

MINUTES  
**SENATE RESOURCES & ENVIRONMENT COMMITTEE**

**DATE:** Monday, February 22, 2016

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

**PLACE:** Room WW55

**MEMBERS PRESENT:** Chairman Bair, Vice Chairman Vick, Senators Siddoway, Heider, Nuxoll, Bayer, Hagedorn, Stennett and Lacey

**ABSENT/ EXCUSED:** None

**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** welcomed and introduced the Committee's page for the second half of the session, Zoe Esplin. Zoe is from Rexburg and attends Madison High School where she is active in speech and debate classes, having competed at the national level. She plans to attend BYU and major in communications and is also interested in international and Latin American studies.

**S 1344** **Senator Brackett** presented **S 1344**, which replaces **S 1305** at the request of the Idaho Department of Fish and Game (IDFG). The purpose of this legislation is to provide a process for the IDFG to have an independent entity carry out drawings for tags for controlled hunts. The drawings would be conducted using a computer program that awards permits based on a random order of selection. **Senator Brackett** said this would ensure transparency in the drawing process and would provide credibility in the results.

**Senator Stennett** asked if the current system was broken. **Senator Brackett** replied that questions have been raised regarding the drawings and there is a cloud over the IDFG.

**Senator Heider** inquired about the fiscal impact. **Senator Brackett** said the fiscal impact, as indicated on the Statement of Purpose, is approximately \$102,500. That is based on the number of applications.

**Senator Siddoway** wanted to know how many businesses provide the service that would be required to carry out the drawings. **Senator Brackett** said he is not aware of any companies in Idaho, but he has been told there are 15 or 16 companies in other states.

**TESTIMONY:** **Sharon Kiefer**, Deputy Director, IDFG, stated that IDFG has not discussed this bill with the IDFG Commissioners, so she could not offer a policy position, just technical observations.

IDFG currently implements a random system of drawing for controlled hunts. In 2015, they offered nearly 40,000 controlled hunt tags specifically for deer, elk and pronghorn in more than 400 hunts. Interest and applications were at an all-time high as hunters submitted approximately 161,000 first-choice applications in 2015. Drawing odds for individual hunts range from less than five percent for certain exceptional antlered or trophy species hunts to nearly 100 percent for certain cow elk and doe deer hunts. Overall, about 75 percent of first-choice controlled hunt applicants are disappointed following results of the annual random drawing process.

**Ms. Kiefer** said that criticism has been around probably as long as they have had controlled hunts. Regardless of who develops and conducts the controlled-hunt drawing, transparency and credibility will not lessen the feeling of unfairness for those many hunters who never seem to draw but their neighbor always does. It is the luck of the draw. A copy of Ms. Kiefer's full testimony is attached (see attachment 1).

**MOTION:** **Senator Siddoway** moved that **S 1344** be sent to the floor with a **do pass** recommendation. **Vice Chairman Vick** seconded the motion.

**SUBSTITUTE MOTION:** **Senator Hagedorn** moved that **S 1344** be held until the IDFG Commissioners have a meeting to discuss the bill. **Senator Stennett** seconded the motion.

A roll call vote was taken on the substitute motion. Voting aye were Senators Hagedorn, Stennett and Lacey. Voting nay were Senators Bayer, Nuxoll, Heider, Siddoway, Vick and Bair. The substitute motion failed. The original motion carried by **voice vote**. **Senator Hagedorn** asked to be recorded as voting nay. Senator Brackett will be the floor sponsor.

**S 1240** **Norm Semanko**, Executive Director, Idaho Water Users Association, presented **S 1240**. **Mr. Semanko** said this legislation increases the maximum administrative fee that may be charged by a canal company in order to bring the user fee to a level that more closely approximates the actual administrative costs to the canal company. In 1980, the Legislature limited the administrative charge to \$10. What was a fair charge in 1980 does not work for the present time, and that is why the proposed fee is being increased from \$10 to \$50.

