

IDAPA 02 – DEPARTMENT OF AGRICULTURE

02.02.14 - RULES FOR WEIGHTS AND MEASURES

DOCKET NO. 02-0214-1301

NOTICE OF RULEMAKING - ADOPTION OF PENDING FEE RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2014 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 71-111, Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change.

Amendments to IDAPA 02.02.14, Section 016. Remove language that established an annual license fee for devices not listed on Table 1-A. Add language to establish a minimum license fee of \$12.00. Add new types of weighing and measuring devices to Table 1-A. Increase license fees for Device Codes D, E and F to more accurately reflect inspection costs. The proposed change will create new categories for devices emerging in the marketplace, e.g., compressed natural gas and fuel additive meters. The proposed changes to this rule would not take effect till February 2015.

The pending rule is being adopted as proposed. The complete text of the proposed rule was published in the September 4, 2013, Idaho Administrative Bulletin, Vol. 13-9, page 18.

IDAHO CODE SECTION 22-101A STATEMENT: This rule does regulate an activity not already regulated by the federal government, because the federal government does not regulate device license fees.

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:

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.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Kevin Merritt, Section Manager at (208) 332-8692.

DATED this 4th day of October, 2013.

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