

Dear Senators ANDREASON, Coiner & Werk, and  
Representatives BLACK, Henderson & Elaine Smith:

The Legislative Services Office, Research and Legislation, has received the enclosed  
rules of the Bureau of Occupational Licenses:

Board of Cosmetology – IDAPA 24.04.01 (Docket No. 24-0401-0801)

Board of Cosmetology – IDAPA 24.04.01 (Docket No. 24-0401-0802 – Fee Rule)

Board of Morticians – IDAPA 24.08.01 (Docket No. 24-0801-0801)

Board of Morticians – IDAPA 24.08.01 (Docket No. 24-0801-0802 – Fee Rule)

State Contractors Board – IDAPA 24.21.01 (Docket No. 24-2101-0801).

Pursuant to Section 67-454, Idaho Code, a meeting on the enclosed rules may be called by the cochairmen or by two (2) or more members of the subcommittee giving oral or written notice to Research and Legislation no later than fourteen (14) days after receipt of the rules' analysis from Legislative Services. The final date to call a meeting on the enclosed rules is no later than 10-24-08. If a meeting is called, the subcommittee must hold the meeting within forty-two (42) days of receipt of the rules' analysis from Legislative Services. The final date to hold a meeting on the enclosed rules is 11-21-08.

\_\_\_\_\_The germane joint subcommittee may request a statement of economic impact with respect to a proposed rule by notifying Research and Legislation. There is no time limit on requesting this statement, and it may be requested whether or not a meeting on the proposed rule is called or after a meeting has been held.

To notify Research and Legislation, call 334-2475, or send a written request to the address or FAX number indicated on the memorandum enclosed.

## MEMORANDUM

TO: Subcommittee for Administrative Rules Review of the Senate Commerce and Human Resources Committee and the House Business Committee

FROM: Brooke Murdoch, Principal Legislative Research Analyst

DATE: October 6, 2008

SUBJECT: Bureau of Occupational Licenses

1. Board of Cosmetology – IDAPA 24.04.01 (Docket No. 24-0401-0801)
2. Board of Cosmetology – IDAPA 24.04.01 – (Docket No. 24-0401-0802 – Fee Rule)
3. Board of Morticians – IDAPA 24.08.01 (Docket No. 24-0801-0801)
4. Board of Morticians – IDAPA 24.08.01 (Docket No. 24-0801-0802 – Fee Rule)
5. State Contractors Board – IDAPA 24.21.01 (Docket No. 24-2101-0801)

1. Board of Cosmetology – IDAPA 24.04.01 (Docket No. 24-0401-0801)

The temporary and proposed rule allows the Board of Cosmetology to utilize a third party to schedule and administer examinations for licensure and eliminates the requirement that schools register all students with the Board. These revisions stem from and are consistent with House Bill No. 375 which was passed by the 2008 Legislature. In addition, the rule revises the written portion of the licensure examination by removing the requirement that applicants take, and pass, a jurisprudence exam. The rule deletes provisions relating to the minimum acceptable passing score on examinations, as well as provisions relating to reexamination. The rule removes a probationary period for new students. Finally, the rule allows the Board to deny an application for licensure where there has been a lack of applicant response or activity within a specified amount of time. The Board notes that negotiated rulemaking was not conducted because the changes are prompted by revisions in Chapter 8, Title 54, Idaho Code.

We note one minor suggestion. Given that the rule removes the requirement that applicants pass an Idaho jurisprudence exam, we pose the question as to whether reference to “two (2) parts” and “Idaho jurisprudence” in Subsection 450.01 should be deleted.

Aside from this minor suggestion, the temporary and proposed rule is within the authority granted to the Board under Section 54-821, Idaho Code.

2. Board of Cosmetology – IDAPA 24.04.01 (Docket No. 24-0401-0802 – Fee Rule)

The proposed rule decreases certain licensing and renewal fees and eliminates the examination fee payable to the Board. The Board states that the fee change would reduce its cash balance by approximately \$58,818 per year. The proposed rule also specifies the partial hours to be credited toward licensure when the course of training is changed from cosmetology to esthetics. The Board states that negotiated rulemaking was not conducted because the decrease is needed to help balance the Board's annual budget.

We note only one minor suggestion. In Subsection 125.01.o., the dollar amount in parenthesis should be \$20.

Aside from this minor suggestion, the proposed rule is within the authority granted to the Board under Section 54-821, Idaho Code.

3. Board of Morticians – IDAPA 24.08.01 (Docket No. 24-0801-0801)

The temporary and proposed rule is prompted by House Bill No. 454 which was passed by the 2008 Legislature. House Bill No. 454 provides additional requirements necessary to obtain a mortician license. The temporary and proposed rule implements these requirements. The Board states that negotiated rulemaking was not conducted because the change is necessary to comply with House Bill No. 454.

The rule is within the authority granted to the Board under Section 54-1107, Idaho Code.

4. Board of Morticians – IDAPA 24.08.01 (Docket No. 24-0801-0802 – Fee Rule)

The proposed rule removes the reinstatement fee because the amount stated in the rule conflicts with the reinstatement fee amount provided in Section 54-1115A, Idaho Code. The Board states that negotiated rulemaking was not conducted because the change is required to comply with existing statutory law.

The rule is within the authority granted to the Board under Section 54-1107, Idaho Code.

5. State Contractors Board – IDAPA 24.21.01 (Docket No. 24-2101-0801)

The proposed rule allows the Board to deny and terminate an application for registration where there has been a lack of applicant response or activity within a specified amount of time.

The rule is within the authority granted to the Board under Section 54-5207, Idaho Code.

cc: Bureau of Occupational Licenses  
Tana Cory & Cherie Simpson

## **IDAPA 24 - BUREAU OF OCCUPATIONAL LICENSES**

### **24.04.01 - RULES OF THE IDAHO BOARD OF COSMETOLOGY**

#### **DOCKET NO. 24-0401-0801**

### **NOTICE OF RULEMAKING - TEMPORARY AND PROPOSED RULE**

**EFFECTIVE DATE:** The effective date of the temporary rule is July 1, 2008.

**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(s) 54-831, 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 15, 2008.

