

MINUTES  
**HOUSE AGRICULTURAL AFFAIRS COMMITTEE**

**DATE:** Monday, February 24, 2020  
**TIME:** 1:30 P.M.  
**PLACE:** Room EW42  
**MEMBERS:** Chairman Boyle, Vice Chairman Troy, Representatives Kerby, Stevenson, Zito, Andrus, Giddings, Goesling, Marshall, Nichols, Raymond, Kiska, Toone, Abernathy, McCrostie

**ABSENT/  
EXCUSED:** None

**GUESTS:** The sign-in sheet will be retained with the minutes in the committee secretary's office until the end of the session. Following the end of the session, the sign-in sheet will be filed with the minutes in the Legislative Services Library.

**Chairman Boyle** called the meeting to order at 2:14 p.m.

**Karianne Fallow**, CEO of United Dairywomen said there is a lot of misguided headlines concerning dairy and she stressed dairy is alive and well with new innovation in several areas. She stated their mission is to inspire trust in dairy farming and dairy products and to build demand for dairy products around the world.

In response to a committee question, **Ms. Fallow** clarified the Dairy Checkoff is the program dairywomen pay into that promote sales and distribution of dairy products.

**Ms. Fallow** recounted the early history to the current regional organization stating since the Dairy Checkoff began, per person dairy consumption has grown by 73 pounds. She said 16% of production is exported. She emphasized the new markets for milk and dairy products.

In response to a committee question, **Ms. Fallow** said they have had great success working with partners like McDonald's and Pizza Hut and although fluid milk is declining, cheese, butter, yogurt and high protein drinks are increasing.

**Jeremiah Clark**, American Mills explained while researching a non-gluten diet for his son, he came across quinoa as an alternative to wheat which led him to begin the operation he now runs, milling quinoa. He stated more quinoa is grown in Idaho than all the other states combined. He explained the equipment developed to clean the seed and the process of finding the correct way to plant and harvest over several seasons. He said there are no pesticides used on quinoa. He said their first harvest was 1,000 pounds per acres but now they are getting around 3,000 pounds per acres. He discussed the difference in growing quinoa in Northern Idaho versus Southeastern Idaho and said too much rain or moisture will ruin the crop.

In response to a committee question, **Mr. Clark** said the consumer draw is because it is an alternative to gluten products, and it is a complete protein, easy to digest.

**H 487:** **David Lehman**, Primus Policy representing Idaho Agriculture Aviation explained this legislation eliminates ambiguous language within the statute and adds new language that will require the Department of Agriculture to promulgate rules related to penalties and restrictions due to violations of this section through a negotiated rule making process. He said the regulated community should have a role in discussing the regulators penalties and restrictions applied to their businesses and that can happen through Negotiated Rule Making.

**Randy Quigley**, IAAA said prior to working with aerial applicators, he worked for the Department of Agriculture handling EPA violations and doing investigations. He stated his concern was that the violations are made clear but the penalties or fines for said violations are arbitrary. He explained that years ago the Penalty Matrix (See attachment 1) worked well and was followed but over the past few years he has been told by the enforcement officer, the matrix is only advisory and they do not have to follow it. He said license suspension could mean the loss of large amounts of money for the pilot not only affecting him but also the company and the farmer he is working for. He said ideally this would be put into statute but he does have faith in the Negotiated Rule Making process to effect change.

**MOTION:** **Rep. Zito** made a motion to send **H 487** to the floor with a **DO PASS** recommendation.

**John Cooper**, Agriculture Pilot, Business Owner voiced concern that a 17 day license suspension could potentially impose a fine for over 1 million dollars. He said there needs to be Negotiated Rule Making to outline fines and update the processes that have not changed in over 20 years.

**Jonathan Oppenheimer**, Idaho Conservation League referred to the Attorney General's opinion (See attachment 2) that some elements within the existing statute were broader in scope and more restrictive than the federal law. He said although this may be disputed, the A.G.'s office said there had only been one violation in recent history. He expressed concern that Negotiated Rule Making requiring a review every five years would be costly and pointed out, that particular requirement is not in any other statute. He asked the bill be held in committee until there could be further review.

**Clayton Seamons**, Red Baron Ag explained his experience being charged with a violation and going into the meeting where the maximum penalties were laid out. He recounted what his company did in response to the violation by creating worker protection trainings.

**SUBSTITUTE MOTION:** **Rep. Marshal** made a substitute motion to hold **H 487** for time certain, February 26, 2020.

Committee members speaking **in support** of the substitute motion felt they needed more time to review and that perhaps there was a better way to address the concerns of the industry through changes to the statute.

**ROLL CALL VOTE ON SUBSTITUTE MOTION:** Roll call vote was requested. **Motion failed by a vote of 7 NAY and 5 AYE. Voting in favor** of the motion; **Reps. Kerby, Marshall, Raymond, Toone and Abernathy. Voting in opposition** to the motion; **Reps. Troy, Stevenson, Zito, Andrus, Nichols, McCrostie and Boyle. Reps. Giddings, Goesling and Kiska were Absent/Excused.**

Discussion on the original motion was held. Committee members **in support** of the motion felt those in the industry needed relief this year. They indicated the number of supporters who were directly involved had shown up supporting the legislation.

**VOTE ON ORIGINAL MOTION:** **Chairman Boyle** called for a vote on the original motion to send **H 487** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote. Rep. Toone** requested to be recorded as voting **NAY. Rep. Boyle** will sponsor the bill on the floor.

**ADJOURN:** There being no further business to come before the committee, the meeting was adjourned at 4:17 p.m.

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Representative Boyle  
Chair

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Joan Majors  
Secretary