

MINUTES
SENATE AGRICULTURAL AFFAIRS COMMITTEE

DATE: Monday, March 27, 2023

TIME: 8:00 A.M.

PLACE: Room WW53

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

ABSENT/ EXCUSED: Senator Foreman

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.

H 349 **Relating to Herd Districts; Amending § 25-2401, Idaho Code, to remove provisions regarding applicability; Amending § 25-2402, Idaho Code, to provide that the owner of certain livestock shall not be liable for damage done by such livestock except under certain circumstances and to make technical corrections; Amending § 25-2405, Idaho Code, to revise provisions regarding certain fences; and declaring an emergency and providing an effective date.** **Senator Harris** introduced **H 349**. On and after January 1, 1990, no county shall regulate or otherwise control the running at large of horses, mules, asses, cattle, sheep or goats within the unincorporated areas of the county unless such regulation or control is provided by the creation of a herd district pursuant to the provisions of this chapter. He stated some material had been stricken from the section. **Senator Harris** clarified if a county wanted a herd district they would need to apply to the county commissioners. He stated this Legislation provided the owner of livestock may not be held civilly liable for depredation if the livestock stray from open range into a herd district, unless the herd district boundaries were enclosed by fences. It required that any new herd district created on or after July 1, 2023, must be enclosed by fences, cattle guards or gates.

Patxi Larrocea-Phillips testified on behalf of the Idaho Cattle Association (ICA) in support of **H 349**. He mentioned Idaho was unique when it came to fencing laws. Idaho was an open range state, but certain provisions in statute provided that Idaho could create herd districts at the local level. Idaho was generally a "fence-out" state when a rancher was on open range. This meant, if you were not within the confines of a herd district, it was the duty of the landowners to fence livestock out from their property. Herd districts were an exception to the fence-out rule, herd districts must be enclosed with a fence. **Mr. Larrocea-Phillips** cited there was a court case on appeal to the Idaho Supreme Court that could leave open range land and operators on those lands adjacent to herd districts exposed to civil liability if the herd district was created prior to 1963. **H 349** Legislation will not affect the court case before the Supreme Court, but will create certainty for operators moving into the future.

Senator Harris recommended the Committee to send **H 349** to the 14th order of Business for possible amendment.

Senator Zuiderveld questioned Senator Harris if **H 349** was a trailer bill to **S 1063** Barbed Wire Bill. **Senator Harris** replied it was not the same bill, **H 349** dealt with

herd districts and open range clarification.

Senator Semmelroth moved to send **H 349** to the 14th Order of Business for possible amendment. **Senator Schroeder** seconded the motion. The motion passed by **voice vote**.

PRESENTATION: Ag Land Preservation. **Braden Jensen**, Director, Government Affairs, Idaho Farm Bureau, introduced draft legislation referred to as the "Agricultural Protection Area Act ." This legislation related to agriculture; Amending Title 67, Idaho Code, by the addition of a new chapter 97, Title 67, Idaho code. The intent was to define terms, to provide for agriculture protection areas. **Mr. Jensen** noted the purpose of the legislation was to protect and enhance the economic and cultural benefits that working lands provided to Idahoans. He stated by the creation of a new dedicated fund, it would incentivize Idaho working landowners to protect their farm, ranch and forest economies. It would apply to agricultural landowners who applied voluntarily to be part of an agricultural protection area. It was not to infringe on property owners, and their rights to do what they will with their property in a reasonable manner. **Mr. Jensen** recounted that the Idaho Farm Bureau, established an internal committee of Farm Bureau members from all across Idaho. They were tasked to find what other states had done to preserve agricultural land. This draft legislation would add a chapter to Title 67, to preserve agricultural land in Idaho (Attachment 1).

Vice Chair Nichols inquired if there was an acreage limitation set for preservation, and what state had done a preservation of their agricultural lands. **Mr. Jensen** answered, there was not a set amount of acreage, that would be determined by the county, it could range from five acres on up. He cited Utah was the state they wanted to model Idaho after. This Legislature was in no means to stop development, it was to give landowners options to preserve their land for agricultural use.

ADJOURNED: There being no further business at this time, **Chairman Hartgen** adjourned the meeting at 8:35 a.m.

Senator Hartgen
Chair

Melissa Price
Secretary