

# **PENDING RULES**

## **COMMITTEE RULES**

### **REVIEW BOOK**

Submitted for Review Before  
**House Agricultural Affairs Committee**  
63rd Idaho Legislature  
Second Regular Session



*Prepared by:*

*Office of the Administrative Rules Coordinator  
Department of Administration*

*January 2016*

**HOUSE AGRICULTURAL AFFAIRS COMMITTEE**

**ADMINISTRATIVE RULES REVIEW**

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**2016 Legislative Session**

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## IDAPA 02 - DEPARTMENT OF AGRICULTURE

### 02.02.14 - RULES FOR WEIGHTS AND MEASURES

DOCKET NO. 02-0214-1501

#### NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2016 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 or rejected in part by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part 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:

To incorporate by reference the 2016 edition of the National Institute of Standards and Technology Handbook 44, Specifications, Tolerances, and Other Technical Requirements for Weighing and Measuring Devices. NIST documents are available online at <http://www.nist.gov/pml/wmd/index.cfm>.

There are no changes to the pending rule and it is being adopted as originally proposed. The complete text of the proposed rule was published in the July 1, 2015, Idaho Administrative Bulletin, **Vol. 15-7, pages 16 and 17**.

**IDAHO CODE SECTION 22-101A STATEMENT:** This rule does regulate an activity not regulated by the federal government, because the federal government does not regulate specifications, tolerances and other technical requirements for weighing and measuring devices. The rule is, however, consistent with national standards by the National Institute of Standards and Technology.

**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:

IDSA does not anticipate any fiscal impact from the changes to be made to the Rule during this rulemaking.

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

DATED this 6th Day of August, 2015.

Brian J. Oakey, Deputy Director  
Idaho State Department of Agriculture  
2270 Old Penitentiary Rd  
PO Box 790  
Boise, ID 83701  
Phone: (208) 332-8500  
Fax: (208) 334-2170

**THE FOLLOWING NOTICE WAS PUBLISHED WITH THE 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, 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 July 15, 2015.

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:

To incorporate by reference the 2016 edition of the National Institute of Standard and Technology Handbook 44, Specifications, Tolerances, and Other Technical Requirements for Weighing and Measuring Devices. NIST documents are available online at <http://www.nist.gov/pml/wmd/index.cfm>.

**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:

ISDA does not anticipate any fiscal impact from the changes to be made to the Rule during this rulemaking.

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted because of the simple nature of the proposed amendment.

**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:

This document is recognized nationally as the primary reference document related to weights and measures; incorporating the most current version promotes uniformity throughout the United States.

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the proposed rule, contact Kevin Merritt, Section Manager at (208) 332-8692.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before July 22, 2015.

DATED this 10th Day of June, 2015.

**LSO Rules Analysis Memo**

**THE FOLLOWING IS THE TEXT OF DOCKET NO. 02-0214-1501**

**004. INCORPORATION BY REFERENCE.**

**01. Required Reference Materials.** The 201~~5~~<sup>6</sup> edition of Handbook No. 44 of the National Institute of Standards and Technology, United States Department of Commerce, “Specifications, Tolerances, and Other Technical Requirements for Weighing and Measuring Devices,” hereby incorporated by reference, shall be the specifications, tolerances and other technical requirements for commercial weighing and measuring devices, unless otherwise stated in these rules. ~~(4-11-15)~~( )

**02. Required Reference Materials for Checking Prepackaged Commodities.** The 4th Edition of Handbook No. 133 of the National Institute of Standards and Technology, United States Department of Commerce, “Checking the Net Contents of Packaged Goods,” hereby incorporated by reference, shall be the authority in checking packaged commodities, unless otherwise stated in these rules. (2-13-04)

**03. Specifications for Diesel Fuel and Biodiesel Fuel.** American Society of Testing and Materials (ASTM) D975-07a, “Standard Specification for Diesel Fuel Oils,” and ASTM D6751-07a, “Standard Specification for Biodiesel Fuel (B100) Blend Stock for Distillate Fuels,” intended for blending with diesel fuel are hereby incorporated by reference and are the specifications for diesel fuel and biodiesel fuel blend stock (B100 biodiesel). (4-2-08)

**04. Specifications for Gasoline.** American Society of Testing and Materials (ASTM) D 4814-07a, “Standard Specification for Automotive Spark-Ignition Engine Fuel”, dated October 17, 2007, is hereby incorporated by reference and is the specification for gasoline. (5-8-09)

**05. Local Availability.** Copies of the incorporated documents are on file with the Idaho State Department of Agriculture, 2216 Kellogg Lane, Boise, Idaho 83712. Copies of NIST documents may be purchased from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402. Copies are available for downloading at <http://www.nist.gov/pml/wmd/index.cfm>. Copies of ASTM specifications are on file with the Idaho State Department of Agriculture or may be purchased from <http://www.astm.org>, 100 Barr Harbor Drive, PO Box C700, West Conshohocken, PA, 19428. (4-7-11)

**IDAPA 02 - DEPARTMENT OF AGRICULTURE**  
**02.04.21 - RULES GOVERNING THE IMPORTATION OF ANIMALS**  
**DOCKET NO. 02-0421-1501**  
**NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE**

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2016 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 or rejected in part by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part 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 25-203, 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:

The Western States Livestock Health Association has issued recommendations to harmonize Trichomoniasis import regulations for all western states. On May 20, 2015, Idaho Trichomoniasis Task Force approved the recommendations and is willing to cooperate with the harmonization effort. As a result, all of the changes to the rule involve allowing imported bulls to be considered virgins up to eighteen (18) months of age and a Trich test now being valid for sixty (60) days.

There are no changes to the pending rule and it is being adopted as originally proposed. The complete text of the proposed rule was published in the September 2, 2015 Idaho Administrative Bulletin, [Vol. 15-9, pages 18 - 19](#).

**IDAHO CODE SECTION 22-101A STATEMENT:** This rule does not regulate an activity not already regulated by the federal government, nor is it broader in scope or more stringent than federal regulations.

**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: ISDA does not anticipate any fiscal impact as a result of this rulemaking.

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning this proposed rule, contact Dr. Scott Leibsle, Deputy Administrator - Division of Animal Industries at (208) 332-8540.

DATED this 2nd Day of October, 2015.

Brian J. Oakey  
Deputy Director  
Idaho State Department of Agriculture  
2270 Old Penitentiary Rd  
P.O. Box 790  
Boise, Idaho 83701  
Phone: (208) 332-8500  
Fax: (208) 334-2170

**THE FOLLOWING NOTICE WAS PUBLISHED WITH THE 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 25-203 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 16, 2015.

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:

The Western States Livestock Health Association has issued recommendations to harmonize Trichomoniasis import regulations for all western states. On May 20, 2015, Idaho Trichomoniasis Task Force approved the recommendations and is willing to cooperate with the harmonization effort. As a result, the proposed rule changes would allow imported bulls to be considered virgins up to eighteen (18) months of age and Trichomoniasis tests to be valid for sixty (60) days.

**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: ISDA does not anticipate any fiscal impact as a result of this rulemaking.

**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 July 1, 2015, Idaho Administrative Bulletin, **Vol. 15-7, page 18**. A negotiated rulemaking meeting was held at the Idaho State Department of Agriculture on July 24, 2015. Two members of the public participated in the meeting. No written comments were received.

**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: NA

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning this proposed rule, contact Dr. Scott Leibsle, Deputy Administrator - Division of Animal Industries at (208) 332-8540. Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to Dr. Scott Leibsle and must be delivered on or before September 23, 2015. Comments can be delivered via email to [scott.leibsle@agri.idaho.gov](mailto:scott.leibsle@agri.idaho.gov) or via regular mail to Dr. Leibsle's attention at the address listed below.

DATED this 6th Day of August, 2015.

**LSO Rules Analysis Memo**

**THE FOLLOWING IS THE TEXT OF DOCKET NO. 02-0421-1501**

**260. TRICHOMONIASIS.**

The Certificate of Veterinary Inspection for bulls imported into Idaho shall contain a statement certifying that trichomoniasis is not known to exist in the herd of origin, and: (5-3-03)

**01. Virgin Bulls Less Than ~~Twelve~~ Eighteen Months of Age.** The virgin bull(s) are less than ~~twelve~~ ~~(12)~~ eighteen (18) months of age and have not serviced a cow; or (4-7-11)( )

**02. Tested Bulls.** The bull(s) have been tested by culture or PCR for trichomoniasis within ~~thirty (30)~~ sixty (60) days of shipment, were negative to the test, and have not been exposed to female cattle since the test sample was collected. (4-2-08)( )

**03. Exceptions.** Exceptions to certification and testing: (5-3-03)

**a.** Bulls consigned directly to slaughter at an approved slaughter establishment; or (5-3-03)

**b.** Bulls consigned directly to an approved feedlot; or (5-3-03)

**c.** Bulls consigned directly to a specifically approved livestock market; or (5-3-03)

**d.** Rodeo bulls imported by an Idaho based rodeo producer, with an approved rodeo bull lot as described in IDAPA 02.04.29, "Rules Governing Trichomoniasis," Section 400 or rodeo bulls imported to perform at specific rodeos in Idaho. (4-7-11)

**e.** Bulls imported for exhibition at livestock shows, provided the bull will be returned to its state of origin, will not be exposed to female cattle, and will not be offered for sale. (4-7-11)



## IDAPA 02 - DEPARTMENT OF AGRICULTURE

### 02.04.29 - RULES GOVERNING TRICHOMONIASIS

DOCKET NO. 02-0429-1501

#### NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2016 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 or rejected in part by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part 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 25-203, 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:

The Western States Livestock Health Association has issued recommendations to harmonize Trichomoniasis import regulations for all western states. On May 20, 2015, Idaho Trichomoniasis Task Force approved the recommendations and is willing to cooperate with the harmonization effort. As a result, there are multiple changes to the rule, all of which involve allowing imported bulls to be considered virgins up to eighteen (18) months of age and a Trich test now being valid for sixty (60) days.

