



# CAPITOL REVIEW

## A WEEKLY LEGISLATIVE REPORT

AMG : RICK WAITLEY | ROGER BATT | BENJAMIN KELLY | PATXI LARROCEA-PHILLIPS  
55 SW 5TH AVENUE, SUITE 100 MERIDIAN, ID 83642 PH: 208-888-0988 FX: 208-888-4586

### A Weekly Legislative Report

Vol. 22 No. 8

03/4/2022

#### PERSONHOOD?

H720 would add a new section to Idaho Code to **provide that environmental elements, artificial intelligence, nonhuman animals and inanimate objects would not be granted personhood status** in the state of Idaho. Though common sense would tell us this list should never be given the status of personhood in the eyes of the law, erroneous lawsuits and decisions made by judges outside of our state has forced the issue to be addressed. The legal system in the United States differentiates between property and legal personhood. Therefore, one way to elevate the status of animals under the law is for them to be recognized as legal persons. Despite wording that can be confusing, **“personhood” in the legal context is not limited to human beings based interesting interpretations.** There are already non-human persons under the law. For example, corporations and ships are defined as persons for limited legal purposes.

There is also a growing “environmental personhood” movement in which entities of nature, such as rivers, have been granted legal personhood to provide a means of protection from exploitation. Legal personhood is not a “one size fits all” designation and does not necessarily convey all the legal rights granted to human persons under the law. Rather, it simply elevates an entity’s status under the law and confers legally recognizable interests, which are specific to the needs and nature of that entity. So, for example, recognizing a dog as a legal person would not give it the right to vote. However, it might give it the right to not be used in a painful experiment or the right to have a court appoint a guardian to protect its legal rights. **With this information in mind, Food Producers of Idaho voted to support the bill.**

Agriculture, especially the livestock industry, seems to always be at risk of being sued by environmentalists for a plethora of reasons. However, H720 would at the very least strike a line in Idaho Code that others could not sue on behalf animals.

#### 2022 CANDIDATE FILING STARTS

The 2022 election season officially began Monday with the first group of political candidate filings. The **candidate filing period opened at 8 a.m. Monday and closes at 5 p.m. on March 11.** Although several candidates have already declared they are running for election in 2022, political candidates must fill out declaration of candidacy forms and submit them during the filing period for their names to appear on the ballot. For the first time in 10 years, there will be new congressional and legislative boundaries in place thanks to the 2021 redistricting process, which the Idaho Supreme Court upheld earlier this February.

With this year’s elections, the new political boundaries and competition for higher office are expected to lead to a significant reorganization in the Idaho Legislature next year. Several legislators, including Speaker of the House Scott Bedke (R-Oakley), Rep. Priscilla Giddings (R- White Bird) Rep. Dorothy Moon (R-Stanley) and Sen. Mary Souza (R- Coeur d’Alene) have said they will leave their seats in the Legislature to run for higher statewide office. Republicans and Democratic **candidates will compete in their parties’ primary elections on May 17.** Winners of the May 17 party primaries will advance to the November 8 general election. Independent and third-party candidates will also appear on the November 8 ballots.

#### **Wayne Meyer Statesman Award**

Wayne Meyer was a Lifetime member of Leadership Idaho Agriculture (LIA) graduating in Class 27. Wayne was a farmer on the Rathdrum Prairie in North Idaho and a leader in the grass seed industry. He was active in his local community and served in the Idaho Legislature from 1995-2004, where he was a strong spokesman for agriculture issues. The LIA Foundation established the LIA Statesman Award in honor of Wayne and yearly recognize dedicated public service by LIA alumni. **This year’s awardee was Representative Caroline Troy.**

Troy was born in Lewiston, Idaho and grew up attending elementary and secondary school in Botswana where her parents were engaged in the Peace Corp. The family returned to the US to allow Caroline to graduate from Orofino High School. She went on to receive her B.S. degree in communications from the University of Idaho. She is a 2000 graduate of Leadership Idaho Agriculture, Class 15. Rep. Troy is a member of the James A. McClure Center, advisory board; and the Idaho Rural Partnership, board of directors. Caroline was elected to the Idaho House of Representatives from District 5 representing Benewah and Latah Counties and is completing her 8<sup>th</sup> year in the Legislature. She serves as Vice Chairman of the House Appropriations Committee and a Vice Chairman for the Joint Finance and Appropriations Committee. She is a member of the House Judiciary, Rules and Administration Committee. Prior to becoming a legislator Caroline worked for the University of Idaho and Washington State University as a fundraiser. She is best known for her efforts in raising dollars for the biotechnology wing of the U of I College of Agriculture.

