

Capitol Reflections

2015 Legislative Session

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"As democracy is perfected, the office of the President represents, more and more closely, the inner soul of the people. On some great and glorious day, the plain folks of the land will reach their heart's desire at last, and the White House will be occupied by a downright fool and a complete narcissistic moron."

H.L. Mencken, The Baltimore Evening Sun, July 26, 1920

Making Water Run Uphill

On October 29, 2014, Gary Spackman, Director of Idaho Department of Water Resources approved the Idaho Groundwater Appropriator's (IGA) fourth mitigation plan. The fourth plan proposed established that groundwater rights holders junior to August 12, 1973, must provide mitigation to the Rangen fish operations by January 19, 2015, or they will be curtailed. Judge Eric Wildman expanded this order by remanding it back to the Director requiring that the call apply not only to junior Magic Valley area groundwater users, but to all junior water rights holders. This exposes approximately 322,000 Eastern Idaho irrigated acres junior to 1962.

While everything looked to be on track to install the necessary pumping and piping to supply the water necessary to allow the Rangen Hagerman fish operation's water rights to be satisfied, everything has ground to a stop within the last few days. It now appears that the IGA will not have the project completed in time to satisfy the mandated deadline.

These problems came about as a struggle developed during construction and piecing steel pipe over the talus slope and then a vertical reach of pipe to bring water from the valley floor to the top of the rim of the Hagerman Valley. When these troubles were encountered, a flexible "discoll" type pipe was identified as the quickest and most workable alternative. This is a polyethylene pipe which allows sections to be fused together into long lengths, which would more easily follow the contour of the terrain. The order however states that pipe used to convey water for this project must be new pipe to eliminate any potential contamination concerns. The pipe that was being used has been determined to have been used previously in non-agricultural construction type activities, thus the use of this pipe and construction was stopped.

Cities including Bliss, Burley, Carey, Declo, Dietrich, Gooding, Hazelton, Heyburn, Jerome, Paul, Richfield, Rupert, Shoshone and Wendell have been involved and have participated in the mitigation efforts of the Rangen water rights challenge. These cities all have water rights junior in priority to water rights of Rangen, and therefore would be subject to curtailment pursuant to orders of the director and based on the delivery call imposed by the Rangen operations. There are also many dairy operations and other animal watering needs that will be subject to this curtailment order, unless some relief of the Director's order is not reached.

As you can imagine, there has been a flurry of legal activity appealing to the Director to allow a little more time to sort out the pipe issue and allow construction to be completed subsequent to the January 19 deadline. So far, the Director has not been willing to modify or make any allowances to his order.

There was a hearing scheduled for January 22 to appeal to Judge Eric Wildman, requesting judicial relief and to allow a few more days to complete this project.

This mitigation effort has become amazingly complex, legally and time sensitive. The project is now in non-compliance with the Director's order and the impact to water uses in the Magic Valley region will severely impact so many critical water needs.

Meeting the time sensitive mandate of the order and the needs of so many to utilize water...What an UPHILL BATTLE!



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BOULDER-WHITE CLOUDS WILDERNESS OR MONUMENT – IS IT A HOBSON’S CHOICE?

A Hobson’s Choice is a free choice in which only one option is possible. As a person may refuse to take that option, the choice is therefore between taking the option or not; “take it or leave it.” The phrase is said to originate with Thomas Hobson (1544-1631), a livery stable owner in Cambridge, England. To rotate the use of his horses, he offered customers the choice of either taking the horse in the stall nearest the door or taking none at all.

Prior to President Obama’s visit to Boise on January 21, there was a lot of discussion and speculation on why the President was even coming to Idaho. Farm Bureau members wondered and feared that he might tip his hand regarding future plans that may include National Monument designation of the Boulder-White Clouds area.

That topic did not come up in his Boise State University – State of the Union speech and cheerleader rally. He did say he came because he was invited in a letter that he had received from Bella Williams, a 13 year old from Boise’s North Junior High. While President Obama made a Boise campaign stop in 2008, Idaho was one of only four states that he had not visited during his presidency.

