

# House Agricultural Affairs Committee

Minutes  
2005



## MINUTES

### HOUSE AGRICULTURAL AFFAIRS COMMITTEE

**DATE:** January 18, 2005

**TIME:** 1:30 p.m.

**PLACE:** Room 416

**MEMBERS:** Chairman Jones, Vice Chairman Trail, Representatives Field(23), Lake, Stevenson, Bolz, Shirley, Andrus, Jaquet, Pence

**ABSENT/  
EXCUSED:** None

**GUESTS:** Please refer to the presenters highlighted below and the attached committee sign-in sheet

Chairman Jones called the meeting to order at 1:33 p.m.

Chairman Jones welcomed **Pat Takasugi**, Director, Idaho State Department of Agriculture, and gave him the floor for introductions of his staff who would give their presentations. The Department of Agriculture presented a PowerPoint presentation and provided a packet of information for each Committee member. A copy of both are on file in the office of the Agricultural Affairs Committee.

**Laura Johnson**, Marketing Bureau Chief, reported on the success stories of Idaho's trade market. The objective of ISDA's International Trade and Domestic Market Development program is to expand markets for Idaho goods and agriculture products, and foster agricultural diversification. The department promotes Idaho food and agriculture products around the world. Total sales as a direct result of ISDA's marketing program totaled \$5,992,466 in FY2004. Every dollar in general fund returned \$11.73 to Idaho's farmers, ranchers, value-added food processors and rural communities. One of last year's highlights was the launch of the Idaho Preferred Program. Many of Idaho's businesses now include this logo on their packaging.

Another highlight has been the growth in sales of yellow onions to Mexico. Also in Mexico, the department received a Quality Samples Program grant from the USDA that facilitated the shipment of 37 railcars of Klasic Hard White Wheat valued at over \$1.8 million. Mexico also spotlights 19 products from five states on their cooking shows that are broadcasted over the two largest television stations.

"Idaho Preferred Gifts" made their first debut this past year. These were comprised of 8 gift wrapped Idaho products. These were shipped from Idaho to Washington to Florida and even Scotland. Five companies participated in the gift box promotion. Eight company websites listed them for buying direct. These were a sell out.

A question was asked if the Idaho Department of Agriculture has rules around the Idaho Preferred Program. The only requirement for now is that the material must be produced in Idaho.

A question was asked if the Idaho Department of Agriculture has approached the food channel and cooking shows in the states. The Mexican television time is very cheap.

A question was asked where the wheat came from that were in the 37 railcars. Probably out of southern Idaho.

**Matt Voile**, Noxious Weed Program Manager, reported on CWMA - Cooperative Weed Management Areas. The term CWMA refers to a local organization that integrates all noxious weed management resources across jurisdictional boundaries in order to benefit entire communities. Idaho's CWMA program is the leading program in the nation. The program is funded by both the federal, contributing \$1.3 million a year, and state general funds, \$336,000. Prevention may be the single greatest contributing factor in curtailing the spread of noxious weeds. Some innovative means of controlling noxious weeds include: biocontrol (using goats or insects), backpack spraying, (using mules in steep terrain), having youth clean up days, hay exchange during hunting season (to exchange weed infected bales for certified bales for hunters to feed to their horses), and of course aerial spraying. Currently Eurasian watermilfoil is at a minimal level and funding for that is sparse.

Cooperative weed management is not a new concept. State and county noxious weed experts have helped private landowners for years, but often the scale of the cooperative effort was confined to a particular area of land ownership rather than a community. Concerned neighbors have begun to share available resources. Idaho's Program is the leader in the Nation. Only three counties in Idaho do not belong to a CWMA.

A question was asked regarding funding, what percent is administrative and what percent goes to weed control. Approximately only 15% goes to the administrative side and 85% goes to the ground.

**Mike Cooper**, Bureau Chief, Feeds and Plant Services, reported on the black fly outbreak this past year. Malheur, Payette and Washington Counties were the hardest hit. Neighboring counties: Canyon, Owyhee, and Gem counties had some areas infected. These areas cover several hundreds of miles of natural water ways and man made irrigation canals systems. Initial surveys are needed which may take three to four years to determine the extent of the problem in this large watershed. There may be hundreds of black fly breeding sites to survey, plot on geographic information data base and repeatedly treat. During peak breeding season surveys and treatment may need to be conducted weekly.

Losses that are reflected because of the black fly outbreak include: drop in milk, beef, and egg production, accidental injury to livestock trying to avoid flies, tougher beef, reduced reproductive capacity, reduced resistance to disease, possible death due to exsanguination and even discourages tourists to our state. Idaho Code title 39 Chapter 28 Mosquito Districts and Title 25 Chapter 26, Extermination of Wild Animal

and Pest in Counties, give statutory authority to county governments and local petitioners to established pest control district including back fly abatement programs.

This is the fifth year for the Mormon cricket invasion. The Idaho and Federal Departments of Agriculture cost share program for 2004 paid 2/3 of the total treatment cost. The private land owners were responsible for the remaining 1/3. ISDA provided 5% carbaryl bait to agricultural landowners for application to their own land. Though there were 581 bait distributions on record, a total of 400 Idaho landowners received bait for Mormon cricket suppression to protect private rangeland and cropland. The value of the bait provided to Idaho landowners in 2004 was \$203,054. Grasshoppers were not as intense as the Mormon crickets were this past year.

**Mike Everett**, Deputy Director, reported on crop residue disposal and agricultural smoke management. The Idaho State Department of Agriculture manages agricultural smoke management within the air quality standards established by the Idaho Department of Environmental Quality and the US Environmental Protection Agency. This is the third year for the law: Title 22, Chapter 48, Idaho Code, Smoke Management and Crop Residue Disposal. Currently there is are penalty and fee provisions for the ten northern counties only. The state is broken down into two areas. Tier I is counties south of the Salmon River and Tier II is the ten northern counties. There is a \$2.00 fee per acre to burn. There was \$170,000 raised last year. The total number of registered acres statewide is 128,228. Total acres burned was 89,183. There will be some educating of the public in Tier 1. There will be fourteen training sessions from January through April at different locations in the southern part of the state (Tier I). Everyone must be trained every five years. Representative Trail reported that he has not received any complaints regarding smoke issues in northern Idaho. There is a website people may go to get more information on burning: [www.idahosmokemangement.org](http://www.idahosmokemangement.org).

**Dr. Clarence Siroky**, State Veterinarian, reported on animal issues. At the present time their biggest issue is the uniformity of animal identification. The National Animal Identification Program will consist of the registration of all premises where food animals are held or kept. This plan will be released for public comment. The United States Department of Agriculture will maintain the national premises information. The goal is a 48 hour trace-back capability for disease control purposes. Idaho applied and received a \$1.16 million grant for the pilot project. The Idaho Department of Agriculture, the Brand Board, and the livestock industry are working cooperatively towards this goal. The plan is to move slowly this year and create minor rules year to year.

**John Chatburn**, Deputy Administrator, reported on agriculture odor management. The toll free customer complaint line is 866-435-0490. They now have a full time employee that handles the calls. Because of that, their records are more accurate. The ISDA is conducting a negotiated rule making process to establish odor standards. The negotiated rule making advisory committee is comprised of representatives of agriculture industry, citizen groups, individual citizens, Legislators, County Commissioners, and DEQ. The odor problem will never go away - urban encroachment on agricultural areas will continue to

play a significant role in odor issues. The EPA will be issuing a mandatory NPDES permit for CAFOs in Idaho during the summer of 2005. All CAFOs must apply for this permit. Every CAFO will have to have a nutrient plan by 2006. Beef and dairy facilities are already required to have nutrient management plans under state rules. Records must be maintained on site at the facility for 5 years. Annual reports to the EPA are required.

**Jerry Nicolescu**, Administrator, reported on the Idaho Soil Conservation Commission. It provides leadership in the assessment of agricultural and private forest lands in Idaho relating to carbon sequestration potential. Programs that are available are: Water Quality Program for Agriculture, Resource Conservation and Rangeland Development Program, State Revolving fund, Conservation Improvement Grants, Idaho OnePlan, Upper Salmon Basin Watershed Project, Carbon Sequestration, and Clearwater Focus Program.

**Kelly Nielsen**, Financial Officer, briefly highlighted the ISDA budget. The agriculture budget manages over 60 programs and over 30 funds. It is a diverse department. The following information is taken from the 2006 Idaho Legislative Budget book:

Full time employees: agency request 199.60 and Governor's recommendation 198.60

General fund agency request: \$6,427,000 and Governor's recommendation \$6,045,300

Dedicated fund agency request: \$19,479,000 and Governor's recommendation \$19,406,300

Federal fund agency request: \$6,021,000 and Governor's recommendation \$5,993,500

Total dollars agency request: \$31,927,000 and Governor's recommendation \$31,445,100

Pat Takasugi closing remarks: Idaho's number one industry is still agriculture. The trends are obvious, more CAFO's and more people. We must face the changes. Our urban and rural areas are changing. The Idaho State Department of Agriculture is expanding out of necessity.

**ADJOURN:** Meeting was adjourned at 3:05 p.m.

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Representative Doug Jones  
Chairman

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Vickie Winkel  
Secretary

MINUTES

**HOUSE AGRICULTURAL AFFAIRS  
CROPS SUBCOMMITTEE**

**DATE:** January 18, 2005

**TIME:** Upon Adjournment of Idaho State Department of Agriculture Legislative Outreach

**PLACE:** Room 416

**MEMBERS:** Subcommittee Chairman Stevenson, Representatives Bolz, Shirley,

**ABSENT/  
EXCUSED:** None

**GUESTS:** Please refer to the presenters highlighted below and the attached committee sign-in sheet

**DOCKET NO.  
02-0601-0401** Rules Governing the Pure Seed Law

**Michael Cooper**, Bureau Chief, Idaho State Department of Agriculture, explained to the subcommittee that the proposed rule changed Subsection 500.03 to add an administrative fee of \$2.00 per test to cover the costs associated with installing and maintaining a new computer program that would allow companies to view and obtain official test results over the Internet. It added a new Subsection to Section 600.03 to allow for an exemption from an Idaho Seed Dealer's License for a seed dealer who sells, offers for sale, exposes for sale or delivers seed only in packages of less than eight ounces.

**MOTION:** Representative Bolz made a motion to recommend to the full committee that 02-0601-0401 be approved.

By voice vote, the motion passed unanimously.

**DOCKET NO.  
02-0605-0301** Rules Governing Diseases of Hops

**Michael Cooper**, Bureau Chief, Idaho State Department of Agriculture, explained to the subcommittee that the proposed rule addressed a request that was made by the Idaho Hop commission to remove Boundary County from IDAPA 02.06.05 Section 100. Control Area for the purpose of allowing imported hops planting material into Boundary County without the requirement for a two year evaluation of disease freedom outside the control area. This is a temporary rule created in 2003. Basically, this rule makes it permanent.

**MOTION:** Representative Bolz made a motion to recommend to the full committee that 02-0605-0301 be approved.

By voice vote, the motion passed unanimously.

**DOCKET NO.** Rules Pertaining to the Idaho Fertilizer Law

**02-0612-0401**      **Michael Cooper**, Bureau Chief, Idaho State Department of Agriculture, explained to the subcommittee that the proposed rule addressed changes to Title 22, Chapter 6, Idaho Code (HB548), which authorized a civil penalty assessment for specialty fertilizers deficient in nutrients as authorized by rule. Specific guidance was needed for assessing penalties as authorized in the revised law. Additionally, the overall index value currently set at 98% had been proven to be too strict and was decreased to 97%. Some technical corrections were also made.

**MOTION:**            Representative Bolz made a motion to recommend to the full committee that 02-0612-0401 be approved.

By voice vote, the motion passed unanimously.

**DOCKET NO.**            Rules Pertaining to the Idaho Fertilizer Law  
**02-0612-0402**

**Michael Cooper**, Bureau Chief, Idaho State Department of Agriculture, explained to the subcommittee that the proposed rule adopted the 2005 edition of The Official Publication of the Association of American Plant Food Control Officials. This is a standard reference manual used by the department and other state and federal regulatory officials in the review and registration of fertilizer products. It provides consistency between the states in the registration of fertilizer products.

**MOTION:**            Representative Bolz made a motion to recommend to the full committee that 02-0612-0402 be approved.

By voice vote, the motion passed unanimously.

**DOCKET NO.**            **Sherman Tatatori**, Program Manager, Idaho State Department of  
**02-0616-0401**      Agriculture, explained to the subcommittee that the proposed rule change was necessary pursuant to HB 776, emergency legislation that became effective March 23, 2004. The amendment of Section 22-4804(1) Idaho Code, increased registration fees from \$1.00 per acre to \$2.00 per acre. The governor found that the fee or change being imposed or increased is justified and necessary to avoid immediate danger. This applies to the ten northern counties.

**MOTION:**            Representative Shirley made a motion to recommend to the full committee that 02-0616-0401 be approved.

By voice vote, the motion passed unanimously.

**DOCKET NO.**            **Michael Cooper**, Bureau Chief, Idaho State Department of Agriculture,  
**02-0626-0401**      explained to the subcommittee that the proposed rule defined the geographical boundaries for a new Seed Potato Crop Management Area in Elmore County to be known as the Little Camas Ranch Seed Potato Crop Management Area.

**MOTION:**            Representative Shirley made a motion to recommend to the full committee that 02-0626-0401 be approved.

By voice vote, the motion passed unanimously.

**DOCKET NO.  
02-0641-0401**

**Michael Cooper**, Bureau Chief, Idaho State Department of Agriculture, explained to the subcommittee that the proposed rule incorporated by reference the 2004 version of Terms and Ingredient Definitions, and Policy Statements as published in the Office Publication AAPFCO, where those terms and ingredient definitions, and policy statements do not conflict with terms and ingredient definitions, and policy statements adopted under Title 22, Idaho Code, and any rule promulgated thereunder. The 13<sup>th</sup> edition of "The Merck Index," as published in 2001, was also incorporated by reference into this rule.

**MOTION:**

Representative Shirley made a motion to recommend to the full committee that 02-0641-0401 be approved.

By voice vote, the motion passed unanimously.

**DOCKET No.  
02-0641-0402**

**Michael Cooper**, Bureau Chief, Idaho State Department of Agriculture, explained to the subcommittee that the proposed rule adopted the 2005 edition of the Official Publication of the Association of American Plant Food Control Officials. This is a standard reference manual used by the Department and other state and federal regulatory officials in the review and registration of soil and plant amendment products. It provides consistency between the states in the registration of soil and plant amendment products.

**MOTION:**

Representative Shirley made a motion to recommend to the full committee that 02-0641-0402 be approved.

By voice vote, the motion passed unanimously.

**ADJOURN:**

Meeting was adjourned at 3:38 p.m.

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Representative Bert Stevenson  
Subcommittee Chairman

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Vickie Winkel  
Secretary

MINUTES

**HOUSE AGRICULTURAL AFFAIRS  
LIVESTOCK SUBCOMMITTEE**

**DATE:** January 20, 2005

**TIME:** 1:00 p.m.

**PLACE:** Room 416

**MEMBERS:** Subcommittee Chairman Lake, Representatives, Andrus, Jaquet

**ABSENT/  
EXCUSED:** None

**GUESTS:** Please refer to the presenters highlighted below and the attached committee sign-in sheet

Subcommittee Chairman Lake Called the meeting to order at 1:30 p.m.

**DOCKET #**  
**02-0406-0401** **John Chatburn**, Deputy Administrator, explained to the committee that proposed rule removed the "as amended" language from the 1986 rule and adopts the June 17, 2002, USDA/AMS Milk Manufacturing Purposes and its Production and Processing, Subpart E. "Requirements for Licensed Dairy Plants."

**DOCKET #**  
**02-0407-0401** **John Chatburn**, Deputy Administrator, explained to the committee that the proposed rule was to repeal this rule in its entirety. There is no longer a federal stand alone document. It has been incorporated into the 2003 Pasteurized Milk Ordinance.

**DOCKET #**  
**02-0408-0401** **John Chatburn**, Deputy Administrator, explained to the committee that the proposed rule was to adopt the 2003 Grade A Pasteurized Milk Ordinance by reference.

A question was asked why the 2003 and not the 2004 reference book will be used. The 2004 has not be issued yet. When it is released, a new temporary rule will be created to use it.

**DOCKET #**  
**02-0409-0401** **John Chatburn**, Deputy Administrator, explained to the committee that the proposed rule remove the "as amended" language and adopts by reference the 2003 Revision of "Methods of Making Sanitation Ratings of Milk Shippers."

**DOCKET #**  
**02-0415-0401** **John Chatburn**, Deputy Administrator, explained to the committee that the proposed rule implements the provisions of HB 682 nutrient management plans, updates referenced materials and makes technical corrections that were requested by Legislative Services.