**TESTIMONY:** **Jerry Kiser**, Attorney, representing the Farmers Union Ditch Company, said Mr. Semanko had adequately explained the reason for the increase and it is the desire of the canal company to keep in line with the statutory requirements.

**Vice Chairman Vick** asked if the administrative fee is raised, would any other fees be lowered? **Mr. Kiser** replied that the only thing that would change would be how it is labeled. Administrative costs are part of the overall operational expenses, but the 1980 legislation segregated out a cap on that administrative portion.

**MOTION:** **Senator Heider** moved that **S 1240** be sent to the floor with a **do pass** recommendation. **Senator Siddoway** seconded the motion. The motion carried by **voice vote**. **Senator Hagedorn** voted nay and asked to be recorded as such. Senator Heider will be the floor sponsor.

**S 1241** **Mr. Semanko** said that **S 1241** clarifies that irrigation district assessment payments are timely when postmarked or received on the due date and that payments due on a weekend are timely if postmarked or received the next business day. **Mr. Semanko** said the Food Producers support this bill, **S 1241**, as well as the previous bill, **S 1240**.

**TESTIMONY:** **Andy Waldera**, Attorney, Pioneer Irrigation District, testified in support of this legislation.

**MOTION:** **Vice Chairman Vick** moved that **S 1241** be sent to the floor with a **do pass** recommendation. **Senator Nuxoll** seconded the motion. The motion carried by **voice vote**. Vice Chairman Vick will be the floor sponsor.

**S 1242** **Mr. Semanko** said that **S 1242** clarifies that an irrigation district is not required to issue tax certificates for delinquencies and that the district has discretion in deciding whether to do so. **Mr. Semanko** said this legislation clarifying that these issuances are not mandatory; some interpreted the law incorrectly that they were required.

**TESTIMONY:** **Mr. Waldera** said that in the past few years they have had some individuals who have argued that it is mandatory and it is an issue that just needs cleaned up.

**MOTION:** **Senator Nuxoll** moved that **S 1242** be sent to the floor with a **do pass** recommendation. **Senator Stennett** seconded the motion. The motion carried by **voice vote**. Senator Nuxoll will be the floor sponsor.

**S 1278** **Mr. Semanko** said this legislation clarifies that an entity operating a canal or conduit for irrigation or other beneficial use is not required to obtain an additional water right to generate hydropower in the same canal or conduit, using the same water, under certain conditions. **Mr. Semanko** stated that they have worked with Chairman Spackman and the Idaho Department of Water Resources (IDWR) and they have no opposition to **S 1278**.

**TESTIMONY:** **Albert Barker**, Attorney, Boise Project Board of Control, said they found duplicative efforts had to be made and this legislation will correct that. This right does not give anyone, other than the owner of the canal, the right to use water already being diverted through the canal for the purpose of irrigation or other beneficial use. **Mr. Barker** said the Boise Project has three conduit exemption power plants that have been built and they have exemptions for five more, two of which they hope to put online within the next two years. He estimated that there are approximately 50 hydro power plants in canals in the State.

**MOTION:** **Senator Heider** moved that **S 1278** be sent to the floor with a **do pass** recommendation. **Senator Siddoway** seconded the motion. The motion carried by **voice vote**. Senator Lacey will be the floor sponsor.

**S 1304** **Mr. Semanko** said this legislation clarifies that an irrigation district is not required to conduct an election or confirmation proceeding when construction of a hydroelectric plant does not involve any indebtedness.

**MOTION:** **Senator Hagedorn** moved that **S 1304** be sent to the floor with a **do pass** recommendation. **Senator Siddoway** seconded the motion. The motion carried by **voice vote**. Senator Hagedorn will be the floor sponsor.

**Chairman Bair** thanked the Committee for their hard work.

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

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Senator Bair  
Chair

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Juanita Budell  
Secretary