

MINUTES
SENATE AGRICULTURAL AFFAIRS COMMITTEE

DATE: Thursday, February 09, 2012

TIME: 8:00 A.M.

PLACE: Room WW53

MEMBERS PRESENT: Chairman Siddoway, Vice Chairman Smyser, Senators Corder, 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 Siddoway called the meeting to order at 8:00 a.m.

MINUTES: The Committee considered the minutes of the Agricultural Affairs Committee Meeting from February 2, 2012.

MOTION: **Senator Schmidt** moved, seconded by **Vice Chairman Smyser**, to approve the minutes of February 2, 2012. Motion carried by **voice vote**.

RS 21163C1 **Chairman Siddoway** passed the gavel to **Vice Chairman Smyser** so he could approach the podium to present RS21163C1, relating to the control of depredation of wolves.

Chairman Siddoway began his statement by declaring his conflict of interest, as he is a sheep rancher and has personally suffered losses the past several years. **Chairman Siddoway** said he has suffered \$30,000 to \$50,000 in losses to wolves over the past three years in his company and this bill is a result of those losses. **Chairman Siddoway** met with a group of eight County Commissioners who told him that the monies that come from the federal government through the Office of Species Conservation for Idaho is \$100,000. There were submissions of over \$500,000 for losses of verified kills for those monies. So there was about 20 cents on the dollar payment available, and some losses were not paid at all.

Chairman Siddoway outlined the proposal, showing it has two sections that say virtually the same thing. One section he called a "hot pursuit" section, in which one has 36 hours from the time a loss is suffered to go after the wolves with any means available to kill them. After the 36 hour time line has ended, then a permit from Department of Fish and Game would be required for any further pursuits.

Chairman Siddoway explained that currently, anyone who suffers a loss has to get a permit that is commonly valid for 60 days, which can sometimes be extended. So 60 days after the permit is issued, one can still go out and hunt the wolves. What this bill really does is ask for the use of tools that are currently not legal to use.

For example, aerial hunting of predators is currently only permitted for coyotes and foxes. Wolves are considered a "big game" animal and cannot be hunted aerially. **Chairman Siddoway** said the law needs to be changed, asking for permission to do aerial hunting and that any weapon be used.

He said the proposal also asks for permission to use artificial light, because most losses occur between 2:00 a.m. and 3:00 a.m. when sheep herders are out with a water truck and a flash light, and often in an area where the truck cannot go very far. Most losses occur where there are not roads. With this proposal, night scopes on rifles would be allowed. It would also allow the use of live bait.

He said of course the intent is not to have the wolves attack the live bait, because a corral with a high fence of at least four feet would be constructed, and traps placed around it to catch the wolves before they attack. Currently trapping of wolves is allowed in Idaho, but only north of the Salmon River. Trapping is currently not allowed in southern, eastern or western Idaho.

Vice Chairman Smyser asked what is used for live bait. **Chairman Siddoway** answered that in his case, he would build a corral about 80 feet by 100 feet with a few sheep in the corral surrounded by traps, so when the wolf pack comes, they'll circle the corral and get in the traps. He stated other people might use a dog to draw the wolves in, noting this is not a "cruelty deal" because there is no intended harm to the dog. The intent is that keeping the dog fat and happy to bark and whine will then attract the wolves so the wolves can be shot.

Chairman Siddoway noted there was some concern that this proposal might jeopardize the de-listing or add flame to the fire that some pro-wolf groups might get more signatures for petitions. When one applies for a permit from the Department of Fish and Game, they may not give a permit at all if the wolf population has been in decline, or they could give permission to take out a whole pack. **Chairman Siddoway** said in reality, he's been hunting wolves really hard for three years and hasn't even shot one, nor even seen one, so they need the tools to help protect their private property.

Senator Corder moved, seconded by **Senator Nuxoll**, to print RS21163C1. Motion carried by **voice vote**. **Chairman Siddoway** asked that the record show that he recused himself and did not vote on this motion.

Vice Chairman Smyser returned the gavel to **Chairman Siddoway**.

RS20915

Chairman Siddoway introduced **Senator Corder** to present RS20915, relating to minimum standards and definitions of a "dangerous" dog. **Senator Corder** stated this legislation passed the Senate with significant majority last year and found some corrections in the House and that the issues were resolved over the summer.

MOTION:

Senator Pearce moved, seconded by **Vice Chairman Smyser**, to print RS20915. Motion carried by **voice vote**.

