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"Democracy is two wolves and a lamb voting on what to have for dinner."
- popularly attributed to Benjamin Franklin

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Medicaid Expansion Bill Introduced

This week Rep John Vander Woude (R-Nampa) introduced H249, which is a “consensus” pathway forward to implement Medicaid expansion as approved under Prop 2. H249 provides minimal sideboards to help ensure that the expanded Medicaid program does not become unsustainable financially for the state, as well as requires some minimal personal responsibility from the recipients. Experience in other states has conclusively demonstrated that there must be limits placed upon expanded Medicaid and recipients must be engaged in their own progress to become self-reliant.

H249 provides opportunities to treat mental illness through existing programs and facilities so those suffering can receive the treatment they need. It requires able-bodied adults with no children at home to work a minimum of 20 hours per week to be eligible for Medicaid coverage. H249 also specifies if the federal government reduces the amount of matching money they provide for the expansion that the state is not required to continue the program at the same level.

Items that were not included in H249, which have been discussed extensively, include: an enrollment period for recipients, a modest monthly premium, modest co-pays for services, a requirement that those who qualify for health coverage under the state exchange do so and a sunset date to ensure the program is functioning as intended.

Other states have implemented some combination of most or all of these sideboards. Even Montana, with significantly more Democrat legislators and a Democrat Governor, has required a monthly premium from expanded Medicaid recipients and co-pays for services. It has been working well for them for more than two years now.

Governor Little has publicly said he will not allow the Legislature to leave Boise without passing some form of Medicaid expansion. Farm Bureau will continue to closely monitor the progress of any Medicaid expansion bills and will continue to advocate for the inclusion of additional, meaningful sideboards into any Medicaid expansion program.

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Bill Proposed to Create Cap for Big Game Depredation Claims

Senator Bert Brackett (R-Rogerson) introduced Senate Bill No. 1151, which would revise Idaho Code 36-115 to place a cap on the amount paid on any single depredation claim to not exceed 10% of the annual Expendable Big Game Depredation Trust Account appropriation.

Each year Idaho Fish & Game (IDFG) is given authority to spend approximately \$1.1 million on claims for damage to crops by big game. If a farmer makes a depredation claim and IDFG approves it, IDFG will pay 50% of the claim up front. When all the claims have come in at the end of the year, IDFG will pay the rest of the claims in full if there is enough money to do so. If there is not enough money, then claims will be prorated. So far IDFG has not had to prorate any depredation claims.

In 2018, IDFG received an elk depredation claim for damage done to organic potatoes totaling more than \$1 million. This is the largest claim IDFG has received and is the impetus for SB1151. This claim exceeds the total amount of the other 43 claims received from all agricultural producers combined, including record claims from corn producers. IDFG is currently seeking approval to spend an additional \$1.5 million on this year's claims so they are all paid in full. Without the extra spending authority, depredation funds will be exhausted, and all claims would be severely prorated.

SB1151 proposes placing a cap on the amount paid on any single depredation claim not to exceed 10% of the annual depredation appropriation. Since 2019's appropriation was \$1.1 million, the cap for claims would be \$110,000. Besides this year's "mega claim," IDFG has only received one other claim that exceeded \$110,000. According to IDFG, the highest claims each year are approximately \$50,000-\$60,000, so SB1151's cap would not affect the vast majority of claims.

With elk causing more damage to private property each year, SB1151 would limit farmers' ability to recover for legitimate losses. On the other hand, without a cap on claim amounts, prorating claims could become a regular occurrence.

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Bill to Raise Horse Brand Inspection Fees Passes House Agriculture Affairs Committee

The House Agricultural Affairs Committee, chaired by Representative Judy Boyle (R-Midvale), heard debate on Senate Bill No. 1082 this week. SB1082 proposes raising the cap for lifetime horse brand inspections from \$35 to \$75, raising the cap for individual horse brand inspections from \$1.50 per head to \$10, and raising the cap for minimum equine farm service fees to \$55 for cases where a brand inspector must travel from his assigned post to perform a brand inspection.

After hearing testimony from the American Quarter Horse Association, Idaho Horse Council, Idaho Cattle Association, Idaho Dairymen's Association, and IFBF, the committee voted to send the bill to the House floor with a "do pass" recommendation.

