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Opinion

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Our View

It's time for government to trust the people

When it comes to COVID, we've always been in the pro-vaccine camp. But we can't support government efforts to mandate that citizens show proof of vaccination in order to gain certain privileges.

We understand that there are those with certain conditions who can't be vaccinated, and that others have religious beliefs that forbid the practice. Still others have decided to forgo the vaccination, betting instead that they are among the group on which the virus has minimal effect.

The Centers for Disease Control and Prevention recently changed its guidance, now holding that fully vaccinated persons don't need to wear a mask in most situations. If the vaccines work as we are told that they do, the vaccinated are unlikely to get COVID and are unlikely to spread it to the unvaccinated.

But the states hold the final word. Oregon Gov. Kate Brown has said that she will lift most restrictions when 70% of eligible Oregonians are vaccinated. According to the Oregon Health Authority, only 52% had been fully vaccinated by May 28.



EO Media Group File/Oregon Capital Insider

Karla Toms, a registered nurse with St. Charles Health System in Bend, Ore., administers a vaccine in the arm of Suzi Smith during a COVID-19 vaccination clinic at the Deschutes County Fair & Expo Center in Redmond in January.

OHA rules say businesses,

employers and faith institutions

may allow vaccinated persons to go unmasked as long as each patron is checked at the door and those without masks can show proof of

vaccination.

We are uncomfortable with requiring citizens to carry around a set of documents to prove their health status. Washington allows vaccinated persons to go unmasked, but does not mandate that anyone check their papers.

Private businesses and institutions are free to set their own rules. If a store or restaurant wants unmasked patrons to present their CDC vaccination record card before allowing entry, or continue to require all customers to be masked, that's their business.

And we suspect that many businesses will do the latter rather than set up their employees to pass judgment on the legitimacy of customer documentation and be subjected to the conflicts that could result.

Over the course of the pandemic, the public has been told that it must trust the government. It seems that the government should return the courtesy.

Our View



Capital Press File

Former state attorney general Rob McKenna represents the Washington Farm Bureau in a lawsuit challenging the state's new capital gains tax.

Washington state's 'excise tax' that isn't

When is an income tax not an income tax? And when is a capital gains tax not a capital gains tax?

When the Washington Legislature and the governor say they aren't.

That is precisely the defense the state will offer when the Washington Farm Bureau and other business groups drag it into court over the new 7% "excise tax."

The legislature passed the tax during its most recent session as a means of snagging more money from Washingtonians, including farmers and ranchers. By calling it an excise tax, they apparently figured they could get around the state constitution, which limits the income tax to 1%.

The legislature attempted to pacify farmers and ranchers by exempting the proceeds from the sale of land or livestock. What they forgot to do was exempt the sale of stock shares, bonds or portions of partnerships. Many family farms are incorporated or organized as partnerships. Families do that as a way to carry out their succession plans and pass the farm from one generation to the next.

Legislators have now figured out a way to tax those carefully thought out plans, and potentially unravel many family farms' succession plans along with them.

Legislators exempted the first \$250,000 in proceeds from the new tax. That exemption, of course, can be reduced by the legislature when-

ever it gets the itch to fill state coffers higher.

As it stands, the state Department of Revenue estimates the new tax will bring in about \$415 million from 7,000 Washingtonians by the year 2023. That's nearly \$60,000 apiece on average — hardly small change.

What, specifically, is an excise tax? It's a tax paid on the sale of goods or services, typically between two businesses.

In Washington state's new excise tax, there exists no good or service, just a tax on the transaction. The legislature could call it an income tax, or a capital gains tax and it would have been telling the public the truth.

But an excise tax? Nope. Even the Internal Revenue Service characterizes such transactions as income.

Former state attorney general Rob McKenna saw that and will represent the Farm Bureau in court. No doubt his arguments will rely on plain English. It is inaccurate to call an income tax or a capital gains tax an excise tax.

"I took this case on because I think voters ought to be respected, and the constitution ought to be respected," he told Capital Press reporter Don Jenkins.

Let's hope the judge agrees. If the case should land in the state Supreme Court, let's hope the justices take a minute to consult their dictionary.

In it they will find that Washington's "excise tax" and the definition of excise tax are wholly different.

Protecting Idaho water rights

Effective management of water resources affects the vitality of communities and their ability to grow and develop. Respecting water rights is a central factor in the management of water resources.

I have been a long-time opponent of federal agencies eroding states' water rights practices. I have authored and introduced legislation in multiple congresses to prevent federal encroachment on the management of water resources, best controlled at the state and local levels. I am again backing legislation in this Congress to protect the private property rights of farmers, ranchers, states, cities and local conservation efforts from being trampled on by the federal government.

The federal government has a long history of attempting to seize control of private water rights, undermining state water laws throughout the West, including Idaho. Forcing multiple use permit holders to turn over privately owned water rights to the federal government as a condition of permit renewal is one of the means employed to exert federal control over water resources. The Clean Water Act, the Federal Land Policy Management Act and wilderness designations have also been vehicles used to attempt to erode state sovereignty over water.

Another of the more recent examples of federal overreach jeopardizing this critical resource is the Obama-era Waters of the U.S. (WOTUS) rule that was nothing short of a federal government power grab and seizure of states' rights and private property rights. Under the WOTUS rule, even dry creek beds and ponds on private property could fall under federal control, under rules that utilized the spread of rainwater.

The Trump Administration did away with that rule and replaced it with the Navigable Waters Protection Act. The U.S. Supreme Court ruled "navigable waters" can be regulated, but "navigable waters" do not include irrigation ditches and small streams on private property. I co-sponsored a resolu-

GUEST
VIEW

Mike
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tion in this Congress backing the Navigable Waters Protection Rule finalized by the Trump Administration that regulates "navigable" waters within federal confines, and I will continue to oppose any attempts in the current Administration and Congress to undermine state water sovereignty.

To also further this effort, in March, I joined fellow U.S. Sens. Jim Risch, R-Idaho, and John Barrasso, R-Wyo., in introducing S. 855, the Water Rights Protection Act, to protect privately owned waters from being seized by the federal government. The Water Rights Protection Act would:

- Forbid the U.S. Departments of Interior and Agriculture from mandating water users transfer water rights to the United States or purchase water rights in the name of the United States as a condition of any permit, lease or other use agreement.

- Prevent unlawful seizures of groundwater.
- Recognize state water law and require coordination with states.

The Water Rights Protection Act has been referred to the Senate Committee on Energy and Natural Resources. Senator Barrasso serves as the Committee's Ranking Member, and Senator Risch serves as a senior member of the Committee.

We, unfortunately, must be ever watchful for attempts by federal agencies and some in Congress to ignore long-established statutory provisions concerning state water rights and state water contracts. The Water Rights Protection Act will help protect private water property rights, uphold state water law and prohibit federal takings. I look forward to working toward its enactment that will protect this critical Idaho resource and defend the fundamental western value of state water sovereignty.

Mike Crapo is a Republican U.S. senator representing Idaho.