

# **PENDING RULES COMMITTEE RULES REVIEW BOOK**

**Submitted for Review Before  
Senate State Affairs Committee  
63rd Idaho Legislature  
Second Regular Session**



*Prepared by:*

*Office of the Administrative Rules Coordinator  
Department of Administration*

*January 2016*

**SENATE STATE AFFAIRS COMMITTEE**

**ADMINISTRATIVE RULES REVIEW**

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**IDAPA 11 - IDAHO STATE POLICE  
IDAHO STATE RACING COMMISSION**

**11.04.06 - RULES GOVERNING RACING OFFICIALS**

**DOCKET NO. 11-0406-1501**

**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 54-2506, 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:

This pending rule will allow the Idaho State Racing Commission to appoint and compensate a third steward for live racing events in Idaho. Under the current rule, the third steward has been compensated for by the racing associations. This rulemaking also outlines the steward's duties as a presiding state steward and the duties of the two deputy state stewards.

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 30-34](#).

**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:

There is no negative impact on the state general fund. The fiscal impact to dedicated funds will be \$24,000.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact the Idaho State Racing Commission at 208-884-7080.

DATED this 24th day of November, 2015.

Paul J. Schneider  
Chairman  
Idaho Racing Commission  
700 S Stratford Dr.  
Meridian, ID 83642  
Phone: 208-884-7080  
Fax: 208-884-7098

**THE FOLLOWING NOTICE WAS PUBLISHED WITH  
THE TEMPORARY AND PROPOSED RULE**

**EFFECTIVE DATE:** The effective date of the temporary rule is July 29, 2015.

**AUTHORITY:** In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a temporary rule, and proposed rulemaking procedures have been initiated. The action is authorized pursuant to Section 54-2506, 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 the required finding and concise statement of its supporting reasons for adopting a temporary rule and a nontechnical explanation of the substance and purpose of the proposed rulemaking:

This rulemaking will allow the Idaho State Racing Commission to appoint and compensate a third steward for live racing events in Idaho. Under the current rule, the third steward has been compensated for by the racing associations. This rulemaking also outlines the steward's duties as a presiding state steward and the duties of the two deputy state stewards.

**TEMPORARY RULE JUSTIFICATION:** Pursuant to Section 67-5226(1)(c), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate for the following reasons:

This temporary rule confers a benefit to the industry by simplifying the selection of the stewards required to preside over live racing meets beginning in May 2015 and allows the Racing Commission to compensate a third steward for live racing events. Stewards enforce all of laws and rules that govern live horse racing and are necessary to protect the integrity of horse racing sanctioned in Idaho.

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

No fees are imposed or changed by this rule.

**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:

There is no negative impact on the state general fund. The fiscal impact to dedicated funds will be \$24,000.

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted because the 2015 Live Racing Season commenced before the rule could be negotiated.

**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:

No materials were incorporated by reference into this rule.

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the temporary and proposed rule, contact Idaho State Racing Commission at 208-884-7080.

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

DATED this 29th Day of July, 2015.

**LSO Rules Analysis Memo**

**THE FOLLOWING IS THE TEXT OF DOCKET NO. 11-0406-1501**

**010. DEFINITIONS.**

- 01. Appointment.** A person approved by the Racing Commission or its designee, for an official racing position. (3-29-10)
- 02. Apprentice Jockey.** A jockey who has not ridden a certain number of winners within a specified period of time. (3-29-10)
- 03. Approval.** Acceptance of a racing official's eligibility by the Racing Commission or its designee. (3-29-10)
- 04. Assistant Starter.** The employee of a racing association who, under direct supervision of the starter, helps place the starting gate for a race, leads horses into the gate, helps jockeys and handles horses while in the gate until the start. (3-29-10)
- 05. Attendance.** Being at an assigned location for an assigned period of time. (3-29-10)
- 06. Clerk of Scales.** The employee of a racing association responsible for sequestering all jockeys each racing day, weighing all jockeys out and in from races, checking their assigned riding weights versus their actual weights, and reporting all changes. (3-29-10)
- 07. Clocker.** A person who times workouts and races. (3-29-10)
- 08. Commission Veterinarian.** A Racing Commission appointed veterinarian having authority to enforce the Racing Commission's rules relating to veterinary practices. (3-29-10)
- 09. Complaint.** A written allegation of a violation of these rules. (3-29-10)
- 10. Conditions.** Qualifications which determine a horse's eligibility to be entered in a race. (3-29-10)
- 11. Controlled Substance.** Any substance included in the five (5) classification schedules of the (U.S.) Controlled Substance Act of 1970. (3-29-10)
- 12. Daily Program.** The published listing of all contests and contestants for a specific performance. (3-29-10)
- 13. Dead Heat.** The finish of a race in which the noses of two (2) or more horses reach the finish line at the same time. (3-29-10)
- 14. Declaration.** The act of withdrawing an entered horse from a race before the closing of overnight entries. (3-29-10)
- 15. Disciplinary Action.** An action taken for misconduct or rule violation(s). (3-29-10)
- 16. Eligibility Certificate.** Document(s) showing the eligibility of all horses competing at the track or stabled on the grounds. (3-29-10)
- 17. Entrance Money Records.** A record showing all monies due and paid prior to entry of a contest.

- (3-29-10)
18. **Entries.** A list of horses entered in a race. (3-29-10)
19. **Gate Judge.** A track employee who is present at the starting gate just prior to the running of each race. (3-29-10)
20. **Horse Identifier.** A person who is responsible for positively identifying all horses entered to a race, stabled or on racing association grounds. (3-29-10)
21. **Horsemen's Bookkeeper.** A bonded racing association employee who manages the horsemen's accounts which covers all monies due horseman in regards to purses, stakes, rewards, claims and deposits. (3-29-10)
22. **Jockey's Room.** A room reserved for jockey's to prepare for a race. (3-29-10)
23. **Jockey Room Custodian.** A racing association employee authorized to regulate the conduct of the jockeys, ensure good order is maintained and monitors the jockeys. (3-29-10)
24. **Jurisdiction.** The limits or territory within which Racing Officials authority may be exercised. (3-29-10)
25. **Licensing.** Determination for eligibility of a racing official by the Racing Commission or its designee. (3-29-10)
26. **Nerved Horses.** A horse that has had posterior digital neurectomy (heel nerving) surgery. (3-29-10)
27. **Nomination.** The naming of a horse to a certain race or series of races generally accompanied by payment of a prescribed fee. (3-29-10)
28. **Objection.** A verbal claim of foul in a race lodged with the stewards or their designee by the horse's jockey, trainer, owner or the owner's authorized agent before the race is declared official. (3-29-10)
29. **Order of Finish.** The order of finish of the contestants in a contest as declared official by the stewards/judges. (3-29-10)
30. **Paddock Judge.** The employee of a racing association responsible for getting jockeys and horses in order to go to the starting gate; also checks the equipment used by each horse and supervises the saddling of the horses. (3-29-10)
31. **Paddock Judge's List.** A list of horses which may not be entered in a race for safety reasons. (3-29-10)
32. **Patrol Judge.** A person who observes a race and reports information concerning the race to the stewards. (3-29-10)
33. **Photo Finish.** A requested photo to help in determining the correct order of finish. (3-29-10)
34. **Placing Judge.** A person who determines the order of finish in a race as the horses pass the finish line. (3-29-10)
35. **Presiding State Steward.** One (1) of the ~~two~~ **three** (~~2~~3) stewards appointed by the Racing Commission who presides over **all hearings and designates duties for the** other stewards. (~~3-29-10~~)(      )
36. **Protest.** A written complaint made to the stewards concerning a horse entered in a race and filed not later than one (1) hour prior to the scheduled post time of the first race on the day in which the questioned horse is entered. (3-29-10)

