election
15 to be held, subject to the provisions of section 34-106, Idaho Code, for
16 the election of three (3) supervisors for the district. The names of all
17 nominees on behalf of whom such nominating petitions have been filed within
18 the time herein designated, shall appear upon ballots, with directions to
19 choose three (3) names to indicate the voter's preference. The three (3)
20 candidates who shall receive the largest number, respectively, of the votes
21 cast in such election shall be the elected supervisors for such district.
22 The commission shall pay all the expenses of such election, which shall be
23 supervised and conducted by the election official.

24 ~~B.~~(3) All elections in districts shall be conducted by the county
25 clerk. Such election shall be held on the first Tuesday succeeding the
26 first Monday of November in each even-numbered year. Such elections shall
27 be in compliance with the provisions of chapter 14, title 34, Idaho Code,
28 and shall be supervised and conducted by the county clerk. The cost of
29 conducting such elections shall be borne by the county that conducted
30 the election. The county clerk shall certify to the state soil and water
31 conservation commission the names of the elected supervisors. The state
32 soil and water conservation commission shall issue certificates of election
33 to each elected supervisor so certified. The county clerk or county clerks
34 of the county or counties in which the district is located shall conduct
35 the election for the soil conservation district, and the county clerk must
36 provide a ballot for the district election, and must provide a process that
37 allows only qualified electors of the district to vote in that district's
38 election.

39 (4) In any election for supervisor, if after the deadline for filing
40 a declaration of intent as a write-in candidate, it appears that the num-
41 ber of qualified candidates who have been nominated is equal to the number
42 of supervisors to be elected, it shall not be necessary for the candidates
43 to stand for election, and the board of supervisors shall declare such can-
44 didates elected as supervisors, and the state soil and water conservation
45 commission shall immediately make and deliver to such persons certificates
46 of election.

47 ~~C.~~(5) In any election for supervisors of a soil conservation district,
48 if after the expiration of the date for filing written nominations it appears
49 that only one (1) qualified candidate has been nominated for each position to
50 be filled and no declaration of intent has been filed by a write-in candidate

1 as provided in subsection ~~D.~~ (6) of this section, it shall not be necessary
 2 to hold an election, and the county clerk shall, no later than seven (7) days
 3 before the scheduled date of the election, declare such candidate elected as
 4 supervisor, and the state soil and water conservation commission shall imme-
 5 diately make and deliver to such person a certificate of election.

6 ~~D.~~ (6) No write-in vote for supervisor shall be counted unless a dec-
 7 laration of intent has been filed with the county clerk indicating that the
 8 person making the declaration desires the office and is legally qualified to
 9 assume the duties of supervisor if elected as a write-in candidate. The dec-
 10 laration of intent shall be filed not later than twenty-five (25) days before
 11 the day of election.

12 ~~E.~~ (7) The supervisors shall designate a chairman and may, from time to
 13 time, change such designation. The term of office of each supervisor shall
 14 be four (4) years commencing on the first day of January next following elec-
 15 tion, except that the two (2) supervisors who are first appointed shall be
 16 designated to serve for terms of two (2) years. A supervisor shall hold of-
 17 fice until a qualified successor has been elected or appointed. Vacancies
 18 shall be filled for the unexpired term. The selection of successors to fill
 19 an unexpired term, or for a full term shall be made by a vote of the majority
 20 of the supervisors duly qualified and acting at the time the vacancy shall
 21 arise and the supervisors shall certify the name of the appointed supervisor
 22 to the state soil and water conservation commission ~~who~~ which shall issue a
 23 certificate of such appointment.

24 ~~F.~~ (8) A majority of the supervisors shall constitute a quorum and the
 25 concurrence of a majority in any matter within their duties shall be required
 26 for its determination. A supervisor shall be entitled to expenses, in-
 27 cluding travel expense, necessarily incurred in the discharge of duties. A
 28 supervisor shall receive no compensation for services from regular district
 29 funds, county funds authorized in section 22-2726, Idaho Code, or state
 30 funds authorized in section 22-2727, Idaho Code.

31 (9) In the event the district has a special project, approved by the
 32 state soil and water conservation commission, making project funds avail-
 33 able from federal or other sources, a supervisor may receive compensation
 34 not to exceed thirty-five dollars (\$35.00) per day plus actual and necessary
 35 expenses from project funds for services directly related to the project.

36 (10) The supervisors may employ a secretary, technical experts, and
 37 such other officers, agents, and employees, permanent and temporary as
 38 they may require, and shall determine their qualifications, duties and
 39 compensation. The supervisors may call upon the attorney general of the
 40 state for such legal services as they may require or may employ their own
 41 counsel and legal staff. The supervisors may delegate to their chairman, to
 42 one (1) or more supervisors, or to one (1) or more agents, or employees, such
 43 powers and duties as they may deem proper. The supervisors shall furnish
 44 to the state soil and water conservation commission, upon request, copies
 45 of such ordinances, rules, orders, contracts, forms and other documents as
 46 they shall adopt or employ, and such other information concerning ~~their~~ the
 47 supervisors' activities as ~~it~~ the commission may require in the performance
 48 of ~~its~~ the commission's duties under this chapter.

49 (11) The supervisors shall provide for the execution of surety bonds for
 50 all employees and officers who shall be entrusted with funds or property;

1 they shall provide for the keeping of a full and accurate record of all pro-
 2 ceedings and of all resolutions, and orders issued or adopted; and shall pro-
 3 vide for independent financial audits in accordance with the provisions of
 4 section 67-450B, Idaho Code, ~~with the exception of the provisions of subsec-~~
 5 ~~tion (2) (d) of section 67-450B, Idaho Code.~~ The governing body of a district
 6 ~~whose annual budget from all sources does not exceed fifty thousand dollars~~
 7 ~~(\$50,000) may elect to have its financial statements reviewed on a biennial~~
 8 ~~basis. Biennial reports of review shall include a review of each fiscal year~~
 9 ~~since the previous review report. Any Supervisors ~~may~~ shall be removed by~~
 10 ~~the state soil conservation commission upon notice and hearing, for neglect~~
 11 ~~of duty or malfeasance in office, but for no other reason subject to recall in~~
 12 ~~accordance with the provisions of chapter 17, title 34, Idaho Code.~~

13 (12) The supervisors may invite the legislative body of a municipality
 14 or county located near the territory comprised within the district to desig-
 15 nate a representative to advise and consult with the supervisors of the dis-
 16 trict on all questions of program and policy which may affect the property,
 17 water supply, or other interests of such municipality or county.

18 SECTION 8. That Section 22-2723, Idaho Code, be, and the same is hereby
 19 amended to read as follows:

20 22-2723. COOPERATION BETWEEN DISTRICTS. The supervisors of any two
 21 (2) or more districts ~~organized under the provisions of this act~~ may cooper-
 22 ate with one another in the exercise of any or all powers conferred in this
 23 ~~act~~ chapter.

24 SECTION 9. That Section 22-2724, Idaho Code, be, and the same is hereby
 25 amended to read as follows:

26 22-2724. STATE AGENCIES TO COOPERATE. Agencies of this state which
 27 shall have jurisdiction over, or be charged with the administration of, any
 28 state-owned lands, and of any county, or other governmental subdivision of
 29 the state, which shall have jurisdiction over, or charged with the admin-
 30 istration of, any county-owned or other publicly owned lands, lying within
 31 the boundaries of any district ~~organized hereunder,~~ shall cooperate to the
 32 fullest extent with the supervisors of such districts in the effectuation of
 33 programs and operations undertaken by the supervisors under the provisions
 34 of this ~~act~~ chapter. The supervisors of such district shall be given free
 35 access to enter and perform work upon such publicly owned lands.

36 SECTION 10. That Section 22-2725, Idaho Code, be, and the same is hereby
 37 amended to read as follows:

38 22-2725. DISCONTINUANCE OF DISTRICTS. (1) At any time after five (5)
 39 years after the organization of a district under the provisions of this chap-
 40 ter, any twenty-five (25) owners of land lying within the boundaries of such
 41 district may file a petition with the state soil and water conservation com-
 42 mission ~~praying~~ requesting that the operations of the district be terminated
 43 and the existence of the district discontinued. The commission may conduct
 44 such public meetings, and public hearings upon such petition as may be neces-
 45 sary to assist it in the consideration thereof. Within sixty (60) days after

1 such petition has been received by the commission it shall give due notice
 2 of the holding of an election, subject to the provisions of section 34-106,
 3 Idaho Code, and shall supervise the election, and issue appropriate regula-
 4 tions governing such election as are consistent with chapter 14, title 34,
 5 Idaho Code, the question to be submitted by ballots upon which the words "For
 6 terminating the existence of the (name of the soil conservation dis-
 7 trict to be here inserted)" shall appear, with a square before each propo-
 8 sition and a direction to insert an X mark in the square before one or the
 9 other of said propositions as the voter may favor or oppose discontinuance
 10 of such district. All qualified electors who own land or reside within the
 11 proposed district shall be eligible to vote in said election. No informal-
 12 ties in the conduct of the election or in any matters relating thereto shall
 13 invalidate the election or the result thereof if notice thereof shall have
 14 been given substantially as herein provided and the election shall have been
 15 fairly conducted.