All approved nutrient management plans shall be maintained on the site and be available to the Administrator upon request. The operators of the operation shall keep complete and accurate records that contain the dates and amounts of any manure or process wastewater applied on the land and the name and address of anybody that receives the manure. All records

shall be maintain for 5 years.

**Boyd Knight**, Idaho Cattle Association supports Docket #02-0415-0401.

A question was asked if the EPA will do “retention inspections?” No, the Department of Agriculture will.

A question was asked if they find an informality, does the Idaho State Department of Agriculture notify the EPA and who will enforce it. The EPA relies on the Idaho State Department of Agriculture to enforce it.

A question was asked if “double enforcement” could happen. The EPA can over file the Idaho State Department of Agriculture will.

**DOCKET #  
02-0419-0401**

**John Chatburn**, Deputy Administrator, explained to the committee that this rule requires visible identification of domestic cervidae, wild ungulate herd plans, and makes some technical corrections. This also includes a section explaining electronic identification. The death certificate must be approved by the administrator. This is now a paper form but someday will be filed electronically. A new definition of wild ungulate was clarified. The visible identification must be one of the official types and must be visible from 150 feet. Freeze brands may also be used to identify the domestic cervidae. When any domestic cervidae escapes from a domestic cervidae ranch, the owner or operator of it must notify the Administrator with 24 hours. A licensed hunter may legally shoot an escaped domestic cervidae who has escaped the ranch for more that 7 days.

A question was asked when moving cervidae, does permission need to be given. No, just that the animal or animals are being moved.

**DOCKET #  
02-0425-0401**

**John Chatburn**, Deputy Administrator, explained to the committee that this rule designates an area of eastern Idaho where the private feeding of big game animals is prohibited for disease control purposes, and delineates how the interaction of livestock and big game animals on feedlines will be regulated. This is a rewrite of a rule that was rejected last year. This rule also contains the definition of “entering premises.”

A question was asked if this will cover other areas than eastern Idaho? No, because no diseased game animals have been found outside that area.

**DOCKET #  
02-0426-0401**

**John Chatburn**, Deputy Administrator, explained to the committee that this rule details with the requirements for Public Livestock Markets. It is a modification of a rule that was rejected by the 2004 Legislature. All public livestock markets shall submit a bio-security plan to the Administrator for approval. All approved bio-security plans shall be implemented by the public livestock market.

A question was asked to define bio-security. It is a plan that can trace a sick or diseased animal back to where it came from.

A question was asked if small stockyards will think they can't sell lame or sick animals. They might. Comment cards were sent out to all stockyards and there were no responses.

**DOCKET #  
02-0602-0401**

**Mike Cooper**, Bureau Chief, Idaho Department of Agriculture, explained to the committee that the proposed rule incorporates by reference the 2004 version of Terms and Ingredient Definitions, and Policy Statements as published in the Official Publication of AAFCO (Association of American Feed Control Officials). The 13<sup>th</sup> edition of the Merck Index, as published in 2001, will also be incorporated as a reference. A new edition is published every 4-5 years. A definition for hay was also established as the aerial portion of grass or herbage especially cut, cured and baled or stacked for animal feeding, without further processing.

**DOCKET #  
02-0602-0402**

**Mike Cooper**, Bureau Chief, Idaho Department of Agriculture, explained to the committee that the proposed rule adopted the 2005 edition of The Official Publication of the Association of American Feed Control Officials. This is a standard reference manual used by the Department and other state and federal regulatory officials in the review and registration of animal feed products. It provides consistency between the states in the registration of animal feed products.

**DOCKET #  
11-0202-0501**

Larry Hayhurst, State Brand Inspector, explained to the committee this temporary rule raises the brand inspection fee from \$.75 to \$.84, and the livestock pasture fee from \$.38 to \$.42. The Idaho Brand Board has not had a fee increase since 1992. The cost of doing business has increased. There has been a 214% increase in employee benefits from 1992 to 2005. Fuel costs for 2004 were up 59% compared to 1999. The increases in fees are necessary to meet current business costs and to protect the public health, safety, and welfare. Mr. Hayhurst hopes to have no more increases until 2008.

A question was asked if he had received any negative comments on the increase. No.

A question was asked if brand inspecting could be done by a private business. No, because it is a part of the Idaho State Police so it has credibility and legal council. In 1974 it went from the Idaho State Department of Agriculture to the Idaho State Police.

**MOTION:**

Representative Jaquet made a motion to recommend to the full committee that Docket No. 11-0202-0501 be approved.  
By voice vote, the motion passed unanimously.

**MOTION:**

Representative Jaquet made a motion to recommend to the full committee that Docket No. 02-0406-0401, Docket No. 02-0407-0401, Docket No. 02-0408-0401, and Docket No. 02-0409-0401 be approved.  
By voice vote, the motion passed unanimously.

**MOTION:**

Representative Jaquet made a motion to reject Docket No. 02-0415-0401.  
By voice vote to reject: Representative Jaquet  
By voice vote to NOT reject: Representative Andrus, Representative Lake

**MOTION:**

Representative Andrus made a motion to accept Docket No. 02-0415-0401.  
By voice vote to accept: Representative Andrus, Representative Lake  
By voice vote to NOT accept: Representative Jaquet

**MOTION:**

Representative Jaquet made a motion to recommend to the full committee

that Docket No. 02-0419-0401, Docket No. 02-0425-0401, and Docket No. 02-0426-0401 be approved.

By voice vote, the motion passed unanimously.

**MOTION:**

Representative Jaquet made a motion to recommend to the full committee that Docket No. 02-0602-0401 and Docket No. 02-0602-0402 be approved. By voice vote, the motion passed unanimously.

**ADJOURN:**

Meeting adjourned at 2:45 p.m.

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Representative Dennis Lake  
Subcommittee Chairman

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Vickie Winkel  
Secretary

MINUTES

**HOUSE AGRICULTURAL AFFAIRS  
ADMINISTRATIVE RULES SUBCOMMITTEE**

**DATE:** January 21, 2005

**TIME:** 1:00 p.m.

**PLACE:** Room 416

**MEMBERS:** Subcommittee Chairman Trail, Representatives Field(23), Pence

**ABSENT/  
EXCUSED:** None

**GUESTS:** Please refer to the presenters highlighted below and the attached committee sign-in sheet.

Subcommittee Chairman Trail called the meeting to order at 1:00 p.m.

**DOCKET #:  
02-0104-0401** **Laura Johnson**, Bureau Chief, Idaho Department of Agriculture, explained to the committee that this proposed rule clarified the requirements for certain products to participate in the voluntary Idaho Preferred promotion program. The changes are for wine, honey, honey related products, nursery products, and beef products. These changes had been requested by industry. Idaho wines shall contain a minimum of 95% Idaho grapes. Nursery stock shall have been grown in Idaho a minimum of one growing season. Beef and beef products shall come from cattle that were born, raised and harvested in the United States or they must reside in Idaho at least 12 months prior to harvest or they must reside their entire lives in Idaho if harvested prior to 12 months of age. Also the beef and beef products are processed in federally inspected plants and meet marbling and age requirements for USDA grade Select or better. Apicultural products produced by honey bees including raw honey, wax, pollen, and propolis shall be 100% Idaho origin. Processed honey shall be 80% Idaho origin.

**MOTION:** Representative Field made a motion to recommend to the full committee that Docket No. 02-0104-0401 be approved.  
By voice vote, the motion passed unanimously.

**DOCKET #  
02-0214-0401** **Tom Schafer**, Bureau Chief, Idaho Department of Agriculture, explained this rule adopts by reference the 2005 edition of the National Institute of Standards and Technology Handbook 44, Specifications Tolerances, and Other Technical Requirements for Weighing and Measuring Devices and to also amend the mailing address for Idaho State Department of Agriculture Bureau of Weights and Measures.

**MOTION:** Representative Field made a motion to recommend to the full committee that Docket No. 02-0214-0401 be approved.  
By voice vote, the motion passed unanimously.

**DOCKET #** **Gary Bahr**, Bureau Chief, Idaho State Department of Agriculture,

**02-0301-0401** explained to the committee that ground water and pesticides have been a concern for everyone. The Department held 5 public meetings at various locations in the state prior to September 22, 2004, for public input. As a result of these hearings and other factors, a process for responding to pesticide detections in ground water has been modified.

A question was asked if these rules are similar to the other western states. Idaho's rules are similar to Montana, Wisconsin, and California. Oregon and Washington do not have rules. Washington is concerning these rules.

**MOTION:** Representative Field made a motion to recommend to the full committee that Docket No. 02-0301-0401 be approved.  
By voice vote, the motion passed unanimously.

**DOCKET # 02-0303-0401** **George Robinson**, Bureau Chief, Idaho Department of Agriculture, explained to the committee that proposed rule revises the required waiting periods following any failed pesticide examination to one week. The current rule requires a waiting period of one week following the first failure, two weeks following the second failure, and one month following any subsequent examination failures. The industry is of the opinion that the waiting periods essentially eliminate individuals from consideration of employment due to the shortness of the application season and have requested that the waiting period be reduced to one week. There are 26 different exams. The exams are written in English only.

A question was asked how many licenses are approved in a year. That varies from year to year, maybe 4,000 a year.

**MOTION:** Representative Field made a motion to recommend to the full committee that Docket No. 02-0303-0401 be approved.  
By voice vote, the motion passed unanimously.

**DOCKET # 02-0403-0401** **John Chatburn**, Bureau Chief, Idaho Department of Agriculture, explained to the committee the rule updates and clarifies the rules regulating the disease Trichonomiasis. Imported bulls and local bulls will be tested the same. All bulls within the state of Idaho shall be tested for Trichonomiasis by April 15<sup>th</sup> except virgin bulls, dairy bulls, bulls consigned to slaughter or to an approved feedlot, or bulls in northern Idaho.

**MOTION:** Representative Field made a motion to recommend to the full committee that Docket No. 02-0403-0401 be approved.  
By voice vote, the motion passed unanimously.

**DOCKET # 02-0410-0401** **John Chatburn**, Bureau Chief, Idaho Department of Agriculture, explained to the committee the proposed rule removes the "as amended" language and adopts by reference the 2003 revision of the "Procedure Governing the Cooperative State Public Health Services, Food and Drug Administration Program for Certification of Interstate Milk Shippers."

**MOTION:** Representative Field made a motion to recommend to the full committee that Docket No. 02-0410-0401 be approved.  
By voice vote, the motion passed unanimously.

**DOCKET #**  
**02-0412-0401**      **John Chatburn**, Bureau Chief, Idaho Department of Agriculture, explained to the committee the proposed rule was to repeal this rule in its entirety. There is no longer a federal stand alone document. It has been incorporated into the 2003 Pasteurized Milk Ordinance.

**MOTION:**              Representative Field made a motion to recommend to the full committee that Docket No. 02-0412-0401 be approved.  
By voice vote, the motion passed unanimously.

**DOCKET #**  
**51-0101-0401**      **Laura Wilder**, Executive Director, Idaho Beef Council, explained to the committee the proposed rule updates references to the Idaho Beef Council's address and includes the new logo, (see attached) and eliminates mention of a copyright that does not exist. As a result of its merger with the National Cattlemen's Association, the Beef Industry Council of the National Livestock and Meat Board no longer exists. The rulemaking deletes the outdated reference to the Beef Industry Council and replaces it with generic language permitting the funds to be sent to a "national beef promotion program."

**MOTION:**              Representative Field made a motion to recommend to the full committee that Docket No. 51-0101-0401 be approved.  
By voice vote, the motion passed unanimously.

**ADJOURN:**              The meeting was adjourned at 1:40 p.m.

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Representative Tom Trail  
Administrative Subcommittee Chairman

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Vickie Winkel  
Secretary

## MINUTES

### HOUSE AGRICULTURAL AFFAIRS COMMITTEE

- DATE:** January 24, 2005
- TIME:** 1:30 p.m.
- PLACE:** Room 416
- MEMBERS:** Chairman Jones, Vice Chairman Trail, Representatives Field(23), Lake, Stevenson, Bolz, Shirley, Andrus, Jaquet, Pence
- ABSENT/  
EXCUSED:** Representatives Lake, Field(23)
- GUESTS:** Please refer to the presenters highlighted below and the attached committee sign-in sheet.
- Chairman Jones called the meeting to order at 1:34 p.m.
- MINUTES:** Representative Bolz moved to accept the minutes of January 18, 2005, as printed. All Aye. Motion carried.
- RS14445:** **Laura Johnson**, Bureau Chief, Idaho State Department of Agriculture, explained RS14445 defines "Economically viable alternative" as an alternative to thermal residue disposal that: (a) achieves agricultural objectives comparable to thermal disposal for the factors listed in section 22-4803(1)(a) through (c) and (2), Idaho Code; and (b) allows growers to experience a financial rate of return over the short- and long-term consistent with the rate of return that would occur if thermal residue disposal were utilized.
- A question was asked if this is the exact legislation that did not pass the Senate last year. This part of the language is the same.
- A question was asked if there is a health component in this RS. The only change to the RS is the "economically viable alternative" definition.
- MOTION:** Representative Shirley made a motion to introduce RS14445 to print. All Aye. Motion carried.
- RS14446** **John Chatburn**, Bureau Chief, Idaho State Department of Agriculture, explained RS14446 provides for civil penalty authority for violations for the animal disease control laws and rules. The department already has this authority for violations of the Brucellosis law and rules. This bill will allow the department to address disease control violations, other than Brucellosis, in a more timely manner.
- A question was asked since this contains similar language, will this help county prosecutors take on as a case? This will allow the authority and better compliance rate.
- A question was asked why lines 16 and 17 are so broad. This is the

exact same language as the Brucellosis law.

A question was asked if this applies only to Section 25-238. This would apply to all general animal laws.

A question was asked what is the limit to diseases and where are they described. The Idaho State Department of Agriculture has that information.

**MOTION:** Representative Stevenson made a motion to introduce RS14446 to print. All Aye. Motion carried.

**RS14498** **Mike Everett**, Deputy Director Administrator, Idaho State Department of Agriculture, explained RS14498 would require all counties in Idaho to participate in the smoke management and crop residue disposal program. Currently, just the northern counties (Tier II) are required. This bill will change the language eliminating the counties Kootenai, Benewah, Boundary, Bonner, Shoshone, Latah, Clearwater, Nez Perce, Lewis, and Idaho.

A question was asked if any farmers in eastern Idaho had given any feedback. The ISDA hasn't gotten much feedback, just a few comments.

A question was asked if there is an educational program on how to burn correctly. The Idaho State Department of Agriculture has an extensive program. They have spent most of their time in the northern counties. There will be 15 training sessions this year for the southern part of the state.

**MOTION:** Representative Bolz made a motion to introduce RS14498 to print. All Aye. Motion carried.

Chairman Jones turned the gavel over to Vice Chairman Trail and presented the last three RSs.

**RS14691** **Representative Jones** explained RS14691 basically states that the state will regulate fertilizer. The cities and counties will still regulate the location of facilities manufacturing, storing, or selling these products. This legislation follows the recommendations of the uniform bills committee of the Association of American Plant Food Control Officials for fertilizers and soil and plant amendment laws.

A question was asked if any of the other states are doing this law.

Yes, Wisconsin and West Virginia laws run parallel. An effort is going across the United States.

**MOTION:** Representative Bolz made a motion to introduce RS14691 to print. All Aye. Motion carried.

**RS14692** **Representative Jones** explained RS14692 is identical to the previous RS but it pertains to soil and plant amendments allowing the state to regulate soil and plant amendments. This law would not preempt local zoning ordinances on siting of facilities manufacturing , storing, or selling these

products. This legislation follows the recommendations of the uniform bills committee of the Association of American Plant Food Control Officials for fertilizers and soil and plant amendment laws.

**MOTION:** Representative Stevenson made a motion to introduce RS14692 to print. All Aye. Motion carried.

**RS14693** **Representative Jones** explained RS14693 makes it clear that the regulation of seed will be done by the state to insure consistency statewide. This would not interfere with local zoning ordinances on the location of seed handling facilities. This proposed legislation is similar to the one in Pennsylvania that was passed last year. It is on the agenda in North Dakota this year.

**MOTION:** Representative Pence made a motion to introduce RS14693 to print. All Aye. Motion carried.

Vice Chairman Trail returned the gavel to Chairman Jones. Chairman Jones announced that the meeting on February 2, 2005, will consist of approving the rules. February 10, 2005 is the last day of introducing new legislation.

