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"I do not believe that the power and duty of the general government ought to be extended to the relief of individual suffering. A prevalent tendency to disregard the limited mission of this power and duty should, I think, be steadfastly resisted, to the end that the lesson should be constantly enforced that, though the people support the government, the government should not support the people."

-President Grover Cleveland

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## **Idaho Farm Bureau's Legislative Reception**

Nearly 300 individuals attended the Idaho Farm Bureau's Legislative Reception, held at the Riverside Hotel on Tuesday. Farm Bureau members had the opportunity to share a meal and

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discuss the important issues with legislators, congressional staffers, and state agency leaders. There are many things that impact farm and ranch operations in the state. Events like this provide a venue in a relaxed and informal setting for constituents to meet with their elected officials, and agency employees, to find support and develop solutions.

Some of the priority issues this legislative session for the Farm Bureau include wildlife depredation, wolf control, water management, taxes, and administrative rule review by the legislature, among other things. We express appreciation for everyone who attended and participated in the event this year, and we look forward to working together to implement sound, common-sense policies that will benefit Idaho agriculture.

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## **Forced Annexation of Ag Land**

This week H25 was approved in the Senate by a vote of 33-0. Since it was previously approved by the House, it now heads to Governor Little for his signature. H25 prohibits cities from annexing land actively devoted to agriculture, so long as it is five acres or more, without the written permission of the landowner. This has been a problem for farmers in many urban areas for years and has now been addressed by the Legislature. IFBF appreciates the leadership of Representatives Mike Moyle (R-Star), Jarom Wagoner (R-Caldwell) and Senator Jim Rice (R-Caldwell) for sponsoring this bill. **IFBF supports H25.**

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## **Senator Brackett Introduces Cost-Per-Mile Trucking Bills**

Senator Bert Brackett (R-Rogerson) introduced Senate Bills 1066 and 1067 in the Senate Transportation Committee on February 8, 2019, without explanation or discussion of the bills. Both bills propose amending Idaho Code 49-432 to create an annual registration fee for all commercial vehicles of \$280 as well as amending the mileage use fee on all vehicles over

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60,000 pounds. Although the two bills propose imposing the same yearly registration fee, they propose differing mileage use fees. These fees will apply to all commercial and agricultural vehicles.

For example, SB1066 proposes charging trucks weighing 60,001-68,000 pounds \$.04 per mile. The mileage fee would increase by \$.01 for every 10,000-pound increase in truck weight to a maximum weight of 130,000 pounds paying \$.10 per mile. Under SB1066, a truck weighing 70,000 pounds that travels 7,500 miles per year will pay mileage fees of \$375 and \$280 for the annual registration fee for a total of \$655. Under the existing statute the same truck would pay \$337. If that same truck travels 51,000 miles in a year, the mileage and registration fees will be \$2,830, as compared to \$2,360 under the existing statute.

SB1067 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 \$.04 per mile. That mileage fee increases \$.00177 for every 2000-pound increase in vehicle weight, with the maximum mileage fee being \$.10 for a vehicle weighing 128,001-130,000 pounds.

Under SB1067, a truck weighing 62,000 pounds and traveling 7500 miles per year will pay a mileage fee of \$300 and an annual registration fee of \$280, totaling \$580 per year in fees. Under the existing statute, the same vehicle would pay \$223 per year. If that same truck travels 51,000 miles per year, the owner will have to pay \$2,320 in yearly fees, as compared to \$1,560 under the existing statute.

Both bills will raise trucking costs for most trucks with the lowest weight trucks experiencing the highest increase in fees. Since agricultural vehicles tend to be lower-weight, lower mileage trucks, they can expect higher fees under these bills. On the other hand, higher-weight trucks travelling a high number of miles per year could actually experience lower fees under these two bills. For example, under SB1066, a truck weighing 125,000 pounds and travelling 51,000 miles per year will pay \$5,380 in fees as compared \$5,660 under the existing statute.

IFBF Policy # 175 states we oppose “[a] tax or fee increase on vehicles.” **IFBF opposes SB1066 and SB1067.**

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## Endless Litigation Against Landowners

This week S1089 was introduced by the Senate Resources & Environment Committee, chaired by Senator Lee Heider (R-Twin Falls). The stated purpose of the bill is to “ensure public access” to public lands by prohibiting “physically blocking access.” To do so, it provides a mechanism to allow individuals to sue those who “block, obstruct or otherwise interfere” with a person’s attempt to enter upon public land.

