

Dear Senators HEIDER, Brackett, Stennett, and
Representatives GIBBS, Gestrin, Erpelding:

The Legislative Services Office, Research and Legislation, has received the enclosed rules of the
Office of the Governor - Forest Products Commission:

IDAPA 15.03.00 - Notice of Omnibus Rulemaking - Temporary and Proposed Fee Rulemaking
(Docket No. 15-0300-1900F) - Forest Products Commission.

Pursuant to Section 67-454, Idaho Code, a meeting on the enclosed rules may be called by the
cochairmen or by two (2) or more members of the subcommittee giving oral or written notice to Research
and Legislation no later than fourteen (14) days after receipt of the rules' analysis from Legislative
Services. The final date to call a meeting on the enclosed rules is no later than 07/23/2019. If a meeting is
called, the subcommittee must hold the meeting within forty-two (42) days of receipt of the rules' analysis
from Legislative Services. The final date to hold a meeting on the enclosed rules is 08/20/2019.

The germane joint subcommittee may request a statement of economic impact with respect to a
proposed rule by notifying Research and Legislation. There is no time limit on requesting this statement,
and it may be requested whether or not a meeting on the proposed rule is called or after a meeting has
been held.

To notify Research and Legislation, call 334-4854, or send a written request to the address on the
memorandum attached below.



Eric Milstead
Director

Legislative Services Office

Idaho State Legislature

Serving Idaho's Citizen Legislature

MEMORANDUM

TO: Rules Review Subcommittee of the Senate Resources & Environment Committee and the House Resources & Conservation Committee
FROM: Deputy Division Manager - Katharine Gerrity
DATE: July 02, 2019
SUBJECT: Office of the Governor - Forest Products Commission

IDAPA 15.03.00 - Notice of Omnibus Rulemaking - Temporary and Proposed Fee Rulemaking (Docket No. 15-0300-1900F) - Forest Products Commission

The Idaho Forest Products Commission submits notice of temporary and proposed rules that reauthorize and re-publish the following previously approved chapter at IDAPA 15.03.01 - Rules of Administrative Procedure of the Idaho Forest Products Commission.

These rules were previously analyzed and reviewed by the Legislative Services Office upon their initial promulgation. A number of subsections/sections have been omitted from the previous chapter as follows:

- 010 - Removes duplicative verbiage (38-1507);
- 200.02 - Removes verbiage that duplicates that found in code (38-1515);
- 300.02 - Removes verbiage that duplicates that found in code (38-1515);
- 400 - Removes verbiage that duplicates that found in code (38-1518).

The remaining revisions are minor and nonsubstantive in nature. No other changes from the existing rules have been noted.

This is a fee rule. According to the commission, this rulemaking does not impose a fee or charge, or increase a fee or charge, beyond what was previously approved and codified in the prior rules.

Rulemaking appears to be authorized pursuant to Section 38-1508, Idaho Code.

cc: Office of the Governor - Forest Products Commission
Betty Munis

*** PLEASE NOTE ***

Per the Idaho Constitution, all administrative rules may be reviewed by the Legislature during the next legislative session. The Legislature has 3 options with this rulemaking docket: **1)** Approve the docket in its entirety; **2)** Reject the docket in its entirety; or **3)** Reject the docket in part.

Kristin Ford, Manager
Research & Legislation

Paul Headlee, Manager
Budget & Policy Analysis

April Renfro, Manager
Legislative Audits

Glenn Harris, Manager
Information Technology

**IDAPA 15 – OFFICE OF THE GOVERNOR
IDAHO FOREST PRODUCTS COMMISSION**

DOCKET NO. 15-0300-1900F

NOTICE OF OMNIBUS RULEMAKING – TEMPORARY AND PROPOSED FEE RULEMAKING

EFFECTIVE DATE: The effective date of the temporary rules listed in the descriptive summary of this notice is June 30, 2019.

AUTHORITY: In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted temporary rules, and proposed rulemaking procedures have been initiated. The action is authorized pursuant to Section 38-1508, Idaho Code.

PUBLIC HEARING SCHEDULE: Oral comment concerning this rulemaking will be scheduled in accordance with Section 67-5222, Idaho Code.

DESCRIPTIVE SUMMARY: The following is the required finding and concise statement of its supporting reasons for adopting a temporary rule and a nontechnical explanation of the substance and purpose of the proposed rulemaking:

This temporary and proposed rulemaking adopts and re-publishes the following existing and previously approved and codified chapters under IDAPA 15.03.01, rules of Administrative Procedure of the Idaho Forest Products Commission.