16 (2) The commission shall publish the result of the election and shall
 17 thereafter consider and determine whether the continued operation of the
 18 district within the defined boundaries is administratively practicable and
 19 feasible. If the commission ~~shall~~ determines that the continued operation
 20 of such district is administratively practicable and feasible, it shall
 21 record such determination and deny ~~this~~ the petition. If the commission
 22 ~~shall~~ determines that the continued operation of such district is not admin-
 23 istratively practicable and feasible, it shall record such determination
 24 and shall certify such determination to the supervisors of the district. In
 25 making such determination the commission shall give due regard and weight to
 26 the attitudes of the owners of lands lying within the district, the number
 27 of landowners eligible to vote in the election who shall have voted, the
 28 proportion of the votes cast in the election in favor of the discontinuance
 29 of the district to the total number of votes cast, the approximate wealth and
 30 income of the landowners of the district, the probable expense of carrying
 31 on such erosion-control operations within such district, and such other
 32 economic and social factors as may be relevant to such determination, having
 33 due regard to the legislative findings set forth in section 22-2716, Idaho
 34 Code, provided, however, ~~that~~ the commission shall not have authority to
 35 determine that the continued operation of the district is administratively
 36 practicable and feasible unless at least a majority of the votes cast in the
 37 election shall have been cast in favor of the continuance of such district.

38 (3) Upon receipt from the state soil and water conservation commission
 39 of a certificate that the commission has determined that the continued op-
 40 eration of the district is not administratively practicable and feasible,
 41 pursuant to the provisions of this section, the supervisors shall forthwith
 42 proceed to terminate the affairs of the district. The supervisors shall dis-
 43 pose of all property belonging to the district at public auction and shall
 44 pay over the proceeds of such sale to be covered into the state treasury. The
 45 supervisors shall thereupon file an application duly verified, with the sec-
 46 retary of state for the discontinuance of such district, and shall trans-
 47 mit with such application the certificate of the state soil and water con-
 48 servation commission setting forth the determination of the commission that
 49 the continued operation of such district is not administratively practica-
 50 ble and feasible. The application shall recite that the property of the dis-

1 trict has been disposed of and the proceeds paid over as in this section pro-
 2 vided, and shall set forth a full accounting of such properties and proceeds
 3 of the sale. The secretary of state shall issue to the supervisors a certifi-
 4 cate of dissolution and shall record such certificate in an appropriate book
 5 of record in his office.

6 (4) Upon issuance of a certificate of dissolution under the provisions
 7 of this section, all contracts theretofore entered into, to which the dis-
 8 trict or supervisors are parties, shall remain in force and effect for the
 9 period provided in such contracts. The state soil and water conservation
 10 commission shall be substituted for the district or supervisors as party to
 11 such contracts.

12 (5) The state soil and water conservation commission shall not enter-
 13 tain petitions for the discontinuance of any district nor conduct elections
 14 upon such petitions nor make determinations pursuant to such petitions in
 15 accordance with the provisions of this chapter, more often than once in five
 16 (5) years.

17 SECTION 11. That Section 22-2725, Idaho Code, as amended by Section 5,
 18 Chapter 341, Laws of 2009, be, and the same is hereby amended to read as fol-
 19 lows:

20 22-2725. DISCONTINUANCE OF DISTRICTS. (1) At any time after five (5)
 21 years after the organization of a district under the provisions of this chap-
 22 ter, any twenty-five (25) owners of land lying within the boundaries of such
 23 district may file a petition with the state soil and water conservation com-
 24 mission ~~praying~~ requesting that the operations of the district be terminated
 25 and the existence of the district discontinued. The commission may conduct
 26 such public meetings, and public hearings upon such petition as may be neces-
 27 sary to assist it in the consideration thereof. Within sixty (60) days after
 28 such petition has been received by the commission, it shall give due notice
 29 to the county clerk of the holding of an election, subject to the provisions
 30 of section 34-106, Idaho Code, and the county clerk shall supervise the elec-
 31 tion, and issue appropriate regulations governing such election as are con-
 32 sistent with chapter 14, title 34, Idaho Code, the question to be submitted
 33 by ballots upon which the words "For terminating the existence of the . . .
 34 (name of the soil conservation district to be here inserted)" shall appear,
 35 with a square before each proposition and a direction to mark the ballot as
 36 the voter may favor or oppose discontinuance of such district. All qualified
 37 electors who reside within the proposed district shall be eligible to vote
 38 in said election. No informalities in the conduct of the election or in any
 39 matters relating thereto shall invalidate the election or the result thereof
 40 if notice thereof shall have been given substantially as herein provided and
 41 the election shall have been fairly conducted.

42 (2) The commission shall publish the result of the election and shall
 43 thereafter consider and determine whether the continued operation of the
 44 district within the defined boundaries is administratively practicable and
 45 feasible. If the commission ~~shall~~ determines that the continued operation
 46 of such district is administratively practicable and feasible, it shall
 47 record such determination and deny ~~this the~~ the petition. If the commission
 48 ~~shall~~ determines that the continued operation of such district is not admin-
 49 istratively practicable and feasible, it shall record such determination

1 and shall certify such determination to the supervisors of the district. In
 2 making such determination the commission shall give due regard and weight to
 3 the attitudes of the owners of lands lying within the district, the number
 4 of residents eligible to vote in the election who shall have voted, the
 5 proportion of the votes cast in the election in favor of the discontinuance
 6 of the district to the total number of votes cast, the approximate wealth and
 7 income of the landowners of the district, the probable expense of carrying
 8 on such erosion-control operations within such district, and such other
 9 economic and social factors as may be relevant to such determination, having
 10 due regard to the legislative findings set forth in section 22-2716, Idaho
 11 Code, provided, however, that the commission shall not have authority to
 12 determine that the continued operation of the district is administratively
 13 practicable and feasible unless at least a majority of the votes cast in the
 14 election shall have been cast in favor of the continuance of such district.

15 (3) Upon receipt from the state soil and water conservation commission
 16 of a certificate that the commission has determined that the continued op-
 17 eration of the district is not administratively practicable and feasible,
 18 pursuant to the provisions of this section, the supervisors shall forthwith
 19 proceed to terminate the affairs of the district. The supervisors shall dis-
 20 pose of all property belonging to the district at public auction and shall
 21 pay over the proceeds of such sale to be covered into the state treasury. The
 22 supervisors shall thereupon file an application duly verified, with the sec-
 23 retary of state for the discontinuance of such district, and shall trans-
 24 mit with such application the certificate of the state soil and water con-
 25 servation commission setting forth the determination of the commission that
 26 the continued operation of such district is not administratively practica-
 27 ble and feasible. The application shall recite that the property of the dis-
 28 trict has been disposed of and the proceeds paid over as in this section pro-
 29 vided, and shall set forth a full accounting of such properties and proceeds
 30 of the sale. The secretary of state shall issue to the supervisors a certifi-
 31 cate of dissolution and shall record such certificate in an appropriate book
 32 of record in his office.

33 (4) Upon issuance of a certificate of dissolution under the provisions
 34 of this section, all contracts theretofore entered into, to which the dis-
 35 trict or supervisors are parties, shall remain in force and effect for the
 36 period provided in such contracts. The state soil and water conservation
 37 commission shall be substituted for the district or supervisors as party to
 38 such contracts.

39 (5) The state soil and water conservation commission shall not enter-
 40 tain petitions for the discontinuance of any district nor conduct elections
 41 upon such petitions nor make determinations pursuant to such petitions in
 42 accordance with the provisions of this chapter, more often than once in five
 43 (5) years.

44 SECTION 12. That Section 22-2727, Idaho Code, be, and the same is hereby
 45 amended to read as follows:

46 22-2727. ALLOCATION OF FUNDS TO DISTRICTS. (1) A public hearing shall
 47 be held by the ~~Idaho~~ state soil and water conservation commission on or
 48 before June 15 of each year and twenty (20) days' written notice of such
 49 hearing shall be given to each ~~Idaho~~ soil conservation district and to all

1 other persons requesting notice of such hearing. At the hearing the ~~Idaho~~
 2 state soil and water conservation commission shall consider the needs of
 3 each ~~Idaho~~ soil conservation district and shall base its request for state
 4 funds for the ~~Idaho~~ soil conservation districts upon the budgets, budget
 5 requests, district programs and work plans, and work load analysis of the
 6 various soil conservation districts.

