



# ASSOCIATION MANAGEMENT GROUP

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## ◆ 2023 Legislative Summary ◆

The 1st Regular Session of the 67<sup>th</sup> Idaho Legislature convened on January 9, 2023. After 88 legislative days, lawmakers adjourned and waited a few days before coming back to Sine Die. During the 2023 Session, AMG lobbyists attended meetings of the Ag Lobbyist group (each Tuesday) and represented clients at Food Producers of Idaho (each Wednesday). In addition, Patxi Larrocea-Phillips participated in the Idaho Association of Commerce and Industry's (IACI) weekly legislative meetings representing Food Producers of Idaho and the Northwest Agricultural Cooperative Council.

The clients that AMG lobbied for during the 2023 Legislative Session included:

### Rick Waitley/Patxi Larrocea-Phillips/Kyle Rooks:

- |                                                              |                                             |
|--------------------------------------------------------------|---------------------------------------------|
| AgWest Farm Credit                                           | Idaho Honey Industry Association            |
| Food Producers of Idaho                                      | Idaho Onion Growers' Association            |
| Idaho Alfalfa Clover Seed Growers Association                | Idaho Noxious Weed Control Association      |
| Idaho Association of Soil Conservation Districts <b>(KR)</b> | Idaho Wool Growers Association <b>(PLP)</b> |
| Idaho Cattle Association <b>(PLP)</b>                        | Nezperce Prairie Grass Growers Association  |
| Idaho Hay and Forage Association                             | Northwest Agricultural Cooperative Council  |

**PLP** – Patxi specific client

**KR** – Kyle specific client

### Roger Batt:

- |                                        |                                         |
|----------------------------------------|-----------------------------------------|
| Bayer USA, LLC                         | Idaho Grape Growers and Wine Producers  |
| Boise River Flood Control District #10 | Idaho Ground Water Association          |
| Coalition for Agriculture's Future     | Idaho Mint Growers Association          |
| FARE Idaho                             | Treasure Valley Water Users Association |
| Idaho-Eastern Oregon Seed Association  |                                         |

## LEGISLATIVE SESSION HIGHLIGHTS

**88 LEGISLATIVE DAYS:** The legislative session ended on April 6 and that tallied the official count of 88 days that the Idaho Legislature was in session. Leadership had aimed for March 24 as the going-home date but had several loose ends to tie up before adjourning Sine Die. Below is a comparison of the length of each session over the last 28 years:

2023: 88	2016: 75	2009: 117	2002: 68
2022: 81	2015: 89	2008: 87	2001: 82
2021: 311	2014: 74	2007: 82	2000: 87
2020: 75	2013: 88	2006: 93	1999: 68
2019: 95	2012: 81	2005: 87	1998: 71
2018: 80	2011: 88	2004: 69	1997: 73
2017: 80	2010: 78	2003: 118	1996: 68

**NEW LEADERSHIP:** The November election resulted in over 50 new legislators representing their respective districts during the 2023 session. However, the balance of power between the parties remained basically the same. The Senate had 28 Republicans and 7 Democrats; and in the House there were 59 Republicans and 11 Democrats. When the Legislature came to town in early December for what is called their organizational session they elected several new faces to leadership. In the Senate: Lt. Governor Scott Bedke, a rancher from

Oakley served as President of the Senate; President Pro-Tempore was Senator Chuck Winder from Boise; Majority Leader Senator Kelly Anthon from Rupert; Minority Leader Senator Melissa Wintrow from Boise; Majority Caucus Chair is Senator Mark Harris from Soda Springs; and Minority Caucus Chair was Senator Janie Ward-Engelking from Boise. In the House, members elected Mike Moyle as Speaker of the House; Majority Leader was Megan Blanksma from Hammett; Majority Caucus Chairman was Dustin Manwaring from Pocatello; Minority Caucus Chair Ilana Rubel from Boise; and Minority Caucus Chair Ned Burns from Bellevue. The powerful Joint Finance and Appropriations Committee reviews and sets all budgets for agencies and operations of state government. There was new leadership on the committee from both the Senate and the House. Several committees in the Senate and House had new chairman and, in some cases, even freshman legislators were appointed to serve as vice chairman. Leading the Senate Ag Affairs Committee was Senator Linda Wright Hartgen, Twin Falls and Chairman of the House Ag Affairs Committee was Representative Kevin Andrus, Lava Hot Springs.

