

# IDAHO ADMINISTRATIVE BULLETIN

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# IDAHO ADMINISTRATIVE BULLETIN

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# Preface

The Idaho Administrative Bulletin is an electronic-only, online monthly publication of the Office of the Administrative Rules Coordinator, Department of Administration, that is published pursuant to Section 67-5203, Idaho Code. The Bulletin is a compilation of all official rulemaking notices, official rule text, executive orders of the Governor, and all legislative documents affecting rules that are statutorily required to be published in the Bulletin. It may also include other rules-related documents an agency may want to make public through the Bulletin.

State agencies are required to provide public notice of all proposed rulemaking actions and must invite public input once formal rulemaking procedures have been initiated. The public receives notice that an agency has initiated formal rulemaking procedures through the Idaho Administrative Bulletin and a Public Notice of Intent (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 may 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.

Once the comment period closes, the agency considers fully all comments and information submitted regarding the proposed rule. Changes may be made to the proposed rule at this stage of the rulemaking, but changes must be based on comments received and must be a “logical outgrowth” of the proposed rule. The agency may now adopt and publish the pending rule. A pending rule is “pending” legislative review for final approval. The pending rule is the agency’s final version of the rulemaking that will be forwarded to the legislature for review and final approval. 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 identified by the calendar year and issue number. For example, Bulletin **11-1** refers to the first Bulletin issued in calendar year **2011**; Bulletin **12-1** refers to the first Bulletin issued in calendar year **2012**. Volume numbers, which proceed from 1 to 12 in a given year, correspond to the months of publication, i.e.; Volume No. **12-1** refers to January 2012; Volume No. **12-2** refers to February 2012; and so forth. Example: The Bulletin published in January 2011 is cited as Volume **11-1**. The December 2011 Bulletin is cited as Volume **11-12**.

## RELATIONSHIP TO THE IDAHO ADMINISTRATIVE CODE

The **Idaho Administrative Code** is an electronic-only, online compilation of all final and enforceable administrative rules of the state of Idaho that are of full force and effect. Any temporary rule that is adopted by an agency and is of force and effect is codified into the Administrative Code upon becoming effective. All pending rules that have been approved by the legislature during the legislative session as final rules and any temporary rules that are extended supplement the Administrative Code. These rules are codified into the Administrative Code upon becoming effective. Because proposed and pending rules are not enforceable, they are published in the Administrative Bulletin only and cannot be codified into the Administrative Code.

To determine if a particular rule remains in effect or whether any amendments have been made to the rule, refer to the **Cumulative Rulemaking Index**. Link to it on the Administrative Rules homepage at [adminrules.idaho.gov](http://adminrules.idaho.gov).

## 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 distinct rulemaking actions: negotiated, proposed, temporary, pending and final rulemaking. Not all rulemakings incorporate or require all of these actions. 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 normally results in the formulation of a proposed rule and the initiation of formal rulemaking procedures. One result, however, may also be that formal rulemaking is not initiated and no further action is taken by the agency. The rulemaking effectively stops before it gets started.

## **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.

Any proposed rulemaking that is 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 Legislative Services Office 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 be 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 adopt the pending rule. Because a proposed rule is not enforceable, it has no effective date, even when published in conjunction with a temporary rule that is of full force and effect. 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 determines that it is necessary that a rule become effective prior to receiving legislative authorization and without allowing for any public input, the agency may proceed and adopt a temporary rule. The law allows an 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.

The statute that regulates rulemaking in Idaho requires that the text of all proposed rulemakings publish in the Bulletin in order for the rulemaking to be valid. This is true for all temporary rules as well. In most cases, the agency wants the temporary rule to also become a final rule and in most of these cases, the temporary rule and the proposed rule text is identical. In this event, both rulemakings may be promulgated concurrently yet they remain separate rulemaking actions. The rulemaking is published in the Bulletin as a temporary/proposed rule. Combining the rulemaking allows for a single publication of the text in the Bulletin.

An agency may, at any time, rescind a temporary rule that has been adopted and is in effect. The agency must publish a notice of rescission to effectively rescind the temporary rule. 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 pending 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 sections or their subparts 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 Rulemaking - Adoption of Pending Rule" is published.

## **FINAL RULEMAKING**

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

No pending rule adopted by an agency becomes final and effective until it has been submitted to the legislature for review and approval. Where the legislature finds that an agency has violated the legislative intent of the authorizing statute, a concurrent resolution may be adopted to reject the rulemaking in whole or in part. A "Notice of Rulemaking - Final Rule" and the final codified text must be published in the Bulletin for any rule that is wholly or partially rejected by concurrent resolution of the legislature. Unless rejected by concurrent resolution, a pending rule that is reviewed by the legislature becomes final and effective at the end of the session in which it is reviewed without any further legislative action. All pending rules that are approved by concurrent resolution become final and effective upon adoption of the concurrent resolution unless otherwise stated. In no event can a pending rule 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: [adminrules.idaho.gov](http://adminrules.idaho.gov)

## **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: [adminrules.idaho.gov](http://adminrules.idaho.gov)

## 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 schematic. 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 that are further subdivided into 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. Each rulemaking that is filed with the Coordinator is assigned a “DOCKET NUMBER.” The docket number is a series of numbers separated by a hyphen “-”, (**38-0501-1201**). Rulemaking dockets are published sequentially by IDAPA number (the two-digit agency code) in the Bulletin. The following example is a breakdown of a typical rule docket number:

### **“DOCKET NO. 38-0501-1201”**

“**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**).

“**1201**” 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 2012**. A subsequent rulemaking on this same rule chapter in calendar year 2012 would be designated as “**1202**”. The docket number in this scenario would be 38-0501-**1202**.

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)**

**BULLETIN PUBLICATION SCHEDULE FOR CALENDAR YEAR 2013**

Vol. No.	Monthly Issue of Bulletin	Closing Date for Agency Filing	Publication Date	21-day Comment Period End Date
13-1	January 2013	<b>*November 30, 2012</b>	January 2, 2013	January 23, 2013
13-2	February 2013	January 11, 2013	February 6, 2013	February 27, 2013
13-3	March 2013	February 8, 2013	March 6, 2013	March 27, 2013
13-4	April 2013	March 8, 2013	April 3, 2013	April 24, 2013
13-5	May 2013	April 5, 2013	May 1, 2013	May 22, 2013
13-6	June 2013	May 10, 2013	June 5, 2013	June 26, 2013
13-7	July 2013	June 7, 2013	July 3, 2013	July 24, 2013
13-8	August 2013	July 5, 2013	August 7, 2013	August 28, 2013
13-9	September 2013	August 9, 2013	September 4, 2013	September 25, 2013
13-10	October 2013	<b>**August 30, 2013</b>	October 2, 2013	October 23, 2013
13-11	November 2013	October 4, 2013	November 6, 2013	November 27, 2013
13-12	December 2013	November 8, 2013	December 4, 2013	December 25, 2013

**BULLETIN PUBLICATION SCHEDULE FOR CALENDAR YEAR 2014**

Vol. No.	Monthly Issue of Bulletin	Closing Date for Agency Filing	Publication Date	21-day Comment Period End Date
14-1	January 2014	<b>*November 29, 2013</b>	January 1, 2014	January 22, 2014
14-2	February 2014	January 10, 2014	February 5, 2014	February 26, 2014
14-3	March 2014	February 7, 2014	March 5, 2014	March 26, 2014
14-4	April 2014	March 7, 2014	April 2, 2014	April 23, 2014
14-5	May 2014	April 4, 2014	May 7, 2014	May 28, 2014
14-6	June 2014	May 9, 2014	June 4, 2014	June 25, 2014
14-7	July 2014	June 6, 2014	July 2, 2014	July 23, 2014
14-8	August 2014	July 11, 2014	August 6, 2014	August 27, 2014
14-9	September 2014	August 8, 2014	September 3, 2014	September 24, 2014
14-10	October 2014	<b>**August 29, 2014</b>	October 1, 2014	October 22, 2014
14-11	November 2014	October 10, 2014	November 5, 2014	November 26, 2014
14-12	December 2014	November 7, 2014	December 3, 2014	December 24, 2014

***\*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.***

<b>ALPHABETICAL INDEX OF STATE AGENCIES AND CORRESPONDING IDAPA NUMBERS</b>	
<b>IDAPA 01</b>	<b>Accountancy</b> , Board of
<b>IDAPA 38</b>	<b>Administration</b> , Department of
<b>IDAPA 44</b>	<b>Administrative Rules Coordinator</b> , Office of the
<b>IDAPA 02</b>	<b>Agriculture</b> , Idaho Department of
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<b>IDAPA 51</b>	<b>Beef Council</b> , Idaho
<b>IDAPA 07</b>	<b>Building Safety</b> , Division of Electrical Board (07.01) Plumbing Board (07.02) Building Codes & Manufactured Homes (07.03) Building Code Advisory Board (07.03.01) Public Works Contractors License Board (07.05) Uniform School Building Safety (07.06) HVAC Board (07.07)
<b>IDAPA 43</b>	<b>Canola and Rapeseed Commission</b> , Idaho
<b>IDAPA 28</b>	<b>Commerce</b> , Idaho Department of
<b>IDAPA 06</b>	<b>Correction</b> , Board of
<b>IDAPA 19</b>	<b>Dentistry</b> , Board of
<b>IDAPA 08</b>	<b>Education</b> , State Board of and State Department of
<b>IDAPA 10</b>	<b>Engineers and Land Surveyors</b> , Board of Professional
<b>IDAPA 58</b>	<b>Environmental Quality</b> , Department of
<b>IDAPA 12</b>	<b>Finance</b> , Department of
<b>IDAPA 13</b>	<b>Fish and Game</b> , Department of
<b>IDAPA 14</b>	<b>Geologists</b> , Board of Registration for Professional

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<b>IDAPA 15</b>	<b>Governor, Office of the</b> Idaho Commission on Aging (15.01) Idaho Commission for the Blind and Visually Impaired (15.02) Idaho Forest Products Commission (15.03) Division of Human Resources and Personnel Commission (15.04) Idaho Liquor Division (15.10) Idaho Emergency Communications Commission (15.06) Emergency Response Commission (15.13)
<b>IDAPA 48</b>	<b>Grape Growers and Wine Producers Commission, Idaho</b>
<b>IDAPA 16</b>	<b>Health and Welfare, Department of</b>
<b>IDAPA 41</b>	<b>Health Districts, Public</b>
<b>IDAPA 45</b>	<b>Human Rights Commission</b>
<b>IDAPA 17</b>	<b>Industrial Commission</b>
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<b>IDAPA 05</b>	<b>Juvenile Corrections, Department of</b>
<b>IDAPA 09</b>	<b>Labor, Idaho Department of</b>
<b>IDAPA 20</b>	<b>Lands, Department of</b>
<b>IDAPA 30</b>	<b>Libraries, Commission for</b>
<b>IDAPA 52</b>	<b>Lottery Commission, Idaho State</b>
<b>IDAPA 22</b>	<b>Medicine, Board of</b>
<b>IDAPA 23</b>	<b>Nursing, Board of</b>

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<b>IDAPA 24</b>	<b>Occupational Licenses, Board of (24.20)</b> Acupuncture, Board of (24.17) Architectural Examiners, Board of (24.01) Barber Examiners, Board of (24.02) Chiropractic Physicians, Board of (24.03) Contractors Board, Idaho (24.21) Cosmetology, Board of (24.04) Counselors and Marriage and Family Therapists, Licensing Board of Professional (24.15) Dentistry, Board of (24.16) Drinking Water and Wastewater Professionals, Board of (24.05) Driving Businesses Licensure Board, Idaho (24.25) Landscape Architects, Board of (24.07) Liquefied Petroleum Gas Safety Board, Idaho State (24.22) Midwifery, Idaho Board of (24.26) Morticians, State Board of (24.08) Nursing Home Administrators, Board of Examiners of (24.09) Occupational Therapy Licensure Board (24.06) Optometry, State Board of (24.10) Physical Therapy Licensure Board (24.13) Podiatry, State Board of (24.11) Psychologist Examiners, Idaho State Board of (24.12) Real Estate Appraiser Board (24.18) Residential Care Facility Administrators, Board of Examiners of (24.19) Social Work Examiners, State Board of (24.14) Speech and Hearing Services Licensure Board (24.23)
<b>IDAPA 25</b>	<b>Outfitters and Guides Licensing Board</b>
<b>IDAPA 50</b>	<b>Pardons and Parole, Commission for</b>
<b>IDAPA 26</b>	<b>Parks and Recreation, Department of</b>
<b>IDAPA 27</b>	<b>Pharmacy, Board of</b>
<b>IDAPA 11</b>	<b>Police, Idaho State</b>
<b>IDAPA 29</b>	<b>Potato Commission, Idaho</b>
<b>IDAPA 55</b>	<b>Professional-Technical Education, Division of</b>
<b>IDAPA 59</b>	<b>Public Employee Retirement System of Idaho (PERSI)</b>
<b>IDAPA 31</b>	<b>Public Utilities Commission</b>
<b>IDAPA 56</b>	<b>Rangeland Resources Commission, Idaho</b>
<b>IDAPA 33</b>	<b>Real Estate Commission, Idaho</b>
<b>IDAPA 34</b>	<b>Secretary of State, Office of the</b>
<b>IDAPA 57</b>	<b>Sexual Offender Management Board</b>
<b>IDAPA 49</b>	<b>Shorthand Reporters Board, Idaho Certified</b>
<b>IDAPA 60</b>	<b>Soil and Water Conservation Commission, Idaho State</b>

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<b>IDAPA 35</b>	<b>Tax Commission, State</b>
<b>IDAPA 39</b>	<b>Transportation Department, Idaho</b>
<b>IDAPA 54</b>	<b>Treasurer, Office of the State</b>
<b>IDAPA 21</b>	<b>Veterans Services, Division of</b>
<b>IDAPA 46</b>	<b>Veterinary Medical Examiners, Board of</b>
<b>IDAPA 47</b>	<b>Vocational Rehabilitation, Division of</b>
<b>IDAPA 37</b>	<b>Water Resources, Department of</b>
<b>IDAPA 42</b>	<b>Wheat Commission</b>

**THE OFFICE OF THE GOVERNOR**

**EXECUTIVE DEPARTMENT  
STATE OF IDAHO  
BOISE**

**EXECUTIVE ORDER NO. 2013-02**

**ESTABLISHING THE GOVERNOR'S LEADERSHIP IN NUCLEAR ENERGY (LINE) COMMISSION 2.0**

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WHEREAS, Executive Order 2012-01 established the Governor's Leadership in Nuclear Energy Commission (LINE I) to make recommendations to the Governor on policies and actions of the State of Idaho to support and enhance the long-term viability and mission relevance of the Idaho National Laboratory (INL); and

WHEREAS, LINE I recently completed its nearly year-long intensive look at the benefits and burdens of Idaho's hosting of the INL and the broader nuclear industries sector, and concluded the State should take immediate and long-term steps to enhance the future of the INL as the nation's lead nuclear research and development laboratory; and

WHEREAS, LINE I brought to light a number of other findings, made six recommendations and urged more than a dozen immediate actions, which require ongoing management and oversight; and

WHEREAS, one of those findings stressed that safety and environmental protection are non-negotiable and, to this end, encouraged the State of Idaho's cooperation with the U.S. Department of Energy (DOE) to ensure the continuation of the highly successful cleanup program at the Idaho site that has delivered on 99 percent of enforceable milestones to date; and

WHEREAS, LINE I emphasized the federal government's decision to discontinue development of the Yucca Mountain repository demands the State's attention as that decision may significantly impair DOE's ability to meet certain future cleanup milestones pursuant to the 1995 Settlement Agreement; and

WHEREAS, through the efforts of LINE I, it was made clear that a number of states are aggressively pursuing a wide range of nuclear energy research and nuclear materials management activities either currently conducted at the INL or that could potentially be sited in Idaho in the future. The loss of these high value, national priority nuclear research missions to other states would not only seriously endanger the future of the INL but, by extension, Idaho's economic interests; and

WHEREAS, based on these findings, LINE I recommended the State of Idaho exercise leadership by forming a standing nuclear advisory council to: (1) ensure the continued vitality of the INL and Idaho's growing nuclear industries sector; and (2) advance the position that in the interests of fiscal responsibility in these trying financial times the public is best served by maximizing use of existing assets, rather than the costly replication of such assets elsewhere; and

WHEREAS, in recognition of the outstanding efforts of LINE I, and not wanting to lose valuable institutional knowledge, the standing nuclear council recommendation would be best accomplished through an extension of LINE I – namely, the establishment of the Governor's Leadership in Nuclear Energy Commission 2.0 (LINE II).

NOW, THEREFORE, I, C.L. "BUTCH" OTTER, Governor of the State of Idaho, by the authority vested in me under the Constitution and laws of the State of Idaho do hereby create the Leadership in Nuclear Energy Commission 2.0 (LINE II).

1. LINE II is to:

- a. Monitor and provide counsel on implementation of the recommendations and actions submitted by LINE I to ensure the unique research capabilities of the INL continue to play an important role in Idaho's economic growth and the nation's energy security;
- b. Track and assess the activities of the U.S. Congress, DOE and other states with significant nuclear energy research and operations interests to advance and preserve Idaho's and the INL's interests;



**THE OFFICE OF THE GOVERNOR**

**EXECUTIVE DEPARTMENT  
STATE OF IDAHO  
BOISE**

**EXECUTIVE ORDER NO. 2013-03**

**CONTINUATION OF A STATE HOUSING TAX CREDIT AGENCY**

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*WHEREAS, the United States Congress has enacted and amended the Internal Revenue Code of 1986 (the "Code"); and*

*WHEREAS, Section 42 of the Code authorizes a Low-Income Housing Credit; and*

*WHEREAS, Section 42(h) of the Code stipulates that the Housing Credit is subject to certain restrictions regarding the aggregate credit allowable with respect to projects located in a state; and*

*WHEREAS, the Idaho Housing and Finance Association was created by the adoption of Title 67, Chapter 62 of the Idaho Code to increase the supply of housing for persons and families of low income and to encourage cooperation and coordination among private enterprise and state and local government to sponsor, build and rehabilitate residential housing for such persons and families; and*

*WHEREAS, in order to establish and continue an equitable process for the allocation of the allowable Low-Income Housing Credit for the State of Idaho, it is necessary and desirable to issue this Executive Order to provide authorization required under Section 42(h) for a State Housing Credit agency as defined in the Code;*

*NOW, THEREFORE, I, C.L. "BUTCH" OTTER, Governor of the State of Idaho, by the power vested in me do hereby order as follows:*

*Section 1: As used in this Executive Order:*

*(a) "Annual Report" means the report required from any agency which allocates any housing credit amount to any building for any calendar year, as specified in Section 42(1)(3) of the Code.*

*(b) "Code" means the Internal Revenue Code of 1986, as amended, and any related regulations.*

*(c) "Executive Director" means the Executive Director of the Idaho Housing and Finance Association or such other official or officials of the Idaho Housing and Finance Association as the Executive Director shall designate to carry out the duties set forth in this Executive Order.*

*(d) "Housing Credit Ceiling" means the dollar amount of State Housing Credit Ceiling applicable to any state for any calendar year in an amount based upon the applicable per capita limit and the State's population as determined in accordance with Section 42(h)(3) of the Code.*

*(e) "Idaho Housing and Finance Association" or "Association" means the Idaho Housing and Finance Association, an independent public body, corporate and politic, created by the Idaho Legislature under the provisions of Chapter 62, Title 67 of the Idaho Code, as amended.*

*(f) "Low-Income Housing Credit" means the federal tax credit authorized under Section 42 of the Code.*

*(g) "Qualified Low-Income Housing Project" means any project for residential rental property which meets the requirements of Section 42(g) of the Code; in general Section 42(g) of the Code pertains to the requirement that 20 percent of the units in the project be both rent-restricted and occupied by individuals whose income is 50 percent or less of area median gross income, or that 40 percent of the units in the project be both rent-restricted and occupied by individuals whose income is 60 percent or less of area median gross income.*

(h) "State" means the State of Idaho.

(i) "State Housing Credit Agency" means the agency authorized to carry out the provisions of Section 42(h), Section 42(1) and Section 42(m) of the Code and in particular the Idaho Housing and Finance Association.

(j) "Year" means the period January 1 through December 31, inclusive, for each calendar year beginning prior to or after January 1, 2013.

Section 2: The Code has created a Low-Income Housing Credit which can be granted by a State Housing Credit Agency for a Qualified Low-Income Housing Project.

The Code has further created a Housing Credit Ceiling which the state may use in any year to assist Qualified Low-Income Housing Projects during the allocation term.

Section 3: The state has delegated certain responsibilities and granted certain powers to the Idaho Housing and Finance Association in order that the supply of housing for persons and families of low income be increased and that coordination and cooperation among private enterprise, state and local government be encouraged to sponsor, build and rehabilitate residential housing for such persons and families.

Section 4: The state requires the development of a Qualified Allocation Plan described in Section 7(a) below for the allocation of the Low-Income Housing Credit in order to ensure fair and equal opportunity by interested parties in gaining an allocation of the Housing Credit Ceiling.

Section 5: The state requires the implementation of said Qualified Allocation Plan in order to ensure the proper use of such credits for Qualified Low-Income Housing Projects.

Section 6: An Annual Report shall be submitted to the Secretary of the Treasury and to the Governor of the State of Idaho with respect to the use of the Low-Income Housing Credit for any year.

Section 7: In consideration of the requirements of the state, the Governor appoints the Idaho Housing and Finance Association to act as the State Housing Credit Agency for the state in the distribution of the Housing Credit Ceiling for any year.

The Idaho Housing and Finance Association is required to:

- a) Establish a Qualified Allocation Plan as defined and provided for in Section 42(m) of the Code for the fair distribution of the Housing Credit Ceiling for the state;
- b) Distribute the Housing Credit Ceiling for Qualified Low-Income Housing Projects in the manner required under Section 42 of the Code.
- c) Submit an Annual Report to the Secretary of the Treasury and the Governor of the State of Idaho (at such time and in such manner as the Secretary shall prescribe) specifying:
  - i. the amount of housing credit allocated to each building for such year,
  - ii. sufficient information to identify each such building and the taxpayer with respect thereto, and
  - iii. such other information as the Code, the Secretary, the Governor or the Legislature of the State of Idaho may require.

Section 8: The state pledges and agrees with the owners of any Qualified Low-Income Housing Project for which an allocation of the Housing Credit Ceiling has been granted under this Executive Order that the state will not retroactively alter the allocation of the Housing Credit Ceiling to such project except as may be required under the terms of the Code.

*Section 9: No action taken pursuant to this Executive Order shall be deemed to create an obligation, debt, or liability of the state.*

*Section 10: The purpose of this Executive Order is to maximize the opportunity for developing low-income housing units through the use of the Low-Income Housing Credit by providing a responsible State Housing Credit Agency within the meaning and requirements of Section 42 of the Code.*

*Section 11: This Executive Order shall be effective immediately and continue the designation of the Idaho Housing and Finance Association as the State Housing Tax Credit Agency and shall be applied to all allocations made with respect to any Qualified Low-Income Housing Project. This Executive Order shall continue in effect until such time as it may be repealed or superseded by operation of the state or federal law.*



*IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho at the Capitol in Boise on this 22nd day of March in the year of our Lord two thousand and thirteen and of the Independence of the United States of America the two hundred thirty-seventh and of the Statehood of Idaho the one hundred twenty-third.*

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**C.L. "BUTCH" OTTER**  
**GOVERNOR**

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**BEN YSURSA**  
**SECRETARY OF STATE**

**THE OFFICE OF THE GOVERNOR**

**EXECUTIVE DEPARTMENT  
STATE OF IDAHO  
BOISE**

**EXECUTIVE ORDER NO. 2013-04**

**CONTINUING A SYSTEM FOR ALLOCATING VOLUME CAP IN THE STATE  
CONSISTENT WITH PROVISIONS OF TITLE 50, CHAPTER 28, IDAHO CODE,  
AND THE U.S. INTERNAL REVENUE CODE OF 1986**

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WHEREAS, Section 146 of the U.S. Internal Revenue Code of 1986 (the "Code") subjects certain private activity and non-private activity bonds to volume limitations or "volume cap" (the "Volume Cap"); and

WHEREAS, as required by Section 146(e) of the Code, the Idaho Legislature did adopt the provisions of Title 50, Chapter 28, Idaho Code, (the "State Law") to provide a permanent allocation formula for Volume Cap in the state; and

WHEREAS, Section 50-2804 Idaho Code, authorizes and directs the Governor of the State of Idaho to provide for the implementation and administration of the allocation formula established under Section 50-2803, Idaho Code, by executive order and the Governor did issue his Executive Order No. 2009-02 providing therefore; and

WHEREAS, in order to renew the provisions contained in said Executive Order No. 2009-02, to amend the allocation formula in order to meet the requirements of said amendments to the State Law and to continue to provide for the implementation and administration of the formula for allocation of the Volume Cap among the state and its issuing authorities under the State Law, it is necessary and desirable to issue this Executive Order;

NOW, THEREFORE, I, C.L. "BUTCH" OTTER, Governor of the State of Idaho, by the power vested in me do hereby order as follows:

Section 1: As used in this Executive Order:

- (1) "Allocation Dollars" means the dollar amount of the Volume Cap expressed in terms of dollars. Each allotment dollar equals one dollar of Volume Cap that may be allocated under this Executive Order and the State law.
- (2) "Bonds" means any obligations for which an allocation of the Volume Cap is required by the Code and the State Law including, without limitation, mortgage credit certificates described in Section 25 of the Code. With respect to any allocation of Allotment Dollars for the purpose of issuing certificates, certificates will be deemed "issued" when the mortgage credit certificate program for which the allocation is made is implemented.
- (3) "Code" means the Internal Revenue Code of 1954, as amended by the Reform Act of 1986 and renamed the Internal Code of 1986, and any related regulations.
- (4) "Department" means the Department of Commerce of the State.
- (5) "Director" means the director of the Department or such other official or officials of the Department as the director shall designate to carry out the duties of the director set forth in this Executive Order.
- (6) "Form 8038" means Department of the Treasury tax form 8038 (OMB NO. 1545-0720) or any other federal tax form or other method of reporting required by the Department of the Treasury under Section 149(e) of the Code.
- (7) "Issuing Authority" means
  - (a) any county, city or port district;

- (b) *any public corporation created pursuant to Section 50-2703 of the Idaho Code, or other entity acting on behalf of one or more counties, cities, or both;*
  - (c) *the State; or*
  - (d) *any other entity authorized to issue Bonds in the State.*
- (8) *“Priority Set Aside” means one of the priority set asides established under Section 4(1) hereof.*
- (9) *“Program” means the program to be financed in whole or in part with the proceeds of the sale of Bonds or to be implemented through the issuance of mortgage credit certificates under Section 25 of the Code.*
- (10) *“Project” means the facility to be financed in whole or in part with the proceeds of sale of Bonds.*
- (11) *“Qualifying Carryforward Project or Program” means a Project or Program qualifying for carryforward under Section 146(f) of the Code.*
- (12) *“State” means the state of Idaho, any of its agencies, instrumentalities, institutions and divisions authorized to issue Bonds under State law.*
- (13) *“State Law” means Title 50, Chapter 28, Idaho Code, as amended.*
- (14) *“Volume Cap” means the volume cap for the State as computed under Section 146 of the Code.*
- (15) *“Year” means each calendar year beginning January 1.*

Section 2: *The Volume Cap for each Year is allocated to Issuing Authorities in accordance with the procedures set forth in this Executive Order. An allocation of the Volume Cap may be obtained by submitting an application to the Director in accordance with Section 3 or Section 5, as appropriate. The Director shall evidence a grant of an allocation of the Volume Cap by issuing a certificate of allocation in accordance with Section 4 or Section 5, as appropriate.*

Section 3:

- (1) *Any Issuing Authority proposing to issue Bonds shall, prior to the issuance of such Bonds, submit an application to the Director which contains the following information and attachments:*
- (a) *the name of the Issuing Authority;*
  - (b) *the mailing address of the Issuing Authority;*
  - (c) *the tax identification number of the Issuing Authority;*
  - (d) *the name, title and office telephone number of the official of the Issuing Authority to whom notices should be sent and from whom information can be obtained;*
  - (e) *the principal amount of Bonds proposed to be issued for which an application for an allocation of the Volume Cap is requested;*
  - (f) *the nature, the purpose and the specific location of the Project or the type of Program;*
  - (g) *the initial owner or user of the Project or Program, if other than the Issuing Authority;*
  - (h) *a copy of a valid and fully executed resolution or similar official action of the Issuing Authority evidencing its intention to issue Bonds for the Project or Program;*

- (i) *with respect to Bonds, the anticipated date on which the Bonds are expected to be sold and the anticipated date on which the closing or final transaction with respect to the issuance and sale of the Bonds is expected to occur and, with respect to mortgage credit certificates under Section 25 of the Code, the anticipated date on which such mortgage credit certificates are expected to be issued;*
  - (j) *the name, address, and telephone number of all parties to the transaction;*
  - (k) *the applicable provisions of the Code under which the Bonds are expected to be issued; and*
  - (l) *such information as the applicant may wish to submit in order to demonstrate the need for, and economic impact of, its Program or Project in the State, together with any information which demonstrates how its Program or Project will effectively utilize and efficiently distribute resources throughout the State;*
  - (m) *any other information or attachments reasonably required by the Director.*
- (2) *The Director shall*
- (a) *establish the form of application for requests for allocations of the Volume Cap, which form shall contain the information required by Section 3(1), and*
  - (b) *make such forms available to the public upon request.*
- (3) *The Director shall be under no obligation to process any application that is incomplete. Any application submitted by an Issuing Authority that the Director does not process shall be returned by the Director on or before the fifteenth day after receipt thereof with a brief explanation as to why the application was not processed.*

Section 4:

- (1) *Allocations of Volume Cap shall be made each Year according to the following Priority Set Asides:*
- (a) *qualified small issue manufacturing projects under Section 144(a) of the Code, in an amount between 7% and 13% of the total Allocation Dollars available for the Year as determined by the Director;*
  - (b) *single family housing financing through the Idaho Housing and Finance Association under Section 143 of the Code, in an amount between 55% and 80% of the total Allocation Dollars available for the Year as determined by the Director;*
  - (c) *multifamily housing, as qualified residential rental projects under Section 142(a)(7) of the Code, in an amount between 0% and 8% of the total Allocation Dollars available for the Year as determined by the Director;*
  - (d) *student loan programs through the Education Funding Association of Idaho under Section 144(b) of the Code, in an amount between 0% and 15% of the total Allocation Dollars available for the Year as determined by the Director;*
  - (e) *beginning farmer financings, arranged by the Idaho Department of Agriculture under Section 144(a) of the Code, in an amount between 0% and 2% of the total Allocation Dollars available for the Year as determined by the Director;*
  - (f) *exempt facilities under Section 142(a) of the Code, other than qualified residential rental projects, in an amount between 0% and 32% of the total Allocation Dollars available for the Year as determined by the Director.*

- (g) any qualified uses for Volume Cap not identified above are eligible for allocations in accordance with Section 4(4) below.
- (h) not later than January 31st of each year, subject to the provisions of Section 4(9) hereof, the Director shall determine the amount of Allocation Dollars within each Priority Set Aside, based on the need for, and economic impact of, the Program or Project to be financed under each application and how such expected Program or Project will effectively utilize and efficiently distribute resources throughout the State.
- (i) the above Priority Set Asides shall be in effect through August 31 of each Year. Thereafter, allocations shall be made in accordance with Section 4(4) and (5) below. All other potential uses of Volume Cap under the Code, other than those listed in the Priority Set Asides above, may also be allocated on or after September 1 of each Year upon application to the Director as provided in Section 4(4) and (5) below.
- (2) Except as otherwise provided in this Executive Order, on or before the fifteenth day after receipt by the Director of an application for an allocation of the Volume Cap, the Director shall, if the application is in satisfactory order, and if the Director determines that the application demonstrates the need for, and economic impact of, the particular Program or Project in the State and how the Program or Project will effectively utilize and efficiently distribute resources throughout the State, the Director will make the requested allocation in the amount so requested, if available under the applicable Priority Set Aside in Section 4(1) above, and certify to the Issuing Authority applying for the allocation that an allocation has been made, the amount of such allocation. Certificates of allocation evidencing the granting of an allocation by the Director in accordance with the preceding sentence, shall be issued by the Director in the chronological order in which completed applications are received within the applicable Priority Set Aside in Section 4(1) above. No Issuing Authority issuing Bonds or Certificates is entitled to any allocation of the Volume Cap with respect to such Bonds or Certificates unless it has first received the aforementioned certificate of allocation from the Director evidencing the granting of an allocation for such Bonds or Certificates.
- (3) Every allocation of the Volume Cap granted under this Executive Order by the Director for which Bonds or Certificates have not been issued with respect to such allocation, except those grants made pursuant to Section 5, shall remain effective until, and including, the earlier of
- (a) a date to be determined by the Director but not to exceed 180 days after the date on which such allocation was made or any date until December 27 as determined by the Director if the Program is being allocated Volume Cap under a Priority Set Aside which sets aside Allocation Dollars for a specific Issuing Authority [Sections 4(1)(b), 4(1)(d) and 4(1)(e) above] and such Issuing Authority has a Program for Bond issuance to be carried out throughout the Year,
- (b) 12:00 o'clock midnight on December 27 of the Year in which such allocation was made, or
- (c) the date upon which the Director receives a written notification from any such Issuing Authority pursuant to Section 7(2). Any allocation for which Bonds or Certificates are issued on or prior to the applicable date specified in this subsection shall be irrevocably allocated to such Bonds or Certificates.
- (4) On and after September 1 of each Year allocations of Volume Cap shall be made to applicants submitting applications by such date for Project(s) or Program(s) that best demonstrate effective utilization, need, economic impact and efficient distribution of resources throughout the State. The Director and the Department may elect not to allocate Volume Cap if an application does not demonstrate a need for, and economic impact of, the particular Program or Project in the State and how the Program or Project will effectively utilize and efficiently distribute resources throughout the State. If qualified applications have not been received by the Department for all remaining Allocation Dollars by September 1 of such Year, then the Department shall continue to receive additional applications until the first of each succeeding month and make allocations on the same basis until all Allocation Dollars have been allocated.

(5) Until and including December 27 of each Year, any allocation of Allocation Dollars made in such Year, except allocations made pursuant to Section 5, for which Bonds or Certificates are not issued on or prior to the applicable date specified in Section 4(3) shall be available for reallocation to applying Issuing Authorities. On December 28 of each Year, any allocation of Allocation Dollars made in such Year for which Bonds or Certificates are not issued on or prior to the applicable date specified in Section 4(3) and any Allocation Dollars for such Year or any Allocation Dollars not allocated under Section 4(4) above shall become available for reallocation only for Qualifying Carryforward Projects or Programs. In either case, such reallocations shall be made in the same manner as for allocations of Allocation Dollars on and after September 1 as provided in Section 4(4) above.

(6) No application submitted by an Issuing Authority to the Director pursuant to this section shall be processed if the amount of allocation of the Volume Cap requested in such application is in excess of the amount of Volume Cap remaining available for allocation. Any application not processed for the reason stated in this subsection may be resubmitted to the Director, with or without a change in the amount of allocation requested. Any application resubmitted to the Director pursuant to this subsection shall be treated as a new application. Should an allocation not be granted for the reasons stated in this subsection, the Director shall continue to process other applications in the chronological order in which received, granting allocations pursuant to the provisions of this Executive Order.

(7) The expiration date of an allocation of Volume Cap under this Executive Order may be extended upon prior written approval of the Director, provided there are no pending applications for Volume Cap within the same Priority Set Aside, or if there are other such applications pending, that the application for the allocation being extended best demonstrates the need for, and economic impact of, the Program or Project in the State and how the Program or Project will effectively utilize and efficiently distribute resources throughout the State, and provided further that all other provisions of this Executive Order are complied with.

(8) In the event that the Director is uncertain whether an application meets the requirements set forth in 4(2) or 4(4) above, he may defer action on such application until he has received another application(s) and then determine which application best meets such criteria.

(9) In the case of an application filed prior to the date when the Director makes an allocation under 4(1)(h) above for an allocation from a Priority Set Aside which provides for a minimum percent of Allocation Dollars and sets forth a specific Issuing Authority to receive the Priority Set Aside [specifically, Priority Set Asides 4(1)(b), 4(1)(d) and 4(1)(e)], the Director may, and, at the request of the Issuing Authority, shall, make an allocation of that Year's Allocation Dollars in an amount not to exceed the minimum percentage stated for the Priority Set Aside prior to the date the Director has set for determination of allocations under 4(1)(h) but in no event later than 15 days after the date such application is filed.

Section 5:

(1) Issuing Authorities with Qualifying Carryforward Projects or Programs may apply for an allocation of Allotment Dollars for such Qualifying Carryforward Projects or Programs by submitting an application to the Director which shall contain:

- (a) the carryforward purpose for the Bonds under Section 146(f) of the Code;
- (b) any other information required by Section 146(f) of the Code;
- (c) a certification signed by both an official of the Issuing Authority responsible for the supervision of the issuance of the Bonds and, if applicable, a representative of the person or entity constructing, acquiring, or rehabilitating the Project or administering the Program, stating that the Issuing Authority and, if applicable, such person or entity, will proceed with diligence to ensure the issuance of the Bonds within the carryforward period provided by Section 146(f) of the Code;
- (d) a preliminary opinion from bond counsel that the Project or Program qualifies for carryforward under Section 146(f) of the Code, if applicable;

- (e) *if applying for an allocation of Allotment Dollars for the purpose of issuing mortgage credit certificates under Section 25 of the Code, the amount of qualified mortgage bonds defined in Section 143 of the Code which the Issuing Authority elects not to issue under the Code; and*
- (f) *such other information and attachments as are set forth in Section 3(1).*

(2) *No application submitted by an Issuing Authority to the Director pursuant to this section shall be processed if at the time such application is considered the amount of allocation of the Volume Cap requested in such application is in excess of the amount of the Volume Cap remaining available for allocation. Any application not processed for the reason stated in this subsection may be resubmitted to the Director, with or without a change in the amount of allocation requested. Any application resubmitted to the Director pursuant to this subsection shall be treated as a new application. Should an allocation not be granted for the reasons stated in this subsection, the Director shall continue to process other applications in accordance with the provisions of Section 4(4), granting allocations pursuant to the provisions of this Executive Order.*

(3) *Allocations of the Volume Cap for Qualifying Carryforward Projects or Programs shall be granted by the Director in the amount requested by the applying Issuing Authority, if available, on or after December 1, but no later than December 31, of the Year in which an application in satisfactory order is submitted to the Director for an allocation of the Volume Cap for a Qualifying Carryforward Project or Program in accordance with the provisions of Section 4(5). The Director shall issue certificates of allocation evidencing the granting of an allocation within the time period specified in the preceding sentence to each Issuing Authority which applied to the Director and which received an allocation of the Volume Cap for a Qualifying Carryforward Project or Program of such Issuing Authority, such certificates of allocation to be similar to the certificates of allocation described in Section 4, stating the amount of Allotment Dollars which have been allocated to such Issuing Authority, specifying the Qualifying Carryforward Project or Program for which the allocation has been made and specifying the expiration date of the allocation, as provided by Section 146(f) of the Code.*

*Section 6: No application submitted to the Director may be amended without the consent of the Director; provided, however, that no such consent shall be required for an Issuing Authority to submit a new application in order to replace a previously submitted application if such new application is submitted before an allocation is made on the basis of the original application; provided further, that the consent of the Director shall not be required for an Issuing Authority to withdraw a previously submitted application. For purposes of receiving an allocation of the Volume Cap, any application that has been amended shall be treated as though such application was submitted on the date that the amendment was made, rather than on the date of the original submission of such application.*

Section 7:

(1) *After the effective date of this Executive Order, any Issuing Authority issuing Bonds without a certificate or allocation of the Director issued pursuant to Section 4 or Section 5, as appropriate, evidencing the granting of an allocation for such Bonds or Certificates, or any Issuing Authority issuing Bonds or Certificates after the expiration of an allocation under Section 4 or Section 5, as appropriate, is not entitled to any allocation of the Volume Cap for such Bonds or Certificates, and any Issuing Authority issuing Bonds or Certificates in excess of the allocation set forth in the certificate of allocation is not entitled to any allocation of the Volume Cap for such excess.*

(2) *Each Issuing Authority shall*

- (a) *advise the Director on or before the earlier of the sixtieth day after the issuance of any Bonds or Certificates or December 27 of each Year, of the principal amount of Bonds or Certificates issued under the allocation set forth in each certificate of allocation issued by the Director evidencing the granting of an allocation for such Bonds or Certificates by delivering to the Director a copy of the Form 8038 which was delivered to the Internal Revenue Service in connection with such Bonds or Certificates, or, if no such form was required to be delivered to the Internal Revenue Service, a completed copy of a Form 8038 prepared for the Director with respect to such Bonds or Certificates, or*

(b) if all or a stated portion of such Bonds or Certificates will not be issued, shall advise the Director in writing, on or before the earlier of

(i) the fifteenth day after the earlier of

(A) the final decision not to issue all or a stated portion of such Bonds or Certificates or

(B) the expiration of the allocation, or

(ii) December 27 of the Year in which the allocation for such Bonds or Certificates was made.

(3) Each Issuing Authority shall cooperate with the Director in furnishing any information the Director reasonably requires. If an Issuing Authority obtains an allocation of a portion of the Volume Cap for a particular Project or Program from the Director as provided in Section 4 or Section 5, as appropriate, but does not issue its Bonds or Certificates within the prescribed time limit, or issues a lesser amount of Bonds or Certificates within the prescribed time limit, such Issuing Authority may again submit an application with respect to the proposed Bonds or Certificates or portion of such Bonds or Certificates not issued for such Project or Program as provided in Section 4 or Section 5, as appropriate. Such application shall be treated as a new application.

Section 8: In addition to the duties otherwise specifically set forth in this Executive Order, the Director shall:

(1) determine the amount of Allotment Dollars available on December 28 of each Year for allocation for Qualifying Carryforward Projects or Programs and allocate the Allotment Dollars available for Qualifying Carryforward Projects or Programs as provided in this Executive Order;

(2) maintain a record of all applications filed by Issuing Authorities under Section 3 and Section 5 and all certificates of allocation issued under Section 4 and Section 5;

(3) maintain a record of all Bonds or Certificates issued by Issuing Authorities during each Year;

(4) maintain a record of all information filed by Issuing Authorities under this Executive Order;

(5) make available upon reasonable request a certified copy of all or any part of the records maintained by the Department under this Executive Order or a summary thereof including information regarding the Volume Cap for each Year and any amounts available or at any time remaining available, for allocation under this Executive Order;

(6) the Director shall serve as the State official designated under State law to make any certifications required to be made under the Code including, without limitation, the certification required by Section 149(e)(2)(F) of the Code; and

(7) promulgate reasonable rules not inconsistent with this Executive Order deemed necessary or expedient to allocate the Volume Cap hereunder.

Section 9: If any provision of this Executive Order shall be held to be, or shall, in fact, be invalid, inoperative or unconstitutional, the defect of the provision shall not affect any other provision of this Executive Order or render it invalid, inoperative, or unenforceable. To the extent this Executive Order shall be held or shall, in fact, be invalid inoperative, or unconstitutional, all allocations of the Volume Cap previously made under this Executive Order shall be treated as allocations made by the Governor of the State in accordance with provisions of the State Law.

Section 10: This Executive Order replaces Executive Order No. 2009-02 which is hereby repealed, provided that such replacement shall not affect any allocations in the State made prior to the effective date hereof pursuant to any other Executive Orders or laws of the State.

Section 11: *The State pledges and agrees with the owners of any Bonds or Certificates to which an allocation of the Volume Cap has been granted under this Executive Order that the State will not retroactively alter the allocation of the Volume Cap to such Bonds or Certificates.*

Section 12: *No action taken pursuant to this Executive Order shall be deemed to create an obligation, debt or liability of the State or be deemed to constitute an approval of any obligation issued or to be issued hereunder.*

Section 13: *The purpose of this Executive Order is to maximize the benefits of financing and development through the use of Bonds and Certificates providing a system for the implementation and administration of the formula specified in the State Law for allocating the Volume Cap within the meaning of Section 146 of the Code.*

Section 14: *This Executive Order shall be effective immediately and shall continue in effect until such time as it may be repealed or superseded by operation of State or Federal law. Notwithstanding the foregoing, allocations for Qualifying Carry forward Projects or Programs pursuant to Section 5 hereof shall remain effective for the term of such allocation provided for in Section 146(f) of the Code.*



*IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho at the Capitol in Boise on this 22nd day of March in the year of our Lord two thousand and thirteen and of the Independence of the United States of America the two hundred thirty-seventh and of the Statehood of Idaho the one hundred twenty-third.*

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**C.L. "BUTCH" OTTER**  
**GOVERNOR**

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**BEN YSURSA**  
**SECRETARY OF STATE**

**OFFICE OF THE ADMINISTRATIVE RULES COORDINATOR  
IDAHO DEPARTMENT OF ADMINISTRATION**

**ADMINISTRATIVE RULES REVIEWED BY THE SIXTY-SECOND  
LEGISLATURE OF THE STATE OF IDAHO  
FIRST REGULAR SESSION - 2013**

**OMNIBUS RULEMAKING NOTICE OF FINAL LEGISLATIVE ACTION ON FINAL RULES,  
PENDING RULES, PENDING FEE RULES, AND TEMPORARY RULES**

**AUTHORITY:** In compliance with Sections 67-5224(5), 67-5224(7), 67-5226(3), and 67-5291, Idaho Code, notice is hereby given by the Administrative Rules Coordinator that the Sixty-Second Legislature in the First Regular Session - 2013, reviewed all pending rules and pending fee rules, has approved them as final or rejected them in whole or in part, and has extended temporary rules or rejected same in whole or in part. The docket numbers of the affected rulemakings and their effective dates are listed here in this notice. Notice is also given that certain final rules were rejected by concurrent resolution of the legislature and are listed here.

**DESCRIPTIVE SUMMARY:** The following lists include those rules that were reviewed as pending, pending fee, temporary and final rules during the First Regular Session of the Sixty-Second Legislature of the state of Idaho, 2013.

All pending rules reviewed by the legislature that were not rejected in whole or in part have been approved and are now final and effective rules, unless otherwise specified. Any pending rule that was rejected in whole or in part is listed in this notice with the corresponding House or Senate concurrent resolution that affected it. Rulemakings that were rejected in whole, and those parts of a rulemaking that were rejected in part, are null, void and of no force and effect. Rulemakings that were partially rejected by concurrent resolution are being reprinted in this Bulletin as approved as final rules. Rulemakings that have been affected by a concurrent resolution became final and effective upon final adoption of the concurrent resolution. The concurrent resolutions affecting the rules that were reviewed during the 2013 legislative session are also printed in this Bulletin.

Pursuant to Section 67-5224(5)(c), Idaho Code, all pending rules imposing or changing a fee or charge that were affirmatively approved by [Senate Concurrent Resolution No. 125](#) are now final rules. Pursuant to SCR 125 those pending fee rule that were rejected in their entirety and those that were only partially rejected are null, void and of no force and effect.

Pursuant to Section 67-5226(3), Idaho Code, all temporary rules that were submitted for review have been acted on by [Senate Concurrent Resolution No. 126](#). As specified in the concurrent resolution all temporary rules reviewed have been extended unless specifically rejected in whole or in part. Those that were extended will remain in effect until the end of the next legislative session unless they expire under their own terms or other provision of law or unless rescinded. Any temporary rule that has been rejected in whole or in part is null, void and of no force and effect.

The following tables list all rulemakings that were submitted for legislative review for the 2013 legislative session and certain final rules that were acted on. The list includes the docket number of each rulemaking, the volume number of the Bulletin in which the proposed, pending, and temporary rule text was published, the effective date of the rule, and the number of the Senate or House concurrent resolution, if applicable, affecting the rulemaking. These tables provide final status of all pending fee rules, temporary rules and pending rules submitted for legislative review. Final rules that were reviewed and partially rejected are listed by IDAPA number only and not given a docket number because they were not subject to a rulemaking.

