

Capitol Reflections



2018 LEGISLATIVE SESSION

"The proposed federal ... regulation of child labor affords a striking example. If the power to regulate commerce between the states can be stretched to include the regulation of labor in mills and factories, it can be made to embrace every particular of the industrial organization and action of the country. The only limitations Congress would observe, should the Supreme Court assent to such obviously absurd extravagancies of interpretation, would be the limitations of opinion and circumstance."

-Woodrow Wilson, *Constitutional Government* (New York: Columbia University Press, 1908)

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Opponents of the bill represent the credit should be refundable and used by the RR itself. Supporters of H375 say the nonrefundable credit allows the shortline to realize maximum benefit from the credit and provides the best opportunity for reinvestment by the rail company.

H375 is supported by Idaho Farm Bureau, IACI, Food Producers of Idaho, the Idaho Chambers of Commerce and a large number of agriculture and business organizations and companies.

UPDATE ON H375 AND S1208

H375, the shortline railroad (RR) tax credit bill passed the House Thursday by a vote of 43-26-1. Rep. Clark Kauffman (R-Filer) was floor sponsor.

The bill authorizes a nonrefundable income tax credit which allows Idaho's Class II and III railroads to maintain and invest in infrastructure. The credit is based on 50% of the investment's value and capped at \$3,500 per mile. It is transferable only to shortline railroad customers or vendors.

S1208, a bill which broadens Idaho's existing inmate labor statute, blew out of the Senate last Friday, but now waits in the House Judiciary, Rule and Administration Committee for a hearing. The bill amends language in the existing statute which will allow any segment of agriculture, as defined in 22-2602 Idaho Code, to contract with the Idaho Department of Corrections for inmate labor.



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This broader definition allows the horticulture and forestry industries to utilize this labor source. Now is a particularly critical time of year for these segments of agriculture as it is pruning and harvest time for them.

The horticulture industry digs, wraps and ships trees this time of year, while the trees are still dormant and prior to budding out.

The bill contains an emergency clause which will allow tree farmers to immediately utilize inmate labor if the bill passes the House and is signed by the Governor.

Idaho Farm Bureau supports S1208.

LEGISLATURE APPROVES FIELD BURNING RULE

Last week, the Senate Health and Welfare Committee held a hearing to approve the Department of Environmental Quality (DEQ)'s rule amendments to Idaho's field burning program. The Idaho Farm Bureau is supportive of these changes and took part in the agency's negotiated rule making process. The committee voted to approve the rule (details of which are already outlined in Capitol Reflections, Issue 2, at <https://www.idahofb.org/capitol-reflections>).

Now having been approved by the legislature, DEQ will operate the program under the criteria outlined in these rules. The Environmental Protection Agency (EPA) is in the final process of approving Idaho's State Implementation Plan (SIP) for the Crop Residue Burning Program. The public comment period regarding EPA's approval of the SIP is open until

February 21, 2018. IFBF will be submitting comments to support EPA's approval.

Idaho Farm Bureau Policy #69 states, "We support long-standing sound agricultural practices such as field burning, including grass seed, straw, [and] residue burning..."



DEMOCRAT BILLS

Every year the minority party introduces a batch of bills seeking to advance the issues in which they are interested. Below is a brief review of several bills that have been Introduced, but likely will not advance:

H396 – This bill, sponsored by Rep. Ilana Rubel (D-Boise), would repeal the prohibition on local governments from using eminent domain for greenbelts, bike or walking trails, or other recreational ways. IFBF was one of the main proponents, along with Senator Jim Guthrie (R-Inkom), a couple years ago which successfully implemented this prohibition. It is unjustifiable for private property to be taken against the wishes of the owner by the force of government, especially for something so trivial as bike paths.
IFBF opposes H396.

