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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

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 Title 38, Chapter 15, Idaho Code. (11-22-93)

001. TITLE AND SCOPE.

The title of this chapter is “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 Title 67 Chapter 52, Idaho Code will 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 will 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 does 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 that 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 102, 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 may 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 will be kept of all official proceedings before the Commission and reduced to writing. Such record will be available for public inspection at the central office of the Commission. (11-22-93)

008. PUBLIC RECORDS.

The Commission complies with the procedures set forth in the Public Records Act, Title 74, Chapter 3, Idaho Code. (11-22-93)

009. TRAVEL POLICY AND SCHEDULE.

The Commission will establish a travel policy and schedule which will be reviewed annually during the fourth quarter meeting. (11-22-93)

010. 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 nominates and elects, 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 is one (1) year, commencing July 30 of each year. (11-22-93)

02. Nominations. Nominations for expiring seats on the Commission will be made by the financial supporters of the Commission from the district in which the seat is expiring, or from all districts in the case of an at-large member, no later than June 1 of that year. The Commission will provide nomination applications to all financial supporters and will forward the names of all qualified nominees to the Governor. The Commission may also make recommendations or nominations. In making the appointments, the Governor will take into consideration recommendations made to him by the Commission and by organizations that represent or are engaged in harvesting, transporting or manufacturing forest products. (4-11-15)

03. Vacancies. Vacancies in any unexpired term will 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 will represent the same region and interests as the person whose seat has become vacant. The at-large member will represent all regions. (4-11-15)

04. Terms. Terms of office for Commission members 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.

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 entity or person that owns more than ten thousand (10,000) acres of forest land will be set by the Commission no later than January 1 of the assessment year. Notice of the assessment will 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 will not be reduced for financial supporters who cease business during an assessment year. (4-11-15)

01. Payment Method. 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. (5-3-03)

02. Assessments Levied. Assessments on logs processed into various manufactured products will be levied against the forest products manufacturer that initiates the manufacturing process. (11-22-93)

03. Insufficient Funds Checks. The Commission will establish a policy and schedule for insufficient funds checks that will be reviewed annually. This policy and schedule will be available to the public under the procedures set forth by the Public Records Act, Title 74, Chapter 1, Idaho Code. (5-3-03)

201. -- 299. (RESERVED)

300. 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 will be considered delinquent. Interest of one percent (1%) per calendar month on the balance due will 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 Procedure Act, Title 67, Chapter 52, Idaho Code, and seek attorney fees and costs in such proceedings. (11-22-93)

301. -- 999. (RESERVED)

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