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 2008 Legislature passed HB375 which allows the Board of Cosmetology to use a third party exam administrator to provide the examination and it deletes the requirement for students enrolling in licensed cosmetology schools to register with the Board. These rules comply with the new law. They change the examination process to allow the third party administrator to schedule and give all examinations. With this change, exams will rotate on a monthly basis in three locations (Boise, Pocatello, and Post Falls). This change also deletes the requirement that applicants pass a jurisprudence examination. They will need to certify they know the laws and rules and agree to abide by them. The law also revises the application requirements to include proof of acceptable examination as information establishing qualifications.

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

The 2008 Legislature passed HB375 which allows the Board of Cosmetology to use a third party exam administrator to provide the examination and it deletes the requirement for students enrolling in licensed cosmetology schools to register with the Board. These rules comply with the new law. They change the examination process to allow the third party administrator to schedule and give all examinations. With this change, exams will rotate on a monthly basis in three locations (Boise, Pocatello, and Post Falls). This change also deletes the requirement that applicants pass a jurisprudence examination. They will need to certify they know the laws and rules and agree to abide by them. The law also revises the application requirements to include proof of acceptable examination as information establishing qualifications.

**FEE SUMMARY:** Pursuant to Section 67-5226(2), the Governor has found that the fee or charge being imposed or increased is justified and necessary to avoid immediate danger and the fee is described herein: N/A

**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: N/A

**NEGOTIATED RULEMAKING:** Pursuant to 67-5220(1), Idaho Code, negotiated rulemaking was not conducted because the changes are due to changes in Title 54, Chapter 8, Idaho Code.

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the temporary and proposed rule, contact Cherie Simpson at (208) 334-3233.

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 24, 2008.

DATED this 18th day of August, 2008.

Tana Cory  
Bureau Chief  
Bureau of Occupational Licenses  
1109 Main St., STE 220  
Boise, ID 83702  
(208) 334-3233 phone (208) 334-3945 fax

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**THE FOLLOWING IS THE TEXT OF DOCKET NO. 24-0401-0801**

**150. REQUIREMENTS FOR LICENSURE BY ENDORSEMENT (RULE 150).**

**01. Filing Application.** Applicants for license by endorsement under the provisions of Section 54-812, Idaho Code, shall file an application on forms provided by the Board; and (7-1-97)

**a.** Furnish proof of current license in another state, territory, possession or country, having requirements equal to the requirements of Idaho; or (7-1-97)

**b.** Document by sworn affidavit attesting to having worked in a cosmetology establishment for three (3) years of practical experience under licensure within the five (5) years immediately preceding application. (3-30-01)

**02. Certification of Licensure.** Certification of licensure must be completed and submitted directly to the Board by the licensing agency of the other state, territory, possession or country, and filed in the office of the Board with the application for license and required fee. (3-8-02)

**03. Application Must Be Accompanied by Proof of Meeting Educational Requirements.** Application for license by endorsement must be accompanied by proof of the applicant having met the educational requirements as set forth in Section 54-805, Idaho Code. (3-30-01)

**04. Submit Proof of Birth.** Endorsement applicants must furnish a copy of their birth certificate or other acceptable proof of birth. (7-1-97)

**05. Application Must Be Accompanied by Endorsement Fee and Original License Fee.** Applications for license by endorsement must be accompanied by the endorsement fee and the original license fee. If the Board finds that the applicant is ineligible for license by endorsement, but is eligible for license by examination, the endorsement fee shall be utilized as the examination fee, and the applicant permitted to take the examination. (3-30-01)

~~**06. Jurisprudence Examination Required.** The Board shall require all applicants for endorsement to pass the Idaho jurisprudence examination as noted under Section 450 prior to licensure by endorsement. (3-30-01)~~

**(BREAK IN CONTINUITY OF SECTIONS)**

**200. APPLICATIONS (RULE 200).**

**01. Application for License by Examination.** Application for license by examination shall be made on forms furnished by the Board. (3-8-02)

**a.** Applicant. Each applicant for licensure by examination shall be required to submit to the Board an application, ~~and~~ the required fees- and submit or facilitate the submission of the following: (~~3-8-02~~)(7-1-08)T

**b.** Records. The school or apprenticeship instructor shall submit the following directly to the Board: (3-8-02)

i. The official record of instruction; (~~3-8-02~~)(7-1-08)T

ii. A signed and notarized certificate of graduation; (3-8-02)

iii. Proof of the required high school education (pursuant to Section 54-805, Idaho Code) or equivalent; ~~and~~ (~~3-8-02~~)(7-1-08)T

iv. Acceptable verification of applicants age ~~upon registration as a student or apprentice;~~ and (~~3-8-02~~)(7-1-08)T

v. Examination scores. (7-1-08)T

**02. Applications Must Be Complete to Be Accepted.** Applications shall not be considered complete and accepted until all required information, documents, and fees are received by the Board. (3-8-02)

**03. Examination.** Proof of successful passage of a practical and written examination as approved by the Board. (4-2-08)

**04. Out of State Applicants.** (3-8-02)

**a.** Applicants not completing their instruction in Idaho and currently licensed in another state, territory, possession or country, must also document their other licensure and provide verification of practical experience, in addition to the required application and fees. (3-8-02)

**b.** Applicants not currently licensed in another state, territory, possession or country must provide certified documentation of all instruction received. Records of instruction must be received by the Board directly from the applicable regulatory agency or the facility that provided the instruction. (3-8-02)

**05. Lack of Activity.** Applications on file with the Board where an applicant has failed to respond to a Board request or where the applications have lacked activity for five (5) consecutive years shall be deemed denied and shall be terminated upon thirty (30) days written notice unless good cause is established to the Board. (7-1-08)T

