

Dear Senators RICE, Den Hartog, Jordan, and
Representatives BOYLE, Dayley, Erpelding:

The Legislative Services Office, Research and Legislation, has received the enclosed rules of the
Idaho State Department of Agriculture:

IDAPA 02.01.01 - Idaho Rules of Practice and Procedure of the Idaho Department of Agriculture
(Chapter Repeal) - Proposed Rule (Docket No. 02-0101-1701);

IDAPA 02.01.01 - Rules of Procedure (Chapter Rewrite) - Proposed Rule (Docket No.
02-0101-1702).

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 08/07/2017. 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 09/05/2017.

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 334-4834, 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 Agricultural Affairs Committee and the House Agricultural Affairs Committee

FROM: Deputy Division Manager - Katharine Gerrity

DATE: July 19, 2017

SUBJECT: Idaho State Department of Agriculture

IDAPA 02.01.01 - Idaho Rules of Practice and Procedure of the Idaho Department of Agriculture (Chapter Repeal) - Proposed Rule (Docket No. 02-0101-1701)

IDAPA 02.01.01 - Rules of Procedure (Chapter Rewrite) - Proposed Rule (Docket No. 02-0101-1702)

1. IDAPA 02.01.01 - Idaho Rules of Practice and Procedure of the Idaho Department of Agriculture

The Idaho State Department of Agriculture submits notice of proposed rule at IDAPA 02.01.01 - Idaho Rules of Practice and Procedure of the Idaho Department of Agriculture. According to the department, the purpose of the rulemaking is to repeal the chapter in preparation for adopting a new chapter to comply with Section 67-5206(5), Idaho Code, which provides for the use of procedural rules promulgated by the attorney general. The rulemaking appears to be authorized pursuant to Section 22-101(3), Idaho Code.

2. IDAPA 02.01.01 - Rules of Procedure

The Idaho State Department of Agriculture submits notice of proposed rule at IDAPA 02.01.01 - Rules of Procedure (Chapter Rewrite). According to the department, the purpose of the rulemaking is to adopt this new chapter of procedural rules to reflect the department's acceptance of the procedural rules governing rule-making and contested cases promulgated by the Office of the Attorney General. The rulemaking appears to be authorized pursuant to Section 22-101(3), Idaho Code.

cc: Department of Agriculture
Brian J. Oakey

IDAPA 02 – DEPARTMENT OF AGRICULTURE
02.01.01 – IDAHO RULES OF PRACTICE AND PROCEDURE OF
THE IDAHO DEPARTMENT OF AGRICULTURE
DOCKET NO. 02-0101-1701 (CHAPTER REPEAL)
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 22-101(3), 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 July 19, 2017.

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: Repeal the entire chapter in preparation for adopting a new chapter to comply with Idaho Code Section 67-5206(5).

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased: N/A

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(2), Idaho Code, negotiated rulemaking was not conducted because Section 67-5206(5), Idaho Code, requires all agencies to utilize the Idaho Rules of Practice and Procedure of the Attorney General. This rulemaking is the first step of complying with the statutory requirement.

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 W. Dallas Burkhalter, Deputy Attorney General, at (208) 332-8508. 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 July 26, 2017.

DATED this 8th day of June 2017.

Brian J. Oakey
Deputy Director
Idaho Department of Agriculture
2270 Old Penitentiary Rd.
P.O. Box 790
Boise, ID 83701-8552
Phone: (208) 332-8552
Fax: (208) 334-2710

IDAPA 02.01.01 IS BEING REPEALED IN ITS ENTIRETY

IDAPA 02 – DEPARTMENT OF AGRICULTURE

02.01.01 – RULES OF PROCEDURE

DOCKET NO. 02-0101-1702 (CHAPTER REWRITE)

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 22-101(3), 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 July 19, 2017.

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:

Adopt a new chapter of procedural rules to comply with Section 67-5206(5), Idaho Code.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased: NA

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: NA

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted because Section 67-5206(5), Idaho Code, requires all agencies to utilize the Idaho Rules of Practice and Procedure of the Attorney General. This rulemaking is the second step of complying with the statutory requirement.

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: NA

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact W. Dallas Burkhalter, Deputy Attorney General, at (208) 332-8508.

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 July 26, 2017.

DATED this 8th day of June 2017.

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THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 02-0101-1702
(This chapter is being re-written in its entirety.)

IDAPA 02
TITLE 01
CHAPTER 01

02.01.01 - RULES OF PROCEDURE

000. LEGAL AUTHORITY.

This chapter is adopted under the legal authority of Section 22-101(3), Idaho Code. ()

001. TITLE AND SCOPE.

01. Title. The title of this chapter is “Rules of Procedure.” ()

02. Scope. These rules govern rulemaking, contested cases, and appearances before the Idaho State Department of Agriculture. Pursuant to Idaho Code Section 67-5206(5), the Idaho State Department of Agriculture accepts in whole the procedural rules governing rulemaking and contested cases promulgated by the Office of the Attorney General, IDAPA 04.11.01, “Idaho Rules of Administrative Procedure of the Attorney General.” ()

03. Citation to Rule. The official citation of this chapter is IDAPA 02.01.01.000 et seq. For example, this Section’s citation is IDAPA 02.01.01.001. ()

002. WRITTEN INTERPRETATIONS.

There are no written interpretations of these rules. ()

003. ADMINISTRATIVE APPEAL.

There is no provision for administrative appeals before the Department of Agriculture under this chapter. ()

004. INCORPORATION BY REFERENCE.

There are no documents incorporated by reference in this chapter. ()

005. OFFICE – OFFICE HOURS – MAILING ADDRESS – STREET ADDRESS – WEB ADDRESS.

01. Office. ()

a. The central office of the agency is in Boise, Idaho. The address is the Idaho Department of Agriculture, 2270 Old Penitentiary Road, Boise, Idaho 83712-0790. ()

b. The mailing address for the central office is P.O. Box 790, Boise, Idaho 83701. ()

c. The telephone number of the central office is (208) 332-8500. ()

d. The fax number of the central office is (208) 334-2170. ()

e. Office hours of the central office are 8 a.m. to 5 p.m., Mountain Time, Monday through Friday, except holidays designated by the state of Idaho. ()

f. The web address is www.agri.idaho.gov. ()

02. Communications. All written communications and documents concerning any matter covered by these rules should be addressed to the Legal Bureau at the central office of the Idaho Department of Agriculture, or to designated individual members of agency staff or to the presiding officer. All communications and documents are deemed to be officially received only when delivered during office hours to the Legal Bureau of the central office of the Agency or to designated individual members of agency staff, or to the presiding officer. ()

006. PUBLIC RECORDS ACT COMPLIANCE.

These rules are public records and are available for inspection and copying at the Idaho State Department of Agriculture. ()

007. -- 999. (RESERVED)