

IDAHO ADMINISTRATIVE BULLETIN

May 6, 2015 -- Volume 15-5

Idaho Department of Administration
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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 rulemaking actions and must invite public input. This is done through negotiated rulemaking procedures or after proposed rulemaking has been initiated. The public receives notice that an agency has initiated proposed rulemaking procedures through the Idaho Administrative Bulletin and a legal notice (Public Notice of Intent) that publishes in authorized 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 - Proposed Rule” 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 **13-1** refers to the first Bulletin issued in calendar year **2013**; Bulletin **14-1** refers to the first Bulletin issued in calendar year **2014**. Volume numbers, which proceed from 1 to 12 in a given year, correspond to the months of publication, i.e.; Volume No. **13-1** refers to January 2013; Volume No. **13-2** refers to February 2013; and so forth. Example: The Bulletin published in January 2014 is cited as Volume **14-1**. The January 2015 Bulletin is cited as Volume **15-1**.

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 until approved as final.

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.

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 must, when feasible, engage in negotiated rulemaking at the beginning of the process to facilitate consensus building. 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 rule.

NEGOTIATED RULEMAKING

Negotiated rulemaking is a process in which all interested persons and the agency seek consensus on the content of a rule through dialogue. Agencies are required to conduct negotiated rulemaking whenever it is feasible to do so.

The agency files a “Notice of Intent to Promulgate - Negotiated Rulemaking” for publication in the Administrative Bulletin inviting interested persons to contact the agency if interested in discussing the agency’s intentions regarding the rule changes. This process is intended to result in the formulation of a proposed rule and the initiation of regular rulemaking procedures. One result, however, may also be that regular (proposed) rulemaking is not initiated and no further action is taken by the agency.

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 for or is occasioning 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) if any document is incorporated by reference in the proposed rule, a brief written synopsis of why the incorporation is needed must be included in the notice of proposed rulemaking, along with a link to the electronic version of the incorporated material or information on how it can be obtained.
- e) the text of the proposed rule prepared in legislative format;
- f) the location, date, and time of any public hearings the agency intends to hold on the proposed rule;
- g) 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;
- h) the manner in which persons may request an opportunity for an oral presentation as provided in Section 67-5222, Idaho Code; and
- i) 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 web site or post this information on its own web site, or both. This link can be placed into the rule and activated once it is posted on the Coordinator’s web site.

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 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, however, 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 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

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

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 **“-”**, (**38-0501-1401**). 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. 38-0501-1401”

“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**).

“1401” 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 2014**. A subsequent rulemaking on this same rule chapter in calendar year 2014 would be designated as **“1402”**. The docket number in this scenario would be **38-0501-1402**.

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 2014

Vol. No.	Monthly Issue of Bulletin	Closing Date for Agency Filing	Publication Date	21-day Comment Period End Date
14-1	January 2014	*November 29, 2013	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	**August 29, 2014	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

BULLETIN PUBLICATION SCHEDULE FOR CALENDAR YEAR 2015

Vol. No.	Monthly Issue of Bulletin	Closing Date for Agency Filing	Publication Date	21-day Comment Period End Date
15-1	January 2015	*November 28, 2014	January 7, 2015	January 28, 2015
15-2	February 2015	January 9, 2015	February 4, 2015	February 25, 2015
15-3	March 2015	February 6, 2015	March 4, 2015	March 25, 2015
15-4	April 2015	March 6, 2015	April 1, 2015	April 22, 2015
15-5	May 2015	April 3, 2015	May 6, 2015	May 27, 2015
15-6	June 2015	May 8, 2015	June 3, 2015	June 24, 2015
15-7	July 2015	June 5, 2015	July 1, 2015	July 22, 2015
15-8	August 2015	July 10, 2015	August 5, 2015	August 26, 2015
15-9	September 2015	August 7, 2015	September 2, 2015	September 23, 2015
15-10	October 2015	**August 28, 2015	October 7, 2015	October 28, 2015
15-11	November 2015	October 9, 2015	November 4, 2015	November 25, 2015
15-12	December 2015	November 6, 2015	December 2, 2015	December 23, 2015

****Last day to submit a proposed rulemaking before moratorium begins and last day to submit a pending rule to be reviewed by the legislature.***

*****Last day to submit a proposed rule in order to have the rulemaking completed and submitted for review by legislature.***

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IDAPA 60	Soil and Water Conservation Commission, Idaho State

ALPHABETICAL INDEX OF STATE AGENCIES AND CORRESPONDING IDAPA NUMBERS	
IDAPA 36	Tax Appeals, Board of
IDAPA 35	Tax Commission, State
IDAPA 39	Transportation Department, Idaho
IDAPA 54	Treasurer, Office of the State
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IDAPA 46	Veterinary Medical Examiners, Board of
IDAPA 47	Vocational Rehabilitation, Division of
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THE OFFICE OF THE GOVERNOR

**EXECUTIVE DEPARTMENT
STATE OF IDAHO
BOISE**

EXECUTIVE ORDER NO. 2015-01

ESTABLISHING AN IDAHO MILITARY ADVOCACY COMMISSION

WHEREAS, Idaho proudly supports the military; and

WHEREAS, strong military communities in Idaho help grow our economy while providing a strong defense for the nation and our state; and

WHEREAS, Mountain Home Air Force Base (AFB) and the Idaho National Guard, with their vast training areas are uniquely positioned to meet current and future military needs of our country; and

WHEREAS, Mountain Home AFB and Gowen Field contain modern military facilities and have the capacity to further expand;

NOW, THEREFORE, I, C.L. "BUTCH" OTTER, Governor of the State of Idaho, by the authority vested in me by the Constitution and laws of the State of Idaho do hereby order the creation of the "Idaho Military Advocacy Commission" (IMAC).

1. The IMAC will:

- a. Advocate for maintenance and growth of U.S. Department of Defense platforms in Idaho in order to improve training and operational abilities and readiness at military installations for national defense while collaterally creating more career and economic opportunities for Idaho communities;*
- b. Encourage, support and facilitate collaboration between the State of Idaho, regional advocacy organizations within the state, counties, cities and the federal government toward improving public awareness, operational viability and prospective additional functionality of military installations both existing and proposed; and*
- c. Form subcommittees to research, identify and report on opportunities to leverage the strengths, functionalities and proven operational advantages of military installations in Idaho.*

2. The duties of the IMAC are solely advisory in nature.

3. The members of the IMAC will be appointed by and serve at the pleasure of the Governor. Membership will include, but is not limited to, representatives from:

- a. The Office of the Governor;*
- b. The Office of each of Idaho's U.S. Senators;*
- c. The Office of each of Idaho's U.S. House of Representatives;*
- d. The Office of the Lieutenant Governor;*
- e. One member of the Idaho Senate;*
- f. One member of the Idaho House of Representatives;*
- g. The Idaho National Guard; and*
- h. Six members of the public.*

4. Members of the IMAC shall not receive compensation for their services.

5. The IMAC may request consultation, information and technical expertise from local units of government, directors or their designees of State of Idaho agencies, federal agencies, and members

of the public.

6. All Executive Branch departments, agencies, boards and commissions shall fully cooperate with this commission in carrying out the mandates of the Executive Order and shall provide staff support and other assistance as directed by the Governor.



Lawrence Denney

LAWRENCE DENNEY
SECRETARY OF STATE

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 25th day of February, in the year of our Lord two thousand and fifteen, and of the independence of the United States of America the two hundred thirty-ninth and of the Statehood of Idaho the one hundred twenty-fifth.

C.L. "Butch" Otter

C.L. "BUTCH" OTTER
GOVERNOR

THE OFFICE OF THE GOVERNOR

**EXECUTIVE DEPARTMENT
STATE OF IDAHO
BOISE**

EXECUTIVE ORDER NO. 2015-02

**ESTABLISHING THE WORKFORCE DEVELOPMENT COUNCIL FOR PLANNING
AND OVERSIGHT OF THE STATE'S WORKFORCE DEVELOPMENT SYSTEM
REPEALING AND REPLACING EXECUTIVE ORDER 2010-02**

WHEREAS, the economic future of Idaho and the prosperity of its residents depends upon the ability of businesses in Idaho to compete in the world economy; and

WHEREAS, a well-educated and highly skilled workforce provides businesses in Idaho with a competitive edge critical for their success; and

WHEREAS Idaho is committed to preparing its current and future workforce with the skills necessary for the 21st century; and

WHEREAS, empowering business, labor and community leaders to take a more active and strategic role in crafting the state's economic and workforce development policy will enhance the quality and responsiveness of these programs; and

WHEREAS, a comprehensive workforce development strategy for Idaho will improve planning and oversight functions; improve the effectiveness, quality and coordination of services designed to maintain a highly skilled workforce; and help provide for the most efficient use of federal, state and local workforce development resources;

NOW, THEREFORE, I, C.L. "Butch" Otter, Governor of the State of Idaho, by virtue of the authority vested in me by the Constitution and laws of this state, do hereby order that:

1. *The Idaho Workforce Development Council (the "Council") is established in accordance with section 111(e) and 117(c)(2)(A) of the Workforce Investment Act (WIA) of 1998, as amended and section 101 (a), (e) of the Workforce Innovation and Opportunity Act (WIOA) of 2014.*
2. *The Council shall consist of not more than 26 members appointed by the Governor, consistent with federal nomination and composition requirements set forth in section 702 of the Job Training Partnership Act as amended. The Council's membership, shall be as follows:*
 - a. *Representatives of business and industry shall comprise at least 40% of the members;*
 - b. *At least 15 percent of the members shall be representatives of local public education, postsecondary institutions, and secondary or postsecondary professional technical educational institutions;*
 - c. *At least 15 percent of the members shall be representatives of organized labor based on nominations from recognized state labor federations;*
 - d. *Representatives from the Department of Commerce, Department of Labor, the State Board of Education, Division of Professional-Technical Education and the Superintendent of Public Instruction; and*
 - e. *A representative of a community-based organization.*
3. *The Council will be responsible for advising the Governor and the State Board of Education, as appropriate and at regular intervals, on the following:*
 - a. *Development of a statewide strategy for workforce development programs which encompasses all workforce programs;*
 - b. *Development of the WIOA State plan;*
 - c. *Development and continuous improvement of services offered under the statewide workforce investment system;*
 - d. *Development of comments at least once annually on the Carl D. Perkins Vocational and applied Technology Education Act;*
 - e. *Development and continuous improvement of comprehensive State performance measures;*
 - f. *Preparation of the annual report to the United States Secretary of Labor as required under section*

- 136 of the WIA and section 103 of WIOA;
- g. Development of a statewide employment statistic program;
 - h. Development of a plan for comprehensive labor market information; and
 - i. Development of technological improvements to facilitate access to, and improve the quality of, services and activities provided through the workforce system.
4. The Council shall also be responsible for:
- a. Approval and oversight of the expenditures from the Employment Security Reserve Fund as set forth in Section 72-1347A, Idaho Code;
 - b. Development and oversight of procedures, criteria and performance measures for the Workforce Development Training fund established under Section 72-1347B, Idaho Code; and
 - c. Such other duties as assigned by the Governor.
5. The Council may empanel subcommittees, appointed by the chair. Subcommittee members may include individuals from the general public who have special knowledge and qualifications to be of assistance to the Council.
6. The Governor shall name the chair and vice-chair from among the private sector members of the Council.
7. The Council shall be jointly staffed by a management team of directors or administrators of state agencies that administer workforce development programs, as designated by the Governor. Funding for the council shall be provided by the agencies staffing the council, which shall agree upon appropriate ratios for the allocation of administrative funding. The Idaho Department of Labor shall have responsibility for providing secretarial and logistical support to the Council.
8. The Council's members shall serve at the pleasure of the Governor, and appointments shall be for three-year terms.



Lawrence Denney

LAWRENCE DENNEY
SECRETARY OF STATE

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 25th day of February, in the year of our Lord two thousand and fifteen, and of the independence of the United States of America the two hundred thirty-ninth and of the Statehood of Idaho the one hundred twenty-fifth.

C.L. "Butch" Otter

C.L. "BUTCH" OTTER
GOVERNOR

THE OFFICE OF THE GOVERNOR

**EXECUTIVE DEPARTMENT
STATE OF IDAHO
BOISE**

EXECUTIVE ORDER NO. 2015-03

AUTHORIZING THE DEPARTMENT OF HEALTH AND WELFARE TO IMPLEMENT A FDA- APPROVED EXPANDED ACCESS PROGRAM FOR TREATMENT-RESISTANT EPILEPSY IN CHILDREN

WHEREAS, Idaho's citizens with severe or life-threatening diseases or conditions may not be able to access critical medications that are still in clinical trials; and

WHEREAS, the U.S. Food and Drug Administration (FDA) has established Expanded Access Programs to allow limited, supervised access to such medications; and

WHEREAS, the FDA has approved an Expanded Access Program for Epidiolex®, a drug being evaluated for treatment-resistant epilepsy; and

WHEREAS, it is estimated that eight people per 1,000 have active epilepsy; and

WHEREAS, there are children in Idaho with treatment-resistant epilepsy who may benefit from Epidiolex®; and

WHEREAS, the Department of Health and Welfare operates to improve the health status of Idahoans, increase the safety and self-sufficiency of individuals and families, and enhance the delivery of health and human services;

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

- 1. The Department of Health and Welfare shall investigate the need for, and implement if appropriate, as determined by the Department, a FDA-approved Expanded Access Program for Epidiolex®;*
- 2. Further, as part of the investigation, the Department shall estimate the scope of the need in Idaho for this program, and shall determine whether appropriate medical supervision is available that allows safe and effective implementation of such a program;*
- 3. If implemented, the Department shall investigate and monitor long-term solutions, such as licensure of the medication, that may reduce or eliminate the need for the program in the future; and*
- 4. The Department shall track funding utilized for the program and may accept private contributions, federal funds, funds from other public agencies or any other source for the purpose of implementing this study.*



Lawrence Denney

LAWRENCE DENNEY
SECRETARY OF STATE

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho in Boise on this 16th day of April in the year of our Lord two thousand and fifteen, and of the Independence of the United States of America the two hundred thirty-eight and of the Statehood of Idaho the one hundred twenty-fifth.

C.L. Butch Otter

C.L. "BUTCH" OTTER
GOVERNOR

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

**ADMINISTRATIVE RULES REVIEWED BY THE SIXTY-THIRD LEGISLATURE
OF THE STATE OF IDAHO FIRST REGULAR SESSION - 2015**

**OMNIBUS NOTICE OF LEGISLATIVE ACTION - SUMMARY OF ACTION TAKEN
ON 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, the Administrative Rules Coordinator hereby gives notice that the standing committees of the Sixty-Third Legislature in the First Regular Session, 2015, completed the review of certain administrative rules of the state agencies of the executive branch. Additionally, in compliance with Section 67-5291, this notice also serves as official notice for those state agencies whose rules have been rejected in whole or in part by concurrent resolution. The following is a brief explanation of the action taken by the legislature:

It has reviewed the pending rules submitted for review and final approval and has rejected, by concurrent resolution, all or parts of any pending rules that do not meet legislative intent; it has reviewed and approved, by concurrent resolution, pending fees rules, with exceptions; and it has reviewed and approved for extension, by concurrent resolution, certain temporary rules that continue to be of full force and effect.

DESCRIPTIVE SUMMARY: The following tables list those rules that were reviewed as pending, pending fee, and temporary rules during the First Regular Session of the Sixty-Third Legislature of the state of Idaho, 2015.

All pending rules reviewed by the legislature that were not rejected in whole or in part have been approved and are now final and of full force and effect, unless otherwise specified in the rule. Any pending rule that was rejected in whole or in part is listed in this notice with the corresponding house or senate concurrent resolution affecting it. Pending rule dockets that were rejected in whole, and those parts of a pending rule that were rejected in part, are null, void and of no force and effect. Those pending rules that were partially rejected by concurrent resolution are being reprinted in this Bulletin in their final, codified version. Those rules that were acted on by concurrent resolution became final and of full force and effect upon adoption of the concurrent resolution by both houses of the legislature, unless otherwise specified in the rule. The concurrent resolutions affecting the rules that were reviewed during the 2015 legislative session are also printed in this Bulletin.

In accordance with Section 67-5224(5)(c), Idaho Code, all pending rules imposing or changing a fee or charge that were approved by [Senate Concurrent Resolution No. 128](#) are now final rules and are of full force and effect pursuant to the adoption of the concurrent resolution, unless another effective date has been specified in the pending rule. Pursuant to SCR 128 those pending fee rules that were rejected in their entirety, and those parts of any pending fee rule that were rejected, are null, void and of no force and effect.

In accordance with Section 67-5226(3), Idaho Code, all temporary rules that were submitted for extension have been reviewed and approved by [Senate Concurrent Resolution No. 127](#). As specified in the concurrent resolution, all temporary rules that were reviewed and extended will continue to be of full force and effect until the end of the next legislative session unless they expire under their own terms or other provision of law, or are rescinded.

TEMPORARY, PENDING, AND PENDING FEE RULES: The following tables list all temporary, pending and pending fee rulemakings that were submitted for legislative review for the 2015 legislative session. The list includes the docket number of each pending and temporary rulemaking, the volume number of the Bulletin in which the proposed, pending, and temporary rule notices and text were published, the final effective dates of all approved pending rules, the effective dates of any temporary rules, and the number of the senate or house concurrent resolution, if applicable, affecting the rulemaking. These tables provide final status of all pending, pending fee and temporary rules submitted for legislative review. No final rules were acted on by the legislature.

TEMPORARY RULES				
AFFECTED BY SENATE CONCURRENT RESOLUTION 127				
Temporary Rule Docket Number	Bulletin Vol. No.	Temporary Effective Date	Rejected Rule	Action Taken in SCR 127
16-0107-1501	15-1	(1-1-15)T		Approved
16-0201-1401	15-2	(1-1-15)T		Approved
17-0209-1501	15-1	(1-1-15)T		Approved
35-0103-1501	15-1	(1-1-15)T		Approved
59-0103-1402	14-12	(10-21-14)T		Approved
59-0103-1403	14-12	(10-21-14)T		Approved

PENDING FEE RULES				
AFFECTED BY SENATE CONCURRENT RESOLUTION 128				
Fee Rule Docket Number	Bulletin Vol. No. Pending	Bulletin Vol. No. Proposed	Final Effective Date	Action Taken in SCR 128
02-0214-1403	14-11	14-9	(4-6-15)	Approved
02-0419-1401	14-11	14-9	(4-6-15)	Approved
02-0605-1401	14-12	14-10	(4-6-15)	Approved
02-0627-1402	14-12	14-10	(4-6-15)	Approved
02-0801-1401	14-11	14-9	(4-6-15)	Approved
08-0501-1401	15-1	14-6	(4-6-15)	Approved
16-0208-1401	15-1	14-9	(7-1-15)	Approved
16-0227-1402	15-1	14-9	(4-6-15)	Approved
16-0506-1401	15-1	14-7	(4-6-15)	Approved
18-0144-1401	14-11	14-9	Rejected	Rejected All
24-0601-1401	14-12	14-10	(4-6-15)	Approved
24-0901-1401	14-12	14-10	(4-6-15)	Approved
24-1101-1401	14-11	14-9	(4-6-15)	Approved
24-1401-1401	14-12	14-10	(4-6-15)	Approved
24-1701-1401	14-11	14-8	(4-6-15)	Approved
24-1901-1401	14-11	14-9	(4-6-15)	Approved
27-0101-1402	15-1	14-10	(4-6-15)	Approved
38-0404-1401	15-1	14-7	(4-6-15)	Approved

PENDING RULES					
REVIEWED BY THE 2015 IDAHO LEGISLATURE					
Docket Number	Bulletin Vol. No. Pending	Bulletin Vol. No. Proposed	Final Rule Effective Date	Action Taken and Rejected Rule	Concurrent Resolution Number
01-0101-1401	14-12	14-10	(4-11-15)	Approved	
01-0101-1402	14-12	14-10	(4-11-15)	Approved	
02-0105-1401	14-11	14-8	(4-11-15)	Approved	
02-0214-1401	14-9	14-7	(4-11-15)	Approved	
02-0214-1402	14-9	14-7	(4-11-15)	Approved	
02-0303-1401	14-11	14-8	(4-11-15)	Approved	
02-0405-1401	14-11	14-9	(4-11-15)	Approved	
02-0406-1401	14-8	14-6	(4-11-15)	Approved	
02-0414-1401	14-8	14-6	(4-11-15)	Approved	
02-0421-1401	14-11	14-9	(4-11-15)	Approved	
02-0421-1402	14-11	14-9	(4-11-15)	Approved	
02-0424-1401	14-11	14-9	(4-11-15)	Approved	
02-0428-1401	14-11	14-9	Rejected	Rejected All	SCR 113
02-0429-1401	14-9	14-6	(4-11-15)	Approved	
02-0602-1401	14-9	14-6	(4-11-15)	Approved	
02-0612-1401	14-9	14-6	(4-11-15)	Approved	
02-0633-1401	14-9	14-6	(4-11-15)	Approved	
02-0641-1401	14-9	14-6	(4-11-15)	Approved	
05-0101-1401	15-1	14-9	(4-11-15)	Approved	
05-0105-1401	15-1	14-9	(4-11-15)	Approved	
05-0201-1401	15-1	14-9	(4-11-15)	Approved	
05-0202-1401	15-1	14-9	(4-11-15)	Approved	
05-0203-1401	15-1	14-9	(4-11-15)	Approved	
05-0204-1401	15-1	14-9	(4-11-15)	Approved	
06-0102-1401	14-6	14-6	(7-4-14)	Approved	
06-0102-1501	15-1	15-1	(2-6-15)	Approved	
06-0201-1501	15-1	15-1	(2-6-15)	Approved	
06-0202-1501	15-1	15-1	(2-6-15)	Approved	
06-0203-1501	15-1	15-1	(2-6-15)	Approved	
07-0103-1401	14-12	14-10	(4-11-15)	Approved	

PENDING RULES					
REVIEWED BY THE 2015 IDAHO LEGISLATURE					
Docket Number	Bulletin Vol. No. Pending	Bulletin Vol. No. Proposed	Final Rule Effective Date	Action Taken and Rejected Rule	Concurrent Resolution Number
07-0107-1401	14-12	14-10	(4-11-15)	Approved	
07-0111-1401	14-12	14-10	(4-11-15)	Approved	
07-0204-1401	14-12	14-10	(4-11-15)	Approved	
07-0205-1401	14-12	14-10	(4-11-15)	Approved	
07-0206-1401	14-12	14-10	(4-11-15)	Approved	
07-0301-1401	14-12	14-10	(4-11-15)	Approved	
07-0301-1402	14-12	14-10	(4-11-15)	Approved	
08-0111-1401	15-1	14-10	(4-11-15)	Approved	
08-0201-1401	15-1	14-8	(4-11-15)	Approved	
08-0201-1402	15-1	14-10	(4-11-15)	Approved	
08-0202-1401	15-1	14-10	Rejected	Rejected All	SCR 119
08-0202-1402	15-1	14-10	(3-27-15)	Partial Rejection: 004.03	HCR 22
08-0202-1403	15-1	14-10	(4-11-15)	Approved	
08-0202-1404	15-1	14-10	(4-11-15)	Approved	
08-0203-1401	15-1	14-10	(4-1-15)	Partial Rejection: 105.06	SCR 121
08-0203-1402	15-1	14-10	(4-11-15)	Approved	
08-0203-1403	15-1	14-10	(4-11-15)	Approved	
08-0203-1404	15-1	14-10	(4-11-15)	Approved	
08-0203-1406	15-1	14-10	Rejected	Rejected All	HCR 21
09-0104-1401	15-1	14-9	(4-11-15)	Approved	
09-0106-1401	15-1	14-9	(4-11-15)	Approved	
09-0130-1401	15-1	14-9	(4-11-15)	Approved	
10-0101-1401	14-10	14-8	(4-11-15)	Approved	
10-0102-1401	14-10	14-8	(4-11-15)	Approved	
10-0103-1401	14-12	14-10	(4-11-15)	Approved	
11-0301-1401	15-1	14-10	(4-11-15)	Approved	
11-0402-1401	14-12	14-9	(4-11-15)	Approved	
11-0409-1401	14-12	14-10	(4-11-15)	Approved	
11-0410-1401	14-12	14-10	(4-11-15)	Approved	

