

2019 Food Producers of Idaho – Legislative Summary

65th Idaho Legislature, First Session

* Legislation will be tracked for FP Scorecard

Bill #	Description	House	Senate	Final
H1* FP SUPPORT Senate Only	Adds to existing law to provide that the director of IDWR shall subordinate permits and licenses for certain projects issued after a specified date to the capture and retention of water in existing on-stream storage reservoirs during and following flood control operations until the date of allocation.	1/22 67-0-3	2/05 35-0-0	LAW 2/13/19
H25* FP SUPPORT	Prevents land actively devoted to agriculture from being annexed without the express written permission of the owner.	1/29 69-0-1	2/11 33-0-2	LAW 2/14/19
H26* FP SUPPORT	Establishes the compliance date for certain regulations for testing and inspection of petroleum underground storage tanks (USTs) incorporated by reference by the state of Idaho in IDAPA 58.01.07.004. This conforms Idaho regulations with other states and maintains compliance of insurance contracts providing for environmental clean-up of UST's issued by the Petroleum Clean Water Trust Fund.	1/31 68-0-2	2/20 35-0-0	LAW 7/1/19
H38* FP SUPPORT	The primary oversight for food safety and inspections for human food manufacturers falls within the jurisdiction of the federal FDA, under the authority of the Food Safety & Modernization Act (FSMA). The FDA may contract a number of these inspections out to the State of Idaho. Currently, they are contracted with IDHW. Legislation was passed in 2018 to transition this authority from IDHW to the ISDA. Extends the timeframe for that transition to be completed by September 29, 2021.	1/31 68-0-2	2/12 35-0-0	LAW 7/1/19
H50	Restores the power of local government to establish an increased minimum wage should the local government decide to do so.	Ways & Means		
H51* FP OPPOSE	Removes the prohibition on the use of eminent domain powers for purposes of developing greenbelts and bike paths.	Ways & Means		
H54	Repeals the training wage exemption in Idaho's minimum wage law which allows age based discrimination.	Ways & Means		
H55	Proposes to incrementally increase the minimum wage in Idaho from \$7.25 an hour to 8.25 an hour effective July 1, 2019; to \$10.50 an hour effective July 1, 2020; to \$12.00 an hour effective July 1, 2021. Wages for tipped employees will increase from \$3.35 per hour to \$4.35 per hour commencing July 1, 2019, \$5.85 per hour on July 1, 2020 and \$7.35 per hour commencing July 1, 2021.	Ways & Means		
H60* FP SUPPORT	Aligns Idaho's cooperative marketing association statute with existing Capper-Volstead provisions by adding a "one man, one vote" membership option. This change ensures that Idaho's statute is not more restrictive than federal law.	2/11 68-0-2	2/28 35-0-0	To Enrol
H61* FP SUPPORT	Authorizes a non-refundable income tax credit for shortline railroad infrastructure, investment and maintenance.	2/12 28-42 FAILED		
H63	Clarifies the definition of dessert wine as a certain kind of wine based on its characteristics, contents and the process of how the wine is made. It eliminates certain beverages that are not considered dessert wine by the industry, such as vermouth, quinquina and americano.	2/15 67-0-3	3rd Reading	
H65	Will require that all pending administrative rules shall be affirmatively approved by both the House of Representatives and the Senate, via a concurrent resolution.	State Affairs		
H67* FP SUPPORT	Amends I.C. Section 42-233 to provide the Director of the IDWR with more flexibility to exempt new geothermal water rights if certain conditions are met.	2/13 68-0-2	2/28 33-0-2	To Enrol
H80* FP SUPPORT Senate Only	Wildlife populations are increasing significantly in some agriculture areas of the state. This produces more opportunity for damage to an array of agricultural equipment and land. Two areas of increasing damage are to center pivots and fall seed bed prepared ground. This legislation expands the ability of owners and lessees to file damage claims for irrigation equipment and seed bed damage.	2/13 68-0-2	3rd Reading	
H87* FP SUPPORT	Clarifies I.C. to ensure that all agricultural operations are treated consistently and equitably when agricultural personal property is assessed for property tax purposes.	2/11 67-1-2	3rd Reading	
H94* FP SUPPORT	Provides a layer of safety for the public propane consumer. The safety of Idahoans is put at risk when discount propane providers (DPP's) fill propane tanks already leased to customers by legitimate Idaho propane companies. The DPP's do not conduct safety inspections or leak tests, and very often overfill tanks to dangerous levels. The proposed law will protect consumer safety by restricting the filling of propane gas storage tanks or cylinders to its owner or someone having the owner's authorization. The law additionally provides liability protection and legal recourse in the event of violation.	2/19 56-13-1	Com & Hum Res	