**(BREAK IN CONTINUITY OF SECTIONS)**

**450. EXAMINATIONS - GENERAL (RULE 450).**

Examination for licensure shall consist of both a practical and written examination for each of those disciplines included in Chapter 8, Title 54, Idaho Code. (5-3-03)

~~01. Dates and Places.~~ (~~7-1-97~~)

~~a. Examinations for licensure are to be held at the discretion of the Board.~~ (~~7-1-97~~)

~~b. The dates and places of examination will be published annually.~~ (~~7-1-97~~)

**021. Written Examination.** The written examination consists of two (2) parts: theory and Idaho jurisprudence. (7-1-97)

~~**a.** The Idaho jurisprudence examination will be a comprehensive written examination that will include Chapter 8, Title 54, Idaho Code and these rules. (5-3-03)~~

~~**b.** The theory examination will be the national examination provided by the National Interstate Council of State Boards of Cosmetology (NIC). (5-3-03)(7-1-08)T~~

**032. The Practical Examination.** The practical examination will be the NIC examination specific to the discipline for which licensure is sought. (5-3-03)

~~**04. Failure to Pass Examination.** (7-1-99)~~

~~**a.** The practical examination is failed when an applicant obtains an average score below seventy five percent (75%). Reexamination shall consist of the entire examination. (7-1-98)~~

~~**b.** Written examination is failed when the applicant obtains a score of below seventy five percent (75%) on the national theory examination or the Idaho jurisprudence examination. Reexamination shall consist of the entire examination. (4-2-08)~~

**(BREAK IN CONTINUITY OF SECTIONS)**

**500. RULES OF SCHOOLS OF COSMETOLOGY (RULE 500).**

Section 54-808, Idaho Code, provides for the rules of schools of cosmetology. Supplementing this section, the Board adopts the following rules: (7-1-97)

**01. Application Before Opening and Operating a School.** No school of cosmetology will be opened and/or operated until the Board has issued its approval and a valid license has been received by the school. See Section 54-806, Idaho Code. Application for a school license shall be made on forms furnished by the Board. The fully completed application to operate a school, with the required fee, shall be submitted to the Board. (3-30-01)

**a.** As soon as practicable, upon receipt of said application, the Board or its designated agent, will cause the school to be inspected. Based on this inspection, a recommendation for the issuance or rejection of a license will be made and a decision entered, within a reasonable time not to exceed thirty (30) days, after said application has been received. (7-1-97)

**b.** All new schools applying for license must have one thousand eight hundred (1,800) square feet of space. Schools approved to teach electrology refer to Rule 550. (7-1-99)

**c.** All new schools must be separated completely from establishments and have no connecting entrances. (3-30-01)

**02. Adequate Space.** Schools provide adequate space for the number of students to be trained in said schools. An additional forty (40) square feet of floor space shall be provided in excess of the minimum one thousand eight hundred (1800) square feet required for each student enrolled over twenty (20) students. (7-1-97)

**03. Annual Review of Curriculum and Catalog.** Schools must provide a curriculum and catalog to the Board. Schools must provide a curriculum and catalog to the Board for review on an annual basis. Curricula must be submitted at the time of license renewal. If there are no changes in the curriculum or catalog during the previous year, the school may submit a letter of explanation to the Board. (7-1-97)

**04. Minimum Hours of Instruction.** Students shall not be permitted to render any clinical service to patrons until students have completed at least five percent (5%) of the required hours of instruction. (3-19-07)

- 05. Records Required.** Records required of schools of cosmetology: (7-1-97)
- a.** Schools shall maintain records for each student as established by schools' policy and procedures which will show daily attendance and academic grades of instructional progress. (3-30-01)
  - b.** Progress records shall be signed and dated by the student and school official. A copy of the signed and dated monthly record shall be provided to the student. The school shall maintain the records for a period of ~~five~~ **five (25)** years following completion or termination of the student instruction. These records are subject to inspection by the Board at any time. ~~(3-30-01)~~(7-1-08)T
  - c.** When a student's course of instruction at a school has been completed or terminated, the completed operations, and number of hours of instruction are to be recorded by the school on the Record of Instruction Form. This form is to be ~~filed with the Board by the school within sixty (60) days of the completion or termination of instruction, or a letter of explanation shall be filed with the Board by the school as to why student's Record of Instruction is not being filed by the school~~ maintained by the school for a period of five (5) years from completion or termination date. ~~(3-30-01)~~(7-1-08)T
  - d.** Schools shall maintain on the premises proof of student meeting education requirements. Schools must maintain proof of student having satisfactorily completed two (2) years of high school (tenth grade) or having equivalent education. If student is a high school graduate, schools may accept a photostatic copy of the high school diploma or transcript. A letter written on high school stationary, signed by an officer of the high school, may be accepted to verify student's satisfactory completion of the tenth grade and eligibility to commence the eleventh grade. (7-1-97)
  - e.** Proof of age must be submitted. Schools must maintain on their premises proof of students compliance with minimum age requirement. Acceptable proof of birth date will be a copy of the student's birth certificate, a passport, military identification, drivers license or other similar form of documentation. (7-1-97)
  - f.** Schools shall have a written (published) attendance policy. ~~When a school is determining student hours for their course of instruction, a school may define its attendance policy to include one hundred percent (100%) attendance for the course length or may allow excused absences for not more than ten percent (10%) of the course length for satisfactory completion.~~ ~~(3-30-01)~~(7-1-08)T
- 06. Record of Instruction.** A record of the operations completed by each student shall be maintained and include the following: (3-30-01)
- a.** Creative hair styling which shall include hair styles, wet sets/styling, thermal styles, fingerwaving, braiding/free styling; (3-30-01)
  - b.** Scalp Treatments; (3-30-01)
  - c.** Permanent Waves (All Methods); (3-30-01)
  - d.** Haircutting/shaping which shall include scissor and razor/clipper; (3-30-01)
  - e.** Bleaching; (3-30-01)
  - f.** Tinting; (3-30-01)
  - g.** Semi Permanent/Temporary Color; (3-30-01)
  - h.** Frosting/~~Hilites~~ Highlights; ~~(3-30-01)~~(7-1-08)T
  - i.** Facials which shall include plain, makeup and arches; (3-30-01)
  - j.** Manicures which shall include plain and oil; (3-30-01)



k. Pedicures; and (3-30-01)

l. Artificial Nails. (3-30-01)

