

MINUTES

## SENATE RESOURCES & ENVIRONMENT COMMITTEE

**DATE:** Wednesday, February 19, 2014

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

**PLACE:** Room WW55

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

**ABSENT/ EXCUSED:** Senators Brackett and Heider

**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 Senate Resources and Environment Committee (Committee) to order at 1:30 p.m. and said the Committee would consider the appointment of Craig Hill to the Lake Pend Oreille Basin Commission.

**GUBERNATORIAL APPOINTMENT:** **Senator Siddoway** moved to send the Gubernatorial appointment of Craig Hill to the Lake Pend Oreille Basin Commission to the floor with a recommendation that he be confirmed by the Senate. **Vice Chairman Bair** seconded the motion. The motion carried by unanimous **voice vote**. Senator Keough will be the sponsor of Mr. Hill.

**S 1346:** **Senator Nonini** presented **S 1346**. He said the purpose of the amendment to Idaho Code § 67-4201 is to help preserve the float homes on Hidden Lake. The Idaho Department of Parks and Recreation (IDPR) presently leases moorage sites on Hidden Lake near Heyburn Park to 23 float home owners. The float homes have historic values worthy of preserving. The lessees have the opportunity to obtain financing to construct a land based sewer system to serve the leaseholds. The system will be transferred to the State upon completion at no cost to the State. As part of incurring approximately \$1 million in debt to construct the system, the lessees request some certainty as to a lease term of a length longer than ten years. This proposed amendment would accomplish those objectives.

**Sen. Nonini** provided a letter (see attachment 1) from the office of the Attorney General that had prepared an analysis of **S 1346**. It states that there are no provisions in the Idaho Constitution restricting the Legislature's ability to authorize such leases. In terms of potential federal restrictions the only state park with float home leases is Heyburn State Park, which was granted to the State by a 1911 patent that requires the park to be "held, used, and maintained as a public park, and for no purpose inconsistent therewith".

**Vice Chairman Bair** questioned the age of the boats lasting as long as the 30 year loan. Also, if boats are removed, would their share of the cost go to other boat owners and become cost prohibitive? **Senator Nonini** said some float homes are old and well-maintained and others have not been as well maintained and the costs of the sewer are shared.

**TESTIMONY:** **Mr. Tim Green** stated that he is from Moscow and is representing the Float Home Owners Association. There are 23 float homes that are located within the 8,000 acre Heyburn State Park. The owners are in support of the legislation, which will greatly facilitate the financing. When the sewer is completed, **Mr. Green** said it would then be transferred to the State without any cost.

**TESTIMONY:** **Mr. John Magnuson**, an attorney from Coeur d'Alene, is also representing the 23 float home owners through an association. The newest float home was used during World War II as a recreational area for service men. The oldest home dates back to about 1900 and has the original cedar floats. If repair is needed, it would be greatly facilitated due to the fact that the owner will have the certainty of both the continual lease and the financial obligation.

**Mr. Magnuson** said that what they proposed regarding the lease was that it would be 30 years under terms and conditions that the Idaho Land Board deems appropriate. It is not an automatic entitlement. What they have been discussing is a ten year term with two ten year renewal periods, provided they are in compliance.

**TESTIMONY:** **Mr. Keith Hobbs**, Administrator of Operations for the Park, said the Department has no objections that are specific to the float home owners.

**Senator Nonini** said if the Committee finds it acceptable to pass **S 1346**, he would like it to be sent to the 14th Order for amending to have an emergency clause written in.

**MOTION:** **Vice Chairman Bair** made the motion to send **S 1346** to the 14th Order for amendment. The motion was seconded by **Senator Siddoway**. The motion passed by unanimous **voice vote**. Senator Nonini will be the sponsor of the bill.

**PASSING OF GAVEL:** Chairman Pearce passed the gavel to Vice Chairman Bair.

**S 1276:** **Chairman Pearce** shared information from a letter that was sent to the Pro Tem by an out-of-state organization complaining because the Idaho Department of Fish and Game (IDFG) offers free tags to certain qualified veterans to hunt in Idaho. Their group could not meet the qualifications, so their applications were not accepted. As a result of that letter, legislation was drafted. The bill does assist both in state and out-of-state veterans. The Chairman then deferred his time to Ms. Sharon Kiefer, IDFG Deputy Director.

**TESTIMONY:** **Ms. Kiefer** said the IDFG administers a program to allow qualified organizations to apply for a Disabled Veterans Special Big Game Hunt Tag. The parameters of this program are outlined in Idaho Code § 36-408(7), which includes the definition of a "qualified organization". She provided a copy of the application for this special tag, along with her testimony, to the Committee (see attachments 2 and 3).

**Ms. Kiefer** said that in January, they received an application for one of these tags from the Fort Sherman Chapter of the Disabled American Veterans, a 501(c)(4) organization. Because they did not meet the statutory definition of "qualified organization", the IDFG could not accept their application. The Department was not able to fix this issue with our own legislative proposal because they were beyond the time window for executive agency proposals.

