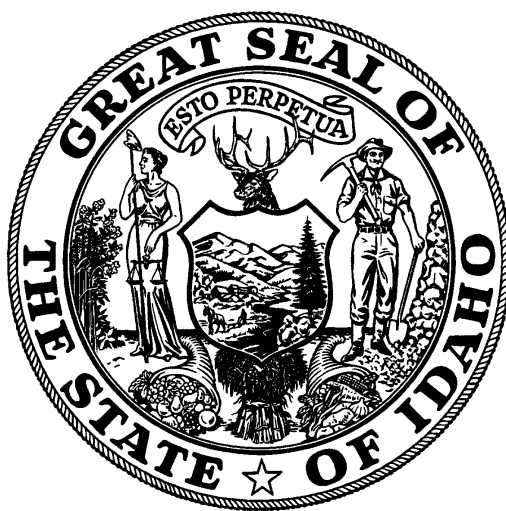


# **PENDING RULES**

## **COMMITTEE RULES**

### **REVIEW BOOK**

Submitted for Review Before  
**House State Affairs Committee**  
64th Idaho Legislature  
Second Regular Session – 2018



*Prepared by:*

*Office of the Administrative Rules Coordinator  
Department of Administration*

*January 2018*

**HOUSE 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. 11-0406-1701**

**NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE**

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2018 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, Idaho Code 54-2506.

**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 adoption of the pending rule is needed to extend the Steward's jurisdiction from 30 days to 90 days and to provide horsemen time to complete their split sample testing process, if needed.

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 November 1st, 2017 Idaho Administrative Bulletin, [Vol. 17-11 pages 49-50](#).

**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 impact to general fund.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Ardie Noyes (208) 884-7080.

DATED this 14th day of December, 2017.

Ardie Noyes, Business Operations Mgr.  
ISP/RACING COMMISSION  
700 S. Stratford Drive  
MERIDIAN, ID 83642  
Phone: (208) 884-7080  
Fax: (208) 884-7098

**THE FOLLOWING NOTICE 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, Idaho Code 54-2506.

**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 November 15th, 2017.

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:

Currently, IDAPA 11.04.06 provides Racing Stewards with jurisdiction to resolve hearings for 30 days after our live race meet has concluded. However, in another Section 160 of the rule (IDAPA 11.04.11.160), horsemen are provided an opportunity to request a split blood test sample to be done at a lab of their choosing. This rule provides a time period for the requesting, shipping and receiving of that blood sample. Typically, this process takes much longer than 30 days to complete. If a horseman races near the end of the live season and has been found to have a drug violation, the Steward's jurisdiction could expire before that horseman has a chance to exercise his right to a split blood test sample.

When a Steward's jurisdiction expires before a hearing has been resolved, the Racing Commission must hire attorneys to bring the drug violation forward to the Racing Commissioners. The Racing Commission must also hire a Hearing Officer to decide the case, if it is appealed. These actions cause a significant delay to the hearing process.

Effectively, end-of-season horsemen could potentially experience a different enforcement process than other racing participants simply because rule writers in 2010 overlooked the timeframe for processing a split sample blood test. Purse monies could potentially take longer to distribute, and publishing of accurate win records could also potentially be significantly delayed.

This rule change extends the Steward's jurisdiction from 30 days to 90 days, to provide horsemen time to complete their split sample testing process, if needed.

**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: N/A

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted because this rule change is 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: N/A

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the proposed rule, contact Ardie Noyes – Phone (208) 884-7080.

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 November 22nd, 2017.

DATED this 29th day of September, 2017.

LSO Rules Analysis Memo

THE FOLLOWING IS THE TEXT OF DOCKET NO. 11-0406-1701

**051. STEWARDS GENERAL AUTHORITY.**

The stewards for each race meet are responsible to the Racing Commission for the conduct of the race meet in accordance with the laws of Idaho and all Racing Commission rules. (3-29-10)

**01. Jurisdiction.** The Board of Stewards' jurisdiction in any matter commences thirty (30) days prior to the first day of a race meet and extends up to and including ~~thirty (30)~~ ninety (90) days following the conclusion of a race meet. However, the Racing Commission may, at its discretion, extend this time period if any matter is not resolved after the conclusion of ninety (90) days. ~~(3-29-10)~~ ( )

**02. Suspensions and Fines.** The Stewards may suspend licenses for a period not to exceed one hundred eighty (180) days, or impose fines not to exceed twenty-five hundred dollars (\$2500) or they may impose both such fine and suspension. (3-29-10)

**03. Reported.** All such suspensions and fines must be reported to the Racing Commission. (3-29-10)

**04. Stewards Enforce Rules.** The stewards enforce all Racing Commission rules and the racing laws of the State of Idaho. (3-29-10)

**05. Supervision of Officials and Others.** The stewards' authority includes supervision of all racing officials, track management, licensed personnel, other persons responsible for the conduct of racing, and patrons, as necessary to insure compliance with any Racing Commission rules. (3-29-10)

**06. Resolve Conflicts.** The stewards have authority to resolve conflicts or disputes related to racing and to discipline violators in accordance with the provisions of any Racing Commission rules. (3-29-10)

**07. Interpret Rules.** The stewards have the authority to interpret the rules and to decide all questions of racing not specifically covered by the rules. (3-29-10)

**08. Other.** Matters not covered by Racing Commission rules must be determined by the Stewards in conformity with justice and in the best interest of racing. (3-29-10)

## 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. 31-1101-1701

#### 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 2018 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 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 4, 2017 Idaho Administrative Bulletin, [Vol. 17-10, pages 458 through 459](#).

**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 Brandon Karpen, Deputy Attorney General, at (208) 334-0357.

DATED this 3rd day of November 2017.

Diane M. Hanian  
Commission Secretary  
Idaho Public Utilities Commission  
P.O. Box 83720  
Boise, ID 83720-0074  
Phone: (208) 334-0338  
Fax: (208) 334-3762

Street address for express delivery:

472 W. Washington Street  
Boise, ID 83702-5918

**THE FOLLOWING NOTICE 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 18, 2017.

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 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 October 2014 edition of 49 Code of Federal Regulations (CFR) Parts 191-193, 195, and 199, addressing the construction and operation of natural gas pipelines, and the April 2014 edition of 18 CFR Part 260.9.

Since the publication of those editions, there have been several minor updates and revisions to the safety codes, including amendments relating to the technical requirements of materials, installation methods and use, updated references to technical standards, and other non-substantive editorial corrections. There has also been added rules relating to expanded use of excess flow valves in gas distribution systems. There are no major revisions to the codes in question.

**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 Brandon Karpen, Deputy Attorney General, at (208) 334-0357.

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 25, 2017. Persons desiring to comment are encouraged to submit written comments at their earliest convenience rather than wait until the comment deadline.

DATED this 29th day of August, 2017.

[LINK: LSO Rules Analysis Memo and Incorporation By Reference Synopsis](#)

**THE FOLLOWING IS THE TEXT OF DOCKET NO. 31-1101-1701**

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

The Commission incorporates by reference Part 260.9, Title 18 (April 1, 201~~4~~<sup>7</sup>) and Parts 191, 192, 193, 195, and 199, Title 49, the Code of Federal Regulations (October 1, 201~~4~~<sup>7</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 <https://www.gpo.gov/fdsys>. 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.

(3-22-16)( )