**07. Discontinuance of School.** If a school discontinues to operate as a school, records of instruction covering all students attending said school at the time of discontinuance or prior thereto, must be ~~filed in the office of the Board~~ provided to the student(s). ~~(7-1-97)(7-1-08)T~~

**08. Out-of-State Applicants.** Applicants who have received instruction in out-of-state schools and who wish to complete instruction in an Idaho school are required to file with the Board prior to applying for examination a copy of the record of instruction from the out of state school(s). For purposes of this section, the record of instruction will be a statement which gives detailed information regarding operations and hours of instruction, and which is to be verified by the licensing agency or school(s) in the state in which the instruction was obtained. (3-30-01)

~~**09. Student Registration.** Schools are required to register all students with the Board within five (5) days of beginning instruction (post office cancellation date will be accepted). Student registration fee must be submitted at time of registration. (3-19-07)~~

~~**10. Outside School Activities.** Schools may allow a student credit for no more than thirty (30) hours per ~~term~~ course for outside activities during the course of their instruction. These hours must be approved by the instructor. (3-30-01)(7-1-08)T~~

~~**11. Probation for New Students.** All students shall be required to serve a probationary period subsequent to registration with the Board in a school of cosmetology. Students must maintain acceptable attendance, satisfactory progress in their instruction, and/or pass an examination at the end of the probationary period. If the student can not maintain these requirements, a written certified notification by the school shall be submitted to the Board and the students registration shall become void immediately with no refund of fees. (3-30-01)~~

~~**a.** The probationary period for students in an approved program of less than an academic year of nine hundred (900) hours and/or less than fifteen (15) weeks shall be a minimum of five percent (5%) of course length. (3-30-01)~~

~~**b.** The probationary period for students, in an approved program greater than an academic year of nine hundred (900) hours and/or more than thirty (30) weeks shall be a minimum of ten percent (10%) of course length. (3-30-01)~~

**(BREAK IN CONTINUITY OF SECTIONS)**

**600. INSTRUCTOR RULES (RULE 600).**

**01. Requirements for Instructor License.** (7-1-97)

**a.** Application for an instructor license shall be made on forms furnished by the Board and accompanied with the required fees. (7-1-97)

**b.** Section 54-805(2)(~~8~~), Idaho Code, provides for twelve (12) semester college credit hours or equivalent, as approved by the Board, or successful completion of the examination required by Board rules. Credit hours must be obtained from the Education Department, Speech Communications Department or from the Psychology/Sociology Department and other credit at the discretion of the Board. ~~(7-1-97)(7-1-08)T~~

**c.** Equivalent: (7-1-97)

i. Teaching seminars directed to cosmetology, nail technology, esthetics, or electrology must be approved by the Board. Fourteen (14) clock hours is equivalent to one (1) semester college credit hour in an approved seminar. Verification of satisfactory completion must be submitted to the Board for their approval. (3-30-01)

ii. Verified satisfactory teaching as a qualified instructor from another state three (3) of the previous five (5) years immediately prior to application. (7-1-97)

d. Experience Requirements for Instructor Applicant (Reference Section 54-805(2)(8), Idaho Code). Five (5) years experience is deemed "immediately preceding" if obtained during the seven (7) year period immediately preceding application for licensure. (7-1-97)

e. An electrologist with fewer than five (5) years' experience as a licensed electrologist must complete three (3) months, five hundred (500) hours of teacher's instruction in a cosmetology school approved to teach electrology as set forth in Subsection 550.08. (3-30-01)

f. Six (6) months of student teaching is considered to be one thousand (1,000) hours of instruction. Three (3) months of student teaching is considered to be five hundred (500) hours of instruction. (7-1-08)T

~~02. Examination Dates and Places. The dates and places of examination are subject to change. (3-30-01)~~

~~03. Termination. All application records in the bureau of applicants who have not qualified for reexamination within five (5) years of notification of failure in any examination under the Cosmetology Law will be terminated and destroyed. (7-1-97)~~

~~04. Instructor Reexamination. To be eligible for reexamination, an applicant who fails any portion of the examination on a second attempt and all subsequent attempts, must obtain two hundred (200) hours additional instruction in a school of cosmetology, nail technology, esthetics, or electrology as a student instructor. (5-3-03)~~

~~05. Requirements for Student Instructor. (7-1-97)~~

~~a. A student instructor shall file an application on forms provided by the Board before beginning instruction and shall at all times be under the direct supervision of a licensed instructor. (3-30-01)~~

~~b. The time spent as a student instructor to meet instructor licensure requirements will not be credited to the years experience required for an instructor license. (7-1-97)~~

~~e. One (1) year experience may be obtained within a school upon completion of instructor instruction. (3-30-01)~~

~~d. Six (6) months is considered to be one thousand (1,000) hours of instruction. Three (3) months is considered to be five hundred (500) hours of instruction. (3-30-01)~~

~~06. Student Registration. Schools are required to register all students with the Board prior to providing any instruction. Student registration fee must be submitted at time of registration. (7-1-97)~~

~~072. Records Required. Records required of schools teaching student instructors shall be maintained in accordance with the records required for schools of cosmetology. (3-30-01)~~

~~083. Record of Instruction. Records of the operations completed by each student shall be maintained of the following: (3-30-01)~~

~~a. Lesson Planning. (3-30-01)~~

~~b. Audio Visual Aid Preparation. (3-30-01)~~

~~c. Theory Class. (3-30-01)~~

- d.** Practical Demonstrations. (3-30-01)
- e.** Testing and Evaluation Theory. (3-30-01)
- f.** Testing and Evaluation. (3-30-01)
- g.** Clinic Floor Supervision. (3-30-01)

## **IDAPA 24 - BUREAU OF OCCUPATIONAL LICENSES**

### **24.04.01 - RULES OF THE IDAHO BOARD OF COSMETOLOGY**

#### **DOCKET NO. 24-0401-0802 (FEE RULE)**

#### **NOTICE OF RULEMAKING - 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(s) 54-831, 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 15, 2008.

