

MINUTES
SENATE RESOURCES & ENVIRONMENT COMMITTEE

DATE: Monday, March 11, 2019

TIME: 1:00 P.M.

PLACE: Lincoln Auditorium

MEMBERS PRESENT: Chairman Heider, Vice Chairman Brackett, Senators Bair, Johnson, Mortimer, Patrick, Guthrie, Stennett, and Jordan

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 Heider** called the Senate Resources and Environment Committee (Committee) to order at 1:02 p.m.

MINUTES APPROVAL: Before approving the Minutes from January 16th, 23rd, 28th, 30th and February 18th and the 20th, **Vice Chairman Brackett** clarified that the Columbia River Treaty would have to go through the Foreign Relations Committee, which U.S. Senator Jim Risch chairs, and even though Senator Martin was told that wasn't always the case, Senator Risch believes that it is.

Vice Chairman Brackett moved to approve the Minutes from January 16th, 23rd, 28th, 30th and February 18th and 20th. **Senator Jordan** seconded the motion. The motion carried by **voice vote**.

S 1151 **Vice Chairman Brackett** stated that H 230 (2017) added significant financial resources to prevent wildlife/crop depredations. In 2018, the Idaho Fish and Game Department (IDFG) received a claim from a single agriculture producer for specialty, organic crops that equalled or exceeded the total amount of the other 43 claims received from all agriculture producers combined. Using current fiscal year 2019 appropriations for the Expendable Big Game Depredation Trust Account, the State would likely be prorating at less than fifty cents on the dollar. The purpose of this legislation is to place a cap on the amount paid on any single claim to not exceed 10% of the annual Expendable Big Game Depredation Trust Account appropriation for that fiscal year.

TESTIMONY: **Sharon Kiefer**, Deputy Director of IDFG, spoke in favor of **S 1151** because it creates a solution by providing a legislative safeguard to avoid exceptionally large claims, which strains the depredation compensation account.

DISCUSSION: **Senator Patrick** asked what happens if 500 elk cause enough damage to exceed the depredation fund. **Ms. Kiefer** responded they don't have a sense of how often Senator Patrick's scenario will happen, but IDFG is seeing some changes in agricultural practices where it may happen more often than not.

Senator Johnson commented that perhaps next session, the Committee could look at any carry over to **S 1151** claims to see if there's any reason to continue with the legislation. Or, the committee can find some more creative solutions to fund the depredation fund so that the State can be equitable.

MOTION: **Senator Patrick** moved to send **S 1151** to the floor with a **do pass** recommendation. **Senator Jordan** seconded the motion. The motion carried by **voice vote**.

Because Representative Addis or Emily McClure were not available at the time to present **H 97**, the Committee decided to introduce **HCR 9** in its place.

- HCR 9** **Representative Ehardt**, District 33, stated the purpose of this resolution is to recognize that Idaho's hydroelectric power is clean, reliable, and renewable, and is key to our energy portfolio moving forward.
- TESTIMONY:** **Will Hart**, Executive Director of the Idaho Consumer Owned Utilities Association spoke in favor of **HCR 9**.
- MOTION:** **Senator Bair** moved to send **HCR 9** to the floor with a **do pass** recommendation. **Senator Johnson** seconded the motion. The motion carried by **voice vote**.
- H 97** **Emily McClure**, Riley Stegner and Associates, presented on behalf of Representative Addis, and stated under some programs, landowners may receive nominal compensation from a government entity or other third party to offset costs associated with opening their private property to the public. In 2018, the legislature amended the recreational immunity statute to align with Supreme Court holdings and clarify that these protections apply to government entities entering into such agreements. **Ms. McClure** concluded **H 97** would further clarify that such protections also apply to private landowners.
- MOTION:** **Senator Mortimer** moved to send **H 97** to the floor with a **do pass** recommendation. **Senator Patrick** seconded the motion. The motion carried by **voice vote**.
- H 162** **Senator Harris** presented on behalf of Representative Boyle, and stated this legislation will provide for a legislative council on federal lands issues. Approximately 62 percent of the state is federally managed land. Currently, the legislature does not have a seat at the table when it comes to dealing with federal lands issues and this legislation will give the Legislature that opportunity. **Senator Harris** provided an example of the type of work the council would do, which includes expanding upon the good neighbor authority, a shared agreement between the Forest Service and the Department of Lands to prevent catastrophic fires and develop methods for rejuvenation of forests and watersheds. **Senator Harris** noted the need for ease grazing permits, as he can personally attest to firefighters discussing that one of the best forms of fire prevention is cattle grazing, because cattle eat up the excess grass that adds fuel and creates game trails that act as natural barriers against fires.
- DISCUSSION:** **Senator Stennett** asked for Senator Harris to comment on the "shall" mandate from the legislation that states the council shall "monitor and review policies and issues" associated with federal lands and the State of Idaho. **Senator Harris** responded the purpose of the council is to have a say in the way federal land is managed. **Senator Harris** stated another goal of the legislation is to help Idahoans with their federal partners to facilitate grazing permits, mining permits, and outfitter and guide permits for service.
- Senator Stennett** referenced an opinion she received from the Attorney General's office and asked if **H 162** uses State resources in order for this council to exist or if the council is going to be hiring outside individuals for their legal counsel. **Senator Stennett** also asked a question about the fiscal note. **Senator Harris** responded the Attorney General opinion also states the exercise of such legislative functions do not conflict with any existing authorities of the other State agencies. **Senator Harris** stated there is an attorney on retainer through the legislature and the Legislative Defense Fund. Finally, **Senator Harris** noted that the \$10,000 to \$15,000 is what it costs to run an interim committee with the attorney.
- Senator Jordan** asked for clarification on the council's ability to facilitate contracts between the federal government and individuals at the state or local levels and other agencies as deemed warranted. **Senator Harris** responded the term "facilitate" means to make it easier to help bring about, thus when deemed warranted by the council it can offer to consult with federal and local State agencies and individuals in order to assist the parties in reaching agreements, including cattle grazing permits.

Vice Chairman Brackett stated he wished it was clear that the council would be subservient to the legislature at all times, and be limited to investigating and advising the legislature. He further stated that the sage grouse state plan should serve as a model for the Idaho Council on Federal Lands. Finally, **Vice Chairman Brackett** believes the legislature should select issues for the council with the council making recommendations.

TESTIMONY: **Jim Caswell, Ted Eisele, Don Kemper, and John Segan** all spoke on their own behalf, and they spoke in opposition to **H 162**.

Fred Birnbaum, Vice President of the Idaho Freedom Foundation and **Darrel Ford**, on his own behalf, spoke in favor of **H 162**.

DISCUSSION: **Senator Jordan** asked if Mr. Birnbaum could show in the statute where this committee would only be a "temporary" one. **Mr. Birnbaum** stated that he stood corrected, and then **Senator Jordan** read the section of **H 162** that sets out how many times the interim meeting would be meeting per year, and indicated that there was no language that gave a sunset provision to **H 162**.

TESTIMONY: **Merrill Beyeler**, on his own behalf, stated that **H 162** should be sent to the 14th Order for revision.

MOTION: **Vice Chairman Brackett** moved to send **H 162** to the 14th Order of Business for possible amendment. **Senator Guthrie** seconded the motion. The motion carried by **voice vote**.

ADJOURNED: There being no further business at this time, **Chairman Heider** adjourned the meeting at 3:00 p.m.

Senator Heider
Chair

Tyler Brock
Secretary