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“Is it so difficult to permit men to experiment, to feel their way, to choose, to make mistakes, to correct them, to learn, to work together, to manage their own property and their own interests, to act for themselves, at their own risk and peril, on their own responsibility? Do we not see that this is what makes them men? Must we always start with the fatal premise that all those who govern are guardians and all the governed are wards?” – Frederic Bastiat

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Ag Land Annexation Bill Advances

This week H025 was approved in the House on a vote of 69-0 and it now

moves to the Senate Local Government and Taxation Committee, which is chaired by Sen. Jim Rice (R-Caldwell), for a hearing.

H025 prohibits cities from forcibly annexing parcels of land that are five acres or more and actively devoted to agriculture, without the written consent of the owner. This is a common-sense approach to ensure farmers are not saddled with additional city taxes as long as they are still farming the land. Since it is the city that has grown and encroached upon the farm, not the other way around, H25 ensures farms are not forced out of business prematurely by forced annexation and increased taxes.

It is our understanding that the Association of Idaho Cities has dropped their opposition to the bill this year. IFBF policy # 116 opposes forced annexation. **IFBF supports H025.**

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H001 - Update

The Senate Resources & Environment Committee held a hearing on H001 this week. Many water users, ditch and canal company operators, legislators, and state water department officials gathered in the committee room to show their support for the bill. The bill represents the many efforts of stakeholders, state water agencies, and law-makers to reach an agreement on the long-fought dispute regarding the fill/refill issue in the Treasure Valley, Basin 63.

H001 instructs the Director of the Department of Water Resources to subordinate permits and licenses for new projects greater than 1,000 acre-feet in order to capture and retain water in existing on-stream storage reservoirs during, and following, flood control releases until the date of allocation. Several committee members inquired about the significance or reasoning of 1,000 acre-

feet, as specified in the bill. Proponents explained there was nothing magical nor technical about the figure. Nonetheless, the statement of 1,000 acre-feet in the legislation removes much of the heavy-handedness that would otherwise be impose on certain small water uses.

The Committee ultimately passed the bill unanimously and sent it to the Floor with a “do-pass” recommendation. It will likely be taken up and debated by the full Senate next week. Idaho Farm Bureau is supportive of Idaho water law that protects water use and storage rights and is opposed to any diminishment of storage fill rights due to flood control or other discharge prior to the irrigation season. Idaho Farm Bureau Policy #31 supports the fill of existing reservoirs following flood control releases to ensure that current water users’ reservoir space is filled and protected from new appropriations. **IFBF supports H001.**

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Idaho Soil and Water Conservation Commission's New Website

The Idaho Soil and Water Conservation Commission presented to the House Agricultural Affairs committee Wednesday. There was excitement over a demonstration of the new website, “Tracker.” This online conservation website will serve to organize databases and show projects in one easy to use, covenant location. It will be used to help “track” all the conservation efforts and projects going on in the state. One example given in the presentation showed a map tracker option, among many other search abilities. This option pulls up a map of Idaho with “pins” on it marking where there are current soil or water conservation projects occurring in the state. Other search abilities included looking at a single soil and water district or looking at it by legislative districts.

It was explained to the committee that website shown during the presentation, is

what they are excited to see the public using soon. The current example shown to the committee is still the Beta. The Commission is currently waiting on an URL. It was promised that the legislative committee will be informed when the website is fully up and operational. Many committee members showed excitement and spoke positively regarding the website, saying it would be helpful for many of them to gain information when they needed concerning conservation projects in their districts and the state. The commission hopes this website will serve the community by showing how much is actually being done in the state regarding conservation and serve as a resource for anyone interested in a project themselves.

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Inmate Trainee Legislation Moves Ahead

Senator Patti Anne Lodge (R-Huston) introduced her inmate trainee legislation to the Senate Judiciary and Rules Committee on January 30, 2019. S1045 will expand inmate training programs in agriculture to allow inmates to participate in the production and harvesting of all agricultural products rather than just perishable food products. This will help address Idaho's agricultural labor shortages.

This legislation will also clarify that farms participating in these training programs are not hiring the inmates, and the inmate trainees are not the farm's employees. Accordingly, participating farms will not be required to provide workers compensation coverage for the trainees.

Senator Lodge has been working on this legislation for at least four years. She is passionate about providing real-world work training for inmate rehabilitation while also addressing the agricultural labor shortages Idaho has suffered for years. Senator Lodge expressly thanked Dennis Tanikuni of the Idaho Farm

Bureau and Kevin Mickelson, General Manager of Idaho Correctional Industries, for their help drafting the bill. Dennis Tanikuni retired from the Idaho Farm Bureau in December, 2018. The committee unanimously voted to print the bill and move it forward for the committee's further consideration.

IFBF supports S1045. For a more detailed explanation of Senator Lodge's bill, please refer to the January 18, 2019, edition of Capitol Reflections.

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S1024 - Crop Residue Burning

On Thursday, the Senate Agricultural Affairs Committee passed S1024 and sent it to the Senate Floor with a "do-pass" recommendation. The bill deals with the timing of when crop residue burn fees are paid. The current law requires anyone planning to burn crop residue to pay a fee in an amount of two dollars per acre to the department prior to burning. This requires growers to estimate acreage they expect to burn without knowing field, soil, air quality, or weather conditions that could prevent them from burning.