The Idaho Statesman (Rocky Barker) reported that during the flight to Boise, Boise Mayor David Bieter, who was invited to fly with the President on Air Force One, and the President discussed the Boulder-White Clouds issue. Bieter had asked the president to proclaim a national monument for the Boulder-White Clouds and the East Fork of the Salmon River in Central Idaho. The Mayor reported that the President committed to take it back to his staff and said, “we will take a look and see.”

The Statesman also reported that when Obama got off Air Force One in Boise, he was greeted at the airport by Republican Lt. Governor Brad Little. Little said he told Obama that proclaiming the 700,000 acre wildness area as a national monument would not be good for the other things his administration is doing in cooperation with Idaho. Obama interrupted Little and pointed back to Bieter saying “You two might have to get together on this issue.” After his BSU speech, Obama met with former Democratic Idaho Gov. Cecil Andrus, who also urged him to proclaim a national monument.

On Friday January 16 the IFBF was invited to attend a briefing with Congressman Simpson and his staff to discuss a Boulder-White Cloud – Jerry Peak Wilderness Bill. This has been a high priority for the congressman for more than a decade. He reported that he is working closely with the President’s administration, the Departments of Agriculture and Interior to refine this legislation. He suggested that he has been given a six month time frame to make something happen in order to potentially avoid a presidential monument designation.

Congressman Simpson is confident that if he is not successful in his efforts, then there will be a presidential monument designation of this area. He has held meetings with Custer and Blaine County Commissioners and many other stakeholders over the last several days. He is currently refining his legislation based on the input that he has received and will provide updates to his proposal changes. Simpson expressed his confidence getting this legislation through the House of Representatives, but was not as confident when it comes to the U.S. Senate.

Congressman Simpson maybe offering us the Hobson “take it or leave it” choice. The unknown is if we don’t support wilderness, will a monument designation be forced upon us?

Idaho Farm Bureau policy opposes both wilderness legislation and national monument designation.

IFBF Meets With New Legislators

This week the Idaho Farm Bureau hosted 17 freshman legislators for lunch at the Crystal Ballroom in downtown Boise. President Frank Priestley explained to the newly elected legislators that the Idaho Farm Bureau Federation (IFBF) is the largest farm organization in the state with a membership of more than 72,300 Idaho families. Farm Bureau is governed by and represents farm and ranch families that grow all commodities across the state.

The policies which guide the organization are developed through an intense, grass-roots process. Each year individual members formulate ideas to address challenges they face. They bring these ideas to county Farm Bureau policy development meetings for a thorough discussion. Those resolutions which are accepted at the county level are forwarded through a rigorous vetting process for further discussion and refinement. Finally, delegates from all 37 county Farm Bureaus discuss, amend and vote on the resolutions at the state convention prior to final acceptance.

Each one of IFBF’s policies are reviewed and voted upon each year prior to being included in the policy book which is then distributed to Legislators and other elected leaders. IFBF’s staff members and volunteer leaders work with elected leaders to implement the policies as developed by the grass-roots members.

We appreciated the opportunity to get to know these new legislators better and to share a little more information about Farm Bureau and what makes our organization so unique and successful.

Direct Primary Care

Last week Senator Steve Thayne hosted a series of discussions for legislators and other interested parties about a relatively new model for delivering health care called Direct Primary Care. Dr. Samir Qamar, the CEO of MedLion, the largest Direct Primary Care provider in the nation, explained that direct primary care is not an insurance product, but is a fee for services model that began in 2009.

Essentially, a Direct Primary Care patient pays a monthly fee of around \$60 to \$80 and would then be entitled to all services you would generally expect to receive from a family physician. Specialized services such as surgery or treating chronic conditions are not provided. For those needs, you would still utilize the services of a specialist and purchase a catastrophic insurance policy, typically with a higher deductible.