37. **Purse.** The total dollar amount for which a race is contested. (3-29-10)
38. **Race Meet.** The number of races and race days approved by the Racing Commission in the Racing Association license. (3-29-10)
39. **Racing Association.** Any person licensed by the Racing Commission to conduct a race meet and pari-mutuel wagering. (3-29-10)
40. **Racing Commission.** Three (3) member Idaho State Racing Commission created by Section 54-2503, Idaho Code, or its designee. (3-29-10)
41. **Racing Secretary.** The employee of a racing association, who writes the conditions for the races, assigns the weights for handicap races, receives entries, conducts the draw, and is responsible for the operation and organization of the race office. (3-29-10)
42. **Records.** A daily log kept by the presiding steward of the stewards' official activities. Also, an accounting of each horse, owner, trainer or jockey participating at a race meet who had funds due or on deposit in the horsemen's account completed by the Horsemen's Bookkeeper's. (3-29-10)
43. **Reports.** A daily account of the stewards' actions and observations made during each day's race program. (3-29-10)
44. **Rule Off.** An action by the racing stewards, under these rules, to suspend a license for a violation of these rules. (3-29-10)
45. **Stake.** The prize in a contest. (3-29-10)
46. **Stalls.** Stable area on racing association grounds for horses assigned by the racing secretary. (3-29-10)
47. **Starter.** The employee of a racing association responsible for dispatching the horses for a race. (3-29-10)
48. **Starter's List.** A list of all horses which are ineligible to be entered in any race due to poor or inconsistent behavior or performance in the starting gate. (3-29-10)
49. **Stewards.** A horse racing official who presides over a race meet, has jurisdiction over all racing officials, rules on protests and claims of foul, and imposes fines and suspensions. (3-29-10)
50. **Substitute Officials.** An emergency vacancy among racing officials that is filled with the stewards' approval and reported to the Racing Commission. (3-29-10)
51. **Substitute Steward.** Appointment by the remaining stewards during an absence of any steward at race time when an approved alternate is not available. (3-29-10)
52. **Timer.** A person who accurately records the time elapsed between the start and finish of each race. (3-29-10)
53. **Violations.** All unauthorized activities under these rules. (3-29-10)
54. **Wagering.** To risk or stake an amount of money on an unknown outcome. (3-29-10)
55. **Weight.** The amount that a jockey weighs prior to and after a race. (3-29-10)

**(BREAK IN CONTINUITY OF SECTIONS)**

**055. NUMBER OF STEWARDS.**

There must be three (3) Stewards to supervise each race meet; (3-29-10)

**01. Presiding State Steward.** One (1) steward will be assigned, and compensated by the Racing Commission to be the Presiding State ~~and has authority over the other s~~Stewards; (3-29-10)( )

**02. Deputy State Stewards.** ~~One~~ Two (12) stewards will be assigned by the Racing Commission to be the Deputy State Stewards and shall be compensated by the Racing Commission; ~~and.~~ (3-29-10)( )

~~**03. Other Steward.** One (1) steward will be appointed by the Racing Association and must be compensated by the Racing Association. (3-29-10)~~



**IDAPA 11 - IDAHO STATE POLICE  
IDAHO STATE RACING COMMISSION**

**11.04.11 - RULES GOVERNING EQUINE VETERINARY PRACTICES, PERMITTED MEDICATIONS,  
BANNED SUBSTANCES AND DRUG TESTING OF HORSES**

**DOCKET NO. 11-0411-1501**

**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 54-2506, 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 35 and 36](#).

**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:

There is no negative impact on the state general fund. The fiscal impact to dedicated funds will be \$850 to \$1,250.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact the Idaho State Racing Commission at 208-884-7080.

DATED this 24th day of November, 2015.

Paul J. Schneider  
Chairman  
Idaho Racing Commission  
700 S Stratford Dr.  
Meridian, ID 83642  
Phone: 208-884-7080  
Fax: 208-884-7098

**THE FOLLOWING NOTICE WAS PUBLISHED WITH  
THE TEMPORARY AND PROPOSED RULE**

**EFFECTIVE DATE:** The effective date of the temporary rule is July 29, 2015.

**AUTHORITY:** In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a temporary rule, and proposed rulemaking procedures have been initiated. The action is

authorized pursuant to Section 54-2506, 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 the required finding and concise statement of its supporting reasons for adopting a temporary rule and a nontechnical explanation of the substance and purpose of the proposed rulemaking:

This rule eliminates the requirement for an owner or trainer to have to request for the collection and testing of a split blood sample. The samples will be collected and stored by the Idaho State Racing Commission Veterinarian at the testing barn. All costs associated with storing will be at the expense of the Commission.

**TEMPORARY RULE JUSTIFICATION:** Pursuant to Section 67-5226(1)(c), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate for the following reasons:

This rule confers a benefit by eliminating the cost and process required for a horse owner or trainer to request in writing and pay for the collection and storage of a split sample. Further, this rule will further protect the integrity of horse racing sanctioned in Idaho.

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

No fees are imposed or changed by this rule.

**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:

There is no negative impact on the state general fund. The fiscal impact to dedicated funds will be \$850 to \$1,250.

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted because the 2015 Live Racing Season commenced before the rule could be negotiated.

**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: No materials were incorporated by reference into this rule.

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the temporary and proposed rule, contact Idaho State Racing Commission at 208-884-7080.

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

DATED this 29th Day of July, 2015.

**LSO Rules Analysis Memo**

**THE FOLLOWING IS THE TEXT OF DOCKET NO. 11-0411-1501**

**140. DETERMINATION OF SAMPLE.**

**01. Minimum Sample.** The commission veterinarian will determine a minimum sample requirement for the primary testing laboratory. (3-29-10)

**02. Less Than The Minimum.** If the specimen obtained from a horse is less than the minimum sample requirement, the entire specimen must be sent to the primary testing laboratory. (3-29-10)

**03. More Than The Minimum.** If a specimen obtained is greater than the minimum sample requirement, the portion of the sample that is greater than the minimum sample requirement may be secured as the split sample if proper storage capabilities exist ~~and it is requested by the owner or trainer in writing prior to sample collection from the tested horse. All costs of collecting and storing samples will be at the expense of the owner or trainer requesting the split sample.~~ (3-29-10)()

**IDAPA 11 - IDAHO STATE POLICE  
IDAHO STATE RACING COMMISSION**

**11.04.11 - RULES GOVERNING EQUINE VETERINARY PRACTICES, PERMITTED MEDICATIONS,  
BANNED SUBSTANCES AND DRUG TESTING OF HORSES**

**DOCKET NO. 11-0411-1502**

**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 as 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 54-2506, 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 October 7, 2015 Idaho Administrative Bulletin, [Vol. 15-10, pages 133-137](#).

**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:

There is no negative impact on the state general fund. The fiscal impact to dedicated funds will be minimal, if any.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Idaho State Racing Commission at 208-884-7080.

DATED this 24th day of November, 2015.

Paul J. Schneider, Chairman  
Idaho Racing Commission  
700 S Stratford Dr.  
Meridian, ID 83642  
Phone: 208-884-7080  
Fax: 208-884-7098

**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 54-2506, 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 October 21, 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:

This rule defines “Board Approved Primary Laboratory,” “Primary Laboratory,” and “Referee Laboratory”; clarifies the exact process for split sample testing and allows for additional time for samples to be sent to a referee laboratory. The rule is modeled after processes for testing used in other states.

**FEE SUMMARY:** No fees are imposed by this rule.

**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:

There is no negative impact on the state general fund. The fiscal impact to dedicated funds will be minimal, if any.

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted because input was sought from stakeholders.

**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:

No materials were incorporated by reference into this rule.

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the temporary and proposed rule, contact Idaho State Racing Commission at 208-884-7080.

Anyone may submit written comments regarding the proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before October 28, 2015.

DATED this 26th Day of August, 2015.

