

**FWAA - Idaho
2017 Legislative Session Tracker**

BILL #	BILL TITLE	STATUS	CATEGORY	DESCRIPTION	UPDATE	POSITION
58-0101-1602	Rule for Control of Air Pollution in Idaho	ADOPTED	Environment	Deletes Sec. 582. Section was temporary for non-attainment issue in Ada County in the 90s. Now out of date and no longer applies because DEQ has approved maintenance plan since 2003.	Completed	Monitor
58-0101-1603	Clean Air Act - Rule Update incorporated by reference	ADOPTED	Environment	46 revisions/changes. Highlighted: The national ambient air quality standard for ozone, reduced from 75 to 70 parts per billion; and, updates to DEQ's permit program. Power plants – EPA promulgated two rules to control carbon dioxide emission from power plants, for new facilities and existing facilities. Phosphate fertilizer plants – new requirements for monitoring mercury and floride, record keeping and updates to emission requirements for certain processes within the facilities. Oil and natural gas wells will now have methane as a regulated pollutant.	Completed	Monitor
39-0312-1601	Safety Requiriements of Overlegal Permits	ADOPTED	Transportation	Rule identifies a requirement for owner inspections in compliance with 49 CFR 396.17 and 396.19. Drivers are to meet all special training requirements for longer combination vehicles. Additionally, brakes shall meet the Federal Motor Carrier Safety Administration Regulations and shall be maintained to the Federal Motor Vehicle Safety Standards No. 121 in effect at the time the commercial motor vehicle was manufactured. No vehicle or vehicle combinations shall operate with mixed brake systems between tractor and trailers. Previously this only referenced interstate travel, with this rule it will additionally reference intrastate travel to promote highway safety.	Completed	Monitor
39-0315-1601	Excess Weight Permits for Reucible Loads (129K trucks)	ADOPTED	Transportation	Addresses truck permitting and 129,000 pound commercial motor vehicles (129K trucks) on the state's Interstate system due to passage of SB1229 (2016). The rule proposes to establish a statewide permitting system. Currently the permit system operates under an ad hoc style with 228 jurisdictions. The ITD has thought about a statewide permitting system for a while and believes it would promote intrastate surface transportation safety, intermodal commerce, law enforcement efficiencies and reduced administrative costs to local highway jurisdictions. Commercial vehicle combinations in excess of eighty thousand (80,000) pounds will be permitted by the ITD's Division of Motor Vehicles on local highways when a local highway jurisdiction authority has agreed to participate in the Department's permitting process.	Completed	Monitor

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39-0322-1601	Overlegal Permits	ADOPTED	Transportation	Address commercial motor vehicle brakes. Specifically, that the brakes on all commercial motor vehicles must meet and be maintained to the Federal Motor Vehicle Safety Standards No. 121 in effect at the time the commercial motor vehicle was manufactured. Essentially, no vehicle or vehicle combinations shall operate with mixed brake systems between tractor and trailers. In addition black coded routes will be indicated as so on interstates for industry.	Completed	Monitor
39-0323-1601	Revocation of Overlegal Permits	ADOPTED	Transportation	Addresses a new instance in which a permit can be revoked. Specifically, revocation of a permit for non-compliance if the motor carrier has violated an Out-of-Service order by the Federal Motor Carrier Safety Administration (FMCSA). These are for more extreme cases, when a driver is avoiding requirements and has a serious historical record of doing so. This would not be implemented on drivers with a more minor violation such as a broken tail light.	Completed	Monitor
11-1301-1603	Motor Carrier - Electronic Logging Device	Adopted Senate	Transportation	With some exceptions all motor carriers and drivers, who are currently required to complete paper logs to document record of duty status (RODS) to comply with 49 CFR 395, will be required to use ELD's (Electronic Logging Devices) no later than December 18, 2017. However, the final federal rule exempts several sectors: Drivers who use paper RODS for not more that 8 days during any 30 day period; Drivers who conduct driveaway-towaway operations, where the vehicle being driven is the commodity being delivered; Drivers of vehicles manufactured before model year 2000. These exempted drivers must still document RODS using either paper logs or ELD's. Idaho is required to adopt this regulation by reference to maintain compliance with Federal Motor Carrier Safety Administration (FMCSA) and remain eligible for grant and highway funds.	Senate Transportation Approved 1/19. House Transportation Subcommittee recommends adoption 1/20. <u>2/10 - Full House Transportation Committee REJECTS RULE.</u>	Monitor
HR1	Idaho Admin Procedure Act	LAW	BOD and Rules	The purpose of this legislation is to amend the Administrative Procedures Act to reflect the language in HJR5 defining the term "in whole or in part." Adding an emergency clause.	Signed by Governor on 2/14.	Support
HB52	Interstate Oil & Gas Compact Commission	Senate 3rd Reading	Energy	This legislation would ratify, approve and adopt the Interstate Compact to Conserve Oil and Gas, and allow Idaho to become a full member of the Interstate Oil and Gas Compact Commission. Idaho is currently an Associate Member, which does not allow full participation and voting. Full membership will allow Idaho to weigh in on national oil and gas issues that affect the state's ability to administer the oil and gas conservation programs.	3/2 Senate Resources Sent to floor with do pass recommendation.	Monitor