**ADJOURN:** Meeting was adjourned at 2:15 p.m.

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Representative Doug Jones  
Chairman

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Vickie Winkel  
Secretary

## MINUTES

### HOUSE AGRICULTURAL AFFAIRS COMMITTEE

**DATE:** January 26, 2005

**TIME:** 1:34 p.m.

**PLACE:** Room 416

**MEMBERS:** Chairman Jones, Vice Chairman Trail, Representatives Field(23), Lake, Stevenson, Bolz, Shirley, Andrus, Jaquet, Pence

**GUESTS:** John Hammel, Barbara, Smith, Mary Ann Reece, Charlotte Eberlein, Rich Garber, Wayne Foster

**MINUTES**            **Rep Bolz moved to approve the minutes of January 24, 2005. By voice vote the motion passed.**

**Dr. John Hammel**, Dean of Agricultural & Life Sciences, University of Idaho, spoke. He introduced **Rich Garber**, who liaisons with industry groups and legislative issues; **Barbara Smith** who works with public information locally on bio-agriculture, including bio-diesel projects; **Mary Ann Reece** who works with communications at the College of Ag and does weekly stories produces the twice-a-year magazine, and **Dr. Charlotte Eberlein**, Extension Director, located in Twin Falls.

Dean Hammel thanked the Legislature for the 2% raise, the 1% bonus last year, and also for their support of the wide scope of programs he directs.

The primary mission of the University of Idaho, as a land-grant university, is to "support economic growth and enhance the quality of life for the people of Idaho." To do this, they have 12 research and extension facilities located throughout the state, and extension offices in 42 of the 44 counties. They have 220 off-campus faculty and staff around the state, with 50% of their money being spent at these extension centers.

There is information going down the chain from Researcher to Extension Specialist at the state and region, to the Extension Educator in the area or county, to the Customer. There are also needs and questions going up the chain from the Customer.

For every \$1 million appropriated by the state, they are able to get an additional \$1.35 million from grants and contracts—a total of over \$19 million. Among other sources, is money from the federal government which depends on the size and number of farms, and the number of people living in rural areas. They received \$4.6 million from federal funding last year.

He highlighted a few of their programs. They have developed four new wheat varieties. One of these varieties, Alturas, a soft spring wheat, is being used by a Korean company for ramen noodles. A hard winter wheat is being used by Kraft in a mill in Blackfoot. Nationally 80% of the wheat raised in the US is exported. These new varieties will help create a more stable environment for Idaho agriculture.

Developing new varieties of canola, rapeseed and mustard seeds for oil production is another successful venture. One variety of mustard has proven very effective in killing weeds before potatoes are planted. This

could save Idaho potato farmers up to \$3 million for chemicals they won't need to buy.

They are working to develop four new varieties of potatoes. Recently \$11 million was lost to potato problems—bugs, blight, and rot.

In the dairy business, they have developed a test to identify non-pregnant cows 18 days after insemination which could potentially save \$3 million annually in lost production.

They support 4-H programs. Children in 4-H programs perform better academically and are less likely to engage in dangerous behaviors such as drug use. The location of these 4-H programs are 40% in rural areas and 60% in urban areas. They have developed a program to help the “*suddenly military*” children of deployed parents cope.

“Parents as Teachers” is another program with excellent results. They believe that every dollar invested in early childhood development saves the state \$3 in special education, welfare, and prison costs in the future.

They are working with AARP of Idaho to develop programs to assist the aging population.

The “Food Technology Center” in Caldwell offers technical and business assistance for small to mid-sized food companies and food entrepreneurs. He gave an example of the assistance given Mom's Specialty Mustard in Boise. They helped the small company greatly improve the efficiency of their operation and expand distribution.

Dean Hammel then addressed their challenges and concerns. He said they are struggling to meet critical program needs and stakeholders' expectations with fewer faculty and staff. Retention and recruitment of faculty and staff continues to be a real problem. Mid-career professors are at the greatest risk of leaving the U of I system. When a full professor retires or resigns, it takes his salary, plus an additional \$5,000 to \$15,000 to replace him or her with an assistant professor.

They face continual “cherry picking” by Purdue, Virginia Tech, and others. They just lost a top researcher to Nebraska who had brought in the most money to the U of I in grants and other funds.

The infrastructure and equipment is aging and this places a further economic strain on the whole College of Ag system.

Currently, they are in the process of re-evaluating their mission and just what they can accomplish with the resources available to them. They are working with stakeholders to evaluate their needs. They want to concentrate on their “Signature” programs.

In response to questions, Dean Hammel said legislation to protect confidentiality during the experimental process is very important—“you live and die by it.” The inability to hold information until the experiment is finished allows others to take advantage of this information and prevents some from co-operating with them. He promised that reports would be published as soon as the research project is finished.

He said that the U of I is involved in research in the area of bio-diesel, the production of ethanol, and the use of straw as a bio-mass. He said they have great teams integrated across several disciplines looking at a number of different areas. They have submitted a federal initiative this year and hope to gain some funding. They are also working with the college of natural resources to develop additional fuel sources from wood products.

Dean Hammel also assured the Committee that teaching money is spent on teaching and research/extension money is spent on research/extension. Many teachers work in both areas on campus, but off campus more are involved in research/extension.

He said that the numbers in Agriculture and Life Sciences is a “mixed bag.” There is not as high a demand for degrees in crop production these days. The opportunities are not there for graduates to go back to the farm. There is more focus on the ag business in production and management.

Questions were raised about the “Parents as Teachers” program and how the extension programs got involved. He said that Mrs. Kempthorne expressed an interest in the program, and the Governor got involved. The U of I was asked to become involved as the extension agents were the best resource in some areas. It started with grant money. In response to further questions, **Mary Ann Reece** said the people out in the field who are working with parents are supervised by an education supervisor who works with Harriet Shaklee.

Dean Hammel pointed out that the College includes the area formerly known as Home Economics, so the Parents as Teachers program is a good fit.

In response to further questions, Ms. Reece said that staffing for each county depends upon the needs present. The county pays \$1500 for each agent and provides office space and support. The level of support varies with the county.

In response to questions about working with public health agencies, Dean Hammel said that the U of I does have partnerships where there are common needs. He didn't know about public health.

**Charlotte Eberlein** then gave an example of cooperation with public health. She said she did a story about some north Idaho senior citizens who were not eating properly and whose health was suffering. The public health people didn't have the staff, but the extension programs already had people in the homes working with the food stamp program. Health and Welfare hired their staff to teach these seniors better nutrition habits. The program was enormously successful and won awards.

Dean Hammel said the new Biotech building on campus has had a great effect on the state. It was built with state, federal, and public funds, each contributing 1/3. The state's share was \$5 million. They were able to bring in about \$10 million in grants because of that building. There were other grants too, one maybe up to \$9.6 million. They are able to work with “toxic and unfriendly bugs” in this building.

In response to the lag time on filling extension positions, Dean Hammel said it was partly his fault as he has asked for a slow down in hiring while they are focused on restructuring their college.

**ADJOURN:** The meeting was adjourned at 2:30 p.m.

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Representative Doug Jones  
Chairman

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Janet Bryant  
Secretary

## MINUTES

### HOUSE AGRICULTURAL AFFAIRS COMMITTEE

- DATE:** February 2, 2005
- TIME:** 1:30 p.m.
- PLACE:** Room 416
- MEMBERS:** Chairman Jones, Vice Chairman Trail, Representatives Field(23), Lake, Stevenson, Bolz, Shirley, Andrus, Jaquet, Pence
- ABSENT/  
EXCUSED:** None
- GUESTS:** Please refer to the presenters highlighted below and the attached committee sign-in sheet.
- Chairman Jones called the meeting to order at 1:34 p.m.
- MINUTES:** Representative Field moved to accept the minutes of January 26, 2005, as written. All Aye. Motion carried.
- Chairman Jones explained to the committee that there was an error discovered in the Commercial Feed rule (Docket 02.0602.0402) after it was approved by the Livestock Subcommittee. Because of this discovery, the Idaho State Department of Agriculture has requested that this rule (Docket 02.0602.0402) be rejected and proceed with publishing a temporary rule.
- Representative Bolz briefly explained the Crop Rules that were reviewed in the Crop Subcommittee. The Crop Subcommittee has reviewed these rules and sees no opposition.
- MOTION:** Representative Bolz made a motion to the full committee to accept the Crop Rules as printed. All Aye. Motion carried.
- Administrative Subcommittee Chairman Trail reported to the full committee that the Administrative Subcommittee sees no opposition in their review of the Administrative rules.
- MOTION:** Administrative Subcommittee Chairman Trail made a motion to the full committee to accept the Administrative rules as printed. All Aye. Motion carried.
- Livestock Subcommittee Chairman Lake reported to the full committee that the Livestock Subcommittee sees no opposition in their review of the Livestock rules. But now because of the Idaho State Department of Agriculture's recent request, the Livestock Subcommittee rejects Docket 02.0602.0402 with it's referral of the incorrect manual.
- MOTION:** Livestock Subcommittee Chairman Lake made a motion to the full committee to accept the Livestock rules as printed except for Docket 02.0602.0402. The Idaho State Department of Agriculture will use a temporary rule for this docket. All Aye. Motion carried.

By the request of Chairman Jones, each Subcommittee Chairman will inform the Secretary of their approval of their Subcommittee minutes.

**PRESENTATION:** **Chuck Winder**, Chairman of the Board for the Idaho Transportation Department, stood for questions regarding the GARVEE Bonds issue. Also answering questions was **John Sager** with the Idaho Housing Finance Association. The total presentation has been given several times throughout the Legislative Session. The actual legislation maybe out in a week.

A question was asked if there is more than one type of GARVEE bond and will the same bond do maintenance. Existing projects will still go on and so will maintenance. The money will be shared with local government for qualified projects. 50% is state money and 50% is federal money. The unallocated money is for future projects. Conservative projects will use the same money.

A question was asked regarding the 129,000 pound weight issue, will any of the proposed roads be of that capability so farmers can move their commodities. This program will not build roads to that magnitude but bridges will be.

A question was asked if there will be an increase in the number of miles to carry this weight in the future. They are under the assumption that Congress will approach that later.

A question was asked when building these new roads, how long will they last. Every road has a useful life. Pavement is usually 40-50 years and then it starts to have ruts. With new technology, pavement will last longer than 40 years.

A question was asked why trucks don't pay their fair share for using the roads. Truckers definition of "fair share" is different from the State's definition. The trucking industry feels they are paying more than their fair share. It isn't up to the Department of Transportation to designate the amount of the fee. It is the Legislature.

A question was asked if an inflation factored was included in the figures. Yes, 5.6%.

A question was asked what is the cost to insure if the funds don't come from the federal government. It is based on the market conditions. The Idaho Housing Finance Association works a lot with these types of bonds.

A question was asked if everyone has to take out insurance. Sometimes it decreases your percent and you won't get a competitive rate.

A question was asked if bonds would be offered with or without insurance. The investor may select which one he wants.

A question was asked how the bonds will be issued. This Idaho Department of Transportation will specify what needs to be build. The bonds may be grouped together or individually. Annually the Department of Transportation will go to the Legislature for approval of the projects.

A question was asked how many bond failures have there been. There have been no GARVEE bond failures.

A question was asked what happens if the Legislature wants a different amount. This is the Governor's program and this is the amount he has requested. If we pay as we go, it will be over \$6 billion.

A question was asked what are the risks. This project has been in the works for 18 months. The Department of Transportation does about a quarter of a billion dollars worth of projects a year, so \$1.6 billion isn't outrageous for them to do. The Department has good expertise. Contracting and pricing in the future could be a risk. Bonds sell pretty fast so that's not a risk.

A question was asked will the state tax payer get stuck. No. It's over a 9 year program. We can stop the process on an annual basis if something drastic happens, i.e. war.

A question was asked if other scheduled projects will proceed during the GARVEE projects. Yes.

A question was asked if Idaho will use federal money to pay the debt. Can we accumulate the money or carry it over from one year to the next? Yes, the money can be carried over but we would be losing buying power. The life of the federal dollar is 4 years. Idaho will use every penny of federal aid.

A question was asked how often does the Department of Transportation prioritize their projects. It is done through a Board action and less than 5% projects get moved.

A question was asked if the GARVEE bond projects will be handled in a similar manner. Yes, they will go through the same process.

**ADJOURN:** Meeting was adjourned at 2:35 p.m.

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Representative Doug Jones  
Chairman

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Vickie Winkel  
Secretary

## MINUTES

### HOUSE AGRICULTURAL AFFAIRS COMMITTEE

**DATE:** February 8, 2005

**TIME:** 1:30 p.m.

**PLACE:** Room 416

**MEMBERS:** Chairman Jones, Vice Chairman Trail, Representatives Field(23), Lake, Stevenson, Bolz, Shirley, Andrus, Jaquet, Pence

**ABSENT/  
EXCUSED:** None

**GUESTS:** Please refer to the presenters highlighted below and the attached committee sign-in sheet

**MINUTES:** Representative Bolz moved to accept the minutes of February 2, 2005, as printed. All Aye. Motion carried.

Chairman Jones called the meeting to order at 1:32 p.m.

Chairman Jones read a letter from the Idaho Fish and Game Advisory Committee commending the Department of Agriculture for its cooperative efforts in governing the private feeding of wildlife and for providing leadership in developing regulations. They urged the Committee to support these rules as presented to the Legislature.

**Michael Quesnell**, President, Idaho Dairymen's Association, gave a brief update on the dairy industry in Idaho. After World War II, Idaho had approximately 200,000 dairy cattle. Shortly afterwards, the industry collapsed by 100,000. Today that number is approximately 400,000. During the 1970's and 1980's the industry was recreated. During the early 1990's, they began to work with the State of Idaho on plans for environmental issues. Currently \$450,000 a year is spent on the environment. A very large part of that is for research.

**Bob Naerebout**, Executive Director, Idaho Dairymen's Association, explained IDEAL. It was established by the Idaho Dairymen's Association membership in 2003 to provide financial support, either directly or indirectly for legal fees and related cost associated with environmental, production, governmental, or similar issues related to the dairy industry. Environmental research was included in 2004. Every dairy producer in Idaho contributes \$.005/cwt to fund IDEAL. This raises approximately \$450,000 per year. Half of this money is used on legal fees and the other half is used on environmental issues and air quality.

**Matt Thompson**, Engineer, Idaho Dairymen's Association, has been hired by IDEAL to help them make better environmental decisions.

Mr. Thompson also explained the footbath for cattle. Copper sulfate has

been used but gets into the lagoons. This causes issues as copper can cause field problems (field fertility). Chlorine dioxin is now being looked into but background information needs to be obtained. A federal research grant for a half million dollars is in the process. Another grant in the works is for ground technology. There are two research projects using anaerobic digesters. One is in Jerome (Greg Ledbetter) and the other is in Nampa (Jim Stewart).

**Dr. Ron E. Sheffield**, Professor, University of Idaho, Department of Biological & Agricultural Engineering, Twin Falls Research & Extension Center, presented an update on the IDEAL air and water quality research projects. The studies include: Anaerobic Digestion, Manure Incorporation, Irrigation BMPs, Corral Management, Freestall Manure Management. These studies all use the UV Sentry System. This is a small open path monitoring system that uses laser beams to record particles in the air. It shoots 100 lasers per second. It has a 200 meter path length. Wind and weather does not affect it. Each unit costs \$65,000.

A question was asked if funding is still tight for equipment. No. The funding is year to year with June as the start.

A question was asked if the UV Sentry System will replace the nasal monitors. The UV Sentry System is very accurate. The average error is only 5-8%. These units were developed by the Department of Defense to track potential chemical releases in Washington D. C. It measures different things and will not replace the nasal ranger.

Dr. Sheffield explained the phosphorus concentration and removal. Struvite Crystallization develops in waste water. When crystallized, it contains a high rate of phosphorus and is a beneficial fertilizer. Having a digester on the premise would be the best way to utilize the waste.

A question was asked is the crystallization process a chemical reaction. Yes, it is. It takes only 10 seconds to occur and is a simple operation.

A question was asked if there is a market value for these crystals. Yes.

A question was asked if fish farms could use this method. No. Fish farms have a high volume of water and less phosphorus. Where a farmer has the other way around. There are challenges in soil and nutrient management. Copper sulfate is an issue. Copper in soil will change the plant's germination and needs to be managed.

A question was asked if most dairies use copper for supplements. A mineral mix of a very small amount of copper may be used. Most of it will be used inside of the cow. Hog farmers use copper for additives.

Dr. Sheffield explained mortality management - the conversion of carcasses to fuel via a high pressure process. It is high burning and the gases are burned to create the fuel.

A question was asked if dead carcass can be placed in a digester.

Manure is used mostly, but a carcass can be added. Bio-diesel can be made mainly from carcasses.

A question was asked if there is air emission from this gas burning. There was 1/10th of the permit limit.

A question was asked how much heat is released during the burning process. 1700 - 1800 degrees

Dr. Sheffield explained Reciprocating Wetlands by using two ponds. It is a good process as it uses less electricity.