IFBF Policy # 12 states "[w]e support eliminating the mandatory brand inspection for equine in Idaho. We support an option for having a brand inspection for the lifetime of ownership for the

equine. We support raising the fee for the lifetime inspection.” Although IFBF fully supports the mission and purpose of the brand board, we do not believe the proposed action will resolve the funding issues that have been identified. Our members believe eliminating the requirement for horse brand inspections will be a more productive solution to the funding problem, while allowing for a horse brand inspection for those who travel to states that still require one. **IFBF opposes SB1082.**

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Water Easements Across Federal Lands

This week the House Resource and Conservation Committee voted to hold Senate Joint Memorial 101 (SJM101) in committee until some concerns with one of the memorial’s statements is resolved. SJM101 requests the President, the Department of Interior, the Department of Agriculture (USDA) and the Forest Service respect and acknowledge Idaho’s sovereignty over its water rights and its rights-of-way/easements for the use of these rights. The memorial also urges the removal of bureaucratic hurdles and roadblocks that interfere with the water users’ use of their water rights.

Since 1866, with the passage of the Mining Act, U.S. law has recognized the rights of water users to divert water from rivers and streams across federal land for its use on private property. The law also provides that a water user with a state appropriated water right does not need approval from the federal government for the diversion and beneficial use of water.

In 1976, Congress passed the Federal Land Policy and Management Act (FLPMA) which explicitly recognizes and protects easements and existing rights on federal lands. Furthermore, Congress passed the Colorado Ditch Bill Act, an amendment to FLPMA, in 1986 directing the USDA and Forest Service to issue permanent easements for water systems traversing federal lands within the National Forests. Congress also directed applications to be submitted by the end of 1996 by water users to assist the USDA and the Forest Service in issuing these permanent easements.

Despite the many applications that have been submitted, the Forest Service has issued and/or recognized very few easements. It has been more than 20 years since the application deadline, and still many applicants wait for formal action by the Forest Service. This becomes increasingly problematic as environmental groups urge the federal agencies to take actions that would be harmful to these water users. This would not even be an issue if the Forest Service/USDA would have complied with the Congressional mandate to issue the permanent easements. Now water

users are having to expend additional time, money, and resources to defend their rights.

It is our desire that Congress and the President urge and press federal agencies to issue the permanent easements with no further delay. Idaho Farm Bureau submitted a letter to the Idaho Congressional Delegation on this topic in October 2018. Staffers from the American Farm Bureau have also communicated with officials in the USDA to communicate our concern. IFBF Policy #41 supports the state's sovereignty and control of its water resources and opposes any infringement on this right. **IFBF supports SJM101.**

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Artesian Well Repair Bill Passes Senate

The Senate unanimously passed a water bill dealing with the repair of flowing artesian wells today. Idaho Code 42-1607 establishes that the owners of flowing these wells who are not putting the resource to beneficial use are responsible to prevent the waste of water by repairing, or if necessary, plugging the well. S1087 would simply clean-up Idaho Code 42-1607, removing outdated and confusing language. This aligns with the primary intent of S1001, the bill originally proposed by IDWR on this topic.

The main difference between S1087 and S1001 is the proposal to retain the option for the Director of IDWR to implement a cost-share program for well-owners who receive orders to repair their wells. The bill also specifies the limitations and considerations of any cost-share provided by the Department.

Idaho Farm Bureau Policy supports the current laws regarding artesian wells and recognizes their importance in conserving this shared resource. Our members also support the current language in Idaho Code 42-1607, which speaks to a cost-sharing program for wells that are ordered to be repaired or plugged. We recognize the responsibility of well owners to maintain their wells. Nonetheless, with the unique nature and situation of artesian wells, we believe the state, as well as all resource users, have an interest in the ultimate conservation of the resource and a cost-share program would be appropriate.

