

MINUTES  
**HOUSE AGRICULTURAL AFFAIRS COMMITTEE**  
**AMADOR SUBCOMMITTEE**  
Admin and Inspections

**DATE:** Tuesday, January 16, 2018  
**TIME:** Upon Adjournment of the Full Committee  
**PLACE:** Room EW20  
**MEMBERS:** Chairman Amador, Representatives Miller, Bell, Burtenshaw, Hanks, Erpelding  
**ABSENT/  
EXCUSED:** None  
**GUESTS:** Kevin Merritt, ISDA; Jay Shaw, Administrative Rules

**Chairman Amador** called the meeting to order at 1:52 p.m.

**DOCKET NO. 02-0101-1701:** **Brian Oakey**, Deputy Director of the Idaho State Department of Agriculture (ISDA), presented **Docket No. 02-0101-1701**. This docket repeals the existing Rules of Practice and Procedure. He explained that ISDA's existing Rules of Practice and Procedure had not been updated since becoming final rules in 1994. These rules did not accept the Attorney General's Rules of Procedure, or contain a finding that stated the reasons why the Attorney General's rule were inapplicable to ISDA as required by Idaho Code Section 67-5206(5)(b).

**MOTION:** **Rep. Erpelding** made a motion to recommend the full committee approve **Docket No. 02-0101-1701. Motion carried by voice vote.**

**DOCKET NO. 02-0101-1702:** **Brian Oakey**, Deputy Director of the Idaho State Department of Agriculture (ISDA), presented **Docket No. 02-0101-1702**. This docket adopts a new Rules of Procedure chapter. He explained that in order to comply with Idaho Code Section 67-5206(5), ISDA has repealed its existing Rules of Practice and Procedure and promulgated a new chapter of Rules and Procedures. The new Rules of Procedure accept in whole the "Idaho Rules of Administrative Procedure of the Attorney General" (IDAPA 04.11.01) governing rulemaking and contested cases.

**MOTION:** **Rep. Burtenshaw** made a motion to recommend the full committee approve **Docket No. 02-0101-1702. Motion carried by voice vote.**

**DOCKET NO. 02-0214-1703:** **Kevin Merritt**, Section Manager for the Idaho State Department of Agriculture's Weights and Measures Program, presented **Docket No. 02-0214-1703** "Rules for Weights and Measures". He advised this is an annual housekeeping item to incorporate by reference the most current date specific edition of the Handbook 44.

He explained that negotiated rulemaking was not conducted due to this rule change being an annual housekeeping update. ISDA conducted outreach to stakeholders where they requested input on this rule change. No comments were received.

Maintaining a current handbook is important to weights and measure officials and the service industry that installs and repair commercial weighing or measuring devices. It also promotes uniformity by keeping the codes current with new technology and uniform with surrounding states who also adopt this reference handbook.

**MOTION:** **Rep. Erpelding** made a motion to recommend the full committee approve **Docket No. 02-0214-1703. Motion carried by voice vote.**

**DOCKET NO.  
02-0214-1702:**

**Kevin Merritt**, Section Manager for the Idaho State Department of Agriculture's Weights and Measures Program, presented **Docket No. 02-0214-1702** "Rules for Weights and Measures". He explained this is a Pending Rule that will add definitions for Liquefied and Compressed Natural Gas, Diesel Gallon Equivalent (DGE), Gasoline Gallon Equivalent (GGE), and their metric equivalents. It also adds a provision allowing the GGE and DGE units of measurement as an acceptable method of sale for compressed and liquefied natural gas motor fuel. Idaho's current rule does not recognize these units of measurement, or allow petroleum products to be sold in units other than volume or weight.

ISDA conducted negotiated rulemaking where positive feedback was received by stakeholders. ISDA also conducted outreach to stakeholders requesting their input to this rule. ISDA received one letter of support from the Natural Gas Vehicles for America, no other comments were received.

Adoption of these units of measurement will facilitate the use of uniform standards across the country and provide value comparisons for consumers to determine the price of natural gas purchased for transportation purposes. The DGE is supported by retailers and commercial users of liquefied natural gas for trucks that historically have used diesel fuel. Adoption of this rule will align Idaho with surrounding states that recognize and allow these units of measurement in the retail sale of natural gas used for motor fuel.

In response to committee questions, **Kevin Merritt** clarified that these units of sales allows comparison of prices based on energy content. He advised that other fuel options potentially could use these weights and measurements, as well.

**MOTION:**

**Rep. Miller** made a motion to recommend the full committee approve **Docket No. 02-0214-1702. Motion carried by voice vote.**

**DOCKET NO.  
02-0214-1701:**

**Kevin Merritt**, Section Manager for the Idaho State Department of Agriculture's Weights and Measures Program, presented **Docket No. 02-0214-1701** "ASTM Incorporation by Reference. He explained that he was referencing more current versions of the American Society of Testing Materials (ASTM) specification for fuel and requested to update these specifications to more current versions of the ASTM specifications.

ISDA conducted negotiated rulemaking and outreach was also conducted to stakeholders within the petroleum industry requesting their input to this rule change. No negative feedback was received; support from the Tesoro Corporation was received that included a request to add language in the future that would establish minimum octane specifications for gasoline sold in Idaho.

All fuel entering Idaho originated from out of state refineries. In most situations their fuel already meets the most current ASTM specifications. The proposed rule change will have little effect on Idaho's petroleum industry that receives fuel directly from refineries. Updating our fuel specifications to a more current ASTM quality standards. The rule change also provides improved testing resources for the newer fuels coming into the market.

In response to committee questions, **Kevin Merritt** stated automobile manufacturers recommend no less than 87 octane used nationwide.

**MOTION:**

**Rep. Burtenshaw** made a motion to recommend the full committee approve **Docket No. 02-0214-1701. Motion carried by voice vote.**

**ADJOURN:** There being no further business to come before the subcommittee, the meeting was adjourned at 2:28 p.m.

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Representative Amador  
Chair

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Shellie Coates  
Secretary