



CAPITOL REVIEW

A WEEKLY LEGISLATIVE REPORT

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A Weekly Legislative Report

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LEGISLATORS SEEK BACKGROUND

Rep. Clark Kauffman, Chairman of the House Ag Affairs Committee, requested that Rick Waitley make a presentation before the committee on Commodity Commissions in Idaho. Waitley made the presentation this week, **providing background on structure, governance, finance and operations of different commodity groups in Idaho.** Commodity Commissions are unique in their structure and function and there is definitely not a “one size fits all.” With nearly 190 commodities in Idaho, not every product has a commission – but many do. Some are large commodity commissions like wheat, dairy, potato and barley. Others are smaller commissions like mint, oilseed, cherry and honey but each serves a vital role in helping to educate consumers and producers promote the product and handle research regarding challenges within the specific commodity in Idaho.

HEMP MOVING FORWARD

The House Ag Affairs Committee voted to introduce **H126 which would legalize industrial hemp in Idaho.** The legislation would allow farmers the opportunity to grow industrial hemp if they so choose. The commodity is **currently legal in 49 states, two territories and 40 tribal areas.** The goal is to settle years of debate concerning how to allow for industrial hemp production by Idaho farmers and make the distinction between industrial hemp and marijuana in Idaho Code. Though industrial hemp (0.3% or less THC content) cannot be grown with marijuana or would be out of compliance and be impounded, there are still questions that arise that continued education will need to address going forward.

DEPUTY DIRECTOR

ISDA Director Celia Gould announced this week that **Brian Oakey, who has served at ISDA for nearly 17 years, had departed the agency to become the Valley County Deputy Prosecutor.** Many of us have worked long hours and attended countless meetings with Oakey and grew to appreciate his leadership and

insight into industry issues. Director Gould has signaled that **Chanel Tewalt will be appointed to the position of Deputy Director.** Tewalt has been with the department for the past 14 years. Tewalt comes from an agriculture background in Oregon and served an internship at ISDA while attending BSU. Tewalt's husband, Josh Tewalt, is the Director for the Idaho Department of Corrections.

PESTICIDE EXAM CENTERS

ISDA has announced an effort to offer **computer-based pesticide applicator examinations in testing centers throughout Idaho.** Coordinated with the Metro Institute, online examinations will provide additional certification opportunities for pesticide applicators. The exams will be proctored by ISDA, but the new effort with Metro Institute will **significantly increase the number of times and testing sites available** for the pesticide applicator community. Applicators, supervisors, or managers will need to register through the Metro Institute website before scheduling pesticide applicator examinations. The registration process is secure, easy and provides ISDA with needed information for processing examination dates and scores. The cost for using the testing centers is \$65 per examination for professional license holders, and \$55 per examination for private applicators and government employees.

Participating testing centers are located in several locations around the state:

- Boise (Boise State University, College of Western Idaho)
- Idaho Falls (College of Eastern Idaho)
- Lewiston (Lewis-Clark State College)
- Moscow (University of Idaho Testing Center)
- Nampa (College of Western Idaho)
- Pocatello (Idaho State University)

Metro Institute is working to coordinate additional testing centers throughout Idaho to provide a wider range of opportunities for Idaho pesticide applicators.

IRRIGATION FACILITIES AND EASEMENTS

Two pieces of irrigation legislation that we are watching will be **addressed in the Senate Resources & Environment Committee in the coming days**. Though they are not flashy topics, these issues are continually tweaked every legislative session to be sure that water and irrigation systems are properly protected and allow for irrigators to operate efficiently.

S1073 would clarify that the statutory protection of water delivery facilities that include their easements and rights-of-ways from claims of adverse possession extend to real property owned by water delivery entities. The statute also prevents people from preventing access of authorized personnel on those easements, rights-of-ways and real property.

S1074 would amend Idaho Code to codify the common law standard applied by Idaho courts regarding the extent to which debris may be deposited on a right-of-way or easement. In particular, Idaho Code currently recognizes that debris may be deposited within a right-of-way or easement but can occupy no more width of land along the banks of the canal or ditch than is absolutely necessary. The Idaho Supreme Court has interpreted the statute to hold the owners and operators of these facilities to a rule of reasonableness. The proposed amendments seek to align the statute with appellate court decisions by providing that debris may be deposited along the banks so long as the extent of it is reasonably necessary. S1074 would also clarify the rights and obligations associated with operating, cleaning, maintaining, and repairing the rights-of-way and easements.

INVESTMENT IN TECHNOLOGY

The 2021 Legislative Session has been one of the easiest for Idaho citizens to attend through virtual platforms. A large investment was made to enhance and provide for additional alternatives for anyone who wants to listen and watch the proceedings of the legislature. The **website for the Idaho legislature** is fairly easy to navigate. The address is as follows: <https://legislature.idaho.gov>. Spend a little time looking around and familiarize yourself with the various options. Once you figure out the meeting times and room location for various committees then you can also find the agenda and specific bills. From our office in Meridian, we spend a large amount of time on the computers and phones listening and watching the proceedings in Boise.

NEW LEGISLATORS

This week we wanted to continue the trend and introduce several more freshmen legislators.

Rep. Jon O Weber

District 34 (Bonneville & Madison Counties)



Raised in Michigan; attended Ricks College and Utah State University; owned and operated small business for 30 years; served 12 years as Madison County Commissioner; served on the board of directors for Chamber of Commerce, Beehive Federal Credit Union, Idaho Association of County Commissioners and Clerks (past president); magistrate commission member; spouse: Heather, 32 years; five children; seven grandchildren.

Rep. Aaron von Ehlinger

District 6 (Lewis & Nez Perce Counties)



Appointed by the Governor of Idaho to fill a vacancy in the House of Representatives for District 6, Seat A, on June 3, 2020; born and raised in Orofino, Idaho; former United States Army Airborne and Air Assault qualified Infantryman; veteran of the War in Afghanistan (2001/2002); served as a member of the 1st Battalion, 187th Infantry Regiment of the 101st Airborne Division, which was the first U.S. Army Infantry Battalion to set foot in Afghanistan after the terrorist attacks of September 11, 2001; Magna Cum Laude graduate of the University of Alabama with a double major in political science and history, Bachelor of Arts degree; worked in domestic and international real estate investing and development since 2005; substitute school teacher; Republican precinct committeeman for Nez Perce County; life member of the Grand Old Party, the National Rifle Association, the Veterans of Foreign Wars, and the 101st Airborne Division Association.

Rep. Charlie Shepherd

District 7 (Clearwater, Idaho and Shoshone Counties)



Raised in Garden Valley, Idaho; graduate of Salmon River High School, Riggins, Idaho; maintenance supervisor at Salmon River Joint School District; spent 10 years logging in Idaho, Utah, Oregon, and Washington; worked 15 years for family-owned sawmill and log home business; coached high school football, basketball, and track at Salmon River High School for 18 years; current member of the District III Basketball Officials Association; spouse: Susan, 26 years; four children: Charlie, Jimmy, Johnny, and Chevelle.

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