

MINUTES
HOUSE RESOURCES & CONSERVATION COMMITTEE

DATE: Tuesday, February 13, 2024

TIME: 1:30 P.M.

PLACE: Room EW40

MEMBERS: Chairman Mendive, Vice Chairman Shepherd, Representatives Boyle, Vander Woude, Blanksma, Manwaring, Yamamoto, Raybould, Durrant, Hill (Brown), Mickelsen, Nelsen, Pickett, Raymond, Tanner, Burns, Necochea, Galaviz

**ABSENT/
EXCUSED:**

GUESTS: The sign-in sheet will be retained in the committee secretary's office; following the end of session the sign-in sheet will be filed with the minutes in the Legislative Library.

Chairman Mendive called the meeting to order at 1:35 p.m.

Chairman Mendive introduced **Rep. Brown** to the committee. He is substituting for **Rep. Hill** this week.

H 467: **Rep. Pickett**, District 27, presented **H 467** which pertains to irrigation and special assessments. He explained the legislation is an industry driven bill, requested by the irrigation districts to increase their discretion and ability to provide the appropriate incentives to irrigators to farm within their water rights. Currently code stipulates \$100 fees for overages, this would be increased up to \$300 depending on the discretion of the commissioners of the local irrigation districts.

MOTION: **Rep. Raybould** made a motion to send **H 467** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** Rep. Pickett will sponsor the bill on the floor.

**UNANIMOUS
CONSENT
REQUEST:** **Chairman Mendive** made a unanimous consent request to move **H 425** to the top of the agenda. There being no objection the request was granted.

H 425: **Rep. Manwaring** presented **H 425** which pertains to disaster preparedness. He explained that this is an amendment which removes language in statute that the Federal Emergency Management Agency (FEMA) has deemed non-complaint with the minimum standards of the National Flood Insurance Program (NFIP). There is history connected to this statute and its FEMA endorsed changes and he briefly reviewed that history and imparted the consequences of continuing in a non-compliant status. He answered some committee questions.

Paul Arrington, Idaho Water Users Association, spoke **in support** of **H 425** saying despite his frustration with some aspects of this legislation he supports it because it allows for management of ditches and flood gates. This legislation is the result of 3 years of negotiations with FEMA on the issue. He answered some very specific committee questions.

MOTION: **Rep. Raymond** made a motion to send **H 425** to the floor with at **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Boyle, Vander Woude and Tanner** requested to be recorded as voting **NAY**. Rep. Manwaring will sponsor the bill on the floor.

Dustin Miller, Director of Idaho Dept. of Lands (IDL), presented a follow-up agency performance report. He explained he has returned today to address committee questions and to introduce **Chris Anton**, Endowment Fund Investment Fund Manager of Investments, who is able to speak to matters concerning the Endowment Fund Investment Board. Mr. Miller provided some history on how the Endowment Fund works, saying that prior to Idaho becoming a state in 1890 the Federal Government granted it land for the sole purpose of funding a variety of institutions necessary for the state to properly function. The original endowment land grants totaled 3.6 million acres, and nearly 85% of Idaho's Endowment lands supports public schools. Endowment land is held in a Trust, and the Trustee is the Idaho Board of Land Commissioners. The Dept. of Lands serves as the administrative arm for the Land Board and schools, colleges, universities and other public institutions are the beneficiaries of this Trust. The Dept. of Lands is charged with managing 2.5 million acres of the trust lands and generating revenues from that land which are then returned to the Board of Land Commissioners for the purposes of the Endowment Fund Trust. Article IX, section 7 and 8 of the Idaho Constitution describes these things in detail. After explaining the Endowment Fund he provided a brief overview of the Idaho Dept. of Lands, its employees, its activities, and distinguished between the regulatory side of the agency and the endowment side saying the endowment side is the most prominent. The timber program is the largest and most revenue generating activity, it involves 1 million acres of Endowment land, also there are grazing lands, cottage sites, minerals, and recreation sites. He also spoke about expenses connected to managing this land, like fire fighting, etc.

Chris Anton, Manager of Investments for the Endowment Fund Investment Board, provided a brief history of the Fund and some very specific information about how the Endowment Fund Trust supports its various beneficiaries. He also answered several committee questions.

Chairman Mendive turned the gavel over to **Vice Chairman Shepherd**.

**DOCKET NO.
20-0301-2301:**

Eric Wilson, Resource Protection & Assistance (RPA) Bureau Chief at the Idaho Dept. of Lands (IDL) presented the rule changes connected to **Docket No. 20-0301-2301**. He established the agency's authority based on code, provided a summary of the negotiated rule-making process and elaborated on the pending rule changes. The proposed rule changes involve adjustments to annual inspection fees, which have not been changed since 1991, plus late payment and cancellation policy updates, and bonding considerations.

There were several committee questions on the proposed rule changes, one in particular involved a perceived conflict between code and the rule concerning the use of the word "fees" vs "costs" and the agency's attempt to collect flat fees for certain permitting inspections instead of assessing individualized custom charges based on the agency's actual costs to perform said inspections.

MOTION:

Rep. Blanksma made a motion to table **Docket No. 20-0301-2301** to the call of the chair.

There was significant committee discussion surrounding this motion, **Eric Wilson** was recalled to the podium and asked to explain the details involved in assessing individualized custom charges for certain permits, as well as what the agency would have to do if the proposed rules were rejected.

**SUBSTITUTE
MOTION:**

Rep. Necochea made a substitute motion to **approve Docket No. 20-0301-2301**.

**ROLL CALL
VOTE:**

Roll call vote requested. **Substitute motion failed by a vote of 5 AYES, 10 NAYES, 3 Absent/Excused. Voting in favor of the motion: Rep. Raybould, Nelsen, Burns, Necochea, Galaviz. Voting in opposition to the motion: Rep. Shepherd, Boyle, Vander Woude, Blanksma, Manwaring, Durrant, Hill, Raymond, Tanner, Mendive. Rep. Yamamoto, Mickelsen, Pickett was absent/excused.**

**VOTE ON
ORIGINAL
MOTION:**

Vice Chairman Shepherd called for a vote on the original motion. **Original motion carried by voice vote**

Vice Chairman Shepherd turned the gavel over to **Chairman Mendive**.

ADJOURN:

There being no further business to come before the committee the meeting adjourned at 3:16 p.m.

Representative Mendive
Chair

Andrea Blades
Secretary