

Capitol Reflections

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2019 LEGISLATIVE SESSION

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"I learned that hard work is an essential part of life—that by and large, you don't get something for nothing—and that America was a place that offered unlimited opportunity to those who did work hard" - President **Ronald Reagan**

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Initiative Reform Introduced

This week S1159 was heard twice by the Senate State Affairs Committee, chaired by Senator Patti Anne Lodge (R-Huston). S1159 would strengthen the initiative process and ensure there is more citizen involvement and broad support for an initiative from across the state prior to a measure qualifying for the ballot. The committee was deluged by people opposed to the bill,

many of whom looked suspiciously like the same people who showed up to testify in opposition to the Medicaid work requirements bill.

Currently, Idaho law requires petitions be signed by 6% of registered voters from at least 18 legislative districts. S1159 would ensure broader support by requiring 10% of registered voters from within 32 of the 35 legislative districts. Furthermore, S1159 requires petitions to include a fiscal note alerting voters what the proposal will cost; and a proposed funding source so voters know if taxes will be raised, or if other programs will be cut.

Keep in mind 26 other states don't even allow initiatives in their states. Of the remaining 24 states, 14 require a higher percentage of voters to sign petitions than Idaho, while 7 states require 10% or more. This is not radical or unusual to require this level of participation across the state. Furthermore, several other states also require the signatures come from most, if not all, of the legislative districts within their state. Again, S1159 is not unusual in making these proposals.

Under current law, all signatures could be gathered in 3 ½ counties in Idaho to qualify for the ballot. There are 18 legislative districts contained within Ada, Canyon, Kootenai and ½ of Bonneville Counties. This means that the input of the citizens in the remaining 40 Idaho counties could be completely ignored. S1159 is a common-sense approach to ensuring the views of Idaho citizens from across the state are considered prior to qualifying for the ballot.

S1159 must be approved by the Committee before heading to the Senate floor for further consideration. IFBF policy #138 supports enhancing the initiative process. **IFBF supports S1159.**

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Federal Lands Council Takes a Detour

This week H162 was heard in the Senate Resources Committee chaired by Senator Lee Heider (R-Twin Falls). Unfortunately, Senator Bert Brackett (R-Rogerson), made a motion to send H162 to the amending order for possible amendment, despite being a co-sponsor of the bill, and without any consultation with the other sponsors. Since he was a co-sponsor, other committee members went along with the motion.

H162 would create the Idaho Council on Federal Lands. The Council would review policies and issues "relating to jurisdiction, governmental sovereignty, taxation, natural resources, economic development, and other issues where state government and federal government interface with respect to such lands."

Despite regulations requiring the federal government to coordinate with state and local governments, Idaho does not have any agency or department that works directly with the federal government to address all issues associated with federal land management. This is important since 63% of Idaho is managed by the federal government. The Idaho Department of Lands does work closely with the U.S. Forest Service on Good Neighbor Authority projects, and the Governor's office weighs in on specific issues from time to time, like endangered species, but no state entity is dedicated to this important issue. There are no state employees focused on the day-in, day-out issues that affect ranchers, loggers, miners and recreationalists who are using federal lands in Idaho.

H162 would provide a formal state entity dedicated to meaningful dialogue between the state of Idaho and federal land management agencies. The Council can seek additional cooperative management opportunities, coordinate with the federal agencies during their land management planning processes to ensure Idaho citizens are not negatively impacted by decisions and ensure that we are working towards common goals on these lands.

The Council could also work to maintain and enhance access to federally managed lands for Idaho Citizens. The Forest Service and BLM have closed thousands of miles of roads in Idaho, limiting access to these lands. The council would be in a far better position, working peer to peer with the federal government, to ensure access is maintained and enhanced. This will also be an opportunity for the Council to provide information to citizens about upcoming federal land planning processes, so the citizens can be engaged at the local level.

