

Capitol Reflections

2015 Legislative Session

In this issue

S1044 Passes the Senate, pg. 1
Minimum wage bill, pg. 1
Repeal Off-road Gas Refund, pg. 2
Water Bills this Session, pg. 2 & 3
House Ag Kills FB Bill, pg. 3

Minimum wage

A print hearing for an RS (Routing Slip) to “revise the calculation of minimum wages” will occur Friday in the Senate State Affairs Committee.

The RS is brought by Assistant House Minority Leader, Rep. Mat Erpelding (D-Boise). Not a lot is known about the proposal, but we should find out more after the hearing Friday, February 27.

Idaho Farm Bureau policy #106 says “We oppose any state minimum wage that is higher than the federal minimum wage.” At this point in time, Idaho’s minimum wage mirrors the Federal.

An RS is a “routing slip” number used by the Legislature to identify **draft** legislation. RSs may or may not become bills and cannot be posted on the Internet until they achieve official bill status. All draft legislation is the property of the requesting legislator and is confidential until formally considered by the standing committee to which the legislator has taken the draft to request approval for introduction. If the committee agrees, the RS is approved for printing and begins the process through the Legislature as an official bill.

“The harm done by ordinary criminals, murderers, gangsters and thieves is negligible in comparison with the agony inflicted upon human beings by the professional “do-gooders” who attempt to set themselves up as gods on earth and who would ruthlessly force their views on all others – with the abiding assurance that the end justifies the means.” “The Mainspring of Human Progress”

by Henry Grady Weaver

Senate Approves Property Rights Protection

This week the full Senate approved S1044 which would protect private property rights by prohibiting the use of eminent domain for recreational trails, bike paths, etc. Eminent domain is a taking of constitutionally protected and guaranteed private property rights. It should only be used in very narrow circumstances, and only for **necessary** projects which benefit **all** people in a community, not just a select few.

Recreational trails do not rise to this standard. A trail can go in any number of locations, it is not necessary that it must go through privately owned property. Private property owners have the right not to have people invading their back yard, leaving trash and vandalizing their property. Recreational trails should only be developed where there is a willing buyer and willing seller in the transaction.

The vote was 20 – 13. Those voting against S1044 were Senator Cherie Buckner-Webb (D-Boise), Senator Grant Burgoyne (D-Boise), Senator Dean Cameron (R-Rupert), Senator Lee Heider (R-Twin Falls), Senator Brent Hill (R-Rexberg), Senator Dan Johnson (R-Lewiston), Senator Roy Lacey (D-Pocatello), Senator Todd Lakey (R-Nampa), Senator Curt McKenzie (R-Nampa), Senator Dan Schmidt (D-Moscow), Senator Michelle Stennett (D-Ketchum), Senator Janie Ward-Engelking (D-Boise) and Senator Chuck Winder (R-Boise).



Idaho Farm Bureau's Governmental Affairs Report

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Bill to Repeal Off-road Gas Refund Stalls in House Transportation Committee

H146, a bill which repeals the off-road gas refund, stalled in the House Transportation Committee Tuesday. The bill was subject to two motions at the end of its hearing. The first was a “hold in committee” by Rep. Terry Gestrin (R-Donnelly). A substitute “do pass” motion was offered by Rep. Phyllis King (R-Boise). Both motions failed on roll call votes.

There were some confused looks until Rep. King, who had voted on the prevailing side on the failed “hold in committee” motion, moved to hold H146 for a time certain (Monday-March 2). At this point in time it is uncertain whether further testimony will be allowed or only a new vote taken.

Language in the H146 strikes *“the refund of the gasoline tax provided in section 63-2410, Idaho Code.”* This is language fairly innocuous until this deleted code section is read.

