

Capitol Reflections



2016 Legislative Session

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“When these States stipulated not to tax the lands of the United States until they were sold, they rested upon the implied engagement of Congress to cause them to be sold, within a reasonable time. No just equivalent has been given those States for a surrender of an attribute of sovereignty so important to their welfare, and to an equal standing with the original states.” Report 125, 20th Congress, 1st Session, House of Reps., Graduate Price of Public Lands, February 5, 1828 - as quoted in Legal Analysis prepared for the Utah Commission for the Stewardship of Public Lands, December 9, 2015

<http://le.utah.gov/interim/2015/pdf/00005590.pdf>

Public Presentation Transfer of Federally Managed Lands

On Monday, February 29 at 1:30 p.m. in the Lincoln Auditorium, a combined House and Senate Resources Committee meeting will be held to hear an informational presentation regarding the transfer of federally managed lands to the state. Mr. George Wentz, one of the lead authors of the Legal Analysis that the Utah Commission on Public Lands published regarding the legal arguments for Utah taking over management of the public lands will be one of the presenters. The public is welcome to attend the informational hearing/presentation. The Idaho Farm Bureau Federation would encourage all legislators, stakeholders, industry representative and Farm Bureau members to attend.

Torture of Companion Animals

This week H524 was heard in the House Agricultural Affairs Committee chaired by Rep Ken Andrus (R-Lava Hot Springs). H524 seeks to define torture and provide penalties for those who torture companion animals (pets). H524 also amends the definitions of companion animals and production animals to make it clear which animals fall into which categories. It also requires anyone convicted of torture of a companion animal to receive a psychological evaluation prior to sentencing.

IFBF policy #17 states “We oppose any animal care legislation that would impose a stricter penalty than the 2012 law.” This policy is in response to several years of contentious debate when animal activists wanted to keep increasing the penalties for those convicted of cruelty to animals. Unfortunately, many of those attempts would have considered many traditional and veterinarian approved animal husbandry practices as cruelty, such as dehorning or branding.

Finally, after many years of contentious

battles over these issues, a bill passed in 2012 that separated production animals from companion animals and also excluded traditional animal husbandry practices. The bill made it a felony after the third conviction for animal cruelty because proponents demanded that there be a felony on the books.

Farm Bureau members decided that they have been pushed as far as they were willing to go on penalties for animal cruelty. They believed that this issue was put to rest, and would not need to revisit it again. Unfortunately, H524 now seeks, once again, to increase penalties. This time for those convicted of torture of a companion animal, meaning a pet. The penalty would be a felony on the second or any subsequent conviction of torture of a companion animal unless there had been a felony conviction in the previous ten years of voluntary infliction of bodily injury to a person, which would cause it to be a felony on the first conviction.

Farm Bureau testified to the committee

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Idaho Farm Bureau's Governmental Affairs Report

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Animal Torture

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that the current penalties in the statute are adequate to deter any rational person while no penalty would be harsh enough to prevent mentally imbalanced people from committing some of these abhorrent acts. We support the psychological evaluation but oppose the increased penalties.

Farm Bureau was the only opposition to the bill. Others who testified in support of the bill were the Idaho Cattlemen's Association, Idaho Dairymen's Association, Milk Producers of Idaho, a veterinarian, and a representative of the Humane Society of Idaho. The committee approved the bill on a voice vote with one no vote cast by Rep. Gayle Batt (R-Wilder). H524 will now go to the floor for consideration by the entire House. **IFBF opposes H524.**

Law Enforcement/ Invasive Species

A bill regarding law enforcement's ability to issue citations concerning invasive species was introduced in the Senate State Affairs Committee on Wednesday. There was little discussion about the bill before Senator Bart Davis (R – Idaho Falls) made a motion to print the bill for hearing. Senator Mark Harris (R – Soda Springs) and Representative Marc Gibbs (R – Grace) are sponsoring the bill that will most likely be assigned to another committee for hearing and consideration. The bill proposes to change the penalty for not stopping at an inspection station from a misdemeanor to an infraction. Apparently some jurisdictions are hesitant to issue citations for a misdemeanor, and the sponsors believe this change will encourage greater law enforcement engagement.

ISDA Invasive Species Presentation

Lloyd Knight, Administrator of Plant Industries Division at ISDA, gave a presentation regarding invasive species and weed awareness to the Senate Agriculture Affairs Committee on Tuesday. The majority of Mr. Knight's presentation focused on the issue of quagga and zebra mussels and the watercraft inspection program. Since 2009, efforts have been made to prevent the introduction and infestation of quagga and zebra mussels in Idaho waterbodies. Idaho was the first state in the nation to carry out watercraft inspection with the purpose of complete prevention rather than mere containment. Mr. Knight explained that data collection has been a top priority of the program from the beginning to understand better movement of watercraft in and around the state. Prior to 2009, there was no clear knowledge of where boats were coming from and where they intended to go.

As part of Idaho's efforts to prevent invasive species infestation, waterbodies throughout the state are tested each year. Throughout the year, approximately 700 samples are taken from waterbodies in every part of the state with collaborated efforts by many other agencies and organizations. A variety of methods is used to identify the presence of quagga/zebra mussels in differing waterbodies. Mr. Knight happily reported that there have been no mussels found in the state with any of the sampling methods since 2009.

Idaho has 20 inspection stations set up throughout the state in strategic

locations to target watercraft coming from infested waterbodies. In 2015 alone, there were 64,150 inspections carried out. The data shows the destination of the large majority of boats traveling into the state for waterbodies is the southeast corner of the state (Franklin and Bear Lake Counties) and the Treasure Valley. Many boats also travel through Idaho on their way to areas like the Puget Sound. Since 2009, there have been 145 vessels with mussels on them. Many of these infested vessels come from Lake Mead, Lake Powell, Lake Havasu, and Lake Pleasant.