7 (2) All funds appropriated by the state for the various ~~Idaho~~ soil con-
 8 servation districts shall be appropriated to the Idaho state soil and water
 9 conservation commission and shall be allocated by the commission equally to
 10 the various ~~Idaho~~ soil conservation districts on the basis of the criteria
 11 established in ~~the preceding paragraph~~ subsection (1) of this section.

12 (3) Funds appropriated to the ~~Idaho state soil and water~~ conservation
 13 commission for distribution to soil conservation districts shall be allo-
 14 cated by the commission equally to the various soil conservation districts
 15 in a sum not to exceed five eight thousand five hundred dollars (\$~~58,0500~~)
 16 per district. All funds appropriated to the state soil and water conserva-
 17 tion commission for distribution to soil conservation districts in excess
 18 of five eight thousand five hundred dollars (\$~~58,0500~~) per district shall be
 19 allocated by the commission to the various soil conservation districts in a
 20 sum not to exceed twice the amount of funds or services allocated to each dis-
 21 trict by the county commissioners in the previous fiscal year and funds or
 22 services allocated to each district by authorized officials or other local
 23 units of government or organizations in the previous fiscal year, provided
 24 that any such allocation by the commission shall not exceed fifty thousand
 25 dollars (\$50,000) to any one (1) district in a fiscal year.

26 (4) The ~~Idaho state soil and water~~ conservation commission shall adopt
 27 ~~all rules and regulations~~ necessary to carry out the purposes of this sec-
 28 tion.

29 SECTION 13. That Section 22-2730, Idaho Code, be, and the same is hereby
 30 amended to read as follows:

31 22-2730. RESOURCE CONSERVATION AND RANGELAND DEVELOPMENT FUND CRE-
 32 ATED. (1) There is hereby created in the state treasury a fund to be known as
 33 the Idaho resource conservation and rangeland development fund, which shall
 34 consist of all moneys which may be appropriated to it by the legislature or
 35 made available to it from federal, private, or other sources. The state
 36 treasurer is directed to invest all unobligated moneys in the fund. All
 37 interest and other income accruing from such investments shall accrue to
 38 the fund. The state soil and water conservation commission may expend from
 39 the fund such sums as it shall deem necessary for any of the conservation
 40 improvements, projects and programs provided for under this chapter under
 41 such terms and conditions provided for in ~~its~~ the commission's rules and the
 42 water quality program for agriculture.

43 (2) The state soil and water conservation commission shall establish a
 44 priority list for conservation improvements, projects and the water quality
 45 program for agriculture. The priority list shall be used as the method for
 46 allocation of funds loaned under this chapter.

47 SECTION 14. That Section 22-2731, Idaho Code, be, and the same is hereby
 48 amended to read as follows:

1 22-2731. ALLOCATION OF FUND. The Idaho resource conservation and
2 rangeland development fund shall be allocated for use by the state soil and
3 water conservation commission:

4 (1) ~~By the state soil conservation commission~~ To eligible applicants
5 for conservation improvements which it deems to be "in the public interest"
6 in such amounts as are necessary for the implementation of conservation mea-
7 sures identified in a conservation plan;

8 (2) ~~By the commission~~ To eligible applicants for the purpose of
9 conservation improvements on rangelands, agricultural lands, and ripar-
10 ian lands, which will provide environmental enhancement to soil, water,
11 wildlife, and related resources;

12 (3) ~~By the commission~~ For the purpose of implementing conservation im-
13 provements, projects and the water quality program for agriculture.

14 SECTION 15. That Section 22-2732, Idaho Code, be, and the same is hereby
15 amended to read as follows:

16 22-2732. LOANS FROM FUND -- APPLICATION -- APPROVAL -- REPAYMENT. ~~(a)~~
17 Eligible applicants may file an application with the local soil conservation
18 district or the state soil and water conservation commission for a loan from
19 the fund for the purpose of financing conservation improvement cost. Such
20 application shall be filed in such a manner, and shall be in such form, and be
21 accompanied by such information as may be prescribed by the commission. Any
22 such application filed with the district or the commission under the provi-
23 sions of this ~~act~~ chapter shall:

24 ~~(1a)~~ Describe the nature and purposes of the improvements or projects;

25 ~~(2b)~~ Set forth or be accompanied by a conservation plan approved by the
26 local soil conservation district or the commission that identifies the
27 conservation improvements, or projects, together with such technical
28 and economic feasibility data and estimated costs as may be required by
29 the commission;

30 ~~(3c)~~ State whether money other than that for which application is made
31 under this ~~act~~ chapter will be used for improvement costs, and whether
32 such money is available or has been sought for this purpose;

33 ~~(4d)~~ Show that the applicant holds or can acquire title to all lands or
34 has necessary easements and rights-of-way for the improvements; and

35 ~~(5e)~~ Show the proposed project is feasible from a technical standpoint
36 and economically justified.

37 ~~(b2)~~ The local soil conservation districts and the commission shall
38 keep each other informed of applications received. Within sixty (60) days
39 of receipt of an application, the local soil conservation district or the
40 commission shall review and evaluate, and if it deems necessary, investigate
41 aspects of the proposed improvements. As part of such investigation, the
42 district or the commission shall determine whether the plan for development
43 of the conservation improvements is satisfactory. If the district or the
44 commission determines the plan is unsatisfactory, it shall return the appli-
45 cation to the applicant and may make such recommendations to the applicant
46 as are considered necessary to make the plan satisfactory. If the district
47 or the commission determines the plan and application are satisfactory, it
48 shall be considered for funding.

1 (~~e~~3) The commission may approve a loan for conservation improvements if
2 after review, evaluation, and investigation if necessary, it finds that:

3 (~~1~~a) The applicant is qualified and responsible;

4 (~~2~~b) There is reasonable assurance that the borrower can repay the
5 loan; and

6 (~~3~~c) That money in the resource conservation and rangeland development
7 fund is available for the loan.

8 (~~4~~) If the commission approves a loan, the applicant shall execute a
9 promissory note for repayment to the account of money loaned therefrom, to-
10 gether with interest not to exceed six percent (6%) annually as determined by
11 the commission. The note shall further provide that repayment of the loan,
12 together with interest thereon, shall commence not later than two (2) full
13 years from the date the note is signed. Repayment shall be completed within
14 the time period specified by the commission not to exceed fifteen (15) years,
15 except that the commission may extend the time for making repayment in event
16 of emergency or hardship. Such agreement shall also provide for such assur-
17 ance of, and security for, repayment of the loan as are considered necessary
18 by the commission.

19 (~~e~~5) Upon approval of the loan and securing all necessary documents,
20 the commission will make available, in approved form, project or contract
21 funding.

22 (~~f~~6) If an applicant fails to comply with the repayment contract, the
23 interest in the improvement may be conveyed to a successor upon approval by
24 the commission, which may contract with the qualified successor in inter-
25 est of the original obligor for repayment of the loan, together with interest
26 thereon, and for succession to its rights and obligation in any contract with
27 the commission.

28 SECTION 16. That Section 22-2733, Idaho Code, be, and the same is hereby
29 amended to read as follows:

30 22-2733. GRANTS FROM STATE SOIL AND WATER CONSERVATION COMMISSION
31 GENERAL FUND -- APPLICATION -- APPROVAL -- GRANT AGREEMENT. (1) Eligible
32 applicants or participants may file an application with the local soil
33 conservation district or the state soil and water conservation commission
34 for a grant from the state soil and water conservation commission general
35 fund for the purpose of financing conservation improvements, projects, and
36 implementation of the water quality program for agriculture. Such
37 application shall be filed in such a manner and shall be in such form, and
38 be accompanied by such information as may be prescribed by the commission;
39 provided, however, ~~that~~ any such application filed with the district or the
40 commission under the provisions of this section shall:

41 (a) Describe the nature and purpose of the improvements or conservation
42 plan implementation project; ;

43 (b) Set forth or be accompanied by an improvement project plan approved
44 by the local soil conservation district or the commission that iden-
45 tifies the practices to be applied, together with such technical and
46 economic feasibility data and estimated costs as may be required by the
47 commission; ;

48 (c) State whether money other than that for which application is made
49 under this section will be used for improvement project or conservation

1 plan implementation costs, and whether such money is available or has
2 been sought for this purpose~~;~~ and

3 (d) Show that the applicant or participant holds or can acquire title to
4 all lands or has necessary easements and rights-of-way to implement the
5 project plan.

6 (2) The commission and local soil conservation district will keep each
7 other informed of grant applications received. Within thirty (30) days
8 of receipt of an application, the local soil conservation district or the
9 commission shall review and evaluate and, if deemed necessary, investigate
10 all aspects of the proposed improvement, project or conservation plan. As
11 part of such investigation, the district or the commission shall determine
12 whether the project plan is satisfactory. If the district or the commission
13 determines that the plan is unsatisfactory, it shall return the application
14 to the applicant or participant and the district or the commission may make
15 such recommendations to the applicant or participant as are considered
16 necessary to make the plan satisfactory. If the commission determines
17 either the plan or a plan revised pursuant to recommendation of the district
18 or commission is satisfactory, it shall be considered for funding.