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HB54	SOS fees for businesses	LAW	General Business	This amendment corrects oversights that were included in the 2015 enactment of the Idaho Uniform Business Organizations Code. These corrections include clarifying fee names, including missed fees, and removing fees that we are no longer charged.	Signed by Governor on 2/22.	Monitor
HB61	Employers and non-complete clauses	House Ways & Means	General Business	Removes the requirement of "presumption of irreparable harm" for breach of a non-compete agreement. This leaves these agreements to be applied and enforced by courts as other contracts are. It also removes the requirement that the presumption of key employee status can only be rebutted by a showing that an employee has no ability to adversely affect an employer's business, thereby allowing employees additional options as to how they may rebut such presumption.	No Action is expected	Monitor
HB67	Income Tax Relief	Senate Local Govt.	Taxes	Exempts individual income tax for the first \$750. It moves the the individual and corporate tax rates from 7.4% to 7.2%. There is an emergency clause to make retroactive for 2017.	No action this week.	Support
HB68	Personal Property Tax Exemption Expansion	DONE	Taxes	Increases the Personal Property Tax exemption from the current \$100,000 in property valuation to \$250,000.	DONE - SEE HB117	Support
HB71	Human Rights Employer Acts Prohibited	House Ways & Means	General Business	This bill would preclude employers from asking job applicants about salary history. For workers who are affected by a wage gap, these factors can create a ripple effect throughout the course of their careers. If a woman is underpaid at one job, the effects of that experience can stay with her as she applies for future positions if employers consider it when determining a future salary.	No Action is expected	Monitor
HB72	Minimum Wage	House Ways & Means	General Business	Increases the minimum wage from the current federal minimum wage of \$7.25 per hour to \$8.75 per hour on July 1, 2017, and to \$10.50 on July 1, 2018, and \$12.00 per hour on July 1, 2019. Wages for tipped employees will increase from \$3.35 per hour to \$4.35 per hour for employment commencing July 1, 2017, \$5.85 per hour for employment commencing on July 1, 2018, and \$7.35 per hour for employment commencing July 1, 2019.	No Action is expected	Oppose
HB76	Immigration	DONE	General Business	Requires / mandates local law enforcement to to comply with and uphold immigration law and policy regarding immigration enforcement without providing funding source to expand efforts. Similar to prior Idaho immigration bills, this would address only one component of the illegal immigraion issue, does NOT address ag jobs, and would allow/encourage racial profiling.	DONE - See HB198	Oppose

