

IDAPA 02 – DEPARTMENT OF AGRICULTURE

02.02.14 - RULES FOR WEIGHTS AND MEASURES

DOCKET NO. 02-0214-1301

NOTICE OF RULEMAKING - PROPOSED RULE

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Section 71-111 and 71-121, Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than September 18, 2013. The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

DESCRIPTIVE SUMMARY: The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

Amendments to IDAPA 02.02.14, Section 016, remove language that establishes an annual license fee for devices not on Table 1-A. Add language to establish a minimum license fee of \$12. Add new categories in Table 1-A for devices emerging into the market place, e.g., liquid and compressed natural gas meters and fuel additive meters. Increase license fees for Device Codes D, E & F to more accurately reflect inspection costs.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased: Section 71-121, Idaho Code, provides authority to establish fees. Impose a minimum license fee of \$12. Update device codes in Table 1-A to reflect new device types and establish a license fee. Increase the device license fee in Table 1-A for Device Codes D, E and F.

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year as a result of this rulemaking: The fee increase will impact 1597 owners of commercial scales rated over 7500 pounds by \$37,790. The minimum license fee of \$12 will impact approximately 473 owners of commercial devices by \$2838. As a result, the weights and measures dedicated fund could see an increase of \$40,628. The general fund would not be impacted.

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(1), Idaho Code, negotiated rulemaking was conducted. The Notice of Intent to Promulgate Rules - Negotiated Rulemaking was published in the June 5, 2013 Idaho Administrative Bulletin, Volume 13-6, pages 14 and 15.

INCORPORATION BY REFERENCE: Pursuant to Section 67-5229(2)(a), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule: N/A

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Kevin Merritt, Section Manager at (208) 332-8690.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to Kevin Merritt and must be delivered on or before September 25, 2013. Comments can be delivered via email to kevin.merritt@agri.idaho.gov or via regular mail to Kevin Merritt's attention at the address listed below.

DATED this 2nd day of August, 2013.

Brian J. Oakey, Deputy Director
Idaho State Dept. of Agriculture
Phone: (208) 332-8500
Fax: (208) 334-2170

2270 Old Penitentiary Rd.
P.O. Box 790
Boise, Idaho 83701