

**AGENDA**  
**SENATE AGRICULTURAL AFFAIRS COMMITTEE**  
**8:00 A.M.**  
**Room WW31**  
**Tuesday, January 11, 2011**

<b>SUBJECT</b>	<b>DESCRIPTION</b>	<b>PRESENTER</b>
	Introduction of Committee Members	Chairman Corder
	General Outline of Committee Schedule	Chairman Corder

***If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.***

COMMITTEE MEMBERS

Chairman Tim Corder  
Vice Chair Melinda Smyser  
Sen Jeff Siddoway  
Sen Monty Pearce  
Sen James Hammond  
Sen Steve Vick  
Sen Sheryl Nuxoll  
Sen Les Bock  
Sen Dan Schmidt

COMMITTEE SECRETARY

Jo Ann Bujarski  
Room: WW31  
Phone: (208) 332-1330  
email: null

MINUTES  
**SENATE AGRICULTURAL AFFAIRS COMMITTEE**

**DATE:** Tuesday, January 11, 2011

**TIME:** 8:00 A.M.

**PLACE:**

**MEMBERS PRESENT:** Chairman Corder, Vice Chairman Smyser, Senators Siddoway, Pearce, Hammond, Vick, Nuxoll, Bock, and Schmidt

**ABSENT/  
EXCUSED:**

**NOTES:**

**Chairman Corder** called the meeting to order at 8:00 am.

**Chairman Corder** introduced Jo Ann Bujarski, the Committee Secretary; Anneliese Satz, Intern; and Haley Glenn, Page.

**Senator Schmidt** introduced himself and stated that he is from District 6, which is a wheat-growing area; and he is a family physician. **Senator Bock** introduced himself and said that this is his favorite committee, and he was raised in North Dakota on a farm. His grandparents met on a threshing crew.

**Chairman Corder** stated that this was Senator Siddoway's second time on the committee. **Senator Siddoway** said he represents District 35 and he is a sheep rancher. **Senator Pearce** stated his predecessor from his district had been the Chairman of this Committee. He represents Payette, Washington and Adams Counties, which are agricultural areas. **Senator Smyser** said this is her favorite committee as well and she was raised on a farm.

**Senator Hammond** has agriculture experience in the past. He is in District 5, which used to be agricultural, but is not any longer. **Senator Vick** has a home construction business, but was raised on a farm in Montana.

**Senator Nuxoll** said she is from District 8 which includes four counties. Her father sold farm equipment. She married a farmer/rancher and helped out with the farm and she is happy to be on the committee.

On Thursday morning, January 13, the Committee has been invited, along with the House Agricultural Affairs Committee, to the Department of Agriculture for breakfast and a briefing.

On Thursday afternoon, the committee will be having lunch with the Idaho Dairyman's Association.

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Senator Corder  
Chairman

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Jo Ann Bujarski  
Secretary

AGENDA  
**SENATE AGRICULTURAL AFFAIRS COMMITTEE**  
**8:00 A.M.**  
**Room WW53**  
**Tuesday, January 18, 2011**

SUBJECT	DESCRIPTION	PRESENTER
	Rules Review Training Office of Administrative Rules	Dennis Stevenson
<b>IDAPA 60</b>	Idaho State Soil and Water Conservation	Sara Schmidt
<b>02.01.04</b>	Rules Governing the Idaho Preferred Promotion Program—Page 3	Leah Clark
<b>02.02.14</b>	Rules for Weights and Measures—Page 8	Kevin Merritt
<b>02.04.08</b>	Rules Governing Grade A Milk and Milk Products—Page 11	Marv Patten
<b>02.04.09</b>	Rules Governing Methods of Making Sanitation Ratings of Milk Shippers—Page 17	Marv Patten
<b>02.04.10</b>	Procedures Governing the Cooperative State-Public Health Service/Food and Drug Administration Program for Certification on Interstate Milk Shippers—Page 20	Marv Patten
<b>02.04.11</b>	Rules Governing Evaluation of Milk Laboratories—Page 23	Marv Patten
<b>02.04.13</b>	Rules Governing Raw Milk—Page 26	Marv Patten

***If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.***

COMMITTEE MEMBERS

Chairman Corder  
 Vice Chair Smyser  
 Sen Siddoway  
 Sen Pearce  
 Sen Hammond  
 Sen Vick  
 Sen Nuxoll  
 Sen Bock  
 Sen Schmidt

COMMITTEE SECRETARY

Jo Ann Bujarski  
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MINUTES  
**SENATE AGRICULTURAL AFFAIRS COMMITTEE**

**DATE:** Tuesday, January 18, 2011

**TIME:** 8:00 A.M.

**PLACE:** Room WW53

**MEMBERS PRESENT:** Chairman Corder, Vice Chairman Smyser, Senators Siddoway, Hammond, Vick, Nuxoll, Bock, and Schmidt

**ABSENT/ EXCUSED:** Senator Pearce

**NOTE:** The sign-in sheet, testimonies, and other related materials will be retained with the minutes in the committee's office until the end of the session and will then be located on file with the minutes in the Legislative Services Library.

**Chairman Corder** called the meeting to order at 8 am. The announcement was made that the Committee photo day was changed from Thursday to Wednesday of this week..

**MOTION:** **Senator Vick** made a motion to approve the meeting minutes from January 11, 2011. **Senator Bock** seconded, and the motion carried by **Voice Vote**.

**Chairman Corder** introduced **Brian Oakey**, Deputy Director of the Idaho State Department of Agriculture. **Mr Oakey** discussed the Department of Agriculture's negotiated rulemaking process. **Mr. Oakey** stated there was a packet put together for this year for consideration and there are a number of rules that are unique in that they have been involved in negotiated rulemaking in the agency. The process can be rather involved and controversial. One rule in particular, domestic cervidae, was the result of a petition from the Sportsman's Caucus, which was received late in 2007.

The rulemaking process brings everyone together in the same room at one time and works toward agreement. With this particular rule, agreement was not reached, so the department met individually with the producers as well as with the petitioner to understand and identify the issues from each perspective. The department tried to identify an independent purpose for conducting this rulemaking. In this case, the purpose was to help balance the budget. The program charges \$5 per head on each individual elk in the state to run the program. The agency's interest was to create flexibility in the rule by cutting the costs of that rule. This rule is in front of the committee and described as negotiated rulemaking because that is how the process was handled. This rule did not have consensus.

The domestic cervidae industry is considering legislation which will have a different approach to the issues. The agency respects the separation of powers and believes new legislation is an approach that could be supported. This rule is being brought before the committee in case the proposed legislation comes before the committee and does not pass. With this new rule we will not be back to the status quo where we are unable to meet the budgetary goals.

The Idaho Preferred Rule was also the result of a petition and again the interested parties were brought together. Consensus was not reached on this rule, either. The changes in this rule are a result of the consensus that was reached. **Senator Schmidt** asked if there were two rules where consensus was not reached? **Brian Oakey** replied that was correct.

**Vice Chairman Smyser** conducted the portion of the meeting reviewing the rules of the Department of Agriculture. **Vice Chairman Smyser** introduced **Dennis Stevenson**, State Rules Coordinator. **Mr Stevenson** discussed the process of rulemaking to the Committee. The legislature has a very active role in the process, unlike many states. See Attachment 1.

**Chairman Corder** asked if the process allows one house to get a second opportunity to approve or reject a rule by bringing forth a concurrent resolution. **Mr. Stevenson** replied that if the Senate Committee accepted a rule and the House Committee chose to reject the rule, the Senate could ask for a concurrent resolution to be drafted. The Chairman could refuse to put the concurrent resolution on the agenda which would cause the resolution to fail. **Chairman Corder** then asked if one of the houses had the ability to not allow the resolution, that would mean the Chairman of that Committee would be making a decision on their own. **Mr. Stevenson** replied that is correct. **Senator Hammond** asked if the Germane Joint Subcommittee is established with all rulemaking? **Mr. Stevenson** replied that it is.

**Vice Chairman Smyser** introduced **Sara Schmidt**, the Administrator of the Idaho Soil and Water Conservation Commission. **Ms. Schmidt** introduced one of the Commissioner's from the Soil and Water Conservation Commission, **Dick Bronson** from Payette.

**DOCKET NO: 60-05-04-1001** **Rules Governing Allocation of Funds to Conservation Districts: Ms. Schmidt** outlined the changes to this pending docket. See Attachment #2.

**MOTION:** **Senator Schmidt** moved to adopt Docket number IDAPA 60.05.04. **Senator Nuxoll** seconded, and the motion carried by **Voice Vote**.

**DOCKET NO: 02-01-04-1001** **Rules Governing the Idaho Preferred Program. Leah Clark**, Trade Specialist in the Marketing Division of the Idaho State Department of Agriculture, outlined the changes to this pending docket. The non-food product qualifications will be changed to be more consistent with the processed food product qualifications which were revised in 2008. Currently, processed food products require that the ingredients be 20% agricultural content by weight grown or raised in Idaho and that the product must be processed in Idaho. Yet the non-food category such as soaps and compost must have 50% agricultural content from product grown or raised in Idaho. The other change allows pork over one year of age to be used for processed pork products and still qualify for the Idaho Preferred market.

**Chairman Corder** asked why the ingredient percent was changed from 50-20? **Ms. Clark** stated the change to the processed products was made about three years ago at the request of the processed-product members. There was a very convoluted way of calculating the percentage. The rule was changed to be easier to calculate and still allow a broad diversity of products to qualify. **Vice Chairman Smyser** asked if there had been many comments received about this change. **Ms. Clark** said they had negotiated rulemaking on the pork rules; however, on the processed products there were no comments.

**MOTION:** **Senator Hammond** moved to approve Docket No. 02.01.04. **Senator Bock** seconded, and the motion was carried by **Voice Vote**.

**DOCKET NO: 02-02-14-1001** **Rules for Weights and Measures. Kevin Merritt**, Section manager for the ISDA Weights and Measures Program outlined the changes to this pending docket. The proposed change in section 004.01 Required Reference Materials is an annual update to the 2011 reference document. This will maintain uniformity throughout the western states. The other change is in section 004.05 Local Availability. These changes update and identify the addresses where the documents referenced may be found online or purchased. However, one of the links listed in the document has since been changed by the National Institute of Science and Technology. A clerical revision can be made to the rule without going through the approval process again. Negotiated rulemaking was not conducted because the changes were so simple.

**Senator Bock** asked what the criteria is for a clerical change. **Mr. Stevenson** replied a clerical revision is one that does not change the sense, intent or meaning of the rule.

**MOTION:** **Senator Nuxoll** made the motion to adopt Docket No. 02.02.14. **Senator Bock** seconded, and the motion carried by **Voice Vote**.

**DOCKET NO: 02-04-08-1001** **Rules Governing Grade A Milk and Milk Products. Marv Patten**, Bureau Chief of the Dairy/CAFO Bureau of the Idaho State Department of Agriculture, outlined the changes to this pending docket. The proposed changes will consolidate four rules into one rule. Each of the current rules address an aspect of Grade A milk. The other change was requested by the Idaho Dairy Association, which was to change the somatic cell count from 750,000 per mL to 500,000 per mL in order to help meet demands of products going to other countries.

**Senator Siddoway** asked what the somatic cell count is, how it is used and why it was relaxed. **Mr. Patten** stated the somatic cell count is a test that is conducted on milk that determines udder health. The lower the somatic cell count, the better the health of the animal. **Senator Siddoway** then asked why the state would be concerned with the cow's health in a herd, rather than the individual producer of the cow being concerned about the health? **Mr. Patten** replied there is a national standard and there is a process the states participate in along with the FDA and the dairy industry. Historically the national standard for somatic cell count has been made more stringent. The question becomes, is this issue an economic situation or is it a public health situation? At this point in time, the IDA does not believe it is a public health issue; it is more of an economic situation. Producers who operate at the higher somatic cell count level are not able to get the production per cow that they should be able to get so the standard becomes self-eliminating.

Idaho exports a lot of milk and the international somatic cell counts are lower than in the United States. **Senator Siddoway** then asked what protocols are followed by the state when a cow or herd is not meeting the standard. The protocol states the testing is for a whole-herd sample and whenever three of the last consecutive samples exceed the tolerance, the herd's milk is not eligible to be used for human consumption. If two out of the last four tests have had high cell counts, there is a letter sent from the Dairy/CAFO bureau to notify the producer that another test will be taken within 21 days. If the milk does not meet the expected tolerance, the milk will be taken out of production.

**Senator Nuxoll** asked if all producers want the standard or can the standard be used only for those who are exporting internationally? **Mr. Patten** replied that the milk is so comingled at the processor that there is no way to separate the domestic milk from the international market. The Idaho Dairymen's Association petitioned the Bureau to lower the standard. There have been no dairyman removed from the market because of this standard.

**Vice Chairman Smyser** introduced **Bob Naerebout**, Executive Director of the Idaho Dairymen's Association. **Mr. Naerebout** stated that every dairy producer in the state is a member of the IDA. The export market for Idaho Dairy currently is 15%. Europeans are requiring somatic cell counts of raw milk to be under 400,000. The National association is currently investigating changing the standard to 400,000 for Somatic cell counts. **Senator Vick** asked what economic challenges come with meeting the higher standard. **Mr. Naerebout** replied there are economic challenges, but also economic rewards. If an animal is sick and her numbers are up, she will be treated sooner to get her numbers down. All of the companies in Idaho offer quality bonuses, so more dairymen may be able to receive those bonuses. The best producer in Idaho is around 60,000 for somatic cell count.

**MOTION:** **Senator Siddoway** made a motion to adopt Docket No. 02.04.08. **Senator Hammond** seconded, and the motion carried by **Voice Vote**.

**DOCKET NO. 02-04-09-1001** **Rules Governing Methods of Making Sanitation Ratings of Milk Shippers.** **Mr. Patten** stated this is a repeal of the old standards since the new ones were approved in 02.04.08. **Senator Schmidt** said that the above docket repeals three rules, so does that also mean that we will be repealing 02.04.10 and 02.04.11? **Mr. Patten** replied that is correct.

**MOTION:** **Senator Siddoway** made a motion to adopt Docket Number 02.04.09. **Senator Schmidt** seconded, and the motion carried by **Voice Vote**.

**DOCKET NO. 02-04-10-1001** **Procedures Governing the Cooperative State-Public Health Service/Food and Drug Administration Program for Certification of Interstate Milk Shippers.** The Rule is to be repealed.

**MOTION:** **Senator Siddoway** made a motion to adopt Docket Number 02.04.10. **Senator Schmidt** seconded, and the motion carried by **Voice Vote**.

**DOCKET NO. 02-04-11-1001** **Rules Governing Evaluation of Milk Laboratories.** The rule is to be repealed.

**MOTION:** **Senator Vick** made a motion to adopt Docket Number 02.04.11. **Senator Nuxoll** seconded, and the motion carried by **Voice Vote**.

**DOCKET NO. 02-04-13-1001** **Rules Governing Raw Milk.** **Mr. Patten** stated this rule was changed to amend the IDAPA 02.04.13 "Rules Governing Raw Milk" to conform to a new law, Chapter 11, Title 37, Idaho Code, passed by the 2010 legislature. The proposed rule established quality standards for raw milk and raw milk products produced under a herd share; as well as quality standards for cultured raw milk products for permitted raw milk facilities. There were no formal negotiated rulemaking meetings, but all parties were involved through email and comments were noted. Most of the comments were positive.

**Senator Bock** asked if consensus was reached after the quasi-meetings were held. **Mr. Patten** said that he believes that consensus was reached. The rule needed to include unpasteurized and not just raw milk. **Senator Siddoway** asked if a permit to sell milk is needed even if the person only has one cow? **Mr. Patten** replied that if the milk is to be sold for human consumption, a permit will be needed from the Idaho Department of Agriculture and the milk will have to be tested to be sure it meets quality standards, but the producer will not need a Grade A permit. **Senator Siddoway** then asked for the provisions of the permit. **Mr. Patten** said if the producer could tie his cow to a tree and put the milk directly inside the container, there would be no problem. **Senator Siddoway** asked if the milk testing is four times a year. **Mr. Patten** replied that it is four times in a six month period.

**Senator Vick** asked who pays for the testing? **Mr. Patten** replied the Dairy and CAFO bureau is 100% funded by the Idaho Dairy Industry and the Bureau pays for the testing. **Senator Vick** asked if the people who are paying for support of this testing are raw milk producers. **Mr. Patten** replied that the amount the raw milk producers pay does not cover the expenses of the bureau for the small farm. The larger dairy processors are paying for the small farm program.

**MOTION:** **Senator Bock** made a motion to adopt 02.04.13. **Senator Siddoway** seconded, and the motion carried by **Voice Vote**.

**ADJOURNED:** There being no further business, the meeting was adjourned at 9:15 am.

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Senator Corder  
Chairman

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Jo Ann Bujarski  
Secretary

**AMENDED #1 AGENDA**  
**SENATE AGRICULTURAL AFFAIRS COMMITTEE**  
**8:00 A.M.**  
**Room WW53**  
**Thursday, January 20, 2011**

<b>SUBJECT</b>	<b>DESCRIPTION</b>	<b>PRESENTER</b>
<b>IDAPA 46</b>	Board of Veterinary Medicine	Karen Ewing
<b>02.06.02</b>	Rules Pertaining to the Idaho Commercial Feed Law	Mike Cooper
<b>02.06.10</b>	Rules Governing the Pale Cyst Nematode (Globodera pallida)	Mike Cooper
<b>02.06.12</b>	Rules Pertaining to the Idaho Fertilizer Law	Mike Cooper
<b>02.06.16</b>	Crop Residue Disposal Rules	Mike Cooper
<b>02.06.41</b>	Rules Pertaining to the Idaho Soil and Plant Amendment Act of 2001	Mike Cooper
<b>02.06.33</b>	Organic Food Product Rules	Brandon Lamb
<b>02.04.21</b>	Rules Governing the Importation of Animals	Dr. Bill Barton
<b>02.04.29</b>	Rules Governing Trichomoniasis	Dr. Bill Barton
<b>02.04.19</b>	Rules Governing Domestic Cervidae	Dr. Bill Barton

***If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.***

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Vice Chair Smyser  
Sen Siddoway  
Sen Pearce  
Sen Hammond  
Sen Vick  
Sen Nuxoll  
Sen Bock  
Sen Schmidt

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**SENATE AGRICULTURAL AFFAIRS COMMITTEE**

**DATE:** Thursday, January 20, 2011  
**TIME:** 8:00 A.M.  
**PLACE:** Room WW53  
**MEMBERS PRESENT:** Chairman Corder, Vice Chairman Smyser, Senators Siddoway, Pearce, Hammond, Vick, Nuxoll, Bock, and Schmidt  
**ABSENT/ EXCUSED:**

**NOTE:** The sign-in sheet, testimonies, and other related materials will be retained with the minutes in the committee's office until the end of the session and will then be located on file with the minutes in the Legislative Services Library.

**Chairman Corder** called the meeting to order at 8am. **Chairman Corder** turned the meeting over to **Vice Chairman Smyser**.

**DOCKET NO: IDAPA 46-01-01** **Vice Chairman Smyser** introduced **Karen Ewing**, Executive Director of the Board of Veterinary Medicine who outlined the changes to this pending docket. Rule 150 is being amended to provide clarity to the valid definition of a veterinarian client/patient relationship regarding the time period for the examination of an animal.

Rule 200 is being amended to increase the term of service for members of the Certified Euthanasia Task Force from two to three years, due to the complex nature of the BVM's certified euthanasia program.

Rule 201 is amended to clarify three (3) specific categories of approved euthanasia, pre-euthanasia sedation, and chemical capture drugs. The use of Chemical Capture Drugs is now restricted to Certified Euthanasia Technicians (CET) classified as law enforcement agencies.

Rule 205 is being amended to remove unnecessary verbiage regarding euthanasia injections, and to reorganize a rule section regarding animal restraint and human safety. The existing verbiage was considered to be micro-management of the technicians.

When a CET is terminated from an agency, the certification immediately becomes invalid and the CET shall not perform animal euthanasia until employed by another certified euthanasia agency. CET's who use remote chemical capture must be recertified every third year after their original certification.

**Senator Hammond** asked what remote chemical capture does. **Ms. Ewing** replied it would be a dart gun; some way of not making physical contact with the animal.

**MOTION:** **Senator Corder** made a motion to adopt pending Docket 46-01-01. **Senator Bock** seconded, and the motion carried by **Voice Vote**.

**DOCKET NO: 02-06-02-1001** **Rules Pertaining to the Idaho Commercial Feed Law.** **Vice Chairman Smyser** introduced **Mike Cooper**, Bureau Chief with the Bureau of Feeds and Plants Services, Idaho Department of Agriculture. The pending docket change is to update the incorporation by reference section to reflect the 2011 Official Publication of the Association of American Feed Control Officials; provide information regarding online availability and purchase of documents incorporated by reference.

Section 04.02 incorporates by reference the newest edition of the Merck Index, which is 2006.

Section 10.06 changes the definition of the Principal Display Panel to say it may include the front, back or side panels of the package.

- MOTION:** **Senator Pearce** made a motion to adopt pending Docket 02-06-02-1001. **Senator Nuxoll** seconded, and the motion carried by **Voice Vote**.
- DOCKET NO:** **Rules Governing the Pale Cyst Nematode (Globodera pallida).** **Mr. Cooper** stated this rule addresses areas and fields already under regulation by USDA and ISDA. The rule incorporates by reference the changes listed in the final Federal rule and makes some technical corrections. By maintaining and enforcing this rule, which parallels the federal rule, the department avoids having the entire state put under a federal quarantine if there is an outbreak, which would affect the potato industry along with several other agricultural industries. This pending rule makes a change in section 02.06.10.1014 of the proposed rule by adding an exemption that allows pale cyst nematode host plants to be planted on an infested field as a part of the USDA/Idaho State Department of Agriculture eradication program.
- 02-06-10-1001**
- MOTION:** **Senator Schmidt** made a motion to adopt docket 02.06.10. **Senator Pearce** seconded, and the motion carried by **Voice Vote**.
- DOCKET NO:** **Rules Pertaining to the Idaho Fertilizer law.** **Mr. Cooper** stated this pending docket updates the incorporation by reference section to reflect the 2011 Official Publication of the Association of American Plant Food Control Officials. Prohibit sliding-scale guarantees (i.e. Total Nitrogen 15-18%) on fertilizer labels; and allow multi-use labeling of fertilizer. Fertilizer percentage is based on a minimum, not an actual or sliding scale. Multi-labeling is now allowed.
- 02-06-12-1001**
- MOTION:** **Senator Nuxoll** made a motion to adopt Docket 02-06-12-1001. **Senator Hammond** seconded, and the motion passed by **Voice Vote**.
- DOCKET NO:** **Rules Governing Crop Residue Disposal.** **Mr. Cooper** said this is a rule repeal since authorization has been transferred to the DEQ.
- 02-06-16-1001**
- MOTION:** **Senator Schmidt** made a motion to adopt Docket 02-06-16-1001. **Senator Nuxoll** seconded, and the motion carried by **Voice Vote**.
- DOCKET NO:** **Rules Pertaining to the Idaho Soil and Plant Amendment Act of 2001.** **Mr. Cooper** stated this pending rule updates the incorporation by reference section to reflect the 2011 Official Publication of the Association of American Plant Food Control Officials; permit a guaranteed analysis of plant nutrients on labels of potting soils, landscape and garden soils that contain only levels of fertilizer sufficient to initiate growth; and permit multi-use labeling of soil amendment and plant amendment products.
- 02-06-41-1001**
- MOTION:** **Senator Pearce** made a motion to adopt Docket 02-06-41-1001. **Senator Corder** seconded, and the motion carried by **Voice Vote**
- DOCKET NO:** **Rules Governing Organic Food Product Rules.** **Vice Chairman Smyser** introduced **Brandon Lamb**, Program Manager of the Organic & Hop Certification, Retail Potato and Brands Program. **Mr. Lamb** stated the rulemaking incorporates by reference the June 25, 2010 version of the National Organic Program Regulations, 7 CFR Part 250. The Idaho State Department of Agriculture will no longer offer certification seal stickers for certified organic products in order to prevent the misuse of the certification seal. All references of “gross organic income” will be changed to “gross organic sales” in order to clarify the fee requirements in the Rules. That will not cause a fee increase because the producers and the organic program have always operated on the program.
- 02-06-33-1001**
- Producers will be required to ensure they are not feeding more than 70% of dry matter requirements from forage and other supplements. Grazing on pasture land during the grazing season must account for 30%. The producer will determine the grazing season. This will be assured during inspections.

**Senator Pearce** wondered who crafts the rules and determines the level of requirements necessary. **Mr. Lamb** said the National organic program established in 2002 does not require ISDA as a certifying agent to be any more lenient or stricter than the rules they set forth. The rules are a national standard. All of the rule changes were presented to the 2010 Advisory Council with only positive feedback.

**Senator Nuxoll** asked why 30% of the dry matter has to be from pasture land. **Mr. Lamb** stated the rule as it previously read said organic producers must provide access to pasture for their animals. This rule change will ensure the cows are actually getting into the pasture during the season.

**Senator Pearce** asked if the certification process affects people selling products at Farmer's Markets. **Mr. Lamb** stated the division only deals with producers who have requested certification. The USDA has determined it is a conflict of interest for the division to regulate anyone who is not an applicant.

**Senator Vick** asked how grazing 30% of the time improves the quality of the product. **Mr. Lamb** said the decision was negotiated rulemaking at the federal level. There were a few main producers who wanted the grazing percent to be 100 during the grazing season. There were others who felt there was no reason to have grazing, so the 30% was the negotiated decision.

