

MINUTES
SENATE AGRICULTURAL AFFAIRS COMMITTEE

DATE: Thursday, January 30, 2020

TIME: 8:00 A.M.

PLACE: Room WW53

MEMBERS PRESENT: Chairman Guthrie, Vice Chairwoman Den Hartog, Senators Patrick, Harris, Mortimer, Lent, Bayer, Jordan, and Nelson

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

INTRODUCTIONS: **Chairman Guthrie** asked Jason Fellows, President, The Young Farmers and Ranchers Committee, of the Farm Bureau to introduce YFRC audience members and speak about the benefits of YFRC membership.

PASSED THE GAVEL: Chairman Guthrie passed the gavel to Vice Chairwoman Den Hartog.

DOCKET NO. 11-0200-1900F **Cody Burlile**, State Brand Inspector, Idaho State Police, presented **Docket No. 11-0200-1900F**; Rules of the Idaho State Brand Board (Board). He said the rule adopts and republishes existing and previously approved rule chapters. He reported that the Board conducted negotiated rulemaking and in keeping with the Red Tape Reduction Act (RTRA), changes were minimal and non-substantial. He said the changes updated the rules to meet the current practices.

Mr. Burlile said there is a mistake in the fee summary and reviewed the correct fee schedule with the Committee. He explained the fee increases were due to statutory changes in 2019 and are below the statutory fee cap (Attachment 1).

MOTION: **Senator Harris** moved to approve **Docket No. 11-0200-1900F**. **Senator Mortimer** seconded the motion. The motion passed by **voice vote**.

DOCKET NO. 02-0432-1901 **Dr. Bill Barton**, Administrator, Animal Industries and State Veterinarian, Idaho State Department of Agriculture (ISDA), presented **Docket No. 02-0432-1901**; Rules Governing Poultry Operations. He stated this rule adopts and republishes a previously approved chapter and there were no substantive changes to the rule. He reviewed the minor changes to simplify the rules and said there were no changes to the fees. He said ISDA performed Idaho Code § 22-101A analysis and determined that sections in the rule were broader in scope than those regulated by the federal government. The program establishes standards for the storage, management, and application of nutrients from commercial poultry operations in Idaho.

MOTION: **Senator Lent** moved to approve **Docket No. 02-0432-1901**. **Senator Nelson** seconded the motion. The motion passed by **voice vote**.

**DOCKET NO.
02-0601-1901**

Lloyd Knight, Administrator, Division of Plant Industries, ISDA, presented **Docket No. 02-0601-1901**; Rules Governing the Production and Distribution of Seed. He said negotiated rulemaking occurred and no comments were received regarding this rule. He said this rule combines three previous rules: pure seed law, rapeseed production and rapeseed districts, and rules governing bluegrass. He said the reviews were administered in line with the RTRA; minor and non-substantive changes were made. An Idaho Code § 22-101A analysis was performed and it was determined the rule, in its entirety, regulates an activity not regulated by the federal government. The rule governs the sale and distribution of seed in Idaho, establishes fees for service testing, and makes definitions. No changes were made to the fee.

MOTION:

Senator Mortimer moved to approve **Docket No. 02-0601-1901**. **Senator Jordan** seconded the motion. The motion passed by **voice vote**.

**DOCKET NO.
02-0602-1902**

Mr. Knight presented **Docket No. 02-0602-1902**; Rules Governing Registrations and Licenses. He said a negotiated rulemaking meeting was announced and no comments were received. This rule combines five rules pertaining to licensing and registration of certain agricultural activities or products. It combined the following rules: Idaho commercial feed law, nurseries and forest law, Idaho fertilizer law, Idaho bee inspection law, and the soil and plant amendment act. The rule was reviewed, and changes were made to be consistent with the RTRA. An Idaho Code § 22-101A analysis was completed and the rule in its entirety regulates activities not regulated by the federal government. He gave a brief description and detailed the requirements of each of the subchapters. This rule regulates seed production. **Mr. Knight** detailed the updates to the incorporation by reference rules in the subchapters. All were updated to the standards of the RTRA. He stated that no fees were changed.

