

Senate Agricultural Affairs Committee

Minutes
2006



MINUTES

SENATE AGRICULTURAL AFFAIRS COMMITTEE

DATE: January 10, 2006

TIME: 8:00 a.m.

PLACE: Room 437

MEMBERS PRESENT: Chairman Williams, Vice Chairman Gannon, Senators Coiner, Corder, Broadsword, Stennett, Kelly, Fulcher

MEMBERS ABSENT/ EXCUSED: Excused: Senator Burtenshaw

CALL TO ORDER **Chairman Williams** called the meeting to order at 8:05 **AM**

INTRODUCTION: Chairman Williams extended a warm welcome to guests and representatives from the U.S. Environmental Protection Agency (EPA), Michael Bogert, Regional Director and Jon Scholl, Agriculture Counsel.

U.S. ENVIRONMENTAL PROTECTION AGENCY Michael Bogert, Regional Director greeted the committee and introduced members of the Region 10 team: Ron Krizenback, Jim Wertz, Rick Albright, Karl Arme and Jon Scholl, Agriculture Counsel.

Mr. Scholl gave an overview of the objectives of the EPA with respect to environmental issues. Mr. Scholl further expressed that agriculture is a priority of the Agency and that it is concerned with the unique problems and challenges it faces. Further, Mr. Scholl expressed the desire of the Agency in finding opportunities and ways to engage people and constructively involve them in solving problems. Mr. Scholl stated that the Agency is eager to find ways to cooperate with people to help them comply with Agency standards, ensure communications and relationships needed to make good discussion, set good policy, and do good things, that not only protect the environment, but also allow industries like agriculture to thrive.

DISCUSSION: **Senator Stennett** asked what the reasoning was behind the difference in standards of rural cities and dairy farms. Mr. Scholl acknowledged the different regulations stating that one of the many differences is that animal waste is a by-product and can be managed in a positive way. Mr. Bogert indicated that his staff would come back to the committee with more specific information.

Senator Kelly asked for specific budget results of the EPA. Mr. Bogert responded that he was not prepared to give actual bottom line numbers, but that he would be willing to come back to the committee with further information.

Senator Coiner questioned coal fire plants being exempt from the mercury requirements set forth in the Presidents Clear Sky legislation and Clear Air Act. **Senator Coiner** wanted to know if coal fire plants are in fact exempt from the requirements of the Clear Air Act. Mr. Albright responded that to the best of his knowledge there is no exemption for coal fire power plants from mercury rules.

Senator Stennett wanted clarification regarding coal fire plants. He stated that it was his understanding that in 1980 Congress passed a rule that allowed coal fire plants to emit a certain number of toxins, not including mercury and essentially said that those toxins were not to be recognized by the EPA. **Senator Stennett** asked for comment on the issue. Mr. Bogert asked the Chairman if he could look into the question and get back to the committee.

Senator Coiner questioned the transferring the pollutants from one state to another. He asked where the EPA stands in the process of the mercury rule. Mr. Albright stated the rule was put forth by the EPA. The idea of the rule was to set a cap across the nation as to how much mercury could be emitted by power plants and then work within that cap. Therefore, if another part of the country is going well below their cap, it would open the door for someone else to come in and put in a new power plant. Mr. Albright stated that the cap had been effective and was approximately 70% lower.

Senator Coiner asked what EPA has in the way of programs to address the mercury issue in our water bodies. Mr. Wertz indicated that Department of Environmental Quality (DEQ) and Idaho National Laboratory (INL) are involved in research. Mr. Bogert added that his team would be more than willing to follow up.

Chairman Williams asked for comment with regard to inspections that were previously under the Department of Agriculture's umbrella that are being taken over by the EPA. Mr. Scholl responded that the Confined Animal Feeding Operation (CAFO) rule re-write was still underway.

Chairman Williams asked Mr. scholl to comment on Carbon Sequestration. Mr. Scholl stated that it was a very innovative process and that it would be a positive impact on agriculture.

Senator Coiner requested a follow-up on the mercury levels in Idaho water and effects on air quality. Mr. Bogert indicated that it would be a pleasure.

There being no further discussion, Chairman Williams thanked Mr. Bogert and Mr. Scholl and stated that he looked forward to having them come back to the committee.

DISCUSSION: **Chairman Williams** introduced Wanda Brock, Committee Secretary and Angela Anderson, Senate Page to the committee.

Chairman Williams asked Senator Fulcher to greet the committee.

Adjourn: **Chairman Williams** adjourned the meeting at 9:12 AM.

Senator Stanley Williams
Chairman

Wanda Brock
Secretary

MINUTES

SENATE AGRICULTURAL AFFAIRS COMMITTEE

DATE: January 12, 2006
TIME: 8:00 a.m.
PLACE: Room 437
MEMBERS PRESENT: Chairman Williams, Vice Chairman Gannon, Senators Burtenshaw, Fulcher, Coiner, Corder, Broadsword, Stennett, Kelly

MEMBERS ABSENT/ EXCUSED: None

CALL TO ORDER: **Chairman Williams** called the meeting to order at 8:05 **A.M.**

INTRODUCTION: **Chairman Williams** welcomed Pat Takasugi, Director of the Idaho State Department of Agriculture (ISDA). Director Takasugi briefly greeted the committee and introduced Jerry Nicolescu, from the Soil Conservation Commission. Mr. Takasugi also introduced staff in attendance from the ISDA: Wayne Hoffman, Tom Dayley, Mike Everett, Dr. Greg Ledbetter, Sherm Takatori, John Chatburn, Matt Voile, Kelly Nielsen, and Laura Johnson.

PRESENTATION-

BRUCELLOSIS: **Dr. Greg Ledbetter**, Interim Administrator, Animal Industries, ISDA gave an overview stating that the current status of Brucellosis in Idaho is that of two herds being affected. The exposure to Brucellosis came from a calf presented at slaughter late last summer and was traced back to a herd in Swan Valley. A second infected heifer was sold out of the Swan Valley herd, resulting in the receiving herd becoming affected, and thus causing Idaho's Class Free predication to change in accordance with the United States Department of Agriculture's (USDA) regulations. Dr. Ledbetter stated that the ISDA was being very aggressive in testing with the objective of regaining Idaho's Free status with regard to Brucellosis.

DISCUSSION: A general discussion followed with regard to how the Brucellosis was spread and what the possible remedies would entail. The question of increasing and bearing of the cost was asked. The Department responded that the ISDA would cover costs with some additional consideration from the USDA. The issue of penalties for the violating herd was also addressed and the committee was informed that legal proceedings were currently under way.

**BEEF
ENVIRONMENT
AND ANIMAL
IDENTIFICATION:**

Director Takasugi turned the meeting over to **John Chatburn**, Deputy Administrator of the Division of Animal Industries, ISDA. Mr. Chatburn gave an overview of the regulations and waste, construction, complaint, and possible discharge investigations. Further, Mr. Chatburn reviewed the National Animal Identification System for the committee.

DISCUSSION:

There was a brief discussion with regard to what predicated the increase in inspections. Mr. Chatburn responded that the number of inspections in Idaho has been increased due to the Brucellosis outbreak; but has also been aided by additional staff and training.

Further discussion regarding the National Animal Identification System centered around the 48 hour trace-back capability and the premise registration. Mr. Chatburn informed the committee that the requirements for each species is being worked out on a national level, but is not yet complete. The ISDA is actively working to register dairy, feedlot, and home ranch premises in the State of Idaho and the USDA is maintaining the national registration. Mr. Chatburn indicated that the Federal regulations would be available in draft form by midsummer of 2007.

**WORKER
PROTECTION
AND PESTICIDE
APPLICATION:**

Mike Everett, Deputy Director, ISDA gave the committee a briefing on the application and protective measures in the use of pesticide. The committee was informed that training and education are key areas of focus. Bilingual information is currently available using the Public Service Announcement, in addition to bilingual staff in each office, as well as several scheduled talk shows. The Department's training will focus on total worker safety.

**INTERNATIONAL
TRADE AND
DOMESTIC
MARKET
DEVELOPMENT:**

Laura Johnson, Bureau Chief, ISDA gave a summary of the marketing goals and successes. Ms. Johnson touched on the Governor's Trade Mission and the success it has been in Asia and Mexico. The committee was informed of the Idaho Preferred program, a domestic program, in which produce grown in Idaho is given the trademark on their products, which has resulted in an increase of sales. The Department has launched a Fresh Fruit Initiative, where for one to two weeks the schools bring Idaho fresh fruit into the cafeterias.

**EURASIAN
WATER MILFOIL:**

Matt Voile, Noxious Weed Program Manager, Soil Conservation Commission, Conservation Reserve Enhancement Program, ISDA presented the committee with information on the current problem of Eurasian Water Milfoil in Idaho water bodies. Mr. Voile, reported that presently 4,048 acres are affected with projected cost for eradication estimated at twelve million dollars over the next three years.

DISCUSSION:

Discussion centered on the current amount of Eurasian Water Milfoil and the future consequence if not addressed appropriately. Several methods of control were discussed including barrier method, dredging,

bio-control, harvesting, and chemical treatment, including the use of 2-4-D. A question was raised by Senator Gannon as to food value if the plant was harvested. Mr. Voile reported that there is no food value to the plant once it is removed from the water.

**SOIL
CONSERVATION
COMMISSION:**

Jerry Nicolescu, Administrator, ISDA addressed the Committee with regard to soil conservation issues. Mr. Nicolescu introduced the Idaho Eastern Snake Plain Aquifer Conservation Reserve Enhancement Program (ESPA/CREP). Mr. Nicolescu indicated that sign up for the program would be around April. Items covered were program elements, Federal commitments, State commitments, and the projected cost of the program over the next 15 years.

DISCUSSION:

Discussion included rotational grazing, ground or surface water right controls, and the attitude of people wanting to sign-up.

BUDGET:

Kelly Nielsen, Financial Officer, ISDA briefly covered budget highlights.

Pat Takasugi, Director, ISDA, closed the presentation and thanked the committee for the opportunity to share the Department's achievements and future goals.

Chairman Williams graciously expressed his gratitude to Mr. Takasugi and the Department and commended them for their excellent work on the Legislative Outreach presentation.

RULES REVIEW:

Senator Gannon presented the Rules Review package, with Rules assignments. (see attached).

MINUTES:

Senator Broadsword made a motion to approve the minutes for January 10, 2006. Motion seconded by **Senator Corder**. The motion carried by a voice vote.

ADJOURN:

Chairman Williams adjourned the meeting at 10:07 a.m.

Senator Stanley Williams
Chairman

Wanda Brock
Secretary

MINUTES

SENATE AGRICULTURAL AFFAIRS COMMITTEE

DATE: January 17, 2006

TIME: 8:00 a.m.

PLACE: Room 437

MEMBERS PRESENT: Chairman Williams, Vice Chairman Gannon, Senators Burtenshaw, Fulcher, Coiner, Corder, Broadsword, Stennett, Kelly

MEMBERS ABSENT/ EXCUSED: None

GUESTS: Laura Johnson; Marketing Bureau Chief, Idaho State Department of Agriculture (ISDA), John Chatburn; Deputy Administrator, Animal Industries, ISDA, Tom Dayley; Administrator, Plant Industries, Mike Cooper; Deputy Administrator, Plant Industries Division

CALL TO ORDER: **Chairman Williams** called the meeting to order at 8:10 a.m.

COMMITTEE BUSINESS: **Senator Corder** presented the committee with a handout that demonstrated a rule change resulting from changes in H 323. **Senator Corder** expressed that the information was extremely helpful if one was looking to see what predicated a rule change. It clarified whether the change was due to a bill, policy or an agency discretion. Chairman Williams asked Senator Corder to follow-up with additional information.

Chairman Williams turned the meeting over to **Vice Chairman Gannon** for the purpose of rules review, as is the custom in the Senate.

**02-0420-0501: Rules Governing Brucellosis:
Committee Assignment: Senator Corder and Senator Broadsword**

John Chatburn, Deputy Administrator, Idaho State Department of Agriculture (ISDA), began review on pg. 4. The Federal documents have been updated to the most recent additions. In **Section 101-02** we have inserted "Idaho origin." **Section 101-02, Subsection-b (-b)** has been changed to state that "The administrator may make exceptions to the provisions of **Section 101** of this rule on a case-by-case basis."

Mr. Chatburn explained that the change in language makes clear that when the State changed the Brucellosis law a few years ago to allow for adult vaccination, it was not for purposes of allowing the importation of unvaccinated overage animals. The change in language allows taking animals from states that currently do not allow adult vaccinations, on a case-by-case basis. Thus, cutting down on the number of animals

coming into Idaho that are not vaccinated.

Senator Broadsword questioned whether the change had resulted in a savings to the State of Idaho in vaccination costs and man hours. In response, Mr. Chatburn stated that there was not any significant change. Mr. Chatburn also stated that the extra measures are to ensure that cattle are vaccinated prior to entering the state.

Senator Burtenshaw inquired if there was a different vaccine for calf and adult animals. Mr. Chatburn responded that it was the same vaccine with the main difference being the amount administered.

Mr. Chatburn directed the committee to **Section 101-03** where language had been changed from "owners" to "accredited veterinarians." This change requires an accredited veterinarian to call for the adult permit.

In Section 102-02 language has been struck that allows animals to be sold prior to vaccination. This is intended to ensure that cattle are vaccinated prior to sale and deportation.

Section 102-02-a changes were made because identification for the adult vaccinated cattle did not correspond to the Uniform Methods and Rules for Brucellosis ratification.

Senator Williams wanted to know approximately how many unvaccinated adult cattle were in the state. Mr. Chatburn indicated that although he did not have exact numbers, approximately 90 to 98 percent of producers were making efforts to comply with state law. Mr. Chatburn added that with additional dissemination of educational material, there is an up-tick in the number of permits for adult vaccination.

Senator Burtenshaw wanted to know if the same law applied to domestic and cervidae animals. Mr. Chatburn informed the committee that, at present, there is no efficacious vaccine for domestic cervidae. However, a negative import test is required for any cervidae imported into Idaho.

**02-0421-0501: Rules Governing the Importation of Animals:
Committee Assignment: Senator Fulcher and Senator Coiner**

Mr. Chatburn indicated changes that were made to reflect the most recent publications at the top of pg. 9. **Section 201-03-b** language was added to reflect the 120 days of age requirement. **Section 210-05** clarified that non-vaccinated females consigned to a qualified destination need to be vaccinated on arrival. In **Section 240-01** additional new language on tuberculosis has been inserted. **240-01-b** relating to cattle testing negative 60 days prior to entering the state. **Section 240-01-c** deals with the entry of show or exhibition animals entering the State without testing for tuberculosis. **Senator Corder** inquired why Idaho is not requiring testing for tuberculosis. Mr. Chatburn stated that most of the country is accredited Free Status for tuberculosis and that is the reason for not testing.

Senator Burtenshaw wanted to know if it was not still the case that all springers, dairy heifers 7 months along, still have to be tested to be moved. Mr. Chatburn replied that all sexually active male and female animals are required to be tested negative before they come into Idaho. Also, Idaho producers must test their herds before shipping them into other states.

Senator Fulcher wanted clarification on fiscal impact when the rule requires additional testing. He wanted to know who bears the cost. Mr. Chatburn indicated that the producer in the other state bears the cost prior to the animal entering the State.

02-0427-0501:

**Rules Governing Deleterious Exotic Animals:
Committee Assignment: Senator Gannon and Senator Kelly**

Section 004 has been updated to reflect the current Code of Federal Regulations. **Section 010-04** has been revised to include hybrid deleterious animals. **Section 151 Revocation of Permits** has been inserted to deal with violation of regulations. **Section 151-03** language has been added to include maintaining facilities in a sanitary condition. **Section 151-04** has been added to deal with escape of deleterious exotic animals. **Section 300-03** has been added to address record keeping.

Senator Broadsword inquired if the records couldn't be kept at facilities rather than filing with the Department on an annual basis. Mr. Chatburn indicated that at the present time, records must be filed with the Department and are also, at this time, considered public records.

A new section, **302-01-02** has been added to address the disposition of animals by reporting inventory, death, and new owner information.

Section 400, Section 800, Section 801, Section 809 are changes to the list of deleterious exotic animals with the addition of the scientific names and spelling corrections, as well as, additions of the Kinkajou and Coatimundi.

02-0617-0501:

**Rules Governing the Disposal of Cull Onions and Potatoes:
Committee Assignment: Senator Coiner and Senator Fulcher**

Mike Cooper, Bureau Chief, Department of Agriculture greeted the committee. He stated that the intent of the rule was to try and control pests that might arise from disposal of cull onions and potatoes. **Section 060** has been changed to include "market condition" onions and potatoes. **Senator Burtenshaw** asked if a producer has a crop that they can't sell if they couldn't just disk them under. Mr. Cooper replied yes. The main thing the Department is looking for is proper disposal and that disk plowing is an approved method. In **Section 070** the department includes all existing cull onions and debris, as well as a disposal deadline of prior to March 15. **Section 071** deals with compliance in disposal in order to control pests. **Section 071-02-d; 071-04-a, b** have been changed to

reflect a requirement of depth in burying debris.

Senator Corder expressed a concern that when people mold board plow, that the result can be anywhere from surface to 12 inches deep and asked how the Department would make a judgment on compliance. Mr. Cooper indicated that it was fairly easy to see if an attempt had been made to comply. Further, Mr. Cooper stated that most violations involve fields where there are obvious and large amounts of debris.

Senator Corder stated that he would like to see the Department afford people the opportunity to have the debris up-top through the winter and plow in the spring instead of the fall. Mr. Cooper indicated that the Rule is not enforced in the fall. The Department looks for compliance with the March 15 deadline.

Senator Stennett asked if there were any problems that the Department has run into with the selling of dirt that has heavy deposits of small potatoes mixed in. Mr. Cooper replied that there haven't been any major problems or complaints.

Senator Williams commented with regard to cull piles, that most people are aware of the problems that can arise from improper disposal and, to that end, are very diligent.

**02-0626-0501: Rules Governing Seed Potato Crop Management Areas:
Committee Assignment: Senator Burtenshaw and Senator Kelly**

Mr. Cooper pointed out that the only change to the Rule was on pg. 41 & 42 which was the incorporation of a legal description of the area. What this legal description does, is obligate the growers in the specific area to abide by the requirements in the Rule.

**02-0209-0501: Rules Requiring the Inspection of Potatoes Intended for Sale or Offered for Sale in Retail Outlets:
Committee Assignment: Senator Stennett and Senator Burtenshaw**

Mr. Cooper informed the committee that the primary intent of this Rule is to support the Marketing Order efforts in Idaho. The Order requires that all potatoes that are sold in Idaho undergo an inspection and are graded. The changes were made due to the Tuberworm issue in other states. **Section 100-01, 02, 03-a, b, c** have been updated and include certification and markings, inspection requirements, and restrictions. Other changes were updating contact information and telephone numbers. Further, **SECTION 108 PENALTIES FOR VIOLATIONS** has been added.

Senator Corder asked who makes Oregon inspections. Mr. Cooper informed the committee that Oregon and Washington make their perspective inspections operating under the Marketing Order. Generally, if states are complying with the Marketing Order they must be certified to

do the inspections in compliance with the Agricultural Marketing Service (AMS), within the USDA.

Senator Corder asked who was watching AMS to make sure they are watching Oregon sufficiently. Mr. Cooper replied that industry is watching closely.

Senator Stennett wanted to know if there is any standard for local farmers markets. Mr. Cooper informed the committee that due to the lower-end limit, there is no inspection required.

Senator Williams asked if seed imported from Oregon is required to have an inspection certificate. Mr. Cooper replied that imported seed does have to be accompanied by a certificate. Further, he indicated that there have not been any Tuberworm incidents arising from Oregon Potatoes.

Senator Gannon inquired about the status of genetically altered potatoes. Mr. Cooper relayed to the committee that the marketplace cured the genetically altered potato situation. Currently there is nothing on the market that has been engineered.

UP-DATE:

Mr. Chatburn updated the committee with information on Idaho's Brucellosis status. An interim rule was signed Thursday, January 12, 2006 stating that the State of Idaho is now rated Class A for Brucellosis. Testing has begun at livestock auctions and in the area of export.

DISCUSSION:

Chairman Williams wanted to know if we were now bleeding animals that are exported. Mr. Chatburn explained that since Idaho does not currently have a rule in place that the Department is following the definition of test eligible in the Federal Regulations.

Senator Burtenshaw requested clarification as to whether vaccinated animals could be exported without a test up to 24 months. Mr. Chatburn indicated that yes, they could.

Chairman Williams adjourned the meeting at 9:18 a.m.

Senator Stanley Williams
Chairman

Wanda Brock
Secretary

MINUTES

SENATE AGRICULTURAL AFFAIRS COMMITTEE

DATE: January 19, 2006

TIME: 8:00 a.m.

PLACE: Room 437

MEMBERS PRESENT: Chairman Williams, Vice Chairman Gannon, Senators Burtenshaw, Fulcher, Coiner, Corder, Broadsword, Stennett, Kelly

MEMBERS ABSENT/ EXCUSED: None

CALL TO ORDER: Chairman Williams called the meeting to order at 8:07 a.m.

GUESTS: Larry A. Hayhurst, State Brand Inspector, George Robinson, Bureau Chief, Idaho State Department of Agriculture (ISDA), Laura Johnson, Bureau Chief, ISDA, Tom Dayley, Administrator, Plant Industries Division, ISDA, Dennis Tanikuni, Lobbyist, Farm Bureau, Dallas Chaney, lobbyist

COMMITTEE BUSINESS: **Chairman Williams** informed the committee that there would be a Joint Meeting of the House and Senate Commerce and Human Resources and Agricultural Affairs Committees, January 19, 2006 at 1:30 p.m. The meeting will be conducted in the basement conference room of the JR Williams Building. **Chairman Williams** acknowledged that several Agricultural Affairs Committee members have conflicting meetings at that time, but encouraged everyone who could attend to make themselves available.

Chairman Williams turned the meeting over to **Vice Chairman Gannon** for the purpose of rules review as is the custom in the Senate.

**11-0201-0501: Rules of the Idaho State Brand Board
Committee Assignment: Senator Stennett and Senator Corder**

Mr. Larry Hayhurst, State Brand Inspector, stated that the Idaho State Brand Board was requesting an increase of .06 in fees to .94 cents.

Mr. Hayhurst presented graphic information to the committee. Please see attached. Mr. Hayhurst stated that the cost of fuel has significantly affected the Department's expenses as well as lower cattle head counts. Further, Mr. Hayhurst informed the committee that they had reduced staff by three full-time people (FTP).

A general discussion followed with regard to staffing and service requirements, fuel costs, and projected head counts. Mr. Hayhurst informed the committee that although staff has been reduced, service to producers is not suffering. Mr. Hayhurst reiterated that fuel costs are a

major expenditure of the Department. As far as headcounts, Mr. Hayhurst stated that he anticipates a slight increase. Mr.

Senator Burtenshaw inquired whether or not the Horse Board still receives \$3.00 per head. Mr. Hayhurst indicated that the Horse Board only receives \$1.00. **Senator Burtenshaw** asked if the numbers for horses were down as well as cattle. Mr. Hayhurst replied that yes the counts were down.

02-0303-0501: Rules Governing Pesticide and Chemigation Use and Application Committee Assignment: Senator Stennett and Senator Corder

Mr. George Robinson informed the committee that the rule was a request to increase the fee for pesticide registration. Currently, companies are required to register all their products in Idaho prior to offering them for sale. The fee increase will go to the Department's container recycling program. Mr. Robinson stated that currently, there is only one part-time person and the program needs to expand. Therefore, the increase will allow for a FTP and additional equipment.

Senator Burtenshaw inquired what percentage of containers, if any, were metal. Mr. Robinson informed the committee that there were basically no metal containers. Most companies use plastic. **Senator Burtenshaw** asked what size the largest container was that could be recycled. Mr. Robinson indicated that the size ranges from one gallon to fifty-five gallon drums. Senator Williams stated that one thousand gallon tanks were in use and wanted to know if those containers could be recycled. Mr. Robinson stated that he would have to check and see if the equipment could handle plastic that was one and one-half inches thick.

02-601-0501: Rules Governing the Pure Seed Law Committee Assignment: Senator Coiner and Senator Gannon

Mr. Tom Dayley reported that the Department is in need of an increase in fees to support a full service lab. There has been a review of the operation and results indicate that either personnel could be reduced or fees increased. A comparison of surrounding states' lab fees, reflect that Idaho's lab fees should be increased.

