

MINUTES
HOUSE AGRICULTURAL AFFAIRS COMMITTEE

DATE: Monday, February 04, 2013

TIME: 1:30 P.M.

PLACE: Room EW42

MEMBERS: Chairman Andrus, Vice Chairman Boyle, Representatives Bolz, McMillan, Batt, Bell, Agidius, Dayley, Miller, Romrell, Stevenson, VanOrden, Pence, Erpelding

**ABSENT/
EXCUSED:** None.

GUESTS: Carol Youtz, Cindy Hedge, Idaho Board of Veterinary Medicine; Dar Olberding, Grain Producers of Idaho; Brent Olmstead, IBCIR; Dave Goins, Idaho News Service; David Lincoln, Wilder Housing Authority; Sean Ellis, Capital Press; Jane Wittmeyer, Whittmeyer and Associates; Dennis Tanikuni, Idaho Farm Bureau; Jim Clark, JC & Associates.

Chairman Andrus called the meeting to order at 1:30 p.m.

MOTION: **Rep. Pence** made a motion to approve the minutes of the January 28, 2013 meeting. **Motion carried by voice vote.**

MOTION: **Rep. Agidius** made a motion to approve the minutes of the January 30, 2013 meeting. **Motion carried by voice vote.**

SCR 102: **Patrick Kole**, Vice President, Legal and Government Affairs, Idaho Potato Commission, presented information on the Turkish Trademark Application Resolution, via conference call to the Committee. He spoke of Turkey's recent trademark application to register Idaho's name for agricultural products, which do not originate from Idaho. Mr. Kole claimed that this refers to intellectual property and is analogous to identity theft. He explained that trademarks do not expire, like patents. This exclusivity would preclude the people from Idaho using the Idaho name when selling agricultural products that actually originate from Idaho. Although Turkey's initial intention is to market sugar beet seeds, their application covers all types of agricultural products. Mr. Kole expressed concern that allowing this trademark may lead to the Idaho name becoming generic. He contended that Idaho would eventually lose the ability to protect its name on any or all agricultural products originating from Idaho. This resolution urges the Turkish Patent Institute to reject the application to use the Idaho trademark in Turkey.

MOTION: **Rep. VanOrden** made a motion to send SCR 102 to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.**

Chairman Andrus signified that **Mr. Kole** had previously asked him, as the Chair, to be the floor sponsor for this legislation. Chairman Andrus will sponsor the bill on the floor.

RS 21610: **Carol Youtz**, Acting Director, Idaho Board of Veterinary Medicine, presented **RS 21610**, on the Idaho Veterinary Practice Act, Definitions Revised. This proposed legislation addresses housekeeping issues for definitions, including "certified euthanasia technician" for clarity purposes. It also removes an archaic and dangerous provision authorizing persons trained in euthanasia methods prior to 1992 to become certified. This provides that only technicians with ongoing training can perform euthanasia. Also, the definition for "veterinary technician" is a non-substantive correction that reflects a name change in keeping with an affiliated national association.

MOTION: **Rep. Dayley** made a motion to introduce **RS 21610**. **Motion carried by voice vote.**

RS 21611: **Carol Youtz**, Acting Director, Idaho Board of Veterinary Medicine presented **RS 21611**, regarding the Idaho Board of Veterinary Medicine, Licensing Fees. She explained that each licensing application filed requires about ten hours of staff time to process and can take up to ten months of work. This proposed legislation would make all licensing fees nonrefundable, allowing the Veterinary Board to recover their time and staff expenses invested in the licensing process.

Concerning the costs for fees, **Ms. Youtz** affirmed that \$34 is for a criminal background check, \$75 is for the exam, and \$200 is for the original application fee, for a total of \$309. In the past, the \$200 application fee has been refunded if the license was denied or the application was voluntarily withdrawn. In answer to what percent of applications this would apply to, Ms. Youtz estimated less than one percent, with a possible positive fiscal impact around \$1000 per year to recoup costs incurred.

MOTION: **Rep. Romrell** made a motion to introduce **RS 21611**. **Motion carried by voice vote.**

Brent Olmstead, Idaho Business Coalition for Immigration Reform (IBCIR), presented an Immigration Issues Update. He indicated that there has been national talk of immigration reform this last year, related to the agricultural industry's need for foreign workers, to fill agricultural jobs that few U.S. citizens are willing to perform. There are many visas available for workers to come to the U.S. and Mr. Olmstead focused on H2A, which specifically deals with agriculture. The problem has been that temporary work visas allow for 10 months of work, but the agricultural industry needs workers year round. This is something Congress would need to fix. The application process involves employers first advertising and attempting to fill these agricultural jobs locally, but less than one percent of the local citizen population end up satisfying this need. Thus, the need for foreign labor arises and an employer can then petition for alien workers. There is paperwork, an application and interview process, and admission is also needed into the U.S. This cycle takes about 45 days. If this is not completed in time, the planting or harvesting seasons may be well underway, with a shortage of workers. In most cases, farmers do not use the H2A visas because of the time lag involved, or they join an organization that does the paperwork for them.

