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"Too many... love pure democracy dearly. They seem not to consider that pure democracy, like pure rum, easily produces intoxication, and with it a thousand mad pranks and fooleries." - John Jay

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## Initiative Reform

This week, the initiative reform bill, S1159 was heard in the House State Affairs Committee chaired by Rep Steve Harris (R-Meridian). After more than two hours of testimony, largely the same people and arguments that were heard in the Senate hearing, the Committee sent the bill to the floor with a "do pass" recommendation on a 10-5 vote. All three Democrats voted no along with Reps Heather Scott (R-Blanchard) and Linda Wright Hartgen (R-Twin Falls).

Then, on Thursday, just as S1159 was poised for a vote on the House floor, with enough votes to get it passed, House Leadership decided it was best to take a pause and hold the bill while they craft a "trailer" bill, which would relax the standards in the bill that had been so carefully crafted by them, along with the Attorney General's office

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earlier in the session. The trailer bill, H296 changes S1159 so that it now requires signatures to be gathered in 24 of 35 legislative districts, while allowing 9 months to do so. The rural voice of Idaho will still potentially be ignored under these new, relaxed rules.

On Friday, both S1159 and H296 were adopted by the House. If H296 is adopted in the Senate, the standards will be relaxed. Otherwise, S1159 will become law upon the Governor's signature. It is difficult to determine if there is enough support in the Senate to approve H296. S1159 was carefully crafted to address all concerns that were brought up previously, and H296 now makes significant changes which may be hard to swallow for many. **IFBF supports S1159 and opposes H296**, as it will allow initiatives to completely ignore rural citizens.

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## House Passes Cap on Depredation Claims

Senate Bill No. 1151, sponsored by Senator Bert Brackett (R-Rogerson), proposes capping all depredation claims for damage caused by deer, elk, moose, and antelope at 10% of the annual Expendable Big Game Depredation Trust Account (EBGTA) appropriation. The EBGTA appropriation for 2019 was \$1.1 million, so the cap for this year's claims would be \$110,000.

SB1151 passed the House this week with a vote of 54 in support and 12 against. The bill passed the Senate with a unanimous vote on March 13<sup>th</sup>. SB1151 now awaits the governor's signature.

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## Human Trafficking Bill Amended to Protect Ag Employers

Eric Fredericksen of the Idaho Criminal Justice System sponsored Senate Bill No. 1005, which proposed amending the definition of "human trafficking" in Idaho Code 18-8602. As the law stands, human trafficking is defined, in part, as "[t]he recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery."

In its original drafting, SB 1005 proposed expanding that definition to "[t]he recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion, for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery, including forced labor in industrial facilities, sweatshops, households, agricultural enterprises, and any other workplace". This change needlessly targeted agriculture. The amendment's intent could have been met by merely including "including forced labor in any workplace" to the definition.

The original draft also included "[d]estroying, concealing, removing, confiscating, or possessing any passport, immigration document, or other government-issued identification document" in the new definition (emphasis

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added). This means that any time an agricultural employer takes possession of a worker's passport, work permit, driver's license, or any other government-issued document—for any amount of time—to verify work eligibility or for human resources purposes, the employer could have been charged with human trafficking. This broad definition is unrealistic, dangerous, and counterproductive to the purpose of the statute.

IFBF and other agricultural organizations expressed their concerns with this bill to Senator Todd Lakey (R-Nampa), chairman of the Senate Judiciary and Rules Committee. Senator Lakey amended the bill to remove the language underlined above. After amendment, SB1005 passed the House and Senate unanimously and was signed into law by Governor Little.

