

CAPITOL REFLECTIONS



Idaho Farm Bureau's Government Affairs Report

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Senate Ag panel chairman's bills blocked in House

Three livestock-related bills sponsored by Sen. Tim Corder (R-Mountain Home), chairman of the Senate Agricultural Affairs Committee, quietly died in the Idaho House.

The bills passed the Senate but ran into questions and concerns when they were shipped to the House, which refused to hold hearings on the measures.

One bill, S 1317, made a number of changes to animal cruelty laws. The bill included provisions designed to clarify and strengthen animal agriculture's exemption to animal cruelty laws. That exemption says animal-cruelty laws do not apply to "normal or accepted practices of animal husbandry."

Other provisions in the bill made cock-fighting a felony to go along with dog fighting, stepped up misdemeanor penalties for repeat violators of animal-cruelty laws and created a new misdemeanor offense covering animal torture. While Idaho Farm Bureau believes that changes to animal-cruelty laws are not necessary, we supported S 1317 because of the bill's provisions regarding animal agriculture. Other agricultural groups also supported the measure.

Another of Senator Corder's bills that died in the House, S 1331, would have created a board to make recommendations to the Idaho State Department of Agriculture on proposed standards governing the care of livestock and poultry in the state. Idaho Farm Bureau did not take a position on the proposed Idaho Livestock Care Standards Board.

The House also declined to take action on S 1411a, a measure that sets up a permitting, fee collection and regulatory process for large poultry and hog farms under the supervision of the Idaho State Department of Agriculture. The so-called "ham and eggs" bill repealed a section of Idaho code that authorizes the Idaho Department of Environmental Quality to enact rules regulating swine and poultry feeding operations. Idaho Farm Bureau did not take a position on S 1411a. Food Producers of Idaho voted to oppose the bill after objec-

tions, particularly regarding fees, were raised by a representative of the Idaho Pork Producers Association.

Two bills backed by Farm Bureau gain legislative passage

Two measures backed by the Idaho Farm Bureau have received final legislative approval. One of the bills (H 496) requires voters to show photo identification before casting their ballots at polling places, while the other (H 531aa) provides that the names of people who purchase hunting, fishing or trapping licenses are confidential to protect their privacy and safety.

The Senate overwhelmingly passed the bills on March 24. The bills already had passed the House by large margins.

Under H 496, voters who do not have photo identification when they show up at polling places can instead sign an affidavit stating they are who they say they are. Signing a false affidavit would be a felony.

H496, sponsored by Rep. Mike Moyle (R-Star), will help maintain the integrity of the voting process. Supporters correctly pointed out during debate that showing a photo ID is common in our society and hardly a burden. The House vote to pass the bill was 64-6; Senate approval was by a margin of 27-6.

Idaho Farm Bureau Policy 140 supports requiring an official government photo ID when voting.

H 531aa, the confidentiality measure, was prompted by the harassment of wolf hunters whose identities were revealed on the Internet after the Department of Fish and Game granted a public records request. The hunters were subjected to all kinds of threats, intimidation and foul comments.

Besides making the names and personal information of fish and game license holders confidential, the bill also makes it a crime to harass, intimidate or threaten by any means—including the Internet—any person who's engaged in the lawful taking of wildlife.

Sen. Gary Schroeder (R-Moscow) and Sen. Bob Geddes (R-Soda Springs) co-sponsored the measure in the Senate,

while Rep. Judy Boyle (R-Midvale) was the primary sponsor in the House.

Farm Bureau supported the bill in committee testimony and in letters to legislators. The confidentiality measure was approved in the House by a vote of 55-14. Senators endorsed the bill by a vote of 30-3.

Senate panel rejects measure to tighten improvement district law

The Senate Local Government and Taxation Committee last week killed House Bill 616, which had already passed the House on a 42-23 vote. H616 addresses a loophole in current Idaho law that allows LIDs (local improvement districts) to undertake "improvement projects" and then impose assessments on properties within the LID to pay for the project. This avoids the spirit of the constitutional requirement to secure a 2/3 majority vote of the people before imposing indebtedness.

Under Idaho law, local improvement districts can be created in three ways: by a petition signed by 60 percent of the resident landowners within the proposed boundaries, by a petition of 2/3 of the owners of property within the proposed boundaries, or by a resolution of a local governing body such as a county commission, or city council. An LID has the authority to bond to cover the cost of the improvement projects for which the district was created and tax property owners to pay off the bonds.