Senator Williams inquired as to when the last fee increase was approved. Mr. Dayley stated that the last increase took place two years ago.

Senator Broadsword wanted to know why certain seed fees were so much higher in comparison to others. Mr. Dayley informed the committee that some seeds are much more difficult to germinate and testing is more

complex, and therefore, the cost associated is greater. Further, Mr.

Dayley reported that the lab has increased out-of-state fees, but have not increased in-state fees.

**02-0606-0501: Rules Governing the Planting of Beans (Phaseolus Ssp.), in Idaho
Committee Assignment: Senator Williams and Senator Kelly**

Mr. Dayley told the committee that the Department would request to have this rule continue as a Temporary Rule for two more years. The reason being, that if evidence shows no need for further testing then the rule can be vacated instantaneously. **Senator Corder** inquired why the testing must continue for four years. Mr. Dayley reported that it is customary to test for four generations. **Senator Williams** asked **Senator Coiner** to address the committee with regard to this issue. **Senator Coiner** told the committee that the intent of testing when sprinkler system irrigation is used relates to Halo Blight in crops. The testing is really to watch for Halo Blight and is a preventative measure.

MINUTES: **Senator Broadsword** made a motion to approve the minutes for January 12, 2006. Motion seconded by **Senator Corder**. The motion carried by a voice vote.

ADJOURN: **Chairman Williams** adjourned the meeting at 8:56 a.m.

Senator Stanley Williams
Chairman

Wanda Brock
Secretary

MINUTES

SENATE AGRICULTURAL AFFAIRS COMMITTEE

DATE: January 24, 2006

TIME: 8:00 a.m.

PLACE: Room 437

MEMBERS PRESENT: Chairman Williams, Vice Chairman Gannon, Senators Burtenshaw, Fulcher, Coiner, Corder, Broadsword, Stennett, Kelly

MEMBERS ABSENT/ EXCUSED: None

CALL TO ORDER: **Chairman Williams** called the meeting to order at 8:02 a.m.

GUESTS: Dan Larkin, Lobbyist, Food Producers of Idaho; Chris McIntosh, Professor, University of Idaho(U of I); Lindy Widner, Research Associate, U of I; John Foltz, Associate Dean, U of I; Dustin Miller, Lobbyist, Farm Bureau; Steve Johnson, Lobbyist, Idaho Grain; Rich Garber, Lobbyist, U of I, College of Agriculture; Laura Johnson, Bureau Chief, Idaho State Department of Agriculture; Dale Dixon, Executive Director, Idaho Rural Partnership; Trent Clark, Public Affairs Director, Monsanto; John Ihli, Operations Manager, Seminis Seed; James Nelson, Professor, U of I; Rick Waitley, Lobbyist, Food Producers; and U of I students participating in the Sixth Annual Agriculture Economy Public Policy Tour.

INTRODUCTION: **Mr. Rick Waitley** greeted the committee and gave a brief overview of the Agriculture Economy Public Policy Tour's purposes. Mr. Waitley then introduced to the committee the students from the University of Idaho participating in the Sixth Annual Agriculture Economy Public Policy Tour.

REPORT: **Mr. John Hammel**, Dean, University of Idaho, gave the committee an overview of the college's goals, various programs, budget, and concerns.

DISCUSSION: **Senator Gannon** inquired as to the number of counties participating in the U of I's extension programs. Mr. Hammel informed the committee that there were, at present, forty-two of the forty-four counties involved in programs offered through U of I. **Senator Williams** asked if the Kane Center was part of the U of I's extension program. Mr. Hammel indicated that a portion of the University's budget does in fact go to the Kane Center. **Senator Burtenshaw** inquired as to the number of veterinary seats in Idaho. Mr. Hammel responded that Idaho has 11 seats for the veterinary program.

Dean Hammel informed the committee that immediate concerns facing the University were in the areas of needed salary increases and facilities

maintenance.

Senator Broadsword wanted to know if the funds available to the U of I were sufficient to keep up with maintenance needs. Dean Hammel indicated that the funds were not. Further, Dean Hammel stated that the college was in the process of re-prioritizing facilities repair and maintenance requirements. **Senator Burtenshaw** asked why faculty members were leaving the U of I. Dean Hammel relayed that competition for quality researchers and professors is extremely high. Most colleges recruit aggressively as well as offer start-up packages for programs and signing bonuses.

Dean Hammel expanded on the diversity of the research that ranges from dairy and beef to crops. **Senator Gannon** wanted to know how large the herd in Moscow was at present. Dean Hammel replied that there were approximately 130 dairy cattle at the Moscow facility. **Senator Gannon** further inquired whether there was any environmental research on the dairy location. Dean Hammel indicated that there was not environmental research in Moscow but research is currently occurring in the Twin Falls area. **Senator Burtenshaw** asked about research at the Salmon site. Dean Hammel indicated that the site is a planned research and extension site but also that it is still under development.

Dean Hammel directed the committee to the development and implementation of a bilingual education program. **Senator Corder** inquired about the degree of interaction in the Latino out-reach program with the Department of Agriculture, in particular with the work protection standards. Dean Hammel indicated that he did not have the information available to him, but that he would report back to the committee. **Senator Stennett** inquired as to the University's Latino out-reach and working with low income and the elderly, how much work was needed to get these groups of individuals placed into the Medicaid and C.H.I.P.'s programs offered by the State. Dean Hammel did not have detailed information but wanted the Committee to know that he would report the information at a later time. **Senator Gannon** observed that some of the items that the University was addressing traditionally fall under Health and Welfare programs. **Senator Gannon** wanted to know if efforts were being duplicated. Dean Hammel indicated that to a small degree in some programs there was overlapping.

REPORT:

Mr. Trent Clark presented the Committee with information regarding Monsanto. The information centered on product and bio-technologies. Information dealt with increased production, development of gene optimization and a process called Molecular Breeding that allows different traits to be transferred from plant to plant. A few of the developments Mr. Clark shared with the Committee were Roundup Ready Alfalfa, nitrogen utilization genes, soybean and other oils with reduced trans fats and enriched with Omega 3 oils (generally found in fish oils), and drought resistant crops capable of full growth while using 20 to 40 percent less water. Mr. Clark also expounded on the approval processes, which include the Environmental Protection Agency, Food and Drug

Administration, and the United States Drug Administration. Mr. Clark also referenced legislation on Ethanol fuels and the technology development to utilize plants for fuel that are more environmentally friendly.

DISCUSSION: **Senator Burtenshaw** asked Mr. Clark to expound on the ability of Roundup Ready crops to continue growth after the application of the herbicide. Mr. Clark replied that Roundup Ready crops simply have an enzyme blocker. Further, Roundup breaks down into phosphate and does not leave any other residue.

Senator Fulcher asked Mr. Clark to explain the process of protecting and managing the intellectual properties of Monsanto's technologies, both in the U.S. and countries outside the U.S. Mr. Clark stated that Monsanto licenses their products under the U.S. Patent Law. Mr. Clark explained that any other entity using the technology would be required to pay royalties to Monsanto. The company enforces royalty payments through the World Trade Organization.

REPORT: **Mr. John Ihli** presented the committee with information on Seminis Seed Company. Mr. Ihli informed the committee that Seminis is in three separate locations in Idaho: Payette, research and sales; Filer, research, production, stock seed, quality, marketing and administration; and Nampa, research and production and operations. Seminis Seed company grows peas, beans, corn, onions, carrots, and melons. These seeds are sold worldwide.

DISCUSSION: **Senator Corder** inquired where technology stands, as far as developing a corn that will grow 160 plus bushels in Eastern Idaho for the production of Ethanol. Mr. Ihli deferred the question to Mr. Clark. Mr. Clark said that Monsanto is currently able to show somewhere from 20 to 30 percent growth increase. Right now, there is a 90-day growth season and enhancements are continuing, with the goal of producing sufficient amounts for Ethanol fuels.

Senator Coiner inquired that with future changes, could those changes include going from kilos to pounds. Mr. Ihli agreed that it would be a great idea and a real possibility within the company.

Mr. Ihli continued to overview the production and sale of Seminis products. Mr. Ihli expressed to the committee that the equipment needed for the production, sorting, moisturization and storage of seed is quite expensive, but necessary to maintain competitiveness in the market place. **Senator Broadsword** wanted to know the reasoning for keeping bean seeds at a 12 percent moisture level, was it to increase the weight at sale or for different reasons? Mr. Ihli informed the committee that at the 12 percent moisture, bean seeds are more resistant to mold, have a longer storage life as well as being less fragile. **Senator Burtenshaw** inquired if corn seed is conditioned as well. Mr. Ihli indicated that yes, corn is also kept at a 12 percent level.

Senator Gannon inquired if Seminis sold product to Green Giant. Mr. Ihli

responded that Seminis did in fact sell in limited quantity to Green Giant.

Seminis has experienced periods of large fluctuation in the last several years and **Senator Gannon** wanted clarification as to the reason. Mr. Ihli informed the committee that the fluctuation is reflective of climate conditions, market demand as well as inventory reserves.

Mr. Ihli addressed some challenges that face seed companies, among them, diminishing farm ground, water supply, and pesticide application resulting from increasing population.

MINUTES: **Senator Coiner** made a motion to approve the minutes for January 17, 2006. Motion seconded by **Senator Broadsword**. The motion carried by a voice vote.

ADJOURN: **Senator Williams** adjourned the meeting at 9:52 a.m.

Senator Stanley Williams
Chairman

Wanda Brock
Secretary

MINUTES

SENATE AGRICULTURAL AFFAIRS COMMITTEE

DATE: January 26, 2006

TIME: 8:00 a.m.

PLACE: Room 437

MEMBERS PRESENT: Chairman Williams, Vice Chairman Gannon, Senators Burtenshaw, Fulcher, Coiner, Corder, Broadsword, Stennett, Kelly

MEMBERS ABSENT/ EXCUSED: None

GUESTS: Brent Reinke, Director, Idaho Department of Corrections; Robert Corbell, Executive Director, Idaho Wine Commission; Kris Jacobs

CALL TO ORDER: **Chairman Williams** called the meeting to order at 8:10 a.m.

REPORT: **Brent Reinke**; Director, Idaho Department of Juvenile Corrections (IDJC), addressed the committee. Director Reinke stated that the connection between the IDJC and the Idaho Department of Agriculture was that several of the issues facing IDJC are prevalent in several Districts represented by the Senators on the Agricultural Affairs Committee. **Senator Corder** wondered what had changed the dynamics of the way in which Corrections and Agriculture once interacted, in that detainees worked on farms and now that practice seemingly is not utilized. The Director indicated that focus was more on education with the intent to empower youth with the necessary tools to interact in a positive way with the whole of society. Further, Director Reinke stated that most kids, by the time they are placed into custody, are approximately 24 to 30 months behind academically, so the bulk of time is spent getting those children back on track. On the adult side, the ratio of staff to prisoners presents problems, however, prisoners do continue working in parks and roadways.

DISCUSSION: **Senator Williams** commented that he had observed in previous presentations that gang and methamphetamine issues have become rural as well as urban. Director Reinke told the committee that methamphetamine problems were showing up in several dairies in Idaho. **Senator Williams** wanted to know the percentage of meth cooked locally as opposed to being imported. The Director indicated that he did not have the exact numbers, but the seizure rate is down and the sense is that most meth is being imported. **Senator Kelly** inquired with regard to gang legislation that is proposed and wanted to know if it was endorsed by the Criminal Justice Commission or just the Governor's Office. Director Reinke stated that it is actually a combination of the Governor's Office, the Criminal Justice Commission, and the Treasure Valley

Coalition.

Senator Williams asked for an update on gang activities. Director Reinke stated that there is continued effort to get programs into schools as well as ongoing out-reach. **Senator Williams** also requested information on facility conditions and needs. Director Reinke expressed to the committee that juvenile facilities are in good condition. Currently, there are 7,000 youth in the juvenile system.

The Director informed the committee that the Juvenile Corrections Act allows the Magistrate to hold parents and other family members accountable. **Senator Gannon** stated that last year there was legislation that would hold parents accountable for not providing education to children. It included language to the effect that if a child is branded a habitual truant, the child can come under the purview of Juvenile Corrections. **Senator Gannon** wanted to know if the IDJC becomes involved at all with truancy, or does a criminal act have to occur before the Department steps in. The Director indicated that it can be one element.

Senator Burtenshaw inquired as to what extent the dairies were involved in the methamphetamine issue. Director Reinke stated that most cases that involve drugs are worker related as opposed to production by the dairies. **Senator Burtenshaw** also asked if statistics were available as to the ethnic demographic. Further, **Senator Burtenshaw** expressed concern for needed programs in the areas of out-reach, prevention, and education. The Director stated that the Department is very focused on working with all ethnic populations in areas of out-reach, prevention, and education. **Senator Corder** posed to the Director that if the department was not limited in funds and resources, could he paint a picture that would solve the problems in the Juvenile Justice system, and what would he do to put himself and the Department out of business. The Director indicated that: 1) development of a seamless network, 2) work with young mothers and children starting at third and fourth grade levels, and 3) address mental health issues of children. **Senator Corder** expressed concern over the idea of a continuum of care. The implementation of such a program carries negative connotations. Director Reinke responded that the term "continuum of care" in his opinion simply means to strengthen families and communities, not to step in and control, but rather to give individuals the tools necessary to move forward in their lives.

Senator Stennett wanted to know at what age the Department stops tracking a juvenile's status. The Director stated at age twenty-one. Also, Director Reinke indicated that currently one and one-half out of ten youths are being lost to the prison system.

UPDATE:

Robert Corbell, Executive Director, Idaho Wine Commission, addressed the committee. Mr. Corbell reviewed the independent audit of the Idaho Grape Growers and Wine Producers Commission conducted by Shirts & Motz, Certified Public Accounts. Mr. Corbell pointed out that the Commission had contributed 55 million dollars to the State of Idaho's economy.

RULES:

MOTION: **Senator Gannon made a motion to approve** the following
Pending Fee Rules:

Rules Governing Pesticide and Chemigation Use and Application
Docket # 02-0303-0501

Rules Governing the Pure Seed Law
Docket # 02-0601-0501

Rules of the Idaho State Brand Board
Docket # 11-0201-0501

The motion was seconded by Senator Coiner. The motion carried by a voice vote.

MOTION: **Senator Coiner made a motion to approve** the following
Pending and Temporary Rules:

Pending:

Rules Governing Brucellosis
Docket # 02-0420-0501

Rules Governing the Importation of Animals
Docket # 02-0421-0501

Rules Governing Tuberculosis
Docket # 02-0424-0501

Rules Governing Deleterious Exotic Animals
Docket # 02-0427-0501

Rules Pertaining to the Idaho Commercial Feed Law
Docket # 02-0602-0502

Rules Pertaining to the Idaho Commercial Fertilizer Law
Docket # 02-0612-0501

Rules Governing the Disposal of Cull Onions and Potatoes
Docket # 02-0617-0501

Rules Governing Seed Potato Crop Management Areas
Docket # 02-0626-0501

Rules Pertaining to the Idaho Soil and Plant Amendment Act of 2001
Docket # 02-0641-0501

Temporary:

*Rules Requiring the Inspection of Potatoes Intended for Sale or Offered
for Sale in Retail Outlets*
Docket # 02-0209-0501

Rules Governing the Planting of Beans, (Phaseolus Ssp.), in Idaho
Docket # 02-0606-0501

Rules Governing the Idaho State Brand Board
Docket # 11-0201-0502 (Fee Rule)

**The motion was seconded by Senator Fulcher. The motion carried
by a voice vote.**

ADJOURN: Chairman Williams adjourned the meeting at 9:17 a.m.

Senator Stanley Williams
Chairman

Wanda Brock
Secretary

MINUTES

SENATE AGRICULTURAL AFFAIRS COMMITTEE

DATE: January 31, 2006

TIME: 8:00 a.m.

PLACE: Room 437

MEMBERS PRESENT: Chairman Williams, Vice Chairman Gannon, Senators Burtenshaw, Fulcher, Coiner, Corder, Broadsword, Stennett, Kelly

MEMBERS ABSENT/ EXCUSED: None

GUESTS: Gretchen Hyde, Executive Director, Idaho Rangeland Resource Commission; Stan Boyd, Executive Secretary, State of Idaho, Department of Agriculture, Sheep Commission; Laura Johnson, Bureau Chief, Idaho State Department of Agriculture; Dar Olberding, Lobbyist, Idaho Grain Producers Association; Lloyd Knight, Lobbyist, Idaho Cattle Association

CALL TO ORDER: **Chairman Williams** called the meeting to order at 8:05 a.m.

REPORT: **Gretchen Hyde** gave an overview of the financial report of the Idaho Rangeland Resource Commission. Ms. Hyde told the committee that the Commission, through mass media efforts, is reaching out to recreational land users. The Commission has hired a part-time Education Coordinator, Jodie Mink. Ms. Hyde shared with the committee three promotional radio spots that have aired over the last year.

DISCUSSION: **Senator Corder** asked why the education expenditure in the budget had doubled. Ms. Hyde explained that the adjustment was for mass media, public relations, education out-reach and the part-time position that had been added to the program.

Senator Burtenshaw inquired as to what made up the grant monies coming into the program. Ms. Hyde informed the committee that the Bureau of Land Management, United States Forest Service, and Idaho Department of Lands made up the grant funds.

Senator Williams asked for a typical example of school presentations. Ms. Hyde gave a brief review of the following: Idaho History booklet, book of teacher activities, k-12 activities to teach different types of plants, topics on ranching and keeping harmony with the land, and range land ecology. Ms. Hyde stated that she was very excited to introduce to the program a new cd in the form of a virtual tour of Idaho that is played like a spy game and covers several topics and views of Idaho.

Senator Broadsword wanted to know if the instruction on plants covered noxious weeds. Ms. Hyde stated that yes, in fact the activities list good plants and bad plants with focus on what makes noxious weeds bad.

REPORT:

Stan Boyd addressed the committee and covered the Sheep Commission's annual report. Mr. Boyd informed the committee that Idaho is ranked 8th in the Nation for production of wool. However, Mr. Boyd indicated that the sheep industry in Idaho has decreased.

DISCUSSION:

Senator Fulcher wanted to know the cause for the decrease of the industry in Idaho. Mr. Boyd stated that the answer was two fold: 1) after World War II, the invention of polyester and 2) the consumption of lamb has dropped. **Senator Burtenshaw** interjected that the predator issue seems to have caused the smaller producers to cease operation and now seemingly only larger producers are continuing production. Mr. Boyd indicated that **Senator Burtenshaw** was correct. Mr. Boyd stated that wool-pools used to be quite prevalent, but in recent years, they have ceased.

Senator Burtenshaw asked if there was an excess balance in the damage control fund. Mr. Boyd indicated that there was not usually an excess balance in the fund.

Senator Fulcher inquired if the introduction of wolves in Idaho had an impact on wool producers here in Idaho. Mr. Boyd expressed that the re-introduction of the wolf had indeed had a negative influence on producers as well as wildlife management. **Senator Burtenshaw** interjected that additional wolves have caused the grazing animals to bunch up and over graze certain areas.

Senator Williams inquired if wool is stored too long, does it loose quality that results in lower price. Mr. Boyd indicated that after three years, wool can turn yellow resulting in lower prices. Also, Mr. Boyd informed the committee that if wool is put up while it is wet, mold becomes an issue.

Senator Burtenshaw asked how imports had impacted Idaho's industry. Mr. Boyd indicated that it has a great impact. Mr. Boyd stated that importation has had a pretty devastating effect with equal amounts of foreign consumption to domestic.

Chairman Williams thanked Ms. Hyde and Mr. Boyd for addressing the Committee.

MINUTES:

Senator Fulcher made a motion to approve the minutes for January 19,

2006. Motion seconded by **Senator Broadsword**. The motion carried by a voice vote.

ADJOURN: **Chairman Williams** adjourned the meeting at 9:48 a.m.

Senator Stanley Williams
Chairman

Wanda Brock
Secretary

MINUTES

SENATE AGRICULTURAL AFFAIRS COMMITTEE

- DATE:** February 2, 2006
- TIME:** 8:00 a.m.
- PLACE:** Room 437
- MEMBERS PRESENT:** Chairman Williams, Vice Chairman Gannon, Senators Burtenshaw, Fulcher, Coiner, Corder, Broadsword, Stennett, Kelly
- MEMBERS ABSENT/ EXCUSED:** None
- CALL TO ORDER:** **Chairman Williams** called the meeting to order at 8:06 a.m.
- GUESTS:** The sign-in sheet will be retained with the minutes in the committee's office until the end of the session, and then will be on file with the minutes in the Legislative Services Library.
- REPORTS:** **Bob Naerebout**, Executive Director, Idaho Dairyman's Association, addressed the committee. Mr. Naerebout gave an overview of the Idaho Dairyman's Association and Independent Dairy Environmental Action League (IDEAL).
- Needed equipment improvements
 - IDEAL program
 - Continuing Research
 - Proposed Budget
 - New research facility in Magic Valley
- DISCUSSION:** **Senator Stennett** asked what the status was on Digesters. **Mr. Naerebout** told the committee that there were two Digesters proposed in the new equipment requests, however, there are economical issues. Idaho Power will pay roughly 5.3 cents for finished product and cost of production is 6.5 cents. Research is on-going in an effort to reduce production costs.
- Senator Coiner** asked where they are on their Conjunctive Management Mitigation Plan. Mr. Naerebout informed the committee that the document is completed but has been put on hold pending current legislation.

Senator Burtenshaw asked if the largest dairy in Idaho was a corporate or private dairy. Mr. Naerebout responded that Idaho has one corporate dairy of roughly 4,000 cattle. Idaho's largest private dairy contains 38,000 cattle, but the cattle are spread out in several different locations with 10,000 cattle in a single location.

REPORT:

Dr. Ron Sheffield, Extension Waste Management Engineer, Twin Falls University of Idaho Extension Research Center, addressed the committee. Dr. Sheffield gave an overview of the manure management projects currently under way in the Department of Biological and Agricultural Engineering at the Twin Falls research extension.

- UV Sentry Monitoring Systems
- Effect of the Installation of an Anaerobic Digester on Farmstead Air Emissions
- EPA Consent Agreement Research
- Open-Lot & Lagoon Monitoring
- Emissions Methodology Evaluation
- Phosphorus and Ammonia Removal System
- Fly Larvae Utilization of Manure

DISCUSSION:

Senator Burtenshaw asked what amount of excreta manure and waste would be processed through the Anaerobic Digester at the research site. Dr. Sheffield indicated that 85 percent of the excreta manure from a milking herd of 6,000 and 100 or more animals in the hospital barn could be processed through the Anaerobic Digester.

Senator Stennett wanted to know if there was an industrial bond for the project. Dr. Sheffield informed the committee that it is his understanding that the process of obtaining an industrial bond was underway.

Senator Stennett asked if once manure is converted into methane gas, could it be tapped directly into the National Pipeline. Dr. Sheffield replied that although the concept was technically possible, concerns would center on regulatory issues of contractual pricing on an ongoing basis.

Senator Gannon inquired about combining Anaerobic Digestion with ethanol facilities. Dr. Sheffield informed the committee that combining ethanol production with a bio-digester is a concept that is favorable, but issues arise in the areas of economics of milk production, ethanol, and nutrient management.

Senator Corder wanted to know how many volunteers there were to the

Consent Agreement. Dr. Sheffield reported that only one dairy in Idaho has signed up.

S 1279

Senator Langhorst introduced **S 1279** Relating to Domestic Cervidae; Amending Section 36-711, Idaho Code, to provide that no person shall import domestic cervidae into Idaho from outside the state and to provide that any person in violation shall be guilty of a misdemeanor and any animals imported in violation shall be seized by officers of the Department of Fish and Game or other law enforcement officers; and declaring an emergency.

Senator Langhorst stated that the bill was born out of concerns from Idaho sportsmen. Senator Langhorst further stated that the intent of the bill is a preventative measure to keep infection and the spread of disease from affecting Idaho's wild game herds.

Senator Langhorst yielded his time to **Stan Riddle**, Vice President, Deer Hunters of Idaho (DHI).

