

MINUTES  
**SENATE RESOURCES & ENVIRONMENT COMMITTEE**

**DATE:** Monday, January 22, 2024

**TIME:** 1:30 P.M.

**PLACE:** Room WW55

**MEMBERS PRESENT:** Chairman Burtenshaw, Vice Chairman Adams, Senators Guthrie, Den Hartog, Harris, Okuniewicz, Schroeder, Semmelroth, and Taylor

**ABSENT/ EXCUSED:** None

**NOTE:** The sign-in sheet, testimonies and other related materials will be retained with the minutes in the committee's office until the end of the session and will then be located on file with the minutes in the Legislative Services Library.

**CONVENED:** **Chairman Burtenshaw** called the meeting of the Senate Resources and Environment Committee (Committee) to order at 1:30 p.m.

**RS 30928C1** **Relating to Grazing. Senator Harris** explained **RS 30928C1** allowed certain State grazing leaseholders to apply to the Idaho Department of Lands to convert their grazing lease into a grazing permit, which would allow leaseholders who were good stewards of the land the ability to renew their grazing rights without having to reapply and rebid.

**MOTION:** **Senator Den Hartog** moved that **RS 30928C1** be sent to print. **Senator Schroeder** seconded the motion.

**DISCUSSION:** **Senator Guthrie** asked for the reason this legislation was retroactive to 2019. **Senator Harris** responded that there were certain individuals that went through a federal land exchange in 2019 and this legislation would apply to them retroactively.

**VOICE VOTE:** The motion to send **RS 30928C1** to print carried by **voice vote**.

**PASSED THE GAVEL:** Chairman Burtenshaw then passed the gavel to Vice Chairman Adams.

**Vice Chairman Adams** stated he moved the hearing for **Docket No. 26-0134-2201** to be the first Docket before the Committee, due to the need for discussion regarding changes to **Docket No. 26-0110-2301** and **Docket No. 26-0120-2301**.

**DOCKET NO. 26-0134-2201** **Idaho Protection Against Invasive Species Sticker Rules (ZBR Chapter Repeal) - Temporary and Proposed Rule. Susan Buxton**, Director of the Idaho Department of Parks and Recreation (IDPR), stated this Docket rescinded IDAPA 26.01.34, the Idaho Protection Against Invasive Species Sticker Rule. All rules in this Docket were moved to Idaho Statute, Title 67, Chapter 70 by the Idaho Legislature in the 2023 legislative session.

**MOTION:** **Senator Okuniewicz** moved to approve **Docket No. 26-0134-2201**. **Senator Semmelroth** seconded the motion. The motion carried by **voice vote**.

**DOCKET NO.  
26-0110-2301**

**Rules Governing the Administration of Temporary Permits on Lands Owned by the Idaho Department of Parks and Recreation (ZBR Chapter Rewrite, Fee Rule) - Proposed Rule.** **Susan Buxton**, Director, IDPR explained that this Docket established the procedures for obtaining a permit to divert and use unappropriated public waters or a permit for a reallocation of trust water within the Swan Falls Trust Water Area. It governed the filing and processing of applications for permits and established the collection of fees. The proposed changes established the ability of the Idaho Parks and Recreation Board (IPRB) to set fee amounts on a case by case basis based on fair market value and cost recovery. She stated she received comments that the revised process for setting fees was not clearly defined and therefore, she suggested **Docket No. 26-0110-2301** needed further work and should be revised and presented in next year's legislative session.

**DISCUSSION:**

**Senator Den Hartog** asked where in the 2024 Legislative Rules Review Book she could find fee increases, what were the original fees, and what were the increased fees. **Chairman Burtenshaw** responded that fees for this Docket were listed on page 182. **Senator Den Hartog** then noted one fee increased from \$100 to \$300, and one from \$25 to \$50. **Ms. Buxton** added that there was also a change in cost per acre noted on the same page.

**MOTION:**

**Chairman Burtenshaw** moved to table **Docket No. 26-0110-2301**. **Senator Schroeder** seconded the motion. The motion carried by **voice vote**.

**DOCKET NO.  
26-0120-2301**

**Rules Governing the Administration of Park and Recreation Areas and Facilities (Fee Rule) - Proposed Rule.** **Susan Buxton**, Director, IDPR, stated the proposed changes updated definitions and standards; removed redundant or unnecessary sections; updated the check-out time for facilities; added the ability for day, month, or season admission to the admission fee; and moved the fee schedule for winter access passes to be managed by the admission fee. Changes to this Docket also included increased fee caps on items that were at or near the fee cap. **Ms. Buxton** elaborated on the need for some flexibility in setting fees. She shared that she received feedback showing there was a need for more clarity on how IDPR determined fee changes. **Brian Beckley**, Chairman, IPRB, presented to share how important it was that IPRB balanced fees with financing maintenance and operations for State parks.

**DISCUSSION:**

**Senator Guthrie** asked how often fees could be changed. **Mr. Beckley** responded that IPRB's intent was to make changes on a very short basis, and he provided an example of decreasing fees in park off seasons to encourage people to stay longer. In response to a question from Senator Okuniewicz, **Mr. Beckley** stated the IPRB considered imposing higher rates for non-residents and he emphasized that providing for Idaho residents was their priority. **Vice Chairman Adams** asked when IDPR last reduced fees. **Ms. Buxton** responded that IDPR expected to use new technology to implement variable pricing that could lower fees to encourage increased attendance during off seasons.

**Senator Den Hartog** asked Josh Scholer, Bureau Chief, Regulatory and Legislative Affairs, Idaho Division of Financial Management, if he would provide direction regarding the motion to table that was made on **Docket No. 26-0110-2301**. **Mr. Scholer** clarified the options available to the Committee to accept or reject a Docket, either in whole or in part. He stated the Committee could move to hold the Docket for any number of days or weeks subject to the call of the Chair. He stated if only the fees in this Docket concerned the Committee, the proper motion to make would be to approve **Docket No. 26-0120-2301** with the exception of the specific sections that included fees and were unacceptable.

**MOTION:**

**Senator Harris** moved to hold **Docket No. 26-0120-2301** subject to call of the Chair. **Senator Schroeder** seconded the motion.

**DISCUSSION:** **Senator Guthrie** requested clarification that this Docket would return to the Committee for another motion including specific sections to be rejected. **Vice Chairman Adams** confirmed that it would.

**VOICE VOTE:** The motion to hold **Docket No. 26-0120-2301** subject to call of the Chair carried by **voice vote**.

**MOTION:** **Senator Harris** moved to reconsider the Committee vote on **Docket No. 26-0110-2301**. **Senator Den Hartog** seconded the motion. The motion carried by **voice vote**.

**MOTION:** **Senator Harris** moved to hold **Docket No. 26-0110-2301** subject to call of the Chair. **Chairman Burtenshaw** seconded the motion. The motion carried by **voice vote**.

**PASSED THE GAVEL:** Vice Chairman Adams passed the gavel to Chairman Burtenshaw.

**ADJOURNED:** There being no further business as this time, **Chairman Burtenshaw** adjourned the meeting at 2:06 p.m.

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Senator Burtenshaw  
Chair

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Shelly Johnson  
Secretary