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“No man's life, liberty, or property are safe while the legislature is in session.”  
- Mark Twain

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### **Sine Die - Finally!**

The legislature finally adjourned Sine Die on Thursday, April 11 at 4:20 pm. This session tied as the third longest session in history and will be remembered as the one that ended with the highest level of frustration and acrimony that anyone can remember. The House was mad at the Senate, the Senate was mad at the House and both chambers were mad at the Governor. Deals were made, and deals were broken, tempers flared, and votes were made based upon everything except the actual text of the bills.

Farm Bureau was successful with many issues this session, but we were disappointed with several others. It will be good for all parties to separate, unwind and cool off. When the

legislature gets back together again next session, we will all be ready to once again sit down together, discuss issues civilly and do what is best for the people of Idaho. Generally, that means ensuring government is limited, regulations are minimal, and taxes are low. Those are the proven ingredients for a free and prosperous society.

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### **Sen. Brackett Proposes New Pay-Per-Mile Trucking Bill**

Earlier this year, Senator Bert Brackett (R-Rogerson) introduced two bills (SB1066 and SB1067) that proposed creating a new annual registration fee for all commercial vehicles of \$280, as well as creating a new mileage use fee on all vehicles over 60,000 pounds. After analyzing the two bills and their mileage use fee schedules it was clear that both fee bills would raise annual registration fees for most trucks. IFBF opposed those bills and they never received a committee hearing.

In March, Senator Brackett introduced another mileage use fee schedule in Senate Bill 1209. SB1209 proposes the same annual registration fee of \$280 for all trucks. SB1209 proposes stepping up the mileage fee in 2000-pound increments starting at 60,001 pounds and ending at 130,000 pounds for a total of 35 different weight classes and mileage fees. The cost per mile for a vehicle weighing 60,001-62,000 pounds would be \$.03 per mile. That mileage fee increases \$.001 for every 2000-pound increase in vehicle weight, with the maximum mileage fee being \$.064 for a vehicle weighing 128,001-130,000 pounds.

Under SB1209 most truck weights will receive a reduction in annual registration fees, but trucks weighing 60,000—70,000 pounds will have rates go up no matter how many miles they drive per year. For example, a truck weighing 61,000 pounds and travelling 2000 miles per year would pay \$223 in registration fees under the current law, but under Senator Brackett's bill the fee would rise to \$340. If the same truck travelled 100,000 miles in a year, the registration fee is \$1,560 under the current law. Under Senator Brackett's bill the fee would more than double to \$3,280 per year.

On the other hand, trucks weighing more than 75,000 pounds will receive a reduction in registration fees if they travel less than 100,000 miles per year. Under SB1209, all trucks travelling more than 100,000 miles per year will see significant fee increases. For example, a truck weighing 125,000 pounds and travelling 2000 miles per year would only pay \$404 under Senator Brackett's bill and \$809 under the current law. If the same truck travels 100,000 miles in a year the fee would rise from \$5,660 to \$6,480.

SB1209 will not be heard this year but is being held for the 2020 legislative session. IFBF Policy # 175 states we oppose "[a] tax or fee increase on vehicles." **IFBF opposes SB1209.**

## **Hemp - What We Hoped for, What Was Changed, and What We Got**

This session began with great anticipation and excitement around the topic of hemp. With the passage of the 2018 Federal Farm Bill, which removed hemp from the Federal Controlled Substances List, it was well understood that Idaho would wrestle with this issue and wrestle they did.

The topic of hemp in Idaho sparks the interest of many different groups and individuals. Of course, there is the interest of potential producers, processors, developers, and retailers. In addition, there are consumers and would-be consumers of many hemp and hemp-derived products. Another important segment is the government administration, oversight, and law enforcement pieces, not to mention the commerce and transportation issues related to this topic.

The Idaho Farm Bureau supports the legalization of hemp and would like to see the state government allow producers the opportunity to pursue this interest. Over the past two decades, little to no progress has been made on this issue in the state. Now that Congress has removed a significant hurdle, we are anxious to see the state take deliberate and measured steps towards the legal production of industrial hemp.

