

Capitol Reflections



2018 LEGISLATIVE SESSION

"Without property rights, no other rights are possible." - Ayn Rand

FAMILY BUSINESS— MINIMUM WAGE

The House Business Committee held a hearing on a bill that would allow family businesses to employ family members who are minors at less than minimum wage. The bill's sponsor, Rep. Ron Nate (R-Rexburg) shared with the committee his experience working for his parents when he was a child. The experience taught him valuable lessons he says have served him well.

The legislation adds a new section to Idaho Code 44-1504. The new section will provide an exception to Idaho's minimum wage law to allow employees under the age of

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18, who work for an immediate family member or a family member's business, to work for less than minimum wage. Currently, children and family members working on a family farm are excepted from minimum wage regulations. This bill will provide a similar exception for children and family members working in a family business.

THREE WOLF BILLS INTRODUCED

On Wednesday, Sen. Abby Lee (R-Fruitland) introduced S1275 in the Senate Resources and Environment Committee which will require the Idaho Fish and Game Department to collar wolves as part of its wolf management program. Collaring is part of IFGD's current procedure, but this bill would codify the practice. Rep. Ryan Kerby (R-New Plymouth), is the House sponsor.

The bill is consistent with IFBF policy number 93 which says ". . . We support a mandate for the Idaho Fish and Game Department to collar wolves for depredation management." **Idaho Farm Bureau Federation supports S1275.**

Sen. Steve Bair (R-Blackfoot) introduced S1276, a bill which removes the Sunset Clause from the Wolf Control Fund and the Wolf Control Board, which manages and directs the wolf fund. Rep. Van Burtenshaw (R-Terretton) is the House sponsor.

On Thursday, the House Agriculture Affairs Committee printed a bill brought by Chairman Judy Boyle (R-Midvale), which extends the Sunset Clause that applies to the Wolf Control Fund and Wolf Control Board to 2020, to conform to the intent to have a 5-year sunset. Rep. Boyle explained that the 2019 expiration date was a year early and 2020 was the end of the 5 years.



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TRESPASS BILL INTRODUCED

For many years, Idaho Farm Bureau members across the state have complained about our confusing and conflicting trespass statutes. There are three code sections which deal with trespass: civil, criminal and recreational. They have been amended over the years in a haphazard fashion leaving differing definitions, burdensome and unclear posting requirements, and little to no teeth for law enforcement. IFBF has had policy for a long time seeking to strengthen and harmonize our trespass statutes.

This year, it has become clear that a lot of other interests have the same concerns. We have been working with other agricultural groups, mining, timber, recreation, urban and business interests, contractors, and others to do a complete make-over of the statute so it's clear and understandable for landowners, sportsmen and law enforcement.

This bill was introduced this week in the House Agriculture Affairs Committee by Chairman Judy Boyle

(R-Midvale). There was a sprinkling of questions from the committee members and the bill was unanimously approved to be introduced. This bill will finally provide clarity for landowners as to what is required for their property to be recognized as private property, and it will clearly delineate to the recreating public how to identify private land which requires permission to enter.

So far, the coalition in support of this bill includes Idaho Farm Bureau, Milk Producers of Idaho, Idaho Eastern-Oregon Seed Assoc., Idaho Mint Growers Assoc., Monsanto, Idaho Power, Avista, Rocky Mountain Power and Simplot. There are many other allied organizations who are going through their process to review and endorse the bill. The list will continue to grow.



STOCKWATER BILL TO BE INTRODUCED

Next week a bill that will finish codifying the Joyce Livestock decision will be introduced into the Senate Resources Committee, chaired by Senator Steve Bair (R-Blackfoot). The bill clarifies that stockwater rights associated with grazing on federally managed land are appurtenant, or in other words are attached, to the privately owned base property of the grazing permittee.

The passage of this bill ensures that each time a ranch is sold having associated federal grazing permits, the stockwater rights associated with those federal permits will stay with the ranch and be able to be utilized by the new owner. This is the same as when a farm is sold; the water rights associated with that farm are then able to be utilized by the new owner.

The bill also clarifies that when a grazing permit is transferred to a new owner by other means, meaning

the base property is not sold, the stockwater rights on the allotment can still be transferred to the new owner of the grazing permit after completing an application for transfer. The stockwater rights will then become appurtenant to the new owner's privately owned base property.