### **KEY 2023 LEGISLATIVE ACTION**

**IDAHO LAUNCH PROGRAM:** After the successful passage through the Idaho State Legislature, Governor Little has signed the Idaho Launch Program into law. This groundbreaking legislation broadens the scope of the existing launch program to include high school graduates from the class of 2024 onward. Eligible graduates can now obtain a grant worth up to \$8,000, which can be used at their preferred workforce training provider, career technical program, or community college. Priority will be given to students pursuing careers in high-demand sectors, as determined by current job market data. The Idaho Launch Program aims to support students interested in entering the workforce and applying for in-demand careers. A significant number of these jobs are within the production agriculture and food processing industries in Idaho. Soon after the passage of H24, S1167 followed to amend portions of the original legislation. While the intent and purpose of H24 remained in effect, the trailer bill added a few key provisions. First, it enhances legislative oversight of the Idaho Launch program to heighten program accountability. Second, it ensures greater “skin in the game” from Launch participants by capping the maximum state match at 80% and the maximum grant at \$8,000. Next, it further limits the use of Launch funds to just tuition and fees. Finally, it limits the Launch program to only community colleges and workforce training providers. By focusing on community colleges and workforce training providers, the fiscal note drops from the \$102 million listed on House Bill 24, to a maximum of \$80 million. Both H24 and S1167 have been signed into law and the successful passage of the Governor’s Launch program will strengthen Idaho rural and agricultural workforce for future generations.

**PROPERTY TAXES:** Property taxes were a distinct discussion point that was highlighted by a number of ideas during the past legislative session. H292 was tapped as the vehicle that would move this year and was introduced and printed in March. H292 is aimed at providing immediate, and long-term property tax relief to all property taxpayers in Idaho. The first year after the passage of H292 would provide up to \$355 million dollars in property tax relief. During the second and third year it is estimated that \$110 million will be used to reduce property taxes for owner-occupied properties that are receiving the homestead property tax exemption. There would be approximately \$100 million used to reduce property taxes for all property taxpayers; and another estimated \$100 million will be distributed to school districts on an average daily attendance basis. School districts are required to use funds in the order of priority as follows: (1) payment of school bonds (2) payment of school levies (3) saved for future school facility construction needs or (4) used for new bonds. H292 would also eliminate the March date that school districts can use for elections. Circuit breaker criteria are also relaxed to allow more people to qualify for the program. The circuit breaker is a program targeted toward those who meet the following qualifications: the property owners total 2022 income, after deducting medical expenses, was \$33,870 or less; the property owner was 65 or older, blind, widowed, disabled, a former POW or hostage, or a motherless or fatherless child under 18 years old; the property owner owned and lived in a home in Idaho that was their primary residence before April 15, 2023; and the property must have a current homeowner’s exemption. H292 passed both bodies but was vetoed by Governor Little on the basis that several transportation projects would be halted due to lack of bonding. This problem was quickly remedied with a trailer bill that fixed the bonding situation. Following this bill, the legislature overrode the veto and H292 was passed into law.

**ADMINISTRATIVE RULES:** State agencies have the duty to promulgate administrative rules with the intent that they receive from statute. Administrative rules have the force and effect of law but are promulgated by agencies within the executive branch of government. Normally, the legislature passes intent language in bills that can guide the agencies in crafting the rules with stakeholder input. The volume and complexity of administrative rules has become cumbersome for a part time legislature to address on a yearly basis, and legislative responsibility in this regard needed to be addressed sooner, rather than later. Recent practice has transpired so that the Legislature approves the entirety of the Idaho administrative rules structure every year. H206 places all administrative rules on an eight-year renewal cycle and improves transparency in the process. This will have the benefit of ensuring that each rule is periodically reviewed for continued relevance and applicability. The eight-year cycle would also enable agencies, the Division of Financial Management, and the Legislature to spread this work out over time. Further, H206 would place into statute the requirement that all agencies would need to provide a virtual option through video conferencing or at a minimum a telephone option to allow oral public testimony on their administrative rule proposals. Ideally, this would allow more involvement of Idahoans living outside the Treasure Valley. Finally, H206 would also require the agency to post the recording of the public hearing on the agency's website for at least three years. This allows interested parties to review the meetings if they are unable to attend the rulemaking meeting. H206aaS was passed by both bodies and went into law without the Governor's signature.