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## **House Bill to Provide Local Authority Over Routes for Heavy Trucks**

HB168 was sponsored by Representative Joe Palmer (R-Meridian). HB168 will do the following:

1. Provide local authorities with exclusive jurisdiction to designate routes and issue permits for trucks weighing between 105,501 GVW and 129,000 pounds GVW;
2. Provide a process for authorities to designate routes for such vehicles, including a timeframe for making such designations;
3. Allow for the application of engineering standards for making such designations by local authorities;
4. Allow local authorities to charge technical evaluation fees not to exceed \$5000 per route for the evaluation of potential routes;
5. Allow local authorities to issue permits with conditions for access by vehicles to the selected route or routes within thirty (30) days of application for a permit;
6. Require local authorities to develop a written record of the reasons why they denied a permit using the engineering standards referenced above;
7. Provide the opportunity for an applicant to have a public meeting before an authorities' denial of a permit application;
8. Provide for the establishment of a new fund in the state treasury for the payment of costs incurred by authorities in excess of \$5000 for the technical analysis of the physical and safety impacts of allowing such vehicles to use the authorities' highways and streets, with such grants not exceeding \$5000 and with conditions established by the ITD or its designee;
9. Increase the annual fee for obtaining a permit by \$5, with that amount paid into the grant fund mentioned above; and
10. Provide a two-year sunset clause.

HB168 has been approved and signed into law.

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## Industrial Hemp Bill Amended

On Monday, the Senate State Affairs Committee held a hearing on H122, The Hemp Research and Development Act. A large crowd—many being farmers and potentially interested producers—were in attendance to show their support. The majority of testimony given was in support of the provisions H122 proposed, while law enforcement and prosecutors expressed their concerns. The primary concern was that the bill would not place law enforcement provisions in statute to deal with the issue of interstate commerce and the transportation of hemp through the state. In an effort to address these concerns, the committee sent the bill to the senate amending order where the bill was ultimately changed. The Senate will likely vote on the amended bill this coming Monday.

H122 as amended (H122a) provides compliance with federal law for the interstate commerce and transportation of industrial hemp through the state due to the passage of the 2018 Federal Farm Bill. This legislation outlines permitting requirements, inspections, and law enforcement measures to allow the transportation of hemp through Idaho. H122a continues to direct the Idaho State Department of Agriculture (ISDA) to develop a state hemp plan in conformity with the provisions of the 2018 Farm Bill, to be submitted to the United States Department of Agriculture for approval.

Farm Bureau worked closely with the bill sponsors and representatives from law enforcement, prosecutors, and the Governor's office on the amendments to H122. It is our understanding that H122a addresses the concerns previously expressed with the bill. We are aware that H122a does not legalize hemp in the state, nor does it remove it from the state's Schedule I/Controlled Substances List except for the exemption for interstate commerce. However, we do see the provisions of the bill that direct ISDA to develop a state plan as an expression of the legislature's intent to consider this issue again once the plan is approved.

Though this amendment does not achieve all of the provisions outlined in the original bill, potentially interested producers can still wait, with anticipation, that the legislature will take action early next session to approve the state plan and potentially allow the production of industrial hemp. It was always our understanding that hemp production would not be allowed in the state until the state had an approved plan, making a 2019 crop impossible. This amendment maintains the same potential timeframe for a possible 2020 crop. We respect this conservative, measured, and deliberate step by the legislature, and will continue supporting the eventual legalization of industrial hemp in Idaho.

Idaho Farm Bureau supports legalizing industrial grade hemp with 0.3% THC or less in the state. Our policy also speaks in favor of the University of Idaho and the ISDA conducting research and pilot programs to determine suitable varieties to be grown in the state. To be clear, our policy specifically supports industrial grade hemp as an alternative crop for Idaho farmers and we are opposed to the legalization of marijuana for any purpose. We also recognize that it is up to each individual farmer to decide for themselves if industrial hemp would be a viable crop for their operation. Idaho farmers do a great job of determining what is best for each of their individual operations. **IFBF supports H122a.**

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## Legislation of Potential Interest

Nearing the end of the 2019 legislative session, we want to mention some legislation of potential interest to our members that may not have been mentioned during previous issues. The following list provides the titles and brief descriptions of some legislation and its outcome:

### **H47 National Popular Vote for President**

This bill was sponsored by nine democrat Representatives and two democrat Senators. It would require Idaho to enter a compact pledging our electoral votes to the Presidential candidate who wins the national popular vote, thus destroying the purpose of the electoral college in the U.S. Constitution.