19 (3) The commission may approve a grant if after review, evaluation~~;~~ and
20 investigation if necessary, it finds that:

21 (a) The applicant or participant is qualified and responsible;

22 (b) The improvement, project~~;~~ or conservation plan demonstrates public
23 benefits; and

24 (c) That money in the state soil and water conservation commission gen-
25 eral fund is available for the grant.

26 (4) If the commission approves a grant, the applicant or participant
27 shall enter into an agreement covering the grant offer and acceptance of the
28 grant for implementing the improvement, project~~;~~ or conservation plan. The
29 agreement shall be improvement, project~~;~~ or conservation plan specific. The
30 terms and conditions shall be those specified by the commission.

31 (5) Upon approval of the grant and securing all necessary documents,
32 the commission will make available, in the approved form, project or con-
33 tract funding.

34 SECTION 17. That Section 22-2734, Idaho Code, be, and the same is hereby
35 amended to read as follows:

36 22-2734. COST-SHARE FROM STATE SOIL AND WATER CONSERVATION COMMISSION
37 GENERAL FUND -- APPLICATION -- APPROVAL. (1) Eligible applicants or partic-
38 ipants may file an application with the local soil conservation district or
39 the state soil and water conservation commission for a cost-share contract
40 or project from the state soil and water conservation commission general
41 fund for the purpose of financing agricultural, grazing or other conserva-
42 tion improvements, projects or implementation of the water quality program
43 for agriculture. Such application shall be filed in such a manner and shall
44 be in such form and be accompanied by such information as may be prescribed by
45 the commission; provided however, ~~that~~ any such application filed with the
46 district or the commission under the provisions of this section shall:

47 (a) Describe the nature and purposes of the improvements and projects
48 requiring cost-sharing;

1 (b) Set forth or be accompanied by a plan that identifies the con-
 2 servation improvements or projects, together with such technical and
 3 economic feasibility data and estimated costs as may be required by the
 4 commission;

5 (c) State whether money other than that for which application is made
 6 under this section will be used for costs, and whether such money is
 7 available or has been sought for this purpose; and

8 (d) Show the proposed project is feasible from a technical standpoint
 9 and is economically justified.

10 (2) The commission and the local soil conservation district will keep
 11 each other informed of cost-share applications received. Within thirty (30)
 12 days of receipt of an application, the local soil conservation district or
 13 the commission shall review and evaluate and, if deemed necessary, investi-
 14 gate all aspects of the proposed contract or project. As part of such in-
 15 vestigation, the district or the commission shall determine whether the plan
 16 for development of the conservation improvements or projects is satisfac-
 17 tory. If the district or the commission determines the plan is unsatisfac-
 18 tory, it shall return the application to the applicant or participant and the
 19 district or the commission may make such recommendations to the applicant
 20 or participant as are considered necessary to make the application satis-
 21 factory. When the commission determines either the application or an appli-
 22 cation revised pursuant to recommendation of the district or commission is
 23 satisfactory, it shall be considered for funding.

24 (3) The commission may approve a cost-share contract to an applicant
 25 or participant for conservation projects and improvements if, after review,
 26 evaluation and investigation, it finds that:

27 (a) The applicant or participant is qualified and responsible;

28 (b) The conservation improvement or project demonstrates public bene-
 29 fit;

30 (c) There is reasonable assurance that the applicant or participant
 31 will adhere to contract terms; and

32 (d) Money is available in the state soil and water conservation commis-
 33 sion general fund for cost-share.

34 (4) Upon approval of the cost-share contract or cost-share grant, and
 35 securing of all necessary documents, the commission will make funding avail-
 36 able.

37 SECTION 18. That Section 22-2735, Idaho Code, be, and the same is hereby
 38 amended to read as follows:

39 22-2735. PAYMENTS BY THE STATE SOIL AND WATER CONSERVATION COMMISSION
 40 -- RULES -- APPROVAL OF ATTORNEY GENERAL -- AUDIT OF PAYMENTS. (1) The com-
 41 mission may make payments not to exceed the estimated reasonable cost of an
 42 eligible improvement, project, or plan.

43 (2) The commission may, in the name of the state of Idaho, enter into
 44 contracts with approved applicants, and any such approved applicants may en-
 45 ter into a contract with the commission concerning eligible improvements,
 46 projects or plans. Any such contract may include such provisions as may be
 47 agreed upon by the parties thereto, and shall include, in substance, the fol-
 48 lowing provisions:

1 (a) An estimate of the reasonable cost of the improvements, projects,
2 or plans as determined by the commission;

3 (b) The terms under which the commission may unilaterally terminate the
4 contract and/or seek repayment from the ~~application~~ applicant of sums
5 already paid pursuant to the contract for noncompliance by the appli-
6 cant with the terms and conditions of the contract and the provisions of
7 this chapter;

8 (c) An agreement by the applicant binding for the life of the eligible
9 improvements, projects or plans:

10 (i) To develop water quality plans for landowners and provide
11 payments to landowners for installation of best management prac-
12 tices;

13 (ii) To determine payment rates in conjunction with the commis-
14 sion for best management practices;

15 (iii) To establish a method for administration and provisions for
16 technical assistance to landowners in conjunction with the com-
17 mission;

18 (iv) To allow the state to make payments up to the estimated rea-
19 sonable cost for best management practices installation, techni-
20 cal assistance and project administration of an eligible project;

21 (v) To develop and to secure the approval of the commission of
22 plans for operation of the eligible project;

23 (vi) To ensure that the local matching share of the cost is pro-
24 vided as applicable;

25 (vii) To assure an adequate level of landowner participation and
26 application of best management practices to ensure water quality
27 goals are met.

28 (3) The commission may enter into contracts to provide technical as-
29 sistance to applicants that have entered agreements pursuant to this chap-
30 ter. Any such contract may include such provisions agreed upon by the par-
31 ties thereto, and shall include, in substance, the following provisions:

32 (a) An estimate of the reasonable cost of technical assistance;

33 (b) The terms under which the commission may unilaterally terminate the
34 contract, and/or seek repayment of sums paid pursuant to the contract,
35 for noncompliance by the applicants with the terms and conditions of
36 the contract, the provisions of this chapter, or rules adopted pursuant
37 thereto.

38 (4) The commission may enter into contracts and establish procedures to
39 be followed in applying for eligible improvements, projects and plans herein
40 authorized as shall be necessary for the effective administration of the wa-
41 ter quality program for agriculture.

42 (5) All contracts entered into pursuant to this section shall be sub-
43 ject to approval by the attorney general as to form. All payments by the
44 state pursuant to such contracts shall be made after audit and upon warrant
45 as provided by law on vouchers approved by the ~~the director~~ chairman and the
46 administrator of the ~~department of agriculture~~ commission.

47 (6) All grant agreements and contracts previously entered into with the
48 state board of health and welfare, soil conservation districts and the com-
49 mission pursuant to section 39-3627, Idaho Code, for payments and adminis-

1 tration are now to be administered and payments implemented solely by the
2 commission.

3 SECTION 19. That Section 22-5201, Idaho Code, be, and the same is hereby
4 amended to read as follows:

5 22-5201. LEGISLATIVE INTENT. Increasing levels of carbon dioxide and
6 other greenhouse gases in the atmosphere have led to growing interest in
7 national and international forums for implementing measures to slow and
8 reverse the buildup of such atmospheric constituents. Such measures may
9 potentially include the establishment of systems of trading in credits for
10 adoption of practices, technologies or other measures which decrease net
11 emissions of carbon dioxide. Improved agricultural and timber production
12 methods, soil and forest conservation practices and other methods of stew-
13 ardsip of soil and other land resources have great potential to increase
14 carbon sequestration on agricultural and private forest lands and help
15 offset carbon dioxide emissions from other sectors of the economy. It is
16 in the interest of agricultural producers, nonindustrial private forest
17 landowners and the public in general that the Idaho state soil and water
18 conservation commission document and quantify carbon sequestration and
19 greenhouse emissions reductions associated with agricultural and forestry
20 practices, management systems and land uses occurring on cropland, forest
21 land and rangeland in Idaho. It is the intent of the legislature that efforts
22 to quantify and verify carbon sequestration on agricultural and forest lands
23 will enhance the ability of the state's agricultural and nonindustrial pri-
24 vate forest landowners to participate in any system of carbon sequestration
25 marketing or trading.