Furthermore, the Council could serve as a liaison between federal agencies and Idaho citizens who have private rights, permits or contracts on federally managed lands when issues arise. A legislative council will have more weight working "peer to peer" with the federal agencies than citizens on their own. Currently, if a rancher has his AUMs cut on his grazing permit, he is on his own to fight against the federal government. With the Council in place, he would have an important ally that could work to ensure the rancher is aware of his rights, that the process is fair, and the federal government is following all their laws and regulations appropriately.

Most Legislators have limited knowledge of the federal laws and regulation which apply to federally managed lands despite more than 63% of Idaho being administered by federal agencies. The Federal Lands Council would be able to provide credible information to legislators on federal land management issues when questions arise in the Legislature.

Unfortunately, there are hundreds of "sportsmen" convinced that H162 will be used to take away their access to public lands. Nothing is further from the truth. In fact, H162 is probably

the best opportunity we have ever had to ensure Idaho and its citizens are fairly represented in federal land management decisions in the future.

Idaho Farm Bureau policy #45.1.8 states: "We support the legislature asserting their authority and taking all necessary measures to protect the citizens and counties of the state of Idaho from federal agency overreach." **IFBF supports H162** as originally drafted; and will only support amendments offered by Senator Harris.

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Bill Placing Cap on Depredation Claims Passes Senate

Senate Bill No. 1151, sponsored by Senator Bert Brackett (R-Rogerson), would revise big game depredation statutes to place a cap on the amount paid on any single depredation claim. The bill proposes capping claims at 10% of the annual Expendable Big Game Depredation Trust Account (EBGTA) appropriation. The EBGTA appropriation for 2019 was \$1.1 million, so the cap for 2019 claims would be \$110,000. The appropriation amount can fluctuate from year to year.

The impetus for SB1151 was a claim for more than \$1 million of damage to organic potatoes caused by elk. 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.

The Senate Resources and Environment Committee, chaired by Senator Lee Heider (R-Twin Falls), heard debate on SB1151 and passed it on to the Senate floor with a "do pass" recommendation. The bill passed the Senate unanimously. It will now move to the House of Representatives for a committee hearing. For a more detailed explanation of SB1151, please refer to the March 8, 2019, edition of Capitol Reflections.

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Senate Passes Bill to Release Wilderness Areas for Multiple-Use Management

The Senate debated and passed House Joint Memorial No. 8, which urges Congress to release more than 500,000 acres for multiple-use management that are currently being held in Wilderness Study Areas. The bill moved through both chambers of the legislature, with little

opposition. The House of Representatives passed HJM005 with 62 votes for it and eight votes against, and the Senate approved it on a voice vote. Speaker of the House, Scott Bedke (R-Oakley), signed the bill and it is awaiting the Senate President's signature before being sent to the Secretary of State's office.

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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Medicaid Expansion - Why this "Right" is Wrong

After more than 10 weeks of discussion, there is no clear path forward on Medicaid expansion. Perhaps it is time to take a step back and review the philosophical arguments surrounding this issue.

Proponents of Prop 2 would have us all believe it is perfectly appropriate and within the legitimate authority of government to take money away from those who earn it, to give free health-care to non-disabled, able-bodied adults who do not have coverage, requiring no effort on their part, all under the guise of a so-called "right to health care." This is a complete misunderstanding of the purpose of legitimate government and what constitutes a legitimate right.

The purpose of government, as stated in the Declaration, is to protect and secure unalienable rights. These legitimate rights are those which all people receive from their Creator, and are not dependent upon anyone else to provide them. Anything else is only a "privilege," which can also be taken away.

For example, the right to life does not mean others are required to care for you or keep you alive, only that they must not take your life from you. The right to liberty does not mean others must make it possible for you to do anything you feel like, but only that others must not enslave you, force you to do things against your will, or prevent you from doing things that don't harm others. The right to property does not mean others must provide material things for you, it simply means you are free to work and enjoy the fruits of your labors that you have earned. Therefore, governments are instituted to ensure "bad" people do not infringe upon or

destroy other people's legitimate rights.