PENDING RULES					
REVIEWED BY THE 2015 IDAHO LEGISLATURE					
Docket Number	Bulletin Vol. No. Pending	Bulletin Vol. No. Proposed	Final Rule Effective Date	Action Taken and Rejected Rule	Concurrent Resolution Number
11-1101-1401	14-10	14-8	(4-11-15)	Approved	
11-1101-1402	14-10	14-8	(4-11-15)	Approved	
11-1101-1403	15-1	14-10	(3-18-15)	Partial Rejection: 052.02	HCR 13
11-1104-1401	14-12	14-10	(4-11-15)	Approved	
11-1301-1401	14-12	14-10	(4-11-15)	Approved	
11-1301-1402	14-12	14-10	(4-11-15)	Approved	
12-0110-1401	15-1	14-10	(4-11-15)	Approved	
13-0102-1401	15-1	14-10	(4-11-15)	Approved	
13-0104-1402	15-1	14-10	(4-11-15)	Approved	
13-0104-1403	15-1	14-10	(4-11-15)	Approved	
13-0104-1404	15-1	14-10	(4-11-15)	Approved	
13-0108-1402	15-1	14-10	(4-11-15)	Approved	
13-0108-1403	15-1	14-10	(4-11-15)	Approved	
13-0108-1404	15-1	14-10	(4-11-15)	Approved	
13-0109-1401	15-1	14-10	(4-11-15)	Approved	
15-0202-1401	14-11	14-9	Rejected	Rejected All	HCR 11
15-0301-1401	14-12	14-10	(4-11-15)	Approved	
15-1001-1401	14-8	14-6	(4-11-15)	Approved	
16-0102-1401	15-1	14-7	(4-11-15)	Approved	
16-0202-1401	15-1	14-10	(7-1-15)	Approved	
16-0210-1401	15-1	14-9	(4-11-15)	Approved	
16-0219-1401	15-1	14-10	(4-11-15)	Approved	
16-0227-1401	15-1	14-9	(4-11-15)	Approved	
16-0301-1401	14-12	14-10	(4-11-15)	Approved	
16-0303-1401	14-12	14-10	(4-11-15)	Approved	
16-0304-1401	14-12	14-10	(4-11-15)	Approved	
16-0305-1401	14-12	14-10	(4-11-15)	Approved	
16-0310-1401	14-11	14-7	(4-11-15)	Approved	
16-0311-1401	15-1	14-9	(7-1-15)	Approved	
16-0311-1402	15-1	14-9	(7-1-15)	Approved	

PENDING RULES					
REVIEWED BY THE 2015 IDAHO LEGISLATURE					
Docket Number	Bulletin Vol. No. Pending	Bulletin Vol. No. Proposed	Final Rule Effective Date	Action Taken and Rejected Rule	Concurrent Resolution Number
16-0317-1401	14-11	14-6	(4-11-15)	Approved	
16-0322-1401	15-1	14-8	(7-1-15)	Approved	
16-0501-1401	15-1	14-9	(4-11-15)	Approved	
16-0507-1401	14-12	14-10	(4-11-15)	Approved	
16-0601-1401	15-1	14-9	(4-11-15)	Approved	
16-0612-1401	14-11	14-5	(4-11-15)	Approved	
16-0733-1401	14-12	14-10	(7-1-15)	Approved	
17-0204-1401	15-1	14-10	(4-11-15)	Approved	
17-0206-1401	15-1	14-10	(4-11-15)	Approved	
17-0208-1401	15-1	14-10	(4-11-15)	Approved	
17-0209-1401	15-1	14-10	(7-1-15)	Approved	
17-0211-1401	15-1	14-8	(4-11-15)	Approved	
17-0501-1401	15-1	14-10	(7-1-15)	Approved	
18-0146-1401	14-11	14-9	(4-11-15)	Approved	
18-0153-1401	14-11	14-9	(4-11-15)	Approved	
19-0101-1401	14-12	14-9	(4-11-15)	Approved	
20-0702-1401	14-12	14-9	(4-11-15)	Approved	
23-0101-1401	14-11	14-9	(4-11-15)	Approved	
24-0201-1401	14-12	14-10	(4-11-15)	Approved	
24-0401-1401	14-12	14-10	(4-11-15)	Approved	
24-1001-1401	14-11	14-8	(4-11-15)	Approved	
24-1501-1401	14-12	14-10	(4-11-15)	Approved	
24-2301-1401	14-11	14-9	(7-17-14)	Approved	
24-2501-1401	14-12	14-7	(4-11-15)	Approved	
24-2601-1401	14-11	14-7	(7-1-14)	Approved	
24-2601-1402	14-12	14-10	(4-11-15)	Approved	
24-2701-1401	14-11	14-8	(4-11-15)	Approved	
26-0103-1401	15-1	14-7	(4-11-15)	Approved	
26-0120-1401	15-1	14-7	(4-11-15)	Approved	
26-0121-1401	15-1	14-5	(4-11-15)	Approved	
26-0130-1401	15-1	14-7	(4-11-15)	Approved	

PENDING RULES					
REVIEWED BY THE 2015 IDAHO LEGISLATURE					
Docket Number	Bulletin Vol. No. Pending	Bulletin Vol. No. Proposed	Final Rule Effective Date	Action Taken and Rejected Rule	Concurrent Resolution Number
26-0131-1401	15-1	14-7	(4-11-15)	Approved	
26-0134-1401	15-1	14-7	(4-11-15)	Approved	
26-0136-1401	15-1	14-7	(4-11-15)	Approved	
27-0101-1401	15-1	14-10	(4-11-15)	Approved	
27-0101-1403	15-1	14-10	(4-11-15)	Approved	
27-0101-1404	15-1	14-10	(4-11-15)	Approved	
27-0101-1405	15-1	14-10	(4-11-15)	Approved	
28-0401-1402	15-1	14-10	(4-11-15)	Approved	
29-0102-1401	15-1	14-9	(4-11-15)	Approved	
31-0201-1401	14-11	14-9	(4-11-15)	Approved	
33-0101-1401	14-12	14-10	(4-11-15)	Approved	
33-0102-1401	14-12	14-10	(4-11-15)	Approved	
35-0101-1401	14-12	14-10	(4-11-15)	Approved	
35-0101-1402	14-12	14-10	(4-11-15)	Approved	
35-0101-1403	14-12	14-10	(4-11-15)	Approved	
35-0102-1401	14-12	14-10	(4-11-15)	Approved	
35-0102-1402	14-12	14-10	(4-11-15)	Approved	
35-0102-1403	14-12	14-10	(2-27-15)	Partial Rejection: 102 and 128	HCR 4
35-0102-1404	14-12	14-10	(4-11-15)	Approved	
35-0103-1401	14-12	14-8	(4-11-15)	Approved	
35-0103-1403	14-12	14-10	(4-11-15)	Approved	
35-0103-1404	14-12	14-8	(4-11-15)	Approved	
35-0103-1405	14-12	14-8	(4-11-15)	Approved	
35-0105-1401	14-12	14-6	(4-11-15)	Approved	
35-0105-1402	14-12	14-8	(4-11-15)	Approved	
35-0201-1401	14-12	14-10	(4-11-15)	Approved	
37-0303-1401	15-1	14-9	(4-11-15)	Approved	
37-0311-1101	14-12	14-10	Rejected	Rejected All	HCR 10
38-0301-1401	15-1	14-8	7-1-14	Approved	

PENDING RULES					
REVIEWED BY THE 2015 IDAHO LEGISLATURE					
Docket Number	Bulletin Vol. No. Pending	Bulletin Vol. No. Proposed	Final Rule Effective Date	Action Taken and Rejected Rule	Concurrent Resolution Number
38-0501-1401	14-12	14-10	(4-6-15)	<i>Partial Rejection:</i> 011, 021, 032, 033, 039, 040, 041, 042, 043, 044, 045, 046, 051, 052, 053, 054, 070, 073, 074.03, 081, 082, 083, 084, 085, 086, 091, 092, 102, 103, 111, and 125	SCR 129
38-0601-1401	14-12	14-10	(4-11-15)	Approved	
39-0203-1402	14-12	14-10	(4-11-15)	Approved	
39-0310-1401	14-12	14-10	(4-11-15)	Approved	
39-0316-1401	14-11	14-6	(4-11-15)	Approved	
39-0350-1401	14-12	14-10	(4-11-15)	Approved	
46-0101-1401	14-10	14-8	(4-11-15)	Approved	
49-0101-1401	14-12	14-10	(4-11-15)	Approved	
50-0101-1401	15-1	14-10	(4-11-15)	Approved	
55-0104-1401	15-1	14-10	(4-11-15)	Approved	
57-0101-1401	15-1	14-9	(4-11-15)	Approved	
58-0101-1401	14-12	14-9	(4-11-15)	Approved	
58-0101-1402	14-12	14-9	(4-11-15)	Approved	
58-0101-1403	14-12	14-8	(4-11-15)	Approved	
58-0102-1301	14-6	13-12	(4-11-15)	Approved	
58-0102-1401	14-12	14-9	(4-11-15)	Approved	
58-0105-1401	14-12	14-8	(4-11-15)	Approved	
58-0110-1401	14-12	14-6	(4-11-15)	Approved	
59-0103-1401	14-9	14-6	Rejected	Rejected All	HCR 6
59-0106-1401	14-9	14-7	5-20-14	Approved	
59-0201-1401	14-9	14-7	7-1-14	Approved	

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on questions concerning this notice, contact Dennis Stevenson (208) 332-1820.

DATED this 16h day of April, 2015.

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

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

**HISTORY NOTES INDEX OF ADMINISTRATIVE RULES REVIEWED AND APPROVED
FOR FINAL ADOPTION DURING THE 2015 FIRST REGULAR SESSION
OF THE SIXTY-THIRD LEGISLATURE OF THE STATE OF IDAHO**

The following table lists all pending rulemakings that were reviewed during the 2015 legislative session and shows the individual rule sections that were affected by these rulemakings. 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.

If the rule was affected (approved or rejected) by concurrent resolution, the resolution number is listed. If a section or subsection of the pending rule or a final rule was rejected by concurrent resolution, the affected section(s) is listed as rejected. The rejection of an amended section (pending rule) means the previously codified rule remains unchanged.

Effective dates for the pending rules reviewed and approved by the 2015 Idaho Legislature are as follows:

Pending Rules (non-fee): effective date - April 11, 2015 (4-11-15), unless otherwise specified in the pending rule.

Pending Fee Rules approved or partially rejected by **SCR 128**: effective date - April 6, 2015 (4-6-15).

Pending Rules that were partially rejected by Concurrent Resolution are effective upon adoption of the Concurrent Resolution by the Legislature or as specified in the Pending Rule. All pending rules rejected by Concurrent Resolution are null and void and of no force and effect.

<i>History Notes - Legislative Session 2015</i>				
<i>Chapter and Docket Number</i>	<i>Sections Affected</i>	<i>Bulletin Vol. Proposed Rule</i>	<i>Bulletin Vol. Pending Rule</i>	<i>Final Effective Date</i>
IDAPA 01 - Idaho Board of Accountancy				
01.01.01 - Idaho Accountancy Rules				
01-0101-1401	502	14-10	14-12	(4-11-15)
01-0101-1402	606	14-10	14-12	(4-11-15)

IDAPA 02 - Department of Agriculture				
02.01.05 - Rules Governing Certificates of Free Sale				
02-0105-1401	300	14-8	14-11	(4-11-15)
02.02.14 - Rules for Weights and Measures				
02-0214-1401	004	14-7	14-9	(4-11-15)
02-0214-1402	350	14-7	14-9	(4-11-15)
02-0214-1403 (Fee Rule)	014 (Fee approved by SCR 128)	14-9	14-11	(4-6-15)
02.03.03 - Idaho Department of Agriculture Rules Governing Pesticide and Chemigation Use and Application				
02-0303-1401	500	14-8	14-11	(4-11-15)
02.04.05 - Rules Governing Manufacture Grade Milk				
02-0405-1401	(Chapter name change) 000, 001, 004-600	14-9	14-11	(4-11-15)

History Notes - Legislative Session 2015				
<i>Chapter and Docket Number</i>	<i>Sections Affected</i>	<i>Bulletin Vol. Proposed Rule</i>	<i>Bulletin Vol. Pending Rule</i>	<i>Final Effective Date</i>
02.04.06 - Rules Governing Licensed Dairy Plants				
02-0406-1401	(Chapter name change) 000, 001, 004	14-6	14-8	(4-11-15)
02.04.14 - Rules Governing Dairy Waste				
02-0414-1401	000, 005, 007-010, 030-040, 050-061	14-6	14-8	(4-11-15)
02.04.19 - Rules Governing Domestic Cervidae				
02-0419-1401 (Fee Rule)	010, 090, 101, 209, 500 (Fee approved by SCR 128)	14-9	14-11	(4-6-15)
02.04.21 - Rules Governing the Importation of Animals				
02-0421-1401	011, 600, 605	14-9	14-11	(4-11-15)
02-0421-1402	109, 240	14-9	14-11	(4-11-15)
02.04.24 - Rules Governing Tuberculosis				
02-0424-1401	010, 401-405	14-9	14-11	(4-11-15)
02.04.28 - Rules Governing Livestock Dealers, Buying Stations, and Livestock Trader Lots				
02-0428-1401	540 (Pending rule rejected by SCR 113)	14-9	14-11	Null & Void
02.04.29 - Rules Governing Trichomoniasis				
02-0429-1401	100	14-6	14-9	(4-11-15)
02.06.02 - Rules Pertaining to the Idaho Commercial Feed Law				
02-0602-1401	004	14-6	14-9	(4-11-15)
02.06.05 - Rules Governing Diseases of Hops (<i>Humulus lupulus</i>)				
02-0605-1401 (Fee Rule)	001, 007, 012-399, 500 (Fee approved by SCR 128)	14-10	14-12	(4-6-15)
02.06.12 - Rules Pertaining to the Idaho Fertilizer Law				
02-0612-1401	004	14-6	14-9	(4-11-15)
02.06.27 - Rules Governing Bacterial Ring Rot Caused by (<i>Clavibacter michiganensis</i> subsp. <i>Sepedonicus</i>) of Potato				
02-0627-1402 (Fee Rule)	New Chapter (000-999) (Fee approved by SCR 128)	14-10	14-12	(4-6-15)
02.06.33 - Organic Food Products Rules				
02-0633-1401	010, 300-399	14-6	14-9	(4-11-15)
02.06.41 - Rules Pertaining to the Idaho Soil and Plant Amendment Act of 2001				
02-0641-1401	004	14-6	14-9	(4-11-15)
02.08.01 - Sheep and Goat Rules of the Idaho Sheep and Goat Health Board				
02-0801-1401 (Fee Rule)	010, 013, 101, 104, 107, 700, 701 (Fee approved by SCR 128)	14-9	14-11	(4-6-15)

History Notes - Legislative Session 2015				
<i>Chapter and Docket Number</i>	<i>Sections Affected</i>	<i>Bulletin Vol. Proposed Rule</i>	<i>Bulletin Vol. Pending Rule</i>	<i>Final Effective Date</i>
IDAPA 05 - Department of Juvenile Corrections				
05.01.01 - Rules for Contract Providers				
05-0101-1401	000-999 - Chapter Repeal	14-9	15-1	(4-11-15)
05.01.05 - Rules for Reintegration Providers				
05-0105-1401	000-999 - Chapter Repeal	14-9	15-1	(4-11-15)
05.02.01 - Rules for Residential Treatment Providers				
05-0201-1401	New Chapter (000-999)	14-9	15-1	(4-11-15)
05.02.02 - Rules for Staff Secure Providers				
05-0202-1401	New Chapter (000-999)	14-9	15-1	(4-11-15)
05.02.03 - Rules for Reintegration Providers				
05-0203-1401	New Chapter (000-999)	14-9	15-1	(4-11-15)
05.02.04 - Rules for Supported Living Providers				
05-0204-1401	New Chapter (000-999)	14-9	15-1	(4-11-15)
IDAPA 06 - Board of Correction				
06.01.02 - Rules of Correctional Industries				
06-0102-1401	New Chapter (000-999)	14-6	14-6	(7-4-14)
06-0102-1501	013	15-1	15-1	(2-6-15)
06.02.01 - Rules Governing the Supervision of Offenders on Probation or Parole by the Department of Correction, Division of Probation and Parole				
06-0201-1501	New Chapter (000-999)	15-1	15-1	(2-6-15)
06.02.02 - Rules Governing Establishment and Operation of a Limited Supervision Unit by the Department of Correction, Division of Probation and Parole				
06-0202-1501	New Chapter (000-999)	15-1	15-1	(2-6-15)
06.02.03 - Rules Governing Release Readiness				
06-0203-1501	New Chapter (000-999)	15-1	15-1	(2-6-15)
IDAPA 07 - Division of Building Safety				
07.01.03 - Rules of Electrical Licensing and Registration - General				
07-0103-1401	010	14-10	14-12	(4-11-15)
07.01.07 - Rules Governing Continuing Education Requirements				
07-0107-1401	011, 012	14-10	14-12	(4-11-15)

History Notes - Legislative Session 2015				
<i>Chapter and Docket Number</i>	<i>Sections Affected</i>	<i>Bulletin Vol. Proposed Rule</i>	<i>Bulletin Vol. Pending Rule</i>	<i>Final Effective Date</i>
07.01.11 - Rules Governing Civil Penalties				
07-0111-1401	011	14-10	14-12	(4-11-15)
07.02.04 - Rules Governing Plumbing Safety Inspections				
07-0204-1401	012	14-10	14-12	(4-11-15)
07.02.05 - Rules Governing Plumbing Safety Licensing				
07-0205-1401	011-013	14-10	14-12	(4-11-15)
07.02.06 - Rules Concerning Idaho State Plumbing Code				
07-0206-1401	011	14-10	14-12	(4-11-15)
07.03.01 - Rules of Building Safety				
07-0301-1401	004	14-10	14-12	(4-11-15)
07-0301-1402	004	14-10	14-12	(4-11-15)

IDAPA 08 - State Board of Education / State Department of Education				
08.01.11 - Registration of Post-Secondary Educational Institutions and Proprietary Schools				
08-0111-1401	200	14-10	15-1	(4-11-15)
08.02.01 - Rules Governing Administration				
08-0201-1401	801	14-8	15-1	(4-11-15)
08-0201-1402	400	14-10	15-1	(4-11-15)
08.02.02 - Rules Governing Uniformity				
08-0202-1401	007, 015-021, 028, 034-059, 066, 120 (Pending rule rejected by SCR 119)	14-10	15-1	Null & Void
08-0202-1402	004 (Pending Rule Subsection 004.03 rejected by HCR 22)	14-10	15-1	(3-27-15)
08-0202-1403	027, 028, 030, 047, 076	14-10	15-1	(4-11-15)
08-0202-1404	120, 121	14-10	15-1	(4-11-15)

08.02.03 - Rules Governing Thoroughness				
08-0203-1401	105 (Pending Rule Subsection 105.06 rejected by SCR 121)	14-10	15-1	(4-1-15)
08-0203-1402	112	14-10	15-1	(4-11-15)
08-0203-1403	111	14-10	15-1	(4-11-15)
08-0203-1404	104	14-10	15-1	(4-11-15)
08-0203-1406	115 (Pending rule rejected by HCR 21)	14-10	15-1	Null & Void

History Notes - Legislative Session 2015

Chapter and Docket Number	Sections Affected	Bulletin Vol. Proposed Rule	Bulletin Vol. Pending Rule	Final Effective Date
08.05.01 - Rules Governing Seed and Plant Certification				
08-0501-1401 (Fee Rule)	New Chapter (000-999) (Fee approved by SCR 128)	14-6	15-1	(4-6-15)

IDAPA 09 - Department of Labor

09.01.04 - Unemployment Insurance Benefits Fraud and Overpayment Rules				
09-0104-1401	014	14-9	15-1	(4-11-15)
09.01.06 - Rules of the Appeals Bureau				
09-0106-1401	012	14-9	15-1	(4-11-15)
09.01.30 - Unemployment Insurance Benefits Administration Rules				
09-0130-1401	010, 425, 550	14-9	15-1	(4-11-15)

IDAPA 10 - Board of Professional Engineers and Land Surveyors

10.01.01 - Rules of Procedure				
10-0101-1401	016, 017, 019, 020	14-8	14-10	(4-11-15)
10.01.02 - Rules of Professional Responsibility				
10-0102-1401	009	14-8	14-10	(4-11-15)
10.01.03 - Rules for Corner Perpetuation and Filing				
10-0103-1401	007-009	14-10	14-12	(4-11-15)

IDAPA 11 - Idaho State Police

11.03.01 - Rules Governing Alcohol Testing				
11-0301-1401	010, 011, 013, 014	14-10	15-1	(4-11-15)
11.04.02 - Rules Governing Simulcasting				
11-0402-1401	049	14-9	14-12	(4-11-15)
11.04.09 - Rules Governing Claiming Races				
11-0409-1401	036-050	14-10	14-12	(4-11-15)
11.04.10 - Rules Governing Live Horse Races				
11-0410-1401	113	14-10	14-12	(4-11-15)
11.11.01 - Rules of the Idaho Peace Officer Standards and Training Council				
11-1101-1401	050, 054, 055	14-8	14-10	(4-11-15)

History Notes - Legislative Session 2015				
<i>Chapter and Docket Number</i>	<i>Sections Affected</i>	<i>Bulletin Vol. Proposed Rule</i>	<i>Bulletin Vol. Pending Rule</i>	<i>Final Effective Date</i>
11-1101-1402	256	14-8	14-10	(4-11-15)
11-1101-1403	010, 052, 060, 061 (Pending Rule Subsection 052.02 rejected by HCR 13)	14-10	15-1	(3-18-15)
11.11.04 - Rules of the Idaho Peace Officer Standards and Training Council for Correction Officers and Adult Probation and Parole Officers				
11-1104-1401	033, 039, 040, 061	14-10	14-12	(4-11-15)
11.13.01 - The Motor Carrier Rules				
11-1301-1401	019	14-10	14-12	(4-11-15)
11-1301-1402	019	14-10	14-12	(4-11-15)

IDAPA 12 - Department of Finance				
12.01.10 - Rules Pursuant to the Idaho Residential Mortgage Practices Act				
12-0110-1401	005	14-10	15-1	(4-11-15)

IDAPA 13 - Department of Fish and Game				
13.01.02 - Rules Governing Hunter Education and Mentored Hunting				
13-0102-1401	010-101	14-10	15-1	(4-11-15)
13.01.04 - Rules Governing Licensing				
13-0104-1402	302	14-10	15-1	(4-11-15)
13-0104-1403	901	14-10	15-1	(4-11-15)
13-0104-1404	010, 400, 404	14-10	15-1	(4-11-15)
13.01.08 - Rules Governing the Taking of Big Game Animals in the State of Idaho				
13-0108-1402	260	14-10	15-1	(4-11-15)
13-0108-1403	260	14-10	15-1	(4-11-15)
13-0108-1404	605	14-10	15-1	(4-11-15)
13.01.09 - Rules Governing the Taking of Game Birds in the State of Idaho				
13-0109-1401	300	14-10	15-1	(4-11-15)

IDAPA 15 - Office of the Governor				
Idaho Commission for the Blind and Visually Impaired				
15.02.02 - Vocational Rehabilitation Services				
15-0202-1401	110, 300-355 (Pending rule rejected by HCR 11)	14-9	14-11	Null & Void

History Notes - Legislative Session 2015				
<i>Chapter and Docket Number</i>	<i>Sections Affected</i>	<i>Bulletin Vol. Proposed Rule</i>	<i>Bulletin Vol. Pending Rule</i>	<i>Final Effective Date</i>
Idaho Forest Products Commission				
15.03.01 - Rules of Administrative Procedure of the Idaho Forest Products Commission				
15-0301-1401	100-200	14-10	14-12	(4-11-15)
Idaho State Liquor Dispensary				
15.10.01 - Rules of the Idaho State Liquor Division				
15-1001-1401	004, 012-019	14-6	14-8	(4-11-15)