TESTIMONY:

Mr. Riddle stated that one of the main goals of DHI is to preserve the mule deer herds in Idaho for hunters, photographers, and individuals that love to view them. Mr. Riddle further stated that DHI is extremely concerned about the possibility of Chronic Wasting Disease (CWD) being introduced into Idaho by the importation of domestic cervidae (deer, elk, and moose) from other states for purposes of game farming and canned shooting operations. Mr. Riddle maintained that the threat of introducing CWD into our wild game herds is unacceptable to DHI. Mr. Riddle presented the committee with several handouts that are attached (*attachment 1*).

DISCUSSION:

Senator Gannon asked what the buyout program was in Colorado. Mr. Riddle informed the committee that the State of Colorado bought the game farmers out to help eradicate the problem of CWD.

Senator Corder wanted an explanation of what would restrict the movement of wild game from Wyoming, where CWD is present, into Idaho. Mr. Riddle asked **Jim Lundsworth** to address the question. Mr. Lundsworth, Department of Fish and Game stated that the Department currently tests about 1,500 wild animals on a random basis. **Senator Corder** stated that currently, every animal on a game farm must have a CWD test, yielding good evidence that game farms are tracking and testing for CWD with no evidence of infection. However, the random testing of 1,500 wild game animals in comparison offers little evidence that Idaho is CWD free.

Senator Gannon stated his understanding was, that in order to currently import a cervid animal into the state, the animal must come from a certified disease free herd and that disease free status is determined by 60 months of testing. Mr. Riddle replied that **Senator Gannon** was correct. **Senator Gannon** further inquired that in order to be certified, 100 percent of all animals that are either taken out of or die in a certified, herd must be tested. Mr. Riddle informed the committee that yes, all animals must be tested. **Senator Gannon** asked for an individual from the Idaho State Department of Agriculture (ISDA) to address an earlier statement that CWD came out of domestic herds. **Senator Gannon** asked if that statement was accurate. **John Chatburn**, ISDA, responded that it continues to be a standing question and to date, there is not a definitive answer.

TESTIMONY:

Mr. Clint Evans, Idaho Elk Breeders Association, Inc., presented to the committee written testimony (*attachment 2*), Mr. Evans' testimony centered on:

- Tuberculosis and Brucellosis Testing 15 years
- Chronic Wasting Disease Testing 5 years
- Inspections by Department of Agriculture
- Vaccinations
- Demand for Elk meat
- Requirements for importation

Mr. Evans informed the committee that there was no evidence of transmittal of CWD from wild cervidae to humans that consumed meat from an infected animal. Mr. Evans further called into question the constitutionality of **S 1279** by quoting a legal opinion by Rich Forest, Director, Stop CWD Foundation. Mr. Evans then told the committee that **S 1279** was not a good Bill in that it could not stop CWD from coming into Idaho and that CWD would come into the state by wild animals not from elk ranches.

DISCUSSION:

Senator Fulcher wanted to know how many years the monitoring system for CWD had been in effect. Mr. Evans informed the committee that his herd had 7 years of testing recorded and that most elk herds in Idaho have 5 years. **Senator Fulcher** asked if during the 7 years of testing of Mr. Evans' herd and the 5 years in other herds had there had been any CWD found. Mr. Evans stated that no CWD had been found in the records of testing.

Senator Stennett stated that several states around Idaho had banned the importation of cervids. Those states passed legislation that has not been overturned and asked Mr. Evans if he would stand by his statement that the banning of importation of cervids was unconstitutional. Mr. Evans replied that he would stand by his statement.

Senator Coiner wanted to know why it is necessary to bring elk into the state. Mr. Evans replied that it was very similar to cattle that are brought in for feeders, inventory, and breeders.

TESTIMONY:

Dennis Batie, President-elect, Idaho Chapter of the Foundation for North American Wild Sheep, asked the committee to support **S 1279** and provided written testimony (*attachment 3*).

Gary Queen, President, Idaho Elk Breeders Association, Inc., addressed the committee and urged them to kill **S 1279**. (*attachment 2*)

Senator Corder asked if there were times when wild animals were brought into the state to be released, excluding those going to slaughter. **Jim Lundsworth** stated that in recent years only big horn sheep and Antelope are brought in, with the exception of game killed by hunters and brought into Idaho. But no cervids have been imported and released for 20 to 30 years.

Senator Fulcher directed an inquiry to **Dr. Ledbetter** wanting clarification on what species carry CWD, if it was species specific, and if it could be cross species transmitted. Dr. Ledbetter indicated that mostly cervids, deer, elk, and moose, carry CWD, and that no cross species transmission to date has been determined. **Senator Fulcher** opened the floor to guests present with expertise and invited them to address the question. **Jim Lundsworth** stated that CWD is limited to cervids.

Senator Stennett asked if CWD was known to be present or transmittable in Antelope. **Jim Lundsworth** indicated that it had not been found in Antelope. **Senator Stennett** commented that the Department did not import animals that could transmit CWD from any other state. Mr. Lundsworth stated that the Department of Fish and Game has had in place a directors ban on the importation of deer and elk for the last five years.

TESTIMONY:

Bob Minder, on behalf of the Idaho Sportsmen's Caucus Advisory Council, spoke in favor of **S 1279**. Mr. Minder presented the committee with a handout that is attached. (*Attachment 4*)

Senator Broadsword referred to Mr. Minder's statement regarding "canned hunts" and asked if it wasn't possible that the sportsmen stance is that they don't like canned hunts and simply don't want elk farms, rather than out of concern over CWD. **Senator Broadsword** further stated that the committee had already been informed of the strict testing and regulatory requirements for game hunting operators and elk farms, which

include a 5-year CWD free status. Mr. Minder expressed that the sportsmen's premise was primarily the concern of preventing the importation of animals with CWD.

Senator Broadsword asked where the maps used in Mr. Minder's handout originated. Mr. Minder indicated that the maps were from the CWD Alliance Group.

TESTIMONY: **Jeff Siddoway** addressed the committee in opposition to **S 1279**. Mr. Siddoway expressed his belief that disease was an invalid argument for banning import of cervids. Mr. Siddoway stated that the science disproves the argument of disease being spread through regulated importation. (*Attachment 2*)

TESTIMONY: **Rod Davidson**, a Boise resident addressed the committee in favor of **S 1279**. Mr. Davidson stated that CWD was a very serious disease and that it could cost the state millions of dollars to eradicate. Mr. Davidson asked the committee to support **S 1279**. (*Attachment 5*)

TESTIMONY: **Dennis Tanikuni**, Assistant Director of Public Affairs, Idaho Farm Bureau Federation came before the committee in opposition to **S 1279**. Mr. Tanikuni stated that the Bureau's policy states in part "...We support the right of domestic cervidae owners to breed, raise and market all members of the cervidae family indigenous to Idaho which can be legally acquired." Mr. Tanikuni asked the committee to oppose **S 1279**. (*Attachment 6*)

TESTIMONY: **James Martel**, an elk breeder spoke to the committee. Mr. Martel expressed his opinion that **S 1279** was just the first step in putting hunting ranches out of business. Mr. Martel emphasized the testing requirements for animals brought into the state. Mr. Martel asked the committee to oppose **S 1279**.

TESTIMONY: **Jack Fisher**, Idaho Wildlife Federation, expressed support of **S 1279**. Mr. Fisher stated that their had been two documented cases of CWD coming in through importation. Further Mr. Fisher stated that CWD is transmittable to humans.

Senator Gannon asked to see the documentation on the two cases referenced. Mr. Fisher stated that he did not have the documentation. Mr. Fisher concluded by asking the committee to support **S 1279**.

TESTIMONY: **Brian Reynolds**, a licensed guide and hunter, expressed his concerns over CWD coming into the state of Idaho. Mr. Reynolds asked the

committee to support **S 1279**.

TESTIMONY: **Chuck Warner**, an elk rancher, addressed the committee and asked that they oppose **S 1279**. Mr. Warner presented the committee with a handout that is attached. (*Attachment 7*)

TESTIMONY: **Cherie Barton**, Idaho Wildlife Federation, addressed the committee and presented them with a letter supporting **S 1279**. (*Attachment 8*)

TESTIMONY: **Nate Helm**, representing Sportsmen for Fish and Wildlife Idaho, addressed the committee and stated that while the Board did not have an official opinion, they would support anything that would protect Idaho's CWD free status.

TESTIMONY: **Mr. Rick Waitley** did not address the committee during the meeting, however, Mr. Waitley presented a letter opposing **S 1279**. (*Attachment 9*)

TESTIMONY: **Larry Jarret** did not address the committee during the meeting, but did request that his written testimony be entered into the official record. (*Attachment 10*)

Senator Langhorst thanked the committee for hearing all the testimony. Senator Langhorst addressed the issue of ethics and that **S 1279** is not trying to ban shooter-bowl hunting operations. **Senator Langhorst** pointed out that several other states have banned importation of cervids. **Senator Langhorst** stressed the point that the reason for this legislation is to preserve Idaho's game herds and sportsmen. **Senator Langhorst** urged the committee to support **S 1279**.

DISCUSSION: **Senator Broadsword** asked John Chatburn to address the Department of Agriculture's role in game farms and the importation of animals, and if the Department feels comfortable with the rules that are in place relating to importing cervids. Mr. Chatburn addressed the committee and gave the committee a copy of regulations (*Attachment 11*). Mr. Chatburn stated that if cervids are imported, they must have documentation provided from the transferring state prior to coming into Idaho. Mr. Chatburn further stated that animals cannot come from an area that is determined endemic.

MOTION: **Senator Stennett made the motion to report out S 1279 with a DO Pass recommendation. It was seconded by Senator Kelly.**

DISCUSSION: **Senator Kelly** challenged earlier statements that banning of cervid imports is unconstitutional. **Senator Kelly** stated that although she was not asserting a legal opinion, the exercise of state police powers is appropriate when regulating commerce for the purpose of quarantine and disease control. **Senator Kelly** further stated that with Idaho's change in status with regard to Brucellosis and other endemic disease, to exercise on the side of prevention would simply be more effective.

A substitute motion was made by Senator Burtenshaw to S 1279 in committee. It was seconded by Senator Corder. **HOLD**

Chairman Williams called for a roll call vote.

The substitute motion passed as follows:

Ayes: Senators, Fulcher, Broadsword, Corder, Coiner, Burtenshaw, Gannon, Williams

Nays: Senators, Kelly, Stennett

ADJOURN: **Chairman Williams** adjourned the meeting at 10:16 a.m.

Senator Stanley Williams
Chairman

Wanda Brock
Secretary

January 28th, 2006

Mr. Chairman, Senators

My name is Stan Riddle and I am here on behalf of the Deer Hunters of Idaho for which I am the Vice President. DHI is also a member of ISCAC.

DHI is extremely concerned about the possibility of Chronic Wasting Disease (CWD) being introduced into Idaho by the importation of domestic cervidae (deer, elk, and moose) from other states for purposes of game farming and canned shooting operations. The threat of introducing Chronic Wasting Disease (CWD) into our wild game herds is unacceptable to DHI.

CWD is a transmissible disease of great concern to wildlife managers across North America. Mule deer, whitetail deer, elk, and more recently moose have proven to be naturally susceptible to CWD. There is no cure for CWD. Once an animal has the disease it eventually dies.

Concentrating deer and elk in captivity or by artificial feeding significantly increases the likelihood of infection. The movement of live animals for same farming purposes is one of the greatest risk factors in spreading the disease into new areas. CWD can only realistically be detected by an examination of the brain, tonsils, or lymph nodes performed after death of the animal. A live test has been developed but has proven to be both expensive and imprecise.

A study of the information available on CWD from several accredited sources reveals that:

- Over 30 states have banned cervid imports, 18 just since 2001
- 23 states have banned the import of cervid carcasses
- Before 1999 Colorado had over 800 game farms but because of a breakout of CWD and a massive buyout program in 2001-2002 this number has been reduced to 100
- Montana hunters and non-hunters banded together in 2002 to ban game farms and canned shooting operations altogether.
- Wisconsin has spent over 24 million dollars since 2002 in attempts to detect and eradicate this disease. (I encourage you to read the attachment on this subject to better understand the potential costs to Idaho of an infestation of CWD)

This is a small sampling of the data that is available from other states

January 28th, 2006

The importation of domestic cervidae into Idaho benefits a very select group at the expense of many. There are approximately eighty game farms in Idaho, ten of which provide pay for canned shooting operations. Idaho sells well over 200,000 hunting licenses annually. Imagine what the impact would be if this disease were introduced

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and took its natural course. Would there be any wildlife left to hunt, to photograph, or to just enjoy?

Even though it is believed that this disease cannot spread to humans most states have cautioned hunters about proper methods of handling their game to avoid potential exposure and recommend that testing for the disease be performed before any meat is consumed. Cattle and domestic livestock also appear to be resistant to natural infection; however, the disease has been reproduced in cattle by direct injection of the infectious agent. It was also believed that moose were resistant to the disease until a hunter harvested moose was diagnosed with CWD last year in Colorado.

Are you willing to expose Idaho's wild game herds to this disease? If not, Deer Hunters of Idaho encourages you approve SB1279 and ban domestic cervidae from being imported into our state. Importing domestic cervidae into Idaho is a bad deal for Idaho, a bad deal for our wildlife, and a bad deal for all those who enjoy Idaho's wildlife.

Thank you for your time, Stan Riddle, VP Deer Hunters of Idaho

Information presented in this document was obtained from the following sources:

Chronic Wasting Disease Alliance website at www.cwd-info.org.

-Summary of regulations created by the Michigan Department of Natural Resources.

-“A Guide to Reporting on CWD” produced by the National Wildlife Federation, ..

-Summary of “CWD by State” produced by Stan Riddle. (Attached).

-Email from Alan Crossley, CWD Project Leader, Wisconsin Department of Natural resources. (Attached)

January 28th, 2006

From:

Crossley, Alan X. (Alan.Crossley~dnr.state.wi. us]

FW:

CWD Impacts and Costs

Related to how hunter numbers have changed since CWD, all I can give you is a comparison of license sales this year relative to years prior to the discovery of CWD in 2002. I asked our Human Dimensions guy if he could give me a read on how CWD might have affected license sales. Here was his response:

We don't have current data on what affect, if any, cwd has had on license sales - current meaning within the past year. We do, however, have data from the first cwd study conducted of hunters in the state. This comes from the 2002 gun season. Analysis tells us that almost 10% of the 2001 deer hunters dropped out of the 2002 season. License sales suggest the figure is closer to 11%. However, as you know, there are many reasons for non-participation, many having nothing to do with cwd. So what affect did cwd have on participation? Cluster analysis of the data tells us that about one-half (52% +1- 5%) of the 2001 gun hunters did not participate in the 2002 gun deer season for reasons related to cwd - that equates to approximately 5%. It will be interesting when we get the opportunity to replicate the hunter study or at least the series of questions to add a data point for comparison. My guess is that we will always hover somewhere in the vicinity of 3-5% that don't hunt solely or primarily because of cwd.

2001 Gun Deer License sales .688,540

2004 Gun License sales .649,955

2001 Archery Deer License sales .178,269

2004 Archery Deer License sales .177,159

Related to CWD expenses .here is what we have spent over the past several years.

- Starting in 2002, the DNR has spent over \$20 million to detect the presence of chronic wasting disease statewide and to eradicate the disease in south-central and southeastern Wisconsin where CWD has been confirmed in wild white-tailed deer.
- The funds to combat CWD have come from the following funding sources:

FY05--Projected to Spend \$5.6 million to combat CWD in the south central and southeast Wisconsin Disease Eradication Zones

Sources of Funds

Wildlife Damage Account \$1.46 million

January 28th, 2006

Reallocated DNR Funds: \$ 7.8 million--various DNR funding sources

FY02--WDNR spent \$1.5 million CWD from existing funding sources. (Generally Conservation Seg)

Although some make an economic argument that we have done great damage to our hunting tradition in our effort to eradicate CWD, I believe there is a stronger and more compelling argument that we can't afford not to attempt to eradicate CWD. The Mark Needham, Jerry Vaske, and Michael Manfredo paper in the Fall 2004 issue of the *Human Dimensions of Wildlife* journal suggests that if 50% of deer across a state were infected with CWD, approximately 42% of residents and 54% of non-residents said they would stop hunting.

Wisconsin has more than 700,000 deer hunters who have harvested an average of 460,000 deer annually during the past decade. It appears the 2004 deer kill will go down in history as the second largest on record with 518,000 deer harvested. Deer hunting contributes more than 7 million days of recreation each year. In 2001, deer hunting generated more than \$500 million in retail sales and nearly \$1 billion in total impact to the state's economy. I believe the \$20 million the Department has spent over the past 3 years to manage CWD is a good investment in light of the economic impact deer hunting has on Wisconsin.

Dr. Richard Bishop's paper, entitled "The Economic Impacts of Chronic Wasting Disease in Wisconsin", which appears in the same issue of the *Human Dimensions of Wildlife* journal also reinforces the economic importance of eliminating CWD. I interpret his concluding paragraph below to be a challenge to us to do our best to try to stop the disease now, while we believe it is still possible.

If the disease can be eliminated or contained in a small part of the state and inexpensive and reliable CWD tests can be devised so that hunters can be confident that the venison they and others consume is not from infected animals, the market and non-market damages will remain at low to moderate levels. If the area where CWD is present expands as it has in other states (e.g. Colorado, Wyoming) then other things being equal, the losses will likely increase. If consuming venison from CWD-infected deer is linked to human health risks, much larger losses, possibly in the hundreds of millions of dollars annually, could result. Livestock losses could also be sustained if CWD is found to affect the health of livestock or other domesticated animals. In addition, large losses in the hundreds of millions of dollars per year would occur if the disease decimates the Wisconsin deer herd. Wise, well thought out, and cost-effective public policies to address the problem based on the best science available are economically justified.

Lastly, I have added in a few fun facts to know and tell about the Captive Cervid industry here in

Wisconsin from a presentation that was given to our joint Natural Resources/ Department of

January 28th, 2006

Agriculture Trade and Consumer Protection Board meeting last week by the DATCP
State Vet.

Chronic Wasting Disease-CWD

- o 544 CWD Monitored herds
- o 2004 CWD tests 3,144 from CWD Monitored herds and 729 from other herds. Total tests since 1998 are 10,854. There were 30 positive deer.
- o Two Whitetail herds quarantined due to CWD positive deer. One has a single positive (Crawford Cty) and one has 17 positives (Portage Cty).
- o Ten herds quarantined due to premises location within DEZ
- o Four herds quarantined as exposed or source herds.
- o Six herds depopulated for CWD. One CWD positive elk, 11 positive Whitetails

January 28th, 2006

If you have other questions, please give me a holler

CWb Project Leader

Wisconsin Department of Natural Resources

South Central Region

3911 Fish Hatchery Road

Fitchburg, WI 53711

(~) phone: (608) 275-3242

(~) fax: (608) 275-3338

([:~:~]) e-mail: Alan.Crossley@dnr.state.wi.us

January 28th, 2006

IDAHO ELK BREEDERS ASSOCIATION, INC.

Office of President and Treasury

e-mail elktalk@toast.net

12205 S. Hwy 3 Cataldo, ID 83810 Phone: 208-682-2258 Fax: 586-279-1284

Honorable Members of the Senate Agricultural Affairs Committee:

The Board of Directors of the Idaho Elk Breeders Assoc., Inc. recognizes S 1279 as an attempt to hinder free trade of an agricultural commodity guised as an attempt to eliminate the possible spread of disease. If the issue here were truly driven by elimination of disease, this bill would be all encompassing to include the ban of all untested or high risk domestic and wild cervidae alike and parts thereof.

The majority of cervidae breeders in the US have been testing for Tuberculosis and Brucellosis for 15 years or more and for Chronic Wasting Disease for five (5) years or more. This more than qualifies, under current and existing requirements of import law, the majority of domestic cervidae in the US for importation into Idaho with little or no risk to wild or domestic herds.

On that premise, the Idaho Elk Breeders Association, ask that the good Senators of this committee defeat S 1279 in this committee and not allow it to go to the floor for further consideration.

We have attached copies of news headlines that show how testing does benefit the possible elimination of disease in wild and domestic cervidae and how the wildlife community tries to downplay this issue. We ask that you take a few minutes from your busy schedule to read through these attachments and familiarize yourselves with this issue.

Let the record show that the Idaho Elk Breeders Association stands strong with many other state and national organizations to eliminate and prevent the possible spread of communicable disease that may be transmitted by cervidae, domestic and wild.

The Idaho Elk Breeders Assoc, Inc. Board of Directors:

Gary Queen — President

Cataldo, ID

Ted Rea — Vice President

Twin Falls, ID

Clint Evans — Secretary

Garden Valley, ID

Kent Bagley — Director at Large

Victor, ID

Jeff Siddoway - Director at Large

Terreton, ID

Chuck Warner — Director at Large

Cataldo, ID

Idaho: Fish and Game Notified of CWD Kill From Wyoming

Date: December 21, 2004

Source: Idaho Fish and Game Department

A national surveillance program that encourages states to exchange information on Chronic Wasting Disease (CWD) cases has proved its worth in an incident involving an Idaho deer hunter.

The Idaho resident hunted in Wyoming, killing a mule deer which he brought back to eastern Idaho. The hunter submitted tissue from the deer in a voluntary surveillance program operated by Wyoming Game and Fish.

Idaho big game manager Brad Compton said the department had made contact with the hunter and found out where he had disposed of the deer carcass. A Fish and Game biologist was assigned December 20 to retrieve the carcass for disposal. Compton noted that Fish and Game will continue to make every reasonable effort to "minimize the risk to our deer and elk populations." While Idahoans have been bringing home deer and elk killed in Wyoming for years, the surveillance program enables Idaho to increase its vigilance in preventing the disease.

Colorado: Boulder to Track Deer With Chronic Wasting Disease Instead of Killing Them

Date: June 19, 2005

Source:

The Associated Press

BOULDER, Colo. (AP) - Boulder's Open Space and Mountain Parks Department want to study chronic wasting disease in a radically new way, tracking infected deer instead of killing them.

The Boulder program's managers won't even kill the animals that test positive for the disease. They hoped that by keeping infected animals alive, they will be able to see exactly how the disease works in the wild, said Bryan Pritchett, a natural resources coordinator for the Open Space and Mountain Parks Department

Illinois: Deer Season Sampling Finds Additional Evidence of Chronic Wasting Disease

Date: January 09, 2006

Source:

Illinois Department of Natural Resources

Contacts: Illinois Department of Natural Resources New cases found in Northern Illinois

SPRINGFIELD, IL. — Sixteen additional cases of chronic wasting disease (CWD) have been detected in northern Illinois through sampling of hunter-harvested deer during the state's 2005-06 deer seasons. The new cases include two deer taken by hunters in Ogle County, the first time CWD has been detected there.

Who: Fish and Game Notified of CWD Kill From Wyoming

Kansas : Positive Chronic Wasting Disease Test Confirmed

Date: January 24, 2006

Source: Kansas Department of Wildlife and Parks

PRATT -- The National Veterinary Services Laboratory in Ames, Iowa has verified the preliminary lab test conducted last week, which was positive for Kansas' first occurrence of chronic wasting disease (CWD) in a wild deer. Tissue samples from the deer, taken by a resident hunter in Cheyenne County during the state's firearms season in December, were initially tested at a Kansas State University lab, then submitted to the lab in Iowa for confirmation.

Carcass Transportation Regulations

The number one objective in the management of CWD is to prevent its spread into new areas. One theoretical mode of disease transmission is via infected carcasses. Therefore, in an effort to minimize the risk of disease spread, a number of states have adopted regulations affecting the transportation of hunter-harvested deer and elk.

Since the suspected infective agent (prion) is concentrated in the brain, spinal cord and lymph glands, the most common regulation is the prohibition of the importation of whole carcasses harvested from CWD areas. Some states, like Colorado, also have established regulations addressing the transport of deer and elk out of CWD areas. Generally, states that have adopted carcass transportation regulations do not **allow the importation of any brain or spinal column tissue** and allow transport of only the following:

- Meat that is cut and wrapped (either commercially or privately).
- Quarters or other portions of meat with no part of the spinal column or head attached.
- Meat that has been boned out.
- Hides with no heads attached.
- Clean (no meat or tissue attached) skull plates with antlers attached.
- Antlers with no meat or tissue attached.
- Upper canine teeth, also known as “buglers,” “whistlers,” or “ivories.”
- Finished taxidermy.