True rights are not, and cannot be, dependent upon others to provide them. They are self-fulfilling. Otherwise, this false right would require infringing upon **others'** rights to liberty and property. It would be forcing others to do things they do not necessarily want to do and to take their property from them without their consent. As an example, a law forcing doctors to provide medical services free-of-charge would be depriving the doctors of their rights. By the same token, a law requiring citizens to pay taxes to provide free health-care to others is depriving them of their rights. It is incompatible with liberty as understood in America.

With this understanding of the true nature of rights, it is clear there can be no "right" to health-care since that requires others to provide it or be punished by the law. Many doctors spoke in favor of expansion, yet none of them said they provide their services free of charge to patients who cannot afford it. Why would these doctors ask the government to force other people to do what they are not willing to do themselves?

This does not in any way imply that people cannot, or should not, out of their own free will and compassion, voluntarily provide means to care for those who need assistance. In fact, this is what the bible teaches and the way that care has been provided for those lacking resources since the beginning of time. It is far more compassionate and ennobling to both the giver and receiver for needed care to be provided voluntarily through charity. Under compulsion, resentment and lack of respect for government is fostered by the "giver," while simultaneously ingraining an acute sense of entitlement and ingratitude in the receivers.

Keep in mind, it is only since the 1960's that health-care was somehow deemed appropriate to be provided by government; and only since the 1980's that government required doctors and hospitals to provide services to those who could not pay. The situation is demonstrably worse since that time. These two events have played a large role in leading us to the situation we now find ourselves in. Government should never have been involved in the delivery of health-care, and has illegitimately forced providers to provide services, thus depriving them of their rights and turning the purpose of government on its head.

Therefore, if expansion is to move forward, it must be structured as a stepping stone, a pathway to self-reliance and personal responsibility if it is to actually assist those who are in the "gap." If it is structured as an entitlement or essentially a hammock where a person can rest for the rest of their lives, it has done a grave disservice to the recipients and condemned them to a life of dependency.

Any expansion program must include features that will help encourage recipients to stretch, to

strive, to work, to improve, to take responsibility for their choices and to move forward on the pathway to achieve their full potential. Thoughtful Idahoans know that anyone in the so-called “gap” can elevate themselves and their situation. They can become self-reliant and can earn enough, especially in this economy, to qualify for health coverage on the state exchange at very little cost to them. This private coverage is far better than that provided through Medicaid and will be a foundation to their future progress and success.

Will there be situations that are more difficult to resolve than others? Absolutely. However, every day we see people who, due to their circumstances, could have easily thrown up their hands and said, “I quit, the deck is stacked against me, so I will simply give up and allow the state to take care of me.” Yet despite their challenges, even many with severe handicaps have persevered and overcome their challenges, finding a way to succeed despite the odds against them. Their efforts and accomplishments have been a source of great pride and satisfaction. Each situation is different, and a one-size-fits-all program will not benefit all people.

Most Idahoans believe in the ability of people to achieve their goals and dreams through hard work. Most Idahoans believe in the dignity of work and the sense of pride and accomplishment that comes from facing challenges and over-coming. Most Idahoans want to help citizens succeed, not condemn them to a life of dependency.

To achieve these results, Medicaid expansion should include: time limits to provide a sense of urgency and incentive to move forward, a yearly enrollment period just like everyone else in the private sector, random drug testing, a hard sunset on the program to ensure it is functioning as intended before continuation, modest monthly premiums and co-pays for services just like Montana has implemented, a work requirement that reminds recipients there are no free lunches and the path forward to improve their situation is work. These are the principles which will elevate our citizens rather than dig a pit for them from which they cannot escape. These proven concepts will provide support, incentives and encouragement, so they feel good about themselves and others through becoming contributing members of society.

