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Preface

The Idaho Administrative Bulletin is a monthly publication of the Office of the Administrative Rules Coordinator, Department of Administration, pursuant to Section 67-5203, Idaho Code. The Bulletin is a compilation of all administrative rulemaking documents in Idaho. All official rulemaking notices, official rule text, executive orders of the Governor, all legislative documents affecting rules, and any other documents required by law are published in the Bulletin.

State agencies are required to provide public notice of all proposed rulemaking actions and must invite public input once proposed rulemaking has been initiated. The public receives notice of proposed rulemaking actions through the Idaho Administrative Bulletin and a Public Notice (legal notice) that publishes in specific newspapers throughout the state. The legal notice provides reasonable opportunity for the public to participate when a proposed rule publishes in the Bulletin. Interested parties can submit written comments to the agency or request public hearings of the agency if none have been scheduled. Such submissions or requests must be presented to the agency within the time and manner specified in the individual “Notice of Rulemaking” for each proposed rule that is published in the Bulletin. After the comment period closes, the agency considers fully all information submitted regarding the proposed rule. Comment periods and public hearings are not provided for when the agency adopts a temporary or pending rule.

CITATION TO THE IDAHO ADMINISTRATIVE BULLETIN

The Bulletin is cited by year and issue number. For example, Bulletin 09-1 refers to the first Bulletin issued in calendar year 2009; Bulletin 10-1 refers to the first Bulletin issued in calendar year 2010. Volume numbers, which proceed from 1 to 12 in a given year, correspond to the months of publication, i.e.; Volume No. 10-1 refers to January 2010; Volume No. 10-2 refers to February 2010; and so forth. Example: The Bulletin published in January 2010 is cited as Volume 10-1. The December 2009 Bulletin is cited as Volume 09-12.

RELATIONSHIP TO THE IDAHO ADMINISTRATIVE CODE

The Idaho Administrative Code is published once a year and is a compilation or supplemental compilation of all final and enforceable administrative rules in effect in Idaho. In an effort to provide the reader with current, enforceable rules, temporary rules are also published in the Administrative Code. Temporary rules and final rules approved by the legislature during the legislative session, and published in the monthly Idaho Administrative Bulletin, supplement the Administrative Code. Negotiated, proposed, and pending rules are only published in the Bulletin and not printed in the Administrative Code.

To determine if a particular rule remains in effect, or to determine if a change has occurred, the reader should refer to the Cumulative Rulemaking Index of Idaho Administrative Rules, printed in each Bulletin.

THE DIFFERENT RULES PUBLISHED IN THE ADMINISTRATIVE BULLETIN

Idaho’s administrative rulemaking process, governed by the Administrative Procedure Act, Title 67, Chapter 52, Idaho Code, comprises five distinct activities: negotiated, proposed, temporary, pending and final rulemaking. Not all rulemakings involve all five. At a minimum, a rulemaking includes proposed, pending and final rulemaking. Many rules are adopted as temporary rules when they meet the required statutory criteria and agencies often engage in negotiated rulemaking at the beginning of the process to facilitate consensus building in controversial or complex rulemakings. In the majority of cases, the process begins with proposed rulemaking and ends with the final rulemaking. The following is a brief explanation of each type of administrative rule.
NEGOTIATED RULEMAKING

Negotiated rulemaking is a process in which all interested parties and the agency seek consensus on the content of a rule. Agencies are encouraged, and in some cases required, to engage in this rulemaking activity whenever it is feasible to do so. Publication of a “Notice of Intent to Promulgate - Negotiated Rulemaking” in the Administrative Bulletin by the agency is optional. This process should result in the formulation of a proposed or temporary rule, or both.

PROPOSED RULEMAKING

A proposed rulemaking is an action by an agency wherein the agency is proposing to amend or repeal an existing rule or to adopt a new rule. Prior to the adoption, amendment, or repeal of a rule, the agency must publish a “Notice of Rulemaking - Proposed Rule” in the Bulletin. This notice must include:

a) the specific statutory authority (from Idaho Code) for the rulemaking including a citation to a specific federal statute or regulation if that is the basis of authority or requirement for the rulemaking;

b) a statement in nontechnical language of the substance of the proposed rule, including a specific description of any fee or charge imposed or increased;

c) 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 when the pending rule will become effective; provided, however, that notwithstanding Section 67-5231, Idaho Code, the absence or accuracy of a fiscal impact statement provided pursuant to this subsection shall not affect the validity or enforceability of the rule.

d) the text of the proposed rule prepared in legislative format;

e) the location, date, and time of any public hearings the agency intends to hold on the proposed rule;

f) the manner in which persons may make written comments on the proposed rule, including the name and address of a person in the agency to whom comments on the proposal may be sent;

g) the manner in which persons may request an opportunity for an oral presentation as provided in Section 67-5222, Idaho Code; and

h) the deadline for public (written) comments on the proposed rule.

