

MINUTES  
**SENATE RESOURCES & ENVIRONMENT COMMITTEE**

**DATE:** Wednesday, February 27, 2013

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

**PLACE:** Room WW55

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

**ABSENT/ EXCUSED:**

**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 Pearce** called the meeting to order at 1:30 p.m. He said there were several set of minutes to be approved.

**MOTION:** **Senator Tippetts** moved that the minutes of February 6 be approved. **Vice Chairman Bair** seconded the motion. The motion carried by **unanimous voice vote**.

**MOTION:** **Senator Lacey** moved that the minutes of February 11 be approved. **Senator Heider** seconded the motion. The motion carried by **unanimous voice vote**

**MOTION:** **Senator Brackett** moved that the minutes of February 13 be approved. **Senator Tippetts** seconded the motion. The motion carried by **unanimous voice vote**

**MOTION:** **Vice Chairman Bair** moved that the minutes of February 18 be approved. **Senator Heider** seconded the motion. The motion carried by **unanimous voice vote**

**Chairman Pearce** welcomed Director Nancy Merrill and the Board members of the Idaho Department of Parks and Recreation (IDPR; Department).

**SPEAKER:** **Director Merrill** introduced the Board members. They are Tom Crimmins, Board Chairman; Randy Doman; Susan Buxton; Charles Correll and Jean McDevitt. Board member Robert Hansen was unable to attend. She then presented an "Agency Overview" of the Department. (See Attachment 1).

**Director Merrill** said the mission of IDPR is "to improve the quality of life in Idaho through outdoor recreation and resource stewardship." There are 30 state parks across Idaho that occupy 60,263 acres. Last year, 5.2 million visitors came through the parks and of those, 1.65 million were from out-of-state.

Of the general fund appropriations, IDPR received \$2,702. **Director Merrill** said their operating philosophy, in recent years, they have adopted more business-minded practices and strategies in an effort to become more self-sustaining. Of the 2012 funding mix, four percent came from the general fund and 96 percent was from federal or user generated fund support.

**Director Merrill** shared recent successes with the Committee. They included:

- All 30 state parks remained open;
- Volunteers contributed over 86,000 annual hours;
- Customer satisfaction increased from 89 percent to 94 percent;
- Overnight occupancy increased by 2.69 percent;
- Revenues from all sources are up by 7.45 percent;
- Finished 30 marketing and business plans, one per park;
- Established better communication with constituents and community leaders;
- Continue to set the standard for interagency cooperation;
- Working to eliminate duplication of state agency services; and
- Passport Program launched.

The **Director** then elaborated on the Passport Program. The cost has been reduced from \$40 to \$10 per vehicle, per year. A soft launch was started October 1, 2012 and ended December 31, 2012 with 18,438 passports sold. Revenue brought in was a little over \$230,000. The official marketing plan began January 1, 2013 with television and radio commercials. There are ten unique grant programs, managed by a five citizen advisory committee. They have spent \$7 million in projects, that are funded each year, for recreational trail projects (RTP), live water conservation fund (LWCF), water improvement fund (WIF), and the gas tax. This money goes to cities, counties, and state and federal agencies.

With regards to recreation, 2,500 students have been instructed in boat, ATV, motorbike and snowmobile avalanche safety classes. Two thousand miles of trail have been cleared and maintained for public use and 5,600 miles of snowmobile trails were groomed statewide. Registration for these machines amounted to 51 percent for ATVs and motorbikes, 32 percent for boats, and 17 percent for snowmobiles. This generated \$3.9 million for recreation programs and snow groomers.

Registration of these machines was formerly handled by IDPR. Now, registration takes place with the Idaho Department of Transportation (IDT). Due to the new software, IDT will not be able to share information with IDPR, which will cause IDPR to be out of compliance with state statute. **Director Merrill** stated that when she presented "Agency Overview" to the House Resources and Conservation Committee, questions were asked that resulted in obtaining the Attorney General's opinion. (See Attachment 2). **H 116** was held by the House Resources and Conservation Committee. Their concerns included the administration fee of 15 percent to be retained by IDT and the loss of the vendor network.

