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"It would be a dangerous delusion were a confidence in the men of our choice to silence our fears for the safety of our rights... Confidence is everywhere the parent of despotism. Free government is founded in jealousy, and not in confidence. It is jealousy and not confidence which prescribes limited constitutions, to bind down those whom we are obliged to trust with power... Our Constitution has accordingly fixed the limits to which, and no further, our confidence may go... In questions of power, then, let no more be heard of confidence in man, but bind him down from mischief by the chains of the Constitution."

--Thomas Jefferson

Protecting Property Rights - S1044

It is astonishing how far some people have strayed from an understanding of inherent, unalienable rights, as recognized by our Declaration of Independence. Consider the following example:

Recreational trails, which are hardly a necessity of human life, should be developed solely on a willing seller/willing buyer basis. It is unthinkable that a person should be forced, against his will, to relinquish his private property for something as trivial as a recreational pathway. There is no "right" to have a trail where you may want one. However, there is explicitly a right for a landowner to control what happens on his property. If he wants to keep joggers or bikers from going through his property; that is his sacred and unalienable right to do so.

S1044, sponsored by Senator Jim Guthrie (R-McCammon), reinforces the concept that is clearly articulated in the Idaho Constitution, that eminent domain is a direct violation and taking of private property rights and should only be used under extremely limited circumstances, and then only for those projects that are clearly in the best interest of **all** citizens, not just a select few. These instances are specified in the constitution as projects that are **necessary** for "the complete development of the material resources of the state, or the preservation of the health of its inhabitants". Those are the only two valid uses for eminent domain according to our constitution.

Unfortunately, many people have misconstrued the inclusion of "the health of the inhabitants" to mean that jogging paths or bike trails are appropriate projects for the use of eminent domain. This is a complete misunderstanding and misapplication of this power. Back in 1890 nobody had even conceived of jogging, much less biking or other forms of recreational exercise. They were too busy attempting to subdue Mother Nature, eke out a living and stay alive.

The legitimate intent and purpose of this phrase that is included in the constitution was to protect the citizens from transmission of communicable diseases or plagues that threatened everyone with serious illness or death. Think of rat infested buildings that harbored bubonic plague that an owner was unwilling or unable to eradicate. In that limited circumstance, where the health of the entire population was at risk, government could then step in, condemn the property through eminent domain, and eliminate the health risk.

Furthermore, even IF one were to concede that jogging trails preserve the health of the inhabitants, one potential location of a bike path is not more **necessary** than any other potential location. A jogger still gets the same workout no matter where the path is located. This cannot rise to the level of taking away legitimate rights for someone's preferred route.

It is a grave mistake to use this extraordinary government power simply to allow some people the ability to bike or jog through somebody else's property who does not want them to be there. S1044 has been approved by the Senate Local Government and Taxation Committee and will be heard on the Senate floor as early as February 20.

Idaho Farm Bureau firmly supports protecting the rights of property owners. Idaho Farm Bureau supports S1044.



Omnibus Transportation Bill Show All Alternatives

This week House Transportation Chairman, Rep. Joe Palmer (R-Meridian) introduced H144, the “*Road Safety and Economic Development Act of 2015*.” The chairman has said that he doubts the bill will ever be heard, but wanted to illustrate all revenue sources in one bill. The 37 page bill addresses all forms of revenue transfers, refunds and sources for raising maintenance and infrastructure revenue.

The bill adjusts distribution formulas, adds fees for hybrid and electric vehicles and raises annual registration fees for cars and lights trucks by 50 percent per year. School bus registrations are raised 50 percent. Annual utility trailer registration will cost \$8, up from \$5. Five and ten year utility trailer registrations are increased by 50 percent. Commercial truck trip permits and registrations increase by 50 percent as well.

Commercial, noncommercial and farm vehicles differ slightly. The 8,001-16,000 noncommercial and farm vehicles increase to \$60, up from \$48 (25 percent). Vehicles in the same class, but heaviest weight ranges increase approximately 25 percent as well. Commercial vehicles and wrecker operating fees increase 25 percent across the board for all mileage classes.

Registration for a 60,001 pound truck in the 1-7,500 mile band increases to \$279 from \$223. The 80,001 pound trucks in the 7,501-20,000 mileage band increase to \$1,416 from \$1,133. Trucks in the 128,001+ weight class cost \$7,325 to register, up from \$5,860.