He is having a hard time to get research money. The dairy industry is looking at the environment to make it better.

A question was asked which of the projects maybe the most usable and economical. All of them are. It is a diverse industry with challenges because of the different types of farms and sizes. For example, corral management would best be for a smaller farm.

A question was asked if zinc sulfate has been used for the foot bath. It has been tried but they are going back to the copper.

What is the reason? Copper is a hardening agent on the hoof. Zinc dries the skin when contacted above the hoof.

**Lauren McLean**, Idaho Conservation League, informed that any Idaho dairyman proposing a CAFO will have to provide air pollution estimates and mitigation plans to the Department of Environmental Quality. And as with any DEQ permitting process, there will be provisions for hearings and a public comment period.

A question was asked if the Idaho Conservation League contributes financially to support IDEAL and the research. No, they can't financially give money, but they can support efforts to obtain grant money.

It was suggested that Dr. Sheffield prepare a summary of grant applications and the committee could show their support.

Chairman Jones introduced Dale Dixon, the new Executive Director of the Idaho Rural Partnership.

**S1003**

**Bob Naerebout**, Executive Director, Idaho Dairyman's Association, introduced RS 14606. This bill would consolidate the Idaho Dairy Commission districts from nine to three. They will still have 9 board members. This needs to be restructured since the areas of milk production in the state has change over the years. Currently 70% of Idaho dairies are in Magic Valley. The Idaho Dairyman's Association structure is similar.

**MOTION:**

Representative Field (23) made a motion that S1003 be sent to the floor with do pass. All Aye. Motion carried.  
Representative Field (23) will be the floor sponsor.

Chairman Jones reminded the committee that the next meeting, February

10, 2005, will be the last day to introduce RSs.

**ADJOURN:** Meeting was adjourned at 2:50 p.m.

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Representative Doug Jones  
Chairman

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Vickie Winkel  
Secretary

## MINUTES

### HOUSE AGRICULTURAL AFFAIRS COMMITTEE

**DATE:** February 10, 2005

**TIME:** 1:30 p.m.

**PLACE:** Room 416

**MEMBERS:** Chairman Jones, Vice Chairman Trail, Representatives Field(23), Lake, Stevenson, Bolz, Shirley, Andrus, Jaquet, Pence

**ABSENT/  
EXCUSED:** NONE

**GUESTS:** Please refer to the presenters highlighted below and the attached committee sign-in sheet

Chairman Jones called the meeting to order at 1:32 p.m.

**MINUTES:** Representative Bolz moved to accept the minutes of February 8, 2005, as printed. All Aye. Motion carried.

Chairman Jones informed the committee that today is the last day to introduce legislation. He suggested to print all the RS's but one. RS 14679 will be returned to it's sponsor.

**MOTION:** Representative Stevenson made a motion that RS14679 be returned to it's sponsor. All Aye. Motion carried.

Chairman Jones told the committee that because he has four pieces of legislation to introduce, they would deviate from the order of the agenda so he would make one trip to the podium.

**RS14677C2** **Representative Trail** introduced this legislation to update the Idaho animal cruelty law. It will set forth provisions applicable to the sale and use of strychnine, set forth prohibited conduct related to animals and to provide for punishment, exhibitions of cockfights and dogfights, to permit persons to provide necessary food and water to domestic animals under certain circumstances, to provide for non-liability and the collection of reasonable costs and to provide for the removal of animals into protective custody under certain circumstances and to provide a time frame applicable to cases in which an animal is permitted to go without care.

**Dr. Becky Phillips, DVM**, spoke on animal cruelty cases she had seen in northern Idaho. She feels anyone who inflicts substantial pain on, causes physical injury to, or kills an animal by a means causing undue suffering, or forces a minor to inflict unnecessary pain, injury or death on an animal, shall be punished as a felony. This would be of the discretion of the judge. The court may also order the defendant to attend animal cruelty prevention education. The connection between animal cruelty and human violence is well documented. Cockfights are illegal in 48 states and dogfights are illegal in 31 states. This proposed legislation would not affect the dairyman and farmers. They take care of their stock.

A question was asked if the Veterinarian Association supports this bill? Vicki Smith, representing the Idaho Veterinary Medical Association, is discussing it.

A question was asked if this bill is putting new veterinarians versus old veterinarians and will this bill increase the responsibility of a veterinarian. No circumstances will create animal rights. This proposed legislation is following model legislation from other states.

**MOTION:** Representative Lake made a motion to introduce RS 14677C2. All Aye. Motion carried.

**RS 14816** **Ty Iverson**, explained that this would change the financial auditing requirements of the Canola and Rapeseed Commission from annually to bi-annually. The Commission was formed in 1996. Since that time, the commission has been collecting an assessment of 10 cents per hundredweight on all oilseed crops in Idaho. Primary crops the assessment is collected on are canola, rapeseed, and mustard. The funds collected have been used for research and education. It has been recommended by the Legislative Auditing Services that the commission consider a bi-annual audit and financial report, with each year being treated independently.

**MOTION:** Representative Field (23) made a motion to introduce RS 14816 and send it to the second reading calendar. All Aye. Motion carried. Representative Field (23) will be the floor sponsor.

**RS 14764** **Representative Jaquet** explained that this proposed legislation would provide for specified authority to cities relating to the regulation of sheep, and/or lambs when the sheep CAFO is located within the boundary of the city. She was approached by the people of Carey. Their drinking water contained both human and animal nitrates. A professional engineer was hired and the human nitrates problem has been resolved. There are no city regulations for the sheep owner to abide by. Representative Jaquet has researched the codes for having sheep within the city limits. Carey was a city before the sheep farm was assembled.

A question was asked if Representative Jaquet researched other code sections before bringing this issue to the committee. The drafter had informed her to pursue the issue through the committee.

**MOTION:** Representative Pence made a motion to introduce RS 14764.

Discussion followed regarding other means of resolving the issue. Representative Lake quoted a section from the code book, Title 25.

By a show of hands vote, 3 were in favor of RS 14764 to be introduced, 6 were opposed to RS 14764. Representative Lake wished to be recorded as a Nay vote. RS 14764 will not be introduced.

Chairman Jones turned the gavel over to Representative Field, as Vice Chairman Trail was absent at that time.

**RS 14710**

**Representative Jones** explained this proposed legislation would require that manure over 25% moisture be incorporated into the soil within 72 hours of application. He gave two examples that happened last summer where farmers applied manure to their fields and didn't incorporate it within a timely manner. This resulted in a fly and odor problem for the neighboring areas.

A question was asked if this would apply to a pasture or alfalfa field. This bill states that the manure just needs to be tilled or harrowed within 72 hours.

A question was asked that the proposed bill says "plow in." What if someone took that literally? The Idaho Department of Agriculture rules would cover it.

**MOTION:**

Representative Shirley made a motion to introduce RS 14710. By a majority voice vote, the motion passed. Representative Lake wished to be recorded as a Nay vote.

**RS 14845**

**Representative Jones** explained the next three pieces of proposed legislation are closely related. Effective July 1, 2006, farms that receive livestock waste or process wastewater from dairies, beef cattle feeding operations, and large swine or poultry operations will be required to file nutrient management plans with the Idaho State Department of Agriculture. This requirement applies to third party. The nutrient plans for livestock and dairy will go to the Idaho State Department of Agriculture. The nutrient plans for swine and poultry will go to the Department of Environmental Quality.

**MOTION:**

Representative Stevenson made a motion to introduce RS 14845. By a majority voice vote, the motion passed. Representative Lake wished to be recorded as a Nay vote.

**MOTION:**

Representative Shirley made a motion to introduce RS 14846. By a majority voice vote, the motion passed. Representative Lake wished to be recorded as a Nay vote.

**MOTION:**

Representative Shirley made a motion to introduce RS 14847. By a majority voice vote, the motion passed. Representative Lake wished to be recorded as a Nay vote.

**RS 14901**

**Stan Boyd**, Idaho Elk Breeders Association, explained the association was created in 1994 and works closely with the Idaho State Department of Agriculture. This proposed bill amends the law in ten places. Mr. Boyd continued by reading each change.

A question was asked why there was an emergency clause. This is because of hunting season and to be ready for the fall season.

A question was asked if this is seen as a commercial operation. Domestic cervidae is an agriculture livestock business. All parts of the business from harvesting to production falls under agriculture. They want to make sure all segments imply agriculture.

A question was asked regarding the asset fund. Does everybody get a

fund for their entity? They would like to track their monies from their industry and this would make it easier.

**MOTION:** Representative Bolz made a motion to introduce RS 14901. By a majority voice vote, the motion passed. Representative Jaquet wished to be recorded as a Nay vote.

**RS 14925** **Lloyd Knight**, Idaho Cattle Association, explained the proposed bill is to provide the framework through which beef cattle operations can manage fugitive emissions of dust and odor. Amendments to the current environmental regulatory structure will simply add provisions for Livestock Sustainable Management Plans that will be voluntary for beef cattle operations, unless otherwise requested by the Idaho State Department of Agriculture. Livestock Sustainable Management Plans will be reviewed annually for at least three years.

A question was asked under the Idaho One Plan, is it not open to the public. Correct, it is not opened to the public.

A question was asked how dust and odor can be kept confidential. It is for business reasons and a competitive practice.

A question was asked why is it necessary to "jump threw all these hoops" when we have the Right To Farm Act. Its another mechanism of protection.

Chairman Jones suggested that at the next meeting dealing with this proposed legislation, the Idaho Cattle Association be prepared to cover the court case on records that occurred this past summer.

**MOTION:** Representative Bolz made a motion to introduce RS 14925. By a majority voice vote, the motion passed. Representative Jaquet wished to be recorded as a Nay vote.

**PRESENTATION** **Michael Becerra**, Manager/Chemist, Idaho Food Quality Assurance Laboratory, presented their annual report. Improved efficiency and the sale of older equipment resulted in stronger that projected performance in 2004. The lab is on budget for FY2005 and expect to have a positive reserve. There are no longer surplus assets to sell to bolster the budget.

The College of Southern Idaho supports the intern program with \$15,000. Four interns graduated from the Laboratory Assistant program making a total of 33 graduates.

Effectively immediately, the lab will provide soil phosphorus analysis for the Idaho State Department of Agriculture for use in the administration of nutrient management plans. In FY2006, the lab will once again become part of the ISDA.

The lab has the capability to help the law enforcement. They have done some work for them. They are prohibited from competing with the private labs.

The governor's budget recommendation is to fund the lab at \$80,000 a year. This is a 20% cut from the original allocation. Were it not for this cut, the long term outlook would be far better that reported last year.

A question was asked about the connection with the Idaho State Department of Agriculture. The lab opened and was built by the ISDA. Then it was closed for a short time. The lab is going back to where it came from, though they are unsure what division they will be under.

Chairman Jones reminded the committee there will not be a meeting next Friday, February 18, 2005. We will start hearing bills on Monday, February 14, 2005. Wednesday's agenda will include the two smoke management bills.

**ADJOURN:** Meeting was adjourned at 2:50 p.m.

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Representative Doug Jones  
Chairman

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Vickie Winkel  
Secretary

## MINUTES

### HOUSE AGRICULTURAL AFFAIRS COMMITTEE

**DATE:** February 14, 2005

**TIME:** 1:30 p.m.

**PLACE:** Room 416

**MEMBERS:** Chairman Jones, Vice Chairman Trail, Representatives Field(23), Lake, Stevenson, Bolz, Shirley, Andrus, Jaquet, Pence

**ABSENT/  
EXCUSED:** None

**GUESTS:** Please refer to the presenters highlighted below and the attached committee sign-in sheet.

Chairman Jones called the meeting to order at 1:38 p.m.

**MINUTES:** Representative Lake moved to accept the minutes of February 10, 2005, with noted changes. All Aye. Motion carried.

**BILL #: HB 34** **John Chatburn**, Bureau Chief, Animal Division, Idaho State Department of Agriculture, explained this bill provides for civil penalty authority for violations for the animal disease control laws and rules. The department already has this authority for violations for the Brucellosis law and rules. This bill will allow the department to address disease control violations other than Brucellosis. Any person violating this bill may be assessed a civil penalty of up to \$5,000 by the department.

A question was asked how many \$5,000 fines have been levied. Two, have been.

A question was asked what is the definition of "public interest." There is not a definition in the code. That would be up to the director.

A question was asked if there was a bill last year similar to this one. No, it was two years ago.

A question was asked if using a civil penalty, the person doesn't have to go to court. They still have the right to a hearing if they want one.

**Lloyd Knight**, Idaho Cattle Association, supports this bill. It is a good bill towards the protection of herd health.

**MOTION:** Representative Bolz made the motion that House Bill 34 be sent to the floor with a do pass recommendation. All Aye. Motion carried.

Representative Stevenson will be the floor sponsor.

Chairman Jones turned the gavel over to Vice Chairman Trail so he could introduce the next three bills.

**BILL # HB 36**  
**HB 37**  
**HB 38**

Because of their structure, Representative Jones requested to the committee to look at the next three bills as a package. The bills are basically the same, allowing the state to regulate fertilizer, soil/plant amendments, and seeds. The state has the expertise to regulate these. The proposed legislation will not preempt local zoning ordinances on siting of facilities manufacturing, storing, or selling these products. A bill similar to this was approved 10 years ago for pesticide and it has worked well.

**Rick Waitley**, Idaho Cooperative Council, Idaho Alfalfa & Clover Seed Growers Association, and Food Producers of Idaho, supports this bill. At a meeting earlier in the year, questions were asked but Mike Cooper, Bureau Chief, Idaho State Department of Agriculture, was able to clarify them.

**Scott McKinnie**, Executive Director, Far West Agribusiness Association, supports all three bills. The Idaho State Department of Agriculture has the expertise to control the uniformity of the three bills. Currently Idaho has a pesticide preemption statute in place and it is working well. With this bill, the same type of authority would be in place for fertilizers, soil and plant amendments, and seeds. City and county governments do not have the necessary resources to regulate fertilizer or soil amendments based on scientific methodology. These bills would avoid a confusing patchwork of regulations that could result if each governmental entity sets its own set of standards. If that happens, this would create competitive disadvantages between agribusinesses and growers in one county versus another if regulations were more costly to comply with in one county than another. Twelve other states are looking into similar bills.

A question was asked to name a state similar to Idaho that already has this in affect. There are no states in the Pacific Northwest.

A question was asked if a city or county got involved, what would happen. There is the possibility of a labeling issue of a product.

**Suzanne Schaefer**, Monsanto, supports the three bills. HB 36, 37, and 38 embody a sound and solid approach to farm input regulation.

**Roger Batt**, Idaho Eastern Oregon Seed Association, supports the three bills. This doesn't need to go to the local level.

Representative Jones wrapped up with naming states that are involved with similar bills. West Virginia has passed a fertilizer bill. They have seed legislation that was tailored to Pennsylvania's bill. North and South Dakota are working their way towards a seed legislation. Minnesota has counties trying to regulate fertilizer.

**MOTION:** Representative Field (23) made the motion that House Bill 36 be sent to the floor with a do pass recommendation. All Aye. Motion carried.

**MOTION:** Representative Lake made the motion that House Bill 37 be sent to the floor with a do pass recommendation. All Aye. Motion carried.

**MOTION:** Representative Field (23) made the motion that House Bill 38 be sent to the floor with a do pass recommendation. All Aye. Motion carried.

Chairman Jones will be the floor sponsor for the three bills.

Vice Chairman Trail turned the gavel over to Chairman Jones.

Chairman Jones informed the committee the next meeting will include the two field burning/crop residue bills. There will not be a meeting Friday, February 18, 2005. The committee will meet at 1:00 p.m. on Tuesday, February 22, 2005. This meeting will include reports from the Idaho International Trade and also the Aquaculture Commission.

**ADJOURN:** Meeting was adjourned at 2:15 p.m.

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Representative Doug Jones  
Chairman

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Vickie Winkel  
Secretary

## MINUTES

### HOUSE AGRICULTURAL AFFAIRS COMMITTEE

**DATE:** February 16, 2005

**TIME:** 1:30 p.m.

**PLACE:** Room 416

**MEMBERS:** Chairman Jones, Vice Chairman Trail, Representatives Field(23), Lake, Stevenson, Bolz, Shirley, Andrus, Jaquet, Pence

**ABSENT/  
EXCUSED:** NONE

**GUESTS:** Please refer to the presenters highlighted below and the attached committee sign-in sheet

Chairman Jones called the meeting to order at 1:34 p.m.

**MINUTES:** Representative Bolz moved to accept the minutes of February 14, 2005, with one minor change. All Aye. Motion carried.

**SCR #: 106** **Representative Lake** explained that this Senate Concurrent Resolution would reject a pending rule from the Department of Agriculture pertaining to the Idaho Commercial Feed Law. An error was discovered in the rule.