### **LSO Rules Analysis Memo**

**THE FOLLOWING IS THE TEXT OF DOCKET NO. 11-0411-1502**

#### **010. DEFINITIONS.**

**01. Bleeder List.** A list maintained by the commission veterinarian with all horses that have demonstrated external evidence of exercise induced pulmonary hemorrhage from one (1) or both nostrils during or after a race or workout. (3-29-10)

**02. Calendar Year.** A calendar year beginning January 1 and ending December 31. (3-29-10)

**03. Colt.** An intact male horse under five (5) years of age. (3-29-10)

**04. Commission Veterinarian.** A Racing Commission appointed veterinarian having authority to enforce the Racing Commission’s rules relating to veterinary practices. (3-29-10)

- 05. Filly.** A female horse that has not reached five (5) years of age. (3-29-10)
- 06. Gelding.** An altered male horse of any age. (3-29-10)
- 07. Horse.** Includes filly, mare, colt, horse or gelding in general; when referring to sex, a horse is an intact male five (5) years old or older. (3-29-10)
- 08. Hypodermics.** Any hypodermic instrument, hypodermic syringe or hypodermic hollow needle used for injection of substances into the body of a horse. (3-29-10)
- 09. Inspection of Horses.** A veterinarian inspection to assess the racing condition of every horse entered in an official race. (3-29-10)
- 10. Mare.** A female horse that has reached the age of five (5) years. (3-29-10)
- 11. Medication Report Form.** A form signed by the treating veterinarian disclosing the identity of the horse, the permitted drug being used with dosage or procedure administered, the time administered and the name of the trainer. (3-29-10)
- 12. Mitigating Circumstances.** An event that constitutes detail to support a penalty to be waived or less harsh. (3-29-10)
- 13. Needle and Syringe.** See Hypodermics - Subsection 010.08 of these rules. (3-29-10)
- 14. Owner.** The person that has legal title to, or has financial control of, a horse utilized for racing in Idaho. However, an interest in the winnings of a horse does not itself constitute ownership. (3-29-10)
- 15. Paddock.** An enclosure in which horses scheduled to compete in a contest are saddled prior to racing. (3-29-10)
- 16. Penalties.** For this chapter, a penalty issued against an individual(s) found guilty of medication and drug violations. (3-29-10)
- 17. Primary Laboratory.** A laboratory approved by the Racing Commission to conduct testing and official analysis of post-race samples. ( )
- ~~178.~~ **Prohibited Substances.** Medication and drugs that should not be administered to a horse. (3-29-10)
- ~~189.~~ **Racing Association.** Any person licensed by the Racing Commission to conduct live or simulcast pari-mutuel wagering. (3-29-10)
- ~~1920.~~ **Racing Commission.** Three (3) member Idaho State Racing Commission created by Section 54-2503, Idaho Code, or its designee. (3-29-10)
- ~~201.~~ **Racing Condition.** The physical ability to race of a horse determined by the commission veterinarian. (3-29-10)
- 22. Referee Laboratory.** Laboratory approved by the Racing Commission to conduct split sample testing. ( )
- ~~213.~~ **Sample.** A blood or urine sample taken from a horse at the direction of the commission veterinarian. (3-29-10)
- ~~224.~~ **Split Sample.** A blood or urine sample taken from a horse that is greater than the minimum sample requirement. (3-29-10)

~~235.~~ **Suspension.** Punishment for violation of the Racing Commission rules. The offender is denied privileges of the racing facilities for a specified period of time. (3-29-10)

~~246.~~ **Test Area.** A barn provided by a racing association used for taking specimens of urine, blood or other bodily substances or tissues for testing. (3-29-10)

~~257.~~ **Trainer.** The person who conditions and prepares a race horse for racing, with the absolute responsibility to ensure the physical condition and eligibility of the race horse. (3-29-10)

~~268.~~ **Veterinarian's List.** A list of all horses which are ineligible to be entered in any race due to a physical condition. (3-29-10)

~~279.~~ **Veterinarians' Reports.** The Medication Report Form completed by every veterinarian who treats a racehorse at any location under the jurisdiction of the Racing Commission. (3-29-10)

~~2830.~~ **Veterinarian.** Practicing Private practitioner employed by owners and trainers on an individual case or contract basis. (3-29-10)

**(BREAK IN CONTINUITY OF SECTIONS)**

**120. TRAINER PRESENT.**

**01. Present During Testing.** The Trainer, or his authorized representative, must be present in the testing area when a urine or other specimen is taken from a horse. ~~(3-29-10)~~( )

**02. Tag Signed.** The sample tag must be signed by the Trainer or his representative, as witness to the taking of the specimen. (3-29-10)

**03. Refusal.** Willful failure to be present at or a refusal to allow the taking of such specimen, or any act or threat to impede or prevent or otherwise interfere therewith, subjects the person or persons doing so to immediate suspension by the Stewards and the matter will be referred to the Racing Commission for such further penalty as may be determined. (3-29-10)

**(BREAK IN CONTINUITY OF SECTIONS)**

**160. TESTING SPLIT SAMPLES.**

After having been notified that a written report from a primary laboratory states stating that a prohibited substance has been found identified in a specimen obtained pursuant to these rules, a trainer or owner of a horse may request that a split sample, corresponding to the portion of the specimen tested by the primary laboratory, be sent to another laboratory approved by the Racing Commission. ( )

**01. Submission of Testing Request.** ~~The~~ A formal request for split sample testing must be made in writing and delivered to the Stewards not later than three (3) business days after the trainer of the horse receives written notice of the findings of the primary laboratory. ~~Any split sample so requested must be shipped within an additional forty eight (48) hours.~~ The request must include the requesting trainer or owner's top three (3) referee laboratory choices. Any request for split sample testing not received by the specified deadline, and/or without all the required information, shall be considered invalid. ~~(3-29-10)~~( )

**02. Lab's Willingness to Test.** Upon receipt of the written request for split sample testing, the Racing Commission shall confirm the referee laboratory has agreed to accommodate the request and provide official test results to the Racing Commission. The Racing Commission shall identify the confirmed referee laboratory to the requesting owner or trainer to arrange for payment of shipping costs and testing services costs. ( )

**03. Shipping and Testing Fees.** The requesting owner or trainer is entirely responsible for all costs and fees associated with sample shipment and testing services. Payment for sample shipment must be made to the Commission Veterinarian, or his authorized designee, prior to shipment of the split sample. Once the Racing Commission has received confirmation of payment of necessary fees required for split sample testing, the requested split samples shall be shipped to the referee laboratory within ten (10) business days. Shipments are mailed only on Monday, Tuesday or Wednesday to avoid the samples sitting in a warehouse unrefrigerated over a weekend if there is a problem in transit. ( )

**04. Unforeseen Circumstances.** ( )

**a.** If the Racing Commission is unable to secure the services of a referee laboratory, the Racing Commission shall have the option to request the primary laboratory to conduct the split sample testing. The owner and trainer affected will be notified by the Racing Commission. ( )

**b.** If the Racing Commission is unable to contact the affected trainer or owner by telephone or last known location, the Racing Commission may proceed with split sample testing by the primary laboratory. ( )

**c.** If an Act of God, power failure, accident, strike, or other action that is beyond the control of the Racing Commission prevents a split sample from being tested, the test results of the primary laboratory shall be accepted as prima facie evidence. ( )

**05. Split Sample Test Results.** The referee laboratory shall send the results of the split sample test to the Racing Commission and the Racing Commission shall forward those results simultaneously to the requesting owner or trainer as quickly as possible. ( )

**a.** If the split sample testing confirms the findings of the primary laboratory, it shall be considered a prima facie violation of the applicable provisions of this chapter. ( )

**b.** If the split sample testing does not substantially confirm the findings of the primary laboratory, it shall not constitute a prima facie violation of this chapter and no penalty will be imposed by the Racing Commission. ( )

~~161. -- 169. (RESERVED)~~

~~170. REQUEST FOR TEST PROCEDURE.~~

~~01. Requester Responsible for Costs. The owner or trainer requesting testing of a split sample is responsible for any and all costs of shipping and testing. (3-29-10)~~

~~02. Failure to Appear. Failure of the owner, trainer or designee to appear at the time and place designated by the Commission Veterinarian constitutes a waiver of all rights to split sample testing. (3-29-10)~~

~~03. Lab's Willingness to Test. Prior to shipment, the Racing Commission must confirm the split sample laboratory's willingness to:~~ (3-29-10)

~~a. Simultaneously provide the testing requested; (3-29-10)~~

~~b. The laboratory's willingness to send results to both the person requesting the testing and the Racing Commission; and (3-29-10)~~

~~c. Arrangements for payment satisfactory to the split sample laboratory. (3-29-10)~~

~~171. -- 179. (RESERVED)~~



**IDAPA 15 - OFFICE OF THE GOVERNOR  
MILITARY DIVISION - BUREAU OF HOMELAND SECURITY**

**15.06.03 - PUBLIC SAFETY COMMUNICATIONS SYSTEMS INSTALLATION  
AND MAINTENANCE FEE RULES**

**DOCKET NO. 15-0603-1501**

**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 46-804, 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 September 2, 2015 Idaho Administrative Bulletin, [Vol. 15-9, pages 86 and 87](#).

