

Dear Senators BURTENSHAW, Bayer, Nelson, and
Representatives KAUFFMAN, Andrus, Toone:

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

IDAPA 02.07.01 - Rules of the Idaho Hop Growers Commission - Notice of Omnibus Rulemaking
(Fee Rule) - Proposed Rule (Docket No. 02-0701-2100F).

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 11/12/2021. 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 12/10/2021.

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.



Terri Kondeff
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: October 22, 2021
SUBJECT: Department of Agriculture

IDAPA 02.07.01 - Rules of the Idaho Hop Growers Commission - Notice of Omnibus Rulemaking (Fee Rule) - Proposed Rule (Docket No. 02-0701-2100F)

Summary and Stated Reasons for the Rule

The Idaho Hop Growers Commission submits notice of proposed rule at IDAPA 02.07.01 - Rules of the Idaho Hop Growers Commission. According to the commission, the rulemaking published the rule chapter previously submitted to and reviewed by the Legislature.

Negotiated Rulemaking/Fiscal Impact

The commission states that negotiated rulemaking was not conducted "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." The commission states that the rule does not impose a fee or charge, or increase a fee or charge, beyond what was previously submitted and reviewed by the Legislature in previous rules. The fee rule specifies the collection and remittance of the assessment contained in section 22-3107, Idaho Code.

Statutory Authority

The rulemaking appears to be authorized pursuant to chapter 31, title 22, Idaho Code.

cc: Department of Agriculture
Lloyd Knight
Candi Fitch

*** PLEASE NOTE ***

Paul Headlee, Deputy Director Legislative Services Office	Kristin Ford, Manager Research & Legislation	Keith Bybee, Manager Budget & Policy Analysis	April Renfro, Manager Legislative Audits	Glenn Harris, Manager Information Technology
--	---	--	---	---

Statehouse, P.O. Box 83720
Boise, Idaho 83720-0054

Tel: 208-334-2475
legislature.idaho.gov

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.

IDAPA 02.07 – IDAHO HOP GROWERS' COMMISSION
DOCKET NO. 02-0701-2100F (FEE RULE)
NOTICE OF OMNIBUS RULEMAKING – PROPOSED RULEMAKING

AUTHORITY: In compliance with Sections 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Title 22, Chapter 31, 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 a nontechnical explanation of the substance and purpose of the proposed rulemaking:

This proposed rulemaking publishes the following rule chapter previously submitted to and reviewed by the Idaho Legislature under IDAPA 02.07, rules of the Idaho Hop Growers Commission:

IDAPA 02.07

- 02.07.01, *Rules of the Idaho Hop Growers Commission.*

FEE SUMMARY: This rulemaking does not impose a fee or charge, or increase a fee or charge, beyond what was previously submitted to and reviewed by the Idaho Legislature in the prior rules. This fee rule specifies the collection and remittance of the assessment contained in Section 22-3107, 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 FY2022 budget has already been set by the Legislature, and approved by the Governor, anticipating the existence of the rule and fee(s) being reauthorized by this rulemaking.

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not feasible 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 proposed rule attached hereto.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Candi Fitch, (208)722-7917, candifitch@outlook.com.

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 October 20, 2021.

Candi Fitch, Executive Director
Idaho Hop Growers Commission
118 N 2nd St.
P.O. Box 909
Parma, ID 83660
(208) 722-5111

02.07.01 – RULES OF THE IDAHO HOP GROWERS' COMMISSION

000. LEGAL AUTHORITY.

This chapter is adopted under the legal authority of Section 22-3105(12), Idaho Code. ()

001. SCOPE.

These rules govern markings required on hop bales, substituting hops grown out of state as Idaho hops, payment of hop assessments, computation and establishing assessment rate, collection and remittance of assessment to the Idaho Hop Growers' Commission, and dealer assessment returns, and grower assessment returns. ()

002. – 099. (RESERVED)

