

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  
Idaho Rangeland Resources Commission:

IDAPA 56.01.01 - Notice of Omnibus Rulemaking - Temporary and Proposed Fee Rulemaking  
(Docket No. 56-0101-1900F).

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 07/22/2019. 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 08/19/2019.

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 2, 2019

**SUBJECT:** Idaho Rangeland Resources Commission

IDAPA 56.01.01 - Notice of Omnibus Rulemaking - Temporary and Proposed Fee Rulemaking (Docket No. 56-0101-1900F)

The Idaho Rangeland Commission submits notice of temporary and proposed rules that reauthorize and re-publish the following previously approved chapter at IDAPA 56.01.01 - Rules of Administrative Procedure of the Idaho Rangeland Resources Commission.

These rules were previously analyzed and reviewed by the Legislative Services Office upon their initial promulgation. The only changes from the existing rules are grammatical in nature and no other changes are noted.

This is a fee rule. According to the commission, the fees or charges reauthorized in the rulemaking are currently existing.

The rulemaking appears to be authorized pursuant to Chapter 14, Title 58, Idaho Code.

cc: Idaho Rangeland Resources Commission  
Gretchen Hyde

**\*\*\* 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 56 – IDAHO RANGELAND RESOURCES COMMISSION

DOCKET NO. 56-0101-1900F

## 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 58-1408, 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 56, rules of the Idaho Rangeland Resources Commission.

### **IDAPA 56**

- IDAPA 56.01.01, *Rules of Administrative Procedure of the Idaho Rangeland Resources 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. Without this fee rule the Rangeland Resources Commission will not have the funds to fulfill the duties deemed necessary to represent the livestock grazing industry and help educate the public about Idaho's livestock grazing industry.

The fee or charge imposed by the rule is necessary to avoid immediate danger. The fees or charges reauthorized in this rulemaking are currently existing and have been previously promulgated by the agency and reviewed and approved by the Legislature. The Rangeland Resources Commission budget relies upon the existence of these fees and charges to meet the state's obligations and provide necessary state services. Failing to reauthorize these fee rules would create immediate danger to the Rangeland Resources Commission 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 rule helps implement and specify the assessments related to landowners of grazing land, and grazing practices, contained in Section 58-1414A, 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 FY2020 budget has already been set by the Legislature, and approved by the Governor, anticipating the existence of the rules and fees being reauthorized by this rulemaking.

**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 Gretchen Hyde, (208) 398-7002.

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 19th day of June, 2019.

Gretchen Hyde  
Executive Director  
Idaho Rangeland Resources Commission  
P.O. Box 126  
Emmett, ID 83617  
(208) 398-7002

**IDAPA 56  
TITLE 01  
CHAPTER 01**

**IDAPA 56 – IDAHO RANGELAND RESOURCES COMMISSION**

**56.01.01 – RULES OF ADMINISTRATIVE PROCEDURE OF THE IDAHO  
RANGELAND RESOURCES COMMISSION**

**000. LEGAL AUTHORITY.**

This chapter is adopted under the legal authority of Title 58, Chapter 14, Idaho Code. (3-28-00)

**001. TITLE AND SCOPE.**

The title of this chapter is “Rules of Administrative Procedure of the Idaho Rangeland Resources Commission,” and cited as IDAPA 56.01.01. These rules set forth the practices and procedures for the activities of the Rangeland Resources Commission. (3-28-00)

**002. WRITTEN INTERPRETATIONS.**

Written interpretations of these rules, if any, are available from the Commission business office. (3-28-00)

**003. ADMINISTRATIVE APPEALS.**

The provisions of IDAPA 04.11.01, “Idaho Rules of Administrative Procedure of the Attorney General,” govern all contested cases filed pursuant to the provisions of Title 67, Chapter 52, Idaho Code. (3-28-00)

**004. DEFINITIONS.**

As used in this chapter: (3-28-00)

**01. Commission.** The Idaho Rangeland Resources Commission. (3-28-00)

**02. Fees.** The amount to be paid by all owners of dry grazing land within the state of Idaho, all permittees or owners of domestic cattle and sheep utilizing Idaho state grazing lands, and all permittees or owners of domestic cattle and sheep utilizing United States Forest Service or Bureau of Land Management lands within the state of Idaho. (3-28-00)