**Senator Nuxoll** commented that she is a person who likes natural products, not just organic; and people who are similar see the animals in the pasture and would believe the animals are getting all-natural food as opposed to dry feed. **Mr. Lamb** replied that is a common belief. Some believe grain should not be allowed at all, that 100% of the animals' dry matter should be from grazing.

**Senator Pearce** asked what the difference was between cutting your own hay and feeding it to the cow and the cow grazing 30% in the actual pasture. If this rule changes, is the State out of compliance with the national guideline? **Mr. Lamb** replied we would be out of compliance if we did not implement the pasture rule or the most current CFR. Residual grazing is included; if the farmer cuts from his pasture and allows his cows to graze on that, the farmer can count that as the 30% pasture land requirement.

**Senator Hammond** stated the overall goal is to provide the opportunity for those people who want to grow and sell organic products to further legitimize the fact the products are organic through registration. **Mr. Lamb** said that is correct, the division is a certifying agent for the USDA and the division performs the inspection to verify the farmer is following national rules. **Senator Hammond** said if this rule is not approved, it creates a problem for the people who are trying to sell products as organic and prove the legitimacy through this program. **Mr. Lamb** replied that is exactly correct. Many of these participants are strongly on board the national organic program.

**Senator Nuxoll** asked if the producers in the organic program are ones who sell at farmer's markets and small businesses. **Mr. Lamb** replied the national organic program rules have exemptions, such as any producer making less than \$5,000 can identify their products as organic and follow different rules and regulations.

**MOTION:**

**Senator Bock** moved to adopt Docket 02-06-33-1001. **Senator Hammond** seconded, and the motion carried by **Voice Vote**.

**Vice Chairman Smyser** introduced **Dr. Bill Barton**, State Veterinarian, Idaho Department of Agriculture.

**DOCKET NO:  
02-04-21-1001**

**Rules Governing the Importation of Animals.** Dr. Barton stated that USDA-APHIS has issued a Federal Order suspending enforcement of 9 CFR Section 77.10 in Modified Accredited Advanced (MAA) States or Zones relative to tuberculosis in cattle. Idaho is currently the only state to require testing for interstate movement into and out of MAA states or zones. Feeder cattle can be moved without testing if there is no open epidemiological investigation within that state within the last twelve months, or the herd of origin is under no investigation for tuberculosis. Additionally, proposed changes to rule 02.04.29 requires changes to this rule to maintain consistency among the rules.

Proposed changes include lowering the age of virgin bulls for import into Idaho from twenty-four (24) months of age or less to less than twelve (12) months of age. Rodeo bulls imported by an Idaho-Based rodeo producer with an approved bull lot are exempt from testing. A testing exemption has been included for bulls imported for exhibition purposes, provided the bull will be returned to its state of origin, will not be exposed to female cattle, and will not be offered for sale.

**Senator Pearce** asked why the age of virgin bulls is being dropped from twenty-four months to twelve. Dr. Barton stated that is the result of a meeting with our trichomoniasis task force and was a direct request from the task force, the Idaho Cattlemen's Association, and the chair of the Calf/Cow Association. There are more states implementing trichomoniasis rules, however; most do not. There are more bulls being imported for breeding at a younger age. The only requirement in states that do not have testing is the owner makes a statement that this is a virgin bull. There is no assurance it is a virgin bull.

**MOTION:**

**Senator Nuxoll** moved to adopt Docket 02-04-21-1001. **Senator Vick** seconded, and the motion carried by **Voice Vote**.

**DOCKET NO:  
02-04-09-1001**

**Rules Governing Trichomoniasis.** Dr. Barton said Idaho was the first state to implement Trichomoniasis rules, and that was at the request of the industry. There is an annual meeting of the Trichomoniasis task force which is made up of veterinarians and producers from around the state. There are changes and amendments to the rule as the disease dictates. There are episodic occurrences of the disease in Idaho so there is work done to make changes to the rules to decrease the disease. The proposed changes were taken to the Idaho Cattle Association's summer meeting and presented to the cow/calf committee. There is support from both the Trichomoniasis task force and the Idaho Cattle Association.

The changes include lowering the age of a virgin bull for import purposes from 24 months of age or less to less than 12 months of age. The age of a virgin bull native to Idaho will stay at twenty-four months. States around Idaho predominately require testing on bulls twelve months of age, Utah is eight months of age and Nevada is nine months. Confirmed testing for Trichomoniasis shall be through a Polymerase Chain Reaction (PCR) test. If the test is positive or inconclusive, the bull will be considered positive. The PCR test is the most specific and sensitive test available. There will be an initial certifying test on the veterinarian or technician who completes the test and the annual certification requirement will be removed.

**MOTION:**

**Senator Pearce** made the motion to adopt Docket 02-04-09-1001. **Senator Nuxoll** seconded, and the motion carried by **Voice Vote**.

**Rules Governing Domestic Cervidae.** **Dr. Barton** discussed the procedural events that took place for this negotiated rulemaking. The rulemaking began in 2009 as a result of a petition received in late 2008 by the Idaho Sportsmen Caucus Advisory Council. All ISDA rulemakings, including this one, are conducted with the advice and counsel of the Deputy Attorneys General assigned to the Department of Agriculture and in consultation with the Office of Administrative Rules. When this rulemaking was initially started, there was a meeting with members of the Idaho Sportsmen Caucus Advisory Council as well as industry representatives from the Elk Producers in the state.

After that meeting, it was determined that meeting with all groups at one time was not productive, so the groups met separately, with the intent of finalizing the rulemaking as a group. The Sportsmen Caucus Advisory Council was met with several times. Numerous communications were sent to the Idaho Elk Breeders Association and several days in May and June were made available for meeting with the Deputy Director and Dr. Barton. There were at least sixteen dates given as options for meeting, but there was only one meeting held, with two representatives of the Elk Breeders Association, in early June. Dr. Barton and Deputy Director Oakey attended the annual meeting of the Elk Breeders Association to discuss the rule as well. In early August a copy of the rules was sent to every elk producer in the state, by either email or postal mail asking for comments. Some comments were in favor of the changes, some were opposed and some wanted more information, which was provided.

The proposed rule was published in the October bulletin. There was a public hearing in November. There were 58 signatures requesting the public hearing and eight attended the hearing. One of the goals of this rulemaking was to address an issue with the program related to meeting the requirements of the rule through the funding that is provided. Historically, the domestic cervidae program has required funds in excess of the dedicated amount received. Additional funds have come from the general fund disease control and oftentimes the dedicated disease control fund.

One of the changes was the implementation of ranch management plans. The first option is a voluntary ranch management plan which would be developed cooperatively between the administrator of the division and the elk producer based on a risk assessment that would be performed specific to the producer's facility. The risk assessment would address: the risk of ingress of wildlife into the domestic facility, the risk of egress of domestic elk into the wild and compliance with Chronic Wasting Disease (CWD) submission samples. By establishment of a voluntary ranch management plan, the approach was to allow some flexibility in the numbers of inspections that are performed based on the producer's risk.

A majority of the time in current inspections is spent on perimeter fences and inventory verification on the facilities. If the time spent on the facilities can be reduced, the goal of operating within the budget would be closer to occurring. Historically, an inventory of elk is submitted on December 31. On January 1, \$5/head is required on that inventory. Elk are received into the state and die within the same year. Those animals do not show up on year end inventory so the producer does not pay for them even though the division incurs the cost of receiving the animals into the state. The goal is to make this program self-sustainable and operate within the budget and dedicated funds that are derived from it.

**Senator Bock** asked where the additional dedicated funds that have been used for this program in the past have come from? **Dr. Barton** replied the domestic cervidae program is operated through the \$5/head fee. Elk numbers have continued to decline over the last five years, so when those funds are used, the dedicated disease control funds are dipped into as well as the disease control general fund.

**Senator Nuxoll** asked what expense there is for the State when elk are imported. **Dr. Barton** replied that prior to elk being imported into the state, all health requirements are verified. A permit is issued by the state that allows for importation of those animals.

**Senator Corder** requested that the advantages of the ranch management plan be explained. **Dr. Barton** said this plan was developed in concept from an actual occurrence of an escape from a facility in Idaho. The facility was at a high elevation with lots of snowfall and steep terrain. Domestic elk escaped over snow bridges on the fence. A herd plan was developed with that producer that required the elk to be removed from that facility once snowfall started to accumulate. That eliminated the risk of domestic cervidae escaping. The plan worked so well that it was determined this was a concept that could be made available to any producer. Many facilities in the state will have a range plan that is very minimal. Currently, all cervidae producers are required to submit 100% brain samples from their deceased animals for CWD testing, but under a ranch management plan, if a producer has a long history of compliance, they will not have to submit 100% of the samples.

**Senator Corder** stated that this is not a new plan; it would be similar to a herd plan for a Tuberculosis outbreak in a cow herd. The idea is to protect the producer as well as give the department a tool to bring us to a status where we want to be. **Dr. Barton** replied that is correct and in the current rule we have another herd plan regarding CWD. If there is an ingress of wild cervidae into a domestic facility, the department is required to meet with Fish and Game and the producer jointly and develop a management plan to deal with the wildlife inside the domestic area. If there is an incidence of CWD in a domestic cervidae, there is a requirement to develop a CWD plan which will specify how to manage the disease in the herd.

**Senator Nuxoll** asked if CWD is the concern with the domestic and wild elk mixing. **Dr. Barton** replied that the elk are tested for diseases that can be checked on a live animal, prior to importing. There is not a reliable test for CWD in live animals. Imports can only be determined CWD-free by submitting brain samples from all deceased animals in the herd. **Senator Nuxoll** asked how the disease kills the animal. **Dr. Barton** replied CWD is a symptomless disease, it is very slow and insidious. CWD eats away at the brain, where the brain becomes sponge-like.

**Senator Schmidt** said that in Section 209.02, Mandatory Ranch Plan, it states a Mandatory Ranch Plan is required if the producer is in violation of Sections 060, 204 or 500. What are the sections that are not listed in the rule? **Dr. Barton** handed out the additional sections to the committee. See Attachment #1

**Senator Corder** asked Dr. Barton to explain what happens when an agency has certain requirements to perform, but not enough money to perform them. **Dr. Barton** replied that historically funds have been used from other sources to fulfill the requirements. It is very difficult to tell other livestock producers and the Legislature that the program was unable to perform all of the duties with their money, so the money needed for the other program was taken from your money. The Director of the Department of Agriculture has determined that if there are not significant changes to this rule; once the fund is exhausted, the services will not be provided until the fund is replenished.

**Senator Pearce** wondered how many cases of CWD have been found in Idaho. **Dr. Barton** said there has been no CWD found in domestic elk and the rules governing domestic cervidae were implemented in 2003. The producers have been testing longer than that.

**Senator Pearce** said that the biggest concern is the State and Nation's economy, and government creates greater and greater regulation a piece at a time. If there is no CWD, then each cow does not need to be tested. **Dr. Barton** replied the current rule states we are required to test 100% of the deceased elk. The Ranch Management Plan proposal gives a means for reducing the amount of testing, if the producer has a risk assessment done and there is a small likelihood the herd could be affected. Many of the producers export elk to other states and other states have requirements that in order to export elk, there must be a 100% testing of the herd for CWD over the last five years. Some states are even requiring that if new animals are introduced in the herd within those five years, certification on their herd of origin must be done. This rule allows the department to make a risk assessment and decrease the amount of testing needed based on statistical analysis.

**Senator Pearce** mentioned that he is aware that elk ranches are becoming quite large and how is compliance ensured on the inventory with these large breeders or ranches. **Dr. Barton** There are facilities of 10,000 acres or larger. An animal can die during the winter and not be found, or not found in time to submit brain samples, so compliance of the current rule does not occur. If an animal is found too late to submit a sample, the new rule adds language there is a waiver that can be filled out, so there is a paper trail that the producer tried to be in compliance.

**Senator Corder** said there is a draft piece of legislation that addresses many of these concerns and gives the department a great deal of flexibility. This would make the program much more manageable and the Chairman has pledged to the group that this committee will be very engaged in the process of crafting this legislation.

**Vice Chairman Smyser** introduced **Kristy Sterns**, President of the Elk Breeders Association who spoke in opposition to the changes of this rule. See Attachment #2. **Ms. Sterns** commented that the Department of Agriculture is an ally and the opposition is not to the department, but to this particular rule. Mandatory ranch management plans cross the area of private property rights because of the discussion of fencing and gates. What the new rules are trying to accomplish can be accomplished with the existing rules. If the producer is low risk or closed herd, the amount of CWD testing can be reduced only up to 20% with the new rules.

The Elk Breeders Association decided to offer a compromise in the form of legislation. This legislation allows for a CWD certification program. There may be up to 80% of the existing breeders who would already qualify for the certification program due to their current level of testing. This legislation will not infringe on private property rights and will have inducements for the producer to participate.

**Senator Bock** stated that one of the problems legislators face when looking at negotiated rulemaking is in the process of negotiating rules; notice is given out by the agencies and some people attend and some do not. Frequently, those who do not attend argue that they had no involvement with the process. When **Dr. Barton** spoke he said everyone was invited to participate on numerous occasions. **Ms. Sterns** testimony suggests that is not true. Why is there a disagreement on how the negotiated rulemaking was performed? **Ms. Sterns** replied there may have been 18 different dates and one needed to be chosen, not 18 meetings. There were stalling points in the meetings when the ranch management plan was mentioned and the Elk Breeders opposed it. **Senator Bock** said that 18 different dates is a lot of dates. **Ms. Sterns** mentioned there were a couple meetings and **Dr. Barton** said

there was one meeting. **Ms. Sterns** replied that there was an initial meeting and then the annual meeting. These meetings were held in 2010.

**Senator Pearce** asked Ms. Sterns to explain what particular parts of code 209 are the Elk Breeders opposed to. **Ms. Sterns** said the overall idea of a ranch management plan. The ranch management plan mentions fencing, perimeter fencing, and elevations which refer to the larger producers who are always a target of the Idaho Sportsmens Council. When migratory patterns are mentioned, the producers become concerned about private property rights. **Senator Pearce** requested information on what fees the Department wants and what fees the Elk Breeders are willing to give. **Ms. Sterns** said with the upcoming legislation spending will be able to be reduced in several areas. **Senator Pearce** asked how many domestic elk are in the State of Idaho? **Ms. Sterns** replied there is about 6000 domestic elk in the state and less than 1% of wild elk are being tested for CWD.

**Senator Schmidt** mentioned that if there are 6000 domestic elk in the State, how many are imported and exported annually? **Ms. Sterns** requested Dr. Barton to answer the question. **Dr. Barton** replied the actual inventory number based on the fees for 2010 is around 5800 head of elk. Exports in 2010 were 510 animals, in 2009 there were 465.

**Senator Vick** asked what the effect would be if the rule is passed and the legislation that is being requested passed. **Senator Corder** replied the statute always trumps the rules, so if the legislation passes, the Department would have to determine if additional rulemaking was needed. There would be no conflict with passing the rules, then the legislation. The Chairman's intent would be to put more specificity in the legislation because of the conflict between the elk breeders themselves.

**Senator Nuxoll** asked if the rules were not passed, will the legislation be proposed. **Ms. Sterns** responded that there is a rough, rough, draft with the basic premise of what is being accomplished. The elk breeders are hopeful for a final draft by the end of next week, then an RS, so the legislation will be proposed regardless.

**Vice Chairman Smyser** introduced **Celia Gould**, Director of the Department of Agriculture. **Ms. Gould** stated it is the department's goal to have industry support. However, the elk breeders are a very diverse industry. They are diverse in their opinions and their operations; there are both breeder and shooter operations. It has been impossible to get them all to agree. The department does not want to supercede the legislature's authority, but in this case, the department is being asked to go to every operation and inspect their fences. In the first cutbacks, nothing was cut out of the animal disease control account because the primary mission is to keep diseased animals out of the state. The director has asked her people to make sure that every dedicated funding operation pay for itself. The department is very willing to work on legislation, but would request the rule be passed now. This rule is less government regulation, not more.

**Ms. Gould** yielded to **Dr. Barton** so he could better explain how the funding is done. **Dr. Barton** discussed the elk wildlife license plate fund. See Attachment #3. These funds have been used to subsidize the CWD testing. The elk breeders are currently paying \$5/head to the department which is used to fund the entire program. These expenses include all the inspections, the resource costs for the inspectors in the field and the staff in the office. See Attachment #4.

**Vice Chairman Smyser** introduced **Dr. Greg Ledbetter**. Dr. Ledbetter is a former state veterinarian and spoke in opposition to the rule change. **Dr. Ledbetter** stated opposition to the rule because the negotiated rulemaking may have met the letter of the law, but not the intent. The additional \$5/head that has been added for animals who die within the year will not generate much income, probably \$1000. The rule change includes 20% reduction in CWD testing rules based on herd plans. The testing of animals in closed cervidae herds could be 10%. The rules need to be changed to reduce the cost to producers and the department.

**Senator Schmidt** asked what the usual feed for elk is? **Dr. Ledbetter** replied they will eat pretty much everything cattle will. **Senator Schmidt** asked if there are food supplements provided to the elk. **Dr. Ledbetter** replied they are able to get adequate protein out of forage. Grasses in the spring and summer are full of protein.

**Vice Chairman Smyser** introduced **Mark Bell**, President of the Idaho Sportmen's Caucus Advisory Council. **Mr. Bell** stated they are an independent organization of conservation groups. The inception of the Sportsmen's Caucus was to see how wildlife could benefit in the State of Idaho, not a particular region. The coalition has fisherman, hunters and trappers. The escape that occurred in 2007 was subsidized by the general fund taxpayer and sportsmen. The increase in the fee was not a major issue, the goal was to get the funding mechanism in place that would allow the industry to be more self-sufficient. In 2004 the Department spent \$8000; in 2005-\$3000; 2006-\$10,000; and 2007-\$60,000. The majority of the farms are doing a wonderful job, but those who aren't cost a lot of money with significant breaching.

**MOTION:**

**Senator Pearce** made a motion to postpone the vote on docket 02.04.19 to a date certain for February 10. That would give the elk industry the time to get legislation started. **Senator Hammond** seconded.

**SUBSTITUTE MOTION:**

**Senator Bock** made a substitute motion to adopt docket 02.04.19. **Senator Corder** seconded. **Senator Corder** said on February 10 the committee will be on a bus at 7:15 so that date certain of February 10 is not a date that will work as a technical difficulty. Another date certain can be chosen, but the legislation can go forward and should not affect the decision on this rule. The legislation will not and cannot be perfected by February 10. There is not the specificity needed. To postpone a vote on this rule for 1 1/2 weeks is not enough time to get agreements on the rough draft legislation. This rule will not cause a significant difficulty for the legislation. The rule change will focus more emphasis on completing the legislation.

**Senator Hammond** mentioned if the motion wants to be set for another date certain, there would be a second; but many members are new to the committee and postponement will give us comfort that the legislation will be worked.

**Senator Pearce** stated the testimony today shows that the negotiated rulemaking was somewhat conflicted, all parties are not in support. The committee owes it to all parties to allow the legislation to be worked on and the Senator will oppose the substitute motion.

**Senator Pearce** called for a roll call vote. **Senator Schmidt** voted aye, **Senator Bock** voted aye, **Senator Nuxoll** voted nay, **Senator Vick** voted nay, Senator Siddoway-absent, **Senator Hammond** voted nay, **Senator Pearce** voted nay, **Senator Smyser** voted nay and **Senator Corder** voted aye. The vote failed.

**Senator Vick** made an amended substitute motion. He stated his goal was to set the date where there was no conflict. **Senator Corder** made a point of personal privilege that he would request the motion to be held at the call of the chair. **Senator Vick** asked if that could be next Tuesday if the vote is to be held at the call of the chair. **Senator Corder** replied that it could be. **Senator Vick** asked if there was a conflict on February 15. **Senator Corder** replied there is a conflict on every one of those days, so if you allow him the liberty of choosing one of those days, he will get you the vote. Senator Vick withdrew his motion.

**Senator Pearce** moved the previous question. Let's go back to the original motion. The vote passed. **Senator Smyser** moved the previous motion. The motion passed. **Senator Bock** asked if the motion was that this vote would be brought up on February 10. **Vice Chairman Smyser** replied that is correct.

**Chairman Corder** adjourned the meeting at 10:25.

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Senator Corder  
Chairman

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Jo Ann Bujarski  
Secretary

ATTACHMENT #1 Additional Idaho Administrative Code Sections by Dr. Barton

ATTACHMENT #2 Testimony by Kristy Sterns

ATTACHMENT #3 Elk Wildlife License Plate Fund Revenue

ATTACHMENT #4 Elk \$5/Head Fund, Revenue and Expenses

AGENDA  
SENATE AGRICULTURAL AFFAIRS COMMITTEE  
8:00 A.M.  
Room WW53  
Tuesday, January 25, 2011

SUBJECT	DESCRIPTION	PRESENTER
	Discussion of Rule 02.04.19 Domestic Cervidae	Senator Corder
	Presentation by the University of Idaho, College of Agriculture	Dean John Hammel Garth Taylor

***If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.***

COMMITTEE MEMBERS

Chairman Corder  
Vice Chair Smyser  
Sen Siddoway  
Sen Pearce  
Sen Hammond  
Sen Vick  
Sen Nuxoll  
Sen Bock  
Sen Schmidt

COMMITTEE SECRETARY

Jo Ann Bujarski  
Room: WW31  
Phone: (208) 332-1330  
email: [jbujarski@senate.idaho.gov](mailto:jbujarski@senate.idaho.gov)

MINUTES  
**SENATE AGRICULTURAL AFFAIRS COMMITTEE**

**DATE:** Tuesday, January 25, 2011  
**TIME:** 8:00 A.M.  
**PLACE:** Room WW53  
**MEMBERS PRESENT:** Chairman Corder, Vice Chairman Smyser, Senators Siddoway, Pearce, Hammond, Vick, Nuxoll, Bock, and Schmidt  
**ABSENT/ EXCUSED:**

**NOTE:** The sign-in sheet, testimonies, and other related materials will be retained with the minutes in the committee's office until the end of the session and will then be located on file with the minutes in the Legislative Services Library.

**Chairman Corder** called the meeting to order at 8 am. The announcement was made that the packets in the folders are for the Soil Commissioner's confirmation hearings on February 15. The announcement was made that the meeting on February 10 would begin at 6:30 a.m. due to the needed voting prior to the dairy tour.

**MOTION:** **Senator Schmidt** made the motion to approve the minutes of January 18, 2011. **Senator Hammond** seconded, and the motion carried by **Voice Vote**.

**PRESENTATION:** **Chairman Corder** introduced **Dr. Garth Taylor**, an economist with the University of Idaho. **Dr. Taylor** introduced his colleague Ben Eborn. **Dr. Taylor** acknowledged other colleagues who helped with the study. **Dr. Taylor** spoke on the **Financial Condition of Idaho Agriculture**. See Attachment #1.

**Dr Taylor** stated the information presented is based on calendar year, not crop year. For example, if the potatoes were grown in 2010, but sold in 2011, the sales are for 2011. Agriculture is bigger now than it ever has been in the state of Idaho. Milk is over one-third of the cash receipts for Idaho Agriculture. Livestock combined is well over one-half of the cash receipts. Cash receipts can come from better production, better prices and better yields. Idaho's agriculture is a livestock oriented rather than crop oriented economy. The real price of milk is down 62%. Idaho agriculture feeds the world and does it more cheaply each year. Since 1980, the total acreage of potatoes has increased by only 1%, but production is up by 33%. The real price of potatoes has dropped by 74%, which is a benefit to consumers.

The net farm income is very volatile and the good years have not made up for the lean years. Bankers do not like volatility in income, which hurts farmers' credit lines because the banks will not loan money to them. Total government farm payments to Idaho farmers is 1% of the total paid throughout the nation. China had 10% growth in GDP this year. This will increase export demand for Idaho farmers.

**Senator Bock** asked how the increased world demand would translate to food prices in the store. **Dr. Taylor** said prices will go up because of strong demand worldwide.

**Senator Vick** asked what is the motivation to increase production when prices are low in dairy? **Dr. Taylor** ceded to Bob Naerebout of the Idaho Dairyman's Association. **Mr. Naerebout** said when a producer increases the herd size, fixed costs can be spread across more units. There are economies of scale in having a larger herd because of increased costs of regulations. The United States has the smallest beef cow herd since 1963, but beef production is only 3% below the record. There is now more beef per animal. A steer now will sell for \$1400, however, the price of feed will be up as well.

Wheat prices are back up due to flooding in Australia that has hurt their production. The damaged Australian crop can be used for feed, but is not suitable for flour.

For 2011, the cash receipts in agriculture could break record high levels.

In Idaho Agriculture the farm would be the middle link, the suppliers are the backward links and the processors are the forward links. Idaho has weak links; each link in the chain does not necessarily support the other ones. Idaho's agricultural business exports are 28% of the total exports for the state. This is the largest segment of exports for the state. **Senator Schmidt** said he would like an explanation as to what the definition of capital was when used on a previous slide. **Dr. Taylor** said it was predominately construction, such as home building. It included other long term durable goods.

**Senator Siddoway** mentioned the United States lacks a comprehensive energy policy which affects the price of corn. Will the price of corn remain high because of ethanol, or will production go up enough to drop the price? **Dr. Taylor** replied that over the long term corn prices are going to be very high. There may be a new mandate from the federal government for more ethanol in gasoline which will keep the price of corn high.

**Senator Siddoway** asked if the transportation differential would become an impetus for a migration of dairies to move outside the state. **Dr. Taylor** said Idaho has a huge comparative advantage in other ways that the dairies will stay here. The corn prices will hurt dairies everywhere.

**Senator Corder** asked what would happen if the sugar beet industry loses the pending litigation and there is no genetically modified organism seed available. **Dr. Taylor** replied that with the high sugar beet prices now, the producers may go back to try to grow them the way they used to.

