

MINUTES
HOUSE AGRICULTURAL AFFAIRS COMMITTEE

DATE: Wednesday, February 14, 2018

TIME: 1:30 P.M.

PLACE: Room EW42

MEMBERS: Chairman Boyle, Vice Chairman Dayley, Representatives Bell, Miller, VanOrden, Burtenshaw, Kerby, Troy, Stevenson, Amador, Armstrong, Hanks, Zito, Erpelding, Toone

**ABSENT/
EXCUSED:** None

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

Chairman Boyle called the meeting to order at 1:35 p.m.

MOTION: **Rep. Toone** made a motion to approve the minutes of the January 6 and 8, 2018 meetings. **Motion carried by voice vote.**

Chairman Boyle recognized **Alex Fesperman** and thanked her for her service as Page to the Agricultural Affairs Committee.

Garth Taylor, University of Idaho, said Idaho is the fourth largest Ag State in Farm Gross Domestic Product (GDP) as a percentage of total GDP, behind South Dakota, Nebraska and Iowa. Idaho ranks 3rd in West Net Farm Income behind California and Washington. He stated Idaho is larger in Net Farm Income than New Mexico, Utah, Wyoming and Nevada combined. He reported following two down years, in 2017 cash receipts were up 5% with the largest increases in livestock, potatoes and dry beans. He said the largest growth in Idaho continues to be from dairy. Dr. Taylor indicated Idaho Agriculture exports have rebound after a 20% decline with Canada and Mexico being the largest countries of exports from Idaho. He stated after three years of decline, net farm income is up 15%, increasing from \$1.7 billion in 2016, to \$1.9 billion in 2017. He explained how volatility will affect the market as uncontrolled causes such as weather, embargoes and export markets fluctuate. He said real Idaho farm GDP has grown 90% more than real Idaho GDP as we are continuing to grow more food with greater efficiency. In regards to the forecast for 2018, Dr. Taylor said milk prices should improve by the second half of 2018. He said beef prices and potato prices should remain good thru the first part of the year but may decline due to weak prices of hay and grain.

Chairman Boyle turned the gavel over to **Vice Chairman Dayley**.

H 536: **Rep. Boyle** explained this legislation is concerning property rights and how they are dealt with. She said it is our constitutional right to hunt and fish but it does not create a right to trespass on private property. She said the Fish and Game code carries a higher penalty than does the penalty for criminal trespassing. Land owners are frustrated at the burden placed on them having to paint their property lines every 660 feet only to have others come behind and paint over the markings. She stated the majority of people respect private lands but the small number who abuse it are often not prosecuted because the fines are so small it is not worth the law enforcement's effort. She indicated a permission card similar to what the Fish and Game currently have in place would be used by private land owners to grant permission to access their land.

Gary Allen, Idaho Property Rights Coalition, said this legislation is a comprehensive clean-up of the trespassing statutes running through three titles of the code as well as an enhancement of remedies. He explained the currently code would be difficult to clean up and get total agreement from all involved. This is an attempt to get most of it right given the ambition of the bill. He listed the inconsistencies of the code having to do with language, fencing and cultivated crops to name a few. He said the law of trespassing has been a part of common law for centuries in that if someone comes on to your property and cause damage, they are responsible. He stated over the years the legislature has had the authority to supersede common law and has done so by passing civil, criminal and recreational trespassing statutes. The coalition, he said, believes the definition for trespassing and the penalties should be uniform throughout the code as the current penalties are insufficient to deter trespassing.

In response to a committee question regarding door to door sales people, campaigning, or other similar activities, **Mr. Allen** said this has been addressed in the United States Supreme Court. If a no solicitation sign is posted and someone trespasses, that would be a violation.

Those individuals speaking **in support** of **H 536** were **Cody Chandler**, Rancher; **Brett Ricks**, IFBF, Landowner; **Darren Taber**, IFBF; **Neil Ward**, Landowner; **Tom Billington**, IFBF; **Tracy Walton**, Farmer; **Rick Brune**, Farmer; **Cameron Mulrony**, ICA, Landowner; **Mark Ozburn**, Farmer;

They shared similar stories of crop damage, fencing cut through, property damaged, trespassing signs ignored, and the burden of property marking on the land owner. They spoke of the frustration of deputies responding to their calls only to file reports because investigations are too expensive and not cost effective due to the low trespassing fine.

Individuals testifying on behalf of organizations **in support** of **H 536** were **Bill Hart**, representing Idaho Consumer Owned Utilities; **Stacy Satterlee**, IGPA/ Food Producers; **John Eaton**, Idaho Association of Commerce and Industry (IACI); and **Brandy Kay**, Idaho Wool Growers Association.

They stated the fee established in 1970 does not deter trespassing and it seems the land owners shoulder all the burden of marking their land when the burden should be on the person seeking access.

Testifying **in opposition** of **H 536** were; **Michael Gibson**, Trout Unlimited; **Kehle Becker**, Idaho Wildlife Federation (IWF); **Brian Brooks**, Idaho Wildlife Federation; **Benn Brocksome**, ISA, **Mike Kane**, IAC/ISA; and **Holly Koole-Rebholtz**, Idaho Persecutors Association.

Some of their concerns were the strong penalty for repeat offenders, increased responsibility for hunters or sportsman to know where they were at all times amid changing property lines, and accessibility to reliable GPS devices. They stated concerns about unintended consequences resulting from the passage of this legislation and the difficulty of enforcing the law. They requested more collaboration with groups who are opposed to the legislation.

Gary Allen, returned to the stand to address committee questions. He stressed this bill is aimed toward repeat offenders, those who are willful and intentionally trespassing on private property. He said the felony charge is reserved for someone who has a third conviction with-in ten years.

Rep. Boyle stated there has been wide spread support as well as collaboration during the years she has worked on the bill. She said this bill focuses on private property owners, those who have paid for the land and are paying taxes, She reminded the committee that 62% of Idaho is public land providing plenty of opportunities to fish and hunt without trespassing on private land.

MOTION:

Rep. Zito made a motion to send **H 536** to the floor with a **DO PASS** recommendation.

SUBSTITUTE MOTION:

Rep. Armstrong made a substitute motion to **HOLD H 536** in committee.

AMENDED SUBSTITUTE MOTION:

Rep. Toone made an amended substitute motion to send **H 536** to General Orders.

MOTION WITHDRAWN:

Rep. Armstrong withdrew his substitute motion to **HOLD H 536** in committee.

VOTE ON AMENDED SUBSTITUTE MOTION:

Vice Chairman Dayley called for a vote on the amended substitute motion to send **H 536** to General Orders. **Motion failed by voice vote.**

VOTE ON ORIGINAL MOTION:

Vice Chairman Dayley called for a vote on the original motion to send **H 536** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep Erpelding** requested he be recorded as voting **NAY.** **Rep. Boyle** will sponsor the bill on the floor.

Vice Chairman Dayley turned the gavel over to **Chairman Boyle.**

ADJOURN:

There being no further business to come before the committee, the meeting was adjourned at 5:51 p.m.

Representative Dayley
Chair

Joan Majors
Secretary