H616 would simply require an LID that is formed by resolution of a governing body to receive approval from at least 2/3 of the property owners within the district, or 60% of the resident owners within the district before bonding for any amount in excess of \$500,000.

Idaho cities opposed this legislation stating that they needed this authority to have "leverage" over landowners who may not agree to projects moving forward. They also contended that since there had been no abuse of the current system, there was no need to act.

Idaho Farm Bureau testified in favor of the bill, stating that it restored the spirit of the

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Idaho Farm Bureau scorecard for 2010 Legislature

House Bill 391a: Idaho Health Freedom Act.

Provides, as part of state law and state policy, that Idahoans are free to choose health care services and insurance without penalty or threat of penalty by the federal government. The bill removes the authority of any state official or employee from enforcing any penalty that violates the policy. It also tasks the office of the Attorney General with defending the state of Idaho against laws that violate the policy.

Law. IFBF position: Support

House Bill 408: Leases for state endowment lands.

Creates 20-year leases for state endowment trust lands.

Law. IFBF position: Support

House Bill 496: Photo identification for voting. Requires voters to show photo identification before casting ballots at polling places.

Approved by Legislature and sent to Governor. IFBF position: Support

House Bill 497: Immigration. Subjects Idaho employers to having their state, county or city licenses suspended for knowingly employing illegal aliens.

Held in House committee. IFBF position: Oppose

House Bill 500: Tribal law enforcement.

Allows tribes and county sheriffs to enter into agreements that give tribes the authority to enforce state laws within the exterior boundaries of Indian reservations. If such an agreement cannot be reached after 180 days, tribes can decide on their own to enforce state law within reservation boundaries if certain requirements are met.

Held in House committee. IFBF position: Oppose

House Bill 522: Out-of-state emergency responders.

Provides liability protection for out-of-state emergency responders when they respond to an emergency in Idaho.

Approved by Legislature and sent to Governor. IFBF position: Support

House Bill 531a: Fish and Game license confidentiality.

Makes confidential personal information related to Fish and Game licenses, permits and tags. Also makes it a crime to harass, intimidate or threaten by any means, including via e-mail and website, any person who was or is engaged in the

lawful taking of wildlife.

Approved by Legislature and sent to Governor. IFBF position: Support

House Bill 559: Reservoir easements.

Clarifies that a landowner who is subject to an overflow easement for water behind a dam may not unreasonably interfere with the storage of water in the reservoir.

Approved by Legislature and sent to Governor. IFBF position: Support.

House Bill 576a: Soil Conservation District law.

Revises soil conservation district law. Among the revisions: changes the Soil Conservation Commission's name, allows the governor to consider certain matters when appointing commissioners, addresses district consolidation, provides for audits, provides for recall of local supervisors and requires reports to the Legislature. Commission, under the bill, remains an independent, autonomous, non-regulatory agency.

Approved by Legislature and sent to governor. IFBF position: Support

House Bill 589a: Idaho Firearms Freedom Act. Provides that personal firearms, firearms accessories or ammunition that are manufactured in Idaho and remain within the borders of Idaho are not subject to federal law, including registration.

Approved by Legislature and sent to governor. IFBF position: Support

House Bill 616: Local improvement districts.

Requires that a local improvement district formed by resolution of a local governing body must receive voter approval from at least 2/3 of the property owners within the district, or 60% of the resident owners within the district before the district could bond for any amount in excess of \$500,000.

Held in Senate Committee. IFBF position: Support

House Bill 729a : Texting while Driving

Outlaws texting while driving. Violation is an infraction with fixed penalty of \$50; subsequent violation is \$100 penalty. If an injury or property damage is involved, penalty is a misdemeanor, punishable by up to a \$300 fine and/or 90 days in jail.

Died in House after being amended in Senate. IFBF position: Support

House Concurrent Resolution 44: Tenth Amendment.

Recognizes the scope and power defined

by the Tenth Amendment providing that the Federal Government was created by the States specifically to be an agent of the States. Urges Congress to pass legislation implementing certain findings, including balancing the Federal budget, extinguishing the public debt, providing for government transparency, preventing unfunded mandates, prohibiting government from taking ownership of private sector enterprise and providing for the presence of "God" in the public domain.

Adopted. IFBF position: Support

House Concurrent Resolution 55: Drug-testing of welfare recipients.