Yes, there is a vocal constituency who believes simply giving things to people is somehow helping them. We respectfully disagree with that opinion. History has proven again and again the folly of that viewpoint. We know how this will end, and it will not end well for those foolish enough to accept the “free” stuff, especially when they can and should work to provide for themselves. It is never right to do the wrong thing, even if many people are hoodwinked into thinking it is right. President Reagan once wisely said, “We don’t measure compassion by the number of people who are on assistance programs, but by the number who no longer need them.” There is still time to do the right thing for all Idahoans.

Industrial Hemp Legalization Bill Passes House Committee

On Thursday, the House Agricultural Affairs Committee held a vote on H122, the Hemp Research and Development Act. The bill sponsors, Reps. Caroline Troy (R-Genesee), Dorothy Moon (R-Stanley), and Sen. Abby Lee (R-Fruitland), were present to answer a few lingering questions posed by committee members. The committee ended up passing the bill, sending it to the House floor with a “do pass” recommendation.

H122 would add a definition for hemp in Idaho Code and allow any person or institutions of higher education in Idaho to grow, cultivate, harvest, sample, test, research, process, transport, transfer, take possession of, sell, import and export hemp or hemp products containing 0.3% or less of tetrahydrocannabinols (THC) in the state. The 2018 Farm Bill removed hemp from Schedule I of the federal Controlled Substances Act and eliminated other barriers at the federal level to hemp research, cultivation and development. H122 would also exempt hemp containing 0.3% THC or less from the state’s Schedule I/controlled substance list.

Farm Bureau is aware that law enforcement has expressed concern as to their ability to test and identify hemp verses marijuana and have thus far opposed any measure to legalize hemp in the state. This issue will need to be addressed regardless of any effort to legalize hemp in the state because the federal Farm Bill pre-empts state law and allows for interstate shipment of hemp. The Idaho Legislature has S1166 under consideration, which would appropriate \$240,000 for the purchase of testing devices. These resources would equip law enforcement with the capability to effectively identify the difference between hemp and marijuana. We believe this adequately addresses the concern expressed by law enforcement thus far.

Hemp is found in over 50,000 products and has the potential to be a viable alternative crop for Idaho farmers. With the low commodity prices currently being experienced in many sectors of agriculture, hemp could offer a possible bright spot. Allowing the production of this alternative crop would add to the diversity of this state’s agricultural industry and markets. Our farmers do a great job of determining what is best for each of their individual operations. However, when it comes to deciding on hemp, we must first get government out of the way to allow Idaho farmers and researchers the option to determine if it is viable or not. H122 would afford them this option.

Idaho Farm Bureau Policy #9 supports legalizing the production of industrial grade hemp with 0.3% THC or less in Idaho, and to authorize the University of Idaho and ISDA to conduct

research and pilot programs to determine suitable varieties to meet market demand. To be clear, our policy specifically supports industrial grade hemp as an alternative crop option for Idaho farmers and we are strongly opposed to any legalization of marijuana. **IFBF supports H122.**

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HCR9 Passes

The Senate Natural Resource Committee unanimously passed HCR9 this week. This is a concurrent resolution recognizing hydropower as Idaho's greatest renewable resource and the benefits it provides. Hydropower benefits groups from all across the state, from agriculture to recreation.

IFBF Policy #83.1 supports the continued careful use of water as one of our renewable natural resources through existing hydro projects and the construction of new ones. **IFBF supports HCR9.**

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Artesian Well Repair Bill Passes House Committee

The House Resources & Conservation Committee unanimously passed S1087 regarding the repair of flowing artesian wells and the retention of potential cost-share opportunities. A full description of the bill and its proposed amendments can be found in last week's issue of Capitol Reflections, view it and other past issues by clicking the blue link at the bottom of this newsletter, titled "Click Here for Past Issues of Capitol Reflections."