IDAPA 16 - Department of Health and Welfare				
16.01.02 - Emergency Medical Services (EMS) -- Rule Definitions				
16-0102-1401	011	14-7	15-1	(4-11-15)
16.02.02 - Rules of the Idaho Emergency Medical Services (EMS) Physician Commission				
16-0202-1401	004, 010	14-10	15-1	(7-1-15)
16.02.08 - Vital Statistics Rules				
16-0208-1401 (Fee Rule)	251 (Fee approved by SCR 128)	14-9	15-1	(7-1-15)
16.02.10 - Idaho Reportable Diseases				
16-0210-1401	004, 010-020, 030-050, 080-090, 110-120, 160, 180-200, 220-270, 290-300, 380, 460-470, 480, 500-520, 530, 550-560, 580-620, 660-670, 700-730, 770, 810	14-9	15-1	(4-11-15)
16.02.19 - Food Safety and Sanitation Standards for Food Establishments (The Idaho Food Code)				
16-0219-1401	325	14-10	15-1	(4-11-15)
16.02.27 - Idaho Radiation Control Rules				
16-0227-1401	000-999 - Chapter Repeal	14-9	15-1	(4-11-15)
16-0227-1402 (Fee Rule)	Chapter Rewrite (000-999) (Fee approved by SCR 128)	14-9	15-1	(4-6-15)
16.03.01 - Eligibility for Health Care Assistance for Families and Children				
16-0301-1401	010, 400, 545	14-10	14-12	(4-11-15)
16.03.03 - Rules Governing Child Support Services				
16-0303-1401	000, 602, 604	14-10	14-12	(4-11-15)
16.03.04 - Rules Governing the Food Stamp Program in Idaho				
16-0304-1401	698	14-10	14-12	(4-11-15)
16.03.05 - Rules Governing Eligibility for Aid to the Aged, Blind and Disabled (AABD)				
16-0305-1401	304, 722, 723, 725	14-10	14-12	(4-11-15)

History Notes - Legislative Session 2015				
<i>Chapter and Docket Number</i>	<i>Sections Affected</i>	<i>Bulletin Vol. Proposed Rule</i>	<i>Bulletin Vol. Pending Rule</i>	<i>Final Effective Date</i>
16.03.10 - Medicaid Enhanced Plan Benefits				
16-0310-1401	001, 075, 081-083, 326, 329, 515, 703, 705	14-7	14-11	(4-11-15)
16.03.11 - Intermediate Care Facilities for People with Intellectual Disabilities (ICFs/ID)				
16-0311-1401	000-999 - Chapter Repeal	14-9	15-1	(7-1-15)
16-0311-1402	Chapter Rewrite (000-999) (Chapter name change)	14-9	15-1	(7-1-15)
16.03.17 - Medicare/Medicaid Coordinated Plan Benefits				
16-0317-1401	010, 102-999	14-6	14-11	(4-11-15)
16.03.22 - Residential Care or Assisted Living Facilities in Idaho				
16-0322-1401	009-011, 110-115, 126-129, 152, 215-218, 221, 305-310, 335, 350, 600, 625-641, 730, 925, 940	14-8	15-1	(7-1-15)
16.05.01 - Use and Disclosure of Department Records				
16-0501-1401	280	14-9	15-1	(4-11-15)
16.05.06 - Criminal History and Background Checks				
16-0506-1401 (Fee Rule)	000, 100, 140, 190, 300 (Fee approved by SCR 128)	14-7	15-1	(4-6-15)
16.05.07 - The Investigation and Enforcement of Fraud, Abuse, and Misconduct				
16-0507-1401	261, 300	14-10	14-12	(4-11-15)
16.06.01 - Child and Family Services				
16-0601-1401	451	14-9	15-1	(4-11-15)
16.06.12 - Rules Governing the Idaho Child Care Program (ICCP)				
16-0612-1401	503	14-5	14-11	(4-11-15)
16.07.33 - Adult Mental Health Services				
16-0733-1401	001, 004, 010-102, 104-301	14-10	14-12	(7-1-15)

IDAPA 17 - Industrial Commission				
17.02.04 - Administrative Rules of the Industrial Commission Under the Workers' Compensation Law -- Benefits				
17-0204-1401	321	14-10	15-1	(4-11-15)
17.02.06 - Employers' Reports				
17-0206-1401	021	14-10	15-1	(4-11-15)
17.02.08 - Miscellaneous Provisions				
17-0208-1401	033-061	14-10	15-1	(4-11-15)

History Notes - Legislative Session 2015				
<i>Chapter and Docket Number</i>	<i>Sections Affected</i>	<i>Bulletin Vol. Proposed Rule</i>	<i>Bulletin Vol. Pending Rule</i>	<i>Final Effective Date</i>
17.02.09 - Medical Fees				
17-0209-1401	031, 032, 035	14-10	15-1	(7-1-15)
17.02.11 - Administrative Rules of the Industrial Commission Under the Workers' Compensation Law -- Security for Compensation -- Self-Insured Employers				
17-0211-1401	013-015	14-8	15-1	(4-11-15)
17.05.01 - Rules Under the Crime Victims Compensation Act				
17-0501-1401	011	14-10	15-1	(7-1-15)

IDAPA 18 - Idaho Department of Insurance				
18.01.44 - Schedule of Fees, Licenses, and Miscellaneous Charges				
18-0144-1401 (Fee Rule)	020, 030 (Fee rejected by SCR 128)	14-9	14-11	Null & Void
18.01.46 - Recognition of New Annuity Mortality Tables for Use in Determining Reserve Liabilities for Annuities and Pure Endowment Contracts				
18-0146-1401	001, 010, 011, 014, 015, Appendices	14-9	14-11	(4-11-15)
18.01.53 - Continuing Education				
18-0153-1401	000-012, 016	14-9	14-11	(4-11-15)

IDAPA 19 - Board of Dentistry				
19.01.01 - Rules of the Idaho State Board of Dentistry				
19-0101-1401	054, 060, 061, 065	14-9	14-12	(4-11-15)

IDAPA 20 - Department of Lands				
20.07.02 - Rules Governing Conservation of Oil and Natural Gas in the State of Idaho				
20-0702-1401	000, 001, 003, 006-011, 021-999	14-9	14-12	(4-11-15)

IDAPA 23 - Board of Nursing				
23.01.01 - Rules of the Idaho Board of Nursing				
23-0101-1401	101	14-9	14-11	(4-11-15)

History Notes - Legislative Session 2015				
<i>Chapter and Docket Number</i>	<i>Sections Affected</i>	<i>Bulletin Vol. Proposed Rule</i>	<i>Bulletin Vol. Pending Rule</i>	<i>Final Effective Date</i>
IDAPA 24 - Bureau of Occupational Licenses				
24.02.01 - Rules of the Board of Barber Examiners				
24-0201-1401	010, 450, 550	14-10	14-12	(4-11-15)
24.04.01 - Rules of the Idaho Board of Cosmetology				
24-0401-1401	300, 301	14-10	14-12	(4-11-15)
24.06.01 - Rules for the Licensure of Occupational Therapists and Occupational Therapy Assistants				
24-0601-1401 (Fee Rule)	041 (Fee approved by SCR 128)	14-10	14-12	(4-6-15)
24.09.01 - Rules of the Board of Examiners of Nursing Home Administrators				
24-0901-1401 (Fee Rule)	600 (Fee approved by SCR 128)	14-10	14-12	(4-6-15)
24.10.01 - Rules of the State Board of Optometry				
24-1001-1401	300	14-8	14-11	(4-11-15)
24.11.01 - Rules of the State Board of Podiatry				
24-1101-1401 (Fee Rule)	300, 425 (Fee approved by SCR 128)	14-9	14-11	(4-6-15)
24.14.01 - Rules of the State Board of Social Work Examiners				
24-1401-1401 (Fee Rule)	300 (Fee approved by SCR 128)	14-10	14-12	(4-6-15)
24.15.01 - Rules of the Idaho Licensing Board of Professional Counselors and Marriage and Family Therapists				
24-1501-1401	004	14-10	14-12	(4-11-15)
24.17.01 - Rules of the State Board of Acupuncture				
24-1701-1401 (Fee Rule)	300 (Fee approved by SCR 128)	14-8	14-11	(4-6-15)
24.19.01 - Rules of the Board of Examiners of Residential Care Facility Administrators				
24-1901-1401 (Fee Rule)	600 (Fee approved by SCR 128)	14-9	14-11	(4-6-15)
24.23.01 - Rules of the Speech and Hearing Services Licensure Board				
24-2301-1401	100	14-9	14-11	(7-17-14)
24.25.01 - Rules of the Idaho Driving Businesses Licensure Board				
24-2501-1401	250	14-7	14-12	(4-11-15)
24.26.01 - Rules of the Idaho Board of Midwifery				
24-2601-1401	010, 350, 351, 356	14-7	14-11	(7-1-14)
24-2601-1402	357-449	14-10	14-12	(4-11-15)

History Notes - Legislative Session 2015				
<i>Chapter and Docket Number</i>	<i>Sections Affected</i>	<i>Bulletin Vol. Proposed Rule</i>	<i>Bulletin Vol. Pending Rule</i>	<i>Final Effective Date</i>
24.27.01 - Rules of the Idaho State Board of Massage Therapy				
24-2701-1401	503, 601	14-8	14-11	(4-11-15)

IDAPA 26 - Department of Parks and Recreation				
26.01.03 - Rules Governing Recreational Registration Program Vendors				
26-0103-1401	(Chapter name change) 000-002, 004-010, 100-150, 250-400	14-7	15-1	(4-11-15)
26.01.20 - Rules Governing the Administration of Park and Recreation Areas and Facilities				
26-0120-1401	010	14-7	15-1	(4-11-15)
26.01.21 - Rules Governing Leasing Practices and Procedures for Recreational Residences Within Heyburn State Park				
26-0121-1401	050	14-5	15-1	(4-11-15)
26.01.30 - Idaho Safe Boating Rules				
26-0130-1401	250-325	14-7	15-1	(4-11-15)
26.01.31 - Rules Governing the Administration of the Idaho Department of Parks and Recreation State and Federal Grant Funds				
26-0131-1401	251-300	14-7	15-1	(4-11-15)
26.01.34 - Idaho Protection Against Invasive Species Sticker Rules				
26-0134-1401	010, 075, 076	14-7	15-1	(4-11-15)
26.01.36 - Rules Governing the Winter Recreational Parking Permit Program				
26-0136-1401	001-150	14-7	15-1	(4-11-15)

IDAPA 27 - Board of Pharmacy				
27.01.01 - Rules of the Idaho State Board of Pharmacy				
27-0101-1401	010, 011, 130	14-10	15-1	(4-11-15)
27-0101-1402 (Fee Rule)	011, 021, 074, 600, 731-749 (Fee approved by SCR 128)	14-10	15-1	(4-6-15)
27-0101-1403	144, 231-259	14-10	15-1	(4-11-15)
27-0101-1404	031, 041, 140, 146, 206, 304, 330-359, 604, 605, 611, 631, 710	14-10	15-1	(4-11-15)
27-0101-1405	270, 615, 809	14-10	15-1	(4-11-15)

History Notes - Legislative Session 2015

Chapter and Docket Number	Sections Affected	Bulletin Vol. Proposed Rule	Bulletin Vol. Pending Rule	Final Effective Date
IDAPA 28 - Department of Commerce				
28.04.01 - Rules Governing the Idaho Reimbursement Incentive Act				
28-0401-1402	New Chapter (000-999)	14-10	15-1	(4-11-15)

IDAPA 29 - Idaho Potato Commission				
29.01.02 - Rules Governing Payment of Tax and Usage of Certification Marks and Trademarks				
29-0102-1401	102	14-9	15-1	(4-11-15)

IDAPA 31 - Public Utilities Commission				
31.02.01 - Public Records Act Rules of the Idaho Public Utilities Commission				
31-0201-1401	000-999 - Chapter Repeal	14-9	14-11	(4-11-15)

IDAPA 33 - Real Estate Commission				
33.01.01 - Rules of the Idaho Real Estate Commission				
33-0101-1401	117, 121, 304	14-10	14-12	(4-11-15)
33.01.02 - Rules of Practice and Procedure of the Idaho Real Estate Commission Governing Contested Cases				
33-0102-1401	005, 010, 104, 106, 152, 209, 303	14-10	14-12	(4-11-15)

IDAPA 35 - State Tax Commission				
35.01.01 - Income Tax Administrative Rules				
35-0101-1401	560, 750	14-10	14-12	(4-11-15)
35-0101-1402	268, 275	14-10	14-12	(4-11-15)
35-0101-1403	075, 190, 263, 771, 872	14-10	14-12	(4-11-15)
35.01.02 - Idaho Sales and Use Tax Administrative Rules				
35-0102-1401	027	14-10	14-12	(4-11-15)
35-0102-1402	022	14-10	14-12	(4-11-15)
35-0102-1403	012, 024, 102, 128 (Pending Rule Sections 102 and 128 rejected by HCR 4)	14-10	14-12	(2-27-15)
35-0102-1404	010, 105, 107	14-10	14-12	(4-11-15)
35.01.03 - Property Tax Administrative Rules				
35-0103-1401	120, 609, 988	14-8	14-12	(4-11-15)

History Notes - Legislative Session 2015				
<i>Chapter and Docket Number</i>	<i>Sections Affected</i>	<i>Bulletin Vol. Proposed Rule</i>	<i>Bulletin Vol. Pending Rule</i>	<i>Final Effective Date</i>
35-0103-1403	126, 128	14-10	14-12	(4-11-15)
35-0103-1404	205, 315, 508, 509, 512, 626, 627, 645, 803, 805	14-8	14-12	(4-11-15)
35-0103-1405	804, 995	14-8	14-12	(4-11-15)
35.01.05 - Idaho Motor Fuels Tax Administrative Rules				
35-0105-1401	001, 004, 006, 330	14-6	14-12	(4-11-15)
35-0105-1402	110, 311	14-8	14-12	(4-11-15)
35.02.01 - Tax Commission Administration and Enforcement Rules				
35-0201-1401	310, 501	14-10	14-12	(4-11-15)

IDAPA 37 - Department of Water Resources				
37.03.03 - Rules and Minimum Standards for the Construction and Use of Injection Wells				
37-0303-1401	010	14-9	15-1	(4-11-15)
37.03.11 - Rules for Conjunctive Management of Surface and Ground Water Resources				
37-0311-1101	020, 050 (Pending rule rejected by HCR 10)	14-10	14-12	Null & Void

IDAPA 38 - Department of Administration				
38.03.01 - Rules Governing Group Insurance				
38-0301-1401	001, 003-005, 011, 040	14-8	15-1	7-1-14
38.04.04 - Rules Governing Capitol Mall Parking				
38-0404-1401 (Fee Rule)	010-020, 022-042, 050 (Fee approved by SCR 128)	14-7	15-1	(4-6-15)
38.05.01 - Rules of the Division of Purchasing				
38-0501-1401	005, 011-021, 032, 033, 035-092, 102-999 (Pending Rule Sections 011, 021, 032, 033, 039, 040, 041, 042, 043, 044, 045, 046, 051, 052, 053, 054, 070, 073, 081, 082, 083, 084, 085, 086, 091, 092, 102, 103, 111, 125 & Subsection 074.03 rejected by SCR 129)	14-10	14-12	(4-6-15)
38.06.01 - Rules of the Department of Administration Governing Billing Procedures of the Office of the Chief Information Officer				
38-0601-1401	New Chapter (000-999)	14-10	14-12	(4-11-15)

History Notes - Legislative Session 2015

Chapter and Docket Number	Sections Affected	Bulletin Vol. Proposed Rule	Bulletin Vol. Pending Rule	Final Effective Date
IDAPA 39 - Idaho Transportation Department				
39.02.03 - Rules Governing Vehicle Dealer's Principal Place of Business				
39-0203-1402	010-100	14-10	14-12	(4-11-15)
39.03.10 - Rules Governing When an Overlegal Permit is Required				
39-0310-1401	400	14-10	14-12	(4-11-15)
39.03.16 - Rules Governing Oversize Permits for Non-Reducible Vehicles and/or Loads				
39-0316-1401	200	14-6	14-11	(4-11-15)
39.03.50 - Rules Governing Safety Rest Areas				
39-0350-1401	200-300	14-10	14-12	(4-11-15)

IDAPA 46 - Board of Veterinary Medical Examiners

46.01.01 - Rules of the State of Idaho Board of Veterinary Medicine				
46-0101-1401	100	14-8	14-10	(4-11-15)

IDAPA 49 - Certified Shorthand Reporters Board

49.01.01 - Rules of Procedure of the Idaho Certified Shorthand Reporters Board				
49-0101-1401	300-400	14-10	14-12	(4-11-15)

IDAPA 50 - Commission of Pardons and Parole

50.01.01 - Rules of the Commission of Pardons and Parole				
50-0101-1401	000, 001, 010-999	14-10	15-1	(4-11-15)

IDAPA 55 - Division of Professional and Technical Education

55.01.04 - Rules Governing Idaho Quality Program Standards Incentive Grants and Agricultural Education Program Start-Up Grants				
55-0104-1401	New Chapter (000-999)	14-10	15-1	(4-11-15)

IDAPA 57 - Sexual Offender Management Board

57.01.01 - Rules of the Sexual Offender Management Board				
57-0101-1401	004, 005, 010, 011, 040, 041, 080, 081, 100, 200, 300, 330, 331, 350, 450	14-9	15-1	(4-11-15)

History Notes - Legislative Session 2015				
<i>Chapter and Docket Number</i>	<i>Sections Affected</i>	<i>Bulletin Vol. Proposed Rule</i>	<i>Bulletin Vol. Pending Rule</i>	<i>Final Effective Date</i>
IDAPA 58 - Department of Environmental Quality				
58.01.01 - Rules for the Control of Air Pollution in Idaho				
58-0101-1401	650, 652	14-9	14-12	(4-11-15)
58-0101-1402	006, 157, 176, 177, 181, 202, 579, 725, 794	14-9	14-12	(4-11-15)
58-0101-1403	107	14-8	14-12	(4-11-15)
58.01.02 - Water Quality Standards				
58-0102-1301	052, 055	13-12	14-6	(4-11-15)
58-0102-1401	010, 060	14-9	14-12	(4-11-15)
58.01.05 - Rules and Standards for Hazardous Waste				
58-0105-1401	002, 004-018	14-8	14-12	(4-11-15)
58.01.10 - Rules Regulating the Disposal of Radioactive Materials Not Regulated Under the Atomic Energy Act of 1954, as Amended				
58-0110-1401	004, 010	14-6	14-12	(4-11-15)
IDAPA 59 - Public Employees Retirement System - PERSI				
59.01.03 - PERSI Contribution Rules				
59-0103-1401	026-028, 100, 101 (Pending rule rejected by HCR 6)	14-6	14-9	Null & Void
59.01.06 - PERSI Retirement Rules				
59-0106-1401	131, 132	14-7	14-9	5-20-14
59.02.01 - Rules for the Judges' Retirement Fund				
59-0201-1401	New Chapter (000-999)	14-7	14-9	7-1-14

IDAPA 08 - STATE BOARD OF AND STATE DEPARTMENT OF EDUCATION

08.02.02 - RULES GOVERNING UNIFORMITY

DOCKET NO. 08-0202-1402

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. 08-0202-1402. The affected section is being reprinted here pursuant to this legislative action in its final version as affected by House Concurrent Resolution (HCR) 022.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement regarding the partial rejection:

Pursuant to **HCR 022**, IDAPA 08.02.02, the State Board of and State Department of Education, "Rules Governing Uniformity," Section 004, Subsection 03, only, adopted as a pending rule under Docket Number **08-0202-1402**, is not consistent with legislative intent and is rejected and declared null, void and of no force and effect. Only Section 004 is reprinted here as affected by HCR 22 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 13th day of April, 2015.

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

**The Pending Rule Adopted Under This Docket Was Partially Rejected By HCR 022.
The Following Rule Text Is The Codified Final Rule And Includes The Rejected
Pending Rule Text Shown Here As Underscored And Stricken.**

004. INCORPORATION BY REFERENCE.

The State Board of Education adopts and incorporates by reference into its rules: (5-8-09)

01. Idaho Standards for the Initial Certification of Professional School Personnel as approved on August 14, 2014. Copies of this document can be found on the Office of the State Board of Education website at <http://www.boardofed.idaho.gov>. (3-27-15)

02. Standards for Idaho School Buses and Operations as approved on June 23, 2011. The Standards for Idaho School Buses and Operations are available at the Idaho State Department of Education, 650 W. State St., Boise Idaho, 83702 and can also be accessed electronically at <http://www.sde.idaho.gov/site/transportation/library.htm>. (3-29-12)

03. Operating Procedures for Idaho Public Driver Education Programs as approved on August 15, 2013. The Operating Procedures for Idaho Public Driver Education Programs are available at the Idaho State Department of Education, 650 W. State St., Boise, Idaho, 83702 and can also be accessed electronically at http://www.sde.idaho.gov/site/driver_edu/forms_curriculum.htm. (3-20-14) ~~(3-20-14)~~

IDAPA 08 - STATE BOARD OF AND STATE DEPARTMENT OF EDUCATION

08.02.03 - RULES GOVERNING THOROUGHNESS

DOCKET NO. 08-0203-1401

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. 08-0203-1401. The affected section is being reprinted here pursuant to this legislative action in its final version as affected by Senate Concurrent Resolution (SCR) 121.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement regarding the partial rejection:

Pursuant to [SCR 121](#), IDAPA 08.02.03, the State Board of and State Department of Education, "Rules Governing Thoroughness," Section 105, Subsection 06, only, adopted as a pending rule under Docket Number [08-0203-1401](#), is not consistent with legislative intent and is rejected and declared null, void and of no force and effect. Section 105 is reprinted here as affected by SCR 121 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 13th day of April, 2015.