**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 Richard Turner at (208) 422-5741.

DATED this 24th Day of September 2015.

Richard Turner  
Executive Officer  
Idaho Military Division  
700 S. Stratford Dr.  
Bldg. 600  
Meridian, ID 83642  
Phone: (208) 422-5741  
Fax: (208) 288-2605

**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 46-804, 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 current rule is inaccurate due to organizational changes within the Idaho Military Division. The Public Safety Communications Branch is no longer tied to the Bureau of Homeland Security. Contact information and Records Custodian information are being updated. This rulemaking updates information provided in the rule to accurately reflect the new organizational structure.

**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 proposed change to the rules is to reflect actual reporting changes made at the Idaho Military division and are simple in nature.

**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 Richard Turner at (208) 422-5741.

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 11th Day of August, 2015.

**LSO Rules Analysis Memo**

**THE FOLLOWING IS THE TEXT OF DOCKET NO. 15-0603-1501**

**IDAPA 15  
TITLE 06  
CHAPTER 03**

**MILITARY DIVISION - ~~BUREAU OF HOMELAND SECURITY~~ PUBLIC SAFETY COMMUNICATIONS**

**15.06.03 - PUBLIC SAFETY COMMUNICATIONS SYSTEMS INSTALLATION  
AND MAINTENANCE FEE RULES**

**(BREAK IN CONTINUITY OF SECTIONS)**

**005. OFFICE, OFFICE HOURS, MAILING ADDRESS, TELEPHONE AND FACSIMILE NUMBERS, AND WEBSITE ADDRESS (RULE 5).**

**01. Address.** The main office of the Idaho Military Division, ~~Bureau of Homeland Security~~, is located at 700 South Stratford Drive, Building 600, Meridian, Idaho 83642. ~~(3-20-14)~~( )

**02. Office Hours.** Office hours are weekdays, 8:00 a.m. to 4:30 p.m., excluding holidays. (3-27-13)

**03. Telephone.** The telephone number is (208) 288-4000. ~~The twenty-four (24) hour emergency notification number is (800) 632-8000 or (208) 846-7610.~~ The facsimile number is (208) 288-2605. ~~(3-20-14)~~( )

~~**04. Website.** The website address is <http://www.bhs.idaho.gov/>. (3-20-14)~~

**(BREAK IN CONTINUITY OF SECTIONS)**

**007. COMMUNICATION WITH MILITARY DIVISION, ~~BUREAU OF HOMELAND SECURITY~~ PUBLIC SAFETY COMMUNICATIONS (RULE 7).**

**01. Records Custodian.** The Director of the Military Division, ~~Bureau of Homeland Security~~, is the custodian of all records and files maintained in connection with this chapter. ~~(3-20-14)~~( )

**02. Filing.** All written communications and documents that are intended to be part of an official record pertaining to this chapter must be filed with the records custodian. (3-20-14)

## IDAPA 31 - IDAHO PUBLIC UTILITIES COMMISSION

### 31.11.01 - SAFETY AND ACCIDENT REPORTING RULES FOR UTILITIES REGULATED BY THE IDAHO PUBLIC UTILITIES COMMISSION

DOCKET NO. 31-1101-1501

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

**EFFECTIVE DATE:** This rule has been adopted by the Public Utilities Commission 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 Sections 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 the Public Utilities Commission has adopted a pending rule. The action is authorized pursuant to Section 61-515, 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 Commission did not receive any written comments. The pending rule is being adopted as proposed. The complete text of the proposed rule was published in the October 7, 2015 Idaho Administrative Bulletin, [Vol. 15-10, pages 548-550](#).

**FISCAL IMPACT:** There is no fiscal impact on the state general fund resulting from this rulemaking.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Donald L. Howell, II, Deputy Attorney General, at (208) 334-0312.

DATED this 17th day of November 2015.

Jean D. Jewell  
Commission Secretary  
Idaho Public Utilities Commission  
PO Box 83720  
Boise, ID 83720-0074  
Telephone: (208) 334-0338  
Facsimile: (208) 334-3762

Street address for express delivery:  
472 W Washington  
Boise, Idaho 83702-5918

#### THE FOLLOWING NOTICE WAS PUBLISHED WITH THE PROPOSED RULE

**AUTHORITY:** In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that the Idaho Public Utilities Commission has initiated proposed rulemaking procedures. This action is authorized pursuant to Section 61-515, 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 October 21, 2015.

The hearing site 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 Commission's address below.

**DESCRIPTIVE SUMMARY:** The following is a non-technical explanation of the substance and purpose of the proposed rulemaking:

The Commission's Safety and Accident Reporting Rules (IDAPA 31.11.01) adopt by reference several national safety codes applicable to electric and natural gas utilities and federal safety regulations applicable to natural gas and pipeline utilities. Currently, Rule 201 adopts the 2011 edition of 49 Code of Federal Regulations (CFR) Parts 191-193, 195 and 199 addressing the construction and operation of natural gas pipelines. Next, Rule 202 incorporates by reference the 2012 edition of the International Fuel Gas Code (IFGC) published by the International Code Council. Finally, Rule 203 incorporates by reference the 2012 edition of the International Mechanical Code (IMC) for natural gas or gas-burning appliances. The Commission proposes to update these three safety rules by adopting the 2015 edition of the IMC, the 2015 edition of the IFGC, and the October 1, 2014 edition of the federal pipeline safety CFRs. There are no major revisions to the 2011 edition of the federal Pipeline Safety Regulations.

There are several revisions included in the 2015 edition of the IFGC. First, the Code Council has added Section 307.6 regarding the operation of new condensation pumps located in uninhabitable spaces. Second, Sections 402.2 and Tables 402.4(3) and 402.4(4) have been revised to address volumetric flow rates of new gas appliances above 2,000 feet in elevation and Schedule 40 metallic pipe. Finally, Sections 404.5 through 404.7.3 have been revised to improve the integrity of new piping systems in concealed locations.

There are also several revisions included in the 2015 edition to the IMC. First, Section 505.3 requires common exhaust systems for new domestic kitchens in multistory buildings to comply with revised design requirements. Sections 507.1 through 507.1.2 revised design features for new commercial kitchens using natural gas. Section 601.5 has revised the return air opening standards. Finally, Section 412.6 addresses the transfer of LP-gas dispensing operations and safety clearances.

**FEE SUMMARY:** There are no fees associated with this proposed rulemaking.

**FISCAL IMPACT:** There is no fiscal impact on the state general fund resulting from this rulemaking.

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted because this proposed rule adopts updated national safety codes and federal regulations necessary for the safety of utility employees and the public during the installation, operation, or maintenance of natural gas pipelines, fuel gas systems and natural gas-fired appliances.

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

Adoption of the current national safety codes and the CFRs will make these rules consistent with federal safety regulations concerning natural gas and pipeline utilities. In addition, incorporation of the two other national safety codes will promote the safety of utility employees, utility customers, and the public. Finally, incorporation by reference will mitigate the need to publish hundreds of pages of safety codes.

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the proposed rule, contact Donald L. Howell, II, Deputy Attorney General, at (208) 334-0312.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the Commission Secretary and must be delivered on or before October 28, 2015. Persons desiring to comment are encouraged to submit written comments at their earliest convenience rather than wait until the comment deadline.

DATED this 1st Day of September, 2015.

**LSO Rules Analysis Memo**

**THE FOLLOWING IS THE TEXT OF DOCKET NO. 31-1101-1501**

**201. FEDERAL NATURAL GAS SAFETY REGULATIONS (RULE 201).**

The Commission incorporates by reference Part 260.9, Title 18 (April 1, 201~~4~~<sup>5</sup>) and Parts 191, 192, 193, 195, and 199, Title 49, the Code of Federal Regulations (October 1, 201~~4~~<sup>5</sup>), except that federal accident reporting requirements contained in the rules adopted by reference in Rule 201 are replaced for state reporting purposes by orders of the Commission or rules of the Commission. These regulations are found in the Code of Federal Regulations, available on the web from the U.S. Government Bookstore, <http://bookstore.gpo.gov>, and click on “Code of Federal Regulations,” or by calling toll-free 866-512-1800. The incorporated CFR Parts are also available in electronic format at [www.gpoaccess.gov/cfr/index.html](http://www.gpoaccess.gov/cfr/index.html). All gas and pipeline corporations subject to the Commission’s jurisdiction are required to abide by applicable provisions of these federal regulations adopted by reference.