<b>PENDING FEE RULES</b>				
<b>AFFECTED BY SENATE CONCURRENT RESOLUTION 125</b>				
Fee Rule Docket Number	Bulletin Vol. No. Pending	Bulletin Vol. No. Proposed	Final Effective Date	<a href="#">Results of SCR 125</a>
02-0602-1201	13-1	12-9	(3-27-13)	Approved

<b>PENDING FEE RULES</b> AFFECTED BY SENATE CONCURRENT RESOLUTION 125				
<b>Fee Rule Docket Number</b>	<b>Bulletin Vol. No. Pending</b>	<b>Bulletin Vol. No. Proposed</b>	<b>Final Effective Date</b>	<b>Results of SCR 125</b>
<b>02-0633-1201</b>	<b>12-12</b>	<b>12-10</b>	<b>(3-27-13)</b>	<b>Subsection 201.04.b. rejected only</b>
<b>03-0101-1201</b>	<b>12-12</b>	<b>12-10</b>	<b>Rejected</b>	<b>Rejected All</b>
07-0312-1201	12-12	12-10	(3-27-13)	Approved
07-0501-1201	12-11	12-9	(3-27-13)	Approved
08-0203-1204	13-1	12-8	(3-27-13)	Approved
11-0201-1201	13-1	12-11	(3-27-13)	Approved
11-0202-1201	13-1	12-11	(3-27-13)	Approved
15-0603-1201	13-1	12-10	(3-27-13)	Approved
16-0506-1201	13-1	12-7	(3-27-13)	Approved
18-0144-1201	12-11	12-9	(3-27-13)	Approved
22-0102-1201	13-1	12-10	(3-27-13)	Approved
22-0103-1201	13-1	12-10	(3-27-13)	Approved
22-0113-1201	13-1	12-10	(3-27-13)	Approved
24-0401-1201	12-12	12-10	(3-27-13)	Approved
24-2301-1201	12-12	12-10	(3-27-13)	Approved
24-2701-1201	13-1	12-10	(3-27-13)	Approved
26-0120-1202	12-12	12-9	(3-27-13)	Approved
27-0101-1205	13-1	12-10	(7-1-13)	Approved
39-0342-1201	13-1	12-10	(3-27-13)	Approved
<b>52-0103-1201</b>	<b>12-12</b>	<b>12-10</b>	<b>Rejected</b>	<b>Rejected All</b>

<b>TEMPORARY RULES</b> AFFECTED BY SENATE CONCURRENT RESOLUTION 126				
<b>Temporary Rule Docket Number</b>	<b>Bulletin Vol. No. Temporary</b>	<b>Temporary Effective Date</b>	<b>Rejected Sections</b>	<b>Results of SCR 126</b>
08-0201-1301	13-1	(12-13-12)T		Approved
26-0136-1201	12-12	(10-1-12)T		Approved

<b>PENDING AND FINAL RULES REVIEWED BY THE 2013 IDAHO LEGISLATURE</b>					
<b>Pending Rule Docket Number</b>	<b>Bulletin Vol. No. Pending</b>	<b>Bulletin Vol. No. Proposed</b>	<b>Final Effective Date</b>	<b>Rejected Sections</b>	<b>Action Taken by Concurrent Resolution</b>
01-0101-1201	13-1	12-10	(4-4-13)	---	---
02-0214-1201	12-10	12-7	(4-4-13)	---	---
02-0303-1201	12-12	12-10	(4-4-13)	---	---
02-0408-1201	12-12	12-5	(4-4-13)	---	---
02-0419-1201	13-1	12-10	(4-4-13)	---	---
02-0421-1201	13-1	12-10	(4-4-13)	---	---
02-0612-1201	12-10	12-7	(4-4-13)	---	---
02-0613-1201	12-12	12-10	(4-4-13)	---	---
02-0614-1201	12-12	12-10	(4-4-13)	---	---
02-0616-1201	12-12	12-10	(4-4-13)	---	---
02-0631-1201	13-1	12-10	(4-4-13)	---	---
02-0635-1201	12-12	12-10	(4-4-13)	---	---
02-0641-1201	12-10	12-7	(4-4-13)	---	---
<b>03.01.01</b>	<b>Final Rule Rejection</b>		<b>(rej. eff. 3-28-13)</b>	<b>107.07 only</b>	<b>HCR 020</b>
06-0101-1202	N/A	12-10	(11-2-12)	---	---
07-0203-1201	12-12	12-10	(4-4-13)	---	---
07-0204-1201	12-12	12-10	(4-4-13)	---	---
<b>07-0206-1201</b>	<b>12-12</b>	<b>12-10</b>	<b>(3-25-13)</b>	<b>011.09</b>	<b>Partial Rejection HCR 023</b>
07-0301-1201	12-12	12-10	(4-4-13)	---	---
07-0301-1202	12-12	12-10	(4-4-13)	---	---
07-0501-1202	12-11	12-9	(4-4-13)	---	---
07-0701-1201	12-12	12-10	(4-4-13)	---	---
07-0701-1202	12-12	12-10	(4-4-13)	---	---
08-0110-1201	13-1	12-10	(4-4-13)	---	---
08-0111-1201	13-1	12-10	(4-4-13)	---	---
08-0114-1201	13-1	12-10	(4-4-13)	---	---
08-0202-1201	13-1	12-7	(4-4-13)	---	---
08-0202-1202	13-1	12-8	(4-4-13)	---	---
08-0202-1203	13-1	12-10	(4-4-13)	---	---

<b>PENDING AND FINAL RULES</b>					
<b>REVIEWED BY THE 2013 IDAHO LEGISLATURE</b>					
<b>Pending Rule Docket Number</b>	<b>Bulletin Vol. No. Pending</b>	<b>Bulletin Vol. No. Proposed</b>	<b>Final Effective Date</b>	<b>Rejected Sections</b>	<b>Action Taken by Concurrent Resolution</b>
08-0202-1204	13-1 13-2 (Correction)	12-10	(4-4-13)	---	---
08-0202-1206	13-1	12-10	(4-4-13)	---	---
08-0203-1201	13-1	12-6	(4-4-13)	---	---
08-0203-1202	13-1	12-8	(4-4-13)	---	---
08-0203-1203	13-1	12-8	(4-4-13)	---	---
08-0203-1205	13-1	12-10	(4-4-13)	---	---
08-0203-1206	13-1	12-10	(4-4-13)	---	---
08-0204-1201	13-1	12-10	(4-4-13)	---	---
08-0301-1201	13-1	12-10	(4-4-13)	---	---
09-0104-1201	12-10	12-8	(4-4-13)	---	---
09-0130-1201	12-10	12-8	(4-4-13)	---	---
09-0135-1201	12-10	12-8	(4-4-13)	---	---
10-0101-1201	12-7	12-5	(4-4-13)	---	---
10-0104-1201	12-7	12-5	(4-4-13)	---	---
11-0301-1201	13-1	12-11	(4-4-13)	---	---
11-0501-1101	13-1	12-11	(4-4-13)	---	---
<b>11-1101-1201</b>	<b>12-10</b>	<b>12-8</b>	<b>(3-27-13)</b>	<b>091.01</b>	<b>Partial Rejection SCR 115</b>
<b>11-1101-1202</b>	<b>12-12</b>	<b>12-10</b>	<b>(3-27-13)</b>	<b>010.27 &amp; 197.01</b>	<b>Partial Rejection SCR 114</b>
11-1102-1201	12-12	12-10	(4-4-13)	---	---
11-1103-1201	12-12	12-10	(4-4-13)	---	---
11-1104-1201	12-12	12-10	(4-4-13)	---	---
11-1106-1201	12-12	12-10	(4-4-13)	---	---
11-1301-1201	13-1	12-11	(4-4-13)	---	---
12-0110-1201	12-12	12-10	(4-4-13)	---	---
13-0102-1201	13-1	12-10	(4-4-13)	---	---
<b>13-0104-1201</b>	<b>13-1</b>	<b>12-10</b>	<b>(3-25-13)</b>	<b>701.02.c.</b>	<b>Partial Rejection SCR 110</b>
<b>13-0104-1202</b>	<b>13-1</b>	<b>12-10</b>	<b>Rejected</b>	<b>Rejected All</b>	<b>SCR 106</b>
13-0107-1201	13-1	12-10	(4-4-13)	---	---

<b>PENDING AND FINAL RULES</b> <b>REVIEWED BY THE 2013 IDAHO LEGISLATURE</b>					
Pending Rule Docket Number	Bulletin Vol. No. Pending	Bulletin Vol. No. Proposed	Final Effective Date	Rejected Sections	Action Taken by Concurrent Resolution
13-0108-1201	13-1	12-10	(4-4-13)	---	---
13-0108-1202	13-1	12-10	(4-4-13)	---	---
13-0108-1203	13-1	12-10	(4-4-13)	---	---
13-0108-1204	13-1	12-10	(4-4-13)	---	---
<b>13-0108-1205</b>	<b>13-1</b>	<b>12-10</b>	<b>Rejected</b>	<b>Rejected All</b>	<b>SCR 108</b>
13-0109-1201	13-1	12-10	(4-4-13)	---	---
13-0109-1202	13-1	12-10	(4-4-13)	---	---
13-0109-1203	13-1	12-10	(4-4-13)	---	---
13-0109-1204	13-1	12-10	(4-4-13)	---	---
13-0116-1201	13-1	12-10	(4-4-13)	---	---
13-0117-1201	13-1	12-10	(4-4-13)	---	---
16-0202-1201	13-1	12-7	(7-1-13)	---	---
16-0304-1201	13-1	12-10	(4-4-13)	---	---
16-0304-1202	13-1	12-10	(4-4-13)	---	---
16-0305-1201	13-1	12-10	(4-4-13)	---	---
16-0305-1202	13-1	12-10	(7-1-13)	---	---
16-0309-1101	12-6	11-12	(4-4-13)	---	---
16-0309-1202	12-12	12-9	(4-4-13)	---	---
16-0309-1203	12-11	12-7	(4-4-13)	---	---
16-0309-1204	13-1	12-9	(7-1-13)	---	---
16-0309-1205	13-1	12-10	(4-4-13)	---	---
16-0309-1206	13-1	12-10	(4-4-13)	---	---
16-0310-1201	13-1	12-10	(4-4-13)	---	---
16-0310-1202	13-1	12-10	(4-4-13)	---	---
16-0310-1203	13-1	12-10	(7-1-13)	---	---
16-0310-1204	12-11	12-7	(4-4-13)	---	---
16-0310-1205	13-1	12-10	(4-4-13)	---	---
16-0325-1201	12-11	12-7	(4-4-13)	---	---
16-0402-1201	13-1	12-10	(4-4-13)	---	---
16-0410-1201	12-11	12-8	(4-4-13)	---	---
16-0501-1201	13-1	12-9	(4-4-13)	---	---

<b>PENDING AND FINAL RULES REVIEWED BY THE 2013 IDAHO LEGISLATURE</b>					
<b>Pending Rule Docket Number</b>	<b>Bulletin Vol. No. Pending</b>	<b>Bulletin Vol. No. Proposed</b>	<b>Final Effective Date</b>	<b>Rejected Sections</b>	<b>Action Taken by Concurrent Resolution</b>
16-0601-1201	12-11	12-8	(4-4-13)	---	---
16-0601-1202	13-1	12-9	(4-4-13)	---	---
16-0608-1201	13-1	12-9	(7-1-13)	---	---
16-0612-1201	12-6	12-1	(4-4-13)	---	---
16-0701-1201	13-1	12-9	(7-1-13)	---	---
16-0717-1201	13-1	12-9	(7-1-13)	---	---
<b>16-0720-1201</b>	<b>13-1</b>	<b>12-9</b>	<b>(7-1-13)</b>	<b>009.01</b>	<b>Partial Rejection HCR 017</b>
17-0204-1201	13-1	12-8	(4-4-13)	---	---
17-0209-1201	13-1	12-10	(7-1-13)	---	---
18-0109-1201	12-11	12-9	(4-4-13)	---	---
18-0109-1202	12-11	12-9	(4-4-13)	---	---
18-0119-1201	12-11	12-9	(4-4-13)	---	---
18-0156-1201	12-11	12-9	(4-4-13)	---	---
20-0201-1201	13-1	12-10	(4-4-13)	---	---
20-0314-1201	13-1	12-10	(4-4-13)	---	---
20-0315-1201	13-1	12-10	(4-4-13)	---	---
22-0101-1201	13-1	12-10	(4-4-13)	---	---
22-0111-1201	13-1	12-10	(4-4-13)	---	---
22-0112-1201	13-1	12-10	(4-4-13)	---	---
22-0114-1201	13-1	12-10	(4-4-13)	---	---
23-0101-1201	12-12	12-10	(7-1-13)	---	---
23-0101-1202	12-12	12-10	(4-4-13)	---	---
<b>24-0101-1201</b>	<b>12-12</b>	<b>12-10</b>	<b>(3-27-13)</b>	<b>550.03</b>	<b>Partial Rejection SCR 122</b>
<b>24.01.01</b>	<b>Final Rule Rejection</b>		<b>Null and Void</b>	<b>550.04 only</b>	<b>SCR 122</b>
24-0601-1201	12-12	12-10	(4-4-13)	---	---
24-1001-1201	12-12	12-10	(4-4-13)	---	---
24-1201-1201	12-12	12-10	(4-4-13)	---	---
24-1401-1201	12-12	12-10	(4-4-13)	---	---
24-1501-1201	12-12	12-10	(4-4-13)	---	---

<b>PENDING AND FINAL RULES REVIEWED BY THE 2013 IDAHO LEGISLATURE</b>					
<b>Pending Rule Docket Number</b>	<b>Bulletin Vol. No. Pending</b>	<b>Bulletin Vol. No. Proposed</b>	<b>Final Effective Date</b>	<b>Rejected Sections</b>	<b>Action Taken by Concurrent Resolution</b>
24-1701-1201	12-12	12-10	(4-4-13)	---	---
24-1801-1201	12-12	12-5	(4-4-13)	---	---
<b>24-2501-1201</b>	<b>12-12</b>	<b>12-10</b>	<b>Rejected</b>	<b>Rejected All</b>	<b>SCR 121</b>
25-0101-1202	12-12	12-10	(4-4-13)	---	---
26-0120-1201	12-12	12-8	(4-4-13)	---	---
27-0101-1201	13-1	12-10	(4-4-13)	---	---
27-0101-1202	13-1	12-10	(4-4-13)	---	---
27-0101-1203	13-1	12-10	(4-4-13)	---	---
27-0101-1204	13-1	12-10	(4-4-13)	---	---
28-0205-1201	13-1	12-10	(4-4-13)	---	---
28-0206-1201	12-10 - 13-1	12-6	(4-4-13)	---	---
<b>31-4101-1201</b>	<b>13-1</b>	<b>12-9</b>	<b>(3-27-13)</b>	<b>502.01.a.</b>	<b>Partial Rejection SCR 117</b>
35-0101-1201	13-1	12-10	(4-4-13)	---	---
35-0101-1202	13-1	12-10	(4-4-13)	---	---
<b>35.01.01</b>	<b>Final Rule Rejection</b>		<b>Null and Void</b>	<b>033.03, 033.04, and 033.05 only</b>	<b>HCR 032</b>
35-0102-1201	13-1	12-10	(4-4-13)	---	---
35-0103-1202	13-1	12-10	(4-4-13)	---	---
35-0103-1203	13-1	12-10	(4-4-13)	---	---
35-0103-1204	13-1	12-10	(4-4-13)	---	---
35-0103-1205	13-1	12-10	(4-4-13)	---	---
35-0103-1207	13-1	12-10	(4-4-13)	---	---
35-0109-1201	13-1	12-10	(4-4-13)	---	---
35-0110-1201	13-1	12-10	(4-4-13)	---	---
35-0112-1021	13-1	12-10	(4-4-13)	---	---
35-0201-1201	13-1	12-10	(4-4-13)	---	---
<b>36-0101-1201</b>	<b>12-12</b>	<b>12-10</b>	<b>(3-25-13)</b>	<b>063, 065, and 140.06</b>	<b>Partial Rejection SCR 105</b>
37-0303-1201	13-1	12-10	(4-4-13)	---	---

<b>PENDING AND FINAL RULES</b>					
<b>REVIEWED BY THE 2013 IDAHO LEGISLATURE</b>					
<b>Pending Rule Docket Number</b>	<b>Bulletin Vol. No. Pending</b>	<b>Bulletin Vol. No. Proposed</b>	<b>Final Effective Date</b>	<b>Rejected Sections</b>	<b>Action Taken by Concurrent Resolution</b>
<b>38-0406-1202</b>	<b>12-12</b>	<b>12-10</b>	<b>(3-27-13)</b>	<b>201, 302.01, 302.02, 302.03, and 313</b>	<b>Partial Rejection</b> <b>SCR 118</b>
38-0407-1202	12-12	12-10	(4-4-13)	---	---
<b>38-0408-1202</b>	<b>12-12</b>	<b>12-10</b>	<b>(3-27-13)</b>	<b>201, 302.01.a. through 01.d., 302.02, and 313</b>	<b>Partial Rejection</b> <b>SCR 119</b>
39-0212-1201	13-1	12-9	(4-4-13)	---	---
<b>39-0260-1201</b>	<b>13-1</b>	<b>12-9</b>	<b>Rejected</b>	<b>Rejected All</b>	<b>HCR 007</b>
39-0261-1201	13-1	12-10	(7-1-13)	---	---
39-0271-1201	13-1	12-10	(4-4-13)	---	---
39-0304-1201	13-1	12-9	(4-4-13)	---	---
39-0310-1201	13-1	12-9	(4-4-13)	---	---
39-0341-1201	13-1	12-9	(4-4-13)	---	---
39-0402-1201	13-1	12-9	(4-4-13)	---	---
46-0101-1201	12-11	12-9	(4-4-13)	---	---
47-0101-1202	13-1	12-10	(7-1-13)	---	---
52-0102-1201	12-12	12-10	(4-4-13)	---	---
52-0103-1202	12-12	12-10	(4-4-13)	---	---
52-0103-1203	13-1	12-11	(4-4-13)	---	---
54-0301-1201	12-12	12-10	(4-4-13)	---	---
58-0101-1201	12-11	12-6	(4-4-13)	---	---
58-0101-1202	12-11	12-6	(4-4-13)	---	---
58-0101-1203	12-11	12-8	(4-4-13)	---	---
58-0105-1201	12-11	12-8	(4-4-13)	---	---
58-0108-1101	12-11	12-5	(4-4-13)	---	---
58-0123-1201	12-11	12-6	(4-4-13)	---	---
59-0103-1201	12-7	12-5	(4-4-13)	---	---

**OFFICE OF THE ADMINISTRATIVE RULES COORDINATOR  
IDAHO DEPARTMENT OF ADMINISTRATION**

**HISTORY NOTES INDEX OF ADMINISTRATIVE RULES REVIEWED AND APPROVED  
FOR FINAL ADOPTION DURING THE 2013 LEGISLATIVE SESSION**

The following table is a sections-affected, History Notes Index for those chapters of rules that were reviewed by the 2013 First Regular Session of the Sixty-Second Legislature of the state of Idaho. The table lists those sections of individual rule chapters that were affected by rulemakings that were submitted for review and acted upon by the legislature. The table includes the docket number of affected chapters, the amended section numbers, the Bulletin publication volumes, and the final effective date of the rule.

Effective dates for the pending rules reviewed and approved as final by the 2013 Idaho Legislature are as follows:

Pending Fee Rules adopted or rejected by [SCR 125](#); Effective date: March 27, 2013 (3-27-13);

All other Pending Rules - Effective date: April 4, 2013, (4-4-13), unless affected by a Concurrent Resolution or another date requested by the agency - Legislature adjournment date (Sine die).

<i><b>History Notes - Legislative Session 2013</b></i>				
Chapter and Docket Number	Amended Sections	Bulletin Vol. Proposed Rule	Bulletin Vol. Pending Rule	Final Effective Date
<b>IDAPA 01 - Idaho Board of Accountancy</b>				
<i><b>01.01.01 - Idaho Accountancy Rules</b></i>				
01-0101-1201	004, 300	12-10	13-1	(4-4-13)
<b>IDAPA 02 - Department of Agriculture</b>				
<i><b>02.02.14 - Rules For Weights and Measures</b></i>				
02-0214-1201	004	12-7	12-10	(4-4-13)
<i><b>02.03.03 - Rules Governing Pesticide and Chemigation Use and Application</b></i>				
02-0303-1201	050	12-10	12-12	(4-4-13)
<i><b>02.04.08 - Rules Governing Grade A Milk and Milk Products</b></i>				
02-0408-1201	004, 008	12-5	12-12	(4-4-13)
<i><b>02.04.19 - Rules Governing Domestic Cervidae</b></i>				
02-0419-1201	011, 450	12-10	13-1	(4-4-13)
<i><b>02.04.21 - Rules Governing Importation of Animals</b></i>				
02-0421-1201	011, 102, 202, 290-300, 601, 606, 650	12-10	13-1	(4-4-13)
<i><b>02.06.02 - Rules Pertaining to the Idaho Commercial Feed Law</b></i>				
02-0602-1201	004, 011-050	12-9	13-1	(4-4-13)
<i><b>02.06.12 - Rules Pertaining to the Idaho Fertilizer Law</b></i>				
02-0612-1201	004	12-7	12-10	(4-4-13)

<b>History Notes - Legislative Session 2013</b>				
<b>Chapter and Docket Number</b>	<b>Amended Sections</b>	<b>Bulletin Vol. Proposed Rule</b>	<b>Bulletin Vol. Pending Rule</b>	<b>Final Effective Date</b>
<b>02.06.13 - Rules Relating to Rapeseed Production and Establishment of Rapeseed</b>				
02-0613-1201	004, 150	12-10	12-12	(4-4-13)
<b>02.06.14 - Rules Governing Annual Bluegrass (Poa Annua)</b>				
02-0614-1201	200-300	12-10	12-12	(4-4-13)
<b>02.06.16 - Rules Governing Honey Standards</b>				
02-0616-1201	New Chapter	12-10	12-12	(4-4-13)
<b>02.06.31 - Rules Governing Noxious Weed Free Forage and Straw</b>				
02-0631-1201	001, 010, 100-150, 250	12-10	13-1	(4-4-13)
<b>02.06.33 - Organic Food Product Rules</b>				
02-0633-1201	010, 200, 201 (Subsection 201.04.b. rejected by <a href="#">SCR 125</a> )	12-10	12-12	<a href="#">SCR 125</a> (3-27-13)
<b>02.06.35 - Rules Governing Rough Bluegrass (Poa Trivialis)</b>				
02-0635-1201	101, 102	12-10	12-12	(4-4-13)
<b>02.06.41 - Rules Pertaining to the Idaho Soil and Plant Amendment Act of 2001</b>				
02-0641-1201	004	12-7	12-10	(4-4-13)
<b>IDAPA 03 - State Athletic Commission</b>				
<b>03.01.01 - Rules of the State Athletic Commission</b>				
03-0101-1300L	(Final rule Subsection 107.07 rejected by <a href="#">HCR 20</a> )			(3-28-13)
<b>IDAPA 07 - Division of Building Safety</b>				
<b>07.02.03 - Rules Governing Permit Fee Schedule</b>				
07-0203-1201	011	12-10	12-12	(4-4-13)
<b>07.02.04 - Rules Governing Plumbing Safety Inspections</b>				
07-0204-1201	011	12-10	12-12	(4-4-13)
<b>07.02.06 - Rules Concerning Uniform Plumbing Code</b>				
07-0206-1201	001, 011 (Subsection 011.09 rejected by <a href="#">HCR 23</a> )	12-10	12-12	(3-25-13)
<b>07.03.01 - Rules of Building Safety</b>				
07-0301-1201	004	12-10	12-12	(4-4-13)

<b><i>History Notes - Legislative Session 2013</i></b>				
<b>Chapter and Docket Number</b>	<b>Amended Sections</b>	<b>Bulletin Vol. Proposed Rule</b>	<b>Bulletin Vol. Pending Rule</b>	<b>Final Effective Date</b>
07-0301-1202	004	12-10	12-12	(4-4-13)
<b><i>07.03.12 - Rules Governing Manufactured or Mobile Home Installations</i></b>				
07-0312-1201	004, 013-022	12-10	12-12	<a href="#">SCR 125</a> (3-27-13)
<b><i>07.05.01 - Rules of the Public Works Contractors Licensing Board</i></b>				
07-0501-1201	110, 111, 201	12-9	12-11	<a href="#">SCR 125</a> (3-27-13)
07-0501-1202	110	12-9	12-11	(4-4-13)
<b><i>07.07.01 - Rules Governing Installation of Heating, Ventilation, and Air Conditioning Systems</i></b>				
07-0701-1201	005, 006	12-10	12-12	(4-4-13)
07-0701-1202	004-007, 012	12-10	12-12	(4-4-13)
<b>IDAPA 08 - Department of Education and the State Board of Education</b>				
<b><i>08.01.10 - Idaho College Work Study Program</i></b>				
08-0110-1201	101, 102, 105-107	12-10	13-1	(4-4-13)
<b><i>08.01.11 - Registration of Postsecondary Educational Institutions and Proprietary Schools</i></b>				
08-0111-1201	100-200, 300, 301	12-10	13-1	(4-4-13)
<b><i>08.01.14 - Idaho Rural Physician Incentive Program</i></b>				
08-0114-1201	Chapter Repeal	12-10	13-1	(4-4-13)
<b><i>08.02.02 - Rules Governing Uniformity</i></b>				
08-0202-1201	023, 024, 026, 028	12-7	13-1	(4-4-13)
08-0202-1202	016	12-8	13-1	(4-4-13)
08-0202-1203	004	12-10	13-1	(4-4-13)
08-0202-1204	016, 021-024	12-10	13-1 - 13-2	(4-4-13)
08-0202-1206	037-046	12-10	13-1	(4-4-13)
<b><i>08.02.03 - Rules Governing Thoroughness</i></b>				
08-0203-1201	118	12-6	13-1	(4-4-13)
08-0203-1202	160	12-8	13-1	(4-4-13)
08-0203-1203	007, 008, 105	12-8	13-1	(4-4-13)
08-0203-1204	128	12-8	13-1	<a href="#">SCR 125</a> (3-27-13)

<b><i>History Notes - Legislative Session 2013</i></b>				
<b>Chapter and Docket Number</b>	<b>Amended Sections</b>	<b>Bulletin Vol. Proposed Rule</b>	<b>Bulletin Vol. Pending Rule</b>	<b>Final Effective Date</b>
08-0203-1205	004	12-10	13-1	(4-4-13)
08-0203-1206	008	12-10	13-1	(4-4-13)
<b>08.02.04 - Rules Governing Public Charter Schools</b>				
08-0204-1201	010-201, 203, 205, 206, 301, 302, 402, 403, 500	12-10	13-1	(4-4-13)
<b>08.03.01 - Rules of the Public Charter School Commission</b>				
08-0301-1201	300, 301, 401	12-10	13-1	(4-4-13)
<b>IDAPA 09 - Department of Labor</b>				
<b>09.01.04 - Unemployment Insurance Benefit Fraud and Overpayment Rules</b>				
09-0104-1201	012, 013	12-8	12-10	(4-4-13)
<b>09.01.30 - Unemployment Insurance Benefits Administration Rules</b>				
09-0130-1201	010	12-8	12-10	(4-4-13)
<b>09.01.35 - Unemployment Insurance Tax Administration Rules</b>				
09-0135-1201	061, 112	12-8	12-10	(4-4-13)
<b>IDAPA 10 - Board of Licensure of Professional Engineers and Land Surveyors</b>				
<b>10.01.01 - Rules of Procedure</b>				
10-0101-1201	016	12-5	12-7	(4-4-13)
<b>10.01.04 - Rules of Continuing Professional Development</b>				
10-0104-1201	009	12-5	12-7	(4-4-13)
<b>IDAPA 11 - Idaho State Police</b>				
<b>11.02.01 - Rules of the Idaho State Brand Board</b>				
11-0201-1201	034	12-11	13-1	<a href="#">SCR 125</a> (3-27-13)
<b>11.02.02 - Idaho Livestock Dealer Licensing</b>				
11-0202-1201	000-010, 012	12-11	13-1	<a href="#">SCR 125</a> (3-27-13)
<b>11.03.01 - Rules Governing Alcohol Testing</b>				
11-0301-1201	013	12-11	13-1	(4-4-13)

<b>History Notes - Legislative Session 2013</b>				
<b>Chapter and Docket Number</b>	<b>Amended Sections</b>	<b>Bulletin Vol. Proposed Rule</b>	<b>Bulletin Vol. Pending Rule</b>	<b>Final Effective Date</b>
<b>11.05.01 - Rules Governing Alcohol Beverage Control</b>				
11-0501-1101	010, 021	12-11	13-1	(4-4-13)
<b>11.11.01 - Rules of the Idaho Peace Officer Standards and Training Council</b>				
11-1101-1201	063, 091, 092 (Subsection 091.01 rejected by <a href="#">SCR 115</a> )	12-8	12-10	(3-27-13)
11-1101-1202	010, 059, 197 (Subsections 010.27 and 197.01 rejected by <a href="#">SCR 114</a> )	12-10	12-12	(3-27-13)
<b>11.11.02 - Rules of the Idaho Peace Officer Standards and Training Council for Juvenile Detention Officers</b>				
11-1102-1201	030, 033, 035-037	12-10	12-12	(4-4-13)
<b>11.11.03 - Rules of the Idaho Peace Officer Standards and Training Council for Juvenile Probation Officers</b>				
11-1103-1201	030, 033-035	12-10	12-12	(4-4-13)
<b>11.11.04 - Rules of the Idaho Peace Officer Standards and Training Council for Correction Officers and Adult Probation and Parole Officers</b>				
11-1104-1201	039, 051, 062	12-10	12-12	(4-4-13)
<b>11.11.06 - Rules of the Idaho Peace Officer Standards &amp; Training Council for Misdemeanor Probation Officers</b>				
11-1106-1201	030	12-10	12-12	(4-4-13)
<b>11.13.01 - Motor Carrier Rules</b>				
11-1301-1201	019	12-11	13-1	(4-4-13)
<b>IDAPA 12 - Department of Finance</b>				
<b>12.01.10 - Rules Pursuant to the Idaho Residential Mortgage Practices Act</b>				
12-0110-1201	006	12-10	12-12	(4-4-13)
<b>IDAPA 13 - Department of Fish and Game</b>				
<b>13.01.02 - Rules Governing Hunter Education and Mentored Hunting</b>				
13-0102-1201	000, 010, 101	12-10	13-1	(4-4-13)
<b>13.01.04 - Rules Governing Licensing</b>				
13-0104-1201	505, 600, 701 (Subsection 701.02.c. rejected by <a href="#">SCR 110</a> )	12-10	13-1	(3-25-13)
<b>13.01.07 - Rules Governing the Taking of Upland Game Animals</b>				

<b>History Notes - Legislative Session 2013</b>				
<b>Chapter and Docket Number</b>	<b>Amended Sections</b>	<b>Bulletin Vol. Proposed Rule</b>	<b>Bulletin Vol. Pending Rule</b>	<b>Final Effective Date</b>
13-0107-1201	101	12-10	13-1	(4-4-13)
<b>13.01.08 - Rules Governing the Taking of Big Game Animals in the State of Idaho</b>				
13-0108-1201	271, 410	12-10	13-1	(4-4-13)
13-0108-1202	201, 260	12-10	13-1	(4-4-13)
13-0108-1203	260	12-10	13-1	(4-4-13)
13-0108-1204	411, 412	12-10	13-1	(4-4-13)
<b>13.01.09 - Rules Governing the Taking of Game Birds in the State of Idaho</b>				
13-0109-1201	100, 101	12-10	13-1	(4-4-13)
13-0109-1202	100	12-10	13-1	(4-4-13)
13-0109-1203	200, 400, 600	12-10	13-1	(4-4-13)
13-0109-1204	302	12-10	13-1	(4-4-13)
<b>13.01.16 - The Trapping of Predatory and Unprotected Wildlife and the Taking of Furbearing Animals</b>				
13-0116-1201	400, 600	12-10	13-1	(4-4-13)
<b>13.01.17 - Rules Governing the Use of Bait and Trapping for Taking Big Game Animals</b>				
13-0117-1201	000, 001, 100, 400-505	12-10	13-1	(4-4-13)
<b>IDAPA 15 - Office of the Governor</b>				
<b>15.06.03 - Public Safety Communications Rules</b>				
15-0603-1201	New Chapter	12-10	13-1	<a href="#">SCR 125</a> (3-27-13)
<b>IDAPA 16 - Department of Health and Welfare</b>				
<b>16.02.02 - Rules of the Idaho Emergency Medical Services (EMS) Physician Commission</b>				
16-0202-1201	004, 400, 500	12-7	13-1	(7-1-13)
<b>16.03.04 - Rules Governing the Food Stamp Program in Idaho</b>				
16-0304-1201	214	12-10	13-1	(4-4-13)
16-0304-1202	012, 108-110, 155, 535	12-10	13-1	(4-4-13)
<b>16.03.05 - Rules Governing Eligibility for Aid to the Aged, Blind and Disabled</b>				
16-0305-1202	512, 513	12-10	13-1	(7-1-13)
<b>16.03.09 - Medicaid Basic Plan Benefits</b>				

<b>History Notes - Legislative Session 2013</b>				
<b>Chapter and Docket Number</b>	<b>Amended Sections</b>	<b>Bulletin Vol. Proposed Rule</b>	<b>Bulletin Vol. Pending Rule</b>	<b>Final Effective Date</b>
16-0309-1101	665	11-12	12-6	(4-4-13)
16-0309-1202	905	12-9	12-12	(4-4-13)
16-0309-1203	662	12-7	12-11	(4-4-13)
16-0309-1204	004, 011, 245, 732, 733, 735, 850-855	12-9	13-1	(7-1-13)
16-0309-1206	880	12-10	13-1	(4-4-13)
<b>16.03.10 - Medicaid Enhanced Plan Benefits</b>				
16-0310-1201	036-038, 307	12-10	13-1	(4-4-13)
16-0310-1202	009, 010, 321-323, 326, 328-330, 703, 705,	12-10	13-1	(4-4-13)
16-0310-1203	075, 215, 511-513, 521, 523, 526, 527, 648-562, 664, 665, 680, 684, 685, 721, 726, 729, 731	12-10	13-1	(7-1-13)
16-0310-1204	082, 083, 112, 118, 124, 326, 329, 651, 657, 685, 703, 705	12-7	12-11	(4-4-13)
16-0310-1205	011, 012, 257, 258, 266-270, 622	12-10	13-1	(4-4-13)
<b>16.03.25 - Idaho Medicaid Electronic Health Record (EHR) Incentive Program</b>				
16-0325-1201	New Chapter	12-7	12-11	(4-4-13)
<b>16.04.02 - Idaho Telecommunication Service Assistance Program Rules</b>				
16-0402-1201	000-110, 996-999	12-10	13-1	(4-4-13)
<b>16.04.10 - Rules Governing the Community Services Block Grant Program</b>				
16-0410-1201	010-127	12-8	12-11	(4-4-13)
<b>16.05.01 - Use and Disclosure of Department Records</b>				
16-0501-1201	210	12-9	13-1	(4-4-13)
<b>16.05.06 - Criminal History and Background Checks</b>				
16-0506-1201	050	12-7	13-1	<a href="#">SCR 125</a> (3-27-13)
<b>16.06.01 - Child and Family Services</b>				
16-0601-1201	483	12-8	12-11	(4-4-13)
16-0601-1202	405, 554	12-9	13-1	(4-4-13)
<b>16.06.08 - Rules and Minimum Standards For DUI Evaluators</b>				
16-0608-1201	Repeal of Chapter	12-9	13-1	(7-1-13)
<b>16.06.12 - Rules Governing The Idaho Child Care Program (ICCP)</b>				

<b>History Notes - Legislative Session 2013</b>				
<b>Chapter and Docket Number</b>	<b>Amended Sections</b>	<b>Bulletin Vol. Proposed Rule</b>	<b>Bulletin Vol. Pending Rule</b>	<b>Final Effective Date</b>
16-0612-1201	010, 070, 072, 200, 201, 502, 600, 602, 810	12-1	12-6	(4-4-13)
<b>16.07.01 - Behavioral Health Sliding Fee Schedules</b>				
16-0701-1201	010, 600	12-9	13-1	(7-1-13)
<b>16.07.17 - Alcohol and Substance Use Disorder Services</b>				
16-0717-1201	001, 010, 102, 200	12-9	13-1	(7-1-13)
<b>16.07.20 - Alcohol and Substance Use Disorders Treatment and Recovery Support</b>				
16-0720-1201	002, 009-013, 103-130, 138, 140-223, 350-745 (Subsection 009.01 rejected by <a href="#">HCR 017</a> )	12-9	13-1	(7-1-13)
<b>IDAPA 17 - Industrial Commission</b>				
<b>17.02.04 - Administrative Rules of the Industrial Commission Under the Worker's Compensation Law -- Benefits</b>				
17-0204-1201	004	12-8	13-1	(4-4-13)
<b>17.02.09 - Medical Fees</b>				
17-0209-1201	030, 031, 032-036	12-10	13-1	(7-1-13)
<b>IDAPA 18 - Department of Insurance</b>				
<b>18.01.09 - Consumer Protection in Annuity Transactions</b>				
18-0109-1201	Chapter Repeal	12-9	12-11	(4-4-13)
18-0109-1202	Chapter Rewrite	12-9	12-11	(4-4-13)
<b>18.01.19 - Insurance Rates and Credit Rating</b>				
18-0119-1201	100	12-9	12-11	(4-4-13)
<b>18.01.44 - Schedule of Fees, Licenses and Miscellaneous Charges</b>				
18-0144-1201	030	12-9	12-11	<a href="#">SCR 125</a> (3-27-13)
<b>18.01.56 - Rebates and Illegal Inducements to Obtaining Title Insurance Business</b>				
18-0156-1201	012	12-9	12-11	(4-4-13)
<b>IDAPA 20 - Department of Lands</b>				
<b>20.02.01 - Rules Pertaining to the Idaho Forest Practices Act</b>				
20-0201-1201	010-030	12-10	13-1	(4-4-13)

<b>History Notes - Legislative Session 2013</b>				
<b>Chapter and Docket Number</b>	<b>Amended Sections</b>	<b>Bulletin Vol. Proposed Rule</b>	<b>Bulletin Vol. Pending Rule</b>	<b>Final Effective Date</b>
<b>20.03.14 - Rules Governing Grazing, Farming, Conservation, Noncommercial Recreation, and Communication Site Leases</b>				
20-0314-1201	001, 010, 020-040, 050, 053, 054, 080-090, 105, 111, 114	12-10	13-1	(4-4-13)
<b>20.03.15 - The Issuance of Geothermal Resource Leases</b>				
20-0315-1201	001, 010, 020-023, 035-060, 070-075, 085, 095-101, 102, 110-114	12-10	13-1	(4-4-13)
<b>IDAPA 22 - Board of Medicine</b>				
<b>22.01.01 - Rules of the Board of Medicine for the Licensure to Practice Medicine and Surgery</b>				
22-0101-1201	006, 007, 050, 081	12-10	13-1	(4-4-13)
<b>22.01.02 - Rules of the Board of Medicine for the Registration of Externs, Interns, and Residents</b>				
22-0102-1201	006, 007, 010-018	12-10	13-1	<a href="#">SCR 125</a> (3-27-13)
<b>22.01.03 - Rules for the Licensure of Physician Assistants</b>				
22-0103-1201	011, 022, 051	12-10	13-1	<a href="#">SCR 125</a> (3-27-13)
<b>22.01.11 - Rules for Licensure of Respiratory Therapists and Permitting of Polysomnographers in Idaho</b>				
22-0111-1201	005, 007, 010, 032	12-10	13-1	(4-4-13)
<b>22.01.12 - Rules Relating to Health Care Workers</b>				
22-0112-1201	Chapter Repeal	12-10	13-1	(4-4-13)
<b>22.01.13 - Rules for the Licensure of Dietitians</b>				
22-0113-1201	006-008, 032-041	12-10	13-1	<a href="#">SCR 125</a> (3-27-13)
<b>22.01.14 - Rules Relating to Complaint Investigation</b>				
22-0114-1201	000, 002, 006-023	12-10	13-1	(4-4-13)
<b>IDAPA 23 - Board of Nursing</b>				
<b>23.01.01 - Rules of the Idaho Board of Nursing</b>				
23-0101-1201	271-300, 315, 317-390	12-10	12-12	(7-1-13)
23-0101-1202	000, 010-040, 076-090, 101, 220, 240-261	12-10	12-12	(4-4-13)

<b><i>History Notes - Legislative Session 2013</i></b>				
<b>Chapter and Docket Number</b>	<b>Amended Sections</b>	<b>Bulletin Vol. Proposed Rule</b>	<b>Bulletin Vol. Pending Rule</b>	<b>Final Effective Date</b>
<b>IDAPA 24 - Bureau of Occupational Licenses</b>				
<b>24.01.01 - Rules of the Board of Architectural Examiners</b>				
24-0101-1201	010, 375, 400, 410, 550 (Subsection 550.03 rejected by <a href="#">SCR 122</a> )	12-10	12-12	(3-27-13)
24-0101-1300L	(Subsection 550.04 rejected by <a href="#">SCR 122</a> )	Final Rule		(3-27-13)
<b>24.04.01 - Rules of the Idaho Board of Cosmetology</b>				
24-0401-1201	176, 600, 800	12-10	12-12	<a href="#">SCR 125</a> (3-27-13)
<b>24.06.01 - Rules for the Licensure of Occupational Therapists and Occupational Therapy Assistants</b>				
24-0601-1201	004, 011, 025	12-10	12-12	(4-4-13)
<b>24.10.01 - Rules of the State Board of Optometry</b>				
24-1001-1201	150, 175, 200, 300-325, 425, 450, 475, 575, 600	12-10	12-12	(4-4-13)
<b>24.12.01 - Rules of the Idaho State Board of Psychologist Examiners</b>				
24-1201-1201	402	12-10	12-12	(4-4-13)
<b>24.14.01 - Rules of the State Board of Social Work Examiners</b>				
24-1401-1201	010, 201-225, 350, 450	12-10	12-12	(4-4-13)
<b>24.15.01 - Rules of the Idaho Licensing Board of Professional Counselors &amp; Marriage &amp; Family Therapists</b>				
24-1501-1201	004, 238, 425, 525	12-10	12-12	(4-4-13)
<b>24.17.01 - Rules of the State Board of Acupuncture</b>				
24-1701-1201	301, 302-307, 401-405	12-10	12-12	(4-4-13)
<b>24.18.01 - Rules of the Real Estate Appraiser Board</b>				
24-1801-1201	010, 401	12-5	12-12	(4-4-13)
<b>24.23.01 - Rules of the Speech and Hearing Services Licensure Board</b>				
24-2301-1201	175, 220, 450, 467, 470	12-10	12-12	<a href="#">SCR 125</a> (3-27-13)
<b>24.25.01 - Rules of the Idaho Driving Businesses Licensure Board</b>				
24-2501-1201	225	12-10	12-12	Rejected
<b>24.27.01 - Rules of the Idaho State Board of Massage Therapy</b>				
24-2701-1201	New Chapter	12-10	13-1	<a href="#">SCR 125</a> (3-27-13)

<b>History Notes - Legislative Session 2013</b>				
<b>Chapter and Docket Number</b>	<b>Amended Sections</b>	<b>Bulletin Vol. Proposed Rule</b>	<b>Bulletin Vol. Pending Rule</b>	<b>Final Effective Date</b>
<b>IDAPA 25 - Outfitters and Guides Licensing Board</b>				
<b>25.01.01 - Rules of the Idaho Outfitters and Guides Licensing Board</b>				
25-0101-1202	051	12-10	12-12	(4-4-13)
<b>IDAPA 26 - Department of Parks and Recreation</b>				
<b>26.01.20 - Rules Governing the Administration of Park and Recreation Areas and Facilities</b>				
26-0120-1201	010, 151, 202, 250, 275	12-8	12-12	(4-4-13)
26-0120-1202	010, 150, 175, 200, 225, 250, 275	12-9	12-12	<a href="#">SCR 125</a> (3-27-13)
<b>IDAPA 27 - Board of Pharmacy</b>				
<b>27.01.01 - Rules of the Idaho State Board of Pharmacy</b>				
27-0101-1201	013, 016, 018, 021, 034, 052, 110, 115, 204, 330, 601, 640, 750	12-10	13-1	(4-4-13)
27-0101-1202	010-012, 031, 036, 041, 042, 131, 140, 142, 200, 206, 260, 503, 600, 605, 606, 609, 622, 637, 730	12-10	13-1	(4-4-13)
27-0101-1203	290-292, 632	12-10	13-1	(4-4-13)
27-0101-1204	011, 130, 500	12-10	13-1	(4-4-13)
27-0101-1205	010, 011, 021-029, 035, 060, 071, 073, 090, 320, 600, 610, 641-651, 680	12-10	13-1	(7-1-13)
<b>IDAPA 28 - Department of Commerce</b>				
<b>28.02.05 - Rural Community Block Grant Program (RCBG)</b>				
28-0205-1201	011	12-10	13-1	(4-4-13)
<b>28.02.06 - Idaho Small Business Federal Funding Assistance Act Rules</b>				
28-0206-1201	New Chapter	12-6	12-10 - 13-1	(4-4-13)
<b>IDAPA 31 - Public Utilities Commission</b>				
<b>31.41.01 - Customer Relations Rules for Telephone Corporations Providing Services</b>				
31-4101-1201	500, 501 &-502 (Subsection 502.01.a. rejected by <a href="#">SCR 117</a> )	12-9	13-1	(3-27-13)

<b>History Notes - Legislative Session 2013</b>				
<b>Chapter and Docket Number</b>	<b>Amended Sections</b>	<b>Bulletin Vol. Proposed Rule</b>	<b>Bulletin Vol. Pending Rule</b>	<b>Final Effective Date</b>
<b>IDAPA 35 - State Tax Commission</b>				
<b>35.01.01 - Income Tax Administrative Rules</b>				
35-0101-1300L	(Final rule Subsections 033.03, 033.04 and 033.05 rejected by <b>HCR 032</b> )	Final Rule		(3-27-13)
35-0101-1201	130, 140, 171, 290, 291, 714, 877	12-10	13-1	(4-4-13)
35-0101-1202	075, 105, 108, 121, 253, 285, 286, 710, 719, 745-748, 771	12-10	13-1	(4-4-13)
<b>35.01.02 - Idaho Sales and Use Tax Administrative Rules</b>				
35-0102-1201	024, 037, 043, 044, 072, 095, 109, 128	12-10	13-1	(4-4-13)
<b>35.01.03 - Property Tax Administrative Rules</b>				
35-0103-1202	604, 620	12-10	13-1	(4-4-13)
35-0103-1203	131, 608, 630, 995	12-10	13-1	(4-4-13)
35-0103-1204	600, 803	12-10	13-1	(4-4-13)
35-0103-1205	218	12-10	13-1	(4-4-13)
35-0103-1207	000, 006, 225, 313, 404, 509-511, 612, 619, 802	12-10	13-1	(4-4-13)
<b>35.01.09 - Table and Kitchen Wine Tax Administrative Rules</b>				
35-0109-1201	014, 016,	12-10	13-1	(4-4-13)
<b>35.01.10 - Idaho Cigarette and Tobacco Products Tax Administrative Rules</b>				
35-0110-1201	017	12-10	13-1	(4-4-13)
<b>35.01.12 - Idaho Beer Tax Administrative Rules</b>				
35-0112-1201	013, 017	12-10	13-1	(4-4-13)
<b>35.02.01 - Administration and Enforcement Rules</b>				
35-0201-1201	225, 310, 500, 704	12-10	13-1	(4-4-13)
<b>IDAPA 36 - Idaho Board of Tax Appeals</b>				
<b>36.01.01 - Idaho Board of Tax Appeals Rules</b>				
36-0101-1201	000, 001, 003-010, 012-020, 022-115, 117-165	12-10	12-12	(3-25-13)
<b>IDAPA 37 - Department of Water Resources</b>				

<b><i>History Notes - Legislative Session 2013</i></b>				
<b>Chapter and Docket Number</b>	<b>Amended Sections</b>	<b>Bulletin Vol. Proposed Rule</b>	<b>Bulletin Vol. Pending Rule</b>	<b>Final Effective Date</b>
<b><i>37.03.03 - Rules and Minimum Standards for the Construction and Use of Injection</i></b>				
37-0303-1201	001, 004, 005, 010, 015, 020, 025, 026, 030, 035	12-10	13-1	(4-4-13)
<b>IDAPA 38 - Department of Administration</b>				
<b><i>38.04.06 - Rules Governing Use of the Exterior of State Property in the Capitol Mall &amp; Other State Facilities</i></b>				
38-0406-1202	New Chapter (Sections 201 and 313, Subsections 302.01, 302.03 and 302.03 rejected by <a href="#">SCR 118</a> )	12-10	12-12	(3-27-13)
<b><i>38.04.07 - Rules Governing Use of the Interior of State Property in the Capitol Mall &amp; Other State Facilities</i></b>				
38-0407-1202	New Chapter	12-10	12-12	(4-4-13)
<b><i>38.04.08 - Rules Governing Use of Idaho State Capitol Exterior</i></b>				
38-0408-1202	New Chapter (Sections 201 and 313 and Subsections 302.01.a, 302.01.b, 302.01.c., & 302.01.d. and 302.02 rejected by <a href="#">SCR 119</a> )	12-10	12-12	(3-27-13)
<b>IDAPA 39 - Idaho Transportation Department</b>				
<b><i>39.02.12 - Rules Governing Issuing Certificates of Title and Bonded Certificates of</i></b>				
39-0212-1201	001-200, 202, 203	12-9	13-1	(4-4-13)
<b><i>39.02.60 - Rules Governing License Plate Provisions</i></b>				
39-0260-1201	012, 155, 202	12-9	13-1	(4-4-13)
<b><i>39.02.61 - Rules Governing License Plates for Governmental Agencies and Taxing</i></b>				
39-0261-1201	000-010, 200-500, 601, 801	12-10	13-1	(7-1-13)
<b><i>39.02.71 - Rules Governing Driver's License Violation Point System</i></b>				
39-0271-1201	005-200	12-10	13-1	(4-4-13)
<b><i>39.03.04 - Rules Governing Movement of Disabled Vehicles</i></b>				
39-0304-1201	New Chapter	12-9	13-1	(4-4-13)
<b><i>39.03.10 - Rules Governing When an Overlegal Permit Is Required</i></b>				
39-0310-1201	005, 300	12-9	13-1	(4-4-13)
<b><i>39.03.41 - Rules Governing Traffic Control Devices</i></b>				
39-0341-1201	004	12-9	13-1	(4-4-13)

<b><i>History Notes - Legislative Session 2013</i></b>				
<b>Chapter and Docket Number</b>	<b>Amended Sections</b>	<b>Bulletin Vol. Proposed Rule</b>	<b>Bulletin Vol. Pending Rule</b>	<b>Final Effective Date</b>
<b>39.03.42 - Rules Governing Highway Right-of-Way Encroachments on State Rights-of-Way</b>				
39-0342-1201	000, 003-200, 300-401 402-800	12-10	13-1	SCR 125 (3-27-13)
<b>39.04.02 - Rules Governing Marking of Hazards to Air Flight</b>				
39-0402-1201	000, 001, 010-200	12-9	13-1	(4-4-13)
<b>IDAPA 46 - Board of Veterinary Medical Examiners</b>				
<b>46.01.01 - Rules of the State of Idaho Board of Veterinary Medicine</b>				
46-0101-1201	004, 100, 205-207	12-9	12-11	(4-4-13)
<b>IDAPA 47 - Division of Vocational Rehabilitation</b>				
<b>47.01.01 - Rules of the Idaho Division of Vocational Rehabilitation</b>				
47-0101-1202	004-300	12-10	13-1	(7-1-13)
<b>IDAPA 52 - Idaho State Lottery Commission</b>				
<b>52.01.02 - Gaming Rules of the Idaho State Lottery Commission</b>				
52-0102-1201	115, 204	12-10	12-12	(4-4-13)
<b>52.01.03 - Rules Governing Operations of the Idaho State Lottery</b>				
52-0103-1202	100, 204	12-10	12-12	(4-4-13)
52-0103-1203	204	12-11	13-1	(4-4-13)
<b>IDAPA 54 - Office of the State Treasurer</b>				
<b>54.03.01 - Idaho Unclaimed Property Administrative Rules</b>				
54-0301-1201	002, 006, 012, 015, 016	12-10	12-12	(4-4-13)
<b>IDAPA 58 - Department of Environmental Quality</b>				
<b>58.01.01 - Rules for the Control of Air Pollution in Idaho</b>				
58-0101-1201	006, 220, 222, 223, 585, 586, 792, 794	12-6	12-11	(4-4-13)
58-0101-1202	517, 518, 524, 527	12-6	12-11	(4-4-13)
58-0101-1203	008, 107	12-8	12-11	(4-4-13)

<b><i>History Notes - Legislative Session 2013</i></b>				
<b>Chapter and Docket Number</b>	<b>Amended Sections</b>	<b>Bulletin Vol. Proposed Rule</b>	<b>Bulletin Vol. Pending Rule</b>	<b>Final Effective Date</b>
<b><i>58.01.05 - Rules and Standards for Hazardous Waste</i></b>				
58-0105-1201	002, 004-018	12-8	12-11	(4-4-13)
<b><i>58.01.08 - Idaho Rules for Public Drinking Water Systems</i></b>				
58-0108-1101	002, 003, 005, 010, 050-323, 450-511, 514, 518, 520-525, 529, 535, 540, 544, 548-552, 554,	12-5	12-11	(4-4-13)
<b><i>58.01.23 - Rules of Administrative Procedure Before the Board of Environmental</i></b>				
58-0123-1201	811-830	12-6	12-11	(4-4-13)
<b>IDAPA 59 - Public Employees Retirement System - PERSI</b>				
<b><i>59.01.03 - Contribution Rules for the Public Employee Retirement System of Idaho</i></b>				
59-0103-1201	026, 027	12-5	12-7	(4-4-13)

## IDAPA 02 - DEPARTMENT OF AGRICULTURE

### 02.06.33 - ORGANIC FOOD PRODUCT RULES

DOCKET NO. 02-0633-1201

#### NOTICE OF LEGISLATIVE ACTION - FINAL RULE

**AUTHORITY:** In compliance with Sections 67-5224 and 67-5291, Idaho Code, notice is hereby given that the legislature has taken action by concurrent resolution on the pending rule promulgated under Docket No. 02-0633-1201, and the affected subsection is being reprinted here pursuant to that legislative action.

