

MINUTES
SENATE RESOURCES & ENVIRONMENT COMMITTEE

DATE: Wednesday, February 23, 2022

TIME: 1:30 P.M.

PLACE: Room WW55

MEMBERS PRESENT: Chairman Vick, Vice Chairman Heider, Senators VanOrden (Bair), Blair (Johnson), Patrick, Guthrie, Burtenshaw, Stennett, and Semmelroth

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

GUBERNATORIAL APPOINTMENT VOTE: **Senator Blair** moved to send the Gubernatorial Appointment of Michael Roach to the Idaho Parks and Recreation Board to the floor with recommendation that he be confirmed by the Senate. **Senator Semmelroth** seconded the motion. The motion carried by **voice vote**. Senator Stennett will carry the appointment of Mr. Roach on the floor.

GUBERNATORIAL APPOINTMENT VOTE: **Senator VanOrden** moved to send the Gubernatorial Reappointment of Randy Doman to the Idaho Parks and Recreation Board to the floor with recommendation that he be confirmed by the Senate. **Senator Blair** seconded the motion. The motion carried by **voice vote**. Senator Crabtree will carry the appointment of Mr. Doman on the floor.

H 467 **WATER - Amends existing law to revise provisions regarding loans from the revolving account.** **Brian Patton**, Executive Officer, Idaho Water Resource Board (IRWB) stated the IWRB proposed **H 467** in response to a Legislative Services audit, which identified a discrepancy with language in Idaho Code § 42-1756(5), which governs the security interest requirements of loans made by the IRWB from its Revolving Development Account, and the IRWB's actual practices of securing loans. While the existing language applied to securing loans to non-governmental borrowers, such as canal companies, it did not match the processes that govern incurring and securing debt by public entities such as irrigation districts, ground water districts, flood control districts, or drainage districts. **Mr. Patton** stated this legislation specified the Board may enter into loan security arrangements appropriate to the lender and all borrowers that came to the IRWB for a loan.

DISCUSSION: **Senator VanOrden** asked if there was a revolving loan already set up within IRWB. **Mr. Patton** responded that was correct and IRWB routinely made loans to canal companies, irrigation districts, groundwater districts, and occasionally cities and towns for their water supply infrastructure. **Chairman Vick** asked if they would file a lean against water rights differently than they would against real property. **Mr. Patton** responded public borrowers such as irrigation districts cannot pledge their real property as collateral for a loan.

MOTION: **Senator Patrick** moved to send **H 467** to the floor with a do pass recommendation. **Vice Chairman Heider** seconded the motion. The motion carried by **voice vote**. Senator Burtenshaw will carry on the floor.

H 507

FISH AND GAME - Adds to existing law to authorize the use of certain archery equipment. Representative Mitchell presented this legislation, which provides for use of lighted nocks and mechanical broadheads in Idaho for archery hunting. He explained the use of lighted nocks and mechanical broadheads made it easier for hunters to recover lost arrows, provided higher accuracy as well as a more humane kill, and decreased the waste of game from injuries and lost kills. He shared that 49 states already allowed for the use of lighted nocks and mechanical broadheads, with the last state legalizing both several years ago.

DISCUSSION:

In response to questions from **Senator Stennett, Representative Mitchell** explained why he created this legislation rather than having Idaho Department of Fish and Game (IDFG) discuss these changes through rulemaking.

TESTIMONY:

Brian Brooks, Idaho Wildlife Federation; **Tad Sherman**, Idaho State Bowhunters; **Nick Fasciano**, Idaho Chapter of Backcountry Hunters and Anglers; **Darrell Nunez**, self; **Jon Rachael**, Idaho Department of Fish and Game; and **Paul Mascuch**, Idaho Sportsmen's Alliance, all spoke in opposition to **H 507**. The common theme was the Legislature should not be involved in IDFG's business of setting hunting regulations. Sportsmen are passionate about participating in the hunting regulations process and this legislation denies that process. In addition, several were concerned about introducing technology, such as use of Bluetooth, to archery hunting, and believed mechanical broadheads were prone to failure. **Mr. Brooks** and **Mr. Rachael** also stated IDFG will initiate negotiated rulemaking to address these topics if this legislation did not pass.