RS21216

Chairman Siddoway introduced **Stan Boyd**, with Idaho Cattle Association and Idaho Wool Growers Association, to present RS21216, relating to provisions for cruelty to animals. **Mr. Boyd** said the proposal would create a felony for a third offense within a 15 year time period, and the definition is very narrow and clearly defined. He pointed out in Idaho Statute 25-3503 that poisoning of an animal is already a first-offense felony, penalized with a fine and imprisonment and this new proposal does not affect that.

The definition is narrow, affecting only part (a) of section 5 of Idaho Code 25-3502. Parts (b), (c), (d), and (e) are not included. **Mr. Boyd** also noted that in this proposal, each violation is one violation regardless of the counts. For example, if three dogs are in a trailer that overheated, the conviction would only be one count, not three. Dogs in agriculture are exempt as well.

MOTION:

Senator Corder moved, seconded by **Senator Hammond** to print RS21216. Motion carried by **voice vote**.

RS21198

Chairman Siddoway introduced **Dar Olberding** to present RS21198, relating to the Barley Commission, but **Senator Corder** announced that he would handle this proposal. He said that he hopes RS21198 will be printed, but that's as far as it is intended to go and that this is a good process. **Senator Corder** pointed out the Committee last week worked on a bill with changes for the Wheat Commission, and this is an effort to do likewise for the Barley Commission. He stated this is an effort to start the conversation so there can be legislation next year.

MOTION: **Senator Hammond** moved, seconded by **Senator Schmidt**, to print RS21198. Motion carried by **voice vote**.

H412 **Chairman Siddoway** introduced **Roger Batt** to present H412, relating to the Idaho Grape Growers and Wine Producers Commission. **Mr. Batt** began by outlining the impact the Idaho Grape and Wine Industry has on the Idaho economy, noting there are 42 wineries and about 1,600 acres of grapes produced in the state, with a growing interest in Table Grape production, as well.

He said this bill was drafted to allow the Idaho Grape and Wine Commission the statutory authority to fully promote Idaho grape products. He noted that Commission and Industry business owners have expressed that the Industry is currently missing out on numerous opportunities for expansion, growth and new potential markets, and this bill would improve that and further stimulate their business and economy. Supporting documents related to this testimony have been archived and can be accessed in the office of the Committee Secretary. (See Attachment #1)

MOTION: **Senator Hammond** moved, seconded by **Vice Chairman Smyser** to send H412 to the floor with a do pass recommendation. Motion carried by voice vote. **Vice Chairman Smyser** will carry the bill on the floor.

RS21149 **Chairman Siddoway** presented RS21149, relating to rules governing the importation of animals, specifically domestic cervidae. **Chairman Siddoway** began the discussion by declaring his conflict of interest, as he has a cervidae ranch and part of his income is derived from that ranch. He acknowledged that there was concern about this issue needing more time for consideration by the Committee and any other interested parties, which is the reason for this hearing. He said there is typically not "testimony" for an RS, but as this is a Concurrent Resolution, this is the only chance to have testimony on this bill in this chamber. **Dr. Bill Barton**, Administrator for Division of Animal Industries, Idaho State Department of Agriculture, State Veterinarian, is here again to answer questions.

Chairman Siddoway outlined the difficulties that hunting ranches and breeding ranches experience when importing cervidae because of the requirement for brucellosis vaccination and flukicide treatment on a tight timeline. Because of the timing of the treatments, there is only one day that one can actually legally import the animals into the state of Idaho, and that has put the Department of Agriculture in a difficult situation. The process is onerous for elk breeders who have to get the flukicide done, wait the appropriate time frame, then do the brucellosis testing, and that leaves one day, prior to the 30 days, to import.

Chairman Siddoway said another of the many problems associated with these requirements is putting the animals in the chute an additional time, because every time they go in the chute, something bad happens, which is just part of the industry.

Chairman Siddoway said the process has put the Department in a pickle because they try to work with the producers to allow a time frame wide enough where they can treat the animals for flukes but still be within their 30 day time period for the brucellosis test. Some importers complained enough that the Department said it would expand the dates by fifteen days instead of thirty days. **Chairman Siddoway** said when they do that, they are allowing something outside of the rule, and it shouldn't be that way, and it creates a problem.

This rule has been on the books for four years and this past year was the first time the parasiticide enforcement has been an issue. **Chairman Siddoway** said he thought a Concurrent Resolution would be the easiest way to fix the problem, and explained that no one was trying to "get away with a quick one," pointing out that the timing of the rulemaking process makes it difficult to make the needed changes in time for the next round of imports.

Chairman Siddoway said the Department suggested, and he agreed, that the easiest solution would be to just do away with this rule, if there isn't an industry concern that cattle or sheep will pick up the liver flukes, or concern of an infestation in wildlife, since there are already parasites in wildlife.

