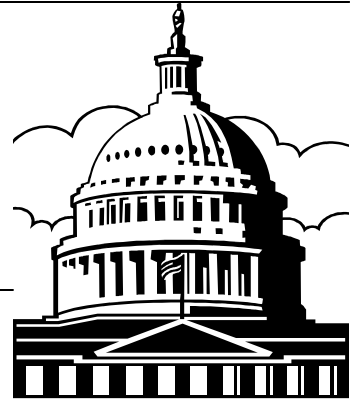


# CAPITOL REFLECTIONS



## Idaho Farm Bureau's Government Affairs Report

2010 Issue 4, February 5

Idaho Farm Bureau Federation Governmental Affairs Division

P.O. Box 167 Boise, ID 83701 [www.idahofb.org](http://www.idahofb.org) (208) 342-2688

### Endowment land leases

Rules governing the bidding process for grazing, cropland, conservation, communication, and non-commercial recreation leases for state endowment lands were approved this week by the Senate and House resources committees.

The two committees held a joint meeting to hear a negotiated compromise on the new Idaho Department of Lands rules. The changes to the proposed rules were negotiated by legislative leaders, the attorney general's office, the Idaho Cattle Association, and the Idaho Farm Bureau.

While allowing conservation to be among the recognized uses of endowment trust land, the new rules put restrictions on when and how a conservation lease proposal would be appropriate. Department of Lands field personnel will be required to screen applicants based upon their ability to meet the department's criteria for proper management of the land before a conservation applicant will be approved as a bidder. We will be monitoring the department as it initiates this process.



One major tool restored to the rules through the negotiations is the requirement for grazing management plans to be prepared by applicants competing for the same grazing lease. That requirement will make all applicants for grazing leases demonstrate their intent to graze the land. The rules, however, still provide for temporary non-use of the land, when necessary, by legitimate livestock operators.

Another major change requested by industry is the reinstatement of the improvement crediting process. Industry wanted to make sure that the value of improvements, such as corrals and fences, included appre-

ciation over the length of the lease.

The Idaho Cattle Association and the Idaho Farm Bureau both testified in favor of the rules. There was no opposing testimony, and the rules passed with only one dissenting vote.

### Immigration legislation

Two immigration-related bills have been introduced in the Idaho Senate.

Senators John McGee (R-Caldwell) and Melinda Smyser (R-Parma) are sponsoring S1271. The bill prohibits the manufacture of false identification to assist individuals in gaining employment; violators can receive a prison term of up to 14 years and a fine of up to \$250,000.

An employer cannot hire an individual if the employer knows the person's identification is false, under the bill. The employer is subject to a misdemeanor conviction punishable by up to 2 years in jail and/or a fine of up to \$50,000. Violations are brought against the employer in the county where the employee is employed. The court can order the employer to fire the employee who provided the false identification. The bill provides employers an absolute defense if the employer hires an individual in the belief that the employee is not providing false identification.

S1303 prohibits Idaho employers from hiring individuals who are illegally in the United States and is brought by Sen. Mike Jorgenson (R-Hayden). If it becomes law, employers face fines and penalties for knowingly hiring illegal aliens and can have their state, county or city business licenses revoked. The law would be complaint driven and enforced by the local prosecutor and the attorney general. S1303 contains three levels of employer sanctions. The employer's business license will be suspended for 15 days if the court finds that the employer knowingly hired illegal workers. The second offense results in a 1 year suspension of business license and the third, permanent loss of business license.

The bill requires employers to use the U.S. Department of Homeland Security's E-Verify system as part of the hiring proc-

ess. E-Verify cannot be used as a pre-hire screening tool. It can only be used after an individual is hired to confirm information provided by the employee. If the information does not match, a process of notifying and counseling the employee is put in motion and can take several weeks to complete. All this time, the individual is an employee of the company. Businesses continue to pay the employee and will probably continue training during this process, which may ultimately result in the termination of the employee.