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HB97	Attorney's Fees	LAW	Legal	This bill amends section 12-121, Idaho Code, regarding the award of attorney fees in civil cases and addressed an Idaho Supreme Court decision from 2016 issued in the case of Hoffer v. Shappard. Essentially, the bill returns the law of attorney's fees back to what it has been for nearly 40 years - awarding - attorney fees when cases are brought, pursued or defended frivolously, unreasonably, or without foundation - and places it in statute. The language is taken from the former court rule (Rule 54) that the court threw out with the Hoffer decision.	Sent to the Governor on 2/28. Signed by Governor on 3/2.	Support
HB117	Personal Property Tax Exemption Expansion	House Rev & Tax	Taxes	Increases the Personal Property Tax exemption from the current \$100,000 in property valuation to \$250,000. (Corrects technical error in HB68)	No action this week.	Support
HB135	Farm Equipment Agreements	House General Orders	General Business	The purpose of this legislation is to provide clarification of the original legislative intent of the Idaho Equipment Dealer Protection Statute by prohibiting suppliers from substantially changing the dealer's competitive circumstances without good cause. This legislation also adds clarity to ensure that persons interpreting this statute understand that the terms of a dealer agreement may not impact the determination of whether there has been a substantial change in the dealer's competitive circumstances.	On 3/2 House Business sent to Amending Order for clarifying amendment.	Monitor
HB140	State Water Plan	To Senate Resources	Water	This amendment to Idaho Code §42-1743B would direct the Idaho Board to Water Resources to notify each member of the legislature of any changes to the comprehensive state water plan. This amendment will ensure that any change to the state water plan is known by all legislators and the process remains transparent.	On 3/1 House passed vote was 69-0-1.	Monitor
HB155	Sales and Use Tax Nexus	House Rev & Tax	Taxes	This amendment to Title 63, Chapter 36, Idaho Code expands the section 63-3611 by adding a new term that further defines the term retailer. The bill establishes that a retailer, selling tangible personal property to Idaho customers, is engaged in business in Idaho when the out-of-state retailer generates sales of \$10,000 or more through affiliated Idaho persons. It also provides a rebuttable presumption for the retailer. The rebuttable presumption will allow a retailer, so identified, to apply for relief by presenting their rebuttable facts to the Tax Commission.	No action this week.	Monitor

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HB157	Highway Distribution Acct. Remove ISP	DONE	Transportation	The purpose of this legislation is to transition Idaho State Police's funding component that they receive from gas tax to the General Fund. By transitioning these funds from a dedicated source to the General Fund, the Idaho State Police will be unencumbered in how they choose to allocate all of their funds.	Failed in House on 2/21, vote was 33-37-0.	Monitor
HB158	Transportation Funding	House Transport	Transportation	The purpose of this legislation is to extend the sunset of IC §40-719, the Strategic Initiatives Program, to sunset in 2019 (2 years). This legislation also directs that the monies in the Strategic Initiatives Program shall be split sixty percent (60%) to the Idaho Transportation Department for the purposes of operating a Strategic Initiatives Program and forty percent (40%) to be distributed to local jurisdictions according to §40-719 (C)(i) of this section.	No action this week.	Monitor
HB159	Budget Stabilization Fund for Transport.	House Transport	Transportation	This legislation extends the sunset date two years on the section of law authorizing the transfer from the General Fund to the Strategic Initiatives Program Fund. Known as the surplus eliminator of the General Fund as defined by the State Controller at the end of FY 2017 and FY 2018.	No action this week.	Support
HB169	Constitutional Defense Council Hells Canyon Complex	To Senate Resources	Energy and Environment	Idaho Power Company's Hells Canyon Project is in the process of relicensing by the Federal Regulatory Commission. The State of Oregon has attempted to require Idaho Power Company to implement fish passage and reintroduction of anadromous fish above Hells Canyon Project in Idaho waters. Reintroduction into Idaho waters without consent of the State of Idaho violates Idaho law, policy, and the sovereignty of the State of Idaho. This bill amends Idaho Code 67-6302 to require legislative approval of any effort to introduce or reintroduce species in the State by any agency or entity, State, Federal, or however constituted.	On 2/27 Passed the House vote was 60-10-0	Support

