

# CAPITOL REFLECTIONS



## Idaho Farm Bureau's Government Affairs Report

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Idaho Farm Bureau Federation Governmental Affairs Division

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### Soil Conservation District law

House Bill 576, which provides for revisions to the existing soil conservation district law, passed the Idaho House 70-0. The bill was sent to the Senate and assigned to the Senate Agricultural Affairs Committee.

A hearing on the bill has been set for March 16--the day soil conservation districts from all over Idaho will display their projects in the Statehouse.

The bill changes the Soil Conservation Commission's name to the Soil and Water Conservation Commission and allows the Governor to consider special skills, geographic location, experience or background when appointing commissioners. H576 also enables the local districts to provide commission nominations to the Governor and allows the commission to hire its administrator.

H576 also addresses district consolidation, audit requirements and provides for recall of local supervisors. Annual reports from the Commission to the Senate and House Agriculture Committees are also required under the bill. After 4 years, the Legislative Services Office will conduct a review and submit a report to both Houses of the Legislature to determine if certain objectives have been met.

Idaho Farm Bureau supports H576 as passed by the House.

### Invasive species enforcement

A bill that provides additional enforcement actions aimed at preventing destructive quagga and zebra mussels from infesting Idaho waters is set for a vote in the Idaho Senate.

The Idaho State Department of Agriculture is backing Senate Bill 1344, which will assist the department in enforcing the Idaho Invasive Species Act through inspections stations for boats and trailers.

Under the bill, motorists towing a boat must stop at stations where boats are inspected and decontaminated if necessary. Boat and trailers can carry the invasive mussels into Idaho from infested waters outside the state. The mussels, which can take over water bodies, cause extensive damage to infrastructure and are virtually

impossible to eradicate.

S1344 also has a provision that clarifies the use of orders to hold a boat or trailer. In addition, the bill gives all law enforcement officers in the state the authority to enforce inspections.

Idaho Farm Bureau Federation policy supports mandatory boat and trailer inspection/wash stations to stop the spread of invasive species. IFBF supports S1344.

### Livestock care standards board

The Idaho Senate this week approved a bill that creates a board assigned to make recommendations to the Idaho State Department of Agriculture (ISDA) on "proposed standards governing the care and well-being of livestock and poultry in the state."

Senate Bill 1331, sponsored by Tim Corder, chairman of the Senate Agricultural Affairs Committee and a Republican from Mountain Home, was approved on a vote of 24-11 and now heads to the House for its consideration.

Under the bill, the director of ISDA will chair the proposed 13-member Idaho Livestock Care Standards Board. The board will contain 10 members appointed by the governor with the consent of the Senate. Those 10 are as follows: a representative of the Idaho Cattle Association, a representative of the Idaho Dairymen's Association, two members representing "other Idaho livestock statewide organizations," a member of the Idaho Kennel Club, the state veterinarian, the dean of the University of Idaho College of Agricultural and Life Sciences, a member who is knowledgeable about food safety, a member of the public representing Idaho consumers and/or retailers and a member representing an animal shelter in the state. The remaining two board members will be legislators, one each from the Senate and House agriculture committees.

In making its recommendations on standards of care, the board, according to the legislation, "shall endeavor to maintain food safety and protect Idaho farms and families." Furthermore, the board shall consider "factors that include but are not limited to, agricultural best management

practices..., biosecurity, disease prevention, animal morbidity and mortality data, food safety practices and the protection of local, affordable food supplies..."

Idaho Farm Bureau is taking a neutral position on S1331 and is monitoring the legislation.

### Texting while driving

Senate Transportation Committee Chairman John McGee (R-Caldwell) is sponsoring Senate Bill 1352, which makes texting while driving illegal. The bill defines texting as "engaging in the review of, or preparation and transmission of typed messages via wireless devices."

Under the bill, a driver who receives a moving violation for texting will be charged with inattentive driving.