H397 – Another bill by Rep. Ilana Rubel (D-Boise), this bill would overturn the prohibition on local jurisdictions creating a minimum wage that is higher than the current state-wide minimum wage. Currently the state minimum wage is tied directly to the federal minimum wage. Anyone who has been following the consequences of other localities who have mandated significantly higher minimum wages can see that they hurt the very people who they purport to help. Those who have the least skills or experience are the ones who can no longer get any employment because they cannot produce enough to make it attractive for employers to hire them at the new higher wage. If we really want to help those on the bottom of the economic ladder, we should completely abolish the minimum wage so those with little to no

experience or skills can work at a mutually agreeable wage as they gain experience and skill. As they work and show how productive they can be, their wages will rise as the employer wants to retain them. **IFBF policy #106 opposes any state minimum wage which is higher than the federal minimum wage. We therefore also oppose any local government entity from imposing a higher minimum wage.**

HCR031 – This resolution by Rep Ilana Rubel (D-Boise) seeks to authorize a climate change interim committee. While there is no doubt that the climate has always, and will continue to change over time, the resolution seeks to study the causes of these changes and to make recommendations on ways to mitigate the changes. Unfortunately, Idaho is not equipped to determine the causes of climate change. Some of the most gifted scientists on the planet continue to debate the causes and have not come to a consensus, despite proclamations to the contrary. Furthermore, although the resolution says it is an effort to protect agriculture and other natural resources in Idaho, typically most efforts aimed at mitigation of climate change either directly or indirectly impact agriculture in a negative way. American Farm Bureau has clear policy against measures in the name of climate change that will negatively impact agriculture. **IFBF opposes HCR031.**

HJR006 – Rep John McCrostie (D-Garden City) proposes an amendment to the Idaho Constitution to repeal the provision which states “A marriage between a man and a woman is the only domestic legal union that shall be valid or recognized in this state.” If the Legislature approved this resolution, then the voters would have to approve by a simple majority. IFBF beliefs and philosophy supports the definition of marriage as a union between a man and a woman. **IFBF opposes HJR006.**

S1224 – This is yet another attempt to expand Medicaid in Idaho. Senator Maryanne Jordan (D-Boise) proposes to add approximately 78,000 Idahoans to Medicaid as their primary source of healthcare, stating many of these people are working, but cannot afford coverage. We can thank Obamacare for much of the difficulty in affording coverage for most people. Direct Primary Care and the Governor's Executive Order to roll back unnecessary and burdensome regulations stifling the healthcare market will be far more effective and less costly routes than Medicaid for these citizens to meet their healthcare needs. **IFBF policy #169 opposes expansion of Medicaid. IFBF opposes S1224.**

IDWR AND IWRB LEGISLATIVE REPORT

The House and Senate Resources Committees received their annual report from both the Department of Water Resources (IDWR) and the Idaho Water Resource Board (IWRB). Director Gary Spackman reported on a number of administrative topics for the department. His reporting included a significant reduction in the number of back-logged water right transfer applications and applications for individuals to rent water from the water bank over the past several years, and months. The director reported on the department's efforts to be

more responsive and to provide quicker turn-around on these applications.

The Director also gave the committees an overview of some of the main issues for the department at this



time. Some of these issues include: maintenance projects on Priest Lake, reservoir storage fill rights restarting in the fall rather than the first of the year, a crop consumptive-use specialist request before JFAC, lingering stockwater rights issues, Class II Injection wells, and issues regarding FEMA and general maintenance of

water facilities in flood plains. Some of these topics will be addressed during the legislative session, while others will continue outside of the legislature.

Chairman Roger Chase presented the committees with information regarding many of the projects the IWRB has facilitated across the state. These topics range from recharge on the Eastern Snake Plain Aquifer, studies on the Boise River storage capacity,

projects on the Bear River, the Mountain Home Airforce Base project, Priest Lake thoroughfare projects, salmon recovery efforts, cloud seeding, and others.

Both committees expressed their appreciation in the IWRB and IDWR for their efforts to preserve, maintain, and defend the state's most valuable natural resource.

