

Dear Senators GUTHRIE, Den Hartog, Jordan, and  
Representatives BOYLE, Troy, Erpelding:

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

IDAPA 02.07.01 - Notice of Omnibus Rulemaking - Temporary and Proposed Fee Rulemaking  
(Docket No. 02-0701-1900F) Rules of the Idaho Hop Growers' 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 07/19/2019. 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 08/16/2019.

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

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*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 1, 2019

**SUBJECT:** Department of Agriculture

IDAPA 02.07.01 - Notice of Omnibus Rulemaking - Temporary and Proposed Fee Rulemaking (Docket No. 02-0701-1900F) Rules of the Idaho Hop Growers' Commission

The Idaho State Department of Agriculture submits notice of temporary and proposed rules at IDAPA 02.07.01 - Rules of the Idaho Hop Growers' Commission. The rulemaking adopts and re-publishes existing and previously approved chapters. The rule has minimal, nonsubstantive revision in the nature of clean-up. This is a fee rule and the fees or charges reauthorized are currently existing.

These rules were previously analyzed and reviewed by the Legislative Services Office upon their initial promulgation. Rulemaking is authorized by Chapter 31, Title 22, Idaho Code.

cc: Department of Agriculture  
Brian J. Oakey

**\*\*\* 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 02.07 – IDAHO HOP GROWERS' COMMISSION

DOCKET NO. 02-0701-1900F

### NOTICE OF OMNIBUS RULEMAKING – TEMPORARY AND PROPOSED FEE RULEMAKING

**EFFECTIVE DATE:** The effective date of the temporary rule 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 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 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 02, rules of the Idaho Hop Growers' Commission

#### **IDAPA 02**

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

**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. The Idaho Hop Growers' Commission is of benefit to the Hop Growers of Idaho. The assessments levied are used for research and marketing to keep the hop industry vital for the growers and the State of Idaho. Relevant research and marketing can bring a higher price for hops, helping with returns to the growers.

The fee or charge imposed by the rules is necessary to avoid immediate danger. The fees or charges reauthorized in this rulemaking are currently existing and have been previously promulgated by the Commission and reviewed and approved by the Legislature. The fees collected by the Idaho Hop Growers' Association are not part of the dedicated fund of the state 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 initial hop assessment levy shall be 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 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 shall be 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.

**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 fees collected by the Idaho Hop Growers' Association are not part of the dedicated fund of the state budget.

**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, Candi Fitch, Executive Director, Idaho Hop Growers' Association, (208) 722-5111

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 3rd day of May, 2019.

Candi Fitch  
Executive Director  
Idaho Hop Growers' Commission  
118 N. Second Street  
P.O. Box 909  
Parma, ID 83660  
Phone: (208) 722-5111  
Fax: (208) 722-6582

**IDAPA 02  
TITLE 07  
CHAPTER 01**

**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. (6-30-19)T

**001. TITLE AND SCOPE.**

**01. Title.** The title of this chapter is IDAPA 02.07.01, “Rules of the Idaho Hop Growers’ Commission.” (6-24-94)

**02. Scope.** These rules govern markings required on hop bales, substituting hops grown out of state as Idaho hops, time of payment of hop assessments, computation and establishing annual assessment rate per two hundred (200) lb. bale, collection and remittance of hop assessment to the Idaho Hop Growers’ Commission, and dealer assessment returns, and grower assessment returns. (6-24-94)

**002. WRITTEN INTERPRETATIONS.**

There are no written interpretations of these rules. (6-24-94)

**003. ADMINISTRATIVE APPEALS.**

There is no provision for administrative appeals before the Idaho Hop Grower’s Commission under this chapter. (6-30-19)T

**004. INCORPORATION BY REFERENCE.**

There are no documents incorporated by reference in this chapter. (6-30-19)T

**005. ADDRESS, OFFICE HOURS, TELEPHONE, AND FAX NUMBERS.**

The office of the Idaho Hop Grower’s Commission is located at 118 N. 2nd Street, Parma, Idaho 83660. Office hours are 8 a.m. to 5 p.m., Mountain Time, Monday through Friday, except holidays. The mailing address for the office is P.O. Box 909, Parma, Idaho 83660. The telephone number for the central office is (208) 722-5111. (6-30-19)T

**006. PUBLIC RECORDS ACT COMPLIANCE.**

These rules have been promulgated according to the provisions of Title 67, Chapter 52, Idaho Code and are public records. (6-30-19)T

**007. -- 009. (RESERVED)**

**010. DEFINITIONS.**

The Idaho Hop Growers’ Commission adopts the definitions set forth in Section 22-3103, Idaho Code. (6-24-94)

**011. -- 099. (RESERVED)**

**100. MARKINGS REQUIRED.**

Each bale of hops grown within the state of Idaho shall 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 shall 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. (6-24-94)

**101. REMOVAL OR DEFACING OF STENCILS.**

It shall be 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” shall 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 shall furnish all such other information as may have a bearing on the Commission's decision to allow or disallow removal of the stencil.)  
(6-24-94)

**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.  
(6-24-94)

**103. TIME OF PAYMENT OF HOP ASSESSMENT LEVY.**

The hop assessment levy as imposed by Chapter 31, Title 22, Idaho Code, shall 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.  
(6-24-94)

**104. COMPUTATION OF ASSESSMENT.**

The initial hop assessment levy shall be 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 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 shall be 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.  
(6-24-94)

**105. COLLECTION OF HOP ASSESSMENT LEVY.**

All assessments levied and imposed under and pursuant to the provisions of Chapter 31, Title 22, Idaho Code, shall be 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 withheld from the growers shall be made payable to the Idaho Hop Growers' Commission, P.O. Box 909, Parma, Idaho 83660 together with a properly prepared assessment return as prescribed by Section 106.  
(6-24-94)

**106. ASSESSMENT RETURN.**

**01. Dealer Assessment Return.** Every dealer or other person buying hops in primary channels of trade shall 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, P.O. Box 909, Parma, Idaho 83660.  
(6-24-94)

**02. Grower Assessment Return.** Every grower of hops in the state of Idaho shall, upon the delivery of hops to a dealer or brewer, file with the Commission on forms available from the Commission an assessment return 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 shall state the number of bales of hops handled during the period prescribed and shall be mailed by the grower to the Idaho Hop Growers' Commission, P.O. Box 909, Parma, Idaho 83660.  
(6-24-94)

**107. -- 999. (RESERVED)**