

MINUTES  
**SENATE AGRICULTURAL AFFAIRS COMMITTEE**

**DATE:** Tuesday, February 28, 2023

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

**PLACE:** Room WW53

**MEMBERS PRESENT:** Chairman Hartgen, Vice Chairman Nichols, Senators Foreman, Hart, Schroeder, Dunn (Carlson), Zuiderveld, Semmelroth, and Taylor

**ABSENT/  
EXCUSED:** None

**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 Hartgen** called the meeting of the Senate Agricultural Affairs Committee (Committee) to order at 8:00 a.m.

**GUBERNATORIAL APPOINTMENT:** **Committee Consideration of the Gubernatorial Appointment of Blake Hollingsworth to the State Soil and Water Conservation Commission** commencing February 8, 2023 and expiring July 1, 2026. **Mr. Hollingsworth** gave a brief overview of the different boards and organizations he was with. He worked with the Idaho Fish and Game (IDFG) on the I-15 Mule Deer Initiative. The fencing project extended the height of fences to eight feet to prevent big game animals, mule deer in particular, from entering the interstate and being hit by oncoming motorists. He assisted with the development of Edson Fichter Pond, along the Portneuf River. It featured docks and a trail around the pond, it had limited development to provide a rural feel. He mentioned the Pocatello Zoo board, the mission to preserve natural wildlife of Idaho.

**Mr. Hollingsworth** cited a quote by Hugh Hammond Bennett, on the Idaho Soil and Water Conservation Commission website, "Take care of the land, the land will take care of you". He said his desire was to preserve Idaho and give back.

**Senator Taylor** inquired about the Clifton StrengthFinder. **Mr. Hollingsworth** responded it was an assessment created to identify the skills of the best of the best and capitalize on them.

**GUBERNATORIAL APPOINTMENT:** **Committee Consideration of the Gubernatorial Appointment of Karen Jachimowski Sharpnack to the State Soil and Water Conservation Commission** commencing August 15, 2022 and expiring July 1, 2024. **Ms. Jachimowski Sharpnack** gave an overview of her accomplishments, she had been elected as supervisor for the Wood River Soil and Water Conservation District since February 2018. With 40 years experience in leadership, leading small and large organizations in strategic planning, public relations, and community development, she possessed the skills and expertise necessary to support the State Soil and Water Conservation Commission into the future.

**Senator Zuiderveld** questioned for the record, any conflict of interest that would arise with her husband being on the Wood River Soil and Water Conservation Commission. **Ms. Jachimowski Sharpnack** responded, she checked with Dewlyn, Administrator, Idaho Soil and Water Conservation Commission, before submitting her application, there would be no conflict of interest being on the commission.

**Vice Chair Nichols** asked what was the biggest issue facing soil and water rights, and how did the University of Idaho assist, and what was the federal governments role in this. **Ms. Jachimowski Sharpnack** responded, the climate was changing, there was a lack of water, this concerned not only Idaho producers but producers from across the United States. We need to improve the land, soil and water production. The University of Idaho, Kimberly Research and Extension Center had an Irrigation Water Management program. It focused on irrigation scheduling, water and equipment management for water conservation. **Ms. Jachimowski Sharpnack** said there were to many federal government rules, to much overreach for Idaho. Idaho irrigation was different all over the state, they were not looking at specific areas when monitoring water.

**GUBERNATORIAL APPOINTMENT:** **Committee Consideration of the Gubernatorial Appointment of Mitchel Silvers to the State Soil and Water Conservation Commission** commencing February 8, 2023 and expiring July 1, 2025. **Mr. Silvers** gave a brief overview of his time working for Senator Crapo, local communities, governments and county commissioners. It provided him with problem solving attributes and skills to be a successful commission member for the Idaho Soil and Water Conservation Commission (ISWCC).

**Mr. Silvers** stated agriculture was the largest contributor to Idaho's economy, and conservation of Idaho natural resources was important. ISWCC focused on conservation the Idaho way, voluntary stewardship versus regulatory mandates. This approach left the decision making with the landowner, for the long-term health of their land and economic well-being.

**Senator Hart** questioned what the IWSCC relationship was with the 50 regional soil conservation districts and did the IWSCC have staff. **Mr. Silver** replied IWSCC was there to support these districts, to provide information, programs and opportunities learned about. He answered, there was a full time staff around the state.

**Vice Chair Nichols** inquired what the biggest issue was facing soil and water for Idaho and what the role of the federal government was. **Mr. Silvers** replied the costs of diesel, seeds, and chemicals required to produce and farm were the biggest issues presently. He said water was an issue, northern Idaho did not irrigate, they depend on rain, water restrictions in other parts of the state could cause uncertainty. He stated Idaho was a sovereign state, and we should conduct our business for the welfare of our state and citizens. The federal government should provide things that were outside Idaho's ability.

**Senator Zuiderveld** reviewed Mr. Silvers time as natural resource environment director, and asked what would Idaho need to pay attention to now, and in the future. In response to the question, **Mr. Silvers** replied, there was a lot of outside interests trying to influence how federal lands in Idaho were being used. Idahoans need to focus on the issues, and do what was best for Idaho, and keep outside influences out of the decision making process.