(3-29-12)( )

**202. INTERNATIONAL FUEL GAS CODE (IFGC) (RULE 202).**

**01. Incorporation by Reference.** The Commission incorporates by reference the International Fuel Gas Code, 201~~5~~<sup>5</sup> Edition except for Part 2 of Chapter 1. The International Fuel Gas Code is published by the International Code Council, 500 New Jersey Avenue, NW, 6th Floor, Washington D.C. 20001-2070. The Code is available from the Code Council and may be ordered online at [www.iccsafe.org/Store/Pages/default.aspx](http://www.iccsafe.org/Store/Pages/default.aspx). Telephone orders may be placed by calling toll-free 800-786-4452.

(3-29-12)( )

**02. Utility Compliance.** All gas corporations subject to the jurisdiction of this Commission are required to abide by applicable provisions of the International Fuel Gas Code and to connect for service and light only those installations that:

(3-20-04)

a. Have been inspected and approved by authorized agencies; or (4-1-98)

b. When inspecting agencies do not exist, to require their customers to abide by applicable provisions of the International Fuel Gas Code as a condition of receiving service or continuing to receive service. (3-20-04)

**203. INTERNATIONAL MECHANICAL CODE (IMC) (RULE 203).**

**01. Incorporation by Reference.** The Commission incorporates by reference those portions of the 201~~5~~<sup>5</sup> International Mechanical Code explicitly referring to gas or gas-burning appliances except Part 2 of Chapter 1. The International Mechanical Code is published by the International Code Council, 500 New Jersey Avenue, NW, 6th Floor, Washington D.C. 20001-2070 and may be ordered by calling toll-free 800-786-4452 or online at [www.iccsafe.org/Store/Pages/default.aspx](http://www.iccsafe.org/Store/Pages/default.aspx).

(3-29-12)( )

**02. Utility Compliance.** Gas corporations subject to the jurisdiction of this Commission are required to abide by applicable provisions of the International Mechanical Code and to connect for service and light only those installations that:

(3-20-04)

a. Have been inspected and approved by authorized agencies; or (4-1-98)

b. When inspecting agencies do not exist, to require their customers to abide by applicable provisions of the International Mechanical Code as a condition of receiving service or continuing to receive service. (3-20-04)

**IDAPA 31 - IDAHO PUBLIC UTILITIES COMMISSION**  
**31.71.03 - RAILROAD SAFETY AND ACCIDENT REPORTING RULES**  
**DOCKET NO. 31-7103-1501**  
**NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE**

**EFFECTIVE DATE:** This rule has been adopted by the Public Utilities Commission 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 Sections 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 the Public Utilities Commission has adopted a pending rule. The action is authorized pursuant to Section 61-515, 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 Commission received no comments regarding the proposed rule. The pending rule is being adopted as originally proposed. The complete text of the proposed rule was published in the October 7, 2015 Idaho Administrative Bulletin, [Vol. 15-10, pages 551 and 552](#).

**FISCAL IMPACT:** There is no fiscal impact on the state general fund resulting from this rulemaking.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Donald L. Howell, II, Deputy Attorney General, at (208) 334-0312.

DATED this 17th day of November 2015.

Jean D. Jewell  
Commission Secretary  
Idaho Public Utilities Commission  
PO Box 83720  
Boise, ID 83720-0074  
Telephone: (208) 334-0338  
Facsimile: (208) 334-3762

Street address for express delivery:  
472 W Washington  
Boise, Idaho 83702-5918

**THE FOLLOWING NOTICE WAS PUBLISHED WITH THE PROPOSED RULE**

**AUTHORITY:** In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that the Idaho Public Utilities Commission has initiated proposed rulemaking procedures. This action is authorized pursuant to Section 61-515, 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 October 21, 2015.

The hearing site 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 Commission's address below.

**DESCRIPTIVE SUMMARY:** The following is a non-technical explanation of the substance and purpose of the proposed rulemaking:

The Commission's Railroad Safety and Accident Reporting Rules 103 and 104 adopt by reference the federal safety regulations pertaining to the transportation of hazardous materials by railroads issued by the federal Pipeline and Hazardous Material Safety Administration (PHMSA). Currently, Rules 103 and 104 adopt the October 1, 2013 edition of Title 49 of the Code of Federal Regulations (CFR). The Commission proposes to adopt the 2014 edition of the CFR for both Rules 103 and 104. Since Rule 103 was last updated in 2013, the PHMSA has amended 49 C.F.R. Part 173.150 revising procedures and restrictions for the shipping of various amounts of ethyl alcohol in liquid or solid form. These changes became effective on April 17, 2014. 79 Fed.Reg. 15,033-01, 15,040-46 (March 18, 2014). The current edition of Title 49 of the CFR was published on October 1, 2014.

**FEE SUMMARY:** There are no fees associated with this proposed rulemaking.

**FISCAL IMPACT:** There is no fiscal impact on the state general fund resulting from this rulemaking.

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted because these proposed rules adopt mandatory federal safety regulations for the safe transportation of hazardous materials by rail. The federal safety regulations are already applicable to railroads and rail shippers.

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

The revisions to be adopted in the 2014 edition of the federal hazardous material safety regulations are explained in detail in the descriptive summary above. Adoption of the 2014 federal safety regulations will provide uniformity between state and federal rail safety provisions. Incorporation by reference will also mitigate the need to publish hundreds of pages of nationally available safety regulations.

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the proposed rule, contact Donald L. Howell, II, Deputy Attorney General, at (208) 334-0312.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the Commission Secretary and must be delivered on or before October 28, 2015. Persons desiring to comment are encouraged to submit written comments at their earliest convenience rather than wait until the comment deadline.

DATED this 1st Day of September, 2015.

**LSO Rules Analysis Memo**

**THE FOLLOWING IS THE TEXT OF DOCKET NO. 31-7103-1501**

**103. TRANSPORTATION OF HAZARDOUS MATERIAL BY RAIL (RULE 103).**

**01. Hazardous Material Defined.** "Hazardous material" means a substance or material which has been determined by the United States Secretary of Transportation to be capable of posing an unreasonable risk to health, safety, and property when transported in commerce, and which has been so designated by the Secretary of Transportation. The term includes hazardous substances, hazardous wastes, marine pollutants, elevated temperature materials as defined in 49 C.F.R. Section 171.8, materials designated as hazardous under the provisions of 49 C.F.R.



Section 172.101, and materials that meet the defining criteria for hazardous classes and divisions in 49 C.F.R. Part 173. (3-30-01)

**02. Adoption of Federal Safety Regulations.** The Commission hereby adopts by reference 49 C.F.R. Parts 107, 171, 172, 173, 174, 178, 179, and 180 (October 1, 201~~3~~<sup>4</sup>). All customers offering hazardous materials for shipment by rail and all railroads operating in Idaho that transport hazardous materials listed in, defined by, or regulated by the adopted federal safety regulations must comply with 49 C.F.R. Parts 107, 171, 172, 173, 174, 178, 179 and 180. (~~3-20-14~~)(    )

**03. Recognition of Federal Exemptions.** Whenever a railroad or shipper has applied to a federal agency and has been granted an exemption from the transportation or packaging requirements of the federal safety regulations adopted in Subsection 103.02, the federal exemption will also be recognized under these rules. The Commission shall not administer a program to duplicate consideration or approval of federal exemptions on a state level. (3-30-01)

**104. REPORTING OF RAILROAD ACCIDENTS (RULE 104).**

The Commission incorporates by reference 49 C.F.R. Part 225 (October 1, 201~~3~~<sup>4</sup>). Pursuant to 49 C.F.R. 225.1, all railroads that are required to file a copy of any accident/incident report with the Federal Railroad Administration shall also file a copy of such report with the Commission Secretary for accidents or incidents occurring in Idaho. Copies of accident or incident reports shall be mailed to: Commission Secretary, Idaho Public Utilities Commission, PO Box 83720, Boise, Idaho 83720-0074 ((208) 334-0338). Copies of such reports may also be provided by facsimile at (208) 334-3762 or by electronic mail, [secretary@puc.idaho.gov](mailto:secretary@puc.idaho.gov). (~~3-20-14~~)(    )

## **IDAPA 34 - OFFICE OF THE SECRETARY OF STATE**

### **34.02.01 - PRESIDENTIAL PRIMARY**

#### **DOCKET NO. 34-0201-1501 (CHAPTER REPEAL)**

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

**EFFECTIVE DATE:** The pending 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 97-903(9), 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:

As Idaho's statutory code no longer allows for write-in candidates during a presidential primary, this chapter is no longer necessary and is being repealed in its entirety.