H100 FP MONITOR	Requires that all pending administrative rules shall be affirmatively approved by both the House of Representatives and the Senate, via a concurrent resolution.	2/15 53-16-1	State Affairs	
H111 (See H207)	Adds a new chapter to Idaho Code to provide for the purchase of mitigation bank credits by project applicants and for alternatives to mitigate for project impacts to wetlands.	Res & Con		
H121* FP SUPPORT (IACI – Potato Committee, J.R. Simplot & Food Northwest abstained)	Creates a time period for a potato processing producer association and potato processor to negotiate, in good faith, an agreement for the purchase and sale of raw potatoes for processing. If a potato processor and potato processing producer association fail to reach agreement within the specified time period, then members of a potato processing producer association may negotiate individually with potato processors.	3rd Reading		

H122* FP SUPPORT	Adds a new chapter to Idaho Code to enact the Hemp Research and Development Act, which provides legislative intent, defines hemp, and permits any persons or institutions 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 .3% or less of tetrahydrocannabinols (THC) in the state to the greatest extent allowed under federal law. Section 10113 of the Federal Farm Bill of 2018 has removed hemp from Schedule 1 of the controlled substances act, and eliminates other barriers at the federal level to hemp research, cultivation and development. Also amends sections of Title 37, including the Schedule 1, to revise a definition, define a term, provide an exception for hemp containing .3% or less of tetrahydrocannabinols (THC), and provide a correct code reference.	Ag Affairs		
H141* FP SUPPORT	The Surface Mining Act was enacted in 1971 with the primary purpose to protect the taxpayers and the lands of Idaho by providing for reclamation activities and reclamation bonds for lands disturbed by surface mining activities in the state. The purpose of these proposed changes is to more accurately reflect current industry and regulatory practices. The changes include addressing the surface impacts of underground mines and providing for actual cost estimation of reclamation and related environmental activities. The legislation also includes updating financial assurance methods, requiring financial assurance for reclamation and long-term post closure management activities, requiring reclamation plan and financial assurance reviews, and ensuring that there will be no duplication in financial assurances between government agencies.	2/28 59-11-0	Res & Env	
H167 FP MONITOR	Amends Idaho Code Section 49-1004 to eliminate specific pilot project routes as established by the Legislature allowing vehicles up to 129,000 pounds gross weight to operate on certain state highways. The Legislature subsequently provided statutory authority to the Idaho Transportation Board to administratively establish new routes.	3/1 66-0-4		
H168* FP SUPPORT	Establishes new processes and fees for local authorities and the Idaho Transportation Department to designate routes and issue permits allowing vehicles with gross weights between 105,501 GVW and 129,000 GVW to access highways and streets under their jurisdiction.	3/1 64-0-6		
H175	Designed to address concerns over due process, conflicts of interest and impartiality in contested administrative proceedings. The legislation updates processes under the Administrative Procedure Act to better delineate preliminary review and initial agency actions from contested case proceedings. In order to provide impartiality in the contested case process, particularly with reference to fact finding, an office of Administrative Hearings is established with an independent chief hearing officer and hearing officers housed in the Department of Self Governing Agencies.	Jud, Rules & Admin		
H176 FP MONITOR	Updates the definition for "grower," "shipper," and "processor" in state law for the Idaho Potato Commission, restricts rule promulgation related to this statute change for one year, and goes into effect immediately after passage and approval.	3/1 65-0-5		
H184* FP SUPPORT	This legislation will raise the expenditure levels required of a local governing entity from \$100,000 to \$150,000 before that entity is subject to an audit.	3/1 65-0-5		
H207	This legislation adds a new chapter to Idaho Code to promote the availability of all types of compensatory mitigation for project impacts to wetlands, consistent with the federal 2008 Mitigation Rule.	Res & Con		
