

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 Wheat Commission:

IDAPA 42.01.01 - Rules of the Idaho Wheat Commission - Proposed Rule (Docket No.  
42-0101-1701).

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 10/24/2017. 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 11/22/2017.

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:** October 04, 2017

**SUBJECT:** Idaho Wheat Commission

IDAPA 42.01.01 - Rules of the Idaho Wheat Commission - Proposed Rule (Docket No. 42-0101-1701)

The Idaho Wheat Commission submits notice of proposed rule at IDAPA 42.01.01 - Rules of the Idaho Wheat Commission. According to the commission, the purpose of the rulemaking is to clarify how the first purchaser of wheat reports compliance with the statute and the amount of wheat tax collected. The commission adds that the changes will also allow it to properly conduct any referendum among Idaho wheat growers when deemed necessary by the commission pursuant to law. The commission indicates that the rulemaking clarifies that the first purchaser of wheat shall complete and return the Report of Tax, or equivalent, to the commission's office at the end of each production year and the report shall include the name and address of the grower and seller.

Negotiated rulemaking was conducted. The rulemaking appears to be authorized pursuant to Section 22-3309, Idaho Code.

cc: Idaho Wheat Commission  
Blaine Jacobson

**IDAPA 42 – IDAHO WHEAT COMMISSION**  
**42.01.01 – RULES OF THE IDAHO WHEAT COMMISSION**  
**DOCKET NO. 42-0101-1701**  
**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 22-3309, 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 October 18, 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:

The changes are necessary to clarify how the first purchaser of wheat reports compliance with the statute and the amount of wheat tax collected. The changes are also necessary to allow the Commission to properly conduct any referendum among Idaho wheat growers when deemed necessary by the Commission pursuant to Section 22-3309(3)(i), Idaho Code. The rulemaking clarifies that the first purchaser of wheat shall complete and return the Report of Tax, or equivalent, to the Commission office at the end of each production year (July 1 - June 30). The report shall include the name and address of the grower and seller.

**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(1), Idaho Code, negotiated rulemaking was conducted. The Notice of Intent to Promulgate Rules - Negotiated Rulemaking was published in the June 7, 2017 Idaho Administrative Bulletin, [Vol. 17-6, page 70](#).

**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 Blaine Jacobson, Executive Director, at (208) 334-2353 or at [blaine@idahowheat.org](mailto:blaine@idahowheat.org).

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 October 25, 2017.

DATED this 30th day of August, 2017.

Blaine Jacobson, Executive Director  
Idaho Wheat Commission  
821 W. State St.  
P. O. Box 82720  
Boise, ID 83720-0099  
Phone: (208) 334-2353  
Fax: (208) 334-2505

**THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 42-0101-1701**  
**(Only Those Sections With Amendments Are Shown.)**

**301. INVOICES AND RECORDS.**

**01. Invoices.** Section 22-3316, Idaho Code, provides for invoices to be delivered to the grower for each purchase. The Wheat Commission is not providing a special form for this purpose and suggests that buyers use the final settlement vouchers of accounts of sale commonly used in Idaho. The amount of the Idaho state wheat tax deducted must be shown on each settlement voucher. (7-1-93)

**02. Vouchers.** Buyers are not required to send the Commission copies of their settlement vouchers issued to individual growers but should keep copies available for examination by representatives of the Commission at a later date. Where it is not the practice to issue settlement vouchers of accounts of sale, buyers should be sure that they have accurate records of all wheat bought from growers and the amount of wheat bought from each grower. (7-1-93)

**03. Delivery of Documents to Commission.** The first purchaser of wheat shall complete and return the Report of Tax, or equivalent, to the Commission office at the end of each production year (July 1 through June 30). The report shall be due on the same date as the final quarter wheat tax as specified in Section 22-3315(1), Idaho Code, and shall include the following: ( )

**a.** Name or names of the grower and seller; and ( )

**b.** Address or addresses of the grower and seller. ( )