**MOTION:** Representative Lake made the motion that Senate Concurrent Resolution 106 be sent to the floor with a do pass recommendation. All Aye. Motion carried.

Representative Lake will be the floor sponsor.

**BILL #: HB 33** **Laura Johnson**, Marketing Bureau Chief, Idaho State Department of Agriculture, explained this bill would define the terms, "economically viable alternative." The Governor's office and the Idaho State Attorney General has suggested that there needs to be a definition. This does not change any requirements. It is better to create this definition by the Idaho State Department of Agriculture than to have the court make the definition.

**Karen Lindholdt**, Attorney, Safe Air For Everyone, informed that burning causes health hazards. She gave examples of some health related issues caused by unclean air. Hand outs were distributed to the committee and Ms. Lindholdt read from them and requested they be submitted in the records. (See Attached)

A question was asked how many acres of blue grass is in Washington. Approximately 20,000 acres.

A question was asked what would be used instead of burning. From 1996 to 1999, there was no burning. Low mowing was done instead and they baled and removed.

A question was asked if the low mowing was profitable. She was unable

to give figures but would send a package containing that information to the committee members at a later date.

A question was asked if this code change would prevent a farmer from burning. No, but it is bad for health reasons.

**Dennis Tanikuni**, Idaho Farm Bureau, supports this bill. The Idaho Farm Bureau stated that when compared with the "no burn alternative," burning is the most economically viable means of crop residue disposal. No burn alternative relies much more on optimal environmental and growing conditions, something over which a farmer has no control. Annualized differences between burn and no burn can be as much as \$140 per acre, depending on the production model.

A question was asked if the Idaho Farm Bureau looked at any studies regarding health issues. Mr. Tanikuni would be happy to provide that information at a later date.

A question was asked if the Idaho Farm Bureau took into consideration the tourism industry. No, they were concentrating on the cost to the farming business.

A question was asked if any research for a viable alternative is being done. The University of Idaho is conducting some but nothing has held up.

**Lawrence Lampert**, northern Idaho farmer, supports HB 33. Burning should remain as an economic viable alternative. He proceeded by giving 10 reasons. Burning is necessary so the Kentucky bluegrass can rejuvenate and exist longer as a productive field crop. Grass fields are burned only one day a year. Northern Idaho farmers rotate their crops with wheat, barely, oats, canola, peas, and lentils to break up disease and insect cycles.

A question was asked if there has been a reduction of blue grass acres since they can burn. It depends on the price of wheat.

**Dave Lampert**, northern Idaho farmer, supports HB 33. Burning is important to his farming. Smoke comes from others sources: cars, wood stoves, and slash piles. Grass fields burn for one hour. Slash piles burn on and on, day and night. A small farmer gets penalized if he has to reseed. The State of Idaho should be congratulated for using science to regulate the burning.

**Lauren McLean**, Idaho Conservation League, opposes HB 33 because it limits the information that the agency must consider. Best decisions are made when as much information as possible is collected and weighed. There needs to be an open process so that the law can be implemented as intended: to provide for management that allows responsible field burning while protecting public health. If the director looks only to the pocketbooks of the polluters, it would seem as though the exercise of certification would be pointless. The true costs of field burning - costs of health effects, costs to the tourist economy, and others - that could be reduced if alternatives were used but will be ignored.

A question was asked if alternatives will still be developed if this bill is passed. If a definition is created, it is unlikely that other alternatives will

be pursued.

**Dar Olberding**, Idaho Grain Producers Association, supports this legislation. At the annual meeting it was decided to endorse the definition until alternative practices are developed.

**Laura Johnson**, Marketing Bureau Chief, Idaho State Department of Agriculture, informed that the state still supports alternatives to field burning. They have invested \$100,000 to the University of Idaho to do research. This is the fourth year of doing this and they plan to continue their support.

The Idaho Food Producers of Idaho, Inc. also support this bill. This bill is not changing the criteria. The bill simply states that any "economically viable alternative" to field burning must be a method which provides the producers with equal or greater financial return, both short-term and long-term. This is a necessary measure to protect producers from being forced into using burning alternatives which do not provide equal economic return.

**MOTION:**

Representative Field made the motion that House Bill 33 be sent to the floor with a do pass recommendation.

Representative Jaquet opposes this bill. It seems strange to put in the code the sentence about making a profit. It is also strange in statute to hurt people's health. Approving this legislation may slow research to find an alternative.

By a voice vote, the motion passed. Representative Jaquet and Representative Trail wished to be recorded as voting Nay.

Chairman Jones will be the floor sponsor.

**BILL #: 35**

**Mike Everett**, Deputy Director & Administrator, Idaho Department of Agriculture, explained that the bill amends title 22, Chapter 48, Idaho Code, relating to smoke management and crop residue disposal so that the provisions of the Code equally apply to all counties in Idaho. Currently the state is divided into two tiers. Tier II is north of the Salmon River and Tier I is south of the Salmon River. Farmers in Tier II pay \$2.00 an acre to burn their fields and are subject to penalties if they don't abide by the law. Farmers in Tier I must register their fields but are not subject to penalties. There is three times as much land in Tier I than there is in Tier II. The Governor has requested making the state unified. The north has had great success in their burning program. There were more complaints in northern Idaho about smoke on days that farmers were not burning.

A question was asked how many square miles in northern Idaho are under the burning program. A lot more than in the southern part of the state. Not sure of the exact number. They have never had all of them registered.

A question was asked if this would impact the general fund. Is it in your budget? Yes. The state has spent \$45,000 to inform the public in southern Idaho of the burning program. There have been two separate programs since the beginning so money is designated to each half.

A question was asked that it wasn't that long ago that the burning program was created as two separate areas and now the state is asking to make it as one. The Governor has made the request to combine them.

A question was asked that training seminars were mentioned in southern Idaho, will they still be done if the bill does not pass. Yes, those will continue with the help of DEQ.

A question was asked if once the southern part of the state is aware, will they comply and the problem be reduced. Yes.

A question was asked if the state has enough people on the ground. DEQ has monitors and coordinators. Yes, it is a big area. The state has learned a lot from the north and can apply that knowledge to the southern part of the state.

A question was asked if the Nez Perce tribe is covered. It's a tough relationship. MOU works very well. They are working hand in hand and foresee the same with the tribal lands in the south.

A question was asked if similar studies were done in southern Idaho as the one done in Rathdrum. No.

A question was asked about other smoke, what about slash piles. He was unable to answer. That needs to be brought to the another agency, EPA or DEQ.

**Doug Cole**, EPA, supports the program for the entire state. The EPA believes a statewide permit program for field burning, administered by the state, with penalties for failure to comply makes sense. An effective statewide burn program should protect citizens and provide growers with the information they need to burn appropriately. House Bill 35 appears to provide a responsible framework to better protect public health and safety throughout Idaho, while continuing to allow agricultural field burning as a tool available to the agricultural community.

**Karen Lindholdt**, Attorney, Safe Air For Everyone and representing the Idaho Conservation League, supports HB 35. Extending the system will clear up any confusion as to who is held accountable when burning takes place on days that have been declared no-burn days. Weather information will be readily accessible and the operators will understand the processes they need to take before lighting up their fields. This is an important step in protecting health and safety across the state. This is an important step to creating a structure to attempt to make field burning safer in all communities across the state.

**Dennis Tanikuni**, Idaho Farm Bureau, opposes HB 35 but will inform his members of the safe harbor and training that is available.

**Ty Iverson**, Idaho Food Producers, which represents several agricultural organizations throughout the state, has been considering this bill for several weeks through numerous presentations and discussions. It has been recently decided to oppose this legislation. The following four organizations have asked to be recorded as abstaining from this decision: Idaho Eastern Oregon Seed Association, Idaho State Grange, Idaho Vo-Ag Teachers Association, and the Idaho Cattle Association. Members

expressed concern as to the many unknown factors in this proposal such as the number of acres which will be burned, the cost to the state, and the ultimate effect on producers in southern Idaho.

**Gayle Batt**, Assistant Director, Idaho Water Users Association, does not support HB bill 35. The ditch riders are educated and regulated under the DEQ. They are not convinced that the total state needs to be under this program. The first bill said it would be only for northern Idaho and now just a few years later, it is being proposed for the entire state.

**Robert Wilkosz**, DEQ, spoke specifically to the preventability of the Shelley smoke accident. He participated in the compliance conference and had read the police reports from the accident. It could have probably been prevented if the farmer had had the training. The wind was too strong that day and the farmer would have gotten information from the local presence on the ground.

A question was asked if ditches are included for burning. The CRD rules doesn't include ditch banks, but the DEQ does.

A question was asked how big of a field does one need to qualify for field burning. They vary in size, usually 100-500 acres are the ones up north.

A question was asked that the Shelley fire was only 20 acres, what is the smallest size that needs to be regulated. Unaware of the minimum size.

**Mike Everett**, Deputy Director & Administrator, Idaho Department of Agriculture returned to the podium for closing statements. The budget includes \$130,000 for personnel. There are seven coordinators up north and fifteen are projected for southern Idaho. But this number depends upon the number of acres that are registered. Ditch banks aren't included with crop residue. This program is for crops only. Barrow pits don't count either. The program has improved since it was first introduced in northern Idaho.

**MOTION:**

Representative Lake made the motion that House Bill 35 be held in committee.

Representative Stevenson supports the hold in committee motion. There could be a conflict between BLM and the ISDA.

Representative Shirley supports the hold in committee motion. It would be wise to educate and train the southern farmers. The conditions are different from northern part of the state from the southern part. The northern farmers burn out of necessity. The revenue made from registering won't cover their expenses. This is premature.

Representative Trail supports the hold in committee motion. The farmers should be educated first.

Representative Andrus supports the hold in committee motion. Idaho is really a two tier state. The two terrains are total different. We need to educate the southern farmers first.

Representative Field supports the hold in committee motion. Her area doesn't need to burn, they have dust storms instead.

By a voice vote, the motion passed. Representative Jaquet wished to be recorded as voting Nay.

House Bill 35 will be held in committee.

Chairman Jones reminded the committee there will not be a meeting Friday, February 18, 2005. The Tuesday meeting, February 22, 2005, will be at 1:00 p.m. It will consist of the Idaho International Trade Update and the Idaho Aquaculture Commission report.

**ADJOURN:** Meeting was adjourned at 3:30 p.m.

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Representative Doug Jones  
Chairman

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Vickie Winkel  
Secretary

## MINUTES

### HOUSE AGRICULTURAL AFFAIRS COMMITTEE

- DATE:** February 22, 2005
- TIME:** 1:30 p.m.
- PLACE:** Room 416
- MEMBERS:** Chairman Jones, Vice Chairman Trail, Representatives Field(23), Lake, Stevenson, Bolz, Shirley, Andrus, Jaquet, Pence
- ABSENT/  
EXCUSED:** Vice Chairman Trail, Representative Stevenson
- GUESTS:** Please refer to the presenters highlighted below and the attached committee sign-in sheet.
- Chairman Jones called the meeting to order at 1:06 p.m. This meeting was being held early as some members of this committee were to join the Resources and Conservation committee meeting being held at the Boise State University campus.
- MINUTES:** Representative Bolz moved to accept the minutes of February 16, 2005, as printed. All Aye. Motion carried.
- PRESENTATION:** **Laura Johnson**, Bureau Chief, Marketing, Idaho State Department of Agriculture, introduced **Eddie Yen**, Director and Official Representative of the State of Idaho. (Taipei, Taiwan).
- Mr. Yen informed that he has been with the program since 1990. The Idaho-Asia Trade Office was created to assist Idaho exporters in developing international sales. Exports of Idaho goods to Taiwan increased 143% between 2003 and 2004. Many sectors experienced increases last year, including food and agriculture by 29% and high tech by 33%. It was also a successful year for China and trade shows.
- Boise State University has signed a contract with Shanghai schools. Twenty high school teachers from Shanghai attended Boise State University for a six week English training class. These teachers, who have a lot of influence, went back saying good things about Idaho. This is an excellent program for Idaho to offer and will have a long term effect. Idaho State University and Shanghai are conducting joint research around mushroom base medicine. A new market in outdoor landscaping in Shanghai is being explored by Boise Cascade.
- Recently visa restrictions have been loosened for China. Previously a visa was good for only one visit to the United States. Now a visa may be obtained for one year and used several times.
- Through the efforts of the Idaho-Asia trade office, Idaho registered record exports for cherries and white-flesh peaches during the 2004 growing season. An increase of almost \$500,000 in fruit exports to Taiwan can be attributed to efforts made by the Trade Office.

A question was asked if fresh potatoes are sold in the Asian market. There are some but a lot more in Mexico. Asia uses processed, frozen, and dehydrated. The J R Simplot Company has a plant in China.

Laura Johnson introduced **Armando Orellana**, Manager for Idaho-Mexico Trade Office. The Idaho-Mexico Trade Office opened in 1994 in Guadalajara, Jalisco, Mexico, to assist Idaho exporters in developing sales to Mexico. Exports of Idaho goods and services to Mexico soared to a 66% increase between 2003 and 2004, after falling slightly the year before. Many sectors experienced increases last year, including food and agriculture by 39%, high tech by 36%, and fertilizers by 50%.

Bean seeds are doing very well in Mexico. This is amazing because Mexico raises beans. Bean farmers will come to Idaho in August to see how the seed is developed. Idaho wheat is also doing well in Mexico. Mexican wheat millers look forward to getting Idaho wheat.

Fresh Idaho potatoes in Mexico are successful. The main interest is to develop the Idaho name associated with fresh potatoes. Processed potatoes are more popular than fresh. Processed foods, in general, are hot items.

On the tourism side, Mexico is trying to get more tourists to come visit Idaho. Trade shows are one way to introduce Idaho to them. There are even possibilities of property purchases at Tamarack.

The Idaho Department of Commerce and Labor participated in the two most important agricultural shows in Mexico promoting agricultural equipment, machinery, software and services offered by Idaho companies in this field. The Idaho State Department of Agriculture, Farm Bureau and the Bean Commission also participated.

A question was asked besides bean seed, would sugar be a commodity that Mexico would buy. That would be a hard sale.

**PRESENTATION:** **Harold Johnson**, Vice Chairman, Secretary, Idaho Aquaculture Commission, has been in the aquaculture industry for 29 years. The last legislative session created the Idaho Aquaculture Commission by Idaho Statue. The statue was created under Title 22 of Agriculture and Horticulture and Chapter 44. On October 28, 2004, the membership was appointed by the governor. The Commission had their first meeting November 30, 2004. On December 23, 2004, 116 letters of interest were sent out. Commodities included in the commission are: rainbow trout, catfish, Tilapia, sturgeon, tropical/ornamental fish, carp, snails, frogs, aquatic plants, golden rainbow trout, alligator, and caviar.

The members agreed to an assessment of five cents per hundred weight live on the production of aquaculture products produced or grown in Idaho for purpose of profit. They will require a quarterly report. The Idaho State Department of Agriculture is the state agency that will oversee this commission.

The Aquaculture Commission is eager to move forward to accomplish

the legislative intent as set forth in the statute. He thanked the committee for creating the commission that will provide a vehicle for Idaho aquaculture products to be promoted from a growing and marketing standpoint.

**ADJOURN:** The meeting was adjourned at 1:46 p.m.

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Representative Doug Jones  
Chairman

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Vickie Winkel  
Secretary

## MINUTES

### HOUSE AGRICULTURAL AFFAIRS COMMITTEE

- DATE:** February 24, 2005
- TIME:** 1:30 p.m.
- PLACE:** Room 416
- MEMBERS:** Chairman Jones, Vice Chairman Trail, Representatives Field(23), Lake, Stevenson, Bolz, Shirley, Andrus, Jaquet, Pence
- ABSENT/  
EXCUSED:** Representative Field (23)
- GUESTS:** Please refer to the presenters highlighted below and the attached committee sign-in sheet.
- MINUTES:** Chairman Jones called the meeting to order at 1:33 p.m.
- Representative Bolz moved to accept the minutes of February 22, 2005, as printed. All Aye. Motion carried.
- Chairman Jones introduced to the committee our new page, Jessica Kynoch from New Plymouth.
- BILL #: H 174** **Stan Boyd**, Idaho Elk Breeders Association, walked through the changes incorporated in the proposed bill. Briefly they are: a new definition of domestic cervidae, two types of identification, voluntary chronic wasting disease certification, compensation of animals injured or killed during an inspection, ownership of escaped domestic cervidae, and creating a domestic cervidae fund.
- A question was asked what category caribou falls into. The new definition for domestic cervidae does not include caribou.
- A question was asked if this is a commercial business or a agricultural business. Are you raising or just maintaining game farms? Yes, we are doing both.
- A question was asked if the 2% bed tax is collected at the lodging facility. They charge for the hunt and everything is included.
- A question was asked to clarify the bill, page 4, line 6, regarding taking out disease control and T.B. fund. Yes, the fund is collected in another part of the bill. It is a dedicated fund for cervidae.
- A question was asked if they use money for T.B. Are they still testing? T.B. and livestock fund are dedicated and is also for brand inspection and other things. They don't pay out of that fund.
- A question was asked how does that fund continue to grow. Its used every year for livestock investigators and other agriculture livestock disease control.