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 Board of Cosmetology operates on fees paid by its licensees. This change would decrease the initial license fee and renewal fee in an attempt to reduce the Board's cash balance. The examination fee is being stricken as the fee is paid directly to the test administrator. The change to the requirements for establishment is needed to clarify the location of restroom facilities. The addition of hours credited toward licensure allows partial credit for courses if training is changed from cosmetology to esthetics. There is a correction to the rule reference for electrology apprentice for clarification. Finally, it adds haircutter into the apprentice sections.

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

Section 125 - Original license and annual renewal fees are being reduced from \$25 to \$20 for cosmetologist, haircutter, and nail technician; from \$30 to \$25 for instructor; from \$27 to \$20 for electrologist and esthetician; and the examination fee is being stricken. Section 300 - Clarifies location of restroom facilities in an establishment. Section 413 - Adds hours credited toward licensure when changing course of training to esthetics. Section 700 - Corrects a rule reference in 700.11.b.; and adds provision for haircutters under the apprenticeship program.

**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:

This fee change would reduce the cash balance in dedicated funds for this Board by approximately \$58,818 per year based on 11,792 licensees. There is no impact on removing the examination fee as the fee is paid directly to the test administrator.

**NEGOTIATED RULEMAKING:** Pursuant to 67-5220(1), Idaho Code, negotiated rulemaking was not conducted because the increase is needed to help balance the Board's annual budget.

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the proposed rule, contact Cherie Simpson at (208) 334-3233.

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 22, 2008.

DATED this 18th day of August, 2008.

Tana Cory  
Bureau Chief  
Bureau of Occupational Licenses  
1109 Main St. Ste. 220  
Boise, ID 83702  
(208) 334-3233 Ph. (208) 334-3945, fax

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**THE FOLLOWING IS THE TEXT OF DOCKET NO. 24-0401-0802**

**125. FEES (RULE 125).**

- Fees are established in accord with Section 54-818, Idaho Code, as follows: (7-1-97)
- 01. Original Permits, Licenses, and Annual Renewals.** (3-30-01)
    - a.** Cosmetological establishment, original license - Fifty dollars (\$50). (3-30-01)
    - b.** Cosmetological establishment, annual renewals - Thirty-five dollars (\$35). (3-18-99)
    - c.** Retail cosmetics Dealer, original license - Fifty dollars (\$50). (3-30-01)
    - d.** Retail cosmetics dealer, annual renewals - Thirty-five dollars (\$35). (3-18-99)
    - e.** Makeover or glamour photography business, original license - Fifty dollars (\$50). (3-30-01)
    - f.** Makeover or glamour photography business, annual renewals - Thirty-five dollars (\$35). (3-18-99)
    - g.** Domestic school of cosmetology, original license - Five hundred dollars (\$500). (3-30-01)
    - h.** Domestic school of cosmetology, annual renewals - One hundred fifty dollars (\$150). (7-1-97)
    - i.** Registered cosmetologist, original license/annual renewals - ~~Twenty-five~~ dollars (~~\$250~~). ~~(3-18-99)~~(\_\_\_\_)
    - j.** Nail technician, original license/annual renewals - ~~Twenty-five~~ dollars (~~\$250~~). ~~(3-18-99)~~(\_\_\_\_)
    - k.** Apprentice, original license (no renewal fees required) - Twenty dollars (\$20). (7-1-97)
    - ~~**l.** Student certificate (registration) (no renewal fees required) - Twenty dollars (\$20). (7-1-97)~~
    - ~~**m.** Instructor, original license/annual renewals - ~~Thirty~~ Twenty-five dollars (~~\$3025~~). ~~(3-18-99)~~(\_\_\_\_)~~
    - ~~**n.** Student instructor permit - ~~Twenty five~~ dollars (~~\$25~~). (3-30-01)~~
    - ~~**o.** Electrologist, original license/annual renewals - ~~Twenty-seven~~ dollars (~~\$270~~). ~~(3-18-99)~~(\_\_\_\_)~~
    - ~~**p.** Esthetician, original license/annual renewals - ~~Twenty-seven~~ dollars (~~\$270~~). ~~(3-18-99)~~(\_\_\_\_)~~
    - ~~**q.** Haircutter, original license/annual renewals - ~~Twenty-five~~ dollars (~~\$250~~). ~~(3-19-07)~~(\_\_\_\_)~~
    - r.** Endorsement fee - One hundred dollars (\$100). (3-30-01)
    - s.** Temporary permit to demonstrate and teach - Ten dollars (\$10). (3-30-01)

**02. Examination Fees.** ~~An examination fee of seventy five dollars (\$75) shall be required for each examination administered by the Board.~~ The fee for those examinations administered by a third party administrator shall be that fee determined by the administrator and shall be paid directly to the administrator by the applicant. (3-19-07)(\_\_\_\_)

**03. Fees Shall Not Be Prorated or Returnable.** Fees shall not be prorated or returnable. (7-1-97)

**(BREAK IN CONTINUITY OF SECTIONS)**

**300. LICENSURE AND OPERATION OF PRIMARY AND CONTIGUOUS ESTABLISHMENTS (RULE 300.)**

**01. Applications.** Application for establishment license shall be made on forms furnished by the Board. The fully completed application form, with the required fees, must be submitted to the Board and a license issued prior to the opening or operation of any cosmetological establishment. (7-1-97)