**DESCRIPTIVE SUMMARY:** The following is a concise explanatory statement regarding the partial rejection of this pending fee rule:

Pursuant to Senate Concurrent Resolution 125, IDAPA 02.06.33, the Department of Agriculture, "Organic Food Product Rules," Section 201, Subsection 04.b., only, adopted as a pending fee rule under Docket Number 02-0633-1201, is not consistent with legislative intent and is rejected and declared null, void and of no force and effect.

Following this notice the affected Subsection 201.04.b. is being reprinted as approved by the legislature and as codified.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this notice, contact Dennis Stevenson, Administrative Rules Coordinator at (208) 332-1820.

DATED this 15th day of April, 2013.

Dennis Stevenson  
Administrative Rules Coordinator  
Office of the Administrative Rules Coordinator  
Department of Administration  
P. O. Box 83720, Boise, ID 83720-0306  
email: [rulescoordinator@adm.idaho.gov](mailto:rulescoordinator@adm.idaho.gov)

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#### THE FOLLOWING IS THE FINAL TEXT OF THE SECTION AFFECTED BY SCR 125

##### **201. REGISTRATION OF APPROVED MATERIALS.**

The director may establish a list of registered branded materials for use in organic production, processing, or handling. (3-27-13)

**04. Registration Fees.** The Director may charge the following fees, which are nonrefundable and are not to exceed the stated amounts. (3-27-13)

**a.** Operations that hold a current approval from a reputable third party accredited material evaluation program such as the Environmental Protection Agency, an NOP Accredited Certifying Agent, or ISO Guide 65 for the material(s) which it is seeking to register in Idaho must pay two hundred dollars (\$200) for an initial registration application fee, and two hundred dollars (\$200) each year thereafter for renewal of the registration. (3-27-13)

~~**b.** All other operations will be charged an initial registration application fee not to exceed five hundred dollars (\$500), and must pay an annual fee based on registered branded materials sales volume, not to exceed the following amounts:~~

<u>Annual Sales</u>	<u>Annual Fees</u>
<u>\$0 to \$20,000</u>	<u>\$500</u>
<u>\$20,001 to \$75,000</u>	<u>\$2,500</u>
<u>\$75,000 and above</u>	<u>\$5,000</u>



- b.** All operations must pay initial and annual inspection fees to keep their product registered.

(3-27-13)

**IDAPA 03 - STATE ATHLETIC COMMISSION**  
**03.01.01 - RULES OF THE STATE ATHLETIC COMMISSION**  
**DOCKET NO. 03-0101-1300L**  
**NOTICE OF LEGISLATIVE ACTION - FINAL RULE**

**AUTHORITY:** In compliance with Section 67-5291, Idaho Code, notice is hereby given that the legislature has taken action by concurrent resolution on this final rule codified under IDAPA 03.01.01. The affected section of this rule is being reprinted here pursuant to that legislative action as codified.

**DESCRIPTIVE SUMMARY:** The following is a concise explanatory statement regarding this final rule:

Pursuant to House Concurrent Resolution No. 20, final rule Section 107, Subsection 07, only, is not consistent with legislative intent and is hereby rejected and declared null, void and of no force and effect.

Pursuant to HCR 20 and in accordance with 67-5291, Idaho Code, Section 107 of the final rule is being reprinted in its entirety as codified following this notice.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this notice, contact Dennis Stevenson, Administrative Rules Coordinator at (208) 332-1820.

DATED this 15th day of April, 2013.

Dennis Stevenson  
Administrative Rules Coordinator  
Office of the Administrative Rules Coordinator  
Department of Administration  
P.O. Box 83720, Boise, ID 83720-0306  
email: [rulescoordinator@adm.idaho.gov](mailto:rulescoordinator@adm.idaho.gov)

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**THE FOLLOWING IS THE FINAL TEXT OF THE SECTION AFFECTED BY HCR 20**

**107. FEMALE COMBATANTS (RULE 107).**

- 01. Qualifications.** A female combatant must be qualified to perform as a combatant before she enters a contest. (3-26-08)
- 02. Limitation.** A female combatant will not engage in a contest with a male combatant. (5-8-09)
- 03. General Requirements.** In addition to meeting such requirements of this chapter as are applicable to combatants generally, a female must: (5-8-09)
- a.** Submit to pregnancy test within fourteen (14) days of the contest. (5-8-09)
  - b.** Use a mouthpiece specially designed for her mouth; (3-3-94)
  - c.** Wear ten (10) ounce gloves in a boxing contest; (3-26-08)
  - d.** Wear a breast protector as a binder; (3-3-94)
  - e.** Have her hair secured in a manner that does not interfere with the vision or safety of either combatant; and (3-26-08)

f. For each contest in which she competes, have two (2) uniforms in contrasting colors, each uniform consisting of a body shirt, blouse, and shorts. (3-3-94)

**04. Addendum Requirement.** A female combatant must, in addition to signing the contract, sign an addendum certifying that the combatant is not pregnant and that the contest will not take place during a menstrual period. (5-8-09)

**05. Limitation on Contest.** A contest between female combatants must be limited to ten (10) rounds of two (2) minutes duration. (3-26-08)

**06. Separate Dressing Rooms.** The promoters of a contest between female combatants must provide them with adequate separate dressing rooms. (5-8-09)

~~**07. Annual Physical Examination.** The annual physical examination of a female combatant must include an examination of the pelvis. Before each contest, the examining physician must make an abdominal examination and must examine the breasts and note any masses. (5-8-09)~~

## IDAPA 07 - DIVISION OF BUILDING SAFETY

### 07.01.06 - RULES GOVERNING THE USE OF NATIONAL ELECTRICAL CODE

DOCKET NO. 07-0106-1301

### NOTICE OF INTENT TO PROMULGATE RULES - NEGOTIATED RULEMAKING

**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 Sections 54-1001 and 54-1006(5), Idaho Code.

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

<b>*ORIGINATING LOCATION -- LIVE MEETING*</b> <b>Thursday, July 11, 2013 -- 9:30 a.m. MDT (8:30 a.m. PDT)</b>	
<b>Idaho Electrical Board Idaho Division of Building Safety 1090 E. Watertower, Suite 150, Meridian, Idaho 83642</b>	
<b>*VIDEO CONFERENCE LOCATIONS*</b>	
<b>1250 Ironwood Drive Suite 220 Coeur d'Alene, Idaho 83814</b>	<b>2055 Garrett Way Building 1, Suite 4 Pocatello, Idaho 83201</b>

**METHOD OF PARTICIPATION:** Persons wishing to participate in the negotiated rulemaking must do the following:

Interested members of the public who wish to participate must submit any written comments, questions, recommendations, or ideas to the Idaho Electrical Board on designated forms available at the Division of Building Safety website <http://dbs.idaho.gov/> and at the DBS offices in Meridian, Coeur d'Alene, and Pocatello, Idaho. Individuals may also attend the public meeting to be conducted on the above date during which the Idaho Electrical Board will allow oral comments or presentations to be made. In addition to participation at the scheduled Board meeting, the Division is aware of a collaborative group that has been formed to work on this issue. More information regarding meetings and other activities involving the collaborative is available by contacting Ron Whitney at the Division of Building Safety at (208) 334-3950 or at [ron.whitney@dbs.idaho.gov](mailto:ron.whitney@dbs.idaho.gov).

**DESCRIPTIVE SUMMARY:** The following is a statement in nontechnical language of the substance and purpose of the intended negotiated rulemaking and the principle issues involved:

Pursuant to Section 54-1001, Idaho Code, the Idaho Electrical Board has the authority through the promulgation of rules to adopt and amend the National Electrical Code. The Electrical Board desires to amend provisions of this code as it determines necessary through the negotiated rulemaking process. The Board seeks the participation of the affected industry, enforcement jurisdictions, and the public at large in this rulemaking process to ensure that due consideration is given to the varying views about the adoption of amendments to this code for application in Idaho.

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS, OBTAINING COPIES:** For assistance on technical questions concerning this negotiated rulemaking or to obtain a copy of the preliminary draft of the text of the proposed rule, contact Steve Keys, Deputy Administrator - Operations, (208) 332-8986.

Anyone may submit written comments regarding this negotiated rulemaking. All written comments, questions, recommendations, or ideas must be directed to the undersigned and must be submitted on the appropriate form to the Division of Building Safety or the Idaho Electrical Board by July 3, 2013. Forms may be submitted via email to [neg.rules@dbs.idaho.gov](mailto:neg.rules@dbs.idaho.gov).

DATED this 15th day of April, 2013.

Steve Keys, Deputy Administrator - Operations  
Division of Building Safety  
1090 E. Watertower St., Ste. 150  
P. O. Box 83720  
Meridian, ID 83542  
Phone: (208) 332-8986  
Fax: (877) 810-2840

**IDAPA 07 - DIVISION OF BUILDING SAFETY**  
**07.02.06 - RULES CONCERNING UNIFORM PLUMBING CODE**  
**DOCKET NO. 07-0206-1201**  
**NOTICE OF LEGISLATIVE ACTION - FINAL RULE**

**AUTHORITY:** In compliance with Sections 67-5224 and 67-5291, Idaho Code, notice is hereby given that the legislature has taken action by concurrent resolution on this pending rule promulgated under Docket No. 07-0206-1201. The affected section of the rule is being reprinted here pursuant to that legislative action as codified.

**DESCRIPTIVE SUMMARY:** The following is a concise explanatory statement regarding the partial rejection of this pending rule:

Pursuant to House Concurrent Resolution 23, IDAPA 07.02.06, Division of Building Safety, "Rules Concerning Uniform Plumbing Code," Section 011, Subsection 09, only, adopted as a pending rule under Docket Number 07-0206-1201, is not consistent with legislative intent and is rejected and declared null, void and of no force and effect.

Following this notice the affected subsection is being reprinted as approved by the legislature and as codified.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this notice, contact Dennis Stevenson, Administrative Rules Coordinator at (208) 332-1820.

DATED this 15th day of April, 2013.

Dennis Stevenson  
Administrative Rules Coordinator  
Office of the Administrative Rules Coordinator  
Department of Administration  
P. O. Box 83720, Boise, ID 83720-0306  
email: [rulescoordinator@adm.idaho.gov](mailto:rulescoordinator@adm.idaho.gov)

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**THE FOLLOWING IS THE FINAL TEXT OF THE SECTION AFFECTED BY HCR 23**

**011. ADOPTION AND INCORPORATION BY REFERENCE OF THE IDAHO STATE PLUMBING CODE.**

The Idaho State Plumbing Code published in 2012, including Appendices "A, B, D, E, I, and L," (herein ISPC) is adopted and incorporated by reference with amendments as prescribed by the Idaho Plumbing Board and contained in this Section. The Idaho State Plumbing Code is modeled after the 2009 Uniform Plumbing Code (UPC). The Idaho State Plumbing Code is available at the Division of Building Safety offices located at 1090 E. Watertower St., Suite 150, Meridian, Idaho 83642; 1250 Ironwood Dr., Ste. 220, Coeur d'Alene, Idaho 83814; and 2055 Garrett Way, Building 1, Suite 4, Pocatello, Idaho 83201. It may also be accessed electronically online at <http://dbs.idaho.gov/>.

(3-25-13)

~~09. **Section 505.1 Location.** Add the following paragraph at the end of section 505.1: (3) Water heaters shall not be located in a crawl space.~~ ()

**Coordinator's Note:**

All Subsections following Subsection 011.09 have been renumbered as approved pursuant to HCR 23 and as codified. Due to the length of this section the renumbered Subsections are not reprinted here. Please see the 2013 administrative code archive to view the entire rule located [here](#).

**IDAPA 07 - DIVISION OF BUILDING SAFETY**

**07.03.01 - RULES OF BUILDING SAFETY**

**DOCKET NO. 07-0301-1301**

**NOTICE OF INTENT TO PROMULGATE RULES - NEGOTIATED RULEMAKING**

**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 Sections 39-4107 and 39-4109, Idaho Code.

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

<b>*ORIGINATING LOCATION -- LIVE MEETING*</b> <b>Tuesday, June 18, 2013 -- 9:30 a.m. MDT (8:30 a.m. PDT)</b>	
<b>Idaho Building Code Board Idaho Division of Building Safety 1090 E. Watertower, Suite 150, Meridian, Idaho 83642</b>	
<b>*VIDEO CONFERENCE LOCATIONS*</b>	
<b>1250 Ironwood Drive Suite 220 Coeur d'Alene, Idaho 83814</b>	<b>2055 Garrett Way Building 1, Suite 4 Pocatello, Idaho 83201</b>

**METHOD OF PARTICIPATION:** Persons wishing to participate in the negotiated rulemaking must do the following:

Interested members of the public who wish to participate must submit any written comments, questions, recommendations, or ideas to the Idaho Building Code Board on designated forms available at the Division of Building Safety website <http://dbs.idaho.gov/> and at the DBS offices in Meridian, Coeur d'Alene, and Pocatello, Idaho. Individuals may also attend the public meeting to be conducted on the above date during which the Idaho Building Code Board will allow oral comments or presentations to be made. The Division is also aware of a collaborative group working on ideas for submission to the Board. You may contact the group by contacting Leon Duce at the Association of Idaho Cities. Mr. Duce's email address is [LDuce@idahocities.org](mailto:LDuce@idahocities.org).

**DESCRIPTIVE SUMMARY:** The following is a statement in nontechnical language of the substance and purpose of the intended negotiated rulemaking and the principle issues involved:

Pursuant to Sections 39-4107 and 39-4109, Idaho Code, the Idaho Building Code Board has the authority through the promulgation of rules to adopt and amend building codes which establish the building construction and safety standards in the state of Idaho. These codes include the International Building Code, International Residential Code, International Energy Conservation Code, and the International Existing Building Code. The Building Code Board desires to amend provisions of these codes as it determines necessary through the negotiated rulemaking process. The Board seeks the participation of the affected industry, enforcement jurisdictions, and the public at large in this rulemaking process to ensure that due consideration is given to the varying views about the adoption of amendments to these codes for application in Idaho.

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS, OBTAINING COPIES:** For assistance on technical questions concerning this negotiated rulemaking or to obtain a copy of the

preliminary draft of the text of the proposed rule, contact Steve Keys, Deputy Administrator - Operations, (208) 332-8986.

Anyone may submit written comments regarding this negotiated rulemaking. All written comments, questions, recommendations, and ideas must be directed to the undersigned and must be submitted on the appropriate form to the Division of Building Safety or the Idaho Building Code Board by June 10, 2013. Forms may be submitted via email to [neg.rules@dbs.idaho.gov](mailto:neg.rules@dbs.idaho.gov).

DATED this 15th day of April, 2013.

Steve Keys, Deputy Administrator - Operations  
Division of Building Safety  
1090 E. Watertower St., Ste. 150  
P. O. Box 83720  
Meridian, ID 83542  
Phone: (208) 332-8986  
Fax: (877) 810-2840

**IDAPA 07 - DIVISION OF BUILDING SAFETY**

**07.07.01 - RULES GOVERNING INSTALLATION OF HEATING, VENTILATION,  
AND AIR CONDITIONING SYSTEMS**

**DOCKET NO. 07-0701-1301**

**NOTICE OF INTENT TO PROMULGATE RULES - NEGOTIATED RULEMAKING**

**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 Sections 54-5001, 54-5004 and 54-5005, Idaho Code.

**MEETING SCHEDULE:** Public meetings on the negotiated rulemaking will be held as follows:

<b>*ORIGINATING LOCATION -- LIVE MEETING*</b> <b>Idaho Heating, Ventilation, and Air Conditioning (HVAC) Board</b> <b>Idaho Division of Building Safety</b> <b>1090 E. Watertower, Suite 150,</b> <b>Meridian, Idaho 83642</b>	
<b>Wednesday, May 22, 2013</b> <b>9:30 a.m. (MDT)</b> <b>8:30 a.m. (PDT)</b>	<b>Wednesday, July 10, 2013</b> <b>9:30 a.m. (MDT)</b> <b>8:30 a.m. (PDT)</b>
<b>*VIDEO CONFERENCE LOCATIONS*</b>	
<b>1250 Ironwood Drive</b> <b>Suite 220</b> <b>Coeur d'Alene, Idaho 83814</b>	<b>2055 Garrett Way</b> <b>Building 1, Suite 4</b> <b>Pocatello, Idaho 83201</b>

**METHOD OF PARTICIPATION:** Persons wishing to participate in the negotiated rulemaking must do the following:

Interested members of the public who wish to participate must submit any written comments, questions, recommendations, or ideas to the Idaho HVAC Board on designated forms available at the Division of Building Safety website <http://dbs.idaho.gov/> and at the DBS offices in Meridian, Coeur d'Alene, and Pocatello, Idaho. Individuals may also attend the public meetings to be conducted at the above dates during which the Idaho HVAC Board will allow oral comments or presentations to be made.

A collaborative group, operating outside of the HVAC Board, is being formed to serve as a forum for the preparation of a proposal relative to the adoption of new editions of the mechanical codes. The Division of Building Safety and the Idaho HVAC Board encourages all interested parties to participate in this collaborative effort. For information regarding meetings of the collaborative group and other questions regarding the group, please contact Jerry Peterson, the mechanical program manager, at (208) 332-4003 or via email at [jerry.peterson@dbs.idaho.gov](mailto:jerry.peterson@dbs.idaho.gov).

**DESCRIPTIVE SUMMARY:** The following is a statement in nontechnical language of the substance and purpose of the intended negotiated rulemaking and the principle issues involved:

Pursuant to Sections 54-5001 and 54-5004, Idaho Code, the Idaho HVAC Board has the authority through the promulgation of rules to adopt and amend mechanical codes which establish the heating, ventilation and air conditioning construction and safety standards in the state of Idaho. These codes include the International Mechanical Code, International Fuel Gas Code, and Parts V and VI of the International Residential Code. The HVAC Board

desires to consider the adoption of the 2012 versions of these codes and amending provisions of these codes as it determines necessary through the negotiated rulemaking process. The Board seeks the participation of the affected industry, enforcement jurisdictions, and the public at large in this rulemaking process to ensure that due consideration is given to the varying views about the adoption of amendments to these codes for application in Idaho.

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS, OBTAINING COPIES:** For assistance on technical questions concerning this negotiated rulemaking or to obtain a copy of the preliminary draft of the text of the proposed rule, contact Steve Keys, Deputy Administrator - Operations, (208) 332-8986.

Anyone may submit written comments regarding this negotiated rulemaking. All written comments, questions, recommendations, or ideas must be directed to the undersigned and must be submitted on the appropriate form to the Division of Building Safety or the Idaho HVAC Board by May 14, 2013. Forms may be submitted via email to [neg.rules@dbs.idaho.gov](mailto:neg.rules@dbs.idaho.gov).

DATED this 15th day of April, 2013.

Steve Keys, Deputy Administrator - Operations  
Division of Building Safety  
1090 E. Watertower St., Ste. 150  
P. O. Box 83720  
Meridian, ID 83542  
Phone: (208) 332-8986  
Fax: (877) 810-2840

# IDAPA 08 - STATE BOARD OF AND STATE DEPARTMENT OF EDUCATION

## 08.02.02 - RULES GOVERNING UNIFORMITY

### DOCKET NO. 08-0202-1200

#### NOTICE OF CORRECTION TO FINAL RULE

**COORDINATOR'S NOTE:** Pursuant to Section 67-5202(2), Idaho Code, notice is hereby given that the Administrative Rules Coordinator has corrected a final rule adopted under the authority of the State Board of Education and as approved by the Legislature during the 2013 session. IDAPA 08.02.02, "Rules Governing Uniformity," Section 016, *Idaho Educator Credential*, is being reprinted here in its entirety to correct a numbering error that resulted from amendments made in two rulemakings affecting the same section of rule. The rule has been codified as published here and as it was approved by the legislature. The republication of this final rule to correct the subsection numbering does not alter the sense, meaning or effect of this rule.

**AUTHORITY:** In compliance with Sections 67-5224 and 67-5291, Idaho Code, notice is hereby given that the Legislature has reviewed the rulemakings adopted by the State Board of Education and the Department of Education under docket numbers 08-0202-1202 and 08-0202-1204 and that amendments made to Section 016 in these dockets were approved as submitted. This final agency action is authorized pursuant to Section 33-1511(2), Idaho Code.

**DESCRIPTIVE SUMMARY:** The following is a concise explanatory statement regarding this correction to final rule:

The proposed amendments made in Section 016, adopted as pending rules under Docket Nos. 08-0202-1202 and 08-0202-1204, were submitted for review and approved during the 2013 legislative session and became final on April 4, 2013, Sine Die. Because separate amendments were made in each docket affecting the same section of the rule, a subsection numbering error resulted. Under docket number 08-0202-1202, a new Subsection 016.03, "Waiver of Mathematics In-Service Program," was added to Section 016. Under docket number 08-0202-1204, a new Subsection 016.03, "Renewal Requirement - Idaho Comprehensive Literacy Course," was also added to Section 016. Because both of these changes have been approved, and because a renumbering of these subsections does not alter the sense, meaning or effect of the rule, the rule has been corrected and renumbered as follows:

Subsection 016.03, "Renewal Requirement - Idaho Comprehensive Literacy Course," and Subsection 016.04, "Out of State Applicants - Idaho Comprehensive Literacy Course," promulgated under docket 08-0202-1204 are hereby renumbered as Subsection 016.04 and 016.05, respectively.

The text of the proposed rule was published under docket number 08-0202-1202 in the August 1, 2012 Idaho Administrative Bulletin, [Vol. 12-8, pages 22 and 23](#) and the proposed rule docket number 08-0202-1204 published in the October 3, 2012 Idaho Administrative Bulletin, [Vol. 12-10, pages 130 through 139](#). The pending rules were published in the January 2, 2013, Idaho Administrative Bulletin, [Vol. 13-1, page 41](#) and a correction to the pending rule docket 08-0202-1204 was published in the February 6, 2013, Idaho Administrative Bulletin, [Vol. 13-2, page 23 through 27](#).

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this final rule, contact Luci Willits, Chief of Staff, State Department of Education, Boise, Idaho, 208-332-6814.

DATED this 5th day of April, 2013.

Tom Luna  
Idaho Superintendent of Public Instruction State  
Department of Education  
650 West State Street  
P.O. Box 83720, Boise, Idaho 83720-0027  
Phone: 208-332-6800 / Fax: 208-334-2228

THE FOLLOWING IS THE FINAL TEXT OF IDAPA 08.02.02.016 AS CODIFIED

**016. IDAHO EDUCATOR CREDENTIAL.**

The State Board of Education authorizes the State Department of Education to issue certificates and endorsements to those individuals meeting the specific requirements for each area provided herein. (Section 33-1201, Idaho Code) (3-16-04)

**01. Renewal Requirement - Mathematics In-Service Program.** In order to recertify, the state approved mathematics instruction course titled "Mathematical Thinking for Instruction" shall be required. The "Mathematical Thinking for Instruction" course consists of three (3) credits (or forty-five (45) contact hours of in-service training). Teachers and administrators shall take one (1) of the three (3) courses developed that each teacher deems to be most closely aligned with their current assignment prior to September 1, 2014. Any teacher or administrator successfully completing said course shall be deemed to have met the requirement of Subsection 060.03.c. of this rule, regardless of whether such course is part of any official transcript. Successful completion of state approved mathematics instruction course shall be a one-time requirement for renewal of certification for those currently employed in an Idaho school district and shall be included within current requirements for continuing education for renewal. The following individuals listed in Subsection 016.01.a. through 016.01.e. shall successfully complete the "Mathematical Thinking for Instruction" course in order to recertify: (4-7-11)

- a. Each teacher holding an Early Childhood/Early Childhood Special Education Blended Certificate (Birth - Grade 3) who is employed in an elementary classroom (multi-subject classroom, K-8); (3-29-10)
- b. Each teacher holding a Standard Elementary Certificate (K-8); (3-29-10)
- c. Each teacher holding a Standard Secondary Certificate (6-12) teaching in a math content classroom (grade six (6) through grade twelve (12)) including Title I classrooms; (3-29-10)
- d. Each teacher holding a Standard Exceptional Child Certificate (K-12); and (3-29-10)
- e. Each school administrator holding an Administrator Certificate (Pre K-12), including all school district and charter administrators. (4-4-13)

**02. Out-of-State Applicants - Mathematical Thinking for Instruction.** (4-4-13)

- a. Out-of-state applicants shall take the state approved mathematics instruction course titled "Mathematical Thinking for Instruction" as a certification requirement. The "Mathematical Thinking for Instruction" course consists of three (3) credits (or forty-five (45) contact hours of in-service training). (3-29-10)
- b. Those individuals who qualify for an Idaho certificate through state reciprocity shall be granted a three-year, non-renewable, interim certificate to allow time to meet the Idaho Mathematics In-service program requirement. (4-4-13)

**03. Waiver of Mathematics In-Service Program.** When applying for certificate renewal, an automatic waiver of the mathematics in-service program requirement shall be granted for any certificated individual who lives outside of the state of Idaho or who is not currently employed as an educator in the state of Idaho. This waiver applies only as long as the individual remains outside the state of Idaho or as long as the individual is not employed as an educator in the state of Idaho. Upon returning to Idaho or employment in an Idaho public school, the educator will need to complete this requirement prior to the next renewal period. (4-4-13)

**04. Renewal Requirement - Idaho Comprehensive Literacy Course.** In order to recertify, a state approved Idaho Comprehensive Literacy Course shall be required. Successful completion of a state approved Idaho Comprehensive Literacy course shall be a one-time requirement for renewal of certification for those currently employed in an Idaho school district and shall be included within current requirements for continuing education for renewal. The following individuals listed in Subsection 016.03.a. through 016.03.c. shall successfully complete an Idaho Comprehensive Literacy course in order to recertify: (4-4-13)

- a.** Each teacher holding an Early Childhood/Early Childhood Special Education Blended Certificate (Birth - Grade 3) who is employed in an elementary classroom (multi-subject classroom, K-8); (4-4-13)
  - b.** Each teacher holding a Standard Elementary Certificate (K-8); and (4-4-13)
  - c.** Each teacher holding a Standard Exceptional Child Certificate (K-12). (4-4-13)
- 05. Out-of-State Applicants - Idaho Comprehensive Literacy Course.** Out-of-state applicants shall take a state approved Idaho Comprehensive Literacy Course as a certification requirement. (4-4-13)

**IDAPA 10 - BOARD OF PROFESSIONAL ENGINEERS  
AND PROFESSIONAL LAND SURVEYORS**

**10.01.01 - RULES OF PROCEDURE**

**DOCKET NO. 10-0101-1301**

**NOTICE OF INTENT TO PROMULGATE RULES - NEGOTIATED RULEMAKING**

**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 54-1202, Idaho Code.

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

**Monday -- May 20, 2013 -- 9:00 A.M.**

**1510 E. Watertower Street  
Meridian, Idaho 83642**

**METHOD OF PARTICIPATION:** Persons wishing to participate in the negotiated rulemaking must do the following: attend the meeting and present your views and thoughts on the draft amendments or submit your views and thoughts in writing not later than May 24, 2013.

**DESCRIPTIVE SUMMARY:** The following is a statement in nontechnical language of the substance and purpose of the intended negotiated rulemaking and the principle issues involved:

Current Idaho Code requires that if an applicant for licensure as a professional land surveyor has not graduated from an approved four year surveying program they must have a four year degree in a related science and demonstrate to the satisfaction of the board that they possess knowledge and skill approximating that attained through graduation from an approved four year surveying program. Since 2010 the Board has had rules which defined what satisfied that requirement. Last year the National Council of Examiners for Engineering and Surveying developed standards for an approved surveying program based on accreditation requirements. The board is considering adopting those standards in lieu of those in place since 2010 in order to utilize nationalized standards.

**CONTACT INFORMATION, WEB ADDRESS, ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning this negotiated rulemaking, contact David L. Curtis, P.E., (208) 373-7210. Materials pertaining to the negotiated rulemaking, including any available preliminary rule drafts, can be found on the Board of Professional Engineers and Professional Land Surveyors web site at the following web address: <http://www.ipels.idaho.gov>.

All written comments must be directed to the undersigned and must be delivered on or before May 24, 2013.

DATED: March 20, 2013.

David L. Curtis, P.E.  
Executive Director  
Board of Professional Engineers and Professional Land Surveyors  
1510 E. Watertower St.  
Meridian, Idaho 83642  
Telephone: (208) 373-7210  
Fax: (208) 373-7213  
Email: [dave.curtis@ipels.idaho.gov](mailto:dave.curtis@ipels.idaho.gov)

**IDAPA 10 - BOARD OF PROFESSIONAL ENGINEERS  
AND PROFESSIONAL LAND SURVEYORS**

**10.01.02 - RULES OF PROFESSIONAL RESPONSIBILITY**

**DOCKET NO. 10-0102-1301**

**NOTICE OF INTENT TO PROMULGATE RULES - NEGOTIATED RULEMAKING**

**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 54-1202, Idaho Code.

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

**Monday -- May 20, 2013 -- 9:00 A.M.**

**1510 E. Watertower Street  
Meridian, Idaho 83642**

**METHOD OF PARTICIPATION:** Persons wishing to participate in the negotiated rulemaking must do the following: attend the meeting and present your views and thoughts on the draft amendments or submit your views and thoughts in writing not later than May 24, 2013.

**DESCRIPTIVE SUMMARY:** The following is a statement in nontechnical language of the substance and purpose of the intended negotiated rulemaking and the principle issues involved:

The current Rules of Professional Responsibility prohibit a licensee from soliciting or accepting a contract from a government authority on which an existing "principal or officer" of his organization serves as a member of the elected policy and governing body. In the course of investigating a recent complaint, the undefined term "principal" became an issue which caused the rule to be scrutinized. Rather than define "principal," the Board is proposing that additional terms be used to more specifically name positions within a business entity about which this rule is intended. In addition, current rules prohibit a licensee from participating in decisions with respect to professional services by their firm. Rather than try to identify all such possible occurrences, the Board is proposing a rule which states that those persons are subject to the statutory provisions concerning ethics in government, and stating that a violation of those statutes is a violation of the Rules of Professional Responsibility.

**CONTACT INFORMATION, WEB ADDRESS, ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning this negotiated rulemaking, contact David L. Curtis, P.E., (208) 373-7210. Materials pertaining to the negotiated rulemaking, including any available preliminary rule drafts, can be found on the Board of Professional Engineers and Professional Land Surveyors web site at the following web address: <http://www.ipels.idaho.gov>.

All written comments must be directed to the undersigned and must be delivered on or before May 24, 2013.

DATED: March 20, 2013.

David L. Curtis, P.E.  
Executive Director  
Board of Professional Engineers and Professional Land Surveyors  
1510 E. Watertower St.  
Meridian, Idaho 83642  
Telephone: (208) 373-7210  
Fax: (208) 373-7213  
Email: [dave.curtis@ipels.idaho.gov](mailto:dave.curtis@ipels.idaho.gov)

**IDAPA 10 - BOARD OF PROFESSIONAL ENGINEERS  
AND PROFESSIONAL LAND SURVEYORS**

**10.01.04 - RULES OF CONTINUING PROFESSIONAL DEVELOPMENT**

**DOCKET NO. 10-0104-1301**

**NOTICE OF INTENT TO PROMULGATE RULES - NEGOTIATED RULEMAKING**

**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 54-1202, Idaho Code.

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

**Monday -- May 20, 2013 -- 9:00 A.M.**

**1510 E. Watertower Street  
Meridian, Idaho 83642**

**METHOD OF PARTICIPATION:** Persons wishing to participate in the negotiated rulemaking must do the following: attend the meeting and present your views and thoughts on the draft amendments or submit your views and thoughts in writing not later than May 24, 2013.

**DESCRIPTIVE SUMMARY:** The following is a statement in nontechnical language of the substance and purpose of the intended negotiated rulemaking and the principle issues involved: The draft amendments will clarify what records must be kept to document continuing professional development.

**CONTACT INFORMATION, WEB ADDRESS, ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning this negotiated rulemaking, contact David L. Curtis, P.E., (208) 373-7210. Materials pertaining to the negotiated rulemaking, including any available preliminary rule drafts, can be found on the Board of Professional Engineers and Professional Land Surveyors web site at the following web address: <http://www.ipels.idaho.gov>.

All written comments must be directed to the undersigned and must be delivered on or before May 24, 2013.

DATED: March 20, 2013.

David L. Curtis, P.E.  
Executive Director  
Board of Professional Engineers and Professional Land Surveyors  
1510 E. Watertower St.  
Meridian, Idaho 83642  
Telephone: (208) 373-7210  
Fax: (208) 373-7213  
Email: [dave.curtis@ipels.idaho.gov](mailto:dave.curtis@ipels.idaho.gov)

# IDAPA 11 - IDAHO STATE POLICE

## 11.11.01 - RULES OF THE IDAHO PEACE OFFICER STANDARDS AND TRAINING COUNCIL

### DOCKET NO. 11-1101-1201

#### NOTICE OF LEGISLATIVE ACTION - FINAL RULE

**AUTHORITY:** In compliance with Sections 67-5224 and 67-5291, Idaho Code, notice is hereby given that the legislature has taken action by concurrent resolution on this pending rule promulgated under Docket No. 11-1101-1201 and the affected section of this pending rule is being reprinted here pursuant to that legislative action.

**DESCRIPTIVE SUMMARY:** The following is a concise explanatory statement regarding the partial rejection of this pending rule:

Pursuant to Senate Concurrent Resolution 115, IDAPA 11.11.01, Idaho State Police, "Rules of the Idaho Peace Officer Standards and Training Council," Section 091, Subsection 01, only, adopted as a pending rule under Docket Number 11-1101-1201, is not consistent with legislative intent and is rejected and declared null, void and of no force and effect.

Only affected Subsection 091.01 is reprinted here as affected by SCR 115 following this notice. Only the proposed amendment is rejected and the remaining language of Subsection 091.01 is reprinted here as currently codified. Because no amendment was made to the codified rule, the effective date of the rule is unchanged.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this notice, contact Dennis Stevenson, Administrative Rules Coordinator, at (208) 332-1820.

DATED this 15th day of April, 2013.

Dennis Stevenson  
Administrative Rules Coordinator  
Office of the Administrative Rules Coordinator  
Department of Administration  
P. O. Box 83720, Boise, ID 83720-0306  
email: [rulescoordinator@adm.idaho.gov](mailto:rulescoordinator@adm.idaho.gov)

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#### THE FOLLOWING IS THE FINAL TEXT OF THE SECTION AFFECTED BY SCR 115

##### 091. INTRODUCTION.

**01. Certificates and Awards.** Certificates and awards may be presented by the Council for the purpose of recognizing or raising the level of competence of law enforcement and to foster cooperation among the Council, agencies, groups, organizations, jurisdictions, and individuals. ~~Any applicant who is the subject of an investigation is not eligible for POST certification of any kind while under investigation by an agency with competent authority and jurisdiction.~~ (3-20-97)

**Coordinator's Note:**

All other amendments to Section 091 were approved as final without change. Due to the length of this section the newly codified rules are not reprinted here but can be found in the 2013 administrative code archive located [here](#).

## **IDAPA 11 - IDAHO STATE POLICE**

### **11.11.01 - RULES OF THE IDAHO PEACE OFFICER STANDARDS AND TRAINING COUNCIL**

#### **DOCKET NO. 11-1101-1202**

#### **NOTICE OF LEGISLATIVE ACTION - FINAL RULE**

**AUTHORITY:** In compliance with Sections 67-5224 and 67-5291, Idaho Code, notice is hereby given that the legislature has taken action by concurrent resolution on this pending rule promulgated under Docket No. 11-1101-1201 and affected Section of this pending rule is being reprinted here pursuant to that legislative action.

**DESCRIPTIVE SUMMARY:** The following is a concise explanatory statement regarding the partial rejection of this pending rule:

Pursuant to Senate Concurrent Resolution 114, IDAPA 11.11.01, Idaho State Police, "Rules of the Idaho Peace Officer Standards and Training Council," Section 010, Subsection 27, and Section 197, Subsection 01, only, adopted as pending rules under Docket Number 11-1101-1202, are not consistent with legislative intent and are rejected and declared null, void and of no force and effect.

Only the affected subsections are reprinted here as affected by SCR 114 following this notice. Only the proposed amendments have been rejected and the remaining language of Subsections 010.27 and 197.01 remains as previously codified. Because no amendments were made to the codified rule, the effective dates of these subsections are unchanged.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this notice, contact Dennis Stevenson, Administrative Rules Coordinator, at (208) 332-1820.

DATED this 15th day of April, 2013.

Dennis Stevenson  
Administrative Rules Coordinator  
Office of the Administrative Rules Coordinator  
Department of Administration  
P. O. Box 83720, Boise, ID 83720-0306  
email: [rulescoordinator@adm.idaho.gov](mailto:rulescoordinator@adm.idaho.gov)

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#### **THE FOLLOWING IS THE FINAL TEXT OF THE SECTIONS AFFECTED BY SCR 114**

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

**27. Law Enforcement Profession.** As used in agreements authorized pursuant to Section 19-5112, Idaho Code, means an employee of a police or law enforcement agency that is a part of or administered by the state or any political subdivision thereof and whose duties include and primarily consist of the prevention and detection of crime and the enforcement of penal, traffic or highway laws of this state or any political subdivision; an employee in a county jail who is responsible for the safety, care, protection, and monitoring of county jail inmates; an employee of a juvenile detention center that is part of or administered by the county or any political subdivision thereof and who is responsible for the safety, care, protection, and monitoring of juvenile offenders held in the detention center; an employee of a county juvenile probation department who is responsible for preparing social history reports to the court, making recommendations regarding conditions of probation, and the supervision of juvenile offenders' compliance with court orders; an employee of an Idaho Department of Correction facility or private prison contractor

of the State Board of Correction who is responsible for the first-line supervision, security, protection, and risk reduction of offenders housed in the correction facility; or an employee of the Idaho Department of Correction who is responsible for the supervision of offenders on probation or parole; ~~or an employee working as an emergency services dispatcher.~~ (4-2-08)

**197. GENERAL PROVISIONS.**

**01. Certificates and Awards.** Certificates and awards may be presented by the Council for the purpose of recognizing or raising the level of competence of law enforcement and to foster cooperation among the Council, agencies, groups, organizations, jurisdictions, and individuals. Communications Specialist Certification is not statutorily mandated, but is voluntary. ~~Any applicant who is the subject of an investigation by an agency with competent authority and jurisdiction is not eligible for POST certification of any kind while under investigation.~~ (4-2-03)

**Coordinator's Note:**

*Only these two affected subsections are reprinted here as affected by SCR 114. All other amendments to the rulemaking were approved as final without change. Due to the length of these sections the newly codified rules are not reprinted here but can be found in the 2013 administrative code archive located [here](#).*

# IDAPA 13 - IDAHO FISH AND GAME COMMISSION

## 13.01.04 - RULES GOVERNING LICENSING

DOCKET NO. 13-0104-1201

### NOTICE OF LEGISLATIVE ACTION - FINAL RULE

**AUTHORITY:** In compliance with Sections 67-5224 and 67-5291, Idaho Code, notice is hereby given that the legislature has taken action by concurrent resolution on this pending rule promulgated under Docket No. 13-0104-1201 and the affected section of the pending rule is being reprinted here pursuant to that legislative action.

**DESCRIPTIVE SUMMARY:** The following is a concise explanatory statement regarding the partial rejection of this pending rule:

Pursuant to Senate Concurrent Resolution 110, IDAPA 13.01.04, Idaho Fish and Game Commission, "Rules Governing Licensing," Section 701, Subsection 02.c, only, adopted as a pending rule under Docket Number 13-0104-1201, is not consistent with legislative intent and is rejected and declared null, void and of no force and effect.

Following this notice Section 701 is reprinted here in its entirety pursuant to SCR 110 as codified.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this notice, contact Dennis Stevenson, Administrative Rules Coordinator, at (208) 332-1820.

DATED this 15th day of April, 2013.

Dennis Stevenson  
Administrative Rules Coordinator  
Office of the Administrative Rules Coordinator  
Department of Administration  
P. O. Box 83720, Boise, ID 83720-0306  
email: [rulescoordinator@adm.idaho.gov](mailto:rulescoordinator@adm.idaho.gov)

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### THE FOLLOWING IS THE FINAL TEXT OF THE SECTION AFFECTED BY SCR 110

#### 701. GOVERNOR'S WILDLIFE PARTNERSHIP TAGS.

**01. Application of Big Game Rules.** All rules in IDAPA 13.01.08, "Rules Governing the Taking of Big Game Animals in Idaho," shall apply to recipients of Governor's Wildlife Partnership Tags other than as specified in this Section 701. (3-25-13)

**02. Eligibility.** (3-25-13)

**a.** In order to be eligible to bid on a Governor's Wildlife Partnership Tag, a person must be eligible to purchase an Idaho hunting or combination license. (3-25-13)

**b.** A person is eligible to receive only one (1) Governor's Wildlife Partnership Tag in the same year. (3-25-13)

**e.** *A person is not eligible to receive a Governor's Wildlife Partnership Tag for a bighorn sheep, moose, or mountain goat if he is not eligible, based on prior harvest of that species, to apply for an equivalent controlled hunt under IDAPA 13.01.08, "Rules Governing the Taking of Big Game Animals in the State of Idaho."*

~~Subsection 260.03. A person who has had a controlled hunt tag for a bighorn sheep, moose, or mountain goat, but who has been unsuccessful in taking that species, is eligible to receive a Governor's Wildlife Partnership Tag for that species the following year. ( )~~

c. There is no waiting period for eligibility for Governor's Wildlife Partnership Tags for elk, deer, or pronghorn. (3-25-13)

**03. Validity of Tag.** Each Governor's Wildlife Partnership Tag shall be valid for one (1) designated species annually and within the timeframe and area prescribed by the Commission. (3-25-13)

**04. License and Controlled Hunt Tag.** (3-25-13)

a. A hunting license and controlled hunt tag will be provided to the successful bidder from the net proceeds of the Governor's Wildlife Partnership Tag auction. (3-25-13)

b. The successful bidder for a Governor's Wildlife Partnership Tag must file a notarized affidavit within fifteen (15) days of the successful bid if the hunting license and tag are to be designated to another individual. (3-25-13)

c. If a recipient of a Governor's Wildlife Partnership Tag draws a controlled hunt tag for that species for the same year, the controlled hunt tag shall be returned to the Department and voided and the tag fees refunded, unless the tag is a controlled depredation hunt tag or a controlled hunt extra tag. The recipient of a Governor's Wildlife Partnership Tag may purchase second, extra, or leftover tags if a holder of a controlled hunt tag for deer, elk, or pronghorn is allowed to do so under IDAPA 13.01.08, "Rules Governing the Taking of Big Game Animals in the State of Idaho," Subsection 260.01. (3-25-13)

d. Any person who receives a Governor's Wildlife Partnership Tag for bighorn sheep, mountain goat or moose, and who is otherwise eligible to apply for a deer, elk or pronghorn controlled hunt tag, and who draws such a tag, shall be allowed to hunt for those species during the same year the Governor's Wildlife Partnership Tag is valid. (3-25-13)

**Coordinator's Note:**

All other amendments to Section 701 were approved as final without change. The newly codified rules can be found in the 2013 administrative code archive located [here](#).

# IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE

## 16.02.03 - EMERGENCY MEDICAL SERVICES

DOCKET NO. 16-0203-1301

### NOTICE OF INTENT TO PROMULGATE RULES - NEGOTIATED RULEMAKING (SECOND NOTICE)

**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:** Public meetings for negotiated rulemaking will be held as follows:

<b>ALL MEETINGS BEGIN AT 7:00 PM LOCAL TIME *UNLESS OTHERWISE NOTED*</b>		
<b>Wednesday, May 1, 2013</b>	<b>Thursday, May 2, 2013</b>	<b>Tuesday, May 7, 2013</b>
City Hall 112 Ada Street Horseshoe Bend, ID	Murphy Museum 17085 Basey St. Murphy, ID	Salmon Rapids Lodge 1010 S. Main Riggins, ID
<b>Wednesday, May 8, 2013</b>	<b>Thursday, May 9, 2013</b>	<b>Tuesday, May 14, 2013</b>
Shoshone Medical Center, Health & Education Bldg. 858 Commerce Dr. Smelterville, ID	Lewiston Community Center 1424 Main St. Lewiston, ID	Salmon Ambulance 203 Van Dreff Salmon, ID
<b>Wednesday, May 15, 2013</b>	<b>Thursday, May 16, 2013</b>	<b>Wednesday, May 22, 2013</b> <b>*1:30 p.m. - 4:30 p.m.*</b>
Stanley Community Bldg. 500 Eva Falls Ave. Stanley, ID	Planning & Zoning Meeting Rm. 145 7th Ave East Gooding, ID	Joe R. Williams Bldg. (JRW) West Conference Rm. 700 West State Street Boise, ID

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 has been revised, updated, and reorganized into several new chapters of rules. The Department has held extensive informal negotiated rulemaking with stakeholders from throughout the state starting in May 2009. Below is a list of those stakeholders who have been working with the Department on the Emergency

Medical Services chapters of rules. These meetings will conduct further negotiated rulemaking on rules regarding EMS agency licensure, education, instructors, and examination requirements while the current chapter, IDAPA 16.02.03, will be maintained. These negotiated rule meetings will allow stakeholders to provide their input concerning the rules that are currently in this chapter and 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, Private EMS Services, Professional Fire Fighters of Idaho, Regional EMS Associations, Seasonal/Industrial EMS Services, Tribal EMS, Post-secondary Educators, Certified EMS Instructors, and Volunteer EMS. The rules were also presented for review by the EMS Physician Commission and the EMS Advisory Committee.

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the negotiated rulemaking, contact Chris Stoker at (208) 334-4000. A draft of the rules is available online at [www.IdahoEMS.org](http://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 Monday, May 20, 2013.

DATED this 19th day of April, 2013.

Tamara Prisock  
DHW - Administrative Rules Unit  
450 W. State Street - 10th Floor  
P.O. Box 83720  
Boise, ID 83720-0036  
phone: (208) 334-5500; fax: (208) 334-6558  
e-mail: [dhwrules@dhw.idaho.gov](mailto:dhwrules@dhw.idaho.gov)

**IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE**  
**16.07.20 - ALCOHOL AND SUBSTANCE USE DISORDERS TREATMENT**  
**AND RECOVERY SUPPORT SERVICES FACILITIES AND PROGRAMS**

**DOCKET NO. 16-0720-1201**

**NOTICE OF LEGISLATIVE ACTION - FINAL RULE**

**AUTHORITY:** In compliance with Sections 67-5224 and 67-5291, Idaho Code, notice is hereby given that the legislature has taken action by concurrent resolution on the pending rule promulgated under Docket No. 16-0720-1201 and the affected section of this pending rule is being reprinted here pursuant to that legislative action.

**DESCRIPTIVE SUMMARY:** The following is a concise explanatory statement regarding the partial rejection of this pending rule:

Pursuant to House Concurrent Resolution 17, IDAPA 16.07.20, Department of Health and Welfare, "Rules Governing Alcohol and Substance Use Disorders Treatment and Recovery Support Services Facilities and Programs," Section 009, Subsection 01, only, adopted as a pending rule under Docket Number 16-0720-1201, is not consistent with legislative intent and is rejected and declared null, void and of no force and effect. The remaining pending rules adopted under Docket Number 16-0720-1201, that are not rejected become final and effective on July 1, 2013.

Following this notice, Section 009 is reprinted here in its entirety as codified pursuant to HCR 17.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this notice, contact Dennis Stevenson, Administrative Rules Coordinator, at (208) 332-1820.

DATED this 15th day of April, 2013.

Dennis Stevenson  
Administrative Rules Coordinator  
Office of the Administrative Rules Coordinator  
Department of Administration  
P. O. Box 83720, Boise, ID 83720-0306  
email: [rulescoordinator@adm.idaho.gov](mailto:rulescoordinator@adm.idaho.gov)

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**THE FOLLOWING IS THE FINAL TEXT OF THE SECTION AFFECTED BY HCR 17**

**009. CRIMINAL HISTORY AND BACKGROUND CHECK REQUIREMENTS.**

**01. Criminal History and Background Check.** All owners, operators, employees, transfers, reinstated former employees, student interns, contractors and volunteers hired or contracted with after May 1, 2010, who provide direct care or service or have direct client access, must comply with the provisions of IDAPA 16.05.06 "Criminal History and Background Checks." *Each alcohol and substance use disorders treatment and recovery support services program must comply with the provisions of IDAPA 16.05.06, "Criminal History and Background Checks." Criminal history and background checks must be completed on the owner, employees, applicants, transfers, reinstated former employees, trainees, contractors, and volunteers who provide care or services, or have access to clients in an alcohol and substance use disorders treatment and recovery support services program. The applicant is responsible for the cost of the criminal history and background check except where otherwise provided by Department rules.* (5-1-10)

**02. Availability to Work.** An individual listed in Subsection 009.01 of these rules is available to work on a provisional basis at the discretion of the employer or agency once the individual has submitted his criminal history and background check application, it has been signed and notarized, reviewed by the employer or agency, and no disqualifying crimes or relevant records are disclosed on the application. An individual must be fingerprinted within twenty-one (21) days of submitting his criminal history and background check application. An individual is allowed to work or have access to clients only under supervision until the criminal history and background check is completed. (5-1-10)

**IDAPA 24 - BUREAU OF OCCUPATIONAL LICENSES**  
**24.01.01 - RULES OF THE BOARD OF ARCHITECTURAL EXAMINERS**  
**DOCKET NO. 24-0101-1201**

**NOTICE OF LEGISLATIVE ACTION - FINAL RULE**

**AUTHORITY:** In compliance with Sections 67-5224 and 67-5291, Idaho Code, notice is hereby given that the legislature has taken action by concurrent resolution on this pending rule promulgated under Docket No. 24-0101-1201 and the affected section of this pending rule is being reprinted here pursuant to that legislative action.

**DESCRIPTIVE SUMMARY:** The following is a concise explanatory statement regarding the partial rejection of this pending rule:

Pursuant to Senate Concurrent Resolution 122, IDAPA 24.01.01, Bureau of Occupational Licenses, "Rules of the Board of Architectural Examiners," Section 550, Subsection 03, relating to Contracts, only, adopted as a pending rule under Docket Number 24-0101-1201, is not consistent with legislative intent and is rejected and declared null, void and of no force and effect.

SCR 122 also affects final rule IDAPA 24.01.01, Section 550. Docket No, 24-0101-1300L is printed in the Bulletin following this docket and shows the final rule as codified pursuant to SCR 122.

Following this notice Section 550 is reprinted here in its entirety pursuant to SCR 122. Section 550 of the pending rule is printed here as affected by SCR 122. Currently codified text affected by SCR 122 is shown in italics.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this notice, contact Dennis Stevenson, Administrative Rules Coordinator, at (208) 332-1820.

DATED this 15th day of April, 2013.

Dennis Stevenson  
Administrative Rules Coordinator  
Office of the Administrative Rules Coordinator  
Department of Administration  
P. O. Box 83720, Boise, ID 83720-0306  
email: [rulescoordinator@adm.idaho.gov](mailto:rulescoordinator@adm.idaho.gov)

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**THE FOLLOWING IS THE FINAL TEXT OF THE SECTION AFFECTED BY SCR 122**

**550. INTERPRETATIONS (RULE 550).**

The following interpretation of laws relating to architecture in Idaho Code are hereby made by the Board. (7-1-93)

**01. Reference to Building.** Under Section 54-309, reference to any building wherein the safeguarding of life, health, and property is concerned means any building which public or private sector of population may use or any building into which the public or private sector of the population is invited either as spectators, visitor, student, guest, or employee, or any building where the private or public sector of the population conducts business. (7-1-93)

**02. ~~Administration of Construction Contracts.~~** ~~Under Section 54-309, paragraph 1 c, "Practice of Architecture," Section 54-305, paragraph 1 f. Grounds for Discipline, the words "Administration of Construction Contracts," in accordance with current knowledge and usage in the profession means "Administration of the Contract" as defined in the relevant Contract for Construction or Owner Architect Agreement as published by the American Institute of Architects.~~ (4-5-00)

**032. Professional Standards.** Under Section 54-305, an architect shall be completely objective and truthful in all professional reports, statements, or testimony and shall include therein all relevant and pertinent information known to him. (7-1-93)

**043. Direct Supervision ~~Contracts~~.** *Direct supervision is that degree of supervision by a licensed architect overseeing the work of another whereby the architect has both control over, and detailed professional knowledge of, the work prepared under his or her supervision. The primary contract or agreement ~~involving the practice of architecture~~ for the project must be between the ~~an~~ architect of record and the entity for which architectural services are provided, not between the person being supervised and the entity for which the services are provided.* (7-1-98)

**Coordinator's Note:**

*The following is Section 550 as codified pursuant to SCR 122 and as approved as final. This final rule incorporates the amendments made in the approved pending rule and the final rule rejection as specified in SCR 122.*

**550. INTERPRETATIONS (RULE 550).**

The following interpretation of laws relating to architecture in Idaho Code are hereby made by the Board. (7-1-93)

**01. Reference to Building.** Under Section 54-309, reference to any building wherein the safeguarding of life, health, and property is concerned means any building which public or private sector of population may use or any building into which the public or private sector of the population is invited either as spectators, visitor, student, guest, or employee, or any building where the private or public sector of the population conducts business. (7-1-93)

**02. Professional Standards.** Under Section 54-305, an architect shall be completely objective and truthful in all professional reports, statements, or testimony and shall include therein all relevant and pertinent information known to him. (7-1-93)

**IDAPA 24 - BUREAU OF OCCUPATIONAL LICENSES**  
**24.01.01 - RULES OF THE BOARD OF ARCHITECTURAL EXAMINERS**

**DOCKET NO. 24-0101-1300L**

**NOTICE OF LEGISLATIVE ACTION - FINAL RULE**

**AUTHORITY:** In compliance with Section 67-5291, Idaho Code, notice is hereby given that the legislature has taken action by concurrent resolution on this final rule codified under IDAPA 24.01.01. The affected section of this rule is being reprinted here pursuant to that legislative action.

**DESCRIPTIVE SUMMARY:** The following is a concise explanatory statement regarding this final rule:

Pursuant to Senate Concurrent Resolution 122, final rule Section 550, Subsection 04, relating to Direct Supervision, only, of IDAPA 24.01.01, Bureau of Occupational Licenses, "Rules of the Board of Architectural Examiners," is not consistent with legislative intent and is rejected and declared null, void and of no force and effect.

Pursuant to SCR 122 and in accordance with Section 67-5291, Idaho Code, Section 550 is being reprinted here in its entirety following this notice.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this notice, contact Dennis Stevenson, Administrative Rules Coordinator, at (208) 332-1820.

DATED this 15th day of April, 2013.

Dennis Stevenson  
Administrative Rules Coordinator  
Office of the Administrative Rules Coordinator  
Department of Administration  
P. O. Box 83720, Boise, ID 83720-0306  
email: [rulescoordinator@adm.idaho.gov](mailto:rulescoordinator@adm.idaho.gov)

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**THE FOLLOWING IS THE FINAL TEXT OF THE SECTION AFFECTED BY SCR 122**

***Coordinator's Note:***

*This section of the rule was affected by two separate actions outlined in SCR 122. One action affected the pending rule and the other the final rule. The following section shows the rule as affected the final rule prior to the rule being amended by the pending rule.*

**550. INTERPRETATIONS (RULE 550).**

The following interpretation of laws relating to architecture in Idaho Code are hereby made by the Board. (7-1-93)

**01. Reference to Building.** Under Section 54-309, reference to any building wherein the safeguarding of life, health, and property is concerned means any building which public or private sector of population may use or any building into which the public or private sector of the population is invited either as spectators, visitor, student, guest, or employee, or any building where the private or public sector of the population conducts business. (7-1-93)

**02. Administration of Construction Contracts.** Under Section 54-309, paragraph 1-c, "Practice of Architecture," Section 54-305, paragraph 1-f, Grounds for Discipline, the words "Administration of Construction Contracts," in accordance with current knowledge and usage in the profession means "Administration of the Contract" as defined in the relevant Contract for Construction or Owner-Architect Agreement as published by the American Institute of Architects. (4-5-00)

**03. Professional Standards.** Under Section 54-305, an architect shall be completely objective and truthful in all professional reports, statements, or testimony and shall include therein all relevant and pertinent information known to him. (7-1-93)

~~**04. Direct Supervision.** *Direct supervision is that degree of supervision by a licensed architect overseeing the work of another whereby the architect has both control over, and detailed professional knowledge of, the work prepared under his or her supervision. The primary contract or agreement for the project must be between the architect of record and the entity for which architectural services are provided, not between the person being supervised and the entity for which the services are provided.* (7-1-98)~~

**Coordinator's Note:**

*The following is Section 550 as codified pursuant to SCR 122 and as approved as final. This final rule incorporates the amendments made in the approved pending rule and the final rule rejection as specified in SCR 122.*

**550. INTERPRETATIONS (RULE 550).**

The following interpretation of laws relating to architecture in Idaho Code are hereby made by the Board. (7-1-93)

**01. Reference to Building.** Under Section 54-309, reference to any building wherein the safeguarding of life, health, and property is concerned means any building which public or private sector of population may use or any building into which the public or private sector of the population is invited either as spectators, visitor, student, guest, or employee, or any building where the private or public sector of the population conducts business. (7-1-93)

**02. Professional Standards.** Under Section 54-305, an architect shall be completely objective and truthful in all professional reports, statements, or testimony and shall include therein all relevant and pertinent information known to him. (7-1-93)

# IDAPA 27 - BOARD OF PHARMACY

## 27.01.01 - RULES OF THE IDAHO BOARD OF PHARMACY

DOCKET NO. 27-0101-1207

### NOTICE OF INTENT TO PROMULGATE RULES - NEGOTIATED RULEMAKING

**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 54-1717, Idaho Code.

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

**Monday - June 3, 2013 - 8:00 am**

**Holiday Inn  
2970 W. Elder Street  
Boise, ID 83705**

**METHOD OF PARTICIPATION:** Persons wishing to participate in the negotiated rulemaking must do the following:

For those planning to attend the open, public meeting, written and oral comments will be accepted by and/or presented before the Board. For all others not planning to attend the meeting, written comments will be accepted by the Executive Director on or before May 22, 2013.

**DESCRIPTIVE SUMMARY:** The following is a statement in nontechnical language of the substance and purpose of the intended negotiated rulemaking and the principle issues involved:

Draft compounding general rules, expansion of existing sterile compounding rules, and a draft rule that allows for pharmacy, delivery, ante rooms are available on the Board's web site: <http://bop.idaho.gov/>.

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS, OBTAINING COPIES:** For assistance on technical questions concerning this negotiated rulemaking, contact Mark Johnston, Executive Director, at (208) 334-2356 or at [mark.johnston@bop.idaho.gov](mailto:mark.johnston@bop.idaho.gov).

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 May 22, 2013. Written comments may also be submitted in person on the day at the location listed above.

DATED this 9th day of April, 2013.

Mark Johnston, R.Ph.  
Executive Director  
Board of Pharmacy  
1199 W. Shoreline Ln., Ste. 303

P. O. Box 83720  
Boise, ID 83720-0067  
Telephone: (208) 334-2356  
FAX: (208) 334-3536

## IDAPA 31 - IDAHO PUBLIC UTILITIES COMMISSION

### 31.41.01 - CUSTOMER RELATIONS RULES FOR TELEPHONE CORPORATIONS PROVIDING SERVICES IN IDAHO SUBJECT TO CUSTOMER SERVICE REGULATION BY THE IDAHO PUBLIC UTILITIES COMMISSION (THE TELEPHONE CUSTOMER RELATIONS RULES)

DOCKET NO. 31-4101-1201

#### NOTICE OF LEGISLATIVE ACTION - FINAL RULE

**AUTHORITY:** In compliance with Sections 67-5224 and 67-5291, Idaho Code, notice is hereby given that the legislature has taken action by concurrent resolution on the pending rule promulgated under Docket No. 31-4101-1201 and the affected section of this rule is being reprinted here pursuant to that legislative action.

**DESCRIPTIVE SUMMARY:** The following is a concise explanatory statement regarding the partial rejection of this pending rule:

Pursuant to Senate Concurrent Resolution 117, IDAPA 31.41.01, Idaho Public Utilities Commission, "The Telephone Customer Relations Rules," Section 502, Subsection 01.a., only, adopted as a pending rule under Docket Number 31-4101-1201, is not consistent with legislative intent and is rejected and declared null, void and of no force and effect.

Following this notice Section 502 is reprinted here in its entirety pursuant to SCR 117 as codified.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this notice, contact Dennis Stevenson, Administrative Rules Coordinator, at (208) 332-1820.

DATED this 15th day of April, 2013.

Dennis Stevenson  
Administrative Rules Coordinator  
Office of the Administrative Rules Coordinator  
Department of Administration  
P. O. Box 83720, Boise, ID 83720-0306  
email: [rulescoordinator@adm.idaho.gov](mailto:rulescoordinator@adm.idaho.gov)

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#### THE FOLLOWING IS THE FINAL TEXT OF THE SECTION AFFECTED BY SCR 117

##### 502. REPAIR SERVICE STANDARDS (RULE 502).

**01. Restoration of Service.** When a telephone company providing local exchange service is informed by a customer of a service outage as described in Rule 500.02, the telephone company must restore service within forty-eight (48) hours after the report of the outage, except: (3-27-13)

**a.** Restore service within sixteen (16) hours after the report of the outage if the customer notifies the telephone company that the service outage creates an emergency for the customer; or For outages reported on Thursday, the company must restore service no later than the following Monday by 6 p.m.; and (7-1-93)

**b.** For outages reported on Friday, Saturday or Sunday, the company must restore service no later than the following Tuesday by 6 p.m. (3-27-13)

**02. Extenuating Circumstances.** Following disruption of telephone service caused by natural disaster or other causes not within the telephone company's control and affecting large groups of customers, or in conditions where the personal safety of an employee would be jeopardized, the telephone company is required to use reasonable judgment and diligence to restore service, giving due regard for the needs of various customers. When a customer causes the customer's own service outage or does not make a reasonable effort to arrange a repair visit within the service restoration deadline, or when the telephone company determines that the outage is attributable to the customer's own equipment or inside wire, the telephone company is not required to meet the restoration timelines of Rule 502.01. (3-27-13)

**03. Compliance Standard.** Each month at least eighty percent (80%) of out-of-service trouble reports shall be cleared in accordance with Rules 502.01 and 502.02. (3-27-13)

**IDAPA 35 - IDAHO STATE TAX COMMISSION**

**35.01.01 - INCOME TAX ADMINISTRATIVE RULES**

**DOCKET NO. 35-0101-1300L**

**NOTICE OF LEGISLATIVE ACTION - FINAL RULE**

**AUTHORITY:** In compliance with Section 67-5291, Idaho Code, notice is hereby given that the legislature has taken action by concurrent resolution on this final rule codified under IDAPA 35.01.01. The affected section of this rule is being reprinted here pursuant to that legislative action.

**DESCRIPTIVE SUMMARY:** The following is a concise explanatory statement regarding the rejection of this final rule:

Pursuant to House Concurrent Resolution No. 32, final rule Section 033, Subsections 03, 04, and 05, only, are not consistent with legislative intent and are rejected and declared null, void and of no force and effect.

Pursuant to HCR 32 and in accordance with Section 67-5291, Idaho Code, Section 033 of the final rule is being reprinted in its entirety as codified following this notice.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this notice, contact Dennis Stevenson, Administrative Rules Coordinator, at (208) 332-1820.

DATED this 15th day of April, 2013.

Dennis Stevenson  
Administrative Rules Coordinator  
Office of the Administrative Rules Coordinator  
Department of Administration  
P.O. Box 83720, Boise, ID 83720-0306  
email: [rulescoordinator@adm.idaho.gov](mailto:rulescoordinator@adm.idaho.gov)

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**THE FOLLOWING IS THE FINAL TEXT OF THE SECTION AFFECTED BY HCR 32**

**033. AMERICAN INDIANS (RULE 033).**

- 01. Definitions.** For purposes of this rule: (2-27-12)
- a.** Enrolled member means an enrolled member of a federally recognized Indian tribe. (2-27-12)
  - b.** Indian reservation means a federally recognized Indian reservation. (2-27-12)
- 02. Idaho Residency Status.** An American Indian must determine his Idaho residency status using the tests set forth in Sections 63-3013, 63-3013A, and 63-3014, Idaho Code. Membership in an Indian tribe does not affect that individual's Idaho residency status. (2-27-12)

~~**03. Certain Income Exempt from Idaho Income Taxation.** An enrolled member who lives on the Indian reservation of which he is a member is not subject to tax by Idaho on income derived within that reservation. Rules 260 through 275 of these rules generally must be used to determine if income is derived within the reservation. (2-27-12)~~

- ~~a. An enrolled member who lives on his tribe's reservation in Idaho must treat income earned as follows: (2-27-12)~~
- ~~i. Income derived within his tribe's reservation is not taxable by Idaho. (2-27-12)~~
  - ~~ii. Income derived off his tribe's reservation in Idaho is subject to Idaho tax unless otherwise exempt under Idaho or federal law. (2-27-12)~~
  - ~~iii. Income derived outside Idaho is not subject to Idaho tax. (2-27-12)~~
- ~~b. An enrolled member who lives in Idaho off his tribe's reservation is subject to Idaho tax on all income earned regardless of whether it was earned on the Indian reservation, off the Indian reservation in Idaho, or outside of Idaho, unless such income is otherwise exempt under Idaho or federal law. (2-27-12)~~
- ~~c. An enrolled member who lives off the Indian reservation outside of Idaho must treat income earned as follows: (2-27-12)~~
- ~~i. Income derived within an Indian reservation in Idaho is not subject to tax by Idaho. (2-27-12)~~
  - ~~ii. Income derived off an Indian reservation in Idaho is subject to Idaho tax unless otherwise exempt under Idaho or federal law. (2-27-12)~~
  - ~~iii. Income derived outside Idaho is not subject to tax by Idaho. (2-27-12)~~
- ~~d. Income derived within an Indian reservation by an individual who is not an enrolled member is not exempt. (2-27-12)~~

~~04. **Filing Requirements.** An enrolled member must determine his Idaho filing requirement based on income earned from sources taxable by Idaho as identified in Subsection 033.03. If the enrolled member is an Idaho resident and the amount of income earned from sources taxable by Idaho meets the federal filing requirements, the individual is required to file an Idaho income tax return. If the enrolled member is a part-year resident or nonresident of Idaho, the member's Idaho filing requirement must be determined based on gross income amounts from income subject to Idaho tax. (2-27-12)~~

~~05. **Community Property Laws.** (2-27-12)~~

~~a. Income subject to the community property laws retains its character as taxable or tax exempt by Idaho based on the tribal status, source or situs of performance of the services giving rise to the income, and residence of the individual who earned the income. Income does not become tax exempt by Idaho solely because an enrolled member is attributed one-half (1/2) of the income earned by his spouse due to community property laws unless such income was tax exempt to the spouse. (2-27-12)~~

~~b. For example, a married couple lives and works on an Indian reservation. The wife is an enrolled member, the husband is not an enrolled member. The income earned by the husband on the reservation is subject to Idaho tax since he is not an enrolled member. The one-half (1/2) of his income attributed to his wife due to community property laws is also subject to Idaho tax since the income was earned by the husband who was not an enrolled member rather than by the wife who was an enrolled member. Any income earned by the wife on the reservation that is attributed to her husband under the community property laws will retain its character as tax exempt by Idaho. (2-27-12)~~

**03. **Gambling Winnings.** (2-27-12)**

**a.** Amounts received from gambling on an Indian reservation by an enrolled member who lives on the Indian reservation are not subject to Idaho tax. (2-27-12)

**b.** Amounts received from gambling on an Indian reservation by an enrolled member who lives off the Indian reservation in Idaho are subject to Idaho tax. (2-27-12)

**04. Per Capita Distributions.** (2-27-12)

**a.** Per capita distributions paid by an Indian tribe to an enrolled member who lives on the Indian reservation are tax-exempt by Idaho. (2-27-12)

**b.** Per capita distributions paid by an Indian tribe to an enrolled member who resides off the reservation in Idaho are subject to Idaho tax. (2-27-12)

## IDAPA 35 - STATE TAX COMMISSION

### 35.01.01 - INCOME TAX ADMINISTRATIVE RULES

DOCKET NO. 35-0101-1301

#### NOTICE OF INTENT TO PROMULGATE RULES - NEGOTIATED RULEMAKING

**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 Sections 67-5221(1) and 63-105, Idaho Code.

**METHOD OF PARTICIPATION:** Interested persons wishing to participate in the negotiated rulemaking must respond to this notice by contacting the undersigned either in writing, by email, or by calling the phone number listed below. To participate, responses must be received by May 22, 2013.

Should a reasonable number of persons respond to this notice, negotiated meetings will be scheduled and all scheduled meetings shall be posted and made accessible on the agency website at <http://tax.idaho.gov/>.

Upon conclusion of the negotiated rulemaking, any unresolved issues, all key issues considered, and conclusions reached during the negotiated rulemaking will be addressed in a written summary and made available on the agency website at <http://tax.idaho.gov/>.

Failure of interested persons to respond to this notice of intent or the lack of a sufficient number of responses to this notice of intent may result in the discontinuation of further informal proceedings. In either event the agency shall have sole discretion in determining the feasibility of scheduling and conducting informal negotiated rulemaking and may proceed directly to formal rulemaking if proceeding with negotiated rulemaking is deemed infeasible.

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

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

**DESCRIPTIVE SUMMARY:** The following is a statement in nontechnical language of the substance and purpose of the intended negotiated rulemaking and the principle issues involved:

A new rule is being promulgated consistent with House Bill 2 to allow a deduction for certain recovery amounts included in federal income if no benefit was previously allowed for Idaho income tax purposes.

A new rule is being promulgated consistent with House Bill 3 to provide that the State Tax Commission may release certain tax information in cases of identity theft.

Income Tax Rule 872 is being amended consistent with House Bill 22 to revise the reporting and paying periods for Idaho income tax withheld by certain employers.

Income Tax Rule 705 is being amended consistent with House Bill 72 to provide tax credit to dedicated accounts within the Idaho Community Foundation that exclusively support charitable purposes otherwise qualifying for the tax credit.

Income Tax Rule 263 is being amended consistent with House Bill 139 to provide for a sourcing formula to Idaho for partnership income with exceptions.

Income Tax Rule 201 is being amended consistent with House Bill 184 to revise the time period relating to a net operating loss (NOL) carryback, remove language relating to NOL subtracted from income, establish provisions relating to a NOL for a taxable year commencing on or after 1/1/13, establish provisions relating to the subtraction of a portion of a NOL, revise provisions relating to a claim for credit or refund that relates to an overpayment attributable to a NOL carryback and provide that certain claims for NOLs shall be made pursuant to law.

Income Tax Rule 033 is being changed to clarify the taxation of Idaho income of American Indians living and working on an Indian reservation.

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS, OBTAINING COPIES:** For assistance on technical questions concerning this negotiated rulemaking or to obtain a copy of the preliminary draft of the text of the proposed rule, if available, contact Cynthia Adrian (208) 334-7544.

Anyone may submit written comments regarding this negotiated rulemaking. All written comments must be directed to the undersigned.

DATED this 5th day of April 2013.

Cynthia Adrian  
Tax Policy Specialist  
State Tax Commission  
P.O. Box 36  
Boise, ID 83722-0410  
(208) 334-7544  
<http://tax.idaho.gov/>

**IDAPA 35 - IDAHO STATE TAX COMMISSION**

**35.01.03 - PROPERTY TAX ADMINISTRATIVE RULES**

**DOCKET NO. 35-0103- 1301**

**NOTICE OF RULEMAKING - ADOPTION OF TEMPORARY RULE**

**EFFECTIVE DATE:** The effective date of the temporary rule is January 1, 2013.

**AUTHORITY:** In compliance with Sections 67-5221(1), Idaho Code, notice is hereby given that this agency has adopted a temporary rule. The action is authorized pursuant to Section 63-105A, Idaho Code.

**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 temporary rulemaking:

Rule 302 T - Recently enacted HB 315 deleted the provision in Idaho Code 63-602KK(6)(d) requiring the taxpayer to sign an affidavit, and changed other requirements for a personal property exemption. Rule 302 is also retroactive to January 1, 2013. This entire rule is being deleted because it is no longer needed, and would cause confusion in the administration of the personal property exemption. Those affected by this rule are county officials, taxpayers, and Tax Commission property tax administrators.

Rule 626 T - Recently enacted HB 315 provides a property tax exemption which is retroactive to January 1, 2013. Both the county assessor and the taxpayers need certain clarifications in order to administer and apply this exemption for the current tax year (2013). Temporary Property Tax Rule 626 further defines how to implement the partial personal property exemption and the corresponding amount to be reimbursed to taxing districts by the State of Idaho. The rule provides guidance to the Tax Commission and operating property companies on how to report exempt property. The rule gives instruction for reporting exemption amounts on a personal property tax reduction list to establish the amount of reimbursement.

Rule 632 T - Recently enacted HB 141 provided for new Rule 632, which provides a property tax exemption for oil or gas related wells. Clarifications and the definition of well are needed in order to apply the exemption for the 2013 property tax year. This rule is also retroactive to January 1, 2013, and extends the initial application date from April 15 to May 1.

**TEMPORARY RULE JUSTIFICATION:** Pursuant to Section 67-5221(1), Idaho Code, the Governor has found that temporary adoption of these rules is appropriate for the following reasons:

Compliance with deadlines in amendments to governing law or federal programs.

**FISCAL IMPACT:** The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year: NA

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this temporary rule, contact Alan Dornfest (208) 334-7742.

DATED this 15 day of April, 2013.

Alan Dornfest  
Tax Policy Supervisor  
Idaho State Tax Commission  
800 Park Blvd., Plaza IV  
P.O. Box 36  
Boise, ID 83722-0410  
(208) 334-7742  
<http://tax.idaho.gov/>

THE FOLLOWING IS THE TEXT OF THE TEMPORARY RULE FOR DOCKET NO. 35-0103-1301

231. -- ~~3013.~~ (RESERVED)

~~302. LIST OF TAXABLE PERSONAL PROPERTY (RULE 302).~~

~~Sections 63-302 and 63-602KK, Idaho Code.~~

~~(5-8-09)~~

~~01. Application for Exemption Required. Except as provided in Subsection 302.04 of this rule, the list of personal property required by Section 63-302, Idaho Code, shall serve as the taxpayer's application for the exemption provided by Section 63-602KK, Idaho Code. The following information must be provided by the taxpayer:~~

~~(3-29-10)~~

~~a. Name of the applicant; and~~

~~(5-8-09)~~

~~b. An attestation that no other individual or organization has or will apply for the exemption in the county when those other individual(s) or organization(s) would be ineligible under this rule for the 63-602KK exemption. Under Idaho Code section 63-602KK, a taxpayer includes two (2) or more individuals using the property in a common enterprise or a related group of two (2) or more organizations when the individuals or organizations are within a relationship described in Section 267 of the Internal Revenue Code, as defined in Section 63-3004, Idaho Code.~~

~~(5-8-09)~~

~~02. Designation of Personal Property Eligible for Exemption. When required, the list of personal property required by Section 63-302, Idaho Code, shall include all taxable personal property including the personal property that may be found to be exempt under the provisions of Section 63-602KK, Idaho Code.~~

~~(3-29-10)~~

~~03. Failure to File the List. Except as provided in Subsection 302.04 of this rule, the taxpayer must file the list of taxable personal property as required by Section 63-302, Idaho Code. If the list is otherwise required and is not filed by the taxpayer, the assessor may list and assess the items to be taxed based on his best judgment and information available to him. The items not listed by the taxpayer but listed and assessed by the assessor will be assessed without deduction of the exemption provided for in Section 63-602KK, Idaho Code.~~

~~(3-29-10)~~

~~04. Affidavit in Lieu of Application for Exemption. The "Affidavit in Lieu of Application for Exemption" permitted in Section 63-602KK, Idaho Code, shall be identified as the "personal property affidavit." Except as provided in Subsection 302.05 of this rule, a taxpayer may submit a personal property affidavit in lieu of the list of personal property required by Section 63-302, Idaho Code, and this affidavit will constitute a valid substitute application for the exemption provided in Section 63-602KK, Idaho Code, provided that the taxpayer complies with Subsections 302.04.a. and 302.04.b. of this rule.~~

~~(3-29-10)~~

~~a. The list(s) required by Section 63-302, Idaho Code, was (were) submitted the first year during which the exemption applies to personal property for that taxpayer.~~

~~(3-29-10)~~

~~b. The personal property affidavit includes an estimate of the current market value of the taxpayer's property upon which application for the exemption in Section 63-602KK, Idaho Code, is being made. This estimate of current market value may be in aggregate for all property otherwise required to be listed under the provisions of Section 63-302, Idaho Code.~~

~~(3-29-10)~~

~~c. The aggregate estimate of current market value included on the personal property affidavit shall be used by the assessor to fulfill the requirements of Section 63-301, Idaho Code, to determine the market value for assessment purposes of the taxpayer's personal property.~~

~~(3-29-10)~~

~~d. The personal property affidavit shall be permitted provided that the value reported by the taxpayer for property otherwise required to be listed under Section 63-302, Idaho Code, does not exceed one hundred thousand dollars (\$100,000).~~

~~(3-29-10)~~

~~e. If the current market value of the taxpayer's property required to be listed under Section 63-302,~~

~~Idaho Code, exceeds one hundred thousand dollars (\$100,000), the taxpayer must list all property otherwise required to be listed under Section 63-302, Idaho Code, not just the property or value exceeding one hundred thousand dollars (\$100,000). (3-29-10)~~

~~f. A taxpayer with multiple parcels for which separate lists have been filed previously and otherwise subject to the filing requirements in Section 63-302, Idaho Code, may file the personal property affidavit provided that the total current market value of all otherwise reportable personal property for all of the parcels owned by that taxpayer in a county does not exceed one hundred thousand dollars (\$100,000). (3-29-10)~~

~~05. **Qualified Investment Exemption Participants Not Eligible to File the Affidavit.** Taxpayers who have elected to designate property to be included in the exemption provide for in Section 63-3029B, Idaho Code, shall not be eligible to file the personal property affidavit otherwise permitted in Subsection 302.04 of this rule. This prohibition shall be limited to the time period during which the taxpayer may be subject to recapture under Section 63-3029B, Idaho Code. (3-29-10)~~

~~303. (RESERVED)~~

**(BREAK IN CONTINUITY OF SECTIONS)**

**626. PROPERTY EXEMPT FROM TAXATION -- CERTAIN PERSONAL PROPERTY (RULE 626).**

Sections ~~50-2908~~, 63-105(A), ~~63-201~~, 63-302, 63-308, ~~63-309~~, 63-313, 63-602Y, and 63-602KK, Idaho Code.

~~(3-29-10)(1-1-13)T~~

~~01. **Effective Date.** *This* The exemption provided in Section 63-602KK, Idaho Code, shall take effect on January 1, 2013, of the following tax year after the state controller certifies to the State Tax Commission that receipts to the General Fund for the fiscal year just ended have exceeded the receipts to the General Fund during fiscal year 2008 by five percent (5%) or more. For example, if the state controller certifies that the receipts to the General Fund for the fiscal year ending June 30, 2010, have exceeded the receipts for fiscal year 2008 by five percent (5%) or more, then this exemption would take effect on January 1, 2011. Once this exemption takes effect, it will remain in effect continuously. For 2013, the exemption for newly acquired items of personal property as provided in Section 63-602KK(1), Idaho Code, shall apply only to property otherwise required to be listed and assessed pursuant to Sections 63-602Y and 63-313, Idaho Code. (3-29-10)(1-1-13)T~~

~~02. **Application Required to Establish Initial Eligibility for the Exemption Provided in Section 63-602KK(2), Idaho Code.** (3-29-10)(1-1-13)T~~

~~a. In order to establish For 2013, for locally assessed property, initial eligibility for this exemption, is established when the taxpayer must file one (1) or more of the lists of taxable personal property as required by Section 63-302, Section 63-313, or Section 63-602Y, Idaho Code, or has taxable personal property that is assessed. The filing of said list(s) shall constitute the filing of an application for exemption. The application will be deemed valid provided the exemption provided in Section 63-602KK, Idaho Code, is granted and not later deemed improperly claimed. If the applicable list is not filed by the taxpayer to initiate the exemption, or if in any subsequent year the taxpayer fails to file either the applicable list(s) or, if permitted, the affidavit provided in Section 63-602KK(6), Idaho Code, the assessor may list and assess the items to be taxed based on his best judgment and information available. The items not listed by the taxpayer but listed and assessed by the assessor will be assessed without deduction of the exemption provided for in Section 63-602KK, Idaho Code. (3-29-10)(1-1-13)T~~

~~i. For taxpayers with personal property listed in more than one location within any county, application to specify the location of the property for the exemption provided for in Section 63-602KK(2), Idaho Code, for property listed as required by Section 63-302, Idaho Code, must be submitted to the county assessor by May 1, 2013. Said application must specify the location(s) at which the personal property is to be considered for the exemption. (1-1-13)T~~

~~ii. For taxpayers with personal property required to be listed as provided in Sections 63-602Y and 63-~~

313, Idaho Code, any application specifying the location of the property to which the exemption provided for in Section 63-602KK(2) will apply must be filed by the dates specified for filing the lists required by these Sections.

(1-1-13)T

iii. Taxpayers wanting to specify the location of their personal property, as provided in Subsection (02)(a)(i) of this rule must use the "Personal Property Exemption Application Form" available from the State Tax Commission (Commission) for this purpose, which must be submitted to the county assessor by May 1, 2013, or, for property to be reported pursuant to Sections 63-602Y and 63-313, Idaho Code, by the date specified for filing the lists required by these Sections.

(1-1-13)T

b. ~~Any taxpayer appealing his personal property listed on the property roll to the county board of equalization shall qualify for the exemption provided eligible property is ultimately shown on the list received from the taxpayer. For property centrally assessed by the Commission, except for private railcar fleets, the taxpayer must file a list of personal property with the operator's statement filed pursuant to Rule 404 of these rules. The filing of such a list shall constitute the filing of an application for this exemption. Except as provided in Subsection 626.04.b. of this rule, for such personal property to be considered for the exemption, the operator's statement must include:~~

~~(5-8-09)~~(1-1-13)T

i. A description of the personal property, including any tax code area in which the personal property subject to assessment as situs property is located;

(1-1-13)T

ii. Cost and depreciated cost of the personal property;

(1-1-13)T

iii. The county in which the personal property is located, if the taxpayer wishes to receive the exemption on property located in more than one county.

(1-1-13)T

c. For private railcar fleets subject to assessment by the Commission and having an Idaho taxable value of five hundred thousand dollars (\$500,000) or greater, the application procedure described in Subsection (02)(b) of this rule shall apply. However, the requirements to show specific or county locations, found in (02)(b)(i) and (iii) shall not apply. Instead, the tax commission shall, after using apportionment procedures described in Rule 413 of these rules to apportion the value of these fleets, allow an exemption of up to one hundred thousand dollars (\$100,000) to be applied to the apportioned value within each county. The remaining taxable and exempt value is to be further apportioned to each taxing district and urban renewal allocation area in accordance with Subsection (06) of this rule.

(1-1-13)T

d. For private railcar fleets subject to assessment by the state tax commission and having an Idaho taxable value of less than five hundred thousand dollars (\$500,000), the application procedure described in Subsection 626.02.b. of this rule shall apply. However, the property of such fleets is never apportioned to counties, so the exemption amount is limited to one hundred thousand dollars (\$100,000) per company, unless the company provides proof showing the multiple counties in which the personal property is located for the entire tax year, in which case the one hundred thousand dollar (\$100,000) limit shall apply per company per county.

(1-1-13)T

e. Beginning in 2014, for locally assessed property, taxpayers establishing initial eligibility for the exemption provided in Section 63-602KK(2), Idaho Code, must, by the date required for filing any applicable personal property list, pursuant to Sections 63-302, 63-313, and 63-602Y, Idaho Code:

(1-1-13)T

i. File any applicable list of otherwise taxable personal property and an application for the exemption, if the total value of such property is greater than one hundred thousand dollars (\$100,000); or

(1-1-13)T

ii. File an application attesting to ownership of otherwise taxable personal property having a value of one hundred thousand dollars (\$100,000) or less. In providing such value, personal property exempt pursuant to Section 63-602KK(1), Idaho Code, shall not be included.