A question was asked how the facilities are marketed i.e. "dude ranch." This is an agriculture industry.

A question was asked, as a farmer and a rancher, is this a different type of harvesting. It seems like a commercial business. They are harvesting cervidae. Its just a different form of harvesting.

A question was asked what is a chronic wasting disease program. This is a voluntary program when cervidae are transported out of state, or for any reason they die, a sample from the brain is taken. There isn't a test for CWD on a live animal.

**Gary Queen**, Manager of Rose Lake Elk Ranch and President of the Idaho Elk Breeder Association, supports the bill. Mr. Queen presented eight prominent points of the bill. He also included that almost all cervidae ranches in Idaho have 5 to 6 years of CWD monitoring. All domestic cervidae have had some testing for TB and many are TB accredited by the USDA. Many herds are tested bi-annually. All cervidae that are slaughtered in a USDA inspected facility are Brucellosis tested. Also, domestic cervidae ranches have a yearly inventory requirement. When cervidae ranches were under the Idaho Department of Fish and Game, there wasn't as much testing performed.

A question was asked if elk breeders vaccinate for brucellosis. No.

A question was asked what does a CWD test tell you. It is done on the brain stem of a dead animal.

**Jack Fisher** spoke against the bill. Idaho is surrounded by states who have realized the risks associated with game farming. Wyoming, Washington and Montana are game farm free or are in the process of phasing them out. CWD was created in a game farm. There are too many cases of domestic elk escaping from the farms.

A question was asked if CWD originated from a game farm in Wyoming. Yes, and that farm was operated by the State of Wyoming. It has moved from game farm to game farm across eleven states.

**Lloyd Oldenburg**, retired from 43 years of wild life manager, spoke against the bill. He has concern about having no veterinarian services for these animals. He gave examples of cross breeding of escaped animals.

The Idaho Department of Fish and Game should have equal authority as the Idaho State Department of Agriculture on escaped animals.

**Jeff Siddoway**, Elk Producer, spoke in favor of the bill. He compared the similarity of the sheep business to the elk business. His animals are tested for disease where wild carvidae are not. Even though it is only voluntary to do a CWD test, everyone does it in order to transport their animals.

A question was asked if he pays the 2% bed tax at his lodge. No.

A question was asked if he thinks he should. No, he feels it is parallel to any agricultural crop.

A question was asked if he pays property tax on his lodge. Yes, and it has gone way up.

A question was asked if the tax assessor appraised it as commercial and not agricultural. Yes.

A question was asked if he has handicap accessibility. Yes, everything is handicap friendly and also for the elderly.

A question was asked what kind of identification tags does he use. We are still confused what's official. We use solid ear tags and another large tag on my ranch.

A question was asked with the struggles with the Department of Fish and Game and the mule deer, will that make any conflict for your business? Some sportsmen think it's a monopoly. I think there's a potential of disease on the outside and not on the inside.

A question was asked if he had deer and elk in the same area. Yes and also bison.

A question was asked where his mule deer will come from. They will come from other producers in the state. They are hard to raise. They need thousands of acres. They are currently under the Idaho Fish and Game.

**Ray Sternes**, Elk Rancher, supports the bill. Mr. Sternes gave examples of health benefits from eating elk meat. His elk meat is raised, processed, and packaged here in Idaho. Elk are tested more than any other animal.

**Terry Mansfield**, Deputy Director, Idaho Department of Fish and Game, opposes the bill. He has concern over escaped cervidae. Adding mule deer and other cervidae will make it harder. There is concern that adding other species will have more costs to the state. There is also concern that the Idaho Department of Fish and Game need to stay a part of the cervidae industry. The Idaho Department of Fish and Game do test wild stock. They do this by roadside check-ins during hunting season and also when they are informed of "abnormal" acting wild life. The department will not promote the raising of mule deer.

A question was asked if anyone is farming moose. Would you need a strong fence? Yes, it would be very hard to contain moose.

**Dennis Tanikuni**, Assistant Director of Public Affairs, Idaho Farm Bureau, oppose the bill. They have concern over the marketing part.

**Gary Queen**, Manager of Rose Lake Elk Ranch and President of the Idaho Elk Breeder Association, presented his final comments on the bill. CWD is not a voluntary program. It is a voluntary certification needing five years of clean health. Canada has moose farms and they use the same fences as the elk. CWD concerns are unfounded. The mule deer in Colorado started the CWD.

- MOTION:** Representative Bolz made the motion that House Bill 174 be sent to the floor with a do pass recommendation.
- Representative Lake has serious concerns about this bill and is against it. He had originally worked on the bill but now sees there are some holes in it.
- Representative Andrus has the same concerns. This bill needs to be cleaned up. It is premature.
- Representative Lake made a substitute motion that House Bill 174 be held in time certain until March 2<sup>nd</sup>. All Aye. Substitute motion passed.
- PRESENTATION:** **Deanna Sessions**, Administrator, United Dairymen of Idaho, gave an update of the Commission's financial status, information on dairy checkoff programs funded by Idaho's dairy farm families, and some 2004 dairy facts. The commission's activities are milk production driven and all expense budget items are directly dependent on the annual milk production mandatory checkoff assessment. Handouts are available in the secretary's office.
- PRESENTATION:** **Mike Cooper**, Bureau Chief, Idaho State Department of Agriculture, introduced **Ben Simko**, Program Manager for Pest Survey and Detection Programs, Idaho State Department of Agriculture. Mr. Simko presented a power-point overview on the ISDA Grasshopper/Mormon Cricket Suppression Program for the 2004 season. Not only do these insects cause crop lost, they are a public safety hazard. All Idaho counties were involved. The complexity of the problem lies on the federal land that borders the state and private lands.
- A question was asked if Idaho will have an early infestation because of the warm winter. We could have a earlier hatch if we have a warmer February and March. The hatching is mostly temperature driven.
- A question was asked where we are in the cycle of an outbreak. Grasshoppers and mormon crickets are not predictable.
- PRESENTATION:** **Dave McNeal**, APHIS, United States Department of Agriculture, presented an update. For the past two years the USDA APHIS Rangeland Grasshopper and Mormon Cricket Suppression Program in Idaho has been threatened with lawsuits for violation of the Clean Water Act if they were to select and implement an aerial spray program using liquid insecticides over federally managed rangeland. They are now proposing a spray program with dimilin because it is environmentally friendly. This is only effective on young insects.
- PRESENTATION:** **John Hatch**, Administrator, BLM, explained the BLM's position on mormon crickets and grasshoppers. The BLM and APHIS have a good working relationship. MOUs are BLM'S position. They give APHIS their analysis on the environment. The Boise District was the most heavily impacted area with mormon cricket.

Chairman Jones reminded the committee that HB 167 will be the only bill discussed on Monday, February 28<sup>th</sup>.

**ADJOURN:** The meeting was adjourned at 4:12 p.m.

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Representative Doug Jones  
Chairman

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Vickie Winkel  
Secretary

## MINUTES

### HOUSE AGRICULTURAL AFFAIRS COMMITTEE

- DATE:** February 28, 2005
- TIME:** 1:30 p.m.
- PLACE:** Room 416
- MEMBERS:** Chairman Jones, Vice Chairman Trail, Representatives Field(23), Lake, Stevenson, Bolz, Shirley, Andrus, Jaquet, Pence
- ABSENT/  
EXCUSED:** Representative Stevenson
- GUESTS:** Please refer to the presenters highlighted below and the attached committee sign-in sheet
- Chairman Jones called the meeting to order at 1:31 p.m.
- MINUTES:** Representative Lake moved to accept the minutes of February 24, 2005, as printed. All Aye. Motion carried.
- BILL #: H 167** **Representative Trail** informed the committee he has met with representatives from the Idaho Humane Society, State Prosecutor's office, Sheep Growers, Cattlemen, various levels of law enforcement, and veterinarians who support this bill. He continued by explaining the amendments now included in the engrossed bill. Earlier questions from the cattle, dairy, and sheep producers have been addressed. This bill would not affect their normal practice of doing business. Rodeos also would not be affected. The bill makes it a felony for animal cruelty. Forty one states have this already in affect. This doesn't let animals have rights. There has been 13 cases in Washington that were classified as felonies. None of these were given jail time. The prisons will not be flooded with animal felons. It is already illegal to have cock fights and dog fights. This bill would make it a felony which would allow officials to pursue abusers across state lines.
- Dr. Becky Phillips**, DMV, spoke in favor of the bill by showing a power-point presentation. It is up to each state to enact their own animal cruelty laws. Animal torture is associated with child/elder/spouse abuse, serial killers and school shooters. Prison time would not be mandatory. It would be up to the judge. Counseling and other programs would also be available. Dog fighting and cock fighting are illegal in 48 states. Cock fighting is a felony in 31 states. Participants are drawn to Idaho and Wyoming because of the misdemeanor laws in affect. The animals are often drugged to enhance performance. These fights can possibly spread exotic new castle disease and other diseases.
- Inga Gibson**, Humane Society of United States, spoke in favor of the bill. Warrants are easier to obtain if the criminal charge is a felony. It would be easier to track offenders. Having the law as a felony, doesn't mandate

a prison sentence.

**Susan Clark**, Idaho Humane Society, spoke in favor of the bill. The state needs better tools to fight animal cruelty. The current penalties are not efficient.

**Dr. Tammy McReynolds**, Executive Director, Lewis Clark Animal Shelter, spoke in favor of the bill. Dog training and fighting, and, cock training and fighting, can not be compared to rodeos. The fighting is “blood letting” violent cruelty.

**John Barringer**, spoke in favor of the bill. In 1983 cocked fighting was banned but it was made as a misdemeanor.

**Marilyn Schmitz**, volunteer at the Humane Society, spoke in favor of the bill. By making it a felony, it will prevent increases in animal cruelty.

**Carol Bachelder**, Animal Rights Activist, spoke in favor of the bill. This bill addresses the extreme forms of violence.

**Joshua Martin**, spoke in opposition of the bill. Child and spouse abuse can not be related to animal cruelty. The police shouldn't waste their valuable time on minor violations like cock fighting.

**David Stauh**, Game Fowl Breeder, spoke in opposition of the bill. Raising game fowl is not like raising regular poultry. He takes better care of his 100 game cocks than most poultry growers. These birds are not trained to fight. They just do it. It is a cultural heritage for the Mexicans to have cock fights. Dogs have feelings, game cocks don't. He doesn't want cock fighting to be compared with dog fighting.

**J. C. Williams**, spoke in opposition of the bill. As he understands the bill, if he sells birds out of state and they are used in fighting, he would be a felon. The event in Elmore County was very minute. There wasn't a fight going on. It costs money to raise game cocks and he just breaks even. Veterinarians don't understand the cock fight breed. People who partake in cock fighting aren't drug dealers or criminals. In the life of a game cock, 2% of it is in battle and 98% of it is well taken care of.

**Migul Barba**, farmer, spoke in opposition of the bill. He elaborated on the Elmore County issue as a fund raising project for a family in Burley who's son had been killed in an auto accident.

**Tracy Williams**, Game Fowl Breeder, spoke in opposition of the bill. Roosters are natural fighters. Game cocks are totally different from poultry.

**Montie Logan**, spoke in opposition of the bill. The law that is presently on the books is adequate. Prisons are crowded already. It will cost the tax payers money to prosecute.

**Russ Hendricks**, Farm Bureau, spoke in opposition of the bill. There is concern of the amended bill. It could be interpreted if a game animal is wounded during a hunt, the hunter is a felon. The Idaho State

Department of Agriculture will review the animal statutes this summer.

**George Duenaz**, spoke in opposition of the bill. He sees cock fighting as a sport, part of the Mexican heritage.

**Clint Davison**, spoke in opposition of the bill. This bill will put a financial burden on the state budget by prosecuting so many felonies. People who fight game cocks come from all different walks of life.

**Representative Trail** made closing remarks. Game cocks have the DNA to fight. It is dominate in the male species. This law has nothing to do with game cock growers who raise them and don't have the intent to fight them. They can be raised and shipped out of state.

**Dr. Becky Phillips** made closing remarks. This bill is not targeting Mexicans. All animals will fight but not to the intensity of these game cocks. The judge will have the right to make the decision of what would be a felony. Each case would be considered individually.

Responding to committee questions, Representative Trail and Dr. Phillips said the Idaho State Department of Agriculture has spent 2,500 hours investigating animal cruelty in the state over the past year. If the Department finds an offender, they forward their findings to the county prosecutor. The Department feels there needs to be a rewrite to the animal cruelty law. They will do that regardless of what happens to this bill. Regarding the subject of fines, this would be left up to the discretion of the judge. Currently a judge may fine up to \$9,000. The highest amount so far for animal cruelty has been \$1,500. Per Stan Boyd with Boyd Livestock Services, Inc., both the Idaho Cattlemen and Idaho Wool Growers, see no opposition to this bill.

**MOTION:**

**Representative Lake** made the motion that House Bill 167 be held in committee. We have the bases covered now when you sit the bill side by side with the code book. The judge has leeway now as a misdemeanor.

**Representative Shirley** supports the motion and informed that this was dealt with in the Judiciary Committee last week. It was the same concept with animals. Making this a felony isn't good. We need to let the Idaho State Department of Agriculture do their thing this summer. We need to have judges and prosecutors use the higher limits.

**Representative Jaquet** opposes the motion. She was in opposition of the legislation at first. She has heard from a lot people. She votes no to the motion.

**Representative Pence** has also heard from a lot of people from her district. She feels there needs to be more education for the prosecutors. There also needs to be language in the bill to protect the growers of game fowl.

By a voice vote, the motion passed. House Bill 167 will be held in

committee. Representative Jaquet, Representative Pence, and Representative Trail wished to be recorded as voting Nay.

Chairman Jones reminded the committee that HB 168 with an amendment and HB 174 with an amendment will be the only bills heard at the next meeting, Wednesday, March 2<sup>nd</sup>. Two commission reports will also be heard.

**ADJOURN:** Meeting was adjourned at 3:40 p.m.

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Representative Doug Jones  
Chairman

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Vickie Winkel  
Secretary

## MINUTES

### HOUSE AGRICULTURAL AFFAIRS COMMITTEE

**DATE:** March 2, 2005

**TIME:** 1:30 p.m.

**PLACE:** Room 416

**MEMBERS:** Chairman Jones, Vice Chairman Trail, Representatives Field(23), Lake, Stevenson, Bolz, Shirley, Andrus, Jaquet, Pence

**ABSENT/  
EXCUSED:** None

**GUESTS:** Please refer to the presenters highlighted below and the attached committee sign-in sheet.

Representative Jones called the meeting to order at 2:33 p.m.

**MINUTES** Representative Bolz moved to accept the minutes of February 28, 2005, as printed. All Aye. Motion carried.

**BILL #: 174** **Stan Boyd**, Idaho Elk Breeders, explained the amendment to HB 174. The amendment is the result of the public's testimonies last week. The amendment addresses issues brought forth by Representative Jaquet and the Idaho Farm Bureau. This will delete the words, "marketing of" on page 1, delete lines 1 and 2 on page 2 and insert "such animals." There are also corrections to the title.

Even with the changes, Representative Jaquet felt that it still doesn't clarify if the business is agricultural or commercial.

**MOTION:** Representative Bolz made the motion that House Bill 174 be sent to general orders with the amendment attached. Representative Stevenson second the motion. By a voice vote, the motion passed. Representative Jaquet and Representative Pence wished to be recorded as voting Nay.

Representative Bolz and Representative Shirley will be the floor sponsors.

Chairman Jones turned the gavel over to Vice Chairman Trail.

**BILL #: 168** **Representative Jones** explained the amendment to the proposed legislation. After the last hearing of the bill, it was recognized that there needed to be an amendment. This amendment changes the requirements for incorporation from manure over 25% moisture to manure with less than 25% solids thereby raising the moisture content. It also creates an exemption from incorporation for liquid waste less than 3% solids applied to an actively growing crop.

In response to several questions asked to Representative Jones, the way the 3% solid manure is spread is through irrigation. They use

separators. It is pumped out of the lagoon after it settles. The lagoons are emptied twice a year. The soupy manure will not be applied to the soil during winter months. There are commercial applicators that will till, inject, and cover in one application. It is expensive to purchase an applicator but it can be hired out. The Idaho State Department of Agriculture will define "incorporate." The reason 72 hours was derived is that it is the amount of time it takes the manure to set. If sprinklers are used, the soil doesn't need to be tilled. The dairymen and the Idaho State Department of Agriculture are aware of this proposed legislation.