There are no changes to the pending rule and it is being adopted as originally proposed. The complete text of the proposed rule was published in the September 2, 2015 Idaho Administrative Bulletin, [Vol. 15-9, pages 20–25](#).

**IDAHO CODE SECTION 22-101A STATEMENT:** This rule does not regulate an activity not already regulated by the federal government, nor is it broader in scope or more stringent than federal regulations.

**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: ISDA does not anticipate any fiscal impact as a result of this rulemaking.

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning this proposed rule, contact Dr. Scott Leibsle, Deputy Administrator - Division of Animal Industries at (208) 332-8540.

DATED this 2nd Day of October, 2015.

Brian J. Oakey  
Deputy Director  
Idaho State Department of Agriculture  
2270 Old Penitentiary Rd  
P.O. Box 790  
Boise, Idaho 83701  
Phone: (208) 332-8500  
Fax: (208) 334-2170

**THE FOLLOWING NOTICE WAS PUBLISHED WITH THE 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 25-203, 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 16, 2015.

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:

The Western States Livestock Health Association has issued recommendations to harmonize Trichomoniasis import regulations for all western states. On May 20, 2015, Idaho Trichomoniasis Task Force approved the recommendations and is willing to cooperate with the harmonization effort. As a result, the proposed rule changes would allow imported bulls to be considered virgins up to eighteen (18) months of age and Trichomoniasis tests to be valid for sixty (60) days.

**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: ISDA does not anticipate any fiscal impact as a result of this rulemaking.

**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 July 1, 2015 Idaho Administrative Bulletin, [Vol. 15-7, page 19](#). A negotiated rulemaking meeting was held at the Idaho State Department of Agriculture on July 23, 2015. Two members of the public participated in the meeting. No written comments were received.

**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: NA

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning this proposed rule, contact Dr. Scott Leibsle, Deputy Administrator - Division of Animal Industries at (208) 332-8540. Anyone may submit written comments regarding this proposed rulemaking.

All written comments must be directed to Dr. Scott Leibsle and must be delivered on or before September 23, 2015. Comments can be delivered via email to [scott.leibsle@agri.idaho.gov](mailto:scott.leibsle@agri.idaho.gov) or via regular mail to Dr. Scott Leibsle's attention at the address listed below.

DATED this 6th Day of August, 2015.

**LSO Rules Analysis Memo**

THE FOLLOWING IS THE TEXT OF DOCKET NO. 02-0429-1501

**010. DEFINITIONS.**

As used in these rules the following terms have the following meanings: (3-30-07)

**01. Administrator.** The administrator of the Division of Animal Industries, Idaho State Department of Agriculture or his designee. (3-30-07)

**02. Cattle.** All bovidae. (3-30-07)

**03. Department.** The Idaho State Department of Agriculture. (3-30-07)

**04. Division of Animal Industries.** Idaho State Department of Agriculture, Division of Animal Industries. (3-30-07)

**05. Exposed Cattle.** Any cattle that have been in contact with cattle infected with, or affected by Trichomoniasis. (3-30-07)

**06. Federal Animal Health Official.** An employee of the United States Department of Agriculture, Animal and Plant Health Inspection Service, Veterinary Services who is authorized to perform animal health activities. (3-30-07)

**07. Herd.** A herd is any group of cattle maintained on common ground for any purpose, or two (2) or more groups of cattle under common ownership or supervision, geographically separated, but which have an interchange or movement of cattle without regard to whether they are infected with or exposed to Trichomoniasis. (3-30-07)

**08. Hold Order.** A hold order is a form of quarantine that may be used to restrict the movement of cattle while the Trichomoniasis status is being investigated. (3-30-07)

**09. Infected Cattle.** Any cattle determined by an official test or diagnostic procedure to be infected with Trichomoniasis or diagnosed by a veterinarian as infected. (3-30-07)

**10. Infected Herd.** Any herd in which any cattle have been determined by an official test or diagnostic procedure to be infected with Trichomoniasis or diagnosed by a veterinarian as being infected. (3-30-07)

**11. Negative.** Cattle that have been tested with official test procedures and found to be free from infection with Trichomoniasis. (3-30-07)

**12. PCR. Polymerase Chain Reaction.** ( )

**13. Positive.** Cattle that have been tested with official test procedures and found to be infected with Trichomoniasis. (3-30-07)

**14. Quarantine.** A written order, or a verbal order followed by a written order, executed by the Administrator, to confine or hold cattle on a premises or any other location, and to prevent movement of cattle from a premises or any other location when the Administrator has determined that the cattle have been found or are suspected to be exposed to or infected with Trichomoniasis, or the owner is not in compliance with the provisions of this chapter. (3-30-07)

**15. Quarantined.** Isolation of all cattle diseased or exposed thereto, from contact with healthy cattle and exclusion of such healthy cattle from enclosures or grounds where said diseased or exposed cattle are, or have

been kept. (3-30-07)

**156. Registered Veterinarians.** Veterinarians registered with, and approved by the Division of Animal Industries to collect Trichomoniasis samples for official Trichomoniasis culture testing. (3-30-07)

**167. Restrain.** The confinement of cattle in a chute, or other device, for the purpose of efficient, effective, and safe testing approved by the Administrator. (3-30-07)

**178. State Animal Health Official.** The Administrator, or his designee, responsible for disease control and eradication activities. (3-30-07)

**189. T Brand.** A two inch by three inch (2" x 3") single-character hot iron T brand, applied to the left of the tail-head of a bull, signifying that the bull is infected with trichomoniasis. (4-7-11)

**1920. Trichomoniasis.** A venereal disease caused by the organism *Tritrichomonas foetus*. (4-2-08)

**(BREAK IN CONTINUITY OF SECTIONS)**

**200. BULLS FOR SALE.**

Bulls presented for sale at specifically approved livestock markets, shows, special sales, or by private contract in Idaho shall be accompanied by a certificate of negative test and a statement signed by the owner certifying "Trichomoniasis has not been diagnosed in the herd of origin;" or (3-30-07)

**01. Returned to Home Premises.** Such bulls shall be returned to home premises for official testing; or (4-2-08)

**02. Sold Directly to Slaughter.** Such bulls shall be sold directly to slaughter at an approved slaughter establishment, an Idaho approved feedlot, as defined in IDAPA 02.04.20, "Rules Governing Brucellosis"; or (4-7-11)

**03. Placed Under a Hold Order.** Such bulls shall be placed under Hold Order by the livestock market veterinarian or a private veterinarian and shall have three (3) consecutive negative Trichomoniasis or PCR culture tests. The samples for each test shall be collected at least seven (7) days apart and cultured tested for Trichomoniasis to be eligible to receive a certificate of negative test; or (3-30-07)( )

**04. Virgin Bulls.** Virgin bulls native to Idaho that are less than twenty-four (24) months of age, which have never serviced a cow shall be identified with an official Trichomoniasis bangle tag of the correct color for the current testing season. (4-7-11)

**05. Period of Validity.** For resident breeding bulls sold in Idaho, the negative test shall be valid for up to ninety (90) days provided the bull(s) has had no contact with female cattle from the time of test to the time of sale. (3-30-07)

**06. Contact with Female Cattle.** Bulls that have had contact with female cattle subsequent to testing must be retested prior to sale. (3-30-07)

**(BREAK IN CONTINUITY OF SECTIONS)**

**210. IMPORTED BULLS.**

**01. Non-Virgin Bulls.** Non-virgin breeding bulls may be imported into the state of Idaho provided they meet the following requirements: (3-30-07)

a. If the bull originates from a herd of bulls wherein all bulls have tested negative for Trichomoniasis since being removed from cows, the bull shall have been tested negative to a Trichomoniasis culture test within ~~thirty~~ sixty (360) days prior to import and shall have had no contact with female cattle from the time of test to the time of import; or ~~(3-30-07)~~ ( )

b. If the bull originates from a herd where one (1) or more bulls or cows have been found infected with Trichomoniasis, the bull shall have three (3) consecutive negative Trichomoniasis culture or PCR tests. The samples for each test shall be collected at least seven (7) days apart and cultured tested for Trichomoniasis, the last test being within ~~thirty~~ sixty (360) days prior to import into Idaho; or ~~(3-30-07)~~ ( )

c. If the bull is a single bull with no prior herd test history or originates from a herd of bulls that is still with cows or that has not been tested for Trichomoniasis since being removed from cows, the bull shall have three (3) consecutive negative Trichomoniasis culture or PCR tests. The samples for each test shall be collected at least seven (7) days apart and cultured tested for Trichomoniasis, the last test being within ~~thirty~~ sixty (360) days prior to import into Idaho. ~~(3-30-07)~~ ( )

d. Upon arrival at their destination in Idaho, all imported bulls shall be identified with an official Trichomoniasis bangle tag of the correct color for the current testing season, except imported dairy bulls that will be in a dry lot operation are not required to be identified with an official Trichomoniasis tag upon arrival at their destination. (3-30-07)

