

Dear Senators MORTIMER, Thayn, Buckner-Webb, and
Representatives CLOW, Kerby, McCrostie:

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

IDAPA 08.05.01 - Rules Governing Seed and Plant Certification (Chapter Repeal) - Proposed Rule
(Docket No. 08-0501-2000).

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 11/09/2020. 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 12/07/2020.

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 334-4854, or send a written request to the address on the
memorandum attached below.



Eric Milstead
Director

Legislative Services Office

Idaho State Legislature

Serving Idaho's Citizen Legislature

MEMORANDUM

TO: Rules Review Subcommittee of the Senate Education Committee and the House Education Committee

FROM: Principal Legislative Drafting Attorney - Elizabeth Bowen

DATE: October 21, 2020

SUBJECT: State Board of and State Department of Education

IDAPA 08.05.01 - Rules Governing Seed and Plant Certification (Chapter Repeal) - Proposed Rule (Docket No. 08-0501-2000)

Summary and Stated Reasons for the Rule

This rule repeals a chapter on seed certification standards. Per SB 1248 (2020), the standards no longer have to be set by rule.

Negotiated Rulemaking / Fiscal Impact

Negotiated rulemaking was not conducted, as the rule change was made in response to legislative action. There is no anticipated negative fiscal impact.

Statutory Authority

This rulemaking appears to be consistent with the Board's statutory authority.

cc: State Board of and State Department of Education
Tracie Bent

*** PLEASE NOTE ***

Per the Idaho Constitution, all administrative rules may be reviewed by the Legislature during the next legislative session. The Legislature has 3 options with this rulemaking docket: **1)** Approve the docket in its entirety; **2)** Reject the docket in its entirety; or **3)** Reject the docket in part.

IDAPA 08 – STATE BOARD OF EDUCATION
08.05.01 – RULES GOVERNING SEED AND PLANT CERTIFICATION
DOCKET NO. 08-0501-2001 (CHAPTER REPEAL)
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 Article IX, Section 2 of the Idaho Constitution and under Sections 33-101, 33-105, and Chapter 15, Title 22, Idaho Code, 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 the close of business on October 21, 2020.

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: This rule will vacate the entire chapter, IDAPA 08.05.01 Seed Certification Standards. Allowing this chapter to be repealed at this time will align with the 2020 Legislative action removing the requirement that seed certification standards are promulgated through the rulemaking process.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased: N/A

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(2), Idaho Code, negotiated rulemaking was not conducted because this amendment is simple in nature and the statutory authority for promulgating seed certification standards in administrative rule was removed during the 2020 Legislature.

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 Tracie Bent at tracie.bent@osbe.idaho.gov or (208) 332-1582.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before the close of business on October 28, 2020.

Dated this 28th day of October, 2020.

Tracie Bent
Chief Planning and Policy Officer
State Board of Education
650 W. State Street
PO Box 83720
Boise, ID and 83720-0037
Phone: (208) 332-1582
Fax: (208) 334-2632

IDAPA 08.05.01 IS BEING REPEALED IN ITS ENTIRETY