(1-1-13)T

**03. Procedure During Years Following Year of Initial Eligibility for Exemption.**

**(3-29-10)**

a. ~~Unless the exemption has been deemed improper, for all years following the initial establishment of eligibility for the exemption, the taxpayer may continue to file the lists required by Sections 63-302, 63-313, and 63-~~

~~602Y, Idaho Code, or, if applicable, for property otherwise reportable as required by Section 63-302, Idaho Code, may file the affidavit provided in Section 63-602KK(6), Idaho Code. If the taxpayer chooses to file the affidavit, such filing must conform to the filing date provided in Section 63-302, Idaho Code. Except as provided in Subsection (03)(b) of this rule, for taxpayers with property subject to local assessment, submittal of lists of personal property or an application in any subsequent year is necessary if:~~ (3-29-10)(1-1-13)T

~~i. The subsequent year is the fifth year following the year of initial eligibility; or (1-1-13)T~~

~~ii. The exemption granted in the year of initial eligibility was deemed improper. (1-1-13)T~~

~~b. If, after receiving the exemption, the taxpayer fails in any subsequent year to timely file the required lists of personal property or, if applicable, the affidavit provided in Section 63-602KK(6), Idaho Code, the taxpayer can re-establish future eligibility for the exemption by means of filing the lists required by Sections 63-302, 63-313 and 63-602Y, Idaho Code. In addition to the requirements in Subsection 626.03.a. of this rule, lists of personal property are required annually, as specified in Sections 63-302, 63-313, and 63-602Y, Idaho Code, for taxpayers for whom, in the current tax year, the total value of personal property owned by the taxpayer in any county exceeds one hundred thousand dollars (\$100,000), excluding any items of personal property acquired since January 1, 2013 at an acquisition price, as defined in Section 63-602KK(1), Idaho Code, of three thousand dollars (\$3,000) per item or less. When such lists are required, the taxpayer must list all otherwise taxable personal property, not just the property constituting value in excess of one hundred thousand dollars (\$100,000). (3-29-10)(1-1-13)T~~

~~c. For the duration of the period during which recapture could apply, the affidavit option shall not be available for taxpayers who elect to designate property to be included in the exemption provided for in Section 63-3029B, Idaho Code. For taxpayers whose property is centrally assessed by the Commission, annual application for the exemption provided in Section 63-602KK(2), Idaho Code, is required. To apply for the exemption, the list of personal property for which the exemption is requested must be filed with the operator's statement as provided in Subsection. 626.02.b. through 626.02.d. of this rule. (3-29-10)(1-1-13)T~~

**04. Taxpayers' Election of Property Location.** In cases where the taxpayer has personal property located in multiple places within the county, the taxpayer may elect the location of the property to which the exemption will apply. Except for private rail car fleets having an Idaho taxable value of five hundred thousand dollars (\$500,000) or greater, to which the procedures in Subsection (02)(c) of this rule shall apply, in the case of centrally assessed property, subject to assessment by the Commission and owning personal property located in multiple counties, the taxpayer may indicate the county in which the property is located and, if more than one location is chosen within any county, the taxpayer must indicate the tax code area(s) in which the personal property is located. Should the taxpayer not make an election as to where to apply the exemption, or not provide the location of the personal property, the following shall apply: (1-1-13)T

~~a. In the case of locally assessed property, the county shall have discretion regarding the property to which the exemption shall apply. If a taxpayer with personal property located in multiple places within the county files one (1) affidavit provided in Section 63-602KK(6), and fails to elect where to apply the exemption, the county shall prorate the exemption to the last known locations of the eligible property based on last lists filed. (3-29-10)(1-1-13)T~~

~~b. In the case of centrally assessed property, the exemption shall be limited to one hundred thousand dollars (\$100,000) applied to the Idaho value of the taxpayer prior to apportionment. (1-1-13)T~~

**05. Valuation Assessment Notice.** The valuation assessment notice required by Section 63-308, Idaho Code, must show the gross value taxable value before granting the exemption provided in Section 63-602KK(2), Idaho Code, the exempt value pursuant to the exemption provided in Section 63-602KK(2), Idaho Code, and the net taxable value of the personal property. The information shown on the valuation assessment notice may reflect the aggregate value reported by the taxpayer on an affidavit submitted in lieu of the lists required under Section 63-302, Idaho Code. If the items of personal property cannot be identified to the extent necessary to assign them to another of the categories provided in Rule 512 of these rules, the personal property shall be listed in secondary category 68. If the affidavit fails to provide an estimate of value, the assessor shall determine current market value of the property which shall not then be eligible for the exemption provided in Section 63-602KK, Idaho Code. For 2013, such notice is required even if the net taxable value is reduced to zero by the exemption. In subsequent years, provided the

personal property is still eligible for the exemption and the net taxable value is zero, no such notice is required.  
(3-29-10)(1-1-13)T

**06. Reporting Operating Property Exempt Value to Counties.** Except for private railcar fleets having an Idaho taxable value of less than five hundred thousand dollars (\$500,000), for 2013, the Commission shall determine the amount of the exemption applicable to each centrally assessed operating property company in each county. (1-1-13)T

**a.** The value of the exemption in each county shall be determined by the Commission by the fourth Monday in August, 2013. For 2013, the Commission must assign the appropriate portion of this value to each taxing district within the county and must further assign the portion of this value attributed to any increment value within each urban renewal district revenue allocation area to such area in accordance with the procedures used to apportion other operating property. (1-1-13)T

**b.** For 2013, the certification of operating property value provided to each county by the first Monday of September, pursuant to Section 63-111, Idaho Code, must include a report of the value of the exemption provided by Section 63-602KK(2), Idaho Code. The value of the exemption so reported shall be reported by taxing district and the portion of this value attributed to any increment value must be reported for any revenue allocation area, in accordance with the procedure and report provided to each county for taxable operating property value. (1-1-13)T

**c.** The report shall not include exempt value for private railcar fleets having an Idaho taxable value of less than five hundred thousand dollars (\$500,000) before the subtraction of the exemption provided in Section 63-602KK(2), Idaho Code. (1-1-13)T

**c.** The report shall not include exempt value for private railcar fleets having an Idaho taxable value of less than five hundred thousand dollars (\$500,000) before the subtraction of the exemption provided in Section 63-602KK(2), Idaho Code. (1-1-13)T

**067. Preliminary and Final Personal Property Tax Reduction Lists.** (5-8-09)

**a.** ~~Except as provided in Paragraph 626.06.e. of this rule, the preliminary~~ personal property tax reduction list shall include the following information pertaining to the personal property accounts eligible to receive the exemption: (3-29-10)(1-1-13)T

**i.** The name of the owner, listed in alphabetical order unless the State Tax Commission grants permission for accounts to be listed in an alternate order; (5-8-09)

**ii.** The description of the property ~~item(s)~~ based on the physical location of the property subject to exemption or partial exemption; (5-8-09)(1-1-13)T

**iii.** The location(s) of the property ~~item(s)~~ showing the tax code areas; and (5-8-09)(1-1-13)T

**iv.** The assessed value of the property ~~item(s)~~ listed as equalized by the state or county boards of equalization or, if not yet equalized, the current assessed value at the time required for certification of the amount of taxes on the exempt property, pursuant to Section 63-602KK(3), Idaho Code. (3-29-10)(1-1-13)T

**v.** The tax levy applicable to the personal property; (1-1-13)T

**vi.** The tax before the exemption; (1-1-13)T

**vii.** The tax after the exemption; (1-1-13)T

**viii.** The amount of the exemption; (1-1-13)T

**ix.** The aggregate total of the tax and value exempted by taxpayer; and (1-1-13)T

**x.** The aggregate total of the tax exempted within each taxing district and unit, each revenue allocation

~~area, and a grand total of tax exempted for all taxing districts, units, and revenue allocation areas in the county.~~ (1-1-13)T

b. ~~This preliminary~~ Except for centrally assessed property, the personal property tax reduction list shall be compiled by the assessor, who shall to the extent available include the information described in Subsection 626.07.a.i. through 626.07.a.iv. of this rule, and shall be certified and sent to the county clerk, and The county clerk will then include the centrally assessed property and the information described in Subsection 626.07.a.v. through 626.07.a.x. and certify a copy to the Tax Commission by the fourth third Monday in July November in 2013. The list will be reviewed and, if necessary, corrected by the Tax Commission. ~~The list will only include those taxpayers who have filed the list of taxable personal property as required by Section 63-302, Idaho Code, or the affidavit permitted by Section 63-602KK, Idaho Code. Transient personal property will not be listed on the preliminary list. The personal property tax reduction list may include personal property of operating property as reported by the Commission, personal property listed as required by Section 63-302, Idaho Code, transient personal property and other personal property listed by the taxpayer and otherwise assessable under Sections 63-313 and 63-602Y, Idaho Code, and personal property otherwise eligible for the exemption provided in Section 63-602KK(2), Idaho Code, but listed and assessed by the assessor.~~ (3-29-10)(1-1-13)T

c. ~~Except as provided in Paragraph 626.06.e. of this rule, the final personal property tax reduction list shall include, in addition to the items listed in Paragraph 626.06.a. of this rule, the following information pertaining to the personal property accounts to receive the exemption: If, after certifying the personal property tax reduction list, the county learns of any erroneous information included in said list, the county clerk will immediately, and not later than the first Monday in May, 2014, notify the Commission of the correction. If the county cancels the tax otherwise due, the county must notify the Commission of the cancellation and the Commission will adjust the replacement money accordingly. In addition to any other errors, corrections may include value and tax changes resulting from actions of the county board of equalization related to property listed and assessed as required in Sections 63-313 and 63-602Y, Idaho Code. Corrections may also include value changes as a result of appeals to the state board of tax appeals or district court, provided however, that the Commission is notified by the county of such changes by the first Monday in May, 2014. Once notified of any correction, the Commission shall adjust the total certified personal property tax reduction amount for any applicable taxing district or urban renewal agency and shall change any payment due to the county in accordance with the correction.~~ (3-29-10)(1-1-13)T

- ~~i. The tax levy applicable to the personal property;~~ (5-8-09)
- ~~ii. The tax before the exemption;~~ (5-8-09)
- ~~iii. The tax after the exemption;~~ (5-8-09)
- ~~iv. The amount of the exemption;~~ (5-8-09)
- ~~v. The aggregate total of the tax exempted; and~~ (5-8-09)
- ~~vi. The aggregate total of the tax exempted within each taxing district and each revenue allocation area.~~ (5-8-09)

d. ~~This final personal property tax reduction list may include transient personal property and may include personal property otherwise assessable under Section 63-602Y, Idaho Code. This final list shall serve as the certification from the county clerk to the Tax Commission as required by Section 63-602KK(3), Idaho Code. The final certified list shall be filed with the Tax Commission not later than the third Monday of November of each year. For transient personal property and personal property subject to listing under Section 63-602Y, Idaho Code, the prorated value shall be used to fulfill the requirements of Subparagraph 626.07.a.iv. of this rule.~~ (3-29-10)(1-1-13)T

e. ~~If a taxpayer has filed the affidavit permitted by Section 63-602KK(6), Idaho Code, in lieu of the list required by Section 63-302, Idaho Code, some of the information otherwise required to be included on the preliminary and final personal property tax reduction lists may not be available. For any taxpayer for which complete information is not available because of the filing of such an affidavit, requirements found in Subparagraphs 626.06.a.ii., and 626.06.a.iv. for the description and value of items of property shall be waived. In lieu of these requirements, the preliminary and final personal property tax reduction lists must indicate the aggregate equalized~~

~~value of the taxpayer's property in the county that is eligible for the exemption provided in Section 63-602KK, Idaho Code. For transient personal property and personal property subject to listing under Section 63-602Y, Idaho Code, the prorated value shall be used to fulfill the requirements of Subparagraph 626.06.a.iv. of this rule. Taxpayers who are within a relationship described in Section 267 of the Internal Revenue Code, as defined in Section 63-3004, Idaho Code, are single taxpayers and no such single taxpayer shall be listed on the personal property tax reduction list more than once.~~ (3-29-10)(1-1-13)T

**078. Tax Commission's Review and Correction of the Personal Property Tax Reduction Lists.** If an entry on the ~~preliminary or final~~ personal property tax reduction list is found to be erroneous, the Tax Commission shall disapprove as much of the claim as necessary and so notify the county clerk. (5-8-09)(1-1-13)T

**a.** If the disapproval occurs after the Commission has certified the amount to be paid to the county in December, the Commission shall notify the county as soon as practicable and shall make all necessary adjustments in the amount to be paid in June of 2014. (1-1-13)T

**b.** If the amount of the disapproval exceeds the amount remaining to be paid to the county, the Commission shall adjust the payment to the county and then the county shall begin proceedings to recover any remaining excessive amounts paid on behalf of any taxpayer, pursuant to the recovery procedures found in Section 63-602KK(7), Idaho Code. Any amount so recovered shall be remitted to the Commission. (1-1-13)T

**09. Limitation on Eligibility for the Exemption.** (1-1-13)T

**a.** Except for taxpayers claiming and receiving the exemption provided for in Section 63-4502, Idaho Code, taxpayers receiving the personal property exemption provided in Section 63-602KK, Idaho Code, may be eligible for, and are not precluded from, other applicable exemptions. (1-1-13)T

**b.** Personal property exempt in accordance with statutes other than Section 63-602KK, Idaho Code, shall not be included in determining when the one hundred thousand (\$100,000) limit provided in Section 63-602KK(2) is reached. (1-1-13)T

**c.** Taxpayers with requirements to annually apply for or list personal property for which other statutorily provided personal property exemptions are sought must continue to comply with the requirements of these statutes. (1-1-13)T

**d.** Improvements, as defined or described in Sections 63-201 and 63-309, Idaho Code, shall not be eligible for the exemption provided in Section 63-602KK. Improvements shall be deemed to include mobile and manufactured homes and float homes, regardless of whether such property is considered personal property. Leasehold real properties and other leasehold improvements that are structures or buildings shall be considered improvements and therefore ineligible for the exemption. (1-1-13)T

**e.** Certain personal property is not eligible to receive the exemption otherwise provided in Section 63-602KK(2), Idaho Code. All taxpayers who are within a relationship described in Section 267 of the Internal Revenue Code, as defined in Section 63-3004, Idaho Code, are treated as single taxpayers for purposes of the Section 63-602KK(2), Idaho Code, exemption and are limited to a maximum exemption of one hundred thousand dollars (\$100,000) in each county. (1-1-13)T

**10. Special Rules for the Exemption Provided in Section 63-602KK(1).** (1-1-13)T

**a.** Newly acquired items of personal property exempt as provided in Section 63-602KK(1) are not to be reported on any list otherwise required pursuant to Sections 63-302, 63-602Y, and 63-313, Idaho Code. (1-1-13)T

**b.** The exemption provided in Section 63-602KK(1), Idaho Code, is in addition to the one hundred thousand dollar (\$100,000) per taxpayer per county exemption provided in Section 63-602KK(2), Idaho Code. (1-1-13)T

**c.** Personal property subject to the exemption provided in Section 63-602KK(1), Idaho Code, must not be listed on the personal property tax reduction list and cannot be used to generate personal property tax reduction

replacement amounts. (1-1-13)T

**d.** No application for the exemption provided in Section 63-602KK(1), Idaho Code, is necessary. (1-1-13)T

**11. Limitation on Replacement Money.** (1-1-13)T

**a.** Once the 2013 amount of replacement money for each taxing district and unit and for each urban renewal district revenue allocation area is made final, following corrections, as provided in this rule, there shall be no additions. However, there may be changes and reductions as follow: (1-1-13)T

**i.** If a taxing district dissolves, the state will make no payment of the amount previously certified for that district and when an urban renewal district revenue allocation area dissolves and is no longer receiving any allocation of property tax revenues, the state will discontinue payment of amounts previously certified for that revenue allocation area, beginning with the next scheduled distribution. (1-1-13)T

**ii.** If taxing districts or revenue allocation areas within urban renewal districts are consolidated, the amounts of replacement money attributed to each original district or revenue allocation area shall be summed and, in the future, distributed to the consolidated taxing or urban renewal district. (1-1-13)T

**iii.** No urban renewal district shall receive replacement money based on exempt personal property within any revenue allocation area (RAA) established on or after January 1, 2013, or within any area added to an existing RAA on or after January 1, 2013. (1-1-13)T

**b.** If otherwise eligible personal property is exempt in 2013 by reason of any property tax exemption other than the exemption found in Section 63-602KK(2), Idaho Code, there shall be no personal property replacement money related to exempt taxes on this property nor shall the amount of replacement money be adjusted if this personal property receives the exemption in Section 63-602KK(2) in the future. (1-1-13)T

**12. Special Provisions for Exempt Personal Property Within Urban Renewal Revenue Allocation Areas (RAAs).** (1-1-13)T

**a.** When personal property subject to the exemption in Section 63-602KK(2), Idaho Code, is within an RAA, any adjustment shall first be to the increment value and there shall be no adjustment to the base value of the RAA unless the remaining taxable value of the parcel is less than the most current base value of the parcel. In that case, the base value shall be reduced. The amount to be subtracted is to be determined on a parcel by parcel basis in accordance with procedures found in Rule 804 of these rules. (1-1-13)T

**b.** Only the amount of exempt personal property subtracted from the increment value is to be used to determine personal property replacement money to be distributed to the affected urban renewal agency. This exempt amount must be reported in the personal property tax reduction list provided for in Section (07) of this rule. (1-1-13)T

**c.** Taxing district levies to satisfy obligations specified in Subsection (1)(a) through (f), Section 50-2908, Idaho Code, shall be used to determine replacement money to taxing districts, not urban renewal agencies, even when applied to exempt personal property otherwise within the increment value. (1-1-13)T

~~0813.~~ **Cross Reference.** ~~For more information on the lists and affidavit option, see Rule 302 of these rules.~~ For information on transient personal property see Rule 313 of these rules. (3-29-10)(1-1-13)T

**(BREAK IN CONTINUITY OF SECTIONS)**

**632. PROPERTY EXEMPT FROM TAXATION – OIL OR GAS RELATED WELLS (RULE 632).**  
Section 63-60200, Idaho Code. (1-1-13)T

**01. Definitions of Oil or Gas Well.** (1-1-13)T

**a.** Wells drilled for the production of oil, gas or hydrocarbon condensate may include the well, casing, and other structures permanently affixed inside the well, and the land inside the perimeter of the well. (1-1-13)T

**b.** The well shall include the part where the gas producing stratum has been successfully cased off from any oil. (1-1-13)T

**02. Ineligible Land and Equipment.** (1-1-13)T

**a.** Wellheads and gathering lines or any line extending above ground level shall not qualify. Equipment used for the extraction, storage, or transportation of oil, gas, or hydrocarbon condensate shall not qualify. (1-1-13)T

**b.** Land, other than that used for the well as defined in section 01 of these rules, shall not qualify. If the presence of the well increases the market value of nearby land, the assessed value of such land shall reflect the increase, unless the land qualifies independently for any other property tax exemption. (1-1-13)T

**03. Application.** As provided in section 63-602(3), Idaho Code, annual application is required for the exemption provided in this section. For 2013, such application must be made to the county commissioners by May 1. Subsequently, application must be made to the county commissioners by April 15. (1-1-13)T

**6323. -- 644.** (RESERVED)

## IDAPA 35 - STATE TAX COMMISSION

### 35.01.05 - MOTOR FUELS TAX ADMINISTRATIVE RULES

DOCKET NO. 35-0105-1301

#### NOTICE OF INTENT TO PROMULGATE RULES - NEGOTIATED RULEMAKING

**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 Sections 67-5221(1), 63-105, and 63-2427, Idaho Code.

**METHOD OF PARTICIPATION:** Interested persons wishing to participate in the negotiated rulemaking must respond to this notice by contacting the undersigned either in writing, by email, or by calling the phone number listed below. To participate, responses must be received by May 22, 2013.

Should a reasonable number of persons respond to this notice, negotiated meetings will be scheduled and all scheduled meetings shall be posted and made accessible on the agency website at <http://tax.idaho.gov/>.

Upon conclusion of the negotiated rulemaking, any unresolved issues, all key issues considered, and conclusions reached during the negotiated rulemaking will be addressed in a written summary and made available on the agency website at <http://tax.idaho.gov/>.

Failure of interested persons to respond to this notice of intent or the lack of a sufficient number of responses to this notice of intent may result in the discontinuation of further informal proceedings. In either event the agency shall have sole discretion in determining the feasibility of scheduling and conducting informal negotiated rulemaking and may proceed directly to formal rulemaking if proceeding with negotiated rulemaking is deemed infeasible.

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

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

**DESCRIPTIVE SUMMARY:** The following is a statement in nontechnical language of the substance and purpose of the intended negotiated rulemaking and the principle issues involved:

Motor Fuels Tax Rule 105 is being amended to maintain consistency with House Bill 20 (enacted during the 2013 legislative session) which allows the Tax Commission to sell gaseous fuel decals. The rule will also be changed to clarify when sales of gaseous fuel are exempt from the motor fuels tax and what records are required for the exempt sales.

Motor Fuels Tax Rule 110 outlines conversion factors required by 63-2424(1) to make it possible to assess the \$0.25 gasoline tax on the gaseous fuel equivalent to the energy of a gallon of gasoline. The rule is being changed to align the conversion factors to a national standard.

Motor Fuels Tax Rule 115 allows a change in the gaseous fuels permit fees when there is a change in the gasoline tax. This rule is being changed to ensure consistency with changes made to Motor Fuels Rule 110.

Motor Fuels Tax Rules 270 is being changed to eliminate the proration percentage offered in paragraph 06.a of sixty-percent (60%) for diesel and twenty-five percent (25%) for gasoline. The alternate proration percentage allowed by paragraph 06.a which is authorized by the Tax Commission will become the only proration percentage allowed by paragraph 06.a.

Motor Fuels Tax Rule 290 allows special fuels alternative Miles Per Gallon consumption rates. The rule is being changed due to the increased efficiency of motor vehicle engines.

Motor Fuels Tax Rule 292 allows standard allowances for special fuels power take-offs (PTO's). The rule is being changed due to increased efficiency of motor vehicle engines.

Motor Fuels Tax Rule 510 is being changed to clarify when used motor oils are received in the state and subject to the transfer fee authorized in 41-4909(7).

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS, OBTAINING COPIES:** For assistance on technical questions concerning this negotiated rulemaking or to obtain a copy of the preliminary draft of the text of the proposed rule, if available, contact Don Williams (208) 334-7855.

Anyone may submit written comments regarding this negotiated rulemaking. All written comments must be directed to the undersigned.

DATED this 5th day of April, 2013.

Don Williams  
Tax Auditor 4  
State Tax Commission  
P.O. Box 36  
Boise, ID 83722-0410  
(208) 334-7855  
[Don.williams@tax.idaho.gov](mailto:Don.williams@tax.idaho.gov)  
<http://tax.idaho.gov/>

## IDAPA 36 - IDAHO BOARD OF TAX APPEALS

### 36.01.01 - IDAHO BOARD OF TAX APPEALS RULES

#### DOCKET NO. 36-0101-1201

#### NOTICE OF LEGISLATIVE ACTION - FINAL RULE

**AUTHORITY:** In compliance with Sections 67-5224 and 67-5291, Idaho Code, notice is hereby given that the legislature has taken action by concurrent resolution on the pending rule promulgated under Docket No. 36-0101-1201 and the affected subsection is being reprinted here pursuant to that legislative action.

**DESCRIPTIVE SUMMARY:** The following is a concise explanatory statement regarding the partial rejection of this pending rule:

Pursuant to Senate Concurrent Resolution 105, IDAPA 36.01.01, Idaho Board of Tax Appeals, "Idaho Board of Tax Appeals Rules," Sections 063 and 065 and Section 140, Subsection 06, only, adopted as pending rules under Docket Number 36-0101-1201, are not consistent with legislative intent and are rejected and declared null, void and of no force and effect.

Following this notice the affected sections are being reprinted as approved by the legislature and as codified.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this notice, contact Dennis Stevenson, Administrative Rules Coordinator at (208) 332-1820.

DATED this 15th day of April, 2013.

Dennis Stevenson  
Administrative Rules Coordinator  
Office of the Administrative Rules Coordinator  
Department of Administration  
P. O. Box 83720, Boise, ID 83720-0306  
email: [rulescoordinator@adm.idaho.gov](mailto:rulescoordinator@adm.idaho.gov)

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#### THE FOLLOWING IS THE FINAL TEXT OF THE SECTIONS AFFECTED BY SCR 105

**063. AMENDMENTS TO PLEADINGS -- WITHDRAWAL OF PLEADINGS (RULE 63).**

*The presiding officer may allow any pleading to be amended or corrected or any omission to be supplied. Pleadings will be liberally construed, and defects that do not affect substantial rights of the parties will be disregarded. A party desiring to withdraw a pleading must file a notice of withdrawal of the pleading and serve all parties with a copy. Unless otherwise ordered by the presiding officer, the notice is effective ten (10) days after filing.* (2-18-05)

**065. COMPUTATION OF TIME (RULE 65).**

In computing any period of time prescribed or allowed by these rules ~~or by any applicable statute~~, except where *contrary to other applicable statutes*, the day of the act, event or default from which the designated period of time begins to run shall not be included. The last day of the period so computed shall be included in the count unless it is a ~~Saturday, Sunday, or legal~~ holiday, in which event the period runs until the *end of the* next day that is not a Saturday, Sunday, or legal holiday. (2-18-05)

**140. DECISIONS AND ORDERS (RULE 140).**

**01. Submission for a Decision.** The proceeding shall stand submitted for decision by the Board after the record is closed by the presiding officer or as otherwise prescribed by the Board. (3-25-13)

**02. Proposed Orders.** Prior to a final decision on the merits the Board may request proposed findings of fact and conclusions of law from each party. (3-25-13)

**03. Decisions Dicta.** A member who dissents or concurs may state their reasons. (3-25-13)

**04. Notice.** Parties' representatives shall be notified by mail of any final decision or order. (3-25-13)

**05. Public Inspection.** Decisions and orders of the Board shall be open to public inspection. (7-1-93)

**06. Decision of Board on the Record.** A decision of the Board will be based on the official record for the case. *When no dispute of fact exists, the decision will be based on conclusions of law made by the Board. The Board shall hear and determine appeals as de novo proceedings. Decisions shall contain separately stated findings of fact and conclusions of law upon which the Board's determination is based.* (2-18-05)

## IDAPA 38 - DEPARTMENT OF ADMINISTRATION

### 38.04.06 - RULES GOVERNING USE OF THE EXTERIOR OF STATE PROPERTY IN THE CAPITOL MALL AND OTHER STATE FACILITIES

DOCKET NO. 38-0406-1202

#### NOTICE OF LEGISLATIVE ACTION - FINAL RULE

**AUTHORITY:** In compliance with Sections 67-5224 and 67-5291, Idaho Code, notice is hereby given that the legislature has taken action by concurrent resolution on the pending rule promulgated under Docket No. 38-0406-1202 and the affected sections are being reprinted here pursuant to that legislative action.

**DESCRIPTIVE SUMMARY:** The following is a concise explanatory statement regarding the partial rejection of this pending rule:

Pursuant to Senate Concurrent Resolution 118, IDAPA 38.04.06, Department of Administration, "Rules Governing Use of the Exterior of State Property in the Capitol Mall and Other State Facilities," Section 201, Subsections 302.01, 302.02, and 302.03, and Section 313, only, adopted as pending rules under Docket No. 38-0406-1202, are not consistent with legislative intent and have been rejected and declared null, void and of no force and effect.

Following this notice the affected sections are being reprinted in their entirety as approved by the legislature.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this final rule, contact Dennis Stevenson, Administrative Rules Coordinator at (208) 332-1820.

DATED this 15th day of April, 2013.

Dennis Stevenson  
Administrative Rules Coordinator  
Office of the Administrative Rules Coordinator  
Department of Administration  
P.O. Box 83720, Boise, ID 83720-0306  
Phone: (208) 332-1820  
email: [rulescoordinator@adm.idaho.gov](mailto:rulescoordinator@adm.idaho.gov)

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#### THE FOLLOWING IS THE FINAL TEXT OF THE SECTIONS AFFECTED BY SCR 118

**201. ~~EVENT AND EXHIBIT DURATION.~~ (RESERVED)**

~~The duration of an Event or Exhibit on the State Capitol Exterior, including time for set up and clean up, shall not exceed seven (7) consecutive days. An Event or Exhibit may continue to use the State Capitol Exterior after a seven (7) consecutive day period if the Event or Exhibit does not use the State Capitol Exterior for twenty four (24) hours or more between each seven (7) consecutive day period. Events and Exhibits shall not continue beyond the hours for Event or Exhibit use of the State Capitol Exterior set forth in Section 302 of these rules. Exhibits must be removed at the earlier of the conclusion of the Event or the daily conclusion of the hours for Event and Exhibit use of the State Capitol Exterior.~~ ( )

**302. HOURS AND LOCATIONS OF USE.**

The hours for Events and Exhibits at the State Facilities are as follows:

(3-27-13)

~~01. Capitol Mall Office Properties and the Multi Agency Facilities. The hours of use of the Capitol~~

~~Mall Office Properties and the Multi-Agency Facilities are 7 a.m. to 9 p.m. during the months of March through October and 7 a.m. to 6 p.m. during the months of November through February. ( )~~

~~02. **Capitol Annex.** The hours of use of the Capitol Mall Annex are 7 a.m. to 9 p.m. during the months of March through October and 7 a.m. to 6 p.m. during the months of November through February. ( )~~

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

**041. Maintenance and Improvements.** Notwithstanding the hours set forth in Subsections 302.01 and 302.02 of this section, Events, Exhibits and Public Use shall not interfere with State Maintenance and Improvements. The Department will publish the regular maintenance and improvement schedule at the website address set forth in Section 005 of these rules. The regular maintenance and improvement schedule may be modified due to weather, staffing, emergency repairs, equipment failures, funding changes, contract modifications, State Events and Exhibits or other causes arising after the schedule's publication. (3-27-13)

**313. SOUND LEVEL AND AMPLIFICATION (RESERVED)**

~~Sound amplification may not be used on the State Capitol Exterior unless authorized by a Permit. Sound levels, whether amplified or not, must not cause a disruption to the primary use of the State Capitol Exterior. Security Personnel, law enforcement or a state employee or agent supervising the State Capitol Exterior may discontinue an Event, Exhibit or Public Use if they request that the sound level be reduced and those in attendance do not reduce the sound level. ( )~~

## **IDAPA 38 - DEPARTMENT OF ADMINISTRATION**

### **38.04.06 - RULES GOVERNING USE OF THE EXTERIOR OF STATE PROPERTY IN THE CAPITOL MALL AND OTHER STATE FACILITIES**

**DOCKET NO. 38-0406-1301**

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

**EFFECTIVE DATE:** The effective date of the temporary rule is April 5, 2013.

**AUTHORITY:** In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a temporary rule, and proposed rulemaking procedures have been initiated. The action is authorized pursuant to Sections 67-1604 and 67-5709, Idaho Code.

**PUBLIC HEARING SCHEDULE:** Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than May 15, 2013.

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 Idaho Legislature rejected certain provisions of IDAPA 38.04.06 during the 2013 session. This action created unnecessary definitions and necessitated clarifications. The chapter was further revised to reflect informal requests of legislators during rules reviews hearings and to address ambiguities noted by other parties.

**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:

The revisions confer a benefit to the public by clarifying the requirements for use of state facilities.

**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: N/A

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted because the majority of the revisions are simple in nature and necessary for clarity. Some of the ambiguities clarified were identified by affected interests. The remaining revisions reflect the request of legislators and consensus with the representatives of affected interests, including those present at 2013 legislative hearings, is unlikely.

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

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the temporary and proposed rule, contact Teresa Luna, Director, at (208) 332-1827.

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 May 22, 2013.

DATED this 5th day of April, 2013.

Teresa Luna, Director  
Department of Administration  
650 W. State St.  
P. O. Box 83720  
Boise, ID 83720-0013  
Phone: (208) 332-1827  
Fax: (208) 334-2307

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**THE FOLLOWING IS THE TEMPORARY RULE AND THE PROPOSED TEXT  
OF DOCKET NO. 38-0406-1301**

**010. DEFINITIONS.**

- 01. Camping.** Any activity prohibited under Section 67-1613, Idaho Code. (3-27-13)
- 02. Capitol Annex.** The grounds, exterior of buildings, exterior of improvements, and real property located at 514 West Jefferson Street, Boise, Idaho and occupying block 65 as shown on the Boise City original townsite plat filed in the Ada County Recorder's office in Book 1 on page 1. (3-27-13)
- 03. Capitol Mall Office Properties.** The grounds, exterior of buildings, exterior of improvements, and real property set forth in Section 67-5709(2)(a) and (b), Idaho Code. The Capitol Mall Office Properties do not include the Idaho State Capitol or its grounds or the Capitol Mall Annex. (3-27-13)
- 04. Commemorative Installation.** Any statue, monument, sculpture, memorial or landscape feature designed to recognize a person, group, event or element of history. (3-27-13)
- 05. Department.** The Department of Administration. (3-27-13)
- 06. Director.** The Director of the Department of Administration or his designee. (3-27-13)
- ~~**07. Event.** Any press conference, performance, ceremony, presentation, meeting, rally, reception, demonstration, protest, educational tour or gathering of people held at the State Facilities. As used in this definition, a gathering consists of two (2) or more people. (3-27-13)~~
- ~~**08. Exhibit.** Any temporary Commemorative Installation and any attended or unattended display, including, but not limited to, equipment, machines, vehicles, products, samples, paintings, sculptures, arts and crafts, photographs, signs, banners or other graphic displays. (3-27-13)~~
- ~~**09. Multi-Agency Facilities.** The grounds, exterior of buildings, exterior of improvements, and real property set forth in Section 102 of these rules. (3-27-13)~~
- ~~**108. Other State Properties.** The grounds, exterior of buildings, exterior of improvements, and real property set forth in Section 101 of these rules. (3-27-13)~~
- ~~**109. Parking Facilities.** The facilities, exterior of buildings, exterior of improvements, and real property set forth in Section 67-5709(2)(b), Idaho Code. (3-27-13)~~
- 120. Private Event or Private Exhibit.** Any activity sponsored or initiated by a member of the public that is open only to invited or qualifying individuals or groups. Private Events and Private Exhibits include, but are not limited to, weddings, dinners, award ceremonies, memorials, and seminars. (3-27-13)

**131. Public Use.** Use that is not ~~an Event, Private Event, Exhibit, Private Exhibit or use by a public officer, official, employee, contractor, agency, board or commission for state of Idaho business.~~ **Public Use includes, but is not limited to, the following:** (3-27-13)(4-5-13)T

**a.** ~~The transit of individuals through the~~ **△ State Facilities unrelated to an** Event or Exhibit; (3-27-13)(4-5-13)T

**b.** ~~Incidental, short term recreational use of the State Facilities unrelated to an Event or Exhibit; and~~ (3-27-13)

**eb.** ~~The conduct of~~ **Use by a** public ~~business with any state of Idaho~~ **officer, official, employee, contractor, agency, or board, or commission,** ~~officer or elected official acting on behalf of the~~ **for** state of Idaho ~~business; or~~ (3-27-13)(4-5-13)T

**c.** **State Maintenance and Improvements.** (4-5-13)T

**142. Security Personnel.** A state of Idaho employee or a staff member of a state of Idaho contractor whose job duties include monitoring compliance with and enforcing these rules. (3-27-13)

**153. State Events and Exhibits.** All functions initiated and controlled by any state of Idaho agency, board, commission, officer or elected official acting on behalf of the state of Idaho. (3-27-13)

**164. State Facilities.** The Capitol Mall Office Properties, the Capitol Annex, the Multi-agency Facilities, the Parking Facilities and the Other State Properties. Use of the phrase “at the State Facilities” shall include the exterior of buildings, exterior of improvements and the grounds and real property comprising the State Facilities. (3-27-13)

**175. State Maintenance and Improvements.** Maintenance or improvement of the State Facilities by the state of Idaho or its contractors. Maintenance for the purpose of this definition includes, but is not limited to, grounds maintenance such as mowing, watering, landscaping, aerating, resodding, fertilizing and planting, and structural maintenance such as pressure washing, painting, window cleaning and re-glazing. Improvement for the purpose of this definition includes, but is not limited to, the following: construction of new buildings or portions of buildings; renovations to existing buildings; the installation of permanent structures and equipment such as benches, sprinklers, flagpoles, monuments and memorials; and, the installation of temporary equipment and structures such as construction fencing, generators and portable buildings. (3-27-13)

**011. -- 100. (RESERVED)**

**101. OTHER STATE PROPERTIES.**

These rules shall apply to the following Other State Properties pursuant to the request of the state of Idaho public entity owning or controlling the property: (3-27-13)

**01. Idaho State Historical Society Properties.** (3-27-13)

**a.** The following properties owned or operated by the Idaho State Historical Society shall be Other Properties under these rules: (3-27-13)

**i.** Idaho State Historical Museum, located at 610 North Julia Davis Drive, Boise, Idaho. (3-27-13)

**ii.** Old U.S. Assay Office, located at 210 Main Street, Boise, Idaho. (3-27-13)

**iii.** Old Penitentiary site located in Boise, Idaho and defined in Section 58-337, Idaho Code. (3-27-13)

**iv.** Idaho History Center, located at 2205 Old Penitentiary Road, Boise, Idaho. (3-27-13)

**v.** Franklin Historic Properties, located in Franklin, Idaho. The Franklin Historic Properties include the Franklin Co-operative Mercantile Institution Building, the Hatch House, the Doney House, and the Relic Hall.

- (3-27-13)
- vi. Pierce Courthouse, located in Pierce, Idaho. (3-27-13)
- vii. Rock Creek Station and Stricker Homesite, located at 3715 Stricker Cabin Road, Hansen, Idaho. (3-27-13)
- b.** The following sections of these rules shall apply to the Idaho State Historical Society Properties set forth in Paragraph 101.01.a. of these rules only as modified by this Paragraph 101.01.b.: (3-27-13)
- i. Subsection 010.06. “Director” shall mean the Executive Director of the Idaho State Historical Society when these rules are applied to the Idaho State Historical Society Properties. (3-27-13)
- ii. Subsection 200.01. “Authorized Uses by the Public” shall apply except that the Director may authorize Private Events or Exhibits and the exclusion of members of the public from attending Private Events and Exhibits. For the purpose of this subsection, the grant of a lease or a license is authorization to exclude members of the public from a Private Event or Exhibit. (3-27-13)
- iii. Section 302. “~~Hours Maintenance~~ and ~~Locations of Use Improvements~~” shall apply as if the Idaho State Historical Properties were Capitol Mall Office Properties unless ~~other hours of use or access restrictions are otherwise~~ designated at the property, or posted on the Idaho State Historical Society website. ~~(3-27-13)~~(4-5-13)T
- iv. Subsection 305.02. “Domestic Animals” shall apply unless a sign at the property specifies that domestic animals are not permitted. (3-27-13)
- c.** The Idaho State Historical Society Properties set forth in Paragraph 101.01.a. of these rules may be licensed or leased and such license or lease may vary the provisions of these rules applicable to use of the property under this chapter, including but not limited to the following: ~~hours of use;~~ commercial use; Public Use; Private Events or Exhibits; consumption and distribution of alcohol; affixing of materials to the Idaho State Historical Society Properties; use of sound amplification; fireworks displays; and, use of utilities. ~~(3-27-13)~~(4-5-13)T

**(BREAK IN CONTINUITY OF SECTIONS)**

**200. USE OF STATE FACILITIES.**

**01. Authorized Uses by the Public.** Except as provided otherwise in these rules, the State Facilities are available for ~~use by the public for the following:~~ (3-27-13)

~~**a.** Events. Events shall be held only in the locations and during the hours set forth in these rules. Events shall not exclude any member of the public from attending the Event. (3-27-13)~~

~~**b.** Exhibits. Exhibits shall be held only in the locations and during the hours set forth in these rules. Exhibits shall not exclude any member of the public from attending the Exhibit. (3-27-13)~~

~~**c.** Public Use. (3-27-13)~~(4-5-13)T

**02. Prohibited Uses.** The following uses are prohibited at the State Facilities: (3-27-13)

**a.** Commercial Activity. The State Facilities shall not be used for any activity conducted for profit and no persons shall solicit to sell any merchandise or service at the State Facilities. The following are not commercial activity prohibited by this subsection: (3-27-13)

i. Meetings or conferences for public employees or their relatives describing employee benefits and approved by a state of Idaho agency. (3-27-13)

- ii. Concessions authorized by law. (3-27-13)
  - iii. Vaccinations may be provided in exchange for a fee without the prior written permission of the Director where approved by a state of Idaho agency, board, commission or elected official. (3-27-13)
  - b. Camping. (3-27-13)
  - c. Private Events and Exhibits. (3-27-13)
- 03. State Events and Exhibits.** State Events and Exhibits may occur in any portion of the State Facilities. The Director may waive all or a portion of these rules for a State Event or Exhibit. (3-27-13)
- 04. Priority of Uses.** State Maintenance and Improvements shall have priority over all other use of the State Facilities. ~~State Events and Exhibits shall have priority over public Events and Exhibits, and Public Use.~~ (3-27-13)(4-5-13)T

**201. ~~RESERVED PUBLIC USE DURATION.~~**

~~The duration of Public Use at any single facility of the State Facilities, including time for set-up and clean-up, shall not exceed seven (7) consecutive days. A Public Use may continue at the State Facilities after a seven (7) consecutive day period if the Public Use does not use the same facility for twenty-four (24) hours or more between each seven (7) consecutive day period. All items must be removed at the earlier of the conclusion of the Public Use or the end of the seven (7) consecutive day period.~~ (4-5-13)T

**(BREAK IN CONTINUITY OF SECTIONS)**

**203. ESTABLISHMENT OF PERIMETERS.**

Security Personnel and law enforcement may establish perimeters separating participants in ~~Exhibits and~~ Public Use of the State Facilities or State Events and Exhibits. Participants in and observers of any Public Use or State Events ~~or and Exhibits~~ shall observe perimeters set pursuant to this section. (3-27-13)(4-5-13)T

**204. AREA CLOSURES.**

The Director may direct that any portion of the State Facilities be closed for ~~Events, Exhibits and~~ Public Use upon a finding that the closed portion of the State Facilities has sustained damage or is in imminent danger of sustaining damage. The closure directive shall identify the portion of the State Facilities closed, the damage that has occurred or that will occur without closure, and the estimated period of closure to restore or prevent the damage. A notice of closure and information on how to obtain a copy of the closure directive shall be posted at the closed portion of the State Facilities. Circumstances presenting an imminent danger of damage to the State Facilities include, but are not limited to, the saturation of soil, turf, or landscaped areas with water, excessive foot traffic over landscaped areas, preventing turf or plants from obtaining adequate sunlight, and the buildup of ice or snow on landscaped areas. (3-27-13)(4-5-13)T

**205. -- 299. (RESERVED)**

**300. RESTRICTIONS AND LIMITATIONS ON USE.**

The restrictions and limitations on use of the State Facilities set forth in Sections 301 through 399 of these rules shall apply to all ~~Events, Exhibits, and~~ Public Use of the State Facilities. (3-27-13)(4-5-13)T

**301. USES INTERFERING WITH ACCESS OR USE OF FACILITY.**

**01. Interference with Primary Use of Facility or Real Property.** ~~Events, Exhibits, and~~ Public Use of the State Facilities shall not interfere with the primary use of the facility or real property adjoining the facility. The primary uses of the State Facilities include, but are not limited to, public meetings and hearings, court proceedings, and the conduct of public business by agencies or officials of the state of Idaho that normally occupy and use the

affected facility or the real property adjoining the facility.

~~(3-27-13)~~(4-5-13)T

**02. Interference with Access.** ~~Events, Exhibits and~~ Public Use of the State Facilities shall not block fire hydrants, fire or emergency vehicle lanes, vehicular drives, pedestrian walkways, doorways, steps or similar access routes through, in or out of the State Facilities.

~~(3-27-13)~~(4-5-13)T

**302. ~~HOURS MAINTENANCE AND LOCATIONS OF USE IMPROVEMENTS.~~**

~~The hours for Events and Exhibits at the State Facilities are as follows:~~

~~(3-27-13)~~

~~01. Maintenance and Improvements.~~ ~~Notwithstanding the hours set forth in Subsections 302.01 and 302.02 of this section, Events, Exhibits and~~ Public Use shall not interfere with State Maintenance and Improvements. The Department will publish the regular maintenance and improvement schedule at the website address set forth in Section 005 of these rules. The regular maintenance and improvement schedule may be modified due to weather, staffing, emergency repairs, equipment failures, funding changes, contract modifications, State Events and Exhibits or other causes arising after the schedule's publication.

~~(3-27-13)~~(4-5-13)T

**(BREAK IN CONTINUITY OF SECTIONS)**

**314. UTILITY SERVICE.**

~~Events, Exhibits, and~~ The public may not use the utility services of the State Facilities other than restrooms; provided, however, the Director may authorize limited use of electrical service for the duration of ~~an Event or Exhibit~~ **Public Use** authorized by these rules. Utility services include, but are not limited to, electrical, sewage, water, heating, and geothermal services. The Director may terminate the use of utilities if such use interferes with the utility services of the State Facilities or the equipment or apparatus using utility service fails to comply with applicable rules or codes.

~~(3-27-13)~~(4-5-13)T

**315. LAW ENFORCEMENT AND FACILITY EXIGENCY.**

In case of a fire, bomb threat, utility malfunction, structural failure or other unforeseen emergency or threat endangering public safety or health, or endangering public property, law enforcement, Security Personnel and state employees or officials may direct all persons off of the State Facilities and delay or postpone any ~~Event, Exhibit or other~~ activity until the emergency or threat is abated.

~~(3-27-13)~~(4-5-13)T

**(BREAK IN CONTINUITY OF SECTIONS)**

**317. HEALTH, SAFETY, AND MAINTENANCE OF STATE FACILITIES.**

**01. Clean Condition After Use.** Users shall leave the State Facilities in reasonably clean condition after use, including depositing all trash in designated receptacles.

(3-27-13)

**02. Items Return to Proper Location.** Users shall return all items including, but not limited to, movable furniture and trash receptacles, to their location at the conclusion of the ~~Event or Exhibit~~ use.

~~(3-27-13)~~(4-5-13)T

**03. Public Health.** No person shall excrete human waste at the State Facilities except in designated restroom facilities. For purposes of this section, excrete means the discharge of human waste from the body, including the acts of defecation and urination. For purposes of this section, human waste means human feces or human urine.

(3-27-13)

**04. Fireworks.** No person shall possess or use fireworks at the State Facilities.

(3-27-13)

**318. -- 399. (RESERVED)**

400. LIABILITY AND INDEMNIFICATION.

**01. User Retains Liability.** Individuals, entities, and organizations using the State Facilities are responsible and liable for all suits, damages, claims or liabilities arising from their use of the State Facilities. The state of Idaho shall have no liability for injury to private property, including posters, placards, banners, signs, equipment, tables, materials, and displays at the State Facilities. ~~(3-27-13)~~(4-5-13)T

**02. State Liability.** Nothing in these rules shall extend the liability of the state of Idaho beyond that provided in the Idaho Tort Claims Act, Title 6, Chapter 9, Idaho Code. (3-27-13)

**03. Indemnification.** Any individual, entity, or organization permitted to use the State Facilities is deemed to agree to indemnify the state of Idaho from and against all claims, demands, actions, or causes of action, together with any and all losses, costs, or related expenses asserted by any group or persons for bodily injury or damage to property arising out of or in any way connected with the use of the State Facilities by the user. ~~(3-27-13)~~(4-5-13)T

**04. No Endorsement.** Action or inaction of the Department shall not imply endorsement or approval by the state of Idaho of the actions, objectives or views of participants in ~~an Event or Exhibit~~ Public Use of the State Facilities. ~~(3-27-13)~~(4-5-13)T

# IDAPA 38 - DEPARTMENT OF ADMINISTRATION

## 38.04.08 - RULES GOVERNING USE OF IDAHO STATE CAPITOL EXTERIOR

DOCKET NO. 38-0408-1202

### NOTICE OF LEGISLATIVE ACTION - FINAL RULE

**AUTHORITY:** In compliance with Sections 67-5224 and 67-5291, Idaho Code, notice is hereby given that the legislature has taken action by concurrent resolution on the pending rule promulgated under Docket No. 38-0408-1202 and the affected sections are being reprinted here pursuant to that legislative action as codified.

**DESCRIPTIVE SUMMARY:** The following is a concise explanatory statement regarding the partial rejection of this pending rule:

Pursuant to Senate Concurrent Resolution No. 119, IDAPA 38.04.08, Department of Administration, "Rules Governing Use of Idaho State Capitol Exterior," Section 201, Subsections 302.01.a., 302.01.b., 302.01.c., and 302.01.d., and 302.02, and Section 313, only, adopted as pending rules under Docket No. 38-0408-1202, are not consistent with legislative intent and have been rejected and declared null, void and of no force and effect.

Following this notice the affected sections are being reprinted in their entirety as approved by the legislature.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this notice, contact Dennis Stevenson, Administrative Rules Coordinator at (208) 332-1820.

DATED this 15th day of April, 2013.

Dennis Stevenson  
Administrative Rules Coordinator  
Office of the Administrative Rules Coordinator  
Department of Administration  
P.O. Box 83720, Boise, ID 83720-0306  
email: [rulescoordinator@adm.idaho.gov](mailto:rulescoordinator@adm.idaho.gov)

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### THE FOLLOWING IS THE FINAL TEXT OF THE SECTIONS AFFECTED BY SCR 119

**201. ~~EVENT AND EXHIBIT DURATION.~~ RESERVED**

~~The duration of an Event or Exhibit on the State Capitol Exterior, including time for set up and clean up, shall not exceed seven (7) consecutive days. An Event or Exhibit may continue to use the State Capitol Exterior after a seven (7) consecutive day period if the Event or Exhibit does not use the State Capitol Exterior for twenty four (24) hours or more between each seven (7) consecutive day period. Events and Exhibits shall not continue beyond the hours for Event or Exhibit use of the State Capitol Exterior set forth in Section 302 of these rules. Exhibits must be removed at the earlier of the conclusion of the Event or the daily conclusion of the hours for Event and Exhibit use of the State Capitol Exterior.~~ ( )

**302. HOURS AND LOCATIONS OF USE.**

**01. Hours.** The hours for Events and Exhibits on the State Capitol Exterior are as follows: (4-4-13)

~~**a. General Hours.** The general hours for Events and Exhibits are 7 a.m. to 9 p.m. during the months of March through October and 7 a.m. to 6 p.m. during the months of November through February.~~ ( )

~~**b.** *Legislative Sessions.* When either house of the legislature or a legislative committee is in session prior to or following general hours for an Event or Exhibit, the State Capitol Exterior will be open for an Event or Exhibit thirty (30) minutes before commencement of the session and closed thirty (30) minutes after adjournment of the legislative body conducting business.~~ ( )

~~**c.** *Public Events in the State Capitol.* When any Event is publicly scheduled in the interior of the Idaho State Capitol outside the general hours for an Event or Exhibit, the State Capitol Exterior will be open for an Event or Exhibit thirty (30) minutes before commencement of the Event and closed thirty (30) minutes after the published time for the conclusion of the Event.~~ ( )

~~**d.** *Jefferson Street Steps.* The hours for Events and Exhibits at the Jefferson Street Steps are 6 a.m. to 11:59 p.m. Events and Exhibits shall not occur on the Jefferson Street Steps between the hours of 12 a.m. and 5:59 a.m.~~ ( )

**ea.** Notwithstanding the hours set forth in Paragraphs 302.01.a., 302.01.b., 302.01.c., and 302.01.d. of this section, Events and Exhibits shall not interfere with State Maintenance and Improvements. The Department will publish the regular maintenance and improvement schedule at the website address set forth in Section 005 of these rules. The regular maintenance and improvement schedule may be modified due to weather, staffing, emergency repairs, equipment failures, funding changes, contract modifications, State Events and Exhibits or other causes arising after the schedule's publication. (3-27-13)

~~**02.** *Locations.* In addition to limitations on the interference with access set forth in Section 301 of these rules and compliance with all fire and safety codes, all Events, Exhibits and Public Use on the State Capitol Exterior shall be on the Jefferson Street Steps or on hard surfaces, including concrete and granite, on the State Capitol Exterior, and shall be at least fifteen (15) feet from the exterior walls and windows of the Idaho State Capitol. Events or Exhibits may use the Jefferson Street Stairs for podiums, equipment, standing, and seating, subject to compliance with fire and safety codes. No persons shall place items on, sit or stand on stairways other than the Jefferson Street Steps.~~ ( )

**313. SOUND LEVEL AND AMPLIFICATION. RESERVED**

~~Sound amplification may not be used on the State Capitol Exterior unless authorized by a Permit. Sound levels, whether amplified or not, must not cause a disruption to the primary use of the State Capitol Exterior. Security Personnel, law enforcement or a state employee or agent supervising the State Capitol Exterior may discontinue an Event, Exhibit or Public Use if they request that the sound level be reduced and those in attendance do not reduce the sound level.~~ ( )

## IDAPA 38 - DEPARTMENT OF ADMINISTRATION

### 38.04.08 - RULES GOVERNING USE OF THE STATE CAPITOL EXTERIOR

DOCKET NO. 38-0408-1301

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

**EFFECTIVE DATE:** The effective date of the temporary rule is April 5, 2013.

**AUTHORITY:** In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a temporary rule, and proposed rulemaking procedures have been initiated. The action is authorized pursuant to Section 67-5709, Idaho Code.

**PUBLIC HEARING SCHEDULE:** Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than May 15, 2013.

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 Idaho Legislature rejected certain provisions of IDAPA 38.04.08 during the 2013 session. This action created unnecessary definitions and necessitated clarifications. The chapter was further revised to reflect informal requests of legislators during rules reviews hearings and to address ambiguities noted by other parties.

**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:

The revisions confer a benefit to the public by clarifying the requirements for use of the state capitol exterior.

**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: N/A

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted because the majority of the revisions are simple in nature and necessary for clarity. Some of the ambiguities clarified were identified by affected interests. The remaining revisions reflect the request of legislators and consensus with the representatives of affected interests, including those present at 2013 legislative hearings, is unlikely.

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

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the temporary and proposed rule, contact Teresa Luna, Director, at (208) 332-1827.

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 May 22, 2013.

