

MINUTES
SENATE AGRICULTURAL AFFAIRS COMMITTEE

DATE: Thursday, January 23, 2020

TIME: 8:00 A.M.

PLACE: Room WW53

MEMBERS PRESENT: Chairman Guthrie, Senators Patrick, Harris, Mortimer, Lent, Bayer, Jordan, and Nelson

ABSENT/ EXCUSED: Vice Chairwoman Den Hartog

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 Guthrie** called the Senate Agricultural Affairs Committee (Committee) to order at 8:00 a.m.

RS 27252 **Mike Keckler**, Chief Communications and Legislative Affairs Officer, State Board of Education, presented **RS 27252**; Relating to Seed and Plant Certification: Amend and Make Technical Corrections. He said the proposed legislation will remove the requirement for the Idaho Agricultural Experiment Station, housed in the College of Agriculture and Life Sciences at the University of Idaho, to use Idaho's negotiated rulemaking process for setting standards for seed certification. He stated there is another process which enables the public and industry to offer input in setting seed certification standards, managed by the Idaho Crop Improvement Association. He detailed the current requirement procedures.

MOTION: **Senator Mortimer** moved to send **RS 27252** to print. **Senator Bayer** seconded the motion.

DISCUSSION: **Senator Mortimer** explained the history of seed rule-setting within the Senate and House Education Committees. He said the proposed legislation will be a benefit to seed certification.

Senator Patrick said as a seed grower this proposed legislation will help growers.

VOICE VOTE: The motion passed by **voice vote**.

MINUTES APPROVAL: **Senator Harris** moved to approve the Minutes of January 9, 2020. **Senator Jordan** seconded the motion. The motion passed by **voice vote**.

RULES: **Brian Oakey**, Deputy Director, Idaho State Department of Agriculture (ISDA), explained the three different categories the dockets on the agenda address. He detailed combination rules, negotiated rules, and said they performed Idaho Code § 22-101A analysis of rule. He explained the reasons for the combination rules and reported the number of pages and words reduced from the rules, which is in line with the Red Tape Reduction Act (RTRA). He said the individual administrators from ISDA, who are responsible for the specific dockets, will present and explain the updates.

DOCKET NO. 02-0202-1901 **Cindy Stark**, Administrator, Agricultural Inspection Division, ISDA, presented **Docket No. 02-0202-1901**; Rules Governing Grading and Controlled Atmosphere Storage of Apples. She said the combination rule will publish two previously existing and approved rules into one rule that will now govern Idaho apple grading and storage criteria. She detailed the changes, which are in line with the RTRA and had no opposition from stakeholders.

