



Tracking #: A210-2019-3
Status: DFM Analyst: Recommended 03/26/19
 Gov's Office: Recommended 04/04/19
 DFM Regulatory: Recommended 04/04/19
 DFM Admin:

Administrative Rules Request Form

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| Agency Name: Agriculture, Department of | Submitted on: 03/26/2019 |
| Primary Contact: Kevin Merritt Phone: 208-332-8690 | Email: Kevin.Merritt@ISDA.Idaho.gov |
| Secondary Contact: Phone: | Email: |
| Person Authorizing Rule: Brian Oakey Phone: 208-332-8500 | Email: Brian.Oakey@ISDA.Idaho.gov |
| State or Federal Statute that Authorizes this Rule: Idaho Code Section 71-111 | |
| IDAPA, Title, Chapter, and Section Number(s) (e.g. - 35.01.02.028): 02.02.14.016 Rules for Weights and Measures | |
| Administrative Bulletin for Publication: May | |
| This rule is: <input checked="" type="checkbox"/> Proposed <input type="checkbox"/> Temporary | |
| Under the Red Tape Reduction Act (Executive Order 2019-02), this rulemaking (select all that apply): | |
| <input checked="" type="checkbox"/> Increases regulatory requirements <input type="checkbox"/> Decreases regulatory requirements <input type="checkbox"/> Neither Increases nor decreases regulatory requirements <input type="checkbox"/> Qualifies for an exemption | |
| Agency has determined, according to Idaho Code 67-5220(1), that | |
| <input checked="" type="checkbox"/> This rule will be negotiated with interested persons as outlined in Idaho Code 67-5220(3) <input type="checkbox"/> Negotiation of this rule is not feasible | |
| Provide a short summary of the changes this rule makes: | |
| <p>The ISDA's FY 2020 budget as recommended by the Governor included a directive for the ISDA: "The Governor directs the department to begin the process of raising fees and shifting all of [a new FTP] onto dedicated funds for FY 2021." This rulemaking is submitted pursuant to that instruction. The proposal would increase the current license fees for commercial weighing and measuring devices in Table 1-A. The agency would also negotiate an update to Table 1-A to include electric vehicle charging stations and establish a license fee. In addition to the proposed changes, IDAPA 02.02.14 will be reviewed for amendment or repeal of select sections in order to comply with Gov. Little's Executive Order 2019-02, Red Tape Reduction Act.</p> | |
| Why is this rule needed? What prompted this request? | |
| <p>This rulemaking is requested to fulfill the Governor's directive to bring program fees better in line with program costs. It would increase license fees for commercial weighing and measuring devices to offset cost increases for one additional staff and equipment replacement. It would also add electric vehicle charging stations and establish a license fee to Table 1-A.</p> | |
| List any affected parties and potential concerns they may have with this rule. How will the agency involve these parties in the negotiated rulemaking process? | |
| <p>This change will affect Idaho industries and businesses that use commercial weighing and measuring devices. Potential concerns could come from the impact of increased fees. ISDA will conduct negotiated rulemaking and conduct outreach to stakeholders for input throughout the rulemaking process.</p> | |
| Provide the projected fiscal impact for all programs affected, including both positive and negative impacts to all fund sources (General, dedicated and federal): | |
| <p>This rule change will positively impact the Weights and Measures dedicated fund by approximately \$300,000 and negatively impact industries that use commercial weighing and measuring devices by the same amount. The rule would make program fees more commensurate with service costs and would be more consistent with the agency's strong emphasis on user-based dedicated funding.</p> | |
| What impact will this rule have on the competitiveness of businesses and individuals? | |
| <p>This rule change will equally impact all businesses using commercial weighing and measuring devices. A possible small impact on consumer prices may occur.</p> | |

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| DFM Analyst: | Amber Christofferson | <input checked="" type="checkbox"/> Recommended | <input type="checkbox"/> Not Recommended | Date: 03/26/2019 |
| Comments: | | | | |
| Although the department has listed this as an increase in regulatory requirement, technically, by virtue of the Governor's recommendation to increase fees in the Weights and Measures Program, this rulemaking falls into that grey area of exceptions. This rule is intended to make the Weights and Measures Program more self-sustained and reduce reliance on General Fund. | | | | |
| Fiscal Impact Comments: | | | | |
| The department anticipates an additional \$300,000 in dedicated fund to support the program and remove or reduce the General Fund support. It will increase the impact on industry, however, will more closely balance service costs to user contribution. | | | | |
| Final Draft Review Analyst Recommendation: | | <input type="checkbox"/> Recommended | <input type="checkbox"/> Not Recommended | Date: |
| Governor's Office: | Sam Eaton | <input checked="" type="checkbox"/> Recommended | <input type="checkbox"/> Not Recommended | Date: 04/04/2019 |
| Comments: | | | | |
| Agree with Amber. This would appear to have a neutral regulatory effect as it does not increase regulatory requirements, but does increase fees. | | | | |
| DFM Regulatory Review: | Colby Cameron | <input checked="" type="checkbox"/> Recommended | <input type="checkbox"/> Not Recommended | Date: 04/04/2019 |
| Comments: | | | | |
| Just a reminder to be reviewing current rules, and draft all proposed rules to be clear and concise. | | | | |
| DFM Administrator Action: Alex Adams | | | | |
| Negotiation of proposed rule: | <input checked="" type="checkbox"/> Authorized to begin negotiated rulemaking | <input type="checkbox"/> Not Approved | | Date: 04/04/2019 |
| Final Approval: | <input type="checkbox"/> Approved | <input type="checkbox"/> Not Approved | | Date: |
| Comments: | | | | |
| Are the projected fiscal impact and business impact statements still accurate? <input type="checkbox"/> Yes <input type="checkbox"/> No | | | | |