### **What We Hoped For**

As the 2019 Legislative Session began, it was clear that important decision-makers were establishing positions on this topic. Key legislators signaled their intent to bring forward legislation conforming Idaho law with the hemp language in the 2018 Farm Bill and the Governor expressed his concern with such efforts leading to unintended drug problems throughout the state.

The first hemp bill introduced in the session was H122. The bill would add a definition for hemp in Idaho Code and allow any person or institution of higher education in Idaho to grow, cultivate, harvest, sample, test, research, process, transport, transfer, take possession of, sell, import and export hemp or hemp products containing 0.3% or less of tetrahydrocannabinols (THC) in the state. H122 would also exempt hemp containing 0.3% THC or less from the state's Schedule I/controlled substance list. Farm Bureau was in complete support of H122.

Multiple informational hearings in the House Agricultural Affairs Committee were held to better educate legislators and the public on the bill, including the details of hemp production and the difference between hemp and marijuana. A committee vote on the bill was postponed for several weeks in an attempt to address concerns raised by the Governor's office, law enforcement officials, and county prosecutors. When no agreement could be reached, the committee chairman called for a vote and the bill was sent to the House floor with a "do-pass"

recommendation. The House ultimately passed the bill with only 7 dissenting votes and then sent it to the Senate for consideration.

### **What Was Changed**

Upon receiving H122 from the House, the Senate referred the bill to the Senate State Affairs Committee instead of the Agricultural Affairs Committee. It became clear the only way for the bill to proceed through the Senate was to return to the negotiating table to address the concerns raised by law enforcement, prosecutors, and the Governor's office. The committee voted to send the bill to the amending order where it was ultimately re-written (radiator capped) to become H122a.

The new Senate version of H122 (H122a) would comply with federal law for the interstate commerce and transportation of industrial hemp through the state, providing an exemption from the state's Schedule I/Controlled Substances list for that purpose. The bill outlined the permitting requirements, inspections, and law enforcement measures to allow the transportation of hemp through Idaho. H122a also directed 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 by a date certain.

Though the amendments would not achieve all of the provisions outlined in the original bill, H122a maintained the same timeframe for a possible 2020 crop. Farm Bureau continued supporting the bill, as it still provided a reasonable step forward to what we see as the eventual legalization and production of hemp in the state. The Senate ended up passing the bill with only three dissenting votes, sending it back to the House for possible concurrence where it ultimately died due to a lack of action taken.

### **What We Got**

With H122a no longer being an option, the House introduced H300, with the intention to at least address the concern of interstate commerce and the transportation of hemp through the state. The language from H122a that dealt with the interstate commerce, transportation, and law enforcement pieces of this topic were reintroduced in H300, but in a different title of code. Where the bill did not have an agriculture component, Farm Bureau did not take a position on the bill. H300 passed out to the House with 11 dissenting votes and was sent to the Senate for consideration.

In an attempt to provide something to the agriculture community that supported the previous bills, the House considered HR7. This resolution stated it was the intent of the state to accept the federal, USDA hemp plan as the policy of the state to ultimately allow for the production of industrial hemp to the fullest extent allowed under the 2018 Farm Bill. This resolution was ultimately rejected on the House floor. Farm Bureau did not take a formal position on the resolution due to advice from the American Farm Bureau that a state plan is preferable.

In their considering H300, the Senate again chose to amend the bill. Additional clarifications

were added to parts of the bill dealing with the transportation and law enforcement piece of the issue. Two additional sections were added to the bill with legislative intent language directing ISDA to develop a state hemp plan. The bill specified the plan is to be ready to submit to the USDA for consideration and approval by a date certain for a possible 2020 crop in the state. The bill was ultimately passed by the Senate with only one dissenting vote and was sent back to the House for possible concurrence. The House ultimately decided not to concur with the amendments, effectively killing the bill.

As things stand now, Idaho law remains in place with a zero-tolerance policy for all tetrahydrocannabinols (e.g. hemp, and marijuana). It is still illegal to possess and/or transport any cannabis sativa L. plant containing any amount of THC in the state. The state will now wait for the USDA rules and hemp production plan to be released, likely in the fall of this year, before moving forward on any part of the legalization, production, and transportation/interstate commerce of hemp in or through Idaho.