H47 was held in the House Ways and Means Committee and is dead for this session. **AFBF policy #103 opposes H47.**

### **H50 Minimum Wage, Political Subdivision**

This bill was sponsored by nine democrat Representatives and three democrat Senators. It repeals current Idaho law prohibiting a city or county from enacting a minimum wage that is higher than the state minimum wage.

H50 was held in the House Ways and Means Committee and is dead for this session. **IFBF policy #91 opposes H50.**

### **H51 Eminent Domain, Recreation Trails**

This bill was sponsored by nine democrat Representatives and two democrat Senators. It repeals Idaho law prohibiting the use of eminent domain for recreational trails, greenways or bike paths except when adjacent to existing roads. This is the law Idaho Farm Bureau and other property rights advocates worked to enact just a few years ago.

H51 was held in the House Ways and Means Committee and is dead for this session. **IFBF policy #156 opposes H51.**

### **H68- Retirement Benefits, Legislators**

This bill amends existing law to conform provisions regarding retirement and early retirement allowance calculations for state legislators to the decision of the Citizens' Committee on Legislative Compensation. This will prevent legislators from "spiking" their state funded pensions in the future. *The bill has been signed into law.*

IFBF Policy #151 supports changing the formula for retirement benefits to reflect total contribution in a fiscally responsible way that protects the taxpayers of Idaho and is fair to public employees who have contributed to the fund. **IFBF supports H68**

### **H240 Increase Maximum Levy Rates**

A bill to allow ambulance districts to raise their maximum levy rate was introduced into the House Revenue and Taxation Committee on March 5. H240 would authorize an increase in the maximum property tax levy rate for ambulance districts from four mills to six mills.

Rep Sally Toone (D-Gooding), Rep Muffy Davis (D-Ketchum) and Senator Michelle Stennett (D-Ketchum) sponsored the bill and said there are a few districts across the state that have been at their maximum statutory limit and needed to increase their funding. Instead of finding ways to get more money from taxpayers, Farm Bureau members believe it is time to re-examine ways to keep spending more under control in local taxing districts. Fortunately, no hearing was scheduled for this bill, so it is essentially dead for the year. IFBF policy #102 opposes

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raising the maximum statutory levy rates for any taxing authority. **IFBF opposes H240.**

### **HCR22 – Climate Variability Committee**

A resolution authorizing the Legislative Council to appoint a committee to undertake and complete a study of the effects of climate variability on Idaho’s state agencies that are responsible for resource management (Idaho Department of Water Resources, Idaho Department of Lands, and Idaho State Department of Agriculture). *Died in Committee*

### **HJM2 – Congressional Term Limits**

A memorial requesting Congress to enact term limits for U.S. senators and representatives. The memorial suggests creating term limits of 16 years of service as a member of the United State House of Representatives and 18 years of service as a member of the United States Senate. *Died in Committee*

### **S1105 Expansion of Career Technical Education Opportunities**

Senator Steven Thayn (R-Emmett) sponsored a bill which expands the advanced opportunities program for high school students. S1105 would enable these students to take Career Technical Education (CTE) workforce training courses that are provided by local technical colleges, with funding provided by the state.

The program would also allow high school students to use the state furnished money to “take examinations that lead to an industry-recognized certificate, license, or degree.” This program will assist Idaho students to graduate from high school with employable skills in trades which are in high demand.

S1105 is awaiting the signature of Governor Little. IFBF policy #126 supports “enhanced funding for Idaho’s Career & Technical Education” programs. **IFBF supports S1105.**

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