This is the way the Idaho Department of Water Resources has administered stockwater rights on federally administered lands ever since the Joyce decision. There will be no change in the way the department administers these water rights, but it is important to put this into the code so that there is no question in the future when there are new administrators. Senator Mark Harris and Rep. Judy Boyle will be the sponsors of this bill. **IFBF policy #48 supports this legislation.**

WAGE CLAIMS—TIME EXTENSION

A bill that would increase the time period for when a wage claim to collect unpaid wages, penalties and interest, was introduced in the House recently. Rep. Mathew Erpelding (D-Boise) is the bill sponsor, he claims the current six-month time period is unduly short for many workers who may not be aware they have wages owed to them, how to recover wages and make claims.

H485 would extend the time in which a claim for unpaid wages could be made to the Department of Labor or District Court, from the current six-month limitation to 12 months. Workers who have been paid, but not paid in full, are currently required to make a claim within six months or the action is barred and the worker cannot recover unpaid wages. This bill will extend the time period to make a claim to 12 months.

A couple of concerning issues about this proposal is that it extends the time period for not only wages, but also the interest and penalties for such claims. Most of these shortage of wage claims take place in the last weeks before the six-month deadline. Some opponents of the bill say some people abuse the system to acquire as much interest and penalties they can by waiting to make claims until the last moment. By extending the deadline to 12 months, some fear workers will be incentivized to wait even longer to make claims and receive even more money.

The bill has been referred to the House Judiciary, Rules and Administration Committee, but no hearing has been scheduled yet.

INVASIVE SPECIES PROGRAM REPORT

Both the Senate and House Agriculture Affairs Committees heard presentations from ISDA regarding the State's Invasive Species Program. There is a continued interest by legislators and stakeholders to see this program succeed in protecting Idaho's natural resources from invasives. Of particular interest are the efforts to defend Idaho's waterways from quagga and zebra mussels.

Nick Zurfue gave the committees an update on the Invasive Mussel Division of the Invasive Species Program. Mr. Zurfue reported that 2017 was the department's 9th season of active boat and water craft inspection stations throughout the state, with 13 of those being operated by cooperating partners and 5 being operated by ISDA. The department also has a roaming monitor stations that can be used at kayaking and other river running events.

The inspection stations have received help from both state and local law enforcement personal, which has aided in the safety and compliance of the program. This is particularly helpful and appreciated by those



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inspection stations that operate 24-hours a day during the season.

In 2017, a significant agreement was reached with the State of Utah to allocate more resources at an inspection station located on the Utah side of Bear Lake. ISDA provided additional financial support to the inspections station to further protect Idaho's interest.

More than 93,000 inspections took place in 2017, with a total of 31 mussels found. Twenty-nine of those mussels were determined to be "non-viable", meaning

they were dead or not at risk of reproducing, and two were found “viable” or at risk of reproducing and contaminating waterbodies. The two watercrafts that were found to have viable mussel specimens were quarantined, treated and cleaned before they were able to proceed. One of these two boats were destined for Alberta, Canada, and the other was going to Twin Lakes in northern Idaho.

In 2018, ISDA plans to further the agreements and coordination among other states and federal agencies in the region. They also plan to begin the inspection stations earlier this year and run them longer into the fall. The department continues to inspect and monitor lakes and water bodies throughout the state to ensure contamination has not already happened. So far, inspections have not found mussels in Idaho waterways.

STIBNITE MINING PROJECT JOINT MEMORIAL

The House Resources and Conservation Committee voted in support of a Joint Memorial regarding the permitting of the Stibnite Gold Project, proposed by Midas Gold Corp. Specifically, the memorial encourages the Trump Administration, including the Secretary of the United States Department of Agriculture, the Secretary of the United States Department of Interior, and the administrators of the Environmental Protection Agency and Idaho's Congressional Delegation, to direct resources and personnel necessary to move forward with permitting in a timely and cost-effective manner.

Midas Gold gave presentations regarding the Stibnite project to multiple standing committees in both houses. The company highlighted the environment and restoration efforts of the plan, along with the economic benefits that it will have on both the local and state economies. The project is located in Valley county, and the company is working hard with all government entities to acquire all necessary permits and approvals in record time to begin work in the next couple years.

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