**02. Primary Establishment License.** A primary establishment license may be issued and annually renewed only under the following condition: (7-1-97)

**a.** Compliance with Subsection 300.01; and (7-1-97)

**b.** There is a clearly defined and designated working floor space of adequate dimension to allow the safe and sanitary practice of any one (1) or combination of defined practices of cosmetology for all individual stations that may be in operation in addition to any restroom and access areas; and (5-3-03)

**c.** There is an approved hot and cold running water source and drainage system that is available to any contiguous cosmetology establishment or barber shop that may exist; and must be within the perimeters of the licensed establishment and separate from the toilet facilities. (7-1-97)

**d.** The licensed area does not overlap any portion of a contiguous or other primary establishment designated area; and (7-1-97)

**e.** There ~~is access to~~ are restroom facilities ~~from within in~~ the building in which the primary establishment is located and which shall be accessible from the primary area and to all contiguous establishments. Said restroom facilities shall contain an approved hot and cold running water source and approved drainage system. Said water source shall be in addition to the work area facilities. (7-1-97)(\_\_\_\_)

**f.** All primary areas shall be connected by an access area not less than three (3) feet wide and said access shall not be part of any contiguous establishment's designated area. (7-1-97)

**03. Contiguous Establishment License.** A contiguous establishment license may be issued and annually renewed only under the following condition: (7-1-97)

**a.** Compliance with Subsection 300.01; and (7-1-97)

**b.** The licensed area is contiguous to an area licensed as a primary cosmetology establishment or barber shop and which is accessible from the primary area by not less than a three (3) foot wide access area; and (7-1-97)

**c.** The licensed area does not overlap any portion of a primary or other contiguous establishments' designated area. "Overlap" will not include the cooperative or joint use of "common areas" such as shampoo bowls, restrooms, entrance or reception areas or the like, which are physically located within the designated licensed area of the primary shop but which are not within the designated licensed area of any contiguous shop. As these common

areas are within the designated area licensed by the primary establishment, the holder of the primary license will be responsible for any violations which occur there; and (7-1-97)

**d.** The licensed contiguous shop area shall provide adequate dimension to allow the safe and sanitary practice of any one (1) or combination of the defined practices of cosmetology for all individual stations that may be in operation; and (5-3-03)

**e.** There is access to restrooms from within the building. (7-1-97)

**04. Businesses Other Than Cosmetological Establishments or Barber Shops.** Businesses other than cosmetological establishments or barber shops, and living quarters shall be separate and apart. Home establishments must provide a separate outside entrance directly into the establishment and substantial partitions or walls shall extend from the floor to not less than seven (7) feet high, separating the establishment from adjoining rooms used for business or domestic purposes. All doors to an establishment from adjacent rooms shall be closed. (7-1-97)

**05. Adequate Toilet Facilities.** Adequate toilet facilities shall be conveniently located and accessible from within the building where the establishment is located. (7-1-97)

**06. Conditions for Issuance.** No cosmetological establishment license may be issued which includes or overlaps all or any portion of an existing establishment license. (7-1-97)

**(BREAK IN CONTINUITY OF SECTIONS)**

**413. ESTHETICS REQUIREMENTS FOR LICENSURE BY EXAMINATION (RULE 413).**

**01. Filing of Record of Instruction.** Applicant must file Record of Instruction covering six hundred (600) hours as a student, or one thousand two hundred (1,200) hours as an apprentice. (3-8-02)

**02. Credit Given for Instruction.** Credit given for instruction as a student will be sixty (60) hours as a student, or one hundred twenty (120) hours as an apprentice, for each year of practical experience under licensure in another state, territory, possession, or country. (3-8-02)

**03. Six Month Allowance for Credit.** Credit for experience will be allowed only in full six (6) month increments. (7-1-99)

**04. Hours Credit Toward Licensure.** One-seventh (1/7) of cosmetology student training hours may be credited toward esthetics instruction requirements. ( )

**(BREAK IN CONTINUITY OF SECTIONS)**

**700. COSMETOLOGY -- ELECTROLOGY, ESTHETICS, AND NAIL TECHNOLOGY APPRENTICE INSTRUCTION (RULE 700).**

Sections 54-805(6)(c) and 54-807, Idaho Code, provide for the practice of apprentices. (3-30-01)

**01. Cosmetology Apprentices.** There must be at least one (1) licensed cosmetology instructor and one (1) licensed cosmetologist in any cosmetological establishment at all times for each apprentice who is being trained therein. (7-1-99)

**a.** One (1) instructor shall train no more than three (3) currently registered apprentices. (3-8-02)

**b.** Each apprentice must also be supervised by a separate licensed cosmetologist. (3-8-02)

**02. Electrology Apprentices.** Apprentice instruction must be obtained under the direct personal supervision of an electrologist instructor. An electrologist instructor may train no more than one (1) apprentice at a time. (3-30-01)

**03. Esthetics Apprentices.** There must be at least one (1) licensed cosmetology instructor or esthetics instructor and one (1) licensed cosmetologist or licensed esthetician in any cosmetological establishment at all times for each apprentice who is being instructed therein. (3-8-02)

**04. Nail Technology Apprentices.** There must be at least one (1) licensed cosmetology instructor or nail technology instructor and one (1) licensed cosmetologist or nail technician in any cosmetological establishment at all times for each apprentice who is being instructed therein. (3-8-02)

**05. Filing Application.** Application for permit as an apprentice must be made on forms furnished by the Board. (3-30-01)

**06. Application for Apprentice.** The application submitted for an apprentice permit must list the names and license numbers of the licensed cosmetologists, electrologists, estheticians, and nail technicians employed in the establishment in which an apprentice will serve apprenticeship. (3-30-01)

**07. Prior to Beginning Instruction.** Prior to beginning of instruction, the instructor for any apprenticeship must submit and have Board approval of a curriculum for the entire apprenticeship instruction. (3-30-01)