100. MARKINGS REQUIRED.

Each bale of hops grown within the state of Idaho are to be labeled on the head of the bale by an authorized representative of the Idaho Department of Agriculture at the time of Federal/State inspection. The grower of the hops are to have stenciled on each bale, their grower number and lot number or letter, prior to the Idaho Department of Agriculture representative stenciling the Federal/State inspection seal. ()

101. REMOVAL OR DEFACING OF STENCILS.

It is unlawful for any grower, shipper, dealer, or any person other than the final consumer to remove, stencil over, substitute, mutilate, or in any other way deface the distinctive stencils the Idaho Hop Growers' Commission has ordered affixed. However, in cases wherein definite proof of necessity is presented by a shipper and/or dealer to the Idaho Hop Growers' Commission, the Commission may, in its discretion, permit the shipment of hops without the distinctive stencils affixed thereto. ("Proof of necessity" will be a certificate under oath that the shipment of hops in question is intended for export from the continental limits of the United States and that such shipment cannot be made without removal of all identifying marks. In addition to the above oath, the dealer and/or shipper is to furnish all such other information as may have a bearing on the Commission's decision to allow or disallow removal of the stencil.) ()

102. MISREPRESENTATION.

It is unlawful to substitute or in any manner represent any other hops as Idaho hops in any channel of trade and at any and all times. ()

103. TIME OF PAYMENT OF HOP ASSESSMENT LEVY.

The hop assessment levy as imposed by Chapter 31, Title 22, Idaho Code, is to be paid not later than the last day of the month next succeeding the month in which such hops were first handled in the primary channels of trade. ()

104. COMPUTATION OF ASSESSMENT.

The initial hop assessment levy is computed and paid on the basis of twenty cents (\$0.20) per net two hundred (200) pound bale of hops handled in the primary channels of trade. In addition to such initial assessment there may be levied an assessment not exceeding four dollars and eighty cents (\$4.80) per net two hundred (200) pound bale on each bale of hops handled in the primary channels of trade. The amount of such additional assessment is determined annually by the Commission. Licensed hop dealers of the state of Idaho will be notified of the determined assessment amount by registered mail prior to the harvest period. ()

105. COLLECTION OF HOP ASSESSMENT LEVY.

All assessments levied and imposed under and pursuant to the provisions of Chapter 31, Title 22, Idaho Code, are deducted from the grower's account by the person or dealer by whom the hops are first handled in the primary channels of trade. All such assessments will be made payable to the Idaho Hop Growers' Commission together with a properly prepared assessment return as prescribed by Section 106. ()

106. ASSESSMENT RETURN.

01. Dealer Assessment Return. Every dealer or other person buying hops in primary channels of trade is to file an assessment return on forms available from the Commission each time assessments become due under and pursuant to the provisions of Chapter 31, Title 22, Idaho Code. Assessment returns and assessment payments will be mailed together to the Idaho Hop Growers' Commission. ()

02. Grower Assessment Return. Every grower of hops in the state of Idaho, upon the delivery of hops to a dealer or brewer, is to file a Commission assessment return form not later than the last day of the month next succeeding the month in which such hops were first handled in the primary channels of trade. Assessment returns are to state the number of bales of hops handled during the period prescribed and mailed by the grower to the Idaho Hop Growers' Commission. ()

107. -- 999. (RESERVED)

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 Hop Growers Commission _____

Agency Contact: Candi Fitch _____ **Phone:** (208) 722-7917 _____

Date: September 3, 2021 _____

IDAPA, Chapter and Title Number and Chapter Name:
IDAPA 02 – IDAHO HOP GROWERS COMMISSION

Fee Rule Status: Proposed Temporary

Rulemaking Docket Number: DOCKET NO. 02-0701-2100F (FEE RULE)

STATEMENT OF ECONOMIC IMPACT:

This fee rule specifies the collection and remittance of the assessment contained in Section 22-3107, Idaho Code. This fee rule is unchanged from the previous year's temporary fee rule, an assessment of not exceeding four dollars and eighty cents (\$4.80).