The following states and provinces have adopted some form of carcass transportation regulations:

California

Colorado
Illinois
Iowa
Manitoba
Michigan
Minnesota
North Dakota
New Mexico
New York
Oregon
Rhode Island
South Carolina
Utah
Vermont
Washington

A summary of state-by-state carcass transportation regulations

is provided in Column J of the [State and Province CWD Regulations Table](#). Since these regulations are continually evolving, it is recommended that before hunting you check the CWD regulations in your home state, the state in which you will be hunting and states in which you will travel through en route home from your hunting area. Most state wildlife agencies provide

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Carcass
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Regulations

[Areas
Where Has
Been Del](#)

USDA
Guideli
U.S.
Hunters
Canada

[Video for
Hun](#)

Mr. Chairman and Senators:

Thank you for this opportunity to speak to you. My name is
Dennis Batie and I am president-elect of the Idaho Chapter of the
Foundation for North American Wild Sheep.

I am also a fourth generation Idaho farmer, therefore I have an understanding of agriculture.
Because the agriculture climate is bleak, many of us are looking at alternatives to conventional
crops and game ranching is one of those options.

But the risk of CWD in our wild game herds is great and the price is too severe. Our big game
herds are too valuable to the people of Idaho to risk losing, due to disease.

Banning the importation of cervids to Idaho is more than an ag issue, it is a wildlife issue,
therefore I ask for your support of SB

1279

From the IDAHO SPORTSMEN'S CAUCUS ADVISORY COUNCIL

Ada County Fish & Game League ~ Blackfoot River Bowmen ~ Bonner County Sportsmen's Association

Deer Bunters of Idaho ~ Foundation for North American Wild Sheep ~ Idaho B.A.S.S. Federation ~ Idaho Bird Bunters ~ Idaho Falconers Association ~ Idaho Flounders' Association ~ Idaho State Bowhunters ~ Idaho State Rifle & Pistol Association ~ Idaho Steelhead & Salmon Unlimited ~

Idaho Traditional Bowhunters ~ Idaho Trappers Association ~ Idaho Trout Unlimited Council ~ Idaho Waileye Unlimited ~ Idaho Wildlife Federation ~ National Wild Turkey Federation ~ Pheasants Forever ~

Poachers Club ~ Rocky Mountain Elk Foundation ~ Safari Club International ~ Snake River Cutthroats

To: Idaho Senate Agricultural Affairs Committee
From: Idaho Sportsmen's Caucus Advisory Council (ISCAC)
Subject: SB 1279

ISCAC supports SB 1279, banning cervid imports into Idaho. We believe this legislation is crucial to help prevent what could be devastating impacts to Idaho's wildlife, especially from the potential introduction of Chronic Wasting Disease (CWD). CWD is the most significant disease threat facing Idaho's large wildlife. Because of its transmissibility, CWD is of great concern to wildlife managers and sportsmen across North America. Mule deer, whitetail deer, elk and most recently moose have proven to be susceptible to CWD. There is no economically viable test for CWD on live animals and there is no cure for CWD; once an animal has the disease it eventually dies.

Numerous studies have shown that concentrating deer and elk in captivity and artificial feeding situations significantly increase the likelihood of infection and increase the potential for spreading CWD. The movement of live animals for game farming purposes is the greatest risk factor in spreading CWD into new areas.

Facts about CWD and cervid game farms:

- 30 states have banned cervid imports, 18 since 2001, to protect their domestic and wild game herds.
- 23 states have banned the import of cervid carcasses.
- Before 1999, Colorado had over 800 game farms. Because of the potential harm of CWD, the majority of the game farms have been purchased by the State and taken out of operation.
- Outside of CWD "endemic areas," most new cases of CWD have been found in close proximity to game farms.

- Montana banned game farms and all “canned” big game shooting operations in 2002 with the strong support of hunters and non-hunters
- Domestic animals (cattle, sheep, horses, etc.) are believed to be resistant to natural infection by CWD; however, cattle are susceptible via direct injection of the disease.

It was believed moose were resistant until one was diagnosed with CWD in Colorado in 2005.

-1-

- Even though it is believed that this disease cannot spread to humans, most states and big game conservation organizations have cautioned hunters about protective methods of handling big game to avoid potential exposure.
- CWD can exist for 2 to 4 years in infected animals without showing symptoms. The only dependable test that is not cost prohibitive requires the killing of the animal. Therefore, herds of non-symptomatic animals can be infected and appear perfectly healthy. Individual animals may be carrying CWD and infecting other animals with no knowledge of the disease’s presence.
- Hunting in Idaho generates an estimated \$230 million of economic activity.
Big game hunting constitutes a significant portion of this economic activity.
(Source: *2001 National Survey of Fishing, Hunting & Wildlife-Associated Recreation*, U.S. Department of Interior, Fish & Wildlife Service)

ISCAC urges you to pass this legislation and protect Idaho’s wild, free-ranging big game populations.

SEE ATTACHED MAPS

showing the spread of CWD in the last 3 years

(Map Source: Chronic Wasting Disease Affiance)

-2-

From the IDAHO SPORTSMEN'S CAUCUS ADVISORY COUNCIL

Ada County Fly & Game League ~ Blackfoot River Bowmen ~ Bonner County Sportsmen's Association

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(Map Source: Chronic Wasting Disease Affiance)

ISCAC Voting data:

20 member organizations support position.

ISSU and Idaho Rifle and Pistol Association did not cast a vote

Rocky Mountain Elk Foundation abstained

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20 member organizations support position.

ISSU and Idaho Rifle and Pistol Association did not cast a vote

Rocky Mountain Elk Foundation abstained

Chairman Williams & Committee members,

My name is Rod Davidson and I reside at 1808 N. 30 th in Boise, Idaho.
I will be brief.

CWD is a very dangerous disease and it has had long-range hard impacts on the states it has visited. It has costs millions of dollars to try to eradicate it in the states where it has shown up. It could cost Idaho millions if it ever shows up here. There is some evidence to suggest that CWD is more prevalent in captive herds of cervids than in wild populations and it is also postulated that most outbreaks are the results of importation from captive breeding stocks.

We could discuss for a long time how and where CWD comes from and there is way more we don't know about this plague than we do know.

What the hunters of Idaho do know and the non-resident hunters that come to Idaho to hunt and the outfitters and guides that make their living guiding know is that mule deer, white tail deer, moose, and elk, hunting is a multi-million dollar a year pursuit in Idaho. And it isn't just hunters who know the value of a CWD free state; towns big and small across Idaho know that when hunting opens hunters will be spending big bucks and helping local economies to flourish.

What will all these stakeholders ask if CWD comes into Idaho because the state wasn't willing to take the initiative and ban the importation of CWD infected stock from CWD invested states. They won't blame the deer and elk hunters, I don't think they will blame the elk breeders who count among their group breeders who might want this ban.

The people of Idaho might well ask where were the lawmakers when a ban on imports of domestic cervids could have stopped this plague from destroying Idaho's hunting heritage.

Thank you for your time. _____

S1279: BANNING IMPORTATION OF DOMESTIC CERVIDAE

Senate Agriculture Committee 212106 Dennis Tanikuni

Chairman Williams, members of the committee: Thank you for the

opportunity to appear before you this morning. I am Dennis Tanikuni,

Assistant Director of Public Affairs for the Idaho Farm Bureau Federation (IFBF).

1. I am here this morning to express the IFBF's opposition to S1279 which says in part that "...no person shall import domestic cervidae into Idaho from outside the state".
2. Our opposition is based on Idaho Farm Bureau policy no. 161 states in part "... We support the right of domestic cervidae owners to breed, raise and market all members of the cervidae family indigenous to Idaho which can be legally acquired".
3. IFBF policy is created by our membership. This policy was brought forward by Farm Bureau members who are domestic cervidae ranchers and after going through the multiple stages of our policy making process, was approved by a statewide vote of IFBF members.~
4. Like all ranching, raising elk is a capital intensive business. The animals are extremely expensive. Equipment and fencing are specific to the industry.
5. At this time, domestic cervidae can be legally imported into Idaho. These animals require a health certificate from a licensed veterinarian from the state of origin.

6. Idaho Dept. of Agriculture regulates importation of domestic cervidae.
7. S1279 will eventually put many, if not all, domestic elk ranchers out of business. (am here today to ask you to oppose S1279 and not do that.)

Thank you. I will certainly stand for any questions you might have.

S1279eSkimpot

CHUCK WARNER
ELK VALLEY RANCH
1415 CATALDO GULCH RD.
CATALDO, ID. 83810
(208) 682-4343

Jan. 31, 2006

Senate Ag. Committee:

Reference Bill # S 1279

Bill is unconstitutional, unfair, inequitable, violates free enterprise, limits free trade, limits income to the Idaho State economy and is hypocritical.

THIS BILL IS SUPPORTED BY F.W.P. FOR NO OTHER REASON THAN TO ELIMINATE COMPETITION FOR REVENUE AND JOB PROTECTION.

F.W.P. NEEDS TO QUIT USING AGRICULTURE AS AN ESCAPE GOAT.

F.W.P. NEEDS TO QUIT USING DISEASE TO PIT SPORTSMAN AGAINST AGRICULTURE FARMS.

F.W.P. HAS DONE NOTHING TO STOP DISEASE, THE SPREAD OF TB AND BRUCellosIS FROM YELLOWSTONE INFECTED BUFFALO, ELK, DEER AN) WILD ANIMALS WHICH INFECTED THE DOMESTIC CATTLE HERDS IN EASTERN IDAHO.

F.W.P. CANNOT STOP THE SPREAD OF CWD AND DISEASE UNLESS THEY

- 1-
fence entire perimeter of Idaho to stop Elk, Deer, Bear, Cougar, Coyotes and Wolves from migrating across the border.
- 2-
put a net over entire state to stop the transmission by birds.

Recent studies show that the CWD prion can live for years in water and soil and can be transmitted through all

animals and fecal matter, including birds. TB and brucellosis can be transmitted by the same means.

Wild turkeys carry Avian TB which causes a positive TB reaction in ungulates. Wild turkeys carry Uremia-pan TB- which also causes a positive brucellosis reaction test in ungulates.

F.W.P. NEEDS TO CLEAN OFF THEIR OWN DOOR STEP BEFORE THEY START ON SOMEONE ELSE*, “THE AGRICULTURE INDUSTRY”.

There is a shared responsibility for the spreading of CWD across the United States by all who come in contact with animals, hunters, taxidermists, meat processors, animal rehabilitators, F. W. P., government agencies and the industry.

The finger pointing and intimidation tactics are not needed to resolve the issues involved with CWD and private ownership of elk and deer in the United States, or for that matter, the state of Idaho. VOTE NO, VOTE NO ON S1279

Submitted February 2, 2006

■ Cherie Barton

Idaho Wildlife Federation

208-890-0211

Good Morning!

Mr. Channan and Senators:

My name is Cherie Barton. I'm here to speak for the Idaho Wildlife Federation. We are a statewide organization and an affiliate of the National Wildlife Federation.

Senate Bill 1279 is before you today because the sponsors are concerned about our wildlife and the future of this public commodity. Whether you raise cattle, sheep or elk, or nothing at all, most of us here today are sportsmen and women. We love our outdoors and the quality of life that Idaho gives us. We want to help protect this quality of life, too.

Passing SB 1279 would definitely help protect us and our wildlife. Chronic Wasting Disease is a reality. It is a fact that 35 states in our union have banned the importation of domestic cervidae and even, 25 states have banned the import of wild cervidae carcasses harvested outside their state. Why have these states done this? Because they have people like us that have received overwhelming proof that CWD can and does devastate elk and deer herds costing, even the elk and deer breeders and farms, their livelihood and their quality of life in their state.

Elk and deer breeders and the farms that raise them, should be just as concerned about the disease coming into the state of Idaho as the sportsmen and women are. Their businesses would not and could not withstand an epidemic of CWD.

Wildlife in Idaho belongs to the public, that all of us! It appears that a handful of people are jeopardizing the entire state's elk and deer. The Idaho Wildlife Federation doesn't believe they have that right. We urge you to pass SB 1279 and protect Idaho's wildlife for our grandchildren and theirs!

IWF is one of the 23 member organizations belonging to the Idaho Sportsmen's Caucus Advisory

Council. This Council represents over 20,000 members in Idaho.

■

FOOD PRODUCERS of IDAHO, Inc.

55 S.W. 5th Ave. #100*Meridian, ID 83642

phone: 208-888-0988 .fax: 208-888-4586

February 1, 2006

TO: Members of the Senate Ag Committee

FR: Rick Waitley, Executive Director

Food Producers of Idaho representing agriculture commodity and farm organizations in Idaho have discussed the merits of S1279 as it applies to domestic cervidae in Idaho. The membership voted to oppose this legislation.

S 1279 would be devastating to Idaho Game Ranches. Through the years, Food Producers of Idaho have heard various reports from the Idaho State Department of Agriculture (ISDA) as they have dealt with issues to establish solid guidelines for game ranches in our State. We believe that ISDA has successful regulatory animal health standards in place that work to protect both domestic and wild game populations in Idaho.

Idaho proudly claims nearly 75 domestic game farms. The importation of elk into Idaho is not necessary and would bring a negative impact on an industry that has developed strong requirements and a set of good management practices. We are asking that you oppose S 1279.

Enclosed is a current membership list for Food Producers of Idaho. You will note that the Idaho Elk Breeders hold membership with our organization.

Ends:
Membership roster

da County Farm Bureau
Canyon County Farm Bureau
Far West Agribusiness Association
Idaho Alfalfa & Clover Seed Growers Association
Idaho Bankers Association
Idaho Cattle Association
Idaho Cooperative Council
Idaho Council on industry & the Environment
Idaho Dairyman*s Association
Idaho Eastern Oregon Seed Association
Idaho Farm Bureau Federation
Idaho Grain Producers Association
Idaho Grape & Wine Producers
Idaho Ground Water Appropriators, Inc.
Idaho Hay & Forage Association
Idaho Honey Industry Association
Idaho Mint Growers Association
Idaho Onion Growers Association
Idaho Dry Pea & Lentil Council

Members

Idaho State Grange
Idaho Sugarbeet Growers Association
Idaho Vocational Agriculture Teachers Association
Idaho Water Users Association
Idaho Weed Control Association
Idaho Wool Growers Association
intermountain Forest Association
J.R. Simplot Company
Marsing Ag Labor Sponsoring Committee, Inc.
Monsanto
Nampa Countryman*s Club
Nezperce Prairie Grass Growers Association
Northwest Farm Credit Services
Nyssa-Nampa Beet Growers Association
Potato Growers of Idaho
Producers Supply Cooperative, Inc.
The Amalgamated Sugar Company LLC
Wilder Community Farm Labor Committee

Supporting Members

bbott, Raymond
derson, Joe & Pam
oise Convention & Visitors Bureau
Bolz, Darrell
Burnett, Chuck

Bryan, Charlie (USB AgriVest LLC)
Corbet, Tom (Top Farms, Inc.)
Dennis, Kip
Dixon, Dave (Greenleaf Farms, Inc.)
Dixon, Don (Dixon Farms)

Eckert, Maurice H. & Sons, inc.
Eggers, Drew F.
Endow, Rod
Gerhardt, Don
Hardcastle, Harold & Peggy
Hyde, Gretchen (Idaho Rangeland Resource
Comm)
Idaho Assn. of Commerce & Industry Potato
Comm
Idaho Association of Soil Conservation Districts
Idaho Bean Comm ission
Idaho Crop Improvement Association
Idaho Elk Breeders Association
Idaho Nursery & Landscape Association
Idaho Pork Producers Association
Inouye, Kris
Johnson, Don & Mary
Kauffman, Clark
Lee, Galen
Little, James (VanDensen Ranch)
Martineau, Steve & Vicki
Mcintosh, Doug (TriMax Associates)
Momont, Patrick
Mosman, David & Cathy

Murgoitio, Lou & Vicki
Nelson, Ken (Nelson Farms)
Neufeid, Jerry
Nichols, Mike (Apple Valley Farms, Inc.)
Olson, Kelly
Orr, John E.
Pacific Northwest Aerial Applicators
Alliance
Patrick, Jim (Patrick Farms)
Paul, Dave (USDA Risk Management
Agency)
Pline, Clinton
Pioneer Hi-Bred International
Rasgorshek, Paul A.
Schmitt, Gene (I.P. Callison and Sons)
Sims, Richard
Stevenson, John A. (Stevenson Farms)
Story, Virgil (Story Farms, Inc.)
Thiessen, Wayne (Thiessen Consulting)
Tiegs, Leland (Tiegs Ag Consulting)
U of I College of Agricultural & Life
Sciences
Wittman, Nick

From: "Larry Jarrett" <lazyj~larryjarretts.com>
To: "Wanda Brock" <wbrock~senate.idaho.gov>
Date: 2/1/2006 5:55:13 PM
Subject: Fw: bill 1279

Original Message

From: "Larry Jarrett" <lazyj~larryjarretts.com>
To: "Larry Jarrett" <lazyj~larryjarretts.com>
Sent: Wednesday, February 01, 2006 4:36 PM
Subject: Re: bill 1279

> Wanda-- Did you receive my E--Larry
> Original Message
> From: "Larry Jarrett" <lazyj@larryjarretts.com>
> To: "Wanda Brock" <wbrock~senate.idaho.gov>
> Sent: Wednesday, February 01, 2006 4:34 PM
> Subject: bill 1279

>> I would like to comment on this bill banning game animal imports--
>>

>> I do not support this bill as it takes individual freedoms away, My
>> Ranch is 1300 acres and I pay the tax on it and purchased it with my
>> blood and swet and should be left to me to manage not another B>S> Law
>> that takes individual rights away.

>> To pass a bill like this when our Government can open the borders to
>> timber (diseased) and to cattle then to ban me from bringing in Game
>> Animals will end up in court believe mw, it is this kind of stuff that

>> leaves a bad taste in peoples mouths.

>>

>> If you want to set guidelines for vaccination of animals that would make

>> sense but this kind of bill is absolutly insanity-

>>

>> Larry Jarrett---Rancher---Outfitter and Guide

>> Original Message

>> From: "Wanda Brock" <wbrock@senate.idaho.gov>

>> To: <lazyj@larryjarretts.com>

>> Sent: Wednesday, February 01, 2006 4:23 PM

>> Subject: Test

>>

>>

>>>

>>

>

>

IDAHO ADMINISTRATIVE CODE

IDA PA 02.04.21 Rules Governing

Department of Agriculture

the Importation of Animals

specifically approved livestock markets for sale to approved slaughter establishments, without a permit. (5-3-03)

403. –499. (RESERVED).

500. DOGS AND CATS.

01. Dogs. All dogs imported into the state of Idaho shall be accompanied by an official certificate of veterinary inspection attesting that such dogs are apparently free from any infectious, contagious or communicable disease, and have been officially vaccinated for rabies in accordance with the current recommendations of the National Association of State Public Health Veterinarian's Compendium of Animal Rabies Vaccines. Dogs three (3) months of age or older originating from a rabies quarantined area must have a permit from the Division of Animal

Industries prior to importation. (5-3-03)

02. Cats. All cats imported into the state of Idaho shall be accompanied by an official certificate of veterinary inspection attesting that such cats are apparently free from any infectious, contagious or communicable disease. Cats three (3) months of age or older shall have been vaccinated for rabies according to the recommendations of the current National Association of State Public Health Veterinarian's Compendium on Animal Rabies Vaccines.

(5-3-03)

03. Permits Required. The Administrator may require any dog or cat, from an area that has been determined to pose a significant threat of disease, to have an import permit prior to movement into Idaho. (5-3-03)

501. –599. (RESERVED).

600. IMPORTATION OF DOMESTIC CERVIDAE.

Domestic cervidae may enter the state of Idaho, by permit, provided: (5-3-03)

01. Certificate of Veterinary Inspection. The cervidae are accompanied by a certificate of veterinary inspection certifying that they have been inspected within thirty (30) days prior to the date of shipment, that they are free from evidence of infectious, contagious, or communicable diseases, or known exposure thereto during the

preceding sixty (60) days; and (5-3-03)

02. Meet Testing Requirements. The cervidae shall meet the testing requirements of Section 601.

(5-3-03)

601. TESTING REQUIREMENTS.

All cervidae imported into Idaho shall meet the following test requirements, except cervidae that do not originate from a CWD or Tuberculosis endemic area, as determined by the administrator, may be imported directly to an approved slaughter establishment for immediate slaughter, or a domestic cervidae approved feedlot, to be fed for

slaughter, without meeting the test requirements. (5-3-03)

01. Brucellosis. Animals six (6) months of age and older shall be negative to at least two (2) different official brucellosis tests, one (1) of which shall be the rivanol, the PCIFA, the CF, or the CITE test, within thirty (30) days prior to entry, or the animals shall originate directly from a Brucellosis certified free herd or a Brucellosis class free state for cervidae. (5-3-03)

02. Tuberculosis. Imported domestic cervidae shall be tested according to the provisions in Title 9, Part 77, CFR. (5-3-03)

03. Red Deer Genetic Factor. Elk shall be tested negative for red deer genetic factor by a laboratory approved by the Division of Animal Industries, or the elk are registered with NAEBA. (5-3-03)

602. INDIVIDUAL IDENTIFICATION.

Each cervid animal imported shall be individually identified by an approved USDA identification device on a certificate of veterinary inspection issued by the accredited veterinarian who performed any required tests. (5-3-03)

603. DESTINATION.

IDAHO ADMINISTRATIVE CODE
Department of Agriculture

IDA PA 02.04.21 Rules~ Governing
the Importation of Animals

Imported domestic cervidae shall be delivered only to approved slaughter establishments, domestic cervidae approved feedlots, or domestic cervidae ranches, which are in compliance with the domestic cervidae rules.

(5-3-03)

604. **IMPORT PERMIT.**

Domestic cervidae imported into Idaho shall require a permit issued by the Division of Animal Industries.

(5-3-03)

605. **MENINGEAL WORM ENDEMIC REGION.**

Domestic cervidae shall be imported only from a region not known to be endemic with *Parelaphostrongylus tenuis* (meningeal worm of white tail deer), as reported by the Southeastern Cooperative Wildlife Disease Study.

(5-3-03)

606. **MOVEMENT OF CERVIDAE BETWEEN AZA FACILITIES.**

Movement of cervidae between accredited AZA facilities is exempt from the tuberculosis testing requirements of this rule. All other movement from AZA-accredited facilities shall comply with the tuberculosis testing requirements.

(5-3-03)

607. **FROM CERTIFIED CWD FREE HERD.**

All elk imported into Idaho shall originate from a herd that has been enrolled in a CWD monitoring program for at least sixty (60) months and which has been determined to have certified CWD free cervid herd status by the animal

health official of the state of origin.

(5-3-03)

01. **Records.** In order to qualify for CWD free status, the records and causes of death for the past five (5) years in the herd shall be made available to the state animal health official of the state of origin, and the Division of Animal Industries upon request.

(5-3-03)

02. **Exceptions.** The Administrator, after conducting an evaluation, may grant exceptions to the provisions of this Section on a case-by-case basis.

(5-3-03)

608. -699. **(RESERVED).**

700. **AVIAN SPECIES.**

All birds imported into Idaho shall have either a certificate of veterinary inspection or other approved certificate.

(5-3-03)

701. **POULTRY.**

All poultry imported into the state of Idaho shall either

(5-3-03)

01. **Originate from NPIP Flock.** Originate from a certified NPIP flock and have a valid VS Form 9-3 accompanying the shipment; or

(5-3-03)

02. Salmonella Test. Every bird in the shipment shall be tested negative for *Salmonella pullorum-typhoid*, *Salmonella enteritidis*, *Mycoplasma synoviae*, and *Mycoplasma gallisepticum* within the past thirty (30) days and have a valid certificate of veterinary inspection accompany the shipment. Test results shall be recorded on the certificate of veterinary inspection. (5-3-03)

702. POULTRY HATCHING EGGS.

All poultry hatching eggs being imported into Idaho shall: (5-3-03)

01. NPIP Flock. Originate from a certified NPIP flock and have a valid VS Form 9-3 accompanying the shipment; or (5-3-03)

02. Negative Birds. Come from birds that have been tested negative to *Salmonella pullorum-typhoid*, *Salmonella enteritidis* and *Mycoplasma synoviae* within the past thirty (30) days prior to shipment and the test results for the parent birds shall be recorded on a valid certificate of veterinary inspection issued within the last thirty (30) days, which shall accompany the egg shipment.. (5-3-03)

703. RATITES.

MINUTES

SENATE AGRICULTURAL AFFAIRS COMMITTEE

DATE: February 7, 2006

TIME: 8:00 a.m.