**Chairman Corder** introduced **Dean John Hammel**, Dean of the College of Agricultural and Life Sciences, University of Idaho. **Dean Hammel** introduced some of the people with him; Brent Olmstead, Don Till, Charlotte Eberlein and Rich Garber.

**Dean Hammel** spoke on the work of the Agricultural Research and Extension Service. See Attachment #2. The budget reductions for the past two years have totaled 20%. The carry over dollars were also lost. There has been an elimination of 70 full-time equivalent positions around the state. The appropriation level in 2011 is the same as 1998, but the value of the dollar is worth less now.

**Senator Hammond** commented that dairy waste is an ongoing issue and can't Idaho work with a state like Wisconsin to deal with waste. **Dean Hammel** replied the technology does not transfer from one state to another. For example, Idaho is much dryer than Wisconsin.

Potato prices are down 40% in real dollars; the impact of research on potato production is growth of 34%. The research is a tri-state program, Idaho has 300,000 acres, Washington 150,000 acres and Oregon is 30,000 acres. Idaho has the premier research team on potatoes in the world. Tri-state varieties accounted for 21% of the total US fall acreage of potatoes. For every \$1 invested in research, \$40 is generated in production.

There is a five-seven year investment in developing new employees.

**Senator Nuxoll** asked for an explanation of how the job description of county educator and county agent are different. **Dr. Taylor** introduced **Dr. Charlotte Eberlein**, University of Idaho Extension Director. Dr. Eberlein said the county educator and extension educators are the same job. They are individuals with master's degrees and they are linked with the University of Idaho and the county level. Specialists often work at the research stations and small plot work with extension educators.

**Senator Smyser** asked what other creative ideas have been discussed for sustainability. **Dean Hammel** replied there are many creative ideas being investigated; other partnerships are being discussed. The industries have been very generous in their support of research and extension. The commissions assess themselves and the funds are provided to research and extension in dollars and grants to specifically support the programs. The industries have gone the next step and started giving dollars into the operating systems.

**Chairman Corder** adjourned the meeting at 9:40.

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Senator Corder  
Chairman

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Jo Ann Bujarski  
Secretary

ATTACHMENT #1 Presentation by Dr. Garth Taylor

ATTACHMENT #2 Presentation by Dean John Hammel

AGENDA  
SENATE AGRICULTURAL AFFAIRS COMMITTEE  
8:00 A.M.  
Room WW53  
Thursday, January 27, 2011

SUBJECT	DESCRIPTION	PRESENTER
<a href="#">RS19928</a>	Relating to Duties of the Director of the Department of Agriculture	Laura Johnson Department of Agriculture
	Presentation by the Idaho Rangeland Resource Commission	Gretchen Hyde
	Update of Rule 02.04.19 Domestic Cervidae	Senator Corder

***If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.***

COMMITTEE MEMBERS

Chairman Corder  
Vice Chair Smyser  
Sen Siddoway  
Sen Pearce  
Sen Hammond  
Sen Vick  
Sen Nuxoll  
Sen Bock  
Sen Schmidt

COMMITTEE SECRETARY

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MINUTES  
**SENATE AGRICULTURAL AFFAIRS COMMITTEE**

- DATE:** Thursday, January 27, 2011
- TIME:** 8:00 A.M.
- PLACE:** Room WW53
- MEMBERS PRESENT:** Chairman Corder, Vice Chairman Smyser, Senators Siddoway, Pearce, Hammond, Vick, Nuxoll, Bock, and Schmidt
- ABSENT/ EXCUSED:**
- NOTE:** The sign-in sheet, testimonies, and other related materials will be retained with the minutes in the committee's office until the end of the session and will then be located on file with the minutes in the Legislative Services Library.
- Chairman Corder** called the committee to order at 8 a.m. **Chairman Corder** introduced students from BYU-Idaho Agri-Business Department.
- RS 19928** **Chairman Corder** introduced **Laura Johnson**, Idaho Department of Agriculture, Section Manager, to present RS 19928. This legislation revises the duties of the Director to delete a requirement that the Director support a market news services and to delete certain subsection references. For many years the department made a financial contribution to the USDA agricultural market news office in Idaho Falls. That office produces the potato and onion report on a daily basis. There are changes to the delivery of the service, so the department will still receive the information.
- MOTION:** **Senator Pearce** made a motion to send RS 19928 to print. **Senator Siddoway** seconded, and the motion carried by **Voice Vote**.
- PRESENTATION:** **Chairman Corder** introduced **Gretchen Hyde**, Executive Director of the Idaho Rangeland Resource Commission. **Ms. Hyde** presented the budget of the commission. See Attachment #1. Since the commission has less than \$250,000 in expenses, it did not need to go through an audit this year. The Executive Director is the only person in the commission's office on a full-time basis. Most of the Executive Director's time is spent in educating groups; administration is only 14% of the total time spent.
- Ms. Hyde** then discussed the results of a statewide public opinion poll through the University of Idaho. See Attachment #3. The demographics of the survey were representative of the state as a whole.
- Senator Pearce** asked if questions were specific to public rangeland versus private rangeland. **Ms. Hyde** replied there were some questions that were very specific to public lands and some questions specific to private rangelands. The survey shows there is less support for grazing on private lands than public lands, even though most people don't realize ranchers pay to graze on public land.
- Senator Nuxoll** asked if the people who took the survey understand that money paid for grazing on public rangeland goes toward the education budget. **Ms. Hyde** replied that question was not specifically asked. Idaho Fish and Game is considered to be a reliable source for information on rangeland, even though they have no rangeland specialists.

**Senator Pearce** asked if Ms. Hyde has spoken to the the media about the survey results that show ranchers are considered a very reliable source of information, but the news media is not. **Ms. Hyde** replied the results came out in the past month, so there has been no press release yet. There are now trailhead signs to let hikers know when there is livestock in the area, which has had a hugely positive response. This way the hikers are aware the animals are there and can choose to go another direction.

**Senator Pearce** asked if the commission has looked at a coalition with other groups that have interests in common to better educate the public on issues such that grazing is good for the land. **Ms. Hyde** replied that working together is a huge priority for the commission and something that is done on a regular basis. The state Department of Lands has advisory positions with the Rangeland Commission.

**Chairman Corder** asked how often the surveys will be done to track changes in the public opinions. **Ms. Hyde** replied that the goal is 5-7 years because the survey is expensive to have done. The commission has also conducted teacher workshops every summer for the last twelve years and are working tightly with the agriculture teachers. There is more education in the schools about rain forest than rangeland, which is in the students' backyard.

#### **UPDATE ON DOMESTIC CERVIDAE**

**Chairman Corder** introduced **Senator Siddoway** to update the committee on the domestic cervidae rule and potential legislation. **Senator Siddoway** gave background information on the effort since there were a group of students from BYU-Idaho in the audience. The Department of Agriculture in Idaho has the responsibility to regulate the cervidae industry which consists of elk, reindeer and red deer. After meetings with both elk breeders and the sportsmen who brought the petition, the Department of Agriculture put forth some rules and it seemed that was the first time some of the elk breeders saw the rules. Some of the elk breeders wanted to get involved with the rules at that point, but the rules had already been published. Many elk breeders then felt they had been left out of the process, the sportsmen felt the process had not been fair to them and the department felt they had been put in the middle unjustly.

In most states, legislators will pass a law, then the agencies will write the rules for that law and the legislature never sees the rules. However, in Idaho, the rules are brought before the legislature so it has an opportunity to review the rules written. The elk industry is now working with the Department of Agriculture, Legislative Services and the sportsmen's groups to draft legislation that will cause these rules to be unnecessary. Disease from domestic elk can be passed onto wild elk or disease from wild elk can be passed to domestic elk. The Department of Agriculture has been spending more money on the cervidae industry than the department has received from the industry. Other livestock industries in the state do not have as much regulation as the elk industry. If there is a disease outbreak, the US Department of Agriculture will determine how much of the state is quarantined.

**Chairman Corder** said if the rule is affirmed, the Department of Agriculture will have more latitude while waiting for the bill to be written and voted on.

**Chairman Corder** said at the January 20, 2011 meeting where the rules were voted on, there was some confusion as to what was being voted on. The Chairman listened to the minutes and said what happened was a motion was made to call for the previous question, to end debate, and a vote was taken right after that where the committee members thought they were voting on the motion for a time certain to vote on the rule of February 10, but the precedent motion was actually to close debate. The time certain motion was not voted on. The motion belongs to Senator Pearce, who made the motion.

**Senator Pearce** said if his second, Senator Hammond, backed him in withdrawing the time certain motion, he would withdraw it. The motion was withdrawn.

**Chairman Corder** said the rule will be held as long as necessary.

**Chairman Corder** adjourned the meeting at 9:12 am.

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Senator Corder  
Chairman

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Jo Ann Bujarski  
Secretary

AGENDA  
SENATE AGRICULTURAL AFFAIRS COMMITTEE  
8:00 A.M.  
Room WW53  
Tuesday, February 01, 2011

SUBJECT	DESCRIPTION	PRESENTER
	PRESENTATION: Sheep and Range Issues	Stan Boyd; Bill Myers of Holland & Hart
	PRESENTATION: Immigration Issues	Brent Olmstead of Idaho Business Coalition for Immigration Reform

***If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.***

COMMITTEE MEMBERS

Chairman Corder  
Vice Chair Smyser  
Sen Siddoway  
Sen Pearce  
Sen Hammond  
Sen Vick  
Sen Nuxoll  
Sen Bock  
Sen Schmidt

COMMITTEE SECRETARY

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MINUTES  
**SENATE AGRICULTURAL AFFAIRS COMMITTEE**

**DATE:** Tuesday, February 01, 2011  
**TIME:** 8:00 A.M.  
**PLACE:** Room WW53  
**MEMBERS PRESENT:** Chairman Corder, Vice Chairman Smyser, Senators Siddoway, Pearce, Hammond, Vick, Nuxoll, Bock, and Schmidt  
**ABSENT/ EXCUSED:**

**NOTE:** The sign-in sheet, testimonies, and other related materials will be retained with the minutes in the committee's office until the end of the session and will then be located on file with the minutes in the Legislative Services Library.

**Chairman Corder** called the meeting to order at 8 a.m.

**MOTION:** **Senator Bock** made a motion to approve the minutes of January 20, 2011. **Senator Siddoway** seconded, and the motion carried by **Voice Vote**.

**MOTION:** **Senator Vick** made a motion to approve the minutes of January 25, 2011. **Senator Siddoway** seconded, and the motion carried by **Voice Vote**.

**Chairman Corder** introduced **Rick Waitley**, Executive Director of Food Producers of Idaho, who introduced the University of Idaho Ag-Econ Public Policy tour students. This is the 11th year for the tour.

**PRESENTATION:** **Chairman Corder** introduced **Stan Boyd**, Executive Director for the Idaho Wool Growers Association. **Mr. Boyd** said the Western United States sheep industry has been in a battle with the US Forest Service for the past five years. Bill Myers, an attorney with Holland and Hart was retained to assist the wool growers with the issues. **Mr. Boyd** introduced Bill Myers, to address the committee on the issues that have occurred in the past five years.

**Mr. Myers** said there are three federal court cases and one administrative case that will be discussed. In March, 2007, a suit was filed by Western Watersheds Project, Hell's Canyon Preservation Council, and the Wilderness Society against the Forest Service for failing to maintain the viability of big horn sheep. The phrase "viability of big horn sheep" is crucial, because under the Forest Services planning regulations they are required to maintain the viability of all wildlife on national forest land. The lawsuit was brought on the viability of big horn sheep because they are at risk, along with other domestic sheep, with being infected with transmitted diseases. As the case progressed, the Forest Service decided to close five allotments on the Payette National Forest.

The allotment on the Nez Perce Forest was not closed, which was used by Mick Carlson. See maps. Ten days prior to when Mr. Carlson was due to turnout his sheep, the Nez Perce Tribe filed an affidavit of their employees stating they had seen big horn sheep in the immediate vicinity of the allotment. That caused the Forest Service to look at the statements and the photographic evidence that was provided. As a result, the Forest Service closed the allotment just prior to turnout of Mr. Carlson's sheep. Mr. Carlson brought to the court the testimony of Dr. Glen Weiser of the Caine Veterinary Center, University of Idaho, who testified there was no hard, conclusive evidence of transmission of diseases between big horn and domestic sheep under range conditions. There have been die-offs of big horn sheep within one year without any contact with domestic sheep. The bacteria that

was of concern was present in big horn herds already and the bacteria is carried by other species such as deer, elk and birds.

Mr. Carlson stated that he had never seen or heard of a dead big horn sheep on the Allison-Berg Allotment in the fifty years he had been running sheep there. The judge decided, based on the preponderance of the evidence as he saw it and the Forest Service testimony, there was a transmission of disease between big horn sheep and domestic sheep, and the transmission potential was enough to close the allotment. The Partridge Creek allotment was the last allotment for domestic sheep in the Nez Perce Forest and Carlson Livestock has been ranching in that area for about 85 years.

In September of 2009, Western Watersheds Project filed an emergency motion to halt Mr. Carlson from turning out sheep on the south side of the Salmon River on the Bureau of Land Management's (BLM) Partridge Creek Allotment. The BLM filed a declaration in support of Mr. Carlson and in support of their decision to allow him to turn out his sheep on the Partridge Creek Allotment. Mr. Carlson's grazing permit was in compliance with the BLM's land use plan. The standards and guidelines for grazing were being met and the BLM had a strategy to reduce the risk of contact between domestic and big horn sheep. Mr. Carlson and the Idaho Department of Fish and Game had signed onto best management practices to guarantee separation of species. The Idaho Fish and Game Department was the manager of the species, not the BLM, which manages the habitat. Big horn sheep are not on the threatened or endangered list, or a sensitive species in the Cottonwood Field Office. The BLM and Fish and Game were collaborating on data collection and had telemetry data that showed only one collared big horn sheep ever crossed south of the river onto that particular lot. Neither wildlife biologists nor ranch management specialists for the BLM had ever seen a big horn sheep on the south side of the river and those gentlemen had worked on that allotment for over 30 years each.

Even if the BLM prohibited Mr. Carlson from using the BLM lands, he could still use his private property and state land. The land was so intermingled in this area that it made little sense to BLM to disallow the grazing. The plaintiffs requested a restraining order from Judge Winmill. The Judge entered the restraining order because he discounted the declaration signed by Jim Unsworth on behalf of the Department of Fish and Game and under the statute passed by the Idaho Legislature. The Judge considered the certification process established by the State of Idaho was, in his words "meaningless" because the statute allowed the Idaho Department of Fish and Game to negotiate whatever Best Management Practices (BMP's) they could with permit holders regardless of whether those BMP's would maintain the viability of big horn sheep.

The court determined the statutory language had no effect so the Judge refused to allow the Carlson sheep on the Partridge Creek allotment. There was then a hearing to show the judge the BMP's would work. The judge ruled that Carlson would not be allowed to testify to the BMP's because that would be testifying to merits of the case and Carlson was only allowed to intervene on the case in the remedies and not the merits. Because of this ruling, the case was over. There will not be a decision on an environmental analysis for 2 1/2 years after the ruling.

The administrative appeal involves the Payette National Forest. The Payette National Forest created a land use plan for the use of its forests that was challenged by a number of groups. In September of 2008, Payette National Forest released a Draft Supplemental Environmental Impact Statement (EIS). The Wool Growers and other groups commented on that draft. In July of 2010, Payette National Forest came out with a final Record of Decision (ROD) and Final EIS, which restricted grazing in the Payette National Forest by about 70%. The Wool Growers, along with about 23 other national, state and local wool growing entities and operators filed an appeal of that decision to the Regional Forest Service in Odgen, Utah. There has been no decision yet.

One of the issues raised by the Wool Growers in the appeal was that the decision by the Forest Service had failed to comply with the Multiple Use Sustained-Yield Act and the National Forest Management Act and Hell's Canyon National Recreation Act. The ROD failed to comply with the Forest Service's own open space conservation strategy. The ROD failed to consider adaptive management strategies or separation strategies that had been prepared by the State of Idaho; it did not take into account the 1997 letter of agreement between the wool growers and the forest service that says the wool growers will be held harmless in the introduction of big horn sheep. The ROD stated this was an insignificant finding, but it was very significant to those who are currently using the forests. The environmental assessment done by the forest service improperly relied upon the committee formed by the forest service itself to assess the risk to big horn sheep. The ROD produced a 70% reduction in grazing, which is unlikely to control disease transmission. The final environmental study did not consider an adequate range of alternatives of best management practices, much less the immunity strategy between the two species. The science was incomplete and unexplained based on inaccurate assumptions and used an epidemiological model that was untested and inapplicable.

In the last case to be discussed, the wool growers decided to go on the offense. There were committees convened by the Payette National Forest to investigate the science of disease transmission between the species. These committees consisted of federal employees, State of Idaho employees and a Canadian scientist from British Columbia. There is a federal statute called the Federal Advisory Committee Act that states if the federal government convenes a committee to obtain the advice and recommendations of non-federal persons or entities, the committee must be convened under the Sunshine law. They need to provide a way for all sides to participate, provide minutes, create a charter and follow that charter. None of that was done when the Forest Service created these committees using non-federal employees to assist them. One of the entities not brought to the table were the wool growers who had a great interest in the impact of these decisions.

The Forest Service was sued by the Wool Growers for these reasons and Judge Winmill agreed and held the Forest Service had violated both the Federal Advisory Committee Act and the National Forest Management Act. The judge stated the findings and conclusions that were produced by the two committees were not to be relied upon by the Forest Service with respect to any future agency decisions, including the Payette National Forest Plan. The final EIS and ROD could only be drafted without reliance on the faulty committee reports. The Forest Service filed a notice of appeal to the Ninth Circuit Court of Appeals and then later dropped the appeal. The Wool Growers were then able to recover attorney's fees under the Equal Access to Justice Act.

**Senator Nuxoll** asked what this committee can do to help the situation. **Mr. Myers** said Judge Winmill found fault with the Idaho Statute that was the basis for the creation of the BMP's between the Carlson's and the Shirts and state. The statute could be revisited and rewritten to make it more acceptable.

**Senator Pearce** asked what part of the statute needs to be changed. **Mr. Myers** replied the statute needs to be more direct, add some wording about the Idaho Fish and Game and the BMP's to field test the BMP's for approval through scientific literature search. The statute should not be heavy-handed, one size fits all. There has to be a period of discussion and negotiation because each allotment is different. The Judge seemed to be saying there was not enough science behind the decisions that would give him a comfort level. The statutes that are being discussed are the ones that were passed last year. **Senator Pearce** asked if some of the other statutes that were proposed and not passed would have caused Judge Winmill to make a different decision. **Mr. Myers** said the current statute and Judge Winmill's decision should be looked at together and additional procedural assurances added to the current statute.

**Mr. Boyd** said representatives of Idaho's Congressional Delegation went on a tour in Garden Valley, Idaho where five different allotments could be seen. There used to be 9000 head of sheep, now there are none. There are no bighorn sheep or other endangered or threatened species there either. The Department of Fish and Game said there was no reason the allotments could not be used again. The allotments are vacant, but were quietly closed by the Boise National Forest revised plan. There is a difference between a closed allotment and a vacant allotment and many have been quietly closed over the years. The domestic sheep population in Idaho is 6% of what it was at the peak. The Idaho Congressional Delegation wrote a letter to the US Department of Agriculture asking them to open some of the vacant allotments. There is a worldwide shortage of red meat and the Forest Service still will not allow grazing.

**Senator Hammond** asked if there was a mutual benefit to the Forest Service to have animals grazing in terms of keeping ground cover down and lessen the risk of forest fires? **Mr. Boyd** said properly utilized grazing will help with the ground cover and the BLM has paid to have animals come in for noxious weed control. With the lack of grazing in the Garden Valley allotments, there is tremendous overgrowth in the brush.

**Senator Nuxoll** believed there should be a way to make the public more aware of the benefit to the school system by allowing the sheep to graze on the public lands. Do the teachers and the teacher's unions understand how this issue affects them and are they willing to support it. **Mr. Boyd** said the grazing affects a small industry now and a lot of folks downtown are not interested.

**PRESENTATION:** **Chairman Corder** introduced **Brent Olmstead**, of the Idaho Business Coalition for Immigration Reform. **Mr. Olmstead** introduced Ricardo Pineda, Consular of the Mexican Consulate in Idaho and Sebastian Glavan, his assistant. The Consulate has been very helpful to Idaho Agriculture when there have been problems with H2A programs and guest workers. **Mr. Olmstead** made a presentation on the immigration issues in Idaho. The Idaho Business Coalition for Immigration Reform was formed in 2008 by a group of businesses that wanted to get business viewpoints on immigration issues to the Idaho Delegation. In the 1960's, the high school dropout rate was 50%, now it is less than 10%, which means there are fewer people for a manual labor workforce.

E-Verify can be used for post-hire only. It can not be used before an employee is hired. If there is a problem, the employee has an appeal process they are able to go through. The employee must stay employed during the appeal process and be allowed time off to handle the appeal. E-Verify is free to the employer and easy to use if the employees have been trained in its use and hire employees regularly. There are 29 different guest worker programs, however, there are not any for year-round agriculture, which would be needed for the dairy industry.

**Senator Smyser** asked why a guest worker program that would suit agriculture has not been created yet. **Mr. Olmstead** replied that this is a very polarizing issue and there are five to six different camps on the federal level and there is not much willingness to compromise. The state can encourage the federal government to address the issue.

**Chairman Corder** asked Mr. Olmstead to explain the prevailing wage component of the H2A certification. **Mr. Olmstead** said the process for utilizing H2A starts with an agricultural operation identifying how many jobs they need to fill. The Idaho Department of Labor is contacted and applicants are sent out. Those applicants who are qualified are hired. Any jobs not filled by the Department of Labor, can be requested for the guest worker program. There are many requirements for the guest worker program; housing needs to be provided and wages are on a step level. The employees have to be paid the prevailing wage, federal minimum wage or state minimum wage, whichever one is greater. If the guest workers are paid more than the current workers, the current workers' salaries need to be increased, which decreases the amount of people that can be hired.

During an ICE audit at Gebber Farms in Brewster, Washington, which took over nine months, there were 415 employees found who had questionable documentation. Gebber Farms was asked to dismiss them, starting on December 22. Some of the employees had been there for 14-15 years and were taxpayers. This was over 25% of the town's population. E-Verify would not help, because it cannot be used for existing employees.

Even with 10% unemployment, people are not willing to move for jobs; and with current higher education levels, people do not want manual-labor jobs.

**Senator Vick** mentioned that people are unwilling to work manual labor or move for a job is possibly due to the generous unemployment benefits. Are there any suggestions on what should be done to make the E-Verify system better?

**Mr. Olmstead** replied that when some potential employees are sent out by the Department of Labor, they are only fulfilling their unemployment obligations and are not interested in working. The employers would like to see E-Verify as a pre-employment screen, rather than after the fact, which would make it much cheaper and easier to manage.

**Senator Vick** asked if there was something the state could do even though immigration is a federal issue. **Mr. Olmstead** said resolutions and communications with the Idaho Congressional Delegation are the best things the legislature can do. The issue is very polarizing and the federal government needs to hear from all sides about the issue. A 3-5 year guest worker program would be beneficial for animal agriculture so the employee could be thoroughly trained and productive before they had to leave.

**Senator Pearce** said that immigration issues are brought up everyday and Mr. Olmstead has dealt with his corner of those issues, and industry needs; but what about education, crime and the other issues that are not addressed. What is being done to fix the overall problem that makes immigration so polarizing. **Mr. Olmstead** said there is now funding to meet with civic organizations, provide education materials and perhaps public service announcements to help dispel the myths related to immigration. There is a study in the process of being conducted by the University of Idaho that will allow us to have the facts in documented form so everyone will know what issues need to be addressed. There will never be agreement with everyone in the state as to what should be done, but when the study is completed, there will be facts and some common ground to work with.

**Senator Schmidt** asked why the E-Verify system is not used for post-hire as well. **Mr. Olmstead** introduced Ken McClure, attorney to comment. **Mr. McClure** said that E-Verify originated as an electronic version of the I-9 process. The I-9 process, by federal law, is specifically a post-employment process. E-Verify makes the employee's status the employer's problem.

**Senator Siddoway** mentioned that the H2A program is used on his ranch for employment. There is a problem with enforcement of employees who don't live up to the terms of the contract and leave the operation to seek other employment. The employee's name and address are given to immigration when this happens, but no enforcement action is taken. What would the sanctions be against the employee who does not fulfill their agreement. **Mr. Olmstead** said that problem occurs in many industries, in the sheep industry in particular in Idaho. When an employee leaves, enforcement seems to be a very low priority for ICE. The issue has been brought up in many pieces of potential legislation.

**Senator Siddoway** asked what the proposals are for securing the border. **Mr. Olmstead** replied that one of the best ways to secure the border is to know who is in the country, which would be easier with an effective guest worker program. Technology could be used to have the employees report in on a regular basis or the employer report that the employees are still working there.

**Chairman Corder** adjourned the meeting at 9:30.

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Senator Corder  
Chairman

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Jo Ann Bujarski  
Secretary

AGENDA  
SENATE AGRICULTURAL AFFAIRS COMMITTEE  
8:00 A.M.  
Room WW53  
Thursday, February 03, 2011

SUBJECT	DESCRIPTION	PRESENTER
PRESENTATION:	Idaho Aquaculture	Linda Lemmon Secretary/Treasurer
	Idaho Potato Commission	Frank Muir

***If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.***

COMMITTEE MEMBERS

Chairman Corder  
Vice Chair Smyser  
Sen Siddoway  
Sen Pearce  
Sen Hammond  
Sen Vick  
Sen Nuxoll  
Sen Bock  
Sen Schmidt

COMMITTEE SECRETARY

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MINUTES  
**SENATE AGRICULTURAL AFFAIRS COMMITTEE**

**DATE:** Thursday, February 03, 2011  
**TIME:** 8:00 A.M.  
**PLACE:** Room WW53  
**MEMBERS PRESENT:** Chairman Corder, Vice Chairman Smyser, Senators Siddoway, Hammond, Vick, Nuxoll, Bock, and Schmidt  
**ABSENT/ EXCUSED:** Senator Pearce  
**NOTE:** The sign-in sheet, testimonies, and other related materials will be retained with the minutes in the committee's office until the end of the session and will then be located on file with the minutes in the Legislative Services Library.

