

MINUTES
SENATE RESOURCES & ENVIRONMENT COMMITTEE

DATE: Monday, February 20, 2023

TIME: 1:30 P.M.

PLACE: Room WW55

MEMBERS PRESENT: Chairman Burtenshaw, Vice Chairman Adams, Senators Guthrie, Den Hartog, Harris, Okuniewicz, Schroeder, Semmelroth, and Taylor

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

INTRODUCTION: **Introduction of Page - Adam Taylor.** **Mr. Taylor** shared he was born in Washington D.C., but has lived in Rigby, Idaho for the last six years. He planned to complete two years of church service, and then attend the United States Air Force Academy in Colorado Springs and become a fighter pilot.

MINUTES APPROVAL: **Senator Guthrie** moved to approve the Minutes of January 23, 2023. **Senator Den Hartog** seconded the motion. The motion carried by **voice vote**.

Senator Schroeder moved to approve the Minutes of January 25, 2023. **Senator Taylor** seconded the motion. The motion carried by **voice vote**.

Senator Semmelroth moved to approve the Minutes of January 30, 2023. **Vice Chairman Adams** seconded the motion. The motion carried by **voice vote**.

GUBERNATORIAL REAPPOINTMENT VOTE: **Senator Guthrie** moved to send the Gubernatorial Reappointment of Louise Stark of Challis, Idaho to the Outfitters and Guides Licensing Board to the floor with recommendation that she be confirmed by the Senate. **Senator Schroeder** seconded the motion. The motion carried by **voice vote**.

GUBERNATORIAL APPOINTMENT VOTE: **Senator Harris** moved to send the Gubernatorial Appointment of Dennis Skinner of Boise, Idaho to the Outfitters and Guides Licensing Board to the floor with recommendation that he be confirmed by the Senate. **Senator Guthrie** seconded the motion. The motion carried by **voice vote**.

GUBERNATORIAL APPOINTMENT VOTE: **Senator Schroeder** moved to send the Gubernatorial Appointment of Erik Weiseth of McCall, Idaho to the Outfitters and Guides Licensing Board to the floor with recommendation that he be confirmed by the Senate. **Senator Taylor** seconded the motion. The motion carried by **voice vote**.

S 1032: **WATER MANAGEMENT ACCOUNT - Amends existing law to revise provisions regarding expenditures, to provide for the selection of projects, and to revise provisions regarding loans and grants.** **Paul Arrington**, Executive Director, Idaho Water Users Association, explained **S 1032** amended Idaho Code § 42-1760 to add language included in the Idaho Department of Water Resources (IDWR) 2023 appropriations bill that provided guidance to the Idaho Water Resource Board (IWRB) in the development of grant programs and expenditures. He stated this legislation also reorganized Idaho Code § 42-1760 for clarity and readability purposes, and he reviewed examples of the reorganized language.

DISCUSSION: **Senator Den Hartog** asked for the amount being considered for this program and if the funds would be state or federal money. **Mr. Arrington** responded this program was an opportunity through state funds. He stated last year \$75 million of general state funds was appropriated to IWRB and one third, or \$25 million, was used for aging infrastructure grants. This year, the Governor's budget recommendation included \$150 million from the general fund to IWRB, but the amount for aging infrastructure grants was to be determined. **Senator Guthrie** shared a concern this legislation provided for public funding of water improvements without recognizing that the resulting water should be available for everyone. **Brian Patton**, Executive Officer, Idaho Water Resource Board, answered, this particular legislation was to make sure that IWRB considered existing water rights when it made decisions to allocate funds.

Mr. Arrington concluded this language was originally put in place to help address a significant need throughout Idaho, and that was repairing old facilities that were no longer efficiently delivering water, which helped make all the water spread a little bit further.

Senator Schroeder and **Senator Taylor** stated they had a conflict of interest pursuant to Senate Rule 39(H) but intended to vote.