Of interest to agriculture, logging, ranching and other resource-based industries is 63 2410 (2) Idaho Code, which allows any person who buys more than 50 gallons of gasoline in a calendar year to apply for a refund if the gasoline is used 1) for operating a stationary engine, 2) in equipment or vehicles not licensed to be on highways (includes implements of husbandry), 3) for operating commercial motor boats, and 4) in all-terrain vehicles not required to be registered for highway use. The refund for automobile gasoline used in small aircraft found in IC 63-2410 (3) (c) is also eliminated by H146.

The fiscal impact from H146 was adjusted downward from the \$8.5 million stated in the SOP to \$432,000 at the hearing this week. The actual effect of this legislation will be far greater than the newly adjusted fiscal impact number.

Stationary gasoline engines power generators throughout Idaho’s farm and logging operations. Gas engines provide power for smaller water pumps. Many gas-powered tractors are still in everyday use on farms and ranches in the state. Some of these tractors are used to power PTO (power takeoff) driven machinery while others are used in regular farm operations. Gasoline generators provide electricity in many remote locations and provide electricity for drills, grinders and other power tools used on-site, in the field. Other implements of husbandry, swathers and hay stackers, are gas powered. Many older fork lifts use gas as well. Since this fuel is all used off-road, it is not appropriate to require it to be subject to the road tax.

This refund provision is important to ranching, farming, logging and other resource based industries. **H146 is opposed by the Idaho Farm Bureau Federation and Food Producers of Idaho.**

“Water, Water, Every Where, Nor Any Drop to Drink”

The poem, *The Rime of the Ancient Mariner* written over two years (1797-1798) by English poet Samuel Taylor Coleridge, relates the experiences of a sailor who has returned from a long sea voyage. The mariner stops a man who is on his way to a wedding ceremony and begins to narrate a story. The wedding-guest’s reaction turns from bemusement, to impatience, to fear, to fascination as the mariner’s story progresses. In the story, the ship was driven south by a storm and eventually reaches the frozen and iceberg filled region of Antarctica. An albatross appears and leads them out of the Antarctic, but even as the albatross is praised by the ship’s crew, the mariner shoots the bird. The crew is angry with the mariner, believing the albatross brought the south wind that led them out of the Antarctic waters. However, the sailors change their minds when the weather becomes warmer and the mist disappears – *“’Twas right, said they, such birds to slay, that bring the fog and mist”*. However, they made a grave mistake in supporting this crime, as it arouses the wrath of spirits who then pursue the ship *“from the land of mist and snow”*; the south wind that had initially led them from the land of ice now sends the ship into uncharted waters, where it sits silent on a calm ocean.

*“Then, day after day, day after day, we stuck, no breath nor motion; As idle as a painted ship, upon a painted ocean.
Water, water, everywhere, and all the boards did shrink; Water, water everywhere, nor any drop to drink.”*

So why is this tale relevant to the Idaho Legislature and water issues? Well, it may not be, but every Idaho legislative session struggles with water issues and water challenges; too much demand, not enough supply, new laws, old laws, good ideas and bad ideas. The challenge is to identify and find a gentle breeze to drive the “ship of state” forward, keep the waters calm and still have enough water to use and drink.

While there are a number of water issues floating in the relative calm, there are perhaps some white-caps developing. Here is a summary of pending water legislation that may or may not make some waves:

SJM 101 - INVASIVE SPECIES - This memorial urges Congress to support efforts in the Pacific Northwest to combat invasive species impacting water bodies. (IFBF, Supports – Policy #89)

H 56 - PUBLIC DRINKING WATER SYSTEM LOANS - The Department of Environmental Quality (DEQ) allocates low

interest loans from state drinking water revolving loan funds to help repair or build new drinking water systems throughout the state. This legislation amends state revolving fund provisions to allow for drinking water loans up to thirty (30) year repayment terms for all types of drinking water facilities. This option benefits water users through reduced water rates as systems are afforded more time to repay loans. (IFBF, Monitoring)