Gas tax is increased to 33 cents per gallon. Diesel tax is increased 4 cents per gallon on July 1, 2015. Starting July 1, 2016 and every year thereafter, the diesel tax increases 1 cent per gallon. Fuel tax increases may be exempted by gubernatorial executive order. Fuel taxes will remain subject to existing exemptions, deductions and refunds already outlined in the law. Additionally, the taxing method for liquefied natural gas is changed.

Agriculture should be particularly concerned about the diesel tax increase for two reasons. Although most farm trucks spend a lot of time traveling on the road, they also spend a significant amount of time in the field and idling. When miles per gallon are also factored in, these trucks pay a higher per mile tax than a passenger vehicle.

General Fund impacts of H144 are estimated at Year 1- \$40.9 million, Year 2- \$44.6 million and Year 3- \$44.9 million. Total amount raised for transportation maintenance by this bill is Year 1- \$155.8 million, Year 2- \$209.7 million and Year 3- \$218.9 million, increasing an additional \$9 million every year thereafter.

Idaho Department of Agriculture Seeks Five New Positions

Director Celia Gould, Idaho Department of Agriculture is seeking five additional full-time equivalents (employees or FTEs) to meet increasing demands facing the department. The director recently explained that it has been a long time since such a request has been made. Pointing out that the budget of the department was significantly reduced during the years of economic recession and that this request for new positions is not taken lightly; if the need was not critical, the request would not be made. These five positions, if approved will focus on the following agency areas:

Human Resources – the department’s full-time employees generally hovers around 400 full-time employees. There are currently 35 positions unfilled and the search is occurring to fill those existing staff positions. Nearly 40 percent of the department’s employees are nearing retirement age and a near overwhelming turn-over will occur within the next few years. The department also increases staffing based on seasonal needs and often times hires as many as 200 additional part-time employees to cover harvest and the busy seasons each year. One additional HR specialist has been requested.

Dairy - two additional positions are being sought to keep pace with the growing Idaho dairy industry and demands placed on the department. Idaho has now reached third in the nation for milk production.

Range Management – the department last year entered into a memorandum of understanding (MOU) between Idaho and the U.S. Bureau of Land Management for the collection and use of photo monitoring data in rangeland health assessments. This MOU is in compliance with 43 CFR Section 4100 that defines that monitoring as, “the periodic observation and orderly collection of data to evaluate effects of management actions and effectiveness of actions in meeting management objectives.” Idaho’s Standards for Rangeland Health and Guidelines for Livestock Grazing Management define monitoring as, “the orderly collection, analysis, and interpretation of resource data and information to evaluate progress toward meeting Standards for Rangeland Health and/or management objectives.”

A photo monitoring program involves the collection, analysis, and interpretation of repeated photography at designated locations. This is a very time-consuming and scheduling sensitive effort to insure that the photos are collected in exactly the same locations and at the exact same times each year. Grazing patterns, precipitation and other conditions must be carefully documented to make the correct correlations over time to document and make an analysis of rangeland health, defensible and valuable. This effort is also being used to defend grazing against the concerns being focused on sage grouse population and habitat conditions. Two additional range managers are being sought to manage this critical need.

JFAC – the legislature’s Joint Finance and Appropriations Committee will evaluate the department’s budget request and determine if this recommendation for additional FTEs is justified. An appropriations bill will then be prepared to present to both the House and the Senate. If approved at those steps, it is relatively certain that the Governor, who has already reviewed this request and recommended a budget level for the IDA, will approve this measure.

State Success vs Federal Failure

Just two years ago, on February 26, 2013, Congressman Doc Hastings, Chairman of the U.S. House of Representatives Natural Resources Committee, held a hearing to explore why state forest management is superior to federal forest management.

Committee members heard from state leaders, local land managers and timber experts on the inadequacies and burdens of current federal forest management practices that have contributed to poor forest health, underfunded schools, lost jobs, and suppressed economic activities in communities near National Forests. In comparison, state managed forests can often produce hundreds of times more revenue, from just a fraction of the land base while maintaining vibrant, healthy forests to support local communities.