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 October 7, 2015 Idaho Administrative Bulletin, [Vol. 15-10, page 553](#).

**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:

Repeal of this chapter will have no fiscal impact.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning the pending rule, contact Jeff Harvey, UCC Supervisor at (208) 332-2849.

DATED this 7th day of December, 2015.

Tim Hurst, Chief Deputy  
Office of the Secretary of State  
700 W. Jefferson  
Room E205  
P.O. Box 83720  
Boise, ID 83720-0080  
(208) 334-2300

**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 97-903(9), 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 October 21, 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:

As Idaho's statutory code no longer allows for write-in candidates during a presidential primary, this chapter is no longer necessary and is being repealed.

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

There are no fees included in this chapter.

**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:

Repeal of this chapter will have no fiscal impact.

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220(1), Idaho Code, negotiated rulemaking was not conducted because this chapter is being repealed since it is obsolete.

**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 Jeff Harvey, UCC Supervisor at (208) 332-2849.

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 October 28, 2015.

DATED this 16th Day of September, 2015.

**LSO Rules Analysis Memo**

**THE FOLLOWING IS THE TEXT OF DOCKET NO. 34-0201-1501**

**IDAPA 34.02.01 IS BEING REPEALED IN ITS ENTIRETY**

**IDAPA 38 - DEPARTMENT OF ADMINISTRATION**

**38.04.04 - RULES GOVERNING CAPITOL MALL PARKING**

**DOCKET NO. 38-0404-1501**

**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 67-5709, 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 June 3, 2015 Idaho Administrative Bulletin, [Vol. 15-6, pages 57-62](#).

**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 Ric Johnston, Facilities Services Manager, (208) 332-1937.

DATED this 8th Day of December, 2015.

Robert L. Geddes, Director  
Department of Administration  
650 W. State Street, Suite 100  
P.O. Box 83720  
Boise, ID 83720-0024  
Phone: (208) 332-1824  
Fax: (208) 334-2307

**THE FOLLOWING NOTICE WAS PUBLISHED WITH  
THE TEMPORARY AND PROPOSED RULE**

**EFFECTIVE DATE:** The effective date of the temporary rule is July 1, 2015.

**AUTHORITY:** In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a temporary rule, and proposed rulemaking procedures have been initiated. The action is authorized pursuant to Sections 67-5226 and 67-5709, 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 June 17, 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 the required finding and concise statement of its supporting reasons for adopting a temporary rule and a nontechnical explanation of the substance and purpose of the proposed rulemaking:

The updates of the rules provide clarification to the provisions for visitor parking, meeting parking, and violation enforcement.

**TEMPORARY RULE JUSTIFICATION:** Pursuant to Section 67-5226(1)(c), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate for the following reasons:

To allow the Department of Administration to administer and enforce the Capitol Mall Parking rules for the benefit of state employees, state agencies, and those visiting the Capitol Mall.

**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: No fiscal impact.

**NEGOTIATED RULEMAKING:** Negotiated rulemaking was not conducted. The Department of Administration determined that negotiated rulemaking was not feasible because of the need to adopt a temporary rule.

**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 temporary and proposed rule, contact Jennifer Pike, Public Information Specialist, at (208) 332-1826.

Anyone may submit written comments regarding the proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before June 24, 2015.

DATED this 3rd Day of June, 2015.

**LSO Rules Analysis Memo**

**THE FOLLOWING IS THE TEXT OF DOCKET NO. 38-0404-1501**

**005. OFFICE -- OFFICE HOURS -- MAILING ADDRESS AND STREET ADDRESS.**

**01. Office Hours.** Capitol Mall Parking is open from 7:30 a.m. to 4:30 p.m. except Saturday, Sunday and legal holidays. (3-29-10)

**02. Mailing Address.** Capitol Mall Parking's mailing address is: Capitol Mall Parking, P.O. Box 83720, Boise, Idaho 83720-0013. (3-29-10)

**03. Street Address.** Capitol Mall Parking is part of Facilities Services, Division of Public Works, Department of Administration, and its principal place of business is 550 West State Street, Boise, Idaho 83702-5972. (3-29-10)

**04. Web Site Address.** Capitol Mall Parking's website at <http://www.adm.idaho.gov/pubworks/facilities/parking>/<http://cms.idaho.gov/parking>. (3-29-10)( )

**(BREAK IN CONTINUITY OF SECTIONS)**

**022. PARKING SPACE ALLOCATION.**

**01. Reserved Parking Spaces.** (3-29-10)

**a.** Reserved parking spaces are available for state elected officials and directors of executive branch departments as defined in Subsections 010.05 and 010.11 of these rules. Capitol Mall Parking will assign a reserved space to each state elected official and director of executive branch departments upon request. (4-6-15)

**b.** Reserved parking spaces will be made available to the Senate pro-tem, and the speaker of the House of Representatives. Capitol Mall Parking will assign a reserved space to each individual. (3-29-10)

**c.** All other Capitol Mall employees may apply for a reserved parking space. General reserved parking spaces are assigned to Capitol Mall employees on a first-come, first-served basis when designated reserved parking spaces become available. (3-29-10)

**d.** Reserved parking spaces for state elected officials, directors of executive branch departments and Capitol Mall employees are located in the following parking lots only: the first floor of State Parking Garage #1; the first and second floors of State Parking Garage #2, the Pete T. Cenarrusa Building parking lot, and the 8<sup>th</sup> Street parking lot between State and Jefferson Streets. (4-6-15)

**e.** Capitol Mall Parking will determine the location of all reserved parking spaces. (3-29-10)

**f.** Reserved parking spaces for state elected officials, directors of executive branch departments and Capitol Mall employees will not exceed twenty-five percent (25%) of parking spaces available within the Capitol Mall. (4-6-15)

**g.** Capitol Mall employees may not sell, trade or barter the right to use their assigned reserved parking space. Capitol Mall Parking retains the right to assign, reassign, suspend or revoke Capitol Mall employees' reserved parking spaces at any time. (3-29-10)

**02. Legislators' Parking Spaces.** During Legislative sessions and special sessions, Capitol Mall Parking will make available up to one hundred three (103) reserved Legislator parking spaces to Legislators. (4-6-15)

**a.** Each Legislator will be assigned a reserved Legislator parking space. A Legislator who elects to park in the Capitol Mall is required to pay the fee for the reserved parking permit. (4-6-15)

**b.** During the Legislative session, Legislator reserved parking spaces will be on the third floor of State Parking Garage #1, 8th Street parking lot, and the Capitol Annex parking lot and will be clearly marked. The Legislator reserved parking permit is only valid in the assigned reserved parking space; the permit is not valid in any other CMP general parking space during the Legislative session. When the Legislature is not in session, all Legislator parking spaces will be redesignated as general parking spaces. (4-6-15)( )

**c.** When the Legislature is not in session, Legislators or Legislative personnel who hold a valid Capitol Mall parking permit, may park in any general parking space. (4-6-15)

**03. Disabled Employee Parking Spaces.** Capitol Mall Parking will make available reserved disabled

employee parking spaces for employees who have a proven disability. (3-29-10)

**a.** A temporarily or permanently disabled employee who has obtained an Americans with Disabilities Act (ADA) placard issued by the Idaho Transportation Department may request a reserved disabled employee parking space as close as possible to the employee's work location. (3-29-10)

**b.** A disabled employee requesting a reserved disabled employee parking space must provide either a copy of his Americans with Disabilities Act (ADA) placard issued by the Idaho Transportation Department or a copy of the application to the Idaho Department of Transportation for an Americans with Disabilities Act (ADA) placard. (3-29-10)