**08. Application Must Be Accompanied by Proof of Meeting Educational Requirements.** Applications must be accompanied by proof of having satisfactorily completed two (2) years of high school (tenth grade) or having equivalent education. If applicant is a high school graduate, a photostatic copy of the high school diploma may be submitted. A letter written on high school stationery, signed by an officer of the high school, may be forwarded with the application. Such letter shall indicate that the applicant has satisfactorily completed the tenth grade and is eligible to commence the eleventh grade. Do not send original high school diploma to the Board. (7-1-97)

**09. Submit Proof of Birth.** Apprentices must furnish a copy of their birth certificate or other acceptable proof of birth with application. (7-1-97)

**10. Apprentice Permit.** An apprentice permit must be obtained from the Board before instruction as an apprentice begins. An original apprentice permit shall be dated and valid until such time as said apprentice is no longer enrolled as an apprentice in said establishment. (3-30-01)

**11. Records Required.** Establishments instruction apprentices must maintain records as set forth: (3-30-01)

**a.** For cosmetology apprentice in Subsection 500.05. (7-1-99)

**b.** For electrology apprentice in Subsection 550.06.~~a.i.~~ (~~7-1-99~~)( )

**c.** For esthetics apprentice in Subsection 560.02. (7-1-99)

**d.** For nail technology apprentice in Subsection 570.02. (7-1-99)

**e.** For haircutter apprentice in Subsection 575.02. ( )

**ef.** Apprentices shall not be permitted to render any clinical service to patrons until said apprentice has completed at least five percent (5%) of the required hours of instruction. (4-2-08)

**12. Record of Instruction.** Records of the operations completed by each student shall be maintained of the following: (3-8-02)



- a. For cosmetology apprentice in Subsection 500.06. (7-1-97)
- b. For electrology apprentice in Subsection 550.07. (3-30-01)
- c. For esthetics apprentice in Subsection 560.02.e. (~~7-1-99~~)( )
- d. For nail technology apprentice in Subsection 570.03. (7-1-99)
- e. For haircutter apprentice in Subsection 575.03. ( )

**13. Discontinuance of a Course.** When an apprentice discontinues a course of study, the salon is to complete a Record of Instruction Form with the credited hours completed by the apprentice. This form is to be submitted to the Board. If an apprentice discontinues a course of instruction and does not transfer to another salon within sixty (60) days, the apprentice permit is automatically canceled and is to be submitted to the Board along with the Record of Instruction. (3-30-01)

**14. Before Resuming Instruction.** Before resuming instruction, after having discontinued a course, an apprentice must file a new application and pay an additional fee. The apprentice must receive a permit before resuming instruction. (3-30-01)

**15. Discontinuance of Establishment Instruction Apprentices.** If a licensed establishment where apprentices are being trained discontinues to operate as a salon, records of instruction covering all apprentices obtaining instruction at the time of discontinuance or prior thereto, must be filed in the office of the Board. (3-30-01)

**16. Out of State Apprenticeship.** Prior to commencing a course of study in an Idaho approved establishment, an apprentice applicant is required to file with the Board a copy of the record of instruction from the out of state apprenticeship. For purposes of this section, the record of instruction will be a statement which gives detailed information regarding operations and hours of instruction, and which is to be verified by the licensing agency or instructor(s) in the state in which the instruction was obtained. (3-30-01)

## **IDAPA 24 - BUREAU OF OCCUPATIONAL LICENSES**

### **24.08.01 - RULES OF THE STATE BOARD OF MORTICIANS**

**DOCKET NO. 24-0801-0801**

#### **NOTICE OF RULEMAKING - TEMPORARY AND PROPOSED RULE**

**EFFECTIVE DATE:** The effective date of the temporary rule is July 15, 2008.

**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(s) 54-1107, 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 15, 2008.

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 2008 Legislature approved HB454 which adds additional requirements for a mortician license. The legislation added the making at least twenty-five (25) funeral arrangements and the conducting at least twenty-five (25) funerals to be completed as a licensed resident trainee. Rule 300 is being revised to add the additional requirements.

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

The 2008 Legislature approved HB454 which adds additional requirements for a mortician license. This rule change is necessary to bring the rules into compliance with the changes to statute that became effective July 1, 2008.

**FEE SUMMARY:** Pursuant to Section 67-5226(2), the Governor has found that the fee or charge being imposed or increased is justified and necessary to avoid immediate danger and the fee is described herein: N/A

**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: N/A

**NEGOTIATED RULEMAKING:** Pursuant to 67-5220(1), Idaho Code, negotiated rulemaking was not conducted because this change is necessary to comply with changes made by the legislature in HB454 during the 2008 session.

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the temporary and proposed rule, contact Cherie Simpson at (208) 334-3233.

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 the 22nd day of October, 2008.

DATED this 18th day of August, 2008.

Tana Cory  
Bureau Chief  
Bureau of Occupational Licenses  
1109 Main St., STE 220  
Boise, ID 83702  
(208) 334-3233 phone  
(208) 334-3945 fax

**THE FOLLOWING IS THE TEXT OF DOCKET NO. 24-0801-0801**

**300. APPLICATIONS AND EXAMINATION (RULE 300).**

In order to be admitted to the examination, the applicant must submit a completed application on forms provided by the bureau and provide all requested documentation including proof of having completed the training period as prescribed by law and these rules, and meet the specific requirements for license as set forth in Section 54-1109 of the Idaho Code as follows: (4-11-06)

**01. Age.** Applicant must have attained the age of twenty-one (21) years by the time of examination. (7-1-93)

**02. Moral Character.** Must be of good moral character. (7-1-93)

**03. Mortician Educational Requirements.** Applicants for a mortician license must have completed and received credit for at least sixty (60) semester hours or ninety (90) quarter hours instruction in a duly accredited college or university and has obtained at least a C grade average for all courses of instruction; provided, however, at least three-fourths (3/4) of all such credits must be for courses in fields of liberal arts, business or science directly relating to the knowledge required to successfully compete in the field of mortuary science. In questionable cases the decision of the board shall be final. These requirements shall be in addition to and not considered a part of the completion of and graduation from a mortuary college accredited by the American Board of Funeral Service Education that includes an embalming course of study. (4-11-06)

