

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 133

BY APPROPRIATIONS COMMITTEE

AN ACT

1 RELATING TO THE SOIL AND WATER CONSERVATION COMMISSION; AMENDING SECTION  
2 22-2718, IDAHO CODE, TO REQUIRE AUDITS BY THE LEGISLATIVE AUDITOR; AND  
3 AMENDING SECTION 67-450D, IDAHO CODE, TO REMOVE THE SOIL AND WATER CON-  
4 SERVATION COMMISSION FROM THE REQUIREMENT OF AN INDEPENDENT FINANCIAL  
5 AUDIT AND TO MAKE TECHNICAL CORRECTIONS; DECLARING AN EMERGENCY AND  
6 PROVIDING RETROACTIVE APPLICATION.  
7

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

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

11 22-2718. IDAHO STATE SOIL AND WATER CONSERVATION COMMISSION. (1)  
12 There is hereby established and created in the department of agriculture of  
13 the state of Idaho the Idaho state soil and water conservation commission  
14 which shall perform all functions conferred upon it by this chapter and shall  
15 be a nonregulatory agency. The commission shall consist of five (5) members  
16 appointed by the governor. In appointing commission members, the governor  
17 shall give consideration to geographic representation. Commission members  
18 shall be chosen with due regard to their demonstrated expertise including,  
19 but not limited to, knowledge of and interest in water quality and other  
20 natural resource issues, production agriculture, banking or other similar  
21 financial experience or experience as a county commissioner. The soil and  
22 water conservation districts may submit to the governor a list of up to three  
23 (3) names for each vacancy on the commission and the governor may, in his  
24 discretion, consider any such submission in the appointment of commission  
25 members. The term of office of each commission member shall be five (5)  
26 years; except that upon July 1, 2010, the governor shall appoint one (1)  
27 member for a term of one (1) year, one (1) member for a term of two (2) years,  
28 one (1) member for a term of three (3) years, one (1) member for a term of four  
29 (4) years and one (1) member for a term of five (5) years. From and after the  
30 initial appointment the governor shall appoint a member of the commission to  
31 serve in office for a term of five (5) years commencing upon July 1 of that  
32 year. A vacancy which occurs in an unexpired term shall be filled for its re-  
33 mainder by the governor's appointment. Each vacancy on the commission shall  
34 be filled by appointment by the governor. Such appointments shall be con-  
35 firmed by the senate. Commission members shall serve at the pleasure of the  
36 governor. The commission may invite the state conservationist of the United  
37 States department of agriculture natural resources conservation service, a  
38 representative from a district or districts and the dean of the college of  
39 agriculture of the university of Idaho or his designated representative,  
40 or any other person or entity as the commission deems appropriate, to serve  
41 as nonvoting advisory members of the commission. The commission shall keep  
42 a record of its official actions, shall adopt a seal, which seal shall be

1 judicially noticed, and may perform such acts, hold such public hearings and  
2 promulgate such rules as may be necessary for the execution of its functions  
3 under this chapter.

4 (2) The state soil and water conservation commission shall appoint  
5 the administrator of the state soil and water conservation commission. The  
6 state soil and water conservation commission may employ such technical ex-  
7 perts and such other agents and employees, permanent and temporary, as it  
8 may require, and shall determine their qualifications, duties and compen-  
9 sation. The commission may call upon the attorney general of the state for  
10 such legal services as it may require. It shall have authority to delegate to  
11 its chairman, to one (1) or more of its members, or to one (1) or more agents  
12 or employees, such powers and duties as it may deem proper. The commission  
13 may establish offices, incur expenses, enter into contracts and acquire  
14 services and personal property as may be reasonable for the proper adminis-  
15 tration and enforcement of this chapter. Upon request of the commission, for  
16 the purpose of carrying out any of its functions, the supervising officer of  
17 any state agency, or of any state institution of learning, shall insofar as  
18 may be possible under available appropriation, and having due regard to the  
19 needs of the agency to which the request is directed, assign or detail to the  
20 commission members of the staff or personnel of such agency or institution of  
21 learning, and make such special reports, surveys or studies as the commis-  
22 sion may request.

23 (3) The commission shall designate its chairman, and may from time to  
24 time, change such designation. A majority of the commission shall consti-  
25 tute a quorum and the concurrency of a majority in any matter within their  
26 duties shall be required for its determination. The chairman and members of  
27 the commission shall be compensated as provided by section 59-509(h), Idaho  
28 Code. The commission shall provide for the execution of surety bonds for  
29 all employees and officers who shall be entrusted with funds or property;  
30 shall provide for the keeping of a full and accurate record of all proceed-  
31 ings and of all resolutions, and orders issued or adopted; and shall provide  
32 for an ~~annual audit~~ periodic management review of the accounts of receipts  
33 and disbursements as determined by the legislative auditor pursuant to sec-  
34 tion 67-702, Idaho Code.

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

38 (a) To offer such assistance as may be appropriate to the supervisors of  
39 soil conservation districts in the carrying out of any of their powers  
40 and programs.

41 (b) To keep the supervisors of each of the several soil conservation  
42 districts informed of the activities and experience of all other soil  
43 conservation districts and to facilitate an interchange of advice and  
44 experience between such districts and cooperation between them.

45 (c) To coordinate the progress of the several soil conservation dis-  
46 tricts so far as this may be done by advice and consultation.

