



Legislative Services Office Idaho State Legislature

Jeff Youtz
Director

Serving Idaho's Citizen Legislature

MEMORANDUM

TO: Rules Review Subcommittee of the Senate Agricultural Affairs Committee and the House Agricultural Affairs Committee
FROM: Principal Legislative Research Analyst - Katharine Gerrity
DATE: September 17, 2013
SUBJECT: Department of Agriculture

IDAPA 02.02.14 - Rules for Weights & Measures (Docket No. 02-0214-1301) - Fee Rule

IDAPA 02.03.03 - Rules Governing Pesticide & Chemigation Use & Application (Docket No. 02-0303-1301)

IDAPA 02.03.03 - Rules Governing Pesticide & Chemigation Use & Application (Docket No. 02-0303-1302)

IDAPA 02.04.20 - Rules Governing Brucellosis (Docket No. 02-0420-1301)

IDAPA 02.04.21 - Rules Governing Importation of Animals (Docket No. 02-0421-1301)

1. IDAPA 02.02.14 - Rules for Weights & Measures

The Idaho State Department of Agriculture submits notice of proposed rule at IDAPA 02.02.14 - Rules for Weights & Measures. This is a fee rule. According to the Department, the proposed rule removes language that establishes an annual license fee for devices not on Table 1-A, establishes a minimum license fee of \$12.00, adds new categories in Table 1-A for devices emerging into the marketplace, such as liquid and compressed natural gas meters and fuel additive meters, and increases license fees for Device Codes D, E and F to more accurately reflect inspection costs. The Department notes that there will be no impact to the general fund but that the weights and measures dedicated fund could see an increase of \$40,628 as a result of the changes.

Negotiated rulemaking was conducted. The rule appears to be authorized pursuant to Sections 71-111 and 71-121, Idaho Code.

2. IDAPA 02.03.03 - Rules Governing Pesticide & Chemigation Use & Application

The Idaho State Department of Agriculture submits notice of proposed rule at IDAPA 02.03.03 - Rules Governing Pesticide & Chemigation Use & Application. According to the Department, it has been the policy of the Department that pesticide licensing exam scores and recertification credits are valid for one year. The policy is not currently in rule and the Pesticide Advisory Committee has recommended that it be placed in rule.

Mike Nugent, Manager
Research & Legislation

Cathy Holland-Smith, Manager
Budget & Policy Analysis

April Renfro, Manager
Legislative Audits

Glenn Harris, Manager
Information Technology

The proposed changes provide for a one-year time period for new or renewing licensees to obtain an applicator license without penalty and also provide a cutoff time for inactive licensees to renew their licenses before they will be required to retest.

The Department states that negotiated rulemaking was conducted. The rule appears to be authorized pursuant to Section 22-3421, Idaho Code.

3. IDAPA 02.03.03 - Rules Governing Pesticide & Chemigation Use & Application

The Idaho State Department of Agriculture submits notice of proposed rule at IDAPA 02.03.03 - Rules Governing Pesticide & Chemigation Use & Application. According to the Department, the purpose of the rulemaking is to allow pesticide use on certain new seed crops, including endive, parsnip, sugar and garden beets, Swiss chard, collards, lettuce, dill, kohlrabi and mustard, without the need for an established residue tolerance. The Department notes that the changes will make Idaho's seed crop list essentially the same as the list in the state of Washington.

Negotiated rulemaking was conducted. The rule appears to be authorized pursuant to Section 22-3421, Idaho Code.

4. IDAPA 02.04.20 - Rules Governing Brucellosis

The Idaho State Department of Agriculture submits notice of proposed rule at IDAPA 02.04.20 - Rules Governing Brucellosis. According to the Department, the purpose of the rule is to establish a process through which a producer obtains a required permit prior to movement of any cattle out of the Designated Surveillance Area (DSA). The rule provides that prior to movement, all persons transporting Test Eligible cattle or domestic bison from within the DSA to a location outside the DSA shall be required to obtain a movement permit via telephone from the Division of Animal Industries at least twenty-four hours in advance, provides for contents of the permit, period of validity and penalties.

Negotiated rulemaking was conducted. The rule appears authorized pursuant to Section 25-203, Idaho Code.

5. IDAPA 02.04.21 - Rules Governing Importation of Animals

The Idaho State Department of Agriculture submits notice of proposed rule at IDAPA 02.04.21 - Rules Governing Importation of Animals. According to the Department, the purpose of the rule is to amend domestic cervidae import requirements to establish consistency with the new National Chronic Wasting Disease Herd Certification Program. The Department states that the changes will require compliance with the national program prior to domestic cervidae importation into Idaho. In addition, the Department notes that the rule also amends several sections to more specifically define equine infectious anemia import testing (Coggins test) requirements for horses destined for slaughter. The Department states that the rule will establish a time limit for imported horses to be destined to slaughter that have entered Idaho without a valid Coggins test. The current rule allows slaughter horse imports without a Coggins test, but does not specify when the animal must go to slaughter.

Negotiated rulemaking was conducted. The rule appears to be authorized pursuant to Section 25-203, Idaho Code.

cc: Department of Agriculture
Brian J. Oakey
Kevin Merritt
Ben Miller
Dr. Scott Leibsle