

Dear Senators HARTGEN, Nichols, Semmelroth, and
Representatives ANDRUS, Raymond, Mathias:

The Legislative Services Office, Research and Legislation, has received the enclosed rules of the
Idaho Oilseed Commission:

IDAPA 43.01.01 - Rules Governing the Idaho Oilseed Commission (ZBR Chapter Rewrite) -
Proposed Rule (Docket No. 43-0101-2401).

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 11/08/2024. 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 12/06/2024.

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.



Terri Kondeff
Director

Legislative Services Office

Idaho State Legislature

Serving Idaho's Citizen Legislature

MEMORANDUM

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

FROM: Legislative Drafter - Alli Olson

DATE: October 22, 2024

SUBJECT: Idaho Oilseed Commission

IDAPA 43.01.01 - Rules Governing the Idaho Oilseed Commission (ZBR Chapter Rewrite) - Proposed Rule (Docket No. 43-0101-2401)

Summary and Stated Reasons for the Rule

The Idaho Oilseed Commission submits notice of proposed rulemaking related to the rules governing the Oilseed Commission. The Oilseed Commission states that the proposed rule changes are pursuant to the Governor's zero-based regulation initiative. The proposed rule primarily removes unnecessary language, thereby improving readability and reducing word count. The proposed rule also removes two sections, which appear to be duplicative of Idaho Code sections 22-4717 and 22-4719.

Negotiated Rulemaking / Fiscal Impact

The Idaho Oilseed Commission states that negotiated rulemaking was conducted and notice was published in the August 7, 2024, Idaho Administrative Bulletin, Vol. 24-8, pg. 191. The Commission also states that there are no new fees associated with this rulemaking and that there is no fiscal impact to the General Fund exceeding \$10,000.

Statutory Authority

The Idaho Oilseed Commission appears to have the authority to promulgate its proposed rules pursuant to Title 22, Chapter 47, Idaho Code.

cc: Idaho Oilseed Commission
Patxi Larrocea-Phillips

***** 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.

Paul Headlee, Deputy Director Matt Drake, Manager Keith Bybee, Manager April Renfro, Manager Norma Clark, Manager
Legislative Services Office Research & Legislation Budget & Policy Analysis Legislative Audits Information Technology

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IDAPA 43 – IDAHO OILSEED COMMISSION
43.01.01 – RULES GOVERNING THE IDAHO OILSEED COMMISSION
DOCKET NO. 43-0101-2401 (ZBR CHAPTER REWRITE)
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 Section 22-4710, 22-4717, and 22-4718 Idaho Code.

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

43.01.01 – Rules Governing the Idaho Oilseed Commission
Thursday, October 3, 2024 – 10:00 a.m. - 11:30 a.m. (MT) Idaho Oilseed Commission Office 55 SW 5th Ave, Suite 100 Meridian, ID 83642

Additionally, the meeting will be held virtually. For virtual meeting links please contact Patxi Larrocea-Phillips at patxi@amgidaho.com.

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:

These rules are being presented for authorization as part of the Idaho Oilseed Commission’s plan to review its rules every 5 years. There are no specific rulemaking changes planned by the Idaho Oilseed Commission at this time except for evaluation and amendment consistent with the Governor’s [Zero-Based Regulation Executive Order](#). It is anticipated that rulemaking stakeholders will propose and advocate for rulemaking changes as part of the negotiated rulemaking process. The Idaho Oilseed Commission intends to carefully consider all changes presented by the public and may propose certain changes so long as they are consistent with the rules’ statutory authority and the Governor’s Executive Order.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased: There is not a fee associated with this rulemaking.

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: There is no fiscal impact associated with this rulemaking.

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(1), Idaho Code, negotiated rulemaking was conducted. The Notice of Intent to Promulgate Rules - Negotiated Rulemaking was published in the August 7, 2024 Idaho Administrative Bulletin, [Vol. 24-8, pg. 191](#).

INCORPORATION BY REFERENCE: Pursuant to Section 67-5229(2)(a), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule: There are no materials incorporated by reference associated with this rulemaking.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance

on technical questions concerning the proposed rule, contact Patxi Larrocea-Phillips at patxi@amgidaho.com.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before November 1, 2024.

DATED this 30th day of August, 2024.

Patxi Larrocea-Phillips
Administrator
55 SW 5th Ave, Suite 100
Meridian, ID 83642
Phone: 208-888-0988
Email: patxi@amgidaho.com

THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 43-0101-2401
(ZBR Chapter Rewrite)

43.01.01 – RULES GOVERNING THE IDAHO OILSEED COMMISSION

000. LEGAL AUTHORITY.

~~The Idaho Oilseed Commission (hereinafter “Commission”) promulgates these rules implementing the provisions of Title 22, Chapter 47, Idaho Code~~ Section 22-4710, Idaho Code. (3-15-22)()

002. -- 009. (RESERVED)

010. FIRST PURCHASER RULES.

01. Designated Quarters. ~~In accordance with Section 22-4716, Idaho Code, the Commission has designated the quarters (three (3) month periods) for the purpose of collecting the tax imposed by such statute as follows~~ All tax payments and completed documents are due on or before the fifteenth of the first month of each quarter ~~The quarters for payment of tax are:~~ (3-15-22)()

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 is due on or before the fifteenth day of October~~ First Quarter: July 1 through September 30. (3-15-22)()

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 is due on or before the fifteenth day of January~~ Second Quarter: October 1 through December 31. (3-15-22)()

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 is due on or before the fifteenth day of April~~ Third Quarter: January 1 through March 31. (3-15-22)()

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 is due on or before the fifteenth day of July~~ Fourth Quarter: April 1 through June 30. (3-15-22)()

02. Oilseed Tax Invoice (Form Number 1). Pursuant to Section 22-4719, Idaho Code, the first purchaser of oilseed is 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 be provided to the first purchaser by the Commission and, at a minimum, require the following legible information: (3-15-22)~~

- ~~a. The date of purchases and tax reporting period. (3-15-22)~~
- ~~b. The name and address of the oilseed seller and purchaser. (3-15-22)~~
- ~~c. The net weight of the oilseed sold in pounds or hundredweights. (3-15-22)~~
- ~~d. The total amount of tax deducted from Idaho oilseed producers by the purchaser. (3-15-22)~~
- ~~e. The total amount of tax due the Commission. (3-15-22)~~

032. Late Payment Penalty. Per Section 22-4716(4), Idaho Code, any person or firm who makes payment to the Commission at a date later than prescribed by law, is subject to a late payment penalty of twelve percent (12%) per annum on the amount due. (3-15-22)

~~041. — 499. (RESERVED)~~

500. REFUND APPLICATIONS.

~~**01. Assessment Refund.** In accordance with 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 Section 22-4717, Idaho Code, are 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. (3-15-22)~~

~~**02. Refund Application Form Number 2.** Form Number 2 shall, at a minimum, require the following information from the applicant: (3-15-22)~~

- ~~a. The applicant's name and address. (3-15-22)~~
- ~~b. The applicant's federal tax identification number. (3-15-22)~~
- ~~c. The first purchaser or lender who deducted the assessment from the applicant's settlement. (3-15-22)~~
- ~~d. The applicant's date of settlement. (3-15-22)~~
- ~~e. The hundredweight of oilseed sold by the applicant. (3-15-22)~~
- ~~f. The dollar amount of oilseed assessment deducted from the applicant's settlement. (3-15-22)~~
- ~~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 bound to, accept other satisfactory evidence of payment. (3-15-22)~~

~~501-011. -- 999. (RESERVED)~~