**02. Virgin Bulls.** Bulls imported into Idaho that are less than ~~twelve~~ eighteen (128) months of age which have never serviced a cow are not required to be Trichomoniasis tested prior to import into Idaho, provided that: ~~(4-7-11)~~ ( )

a. Such bulls shall be accompanied by a certificate signed by the owner or the owner's representative attesting that the animals are virgin bulls and have never serviced a cow; and (3-30-07)

b. Upon arrival at their destination in Idaho, such bulls shall be identified by an Idaho accredited veterinarian with an official Trichomoniasis bangle tag of the correct color for the current testing season. (3-30-07)

**03. Bulls for Grazing.** Bulls that are entering Idaho for grazing purposes shall meet the Trichomoniasis test requirements of Section 100 of this rule. A copy of the certificate of negative Trichomoniasis test shall accompany the grazing permit application. (4-2-08)

**(BREAK IN CONTINUITY OF SECTIONS)**

**310. INFECTED BULLS AND HERDS.**

Any bull or cow that is positive to a Trichomoniasis culture or PCR test shall be considered infected. A herd in which one (1) or more bulls or cows are found infected with Trichomoniasis shall be considered infected. ~~(3-30-07)~~ ( )

**01. Confirmatory Testing of Culture Positive Bulls.** Any culture positive bull must be confirmed positive for *Trichomonas foetus* by Polymerase Chain Reaction (PCR) test unless the animal is destined directly to slaughter. The positive culture specimen shall be submitted to a qualified laboratory, approved by the Administrator, in accordance with the qualified laboratories submission requirements. ~~The culture positive specimen must arrive at the laboratory within forty eight (48) hours after being found to contain trichomonad organisms.~~ ~~(4-7-11)~~ ( )

a. If polymerase chain reaction (PCR) determines the bull is positive or inconclusive for *Trichomonas foetus*, the bull will be considered positive for trichomoniasis. (4-7-11)

b. If polymerase chain reaction (PCR) determines the bull is negative for *Trichomonas foetus*, the bull will be considered negative for trichomoniasis. (4-7-11)

**02. Quarantine of Infected Herds.** Any veterinarian that discovers an infected herd shall immediately place the herd under a Hold Order, and notify the Division of Animal Industries within forty-eight (48) hours that the

test was positive. Upon notification of an infected Trichomoniasis herd, a state or federal animal health official shall conduct an epidemiological investigation of the infected herd and issue a quarantine. The quarantine may include a provision requiring all breeding age female cattle in the infected herd to be held in isolation from all bulls for a period of up to one hundred twenty (120) days as determined by the Administrator. (3-30-07)

**03. Exposed Herds.** Herds identified as exposed through an epidemiological investigation shall be placed under a Hold Order. (3-30-07)

**a.** Bulls in exposed herds shall be tested as determined by the Trichomoniasis epidemiologist. (3-30-07)

**b.** All bulls tested in exposed herds and all purchased and home raised additions to the bull herd, including virgin bulls, shall be individually identified with an official Trichomoniasis bangle tag of the correct color for the current testing season and the tag number and status of the bull shall be recorded on an official Trichomoniasis test and report form. (3-30-07)

**04. Testing of Infected Herds.** Bulls in infected herds shall be tested negative for Trichomoniasis three (3) consecutive times before the quarantine can be released. Each of the tests shall be at least seven (7) days apart. The samples for each test shall be collected at least seven (7) days apart and ~~cultured~~ **tested** for Trichomoniasis to be eligible to receive a certificate of negative test. ~~(3-30-07)~~( )

**a.** All bulls tested in the infected herd and all purchased and home raised additions to the bull herd, including virgin bulls, shall be individually identified with an official Trichomoniasis bangle tag of the correct color for the current testing season and the tag number and status of the bull shall be recorded on an official Trichomoniasis test and report form. (3-30-07)

**b.** Bulls that have three (3) consecutive negative Trichomoniasis culture **or PCR** tests conducted at least seven (7) days apart shall be considered negative to Trichomoniasis and can be so certified. ~~(3-30-07)~~( )

**05. Identifying Infected Bulls.** All bulls testing positive for trichomoniasis shall, within seven (7) days of diagnosis, be identified with a hot iron T brand applied to the left of the tail-head indicating that the bull is positive for trichomoniasis. (4-7-11)

**(BREAK IN CONTINUITY OF SECTIONS)**

**331. OFFICIAL TRICHOMONIASIS TESTS.**

**01. Official Culture Tests.** An official test is one in which the sample is received in the official laboratory, in good condition, ~~within forty-eight (48) hours of collection~~ and such sample is tested according to the official Idaho "Protocol for *Trichomonas foetus* Diagnosis in Cattle." ~~Samples in transit for more than forty-eight (48) hours will not be accepted for official testing and shall be discarded.~~ Samples, which have been frozen or exposed to high temperatures, shall ~~also~~ be discarded. ~~(4-7-11)~~( )

**02. Polymerase Chain Reaction.** Polymerase Chain Reaction is accepted as an official test when completed by a qualified laboratory, approved by the Administrator, ~~and the sample is received by the laboratory within forty-eight (48) hours of collection.~~ ~~(4-2-08)~~( )

**03. Other Official Tests.** Other tests for Trichomoniasis may be approved by the Division of Animal Industries, as official tests, after the tests have been proven effective by research, have been evaluated sufficiently to determine efficacy, and a protocol for use of the test has been established. (3-30-07)

**332. REGISTERED VETERINARIANS.**

Only veterinarians registered with the Division of Animal Industries shall collect samples for official tests for Trichomoniasis within the state of Idaho. (3-30-07)



**01. Use of Official Laboratories.** Registered veterinarians shall only utilize official laboratories for ~~culture~~ testing of Trichomoniasis samples. ~~(3-30-07)~~( )

**02. Education Requirements.** All veterinarians shall attend an educational seminar on Trichomoniasis and proper sample collection techniques, conducted by the Division of Animal Industries, prior to being granted registered status. (3-30-07)

**(BREAK IN CONTINUITY OF SECTIONS)**

**400. RODEO BULLS.**

Bulls currently in a rodeo string, bulls purchased under the feedlot exemption at a specifically approved livestock market, bulls purchased by private treaty, and bulls purchased in other states and imported into Idaho for rodeo purposes are exempt from Trichomoniasis testing under the following conditions: (3-30-07)

**01. Division Approval.** The owner of the rodeo bulls has completed and submitted an application to the Division of Animal Industries, which the Division has approved; and (3-30-07)

**02. Not Mixed with Cows.** The rodeo bulls are confined to a dry lot and not mixed with cows or used for breeding purposes; and (3-30-07)

**03. Permanently Identified.** All bulls in the rodeo string are permanently identified with official ear tags or unique numbers hot iron branded on the animal; and (3-30-07)

**04. Records Maintained.** The identification numbers are maintained in a permanent record file at the owner's premises and a copy of the record will be provided to the Division of Animal Industries upon request; and (3-30-07)

**05. Bulls Purchased.** Bulls purchased for addition to the rodeo string shall meet all other health requirements. Purchased bulls shall be immediately identified as specified in Subsection 400.03 of this rule. Official back tag and ear tag numbers on the bull at time of purchase shall be correlated to the permanent identification in the permanent record; and (4-2-08)

**06. Bulls Removed for Slaughter.** Removal of bulls to slaughter is documented in the permanent record file; and (3-30-07)

**07. Bulls Removed for Breeding Purposes.** Bulls that are removed from the rodeo string for breeding purposes shall undergo three (3) consecutive negative PCR tests or cultures for Trichomoniasis. The samples for each test shall be collected at least seven (7) days apart and ~~cultured~~ tested for Trichomoniasis to be eligible to receive a certificate of negative test. ~~(3-30-07)~~( )

**401. -- 409. (RESERVED)**

**410. FEEDING BULLS OF UNKNOWN TRICHOMONIASIS STATUS.**

Bulls of unknown Trichomoniasis status may be fed for slaughter in an Idaho approved feedlot where the bulls are isolated from all female cattle. (3-30-07)

**01. Removal of Untested Bulls.** Untested bulls shall be sold directly to slaughter at an approved slaughter establishment. (3-30-07)

**02. Removal of Bulls for Breeding Purposes.** Bulls that are removed for breeding purposes shall undergo three (3) consecutive negative PCR tests or cultures for Trichomoniasis. The samples for each test shall be collected at least seven (7) days apart and ~~cultured~~ tested for Trichomoniasis to be eligible to receive a certificate of negative test. ~~(3-30-07)~~( )

## IDAPA 02 - DEPARTMENT OF AGRICULTURE

### 02.06.02 - RULES PERTAINING TO THE IDAHO COMMERCIAL FEED LAW

DOCKET NO. 02-0602-1501

#### NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2016 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 or rejected in part by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part 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 25-2710, 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:

The pending rule is being adopted as proposed. The complete text of the proposed rule was published in the July 1, 2015 Idaho Administrative Bulletin, [Vol. 15-7 pages 20-21](#).

**IDAHO CODE SECTION 22-101A STATEMENT:** This rule does regulate an activity not regulated by the federal government. The federal government does not regulate commercial feeds. The rule is, however, consistent with the national standards of the Association of American Feed Control Officials.

**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:

ISDA does not anticipate any fiscal impact from the changes to be made to the Rule as a result of this rulemaking.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Jared Stuart, Agriculture Section Manager at (208) 332-8620.

DATED this 6th Day of August, 2015.

Brian J. Oakey  
Deputy Director  
Idaho State Department of Agriculture  
2270 Old Penitentiary Rd.  
P.O. Box 790  
Boise, Idaho 83701  
Phone: (208) 332-8500  
Fax: (208) 334-2170



**THE FOLLOWING NOTICE WAS PUBLISHED WITH THE 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 25-2710, 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 July 15, 2015.