**Matt Thompson**, Engineer, Idaho Dairymen's Association, spoke in opposition of the bill. He explained to the committee that nutrient management plans are already in effect for dairymen and cattlemen. This bill is directed to only a small percent of farmers that don't incorporate their manure in a timely manner. What needs to be done is to get the industry together before proposing a piece of legislation like this one. The real impact will be at the producer level. Of the 733 dairies in the state, three fourths of them are small. They can't afford the expensive equipment or manpower required to turn manure under within three days. Nuisance issues having to do with manure should be handled at the local level.

**Russ Hendricks**, Idaho Farm Bureau, spoke in opposition of the bill. He appreciates the amendments but still has concerns over the bill. The livestock industry is heavily regulated. Moisture of manure can change quickly. The same pile will contain different degrees of moisture. The cost of the equipment to incorporate the manure is expensive. Why create a bill that will affect just a few, when most farmers are doing it right?

**Lauren McLean**, Idaho Conservation League, spoke in favor of the bill. The bill encourages good practices. It would make them do the right things. The Idaho State Department of Agriculture would sharpen this up in their rules. Seventy to eighty per cent of manure is taken off the site.

**Representative Jones** made closing remarks. He recognizes the concerns. He did look into alternative ways to handle the situation. He even sent notice to the Idaho Dairymen's Association. When manure is on the front page of two newspapers, there is an issue. It is a relative small group, but, as more people move into this state, it could develop into something bigger. The Idaho State Department of Agriculture has the ability to take care of farmers' concerns. Their job is to implement. They have not taken a position he knows of. But this would give the Idaho State Department of Agriculture one more tool.

**MOTION:**

Representative Jaquet made a motion to move this bill to general orders with the amendments.

Representative Stevenson made a substitute motion to hold this bill in committee.

Representative Jaquet and Representative Pence were opposed to the substitute motion.

Representative Andrus supports the substitute motion

Representative Field (23) made an amended substitute motion to hold HB 168 in time certain until March 8<sup>th</sup>.

By voice vote, the amended substitute motion passed and HB 168 will be amended and brought forth at the next committee meeting March 8<sup>th</sup>.

Representative Stevenson wished to be recorded as voting Nay.

Vice Chairman Trail turned the gavel over to Chairman Jones.

**PRESENTATION:** **Kelly Olson**, Idaho Barley Commission, gave an update of the Commission's financial status. The net gain for the 2004 budget was \$6,170. The 2005 approved budget is 5% less than the 2004 budget. It is \$434,722. Last year's barley crop was exceptionally good. Growers received \$2.95 a bushel. The Anheuser Busch plant expansion was completed June 2004. The Gmodelo Agriculture, Inc. Plant is under construction. The first phase will be on-line in mid 2005 and fully operational by December 2005. The FDA is expected to approve a health claim that barley (beta-glucan fiber) lowers cholesterol and risk of coronary heart disease. The Barley Commission will maintain a strong presence in the Japanese market which is the largest importer of US feed barley for the past 6 years. They will also explore export opportunities for malting barley in Asia and South American.

**PRESENTATION:** **John Orr**, Idaho State Pesticide Management Commission, gave an update of the Commission's financial status. The Idaho State pesticide Management Commission was created by the 2002 Idaho Legislature with the mission of assisting Idaho agricultural organizations and producers in the area of pest control and pesticide registrations. The ISPMC was funded by a one-time \$100,000 Specialty Crops grant in 2002 from the Idaho State Department of Agriculture and grant funds from the Idaho Alfalfa and Clover Seed Commission, Idaho Barley Commission and Far West Agri-Business. For 2003 and 2004 there were 7 research projects each year. The total investment to date is \$301,815 because of extensive matching funds from sponsoring commodity organizations and research universities. 2005 will bring research and help to growers dealing with mealybugs in barley.

Chairman Jones reminded the committee there will not be a meeting Friday, March 4<sup>th</sup>. At Tuesday's meeting there will be three commission reports, House Bill 168 and an amendment, and a House Joint Memorial.

**ADJOURN:** Meeting was adjourned at 4:40 p.m.

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Representative Doug Jones  
Chairman

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Vickie Winkel  
Secretary

## MINUTES

### HOUSE AGRICULTURAL AFFAIRS COMMITTEE

**DATE:** March 8, 2005

**TIME:** 1:30 p.m.

**PLACE:** Room 416

**MEMBERS:** Chairman Jones, Vice Chairman Trail, Representatives Field(23), Lake, Stevenson, Bolz, Shirley, Andrus, Jaquet, Pence

**ABSENT/  
EXCUSED:** Representative Field (23)

**GUESTS:** Please refer to the presenters highlighted below and the attached committee sign-in sheet.

Chairman Jones called the meeting to order at 1:38 p.m.

Representative Lake moved to accept the minutes of March 2, 2005, as printed. All Aye. Motion carried.

**BILL #: HJM4** **Representative Bolz** explained that this bill is very similar to one that was passed last year. The purpose of this legislation is to convey to the United States Senate and House of Representatives and the Congressional delegation representing the State of Idaho, that the Idaho Legislature desires that potential trade agreements recognize and consider economic impact. Both the Central America Free Trade Agreement (CAFTA) and the Free Trade Areas of the Americas (FTAA) trade agreements will have economic impacts on Idaho's agricultural industry. Emphasis for trade agreements should be on "fair trade" rather than "free trade."

Representative Stevenson informed the committee that he had met with Representative Otter earlier this year and asked him if Idaho should continue to send these House Joint Memorials every year. Yes, they aren't repeated or carried over from year to year. A new one needs to be sent each year. It is also shown on the records.

**MOTION:** Representative Stevenson made the motion that House Joint Memorial 4 be sent to the floor with a do pass recommendation. All Aye. Motion carried. Representative Bolz will be the floor sponsor.

**BILL # HB168** **Representative Jones** explained that House Bill 168 has been held time certain. Last Saturday he met with Bob Naerebout from the Idaho Dairyman's Association and two board members. At this meeting, the Idaho Dairyman's Association agreed to furnish a written agreement (see attached) to resolve the issue that this legislation would impact. As a result, Representative Jones willingly withdrew his bill. BUT Representative Jones instructed the committee if they receive any complaints this year around this matter, they are to report to him, the Idaho State Department of Agriculture and Mr. Bob Naerebout. Also Chairman Jones will keep the committee members informed on this matter during the year.

**PRESENTATION:** **Frank Muir**, President, CEO, Idaho Potato Commission, gave an update of the Commission's financial status. It has been a challenging year for potatoes. The crops were difficult because of the drought. Ten percent of America's adults were on the Atkin's Diet. Now there's roughly only four percent on it. Other highlights during the year included the "bin buster" program, Walmart billing the commission \$100,000 and Denise Austin being their spokesperson on commercials.

Questions answered by Frank Muir and Pat Kole, explained they haven't done any popularity polls on Denise Austin. The emails they receive are all positive. They will continue using her on a year to year contract. They like the relationship they have with her. Because of the current water situation, some farmers are creating co-ops to learn from each other. Pat Kole also gave an update on the acrylamide issue.

**PRESENTATION:** **Gretchen Hyde**, Executive Director, Idaho Rangeland Resources Commission, gave an update of the Commission's financial status. The Idaho Rangeland Resources Commission celebrated their 10 year anniversary. Ms. Hyde described educational programs and media campaigns that were conducted last year. Also available for range owners to obtain at no cost are information signs. These signs are to be posted on rangeland to inform the public of grazing or warning conditions.

A question was asked regarding the commissioners of the commission and that they were mainly southern Idaho residents. There aren't as many complaints from the northern part of the state but she will relay the concern.

**PRESENTATION:** Candi Fitch, Idaho Apple Commission, Idaho Cherry Commission, gave an update of the two commission's financial status. The apple crop this past year was an excellent crop but the price was low. The Apple Commission's focus this past year has been on the University of Idaho Research Projects and it's trade association memberships.

In answer to a question, Idaho has just under 200 apple growers.

The cherry industry in Idaho is increasing. It was a good year for cherries. The year had good growing conditions. The volume was good and the cherries brought a good price. Shortage of labor was one problem the industry encountered.

In answer to a question, cherries are graded in a similar way as apples.

A fast paced short export promotion video tape was viewed.

**ADJOURN:** Meeting was adjourned at 3:00 p.m.

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Representative Doug Jones  
Chairman

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Vickie Winkel  
Secretary

## MINUTES

### HOUSE AGRICULTURAL AFFAIRS COMMITTEE

**DATE:** March 10, 2005

**TIME:** 1:30 p.m.

**PLACE:** Room 416

**MEMBERS:** Chairman Jones, Vice Chairman Trail, Representatives Field(23), Lake, Stevenson, Bolz, Shirley, Andrus, Jaquet, Pence

**ABSENT/  
EXCUSED:** Representative Trail

**GUESTS:** Please refer to the presenters highlighted below and the attached committee sign-in sheet.

Chairman Jones called the meeting to order at 2:37 p.m.

Representative Bolz moved to accept the minutes of March 8, 2005, as printed. All Aye. Motion carried.

**BILL #: S 1056**

**Lloyd Knight**, Idaho Cattle Association, explained Senate Bill 1056. The purpose of this bill is to provide for the Idaho Beef Council to have the authority to raise the beef promotion state assessment on cattle from not more than fifty cents per head to not more than one dollar per head. The authority to raise this assessment would be authorized only if the federal beef promotion and research act is no longer in effect. A Supreme Court decision is currently being pursued. Should this increase take place, a refund for the collected assessment, or any portion thereof, would be allowed. The legislation contains an emergency clause in case the federal beef promotion and research act is no longer in effect prior to July 1, 2005.

The beef checkoff dollars may be spent only on the following: promotion, research, consumer information, industry information, foreign marketing, and producer communications. Checkoff funds cannot be used to influence government policy or action, including lobbying. Last year during the BSE incident in Idaho, checkoff dollars were used.

A question was asked to explain the "opt in" or "opt out" part of the program. If the federal program is found unconstitutional, ranchers may "opt out" by writing a letter.

A question was asked if the Atkin's Diet helped the beef industry. All high protein diets helped the beef industry but the Checkoff Program also promotes a balanced diet.

**Mable Dobbs**, Western Agriculture Resource Councils, spoke in opposition of the bill. Many Idaho cattle producers believe that a properly run beef promotion program would be beneficial. But such a program would have to be completely voluntary to pass constitutional muster. Senate Bill 1056 would only delay the day when there is a

functioning, constitutional beef promotion program in Idaho. She feels after the Supreme Court decision is made, would be a better time to present this bill if it is needed.

A question was asked if the ruling is unconstitutional, what's the difference between fifty cents to one dollar. It is a waste of time to pass this bill. We should wait until the Supreme Court decision is made.

A question was asked if you can ask for a refund, is it voluntary. A mandatory checkoff is not voluntary.

**MOTION:**

Representative Lake made the motion that Senate Bill 1056 be sent to the floor with a do pass recommendation.

Representative Jaquet can not support this bill because of the "opt in" and "opt out" clause. If beef people haven't been polled since 1988, this doesn't represent a consensus.

Representative Pence can not support this bill either. She feels it is a waste of time.

Representative Andrus supports the motion because it has an "opt out." Beef prices are good and he gives some credit to the checkoff program for that.

Representative Field (23) has seen a lot of television commercials for beef and knows how much that has helped the beef people. You can always write in and get a refund.

Representative Lake explained that there is currently a dollar checkoff with half going to the state and the other half going to the federal.

Representative Bolz supports the bill. People can write in for a rebate, just like they do for their taxes.

By voice vote, the motion passed. Representative Jaquet and Representative Pence wished to be recorded as voting Nay.

Representative Lake will be the floor sponsor.

**PRESENTATION:**

**Blaine Jacobson**, Executive Director, Idaho Wheat Commission, gave an update of the commissions's financial status. In 2004 approximately 1.2 million acres of wheat were harvested. The yield was 82.0 bushels per acre and the total crop was 101.0 million bushels. The wheat crop adds nearly \$300 million to Idaho's economy each year. Forty percent of Idaho's crop goes to domestic mills and customers. Roughly, 60% of the crop is exported. Top foreign destinations include Japan, the Philippines, South Korea and Taiwan. Mainland China began taking significant quantities of Idaho wheat for the first time in 30 years. The popularity of low-carb diets appears to have peaked. New dietary guidelines issued by the federal government put more focus on whole-wheat products.

A question was asked what the future price of wheat will be this year. Prices will stay firm, especially soft white. Hard red prices are softer.

A question was asked with the drought and water shortage, will this make farmers shift their crops. Yes, but this could benefit the wheat crops. Sugar beets and potatoes take more water than wheat.

**PRESENTATION:** **Stan Boyd**, Idaho Wool Growers, gave an update of the Idaho State Sheep Commission's financial status. The Idaho State Sheep Commission is the oldest state commission. Idaho ranks 7<sup>th</sup> in the nation for total number of breeding stock, which amounts to 225,000 head. Idaho ranks 8<sup>th</sup> in the nation for the production of wool, which is about 2,115,000 pounds. The United States consumes 125% of the production. The current assessment on wool produced by Idaho wool growers is eight cents per pound. Idaho Code allows the Idaho Sheep Commission to contract with the Idaho Wool Growers Association to conduct research, education, and promotion programs.

A question was asked if there is an increase in lamb production. There is room for some growth. It's a very labor intensity business. Prices have risen.

A question was asked if there has been a dramatic decrease in the wool industry. There are several things to take into affect: labor intensity, predators, and getting access to natural resources grazing.

A question was asked how many counties don't participant in the predator program. There's maybe five.

A question was asked what is the average dollar amount given by a county within the state. The average is roughly \$3,000.

Chairman Jones informed the committee that there is no more legislation, he knows of, that will come through the committee. The next two meetings will consist of commission reports.

**ADJOURN:** The meeting was adjourned at 3:46 p.m.

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Representative Doug Jones  
Chairman

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Vickie Winkel  
Secretary

## MINUTES

### HOUSE AGRICULTURAL AFFAIRS COMMITTEE

- DATE:** March 14, 2005
- TIME:** 1:30 p.m.
- PLACE:** Room 416
- MEMBERS:** Chairman Jones, Vice Chairman Trail, Representatives Field(23), Lake, Stevenson, Bolz, Shirley, Andrus, Jaquet, Pence
- ABSENT/  
EXCUSED:** None
- GUESTS:** Please refer to the presenters highlighted below and the attached committee sign-in sheet.
- Chairman Jones called the meeting to order at 2:32 p.m.
- MINUTES:** Representative Bolz moved to accept the minutes of March 10, 2005, as printed. All Aye. Motion carried.
- PRESENTATION:** **Rick Waitley**, Association Management Group, gave a brief presentation on "Agriculture in the Classroom." This is a pro-active state association with membership representing the agriculture industry, commodity groups, businesses, organizations, individuals, and teachers. Through a cooperative effort, practical and hands-on instructional materials promoting an understanding of the various components of agriculture and providing a vehicle for increasing agricultural literacy and awareness, are provided to educators. This program is available for classes kindergarden through the 12<sup>th</sup> grade. It has been very successful since it started in 1986 in Idaho. A Resource Guide Book has been created to help schools as a resource for teachers to use. Mr. Waitley presented former Representative **Kent Kunz** a plaque for his work he had done to create the "Idaho Agriculture Specialty License Plate" program. The license plate costs \$35.00 the first year with \$25.00 of it going towards the classroom program. Renewal of the plate each year is \$25.00 with \$15.00 of it going to the program. This has been a successful way for raising funds, thanks to Mr. Kunz's hard work.
- PRESENTATION:** **Jim Little**, Chairman of the Idaho Alfalfa and Clover Seed Commission, gave an update of the commission's financial status. In fiscal year 2004, Idaho produced approximately 9,970,326 pounds of alfalfa and clover seed. The current assessment for the seed is \$0.0035 per pound. The commission oversees the disbursement of funds in three major categories of operation: research, education, and promotion. Idaho is the second largest alfalfa seed producing state behind California and is the leading producer of winter hardy alfalfa seed. Although alfalfa seed is considered a minor crop, it is the foundation of an alfalfa forage industry that ranks third nationally in planted acres behind corn and soybeans and is among the top five agricultural crops grown in the U.S. Idaho's growing dairy industry has placed a demand on high quality forage

crops.

A question was asked if the industry has recovered from the ABT incident. It's a long road. The industry is smaller from it.

A question was asked what percent is grown in this area. 80%

A question was asked about the new varieties that are resistant to Roundup. There is still a controversy. Until Japan signs off on it, it won't be released. They're afraid of contamination.