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### **The Good, the Bad and the Ugly - Initiative Reform**

Idaho Farm Bureau was alerted early in the session by both the House and Senate leadership that there would be an effort this session to strengthen Idaho's initiative process. Farm Bureau made it clear our interest in the effort was to ensure rural citizens were not ignored in the initiative process. IFBF policy #138 supports requiring signatures from at least 6% of registered voters from each of Idaho's 35 legislative districts. This ensures any issue that qualifies for the ballot must have at least a minimal amount of support from people all across the state.

The legislature created a working group of four House members and four Senators who worked very closely with the Attorney General's office as the bill was drafted. It went through several iterations over a number of weeks before it found the sweet spot where it was strong enough for the legislators and also able to be defended by the Attorney General's office.

Once the approved draft was shared with us, we were disappointed to find out that it only required signatures from 32 of Idaho's 35 legislative districts. This ensures three districts could still be ignored, most likely districts 7, 8 and 32, since they cover the most geographic area. The draft did enhance some other features of the initiative process such as: requiring an initiative to only deal with one subject, requiring a fiscal note disclosing the cost of the proposal to any level of government, requiring a proposed funding source, and increasing the number of signatures required from 6% of registered voters to 10%, while reducing the time for signature gathering from 18 months to six months.

After carefully weighing all the features of the bill, IFBF determined it would significantly enhance the requirement to include rural areas of the state in the process, so we told the

legislators we would support the bill. The bill was introduced into the Senate State Affairs committee on March 5, after nearly eight weeks of working with the Attorney General's office to find a bill that was legally defensible.

IFBF knew going in this would be a very difficult fight. We were involved the last time the initiative process was strengthened in 2012 and remembered the lies, outrageousness and vitriol that characterized the efforts of opponents then. Unfortunately, it was only intensified this time.

After three separate committee meetings that totaled more than six hours of testimony, the Senate State Affairs Committee sent S1159 to the amending order to correct a couple of technical issues that were not flaws in the bill, but simply items that could be better clarified. More than 120 individuals testified against the bill in the Senate. Their primary complaints were that this would "literally make it impossible to get an initiative on the ballot." We heard the same complaint in 2012, that it would be impossible, yet it was not.

If something is a good idea, no matter how difficult the process is, it will be possible to get it done. What the opponents are really saying is their ideas are not good for everyone, so it will be even more difficult to convince enough people to sign the petition and their bad ideas will not be possible to get on the ballot. This is the entire point of having a rigorous vetting process. Otherwise, why don't we just do away with all standards and allow everyone who has an idea to put it on the ballot. Clearly there must be some objective standards. Getting 10% of voters to sign a petition saying it is a good idea within six months is not a terribly high standard.

IFBF, representing more than 80,000 Idaho families, dwarfing the number of individuals opposing the measure, was one of the few who testified in favor of the bill. We focused on the fact that when the standards for initiatives were first adopted back in 1933, Idaho was in the depths of the depression. People worked from sun-up to sun-down to put food on the table. Compared with today they had limited ability to travel or communicate, they also had far less time available to devote to such efforts. Yet during those difficult circumstances, the people and the legislature believed that requiring 10% of registered voters to sign a petition within 18 months was appropriate, and they got the job done many times over the years.

Now, fast forward to 2019. With all the advances in technology, travel and communications, which makes everything we do so much easier than the conditions of the depression, how can anyone seriously say requiring 10% of registered voters within six months is an impossible burden? Nevertheless, they did.

After the Senate made their technical amendments, it barely passed on a vote of 18-17. Several Senators who had assured us they were in support changed their votes at the last minute due to pressure from a very vocal minority. The opponents had organized themselves during the Prop 2 efforts and they were very effective at using their calling trees and email databases to flood Senators with scathing emails and phone calls. This caused some to buckle under the pressure.

After S1159 finally made it to the House, the hearing in the House State Affairs Committee was almost identical to the hearings in the Senate. Committee members could have simply listened to a tape of any of the Senate hearings and they would not have heard anything new or different than they heard in their own hearing. After a lengthy hearing, the Committee sent the bill to the floor with a “do pass” recommendation on March 26.

