

MINUTES
HOUSE AGRICULTURAL AFFAIRS COMMITTEE

DATE: Thursday, February 14, 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:** Vice Chairman Boyle
GUESTS: Dennis Tanikuni, Idaho Farm Bureau; Dar Olberding, Idaho Grain Producers; Benjamin Kelly, Idaho Honey Industry Association; Rick Waitley, Food Producers of Idaho; Jennifer Allmeier, Boys and Girls Clubs of Idaho; Kristen Thompson, Idaho Ag in the Classroom; Barbara Jorden, Idaho Trial Lawyers Association; Laura Johnson, Katlin Davis, ISDA; Sean Ellis, Capital Press; Jim Lowe, Farmstead Cornmaze; Lee Rice, Rice Family Farms; Bob Naerebout, Idaho Dairymen's Association; Mike Gilmore, Attorney General's Office; Deana Sessions, Susan Buxton, Jill Holinka, Idaho Dairy Products Commission; Suzanne Budge, SBS Associates.

Chairman Andrus called the meeting to order at 1:33 p.m.

Chairman Andrus expressed his appreciation for this session's page, **Juritz Enriquez**. He thanked her for her diligent service.

Chairman Andrus mentioned to the committee that he would be making agricultural budget recommendations to JFAC tomorrow morning. He commented that he intends to request funding for agricultural research, which benefits our state.

Dr. Karen Launchbaugh, Director, University of Idaho, Rangeland Resource Center, presented an update to the Committee. She indicated that she grew up on a ranch and has enjoyed studying rangelands. She pointed out that most of Idaho is made up of various types of rangelands, including farmlands and resources for grazing. Dr. Launchbaugh explained the challenges facing Idaho, including unsustainable grazing practices, wildland fires, invasive species, concerns for sage-grouse, climate change, and human developments. She described the formation of the Rangeland Resource Center, with experts getting together from various science disciplines to address these issues. Their center is now part of the state code, striving to keep Idaho's rangelands healthy. They have commenced projects and partnerships, including an information system, rangeland science guide, and scientific journal of rangeland applications. Dr. Launchbaugh pointed out their strong undergraduate program, educating and training the next generation of rangeland managers. She also described her help on the Governor's task force to understand the dilemmas facing Idaho's sage-grouse.

Dr. Beth Newingham, Assistant Professor, U of I, mentioned several projects she is involved with at the Rangeland Resource Center. She noted post-fire rehabilitation efforts and the birds of prey conservation area. She also stressed the importance of sharing what they've learned across multiple science disciplines.

Dr. Launchbaugh commented on an ongoing, long-term project to study how spring livestock grazing influences sage-grouse populations. Three sites will document the survival and demographics of sage-grouse, how many chicks they hatch, if they survive to adulthood, how fire affects their population, and their habitat characteristics. However, more funding is needed for research. Regarding questions about the challenges facing Idaho's rangelands, Dr. Launchbaugh answered that the biggest concern for lower elevation sagebrush habitat is annual grasses, which fuel wildfire. Certain types come on sooner and dry out sooner. She countered that grazing can reduce and manage cheatgrass in the spring, to reduce fuel for potential wildfires. In relation to more funding for research, she maintained those monies could help cover staff or summer salaries, finding partners, and gas to reach the study areas. Pertaining to Dr. Launchbaugh's staff positions with the U of I, she clarified that she is the Department Chair for the U of I's Department of Rangeland Ecology & Management, and that the Rangeland Resource Center is a separate group, which she also directs.

Dar Olberding, Legislative Advisor, Idaho Grain Producers Association, presented an update to the Committee. He recognized the attendance of various members of this association. He indicated that they travel to different growers and communities around the state. He expressed that some of his time is spent working on field burning, lien laws, depredation of animals, and consulting with the Idaho Department of Fish and Game. He explained the term "falling numbers" and how test scores less than 300 could indicate farmers losing up to 45% of their grain. He referenced an endowment of two million dollars to the U of I to aid in important research. He also described the magazines that his association distributes to wheat growers in Idaho. They additionally direct seed workshops and webinars. Mr. Olberding related that one of the highlights of this past year was attending the Ag Summit, wherein the grain industry received a Governor's Award.