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

**The Pending Rule Adopted Under This Docket Was Partially Rejected By SCR 121.
The Following Rule Text Is The Codified Final Rule And Includes The Rejected
Pending Rule Text Shown Here As Underscored And Stricken.**

105. HIGH SCHOOL GRADUATION REQUIREMENTS.

A student must meet all of the requirements identified in this section before the student will be eligible to graduate from an Idaho high school. The local school district or LEA may establish graduation requirements beyond the state minimum. (5-8-09)

01. Credit Requirements. The State minimum graduation requirement for all Idaho public high schools is forty-six (46) credits and must include twenty-nine (29) credits in core subjects as identified in Paragraphs 105.01.c. through 105.01.i. (3-12-14)

a. Credits. (Effective for all students who enter the ninth grade in the fall of 2010 or later.) One (1) credit shall equal sixty (60) hours of total instruction. School districts or LEA's may request a waiver from this provision by submitting a letter to the State Department of Education for approval, signed by the superintendent and chair of the board of trustees of the district or LEA. The waiver request shall provide information and documentation that substantiates the school district or LEA's reason for not requiring sixty (60) hours of total instruction per credit. (3-29-10)

b. Mastery. A student may also achieve credits by demonstrating mastery of a subject's content standards as defined and approved by the local school district or LEA. (3-29-10)

c. Secondary Language Arts and Communication. Nine (9) credits are required. Eight (8) credits of instruction in Language Arts. Each year of Language Arts shall consist of language study, composition, and literature and be aligned to the Idaho Content Standards for the appropriate grade level. One (1) credit of instruction in communications consisting of oral communication and technological applications that includes a course in speech, a course in debate, or a sequence of instructional activities that meet the Idaho Speech Content Standards requirements. (3-29-10)

d. Mathematics. Six (6) credits are required. Secondary mathematics includes Applied Mathematics, Business Mathematics, Algebra, Geometry, Trigonometry, Fundamentals of Calculus, Probability and Statistics, Discrete Mathematics, and courses in mathematical problem solving and reasoning. AP Computer Science, Dual Credit Computer Science, and Dual Credit Engineering courses may also be counted as a mathematics credit if the student has completed Algebra II standards. Students who choose to take AP Computer Science, Dual Credit Computer Science, and Dual Credit Engineering may not concurrently count such courses as both a math and science credit. (3-12-14)

i. Students must complete secondary mathematics in the following areas: (3-12-14)

(1) Two (2) credits of Algebra I or courses that meet the Idaho Algebra I Content Standards as approved by the State Department of Education; (3-29-10)

(2) Two (2) credits of Geometry or courses that meet the Idaho Geometry Content Standards as approved by the State Department of Education; and (3-29-10)

(3) Two (2) credits of mathematics of the student's choice. (3-29-10)

ii. Two (2) credits of the required six (6) credits of mathematics must be taken in the last year of high school in which the student intends to graduate. For the purposes of this subsection, the last year of high school shall include the summer preceding the fall start of classes. Students who return to school during the summer or the following fall of the next year for less than a full schedule of courses due to failing to pass a course other than math are not required to retake a math course as long as they have earned six (6) credits of high school level mathematics. (3-12-14)

iii. Students who have completed six (6) credits of math prior to the fall of their last year of high school, including at least two (2) semesters of an Advanced Placement or dual credit calculus or higher level course, are exempt from taking math during their last year of high school. High School math credits completed in middle school shall count for the purposes of this section. (3-12-14)

e. Science. Six (6) credits are required, four (4) of which will be laboratory based. Secondary sciences include instruction in applied sciences, earth and space sciences, physical sciences, and life sciences. Up to two (2) credits in AP Computer Science, Dual Credit Computer Science, and Dual Credit Engineering may be used as science credits. Students who choose to take AP Computer Science, Dual Credit Computer Science, and Dual Credit Engineering may not concurrently count such courses as both a math and science credit. (3-12-14)

i. Secondary sciences include instruction in the following areas: biology, physical science or chemistry, and earth, space, environment, or approved applied science. Four (4) credits of these courses must be laboratory based. (3-29-10)

f. Social Studies. Five (5) credits are required, including government (two (2) credits), United States history (two (2) credits), and economics (one (1) credit). Courses such as geography, sociology, psychology, and world history may be offered as electives, but are not to be counted as a social studies requirement. (3-29-10)

g. Humanities. Two (2) credits are required. Humanities courses include instruction in visual arts, music, theatre, dance, or world language aligned to the Idaho content standards for those subjects. Other courses such as literature, history, philosophy, architecture, or comparative world religions may satisfy the humanities standards if

the course is aligned to the Idaho Interdisciplinary Humanities Content Standards. (3-29-10)

h. Health/Wellness. One (1) credit is required. Course must be aligned to the Idaho Health Content Standards. Effective for all public school students who enter grade nine (9) in Fall 2015 or later, each student shall receive a minimum of one (1) class period on psychomotor cardiopulmonary resuscitation (CPR) training as outlined in the American Heart Association (AHA) Guidelines for CPR to include the proper utilization of an automatic external defibrillator (AED) as part of the Health/Wellness course. (3-12-14)

i. Students participating in one (1) season in any sport recognized by the Idaho High School Activities Association or club sport recognized by the local school district, or eighteen (18) weeks of a sport recognized by the local school district may choose to substitute participation up to one (1) credit of physical education. Students must show mastery of the content standards for Physical Education in a format provided by the school district. (4-1-15)

02. Content Standards. Each student shall meet locally established subject area standards (using state content standards as minimum requirements) demonstrated through various measures of accountability including examinations or other measures. (3-29-10)

03. College Entrance Examination. (Effective for all public school students who enter grade nine (9) in Fall 2012 or later.) (3-12-14)

a. A student must take one (1) of the following college entrance or placement examinations before the end of the student's eleventh grade year: SAT, ACT, or Compass. A student who misses the statewide administration of the college exam during the student's grade eleven (11) for one (1) of the following reasons, may take the examination during their grade twelve (12) to meet this requirement: (3-12-14)

- i.** Transferred to an Idaho school district during grade eleven (11); (3-12-14)
- ii.** Was homeschooled during grade eleven (11); or (3-12-14)
- iii.** Missed the spring statewide administration of the college entrance exam dates for documented medical reasons. (3-12-14)

b. A student may elect an exemption in grade eleven (11) from the college entrance exam requirement if the student is: (3-12-14)

- i.** Enrolled in a special education program and has an Individual Education Plan (IEP) that specifies accommodations not allowed for a reportable score on the approved tests; (3-12-14)
- ii.** Enrolled in a Limited English Proficient (LEP) program for three (3) academic years or less; or (3-12-14)
- iii.** Enrolled for the first time in grade twelve (12) at an Idaho high school after the fall statewide administration of the college entrance exam. (4-1-15)

c. Students who are eligible to take an alternate assessment may take the ACCUPLACER Placement exam during their senior year to meet the college entrance exam graduation requirement. (3-12-14)

04. Senior Project. A student must complete a senior project by the end of grade twelve (12). The project must include a written report and an oral presentation. Additional requirements for a senior project are at the discretion of the local school district or LEA. (3-12-14)

05. Middle School. A student will have met the high school content and credit area requirement for any high school course if: (4-1-15)

- a.** The student completes such course with a grade of C or higher before entering grade nine (9); (3-12-14)

- b. The course meets the same content standards that are required in high school; and (3-12-14)
- c. The course is taught by a properly certificated teacher who meets the federal definition of highly qualified for the course being taught. (3-12-14)
- d. The student shall be given a grade for the successful completion of that course and such grade and the number of credit hours assigned to the course shall be transferred to the student's high school transcript. Courses taken in middle school appearing in the student's high school transcript, pursuant to this subsection, shall count for the purpose of high school graduation. However, the student must complete the required number of credits in all high school core subjects as identified in Subsections 105.01.c. through 105.01.h. except as provided in 105.01.d.iii. (3-12-14)

06. Proficiency. Each student must achieve a proficient or advanced score on the grade ten (10) Idaho Standards Achievement Test (ISAT) in math, reading and language usage in order to graduate. Students who receive a proficient or advanced score on the grade ten (10) ISAT while in grade nine (9) may bank the score for purposes of meeting their graduation requirement. A student who does not attain at least a proficient score prior to graduation may appeal to the school district or LEA, and will be given an opportunity to demonstrate proficiency of the content standards through some other locally established plan. School districts or LEAs shall adopt an alternate plan and provide notice of that plan to all students who have not achieved a proficient or advanced score on the Grade 10 Idaho Standards Achievement Test by the fall semester of the student's junior year. All locally established alternate plans used to demonstrate proficiency shall be forwarded to the State Board of Education for review and information. Alternate plans must be promptly re-submitted to the Board whenever changes are made in such plans. (3-12-14)

- a. Before entering an alternate measure, the student must be: (4-2-08)
 - i. Enrolled in a special education program and have an Individual Education Plan (IEP); or (3-20-04)
 - ii. Enrolled in an Limited English Proficient (LEP) program for three (3) academic years or less; or (3-20-04)
 - iii. Enrolled in the fall semester of the senior year. (3-20-04)
- b. The alternate plan must: (4-7-11)
 - i. Contain multiple measures of student achievement; (4-7-11)
 - ii. Be aligned at a minimum to tenth grade state content standards; (4-7-11)
 - iii. Be aligned to the state content standards for the subject matter in question; (4-7-11)
 - iv. Be valid and reliable; and (4-7-11)
 - v. Ninety percent (90%) of the alternate plan criteria must be based on academic proficiency and performance. (4-7-11)
- c. A student is not required to achieve a proficient or advanced score on the ISAT if: (5-8-09)
 - i. The student received a proficient or advanced score on an exit exam from another state that requires a standards-based exam for graduation. The state's exit exam must approved by the State Board of Education and must measure skills at the tenth grade level and be in comparable subject areas to the ISAT; (5-8-09)
 - ii. The student completes another measure established by a school district or LEA and received by the Board as outlined in Subsection 105.06; or (3-29-10)
 - iii. The student has an IEP that outlines alternate requirements for graduation or adaptations are recommended on the test; (5-8-09)

iv. The student is considered an LEP student through a score determined on a language proficiency test and has been in an LEP program for three (3) academic years or less; (5-8-09)

d. Those students who will graduate in 2016 and have not received a proficient or advanced score on the ISAT in grade nine (9), will be required to complete an alternative plan for graduation, as designed by the district, including the elements prescribed in Subsection 105.06.b. and may enter the alternate path prior to the fall of their senior year. (3-12-14)

~~e. Students who graduate in 2017 are required to complete the ISAT in grade eleven (11) in mathematics and English language usage. ()~~

~~f. Students who graduate in 2018 are required to complete the ISAT in grade eleven (11) in mathematics and English language usage. ()~~

~~g. Students who graduate in 2019 are required to pass the ISAT in grade eleven (11) in mathematics and English language usage at a proficiency level set by the State Board of Education. ()~~

~~h. Students who graduate, beginning in 2017, are required to complete an End of Course Assessment (EOC) provided by the state in either biology or chemistry after completion of the course. ()~~

~~i. Students who graduate in 2019 will be required to pass an end of course assessment in biology or chemistry at a proficiency level set by the State Board of Education. ()~~

07. Special Education Students. A student who is eligible for special education services under the Individuals With Disabilities Education Improvement Act must, with the assistance of the student's Individualized Education Program (IEP) team, refer to the current Idaho Special Education Manual for guidance in addressing graduation requirements. (4-11-06)

08. Foreign Exchange Students. A foreign exchange student may be eligible for graduation by completing a comparable program as approved by the school district or LEA. (4-11-06)

IDAPA 11 - IDAHO STATE POLICE

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

DOCKET NO. 11-1101-1403

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. 11-1101-1403. The affected section is being reprinted here pursuant to this legislative action in its final version as affected by House Concurrent Resolution (HCR) 013.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement regarding the partial rejection:

Pursuant to **HCR 013**, IDAPA 11.11.01, Idaho State Police, "Rules of the Idaho Peace Officer Standards and Training Council," Section 052, Subsection 02, only, adopted as a pending rule under Docket Number **11-1101-1403**, is not consistent with legislative intent and is rejected and declared null, void and of no force and effect. Only Section 052 is reprinted here as affected by HCR 013 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 13th day of April, 2015.

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

**The Pending Rule Adopted Under This Docket Was Partially Rejected By HCR 013.
The Following Rule Text Is The Codified Final Rule And Includes The Rejected
Pending Rule Text Shown Here As Underscored And Stricken.**

052. EDUCATION.

- 01. Acceptable Education.** The applicant must: (3-18-15)
- a.** Be a high school graduate from a school accredited as a high school at the time of graduation by the Department of Education of the state in which the high school is located; (3-18-15)
 - b.** Be a high school graduate from a school accredited as a high school at the time of graduation by the recognized regional accreditation body; (3-18-15)
 - c.** Have passed GED testing; (3-18-15)
 - d.** Have successfully completed a high school equivalency program and obtained a state-issued certificate; or (3-18-15)
 - e.** Have successfully completed a minimum of fifteen (15) academic credits at a U.S. regionally-

- accredited college. The six (6) POST-accepted regional accreditation agencies are: (3-18-15)
- i. Middle States Association of Schools and Colleges; (3-18-15)
 - ii. New England Association of Schools and Colleges; (3-18-15)
 - iii. North Central Association of Colleges and Schools (the Higher Learning Commission); (3-18-15)
 - iv. Northwest Association of Colleges and Universities; (3-18-15)
 - v. Southern Association of Colleges and Schools; and (3-18-15)
 - vi. Western Association of Schools and Colleges. (3-18-15)

~~**02. Home Schooling.** Applicants who were home schooled must provide documentation of having passed GED testing. (3-18-15)~~

02. Foreign Education. Applicants who were educated outside the U.S. must provide documentation of having passed GED testing or provide an evaluation from an evaluation service that is a member of the National Association of Credential Evaluation Services (NACES) or Association of International Credential Evaluators, Inc. (AICE) showing the applicant's education meets or exceeds the U.S. requirements for high school graduation. (3-18-15)

03. Documentation. Proof of education must not have been mutilated, altered, or damaged, and must be in the form of a photocopy of one (1) of the following: (3-18-15)

- a. High school diploma that indicates the date of graduation; (3-18-15)
- b. High school transcript that indicates the date of graduation; (3-18-15)
- c. Official transcript of GED results indicating a passing score; (3-18-15)
- d. State-issued high school equivalency certificate; (3-18-15)
- e. Official college transcript from a POST-accepted U.S. regionally-accredited college indicating the successful completion of a minimum of fifteen (15) academic credits; or (3-18-15)
- f. Official evaluation of foreign education by a member of the National Association of Credential Evaluation Services (NACES) or Association of International Credential Evaluators, Inc. (AICE) showing the applicant's education meets or exceeds the U.S. requirements for high school graduation. (3-18-15)

IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE

**16.01.05 - EMERGENCY MEDICAL SERVICES (EMS) -- EDUCATION, INSTRUCTOR,
AND EXAMINATION REQUIREMENTS (NEW CHAPTER)**

DOCKET NO. 16-0105-1501

NOTICE OF INTENT TO PROMULGATE RULES - NEGOTIATED RULEMAKING (THIRD 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 in the month of May will be held as follows. All meetings begin at 7 p.m., local time.

ALL MEETINGS BEGIN AT 7 P.M. LOCAL TIME

Tuesday, May 5, 2015
McCall Fire Department
201 Deinhard Ln.
McCall, ID

Monday, May 11, 2015
Life Run Ambulance
1235 Miller Rd.
Burley, ID

Tuesday, May 12, 2015
South Custer Fire District
105 Cedar St.
Mackay, ID

Wednesday, May 13, 2015
Brooklyn Annex Building
200 Fulton St., Suite 102
Salmon, ID

Thursday, May 14, 2015
Stanley Fire & EMS Training Center
510 Eva Falls Rd.
Stanley, ID

Each 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 meetings and participate in the negotiation process;
2. Provide oral or written recommendations, or both, at the negotiated rulemaking meetings;
3. Submit written recommendations and comments to the following, on or before May 15, 2015:

Bruce Cheeseman
Idaho Department of Health and Welfare
Bureau of Emergency Medical Services
PO Box 83720
Boise, ID 83720-0036
FAX: (208) 334-4015

Hand Deliver to:
2224 Old Penitentiary Rd.
Boise, ID 83712

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

This new chapter of rules is being written to implement and provide updated initial education, instructor, and examination requirements to meet the ever-changing technology and techniques used to protect the health and safety of the public in the provision of emergency medical services (EMS). This new chapter will replace the education requirements currently found in [IDAPA 16.02.03](#), "Emergency Medical Services."

The negotiated rulemaking meetings listed above will allow stakeholders to provide their input concerning the rules that are being revised, updated, and reorganized into this new EMS education chapter.

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. Input on this new chapter of rules was also solicited from 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 Bruce Cheeseman at (208) 334-4004. A preliminary draft of the rules will be available online April 3, 2015 at www.IdahoEMS.org.

Anyone may submit written comments regarding this negotiated rulemaking. All written comments must be directed to the undersigned and must be delivered on or before Friday, May 15, 2015.

DATED this 3rd Day of April, 2015.

Tamara Prisock
DHW - Administrative Rules Unit
450 W. State Street - 10th Floor
P.O. Box 83720
Boise, ID 83720-0036
Tel: (208) 334-5500
Fax: (208) 334-6558
E-Mail: dhwrules@dhw.idaho.gov

IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE

16.01.07 - EMERGENCY MEDICAL SERVICES (EMS) -- PERSONNEL LICENSING REQUIREMENTS

DOCKET NO. 16-0107-1502

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 in the month of May will be held as follows. All meetings begin at 7 p.m., local time.

ALL MEETINGS BEGIN AT 7 P.M., LOCAL TIME

Tuesday, May 5, 2015
McCall Fire Department
201 Deinhard Ln.
McCall, ID

Monday, May 11, 2015
Life Run Ambulance
1235 Miller Rd.
Burley, ID

Tuesday, May 12, 2015
South Custer Fire District
105 Cedar St.
Mackay, ID

Wednesday, May 13, 2015
Brooklyn Annex Building
200 Fulton St., Suite 102
Salmon, ID

Thursday, May 14, 2015
Stanley Fire & EMS Training Center
510 Eva Falls Rd.
Stanley, ID

Each 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 meetings and participate in the negotiation process;
2. Provide oral or written recommendations, or both, at the negotiated rulemaking meetings;
3. Submit written recommendations and comments to the following, on or before May 15, 2015:

Bruce Cheeseman
Idaho Department of Health and Welfare
Bureau of Emergency Medical Services
PO Box 83720
Boise, ID 83720-0036
FAX: (208) 334-4015

Hand Deliver to:
2224 Old Penitentiary Rd.
Boise, ID 83712

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

These rules are being amended to update continuing education and personnel licensing requirements to meet the ever-changing technology and techniques used to protect the health and safety of the public in the provision of emergency medical services (EMS).

The negotiated rulemaking meetings listed above will allow stakeholders to provide their input concerning "EMS

Personnel Licensing” rules that will need to be revised and updated to align with a new chapter of rule that is being negotiated for education.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the negotiated rulemaking, contact Bruce Cheeseman at (208) 334-4004. A preliminary draft of the rules will be available online April 3, 2015 at www.IdahoEMS.org.

Anyone may submit written comments regarding this negotiated rulemaking. All written comments must be directed to the undersigned and must be delivered on or before Friday, May 15, 2015.

DATED this 3rd Day of April, 2015.

Tamara Prisock
DHW - Administrative Rules Unit
450 W. State Street - 10th Floor
P.O. Box 83720
Boise, ID 83720-0036
Tel: (208) 334-5500
Fax: (208) 334-6558
E-Mail: dhwrules@dhw.idaho.gov

IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE

**16.02.19 - FOOD SAFETY AND SANITATION STANDARDS FOR FOOD ESTABLISHMENTS
(THE IDAHO FOOD CODE)**

DOCKET NO. 16-0219-1501

NOTICE OF INTENT TO PROMULGATE RULES - (SECOND) 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 37-121 and 39-1603, Idaho Code.

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

ALL MEETINGS WILL BE HELD ON LOCAL TIME

**SOUTHWEST DISTRICT HEALTH
13307 Miami Lane
Canyon Room (100) and Owyhee Room (101)
Caldwell 83607**

**MAY 4, 2015
COTTAGE FOOD RULES
(3 meetings)
1st Meeting - 8:00 am - 11:00 am
2nd Meeting - 12:00 pm - 3:00 pm
3rd Meeting - 4:00 pm - 7:00 pm**

**MAY 5, 2015
IDAHO FOOD CODE RULES
(2 meetings)
1st Meeting - 9:00 am - 12:00 pm
2nd Meeting - 12:30 pm - 3:30 pm**

**TWIN FALLS
La Quinta Inn
539 Pole Line Road
Sawtooth South Room
Twin Falls, ID 83301**

**MAY 6, 2015
COTTAGE FOOD RULES
(3 meetings)
1st Meeting - 8:00 am - 11:00 am
2nd Meeting - 12:00 pm - 3:00 pm
3rd Meeting - 4:00 pm - 7:00 pm**

**MAY 7, 2015
IDAHO FOOD CODE RULES
(2 meetings)
1st Meeting - 9:00 am - 12:00 pm
2nd Meeting - 12:30 pm - 3:30 pm**

**EASTERN IDAHO PUBLIC HEALTH
1250 Hollipark Drive
Conference Room
Idaho Falls, ID 83401**

**MAY 11, 2015
COTTAGE FOOD RULES
(3 meetings)
1st Meeting - 8:00 am - 11:00 am
2nd Meeting - 12:00 pm - 3:00 pm
3rd Meeting - 4:00 pm - 7:00 pm**

**MAY 12, 2015
IDAHO FOOD CODE RULES
(2 meetings)
1st Meeting - 9:00 am - 12:00 pm
2nd Meeting - 12:30 pm - 3:30 pm**

SOUTHEASTERN IDAHO PUBLIC HEALTH
1901 Alvin Ricken Drive,
Assembly Rooms 1 and 2
Pocatello, ID 83201

MAY 13, 2015
COTTAGE FOOD RULES
(3 meetings)
1st Meeting - 8:00 am - 11:00 am
2nd Meeting - 12:00 pm - 3:00 pm
3rd Meeting - 4:00 pm - 7:00 pm

MAY 12, 2015
IDAHO FOOD CODE RULES
(2 meetings)
1st Meeting - 9:00 am - 11:00 am
2nd Meeting - 11:30 pm - 2:30 pm

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

1. Attend the negotiated rulemaking meetings and participate in the negotiation process;
2. Provide oral or written recommendations, or both, at the negotiated rulemaking meetings;
3. Submit written recommendations and comments to this address on or before May 29, 2015:

Patrick Guzzle, Food Protection Program Manager
Idaho Department of Health and Welfare
450 W. State Street - 4th Floor
P.O. Box 83720, Boise, ID 83720-0036

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:

These rules govern food safety standards in Idaho which currently are based on the 2001 FDA Food Code. The Department intends to update these rules to be based on current industry practices provided in the 2013 FDA Food Code. Negotiations are being held for input from businesses within Idaho's retail food establishments, that will bring the Idaho Food Code to current best practices with the 2013 FDA Food Code. The Department intends to negotiate rules regarding the standards for management level staff and their knowledge of food safety practices, communicable disease prevention, and control within food establishments as provided in the 2013 FDA Code.

There will be separate negotiated rulemaking meetings to discuss the "Cottage Foods Industry" or "Home Kitchen Operations" and how Idaho addresses these types of business models to provide a safe food supply to Idaho citizens. The Department intends to solicit information from stake holders to implement consistent standards and interpretations throughout Idaho.

CONTACT INFORMATION, WEB ADDRESS, ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning this negotiated rulemaking, contact Patrick Guzzle at (208) 334-5938. Materials pertaining to the negotiated rulemaking, including any available preliminary rule drafts, can be found on the Department's web site at the following web address: www.foodsafety.idaho.gov

All written comments on the negotiated rules must be directed to the contact person above and must be delivered on or before May 29, 2015.

DATED this 3rd Day of April, 2015.

Tamara Prisock
Tel: (208) 334-5500
Fax: (208) 334-6558
E-Mail: dhwrules@dhw.idaho.gov

DHW - Administrative Rules Unit
450 W. State Street - 10th Floor
P.O. Box 83720
Boise, ID 83720-0036

IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE

16.03.19 - RULES GOVERNING CERTIFIED FAMILY HOMES

DOCKET NO. 16-0319-1501

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 39-3505, and 56-1005, Idaho Code.

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

ALL MEETING TIMES ARE LOCAL TIME

Tuesday, May 26, 2015
1:30 pm - 3:30 pm

Central Idaho DHW Office
3232 Elder Street
Conf. Rooms D-East & D-West
Boise, ID

Wednesday, June 10, 2015
1:30 pm - 3:30 pm

Eastern Idaho DHW Office
1070 Hilina Road
2nd Floor Conference Room
Pocatello, ID

Tuesday, June 16, 2015
1:30 pm - 3:30 pm

Northern Idaho DHW Office
1120 Ironwood Drive
Suite 102
Coeur d'Alene, ID

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

1. Attend the negotiated rulemaking meetings as scheduled above;
2. Provide oral or written recommendations, or both, at the negotiated rulemaking meetings;
3. Submit written recommendations and comments to this address on or before June 19, 2015:

Karen Vasterling
Certified Family Home Program Manager

Idaho Department of Health and Welfare
1070 Hilina Rd., Suite 260
P.O. Box 83720, Pocatello, ID 83201

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 Department is holding negotiated rulemaking meetings on this chapter to update and revise certification requirements for Certified Family Homes operating in Idaho.

CONTACT INFORMATION, WEB ADDRESS, ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning this negotiated rulemaking, contact Karen Vasterling at (208) 239-6263. Materials pertaining to the negotiated rulemaking under Docket No. 16-0319-1501, including any available preliminary rule drafts, can be found on the Department's web site at the following web address: www.healthandwelfare.idaho.gov

All written comments on the negotiated rules must be directed to the contact person above and must be delivered on or before June 19, 2015.

DATED this 9th Day of April, 2015.

Tamara Prisock
(208) 334-5500 phone
(208) 334-6558 fax
dhwrules@dhw.idaho.gov e-mail

DHW - Administrative Rules Unit
450 W. State Street - 10th Floor
P.O. Box 83720
Boise, ID 83720-0036

IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE

16.07.17 - ALCOHOL AND SUBSTANCE USE DISORDERS SERVICES

DOCKET NO. 16-0717-1501

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 39-111, Idaho Code.

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

ALL MEETING TIMES ARE LOCAL TIME

CONFERENCE CALL HELD FOR ALL MEETINGS

**Thursday, June 4, 2015
10:00 am - 12:00 pm**

**Regions 6 and 7
Idaho Falls Regional Office
2nd Floor Conference Room
150 Shoup Ave
Idaho Falls, ID**

**Tuesday, June 9, 2015
9:30 am - 11:30 am**

**Regions 1 and 2
Lewiston Regional Office
3rd Floor Conference Room
1118 F Street
Lewiston, ID**

**Thursday, June 11, 2015
1:30 pm - 3:30 pm**

**Regions 3, 4, and 5
Boise Regional Office
Westgate Conference Room 142
1720 Westgate Drive
Boise, ID**

CONFERENCE CALL INFORMATION

Call-in Number and Participant Code are the same for all Negotiated Rulemakings

**Toll Free: 1-866-906-9888
Participant Pass Code: 7258371**

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

1. Attend the negotiated rulemaking meetings and participate in the negotiation process;
2. Provide oral or written recommendations, or both, at the negotiated rulemaking meetings;
3. Submit written recommendations and comments to the following on or before June 15, 2015:

Treena Clark, MPA
Division of Behavioral Health
Email: clarkt@dhw.idaho.gov

Idaho Department of Health and Welfare
450 W. State Street
P.O. Box 83720, Boise, ID 83720-0036

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

The Department is holding negotiated rulemaking in this chapter regarding alcohol and substance use disorders services to integrate these rules into a behavioral health system of care to benefit Idaho citizens.