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:

To incorporate by reference information and updates contained in the 2016 Official Publication of the Association of American Feed Control Officials (AAFCO) as they pertain to the methodology and practice of conducting regulatory commercial feed registration and label review.

**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:

ISDA does not anticipate any fiscal impact from the changes to be made to the Rule during this rulemaking.

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted because of the simple nature of the proposed amendment.

**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:

ISDA has incorporated the Association of American Feed Control Officials (AAFCO) Official Publication into the Rules Pertaining to the Idaho Commercial Feed Law for a number of years. The only change to the incorporation by reference section is to the date of the Official Publication.

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the proposed rule, contact Jared Stuart, Agriculture Section Manager at (208) 332-8622 or email [jared.stuart@agri.idaho.gov](mailto:jared.stuart@agri.idaho.gov).

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be delivered on or before July 22, 2015.

DATED this 10th Day of June, 2015.

**LSO Rules Analysis Memo**

**THE FOLLOWING IS THE TEXT OF DOCKET NO. 02-0602-1501**

**004. INCORPORATION BY REFERENCE.**

Copies of these documents may be viewed at the Idaho State Department of Agriculture, 2270 Old Penitentiary Road, PO Box 790, Boise, Idaho 83701. IDAPA 02.06.02 incorporates by reference: (3-30-07)

**01. The Association of American Feed Control Officials (AAFCO) Official Publication.** The Terms, Ingredient Definitions and Policies as published in the “2015~~6~~ Official Publication” of AAFCO where those terms and ingredient definitions, and policy statements do not conflict with terms and ingredient definitions, and policy statements adopted under Title 25, Chapter 27, Idaho Code, and any rule promulgated thereunder. The AAFCO Official Publication is a copyrighted publication and not available in electronic format. A copy may be purchased online from the AAFCO website at: [www.aafco.org](http://www.aafco.org). (~~4-11-15~~)( )

**02. The Merck Index.** The “2006 Merck Index,” 14th Edition, as published by Merck Research Laboratories Division of Merck & Co., Incorporated. The Merck Index is a copyrighted publication and not available in an electronic format. A copy may be purchased online from Merck & Co., Inc at: <http://www.merckbooks.com/mindex/index.html>. (4-7-11)

**IDAPA 02 - DEPARTMENT OF AGRICULTURE**  
**02.06.12 - RULES PERTAINING TO THE IDAHO FERTILIZER LAW**  
**DOCKET NO. 02-0612-1501**  
**NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE**

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2016 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 or rejected in part by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part 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 22-604, 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:

The pending rule is being adopted as proposed. The complete text of the proposed rule was published in the July 1, 2015 Idaho Administrative Bulletin, [Vol. 15-7, pages 22-23](#).

**IDAHO CODE SECTION 22-101A STATEMENT:** This rule does regulate an activity not regulated by the federal government. The federal government does not regulate commercial fertilizers. The rule is, however, consistent with the national standards of the Association of American Plant Food Control Officials.

**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:

ISDA does not anticipate any fiscal impact from the changes to be made to the Rule as a result of this rulemaking.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Jared Stuart, Agriculture Section Manager at (208) 332-8620.

DATED this 6th Day of August, 2015.

Brian J. Oakey  
Deputy Director  
Idaho State Department of Agriculture  
2270 Old Penitentiary Rd.  
P.O. Box 790  
Boise, Idaho 83701  
Phone: (208) 332-8500  
Fax: (208) 334-2170

**THE FOLLOWING NOTICE WAS PUBLISHED WITH THE 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 22-604, 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 July 15, 2015.

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:

To incorporate by reference information and updates contained in the 2016 Official Publication of the Association of American Plant Food Control Officials (AAPFCO) as they pertain to the methodology and practice of conducting regulatory fertilizer registration and label review.

**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:

ISDA does not anticipate any fiscal impact from the changes to be made to the Rule during this rulemaking.

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted because of the simple nature of the proposed amendment.

**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:

The Association of American Plant Food Control Officials (AAPFCO) Official Publication and the Official Methods of Analysis (OMA) published by the Association of Official Agricultural Chemists (AOAC) International are the recognized and primary reference books of approved fertilizer terms, ingredient definitions and policies used by the fertilizer industry and all state and federal fertilizer control officials and regulators.

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the proposed rule, contact Jared Stuart, Agriculture Section Manager at (208) 332-8622 or email [jared.stuart@agri.idaho.gov](mailto:jared.stuart@agri.idaho.gov).

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be delivered on or before July 22, 2015.

DATED this 10th Day of June, 2015.

**LSO Rules Analysis Memo**

**THE FOLLOWING IS THE TEXT OF DOCKET NO. 02-0612-1501**

**004. INCORPORATION BY REFERENCE.**

Copies of these documents may be viewed at the Idaho State Department of Agriculture, 2270 Old Penitentiary Road, PO Box 790, Boise, Idaho 83701. IDAPA 02.06.12 incorporates by reference: (4-7-11)

**01. The Association of American Plant Food Control Officials (AAPFCO) Official Publication.** The Terms, Ingredient Definitions, and Policies, as published in the “2015~~6~~ Official Publication” of AAPFCO where those terms and ingredient definitions, and policy statements do not conflict with terms and ingredient definitions, and policy statements adopted under Title 22, Chapter 6, Idaho Code, and any rule promulgated thereunder. The AAPFCO Official Publication is a copyrighted publication and not available in electronic format. A copy may be purchased online from the AAPFCO website at: [http://www.aapfco.org/pdf/publication\\_order\\_form.pdf](http://www.aapfco.org/pdf/publication_order_form.pdf).

~~(4-11-15)~~( )

**02. The Merck Index.** The “2006 Merck Index,” 14th Edition as published by Merck Research Laboratories Division of Merck & Co., Incorporated. The Merck Index is a copyrighted publication and not available in an electronic format. A copy may be purchased online from Merck & Co., Inc. at: <http://www.merckbooks.com/mindex/index.html>.

(4-7-11)

**03. The Association of Official Agricultural Chemists (AOAC) International.** The “2005 Official Methods of Analysis (OMA) of the AOAC,” 18th Edition, a copyrighted publication, is maintained and published by the AOAC International. The AOAC OMA is available in electronic format at: [www.EOMA.AOAC.org](http://www.EOMA.AOAC.org). A copy may be purchased online from AOAC International.

(3-29-12)

## IDAPA 02 - DEPARTMENT OF AGRICULTURE

### 02.06.22 - NOXIOUS WEED RULES

DOCKET NO. 02-0622-1501

#### NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2016 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 or rejected in part by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part 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. This action is authorized pursuant to Section 22-2403, 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 and the proposed rule and the text of the pending rule with an explanation of the reasons for the change:

There are no changes to the pending rule and it is being adopted as originally proposed. The complete text of the proposed rule was published in the September 2, 2015 Idaho Administrative Bulletin, [Vol. 15-9, pages 28 - 32](#).

**IDAHO CODE SECTION 22-101A STATEMENT:** This rule does not regulate an activity not already regulated by the federal government, nor is it broader in scope or more stringent than the federal regulations.

**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: ISDA does not anticipate any fiscal impact from the changes to be made to the Rule as a result of this rulemaking.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Matt Voile, Agriculture Section Manager, Invasive Species, (208) 332-8667 or email [Matt.Voile@agri.idaho.gov](mailto:Matt.Voile@agri.idaho.gov).

DATED this 2nd Day of October, 2015.

Brian J. Oakey  
Deputy Director  
Idaho State Department of Agriculture  
2270 Old Penitentiary Rd  
P.O. Box 790  
Boise, ID 83701  
Phone: (208) 332-8500  
Fax: (208) 334-2170

THE FOLLOWING NOTICE WAS PUBLISHED WITH THE 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 22-2403, 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 September 16, 2015.

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:

The noxious weed list proposal is to make permanent the addition of Purple starthistle (*Centaurea calcitrapa*) and Iberian starthistle (*Centaurea iberica*) to the Early Detection Rapid Response (EDRR) section of the noxious weed list. Both of these species have been listed for the past 15 months as EDRR noxious weeds under the Director's temporary listing authority Section 22-2404(1)(u), Idaho Code.

**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: ISDA does not anticipate any fiscal impact from the changes to be made to the Rule as a result of this rulemaking.

**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 July 1, 2015, Idaho Administrative Bulletin, [Vol. 15-7 page 24](#). A negotiated rulemaking meeting was held at the Idaho State Department of Agriculture on July 14, 2015.

**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: NA

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the proposed rule, contact Matt Voile, Agriculture Section Manager, Invasive Species, at (208) 332-8667 or email [Matt.Voile@agri.idaho.gov](mailto:Matt.Voile@agri.idaho.gov).

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before September 23, 2015.

DATED this 6th Day of August, 2015.

