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IDAHO FOREST PRODUCTS COMMISSION

15.03.01 - RULES OF ADMINISTRATIVE PROCEDURE OF THE IDAHO FOREST PRODUCTS COMMISSION

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**IDAPA 15
TITLE 03
Chapter 01**

IDAHO FOREST PRODUCTS COMMISSION

**15.03.01 - RULES OF ADMINISTRATIVE PROCEDURE OF THE IDAHO
FOREST PRODUCTS COMMISSION**

000. LEGAL AUTHORITY.

This chapter is adopted under the legal authority of Chapter 15, Title 38, Idaho Code. (11-22-93)

001. TITLE AND SCOPE.

The title of this chapter is Idaho "Rules of Administrative Procedure of the Idaho Forest Products Commission," and cited as IDAPA 15.03.01. These rules set forth the practices and procedures for the activities of the Idaho Forest Products Commission. (11-22-93)

002. WRITTEN INTERPRETATIONS.

There are no written interpretations to these rules. (11-22-93)

003. ADMINISTRATIVE APPEALS.

All contested cases filed pursuant to the provisions of Chapter 52, Title 67, Idaho Code shall be governed by the provisions of IDAPA 04.01.01, "Idaho Rules of Administrative Procedure of the Office of the Attorney General". (11-22-93)

004. DEFINITIONS.

As used in this chapter: (11-22-93)

01. Assessment. The fee levied upon all logs harvested within the state of Idaho or measured or processed within the state of Idaho, even though such logs may have originally been cut in another state and transported into Idaho for processing, and upon all employees, including self employed, engaged in the harvest or transport of timber, logs, unfinished lumber, chips, sawdust, shavings or hog fuel in Idaho, and upon each acre of forest land owned by a business that owns more than fifty thousand (50,000) acres of forest land and has no manufacturing facilities within the state. (7-1-98)

02. Commission. The Idaho Forest Products Commission. (11-22-93)

03. Fiscal Year And Assessment Year. January 1 through December 31 of any year. (11-22-93)

04. Person, Firm, And Business Organizations. An individual, partnership, association or corporation qualified to do business. (11-22-93)

05. Substantial Source Of Income. Essential part of a person's income. (11-22-93)

06. Financial Supporter. Person who pays an assessment to the Commission. (11-22-93)

07. Communication Skills. Demonstrated ability to effectively transfer thoughts, opinions or information orally or in writing. (11-22-93)

08. Natural Resource Education. Scientific or technical knowledge or experience in the fields of forestry, wildlife management, biology and range sciences. (11-22-93)

005. OFFICE ADDRESS.

The mailing address of the central office is P. O. Box 855, Boise, Idaho, 83701. The street address of the central office is 350 North 9th St., Suite 304, Boise, Idaho, 83702. Phone number: (208) 334-3292; FAX number: (208) 334-3449. (11-22-93)

006. COMMUNICATIONS.

All written communications and documents concerning any matter covered by these rules shall be addressed to the Chairperson at the central office of the Commission. All communications and documents are deemed to be officially received only when delivered at the central office of the Commission. (11-22-93)

007. RECORD.

An official record shall be kept of all official proceedings before the Commission and reduced to writing. Such record shall be available for public inspection at the central office of the Commission. (11-22-93)

008. PUBLIC RECORDS.

The Commission shall comply with the procedures set forth in the Public Records Act, Chapter 9, Title 3 of the Idaho Code. The fee for providing public records shall not exceed the actual cost of copying the records. (11-22-93)

009. TRAVEL POLICY AND SCHEDULE.

The Commission shall establish a travel policy and schedule which will be reviewed annually during the fourth quarter meeting. The travel policy and schedule shall be available to the public under the procedures set forth by the Public Records Act, Chapter 9, Title 3 of the Idaho Code. (11-22-93)

010. MEETINGS.

The Commission shall hold regular meetings. Special meetings of the Commission may be determined by either the chair or upon the call of any three (3) members of the Commission. (7-1-98)

011. -- 099. (RESERVED).

100. NOMINATIONS, VACANCIES AND TERMS.

01. Chair And Vice-Chair. The Commission shall nominate and elect, by majority vote, a Chair to serve as presiding officer at all Commission meetings. The Commission may also nominate and elect, by majority vote, a Vice-Chair to accept the duties of the Chair in the event that the Chair is unable to attend a meeting of the Commission. The term of the office of Chair and Vice-Chair shall be one (1) year, commencing July 30 of each year. (11-22-93)

02. Nominations. Nominations for expiring seats on the Commission shall be made by the financial supporters of the Commission from the district in which the seat is expiring no later than June 1 of that year. The Commission shall provide nomination applications to all financial supporters and shall forward the names of all qualified nominees to the Governor. The Commission may also make recommendations or nominations. In making the appointments, the Governor shall take into consideration recommendations made to him by the Commission and by organizations who represent or are engaged in harvesting, transporting or manufacturing forest products. (11-22-93)

03. Vacancies. Vacancies in any unexpired term shall be filled by the Governor for the remainder of the unexpired term. The Commission will identify qualified candidates and forward their names to the Governor. The member appointed to fill the vacancy shall represent the same region and interests as the person whose seat has become vacant. (11-22-93)

04. Terms. Terms of office for Commission members shall consist of three (3) year terms beginning on July 1 of the year of appointment. (7-1-98)

101. -- 199. (RESERVED).