**Chairman Corder** called the meeting to order at 8:05 a.m.

**Senator Smyser** made a motion to approve the minutes of January 27, 2011. **Senator Hammond** seconded, and the motion carried by **Voice Vote**.

**Chairman Corder** introduced **Linda Lemmon**, Secretary/Treasurer of the Idaho Aquaculture Commission. **Ms. Lemmon** stated membership of the Aquaculture Commission includes commercial producers and processors, university researchers, fish manufacturers, veterinarians, fish health specialists and others interested in aquaculture. The processors have their own marketing budgets, using the same trucking lines and same customers so they have not wanted to pool their money into a common fund that may help a competitor.

Most of the fish produced in Idaho are sold at what are called "white tablecloth" restaurants and that business has been down since 2001. The Commission was formed in 2004 and in 2005 the first assessments were collected. The intention was to absorb the association into the commission and make one coherent group. However, every group except the processors was against making one group, so there are still two groups; the association is primarily education and the commission is primarily marketing.

The commission members by statute are producers and processors of fish for profit. There are four reasons fish are produced in Idaho: food, stock enhancement, research and fee fishing. Stock enhancement producers cannot be commission members because those are public facilities. There are many potential members who have decided not to join the commission because they feel they are doing fine on their own, or they are so small they feel there is no value to them to join.

Fish can be produced for the direct market to the consumer, retail or a processor. There are very little direct sales. **Senator Bock** asked where he could buy sturgeon. **Ms. Lemmon** said it could be purchased from her or one processor in Hagerman. The industry uses commercial trucking lines so they are limited to where the lines go and the commercial lines bypass Boise. Most processors sell to distributors on the West Coast. There may be local fish at the Boise Co-op; sometimes in local Albertson's, Fred Meyer and WinCo.

Of all the trout that is consumed in the nation, 73% is produced in the 100-mile area surrounding Hagerman. There still is not enough production to supply the large chain stores like Wal-Mart. The commission is now looking at regional niche markets for the marketing campaigns, rather than create a nationwide marketing plan that could create demand that cannot be filled.

The Commission has five seats, four of which are currently filled. In Table 1, there is a summary of income and expenses since the Commission was formed. In 2009, three of the Commissioners left the commission because of term limits. Those three held all the officer positions so the commission lost a lot of institutional knowledge. If a company is a member of the commission, the commission is able to inspect the company's finances, so many companies give a donation rather than become members, yet they are treated as members.

The Aquaculture Commission has a space in the Agriculture Pavilion at the fair in Boise and also in Twin Falls. This past year, there was more traffic through the area than in years past. The producers decided there should be a website created to give information about the fish industry, so there will be one developed this year. There will be more work with national organizations to bring exposure to Idaho's fish industry. There was a marketing workshop held this year to help farmers with marketing because farmers are reserved and don't like to talk about what they do. There are 125 organizations that are eligible for membership.

**Senator Nuxoll** asked if the fish are fed growth hormones and how are sturgeon grown since they are bottom feeders. **Ms. Lemmon** replied there are no growth hormones used on the fish and there are no genetically modified fish in the Valley. Sturgeon take twelve years from egg to spawning size and trout take two years. The sturgeon are grown in concrete raceways like the trout, but sturgeon can handle higher temperatures and have a lower oxygen demand; so they are very easy to grow. **Senator Nuxoll** asked what kind of trout is grown in Idaho. **Ms. Lemmon** replied rainbow trout; all of the producers except Clear Springs orders eggs from a facility in Washington State. Fish can now spawn year round, so eggs can be brought in every eight weeks. There is no flavor differences between the white flesh and red flesh fish.

**Senator Schmidt** asked what resource limitations there are to fish production. **Ms. Lemmon** said the largest limitation would be water and the current low market price limits expenditures on technology which would increase production. The fish are grown in raceways and the fish in the first ponds use some of the oxygen; then there is a small waterfall which adds oxygen for the next set of ponds. There is a limited amount of fish you can grow because oxygen in the water will be depleted. Feed is 64% of the operating budget for the fisheries.

**Chairman Corder** mentioned there were packets in the committee members' folders with Idaho Invasive Species information. The packets contain an application for boat registration if any constituents are interested.

**Chairman Corder** introduced **Frank Muir**, President/CEO of the Idaho Potato Commission. **Mr. Muir** discussed the financials of the Potato Commission. Potato prices are double what they were a year ago. A new marketing manager was hired this past year; the position was not in the budget, but was approved by the Commissioners. Rent increased this past year because the offices were expanded to create a larger conference room due to the large attendance at the meetings.

**Senator Schmidt** asked to have the potato tax defined. **Mr. Muir** said that it is covered under a statute that was created in 1937. The tax was at 10 cents per hundred pounds until four years ago when the commission members voted to increase the tax by 5 cents. However, the tax has only been raised 2.5 cents at this point.

**Senator Hammond** asked where Idaho stands in terms of national potato production. **Mr. Muir** said Idaho is still number one, by far. Idaho represents about 1/3 of all potatoes grown in the US. Idaho is also the largest supplier of fresh potatoes; Washington is second in total production at about 20-25%, but most of those potatoes are processed. The Potato Commission is working to export more fresh potatoes to the Asian region.

**Senator Vick** asked where the market growth has come from. **Mr. Muir** said the growth has been both domestic and international. Idaho now has 5% of Russia's market and seven years ago there was no market share. Idaho has 33% of the Mexican market and can only ship into the first 26 km of Mexico. **Senator Vick** asked what farmers rotate with potatoes. **Mr. Muir** replied that the rotation varies on region and farmer, but common crops are alfalfa and sugar beets. That is one of the reasons potato acreages will be down this year; alternative crop prices have gone up. For the health of the soil, it would be good to see potatoes grown once every four years.

**Senator Nuxoll** asked what are the worst diseases and pests for potatoes. **Mr. Muir** said potato cyst nematode (PCN) was found several years ago because Idaho is aggressively testing the soil to look for it. Nematodes are microscopic worms that are found in the soil. There are good nematodes and bad ones. The potato cyst nematode attaches itself to the roots of the growing plant and robs it of nutrients. The nematode is not on the potato itself, it is on the stems. The potato cyst nematode has only been able to be eradicated one time worldwide. There have been 300,000 soil samples taken in Idaho since the original finding of the nematode. PCN is usually carried by tractor equipment wheels. The area where PCN was found is 1000 acres and is now a controlled area; the rest of Idaho is free of PCN. When the nematode was found, five countries closed borders to potatoes. Every country has now reopened their borders except Japan.

**Mr. Muir** said there are very few diseases that attack potatoes anymore because of the advancement of chemicals and crop rotation. Idaho is one of the states that uses chemicals the least.

**Senator Bock** asked if the moisture content of potatoes changes from year to year. **Mr. Muir** said there will be a change in the solids every year due to a change in conditions. The climate and variety will affect the moisture in potatoes as well.

**Senator Siddoway** asked how the \$787,000 in reserves were spent. **Mr. Muir** replied that the programs from the prior year are maintained. The costs for radio, print and publications go up every year; there is a lot of negotiation in discounts for all advertising.

**Senator Siddoway** asked to hear a synopsis of the lawsuit that has been brought. **Mr. Muir** said the Idaho Potato Commission is not involved in the lawsuit, but the Capper-Volstead Act of the federal government allows agricultural growers to agree on a price because if the prices are so low that farmers go out of business, there is no food production. There is a group of attorneys who are currently suing some potato producers. The lawsuit was brought this past year, when prices were one-half of what they used to be. The growers may work together, but they still do not agree on price.

**Chairman Corder** asked how the potato commission resolved the issues of members being able to opt-out and the commission being able to review the grower's financial records. **Mr. Muir** said the way it's been resolved is to be of value for the industry. When he started on the job, he met with growers who were unhappy with the commission and addressed concerns. One of those opponents is now one of the biggest supporters for the commission. The commission annually selects growers on a random basis to audit. There is no option for growers to opt out of membership.

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

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Senator Corder  
Chairman

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Jo Ann Bujarski  
Secretary

AGENDA  
SENATE AGRICULTURAL AFFAIRS COMMITTEE  
8:00 A.M.  
Room WW53  
Tuesday, February 08, 2011

<b>SUBJECT</b>	<b>DESCRIPTION</b>	<b>PRESENTER</b>
<a href="#"><u>S 1055</u></a>	Amending to Delete a Requirement that the Director Support a Market News Service	Laura Johnson Department of Agriculture
<b>PRESENTATION:</b>	Meadowlark Farms	Janie Burns
	Idaho Fish and Game	Sharon Kiefer Jeff Gould, Chief of Wildlife Bureau
	Idaho Cattle Association	Sal Palaazzolo Private Lands Coordinator
		Wyatt Prescott Idaho Cattle Association
<a href="#"><u>RS20281</u></a>	Concurrent Resolution-Acknowledges the World Class Waters of Idaho and Calls for all Users to Acknowledge the Actions the state of Idaho has taken to Protect those Waters from the Introduction of Aquatic Invasive Species.	Senator Corder

***If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.***

COMMITTEE MEMBERS

Chairman Corder  
Vice Chair Smyser  
Sen Siddoway  
Sen Pearce  
Sen Hammond  
Sen Vick

Sen Nuxoll  
Sen Bock  
Sen Schmidt

COMMITTEE SECRETARY

Jo Ann Bujarski  
Room: WW31  
Phone: (208) 332-1330  
email: jbujarski@senate.idaho.gov

MINUTES  
**SENATE AGRICULTURAL AFFAIRS COMMITTEE**

**DATE:** Tuesday, February 08, 2011  
**TIME:** 8:00 A.M.  
**PLACE:** Room WW53  
**MEMBERS PRESENT:** Chairman Corder, Vice Chairman Smyser, Senators Siddoway, Pearce, Hammond, Vick, Nuxoll, Bock, and Schmidt  
**ABSENT/ EXCUSED:**

**NOTE:** The sign-in sheet, testimonies, and other related materials will be retained with the minutes in the committee's office until the end of the session and will then be located on file with the minutes in the Legislative Services Library.

**Chairman Corder** called the meeting to order at 8 a.m.

**Senator Hammond** made a motion to approve the minutes of February 1, 2011. **Senator Siddoway** seconded and the motion carried by **Voice Vote**.

**S 1055** **Amending Current Statute to Delete a Requirement that the Director Support a Market News Service.** **Chairman Corder** introduced **Laura Johnson**, Marketing Section Manager of the Idaho Department of Agriculture.

**Senator Bock** made a motion that **S 1055** be sent to the floor with a do pass recommendation. **Senator Hammond** seconded, and the motion carried by **Voice Vote**. **Senator Bock** will be the floor sponsor.

**PRESENTATION:** **Chairman Corder** introduced Janie Burns, of Meadowlark Farm. **Ms. Burns** spoke on the possibilities of industry growth if every citizen purchased more Idaho-grown food.

**Senator Nuxoll** asked if regulations have stopped production of food in Idaho. **Ms. Burns** said regulations play a huge role, and one CAFO has decided to remain under Idaho inspection rather than US Department of Agriculture certification, which would cause the CAFO to have to add another 1/2 person just to work on the regulations. **Ms. Burns** will get the committee a list of federal rules and regulations for agriculture producers. The regulations are not any different for a small producer as a large one.

**Senator Siddoway** asked if a company created a niche product, would there be a large amount of predatory pricing from competitors. **Ms. Burns** replied the price is set by the producer and local items are frequently priced higher than products that are mass produced. The local producers need to be more market savvy, and not just compete on the price. Climate has an affect on the quality and unique flavor of a product. **Senator Siddoway** asked why products are not grown locally anymore. **Ms. Burns** said the answer is complex and includes societal and economic issues. With the introduction of the highway system after WWII, it became easier to purchase products from the area where the climate was best and the product was cheapest, not whether it was made closest to home. When there is a product that migrates to a specific area, the processors go to that area as well. Farmers are once again learning to grow multiple foods.

**Senator Pearce** congratulated **Ms. Burns** on her efforts and stated that in Ontario, Oregon, the consumers started demanding local food be sold at the large chain stores. **Senator Pearce** asked what type of liability farmers need and what kind of insurance. **Ms. Burns** replied that a \$1 million policy is very common, which costs about \$600/year.

**Senator Bock** said that his law practice is mostly devoted to tax exempt organizations; during the last two years there have been six different organizations formed to focus on sustainability. The purchase of locally-grown items is partially an education process. The public needs to be educated in the importance of sustainability and how resources can be conserved by buying locally. Farmers must also be educated in business and marketing.

**Senator Smyser** asked how much growth has there been in locally grown products in the last ten years. **Ms. Burns** said there has been huge growth. In 1994, there were 30 vendors with an annual gross of \$37,000 at the Capital City Public Market and now there are over 200 vendors and a gross of \$4 million.

**Chairman Corder** introduced **Sharon Keifer**, Assistant Director, Idaho Fish and Game. **Ms. Keifer** introduced **Jeff Gould**, Wildlife Bureau Chief, Idaho Fish and Game; and **Sal Palazzolo**, Private Lands Coordinator, Idaho Fish and Game.

**Mr. Gould** spoke on the Landowner Appreciation Program. Before 1999, the LAP's were restricted to the landowners and family members. Since then, landowners have been able to transfer the tags to anyone without charging additional fees. In 2010 there was a rule change to allow land owners with 329-600 acres to be eligible for leftover LAP tags.

**Senator Siddoway** said the LAP has been changed from a situation that was good for the land owners to one that has become less positive. What were the reasons the rule was tightened on the provision that does not allow the landowner to sell the permit. **Ms. Keifer** replied the Fish and Game Advisory Committee was heavily involved in the Commission's decisions. **Ms. Keifer** will provide the conclusions letter to the committee members at a later date. There was a specific recommendation from the advisory committee that suggested emphasizing that permits would not be available for sale, barter, trade or marketing. The prohibitions against sale and marketing were written into the rule. This was a rule clarification, the permits were already not legal for sale.

**Senator Siddoway** commented that he has been approached by landowners who are concerned about the rule change, and they have asked for legislation to change the permits so they are able to be sold or traded. He would rather the changes came through the depredation committee, but if the committee is not willing to make the change, there may be efforts through the Legislature to change the rule.

**Chairman Corder** introduced **Wyatt Prescott**, Executive Vice President, Idaho Cattle Association. **Mr. Prescott** stated membership in the ICA is voluntary and represents all segments of the cattle industry in the state. Leadership is elected by the entire membership and every policy is brought before the entire membership and voted on.

The cattle markets are incredibly hot with record high prices across every segment. Domestic demand for beef has increased slightly, but not much. Export demand is up 50% over last year. Other countries are coming out of the recession faster than the US, so beef is being consumed at a rapid pace and trade agreements are being worked on. Currently, 75% of all exports go to Canada, Mexico, Japan, Vietnam, and South Korea. As countries become wealthier, they start eating more protein. Hide and offal (byproducts) prices are up 35% over last year. However, high beef prices do not equal high profit because feed prices are high as well. The projection for 2011-2012 is that 40% of all US corn produced will go towards ethanol production.

Federal government regulations are hurting the cattle industry. The cattle association feels that there are federal agencies that are using their regulatory authority as a funding mechanism. The Environmental Protection Agency is a huge burden on the cattle industry. The EPA has proposed rules to regulate coarse particulate matter which will be twice as stringent. With Idaho being dry and windy, every area in the state would be out of compliance with the new rules. CAFO's of 30,000 head or larger are going to be required to report greenhouse gas emissions. The daily fine for a Clean Air Act violation is \$37,500.

The top threats to sage grouse habitat are invasive species and wildfires, both of which can be managed by allowing grazing in the area. The cattle producers foremost job is stewardship of the animals. The producers have spent more on veterinarian bills than an animal may be worth. Not only are producers upset with the loss of an animal when wolves attack, but wolves are very cruel animals in their methods.

Everyone eats, but less than 2% of people produce food.

**RS 20281**

**Relating to Concurrent Resolution Acknowledging the World Class Waters of Idaho and Calls for all Users to Acknowledge the Actions the State of Idaho has taken to protect those waters from the introduction of Aquatic Invasive Species. Chairman Corder** handed the gavel to Vice Chairman Smyser, to conduct this portion of the meeting.

**MOTION:**

**Senator Bock** made a motion to send RS 20281 to print. **Senator Schmidt** seconded and the motion carried by **Voice Vote**.

**Chairman Corder** adjourned the meeting at 9:40 a.m.

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Senator Corder  
Chairman

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Jo Ann Bujarski  
Secretary

AGENDA  
SENATE AGRICULTURAL AFFAIRS COMMITTEE  
7:15 A.M.  
Room WW53  
Thursday, February 10, 2011

SUBJECT	DESCRIPTION	PRESENTER
	<b>NOTE TIME CHANGE</b>	
	WE WILL MEET IN THE COMMITTEE ROOM TO GET ON THE BUS FOR THE DAIRY TOUR AFTER THE TOUR WE WILL RECONVENE IN THE COMMITTEE ROOM	
<a href="#"><u>RS20357</u></a>	Relating to Domestic Cervidae	Senator Pearce

***If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.***

COMMITTEE MEMBERS

Chairman Corder  
Vice Chair Smyser  
Sen Siddoway  
Sen Pearce  
Sen Hammond  
Sen Vick  
Sen Nuxoll  
Sen Bock  
Sen Schmidt

COMMITTEE SECRETARY

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Room: WW31  
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MINUTES  
**SENATE AGRICULTURAL AFFAIRS COMMITTEE**

**DATE:** Thursday, February 10, 2011

**TIME:** 7:15 A.M.

**PLACE:** Room WW53

**MEMBERS PRESENT:** Chairman Corder, Vice Chairman Smyser, Senators Siddoway, Pearce, Hammond, Vick, Nuxoll, Bock, and Schmidt

**ABSENT/  
EXCUSED:**

**NOTE:** The sign-in sheet, testimonies, and other related materials will be retained with the minutes in the committee's office until the end of the session and will then be located on file with the minutes in the Legislative Services Library.

**Chairman Corder** called the meeting to order at 10:10 a.m., following the dairy tour.

**RS 20357**

**Relating to Domestic Cervidae.** **Chairman Corder** introduced **Senator Pearce** who said the groups that were divided on this issue met and discussed the differences and came up with this statute. There is one grammatical error, on page 2, line 2, where it reads "one" and it should read "once". All parties that were in the negotiations have agreed with this legislation.

**Senator Bock** asked what the compromises were that made the legislation acceptable when the rule changes were not. **Senator Pearce** replied that the compromises were among the elk breeders themselves and the Department of Agriculture.

**Senator Bock** asked how the level of testing changed from the prior drafts and how has the Department of Agriculture been able to collect sufficient funds. **Senator Pearce** said the new section on Page 1, Line 25 discusses the new testing requirements.

**Chairman Corder** said he would verify the grammatical change with the drafter to be sure the change is made properly.

**Senator Schmidt** said in the discussion of the rules, there was an issue of a Ranch Management Plan. **Senator Pearce** yielded to Senator Siddoway.

**Senator Siddoway** said the Administrator of the Animal Industries Division, Idaho Department of Agriculture will work with the ranch owner to develop a ranch management plan. This legislation does not discuss the specifics of what will be in the ranch management plan.

**Senator Bock** said that on Line 40, the statement reads "... administrator may establish inventory verification...", but Page 2, Line 1 states "animal health officials shall verify...", which are two different levels of obligation. **Senator Pearce** replied that the Line 40 sentence actually begins on line 38, with the statement, "once certified", so the decision is left to the Department of Agriculture to determine how to handle elk ranches of different sizes.

**MOTION:** **Senator Smyser** made a motion to print **RS 20357** with intent to correct as per the request of the sponsor. **Senator Nuxoll** seconded, and the motion carried by **Voice Vote**.

In order to correct the word "one" to "once" and remove the parenthical (1) , there needs to be a correction to RS 20357, which changes the RS number to RS 20357C1. A buck slip was sent to the committee members and was passed by unanimous consent to correct the change.

**Chairman Corder** adjourned the meeting at 10:25 a.m.

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Senator Corder  
Chairman

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Jo Ann Bujarski  
Secretary

AGENDA  
SENATE AGRICULTURAL AFFAIRS COMMITTEE  
1:00 P.M.  
Room WW53  
Monday, February 14, 2011

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SUBJECT	DESCRIPTION	PRESENTER
<a href="#">RS20393</a>	Year of the Food	Senator Corder

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***If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.***

COMMITTEE MEMBERS

Chairman Corder  
Vice Chair Smyser  
Sen Siddoway  
Sen Pearce  
Sen Hammond  
Sen Vick  
Sen Nuxoll  
Sen Bock  
Sen Schmidt

COMMITTEE SECRETARY

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MINUTES  
**SENATE AGRICULTURAL AFFAIRS COMMITTEE**

**DATE:** Monday, February 14, 2011  
**TIME:** 1:00 P.M.  
**PLACE:** Room WW53  
**MEMBERS PRESENT:** Chairman Corder, Vice Chairman Smyser, Senators Siddoway, Hammond, Vick, and Nuxoll  
**ABSENT/ EXCUSED:** Senators Pearce, Bock and Schmidt  
**NOTE:** The sign-in sheet, testimonies, and other related materials will be retained with the minutes in the committee's office until the end of the session and will then be located on file with the minutes in the Legislative Services Library.  
**Chairman Corder** called the meeting to order at 1:00 p.m.  
**RS 20393** **The Year of Idaho Food.** **Chairman Corder** introduced **Janie Burns**, of Meadowlark Farm. **Ms. Burns** said that last year HCR 59 was passed in support of Idaho-grown food. The last sentence of the resolution said that Idaho should celebrate the food that is eaten and how it is grown. So there was a decision made to have a year-long celebration of Idaho food, which is what this resolution does.  
**MOTION:** **Senator Smyser** made a motion to send RS 20393 to print. **Senator Nuxoll** seconded, and the motion carried by **Voice Vote**.  
**Chairman Corder** adjourned the meeting at 1:05 p.m.

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Senator Corder  
Chairman

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Jo Ann Bujarski  
Secretary

AGENDA  
**SENATE AGRICULTURAL AFFAIRS COMMITTEE**  
8:00 A.M.  
Room WW53  
Tuesday, February 15, 2011

<b>SUBJECT</b>	<b>DESCRIPTION</b>	<b>PRESENTER</b>
<b>COMMISSIONER HEARINGS</b>	STATE SOIL AND WATER CONSERVATION COMMISSIONER HEARINGS Richard Bronson Bill Flory Dwight Horsch Dave Radford Roger Stutzman	Senator Corder
<b>PRESENTATION</b>	Idaho Trade Delegations	Armando Orellana Eddie Yen Xu Fang
<b>MINUTES</b>	Minutes of February 3, 2011 Minutes of February 8, 2011	Senator Vick Senator Pearce

***If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.***

COMMITTEE MEMBERS

Chairman Corder  
Vice Chair Smyser  
Sen Siddoway  
Sen Pearce  
Sen Hammond  
Sen Vick  
Sen Nuxoll  
Sen Bock  
Sen Schmidt

COMMITTEE SECRETARY

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MINUTES  
**SENATE AGRICULTURAL AFFAIRS COMMITTEE**

**DATE:** Tuesday, February 15, 2011

**TIME:** 8:00 A.M.

**PLACE:** Room WW53

**MEMBERS PRESENT:** Chairman Corder, Vice Chairman Smyser, Senators Siddoway, Pearce, Hammond, Vick, Nuxoll, Bock, and Schmidt

**ABSENT/ EXCUSED:**

**NOTE:** The sign-in sheet, testimonies, and other related materials will be retained with the minutes in the committee's office until the end of the session and will then be located on file with the minutes in the Legislative Services Library.

**Chairman Corder** called the meeting to order at 8 a.m.

**HEARINGS:** **Chairman Corder** introduced **Richard Bronson**, Soil and Water Commission Appointee. **Mr. Bronson** stated he was humbled and honored to be appointed by Governor Otter. The water and soil of Idaho are more important than ever. Agriculture across the state has eased the current recession for the state, especially in the smaller communities. Across southern Idaho, the water usage per acre continues to decline thanks to modern irrigation techniques led by local soil water and conservation districts.

**Vice Chairman Smyser** asked what has been Mr. Bronson's most important contribution to the commission in the past year. **Mr. Bronson** said the involvement in collaborative rulemaking and development of temporary rules for the distribution of in-kind money to the districts.

**Senator Siddoway** asked what should be the relationship between the commission and the districts. **Mr. Bronson** said the commission exists to benefit the fifty local districts throughout the state. The sole mission is to support the districts with technical and monetary support so the local districts can lead the conservation measures. There have been difficulties in the past, but the rapport between the commission and districts is better than it has been. The commission members feel the technical people need to assist with the districts and the work is done in the districts.

**Senator Pearce** asked what will be the biggest challenge in the next two years for the soil conservation districts. **Mr. Bronson** replied the Total Maximum Daily Loads will be the largest issue to protect Idaho water for Idaho. The soil conservation has made huge progress gains in the water quality.

**Senator Hammond** asked what the districts are doing to reduce the effects of TMDL. **Mr. Bronson** said there are many things that can be done to increase water quality, but the water may not look clean.