All proposed rulemakings that are submitted for publication in the Bulletin that would impose a fee or charge must be accompanied by a cost/benefit analysis that is prepared by the agency. This cost/benefit analysis must estimate, as reasonably as possible, the costs to the agency to implement the rule and the estimated costs that would be borne by citizens or the private sector. This analysis is filed with the Director of LSO who then forwards it to the appropriate germane joint subcommittee assigned to review the promulgating agency’s proposed rules.

When incorporating by reference, the notice of proposed rulemaking must include a brief synopsis detailing the need to incorporate by reference any additional materials into the rule. The agency must also provide information regarding access to the incorporated materials. At a minimum, and when available, the agency must provide an electronic link to the documents that can accessed on a website or post this information on its own website, or both. This link can be placed into the rule and activated once it is posted on the Coordinator’s website.

As stated, the text of the proposed rule must be published in the Bulletin. After meeting the statutory rulemaking criteria for a proposed rule, the agency may proceed to the pending rule stage. A proposed rule does not have an assigned effective date, even when published in conjunction with a temporary rule, and therefore, is not enforceable. An agency may vacate (terminate) a rulemaking after the publication of a proposed rule if it decides, for whatever reason, not to proceed further to finalize the rulemaking. The publication of a “Notice of Vacation of Proposed Rulemaking” in the Bulletin officially stops the formal rulemaking process.
TEMPORARY RULEMAKING

Temporary rules may be adopted only when the governor finds that it is necessary for:

a) protection of the public health, safety, or welfare; or

b) compliance with deadlines in amendments to governing law or federal programs; or

c) conferring a benefit.

If a rulemaking meets one or more of the above legal criteria and the governor finds it is necessary that a rule become effective before it has been submitted to the legislature for review and approval and without allowing for any public input, the agency may proceed and adopt a temporary rule. The law allows that agency to make a temporary rule immediately effective upon adoption. However, a temporary rule that imposes a fee or charge may be adopted only if the governor finds that the fee or charge is necessary to avoid an immediate danger which justifies the imposition of the fee or charge.

A temporary rule expires at the conclusion of the next succeeding regular legislative session unless the rule is extended by concurrent resolution, is replaced by a final rule, or expires under its own terms.

State law requires that the text of both a proposed rule and a temporary rule be published in the Administrative Bulletin. In cases where the text of the temporary rule is the same as the proposed rule, the rulemaking can be done concurrently as a proposed/temporary rule. Combining the rulemaking allows for a single publication of the text.

An agency may, at any time, rescind a temporary rule that has been adopted and is in effect. If the temporary rule is being replaced by a new temporary rule or if it has been published concurrently with a proposed rule that is being vacated, the agency, in most instances, will rescind the temporary rule.

PENDING RULEMAKING

A pending rule is a rule that has been adopted by an agency under regular rulemaking procedures and remains subject to legislative review before it becomes a final, enforceable rule.

When a pending rule is published in the Bulletin, the agency is required to include certain information in the “Notice of Rulemaking Pending Rule.” This includes:

a) a statement giving the reasons for adopting the rule;

b) a statement of any change between the text of the proposed rule and the pending rule with an explanation of the reasons for any changes;

c) the date the pending rule will become final and effective and a statement that the pending rule may be rejected, amended or modified by concurrent resolution of the legislature;

d) an identification of any portion of the rule imposing or increasing a fee or charge and a statement that this portion of the rule shall not become final and effective unless affirmatively approved by concurrent resolution of the legislature;

e) the specific statutory authority for the rulemaking including a citation to the specific section of the Idaho Code that has occasioned the rulemaking, or the federal statute or regulation if that is the basis of authority or requirement for the rulemaking; and

f) 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 when the pending rule will become effective; provided however, that notwithstanding section 67-5231, Idaho Code, the absence or
accuracy of a fiscal impact statement provided pursuant to this subsection shall not affect the validity or the enforceability of the rule.

Agencies are required to republish the text of the rule when substantive changes have been made to the proposed rule. An agency may adopt a pending rule that varies in content from that which was originally proposed if the subject matter of the rule remains the same, the pending rule change is a logical outgrowth of the proposed rule, and the original notice was written so as to assure that members of the public were reasonably notified of the subject. It is not always necessary to republish all the text of the pending rule. With the permission of the Rules Coordinator, only the Section(s) that have changed from the proposed text are republished. If no changes have been made to the previously published text, it is not required to republish the text again and only the “Notice of Pending Rulemaking” is published.

**FINAL RULEMAKING**

A final rule is a rule that has been adopted by an agency under the regular rulemaking procedures and is in effect and enforceable.