Requests the Idaho Department of Health and Welfare to conduct a study on the cost of randomly drug testing adults who receive public assistance. Study is to include whether the drug testing program can become self-funded through savings generated by terminating, from public assistance, adults who continue to test positive.

Adopted. IFBF position: Support

House Concurrent Resolution 58: Constitutional Defense Council.

Requests the state, via the Constitutional Defense Council, to investigate the feasibility of pursuing legal and other actions to allow the state to assert control of and provide maintenance operations of federal lands. The governor, attorney general, Senate president pro tempore and House speaker make up the council.

Adopted. IFBF position: Support

House Concurrent Resolution 64: Tenth Amendment and Commerce Clause.

Urges Congress to initiate the process to amend the Tenth Amendment of the U.S. Constitution and the interstate commerce clause of the U.S. Constitution to limit the role of the federal government as it relates to the States.

Adopted. IFBF position: Support

House Joint Memorial 9: Clean Water Act.

States Idaho Legislature's opposition to the federal Clean Water Restoration Act, which would expand the reach of the Clean Water Act by giving the federal government jurisdiction over all waters, not just navigable waters of the U.S.

Adopted. IFBF position: Support

House Joint Memorial 11: Cap-and-trade.

Sends message to Congress that Idaho opposes a cap-and-trade system of taxation.

Adopted. IFBF position: Support

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constitutional requirement to receive approval from the voters before imposing a debt on their property.

The bill died in the Senate committee on a voice vote. H616 was sponsored by Rep. Raul Labrador (R-Eagle) and Rep. Mike Moyle (R-Star).

Bills on secured loads, vehicle inspections die in House

Two significant transportation bills sponsored by Sen. Tim Corder (R-Mountain Home), did not receive hearings in the House Transportation Committee and died at the end of the 2010 legislative session.

One bill, S1336, mandated covered loads or load securement and said *"No vehicle shall be driven or moved on any public highway unless such vehicle is so constructed or loaded as to prevent any of its load from dropping or escaping there from. Such load shall be securely fastened or covered to prevent the load from becoming loose, detached or in any manner becoming a hazard to other users of the highway. . . ."*

The bill did not require loads of sand, dirt or gravel to be covered if 6 inches of freeboard was maintained in the load bed. Loads of these materials had been one of the original issues surrounding covered loads. Additionally, the bill's origins were not agriculture-based complaints, but from private citizens' inability to cover or secure loads. In one often-cited instance a firewood round fell from a loaded trailer. A minivan was following too close, the driver swerved, overcorrected and a fatal accident occurred. Other major complaints are appliances or furniture falling from pickups or trailers on major thoroughfares and tying up traffic during rush hour.

The 2009 version of the covered load/load securement bill required all haulers, including farmers and ranchers, to secure or cover loads. To acquire broader support, the 2010 version contained a blanket exemption for agriculture, timber and livestock haulers.

The genesis of the companion ve-

hicle inspection bill was an incident where the front tire of a cement truck blew out at a highway construction site and the resulting accident killed two workers. S1337 required the inspection of a motor carrier's brakes, lights, turn signals, if any, steering, sound devices, glass, mirror, exhaust system, windshield wipers and tires. Although some of these inspection items were suggested by the agriculture industry, the list is longer than industry's recommendations. Inspections would be conducted by the Idaho State Police. The bill also contained a broad exemption for intrastate carriers from driver qualification regulations and hours of service regulations.

S1337 was problematic because no one really could tell agriculture industry its effect and what it actually meant. Agriculture industry representatives requested a "plain English" interpretation of the bill and what type vehicles would be inspected and did not receive adequate answers to these questions. These unanswered questions and lack of clarity made industry very uneasy.

Food Producers of Idaho formed a Transportation Issues committee in the spring of 2009 to look at the two issues and make recommendations. The committee was composed of any affected or interested Food Producer member, chaired by an Idaho Farm Bureau staff member and met intermittently from June 2009 through January 2010. The committee had agreed to provide input on the issues and made it clear that this input should not be interpreted as an indication of support for either issue or potential legislation.

After significant discussion, the ag industry determined that 1) exemptions in the load securement bill, S1336, would not protect haulers from liability; 2) agriculture should proceed cautiously on the inspection bill, S1337, because of lack of clarity and understanding; and 3) agriculture's support of either bill would impose regulation on a number of other industries, some of which had not been consulted about the legislation.

Idaho Farm Bureau and Food Producers of Idaho took no position on S1336 or S1337.

