

Dear Senators VICK, Johnson, Stennett, and
Representatives GIBBS, Lickley, Rubel:

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

IDAPA 15.03.01 - Rules of the Idaho Forest Products Commission - Notice of Omnibus Rulemaking
(Fee Rule) - Proposed Rule (Docket No. 15-0301-2100F).

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 Resources & Environment Committee and the House Resources & Conservation Committee
FROM: Deputy Division Manager - Katharine Gerrity
DATE: October 26, 2021
SUBJECT: Office of the Governor - Forest Products Commission

IDAPA 15.03.01 - Rules of the Idaho Forest Products Commission - Notice of Omnibus Rulemaking (Fee Rule) - Proposed Rule (Docket No. 15-0301-2100F)

Summary and Stated Reasons for the Rule

The Idaho Forest Products Commission submits notice of proposed rule at IDAPA 15.03.01 - Rules of the Idaho Forest Products 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 of the assessment contained in section 38-1515, Idaho Code.

Statutory Authority

The rulemaking appears to be authorized pursuant to section 38-1508, Idaho Code.

cc: Office of the Governor - Forest Products Commission
Jennifer Okerlund

*** 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.

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

DOCKET NO. 15-0301-2100F (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 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 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 15.03, rules of the Idaho Forest Products Commission:

IDAPA 15.03

- IDAPA 15.03.01, *Rules of Administrative Procedure of the Idaho Forest Products 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. 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 FY2022 budget has already been set by the Legislature, and approved by the Governor, anticipating the existence of the rule and fee 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 Jennifer Okerlund, Director, Idaho Forest Products Commission (208) 334-3292, ifpc@idahoforests.org.

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.

Jennifer Okerlund, Director
Idaho Forest Products Commission
350 N. 9th Street, Suite 102
Boise, Idaho 83702
(208) 334-3292
ifpc@idahoforests.org

**IDAPA 15 – OFFICE OF THE GOVERNOR
IDAHO 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. ()

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. ()

002. -- 003. (RESERVED)

004. DEFINITIONS.

In addition to the definitions set forth in Section 38-1502, Idaho Code, as used in this chapter: ()

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. ()

02. Person. An individual, partnership, association, corporation or other entity qualified to do business in the state of Idaho. ()

005. -- 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. ()

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. ()

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. ()

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. ()

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. ()

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

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. ()

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. ()

301. -- 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 Forest Products Commission

Agency Contact: Jennifer Okerlund **Phone:** 208-334-3292

Date: August 31, 2021

IDAPA 15.03 - IDAHO FOREST PRODUCTS COMMISSION

Fee Rule Status: _____ **Proposed** **Temporary**

Rulemaking Docket Number: 15-0301-2100F

STATEMENT OF ECONOMIC IMPACT:

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(s) 38-1515, Idaho Code.