

MINUTES
HOUSE RESOURCES & CONSERVATION COMMITTEE

DATE: Monday, March 25, 2013

TIME: 1:30 p.m. or Upon Adjournment

PLACE: Room EW40

MEMBERS: Chairman Denney, Vice Chairman Gibbs, Representatives Wood(35), Barrett, Moyle, Eskridge, Raybould, Andrus, Shepherd, Wood(27), Boyle, Vander Woude, Gestrin, Miller, Anderson(1), Pence, Erpelding, Ward-Engelking

**ABSENT/
EXCUSED:** Rep. Boyle

GUESTS: Gary Spackman, IDWR

Chairman Denney called the meeting to order at 1:34 p.m.

MOTION: **Rep. Erpelding** made a motion to approve the minutes of March 11, 2013. **Motion carried by voice vote.**

S 1155: **Rep. Raybould**, who served as treasurer for a water district for several years, spoke on behalf of **Norm Semanko**. He said the employees of a water district office are state employees who have not had a raise in a few years, and that makes it hard to retain quality people. He read on page 2 of the bill: "Notwithstanding any personnel classification assigned to the watermaster, and assistants pursuant to the provisions of Chapter 53, Title 67, Idaho Code, the water users shall, prior to the election of such watermaster and approval of the employment of assistants, fix the compensation to be paid them during the time actually engaged in the performance of their duties." He said prior to the election of such watermaster, the water users shall fix the compensation paid them while actually doing their duties. He said they would reimburse a portion of the watermasters' salary and would allow the Committee of Nine to approve a budget for the assistants to the watermasters.

In answer to questions, **Rep. Raybould** said these are salaried people and if it is in the budget, the watermaster would get a raise, but only with approval of the Committee of Nine. He said the PERSI contribution is taken out of their wages, the employee contributes a portion and the water district contributes a portion, so the employer contribution would be covered. He said they set wages just for their district and as State employees they qualify for health care. He said they are setting these wages just for their district. He said all canal companies are set up this way.

Rep. Moyle stated this sets a precedent, so he will be voting no.

Mr. Norm Semanko, Idaho Water Users Association, clarified it is written in the code that water users set the salary. He said it is classified as a State employee position as it is stated in the Memorandum of Understanding.

MOTION: **Rep. Gibbs** made a motion to send **S 1155** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Reps. Eskridge, Moyle, Vander Woude, and Wood(27)** requested to be recorded as voting **NAY**. **Rep. Raybould** will sponsor the bill on the floor.

S 1156: **Mr. Semanko** stated this Legislation will authorize the owners of the land within an irrigation district whose land is served by that irrigation district with water rights to the land to partition the irrigation district into separate irrigation districts in order to preserve the agricultural uses of the district lands. It will provide for continuation of the irrigation of those lands and to set forth guidelines for ownership and operation of irrigation works between the newly partitioned irrigation districts. He said there would be a proposal, a notice in the paper, and a hearing. He stated it provides a process where otherwise there wouldn't be one. He said this is a situation where the water users own the water rights.

In answer to questions, **Mr. Semanko** said this is not an attempt to split the irrigation district. He said the vast majority of the landowners are urban and Nampa is the single largest customer of the Nampa Meridian Irrigation District. He said they made a conscious decision to serve urban Idaho. He said Nampa Meridian Irrigation District could not participate in this legislation because the statute would not apply. It is tailored for the situation in the Big Wood. He said they don't know of another district in the State that it would apply to. He said it excludes Bureau of Reclamation irrigation water.

MOTION: **Rep. Pence** made a motion to send **S 1156** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Pence** will sponsor the bill on the floor.

S 1157: **Mr. Semanko** said this Legislation is a housekeeping bill, and will specifically provide that certain limited liability companies (LLC) shall have the same rights and privileges in the conduct of irrigation district business as do natural persons. It will provide revisions relating to voting and otherwise acting in regard to irrigation district business by corporations, limited liability companies, partnerships and trusts. He said written designation is required for certain entities to show authorization to vote or act for the entity under specified conditions and to revise provisions relating to the authority of spouses, and provisions relating to certain restrictions on voting.

In response to questions, **Mr. Semanko** said you have to own land in the district, trust, or limited liability corporation in order to vote. He said if the LLC is based outside the district but they have property in the district, the residency is determined by the residency of the designated voter for the LLC.

MOTION: **Rep. Wood(35)** made a motion to send **S 1157** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Wood(35)** will sponsor the bill on the floor.

ADJOURN: There being no further business to come before the Committee, the meeting was adjourned at 2:10 p.m.

Representative Denney
Chair

Rosee Winder
Secretary