

**IDAPA 11 - IDAHO STATE POLICE
ALCOHOL BEVERAGE CONTROL BUREAU**

11.05.01 - RULES GOVERNING ALCOHOL BEVERAGE CONTROL

DOCKET NO. 11-0501-1401

NOTICE OF INTENT TO PROMULGATE RULES - NEGOTIATED RULEMAKING

AUTHORITY: In compliance with Section 67-5220, Idaho Code, notice is hereby given that this agency intends to promulgate rules and desires public comment prior to initiating formal rulemaking procedures. This negotiated rulemaking action is authorized pursuant to Sections 23-901, 23-392, 23-1330 and 23-1408, Idaho Code.

METHOD OF PARTICIPATION: Interested persons wishing to participate in the negotiated rulemaking must respond to this notice by contacting the undersigned either in writing, by email, or by calling the phone number listed below. To participate, responses must be received by October 15, 2014.

Should a reasonable number of persons respond to this notice, negotiated meetings will be scheduled and all scheduled meetings shall be posted and made accessible on the agency website at the address listed below.

Upon conclusion of the negotiated rulemaking, any unresolved issues, all key issues considered, and conclusions reached during the negotiated rulemaking will be addressed in a written summary and made available on the agency website.

Failure of interested persons to respond to this notice of intent or the lack of a sufficient number of responses to this notice of intent may result in the discontinuation of further informal proceedings. In either event the agency shall have sole discretion in determining the feasibility of scheduling and conducting informal negotiated rulemaking and may proceed directly to formal rulemaking if proceeding with negotiated rulemaking is deemed infeasible.

Persons wishing to participate in the rulemaking process may submit written comments.

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

Provide a definition for the term "Actual Use" as it pertains to an alcohol license and establishes criteria which define the minimum standards for placing a newly issued or transferred license into use for purposes of clarification and compliance.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased: NA

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 resulting from this rulemaking: NA

CONTACT INFORMATION, WEB ADDRESS, ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning this negotiated rulemaking, contact Lt. Russell Wheatley, Idaho State Police Alcohol Beverage Control (208) 884-7060 or abc@isp.idaho.gov and reference Docket Number 11-0501-1401. Materials pertaining to the negotiated rulemaking, including any available preliminary rule drafts, can be found on the Idaho State Police Alcohol Beverage Control web site at the following web address: www.isp.idaho.gov/abc.

All written comments must be directed to the undersigned and must be delivered on or before October 31, 2014.

DATED this 29th Day of August, 2014.

Colonel Ralph W. Powell, Director
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