DATED this 5th day of April, 2013.

Teresa Luna, Director  
Department of Administration  
650 W. State St.  
P. O. Box 83720  
Boise, ID 83720-0013  
Phone: (208) 332-1827  
Fax: (208) 334-2307

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THE FOLLOWING IS THE TEMPORARY RULE AND THE PROPOSED TEXT  
OF DOCKET NO. 38-0408-1301

**010. DEFINITIONS.**

- 01. Camping.** Any activity prohibited under Section 67-1613, Idaho Code. (3-27-13)
- 02. Commemorative Installation.** Any statue, monument, sculpture, memorial or landscape feature designed to recognize a person, group, event or element of history. (3-27-13)
- 03. Department.** The Department of Administration. (3-27-13)
- 04. Director.** The Director of the Department of Administration or his designee. (3-27-13)
- ~~**05. Event.** Any press conference, performance, ceremony, presentation, meeting, rally, reception, demonstration, protest, educational tour or gathering of people held on the State Capitol Exterior. As used in this definition, a rally is a gathering of two (2) or more people. (3-27-13)~~
- ~~**06. Exhibit.** Any temporary Commemorative Installation and any attended or unattended display including, but not limited to, equipment, machines, vehicles, products, samples, paintings, sculptures, arts and crafts, photographs, signs, banners or other graphic displays. (3-27-13)~~
- ~~**075. Jefferson Steps.** The building entrance at the second floor of the State Capitol, the steps extending from the entrance, and the hard surface extending between the steps and the public sidewalk along Jefferson Street. (3-27-13)~~
- ~~**086. Permit.** A written authorization issued by the Director allowing use of the State Capitol Exterior as set forth in the Permit. A Permit serves as a reservation to use a portion of the State Capitol Exterior with the priority for use set forth in Subsection 200.04 of these rules. (3-27-13)~~
- ~~**097. Private Event or Private Exhibit.** Any activity sponsored or initiated by a member of the public that is open only to invited or qualifying individuals or groups. Private Events and Private Exhibits include, but are not limited to, weddings, dinners, award ceremonies, memorials, and seminars. (3-27-13)~~
- ~~**108. Public Use.** Use that is not an Event, Private Event, Exhibit, Private Exhibit or use by a public officer, official, employee, contractor, agency, board or commission for state of Idaho business. Public Use includes, but is not limited to, the following: (3-27-13)(4-5-13)T~~
- ~~**a.** The transit of individuals through the  $\Delta$  State Capitol Exterior unrelated to an Event or Exhibit; (3-27-13)(4-5-13)T~~
- ~~**b.** Incidental, short term recreational use of the State Capitol Exterior unrelated to an Event or Exhibit; and (3-27-13)~~

~~eb.~~ ~~The conduct of Use by a public business with any state of Idaho officer, official, employee, contractor, agency, or board, or commission, officer or elected official acting on behalf of the~~ for state of Idaho ~~business; or~~ (3-27-13)(4-5-13)T

~~c.~~ ~~State Maintenance and Improvements.~~ (4-5-13)T

~~H09.~~ **Security Personnel.** A state of Idaho employee or a staff member of a state of Idaho contractor whose job duties include monitoring compliance with and enforcing these rules. (3-27-13)

~~120.~~ **State Business Day.** Monday through Friday, excluding the holidays set forth in Section 73-108, Idaho Code. (3-27-13)

~~131.~~ **State Capitol Exterior.** The exterior of the Idaho State Capitol, the real property, the grounds, and the improvements on the exterior of the Idaho State Capitol or its grounds, all of which is located at capitol square as identified on the Boise City original townsite plat filed in the Ada County Recorder's office in book 1 on page 1. The State Capitol Exterior is bounded by the following streets: State Street, Sixth Street, Jefferson Street, and Eighth Street. (3-27-13)

~~142.~~ **State Events and Exhibits.** All functions initiated and controlled by any state of Idaho agency, board, commission, officer or elected official acting on behalf of the state of Idaho. (3-27-13)

~~153.~~ **State Maintenance and Improvements.** Maintenance or improvement of the State Capitol Exterior by the state of Idaho or its contractors. Maintenance for the purpose of this definition includes, but is not limited to, grounds maintenance such as mowing, watering, landscaping, aerating, resodding, fertilizing and planting, and structural maintenance such as pressure washing, painting, window cleaning and re-glazing. Improvement for the purpose of this definition includes, but is not limited to, the following: construction of new buildings or portions of buildings; renovations to existing buildings; the installation of permanent structures and equipment such as benches, sprinklers, flagpoles, monuments and memorials; and, the installation of temporary equipment and structures such as construction fencing, generators and portable buildings. (3-27-13)

011. -- 199. (RESERVED)

## 200. USE OF STATE CAPITOL EXTERIOR.

**01. Authorized Uses by the Public.** Except as provided otherwise in these rules, the State Capitol Exterior is available for ~~use by the public for the following:~~ (3-27-13)

~~a. Events. Events shall be held only in the locations and during the hours set forth in these rules. Events shall not exclude any member of the public from attending the Event.~~ (3-27-13)

~~b. Exhibits. Exhibits shall be held only in the locations and during the hours set forth in these rules. Exhibits shall not exclude any member of the public from attending the Exhibit.~~ (3-27-13)

~~e.~~ Public Use. (3-27-13)(4-5-13)T

**02. Prohibited Uses.** The following uses are prohibited in the State Capitol Exterior: (3-27-13)

**a. Commercial Activity.** The State Capitol Exterior shall not be used for any activity conducted for profit and no persons shall solicit to sell any merchandise or service on the State Capitol Exterior. (3-27-13)

**b. Camping.** (3-27-13)

**c. Private Events and Private Exhibits.** (3-27-13)

**03. State Events and Exhibits.** State Events and Exhibits may occur in any portion of the State Capitol Exterior. The Director may waive all or a portion of these rules for a State Event or Exhibit. (3-27-13)

**04. Priority of Uses.** State Maintenance and Improvements shall have priority over all other use of the State Capitol Exterior. ~~State Events and Exhibits shall have priority over public Events and Exhibits, and Public Use.~~ Public Use held under a Permit shall have priority over other ~~public Events and Exhibits and~~ Public Use. ~~(3-27-13)~~(4-5-13)T

**201. ~~RESERVED PUBLIC USE DURATION.~~**

~~The duration of Public Use on the State Capitol Exterior, including time for set-up and clean-up, shall not exceed seven (7) consecutive days in one location. A Public Use may continue at the State Capitol Exterior after a seven (7) consecutive day period in such location if the Public Use does not use the State Capitol Exterior for twenty-four (24) hours or more between each seven (7) consecutive day period. All items must be removed at the earlier of the conclusion of the Public Use or the end of the seven (7) consecutive day period.~~ ~~(4-5-13)T~~

**(BREAK IN CONTINUITY OF SECTIONS)**

**203. ESTABLISHMENT OF PERIMETERS.**

Security personnel and law enforcement may establish perimeters separating participants in ~~Exhibits and~~ Public Use of the State Capitol Exterior or State Events or Exhibits. Participants in and observers of any Public Use or State Events or Exhibits shall observe perimeters set pursuant to this section. ~~(3-27-13)~~(4-5-13)T

**204. AREA CLOSURES.**

The Director may direct that any portion of the State Capitol Exterior be closed for ~~Events, Exhibits and~~ Public Use upon a finding that the closed portion of the State Capitol Exterior has sustained damage or is in imminent danger of sustaining damage. The closure directive shall identify the portion of the State Capitol Exterior closed, the damage that has occurred or that will occur without closure, and the estimated period of closure to restore or prevent the damage. A notice of closure and information on how to obtain a copy of the closure directive shall be posted at the closed portion of the State Capitol Exterior. Circumstances presenting an imminent danger of damage to the State Capitol Exterior include, but are not limited to, the saturation of soil, turf, or landscaped areas with water, excessive foot traffic over landscaped areas, preventing turf or plants from obtaining adequate sunlight, and the buildup of ice or snow on landscaped areas. ~~(3-27-13)~~(4-5-13)T

**205. -- 299. (RESERVED)**

**300. RESTRICTIONS AND LIMITATIONS ON USE.**

The restrictions and limitations on use of the State Capitol Exterior set forth in Sections 301 through 399 of these rules shall apply to all ~~Events, Exhibits, and~~ Public Use of the State Capitol Exterior. ~~(3-27-13)~~(4-5-13)T

**301. USES INTERFERING WITH ACCESS OR USE OF FACILITY.**

**01. Interference With Primary Use of State Capitol Exterior.** Events, ~~E~~xhibits, and Public Use of the State Capitol Exterior shall not interfere with the primary use of the Idaho State Capitol or the adjacent real property and improvements. The primary use of the Idaho State Capitol includes, but is not limited to, the conduct of public business by agencies or officials of the state of Idaho that normally occupy and use the Idaho State Capitol or the State Capitol Exterior. ~~(3-27-13)~~(4-5-13)T

**02. Interference With Access.** ~~Events, Exhibits, and~~ Public Use of the State Capitol Exterior shall not block fire hydrants, fire or emergency vehicle lanes, vehicular drives, pedestrian walkways, doorways, steps or similar access routes through, in or out of the State Capitol Exterior. ~~(3-27-13)~~(4-5-13)T

**302. ~~HOURS AND LOCATIONS OF USE.~~**

**01. ~~Hours-Locations.~~** ~~The hours for Events and Exhibits~~ In addition to limitations on the interference with access set forth in Section 301 of these rules and compliance with all fire and safety codes, Public Use on the State Capitol Exterior ~~are as follows~~ shall be: ~~(3-27-13)~~(4-5-13)T

**a.** On the Jefferson Street Steps or on hard surfaces, including concrete and granite, on the State Capitol Exterior; and (4-5-13)T

**b.** At least fifteen (15) feet from the exterior walls and windows of the Idaho State Capitol. (4-5-13)T

**303. MAINTENANCE AND IMPROVEMENTS.**

~~Notwithstanding the hours set forth in Paragraphs 302.01.a., 302.01.b., 302.01.c., and 302.01.d. of this section, Events and Exhibits~~ **Public Use** shall not interfere with State Maintenance and Improvements. The Department will publish the regular maintenance and improvement schedule at the website address set forth in Section 005 of these rules. The regular maintenance and improvement schedule may be modified due to weather, staffing, emergency repairs, equipment failures, funding changes, contract modifications, State Events and Exhibits or other causes arising after the schedule's publication. (~~3-27-13~~)(4-5-13)T

**304. MOTORIZED VEHICLES.**

Motorized vehicles not owned or operated by the state of Idaho or law enforcement must remain on designated roadways and parking areas. Parking of motorized vehicles shall be governed by IDAPA 38.04.04, "Capitol Mall Parking Rules." Wheelchairs, motorized scooters, and other equipment providing individual mobility to the disabled are not motorized vehicles for the purposes of this section. (3-27-13)

**305. BICYCLES, SKATES, SKATEBOARDS, SCOOTERS, AND OTHER NON-MOTORIZED TRANSPORTATION.**

Bicycles, skates, skateboards, and scooters may not be used on the State Capitol Exterior. Users of all other non-motorized transportation must remain on designated pathways during use. Where indicated by a posted notice or where requested by Security Personnel, law enforcement or a state employee or agent supervising the State Capitol Exterior, users must store non-motorized transportation in a designated storage area on the State Capitol Exterior. Wheelchairs and other equipment providing individual mobility to the disabled are not non-motorized transportation for the purposes of this section. (3-27-13)

**306. ANIMALS.**

The following shall apply to animals on the State Capitol Exterior: (3-27-13)

**01. Wildlife.** Unless authorized by the Director no person shall: (3-27-13)

**a.** Interfere with, hunt, molest, harm, frighten, kill, trap, chase, tease, annoy, shoot or throw any object at a wild animal on the State Capitol Exterior. (3-27-13)

**b.** No person shall feed, give or offer food or any noxious substance to a wild animal on the State Capitol Exterior. (3-27-13)

**02. Domestic Animals.** (3-27-13)

**a.** Domestic animals are not allowed on the State Capitol Exterior unless leashed and under the control of the person bringing the animal to the State Capitol Exterior. (3-27-13)

**b.** The person bringing the animal to the State Capitol Exterior shall have in his possession the equipment necessary to remove the animal's fecal matter and shall immediately remove all fecal matter deposited by the animal. (3-27-13)

**307. LANDSCAPING.**

No person other than state employees or contractors designated by the Director shall: (3-27-13)

**01. Plants.** Damage, cut, carve, transplant or remove any plant including, but not limited to, trees, on the State Capitol Exterior. (3-27-13)

**02. Grass.** Dig in or otherwise damage grass areas on the State Capitol Exterior. (3-27-13)

**03. Irrigation Equipment.** Interfere with, damage or remove irrigation equipment on the State Capitol Exterior. (3-27-13)

**04. Landscaping Materials.** Move or alter landscaping materials on the State Capitol Exterior including, but not limited to, rock, edging materials, and bark or mulch. (3-27-13)

**05. Climbing.** Climb or scale buildings, Commemorative Installations, trees, fences, posts or other improvements on the State Capitol Exterior. (3-27-13)

**3078. FOOD AND BEVERAGES.** Consumption of food and beverages on the State Capitol Exterior is subject to the following: (3-27-13)

**01. Consumption May Be Prohibited.** The consumption of food and beverages may be prohibited by a notice posted at the entrance to all or a portion of the State Capitol Exterior. (3-27-13)

**02. Alcohol.** Alcohol may not be consumed or distributed on the State Capitol Exterior. (3-27-13)

**3089. SMOKING.** All persons shall observe the smoke free entrance notices and shall smoke only in designated areas of the State Capitol Exterior. (3-27-13)

**3109. FIRES, CANDLES, AND FLAMES.** No fires, candles or other sources of open flame are permitted on the State Capitol Exterior. (3-27-13)

**3101. POSTERS, PLACARDS, BANNERS, SIGNS, EQUIPMENT, TABLES, MATERIALS, AND DISPLAYS.**

**01. Electrical Cords.** Electrical cords must be protected by cord covers or gaffers tape to prevent an electrical or trip hazard. (3-27-13)

**02. Railings.** No items may be placed on railings and no persons shall sit or stand on railings. (3-27-13)

**03. Tossing or Dropping Items.** No items may be tossed or dropped over railings or from one level of the Idaho State Capitol or improvements on the grounds of the State Capitol Exterior to another level or to the ground. (3-27-13)

**04. Ingress or Egress.** No item, including tables, chairs, exhibits, equipment, materials, and displays shall be located so as to block ingress or egress to any portion of the State Capitol Exterior, or to restrict the follow of individuals using the facility, or to restrict emergency egress or ingress. (3-27-13)

**05. Attaching, Affixing, Leaning or Propping Materials.** Posters, placards, banners, signs, and displays, including any printed materials, shall not be affixed on any exterior surface of the State Capitol Exterior or on any permanent Commemorative Installation, post, railing, fence or landscaping, including trees. All posters, placards, banners, signs, and displays must be free-standing or supported by individuals. No items may be leaned or propped against any exterior surface of the State Capitol Exterior or embedded into the ground including, but not limited to, placement of a stake, post or rod into the ground to support materials. (3-27-13)

**06. Materials Causing Damage to Surfaces.** Stages, risers, chairs, tables, sound equipment, props, materials, displays, and similar items shall be constructed and used in a manner that will not damage, scratch, dent, dig or tear any surface on the State Capitol Exterior or any systems or utilities of the State Capitol Exterior including, but not limited to, fire suppression systems, storm drains, ventilation systems, and landscape watering systems. (3-27-13)

**07. Free Distribution of Literature and Printed Material.** All literature and printed material must be distributed at no charge. The party distributing literature and printed material shall ensure periodically and at the conclusion of its use of the State Capitol Exterior that such material is not discarded outside of designated trash

receptacles. (3-27-13)

**08. Surface Markings.** Users shall not use any material to mark on any surface of the State Capitol Exterior including chalk, paint, pens, ink, or dye. (3-27-13)

**31~~2~~3. ITEMS SUBJECT TO SEARCH.**

To enhance security and public safety, Security Personnel and law enforcement may inspect: (3-27-13)

**01. Packages and Bags.** Packages, backpacks, purses, bags, and briefcases reasonably suspected of concealing stolen items or items prohibited by these rules. (3-27-13)

**02. Items.** Items brought onto the State Capitol Exterior, if there is a reasonable suspicion that an item may be capable of injuring, damaging or harming persons or property on the State Capitol Exterior. (3-27-13)

**31~~2~~3. PROHIBITED ITEMS.**

The following, as defined in Title 18, Chapter 33, Idaho Code, are not permitted at the State Capitol Exterior: bombs, destructive devices, shrapnel, weapons of mass destruction, biological weapons, and chemical weapons. Security Personnel or law enforcement may direct that any person at the State Capitol Exterior immediately remove from the State Capitol Exterior any club, bat, or other item that can be used to injure, damage, or harm persons or property. (3-27-13)

~~313. RESERVED~~

**314. UTILITY SERVICE.**

~~Events, Exhibits, and~~ The public may not use the utility services of the State Capitol Exterior other than restrooms; provided, however, the Director may authorize limited use of electrical service for the duration of ~~an Event or Exhibit~~ **Public Use** authorized by these rules. Utility services include, but are not limited to, electrical, sewage, water, heating, and geothermal services. The Director may terminate the use of utilities if such use interferes with the utility services of the State Capitol Exterior or the equipment or apparatus using utility service fails to comply with applicable rules ~~(3-27-13)~~ **(4-5-13)T**

**315. LAW ENFORCEMENT AND FACILITY EXIGENCY.**

In case of a fire, bomb threat, utility malfunction, structural failure or other unforeseen emergency or threat endangering public safety or health, or endangering public property, law enforcement, security personnel and state employees or officials may direct all persons off of the State Capitol Exterior and delay or postpone any ~~Event, Exhibit, Public Use or other~~ activity until the emergency or threat is abated. ~~(3-27-13)~~ **(4-5-13)T**

**(BREAK IN CONTINUITY OF SECTIONS)**

**317. HEALTH, SAFETY AND MAINTENANCE OF STATE FACILITIES.**

**01. Clean Condition After Use.** Users shall leave the State Capitol Exterior in reasonably clean condition after use, including depositing all trash in designated receptacles. (3-27-13)

**02. Items Return to Proper Location.** Users shall return all items including, but not limited to, movable furniture and trash receptacles, to their location at the conclusion of the ~~E~~vent or ~~E~~xhibit. ~~(3-27-13)~~ **(4-5-13)T**

**03. Public Health.** No person shall excrete human waste at the State Capitol Exterior except in designated restroom facilities. For purposes of this section, excrete means the discharge of human waste from the body, including the acts of defecation and urination. For purposes of this section, human waste means human feces or human urine. (3-27-13)

**04. Fireworks.** No person shall possess or use fireworks on the State Capitol Exterior. (3-27-13)

318. -- 399. (RESERVED)

400. PERMITS.

01. **Use Without a Permit.** A Permit grants a reservation providing priority for use of the area specified in the Permit as set forth in Subsection 200.04 of these rules. Applicants desiring to obtain a Permit for use of the State Capitol Exterior outside of the Permit areas, hours or duration or who have not submitted an application within the application period may use the State Capitol Exterior, subject to the provisions of these rules, on a first-come, first used basis. Permits will be issued to groups of two (2) or more people. ~~(3-27-13)~~(4-5-13)T

02. **Permit Areas, Hours and Duration, and Number of Participants.** ~~(3-27-13)~~(4-5-13)T

a. The Director will consider and grant Permits only for ~~Event or Exhibit~~ **Public Use** of the Jefferson Street Steps. ~~(3-27-13)~~(4-5-13)T

b. The Director will issue Permits reserving use of the Jefferson Street Steps only for the period between the hours of 7 a.m. and 6 p.m. on State Business Days. ~~(3-27-13)~~(4-5-13)T

c. The duration of a Permit will not exceed four (4) consecutive hours. (3-27-13)

d. The Director will issue a Permit only for Public Use involving two (2) or more persons. (4-5-13)T

03. **Application Period.** Permit applications must be received and complete at least ~~five~~ two (52) State Business Days prior to the requested date and time period of the Permit. The Department will not accept applications submitted more than six (6) months prior to the requested date of the Permit. ~~(3-27-13)~~(4-5-13)T

04. **Validity.** Permits are valid only for the dates, times, and locations specified on the Permit as approved by the Director. (3-27-13)

05. **Distribution.** Permits shall be granted by the Director on a first-come, first-served basis, subject to Subsection 200.03 of these rules. Only one (1) Permit will be granted for the Jefferson Street Steps during any period of time. (3-27-13)

06. **Application Requirements.** Applications for a Permit shall be in writing on a form prescribed by the Director and available at the office of the Division of Public Works and the Department's website. The Director will only process applications that are complete and signed by the individual making a request or an authorized representative of the entity or organization making the request. The Director may make reasonable inquiry to confirm the accuracy of the application and the authority of the party signing the application. (3-27-13)

07. **Fees and Costs.** There is no fee for a Permit. Individuals, entities, and organizations may be charged for direct costs as set forth in the Permit including, but not limited to, the following: trash collection, janitorial services, and security services. (3-27-13)

08. **Conditions.** The Director may impose reasonable conditions on the use of the State Capitol Exterior in the Permit for the purpose of protecting persons and property. Conditions may include the acquisition of liability insurance and a bond as security for costs arising from the use. (3-27-13)

09. **Transferability.** Permits are non-transferable. (3-27-13)

401. APPROVALS AND DENIALS OF A PERMIT APPLICATION.

01. **Period for Approval or Denial.** The Department will approve or deny a complete application within two (2) State Business Days of the submission of the application. ~~The failure of the Department to issue a Permit within (2) State Business Days of the submission of a complete application shall be deemed a denial of the application.~~ ~~(3-27-13)~~(4-5-13)T

- 02. Basis for Denial.** Permits may be denied for one (1) or more of the following: (3-27-13)
- a.** A Permit has been granted for all or part of the requested location during all or part of the requested time period. (3-27-13)
  - b.** A public entity or official will be using all or part of the requested location during all or part of the requested time period. (3-27-13)
  - c.** The requested use would violate any provision of these rules or applicable law. (3-27-13)
  - d.** These rules do not authorize the use for the location or times requested or do not authorize the issuance of a Permit for the location requested. (3-27-13)
  - e.** The Permit application is incomplete, contains a material falsehood, or contains a material misrepresentation. (3-27-13)
  - f.** The Permit applicant has not certified that the applicant will comply with these rules or applicable law. (3-27-13)
  - g.** The party signing the application is not legally competent to bind themselves or the organization or entity submitting the application. (3-27-13)
  - h.** The individual, organization or entity submitting the application: (3-27-13)
    - i.** Failed to pay costs or damages arising from an earlier use of any state facility; (3-27-13)
    - ii.** Made a material misrepresentation regarding the nature or scope of the use on a prior Permit application; (3-27-13)
    - iii.** Violated the terms of prior Permits issued to the individual, organization or entity; or (3-27-13)
    - iv.** Violated any applicable law in the course of ~~a~~ previous ~~Event or Exhibit~~ Public Use of state of Idaho facilities. ~~(3-27-13)~~(4-5-13)T
  - i.** The requested use would cause a clear and present danger to the orderly processes of state of Idaho government or to the use of the State Capitol Exterior due to advocacy of: (3-27-13)
    - i.** The violent overthrow of the government of the United States, the state of Idaho, or any political subdivision thereof; (3-27-13)
    - ii.** The willful damage or destruction, or seizure and subversion of public property; (3-27-13)
    - iii.** The forcible disruption or impairment of or interference with the regularly schedule functions of the state of Idaho; (3-27-13)
    - iv.** The physical harm, coercion, intimidation or other invasions of the lawful rights of public officials or the public; or (3-27-13)
    - v.** Other disorders of a violent nature. (3-27-13)

**(BREAK IN CONTINUITY OF SECTIONS)**

**500. LIABILITY AND INDEMNIFICATION.**

**01. User Retains Liability.** Individuals, entities, and organizations using the State Capitol Exterior are responsible and liable for all suits, damages, claims or liabilities arising from their use of the State Capitol Exterior. The state of Idaho shall have no liability for injury to private property, including posters, placards, banners, signs, equipment, tables, materials, and displays on the State Capitol Exterior. ~~(3-27-13)~~(4-5-13)T

**02. State Liability.** Nothing in these rules shall extend the liability of the state of Idaho beyond that provided in the Idaho Tort Claims Act, Title 6, Chapter 9, Idaho Code. (3-27-13)

**03. Indemnification.** Any individual, entity or organization permitted to use the State Capitol Exterior is deemed to agree to indemnify the state of Idaho from and against all claims, demands, actions or causes of action, together with any and all losses, costs or related expenses asserted by any group or persons for bodily injury or damage to property arising out of or in any way connected with the permittee's use of the State Capitol Exterior. ~~(3-27-13)~~(4-5-13)T

**04. No Endorsement.** The grant of a Permit and any action or inaction of the Department shall not imply endorsement or approval by the state of Idaho of the actions, objectives or views of participants in an Event or Exhibit Public Use of the State Facilities. ~~(3-27-13)~~(4-5-13)T

## HOUSE CONCURRENT RESOLUTION NO. 7

LEGISLATURE OF THE STATE OF IDAHO  
Sixty-Second Legislature, First Regular Session - 2013

IN THE HOUSE OF REPRESENTATIVES  
HOUSE CONCURRENT RESOLUTION NO. 7  
BY TRANSPORTATION AND DEFENSE COMMITTEE

A CONCURRENT RESOLUTION STATING FINDINGS OF THE LEGISLATURE  
AND REJECTING A CERTAIN RULE OF THE IDAHO TRANSPORTATION DEPARTMENT  
RELATING TO RULES GOVERNING LICENSE PLATE PROVISIONS.

Be It Resolved by the Legislature of the State of Idaho:

WHEREAS, the Legislature is vested with authority to reject executive agency rules under the provisions of Section 67-5291, Idaho Code, in the event that the Legislature finds that the rules are not consistent with legislative intent; and

WHEREAS, it is the finding of the Legislature that certain rules of the Idaho Transportation Department relating to Rules Governing License Plate Provisions are not consistent with legislative intent and should be rejected.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Sixty-second Idaho Legislature, the House of Representatives and the Senate concurring therein, that IDAPA 39.02.60, Idaho Transportation Department Rules Governing License Plate Provisions, adopted as a pending rule under Docket Number 39-0260-1201, the entire rulemaking docket, be, and the same is hereby rejected and declared null, void and of no force and effect.

### Statement of Purpose / Fiscal Impact:

#### STATEMENT OF PURPOSE RS21223

This Concurrent Resolution is drafted to affirm that both the House of Representatives and the Senate have rejected Docket Number 39-0260-1201, Idaho Transportation Department Rules Governing License Plate Provisions. These rules are hereby rejected and declared null, void and of no force and effect.

#### FISCAL NOTE

No fiscal impact.

#### Contact:

Name: Representative Brandon A. Hixon  
Phone: (208) 440-1074

Adopted: March 7, 2013.

## HOUSE CONCURRENT RESOLUTION NO. 17

LEGISLATURE OF THE STATE OF IDAHO  
Sixty-Second Legislature, First Regular Session - 2013

IN THE HOUSE OF REPRESENTATIVES  
HOUSE CONCURRENT RESOLUTION NO. 17  
BY HEALTH AND WELFARE COMMITTEE

A CONCURRENT RESOLUTION STATING FINDINGS OF THE LEGISLATURE,  
REJECTING A CERTAIN RULE OF THE DEPARTMENT OF HEALTH AND WELFARE  
RELATING TO ALCOHOL AND SUBSTANCE USE DISORDERS TREATMENT AND RECOVERY  
SUPPORT SERVICES FACILITIES AND PROGRAMS AND PROVIDING AN EFFECTIVE DATE.

Be It Resolved by the Legislature of the State of Idaho:

WHEREAS, the Legislature is vested with authority to reject executive agency rules under the provisions of Section 67-5291, Idaho Code, in the event that the Legislature finds that the rules are not consistent with legislative intent; and

WHEREAS, it is the finding of the Legislature that a certain rule of the Department of Health and Welfare relating to Alcohol and Substance Use Disorders Treatment and Recovery Support Services Facilities and Programs is not consistent with legislative intent and should be rejected.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Sixty-second Idaho Legislature, the House of Representatives and the Senate concurring therein, that IDAPA 16.07.20, Department of Health and Welfare, Rules Governing Alcohol and Substance Use Disorders Treatment and Recovery Support Services Facilities and Programs, Section 009, Subsection 01, only, adopted as a pending rule under Docket Number 16-0720-1201, be, and the same is hereby rejected and declared null, void and of no force and effect. The remaining pending rules adopted under Docket Number [16-0720-1201](#), that are not herein rejected shall become final and effective on July 1, 2013.

### Statement of Purpose / Fiscal Impact:

#### STATEMENT OF PURPOSE RS22192

The purpose of this concurrent resolution is to reject Docket No. 16-0720-1201, Section 009, Subsection 01, only, Department of Health and Welfare, Alcohol and Substance Use Disorders Treatment and Recovery Support Services Facilities and Programs, as this portion of the rule is not consistent with legislative intent.

#### FISCAL NOTE

No fiscal impact.

Contact:  
Name: Fred Wood  
Number: (208) 332-1000

Adopted: March 25, 2013.

## HOUSE CONCURRENT RESOLUTION NO. 20

LEGISLATURE OF THE STATE OF IDAHO  
Sixty-Second Legislature, First Regular Session - 2013

IN THE HOUSE OF REPRESENTATIVES  
HOUSE CONCURRENT RESOLUTION NO. 20  
BY STATE AFFAIRS COMMITTEE

A CONCURRENT RESOLUTION STATING FINDINGS OF THE LEGISLATURE  
AND REJECTING A CERTAIN FINAL RULE OF THE STATE ATHLETIC COMMISSION  
RELATING TO RULES OF THE STATE ATHLETIC COMMISSION.

Be It Resolved by the Legislature of the State of Idaho:

WHEREAS, the Legislature is vested with authority to reject executive agency rules under the provisions of Section 67-5291, Idaho Code, in the event that the Legislature finds that the rules are not consistent with legislative intent; and

WHEREAS, it is the finding of the Legislature that a certain final rule of the State Athletic Commission relating to Rules of the State Athletic Commission is not consistent with legislative intent and should be rejected.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Sixty-second Idaho Legislature, the House of Representatives and the Senate concurring therein, that IDAPA 03.01.01, State Athletic Commission, Rules of the State Athletic Commission, final rule Section 107, Subsection 07, only, be, and the same is hereby rejected and declared null, void and of no force and effect.

### Statement of Purpose / Fiscal Impact:

#### STATEMENT OF PURPOSE RS22187

The purpose of this concurrent resolution is to reject Section 107, subsection 07, a final rule, State Athletic Commission, Rules Governing Licensing, IDAPA 03.01.01, which would deem the rule null and void.

#### FISCAL NOTE

No fiscal impact.

#### Contact:

Name: Representative Jason A. Monks  
Phone: (208) 332-1000

Adopted: March 28, 2013.

## HOUSE CONCURRENT RESOLUTION NO. 23

LEGISLATURE OF THE STATE OF IDAHO  
Sixty-Second Legislature, First Regular Session - 2013

IN THE HOUSE OF REPRESENTATIVES  
HOUSE CONCURRENT RESOLUTION NO. 23  
BY STATE AFFAIRS COMMITTEE

A CONCURRENT RESOLUTION STATING FINDINGS OF THE LEGISLATURE  
AND REJECTING A CERTAIN RULE OF THE DIVISION OF BUILDING SAFETY  
RELATING TO RULES CONCERNING UNIFORM PLUMBING CODE.

Be It Resolved by the Legislature of the State of Idaho:

WHEREAS, the Legislature is vested with authority to reject executive agency rules under the provisions of Section 67-5291, Idaho Code, in the event that the Legislature finds that the rules are not consistent with legislative intent; and

WHEREAS, it is the finding of the Legislature that a certain rule of the Division of Building Safety relating to Rules Concerning Uniform Plumbing Code is not consistent with legislative intent and should be rejected.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Sixty-second Idaho Legislature, the House of Representatives and the Senate concurring therein, that IDAPA 07.02.06, Division of Building Safety, Rules Concerning Uniform Plumbing Code, Section 011, Subsection 09, only, adopted as a pending rule under Docket Number [07-0206-1201](#), be, and the same is hereby rejected and declared null, void and of no force and effect.

### Statement of Purpose / Fiscal Impact:

#### STATEMENT OF PURPOSE RS22137

The purpose of this concurrent resolution is to reject Section 011, Subsection 09, only, Division of Building Safety, Rules Concerning Uniform Plumbing Code, Docket No. 07-0206-1201, as the rules are not consistent with legislative intent.

#### FISCAL NOTE

There is no impact to the general fund or the Division of Building Safety.

Contact: Representative Jeff Thompson  
Phone: (208) 332-1000

Adopted: March 25, 2013.

## HOUSE CONCURRENT RESOLUTION NO. 32

LEGISLATURE OF THE STATE OF IDAHO  
Sixty-Second Legislature, First Regular Session - 2013

IN THE HOUSE OF REPRESENTATIVES  
HOUSE CONCURRENT RESOLUTION NO. 32  
BY WAYS AND MEANS COMMITTEE

A CONCURRENT RESOLUTION STATING FINDINGS OF THE LEGISLATURE  
AND REJECTING CERTAIN FINAL RULES OF THE STATE TAX COMMISSION  
RELATING TO INCOME TAX ADMINISTRATIVE RULES.

Be It Resolved by the Legislature of the State of Idaho:

WHEREAS, the Legislature is vested with authority to reject executive agency rules under the provisions of Section 67-5291, Idaho Code, in the event that the Legislature finds that the rules are not consistent with legislative intent; and

WHEREAS, it is the finding of the Legislature that certain final rules of the State Tax Commission relating to Income Tax Administrative Rules are not consistent with legislative intent and should be rejected.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Sixty-second Idaho Legislature, the House of Representatives and the Senate concurring therein, that IDAPA 35.01.01, State Tax Commission, Income Tax Administrative Rules, final rule Section 033, Subsections 03, 04 and 05, only, be, and the same are hereby rejected and declared null, void and of no force and effect.

BE IT FURTHER RESOLVED that the State Tax Commission is hereby requested to promulgate rules that were in effect when the rules rejected by this resolution replaced them.

### Statement of Purpose / Fiscal Impact:

#### STATEMENT OF PURPOSE RS22313

This resolution effectively rescinds Tax Commission Rule 33 subsections 3, 4 and 5 because the promised procedure for negotiated rulemaking was not followed in 2011 when the rule was adopted and furthermore because the 2012 instructions for withholding were in error. The combined result was confusion, to the detriment of taxpayers. The Tax Commission has been consulted and intends to reconsider Rule 33 following the correct procedure and issue appropriate instructions for withholding.

#### FISCAL NOTE

There is no fiscal impact.

#### Contact:

Name: Bill Roden  
Phone: (208) 343-1231

Adopted: March 27, 2013.

## **SENATE CONCURRENT RESOLUTION NO. 105**

LEGISLATURE OF THE STATE OF IDAHO  
Sixty-Second Legislature, First Regular Session - 2013

IN THE SENATE  
SENATE CONCURRENT RESOLUTION NO. 105  
BY LOCAL GOVERNMENT AND TAXATION COMMITTEE

A CONCURRENT RESOLUTION STATING FINDINGS OF THE LEGISLATURE  
AND REJECTING CERTAIN RULES OF THE IDAHO BOARD OF TAX APPEALS  
RELATING TO IDAHO BOARD OF TAX APPEALS RULES.

Be It Resolved by the Legislature of the State of Idaho:

WHEREAS, the Legislature is vested with authority to reject executive agency rules under the provisions of Section 67-5291, Idaho Code, in the event that the Legislature finds that the rules are not consistent with legislative intent; and

WHEREAS, it is the finding of the Legislature that certain rules of the Idaho Board of Tax Appeals relating to Idaho Board of Tax Appeals Rules are not consistent with legislative intent and should be rejected.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Sixty-second Idaho Legislature, the Senate and the House of Representatives concurring therein, that IDAPA 36.01.01, Idaho Board of Tax Appeals Rules, Section 63, Section 65 and Section 140, Subsection 06, only, adopted as pending rules under Docket Number [36-0101-1201](#), be, and the same are hereby rejected and declared null, void and of no force and effect.

### **Statement of Purpose / Fiscal Impact:**

#### **STATEMENT OF PURPOSE RS21849**

This Concurrent Resolution rejects three sections of the proposed changes to the procedural rules of the Board of Tax Appeals. The changes to Section 63 are rejected in order to retain liberal construction of pleadings and the ability of a party to amend pleadings. The changes to Section 65 are rejected because the rule change caused the calculation of time periods in the rules to be unclear. The changes to Section 140(6) are rejected to retain the requirement that decisions of the Board include separate findings of fact and conclusions of law.

#### **FISCAL NOTE**

There is no fiscal impact.

Contact:  
Name: Senator Jim Rice

Adopted: March 25, 2013.

**SENATE CONCURRENT RESOLUTION NO. 106**

LEGISLATURE OF THE STATE OF IDAHO  
Sixty-Second Legislature, First Regular Session - 2013

IN THE SENATE  
SENATE CONCURRENT RESOLUTION NO. 106  
BY RESOURCES AND ENVIRONMENT COMMITTEE

A CONCURRENT RESOLUTION STATING FINDINGS OF THE LEGISLATURE  
AND REJECTING A CERTAIN RULE DOCKET OF THE IDAHO FISH AND GAME COMMISSION  
RELATING TO RULES GOVERNING LICENSING.

Be It Resolved by the Legislature of the State of Idaho:

WHEREAS, the Legislature is vested with authority to reject executive agency rules under the provisions of Section 67-5291, Idaho Code, in the event that the Legislature finds that the rules are not consistent with legislative intent; and

WHEREAS, it is the finding of the Legislature that a certain rule docket of the Idaho Fish and Game Commission relating to Rules Governing Licensing is not consistent with legislative intent and should be rejected.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Sixty-second Idaho Legislature, the Senate and the House of Representatives concurring therein, that IDAPA 13.01.04, Idaho Fish and Game Commission, Rules Governing Licensing, adopted as a pending rule under Docket Number [13-0104-1202](#), the entire rulemaking docket, be, and the same is hereby rejected and declared null, void and of no force and effect.

**Statement of Purpose / Fiscal Note:**

**STATEMENT OF PURPOSE  
RS21891**

The purpose of this concurrent resolution is to reject Docket No. 13-0104-1202, Idaho Fish and Game Commission, Rules Governing Licensing, as the rules are not consistent with legislative intent.

**FISCAL NOTE**

There is no fiscal impact.

Contact:  
Name: Senator Steve Bair

Adopted: March 25, 2013.

## **SENATE CONCURRENT RESOLUTION NO. 108**

LEGISLATURE OF THE STATE OF IDAHO  
Sixty-Second Legislature, First Regular Session - 2013

IN THE SENATE  
SENATE CONCURRENT RESOLUTION NO. 108  
BY RESOURCES AND ENVIRONMENT COMMITTEE

A CONCURRENT RESOLUTION STATING FINDINGS OF THE LEGISLATURE AND REJECTING  
A CERTAIN RULE DOCKET OF THE IDAHO FISH AND GAME COMMISSION RELATING TO  
RULES GOVERNING THE TAKING OF BIG GAME ANIMALS IN THE STATE OF IDAHO.

Be It Resolved by the Legislature of the State of Idaho:

WHEREAS, the Legislature is vested with authority to reject executive agency rules under the provisions of Section 67-5291, Idaho Code, in the event that the Legislature finds that the rules are not consistent with legislative intent; and

WHEREAS, it is the finding of the Legislature that a certain rule docket of the Idaho Fish and Game Commission relating to Rules Governing the Taking of Big Game Animals in the State of Idaho is not consistent with legislative intent and should be rejected.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Sixty-second Idaho Legislature, the Senate and the House of Representatives concurring therein, that IDAPA 13.01.08, Idaho Fish and Game Commission, Rules Governing the Taking of Big Game Animals in the State of Idaho, adopted as a pending rule under Docket Number [13-0108-1205](#), the entire rulemaking docket, be, and the same is hereby rejected and declared null, void and of no force and effect.

### **Statement of Purpose / Fiscal Impact:**

#### **STATEMENT OF PURPOSE RS21893**

The purpose of this concurrent resolution is to reject Docket No. 13-0108-1205, Idaho Fish and Game Commission, Rules Governing the Taking of Big Game Animals in the State of Idaho, as the rules are not consistent with legislative intent.

#### **FISCAL NOTE**

There is no fiscal impact.

Contact:  
Name: Senator Steve Bair

Adopted: March 25, 2013.

## **SENATE CONCURRENT RESOLUTION NO. 110**

LEGISLATURE OF THE STATE OF IDAHO  
Sixty-Second Legislature, First Regular Session - 2013

IN THE SENATE  
SENATE CONCURRENT RESOLUTION NO. 110  
BY RESOURCES AND ENVIRONMENT COMMITTEE

A CONCURRENT RESOLUTION STATING FINDINGS OF THE LEGISLATURE  
AND REJECTING A CERTAIN RULE OF THE IDAHO FISH AND GAME COMMISSION  
RELATING TO RULES GOVERNING LICENSING.

Be It Resolved by the Legislature of the State of Idaho:

WHEREAS, the Legislature is vested with authority to reject executive agency rules under the provisions of Section 67-5291, Idaho Code, in the event that the Legislature finds that the rules are not consistent with legislative intent; and

WHEREAS, it is the finding of the Legislature that a certain rule of the Idaho Fish and Game Commission relating to Rules Governing Licensing is not consistent with legislative intent and should be rejected.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Sixty-second Idaho Legislature, the Senate and the House of Representatives concurring therein, that IDAPA 13.01.04, Idaho Fish and Game Commission, Rules Governing Licensing, Section 701, Subsection 02.c, only, adopted as a pending rule under Docket Number [13-0104-1201](#), be, and the same is hereby rejected and declared null, void and of no force and effect.

### **Statement of Purpose / Fiscal Note:**

#### **STATEMENT OF PURPOSE RS21896**

The purpose of this concurrent resolution is to reject Section 701, Subsection 02.c, only, Idaho Fish and Game Commission, Rules Governing Licensing, Docket No. 13-0104-1201, as the rules are not consistent with legislative intent.

#### **FISCAL NOTE**

There is no fiscal impact.

Contact:  
Name: Senator Steve Bair

Adopted: March 25, 2013.

## **SENATE CONCURRENT RESOLUTION NO. 114**

LEGISLATURE OF THE STATE OF IDAHO  
Sixty-Second Legislature, First Regular Session - 2013

IN THE SENATE  
SENATE CONCURRENT RESOLUTION NO. 114  
BY JUDICIARY AND RULES COMMITTEE

A CONCURRENT RESOLUTION STATING FINDINGS OF THE LEGISLATURE  
AND REJECTING CERTAIN RULES OF THE IDAHO STATE POLICE RELATING TO  
RULES OF THE IDAHO PEACE OFFICER STANDARDS AND TRAINING COUNCIL.

Be It Resolved by the Legislature of the State of Idaho:

WHEREAS, the Legislature is vested with authority to reject executive agency rules under the provisions of Section 67-5291, Idaho Code, in the event that the Legislature finds that the rules are not consistent with legislative intent; and

WHEREAS, it is the finding of the Legislature that certain rules of the Idaho State Police relating to Rules of the Idaho Peace Officer Standards and Training Council are not consistent with legislative intent and should be rejected.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Sixty-second Idaho Legislature, the Senate and the House of Representatives concurring therein, that IDAPA 11.11.01, Idaho State Police, Rules of the Idaho Peace Officer Standards and Training Council, Section 010, Subsection 27 and Section 197, Subsection 01, only, adopted as pending rules under Docket Number [11-1101-1202](#), be, and the same are hereby rejected and declared null, void and of no force and effect.

### **Statement of Purpose / Fiscal Impact:**

#### **STATEMENT OF PURPOSE S22054**

This Senate Concurrent Resolution rejects certain rules of the Idaho State Police relating to the rules of the Idaho Peace Officer Standards and Training Council, Section 010, Subsection 27 and Section 197, Subsection 01, only, adopted as pending rules under Docket Number 11-1101-1202.

#### **FISCAL NOTE**

There is no fiscal impact.

Contact:  
Name: Senator Steve Vick  
Phone: (208) 332-1000

Adopted: March 27, 2013.

## **SENATE CONCURRENT RESOLUTION NO. 115**

LEGISLATURE OF THE STATE OF IDAHO  
Sixty-Second Legislature, First Regular Session - 2013

IN THE SENATE  
SENATE CONCURRENT RESOLUTION NO. 115  
BY JUDICIARY AND RULES COMMITTEE

A CONCURRENT RESOLUTION STATING FINDINGS OF THE LEGISLATURE  
AND REJECTING A CERTAIN RULE OF THE IDAHO STATE POLICE RELATING TO  
RULES OF THE IDAHO PEACE OFFICER STANDARDS AND TRAINING COUNCIL.

Be It Resolved by the Legislature of the State of Idaho:

WHEREAS, the Legislature is vested with authority to reject executive agency rules under the provisions of Section 67-5291, Idaho Code, in the event that the Legislature finds that the rules are not consistent with legislative intent; and

WHEREAS, it is the finding of the Legislature that a certain rule of the Idaho State Police relating to Rules of the Idaho Peace Officer Standards and Training Council is not consistent with legislative intent and should be rejected.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Sixty-second Idaho Legislature, the Senate and the House of Representatives concurring therein, that IDAPA 11.11.01, Idaho State Police, Rules of the Idaho Peace Officer Standards and Training Council, Section 091, Subsection 01, only, adopted as a pending rule under Docket Number [11-1101-1201](#), be, and the same is hereby rejected and declared null, void and of no force and effect.

### **Statement of Purpose / Fiscal Impact:**

#### **STATEMENT OF PURPOSE RS22055**

This Senate Concurrent Resolution rejects a certain rule of the Idaho State Police relating to the rules of the Idaho Peace Officer Standards and Training Council, Section 091, Subsection 01, only, adopted as a pending rule under Docket Number 11-1101-1201.

#### **FISCAL NOTE**

There is no fiscal impact.

Contact:  
Name: Senator Steve Vick  
Phone: (208) 332-1000

Adopted: March 27, 2013.

## **SENATE CONCURRENT RESOLUTION NO. 117**

LEGISLATURE OF THE STATE OF IDAHO  
Sixty-Second Legislature, First Regular Session - 2013

IN THE SENATE  
SENATE CONCURRENT RESOLUTION NO. 117  
BY STATE AFFAIRS COMMITTEE

A CONCURRENT RESOLUTION STATING FINDINGS OF THE LEGISLATURE  
AND REJECTING A CERTAIN RULE OF THE IDAHO PUBLIC UTILITIES COMMISSION  
RELATING TO THE TELEPHONE CUSTOMER RELATIONS RULES.

Be It Resolved by the Legislature of the State of Idaho:

WHEREAS, the Legislature is vested with authority to reject executive agency rules under the provisions of Section 67-5291, Idaho Code, in the event that the Legislature finds that the rules are not consistent with legislative intent; and

WHEREAS, it is the finding of the Legislature that a certain rule of the Idaho Public Utilities Commission relating to The Telephone Customer Relations Rules is not consistent with legislative intent and should be rejected.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Sixty-second Idaho Legislature, the Senate and the House of Representatives concurring therein, that IDAPA 31.41.01, Idaho Public Utilities Commission, The Telephone Customer Relations Rules, Section 502, Subsection 01.a, only, adopted as a pending rule under Docket Number [31-4101-1201](#), be, and the same is hereby rejected and declared null, void and of no force and effect.

### **Statement of Purpose / Fiscal Impact:**

#### **STATEMENT OF PURPOSE RS22039**

A Senate Concurrent Resolution rejecting a certain rule of the Idaho Public Utilities Commission relating to the telephone customer relation rules.

#### **FISCAL NOTE**

There is no fiscal impact.

#### **Contact:**

Name: Senator Curt McKenzie  
Phone: (208) 332-1000

Adopted: March 27, 2013.

