

MINUTES
SENATE RESOURCES & ENVIRONMENT COMMITTEE

DATE: Friday, March 16, 2012

TIME: 1:00 P.M.

PLACE: Room WW55

MEMBERS PRESENT: Chairman Pearce, Vice Chairman Bair, Senators Cameron, Siddoway, Heider, Tippetts, and Stennett

ABSENT/ EXCUSED: **Senators Werk and Brackett.**

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.

CALL TO ORDER: **Chairman Pearce** called the meeting to order at 1:05 p.m.

H 494: Continuation of Hearing Relating to the Idaho Board of Scaling Practices. **Tom Schultz**, Director, Department of Lands, presented this bill to the Committee.

Mr. Schultz said this bill would amend membership requirements of the Idaho Board of Scaling Practices and would create one new Board member position. He said current statute provisions require two Board members be appointed by the Governor from nominees provided by Intermountain Forest Association (IFA). He further stated that due to the dissolution of the IFA in Idaho, amendments to the statute addressing Sealing Board membership were necessary. The proposed amendments set requirements for gubernatorial appointments intended to reflect balanced representation on the Scaling Board with equal opportunity for nominations from a broad spectrum of the timber community. **Mr. Schultz** said the bill contained an emergency clause to provide for gubernatorial appointments on a current IFA member term expiration as well as a new member appointment, before the Scaling Board budget and assessment-setting meeting conducted prior to the start of fiscal year 2013.

Mr. Schultz said the Scaling Board did vote on this bill at a board meeting in support of this bill. A copy of his talking points is attached to the minutes.

There was no one who wanted to testify.

MOTION: **Senator Siddoway** made a motion, **seconded** by **Senator Heider**, to send H 494 to the floor with a "**do pass**". The motion **carried** by a **voice vote**. **Senator Siddoway** will carry this bill on the floor.

H 608: Continuation of Hearing Relating to Water Rights. **Chris Meyer**, Attorney with Givens-Pursley and representing the City of McCall, presented this bill on behalf of **Representative Stevenson** and **Ken Harward**, Association of Idaho Cities. **Mr. Meyer** said the purpose of this legislation was to clarify that a separate water right was not required for the collection, treatment storage or disposal storage, including land application, of the effluent from publicly owned treatment works. He said effluent was water that had already been diverted under an existing right and had not been returned to the waters of the state. **Mr. Meyer** further pointed out, that if the land application was to be on land which was not already identified as a place of use for an existing water right, notice of the place of use would be provided to the Department of Water Resources. This would allow the Department

to have complete records of where the water was to be used. He said this bill resolved this question.

Mr. Meyer passed out two letters in support of H 608. One letter was from the Association of Idaho Cities and the other one was from the City of McCall, copies of which are attached to the minutes. He said the City of McCall faced a zero phosphorous limit at Lake Cascade. As a consequence, putting that water back onto the lake, no matter how well treated, was a physical and financial impossibility. He indicated he was not aware of a city or sewer district that had ever obtained a water right in connection with such land application or other disposal place. He had received assurances that obtaining an additional water right would not be a requirement from the Department of Water Resources. Based on his own research, to the extent the municipality land applied water that was traceable to its own municipal water right, that municipality didn't need to do anything further and that it was covered by that initial water right.

Mr. Meyer said, in many instances, though, the cities "land apply" water that came from sources that were other than its own municipal water right, which raised a question. For example, the City of McCall accepts sewage water from outside the city limits, collected by a sewer district. This is a cooperative venture that makes a lot of sense economically and environmentally when it applies that water altogether. They are not the only ones who face this question. He cited the City of Boise as another example. The water doesn't come from its own municipal water rights because it doesn't own any. He said there were probably others. The purpose of this legislation, he said, was to get the water lawyers out of this business and to allow municipalities to spend their dollars and focus their attention on the issue at hand, which was the water quality side of the equation. The Department of Water Resources was involved in drafting this legislation and added some provisions to it, notably, a provision requiring notification of the Department of Water Resources when there is a land application and the payment of a small fee to cover their administrative costs.

MOTION: **Senator Heider** made a motion, **seconded** by **Senator Bair**, to send H 608 to the floor with a "**do pass**" recommendation. The motion **carried** by a voice vote. **Senator Heider** will carry this bill on the floor.