**Senator Hammond** asked what are the most reliable sources of funding. **Mr. Bronson** said the State contributes \$2.3 million from the general fund; and the local districts leverage that money to bring in millions more.

**Chairman Corder** introduced **Bill Flory**, Soil and Water Commission Appointee. **Mr. Flory** said that he is currently the Chairman of the Soil and Water Commission and the term will expire in July, 2011. The commission, along with the districts, are charged with delivering non-regulatory, voluntary conservation. There are 15 full-time employees at the commission. This is done in conjunction with federal, state and county employees.

**Vice Chairman Smyser** asked what has been Mr. Flory's most important contribution to the commission. **Mr. Flory** replied that rulemaking and continuing to speak for and support the passion of the local partners. While the money from the general fund is \$2.3 million, it used to be \$4 million, so part of the job of the chairman is to keep the morale of the staff up and keep up enthusiasm for clean air and water.

**Chairman Corder** mentioned that there is some controversy around a vacancy in the commission staff and are there plans to replace that person. **Mr. Flory** said the staff has been reduced to fifteen full-time employees, but the regulations and responsibilities have not been reduced. There are a number of people out in the regions, but the office responsibilities continue, so there is a plan to add an administrative assistant to provide transition when someone is out of the office.

**Chairman Corder** asked what is the relationship between the commission and the districts related to hiring decisions. **Mr. Flory** said the association is made up of individual districts as a voluntary, non-binding relationship. There is nothing in statute that requires districts to become members. There is no contractual relationship between the association and the commission. The five commissioners are appointed by the Governor and confirmed by the Senate. The commission is responsible for delivering a budget to JFAC following the Governor's budget. Not only has the state budget been cut by 40%, but some of the county matching funds have been decreased as well.

**Senator Siddoway** said that when districts consolidate, the money that goes to each district is decreased, so what would be the incentive for districts to consolidate. **Mr. Flory** replied one of the reasons for consolidation is to increase administrative efficiency. The legislation is worded such that for three years after a consolidation, each district would receive the same amount as though they were a separate district in order for the districts not to be penalized for consolidation.

**Chairman Corder** introduced **Dwight Horsch**, Soil and Water Commission Appointee. **Mr. Horsch** said he is proud of his farming heritage and those of his family who have farmed in Idaho before him. All the commissioners know that the districts are the ones who do the work on the ground. Mr. Horsch is the co-chairman of the group to review the strategic plan. While the plan was created not long ago, so much has been changed that it needs to be reviewed. There used to be 40 employees at the commission and there are only 15 now.

**Chairman Corder** introduced **Roger Stutzman**, Soil and Water Commission Appointee. **Mr. Stutzman** is new to the commission and was a Director of the Idaho Association of Soil Conservation Districts. The combined efforts of federal, state and local efforts have successfully lined up over \$60 million in projects that will occur over the next several years.

**Senator Hammond** stated that the people who testified before the committee are some of the best qualified for the positions they have been chosen to serve.

**PRESENTATION:** **Chairman Corder** introduced **Laura Johnson**, Section Manager for the Market Development Division of the Idaho State Department of Agriculture. **Ms. Johnson** said Idaho exports are up 20% over last year, due in large part to the Trade Representatives.

**Ms. Johnson** introduced **Armando Orellana**, Idaho/Mexico Trade Office Manager; **Eddie Yen**, Idaho/Asia Trade Office Manager; and **Xu Fang**, Chief Representative, State of Idaho China Office.

Each Trade Representative reported to the committee.

**MOTION:** **Senator Hammond** made a motion to approve the minutes of February 10, 2011. **Senator Nuxoll** seconded, and the motion carried by **Voice Vote**.

**MOTION:** **Senator Siddoway** made a motion to approve the minutes of February 14, 2011. **Senator Hammond** seconded, and the motion carried by **Voice Vote**.

**Chairman Corder** adjourned the meeting at 9:35 a.m.

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Senator Corder  
Chairman

---

Jo Ann Bujarski  
Secretary

**AMENDED #1 AGENDA**  
**SENATE AGRICULTURAL AFFAIRS COMMITTEE**  
**8:00 A.M.**  
**Room WW53**  
**Thursday, February 17, 2011**

<b>SUBJECT</b>	<b>DESCRIPTION</b>	<b>PRESENTER</b>
	<b>PRESENTATION:</b> Idaho Department of Agriculture Budget USDA	Celia Gould Director  Dick Rush State Executive Director
	Minutes of February 3, 2011	Senator Vick
	Minutes of February 8, 2011	Senator Pearce

***If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.***

COMMITTEE MEMBERS

Chairman Corder  
Vice Chair Smyser  
Sen Siddoway  
Sen Pearce  
Sen Hammond  
Sen Vick  
Sen Nuxoll  
Sen Bock  
Sen Schmidt

COMMITTEE SECRETARY

Jo Ann Bujarski  
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email: [jbujarski@senate.idaho.gov](mailto:jbujarski@senate.idaho.gov)

MINUTES  
**SENATE AGRICULTURAL AFFAIRS COMMITTEE**

**DATE:** Thursday, February 17, 2011

**TIME:** 8:00 A.M.

**PLACE:** Room WW53

**MEMBERS PRESENT:** Chairman Corder, Vice Chairman Smyser, Senators Pearce, Vick, Nuxoll, Bock and Schmidt

**ABSENT/ EXCUSED:** Senators Siddoway and Hammond

**NOTE:** The sign-in sheet, testimonies, and other related materials will be retained with the minutes in the committee's office until the end of the session and will then be located on file with the minutes in the Legislative Services Library.

**Chairman Corder** called the meeting to order at 8:05 a.m. **Chairman Corder** presented thank you gifts to the Page, **Haley Glenn**, for her service.

**PRESENTATION:** **Chairman Corder** introduced **Celia Gould**, Director of the Idaho State Department of Agriculture. **Director Gould** discussed the Department of Agriculture budget for fiscal year 2011. **Director Gould** introduced members of her staff.

**Senator Vick** asked where the water milfoil was located. **Director Gould** yielded to **Lloyd Knight**, Administrator of the Plant Industries Division. **Mr. Knight** said nearly all of the milfoil treatments have been in northern Idaho. The biggest areas were Lake Coeur d'Alene, Cave Lake and Medicine Lake, Priest Lake and Lake Pend Oreille. Milfoil can take years to be eradicated depending on the size of the water body and the swiftness of the current. The effort is focused on where the greatest human impact would be, such as recreation areas, docks and boat launches. When the milfoil is in deep, flowing water, it is hard for the chemical to stick. Diver dredging can be used in those cases.

Wash stations purchased for water milfoil infestations are used for quagga mussel prevention as well. **Senator Nuxoll** asked what percentage of boats have milfoil on them. **Director Gould** said there have been eight boats infested with quagga mussels from out of the state. Idaho has no quagga mussel infestation. There are three pillars to the milfoil program: survey, prevention and treatment. Survey will measure effectiveness and develop a strategy for treatment. Prevention will include watercraft inspection stations to ensure milfoil is not moved from one water body to the other.

**Senator Vick** asked what dedicated fund the water milfoil money would be taken from. **Director Gould** replied that is the prerogative of the legislature and the department would never usurp that authority, but the recommendation would be the Ready-Fit fund which is in the department and was originally started with general fund dollars. The fund program was transferred into the department and never implemented.

**Senator Nuxoll** asked where the program funds for recycling pesticide containers comes from. **Director Gould** yielded to **George Robinson**, Administrator of the Agriculture Resources Division. **Mr. Robinson** said the pesticide recycling program is voluntary at this time. The growers or applicators will bring the containers to a drop-off location where they are held until the date of pickup. There are two trucks with trailers that are used for pickup and someone at the location will help with the pickup. The containers are ground up at the location and put into bags. There is a company in Washington where the items are sold.

**Senator Pearce** asked if the Department has to investigate every call alleging animal abuse. If someone is making other harassment calls against the neighbor, can they be cited for those calls. **Director Gould** yielded to **Dr. Bill Barton**, State Veterinarian. **Dr. Barton** said as the statute is written, the division of animal industries is required to investigate cases of animal neglect involving production animals. Before any action can be taken, the determination must be made that it is in the best interest of the animals that action is taken. The department can also assist counties in other animal neglect or cruelty investigation if they ask for assistance. As a matter of policy, every complaint is responded to within 24 hours. There are complaints that appear to be neighbor conflicts but it cannot be determined by the department, so each complaint is investigated. In the current statute, there is no place to recommend or cite someone for a frivolous complaint. That may be available in some local laws.

**Senator Corder** asked why three of the inspection stations are being closed if prevention is important. **Director Gould** said the three stations are closed because the data shows they are not needed. Three are being closed and one is being opened at a different location. The stations will be open for longer periods of time.

**Mr. Knight** said that Lake Mead is a federal impoundment and there has been difficulty getting information from the national park system as to what boats from Idaho are at the lake and when they leave. The Department of the Interior believes releasing this information is a privacy issue. The states around Idaho and Idaho speak on an almost daily basis during the boating season about issues that have been found at inspection stations.

**Senator Pearce** asked if the federal government has put money into research for control of the mussels. **Mr. Knight** said there has been some earmarks for prevention efforts. Hoover dam is infested with mussels, and it is very difficult to treat because there is a lot of concrete and rushing water. If chemicals are put into the water, they could harm native species.

**Chairman Corder** introduced **Dick Rush**, State Executive Director, Farm Service Agency, US Department of Agriculture. **Mr. Rush** introduced the State Committee. Farmers consist of 1% of the total population. Food and nutrition counts for 70% of the USDA budget; such items as food stamps and free or reduced school lunch. The Farm Service Agency gives customers financial counseling and will guarantee some loans. The banks will then give loan money to farmers which will help to keep credit in agriculture. The delinquency rate on these loans is less than 2%, which is better than many banks. Less than 6% of farmers are under the age of 35.

**Vice Chairman Smyser** asked the average amount of the loan that is given to new farmers. **Mr. Rush** said the outreach loans are an average of \$80,000 and the guaranteed loans are an average of \$250,000. The loan limits are \$300,000 and \$1,119,000 respectively.

**Senator Nuxoll** asked how and why the breakfast and lunch programs at schools were started. **Mr. Rush** said that is national legislation that is part of the farm bill. There are no state funds used for it, except perhaps state funds to administer the program.

**MOTION:**

**Senator Vick** made a motion to approve the minutes of February 3, 2011. **Senator Bock** seconded, and the motion carried by Voice Vote.

**MOTION:**        **Senator Schmidt** made a motion to approve the minutes of February 8, 2011.  
                      **Senator Vick** seconded, and the motion carried by Voice Vote.  
                      **Chairman Corder** adjourned the meeting at 9:35 a.m.

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Senator Corder  
Chairman

---

Jo Ann Bujarski  
Secretary

AGENDA  
**SENATE AGRICULTURAL AFFAIRS COMMITTEE**  
8:00 A.M.  
Room WW53  
Tuesday, February 22, 2011

<b>SUBJECT</b>	<b>DESCRIPTION</b>	<b>PRESENTER</b>
<b>SOIL COMMISSIONER VOTES:</b>	Richard Bronson Bill Flory Dwight Horsch Roger Stutzman	Senator Corder
<b>PRESENTATION:</b>	Idaho Bean Commission	Doug Carlquist, Idaho Bean Commission Board Member
	Idaho Farm Bureau	Wally Butler
	Idaho Grain Association	Travis Jones

***If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.***

COMMITTEE MEMBERS

Chairman Corder	Sen Nuxoll
Vice Chair Smyser	Sen Bock
Sen Siddoway	Sen Schmidt
Sen Pearce	
Sen Hammond	
Sen Vick	

COMMITTEE SECRETARY

Jo Ann Bujarski  
Room: WW31  
Phone: (208) 332-1330  
email: [jbujarski@senate.idaho.gov](mailto:jbujarski@senate.idaho.gov)

MINUTES  
**SENATE AGRICULTURAL AFFAIRS COMMITTEE**

- DATE:** Tuesday, February 22, 2011
- TIME:** 8:00 A.M.
- PLACE:** Room WW53
- MEMBERS PRESENT:** Chairman Corder, Vice Chairman Smyser, Senators Siddoway, Pearce, Hammond, Vick, Nuxoll, Bock and Schmidt
- ABSENT/ EXCUSED:**
- NOTE:** The sign-in sheet, testimonies, and other related materials will be retained with the minutes in the committee's office until the end of the session and will then be located on file with the minutes in the Legislative Services Library.
- Chairman Corder** called the meeting to order at 8 a.m.
- MOTION:** **Senator Nuxoll** made a motion to accept the minutes of February 15, 2011. **Senator Hammond** seconded, and the motion carried by **Voice Vote**.
- Chairman Corder** introduced the new committee Page, **Paxten Christensen**.
- MOTION:** **Senator Hammond** moved to send the gubernatorial appointment of **Richard Bronson** to the Soil and Water Conservation Commission to the floor with the recommendation that it be confirmed by the Senate. **Senator Schmidt** seconded, and the motion carried by **Voice Vote**. **Senator Hammond** will sponsor the appointment.
- Senator Nuxoll** moved to send the gubernatorial appointment of **Bill Flory** to the Soil and Water Conservation Commission to the floor with the recommendation that it be confirmed by the Senate. **Senator Siddoway** seconded, and the motion carried by **Voice Vote**. **Senator Nuxoll** will sponsor the appointment.
- Senator Schmidt** moved to send the gubernatorial appointment of **Dwight Horsch** to the Soil and Water Conservation Commission to the floor with the recommendation that it be confirmed by the Senate. **Senator Siddoway** seconded, and the motion carried by **Voice Vote**. **Senator Schmidt** will sponsor the appointment.
- Senator Siddoway** moved to send the gubernatorial appointment of **Roger Stutzman** to the Soil and Water Conservation Commission to the floor with the recommendation that it be confirmed by the Senate. **Senator Schmidt** seconded, and the motion carried by **Voice Vote**. **Senator Siddoway** will sponsor the appointment.
- PRESENTATION:** **Chairman Corder** introduced **Diana Caldwell**, Administrator of the Idaho Bean Commission. **Ms. Caldwell** said Doug Carlquist had a farm emergency and was unable to attend. The commission is 100% supported by the industry. The growers pay a tax of 8 cents/hundred weight and dealers pay 4 cents/hundred weight. Idaho yields are greater than other states because the beans are grown under irrigation. A lot of bean acreage is being lost to corn, wheat and other forage crops.
- Senator Hammond** asked what a pulse crop is. **Ms. Caldwell** said they are dry beans or garbanzos; they are a class of beans.

**Senator Hammond** asked if there has been a problem sending exports to Mexico. **Ms. Caldwell** replied no, but due to the ongoing violence, there is a reluctance to send people, such as University of Idaho personnel. There needs to be face-to-face discussions for sales. Most of the research on beans in Idaho is done in the Magic Valley.

**Senator Smyser** asked when was the last time that people were sent to Mexico. **Ms. Caldwell** said it was last year, but the violence was not as bad as now.

**Senator Nuxoll** asked which companies sell Idaho bean seeds. **Ms. Caldwell** said there are 30 dry bean seed dealers that sell to exporters. The numbers are difficult to get because the beans may get sold as being from another state.

**Chairman Corder** introduced **Wally Butler**, Range and Livestock Specialist of the Idaho Farm Bureau. **Mr. Butler** spoke on the Murphy Complex fire that occurred in 2007 and was the largest fire in the nation at over 650,000 acres.

**Senator Pearce** asked what grasses were reseeded. **Mr. Butler** replied the grasses were all native; crested wheatgrass, legumes and grasses. **Senator Pearce** said the Bureau of Land Management in Oregon is reseeding with alfalfa, which improves the quality of range and forage for the wildlife. **Mr. Butler** said that is done in some areas in Idaho, but doesn't know if that was done after this fire.

**Mr. Butler** said the Bureau of Land Management manages 12 million acres in Idaho, which is about 25% of the state, and this land is predominantly in the southern part of the state. The Forest Service administers 21 million acres, which is 40% of the state, which includes four wilderness areas. The Department of Lands originally was granted 3.6 million acres, but over time that has been reduced to 2.5 million acres. The lands belong to nine different endowments, primarily public schools.

**Senator Pearce** asked for status on the wildlands project. **Mr. Butler** said there has been no movement in the last couple of weeks. The Owyhee Initiative released some land from wilderness study areas, but the wildlands initiative would reinclude those study areas into that assessment.

**Senator Siddoway** asked if there were any provisions added for future fire prevention. **Mr. Butler** said there was an establishment of buffer areas and targeted grazing. **Senator Siddoway** asked if there had been any consideration to put roads in the area. Grass fires can be easily contained once you can get to them. A road matrix would be one way to facilitate fighting the fires. **Mr. Butler** replied roads have not been considered as far as he knows. There were extenuating circumstances to this fire, over 100 lightning strikes, 30-50 mph winds and 100 degree temperature. One of the worst problems was the fact that the area was undergrazed with 10-15% use of the forage; which would not slow a fire.

**Chairman Corder** introduced **Travis Jones**, Executive Director, Idaho Grain Producers Association. **Mr. Jones** said grain really means bread and beer. Wheat is now at approximately \$8/bushel and barley is approximately \$10/hundredweight. About 75% of all barley production in Idaho goes into malt.

**Senator Vick** asked if the barley price mentioned is for feed barley or malt barley. **Mr. Jones** replied that the \$10 /hundredweight is the feed price. A malt price is typically a private contract price.

**Senator Nuxoll** asked how many acres of barley are planted throughout the state. **Mr. Jones** said there are 43 million bushels in production, which is roughly equal to 500,000 acres. There are specific protein criteria for malt beer and if the barley is rejected it could be used as feed barley.

**Senator Smyser** asked how the industry can help to replace the funding cuts made by the state. **Mr. Jones** replied they have worked with the Treasure Valley Ag Coalition, which has been a successful group of diverse agriculture industries.

**Mr. Jones** introduced **Dar Olberding** of the Idaho Grain Producers Association. **Mr. Olberding** spoke on the falling numbers test, which is an indication of sprout damage within a wheat sample.

**Chairman Corder** adjourned the meeting at 9:45 a.m.

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Senator Corder  
Chairman

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Jo Ann Bujarski  
Secretary

AGENDA  
**SENATE AGRICULTURAL AFFAIRS COMMITTEE**  
8:00 A.M.  
Room WW53  
Thursday, February 24, 2011

<b>SUBJECT</b>	<b>DESCRIPTION</b>	<b>PRESENTER</b>
<b>PRESENTATION:</b>	Idaho Department of Agriculture Performance Measures	Pam Juker Chief of Staff
	Idaho State Soil and Water Conservation Commission	Sara Schmidt Executive Director
	Idaho Apple Commission Treasure Valley Agriculture Coalition	Candi Fitch Executive Director

***If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.***

COMMITTEE MEMBERS

Chairman Corder  
Vice Chair Smyser  
Sen Siddoway  
Sen Pearce  
Sen Hammond

Sen Nuxoll  
Sen Bock  
Sen Schmidt

COMMITTEE SECRETARY

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Sen Vick

MINUTES  
**SENATE AGRICULTURAL AFFAIRS COMMITTEE**

**DATE:** Thursday, February 24, 2011

**TIME:** 8:00 A.M.

**PLACE:** Room WW53

**MEMBERS PRESENT:** Chairman Corder, Vice Chairman Smyser, Senators Siddoway, Pearce, Hammond, Vick, Nuxoll, Bock and Schmidt

**ABSENT/  
EXCUSED:**

**NOTE:** The sign-in sheet, testimonies, and other related materials will be retained with the minutes in the committee's office until the end of the session and will then be located on file with the minutes in the Legislative Services Library.

**Chairman Corder** called the meeting to order at 8 a.m.

**Chairman Corder** introduced **Pamm Juker**, Chief of Staff, Idaho Department of Agriculture. **Ms. Juker** discussed the performance measures created by the Idaho Department of Agriculture.

**Ms. Juker** introduced **Dr. Bill Barton**, State Veterinarian, Animal Industries Division to discuss his measures. There were 215 animal care investigations and they were all successfully addressed within 24 hours.

**Senator Nuxoll** asked what diseases are shared between humans and animals. **Dr. Barton** replied that brucellosis is one of the diseases. The wildlife in and around Yellowstone Park are last remaining reservoir of brucellosis. Tuberculosis is also another disease that is transmittable between humans and animals.

**Chairman Corder** asked out of the 215 animal care investigations, how many required subsequent action. **Dr. Barton** said one of the responsibilities through the statute is to educate the public on animal care. Follow-up calls were made in 30-40% of the investigations to be sure the owner had received training. The department is required to investigate cases of animal neglect for production animals. The counties are free to act on companion animals. There is work being done to change the status of horses to companion animals. The majority of the investigations are related to horses not used in agriculture.

**Chairman Corder** said that in the latest case of animal abuse in Payette County, there have been complaints that the perpetrators had done the same things in other states and there was no trail. Once there were problems in Idaho, it still took a long time to remove the animals. **Dr. Barton** replied there were a multitude of factors involved in that case. When the first call occurred, there was spring grass so there was pasture available and the animals were okay. The health of the animals did not become a big issue until mid-late fall when there was no grass available and feed was not being provided. There was difficulty accessing the premises and required a warrant from Payette County to enter the property.

**Senator Hammond** asked how many inspectors are there in the state and where are they located. **Dr. Barton** said there are nine investigators spread throughout the state.

**Senator Siddoway** said a few years ago there was a brucellosis outbreak in the eastern part of Idaho among elk and cattle. What is the status of that testing. **Dr. Barton** replied the brucellosis issue is still being worked and there is an area of the state, on the eastern border, which is the designated surveillance area. There are sixty producers in that area who have a herd plan exclusive to them. There is a complete test of the cattle herds once every three years.

**Ms. Juker** introduced **Fred Rios**, Administrator for the Agriculture Inspections Commission who spoke on fruit and vegetable inspection measures and weighing and measuring devices. Mr. Rios said each year the bureau inspects over 10 billion pounds of fresh produce, 60% of which is fruit.

**Senator Nuxoll** asked if rejected produce can be sold to consumers. **Mr. Rios** said a lot of the products that are grown locally do not go through this inspection process. The inspectors are mostly in the packing sheds and the processing plants. If shipments are rejected at the sites, they do not leave the site. They have been used for animal feed.

**Senator Siddoway** asked what happens if a fuel pump is not calibrated. **Mr. Rios** replied if the tolerance is beyond the requirements, a boot will be put on the pump and it will be out of service until it is fixed. The pump must be repaired in thirty days; if it is not, the pump is permanently out of service. Once the repair is completed, the weights and measures department is notified.

**Ms. Juker** introduced **George Robinson**, Administrator of the Agriculture Resources Division who spoke on pesticide-related inspections and recertification training.

**Senator Nuxoll** asked what is a violation of pesticide use. **Mr. Robinson** said drift, and an applicator that does not keep their records properly.

**Ms. Juker** introduced **Laura Johnson**, Section Manager for the Market Development Division. **Ms. Johnson** spoke on the Idaho Preferred Program and to obtain a minimum average overall customer satisfaction rating.

**Ms. Juker** introduced **Lloyd Knight**, Administrator of the Plant Industries Division. **Mr. Knight** spoke on phytosanitary certification deadlines and feed labels.

**Senator Schmidt** asked if the phytosanitary certificates are inspections for producers. **Mr. Knight** replied the producers are required to have the certifications completed and to have them done in a timely manner is a benefit to the producers. The industry as a whole needs to be timely and accurate.

**Chairman Corder** introduced **Sara Schmidt**, Executive Director of the Idaho State Soil and Water Conservation Commission. **Ms. Schmidt** said the budget for the commission is 40% less than last year. **Ms. Schmidt** introduced two of the commissioners, **Roger Stutzman** and **Dwight Horsch**. Dean Hammel of the University of Idaho, College of Agriculture is now an advisor to the commission.

**Senator Smyser** asked why there are things that can't be done. **Ms. Schmidt** said it is the reality of time and talent. There are only so many people, how do we make sure they are where they need to be, doing what they should be doing.

**Senator Pearce** asked how many loans are in arrears and how long have they been delinquent. Ms. Schmidt replied there is a total of 185 loans, 6 of which were over 30 days overdue as of the first of the month. However, two of the loans have been paid since then. None of the loans are lost causes, some have been paid partially, just not in full. The industry average is 6% of late loans, the commission's loans are at 3%. Ms. Schmidt said last year the state put approximately \$1.1 million into the soil commission and that was leveraged into over \$60 million worth of conservation work.

**Senator Nuxoll** asked what the users are foregoing in order to save water. **Ms. Schmidt** said the goal for the state is to maximize the water available so all water rights can be met in full. For the landowners that choose to convert their land to a type of irrigation that saves water or to plant a native crop, there is incentive from the federal government. When they convert, they could lose crop yields.

**Chairman Corder** introduced **Candi Fitch**, Executive Director of the Idaho-Oregon Fruit and Vegetable Association. **Ms. Fitch** introduced **Bob Simerly**, of McCain Foods USA; **Jerry Henggeler** of Henggeler Packing Company and **John Ihli** of Nunhems USA; who spoke on the Treasure Valley Ag Coalition and the benefits they have received from the collaborative research.