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HB170	Fish and Water Resources	To Senate Resources	Energy and Environment	Idaho Power Company's Hells Canyon Project is in the process of relicensing by the Federal Energy Regulatory Commission. The State of Oregon has attempted to require Idaho Power Company to implement fish passage and reintroduction of anadromous fish above the Hells Canyon Project in Idaho waters. Reintroduction into Idaho waters without consent of the State of Idaho violates Idaho law, policy, and the sovereignty of the State of Idaho. This bill amends Idaho Code 67-818(5) to clarify Idaho law to make it clear that introduction or reintroduction of any aquatic or terrestrial species requires approval of the State, and that the policy is not limited to listed species.	On 2/27 passed the House vote was 59-11-0	Support
HB171	Fishways - Hells Canyon	To Senate Resources	Energy and Environment	Idaho Power Company's Hells Canyon Project is in the process of relicensing by the Federal Regulatory Commission. The State of Oregon has attempted to require Idaho Power Company to implement fish passage and reintroduction of anadromous fish above Hells Canyon Project in Idaho waters. Reintroduction into Idaho waters without consent of the State of Idaho violates Idaho law, policy, and the sovereignty of the State of Idaho. This bill amends Idaho Code 36-906 to make it consistent with the Idaho policy and law that fishways are not to be required at the Hells Canyon Hydroelectric Project.	On 2/27 passed the House vote was 61-9-0	Support
HB192	Property Tax Exemptionss	DONE	Taxes	County commissioners have suggested that the limited scope of the property tax exemption - namely, that it requires \$3 million in capital investment and can be used only to support manufacturing projects - has been a limiting factor in supporting businesses that would have provided a boost to the local economy. This legislation enhances the project eligibility beyond manufacturing and creates a lower threshold for capital investment of not less than \$500,000. County commissioners would retain sole discretion on whether to extend this exemption to an eligible project and would have the ability to annually establish a higher threshold. They would also be required to notify local taxing districts when considering a property tax exemption.	On 2/28 returned to committee. SEE HB235	Support
HB198	Immigration	House State Affairs	Workforce	Prohibits cities and counties from obstructing federal immigration enforcement or adopting a policy of refusing to notify federal authorities when a person with an immigration warrant or detainer is in their custody. Unfunded mandate for local government. Fails to address other aspects of immigration reform.	Printed in House State Affairs on 2/20.	Oppose

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HB211	Invasive Species	House 3rd Reading	Environment	This act amends Idaho code 67-7008A increasing the invasive species sticker fee for non-residents from twenty-two dollars (\$22) to thirty dollars (\$30). as Idaho becomes more popular for tourist, we must ensure that we are able to maintain and increase our efforts in protecting our great state from invasive species. This is a critical recommendation from the invasive species working group.	On 3/1 House Resources sent to the floor with a do pass recommendation.	Support
HB235	Property Tax Exemptionss	House Rev & Tax	Taxes	County commissioners have suggested that the limited scope of the property tax exemption - namely, that it requires \$3 million in capital investment and can be used only to support manufacturing projects - has been a limiting factor in supporting businesses that would have provided a boost to the local economy. This legislation enhances the project eligibility beyond manufacturing and creates a lower threshold for capital investment of not less than \$500,000. County commissioners retain sole discretion on whether to extend this exemption to an eligible project and could anually establish a higher threshold. They would also be required to notify local taxing districts when considering a property tax exemption. (Technical corrections to HB192)	Printed on 3/1.	Support
HJM001	Agriculture	House 3rd Reading	Production AG	To ensure that our domestic farmers, ranchers and food processor are able to compete in a fair and level market environment, and the food security measures required by law are equally applied to all food products allowed to be sold in markets in Idaho and nationally; And to enhance the knowledge of the general population regarding the importance of these measures, not only for the economic strength of Idaho and our nation, but also to the health and welfare of individual families.	House Ag sent to floor with do pass on 2/20. Held on 3rd Reading until 3/3.	Monitor

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HJM002	Hells Canyon Complex	TO ENROLL	Energy and Environment	Idaho Power Company's Hells Canyon Project is in the process of relicensing by the Federal Energy Regulatory Commission. The State of Oregon has attempted to require Idaho Power Company to implement fish passage and reintroduction of anadromous fish above the Hells Canyon Project into Idaho waters. Introduction or reintroduction of aquatic species into Idaho waters without the consent of the State of Idaho violates Idaho law, policy, and the sovereignty of the State of Idaho. The Governor of Idaho has advised the Governor of Oregon that Idaho opposes Oregon's efforts to impose reintroduction into Idaho waters because of the significant adverse biological, regulatory, social, and economic impacts, but the State of Oregon has insisted on its passage and reintroduction measures. This legislation provides that the Legislature opposes such introduction or reintroduction efforts and authorizes and directs the Governor and the Attorney General to take all necessary measures to oppose and prevent Oregon's unilateral introduction or reintroduction efforts.	On 2/27 Senate Resources sent to floor with do pass recommendation. On 3/2 Senate passed vote was 34-0-1. To enrolling	Support
S1009	IDEQ Crop Residue Burning	TO GOV	Environment	DEQ is proposing an increase to the ozone evaluation threshold from 75% to 90%. To account for the time needed to obtain EPA approval for this change, it will be implemented in two stages. For the 2017 burn season, the ozone threshold will remain at the current level or 75% of the 2008 ozone standard. On February 28, 2018, which is the expected date of EPA approval of Idaho's state implementation plan which identifies the change, the 90% threshold of the 2015 ozone standard will become effective. The new threshold will continue to be protective of Idaho's air quality but will also preserve growers' ability to burn crop residue on good burn days when using smoke management best practices.	Sent to the Governor on 3/2.	Monitor
S1036	Approps Supplemental	LAW	Transportation	Appropriates additional \$24.7 million in FY2017 funds for transportation projects generated by the Transportation Surplus Eliminator passed in 2015.	Signed by Governor on 2/17	Support