APPROVAL OF MINUTES: **Senator Heider** made a motion, **seconded** by **Senator Siddoway**, to approve the minutes of February 20, 2012. The motion **carried** by a **voice vote**.
Senator Tippets made a motion, **seconded** by **Senator Heider**, to approve the minutes of March 12, 2012. The motion **carried** by a **voice vote**.

DISCUSSION OF H 495: Relating to State Endowment Lands. Chairman **Pearce** said the testimony had been heard and the hearing was closed.

MOTION:

Vice Chairman Bair moved, **seconded** by **Senator Siddoway**, to hold H 495 in Committee. **Senator Tippets** said he felt bad that those who were interested in this legislation one way or the other the other day, were wondering why the Committee didn't take any action, so he wanted to explain his opinion. He opposed the legislation for a number of reasons and he said he was concerned about the six-month time period as being too short. He said he felt there were some constitutional problems with the legislation and he said he respected the opinion of **Lynn Thomas** and that of **David Leroy**. He said based on our Attorney General's opinion, he was a little nervous about moving ahead. He said he was not comfortable with the aggressive plans that were outlined in the Asset Management Plan and he said he appreciated being made aware of what was happening with the investment management. He suspected there was a much greater sensitivity on that Board and he expected they would change their course. He apologized to those who had to come back today because of the Committee's inaction the other day and he said he hoped everyone understood why they undertook the action they did. He said that with that explanation, he would be supporting the motion.

Senator Cameron said he struggled with the bill for many of the same reasons **Senator Tippets** spoke about. He said there were duelling opinions and it reached beyond the constitutional authority of the Committee. He said he supported the new director of the Land Board in making appropriate decisions and trying to garner the most amount of money possible for the beneficiary, which was critical. He commended the two sponsors of the bill for tackling this situation because he believed the government should not be in competition with the private sector and there was a fine line. He said he felt this bill crossed the line a little bit too far the other direction and he thought the Department had heard the message and he said he thought they would be a little more cautious in their approach. He said he thought the goals of the bill had already been accomplished. **Senator Cameron** said he, too, stood in opposition to the bill. He said that in his "neck of the woods", they would love to have the dairy research facility back up and running and back on track and anything that would impinge upon that would be short-sighted on the part of the Committee. He said he apologized for the Committee not making a motion because he thought that effectively killed the bill. **Senator Cameron** said that apparently they needed to vote and stand and be counted and for that reason he opposed the bill.

Chairman Pearce asked the secretary to do a **roll call vote**.

ROLL CALL VOTE:

The following voted **aye** : **Senator Stennett, Senator Cameron, Senator Tippets, Senator Heider, Senator Siddoway, and Vice Chairman Bair**. The following voted **nay**: **Chairman Pearce**. The following Senators were absent: **Senator Brackett** and **Senator Werk**. The motion **passed**.

H 496:

Continuation of Hearing Relating to Exempting Members of Armed Forces, Reserves, National Guard by Fish and Game, and Veterans from Hunter Education Requirements. **Representative Lynn Luker**, gave a presentation on this bill. This bill would exempt members of the military and veterans from the requirements of taking a hunter's education course before obtaining a hunting license. He gave a brief history of the hunting laws. In the prior years, hunter education courses were required for those who were born after January 1, 1975. There has been a whole generation that have passed since that time through the military and he didn't know if that was a subject of thought at the time. He said now we have soldiers who have been through the military and they were required to take a hunter's education course in order to get a hunting license here in Idaho. Through doing some research, **Representative Luker** found out there were four states who didn't require hunter's education unless one was under 18. He said he was surprised to find one of the states was Oregon and the other states were Arizona, New Mexico and South Dakota. He said Alabama already had a military exemption, so this was

not anything new. The thought was, he said, there was a time when laws needed to be reviewed as necessary. He said we needed to ask ourselves if we needed to have this extra burden upon those who had already gone through military training.

Senator Heider thanked **Representative Luker** for presenting this bill and said he had a couple of questions. He said he realized that a person in the military may know how to field-strip a rifle, clean it and handle it well. Even though they learn how to handle the weapon very well, probably better than most hunters, he asked if soldiers trained in the military were taught to look at the target or what was beyond or if it was a safe place to shoot or those types of things.

Representative Luker said there were some military personnel who served in Iraq who testified at the House hearing. Because this bill has been a moving target, they did testify very clearly and said those were basic skills for anyone who goes through the military. They said one had to distinguish who they were shooting at and know what they were shooting at. He said the military personnel had to learn more than just how to handle a weapon.

