

MINUTES
SENATE RESOURCES & ENVIRONMENT COMMITTEE

DATE: Monday, March 06, 2023

TIME: 1:30 P.M.

PLACE: Room WW55

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

ABSENT/ EXCUSED: Chairman Burtenshaw

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

MINUTES APPROVAL: **Senator Harris** moved to approve the Minutes of February 1, 2023. **Senator Schroeder** seconded the motion. The motion carried by **voice vote**.

MINUTES APPROVAL: **Senator Okuniewicz** moved to approve the Minutes of February 6, 2023. **Senator Guthrie** seconded the motion. The motion carried by **voice vote**.

MINUTES APPROVAL: **Senator Taylor** moved to approve the Minutes of February 8, 2023. **Senator Schroeder** seconded the motion. The motion carried by **voice vote**.

MINUTES APPROVAL: **Senator Harris** moved to approve the Minutes of February 13, 2023. **Senator Taylor** seconded the motion. The motion carried by **voice vote**.

GUBERNATORIAL REAPPOINTMENT: **Committee Consideration of the Gubernatorial Reappointment of Craig Hill of Priest Lake, Idaho to the Lake Pend Oreille Basin Commission** for a term commencing July 24, 2022 and expiring July 24, 2024. **Mr. Hill** presented before the Committee via video and shared he was the owner and manager of Hills Resort and Priest Lake Golf Course in Priest Lake, Idaho. He was a lifelong resident of Priest Lake. He had served on the Lake Pend Oreille Basin Commission since its inception in 2003. He appreciated being on the commission and thought they did some good work.

DISCUSSION: **Senator Harris** asked what were some of the biggest changes Mr. Hill had seen in his twenty years on the commission. **Mr. Hill** responded the biggest change he had seen was more public input at their meetings, and more concern about environmental issues. He added that many concerns come to the committee that were not under their jurisdiction, such as questions related to the explosion in North Idaho's population. In response to a follow up question from Senator Harris, **Mr. Hill** stated his biggest challenge on the commission was making people understand that the commission could not raise the level of the lake in the spring for recreation and not prepare for snow melt and flooding. In response to a request from Senator Okuniewicz, **Mr. Hill** confirmed that the commission had jurisdiction over Pend Oreille Lake, the Pend Oreille River, Priest Lake, and the Priest River. **Senator Okuniewicz** then asked for Mr. Hill's opinion on the Priest Lake Siphon Project. **Mr. Hill** stated he was against this project and he cited multiple reasons, including that he struggled with the idea that a five foot diameter pipe could successfully cool a 45 mile long river. He noted that prior to the dam, by the middle of August the only water coming into the basin and going down the Priest River was what nature allowed. He added that in all

the meetings he attended around Priest Lake, he did not see a large group of people that were for this project.

S 1112:

BEAR LAKE - Adds to existing law to recognize Bear Lake's benefits and to provide for its enhancement, protection, and preservation. **Senator Harris** explained **S 1112** amended Idaho Code Chapter 43, Title 67 to add new Section 67-4313. The purpose was to recognize Bear Lake as a highly valued resource while acknowledging the lake's current uses for irrigation storage, power generation, flood control, and recreation. This legislation would add Bear Lake to a list of waters held in trust for the people of Idaho that included Big Payette Lake, Priest, Pend d'Oreille, and Coeur d'Alene Lakes, Mallard Canyon, Big Springs, and Thousand Springs. This legislation encouraged collaboration among state agencies and stakeholders to preserve and enhance the interests of Bear Lake. He referred the Committee to a letter of support for this legislation from the Idaho Water Users Association (Attachment 1).

DISCUSSION:

Senator Semmelroth asked since Bear Lake was shared with Utah, if there was similar legislation in Utah or if this legislation would have any affect on Utah. **Senator Harris** responded he did not know if there was similar legislation in Utah, but he wanted to ensure Idaho protected their half of the lake. **Senator Guthrie** asked for some examples of other bodies of water that had similar language. **Senator Harris** responded that the title of Title 67 Chapter 43 was Preservation of Certain Lakes as Health Resorts and Recreation Places, and the language in this legislation was similar as language in this Title for other bodies of water. **Senator Guthrie** then asked if putting this in statute would provide legal footing if future activities ran against the intent of this legislation. **Senator Harris** confirmed he believed it would. **Senator Taylor** clarified Utah had similar language proposed in their general session.

TESTIMONY:

Claudia Cottle, Bear Lake Watch, Inc, testified in favor of **S 1112**. She spoke about her organization and their work for the benefit of Bear Lake. She explained there was a joint resolution between Utah and Idaho that included joint expectations for the lake for the long term, but she felt it was important for Idaho to also define its own expectations and to defend those expectations by putting them in statute. **Susan Buxton**, Director, Idaho Department of Parks and Recreation, also testified in favor of this legislation.

MOTION:

Senator Guthrie moved to send **S 1112** to the floor with a **do pass** recommendation. **Senator Schroeder** seconded the motion. The motion carried by **voice vote**.

H 103:

RECREATION - Adds to existing law to provide for the assumption of risk and legal responsibility by recreational participants for injuries associated with recreational activities in state parks. **Susan Buxton**, Director, Idaho Department of Parks and Recreation (IDPR), explained **H 103** provided for the assumption of risk and legal responsibility by recreational participants for injuries associated with recreational activities in State parks. She shared that over the last five years, there were 40 claims made against IDPR and they were found liable in 17 of those claims, resulting in payments of about \$44,000, but the attorney costs for addressing those claims far exceeded payments.

DISCUSSION: **Senator Guthrie** asked where the avenue was to address injuries that were clearly the fault of IDPR. **Ms. Buxton** explained the Idaho Tort Claim Act provided liability on behalf of a governmental entity such as State parks, and financial damages if they act negligently or for an otherwise wrongful act or omission. **Senator Semmelroth** asked how users would be notified of the content of this legislation and would it encourage or discourage people who might be new to the outdoors from engaging in Idaho's state parks. **Ms. Buxton** responded this legislation did nothing to insulate the parks from being liable for negligent or intentional acts. **Senator Okuniewicz** asked for clarification on the language starting on line 21 stating that recreational participants shall refrain from acting in a manner that may cause or contribute to the injury of persons or property. **Ms. Buxton** explained that in talking to risk management, sometimes there were defenses that the park should have stopped someone from encouraging another to engage in risky activity, so this was the reason for that language, which was similar to the language they were seeing in other places.

TESTIMONY: **Aaron Lieberman**, Executive Director, Idaho Outfitters and Guides Association, testified in favor of **H 103**. He stated this legislation laid out some basic assumptions on the risks to recreational participants inherent in outdoor recreation, and it was similar to the legislation the Senate recently passed for outfitters and guides.

MOTION: **Senator Semmelroth** moved to send **H 103** to the floor with a **do pass** recommendation. **Senator Schroeder** seconded the motion. The motion carried by **voice vote**.

ADJOURNED: There being no further business as this time, **Vice Chairman Adams** adjourned the meeting at 2:16 p.m.

Senator Adams
Vice Chairman

Shelly Johnson
Secretary