A question was asked if there are different varieties for a short water year. You need stress to produce seed. Private research companies are developing different varieties for different conditions.

**PRESENTATION:** **Doug Finicle**, Chairman of the Idaho Canola and Rapeseed Commission, gave an update of the commission's financial status. This commission was created in 1996 as a tool to advance the oilseed industry in Idaho. The commission collects a tax of ten cents per hundred weight on all canola, rapeseed, and mustard. In cooperation with the University of Idaho, the commission has hired a private consultant to form a working group which will develop an action plan for registering mustard meal as a biopesticide with the EPA. If successful, this could open up the opportunity to sell mustard meal commercially as a biopesticide and add to the value of mustard crops. The mustard meal may be an effective alternative to commercial pesticides. The commission is hopeful that the development of the mustard meal biopesticide will in turn make mustard oil more readily available for use in biodiesel, which is another area of study being conducted at the University of Idaho. Biodiesel developed from canola and mustard is the cleanest burning type of biodiesel that has been developed to date.

A question was asked if there are certain areas where farmers can't grow canola. In southwest Idaho, you can't grow rapeseed and canola because of the possibility of cross pollination. There are two different types of canola, one is for food stock and the other is for industrial.

**ADJOURN:** The meeting was adjourned at 3:12 p.m.

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Representative Doug Jones  
Chairman

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Vickie Winkel  
Secretary

## MINUTES

### HOUSE AGRICULTURAL AFFAIRS COMMITTEE

- DATE:** March 16, 2005
- TIME:** 1:30 p.m.
- PLACE:** Room 416
- MEMBERS:** Chairman Jones, Vice Chairman Trail, Representatives Field(23), Lake, Stevenson, Bolz, Shirley, Andrus, Jaquet, Pence
- ABSENT/  
EXCUSED:** Representative Field(23)
- GUESTS:** Please refer to the presenters highlighted below and the attached committee sign-in sheet.
- Chairman Jones called the meeting to order at 2:53 p.m.
- MINUTES:** Representative Bolz moved to accept the minutes of March 14, 2005, as printed. All Aye. Motion carried.
- Representative Trail** read a letter from Dwight Johnson, Assistant Deputy Director, Idaho Department of Commerce and Labor, updating the committee on the Farm Worker Minimum Wage Act and the Farm Contractor Registration legislation. The Department has received one complaint on minimum wage during each year for 2004 and 2003, approximately six complaints regarding unlicensed farm labor contractors operating in the state during 2004 and about eight complaints in 2003.
- PRESENTATION:** **Jerry Nicolescu**, Idaho Soil Conservation Commission, gave an update on the commission's financial status. The commission was created to provide support and service to the state of Idaho in the wise use and enhancement of soil, water, and related resources through Idaho's Soil and Water Conservation Districts. The five member commission is appointed by the Governor to serve a five year term. Mr. Nicolescu discussed the commission's partnerships and programs. He also explained improvement loans and grants that are available.
- A question was asked if the position in Burley will be filled. Yes, a permanent replacement was assigned a month ago.
- A question was asked regarding land trusts across the state, have they partnered with them. Yes.
- A question was asked if the CREP program is approved, will the commission be a part of it. Yes, the commission would be a part of it along with the USDA.
- PRESENTATION:** **Bob Corbell**, Idaho Grape Growers and Wine Producers Commission, gave an update on the commission's financial status. The Idaho grape

industry is doing very well. The commission operates on dues of \$5.00 an acre when the acreage produces. It takes about two years for the grape roots to mature. The third year is when the grapes can be harvested. There are currently 25 wineries in the state. It is a \$55 million industry. The commission gets research money from the United States Department of Agriculture. The University of Idaho conducts research for the commission at the science laboratory in Parma. Grape growers are concerned about water usage and use it wisely. Their grapes vary from being watered once a summer to more frequent waterings that use drip irrigation. St. Chapelle Winery is the only winery that exports their wine.

A question was asked regarding research, with the open records law, does the grape commission have to abide to it. The time limit to respond is a problem for a small part time commission. The bill this year is being held in committee.

A question was asked regarding new plants for the first two years, the grapes are cut and dropped to the ground. Why? This makes the plants more productive later and raises its sugar level.

A question was asked if they are growing table grapes. There could be about 4,000 acres in a couple of years. Right now some are sold here and most are shipped to Alaska. The grape isn't "pretty" but it tastes good. Research has been going on for the past three years to improve the appearance. It has come a long ways.

A question was asked if Idaho has the timing for table grapes. Yes, that's the good part of it. It doesn't compete with Chile or California's harvest time.

**PRESENTATION:** **Tony Bennett**, Bureau Chief, Idaho Soil Conservation Commission - Carbon Sequestration, presented information on carbon sequestration in Idaho. Though Idaho is not a carbon producing state, Idaho code 22-5103, enacted on July 1, 2002, instructed the Idaho Soil Conservation Commission to prepare a report exploring the potential for carbon sequestration on agricultural and private, non-industrial forest lands. It also called for the appointment of a 10-member advisory committee to be chaired by the Idaho Soil Conservation Commission. The Big Sky Regional Carbon Sequestration Partnership and the Idaho Carbon Sequestration Advisory Committee signed a memorandum of understanding on January 10, 2005. Idaho along with Montana, South Dakota, and Wyoming are now working in partnership to define characteristics of promising terrestrial and geologic storage sites. Other priorities include the identification and application of future greenhouse gas measurement and verification technologies and identification of carbon sequestration technologies and/or practices.

Chairman Jones reminded the committee there will not be a meeting Friday, March 18<sup>th</sup>. The next meeting will be Tuesday, March 22<sup>nd</sup> and will include a report from the Idaho Bean Commission and a House Joint

Memorial.

**ADJOURN:** The meeting was adjourned at 4:00 p.m.

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Representative Doug Jones  
Chairman

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Vickie Winkel  
Secretary

## MINUTES

### HOUSE AGRICULTURAL AFFAIRS COMMITTEE

**DATE:** March 22, 2005

**TIME:** 1:30 p.m.

**PLACE:** Room 416

**MEMBERS:** Chairman Jones, Vice Chairman Trail, Representatives Field(23), Lake, Stevenson, Bolz, Shirley, Andrus, Jaquet, Pence

**ABSENT/  
EXCUSED:** None

**GUESTS:** Please refer to the presenters highlighted below and the attached committee sign-in sheet.

Chairman Jones called the meeting to order at 3:37 p.m.

**MINUTES:** Representative Bolz moved to accept the minutes of March 16, 2005, as printed. All Aye. Motion carried.

**BILL #: HJM 8** **Representative McGreachin** explained House Joint Memorial 8. The purpose of this memorial is to endorse the language presented to the Congress of the United States regarding a blending bias for ethanol derived from agricultural byproducts. If this proposal passes Congress, Idaho's agricultural community will stand to benefit. To be more specific, a Canadian company, logen Corporation, has been interested in Idaho Falls as a location for their plant. They have opened an office in Idaho Falls to study the possibility of doing this.

**Dar Olberdling**, Idaho Grain Producers, supports this legislation. There is a mothball coal fired plant at INL that could generate electricity by using the byproducts of the logen facility. A sample of the "Idaho Straw Purchase Option Agreement" was handed out. logen is asking for a million tons of straw when it is up and operating.

A question was asked if the byproduct contains mercury. It would contain mercury only if the soil contained it.

**Russ Hendricks**, Idaho Farm Bureau, supports this legislation. The reason Idaho is interested in this technology is that logen, a leader in the field of cellulosic ethanol, is interested in siting the world's first commercial cellulose ethanol plant in eastern Idaho. logen has a test facility in Ottawa, Canada, that has been turning 40 tons of straw a day into ethanol for the past year. They have conducted a nationwide search in the US for the best site to locate a commercial size plant. Eastern Idaho came out at the top of the list because of their number of acres of contracted barley under irrigation which gives logen a stable supply of straw. This proposed facility would provide jobs, tax base, increased farm revenues, and enhanced economic activity in the eastern Idaho area.

**MOTION:** **Representative Jaquet** made the motion that House Joint Memorial 8 be sent to the floor with a do pass recommendation. All Aye. Motion carried. Representative McGeachin will be the floor sponsor.

**Chairman Jones** will keep the committee informed during the year as more information develops.

**PRESENTATION:** **Diana Caldwell**, Idaho Bean Commission, gave an update on the commission's financial status. Their budget was 9% below their projected budget. The commission was started 48 years ago. Beans ranked seventh as the most valuable crop in Idaho for 2003. The acreage is expected to be up 30-40% for 2005. There is a strong demand for pinto and navy beans. Idaho ranks 4<sup>th</sup> in the United States for bean production. The Idaho Bean Commission works closely with the Idaho Department of Agriculture to develop the Mexican market. Michigan and Idaho have collaborated to promote dry bean consumption and cut expenses by sharing expenses at trade shows. The new US dietary guidelines indicate beans help reduce heart disease and cancer.

A question was asked if the Bean Commission participates in the holiday baskets with the Idaho Preferred Program. No, but that would be a good idea.

A question was asked if she has any administrative help in the office. No. She had a part time person but had to let her go because of budget cuts.

A question was asked if dry beans are mostly under contract. Yes, but there are several types of contracts.

A question was asked where are they located. Magic Valley, Twin Falls, Canyon County, and the Burley area are the bean producing parts of the state.

**PRESENTATION:** **Micheal Bogart**, Attorney, presented the committee an acrylamide - California update. More information may be found at [www.oehha.ca.gov](http://www.oehha.ca.gov) after April 8, 2005.

Chairman Jones informed the committee he has the University of Idaho literature review regarding this issue. Contact him if you wish to read it.

Chairman Jones reminded the committee there will be a meeting Thursday, March 24<sup>th</sup>. There is only be one piece of legislation on the agenda.

**ADJOURN:** Meeting was adjourned at 4:20 p.m.

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Representative Doug Jones  
Chairman

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Vickie Winkel  
Secretary

## MINUTES

### HOUSE AGRICULTURAL AFFAIRS COMMITTEE

- DATE:** March 24, 2005
- TIME:** 1:30 p.m.
- PLACE:** Room 416
- MEMBERS:** Chairman Jones, Vice Chairman Trail, Representatives Field(23), Lake, Stevenson, Bolz, Shirley, Andrus, Jaquet, Pence
- ABSENT/  
EXCUSED:** Representative Field (23)
- GUESTS:** Please refer to the presenters highlighted below and the attached committee sign-in sheet.
- Chairman Jones called the meeting to order at 1:28 p.m.
- MINUTES:** Representative Bolz moved to accept the minutes of March 22, 2005, as printed. All Aye. Motion carried.
- BILL #: S1217** **Bob Corbell**, Idaho Wine Commission and Grape Growers, explained Senate Bill 1217. This legislation provides for commissioners to serve until the Governor reappoints them or a new commissioner is appointed. This will eliminate the possibility of having less than five members at a given time on the commission.
- MOTION:** Representative Stevenson made the motion that Senate Bill 1217 be sent to the floor with a do pass recommendation. All Aye. Motion carried. Chairman Jones will be the floor sponsor.
- BILL #: H366** **Representative Jaquet** explained House Bill 366 as legislation that amends the Idaho Code to allow counties, at their option, the authority to require dairies to submit an initial, and thereafter, an annual report to the Board of County Commissioners and the Idaho State Department of Agriculture, which details the count for all bovine located within the boundaries of a dairy. It also gives counties, exercising this option, the ability to verify the animal count set forth in the dairy's report. This proposed legislation would make it possible for county commissioners to make smart decisions in the areas surrounding these operations, i.e. planning and zoning.
- A question was asked if she was aware of the Idaho State Department of Agriculture has a census for livestock. Yes, but the numbers vary from 76,000 to 100,000 or more in Gooding County.
- Gary Grindstaff**, County Commissioner, Twin Falls County, spoke in favor of the bill. There needs to be a report from the dairymen. Every year would be helpful. The Idaho State Department of Agriculture does have figures but they are not accurate.
- A question was asked if there is a hard number of cows that should be in the county. No.
- A question was asked if there isn't a standard for how many cows should

be in a county, why count them. There needs to be a number to start a base.

**Carolyn Elexpuru**, Gooding County Commissioner, Idaho Association of Counties, spoke in favor of the bill.

**Claudia Haynes**, Nampa, spoke in favor of the bill.

**Brent Olmstead**, Milk Producers of Idaho and Idaho Dairymen's Association, spoke in opposition of the bill. They worry about confidentiality. There is other information that county commissioners could use instead of a cattle count.

A question was asked if a county commissioner has the authority to kick someone out of the county if they had too many cows. Don't know unless they were violating their permit.

**David Ferdinand**, County Commission, Canyon County, spoke in favor of the bill. It is difficult to get the information to make decisions that will affect land use planning. Business plans are confidential but they are asking only for the number of cows.

**Judy Bartlett**, Idaho Farm Bureau, spoke in opposition of the bill. Simply, they oppose it for two reasons - confidentiality and bio-security. Having someone know your total headcount of cattle, is like having them know your bank account.

**Lauren McLean**, Idaho Conservation League, spoke in favor of the bill. County Commissioners need this information to make good decisions. Idaho Code states that Plan One is confidential, nutrient plans are not, per Judge Wilper's ruling.

**John Chatburn**, Bureau Chief, Idaho State Department of Agriculture, spoke in opposition of the bill. The Idaho State Department of Agriculture does share some of their documents with other government entities. These can be used for land use decisions. There are estimates of cows for each dairy available.

A question was asked where these estimates might be found. The Dairy Bureau has them derived from production.

A question was asked where does the Dairymen's Association get their information. They use the estimates from the Idaho State Department of Agriculture.

A question was asked if these can be broken down by county. Yes.

A question was asked if other states keep counts. Mr. Chatburn is not familiar with other states.

A question was asked if a county commission could get the number of cows on a certain dairy. Not sure. The Idaho State Department of Agriculture does have counts by county, region, and state.

A question was asked regarding bio-security. How do the inspectors work around that? They all carry small basins, boot covers, and disinfectants.

We follow protocol at each location.

Representative Jaquet told the committee that elected officials need an accurate count to help make decisions on land use. Nutrient management plans don't seem to be as big of a wall as once thought of before.

**MOTION:**

Representative Jaquet made the motion that House Bill 366 be sent to the floor with a do pass recommendation.

Representative Andrus feels this legislation is irreverent. This seems to be parallel to owning property. He opposes the motion.

Representative Pence said the counties are asking for numbers of cows so they can develop hard numbers. The counties don't know if they are maxing out in manure. We're tying their hands. She supports this legislation.

Representative Stevenson said the commissioners have the ability to get the numbers from the Idaho State Department of Agriculture's estimates.

Representative Lake made the substitute motion that House Bill 366 be held in committee. The information is out there. He reports his numbers of cows per lot both monthly and annually.

Representative Jaquet is opposition of the substitute motion. That's why there is a moratorium in Gooding County. There isn't an accurate count. The number is accumulative, not individual.

Representative Bolz feels this deals with the confidentiality clause and supports the substitute motion.

A roll call vote was requested. Voting Nay: Chairman Jones, Vice Chairman Trail, Representatives Jaquet and Pence. Voting Aye: Representatives Lake, Stevenson, Bolz, Shirley, and Andrus. The substitute motion passed by a 5 to 4 vote.

Chairman Jones informed the committee that Monday's meeting will probably be our last. We will meet only to approve the minutes of this meeting, March 24<sup>th</sup>.

**ADJOURN:**

Meeting was adjourned at 3:37 p.m.

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Representative Doug Jones  
Chairman

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Vickie Winkel  
Secretary

MINUTES

**HOUSE AGRICULTURAL AFFAIRS COMMITTEE**

**DATE:** March 28, 2005

**TIME:** 1:30 p.m.

**PLACE:** Room 416

**MEMBERS:** Chairman Jones, Vice Chairman Trail, Representatives Field(23), Lake, Stevenson, Bolz, Shirley, Andrus, Jaquet, Pence

**ABSENT/  
EXCUSED:**

**GUESTS:** None

Chairman Jones called the meeting to order at 4:28 p.m.

**MOTION:** Representative Bolz made a motion to accept the minutes of March 24, 2005, with one minor correction. All Aye. Motion carried.

Chairman Jones informed the committee that the CDs containing this year's committee meeting minutes will be available about a month after Sine die. They can not be created until the Governor has time to Veto and after both journals are completed. He also reviewed the last three bills that have passed through committee and have been read on the floor.

Chairman Jones thanked the committee for all their hard work this year. He also thanked the secretary and page.

**ADJOURN:** The meeting was adjourned at 4:35 p.m.

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Representative Douglas Jones  
Chairman

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Vickie Winkel  
Secretary