**Chairman Corder** adjourned the meeting at 9:50 a.m.

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Senator Corder  
Chairman

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Jo Ann Bujarski  
Secretary

AGENDA  
**SENATE AGRICULTURAL AFFAIRS COMMITTEE**  
8:00 A.M.  
Room WW53  
Tuesday, March 01, 2011

<b>SUBJECT</b>	<b>DESCRIPTION</b>	<b>PRESENTER</b>
<a href="#"><u>H 101</u></a>	Relating to the State Brand Board; To revise Fee Provisions Relating to Ownership and Transportation Certificates .	Representative Dennis Lake Senator Bert Brackett
<a href="#"><u>RS20479</u></a>	Provides Clarification to the current Statute that Pertains to Animal Care.	Senator Bert Brackett
<a href="#"><u>H 100</u></a>	Relating to the Pea and Lentil Commission; to revise Composition Provisions	Chairman Tom Trail
<b>GUBERNATORIAL APPT:</b>	Celia Gould, Director Idaho Department of Agriculture	Chairman Corder
<a href="#"><u>H 38</u></a>	Relating to Organic Food Product	Brandon Lamb Program Manager
<a href="#"><u>H 40</u></a>	Relating to the Burning of Crop Residue	Martin Bauer Administrator for Air Quality
	Minutes of February 17, 2011	Senator Pearce

***If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.***

COMMITTEE MEMBERS

Chairman Corder  
Vice Chair Smyser  
Sen Siddoway  
Sen Pearce  
Sen Hammond  
Sen Vick  
Sen Nuxoll  
Sen Bock

COMMITTEE SECRETARY

Jo Ann Bujarski  
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MINUTES  
**SENATE AGRICULTURAL AFFAIRS COMMITTEE**

**DATE:** Tuesday, March 01, 2011

**TIME:** 8:00 A.M.

**PLACE:** Room WW53

**MEMBERS PRESENT:** Chairman Corder, Vice Chairman Smyser, Senators Siddoway, Pearce, Hammond, Vick, Nuxoll, Bock and Schmidt

**ABSENT/  
EXCUSED:**

**NOTE:** The sign-in sheet, testimonies, and other related materials will be retained with the minutes in the committee's office until the end of the session and will then be located on file with the minutes in the Legislative Services Library.

**Chairman Corder** called the meeting to order at 8 a.m.

**H100** **Relating to the Pea and Lentil Commission; to Revise Composition Provisions. Chairman Corder** introduced **Representative Tom Trail**, Chairman of the House Agricultural Affairs Committee, who said the commission will now have six members, one of which will be a processor or dealer.

**MOTION:** **Senator Hammond** made a motion to send **H100** to the floor with a Do Pass recommendation. **Senator Nuxoll** seconded, and the motion carried by **Voice Vote**. **Senator Hammond** will be the floor sponsor.

**H101** **Relating to the State Brand Board; to Revise Fee Provisions Relating to Ownership and Transportation Certificates. Chairman Corder** introduced **Representative Dennis Lake**, Chairman of the House Revenue and Taxation Committee. **Chairman Lake** said these increases will bring in approximately \$118,000 in additional revenue.

**Senator Pearce** asked for a breakdown of the \$118,000 in revenue. **Chairman Lake** said \$17,000 will come from lifetime horse inspections; \$12,000 from dealers; the five-year renewal will raise about \$75,000 and the increase for transport will raise about \$4,700. **Senator Pearce** asked if a better solution would be to cut the operations rather than increase the cost to producers. **Chairman Lake** replied that option was investigated, but the Brand Inspectors are in high demand and needed immediately.

**Chairman Corder** introduced **Wally Butler**, Range and Livestock Specialist for the Idaho Farm Bureau. **Mr. Butler** spoke in support of the bill. There are fewer cattle, but they are still spread throughout the entire state; there has been a lot of cattle theft in the state, so the inspections are critical.

**Chairman Corder** introduced **Senator Bert Brackett**, who spoke in support of the bill. **Senator Brackett** said this agency receives no general fund dollars.

**Chairman Corder** introduced **Stan Boyd**, of the Idaho Cattle Association who spoke in support of the bill. **Mr. Boyd** said in the last five years, this agency has lost seven people.

**Vice Chairman Smyser** asked what the possible ramifications would be if this bill does not pass. **Mr. Boyd** said there would be further reductions, which will affect commerce, so there would be delays in shipping. Livestock cannot leave the state without a brand inspection.

**Chairman Corder** introduced **Larry Hayhurst**, State Brand Inspector, who spoke in support of the bill.

**Senator Vick** asked why the fees weren't all increased by the same percentage and when was the last time the fees were increased. **Mr. Hayhurst** replied the fees have not been increased for at least twenty years and the industry is in support of these increases.

**Senator Schmidt** asked what domestic species are included in this bill. **Mr. Hayhurst** said they are cattle, horses, mules and asses.

**Chairman Corder** introduced **Bob Naerebout**, Executive Director of the Idaho Dairymen's Association who spoke in support of the bill.

**MOTION:** **Senator Siddoway** made a motion to send **H101** to the floor with a **Do Pass** recommendation. **Vice Chairman Smyser** seconded, and the motion carried by **Voice Vote**. **Senator Pearce** voted no. **Senator Brackett** will be the floor sponsor.

**RS 20479** **Relating to Animal Care.** **Chairman Corder** introduced **Senator Brackett**. **Senator Brackett** said this proposed legislation provides clarification to the current statute that pertains to animal care.

**MOTION:** **Senator Bock** requested unanimous consent to send **RS 20479** to Senate State Affairs with a request to print. Consent was granted.

**GUBERNATORIAL HEARING:** **Chairman Corder** introduced **Celia Gould**, Director, Idaho Department of Agriculture for appointment hearing.

**Senator Hammond** asked Director Gould to discuss her success with zero-based budgeting. **Director Gould** said they were one of the first agencies to use zero-based budgeting and it has helped with understanding the programs. It has been a good roadmap for the difficult financial times.

**Senator Siddoway** asked if the department feels they are able to meet all of their obligations with the current budget cuts. **Director Gould** replied that for now, the department is able to meet their obligations. What is being done now is not sustainable however; there will be problems later if some of the current open positions cannot be filled.

**H38** **Relating to Organic Food Product.** **Chairman Corder** introduced **Brandon Lamb**, Agricultural Program Manager with the Agricultural Inspections Division. **Mr. Lamb** said the purpose of the legislation was to remove the education requirement for organic certification. The current law is more stringent than the national law, which is not allowed. There will still be education offered, but it will not be a requirement of the certification.

**MOTION:** **Vice Chairman Smyser** made a motion to send **H38** to the floor with a **Do Pass** recommendation. **Senator Nuxoll** seconded, and the motion passed by **Voice Vote**. **Vice Chairman Smyser** will be the floor sponsor.

**H40** **Relating to the Burning of Crop Residue.** **Chairman Corder** introduced **Martin Bauer**, Air Quality Administrator, Idaho Department of Environmental Quality. **Mr. Bauer** said propane flaming of crops could be streamlined in the rules and flaming has a very low impact on air quality, so the fees were not necessary. A legislative change was necessary to eliminate the fees for propane flaming.

**Senator Nuxoll** asked why there is a charge to burn fields. **Mr. Bauer** replied that there are administrative fees involved and time to inspect the fields.

**MOTION:** **Senator Nuxoll** made a motion to send **H40** to the floor with a **Do Pass** recommendation. **Senator Hammond** seconded, and the motion carried by **Voice Vote**. **Senator Nuxoll** will be the floor sponsor.

**MOTION:**           **Senator Pearce** made a motion to approve the minutes of February 17, 2011.  
**Senator Hammond** seconded, and the motion carried by **Voice Vote**.  
**Chairman Corder** adjourned the meeting at 8:55 a.m.

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Senator Corder  
Chairman

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Jo Ann Bujarski  
Secretary

AGENDA  
**SENATE AGRICULTURAL AFFAIRS COMMITTEE**  
**8:00 A.M.**  
**Room WW53**  
**Thursday, March 03, 2011**

SUBJECT	DESCRIPTION	PRESENTER
<b>GUBERNATORIAL APPT:</b>	Vote on Celia Gould, Director, Idaho Department of Agriculture	
<b>PRESENTATION:</b>	Idaho Extension Service	Dr. Charlotte Eberlein, Director, University of Idaho Extension
<a href="#"><u>H62</u></a>	To Delete the Requirements that the Board Review and Approve Applications for Certain National Examinations and Administer Certain National Examinations.	Karen Ewing Board of Veterinary Medicine
<a href="#"><u>H63</u></a>	To Provide That Certain Violations Constituting a Breach of the North American Veterinary Licensing Examination Shall Constitute Grounds for Specified Discipline	Karen Ewing Board of Veterinary Medicine
<a href="#"><u>H64</u></a>	To Provide an Exception to Licensure for Certain Veterinarians with an Active License in Good Standing from another State for the Practice of Veterinary Medicine on Animals in a Collection of a Publicly Owned Zoo	Karen Ewing Board of Veterinary Medicine
<a href="#"><u>H65</u></a>	Addition of a New Section to Provide Maximum Time Periods for Suspension, Revocation and Reapplication	Karen Ewing Board of Veterinary Medicine
<b>MINUTES:</b>	Minutes Approval of February 22, 2011	Senator Siddoway

***If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.***

COMMITTEE MEMBERS

Chairman Corder	Sen Nuxoll
Vice Chair Smyser	Sen Bock
Sen Siddoway	Sen Schmidt
Sen Pearce	
Sen Hammond	
Sen Vick	

COMMITTEE SECRETARY

Jo Ann Bujarski  
Room: WW31  
Phone: (208) 332-1330  
email: jbujarski@senate.idaho.gov

MINUTES  
**SENATE AGRICULTURAL AFFAIRS COMMITTEE**

**DATE:** Thursday, March 03, 2011

**TIME:** 8:00 A.M.

**PLACE:** Room WW53

**MEMBERS PRESENT:** Chairman Corder, Vice Chairman Smyser, Senators Siddoway, Pearce, Hammond, Vick, Nuxoll, Bock, and Schmidt

**ABSENT/  
EXCUSED:**

**NOTE:** The sign-in sheet, testimonies, and other related materials will be retained with the minutes in the committee's office until the end of the session and will then be located on file with the minutes in the Legislative Services Library.

**Chairman Corder** called the meeting to order at 8 a.m.

**MOTION:** **Vice Chairman Smyser** moved to send the gubernatorial appointment of Director Celia Gould to the Department of Agriculture with the recommendation that it be confirmed by the Senate. **Senator Nuxoll** seconded the motion. The motion passed by **Voice Vote**. **Chairman Corder** will be the floor sponsor.

**PRESENTATION:** **Chairman Corder** introduced **Dr. Charlotte Eberlein**, Director of the University of Idaho Extension System.

**Senator Schmidt** said that grant funding equals approximately 25% of the budget; does the amount of grants fluctuate. **Dr. Eberlein** said the grant funding does fluctuate, and it has increased over the last few years from \$3.5 million to \$5 million. There is a concern about the federal budget because a number of the grant funds that have been used in the past have been zeroed out in proposed legislation.

**Chairman Corder** asked how the extension agents explain to county commissioners their value, especially in urban counties. **Dr. Eberlein** said many times the extension agents present the value of youth development and community service. A national study from Tufts University shows that 4-H students are better equipped to set and reach goals than members of other youth organizations including church youth groups.

**Vice Chairman Smyser** asked if the diabetes programs work with the senior citizens centers. **Dr. Eberlein** said the programs are open to everyone and they are advertised at the senior centers. In Northern Idaho, the programs are collaborated with the Office on Aging.

**Dr. Eberlein** said 60% of the extension office funding comes from the state, 16% from the federal government and 24% from the counties.

**Senator Vick** asked if drip irrigation was more expensive to implement than standard irrigation. **Dr. Eberlein** replied that is was more expensive, but the return on investment is about 5 years, and you are able to control the size of the onions grown based on the amount of water that is used. This allows the producer to grow onions based on market demand.

**H62**

**To Delete the Requirements that the Board Review and Approve Applications for Certain National Examinations.** **Chairman Corder** introduced **Karen Ewing**, Executive Director, Board of Veterinary Medicine.

**Vice Chairman Smyser** asked if there are any face-face interviews for the pre-approval process. **Ms. Ewing** replied the application process is all done by mail unless there is a specific issue with the candidate.

**Senator Pearce** asked why this change will cost the board \$500. **Ms. Ewing** replied that the board will no longer be collecting a \$50 qualifying fee.

**Senator Schmidt** asked if the candidate has to specify which state they will be licensed in when they take the national exam. **Ms. Ewing** said they have to indicate the state of licensure and the national board will report the score to that state. The national board form states that this national exam may not include all licensure requirements for a particular state.

**MOTION:** **Senator Hammond** made a motion to send **H62** to the floor with a Do Pass recommendation. **Senator Nuxoll** seconded, and the motion carried by **Voice Vote**. **Senator Schmidt** will be the floor sponsor.

**H63** **To Provide that Certain Violations Constituting a Breach of the North American Veterinary Licensing Examination Shall Constitute Grounds for Specified Discipline.** **Ms. Ewing** said National Exam candidates have been caught cheating on the online national exam through the internet by posting content.

**Vice Chairman Smyser** asked if the board doesn't already have the authority to discipline candidates now. **Ms. Ewing** said there is nothing in the discipline grounds related to exam cheating.

**Senator Siddoway** asked how long a candidate has to wait for retesting after a failure. **Ms. Ewing** said the board has a rule that the exam can only be taken five times in five years. The first three attempts can be every six months, but the fourth and fifth ones have to be one year apart. The pass rate for candidates is 93%-96% on the first attempt.

**MOTION:** **Senator Siddoway** made a motion to send **H63** to the floor with a Do Pass recommendation. **Senator Schmidt** seconded, and the motion carried by **Voice Vote**. **Senator Hammond** will be the floor sponsor.

**H64** **To Provide an Exception to Licensure for Certain Veterinarians with an Active License in Good Standing from Another State for the Practice of Veterinary Medicine on Animals in a Collection of a Publicly Owned Zoo.** **Ms. Ewing** said there is currently no provision to allow an out-of-state licensed veterinarian to provide care on a temporary basis.

**Senator Pearce** asked if the process is onerous when a letter needs to be sent to the board prior to the veterinarian applying care. **Ms. Ewing** said that when there is a time period attached to a temporary position, there needs to be paperwork that shows the time when the position started. **Ms. Ewing** then yielded to **Steve Burns**, Director of Zoo Boise. **Mr. Burns** said there would be two situations where an out-of-state veterinarian would be needed. The first situation would be if the zoo veterinarian left; there is a very small pool of qualified veterinarians in the state. The second situation would be if there was specialized care needed. It would take a couple of days for a veterinarian to get here, which would be longer than it would take to send the paperwork to the veterinary board.

**MOTION:** **Vice Chairman Smyser** made a motion to send **H64** to the floor with a Do Pass recommendation. **Senator Siddoway** seconded, and the motion carried by **Voice Vote**. **Senator Pearce** voted no. **Vice Chairman Smyser** will be the floor sponsor.

**H65** **Addition of a New Section to Provide Maximum Time Periods for Suspension, Revocation and Reapplication.**

- MOTION:** **Senator Siddoway** made a motion to send **H65** to the floor with a Do Pass recommendation. **Vice Chairman Smyser** seconded, and the motion carried by **Voice Vote**. **Senator Siddoway** will be the floor sponsor.
- MOTION:** **Senator Siddoway** made a motion to approve the minutes of February 22, 2011. **Vice Chairman Smyser** seconded, and the motion carried by **Voice Vote**.
- MOTION:** **Senator Hammond** made a motion to approve the minutes of February 24, 2011. **Senator Vick** seconded, and the motion carried by **Voice Vote**.
- Chairman Corder** adjourned the meeting at 9:15 a.m.

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Senator Corder  
Chairman

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Jo Ann Bujarski  
Secretary

AGENDA  
SENATE AGRICULTURAL AFFAIRS COMMITTEE  
8:00 A.M.  
Room WW53  
Tuesday, March 08, 2011

SUBJECT	DESCRIPTION	PRESENTER
<b>SOIL COMMISSIONER HEARING:</b>	Dave Radford	Chairman Corder
<a href="#">H152</a>	Relating to Dairy Products; To Revise Provisions Relating to Certain Licenses and to Revise Definitions	Representative Vander Woude
<b>PRESENTATION:</b>	Idaho Eastern Oregon Seed Association	Roger Batt
<a href="#">SCR101</a>	This Resolution Call for an Awareness of the Danger Posed by the Use of Felt Soles by Sportsmen and Government Agencies as Traction Devices	Chairman Corder

***If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.***

COMMITTEE MEMBERS

Chairman Corder  
Vice Chair Smyser  
Sen Siddoway  
Sen Pearce  
Sen Hammond  
Sen Vick  
Sen Nuxoll  
Sen Bock  
Sen Schmidt

COMMITTEE SECRETARY

Jo Ann Bujarski  
Room: WW31  
Phone: (208) 332-1330  
email: [jbujarski@senate.idaho.gov](mailto:jbujarski@senate.idaho.gov)

MINUTES  
**SENATE AGRICULTURAL AFFAIRS COMMITTEE**

**DATE:** Tuesday, March 08, 2011

**TIME:** 8:00 A.M.

**PLACE:** Room WW53

**MEMBERS PRESENT:** Chairman Corder, Vice Chairman Smyser, Senators Siddoway, Pearce, Hammond, Vick, Nuxoll, Bock, and Schmidt

**ABSENT/  
EXCUSED:**

**NOTE:** The sign-in sheet, testimonies, and other related materials will be retained with the minutes in the committee's office until the end of the session and will then be located on file with the minutes in the Legislative Services Library.

**Chairman Corder** called the meeting to order at 8 a.m.

**GUBERNATORIAL APPT:** **Chairman Corder** introduced **Dave Radford**, Gubernatorial Appointee to the Idaho Soil and Water Conservation Commission. **Mr. Radford** said he is honored to be selected for this appointment and he is presently a Bonneville County Commissioner. The Soil and Water Conservation Commission office has been reduced from 22 full-time employees to 15 and from seven part-time employees to three.

**Senator Siddoway** asked how money should be distributed between the districts and the commission. **Mr. Radford** replied that a balance should be struck between the two groups; the Commission's role is to provide technical support and the District's review the loans. Both groups are needed, and the districts do much of the work on the ground.

**Chairman Corder** asked what the mission and service to the state and area includes. **Mr. Radford** replied the mission is to keep what works, but do not be afraid to change what does not work.

**Chairman Corder** thanked Mr. Radford for appearing before the committee and advised him that a vote on his appointment would be taken at a later date.

**H152** **Relating to Dairy Products; To Revise Provisions Relating to Certain Licenses and to Revise Definitions.** **Chairman Corder** introduced **Bob Naerebout**, Executive Director of the Idaho Dairymen's Association.

**Mr. Naerebout** said part of the changes to the legislation are to clean up language that was written in 1927. The goal of all the changes is to provide confidence in the weighing of the components of milk, which is how the producers are paid. Producers are paid on protein and butterfat. There is basically no oversight now. If the lab measurement was off .01% on all the milk that was sold in January, the dollar value would be \$450,000. If the federal tolerance level of .047-.044 was used, the dollar value for the same month would be \$2,161,000.

The processors were provided the language of this bill in advance and they will be highly engaged in rulemaking. Tolerance levels will be set during the negotiated rulemaking. The biggest concern in the House with this bill is the increase of the misdemeanor fine from \$25 to \$10,000. This was increased for two reasons: 1) the \$25 was set in 1927 and 2) this language is found in several ISDA statutes and rules covering the industry.

**Senator Schmidt** asked if this change will mean added requirements for the department. **Mr. Naerebout** replied that there will be added requirements, but there is no fiscal impact because the additional costs will be paid from the butterfat assessment.

**Vice Chairman Smyser** asked how many violations have there been in the last five years. **Mr. Naerebout** said there have been none, but there have been no tolerance levels set previously. The industry has a concern when tolerance levels are set consistently below tolerance and never above tolerance. This will allow a more scientific measurement than in the past.

**Senator Pearce** asked why the \$10,000 fine was so high. **Mr. Naerebout** said that is consistent with language that ISDA has put into place on other legislatures. It is also there to represent the fact that the department takes breaches seriously.

**Chairman Corder** introduced **Brent Olmstead**, Executive Director of the Milk Producers of Idaho, who spoke in support of the bill.

**Senator Siddoway** asked where the tests are performed. **Mr. Olmstead** said the tests are taken to labs with a milk processing facility. There are also independent laboratories around the state who will test. The dairymen pay for the test and if they are not confident of the test results, they may send the milk to another laboratory. If there are discrepancies, the producer would negotiate with the purchaser the price of the milk. This legislation would include set protocols for how the testing is done and the discrepancies should no longer occur.

**Senator Nuxoll** asked what constitutes a violation. **Mr. Naerebout** replied that the violations will be set in the rulemaking and will include such items as tolerance levels. There is no opposition to this legislation.

**MOTION:** **Senator Bock** made a motion to send **H152** to the floor with a Do Pass recommendation. **Vice Chairman Smyser** seconded, and the motion carried by Voice Vote. **Chairman Corder** will be the floor sponsor.

**PRESENTATION:** **Chairman Corder** introduced **Roger Batt**, Executive Director of the Idaho Eastern Oregon Seed Association. **Mr. Batt** said the association has been in existence since 1944 and has represented the seed trade in the state since that time. **Mr. Batt** introduced Board Members, **Steve Bateman; Tim Primus; Brad Chambers; Doug Gross** and **Lorell Skogsberg**. There are over 100 commodities produced in Idaho and approximately 40-50% of those are seed crops.

**SCR101** **Resolution which calls for an Awareness of the Danger Posed by the Use of Felt Soles by Sportsmen and Government Agencies as Traction Devices.** **Chairman Corder** turned the gavel over to **Vice Chairman Smyser**.

**Chairman Corder** said felt soles are used to prevent slipping while in the water, but the felt does not dry quickly and can carry invasive species and didymo (rock snot).

**Senator Siddoway** said he was in New Zealand a few years ago and the river was full of didymo.

**Vice Chairman Smyser** introduced **Sharon Keifer**, Assistant Director of the Idaho Fish and Game. **Ms. Keifer** said rock snot is a single-cell organism that colonizes. There is not yet an effective or efficient way to get rid of it. It spreads very rapidly and easily.

**Senator Hammond** asked if this was a plant or animal. **Ms. Keifer** replied that it is related to algae, but it does have animal characteristics. A microscope is needed to see one, but in huge colonies they are very obvious. They crowd out beneficial aquatic insects that feed the fishery.

**Senator Bock** asked what the didymo looks like on a rock. **Ms. Keifer** said it is a gelatinous mass, often brownish in color. It has no shape of its own. There have been concerns of its growth from anglers in Canada, Alaska, Australia and New Zealand.

**MOTION:**

**Senator Vick** made a motion to send **SCR101** to the floor with a Do Pass recommendation. **Senator Nuxoll** seconded, and the motion carried by **Voice Vote**.

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

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Senator Corder  
Chairman

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Jo Ann Bujarski  
Secretary

AGENDA  
**SENATE AGRICULTURAL AFFAIRS COMMITTEE**  
**8:00 A.M.**  
**Room WW53**  
**Thursday, March 10, 2011**

<b>SUBJECT</b>	<b>DESCRIPTION</b>	<b>PRESENTER</b>
<b>GUBERNATORIAL APPT:</b> <b>PRESENTATION:</b>	Vote on David Radford for Soil and Water Conservation Commissioner Dairy	Chairman Corder Bob Naerebout Executive Director, Idaho Dairymen's Assoc Deana Sessions Administrator, Idaho Dairy Products Commission
<a href="#"><u>S1143</u></a>	Relating to Dogs; to provide for the Designation of Dangerous Dogs and At-Risk Dogs Minutes of March 3	Chairman Corder Senator Schmidt

***If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.***

COMMITTEE MEMBERS

Chairman Corder  
Vice Chair Smyser  
Sen Siddoway  
Sen Pearce  
Sen Hammond

Sen Vick

Sen Nuxoll  
Sen Bock  
Sen Schmidt

COMMITTEE SECRETARY

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MINUTES  
**SENATE AGRICULTURAL AFFAIRS COMMITTEE**

**DATE:** Thursday, March 10, 2011

**TIME:** 8:00 A.M.

**PLACE:** Room WW53

**MEMBERS PRESENT:** Chairman Corder, Vice Chairman Smyser, Senators Siddoway, Pearce, Hammond, Vick, Nuxoll, Bock, and Schmidt

**ABSENT/  
EXCUSED:**

**NOTE:** The sign-in sheet, testimonies, and other related materials will be retained with the minutes in the committee's office until the end of the session and will then be located on file with the minutes in the Legislative Services Library.

**Chairman Corder** called the meeting to order at 8 a.m.

**MOTION:** **Vice Chairman Smyser** moved to send the Gubernatorial Appointment of **Dave Radford** to the Soil and Water Conservation Commission to the floor with the recommendation that it be confirmed by the Senate. **Senator Nuxoll** seconded, and the motion carried by **Voice Vote**. **Senator Siddoway** will be the floor sponsor.

**PRESENTATION:** **Chairman Corder** introduced **Deana Sessions**, Administrator of the Idaho Dairy Products Commission. **Ms. Sessions** said the check off is in federal law that every dairy producer pays 15 cents for every pound of milk produced. The state adds another one cent for each hundredweight for research and projects of the Idaho Dairy Products Commission. Idaho is ranked third in the nation for dairy production. Idaho dairy farm families have paid for over 100 school scoreboards.

**Chairman Corder** introduced **Cheri Chase**, Communications Director for the Idaho Dairy Products Commission, who spoke on the Fuel Up for 60 Program, which encourages students to get 60 minutes of exercise a day.

**Senator Nuxoll** asked where the \$3000 grant per school comes from. **Ms. Chase** said that is funded by Idaho's dairy farm families.

**Senator Schmidt** asked if the program advisors are paid. **Ms. Chase** said it is up to the schools if they pay the program advisors or not. The schools can give up to \$300 for a stipend to the advisors. Most of the schools do not pay the advisors.

**Chairman Corder** introduced **Bob Naerebout**, Executive Director of the Idaho Dairy Farmers' Association, who spoke about the dairy industry and its current status in the state.