No pending rule adopted by an agency will become final and effective until it has been submitted to the legislature for review. Where the legislature finds that an agency has violated the legislative intent of the statute under which the rule was made, a concurrent resolution may be adopted to reject the rulemaking or any part thereof. A “Notice of Final Rule” must be published in the Bulletin for any rule that is rejected, amended, or modified by the legislature showing the changes made. A rule reviewed by the legislature and not rejected, amended or modified becomes final with no further legislative action. No rule shall become final and effective before the conclusion of the regular or special legislative session at which the rule was submitted for review. However, a rule that is final and effective may be applied retroactively, as provided in the rule.

**AVAILABILITY OF THE ADMINISTRATIVE CODE AND BULLETIN**

**Internet Access** - The Administrative Code and Administrative Bulletin are available on the Internet at the following address: [http://adm.idaho.gov/adminrules/](http://adm.idaho.gov/adminrules/)

**SUBSCRIPTIONS AND DISTRIBUTION**

For subscription information and costs, please contact the Department of Administration, Office of the Administrative Rules Coordinator, 650 W. State Street, Room 100, Boise, Idaho 83720-0306, telephone (208) 332-1820.

**The Idaho Administrative Code** - annual subscription on CD-ROM. The Code is an annual compilation of all final administrative rules and all enforceable temporary rules and also includes all executive orders of the Governor that have published in the Bulletin, all legislative documents affecting rules, a table of contents, reference guides, and a subject index.

**The Idaho Administrative Bulletin** - annual subscription available on individual CD-ROM sent out monthly. The Bulletin is an official monthly publication of the State of Idaho and is available for purchase on CD-ROM only. Yearly subscriptions or individual CD-ROM’s are available for purchase.

**Internet Access** - The Administrative Code and Administrative Bulletin, and many other rules-related documents are available on the Internet at the following address: [http://adm.idaho.gov/adminrules/](http://adm.idaho.gov/adminrules/)
HOW TO USE THE IDAHO ADMINISTRATIVE BULLETIN

Rulemaking documents produced by state agencies and published in the Idaho Administrative Bulletin are organized by a numbering system. Each state agency has a two-digit identification code number known as the “IDAPA” number. (The “IDAPA” Codes are listed in the alphabetical/numerical index at the end of this Preface.) Within each agency there are divisions or departments to which a two-digit “TITLE” number is assigned. There are “CHAPTER” numbers assigned within the Title and the rule text is divided among major sections with a number of subsections. An example IDAPA number is as follows:

IDAPA 38.05.01.200.02.c.ii.

“IDAPA” refers to Administrative Rules in general that are subject to the Administrative Procedures Act and are required by this act to be published in the Idaho Administrative Code and the Idaho Administrative Bulletin.

“38.” refers to the Idaho Department of Administration

“05.” refers to Title 05, which is the Department of Administrations’s Division of Purchasing

“01.” refers to Chapter 01 of Title 05, “Rules of the Division of Purchasing”

“200.” refers to Major Section 200, “Content of the Invitation to Bid”

“02.” refers to Subsection 200.02.

“c.” refers to Subsection 200.02.c.

“ii.” refers to Subsection 200.02.c.ii.

DOCKET NUMBERING SYSTEM

Internally, the Bulletin is organized sequentially using a rule docketing system. All rulemaking actions (documents) are assigned a “DOCKET NUMBER.” The “Docket Number” is a series of numbers separated by a hyphen “-”, (38-0501-1001). The docket numbers are published sequentially by IDAPA designation (e.g. the two-digit agency code). The following example is a breakdown of a typical rule docket number:

“DOCKET NO. 38-0501-1001”

“38-” denotes the agency’s IDAPA number; in this case the Department of Administration.

“0501-” refers to the TITLE AND CHAPTER numbers of the agency rule being promulgated; in this case the Division of Purchasing (TITLE 05), Rules of the Division of Purchasing (Chapter 01).

“1001” denotes the year and sequential order of the docket being published; in this case the numbers refer to the first rulemaking action published in calendar year 2010. A subsequent rulemaking on this same rule chapter in calendar year 2010 would be designated as “1002”. The docket number in this scenario would be 38-0501-1002.

Within each Docket, only the affected sections of chapters are printed. (See Sections Affected Index in each Bulletin for a listing of these.) The individual sections affected are printed in the Bulletin sequentially (e.g. Section “200” appears before Section “345” and so on). Whenever the sequence of the numbering is broken the following statement will appear:

(BREAK IN CONTINUITY OF SECTIONS)
INTERNAL AND EXTERNAL CITATIONS TO ADMINISTRATIVE RULES IN THE CODE AND BULLETIN

When making a citation to another Section or Subsection of a rule that is part of the same rule, a typical internal citation may appear as follows:

“...as found in Section 201 of these rules.” OR “...in accordance with Subsection 201.06.c. of these rules.”

The citation may also include the IDAPA, Title, or Chapter number, as follows:

“...in accordance with IDAPA 38.05.01.201...”

“38” denotes the IDAPA number of the agency.
“05” denotes the TITLE number of the rule.
“01” denotes the Chapter number of the rule.
“201” denotes the main Section number of the rule to which the citation refers.