IDAPA 15.03

- IDAPA 15.03.01, *Rules of Administrative Procedure of the Idaho Forest Products Commission* – All rules *except part of Section 010, and Subsections 200.02, 300.02, and Section 400.*

TEMPORARY RULE JUSTIFICATION: Pursuant to Sections 67-5226(1) and 67-5226(2), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate for the following reasons:

These temporary rules are necessary to protect the public health, safety, and welfare of the citizens of Idaho and confer a benefit on its citizens. These previously approved and codified rules implement the duly enacted laws of the state of Idaho, provide citizens with the detailed rules and standards for complying with those laws, and assist in the orderly execution and enforcement of those laws. The expiration of these rules without due consideration and processes would undermine the public health, safety and welfare of the citizens of Idaho and deprive them of the benefit intended by these rules. These temporary rules are necessary to the operation of the Forest Products Commission to complete the mission of supporting Idaho's Forest Products Industry by helping to grow awareness of the forest products industry.

The fees or charges reauthorized in this rulemaking are currently existing and have been previously promulgated by the agency and reviewed and approved by the Legislature. The Forest Products Commission budget relies upon the existence of these fees and charges to meet the state's obligations and provide necessary state services. Failing to reauthorize these fee rules would create immediate danger to the Forest Products Commission budget.

FEE SUMMARY: The preceding section and the attached rules provide a specific description of the fee or charge imposed or increased by this rulemaking. This rulemaking does not impose a fee or charge, or increase a fee or charge, beyond what was previously approved and codified in the prior rules. The fee rule specifies the collection and remittance of the assessment contained in Section 38-1515, Idaho Code.

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: This rulemaking is not anticipated to have any fiscal impact on the state general fund because the FY2020 budget has already been set by the Legislature, and approved by the Governor, anticipating the existence of the rules and fees being reauthorized by this rulemaking.

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not feasible because of the need to adopt the rules as temporary, and because these existing chapters of IDAPA are being

re-published and re-authorized. Negotiated rulemaking also is not feasible because of the need to implement these rules before they expire; the rules form the regulatory framework of the laws of this state and have been previously promulgated and reviewed by the legislature pursuant to the Idaho Administrative Procedures Act, Chapter 52, Title 67, Idaho Code; and because engaging in negotiated rulemaking for all previously existing rules will inhibit the agency from carrying out its ability to serve the citizens of Idaho and to protect their health, safety, and welfare.

INCORPORATION BY REFERENCE: Pursuant to Section 67-5229(2)(a), Idaho Code, incorporated material may be obtained or electronically accessed as provided in the text of the temporary and proposed rules attached hereto.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the temporary and proposed rule, contact Betty Munis, (208) 344-3292.

Anyone may submit written comments regarding the proposed rulemaking. All written comments must be directed to the undersigned and must be delivered within twenty-one (21) days after publication of this Notice in the Idaho Administrative Bulletin. Oral presentation of comments may be requested pursuant to Section 67-5222(2), Idaho Code, and must be delivered to the undersigned within fourteen (14) days of the date of publication of this Notice in the Idaho Administrative Bulletin.

Dated this 19th day of June, 2019.

Betty Munis, Director
Idaho Forest Products Commission
P. O. Box 855
Boise, ID 83701
(208) 334-3292

IDAPA 15
TITLE 03
CHAPTER 01

OFFICE OF THE GOVERNOR

FOREST PRODUCTS COMMISSION

**15.03.01 – RULES OF ADMINISTRATIVE PROCEDURE OF THE IDAHO
FOREST PRODUCTS COMMISSION**

000. LEGAL AUTHORITY.

This chapter is adopted under the legal authority of Title 38, Chapter 15, Idaho Code. (11-22-93)

001. TITLE AND SCOPE.

The title of this chapter is “Rules of Administrative Procedure of the Idaho Forest Products Commission,” and cited as IDAPA 15.03.01. These rules set forth the practices and procedures for the activities of the Idaho Forest Products Commission. (11-22-93)

002. WRITTEN INTERPRETATIONS.

There are no written interpretations to these rules. (11-22-93)

003. ADMINISTRATIVE APPEALS.

All contested cases filed pursuant to the provisions of Title 67 Chapter 52, Idaho Code will be governed by the provisions of IDAPA 04.11.01, “Idaho Rules of Administrative Procedure of the Attorney General.” (11-22-93)

004. DEFINITIONS.

As used in this chapter: (11-22-93)

01. Assessment. The fee authorized by Section 38-1515, Idaho Code, which is levied against financial supporters for their individual share of the Commission budget for the assessment year. The assessment will be based upon data compiled from the base year. (5-3-03)

02. Assessment Year. January 1 through December 31 of any calendar year in which the Commission levies an assessment. (5-3-03)

03. Base Year. The calendar year immediately preceding the assessment year. (5-3-03)

04. Commission. The Idaho Forest Products Commission created by Section 38-1503, Idaho Code. (5-3-03)

05. Financial Supporter. Person who pays an assessment to the Commission. (5-3-03)

06. Forest Product Manufacturer. Means a person that engages in the processing, cutting, fabricating or other process which converts timber, chips, sawdust or shavings into lumber, paper, plywood, particle board or other usable products for sale in commerce, provided, however, as used in this chapter, forest products manufacturers does not include the following business entities engaged in: (5-3-03)

a. The production of fence or corral posts or rails; (5-3-03)

b. Producing shingles or shakes; (5-3-03)

c. Producing firewood or pellets for energy; or (5-3-03)

d. Producing logs that have been shaped or scribed and used in the construction of log structures. (5-3-03)