MOTION: **Senator Adams** moved to send **S 1032** to the floor with a **do pass** recommendation. **Senator Schroeder** seconded the motion. The motion carried by **voice vote**.

S 1033: **IRRIGATION - Adds to existing law to provide for the appropriation of ground water for supplemental irrigation use.** Senator Harris explained in 1989, the legislature passed Idaho Code § 67-6537, which stated a policy that encouraged the use of surface water whenever land was being developed. Because of this policy, the Idaho Department of Water Resources (IDWR) had placed conditions on new groundwater rights where there was existing surface water to require that the surface water be used first. A recent court decision held that the IDWR Director did not have authority to place that condition on new groundwater rights. **S 1033** gave the IDWR Director the authority to condition new groundwater rights to require that when surface water was there and available, it would be used first. **Mr. Arrington** reviewed the history leading to this legislation and provided some examples of how this legislation would apply.

DISCUSSION: **Senator Schroeder** asked what type of court made the decision regarding the IDWR Director's authority. **Mr. Arrington** responded the Snake River Basin Adjudication Court in Twin Falls. **Senator Guthrie** asked if this applied to community wells. **Mr. Arrington** responded yes. **Senator Guthrie** asked if there was a situation where surface water irrigation was not doable or reasonable, but there was a surface water right, was there any requirement to surrender that surface water right in order to get a community well. **Mr. Arrington** responded this legislation said that if you had surface water, you had to keep it and use it before you could use ground water, and it gave the Director the authority to issue that decision through a remark on the water right. He added there was no provision requiring the surface water right be retired. In response to another question by Senator Guthrie, **Mr. Arrington** confirmed that all of the existing authorities of the Director, such as to measure groundwater use, continued to apply.

TESTIMONY: **Vince Sevy**, Manager of Farmers Cooperative Ditch Company, testified in support of **S 1033** and stated he believed it would help ensure surface water would continue to be utilized when available. **Braden Jensen**, Idaho Farm Bureau Federation, testified in support of **S 1033** and stated he believed it would better enforce the historic use of water on a given parcel of land before allowing a new and additional pressure on Idaho's groundwater resource.

MOTION: **Senator Den Hartog** moved to send **S 1033** to the floor with a **do pass** recommendation. **Senator Guthrie** seconded the motion. The motion carried by **voice vote**.

S 1085: **OUTFITTERS AND GUIDES - Amends existing law to revise provisions regarding outfitter and guide licensure.** **Tim Frost**, Deputy Administrator, Division of Occupational Licenses (DOPL) explained **S 1085** moved several well-established definitions from administrative rule to statute, as they applied to terms in statute. It simplified the licensing process for guides by separating the process and obtaining the license from the outfitter. It cleaned up the fees section and removed outdated fees, but did not change any fees. It allowed the Idaho Outfitters and Guides Licensing Board to convert to a simpler renewal process for guide licensure consistent with other boards and commissions. Lastly, it moved from the terminology of "big game seasons" to the proper terminology of "allocated tags". **Mr. Frost** concluded this legislation did not add any new requirements, registrations, or red tape, but did remove areas of confusion identified during the Zero-Based Regulation rulemaking process in 2022.

TESTIMONY: **Aaron Lieberman**, Idaho Outfitters and Guides Association, testified in support of **S 1085** and stated the Idaho Outfitters and Guides Association Board supported this legislation and believed it was straightforward. **Jim Fredericks**, Director, Idaho Department of Fish and Game (IDFG), testified in support of **S 1085** and stated IDFG staff worked with the Idaho Outfitters and Guides Licensing Board to draft this legislation.

MOTION: **Senator Harris** moved to send **S 1085** to the floor with a **do pass** recommendation. **Senator Adams** seconded the motion. The motion carried by **voice vote**.

ADJOURNED: There being no further business as this time, **Chairman Burtenshaw** adjourned the meeting at 2:11 p.m.

Senator Burtenshaw
Chair

Shelly Johnson
Secretary