Representative Luker gave an example of his 16-year old daughter who went through a hunter ed course when she was 11. She had been hunting a couple of times and he asked her what she remembered about her hunter ed class. She said what she remembered the most was the field training, but as far as the book stuff went, she couldn't remember. If she didn't ever go hunting again until she is 30 or 40, she has a ticket for life, even though she went through the training when she was 11. He said it seemed as though the men in the military were getting a whole lot more than what his daughter, who went through hunter's education four or five years ago.

TESTIMONY: **Bill Ludson** of the Idaho Conservation Officer's Association, said his association opposed this bill. A copy of the letter in opposition from the Idaho Conservation Officer's Association is attached to the minutes. He said they have great respect for military personnel. He said they have concerns and that today's hunter's education was a lot more comprehensive. He said they go over wildlife laws, wildlife identification, hunting techniques and rural manners. The rural manners included closing fences, asking permission of ranchers and farmers before hunting on private lands, not shooting near livestock, hunter image, etc. **Mr. Ludson** referred to page 67 of "Today's Hunter of Idaho" magazine, published by the Idaho Fish and Game. A copy of the magazine is kept on file with the minutes. The magazine has an article about hunter ethics. He said the issue was not the military personnel, but the issue was the other parts of the course. He said the military personnel they were trying to help could be in conflict with the land owners. They don't like to investigate military personnel, but they do. He indicated they have hunter education classes on line that can be completed while they are employed. He asked for a no vote on this bill. He indicated the live fire course has been waived by the Fish and Game for the military.

TESTIMONY: **Jay Stark**, Idaho Hunter Education instructor, asked for a no vote on this bill. A copy of his letter is attached to the minutes.

TESTIMONY: **Sharon Kiefer**, Deputy Director of the Idaho Department of Fish and Game, testified on hunter education requirements. A copy of her testimony is attached to the minutes. She gave a brief history and said national hunting accident rates had plummeted since the initiation of hunter education. She said that about ten states currently exempted military personnel from the requirement of hunter education, with most only exempting active duty personnel and several only exempting resident military personnel or those stationed in their state. **Ms. Kiefer** said H 496 would exempt all active and veteran military personnel from the requirement of hunter education certification for hunting license purchase. She said it would apply to both resident and nonresident military personnel younger than the current age exemption. She indicated the Fish and Game recognized the significant training

and accomplishment of active and veteran military servicemen and women, yet it was evident that much of what was learned with hunter education was not specifically covered in military service or training. **Ms. Kiefer** said the Commission did not support this bill.

Senator Tippets asked if a non-military person or non-resident lived in another state, what would be the requirements for them? **Ms. Kiefer** said if they had a valid hunting license in a state where there was a reciprocal hunter education requirement, then that would be accepted in lieu of an actual hunter education certificate. If there was no agreement, then they would have to get a hunter education certification, either through their state or our state, to purchase a hunting license. Or, if they were over the age limitation, which, starting on April 1 would be 39 or older, then they would be exempt from the hunter education certification.

Senator Tippets said that if a military person that resides in another state that exempts military personnel and that person comes to Idaho, would that person be required to take the Idaho hunter education course? **Ms. Kiefer** said her understanding was they would have to take the course. **Senator Tippets** said he was not sure he understood what was being said in the last answer, so he asked if a person was required to have it in their state, would we have a reciprocal agreement potentially with that state or not? **Ms. Kiefer** said no, they would still need hunter education certification if that was not a requirement in their state.

Senator Heider asked **Ms. Kiefer** if they already had a license in their state, which meant that they were qualified to hunt in their state and they applied to come into our state, then would they be able to hunt in our state? **Ms. Kiefer** said she would follow up immediately on that, but it was her understanding that the license was reciprocal and that the license also carried a hunter education certification requirement.

Chairman Pearce asked **Ms. Kiefer** how much time would a military person who didn't want to go through the rifle shooting part of the training, how much time would the hunter safety course take them. **Ms. Kiefer** said the on-line work, particularly for an adult, probably would not take more than three hours. She said the field course, without the live fire, would take around three hours. **Chairman Pearce** asked how much time did a regular course take? **Ms. Kiefer** said a traditional course would take about eight hours of classroom time and there was generally about a half day of live fire exercise, and then the field course that took about three hours.