200. ASSESSMENTS AND FEES.

01. Assessments. An assessment for all logs harvested, measured or processed within the state of Idaho and for all employees, including self employed, engaged in the harvest or transport of timber, logs, unfinished lumber, chips, sawdust, shavings or hog fuel in Idaho, and for each acre of forest land owned by a business that has no Idaho manufacturing facilities and owns more than fifty thousand (50,000) acres of forest land shall be set by the

Commission no later than January 1 for that year and shall be invoiced no later than the last day of the fourth week of May of that year. Each assessment will be based on an equal percentage of the maximum allowable amount.

(7-1-98)

a. Financial supporters of the Commission may choose to pay their assessment in either one (1) full payment due thirty (30) days after the posting date of the invoice or in equal payments with payment in full made by December 31 of that year.

(7-1-98)

b. Assessments on logs processed into various manufactured products shall be levied against the forest products manufacturer which initiates the manufacturing process.

(11-22-93)

c. The Commission shall establish a policy and schedule for insufficient fund checks which will be reviewed annually. This policy and schedule shall be available to the public under the procedures set forth by the Public Records Act, Chapter 9, Title 3 of the Idaho Code.

(7-1-98)

02. Exemptions. No assessment shall be levied against the materials, transportation or processing activities used in the harvest, transport or manufacturing of:

(7-1-98)

a. Fence or corral posts or rails;

(7-1-98)

b. Shingles or shakes;

(7-1-98)

c. Firewood or pellets for energy or heating purposes; or

(7-1-98)

d. Logs used in building log homes or other structures. Assessments shall not be levied upon logs that are transferred, in their original form, to another manufacturing entity within the state of Idaho that then initiates the manufacturing process.

(7-1-98)

e. Assessments shall be levied against all other harvesting, transporting or manufacturing of other forest products except those transported by railroad.

(7-1-98)

03. Billing. Annually, the Commission shall bill each financial supporter for their pro rata share of the Commission budget and provide each financial supporter the opportunity to pay the annual assessment in full thirty (30) days after the posting date of the first invoice or in four (4) equal installments.

(7-1-98)

04. Cooperation With Other Departments. In determining assessments levied by the Commission, the Commission may access the records of the department of labor and employment, the board of scaling practices, the tax commission, the transportation department, and the department of lands. Such records may include, but are not limited to those reports filed pursuant to Sections 49-434, 49-1001, 38-122, and 38-123, Idaho Code.

(7-1-98)

201. -- 299. (RESERVED).

300. LATE PAYMENTS AND PENALTIES.

01. Late Payments And Penalties. Whenever payment in full or a quarterly payment is not received within thirty (30) days of the posting date of an assessment invoice, the payment shall be considered delinquent. Interest of one percent (1%) per calendar month on the balance due shall be levied against all delinquent accounts, commencing thirty-one (31) calendar days after the posting date of the assessment invoice. The Commission may proceed with legal action against delinquent accounts in Fourth Judicial District Court or under the provisions of the Administrative Procedures Act, Chapter 52, Title 67, Idaho Code, and seek attorney fees and costs in such proceedings.

(11-22-93)

02. Liability For More Than One Assessment. No business entity, firm or person shall owe assessments under more than one (1) of the categories of this chapter in any one (1) year. If, through the nature of a business entity's operations, assessments could be levied upon either the volume of logs upon which manufacturing has been initiated or upon the number of employees engaged in harvesting or transporting forest products, then the larger of the two (2) possible assessments shall be levied.

(11-22-93)

301. -- 399. (RESERVED).

400. DISSOLUTION OF THE COMMISSION.

01. Dissolution Of Commission. The commission may be dissolved upon a vote, carried out by written ballot by all financial supporters of the Commission during the calendar year immediately preceding the vote, subject to the following conditions: (11-22-93)

a. No such referendum may take place at any time prior to July 1, 1995. (11-22-93)

b. No vote for dissolution may be taken without: Approval by a majority of the Commission, who shall then report to the financial supporters of the Commission the reasons for the recommended dissolution together with any opposing view held by members of the Commission; or, a petition by the financial supporters of the Commission who together represent no less than fifty percent (50%) of the total assessments paid during the preceding calendar year; or together represent no less than ten percent (10%) of the total number of financial supporters for the preceding year. (11-22-93)

c. In no case shall the Commission be dissolved through a vote of the financial supporters unless the vote in favor of dissolution exceeds sixty percent (60%) of the total assessments paid to the Commission in the preceding year. One dollar (\$1) of assessment collected shall equal one (1) vote. (11-22-93)

02. Upon Dissolution. Upon dissolution, any unencumbered funds held by the Commission shall be divided equally among private or public groups or agencies which, in the judgement of the Commission, can best carry out the duties and authorities of the Commission. (11-22-93)

401. -- 999. (RESERVED).

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