Recognizing the benefit and necessity of an integrated monitoring and credentialing of community mental health and substance use disorder providers, the Department is exploring the creation of behavioral health certification that allows community mental health and substance use disorder agencies to obtain state approval while maintaining core

requirements for substance use disorders services and programs.

CONTACT INFORMATION, WEB ADDRESS, ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning this negotiated rulemaking, contact Treena Clark (208) 334-6611.

All written comments on the negotiated rules must be directed to the contact person above and must be delivered on or before June 15, 2015.

DATED this 3rd Day of April, 2015.

Tamara Prisock
DHW - Administrative Rules Unit
450 W. State Street - 10th Floor
P.O. Box 83720
Boise, ID 83720-0036
Tel: (208) 334-5500
Fax: (208) 334-6558
E-Mail: 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. 16-0720-1501

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 39-111, Idaho Code.

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

ALL MEETING TIMES ARE LOCAL TIME

CONFERENCE CALL-IN PROVIDED FOR ALL MEETINGS

**JUNE 4, 2015
10:00 am - 12:00 pm**

**Regions 6 and 7
Idaho Falls Regional Office
2nd Floor Conference Room
150 Shoup Ave
Idaho Falls, ID**

**JUNE 9, 2015
9:30 am - 11:30 am**

**Regions 1 and 2
Lewiston Regional Office
3rd Floor Conference Room
1118 F Street
Lewiston, ID**

**JUNE 11, 2015
1:30 pm - 3:30 pm**

**Regions 3, 4, and 5
Boise Regional Office
Westgate Conference Room 142
1720 Westgate Drive
Boise, ID**

CONFERENCE CALL INFORMATION

Call-in Number and Participant Code are the same for all Negotiated Rulemakings

**Toll Free: 1-866-906-9888
Participant Pass Code: 7258371**

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

1. Attend the negotiated rulemaking meetings and participate in the negotiation process;
2. Provide oral or written recommendations, or both, at the negotiated rulemaking meetings;
3. Submit written recommendations and comments to the following on or before June 15, 2015:

Treena Clark, MPA
Division of Behavioral Health
Email: clarkt@dhw.idaho.gov

Idaho Department of Health and Welfare
450 W. State Street
P.O. Box 83720, Boise, ID 83720-0036

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

The Department is holding negotiated rulemaking in this chapter regarding alcohol and substance use disorders treatment and recovery support services facilities and programs to integrate these rules into a behavioral health system of care to benefit Idaho citizens.

Recognizing the benefit and necessity of an integrated monitoring and credentialing of community mental health and substance use disorder providers, the Department is exploring the creation of behavioral health certification that allows community mental health and substance use disorder agencies to obtain state approval while maintaining core requirements for substance use disorders services and programs.

CONTACT INFORMATION, WEB ADDRESS, ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning this negotiated rulemaking, contact Treena Clark (208) 334-6611.

All written comments on the negotiated rules must be directed to the contact person above and must be delivered on or before June 15, 2015.

DATED this 3rd Day of April, 2015.

Tamara Prisock
DHW - Administrative Rules Unit
450 W. State Street - 10th Floor
P.O. Box 83720
Boise, ID 83720-0036
Tel: (208) 334-5500
Fax: (208) 334-6558
E-Mail: dhwrules@dhw.idaho.gov

IDAPA 17 - IDAHO INDUSTRIAL COMMISSION

17.02.06 - EMPLOYERS' REPORTS

DOCKET NO. 17-0206-1501

NOTICE OF INTENT TO PROMULGATE RULES - NEGOTIATED RULEMAKING

AUTHORITY: In compliance with Section 67-5220, 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(s) 72-432, 72-508, and 72-602, 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 27, 2015.

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 the address listed below.

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.

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.

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 Commission has been reviewing the implementation of EDI Claims Release 3.0 ("EDI"), a secured, electronic interchange of documents. EDI would allow the submission of all relative workers' compensation claims information be reported electronically to the Commission and would alleviate repetitive data entry.

The Commission is proposing a rule amendment that would eliminate the filing requirement of a summary of payments to the Commission for all EDI-only claims reporting. Since all relative information would be submitted in EDI, the filing of a summary of payments would be redundant.

The Commission, in conjunction with a committee of stakeholders, has prepared a preliminary text of the proposed rule amendments. As part of the negotiated rulemaking process, the Commission is seeking input from interested parties in the development of the rule.

CONTACT INFORMATION, WEB ADDRESS, ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning this negotiated rulemaking, contact Scott McDougall, Benefits Administration Manager, (208) 334-6063. Materials pertaining to the negotiated rulemaking, including any available preliminary rule drafts, can be found on the Industrial Commission's web site at the following web address: www.iic.idaho.gov.

All written comments must be directed to the undersigned or beth.kilian@iic.idaho.gov and must be delivered on or before May 27, 2015.

DATED this 3rd Day of April, 2015.

Mindy Montgomery, Director
Industrial Commission

700 S. Clearwater Lane
PO Box 83720
Boise, Idaho 83720-0041

Phone: (208) 334-6000
Fax: (208) 334-2321

IDAPA 17 - IDAHO INDUSTRIAL COMMISSION

17.02.07 - PROCEDURES TO OBTAIN COMPENSATION

DOCKET NO. 17-0207-1501

NOTICE OF INTENT TO PROMULGATE RULES - NEGOTIATED RULEMAKING

AUTHORITY: In compliance with Section 67-5220, 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(s) 72-432, 72-508, 72-602, and 67-5229, 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 27, 2015.

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 the address listed below.

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.

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.

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 Commission has been reviewing the implementation of EDI Claims Release 3.0 (“EDI”), a secured, electronic interchange of documents between participant systems, for reporting to the Commission of workers’ compensation claims information. The intent of the proposed rule amendment is to eliminate the voluminous paper filings and duplicative data entry of claims information.

The proposed rule amendment creates a new section that would allow the Commission to adopt and incorporate by reference in rule the industry standard of the current International Association of Industrial Accident Boards and Commissions (IAIABC) EDI Claims Release 3.0 Implementation Guide, published January 1, 2015 (“EDI Implementation Guide”) located on the [IAIABC](#) website; and the current Idaho Industrial Commission Claims EDI Implementation Guide and Tables (“EDI Guide and Tables”).

The proposed rule amendment would also set forth the requirements of sureties to provide information in accordance with EDI standards.

The Commission, in conjunction with a committee of stakeholders, has been working on preliminary text language of the proposed rule amendments. As part of the negotiated rulemaking process, the Commission is seeking input from interested parties in the development of the rule.

CONTACT INFORMATION, WEB ADDRESS, ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning this negotiated rulemaking, contact Scott McDougall, Benefits Administration Manager, (208) 334-6063. Materials pertaining to the negotiated rulemaking, including any available preliminary rule drafts, can be found on the Industrial Commission’s web site at the following web address: www.iic.idaho.gov.

All written comments must be directed to the undersigned or beth.kilian@iic.idaho.gov and must be delivered on or before May 27, 2015.

DATED this 3rd Day of April, 2015.

Mindy Montgomery, Director
Industrial Commission

Phone: (208) 334-6000
Fax: (208) 334-2321

700 S. Clearwater Lane
PO Box 83720
Boise, Idaho 83720-0041

IDAPA 17 - IDAHO INDUSTRIAL COMMISSION

17.02.08 - MISCELLANEOUS PROVISIONS

DOCKET NO. 17-0208-1501

NOTICE OF INTENT TO PROMULGATE RULES - NEGOTIATED RULEMAKING

AUTHORITY: In compliance with Section 67-5220, 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(s) 72-508 and 72-806, 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 27, 2015.

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 the address listed below.

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.

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.

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 Commission has been reviewing the implementation of EDI Claims Release 3.0, a secured, electronic interchange of documents. The intent is to bring increased productivity in its claims and benefits departments and reduce the amount of paper generated at the agency.

The proposed rule amendment would allow the party(ies) of a workers' compensation claim to submit a copy of the notice of a change of status ("COS") to the Commission by electronic submission of documents ("EDI"), rather than submission in the current paper form.

The Commission, in conjunction with a committee of stakeholders, has prepared a preliminary text of the proposed rule amendments. As part of the negotiated rulemaking process, the Commission is seeking input from interested parties in the development of the rule.

CONTACT INFORMATION, WEB ADDRESS, ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning this negotiated rulemaking, contact Scott McDougall, Benefits Administration Manager, (208) 334-6063. Materials pertaining to the negotiated rulemaking, including any available preliminary rule drafts, can be found on the Industrial Commission's web site at the following web address: www.iic.idaho.gov.

All written comments must be directed to the undersigned or beth.kilian@iic.idaho.gov and must be delivered on or before May 27, 2015.

DATED this 3rd Day of April, 2015.

Mindy Montgomery, Director
Industrial Commission

Phone: (208) 334-6000
Fax: (208) 334-2321

700 S. Clearwater Lane
PO Box 83720
Boise, Idaho 83720-0041

IDAPA 17 - IDAHO INDUSTRIAL COMMISSION

17.02.09 - MEDICAL FEES

DOCKET NO. 17-0209-1502

NOTICE OF INTENT TO PROMULGATE RULES - NEGOTIATED RULEMAKING

AUTHORITY: In compliance with Section 67-5220, 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(s) 72-508 and 72-803, 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 27, 2015.

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 the address listed below.

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.

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.

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 Centers for Medicare and Medicaid Services (CMS) created new Comprehensive Ambulatory Payment Classification (C-APC) codes that package a broader range of services into a single bundled payment. The new C-APC codes have significantly increased payments for some orthopedic procedures provided by hospitals and ambulatory surgical centers when applied with the existing language in IDAPA 17.02.09.032. A Temporary Rule was adopted effective January 1, 2015 to stabilize payments and the Commission is now considering a long-term fix.

The Commission will review the standards of reimbursement for inpatient and outpatient rehabilitation services provided in various settings to include: rehabilitation hospitals, distinct part units within non-critical access hospitals, hospital outpatient, and physical therapy clinics.

The Commission will also review the annual adjustment of the medical fee schedule for physician reimbursement, in accordance with Section 72-803, Idaho Code.

CONTACT INFORMATION, WEB ADDRESS, ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning this negotiated rulemaking, contact Patti Vaughn, Medical Fee Schedule Analyst, (208) 334-6084. Materials pertaining to the negotiated rulemaking, including any available preliminary rule drafts, can be found on the Commission's web site at the following web address: www.iic.idaho.gov.

All written comments must be directed to the undersigned or beth.kilian@iic.idaho.gov and must be delivered on or before May 27, 2015.

DATED this 2nd Day of April, 2015.

Mindy Montgomery, Director
Industrial Commission

Phone: (208) 334-6000
Fax: (208) 334-2321

700 S. Clearwater Lane
PO Box 83720
Boise, Idaho 83720-0041

IDAPA 17 - IDAHO INDUSTRIAL COMMISSION

17.02.10 - ADMINISTRATIVE RULES OF THE INDUSTRIAL COMMISSION UNDER THE WORKERS' COMPENSATION LAW -- SECURITY FOR COMPENSATION -- INSURANCE CARRIERS

DOCKET NO. 17-0210-1501

NOTICE OF INTENT TO PROMULGATE RULES - NEGOTIATED RULEMAKING

AUTHORITY: In compliance with Section 67-5220, 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(s) 72-508, 72-301, 72-302, and 72-704, 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 27, 2015.

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 the address listed below.

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.

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.

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 Commission has been reviewing the implementation of EDI Claims Release 3.0 ("EDI"), a secured, electronic interchange of documents, to allow the submission of all relative workers' compensation claims information be reported electronically to the Commission.

The proposed rule amendment would be necessary to comply with EDI rules. The proposed rule amendment would also create a new section in rule to define a Claims Administrator who adjusts workers' compensation claims in the state of Idaho. The proposed rule amendment would also clarify the reports by Claims Administrators to the Commission.

The Commission, in conjunction with a committee of stakeholders, has been working on preliminary text of the proposed rule amendments. As part of the negotiated rulemaking process, the Commission is seeking input from interested parties in the development of the rule.

CONTACT INFORMATION, WEB ADDRESS, ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning this negotiated rulemaking, contact Scott McDougall, Benefits Administration Manager, (208) 334-6063. Materials pertaining to the negotiated rulemaking, including any available preliminary rule drafts, can be found on the Industrial Commission's web site at the following web address: www.iic.idaho.gov.

All written comments must be directed to the undersigned or beth.kilian@iic.idaho.gov and must be delivered on or before May 27, 2015.

DATED this 2nd Day of April, 2015.

Mindy Montgomery
Director
Industrial Commission

700 S. Clearwater Lane
PO Box 83720
Boise, Idaho 83720-0041

Phone: (208) 334-6000
Fax: (208) 334-2321

IDAPA 17 - IDAHO INDUSTRIAL COMMISSION

17.02.11 - ADMINISTRATIVE RULES OF THE INDUSTRIAL COMMISSION UNDER THE WORKERS' COMPENSATION LAW -- SECURITY FOR COMPENSATION -- SELF-INSURED EMPLOYERS

DOCKET NO. 17-0211-1501

NOTICE OF INTENT TO PROMULGATE RULES - NEGOTIATED RULEMAKING

AUTHORITY: In compliance with Section 67-5220, 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(s) 72-508, 72-301, and 72-304, 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 27, 2015.

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 the address listed below.

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.

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.

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 Commission has been reviewing the implementation of EDI Claims Release 3.0 ("EDI"), a secured, electronic interchange of documents, to allow the submission of all relative workers' compensation claims information be reported electronically to the Commission.

The proposed rule amendment would be necessary to comply with EDI rules. The proposed rule amendment creates a new section in rule that provides for the definition of a Claims Administrator who adjusts workers' compensation claims in the state of Idaho. The proposed rule change also provides clarification on reports by Claims Administrators to the Commission.

The Commission, in conjunction with a committee of stakeholders, has been working on preliminary text language of the proposed rule amendments. As part of the negotiated rulemaking process, the Commission is seeking input from interested parties in the development of the rule.

CONTACT INFORMATION, WEB ADDRESS, ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning this negotiated rulemaking, contact Scott McDougall, Benefits Administration Manager, (208) 334-6063. Materials pertaining to the negotiated rulemaking, including any available preliminary rule drafts, can be found on the Industrial Commission's web site at the following web address: www.iic.idaho.gov.

All written comments must be directed to the undersigned or beth.kilian@iic.idaho.gov and must be delivered on or before May 27, 2015.

DATED this 3rd Day of April, 2015.

Mindy Montgomery
Director
Industrial Commission

700 S. Clearwater Lane
PO Box 83720
Boise, Idaho 83720-0041

Phone: (208) 334-6000
Fax: (208) 334-2321

IDAPA 35 - IDAHO STATE TAX COMMISSION

35.01.02 - IDAHO SALES AND USE TAX ADMINISTRATIVE RULES

DOCKET NO. 35-0102-1403

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. 35-0102-1403. The affected sections are being reprinted here pursuant to this legislative action in their final version as affected by Senate Concurrent Resolution (SCR) 129.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement regarding the partial rejection:

Pursuant to [HCR 004](#), IDAPA 35.01.02, State Tax Commission, "Idaho Sales and Use Tax Administrative Rules," Sections 102 and 128, only, adopted as pending rules under Docket Number [35-0102-1403](#), are not consistent with legislative intent and are rejected and declared null, void and of no force and effect. Sections 012, 024, 102, and 128 are reprinted here as affected by HCR 4 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 13th day of April, 2015.

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

**The Pending Rule Adopted Under This Docket Was Partially Rejected By HCR 004.
The Following Rule Text Is The Codified Final Rule And Includes The Rejected
Pending Rule Text Shown Here As Underscored And Stricken.**

012. CONTRACTORS IMPROVING REAL PROPERTY (RULE 012).

Sections 63-3609(a), 63-3621, 63-3615(b), 63-3622B, Idaho Code

01. In General. This rule applies to contractors who construct, alter, repair, or improve real property. Contractors are defined as consumers of materials they use, whether or not they resell the material. All sales of tangible personal property to contractors are taxable. (7-1-93)

a. Contractors include bricklayers, plumbers, heating specialists, painters, sheet metal workers, carpet layers, electricians, land levelers, well drillers, landscapers, and all others who do contract work on real property. Unless these persons are employees of a contractor, they are acting as contractors and are consumers just as other contractors. (7-1-93)

b. Persons doing residential repairs, such as plumbers and electricians, as well as those who both sell and install carpet, also are contractors improving real property. Such contractors are defined as the consumers of the materials they install and are required to pay sales or use tax on their cost for the materials. They do not charge sales tax to their customers unless they make a sale of materials only, with no installation. (7-1-93)

- c. The terms “contractor” and “subcontractor” are not applicable to persons who merely sell tangible personal property in the form of building materials, supplies, or equipment to construction contractors for delivery at the job site without any requirement that they install such tangible personal property. (3-4-10)
- 02. Contract.** A contract to improve real property may be in any of the following forms. (7-1-93)
- a. **Lump Sum Contract.** A lump sum contract is an agreement to furnish materials and services for a lump sum. (7-1-93)
- b. **Cost-plus Contract.** A cost-plus contract is an agreement to furnish materials and services at the contractor’s cost plus a fixed sum or percentage of the cost. (7-1-93)
- c. **Guaranteed Price Contract.** A guaranteed price contract is an agreement to furnish materials and services with a guaranteed price which may not be exceeded. (7-1-93)
- d. **Time and Material Contract.** A time and material contract is an agreement to sell a specific list of materials and supplies at retail or an agreed price and to complete the work for an additional agreed price or hourly rate for services rendered. (7-1-93)
- e. The contractor or repairman who affixes or installs the personal property into real property is the consumer of tangible personal property regardless of the type of contract entered into, whether it is a lump sum, time and material, or a cost-plus contract. (3-4-10)
- 03. Use.** As used in this rule, the term use includes exercising any right or power over tangible personal property in performing a contract to improve real property, regardless of who owns the material or if the material is leased. (7-1-93)
- 04. Real Property.** See Rules 010 and 067 of these rules. (3-15-02)
- 05. Use Tax Reporting Number.** Contractors need a use tax number if they make purchases on which sales tax has not been charged. In this case, they are required to report and pay the Idaho use tax to the state. If a contractor pays sales tax to his vendors on ALL purchases, he does not have to obtain a use tax number. (7-1-93)
- 06. Purchases by Contractors.** Contractors are consumers of equipment they use in their business such as trucks, tractors, road graders, scaffolding, pipe cutters, trowels, wrenches, tools in general, oxygen, acetylene, oil, and similar items. They must pay the sales or use tax on their purchase of equipment, tools, and supplies. They must also pay tax on their purchase of building materials and fixtures. Fixtures include items such as lighting fixtures, plumbing fixtures, furnaces, boilers, heating units, air-conditioning units, refrigeration units, elevators, hoists, conveying units, awnings, blinds, vaults, cabinets, counters, and lockers. (7-1-93)
- 07. Fuels.** A contractor must pay tax on fuels used in off-road equipment unless on-road fuels excise taxes have been paid. (7-1-93)
- 08. Custom-Made Goods.** Sales tax applies to the entire price charged for custom-made goods sold by the maker. If a contractor orders fabricated steel from a steel company, he must pay sales tax on the entire price of the fabricated item, including the cost of the labor involved. On the other hand, if the contractor buys the steel and fabricates it himself for the job, he pays a tax only on the materials he buys. (7-1-93)
- 09. Value.** The contractor owes use tax on the value of the job materials at the time he exercises right or power over them. Value, as used in Section 63-3621, Idaho Code, means: (7-1-93)
- a. When a contractor fabricates and installs tangible personal property into Idaho real property, the value is the cost of materials and parts he uses. If a contractor, with a contract to furnish and install goods, fabricates the goods and hires a subcontractor to do the installation, the amount subject to tax is the cost of material to the contractor who fabricated the goods. (7-1-93)

b. When a contractor who is also a retailer fabricates tangible personal property, puts it in his resale inventory, and later withdraws it for a job, tax applies to the fully fabricated value. This is true regardless of whether the fabricator installs the property himself or through an agent or subcontractor. (7-1-93)

10. Materials Provided by Project Owner. (7-1-93)

a. If a project owner who is not exempt from tax buys materials for a job and hires a contractor to install them, he must pay sales or use tax when he buys the material. If the owner does not pay tax on the materials, the contractor may be held liable for the tax. (7-1-93)

b. If material needed for a contract is purchased or supplied by an owner who is exempt from sales and use taxes, then the use by the contractor is subject to use tax. This is true even if the property is owned by an exempt entity such as the federal government or a state government agency. For example, if a contractor has a public works contract to build a structure using materials owned and supplied by the government, whether federal, state, or local, he is the consumer of the materials and is subject to a use tax on their value. This tax falls directly upon the contractor and not the owner of the property. (7-1-93)

c. A contractor who buys tangible goods cannot avoid tax just because the goods will be built in to a structure which will belong to, or be used by an exempt entity. Contractors and subcontractors may not avoid paying sales or use tax due to a contract which allows invoices to be made out in the name of the exempt entity, such as the U.S. Government, and designate the contractor or subcontractor as an agent of the exempt entity. In this case, the contractor or subcontractor is the user or consumer of the material and its use, while it is in his possession and subject to his labor, is taxable. (7-1-93)

11. Subcontractor. In general, a subcontractor is treated the same as a general contractor. Whether his contract is with the owner or the general contractor, the subcontractor pays tax on materials he buys to improve real property. Like any contractor, the subcontractor could be employed to work on or with material purchased by the general contractor or the owner, with one or the other paying tax on the material purchased. These services rendered by the subcontractor are not taxable. His relationship with the owner or general contractor is no different than the relationship between the contractor and owner. However, the provisions of Subsection 011.10 of this rule apply equally to a subcontractor. (6-23-94)

12. Land Leveling. (4-7-11)

a. Persons who contract to level land are improving real property and are contractors under this rule. Accordingly, they are subject to tax on equipment, material, and supplies purchased for land leveling. (7-1-93)

b. Notwithstanding the provisions of Rule 013 of these rules, contractors who crush rock are performing a nontaxable service if the rock is obtained on a construction site, and the crushed rock is used on the same site, for such purposes as backfill, land leveling, site preparation, or site cleanup. The use of such rock, backfill, or other related materials is not subject to tax; however, such a contractor is not primarily devoted to mining and his use of rock crushing equipment, or other equipment and supplies, does not qualify for exemption under Section 63-3622D, Idaho Code. (4-7-11)

c. The sale or use of crushed rock that is removed from a construction site and used elsewhere is taxable. See Rule 013 of these rules. (4-7-11)

13. Exempt Purchases by Contractors. A contractor can buy materials tax exempt, provided that he will install them into real property in a state that does not have a sales tax, such as Oregon, Montana, or Alaska, or in a state where the materials would not be subject to a use tax or other similar excise tax in that state. For example, this exemption applies to a contractor improving real property on certain projects in Washington where he will not owe a use tax on materials incorporated into realty, even though a sales or use tax may be owed by a third party. This exemption only applies to materials incorporated into real estate in a nontaxing state. Tools, supplies, equipment, or any other tangible personal property purchased in Idaho that are not incorporated into realty are taxable when purchased in Idaho. In order to grant this exemption the retailer must have a properly completed exemption certificate on file. See Rule 128 of these rules. Idaho tax applies to materials purchased or withdrawn from inventory for use in a contract to improve real property in states where use tax applies to materials incorporated into realty, such as

- Nevada or Wyoming. (2-27-15)
- 14. Cross-References.** (7-1-93)
- a.** Road and paving contractors, see Rule 013 of these rules. (3-15-02)
- b.** Contractor/retailers, see Rule 014 of these rules. (3-15-02)
- c.** Well drillers/pump installers, see Rule 015 of these rules. (3-15-02)

(BREAK IN CONTINUITY OF SECTIONS)

024. RENTALS OR LEASES OF TANGIBLE PERSONAL PROPERTY (RULE 024).

01. In General. The lease or rental of tangible personal property, including licensed motor vehicles, is a sale. (7-1-93)

