

MINUTES  
**SENATE RESOURCES & ENVIRONMENT COMMITTEE**

**DATE:** Monday, February 23, 2015

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

**PLACE:** Room WW55

**MEMBERS PRESENT:** Chairman Bair, Vice Chairman Vick, Senators Cameron, Siddoway, Brackett, Heider, Nuxoll and Stennett

**ABSENT/ EXCUSED:** All present, with a vacancy

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

**INTRODUCTION OF PAGE:** **Chairman Bair** introduced and welcomed Sam Cahoon, the Committee's Page for the second half of the Legislative Session. Mr. Cahoon is from Twin Falls and is sponsored by Senator Heider. **Mr. Cahoon** told the Committee that he is interested in writing and politics. He felt being a Page would give him insight to the political world and help him to make up his mind.

**Chairman Bair** thanked Vice Chairman Vick for conducting the past few meetings due to his illness.

**MINUTES:** **Vice Chairman Vick** moved to approve the Minutes of February 4, 2015. **Senator Siddoway** seconded the motion. The motion carried by **voice vote**.

**MINUTES:** **Senator Heider** moved to approve the Minutes of February 6, 2015. **Vice Chairman Vick** seconded the motion. The motion carried by **voice vote**.

**MINUTES:** **Senator Siddoway** moved to approve the Minutes of February 9, 2015. **Senator Heider** seconded the motion. The motion carried by **voice vote**.

**S 1057** **Mr. Norm Semanko** said this legislation would allow irrigation districts to hold monthly and special meetings in alternate locations within the boundaries of the district when it is deemed more convenient or necessary. Because irrigation district meetings are public, certain agenda topics may attract a larger audience than the district office can appropriately accommodate.

**TESTIMONY:** **Ms. Erica Slayton** is a representative from the Pioneer Irrigation District and she stated that it was their crowded conditions that prompted this legislation.

**WRITTEN TESTIMONY:** Travis Jones, President of Food Producers of Idaho, Inc., submitted written testimony in support of **S 1057**.

**MOTION:** **Senator Siddoway** moved that **S 1057** be sent to the floor with a **do pass** recommendation. **Senator Brackett** seconded the motion. The motion carried by **voice vote**. Senator Siddoway will be the floor sponsor.

**S 1058** **Mr. Semanko** said that this legislation modernizes the existing statute by providing irrigation district patrons the option to pay their annual assessments through additional methods of personal or other non-guaranteed forms of payment commonly used and accepted by merchants and agencies of the State of Idaho.

**TESTIMONY:** **Ms. Slayton** said some of her patrons had asked for this convenience, and she is in support of this bill.

**WRITTEN TESTIMONY:** Travis Jones, President of Food Producers of Idaho, Inc., submitted written testimony in support of **S 1058**.

**MOTION:** **Senator Brackett** moved that **S 1058** be sent to the floor with a **do pass** recommendation. **Senator Stennett** seconded the motion. The motion carried by **voice vote**. Senator Brackett will be the floor sponsor.

**S 1099** **Mr. Semanko** presented this legislation which was brought to him by a lateral district. It clarifies existing statutes relating to lateral water users' associations and provides for a lien upon the water users' lands for unpaid assessments to operate, repair, improve and maintain laterals and ditches.

One issue was the language. The first two sections now read more plainly and with clarity. **Mr. Semanko** stated that the Idaho Bankers helped write the lien language.

**TESTIMONY:** **Mr. Monte Stewart**, Board member of McMillan #2 Lateral Association, said that he wanted to acknowledge Ms. Carla Rarum, also a Board member of McMillan #2 Lateral Association, who has worked long and hard for the Association.

**Mr. Stewart** said the lateral associations in the urban areas are headed by a board of volunteers and employ a ditch rider who receives a modest salary. In the McMillan #2 Lateral Association, there are over 100 water users, and most of them are responsible and pay their dues. Within their association, they have a pressurized water system so it is not easy to cut off the water to those who do not pay. He feels that the small claims court is not the way to pursue the delinquent property owners for payment as it is time consuming and the Association will not foreclose on the owners. A lien on the property, paid out of escrow when the property is sold, is the best way to solve the problem according to Mr. Stewart.

**MOTION:** **Senator Cameron** moved that **S 1099** be sent to the floor with a **do pass** recommendation. **Senator Nuxoll** seconded the motion. The motion carried by **voice vote**. Chairman Bair will be the floor sponsor.

**S 1098** **Director David Langhorst**, Idaho Department of Parks and Recreation (IDPR), presented this legislation. He said they have been directed to find new sources of revenue in order to be more self-sufficient and reduce reliance on the General Fund. Sponsorships and partnerships are a potential revenue source for IDPR. The proposed legislation clarifies that the Park and Recreation Board (Board) and IDPR staff have the authority to engage in sponsorship and partnership opportunities with private businesses and other organizations.

**Senator Cameron** said that some parks lend themselves easily to sponsorship and some are more unique and primitive and are not conducive to commercialization. **Senator Cameron** asked Director Langhorst if he feels this language gives him discretion to choose and only utilize this tool in places where it is appropriate.

**Director Langhorst** replied that he absolutely believes that it does. He said there have been some concerns voiced about commercializing and advertising in the parks, which are legitimate concerns, but he feels that the staff and board will not go off in a way that would be found distasteful.

