



# CAPITOL REVIEW

## A WEEKLY LEGISLATIVE REPORT

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### A Weekly Legislative Report

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#### IDAHO NOXIOUS WEED CONFERENCE

The **Idaho Noxious Weed Control Association** held the 2021 Idaho Noxious Weed Conference on January 13 and 14. During the conference, participants were able to earn 11 Pesticide Applicator Credits. The conference had over **200 individuals** virtually attend the conference that were interested in vegetation management. Mother Nature worked against participants on the first day of the conference as there were power outages from Idaho County to the Canadian border. Some participants reported wind gusts over 60 MPH near Spokane, Washington and Coeur d'Alene.

#### EMERGENCIES & DISASTERS

Food Producers of Idaho voiced several concerns with legislation that has been introduced to remove or modify **Idaho emergency declarations**. Although the organization has not taken a position on specific legislation, concerns were expressed to legislators relating to the **unintended impacts** that these bills would have on Idaho's farmers, ranchers and rural communities. **Emergencies and disasters** require immediate responses, with the ability of responders and government to be nimble, flexible and direct, with minimal "red tape." These unfortunate circumstances call for strong leadership and clarity as to where the leadership must originate. Despite the successes in responding to the challenges of 2020, it is clear that **reform is needed in some areas of Idaho's emergency powers** statutes. Although this is not an easy task, we are confident common ground can be found. The concern is that proposed bills would immediately end an emergency disaster declaration and establish additional legislative requirements that relate to emergency declarations. These requirements will inhibit Idaho's ability to respond to current and future natural disaster emergencies, as well as impeding Idaho's ability to emerge from the COVID-19 pandemic in a strong and resilient manner.

The Governor addressed these issues in his statewide address Friday afternoon. In his explanation he referred to "when the Teton Dam broke in 1976, during the 1996

Panhandle Flood, whenever there is a devastating wildfire, we initiate an emergency declaration at the request of local communities so Idaho can access critical federal resources – resources we all pay for – to overcome the impacts of the crisis. Every time, we have used emergency declarations appropriately." He relayed that Agriculture is an industry that is inherently familiar with disasters and their implications.

When Mother Nature is one of your business partners, you are keenly aware of potential disasters ranging from fire to flood to drought to blizzards. One example of an emergency disaster declaration that was appropriately in place longer than 30 days was the severe drought in 2016. During that drought, agriculture producers in **Lemhi, Custer, Jefferson, and Blaine** counties needed access to water for irrigation and livestock. The Governor declared a drought emergency to allow a temporary change to existing water rights in the **Big and Little Wood River basins**. If certain pending legislation passes, it would have only allowed those changes to remain in effect for 30 days instead of the duration of the irrigation season before requiring the Legislature to convene to approve the continuance of the declaration. This would hamper any federal help from FEMA or other agencies and would require Idaho to resubmit a disaster declaration, that may or may not be approved a second time. Given the timing it would likely take for this to happen, we are concerned this change has the potential to make the continuance of emergency declarations quite cumbersome. Losing or ending a declaration prior to getting the emergency addressed could prevent farmers and ranchers from receiving needed aid, whether in the form of accessing available funding or feed, exchanging water rights to irrigate and bring in a crop, fixing washed out roads after a flood, or applying for low interest loans. **Food Producer members are concerned about numerous unintended consequences** to Idaho's rural communities and Idaho's agricultural economy.

#### SUBSTITUTE LEGISLATORS

We have several substitute legislators at this time. **Rep. Sally Toone** has selected Karma Metzler-Fitzgerald to fill in while her husband has eye surgery. Karma is a member of Leadership Idaho Agriculture

Class 41. Karma is a writer and a wife of a dairyman. **Rep. Muffy Davis** has selected the Mayor of Bellevue to fill her position while she has some surgery. **Rep. Sue Chew** has selected Brady Fuller to fill her position while she deals with some health issues. All three ladies are members of the Democratic Party in the House of Representatives.

