

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 285

BY APPROPRIATIONS COMMITTEE

AN ACT

1  
2 RELATING TO THE APPROPRIATION TO THE DEPARTMENT OF WATER RESOURCES FOR FIS-  
3 CAL YEAR 2019; APPROPRIATING AND TRANSFERRING MONEYS FROM THE GENERAL  
4 FUND TO THE WATER MANAGEMENT ACCOUNT FOR FISCAL YEAR 2019; AMENDING  
5 SECTION 42-1760, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE WATER  
6 MANAGEMENT ACCOUNT; APPROPRIATING AND TRANSFERRING MONEYS FROM THE  
7 GENERAL FUND TO THE WATER MANAGEMENT ACCOUNT FOR FLOOD MANAGEMENT FOR  
8 FISCAL YEAR 2019; PROVIDING REQUIREMENTS REGARDING WATER QUALITY MONI-  
9 TORING; PROVIDING REQUIREMENTS REGARDING PROJECT PRIORITIZATION; AND  
10 DECLARING AN EMERGENCY.

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

12 SECTION 1. There is hereby appropriated to the Department of Water Re-  
13 sources and the State Controller shall transfer \$20,000,000 from the General  
14 Fund to the Water Management Account as soon as practicable for the period  
15 July 1, 2018, through June 30, 2019.

16 SECTION 2. That Section 42-1760, Idaho Code, be, and the same is hereby  
17 amended to read as follows:

18 42-1760. WATER MANAGEMENT ACCOUNT. (1) There is hereby created and es-  
19 tablished in the trust and agency fund the water management account. All  
20 moneys in the account are appropriated continuously to the water resource  
21 board to be used and administered by it for the purposes specified in sub-  
22 section (2) of this section, and shall not be subject to the provisions of  
23 the standard appropriations act of 1945 or section 67-3516, Idaho Code. The  
24 state treasurer shall invest the idle moneys of the account, and the interest  
25 earned on such investments shall be retained by the account.

26 (2) The board may expend, loan or grant moneys from the water manage-  
27 ment account for new water projects or the rehabilitation of existing water  
28 projects limited to the following purposes: reclamation, upstream storage,  
29 offstream storage, aquifer recharge, reservoir site acquisition and protec-  
30 tion, water supply, water quality, recreation, and water resource studies,  
31 including feasibility studies for qualifying projects. The board shall have  
32 the authority to determine which water projects are undertaken pursuant to  
33 this section.

34 (a) Expenditures may be made from the account to provide public mon-  
35 eys for participation in any project constructed with funds from the wa-  
36 ter resource board revolving development account provided by section  
37 42-1756, Idaho Code.

38 (b) Grants and loans may be made by the board from the account for any  
39 project in the public interest for the projects authorized by this sec-  
40 tion; no single grant shall exceed \$50,000 unless legislative approval  
41 has been obtained.

1       (c) Expenditures may be made from the account for the costs of the fol-  
 2 lowing large water infrastructure projects:

3           (i) Costs associated with the construction of a raise of Anderson  
 4 ranch dam, located on the south fork of the Boise river;

5           (ii) Costs associated with the Mountain Home air force base water  
 6 delivery and treatment systems; and

7           (iii) The enlargement or construction of new or existing surface  
 8 storage reservoirs owned and operated by the United States bureau  
 9 of reclamation or army corps of engineers.

10       (d) The selection of any new large water infrastructure project se-  
 11 lected pursuant to paragraph (c) of this subsection must consider and  
 12 protect existing water rights and consider the effects of such projects  
 13 on other water uses, such as water quality, fish and wildlife, recre-  
 14 ation, and hydropower, that provide economic value, stability, and  
 15 other benefits to the citizens of the state.

16       (3) Any large infrastructure project receiving any portion of the funds  
 17 approved pursuant to subsection (2) (c) of this section shall require that at  
 18 least fifty percent (50%) matching funds be provided by parties other than  
 19 the state. In the event of in-kind contributions, the board shall determine  
 20 the value of the in-kind contribution.

21       (4) On or before the first day of each regular legislative session, the  
 22 board shall submit to the legislature a report of any moneys expended or ob-  
 23 ligated and any work begun and/or completed in the prior or current fiscal  
 24 year on a project selected pursuant to subsection (2) (c) of this section.

25       (35) The director of the department of water resources shall assist the  
 26 board in any way the board deems necessary to fulfill the policy and purpose  
 27 of the water management account, including technical evaluation of proposed  
 28 projects and coordination in state and federal agencies.

29       SECTION 3. CASH TRANSFER FOR FLOOD MANAGEMENT PROGRAM. There is hereby  
 30 appropriated and the State Controller shall transfer \$1,000,000 from the  
 31 General Fund to the Water Management Account created pursuant to Section  
 32 42-1760, Idaho Code, as soon as practicable for water quality data collec-  
 33 tion, monitoring, modeling, flood-damaged stream channel repair, stream  
 34 channel improvement, flood risk reduction, or flood prevention projects.

35       SECTION 4. USES OF THE WATER MANAGEMENT ACCOUNT. Of the moneys appro-  
 36 priated and transferred for the purposes set forth in Section 3 of this act  
 37 for water quality data collection, up to \$200,000 shall be used for moni-  
 38 toring, data collection, modeling, literature review, economic analysis,  
 39 and other forms of data gathering and analysis in the upper Snake/Rock Creek  
 40 subbasin (HUC 17040212, as provided in IDAPA 58.01.02.109.02) in support  
 41 of the nutrient total maximum daily loads (TMDL) objectives. This process  
 42 shall be coordinated with the Department of Environmental Quality and the  
 43 United States Geological Survey. The remaining moneys appropriated and  
 44 transferred in Section 3 of this act for flood prevention and stream repair  
 45 shall be administered by the Idaho Water Resource Board through a compet-  
 46 itive, matching grant process. Notwithstanding the provisions of Section  
 47 42-1760(2) (b), Idaho Code, grants may be larger than \$50,000 at the discre-  
 48 tion of the board.

1           SECTION 5.   PROJECT PRIORITIZATION.  The selection process for the  
2 grants authorized in Section 4 of this act for flood prevention and stream  
3 repair shall require the availability of fifty percent (50%) matching funds,  
4 and flood prevention and mitigation projects shall be given priority on  
5 a competitive statewide basis throughout Idaho.  The Department of Water  
6 Resources shall support this competitive grant process using existing per-  
7 sonnel and resources.

8           SECTION 6.  An emergency existing therefor, which emergency is hereby  
9 declared to exist, this act shall be in full force and effect on and after its  
10 passage and approval.