Mr. Knight explained that roadside inspection may not see everything and that notification from another state and federal agencies is the most effective way to ensure that vessels are not transporting aquatic invasive species. Members of the Senate Agriculture Affairs Committee asked several question regarding extending hours and ensuring that all boats are inspected before their entry in the state and not just those that enter during normal operation hours. Mr. Knight explained the difficulty in having watercraft inspection stations that operate around the clock. Personal safety is a priority of the program, and limited presence of law enforcement can create a challenge for those inspection stations located in remote areas. Mr. Knight did say that additional locations for watercraft inspection stations are also being considered for the upcoming years to expand the programs efforts.

How to Contact Legislators

Website	www.legislature.idaho.gov
Legislative Information Center.....	208-332-1000
Toll Free & TDD.....	800-626-0471
Fax.....	208-334-5397
E-mail.....	idleginfo@lso.idaho.gov
Regular Mail.....	P.O. Box 83720, Boise, ID
.....	83720-0038 (House)
.....	93720-0081 (Senate)
Street Address	State Capitol, 700 W. Jefferson, Boise, ID 83720

Catastrophic Public Nuisance on Federal Lands

The Senate Resources & Environment Committee held a hearing on S1338 which would authorize counties within the state of Idaho to declare a catastrophic public nuisance and request abatement from federal agencies for federally administered lands within the county. Senator Sheryl Nuxoll (R – Cottonwood) is sponsoring S1338 due to the many property losses and dangers caused by last year's wildfires. This bill would allow counties to declare a catastrophic public nuisance on federally administered lands based upon fuel loads, insect or disease damage, or other conditions that threaten the health, safety or welfare

of the citizens of the county. Once the declaration is made, counties can then demand abatement of the hazard by the federal land management agencies. Critics of the bill say that it has no "teeth" to ensure that the federal agencies comply with such requests from counties. Proponents of the bill say that the bill was specifically drafted to be narrow, and is merely intended to call awareness of the federal government to those areas that pose great threat and risk to the public. The hearing for the bill will be continued at the call of the committee chairman, as not all testimonies were heard before the committee had to adjourn.

Medical Savings Account Bill

This week the Senate Commerce & Human Resources Committee, chaired by Senator Jim Patrick (R-Twin Falls), approved a bill which would give state employees the option to have a health savings account (HSA).

S1346, sponsored by Senator Steven Thayne (R-Emmett), would allow any state employee to voluntarily choose between their regular insurance and a high deductible health insurance plan paired with an HSA. The state would fund up to 60 percent of the higher deductible in the HSA for the employee. This money would come from the savings realized between the cost of the regular health insurance and the high-deductible insurance.

If an employee is relatively healthy and does not think they will need much health-care, the HSA money grows tax-free and rolls over each year. It can be withdrawn tax-free anytime in the future

to be used for health-care related expenses. This gives employees more control over their health-care dollars, and they can accumulate money they do not spend now for greater anticipated health-care expenses when they are older.

During the hearing, Senators heard that Indiana implemented a similar program for state employees some years ago. Now, nearly all state employees have opted to accept the HSA plans with high deductible insurance since they can accumulate money in their accounts to be used when needed for health care. The state of Indiana is also spending significantly less than they would have paid on more traditional health-care plans for their employees. It was a win-win solution. Idaho Farm Bureau policy #166 supports legislation that permits, promotes and/or assists in individual health savings accounts. **IFBF supports S1346.**

Joint Memorial

Senator Lee Heider (R – Twin Falls) presented SJM104 to the House Resources & Conservation Committee on Thursday afternoon. The joint memorial recognizes and thanks the United States Army Corps of Engineers for the appropriation of

\$4,000,000 for the state's watercraft inspection stations as part of the Water Resources Reform and Development Act. A request is also made in the joint memorial asking that Congress ensure that future appropriations and support be given in 2017. These funds greatly

Apple and Cherry Commissions annual report

Candi Fitch, Executive Director of the Idaho Apple and Cherry Commissions, presented their annual reports to the House and Senate Ag Committees this week. Both industries reported weather-related crop issues because of an unusually warm early spring and a hard freeze in early-May 2015. Unusually warm June weather affected cherry crop quality while warm fall mornings did not allow some apple varieties to attain optimum color. Apple crop quality, however, was good.

Ms. Fitch said in recent years some apples have been abandoned on the tree because of picker shortages. At this point, pruning crews of 8 individuals are working in orchards, when 20 is normal crew size. Labor continues to be an issue.

Cherry harvest was about two weeks early in 2015 because of early spring warm weather and a heat wave in mid-June softened sweet cherries. Demand for Idaho cherries remains high. Idaho's annual cherry production remains stable at about 1,500 tons. Idaho apple production is about 1.5 million boxes annually.

Prior to her Senate Ag industry report, Ms. Fitch presented H455, a bill which allows the Idaho Apple Commission to consolidate districts from which commissioners are chosen and adds the word "Idaho" to the code, designating Idaho apples. The bill received a "do pass" recommendation from the Senate Ag Committee.

influence Idaho's ability to prevent invasive aquatic species from infesting state waterbodies. SJM104 was passed by the Committee with a do-pass recommendation to the House Floor. IFBF policy #93 states that *we support adequate state funding for inspections of all watercraft and other vessels to prevent the spread and infestation of quagga/zebra mussels in Idaho waters.* **IFBF supports SJM104**