Farm Bureau worked actively with IDWR and Director Spackman to find a common-sense solution to address the concerns with S1001. We express our appreciation to the IDWR for listening to our concerns and working with us to find an agreement that is acceptable to all parties. **IFBF supports S1087.**

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Ground Water Districts Bill Amended

The Senate Resource & Environment Committee voted to send S1056 to the amending order this week for possible amendment. This bill regards Ground Water Districts and punitive measures that can be taken against members of the district who do not pay their assessments nor comply with their mitigation apportionment. The committee had more than three hours of testimony over several meetings on the bill and the measures it proposes. On Thursday, the full Senate amended the bill to add provisions that would limit the districts' ability to enforce the provisions of this proposed section of code until after January 1, 2020. Language was also added to prohibit the Director of IDWR from curtailing ground water diversions based on delinquent assessments levied prior, and mitigation plan noncompliance occurring before, April 1, 2019. An emergency clause was also added to the bill that would allow these provisions to go into effect on April 1, 2019.

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Senate Committee Approves Memorial to Release WSA's for Multiple-Use Management

The Senate Resources and Environment Committee heard testimony on House Joint Memorial No. 8, which urges Congress to release more than 500,000 acres for multiple-use management that is currently being held in Wilderness Study Areas. In 1991, the BLM determined these lands were not suitable for wilderness area management, but they have not been released for multiple-use management. After hearing debate on the bill, the committee voted to send the bill to the Senate floor with a "do pass" recommendation.

For a detailed explanation of HJM008, please see the February 22, 2019, edition of Capitol Reflections. IFBF Policy # 62 states, in part, that we oppose "[a]ll dedication of land in Idaho for wilderness and roadless areas and support the release of lands currently held in Wilderness Study Areas (WSA) back to multiple-use management. All lands designated as non-suitable for wilderness must be immediately released from WSA status." **IFBF supports HJM008.**

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Anderson Ranch Dam Raise Memorial Advances

On Wednesday, the Senate Resources & Environment Committee heard from the sponsors and interested parties of House Joint Memorial 4 (HJM4). This memorial supports efforts to designate the raising of Anderson Ranch Dam as one of the priorities for the State of Idaho in the interest of promoting additional water security. This project would provide an additional 29,000 acre-feet of water storage on the Boise River. The memorial urges Idaho's congressional delegation to ensure completion of the feasibility study and NEPA analysis in a timely manner and to advance the project through any additional congressional action necessary, including the provision of further WIIN Act funds.

The committee passed the memorial, sending it to the Senate floor with a "do pass" recommendation. IFBF Policy #29 supports the construction, improvement and increased size of storage facilities that provide multiple beneficial uses of Idaho's water. **IFBF supports HJM4.**

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Initiative Reform

This week, S1159 was introduced into the Senate State Affairs Committee chaired by Senator Patti Ann Lodge (R-Huston). S1159 seeks to gain greater citizen input into initiatives or referendums that appear on the state-wide ballot.

Enhancements to the current system that are being proposed include: increasing the number of signatures gathered from 6% to 10% of registered voters, requiring signatures be gathered in at least 32 of 35 legislative districts so there is broad support across the state, requiring a fiscal impact statement describing what the proposal would cost to implement and requiring a suggested source of funding for the proposal.

Many of our surrounding states have had an increasing number of initiatives on the ballot over the last several years. This has led to massive amounts of money being spent on advertising and campaigns designed to persuade voters on both sides of each issue. The United States was never supposed to work like that. Despite many who believe otherwise, America is not and never was a democracy. It is a Constitutional Republic; which means we vote for the people who we believe will be able to represent our interests best. Those representatives can take the necessary time to delve deeply into issues and study their effects to ensure the rights of the

minority are not sacrificed to the wants of the majority.

Article IV of the U.S. Constitution “guarantees to every state in this union a republican form of government.” 26 other states do not allow for initiatives at all in their state because it is incompatible with the republican form of government. It is doubtful that initiatives are even constitutional, despite it being added into the Idaho Constitution back in 1912. Nobody has yet tested that in the courts.

Farm Bureau supports strengthening the initiative process to ensure there is widespread support from across the state for an issue before it is placed on the ballot. Farm Bureau and many other organizations are concerned about large pools of out-of-state money which support values and ideas that are not consistent with the values of Idaho citizens. Once these issues are on the ballot, it takes a huge amount of effort and resources to counteract the “spin” and half-truths, distortions and outright lies that can be promoted by out of state groups with unlimited funding who are intent on re-making Idaho to suit their beliefs.