**LSO Rules Analysis Memo**

**THE FOLLOWING IS THE TEXT OF DOCKET NO. 02-0622-1501**

**100. NOXIOUS WEEDS - DESIGNATIONS.**

The weeds listed on the Statewide EDRR, Containment, and Control lists- are hereby officially designated and published as noxious. (3-30-07)

01. Statewide EDRR Noxious Weed List.

Common Name	Scientific Name
1. Brazilian Elodea	1. <i>Egeria densa</i>
2. Common/European Frogbit	2. <i>Hydrcharis morsus-ranae</i>
3. Fanwort	3. <i>Cobomba caroliniana</i>
4. Feathered Mosquito Fern	4. <i>Azolla pinnata</i>
5. Giant Hogweed	5. <i>Heracleum mantegazzianum</i>
6. Giant Salvinia	6. <i>Salvinia molesta</i>
7. Hydrilla	7. <i>Hydrilla verticillata</i>
<del>8.</del> Iberian Starthistle	<del>8.</del> <i>Centaurea iberica</i>
<del>9.</del> Policeman's Helmet	<del>9.</del> <i>Impatiens glandulifera</i>
<del>10.</del> Purple Starthistle	<del>10.</del> <i>Centaurea calcitrapa</i>
<del>911.</del> Squarrose Knapweed	<del>911.</del> <i>Centaurea triumfetti</i>
<del>102.</del> Syrian Beancaper	<del>102.</del> <i>Zygophyllum fabago</i>
<del>143.</del> Tall Hawkweed	<del>143.</del> <i>Hieracium piloselloides</i>
<del>124.</del> Variable-Leaf-Milfoil	<del>124.</del> <i>Myriophyllum heterophyllum</i>
<del>135.</del> Water Chestnut	<del>135.</del> <i>Trapa natans</i>
<del>146.</del> Water Hyacinth	<del>146.</del> <i>Eichhornia crassipes</i>
<del>157.</del> Yellow Devil Hawkweed	<del>157.</del> <i>Hieracium glomeratum</i>
<del>168.</del> Yellow Floating Heart	<del>168.</del> <i>Nymphoides pelata</i>

If any of the above listed plants (Subsection 100.01) are found to occur in Idaho, they shall be reported to the Department within ten (10) days following positive identification by the University of Idaho or other qualified authority as approved by the Director. These weeds shall be eradicated during the same growing season as identified. (3-20-14)( )

02. Statewide Control Noxious Weed List.

Common Name	Scientific Name
1. Black Henbane	1. <i>Hyoscyamus niger</i>
2. Bohemian Knotweed	2. <i>Polygonum X bohemicum</i>
3. Buffalobur	3. <i>Solanum rostratum</i>
4. Common Crupina	4. <i>Crupina vulgaris</i>
5. Common Reed (Phragmites)	5. <i>Phragmites australis</i>
6. Dyer's Woad	6. <i>Isatis tinctoria</i>
7. Eurasian Watermilfoil	7. <i>Myriophyllum spicatum</i>
8. Giant Knotweed	8. <i>Polygonum sachalinense</i>



Common Name		Scientific Name	
9.	Japanese Knotweed	9.	<i>Polygonum cuspidatum</i>
10.	Johnsongrass	10.	<i>Sorghum halepense</i>
11.	Matgrass	11.	<i>Nardus stricta</i>
12.	Meadow Knapweed	12.	<i>Centaurea debeauxii</i>
13.	Mediterranean Sage	13.	<i>Salvia aethiopsis</i>
14.	Musk Thistle	14.	<i>Carduus nutans</i>
15.	Orange Hawkweed	15.	<i>Hieracium aurantiacum</i>
16.	Parrotfeather Milfoil	16.	<i>Myriophyllum aquaticum</i>
17.	Perennial Sowthistle	17.	<i>Sonchus arvensis</i>
18.	Russian Knapweed	18.	<i>Acroptilon repens</i>
19.	Scotch Broom	19.	<i>Cytisus scoparius</i>
20.	Small Bugloss	20.	<i>Anchusa arvensis</i>
21.	Vipers Bugloss	21.	<i>Echium vulgare</i>
22.	Yellow Hawkweed	22.	<i>Hieracium caespitosum</i>

Weeds listed in the control list are known to exist in varying populations throughout the state. The concentration of these weeds is at a level where control and/or eradication may be possible. A written plan for weeds on the Statewide Control Noxious Weed List shall be developed by the control authority that specifies active control methods to reduce known populations in not more than five (5) years. The plan shall be available to the Department upon request.

(3-29-10)

**03. Statewide Containment Noxious Weed List.**

Common Name		Scientific Name	
1.	Canada Thistle	1.	<i>Cirsium arvense</i>
2.	Curlyleaf Pondweed	2.	<i>Potamogeton crispus</i>
3.	Dalmatian Toadflax	3.	<i>Linaria dalmatica ssp. dalmatica</i>
4.	Diffuse Knapweed	4.	<i>Centaurea diffusa</i>
5.	Field Bindweed	5.	<i>Convolvulus arvensis</i>
6.	Flowering Rush	6.	<i>Butomus umbellatus</i>
7.	Hoary Alyssum	7.	<i>Berteroa incana</i>
8.	Houndstongue	8.	<i>Cynoglossum officinale</i>
9.	Jointed Goatgrass	9.	<i>Aegilops cylindrica</i>
10.	Leafy Spurge	10.	<i>Euphorbia esula</i>
11.	Milium	11.	<i>Milium vernale</i>
12.	Oxeye Daisy	12.	<i>Leucanthemum vulgare</i>
13.	Perennial Pepperweed	13.	<i>Lepidium latifolium</i>
14.	Plumeless Thistle	14.	<i>Carduus acanthoides</i>

Common Name		Scientific Name	
15.	Poison Hemlock	15.	<i>Conium maculatum</i>
16.	Puncturevine	16.	<i>Tribulus terrestris</i>
17.	Purple Loosestrife	17.	<i>Lythrum salicaria</i>
18.	Rush Skeletonweed	18.	<i>Chondrilla juncea</i>
19.	Saltcedar	19.	<i>Tamarix sp.</i>
20.	Scotch Thistle	20.	<i>Onopordum acanthium</i>
21.	Spotted Knapweed	21.	<i>Centaurea stoebe</i>
22.	Tansy Ragwort	22.	<i>Senecio jacobaea</i>
23.	White Bryony	23.	<i>Bryonia alba</i>
24.	Whitetop (Hoary Cress)	24.	<i>Cardaria draba</i>
25.	Yellow Flag Iris	25.	<i>Iris psudocorus</i>
26.	Yellow Starthistle	26.	<i>Centaurea solstitialis</i>
27.	Yellow Toadflax	27.	<i>Linaria vulgaris</i>

Weeds listed in the containment noxious weeds list are known to exist in various populations throughout the state. Weed control efforts may be directed at reducing or eliminating new or expanding weed populations while known and established weed populations, as determined by the weed control authority, may be managed by any approved weed control methodology, as determined by the weed control authority. (3-29-10)

**04. Designation of Articles Capable of Disseminating Noxious Weeds.** The following articles are designated by the Director as capable of disseminating noxious weeds: (7-1-93)

- a. Construction equipment, road building and maintenance equipment, and implements of husbandry. (3-30-07)
- b. Motorized vehicles such as, all-terrain vehicles, motorcycles, and other off-road vehicles and non-motorized vehicles such as bicycles and trailers. (3-30-07)
- c. Grain and seed. (7-1-93)
- d. Hay, straw and other material of similar nature. (7-1-93)
- e. Nursery stock including plant material propagated for the support of aquarium, pet, or horticultural activities. (3-30-07)
- f. Feed and seed screenings. (7-1-93)
- g. Fence posts, fencing and railroad ties. (7-1-93)
- h. Sod. (7-1-93)
- i. Manure, fertilizers and material of similar nature. (7-1-93)
- j. Soil, sand, mulch, and gravel. (3-30-07)
- k. Boats, personal watercraft, watercraft trailers, and items of a similar nature. (3-30-07)

**IDAPA 02 - DEPARTMENT OF AGRICULTURE**  
**02.06.25 - RULES GOVERNING THE PLANTING OF BEANS,  
OTHER THAN *PHASEOLUS* SPECIES, IN IDAHO**  
**DOCKET NO. 02-0625-1501**  
**NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE**

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2016 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 or rejected in part by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part 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. This action is authorized pursuant to Section 22-2006, 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 and the proposed rule and the text of the pending rule with an explanation of the reasons for the change:

There are no changes to the pending rule and it is being adopted as originally proposed. The complete text of the proposed rule was published in the September 2, 2015 Idaho Administrative Bulletin, [Vol. 15-9, pages 33 - 35](#).

**IDAHO CODE SECTION 22-101A STATEMENT:** This rule does regulate an activity not regulated by the federal government. The federal government does not regulate the planting of beans other than *phaseolus* species. The rule is, however, consistent with recognized methods for preventing disease establishment in areas where diseases are not known to occur.

**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: ISDA does not anticipate any fiscal impact from the changes to be made to the Rule as a result of this rulemaking.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Jared Stuart, Section Manager, Feed and Plant Services, (208) 332-8622 or email [Jared.Stuart@agri.idaho.gov](mailto:Jared.Stuart@agri.idaho.gov).

DATED this 2nd Day of October, 2015.

Brian J. Oakey  
Deputy Director  
Idaho State Department of Agriculture  
2270 Old Penitentiary Rd.  
P.O. Box 790  
Boise, ID 83701  
Phone: (208) 332-8500  
Fax: (208) 334-2170

THE FOLLOWING NOTICE WAS PUBLISHED WITH THE 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 22-2006, 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 16, 2015.

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:

The rule is being amended to add a small trial ground exemption from disease testing for non-phaseolus beans from seed lots of one (1) pound or less. This exemption will allow researchers the ability to grow seed without a loss of seed from destruction during testing.

**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: ISDA does not anticipate any fiscal impact from the changes to be made to the Rule as a result of this rulemaking.

**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 July 1, 2015, Idaho Administrative Bulletin, [Vol. 15-7, page 25](#). A negotiated rulemaking meeting was held at the Idaho State Department of Agriculture on July 22, 2015. Representatives from industry were present and provided comments to the draft rule. The final language of the proposed rule incorporates the comments from the industry.

