

CAPITOL REFLECTIONS



Idaho Farm Bureau's Government Affairs Report

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Right to Farm bill modified

Legislation to strengthen Idaho's right to farm law, introduced last week in the House Agricultural Affairs Committee, was modified and reintroduced this week. The new legislation, House Bill 210, does not include a provision for attorneys' fees that was in the original bill.

The bill's sponsors agreed to remove attorneys' fees from the original bill at the request of the Association of Counties, Idaho Trial Lawyers and others. Under that provision, a farmer or rancher who prevails in a nuisance suit would be entitled to recover his attorney's fees. The legislation's sponsors offered an amendment to remove the fees provision at the original bill's hearing. House committee members expressed interest in retaining attorneys' fees in the original bill, and the original bill was held in committee for a time certain.

It was later decided that a "clean" bill might provide less confusion and a better course of action. The new bill was heard in the committee, which sent H210 to the House floor with a do-pass recommendation. The entire House is expected to vote on the measure next week.

H210 includes several changes to clarify and improve the right to farm law, which protects agricultural operations from frivolous nuisance claims.

Idaho Farm Bureau supports H210 and has issued a legislative alert asking members to contact their legislators and encourage them to approve the bill.

Mandatory ATV training

Senate Bill 1001, which would require all unlicensed operators of off-highway vehicles riding on Forest

Service roads to complete a state-approved safety course, was approved in the Senate Transportation Committee this week. It now moves to the floor for consideration by the full Senate.

Proponents of the bill are reacting to Forest Service personnel who have indicated that without mandated safety training courses for unlicensed drivers, they would need to close certain roads to off-highway vehicles (OHVs) under Forest Service management. The roads that were discussed in the committee by Andy Brunelle of the Forest Service were primarily paved roads and some high-traffic, two-lane gravel roads. Mr. Brunelle stated that they would be considered on a case-by-case basis and would be closed if the risks could not be mitigated.

Farm Bureau disagrees with the premise of the proponents that passage of this bill will keep the Forest Service from closing any of these roads. According to the Forest Service's own study this past fall, there have been no OHV – registered vehicle collisions on Forest Service lands over the past 10 years. Furthermore, some of the roads the Forest Service is threatening to close might actually be inappropriate for OHVs, which were never designed to be driven on paved roads. Any OHV owner's manual will clearly state you should not drive your OHV on paved roads.

Farm Bureau fully supports safety training for OHV riders, especially for youth. But it should not be mandated by the state. You cannot legislate common sense.

In addition, there will also be an additional cost to the Idaho Department of Parks and Recreation, which provides the state approved safety training course. Curiously, the fiscal note on the bill states that there will be no impact on

the General Fund.

Idaho Farm Bureau oppose S1001.

Measures target 'wild lands'

The Legislature is considering two pieces of legislation that voice Idaho's disapproval of Interior Secretary Ken Salazar's December 22, 2010 Secretarial Order 3310. The order instructs the Bureau of Land Management to inventory lands the agency administers for possible designation as "wild lands".

House Joint Memorial 2 cites Governor Butch Otter's unrest over the lack of public input during the process and the ease with which such designations may be treated as de-facto wilderness. The memorial emphasizes Idaho's intent to protect the multiple-use tradition that guides management of federal lands. It also serves as a reminder that Idaho already has more land under the wilderness designation than any other of the contiguous states. The memorial, sponsored by Rep. Paul Shepherd (R-Riggins), has been approved by the House by a vote of 56-13.

Senate Concurrent Resolution 105, sponsored by Sen. Curt McKenzie (R-Nampa), is similar in fashion but also highlights the importance of continued energy development and transmission corridors on public land. The resolution also supports the multiple-use concept and the traditional uses of our BLM-administered public lands. The Senate approved the resolution in a voice vote and sent it the House for its consideration.

Idaho Farm Bureau supports HJM 2 and SCR 105.

CONTINUED ON PAGE 2

CONTINUED FROM PAGE 1**Property-rich school districts**

A bill that would remove a special privilege for four school districts cleared its first hurdle this week in the House Revenue and Taxation Committee. House Bill 197, sponsored by Rep. Dennis Lake (R-Blackfoot), would require Blaine County, McCall-Donnelly, Swan Valley and Avery school districts to receive voter approval for an override levy before receiving additional revenues from local property taxpayers over and above what the districts receive from the state's general fund.

This special treatment was granted in the 2006 special session when the Legislature eliminated property-tax funding for school maintenance and operations. These four school districts at that time collected far more in local property taxes per classroom than any other school districts in the state because they are in property rich and/or relatively sparsely populated areas.

During the special session it was reasoned that the budgets for these four districts should not be harmed as a result of this property tax relief. It was determined that the Legislature would begin providing the four school districts with the same amount of money per classroom as the other school districts. But unlike other districts, the four districts would be allowed to collect local property tax revenue over and above what they received in state

funding to keep their budgets whole. Therefore, local taxpayers in these four districts did not receive the full measure of property tax relief that all other taxpayers across the state received.

Unfortunately, the unintended consequence is that these four school districts now have an override property tax levy that never has to be approved by the voters. Every other school district in the state that wants additional funding over and above what the state provides must go to the voters to make their case and receive a simple majority vote every two years.

H197 simply requires these four school districts to abide by the same rules.

Farm Bureau policy supports H197.

Farm Bureau presentation

Wally Butler, Idaho Farm Bureau range and livestock specialist, recently gave a presentation to the Senate Agricultural Affairs Committee on range-management issues.

The first subject of his two-part presentation was a photo review of the recovery of rangeland vegetation burned in the 2007 Murphy Complex fire. A similar report has been given each legislative session since the fire and provides a good forum for legislators to discuss post-fire management and the effects on the ranching community.

The photos presented were taken immediately after the fire and again in September of 2010. They stimulated a

good discussion of restoration costs and effectiveness and management differences on private land versus public land.

The second topic Butler presented was a primer explaining the structure and presence of various land management agencies in Idaho--the U.S. Forest Service, Bureau of Land Management and the Idaho Department of Lands.

The presentation was well received, and legislators asked good questions.

Land use planning and ag

A bill aimed at encouraging the prevention of land-use conflicts caused by the spread of urbanization into agricultural areas was approved this week by the Senate Local Government and Taxation Committee.

House Bill 148, which unanimously passed the House, specifies that one of the purposes of local land-use planning is to not only encourage the protection of prime agricultural lands but also the "economic benefits" they provide.

The bill also adds an analysis of agriculture as one of the components of a local government's comprehensive plan and provides that compatibility of lands should be considered in the planning process.