Citations made within a rule to a different rule chapter (external citation) should also include the name of the Department and the name of the rule chapter being referenced, as well as the IDAPA, Title, and Chapter numbers. The following is a typical example of an external citation to another rule chapter:

“...as outlined in the Rules of the Department of Administration, IDAPA 38.04.04, “Rules Governing Capitol Mall Parking.”
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*Last day to submit a proposed rulemaking before moratorium begins and last day to submit a pending rule to be reviewed by the legislature.

**Last day to submit a proposed rule in order to have the rulemaking completed and submitted for review by legislature.
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AUTHORITY: In compliance with Sections 67-5220(1) and 67-5220(2), Idaho Code, notice is hereby given that this agency intends to promulgate rules and desires public comment prior to initiating formal rulemaking procedures. This negotiated rulemaking action is authorized pursuant to Section 56-1023, Idaho Code.

MEETING SCHEDULE: A public meeting on the negotiated rulemaking will be held as follows:

<table>
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<td>IDAHO EMS BUREAU</td>
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<td>Conference Room, Ste. B-25</td>
</tr>
<tr>
<td>650 W. State Street</td>
</tr>
<tr>
<td>Boise, ID 83702</td>
</tr>
</tbody>
</table>

The meeting site will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the meeting, to the agency address below.

METHOD OF PARTICIPATION: Persons wishing to participate in the negotiated rulemaking may do any of the following:

1. Attend the negotiated rulemaking meeting and participate in the negotiation process;
2. Provide oral or written recommendations, or both, at the negotiated rulemaking meeting;
3. Submit written recommendations and comments to the address below.

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

This chapter of rules is being revised, updated, and reorganized into several new chapters of rules. The Department held extensive informal negotiated rulemaking with stakeholders throughout the state starting in May 2009. Below is a list of those stakeholders who have been working with the Department on these rules. The Department has decided to move forward with the rules in which a consensus on the major issues were reached. Those rules will be divided into several new chapters. The current chapter, IDAPA 16.02.03, will be maintained while further negotiated rulemaking is conducted on the remaining rules regarding EMS agency licensure. This public meeting will allow stakeholders to provide their input concerning the rules that are being revised, updated, and reorganized into new chapters.

PREVIOUS NEGOTIATED RULEMAKING: Pursuant to Section 67-5220, Idaho Code, informal negotiated rulemaking was conducted with the following stakeholder groups: Association of Idaho Cities, Idaho Air Medical Services, Idaho Association of Counties, Idaho Commission on Aging, Idaho EMS Chiefs Association, Idaho Fire Chiefs Association, Idaho Hospital Association, Idaho Sheriffs Association, National Ski Patrol, Private EMS Services, Professional Fire Fighters of Idaho, Regional EMS Associations, Seasonal/Industrial EMS Services, Tribal EMS, and Volunteer EMS. The rules were also presented for review by the EMS Physician Commission and the EMS Advisory Committee. The most recent statewide round of twelve “town hall meetings” was conducted from May 17 through June 17, 2010.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the negotiated rulemaking, contact Wayne Denny at (208) 334-4000. A draft of the rules will be available online two weeks prior to the public meeting (March 17th) at www.idahoems.org.

Anyone may submit written comments regarding this negotiated rulemaking. All written comments must be directed to the undersigned and must be delivered on or before Thursday, April 7, 2011.
DATED this 17th day of February, 2011.

Tamara Prisock  
DHW - Administrative Procedures Section  
450 W. State Street - 10th Floor  
P.O. Box 83720  
Boise, ID 83720-0036  
phone: (208) 334-5564; fax: (208) 334-6558  
e-mail: dhwrules@dhw.idaho.gov
AUTHORITY: In compliance with Section 67-5226, Idaho Code, notice is hereby given that this agency has rescinded, effective March 1, 2011, the temporary rule previously adopted under this docket. The action is authorized pursuant to Sections 59-1314(1) and 72-1405, Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for rescinding the temporary rule:

The temporary rule provided for a delay in scheduled increases in contribution rates payable by public schools to the unused sick leave fund. Under the temporary rule the increases would go into effect beginning July 1, 2011. The rate increases are being cancelled by a temporary rule effective simultaneously with this rescission.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the rescission of this temporary rule, contact Joanna L. Guilfoy, Deputy Attorney General, PERSI, 287-9271.

DATED this 24th day of January, 2011

Don Drum
Executive Director
Public Employee Retirement System of Idaho
607 N. 8th Street, Boise, ID 83702
P.O. Box 83720, Boise, ID 83720-0078
208-287-9250 (phone)
208-334-3805 (fax)
EFFECTIVE DATE: The effective date of the temporary rule is February 1, 2011.

