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"The smallest minority on earth is the individual. Those who deny individual rights cannot claim to be defenders of minorities." – Ayn Rand

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Horse Brand Inspection Bill Advances

On February 21, 2019, the Senate Agricultural Affairs Committee held a hearing on Senate Bill 1082. SB1082 proposes raising the cap for lifetime horse brand inspections from \$35 to \$75, raising the cap for individual horse brand inspections from \$1.50 per head to \$10, and 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.

The committee heard testimony from horse breeders, the Idaho Horse Council, and the Idaho Cattle Association, and voted to approve the bill and send it to the House floor with a “Do Pass” recommendation. Idaho Farm Bureau was the only testimony in opposition. IFBF opposes a mandatory horse brand inspection in Idaho. Other aspects of the bill fit within our policy.

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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Hemp Bill Hearing Held

On Monday the House Agricultural Affairs Committee held a hearing on House Bill 122, dealing with legalizing the production of hemp in the state. Both Representatives, Troy and Moon, spoke to the committee concerning their two-part bill. Representative Moon’s part of the bill removes hemp from Idaho’s Schedule I list and Representative Troy’s part conforms the legalizing the production of hemp in Idaho to the 2018 U.S. Farm Bill. After the two sponsors were finished with their presentation, there was over 2 hours of testimony offered by multiple individuals with all except one being in favor of the bill and producing hemp in Idaho.

Groups who testified in favor of the bill included: Idaho Food Producers, Idaho Freedom Foundation, Idaho Farm Bureau Federation. There was also an individual in construction who demonstrated hemp products used in the industry and an Idaho farmer who partnered with his son to grow hemp in the Willamette Valley, to name a few. Idaho Farm Bureau’s testimony consisted of informing the committee that the Federation has policy supporting the legalization of the production of industrial grade hemp as an alternative crop for farmers but are opposed to the legalization of marijuana.

The committee thanked everyone for their testimonies and the information that was given. The

committee did not vote on the bill; however, a vote will most likely occur sometime next week. Law enforcement groups were unable to attend on Monday and asked that it be held until they were able to testify as well. **IFBF policy 9 and AFBF policy 158 sections 3.3 & 3.4 and policy 204 supports the production of industrial hemp and opposes the legalization of marijuana. IFBF supports H122**

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Legislative Approval of Rules Passes House

Last week, the House approved H100, the bill which would strengthen the rules review process, on a vote of 53-16. All Republican House members voted for the bill except two, one of which stated on the floor he agreed with the purpose of H100 and the only reason he was voting against it was to keep a promise he made to constituents that he would not change the rules process.

H100 is now awaiting a hearing in the Senate State Affairs Committee which is chaired by Senator Patti Anne Lodge (R-Huston). It is not yet clear if H100 will receive a hearing in the Senate this year. While there is wide-spread support for the bill amongst Senators, there are a few influential Senators who are hesitant to change the current process.

H100 will better protect Idaho citizens against rules that do not comply with the underlying laws. One example from this year is H26, which amends a DEQ rule so it is in compliance with federal rules. The DEQ rule, which went through the legislative review process in previous years, was more stringent than federal rules, despite Idaho law which prohibits any Idaho rule or law from being more stringent than federal law or regulation. This rule slipped through the process unnoticed, and now the Legislature has had to correct it. If H26 had not passed, gas station owners would have been forced to either comply with the stricter law; or, go to court to try to overturn the rule. Neither option is a good one.

H100 would simply require all rules be affirmatively approved by both the House and Senate prior to becoming effective. This is the same process that is currently used for all fee rules, so there is a longstanding precedent. However, other rules that do not involve a fee currently go into effect automatically following the legislative session unless both the House and Senate proactively reject the rule. This tilts the field in favor of the agencies, and against the citizens. H100 would correct that and level the playing field. **IFBF policy #169.1.5 supports requiring approval of rules by both the House and Senate. IFBF supports H100**

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Clarifying Personal Property Tax on Agricultural Machinery

Last week, the House approved H87 by a vote of 67-1. This week H87 was approved unanimously by the Senate Local Government and Taxation Committee which is chaired by Senator Jim Rice (R-Caldwell). H87 will now move to the Senate floor for consideration by the entire Senate.