**NOXIOUS WEEDS - Amends existing law to revise provisions regarding county duties associated with certain notices. Representative Pickett** stated **H 94** related to the management and control of noxious weeds. Landowners and land administrators were responsible to maintain and control noxious weeds on their property. A notice to landowners would alert them of noxious weeds present in the area, and they would need to take appropriate action to control those weeds. Landowners would have eight days from postmark to respond. **H 94** clarified the eight day response time was reasonable, and was to make the process transparent and efficient for all involved.

**Chairman Hartgen** inquired what address was used if the owner didn't live on the farm. **Representative Pickett** responded the address used was the property tax notice address for the county.

**Senator Carlson** asked how long in statute, had landowners been responsible for controlling weeds. **Representative Pickett** answered he did not have the answer.

**Senator Semmelroth** asked Representative Pickett to explain the statute and recent legal action taken. **Representative Pickett** responded the legal action was settled out of court and was in regard to length of notice.

**Representative Pickett** stated in conclusion, I have received these notices in the past, and appreciate the county personnel who worked hard to make sure landowners respected their neighbors and took appropriate action. He asked the Committee to approve **H 94**.

**Vice Chair Nichols** inquired why the notice had two separate time frames, from postmarked mail or certified receipt, and was mail the best way to contact landowners if they may not reside in Idaho year round, what about e-mail, and what was the charged amount. **Representative Pickett** answered, it was to be flexible on notice time to work with the landowners. The time allotted was a last resort to contact landowners. He replied he would have Mike Ottley respond to Vice Chair Nichols other questions,.

**Mike Ottley**, Supervisor, Cassia County Weed Department, answered the amount charged was assessed from the county to treat the property, the amount collected goes into the noxious weed fund. The property owners had 60 days to pay or a lien will be placed on their property. A published notice in the paper was sufficient to notify landowners to take care of their weeds.

**Senator Carlson** inquired how many landowners there were that did not take care of their property. **Mr. Ottley** replied it was a minor problem. There were a few that needed a notice to eradicate the noxious weeds, **H 94** had a stated time frame to notify property owners.

**TESTIMONY:**

**Mike Ottley, Patxi Larrocea-Phillips, Mitch Whitmill, and Braden Jensen** stated they were in favor of **H 94**. They agreed the eight days plus five additional days notice to contact landowners of noxious weeds on their property, gave owners time to take action to control them. If the property owners did not respond, it gave the county the right to proceed with efforts to control them.

**MOTION:**

**Senator Schroeder** moved to send **H 94** to the floor with a **do pass** recommendation. **Senator Semmelroth** seconded the motion. The motion passed by **voice vote**. **Vice Chair Nichols, Senators Hart, Carlson and Zuiderveld** were recorded as voting nay.

**H 95**

**COMMERCIAL FEED - Amends existing law to clarify that animal remedies for certain animals that include ingredients from industrial hemp are not considered adulterated. Senator Hart** presented **H 95** brought by the Idaho Retailers Association and the Idaho Farm Bureau Federation. He stated **H 95** amended Idaho Code § 25-2703, to allow ingredients from industrial hemp. Idaho Code § 22-1703 defined industrial hemp as the Cannabis sativa L. and any part of that plant, including the seeds thereof and all derivatives, extracts, cannabinoids, isomers, acids, salts and salts of isomers, whether growing or not, with a delta-9 tetrahydrocannabinol concentration of not more than three-tenths of one percent on a dry weight basis, as defined in the 2018 farm bill.

**Senator Hart** mentioned the Industrial Hemp Research and Development Act, allowed production, processing, transportation, and research of industrial hemp in Idaho. **H95** would allow Idaho to produce animal feed remedies with industrial hemp ingredients for pets and equines, and permit retailers to sell these products.

**TESTIMONY:**

**Pam Eaton**, President/CEO, Idaho Retailers Association, stated there was a huge demand for pet remedies that included hemp. The Idaho State Department of Agriculture informed retailers the new law prohibited pet treats with hemp. The inventory would need to be pulled from shelves, the problem was that the demand was high and consumers were going online to find products instead of shopping local, which was unfair to Idaho retailers. **Ms. Eaton** expressed the issue needed a solution, and **H 95** amended the existing law to include industrial hemp in pet remedies.

**Braden Jensen** spoke on behalf of the Idaho Farm Bureau Federation in support of **H 95**. The bill would permit Idaho retailers to sell pet products that contained hemp to local consumers instead of them going online or out of state to purchase them. He asked the Committee to support **H 95**.

**MOTION:**

**Vice Chair Nichols** moved to send **H 95** to the floor with a **do pass** recommendation. **Senator Hart** seconded the motion. The motion passed by **voice vote**.

**MINUTES APPROVAL:**

**Senator Foreman** moved to approve the Minutes of February 2, 2023. **Senator Schroeder** seconded the motion. The motion passed by **voice vote**.

**MINUTES APPROVAL:**

**Senator Hart** moved to approve the Minutes of February 7, 2023. **Senator Taylor** seconded the motion. The motion passed by **voice vote**.

**MINUTES APPROVAL:**

**Senator Semmelroth** moved to approve the Minutes of February 9, 2023. **Senator Zuiderveld** seconded the motion. The motion passed by **voice vote**.

**MINUTES APPROVAL:**

**Senator Carlson** moved to approve the Minutes of February 16, 2023. **Vice Chair Nichols** seconded the motion. The motion passed by **voice vote**.

**ADJOURNED:**

There being no further business at this time, **Chairman Hartgen** adjourned the meeting at 9:25 a.m.

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Senator Hartgen  
Chair

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Melissa Price  
Secretary