H 166 - IRRIGATION DISTRICTS - Provide resolutions for the development and operation of mitigation plans and groundwater recharge projects. It will provide criteria for districts to incur debt, obligations or enter into contracts. And have those actions subject to judicial examination. (IFBF, Supports – Policy #33)

H 47 - LAND BOARD - This amendment would have certain revenue from navigable waterways go to the Navigable Waterways Fund to offset the cost of keeping those waterways usable. Also to have royalties from extraction of minerals from navigable waterways go to the Public School Permanent Endowment Fund. (IFBF, Supports – Policy #92)

S 1099 - IRRIGATION - This clarifies existing statutes relating to lateral water users' associations and provides for a lien upon the water users' lands for unpaid assessments to operate, repair, improve and maintain laterals and ditches. (IFBF, Monitoring)

H 94 – TRESSPASS - This legislation strikes a balance that should help protect property owners from flooding while leaving in place the requirement that water delivery entities do only that which is reasonable and necessary while maintaining canal banks and right-of-way easements. (IFBF, Supports – Policy #72, #73)

H 51 - DREDGE MINING - This bill tries to eliminate unreasonable regulation on suction dredge mining. It also clarifies that the State of Idaho finds that a “bright line” threshold of “addition of pollutants” is not met by activities that transfer water and aggregate within the same body of water. (IFBF, Supports – Policy #65)

S 1100 - WATER - This allows water users in a water district to authorize the water master to participate in weather modification projects involving cloud seeding, in order to enhance water supplies. (IFBF, Supports – Policy #37)

FIRST TO FILL – Speaker Scott Bedke is holding firm to the demand that he made last year regarding “first to fill.” The various water entities are trying to come to a common agreement regarding this issue and at the time there doesn't seem to be anything that everyone can agree with. The major premise is still what needs to be done to protect senior water rights. (IFBF – Supports Concepts – Policy #51)

BEAR RIVER ADJUDICATION – There has been no activity on this since the session began. It appears that there is still enough work remaining for the Snake River Adjudication staff, the courts and the judge. A solid guess is that this issue will stay on the back burner for another year. (IFBF, Monitoring)

House Ag Committee Kills Farm Bureau Bill

This week the House Agricultural Affairs Committee voted against the introduction of a Farm Bureau sponsored bill which would have provided a small measure of mitigation to potato growers which have been under regulations in an effort to eradicate the Pale Cyst Nematode (PCN). These growers are suffering economic damage and are subject to burdensome regulations to prevent the spread of PCN and for the protection of other growers in the state.

Idaho Farm Bureau policy #4 calls for the exclusion of crops and livestock from compulsory deductions to commodity commissions when the producers come under regulations from quarantinable pests or diseases.

The Farm Bureau proposed bill would have provided the opportunity for a grower who is under regulation for PCN to request a refund of Idaho Potato Commission assessments when two conditions are met: 1) the USDA must declare a portion of the state to be under regulation for the control or eradication of PCN; and 2) the regulation cannot apply to the entire state.

As we met with the Idaho Potato Commission (IPC) they raised two concerns about the initial proposal, so Farm Bureau added language to address their concerns. Since PCN was discovered in 2006, IPC was concerned that growers would request a refund retroactively back to that date. The bill specifically prohibited granting refunds retroactively. The Potato Commission also fears that potato growers would rush out and purchase as little as one acre of PCN infested land and then they would no longer be required to pay their assessment to the commission. So language was added which would prohibit a potato grower who acquires, by purchase or lease, PCN regulated ground from being eligible for a refund of their potato assessment once the bill becomes effective. This did not satisfy the Idaho Potato Commission and they lobbied hard to kill the bill before it was even introduced.

In the end, the committee did not allow the bill to be introduced to have a full hearing. The affected growers were not allowed the opportunity to provide information to the committee and answer questions. The committee lost a valuable opportunity to find out more information about this important issue and how it is affecting those who are directly involved.