**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: NA

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the proposed rule, contact Jared Stuart, Agriculture Section Manager at (208) 332-8620 or [jared.stuart@agri.idaho.gov](mailto:jared.stuart@agri.idaho.gov).

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before September 23, 2015.

DATED this 6th Day of August, 2015.

### **LSO Rules Analysis Memo**

**THE FOLLOWING IS THE TEXT OF DOCKET NO. 02-0625-1501**

#### **013. SOIL.**

There shall be a zero (0) tolerance, [as defined by the soil tolerance standards of the Association of Official Seed Analysts \(AOSA\)](#), for soil in any lot of a regulated article [imported into Idaho and](#) destined for planting in Idaho. [This](#)

prohibition shall not apply to seed of Idaho or Malheur County, Oregon origin.

~~(3-20-14)~~( )

**(BREAK IN CONTINUITY OF SECTIONS)**

**150. REQUIREMENTS FOR PLANTING REGULATED ARTICLES IN IDAHO.**

In order to be eligible for planting seed in Idaho: (3-20-14)

**01. Idaho Origin Seed to be Replanted.** Seeds planted must be from a lot that was produced in accordance with these rules and has an in-state planting tag number (state number) assigned by the Department based on growing season and pre-harvest or windrow inspections and be tagged by the Department with a Department In-State Planting Tag (Green tag). (3-20-14)

**02. Malheur County, Oregon Grown Seed.** Seed produced in Malheur County, Oregon must be from a lot inspected in the growing season and pre-harvest or windrow for the regulated pests as defined in Section 012 of these rules and tagged by the Oregon Department of Agriculture. (3-20-14)

**03. Imported Seed From Other Than Malheur County, Oregon.** Imported seed must: (3-20-14)

**a.** Be certified by the seed certification agency of the state of origin and be accompanied by a state phytosanitary certificate issued by the regulatory agency of the state of origin, listing the diseases for which the crop was inspected, that must include the regulated pests and soil as defined in Sections 012 and 013 of these rules; or (3-20-14)

**b.** Each seed lot shall successfully pass laboratory tests on untreated seed for regulated pests and soil conducted by the Department (in the case of nematodes and soil by a Department approved lab) from samples officially drawn in the state of Idaho by the Department; and (3-20-14)

**c.** Must bear a Department Approved Tag (Yellow Tag) at the time of planting; and (3-20-14)

**d.** Be submitted for a growing season inspection in compliance with Section 200 of this rule; and (3-20-14)

~~**e.** If intended for replanting for future seed or commercial production, be submitted for a growing season inspection in accordance with Section 200 of this rule; and (3-20-14)~~

~~**f.** If intended for seed production, not be planted under sprinkler irrigation for the first growing season. (3-20-14)~~

**04. Contaminated Seeds.** The seeds from any field found or known to be contaminated with a regulated pest, as defined in Section 012 of these rules, or soil as defined in Section 013, shall not be planted in Idaho. (3-20-14)

**05. True Identity of Seed Lots.** Failure to maintain the true identity of any seed lot intended for seed purposes will automatically disqualify that lot for future planting in Idaho. (3-20-14)

**06. Tags.** Seeds planted in Idaho shall be from an approved lot bearing an approved tag on each bag or container, stating the kind, variety, and lot number. The following is a list of approved planting tags in Idaho: (3-20-14)

**a.** Department in-state planting tag (green tag); (3-20-14)

**b.** Department approved tag (yellow tag); (3-20-14)

**c.** Oregon Department of Agriculture inspection tag. (3-20-14)

(BREAK IN CONTINUITY OF SECTIONS)

201. -- ~~249~~. (RESERVED)

**250. TRIAL GROUNDS.**

**01. General Trial Ground Requirements.** ( )

**a.** A written request for trial ground must be submitted to the Director for approval prior to May 20 of the year the seed will be planted and must contain: ( )

**i.** Name of person in charge. ( )

**ii.** Geographic location and size of trial ground. ( )

**iii.** Detailed varietal planting plan. If the original planting plan is changed, the person in charge of the trial ground must notify the Director. ( )

**b.** Must be jointly supervised by the Department and personnel approved by the Director. ( )

**c.** The land must be owned or leased by the applicant. If leased, a copy of the lease must accompany the application. ( )

**d.** More than one (1) trial ground may be approved provided that a separate application is submitted and each trial ground meets the requirements of Section 250. ( )

**02. Trial Ground Subdivisions.** ( )

**a.** Experimental Plots. A maximum of one (1) pound of seed per variety may be planted in an experimental plot without laboratory testing. ( )

**03. Trial Ground Restrictions and Inspection Procedures.** ( )

**a.** Any machinery used in production of bean seed on trial grounds must be disinfected, to the satisfaction of the Director, prior to movement to other bean fields. ( )

**b.** Approved trial grounds shall not be planted under sprinkler irrigation. ( )

**c.** During each growing season there will be a minimum of four (4) active growth inspections and one (1) pre-harvest or windrow inspection. ( )

**04. Detection of Regulated Pest.** If a regulated pest is found by field inspection, windrow inspection, or subsequent laboratory seed testing, the infested seed must be destroyed. None of the remaining bean seed produced on that farmstead may be released for general planting in Idaho. The remaining seeds must be sampled and laboratory tested by the Department. If the laboratory test is negative for the regulated pests, then the seeds must be planted on an approved trial ground for one (1) additional year and are limited to a maximum of two (2) acres. ( )

251. -- 299. (RESERVED)

## IDAPA 02 - DEPARTMENT OF AGRICULTURE

### 02.06.41 - RULES PERTAINING TO THE IDAHO SOIL AND PLANT AMENDMENT ACT OF 2001

DOCKET NO. 02-0641-1501

#### NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2016 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 or rejected in part by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part 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 22-2204, 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:

The pending rule is being adopted as proposed. The complete text of the proposed rule was published in the July 1, 2015 Idaho Administrative Bulletin, [Vol. 15-7, pages 26-27](#).

**IDAHO CODE SECTION 22-101A STATEMENT:** This rule does regulate an activity not regulated by the federal government. The federal government does not regulate soil and plant amendments. The rule is, however, consistent with the national standards of the Association of American Plant Food Control Officials.

**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:

ISDA does not anticipate any fiscal impact from the changes to be made to the Rule as a result of this rulemaking.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Jared Stuart, Agriculture Section Manager at (208) 332-8620.

DATED this 6th Day of August, 2015.

Brian J. Oakey  
Deputy Director  
Idaho State Department of Agriculture  
2270 Old Penitentiary Rd.  
P.O. Box 790  
Boise, Idaho 83701  
Phone: (208) 332-8500  
Fax: (208) 334-2170

THE FOLLOWING NOTICE WAS PUBLISHED WITH THE 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 22-2204, 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 July 15, 2015.

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:

To incorporate by reference information and updates contained in the 2016 Official Publication of the Association of American Plant Food Control Officials (AAPFCO) as they pertain to the methodology and practice of conducting regulatory soil and plant amendment registration and label review.

**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:

ISDA does not anticipate any fiscal impact from the changes to be made to the Rule during this rulemaking.

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted because of the simple nature of the proposed amendment.

**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:

The Association of American Plant Food Control Officials (AAPFCO) Official Publication and the Official Methods of Analysis (OMA) published by the Association of Official Agricultural Chemists (AOAC) International are the recognized and primary reference books of approved fertilizer terms, ingredient definitions and policies used by the industry and all state and federal soil and plant amendments control officials and regulators.

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the proposed rule, contact Jared Stuart, Agriculture Section Manager at (208) 332-8622 or [jared.stuart@agri.idaho.gov](mailto:jared.stuart@agri.idaho.gov). Anyone may submit written comments regarding this proposed rulemaking. All written comments must be delivered on or before July 22, 2015.

DATED this 10th Day of June, 2015.

**LSO Rules Analysis Memo**

**THE FOLLOWING IS THE TEXT OF DOCKET NO. 02-0641-1501**



**004. INCORPORATION BY REFERENCE.**

Copies of these documents may be viewed at the Idaho State Department of Agriculture, 2270 Old Penitentiary Road, PO Box 790, Boise, Idaho 83701. IDAPA 02.06.41 incorporates by reference: (4-7-11)

**01. The Association of American Plant Food Control Officials (AAPFCO) Official Publication.** The terms, ingredient definitions and policies as published in the “201~~5~~<sup>6</sup> Official Publication” of AAPFCO where those terms and ingredient definitions, and policy statements do not conflict with terms and ingredient definitions, and policy statements adopted under Title 22, Chapter 22, Idaho Code, and any rule promulgated thereunder. The AAPFCO Official Publication is a copyrighted publication and not available in electronic format. A copy may be purchased online from the AAPFCO website at: [http://www.aapfco.org/pdf/publication\\_order\\_form.pdf](http://www.aapfco.org/pdf/publication_order_form.pdf).

~~(4-11-15)~~( )

**02. The Merck Index.** The “2006 Merck Index,” 14th Edition, as published by Merck Research Laboratories Division of Merck & Co., Incorporated. The Merck Index is a copyrighted publication and not available in an electronic format. A copy may be purchased online from Merck & Co., Inc. at: <http://www.merckbooks.com/mindex/index.html>.

(4-7-11)

**03. The Association of Official Agricultural Chemists (AOAC) International.** The “2005 Official Methods of Analysis (OMA) of the AOAC,” 18th Edition, a copyrighted publication, is maintained and published by the AOAC International. The AOAC OMA is available in electronic format at: [www.EOMA.AOAC.org](http://www.EOMA.AOAC.org). A copy may be purchased online from AOAC International.