Senator Corder explained the way he has been instructed to correct a rule by way of concurrent resolution is to introduce it as a regular RS and send it to print, so it appears there would be another opportunity for testimony if this issue is handled that way, such that others in the industry who have a similar concern may be heard.

Senator Corder asked if the original rule came about because of industry request. **Chairman Siddoway** answered yes, that is correct. **Senator Corder** asked if it would then be prudent to protect **Chairman Siddoway's** personal interests to have an opportunity for industry, and "not just **Senator Siddoway**" to come back and ask for this rule to be taken away, because **Senator Corder** says he's not convinced, even though he believes **Chairman Siddoway** has a valid request. **Senator Corder** said he'd like to have it be discussed openly and publicly.

Senator Schmidt asked about the rule being put in place at the request of industry four or five years ago, saying that he needs to understand the process and what was responded to at that time. He said he does understand what is being requested now.

Chairman Siddoway invited Dr. Barton to the podium and asked him to make sure what he's saying is correct. **Chairman Siddoway** said five or six years ago, a breeder in Montana imported about 80 to 100 elk that had a real infestation of liver fluke, and those animals started dying. That rancher had hired other guys to take care of the animals, so they were very slow about posting the deaths. They finally got a few over to the Center, and it was an easy diagnosis of liver flukes, because the flukes are big, like a silver dollar.

Chairman Siddoway said the elk producers were already in the process of negotiated rulemaking at the time, as an ongoing process in the industry, so they put the parasiticide rule in to protect the industry and make sure it was getting done, and everyone was fine with that. **Chairman Siddoway** said he didn't know if there was a change in personnel at the Department or if they weren't asking for verification, **Chairman Siddoway** said his first conflict with the rule was last year when he ran out of bulls and had to go to Canada to get more. The rule was being enforced and it stopped his process of getting the bulls.

Dr. Barton and the Department did what they could to facilitate the importation of those animals, bending the rules for several producers, and he doesn't want the Department in that kind of position.

Chairman Siddoway said he thanked them for that, but that he didn't want them doing him a favor because of he sits in the Chairman's seat. He said the time line is bad for producers and working the animals, it doesn't work for the Department, and it doesn't work for importers. The time line also doesn't work for the customers who worry that they could be shooting contaminated meat, because of the 29 to 60 day withdrawal period for the treatment. Those are the reasons for where the issue stands today.

Dr. Barton said **Chairman Siddoway** covered the historical basis for this rule very clearly. The Department has enforced the rule since its inception. There were producers who were meeting the requirement by working their elk twice, and a significant number of them for whom the time lines were short and there was not time to work them twice, and they ran into the situation where there was only one day that it was actually feasible to complete both the brucellosis test and flukicide treatment.

Dr. Barton shared that through the zero-based budgeting process, they identified a need to make some changes to the management of the program and as they were doing negotiated rulemaking a couple of years ago and addressed the cervidae rule, the industry made it clear they wanted the Department to do their job to enforce the rules that are on the books. That did mean some change in management of the program and they ramped up enforcement of all the rules at that point.

Senator Schmidt said it sounds like the Department made a suggestion to the producers that a different time frame, a fifteen day window, might have been helpful. **Dr. Barton** replied that when the Department was presented with the problems this past year for producers to import, he had a discussion with **Senator Siddoway**, and **Dr. Barton** said he himself, as the Administrator, made the decision that they would make an exception to that requirement, but the exception would be made available to all cervidae producers, and at least three cervidae owners took advantage of that exception. At that same time, he let the industry know this was something they needed to bring forward as a potential rule change, so it could be clarified, because last year would be the only year they'd make an exception to that rule. The Department wanted to keep the elk producers' ability to operate going, so they made the decision on the one time basis.

Senator Schmidt asked about the prevalence and significance of liver flukes and if there is concern for spreading it to wild elk. **Chairman Siddoway** indicated **Jim Unsworth**, Deputy Director of Idaho Department of Fish and Game is available if needed, but asked **Dr. Barton** to respond. **Senator Hammond** apologized for interrupting and commented that the discussion seemed to be getting into a lot of detail for a print hearing. **Chairman Siddoway** posed the question if this is a print hearing or if this would go to the floor as a resolution traditionally would do, or if there will be another committee hearing as **Senator Corder** suggested. **Chairman Siddoway** said if what the Committee hears today isn't satisfactory, the Committee can have another meeting about it.

Senator Schmidt repeated his question about the prevalence and significance of liver flukes in domestic elk. **Dr. Barton** replied that the Department does not require Idaho producers to do diagnostic surveillance on the presence of liver flukes in cervidae, so he does not have data as to how much of a problem it is, noting that he can say that most Idaho producers have significant herd health management plans, which do include routine de-worming of the animals with a product that has some efficacy against liver flukes. He doesn't know how many do it because it's not a requirement under the rule. It is a ranch specific practice, but he knows from past experience as a veterinarian who worked with five elk ranches, and all of those used a flukicide routinely and annually.

