

Dear Senators HEINRICH & Stennett, and
Representatives TRAIL, Andrus & Pence:

The Legislative Services Office, Research and Legislation, has received the enclosed rules of the Idaho State Dept. Of Agriculture:

IDAPA 02.02.14 - Rules For Weights and Measures (Docket #02-0214-0802)

(Fee Rule).

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 9-11-08. 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 10-9-08.

_____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 334-2475, or send a written request to the address or FAX number indicated on the memorandum enclosed.

MEMORANDUM

TO: Rules Review Subcommittee of the Senate Agricultural Affairs Committee and
the House Agricultural Affairs Committee

FROM: Katharine Gerrity, Principal Legal Analyst, LSO

DATE: August 19, 2008

SUBJECT: Idaho State Department of Agriculture

IDAPA 02.02.14 - Rules For Weights and Measures (Docket #02-0214-0802)
(Fee Rule)

The Idaho State Department of Agriculture submits notice of a proposed rule at IDAPA 02.02.14 - Rules For Weights and Measures. According to the Department, the purpose of the rule is to increase the annual device license fees and increase rates for request testing to enable the Bureau to meet device testing requirements and replace equipment. The Department notes that the effect of the rule will be to increase the Bureau of Weights and Measures dedicated funds by \$80,000. Negotiated rulemaking was conducted.

We have no specific comments relating to this rule. The action appears to be authorized pursuant to Section 71-121, Idaho Code.

cc: Idaho State Department of Agriculture
Brian J. Oakey & Tom Schafer

IDAPA 02 - DEPARTMENT OF AGRICULTURE

02.02.14 - RULES FOR WEIGHTS AND MEASURES

DOCKET NO. 02-0214-0802 (FEE RULE)

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 Sections 71-111 and 71-121, Idaho Code.

PUBLIC HEARING SCHEDULE: A public hearing concerning this rulemaking will be held as follows:

Wednesday - September 17, 2008 - 7:00 p.m. to 9:00 p.m

**NAMPA CIVIC CENTER
311 Third Street South
Nampa, Idaho 83651**

The hearing site 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 rule change would increase the annual device license fees and increase rates for request testing to enable the Bureau to meet device testing requirements and fund replacement equipment.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased:

KEY	CODE	FEE	KEY	CODE	FEE
scales ≤ 50 lb	A	\$6.00	petroleum meter 30 < 150 gpm	H	\$33.00
scales > 50 ≤ 1159 lb	B	\$12.00	petroleum meter ≥ 150 gpm	I	\$40.00
scales ≥ 1160 ≤ 7499 lb	C	\$24.00	LPG dispenser	J	\$40.00
scales ≥ 7500 ≤ 59,999 lb	D	\$65.00	LPG temperature compensated	K & L	\$60.00
scales 60,000 lb or more	E & F	\$80.00	cordage meter	M	\$5.00
motor-fuel device < 20 gpm	G	\$6.00	fabric meter	N	\$5.00
motor-fuel device 20 ≤ 30 gpm	T	\$10.00	bulk oil meter	O	\$35.00

Special request testing mileage charges are proposed to increase to \$0.55/mile for a car, \$0.75/mile for a pickup and \$2.50/mile for a heavy duty truck. Personnel charges for request tests are proposed to increase to \$30.00/hour.

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 as a result of this rulemaking:

The fiscal impact would be to increase the Bureau of Weights and Measures dedicated funds by \$80,000.

NEGOTIATED RULEMAKING: Pursuant to IDAPA 04.11.01.811, negotiated rulemaking was conducted. The Notice of Negotiated Rulemaking was published in the Idaho Administrative Bulletin, July 2, 2008, Volume 08-7, page 18. A negotiated rule making meeting was held July 10, 2008 at the Idaho State Department of Agriculture.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the temporary and proposed rule, contact Tom Schafer, at 332-8690.

Anyone may submit written comments regarding the proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before September 24, 2008.

DATED this 17th day of July, 2008.

Brian J. Oakey, Deputy Director
Idaho State Department of Agriculture
2270 Old Penitentiary Road
P.O. Box 790
Boise, Idaho 83701-0790
Phone 332-8500, Fax 334-4062

THE FOLLOWING IS THE TEXT OF DOCKET NO. 02-0214-0802

016. MAXIMUM LICENSE FEE SCHEDULE FOR COMMERCIALLY USED WEIGHING AND MEASURING INSTRUMENTS AND DEVICES.

The annual license fee for instruments and devices is based on manufacturer's rated capacity. The annual license fee for commercially used instrument and device types not listed in Table 1-A, will be determined by one-third (1/3) of the actual average time costs involved with testing that type of device.

TABLE 1-A		
DEVICE CODE	KEY	FEE
A	Scales ≤ 50 lb	\$ 4.50 <u>6.00</u>
B	Scales > 50 ≤ 1,159 lb	\$ 9 <u>12.00</u>
C	Scales ≥ 1,160 ≤ 7,499 lb	\$ 18 <u>24.00</u>
D	Scales ≥ 7,500 ≤ 59,999 lb	\$ 4 <u>65.00</u>
E & F	Scales 60,000 lbs or more	\$ 57 <u>80.00</u>
G	Motor-fuel device < 3 <u>20</u> gpm	\$ 5 <u>6.00</u>
H	Petroleum meter 30 < 150 gpm	\$ 25 <u>33.00</u>
I	Petroleum meter ≥ 150 gpm	\$ 29 <u>40.00</u>
J	LPG dispenser	\$ 3 <u>40.00</u>
K & L	LPG temperature compensated	\$ 45 <u>60.00</u>
M	Cordage meter	\$ 4 <u>5.00</u>

TABLE 1-A		
DEVICE CODE	KEY	FEE
N	Fabric meter	\$ 4 <u>5</u> .00
O	Bulk oil meter	\$ 2 <u>3</u> 5.00
<u>I</u>	<u>Motor-fuel device 20 < 30 gpm</u>	\$10.00

(2-13-04)()

(BREAK IN CONTINUITY OF SECTIONS)

100. CHARGES FOR SPECIAL REQUEST TESTING OR EXAMINATION.

01. Mileage Charges. (7-1-93)

a. ~~Thirty-six~~ Fifty-five cents (\$. ~~36~~55) a mile for car travel. (2-13-04)()

b. ~~Fifty~~ Seventy-five cents (\$. ~~50~~75) a mile for pickup and prover. (2-13-04)()

c. ~~One~~ Two dollars and fifty cents (\$~~1~~2.50) a mile for heavy capacity scale trucks. (2-13-04)()

02. Fee Collection. Such fees will be collected from place where working and back. Where more than one (1) request is to be handled on same trip, the mileage will be prorated between the parties requesting the service. (7-1-93)

03. Personnel Charges. There will also be an hourly personnel charge of ~~twenty-five~~ thirty dollars (\$~~25~~30) per hour per person for special request testing, chargeable during the time of the actual testing and examination of devices and for driving time. (2-13-04)()