

MINUTES  
**HOUSE AGRICULTURAL AFFAIRS COMMITTEE**

- DATE:** Wednesday, February 06, 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:** Roger Batt, Idaho Grape and Wine Commission; Suzanne Budge, SBS Associates LLC; Jill Holinka, Moore Smith Buxton and Turcke; Susan Buxton, Dairy Products Commission; Jim Lowe, Farmstead Cornmaze; Brent Olmstead, MPI; Benjamin Kelly, Food Producers; Elizabeth Criner, NWFPA.
- Chairman Andrus** called the meeting to order at 1:31 p.m.
- Chairman Andrus** announced that **Allie Phillips**, Director of the National Center for Prosecution of Animal Abuse, will be speaking at 4:00 p.m. today in Room EW42, regarding the correlation between animal abuse and violence to humans and animal protection issues, for those interested in attending.
- RS 21799:** **Rep. Vander Woude** presented **RS 21799** regarding the Dairy Products Commission. He advised that this legislation will update Idaho Code with current dairy practices. In response to questions, Rep. Vander Woude explained that the definition for 'director', as the Director of the Department of Agriculture, was stricken to avoid confusion when directors of other commissions were referenced in the document.
- MOTION:** **Rep. Batt** made a motion to introduce **RS 21799**. **Motion carried by voice vote.**
- RS 21907:** **Roger Batt**, Legislative Educator, presented information on **RS 21907**, concerning the Grape Growers and Wine Commission. He indicated that small amendments were made to allow an out-of-state producer to serve on the commission. A CEO of a large winery in Idaho had expressed interest in serving on the commission, but currently resides out of the state. Also this legislation would allow for three year terms, since staggered terms of different lengths are no longer needed. In response to questions, Mr. Batt confirmed that after the commission had met with constituents, no one in the industry had expressed opposition to these changes; they were supportive. Regarding speculation that this may set a new precedent for out-of-state members, Mr. Batt submitted that he would gather more information on this before the next hearing.
- MOTION:** **Rep. VanOrden** made a motion to introduce **RS 21907**. **Rep. Batt** cited Rule 38, disclosing that she is married to **Mr. Batt**, and she also represents many wine growers in her district; however, she intends to vote. **Motion carried by voice vote.**
- RS 21848:** **Rick Waitley**, Executive Director, Idaho Honey Industry Association, presented **RS 21848** on the Honey Advertising Commission. This commission has three members who travel some distance to their meetings. He remarked that it has been difficult to recruit members to serve on the commission with only a \$15 honorarium per day. Other smaller, similar commissions have higher compensation rates, so they are asking to increase this amount to \$50 per day, for actual and necessary expenses.

With reference to another honey commission or association, **Mr. Waitley** explained that there is only one honey advertising commission, but **Mr. Mike Cooper** is with the Department of Agriculture's Idaho Honey Association, which is different and is appointed by the Governor. Concerning larger commissions with higher demands, those members do receive a greater compensation, but with smaller commissions, the \$50 is more in line with a lower level of responsibilities. Regarding the fund balance and revenue stream, Mr. Waitley remarked that the Honey Advertising Commission does not have a significant fund balance, but not many members actually request reimbursement; no fees would have to be raised to cover this increase.

**MOTION:** **Rep. Romrell** made a motion to introduce **RS 21848**. **Motion carried by voice vote.**

**RS 21899:** **Jim Lowe**, Owner, Farmstead Cornmaze, presented **RS 21899**, the Idaho Agritourism Promotion Act. Mr. Lowe testified that he runs an agritourism operation in Meridian, Idaho with a pumpkin festival in the fall. Agritourism is a young and growing industry in Idaho, which is not addressed in Idaho Code. He submitted that this legislation would define agritourism, provide limited liability for providers when warnings are posted, and clarify the lack of effect on property status.