Chairman Siddoway asked **Mr. Unsworth** to come to the podium to discuss the prevalence of flukicides in wild game herds and if there are concerns about the domestic industry withdrawing this as a mandatory import requirement. **Mr. Unsworth** replied that he cannot describe how common that particular fluke is in wild animals, noting that he knows it does occur. It can be lethal, as was shown with the imported animals four or five years ago. So it is something he would be concerned about and he would not want it to become widespread in wild animals. **Senator Schmidt** asked if there is anyone who could tell the Committee about the threat to wild game herds.

Senator Corder asked **Mr. Unsworth** if the Department of Fish and Game has taken a position on the reduction of this rule. **Mr. Unsworth** replied no. **Senator Corder** asked if that was because the Department is not going to take a position or because there hasn't been the time. **Mr. Unsworth** replied that it's because they haven't had the time.

Chairman Siddoway said the Committee could have another meeting if that is going to help. He said there are people prepared to testify, even though there usually isn't testimony on an RS. **Senator Bock** said he's been referencing the procedural manual and it seems to him the appropriate step would be to send this to print, and that there may be some additional information from Fish and Game Department regarding any threat to native game herds, and he'd like to hear that.

Senator Pearce moved, seconded by **Senator Nuxoll**, to send RS21149 to print, with the intention of having another hearing. Motion carried by **voice vote**. **Senator Bock** asked if a representative from Fish and Game could attend the next hearing. **Mr. Unsworth** replied he would see if the veterinarian would be available. **Senator Pearce** asked **Mr. Unsworth** if wild elk carry fluke in Idaho. **Mr. Unsworth** replied he is not sure, that he wouldn't be surprised if they do, as it has been reported in white tail deer in northern Idaho, but he does not believe there is a big problem.

PRESENTATION **Chairman Siddoway** introduced **Gretchen Hyde**, Idaho Rangeland Resource Commission, for the Commission's Annual Report. **Ms. Hyde** introduced **John Nay**, the Chairman of the Idaho Rangeland Resource Commission. She then shared the strategy and scope of the Commission and the Commission members. She indicated some of their funding comes from grants, fees charged for workshops, and from the Rangeland license plates, which have been a benefit to augment funding for the Commission.

Ms. Hyde said the Commission has been working closely with the University of Idaho Rangeland Resources on relevant and timely science. The Commission has been focusing on outreach through the internet and has developed a more professional, interactive web site for the Commission, as it is an economical way to distribute information. The previous site was updated at no cost, but she said the Commission felt it is such a visible part of its efforts that it should be upgraded. They also continue to do teacher workshops throughout the state so they can teach college level classes in schools. They also work with the "Ag in the Classroom" program, as well.

Senator Schmidt asked if the Commission was seeing a downward trend in their budget. **Ms. Hyde** replied the budget has been steady, but they create a conservative budget, because the industry is facing some issues. **Senator Bock** asked for an update on the cheat grass problem, if there is any research on ways to deal with it. **Ms. Hyde** answered there is some interesting research taking place, especially in northern Nevada, where there was a significant cheat grass die-off, noting that cheat grass does also have some positive attributes in holding soil, so replacing the grass is the biggest concern. She said there are worse weeds, like medusa head that is absolutely not palatable and has no nutritional value.

Senator Corder asked about assessments on the lands and if it is the producers, the people running the animals on land, that are paying the bills. **Ms. Hyde** answered that yes, they are all directly payments from the ranchers or landowners.

Chairman Siddoway asked about the sage grouse workshops for youth, and if the education process was slanted one way or the other. **Ms. Hyde** replied that the Commission provides the materials that are given to the teachers and classroom, and in the video, it can be seen that it's very balanced. She said someone from the Commission or a rancher gives the presentation, and no one points fingers for any problems.

Ms. Hyde played for the Committee one of the videos available on their website, and showed the Rangeland textbook that the Commission developed, and that concluded her presentation. Supporting documents related to this testimony have been archived and can be accessed in the office of the Committee Secretary. (See Attachment #2)

Senator Pearce and **Senator Nuxoll** thanked and complimented the Agricultural Affairs Committee Secretary **Christy Stansell** on the innovative bill organization notebook that has taken the place of the less organized committee folders. **Ms. Stansell** expressed appreciation for the compliment.

ADJOURNED: **Chairman Siddoway** called the meeting adjourned at 9:21 a.m.

Senator Siddoway
Chairman

Christy Stansell
Secretary