The bill was heard in committee on Feb. 25 and sent to the Senate floor for two amendments. The amendment first allows law enforcement and other emergency personnel to use computers and other dispatch messaging while driving, and the second clarifies that the vehicle must be *moving* for a violation to occur. The bill was amended March 4 to reflect these changes and is now set for a vote by the Senate.

Sen. Gary Schroeder (R-Moscow), Sen. Elliot Werk (D-Boise), Sen. Les Bock (D-Boise), Rep. JoAn Wood (R-Rigby) and Rep. Rich Wills (R- Glenns Ferry) are co-sponsoring the measure.

Idaho Farm Bureau policy number 165 says in part "... we support outlawing texting while driving any motor vehicle." Idaho Farm Bureau supports S1352 as amended.

### Equal Access to Justice Act

Idaho Farm Bureau is supporting two pieces of legislation that deal with reforming the Equal Access to Justice Act (EAJA). The measures are HB4717 in Congress and SJM105 in the Idaho Legislature.

The original intent of EAJA, enacted in 1980, was to help individuals and organizations with limited means seek judicial redress from the federal government by allowing them to recover legal fees and expenses when they sue the government and win.

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However, in recent years, a group of wealthy environmental groups have milked the system for millions of dollars.

Since the Paper Reduction Act of 1995 there has been no government accounting of how many taxpayer dollars go to fund these lawsuits. A recent study commissioned by the Western Legacy Alliance found that over the past several years more than 1,500 federal lawsuits have been filed by more than a dozen environmental groups. The suits resulted in payments in excess of \$37 million of taxpayer money to the environmental groups.

The proposed federal legislation would not bar future reimbursements but would instead:

---Reinstate tracking and reporting requirements of EAJA payments under the Department of Justice (DOJ).

---Require DOJ to issue an annual online report to Congress revealing the amount of fees and other expenses awarded during the preceding fiscal year.

---Ensure that the report provided to Congress be made available to the public and include the name of the party seeking the award, the agency to which the application was made, the name of the administrative judge, and the hourly fees of all attorneys and expert witnesses.

---Request an audit of past actions taken under EAJA and report those actions to Congress.

SJM 105, proposed by Western Legacy Alliance and sponsored by Sen. Jeff Sidoroway (R-Terreton), directs the Idaho Legislature and Secretary of State to support the Congressional bill.

**Health care networks**

House Bill 528, which allows non-member health service providers to access existing health care networks, was defeated by the Idaho House of Representatives this week. The vote was 31 in favor and 39 opposed. The legislation was an expansion of the existing "any willing provider" law.

Idaho Farm Bureau opposed this legislation in the belief that it would increase health insurance costs by diluting or eventually destroying existing provider networks.

Insurers establish provider networks to capture all patients who will be served by that network. This patient volume helps lower health care costs from both the insurer and health care provider.

If "any willing provider" is allowed access to existing networks, entities that established the networks no longer serve all patients of the network, and prices will eventually rise because the network originator

can no longer provide volume-based discounts. This expansion of the existing law could also provide a disincentive to establish new networks.

As an example, full-service hospitals make agreements with insurance carriers to provide a network discount. All services provided by the hospital are considered in the discount. If a limited-service hospital that performs only joint replacements, for instance, is allowed to join the network and takes away the full-service facility's joint replacement patients, the full-service facility's patient pool is diminished. Because of the smaller patient pool, the full-service facility's discount will eventually become smaller and prices will go up.

H528 was considered harmful to business. Many of IFBF's 63,000 members are small employers trying to minimize their operating costs. Farm Bureau recognizes the problem of rising health care costs and wants to minimize increases.

Idaho Farm Bureau opposed H528. The Idaho Association of Commerce & Industry, Idaho Association of Counties, Employers Health Association (a 17-member group comprised of some of the Treasure Valley's largest employers), Amalgamated Sugar, NW Food Processors, Blue Cross, Regence Blue Shield and others also opposed the bill.

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