TESTIMONY:

Ron Galloway, Hunter Education instructor, testified saying the Idaho age requirement for licensing has dropped to the age of nine. He pointed out that military members had nine years to take a class prior to joining the military. He said the problem with H 496 was the fact that a nine year old takes a hunter education class and if he or she went hunting with a military member, they did not know what the youth had learned and was not in a position to emphasize the important learning points. He said he felt hunter education certification should not be waived. A copy of his testimony is attached to the minutes.

TESTIMONY: **Rhett Moore**, representing the Idaho Hunter Education Association. A copy of his testimony is attached to the minutes. He gave an overview of his background, which he felt made him have a rounded perspective. He said the military firearms safety and training was only a small portion of what was taught in the Idaho Hunter Education Program. He said that military firearms' training was usually far more extensive than what was provided by hunter education. However, military personnel were not trained in the areas of firearm handling and training for hunting specific situations, such as fence crossing, hunter ethics, landowner interaction and public perception, and other situations encountered in the field. **Mr. Moore** summarized and said the IHEA fully recognized the many sacrifices made by the armed service members and they make every effort to support them. However, it is the opinion of the IHEA that H 496 does not support our military, but instead provides a disservice to them by setting them up for accidents or mistakes that could have been prevented with proper training. He said IHEA strongly opposed this legislation and asked the Committee to support the military by voting against this legislation.

Representative Luker summarized and commented on the testimony. He pointed out there was not a fishing safety class nor did he have to take a class to distinguish between a dolly varden and a bird trap. He didn't have to take a class to tell him if he had to fish with a barbless hook or only have a two-fish limit. He pointed out that if his daughter wanted to hunt in California or if he wanted to hunt in California, he would have to read their regs to figure out what was going on and he said that was what we were doing here. He said he didn't feel this was a disservice to the younger children. He said he was exempt, but he made sure his daughter and his sons went to hunter ed. Reciprocity, he said, was recognized in ten states and he realized this was an Idaho bill, but if someone wanted to go to another state and they didn't have their ticket, they would have to have it. There were some states out there that don't require hunter ed if one was over 18. He said he thought this was a good bill.

Senator Tippets asked for clarification of the course for the military. He indicated his understanding was they could take the course on-line and that it only took about three hours. Since part of the field training was waived, did they still have to attend some sort of a field training session, but not shoot, or was that completely waived?

Representative Luker said there was the classroom, which could be three hours on-line or eight hours if one went through the whole course and then attended part of the field day (about three hours).

Senator Tippets said that as he looked at the table of contents of the training program, it looked to him that it was not terribly onerous for a three or four hour course and he asked what was the tremendous imposition on the military?

Representative Luker gave an example of a Vietnam vet who brought this to him and he had a son who was an Iraq veteran. A friend of the son came to visit and he was also an Iraq vet and they decided to go hunting. They found out they could not go hunting because the vet did not have a license.

Senator Siddoway said he almost brought this bill two years ago and he started to look into it and he came to the conclusion that it was not overly burdensome and he wanted to bring it forward for the same reason **Representative Luker** did. He decided to back away from it for the reasons that were presented and it was not all that hard to get it done if one allowed lead time. He said if he was wrong, the motion would soon tell. But he sensed there was not support for the bill. He said he would propose to hold the bill in Committee.

MOTION: **Senator Siddoway** moved, **seconded** by **Senator Stennett**, to hold H 496 in Committee.

Chairman Pearce asked how many states around Idaho required hunter education? Oregon, Washington, Montana, Wyoming, Nevada, and do we know any more of those? **Representative Luker** said there was a comparison chart for all of the states, but he didn't bring it with him to the meeting. However, he said the states that did not require hunter education were Oregon, South Dakota, New Mexico, and Arizona for those under the age of 18. He pointed out that Alabama and some other states had a military exemption.

Senator Heider said he hunted in many states and countries and every time he went he spent more time preparing than he spent actually hunting. Sometimes he felt it restrictive and other times he did not, depending on the laws and rules of that area. He said he didn't think it was out-of-line for Idaho to make sure that people who came to Idaho to hunt were qualified and prepared and knew how to hunt and do it safely. He felt it was incumbent upon the Committee to follow the guidelines of the Fish and Game Department to make sure people who come to Idaho were prepared.

VOTE: **Chairman Pearce** asked all who were in favor of the motion to hold H 496 in Committee to say **aye**. The motion **passed** by a voice vote.

ADJOURNMENT: **Chairman Pearce** adjourned the meeting at 2:09 p.m.

Senator Pearce
Chairman

Linda Kambeitz
Secretary