AUTHORITY: In compliance with Sections 67-5226, Idaho Code, notice is hereby given this agency has adopted a temporary rule. The action is authorized pursuant to Sections 59-1314(1) and 72-1405, Idaho Code.

DESCRIPTIVE SUMMARY: The following is the required finding and concise statement of its supporting reasons for adopting a temporary rule:

Update rule 162 to adopt new contingent annuitant factors (Table C) for members who retire on or after July 1, 2011.

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 contingent annuitant factors for members who retire on or after July 1, 2011. Based on actuarial valuations, the current factors are too low, in effect charging retiring members more than needed to cover the cost associated with choosing a retirement option that provides for a contingent annuitant benefit.

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: None.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the temporary rule, contact Joanna L. Guilfoyl, Deputy Attorney General, PERSI, 287-9271.

DATED this 25th day of January, 2011.

Don Drum
Executive Director
Public Employee Retirement System of Idaho
607 N. 8th Street, Boise, ID 83702
P.O. Box 83720, Boise, ID 83720-0078
Phone: 208-287-9230
Fax: 208-334-3408

THE FOLLOWING IS THE TEXT OF DOCKET NO. 59-0106-1101

162. ACTUARIAL ASSUMPTION TABLES (RULE 162).
The actuarial tables used for determining optional and early retirement benefits are as follows:
### TABLE A -- Page 1

**PUBLIC EMPLOYEE RETIREMENT SYSTEM OF IDAHO**  
**EARLY RETIREMENT FACTORS**  
If the date of last contribution is prior to 10/1/92

<table>
<thead>
<tr>
<th>Months</th>
<th>Years</th>
</tr>
</thead>
<tbody>
<tr>
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<tr>
<td>3</td>
<td>.993</td>
</tr>
<tr>
<td>4</td>
<td>.990</td>
</tr>
<tr>
<td>5</td>
<td>.988</td>
</tr>
<tr>
<td>6</td>
<td>.985</td>
</tr>
<tr>
<td>7</td>
<td>.983</td>
</tr>
<tr>
<td>8</td>
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<tr>
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</tr>
<tr>
<td>10</td>
<td>.975</td>
</tr>
<tr>
<td>11</td>
<td>.973</td>
</tr>
</tbody>
</table>

First sixty months reduction: .2500% Next sixty months reduction: 0.6667%  
(1-1-94)

### TABLE A -- Page 2

**PUBLIC EMPLOYEE RETIREMENT SYSTEM OF IDAHO**  
**EARLY RETIREMENT FACTORS**  
If the date of last contribution is on or after 10/1/92 but prior to 10/1/93

<table>
<thead>
<tr>
<th>Months</th>
<th>Years</th>
</tr>
</thead>
<tbody>
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<tr>
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<td>2</td>
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<tr>
<td>7</td>
<td>.983</td>
</tr>
<tr>
<td>8</td>
<td>.980</td>
</tr>
<tr>
<td>9</td>
<td>.978</td>
</tr>
</tbody>
</table>
First sixty months reduction: 0.2500% Next sixty months reduction: 0.6042% (3-20-97)

TABLE A -- Page 3
PUBLIC EMPLOYEE RETIREMENT SYSTEM OF IDAHO
EARLY RETIREMENT FACTORS
If the date of last contribution is on or after 10/1/93 but prior to 10/1/94

<table>
<thead>
<tr>
<th>Months</th>
<th>Years</th>
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<tbody>
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<tr>
<td>10</td>
<td>.975</td>
</tr>
<tr>
<td>11</td>
<td>.973</td>
</tr>
</tbody>
</table>

First sixty months reduction: 0.2500% Next sixty months reduction: 0.5417% (3-20-97)

TABLE A -- Page 4
PUBLIC EMPLOYEE RETIREMENT SYSTEM OF IDAHO
EARLY RETIREMENT FACTORS
Date of last contribution is on or after 10/1/94 or later

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<td>.978</td>
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<tr>
<td>10</td>
<td>.975</td>
</tr>
<tr>
<td>11</td>
<td>.973</td>
</tr>
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</table>
### TABLE B -- Page 1

**PUBLIC EMPLOYEE RETIREMENT SYSTEM OF IDAHO**

**RETIREMENT REDUCTION FACTORS FOR OPTIONS 3 AND 4 AND CERTAIN DEATH BENEFITS**

Options 3 and 4: Years and Months Until Member Would Be Social Security Retirement Age

Death Benefits: Additional Years and Months Until Member Would Qualify for an Unreduced Service Retirement Allowance

AFTER Applying Table A factors

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<th>3</th>
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<td>.701</td>
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<td>.978</td>
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<td>.918</td>
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<td>.885</td>
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</table>

(3-20-97)

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(1-1-94)
### TABLE B -- Page 2

PUBLIC EMPLOYEE RETIREMENT SYSTEM OF IDAHO

RETIREMENT REDUCTION FACTORS FOR OPTIONS 3 AND 4 AND CERTAIN DEATH BENEFITS

Options 3 and 4: Years and Months Until Member Would Be Social Security Retirement Age

