

MINUTES
HOUSE RESOURCES & CONSERVATION COMMITTEE

DATE: Wednesday, February 23, 2022

TIME: 3:00 P.M.

PLACE: Room EW40

MEMBERS: Chairman Gibbs, Vice Chairman Lickley, Representatives Moyle, Wood, Boyle, Vander Woude, Gestrin, Mendive, Kauffman, Blanksma, Addis, Moon, Manwaring, Okuniewicz, Yamamoto, Rubel, Mathias, Burns

**ABSENT/
EXCUSED:** Representative(s) Manwaring

GUESTS: The sign-in sheet will be retained in the committee secretary's office; following the end of the session the sign-in sheet will be filed with the minutes in the Legislative Library.

Chairman Gibbs called the meeting to order at 2:59pm.

MOTION: **Rep. Mathias** made a motion to approve the minutes of the February 15, 2022 meeting. **Motion carried by voice vote.**

Chairman Gibbs welcomed the committee's new Page, **Holly Mebane**, and had her introduce herself.

H 608: **Rep. Blanksma**, District 23, stated **H 608** streamlines the process, for the Idaho Department of Water Resources Director, to declare stockwater rights have been forfeited for failure to put the rights to beneficial use for a term of five years or more.

In response to a committee question regarding the need for this legislation, **Rep. Blanksma** explained the federal government generally does not own livestock; therefore, the stockwater rights they currently hold should be forfeited because they have not used the water for beneficial use for a period of five years or more.

Chairman Gibbs stated, this has been an ongoing issue for years, and this legislation makes forfeiture more difficult so it isn't something that happens routinely, but when it does, there will be a process for the Director to follow before he can declare a water right has been forfeited.

MOTION: **Rep. Okuniewicz** made a motion to send **H 608** to the floor with a **DO PASS** recommendation.

In response to a committee question regarding what happens to a forfeited water right, **Rep. Blanksma** yielded the podium to **Bill Myers**.

Bill Myers, Attorney, Holland and Hart, representing the Office of the Speaker of the House and the Office of the Pro Tem on this issue, stated the general forfeiture statute has been on the books for over 100 years. He explained, if an individual possesses a stockwater right and does not use that right for the beneficial use for which it was allotted, for five or more years, it is subject to forfeiture. He continued, the Legislature has further defined in statute what that forfeiture process means, and **H 608** adds to that process.

Mr. Myers further stated, an individual, the state of Idaho, and the federal government can all hold stockwater rights, but if any stockwater right holder does not show beneficial use for five years or more, that stockwater right is subject to forfeiture. Under the general forfeiture statute, a forfeited water right reverts back to the state, to the Idaho Department of Water Resources, for reallocation to anyone who can show beneficial use and can meet the other requirements for holding a stockwater right.

Wyatt Prescott, Idaho Cattle Association, spoke **in support** of **H 608**, stating this should have been done years ago to clarify the process.

Rep. Lickley declared Rule 80 stating a possible conflict of interest.

VOTE ON MOTION:

Chairman Gibbs called for a vote on the motion to send **H 608** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Blanksma** will sponsor the bill on the floor.

H 672:

Rep. Boyle, District 9, stated **H 672** replaces **H 586** due to a clerical error in drafting the bill. She stated **H 672** amends **Idaho Code, Section 36-1401**, to revise certain Fish and Game provisions regarding violations, and to make them infractions rather than misdemeanors. She commended the Idaho Department of Fish and Game staff for their work on this issue.

MOTION:

Rep. Blanksma made a motion to send **H 672** to the floor with a **DO PASS** recommendation.

Greg Wooten, Chief of Law Enforcement, Idaho Department of Fish and Game, spoke **in support** of **H 672** on behalf of the Idaho Fish and Game Commission. He explained, the review of violations of IDAPA 13 to consider penalties that may be more appropriately classified as infractions included officers, legal counsel, and relevant fisheries and wildlife staff. Staff based consideration of infractions versus misdemeanors on enforcement experience in the field as well as the nature of the violation and similarity of violations currently identified in **Idaho Code, Section 36-1401**.

Benn Brocksome, Idaho Sportsmen Association, spoke **in support** of **H 672**, stating it's good when an officer is able to issue an infraction rather than a misdemeanor when someone makes a mistake while recreating outdoors.

VOTE ON MOTION:

Chairman Gibbs called for a vote on the motion to send **H 672** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Boyle** will sponsor the bill on the floor.

ADJOURN:

There being no further business to come before the committee, the meeting was adjourned at 3:19pm.

Representative Gibbs
Chair

Tracey McDonnell
Secretary