

MINUTES  
**SENATE AGRICULTURAL AFFAIRS COMMITTEE**

**DATE:** Thursday, February 27, 2014

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

**PLACE:** Room WW53

**MEMBERS PRESENT:** Chairman Bair, Vice Chairman Guthrie, Senators Brackett, Tippetts, Patrick and Ward-Engelking

**ABSENT/ EXCUSED:** Senators Rice, Nonini and Buckner-Webb

**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.

**CONVENED:** **Chairman Bair** called the meeting to order at 8:03 a.m.

**PRESENTATION:** **Chairman Bair** introduced Brent Olmstead, representing the Idaho Business Coalition for Immigration Reform (Coalition). **Mr. Olmstead** gave a brief status report on immigration reform in Idaho. The coalition was founded in 2008, due mainly to the raids being done by the U.S. Immigration and Customs Enforcement (ICE) in the Magic Valley. These raids created a number of problems for the employers because many of the workers were not showing up for work out of fear of being caught. They have been working to find ways to make the worker programs better for both parties. Membership includes the J. R. Simplot Company and Melaleuca. They have been working with many national immigration groups including: Immigration Works; Bibles, Badges, and Business; and the National Immigration Forum.

**Mr. Olmstead** said people like to come to the U.S. because they can earn more money here and especially since the average wage here is seven times more than in their country. They send money home so they can make a better life for their families. One of the slides showed a copy of an "Immigration Roadmap" which was designed to "help" a person understand the process of getting a green card. This process is almost impossible to follow or to understand, and could end up costing thousands of dollars to hire an attorney just to have it explained.

He said many of the farmers here in Idaho use the H-2A Visa program for seasonal agricultural workers. This program was created to provide an adequate workforce for their use. **Mr. Olmstead** said the paperwork is so daunting, that most farmers use a labor management group for help with the program. Many times the quotas are too low, certifications come too late in the growing season, and there is no system for nonseasonal labor.

Currently, employers can use the E-Verify (electronic verification) system set up by the federal government to determine if the employee is legal. One of the downfalls of this program is that the worker must be hired before this system can be used. If the employee is legal, the hire is legal. If the employee is not legal, the employer must fire the worker. However, the worker can appeal this action (has up to 14 business days), and during that time, the employer must continue to train him, give him benefits and time-off to meet with a lawyer. At the end of the appeal process, if the worker is still considered not legal, the employer will need to fire them "again". **Mr. Olmstead** said that this puts the employer back to "square one", leaving him to go through the hiring process again.

**Mr. Olmstead** said they are now using biometrics (a process that is used to identify people based on physical traits) for all green card holders and guest workers. Fingerprinting will be used for criminal background checks on all people coming and going. These approvals currently come from DHS and/or the FBI.

He updated the Committee on what was happening on a national level and said that the U.S. Senate passed a bill last summer dealing with immigration reform. The "three legged stool" components are:

- **Legalization.** This would require a person to admit they are here illegally, have a background check done, pay any back taxes due, pay a fine (\$1,500), be employed above the poverty level, and learn English. This is not the same as citizenship, but being able to legally work here.
- **Legal Immigration.** This changes the process of obtaining green cards and gets rid of the country of origin quota and exemptions. This is a more straight forward process. It will be a two tiered system dealing with both labor and families. This makes it easier for someone who is here legally, to bring their family along. Guest worker visas for low and high skilled occupations (manual labor and tech industry) will be increased.
- **Enforcement.** They have doubled the enforcement on the border to 40,000 patrolmen, six times larger than in 1990. They will have mandatory E-Verify and will be required to carry a National ID card. They will have a biometric entry and exit system. They will also conscript local law enforcement into enforcing laws.

The U.S. House of Representatives has not passed a bill. He said Speaker Bohener wants to do multiple bills (3-7 bills) focusing on three major components:

- **Security.** Must have a secure border, or no other parts would go into effect if this is not done. It requires all sections of the law be enforced. There will be zero tolerance for future illegals, and if caught, they will be deported. They will use a biometric entry and exit system.
- **Visa Reform.** This would be a realistic temporary worker plan that helps secure the borders and grow the economy. No details regarding the numbers that will be allowed.
- **Unauthorized immigrants.** Figures show that to deport 300,000 people, the cost was \$1 billion. Right now, there is close to 11 million people, so this would be impossible to deport them all. This prohibits a special path to citizenship. This would require the worker to admit to breaking the law, they must be able to support themselves and their families without receiving any benefits, forbids gang members from participation (stop going after the workers trying to make a living), and they must reach certain milestones before legalization can occur.

**Mr. Olmstead** finished his presentation with quotes from President Obama, U.S. Speaker Bohener and former President Reagan. He stood for questions.

Responding to a couple of questions regarding the sheep worker's Visa. **Mr. Olmstead** said the wool growers have a special program which allows workers a three year visa. The Department of Labor (DOL) determines the wages. They have been experiencing some problems with these workers leaving the job illegally and taking work somewhere else.

**Senator Tippetts** asked about the National ID card and who would be required to carry it. **Mr. Olmstead** said it is only for the immigrants (not U.S. citizens) and would identify them as being part of the guest worker program.