26 SECTION 20. That Section 22-5202, Idaho Code, be, and the same is hereby
27 amended to read as follows:

28 22-5202. CARBON SEQUESTRATION ADVISORY COMMITTEE CREATED -- MEMBER-
29 SHIP -- COMPENSATION -- ADMINISTRATIVE ASSISTANCE. (1) The carbon seques-
30 tration advisory committee is hereby created. The committee shall consist
31 of the following nineteen (19) members, to be appointed by and serve at the
32 pleasure of the governor:

- 33 (a) The chairman of the Idaho state soil and water conserva-
34 tion or his designee;
35 (b) The director of the department of agriculture or his designee;
36 (c) The director of the department of environmental quality or his de-
37 signee;
38 (d) The director of the department of lands or his designee;
39 (e) One (1) member representing the University of Idaho college of
40 agriculture;
41 (f) One (1) member representing an entity which generates electrical
42 energy;
43 (g) Two (2) members who are producers of field crops, at least one (1) of
44 whom actively employs a minimum tillage management system in his farm-
45 ing operation;
46 (h) Two (2) members who are producers of livestock, at least one (1) of
47 whom is actively involved in implementing a rangeland improvement plan;

1 (i) One (1) member with expertise in carbon sequestration marketing or
2 trading;

3 (j) One (1) member representing soil conservation districts, as de-
4 fined in section 22-2717, Idaho Code;

5 (k) One (1) member representing the biofuels industry;

6 (l) One (1) member representing the transportation industry;

7 (m) One (1) member representing an environmental protection or conser-
8 vation organization;

9 (n) One (1) member representing nonindustrial private forest landown-
10 ers;

11 (o) One (1) member representing American Indian tribal interests;

12 (p) One (1) member whose expertise is geology; and

13 (q) One (1) member whose expertise is economics.

14 (2) Members of the committee shall be compensated as provided in sec-
15 tion 59-509(b), Idaho Code.

16 (3) The Idaho state soil and water conservation commission shall as-
17 sist the committee with administrative support as reasonably requested by
18 the committee.

19 SECTION 21. That Section 22-5203, Idaho Code, be, and the same is hereby
20 amended to read as follows:

21 22-5203. POWERS AND DUTIES OF THE CARBON SEQUESTRATION ADVISORY COM-
22 MITTEE. The carbon sequestration advisory committee may:

23 (1) Advise and assist the chairman of the Idaho state soil and water
24 conservation commission in preparing the reports required by this chapter
25 and in conducting the assessment pursuant to section 22-5205, Idaho Code;

26 (2) Recommend policies or programs to enhance the ability of Idaho
27 agricultural and nonindustrial private forest landowners to participate in
28 systems of carbon trading. Such recommendations shall include potential
29 policies or programs designed to optimize economic benefits to agricultural
30 producers and nonindustrial private forest landowners participating in
31 carbon trading transactions. Such policies or programs may include, but are
32 not limited to, identifying existing or the potential of creating nonprofit
33 organizations or other public or private entities capable of serving as
34 assemblers of carbon credits or as intermediaries on behalf of producers in
35 carbon trading systems;

36 (3) Encourage the production of educational and advisory materials re-
37 garding carbon sequestration on agricultural and forest lands and partici-
38 pation in systems of carbon or greenhouse emissions trading;

39 (4) Identify and recommend areas of research needed to better under-
40 stand and quantify the processes of carbon sequestration on agricultural and
41 forest lands; and

42 (5) Review the carbon sequestration programs and policies of other
43 states.

44 SECTION 22. That Section 22-5205, Idaho Code, be, and the same is hereby
45 amended to read as follows:

46 22-5205. POWERS AND DUTIES OF THE CHAIRMAN. (1) In consultation with
47 the carbon sequestration advisory committee, the chairman of the Idaho

1 state soil and water conservation commission shall assess agricultural
2 and private forest lands in Idaho for past carbon sequestration and future
3 carbon sequestration potential. The assessment shall seek to quantify
4 carbon sequestration associated with various agricultural and forestry
5 practices, management systems and land uses occurring on agricultural and
6 forest lands in this state. On or before March 1, 2003, the chairman shall
7 publish a report of the findings. From time to time, the chairman may update
8 the findings as advancements in understanding of the processes of carbon
9 sequestration and new data become available.

10 (2) The assessment shall be conducted in a manner that shall provide a
11 means for owners of agricultural and forest land to estimate past and future
12 net carbon sequestration resulting from agricultural and forestry prac-
13 tices, conservation measures, management systems and land uses occurring on
14 their property. The chairman of the Idaho state soil and water conservation
15 commission may contract and cooperate with the natural resources conser-
16 vation service of the United States department of agriculture to conduct
17 assessment activities provided for in this section.

18 (3) The Idaho state soil and water conservation commission may apply
19 for and accept grants, gifts or other sources of public and private funds to
20 carry out the purposes of this chapter.

21 SECTION 23. That Section 22-5206, Idaho Code, be, and the same is hereby
22 amended to read as follows:

23 22-5206. CARBON SEQUESTRATION ASSESSMENT FUND CREATED. There is
24 hereby created and established in the state treasury a fund to be known as
25 the "Carbon Sequestration Assessment Fund," which shall consist of such
26 funds, grants, donations or moneys from other sources. The fund shall be
27 administered by the Idaho state soil and water conservation commission in
28 order to carry out the purposes of this chapter. Moneys in the fund may be
29 expended pursuant to appropriation. Any interest earned on the investment
30 of idle moneys in the fund shall be returned to the fund.

31 SECTION 24. That Section 36-2404, Idaho Code, be, and the same is hereby
32 amended to read as follows:

33 36-2404. STATE DELISTING MANAGEMENT PLAN REQUIREMENTS. (1) The
34 delisting advisory team shall develop a state management plan for a species
35 in response to all notification of intent to delist the species by the secre-
36 tary of interior or secretary of commerce or sooner if deemed appropriate.
37 The state management plan shall provide for the management and conservation
38 of the species once it is delisted, and contain sufficient safeguards to
39 protect the health, safety, private property and economic well-being of the
40 citizens of the state of Idaho.

41 (2) The department of fish and game shall provide the delisting advi-
42 sory teams, the informational, technical or other needs and requirements of
43 those teams in the performance of their duties.

44 (3) In developing state delisting management plans, the delisting
45 advisory team shall consult with the appropriate state agencies, commis-
46 sions and boards. The appropriate state agency for wildlife biological
47 and species management issues, and for plant life biological and species

1 management issues is the department of fish and game. The appropriate state
2 agency for timber harvest activities, oil and gas exploration activities
3 and for mining activities is the department of lands. The appropriate state
4 agencies for agricultural activities are the department of agriculture and
5 the Idaho state soil and water conservation commission. The appropriate
6 state agency for public road construction is the transportation department.
7 The appropriate state agency for water rights is the department of water
8 resources. The appropriate state agency for water quality is the department
9 of environmental quality. The appropriate state agency for outfitting and
10 guiding activities is the Idaho outfitters and guides licensing board.

11 SECTION 25. That Section 39-3602, Idaho Code, be, and the same is hereby
12 amended to read as follows:

13 39-3602. DEFINITIONS. Whenever used or referred to in this chapter,
14 unless a different meaning clearly appears from the context, the following
15 terms shall have the following meanings:

16 (1) "Applicable water quality standard" means those water quality
17 standards identified in the rules of the department.

18 (2) "Attainable" beneficial uses means uses that can be achieved by the
19 implementation of required effluent limits for point sources and cost-ef-
20 fective and reasonable best management practices for nonpoint sources.

21 (3) "Best management practice" means practices, techniques or measures
22 developed, or identified, by the designated agency and identified in the
23 state water quality management plan which are determined to be a cost-effec-
24 tive and practicable means of preventing or reducing pollutants generated
25 from nonpoint sources to a level compatible with water quality goals.

26 (4) "Board" means the board of environmental quality.

27 (5) "Control strategies" means cost-effective actions in TMDL imple-
28 mentation plans to control the discharge of pollutants that can reasonably
29 be taken to improve the water quality within the physical, operational, eco-
30 nomic and other constraints that affect individual enterprises and communi-
31 ties.

32 (6) "Department" means the department of environmental quality.

33 (7) "Designated agency" means the department of lands for timber har-
34 vest activities, for oil and gas exploration and development and for mining
35 activities; the soil and water conservation commission for grazing activ-
36 ities and for agricultural activities; the transportation department for
37 public road construction; the department of agriculture for aquaculture;
38 and the department of environmental quality for all other activities.

39 (8) "Designated use or designated beneficial use" means those uses as-
40 signed to waters as identified in the rules of the department whether or not
41 the uses are being attained. The department may adopt subcategories of a
42 use.

43 (9) "Director" means the director of the department of environmental
44 quality, or his or her designee.

45 (10) "Discharge" means any spilling, leaking, emitting, escaping,
46 leaching, or disposing of a pollutant into the waters of the state. For the
47 purposes of this chapter, discharge shall not include surface water runoff
48 from nonpoint sources or natural soil disturbing events.

1 (11) "Existing use" means those surface water uses actually attained on
2 or after November 28, 1975, whether or not they are designated uses. Exist-
3 ing uses may form the basis for subcategories of designated uses.