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

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

4 (f) To provide for the establishment and encouragement of the "Idaho  
5 OnePlan" as a primary computer-based conservation planning process for  
6 all natural resource concerns. Establishment and encouragement will  
7 be accomplished through an executive group and steering committee both  
8 containing private, state and federal representation. The information  
9 provided by those using the "Idaho OnePlan" shall be deemed to be trade  
10 secrets, production records or other proprietary information and shall  
11 be kept confidential and shall be exempt from disclosure pursuant to  
12 section 74-107, Idaho Code.

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

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

23 (b) The commission shall assist and advise soil conservation districts  
24 and other entities in implementing the conservation improvements,  
25 projects and the water quality program for agriculture. To the extent  
26 that there are available general funds, the commission shall provide  
27 for grants and cost-share opportunities and, as legislatively desig-  
28 nated, utilize the resource conservation and rangeland development  
29 fund for loans for conservation improvements. Provided however, that  
30 the commission shall determine whether general or resource conserva-  
31 tion and rangeland development funds are available before approving any  
32 conservation improvements, projects and cost-share opportunities and,  
33 after having made such determination, shall enter into the necessary  
34 contracts for implementation;

35 (c) The commission shall be the agency responsible for the administra-  
36 tion of funds accruing to the resource conservation and rangeland de-  
37 velopment fund and for all general funds appropriated as a separate and  
38 distinct action of the legislature to implement the powers, functions  
39 and duties of soil conservation districts and the commission;

40 (d) On or before March 1 of each year, the commission shall report to the  
41 senate agricultural affairs committee and the house agricultural af-  
42 fairs committee; and

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

45 SECTION 2. That Section 67-450D, Idaho Code, be, and the same is hereby  
46 amended to read as follows:

47 67-450D. INDEPENDENT FINANCIAL AUDITS -- DESIGNATED ENTI-  
48 TIES. (1) Notwithstanding any other provisions of the Idaho Code relating  
49 to audit requirements regarding the entities hereinafter designated,

1 beginning on July 1, 2010, the requirements set forth in this section shall  
2 constitute the minimum audit requirements for the following entities:

3 Alfalfa and clover seed commission;  
4 Idaho apple commission;  
5 Idaho barley commission;  
6 Idaho bean commission;  
7 Idaho beef council;  
8 Idaho cherry commission;  
9 Idaho dairy products commission;  
10 Idaho food quality assurance institute;  
11 Idaho forest products commission;  
12 Idaho grape growers and wine producers commission;  
13 Idaho honey commission;  
14 Idaho hop grower's commission;  
15 Idaho mint commission;  
16 Idaho oilseed commission;  
17 Idaho pea and lentil commission;  
18 Idaho potato commission;  
19 Idaho rangeland resources commission;  
20 ~~Soil and water conservation commission;~~  
21 Idaho wheat commission.

22 (2) The minimum requirements for any audit performed under the provi-  
23 sions of this section are:

24 (a) Any entity whose annual expenditures (from all sources) exceed two  
25 hundred fifty thousand dollars (\$250,000) shall cause a full and com-  
26 plete audit of its financial statements to be made each fiscal year.

27 (b) Any entity whose annual expenditures (from all sources) exceed  
28 one hundred thousand dollars (\$100,000), but do not exceed two hundred  
29 fifty thousand dollars (\$250,000), in the current year shall have an  
30 annual audit or may elect to have its financial statements audited on  
31 a biennial basis. The first year that expenditures exceed one hundred  
32 thousand dollars (\$100,000) is the first year of the biennial audit  
33 period. The designated entity may continue the biennial audit cycle in  
34 subsequent years as long as the entity's annual expenditures during the  
35 first year of the biennial audit period do not exceed two hundred fifty  
36 thousand dollars (\$250,000). In the event that annual expenditures ex-  
37 ceed two hundred fifty thousand dollars (\$250,000) in the current year  
38 following a year in which a biennial audit was completed, the designated  
39 entity shall complete an annual audit. In the event that annual expen-  
40 ditures in the current year do not exceed one hundred thousand dollars  
41 (\$100,000) following a year in which an annual or biennial audit was  
42 completed, the designated entity has no minimum audit requirement.

43 (c) Any entity whose annual expenditures (from all sources) do not ex-  
44 ceed one hundred thousand dollars (\$100,000) has no minimum audit re-  
45 quirements under the provisions of this section.

46 (d) Federal audit requirements applicable because of expenditure of  
47 federal assistance supersede the minimum audit requirements provided  
48 in this section.

49 (3) All moneys received or expended by the entities identified in sub-  
50 section (1) of this section shall be audited as specified in subsection (2)

1 of this section by a certified public accountant designated by the entity,  
2 who shall furnish a copy of such audit to the director of the legislative ser-  
3 vices office and to the senate agricultural affairs committee and the house  
4 of representatives agricultural affairs committee. The audit shall be com-  
5 pleted within ninety (90) days following the close of the commission's fis-  
6 cal year.

7 (4) Any entity identified in subsection (1) of this section that is not  
8 audited pursuant to the provisions of this section shall submit an unaudited  
9 annual statement of revenues, expenditures and fund balances to the director  
10 of the legislative services office, to the senate agricultural affairs com-  
11 mittee and the house of representatives agricultural affairs committee, to  
12 the state controller and to the division of financial management.

13 (5) The right is reserved to the state of Idaho to audit the funds of the  
14 entities identified in this section at any time.

15 SECTION 3. An emergency existing therefor, which emergency is hereby  
16 declared to exist, this act shall be in full force and effect on and after its  
17 passage and approval, and retroactively to July 1, 2012.