



Jeff Youtz  
Director

# Legislative Services Office Idaho State Legislature

*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 02, 2014

**SUBJECT:** Department of Agriculture

IDAPA 02.02.14 - Rules for Weights and Measures (Fee Rule) - Proposed Rule (Docket No. 02-0214-1403)

IDAPA 02.04.05 - Rules of the Department of Agriculture Governing Manufacture Grade Milk - Proposed Rule (Docket No. 02-0405-1401)

IDAPA 02.04.19 - Rules Governing Domestic Cervidae (Fee Rule) - Temporary and Proposed Rule (Docket No. 02-0419-1401)

IDAPA 02.04.21 - Rules Governing the Importation of Animals - Proposed Rule (Docket No. 02-0421-1401)

IDAPA 02.04.21 - Rules Governing the Importation of Animals - Proposed Rule (Docket No. 02-0421-1402)

IDAPA 02.04.24 - Rules Governing Tuberculosis - Proposed Rule (Docket No. 02-0424-1401)

IDAPA 02.04.28 - Rules Governing Livestock Dealers, Buying Stations, and Livestock Trader Lots - Proposed Rule (Docket No. 02-0428-1401)

IDAPA 02.08.01 - Sheep and Goat Rules of the Idaho Sheep and Goat Health Board (Fee Rule) - Proposed Rule (Docket No. 02-0801-1401)

### **1. IDAPA 02.02.14 - Rules for Weights and Measures**

The Idaho State Department of Agriculture submits notice of a proposed fee rule at IDAPA 02.02.14 - Rules for Weights and Measures. According to the department, the rule change will remove language requiring proration of device license fees. The department states that the change will require new businesses or existing customers who add a device during the license period to pay the full license fee when a device is placed into service in lieu of prorating the license fee.

The department indicates that there will be no fiscal impact to the General Fund but that it anticipates a positive impact of approximately \$500 in annual revenue to the Weights and Measures Dedicated Fund. The department states that negotiated rulemaking was conducted. The rulemaking appears to be authorized pursuant to Section 71-111, Idaho Code.

Mike Nugent, Manager  
Research & Legislation

Cathy Holland-Smith, Manager  
Budget & Policy Analysis

April Renfro, Manager  
Legislative Audits

Glenn Harris, Manager  
Information Technology

## **2. IDAPA 02.04.05 - Rules of the Department of Agriculture Governing Manufacture Grade Milk**

The Idaho State Department of Agriculture submits notice of proposed rule at IDAPA 02.04.05 - Rules of the Department of Agriculture Governing Manufacture Grade Milk. According to the department, the rule is being updated to reflect and be consistent with Senate Bill 1338 from the 2014 legislative session. The department notes that the last updates to the rule were made in 1994 and that since that time, some of the contents of the rule have become outdated and need to be revised or removed. The department indicates that documents referenced throughout the rule will be listed under the incorporation by reference section, all mention of the Babcock test will be removed since the test is no longer used, the Methods of Analysis section will be removed because another rule now covers the requirements for the methods of testing milk and cream for sale, and that standards of identity of products will be revised for consistency with federal definitions. The department states that the rule will also establish quality standards for coliform and bacteria testing to ensure that butter and whey butter made in Idaho are of high quality. The department adds that the format of the rule will be updated to bring it into compliance with current rulemaking formats and that the name of the rule itself will be changed to Rules Governing Manufacture Grade Milk to make it consistent with other department rules.

The department notes that negotiated rulemaking was conducted. The rulemaking appears to be authorized pursuant to Section 37-303, Idaho Code.

## **3. IDAPA 02.04.19 - Rules Governing Domestic Cervidae**

The Idaho State Department of Agriculture submits notice of a temporary and proposed fee rule at IDAPA 02.04.19 - Rules Governing Domestic Cervidae. According to the department, the rule change will define the term "harvest" as it pertains to animals on domestic cervidae facilities, establish a new fee schedule consistent with statutory revisions made during the 2014 legislative session for cervidae producers (the purpose of the fee is to cover the cost of administering the program), alter the frequency of required facility inspections to coincide with statutory revisions, describe how the administrator will implement chronic wasting disease surveillance standards for facilities at a higher risk of disease exposure and establish new chronic wasting disease surveillance standards for cervids that die or are harvested on cervidae facilities.

The department states that the temporary rule has already been negotiated with stakeholders who have reached a consensus on all of the changes. The effective date of the temporary rule is September 1, 2014. The department notes that the annual assessment fee for domestic elk will be increased from \$5.00 per head per year to \$10 per head per year. Funds are used to cover the cost of administering the program. The department indicates that the fiscal impact to the industry due to the fee increase will be offset by the reduction of chronic wasting disease testing requirements and that it anticipates a net positive fiscal impact to the industry and to the dedicated fund utilized to manage the program. The rulemaking appears to be authorized pursuant to Section 25-3704, Idaho Code.