4 (12) "Full protection, full support, or full maintenance of designated
5 beneficial uses of water" means compliance with those levels of water
6 quality criteria listed in the appropriate rules of the department, or where
7 there is no applicable numerical criteria, compliance with the reference
8 streams or conditions approved by the director in consultation with the
9 appropriate basin advisory group.

10 (13) "Lower water quality" means a measurable adverse change in a chem-
11 ical, physical, or biological parameter of water relevant to a designated
12 beneficial use, and which can be expressed numerically. Measurable adverse
13 change is determined by a statistically significant difference between sam-
14 ple means using standard methods for analysis and statistical interpreta-
15 tion appropriate to the parameter. Statistical significance is defined as
16 the ninety-five percent (95%) confidence limit when significance is not oth-
17 erwise defined for the parameter in standard methods or practices.

18 (14) "National pollutant discharge elimination system (NPDES)" means
19 the point source permitting program established pursuant to section 402 of
20 the federal clean water act.

21 (15) "New nonpoint source activity" means a new nonpoint source ac-
22 tivity or a substantially modified existing nonpoint source activity on or
23 adversely affecting an outstanding resource water which includes, but is
24 not limited to, new silvicultural activities, new mining activities and
25 substantial modifications to an existing mining permit or approved plan,
26 new recreational activities and substantial modifications to existing
27 recreational activities, new residential or commercial development that
28 includes soil disturbing activities, new grazing activities and substantial
29 modifications to existing grazing activities, except that reissuance of
30 existing grazing permits, or grazing activities and practices authorized
31 under an existing permit, is not considered a new activity. It does not
32 include naturally occurring events such as floods, landslides, and wildfire
33 including prescribed natural fire.

34 (16) "Nonpoint source activities" includes grazing, crop production,
35 silviculture, log storage or rafting, construction, mining, recreation,
36 septic systems, runoff from storms and other weather related events and
37 other activities not subject to regulation under the federal national
38 pollutant discharge elimination system. Nonpoint source activities on
39 waters designated as outstanding resource waters do not include issuance of
40 water rights permits or licenses, allocation of water rights, operation of
41 diversions, or impoundments.

42 (17) "Nonpoint source runoff" means water which may carry pollutants
43 from nonpoint source activities into the waters of the state.

44 (18) "Outstanding resource water" means a high quality water, such
45 as water of national and state parks and wildlife refuges and water of
46 exceptional recreational or ecological significance, which has been so
47 designated by the legislature. It constitutes an outstanding national
48 or state resource that requires protection from point source and nonpoint
49 source activities that may lower water quality.

1 (19) "Person" means any individual, association, partnership, firm,
2 joint stock company, joint venture, trust, estate, political subdivision,
3 public or private corporation, state or federal governmental department,
4 agency or instrumentality, or any legal entity, which is recognized by law as
5 the subject of rights and duties.

6 (20) "Point source" means any discernible, confined, and discrete
7 conveyance including, but not limited to, any pipe, ditch, channel, tunnel,
8 conduit, well, discrete fissure, container, rolling stock, concentrated
9 animal feeding operation, or vessel or other floating craft, from which
10 pollutants are, or may be, discharged. This term does not include return
11 flows from irrigated agriculture, discharges from dams and hydroelectric
12 generating facilities or any source or activity considered a nonpoint source
13 by definition.

14 (21) "Pollutant" means dredged spoil, solid waste, incinerator
15 residue, sewage, garbage, sewage sludge, munitions, chemical waste, bi-
16 ological materials, radioactive materials, heat, wrecked or discarded
17 equipment, rock, sand, silt, cellar dirt; and industrial, municipal and
18 agricultural waste, gases entrained in water; or other materials which, when
19 discharged or released to water in excessive quantities cause or contribute
20 to water pollution. Provided however, biological materials shall not
21 include live or occasional dead fish that may accidentally escape into the
22 waters of the state from aquaculture facilities.

23 (22) "Reference stream or condition" means one (1) of the following:

24 (a) The minimum biological, physical and chemical conditions necessary
25 to fully support the designated beneficial uses; or

26 (b) A water body representing natural conditions with few impacts from
27 human activities and which are representative of the highest level of
28 support attainable in the basin; or

29 (c) A water body representing minimum conditions necessary to fully
30 support the designated beneficial uses.

31 In highly mineralized areas or in the absence of such reference streams or
32 water bodies, the director, in consultation with the basin advisory group
33 and the technical advisers to it, may define appropriate hypothetical refer-
34 ence conditions or may use monitoring data specific to the site in question
35 to determine conditions in which the beneficial uses are fully supported.

36 (23) "Short-term or temporary activity" means an activity which is lim-
37 ited in scope and is expected to have only minimal impact on water quality
38 as determined by the director. Short-term or temporary activities include,
39 but are not limited to, maintenance of existing structures, limited road and
40 trail reconstruction, soil stabilization measures, and habitat enhancement
41 structures.

42 (24) "Silviculture" means those activities associated with the regen-
43 eration, growing and harvesting of trees and timber including, but not lim-
44 ited to, disposal of logging slash, preparing sites for new stands of trees
45 to be either planted or allowed to regenerate through natural means, road
46 construction and road maintenance, drainage of surface water which inhibits
47 tree growth or logging operations, fertilization, application of herbicides
48 or pesticides, all logging operations, and all forest management techniques
49 employed to enhance the growth of stands of trees or timber.

1 (25) "Soil and water conservation commission" means an agency of state
2 government as created in section 22-2718, Idaho Code.

3 (26) "Soil conservation district" means an entity of state government
4 as defined in section 22-2717, Idaho Code.

5 (27) "State" means the state of Idaho.

6 (28) "State water quality management plan" means the state management
7 plan developed and updated by the department in accordance with sections
8 205, 208, and 303 of the federal clean water act.

9 (29) "Subbasin assessment" means a document that describes a watershed
10 or watersheds for which a total maximum daily load is proposed, the water
11 quality concerns, the status and attainability of designated uses and wa-
12 ter quality criteria for individual water bodies, the nature and location of
13 pollutant sources, past and ongoing pollutant control activities, and such
14 other information that the director with the advice of the local watershed
15 advisory group determines is pertinent to the analysis of water quality and
16 the development and implementation of a total maximum daily load.

17 (30) "Total maximum daily load (TMDL)" means a plan for a water body
18 not fully supporting designated beneficial uses and includes the sum of the
19 individual wasteload allocations for point sources, load allocations for
20 nonpoint sources, and natural background levels of the pollutant impacting
21 the water body. Pollutant allocations established through TMDLs shall be at
22 a level necessary to implement the applicable water quality standards for
23 the identified pollutants with seasonal variations and a margin of safety to
24 account for uncertainty concerning the relationship between the pollutant
25 loading and water quality standards.

26 (31) "Waters or water body" means all the accumulations of surface wa-
27 ter, natural and artificial, public and private, or parts thereof which are
28 wholly or partially within, flow through or border upon this state. For the
29 purposes of this chapter, water bodies shall not include municipal or indus-
30 trial wastewater treatment or storage structures or private reservoirs, the
31 operation of which has no effect on waters of the state.

32 (32) "Water pollution" is such alteration of the thermal, chemical, bi-
33 ological or radioactive properties of any waters of the state, or such dis-
34 charge or release of any contaminant into the waters of the state as will
35 or is likely to create a nuisance or render such waters harmful or detri-
36 mental or injurious to public health, safety or welfare or to domestic, com-
37 mercial, industrial, recreational, aesthetic or other legitimate uses or to
38 livestock, wild animals, birds, fish or other aquatic life.

39 (33) "Water quality standards" are the designated uses of a water
40 body and water quality criteria necessary to support those uses, and an
41 antidegradation policy.

42 (34) "Watersheds" means the land area from which water flows into a
43 stream or other body of water which drains the area. For the purposes of this
44 chapter, the area of watersheds shall be recommended by the basin advisory
45 group described in section 39-3613, Idaho Code.

46 SECTION 26. That Section 39-6407, Idaho Code, be, and the same is hereby
47 amended to read as follows:

48 39-6407. TECHNICAL ADVISORY GROUP. To assist in its objectives, the
49 council shall create a technical advisory group which may include the desig-

1 nated representatives of the public health district, city and county plan-
 2 ning or engineering departments, ~~D~~department of ~~E~~environmental ~~Q~~quality,
 3 ~~D~~department of ~~L~~lands, ~~D~~department of ~~F~~fish and ~~G~~game, ~~D~~department of
 4 ~~P~~arks and ~~R~~ecreation, ~~D~~department of ~~W~~water ~~R~~esources, ~~S~~state ~~S~~oil
 5 and water ~~C~~onservation ~~C~~ommission, United States ~~F~~orest ~~S~~ervice,
 6 United States ~~B~~ureau of ~~L~~and ~~M~~anagement, United States ~~A~~rmy ~~C~~orps of
 7 ~~E~~ngineers, United States ~~A~~gricultural ~~C~~onservation and ~~S~~tabilization
 8 ~~S~~ervices, United States ~~E~~nvironmental ~~P~~rotection ~~A~~gency, United States
 9 ~~G~~eological ~~S~~urvey or any one (1) or more of said agencies and such rep-
 10 resentatives of agriculture, conservation, forest products, sportsmen
 11 and mining interests as may be appointed by the county. Indian tribes may
 12 nominate a representative for the technical advisory group to the county for
 13 appointment to the group. Members shall serve without state compensation
 14 except such normal compensation received by members who are state employees
 15 serving in the normal course and scope of their employment.