**Ms. Kiefer** encouraged the Chapter to contact their legislators. They followed through and the result is **S 1276** to add 501(c)(4) IRS status to the qualified organization definition.

**Ms. Kiefer** stated that the Fish and Game Commission supports this action and IDFG requests the Committee's "do pass" for **S 1276**.

**MOTION:** **Senator Tippets** moved to send **S 1276** to the floor with a **do pass** recommendation. The motion was seconded by **Senator Siddoway**. The motion passed by unanimous **voice vote**. Chairman Pearce will be the sponsor of the bill.

**PASSING OF  
GAVEL:**

Vice Chairman Bair passed the gavel back to Chairman Pearce.

**S 1278:**

**Senator Patrick** presented **S 1278**. This bill revises provisions of eligibility and fees for the nonresident disabled American veterans hunting license and certain tags by rescinding the requirement that a nonresident disabled American veteran (DAV) must hunt in association with a qualified organization to be eligible for a reduced fee hunting license and certain tags. Reduced fees for eligible individuals are aligned with fees for nonresident junior hunters, which is a substantial reduction from adult nonresident fees. The revisions will simplify hunting license and tag purchase by nonresident DAVs.

**TESTIMONY:**

**Ms. Kiefer** said that in 2011, the Legislature passed H 143. That bill created a framework for nonresident DAVs who were hunting "in association" with a qualified organization and who met disability criteria similar to resident DAVs, were then eligible for a reduced fee hunting license and reduced fee deer, elk, turkey, and bear tags.

**Ms. Kiefer** stated that H 143 caused a lot of confusion among the nonresident DAVs and many qualified organizations. **Ms. Kiefer** said that she gives Senator Patrick a lot of credit to be willing to back up and try again to find a framework that works for IDFG and for nonresident DAVs.

**S 1278** would drop the requirement for a nonresident DAV to have an association with a qualified organization to be eligible for a reduced fee hunting license and certain tags. A new nonresident DAV Hunting License would be created with the same fee as the reduced fee nonresident Junior Mentor Hunting License. The current adult nonresident fee for a hunting license is \$153.00 and the nonresident Junior Mentor Hunting License is \$30.00. Nonresident DAV would still need to document their 40 percent or greater disability, similar to resident DAV but these customers would only have to provide the disability rating once, just like a resident customer to obtain a disability status on their license profile.

**Ms. Kiefer** said that she personally does a lot of the document review and speaks to many of the nonresident DAV. She can attest that **S 1278** truly represents a substantial improvement in their customer service and removes barriers to hunt for these DAVs. The Fish and Game Commission supports this bill and the IDFG requests the Committee's "do pass" vote. A copy of Ms. Kiefer's complete testimony is on file (see attachment 4).

**TESTIMONY:**

**Ms. Tamara Mackenthun**, Deputy Administrator, Division of Veteran Services, told the Committee that the phone calls that Ms. Kiefer doesn't get, she gets. She also stated that this issue is very confusing and they strongly support **S 1278**.

**MOTION:**

**Senator Cameron** moved to send **S 1278** to the floor with a **do pass** recommendation. The motion was seconded by **Vice Chairman Bair**. The motion passed by unanimous **voice vote**. Senator Patrick will be the sponsor of this bill.

**H 392:**

Presenting **H 392** was **Mr. Barry Burnell**, Director of Water Quality with the Department of Environmental Quality (DEQ). He said the purpose of this legislation is to amend the Idaho water quality standards provision regarding insignificant degradations of water quality that are exempt from Tier II antidegradation review. The current provision, commonly referred to as the de minimus exemption, was disapproved by the EPA as inconsistent with the Clean Water Act. If a new de minimus exemption is not established, the workload and costs of DEQ will increase because of those seeking discharge permits.

**TESTIMONY:**

Testifying in favor of **H 392** was **Mr. Norm Semanko**, Executive Director, Idaho Water Users Association.

**TESTIMONY:** Testifying in favor of **H 392** was **Mr. Alex LeBeau**, Idaho Association of Commerce and Industry.

**WRITTEN TESTIMONY:** **Mr. Ken Harward**, Executive Director, Association of Idaho Cities, submitted written testimony supporting **H 392**. A copy of the letter is on file (see attachment 5).

**MOTION:** **Senator Tippets** moved to send **H 392** to the floor with a **do pass** recommendation. The motion was seconded by **Senator Siddoway**. The motion passed by unanimous **voice vote**. Senator Tippets will be the sponsor of the bill.

**CANCELLATION OF PRESENTATION:** **Chairman Pearce** apologized to Ms. Murrison for not having enough time for her to present her presentation to the Committee today. He asked her to reschedule her presentation with the Committee Secretary.

**ADJOURNED:** **Chairman Pearce** adjourned the meeting at 2:50 p.m.

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Senator Pearce  
Chair

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Juanita Budell  
Secretary