PLACE: Room 437

MEMBERS PRESENT: Chairman Williams, Vice Chairman Gannon, Senators Burtenshaw, Fulcher, Coiner, Corder, Broadsword, Stennett, Kelly

MEMBERS ABSENT/ EXCUSED: None

GUESTS: The sign-in sheet will be retained with the minutes in the committee's office until the end of the session, and then will be on file with the minutes in the Legislative Services Library."

CALL TO ORDER: **Chairman Williams** called the meeting to order at 8:04 a.m.

REPORT: **Kyle Hawley**, President, Idaho Association of Soil Conservation Districts, addressed the committee. Mr. Hawley introduced, John Hermann, Chair, Nez Perce Soil and Water Conservation District; Rick Rodgers, Chair, Balanced Rock Soil and Water Conservation District; and Steve Miller, Director, Division IV, Idaho Association of Soil Conservation District.

Mr. Hawley gave the committee an overview of the Idaho Soil Conservation District. The main topics reviewed were:

- Conservation Partnerships
- Soil Conservation Districts
- TMDL Planning
- ESA Issues
- NRCS
- USDA Farm Bill
- 319 Program
- BMPs
- AFO Projects

Chairman Williams asked for a synopsis of how the Idaho Association of Soil Conservation Districts, is working with urban areas. Mr. Hawley explained that water is one issue, in that more water is being diverted from rural to urban areas. Run off from driveways and roofs pose more of a challenge on new "ranchetts" that are becoming popular throughout Idaho.

Senator Burtenshaw inquired with regard to the Total Maximum Daily Load (TMDL) status, asking if the state was nearing the deadline and how

many projects were completed. Mr. Hawley deferred the question to **Mr. Jerry Nicolescu**, Administrator, Idaho Soil Conservation Commission, who informed the committee that the state would meet the deadline and that 39 projects were completed.

Senator Burtenshaw asked what the funding source was for the 319 Program. Mr. Hawley stated that the 319 Program funds were from Department of Environmental Quality in connection with federal grant programs.

Mr. Nicolescu offered for the committee that 319 monies were named for Section 319 of the Clean Water Act. These funds are shared for various projects.

Senator Coiner stated that 319 funds generally come before Watershed Advisory Groups and Basin Advisory Groups and ranked, then submitted proposals are looked at and monies disbursed accordingly.

John Hermann spoke to the committee regarding the Nez Perce Soil and Water Conservation District. The main topics were:

- North Idaho AFO 319 Project
- BPA Big Canyon
- BPA Lapwai
- Tammany WAG & TMDL
- Cow Creek WAG
- SARE Soil Quality
- WQPA Big Canyon and AFO
- Habitat Incentive Program
- RCRDP Loan Program
- Nez Perce Tribe
- Public Law 566 Small Watershed Program
- Conservation Reserve Program
- Environmental Quality Incentive Program
- Wildlife Habitat Incentive Program

Senator Burtenshaw asked Mr. Hermann to give some examples of man made barriers. Mr. Hermann named dams, bridges and culverts as the most common.

Senator Broadsword asked who bore the cost and the financial outlay of opening up streams. Mr. Hermann indicated that reconstruction on a current project to remove and rebuild a bridge obstruction will run about \$600,000 and costs were split between the grant, state, and volunteered owner monies.

Senator Stennett inquired that if yellow star thistle was controlled, how would it affect grazing land availability and could cattle be placed back on the ground, if the thistle was contained. Mr. Hermann stated that most of the land affected by star thistle had been let go, in that fences, and overgrowth had pretty much taken over and even if the star thistle was

controlled, to place cattle back on the affected grazing land would not be very economical.

Senator Stennett asked about the biological efforts. Mr. Hermann stated that there is a beetle that actually attacks the blossom on nap weed as well as yellow star. The beetle eats until there is no seed so that the plant cannot germinate again.

Senator Stennett wanted to know the amount of leverage points the ISCC had. Mr. Hermann indicated that it was as much as 69 to 1.

Rick Rodgers, Chair, Balanced Rock Soil and Water Conservation District addressed the committee. Mr. Rodgers focused on gravity flow systems that have been implemented in the Balanced Rock area. The project has resulted in a 30-35 percent water savings.

Steve Miller, Director, Division IV, Idaho Association of Soil Conservation Districts, addressed the committee with regard to local districts as delivery systems statewide. Mr. Miller stated that districts are able to uniquely bring together local concerns and are able to combine funding sources to address issues. **Senator Gannon** asked when the districts are looking at some of the systems that are going to improve the efficiencies of canal systems and other water ways, is consideration given to the impact on the aquifer. Mr. Miller indicated that studies were done and reviewed.

Senator Stennett asked Mr. Miller to expand on the student involvement in summer programs and the interest generated from their participation. Mr. Miller stated that a program had been started in which 5 to 6 students each summer participate in the soil conservation program. Mr. Miller further stated that the students had the opportunity of hands-on experience, resulting in at least two students changing their career goals. Mr. Miller requested that the Agricultural Affairs Committee write a letter of support to the Joint Finance-Appropriations Committee (JFAC) supporting an enhancement request in their FY07 budget of \$232,000. **Senator Stennett** expressed his support of a letter from the committee to JFAC on behalf of the Idaho Soil Conservation Districts.

RS 15806

Relating to Domestic Cervidae; Amending Section 25-3701, *Idaho Code* to Revise the Definition of Domestic Cervidae.

DISCUSSION:

Senator Corder stated that he sponsored **RS 15806** and that he would yield his time to **Mr. Stan Boyd**. Mr. Boyd, on behalf of the Idaho Elk Breeders Association, stated that **RS 15806** would add mule deer and moose to the list of domestic cervidae that are allowed to be held for domestic purposes. **Senator Kelly** asked if this legislation was not addressed last year. Mr. Boyd stated that there was legislation last year, but the difference was that the current legislation did not include white-tail deer. **Senator Burtenshaw** inquired where moose were imported from. Mr. Boyd stated that moose were privately owned in the mid-west and Canada. **Senator Williams** stated that the committee had been informed recently that Chronic Wasting Disease (CWD) had been diagnosed in moose, and wanted him to confirm that the information was correct. Mr.

Boyd indicated that yes, very recently CWD had been found in moose. **Senator Williams** wanted to know if importation of moose comes under the same restrictions as other cervidae. Mr. Boyd replied that if the legislation was passed, the Idaho State Department of Agriculture (ISDA) would then draft rules. **Senator Stennett** asked if CWD was only recently found in moose due to the fact that testing on moose is not mandatory as it is with elk. Mr. Boyd deferred the question to **John Chatburn** from ISDA. Mr. Chatburn stated that he was not aware of programs in the states that allow the private ownership of moose as a domestic cervidae. **Senator Stennett** wanted to know if there was language in statute that will only allow CWD free animals to be imported into Idaho. Mr. Chatburn relayed to the committee that in the statute there was language prohibiting the importation of animals that are infected with or exposed to contagious or infection diseases. **Senator Stennett** asked how the 5-year limitation came into place with regard to importation. Mr. Chatburn stated that the 5-year monitoring is not in *Idaho Code*, it is an analysis by state veterinarians, Dr. Hillman and Dr. Mark Drew based on the incubation period of CWD. **Senator Kelly** asked if mule deer contract CWD. Mr. Chatburn indicated that yes, they could contract the disease. **Senator Burtenshaw** asked if there had been any CWD in any herds in Idaho. Mr. Chatburn stated that CWD had not been found in Idaho within any of the domestic herds or in the wild population. **Senator Stennett** asked if there was a demand for moose and deer meat. Mr. Boyd indicated that wild game meat is on some restaurant menus and there is a commercial demand.

MOTION: **Senator Burtenshaw made a motion to send RS 15806 to print.** The motion was **seconded by Senator Corder.** **The motion carried by voice vote with 2 Nay votes from Senator Stennett and Senator Kelly.**

RS 15807 Relating to Domestic Cervidae Amending Section 25-1910, Idaho Code, to Provide for Civil Damages Relating to Domestic Cervidae and Provide That Any Person Committing Certain Acts Relating to Domestic Cervidae Shall Be Guilty of a Felony.

Stan Boyd, introduced **RS 15807.** Mr. Boyd expressed that the legislation would do the following:

- DISCUSSION:**
- Add domestic cervidae to current Idaho Code regarding the unlawful destruction of fur bearing animals
 - Require the Department of Agriculture and the Department of Fish and Game to address the reasonable concerns of the respective agencies, in full cooperation, with regard to domestic cervidae operations
 - Would require two types of identification, one of which must be an official identification
 - That an escaped cervid be treated the same as livestock and be covered under Idaho's open range laws

Senator Gannon wanted to know, under the proposed changes, if the

owner of a domestic cervid is negligent and allows animals to escape, resulting in damage, would liability be placed on the owner of the animal. Mr. Boyd replied that if the owner is not in an open range classification he would be considered a herd district and as a result, he would be liable.

Senator Stennett, addressed language being added under section 4, of the proposed legislation, and wanted to know if it superceded herd districts by saying that any domestic cervidae fall under open range laws and are not subject to herd district laws. Mr. Boyd indicated that the purpose of the law was to give value to privately owned cervids.

Senator Kelly interjected that in herd districts currently under Idaho law, in the case of domestic cervidae, the owner is required to keep them fenced. Therefore, there is no open range equivalent in the law for domestic cervidae, and that is partly a measure of protection against disease. Mr. Boyd stated that after seven days, the animal can be taken by a licensed hunter and there is no liability to the owner, but we want to stress that if after seven days that animal is hit by an automobile, the owner is not liable.

Senator Kelly asked if the committee could request an opinion from the Idaho Attorney General with regard to **RS 15807**. **Chairman Williams** stated that he would appreciate the Attorney General's opinion and asked **Senator Kelly** to present the request on behalf of the committee.

Senator Broadsword made a motion to send **RS 15807** to print. The motion was **seconded by Senator Corder**. **The motion carried by voice vote with 2 Nay votes from Senator Stennett and Senator Kelly.**

ADJOURN: **Chairman Williams** adjourned the meeting at 10:17 a.m.

Senator Stanley Williams
Chairman

Wanda Brock
Secretary

MINUTES

SENATE AGRICULTURAL AFFAIRS COMMITTEE

- DATE:** February 9, 2006
- TIME:** 8:00 a.m.
- PLACE:** Room 437
- MEMBERS PRESENT:** Chairman Williams, Vice Chairman Gannon, Senators Burtenshaw, Coiner, Corder, Broadsword, Stennett, Kelly
- MEMBERS ABSENT/ EXCUSED:** Senator Fulcher
- GUESTS:** The sign-in sheet will be retained with the minutes in the committee's office until the end of the session, and then will be on file with the minutes in the Legislative Services Library.
- CALL TO ORDER:** **Chairman Williams** called the meeting to order at 8:05 a.m.
- MINUTES:** **Senator Gannon** made a motion to approve the minutes for January 24, and January 31, 2006. Motion seconded by **Senator Broadsword**. The motion carried by a voice vote.
- GUBERNATORIAL APPOINTMENT:** **Chairman Williams** welcomed **Mr. Richard Rush** and introduced him to the committee as a Gubernatorial appointment to the Idaho Soil Conservation Commission (ISCC). **Chairman Williams** asked Mr. Rush to express his interest and vision for the ISCC.
- DISCUSSION:** **Senator Stennett** asked what can you do to help the Commission be in a better position financially. Mr. Rush indicated that there were some other funding opportunities, one being the Federal Farm Bill.
- Senator Burtenshaw** asked if the Total Maximum Daily Load (TMDL), with regard to funding, worked differently than other programs within the Commission. Mr. Rush stated that he was not familiar enough with the program to explain the actual funding.
- Senator Kelly** interjected that the Commission and the Districts receive a combination of funding from state and federal sources. **Senator Kelly** added that the 319 Program, within the Clean Water Act, had provided funding for TMDL implementation.
- Chairman Williams** thanked Mr. Rush for appearing before the committee and informed him that the committee would be voting on his appointment on February 14, 2006.

REPORT:

Lloyd Knight, Executive Vice President, Idaho Cattle Association, briefly greeted the committee and introduced, Rick Stott, Northwest Pilot Project; and Julie Morrison, Northwest Pilot Program. Mr. Knight gave the committee an overview of the Northwest Pilot Program and then turned the podium to Mr. Rick Stott.

Mr. Rick Stott reviewed animal identification programs and stressed to the committee the importance of animal ID. Mr. Stott stated that the ID process would be as dramatic as brand laws in the early 1800s, in affecting the way producers conduct business. The main topics were:

- Transferring animals in groups (group lot ID.)
- U.S. Animal Identification Organization
- Tracing animals when co-mingled
- Reducing barriers of compliance

Senator Burtenshaw asked how producers would trace cows back when co-mingled in a group lot situation. Mr. Stott stated that if the lot is delivered as a group to a single producer, and that producer breaks up or commingles the group lot, then at that point, the owner would be responsible for tagging.

Senator Burtenshaw referenced video auctions and wanted to know what the process would be for those cattle as far as the shipping and receiving agent. Mr. Stott indicated that where the cattle came from would not be the receivers responsibility, it would be incumbent upon the shipper.

Senator Stennett asked if the United States is still able to ship beef into Japan after the shut-down. Mr. Stott told the committee that the U.S. is not able to ship to Japan. Mr. Stott informed the committee that the meat that did not meet Japan's standards, had actually been special ordered to contain bone. Mr. Stott stated that the Department was working to address the issue.

Julie Morrison, Northwest Pilot Program (NPP) greeted the committee and gave a brief overview of the following:

- Animals included in NPP
- Current and Future Projects
- Technology Involved in Tracking
- Compliance with Group Lot

REPORT:

Frank Muir, President and CEO, Idaho Potato Commission, gave an overview to the committee. Main topics include:

- Audit 2005
- FY06 Budget
- New Marketing Strategy
- Reduction of acreage

Chairman Williams commended Mr. Muir on such good allocation of

budget dollars.

Senator Corder asked what other means were being utilized for attrition other than that of producers in helping the Commission reduce the number of acres. Mr. Muir stated that the acreage was not turning into something else, i.e., real estate, however, producers were just not planting all their available acreage in potato crops.

Senator Corder asked what percentage of the growers would respond to the call of the co-op. Mr. Muir indicated that 85 percent of growers were involved in cooperation with the Commission.

Senator Burtenshaw referenced the seed assessment decrease and wanted to know why the decrease. Mr. Muir stated that there had been a reduction in seed acres as well as revenue coming in late to the commission.

Senator Broadsword asked why the research and education portion of the budget had dropped. Mr. Muir indicated that the commission was very focused on education and that the University of Idaho was working on new product development. Mr. Muir indicated that dehydrated potatoes were a focus and that once developed, marketing would focus on the Food Aid Program. If Idaho could become part of the Food Aid Program, Mr. Muir estimated that growers would not be able to keep up with demand.

Chairman Williams wanted to know where Idaho was in the process of being approved to participate in the Food Aid Program. Mr. Muir stated that the Commission was working with the United States Potato Board on approval requirements.

Chairman Williams thanked Mr. Muir for the report and for the potato neck ties the Commission had sent to the Agricultural Affairs Committee.

ADJOURN:

Chairman Williams adjourned the meeting at 9:30 a.m.

Senator Stanley Williams
Chairman

Wanda Brock
Secretary

MINUTES

SENATE AGRICULTURAL AFFAIRS COMMITTEE

- DATE:** February 14, 2006
- TIME:** 8:00 a.m.
- PLACE:** Room 437
- MEMBERS PRESENT:** Chairman Williams, Vice Chairman Gannon, Senators Burtenshaw, Fulcher, Coiner, Corder, Broadsword, Stennett, Kelly
- MEMBERS ABSENT/ EXCUSED:** None
- GUESTS:** The sign-in sheet will be retained with the minutes in the committee's office until the end of the session, and then will be on file with the minutes in the Legislative Services Library.
- CALL TO ORDER:** **Chairman Williams** called the meeting to order at 8:05 a.m.
- GUBERNATORIAL APPOINTMENT:** **Richard Rush** of Boise, Idaho was appointed to the **State Soil Conservation Commission** to serve a term commencing February 3, 2006 and expiring July 1, 2009. The committee reviewed updated information on Mr. Richard Rush's political affiliation.
- MOTION:** **Senator Kelly** moved to approve the appointment of Richard Rush to the State Soil Conservation Commission. **Senator Corder** seconded the motion. The motion carried by a voice vote.
- Chairman Williams** asked the committee who would like to sponsor the appointment. **Senator Kelly** indicated her willingness to carry the appointment to the floor.
- REPORT:** **Candi Fitch**, Executive Director, Cherry and Apple Commissions, gave an overview on the commissions. The main topics are as follows:
- Apple Commission:
- Current Market
 - FY 06 Budget
 - Office Structure
 - Commission Trade Associations
- DISCUSSION:** **Chairman Williams** wanted to know if Idaho's market was competitive with other export market places. Ms. Fitch stated that Idaho does export to Mexico, however, she indicated that Idaho has had difficulty in meeting some of the very stringent requirements of Taiwan and some other countries. Ms. Fitch also informed the committee that training had been put in place for shippers from the Washington Research Center.

Cherry Commission:

- FY 06 Budget
- Cherry Audit
- Cherry Volume
- Commission Trade Association

DISCUSSION:

Senator Burtenshaw wanted to know what advertising the Cherry Commission utilizes. Ms. Fitch informed the committee that the Commission uses television, recipe placement and retail chains.

Senator Fulcher asked whether the markets for cherries and apples are retail or through distribution centers. Ms. Fitch stated that the Commissions use distribution centers that branch out over the United States.

S 1358 AND S 1359

Senator Corder requested that **S 1358** and **S 1359** be returned to the sponsor. **Senator Corder** expressed that there was a technical difficulty in the bill and that the bill should not go forward until corrections are made.

**UNANIMOUS
CONSENT
REQUEST:**

Chairman Williams stated that the committee had a unanimous consent request and asked if there was any discussion on the matter. There being none, the Chairman asked for a vote. The consent request passed by unanimous voice vote.

Chairman Williams requested that **Senator Kelly** review the opinion letter from the Idaho State Attorney General regarding **S 1358** and **S 1359**. **Senator Kelly** stated that in essence, open range law means that livestock is legally roaming, not being fenced. Under the domestic cervidae law, currently on the books, domestic cervidae must be fenced, there is no open range for domestic cervidae. Current stray laws are designed to address situations where animals that are required to be fenced escape, which is the situation that could occur with domestic cervidae. Basically, what the letter states is that there is an irreconcilable difference between the proposed bill and the existing law, according to **Senator Kelly**.

ADJOURN:

Chairman Williams adjourned the meeting at 8:39 a.m.

Senator Stanley Williams
Chairman

Wanda Brock
Secretary

MINUTES

SENATE AGRICULTURAL AFFAIRS COMMITTEE

DATE: February 16, 2006

TIME: 8:00 a.m.

PLACE: Room 437

MEMBERS PRESENT: Chairman Williams, Vice Chairman Gannon, Senators Burtenshaw, Coiner, Corder, Broadsword, Stennett, Kelly

MEMBERS ABSENT/ EXCUSED: Senator Fulcher

GUESTS: The sign-in sheet will be retained with the minutes in the committee's office until the end of the session, and then will be on file with the minutes in the Legislative Services Library.

CALL TO ORDER: **Chairman Williams** called the meeting to order at 8:07 a.m.

H 453: **Bob Corbell**, Executive Director, Idaho Wine Commission, introduced **H 453** Related to Idaho Grape Growers and Wine Producers Commission. Mr. Corbell stated that the proposed bill would allow wineries and grape growers to opt out of the Commission.

DISCUSSION: **Senator Broadsword** wanted to know if the application process was required annually or if one-time application was sufficient. Mr. Corbell replied that the Commission had tried to have a one-time application, but the Idaho Attorney General had advised against the one-time application.

MOTION: **Senator Corder** made a motion to report out **H 453** with a **Do Pass** recommendation. It was seconded by **Senator Broadsword**. The motion carried by a voice vote.

REPORT: **Kelly Olson**, Administrator, Idaho Barley Commission, addressed the committee and gave an overview of the Commission. The main topics included:

- FY05 Budget Summary
- FY06 Budget
- 2005 Barley Crop
- US Acres and Production
- Economic Impact in Idaho
- Strategic Focus
- Grower Services
- Domestic and Export Markets

DISCUSSION:

Chairman Williams asked what was happening in the feed barley market. Ms. Olson indicated that Idaho produced more malt barley than feed barley. Idaho uses corn for feed.

Senator Burtenshaw stated that he had heard that the aquaculture industry had developed a barley feed for fish, and wanted to know the status of that process. Ms. Olson stated that the trout industry in Hagerman, the University of Idaho, and United States Department of Agricultural Research Service have worked in a collaborative effort in the development of two low phytate barleys that are scheduled to be released this year.

Senator Williams asked if there was a market for the barley that is rejected by the malt barley market. Ms. Olson stated that there is still a market for rejected barley depending on the reason for the rejection. Ms. Olson further stated that transportation is an increasing challenge, with rail rates being high and quality of service low, causing difficulty in the movement of barley.

Senator Broadsword asked if barley is still shipped down-river to Portland. Ms. Olson informed the committee that almost all northern Idaho barley is trucked to the Lewiston port and then barged to Portland.

Chairman Williams asked if there was any improvement in regulating the testing of barley. Ms. Olson stated that the commission is still challenged with testing standards due to the variability of sampling conditions and the various technology used. Ms. Olson also stated that the commission had committed to working with the industry in self-regulation to insure that all machines are calibrated with the same standards. Further, all the principal companies have agreed to participate in a blind sampling and testing, with the sample coming from the University of Idaho nursery, giving the commission an idea of the variances in testing.

Ms. Olson informed the committee that in the extension schools, protein testing was not discussed, but nitrogen management was covered, to the extent of how to manage nitrogen in meeting protein targets without over-fertilizing.

Chairman Williams thanked Ms. Olson for sharing with the committee the information and progress being made by the commission.

PRESENTATION: **Chairman Williams** presented the committee's page, **Angela Anderson**, with a gift from the committee and acknowledged her great contribution during her tenure as a page. **Chairman Williams** asked Ms. Anderson to give the committee an update on her plans after graduation from High School. Ms. Anderson stated that she planned to attend Brigham Young University in Utah and study Physical Therapy.

The **Chairman** wished her well on behalf of the Agricultural Affairs committee.

ADJOURN: **Chairman Williams** adjourned the meeting at 9:10 a.m.

Senator Stanley Williams
Chairman

Wanda Brock
Secretary

MINUTES

SENATE AGRICULTURAL AFFAIRS COMMITTEE

- DATE:** February 21, 2006
- TIME:** 8:00 a.m.
- PLACE:** Room 437
- MEMBERS PRESENT:** Chairman Williams, Vice Chairman Gannon, Senators Burtenshaw, Fulcher, Coiner, Corder, Broadsword, Stennett, Kelly
- MEMBERS ABSENT/ EXCUSED:** None
- GUESTS:** The sign-in sheet will be retained with the minutes in the committee's office until the end of the session, and then will be on file with the minutes in the Legislative Services Library.
- CALL TO ORDER:** **Chairman Williams** called the meeting to order at 8:34 a.m.
- GUBERNATORIAL APPOINTMENT:** **Chairman Williams** welcomed **Mr. Dwight Horsch of Aberdeen, Idaho.** **Chairman Williams** told the committee that Mr. Horsch has been appointed by the Governor to serve on the State Soil Conservation Commission, and acknowledging his previous service to the State of Idaho, having served six terms as a Representative and two terms as a Senator. **Chairman Williams** asked Mr. Horsch to express his interest and vision for the SSCC.
- Mr. Horsch** greeted the committee and gave them background on his military service, service on the Idaho Judicial Council, and the National Potato Council.
- Chairman Williams** thanked Mr. Horsch for coming before the committee and informed him that the committee would vote on the appointment on February 23, 2006.
- S 1396:** **Senator Kelly** introduced **S 1396** relating to animal cruelty. She stated that when animal control agencies seize animals from individuals as a result of cruelty or mistreatment, problems arise because the agency must then maintain it. The agency cannot adopt out the animal or destroy it, but the agency must pay for all expenses incurred while investigating its owner and during litigation. The only way to recoup these costs is to file a lien against the animal's owner. However, the lien can only be for the value of the animal, and in most situations, there is no potential for recovering those costs. **Senator Kelly** informed the committee that **S 1396** allows for an accelerated judicial hearing to determine whether the owner can bond the animal and cover all costs of its care or whether the owner must relinquish their rights and give the agency full rights to the

animal, instead of having to wait for the criminal case to proceed.