16 SECTION 27. That Section 39-6609, Idaho Code, be, and the same is hereby
 17 amended to read as follows:

18 39-6609. TECHNICAL COMMITTEE. To assist in the development of its
 19 program, the council shall create a technical committee which may include,
 20 but is not exclusively limited to, designated representatives of the public
 21 health district, city and county planning or engineering departments, the
 22 county planning and zoning commission, the McCall water and sewer district,
 23 department of environmental quality, department of lands, department of
 24 fish and game, department of parks and recreation, department of water
 25 resources, state soil and water conservation commission, United States
 26 forest service, United States army corps of engineers, United States
 27 agricultural conservation and stabilization services, United States ~~soil~~
 28 natural resources conservation service, United States geological survey,
 29 United States environmental protection agency and representatives proposed
 30 by interests in agriculture, environmental protection, forest products,
 31 sporting and mining. Indian tribes may nominate a representative for the
 32 technical committee. Members shall serve without state compensation except
 33 such normal compensation received by members who are state, city, county,
 34 district or federal employees serving in the normal course and scope of their
 35 employment.

36 SECTION 28. That Section 42-3703, Idaho Code, be, and the same is hereby
 37 amended to read as follows:

38 42-3703. DEFINITIONS. Whenever used or referred to in this act, unless
 39 a different meaning clearly appears from the context, the following terms
 40 shall have the following meanings:

41 1. "District" or "watershed improvement district" means a governmental
 42 subdivision of this state and a public body corporate and politic organized
 43 in accordance with the provisions of this act for the purposes, with the pow-
 44 ers, and subject to the restrictions hereinafter set forth.

45 2. "Director" means one (1) of the members of the governing body of a
 46 district elected or appointed in accordance with the provisions of this act.

1 3. "Commission" or "state soil and water conservation commission"
2 means the agency created in section 22-2718, Idaho Code.

3 4. "Petition" means a petition filed under the provisions of section
4 42-3705, Idaho Code, for the creation of a district.

5 5. "Nominating petition" means a petition filed under the provisions of
6 section 42-3706, Idaho Code, to nominate a candidate for the office of direc-
7 tor of a watershed improvement district.

8 6. "State" means the state of Idaho.

9 7. "Landowner" includes any person, firm or corporation who shall hold
10 title to any lands lying within a district organized under the provisions of
11 this act. A contract purchaser who is occupying the land shall be construed
12 as a landowner.

13 8. "Qualified elector" means any natural person residing within the
14 boundaries of the state of Idaho, owning land within the boundaries of the
15 district, and qualified under the laws of this state to vote in an election
16 by the people.

17 SECTION 29. That Section 42-3705, Idaho Code, be, and the same is hereby
18 amended to read as follows:

19 42-3705. CREATION OF WATERSHED IMPROVEMENT DISTRICTS. Any fifteen
20 (15) owners of land lying within the limits of the territory proposed to be
21 organized into a watershed improvement district may file a petition with
22 the state soil and water conservation commission asking that a watershed
23 improvement district be organized to function in the territory described
24 in the petition. In the event that there are less than fifteen (15) persons
25 owning land lying within the limits of the territory proposed to be organized
26 into a district, then and in that case such petition will be deemed suffi-
27 cient if it contains the signatures of two-thirds (2/3) of the owners of land
28 and representing two-thirds (2/3) of the acreage of land lying within the
29 limits of the said territory. Such petition shall set forth:

30 1. A description of the territory proposed to be organized as a water-
31 shed improvement district, which description shall be deemed sufficient if
32 generally accurate.

33 2. That there is need, in the interest of the public health, safety, and
34 general welfare for a watershed improvement district to function in the ter-
35 ritory described in the petition.

36 3. The proposed name of said district.

37 4. A request that the state soil and water conservation commission duly
38 define the boundaries for such district; that an election be held within the
39 territory so defined on the question of the creation of a watershed improve-
40 ment district in such territory.

41 After such petition has been filed with the state soil and water con-
42 servation commission it shall be the duty of the commission to define by
43 metes and bounds or by legal subdivisions the boundaries of such proposed
44 district, and to hold an election, subject to the provisions of section
45 34-106, Idaho Code, within the proposed district upon the proposition of
46 the creation of the district, and to cause notice of such election to be
47 given. The question shall be submitted by ballots upon which the words "For
48 creation of a watershed improvement district of the lands below described
49 and lying in the county(ies) of, and" and "Against creation

1 of a watershed improvement district of the lands below described and lying
 2 in the county(ies) of , and " shall appear with a square before
 3 each proposition and a direction to insert an X mark in the square before one
 4 or the other of said propositions as the voter may favor or oppose creation
 5 of such district. The ballot shall set forth the boundaries of such proposed
 6 district as determined by the state soil and water conservation commission.

7 All qualified electors who own land within the proposed district shall
 8 be eligible to vote in the election.

9 The state soil and water conservation commission shall pay all expenses
 10 of, and supervise the conduct of, such election. The commission shall con-
 11 duct the election as provided in chapter 14, title 34, Idaho Code. No in-
 12 formality in the conduct of such election or in any matter relating thereto
 13 shall invalidate said election or the result thereof if notice thereof shall
 14 have been given substantially as herein provided, and said election shall
 15 have been fairly conducted.

16 If the election shall result in a majority of votes being cast in favor
 17 of the creation of such proposed district the state soil and water conserva-
 18 tion commission shall proceed with the organization of the district in the
 19 manner hereinafter provided, to wit:

20 1. The state soil and water conservation commission shall appoint one
 21 (1) director to act with the two (2) directors elected as hereinafter pro-
 22 vided, which said directors shall be the governing body of the district.

23 2. The state soil and water conservation commission shall present to
 24 the secretary of state a certificate stating:

25 (a) That a petition for the creation of said district was filed with the
 26 state soil and water conservation commission.

27 (b) The name and residence of the directors appointed by said commis-
 28 sion.

29 (c) The name which is proposed for said district.

30 (d) That an election on such petition was held, and that the majority of
 31 votes cast in said election favored the formation of the district.

32 The secretary of state shall receive, file and record said certificate
 33 of the state soil and water conservation commission, and when said certifi-
 34 cate shall be filed and recorded the district shall constitute a governmen-
 35 tal subdivision of this state and a public body corporate and politic. The
 36 secretary of state shall make and issue to the said directors a certificate
 37 of the due organization of the said district.

38 SECTION 30. That Section 42-3706, Idaho Code, be, and the same is hereby
 39 amended to read as follows:

40 42-3706. ELECTION OF DISTRICT DIRECTORS. After the date of issuance of
 41 the secretary of state of a certificate of organization of a watershed im-
 42 provement district nominating petitions may be filed with the state soil and
 43 water conservation commission to nominate candidates for directors of such
 44 district. The state soil and water conservation commission shall give no-
 45 tice of an election to be held, subject to the provisions of section 34-106,
 46 Idaho Code, for the election of two (2) directors for the district. The names
 47 of all nominees on behalf of whom such nominating petitions have been filed
 48 in the manner provided in section 34-1404, Idaho Code, shall appear arranged
 49 in the alphabetical order of the surnames upon ballots with a square before

1 each name, and direction to insert an X mark in the square before any two (2)
 2 names to designate the voter's preference. All qualified electors who own
 3 land or reside within the proposed district shall be eligible to vote in said
 4 election. The two (2) candidates who shall receive the largest number re-
 5 spectively of the votes cast in such election shall be elected for such dis-
 6 trict. The state soil and water conservation commission shall pay all the
 7 expenses of such election, supervise the conduct thereof, and publish the
 8 results thereof in accordance with the provisions of chapter 14, title 34,
 9 Idaho Code. All elections in existing districts following the first elec-
 10 tion shall be conducted by the district directors of the district involved
 11 who shall give notice of such elections and who shall bear the cost thereof.

12 In any election for director, if after the deadline for filing a decla-
 13 ration of intent as a write-in candidate, it appears that the number of qual-
 14 ified candidates who have been nominated for director positions is equal to
 15 the number of directors to be elected, it shall not be necessary for the can-
 16 didates to stand for election, and the board of directors shall declare such
 17 candidates elected as directors, and the secretary of the district shall im-
 18 mediately make and deliver to such persons certificates of election.

