

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 140

BY RESOURCES AND CONSERVATION COMMITTEE

AN ACT

1 RELATING TO THE COMPREHENSIVE STATE WATER PLAN; AMENDING SECTION 42-1734B,
2 IDAHO CODE, TO REVISE PROVISIONS REGARDING NOTICE BY THE BOARD TO LEG-
3 ISLATIVE MEMBERS OF ADOPTED CHANGES TO THE PLAN.
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5 Be It Enacted by the Legislature of the State of Idaho:

6 SECTION 1. That Section 42-1734B, Idaho Code, be, and the same is hereby
7 amended to read as follows:

8 42-1734B. BOARD PROCEDURES FOR ADOPTING A COMPREHENSIVE STATE WATER
9 PLAN. (1) Prior to the adoption of the comprehensive state water plan or any
10 component of the comprehensive plan, the board shall conduct hearings in the
11 manner provided in section 42-1734A, Idaho Code.

12 (2) In the preparation, adoption, and implementation of the comprehen-
13 sive state water plan, the board shall encourage the cooperation, partici-
14 pation, and assistance of state agencies. The board also shall solicit eco-
15 nomic, energy, environmental, and other technical studies and recommenda-
16 tions from state agencies with particular expertise. All agencies of the
17 state of Idaho shall cooperate with the board by providing requested exist-
18 ing information and studies pertaining in any manner to any matters which are
19 the subject of this act. The board shall have discretion to balance all fac-
20 tors relevant to the formulation, adoption and implementation of the compre-
21 hensive state water plan and implementation and the designation of protected
22 rivers.

23 (3) Any state agency may petition the board to amend the comprehensive
24 state water plan. The board shall review any petition filed pursuant to this
25 section within six (6) months after it is filed and shall either commence ac-
26 tion to amend the comprehensive plan or set forth its reasons for denying the
27 request in writing.

28 (4) All state agencies shall exercise their duties in a manner consis-
29 tent with the comprehensive state water plan. These duties include but are
30 not limited to the issuance of permits, licenses, and certifications; pro-
31 vided, however, that nothing in this chapter shall be construed to affect the
32 authority of any state agency with respect to activities not prohibited by
33 the comprehensive state water plan. The designation of a waterway as a natu-
34 ral or recreation river shall not preclude the department of health and wel-
35 fare from establishing water quality standards for such waterway.

36 (5) When a comprehensive state water plan is adopted, copies thereof
37 shall be filed in the office of the governor and director of the department of
38 water resources, and published and distributed generally.

39 (6) The comprehensive state water plan and any component thereof devel-
40 oped for a particular waterway or waterways is subject to review and amend-
41 ment by the legislature of the state of Idaho by law at the regular session

1 immediately following the board's adoption of the comprehensive state water
2 plan or component thereof.

3 (7) The board shall submit all subsequent ~~modifications~~ changes to the
4 legislature ~~in the same manner~~ as provided in ~~this subsection~~ section 7, ar-
5 article XV, of the constitution of the state of Idaho. The board shall also use
6 best efforts to provide notice of all subsequent changes to each member of
7 the legislature on or before the first day of the regular legislative session
8 following the change.

9 (78) The board shall review and reevaluate Part A of the comprehensive
10 state water plan, or any one (1) or more of the component water plans com-
11 prising Part B of the comprehensive state water plan, upon the adoption of a
12 concurrent resolution of the legislature directing the review or requesting
13 a specific amendment to the plan. The board also may undertake the review in
14 response to a petition for amendment filed pursuant to subsection (3) of this
15 section, or upon the board's own initiative, as determined necessary by the
16 board. Amendments to Part A or Part B of the comprehensive state water plan
17 shall be adopted in the same manner as the original plan.

18 (89) A protected river designated by the board shall not become a fi-
19 nal part of the comprehensive state water plan until approved by law. If
20 the legislature does not approve a protected river by law at the regular ses-
21 sion immediately following the board's designation of such protected river,
22 then the designation of such protected river shall terminate and any prohi-
23 bition or terms and conditions imposed on such protected river pursuant to
24 subsection (5) or (6) of section 42-1734A, Idaho Code, shall be terminated
25 ten (10) days following the end of the session. The failure to approve a pro-
26 tected river shall not operate to invalidate a comprehensive plan or com-
27 ponent thereof. Nothing in this subsection shall prevent the legislature,
28 however, from approving such protected river and reinstating or modifying
29 such prohibitions or terms and conditions in a subsequent session.

30 (910) After adoption of a comprehensive plan or component thereof, the
31 board shall administer the implementation of the plan.