

MINUTES  
**SENATE AGRICULTURAL AFFAIRS COMMITTEE**

**DATE:** Tuesday, February 21, 2023

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

**PLACE:** Room WW53

**MEMBERS PRESENT:** Chairman Hartgen, Vice Chairman Nichols, Senators Foreman, Hart, Schroeder, 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.

**S 1063** **FENCES - Amends existing law to revise provisions regarding the careless exposure of barbed wire and to revise penalties. Senator Harris** addressed the frustration, and increased conflicts with livestock being on Idaho state highways, and in grain fields. Livestock owners used the open range law as a way of not repairing broken barbwire fences. **S 1063** would increase the penalty, and give law enforcement, and prosecutors the ability to enforce the law. **Senator Harris** expressed, fences in good repair would keep livestock off roads and out of private property.

**Senator Taylor** questioned how **S 1063** would be enforced. **Senator Harris** explained when a complaint goes to the sheriff of livestock roaming on roadways or in private fields, their responsibility would be to track the owner down, and have them fix the area where the livestock had escaped.

**Senator Carlson** remarked, on public rangeland and private lands where there were no fences, would there be a conflict about how the sheriff responded. **Senator Harris** responded, open range law, Idaho code § 25-2118 "All unenclosed lands outside of cities, villages, and herd districts, upon which cattle, by custom, license, lease, or permit, are grazed or permitted to roam." A "legal" fence was defined in Title 35, Chapter 1, Idaho Code, and did not apply to livestock that roamed into the district from open range unless it was enclosed by lawful fences and cattle guards.

**Vice Chair Nichols** questioned how relevant the fence issue was, and were perpetual violators going to be jailed for failure to repair their fences. **Senator Harris** declared this was a huge problem in Southeastern Idaho, and other parts of the state. He stated **S 1063** was to impose higher penalties to encourage livestock owners to fix broken fences to keep them enclosed, not to put violators in jail.

Senators questioned how long Senator Harris had worked on **S 1063**. They asked in regard to the written notice portion of the bill, must a written notice be submitted to the sheriff in order to verify a barbwire fence was down. **Senator Harris** responded, he had worked on **S 1063** for five years, a written or verbal notice to the sheriff was acceptable.

**TESTIMONY:** **Russ Hendericks** stated he represented the Idaho Farm Bureau and supported **S 1063**. They had worked with Senator Harris for over a year and appreciated his effort bringing **S 1063** forward. **Mr. Hendericks** requested the Committee send **S 1063** to the floor with a due pass.

**Patxi Larrocea-Phillips** lobbyist for the Idaho Cattle Association (ICA), urged the Committee to vote in support of **S 1063** with a due pass recommendation.

**Cory Kress** Idaho Wheat Commissioner, and farmer in Southeastern Idaho explained the difficulty of open range against the boundary of his wheat fields and the impact fencing had on keeping livestock out. He supported **S 1063** and requested the Committee approve the bill.

**Senator Harris** pointed out a letter from the Sheriffs Association in support of **S 1063** had been distributed to the Committee. He said he worked with prosecutors, grain growers, the Farm Bureau, and ICA. He cited it had been a tough issue, but they were able to work out their differences. **Senator Harris** requested the Committee approve **S 1063** to the floor with a do pass.

**MOTION:** **Senator Taylor** moved to send **S 1063** to the floor with a **do pass** recommendation. **Senator Schroeder** seconded the motion. The motion carried by **voice vote**.

**DISCUSSION:** **Senator Zuiderveld** explained she had difficulty supporting **S 1063**, she would vote in favor to send it to the floor for a Senate vote.

**Senator Foreman** cited **S 1063** intended to grow government, and would not support the bill with vague language.

**Senator Schroeder** clarified **S 1063** prescribed a notice in advance, it gave the fence owner an opportunity to fix the fence before they received an infraction. **S 1063** reduced a misdemeanor to an infraction minimizing government. **Senator Schroeder** stated he supported **S 1063**.

**INTRODUCTION:** **Idaho Future Farmers of America (FFA)** Officers introduced themselves to the Committee. They mentioned as FFA officer's they had the opportunity to meet with Idaho State Legislators, and travel across the state to meet with other FFA chapters to inform them about leadership opportunities through agricultural education.

**PAGE INTRODUCTION:** **Page Introduction. Bradley Boyd** stated he was from Fairfield, Idaho. A small rural farming town in Camas County. **Mr. Boyd** planned to attend Boise State University (BSU) in the fall. His major was English and Political Science and believed his Idaho Senate Page experience was a stepping stone to his future.

**PRESENTATION:** **Invasive Species and Noxious Weeds. Lloyd Knight**, Administrator, Division of Plant Industries, Agency Rules Review Officer, Idaho State Department of Agriculture (ISDA) introduced speakers Nic Zurfluh and Jeremy Varley.

**Nic Zurfluh**, Section Manager, Invasive Species Coordination and Outreach, ISDA, indicated it was invasive species week. He explained the program budget and funding appropriations. He stated prevention, early detection monitoring, management, and education were program areas. The 2022 watercraft inspection was in its 14th year primarily at high use boat launches and boating events. He stated the pacific northwest remained invasive mussel free following the 2022 monitoring. (Attachment 1)

**Senator Zuiderveld** inquired how long Quagga Mussels survived outside the water. **Mr. Zurfluh** stated a maximum of 30 days depending on weather conditions, rainy days could extend their life, hot and freezing days would exterminate them in a couple days.

**Jeremy Varley**, Program Manager, Noxious Weeds, ISDA, reported the staffing update of five additional staff for the Noxious weeds and Invasive Species Programs. The ISDA planned to fill those positions. He stated Title 22, Chapter 24, Idaho Code, shall be the duty and responsibility of all landowners to control noxious weeds on their land and property, in accordance with this chapter and with rules promulgated by the director. The cost of controlling noxious weeds shall be the obligation of the landowner. Idaho Code 02.06.09 Rules Governing Invasive Species and Noxious Weeds applied to all public and private landowners and managers in Idaho that may possess or manage noxious weeds or invasive species. If any listed plants were found to occur in Idaho, they should be reported to the ISDA within ten days following positive identification by the University of Idaho or other qualified authority as approved by the Director. **Mr. Varley** stated, nine early detection and rapid response (EDRR) species had active infestations in Idaho, he pointed out two, the Squarrose Knapweed, and Turkish Thistle. (Attachment 1)

**Chairman Hartgen** mentioned the Kochia weed and how problematic it was, how would this weed get added to the noxious weeds list. **Mr. Varley** responded it had to be initiated by petition on the ISDA website to start the process.

**ADJOURNED:** There being no further business at this time, **Chairman Hartgen** adjourned the meeting at 9:26 a.m.

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Senator Hartgen  
Chair

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Melissa Price  
Secretary