H 113:

Jim Lowe, Farmstead Cornmaze, presented **H 113**, Idaho Agritourism Promotion Act. He stated that he farms real crops in Kuna and runs a pumpkin festival with a cornmaze in the fall in Meridian. This secondary endeavor is referred to as agritourism, which has gained popularity in recent years. Mr. Lowe maintained that agritourism is an opportunity for agriculture to tell its story to an increasingly urban population. It provides hands on farm experience and reconnects the public with the producers of their food supply. He maintained that agritourism connects and educates generations, many times with grandparents starting to reminisce with their children or grandchildren about life on the farm. Mr. Lowe also commented that agritourism is a means of diversification and supplemental income for farms. It can be a point of entry for young people starting out in agriculture, with a desire to farm, but little capital to get started. Mr. Lowe observed that there is a need to define and clarify some features unique to the growing agritourism industry. **H 113** would address agritourism as it pertains to Idaho by providing definitions, specifying risks and liability issues (inherent to participating in a farm activity), and defining tax status.

Mr. Lowe proceeded to outline these provisions in the bill. He defined agritourism as activities that take place on a farm or ranch for recreational, entertainment, or educational purposes, like a farm festival, dude ranch, you pick fruit or vegetables, vineyard tours, etc. Potential agritourism operators have concerns for safety and liability for injury to participants. Mr. Lowe claimed this is not a new concept in Idaho, since there are limited liability clauses for outfitters and guides, equine activities, sport shooting, and others. This legislation would stipulate that providers must post signage with specified language, warning participants that risks exist and that by participating, they assume those risks. However, this does not include protection for operator negligence or disregard for safety. Mr. Lowe explained that the final provision in the bill spells out the presence of agritourism activities will not impact the property tax status for that farm, so long as the land is still considered actively

devoted to agriculture. He maintained this was included because agritourism often occurs along with production agriculture. He wants potential agritourism operators to proceed with confidence that liability concerns and tax implications are clarified, and that appropriate protections are in place for all involved.

Concerning the requirement for signage, **Mr. Lowe** commented that with the sign in place, the operator is afforded the protection of the Idaho Code, as long as the guidelines are followed. He also believes that establishing a bureaucracy to handle agritourism is not needed for Idaho at this time.

Dennis Tanikuni, Lobbyist for Idaho Farm Bureau, **testified in support of H 113**. He has many members that supplement their income with agritourism and believes this bill will make it easier for agricultural producers to enhance their opportunities by attracting city folks to the country.

Jennifer Allmeier, Nutrition Director, Boys and Girls Club of Ada County, **testified in support of H 113**. She indicated that the Boys and Girls Club provides snacks and dinners to local children, while educating them on nutrition and introducing them to locally sourced, healthy meals. They have taken the children on field trips to local farms, including orchards and ranches, where the children have picked fruit and berries, to encourage their appreciation of food and how it is grown. Ms. Allmeier said she is grateful for agritourism opportunities that support local communities and promote locally grown food.

Barbara Jorden, with the Idaho Trial Lawyers Association, appealed to the committee on the liability portion of **H 113**. She submitted that they support and encourage this bill, but would recommend a couple of changes to the warning sign that states the risks to the public and the business. She commented that if more wording is added to the sign, the letter size could be reduced to one half inch tall, so that the overall warning sign size could be reduced. Upon questioning, Ms. Jorden stated that this warning is a benefit to the public and also to attorneys, if representing someone injured at an agritourism event. She wanted to ensure that people attending the event understand the law. She answered further that the law could be referenced on the sign, instead of putting on additional wording, as previously mentioned.