**ENDOWMENT LANDS:** During the interim period following the 2022 Legislative Session stakeholders worked on legislation that would assist the State Land Board in dealing with closures and restrictions on State endowment land. S1049 gives the State Land Boards' agents the ability to cite and fine those misusing endowment lands. S1049 expresses that the State Board of Land Commissioners must provide notice to the public of any restrictions, closures, prohibitions, and regulations on State endowment land. Proper posting is required, and fines and restitution requirements are outlined. If a person is found guilty of violating the statute and subsequent rules, the person will get a warning ticket. On the second violation the violator would receive an infraction and fine of \$250.00, and the third offense would carry a misdemeanor. The State Board of Land Commissioners will be tasked with promulgating any rules surrounding a closure, restriction, regulation and prohibition, and with any rule that provides for the closure, restriction, regulation or prohibition there will be proper notice posted on the Idaho Department of Lands' website and at the physical location. An additional tool that is going in the toolbox for shared usage is the funding package in S1196. S1196 mainly deals with supplemental funding for the Idaho Department of Parks and Rec for deferred maintenance and capital projects, but after you peel a few layers back there is a small gem in the rough for the grazing community. There is \$5 million dollars set aside for a working group that would include input from the grazing community. The group will look at and fund projects that are at the intersection of shared usages.

**TRANSPORTATION:** S1010 amends Idaho Code to provide that vehicles that are moving slower than normal speed of traffic will have to turn off the roadway at the next available location where it is safe and reasonable to do so. Currently, statute provides that the operator of a slow-moving vehicle would need to pull off wherever a sufficient area for a safe turnout exists. The new language will place into statute the terms 'safe' and 'reasonable' to guide the slow-moving vehicle operator in their decision to find a place to turn off. S1010 passed both bodies without any votes against it. In agriculture we are often moving large equipment down public highways and can have a large amount of traffic pile up behind the equipment in a short amount of time. There can be areas that may be sufficient to pull over, but they may not be safe. Additionally, the amendment strengthens the portion of statute that provides that the operator will not be in violation of the statute if he has more than three (3) cars behind them and passes a designated turnout or safe and reasonable location to pull off the road. S1010 will become law on July 1, 2023.

**FENCING LAW & HERD DISTRICTS:** As the sun started to set on the 2023 Legislative Session, H349a was conceived. H349a assists in improving state statute pertaining to herd districts. If you are looking for a quick recap on the general purpose and structure of herd districts, I would encourage you to wander over to the Idaho Rangeland Resource Commission's webpage and look through the 'open range' information. Herd districts came into existence over a century ago and require landowners within the district to 'fence in' their livestock. However, the question arose during the latter part of the legislative session on whether livestock from open range property roaming onto herd district property should be liable for coming onto the herd district owner's property if the fence is not maintained. Due to several different interpretations of statute, a consensus

of legislators and stakeholders found it necessary that the language in the statute be cleared up so that parties within and adjacent to herd districts understand who should be maintaining the fence, and who is liable if the fence is not maintained. Currently, there is a case that is being appealed to the Idaho Supreme Court that could leave operators on open range exposed to civil liability if their livestock wander or roam into a herd district. This is contrary to how herd districts should currently operate in keeping open range livestock out of the district. H349a passed both bodies and received Governor Little's signature. In successfully making it through the process, the legislation became effective<sup>3</sup> on April 15, 2023. S1063 that deals with barbed wire fences was introduced during the session as well. S1063 was intended to update certain sections of Idaho Code that deal with the careless exposure of barbed wire fences. Additionally, it would adjust and revise provisions regarding a property owner's liability after receiving notice. If corrective actions are not taken to fix the situation for the exposure of barbed wire, new penalties will be enforced under the proposed legislation. S1063 did not receive a hearing in the House Agricultural Affairs Committee and did not move forward this session.