IDAHO RANGELAND RESOURCE COMMISSION LEGISLATIVE REPORT

Gretchen Hyde, Executive Director of the Idaho Rangeland Resource Board, presented to both the House and the Senate Agriculture Affairs Committees to give an update on the different projects the commission has been involved with over the past year. Some of these projects include youth education programs, the 4-H Skill-a-thon contest, FFA Rangeland CDE projects, and teacher training opportunities. In addition to these projects, the commission also hosts an annual state wide Envirothon; this year the 2018 International Envirothon will be hosted at the Idaho State University Campus in Pocatello, Idaho in July. This is a big event, with individuals coming from all around the world to visit Idaho and participate in the Envirothon.

Director Hyde also highlighted the commission's "Care and Share" campaign, this program's goal is to educate and encourage the public to care for the state's rangelands and share them respectfully with others. The program increases awareness of the principles of multiple use on public lands, educates people about ranching and grazing methods, and actions to prevent negative interactions between the public and livestock. Though it is difficult to truly evaluate the successfulness of this project, since the campaign's beginning, the number of negative phone calls received by the Forest Service and BLM has dramatically dropped.

To highlight the collaborative approach the commission takes on projects, Director Hyde showed the committees a video of the Rockcreek Ranch project in Blaine County. The project consists of a working ranch that also serves as a venue for rangeland research and study. The ranch is a partnership between the Wood River Land Trust, the Nature Conservancy, and the University of Idaho. The ranch encompasses an entire watershed and is spread across private, state and federal lands. This provides a perspective that is more reflective of the state's livestock industry. Researchers hope to offer better suggestions and methods to ranchers as a result of their research on this ranch.

The purpose of the Idaho Rangeland Resource Commission is to sustain and enhance the state's rangeland resources and ranching heritage through public education. More information about the commission, its mission, goals, projects, and upcoming events can be found on their website: <http://idrange.org/>.



IDAHO NATIONAL LABORATORY LEGISLATIVE REPORT

The director of the Idaho National Laboratory (INL), Dr. Mark Peters, presented this week to the House Environment, Energy, and Technology Committee, as well as the Senate State Affairs Committee. Dr. Peters gave the committees an overview of what INL does and how it contributions to the nation in the areas of nuclear energy and cyber security. He also spoke to the economic impact INL has on the region. INL is not just a leader among the other national laboratories but is also recognized internationally for its studies and discoveries.

Dr. Peters reported on INL's dealings and collaborations with colleges and universities in the state stressing the importance of science, engineering,

and information technology in curriculums. INL is in constant need of a highly trained and specialized workforce.

As part of the presentation, representatives from NuScale Inc. and the Utah Associated Municipal Power Systems reported on a project they are partnering with INL on to further study Small Modular Reactors. This technology is being studied as a possible power source for municipalities and as an alternative to both natural gas and nuclear power plants. This study will be conducted over the next several years to better understand the potential of these reactors.

QUIT PARKING IN THE PASSING LANE!

Although IFBF has no policy on this issue, I suspect many frustrated drivers will be interested in a bill that Rep. Lance Clow (R-Twin Falls) has proposed. According to the sponsor, H471 addresses an unsafe situation on Idaho freeways by clarifying that vehicles traveling in the left-hand lane of a freeway cannot impede other vehicles traveling at the legally posted and authorized speed limits. This change does not require slower moving vehicles to avoid the left lane, but it does establish a requirement that vehicles moving into the left lane to pass a vehicle must make a safe pass that does not impede the legal flow of traffic in the left lane.

What this means is, if this bill passes, slow drivers can no longer just putt along in the passing lane, oblivious to all the other traffic they are holding-up behind them. Idaho is one of the few jurisdictions in the nation which still does not require you to travel in the right lane unless you are passing. This will solve a lot

of our traffic congestion problems and will also cut down on a lot of frustrating commutes to the IFBF headquarters!! Thanks to Rep Lance Clow for his courageous effort to encourage uncouth drivers to show some common courtesy to their fellow motorists.



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