Mr. Olmstead said there are 11 million illegal immigrants currently living in the U.S. He described the E-Verify system, which is like an electronic version of the I-9 hiring form. This is one way to screen employees to verify their work eligibility status, however E-Verify is used after hiring and can be problematic. It does not screen for identity theft, and if the employee's results show that they are not eligible for work in the U.S., then there is an appeals process which may take up to two weeks, wherein the employer must continue to pay the employee, their benefits, and paid time off to handle the appeal. At the end of this process, the employer must start again, looking for immigrant workers and facing the paperwork cycle again.

Regarding recent action in Congress on this issue, **Mr. Olmstead** stated he was encouraged that **Senator Rubio** had assembled a Coalition to discuss comprehensive immigration reform. They have already formulated a bill and put a framework in place. This includes a bipartisan group of eight Senators that have met with **President Obama** and all agree on the basic tenets of a Comprehensive Immigration Reform Plan. Also Idaho **Congressman Labrador** held a local town hall meeting this past week with discussion on immigration as well. The four basic legislative pillars of this immigration plan are: 1) Creating a path to citizenship for unauthorized immigrants already here, that is contingent upon securing the border and combating visa overstays. 2) Improving our legal immigration system and attracting the world's best and brightest. 3) Strong employment verification. 4) Admitting new workers and protecting workers' rights.

Mr. Olmstead explained that not all immigrant workers want to become citizens; some just want gainful employment and then return to their country. He also mentioned the high cost of deportation for those who overstay their visa time period. The first pillar above focuses first on securing the border with patrol and increased technology, then implementing a new immigration and guest worker program. The Head of Homeland Security will determine the time frames for this to be accomplished. There is also a proposed bill to create a commission that will monitor success and make suggestions for improvements. Registration of unauthorized immigrants would be necessary. Other components of the immigration program may include: a background check for criminal activity, a fine, back taxes must be paid, and viable employment.

Concerning the second pillar, to improve legal immigration and attract the world's best and brightest, **Mr. Olmstead** referenced science, technology, engineering and math (STEM) visas. When immigrants are educated in the U.S. and certain fields need their expertise, they should be allowed to stay and have provisions made for this. Also with the many visa categories and time lines for expiration, improvements should be made so that families will not be split up.

On the topic of the third pillar, strong employment verification, **Mr. Olmstead** described that the new immigration reform plan would mandate that employers be held accountable, if they knowingly hire undocumented workers. Mr. Olmstead said there is a need for fast and reliable verification, perhaps better than the current E-Verify system. Also, pre-employment screening would be better than post-employment. Additional safeguards like preventing identity theft, or a picture or fingerprint would be preferable. An appeals process would need to be implemented as well.

Concerning the fourth pillar on hiring more skilled workers in a timely manner, **Mr. Olmstead** stated that the objective would be to stabilize a constant work force year round. For those who have succeeded in the workplace and contributed to their communities over many years, an avenue is needed to help them earn green cards. For those working in agriculture especially, a better method is needed to streamline obtaining their green cards, since agriculture is such a vital part of our economy. This may be a different pathway to citizenship or worker status than other industries. The above points illustrate the need to create a workable program that will meet the needs of the agricultural industry, including dairy. Mr. Olmstead closed expressing his concern that "crops are rotting for lack of harvesters", quoting former President Ronald Reagan.

Regarding questions about the phrase "pathway to citizenship", **Mr. Olmstead** answered that this is the only phrase they have to work with at this point. Specifics will be outlined at a later date. In response to other questions, he asserted that the agricultural immigration program may end up looking different than the STEM program. Also, the Head of Homeland Security would determine when border security is at a sufficient level to then begin the immigration and reform steps needed. Advances in technology may help speed up an online registration process and eliminate many hang-ups due to excessive paperwork. Mr. Olmstead affirmed that the internet can be used to register a potential employee's area of specialty. This would help employers to go online and find workers in the registry. Relating to the possibility of states having oversight of some of these processes, Mr. Olmstead stated he has heard talk of this, but it would be conjecture at this point to relay any details. Other states have made a compact with the three B's: bibles, badges, and business. These refer to religious groups, law enforcers, and businesses that seek to get involved and have been generally well received. However, communication with State legislators is also key. When asked about the IBCIR's affiliations, Mr. Olmstead replied that they work with local and national groups who are pushing for solutions to immigration problems.

ADJOURN: There being no further business to come before the committee, the meeting adjourned at 2:38 p.m.

Representative Andrus
Chair

Kim Jensen-Porter
Secretary