HCR9 FP SUPPORT	Idaho has a tremendous resource in its many rivers, lakes and dams. These greatly contribute to the power produced in Idaho. The purpose of this resolution is to recognize that Idaho's hydro power is clean, reliable and renewable. It is also key to our energy portfolio moving forward.	3rd Reading		
HCR10* FP SUPPORT	Expresses support for the settlement agreement between the cities, the surface water coalition & the members of the Idaho Ground Water Appropriators. The settlement resolves remaining issues, avoids curtailment, and maintains stable groundwater & surface water supplies on the Eastern Snake Plain Aquifer. The resolution further supports the continued efficient management of the water supplies within the ESPA.	2/18 Adopted Voice Vote	Res & Env	
HCR11 FP SUPPORT	Recognizes the 100th Anniversary of the founding of the Idaho State Department of Agriculture & the outstanding service that employees past & present have provided to the agricultural industries across Idaho.	2/14 Adopted Voice Vote	2/25 Adopted Voice Vote	To Sec of State
HJM 4* FP SUPPORT	Supports efforts to designate the raising of Anderson Ranch Dam as a priority for the State of Idaho in the interest of promoting additional water security. The raising of Anderson Ranch Dam would provide an additional 29,000 AF of water storage on the Boise River. The memorial urges our congressional delegation to ensure completion of the feasibility study & NEPA analysis in a timely manner & to advance the project through any additional congressional action necessary, including the provision of further WIIN Act funds.	2/18 69-1-0	Res & Env	
S1005a	Adds language identifying conduct that may be considered labor trafficking and further defining "force, fraud or coercion." The language is intended to provide guidance to law enforcement and prosecution for the types of conduct that may be considered human trafficking under Idaho law. Section 18-8603 removes language requiring the crime be committed in conjunction with the commission of another crime defined in section 18-8602, thereby making human trafficking an independent criminal offense rather than an enhancement to another criminal offense.	Jud, Rules & Admin	2/21 34-0-1	
S1024* FP SUPPORT House Only	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. DEQ is proposing to change the timing of when fees are paid to an annual invoice structure for actual acres burned rather than a fee due when acres are registered. The change will ensure farmers do not risk paying for acres they did not burn.	2/18 69-0-1	2/06 35-0-0	LAW 2/26/19
S1037a	Expands the existing authorization to access private lands to include private land surveyors. Licensed professional land surveyors are the only persons authorized by Idaho statute to provide legal surveys of private property boundaries. The authorization to access and locate necessary property corners and evidence related to boundaries enables land surveyors to conduct a proper survey.		3rd Reading	

S1039* FP SUPPORT	The Idaho Wolf Depredation Control Board Statute is set to sunset on 6/30/20. Action will need to be taken this year if the Board is going to be extended beyond its sunset date.	2/18 51-19-0	2/07 30-5-0	LAW 7/1/19
S1041* FP SUPPORT	Ground water districts exist principally to protect their members' water rights from curtailment by developing and implementing mitigation plans, the costs of which are assessed to the district members. First, ground water district assessments are levied once per year in accordance with the schedule set forth in Idaho Code sections 42-5232 and 42-5241 to meet projected district expenses. On rare occasions actual expenses occasionally exceed projections, creating a need to levy a special assessment to pay actual expenses. Second, some ground water users have in recent years willfully disregarded their responsibilities under ground water district mitigation plans approved by the Idaho Department of Water Resources. New subsection 42-5232(6) enhances the ability of ground water districts to enforce compliance with mitigation plans approved by the Idaho Department of Water Resources.	2/19 69-0-1	2/07 35-0-0	LAW 7/1/19
S1045* FP SUPPORT	Provides for inmate trainee participation in work training programs offered through the Idaho Correctional Industries (ICI). The bill will offer training stipends for participants in the programs but states that inmate trainees are not employees of the Idaho Department of Corrections (IDOC) and are not entitled to worker's compensation or unemployment compensation. It will amend section 20-413A, Idaho Code to provide for contracts for agricultural training programs for inmate trainees.	Jud, Rules & Admin	2/20 35-0-0	