## **SENATE CONCURRENT RESOLUTION NO. 118**

LEGISLATURE OF THE STATE OF IDAHO  
Sixty-Second Legislature, First Regular Session - 2013

IN THE SENATE  
SENATE CONCURRENT RESOLUTION NO. 118  
BY STATE AFFAIRS COMMITTEE

A CONCURRENT RESOLUTION STATING FINDINGS OF THE LEGISLATURE  
AND REJECTING CERTAIN RULES OF THE DEPARTMENT OF ADMINISTRATION  
RELATING TO RULES GOVERNING USE OF THE EXTERIOR OF STATE PROPERTY  
IN THE CAPITOL MALL AND OTHER STATE FACILITIES.

Be It Resolved by the Legislature of the State of Idaho:

WHEREAS, the Legislature is vested with authority to reject executive agency rules under the provisions of Section 67-5291, Idaho Code, in the event that the Legislature finds that the rules are not consistent with legislative intent; and

WHEREAS, it is the finding of the Legislature that certain rules of the Department of Administration relating to Rules Governing Use of the Exterior of State Property in the Capitol Mall and Other State Facilities are not consistent with legislative intent and should be rejected.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Sixty-second Idaho Legislature, the Senate and the House of Representatives concurring therein, that IDAPA 38.04.06, Department of Administration, Rules Governing Use of the Exterior of State Property in the Capitol Mall and Other State Facilities, Section 201, Section 302, Subsections 01., 02. and 03. and Section 313, only, adopted as pending rules under Docket Number [38-0406-1202](#), be, and the same are hereby rejected and declared null, void and of no force and effect.

### **Statement of Purpose / Fiscal Impact:**

#### **STATEMENT OF PURPOSE RS22040**

A Senate Concurrent Resolution rejecting certain rules of the Department of Administration governing the exterior of state property in the Capitol Mall and other state facilities.

#### **FISCAL NOTE**

There is no fiscal impact.

#### **Contact:**

Name: Senator Curt McKenzie

Phone: (208) 332-1000

Adopted: March 27, 2013.

## **SENATE CONCURRENT RESOLUTION NO. 119**

LEGISLATURE OF THE STATE OF IDAHO  
Sixty-Second Legislature, First Regular Session - 2013

IN THE SENATE  
SENATE CONCURRENT RESOLUTION NO. 119  
BY STATE AFFAIRS COMMITTEE

A CONCURRENT RESOLUTION STATING FINDINGS OF THE LEGISLATURE  
AND REJECTING CERTAIN RULES OF THE DEPARTMENT OF ADMINISTRATION  
RELATING TO RULES GOVERNING USE OF IDAHO STATE CAPITOL EXTERIOR.

Be It Resolved by the Legislature of the State of Idaho:

WHEREAS, the Legislature is vested with authority to reject executive agency rules under the provisions of Section 67-5291, Idaho Code, in the event that the Legislature finds that the rules are not consistent with legislative intent; and

WHEREAS, it is the finding of the Legislature that certain rules of the Department of Administration relating to Rules Governing Use of Idaho State Capitol Exterior are not consistent with legislative intent and should be rejected.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Sixty-second Idaho Legislature, the Senate and the House of Representatives concurring therein, that IDAPA 38.04.08, Department of Administration, Rules Governing Use of Idaho State Capitol Exterior, Section 201, Section 302, Subsections 01.a, 01.b., 01.c. and 01.d. and 02. and Section 313, only, adopted as pending rules under Docket Number [38-0408-1202](#), be, and the same are hereby rejected and declared null, void and of no force and effect.

### **Statement of Purpose / Fiscal Impact:**

#### **STATEMENT OF PURPOSE RS22042**

A Senate Concurrent Resolution rejecting certain Department of Administration rules governing the use of the Idaho State Capitol exterior.

#### **FISCAL NOTE**

There is no fiscal impact.

#### **Contact:**

Name: Senator Curt McKenzie  
Phone: (208) 332-1000

Adopted: March 27, 2013.

## **SENATE CONCURRENT RESOLUTION NO. 121**

LEGISLATURE OF THE STATE OF IDAHO  
Sixty-Second Legislature, First Regular Session - 2013

IN THE SENATE  
SENATE CONCURRENT RESOLUTION NO. 121  
BY STATE AFFAIRS COMMITTEE

A CONCURRENT RESOLUTION STATING FINDINGS OF THE LEGISLATURE  
AND REJECTING A CERTAIN RULE DOCKET OF THE BUREAU OF OCCUPATIONAL LICENSES  
RELATING TO RULES OF THE IDAHO DRIVING BUSINESSES LICENSURE BOARD.

Be It Resolved by the Legislature of the State of Idaho:

WHEREAS, the Legislature is vested with authority to reject executive agency rules under the provisions of Section 67-5291, Idaho Code, in the event that the Legislature finds that the rules are not consistent with legislative intent; and

WHEREAS, it is the finding of the Legislature that a certain rule docket of the Bureau of Occupational Licenses relating to Rules of the Idaho Driving Businesses Licensure Board is not consistent with legislative intent and should be rejected.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Sixty-second Idaho Legislature, the Senate and the House of Representatives concurring therein, that IDAPA 24.25.01, Bureau of Occupational Licenses, Rules of the Idaho Driving Businesses Licensure Board, adopted as a pending rule under Docket Number [24-2501-1201](#), the entire rulemaking docket, be, and the same is hereby rejected and declared null, void and of no force and effect.

### **Statement of Purpose / Fiscal Impact:**

#### **STATEMENT OF PURPOSE RS22086**

The purpose of this concurrent resolution is to reject Docket No. 24-2501-1201, Bureau of Occupational Licenses, Relating to Rules Governing Licensing of the Idaho Driving Business Licensure Board, as the rules are not consistent with legislative intent.

#### **FISCAL NOTE**

There is no fiscal impact.

Contact:

Name: Senator Jim Patrick, Vice Chairman

Phone: (208) 332-1000

Adopted: March 27, 2013.

## **SENATE CONCURRENT RESOLUTION NO. 122**

LEGISLATURE OF THE STATE OF IDAHO  
Sixty-Second Legislature, First Regular Session - 2013

IN THE SENATE  
SENATE CONCURRENT RESOLUTION NO. 122  
BY STATE AFFAIRS COMMITTEE

A CONCURRENT RESOLUTION STATING FINDINGS OF THE LEGISLATURE  
AND REJECTING CERTAIN RULES OF THE BUREAU OF OCCUPATIONAL LICENSES  
RELATING TO RULES OF THE BOARD OF ARCHITECTURAL EXAMINERS.

Be It Resolved by the Legislature of the State of Idaho:

WHEREAS, the Legislature is vested with authority to reject executive agency rules under the provisions of Section 67-5291, Idaho Code, in the event that the Legislature finds that the rules are not consistent with legislative intent; and

WHEREAS, it is the finding of the Legislature that certain rules of the Bureau of Occupational Licenses relating to Rules of the Board of Architectural Examiners are not consistent with legislative intent and should be rejected.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Sixty-second Idaho Legislature, the Senate and the House of Representatives concurring therein, that IDAPA 24.01.01, Bureau of Occupational Licenses, Rules of the Board of Architectural Examiners, Section 550, Subsection 03, relating to Contracts, only, adopted as a pending rule under Docket Number [24-0101-1201](#), and that IDAPA 24.01.01, final rule Section 550, Subsection 04, relating to Direct Supervision, only, be, and the same are hereby rejected and declared null, void and of no force and effect.

### **Statement of Purpose / Fiscal Impact:**

#### **STATEMENT OF PURPOSE RS22158**

This is a concurrent resolution stating findings of the legislature and rejecting certain rules of the Bureau of Occupational licenses relating to rules of the Board of Architectural Examiners.

#### **FISCAL NOTE**

There is no fiscal impact.

Contact:  
Name: Senator Jim Patrick  
Phone: (208) 332-1000

Adopted: March 27, 2013.

## SENATE CONCURRENT RESOLUTION NO. 125

LEGISLATURE OF THE STATE OF IDAHO  
Sixty-Second Legislature, First Regular Session - 2013

IN THE SENATE  
SENATE CONCURRENT RESOLUTION NO. 125  
BY STATE AFFAIRS COMMITTEE

A CONCURRENT RESOLUTION STATING LEGISLATIVE FINDINGS AND APPROVING ADMINISTRATIVE RULES THAT IMPOSE A FEE OR CHARGE, WITH STATED EXCEPTIONS, AND REJECTING CERTAIN AGENCY RULES THAT ARE NOT APPROVED.

Be It Resolved by the Legislature of the State of Idaho:

WHEREAS, the Legislature pursuant to Section 67-5224, Idaho Code, must approve certain administrative rules that impose a fee or charge by adoption of a concurrent resolution before the rules become effective; and

WHEREAS, the Legislature is vested with authority to reject executive agency rules under the provisions of Section 67-5291, Idaho Code, in the event that the Legislature finds that the rules are not consistent with legislative intent; and

WHEREAS, it is the finding of the Legislature that a certain rule of the Department of Agriculture governing Organic Food Product Rules is not consistent with legislative intent; and

WHEREAS, it is the finding of the Legislature that a certain rule docket of the State Athletic Commission, Rules of the State Athletic Commission, is not consistent with legislative intent; and

WHEREAS, it is the finding of the Legislature that a certain rule docket of the Idaho State Lottery Commission, Rules Governing Operations of the Idaho State Lottery, is not consistent with legislative intent; and

WHEREAS, the Legislature finds that it is in the public interest to adopt this resolution.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Sixty-second Idaho Legislature, the Senate and the House of Representatives concurring therein, that all pending administrative rules or portions of pending administrative rules adopted by state agencies pursuant to the Administrative Procedure Act during the prior calendar year, and submitted through the Office of the Administrative Rules Coordinator to the Legislature for review during the 2013 legislative session, which impose a fee or charge, be, and the same are approved, with the exception of the following enumerated pending fee rules:

IDAPA 02.06.33, the Department of Agriculture, Organic Food Product Rules, Section 201, Subsection 04.b, only, adopted as a pending fee rule under Docket Number [02-0633-1201](#);

IDAPA 03.01.01, the State Athletic Commission, Rules of the State Athletic Commission, adopted as a pending fee rule under Docket Number [03-0101-1201](#), the entire rulemaking docket; and

IDAPA 52.01.03, the Idaho State Lottery Commission, Rules Governing Operations of the Idaho State Lottery, adopted as a pending fee rule under Docket Number [52-0103-1201](#), the entire rulemaking docket.

BE IT FURTHER RESOLVED that IDAPA 02.06.33, the Department of Agriculture, Organic Food Product Rules, Section 201, Subsection 04.b, only, adopted as a pending fee rule under Docket Number [02-0633-1201](#); IDAPA 03.01.01, the State Athletic Commission, Rules of the State Athletic Commission, adopted as a pending fee rule under Docket Number [03-0101-1201](#), the entire rulemaking docket; and IDAPA 52.01.03, the Idaho State Lottery Commission, Rules Governing Operations of the Idaho State Lottery, adopted as a pending fee rule under Docket Number [52-0103-1201](#), the entire rulemaking docket; are hereby rejected and not approved, and thereby pursuant to Sections 67-5224 and 67-5291, Idaho Code, are declared null, void and of no force and effect.

BE IT FURTHER RESOLVED that rule provisions imposing fees or charges that were not submitted through the Office of the Administrative Rules Coordinator for legislative review or that otherwise are not included

and approved in this concurrent resolution shall be null, void and of no force and effect unless approved by adoption of a separate concurrent resolution by both houses of the Legislature as provided in Section 67-5224, Idaho Code.

**Statement of Purpose / Fiscal Impact:**

**STATEMENT OF PURPOSE**  
**RS22203**

By statute, state agency rules promulgated under the Idaho Administrative Procedure Act that impose a fee or charge do not go into effect unless approved by concurrent resolution of the Legislature. This concurrent resolution would approve agency rules imposing a fee or charge that were adopted during the last calendar year and that were submitted through the Office of the Administrative Rules Coordinator to the Legislature for review during the current legislative session, with the exception of a rule from the Department of Agriculture relating to Organic Food Product Rules, a rule docket of the State Athletic Commission relating to Rules of the State Athletic Commission and a rule docket of the Idaho State Lottery Commission relating to Rules Governing Operations of the Idaho State Lottery.

**FISCAL NOTE**

Adoption of this concurrent resolution, in and of itself, could have no fiscal impact upon any state or local government funds or accounts beyond the scope or impact of the individual fee rules themselves.

**Contact:**

Name: Dennis Stevenson, Administrative Rules Coordinator  
Office of the Administrative Rules Coordinator  
Phone: (208) 332-1822

Adopted: March 27, 2013.

## SENATE CONCURRENT RESOLUTION NO. 126

LEGISLATURE OF THE STATE OF IDAHO  
Sixty-Second Legislature, First Regular Session - 2013

IN THE SENATE  
SENATE CONCURRENT RESOLUTION NO. 126  
BY STATE AFFAIRS COMMITTEE

A CONCURRENT RESOLUTION STATING LEGISLATIVE FINDINGS AND APPROVING  
AND EXTENDING TEMPORARY RULES REVIEWED BY THE LEGISLATURE.

Be It Resolved by the Legislature of the State of Idaho:

WHEREAS, the Legislature by statute must approve temporary rules by adoption of a concurrent resolution approving the rule if the temporary rule is to remain in effect beyond the end of the current legislative session; and

WHEREAS, the expiration of temporary rules would occasion additional expense to state agencies in readopting and republishing temporary rules needed to conduct state business; and

WHEREAS, the Legislature finds that it is in the public interest to adopt this resolution.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Sixty-second Idaho Legislature, the Senate and the House of Representatives concurring therein, that all temporary rules adopted by state agencies pursuant to the Administrative Procedure Act and submitted to the Legislature at the Legislature's request through the Office of the Administrative Rules Coordinator for review during the 2013 legislative session, be, and the same are approved.

BE IT FURTHER RESOLVED that a temporary rule or partial temporary rule approved by this concurrent resolution shall remain in effect until it expires by its own terms or by operation of law or until it is replaced by a final rule, but in no event shall a temporary rule remain in effect beyond the conclusion of the Second Regular Session of the Sixty-second Idaho Legislature unless it is further extended by adoption of a concurrent resolution by both houses of the Legislature. Temporary rules or sections of temporary rules which were not submitted to the Legislature for review during the 2013 legislative session shall expire by operation of statute upon adjournment of the First Regular Session of the Sixty-second Idaho Legislature, unless approved by adoption of a separate concurrent resolution by both houses of the Legislature.

### Statement of Purpose / Fiscal Impact:

#### STATEMENT OF PURPOSE RS22204

By statute, temporary rules promulgated by state agencies under the Idaho Administrative Procedures Act expire at the end of the current legislative session. This concurrent resolution would approve and extend state agency temporary rules beyond the current legislative session.

#### FISCAL NOTE

Adoption of this concurrent resolution, in and of itself, could have no fiscal impact upon any state or local government funds or accounts beyond the scope of impact of the individual rules themselves. By adopting this concurrent resolution, the Legislature avoids having agency rules expire, which would occasion additional expense to state agencies for readopting and republishing temporary rules needed to conduct state business.

#### Contact:

Name: Dennis Stevenson, Administrative Rules Coordinator  
Office of the Administrative Rules Coordinator  
Phone: (208) 332-1822

Adopted: March 27, 2013.

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# LEGAL NOTICE

## Summary of Proposed Rulemakings

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### **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.

#### **IDAPA 38 - DEPARTMENT OF ADMINISTRATION PO Box 83720 Boise, ID 83720-0013**

*38-0406-1301, Rules Governing Use of the Exterior of State Property in the Capitol Mall and Other State Facilities.* (Temp & Prop) Redefines and clarifies certain definitions; clarifies the parameters and duration of public use; prohibits public use interference with scheduled maintenance and improvements.

*38-0408-1301, Rules Governing Use of Idaho State Capitol Exterior.* (Temp & Prop) Redefines and clarifies certain definitions; clarifies the parameters and duration of public use; prohibits public use interference with scheduled maintenance and improvements.

#### **NOTICE OF ADOPTION OF TEMPORARY RULE**

#### **IDAPA 35 - IDAHO STATE TAX COMMISSION 35-0103- 1301, Property Tax Administrative Rules**

#### **NOTICE OF INTENT TO PROMULGATE - NEGOTIATED RULEMAKING**

#### **IDAPA 07 - DIVISION OF BUILDING SAFETY**

*07-0106-1301, Rules Governing the Use of the National Electrical Code*

*07-0301-1301, Rules of Building Safety*

*07-0701-1301, Rules Governing Installation of Heating, Ventilation, and Air Conditioning Systems*

#### **IDAPA 10 - BOARD OF PROFESSIONAL ENGINEERS AND PROFESSIONAL LAND SURVEYORS**

*10-0101-1301, Rules of Procedure*

*10-0102-1301, Rules of Professional Responsibility*

*10-0104-1301, Rules of Continuing Professional Development*

#### **IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE**

*16-0203-1301, Emergency Medical Services*

#### **IDAPA 27 - IDAHO BOARD OF PHARMACY**

*27-0101-1207, Rules of the Idaho Board of Pharmacy*

#### **IDAPA 35 - STATE TAX COMMISSION**

*35-0101-1301, Income Tax Administrative Rules*

*35-0105-1301, Motor Fuels Tax Administrative Rules*

Please refer to the Idaho Administrative Bulletin, **May 1, 2013, Volume 13-5**, for the notices and text of all rulemakings, public hearings schedules, information on negotiated rulemakings, executive orders of the Governor, and agency contact information.

*Issues of the Idaho Administrative Bulletin can be viewed at [adminrules.idaho.gov](http://adminrules.idaho.gov).*

Office of the Administrative Rules Coordinator, Dept. of Administration, PO Box 83720, Boise, ID 83720-0306  
Phone: 208-332-1820; Fax: 332-1896; Email: [rulescoordinator@adm.idaho.gov](mailto:rulescoordinator@adm.idaho.gov)

# **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.*

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# **ABRIDGED RULEMAKING INDEX OF IDAHO ADMINISTRATIVE RULES**

*Idaho Department of Administration  
Office of the Administrative Rules Coordinator*

*March 29, 2012 -- May 1, 2013*

*(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, 2012 that have not been  
adopted as final rules and all rulemakings being promulgated after March 29, 2012 - Sine Die.)*

**IDAPA 01 -- IDAHO BOARD OF ACCOUNTANCY****01.01.01, Idaho Accountancy Rules**

- 01-0101-1201** Proposed Rulemaking, Bulletin Vol. 12-10
- 01-0101-1201** Adoption of Pending Rule, Bulletin Vol. 13-1 (eff. \*PLR 2013)
- 01-0101-1201** OAR Omnibus Rulemaking Notice - Approval of Final Rule, Bulletin Vol. 13-5 (eff. 4-4-13)

**IDAPA 02 -- DEPARTMENT OF AGRICULTURE****02.02.14, Rules for Weights and Measures**

- 02-0214-1201** Proposed Rulemaking, Bulletin Vol. 12-7
- 02-0214-1201** Adoption of Pending Rule, Bulletin Vol. 12-10 (eff. \*PLR 2013)
- 02-0214-1201** OAR Omnibus Rulemaking Notice - Approval of Final Rule, Bulletin Vol. 13-5 (eff. 4-4-13)

**02.03.03, Rules Governing Pesticide and Chemigation Use and Application**

- 02-0303-1201** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 12-7
- 02-0303-1201** Proposed Rulemaking, Bulletin Vol. 12-10
- 02-0303-1201** Adoption of Pending Rule, Bulletin Vol. 12-12 (eff. \*PLR 2013)
- 02-0303-1201** OAR Omnibus Rulemaking Notice - Approval of Final Rule, Bulletin Vol. 13-5 (eff. 4-4-13)

**02.04.08, Rules Governing Grade A Milk and Milk Products**

- 02-0408-1201** Temporary and Proposed Rulemaking, Bulletin Vol. 12-5 (eff. 6-1-12)T
- 02-0408-1201** Adoption of Pending Rule, Bulletin Vol. 12-12 (eff. \*PLR 2013)
- 02-0408-1201** OAR Omnibus Rulemaking Notice - Approval of Final Rule, Bulletin Vol. 13-5 (eff. 4-4-13)

**02.04.14, Rules Governing Dairy Waste**

- 02-0414-0902** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 09-10

**02.04.19, Rules Governing Domestic Cervidae**

- 02-0419-1201** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 12-8
- 02-0419-1201** Proposed Rulemaking, Bulletin Vol. 12-10
- 02-0419-1201** Adoption of Pending Rule, Bulletin Vol. 13-1 (eff. \*PLR 2013)
- 02-0419-1201** OAR Omnibus Rulemaking Notice - Approval of Final Rule, Bulletin Vol. 13-5 (eff. 4-4-13)

**02.04.21, Rules Governing the Importation of Animals**

- 02-0421-1201** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 12-8
- 02-0421-1201** Proposed Rulemaking, Bulletin Vol. 12-10
- 02-0421-1201** Adoption of Pending Rule, Bulletin Vol. 13-1 (eff. \*PLR 2013)
- 02-0421-1201** OAR Omnibus Rulemaking Notice - Approval of Final Rule, Bulletin Vol. 13-5 (eff. 4-4-13)

**02.06.02, Rules Pertaining to the Idaho Commercial Feed Law**

- 02-0602-1201** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 12-6
- 02-0602-1201** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 12-7 - Second Notice
- 02-0602-1201** Temporary and Proposed Rulemaking (Fee Rule), Bulletin Vol. 12-9 (eff. 9-5-12)T
- 02-0602-1201** Notice of Public Hearing, Bulletin Vol. 12-11
- 02-0602-1201** Adoption of Pending Fee Rule and Amendment to Temporary Rule, Bulletin Vol. 13-1 (eff. \*PLR 2013) (eff. 11-29-12)T
- 02-0602-1201** OAR Omnibus Rulemaking Notice - Approval of Final Fee Rule by SCR 125, Bulletin Vol. 13-5 (eff. 3-27-13)

**02.06.12, Rules Pertaining to the Idaho Fertilizer Law**

- 02-0612-1201** Proposed Rulemaking, Bulletin Vol. 12-7
- 02-0612-1201** Adoption of Pending Rule, Bulletin Vol. 12-10 (eff. \*PLR 2013)
- 02-0612-1201** OAR Omnibus Rulemaking Notice - Approval of Final Rule, Bulletin Vol. 13-5 (eff. 4-4-13)

**02.06.13, Rules Relating to Rapeseed Production and Establishment of Rapeseed Districts in the State of Idaho**

- 02-0613-0801** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 08-9
- 02-0613-0801** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 08-10
- 02-0613-0801** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 08-11
- 02-0613-1201** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 12-7
- 02-0613-1201** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Second Notice, Bulletin Vol. 12-8
- 02-0613-1201** Proposed Rulemaking, Bulletin Vol. 12-10
- 02-0613-1201** Adoption of Pending Rule, Bulletin Vol. 12-12 (eff. \*PLR 2013)
- 02-0613-1201** OAR Omnibus Rulemaking Notice - Approval of Final Rule, Bulletin Vol. 13-5 (eff. 4-4-13)

**02.06.14, Rules Pertaining to Annual Bluegrass (*Poa annua*)**

- 02-0614-1201** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 12-7
- 02-0614-1201** Proposed Rulemaking, Bulletin Vol. 12-10
- 02-0614-1201** Adoption of Pending Rule, Bulletin Vol. 12-12 (eff. \*PLR 2013)
- 02-0614-1201** OAR Omnibus Rulemaking Notice - Approval of Final Rule, Bulletin Vol. 13-5 (eff. 4-4-13)

**02.06.16, Rules Governing Honey Standards**

- 02-0616-1201** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 12-7
- 02-0616-1201** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Second Notice, Bulletin Vol. 12-8
- 02-0616-1201** Proposed Rulemaking (New Chapter), Bulletin Vol. 12-10
- 02-0616-1201** Adoption of Pending Rule, Bulletin Vol. 12-12 (eff. \*PLR 2013)
- 02-0616-1201** OAR Omnibus Rulemaking Notice - Approval of Final Rule, Bulletin Vol. 13-5 (eff. 4-4-13)

**02.06.31, Noxious Weed Free Forage and Straw Certification Rules**

- 02-0631-1201** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 12-7
- 02-0631-1201** Proposed Rulemaking, Bulletin Vol. 12-10
- 02-0631-1201** Adoption of Pending Rule, Bulletin Vol. 13-1 (eff. \*PLR 2013)
- 02-0631-1201** OAR Omnibus Rulemaking Notice - Approval of Final Rule, Bulletin Vol. 13-5 (eff. 4-4-13)

**02.06.33, Organic Food Products Rules**

- 02-0633-1201** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 12-7
- 02-0633-1201** Proposed Rulemaking (Fee Rule), Bulletin Vol. 12-10
- 02-0633-1201** Adoption of Pending Rule, Bulletin Vol. 12-12 (eff. \*PLR 2013)
- 02-0633-1201** OAR Omnibus Rulemaking Notice - Partial Approval of Final Fee Rule by SCR 125, Bulletin Vol. 13-5 (eff. 3-27-13)
- 02-0633-1201** Final Rule, Bulletin Vol. 13-5 (eff. 3-27-13)

**02.06.35, Rules Concerning Rough Bluegrass (*Poa trivialis*)**

- 02-0635-1201** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 12-7
- 02-0635-1201** Proposed Rulemaking, Bulletin Vol. 12-10
- 02-0635-1201** Adoption of Pending Rule, Bulletin Vol. 12-12 (eff. \*PLR 2013)
- 02-0635-1201** OAR Omnibus Rulemaking Notice - Approval of Final Rule, Bulletin Vol. 13-5 (eff. 4-4-13)

**02.06.41, Rules Pertaining to the Idaho Soil and Plant Amendment Act of 2001**

- 02-0641-1201** Proposed Rulemaking, Bulletin Vol. 12-7
- 02-0641-1201** Adoption of Pending Rule, Bulletin Vol. 12-10 (eff. \*PLR 2013)
- 02-0641-1201** OAR Omnibus Rulemaking Notice - Approval of Final Rule, Bulletin Vol. 13-5 (eff. 4-4-13)

**IDAPA 03 -- STATE ATHLETIC COMMISSION****03.01.01, Rules of the State Athletic Commission**

- 03-0101-1201** Proposed Rulemaking (Fee Rule), Bulletin Vol. 12-10
- 03-0101-1201** Adoption of Pending Fee Rule, Bulletin Vol. 12-12 (eff. \*PLR 2013)
- 03-0101-1201** OAR Omnibus Rulemaking Notice - Rulemaking Rejected by SCR 125, Bulletin Vol. 13-5
- 03-0101-1300L** Notice of Legislative Action - Rejection of Final Rule Subsection 107.07 by HCR 20, Bulletin Vol. 13-5 (eff. 3-28-13)L

**IDAPA 06 -- STATE BOARD OF CORRECTION****06.01.01, Rules of the Board of Correction**

- 06-0101-1201** OAR Omnibus Rulemaking Notice - Approval of Final Rule, Bulletin Vol. 12-5 (eff. 1-11-12)
- 06-0101-1202** Notice of Proclamation of Rulemaking, Bulletin Vol. 12-10 (eff. 11-2-12)
- 06-0101-1202** OAR Omnibus Rulemaking Notice - Approval of Final Rule, Bulletin Vol. 13-5 (eff. 11-2-12)

**IDAPA 07 -- DIVISION OF BUILDING SAFETY****07.01.06, Rules Governing the Use of National Electrical Code**

- 07-0106-1201** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 12-4 (Rulemaking discontinued)
- 07-0106-1301** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 13-5

**07.02.03, Rules Governing Permit Fee Schedule**

- 07-0203-1201** Proposed Rulemaking, Bulletin Vol. 12-10
- 07-0203-1201** Adoption of Pending Rule, Bulletin Vol. 12-12 (eff. \*PLR 2013)
- 07-0203-1201** OAR Omnibus Rulemaking Notice - Approval of Final Rule, Bulletin Vol. 13-5 (eff. 4-4-13)

**07.02.04, Rules Governing Plumbing Safety Inspections**

- 07-0204-1201** Proposed Rulemaking, Bulletin Vol. 12-10
- 07-0204-1201** Adoption of Pending Rule, Bulletin Vol. 12-12 (eff. \*PLR 2013)
- 07-0204-1201** OAR Omnibus Rulemaking Notice - Approval of Final Rule, Bulletin Vol. 13-5 (eff. 4-4-13)

**07.02.06, Rules Concerning Uniform Plumbing Code**

- 07-0206-1201** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 12-5
- 07-0206-1201** Proposed Rulemaking, Bulletin Vol. 12-10
- 07-0206-1201** Adoption of Pending Rule, Bulletin Vol. 12-12 (eff. \*PLR 2013)
- 07-0206-1201** OAR Omnibus Rulemaking Notice - Approval of Final Rule - Partial Rejection of Rulemaking by HCR 23, Bulletin Vol. 13-5 (eff. 3-25-13)
- 07-0206-1201** Final Rule, Bulletin Vol. 13-5 (eff. 3-25-13)

**07.03.01, Rules of Building Safety**

- 07-0301-1201** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 12-3
- 07-0301-1201** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 12-6 (Second Notice)
- 07-0301-1201** Proposed Rulemaking, Bulletin Vol. 12-10
- 07-0301-1202** Proposed Rulemaking, Bulletin Vol. 12-10
- 07-0301-1201** Adoption of Pending Rule, Bulletin Vol. 12-12 (eff. \*PLR 2013)
- 07-0301-1202** Adoption of Pending Rule, Bulletin Vol. 12-12 (eff. \*PLR 2013)
- 07-0301-1201** OAR Omnibus Rulemaking Notice - Approval of Final Rule, Bulletin Vol. 13-5 (eff. 4-4-13)
- 07-0301-1202** OAR Omnibus Rulemaking Notice - Approval of Final Rule, Bulletin Vol. 13-5 (eff. 4-4-13)
- 07-0301-1301** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 13-5

**07.03.12, Rules Governing Manufactured or Mobile Home Installations**

- 07-0312-1201** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 12-4
- 07-0312-1201** Proposed Rulemaking (Fee Rule), Bulletin Vol. 12-10
- 07-0312-1201** Adoption of Pending Fee Rule, Bulletin Vol. 12-12 (eff. \*PLR 2013)
- 07-0312-1201** OAR Omnibus Rulemaking Notice - Approval of Final Fee Rule by SCR 125, Bulletin Vol. 13-5 (eff. 3-27-13)

**07.05.01, Rules of the Public Works Contractors License Board**

- 07-0501-1201** Temporary and Proposed Rulemaking (Fee Rule), Bulletin Vol. 12-9 (eff. 7-1-12)T
- 07-0501-1202** Proposed Rulemaking, Bulletin Vol. 12-9
- 07-0501-1201** Adoption of Pending Fee Rule, Bulletin Vol. 12-11 (eff. \*PLR 2013)
- 07-0501-1202** Adoption of Pending Rule, Bulletin Vol. 12-11 (eff. \*PLR 2013)

- 07-0501-1201** OAR Omnibus Rulemaking Notice - Approval of Final Fee Rule by SCR 125, Bulletin Vol. 13-5 (eff. 3-27-13)  
**07-0501-1202** OAR Omnibus Rulemaking Notice - Approval of Final Rule, Bulletin Vol. 13-5 (eff. 4-4-13)

**07.07.01, Rules Governing Installation of Heating, Ventilation, and Air Conditioning Systems**

- 07-0701-1201** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 12-5  
**07-0701-1201** Temporary and Proposed Rulemaking, Bulletin Vol. 12-10 (eff. 9-1-12)T  
**07-0701-1202** Proposed Rulemaking, Bulletin Vol. 12-10  
**07-0701-1201** Adoption of Pending Rule, Bulletin Vol. 12-12 (eff. \*PLR 2013)  
**07-0701-1202** Adoption of Pending Rule, Bulletin Vol. 12-12 (eff. \*PLR 2013)  
**07-0701-1201** OAR Omnibus Rulemaking Notice - Approval of Final Rule, Bulletin Vol. 13-5 (eff. 4-4-13)  
**07-0701-1202** OAR Omnibus Rulemaking Notice - Approval of Final Rule, Bulletin Vol. 13-5 (eff. 4-4-13)  
**07-0701-1301** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 13-5

**IDAPA 08 -- IDAHO STATE BOARD OF EDUCATION  
AND STATE DEPARTMENT OF EDUCATION****08.01.10, Idaho College Work Study Program**

- 08-0110-1201** Proposed Rulemaking, Bulletin Vol. 12-10  
**08-0110-1201** Adoption of Pending Rule, Bulletin Vol. 13-1 (eff. \*PLR 2013)  
**08-0110-1201** OAR Omnibus Rulemaking Notice - Approval of Final Rule, Bulletin Vol. 13-5 (eff. 4-4-13)

**08.01.11, Registration of Postsecondary Educational Institutions and Proprietary Schools**

- 08-0111-1201** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 12-7  
**08-0111-1201** Proposed Rulemaking, Bulletin Vol. 12-10  
**08-0111-1201** Adoption of Pending Rule, Bulletin Vol. 13-1 (eff. \*PLR 2013)  
**08-0111-1201** OAR Omnibus Rulemaking Notice - Approval of Final Rule, Bulletin Vol. 13-5 (eff. 4-4-13)

**08.01.14, Idaho Rural Physician Incentive Program**

- 08-0114-1201** Temporary and Proposed Rulemaking (Chapter Repeal), Bulletin Vol. 12-10 (eff. 8-16-12)T  
**08-0114-1201** Adoption of Pending Rule, Bulletin Vol. 13-1 (eff. \*PLR 2013)  
**08-0114-1201** OAR Omnibus Rulemaking Notice - Approval of Final Rule, Bulletin Vol. 13-5 (eff. 4-4-13)

**08.02.01, Rules Governing Administration**

- 08-0201-1201** Temporary and Proposed Rulemaking, Bulletin Vol. 12-8 (eff. 6-21-12)T  
**08-0201-1201** Rescission of Temporary Rule and Vacation of Proposed Rulemaking, Bulletin Vol. 13-1  
**08-0201-1301** Temporary and Proposed Rulemaking, Bulletin Vol. 13-1 (eff. 12-13-12)T  
**08-0201-1301** OAR Omnibus Rulemaking Notice - Extension of Temporary Rule by SCR 126, Bulletin Vol. 13-5

**08.02.02, Rules Governing Uniformity**

- 08-0202-1201** Proposed Rulemaking, Bulletin Vol. 12-7  
**08-0202-1202** Proposed Rulemaking, Bulletin Vol. 12-8  
**08-0202-1203** Proposed Rulemaking, Bulletin Vol. 12-10  
**08-0202-1204** Proposed Rulemaking, Bulletin Vol. 12-10  
**08-0202-1205** Proposed Rulemaking, Bulletin Vol. 12-10  
**08-0202-1206** Proposed Rulemaking, Bulletin Vol. 12-10  
**08-0202-1201** Adoption of Pending Rule, Bulletin Vol. 13-1 (eff. \*PLR 2013)  
**08-0202-1202** Adoption of Pending Rule, Bulletin Vol. 13-1 (eff. \*PLR 2013)  
**08-0202-1203** Adoption of Pending Rule, Bulletin Vol. 13-1 (eff. \*PLR 2013)  
**08-0202-1204** Adoption of Pending Rule, Bulletin Vol. 13-1 (eff. \*PLR 2013)  
**08-0202-1205** Vacation of Proposed Rulemaking, Bulletin Vol. 13-1  
**08-0202-1206** Adoption of Pending Rule, Bulletin Vol. 13-1 (eff. \*PLR 2013)  
**08-0202-1204** Correction to Pending Rule, Bulletin Vol. 13-2 (eff. \*PLR 2013)  
**08-0202-1201** OAR Omnibus Rulemaking Notice - Approval of Final Rule, Bulletin Vol. 13-5 (eff. 4-4-13)  
**08-0202-1202** OAR Omnibus Rulemaking Notice - Approval of Final Rule, Bulletin Vol. 13-5 (eff. 4-4-13)  
**08-0202-1203** OAR Omnibus Rulemaking Notice - Approval of Final Rule, Bulletin Vol. 13-5 (eff. 4-4-13)

- 08-0202-1204** OAR Omnibus Rulemaking Notice - Approval of Final Rule, Bulletin Vol. 13-5 (eff. 4-4-13)  
**08-0202-1206** OAR Omnibus Rulemaking Notice - Approval of Final Rule, Bulletin Vol. 13-5 (eff. 4-4-13)  
**08-0202-1200** Correction to Final, Bulletin Vol. 13-5

**08.02.03, Rules Governing Thoroughness**

- 08-0203-1201** Temporary and Proposed Rulemaking, Bulletin Vol. 12-6 (eff. 4-19-12)T  
**08-0203-1202** Proposed Rulemaking, Bulletin Vol. 12-8  
**08-0203-1203** Temporary and Proposed Rulemaking, Bulletin Vol. 12-8 (eff. 6-21-12)T  
**08-0203-1204** Temporary and Proposed Rulemaking (Fee Rule), Bulletin Vol. 12-8 (eff. 6-21-12)T  
**08-0203-1205** Proposed Rulemaking, Bulletin Vol. 12-10  
**08-0203-1206** Proposed Rulemaking, Bulletin Vol. 12-10  
**08-0203-1201** Adoption of Pending Rule, Bulletin Vol. 13-1 (eff. \*PLR 2013)  
**08-0203-1202** Adoption of Pending Rule, Bulletin Vol. 13-1 (eff. \*PLR 2013)  
**08-0203-1203** Adoption of Pending Rule, Bulletin Vol. 13-1 (eff. \*PLR 2013)  
**08-0203-1204** Adoption of Pending Fee Rule and Amendment to Temporary Rule, Bulletin Vol. 13-1 (eff. \*PLR 2013)  
**08-0203-1205** Adoption of Pending Rule, Bulletin Vol. 13-1 (eff. \*PLR 2013)  
**08-0203-1206** Adoption of Pending Rule, Bulletin Vol. 13-1 (eff. \*PLR 2013)  
**08-0203-1201** OAR Omnibus Rulemaking Notice - Approval of Final Rule, Bulletin Vol. 13-5 (eff. 4-4-13)  
**08-0203-1202** OAR Omnibus Rulemaking Notice - Approval of Final Rule, Bulletin Vol. 13-5 (eff. 4-4-13)  
**08-0203-1203** OAR Omnibus Rulemaking Notice - Approval of Final Rule, Bulletin Vol. 13-5 (eff. 4-4-13)  
**08-0203-1204** OAR Omnibus Rulemaking Notice - Approval of Final Fee Rule by SCR 125, Bulletin Vol. 13-5 (eff. 3-27-13)  
**08-0203-1205** OAR Omnibus Rulemaking Notice - Approval of Final Rule, Bulletin Vol. 13-5 (eff. 4-4-13)  
**08-0203-1206** OAR Omnibus Rulemaking Notice - Approval of Final Rule, Bulletin Vol. 13-5 (eff. 4-4-13)

**08.02.04, Rules Governing Public Charter Schools**

- 08-0204-1201** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 12-7  
**08-0204-1201** Temporary and Proposed Rulemaking, Bulletin Vol. 12-10 (eff. 8-16-12)T  
**08-0204-1201** Adoption of Pending Rule, Bulletin Vol. 13-1 (eff. \*PLR 2013)  
**08-0204-1201** OAR Omnibus Rulemaking Notice - Approval of Final Rule, Bulletin Vol. 13-5 (eff. 4-4-13)

**08.03.01, Rules of the Public Charter School Commission**

- 08-0301-1201** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 12-7  
**08-0301-1201** Temporary and Proposed Rulemaking, Bulletin Vol. 12-10 (eff. 8-16-12)T  
**08-0301-1201** Adoption of Pending Rule and Amendment to Temporary Rule, Bulletin Vol. 13-1 (eff. \*PLR 2013)  
**08-0301-1201** OAR Omnibus Rulemaking Notice - Approval of Final Rule, Bulletin Vol. 13-5 (eff. 4-4-13)

**IDAPA 09 -- IDAHO DEPARTMENT OF LABOR****09.01.04, Unemployment Insurance Benefit Fraud and Overpayment Rules**

- 09-0104-1201** Proposed Rulemaking, Bulletin Vol. 12-8  
**09-0104-1201** Adoption of Pending Rule, Bulletin Vol. 12-10 (eff. \*PLR 2013)  
**09-0104-1201** OAR Omnibus Rulemaking Notice - Approval of Final Rule, Bulletin Vol. 13-5 (eff. 4-4-13)

**09.01.30, Unemployment Insurance Benefits Administration Rules**

- 09-0130-1201** Proposed Rulemaking, Bulletin Vol. 12-8  
**09-0130-1201** Adoption of Pending Rule, Bulletin Vol. 12-10 (eff. \*PLR 2013)  
**09-0130-1201** OAR Omnibus Rulemaking Notice - Approval of Final Rule, Bulletin Vol. 13-5 (eff. 4-4-13)

**09.01.35, Unemployment Insurance Tax Administration Rules**

- 09-0135-1201** Proposed Rulemaking, Bulletin Vol. 12-8  
**09-0135-1201** Adoption of Pending Rule, Bulletin Vol. 12-10 (eff. \*PLR 2013)  
**09-0135-1201** OAR Omnibus Rulemaking Notice - Approval of Final Rule, Bulletin Vol. 13-5 (eff. 4-4-13)

**IDAPA 10 -- IDAHO BOARD OF LICENSURE OF PROFESSIONAL ENGINEERS**

**AND PROFESSIONAL LAND SURVEYORS****10.01.01, Rules of Procedure**

- 10-0101-1201** Temporary and Proposed Rulemaking, Bulletin Vol. 12-5 (eff. 7-1-12)T
- 10-0101-1201** Adoption of Pending Rule, Bulletin Vol. 12-7 (eff. \*PLR 2013)
- 10-0101-1201** OAR Omnibus Rulemaking Notice - Approval of Final Rule, Bulletin Vol. 13-5 (eff. 4-4-13)
- 10-0101-1301** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 13-5

**10.01.02, Rules of Professional Responsibility**

- 10-0102-1301** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 13-5

**10.01.04, Rules of Continuing Professional Development**

- 10-0104-1201** Temporary and Proposed Rulemaking, Bulletin Vol. 12-5 (eff. 7-1-12)T
- 10-0104-1201** Adoption of Pending Rule, Bulletin Vol. 12-7 (eff. \*PLR 2013)
- 10-0104-1201** OAR Omnibus Rulemaking Notice - Approval of Final Rule, Bulletin Vol. 13-5 (eff. 4-4-13)
- 10-0104-1301** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 13-5

**IDAPA 11 -- IDAHO STATE POLICE****11.02.01, Rules of the Idaho State Brand Board**

- 11-0201-1201** Temporary Rulemaking (Fee Rule), Bulletin Vol. 12-3 (eff. 2-1-12)T
- 11-0201-1201** Proposed Rulemaking (Fee Rule), Bulletin Vol. 12-11
- 11-0201-1201** Adoption of Pending Fee Rule, Bulletin Vol. 13-1 (eff. \*PLR 2013)
- 11-0201-1201** OAR Omnibus Rulemaking Notice - Approval of Final Fee Rule by SCR 125, Bulletin Vol. 13-5 (eff. 3-27-13)

**11.02.02, Idaho Livestock Dealer Licensing**

- 11-0202-1201** Temporary Rulemaking (Fee Rule), Bulletin Vol. 12-3 (eff. 2-1-12)T
- 11-0202-1201** Proposed Rulemaking (Fee Rule), Bulletin Vol. 12-11
- 11-0202-1201** Adoption of Pending Fee Rule, Bulletin Vol. 13-1 (eff. \*PLR 2013)
- 11-0202-1201** OAR Omnibus Rulemaking Notice - Approval of Final Fee Rule by SCR 125, Bulletin Vol. 13-5 (eff. 3-27-13)

**11.03.01, Rules Governing Alcohol Testing, Idaho State Forensic Laboratory**

- 11-0301-1201** Temporary Rulemaking, Bulletin Vol. 12-1 (eff. 11-1-11)T
- 11-0301-1201** OAR Omnibus Rulemaking Notice - Extension of Temporary Rule by SCR 129, Bulletin Vol. 12-5
- 11-0301-1201** Proposed Rulemaking, Bulletin Vol. 12-11
- 11-0301-1201** Adoption of Pending Rule, Bulletin Vol. 13-1 (eff. \*PLR 2013)
- 11-0301-1201** OAR Omnibus Rulemaking Notice - Approval of Final Rule, Bulletin Vol. 13-5 (eff. 4-4-13)

**11.05.01, Rules Governing Alcohol Beverage Control**

- 11-0501-1101** Temporary Rulemaking, Bulletin Vol. 11-7 (eff. 7-6-11)T
- 11-0501-1201** OAR Omnibus Rulemaking Notice - Extension of Temporary Rule by SCR 129, Bulletin Vol. 12-5
- 11-0501-1201** Proposed Rulemaking, Bulletin Vol. 12-11
- 11-0501-1201** Adoption of Pending Rule, Bulletin Vol. 13-1 (eff. \*PLR 2013)
- 11-0501-1201** OAR Omnibus Rulemaking Notice - Approval of Final Rule, Bulletin Vol. 13-5 (eff. 4-4-13)

**11.11.01, Rules of the Idaho Peace Officer Standards and Training Council**

- 11-1101-1201** Temporary and Proposed Rulemaking, Bulletin Vol. 12-8 (eff. 7-1-12)T
- 11-1101-1201** Adoption of Pending Rule, Bulletin Vol. 12-10 (eff. \*PLR 2013)
- 11-1101-1202** Proposed Rulemaking, Bulletin Vol. 12-10
- 11-1101-1202** Adoption of Pending Rule, Bulletin Vol. 12-12 (eff. \*PLR 2013)
- 11-1101-1201** OAR Omnibus Rulemaking Notice - Approval of Final Rule - Partial Rejection of Rulemaking by SCR 115, Bulletin Vol. 13-5 (eff. 3-27-13)
- 11-1101-1202** OAR Omnibus Rulemaking Notice - Approval of Final Rule - Partial Rejection of Rulemaking by SCR 114, Bulletin Vol. 13-5 (eff. 3-27-13)

- 11-1101-1201** Final Rule, Bulletin Vol. 13-5 (eff. 3-27-13)  
**11-1101-1202** Final Rule, Bulletin Vol. 13-5 (eff. 3-27-13)

**11.11.02, Rules of the Idaho Peace Officer Standards and Training Council for Juvenile Detention Officers**

- 11-1102-1201** Proposed Rulemaking, Bulletin Vol. 12-10  
**11-1102-1201** Adoption of Pending Rule, Bulletin Vol. 12-12 (eff. \*PLR 2013)  
**11-1102-1201** OAR Omnibus Rulemaking Notice - Approval of Final Rule, Bulletin Vol. 13-5 (eff. 4-4-13)

**11.11.03, Rules of the Idaho Peace Officer Standards and Training Council for Juvenile Probation Officers**

- 11-1103-1201** Proposed Rulemaking, Bulletin Vol. 12-10  
**11-1103-1201** Adoption of Pending Rule, Bulletin Vol. 12-12 (eff. \*PLR 2013)  
**11-1103-1201** OAR Omnibus Rulemaking Notice - Approval of Final Rule, Bulletin Vol. 13-5 (eff. 4-4-13)

**11.11.04, Rules of the Idaho Peace Officer Standards and Training Council for Correctional Officers and Adult Probation and Parole Officers**

- 11-1104-1201** Proposed Rulemaking, Bulletin Vol. 12-10  
**11-1104-1201** Adoption of Pending Rule, Bulletin Vol. 12-12 (eff. \*PLR 2013)  
**11-1104-1201** OAR Omnibus Rulemaking Notice - Approval of Final Rule, Bulletin Vol. 13-5 (eff. 4-4-13)

**11.11.06, Rules of the Idaho Peace Officer Standards and Training Council for Misdemeanor Probation Officers**

- 11-1106-1201** Proposed Rulemaking, Bulletin Vol. 12-10  
**11-1106-1201** Adoption of Pending Rule, Bulletin Vol. 12-12 (eff. \*PLR 2013)  
**11-1106-1201** OAR Omnibus Rulemaking Notice - Approval of Final Rule, Bulletin Vol. 13-5 (eff. 4-4-13)

**11.13.01, The Motor Carrier Rules**

- 11-1301-1201** Temporary Rulemaking, Bulletin Vol. 12-5 (eff. 3-1-12)T  
**11-1301-1201** Proposed Rulemaking, Bulletin Vol. 12-11  
**11-1301-1201** Adoption of Pending Rule, Bulletin Vol. 13-1 (eff. \*PLR 2013)  
**11-1301-1201** OAR Omnibus Rulemaking Notice - Approval of Final Rule, Bulletin Vol. 13-5 (eff. 4-4-13)

