



Eric Milstead  
Director

# Legislative Services Office

## Idaho State Legislature

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### MEMORANDUM

**TO:** Senators HEIDER, Brackett, Stennett and,  
Representatives GIBBS, Gestrin, Rubel

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

**DATE:** April 21, 2020

**SUBJECT:** Temporary Rule

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

We are forwarding this temporary rule to you for your information only. No analysis was done by LSO. This rule is posted on our web site. If you have any questions, please call Katharine Gerrity at the Legislative Services Office at (208) 334-4845. Thank you.

Attachment: Temporary Rule

Kristin Ford, Manager  
Research & Legislation

Paul Headlee, Manager  
Budget & Policy Analysis

April Renfro, Manager  
Legislative Audits

Glenn Harris, Manager  
Information Technology

**IDAPA 15 – OFFICE OF THE GOVERNOR  
IDAHO FOREST PRODUCTS COMMISSION**

**DOCKET NO. 15-0300-2000F (FEE RULE)**

**NOTICE OF OMNIBUS RULEMAKING – ADOPTION OF TEMPORARY RULE**

**EFFECTIVE DATE:** The effective date of the temporary rule being adopted through this omnibus rulemaking is the adjournment date of the second regular session of the 65th Idaho State Legislature - March 20, 2020.

**AUTHORITY:** In compliance with Sections 67-5226, Idaho Code, notice is hereby given this agency has adopted a temporary rule. The action is authorized pursuant to Section 38-1508, Idaho Code.

**DESCRIPTIVE SUMMARY:** The following is the required finding and concise statement of its supporting reasons for adopting a temporary rule:

This temporary rulemaking adopts the following chapter 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*

**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 temporary 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.

**FEE SUMMARY:** Pursuant to Section 67-5226(2), the Governor has found that the fee(s) or charge(s) being imposed or increased is justified and necessary to avoid immediate danger and the fee(s) is described herein:

The fees or charges, authorized in Section 38-1515, Idaho Code, are part of the agency's 2021 budget that relies upon the existence of these fees or charges to meet the state's obligations and provide necessary state services. Failing to reauthorize these temporary 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.

The following is a specific description of the fees or charges: 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 fee rule specifies the collection and remittance of the assessment contained in Section 38-1515, Idaho Code.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning the temporary rule, contact Jennifer Okerlund, Director, Idaho Forest Products Commission (208) 334.3292, [ifpc@idahoforests.org](mailto:ifpc@idahoforests.org).

DATED this February 3, 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. (3-20-20)T

**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. (3-20-20)T

**002. -- 003. (RESERVED)**

**004. DEFINITIONS.**

In addition to the definitions set forth in Section 38-1502, Idaho Code, as used in this chapter: (3-20-20)T

**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. (3-20-20)T

**02. Financial Supporter.** Person who pays an assessment to the Commission. (3-20-20)T

**03. Person.** An individual, partnership, association, corporation or other entity qualified to do business in the state of Idaho. (3-20-20)T

**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. (3-20-20)T

**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. (3-20-20)T

**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. (3-20-20)T

**04. Terms.** Terms of office for Commission members consist of three (3) year terms beginning on July 1 of the year of appointment. (3-20-20)T

**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. (3-20-20)T

**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. (3-20-20)T

**02. Assessments Levied.** Assessments on logs processed into various manufactured products will be levied against the forest products manufacturer that initiates the manufacturing process. (3-20-20)T

**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. (3-20-20)T

**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. (3-20-20)T

**301. -- 999. (RESERVED)**