Senator Kelly continued discussion of S 1396 stating that a new definition of production animals was added to provide that an inspection is performed by the Department of Agriculture before an agency can seize any production animal due to abuse or neglect.

DISCUSSION: **Senator Fulcher** inquired regarding the intent of the legislation, in that, it would make the cost of care for the alleged mistreated animals become the owner's responsibility. **Senator Kelly** responded that under the current statute there is only a lien and restitution provision, but it has proven ineffective. Whereas, the new language will provide a bonding provision which allows agencies to recoup the cost up-front or at least simultaneously and give the owner the option of simply relinquishing the animal.

Brent Olmstead, Executive Director, Milk Producers of Idaho, stated that Senator Kelly and the Department of Agriculture had worked with the Milk Producers of Idaho in the drafting of the bill, which he fully supports.

MOTION: **Senator Corder** moved to send **S 1396** to the floor with a **Do Pass** recommendation. It was seconded by **Senator Stennett**.

DISCUSSION: **Senator Corder** interjected that **S 1396** causes animal owners to be accountable earlier in the legal process and will alleviate cost burdens local agencies are currently forced to bear.

Senator Broadsword asked if the legislation gives protection to cities and local agencies from action by a plaintiff if animals are disposed of and the plaintiff is later found not guilty. **Senator Kelly** stated that the standard used to determine neglect or cruelty would demand heavy evidence for seizure. Further, the owner would have to sign over their rights to the animal, unless choosing to bond the animal, and thereby, would discharge their right to any future claim.

TESTIMONY: **John Chatburn**, Deputy Administrator, Idaho State Department of Agriculture, expressed that the legislation was a great collaborative effort. Mr. Chatburn stated that in the Department's perspective, there have been problems over the years in getting a prosecutor to take appropriate action due to the expense of seizing animals. Mr. Chatburn stated that the bill offered a mechanism for counties to take appropriate action needed without the consideration of financial burden.

There being no further discussion, the motion carried by unanimous voice vote.

Chairman Williams introduced **Mr. Steve Bear**, who is considering running for the Senate. **Chairman Williams** stated that he is not seeking re-election in November and has asked Mr. Bear to be a candidate for

District 28 in the November election.

ADJOURN: **Chairman Williams** adjourned the meeting at 9:01 a.m.

Senator Stanley Williams
Chairman

Wanda Brock
Secretary

MINUTES

SENATE AGRICULTURAL AFFAIRS COMMITTEE

- DATE:** February 23, 2006
- TIME:** 8:00 a.m.
- PLACE:** Room 437
- MEMBERS PRESENT:** Chairman Williams, Vice Chairman Gannon, Senators Burtenshaw, Fulcher, Coiner, Corder, Broadsword, Stennett, Kelly
- MEMBERS ABSENT/ EXCUSED:** None
- GUESTS:** The sign-in sheet will be retained with the minutes in the committee's office until the end of the session, and then will be on file with the minutes in the Legislative Services Library.
- GUBERNATORIAL APPOINTMENT:** **Dwight Horsch** of Aberdeen, Idaho was appointed to the **State Soil Conservation Commission** to serve a term commencing February 3, 2006 and expiring July 1, 2008.
- MOTION:** **Senator Kelly** moved to approve the appointment of Dwight Horsch to the State Soil Conservation Commission. **Senator Corder** seconded the motion. The motion carried by a voice vote.
- Chairman Williams** asked the committee who would like to sponsor the appointment. **Senator Kelly** indicated her willingness to carry the appointment to the floor.
- REPORT:** **Michael Becerra**, Manager, Idaho Food Quality Assurance Lab, (IFQAL) gave an overview to the committee. The main topics were:
- < 2006 Legislative Report
 - < Budget Review
 - < Transition to Idaho State Department of Agriculture
 - < Forensic Work with State
 - < Personnel
 - < Outlook

DISCUSSION:

Senator Williams stated that it is his understanding that, from a criminal investigative prospective, the State's labs are backed-up and wondered if shifting some of the work to IFQAL might be a plausible means of increasing revenue to IFQAL. Mr. Becerra indicated that the Idaho Food Quality Assurance Board was looking at the possibilities of a shift, but that the primary duty of the IFQAL would remain in the agricultural area.

Senator Gannon asked if Mr. Becerra had any information with regard to the on-going discussions to create an environmental research dairy in the Magic Valley. Mr. Becerra stated that he had heard talk about the facility, but most of dairy work is micro-biological and the IFQAL is not equipped for that type of work.

Senator Corder questioned Mr. Becerra's comment that "the trend for loss is inescapable" and asked him to qualify the statement. Mr. Becerra stated that utility costs and health care costs have all increased while income has remained the same. Further, Mr. Becerra stated that the IFQAL is forbidden from competing in the private lab sector because they are state subsidized.

Senator Corder asked what the IFQAL's long-term plan is to reverse the trend. Mr. Becerra responded that the plan is still in the early stages, but that the IFQAL was working with the Idaho State Department of Agriculture to bring other areas of agriculture into the services of the lab.

Senator Corder directed a question to **Mr. Tom Dayley**, Idaho State Department of Agriculture, (ISDA) and asked for more details on the plan to increase income to the IFQAL. Mr. Dayley stated that the ISDA and the IFQAL are talking with commissions, making them aware of the services provided by the lab and showing them that the services are much like an insurance policy for their products.

Senator Burtenshaw asked what type of services could be provided to the grains and barley commissions. Mr. Becerra stated that the lab could provide services to the grain industry in that it could do a broad spectrum residue screen to look for problems, as well as establish a data base for insurance against claims of alleged contamination. However, one of the problems with wheat, as opposed to potatoes, is that it is collected from the field and placed in large bins, mixing several fields, at which point individual identification becomes virtually impossible.

Senator Burtenshaw asked if the Lab was involved in requesting grant monies. Mr. Becerra stated that the Lab has and is writing grants for needed equipment, but operating funds do not often come from grant monies.

Senator Gannon asked if the Lab had been approached by the Federal Bureau of Investigation or Homeland Security and asked to participate in any agri-terror areas. Mr. Becerra stated that the Lab had been

approached and accepted in the Federal Emergency Regulatory Network, (FERN) which is called to respond in the event of an alleged or actual attack on our food supply and it will enable the lab to pursue grants for equipment that can be used in circumstances of agri-terror. However, the equipment will not be of use in the Lab's day-to-day workings. **Senator Gannon** asked if the grants acknowledged that the equipment would require a human capacity as well as training. Mr. Becerra stated that the recent appropriations grants includes monies for the intern program and the FERN application includes money for training and one-half FTE.

Senator Corder asked Mr. Becerra if he anticipated any problems with the College of Southern Idaho renewing their commitment for the intern program. Mr. Becerra stated that he felt it would be renewed, but was not sure at what level. Mr. Becerra said there would be some attrition and contract renewal would change to a year-by-year basis.

Chairman Williams acknowledged the cut in general funding as well as a cut from the Potato Commission. Mr. Becerra stated that the cuts were based on an anticipation that agriculture commodities would increase funds to the Lab, but that had not happened.

Laura Johnson, Bureau Chief, Idaho State Department of Agriculture (ISDA) informed the committee that ISDA has set meetings with fruit producers and believes that there is good potential for the development of a relationship with the Lab and the services it offers. Ms. Johnson stated that ISDA has encouraged outreach to the fruit industries and will work with the Lab to facilitate such efforts.

REPORT:

John Watts, Shortline Railroad, greeted the committee and introduced **Mr. Ed McKechnie**, Executive Vice President of Strategic Development, Watco Companies, Inc. Mr. Watts gave the committee an overview of the operations of the Shortline Railroad here in Idaho. Main topics included:

- < Rail locations
- < Rail Classification
- < Freight Sectors
- < Public Policy Issues
- < Legislative Interim Committee Findings

DISCUSSION:

Chairman Williams asked what the working relationship was between Shortline and United Pacific. Mr. Watts indicated that the working relationship was very good.

Senator Kelly asked who negotiated rates between the mainline railroads and the Shortline. **Mr. McKechnie** stated that the system worked just like an airline ticket. If one purchases a United Airline ticket, even though

there are airline changes and additional stops, you only pay United.

Senator Stennett asked if the line had looked at doing commuter travel between Mountain Home and the Boise/Nampa area. Mr. McKechnie indicated that the mainline was not connected to the shortlines, and that it ran past without connecting. Mr. McKechnie also stated that the cost factor made short commuter travel unfeasible.

Chairman Williams asked if United Pacific (UP) was in anyway willing to help the shortline rails build additional tracks on UP's right-of-way to be used for commuter travel. Mr. McKechnie stated that railways always look at ways to improve rail resources, including travel, however, Shortline is basically a gatherer for the mainlines and that is their primary focus. Mr. McKechnie further stated that track is approximately one to one and one-half million per mile of track, and building additional track is determined by consistent demand.

Senator Corder, using sugar beets for an example, asked at what point the Shortline joined the mainline to reach Nampa. Mr. McKechnie stated that short-haul was more feasible for trucks, and that the rail system is more geared to long-haul. **Senator Corder** stated that beets are hauled from Elmore County to Nampa and wanted to know what rail line was used. Mr. McKechnie stated that it must be UP because Shortline does not do short-haul in Idaho.

Senator Coiner stated that the Barley Commission was before the Senate Agricultural Affairs Committee a few weeks ago and they had stated their difficulty in moving their products out of Idaho on the rail. Mr. McKechnie indicated that it was difficult to move seasonal crops due to the fact that demand was not continuous. Mr. McKechnie informed the committee that when there is not a consistent demand, rail cars are utilized in other areas and then when demand increases, there is a lack of availability to areas of inconsistent utilization.

Senator Stennett asked that if the railways are currently at 105 percent, how would the system support additional movement into Idaho with respect to the Ethanol needs of possible importation of corn from other states. Mr. McKechnie stated that if consistent demand was present, the rail system would meet the demand. Mr. McKechnie also stated that if a consistent number of rail cars were coming into the state, it would provide available rail cars for exporting from Idaho.

Senator Stennett asked if Idaho were to bring five train loads of coal in per week what effect it would have on capacity. Mr. McKechnie state that coal always has the right-of-way on rail travel. Therefore, if Idaho were to bring in five train loads, the demand would be met and again, there would be availability for exportation.

Senator Kelly asked what the fuel source was utilized by locomotives. Mr. McKechnie stated that locomotives are operated with diesel.

Senator Broadsword asked if raw logs were lumped in with agricultural products. Mr. McKechnie stated that there has been a shift in the method of moving logs to trucks.

Senator Coiner stated the fact that there is currently a proposed power plant for the Magic Valley. He asked that, if the plant brought in five hundred rail cars per week, with the rail system currently at 105 percent capacity and with coal fire plants having first priority, what effect would it have on capacity and availability, and how much business would be displaced. Mr. McKechnie stated that it would create capacity and increase availability because it would cause a continual and consistent movement of rail cars in and out of Idaho.

ADJOURN: **Chairman Williams** adjourned the meeting at 9:11 a.m.

Senator Stanley Williams
Chairman

Wanda Brock
Secretary

MINUTES

SENATE AGRICULTURAL AFFAIRS COMMITTEE

DATE: February 28, 2006

TIME: 8:00 a.m.

PLACE: Room 437

MEMBERS PRESENT: Chairman Williams, Vice Chairman Gannon, Senators Burtenshaw, Fulcher, Coiner, Corder, Broadsword, Kelly

MEMBERS ABSENT/ EXCUSED: Senator Stennett

GUESTS: The sign-in sheet will be retained with the minutes in the committee's office until the end of the session, and then will be on file with the minutes in the Legislative Services Library.

CALL TO ORDER: **Chairman Williams** called the meeting to order at 8:02 a.m.

H 465 **Michael Cooper**, Idaho State Department of Agriculture, presented **H 465** concerning animal feeds to the committee and informed them of changes to the bill and further stated that updates had not been made since 1993.

DISCUSSION: **Senator Kelly** asked if the current changes had been in place prior to the bird seed that was brought into Idaho, would they have made any difference. Mr. Cooper stated that the proposed changes would not have made a difference because current law gives adequate provisions to deal with the issue. Further, Mr. Cooper stated that the proposed changes will allow for a larger civil penalty and thereby giving more incentive for compliance.

MOTION: **Senator Kelly** moved to send **H 465** to the floor with a **Do Pass** recommendation. It was seconded by **Senator Broadsword**. The motion carried by a unanimous voice vote.

REPORT: **Deana Sessions**, Administrator, Idaho Dairy Products Commission, presented the following:

- < Financial Report
- < 2006 Budget
- < Dairy Facts
- < Production
- < Producers and Cow Numbers by County
- < United Dairyman of Idaho Board of Directors
- < Idaho Dairy Industry Legacy for Future Generations

- < Action For Healthy Kids
- < 2005 Audit; Moss-Adams LLP

DISCUSSION:

Chairman Williams asked if there had been any incidents of milk souring in conjunction with the re-sealable containers used in schools.

Ms. Sessions indicated that there hadn't been. Further, she stated that most students drink their milk rather quickly, usually chugging it down.

Senator Corder asked if the ultra-pasteurizing process that keeps milk from spoiling rapidly was still used for school milk. Ms. Sessions stated that the processing of ultra-pasteurized milk is very expensive and the product was no longer in use, but that research continues in the area of extended shelf-life.

Senator Fulcher inquired if the decline in price that dairy farmers are receiving on products is a result of the supply curve or the demand curve. Ms. Sessions indicated that the decline was actually a result of both supply and demand.

Senator Corder asked how many schools in Idaho had taken advantage of the vending machine grant program. Ms. Sessions stated that currently, there are 33 vending machines in the state. Ms. Sessions further stated that the machines cost approximately \$4,000.00. The Dairy Board is working with schools desiring to have vending machines for the distribution of milk products.

Senator Burtenshaw asked if the \$100,000 contribution to Katrina was in the form of cash or product. Ms. Sessions stated that there were a lot of dairy farmers in that area who were severely impacted, as well as school children. Ms. Sessions further stated that the contribution was in the form of product only as the Commission is not allowed to make cash contributions.

Chairman Williams asked if there was still desire on the part of the industry with regard to bringing in an additional plant. Ms. Sessions stated that the Commission had received a letter from a milk marketing co-op that is interested in putting a cheese plant in Idaho. Ms. Sessions informed the committee that industry would very much like to have an additional plant come to Idaho.

Senator Burtenshaw asked whether the increase in production of milk was from yield in existing herds or if cattle head count had increased. Ms. Sessions stated that the head count was up with current permit counts at 100,000.

REPORT: **Howard Johnson**, Commissioner, Idaho Aquaculture Commission, addressed the committee and covered the following:

- < Budget 2005
- < Proposed 2006 Budget
- < Research - Hagerman Lab
- < Western SARE Grant

DISCUSSION: **Senator Burtenshaw** asked if the Aquaculture Commission included alligators. Mr. Johnson stated that the Commission did include alligators, and that one of their growers produce alligators commercially for hide and meat.

Chairman Williams asked what progress had been made in feed sourcing barley for fish. Mr. Johnson stated that research is ongoing at the University of Idaho, but the process is not in place. Mr. Johnson further stated that fish meal and soybean are still the most prevalent sources of feed.

Senator Burtenshaw wanted to know if sturgeon production was for caviar or meat. Mr. Johnson stated that the production was for both caviar and meat. Further, Mr. Johnson stated that there is an opportunity for the caviar side due to the fact that Russia and Europe are under a moratorium and can not ship caviar into the United States.

Chairman Williams asked if Idaho is still the number one fish producer in the nation. Mr. Johnson stated that Idaho is still the number one producer.

MINUTES: **Senator Coiner** made a motion to approve the minutes for February 2, 2006. Motion seconded by **Senator Corder**. The motion carried by a unanimous voice vote.

Senator Corder made a motion to approve the minutes for February 7, 2006. Motion seconded by **Senator Fulcher**. The motion carried by a unanimous voice vote.

Senator Broadsword made a motion to approve the minutes for February 9, and February 14, 2006. Motion seconded by **Senator Burtenshaw**. The motion carried by a unanimous voice vote.

ADJOURN: **Chairman Williams** adjourned the meeting at 9:17 a.m.

Senator Stanley Williams
Chairman

Wanda Brock
Secretary

MINUTES

SENATE AGRICULTURAL AFFAIRS COMMITTEE

DATE: March 2, 2006

TIME: 8:00 a.m.

PLACE: Room 437

MEMBERS PRESENT: Chairman Williams, Vice Chairman Gannon, Senators Burtenshaw, Fulcher, Coiner, Corder, Broadsword, Stennett, Kelly

MEMBERS ABSENT/ EXCUSED: None

GUESTS: The sign-in sheet will be retained with the minutes in the committee's office until the end of the session, and then will be on file with the minutes in the Legislative Services Library.

CALL TO ORDER: **Chairman Williams** called the meeting to order at 8:04 a.m.

HOUSE JOINT MEMORIAL: **Representative Bolz** presented **House Joint Memorial 12** to the Agricultural Affairs Committee. **HJM 12** urges that American agriculture be able to compete freely and trade fairly on a level playing field. This entails that foreign countries doing business with the United States be held to the same standards for which American farmers must comply. It also encourages that the general public be educated about the important role that agriculture plays in our society.

MOTION: **Senator Corder** moved to send **HJM 12** to the floor with a **Do Pass** recommendation. It was seconded by **Senator Broadsword**. The motion carried by a unanimous voice vote.

REPORT: **Greg Lowry**, Executive Vice President, Idaho Crop Improvement Association, (ICIA) gave an overview to the committee. Mr. Lowry likened the ICIA to the tracking of cattle, in that the Association follows much the same process in the tracking and monitoring of seeds for quality and purity. The end result is that the seeds are then considered certified seed. The Association is also involved with University of Idaho under a Memorandum of Understanding (MOU). Mr. Lowry further stated that the Idaho Crop Improvement Association had been in effect since 1941 and although most people think the Association is part of the state, it is a non-profit organization and not associated with the State of Idaho.

DISCUSSION:

Chairman Williams asked how many different varieties of seed the Association deals with. Mr. Lowry stated that they deal with seed potatoes, small grains, grass seed, legumes and dry beans. The Association deals with these crops over a range of approximately 120 thousand acres up to 200 thousand acres.

Senator Corder asked who a grower would normally file suit against if a potato seed grown was infected with PVY that consequently caused the grower severe losses. Mr. Lowry stated that the process for remedy in that case, is that the producer would sue the grower of the seed. Mr. Lowry further stated that ICIA carries liability insurance for just such cases.

Chairman Williams asked if ICIA does field inspections. Mr. Lowry indicated that ICIA does and employs 15 FTE. Further, Mr. Lowry stated that during inspection season, ICIA utilizes an additional 25 to 35 inspectors across the state.

Senator Corder asked what relationship exists between ICIA and the Idaho State Department of Agriculture (ISDA). He asked at what point the Department would get involved in situations where seed purchased caused severe loss to a producer with regard to disease. Mr. Lowry responded that ICIA's relationship is that of a mandatory non-binding legislation for arbitration and if the buyer is notified at the point of purchase, then it is mandatory for the buyer to go through arbitration which is handled by ISDA. Further, Mr. Lowry stated that when ICIA has programs upon which they want to cooperate with ISDA they do it by a Memorandum of Understanding (MOU).

Mr. Lowry stated that ISDA has primary responsibility for phyto-sanitary issues (issues dealing with diseases in living systems) and ICIA assists ISDA, in that, they do the field inspections. The results are given to the grower who then goes to ISDA with the field inspection results to obtain a Federal or State phyto-sanitary certificate.

Senator Corder asked what would happen if ISDA wanted to initiate a MOU based on how to handle a certain set of circumstances dealing with a disease with ICIA. Mr. Lowry stated that Mike Cooper is drafting a MOU from the ISDA to the ICIA. Further, Mr. Lowry indicated that ICIA is very active, in that, there is a national movement to produce some type of national seed law.

Senator Corder asked what Administrative Rules give ICIA their authority. Mr. Lowry stated that ICIA, as a non-profit association, came to a Joint Senate and House Agricultural meeting in the late 1980's during which ICIA was told that if the development of a format, ensuring checks

and balances within their program was put in place, nothing further would be required. However, legislators stated that ICIA would need to be prepared to come before the legislature at any given time to give current reports on their activities.

Senator Corder expressed his concern over litigation, in that statutorily, ICIA has to promulgate administrative rules according to the APA.

Senator Corder stated that he could not find a place where it is stated where ICIA can come up with Idaho Rules of Certification. Further, in a court case, ICIA could lose because there is no administrative document that issues authority to ICIA. Mr. Lowry stated that in lawsuits where the Association has gone to court, the issue has been to determine if the ICIA followed the standards set forth in the MOU. Mr. Lowry stated that in those cases, the Association has followed the standards in the MOU issued by the University of Idaho.

Chairman Williams asked if it would be accurate to say that the Association assumes its authority from the MOU issued by the University of Idaho. Mr. Lowry stated that the authority for any certification program to exist rests in state statute and that the responsibility is given to the University and extended through the MOU, which allows the Association to operate.

Senator Corder stated that he did not disagree with the assessment of the dissemination of authority. However, one advantage of the Administrative Rules, of the APA, is the required posting period. **Senator Corder** acknowledged that the Association welcomed participation, but stated that having been a grower of the ICIA for thirty-five years, he did not have opportunity at any time to participate in the process of rule making. **Senator Corder** further stated that the process of rule making was important and that future litigation would place the state in jeopardy by not having the Administrative Rules in place. Mr. Lowry responded that the Association is a non-profit association and that effectively, membership is voluntary. Mr. Lowry further stated that the Association did not have access to inspect all crops and all seed growers in the state. Membership is limited to those growers that fill out application and send in fees. Further, Mr. Lowry stated that the Association feels that the door is very wide open for participation and feels the issue of participation lies largely with individuals that desire to do so.

H 490

Greg Lemmons, stated that **H 490** basically expands the duties of the Commission to allow it to support research and register hobbyist bee keepers on a voluntary basis. It will allow the Commission to publish the names and phone numbers of bee keepers, the counties in which they keep bees and any other information it feels necessary to help prevent the accidental poisoning of honey bees.

DISCUSSION:

Chairman Williams asked if spray applicators have worked well with the Commission in keeping them informed of spray schedules. Mr. Lemmons stated that currently, if a bee keeper is registered with the State of Idaho, the applicators almost always contact the Commission with a 24 to 48 hour notification.

Senator Broadsword asked if **H 490** and **H 493** weren't the same thing. Mr. Lemmons stated that the basic difference that **H 490** applies to the Commission and **H 493** applies to the Departments.

MOTION:

Senator Coiner moved to send **H 490** to the floor with a **Do Pass** recommendation. It was seconded by **Senator Gannon**. The motion carried by a unanimous voice vote.

H 493

Greg Lemmons stated that **H 493** will remove the requirements for mandatory inspections for honeybees, honeybee colonies and equipment from the law. This legislation further provides for the publication of the names and phone numbers of bee keepers and location of bee hives to prevent accidental poisoning of honey bees.

DISCUSSION:

Senator Fulcher wanted to know what the distinguishing factor was between hobbyist and producers. Mr. Lemmons stated that a hobbyist is considered an individual that maintains 50 hives or less and a producer maintains 50 hives or more.

Senator Corder asked where the incidental fiscal impact indicated on the Statement of Purpose would occur. Mr. Lemmons indicated that it would be in additional copying and dissemination of the lists of growers to spray applicators and other interested parties.

Senator Burtenshaw asked if there were diseases that could come into the state if inspections were suspended, and further he wanted to know if parasites were of any concern. Mr. Lemmons stated that disease and parasites are not so much a concern, but a management issue. Further, Mr. Lemmons indicated that the issue was similar to any farmer who does not manage stock in the manner he should, thereby causing problems and concerns.

Senator Burtenshaw asked if the industry was not concerned or nervous about importing disease or parasites with the stoppage of inspections. Mr. Lemmons stated that the industry was not nervous with regard to ceasing inspections. Further, Mr. Lemmons informed the committee that most states had in fact stopped inspections already.