Death Benefits: Additional Years and Months Until Member Would Qualify for an Unreduced Service Retirement Allowance

AFTER Applying Table A factors

<table>
<thead>
<tr>
<th>Months</th>
<th>Years</th>
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<tbody>
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<tr>
<td>11</td>
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</table>

(1-1-94)

### TABLE B -- Page 3

PUBLIC EMPLOYEE RETIREMENT SYSTEM OF IDAHO

RETIREMENT REDUCTION FACTORS FOR OPTIONS 3 AND 4 AND CERTAIN DEATH BENEFITS

Options 3 and 4: Years and Months Until Member Would Be Social Security Retirement Age

Death Benefits: Additional Years and Months Until Member Would Qualify for an Unreduced Service Retirement Allowance

AFTER Applying Table A Factors

<table>
<thead>
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<th>Years</th>
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</thead>
<tbody>
<tr>
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<td></td>
<td>.203</td>
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<tr>
<td>1</td>
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<td>3</td>
<td>.199</td>
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<tr>
<td>4</td>
<td>.198</td>
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<tr>
<td>5</td>
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</table>
### TABLE C
PUBLIC EMPLOYEE RETIREMENT SYSTEM OF IDAHO
CONTINGENT ANNUITANT FACTORS

<table>
<thead>
<tr>
<th>Age Difference in Years</th>
<th>Option 1</th>
<th>Option 2</th>
</tr>
</thead>
<tbody>
<tr>
<td>Member</td>
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<td></td>
</tr>
<tr>
<td>10</td>
<td>0.735</td>
<td>0.840</td>
</tr>
<tr>
<td>Older</td>
<td></td>
<td></td>
</tr>
<tr>
<td>9</td>
<td>0.740</td>
<td>0.846</td>
</tr>
<tr>
<td>Than</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Contingent Annuitant</td>
<td></td>
<td></td>
</tr>
<tr>
<td>7</td>
<td>0.750</td>
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<tr>
<td>6</td>
<td>0.755</td>
<td>0.864</td>
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<td>0.760</td>
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<td>0.876</td>
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<td>0.888</td>
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<td>0.800</td>
<td>0.894</td>
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<td>0.915</td>
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<tr>
<td>2</td>
<td>0.855</td>
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<td>4</td>
<td>0.890</td>
<td>0.945</td>
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</tbody>
</table>

(1-1-94)
*For each year the member is more than fifteen (15) years older than the contingent annuitant subtract .01 from the factor for Option 1 and subtract .006 from the factor for Option 2. (Amended 96) (3-20-97)

**TABLE C -- Page 2**
PUBLIC EMPLOYEE RETIREMENT SYSTEM OF IDAHO
CONTINGENT ANNUITANT FACTORS

For persons retiring on or after July 1, 2011

<table>
<thead>
<tr>
<th>Age Difference in Years</th>
<th>Factors</th>
<th>Factors</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Option 1</td>
<td>Option 2</td>
</tr>
<tr>
<td>15 *</td>
<td>0.729</td>
<td>0.851</td>
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<tr>
<td>14</td>
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<td>Member</td>
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<tr>
<td>Older</td>
<td>9</td>
<td>0.771</td>
</tr>
<tr>
<td>Than</td>
<td>8</td>
<td>0.778</td>
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<tr>
<td>Contingent Annuitant</td>
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<td>0.785</td>
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<td>0.792</td>
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<tr>
<td></td>
<td>1</td>
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</tr>
</tbody>
</table>
For each year the member is more than fifteen (15) years older than the contingent annuitant subtract .01 from the factor for Option 1 and subtract .01 from the factor for Option 2.

<table>
<thead>
<tr>
<th>Age Difference in Years</th>
<th>Factors</th>
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</thead>
<tbody>
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<td>0</td>
<td>0.863</td>
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<tr>
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<td>0.932</td>
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<td>1</td>
<td>0.875</td>
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<tr>
<td></td>
<td>0.938</td>
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<tr>
<td>2</td>
<td>0.887</td>
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<tr>
<td></td>
<td>0.944</td>
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<td></td>
<td>0.949</td>
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<td>6</td>
<td>0.916</td>
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<tr>
<td>Member</td>
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<tr>
<td></td>
<td>0.963</td>
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<td>7</td>
<td>0.923</td>
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<tr>
<td>Younger</td>
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<td></td>
<td>0.966</td>
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<tr>
<td>8</td>
<td>0.930</td>
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<tr>
<td>Than</td>
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<tr>
<td></td>
<td>0.968</td>
</tr>
<tr>
<td>9</td>
<td>0.940</td>
</tr>
<tr>
<td>Contingent Annuitant</td>
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<tr>
<td></td>
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<td>14</td>
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<td>15 or more</td>
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<td></td>
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</tbody>
</table>
EFFECTIVE DATE: The effective date of the temporary rule is March 1, 2011.