07. Person. An individual, partnership, association, corporation or other entity qualified to do business in the state of Idaho. (5-3-03)

005. OFFICE ADDRESS.

The mailing address of the central office is P.O. Box 855, Boise, Idaho, 83701. The street address of the central office is 350 North 9th St., Suite 102, Boise, Idaho 83702. Phone number: (208) 334-3292; FAX number: (208) 334-3449. (11-22-93)

006. COMMUNICATIONS.

All written communications and documents concerning any matter covered by these rules may be addressed to the Chairperson at the central office of the Commission. All communications and documents are deemed to be officially received only when delivered at the central office of the Commission. (11-22-93)

007. RECORD.

An official record will be kept of all official proceedings before the Commission and reduced to writing. Such record will be available for public inspection at the central office of the Commission. (11-22-93)

008. PUBLIC RECORDS.

The Commission complies with the procedures set forth in the Public Records Act, Title 74, Chapter 3, Idaho Code. (11-22-93)

009. TRAVEL POLICY AND SCHEDULE.

The Commission will establish a travel policy and schedule which will be reviewed annually during the fourth quarter meeting. (11-22-93)

010. MEETINGS.

Special meetings of the Commission may be determined by either the chair or upon the call of any three (3) members of the Commission. (7-1-98)

011. -- 099. (RESERVED)

100. NOMINATIONS, VACANCIES AND TERMS.

01. Chair and Vice-Chair. The Commission nominates and elects, by majority vote, a Chair to serve as presiding officer at all Commission meetings. The Commission may also nominate and elect, by majority vote, a Vice-Chair to accept the duties of the Chair in the event that the Chair is unable to attend a meeting of the Commission. The term of the office of Chair and Vice-Chair is one (1) year, commencing July 30 of each year. (11-22-93)

02. Nominations. Nominations for expiring seats on the Commission will be made by the financial supporters of the Commission from the district in which the seat is expiring, or from all districts in the case of an at-large member, no later than June 1 of that year. The Commission will provide nomination applications to all financial supporters and will forward the names of all qualified nominees to the Governor. The Commission may also make recommendations or nominations. In making the appointments, the Governor will take into consideration recommendations made to him by the Commission and by organizations that represent or are engaged in harvesting, transporting or manufacturing forest products. (4-11-15)

03. Vacancies. Vacancies in any unexpired term will be filled by the Governor for the remainder of the unexpired term. The Commission will identify qualified candidates and forward their names to the Governor. The member appointed to fill the vacancy will represent the same region and interests as the person whose seat has become vacant. The at-large member will represent all regions. (4-11-15)

04. Terms. Terms of office for Commission members consist of three (3) year terms beginning on July 1 of the year of appointment. (7-1-98)

101. -- 199. (RESERVED)

200. ASSESSMENTS AND FEES.

An assessment for all logs harvested, measured or processed within the state of Idaho and for all employees, including self employed, engaged in the harvest or transport of timber, logs, unfinished lumber, chips, sawdust, shavings or hog fuel in Idaho, and for each acre of forest land owned by a business entity or person that owns more than ten thousand (10,000) acres of forest land will be set by the Commission no later than January 1 of the assessment year. Notice of the assessment will be mailed no later than the last day of the fourth week of May of the assessment year to the last known address of each financial supporter. Assessment will not be reduced for financial supporters who cease business during an assessment year. (4-11-15)

01. Payment Method. Financial supporters of the Commission may choose to pay their assessment in either one (1) full payment due thirty (30) days after the date the notice of assessment is mailed, or in four (4) equal payments with payment in full made by December 31 of the assessment year. (5-3-03)

02. Assessments Levied. Assessments on logs processed into various manufactured products will be levied against the forest products manufacturer that initiates the manufacturing process. (11-22-93)

03. Insufficient Funds Checks. The Commission will establish a policy and schedule for insufficient funds checks that will be reviewed annually. This policy and schedule will be available to the public under the procedures set forth by the Public Records Act, Title 74, Chapter 1, Idaho Code. (5-3-03)

201. -- 299. (RESERVED)

300. LATE PAYMENTS AND PENALTIES.

Whenever payment in full or a quarterly payment is not received within thirty (30) days of the posting date of an assessment invoice, the payment will be considered delinquent. Interest of one percent (1%) per calendar month on the balance due will be levied against all delinquent accounts, commencing thirty-one (31) calendar days after the posting date of the assessment invoice. The Commission may proceed with legal action against delinquent accounts in Fourth Judicial District Court or under the provisions of the Administrative Procedure Act, Title 67, Chapter 52, Idaho Code, and seek attorney fees and costs in such proceedings. (11-22-93)

301. -- 999. (RESERVED)