Since 2001, there has been an exemption from paying personal property tax for equipment and machinery used in the production of agricultural commodities. Unfortunately, since that time there have been cases where county assessors have differed on their interpretation of the law. This has led to instances where a farmer in one county was forced to pay personal property tax on a piece of equipment, while a farmer in the county next door did not pay any personal property tax on the same piece of equipment.

H87 clarifies the existing statute so all farmers and ranchers across the state are treated equally and fairly when it comes to the assessment of property tax on farm and ranch equipment. The Idaho Tax Commission and the County Assessors were involved in the drafting of this legislation, and they have not indicated opposition. IFBF policy #104 supports ensuring all agricultural equipment is treated fairly and equitably when personal property tax is assessed. **IFBF supports H87**

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HCR9 Passes Committee

The House Environment, Energy & Technology Committee unanimously passed HCR9, a concurrent resolution recognizing 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. Examples of different size hydropower generation exist throughout the state.

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

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Federal Lands Council

This week the House State Affairs Committee approved H162 which would create the Idaho Council on Federal Lands. The Council would review policies and issues “relating to jurisdiction, governmental sovereignty, taxation, natural resources, economic development, and other issues where state government and federal government interface with respect to such lands.”

Most Legislators have limited knowledge of the federal laws and regulation which apply to federally managed lands despite more than 63% of Idaho being administered by federal agencies. The Federal Lands Council would be able to provide credible information to legislators on federal land management issues when questions arise in the Legislature. Furthermore, the council could serve as a liaison between federal agencies and Idaho citizens who have private rights, permits or contracts on federally managed lands when issues arise. A legislative council will have more weight working “peer to peer” with the federal agencies than citizens on their own.

H162 now moves to the House floor for consideration by the full House. IFBF supports the creation of a Federal Lands Council. **IFBF supports H162.**

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Memorial on Federal Land Purchases

HJM005 urges Congress to pass federal legislation to require “that when private lands are exchanged, purchased, or transferred to the federal government that other federal lands within the county”—of substantially equivalent value—“must be sold.”

The memorial explains that the sale or transfer of private lands to the federal government reduces the overall taxable value of a county. This requires other private property owners to pay higher property taxes to make up for the lost tax revenue. The federal government has programs to counteract this loss by providing payments in lieu of taxes, but these payments are subject to Congressional appropriation and are a fraction of the tax amount previously received from the private owner.

During the House Resources and Conservation Committee hearing on February 22, 2019, Representative Fred Wood (R-Burley) stated he opposed the bill because it would affect private property rights by limiting who a private land owner could sell their land to. However, private landowners can still sell their land to the federal government if they so choose. If Congress were to act upon HJM005, the federal government would have to subsequently sell other land of substantially equal value to make up for the loss of taxable land.

IFBF Policy # 44 refers to government land transaction and states we support “[n]o net loss of private property.” **IFBF supports HJM005.**

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Bills Raising Farm Truck Registration on Hold

Senator Brackett (R-Rogerson) introduced Senate Bill Nos. 1066 and 1067 earlier this month. 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 60,000 pounds. Although the two bills propose imposing the same yearly registration fee, they propose differing mileage use fees. SB1066 proposes a seven-tier mileage use fee starting at \$.04 per mile for trucks weighing 60,001 pounds and ending at \$.10 per mile for trucks weighing 118,001-130,000 pounds. SB1067 proposes a 35-tier mileage use fee starting and ending at the same prices.

For a detailed explanation of SB1066 and 1067 please refer to the February 15, 2019, issue of Capitol Reflections. Both bills would increase annual registration fees for almost all trucks. Some registration fees would increase by as much as \$1,000 per truck. President Bryan Searle and DeLon Lee met with Senator Brackett to discuss the bills and their effect on agriculture. After the meeting, Senator Brackett decided to hold the bills to find a better solution for agriculture. **IFBF opposes SB1066 and SB 1067.**

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Memorial to Release Lands Designated Not Suitable as Wilderness Areas

HJM008 urges Congress to release more than 500,000 acres for multiple-use management that is currently being held in Wilderness Study Areas.

