



# CAPITOL REVIEW

## A WEEKLY LEGISLATIVE REPORT

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## A Weekly Legislative Report

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### APPOINTMENT BACKLOG

The Senate finds themselves faced with a **total of 43 individuals needing to be confirmed** to serve the State of Idaho in a variety of positions. These individuals have already been through the germane Senate Committee where they stood before the committee for questions. But now the list of appointments has grown and is somewhat stockpiled on the Senate agenda. The Senate Agenda in all orders of business is as long as we have ever seen. **Why is this happening?** Let's look at the makeup of the 35 members of the Senate. **Nineteen** of those serving are new to the Senate this year. That comprises of over half the body. Longevity is interesting in the body: five are in their second term, two in their third term, one in their fourth term, four in their fifth term, three in their sixth term and one has served for eight terms. That coupled with a new President of the Senate Lt. Governor Scott Bedke has impacted the flow of legislation through the body. The House has chosen not to meet on Monday next week. Speaker of the House Mike Moyle stated "we need the Senate to get caught up."

### SEEMS LONGER THAN USUAL

Several people have mentioned that this session seems longer than usual. Currently, today, **March 24 we are at the 75th Day** of the Session that started on Monday, January 9. The longest session was in 2021 and it recorded a total of **122 days** adjourning on May 12. Looking back these are the number of days the legislature has met in recent years:

2020 – 75 days  
2019 – 95 days  
2018 – 80 days  
2017 – 80 days

### PERMANENT BUILDING FUND

The University of Idaho College of Agriculture and Life Sciences (U of I CALS) made a request for additional funds from the Permanent Building Fund to invest in major initiatives being pursued by the college and industry – CAFÉ in Rupert, Parma Research and Extension Center and the proposed meats lab on the Moscow campus. These projects need additional funds to get them across the finish line. Like many other

projects that were proposed several years ago, the increased costs in recent months have plagued projects across the state. The final proposal is to allocate **\$72,922,000** for capital projects for higher education institutions. The Joint Finance and Appropriations Committee made it clear that each institution will get a portion of these funds. The institutions will then be able to allocate the money. It appears that U of I CALS will **receive around \$9 million** towards their projects. This will not fund all the projects to the highest extent but will allow projects to continue moving forward.

### IDAHO LAUNCH PROGRAM AND TRAILER BILL

Governor Little announced a new opportunity for Idaho students. The proposal is titled the **Idaho Launch program**. H24 was the result of the Governor's proposal. H24 expands the existing Idaho Launch program to high school graduates starting with the class of 2024. **Eligible graduates can receive a grant of \$8,500.00** to be redeemed at the workforce training provider, career technical program, community college, or college of their choice. Preference will be given to students pursuing in-demand careers based on current job market data. H24 presents the legislature with the opportunity to support Idaho students who want to enter the workforce and apply for in-demand careers. A large number of in-demand jobs are in production agriculture and food processing in Idaho. The support offered by H24 is critical given the **ongoing labor crisis**. The bill leverages and re-directs \$102 million in existing budget capacity for the program. The bill passed the House of Representatives with a vote of 36-34-0 and passed the Senate with a vote of 20-15-0. This bill is awaiting consideration by the Governor. Due to some concerns with the potential open ended spending a trailer bill was introduced–S1167 which creates sideboards on the Idaho Launch program. Several key changes are proposed to the Launch in 1167. It enhances legislative oversight of the Idaho Launch program to heighten program accountability by requiring reports be provided to the legislature each year. 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 per student. Finally, it limits the use of

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Launch funds to just tuition and fees and limits the Launch **program to just community colleges and workforce training providers** rather than any educational organization located in Idaho. The trailer bill has passed the Senate and is waiting for a hearing in the House of Representatives.

### **FENCING BILLS**

S1063 that deals with barbed wire fences was introduced this past week. 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. Currently, the fine is a maximum of \$25.00 and minimum of \$5.00. **The proposed penalty levels would be \$150.00 for the first offense, \$300.00 for the second offense, and a misdemeanor for a third offense.** It should be noted that before a person, occupant, owner, firm, or corporation does receive a penalty they would have 10 days to correct the violation after the notice has been received. A person would be subject to a visit from a Sheriff if they allow their barbed wire fence to be strewn on the ground or in disrepair so that the situation would permit livestock to escape and be exposed to injury. S1063 is waiting for a hearing in the House Agricultural Affairs Committee. This past week H349 was introduced and is moving through the process. This bill deals with fences and liability between herd districts and open range. H349 provides that the owner of livestock (except swine) may **not be held civilly liable for depredation if the livestock stray from open range** into a herd district, unless the herd district boundaries are enclosed by fences and cattle guards or gates. It also requires that any new herd district created on or after July 1, 2023, must be enclosed by fences and cattle guards or gates. H349 has come into the process due to some ambiguities in the herd district statute, specifically herd districts that were created prior to 1963. 1963 is the operable date because the legislature amended the statute that year, and there is case law that has come from the Idaho Supreme Court supporting the proposition that open range operators will not be held civilly liable for livestock ranging onto a herd district from 1963 through the present. There is ambiguity regarding herd districts that were created prior to 1963. H349 has passed the House of Representatives and is waiting for a hearing in the Senate.

### **SLOW MOVING VEHICLES**

S1010 would amend 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 and passes a designated turnout or safe and reasonable location to pull off.

### **WATER QUALITY PROGRAM FOR AGRICULTURE**

H352 is the FY 2024 original appropriation bill for the **Soil and Water Conservation Commission**. This bill allocates a total of \$5,642,200 in funding and limits the number of authorized full-time equivalent positions to 18.75. It includes a provision for \$13,900 in compensation for two new commissioners added through H642 that was passed in 2022. Additionally, the bill contains a one-time FY 2023 supplemental of \$5,000,000 for the Water Quality Program for Agriculture (WQPA), demonstrating the state's commitment to sustainable resource management and supporting the agricultural sector. Currently, H352 is in the 10th Order of the Senate.

### **BALLOT INITIATIVES**

Senate Joint Resolution 101a, would require that any referendum or initiative petition be signed by **at least 6% of legal voters from each legislative district**, based on the last general election. SJR101a is supported by the Food Producers of Idaho, as they believe this amendment ensures that all counties, including rural areas, have their voices heard in the legislative process. By requiring a minimum percentage of voter signatures from each legislative district, the amendment aims to provide a **more balanced representation of opinions** across the state, preventing initiatives and referendums from being disproportionately influenced by densely populated areas. SJR101a is on the Third Reading Calendar in the House of Representatives.

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