(3-29-12)

## IDAPA 42 - IDAHO WHEAT COMMISSION

### 42.01.01 - RULES OF THE IDAHO WHEAT COMMISSION

#### DOCKET NO. 42-0101-1501

#### NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2016 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 or rejected in part by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part 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 22-3309, 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:

There are no changes to the pending rule and it is being adopted as originally proposed. The complete text of the proposed rule was published in the August 5, 2015 Idaho Administrative Bulletin, [Vol. 15-8, pages 133 through 136](#).

**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: NA

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Blaine Jacobson, Executive Director, at (208) 334-2353.

DATED this 3rd Day of September, 2015.

Blaine Jacobson, Executive Director  
Idaho Wheat Commission  
821 W. State St.  
P. O. Box 83720  
Boise, ID 83720-0099  
Phone: (208) 334-2353  
Fax: (208) 334-2505

<b>THE FOLLOWING NOTICE WAS PUBLISHED WITH THE PROPOSED RULE</b>
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**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 22-3309, 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 August 19, 2015.

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:

The changes are necessary to update the rules to proper format and to clarify terminology. The assessment rate was increased in 2013 after surveying wheat growers and finding support was 3-to-1 in favor of a higher tax for the purpose of investing more in research and industry infrastructure. The quarterly return forms create an administrative burden for the Commission and will no longer be provided. The rule changes increase the amount per bushel from \$.02 to \$.03½ cents to the Commission under commodity credit loans; bring rules in line with required rules format; correct terminology; clarify elevator operator reporting; and delete reference to the quarterly return forms.

**FEE SUMMARY:** The following is a specific description of the fee or charge imposed or increased: None.

**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

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted because the rule changes are simple in nature. Additionally, significant feedback was provided by industry stakeholders through regular meetings of the Commission.

**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: NA

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the proposed rule, contact Blaine Jacobson, Executive Director, at (208) 334-2353.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before August 26, 2015.

DATED this 10th Day of July, 2015.

**LSO Rules Analysis Memo**

**THE FOLLOWING IS THE TEXT OF DOCKET NO. 42-0101-1501**

**000. LEGAL AUTHORITY.**

*These* In accordance with Section 22-3309, Idaho Code, the Idaho Wheat Commission has promulgated rules *are authorized by* implementing the provisions of Title 22, Chapter 33, Idaho Code. (7-1-93)( )

**001. TITLE AND SCOPE.**

**01. Title.** These rules shall be ~~known~~ cited in full as IDAPA 42.01.01, "Rules of the Idaho Wheat Commission," IDAPA 42, Title 01, Chapter 01. ( )

**02. Scope.** ~~It shall be Pursuant to Section 22-3301, Idaho Code, the policy rules of the Idaho Wheat Commission to promote the public health and welfare of the citizens of our state by providing means for the protection, promotion, study, research, analysis and development of markets concerning the growing and marketing of Idaho wheat. To implement this policy, the Idaho Wheat Commission will utilize all existing information and all agencies, private, state, or federal, having to do with protection, marketing or utilization of wheat. It will not duplicate nor usurp the functions of other agencies, but will rather assist and coordinate their activities. It will attempt to develop additional functions not now included in the work of other agencies.~~ (7-1-93)( )

**002. WRITTEN INTERPRETATIONS.**

The Commission may have written statements which pertain to the interpretation of the rules of this chapter, or to the

documentation of compliance with the rules of this chapter. These documents are available for public inspection at the Commission office. ( )

**003. ADMINISTRATIVE APPEALS.**

The Idaho Rules of Administrative Procedure of the Attorney General on contested cases, IDAPA 04.11.01, "Idaho Rules of Administrative Procedure," Section 100, et seq., shall apply. ( )

**004. INCORPORATION BY REFERENCE.**

There are no documents that have been incorporated by reference into these rules. ( )

**005. OFFICE INFORMATION.**

**01. Street Address.** The office is located at 821 W. State Street, Boise, Idaho 83702. ( )

**02. Mailing Address.** The mailing address is P. O. Box 83720, Boise, Idaho 83720-0099. ( )

**03. Telephone Number.** The telephone number is (208) 334-2353. ( )

**04. Facsimile Number.** The fax number is (208) 334-2505. ( )

**05. Website Address.** The website address is www.idahowheat.org. ( )

**06. Office Hours.** The office hours are 8 a.m. to 5 p.m., Mountain Time, Monday through Friday, excluding state holidays. ( )

**006. PUBLIC RECORDS ACT COMPLIANCE.**

Commission records are subject to the provisions of the Idaho Public Records Act, Title 9, Chapter 3, Idaho Code. ( )

**007. - 009. (RESERVED)**

**010. DEFINITIONS.**

The definitions set forth in Section 22-3303, Idaho Code, shall apply to this chapter. ( )

**00211 -- 099. (RESERVED)**

**100. ~~TIME OF FILING WHEAT TAX RETURNS FORM.~~**

**01. Forms.** Wheat ~~assessment~~ Tax Return forms ~~will be~~ are available at the ~~Idaho Wheat~~ Commission office for use by the first purchaser (buyer) of Idaho grown wheat in transmitting the Idaho wheat ~~assessment tax~~ to the ~~Idaho Wheat~~ Commission. (7-1-93)( )

**02. Procedures.** At the end of each quarter, buyers, shall execute the Wheat Tax Return (~~F~~form ~~Number 1~~). One (1) copy of the form and a check covering the entire amount of all wheat tax collections made during the quarter shall be mailed to the Executive Director, ~~Idaho Wheat of the~~ Commission, ~~821 W. State St., Boise, Idaho, 83702,~~ not later than the fifteenth day of the month at the end of each quarter (October 15, January 15, April 15, and July 15, respectively) of each calendar year. If no wheat has been purchased during any quarter, one (1) copy of the Wheat Tax Return ~~F~~form ~~Number 1~~ declaring that no wheat has been purchased, shall be signed and mailed to the Executive Director of the ~~Idaho Wheat~~ Commission. (7-1-93)( )

*[Proposed Sections 101 through 105 are being moved and renumbered from Codified Sections 303 through 307 respectively]*

**~~303~~101. MIXTURES.**

When the grain is bought purchased as wheat, the tax must be collected on the full net weight of the grain bought purchased. The tax must also be collected on any mixtures containing fifty percent (50%) or more of wheat.

(7-1-93)( )

**304102. NET WEIGHT.**

The tax ~~is to~~ **must** be collected on the net weight of the wheat after deduction of dockage and smut, and not upon the gross weight. (7-1-93)( )

**305103. TRUCKERS.**

When a trucker ~~buys~~ **purchases** wheat from a grower, it is his responsibility under the law to deduct the tax and remit the amount to the Commission. The trucker in such instances is liable for the deduction of tax. Those who purchase wheat from such truckers are not directly liable for the deduction of tax, but buyers should make sure that the trucker has in fact ~~bought~~ **purchased** the wheat from a grower and is not the person who produced the wheat. (7-1-93)( )

**306104. WHEAT DELIVERED ON ACCOUNT OR EXCHANGED FOR OTHER WHEAT.**

When wheat is delivered and credited to the account of a grower who is purchasing mixed feeds and other commodities, such transactions are really sales of the wheat delivered. In these cases, the buyer must deduct the tax from the amount credited to the grower and remit to the Commission just as though the sale had been made for cash. On the other hand, if the grower delivers the wheat in exchange for other wheat and no sale of the wheat is involved, the tax should not be deducted. (7-1-93)

**307105. END USE.**

Idaho wheat is subject to tax when it is first sold or contracted into “commercial channels.” Beside traditional uses of wheat for flour milling, domestic and export, commercial channels include sale of wheat for use as feed, or any industrial or chemurgic use. (7-1-93)( )

**1076. -- 199. (RESERVED)**

**200. PENALTY FOR LATE PAYMENT OF WHEAT TAX.**

**01. Interest Penalties.** Any person or firm who makes payment of wheat tax collections to the ~~Idaho~~ **Wheat** Commission at a date later than the fifteenth day of the month at the end of each quarter as prescribed in Subsection 100.02 of these rules, shall be subject to a late payment penalty of fifteen percent (15%) per annum on the amount due, unless that person or firm, within fifteen (15) days of the date, notifies the ~~Idaho~~ **Wheat** Commission in writing of any delay in payment and submits the payment of wheat tax collections within thirty (30) days of the prescribed due date. (7-1-93)( )

**02. Additional Penalties.** The ~~Idaho~~ **Wheat** Commission shall be entitled, in addition to the penalty of fifteen percent (15%) per annum, to recover from the buyer, all costs, fees, and reasonable attorney’s fees incurred in collecting the wheat tax collections and penalty as prescribed in Section 22-3315, Idaho Code. (7-1-93)( )

**201. -- 299. (RESERVED)**

**300. WHEAT UNDER COMMODITY CREDIT CORPORATION LOANS.**

**01. Payee.** The ~~Wheat~~ **Wheat** Commission will be named as payee to receive ~~two~~ **three and one half** cents (\$~~.23~~<sup>3</sup>/<sub>2</sub>) per bushel when the producer’s note and loan agreement is executed by the ~~County Agricultural Stabilization and Conservation~~ **Farm** Service ~~office~~ **Agency (FSA)**. In such cases, the ~~lending~~ **lending** agency will send the tax directly to the ~~Wheat~~ **Wheat** Commission. When the producer’s note and loan agreement shows that the tax has been deducted and sent to the ~~Wheat~~ **Wheat** Commission, it will not be necessary for the buyer to deduct the tax when the wheat is purchased. (7-1-93)( )