**Senator Cameron** said it is helpful to know that, and it would be helpful to have this discussion as a matter of record. **Senator Cameron** said he is also concerned about the discretion of types of sponsors. He inquired if the Board could reject a sponsor who may not be in keeping with the standards and values that the State could require. **Director Langhorst** said it was his understanding that they would have complete discretion as they enter into agreements, as each would be a stand alone situation. He then deferred to Deputy Attorney General Steve Strack.

**Mr. Strack** said this is commercial speech, and the State has a great deal of leeway in controlling the types of commercial speech. He said a solid policy on board is necessary, and he will assist in formulating a policy that limits the types of sponsors that they will be allowed to have. A contract can be voided if the terms of the agreement are not met.

**Senator Stennett** inquired as to who would be responsible for deciding what contracts would be a good choice. **Director Langhorst** replied that since this is the first time this has been attempted, he is at a loss as how to respond. **Chairman Bair** asked if they intended to go through the rulemaking process to help define the procedures that will be used in this program. **Director Langhorst** said they have a policy and he does not think they would be doing rulemaking. He added that if the policy does not get them to where they need to go, then they would amend the policy. **Ms. Anna Canning**, administrator, said the sponsorship agreement does include terminations for cause.

**MOTION:** **Vice Chairman Vick** moved that **S 1098** be sent to the floor with a **do pass** recommendation. **Senator Nuxoll** seconded the motion.

**Senator Cameron** said that he will support the motion but hopes that they will propose rules by which the Committee will have a chance to review how this procedure will work. He suggested IDPR think through the process very carefully. **Chairman Bair** reinforced the rulemaking process.

The motion carried by **voice vote**. Vice Chairman Vick will be the floor sponsor.

**Chairman Bair** thanked all the presenters of the bills, then welcomed Ms. Terri Murrison, Administrator of the Idaho Soil and Water Conservation Committee to provide her annual report.

**PRESENTATION:** **Ms. Murrison** said this marks their 75th year as a state agency established to help farmers and ranchers reduce erosion. Conservation is a way of life in Idaho. The Soil and Water Conservation Committee has three core functions:

1. Technical and other support services
  - a. technical and capacity building assistance
  - b. distribute trustee and benefit funding
2. Conservation programs
  - a. incentive-based programs - The Conservation Reserve Enhancement Program (CREP); and the Resource Conservation and Rangeland Development Loan Program (RCRDP)
  - b. general programs - Total Maximum Daily Load (TMDL) and ground water
3. Administration

**Ms. Murrison** stated that the Governor appoints five commissioners to five year terms. They oversee policy to serve Idaho Soil and Conservation Districts, perform various program duties related to water quality planning and implementation, provide low interest conservation loans and more. There are 50 districts in Idaho that are served. Allocated funding for fiscal year FY 2015 was \$1,203,200. Technical assistance provided was 5,326 hours.

In FY 2014, RCRDP had 92 outstanding loans, and 12 loans were approved last year. The loan rate is from 2.5 percent to 3.5 percent. Loans are made for up to \$200,000 per loan or \$300,000 per borrower.

CREP had 156 contracts with 16,792 acres enrolled in FY 2014. Participating landowners received \$130 per acre per year in exchange for not farming those lands. This program saved 66,916 acre feet of water, which is enough to serve about 330,000 people. Soil erosion was reduced by 134,000 tons and 4.5 million pounds of fertilizer was not applied, significantly benefiting wildlife and fish.

**Ms. Murrison** said they assisted the Department of Environmental Quality (DEQ) in preparing the TMDL Implementation Plan to strategically reduce agriculturally generated pollutants in Idaho's surface water. They completed 99 plans. In 2014, 6 plans were completed, 15 are in progress, and 19 plans are pending review.

This year, Idaho's agricultural pollution abatement plan will be updated. This plan is updated and revised about every 10 years. **Ms. Murrison** said they are working with an advisory committee with 19 members, made up of industry and commodity groups. They are hoping the plan will be certified by the Governor by July 1. She then thanked Chairman Bair for the time she was given to present her report.

**PRESENTATION:** **Mr. Benjamin Kelly**, Executive Director for the Idaho Association of Soil Conservation Districts (IASCD), presented his annual report. IASCD works as a unified voice for conservation in Idaho. It was organized by district leaders in 1944. It works each day to strengthen districts and to further non-regulatory, locally led resource conservation in the State. Their goal is to keep each farm and ranch active, healthy, and sustainable. One of their projects included restoring the channel flow in Whiskey Creek. About 60 years ago, the creek was diverted to wash away the hillside to create a level spot for a dairy barn, as the owner did not want to construct the barn on productive farm ground. Now, with the dairy gone, the farmer agreed to restore the creek and remove the barn and corrals.

The Twin Falls Soil and Water Conservation District has partnered with the University of Idaho, Cooperative Extension Service, on a two-year project. The project consists of eight satellite sights that range in size from two to 15 acres and are located across the Magic Valley to capture different soil types, elevations, climate, and management systems. Cooperators were asked to use their own equipment to plant and most chose to follow a spring, grain crop to get the cover crop planted as early as possible.

**ADJOURNED:** Due to time constraints, **Chairman Bair** had to cut short the presentation by Mr. Kelly. He thanked him for his understanding, then adjourned the meeting at 3 p.m.

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Senator Bair  
Chair

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Juanita Budell  
Secretary