At the previous Board meeting, the Board looked at many different ways to try to solve this issue, which is very costly, and it was determined to move the registrations from IDPR to IDT. The cost would be \$28,500 for implementation and IDPR would continue to sell out-of-state snowmobile stickers through a vendor network.

**Director Merrill** reported that the Board held public forums; gave a presentation to the Idaho Recreation Council and to the Idaho Snowmobile Congress; met with citizens at "Capitol for a Day", the Idaho Advisory Committees, County Commissioners, and County Assessors. Letters were sent and meetings were held with vendors, as well as meetings with legislators.

The benefits for Idahoans and recreationists would be no duplication of state resources and IDPR can focus on management of recreation programs, grants, education, and public outreach. IDT's business is registration and there would be very little change for current customers.

At yesterday's Board meeting, they looked at different options. Option 1 was to revisit **H 116**. Option 2 was to put together a communication system between IDT and IDPR, which would be costly. Money would have to be taken from the recreation programs to help fund Option 2. This would also mean less money for the counties. Beginning July 1, without any change, it will not be practical to comply with state statute. That concluded **Director Merrill's** presentation.

**Chairman Pearce** complimented Director Merrill for her positive attitude, in spite of the financial challenges she faces. A round of applause was given for the Director.

**H 93**

**Director Tom Schultz**, Idaho Department of Lands (IDL) presented **H 93**. He said this bill relates to the establishment of Rangeland Fire Protection Associations which provide ranchers with an opportunity to actively participate with other fire protection organizations in the suppression of rangeland fires.

The proposed legislation will add Section 38-104B to define a "nonprofit rangeland fire protection association" and clarify the process for establishment and operation of such an organization. **Director Schultz** said the Governor supports this proposed statutory change.

Currently the statute provides authority for the Director to enter into agreements with both Timber Protective Associations and Rangeland Fire Protection Associations, but the process for establishment and operation is only provided in detail for Timber Protective Associations. Rangeland Fire Protection Associations are distinctly different organizations, and this proposed legislation will specify the process for establishment and operational standards to address those differences.

The **Director** stated that in July 2012, the first Rangeland Fire Protection Association was formed in Elmore County. The Mountain Home Rangeland Fire Protection Association entered into an agreement with the Director of IDL to take initial attack suppression action on range fires. This was the culmination of several years of discussion between the local ranchers, Bureau of Land Management (BLM) and IDL in search of a process that would enable local ranchers to engage in suppression of range fires while ensuring fire fighter safety.

IDL's staff recognized that while the Director was given authority in statute to enter into agreements with such associations, the statutory framework for establishment and operation specifically addresses Timber Protection Associations which differ considerably from Rangeland Fire Protection Associations. Additional statutory language is needed to address the distinct differences.

**Director Schultz** cited the reasons for change. The Timber Protective Associations receive funds from landowner assessments, employ personnel and purchase equipment for the primary purpose of providing wildland fire protection to those paying an assessment. Rangeland Fire Protection Associations are comprised of volunteers using equipment from their private ranching operations to provide quick initial attack response to threatening range fires on lands owned by their members, or on lands they are authorized to protect through mutual aid agreements. Range Protective Associations are funded solely by membership dues.

This proposed legislation requires rangeland owners wishing to establish a Rangeland Fire Protection Association to petition the Director demonstrating adequate:

- legal status of the association;
- liability insurance coverage;
- governing or management structure; and
- financial ability to form a Rangeland Fire Protection Association.

Through agreement with the Director of IDL, the Association assures that their membership has basic fire suppression training, makes use of personal protective equipment consistent with the standards of the fire community, has compatible communications with adjoining fire suppression organizations and has required liability insurance coverage.

Additionally, this legislation requires the Director to review and inspect the Association annually for the following:

- governing and managing structure of the association;
- adequacy of liability insurance; and
- training of all association personnel.

That concluded the **Director's** testimony.