**Senator Pearce** asked why there has been a lot of growth in dairies in the Magic and Treasure Valleys, but not Eastern Idaho. **Mr. Naerebout** said the weather conditions are not conducive to large dairies in the eastern portion of the state. Eastern Idaho dairies also have to ship their product to Salt Lake City for processing.

**Senator Pearce** asked how much raw product actually leaves the state. **Mr. Naerebout** replied that very little leaves the state. If it does have to leave the state as raw product, it is condensed, so three tankers worth of milk can be put into one tanker.

**Mr. Naerebout** said there is no specific Idaho cheese brand. Most of it is commodity cheese; one brand that uses a lot of Idaho cheese is Kraft.

**Chairman Corder** introduced **Rick Naerebout** to discuss the economic realities of the current dairy industry. **Mr. Naerebout** said in 2010, the average dairyman lost money. The first quarter of that year was the worst quarter. For the year 2011, the outlook is for break-even, or a little profit. There have been significant weather issues in other countries that will create more demand for Idaho dairy products. Feed costs have risen greatly along with dairy prices. The 45 cents a gallon tax credit that ethanol blenders are given hurts the farmers who use corn for feed.

**S1143**

**Relating to Dogs; to Provide for the Designation of Dangerous Dogs and At-Risk Dogs.** **Chairman Corder** introduced **Dr. Jeff Rosenthal**, Executive Director of the Idaho Humane Society.

**Dr. Rosenthal** said the Idaho Humane Society is the state's largest animal control agency. They are deputized throughout Ada County, which contains about 22% of Idaho's population. The Idaho Humane Society is not affiliated with the Humane Society of the United States. This legislation does not supersede any existing county ordinances, with one exception; specific breeds of dogs shall not be classified as vicious.

**Senator Nuxoll** asked if everyone who has a dog is required to buy a tag for the dog. **Dr. Rosenthal** said most counties require a dog license, but not all.

**Chairman Corder** introduced **Woody Richards**, of the Farm Bureau Mutual Insurance Company, who spoke in support of the bill with one exception. **Mr. Richards** said that his organization would prefer that production animal damages are held to equal the amount of damages, rather than two times.

**Senator Bock** said that if the damages are set at the actual amount, there are still the principles of tort law that apply so there could be punitive damages as well.

**Chairman Corder** introduced **Larry Sandusky**, President of the Idaho Brittany Club and Member of the Idaho Dog Coalition, who spoke in support of the bill. **Mr. Sandusky** said one of the benefits of this legislation is that it is behavior based and not breed based.

**Senator Vick** asked if this legislation will affect the Idaho Humane Society's financial condition. **Dr. Rosenthal** replied there should be a significant decrease in operating costs since the society will be able to hold a dog for five days instead of the current seven before they find them a new home. The workload would not change.

**MOTION:**

**Senator Bock** made a motion to send **S1143** to the 14th order to amend the amount of damages. **Senator Nuxoll** seconded. **Senator Siddoway** said that he has no issue with the amount of twice the damages. The motion carried by **Voice Vote**. **Senator Siddoway** voted no.

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Senator Corder  
Chairman

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Jo Ann Bujarski  
Secretary

AGENDA  
SENATE AGRICULTURAL AFFAIRS COMMITTEE  
8:00 A.M.  
Room WW53  
Tuesday, March 15, 2011

SUBJECT	DESCRIPTION	PRESENTER
	<b>PRESENTATION:</b> Changing Climate Conditions	Dr. Jen Pierce Department of Geosciences, BSU
<a href="#">S1085</a>	Domestic Cervidae	Senator Pearce
	Minutes of March 3, 2011	Senator Schmidt

***If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.***

COMMITTEE MEMBERS

Chairman Corder  
Vice Chair Smyser  
Sen Siddoway  
Sen Pearce  
Sen Hammond  
Sen Vick

Sen Nuxoll  
Sen Bock  
Sen Schmidt

COMMITTEE SECRETARY

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MINUTES  
**SENATE AGRICULTURAL AFFAIRS COMMITTEE**

**DATE:** Tuesday, March 15, 2011

**TIME:** 8:00 A.M.

**PLACE:** Room WW53

**MEMBERS PRESENT:** Chairman Corder, Vice Chairman Smyser, Senators Siddoway, Pearce, Hammond, Vick, Nuxoll, Bock, and Schmidt

**ABSENT/  
EXCUSED:**

**NOTE:** The sign-in sheet, testimonies, and other related materials will be retained with the minutes in the committee's office until the end of the session and will then be located on file with the minutes in the Legislative Services Library.

**Chairman Corder** called the meeting to order at 8 a.m.

**PRESENTATION:** **Chairman Corder** introduced **Dr. Jen Pierce**, Associate Professor, Department of Geosciences, Boise State University. **Dr. Pierce** introduced her colleagues, Dr. Kelly Cobourn, Dr. Elizabeth Aldrich, Matthew Wiggs and Dawn Jarrels.

**Dr. Pierce** spoke on the changing climate and how it affects Idaho Agriculture. There is more precipitation in the winter, and more of it is rain rather than snow.

**Senator Schmidt** asked if snow pack size is defined by water content or date. **Dr. Pierce** replied that it is when the final snow is melted and there is peak stream flow. The peak stream flow may begin happening earlier in the year which would be a problem for flood control and irrigation.

**Senator Pearce** asked how the state's extensive irrigation has affected the climate. **Dr. Pierce** said the irrigation has changed the near-surface effects of the water and has increased the humidity in local areas. There is not enough effect to create rain.

**Dr. Pierce** introduced Matt Wiggs, undergraduate student, who spoke on non-irrigated crop yields. Since there is less human intervention in these crops, climate change's affect on the crops is more obvious.

**Dr. Pierce** said the trees currently growing by Bogus Basin are hundreds of years old. If there was a fire there, the same type of tree would not grow there again due to climate change. **Senator Vick** asked how much the temperature would have to increase for the trees that currently exist by Bogus Basin to not regerminate. **Dr. Pierce** replied there is a distribution range for all species under which they are able to germinate. Spring precipitation and spring temperatures are most important for Ponderosa pine to germinate. If the temperatures in May and June are increased by as little as 1° F, the current trees may not grow again.

**Dr. Pierce** introduced **Dr. Elizabeth Aldrich**, Associate Professor of Public Policy and Administration, Boise State University who spoke on policy dimensions of greenhouse gas legislation.

**Senator Bock** asked if there are incentives in place for other areas of the world, such as rainforests, to keep their forests rather than harvesting them. **Dr. Aldrich** said because of ethanol tax credits, more and more rainforests are being cut for corn planting. Verification by third party organizations that countries and businesses are following the regulations adds to the costs of offsets as well, so it is more profitable for people to plant corn.

**Dr. Pierce** introduced **Dr. Kelly Cobourn**, who spoke on water scarcity.

**S1085**

**Relating to Domestic Cervidae.** **Chairman Corder** introduced **Senator Siddoway** who spoke on the Crosswalk document which shows the differences between the Pending Rules, current legislation and this legislation.

**Senator Siddoway** said that he has a conflict of interest as stated in Senate Rule 39H and he would like to take part in the discussion, but be recused from the vote.

**Chairman Corder** introduced **Senator Pearce** to speak on S1085. **Senator Pearce** said there is a desire in the elk industry to not only protect their industry, but to make other groups comfortable with the decisions they are making related to disease management. This bill provides for a risk assessment and requirements for elk that are imported from another state. This bill allows the elk industry to fund for their own inspections; where, in the past, the fees they have paid to the Department of Agriculture for inspections have not been enough to support the program.

**Chairman Corder** introduced **John Caywood**, of the Ada County Fish and Game League who spoke in opposition.

**Chairman Corder** introduced **Lloyd Oldenburg** who spoke in opposition.

**Chairman Corder** introduced **John Robison**, Public Lands Director of the Idaho Conservation League, who spoke in opposition.

**Senator Schmidt** asked if the regulations now state that 100% of the elk needs to be tested need to be tested for Chronic Wasting Disease (CWD). **Mr. Robison** said that was correct, but that level of testing is not being reached now.

**Chairman Corder** introduced **Mark Bell**, of the Idaho Sportsmens Caucus Advisory Council who spoke in opposition. **Mr. Bell** said the council held a vote of their membership on this legislation and the vote was unanimous vote to oppose.

**Senator Pearce** asked where is the closest infestation of wild elk with chronic wasting disease. **Mr. Bell** said Wyoming has chronic wasting disease in one domesticated farm herd and the wild animals have it already.

**Chairman Corder** introduced **Doug Schleis** of the Idaho Sportsmans Heritage Alliance, who spoke in opposition. **Mr. Schleis** said 106 elk have escaped from farms between 2007-2010. Nearly all of those escapes are from shooter bull operations. The percentage of animals not tested between 2007-2010 was 16-26%.

**Chairman Corder** introduced **David Miller**, Board Member of the Idaho Elk Breeders Association, who spoke in support. **Mr. Miller** said this bill does not eliminate testing, it merely reduces it for closed herds that are already compliant.

**Senator Schmidt** asked if the Elk Breeders Association would know if they had members who do not comply; and what would they do if they did know **Mr. Miller** said there is a code of ethics for the association, but the Department of Agriculture has the only records.

**Chairman Corder** introduced **Angela Rossman**, who spoke in opposition. **Ms. Rossman** said this legislation does not reflect current information across the nation and it doesn't reflect the scientific knowledge that is being attained when an outbreak occurs.

**Senator Pearce** said the brucellosis standards have been changed for beef due to their vigilance and the elk industry is a viable, responsible industry.

**Vice Chairman Smyser** asked if there is currently a good-faith effort being made to test as many elk as possible. **Senator Pearce** said the only ones that will not be tested regularly in the future will be small herds with a herd plan.

**Chairman Corder** mentioned an amendment is being offered that would change the word "may" to "shall" so herd plans must be created. The other piece of the amendment would add the words "in writing", so there is assurance the plans are written down. **Chairman Corder** asked if these changes would add more assurance to outsiders that the elk herds are being managed correctly. **Senator Pearce** yielded to Dr. Barton to determine if the word "shall" would cause additional work for the Department.

**Chairman Corder** introduced **Dr. Bill Barton**, State Veterinarian, Idaho Department of Agriculture. **Dr. Barton** said at this time it is difficult to say if this change would increase costs to the division. The herds that elect to fall under certified status would do everything they could to maintain the status, so record keeping issues should be minimal.

**Chairman Corder** asked if Dr. Barton will be able to advocate for the industry without the word "shall". **Dr. Barton** said anytime you are in an enforcement position, the more items that are in writing will help with the advocacy.

**MOTION:**

**Senator Nuxoll** made a motion to send **S1085** to the floor with a Do Pass recommendation. **Vice Chairman Smyser** seconded.

**SUBSTITUTE MOTION:**

**Senator Bock** made a substitute motion to Hold S1085 in committee. **Senator Schmidt** seconded.

**Senator Bock** said the fact that a disaster of any kind can happen means that eventually it will happen. The goal of the committee is to make sure this disaster can not happen. A good faith effort is not good enough. Once the wild herds are contaminated, they can not be made whole again.

**Senator Siddoway** said the domestic elk industry has tested literally thousands of animals in the twenty-five year history of the industry in the state. There was a herd depopulated in Salmon not because they had CWD, but because they came from a herd in Colorado that had at least one animal with CWD. There have been two other instances in the state with CWD, but not in elk. In other industries, when there is no incidence of the disease found in a herd within a certain period of time, the protocols are changed. This has been done with brucellosis and tuberculosis. CWD already exists in sheep, cattle, cats and dogs. There is no industry in the country that has been scrutinized like the elk industry, and the protocols should be relaxed. Currently, there is not complete testing due to the fact that many elk die and are not found in time for the testing to be done. The brain sample has to be a viable sample and if the animal has been dead for longer than a day, the sample is no longer viable. Most elk ranchers do what they need to do and do it correctly.

**Senator Siddoway** said he has no opinions on the potential amendments. If the requirements to export elk to another state are testing of 100%, the people who export their elk may not want to have any changes.

**Senator Schmidt** said this bill offers a carrot to those people who are already complying, but what happens to the people who don't comply. **Senator Siddoway** said in the existing rules, there are penalties that apply. If your operation chooses to do an agreement and it is not followed, then the existing rules say there will be monetary penalties.

**Senator Bock** said whether the rules are viable or not depends on what happens with this legislation. This legislation needs better penalties for those who do not comply.

**Senator Pearce** said S1085 does not affect the rules that are before the committee that do not have enforcement in them.

**ROLL CALL  
VOTE:**

The substitute motion failed 2-6. There were two ayes; Senators Bock and Schmidt and six nays; Chairman Corder, Vice Chairman Smyser, Senators Pearce, Hammond, Vick and Nuxoll. Senator Siddoway was recused from the vote.

**Chairman Corder** said he was disappointed the committee did not want to consider the amendments, which would have required each farm to have a unique, written plan.

**ROLL CALL  
VOTE:**

The original motion to send **S1085** to the floor with a Do Pass recommendation passed on a roll call vote of 5-3. There were five ayes: Vice Chairman Smyser, Senators Pearce, Hammond, Vick and Nuxoll. There were three nays: Chairman Corder, Senators Bock and Schmidt. Senator Siddoway was recused from the vote.

**MOTION:**

**Senator Schmidt** made a motion to approve the minutes of March 3, 2011. **Senator Nuxoll** seconded, and the motion carried by **Voice Vote**.

**Chairman Corder** adjourned the meeting at 10 a.m.

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Senator Corder  
Chairman

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Jo Ann Bujarski  
Secretary

**AMENDED #1 AGENDA  
SENATE AGRICULTURAL AFFAIRS COMMITTEE  
8:00 A.M.  
Room WW53  
Thursday, March 17, 2011**

<b>SUBJECT</b>	<b>DESCRIPTION</b>	<b>PRESENTER</b>
<a href="#"><u>H150</u></a>	Relating to CAFO's; To revise the definition of CAFO	Representative Stevenson
<a href="#"><u>H151</u></a>	Relating to Alfalfa and Clover Seed Commission	Representative Bolz
<a href="#"><u>H39</u></a>	Relating to Seed Crops	Dave Ogden, Idaho Department of Agriculture
<a href="#"><u>S1144</u></a>	Relating to Animal Care; to provide that local law enforcement agencies shall be responsible for administering specified law as it pertains to companion animals and to call on the local law enforcement division for aid	Senator Bert Brackett
<b>PRESENTATION</b>	Apple and Cherry Commissions	Candi Fitch Executive Director
	Minutes of March 1, 2011	Senator Bock
	Minutes of March 8, 2011	Senator Siddoway Senator Nuxoll

***If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.***

COMMITTEE MEMBERS

Chairman Corder	Sen Nuxoll
Vice Chair Smyser	Sen Bock
Sen Siddoway	Sen Schmidt
Sen Pearce	
Sen Hammond	
Sen Vick	

COMMITTEE SECRETARY

Jo Ann Bujarski  
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MINUTES  
**SENATE AGRICULTURAL AFFAIRS COMMITTEE**

**DATE:** Thursday, March 17, 2011

**TIME:** 8:00 A.M.

**PLACE:** Room WW53

**MEMBERS PRESENT:** Chairman Corder, Vice Chairman Smyser, Senators Siddoway, Pearce, Hammond, Vick, Nuxoll, Bock, and Schmidt

**ABSENT/  
EXCUSED:**

**NOTE:** The sign-in sheet, testimonies, and other related materials will be retained with the minutes in the committee's office until the end of the session and will then be located on file with the minutes in the Legislative Services Library.

**Chairman Corder** called the meeting to order at 8 a.m.

**H150** **Relating to CAFO'S; to revise the definition of CAFO. Chairman Corder** introduced **Representative Bert Stevenson**. **Representative Stevenson** said there were counties that had received applications for poultry facilities to be sited in their area. The state siting committee was asked to participate with the counties; however the facilities that were being considered were considerably smaller than the Department of Environmental Quality was authorized to regulate.

**Senator Siddoway** asked if the counties can regulate how many animals can be held in an area. **Representative Stevenson** replied the counties have that right and most of the county ordinances are considerably more restrictive than the state.

**Chairman Corder** said the dairies were already exempt for the fee because they have been paying their fees through the butterfat assessment. Are the beef cattle now included in that exemption. **Representative Stevenson** replied the beef people are paying the siting fee under brand inspection.

**Chairman Corder** introduced **Wally Butler**, Range and Livestock Specialist for the Idaho Farm Bureau, who spoke in support. **Mr. Butler** said this legislation deals only with the site suitability; the physical site itself is up to the counties.

**MOTION:** **Senator Bock** made a motion to send **H150** to the floor with a Do Pass recommendation. **Senator Pearce** seconded, and the motion carried by Voice Vote. **Senator Hammond** will be the floor sponsor.

**H151** **Relating to the Alfalfa and Clover Seed Commission. Chairman Corder** introduced **Benjamin Kelly**, Executive Director of the Idaho Alfalfa and Clover Seed Growers Association. **Mr. Kelly** said one of the changes in this legislation is to move the Idaho Alfalfa and Clover Seed Commission to the board of self-governing agencies, rather than under the Department of Agriculture because of the audit changes in last year's legislation. There is also a clarification and the appointment process of commission members was streamlined.

**Chairman Corder** introduced **Representative Darrell Bolz** to speak on the audit changes. **Representative Bolz** said there are some agencies in the Department of Agriculture that do audits on an annual or biannual basis as determined by the financial status of the agency and the recommendation for the Idaho Alfalfa and Clover Seed Growers Association was to move this organization to self-governing agencies.

**MOTION:** **Vice Chairman Smyser** made a motion to send **H151** to the floor with a Do Pass recommendation. **Senator Nuxoll** seconded, and the motion carried by Voice Vote. **Vice Chairman Smyser** will be the floor sponsor.

**H39** **Relating to Seed Crops.** **Chairman Corder** introduced **Dave Ogden**, Section Manager for Warehouse Control Program, Idaho State Department of Agriculture. **Mr. Ogden** said the seed indemnity fund was established to protect seed producers in the event a licensed seed buyer failed financially. The current legislation makes no minimum fund payments to producers for the use of contracts; this legislation will change that. This legislation does not compel anyone to use contracts, but encourages the use.

**Senator Hammond** asked who files a claim and why would one be filed. **Mr. Ogden** replied if a grower fails and can not complete the contract, within two years a claim can be filed with the seed indemnity fund for payment for the crop. The grower can be paid up to 90% of the value of his crop. It is an insurance program for the producers. The producer sells to a seed buyer who serves the function of a broker.

**MOTION:** **Senator Hammond** made a motion to send **H39** to the floor with a Do Pass recommendation. **Senator Nuxoll** seconded, and the motion carried by Voice Vote. **Senator Siddoway** will be the floor sponsor.

**S1144** **Relating to Animal Care.** **Chairman Corder** introduced **Senator Brackett** who said that currently the Department of Agriculture is responsible for the administration of the provisions of this chapter. The department cooperates with local law enforcement to investigate and develop cases for prosecution, when necessary. This legislation would make the Department of Agriculture responsible for production animals, in cooperation with local law enforcement. Local law enforcement would be responsible for companion animals. The department would assist as needed, primarily through education. This legislation clarifies the definition of production animals by adding "for other commercial activity, or to be sold for the use by another for such purpose". This legislation helps to define who is responsible for what.

**Chairman Corder** asked how many classes of animals are there. **Senator Brackett** said the animals are either production or companion animals. There is some grey area that would need to be determined by local law enforcement or the department on a case-by-case basis. This requires close cooperation between the two groups. The local law enforcement groups are the only ones who can prosecute. The department has averaged about \$100,000/year for the past three years for animal abuse investigations. There are approximately 400 calls on animal abuse a year that have to be investigated.

**Senator Bock** asked what is the objective of this legislation. **Senator Brackett** said this legislation relieves the department of investigating abuse claims of companion animals.

**Chairman Corder** said the original legislation more strictly defined companion and production animals and would have put all animals, including some horses, in the category of companion animals if they were not used in the production of food and fiber. **Senator Brackett** said there were concerned citizens who owned horses such as racehorses, cutters, others used for competition who did not want to be in the category of companion animals.

**Chairman Corder** said that many of the people who were upset about this legislation were confused about the definition of production animal; they thought it was tied to a production exemption.

**Chairman Corder** introduced **Bob Naerebout**, Executive Director of the Idaho Dairymen's Association and Chairman of the Food Producers Association Animal Issues Committee. **Mr. Naerebout** spoke in support of the bill; however the organizations would have liked the bill to go further.

**Senator Pearce** asked how the bill could have been changed. **Mr. Naerebout** said it is really the original question about horses; about 90% of the calls to the department on animal abuse are related to horses and about 90% of those are unfounded. The legislation from last year that failed clearly separated the horses into production or companion animals. The organized horse groups were concerned they would be targeted by the Humane Society of the US and other similar groups if they were put into the companion animal category.

**Chairman Corder** introduced **Wally Butler**, who spoke in support of the legislation. **Mr. Butler** said this issue has been worked on for 24-30 months and it has been a laborious process. **Mr. Butler** said the Farm Bureau was one of the groups that was in opposition to the original bill because the farm bureau's policy is for horses not to be classified as companion animals. This classification stance is because there is a policy to encourage horse processing plants being reinstated. The reinstatement of horse processing plants would allow the horses to be dealt with humanely. However, if horses are classified as companion animals, then people can be construed to be processing their pets.

**Senator Nuxoll** asked why legislation can't be brought for horse processing. **Mr. Butler** said that has been done repeatedly through statute and legislation. However, the federal government has taken away the funding for meat inspection. This is a federal issue, not a local issue.

**Chairman Corder** introduced **Wyatt Prescott**, Executive Vice President, Idaho Cattle Association, who spoke in support.

**MOTION:** **Senator Siddoway** made a motion to send **S1144** to the floor with a Do Pass recommendation. **Senator Hammond** seconded, and the motion carried by Voice Vote. **Senator Brackett** will be the floor sponsor.

**PRESENTATION:** **Chairman Corder** introduced **Candi Fitch**, Executive Director of the Idaho Apple Commission, Idaho Cherry Commission and Idaho Eastern Oregon Onion Association. The Idaho Apple Commission has five commissioners, three grower members and two handler members. The state is broken into three districts. The Idaho Cherry Commission also has five commissioners; three grower members and two handler members. The state is divided into two districts. Idaho is one of the largest onion growing areas in the nation. The crop is about 90% yellow onions, 5% red onions and 5% white onions.

**Chairman Corder** asked why the onion state ranking for price is low, but other rankings such as quantity are high. **Ms. Fitch** said sweet onions bring a higher price and the other states have more of those. New Mexico has a white onion that is only grown there, so that commands a higher price.

**Vice Chairman Smyser** asked what the workforce challenges are. **Ms. Fitch** said there are issues with keeping a legal workforce; the H2A Visa does not work for these industries, because growers cannot wait weeks in order to get employees.

**Senator Nuxoll** asked what the biggest issues are for the industry. **Ms. Fitch** said the biggest issues are transportation and labor. There are always issues with weather and disease, but they are expected. In the last few years labor has been lost to the construction industry since the wages are higher there.

**Senator Schmidt** asked for more information on the crop assessment. **Ms. Fitch** said both the producers and growers pay the crop assessment. The assessment is five cents per box for apples and \$20 a ton for cherries. Onions are 10 cents a hundredweight. The handlers are the ones who usually pay the assessments because they receive the money from the growers. Both apples and cherries are picked by hand.

**MOTION:** **Senator Bock** made a motion to approve the minutes of March 1, 2011. **Senator Siddoway** seconded, and the motion carried by Voice Vote.

**Senator Siddoway** made a motion to approve the minutes of March 8, 2011. **Senator Nuxoll** seconded, and the motion carried by Voice Vote.

**Chairman Corder** adjourned the meeting at 9:35 a.m.

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Senator Corder  
Chairman

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Jo Ann Bujarski  
Secretary

AGENDA  
SENATE AGRICULTURAL AFFAIRS COMMITTEE  
8:00 A.M.  
Room WW53  
Tuesday, March 22, 2011

SUBJECT	DESCRIPTION	PRESENTER
	Minutes of March 10, 2011	Senator Vick
<a href="#">H210</a>	Relating to the Right to Farm	Roger Batt Idaho Eastern Oregon Seed Association Dan Steenson Ringert Law

***If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.***

COMMITTEE MEMBERS

Chairman Corder  
Vice Chair Smyser  
Sen Siddoway  
Sen Pearce  
Sen Hammond  
Sen Vick  
Sen Nuxoll  
Sen Bock  
Sen Schmidt

COMMITTEE SECRETARY

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MINUTES  
**SENATE AGRICULTURAL AFFAIRS COMMITTEE**

**DATE:** Tuesday, March 22, 2011

**TIME:** 8:00 A.M.

**PLACE:** Room WW53

**MEMBERS PRESENT:** Chairman Corder, Vice Chairman Smyser, Senators Siddoway, Pearce, Vick, Nuxoll, Bock, and Schmidt

**ABSENT/ EXCUSED:** Senator Hammond

**NOTE:** The sign-in sheet, testimonies, and other related materials will be retained with the minutes in the committee's office until the end of the session and will then be located on file with the minutes in the Legislative Services Library.

**Chairman Corder** called the meeting to order at 8 a.m.

**H210**

**Relating to the Right to Farm.** **Chairman Corder** introduced **Roger Batt**, of the Idaho Eastern Oregon Seed Association, Coalition for Agriculture's Future, Idaho Mint Growers Association and Idaho's Grape and Wine Industry. **Mr. Batt** said agriculture is extremely critical to the survival of the state. Agriculture adds economic stability to the state; it employs 20% of Idaho's workforce. There are approximately 140 different commodities raised in the state.