**03. Fee Year.** The twelve (12) -month period, January 1 through December 31, of any year. (3-28-00)

**04. Fiscal Year.** The twelve(12) -month period, July 1 through June 30, of any year. (3-28-00)

**005. OFFICE ADDRESS AND TELEPHONE NUMBER.**

The mailing address of the Commission is P.O. Box 126, Emmett, Idaho, 83617. The telephone number of the business office is (208) 398-7002. (3-28-00)

**006. COMMUNICATIONS.**

All written communications and documents concerning any matter covered by these rules is to be addressed to the chair at the business office of the Commission. All communications and documents are deemed to be officially received only when delivered to the business office of the Commission. (3-28-00)

**007. RECORD.**

An official record will be kept of all official proceedings before the Commission and reduced to writing. Such record will be available for public inspection at the business office of the Commission. (3-28-00)

**008. PUBLIC RECORDS.**

The Commission shall comply with the procedures set forth in the Public Records Act, Title 74, Chapter 1, Idaho Code. The fee for providing public records will not exceed the amounts allowed by the Public Records Act. (3-28-00)

**009. MEETINGS.**

**01. Quarterly Meetings.** The Commission will hold regular quarterly meetings. Special meetings of the Commission may be called by either the chair or upon the call of any three (3) members of the Commission. (3-28-00)

**02. Quorum.** A quorum of the Commission is three (3) members. A majority vote of Commission members present will be considered the action of the Commission as a whole. The Commission chair (or person acting in that capacity) will count as a Commission member for purposes of a quorum, but will vote only to break a tie. (3-28-00)

**010. -- 099. (RESERVED)**

**100. NOMINATIONS, VACANCIES AND TERMS.**

**01. Chair and Vice-Chair.** At its last meeting of each fiscal year, the Commission shall nominate and elect, 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 fulfill the duties of the chair in the event that the chair is unable to attend a meeting of the Commission. (3-28-00)

**02. Terms of Officers.** Terms of elected officers shall be for a period of twelve (12) months and shall begin on July 1 of the year of election. A commissioner may serve as an officer for as many terms as elected. (5-3-03)

**03. Terms of Commission Members.** The regular term of appointment for a commissioner shall begin on July 1 of the year of appointment and shall continue for a period of five (5) years or until a successor is appointed. (5-3-03)

**101. -- 199. (RESERVED)**

**200. FEES.**

**01. Owner Fees.** The amount of the fee to be paid by all owners of dry grazing land is based on the total number of acres of dry grazing land that an individual owned during the preceding calendar year (January through December). The amount is calculated by adding together all of the acreage titled in the owner's name, regardless of the number or size of individual parcels, and multiplying by two cents (\$.02) per acre. The Commission will utilize this amount for purposes of determining whether the minimum assessment amount has been met. (3-28-00)

**02. User Fees.** The amount of fee to be assessed of individuals or other entities that utilize grazing lands of the state of Idaho, the United States Forest Service or the Bureau of Land Management. The amount of these fees will be calculated by multiplying the animal unit month and land use statistics, which the state or federal entities will provide, by ten cents (\$.10) per month. (3-28-00)

**03. Fee Refund.** Requests for fee refunds must be in writing addressed to the Commission by the individual, partnership, corporation or other entity that paid the fee, or by the authorized legal representative of the individual or entity and mailed within thirty (30) days of the payment of the fees. (3-28-00)

**04. Minimum Assessment.** During its first regular meeting of each year, the Commission will set the minimum assessment amount for that year. The amount of the minimum assessment will be within the Commission's sole discretion. (3-28-00)

**201. BILLING.**

**01. Fee Invoices.** The Commission will cooperate with other state and federal agencies in the calculation of fees and issuance of fee invoices and other assessments provided for in the statute. (3-28-00)

**02. Payment.** Payment of any fees or assessments is due within thirty (30) days of the date of the

issuance of the fee invoice or assessment notice.

(3-28-00)

**202. EXEMPTION AFFIDAVITS.**

Owners of private grazing lands seeking exemption from payment of owner fees must file affidavits within thirty (30) days of the date of the issuance of the fee invoice or assessment notice. An affidavit seeking exemption must only be filed one (1) time. Filed affidavits will remain in force and effect until revoked in writing.

(3-28-00)

**203. -- 999. (RESERVED)**