- TESTIMONY:** **Mr. Wally Butler**, representing the Idaho Farm Bureau, said they are in support of **H 93**.
- MOTION:** **Senator Heider** moved that **H 93** be sent to the floor with a **do pass** recommendation. **Senator Tippets** seconded the motion. The motion carried by **unanimous voice vote**. **Senator Brackett** will be the sponsor.
- REQUEST:** **Mr. Norm Semanko**, Executive Director, Idaho Water Users Association, asked that **RS 22152**, **RS 22156**, and **H 130** be held until a later date. **Chairman Pearce** approved the request.
- H 128** **Mr. Semanko** presented **H 128**. He said this legislation changes the limitation on liens for delinquent canal company assessments from two years to three years, in order to make it consistent with the existing lien timeline for irrigation districts. He indicated that more consistency was needed and that areas that are urbanized are not familiar with the procedure.
- MOTION:** **Senator Tippets** moved that **H 128** be sent to the floor with a **do pass** recommendation. **Vice Chairman Bair** seconded the motion. The motion carried by **unanimous voice vote**. **Senator Heider** will be the sponsor.
- H 129** **Mr. Semanko** presented **H 129**. This legislation relates to irrigation districts and it changes the rate of interest to be paid for delinquent assessments at the time of redemption of land from eight percent per annum to one percent per month. This change makes the rate of interest in the redemption provision of Section 43-712, Idaho Code consistent with the rate of interest in the delinquency provision of Section 43-708, Idaho Code.
- TESTIMONY:** **Mr. Daren Coon**, secretary-treasurer of the Nampa-Meridian Irrigation District testified in support of this bill.
- MOTION:** **Senator Cameron** moved that **H 129** be sent to the floor with a **do pass** recommendation. **Senator Brackett** seconded the motion. The motion carried by **unanimous voice vote**. **Senator Cameron** will be the sponsor.

**H 132**

**Mr. Jeremy Chou** of Givens Pursley presented **H 132**. This bill has to do with forest and range fires. It clarifies that when a fire is caused by an unintentional negligent act, the damages claimed by such forest and range owners are limited to reasonable costs for fire suppression and actual and objectively ascertainable loss. In the past, large forest and rangeland owners, such as the federal government, have sued and have received unreasonable and speculative intangible environmental damages and double recovery.

**TESTIMONY:**

**Mr. Jim Riley**, President of Riley and Associates, offered an explanation of the causes of fires and the way they burn and added that federal lands are in a sad state of management and are unhealthy. He stated that this legislation is important not only from a legal perspective, but from a very practical perspective. **Mr. Riley** encouraged the committee to pass this legislation.

**TESTIMONY:**

**Mr. Will Hart**, representing Idaho Consumer Utilities Association, said they support this legislation. The Association has 150,000 customers in rural areas across the state of Idaho. Ninety-six percent of their power comes from the Bonneville Power Administration. They have spent considerable time and money maintaining their transmission lines, equipment, tree and brush clearing in designated right-of-ways, and other maintenance to help prevent fire. **Mr. Hart** said that **H 132** forces restraint of the federal agencies in the state of Idaho and the Association strongly supports this legislation.

**WRITTEN TESTIMONY:**

**Mr. Dennis Tanikuni** submitted written testimony. (See Attachment 3). He stated that he is a registered lobbyist for the Idaho Farm Bureau Federation and they are in support of **H 132**. This bill limits civil damages to actual damages for range and forest fires. A large number of forest and rangeland owners are among their 14,500 producer members. They think this bill can protect them from intangible damages should fires escape from their land and damage their neighbor's property.

**WRITTEN TESTIMONY:**

**Mr. Mark J. Benson**, Vice President of Public Affairs for the Potlatch Corporation, submitted a letter of support for **H 132**. (See Attachment 4). Taken from the text of the letter are the following statements: "Our timber assets are the source of significant economic stimulus here in Idaho and affect the livelihood of thousands of people. As forest managers, we are keenly aware of the risks of fire in the Inland West. We are confident that fire prevention and suppression measures in Idaho are excellent; however, we are also aware that fires can spread unexpectedly. **House Bill 132** is a common sense piece of legislation that allows reasonableness to prevail when assessing the damages of a fire that spreads from one landowner to another."

**MOTION:**

**Senator Brackett** moved that **H 132** be sent to the floor with a **do pass** recommendation. **Senator Lacey** seconded the motion. The motion carried by **unanimous voice vote**. **Chairman Pearce** will be the sponsor.

**ADJOURNED:**

**Chairman Pearce** adjourned the meeting at 2:52 p.m.

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Senator Pearce  
Chairman

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Juanita Budell  
Secretary