S1303 also prohibits the issuance of Idaho driver's licenses to illegal aliens. An illegal alien also can't use a license issued by another state to drive in Idaho. Current Idaho law already prohibits issuance of driver's licenses to individuals who are in the country illegally. The written portion of the Idaho driver's test would be administered only in English. The bill also creates penalties for sanctuary cities and makes harboring or trafficking illegal aliens a felony.

### Proposal on animal-care laws

Animal cruelty statutes have come under scrutiny in recent months, and a bill to make animal fights a felony and more clearly define the protections afforded the livestock industry was introduced this week by Sen. Tim Corder, chairman of the Senate Agricultural Affairs Committee. Dog fighting was elevated to a felony in Idaho a couple of years ago and this bill makes cockfighting a felony as well.

The bill adds definitions of animal torture and neglect, but both definitions exclude normal and legal practices of animal husbandry. The bill also more clearly defines the animal agriculture exemption to animal cruelty laws. That exemption currently says animal-cruelty laws shall not be construed as interfering with "normal or accepted practices of animal identification and animal husbandry." Under the bill, those normal and legal practices are further defined as "guidelines developed and approved by the appropriate national or state commodity or-

**CONTINUED ON BACK PAGE**

**CONTINUED FROM FRONT PAGE**

ganizations.”

The bill also expands the definition of agricultural production animals, which are treated differently from companion animals. Under the bill, production animals, which fall under the jurisdiction of the Idaho State Department of Agriculture, are defined as animals “owned for the purpose of producing food or fiber or to be sold for the use by another for either such purpose.” Included in the definition are guard and stock dogs used for livestock purposes.

In addition to these agricultural provisions, the bill also provides for enhanced criminal penalties for those who repeatedly commit animal torture or neglect.

An industry wide animal issues committee has worked closely with the senator and is comfortable that the bill will more fully protect our way of going about our business of producing food and fiber. We will closely follow the bill.

A second bill simultaneously introduced by Senator Corder would add equines to the list of animals that can be legally and humanely slaughtered in Idaho. It is essentially a one word bill and is in the same animal cruelty section of code but was introduced separately so that separate testi-

mony can be taken. Obviously IFBF is in full support of this bill.

**Immigration Reform Coalition**

Brent Olmstead, executive director of Milk Producers of Idaho and state coordinator for the Idaho Business Coalition for Immigration Reform, provided immigration updates for the Idaho Farm Bureau Labor Committee, IFBF Legislative Conference participants and the House and Senate Agricultural Affairs Committees.

Workforce issues, worker availability, federal enforcement, legal actions and guest worker programs were all discussed by Mr. Olmstead. He said that by 2012, more than 75 million baby boomers will retire and the U.S. birthrate will drop below replacement levels by 2015, making it difficult to maintain adequate numbers of future workers for the American economy. He pointed out that the American-born workforce is becoming better educated and less likely to perform general labor.

He said the U.S. high school drop out rate during the 1950s and 60s was about 50% and these individuals provided manual labor for the American economy. Mr. Olmstead also said immigration law enforcement will likely remain relatively high at the United States' border, within the bor-

der and at the workplace.

Mr. Olmstead discussed E-Verify in some detail. This program is the voluntary, free, internet data base designed to verify eligibility of newly hired employees. It is the combined data bases of the Social Security Administration and the Department of Homeland Security (DHS). One bill currently in the Idaho Legislature would make all Idaho employers use E-Verify as part of their hiring process.

Once an employee is hired, I-9 information is entered into the E-Verify system. Response from the data base is usually prompt. If the information is correct, the hire is legal. If incorrect, corrective action is required and can take a number of weeks. Appeal of the information is also allowed.

Supporters of E-Verify point out that it is free and easy to use. In reality, it is probably easier under office-type conditions. According to the Department of Homeland Security, E-Verify is 95% accurate.

The greatest criticism of E-Verify is that it cannot be used as a pre-employment screening tool. An employee remains employed during the process, including appeals. E-Verify does not protect against identity theft, and the program may not be easy to use in certain situations. It also may create more work for employers.

Idaho Farm Bureau Federation  
P.O. Box 167  
Boise, ID 83701-0167