“[Washington state] lands generate an average of \$168 million annually, support construction of public elementary, middle school and high schools statewide, facilities at the state’s universities, and other state facilities and institutions. In comparison, the U.S. Forest Service is responsible for managing over 9 million acres of forest land contained within seven different national forests in the State of Washington, yet harvests just 2 percent of the new growth, yielding a four-year average of only \$589,000 in revenue,” said Natural Resources Committee Chairman Doc Hastings (WA-04). *“Rather than offering all-too-familiar rhetoric of how complying with one federal law or another ‘costs too much,’ it’s time for the federal government to adjust how it does business, and honor its own statutory responsibilities to manage the forests, including allowing sufficient timber harvests, that benefit forested counties and their schools, as well as improve declining forest health and reduce the threat and soaring costs of catastrophic wildfire.”*

“Over the last few decades we’ve seen our National Forest System fall into complete neglect—what was once a valuable asset that deteriorated into a growing liability. I believe our forests and public lands are long overdue for a paradigm shift,” said Subcommittee on Public Lands and Environmental Regulation Chairman Rob Bishop (UT-01). *“It’s time for the federal government to cease being the absentee landlord of over 600 million acres of land in this country that it controls and start leveraging those lands in a way that benefits rather than burdens the taxpayers and communities who are forced to play host to the federal estate.”*

Forest Management: Success versus Federal Failure						
	Washington		Montana		Idaho	
	Department of Natural Resources	USFS	Department of Natural Resources and Conservation	USFS	Department of Lands	USFS
Total Forest Acres	2.2 million	9.3 million	559,000	17.1 million	971,678	20.5 million
Average Harvested Volume (million board feet)/Year	567.3	79.9	52.1	82.8	232.7	93.7
Average Harvested Volume(million board feet)/Acre	257.9	8.6	93.2	4.8	239.4	4.6
State volume per acre over Forest Service	30X more volume/acre than USFS		19X more volume/acre than USFS		52X more volume/acre than USFS	
Average Revenues/Year	\$169 million	\$589,926	\$8.9 million	\$1.6 million	\$53.8 million	\$1.2 million
Revenues/Acre	\$77	\$0.06	\$16	\$0.09	\$55	\$0.06
State value per acre over Forest Service	1283X more revenue/acre than USFS		178X more revenue/acre than USFS		917X more revenue/acre than USFS	
Average Price Bid for Timber Sale (dollar/thousand board foot)	\$310	\$6	\$172	\$19	\$231	\$16

Witnesses highlighted examples from state forests across the country that significantly outperform neighboring federally managed forests in revenue production and board feet harvested while spending less money on management for healthier forests, less susceptible to catastrophic wildfires.

Idaho Governor, Butch Otter, provided detailed statistics comparing Idaho managed state forests to federally managed forests in Idaho and concluded *“even though the Forest Service is the largest forest land manager in Idaho, the state and private forests provide over 90 percent of the wood milled in our state. Timber harvests on federal lands in Idaho are the lowest they have been since 1952, and less than 1 percent of national forests are logged nationwide each year.”* The Governor said that considering the amount of federal forest land that burn each year, it appears to people in his state *“the federal government would rather see a valuable resource go up in smoke than harvest it and create some much-needed jobs for rural communities.”* To see the entire report from the hearing go to: <http://naturalresources.house.gov/uploadedfiles/02-26-13statevsfederalforests.pdf>

Rep. Luker Introduces Two Sales Tax Infrastructure Bills

This week Rep. Lynn Luker (R-Boise) introduced two sales tax bills intended to raise infrastructure revenue.

H145 limits the sales tax exemption for out-of-state buyers of motor vehicles, trailers, vessels, ATVs off road motorcycles and snowmobiles to those buyers who are from states with no sales tax. Buyers from states with a sales tax would pay the 6 percent Idaho sales tax and if the sales tax in their home state is higher, pay the difference to their home state when the vehicle is licensed there. Currently those who purchase a vehicle from out-of-state and then register the vehicle in their home state pay **all** the sales tax in their home state. H145 would transfer the first \$19 million each year of additional sales taxes from out-of-state vehicle purchases to the state highway fund. All additional sales tax funds generated each year would go to the general fund.

The second bill, H146, eliminates rebates for fuels used outside the state. However, it also unfortunately eliminates the refund of gasoline tax in off-road uses such as stationary engines and gas powered farm equipment. This is a significant concern to farmers and other users of off-road equipment. Since this equipment is not used on roads, it is not appropriate to require them to pay road tax. The fiscal note says that H145 will add approximately \$8.5 million to the fuel tax distribution formula. Farm Bureau opposes H146.