

MINUTES
SENATE AGRICULTURAL AFFAIRS COMMITTEE

DATE: Thursday, March 21, 2024

TIME: 8:00 A.M.

PLACE: Room WW53

MEMBERS PRESENT: Chairman Hartgen, Vice Chairman Nichols, Senators Foreman, Schroeder, Carlson, Zuiderveld, Semmelroth, and Taylor

ABSENT/ EXCUSED: Senator Hart

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 8:03 a.m.

WELCOME: **Chairman Hartgen** started the meeting stating Vice Chair Nichols would introduce **HCR 41**.

HCR 41 **RULE APPROVAL - HOUSE AGRICULTURAL AFFAIRS AND SENATE AGRICULTURAL AFFAIRS COMMITTEES - State findings of the Legislature and approves pending rules of the Department of Agriculture, the Idaho State Police State Brand Board, the Division of Occupational Licenses, and the Idaho Potato Commission reviewed by the house Agricultural Affairs Committee and the Senate Agricultural Affairs Committee. Vice Chair Nichols stated HRC 41 was the approval of all the Senate and House administration rules passed this Legislative session. She asked the committee to approve HRC 41 with a do pass recommendation.**

MOTION: **Senator Carlson** moved to send **HCR 41** to the floor with a **do pass** recommendation. **Senator Schroeder** seconded the motion. The motion passed by **voice vote**.

H 712 **ESTRAYS - Amends and adds to existing law to revise provisions regarding certain time requirements, penalties and damages, and charges for care and to establish provisions regarding willfully and wantonly allowing estrays. Chairman Andrus** from District 35 introduced **H 712**, stating this bill had undergone significant negotiation and deliberation within the agriculture industry. Its aim was to protect the rights of both livestock owners and property owners in managing livestock. He mentioned that **H 712** added provisions for trespassing to ensure that livestock owners were managing their livestock appropriately and not allowing them to roam free. He emphasized that the bill was not changing the fencing laws already in place; property owners still had the responsibility to fence their portion of their properties.

DISCUSSION: **Senator Schroeder** inquired about the liability in a scenario where a landowner failed to maintain their fence, resulting in another rancher's livestock trespassing onto their property. He questioned whether the negligent landowner or the owner of the livestock would be liable. He referenced Idaho Code, Title 35-103, that stated each property owner was responsible for their share of the fence under the Erection of Partition Fences.

Chairman Andrus responded that the livestock owner would not be liable for the failure of the other property owner not maintaining their fence, resulting in the livestock trespassing onto their property. He further mentioned the destruction of fencing or gates, referring to page 2 line 36, § 18-7012, of the Idaho Code. According to this section, an individual found guilty of allowing livestock to stray would be solely liable for all damages caused by the livestock while outside of their original enclosure.

Senator Carlson asked about the current problem that necessitated this Legislation.

Chairman Andrus replied that Idaho was an open-range state, which allowed livestock to move freely to graze in certain areas. Unfortunately, some individuals were taking advantage of the law by turning livestock loose, opening their gates, and allowing them to graze freely onto neighboring property.

Senator Carlson asked how **H 712** would work in this situation. She mentioned a constituent's concern: if a new property owner had fencing and gates but continued to leave their gates open, and then filed a suit against the other property owner for trespassing, who would be liable, and who would have to prove which party left the gates open.

Chairman Andrus replied that according to page 2, line 36, the livestock owner would not be liable for the gates being open. He emphasized that **H 712** needed to be clear to all parties involved.

Senator Schroeder remarked that there needed to be clarification on how to prove who left the gate open or did not maintain their fence. With today's technology such as cameras and motion sensors, it would help to prove someone's case. He asked Chairman Andrus if he would be amenable to amending **H 712**.

Chairman Andrus commented he knew this was a significant problem in Idaho and those taking advantage needed to be held accountable.

TESTIMONY: **Dexton Lake**, Idaho Farm Bureau Federation, testified in support for **H 712** on behalf of 82,000 members of the Idaho Farm Bureau Federation. He highlighted it was a collaboration between three groups: the Idaho Farm Bureau Federation, Idaho Cattlemen's Association, and the Idaho Grain Producers Association. He mentioned **H 712** was in response to a small portion of bad actors that abused the open range system and other property owners' land.

Tom Loertscher testified he was opposed to **H 712** due to the lack of clarification on who was responsible for the fence and its maintenance.

Stacey Satterlee, Idaho Grain Producers Association, testified in support of **H 712**. She stated this was a historically contentious issue, and with the collaboration of the Idaho Cattlemen's Association and Idaho Farm Bureau Federation, they had worked together to keep farmers farming and ranchers ranching in harmony. She mentioned **H 712** was not about fences, but about stray livestock and how to deal with them when they strayed. **Ms. Satterlee** mentioned there was a fencing statute

in place; **H 712** was in reference to strays and asked the Committee to send it to the floor with a **do pass** recommendation.

DISCUSSION: **Chairman Andrus** closed by stating if the Committee needed to amend **H 712**, he was in support of ensuring that the best version brought forward would greatly aid the agriculture industry.

MOTION: **Senator Carlson** moved to send **H 712** to the 14th Order of Business for possible amendment. **Senator Foreman** seconded the motion. The motion passed by **voice vote**.

ADJOURNED: There being no further business at this time, **Chairman Hartgen** adjourned the meeting at 8:28 a.m.

Senator Hartgen
Chair

Melissa Price
Secretary

Alicia Fowler-Rynearson
Assisting Secretary