

FINAL BILL REPORT

EHB 2132

C 188 L 96

Synopsis as Enacted

Brief Description: Rule making by the department of agriculture.

Sponsors: Representatives Chandler, Chappell, Grant, Mastin, Regala and Johnson; by request of Department of Agriculture.

House Committee on Agriculture & Ecology

Senate Committee on Agriculture & Agricultural Trade & Development

Background: The Legislature enacted regulatory reform during the 1995 legislative session. This measure restricts agencies from adopting rules based solely on enabling provisions and/or statements of intent when implementing future statutes, but the enabling/intent provisions may be used to interpret ambiguities in a statute's other provisions. Several major agencies were also prohibited from relying solely upon enabling/intent provisions to adopt rules when implementing current statutes. The Department of Agriculture is one of the major agencies prohibited from relying solely upon enabling/intent provisions when adopting rules to implement current statutes.

The Department of Agriculture has identified three areas in which a general grant of authority was used as the basis to adopt rules. These three areas pertain to requirements for farm storage tanks and bulk milk tankers, designating crops to be nonfood and/or nonfeed sites of pesticide application when these crops are grown to produce seed for crop reproduction purposes, and the issuance of permits allowing the import and movement of certain pet animals.

The Department of Agriculture does not have specific rule-making authority to establish different grades of ginseng or to regulate ginseng dealers.

Summary: The Department of Agriculture is granted specific authority to adopt rules pertaining to (1) farm storage tanks and bulk milk containers, (2) the designation of crops to be nonfood and/or nonfeed sites of pesticide application when these crops are grown to produce seed for crop reproduction purposes, and (3) the issuance of permits allowing the import and movement of certain pet animals.

The Department of Agriculture is required to adopt either grades or classifications for American ginseng. The director may require ginseng dealers who purchase ginseng for export to register. Information provided by American ginseng dealers to the Department of Agriculture regarding the purchases, sales, or production of an individual dealer is exempt from public disclosure.

Votes on Final Passage:

House	96	0	
Senate	47	0	(Senate amended)
House	94	0	(House concurred)

Effective: June 6, 1996