To simplify the fee payment process, and at the recommendation of the Crop Residue Burning (CRB) Advisory Committee, the Department of Environmental Quality (DEQ) is proposing to change the timing of fees paid to an annual invoice structure for actual acres burned rather than a fee due when acres are registered. Those producers who burn crop residue will receive an invoice from the DEQ at the end of the burn season, charging them only for actual acres burned. The change will ensure farmers do not risk paying for acres not burn and will remove any confusion regarding a registration fee and the actual burn approval permitting process. Additionally, it will streamline the agency's administrative processes.

Our members utilize the state's CRB program and take interest whenever there are proposed changes to its application, approval, fee and payment processes. We support the proposed change from a registration fee payed prior to the burn date, to a burn fee paid after the burn date when the annual burn fee invoice is received. This common-sense change will help with administration of the program and eliminate much of the confusion regarding fees associated with field burning. Idaho Farm Bureau Policy #56 states we support long-standing sound agricultural practices such as field burning... **IFBF Supports S1024.**

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Definition of Human Trafficking Could Affect Idaho Agriculture

Senate Bill 1005 (S1005) proposes to amend 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.”

S1005 proposes to expand that definition in many ways, two of which apply to Idaho farmers. First, S1005 would define human trafficking 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, including forced labor in industrial facilities, sweatshops, households, agricultural enterprises, and any other workplace. This change needlessly targets agriculture. The amendment’s intent could be met by merely including “including forced labor in any workplace” to the definition.

The second change goes on to specify that human trafficking may include, “[d]estroying, concealing, removing, confiscating, or *possessing* any passport, immigration document, or other government-issued identification document.” (emphasis 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 resource purposes, the employer could be charged with human trafficking. This broad definition is unrealistic, dangerous, and counterproductive to the purpose of the statute.

Idaho Farm Bureau and other organizations are working to narrow the proposed changes to S1005. **Idaho Farm Bureau opposes S1005 as currently written.**

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H067 - Low Temperature Geothermal Wells

This week the House Resource & Conservation Committee voted to introduce H067, a bill dealing with low temperature geothermal wells and their water rights. The legislation would amend Idaho Code 42-233, providing the Director of the Department of Water Resources more flexibility to exempt new geothermal water rights if certain conditions are met. Under Idaho law, the primary use of low temperature geothermal water for reasons other than heat value is not a beneficial use of the resource, unless the Director exempts the proposed use. The conditions for exemption as proposed by H067 include:

- *The proposed use will not detrimentally affect existing water rights, including water rights for low temperature geothermal water;*
- *The proposed use will not diminish the temperature of or artesian pressure of the low temperature geothermal aquifer; and*

- *There is not economically viable source of water having a bottom hole temperature of 85 degrees or less in a well available.*

A full hearing to discuss the bill, and the exemption criteria it proposes, will likely be scheduled for next week.

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H038 Passes House

This week House Bill 038 (H038) was unanimously passed in the committee and the full House and is now headed to the Senate. This bill addresses legislation passed in 2018 that transitions authority pertaining to food safety inspections from the Idaho Department of Health and Welfare to the Idaho State Department of Agriculture. H038 serves as an amendment to the 2018 legislation by simply extending the transition timeframe from September 29, 2019 to September 29, 2021. The extension was requested to help provide a smoother transition and to make sure everything is switched over correctly and the agency is fully equipped to take over complete responsibility.

Farm Bureau is supportive of transferring the Food Safety and Modernization Act implementation authority from Idaho Department of Health and Welfare to the Idaho State Department of Agriculture. Our members recognize that America's food supply is the safest, most abundant and affordable in the world. It is Farm Bureau's goal to improve awareness and understanding of

agriculture's commitment to providing safe, high quality food supply at a reasonable price to the public. It makes sense for the products produced and processed to be regulated by this same agency. **IFBF supports H038.**

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Deadline for Underground Fuel Tank Compliance Being Extended

In 2015 the Environmental Protection Agency (EPA) adopted new rules for Petroleum Underground Storage Tanks. Under the EPA's new rules, underground petroleum storage tanks had to be inspected and brought into compliance by October 13, 2021. The Idaho Legislature adopted the EPA's rules by reference in 2017, which required tanks to be inspected and compliant by October 13, 2018. These rules directly affect licensed petroleum distributors who pick up fuel from the pipeline and terminal and deliver it to farmers, schools, and local gas stations.

Since these rules were adopted, ultra-low-sulfur diesel (ULSD) and ethanol-blended gasolines have been found to cause corrosion to underground storage tanks, causing many tanks to be out of compliance with the rules.

Nationwide, vendors are experiencing excessive backlogs for inspections to be completed, workers to make the repairs, and ordering replacement materials and equipment. The inspections and tests also turned out to be more invasive than anticipated, requiring concrete to be torn up and entire systems replaced in many cases. Because of the invasiveness of the process, the inspection and repairs can cost anywhere from \$5,000 to \$25,000, making it virtually impossible for many vendors to get their tanks in compliance by the October 13, 2018, deadline.

House Bill 026 (H026) proposes to extend the October 13, 2018, deadline to October 13, 2021—the date the EPA required in its 2015 rules. This change will bring Idaho’s Storage Tank Act in compliance with Idaho Code 39-8805, which prohibits the Idaho rules from being “broader in scope” or “more stringent than” the EPA’s rules.

The Idaho Farm Bureau Federation supports H026.

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