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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

OFFICE OF THE GOVERNOR
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 04.11.01, "Idaho Rules of Administrative Procedure of the Attorney General". (11-22-93)

004. DEFINITIONS.

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

01. Assessment. The fee authorized by Section 38-1515, Idaho Code, which is levied against financial supporters for their individual share of the commission budget for the assessment year. The assessment shall be based upon data compiled from the base year. (5-3-03)

02. Assessment Year. January 1 through December 31 of any calendar year in which the commission levies an assessment. (5-3-03)

03. Base Year. The calendar year immediately preceding the assessment year. (5-3-03)

04. Commission. The Idaho Forest Products Commission created by Section 38-1503, Idaho Code. (5-3-03)

05. Financial Supporter. Person who pays an assessment to the commission. (5-3-03)

06. Forest Product Manufacturer. Means a person that engages in the processing, cutting, fabricating or other process which converts timber, chips, sawdust or shavings into lumber, paper, plywood, particle board or other usable products for sale in commerce, provided, however, as used in this chapter, forest products manufacturers shall not include the following business entities engaged in: (5-3-03)

a. The production of fence or corral posts or rails; (5-3-03)

b. Producing shingles or shakes; (5-3-03)

c. Producing firewood or pellets for energy; or (5-3-03)

d. Producing logs which have been shaped or scribed and used in the construction of log structures. (5-3-03)

07. Person. An individual, partnership, association, corporation or other entity qualified to do business in the state of Idaho. (5-3-03)

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 of the assessment year. Notice of the assessment shall be mailed no later than the last day of the fourth week of May of the assessment year to the last known address of each financial supporter. Assessment shall not be reduced for financial supporters who cease business during an assessment year. (5-3-03)

a. Financial supporters of the commission may choose to pay their assessment in either one (1) full payment due thirty (30) days after the date the notice of assessment is mailed, or in four (4) equal payments with payment in full made by December 31 of the assessment year. (11-22-93)

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. (5-3-03)

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. (5-3-03)

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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