IFBF policy #138 supports enhancing the requirements to place initiatives on the ballot to ensure there is strong support across the state. **IFBF supports S1159.**

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Climate Change Presentation

On Wednesday the House Environment, Energy & Technology Committee hosted a presentation on “Climate Change, Opportunities and Challenges for Idaho.” Five different presenters covered five different topics and perspectives of climate change’s effect on Idaho.

Dr. Jennifer Pierce, Associate Professor in the Department of Geosciences at BSU, spoke to legislators in terms of the climate change effects on wildfires and water that Idaho could see in the future. With drier conditions, Dr. Pierce spoke of concerns of longer and more intense wildfire seasons. Pointing to the Paradise fire that occurred in California, she spoke of the need for Idaho to prepare in case an emergency similar to that should occur in our state.

As for water impacts, the expectation is for Idaho to see more rain than snow because of warmer temperatures, and for us to prepare to have the area of snowpack shrink. At the end of her presentation, she encouraged Idaho to investigate more clean and renewable energy sources, which would also provide jobs to Idahoans. Representative Lickley asked Dr. Pierce why she

had not really touched on more methods of fire prevention in her presentation stating, “I am fond of saying log it, graze it or watch it burn.” Dr. Pierce’s response was simply that it is a complex and complicated issue and sometimes thinning is not an option in some Idaho forests.

Dr. Jaap Vos, Program Head of the Bioregional Planning & Community Design Program at U of I, spoke on the topic of economic impacts and opportunities surrounding climate change. Dr. Vos went on to tell legislators there is very little Idaho specific information on climate change available. He also admitted economists haven’t been involved in the conversion of climate change and are not doing studies on economic impacts. However, Dr. Vos went on to explain some areas where economic impacts can be assumed.

The rest of the presenters were there representing different organizations. Dr. Mark Peters with Idaho National Laboratory spoke about Idaho’s Energy Future and renewable energy possibilities. One area he highlighted was that the national lab was exploring micro-grids. David Eichberg from Hewlett-Packard spoke on Business Risk and Opportunities. His discussion was on what steps businesses are taking when planning future investments with keeping climate change in mind.

Alan Prouty, Vice President of Environmental and Regulatory Affairs for Simplot, presented on agriculture risks and opportunities. In talking about evaluating the impact changing temperature makes on growing crops, he told the committee it is hard overall to know the impact because there are so many other factors that go into growing. In the state we are not only looking at different crops, but different varieties of a crop as well. Prouty gave the example of Burbank potatoes being grown in Eastern Idaho verses the varieties grown in places such as Eastern Washington. The soil type, precipitation, insect and disease presence, etc., all play into how well a crop grows, so it is hard to label any impact climate change alone would have on the industry.

When looking at carbon impact and applying a system of purchasing allowances, it causes problems in agriculture. Prouty spoke about California and now Washington’s recent legislation in this area. These carbon marketplaces systems pose a problem. “There is certain use that will happen no matter the technology implemented,” Prouty told the committee, because of this the price of allowances put operations at risk.

The rest of his presentation consisted of talking about areas that are helping agriculture cope with the changing environment. Precision agriculture was a system he praised in its use of technology to manage water, nutrients, and micronutrients to help adapt to any changes we are seeing. Food processors are also doing work to be more innovative. He gave the example of Simplot using food waste to generate an alternative fuel at their facilities.

Prouty specifically left the legislators with the following considerations when it comes to agriculture and climate change. With talk of lower flows, we need to look into what changes we can make in hydropower to adapt to this and also what options we have for additional water storage if we cannot rely on snowpack melt off. The other was the need to continue funding agriculture research, specifically dealing with crops that are important to the state and options we have with different varieties and how they grow under different climates.

At the end of Prouty's presentation there were multiple questions from representatives. Representative Mason wanted to be clear, for the record, that he has not heard any talk in the Idaho legislature about implementing carbon caps in Idaho. Rep. Mason followed up his statement with a clarifying question to Prouty about a comment he had made at the beginning of his presentation on climate change models not being clear and asked if he meant we could not rely on them. In response, Prouty stated, "Models are only as good as the information put into them...they all have limitations." Prouty went on to emphasize that you have to look at preponderance information when making decisions because it is such a hard problem to answer what specific impacts there will be in Idaho.

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