02. Bare Equipment Rental. A bare equipment rental, that is, a rental of equipment without operator, is a taxable sale. The owner of the equipment is a retailer and must get a seller's permit and collect and remit sales taxes. The equipment owner must collect sales tax on each rental payment and remit the tax to the State Tax Commission just like any other retailer. The tax applies whether the equipment is rented by the hour, day, week, month, or on a mileage, or any other basis. The equipment owner who primarily rents bare equipment may buy the equipment without paying tax to the vendor by giving him a resale certificate. See Rule 128 of these rules. If the owner uses the equipment for his own benefit or in his own business operations, he must pay use tax based on a fair market rental value for the period during which he used his own equipment. (4-4-13)

03. Fully Operated Equipment Rentals. (7-1-93)

a. A fully operated equipment rental, equipment with operator, is a service rather than a retail sale of tangible personal property. No sales tax is due on a fully operated equipment rental. (7-1-93)

b. A fully operated equipment rental is an agreement in which the owner or supplier of the equipment or property supplies the equipment or property along with an operator, and the property supplied is of no value to the customer without the operator. (4-4-13)

c. The owner or supplier of the equipment or property used in a fully operated equipment rental is the consumer of the equipment or property, and is subject to sales or use tax when he buys or uses the equipment in Idaho. Special rules apply to transient equipment used for short periods in Idaho. See Rule 073 of these rules. (7-1-99)

d. If the equipment or property has value to the customer without an operator, then the lease or rental of the equipment or property is a distinct transaction. It is subject to sales or use tax and its price must be stated separately from the price of the service provided by the operator. (4-4-13)

e. Example: A crane rental company provides a mobile crane to a contractor, along with an operator. The contractor may not use the crane without the operator, so the leasing company is not required to charge sales tax on the lease of the crane. (4-4-13)

f. Example: Pick-Up Industries provides a three (3) cubic yard trash container to a customer. Pick-Up also provides trash hauling service to empty the container. Since the container is used to store trash between collections, its transfer to a customer is a lease subject to sales tax. (7-1-93)

04. Mixed Use of Rental Equipment. (7-1-93)

a. If the equipment owner primarily rents bare equipment but sometimes supplies equipment with an

operator, the equipment owner is the consumer of the equipment while it is used by the operator to perform a service contract. Accordingly, the equipment owner must pay use tax on the fair market rental value of the equipment for that period of time unless he paid tax when he bought the equipment. (4-4-13)

b. If the equipment owner primarily rents fully operated equipment but sometimes rents bare equipment, he must charge and remit Idaho sales tax on the rental of the bare equipment. The tax applies even though the equipment owner's purchase of the property was also subject to sales or use tax. In this case, the owner purchased the equipment for a purpose other than the resale or re-rental of that property in the regular course of business. (7-1-93)

05. Operator Required to Be Paid by Customer. In some cases, an equipment owner supplies equipment along with an operator but a contract or a state or federal law requires the customer to pay the operator. If all other indications of an employee-employer relationship, such as the right to hire and fire, immediate direction and control, etc., remain with the equipment owner, the owner is viewed as supplying a service and no sales tax applies to the service fee. However, the fact that the transaction is a fully operated equipment rental must be clearly stated on the face of the invoice or other billing document. The State Tax Commission may, whenever it deems appropriate, examine the facts on a case-by-case basis to determine if a true employer-employee relationship exists between the equipment owner and the operator. (2-27-15)

06. Maintenance of Rental Equipment. If the owner who primarily rents bare equipment is responsible for the maintenance of the equipment, he may buy the necessary repair parts and equipment tax exempt by providing his vendor with a resale certificate. The owner who rents fully operated equipment may not buy the equipment or repair parts tax exempt. (4-4-13)

07. Rentals to Exempt Entities. The rental or lease of equipment invoiced directly to an entity exempt from sales tax, such as the state of Idaho or one (1) of its political subdivisions, is not subject to sales tax. However, if the rental or lease is to an individual or organization performing a contract for, or working for an exempt entity, the rental is taxable. (7-1-93)

08. Exempt Equipment Rentals. Equipment which would have been exempt from tax if purchased is also tax exempt if leased or rented. To claim this exemption, the renter must furnish the owner with a properly completed and signed exemption certificate. See Rule 128 of these rules. (3-15-02)

09. Rental Payments Applied to Future Sales. Rentals to be applied toward a future sale or purchase are taxable. (7-1-93)

10. Personal Property Tax. A lessor may require reimbursement from the lessee for the personal property tax the lessor must pay on leased equipment. A charge for personal property tax will be exempt from sales tax if the lease is for a term of one year or longer; if the property tax is billed as a separate line item; and if the charge is no more than the property tax actually paid by the lessor. (5-8-09)

11. Out-of-State Rental/Lease. Rental or lease payments on equipment used outside Idaho are not subject to Idaho sales tax. Rental or lease payments on equipment used in Idaho are taxable. If the equipment is delivered in Idaho, even though it will be used outside the state, then the rental or lease payment for the first month, or other period, is subject to Idaho tax. (7-1-93)

12. Lease-Purchase and Lease with Option to Purchase. (7-1-93)

a. Lease-purchase agreements include transfers which are called leases by the parties but are really installment, conditional, or similar sales. Where ownership passes to the transferee at the end of the stated terms of the lease contract with no additional consideration from the transferee, or where the additional consideration does not represent the fair market value of the property, the transaction is a sale and tax on the entire sales price is collected on the date the property is delivered. (7-1-93)

b. Lease with option to purchase agreements include transfers in which the personal property owner, lessor, transfers possession, dominion, control or use of the property to another for consideration over a stated term and the owner, lessor, keeps the property at the end of the term unless the lessee exercises an option to buy the

property at fair market value. The owner/lessor must collect sales tax from the lessee at the time each lease payment is charged. If the lessee exercises the option to buy, the lessor/owner must collect sales tax from the lessee/buyer on the full remaining purchase price when the option is exercised. (2-27-15)

- 13. Cross-References.** (7-1-93)
- a.** See Rule 025 of these rules on real property rental. (7-1-99)
- b.** See Rule 037 of these rules on aircraft and flying services. (7-1-99)
- c.** See Rule 038 of these rules on flying clubs. (7-1-99)
- d.** See Rule 044 of these rules on trade-in for rental or lease property. (7-1-99)
- e.** See Rule 049 of these rules on warranties and service agreements. (7-1-99)
- f.** See Rule 073 of these rules on transient equipment. (7-1-99)
- g.** See Rule 106 of these rules on motor vehicles. (7-1-99)

(BREAK IN CONTINUITY OF SECTIONS)

102. LOGGING (RULE 102).
Sections 63-3605A & 63-3622JJ, Idaho Code

01. In General. The Sales Tax Act provides an exemption from sales and use taxes for certain tangible personal property used in logging activities. The provisions of this rule are based on the usual methods of doing business in this industry. Specific factual differences in the way a specific taxpayer may conduct his business can result in determinations different from those stated in this rule. Since some equipment may be used for more than one (1) purpose, determinations of taxability will be made based upon the primary use of the equipment. (7-1-93)

02. Real Property. The logging exemption applies only to tangible personal property. It does not apply to real property or to tangible personal property purchased for the purpose of becoming an improvement or fixture to real property. See Rules 010 and 067 of these rules for a definition of real property. (4-6-05)

03. Property Used in Logging Operations. The logging exemption applies to tangible personal property primarily used in a logging activity without regard to the primary business activity of the person performing the logging. For example, a contractor building a road for the Forest Service may claim the logging exemption when purchasing equipment and supplies primarily used to remove the timber from the right-of-way if the timber is resold, even though logging is not the contractor's primary activity. (7-1-93)

04. Logging Process Begins and Ends. The logging process begins when forest trees are first handled by the logger at the site where such an operation occurs. The logging process ends when the product is placed on transportation vehicles at the loading site, ready for shipment. (7-1-93)

05. Logging Exemption. Generally, the logging exemption includes equipment and supplies used or consumed in the logging process and which are necessary or essential to the performance of the operation. To qualify, the logging use must be the primary use of the equipment and supplies. Also, the equipment and supplies must be directly used in the logging process. Examples include: (7-1-93)

- a.** Chain saws with a unit price of more than one hundred dollars (\$100) and tree harvesters. (7-1-93)
- b.** Skidders, tower-skidders, skidding cables, or chokers. (7-1-93)
- c.** Log loaders and log jammers which are not licensed motor equipment. (7-1-93)

d. Repair parts, lubricants, hydraulic oil, and coolants which become a component part of logging equipment. (7-1-93)

e. Fuel, such as diesel, gasoline, and propane consumed by equipment while performing exempt logging activities. (7-1-93)

06. Directly Used. Directly used, as applied to logging, means the performance of any of the following functions when such functions occur between the point at which the logging operation begins and the point at which the operation ends, as defined in Subsection 102.04 of this rule: (7-1-93)

a. The performance of a function in the logging process that effects a physical change in the property being logged so as to render the property more marketable. (7-1-93)

b. The performance of a function which occurs simultaneously with and which is an integral part of and necessary to a function which effects a physical change in the property being logged rendering it more marketable. (7-1-93)

c. The performance of a function which is an integral and necessary step in a continuous series of functions which effect a physical change in the property being logged rendering it more marketable. (7-1-93)

d. The performance of a quality control function which is an integral and necessary step in maintaining specific product standards. (4-11-06)

07. Not Included in Logging Exemption. Generally, the logging exemption does not include the following activities and equipment: (7-1-93)

a. Road construction equipment and supplies such as tractors, road graders, rollers, water trucks, whether licensed or unlicensed, explosives, gravel, fill material, dust suppression products, culverts, and bridge material. (7-1-93)

b. Slash disposal or brush piling and clearing equipment and supplies, such as brush clearing machines, brush rakes, and tractors, except when part of the operation of a tree farm. (7-1-93)

c. Reforestation equipment and supplies, except when part of the operation of a tree farm. (7-1-93)

d. Safety equipment and supplies, including hard hats and earplugs. (7-1-93)

e. Transportation equipment and supplies including vehicles to transport logs from the loading site to the mill, whether the vehicles are licensed or unlicensed, and cable and tie-downs used to fasten logs to the vehicle. (7-1-93)

f. Machinery, equipment, materials, repair parts, and supplies used in a manner that is incidental to logging such as: office equipment and supplies; selling and distribution equipment and supplies; janitorial equipment and supplies; maintenance equipment and supplies which do not become component parts of logging equipment, such as welders, welding gas, and shop equipment; and paint, plastic coatings, and all other similar products used to protect and maintain equipment, whether applied to logging equipment or other equipment. (7-1-93)

g. Hand tools with a unit price of one hundred dollars (\$100) or less, regardless of how necessary the tools may be to the logging operation or how directly they may be used. (7-1-93)

h. Recreation-related vehicles, as defined in Section 63-3622HH, Idaho Code, regardless of use, such as All Terrain Vehicles (ATV), snowmobiles, and off-highway motorbikes. (4-6-05)

i. Aircraft or motor vehicles licensed or required to be licensed by the laws of this state, regardless of the use to which such motor vehicles or aircraft are put. A motor vehicle not required to be licensed is exempt under

the logging exemption only if it meets the tests established elsewhere in this rule. (7-1-93)

08. Election to Pay Sales Tax. The owner of a log loader, log jammer, or similar fixed load motor equipment used in logging, not normally licensed for use on public roads, may elect to license and pay sales tax on the motor equipment rather than placing it on the personal property tax rolls, if the motor equipment may be legally operated on a public road as a commercial vehicle. (4-6-05)

a. Motor equipment licensed at the time of purchase. Sales tax applies to the total purchase price of the motor equipment. (7-1-93)

b. Motor equipment licensed after the date of purchase. Use tax applies to the fair market value of motor equipment on which no sales or use tax has been paid and which was not licensed at the time of purchase, if acquired within the last seven (7) years. See Section 63-3633, Idaho Code. Fair market value may be determined from the personal property tax records of the county assessor. (7-1-93)

~~**09. Timber Production.** Activities and equipment excluded from the logging exemption in Section 63-3622JJ, Idaho Code, such as slash disposal, brush piling, or clearing, and reforestation equipment and supplies may qualify under the production exemption in Section 63-3622D, Idaho Code. See also Rule 079 of these rules. ()~~

(BREAK IN CONTINUITY OF SECTIONS)

128. CERTIFICATES FOR RESALE AND OTHER EXEMPTION CLAIMS (RULE 128).

01. In General. This rule applies to proper documentation for exempt purchases of tangible personal property for resale and all other exemption claims for taxable transactions enumerated in Section 63-3612, Idaho Code. All forms approved by this rule may be reproduced. (3-6-00)

02. Burden of Proof. All sales made within Idaho are presumed to be subject to sales tax unless the seller obtains from the purchaser a properly executed resale or exemption certificate. If the seller does not have an exemption certificate on file it will have the burden of proving that a sale is not subject to tax. The seller may overcome the presumption by establishing the facts giving rise to the exemption. If the seller obtains a valid certificate from the purchaser, the seller need not collect sales or use taxes unless the sale of the tangible personal property or the transaction in question is taxable to the purchaser as a matter of law in the particular instance claimed on the certificate. (3-4-10)

03. Qualified Buyers for Purposes Other Than Resale. Producers, certain contractors and exempt buyers may claim an exemption from paying sales tax on the purchase of goods and other taxable transactions by qualifying under one (1) or more of the provisions of Sections 63-3622A through 63-3622UU, Idaho Code, completing, and providing the required form to the seller. (3-4-10)

04. Qualified Buyers for Purposes of Resale. The resale exemption may be claimed by the following purchasers when buying goods for resale: (3-6-00)

a. A retailer or wholesaler doing business in Idaho who holds a current and valid Idaho seller's permit number. (4-4-13)

b. A wholesaler who makes no retail sales and who is not required to hold an Idaho seller's permit number. (3-6-00)

c. An out-of-state retailer who makes not more than two (2) sales in Idaho in any twelve (12) month period and is not required to hold an Idaho seller's permit number. (3-6-00)

05. Description and Proper Execution of Approved Forms. In order to be valid, all forms must be legible and include a date, the purchaser's name, signature, title, and address. If the purchaser has a federally issued Employer Identification Number (EIN), the purchaser must also include that EIN on the form. If the purchaser does

not have an EIN, the form must contain the purchaser's driver's license number and the state of issue. The purchaser must comply with any additional requirements provided in these rules. (4-4-13)

a. To claim a resale exemption, Form ST-101, Sales Tax Resale and Exemption Certificate, must be completed, except that multi-state taxpayers may use the Uniform Sales and Use Tax Certificate - Multi-jurisdiction. The resale certificates approved by this rule may only be taken from a purchaser described in Subsection 128.04. The reason for, and the nature of, the claimed exemption must be included on the form as well as the primary nature of business and the type of products sold, leased or rented by the purchaser. An Idaho registered retailer must include its seller's permit number. A purchaser need not identify every type of product it sells but must indicate the general character of the property it sells, rents or leases. (4-4-13)

i. Example. A grocery store that in addition to groceries sells miscellaneous items such as cosmetics, magazines, and school supplies. The store would provide its resale number and describe the primary nature of its business as selling groceries. It could buy cosmetics, magazines, and school supplies for resale and it does not need to list those items on the resale certificate. It only needs to indicate the general character of the property it sells as groceries. (3-4-10)

ii. Example. A lawn and garden store occasionally sells barbecue grills as promotional items. Even though it describes lawn and garden items as the types of products it sells, it can buy the grills for resale. (4-4-13)

iii. Example. A grocery store describes the primary nature of its business as selling groceries. It then buys an automobile for resale. The grocery store should provide the automobile seller a resale certificate for this transaction and identify its primary nature of its business as grocery and indicate it is specifically buying the automobile for resale. (3-4-10)

b. Retailers of food products who have been granted records reduction authority by the State Tax Commission may accept Sales Tax Exemption Claim Form-Grocer, Form ST-111, from a purchaser if the retailer has a properly executed certificate (Form ST-101, ST-103, or ST-104) on file from the purchaser. Form ST-111 must include the seller's permit number (if applicable), the signature of the individual claiming the exemption, and, the total purchase price and general nature of the nontaxable products sold. (3-6-00)

c. Sales Tax Exemption Claim for Cash Purchases by Governmental Agencies, Form ST-104G, may ~~must~~ be completed only by federal, Idaho State, and local government agencies making cash purchases and must be furnished to the vendor at the time of sale. Each transaction requires a newly executed form signed by the agency's purchasing agent and the employee/purchaser. Blank forms will be furnished to government agencies by the State Tax Commission upon request. The form cannot be used for lodging and meals bought by a traveling government employee nor for any other reasons enumerated on the form. (3-6-00) ~~()~~

d. Sales Tax Exemption on Lodging Accommodations Claimed by Government Employees ~~and Employees of Other Qualified Exempt Organizations~~ Using ~~a Qualifying~~ Credit Card Payment, Form ST-104-HM, applies ~~must be used~~ when a credit card company will directly bill to and be paid by a federal, Idaho State, or local government agency, ~~or other qualifying~~ employer. It does not apply to credit card payments that are paid by the employee who is later reimbursed by the government agency ~~or other qualifying~~ employer. Each lodging transaction requires a newly executed form signed by the employee/purchaser. (3-6-00) ~~()~~

e. The Diplomatic Tax Exemption Program of the United States Government grants immunity from state taxes to diplomats from certain foreign countries. A federal tax exemption card issued by the U.S. Department of State bears a photograph of the holder, a federal tax exemption number, and specific instructions as to the extent of the exemption granted to the diplomat. Additional information is provided in Rule 098 of these rules. (3-6-00)

f. Sales Tax Exemption Certificate - Vehicle, Form ST-104-MV, must be completed by a purchaser claiming an exemption from tax under Section 63-3622R, Idaho Code, when purchasing a qualifying motor vehicle or trailer. (3-6-00)

g. Motor Vehicle Transfer Affidavit, Form ST-133, must be completed when claiming an exemption from tax when selling a motor vehicle to a relative under the exemption provided by Section 63-3622K, Idaho Code, when selling a motor vehicle, boat or RV to a member of an American Indian Tribe within the boundaries of an

American Indian reservation, or when making a gift of a motor vehicle, boat or RV. (4-4-13)

h. Truck Camper, Transport Trailer, Office Trailer and Untitled Boat Certificate, Form ST-108, is required by any person titling, registering, or licensing certain vehicles on which sales tax was not paid. Of those vehicles mentioned on the form, only the sale of a transport trailer or an office trailer may qualify for an occasional sale exemption, as described in Rule 099 of these rules, and the exemption requires the proper execution of ST-108 to make the claim. (3-15-02)

i. Sales Tax Exemption Certificate - Capital Asset Transfer Affidavit, Form ST-133CATS, is required under the provisions of Section 63-3622K, Idaho Code, when claiming an exemption from tax on the sale of certain vehicles which are included in the bulk sale of a business' assets when the new owner will continue to operate the business in a like manner; for qualifying transfers of certain capital assets through sale, lease or rental; and, for the transfer of vehicles to and from a business or between qualifying businesses when there is no change other than owners' equity. (3-6-00)

j. Information on the resale certificate. The resale certificate shall bear the name and address of the purchaser, the name and address of the seller, shall be signed and dated by the purchaser or his agent, shall indicate the number of the permit issued to the purchaser, or that the purchaser is an out-of-state retailer, and shall indicate the general character of the tangible personal property sold by the purchaser in the regular course of business. By executing the resale certificate, the buyer is certifying that the specific property being purchased is being purchased for resale. (3-4-10)

06. Seller's Responsibility -- Purchases for Resale. A seller is not liable for the collection of sales tax on items sold to a customer from whom the seller has obtained a properly executed Sales Tax Resale and Exemption Certificate, Form ST-101, if the customer intends to resell the items in the regular course of business. The seller has no duty or obligation to collect sales or use taxes in regard to any sales transaction so documented unless the sale fits into the narrow classification of sales that can be considered to be taxable as a matter of law in the particular instance claimed on the resale certificate. If the particular item being purchased for resale does not commonly match the description of the general character of the tangible personal property as identified on the resale certificate, then it is presumed that the sale is taxable as a matter of law; however, if the seller questions the purchaser and the purchaser provides a new certificate specifically identifying the property in question as being purchased for resale, then the seller can accept the certificate and is relieved of any further responsibility. (3-4-10)

a. Example: A restaurant operator completes an ST-101 for his supplier. He indicates the general character of the products he sells as food and beverages. The restaurant operator purchases sugar and flour from the supplier. The supplier is not liable for the collection of the sales tax as the character of the goods is that which the restaurant operator will resell in the regular course of business. The resale claim made by the restaurant operator is available as a matter of law. (3-6-00)

b. Example: The same restaurant operator later purchases dish towels and dish washing soap. The supplier must collect the tax. The general character of the goods are not those sold by a restaurant in the normal course of business. The exemption claimed by the restaurant is not available as a matter of law. However, if the restaurant operator identifies cleaning supplies as one of the types of items it resells, either on the original certificate or on a new certificate, then the supplier need not collect the tax. (3-4-10)

c. Example: An appliance store buys appliances and some furniture for resale from a supplier. The appliance store has a resale certificate on file with the supplier. The supplier also sells warehouse equipment as part of its business. The appliance store buys a forklift from the supplier. The supplier should charge tax. However, if the furniture store provides a new certificate indicating it will sell the forklift, the supplier has no duty or obligation to collect the tax. Without the new certificate, an objectively reasonable person would not assume a furniture store sells forklifts. Additionally, the furniture store is only buying one (1) forklift and this fact indicates to the supplier that it is not buying the forklift for resale. (3-4-10)

07. Seller's Responsibility -- Purchases Claimed Exempt from Sales Tax for Reasons Other Than Resale. A seller is not liable for the collection of sales tax on items sold to a customer from whom a properly executed Sales Tax Resale and Exemption Certificate, Form ST-101, ~~or other required exemption certificate~~ has been received if the nature of the exemption claimed is available to the purchaser as a matter of law or the nature of the

goods purchased qualify for the particular exemption claimed on the certificate. (3-4-10) ~~(3-4-10)~~

a. A retailer must collect tax on the sale of any goods that are specifically excluded from an exemption as a matter of law. For example, a purchaser claiming the production exemption provided by Section 63-3622D, Idaho Code, may not claim an exemption on the sale of items that are specifically excluded from the exemption as a matter of law, such as: (3-6-00)

- i. Hand tools with a unit price not in excess of one hundred dollars (\$100); (3-6-00)
- ii. Maintenance and janitorial equipment and supplies; (3-6-00)
- iii. Office equipment and supplies; (3-6-00)
- iv. Selling and distribution equipment and supplies; (3-6-00)
- v. Property used in transportation activities; (3-6-00)
- vi. Equipment or other property used to make repairs; (3-6-00)
- vii. Tangible personal property which becomes a component of any real property or any improvement or fixture thereto; (3-6-00)
- viii. Licensed motor vehicles; (3-6-00)
- ix. Aircraft; and (3-6-00)
- x. Recreational vehicles. (3-6-00)

b. Example: A farmer completes an ST-101 claiming a production exemption on the purchase of a fifteen dollar (\$15) hammer and a case of motor oil. The retailer must collect the sales tax on the sale of the hammer, but is not liable for the collection of the sales tax on the sale of the motor oil. The retailer cannot rely on the exemption certificate when selling the hammer because, as a matter of law, the sale of hand tools with a unit price of one hundred dollars (\$100) or less is excluded from the production exemption. But the retailer can rely on the exemption certificate when selling goods, such as the motor oil, which the farmer could put to either a nontaxable use (e.g., oil for a tractor), or a taxable use (e.g., oil for a licensed pickup truck). (4-11-06)

c. Additionally, when a retailer sells merchandise which qualifies for the production exemption in Section 63-3622D, Idaho Code, and which may be used for either a taxable or a nontaxable purpose, such as the sale of a battery which is taxable when used in a car and not taxable when used in a farm tractor, the retailer is relieved of the liability for and responsibility of collecting the sales tax if the purchaser provides a description on the exemption certificate of the intended nontaxable use of the item. (3-6-00)

d. A retailer cannot rely on an exemption certificate obtained from a purchaser when the law does not provide an exemption from the tax for the purchaser, such as a nonprofit organization not specifically exempted by the sales tax law or a governmental agency of another state. (3-6-00)

e. Nor can a retailer rely on an exemption certificate when the limited language of the law pertaining to the exemption claimed excludes all but certain goods from the exemption. For example, certain contractors can execute an ST-101 to purchase construction materials for specific jobs in non-taxing states claiming an exemption from tax under Section 63-3622B, Idaho Code, and Rule 012 of these rules. The retailer must collect tax on any goods that are not to be incorporated into the real property, such as parts for construction equipment and tools. (3-6-00)

f. In lieu of Form ST-101, retailers, when selling property that the purchaser claims is entitled to the production exemption, may stamp or imprint on the face of their sales invoices, or purchasers may stamp or imprint on the face of their purchase orders, a certificate containing the following language: (3-4-10)

I certify that the property which I have here purchased will be used by me directly and primarily in the

process of producing tangible personal property by mining, manufacturing, processing, fabricating, or farming, or as a repair part for equipment used primarily as described above.

