

# HOUSE BILL NO. 110

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~~*This sentence is marked with strikethrough and italic, indicating text to be removed.*~~

## Daily Data Tracking History

H0110aa, aaS.....by STATE AFFAIRS  
PEND OREILLE AND PRIEST LAKES - Adds to existing law to provide for the creation of a Lake Pend Oreille, Pend Oreille River, Priest Lake and Priest River Commission; to provide membership of the commission; and to provide duties of the commission.

01/23 House intro - 1st rdg - to printing

01/24 Rpt prt - to St Aff

02/05 Rpt out - to Gen Ord

02/07 Rpt out amen - to engros

02/10 Rpt engros - 1st rdg - to 2nd rdg as amen

02/11 2nd rdg - to 3rd rdg as amen

02/12 3rd rdg as amen - PASSED - 68-0-2

AYES -- Andersen, Barraclough, Barrett, Bauer, Bedke, Bell, Bieter, Black, Block, Boe, Bolz, Bradford, Campbell, Cannon, Clark, Collins, Crow, Cuddy, Deal, Denney, Douglas, Eberle, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Gagner, Garrett, Harwood, Henbest, Jaquet, Jones, Kellogg, Kulczyk, Lake, Langford, Martinez, McGeachin, McKague, Meyer, Miller, Moyle, Naccarato, Nielsen, Raybould, Ridinger, Ring, Ringo, Roberts, Robison, Rydalch, Sali, Sayler, Schaefer(Schaefer), Shepherd, Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Tilman, Trail, Wills, Wood, Mr. Speaker  
NAYS -- None

Absent and excused -- Langhorst, Mitchell

Floor Sponsors - Campbell & Eskridge

Title apvd - to Senate

02/13 Senate intro - 1st rdg - to Res/Env

03/13 Rpt out - to 14th Ord

03/17 Rpt out amen - to 1st rdg as amen

03/19 1st rdg - to 2nd rdg as amen

03/20 2nd rdg - to 3rd rdg as amen

03/24 3rd rdg as amen- PASSED - 19-12-4

AYES -- Brandt, Bunderson, Burtenshaw, Cameron, Compton, Darrington, Gannon, Geddes, Hill, Keough, Little, Lodge, McKenzie, McWilliams, Noble, Noh, Pearce, Richardson, Stegner

NAYS -- Andreason, Bailey, Burkett, Goedde, Ingram, Kennedy, Malepeai, Marley, Schroeder, Stennett, Sweet, Werk

Absent and excused -- Calabretta, Davis, Sorensen, Williams

Floor Sponsor - Keough

Title apvd - to House

- 03/25 House concurred in Senate amens - to engros
- 03/26 Rpt engros - 1st rdg - to 2nd rdg as amen
- 03/27 2nd rdg - to 3rd rdg as amen
- 03/28 3rd rdg as amen - PASSED - 68-0-2

AYES -- Andersen, Barraclough, Barrett, Bauer, Bedke, Bell, Bieter, Black, Block, Boe, Bolz, Bradford, Campbell, Cannon, Clark, Collins, Crow, Cuddy, Deal, Denney, Douglas, Eberle, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Garrett, Harwood, Henbest(Bray), Jaquet, Jones, Kellogg, Kulczyk, Lake, Langford, Langhorst, Martinez, McGeachin, McKague, Meyer, Miller, Mitchell, Moyle, Nacarrato, Nielsen, Raybould, Ring, Ringo, Roberts, Robison, Rydalch, Sali, Saylor, Schaefer, Shepherd, Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Tilman, Trail, Wills, Wood, Mr. Speaker

NAYS -- None

Absent and excused -- Gagner, Ridinger

Floor Sponsors - Campbell & Eskridge

Title apvd - to enrol

- 03/31 Rpt enrol - Sp signed
- 04/01 Pres signed  
To Governor
- 04/07 Governor signed  
Session Law Chapter 231  
Effective: 07/01/03

### Bill Text

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	LEGISLATURE OF THE STATE OF IDAHO	
Fifty-seventh Legislature	First Regular Session - 2003	

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IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 110