Chairman Williams asked if there was a possibility of a producer bringing bees in from another state that were infected with a disease or parasite and consequently wipe out a neighboring bee colony. Mr. Lemmons

stated that it is possible, however, ISDA still has authority to inspect hives. Therefore, if a grower calls ISDA, they will make a site inspection and deal with the problem in that manner.

Chairman Williams clarified that it is then the desire of the industry to eliminate the process of inspection. Mr. Lemmons stated that yes, the industry wants inspections to be on a voluntary basis only.

Laura Johnson, Bureau Chief, ISDA, interjected that, in initial discussions, the Department had proposed the inspection program be eliminated altogether. However, due to industry concerns over the possibility of unforeseen pests and disease in the future, the program will remain in effect in order to maintain the regulatory authority for inspections when needed.

MOTION: **Senator Coiner** moved to send **H 493** to the floor with a **Do Pass** recommendation. It was seconded by **Senator Broadsword**. The motion carried by a unanimous voice vote.

H 410 **John Chatburn**, Deputy Administrator, ISDA, introduced **H 410**. The change repeals Chapter 19, Title 37 of *Idaho Code*.

DISCUSSION: **Senator Broadsword** asked whether a group of individuals working on behalf of charity and in conjunction with the Department of Fish and Game, who retrieve wild animals that have been accidentally killed on the roadside and take them to be processed, and then distributed to charity, were in violation of the law. Mr. Chatburn stated that **H 410** would not have any impact or bearing on any programs that are currently being run by the Department of Fish and Game.

Senator Broadsword moved to send **H 410** to the floor with a **Do Pass** recommendation. It was seconded by **Senator Kelly**. The motion carried by a unanimous voice vote.

H 411 **John Chatburn** introduced **H 411** and stated that the Bill would make the indemnity provision for Tuberculosis consistent with those for Brucellosis.

DISCUSSION: **Senator Burtenshaw** asked if the \$25.00 and \$50.00 amount was over the value of the animal and if the total amount paid out came from the Animal Disease Fund. Mr. Chatburn stated that the Fund could pay \$25.00 or \$50.00, but the amount could not be more than one-third of the monies put in by the Federal Tuberculosis Indemnity Fund. Further, Mr. Chatburn stated that monies paid out of the Animal Disease Control

and Tuberculosis Indemnity Fund are reimbursed from the United States Department of Agriculture by the Federal Tuberculosis Indemnity Fund.

Senator Broadsword noted that the fiscal impact statement on the Statement of Purpose indicated that there will be no fiscal impact unless there is an outbreak, but pointed to the fact that the State is reimbursed. Further, **Senator Broadsword** commented that the current verbiage might be called into question on the Senate Floor and suggested that changes be made to the fiscal impact portion of the Statement of Purpose.

Senator Burtenshaw asked if disease control funds are collected from producers through fees. Mr. Chatburn stated that the monies in the fund resulted from the .22¢ brand inspections, the \$3.00 and \$5.00 per head on domestic elk and deer and some penalty assessments.

MOTION: **Senator Gannon** moved to send **H 411** to the floor with a **Do Pass** recommendation, with the understanding that the fiscal impact be changed to no impact. It was seconded by **Senator Burtenshaw**. The motion carried by a unanimous voice vote.

ADJOURN: **Chairman Williams** adjourned the meeting at 9:28 a.m.

Senator Stanley Williams
Chairman

Wanda Brock
Secretary

MINUTES

SENATE AGRICULTURAL AFFAIRS COMMITTEE

- DATE:** March 7, 2006
- TIME:** 8:00 a.m.
- PLACE:** Room 437
- MEMBERS PRESENT:** Chairman Williams, Vice Chairman Gannon, Senators Fulcher, Coiner, Corder, Broadsword, Stennett, Kelly
- MEMBERS ABSENT/ EXCUSED:** Senator Burtenshaw
- GUESTS:** The sign-in sheet will be retained with the minutes in the committee's office until the end of the session, and then will be on file with the minutes in the Legislative Services Library.
- CALL TO ORDER:** Chairman Williams called the meeting to order at 8:05 a.m.
- MINUTES:** **Senator Kelly** moved to approve the minutes for February 16, 2006. Motion seconded by **Senator Broadsword**. The motion carried by a unanimous voice vote.
- Senator Coiner** moved to approve the minutes for February 23, 2006. Motion seconded by **Senator Kelly**. The motion carried by a unanimous voice vote.
- REPORT:** **John Hartman**, Chairman, Idaho Alfalfa and Cloverseed Commission, gave the committee an overview, with focus on the following topics:
- < 2004 / 2005 Budget Report
 - < Current Commissioners
 - < Research Program
 - < Education
 - < Promotion
- DISCUSSION:** **Chairman Williams** asked if there was any problem getting cutter bees. Mr. Hartman indicated that it really depended on supply and demand. Further, Mr. Hartman stated that local bees were of poor quality, and that Canadian bees were brought in.
- Senator Corder** asked what the inspection process was for imported bees. Mr. Hartman stated that inspection was on a voluntary basis and that, to his knowledge, there was no national standard for inspection.

Senator Corder asked that, if no inspection is required, how is the commission controlling disease and parasite impact on Idaho producers. Mr. Hartman stated that knowing the growers an individual is buying from is one way to know the quality and the other is the proper management by individual growers.

Senator Corder asked what the current cost is for a gallon of bees. Mr. Hartman stated that the per gallon rate varies, but an approximate price would be \$30.00 per gallon.

Senator Stennett stated that a few years ago there was a bit of a problem with the Genetically Modified operation, and asked if Mr. Hartman could give an update. Mr. Hartman stated that although there were no problems with the genetic produce, there is a perception by the public that in some way, it is not healthy. Further, Mr. Hartman stated that protocols need to be in place as to protect the entire industry. One issue is that if organic crops are too close to genetically modified crops, then pollination cross-over becomes an issue.

Senator Stennett asked how the commission accomplishes the separation of organic and genetic crops. Mr. Hartman stated that it is monitored by a three mile isolation and pollen transfers are approximately 900 feet, so at this point, it is not a major concern.

REPORT:

Mr. Finicle, Chairman, Idaho Canola & Rapeseed, gave the committee an update on the Commission, major topics were:

- < Current Commissioners
- < Assessment Fees
- < Budget
- < Marketing
- < Mustard Bio-Pesticide
- < Bio-Diesel

Senator Fulcher asked where the primary markets were for bio-pesticide and bio-fuels. Mr. Finicle stated that, at present, there is not a large market. However, the Environmental Protection Agency (EPA) currently grants special use permits for some harmful fumigants and the theory is that if bio-pesticide were made more available, EPA could cease the issuance of permits, thereby creating the market. Mr. Finicle stated that bio-diesel is a by-product of the bio-pesticide, and it is a high quality diesel without the problems of soy diesel. One issue Mr. Finicle pointed out to the committee was that, currently, no advertising for the product could be done as the commission is not registered or licensed.

Senator Fulcher asked if Idaho is postured well for production of mustard as a bio product. Mr. Finicle reiterated that the commission first needed to be registered and licensed, and the main problem in doing so, has been a lack of funding. The estimated costs is \$50,000 to \$200,000. Further, Mr. Finicle stated that the climate in Idaho was suitable for production and that equipment is pretty standard to any other crop.

Senator Stennett asked if canola could be used as a rotation crop for potatoes. Mr. Finicle stated that canola could be used as a rotation crop depending on the acres. Mr. Finicle further stated that there are benefits to the soil when canola is grown, in that, it increases yield, but again, it would depend on the acreage as to its viability.

REPORT:

John Orr, Commissioner, Idaho State Pesticide Management, gave an overview to the committee with the following topics:

- < Annual Report
- < Financial Report 2004 and 2005
- < Commission Structure
- < Legislative Report

Senator Corder asked if there was a concern regarding residual amounts of Pursuit. Mr. Orr stated that it has caused some concern over residue but mostly it is a carry-over concern.

Senator Corder asked which crops Pursuit was used on. Mr. Orr stated that it is used on alfalfa and other seed crops.

H 593:

Dar Olberding, Lobbyist, Idaho Grain Producers Association, presented **H 593**. Mr. Olberding stated that the legislation clarifies that Conservation Reserve Program (CRP) land is included in the Crop Residue Program. The current language in the Crop Residue Disposal Law only permits the burning of vegetative material remaining after harvest. CRP rules provide, under certain circumstances, agricultural burning of un-harvested CRP land to control weeds and improve stands. Participants enrolled in CRP have been unable to take advantage of that option under current state law. This proposed language will allow CRP land to be burned, under certain circumstances, even if it has not been harvested.

DISCUSSION:

Senator Broadsword asked if burning is done in the spring will the same notification process be used. Mr. Olberding stated that the process will be the same.

Senator Broadsword asked for the specific northern areas that this legislation would affect. Mr. Olberding stated the affected areas would be from the Salmon River north.

Senator Corder asked why the Association did not encourage the opportunity for grazing as opposed to burning. **Mr. Wayne Hammon**, Director, Idaho Grain Producers Association, stated that burning would be a mid-management practice and that grazing would be allowed every third year.

Senator Fulcher asked what the "certain circumstances" meant. Mr. Hammon stated that it means that there would be no burning during the nesting season, and then it will only be done if approved by the Natural Resource Conservation District services. If the result could be obtained

by disking or harrowing then those tools would be used first. Further, Mr. Hammon stated that the burning is only done at the request of the owner.

Kent Lauer, Farm Bureau Federation, stated to the committee that the Farm Bureau supported the legislation.

Senator Broadsword stated that this legislation posed a difficult decision for her, as her constituents are divided on the issue. However, **Senator Broadsword** stated that she would not oppose the bill, in that the burning would occur at a different time of year, but further informed the Chairman that her vote on the floor might change after more consideration.

MOTION: **Senator Corder** moved to send **H 593** to the floor with a **Do Pass** recommendation. It was seconded by **Senator Fulcher**. The motion carried by a voice vote.

ADJOURN: **Chairman Williams** adjourned the meeting at 9:20 a.m.

Senator Stanley Williams
Chairman

Wanda Brock
Secretary

MINUTES

SENATE AGRICULTURAL AFFAIRS COMMITTEE

- DATE:** March 9, 2006
- TIME:** 8:00 a.m.
- PLACE:** Room 437
- MEMBERS PRESENT:** Chairman Williams, Vice Chairman Gannon, Senators Burtenshaw, Coiner, Corder, Broadsword, Stennett, Kelly
- MEMBERS ABSENT/ EXCUSED:** Fulcher
- GUESTS:** The sign-in sheet will be retained with the minutes in the committee's office until the end of the session, and then will be on file with the minutes in the Legislative Services Library.
- CALL TO ORDER:** **Chairman Williams** called the meeting to order at 8:06 a.m.
- MINUTES:** **Senator Broadsword** moved to approve the minutes for February 28, 2006. Motion seconded by **Senator Burtenshaw**. The motion carried by a unanimous voice vote.
- REPORT:** **Mark Duffin**, Executive Director, gave an overview of the Idaho Sugarbeet Growers Association with focus on the following:
- < Market Changes
 - < Marketing Strategies
 - < Annual Report
 - < Growing Area
- DISCUSSION:** **Senator Corder** asked what the Association viewed as "fair" with regard to property tax. Mr. Duffin stated that there had been several tax breaks for producers and expressed his opinion that tax relief should be given to home owners as well as farmers.
- Senator Corder** asked that if lawmakers determined it was not fair to give agriculture a personal property tax exemption and rescinded the exemption, if that would be "fair." Mr. Duffin stated that the agriculture exemption is very popular, and that fairness is in the eye of the beholder, but some tax relief should be given to low income home owners and senior citizens.

Senator Corder asked how seed stocks were managed and who determined what seeds can be grown in Idaho. Mr. Duffin indicated that there were five companies in Idaho that conduct research, breed seeds, and produce new seed varieties. However, Mr. Duffin stated that the Association has a Research and Variety Committee that determines what seeds are approved.

Senator Broadsword asked what dairy products the 10.55 percent of sugar consumption is used in. Mr. Duffin indicated that yogurt and ice cream were the products that reflect the 10.55 percent.

Senator Gannon asked if Mr. Duffin had heard the opinion of some producers, that if Round-up Ready Sugarbeets were introduced to the market, they would "take over." Mr. Duffin stated that he had not heard that statement made, however, there is a concern among growers with regard to Monsanto's technology fees.

Senator Burtenshaw asked if the import quotas on sugar were a set amount or if they could be accelerated. Mr. Duffin stated that each month, the United States Department of Agriculture assesses sugar consumption and regulates the amount of import and marketing allocations.

Senator Burtenshaw asked if the Co-op would re-open the factory in Nyssa for sugar production. Mr. Duffin stated that it was not likely to re-open for sugar production, but limited operations were continuing.

Senator Kelly asked what the competition is between high-fructose, corn syrup, and sugar. Mr. Duffin stated that each industry competes with the other. Further, Mr. Duffin stated that corn syrup has deficiency payments and price supports where sugar does not.

Chairman Williams asked Mr. Duffin to expound on the storage problems with sugarbeets this last year. Mr. Duffin stated that since December was extremely cold, and January was quite warm, there were approximately 92,000 tons of sugarbeets that will need to be disposed of.

REPORT:

Diana Caldwell, Administrator, Idaho Bean Commission, gave an overview of the Commission to the committee, highlighting the following areas:

- < Current Board Members
- < 2005 Market Overview
- < Tax Comparison
- < Production 2005
- < Bean Prices
- < 2005 Seed Highlights
- < FY2006 Budget

DISCUSSION: **Senator Burtenshaw** asked what had caused the increase in market development reflected in the budget. Ms. Caldwell stated that most of the increase has come from grant monies that have not yet been spent.

REPORT: **Roger Batt**, Executive Director, Idaho Mint Commission, presented the following to the committee:

- < Balance Sheet 2005
- < Audit Report 2005
- < Agency Response

DISCUSSION: **Senator Corder** asked if the two pieces of information that the Legislative Services Office had requested in the audit had been provided. Mr. Batt stated that the information had been provided.

Senator Burtenshaw asked if the Commission imported mint stock from India. Mr. Batt stated that the mint grown in India, which is a lesser quality mint, did not grow well in Idaho and therefore, it is not imported in root-stock.

H 491 **Bob Beede**, Member, Idaho Board of Veterinary Medicine, presented **H 491**. Dr. Beede stated that **H 491** will revise the definition of "emergency veterinary hospital" under *Idaho Code*, section 54-2103 (17) to clarify the requirements for the staffing of emergency veterinary hospitals to assure that qualified personnel, including a licensed veterinarian, are on the hospital premiss at all times. Further, Dr. Beede stated that there would be no fiscal impact from the passage of the legislation.

DISCUSSION: **Senator Gannon** asked what the policing mechanism would be to enforce the proposed law. Dr. Beede stated that the language for enforcement by the Board of Veterinary Medicine is set forth in *Idaho Code*, Sections 54-2118, 54-2119, and 54-2115 establishing the Board's authority to assess penalties if violations occur.

Senator Kelly asked how the proposed legislation would apply to veterinarians who are not necessarily a twenty-four hour emergency facility, but are willing to be on call and if the legislation would restrict veterinarians that currently provide services on an on-call basis even though they do not advertise. Dr. Beede stated that there are large, mixed, and companion practitioners. The proposed legislation will provide protection for all three practices. Further, Dr. Beede stated that the definition of the on-call emergency services, makes provision for "if" a veterinarian is available. Dr. Beede stated that this provision helps protect veterinarians from lawsuits in the event that they are unable to respond on a twenty-four hour basis.

Senator Burtenshaw asked if the proposed legislation protected

veterinarians from lawsuits if they could not accommodate an emergency request made by pet owners. Dr. Beede stated that the legislation would protect veterinarians who are not able to staff their facilities twenty-four hours a day.

MOTION: **Senator Burtenshaw** moved to send **H 491** to the floor with a **Do Pass** recommendation. It was seconded by **Senator Corder**. The motion carried by a unanimous voice vote.

ADJOURN: **Chairman Williams** adjourned the meeting at 9:12 a.m.

Senator Stanley Williams
Chairman

Wanda Brock
Secretary

MINUTES

SENATE AGRICULTURAL AFFAIRS COMMITTEE

DATE: March 14, 2006

TIME: 8:00 a.m.

PLACE: Room 437

MEMBERS PRESENT: Chairman Williams, Vice Chairman Gannon, Senators Burtenshaw, Fulcher, Coiner, Corder, Broadsword, Stennett, Kelly

MEMBERS ABSENT/ EXCUSED: None

GUESTS: The sign-in sheet will be retained with the minutes in the committee's office until the end of the session, and then will be on file with the minutes in the Legislative Services Library.

CALL TO ORDER: **Chairman Williams** called the meeting to order at 8:04 a.m.

MINUTES: **Senator Coiner** moved to approve the minutes for February 21, 2006. Motion seconded by **Senator Broadsword**. The motion carried by a unanimous voice vote.

Senator Corder moved to approve the minutes for March 2, 2006. Motion seconded by **Senator Burtenshaw**. The motion carried by a unanimous voice vote.

H 513 **Representative Bolz** presented **H 513** to the committee. Representative Bolz stated that the purpose of the legislation is to add one item to the duties of the Director of the State Department of Agriculture. The additional duty will allow the Director to cooperate with producers, industry and others to encourage growth of technology within the state's agricultural industries. It also allows for protection of existing agricultural and marketing channels. Representative Bolz stated that there would be no fiscal impact to the state's general fund.

DISCUSSION: **Senator Corder** stated that the language eludes that there is a perceived threat to our present marketing channels and asked what the threat might be. Representative Bolz stated that if there was anything coming into marketing such as a bio-tech crop the bill would provide a rule making tool to help regulate marketing.

MOTION: **Senator Fulcher** moved to send **H 513** to the floor with a **Do Pass** recommendation. It was seconded by **Senator Broadsword**.

TESTIMONY: **Ed Strong**, Director, Seminis Seed Company, stated that the industry was in support of **H 513**. Further, Mr. Strong stated that within the vegetable seed industry, today's bio-tech today is a major focus and is here to stay and will expand. The bill that is proposed simply allows the Director the authority to promote bio-technology if he feels it will benefit Idaho agriculture.

MOTION: **Senator Coiner** made a substitute motion to send **H 513** to the consent calendar, seconded by **Senator Gannon**.

DISCUSSION: **Senator Burtenshaw** asked why there was no fiscal impact on the bill when it would require the Director to take on more duties. Representative Bolz stated that the Director currently has a bio-tech committee and the Director would work through the existing committee.

There being no further debate, the substitute motion, made by **Senator Coiner** and seconded by **Senator Gannon** carried with a voice vote.

H 514 **Jerry Deckard** introduced **H 514** and stated that the proposed legislation is to authorize the Board of Examiners to issue deficiency warrants against the General Fund for up to five million dollars (\$5,000,000); an increase from the currently allowed five hundred thousand (\$500,000), which may be insufficient to cover a major pest threat. The Board of Examiners may authorize the issuance of deficiency warrants only after the Director of Agriculture has determined that a threat of an infestation of a pest or disease to Idaho's agricultural resources exists. In the case that a federally quarantined pest might be found in Idaho the Federal Office and Management and Budget has been reluctant to release emergency funds to United States Department of Agriculture for control activities where there has not been matching funds provided by the state. This change would ensure that sufficient funds could be made available.

Further, these monies may be used to cover the control and eradication costs and may include, but is not limited to costs for survey, detection, inspection, diagnosis, treatment, and disposal of infected or infested plants and plan materials, cleaning and disinfecting of infected premises and indemnity paid to owners for infected or infested plants and plant material destroyed by order of the director.

DISCUSSION:

Senator Broadsword asked if the funds disbursed by the state would be reimbursed by federal dollars and if the state was current on reimbursements. Mr. Deckard stated that the funds disbursed from the state were matched by federal monies. Mr. Deckard stated that in the past, the state had never exceeded \$200,000.

Senator Gannon stated that the state had never exceeded the \$500,000.00 mark and wanted to know why \$5,000,000.00 was being requested. Mr. Deckard stated that the threat of tuberworm and other pathogens has caused concern and the request for increased funds is to make funds available if needed.

Senator Corder asked if Eurasian Milfoil was considered a pest under the proposed legislation. Mr. Deckard stated that he did not believe Eurasian milfoil was considered under the current proposed legislation.

Michael Cooper, Idaho Department of Agriculture stated that the language in the proposed bill states "exotic pests" and that language is interpreted as something that is not endemic to Idaho and therefore could qualify Eurasian Milfoil as a pest. Further, Mr. Cooper stated that the funds being requested were to place Idaho in a position that if the funds were needed, they would be readily available.

Senator Corder asked what the plan was for potato growers to eradicate the tuberworm or at the least control it. Mr. Deckard stated that growers had the Director of the Department of Agriculture to put a system in place requiring trucks hauling out of the Northwest ensure, by cleaning the truck beds, before they come into Idaho.

Senator Kelly asked why state general funds should be spent on what appears to be an industry specific issue, the tuberworm, when the industry should be addressing the issue. Mr. Cooper stated that the funds were not requested for any one industry, rather, the funds would be for the full gambit of the agricultural community, as well as, encompassing other issues as well.

Senator Kelly stated that a deficiency warrant is to be used when a set budget is not enough to deal with an emergency problem. Further, deficiency warrant monies are reimbursed to the state, but asked why the Department need \$5,000,000.00 in such a hurry. Mr. Cooper stated that it was in view of potential issues and the \$5,000,000.00 was a cap and not intended to reflect the Departments intent to use the designated funds.

Senator Burtenshaw asked what the Federal match was to state funds. Mr. Cooper stated that the Federal dollar reimbursement rate could be anywhere from fifty percent to one-hundred percent matching, depending on the issue.

MOTION:

Senator Gannon moved to send **H 514** to the floor with a **Do Pass**

recommendation. It was seconded by **Senator Broadsword**. The motion carried by a voice vote.

H 599

Stan Boyd, Idaho Horse Council, introduced **H 599** that would bring Idaho Code up-to-date regarding the current assessment (one dollar per head) that is paid to the Idaho Horse Board by horse owners who receive a brand inspection. The proposed legislation also establishes an "Idaho Horse Board Paid Assessment Card" that may be purchased by a horse owner for a flat fee of one hundred dollars. This card is good for one year and exempts the horse owner from having to pay an assessment to the Idaho Horse Board at the time of brand inspection regardless of the number of horses inspected during the year. The proposed legislation also revises provisions and procedures regarding holding a referendum to increase the check-off that funds the Idaho Horse Board from one dollar per head to three dollars per head. Mr. Boyd further stated that there is no fiscal impact to the state.

DISCUSSION:

Senator Broadsword asked if the Horse Board would reimburse the Department of Agriculture for their time in counting ballots. Mr. Boyd stated that there was a provision for the Horse Board to reimburse costs to the Department.

TESTIMONY:

Forrest P. Hymas, Executive Director, Idaho Horse Board, addressed the committee in favor of **H 599**. Mr. Hymas stated that the Horse Board is in charge of accepting grants and disbursing those grants to the industry. Mr. Hymas stated that the grants must be given in the area of education, research or promotion and that all monies collected go back to the grass roots of the industry. Mr. Hymas asked for the committee's support of **H 599**.

Larry Hayhurst, State Brand Inspector, stated that he has been extremely impressed with the organization and the way they disburse funds and that the Board continues to keep administrative costs to a minimum. Mr. Hayhurst asked for the committee's support for **H 599**.

Karen Kimball, Panhandle Back-country Horsemen, spoke to the grants given to them for trail improvements. Ms. Kimball further stated that the Horse Board has been instrumental in making funds available for projects to increase access to trails for recreational riders.

Ann Keller, member, Idaho Horse Council, stated that the work the Horse Board has done has greatly impacted small rural counties enabling updated facilities and encouraging community pride. Ms. Keller asked the committee to support **H 599**.

Edith Stanger, Idaho Horse Council, asked the committee to support **H 599**. Ms. Stanger stated that the Horse Board worked in an economical way and was a great asset to the state. Further, Ms. Stanger stated that a great deal of thought is always given to the programs, grants, projects, and scholarships put forth by the Horse Board.

DISCUSSION: **Senator Burtenshaw** asked Ms. Stanger to give an overview of the way all the factions of the industry are coming together in supporting this effort. Ms. Stanger stated that in deed all factions of the industry are working together including pleasure clubs, breed associations, quarter horse breeders, back-country riders, and rodeo activists.

