

Dear Senators BAIR, Guthrie, Durst, and
Representatives ANDRUS, Boyle, Pence:

The Legislative Services Office, Research and Legislation, has received the enclosed rules of the
Idaho State Department of Agriculture:

IDAPA 02.06.13 - Rules Relating to Rapeseed Production and Establishment of Rapeseed Districts in
the State of Idaho (Docket No. 02-0613-1301).

Pursuant to Section 67-454, Idaho Code, a meeting on the enclosed rules may be called by the
cochairmen or by two (2) or more members of the subcommittee giving oral or written notice to Research
and Legislation no later than fourteen (14) days after receipt of the rules analysis from Legislative
Services. The final date to call a meeting on the enclosed rules is no later than 10/15/2013. If a meeting is
called, the subcommittee must hold the meeting within forty-two (42) days of receipt of the rules analysis
from Legislative Services. The final date to hold a meeting on the enclosed rules is 11/12/2013.

The germane joint subcommittee may request a statement of economic impact with respect to a
proposed rule by notifying Research and Legislation. There is no time limit on requesting this statement,
and it may be requested whether or not a meeting on the proposed rule is called or after a meeting has
been held.

To notify Research and Legislation, call 334-4845, or send a written request to the address on the
memorandum attached below.



Jeff Youtz
Director

Legislative Services Office Idaho State Legislature

Serving Idaho's Citizen Legislature

MEMORANDUM

TO: Rules Review Subcommittee of the Senate Agricultural Affairs Committee and the House Agricultural Affairs Committee

FROM: Principal Legislative Research Analyst - Katharine Gerrity

DATE: September 25, 2013

SUBJECT: Idaho State Department of Agriculture

IDAPA 02.06.13 - Rules Relating to Rapeseed Production and Establishment of Rapeseed Districts in the State of Idaho (Docket No. 02-0613-1301)

The Idaho State Department of Agriculture submits notice of proposed rule at IDAPA 02.06.13 - Rules Relating to Rapeseed Production and Establishment of Rapeseed Districts in the State of Idaho. According to the department, the rule changes result from an Oilseed Commission meeting on March 21, 2013. The department states that the changes would consolidate the various growing districts in the current rule to reflect the current status and practice of growing edible and industrial rapeseed in Idaho. Negotiated rulemaking was conducted. The rule appears to be authorized pursuant to Section 22-108, Idaho Code.

cc: Department of Agriculture
Brian J. Oakey
Michael E. Cooper

IDAPA 02 - IDAHO STATE DEPARTMENT OF AGRICULTURE
02.06.13 - RULES RELATING TO RAPESEED PRODUCTION
AND ESTABLISHMENT OF RAPESEED DISTRICTS IN THE STATE OF IDAHO

DOCKET NO. 02-0613-1301

NOTICE OF RULEMAKING - PROPOSED RULE

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Section 22-108, Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than September 18, 2013.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

DESCRIPTIVE SUMMARY: The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

These rule changes result from an Oilseed Commission meeting on March 21, 2013. The proposed changes would consolidate the various growing districts in the current rule to reflect the current status and practice of growing edible and industrial rapeseed in Idaho.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased: None.

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year resulting from this rulemaking: N/A

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(1), Idaho Code, negotiated rulemaking was conducted. The Notice of Intent to Promulgate Rules - Negotiated Rulemaking was published in the July 3, 2013, Idaho Administrative Bulletin, Vol. 13-7, page 25. Negotiated Rulemaking was held on July 22 and 25, 2013 in Boise and Lewiston, Idaho.

INCORPORATION BY REFERENCE: Pursuant to Section 67-5229(2)(a), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule: N/A

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Michael E. Cooper, Bureau Chief Phone (208) 332-8620.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to Michael Cooper and must be delivered on or before September 25, 2013. Comments can be delivered via email to mike.cooper@agri.idaho.gov or via regular mail to Michael Cooper's attention at the address listed below.

DATED this 2nd day of August, 2013.

Brian J. Oakey, Deputy Director
Idaho State Department of Agriculture
2270 Old Penitentiary Rd
P.O. Box 790
Boise, ID 83701
Phone: (208) 332-8500
Fax: (208) 334-2170

THE FOLLOWING IS THE PROPOSED TEXT FOR DOCKET NO. 02-0613-1301

050. PRODUCTION DISTRICTS.

01. ~~District I.~~ All land *south of the Canadian border and north of U.S. Interstate 90* in Idaho not listed under District II in Subsection 050.02 of this rule. (7-1-93)(____)

~~02. District II.~~ All land *south of U.S. Interstate 90 and north of the Clearwater River.* (7-1-93)

~~03. District III.~~ All land *south of the Clearwater River and north of the Salmon River.* (7-1-93)

04. ~~District IV.~~ All land within the boundaries of Ada, Canyon, Gem, Owyhee (north of Murphy) and Payette counties. (9-1-94)(____)

~~05. District V.~~ All land *within the boundaries of Elmore, Owyhee (south of Murphy), and Washington counties.* (9-1-94)

~~06. District VI.~~ All land *within the boundaries of Blaine, Camas, Cassia, Gooding, Jerome, Lincoln, Minidoka and Twin Falls counties.* (9-1-94)

~~07. District VII.~~ All land *within the boundaries of Bannock, Bear Lake, Bingham, Bonneville, Caribou, Clark, Franklin, Fremont, Jefferson, Madison, Oneida, Power and Teton counties.* (9-1-94)

051. -- 099. (RESERVED)

100. RESTRICTIONS.

01. ~~Districts I, V, VI, and VII.~~ Except as otherwise provided in this rule, *only industrial and* edible types of rapeseed may be planted in Districts ~~I, V, VI, and VII.~~ (9-1-94)(____)

02. ~~District II, III, and IV.~~ Except as otherwise provided in this rule, *only industrial types of rapeseed may be planted in District II and III, and* no rapeseed of either variety may be planted in District ~~IV.~~ (7-1-93)(____)

03. Exemptions Restrictions: (7-1-93)(____)

a. Industrial types of rapeseed *may be* planted in Districts ~~I, V, VI, and VII~~ *under* must adhere to these following conditions: (9-1-94)(____)

i. It is the responsibility of the person planting industrial types of rapeseed in District ~~I, V, and VI~~ to consult with and obtain the written approval from all farmers bordering the fields to be planted with industrial types of rapeseed. (7-1-93)(____)

ii. Industrial types of rapeseed planted in District ~~I, V, VI, and VII~~ must be at least one (1) mile from a field planted to edible types of rapeseed. (9-1-94)(____)

~~**b.** Spring edible types of rapeseed may be planted in Districts II and III, and winter edible types of rapeseed may be planted in District III. Planting of spring and winter edible types of rapeseed are subject to the following conditions:~~ (3-20-97)

~~i. It is the responsibility of the person planting spring or winter edible types of rapeseed in Districts II and III to consult with and obtain the written approval from all farmers bordering the fields to be planted with the spring or winter edible type of rapeseed.~~ (3-20-97)

~~ii. Spring or winter edible types of rapeseed planted in Districts II and III must be at least one (1) mile~~

from a field planted to industrial types of rapeseed.

(3-20-97)

e. This amendment to Subsections 100.03.b.i. and 100.03.b.ii. is reasonably necessary to confer benefits to the rapeseed/canola industry. The proposed rule change was requested by farmers in Idaho and Lewis counties. The proposed rule change will enable the farmers to plant the winter edible type of rapeseed. (3-20-97)