While this may sound like a noble cause, S1089 really misses the mark. The sponsors, Senator Fred Martin (R-Boise) and the Idaho Wildlife Federation, have tried to insert this language into the statute that prohibits animal activists from harassing hunters, fishermen and trappers. The subject is not germane to this code section. There are other existing statutes that address the problem S1089 is trying to solve. If the sponsors are concerned that the existing statutes are not robust enough, they should amend those statutes, not try to force their solution into an unrelated statute.

Unfortunately, the text of the bill goes far beyond its stated purpose and actually sets up landowners who are adjacent to public land for endless lawsuits unless they allow people to cross their land to access the public land beyond, even if there is no existing public right-of-way. Furthermore, in many instances, even where legitimate public rights-of-way exist, there are often gates designed to keep cattle within pastures while grazing. A gate, by definition, is an obstruction which would set up a landowner for a lawsuit simply for keeping his cattle within the pasture as it would “obstruct” public access.

There are a host of issues with this bill which should prevent it from moving forward. **IFBF opposes S1089.**

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## Water Bills Introduced

Several pieces of legislation regarding water were introduced this week, with some already having hearings in committee. The subsequent list is legislation dealing with water storage, rights, and management that the Farm Bureau is closely following:

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**HCR9 – Hydropower, Dams:** This concurrent resolution recognizes hydropower as Idaho’s greatest renewable resource and the benefit it provides as a carbon-free, inexpensive electrical power source. Hydropower is an economic driver for tourism, recreation, and agriculture in the state.

IFBF Policy #83.1 supports the continued careful use of water as one of our renewable natural resources through existing, and the construction of new, hydro projects. **IFBF supports HCR9.**

**HJM4 – Boise River, Reclamation, Dams:** This memorial supports efforts to designate the raising of Anderson Ranch Dam as one of the priorities for the State of Idaho in the interest of promoting additional water security. This project would provide an additional 29,000 acre-feet of water storage on the Boise River. The memorial urges Idaho’s congressional delegation to ensure completion of the feasibility study and NEPA analysis in a timely manner and to advance the project through any additional congressional action necessary, including the provision of further WIIN Act funds.

IFBF Policy #29 supports the construction, improvement and increased size of storage facilities that provide multiple beneficial uses of Idaho’s water. **IFBF supports HJM4.**

**S1056 – Ground Water Districts, Mitigation:** This legislation authorizes ground water districts to apportion mitigation obligations among their members in a manner comparable to assessments. Certain mitigation activities, including those agreed upon in the historic ESPA settlement, protect all groundwater right holders from curtailment, but to varying degrees. Accordingly, when ground water districts apportion mitigation obligations to its members, the districts must consider the benefits a water-user receives from mitigation. The apportionment must be structured to assign a greater mitigation obligation to holders of junior priority water rights than to holders of senior priority water rights. It may also be structured to adjust a member's obligation based on consumptive use under the member's ground water rights or other attributes. This legislation expressly authorizes the director to curtail ground water users who have failed to comply with the apportionment of mitigation obligations imposed by ground water districts.

**S1083 – Irrigation, Encroachments:** This bill amends Idaho law to clarify the protections and obligations of water delivery rights-of-way extend to the operator of that right-of-way, in addition to the owner. In many locations throughout Idaho Code, only the “owner” is specified, with no mention or option of an “operator.”

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**S1086 – Irrigation, Rights-of-Way:** This bill amends Idaho water law to clarify the rights to remove and/or deposit debris from water delivery rights-of-way extends to vegetation within the rights-of-way. Increasingly, this is a problem seen in the more developing and urban areas of the state, with housing and business developments occurring near the banks of canals, laterals, and ditches.

**S1087 – Artesian Wells, Cost-Sharing:** Idaho law establishes that the owners of flowing artesian wells who waste water without beneficial use are responsible to prevent the waste of water through repair or, if necessary, plugging the wells. The Idaho Department of Water Resources (IDWR) has stated that it intends to activate initiatives to repair or plug flowing artesian wells. This proposed legislation removes outdated language in the statute, while maintaining the option for the Director to implement a cost-share program. The statute will continue to recognize that the owners of the flowing artesian wells have the responsibility for repairing or plugging the wells.

IFBF Policy supports the current law regarding artesian wells with a potential cost-share program option. **IFBF supports S1087.**

**SJM101 – Water, RS2339 Easements, 1866 Mining Act:** This joint memorial requests Congress, the President, the Department of the Interior, the Department of Agriculture and the United States Forest Service respect and acknowledge Idaho's sovereignty over its water rights, its rights-of-way for use of water rights, and its desire to remove bureaucratic roadblocks that interfere with Idaho water users' use of their water rights.