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. The action is authorized pursuant to Section 59-1314(1), Idaho Code.

DESCRIPTIVE SUMMARY: The following is the required finding and concise statement of its supporting reasons for adopting a temporary rule:

To cancel scheduled increase in contribution rates to the unused sick leave fund by public schools.

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 cancel scheduled increase in contribution rates to the unused sick leave fund by public schools. Actuarial valuation indicates the currently scheduled increases are not necessary to adequately fund the benefits provided by the schools unused sick leave fund.

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:

No negative fiscal impact to the general fund.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the temporary rule, contact Joanna L. Guilfoy, PERSI, 287-9271.

DATED this 24th day of January, 2011.

Don Drum
Executive Director
Public Employee Retirement System of Idaho
607 N. 8th Street, Boise, ID 83702
P.O. Box 83720, Boise, ID 83720-0078
Phone: 208-287-9230
Fax: 208-334-3408

THE FOLLOWING IS THE TEXT OF DOCKET NO. 59-0106-1102

552. SICK LEAVE FUNDING RATES (RULE 552).
The sick leave pools shall be funded by employer contributions as follows: (3-30-01)

01. State Agencies and Junior College Districts. All employer groups participating in the pools established by Sections 33-2109A and 67-5333, Idaho Code, shall contribute point sixty-five percent (.65%) of employee covered payroll. (3-29-10)
02. **Schools.** All employer groups participating in the pool established by Section 33-1228, Idaho Code, shall contribute the percentage of employee covered payroll based on the number of days of paid sick leave permitted during the contract year for certified teachers as set forth in the following table:

<table>
<thead>
<tr>
<th>Beginning:</th>
<th>July 1, 2006</th>
<th>July 1, 2007</th>
<th>July 1, 2008</th>
</tr>
</thead>
<tbody>
<tr>
<td>9-10 days</td>
<td>1.16%</td>
<td>1.18%</td>
<td>1.21%</td>
</tr>
<tr>
<td>11-14 days</td>
<td>1.26%</td>
<td>1.35%</td>
<td>1.44%</td>
</tr>
<tr>
<td>More than 14 days</td>
<td>Individual rate to be set by the Retirement Board based on current cost and actuarial data and reviewed annually</td>
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</tbody>
</table>

Where a four (4) day work week or similar policies have been adopted, adjustments shall be made to convert the number of days of paid sick leave to the contribution level necessary to maintain equity within the pool. (Amended 3-30-01) (Amended 4-11-06).

03. **Subdivisions.** All employer groups participating in the pool established by Section 59-1365, Idaho Code, shall make contributions as provided in Rule 578. (3-30-01)
Sections Affected Index

IDAPA 59 - PUBLIC EMPLOYEE RETIREMENT SYSTEM OF IDAHO
59.01.06 - Retirement Rules for the Public Employee Retirement System of Idaho (PERSI)
Docket No. 59-0106-1101
  162. Actuarial Assumption Tables (Rule 162) .......................................................................................... 17
Docket No. 59-0106-1102
  552. Sick Leave Funding Rates (Rule 552) .......................................................................................... 25
LEGAL NOTICE

Summary of Proposed Rulemakings

PUBLIC NOTICE OF INTENT
TO PROPOSE OR PROMULGATE
NEW OR CHANGED AGENCY RULES

The following agencies of the state of Idaho have published the complete text and all related, pertinent information concerning their intent to change or make the following rules in the latest publication of the state Administrative Bulletin.

There are no proposed rules being promulgated or published in this month’s Bulletin.

Please refer to the Idaho Administrative Bulletin, March 2, 2011, Volume 11-3, for all rulemaking notices and for the text of temporary, proposed and final rules, public hearings and negotiated rulemaking meeting schedules, Governor’s executive orders, and agency contact information.

Issues of the Idaho Administrative Bulletin can be viewed at the county law libraries or online.

To view the Bulletin or Code, or for information on purchasing the Bulletin and other rules publications, visit our website at adm.idaho.gov/adminrules/ or call (208) 332-1820 or write the Dept. of Administration, Office of the Administrative Rules Coordinator, 650 W. State St., Room 100, Boise, ID 83720-0306.
CUMULATIVE RULEMAKING INDEX
OF IDAHO ADMINISTRATIVE RULES

Idaho Department of Administration
Office of the Administrative Rules Coordinator

July 1, 1993 -- Present

CUMULATIVE RULEMAKING INDEX OF IDAHO ADMINISTRATIVE RULES

This online index provides a history of all agency rulemakings from 1993 to the present. It tracks all rulemaking activities on each chapter of rules and includes negotiated, temporary, proposed, pending and final rules, public hearing notices, vacated rulemaking notices, and executive orders of the Governor.