## **4. IDAPA 02.04.21 - Rules Governing the Importation of Animals**

The Idaho State Department of Agriculture submits notice of proposed rule at IDAPA 02.04.21 - Rules Governing the Importation of Animals. According to the department, the purpose of the rulemaking is to add a deworming treatment specific to meningeal worm to the requirements that must be met prior to importing domestic cervids into Idaho to mitigate the risk of disease exposure. The department notes that the rule also requires the veterinarian who signs the certificate of veterinary inspection for shipment of domestic cervidae into Idaho to provide a statement verifying that none of the cervids in the shipment have been diagnosed or

exposed to the meningeal worm, *P. tenuis*. In addition, the rule change replaces the restriction that prohibits importing domestic cervidae from regions endemic with *P. tenuis* with a prohibition against importing cervids known to be infected with *P. tenuis*.

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

#### **5. IDAPA 02.04.21 - Rules Governing the Importation of Animals**

The Idaho State Department of Agriculture submits notice of proposed rule at IDAPA 02.04.21 - Rules Governing the Importation of Animals. According to the department, the purpose of the rulemaking is to remove the requirement that prohibits importing livestock that originate from within a ten-mile radius of a confirmed base of vesicular stomatitis. The department notes that the rule change allows dairy breeds of cattle to be granted a tuberculosis testing exemption when consigned directly to feedlots approved for finish feeding.

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

#### **6. IDAPA 02.04.24 - Rules Governing Tuberculosis**

The Idaho State Department of Agriculture submits notice of proposed rule at IDAPA 02.04.24 - Rules Governing Tuberculosis. According to the department, a new section will be added to establish criteria for cattle of unknown tuberculosis testing status to be fed to slaughter in feedlots approved for finish feeding.

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

#### **7. IDAPA 02.04.28 - Rules Governing Livestock Dealers, Buying Stations, and Livestock Trader Lots**

The Idaho State Department of Agriculture submits notice of proposed rule at IDAPA 02.04.28 - Rules Governing Livestock Dealers, Buying Stations, and Livestock Trader Lots. According to the department, the rule change requires that all livestock leaving an approved livestock trader lot shall require an accredited veterinarian to inspect the animals and issue an official certificate of veterinary inspection prior to release.

The department states that negotiated rulemaking was conducted. The rulemaking appears to be authorized pursuant to Section 25-203, Idaho Code.

#### **8. IDAPA 02.08.01 - Sheep and Goat Rules of the Idaho Sheep and Goat Health Board**

The Idaho State Department of Agriculture submits notice of a proposed fee rule at IDAPA 02.08.01 - Sheep and Goat Rules of the Idaho Sheep and Goat Health Board. According to the department, the proposed rule reflects the changes mandated by legislation passed during the 2014 legislative session that requires an eighty cent per head assessment on goats and an increase from eight cents to ten cents per pound on wool. The department notes that a total of twenty cents per head on goats and two cents per pound of wool will go to the newly created Wolf Control Fund. The department states that the rule also clarifies the age at which dairy

goats need to be tested for brucellosis prior to entering Idaho. The department notes that the rule also has been updated to change the name of the Idaho Sheep Commission to the Idaho Sheep and Goat Health Board.

Negotiated rulemaking was conducted. The rulemaking appears to be authorized pursuant to Section 25-129, Idaho Code.

cc: Department of Agriculture  
Brian J. Oakey

## PROPOSED RULE COST/BENEFIT ANALYSIS

Section 67-5223(3), Idaho Code, requires the preparation of an economic impact statement for all proposed rules imposing or increasing fees or charges. This cost/benefit analysis, which must be filed with the proposed rule, must include the reasonably estimated costs to the agency to implement the rule and the reasonably estimated costs to be borne by citizens, or the private sector, or both.

**Department or Agency:** Idaho State Department of Agriculture

**Agency Contact:** Stacie Ybarra **Phone:** (208) 332-8690

**Date:** \_\_\_\_\_

**IDAPA, Chapter and Title Number and Chapter Name:**

IDAPA 02.02.14, Section 014, Rules for Weights and Measures

**Fee Rule Status:**  **Proposed**  **Temporary**

**Rulemaking Docket Number:** 02-0214-1403

### **STATEMENT OF ECONOMIC IMPACT:**

Eliminating the proration requirement to the fee structure will impact approximately 12 businesses annually. As a result, the Weights and Measures Dedicated Fund could see an increase of less than \$500 annually. The General Fund would not be impacted.