Most recently Caroline has led the effort to establish an Agriculture, Forestry and Natural Resource Caucus for Legislators to bring them together for common efforts and communication about these important industries in our state. She has also played a major role with the 4-H Know Your Government Conference for a several years.

### **FENCES MAKE GOOD NEIGHBORS**

S1345 amends a several sections of Idaho Code that were originally established in 1915. S1345 would update current provisions for **the careless exposure of barbed wire fences**. The amendments to Idaho Code **would give a person, occupant, owner, firm, or corporation seven days after received notice to fix their damaged or broken fence**. If the person, occupant, owner, firm, or corporation does not fix the fence then they would be subject to a \$150 fine on the first violation and \$300 fine on the second violation. **The original fine that was put in place was \$5.00 and is still in statute**. Many prosecutors do not even use this statute because the fine is not worth the time of going through the process to determine if someone is guilty.

### **ADMINISTRATIVE FEE RULES**

The two chairmen of the House and Senate Agricultural Affairs Committees have introduced a House Concurrent Resolution (HCR37) approving administrative rules that impose a fee or assessments. Through the 2022 session **both committees have held hearings on fee rules that were from the Idaho State Department of Agriculture (ISDA) and commodity commissions**. This process has

changed over the last three years and has been interesting to watch and participate in.

Prior to the current process, **all rules were placed in one omnibus bill once they had been approved by committees in the House and Senate**. This included all rules by state agencies, lumping in large agency rules such as Health & Welfare, with the smallest commission rules in the state. At times the House or Senate would get to the end of the session and use the omnibus bill as a “hostage” against the other body for leverage. Another reason an omnibus bill wasn’t optimal in the eyes of the legislature is that with so many subjects covered in one bill, if one rule was not agreeable in the eye of a representative or senator, they were almost forced to vote in favor anyway or would have to spoil the entire bill. Though the past few years’ process has taken more time and resources from agencies and the industries that work throughout the year to make sure rules are not overly burdensome, there hasn’t seemed to be much of an improvement. It has been a substantial change and we are hoping that the process will continue to be fine tuned and more workable for industry while accomplishing what the legislature is truly after.

### **ISDA RULEMAKING**

The Idaho Department of Agriculture will be **compressing their negotiated rule meetings this spring** that are being presented for authorization as part of the ISDA's plan to review each rule every 5 years. This process will be similar to last year. It is anticipated that rulemaking stakeholders will propose and advocate for rulemaking changes as part of the negotiated rulemaking process. There are currently 8 rule hearings scheduled in March and includes: Rules Governing the Idaho Preferred Program, Rules Governing Grading and Controlled Atmosphere Storage of Apples, Rules Governing Artificial Dairy Products, Rules Governing Trichomoniasis, Rules Governing Dead Animal Movement and Disposal, Rules Governing Beef Cattle Animal Feeding Operations, Rules Governing Plant Disease and Quarantines, Rules Governing Plant Registrations and Licenses. The rules can be found on the ISDA website: [ISDA Rulemaking 2022-2023 – Idaho State Department of Agriculture](https://www.isda.idaho.gov/Rulemaking/2022-2023)

ISDA intends to consider all changes presented by the public and **may propose certain changes so long as they are consistent with the rules' statutory authority and the Governor's Executive Order**. Contact: [rulesinfo@isda.idaho.gov](mailto:rulesinfo@isda.idaho.gov) to make arrangements for participation by telephone and web conferencing.

*Capitol Review* is written to inform the clients of Association Management Group (Waitley Associates, Batt Associates, Kelly Associates and LP Associates & Agriculture) about activities in the Idaho Legislature and, due to the proprietary nature of the publication, **IS NOT** for distribution to others **without attribution to AMG**.