

MINUTES
SENATE AGRICULTURAL AFFAIRS COMMITTEE

DATE: Tuesday, January 20, 2015
TIME: 8:00 A.M.
PLACE: Room WW53
MEMBERS PRESENT: Chairman Rice, Vice Chairman Bayer, Senators Brackett, Patrick, Souza, Lee, Den Hartog, Ward-Engelking, and Burgoyne
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 Rice** called the meeting to order at 8:01 a.m.

INTRODUCTION: **Chairman Rice** introduced Miles Madden, Agricultural Affairs Committee Page.

PRESENTATION: **Pacific Northwest Economic Region (PNWER), Invasive Species - Zebra and Quagga Mussels. Megan Levy**, Program Manager, began the presentation by introducing Elsa Long, Canadian Legislator. **Megan Levy** explained that the zebra and quagga mussels pose a large threat to the economic well being of, water quality, hydroelectric facilities, and agricultural irrigation lines. Idaho has taken the lead for the region and accelerated its prevention efforts.

This regional defense is aimed at using resources in a cost-effective manner across the U.S./Canada border to prevent mussels from entering uninfested areas and to contain them at their source. PNWER is seeking Idaho's support to encourage federal legislators to release the \$20 million Columbia River Basin funds, which have been appropriated for these dreissenid activities. The Water Resources Development Act (WRDA) funds were appropriated for the dreissenid activities in the Columbia River Basin, but have not been appropriated to the Basin. Appropriating these funds could provide capacity within the Columbia River Basin for Idaho to address a potential infestation of invasive mussels. Idaho's Snake River facilities are in the highest risk category for an invasive mussel introduction because of the contents and temperature of the water.

Ms. Levy suggested the following actions:

1. Containment at the source through inspection of watercraft that moves in and out of the state. The major water bodies that present a threat to Idaho and the Pacific Northwest are Lake Mead, Nevada and the Great Lakes.
2. Continue to make sure the public understands the issue and the adverse effects to Idaho's waterways in the areas of fishery, low cost hydropower, and agriculture.
3. Support of the reauthorization of the National Invasive Species Act adding the quagga mussels as injurious species under the Lacey Act (see attachment 1).

Chairman Rice stated that Representative Eric Anderson has worked extensively on the prevention of the mussels from entering Idaho. He explained that if Idaho had a mussel infestation it could affect the irrigation process because mussels attach themselves to water pumps and choke off the flow of irrigation water.

PASSED THE GAVEL: Chairman Rice passed the gavel to Vice Chairman Bayer.

PRESENTATION: **Vice Chairman Bayer** stated that this rules presentation is to educate the Committee on the rules process, it offers an appreciation for the implication and nuances that are involved in rules deliberation.

Dennis Stevenson, State Administrative Rules Coordinator, explained the role Legislators have in the process. The main issue in the rule rewrite of 1992 was transparency, standardization, format and the numbering schematic of the rules process. Part of the rules process is public involvement and the Coordinator's ability to engage the public in that process. In 1996 the pending rule was created, and the Legislature said that rules may not go into effect until they go through the legislative review process.

Mr. Stevenson covered the following points:

- Legislative Services Office (LSO) receives and reviews proposed rules from agencies.
- Upon commencement of the legislative session, the germane committees begin reviewing pending, pending fee, and temporary rules.
- Once the germane committee has completed review of the rules dockets that have been submitted to it, a rules report is prepared by the committee and sent to leadership.
- Based upon the report, LSO will prepare the appropriate concurrent resolution.
- All rules expire on July 1st unless approved and extended by statute (see attachment 2).

Senator Souza asked what a double underscore represents in the text of a rule. **Mr. Stevenson** explained that a double underscore suggests that amendments were made and that the section of language was not in the original proposed rule.

Senator Souza asked when the germane joint subcommittees meet in the process. **Mr. Stevenson** said joint subcommittees generally do not meet unless there is a hearing requested. Normally the subcommittee looks over the rules and if they decide to hold a hearing the chairman notifies the agency that a hearing will be held. Generally these meetings take place over the telephone.

Senator Burgoyne asked if Mr. Stevenson ever contemplated a simpler process for rule review. **Mr. Stevenson** responded that they have spoken with the Attorney General's office and LSO in exploration of a simpler method. If their agency pursued a different process, the joint germane committee would have to become more proactive at this proposed stage of rulemaking. By doing away with the pending rule process the coordinator could simply allow the agency to adopt a rule as final, and then the final rules would be presented to the Legislature. The rules could then be brought in their legislative form and be approved.

RULE ASSIGNMENT: **Vice Chairman Bayer** advised that the Committee members would find a spreadsheet in their packets with the rule dockets and rule assignments. Committee members were asked to review the rules that had been assigned to them.

PASSED THE GAVEL: Vice Chairman Bayer passed the gavel back to Chairman Rice.

ADJOURNED: There being no further business, **Chairman Rice** adjourned the meeting at 8:58 a.m.

Senator Rice
Chair

Carol Deis
Secretary