

MINUTES
HOUSE AGRICULTURAL AFFAIRS COMMITTEE

DATE: Wednesday, January 22, 2020

TIME: 1:30 P.M.

PLACE: Room EW42

MEMBERS: Chairman Boyle, Vice Chairman Troy, Representatives Kerby, Stevenson, Zito, Andrus, Giddings, Goesling, Marshall, Nichols, Raymond, Kiska, Toone, Abernathy, McCrostie

**ABSENT/
EXCUSED:** Representative McCrostie

GUESTS: Laura Johnson, ISDA; Cindy Stark, ISDA; Mary Ann Nelson, DEQ; Annelise Eagleton, Idaho Conservation League; Brett Slaughter, IGPA; Bill Barton, ISDA; Marv Patten, Milk Producers of Idaho; Wyatt Prescott, ICA, Dennis Stevenson, DFM; Lloyd Knight, ISDA

Chairman Boyle called the meeting to order at 1:32 p.m.

MOTION: **Rep. Toone** made a motion to approve the minutes of the Thursday, January 16, 2020 meeting. **Motion carried by voice vote.**

RS 27368: **Rep. Raymond** stated since 2000, livestock feeding operations have been required to have a nutrient management plan in place. He said now there is a tool allowing livestock producers to utilize a web-based nutrient management planner, housed within the Idaho State Department of Agriculture where the information provided will keep confidential.

MOTION: **Rep. Troy** made a motion to introduce **RS 27368**. **Motion carried by voice vote.**

**DOCKET NO.
02-0000-1900F:** **Brian Oakey**, Deputy Director, Idaho State Department of Agriculture, explained the reason why agriculture dockets look different from some of the others is because there are additional legal requirements that must be met specific to the ISDA including an in-depth analysis for rules regulating human health and environment. Negotiated rule making was conducted, he said, and five comments were registered. He stated in following the governor's Red Tape Reduction Act, in the three rules of this section, 454 words were eliminated with three of those being restrictive.

Laura Johnson, Bureau Chief, Marketing Development, ISDA, said the Idaho Preferred Promotion Program is a volunteer program dedicated to identifying and promoting Idaho food and agriculture products. She said the program was established in 2004 and has been successful in helping growers expand their sales as well as increase awareness of Idaho products. She explained this rule governs the application procedures and the participation fees. She said negotiated rule making was conducted, repetitive language was removed and product qualification was updated to reflect newer products now being introduced.

Laura Johnson, said Certificates of Free Sale are for exports only as foreign countries often require this on processed products being imported into their countries. She stated it is not a US requirement but a foreign import requirement which is provided to the food processors who otherwise would not be able to ship their products to foreign markets. She stated there were no substitutive changes to the rule.

Cindy Stark, Administrator Inspections, ISDA, explained the Organic Food Products rule is a voluntary certification. She said there were no changes to the fees. She explained the sections consolidated, eliminated, definitions removed and changes made in wording for greater clarification.

MOTION: **Rep. Raymond** made a motion to approve Omnibus **Docket No. 02-0000-1900F**. **Motion carried by voice vote.**

DOCKET NO. 02-0000-1900FA: **Brian Oakey**, Deputy Director, ISDA, explained because of the formatting requirement they had to do a separate docket for these particular rules. He stated they took this as an opportunity to consolidate several rule chapters that regulate similar activities as well as reducing overall rule chapters and the number of pages in administrative code. He said over all there were 1970 words eliminated with 104 of those being restrictive.

Dr. Bill Barton, DMV Administrator, State Veterinarian, stated the Eggs and Egg Production rule adopts and republishes existing and previously approved rule chapters to be consistent with the Red Tape Reduction Act. He said some minor non-substantive changes have been made throughout the rule. He said redundancies and repetitive words have been removed and authority has been clarified. He said restrictive words have been eliminated or modified without changing the intent or meaning of the rule. He stated there are no new fees or increases to existing fees. He said this entire rule regulates an activity not regulated by the federal government. He explained this program establishes standards for grading, handling, and marketing of eggs and egg products in the state of Idaho.

Cindy Stark, explained the Bonded Warehouse rule adopts and republishes existing and previously approved rule chapters. She said to be consistent with the Red Tape Reduction Act, some minor, non substantive revisions were made throughout the rule. She stated there was no increase to the fees or changes from previously approved fees in the prior rule. She said no comments were received during negotiated rule making. She explained one addition to address industry requested changes to statute adopted in 2019 listing the requirement for acceptance of electronic warehouse receipts.

Cindy Stark, explained the Commodity Dealers' rule adopts and republishes existing and previously approved rule chapters. She said to be consistent with the Red Tape Reduction Act, some minor, non substantive revisions were made throughout the rule. She stated redundancies have been eliminated, all definitions moved to the definition section and restrictive words were eliminated or modified. She said there were no increases to the fees or changes from previously approved fees in prior rule making. It was determined by analysis the entire rule regulates an activity not regulated by the federal government. She said the rule clarifies the procedure for licensing, collection and remittance of assessment, determining claim value, maintaining electronic records, use of electronics scales and remedies to the department for non compliance for commodity dealers.

Cindy Stark, explained the Weights and Measures rule adopts and republishes existing and previously approved rule chapters. She said to be consistent with the Red Tape Reduction Act, some minor, non substantive revisions have been made. She stated negotiated rule making began in 2019 and will continue in 2020. She stated there were no changes to the fees previously approved and codified in the prior rule. She said it was determined by analysis the entire rule regulates an activity not regulated by the federal government. She said three sections no longer applicable have been removed. She stated this rule is for commercial weighing and measuring devices, licensing of commercial weighing and measuring devices, the licensing of commercially used weights and measures, and to set annual licensing fees for weight and measuring devices.

Cindy Stark, explained the rule governing the Seed and Indemnity Fund adopts and republishes existing and previously approved rule chapters. She said to be consistent with the Red Tape Reduction Act, some minor and non substantive changes have been made throughout the rule. She said there are no changes to the fees approve and codified in previous rules. The department conducted an analysis and determined the entire rule regulates an activity not regulated by the federal government. She stated this rule clarifies the procedure for licensing, collecting and remittance of assessment, determining claim value, maintaining electronic records, use of electronic scales and remedies of the department for non compliance for licensed seed buyers.

In response to a committee question, **Ms. Stark** explained there are federal standards but they do not regulate. She said there are industry sponsored rules put in place to protect procedures in the event of a failure. She said the standards to regulate insure commerce is equitable for all people.

Lloyd Knight, Division of Plant Industries Administrator, ISDA, stated at the request of the industry, they were able to combine the rules for planting Phascolus and non Phascolus beans into one rule. He said they did outreach with the bean industry, conducting three meetings facilitated by the Bean Commission. He detailed the changes as they lifted from one rule and applied it into the combined rule. He stated there were no increases to the fees and they were able to take out one section of fee assessment for customer labor because it is not practiced any longer. He said there were several changes to restrictive language scattered through out the rule.

In response to a committee question, **Mr. Knight** said the restrictive language concerning beans grown under irrigation is because of the disease prevalence that can happen under sprinkler irrigation versus dry land.

MOTION: **Rep. Kerby** made a motion to approve Omnibus **Docket 02-0000-1900FA; chapters, 02.02.11, 02.02.12, 02.02.13, 02.02.14, 02.02.15, and 02.06.06. Motion carried by voice vote.**

ADJOURN: There being no further business to come before the committee, the meeting was adjourned at 2:36 p.m.

Representative Boyle
Chair

Joan Majors
Secretary