MOTION:

Senator Nelson moved to approve **Docket No. 02-0602-1902**. **Chairman Guthrie** seconded the motion. The motion passed by **voice vote**.

**DOCKET NO.
02-0604-1901**

Mr. Knight presented **Docket No. 02-0604-1901**; Rules Governing Plant Exports. He said a negotiated rulemaking meeting was held and no comments were received. This rule combines three previous rules regulating plant exports: rules concerning virus-free certification of nursery stock, rules governing ginseng export, and phytosanitary and post-entry seed certification rules. The rules were reviewed, and changes were made to be consistent with the RTRA. An Idaho Code § 22-101A analysis was completed, and the rule in its entity regulates activities not regulated by the federal government. He stated that no fees were changed.

MOTION:

Senator Jordan moved to approve **Docket No. 02-0604-1901**. **Senator Bayer** seconded the motion. The motion passed by **voice vote**.

**DOCKET NO.
02-0605-1901**

Mr. Knight presented **Docket No. 02-0605-1901**; Rules Governing Plant Disease and Quarantines. He said the rules were negotiated, and no comments were made. This rule combines 11 previous rules: hops, white rot disease of onion, apples and cherries, European corn borer, peach tree disease, disposal of cull onion and potatoes, mint rootstock, grape planting stock, Japanese beetle, anthracnose disease of lentil, and plum curculio. He said these all are quarantine rules and put into place several restrictions as requested by the regulated industry to ensure these diseases are addressed when located. The rules were reviewed, and changes were made to be consistent with the RTRA. An Idaho Code § 22-101A analysis was completed, and the rule in its entity regulates activities not regulated by the federal government.

Mr. Knight explained the minor changes to the rule which restrict movement and set forth treatment procedures to minimize the chance to spread regulated pests. He said there were no changes to the fees.

DISCUSSION: In response to a question concerning how areas are placed on the quarantine list, **Mr. Knight** explained the process that state and federal agencies use to track infected areas. He said as pests are discovered, the quarantined boundaries are updated.

MOTION: **Senator Mortimer** moved to approve **Docket No. 02-0605-1901**. **Chairman Guthrie** seconded the motion. The motion passed by **voice vote**.

DOCKET NO. 02-0609-1901 **Mr. Knight** presented **Docket No. 02-0609-1901**; Rules Governing Invasive Species and Noxious Weeds. He said the rules were negotiated, and no comments were made. This rule combines three previous rules: invasive species, noxious weeds, and noxious weed free forage and straw certification. The rules were reviewed, and changes were made to be consistent with the RTRA. An Idaho Code § 22-101A analysis was completed, and the rule in its entirety regulates activities not regulated by the federal government. He said the rule streamlines and simplifies the rules to prevent the spread of species and their impact on natural resources and crops. He stated there were no changes made to the fees.

MOTION: **Senator Harris** moved to approve **Docket No. 02-0609-1901**. **Senator Lent** seconded the motion. The motion passed by **voice vote**.

DOCKET NO. 02-0610-1901 **Mr. Knight** presented **Docket No. 02-0610-1901**; Rules Governing the Growth of Potatoes. He said the rules were negotiated, and no comments were made. This rule combines four previous rules: pale cyst nematode, seed potato crop management areas, bacterial ring rot, and minimum standards for planting uncertified seed potatoes in Idaho. The rules were reviewed, and changes were made to be consistent with the RTRA. An Idaho Code § 22-101A analysis was completed, and the rule in its entirety regulates activities not regulated by the federal government. **Mr. Knight** explained that this rule only regulates the planting and growing of potatoes to prevent the spread of pests and disease and the impact on potato production.

MOTION: **Senator Jordan** moved to approve **Docket No. 02-0610-1901**. **Senator Mortimer** seconded the motion. The motion passed by **voice vote**.

PASSED THE GAVEL: Vice Chairwoman Den Hartog passed the gavel to Chairman Guthrie.

ADJOURNED: There being no further business at this time, **Chairman Guthrie** adjourned the meeting at 8:59 a.m.

Senator Jim Guthrie
Chair

LeAnn Mohr
Secretary