**NOXIOUS WEEDS:** H94 amends Idaho Code Section 22-2405 to incorporate language that defines when the individual notice to a landowner to control and eradicate noxious weeds is deemed satisfied and served. This clarification would prevent absentee landowners from arguing that they were not present to receive service. Additionally, the clarification would prevent landowners from evading service. Currently, landowners have the duty to maintain their properties so that they are free from noxious weeds and the cost of controlling the noxious weeds is the obligation of the landowner per Idaho Code. This clarification was brought forward when a county noxious weed department was sued by a constituent because it was alleged that the department did not provide proper notice. The lawsuit settled outside of court, but noxious weed departments now need to clarify language in statute so that this can be prevented from happening again. H94 has passed both bodies and has been signed by the Governor. The change will go into effect on July 1, 2023.

**AG BMP, WQPA & WATER PROJECT FUNDING:** Due to the collaborative efforts of the Idaho Water Users Association, Treasure Valley Water Users Association, Idaho Association of Soil and Water Conservation Districts, and Idaho Dairyman's Association the legislature has approved funding for Ag BMP, WQPA, and Water Projects. After the 2023 legislative session, H361 was passed as an appropriation bill providing \$150 million for the Water Management Account and \$2 million for the Agricultural Best Management Practices Fund (Ag BMP Fund). This funding will be utilized by the Idaho Water Resources Board for additional water infrastructure grants and loans, and for irrigation delivery entities to improve their irrigation delivery systems. The Ag BMP Program funding will go to the Department of Environmental Quality to continue funding on-farm water quality projects. Furthermore, H352 was also passed, allocating \$5 million to fund the Water Quality Program for Agriculture (WQPA). This funding will be available for grants through the Idaho Soil and Water Conservation Commission and the local Soil and Water Conservation Districts during the month of May. This is the second year that WQPA funding for \$5 million has been allocated for on-farm water quality improvement projects and small water infrastructure projects for irrigation delivery entities.

**FOREIGN LAND OWNERSHIP:** H173aaS sponsored by Representative Judy Boyle and Representative Ted Hill prohibits a foreign government or foreign government-controlled entity from purchasing, acquiring, or holding a controlling interest in agricultural land, water rights, mining claims or mineral rights in the State of Idaho. Foreign governments or foreign government-controlled entities that currently exist in Idaho are grandfathered in and will be able to retain what they own. Similar legislation has been passed in different states across the United States as a result of the escalating tensions with China, Russia and Iran.

**AG LAND PRESERVATION:** H377 was introduced by Representative Kevin Andrus to be discussed throughout interim period following the 2023 Legislative Session. The bill establishes Agricultural Protection Areas (APA) in Idaho. Farmers and ranchers may apply to their local government entity to voluntarily submit their lands into an APA. During the time where the farmer or rancher has those lands within an APA, they receive monetary compensation, tax incentives and/or property tax reductions. The goal of H377 was to attempt to strike a balance between preserving farmland while at the same time protecting private property rights. H377 will be discussed by many agricultural leaders and organizations throughout the 2023 interim. It is the hope of those involved that a similar draft will be presented during the 2024 Legislative Session.

**FINAL PROGRESS REPORT:**



**Terri Kondeff**  
Director

# Legislative Services Office

## Idaho State Legislature

*Serving Idaho's Citizen Legislature*

**FINAL PROGRESS REPORT**  
Week-to-Week Comparison  
April 13, 2023

<b>FINAL</b>	2023	2022	2021	2020	2019	2018
New legislation prepared(RSed)	861	829	958	830	761	799
Changes, amendments, and engrossments	<u>294</u>	<u>217</u>	<u>268</u>	<u>223</u>	<u>314</u>	<u>196</u>
	1155	1046	1226	1053	1075	995
<b>INTRODUCTIONS</b>						
Bills (both houses)	595	596	660	559	522	561
Resolutions, Memorials, Proclamations (both houses)	40	65	58	70	67	78
<b>ACTION</b>						
Bills Passed (both houses)	317	344	368	347	331	355
Bills signed by the Governor	312	336	364	341	329	340
Law without Governor signature	1	2	0	0	0	13
Bills vetoed by the Governor	4	6	4	6	2	2
Veto Overridden	1	0	0	0	0	0
Resolutions, Memorials adopted	26	40	25	42	37	51
Length of Session (days)	88	81	311	75	95	80
<b>TRIVIA</b>						
Code sections amended	498	561	596	487	594	417
New code sections	157	133	178	122	142	156
Code sections repealed	51	117	122	137	62	127
Pages of passed legislation	1251	1365	1465	1214	1307	1103