S1056* FP SUPPORT	During the 2016 legislative session, the Idaho Legislature adopted Senate Concurrent Resolution No. 138 which supported the settlement in recognition of the important impacts it has on Idaho's water resources and economy. On May 2, 2016, the Director of IDWR approved the settlement as a mitigation plan for the Surface SWC delivery call. The settlement and mitigation plan currently require groundwater users to reduce the amount of ground water diverted from the ESPA by 240,000 acre-feet annually. To achieve this, each ground water district has apportioned its mitigation obligation among its district members, taking into account priority dates and other factors. However, some ground water district members have failed to comply with their proportionate share of the mitigation obligation, undermining the efforts of all ground water users to achieve the goals set forth in the settlement agreement. The Ground Water District Act, Chapter 52, Title 42, Idaho Code, expressly authorizes the director to undertake enforcement against ground water users who fail to pay assessments, but it does not expressly authorize the director to undertake enforcement against users who fail to comply with mitigation obligations. This legislation authorizes ground water districts to apportion mitigation obligations among their members in a manner comparable to assessments. This legislation expressly authorizes the director to curtail ground water users that have failed to comply with the apportionment of mitigation obligations imposed by ground water districts.		Res & Env	
S1063* FP SUPPORT	This legislation extends for five years the surplus eliminator that was originally created in H312aaSaaS (2015) and extended in S1206 (2017) until May 30, 2019. Consistent with the changes adopted in 2017, the funds transferred as a result of this legislation will be split equally between state savings and transportation. The Budget Stabilization Fund (BSF) would receive 50% of the funds, and the other 50% would be split between the Strategic Initiatives Program (SIP) within the Idaho Transportation Department (60%) and the local strategic initiatives fund administered by the Local Highway Technical Assistance Council (40%).		Trans	
S1066 FP MONITOR	Replaces the current 5 tier system of registering all commercial and farm vehicles having a maximum gross weight in excess of 60,000 pounds. This legislation establishes a base fee or a plate fee of \$280, which is an annual registration fee and shall be due on the anniversary date of the vehicle's registration. In addition to the registration fee, there shall be paid on all commercial and farm vehicles having a maximum gross weight in excess of 60,000 pounds, a mileage fee based upon the maximum gross weight of a vehicle as declared by the owner and the total number of miles driven. The mileage use fee shall be determined by multiplying a cost-per-mile charge by the total miles driven in Idaho.		Trans	
S1067 FP MONITOR	Replaces the current 5 tier system of registering all commercial and farm vehicles having a maximum gross weight in excess of 60,000 pounds. This legislation establishes a base fee or a plate fee of two-hundred eighty dollars (\$280), which is an annual registration fee and shall be due on the anniversary date of the vehicle's registration. In addition to the registration fee, there shall be paid on all commercial and farm vehicles having a maximum gross weight in excess of 60,000 pounds, a mileage fee based upon the maximum gross weight of a vehicle as declared by the owner and the total number of miles driven. The mileage use fee shall be determined by multiplying a cost-per-mile charge by the total miles driven in Idaho.		Trans	
S1078* FP SUPPORT	Clarifies in Idaho Code the allowance of a craft brew facility in Idaho to contract with other entities wishing to brew at their facility.		3/1 28-4-3	
S1082* FP SUPPORT (Idaho Farm Bureau & Milk Producers of Idaho abstained)	This bill amends Idaho Code §§ 25-1122 and 25-1160 establishing increased maximum fees for ownership and transportation certifications; increased maximum brand inspection fees for, horses, mules, and asses; to provide for equine farm service fees; and to make technical corrections. Section 25-1122 specifically sets the maximum amount for the ownership and transportation certificate to be \$75.00. Section 25-1160 raises the cattle inspection fee from \$1.19 to \$1.25, and the maximum fee that can be charged to \$10 for each head of horses, mules, and asses. Finally, § 25-1122 determines that the equine service fee shall not exceed \$55.00	Ag Affairs	2/27 34-0-1	
