



CAPITOL REVIEW

A WEEKLY LEGISLATIVE REPORT

AMG : RICK WAITLEY | ROGER BATT | BENJAMIN KELLY | PATXI LARROCEA-PHILLIPS
55 SW 5TH AVENUE, SUITE 100 MERIDIAN, ID 83642 PH: 208-888-0988 FX: 208-888-4586

A Weekly Legislative Report

Vol. 20 No. 6

02/14/2020

COLUMBIA & SNAKE RIVER SYSTEM

2020 promises to be a big year for the Columbia & Snake River System. With the draft report of the Washington Governor's Orca Taskforce being issued this past December, the Columbia River System Operations Environmental Impact Study draft being due this month, the Columbia Basin Partnership Phase #2 deadline in June and the Governor Little's Salmon Workgroup report due in December of 2020, it is important that all opportunities are taken to inform decision makers on the necessity and efficiency that our rivers provide to the Northwest.

Presentations were made this week to the legislature from members of the **Coalition for Idaho Water this week that highlighted how important these waterways and its dams truly are.** Though some may hype the notion that dam removal is the only way forward, removal of the lower Snake River dams alone would cost the nation \$4 billion, not including dam removal or power replacement costs, and is an unlikely path forward. Many of Idaho's thriving Ag Industries rely on water, those commodities covered in the presentation were the barley industry that produced \$253 million, potatoes that produced \$1.1 billion and sugarbeets that produced \$322 million last year. National transportation impacts and regional economic impacts would have major ramifications by breaching lower snake river dams. Each year, **nearly 10% of all U.S. wheat exports move by barge** on the Snake River and the total commodities shipped on the Columbia-Snake River System have remained fairly constant over the past decade, averaging 3.79 million tons per year (2007-2016).

Grain shippers indicate that **breaching the lower Snake River dams will increase transportation and storage costs by 50% to 100%.** Over 1,100 family farms with an average regional net farm cash income of \$42,825 in 2017, would be at risk of bankruptcy. Over \$1 billion in investment needed to address transportation, railroad, grain storage, highways and local infrastructure would have to be raised to save these operations. Barging commodities to port has

proven to be the most environmentally friendly mode of transportation and loosing that option would increase CO₂ and other harmful emissions by over 1.25 million tons per year by adding 181,889 trucks. Barging also provides Idaho wheat growers cost-effective access to international markets with nearly 10% of the nation's total wheat exports moving through the four dams on the Snake River. The 4,500 farm families who grow Idaho wheat and barley rely on the river system to get their crop to market.

Of course, the **value of the system to public power consumers in Idaho and the Pacific Northwest was also emphasized** in the presentation. The river system offers hydropower that is renewable, flexible, reliable and affordable with the ratepayers being the major support for fish and wildlife programs. Hydropower is the original renewable resource for the Northwest and produces no carbon emissions, thereby significantly reducing the total carbon footprint of the region's energy production. Hydropower is the lion's share of the Northwest's 80% carbon free electricity production. Until there is a viable alternative, it is crucial that citizens, industry and Idaho continue to support Columbia & Snake River System.

WORKER'S COMPENSATION

Last December, **the Idaho Supreme Court ruled on a case that opened the floodgates for potential litigation in the Worker's Compensation arena.** The major issue with the decision is that it expanded an exception to the Exclusive Remedy Rule found under Worker's Compensation statutes. Normally, a worker is provided monetary relief for an on-the-job injury through worker's compensation and the worker is not able to file a civil suit against his employer. The exception to the Exclusive Remedy Rule under Idaho Code § 72-209(3) **allows a work-related claim against an employer where the employer commits "an act of willful or unprovoked physical aggression" against an employee.** In those instances, the worker gets the worker's compensation benefits and can still sue the employer for civil damages in district court. Any award of damages in

district court is reduced by the worker's compensation benefits received in order to prevent excess recovery. Ultimately, the decision expands the scope of the exception, in favor of workers, from where it has stood for some 30 years based on prior court precedent. **S1321 will add language to Idaho Code § 72-209 to clarify the intent of the Idaho Legislature with respect to the "Exclusive Remedy" in worker's compensation.** When reviewing the case, the Supreme Court invited the Legislature to clarify the language of the statute. The language noted in S1321 will preserve the integrity and balance of the "**Grand Bargain**" of worker's compensation. This bill was introduced this past week and will likely receive a hearing next week in Senate Commerce and Human Resources.