BY STATE AFFAIRS COMMITTEE

AN ACT

1 RELATING TO THE CREATION OF A LAKE PEND OREILLE, PEND OREILLE RIVER, PRIEST  
 2 LAKE AND PRIEST RIVER COMMISSION; AMENDING TITLE 39, IDAHO CODE, BY THE  
 3 ADDITION OF A NEW CHAPTER 84, TITLE 39, IDAHO CODE, TO PROVIDE FOR CRE-  
 4 ATION OF THE LAKE PEND OREILLE, PEND OREILLE RIVER, PRIEST LAKE AND PRIEST  
 5 RIVER COMMISSION, TO PROVIDE MEMBERSHIP, TO PROVIDE DUTIES AND TO ESTAB-  
 6 LISH THE LAKE PEND OREILLE, PEND OREILLE RIVER, PRIEST LAKE AND PRIEST  
 7 RIVER COMMISSION FUND.  
 8

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

10 SECTION 1. That Title 39, Idaho Code, be, and the same is hereby amended  
 11 by the addition thereto of a NEW CHAPTER, to be known and designated as Chap-  
 12 ter 84, Title 39, Idaho Code, and to read as follows:

CHAPTER 84

13 LAKE PEND OREILLE, PEND OREILLE RIVER, PRIEST LAKE AND PRIEST RIVER  
 14 COMMISSION  
 15

16 39-8401. CREATION OF LAKE PEND OREILLE, PEND OREILLE RIVER, PRIEST LAKE  
 17 AND PRIEST RIVER COMMISSION. There is hereby created in the area in and around  
 18 Bonner county, the Lake Pend Oreille, Pend Oreille River, Priest Lake and  
 19 Priest River commission.

20 39-8402. MEMBERSHIP. The commission shall consist of seven (7) members as  
 21 follows: a chairman and four (4) members who shall be residents of the county  
 22 of Bonner and shall be selected by the governor, the regional director of the  
 23 United States fish and wildlife service, and the attorney general of the state  
 24 of Idaho or the attorney general's designee. The governor of the state of Mon-  
 25 tana or the Montana governor's designee shall be an ex officio member of the  
 26 commission. A majority of the commission shall constitute a quorum for the  
 27 transaction of business. The chairman and the four (4) members appointed by  
 28 the governor shall be confirmed by the senate. Members shall be compensated as  
 29 provided in section 59-509(b), Idaho Code.

30 39-8403. DUTIES OF THE COMMISSION. The Lake Pend Oreille, Pend Oreille  
 31 River, Priest Lake and Priest River commission shall have the duty to study,  
 32 investigate and select ways and means of controlling the water quality and  
 33 water quantity as they relate to waters of Lake Pend Oreille, Pend Oreille  
 34 River, Priest Lake and Priest River for the communities' interests and inter-  
 35 ests of the state of Idaho and for the survival of the native species of fish  
 36 contiguous to the Pend Oreille Priest Basin. Those species are bull trout,  
 37 westslope cutthroat, mountain white fish, pike minnow and the forage base for  
 38 bull trout and kokanee salmon. The commission shall have the authority to  
 39 study, investigate, develop and select strategies with the department of water  
 40 resources, the department of environmental quality, the United States fish and

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1 wildlife service, and the U.S. army corps of engineers for the preservation of  
 2 the said species of native fish, scenic beauty, health, recreation, transpor-  
 3 tation and commercial purposes necessary and desirable for all the inhabitants  
 4 of the state. The commission shall also have the authority to receive and  
 5 direct any mitigation moneys into the Lake Pend Oreille, Pend Oreille River,  
 6 Priest Lake and Priest River commission fund created in section 39-8404, Idaho  
 7 Code.

8 39-8404. LAKE PEND OREILLE, PEND OREILLE RIVER, PRIEST LAKE AND PRIEST  
 9 RIVER COMMISSION FUND ESTABLISHED. There is hereby created in the state trea-  
 10 sury the Lake Pend Oreille, Pend Oreille River, Priest Lake and Priest River  
 11 commission fund. Moneys in the fund shall consist of appropriations, federal  
 12 funds, mitigation moneys, donations or moneys of any source. Moneys in the  
 13 fund are perpetually appropriated and may be dispersed for necessary correc-  
 14 tive actions to complete the corrective measures as they pertain to duties of  
 15 the commission created under this chapter. The release of any mitigation funds  
 16 from the fund shall be authorized by the state board of examiners. Moneys in  
 17 the fund may be used to pay the administrative costs of the commission.

