

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 Oilseed Commission:

IDAPA 43.01.01 - Notice of Omnibus Rulemaking - Temporary and Proposed Fee Rulemaking  
(Docket No. 43-0101-1900F).

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 Oilseed Commission

IDAPA 43.01.01 - Notice of Omnibus Rulemaking - Temporary and Proposed Fee Rulemaking (Docket No. 43-0101-1900F)

The Idaho Oilseed Commission submits notice of temporary and proposed rules that reauthorize and re-publish the following previously approved chapter at IDAPA 43.01.01. These rules were previously analyzed and reviewed by the Legislative Services Office upon their initial promulgation. There is one nonsubstantive minor verbiage change. No other changes from the existing rules have been noted.

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

Rulemaking appears to be authorized pursuant to Section 22-4716, Idaho Code.

cc: Idaho Oilseed Commission  
Benjamin Kelly

**\*\*\* 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 43 – IDAHO OILSEED COMMISSION

DOCKET NO. 43-0101-1900F

### 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 Sections 22-4716, 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 43, rules Governing the Idaho Oilseed Commission.

#### **IDAPA 43**

- IDAPA 43.01.01, *Rules Governing the Idaho Oilseed 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 expiration of these rules would hamper the ability of oilseed growers to properly research, provide education and promote oilseed commodities grow in the state of Idaho and would halt a variety of research programs.

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. These fees and charges are part of the dedicated fund portion of the state budget, which makes up a material portion of the FY2020 budget. The FY2020 budget has already been set by the Legislature and passed into law. That 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 state budget, immediate danger to necessary state functions and services, and immediate danger of a violation of Idaho's constitutional requirement that it balance its budget. An inability to collect oilseed assessments would jeopardize funding for critical research programs, causing some of them to be suspended.

**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. If a person is late in paying the assessment on oilseed sold or contacted for, the fee rule sets a late payment penalty of twelve percent (12%) per annum on the amount due.

**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 Benjamin Kelly at (208) 888-0988.

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 of June, 2019.

Benjamin Kelly  
Administrator  
Idaho Oilseed Commission  
55 SW 5th Ave., Suite 100  
Meridian, Idaho 83642  
(208) 888-0988

**IDAPA 43  
TITLE 01  
CHAPTER 01**

**IDAPA 43 – IDAHO OILSEED COMMISSION**

**43.01.01 – RULES GOVERNING THE IDAHO OILSEED COMMISSION**

**000. LEGAL AUTHORITY.**

In accordance with Title 22, Chapter 47, Idaho Code, the Idaho Oilseed Commission (hereinafter “Commission”) promulgate these rules implementing the provisions of Title 22, Chapter 47, Sections 22-4701, et seq., Idaho Code. (7-1-97)

**001. TITLE AND SCOPE.**

These rules are titled IDAPA 43.01.01, “Rules Governing the Idaho Oilseed Commission,” IDAPA 43, Title 01, Chapter 01. (7-1-97)

**002. WRITTEN INTERPRETATIONS.**

In accordance with Title 67, Chapter 52, Section 67-5201(19)(b)(iv), Idaho Code, the Commission may issue written statements which pertain to the interpretation of the rules of this chapter, or to the documentation of compliance with the rules of this chapter. (7-1-97)

**003. ADMINISTRATIVE APPEALS.**

The Idaho Administrative Procedure Act (Title 67, Chapter 52, Sections 67-5201, et seq., Idaho Code.) and IDAPA 04.11.01.001, et seq., “Idaho Rules of Administrative Procedure of the Attorney General,” shall govern all contested cases involving the Commission. (7-1-97)

**004. -- 009. (RESERVED)**

**010. FIRST PURCHASER RULES.**

**01. Designated Quarters.** In accordance with Title 22, Chapter 47, Section 22-4716, Idaho Code, the Commission shall designate the quarters (three (3) month periods) for the purpose of collecting the tax imposed by such statute as follows: (7-1-97)

**a.** The Commission’s first quarter will begin on the first day of July and end the thirtieth day of September. The first quarter tax shall be due on or before the fifteenth day of October. (7-1-97)

**b.** The Commission’s second quarter will begin on the first day of October and end the thirty-first day of December. The second quarter tax shall be due on or before the fifteenth day of January. (7-1-97)

**c.** The Commission’s third quarter will begin on the first day of January and end the thirty-first day of March. The third quarter tax shall be due on or before the fifteenth day of April. (7-1-97)

**d.** The Commission’s fourth quarter will begin on the first day of April and end the thirtieth day of June. The fourth quarter tax shall be due on or before the fifteenth day of July. (7-1-97)

**02. Oilseed Tax Invoice (Form Number 1).** Pursuant to Title 22, Chapter 47, Section 22-4719, Idaho Code, the first purchaser of oilseed shall be required to complete and send the Oilseed Tax Invoice (Form Number 1) to the Commission office each and every quarter on or before the dates specified in these rules. Form Number 1 shall be on official forms as prescribed by the Commission and shall be provided to the first purchaser by the Commission. Form Number 1 shall, at a minimum, require the following legible information: (7-1-97)

**a.** The date of purchases and tax reporting period. (7-1-97)

**b.** The name and address of the oilseed seller and purchaser. (7-1-97)

- c. The net weight of the oilseed sold in pounds or hundredweights. (7-1-97)
- d. The total amount of tax deducted from Idaho oilseed producers by the purchaser. (7-1-97)
- e. The total amount of tax due the Commission. (7-1-97)

**03. Late Payment Penalty** (As specified in Title 22, Chapter 47, Section 22-4716(4), Idaho Code). Any person or firm who makes payment to the Commission at a date later than prescribed by law, shall be subject to a late payment penalty of twelve percent (12%) per annum on the amount due. (7-1-97)

**011. -- 499. (RESERVED)**

**500. REFUND APPLICATIONS.**

**01. Assessment Refund.** In accordance with Title 22, Chapter 47, Section 22-4717, Idaho Code, any seller may request from the Commission in writing, within thirty (30) days after payment thereof, a refund of all or any portion of an assessment levied on oilseed and paid by such seller. Sellers requesting an oilseed assessment refund, as specified in Title 22, Chapter 47, Section 22-4717, Idaho Code, shall be required to complete and return a refund application form (Form Number 2) to the Commission office no later than thirty (30) days after payment of the assessment. Form Number 2 will be available through the Commission office. Written requests for refund application forms must be sent to the Commission office. (7-1-97)

**02. Refund Application Form Number 2.** Form Number 2 shall, at a minimum, require the following information from the applicant: (7-1-97)

- a. The applicant's name and address. (7-1-97)
- b. The applicant's federal tax identification number. (7-1-97)
- c. The first purchaser or lender who deducted the assessment from the applicant's settlement. (7-1-97)
- d. The applicant's date of settlement. (7-1-97)
- e. The hundredweight of oilseed sold by the applicant. (7-1-97)
- f. The dollar amount of oilseed assessment deducted from the applicant's settlement. (7-1-97)
- g. The applicant shall enclose evidence with the application proving the oilseed assessment was deducted by providing a copy of the invoice (Form Number 1) for which the refund is claimed. In the absence of a copy of the invoice, the Commission may, but is not required to, accept other satisfactory evidence of payment. (7-1-97)

**501. -- 999. (RESERVED)**