Currently there are Direct Primary Care practices in 22 states, including Idaho, and more doctors are joining this movement and leaving the insurance based primary care model all the time. According to Dr. Qamar, doctors are dissatisfied with the current system because they are not able to spend quality time with patients providing care. The current system pushes them to see as many patients as possible in a day, leading to quick visits, patient dissatisfaction and doctor burnout.

The Direct Primary Care model turns that completely around. Rather than the typical 3 to 4,000 patients in an insurance based practice, Direct Primary Care practices limit their patient load to less than 1,000. This allows for patients to secure an appointment usually within 24 – 48 hours, and allows the doctor to spend 30 – 45 minutes with each patient rather than the typical 7 – 10 minutes. Patients are far more satisfied with the care they receive, and the doctors enjoy spending the time necessary to really provide the care that is needed.

Since there is no insurance paperwork, coding, billing, and negotiating between doctor and insurance companies, the doctor's overhead is greatly reduced and they are able to earn as much or more under a Direct Primary Care practice as a traditional insurance based practice. Furthermore, patients always know upfront exactly what is covered, and what the fees will be for anything that is not covered. Everything is completely transparent.

Direct Primary Care practices are recognized and authorized under the Affordable Care Act, so there are no federal penalties for obtaining healthcare in this way. Furthermore, Direct Primary Care practices are authorized as dispensing pharmacies, meaning they can dispense most common medications right at the doctor's office, typically for far lower prices than are charged currently under the insurance based system since there are fewer middlemen and much less paperwork.

For additional information regarding Direct Primary Care you can visit the MedLion website at www.medlion.com. Senator Thayne stated that he is planning to introduce a bill to the legislature clarifying that Direct Primary Care is not an insurance product and therefore is not subject to regulation by the Idaho Department of Insurance. The Idaho Medical Association is supporting this bill and the Idaho Farm Bureau also supports Direct Primary Care.

Freshmen receive committee assignments

Seniority, or lack of, is a common issue for any legislator. Freshmen don't often get plum committee assignments. This year's crop of first-term legislators got an interesting mix of committee placements. Here's a quick run-down:

Rep. Heather Scott (R-Blanchard): Environment; Energy & Technology, Judiciary, Rules & Administration; Revenue & Taxation

Rep. Sage Dixon, (R-Ponderay): Business; Education; Transportation & Defense

Rep. Eric Redman (R-Athol): Commerce & Human Resources; Health & Welfare; Local Government

Rep. Don Cheatham (R-Post Falls): Judiciary, Rules & Administration; Local Government; State Affairs

Sen. Mary Souza (R-Coeur d'Alene): Agricultural Affairs; Education; Judiciary & Rules

Rep. Paulette Jordan (D-Plummer): Business; Environment, Energy & Technology; State Affairs

Rep. Caroline Troy (R-Genessee) :Agricultural Affairs; Business; Health & Welfare

Rep: Dan Rudolph (D-Lewiston): Commerce & Human Resources; Revenue & Taxation; Transportation & Defense

Rep. Merrill Beyeler (R- Leadore): Business; Environment, Energy & Technology; Health & Welfare

Sen. Abby Lee (R-Fruitland): Agricultural Affairs; Commerce & Human Resources; Health & Welfare

Rep. Ryan Kerby (R-New Plymouth): Agricultural Affairs; Education; Judiciary, Rules & Administration

Rep. Greg Chaney (R-Caldwell): Commerce & Human Resources; Environment, Energy & Technology; Revenue & Taxation

Rep. John McCrostie (D- Garden City): Judiciary, Rules & Administration; Local Government; State Affairs

Rep. Melissa Wintrow (D-Boise): Judiciary, Rules & Administration; State Affairs; Transportation & Defense

Sen. Lori Den Hartog (R-Meridian): Agricultural Affairs; Education; Transportation

Rep. Mark Nye (D-Pocatello): Judiciary, Rules & Administration; Local Government; Revenue & Taxation

Rep. Ron Nate (R-Rexburg): Environment, Energy & Technology; Judiciary, Rules & Administration; Revenue & Taxation

Rep. Van Burtenshaw (R-Terretton): Agricultural Affairs; Appropriations; Resources & Conservation