**RURAL NURSING PROGRAM:** The Rural Nursing Loan Repayment Program that has been recently enacted in Idaho will greatly benefit the rural and agricultural communities of the state. The program will provide financial assistance to eligible nurses practicing in rural and underserved areas and will help attract and retain healthcare professionals in these areas. This will improve access to healthcare services for residents of rural communities, who often face significant barriers to healthcare access. By paying for nursing education loans for eligible nurses, the program will also help reduce the burden of student loan debt, making it easier for nurses to pursue careers in rural and agricultural communities. The program's funding from legislative appropriations, health care industry contributions, private donations, and federal funds will ensure that it has

the necessary resources to support eligible nurses. The Rural Nursing Loan Repayment Grant Review Board, composed of representatives from various health care organizations, will oversee the program and award grants based on certain criteria. Priority will be given to Idaho residents who graduated from an accredited nursing program in Idaho and are working in an eligible area with a demonstrated nursing shortage. Overall, the Rural Nursing Loan Repayment Program will play a critical role in addressing the shortage of healthcare professionals in rural and underserved areas of Idaho. It will help improve access to healthcare services, reduce the burden of student loan debt for eligible nurses, and attract and retain healthcare professionals in these areas. The program's enactment is a testament to the lobbying efforts of Food Producers of Idaho and the Idaho legislature's commitment to supporting rural communities and agriculture.

**IMMIGRATION JOINT MEMORIAL AND RESTRICTED DRIVER'S LICENSE:** Immigration reform at the federal level is something that is desperately needed, but it has become a politically charged topic. At the state level, several groups made attempts to assist in the immigration reform discussion. One idea was the restricted driver's license. The measure made it out of committee but did not receive a vote from the full Senate body. S1081 would have likely improved Idaho's road safety, ensured more drivers on Idaho roads were covered by insurance, enhanced driver education and training for all Idahoans, improved safety of law enforcement officers, reduced the severity and extent of motor vehicle collisions, and generated additional state revenue for Idaho Transportation Department (ITD) programs. Had the measure passed, the Restricted Driver's License would have been available to all persons residing in Idaho. The restricted driver's license would be issued by ITD, or other authorized vendors (including a county if it chooses to opt-in) and would have had to be renewed every 2 years at a cost of \$50. The Restricted Driver's License would be limited to driving purposes only. The card is not used for voting, to purchase firearms, or to exercise any other rights or privileges reserved for citizens. The legislation for the Restricted Driver's License passed out of committee but was not heard on the Senate floor. Another effort was mustered through Senate Joint Memorial 101. The United States Federal government controls immigration, naturalization, and entry to the United States. The country's southern border is an unquestionable problem and in need of control because drugs like fentanyl, and human trafficking are undeniably occurring. Additionally, SJM101 expressed that as a further result of the federal government's failures the security of the country and of the several states, including Idaho, is threatened and harmed by the unavailability of lawful labor needed to harvest, process, and transport our domestic food supply, to extract mineral, gas, oil, and timber resources, to build homes, businesses and highways, and to provide other basic life necessities. Currently, there are seasonal guest worker options through H-2A and H-2B visa programs. However, there is a need for year-round guest worker programs. Agriculture depends on foreign born labor as many jobs do not attract domestic workers. SJM101 expressed the desire of Idaho citizens and business that the Federal immigration system be modernized to secure the border, to provide for a legal workforce of guestworkers, and asked that Idaho's delegation become National leaders on this topic. SJM101 passed out of the Senate but did not receive a vote in the House of Representatives.

**CLOSING:** We hope you have found the communication related to legislative issues complete and valuable to understanding what happened in Boise from January through March. Our weekly *Capitol Review* is designed to inform you each week about issues that impact the agriculture industry. If you have specific questions related to the legislation discussed in this report, please do not hesitate to contact our office. We can be reached at:

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