

IDAPA 02 – IDAHO STATE DEPARTMENT OF AGRICULTURE

**02.06.25 - RULES GOVERNING THE PLANTING OF BEANS OTHER THAN
PHASEOLUS SPECIES, IN IDAHO**

DOCKET NO. 02-0625-1301 (NEW CHAPTER)

NOTICE OF RULEMAKING - PROPOSED RULE

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Section 22-2006, Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than September 18, 2013.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

DESCRIPTIVE SUMMARY: The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking: This rule will require that all lots of soybean seed, and as a result of public input from two negotiated rule-making meetings, seed from other related plant species for planting in Idaho to be tested for bean diseases of concern and nematodes that do not occur in Idaho. Soybeans and other bean species such as mung or azuki beans are known to carry a complex of bacterial blights and other diseases that could affect the long standing and well established bean seed (*Phaseolus* sp.) production industry in the state. Laboratory testing and at least one inspection will occur during the growing season.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased: Pursuant to Section 22-2006, Idaho Code, the Department proposes to charge a minimum of \$250.00 for laboratory analysis on a per sample basis. ISDA proposes to charge \$3.50 per acre for field inspections, with a \$50.00 minimum. These fees are consistent with the fee structure for laboratory analysis and the current Rules Governing the Planting of Beans (IDAPA 02.06.06). Based on recent acreages planted (<1,000 acres) we do not expect this rule to generate more than \$10,000 in dedicated funds per year. Charges for nematode and soil testing will be at the prevailing rates of those labs capable and approved for that testing.

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year resulting from this rulemaking: N/A

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(1), Idaho Code, negotiated rulemaking was conducted. The Notice of Intent to Promulgate Rules - Negotiated Rulemaking was published in the July 3, 2013, Idaho Administrative Bulletin, Vol. 13-7, page 26. Negotiated Rulemaking was held on July 22 and 29, 2013, in Boise, Idaho.

INCORPORATION BY REFERENCE: Pursuant to Section 67-5229(2)(a), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule: N/A

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Michael E. Cooper, Bureau Chief Phone (208) 332-8620. Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before September 25, 2013.

DATED this 28th day of August, 2013.

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