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S1043a	Transportation Permitting	House 2nd Reading	Transportation	Authorizes equipment dealers to move implements of husbandry during daylight hours without a permit.	On 3/1 House Transportation sent to amending order per sponsor request for clarifying change. Amended on 3/2	Support
S1044	Dyed Fuel	DONE	Transportation	The purpose of this legislation is to provide a practical inspection method to ensure compliance with current Idaho motor fuel tax law and a minimum of disruption to the public. This is a compromise effort to retain dyed fuel option for off road vehicles.	DONE - SEE S1072	Monitor
S1052	Dyed Fuel	DONE	Transportation	This proposal does away with dyed diesel fuel and keeps one diesel fuel (clear) in the marketplace for all users. There is a system in place for off road users of diesel fuel to apply for a refund as frequently as monthly and no longer than annually.	On 2/21 Sponsor asked for bill to be returned/held.	Monitor
S1063	Irrigation - State Lands	House 3rd Reading	Water	This legislation ensures that State lands that are entitled to water rights and drainage benefits apportioned by irrigation districts are subject to irrigation district assessments to pay for the costs of constructing, operating, and maintaining district water delivery and drainage systems.	On 2/27 House Environment sent to floor with do pass recommendation.	Monitor
S1064	Irrigation - Exclusion Fees	Senate 3rd Reading	Water	Clarifies the exclusion fee schedule depending on location and size of parcel proposed for exclusion; clarify that exclusion process-related fees are to be borne by the petitioner and are not potentially apportionable costs shared by the irrigation district; extend the available irrigation district investigation/hearing timeline to allow facility and water availability investigation to occur when weather conditions are more suitable for performing such tasks either close to, or when, water is in the ditch system; and clarify that current and prior year assessments remain due and owing prior to exclusion.	On 3/1 House Resources sent to floor with do pass recommendation.	Monitor
S1068	Idaho Invasive Species Act Amendments	DONE	Environment	This bill amends the Idaho Invasive Species Act by the addition of an Office of Invasive Species Policy within the Office of Species Conservation. This legislation sets-up the duties and reporting requirements of the policy administrator of that office and lays out the coordination efforts between State agencies.	Anticipate new bill in Senate.	Monitor

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S1072	Dyed Fuel	DONE	Transportation	The purpose of this legislation is to provide a practical inspection method to ensure compliance with current Idaho motor fuel tax law and a minimum of disruption to the public. This is a compromise effort to retain dyed fuel option for off road vehicles. Additional corrections.	On 2/28 failed in Senate 8-26-1	Monitor
S1084	Irrigation Dist Filing Fee Increase	House Resources	Water	The purpose of this legislation is to update the filing fee for irrigation district delinquent lists from two dollars (\$2.00) to twenty-five dollars (\$25.00).	On 2/27 passed the Senate vote was 33-1-1	Monitor
S1107	Commercial Driver Licenses	To House Transport	Transportation	The purpose of this legislation is to allow the free market to determine prices for the Commercial Driver's License skills testing organization with a cap at \$190. The Idaho Transportation Department will continue to receive \$10 for administrative purposes. So, the total maximum fee that can be charged will be \$200.	Passed Senate on 3/2, vote was 33-1-1.	Monitor
S1112	Approps Supplemental for watercraft inspection	To House	Environment	Appropriates an additional \$1,010,000 to the Department of Agriculture for fiscal year 2017, for watercraft inspection stations; and authorizes 3 additional full-time equivalent positions.	On 3/2 Senate passed 33-1-1	Support