Idaho Farm Bureau Policy supports current artesian well laws and the retention of cost-share option for those wells that are ordered repaired or plugged. **IFBF supports S1087.**

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House Judiciary Committee Receives Inmate Training Bill

Senator Patti Anne Lodge (R-Huston) sponsored Senate Bill No. 1045, which would allow inmates to receive real-world work training in the production, harvesting, and processing of all

agricultural products. Currently, the law only allows inmates to work with “perishable agricultural food products.” SB1045 would remove the words “perishable” and “food” from the statute to expand the areas in which inmates can receive training.

SB1045 also makes clear that inmates in Idaho Correctional Industries’ (ICI) work training programs are trainees and not employees of the farms they work on. These clarifying changes will make the statute reflect what is actually happening in the ICI programs and allow peace of mind for farmers and ranchers contracting with ICI for these training programs.

SB1045 passed the Senate Judiciary and Rules Committee without opposition and passed the Senate floor with a unanimous vote. The bill has been assigned to the House Judiciary and Rules Committee, chaired by Representative Thomas Dayley (R-Boise), for hearing.

For a more detailed explanation of SB1045 please refer to the January 18, 2019, edition of Capitol Reflections. **IFBF supports SB1045.**

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Seed Association Presents

The Idaho Seed Association presented to the House Agricultural Affairs Committee, bringing five board members to speak to the committee, each on a specific seed crop. Rodger Batt started the presentation off by informing the committee about some general information on Idaho’s seed industry. The saying in the industry is “it all starts with the seed,” Batt told Representatives. Idaho currently sells seed to 120 different countries.

The five seed topics covered by the presenting board members included sweet corn, pea production, alfalfa seed, bean production and seed treatments. Each person gave a quick overview of what each area is experiencing, both in the positive and the negative aspects of the industry. Sweet corn, for example, shared the positives of Idaho’s environment being ideal to grow the corn. With low humidity in the area, it helps protect against disease such as powdery mildew. On the negative, there are concerns about urban sprawl. With residential areas moving closer to farms, it is hard to prevent cross pollination of their sweet corn crop with corn grown in resident’s backyard gardens. Though issues like these were voiced for each topic, the big take away for legislatures is that Idaho is an efficient and effective state when it comes to producing good seed.

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Amalgamated Sugar Presents

Amalgamated Sugar Company presented to the House Agricultural Affairs Committee this week. Amalgamated's CEO, John McCreedy, talked to legislatures about the history of Amalgamated, high points of this year and future plans. Speaking specifically on Idaho's factories, McCreedy shared information including that Nampa is the company's youngest factory and Mini-Cassia's factory is the largest. This factory is said to slice more beets than anywhere else in the world. Amalgamated is the 2nd largest sugar processor in the U.S., outputting around 2.4 billion pounds of sugar per year.

McCreedy touched on some high points as well. He stated this year they were able to break records with sugar content in their beets. This year's sugar content was over 18% and seems to be holding consistent, which is one of the company's goals. These high sugar content beets help with the return farmers are seeing. Amalgamated had changed their buying formula from acreage to yields. McCreedy said they are happy to see that they are experiencing better yields from their farmers with this high quantity of sugar in their beets. Sugar prices have also remained solid, helping to provide a bright spot in a state that has had low agricultural pricing across the board the last couple years.

As for the future of the company, McCreedy spoke to Amalgamated's emphasis on continuing to innovate and look at sustainability. He spoke to the use of genetically modified seed for the sugar beets, helping them be sustainable by reducing CO2 output and allowing their growers to be less dependent on pesticides. The legislatures were informed that the final product has the genetic material removed so the finished sugar itself would not be considered genetically modified. Their beet sugar is molecularly the same as any non-GMO seed for beet or cane sugar. Amalgamated also continues to invest in technology and improving sugar extraction. They are also investing in the by-product that comes from sugar production and utilizing it as another product to sell. McCreedy spoke to the pulp, molasses and betaine specifically, as by-products that are used as a feed with dairies and other animal agriculture.

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