



Jeff Youtz
Director

Legislative Services Office Idaho State Legislature

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MEMORANDUM

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

FROM: Principal Legislative Research Analyst - Katharine Gerrity

DATE: November 01, 2013

SUBJECT: Idaho Barley Commission

IDAPA 53.01.01 - Rules of the Idaho Barley Commission (Docket No. 53-0101-1301)

The Idaho Barley Commission submits notice of proposed rule at IDAPA 53.01.01 - Rules of the Idaho Barley Commission. The commission notes that the tax rate was revised during the 2012 legislative session, increasing the barley assessment tax rate from two cents to up to four cents per hundredweight. That change is reflected in Section 22-4015, Idaho Code. The commission notes that this change gives them flexibility to adjust the barley assessment tax upon a vote of the commission. The commission indicates that on July 1, 2013, it voted to make a change in the assessment tax rate and the rules are being changed to reflect the change. In reviewing the minutes from the Idaho Barley Commission meetings, it appears that the actual motion for an increase to three cents per hundredweight was made during the February 20, 2013 commission meeting. In addition, several standard sections such as appeal provisions, office location provisions, etc. have been added.

The commission states that negotiated rulemaking was not conducted because the rulemaking implements changes authorized by statute. We contacted the commission to enquire how the increase in tax was conveyed to interested parties. Personnel at the commission indicate that they have had direct contact with growers and first handlers, notifying them of the change. The rule appears to be authorized pursuant to Sections 22-4009 and 22-4015, Idaho Code.

cc: Idaho Barley Commission
Kelly Olson