- MOTION:** **Senator Mortimer** moved to approve **Docket No. 02-0202-1901**. **Senator Nelson** seconded the motion. The motion passed by **voice vote**.
- DOCKET NO. 02-0205-1902** **Ms. Stark** presented **Docket No. 02-0205-1902**; Rules Governing Stone Fruit Grades. This combination rule will adapt and combine three published and approved existing rules. She said in consistency with the RTRA, there are minor and non-substantive revisions to the rule. She said the combination rule consolidates prunes, sweet cherries, and apricots rules and specifies the standards criteria.
- MOTION:** **Senator Patrick** moved to approve **Docket No. 02-0205-1902**. **Senator Jordan** seconded the motion. The motion passed by **voice vote**.
- DOCKET NO. 02-0212-1901** **Ms. Stark** presented **Docket No. 02-0212-1901**; Bonded Warehouse Rules. She said the rulemaking adopts and republishes existing and previously approved rule chapters. She stated to be consistent with the RTRA, there were minor and non-substantive revisions throughout the rule. She said this is a fee rule and no changes were made to the fee. She said the combined rule gives additional support and guidance for the use of electronic warehouse receipts.
- MOTION:** **Senator Mortimer** moved to approve **Docket No. 02-0212-1901**. **Senator Lent** seconded the motion. The motion passed by **voice vote**.
- DOCKET NO. 02-0301-1901** **Victor Mason**, Administrator, Agricultural Resources, ISDA, presented **Docket No. 02-0301-1901**; Rules Governing Pesticide Management Plans for Ground Water Protection. The ISDA posted the proposed rules and received no written comments. He said the rule adopts a previously approved and codified chapter of ISDA rules. He said the Idaho Code § 22-101A analysis of the rule was completed and it was determined the rule is broader in scope than federal law requirements. The rule was reviewed and reduced to the standards set by the RTRA. He said this rule establishes a response to pesticide detection in ground water.
- MOTION:** **Senator Lent** moved to approve **Docket No. 02-0301-1901**. **Senator Mortimer** seconded the motion. The motion passed by **voice vote**.
- DOCKET NO. 02-0415-1901** **Dr. Bill Barton**, Administrator Animal Industries and State Veterinarian, ISDA, presented **Docket No. 02-0415-1901**; Rules Governing Beef Cattle Animal Feeding Operations. He said the rulemaking adopts and republishes existing and previously approved rule chapters. To be consistent with the RTRA, minor and non-substantive changes were made. An Idaho Code § 22-101A analysis was completed on the rule and determined that some sections are more stringent and broader in scope than federal regulations. **Dr. Barton** said the rule establishes standards for the storage, management, and application of manure for beef cattle feeding operations that manage over 1,000 head of cattle.
- MOTION:** **Senator Harris** moved to approve **Docket No. 02-0415-1901**. **Senator Mortimer** seconded the motion. The motion passed by **voice vote**.
- DOCKET NO. 02-0417-1901** **Dr. Barton** presented **Docket No. 02-0417-1901**; Rules Governing the Importation of Animals. He said the rulemaking adopts and republishes existing and previously approved rule chapters. To be consistent with the RTRA, some minor and non-substantive changes were made to eliminate repetitive, restrictive, and redundant words. An Idaho Code § 22-101A analysis was made on the rule and it was determined the entire rule regulates an activity not regulated by the federal government. **Dr. Barton** said the rule establishes standards for the management, movement, and disposal of dead animal bodies, carcasses, and body parts, for the protection of human health and the environment.
- MOTION:** **Senator Jordan** moved to approve **Docket No. 02-0417-1901**. **Senator Harris** seconded the motion. The motion passed by **voice vote**.

**DOCKET NO.
02-0421-1901**

Dr. Barton presented **Docket No. 02-0421-1901**; Rules Governing the Importation of Animals. He said this is a negotiated rule and reported the number of people in attendance and the number of comments received for the rule. To be consistent with the requirements of the RTRA, the changes to the rule were to reduce restrictive language. He said ISDA conducted an Idaho Code § 22-101A analysis of the rule and determined that some sections are more stringent than federal regulations and other sections are not regulated by the federal government.

Dr. Barton walked the Committee through the sections of the rule in which substantive changes were made. He said the changes align with federal standards, current technology practices, and streamline language.

In response to Committee concerns regarding Idaho rules being more stringent than federal regulations, **Dr. Barton** replied that there are issues that are limited only to Idaho and need to be addressed.

MOTION:

Senator Harris moved to approve **Docket No. 02-0421-1901**. **Senator Bayer** seconded the motion. The motion passed by **voice vote**.

**DOCKET NO.
02-0423-1901**

Dr. Barton presented **Docket No. 02-0423-1901**; Rules Governing Commercial Livestock Truck Washing Facilities. He said the rulemaking adopts and republishes existing and previously approved rule chapters and is in line with the RTRA, with minor and non-substantive changes. An Idaho Code § 22-101A analysis was conducted and determined the entire rule regulates an activity not regulated by the federal government. The rule establishes standards for the permitting and management of commercial truck washing facilities within the state in order to protect human health and the environment.

MOTION:

Senator Mortimer moved to approve **Docket No. 02-0423-1901**. **Senator Jordan** seconded the motion. The motion passed by **voice vote**.

ADJOURNED:

There being no further business at this time, **Chairman Guthrie** adjourned the meeting at 8:42 a.m.

Senator Jim Guthrie
Chair

LeAnn Mohr
Secretary