Benn Brocksome, Idaho Sportsmen Association, spoke in support of **H 507**. He requested that IDFG be more pragmatic in dealing with issues such as what was addressed by this legislation, so that sportsmen do not have to circumvent an established process by going to their legislators to fix a problem. He emphasized that there was no mandate in this legislation to use or buy lighted nocks or mechanical broad heads. He suggested that this legislation is broad, and would benefit from follow up negotiated rulemaking by IDFG to set specific parameters.

DISCUSSION:

In response to a question from **Senator Patrick, Mr. Brooks** stated there has never been a petition for mechanical broadheads.

In response to a question from **Senator Guthrie, Mr. Brooks** stated IDFG now has new members, who were interested in bringing these issues to discussion and rulemaking.

In response to questions from **Senator Stennett, Mr. Brooks** explained how lighted nocks and Bluetooth work in the wilderness and how mechanical broadheads fail. He shared a concern about allowing technology into the traditional archery experience, and about increasing game harvests.

In response to questions from **Senator Burtenshaw and Senator Blair, Mr. Brooks** clarified that this legislation does not include or exclude Bluetooth, and Bluetooth does not operate the arrow.

In response to questions from **Vice Chairman Heider and Chairman Vick, Mr. Brooks** allowed that there was no data to support or oppose that lighted nocks provide greater accuracy.

Senator Patrick and Senator Guthrie shared that legislation was rulemaking, and IDFG could initiate rulemaking after this legislation passed to provide for limitations to technologies, such as Bluetooth.

In response to a question from **Senator Blair, Mr. Sherman** explained why

lighted nocks would not help a hunter find an injured animal.

In response to a questions from **Senator Stennett, Mr. Rachael** shared that there was a conversation initiated by IDFG on lighted nocks in 2020 without much of a response, and IDFG planned to initiate another conversation on both lighted nocks and mechanical broadheads.

In response to a question from **Senator Burtenshaw, Mr. Rachael** responded that there was a challenging balance to wildlife management, and he was concerned about shorter archery hunting seasons due to increased success rates as a result of this legislation.

In response to a question from **Senator Stennett, Mr. Brocksome** confirmed that sportsmen have not recently attempted to initiate a conversation with IDFG about mechanical broadheads.

- TESTIMONY:** **Rep. Mitchell** responded to prior testimony and discussion. He stated with regard to lighted nocks, the 2020 petition was 85 percent favorable. He stated when managing wildlife populations, waste should be a concern. He reiterated that these are options, not requirements. He shared a story from an archery shop, who stated they took the IDFG out to demonstrate mechanical broadheads, and they did not have any mechanical failures that day.
- DISCUSSION:** In response to a question from **Senator Semmelroth, Representative Mitchell** stated he attempted to work with IDFG to craft this legislation in December 2021.
- MOTION:** **Senator Burtenshaw** moved to send **H 507** to the floor with a **do pass** recommendation. **Senator Blair** seconded the motion.
- DISCUSSION:** **Senator Stennett** stated she did not agree with bypassing IDFG in the process and the Legislature is not an arbitrator, so she would not support the motion. **Senator VanOrden** and **Senator Blair** stated they would vote in favor.
- VOICE VOTE:** The motion to send **H 507** to the floor with a **do pass** recommendation carried by **voice vote**. **Senator Stennett** and **Senator Semmelroth** requested they be recorded as voting nay. Senator Burtenshaw will carry on the floor.
- ADJOURNED:** There being no further business as this time, **Chairman Vick** adjourned the meeting at 2:58 p.m.

Senator Vick
Chair

Shelly Johnson
Secretary