

Dear Senators HEIDER, Brackett, Stennett, and  
Representatives GIBBS, Gestrin, Rubel:

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

IDAPA 15.03.00 - Notice of Omnibus Rulemaking (Fee Rule) - Proposed Rule (Docket No.  
15-0300-2000F).

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 10/15/2020. 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 11/12/2020.

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 Resources & Environment Committee and the House Resources & Conservation Committee

**FROM:** Deputy Division Manager - Katharine Gerrity

**DATE:** September 28, 2020

**SUBJECT:** Office of the Governor - Forest Products Commission

IDAPA 15.03.00 - Notice of Omnibus Rulemaking (Fee Rule) - Proposed Rule (Docket No. 15-0300-2000F)

#### Summary and Stated Reasons for the Rule

The Office of the Governor, Idaho Forest Products Commission, submits notice of proposed fee rule. According to the commission, the rulemaking republishes the following temporary rule chapter that was previously submitted: IDAPA 15.03.01, Rules of Administrative Procedure of the Idaho Forest Products Commission.

The commission states that the fee rules do not impose a fee or charge, or increase a fee or charge, beyond what was previously submitted to and reviewed by the Legislature in the prior rules. The commission notes that the fees specify the collection and remittance of the assessment provided in Section 38-1515, Idaho Code.

#### Negotiated Rulemaking/Fiscal Impact

The commission notes that negotiated rulemaking was not conducted because engaging in negotiated rulemaking for all previously existing rules would inhibit the agency from carrying out its ability to protect health, safety, and welfare. The department also confirms that the rulemaking is not anticipated to have any fiscal impact on the general fund.

#### 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 \*\*\*

Kristin Ford, Manager  
Research & Legislation

Paul Headlee, Manager  
Budget & Policy Analysis

April Renfro, Manager  
Legislative Audits

Glenn Harris, Manager  
Information Technology

Statehouse, P.O. Box 83720  
Boise, Idaho 83720-0054

Tel: 208-334-2475  
www.legislature.idaho.gov

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. 15-0300-2000F (FEE RULE)**

**NOTICE OF OMNIBUS 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 Section 38-1508, Idaho Code.

**PUBLIC HEARING SCHEDULE:** Opportunity for presentation of oral comments 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 the purpose of the proposed rulemaking:

This proposed rulemaking re-publishes the following existing temporary 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 fees or charges specify the collection and remittance of the assessment provided 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 FY2021 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 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 rules 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](mailto: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 19th day of August, 2020.

Jennifer Okerlund, Director  
Idaho Forest Products Commission  
350 N. 9th Street, Suite 102  
Boise, Idaho 83702  
(208) 334-3292  
[ifpc@idahoforests.org](mailto: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. Financial Supporter.** Person who pays an assessment to the Commission. ( )

**03. 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. ( )

**04. Terms.** Terms of office for Commission members consist of three (3) year terms beginning on July 1 of the year of appointment. ( )

**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:** 8/31/2020

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**IDAPA, Chapter and Title Number and Chapter Name:**

IDAPA 15.03.01 Rules of Administrative Procedure of the Idaho Forest Products Commission

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**Fee Rule Status:** X **Proposed** \_\_\_\_\_ **Temporary**

**Rulemaking Docket Number:** 15-0300-2000F

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### **STATEMENT OF ECONOMIC IMPACT:**

Fee are unchanged from the previous year's temporary fee rule dockets. The fees or charges specify the collection and remittance of the assessment provided in Section 38-1515, Idaho Code:

- For all forest products manufacturers, an amount no greater than fifty cents (50¢) per thousand board feet or the equivalent thereof for all logs either harvested in Idaho or measured or processed by a manufacturing entity located in the state of Idaho, regardless of the state in which the logs might have been cut.
- For all business entities engaged in the harvest or transport of timber, logs, unfinished lumber, chips, sawdust, shavings or hog fuel in Idaho, a sum no greater than twenty-five dollars (\$25.00) per employee, including single, self-employers and the individuals involved in partnerships, as measured by the records of the department of labor during the month of July of the preceding year, or as provided in subsection (2) of 38-1515, Idaho Code.
- For business entities or persons owning more than ten thousand (10,000) acres of private forest land within the state of Idaho, a sum no greater than ten cents (10¢) per each acre of forest land.