S1083* FP SUPPORT	Amends Idaho Code to clarify that the protections and obligations of water delivery rights of way extend to the operator of that right of way, in addition to the owner.		2/27 34-0-1	

S1084* FP SUPPORT	Amends or repeals Idaho Code to remove certain reporting requirements. Historically, these reports have not been submitted to the Idaho Department of Water Resources and they are not necessary for regulation by the Department of Water Resources. Reporting necessary for water right regulation are not affected by this amendment.	Res & Con	2/25 35-0-0	
S1085* FP SUPPORT	Amends Idaho Code § 43-303 in two ways to make it consistent with current law. First, the language is amended to align timeframes with Idaho's open meetings law and to clarify that decisions at board meetings are based on a majority of the board members present (when a quorum exists). Second, the language is amended to conform with a decision from the Idaho Fourth Judicial District in Tribune Publishing Co. v. Boise-Kuna Irrigation District (Case No. 63836) (Aug. 16, 1978).	Res & Con	2/25 35-0-0	
S1086* FP SUPPORT	Amends Idaho Code to clarify that the rights to remove and/or deposit debris from water delivery rights of way extends to vegetation within the rights of way.	Res & Con	2/25 35-0-0	
S1087* FP SUPPORT	Idaho Code 42-1607 establishes that the owners of flowing artesian wells that 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.		Res & Env	
S1089* FP OPPOSE	Recreation is Idaho's third largest industry. Access to hunting, fishing, motorized trails, hiking and all other forms of recreation is vital to the economy and outdoor culture of Idaho. Current laws to prevent individuals from communicating that public grounds are private, or from physically blocking access to public grounds, go unenforced due to resource constraints of enforcement authorities. This legislation adds a civil remedy to address violations of intentional access obstruction, to ensure public access while addressing law enforcement constraints.		Res & Env	
S1106	This legislation modifies Title 33 to clarify that career technical education includes all secondary, postsecondary, and adult courses, programs, training and services, irrespective of instructional delivery method. This bill clarifies that virtual Career Technical Education (CTE) programs which meet the same quality requirements and demonstrate compliance with the Idaho CTE Initiative may be authorized by Idaho CTE. This modernizes CTE language to include all instructional delivery methods and better positions Idaho to meet demands of modern-day workforce.		Education	
S1125* FP SUPPORT House Only	Brings the commodity warehouse operator requirements for warehouse receipts up to date. Hand-written department provided forms, and electronic receipts will have equal legally binding requirements. These electronic receipts must be USDA approved, accessible to Idaho State Department of Agriculture (ISDA) and all costs of implementation and costs related to electronic warehouse receipts are the responsibility of warehouse owners and/or associated dealers.	Ag Affairs	2/26 34-0-1	
S1132	Cooperatives that distribute electric power and that provide telecommunications and broadband services to their members in rural Idaho are member-owned and member-managed in virtually all respects. Because they are member-owned and member-managed, in many states these cooperatives are specifically exempted from state unclaimed property laws. This legislation would allow these cooperatives to decide for themselves how they wish to deal with their unclaimed capital credits and either be exempt from or subject to the State's unclaimed property laws as they choose.		State Affairs	
S1137	Will modify existing Sunshine Law definitions and procedures pertaining to Lobbyists and Lobbyist reporting. Specifically, the proposed legislation will clarify the relationship between lobbyists and their employers or clients, and provide for a clear process for electronic filing of reports and notification of filing to employers or clients.		State Affairs	
SJM101 FP SUPPORT	Requesting that 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.	Res & Con	2/14 Adopted Voice Vote	
SJM103 FP SUPPORT	Urges Congress to ratify the agreement of the United States-Mexico-Canada Agreement (USMCA) as soon as possible. It also encourages President Trump's administration to renew its original waiver on steel and aluminum tariffs for Canada and Mexico. This Memorial also calls on Mexico and Canada to remove retaliatory tariffs on all United States goods and services.	State Affairs	2/25 33-1-1	

Shading indicates Food Producers latest action