



# CAPITOL REVIEW

## A WEEKLY LEGISLATIVE REPORT

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### A Weekly Legislative Report

Vol. 23 No. 6

02/27/2023

#### CRITICAL INFRASTRUCTURE TRESSPASS

H167 would establish a **penalty for critical infrastructure trespass**, which occurs when a person knowingly enters or remains on a critical infrastructure facility or construction site without permission or after being given notice to leave. H167 is sponsored by Representative Britt Raybould in District 34. The penalties for critical infrastructure trespass include a misdemeanor charge for the first offense, **punishable by up to six months in jail and a fine up to \$1,000, and a felony charge for a second offense within five years, punishable by up to ten years in prison and a fine up to \$10,000**. Additionally, an individual or organization that solicits critical infrastructure trespass is subject to a fine up to \$100,000, and a critical infrastructure facility can sue for damages. The law includes exceptions for landowners and those engaged in lawful behavior or public demonstrations protected by the constitution. The law defines critical infrastructure facilities and organizations as those vital to Idaho's economic security, public health, or safety, including various sectors such as energy, transportation, and healthcare.

#### RURAL NURSING LOAN REPAYMENT

H213 is similar to its previously reported counterpart H84. It was reintroduced in order to clarify the definition of rural, which now includes **counties with a population lower than 20,000**. Additionally, edits were made to the Statement of Purpose to add clarity on the number of enrollees and costs over a 5-year period. This bill is sponsored by Representative Dori Healy, Boise and is **designed to incentivize nurses to practice in rural and underserved areas** of the state by providing loan repayment assistance for nursing education loans.

#### STATE AGENCIES DONATION PROHIBITION

H170 is sponsored by Representative Jason Monks, Meridian. The bill proposes an amendment to Idaho Code **to prohibit donations or sponsorships by any state departments to non-governmental events or**

organizations unless required by law or approved by the Governor. H170 has a **carveout for commissions or boards that would be classified as self-governing**. For these entities any donation or sponsorship to any non-governmental entity or event would only need to be approved by the chief executive officer of the board or commission. While there could be a request made to the Governor, this process would be burdensome for any commodity commission looking to provide support to a non-government entity. H170 bill has passed the House and is now awaiting a hearing in the Senate State Affairs.

#### INVASIVE SPECIES REPORT

Nic Zurfluh with the Idaho State Department of Agriculture presented to the Senate and House Agricultural Affairs committees last week on **invasive species. Invasive species are non-native species that disrupt healthy ecosystem functions** from the bottom up. Invasives such as zebra and quagga mussels, leafy spurge, Eurasian watermilfoil, yellow star thistle, bullfrogs, hydrilla, Asian carp, and more can prey upon, crowd out, displace, or otherwise harm native species. Idaho has taken a proactive approach to managing noxious weeds and invasive species. Specifically in relation to the invasive species program, ISDA has developed areas to address and prevent these invaders from coming into Idaho. Prevention includes watercraft inspection and product inspection. Early detection monitoring along with active management has kept us ahead of the curve in keeping zebra and quagga mussels out of the state of Idaho. This past year was the **14th season of the inspection program** and crews at the 19 inspection stations conducted 102,670 inspections. Quagga and Zebra Mussels heavily inundate Eastern United States. Currently, the Pacific Northwest remains invasive mussel free. Education and outreach have been successful avenues for ISDA to inform the public regarding the impacts of these invasive species in Idaho. **Clean, Drain, Dry; Know What you Grow**; and

**Don't Let it Loose** are several campaigns that have assisted in helping to educate the public.

### ISDA DIRECTOR

**Chanel Tewalt**, the Governor of Idaho's recommendation for the **Director of the Idaho State Department of Agriculture** was confirmed by the Senate last week with all members in support. With the Senate confirmation vote last week, this officially closes the process of appointing a new Director of the Idaho State Department of Agriculture.

### FENCING LEGISLATION

S1063 would 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 was introduced by Senator Mark Harris towards the beginning of February, passed out of the Senate Agricultural Affairs committee this past week, and will likely be heard on the Senate floor this coming week.

### NOXIOUS WEED NOTICE PERIODS

H94 was introduced by Representative Doug Pickett in early February. H94 will amend 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 shall be the obligation of the landowner. The noxious weed lists are defined and kept within the administrative rules at the Idaho State Department of Agriculture. The correction and 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 it can be prevented from happening again. H94 passed out of the House of Representatives with a vote of 62-8-0 and is awaiting a hearing in the Senate Agricultural Affairs Committee.

### PRIVATE RIGHT OF ACTION

There have been several bills introduced this session that deal with **Private Rights of Actions**. A private right of action generally allows any person aggrieved by a

violation of a certain statute to bring a civil action in a court of competent jurisdiction for relief. There have been a number of bills proposed this legislative session that would allow citizens to bring a private right of actions. None of these bills pertain directly to agriculture, but the concept is a little unnerving that all these bills are being proposed that deal with private rights of actions.

### DIRECTORS OF DEPARTMENT OF AG

**Celia Gould completed 16 years** as the Director of the Idaho State Department of Agriculture. Not only is she the longest serving director in the history of the department (first Director was appointed in 1918) but the first female to serve in the position.

Longevity has been much less for other directors:

**Stanley Trenhaile** (1958-1970) served for **12 years**

**Pat Takasugi** (1996-2006) served for **10 years**

**David Stubblefield** (1946-1954) served for **9 years**

**Wilson Kellogg** (1972-1979) served for **7 years**

Nine directors served for only a one-year term. Five directors served for five years. The title was changed from Commissioner of Agriculture as established in 1918 to Director of Agriculture in 1972. The word State was also added to the name of the agency and now it is officially called the **Idaho State Department of Agriculture**. The ISDA moved to its own building and permanent location in 1978. The location is near the original penitentiary in Boise and located in proximity to the state animal and seed laboratories. The only former Director beside Director Gould still living is **Dick Rush** (1984-1989).

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