**04. Funeral Director Educational Requirements.** Applicants for a funeral director license must have completed and received at least sixty (60) semester hours' or ninety (90) quarter-hours' instruction from a duly accredited college or university and has obtained at least a C grade average for all courses of instruction; provided, however, at least three-fourths (3/4) of all such credits must be for courses in the fields of liberal arts, business or science as defined and specified by the board. These requirements shall be in addition to completion of at least fifteen (15) semester credit hours or the equivalent from a mortuary college accredited by the American board of funeral service education, inc., or such credits as are otherwise approved by the board, with course of study to include business law, psychology, sociology, funeral service counseling, funeral service management and other classes that relate to conducting funeral business. (4-11-06)

**05. Photo.** A photo as specified in Section 200 of these rules. (4-11-06)

**06. Completion of One Year as a Resident Trainee.** Must have served one (1) year as required by statute as a resident trainee and receive certification from a sponsoring mortician in Idaho. (4-11-06)

**a.** Trainees pursuing licensure as a mortician must document having assisted in embalming at least twenty-five (25) dead human bodies and assisted in making at least twenty-five (25) funeral arrangements and in conducting at least twenty-five (25) funerals under the supervision of a sponsoring mortician. ~~(4-11-06)~~(7-15-08)T

**b.** Applicants pursuing licensure as a funeral director must document having assisted in making at least twenty-five (25) funeral arrangements and in conducting twenty-five (25) funerals under the supervision of a sponsoring mortician. (4-11-06)

## **IDAPA 24 - BUREAU OF OCCUPATIONAL LICENSES**

### **24.08.01 - RULES OF THE STATE BOARD OF MORTICIANS**

#### **DOCKET NO. 24-0801-0802 (FEE RULE)**

#### **NOTICE OF RULEMAKING - 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(s) 54-1107, 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 15, 2008.

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:

Rule 500.08 needs to be stricken from the rules as it conflicts with 54-1115A, Idaho Code, which establishes the reinstatement fee at \$250.00.

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

Rule 500.08 needs to be stricken from the rules as it conflicts with 54-1115A, Idaho Code, which establishes the reinstatement fee at \$250.00.

**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:

The fee that has been charged is consistent with the law so deleting the rule results in no fiscal impact.

**NEGOTIATED RULEMAKING:** Pursuant to 67-5220(1), Idaho Code, negotiated rulemaking was not conducted because the change is to correct a fee established in rule to comply with the law.

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the proposed rule, contact Cherie Simpson at (208) 334-3233.

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 22, 2008.

DATED this 18th day of August, 2008.

Tana Cory  
Bureau Chief  
Bureau of Occupational Licenses  
1109 Main St. Ste. 220  
Boise, ID 83702  
(208) 334-3233 Ph. (208) 334-3945, fax

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#### **THE FOLLOWING IS THE TEXT OF DOCKET NO. 24-0801-0802**

#### **500. FEES (RULE 500).**

- 01. Funeral Director.** Funeral director - eighty-five dollars (\$85). (3-13-02)
- 02. Funeral Establishment.** Funeral establishment - one hundred twenty-five dollars (\$125) (original license/annual renewal). (3-13-02)
- 03. Crematory Establishment.** Crematory establishment - two hundred dollars (\$200) (original license/annual renewal). (3-16-04)
- 04. Mortician.** Mortician - eighty-five dollars (\$85) (original license/annual renewal). (3-13-02)
- 05. Resident Trainee.** Resident trainee - fifty dollars (\$50) (original license/annual renewal). (4-11-06)
- 06. Application Fee.** Application fee - one hundred dollars (\$100). (3-13-02)
- 07. Certificate of Authority.** Certificate of Authority - fifty dollars (\$50) (original certificate/annual renewal). (3-13-02)
- ~~08. Application for Reinstatement.~~** ~~Application for reinstatement within five (5) years - twenty-five dollars (\$25) reinstatement fee and annual renewal fees for back years (Reference Section 67-2614, Idaho Code).~~  
(7-1-93)

**IDAPA 24 - BUREAU OF OCCUPATIONAL LICENSES**  
**24.21.01 - RULES OF THE IDAHO STATE CONTRACTORS BOARD**  
**DOCKET NO. 24-2101-0801**  
**NOTICE OF RULEMAKING - 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(s) 54-5207, 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 15, 2008.

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 change to rule 150 would allow the board to terminate pending or incomplete applications that have lacked activity for one year upon notification to the applicant. This would allow the board to keep applications current.

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

**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 67-5220(1), Idaho Code, negotiated rulemaking was not conducted because the discussion was held in an open meeting of the board and the changes should not be controversial.

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the proposed rule, contact Cherie Simpson at (208) 334-3233.

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 22, 2008.

DATED this 18th day of August, 2008.

Tana Cory  
Bureau Chief  
Bureau of Occupational Licenses  
1109 Main St. Ste. 220  
Boise, ID 83702  
(208) 334-3233 Ph. (208) 334-3945, fax

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**THE FOLLOWING IS THE TEXT OF DOCKET NO. 24-2101-0801**

**150. APPLICATION (RULE 150).**

Each applicant for registration shall submit a complete application on applications forms approved by the board together with the required fee(s). The applicant must provide or facilitate the provision of any supplemental third party documents that may be required. Applications on file with the Board where an applicant has failed to respond to a Board request or where the applications have lacked activity for twelve (12) consecutive months shall be deemed denied and shall be terminated upon thirty (30) days written notice unless good cause is established to the Board.

~~(3-30-06)~~( )