**c.** A temporary reserved disabled employee parking space will be provided to any eligible employee who has applied for an Americans with Disabilities Act (ADA) placard with the Idaho Department of Transportation but has not yet received the placard. A temporary reserved disabled parking space will be made available for five (5) working days only per disabled employee. (4-6-15)

**d.** Reserved disabled employee parking spaces will be marked with signage. (3-29-10)

**e.** A permit for a reserved disabled employee parking space will be the same fee as a permit for a general parking space. (3-29-10)

**04. Carpool Parking Spaces.** Capitol Mall Parking will make available an indeterminate number of carpool parking spaces, which will be clearly marked, to employees who carpool at least four (4) work days per week. (3-29-10)

**a.** Capitol Mall employees who carpool may request a carpool parking permit from Capitol Mall Parking to use a designated carpool space. (3-29-10)

**b.** Carpool parking spaces will be available on a first-come, first-served basis for vehicles carrying two (2) or more Capitol Mall employees. All carpooling employees must be employees of the Capitol Mall and at least one (1) carpooling employee must have a general parking space permit. (3-29-10)

**c.** A permit for a carpool parking space will be the same fee as a permit for a general parking space. (3-29-10)

**d.** All unoccupied reserved carpool parking spaces will be redesignated as general parking spaces after 9 a.m. work days. (3-29-10)

**e.** It is a parking violation to park in a reserved carpool parking space when the vehicle is carrying less than two (2) Capitol Mall employees before 9 a.m. (3-29-10)

**05. State-Owned Vehicles Parking Spaces.** Capitol Mall Parking will make available designated state-owned vehicle parking spaces. (3-29-10)

**a.** Capitol Mall Parking will make available an indeterminate number of designated state-owned vehicle parking spaces to department tenants of the Capitol Mall. (3-29-10)

**b.** Designated state-owned vehicle parking spaces will be on the fifth level of the State Parking Garage #1, and will be clearly marked "State Vehicle Only." (4-6-15)

**c.** A Capitol Mall employee may park his personal vehicle in a designated state-owned vehicle parking space when removing a state vehicle for state purposes. The Capitol Mall employee's personal vehicle must display the reserved state-owned vehicle parking space permit. (3-29-10)

**d.** A visiting agency employee conducting official business at the Capitol Mall may park a state vehicle in an unoccupied designated state-owned vehicle parking space or in any Capitol Mall visitor parking space. (4-6-15)

**06. Motorcycle Parking Spaces.** Capitol Mall Parking will make available designated motorcycle parking spaces. (3-29-10)

**a.** Capitol Mall employees may request a special motorcycle parking permit for motorcycles, at no additional cost, to park in the designated motorcycle parking areas. (3-29-10)

**b.** In order to receive a motorcycle permit, the Capitol Mall employee must possess a valid general or reserved parking permit. (3-29-10)

**07. General Parking Spaces.** All other undesignated parking is considered general parking. (3-29-10)

**a.** All Capitol Mall employees whose parking fees are deducted from their paychecks by the State Controller's Office may request a general parking permit from Capitol Mall Parking. (4-6-15)

**b.** General parking spaces are available on a first-come, first-served basis, and possession of a valid general parking permit does not guarantee the Capitol Mall employee a general parking space. (3-29-10)

**08. Visitor Parking Spaces.** Capitol Mall Parking will make available a limited number of parking spaces for visitors and the public visiting the Capitol Mall. (3-29-10)

**a.** Non-metered three (3) hour visitor parking spaces will be available at the parking lot at the Capitol Annex at 514 W. Jefferson Street and on the south side of the parking lot at the State Library Building at 325 W. State Street, and will be clearly marked. (~~4-6-15~~)( )

**b.** State-owned vehicles that do not belong to the departments' tenants of the Capitol Mall, and non-Capitol Mall employees visiting the Capitol Mall on business, may park in visitor parking spaces. (3-29-10)

**c.** Capitol Mall employees may not park in visitor parking spaces between 6 a.m. and 6 p.m., Monday through Friday, excluding legal holidays with the exception of Human Rights Day and Presidents' Day. (4-6-15)

**d.** The maximum period of use of visitor parking spaces in the Capitol Mall is three (3) hours per day per vehicle. A change from one visitor parking space to another visitor parking space does not increase the maximum period of use for each vehicle beyond three (3) hours per day. ( )

**(BREAK IN CONTINUITY OF SECTIONS)**

**030. PARKING PERMITS.** Capitol Mall Parking will issue applicable parking permits to all eligible persons who apply for a permit. (4-6-15)

**01. Parking Permits for Reserved, Legislator, Disabled Employee, Carpool, State-Owned Vehicles and General Parking.** (3-29-10)

**a.** Capitol Mall Parking will reissue parking permits once a year. Outdated parking permits must be returned to Capitol Mall Parking. (3-29-10)

**b.** Capitol Mall Parking will issue the applicable parking permit to each Capitol Mall state elected official, director of an executive branch department, Legislator or employee, with the exception of the carpool parking permit and the special motorcycle parking permit. (4-6-15)

**c.** Capitol Mall Parking will issue only one (1) parking permit per employee. Capitol Mall Parking will not provide duplicate general parking permits. State elected officials, directors of executive branch departments, and Capitol Mall employees with reserved parking spaces may request a duplicate reserved parking permit for a one-time fee equal to the general permit monthly fee. (4-6-15)



**d.** All individuals and department tenants are responsible for displaying the parking permit in the front windshield or other prominent location of the parked vehicle at all times. (3-29-10)

**e.** In the event that a parking permit is stolen, lost or destroyed, the official, Legislator or employee must sign a statement attesting that the parking permit was lost, stolen or destroyed and pay a replacement fee before Capitol Mall Parking will issue a new permit. The replacement fee is equal to the general permit monthly fee. (4-6-15)

**02. Temporary Monthly Parking Permits. (4-6-15)**

**a.** An individual performing work or providing services to a department tenant as a Temporary Contract Employee in the Capitol Mall, but who does not receive a state of Idaho-issued paycheck, may purchase a general monthly parking permit at the same cost as a general parking permit from Capitol Mall Parking. (4-6-15)

**b.** Upon request and receipt of the general parking permit fee, Capitol Mall Parking may issue a monthly general parking permit to the following: ( )

**i.** Individuals who do not receive a paycheck issued by the state of Idaho but are performing work or providing services to a department tenant in the Capitol Mall. This includes, but is not limited to, employees of the Idaho Central Credit Union, employees of vendors of the Commission for the Blind and Visually Impaired, and Capitol Mall tenant departments' temporary contract employees. (4-6-15)( )

**ii.** Individuals who are employed by the state of Idaho, whose assigned work area is in the Capitol Mall, and who receive a state of Idaho-issued paycheck that is not issued by the State Controller's Office. This includes, but is not limited to, employees of the University of Idaho whose assigned work area is the Capitol Annex occupied by the University of Idaho. ( )

**03. Temporary Meeting Parking Permits.** Upon submission of an application by a department tenant in the Capitol Mall, Capitol Mall Parking may issue temporary daily parking permits for meetings hosted by the department tenant. Parking will be allowed only in a limited number of parking spaces in the area designated by the permit and for the date set forth on the permit. ( )

**(BREAK IN CONTINUITY OF SECTIONS)**

**040. PARKING LOT VIOLATIONS.**

**01. Driving Violations.** Any driving violation in a Capitol Mall parking lot or garage may result in the suspension or loss of parking privileges. (3-29-10)

**a.** It is a violation of these rules to drive or operate a personal vehicle negligently or recklessly in any Capitol Mall parking lot or garage. It is a violation of these rules to drive or operate a vehicle under the influence of illegal substances or alcohol in any Capitol Mall parking lot or garage. (3-29-10)

**b.** It is a violation for any individual to drive above the posted speed limits or drive against posted directional arrows. (3-29-10)

**02. Parking Violations.** Any parking violation in a Capitol Mall parking lot or garage may result in the suspension or loss of parking privileges. (3-29-10)

**a.** It is a violation of these rules to park in a location that is not marked as a parking space within the Capitol Mall. This includes, but is not limited to, parking in or on a driveway, sidewalk or other common driving areas of any parking lot or garage. It is also a violation to park one (1) vehicle in more than one (1) parking space. (3-29-10)