**Senator Patrick** commented that in his business he use H-2A workers, and he agreed with Mr. Olmstead, that the process is very complicated. He said he starts the process two months before the workers are needed. He is required to provide OSHA inspected housing. The Departments of Labor for both Idaho and the U.S. are involved and conduct inspections to ensure that the workers are being paid the required minimum wage (his is \$10) for this program. He said he applauded the work the Coalition is doing and said a worker program is very much needed. Agribusiness will always need workers. **Mr. Olmstead** agreed.

**PRESENTATION:** **Chairman Bair** introduced Candi Fitch, Executive Director for the Idaho Apple Commission (IAC), Idaho Cherry Commission (ICC) , Idaho East Oregon Onion Committee, and the Idaho Fruit and Vegetable Association, who presented the financial accounting for 2013 and the budget for 2014

**Ms. Fitch** began with the IAC update and said that this has been a tough year for Idaho apples due to the crop damage, a decrease in production, and a spring frost. She said the amount of acreage being planted has stabilized and newer varieties are being planted on the trellis strips which have replaced some older orchards. High density planting can have over 1,000 trees per acre, utilizing the drip irrigation system. The market for 2013 ranged from above average to average, with substantial product in the Midwest and the East. The expectations for 2014 are high but there is the ongoing concern about the water situation.

She said the largest percent of the Commission budget goes to research. They received three Specialty Crop Block Grants:

- In 2009 they received \$93,000 with a \$20,000 cash match that was used for increasing fruit quality and global competitiveness of the Idaho apple through efficient use of water, nutrition and orchard design.
- In 2011, they received \$104,388 with \$35,492 in-kind donations that was used for maximizing production and fruit quality and optimizing mineral nutrients in the Fuji apple, using new rootstocks and orchard architecture in Idaho.
- In 2013 they received \$106,491 with \$84,207 matching that will be used for the search for sustainable rootstocks to improve yield efficiency, precocity, mineral nutrient uptake, and fruit quality of apples in Idaho.

She said the grant process has changed and the money is now only available after it has been spent.

**Ms. Fitch** said that in 2010, they received funding for the "Cool School Cafe" program. With the money left from the grant, they also worked with Chef Brenda Thompson, a registered dietician and chef from the Department of Education. She developed three recipes that include the "Nutrikid" format for foodservice recipes for the schools. **Ms. Fitch** said they provided packets with the recipes and sources for the apples to all the schools in Idaho.

The IAC has participated in Buy Idaho at the Capitol, at various county fairs, the Ag Pavilion and the U of I Pomology Program Annual Field Day. They donate apples to the FFA Farm Expo at Meridian High School, the Women's Fitness Celebration-Fit One, and the FFA Farm Safety Day at the Parma R & E Center.

**Ms. Fitch** next presented the annual accounting for the ICC. She said that according to the Northwest Cherry Growers Association, the 2013 crop was down 37 percent (1.4 million boxes) compared to the 22.5 million boxes from 2012. Most of the cherries are grown in the Northwest (Idaho, Oregon, Washington, Utah and Montana), with Idaho producing the least. Cherry production in Idaho over the past 5 years averaged about 1,400 tons. In 2013, the crop was 58 percent less than 2012 (1,813 tons). Due to the rain, only 749 tons were collected. The majority of the cherries grown in Idaho are from Canyon County. The Commission sends 10 cents per ton to the Northwest Cherry Growers Association's Stone Fruit Committee, to help with research.

**Ms. Fitch** also gave a brief update of the Idaho-Oregon Fruit and Vegetable Association that was established in 1962, and represents the onion, apple and cherry shippers. They are a member of the Idaho Business Coalition for Immigration Reform, Food Producers of Idaho, Western Growers Association, National Coalition of Agriculture Employers and Ag in the Classroom. The ICC has also worked with the Treasure Valley Agriculture Coalition. She said she has spent a great deal of time working on the Food Safety Modernization Act (FSMA), and sat on several committees drafting comments and questions for submission.

Next **Ms. Fitch** gave an update on the Idaho-East Oregon Onion Committee, which is governed under Federal Marketing Order #958. Every truckload leaving the valley must be federal-state inspected to meet a minimum size and grade standard. Those onions that do not meet the standards cannot be released into the fresh market, and can only be sent to food processors. They ship, on average, 32,000 truckloads (40,000 pounds per truckload) or about 1 billion pounds of onions per growing season. There is a mandatory assessment and the money collected is used for promotion, research and education. They participate in promotions and put on the grill-off contest at the Boise State University (BSU) home games. They have a long-standing alliance with Weber Grills who helps with the contest. She said they just completed a domestic trade mission to Chicago where they partnered with the Idaho Potato Commission and the ISDA. They had chef competitions, and they all visited the Weber Grill kitchen.

**Chairman Bair** asked for clarification of Federal Marketing Order #958. **Ms. Fitch** said it is administered through the USDA, and is not just for grading of onions, it is a federal level marketing order that allows for promotion, research and education on a national level.

**Senator Patrick** asked if the marketing order limits the amount that a grower can sell in the market. **Ms. Fitch** said it does not limit crop size, and it is not only for promotion, but has the compliance component as well regarding the minimum size and grade that must be met. **Senator Patrick** commented on the huge fluctuations in price. **Ms. Fitch** said she does not deal with pricing, but she agreed the pricing is very volatile, almost like gambling.

**ADJOURNED:** **Chairman Bair** adjourned the meeting at 8:56 a.m.

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Senator Bair  
Chair

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Denise McNeil  
Secretary