

Dear Senators RICE, Den Hartog, Jordan, and  
Representatives BOYLE, Dayley, Erpelding:

The Legislative Services Office, Research and Legislation, has received the enclosed rules of the  
Idaho Sheep and Goat Health Board:

IDAPA 02.08.01 - Sheep and Goat Rules of the Idaho Sheep and Goat Health Board - Proposed  
Rule (Docket No. 02-0801-1801).

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 12/03/2018. 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 01/02/2019.

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

*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:** November 13, 2018

**SUBJECT:** Idaho Sheep and Goat Health Board

IDAPA 02.08.01 - Sheep and Goat Rules of the Idaho Sheep and Goat Health Board - Proposed Rule  
(Docket No. 02-0801-1801)

#### Summary and Stated Reasons for the Rule

The Idaho Sheep and Goat Health Board submits notice of proposed rule at IDAPA 02.08.01 - Sheep and Goat Rules of the Idaho Sheep and Goat Health Board. According to the board, the purpose of the rule is to clarify how and when goat assessments should be assessed and turned into the board by livestock auction yards and individuals. The board notes that the rules will solely apply to goat assessments instead of applying wool assessment rules to goats.

#### Negotiated Rulemaking / Fiscal Impact

The board notes that negotiated rulemaking was conducted.

#### Statutory Authority

The rulemaking appears to be authorized pursuant to Sections 25-128 and 25-131, Idaho Code.

cc: Idaho Sheep and Goat Health Board  
Brandy Kay

#### \*\*\* PLEASE NOTE \*\*\*

Per the Idaho Constitution, all administrative rules must 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 02 – IDAHO SHEEP AND GOAT HEALTH BOARD

### 02.08.01 – SHEEP AND GOAT RULES OF THE IDAHO SHEEP AND GOAT HEALTH BOARD

DOCKET NO. 02-0801-1801

#### 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 Title 25, Chapter 1, Idaho Code, and Section 25-128, Idaho Code.

**PUBLIC HEARING SCHEDULE:** Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than November 21, 2018.

The hearing site(s) 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:

This rule is to clarify how and when the goat assessment should be assessed and turned into the Idaho Sheep and Goat Health Board by Livestock Auction Yards and Individuals. This will provide the goat assessment with its own rules instead of trying to use wool assessment rules on goats. Since goats and wool are sold very differently, this rule will simplify the process.

**FEE SUMMARY:** The following is a specific description of the fee or charge imposed or increased: no fee changes.

**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 resulting from this rulemaking: N/A

**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 September 5, 2018 Idaho Administrative Bulletin, [Vol. 18-9, pg. 61](#).

**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:

The Code of Federal Regulations and the USA Scrapie Flock Certification Program are federal regulations that help keep goats and sheep healthy. The Idaho Sheep and Goat Health Board supports these regulations and wishes for all Idaho Sheep and goat owners to abide by all federal and state laws.

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the proposed rule, contact Brandy Kay, (208) 803-5084.

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 28, 2018.

Dated this 20th day of October, 2018.

Brandy Kay, Executive Secretary  
Idaho Sheep and Goat Health Board  
112 E 6th Street  
P.O. Box 825  
Emmett, ID 83617  
(208) 803-5084

**THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 02-0801-1801**  
**(Only Those Sections With Amendments Are Shown.)**

**701. GOAT ASSESSMENTS.**

The following rules shall apply to all goats. (4-6-15)

**01. Payment of Assessment.** The owner of goat(s) shall be responsible for the payment of the assessment levied by the Board as provided for in Sections 25-130 and 25-131, Idaho Code. The rate of assessment shall be eighty cents (\$.80) per head. (4-6-15)

**02. Assessment as Resident Goats.** The assessment shall be levied and assessed to the producer at the time of the sale of said goat(s) ~~and shall be deducted by the first purchaser from the price paid to the producer at the time of such sale.~~ (4-6-15)(    )

**a. Auction Yards:** Auction yards will deduct the assessment from the price paid to the producer at the time of sale. All goat assessments will be sent to the Idaho Sheep and Goat Health Board (ISGHB) from the auction yards after each sale, but no later than thirty (30) days after the sale. Assessments will be accompanied by a board approved form that includes a list of the producers (sellers) name, address, and number of head sold. (    )

**b. Private Sales:** The producer will handle assessment on private sales. The producer will send at minimum an annual assessment to the ISGHB on all private sales no later than the end of December of the current year. (    )

~~**03. Migratory Goats.** In the event that a goat, which is subject to this assessment, shall be located outside the state of Idaho during a part of the assessment year, the amount of the assessment shall be reduced on a pro rata basis. A grower will be required to request a pro rata adjustment in writing to the Board. (4-6-15)~~

**043. Costs of Collection.** All costs of collection of delinquent assessments shall be borne as an additional charge against the delinquent assessee ~~first purchaser.~~ (4-6-15)(    )