Regarding the effect on taxation, **Mr. Lowe** further explained that the classification for land actively devoted to agriculture will not be affected by an assessment, if agritourism happens along with production of agriculture. He noted that there was speculation this may be a conflict. However, **Rep. Bolz** mentioned that he had consulted with the Deputy Attorney General and that agricultural land would not be taxed as tourism. He would provide a copy of that ruling if desired. Mr. Lowe added that there was concern of possible negative pressure on individuals who had interest in setting up agritourism, due to a potentially different tax categorization. But as long as the farm in question meets the requirements for production of commodities and products, they maintain their agricultural status. If there was agritourism occurring without farming practices, or if activities shifted from agriculture production to only agritourism, then the tax assessment would change.

In relation to the liability section, **Mr. Lowe** asserted there is precedent for similar immunity, including the Equine Activities Immunity Act, wherein the provider must post a sign saying there are risks inherent in this activity. However, this does not offer protection for negligence on the part of the agritourism provider. Also, he noted that there are similar statutes in 15-20 other states, as long as the professional follows certain procedures, posts warnings, and in some cases, has the participants sign a release of liability. This is in accordance with the required warning notice and signage contained in Idaho Code 63-005. Rep. Bolz mentioned that the Attorney General's opinion given on the liability issue can be provided to the committee as well, and said these provisions also pertain to outfitters and guides.

**MOTION:** **Rep. Dayley** made a motion to introduce **RS 21899**. **Motion carried by voice vote.**  
At this point, **Chairman Andrus** turned the gavel over to **Vice Chairman Boyle**.

**RS 21830:**

**Chairman Andrus** presented **RS 21830** on the topic of Animal Care. He noted that the treatment and torture of animals is a controversial issue. He has listened to animal welfare groups and the public. Chairman Andrus believes a reasonable approach is set forth in this proposed legislation. Legislation last year provided a felony penalty for organized cock fighting if drugs, gambling, spurs or gaffs were involved in planning or hosting the event. This was due to the cruel and intentional infliction of pain or death to animals in this sport. The above legislation passed last year. This year's proposed legislation includes a definition for 'torture' as the knowing and willful infliction of unjustifiable and extreme or prolonged pain with the intent to cause suffering. This does not apply to accidents or normal, legal agricultural practices or production animals, only to companion animals. Chairman Andrus offered that companion animals are usually cats, dogs, or perhaps horses, if used for companionship only and not for production. The penalty for torture of a companion animal would be a misdemeanor for the first or second offense, then a felony charge if convicted of a third violation. With past legislation, it has been difficult to prove malicious intent. Thus, Chairman Andrus noted that there is a need for clarification and penalties on companion animal torture. He described resistance and potential threats from outside organizations if no provision is made on this issue. It could be problematic if others come forward, pressing their interpretation of animal neglect, or try to apply this to agricultural practices or production animals. He believes this is a reasonable stand that satisfies various groups involved.

In answer to questions, **Chairman Andrus** responded that steps need to be taken to satisfy animal rights advocates and show a good effort to protect companion animals from cruel and unnecessary abuse. Otherwise, he indicated that stronger measures would be taken by these groups, with bolder advertising and influence on the ballot to push for animal neglect as a felony. Chairman Andrus expressed trepidation that there are different degrees and interpretations of neglect. He is more comfortable putting forth a third offense of animal torture of companion animals as a felony, which is a compromise to satisfy the groups involved. He asserted that if other organizations spur a movement to get neglect on the books as a felony for a first or second time offense, it will greatly affect the agricultural industry, as it relates to the treatment of production animals. The Chairman admitted that the agricultural industry does not want to torture animals. When it comes to branding time, for instance, he answered that normal agricultural practices are excluded in this proposed legislation. Concerning resistance to similar legislation last year, Chairman Andrus conceded that the Senate refused to give it a hearing, due to amendments needed on cock fighting and the term 'torture'. He hopes that a hearing will allow for further discussion, in order to reach an acceptable resolution for all parties on animal care.

**MOTION:** **Rep. Erpelding** made a motion to introduce **RS 21830**. **Motion carried by voice vote.**

**ADJOURN:** There being no further business to come before the committee, the meeting adjourned at 2:25 p.m.

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Representative Andrus  
Chair

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Kim Jensen-Porter  
Secretary