



Terri Kondeff
Director

Legislative Services Office Idaho State Legislature

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MEMORANDUM

TO: Senators BURTENSHAW, Bayer, Nelson and,
Representatives KAUFFMAN, Andrus, Toone

FROM: Katharine Gerrity - Deputy Division Manager

DATE: August 03, 2021

SUBJECT: Temporary Rule

IDAPA 02.07.01 - Notice of Omnibus Rulemaking (Fee Rule) - Adoption of Temporary Rule \
Rescission of Previous Temporary Rule - Docket No. 02-0701-2100F

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

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

Paul Headlee, Manager
Budget & Policy Analysis

April Renfro, Manager
Legislative Audits

Glenn Harris, Manager
Information Technology

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

IDAPA 02.07 – IDAHO HOP GROWERS’ COMMISSION

DOCKET NO. 02-0701-2100F (FEE RULE)

NOTICE OF OMNIBUS RULEMAKING – ADOPTION OF TEMPORARY RULE \ RESCISSION OF PREVIOUS TEMPORARY RULE

EFFECTIVE DATE: The effective date of the temporary rule being adopted through this omnibus rulemaking as listed in the descriptive summary of this notice is July 1, 2021. The rescission of previous temporary rule under docket 02-0701-2000F is effective July 1, 2021.

AUTHORITY: In compliance with Sections 67-5226, Idaho Code, notice is hereby given this agency has adopted a temporary rule and rescinded a previous temporary rule. The action is authorized pursuant to Title 22, Chapter 31, Idaho Code.

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

This temporary rulemaking adopts and re-publishes the following existing rule chapter previously submitted to and reviewed by the Idaho Legislature under IDAPA 02.07, rules of the Idaho Hop Grower’s Commission:

IDAPA 02.07

- 02.07.01, *Rules of the Idaho Hop Growers Commission.*

Rescission of previous temporary rule aligns this chapter wholly with the administrative code effective 7-1-21.

TEMPORARY RULE JUSTIFICATION: Pursuant to Sections 67-5226(1)(a-c) 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. These rules are necessary for the continued funding of the Idaho Hop Growers Commission.

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 22-3107, Idaho Code, are part of the agency’s 2022 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 collections and remittance of the assessment contained in Section 22-3107, Idaho Code.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the adoption of temporary rule and rescission of temporary rule, contact Candi Fitch 208-722-5111.

DATED this 1st day of July, 2021.

Candi Fitch
Executive Director
Idaho Hop Growers Commission
P.O. Box 909, Parma, ID 83660
(208) 722-5111

02.07.01 – RULES OF THE IDAHO HOP GROWERS' COMMISSION

000. LEGAL AUTHORITY.

This chapter is adopted under the legal authority of Section 22-3105(12), Idaho Code.

(7-1-21)T

001. SCOPE.

These rules govern markings required on hop bales, substituting hops grown out of state as Idaho hops, payment of hop assessments, computation and establishing assessment rate, collection and remittance of assessment to the Idaho Hop Growers' Commission, and dealer assessment returns, and grower assessment returns.

(7-1-21)T

002. – 099. (RESERVED)

100. MARKINGS REQUIRED.

Each bale of hops grown within the state of Idaho are to be labeled on the head of the bale by an authorized representative of the Idaho Department of Agriculture at the time of Federal/State inspection. The grower of the hops are to have stenciled on each bale, their grower number and lot number or letter, prior to the Idaho Department of Agriculture representative stenciling the Federal/State inspection seal.

(7-1-21)T

101. REMOVAL OR DEFACING OF STENCILS.

It is unlawful for any grower, shipper, dealer, or any person other than the final consumer to remove, stencil over, substitute, mutilate, or in any other way deface the distinctive stencils the Idaho Hop Growers' Commission has ordered affixed. However, in cases wherein definite proof of necessity is presented by a shipper and/or dealer to the Idaho Hop Growers' Commission, the Commission may, in its discretion, permit the shipment of hops without the distinctive stencils affixed thereto. ("Proof of necessity" will be a certificate under oath that the shipment of hops in question is intended for export from the continental limits of the United States and that such shipment cannot be made without removal of all identifying marks. In addition to the above oath, the dealer and/or shipper is to furnish all such other information as may have a bearing on the Commission's decision to allow or disallow removal of the stencil.)

(7-1-21)T

102. MISREPRESENTATION.

It is unlawful to substitute or in any manner represent any other hops as Idaho hops in any channel of trade and at any and all times.

(7-1-21)T

103. TIME OF PAYMENT OF HOP ASSESSMENT LEVY.

The hop assessment levy as imposed by Chapter 31, Title 22, Idaho Code, is to be paid not later than the last day of the month next succeeding the month in which such hops were first handled in the primary channels of trade.

(7-1-21)T

104. COMPUTATION OF ASSESSMENT.

The initial hop assessment levy is computed and paid on the basis of twenty cents (\$0.20) per net two hundred (200) pound bale of hops handled in the primary channels of trade. In addition to such initial assessment there may be levied an assessment not exceeding four dollars and eighty cents (\$4.80) per net two hundred (200) pound bale on each bale of hops handled in the primary channels of trade. The amount of such additional assessment is determined annually by the Commission. Licensed hop dealers of the state of Idaho will be notified of the determined assessment amount by registered mail prior to the harvest period.

(7-1-21)T

105. COLLECTION OF HOP ASSESSMENT LEVY.

All assessments levied and imposed under and pursuant to the provisions of Chapter 31, Title 22, Idaho Code, are deducted from the grower's account by the person or dealer by whom the hops are first handled in the primary channels of trade. All such assessments will be made payable to the Idaho Hop Growers' Commission together with a properly prepared assessment return as prescribed by Section 106.

(7-1-21)T

106. ASSESSMENT RETURN.

01. Dealer Assessment Return. Every dealer or other person buying hops in primary channels of trade is to file an assessment return on forms available from the Commission each time assessments become due under and pursuant to the provisions of Chapter 31, Title 22, Idaho Code. Assessment returns and assessment payments will be mailed together to the Idaho Hop Growers' Commission.

(7-1-21)T

02. Grower Assessment Return. Every grower of hops in the state of Idaho, upon the delivery of hops to a dealer or brewer, is to file a Commission assessment return form not later than the last day of the month next succeeding the month in which such hops were first handled in the primary channels of trade. Assessment returns are to state the number of bales of hops handled during the period prescribed and mailed by the grower to the Idaho Hop Growers' Commission.

(7-1-21)T

107. -- 999. (RESERVED)