In 1976, Congress passed the Federal Land Policy and Management Act (FLPMA) which directed the BLM to identify and review all the public lands in the United States that could qualify as wilderness areas. Wilderness areas are areas that are in a natural state where impacts from humans is minimal. In 1991 the BLM director issued a Record of Decision recommending Congress release 825,217 acres back to multiple-use management since it did not qualify as wilderness. Today over 500,000 acres of this land designated not suitable for wilderness areas are still being managed as wilderness areas. This has deprived Idahoans of access for recreation, grazing, and logging, and left these resource-rich areas unmanaged to burn in wildfires. HJM008 urges Congress to release this land back to multiple-use management.

IFBF Policy # 62 states, in part, we oppose “[a]ll dedication of land in Idaho for wilderness and roadless areas and support the release of lands currently held in Wilderness Study Areas (WSA) back to multiple-use management. All lands designated as non-suitable for wilderness must be immediately released from WSA status.” **IFBF supports HJM008.**

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Bedke and Simpson Recognized for Sage Grouse Efforts

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On Thursday afternoon Governor Brad Little recognized Speaker of the House Scott Bedke and Congressman Mike Simpson for their efforts over the past decades with sage grouse conservation in the west. The following is a press release from the Idaho House Republican Caucus:

BOISE, Idaho – Governor Brad Little proclaimed today (February 21, 2019) to be Speaker Scott Bedke and Congressman Mike Simpson Sage Grouse Appreciation Day. Bedke and Simpson were honored for years of tireless work to maintain the Idaho bird's viability and habitat. That work ensured state, not federal, management of the sage grouse.

"Years of work from not just me, but many folks, showed that Idaho can manage its own land and wildlife," said Speaker Bedke.

The ceremony took place in the Lincoln Auditorium in the Idaho Statehouse. Governor Brad Little read and signed a proclamation declaring, in part, "The Honorable Scott Bedke, Speaker of the House of Representatives of the state of Idaho, and Congressman Simpson have devoted significant time, effort, and resources to leading the state's efforts to both conserve the species,

and promote the welfare of the state's citizens.”

Big Game Forever President Ryan Benson also presented a statue to Bedke and Simpson, depicting President Theodore Roosevelt, another champion of conservation.

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Senate Hears Discussion on Proposed Water Legislation

This week, the Senate Resources & Environment Committee held two hearings largely dominated by several pieces of proposed water legislation, with S1056 taking the most attention. The bill would essentially do two things: 1). outline groundwater districts mitigation apportionment responsibilities, and 2). authorize the director of IDWR to curtail groundwater users who have failed to comply with their apportioned mitigation responsibilities.

S1056 would authorize 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.

Additionally, S1056 would expressly authorize the director to curtail ground water users who have failed to comply with the apportionment of mitigation obligations imposed by ground water districts. This differs from the current authority of the director to only curtail based on water right priority for those groundwater users who do not participate in a groundwater district mitigation plan.

Ground water districts exist principally to protect their members' water rights from curtailment by developing and implementing mitigation plans. Those members who do not participate in the approved groundwater district mitigation plans do not receive any protection or safe harbor from water calls made by senior water right holders.

Proponents of S1056 state this added authority is needed to ensure the ESPA settlement agreement remains intact and continues to function. Currently, there are a few individuals who have refused to comply with any mitigation plan, yet they may benefit from mitigation efforts of others in the district. The fear is that if no action is taken to bring these individuals into compliance with the approved mitigation plans, then soon more district members will also choose not to participate, returning water users on the ESPA to the original conflicts faced prior to the settlement agreement.

IFBF continues to monitor S1056.

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Optional Truck Registration Fee Increase Bill Stalled

Representative John Gannon (D-Boise) introduced House Bill 125 to the House Transportation and Defense Committee on February 11, 2019. HB125 proposes allowing any county with a county-wide highway district to raise vehicle registration fees on all commercial and farm vehicles up to \$75 per vehicle. That fee would be in addition to the regular state registration fees. Residents living in the county highway district would vote on any fee increases during regular elections. Right now, Ada County is the only county with a county-wide highway district.

HB125 disproportionately impacts business owners. Business owners living in Ada county with a fleet of vehicles would only have one vote on a fee increase but would suffer the effects of the increase more than other voters. Business owners who live out of the county but who have businesses in the county would not be able to vote on the fee increase but would still have to pay the increased fee.

The House Transportation and Defense Committee held a hearing on HB125 on February 20, 2019. The committee voted not to approve the bill and to hold it in committee. IFBF Policy # 175 states we oppose “[a] tax or fee increase on vehicles.” **IFBF opposes HB125.**

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