**IDAPA 12 -- DEPARTMENT OF FINANCE****12.01.10, Rules Pursuant to the Idaho Residential Mortgage Practices Act**

- 12-0110-1201** Proposed Rulemaking, Bulletin Vol. 12-10  
**12-0110-1201** Adoption of Pending Rule, Bulletin Vol. 12-12 (eff. \*PLR 2013)  
**12-0110-1201** OAR Omnibus Rulemaking Notice - Approval of Final Rule, Bulletin Vol. 13-5 (eff. 4-4-13)

**IDAPA 13 -- IDAHO FISH AND GAME COMMISSION****13.01.02, Rules Governing Hunter Education and Mentored Hunting**

- 13-0102-1201\*** Proposed Rulemaking, Bulletin Vol. 12-10  
**13-0102-1201\*** Adoption of Pending Rule and Temporary Rule, Bulletin Vol. 13-1 (eff. 1-1-13)T (eff. \*PLR 2013)  
**13-0102-1201\*** OAR Omnibus Rulemaking Notice - Approval of Final Rule, Bulletin Vol. 13-5 (eff. 4-4-13)

*\*Final rule changes chapter name to: "Rules Governing Hunter Education and Mentored Hunting"  
from: "Rules Governing Public Safety"*

**13.01.04, Rules Governing Licensing**

- 13-0104-1201** Temporary and Proposed Rulemaking, Bulletin Vol. 12-10 (eff. 8-27-12)T  
**13-0104-1202** Proposed Rulemaking, Bulletin Vol. 12-10  
**13-0104-1201** Adoption of Pending Rule, Bulletin Vol. 13-1 (eff. \*PLR 2013)  
**13-0104-1202** Adoption of Pending Rule, Bulletin Vol. 13-1 (eff. \*PLR 2013)  
**13-0104-1201** OAR Omnibus Rulemaking Notice - Partial Rejection of Rulemaking by SCR 110, Bulletin Vol. 13-5 (eff. 3-25-13)  
**13-0104-1202** OAR Omnibus Rulemaking Notice - Rulemaking Rejected by SCR 106, Bulletin Vol. 13-5

**13-0104-1201** Final Rule, Bulletin Vol. 13-5 (eff. 3-25-13)

**13.01.07, Rules Governing the Taking of Upland Game Animals**

**13-0107-1201** Proposed Rulemaking, Bulletin Vol. 12-10

**13-0107-1201** Adoption of Pending Rule, Bulletin Vol. 13-1 (eff. \*PLR 2013)

**13-0107-1201** OAR Omnibus Rulemaking Notice - Approval of Final Rule, Bulletin Vol. 13-5 (eff. 4-4-13)

**13.01.08, Rules Governing the Taking of Big Game Animals in the State of Idaho**

**13-0108-1201** Temporary and Proposed Rulemaking, Bulletin Vol. 12-10 (eff. 7-16-12)T

**13-0108-1202** Temporary and Proposed Rulemaking, Bulletin Vol. 12-10 (eff. 7-16-12)T

**13-0108-1203** Temporary and Proposed Rulemaking, Bulletin Vol. 12-10 (eff. 7-16-12)T

**13-0108-1204** Proposed Rulemaking, Bulletin Vol. 12-10

**13-0108-1205** Proposed Rulemaking, Bulletin Vol. 12-10

**13-0108-1201** Adoption of Pending Rule, Bulletin Vol. 13-1 (eff. \*PLR 2013)

**13-0108-1202** Adoption of Pending Rule, Bulletin Vol. 13-1 (eff. \*PLR 2013)

**13-0108-1203** Adoption of Pending Rule, Bulletin Vol. 13-1 (eff. \*PLR 2013)

**13-0108-1204** Adoption of Pending Rule, Bulletin Vol. 13-1 (eff. \*PLR 2013)

**13-0108-1205** Adoption of Pending Rule, Bulletin Vol. 13-1 (eff. \*PLR 2013)

**13-0108-1201** OAR Omnibus Rulemaking Notice - Approval of Final Rule, Bulletin Vol. 13-5 (eff. 4-4-13)

**13-0108-1202** OAR Omnibus Rulemaking Notice - Approval of Final Rule, Bulletin Vol. 13-5 (eff. 4-4-13)

**13-0108-1203** OAR Omnibus Rulemaking Notice - Approval of Final Rule, Bulletin Vol. 13-5 (eff. 4-4-13)

**13-0108-1204** OAR Omnibus Rulemaking Notice - Approval of Final Rule, Bulletin Vol. 13-5 (eff. 4-4-13)

**13-0108-1205** OAR Omnibus Rulemaking Notice - Rulemaking Rejected by SCR 108, Bulletin Vol. 13-5

**13.01.09, Rules Governing the Taking of Game Birds in the State of Idaho**

**13-0109-1201** Temporary and Proposed Rulemaking, Bulletin Vol. 12-10 (eff. 7-16-12)T

**13-0109-1202** Temporary and Proposed Rulemaking, Bulletin Vol. 12-10 (eff. 7-16-12)T

**13-0109-1203** Proposed Rulemaking, Bulletin Vol. 12-10

**13-0109-1204** Proposed Rulemaking, Bulletin Vol. 12-10

**13-0109-1201** Adoption of Pending Rule, Bulletin Vol. 13-1 (eff. \*PLR 2013)

**13-0109-1202** Adoption of Pending Rule, Bulletin Vol. 13-1 (eff. \*PLR 2013)

**13-0109-1203** Adoption of Pending Rule, Bulletin Vol. 13-1 (eff. \*PLR 2013)

**13-0109-1204** Adoption of Pending Rule, Bulletin Vol. 13-1 (eff. \*PLR 2013)

**13-0109-1201** OAR Omnibus Rulemaking Notice - Approval of Final Rule, Bulletin Vol. 13-5 (eff. 4-4-13)

**13-0109-1202** OAR Omnibus Rulemaking Notice - Approval of Final Rule, Bulletin Vol. 13-5 (eff. 4-4-13)

**13-0109-1203** OAR Omnibus Rulemaking Notice - Approval of Final Rule, Bulletin Vol. 13-5 (eff. 4-4-13)

**13-0109-1204** OAR Omnibus Rulemaking Notice - Approval of Final Rule, Bulletin Vol. 13-5 (eff. 4-4-13)

**13.01.16, The Trapping of Predatory and Unprotected Wildlife and the Taking of Furbearing Animals**

**13-0116-1201** Temporary and Proposed Rulemaking, Bulletin Vol. 12-10 (eff. 7-16-12)T

**13-0116-1201** Adoption of Pending Rule, Bulletin Vol. 13-1 (eff. \*PLR 2013)

**13-0116-1201** OAR Omnibus Rulemaking Notice - Approval of Final Rule, Bulletin Vol. 13-5 (eff. 4-4-13)

**13.01.17, Rules Governing the Use of Bait and Trapping for Taking Big Game Animals**

**13-0117-1201\*** Temporary and Proposed Rulemaking, Bulletin Vol. 12-10 (eff. 7-16-12)T

**13-0117-1201\*** Adoption of Pending Rule, Bulletin Vol. 13-1 (eff. \*PLR 2013)

**13-0117-1201\*** OAR Omnibus Rulemaking Notice - Approval of Final Rule, Bulletin Vol. 13-5 (eff. 4-4-13)

*\*Final rule changes chapter name to: "Rules Governing the Use of Bait and Trapping for Taking Big Game Animals"  
from: "Rules Governing the Use of Bait for Taking Big Game Animals"*

**IDAPA 15 -- OFFICE OF THE GOVERNOR**

**Executive Orders of the Governor**

Executive Order No. **2012-01** Bulletin Vol. 12-3

Executive Order No. **2012-03** Bulletin Vol. 12-7

Executive Order No. **2012-02** Bulletin Vol. 12-5

Executive Order No. **2012-04** Bulletin Vol. 12-9

Executive Order No. <a href="#">2012-05</a> Bulletin Vol. 12-11	Executive Order No. <a href="#">2012-06</a> Bulletin Vol. 12-11
Executive Order No. <a href="#">2012-07</a> Bulletin Vol. 12-11	Executive Order No. <a href="#">2012-08</a> Bulletin Vol. 13-2
Executive Order No. <a href="#">2012-09</a> Bulletin Vol. 13-2	Executive Order No. <a href="#">2013-01</a> Bulletin Vol. 13-2
Executive Order No. <a href="#">2013-02</a> Bulletin Vol. 13-5	Executive Order No. <a href="#">2013-03</a> Bulletin Vol. 13-5
Executive Order No. <a href="#">2013-04</a> Bulletin Vol. 13-5	

## ***Idaho Emergency Communications Commission - Idaho Military Division***

### ***15.06.03, Public Safety Communications Rules***

- [15-0603-1201](#) Proposed Rulemaking (New Chapter - Fee Rule), Bulletin Vol. 12-10
- [15-0603-1201](#) Adoption of Pending Fee Rule, Bulletin Vol. 13-1 (eff. \*PLR 2013)
- [15-0603-1201](#) OAR Omnibus Rulemaking Notice - Approval of Final Fee Rule by SCR 125, Bulletin Vol. 13-5 (eff. 3-27-13)

## ***IDAPA 16 -- DEPARTMENT OF HEALTH AND WELFARE***

### ***16.02.02, Rules of the Idaho Emergency Medical Services (EMS) Physician Commission***

- [16-0202-1201](#) Proposed Rulemaking, Bulletin Vol. 12-7
- [16-0202-1201](#) Adoption of Pending Rule, Bulletin Vol. 13-1 (eff. \*PLR 2013)
- [16-0202-1201](#) OAR Omnibus Rulemaking Notice - Approval of Final Rule, Bulletin Vol. 13-5 (eff. 7-1-13)

### ***16.02.03, Emergency Medical Services***

- [16-0203-1301](#) Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 13-4
- [16-0203-1301](#) Notice of Intent to Promulgate Rules - Negotiated Rulemaking (Second Notice), Bulletin Vol. 13-5

### ***16.03.04, Rules Governing the Food Stamp Program in Idaho***

- [16-0304-1201](#) Temporary and Proposed Rulemaking, Bulletin Vol. 12-10 (eff. 10-1-12)T
- [16-0304-1202](#) Temporary and Proposed Rulemaking, Bulletin Vol. 12-10 (eff. 9-1-12)T
- [16-0304-1201](#) Adoption of Pending Rule, Bulletin Vol. 13-1 (eff. \*PLR 2013)
- [16-0304-1202](#) Adoption of Pending Rule, Bulletin Vol. 13-1 (eff. \*PLR 2013)
- [16-0304-1201](#) OAR Omnibus Rulemaking Notice - Approval of Final Rule, Bulletin Vol. 13-5 (eff. 4-4-13)
- [16-0304-1202](#) OAR Omnibus Rulemaking Notice - Approval of Final Rule, Bulletin Vol. 13-5 (eff. 4-4-13)

### ***16.03.05, Rules Governing Eligibility for Aid to the Aged, Blind, and Disabled (AABD)***

- [16-0305-1201](#) Proposed Rulemaking, Bulletin Vol. 12-10
- [16-0305-1202](#) Proposed Rulemaking, Bulletin Vol. 12-10
- [16-0305-1201](#) Adoption of Pending Rule and Temporary Rule, Bulletin Vol. 13-1 (eff. \*PLR 2013) (eff. 1-1-13)T
- [16-0305-1202](#) Adoption of Pending Rule, Bulletin Vol. 13-1 (eff. \*PLR 2013)
- [16-0305-1201](#) OAR Omnibus Rulemaking Notice - Approval of Final Rule, Bulletin Vol. 13-5 (eff. 4-4-13)
- [16-0305-1202](#) OAR Omnibus Rulemaking Notice - Approval of Final Rule, Bulletin Vol. 13-5 (eff. 7-1-13)

### ***16.03.09, Medicaid Basic Plan Benefits***

- [16-0309-1101](#) Temporary and Proposed Rulemaking, Bulletin Vol. 11-12 (eff. 9-28-11)T
- [16-0309-1101](#) OAR Omnibus Rulemaking Notice - Extension of Temporary Rule by SCR 129, Bulletin Vol. 12-5
- [16-0309-1202](#) Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 12-3
- [16-0309-1101](#) Adoption of Pending Rule, Bulletin Vol. 12-6 (eff. \*PLR 2013)
- [16-0309-1204](#) Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 12-6
- [16-0309-1203](#) Temporary and Proposed Rulemaking, Bulletin Vol. 12-7 (eff. 9-28-11)T - (3-29-12)T
- [16-0309-1202](#) Proposed Rulemaking, Bulletin Vol. 12-9
- [16-0309-1204](#) Proposed Rulemaking, Bulletin Vol. 12-9
- [16-0309-1205](#) Proposed Rulemaking, Bulletin Vol. 12-10
- [16-0309-1206](#) Proposed Rulemaking, Bulletin Vol. 12-10
- [16-0309-1203](#) Adoption of Pending Rule, Bulletin Vol. 12-11 (eff. \*PLR 2013)
- [16-0309-1202](#) Adoption of Pending Rule, Bulletin Vol. 12-12 (eff. \*PLR 2013)
- [16-0309-1204](#) Adoption of Pending Rule, Bulletin Vol. 13-1 (eff. \*PLR 2013)
- [16-0309-1205](#) Adoption of Pending Rule and Temporary Rule, Bulletin Vol. 13-1 (eff. \*PLR 2013) (eff. 1-1-13)T

- 16-0309-1206 Adoption of Pending Rule, Bulletin Vol. 13-1 (eff. \*PLR 2013)
- 16-0309-1101 OAR Omnibus Rulemaking Notice - Approval of Final Rule, Bulletin Vol. 13-5 (eff. 4-4-13)
- 16-0309-1202 OAR Omnibus Rulemaking Notice - Approval of Final Rule, Bulletin Vol. 13-5 (eff. 4-4-13)
- 16-0309-1203 OAR Omnibus Rulemaking Notice - Approval of Final Rule, Bulletin Vol. 13-5 (eff. 4-4-13)
- 16-0309-1204 OAR Omnibus Rulemaking Notice - Approval of Final Rule, Bulletin Vol. 13-5 (eff. 7-1-13)
- 16-0309-1205 OAR Omnibus Rulemaking Notice - Approval of Final Rule, Bulletin Vol. 13-5 (eff. 4-4-13)
- 16-0309-1206 OAR Omnibus Rulemaking Notice - Approval of Final Rule, Bulletin Vol. 13-5 (eff. 4-4-13)

#### ***16.03.10, Medicaid Enhanced Plan Benefits***

- 16-0310-1201 Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 12-5
- 16-0310-1202 Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 12-5
- 16-0310-1203 Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 12-6
- 16-0310-1204 Temporary and Proposed Rulemaking, Bulletin Vol. 12-7 (eff. 7-1-12)T
- 16-0310-1201 Proposed Rulemaking, Bulletin Vol. 12-10
- 16-0310-1202 Temporary and Proposed Rulemaking, Bulletin Vol. 12-10 (eff. 10-1-12)T
- 16-0310-1203 Proposed Rulemaking, Bulletin Vol. 12-10
- 16-0310-1205 Temporary and Proposed Rulemaking, Bulletin Vol. 12-10 (eff. 10-1-12)T
- 16-0310-1204 Adoption of Pending Rule, Bulletin Vol. 12-11 (eff. \*PLR 2013)
- 16-0310-1201 Adoption of Pending Rule, Bulletin Vol. 13-1 (eff. \*PLR 2013)
- 16-0310-1202 Adoption of Pending Rule and Amendment to Temporary Rule, Bulletin Vol. 13-1 (eff. \*PLR 2013) (eff. 10-1-12)T
- 16-0310-1203 Adoption of Pending Rule, Bulletin Vol. 13-1 (eff. \*PLR 2013)
- 16-0310-1205 Adoption of Pending Rule and Amendment to Temporary Rule, Bulletin Vol. 13-1 (eff. \*PLR 2013) (eff. 10-1-12)T
- 16-0310-1201 OAR Omnibus Rulemaking Notice - Approval of Final Rule, Bulletin Vol. 13-5 (eff. 4-4-13)
- 16-0310-1202 OAR Omnibus Rulemaking Notice - Approval of Final Rule, Bulletin Vol. 13-5 (eff. 4-4-13)
- 16-0310-1203 OAR Omnibus Rulemaking Notice - Approval of Final Rule, Bulletin Vol. 13-5 (eff. 7-1-13)
- 16-0310-1204 OAR Omnibus Rulemaking Notice - Approval of Final Rule, Bulletin Vol. 13-5 (eff. 4-4-13)
- 16-0310-1205 OAR Omnibus Rulemaking Notice - Approval of Final Rule, Bulletin Vol. 13-5 (eff. 4-4-13)

#### ***16.03.25, Idaho Medicaid Electronic Health Record (EHR) Incentive Program***

- 16-0325-1201 Temporary and Proposed Rulemaking (New Chapter), Bulletin Vol. 12-7 (eff. 7-1-12)T
- 16-0325-1201 Adoption of Pending Rule, Bulletin Vol. 12-11 (eff. \*PLR 2013)
- 16-0325-1201 OAR Omnibus Rulemaking Notice - Approval of Final Rule, Bulletin Vol. 13-5 (eff. 4-4-13)

#### ***16.04.02, Idaho Telecommunication Service Assistance Program Rules***

- 16-0402-1201 Temporary and Proposed Rulemaking, Bulletin Vol. 12-10 (eff. 6-1-12)T
- 16-0402-1201 Adoption of Pending Rule, Bulletin Vol. 13-1 (eff. \*PLR 2013)
- 16-0402-1201 OAR Omnibus Rulemaking Notice - Approval of Final Rule, Bulletin Vol. 13-5 (eff. 4-4-13)

#### ***16.04.10, Rules Governing the Community Services Block Grant Program***

- 16-0410-1201 Temporary and Proposed Rulemaking, Bulletin Vol. 12-8 (eff. 10-1-11)T
- 16-0410-1201 Adoption of Pending Rule, Bulletin Vol. 12-11 (eff. \*PLR 2013)
- 16-0410-1201 OAR Omnibus Rulemaking Notice - Approval of Final Rule, Bulletin Vol. 13-5 (eff. 4-4-13)

#### ***16.05.01, Use and Disclosure of Department Records***

- 16-0501-1201 Proposed Rulemaking, Bulletin Vol. 12-9
- 16-0501-1201 Adoption of Pending Rule, Bulletin Vol. 13-1 (eff. \*PLR 2013)
- 16-0501-1201 OAR Omnibus Rulemaking Notice - Approval of Final Rule, Bulletin Vol. 13-5 (eff. 4-4-13)

#### ***16.05.06, Criminal History and Background Checks***

- 16-0506-1201 Temporary and Proposed Rulemaking (Fee Rule), Bulletin Vol. 12-7 (eff. 7-1-12)T
- 16-0506-1201 Adoption of Pending Fee Rule, Bulletin Vol. 13-1 (eff. \*PLR 2013)
- 16-0506-1201 OAR Omnibus Rulemaking Notice - Approval of Final Fee Rule by SCR 125, Bulletin Vol. 13-5 (eff. 3-27-13)

#### ***16.06.01, Child and Family Services***

- 16-0601-1201 Temporary and Proposed Rulemaking, Bulletin Vol. 12-8 (eff. 7-1-12)T
- 16-0601-1202 Proposed Rulemaking, Bulletin Vol. 12-9

- 16-0601-1201 Adoption of Pending Rule, Bulletin Vol. 12-11 (eff. \*PLR 2013)
- 16-0601-1202 Adoption of Pending Rule, Bulletin Vol. 13-1 (eff. \*PLR 2013)
- 16-0601-1201 OAR Omnibus Rulemaking Notice - Approval of Final Rule, Bulletin Vol. 13-5 (eff. 4-4-13)
- 16-0601-1202 OAR Omnibus Rulemaking Notice - Approval of Final Rule, Bulletin Vol. 13-5 (eff. 4-4-13)

**16.06.08, Rules and Minimum Standards for DUI Evaluators**

- 16-0608-1201 Proposed Rulemaking (Chapter Repeal), Bulletin Vol. 12-9
- 16-0608-1201 Adoption of Pending Rule, Bulletin Vol. 13-1 (eff. \*PLR 2013)
- 16-0608-1201 OAR Omnibus Rulemaking Notice - Approval of Final Rule, Bulletin Vol. 13-5 (eff. 7-1-13)

**16.06.12, Rules Governing the Idaho Child Care Program (ICCP)**

- 16-0612-1201 Temporary and Proposed Rulemaking, Bulletin Vol. 12-1 (eff. 12-1-11)T
- 16-0612-1201 OAR Omnibus Rulemaking Notice - Extension of Temporary Rule by SCR 129, Bulletin Vol. 12-5
- 16-0612-1201 Adoption of Pending Rule, Bulletin Vol. 12-6 (eff. \*PLR 2013)
- 16-0612-1201 OAR Omnibus Rulemaking Notice - Approval of Final Rule, Bulletin Vol. 13-5 (eff. 4-4-13)

**16.07.01, Behavioral Health Sliding Fee Schedules**

- 16-0701-1201 Proposed Rulemaking, Bulletin Vol. 12-9
- 16-0701-1201 Adoption of Pending Rule, Bulletin Vol. 13-1 (eff. \*PLR 2013)
- 16-0701-1201 OAR Omnibus Rulemaking Notice - Approval of Final Rule, Bulletin Vol. 13-5 (eff. 7-1-13)

**16.07.17, Alcohol and Substance Use Disorders Services**

- 16-0717-1201 Proposed Rulemaking, Bulletin Vol. 12-9
- 16-0717-1201 Adoption of Pending Rule, Bulletin Vol. 13-1 (eff. \*PLR 2013)
- 16-0717-1201 OAR Omnibus Rulemaking Notice - Approval of Final Rule, Bulletin Vol. 13-5 (eff. 7-1-13)

**16.07.20, Alcohol and Substance Use Disorders Treatment and Recovery Support Services Facilities and Programs**

- 16-0720-1201 Proposed Rulemaking, Bulletin Vol. 12-9
- 16-0720-1201 Adoption of Pending Rule, Bulletin Vol. 13-1 (eff. \*PLR 2013)
- 16-0720-1301 Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 13-4
- 16-0720-1201 OAR Omnibus Rulemaking Notice - Partial Rejection of Rulemaking by HCR 17, Bulletin Vol. 13-5 (eff. 7-1-13)
- 16-0720-1201 Final Rule, Bulletin Vol. 13-5 (eff. 7-1-13)

**IDAPA 17 -- INDUSTRIAL COMMISSION****17.02.04, Administrative Rules of the Industrial Commission Under the Worker's Compensation Law - Benefits**

- 17-0204-1201 Proposed Rulemaking, Bulletin Vol. 12-8
- 17-0204-1201 Adoption of Pending Rule, Bulletin Vol. 13-1 (eff. \*PLR 2013)
- 17-0204-1201 OAR Omnibus Rulemaking Notice - Approval of Final Rule, Bulletin Vol. 13-5 (eff. 4-4-13)

**17.02.09, Medical Fees**

- 17-0209-1201 Proposed Rulemaking, Bulletin Vol. 12-10
- 17-0209-1201 Adoption of Pending Rule, Bulletin Vol. 13-1 (eff. \*PLR 2013)
- 17-0209-1201 OAR Omnibus Rulemaking Notice - Approval of Final Rule, Bulletin Vol. 13-5 (eff. 7-1-13)

**IDAPA 18 -- DEPARTMENT OF INSURANCE****18.01.09, Suitability in Annuity Transactions**

- 18-0109-1201 Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 12-7
- 18-0109-1201 Proposed Rulemaking (Chapter Repeal), Bulletin Vol. 12-9
- 18-0109-1202\* Proposed Rulemaking (Chapter Rewrite), Bulletin Vol. 12-9
- 18-0109-1201 Adoption of Pending Rule, Bulletin Vol. 12-11 (eff. \*PLR 2013)
- 18-0109-1202\* Adoption of Pending Rule, Bulletin Vol. 12-11 (eff. \*PLR 2013)

- 18-0109-1201** OAR Omnibus Rulemaking Notice - Approval of Final Rule, Bulletin Vol. 13-5 (eff. 4-4-13)  
**18-0109-1202\*** OAR Omnibus Rulemaking Notice - Approval of Final Rule, Bulletin Vol. 13-5 (eff. 4-4-13)  
(\*Final rule changes chapter name from: "Consumer Protection in Annuity Transactions"  
to: "Suitability in Annuity Transactions")

**18.01.19, Insurance Rates and Credit Rating**

- 18-0119-1201** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 12-7  
**18-0119-1201** Proposed Rulemaking, Bulletin Vol. 12-9  
**18-0119-1201** Adoption of Pending Rule, Bulletin Vol. 12-11 (eff. \*PLR 2013)  
**18-0119-1201** OAR Omnibus Rulemaking Notice - Approval of Final Rule, Bulletin Vol. 13-5 (eff. 4-4-13)

**18.01.44, Schedule of Fees, Licenses, and Miscellaneous Charges**

- 18-0144-1201** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 12-7  
**18-0144-1201** Proposed Rulemaking (Fee Rule), Bulletin Vol. 12-9  
**18-0144-1201** Adoption of Pending Fee Rule, Bulletin Vol. 12-11 (eff. \*PLR 2013)  
**18-0144-1201** OAR Omnibus Rulemaking Notice - Approval of Final Fee Rule by SCR 125, Bulletin Vol. 13-5 (eff. 3-27-13)

**18.01.56, Rebates and Illegal Inducements to Obtaining Title Insurance Business Rules**

- 18-0156-1201** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 12-7  
**18-0156-1201** Proposed Rulemaking, Bulletin Vol. 12-9  
**18-0156-1201** Adoption of Pending Rule, Bulletin Vol. 12-11 (eff. \*PLR 2013)  
**18-0156-1201** OAR Omnibus Rulemaking Notice - Approval of Final Rule, Bulletin Vol. 13-5 (eff. 4-4-13)

**IDAPA 20 -- DEPARTMENT OF LANDS****20.02.01, Rules Pertaining to the Idaho Forest Practices Act**

- 20-0201-1201** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 12-6  
**20-0201-1201** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 12-7 - Second Notice  
**20-0201-1201** Proposed Rulemaking, Bulletin Vol. 12-10  
**20-0201-1201** Adoption of Pending Rule, Bulletin Vol. 13-1 (eff. \*PLR 2013)  
**20-0201-1201** OAR Omnibus Rulemaking Notice - Approval of Final Rule, Bulletin Vol. 13-5 (eff. 4-4-13)

**20.03.14, Rules Governing Grazing, Farming, Conservation, Noncommercial Recreation, and Communication Site Leases**

- 20-0314-1201** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 12-6  
**20-0314-1201** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 12-7 - Second Notice  
**20-0314-1201** Proposed Rulemaking, Bulletin Vol. 12-10  
**20-0314-1201** Adoption of Pending Rule, Bulletin Vol. 13-1 (eff. \*PLR 2013)  
**20-0314-1201** OAR Omnibus Rulemaking Notice - Approval of Final Rule, Bulletin Vol. 13-5 (eff. 4-4-13)

**20.03.15, The Issuance of Geothermal Resource Leases**

- 20-0315-1201** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 12-7  
**20-0315-1201** Proposed Rulemaking, Bulletin Vol. 12-10  
**20-0315-1201** Adoption of Pending Rule, Bulletin Vol. 13-1 (eff. \*PLR 2013)  
**20-0315-1201** OAR Omnibus Rulemaking Notice - Approval of Final Rule, Bulletin Vol. 13-5 (eff. 4-4-13)

**IDAPA 22 -- BOARD OF MEDICINE****22.01.01, Rules of the Board of Medicine for Licensure to Practice Medicine and Surgery and Osteopathic Medicine and Surgery in Idaho**

- 22-0101-1201** Proposed Rulemaking, Bulletin Vol. 12-10  
**22-0101-1201** Adoption of Pending Rule, Bulletin Vol. 13-1 (eff. \*PLR 2013)  
**22-0101-1201** OAR Omnibus Rulemaking Notice - Approval of Final Rule, Bulletin Vol. 13-5 (eff. 4-4-13)

**22.01.02, Rules of the Board of Medicine for the Registration of Externs, Interns, and Residents**

- 22-0102-1201** Proposed Rulemaking (Fee Rule), Bulletin Vol. 12-10
- 22-0102-1201** Adoption of Pending Fee Rule, Bulletin Vol. 13-1 (eff. \*PLR 2013)
- 22-0102-1201** OAR Omnibus Rulemaking Notice -Approval of Final Fee Rule by SCR 125, Bulletin Vol. 13-5 (eff. 3-27-13)

**22.01.03, Rules for the Licensure of Physician Assistants**

- 22-0103-1201** Proposed Rulemaking (Fee Rule), Bulletin Vol. 12-10
- 22-0103-1201** Adoption of Pending Fee Rule, Bulletin Vol. 13-1 (eff. \*PLR 2013)
- 22-0103-1201** OAR Omnibus Rulemaking Notice -Approval of Final Fee Rule by SCR 125, Bulletin Vol. 13-5 (eff. 3-27-13)

**22.01.11, Rules for the Licensure of Respiratory Therapists and Permitting of Polysomnographers in Idaho**

- 22-0111-1201** Proposed Rulemaking, Bulletin Vol. 12-10
- 22-0111-1201** Adoption of Pending Rule, Bulletin Vol. 13-1 (eff. \*PLR 2013)
- 22-0111-1201** OAR Omnibus Rulemaking Notice - Approval of Final Rule, Bulletin Vol. 13-5 (eff. 4-4-13)

**22.01.12, Rules Relating to Health Care Workers**

- 22-0112-1201** Proposed Rulemaking (Chapter Repeal), Bulletin Vol. 12-10
- 22-0112-1201** Adoption of Pending Rule, Bulletin Vol. 13-1 (eff. \*PLR 2013)
- 22-0112-1201** OAR Omnibus Rulemaking Notice - Approval of Final Rule, Bulletin Vol. 13-5 (eff. 4-4-13)

**22.01.13, Rules for the Licensure of Dietitians**

- 22-0113-1201** Proposed Rulemaking (Fee Rule), Bulletin Vol. 12-10
- 22-0113-1201** Adoption of Pending Fee Rule, Bulletin Vol. 13-1 (eff. \*PLR 2013)
- 22-0113-1201** OAR Omnibus Rulemaking Notice - Approval of Final Fee Rule by SCR 125, Bulletin Vol. 13-5 (eff. 3-27-13)

**22.01.14, Rules Relating to Complaint Investigation**

- 22-0114-1201** Proposed Rulemaking, Bulletin Vol. 12-10
- 22-0114-1201** Adoption of Pending Rule, Bulletin Vol. 13-1 (eff. \*PLR 2013)
- 22-0114-1201** OAR Omnibus Rulemaking Notice - Approval of Final Rule, Bulletin Vol. 13-5 (eff. 4-4-13)

**IDAPA 23 -- BOARD OF NURSING****23.01.01, Rules of the Idaho Board of Nursing**

- 23-0101-1201** Proposed Rulemaking, Bulletin Vol. 12-10
- 23-0101-1202** Proposed Rulemaking, Bulletin Vol. 12-10
- 23-0101-1201** Adoption of Pending Rule, Bulletin Vol. 12-12 (eff. \*PLR 2013)
- 23-0101-1202** Adoption of Pending Rule, Bulletin Vol. 12-12 (eff. \*PLR 2013)
- 23-0101-1201** OAR Omnibus Rulemaking Notice - Approval of Final Rule, Bulletin Vol. 13-5 (eff. 7-1-13)
- 23-0101-1202** OAR Omnibus Rulemaking Notice - Approval of Final Rule, Bulletin Vol. 13-5 (eff. 4-4-13)

**IDAPA 24 -- BUREAU OF OCCUPATIONAL LICENSES****24.01.01, Rules of the Board of Architectural Examiners**

- 24-0101-1201** Proposed Rulemaking, Bulletin Vol. 12-10
- 24-0101-1201** Adoption of Pending Rule, Bulletin Vol. 12-12 (eff. \*PLR 2013)
- 24-0101-1201** OAR Omnibus Rulemaking Notice - Partial Rejection of Rulemaking by SCR 122, Bulletin Vol. 13-5 (eff. 3-27-13)
- 24-0101-1300L** Notice of Legislative Action - Rejection of Final Rule Subsection 550.04 by SCR 122, Bulletin Vol. 13-5 (eff. 3-27-13)L
- 24-0101-1201** Final Rule, Bulletin Vol. 13-5 (eff. 3-27-13)
- 24-0101-1300L** Legislative Action, Bulletin Vol. 13-5 (eff. 3-27-13)

**24.04.01, Rules of the Idaho Board of Cosmetology**

- 24-0401-1201** Proposed Rulemaking (Fee Rule), Bulletin Vol. 12-10

- 24-0401-1201** Adoption of Pending Fee Rule, Bulletin Vol. 12-12 (eff. \*PLR 2013)  
**24-0401-1201** OAR Omnibus Rulemaking Notice - Approval of Final Fee Rule by SCR 125, Bulletin Vol. 13-5 (eff. 3-27-13)

***24.06.01, Rules for the Licensure of Occupational Therapists and Occupational Therapy Assistants***

- 24-0601-1201** Proposed Rulemaking, Bulletin Vol. 12-10  
**24-0601-1201** Adoption of Pending Rule, Bulletin Vol. 12-12 (eff. \*PLR 2013)  
**24-0601-1201** OAR Omnibus Rulemaking Notice - Approval of Final Rule, Bulletin Vol. 13-5 (eff. 4-4-13)

***24.10.01, Rules of the State Board of Optometry***

- 24-1001-1201** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 12-2  
**24-1001-1201** Proposed Rulemaking, Bulletin Vol. 12-10  
**24-1001-1201** Adoption of Pending Rule, Bulletin Vol. 12-12 (eff. \*PLR 2013)  
**24-1001-1201** OAR Omnibus Rulemaking Notice - Approval of Final Rule, Bulletin Vol. 13-5 (eff. 4-4-13)

***24.12.01, Rules of the State Board of Psychologist Examiners***

- 24-1201-1201** Proposed Rulemaking, Bulletin Vol. 12-10  
**24-1201-1201** Adoption of Pending Rule, Bulletin Vol. 12-12 (eff. \*PLR 2013)  
**24-1201-1201** OAR Omnibus Rulemaking Notice - Approval of Final Rule, Bulletin Vol. 13-5 (eff. 4-4-13)

***24.14.01, Rules of the State Board of Social Work Examiners***

- 24-1401-1201** Proposed Rulemaking, Bulletin Vol. 12-10  
**24-1401-1201** Adoption of Pending Rule, Bulletin Vol. 12-12 (eff. \*PLR 2013)  
**24-1401-1201** OAR Omnibus Rulemaking Notice - Approval of Final Rule, Bulletin Vol. 13-5 (eff. 4-4-13)

***24.15.01, Rules of the Idaho Licensing Board of Professional Counselors and Marriage and Family Therapists***

- 24-1501-1201** Proposed Rulemaking, Bulletin Vol. 12-10  
**24-1501-1201** Adoption of Pending Rule, Bulletin Vol. 12-12 (eff. \*PLR 2013)  
**24-1501-1201** OAR Omnibus Rulemaking Notice - Approval of Final Rule, Bulletin Vol. 13-5 (eff. 4-4-13)

***24.17.01, Rules of the State Board of Acupuncture***

- 24-1701-1201** Proposed Rulemaking, Bulletin Vol. 12-10  
**24-1701-1201** Adoption of Pending Rule, Bulletin Vol. 12-12 (eff. \*PLR 2013)  
**24-1701-1201** OAR Omnibus Rulemaking Notice - Approval of Final Rule, Bulletin Vol. 13-5 (eff. 4-4-13)

***24.18.01, Rules of the Real Estate Appraiser Board***

- 24-1801-1201** Temporary and Proposed Rulemaking, Bulletin Vol. 12-5 (eff. 3-23-12)T  
**24-1801-1201** Adoption of Pending Rule, Bulletin Vol. 12-12 (eff. \*PLR 2013)  
**24-1801-1201** OAR Omnibus Rulemaking Notice - Approval of Final Rule, Bulletin Vol. 13-5 (eff. 4-4-13)

***24.23.01, Rules of the Speech and Hearing Services Licensure Board***

- 24-2301-1201** Proposed Rulemaking, Bulletin Vol. 12-10  
**24-2301-1201** Adoption of Pending Fee Rule, Bulletin Vol. 12-12 (eff. \*PLR 2013)  
**24-2301-1201** OAR Omnibus Rulemaking Notice - Approval of Final Fee Rule by SCR 125, Bulletin Vol. 13-5 (eff. 3-27-13)

***24.25.01, Rules of the Idaho Driving Businesses Licensure Board***

- 24-2501-1201** Proposed Rulemaking, Bulletin Vol. 12-10  
**24-2501-1201** Adoption of Pending Rule, Bulletin Vol. 12-12 (eff. \*PLR 2013).  
**24-2501-1201** OAR Omnibus Rulemaking Notice - Rulemaking Rejected by SCR 121, Bulletin Vol. 13-5

***24.27.01, Rules of The Idaho State Board of Massage Therapy***

- 24-2701-1201** Proposed Rulemaking (Fee Rule - New Chapter), Bulletin Vol. 12-10  
**24-2701-1201** Adoption of Pending Fee Rule, Bulletin Vol. 13-1 (eff. \*PLR 2013)  
**24-2701-1201** OAR Omnibus Rulemaking Notice - Approval of Final Fee Rule by SCR 125, Bulletin Vol. 13-5 (eff. 3-27-13)

***IDAPA 25 -- OUTFITTERS AND GUIDES LICENSING BOARD***

**25.01.01, Rules of the Outfitters and Guides Licensing Board**

- 25-0101-1201** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 12-10
- 25-0101-1202** Temporary and Proposed Rulemaking, Bulletin Vol. 12-10 (eff. 9-5-12)T
- 25-0101-1201** Public Hearing/Extension of Comment Period, Bulletin Vol. 12-11
- 25-0101-1201** Second Notice of Public Hearing/Extension of Comment Period, Bulletin Vol. 12-12
- 25-0101-1202** Adoption of Pending Rule, Bulletin Vol. 12-12 (eff. \*PLR 2013)
- 25-0101-1202** OAR Omnibus Rulemaking Notice - Approval of Final Rule, Bulletin Vol. 13-5 (eff. 4-4-13)

**IDAPA 26 -- DEPARTMENT OF PARKS AND RECREATION****26.01.20, Rules Governing the Administration of Park and Recreation Areas and Facilities**

- 26-0120-1201** Temporary and Proposed Rulemaking, Bulletin Vol. 12-8 (eff. 5-9-12)T
- 26-0120-1202** Temporary and Proposed Rulemaking (Fee Rule), Bulletin Vol. 12-9 (eff. 9-1-12)T
- 26-0120-1201** Adoption of Pending Rule, Bulletin Vol. 12-12 (eff. \*PLR 2013)
- 26-0120-1202** Adoption of Pending Fee Rule, Bulletin Vol. 12-12 (eff. \*PLR 2013)
- 26-0120-1201** OAR Omnibus Rulemaking Notice - Approval of Final Rule, Bulletin Vol. 13-5 (eff. 4-4-13)
- 26-0120-1202** OAR Omnibus Rulemaking Notice - Approval of Final Fee Rule by SCR 125, Bulletin Vol. 13-5 (eff. 3-27-13)

**26.01.36, Rules Governing the Winter Recreational Parking Permit Program**

- 26-0136-1201** Temporary and Proposed Rulemaking, Bulletin Vol. 12-12 (eff. 10-1-12)T
- 26-0136-1201** OAR Omnibus Rulemaking Notice - Extension of Temporary Rule by SCR 126, Bulletin Vol. 13-5

**IDAPA 27 -- BOARD OF PHARMACY****27.01.01, Rules of the Idaho State Board of Pharmacy**

- 27-0101-1201** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 12-5
- 27-0101-1201** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Second Notice, Bulletin Vol. 12-8
- 27-0101-1201** Proposed Rulemaking, Bulletin Vol. 12-10
- 27-0101-1202** Proposed Rulemaking, Bulletin Vol. 12-10
- 27-0101-1203** Proposed Rulemaking, Bulletin Vol. 12-10
- 27-0101-1204** Proposed Rulemaking, Bulletin Vol. 12-10
- 27-0101-1205** Proposed Rulemaking (Fee Rule), Bulletin Vol. 12-10
- 27-0101-1206** Temporary Rulemaking, Bulletin Vol. 12-10 (eff. 8-22-12)T
- 27-0101-1207** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 12-12
- 27-0101-1201** Adoption of Pending Rule, Bulletin Vol. 13-1 (eff. \*PLR 2013)
- 27-0101-1202** Adoption of Pending Rule, Bulletin Vol. 13-1 (eff. \*PLR 2013)
- 27-0101-1203** Adoption of Pending Rule, Bulletin Vol. 13-1 (eff. \*PLR 2013)
- 27-0101-1204** Adoption of Pending Rule, Bulletin Vol. 13-1 (eff. \*PLR 2013)
- 27-0101-1205** Adoption of Pending Fee Rule, Bulletin Vol. 13-1 (eff. \*PLR 2013)
- 27-0101-1207** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 13-1
- 27-0101-1207** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 13-2
- 27-0101-1207** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 13-3
- 27-0101-1201** OAR Omnibus Rulemaking Notice - Approval of Final Rule, Bulletin Vol. 13-5 (eff. 4-4-13)
- 27-0101-1202** OAR Omnibus Rulemaking Notice - Approval of Final Rule, Bulletin Vol. 13-5 (eff. 4-4-13)
- 27-0101-1203** OAR Omnibus Rulemaking Notice - Approval of Final Rule, Bulletin Vol. 13-5 (eff. 4-4-13)
- 27-0101-1204** OAR Omnibus Rulemaking Notice - Approval of Final Rule, Bulletin Vol. 13-5 (eff. 4-4-13)
- 27-0101-1205** OAR Omnibus Rulemaking Notice - Approval of Final Fee Rule by SCR 125,  
Bulletin Vol. 13-5 (eff. 7-1-13 [Per Committee Minutes](#))
- 27-0101-1207** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 13-5

**IDAPA 28 -- DEPARTMENT OF COMMERCE**

**28.02.05, Rural Community Block Grant Program (RCBG)**

- 28-0205-1201** Temporary and Proposed Rulemaking, Bulletin Vol. 12-10 (eff. 6-1-12)T
- 28-0205-1201** Adoption of Pending Rule, Bulletin Vol. 13-1 (eff. \*PLR 2013)
- 28-0205-1201** OAR Omnibus Rulemaking Notice - Approval of Final Rule, Bulletin Vol. 13-5 (eff. 4-4-13)

**28.02.06, Idaho Small Business Federal Funding Assistance Act Rules**

- 28-0206-1201** Temporary and Proposed Rulemaking (New Chapter), Bulletin Vol. 12-6 (eff. 6-1-12)T
- 28-0206-1201** Adoption of Pending Rule, Bulletin Vol. 12-10 (eff. \*PLR 2013)
- 28-0206-1201** Correction to Pending Rule, Bulletin Vol. 13-1
- 28-0206-1201** OAR Omnibus Rulemaking Notice - Approval of Final Rule, Bulletin Vol. 13-5 (eff. 4-4-13)

**28.02.07, Rules Governing the Administration of the IGEN Grant Program**

- 28-0207-1301** Temporary Rulemaking (New Chapter), Bulletin Vol. 13-4 (eff. 4-30-13)T

**IDAPA 31 -- PUBLIC UTILITIES COMMISSION****31.41.01, Customer Relations Rules for Telephone Corporations Providing Services in Idaho  
Subject to Customer Service Regulation by the Idaho Public Utilities Commission**

- 31-4101-1201** Temporary and Proposed Rulemaking, Bulletin Vol. 12-9 (eff. 7-3-12)T
- 31-4101-1201** Adoption of Pending Rule, Bulletin Vol. 13-1 (eff. \*PLR 2013)
- 31-4101-1201** OAR Omnibus Rulemaking Notice - Partial Rejection of Rulemaking by SCR 117,  
Bulletin Vol. 13-5 (eff. 3-27-13)
- 31-4101-1201** Final Rule, Bulletin Vol. 13-5 (eff. 3-27-13)

**IDAPA 35 -- STATE TAX COMMISSION****35.01.01, Income Tax Administrative Rules**

- 35-0101-1201** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 12-6
- 35-0101-1201** Proposed Rulemaking, Bulletin Vol. 12-10
- 35-0101-1202** Proposed Rulemaking, Bulletin Vol. 12-10
- 35-0101-1201** Adoption of Pending Rule, Bulletin Vol. 13-1 (eff. \*PLR 2013)
- 35-0101-1202** Adoption of Pending Rule, Bulletin Vol. 13-1 (eff. \*PLR 2013)
- 35-0101-1201** OAR Omnibus Rulemaking Notice - Approval of Final Rule, Bulletin Vol. 13-5 (eff. 4-4-13)
- 35-0101-1202** OAR Omnibus Rulemaking Notice - Approval of Final Rule, Bulletin Vol. 13-5 (eff. 4-4-13)
- 35-0101-1300L** Notice of Legislative Action - Rejection of Final Rule Subsections 033.03 through 033.05 by SCR 106,  
Bulletin Vol. 13-5 (eff. 3-27-13)L
- 35-0101-1300L** Legislative Action - Final Rule, Bulletin Vol. 13-5
- 35-0101-1301** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 13-5

**35.01.02, Idaho Sales and Use Tax Administrative Rules**

- 35-0102-1201** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 12-6
- 35-0102-1201** Proposed Rulemaking, Bulletin Vol. 12-10
- 35-0102-1201** Adoption of Pending Rule, Bulletin Vol. 13-1 (eff. \*PLR 2013)
- 35-0102-1301** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 13-1
- 35-0102-1201** OAR Omnibus Rulemaking Notice - Approval of Final Rule, Bulletin Vol. 13-5 (eff. 4-4-13)

**35.01.03, Property Tax Administrative Rules**

- 35-0103-1201** Temporary Rulemaking, Bulletin Vol. 12-5 (eff. 1-1-12)T
- 35-0103-1202** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 12-5
- 35-0103-1203** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 12-6
- 35-0103-1204** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 12-7
- 35-0103-1205** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 12-8
- 35-0103-1206** Temporary Rulemaking, Bulletin Vol. 12-9 (eff. 1-1-12)T

- 35-0103-1202 Proposed Rulemaking, Bulletin Vol. 12-10
- 35-0103-1203 Proposed Rulemaking, Bulletin Vol. 12-10
- 35-0103-1204 Proposed Rulemaking, Bulletin Vol. 12-10
- 35-0103-1205 Proposed Rulemaking, Bulletin Vol. 12-10
- 35-0103-1207 Proposed Rulemaking, Bulletin Vol. 12-10
- 35-0103-1202 Adoption of Pending Rule, Bulletin Vol. 13-1 (eff. \*PLR 2013)
- 35-0103-1203 Adoption of Pending Rule, Bulletin Vol. 13-1 (eff. \*PLR 2013)
- 35-0103-1204 Adoption of Pending Rule, Bulletin Vol. 13-1 (eff. \*PLR 2013)
- 35-0103-1205 Adoption of Pending Rule, Bulletin Vol. 13-1 (eff. \*PLR 2013)
- 35-0103-1207 Adoption of Pending Rule, Bulletin Vol. 13-1 (eff. \*PLR 2013)
- 35-0103-1202 OAR Omnibus Rulemaking Notice - Approval of Final Rule, Bulletin Vol. 13-5 (eff. 4-4-13)
- 35-0103-1203 OAR Omnibus Rulemaking Notice - Approval of Final Rule, Bulletin Vol. 13-5 (eff. 4-4-13)
- 35-0103-1204 OAR Omnibus Rulemaking Notice - Approval of Final Rule, Bulletin Vol. 13-5 (eff. 4-4-13)
- 35-0103-1205 OAR Omnibus Rulemaking Notice - Approval of Final Rule, Bulletin Vol. 13-5 (eff. 4-4-13)
- 35-0103-1207 OAR Omnibus Rulemaking Notice - Approval of Final Rule, Bulletin Vol. 13-5 (eff. 4-4-13)
- 35-0103-1301 Temporary Rulemaking, Bulletin Vol. 13-5

**35.01.05, Motor Fuels Tax Administrative Rules**

- 35-0105-1301 Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 13-5

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