



Eric Milstead  
Director

# Legislative Services Office

## Idaho State Legislature

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### MEMORANDUM

**TO:** Rules Review Subcommittee of the Senate Commerce & Human Resources Committee and the House Business Committee

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

**DATE:** September 16, 2016

**SUBJECT:** Grape Growers and Wine Producers Commission

IDAPA 48.01.01 - Rules of the Idaho Grape Growers and Wine Producers Commission - Temporary and Proposed Rule (Docket No. 48-0101-1601)

The Grape Growers and Wine Producers Commission submits notice of temporary and proposed rule at IDAPA 48.01.01 - Rules of the Idaho Grape Growers and Wine Producers Commission. According to the commission, the rule change is being made following the enactment by the Legislature of HB 456 during the 2016 session. The department notes that the bill amended Section 54-3610, Idaho Code, and removed statutory assessment language that was inconsistent with and duplicative to the Idaho Grape Growers and Wine Producers Commission's administrative rules that were approved in 2010 with respect to grapes and grape juice purchased from out-of-state producers for the production of wine in Idaho. The commission notes that Idaho wineries brought forth the request to simplify the assessment structure for future assessment cycles. The current structure apparently requires a number of conversions from tons into gallons and gallons into tons. The commission notes that the temporary and proposed rule streamlines the assessment process by requiring both wineries and vineyards to pay assessments based on tons rather than any conversion to gallons, and also removes the need for the commission to convert gallons to tons for proper harvest numbers.

The commission states that the temporary rule was effective on July 1, 2016. The commission states that the assessment cycle is from July 1 to June 30 of each year and the temporary rule was necessary to have the assessment calculation methodology in place for the assessment cycle. Negotiated rulemaking was conducted. The rulemaking appears to be authorized pursuant to Sections 54-3605 and 54-3610, Idaho Code.

cc: Grape Growers and Wine Producers Commission  
Moya Dolsby