Jim Lowe responded that he would not be opposed to referencing the law on the warning sign. He acknowledged that if more wording was added, it may become cumbersome and less effective. Regarding the Attorney General's opinion on the liability section, **Rep. Bolz** confirmed that the language on the sign was sufficient. Concerning the possibility of a written contract or waiver, Mr. Lowe made clear that this is not practical for all types of agritourism with larger crowds in seasonal windows of time. Rep. Bolz suggested that referencing the applicable code on the warning sign was preferable to adding more language to the sign. Ms. Jorden confirmed that this would satisfy the Trial Lawyers as well, although they would favor the extended wording.

Lee Rice, Rice Family Farms, **testified in favor of H 113**. He stated he operates a small organic farm by Kuna and Meridian. He realized that third party organizations, such as school children and teachers or farming associations, had come to tour his farm in the past, and believes that these educational opportunities are important. He wants to encourage farmers to participate in hosting these types of events, whether for education or entertainment. He believes this legislation will help those touring and the farmers too.

Rick Waitley, Food Producers of Idaho, and Idaho Ag in the Classroom, also **testified in favor of H 113**. He said he had approached an attorney about creating a waiver of liability statement for teachers who bring children onto farms for field trips. His organization sponsors workshops, tours, graduation credits, and represents many farmers and ranchers throughout the state. He believes this is vitally important legislation, to uphold and encourage agritourism experiences in Idaho.

MOTION: **Rep. Dayley** made a motion to send **H 113** to the floor with a **DO PASS** recommendation.

Chairman Andrus clarified that this motion would send the bill as written, without any amendments. He pointed out that for the Committee to incorporate a reference to the statute on the warning sign, it would necessitate adding an amendment to the bill.

SUBSTITUTE MOTION: **Rep. Pence** made a substitute motion to send **H 113** to General Orders with amendments attached.

Chairman Andrus affirmed that the amendment would need to be defined.

MOTION WITHDRAWN: **Rep. Pence** withdrew her substitute motion.

SUBSTITUTE MOTION: **Rep. Pence** made a substitute motion to **HOLD H 113** for time certain, until Monday, February 18, 2013. **Motion carried by voice vote.**

H 110: **Rep. Vander Woude** presented **H 110**, on the Idaho Dairy Products Commission. He indicated that he works in the dairy industry and brought advisors from the Dairy Commission. He remarked that the purpose of this legislation is to amend Idaho Code, Title 25, Chapter 31, to make technical corrections, revise antiquated verbiage, and to align a section of the code with similar language for other commodity commissions in the state. Some of these changes include amending the title of 'Administrator' to 'Director', which helps with marketing, hiring, and public relations. This creates uniformity and avoids confusion with other similar commodity commissions. It also aligns bond requirements and clarifies liability for the State of Idaho, in line with the language of other similar commission statutes.

MOTION: **Rep. Batt** made a motion to send **H 110** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Vander Woude** will sponsor the bill on the floor.

H 112: **Benjamin Kelly**, Executive Assistant, Honey Advertising Commission, presented **H 112**. He stated he represents commercial and hobby beekeepers throughout Idaho. This commission is housed and managed by the Department of Agriculture. He explained the commission has three members appointed for three year terms, and they meet once every fiscal year. He defined that this legislation will adjust the compensation for members of the commission, from \$15 per day to \$50 per day. This is an honorarium to reimburse for actual and necessary expenses. He noted that recent legislation regarding the adulteration of honey has increased the duties of the commission. The proposed increase is in accordance with various other commissions in the state and would prevent frequent future adjustments through the legislative process.

MOTION: **Rep. VanOrden** made a motion to send **H 112** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Bolz** will sponsor the bill on the floor.

ADJOURN: There being no further business to come before the committee, the meeting adjourned at 2:57 p.m.

Representative Andrus
Chair

Kim Jensen-Porter
Secretary