MOTION: **Senator Burtenshaw** moved to send **H 599** to the floor with a **Do Pass** recommendation. It was seconded by **Senator Stennett**. The motion carried by a voice vote.

H 515 **Mr. Lloyd Knight**, Idaho Cattle Association introduced **H 515**. Mr. Knight stated that the proposed legislation will raise the renewal fee for a brand recording from fifty dollars to seventy five dollars with the renewal period being for five years. Mr. Lloyd further stated that the legislation will raise the maximum fee which can be charged by the state brand inspector for a brand inspection from one dollar to one dollar and twenty-five cents. Mr. Lloyd stated that the proposed legislation will also raise the minimum fee charged by the state brand inspector for a brand inspection certificate from ten dollars to twenty dollars and further, the legislation will cause no fiscal impact.

TESTIMONY: **Larry Hayhurst** testified that the Board had gone twelve years without touching the cap. Further, Mr. Hayhurst stated that there were currently three positions not filled, cattle head counts are down, gas prices are up, and the national herd count is down and with that , asked for support on **H 515**.

DISCUSSION: **Senator Kelly** asked why fees were being raised but fiscal impact indicated no additional fiscal impact. Mr. Hayhurst stated that the fee increase is going directly to the horse industry.

Mr. Knight stated that there was no fiscal impact because the process is that dedicated funds are going from a fee to the industry into the dedicated fund for brand work.

Senator Burtenshaw complemented the brand services that are provided on the amount of monies expended.

MOTION: **Senator Gannon** moved to send **H 515** to the floor with a **Do Pass** recommendation. It was seconded by **Senator Burtenshaw**. The motion carried by a voice vote.

H 412 **John Chatburn**, Deputy Administrator, Idaho Department of Agriculture, introduced **H 412** stating that the proposed legislation would make the requirements for the identification of animals that have a positive reaction to an official Brucellosis test consistent with the federal uniform methods

and rules. Further Mr. Chatburn stated that there was no fiscal impact.

MOTION: **Senator Broadsword** moved to send **H 412** to the consent calendar with a **Do Pass** recommendation. It was seconded by **Senator Gannon**. The motion carried by a voice vote.

ADJOURN: **Chairman Williams** adjourned the meeting at 9:12 a.m.

Senator Stanley Williams
Chairman

Wanda Brock
Secretary

MINUTES

SENATE AGRICULTURAL AFFAIRS COMMITTEE

DATE: March 16, 2006

TIME: 8:00 a.m.

PLACE: Room 437

MEMBERS PRESENT: Chairman Williams, Vice Chairman Gannon, Senators Burtenshaw, Fulcher, Coiner, Corder, Broadsword, Stennett, Kelly

MEMBERS ABSENT/ EXCUSED: None

GUESTS: The sign-in sheet will be retained with the minutes in the committee's office until the end of the session, and then will be on file with the minutes in the Legislative Services Library.

CALL TO ORDER: **Chairman Williams** called the meeting to order at 8:02 a.m.

H 596 **John Chatburn**, Deputy Administrator, Idaho State Department of Agriculture, presented **H 596** which clarifies which animals are domestic fur bearing animals, where they can be held, and for what purpose. Further, Mr. Chatburn indicated that there would be a \$2,500.00 impact from dedicated funds.

DISCUSSION: **Senator Gannon** asked if there were currently any skunk farms in Idaho. Mr. Chatburn stated that Idaho did not have any skunk farms and that in fact, private ownership of skunks is illegal due to rabies.

Senator Broadsword asked if the legislation would have any effect on bio-medical animal research facilities. Mr. Chatburn stated that the legislation would not have any effect. Further, Mr. Chatburn stated that depending upon the type of animals used in the research those types of facilities would have to be permitted by the Department of Fish and Game under the Animal Welfare Act.

Senator Burtenshaw asked if the proposed legislation changed the definition of domestic cervidae. Mr. Chatburn stated that the intent was to clarify that domestic fur bearing animals and domestic cervidae are defined separately in the fur farm law and the domestic cervidae law.

Representative Bradford stated that he had worked with Mr. Chatburn and the Idaho Department of Agriculture in bringing this legislation forward. Further, Representative Bradford stated that he, as a mink rancher, as well as other mink ranchers were in support of **H 596**.

MOTION: **Senator Broadsword** moved to send **H 596** to the consent calendar with a **Do Pass** recommendation. It was seconded by **Senator Gannon**. The motion carried by a voice vote.

H 594 **Matthew Voile**, Bureau Chief, Idaho State Department of Agriculture, introduced **H 594**. Mr. Voile stated that the current noxious weed law needs to be updated to address new plant species that have been found in Idaho and surrounding states, and to more effectively deal with existing species with potential for out-of-control infestations that can adversely impact Idaho lands and waters. Mr. Voile further stated that proposed changes will provide clarification to the existing law by adding and defining new terms, removing obsolete language, and making available “more tools in the toolbox” for county and state weed control entities to effectively enforce the law. Mr. Voile informed the committee that there would be no fiscal impact to the general fund from the proposed language.

TESTIMONY: **Bonnie Davis**, Idaho Weed Control Association, Washington County, stated that she supported the proposed changes because they will allow the Association to do a better job. Ms. Davis stated that the committees support was needed to bring Idaho’s noxious weed laws current.

Jim Martell, Weed Superintendent, Canyon County Weed Control, stated that cities and counties use the law for updating their code enforcement. Mr. Martell encouraged the committee to pass **H 594**.

Roger Batt, Executive Director, Idaho, Eastern Oregon Seed Association, and the Idaho Mint Growers Association, informed the committee that both organizations support **H 594**.

Tom Kerr, Commissioner, Valley County, stated that one of the greatest threats to endangered species is invasive species. Mr. Kerr stated that in order to fulfill the duty to control noxious weeds, the changes in the proposed legislation are needed. Mr. Kerr asked the committee to support **H 594**.

Senator Burtenshaw raised concerns over the penalties that are in the proposed legislation. Mr. Kerr stated that in Valley County, a penalty had never been assessed. Further, Mr. Kerr stated that the county has been able to work with landowners to bring noxious weeds under control.

Mr. Voile stated that the proposed legislation contains language addressing integrative weed management. Mr. Voile stated that the language applies a level of safety to landowners who choose to participate in a coordinated weed management plan.

Rick Waitley, President, Association Management Group, stated that the Idaho Weed Control Association and its members and Idaho Food Producers were in support of **H 594**, as well as many legislators, counties, and organizations. Mr. Waitley encouraged the committee’s support on **H**

594.

MOTION: **Senator Corder** moved to send **H 594** to the floor with a **Do Pass** recommendation. It was seconded by **Senator Kelly**. The motion carried by a voice vote.

H 492 **John Chatburn**, Deputy Administrator, Idaho State Department of Agriculture, presented **H 492**. Mr. Chatburn stated the proposed legislation changes the CAFO, “concentrated animal feeding operation” or “confined animal feeding operation,” from the old Environmental Protection Agency (EPA) standard of “animal units” to the current EPA standard of “actual animal numbers.”

DISCUSSION: **Senator Burtenshaw** asked if the proposed language changed the number of cattle in the original definition. Mr. Chatburn stated that it did, in that the definition used to be 720 or 730 and now it is 700 mature dairy cattle. Further, Mr. Chatburn stated that all other cow numbers remain the same.

Senator Burtenshaw asked if it changed veal calves as well. Mr. Chatburn stated that veal calves were previously not a specific category in EPA regulations, but have recently been placed in a specific category with their numbers being changed to a straight 1000 calves.

MOTION: **Senator Coiner** moved to send **H 492** to the consent calendar with a **Do Pass** recommendation. It was seconded by **Senator Gannon**. The motion carried by a voice vote.

H 466 **Jerry Nicolescu**, Administrator, Idaho State Department of Agriculture, introduced **H 466**. Mr. Nicolescu stated that the proposed legislation would add three additional members to the carbon sequestration advisory committee and provide for their specific representation.

DISCUSSION: **Senator Broadsword** asked where a list of the members serving on the advisory board could be found. Mr. Nicolescu stated that a list could be provided, but that the names of members were not otherwise published.

Senator Stennett stated that when the proposed legislation was first drafted, the committee had asked for an expert in carbon sequestration marketing and trading, and now it appears the committee wants to add an expert in economics to do the marketing and trading. **Senator Stennett** asked why the current member is not able to do the marketing and trading. Mr. Nicolescu stated the committee felt that although the current member has an understanding of carbon and carbon trading, the member does not have expertise in economics.

MOTION: **Senator Broadsword** moved to send **H 466** to the consent calendar with a **Do Pass** recommendation. It was seconded by **Senator Stennett**. The motion carried by a voice vote.

MOTION: **Senator Fulcher** moved to approve the minutes for March 7, 2006. Motion seconded by **Senator Broadsword**. The motion carried by a unanimous voice vote.

ADJOURN: **Chairman Williams** adjourned the meeting at 9:27 a.m.

Senator Stanley Williams
Chairman

Wanda Brock
Secretary

MINUTES

SENATE AGRICULTURAL AFFAIRS COMMITTEE

- DATE:** March 21, 2006
- TIME:** 8:00 a.m.
- PLACE:** Room 437
- MEMBERS PRESENT:** Chairman Williams, Vice Chairman Gannon, Senators Burtenshaw, Fulcher, Coiner, Corder, Broadsword, Stennett, Kelly
- MEMBERS ABSENT/ EXCUSED:** None
- GUESTS:** The sign-in sheet will be retained with the minutes in the committee's office until the end of the session, and then will be on file with the minutes in the Legislative Services Library.
- CALL TO ORDER:** **Senator Williams** called the meeting to order at 8:12 a.m.
- REPORT:** **Blaine Jacobson**, Administrator, Idaho Wheat Commission, gave an overview to the committee with focus on the following topics.
- < Legislative Audit
 - < Exports
 - < Soft White Prices
 - < Governor's Trade Mission
 - < Rail Shipping
- DISCUSSION:** **Chairman Williams** asked if there had been an increase in consumption of pasta across the nation. Mr. Jacobson stated that there had and that it was due largely to the rebound of the Atkins Diet and other low-carb diets.
- Chairman Williams** asked if Mr. Jacobson credited any of the smaller growers going out of business to the unavailability of rail transportation. Further, **Chairman Williams** asked if there had been any thought given to growers combining grain shipments so that the railroad could put together a 50 to 100 car train at one time. Mr. Jacobson stated that the railroad situation is a large problem and that growers have attempted to combine crops, but have found that the railroad is reluctant to haul cars that have been assembled from various locations.
- Mr. Jacobson stated that currently, growers are having to bid to get a railcar and with grain prices down, it is causing a serious problem.
- Senator Corder** asked what the current rate is for a car. **Dar Olberding**,

Lobbyist, Idaho Grain Producers Association, stated that in Nampa the price is 64¢ a bushel. From Pocatello to Portland, it is approximately \$1.00 per bushel, with prices changing due to shortage of railcars.

Senator Corder stated that with those current rates, it would be comparable to having trucks haul the grain. Mr. Jacobson stated that the railroad looks at the next mode of transportation to set the rates.

Senator Kelly asked if there would be a proposal for some type of public funding for rail in Idaho. Mr. Jacobson said that he hoped there would be, but that it would not be during this session.

Laura Johnson, Bureau Chief, Idaho State Department of Agriculture, stated that transportation is the number one problem, but that the Department is putting together a proposal to get some grant monies from the United States Department of Agriculture, however, no outcome will be known until July.

Senator Corder commented that his hope would be, that in future transportation planning, truck transportation would be a viable part of the plan. Ms. Johnson stated that the Department is looking at all transportation and she gave her assurance that all modes of transportation will be included.

Senator Broadsword interjected that, along the same line, she would like to see the Department remember that wood and wood by-products are an agricultural commodity, and have them included in any discussions to ensure a viable means of transportation to the marketplace.

REPORT:

John Chatburn, Deputy Administrator, Idaho State Department of Agriculture, addressed the committee regarding Avian Flu. Mr. Chatburn gave an overview of the current information available and the programs Idaho has set in place for dealing with any potential outbreak. Further, Mr. Chatburn stated these plans include wild game birds and domestic birds. If an outbreak should occur, they would deal with the poultry producers in the state of Idaho as well as visit the backyard poultry producers that they are aware of.

Chairman Williams asked if the people participating in the planning had first hand experience with this Flu. Mr. Chatburn responded that yes, there are a number of people who have worked in other areas of the world who bring a lot of first hand knowledge to the table.

Senator Burtenshaw asked how close Avian Flu is to the U.S. Mr. Chatburn stated that it exists in Europe and, to the best of anyone's knowledge, it has not crossed the ocean. Mr. Chatburn stated that as of last week, no reports have been made of any incidences of H5M1 strain of the Avian Flu in North or South America.

Further, Mr. Chatburn stated that H5M1 is a particularly virulent strain of Avian Flu and the concern is that it might mutate and become contagious

for people. The United States Department of Agriculture (USDA) and Fish and Wildlife have done a good job of monitoring migratory wild birds by testing birds that are found dead. They are planning a collection of water fowl in three flyaway areas to ensure that Avian Flu is not being transmitted.

There are less dangerous strains of this disease in the U. S. but there is not the danger of those being transmitted to the human population.

Senator Kelly inquired about Idaho's state of readiness in dealing with a catastrophic event. Mr. Chatburn stated that Idaho cannot confront a catastrophic event by itself. However, the primary focus is surveillance and if Avian Flu is found in the state of Idaho, the federal government would start moving within hours to send people to Idaho.

Senator Broadsword asked Mr. Schultz if there was a cooperative plan with the Department of Health and Welfare (H&W) to deal with the human aspect as well as with the animal side. Mr. Chatburn responded that yes there was a joint effort.

Senator Broadsword further questioned what agencies were cooperating in this effort. Mr. Chatburn stated that ISDA is working with Fish & Game. The plan includes a multi-agency partnership that has been put together to deal with Avian Flu from a surveillance standpoint and also a reaction standpoint.

The agencies that are participating in this effort are: Idaho State Veterinary Association, Department of Health and Welfare, Idaho State Fish & Game, U. S. Department of Agriculture, and Idaho State Department of Agriculture.

ADJOURN: **Chairman Williams** adjourned the meeting at 9:07 a.m.

Senator Stanley Williams
Chairman

Wanda Brock
Secretary

MINUTES

SENATE AGRICULTURAL AFFAIRS COMMITTEE

DATE: March 23, 2006

TIME: 8:00 a.m.

PLACE: Room 437

MEMBERS PRESENT: Chairman Williams, Vice Chairman Gannon, Senators Burtenshaw, Fulcher, Coiner, Corder, Broadsword, Stennett, Kelly

MEMBERS ABSENT/ EXCUSED: None

GUESTS: The sign-in sheet will be retained with the minutes in the committee's office until the end of the session, and then will be on file with the minutes in the Legislative Services Library.

CALL TO ORDER: **Chairman Williams** called the meeting to order at 8:04 a.m.

H 771
H 772
H 773
H 774

Rick Waitley, representing the Idaho Alfalfa & Clover Seed Commission, the Idaho Canola/Rapeseed Commission, the Idaho Mint Commission, and the Idaho Bean Commission opened the discussion on **H771**, **H772**, **H773**, and **H774**.

Representative Bolz explained that **H 771**, **H 772**, **H 773**, and **H774** all relate to the commodity commissions and addresses some antiquated check signing procedures. Currently all checks must be signed by two commissioners. This has caused problems because checks are delayed resulting in late charges, inability to contact two commissioners within a reasonable time frame, and lost checks. Also, banks have computerized their check processing and no longer monitor for double signatures. The language in these four bills indicates that each commission must set up procedures and control systems for handling one signature checks.

DISCUSSION: **Senator Burtenshaw** inquired about other commissions policies asking who is authorized to sign checks, and would there be several signatures on the signature card. Mr. Waitley stated that there are still some commissions that use dual signatures and, generally, a signer on an account is an employee of the commission or a full-time bookkeeper. Mr. Waitley stated that another issue is that banks no longer allow signature cards to leave the premises of the bank, due to the Patriot Act.

Ray Ineck, Legislative Auditor, Legislative Services Office, spoke in support of the changes. The commissions are audited every two years, and the last audit revealed that the dual signature system was not working efficiently. Mr. Ineck stated that the new legislation requires good administrative controls be in place within the commission and is the logical step.

MOTION: **Senator Gannon** moved to send **H 771, H 772, H 773, and H 774** to the consent calendar with a **Do Pass** recommendation. **Senator Kelly** seconded the motion. The motion carried by voice vote.

H 775 **Representative Bolz** explained that this legislation deals with the Alfalfa and Clover Seed Commission and focuses on commission membership distribution. Current statute divides the state into two districts. This legislation does away with the two districts and the commission will select members from the whole state without the two district division.

DISCUSSION: **Senator Broadsword** wanted to know if membership has agreed to the change and if there is any indication the members up North might feel slighted. **Representative Bolz** stated that he was not aware of any growers up North, and that most of growers are in Southwestern Idaho.

MOTION: **Senator Corder** moved to send **H 775** to the consent calendar with a **Do Pass** recommendation. The motion was seconded by **Senator Fulcher**. The motion carried by voice vote.

REPORT: **Rick Waitley** gave a brief overview of the Idaho Ag In The Class, an agricultural program for schools. The program was started in 1986 when Dick Rush was serving as the Director of the Idaho State Agriculture Department. Since then, over 3,000 teachers have been trained. The goal is to help teachers have materials and information readily available to them so that they can go to the classroom and teach students where food and fibre come from.

Financing for this program comes from the Department of Agriculture as a budget line item. This program also receives funding through the license plate fund. There is an agriculture license plate available for purchase.

A new segment of the Idaho Ag program called "Idaho Agriculture Up Close and Personal" was initiated this year. There will be a bus tour around the agricultural areas of Idaho and there will be about 40 spaces for teachers on the tour, which will be a two-credit course through the University of Idaho.

Senator Burtenshaw asked how the schools get information about this program. Mr. Waitley stated that the Department has a mailing list of 870

principals of elementary, middle schools, high schools, parochial, and private schools. The mailing consist of posters and information that is posted in faculty rooms at the various schools.

Rick Waitley presented Senator Williams and Senator Burtenshaw with the Advocate for Agriculture Award in recognition of their individual contributions to Idaho agriculture. Mr. Waitley expressed how he has enjoyed working along side Senator Williams and Senator Burtenshaw and stated that they would be greatly missed. Further, Mr. Waitley extended his best wishes to Senator Williams and Senator Burtenshaw in their retirement.

REPORT:

Elke Shaw-Tulloch, Bureau Chief, Idaho Department of Health & Welfare, gave an overview of mercury as a public health issue with emphasis on the following:

- < Mercury Emission
- < IFCAP Program Organization
- < Sampling and Analysis Techniques
- < Target Water Body Selections
- < Fish Advisory Consideration
- < Health Education

DISCUSSION:

Chairman Williams asked if ocean fish have the same exposure to mercury as fresh water fish. Ms. Shaw-Tulloch stated that they do. Further, Ms. Shaw-Tulloch stated that the Environmental Protection Agency has determined that predatory fish are more likely to contain mercury.

Ms. Shaw-Tulloch informed the committee that the Department of Health & Welfare, in 2001, formed the Idaho Fish Commission Advisory Project. The Commission is a partnership between the Governor's Office, the Department of Environmental Quality, the Department of Fish & Game, and others. The goal is to identify public health issues in Idaho related to mercury and to educate the public. Ms. Shaw-Tulloch stated that currently there is no funding for this project and that it is a voluntary effort by each of the agencies involved.

Senator Stennett asked what kind of testing is done on commercial fish farming facilities. Ms. Shaw-Tulloch responded that there has not been any actual testing done on local fisheries.

Senator Coiner interjected that local fish farms are sensitive to mercury and that they are testing their trout on a volunteer basis. Farmed fish are raised in spring waters with a controlled food source, which does not contain high levels of mercury. Therefore, it is assumed that the risk is not the same with farmed fish as with wild fish.

REPORT: **Toni Hardesty**, Director, Department of Environmental Quality, gave an overview to the committee of mercury in Idaho with emphasis on the following areas:

- < What is Known about Mercury in the Environment
- < Mercury Sources
- < What's Being Done
- < Proposed Future Plan

DISCUSSION: **Senator Gannon** stated that he had seen a report showing very high mercury emissions in Nevada. Ms. Hardesty stated that she had referred only to air emissions and reported that Nevada had gone through a voluntary reduction program.

Senator Fulcher asked if there was any kind of "shelf life" associated with "cook ore" mining. Ms. Hardesty stated that the longer the exposure and heavier the deposit, whether environmental or animal, the more accumulation.

Senator Coiner interjected that, currently, the state has opted into the "Cap and Trade" program with State specific requirements. Further, **Senator Coiner** stated that at the time Idaho joined there was a deadline to opt in with the understanding that the decision was irreversible. However, recent new information indicates that changes can be made.

ADJOURN: **Chairman Williams** adjourned the meeting at 9:15 a.m.

Senator Stanley Williams
Chairman

Wanda Brock
Secretary

MINUTES

SENATE AGRICULTURAL AFFAIRS COMMITTEE

- DATE:** March 28, 2006
- TIME:** 8:00 a.m.
- PLACE:** Room 437
- MEMBERS PRESENT:** Chairman Williams, Vice Chairman Gannon, Senators Burtenshaw, Coiner, Corder, Broadsword, Stennett
- MEMBERS ABSENT/ EXCUSED:** Senators Fulcher, Kelly
- GUESTS:** The sign-in sheet will be retained with the minutes in the committee's office until the end of the session, and then will be on file with the minutes in the Legislative Services Library.
- CALL TO ORDER:** **Chairman Williams** called the meeting to order at 8:04 a.m.
- PRESENTATION:** **Chairman Williams** presented the committee's page, **Denise Evans**, with a gift from the committee and acknowledged her great contribution during her tenure as a page. **Chairman Williams** asked Ms. Evans to give the committee an update on her plans after graduation from High School. Ms. Evans stated that she planned to attend Utah State and study Bio-medical Engineering.
- The **Chairman** wished her well on behalf of the Agricultural Affairs Committee.
- REPORT:** **Mike Cooper**, Bureau Chief, Idaho Department of Agriculture (ISDA), gave an overview of the potato tuberworm, with focus on the following topics.
- < Life Cycle
 - < Typical Foliage Symptoms
 - < Potato Symptoms
 - < Storage Concerns
 - < Control Plan
- DISCUSSION:** **Senator Burtenshaw** asked if the potato tuberworm (PTW) could fly. Mr. Cooper stated that yes, but only an approximate one quarter of a mile. However, Mr. Cooper stated that they can be windblown further distances.
- Senator Corder** asked which pesticides are being used effectively on the moth. Mr. Cooper stated that the Department is having trouble finding a target specific pesticide for control and that they have had mixed results

using several different pesticides.

Senator Corder asked if the damage caused by the PTW is at times confused with other pests and if that is a possible reason Idaho may not have detected the PTW previously. Mr. Cooper stated that the damage is similar to wireworm damage and it has caused some problems in identifying the tuberworm.

Senator Williams asked if the tuberworm can transform from a larva state to a moth stage while potatoes are in cold storage. Mr. Cooper stated that if the temperature were to reach 45°F or above, development would be probable where PTW is present.

Senator Burtenshaw asked if moth traps had been effective in trapping PTW. Mr. Cooper stated that three fields where traps were placed had captured PTW, but when the fields were tested, no PTW presence was confirmed.

Senator Corder asked what other host PTW would utilize. Mr. Cooper stated that nightshade is a favorite of PTW and that nightshade is prevalent in Idaho.

Senator Burtenshaw asked what nightshade was. Mr. Cooper informed the committee that nightshade is a noxious weed found present around potato fields.

Senator Williams interjected that nightshade is the number one weed problem in growing potatoes and that it is very difficult to control. Further, **Senator Williams** asked what steps Idaho should take for the strongest prevention of an outbreak of PTW. Mr. Cooper indicated that ISDA would continue to place traps as well as continue aggressive testing.

One other point Mr. Cooper touched on was that the Department has a theory that PTW has been present for some time, but that it is a small population. Further, Mr. Cooper stated that Idaho generally has cold and long winters which the Department feels may be keeping PTW under control.

ADJOURN:

Chairman Williams adjourned the meeting at 8:40 a.m. subject to the call of the Chair.

Senator Stanley Williams
Chairman

Wanda Brock
Secretary