

MINUTES
HOUSE RESOURCES & CONSERVATION COMMITTEE

DATE: Wednesday, January 27, 2016

TIME: 1:30 P.M.

PLACE: Room EW40

MEMBERS: Chairman Raybould, Vice Chairman Gestrin, Representatives Moyle, Andrus, Shepherd, Wood, Boyle, Vander Woude, Gibbs, Miller, Bateman, Burtenshaw, Mendive, VanOrden, Youngblood, Pence, Erpelding, Rubel

**ABSENT/
EXCUSED:** Rep. Youngblood

GUESTS: Sharon Keifer, Idaho Department of Fish and Game; Jesse Taylor, Bear Lake Watch; Greg Wooten, Idaho Department of Fish and Game; John Carver, Idaho Conservation Officers/Westerberg and Associates; Liz Harkin, Veritas Advisors; Jon Oppenheimer, ICL; Rialin Flores, CVI; Pam Jackson, CVI; Tim Luke, Idaho Department of Water Resources; Nic Gibson, Food Producers of Idaho; Mark York, Food Producers of Idaho; Benjamin Kelly, Food Producers of Idaho

Chairman Raybould called the meeting to order at 1:30 p.m.

MOTION: **Rep. Miller** made a motion to approve the minutes of the January 21, 2016 meeting with the anticipation of a possible correction, which would then require the minutes be taken up at the next meeting for approval. **Motion carried by voice vote**

RS 24132: **Rep. Heather Scott**, representing **Steve Tanner**, presented **RS 24132** proposed legislation that deals with the distribution of state property to conservation officers upon retirement by removing language from Idaho Code Section 36-1301 and removing Section 36-1301(5) that currently authorizes the Idaho Fish and Game Department Director to award property to an officer upon retirement and the requirements for such awards.

Responding to questions from the committee, **Rep. Heather Scott** said that state property belongs to the state, should remain with the state, and should not be distributed to state employees unless uniformly distributed to all state employees. Rep. Scott clarified that she represents not only **Steve Tanner**, but other concerned constituents from her district.

MOTION: **Rep. Boyle** made a motion to introduce **RS 24132**. **Motion carried by voice vote.**

RS 24133: **Rep. Heather Scott**, representing **Steve Tanner** and other concerned constituents from her district, presented **RS 24133**, proposed legislation that clarifies due process to citizens in inspections and searches conducted by Fish and Game officers, by removing "Right of" in the current "Right of Inspection – Search" language of Idaho Code Section 36-1303 and by adding the requirement of a search warrant or owner consent for searches and inspections. **RS 24133** further proposes the removal of language from Idaho Code 36-1303(b) that states, "or any equipment or substances used to take such wildlife."

In response to a committee question regarding the necessity of having a stricter bar than the 4th Amendment probable cause searches utilized by many police officers, **Rep. Scott** replied that check stations are set up to check for illegal and out-of-season wildlife and are not responsible for searching for full blown illegal activity.

MOTION: **Rep. Andrus** made a motion to introduce **RS 24133**.

Rep. Moyle invoked Rule 38 stating a possible conflict of interest because he owns a storage facility, but he will be voting on the proposed legislation.

**VOTE ON
MOTION:**

Motion carried by voice vote.

RS 24131:

Rep. Heather Scott, representing **Steve Tanner** and other concerned constituents from her district, presented **RS 24131** which deals with minimum standards for operating Department of Fish and Game safe check stations. The minimum standards for operating check stations are already in Fish and Game policy, and the proposed legislation puts that policy language in code. The purpose for putting the policy into code is to ensure uniformity of implementation. As a current example, not all roads are treated the same, and basic policy needs to be in place so that highways are treated the same as county roads.

In response to committee questions, **Rep. Scott** said that minimum standards for safe check stations should be that they are operated in clearly visible sight in both directions for 1,500 feet on both major and secondary roads, marked with signage at 1,500 feet, 1,000 feet and 500 feet in both directions. This legislation is proposed due to complaints of unsafe check stations on roads in District 1 where there are many winding roads that have had check stations set up on blind curves after dark with no signage. **Rep. Scott** said the proposed legislation is necessary because the check stations have been used by other agencies for activities not related to the purposes of Fish and Game check stations, which is to check fish and wildlife. **RS 24131** would not incur additional fees and would use the existing equipment utilized by the Department of Fish and Game for check stations on regular highways.

Committee members discussed the current language of Idaho Code 36-1201(e) regarding who is required to stop at check stations.

MOTION:

Rep. Gestrin made a motion to introduce **RS 24131**.

Rep. Scott responded affirmatively to a committee suggestion that including the Fish and Game policy upon which **RS 24131** is based at the hearing for passage of this legislation would be helpful.

**VOTE ON
MOTION:**

Motion carried by voice vote.

ADJOURN:

There being no further business to come before the committee, the meeting adjourned at 1:54 p.m.

Representative Raybould
Chair

Lorrie Byerly
Secretary