FOOD PRODUCER APPRECIATION LUNCHEON

Food Producers of Idaho will be hosting a luncheon on Wednesday, February 19 in cooperation with the Idaho Grain Producers Association to say "**thank you**" to **Congressman Mike Simpson**. Simpson was a sponsor and major supporter of the **Farm Workforce Modernization Act**. The measure passed the US House of Representatives on a vote of **260-165**. Food Producers plans to **honor Congressman Russ Fulcher** for his support of the same measure later in the spring.

DISTRACTED DRIVING

Several weeks ago we reported that H308 had been printed regarding distracted driving by Representative Joe Palmer. S1314 was recently printed and is sponsored by **Senate Majority Leader Chuck Winder**. It is our understanding that **S1314** will be the bill that moves forward on the issue. S1314's intent is to treat the use of certain electronic devices behind-the-wheel as an infraction and would address safety concerns associated with a significant portion of distracted driving crashes. S1314 would define how enforcement of the statute could be handled and explains conditions under which electronic device communications is permissible. **S1314 would provide uniformity across the state by superseding any current local ordinances.** Currently, there is an area of Idaho where a driver can go through three different local ordinances that have different rules on the books and the driver can pass through all three in a matter of twenty minutes. This can be confusing and does not provide drivers with any notice.

NOXIOUS WEED AWARENESS LUNCHEON

Members of the Idaho Noxious Weed Control Association (INWCA) board of directors met with legislators for the Noxious Weed Awareness Luncheon. This is the second consecutive year that luncheon has occurred. Two presentations were made before legislators in attendance. **Kali Sherrill who serves as the Twin Falls County Weed**

Superintendent shared four success stories that involved Cooperative Weed Management Areas (CWMA's) in Idaho and **Jeremey Varley with the Idaho State Department of Agriculture** talked about the mapping of noxious weeds in Idaho. There were 14 legislators in attendance and those legislators either served on the Agriculture or Resource & Conservation committees in their respective bodies. The legislative guests were provided a lunch sponsored by INWCA.

POTATO COMMISSION LEGISLATION

Earlier in Capitol Review we reported on H389 which had a number of components addressing the current structure and potential new structure of the Idaho Potato Commission. It is our understanding that **H389 has been pulled by the bill sponsor** from the agenda of the House Ag Committee.

BALLOT INITIATIVES

We are expecting to see a number of bills being printed that will address ballot initiatives on the state level. One proposal this week would add a "**single-subject rule**"; **a requirement for an effective date that's no sooner than the July 1 following the November election; a requirement that petition-signers be notified of the existing legal process to remove their signatures should they decide to do so; and new, additional reporting requirements for those who hire paid signature-gatherers.** Other proposals are expected that would address, on the ballot for voters, the anticipated costs to the state and the public if an initiative passes. Last year legislation was passed through both chambers of the legislature that would raise the bar to qualify a voter initiative for the ballot by requiring signature requirements of 10% of the voters in 32 of the 35 legislative districts. It was vetoed by the Governor. The current standard of 6% of 18 legislative districts may sound like a justifiable amount at first glance, but those 18 districts can be targeted within the population centers of Ada, Canyon, Bonneville and Kootenai counties without representing the rest of the state.

DAILY UPDATES

All clients of AMG can now go **daily to the Food Producers of Idaho website** at www.foodproducersofidaho.org and see a daily update of the Green Sheet. **The Green Sheet shows legislation that has been discussed by Food Producers**, if Food Producers took a position on the legislation and the current status of where the legislation is in the legislative process.

Capitol Review is written to inform the clients of Association Management Group (Waitley Associates, Batt Associates, Kelly Associates & LP Associates & Agriculture) about activities in the Idaho Legislature &, due to the proprietary nature of the publication, IS NOT for distribution to others **without attribution to AMG.**