ABRIDGED RULEMAKING INDEX
OF IDAHO ADMINISTRATIVE RULES

Idaho Department of Administration
Office of the Administrative Rules Coordinator

March 29, 2010 -- March 2, 2011

(eff. *PLR) - Final Rule Adoption Date Pending Legislative Review And Approval
(eff. date)L - Denotes Adoption by Legislative Action
(eff. date)T - Temporary Rule Effective Date

SCR # - denotes the number of a Senate Concurrent Resolution (Legislative Action)
HCR # - denotes the number of a House Concurrent Resolution (Legislative Action)

(This Abridged Index includes rules promulgated before March 29, 2010 that have not been adopted as final rules and all rulemakings being promulgated after March 29, 2010 - Sine Die.)
**IDAPA 02 -- DEPARTMENT OF AGRICULTURE**

(Rules of the Idaho State Soil and Water Conservation Commission have been moved from IDAPA 02 and re-indexed under IDAPA 60 pursuant to House Bill 576 - Session Law 279 - 2010 Legislative Session)

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<td><strong>02.02.14, Rules for Weights and Measures</strong></td>
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<th>Description</th>
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<td>05.01.05, Rules for Reintegration Providers</td>
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<tr>
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09.01.06, Rules of the Appeals Bureau
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11.11.02, Rules of the Idaho Peace Officer Standards and Training Council for Juvenile Detention Officers
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11.11.03, Rules of the Idaho Peace Officer Standards and Training Council for Juvenile Probation Officers
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11.11.04, Rules of the Idaho Peace Officer Standards and Training Council for Correctional Officers and Adult Probation and Parole Officers
11-1104-1001 Proposed Rulemaking, Bulletin Vol. 10-10
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11.11.05, Rules of the Idaho Peace Officer Standards and Training Council for Idaho Department of Juvenile Corrections Direct Care Staff
11-1105-1001 Proposed Rulemaking, Bulletin Vol. 10-10
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11.11.06, Rules of the Idaho Peace Officer Standards and Training Council for Misdemeanor Probation Officers
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13.01.04, Rules Governing Licensing
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13.01.06, Classification and Protection of Wildlife
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13.01.07, Rules Governing the Taking of Upland Game Animals
13-0107-1001P Notice of Proclamation, Bulletin Vol. 11-1

13.01.08, Rules Governing the Taking of Big Game Animals in the State of Idaho
13-0108-1001P Notice of Proclamation, Bulletin Vol. 11-1

13.01.09, Rules Governing the Taking of Game Birds in the State of Idaho
13-0109-1001P Notice of Proclamation, Bulletin Vol. 11-1

13.01.10, Rules Governing the Importation, Possession, Release, Sale, or Salvage of Wildlife
13-0110-1001P Notice of Proclamation, Bulletin Vol. 11-1

13.01.14, Rules Governing Falconry
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13-0116-1001P Notice of Proclamation, Bulletin Vol. 11-1

13.01.17, Rules Governing the Use of Bait for Taking Big Game Animals
13-0117-1001P Notice of Proclamation, Bulletin Vol. 11-1

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Executive Orders of the Governor


Division of Human Resources and Personnel Commission

IDAPA 28.01.01, “Rules of the Idaho Personnel Commission” were transferred to the Division of Human Resources and Personnel Commission under the Office of the Governor effective July 1, 1999 and redesignated as IDAPA 15.04.01/
15.04.01, Rules of the Division of Human Resources and Personnel Commission
- 15-0401-1001 Temporary and Proposed Rulemaking, Bulletin Vol. 10-8 (eff. 7-1-10)T
- 15-0401-1002 Adoption of Pending Rule, Bulletin Vol. 11-1 (eff. *PLR 2011)

16.02.02, Rules of the Emergency Medical Services (EMS) Physician Commission
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16.02.03, Rules Governing Emergency Medical Services
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- 16-0206-1001 Proposed Rulemaking, Bulletin (Chapter Rewrite) Vol. 10-8
  *Changes chapter name from: “Rules Governing Quality Assurance for Idaho Clinical Laboratories”
  to: “Quality Assurance for Idaho Clinical Laboratories”
- 16-0206-1001 Adoption of Pending Rule, (Chapter Repeal) Bulletin Vol. 11-1 (eff. *PLR 2011)
- 16-0206-1002 Adoption of Pending Rule, (Chapter Rewrite) Bulletin Vol. 11-1 (eff. *PLR 2011)

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- 16-0213-1002* Proposed Rulemaking (Chapter Rewrite - Fee Rule), Bulletin Vol. 10-9
  *Changes chapter name from: “Rules Governing Certification of Idaho Water Quality Laboratories”
  to: “State of Idaho Drinking Water Laboratory Certification Program”
- 16-0213-1001 Adoption of Pending Fee Rule (Chapter Repeal), Bulletin Vol. 11-1 (eff. *PLR 2011)
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