19 SECTION 31. That Section 42-3707, Idaho Code, be, and the same is hereby
 20 amended to read as follows:

21 42-3707. APPOINTMENT, QUALIFICATIONS AND TENURE OF DIRECTORS. The
 22 governing body of the district shall consist of three (3) directors elected
 23 or appointed as provided hereinabove. The director appointed by the commis-
 24 sion shall be an owner of land within the district and shall be a person who
 25 by training and experience is qualified to perform the specialized service
 26 which will be required in the performance of his duties hereunder. The term
 27 of office of each director shall be four (4) years, except that the director
 28 first appointed by the state soil and water conservation commission shall be
 29 designated to serve for a term of two (2) years from the date of his appoint-
 30 ment. A director shall hold office until his successor has been elected or
 31 appointed, and has qualified. Vacancies shall be filled for an unexpired
 32 term by a majority of the directors duly qualified and acting at the time the
 33 vacancy shall arise. A majority of the directors shall constitute a quorum
 34 and the concurrence of a majority in any matter within their duties shall be
 35 required for its determination. A director shall receive no compensation
 36 for his service, but shall be entitled to expenses, including traveling
 37 expenses necessarily incurred in the discharge of his duties.

38 The directors may employ a secretary, technical experts, and such other
 39 employees, permanent and temporary, as they may require, and shall deter-
 40 mine their qualifications, duties, and compensation. The directors may em-
 41 ploy their own counsel and legal staff. The directors may delegate to their
 42 chairman, to one (1) or more directors, or to agents or employees such pow-
 43 ers and duties as they may deem proper and necessary. The directors shall
 44 furnish to the state soil and water conservation commission, upon request,
 45 copies of such documents or other information concerning ~~their~~ the direc-
 46 tors' activities as said commission may require in the performance of its du-
 47 ties under this ~~act~~ chapter. The directors shall provide for the keeping of
 48 a record of all proceedings, resolutions, regulations and orders issued or
 49 adopted; shall provide for an annual audit of its accounts, and shall provide

1 for the execution of surety bonds by any employee or officer who shall be en-
2 trusted with funds or property of the district.

3 SECTION 32. That Section 42-3717, Idaho Code, be, and the same is hereby
4 amended to read as follows:

5 42-3717. DISCONTINUANCE OF DISTRICTS. At any time after three (3)
6 years after the organization of a district under the provisions of this chap-
7 ter any twenty-five (25) qualified electors or owners of land lying within
8 the boundaries of such district or, if less than twenty-five (25) owners of
9 land or qualified electors reside within the boundaries of such district
10 it would be deemed sufficient if two-thirds (2/3) of the resident group,
11 may file a petition with the state soil and water conservation commission
12 ~~praying requesting~~ that the operations of the district be terminated and
13 the existence of the district discontinued. After such petition has been
14 received by the state soil and water conservation commission it shall give
15 notice of the holding of an election, subject to the provisions of section
16 34-106, Idaho Code, which the said commission shall supervise and govern
17 the conduct in accordance with the provisions of chapter 14, title 34, Idaho
18 Code. The question to be submitted by ballots upon which the words "For
19 terminating the existence of the (name of the watershed improvement district
20 to be here inserted)" and "Against terminating the existence of the (name of
21 the watershed improvement district to be inserted here)" shall appear with
22 a square before each proposition, and a direction to insert an X mark in the
23 square before one or the other of said propositions as the voter may favor
24 or oppose discontinuance of such district. All qualified electors who own
25 land or reside within the proposed district shall be eligible to vote in said
26 election. No informality in the conduct of such election or in any matters
27 relating thereto shall invalidate said election or the result thereof if
28 notice thereof shall have been given as herein provided, and said election
29 shall have been fairly conducted.

30 The state soil and water conservation commission shall certify the re-
31 sult of such election to the directors of the district. If the state soil
32 and water conservation commission shall certify that a majority of the votes
33 cast in said election favor the discontinuance of the existence of the dis-
34 trict, the directors of the district shall forthwith proceed to terminate
35 the affairs of the district. Any moneys remaining in the treasury of said
36 district following the winding up of the affairs of the district shall be
37 paid by the directors into the state treasury. The directors shall file an
38 application duly verified with the secretary of state for the discontinu-
39 ance of such district which shall recite that the affairs of the district
40 have been wound up, and shall set forth a full accounting of the winding up
41 of the affairs of said district. The secretary of state shall issue to the
42 directors a certificate of dissolution, and shall record said certificate in
43 his office.

44 The state soil and water conservation commission shall not entertain
45 petitions for the discontinuance of any district nor conduct elections upon
46 such petitions more often than once in three (3) years.

47 SECTION 33. That Section 67-818, Idaho Code, be, and the same is hereby
48 amended to read as follows:

1 67-818. COORDINATION OF POLICY AND PROGRAMS RELATED TO THREATENED
2 SPECIES AND ENDANGERED SPECIES IN IDAHO. (1) There is hereby created in
3 the office of the governor, the "Office of Species Conservation." The
4 administrator of the office of species conservation shall be the official in
5 the state designated to oversee implementation of federal recovery plans,
6 as provided in 16 U.S.C. section 1533(f), and to fulfill the duties provided
7 by this section. The administrator shall be appointed by, and serve at the
8 pleasure of, the governor and shall be subject to confirmation by the state
9 senate.

10 (2) The duties of the office of species conservation shall include:

11 (a) Coordination of all state departments and divisions with duties and
12 responsibilities affecting endangered species, threatened species,
13 candidate species, species petitioned to be listed, and rare and de-
14 clining species as defined in section 36-2401, Idaho Code;

15 (b) Coordinating state implementation and response to federal recovery
16 plans, biological opinions, guidance and projects among all state and
17 local governments in the state of Idaho;

18 (c) Participation in regional efforts to cooperatively address endan-
19 gered species, threatened species, candidate and petitioned species,
20 and rare and declining species;

21 (d) Providing input and comment to federal and state agencies, and
22 tribes on issues relating to endangered species, threatened species,
23 candidate and petitioned species, and rare and declining species;

24 (e) Cooperating and consulting with the department of fish and game,
25 the department of lands, the department of water resources, the de-
26 partment of agriculture, and the department of parks and recreation
27 regarding agreements pursuant to 16 U.S.C. section 1533, 16 U.S.C.
28 section 1535 and 16 U.S.C. section 1539;

29 (f) Negotiating agreements with federal agencies concerning endan-
30 gered species, threatened species, candidate species, petitioned
31 species, and rare and declining species including, but not limited to,
32 agreements pursuant to 16 U.S.C. section 1533(d) and 16 U.S.C. section
33 1539(a), other than those agreements negotiated pursuant to 16 U.S.C.
34 section 1535;

35 (g) Providing the people of the state of Idaho with an ombudsman who can
36 listen to citizens being harmed or hindered by the regulations of the
37 ESA and direct them to the appropriate state or federal agency and/or
38 speak on their behalf, as deemed appropriate by the ombudsman, to ad-
39 dress issues or concerns related to the ESA;

40 (h) Serve as a repository for agreements and plans among governmental
41 entities in the state of Idaho for the conservation of rare and declin-
42 ing species, petitioned, candidate, threatened and endangered species.

43 (3) State policy and management plans developed pursuant to this sec-
44 tion shall be developed in accordance with the following subsections:

45 (a) State policy on rare and declining, petitioned, candidat-
46 ed, and endangered species and state management plans shall be
47 developed in consultation with the appropriate state agencies. The ap-
48 propriate state agency for wildlife and plant management issues is the
49 department of fish and game. The appropriate state agency for timber
50 harvest activities, oil and gas exploration activities and for mining

1 activities is the department of lands. The appropriate state agencies
2 for agricultural activities are the department of agriculture and the
3 Idaho state soil and water conservation commission. The appropriate
4 state agency for public road construction is the transportation depart-
5 ment. The appropriate state agency for water rights is the department
6 of water resources. The appropriate state agency for water quality
7 is the department of environmental quality. The appropriate state
8 agency for outfitting and guiding activities is the Idaho outfitters
9 and guides licensing board;

10 (b) State management plans shall be the policy of the state of Idaho,
11 but are subject to legislative approval, amendment or rejection by con-
12 current resolution. State management plans shall be subject to public
13 notice and comment but shall not be subject to judicial review.

14 (4) The governor's office of species conservation shall prepare a re-
15 port to the legislature recommending a plan to develop state conservation
16 assessments and strategies for rare and declining species in the state of
17 Idaho and submit that report and recommendation to the legislature. The re-
18 port and recommendation are subject to legislative approval, amendment or
19 rejection by concurrent resolution.

20 (5) No provision of this section shall be interpreted as to supersede,
21 abrogate, injure or create rights to divert or store water and apply water to
22 beneficial uses established under section 3, article XV of the constitution
23 of the state of Idaho, and title 42, Idaho Code.