## Amendment

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	LEGISLATURE OF THE STATE OF IDAHO	
Fifty-seventh Legislature	First Regular Session - 2003	

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Moved by Campbell

Seconded by Shepherd

IN THE HOUSE OF REPRESENTATIVES  
 HOUSE AMENDMENT TO H.B. NO. 110

1 AMENDMENTS TO SECTION 1

2 On page 1 of the printed bill, in line 30, following "COMMISSION." insert:  
 3 "(1)"; and on page 2, following line 7, insert:



14 LAKE PEND OREILLE, PEND OREILLE RIVER, PRIEST LAKE AND PRIEST RIVER  
15 COMMISSION

16 39-8401. CREATION OF LAKE PEND OREILLE, PEND OREILLE RIVER, PRIEST LAKE  
17 AND PRIEST RIVER COMMISSION. There is hereby created in the area in and around  
18 Bonner county, the Lake Pend Oreille, Pend Oreille River, Priest Lake and  
19 Priest River commission.

20 39-8402. MEMBERSHIP. The commission shall consist of seven (7) members as  
21 follows: a chairman and four (4) members who may be residents of the county of  
22 Bonner and shall be selected by the governor; the regional director of the state  
23 United States fish and wildlife service; and the attorney general of the state  
24 of Idaho or the attorney general's designee. The governor of the state of Mon-  
25 tana or the Montana governor's designee shall be an ex officio member of the  
26 commission. The terms of the members shall be three (3) years with the initial  
27 term to be staggered in terms of one (1), two (2) and three (3) years by the  
28 governor when he makes the appointment. A majority of the commission shall  
29 constitute a quorum for the transaction of business. The chairman and the four  
30 (4) members appointed by the governor shall be confirmed by the senate. Mem-  
31 bers shall be compensated as provided in section 59-509(b), Idaho Code.

32 39-8403. DUTIES OF THE COMMISSION. (1) The Lake Pend Oreille, Pend  
33 Oreille River, Priest Lake and Priest River commission shall have the duty to  
34 study, investigate and select ways and means of controlling the water quality  
35 and water quantity as they relate to waters of Lake Pend Oreille, Pend Oreille  
36 River, Priest Lake and Priest River for the communities' interests and inter-  
37 ests of the state of Idaho and for the survival of the native species of fish  
38 contiguous to the Pend Oreille Priest Basin. Those species are bull trout,  
39 westslope cutthroat, mountain white fish, pike minnow and the forage base for  
40 bull trout and kokanee salmon. The commission shall have the authority to

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1 study, investigate, develop and select strategies with the department of water  
2 resources, the department of environmental quality, the department of fish and  
3 game, the department of lands, the United States fish and wildlife service,  
4 and the U.S. army corps of engineers for the preservation of the said species  
5 of native fish, scenic beauty, health, recreation, transportation and commer-  
6 cial purposes necessary and desirable for all the inhabitants of the state.  
7 The commission shall also have the authority to receive and direct any mitiga-  
8 tion moneys into the Lake Pend Oreille, Pend Oreille River, Priest Lake and  
9 Priest River commission fund created in section 39-8404, Idaho Code.

10 (2) Nothing in this section shall be construed to authorize the commis-  
11 sion to establish or require minimum stream flows or lake levels, which may  
12 only be established under the provisions of chapter 15, title 42, Idaho Code.

13 39-8404. LAKE PEND OREILLE, PEND OREILLE RIVER, PRIEST LAKE AND PRIEST  
14 RIVER COMMISSION FUND ESTABLISHED. There is hereby created in the state trea-  
15 sury the Lake Pend Oreille, Pend Oreille River, Priest Lake and Priest River  
16 commission fund. Moneys in the fund may consist of appropriations, federal  
17 funds, mitigation moneys, donations or moneys of any source. Moneys in the  
18 fund may be dispersed for necessary corrective actions to complete the correc-  
19 tive measures as they pertain to duties of the commission created under this  
20 chapter. The release of any mitigation funds from the fund shall be authorized  
21 by the state board of examiners. Moneys in the fund may be used to pay the  
22 administrative costs of the commission.

## Statement of Purpose / Fiscal Impact

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STATEMENT OF PURPOSE

RS 12544C2

This legislation would amend title 39, Idaho Code, and would add a new chapter designated as chapter 84, title 39, for the purpose of creating an authority that would have oversight for planning and selection of best management plans, as those plans affect water quality, and quantity in the Pend Oreille/Priest River Basin.

## FISCAL IMPACT

There will be no impact on the state general fund.

Sponsor: Rep. John Campbell  
(208)-332-1260  
Co-Sponsor: Sen. Shawn Keough  
(208)-332-1376  
Co-Sponsor: Rep. George Eskridge  
(208)-332-1270

STATEMENT OF PURPOSE/FISCAL NOTE

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