Then, the night before the House was to vote on S1159, with a firm 40 votes in favor of the bill, a major bombshell was dropped by the Governor’s office. His staff indicated that despite the assurances of the Attorney General’s office that the bill was legally defensible, the Governor was uncomfortable with the bill. He felt it was vulnerable to a lawsuit and, inexplicably, that a lawsuit would somehow undo our current initiative standards. The Governor forced the House to introduce a “trailer” bill, H296, which would amend S1159 and reduce the number of legislative districts required from 32 to 23. It would also extend the time frame to nine months.

The Legislature was shocked. Why did the Governor wait until the night before the final vote to reveal his concerns? With the threat of a veto looming over S1159, there was nothing for the Legislature to do but capitulate and support H296 that significantly weakened the bill and backtracked on all the reasons they had stated for their support. IFBF opposed H296 because it did not provide the protection needed for rural citizens to be involved in the process. After redistricting in 2022, we will likely have another 3 to 4 urban districts which would mean an initiative could still get on the ballot with only support from urban districts even after raising the requirement to 23.

S1159 did indeed pass with a vote of 40-30 in the House, but immediately after, the House voted to support H296 by a vote of 47-22. The Senate followed suit on H296 by a vote of 20-15, again thinking they had to support this bill or the Governor would veto S1159. Nobody was happy after they had spilled their blood supporting a bill that would protect all Idahoans by ensuring initiatives had to be good for all citizens before they were placed on the ballot, only to be forced to involuntarily weaken it to avoid a veto.

Imagine everyone’s dismay when on April 5 Governor Little vetoed S1159 anyway, despite the legislature’s granting his request to weaken the bill. This was a major factor in the animosity and acrimony that has characterized the final days of this 2019 legislative session. Unfortunately, it also means rural citizens are not protected, activists have been emboldened to continue using their apparently effective intimidation tactics at the Statehouse and they will definitely be bringing many additional initiatives to the ballot as well. We are thrilled that this session has finally come to an end.

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### **Chyla Wilson Internship Wrap-Up**

Thank you to the IFBF Governmental Affairs office for providing such an informative and active internship this legislative session. It has been eye opening to watch our government function and to witness what the day to day workings of the state capitol look like. There is so much work going on behind the scenes in trying to enact legislation. IFBF lobbyists work hard to make sure that legislators are informed on any issue arising that would impact agriculture in the state, either positively or negatively.

It has been a tremendous pleasure to follow Russ, Braden and DeLon this legislative session and to learn from each of them. I was able to learn so much from watching how they approach issues, and how they research and then communicate with legislators on all issues that fall under IFBF's policies. The Governmental Affairs office works extremely hard to make sure they are voicing Farm Bureau member concerns and needs to the legislative body at the state capitol. Many of our members are unable to show up to speak directly to their representatives because they are busy at work on the farm or ranch. This team helps keep the voice of our agricultural community strong at the statehouse and ensures our members are heard. To the legislators themselves, our team serves as a resource of advice and knowledge on topics they may not be familiar with.

This was an amazing opportunity and I am grateful they helped show me the ropes, but also let me experience lobbying for myself. I appreciate the chances they presented for me to go talk to

legislators on my own to receive the full experience of what this office does. I am thankful to the legislators as well, who were kind to a new IFBF lobbyist. They challenged me to step outside my comfort zone and grow my knowledge of the legislative system and my ability to communicate among multiple people.

There is so much I am taking away from this internship and I am glad to now better understand the process our government goes through in governing its people. Braden has been wonderful in answering any questions I've had on the processes as we've gone through this session. I now know, in even more detail, how a bill works through the legislative branch to become law. I have learned more about what a lobbyist is and specifically what they do. I have also witnessed how much our legislators really do want to hear from their constituents and how much that impacts their decision-making process.

Thank you again to the Idaho Farm Bureau for affording me this opportunity. Our members can rest assured that the Governmental Affairs team in Boise is doing an amazing job on their behalf at the statehouse.

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