**02. Tax.** Since the legislature has made the tax a lien prior to all other liens and encumbrances of the wheat, it is necessary for the grain buyer to make sure the tax has been paid in order to obtain clear title to the wheat. The tax should be deducted in all cases where there is not evidence that the tax was previously paid by a lending agency. In case errors occur and the tax is deducted by a lending agency and again deducted by a grain buyer, refund will be made by the ~~Idaho~~ **Wheat** Commission. (7-1-93)( )

*[Codified Section 301 is being moved and renumbered to Proposed Section 400]*

**301. -- 399. (RESERVED)**

~~302. WHEAT COMMISSION FORM NUMBER 1.~~

~~Form Number 1 shall be used to file quarterly returns required by these rules. One (1) copy to be sent to the Commission at the end of each quarter. (7-1-93)~~

*[Codified Sections 303 through 307 are being moved and renumbered to Proposed Sections 101 through 105 respectively]*

*[Proposed Section 400 is being moved and renumbered from Codified Section 301]*

**~~301~~400. INVOICES AND RECORDS.**

01. **Invoices.** Pursuant to Section 22-3316, Idaho Code, ~~provides for~~ the Purchaser shall issue separate invoices to ~~be delivered to~~ the grower for each purchase. The ~~Wheat~~ Commission ~~is~~ will not provide ~~ing~~ a special form for this purpose and suggests that buyers use the final settlement vouchers of accounts of sale commonly used in Idaho. The amount of the Idaho state wheat tax deducted must ~~be~~ shown on each settlement voucher. ~~(7-1-93)~~ (\_\_\_\_)

02. **Final Settlement Vouchers.** Buyers are not required to send the Commission copies of their settlement vouchers issued to individual growers, but should keep copies available for examination by representatives of the Commission ~~at a later date~~ upon request. Where it is not the practice to issue settlement vouchers of accounts of sale, buyers should be sure that they have accurate records of all wheat ~~bought~~ purchased from growers and the amount of wheat ~~bought~~ purchased from each grower. ~~(7-1-93)~~ (\_\_\_\_)

03. **Elevator Operator Reports.** Elevator operators must submit to the Commission, at least annually, a report listing the growers who delivered wheat to their elevator each year. Such reports must include the name and contact information for each grower. (\_\_\_\_)

**~~308~~401. -- 999. (RESERVED)**

## IDAPA 46 - BOARD OF VETERINARY MEDICINE

### 46.01.01 - RULES OF THE STATE OF IDAHO BOARD OF VETERINARY MEDICINE

DOCKET NO. 46-0101-1501

#### NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2016 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 or rejected in part by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part 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 54-2105, 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:

There are no changes to the pending rule and it is being adopted as originally proposed. The complete text of the proposed rule was published in the August 5, 2015 Idaho Administrative Bulletin, [Vol. 15-8, pages 137 through 139](#).

**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: NA

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Jodie Ellis, Executive Director, at (208) 332-8588.

DATED this 3rd Day of September, 2015.

Jodie Ellis, Executive Director  
Board of Veterinary Medicine  
2270 Old Penitentiary Rd.  
P. O. Box 7249  
Boise, ID 83707  
Phone: (208) 332-8588  
Fax: (208) 334-2170

<b>THE FOLLOWING NOTICE WAS PUBLISHED WITH THE PROPOSED RULE</b>
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**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 54-2105, 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 August 19, 2015.

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:

The current system for reporting and processing continuing education credits for veterinarians and veterinary technicians is time-consuming and requires unnecessary handling by both the Board and licensees. The proposed rulemaking will amend Board Rule 15 to simplify the reporting and processing of continued education credits. Licensees and certificate holders will retain documentation for a specified period and a random auditing system will be implemented to monitor compliance with continuing education obligations.

**FEE SUMMARY:** The following is a specific description of the fee or charge imposed or increased: None.

**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

**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 3, 2015 Idaho Administrative Bulletin, [Vol. 15-6, page 67](#).

**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: NA

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the proposed rule, contact Jodie Ellis, Executive Director, at (208) 332-8588.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before August 26, 2015.

DATED this 6th Day of July, 2015.

**LSO Rules Analysis Memo**

**THE FOLLOWING IS THE TEXT OF DOCKET NO. 46-0101-1501**

**015. MANDATORY CONTINUING VETERINARY EDUCATION.**

**01. Statement of Purpose.** It is of primary importance to the public that veterinarians continue their veterinary education throughout the period of their active practice of veterinary medicine. These rules establish the minimum continuing veterinary education requirements necessary for veterinarians to maintain a license to engage in the practice of veterinary medicine in the state of Idaho. (7-1-97)

**02. Approved Courses.** (3-30-01)

**a.** Approved courses include: (3-30-01)

**i.** Those courses and providers listed on the American Association of Veterinary State Board's Continuing Education Registry; and (3-30-01)

**ii.** Those courses and providers approved by the Board. (3-30-01)

**b.** Board approval for a continuing education course may be obtained by sending a written request to



the Board office and enclosing copies of the course agenda, dates, times, locations, and requested number of credit hours in management and veterinary medicine. Copies of the sign-in and sign-out sheets for each approved course are to be supplied to the Board office following completion of the course by the course provider. (3-30-01)

**03. Education Requirements.** (7-1-93)

**a.** Minimum Requirement. Each active veterinarian in the state of Idaho shall complete a minimum of twenty (20) credit hours of accredited continuing veterinary education activity in each and every two (2) year period following the date of his admission to the practice of veterinary medicine in this state. (3-30-07)

**b.** Credit Requirements. The following are the minimum and maximum credits that may be earned for each reporting period and the number of credits that may be obtained by participating in on-line or correspondence courses. (3-30-07)

i. A minimum of fourteen (14) hours of continuing education in veterinary medicine, surgery, and dentistry. (3-30-07)

ii. A maximum of six (6) hours of continuing education in management. (3-30-07)

iii. Veterinarians may obtain a maximum of fifteen (15) credit hours through approved on-line or correspondence courses. (3-30-07)

**c.** Attendance Period. The attendance period shall be based upon the fiscal year (July 1 to June 30). (3-18-99)

**d.** Report. Each veterinarian subject to these rules shall file a written report with the Board Executive Director, on a form prescribed by the Board, as provided in this rule. ~~(7-1-93)~~( )

i. Content of Report. The report shall set forth the record of the veterinarian's compliance with these rules during the two (2)-year attendance period and shall contain ~~at least~~ all information requested by the Board, including: ~~(7-1-93)~~( )

(1) A list of the approved courses attended or taken; ~~(7-1-93)~~( )

(2) The dates of attendance or completion of the courses; ~~(7-1-93)~~( )

(3) The sponsoring organization; (7-1-93)

(4) The hours attended or completed for each course, rounded to the nearest one-half (1/2) of an hour; ~~(7-1-93)~~( )  
and

(5) The veterinarian's signature, under penalty of perjury. (7-1-93)

~~ii. Place of Filing. The report of compliance with the continuing veterinary education requirement shall be filed with the secretary of the Board. (3-30-01)~~

~~iii. Time of Filing. The report shall be submitted or postmarked no later than June 30 in the year the veterinarian is required to complete the continuing education requirement. (4-2-08)~~

iii. Retention of Original Documentation. The supporting documentation for compliance with continuing education requirements shall not be submitted with the report. Rather, the veterinarian shall retain original documentation of attendance or completion of twenty (20) credit hours of approved courses at least until December 31 following the two (2)-year renewal period covered by the courses. ( )

**e.** Auditing. Each year the Board will conduct an audit of renewals. ( )

**i.** The percentage of renewals audited in any given year will be determined by the Board in its sound

discretion. ( )

ii. Within thirty (30) days of notification of an audit, a veterinarian shall provide to the Board all documentation supporting attendance or completion of the courses reported. ( )

**04. Exemptions.** Upon a showing of good cause by a licensee to the Board, the Board may exempt such licensee from any, all or part of the continuing education requirement or may grant an extension of the required period. Written requests for exemptions from continuing education credits shall be sent to the Board office. (3-30-07)

**05. Credit for Attendance.** Continuing veterinary education credits may be earned by attending or presenting approved courses in continuing veterinary education. (3-20-14)

**a.** Credits. One (1) credit hour shall be given for each fifty (50) minutes actually spent by the active member in attendance at an accredited, domestic or foreign, course. No credit shall be given for: (7-1-97)

i. Time spent in introductory remarks, coffee and lunch breaks, business meetings or other activities not involving the educational aspects of the course. (3-18-99)

ii. Any course attended before admission to practice veterinary medicine in Idaho. (7-1-93)

iii. Journal and magazine articles, videos or correspondence courses, unless specially approved by the Board. (7-1-97)

**b.** In cases of solo presentation, the presenter of an approved course shall be entitled to claim one (1) credit hour for each fifty (50) minutes of actual course instruction. By way of limitation, in no case shall the presenter be allowed more than eight (8) credit hours for any particular course or substantially related topic during the applicable two (2) year reporting period, regardless of how many times the course is offered or given. (3-20-14)

**c.** In cases of panel presentations, the number of continuing credit hours each panel member is entitled to claim shall be calculated by multiplying the actual number of course hours by two (2) and dividing that number by the number of panel members involved. (3-20-14)

**d.** Carryover Credit. No credit for attending approved courses in continuing veterinary education shall be applicable to any reporting period other than that during which the credit is actually earned. (7-1-97)