IFBF Policy #41 supports the state's sovereignty and control of its water resources and opposes any infringement on this right. **IFBF supports SJM101.**

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## **House Bill 38 Passes**

House Bill 38 passed the Senate floor early this week with thirty-five votes in favor, zero nays and zero absent. H38 deals with Food Safety Modernization Act and transferring authority to the Idaho State Department of Agriculture. This transfer of authority was already approved last year

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with a passing of legislation that was supported by the Idaho Farm Bureau.

This year's bill deals with amending the existing law to revise a date by which the authority transition between the two agencies must occur. This date revision allows for a cleaner and smoother transition of authority. Having passed the house, the bill moved to the Senate Agricultural Affairs committee. There, the bill was passed and moved to the Senate floor with a "do pass" recommendation. Now that it has passed both the House and Senate floors, H38 is headed to the governor's desk to be signed into law.

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## **Brand Board Brings Bill to Raise Fees for Horse Inspections**

On February 11, 2019, Senator Patti Anne Lodge (R-Huston) introduced Senate Bill 1082 in the Senate Agricultural Affairs Committee. SB1082 proposes the following: 1) raising the cap for lifetime horse brand inspections from \$35 to \$75, 2) raising the cap for individual horse brand inspections from \$1.50 per head to \$10, and 3) raising the cap for minimum equine farm service fees to \$55 for cases where a brand inspector must travel from his assigned post to perform a brand inspection.

It is important to note that SB1082 only proposes raising the caps for these and does not actually raise the fee. To raise the fee amount equine owners have to pay, the Brand Board will have to go through negotiated rulemaking procedures giving the public notice of any proposed fee changes and opportunity to comment.

In his presentation to the IFBF livestock committee, Idaho State Brand Inspector, Cody Burlile cited budget deficits as the need for raising the fees. Currently the Brand Board is losing money on horse brand inspections and the cattle inspections are having to cover those losses. IFBF members expressed concern over the potential rise in fees, noting the majority of horse owners are "hobby" horse owners who do not pay the current fees for brand inspections, so raising the fee will only discourage many of those who do get the inspections from getting them done in the future. Another concern is whether the brand inspection is even useful since neighboring states like California, Oregon, and Washington, as well as big horse-producing states like Texas,

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Oklahoma, and Kentucky do not require brand inspections at all. Many horse owners see the inspection as merely a tax on horse owners who travel across state lines.

Although brand inspections can be useful to prove ownership of a horse in ownership disputes, or when a horse is lost or stolen, other identifications such as registration papers or microchips are also just as effective.

IFBF Policy # 12 states “[w]e support eliminating the mandatory brand inspection for equine in Idaho. We support an option for having a brand inspection for the lifetime of ownership for the equine. We support raising the fee for the lifetime inspection.” Although IFBF fully supports the mission and purpose of the brand board, we do not believe the proposed action will resolve the funding issues that have been identified. Our members believe eliminating the requirement for horse brand inspections will be a more productive solution to the funding problem, while allowing for a horse brand inspection for those who travel to states that still require one. **IFBF opposes SB1082.**

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## **Dairy West Presentation**

The Senate Agricultural Affairs Committee heard a presentation from Dairy West’s Executive Director, Karianne Fallow, on Thursday. The presentation covered the Idaho Dairy Products Commission and how dairy is being promoted in the state. After a short video showing the many events and ads promoting dairy, Fallow commented, “If a picture is worth a thousand words, a video must be worth a million.” She described the video as a “year in review” of all the work they have put into promoting dairy across the state and the U.S.

One specific topic Fallow discussed with committee members was the group’s organized dairy tours. The tours allowed them to take people to a farm and show them exactly how dairy is produced. Fallow told committee members that 57% of the tour guests had never been on a farm before. She also said 56% of the university tour students had never been on a dairy. She reported the tours lead the guests to having more positive views and opinions about how their food is produced, animal care and welfare, and environmental impacts dealing with dairies. The

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tours are very successful in countering negative propaganda surrounding dairies. Fallow pointed out the importance in the tours by giving an example of university students continually being exposed to anti-agricultural rhetoric, which is shaping their opinions on how their food is made. These tours allow exposure to agriculture in a way many have never been able to experience before.

Fallow also spoke of the partnership Smokey Mountain Pizza to promote dairy products. An example of this partnership was covered by newspapers fairly recently, where customers were able to interact with dairy farmers and jersey calves at Smokey Mountain Pizza, in an effort to promote where the pizza's cheese was coming from. The committee showed appreciation for the hard work put in by Dairy West and expressed gratitude for the hard work of the dairy farmers in providing these products.

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