Changes to Soil Conservation District law approved

House Bill 576a, which changes the soil conservation district statute, passed the House this week after that body concurred with amendments proposed by the Senate and is on its way to Governor Otter for his signature. According to the bill's Senate sponsor, the Governor has said he will sign the bill.

The bill passed the Senate on a vote of 33-0-2 and had been on the Senate's amending order. Proposed amendments had been discussed with the bill's Senate sponsor and were agreeable to him. The amendments' author said these were the only amendments known to him.

The amendments proposed in the Senate Agricultural Affairs Committee 1) changed the date of the Soil Conservation District report to the House and Senate Ag Committees from February 1 to March 1, 2) required local soil conservation district supervisors to be registered voters in the district they represent and 3) omitted the Legislative Services Office report that had been required four years after the law became effective.

The rest of the bill remained intact. The Commission's name will be changed to "Soil and Water Conservation Commission" and gubernatorial appointment of commission members has been clarified. Candidates for the Commission may be considered on special background or expertise and local districts can submit up to 3 names for consideration when Commission vacancies occur. The Commission hires its administrator and reporting requirements for the commission and the local soil and water conservation districts have been defined.

During floor debate, the bill's critics expressed concern about Soil Conservation Commission accountability when allocating its General Fund appropriation and lines of authority. One speaker speculated these issues might be revisited by a future Legislature.

The bill was supported by the IASCD, Idaho Farm Bureau, Idaho Grain Producers, Idaho Cattle Association, Food Producers of Idaho and others.

CONTINUED FROM PAGE 2**Senate Bill 1303: Immigration.**

Penalizes Idaho employers who knowingly hire illegal aliens by suspending business licenses and imposing fines.

Killed by Senate Committee. IFBF position: Oppose.

Senate Bill 1316: Horse Processing.

Adds the humane slaughter of horses to the list of legal and normal practices of animal agriculture outlined in Idaho code.

Law. IFBF position: Support

Senate Bill 1317: Animal Cruelty. Makes a number of changes in animal cruelty laws, including provisions that provide additional protection and clarification for animal agriculture, which is exempt from animal cruelty laws.

Held in House Committee. IFBF position: Support

Senate Bill 1331: Livestock Care Standards Board. Creates a 13-member board that would make recommendations to the Idaho State Department of Agriculture on proposed standards governing the care and well-being of livestock and poultry in the state.

Held in House committee. IFBF position: Neutral.

Senate Bill 1345a: Immunity for Livestock Activities. Provides that a livestock activity sponsor or a livestock professional shall not be liable for injury or death of a participant or livestock engaged in a livestock activity, such as a fair, show or parade.

Approved by Legislature and sent to Governor. IFBF position: Support.

Senate Bill 1346a: Beef CAFOs. Provides that the Idaho State Department of Agriculture has the authority to regulate water quality within the confines of a beef cattle confined animal feeding operation that is not under an EPA permit. Also provides that the nutrient management plan of such a CAFO is confidential.

Approved by Legislature and sent to Governor. IFBF position: Support.

Senate Bill 1355: Forest Product Assessments. Allows the Idaho Board of Scaling Practices to equally assess private timber owners and timber purchasers to raise enough revenue to retain the board's full-time check scaler.

Law. IFBF position: Support.

Senate Bill 1381: Review of Tax Exemptions. Requires the Legislature to review all sales tax exemptions within a five-year period.

Held in House Committee. IFBF position:

Oppose.

Senate Joint Memorial 104: Horse Processing. Urges Congress to oppose federal legislation that interferes with a state's ability to direct the transport and processing of horses.

Adopted. IFBF position: Support.

Senate Joint Memorial 105: Equal Access to Justice Act.

Urges Congress to review the Equal Access to Justice Act and expenditures under the act. The act provides for the reimbursement of attorney fees to successful plaintiffs in lawsuits against the federal government. Environmental groups have exploited the act by successfully suing federal government agencies over procedural issues and collecting taxpayer dollars for their attorney's fees.

Adopted. IFBF position: Support.

Senate Joint Memorial 106: Health Care.

Calls for an amendment to the U.S. Constitution banning Congress from imposing health-care mandates. *Adopted. IFBF position: support.*

Senate Proclamation 102: Miss Idaho.

Commends Kara Jackson for promoting agriculture during her reign as Miss Idaho. *Adopted. IFBF position: Support*

Adopted. IFBF position: Support