**b.** It is a violation to park in a Legislator parking space without displaying the appropriate reserved

parking permit during the Legislative session or to park in a general parking space without displaying the appropriate general parking permit. (4-6-15)( )

**c.** It is a violation to park in a reserved parking space, in a reserved disabled employee parking space, ADA space, or in a reserved carpool parking space before 9 a.m., without displaying the appropriate parking permit. (4-6-15)

**d.** It is a violation to park a motorcycle in any space not designated for motorcycle parking, unless a valid reserved parking permit is displayed and the motorcycle is parked in the designated reserved parking space. (4-6-15)

**e.** It is a violation to park or store a personal trailer in a Capitol Mall parking lot. (4-6-15)

**f.** It is a violation of these rules to: (3-29-10)

**i.** Use an invalid parking permit; (3-29-10)

**ii.** Use a parking permit reported lost or stolen; (3-29-10)

**iii.** Fail to properly display a valid Capitol Mall parking permit; or (3-29-10)

**iv.** Transfer an invalid permit to another person. (3-29-10)

**g.** It is a violation of these rules to park in one (1) or more visitor parking spaces for a period in excess of the maximum period of use set forth in these rules. ( )

**h.** It is a violation of these rules for a CMP permit holder to park in a visitor parking space at any time. ( )

**03. Other Violations.** The Capitol Mall parking lots and garages are private property, and any tampering or other physical defacement of any vehicle parked on the lots or in the garage is considered a violation. (4-6-15)

**a.** The distribution of flyers or other materials on vehicles parked on Capitol Mall parking lots and in State Parking Garages #1 and #2 is prohibited, and violators will be escorted off the property. (4-6-15)

**b.** Any individual engaging in suspicious activity or threatening behavior, or an individual loitering in a Capitol Mall parking lot or in State Parking Garages #1 and #2, will be escorted off the property. (4-6-15)

**c.** Public access is not allowed in State Parking Garages #1 and #2 before 6 a.m. and after 6 p.m. Violators will be considered trespassers. (4-6-15)

**04. Administrative Appeals.** Alleged violations of these rules are not subject to the provisions of Title 67, Chapter 52, Idaho Code, regarding administrative appeals. (4-6-15)

**IDAPA 38 - DEPARTMENT OF ADMINISTRATION**

**38.04.07 - RULES GOVERNING USE OF THE INTERIOR OF STATE PROPERTY  
IN THE CAPITOL MALL AND OTHER STATE FACILITIES**

**DOCKET NO. 38-0407-1501**

**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 67-5709, 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 June 3, 2015 Idaho Administrative Bulletin, [Vol. 15-6, pages 63-65](#).

**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 Ric Johnston, Facilities Services Manager, (208) 332-1937.

DATED this 8th Day of December, 2015.

Robert L. Geddes, Director  
Department of Administration  
650 W. State Street, Suite 100  
P.O. Box 83720  
Boise, ID 83720-0024  
Phone: (208) 332-1824  
Fax: (208) 334-2307

**THE FOLLOWING NOTICE WAS PUBLISHED WITH  
THE TEMPORARY AND PROPOSED RULE**

**EFFECTIVE DATE:** The effective date of the temporary rule is July 1, 2015.

**AUTHORITY:** In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a temporary rule, and proposed rulemaking procedures have been initiated. The action is authorized pursuant to Section 67-5706, 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 June 17, 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 the required finding and concise statement of its supporting reasons for adopting a temporary rule and a nontechnical explanation of the substance and purpose of the proposed rulemaking:

The update to this rule acknowledges that the Capitol Annex will now be a fully functional, occupied office building in the Capitol Mall Complex, operated by Facilities Services, and available for tenant occupancy.

**TEMPORARY RULE JUSTIFICATION:** Pursuant to Section 67-5226(1)(c), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate for the following reasons:

To change the designation of the Capitol Annex allowing for tenant occupancy and public access on July 1, 2015.

**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:

Fiscal impact from providing security, maintenance and other occupancy costs will be offset by the collection of \$337,800 in rent fees paid by Capitol Annex tenants.

**NEGOTIATED RULEMAKING:** Negotiated rulemaking was not conducted. The Department of Administration determined that negotiated rulemaking was not feasible because of the need to adopt a temporary rule.

**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 temporary and proposed rule, contact Jennifer Pike, Public Information Specialist, at (208) 332-1826.

Anyone may submit written comments regarding the proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before June 24, 2015.

DATED this 3rd Day of June, 2015.

**LSO Rules Analysis Memo**

**THE FOLLOWING IS THE TEXT OF DOCKET NO. 38-0407-1501**

**001. TITLE AND SCOPE.**

**01. Title.** These rules shall be cited as IDAPA 38.04.07, "Rules Governing Use of the Interior of State

Property in the Capitol Mall and Other State Facilities.” (4-4-13)

**02. Scope.** These rules contain the provisions for use of the interior of the Capitol Mall Office Properties, ~~the Capitol Annex~~, the Parking Facilities, the Other State Properties, and the Multi-agency Facilities. The interiors of such facilities occupied by a tenant under lease may be subject to additional requirements imposed by the tenant. Rules governing the exterior of the Capitol Mall Properties, the Other State Properties, and the Multi-agency Facilities are codified under IDAPA 38.04.06, “Rules Governing Use of the Exterior of State Property in the Capitol Mall and Other State Facilities.” Rules governing the use of the exterior of the Idaho State Capitol are codified under IDAPA 38.04.08, “Rules Governing Use of Idaho State Capitol Exterior.” Rules governing parking are codified under IDAPA 38.04.04, “Capitol Mall Parking Rules.” (4-4-13)( )

**(BREAK IN CONTINUITY OF SECTIONS)**

**010. DEFINITIONS.**

- 01. Camping.** Any activity prohibited under Section 67-1613, Idaho Code. (4-4-13)
- 02. Capitol Annex.** The interior of improvements located at 514 West Jefferson Street, Boise, Idaho. (4-4-13)
- 03. Capitol Mall Office Properties.** The interior of improvements set forth in Section 67-5709(2)(a) and (b), Idaho Code. The Capitol Mall Office Properties do not include the Idaho State Capitol or its grounds ~~or the Capitol Mall Annex~~. (4-4-13)( )
- 04. Common Space.** The portion of the Interior State Facility that is not Tenant Space. Common Space includes but is not limited to interior lobbies not within Tenant Space and restrooms not accessed through Tenant Space. Common Space does not include Tenant Space or any area marked “private,” “no admission,” “staff only” or similarly designated as not open to the public. (4-4-13)
- 05. Department.** The Department of Administration. (4-4-13)
- 06. Director.** The Director of the Department of Administration or his designee. (4-4-13)
- 07. Interior State Facilities.** The interior spaces within the Capitol Mall Office Properties, ~~the Capitol Annex~~, the Parking Facilities, the Multi-agency Facilities, and the Other State Properties. (4-4-13)( )
- 08. Multi-Agency Facilities.** The interior of buildings and improvements set forth in Section 102 of these rules. (4-4-13)
- 09. Other State Properties.** The interior of buildings and improvements set forth in Section 101 of these rules. (4-4-13)
- 10. Parking Facilities.** The interior of improvements set forth in Section 67-5709(2)(b), Idaho Code. (4-4-13)
- 11. Security Personnel.** A state of Idaho employee or a staff member of a state of Idaho contractor whose job duties include monitoring compliance with and enforcing these rules. (4-4-13)
- 12. State Business Day.** Monday through Friday, excluding the holidays set forth in Section 73-108, Idaho Code. (4-4-13)
- 13. Tenant Space.** The portion of the Interior State Facilities occupied by a state of Idaho officer, official, agency, board or commission or leased to a public agency or a private individual or entity. (4-4-13)

(BREAK IN CONTINUITY OF SECTIONS)

302. HOURS AND LOCATIONS OF USE.

01. **Capitol Mall Office Properties and Multi-Agency Facilities.** The hours for public access to the interior of the Capitol Mall Office Properties and the Multi-agency Facilities are 8 a.m. to 5 p.m. on State Business Days. (4-4-13)

~~02. **Capitol Annex.** The Capitol Annex is closed to public access. (4-4-13)~~

~~03.~~ **Parking Facilities.** The hours of use of the Parking Facilities shall be governed by IDAPA 38.04.04, "Capitol Mall Parking Rules." (4-4-13)