This tax exemption statement qualifies if this statement is signed by the purchaser and the name, address, and nature of business of the purchaser is shown on the invoice.

Any person who signs this certification with the intention of evading payment of tax is guilty of a misdemeanor.

NATURE OF BUSINESS

BUYER'S SIGNATURE

The signature on this certificate must be in addition to any other signature required on the invoice. If no Form ST-101 is on file with the vendor, then each exempt sale must be documented as described in this Subsection.

(3-4-10)

g. Information on the exemption certificate. An exemption certificate shall show the purchaser's name and address, business name and address, and be signed and dated by the purchaser. The purchaser shall also provide on the certificate the specific exemption being claimed and, if the production exemption is being claimed, a list of the products the purchaser produces. If the purchaser is claiming the contractor exemption, the purchaser must identify the invoice, purchase order, or job number to which the claim applies, the city and state where the job is located, and the name of the project owner. If the purchaser is claiming an exemption as an American Indian, then the purchaser must provide a valid Tribal I.D. number. By signing the exemption certificate, the purchaser is certifying that the purchase qualifies for an exemption from tax.

(4-4-13)

08. Purchaser's Responsibility. A purchaser has the responsibility to properly complete a certificate and ensure that tax is charged on all taxable purchases. If the purchaser properly provides a certificate and normally makes exempt purchases, he nevertheless must ensure that tax is paid when a taxable purchase is made. If the seller does not charge the tax on a taxable purchase the purchaser must either notify the seller to correct the billing and then pay the sales tax to the seller, or accrue and remit use tax on the transaction. If the purchaser intentionally or repeatedly makes purchases, claiming they are exempt, when in fact they are not exempt, and the purchaser fails to remit use tax, a penalty can be imposed in addition to the use tax. The penalty amount that may be asserted against the purchaser is five percent (5%) of the sales price or two hundred dollars (\$200), whichever is greater. The penalty will be asserted by the Commission as a Notice of Deficiency but the purchaser may have the penalty abated when he can establish that there were reasonable grounds for believing that the purchase was properly exempt from tax. In addition, if the purchaser gives a resale or exemption certificate with the intention of evading payment of the tax, the purchaser may be charged with a criminal misdemeanor and could be punished by a fine not exceeding one thousand dollars (\$1,000) or imprisonment for not more than one (1) year, or by both a fine and imprisonment.

(3-4-10)

a. Example: A garden supply store sells, among other things, soil and wood chips in large quantities. It buys a loader to use in its business to load items into customers' trucks. When buying the loader, the garden supply store gives a resale certificate to the seller indicating it intends to resell the loader. However, upon purchase the loader is capitalized on the books of the garden supply store. The Commission could impose a penalty equal to five percent (5%) of the purchase price of the loader against the garden supply store. This penalty is in addition to the use tax that is due. The individual who executed the certificate, or authorized the execution, on behalf of the garden supply store, if done with intent to evade payment of the use tax, could be criminally charged with a misdemeanor.

(3-4-10)

b. Example: A restaurant buys food for resale from a supplier. It can properly give a resale certificate to the supplier. Since it buys food on a continuing basis the supplier keeps a certificate on file. If the restaurant buys cleaning supplies for its own consumption, the supplier should charge sales tax. If it fails to charge tax, the restaurant should notify the supplier to correct the billing and collect the sales tax. If the restaurant fails to pay sales or use tax on more than one purchase, then, under Section 63-3624, Idaho Code, the Commission can assert a use tax and a penalty equal to five percent (5%) of the purchase price or two hundred dollars (\$200), whichever is greater, against the restaurant.

(3-4-10)

09. Timely Acceptance of Certificates. A seller may accept a certificate from a purchaser prior to the time of sale, at the time of sale, or at any reasonable time after the sale to establish the exemption claim, with the exception of Forms ST-104-HM and ST-104G which must be provided at the time of sale. However, if no approved certificate is obtained from the purchaser in the manner provided or permitted by this rule, the sale is presumed to be taxable. (3-6-00)

a. Certificates obtained by a seller at a time subsequent to, but not within a reasonable time after, the time of sale will be considered by the State Tax Commission in conjunction with all other evidence available to determine whether or not the seller has established that a sales tax transaction is exempt from tax. (3-4-10)

b. Example: A retailer sells goods to a customer without charging the sales tax but does not obtain an ST-101 from the customer. Instead, the customer writes his seller's permit number on the invoice when he signs for the goods. The retailer is later audited by the State Tax Commission and fails in an attempt to obtain a certificate from his customer. The retailer argues that the seller's permit number written on the invoice is evidence that the customer purchased the goods for resale. However the number by itself does not establish that the customer bought the goods for resale. The retailer is liable for the tax on the sale. (3-4-10)

c. Example: A retailer sells a truck load of hay to a customer, does not charge sales tax on the transaction, and fails to obtain an ST-101. The retailer is later audited by the State Tax Commission and is unable to obtain an ST-101 from the customer. The retailer argues that hay is a farm supply and this alone should establish that the sale is exempt. However, the customer may be in a business which does not qualify for the farming production exemption, such as racing or showing horses. Or, the customer may be using the hay for a nonbusiness purpose, such as raising animals for his own consumption. The retailer is liable for the tax on the sale. (3-4-10)

d. When a Notice of Deficiency Determination has been issued to a seller by the State Tax Commission and the seller petitions for redetermination as provided by Rule 121 of these rules, he may submit certificates obtained from his customers as evidence of exemption claims, but only if the certificates are presented to the State Tax Commission within ninety (90) days of the date of the Notice of Deficiency Determination. (3-6-00)

IDAPA 35 - IDAHO STATE TAX COMMISSION

35.01.02 - IDAHO SALES AND USE TAX ADMINISTRATIVE RULES

DOCKET NO. 35-0102-1501

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(s) 63-105(2), 63-3624(a), 63-3635, and 63-3039, Idaho Code.

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

**THURSDAY, MAY 21, 2015
1:45 p.m. MDT**

**Idaho State Tax Commission
Room 1CR5 – 1st Floor
800 Park Boulevard, Plaza IV
Boise, ID 83712-7742**

It is likely that some or all of these rules will require further discussion in follow up meetings that will also be open to the public. Notification of any additional meetings will be posted on the Tax Commission's website at <http://tax.idaho.gov/i-1141.cfm?com=s> at least one week prior to the date of the meeting. All meeting agendas are also posted on the website which will contain specific information on the rules that will be discussed at a particular meeting. There is no guarantee that a particular rule will be discussed beyond the meeting noted above, so please plan accordingly.

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

- 1) Attend the scheduled meeting and participate in the discussion for any of the rules on the agenda. You may join the meeting by phone if you wish; however, notice must be given in advance so accommodations can be arranged.
- 2) Submit a written comment addressing one or more of the rules to be negotiated. All written comments must be received by July 31, 2015, or they may not receive consideration in the negotiated rulemaking process.

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:

Rule 027 - Computer Equipment, Software, and Data Services.

The passage of House Bill 209 during the 2015 Idaho legislative session necessitates changes to this rule. The bill amends the definition of tangible personal property in Section 63-3616, Idaho Code, to clarify that digital videos, digital music, digital books, and digital games are tangible personal property only when the purchaser has a permanent right to use the digital product. Rule changes will be discussed to conform to the new law. In addition, other changes to the rule will be discussed to clarify ongoing issues with prior House Bills 243 and 598, passed in 2013 and 2014 respectively. Topics that may be addressed with rule changes include software maintenance contracts, ongoing license renewals, and electronic data and reporting.

Rule 056 - Photographers and Photofinishers

The rule needs to be updated to address treatment of digital photographs particularly in light of House Bill

598 passed in 2014 which excluded their sale from tax. That change in the law removed digital photographs from the definition of tangible personal property unless the photographs are delivered on disc. Where a photographer primarily sells digital photographs delivered electronically, they may no longer qualify for the production exemption on their purchases. As a result, subsection 02 in particular will be reviewed for possible changes.

Rule 100 - Prescriptions

The passage of House Bill 75 during the 2015 legislative session necessitates changes to this rule. The bill amends Section 63-3622N, Idaho Code, to expand the prescription exemption to eyeglasses (effective July 1, 2015) and contact lenses (effective July 1, 2016). The rule will be changed to reflect the new exemptions and make the effective dates clear within the rule language. In addition, the entire rule will be reviewed for possible changes to improve clarity.

Rule 106 - Motor Vehicle Sales, Rentals, and Lease

Rule 107 - Vehicles and Vessels – Gifts, Military Personnel, Nonresident, New Resident, Tax Paid to Another State, Sales to Family Members, Sales to American Indians, and Other Exemption

Rule 108 - Motor Vehicle's Manufacturer's, Rental Company's, and Dealer's Purchase or Use of Motor Vehicles

The passage of House Bill 012 during the 2015 legislative session requires some changes to these rules. The bill amends the exemption for sales of certain vehicles to nonresidents and the rules will need to be updated to reflect those changes. In addition, we will discuss addressing the nonresident exemption when a vehicle is titled in both the name of an Idaho resident and a nonresident. Finally, each of the rules will be reviewed in general for possible changes to improve clarity.

CONTACT INFORMATION, WEB ADDRESS, ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning this negotiated rulemaking, contact McLean Russell at (208) 334-7531. Materials pertaining to the negotiated rulemaking, including any available preliminary rule drafts, can be found on the agency's web site at the following web address: <http://tax.idaho.gov/i-1141.cfm?com=s>

All written comments must be directed to the undersigned and must be delivered on or before July 31, 2015. Comments may be submitted via e-mail to sherry.briscoe@tax.idaho.gov.

Dated this 3rd Day of April, 2015

McLean Russell
Tax Policy Specialist
Idaho State Tax Commission
800 Park Blvd, Plaza IV
PO Box 36, Boise, ID 83722-0410
Phone: (208) 334-7531
Fax: (208) 334-7844

IDAPA 38 - DEPARTMENT OF ADMINISTRATION

38.05.01 - RULES OF THE DIVISION OF PURCHASING

DOCKET NO. 38-0501-1401

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. 38-0501-1401. The affected sections are being reprinted here pursuant to this legislative action in their final version as affected by Senate Concurrent Resolution (SCR) 129.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement regarding the partial rejection:

Pursuant to **SCR 129**, IDAPA 38.05.01, Department of Administration, "Rules of the Division of Purchasing," Sections 011., 021., 032., 033., 039., 040., 041., 042., 043., 044., 045., 046., 051., 052., 053., 054., 070., 073., 074. Subsection 03., 081., 082., 083., 084., 085., 086., 091., 092., 102., 103., 111., and 125., only, adopted as pending rules under Docket Number **38-0501-1401**, are not consistent with legislative intent and are rejected and declared null, void and of no force and effect. Only the affected sections and subsections are reprinted here as affected by SCR 129 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 13th day of April, 2015.

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

**The Pending Rule Adopted Under This Docket Was Partially Rejected By SCR 129.
The Following Rule Text Is The Codified Final Rule And Includes The Rejected
Pending Rule Text Shown Here As Underscored And Stricken.**

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

The division of purchasing is located at 650 W. State Street, Lower Level, Room B-15, Boise, Idaho. The division's mailing address is P.O. Box 83720, Boise, Idaho 83720-0075. Office hours are 8 a.m. to 5 p.m., Monday through Friday, except state holidays. (4-6-15)

(BREAK IN CONTINUITY OF SECTIONS)

011. DEFINITIONS.

~~Unless defined otherwise in these rules, the definitions set forth in Section 67-5716, Idaho Code, shall apply to this chapter.~~ ()

01. Acquisition. The process of procuring or purchasing property by the state of Idaho. (3-15-02)

- 02.** **Administrator.** The administrator for ~~of~~ the division of purchasing. The administrator is the chief buyer. (3-15-02)(~~_____~~)
- 03.** **Agency.** All offices, departments, divisions, bureaus, boards, commissions and institutions of the state, including the public utilities commission, but excluding other legislative and judicial branches of government, and excluding the governor, the lieutenant-governor, the secretary of state, the state controller, the state treasurer, the attorney general, and the superintendent of public instruction. (3-15-02)
- 04~~2~~.** **Alternate.** Property or services that are not at least a functional equal in features, performance or use of the brand, model or specification designated as the standard. (3-15-02)
- 05.** **Bid.** A written offer that is binding on the bidder to perform a contract to purchase or supply property or services in response to an invitation to bid. (3-15-02)
- 06.** **Bidder.** A vendor who has submitted a bid or quotation on specific property. (3-15-02)
- 07~~3~~.** **Brand Name or Equal Specification.** This means a specification that uses a brand name to describe the standard of quality, performance or other characteristics being solicited and that invites the submission of equivalent products. (3-15-02)
- 08~~4~~.** **Brand Name Specification.** This means a specification calling for one (1) or more products by manufacturers' names or catalogue numbers. (3-15-02)
- 09~~5~~.** **Buyer.** An employee of the division of purchasing designated as a buyer, contract administrator, purchasing agent, contracting officer, or similar designation by the administrator, including, where appropriate, the administrator and other management personnel. The term also includes authorized employee(s) of a purchasing activity authority. (3-15-02)(~~_____~~)
- 10.** **Component.** An item of property normally assembled or incorporated with other items into a unified productive whole at the site of use, which items belong to functional classes that may be interchangeable units of similar function but differing operational or productive capabilities. (3-15-02)
- 11~~6~~.** **Concession Services.** The granting by the purchasing activity authority of a right, franchise, authority, property interest or option to a contractor, regardless of whether an expenditure of state or other funds occurs. (3-15-02)(~~_____~~)
- 12~~7~~.** **Consultant Services.** This means work, rendered by either individuals or firms who possess specialized knowledge, experience, and expertise to investigate assigned problems or projects and to provide counsel, review, design, development, analysis or advice in formulating or implementing programs or services or improvements in programs or services, including but not limited to such areas as management, personnel, finance, accounting and planning. The consultant's services, opinions or recommendations will be performed according to the consultant's methods without being subject to the control of the agency except as to the result of the work. (3-15-02)
- 13~~8~~.** **Contract.** Contract means any state written agreement, including a solicitation or specification documents and the accepted portions of the solicitation, for the acquisition of property. Generally, the term is used to describe term contracts, definite or indefinite quantity or delivery contracts or other acquisition agreements whose subject matter involves multiple payments and deliveries. A contract shall also include~~s~~ any amendments mutually agreed upon purchase orders issued by both parties the state. (3-15-02)(~~_____~~)
- 14.** **Contractor.** A bidder or offeror who has been awarded an acquisition contract. (3-15-02)
- 15~~9~~.** **Director.** The chief officer of the department of administration. (3-15-02)
- 16~~0~~.** **Division.** The division of purchasing of the department of administration as established by Section 67-5714, Idaho Code. Whenever a purchase is made by the division on behalf of another agency, the division shall be deemed to be acting as the agent for such agency. (3-15-02)(~~_____~~)

- ~~17.~~ **Document.** When used in these rules, may include electronic documents. (3-15-02)
- 18. Equal.** Property that meets or exceeds the quality, performance and use of the brand, model or specifications in the invitation to bid, request for proposals or request for quotation. (3-15-02)
- 19. Equipment.** Items of personal property that have a normal useful life expectancy or measurable service life of two (2) or more years. (3-15-02)
- ~~19.~~ **Formal Sealed Procedure.** Procedure by which the buyer solicits competitive sealed bids or competitive sealed proposals by means of an invitation to bid or request for proposals. (3-15-02)
- 21. Goods.** Items of personal property including concession services, not qualifying as equipment, parts or supplies. (3-15-02)
- ~~13. High Dollar Service Contract.~~ *A contract with a total estimated cost during the initial term and renewals or extensions of five million dollars (\$5,000,000) or more.* ()
- ~~14. Informal Solicitation.~~ *Procedure by which the buyer solicits informal quotes by means of a request for quote.* ()
- 22. Information Technology Property.** Includes, but is not limited to, all present forms of computer hardware, computer software or services used or required for automated data processing, computer related office automation or telecommunications. (3-15-02)
- ~~23.~~ **Invitation to Bid.** Means all documents, whether attached or incorporated by reference, utilized for soliciting formal sealed bids. (3-15-02)
- 24. Lowest Responsible Bidder.** The responsible bidder whose bid conforms in all material respects to the invitation to bid or request for proposals and reflects the lowest acquisition price to be paid by the state; except that when specifications are valued or comparative performance examinations are conducted, the results of such examinations and the relative score of valued specifications will be weighed, as set out in the specifications, in determining the lowest acquisition price. (3-15-02)
- ~~25.~~ **Offeror.** A vendor who has submitted a proposal in response to a ~~request for quote.~~ *invitation to bid, or* request for proposals for property to be acquired by the state. (3-15-02)()
- ~~26.~~ **Open Contract.** A contract awarded by the state of Idaho through the division of purchasing to one (1) or more vendors who have agreed to allow all agencies to procure or purchase specified property under the terms and conditions set forth in the contract. (4-7-11)()
- 27. Person.** Any business, individual, union, committee, club or other organization or group of individuals, not including a state or public agency. (3-15-02)
- 28. Procurement.** The process of obtaining property for state use by lease, rent or any manner other than by purchase or gift. (3-15-02)
- ~~29.~~ **Professional Services.** Work rendered by an independent contractor whose occupation is the rendering of such services and who has a professional knowledge of some department of learning or science used by its practical application to the affairs of others or in the practice of an art founded on it, including but not limited to accounting and auditing, legal, medical, nursing, education, engineering, actuarial, architecture, veterinarian, ~~information technology,~~ and research. The knowledge is founded upon prolonged and specialized intellectual training that enables a particular service to be rendered. The word “professional” implies professed attainments in special knowledge as distinguished from mere skills. (3-15-02)()
- 30. Property.** Goods, services, parts, supplies and equipment, both tangible and intangible, including, but nonexclusively, designs, plans, programs, systems, techniques and any rights and interests in such property.

Includes concession services and rights to access or use state property or facilities for business purposes. (3-15-02)

31~~9~~. **Proposal.** A written response including pricing information to a request for proposals that describes the solution or means of providing the property requested and which proposal is considered an offer to perform a contract in full response to the request for proposals. Price may be an evaluation criterion for proposals, but will not necessarily be the predominant basis for contract award. (3-15-02)

32~~0~~. **Public Agency.** Has the meaning set forth in Section 67-2327, Idaho Code. (3-15-02)

33~~1~~. **Purchase.** The act of acquiring or procuring property for state use or the result of an acquisition action. (3-15-02)

34~~2~~. **Purchase Order.** See also definition of Contract, typically used to acquire property. It is a notification to the contractor to provide the stated property, required material, equipment, supplies or services under the terms and conditions set forth in the purchase order. It may include the form of the state's acceptance of a bidder's ~~offeror's quote~~, proposal, or bid. See also definition of contract (3-15-02)(~~_____~~)

35~~2~~. **Purchasing Activity Authority.** The division or an agency delegated that ~~exercising~~ authority based on a delegation of authority by the administrator for or as provided under these rules to an individual within the division or the agency to engage in the conduct of purchasing. (3-15-02)(~~_____~~)

36~~4~~. **Quotation Quote.** An offer to supply property in response to a request for quotation and generally used for small or emergency purchases informal solicitation procedures. (3-15-02)(~~_____~~)

37~~5~~. **Request for Proposals.** Includes all documents, whether attached or incorporated by reference, utilized for soliciting competitive proposals as a component of the formal sealed procedure and is generally utilized in the acquisition of services or ~~other~~ complex purchases. (3-15-02)(~~_____~~)

38~~6~~. **Request for Quotation Quote.** The document, form or method generally used for purchases solicited in accordance with small purchase or emergency purchase informal solicitation procedures. (3-15-02)(~~_____~~)

39~~7~~. **Requisition.** A standard state or agency specific form that serves as a purchasing request and that requests that the purchasing activity authority acquire the stated requirements property. (3-15-02)(~~_____~~)

40~~8~~. **Sealed.** Includes invitations to bids and requests for proposals electronically sealed and submitted in accordance with requirements or standards set by the division and bids manually sealed and submitted. (3-15-02)(~~_____~~)

41~~9~~. **Sealed Procedure Limit.** That dollar amount, as established by these rules, above which the formal sealed bid procedure will be used. Said ~~The~~ amount may be lowered by the administrator to maintain full disclosure or competitive purchasing or otherwise achieve overall state efficiency and economy. (3-15-02)(~~_____~~)

42. **Services.** Personal, general, professional or consultant services, in excess of personnel regularly employed for whatever duration and/or covered by personnel system standards, for which bidding or competition is not prohibited or made impractical by statute, rules and regulations or generally accepted ethical practices. (3-15-02)

43~~0~~. **Small Purchase.** An acquisition that costs less than the sealed procedure limit. (3-15-02)

44~~1~~. **Solicitation.** Means an invitation to bid, a request for proposals, ~~request for quote~~, or other document issued by the purchasing activity authority for the purpose of soliciting bids, proposals, quotes, or offers to perform a contract. (3-15-02)(~~_____~~)

45~~2~~. **Specifications.** The explicit requirements furnished with an invitation to bid, request for proposals or request for quotations upon which a purchase order or contract is property to be based. Unless specifically provided in a solicitation, acquired by the state. Specifications do not include solicitation conditions or contractual terms including, without limitation, items such as vendor qualification requirements, bid closing times, delivery time or payment terms the scope of work and the performance and physical characteristics of property. (3-15-02)(~~_____~~)

~~4633.~~ **State.** This means the state of Idaho including each agency unless the context implies other states of the United States. (3-15-02)

47. Supplies. Items of personal property having an expendable quality or during their normal use are consumed and that require or suggest acquisition in bulk. (3-15-02)

~~4834.~~ **Telecommunications.** Means all present and future forms of hardware, software or services used or required for transmitting voice, data, video or images. (3-15-02)

49. Vendor. A person or entity capable of supplying property to the state. (3-15-02)

~~5035.~~ **Written.** When used in these rules, may include an electronic writing. (3-15-02)

012. -- 020. (RESERVED)

021. DELEGATION CONDUCT OF AUTHORITY OF ADMINISTRATOR PURCHASING.
~~The conduct of purchasing encompasses all phases of the process of purchasing property for the state of Idaho under the provisions of Title 67, Chapter 57, Idaho Code, including pre-solicitation planning, solicitation, award, and contract administration.~~ ()

~~01. Authority of the Administrator. The administrator is the chief buyer of the division. Whenever a purchase is made by the division on behalf of another agency, the division shall be deemed to be acting as the agent for such agency.~~ The division shall administer the conduct of purchasing and the acquisition of all property for agencies except those for which the agencies have an agency has separate statutory purchasing authority. ()

~~02. Delegation of Authority of the Administrator. The administrator may delegate in writing such authority as deemed appropriate to any employees of the division or of a purchasing activity authority. Such delegations shall remain in effect unless modified or until revoked in writing. All delegations must be given in writing prior to the acquisition of the property. All delegated acquisitions under delegated authority must be made according to these purchasing rules, the policies developed by the division, and the conditions established by the administrator in the delegation. Delegations shall be subject to periodic reporting as directed by the administrator.~~ (3-15-02)()

(BREAK IN CONTINUITY OF SECTIONS)

032. ACQUISITION OF CONCESSION SERVICES.
If there is no expenditure of state funds, the acquisition of concession services, including but not limited to, exclusive-rights contracts, franchises, vending services, options, pouring contracts, services contracts, advertising contracts, broadcast rights to sporting events or other similar types of goods property, may be conducted by each purchasing activity authority as it determines to be in its best interest; ~~provided, however, concessions within the definition of a food service facility set forth in Section 67-6902, Idaho Code, shall comply with the provisions of Title 67, Chapter 69, Idaho Code.~~ While there is no statutory requirement for competitive bidding for concession services or the applicability of purchasing statutes to the award of contracts for concession services when no expenditure of state funds is involved, ~~t~~The purchasing activity authority is encouraged to utilize a competitive process if determined to be in its best interest. (3-15-02)()

033. PURCHASE OF TELECOMMUNICATIONS OR INFORMATION TECHNOLOGY PROPERTY.
Unless otherwise exempted by statute or these rules, all agency requests exceeding the sealed procedure limit for telecommunications or information technology property must be reviewed and approved by the office of the chief information officer within the department of administration before submission to the division. It is the requesting agency's responsibility to attach any approvals to any requisitions submitted to the division. Acquisitions of these types of property are subject to state acquisition requirements, so these rules and agencies should plan long enough in advance to allow for this review by the office of the chief information officer. The department's review and any subsequent All acquisitions of telecommunications and information technology property will conform to the

guidelines and policies established or adopted by the Information Technology Resource Management Council or other governing or policy board or council that may be created by statute or directive for the purpose of information technology oversight or review. (3-15-02)()

(BREAK IN CONTINUITY OF SECTIONS)

035. -- ~~040~~ (RESERVED)

~~041~~ PROCEDURE FOLLOWED IN THE SOLICITATIONS OF BIDS AND PROPOSALS.