### PESTICIDE RULES

During the past summer, the Idaho State Department of Agriculture conducted negotiated rulemaking on rules affecting pesticide applicators. Those rules went through several revisions and several meetings were held to update stakeholders on those revisions. One change that occurred was that applicators should follow the label wind speed recommendations as a basic ground rule. If there is no wind speed restriction recognized on the pesticide label, then the applicators are prohibited from applying pesticides in wind speeds exceeding 10 MPH. An apprentice category was included to allow individuals more on the ground experience while earning their pesticide license and would be supervised by a Professional Applicator. The rules were presented to the committee with another docket that dealt with Weights and Measures on Tuesday to the Senate Agricultural Affairs Committee and passed out of committee. The rules moved to the House Agricultural Affairs Committee and due to concerns with some of the fees in the Weights and Measures, the rule was held in committee until next Tuesday.

### SJR 101 – SCOTT GROW

The Idaho Constitution affirms that the “**first concern of all good government is the virtue and sobriety of the people**”. Neighboring states have legalized controlled substances to the detriment of their children, families and communities. This constitutional amendment prevents the erosion of Idaho statutes which currently control these substances. **It protects and preserves Idaho’s values and quality of life**, protects the environment, provides requirements for lawful use of these substances, promotes freedom from addiction, and seeks to avoid economic and social costs to our citizens.

### DAVID MOSMAN HALL OF FAME AWARD

This week, the Nezperce Prairie Grass Growers Association announced and awarded **Nathan Riggers** from Nezperce with the **David Mosman Hall of Fame Award**. The award recognizes growers and leaders who have made a contribution to the success and advancement of the grass seed industry in Idaho. The Nezperce Prairie Grass Growers Association has established this award in honor of Dave’s leadership and investment in Idaho’s grass seed industry.

Nate graduated from the University of Idaho, College of Agriculture in 1987. After graduation, Riggers

worked in the grain and seed industry until 1992 when he joined his father, Stan, and his brother, Steven, on the family farming operation. Nathan is a member of Leadership Idaho Agriculture Class 12 and serves on the Northwest Farm Credit Services Board of Directors. **Rigger’s served as NPGGA president for 10 years**, from 2004 to 2014. During his tenure on the board and as president, he helped lead and shepherd the organization through two major issues for grass growers on the Camas Prairie. The first being the **statewide ban on field burning** in 2006 by the 9<sup>th</sup> Circuit Court of appeals, and the second was a **breach of over \$14 million worth of northern Idaho grass seed producer contracts** by a major seed company. In each case the membership of the Nezperce Prairie Grass Growers Association united to act as one voice and produce positive results for growers across the state.

The Nezperce Prairie Grass Growers Association **thanks Nathan Riggers for his strong leadership** during both crisis and prosperity in the grass seed industry and for his contributions in helping to advance the interest of all members throughout his tenure.

### COVID HITS LEGISLATURE

We were only seven days in the 2021 session when an attaché in the Senate tested positive for COVID-19. There have also been rumors that a secretary in the House of Representatives has also reported a positive case of COVID-19. They are currently following isolation and quarantine procedures at their home.

### CONDA MINE

Many Idaho agriculture groups have **filed letters of support** for the continued development of the **Itafos Conda’s mining operations**, and specifically the **Husky 1/North Dry Ridge project in Southeastern Idaho**. From hiring, to contracting, to purchasing goods and services, Itafos relies on Idaho families and businesses as much as those businesses rely on Itafos. Without Itafos Conda’s continued operations, nearly **\$370 million of economic impact** in our state could disappear. \$180 million of that economic impact stays in the local community. Hundreds of families living in and around Caribou County rely on those dollars to provide for their families. The workers account for more than **15-percent of the workforce in Caribou County and make over \$50 million** in annual wages and benefits. These job opportunities allow rural Idahoans to make a comfortable wage in or around their hometowns and draw native workers back to the Gem State.

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