**Mr. Batt** said H210 does not constitute a Takings of any kind. The Attorney General's Office published an opinion in February that states this legislation is constitutional. This legislation does not impair a local government's authority under planning and zoning. This bill does not protect an agricultural operation, facility or expansion of either from nuisance actions if the operation is negligent or acted improperly and impacts human health and safety.

**Mr. Batt** introduced **Dan Steenson**, Attorney with Ringert Law, Chartered. **Mr. Steenson** said all fifty states currently have a right to farm act. In considering changes to the current legislation, the caveat was made to be sure not to affect private property rights.

**Vice Chairman Smyser** asked for an example of improper activities. **Mr. Steenson** replied that a CAFO is regulated under State and Federal regulations and conditional use permits. If the CAFO is not meeting the requirements of those regulations, then it is acting improperly and not covered under this legislation.

**Senator Schmidt** asked for the definition of agricultural facilities; would that include a company that repairs agricultural equipment. **Mr. Steenson** said those are not included in the list; however the current definition is without limitation. A judge would have to determine that. Idaho Code Title 52 defines nuisance as "anything which is injurious to health or morals or is indecent or offensive to the senses or obstruction to the free use of property so as to interfere with the comfortable enjoyment of life or property." **Chairman Corder** said it appears an equipment dealer would more appropriately fit under a non-agricultural activity.

**Senator Pearce** asked if the words "..and adversely affects the public health and safety" in subsection 4, Section 1 is leaving a lot of room for interpretation. **Mr. Steenson** said it is not a separate consideration; there are actually two considerations which much be met.

**Senator Bock** asked if expansion being included in this legislation overrides local planning and zoning ordinances. **Mr. Steenson** said this statute and no other statute in the Right to Farm act affects local zoning ordinances. The scope is nuisance actions only. **Senator Bock** said he strongly disagrees with the interpretation.

**Chairman Corder** introduced **Dar Olberding** of the Idaho Grain Producers Association, who spoke in support of the legislation.

**Chairman Corder** introduced **Dennis Tanikuni**, of the Idaho Farm Bureau, who spoke in support.

**Chairman Corder** introduced **Ben Otto**, of the Idaho Conservation League, who spoke in opposition. **Mr. Otto** said this legislation would take away one tool that a small landowner may have if existing county ordinances do not already cover an issue.

**Senator Siddoway** said that in Section 4, the bill refers to improper and negligent operations and references the local authorities. Is there any protection with other levels of government to enforce standards. **Mr. Otto** said this legislation does not strip away local authorities' existing regulations; however, it does prevent new restrictions from being added.

**Chairman Corder** introduced **Drew Eggers**, who spoke in support.

**Chairman Corder** introduced **Claudia Haynes**, who spoke in opposition.

**Chairman Corder** introduced **Benjamin Kelly**, of the Idaho Hay and Forage Association, who spoke in support.

**Chairman Corder** introduced **Bob Naerebout**, Executive Director of the Idaho Dairymen's Association, who spoke in support.

**Senator Pearce** asked what is the difference between H166 and H210. **Mr. Steenson** said H166 had attorney's fees awarded to the producer if they won a nuisance lawsuit. That language was dropped in H210.

**Mr. Steenson** said the Right to Farm Act deals with nuisance claims only. It creates certain exceptions or identifies certain circumstances under which an agricultural operation is not to be deemed a nuisance. It does not affect federal, state or local laws that apply to the approval of the activity.

**MOTION:** **Vice Chairman Smyser** moved to send **H210** to the floor with a Do Pass recommendation. **Senator Nuxoll** seconded.

**ROLL CALL VOTE:** The motion passed with two nays: Senators Schmidt and Bock. There were six ayes, Senators Nuxoll, Vick, Pearce, Siddoway, Vice Chairman Smyser and Chairman Corder.

**MOTION:** **Senator Vick** made a motion to approve the minutes of March 10, 2011. **Senator Bock** seconded, and the motion carried by Voice Vote.

**Chairman Corder** adjourned the meeting at 9:25 a.m.

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Senator Corder  
Chairman

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Jo Ann Bujarski  
Secretary

AGENDA  
SENATE AGRICULTURAL AFFAIRS COMMITTEE  
8:00 A.M.  
Room WW53  
Thursday, March 24, 2011

<b>SUBJECT</b>	<b>DESCRIPTION</b>	<b>PRESENTER</b>
<a href="#"><u>H206</u></a>	Relating to Poultry, to Provide for the Poultry Environmental Act	Representative Stevenson
<a href="#"><u>H269</u></a>	Relating to Dairies, To Provide that Nutrient Management Plans and all Information Generated by Dairies as a Result of such Plans shall be deemed to be Trade Secrets	Representative Boyle
<a href="#"><u>H270</u></a>	Relating to Rulemaking by the Director of the Idaho Department of Agriculture	Representative Patrick

***If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.***

COMMITTEE MEMBERS

Chairman Corder  
Vice Chair Smyser  
Sen Siddoway  
Sen Pearce  
Sen Hammond  
Sen Vick  
Sen Nuxoll  
Sen Bock  
Sen Schmidt

COMMITTEE SECRETARY

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MINUTES  
**SENATE AGRICULTURAL AFFAIRS COMMITTEE**

**DATE:** Thursday, March 24, 2011

**TIME:** 8:00 A.M.

**PLACE:** Room WW53

**MEMBERS PRESENT:** Chairman Corder, Vice Chairman Smyser, Senators Siddoway, Pearce, Hammond, Vick, Nuxoll, Bock, and Schmidt

**ABSENT/  
EXCUSED:**

**NOTE:** The sign-in sheet, testimonies, and other related materials will be retained with the minutes in the committee's office until the end of the session and will then be located on file with the minutes in the Legislative Services Library.

**Chairman Corder** called the meeting to order at 8 a.m.

**H206**

**Relating to Poultry, Environmental Act. Chairman Corder** introduced **Representative Stevenson**. **Representative Stevenson** said this is a transfer of poultry regulation from DEQ to ISDA. Both groups have been involved in the development of this legislation. Any poultry farm smaller than 82,000 chickens is not regulated by DEQ, so currently they are not regulated at all. Poultry will use a square-foot assessment of three cents, rather than a per animal assessment.

**Senator Schmidt** asked how the square foot for the assessment is defined. **Representative Stevenson** said it will be the size of the facility the poultry are housed in.

**Senator Siddoway** asked if rules will be set that defines how much square feet is needed for the poultry. **Representative Stevenson** said it will be set in the rules and they will use the standards for best management practices.

**Senator Pearce** asked how many employees of DEQ are involved in overseeing the poultry industry now and will they and the money for that function go to the ISDA. **Representative Stevenson** said currently DEQ is not using any money because there have been no rules created in DEQ. Their legal department helped make this transfer. The three cents per square foot assessment will be to fund the management for ISDA. The \$10,000 fine is standard for all Department of Agriculture penalties.

**Senator Hammond** asked if the three cents/square foot assessment is due to a limitation of chickens per square foot, so that will be an equalizer in fees. **Representative Stevenson** replied that is correct. The amount of chickens per square foot depends on the type of facility, such as brooder or laying facility. The assessment will allow this program to pay for itself.

**Senator Pearce** asked how large the poultry business is in Idaho. **Representative Stevenson** replied there is an interest in Magic Valley and Jerome County for new facilities. It is a growing industry, but they are stymied because there is no one who can sign off on permits.

**Chairman Corder** introduced **Wally Butler**, Range and Livestock Specialist with the Idaho Farm Bureau who spoke in support.

**Chairman Corder** introduced **Kate Haas**, of Central Coast Farms, who spoke in support.

**Chairman Corder** introduced **Alma Hasse**, Executive Director of ICARE, who spoke in opposition. **Ms. Hasse** said poultry CAFO's are contract growing operations, they are not small family farms.

**Senator Siddoway** asked what the difference is between a single proprietorship doing the same things the same way as a corporation. **Ms. Hasse** replied she and her husband have two for-profit businesses, both corporations. The business decisions are made by them, not a board of shareholders.

**Representative Stevenson** said DEQ does not currently regulate the poultry CAFO's that are in the state, because they are not large enough to be under DEQ's regulations.

**MOTION:**

**Vice Chairman Smyser** made a motion to send H206 to the floor with a Do Pass recommendation. **Senator Hammond** seconded.

**Senator Schmidt** said there are many agencies that regulate and advocate for a certain industry and they regulate themselves very well.

Motion carried by Voice Vote. **Chairman Corder** will be the floor sponsor.

**H269**

**Relating to Dairies; To Provide that Nutrient Management Plans and all Information Generated by Dairies as a Result of Such Plans shall be deemed to be Trade Secrets.** **Chairman Corder** introduced **Representative Boyle**. **Representative Boyle** said any violations either of law or rule would not be private and not be exempt under this legislation.

**Senator Schmidt** said since this was business or trade information, why wouldn't the number of cows and replacement cows be redacted as well. **Representative Boyle** said it should be private information; however, the public and counties want to know to understand how much manure is produced to be sure the CAFO is in compliance with the permits.

**Chairman Corder** introduced **Brent Olmstead**, Executive Director of the Milk Producers of Idaho, who spoke in support.

**Senator Vick** said there have been emails received that say if there is no visibility to NMP, then there could be poisons in the milk because there is no way to find what the cow is being fed. **Mr. Olmstead** said that is incorrect; all milk is tested through FDA requirements and if it fails the test, it is disposed of.

**Chairman Corder** introduced **Wally Butler**, Range and Livestock Specialist with the Idaho Farm Bureau, who spoke in support.

**Chairman Corder** introduced **Roger Batt**, Vice President of the Food Producers of Idaho, who spoke in support.

**Chairman Corder** introduced **Alma Hasse**, Executive Director of ICARE, who spoke in opposition.

**Senator Pearce** said in our society today we are in serious trouble because we have regulated ourselves almost out of business. Businesses are leaving this country because of the regulations we have placed on them. This country needs to understand what is important and that is jobs. This industry should be given the same abilities that we give other industries, such as the right to have trade secrets.

**Chairman Corder** introduced **Bob Naerebout**, Executive Director of the Idaho Dairymen's Association, who spoke in support.

**Senator Schmidt** said the redacted areas on the example describe fields and sometimes that information is needed to test well water. How often is the well water tested. **Mr. Naerebout** replied there is continual testing of well water, both by DEQ and ISDA. There is also a requirement to meet the pasturized milk ordinance that wells are tested for bacteria.

**Chairman Corder** introduced **Claudia Haynes**, who spoke in opposition.

**MOTION:**

**Senator Siddoway** made a motion to send **H269** to the floor with a Do Pass recommendation. **Senator Pearce** seconded, and the motion carried by Voice Vote.

**H270**

**Relating to Rulemaking by the Director of the Idaho Department of Agriculture.** **Chairman Corder** introduced **Representative Patrick**. **Representative Patrick** said this legislation has no new rulemaking authority granted; however it sets standards for stringency, best standards and best science. Notice will have to be given to the public and the legislature when rules are created that are more stringent than federal law.

**Senator Nuxoll** asked how this is different than the usual rulemaking.

**Representative Patrick** said that current rulemaking can be a compromise and not based on science. Rulemaking is an attempt to determine the intent of the legislators. The science that is used is peer-review. Sometimes in legislation there are decisions made to do something in one way, but peer science shows it cannot be done that way.

**Chairman Corder** introduced **Brent Olmstead**, Executive Director of the Milk Producers of Idaho, who spoke in support.

**Chairman Corder** introduced **Wally Butler**, Range and Livestock Specialist with the Idaho Farm Bureau, who spoke in support.

**Chairman Corder** introduced **Roger Batt**, Vice President of the Food Producers of Idaho, who spoke in support.

**Chairman Corder** introduced **Claudia Haynes**, who spoke in opposition.

**Chairman Corder** introduced **Rick Waitley**, President of Food Producers of Idaho, who spoke in support.

**Chairman Corder** introduced **Wyatt Prescott**, Executive Vice President of the Idaho Cattle Association, who spoke in support.

**Chairman Corder** introduced **Bob Naerebout**, Executive Director of the Idaho Dairymen's Association, who spoke in support. **Mr. Naerebout** said the ISDA was involved in this legislation. The Director believes it is the job of the department to implement policy, not create it.

**MOTION:**

**Senator Pearce** made a motion to send **H270** to the floor with a Do Pass recommendation. **Vice Chairman Smyser** seconded, and the motion carried by Voice Vote. **Chairman Corder** will be the floor sponsor.

**Chairman Corder** adjourned the meeting at 9:25 a.m.

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Senator Corder  
Chairman

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Jo Ann Bujarski  
Secretary

**AMENDED #1 AGENDA**  
**SENATE AGRICULTURAL AFFAIRS COMMITTEE**  
**8:00 A.M.**  
**Room WW53**  
**Tuesday, March 29, 2011**

<b>SUBJECT</b>	<b>DESCRIPTION</b>	<b>PRESENTER</b>
	Thank You To Dairy Owners	Senator Corder
<a href="#"><u>H280</u></a>	Relating to Farm Equipment	Representative Patrick
<b>PRESENTATION:</b>	Idaho Beef Council	Traci O'Donnell Executive Director
	Idaho Association of Soil Conservation Districts	Bret Rumbeck Executive Director
<a href="#"><u>S1199</u></a>	Relating to Cooperative Marketing Associations	Senator Hill
	Minutes Approval of March 15, 2011	Senator Siddoway

***If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.***

COMMITTEE MEMBERS

Chairman Corder  
Vice Chair Smyser  
Sen Siddoway  
Sen Pearce  
Sen Hammond  
Sen Vick  
Sen Nuxoll  
Sen Bock  
Sen Schmidt

COMMITTEE SECRETARY

Jo Ann Bujarski  
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MINUTES  
**SENATE AGRICULTURAL AFFAIRS COMMITTEE**

**DATE:** Tuesday, March 29, 2011

**TIME:** 8:00 A.M.

**PLACE:** Room WW53

**MEMBERS PRESENT:** Chairman Corder, Vice Chairman Smyser, Senators Siddoway, Pearce, Hammond, Vick, Nuxoll, Bock, and Schmidt

**ABSENT/  
EXCUSED:**

**NOTE:** The sign-in sheet, testimonies, and other related materials will be retained with the minutes in the committee's office until the end of the session and will then be located on file with the minutes in the Legislative Services Library.

**Chairman Corder** called the meeting to order at 8 a.m.

**Chairman Corder** introduced **Mike Siegersma** and presented him with a thank you card on behalf of the committee for allowing them to visit his dairy.

**Chairman Corder** introduced **Don Johnson**, President of the Idaho Grange Association, who introduced **Ed Luttrell**, President of the National Grange Association.

**H280**

**Relating to Farm Equipment.** **Chairman Corder** introduced **Representative Patrick**, who said this bill was originally H134, but there were changes made to it. This is a compromise bill. **Representative Patrick** introduced **Ron Moore**, President of Pacific Northwest Hardware and Implement Association.

**Mr. Moore** said this legislation is necessary because in litigation, the manufacturer can ask for a change of venue to a state other than Idaho. That would cause the local dealer a lot of time and money to defend the suit. There are buyback provisions now; however there is no time limit in order for those to be settled. It can take up to two years for a manufacturer to pay the dealer.

**Senator Siddoway** asked why the penalties are so high. **Mr. Moore** said at the current time, there are no penalties for violations. The new penalties are consistent with Title 6, Chapter 16. If there are no penalties, there is no reason for either party to follow the regulations. The only recourse for the disputes is to go to court.

**Mr. Moore** said these particular contracts are called "adhesion contracts", which mean that one party has more influence over the other party. In this case, if a dealer would like to sell a particular manufacturer's equipment, they have to sign the contract that is given them. There is no negotiation of the contract between the two parties. This legislation helps balance the playing field.

**Senator Schmidt** asked how the expansion of the definition of farm implement to include equipment will affect dealers. **Mr. Moore** said there is not a specific supplier exempt from this legislation; the criteria outlined in the bill must be met for exemptions. Companies like Home Depot and Ace are not included because they are not primarily engaged in the retail sale of equipment.

**Chairman Corder** asked if the organization is content with the scope of this legislation, or would more bills be brought at a later time. **Mr. Moore** said changes are made based on the direction of the industry. There has been legislation brought in 1975, 1995, 2005 and this year.

**Chairman Corder** introduced **Doug Burks**, of Burks Tractor, who spoke in support of H280. **Mr. Burks** said when two parties dissolve a relationship, there are oftentimes lawsuits. The manufacturer requests a venue change to their home state or to the state of incorporation, which causes a lot of additional costs to the dealer in Idaho.

**Chairman Corder** introduced **Ed Schlofman** of Schlofman Tractor, who spoke in support of this bill. **Mr. Schlofman** said there can be buyback agreements, but it can take up to two years before the dealer receives the money. This bill changes the time allowed for a buyback to be 90 days.

**Senator Siddoway** asked for more explanation of the definition of used equipment. **Mr. Schlofman** said demonstrated equipment was considered used for buyback purposes, but now it is considered new. Rented equipment is not considered used either because it has not been retailed.

**Chairman Corder** introduced **Randy Stewart** of Mountain View Equipment, who spoke in support of H280. **Mr. Stewart** said when a supplier starts to sell a particular manufacturer's equipment, they need to build facilities and hire employees and are completely reliant on the manufacturer for their business.

**Chairman Corder** introduced **Stefani Miller** of Case New Holland, who spoke in opposition of this bill.

**Senator Schmidt** asked for an estimate of how many manufacturers would meet the exemption. **Ms. Miller** said two manufacturers in Idaho would qualify.

**Chairman Corder** introduced **John Watts**, of behalf of the Association of Equipment Manufacturers, who spoke in opposition to H280. **Mr. Watts** said there are small manufacturers and they are not taken into consideration when the venue is stated to be in Idaho. The Association has not been involved in the creation of this legislation.

**Senator Bock** said the manufacturers are larger than the dealers here, why should they choose the venue. **Mr. Watts** said the courts decide now and that is appropriate.

**Mr. Watts** said this bill should be held until all parties are at the table and the legislature should not be forced to be the referee for these disputes.

**Chairman Corder** introduced **Beverly Heird** of John Deere who said they were neutral on the legislation. **Ms. Heird** said there is similar legislation in Wyoming and Nevada. The exclusion is \$25 million is being introduced in Oklahoma, Pennsylvania and Texas. This bill represents a compromise. The partnership between manufacturer and dealer cannot work without each party. John Deere has to use the same contract from state to state because the government stipulates a standard contract.

**Representative Patrick** said more fairness creates competition which helps those who purchase equipment. Contracts of adhesion are signed every year in the farming industry as well. However, the farmers have the choice to raise a different crop, while dealers cannot change who they work with as easily.

**Chairman Corder** said there were two provisions the small dealers wanted, the 90-day buy back provision and the venue being the state of Idaho. How did the other issues that are mentioned end up in the bill. **Representative Patrick** said the dealers had many issues and some have been negotiated out.

**MOTION:**

**Senator Siddoway** made a motion to send **H280** to the floor with a Do Pass Recommendation. **Senator Bock** seconded. **Senator Bock** said the manufacturers are dealing with the same statutes in other states, so there is no reason for Idaho not to have this protection for the dealers. The motion carried by Voice Vote.

**Chairman Corder** asked if there was someone who would like to carry this legislation. **Representative Patrick** said Senator Mortimer was involved with the creation of this bill, but was not able to attend. **Senator Bock** will be the floor sponsor.

**S1199** **Relating to Cooperative Marketing Associations.** **Chairman Corder** acknowledged **Senator Hill**. **Senator Hill** said this legislation adds more language from the Capper/Volstead Act, which deals with agriculture subsidies.

**Chairman Corder** asked why the year 2000 was used in the emergency clause. **Senator Hill** said that is the year this original legislation was created.

**MOTION:** **Vice Chairman Smyser** made a motion to send **S1199** to the floor with a Do Pass Recommendation. **Senator Hammond** seconded, and the motion carried by Voice Vote. **Senator Hill** will be the floor sponsor.

**PRESENTATION:** **Chairman Corder** introduced **Traci O'Donnell**, Executive Director of the Idaho Beef Council. **Ms. O'Donnell** said the beef check-off per cow is \$1.50. It was \$1 until 2009, when an additional .50 was added. Last year's total was \$2.24 million, which is down 7% from the year before.

**Chairman Corder** introduced **Bret Rumbeck**, Executive Director of the Idaho Association of Soil Conservation Districts. In March of 1939, Idaho passed the first Soil Conservation District Law. There are now fifty conservation districts.

**MOTION:** **Senator Siddoway** made a motion to approve the minutes of March 15, 2011. **Senator Pearce** seconded, and the motion carried by Voice Vote.

**Chairman Corder** adjourned the meeting at 9:35 a.m.

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Senator Corder  
Chairman

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Jo Ann Bujarski  
Secretary

**AMENDED #1 AGENDA**  
**SENATE AGRICULTURAL AFFAIRS COMMITTEE**  
**8:00 A.M.**  
**Room WW53**  
**Thursday, March 31, 2011**

<b>SUBJECT</b>	<b>DESCRIPTION</b>	<b>PRESENTER</b>
<b>PAGE</b>		
<b>PRESENTATION:</b>	Paxten Christensen	Senator Corder
<b>02.04.19</b>	Rules Governing Domestic Cervidae	Senator Corder
<b>PRESENTATION:</b>	Grape Growers and Wine Producers	Moya Schatz
	Minutes of March 17, 2011	Senator Schmidt
	Minutes of March 22, 2011	Senator Nuxoll
	Minutes of March 24, 2011	Senator Hammond

***If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.***

COMMITTEE MEMBERS

Chairman Corder  
Vice Chair Smyser  
Sen Siddoway  
Sen Pearce  
Sen Hammond  
Sen Vick  
Sen Nuxoll  
Sen Bock  
Sen Schmidt

COMMITTEE SECRETARY

Jo Ann Bujarski  
Room: WW31  
Phone: (208) 332-1330  
email: [jbujarski@senate.idaho.gov](mailto:jbujarski@senate.idaho.gov)

MINUTES  
**SENATE AGRICULTURAL AFFAIRS COMMITTEE**

**DATE:** Thursday, March 31, 2011  
**TIME:** 8:00 A.M.  
**PLACE:** Room WW53  
**MEMBERS PRESENT:** Chairman Corder, Vice Chairman Smyser, Senators Siddoway, Vick, Nuxoll, Bock, and Schmidt  
**ABSENT/ EXCUSED:** Senators Pearce and Hammond  
**NOTE:** The sign-in sheet, testimonies, and other related materials will be retained with the minutes in the committee's office until the end of the session and will then be located on file with the minutes in the Legislative Services Library.

**Chairman Corder** called the meeting to order at 8 a.m.

**Chairman Corder** presented a thank you gift to the page, **Paxten Christensen**, for all her work in the second half of the session.

**02.04.19-1001** **Rules Governing Domestic Cervidae.** **Chairman Corder** said the committee postponed a decision on these rules until S1085 was decided.

**Senator Bock** asked what the choices are for the rules. **Chairman Corder** said if these rules are not approved, then the Department of Agriculture will have to write new rules in regards to the new statute and use the rules that are in existence now. The statute will trump the rules. The committee can accept or reject parts of the rules, not just the entire rule.

**MOTION:** **Vice Chairman Smyser** made a motion to conform to the House rejection of the rules by rejecting 010.34-Individual Herd Plan; 010.44-Ranch Management Plan; Section 209-Ranch Management Plan; and the changes to Section 505-Duration of CWD Quarantine. **Senator Nuxoll** seconded, and the motion carried by Voice Vote. Chairman Corder, Senators Schmidt and Bock voted no.

**PRESENTATION:** **Chairman Corder** introduced **Moya Schatz**, Executive Director of the Idaho Grape Growers and Wine Producers. Ms. Schatz said wine sales are up this year over the same time last year. There were three new wineries created in 2010.

**MOTION:** **Senator Schmidt** made a motion to approve the minutes of March 17, 2011. **Senator Siddoway** seconded, and the motion carried by Voice Vote.

**Senator Nuxoll** made a motion to approve the minutes of March 22, 2011. **Senator Bock** seconded, and the motion carried by Voice Vote.

**Senator Bock** made a motion to approve the minutes of March 24, 2011. **Senator Siddoway** seconded, and the motion carried by Voice Vote.

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Senator Corder  
Chairman

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Jo Ann Bujarski  
Secretary

AGENDA  
**SENATE AGRICULTURAL AFFAIRS COMMITTEE**  
8:00 A.M.  
Room WW53  
Tuesday, April 05, 2011

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SUBJECT	DESCRIPTION	PRESENTER
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NO COMMITTEE MEETING SCHEDULED

NEXT COMMITTEE MEETING SCHEDULED AT  
THE CALL OF THE CHAIR

***If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.***

COMMITTEE MEMBERS

Chairman Corder  
Vice Chair Smyser  
Sen Siddoway  
Sen Pearce  
Sen Hammond  
Sen Vick  
Sen Nuxoll  
Sen Bock  
Sen Schmidt

COMMITTEE SECRETARY

Jo Ann Bujarski  
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email: [jbujarski@senate.idaho.gov](mailto:jbujarski@senate.idaho.gov)

MINUTES  
**SENATE AGRICULTURAL AFFAIRS COMMITTEE**

**DATE:** Tuesday, April 05, 2011

**TIME:** 8:00 A.M.

**PLACE:** Room WW53

**MEMBERS PRESENT:** Chairman Corder, Vice Chairman Smyser, Senators Siddoway, Pearce, Hammond, Vick, Nuxoll, Bock, Schmidt

**ABSENT/  
EXCUSED:**

**NOTE:** The sign-in sheet, testimonies, and other related materials will be retained with the minutes in the committee's office until the end of the session and will then be located on file with the minutes in the Legislative Services Library.

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Senator Corder  
Chairman

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Jo Ann Bujarski  
Secretary