~~01. Procurements Subject to Formal Sealed Procedure—Sealed Procedure Limit.~~ Except as otherwise provided ~~in these rules~~, the acquisition of property exceeding ~~at a cost of~~ one hundred thousand dollars (\$100,000) ~~or more~~ (the sealed procedure limit) shall be by the ~~a~~ formal sealed procedure. ~~For the purpose of the sealed procedure limit, costs are determined based on either the total costs of a one-time purchase of property or the total cost of a term contract for property, including all available renewal or extension periods.~~ ()

~~02. Agency Procurement Contact.~~ Agencies shall assign an individual contact for each solicitation where a requisition amount exceeds the sealed procedure limit, whether the solicitation is conducted by the division or administered by the agency. The procurement contact shall be the individual selected by the agency to monitor the procurement's compliance with these rules, coordinate the development of a solicitation and to serve as the agency's primary contact with the division concerning this procurement. Prior to the solicitation release, all procurement contacts shall complete a training program tailored to meet the specific needs of the agency and approved by the administrator. ()

~~03. Vendor Qualification.~~ All vendors submitting responses to solicitations issued by the state must be qualified. All vendors are qualified unless disqualified as defined by Section 67-5730, Idaho Code. (4-7-11)()

~~04. Use of E-procurement System.~~ Unless exempted by the administrator or these rules, all solicitations shall be issued through the division's e-procurement system. ()

~~05. Vendor Communication.~~ Vendors shall not communicate with the purchasing authority or the requisitioning agency concerning any solicitation during the period from solicitation issuance through contract award unless the communication is allowed by these rules or the terms of the solicitation. Vendors engaging in communication prohibited by this rule and submitting a response to the solicitation will be non-responsive. ()

~~041. SPECIAL PROCEDURES FOR HIGH DOLLAR SERVICE CONTRACTS.~~ Unless exempted in writing by the administrator or by this rule, the following additional procedures apply to high dollar service contracts. Contracts meeting the dollar threshold with a scope including mixed services and goods shall be a high dollar service contract when the scope is primarily for services. The determination of whether the scope is primarily for services shall be made by the administrator in his sole discretion. ()

~~01. Exemptions.~~ ()

~~a. High dollar service contracts within the delegated authority purchase limit of an agency are exempt from compliance with the provisions of third party validation under Paragraph 041.02.a. of this section and use of an oversight board under Paragraph 041.02.b. of this section. Notwithstanding this exemption and an agency's delegated purchasing authority, the administrator shall determine whether a contract meeting the dollar threshold is primarily for services and subject to the provisions of this section.~~ ()

~~b. The administrator will establish a policy identifying guidelines for the award of exemptions and consult with affected agencies in the development and modification of such policy. Exemptions for contracts may require the implementation of one (1) or more of the requirements of this section or Section 125 of these rules. The policy will allow for revocation of policy exemptions and provide a process for reconsideration of any revocation and~~

~~escalation to the director. The decision of the director concerning the revocation of an exemption shall be final and shall not be subject to appeal pursuant to Section 67-5733, Idaho Code, or a contested case as that term is defined under the provisions of Title 67, Chapter 52, Idaho Code.~~ ()

~~02. Special Procedures.~~ ()

~~ii. Third Party Validation. The agency requisitioning property that will result in a high dollar service contract shall engage an independent third party subject matter expert to validate that the project planning process is conducted in accordance with best practices. The engagement of a third party subject matter expert shall comply with these rules.~~ ()

~~b. Oversight Board. The agency requisitioning property that will result in a high dollar service contract shall establish an oversight board for the solicitation process. The oversight board's duties shall include review of the third party validation received pursuant to Subsection 041.02.a. of this section. The oversight board shall issue a report to the administrator concerning the conclusions of the third party validation and recommendations concerning modifications to the solicitation. The oversight board shall include no less than two (2) experts in the subject matter of the contract without a potential conflict of interest. For the purposes of this subsection, experts in the subject matter of the contract with a potential conflict of interest include individuals:~~ ()

~~i. With a direct reporting relationship to any other individual providing supervision or management of the contract resulting from the solicitation, other than the senior official of the agency; or~~ ()

~~ii. Who are interested in or likely to become interested in the contract resulting from the solicitation. An interest in the contract includes the award of a contract to the individual, to a company controlled by or employing the individual, or to a company controlled by or employing the spouse, parent, spouse's parent or a child of the individual.~~ ()

~~c. Reporting. Solicitations that will result in a high dollar service contract shall provide for contractor reporting. The schedule and content of contractor reporting shall be reviewed in the third party validation process and by the oversight board established under these rules.~~ ()

~~d. Negotiations. Solicitations that will result in a high dollar service contract shall provide for proposal discussions with individual offerors pursuant to Section 083 of these rules and negotiations pursuant to Section 084 of these rules.~~ ()

~~e. Approval of Solicitation Release. Solicitations that will result in a high dollar service contract shall be approved for release by a procurement professional who:~~ ()

~~i. Possesses, at a minimum, certification as a certified professional public buyer (CPPB) by the Universal Public Procurement Certification Council (UPPCC) or an equivalent certification by a public procurement purchasing certification institution approved by the administrator; and~~ ()

~~ii. Has completed a training program approved by the administrator.~~ ()

~~f. Administration Agreement. Prior to the award of a high dollar service contract, the requisitioning agency and the division shall enter into an agreement setting forth the roles and responsibilities of each party, the reports to be provided by each party, and the schedule for such reports. This section applies to all high dollar service contracts regardless of the purchasing authority managing the procurement.~~ ()

042. EXCEPTIONS TO FORMAL SEALED PROCEDURE.

Purchases meeting the following criteria need not be purchased by the formal sealed procedure: (3-15-02)

01. Emergency Purchases. Emergency purchases as authorized by Section 67-5720, Idaho Code, and Section 043 of these rules. (3-15-02) ()

02. Small Purchases. Small purchases, unless the administrator specifically requires a formal sealed

procedure, made in accordance with Section 044 ~~of these rules.~~ (3-15-02) ~~()~~

03. Sole Source Purchases. Sole source purchases made through direct solicitation with documented source selection, in accordance with Section 67-5720, Idaho Code, and Section 045 ~~of these rules.~~ (3-15-02) ~~()~~

04. Reverse Auctions. Purchases through reverse public auctions as authorized by Section 67-5720, Idaho Code. (3-15-02)

05. Federal Government Acquisitions. Acquisitions from the United States of America or any agency thereof. (3-15-02)

06. Rehabilitation Agency Acquisitions. Acquisitions of property that is provided by non-profit corporations and public agencies operating rehabilitation facilities serving the handicapped and disadvantaged and that is offered for sale at fair market price as determined by the administrator in accordance with these rules. (3-15-02)

07. Correctional Industries. Purchases of road or street signs, metal motor license plates, wearing apparel, furniture, articles or containers for state use not for resale on the open market or any other property marketed directly by Correctional Industries in accordance with Section 20-245, Idaho Code. (3-15-02) ~~()~~

08. Purchases from General Services Administration Federal Supply Contractors. Acquisitions of property may be made from General Services Administration federal supply contractors without the use of competitive bid ~~upon written approval of the administrator.~~ The administrator shall determine whether such property meets the purchasing activity's ~~requisitioning agency's~~ requirements and whether the price of acquisition is advantageous to the state. The administrator shall commemorate the determination in a written statement that shall be incorporated in the applicable file. If the administrator determines that the acquisition of property from General Services Administration contractors is not advantageous to the state, the acquisition shall be in accordance with competitive bidding procedures and requirements. (3-15-02) ~~()~~

09. Existing Open Contracts. Supplies, services or other ~~Except as provided in these rules,~~ property available under these contracts shall be purchased under such contracts in accordance with the provisions or requirements for use thereof. (4-7-11) ~~()~~

10. Exempt Purchases. By written policy the administrator may exempt from the formal sealed procedure or the requirement for competitive acquisition that property for which bidding is impractical, disadvantageous or unreasonable under the circumstances. (3-15-02)

a. Examples include, but are not limited to: (3-15-02)

i. Special market conditions; (3-15-02)

ii. Property requiring special contracting procedures due to uniqueness; (3-15-02)

iii. Legal advertising, publication or placement of advertisements by state agency personnel directly with media sources; or (3-15-02) ~~()~~

iv. Services ~~Property~~ for which competitive solicitation procedures are impractical. ~~or~~ (3-15-02) ~~()~~

v. ~~Used property.~~ ~~()~~

b. Such policy shall describe the property exempted, the duration of the exemption, and any other requirements or circumstances appropriate to the situation. (3-15-02)

~~**11. Interagency Agreements and Agreements for the Joint Exercise of Powers.** Acquisitions of property under an interagency agreement pursuant to Section 67-2332, Idaho Code, or an agreement for the joint exercise of powers pursuant to Section 67-2328, Idaho Code. ()~~

043. EMERGENCY PURCHASES.

01. Definition of Emergency Conditions. An emergency condition is a situation that creates a threat to public health, welfare or safety such as may arise by reason of floods, epidemics, riots, equipment failures or other similar circumstances. The existence of such condition must create an immediate and serious need for property that cannot be met through normal acquisition methods. The buyer or the agency official responsible for purchasing shall make a written determination stating the basis for an emergency purchase and for the selection, if applicable, of the particular supplier. Such determination shall be sent promptly to the administrator for review and written approval that the purchase be undertaken as an emergency purchase. (3-15-02)

02. Conditions. Emergency purchases shall be limited to only that property necessary to meet the emergency. The director or administrator may delegate authority in writing to an agency or purchasing activity ~~authority~~ to make emergency purchases of up to an amount set forth in the delegation of authority. (3-15-02)

044. SMALL PURCHASES.

01. General. Small purchases are those purchases or procurements expected to cost one hundred thousand dollars (\$100,000) or less. Costs are determined based on the following: (4-7-11)

- a. One-time purchases of property; or (3-15-02)
- b. Total cost of a contract for services, including renewal or extension periods. (3-15-02)

02. Splitting of Requirements. Acquisition requirements shall not be artificially divided to avoid bid statutes, rules or policies. (3-15-02)

03. Procedure. Unless impractical or impossible and documented in the file, these small purchase procedures require the acquisition to be publicly posted. Except as otherwise provided in this rule, no less than three (3) vendors having a significant Idaho presence as defined by Section 67-2349, Idaho Code, shall be solicited to submit quotations. Award shall be made to the responsible and responsive bidder offering the lowest acceptable quotation. The purchasing file will be fully documented for unacceptable quotations. Should it be impractical or impossible to solicit three (3) vendors, the file shall be fully documented and every effort should still be made to obtain the most favorable terms, conditions and price possible. (3-15-02)

04. Form of Request for Quotation. Unless otherwise prohibited by the buyer, the request for quotation and the quotation may be written, oral, electronic, telephonic or facsimile. (3-15-02)

05. Quoting Time. The quoting time shall be determined by the buyer and should provide sufficient time for the vendor to prepare and return a quotation. The amount of time shall take into consideration such factors as complexity, urgency, availability of property and the number and location of vendors. (3-15-02)

06. Open Contracts. Property available under single agency or open contracts shall be purchased under such contracts and not as a small purchase under this rule unless otherwise authorized by the administrator. (4-7-11)

07. Professional, Consultant, and Information Technology Services. Professional, consultant, and information technology services acquired under this rule, where the services are reasonably expected to cost one hundred thousand dollars (\$100,000) or less through a fixed price/not to exceed price contract for a non-renewable term not to exceed one (1) year, may be acquired as each agency sees fit, in accordance with good business practice and in the best interest of the state, and if the service is not available under an open contract. (4-7-11)

08. Purchases in Amounts Less Than Ten Thousand Dollars. If the property to be acquired is expected to cost less than ten thousand dollars (\$10,000), it may be acquired as each agency sees fit, in accordance with good business practice and in the best interest of the state, and if the property is not available under an open contract. (4-7-11)

- ~~01. **Small Purchase Categories.** ()~~
- ~~aa. **Exempt.** Property expected to cost less than ten thousand dollars (\$10,000). ()~~
- ~~b. **Informal.** Purchase of any property expected to cost at least ten thousand dollars (\$10,000) and less than the sealed procedure limit. ()~~
- ~~e. **Professional and Consultant Services.** The acquisition of professional or consultant services expected to cost less than the sealed purchase limit, for projects limited to one (1) year in duration. ()~~
- ~~02. **Procedure.** Agencies acquiring property under this rule are encouraged to work with legal counsel to develop solicitation and contract terms that serve the best interests of the state. The terms of procurements under this rule are subject to the provisions of Section 112 of these rules. ()~~
- ~~aa. **Professional and consultant small purchases and exempt small purchases may be acquired as each agency sees fit, in accordance with good business practice and agency established policy, in the best interest of the state; subject to the limitations in Subsection 044.03 of this rule. ()**~~
- ~~b. **Informal small purchases shall be made using informal solicitation procedures, subject to the limitations in Subsection 044.03 of this rule. Unless exempted by the administrator, informal solicitations shall be issued through the division's e-procurement system. The purchasing authority will establish the quoting time based on factors such as complexity, urgency, and the number and location of vendors, in an effort to allow vendors sufficient time to prepare and return a quote. Agencies procuring property under this rule shall maintain a purchasing file containing the following: ()**~~
- ~~i. **The solicitation document posted and quotes received. If the acquisition was not publicly posted, the agency shall include a statement in the purchasing file describing the basis for determining posting was impractical or impossible. ()**~~
- ~~ii. **If not posted on the division's e-procurement system, the agency shall document the quotes received from at least three (3) vendors having a significant Idaho economic presence as defined by Section 67-2349, Idaho Code. If there are fewer than three (3) vendors of the property having a significant Idaho economic presence, the agency shall document its attempt to obtain quotes from vendors with a significant Idaho economic presence. ()**~~
- ~~03. **Limitations.** The following limitations apply to all small purchases: ()~~
- ~~aa. **Property available under single agency or open contracts shall be purchased under such contracts and not as a small purchase under this rule unless otherwise authorized by the administrator. ()**~~
- ~~b. **Acquisition requirements shall not be artificially divided to avoid bid statutes, rules or policies. ()**~~
- ~~e. **Small purchases not issued for a fixed price shall include a not to exceed price of no more than the applicable sealed procedure limit. ()**~~

045. SOLE SOURCE PURCHASES.

01. Only a Single Supplier. Sole source purchase shall be used only if a requirement ~~required property~~ is reasonably available from a single supplier. A requirement for a particular proprietary property item does not justify a sole source purchase if there is more than one (1) potential bidder or offeror for that ~~can provide the required~~ property item. (3-15-02)()

02. Examples of Sole Source. Examples of circumstances that could necessitate a sole source purchase are: (3-15-02)

a. Where the compatibility of equipment, components, accessories, computer software, replacement parts or service is the paramount consideration. (3-15-02)

- b. Where a sole ~~single~~ supplier's item is needed for trial use or testing. (3-15-02)(~~_____~~)
- c. Purchase of mass produced movie or video films or written publications distributed or sold primarily by the publisher. (3-15-02)
- d. Purchase of property for which it is determined there is no functional equivalent. (3-15-02)

03. Administrator Makes Determination. The determination as to whether an acquisition shall be made as a sole source shall ~~will~~ be made by the administrator. Each request shall be submitted in writing by the using ~~requesting~~ agency. The administrator may specify the application of such determination and its duration, ~~and may apply additional conditions to an approval.~~ In cases of reasonable doubt, competition should be solicited. Any request by an using agency that an acquisition be restricted to one (1) potential contractor ~~a single supplier~~ shall include ~~a justification for the property, as well as~~ an explanation as to why no other contractor ~~vendor~~ is acceptable. (3-15-02)(~~_____~~)

04. Negotiation in Sole Source Purchase. The buyer ~~After receipt of authorization from the administrator for a sole source purchase, the agency~~ shall conduct negotiations, as appropriate, as to price, delivery and terms ~~in accordance with the authorization and in the best interests of the state.~~ (3-15-02)(~~_____~~)

046. DETERMINATION OF FAIR MARKET PRICE FOR REHABILITATION AGENCY ACQUISITIONS.

Upon receipt of a rehabilitation agency proposal accompanied by detailed cost data, the administrator will conduct a survey of the market place by requesting current prices from at least three (3) vendors currently marketing ~~appropriate for~~ the property being sought. The fair market price of a rehabilitation vendor ~~agency~~ shall not be greater than ~~one hundred~~ twenty-five percent (~~±~~25%) of the lowest price received during the survey. The administrator will notify by letter the rehabilitation agency concerned advising it as to whether it is offering property at fair market price. The division or purchasing activity, if the acquisition is less than the sealed procedure limit or the contract is one (1) year or less in duration, may then contract with the rehabilitation agency at the proposed price. (3-15-02)(~~_____~~)

047. -- 050. (RESERVED)

051. CONTENT OF THE INVITATION TO BID OR REQUEST FOR PROPOSALS SOLICITATIONS ISSUED UNDER A FORMAL SEALED PROCEDURE.

The following shall be included in an invitation to bid or a request for proposals: (3-15-02)

- 01. Submission Information.** Information regarding the applicable opening date, time and location. (3-15-02)
- 02. Specifications.** Specifications developed in accordance with ~~Section III of~~ these rules including, if applicable, scope of work. (3-15-02)(~~_____~~)
- 03. Contract Terms.** Terms and conditions applicable to the contract, ~~subject to the provisions of Section 112 of these rules.~~ (3-15-02)(~~_____~~)
- 04. Evaluation Criteria.** Any evaluation criteria to be used in determining property acceptability. (3-15-02)
- 05. Trade-In Property.** If trade-in property is to be included, a description of the property and location where it may be inspected. (3-15-02)
- 06. Incorporation by Reference.** A brief description of any documents incorporated by reference that specifies where such documents can be obtained. (3-15-02)
- 07. Pre-Proposal Conference.** The date, time, and location of the pre-proposal conference must be included in the request for proposals. (4-7-11)

052. CHANGES TO INVITATION TO BID OR REQUEST FOR PROPOSALS SOLICITATIONS ISSUED UNDER A FORMAL SEALED PROCEDURE.

An invitation to bid or request for proposals solicitation issued under a formal sealed procedure may be changed by the buyer through issuance of an addendum amendment, provided the change is issued in writing prior to the bid opening solicitation closing date and is made available to all vendors receiving the original solicitation. Any material information given or provided to a prospective vendor with regard to an invitation to bid or request for proposals solicitation shall be made available in writing by the buyer to all vendors receiving the original solicitation. Oral interpretations of specifications or contract terms and conditions shall not be binding on the division state unless confirmed in writing by the buyer and acknowledged by the division purchasing authority prior to the date of the opening closing. Changes to the invitation to bid or request for proposals solicitation shall be identified as such and shall require that the vendor acknowledge receipt of all addenda issued. The right is reserved to waive any informality. (3-15-02)(~~_____~~)

053. PRICE ESCALATION.

Contractors shall not be entitled to price escalation except where specifically provided for in writing in the contract or purchase order. (3-15-02)

054~~3~~ -- 060. (RESERVED)

061. FORM OF SUBMISSION FOR SOLICITATIONS ISSUED UNDER A FORMAL SEALED PROCEDURE.

01. Manual Submissions. Unless otherwise provided in these rules, to receive consideration, in addition to any specific requirements set forth in the invitation to bid or request for proposals, bids or proposals submitted manually must be made on the form provided, which form must be properly completed and signed in ink or contain an electronic signature as defined in Section 28-50-102, Idaho Code. All changes or erasures on manual submissions shall be initialed in ink. Unsigned or improperly submitted bids or proposals will be rejected. The purchasing authority assumes no responsibility for failure of the United States Postal Service, any private or public delivery service, or any computer or other equipment to deliver all or a portion of the bid or proposal at the time or to the location required by the solicitation. (4-6-15)

02. Electronic Submissions. To receive consideration, in addition to any specific requirements set forth in the invitation to bid or request for proposals, bids or proposals submitted electronically must be submitted in accordance with and meet all applicable requirements of these rules and contain an electronic signature as defined in Section 28-50-102, Idaho Code. The purchasing authority assumes no responsibility for failure of any electronic submission process, including any computer or other equipment to deliver all or a portion of the bid or proposal at the time or to the location required by the solicitation. (4-6-15)

062. -- 069. (RESERVED)

070. PRE-PROPOSAL CONFERENCE.

All request for proposals' solicitations will have a pre-proposal conference for vendors and will be conducted by the procurement team and project personnel. The conference will consist of a general overview of the procurement process as well as the scope of work and requirements of the subject request for proposal. The procurement team will allow attendees to submit written questions and may provide an opportunity for a verbal question and answer period, provided, however, that only questions submitted and answered in written form and posted to the state's e-procurement system as an amendment to the request for proposal, will have any force or effect. (4-7-11)(~~_____~~)

071. PRE-OPENING WITHDRAWAL OR MODIFICATION.

Manual submissions may be withdrawn or modified only as follows: Bids or proposals may be withdrawn or modified prior to the closing by written communication signed in ink by the submitting vendor. Bids or proposals may be withdrawn prior to closing in person upon presentation of satisfactory evidence establishing the individual's authority to act on behalf of the submitting vendor. Bids or proposals may be withdrawn or modified by electronic communication provided the communication is received prior to the closing. The withdrawal or modification, if done via electronic communication, must be confirmed in a writing signed in ink or containing an electronic signature as defined in Section 28-50-102, Idaho Code. Any withdrawing or modifying communication, including an electronic

communication, must clearly identify the solicitation. A modifying communication should be worded so as not to reveal the amount of the original bid or proposal. (4-6-15)

072. LATE BIDS/PROPOSALS, LATE WITHDRAWALS AND LATE MODIFICATIONS.

Any bid or proposal, withdrawal, or modification received after the time and date set for closing at the place designated in the solicitation is late. No late bid or proposal, late modification or late withdrawal will be considered. All late bids and proposals, other than clearly marked “no bids”, will be returned to the offeror. Time of receipt will be determined by the official time stamp or receipt mechanism located at the designated place for receipt of responses. The purchasing authority assumes no responsibility for failure of the United Postal Service, any private or public delivery service, or any computer or other equipment to deliver all or a portion of the bid or proposal at the time or to the location required by the solicitation. (4-6-15)

073. RECEIPT, OPENING, AND RECORDING OF BIDS AND PROPOSALS.

Upon receipt, all bids, proposals and modifications properly marked and identified will be time stamped, but not opened. They shall be stored in a secure place until bid ~~the time specified for~~ opening time. Time stamping and storage may be through electronic means. Bids shall be opened publicly at the date and time specified in the invitation to bid. Proposals shall be opened publicly, identifying only the names of the offerors unless otherwise stated in the request for proposals. Bid and proposal openings may be electronic virtual openings. (3-15-02) ~~()~~

074. MISTAKES.

The following procedures are established relative to claims of a mistake. (3-15-02)

01. Mistakes in Responses. If a mistake is attributable to an error in judgment, the submission may not be corrected. Correction or withdrawal by reason of an inadvertent, nonjudgmental mistake is permissible, but at the discretion of the administrator and to the extent it is not contrary to the interest of the state or the fair treatment of other submitting vendors. (4-6-15)

02. Mistakes Discovered Before Opening. Mistakes discovered by a vendor prior to closing may be corrected by the submitting vendor by submitting a timely modification or withdrawing the original submission and submitting a corrected submission to the purchasing authority before the closing. Vendors who discover a mistake after closing but prior to opening may withdraw the submission by written notification to the purchasing authority and signed by an individual authorized to bind the vendor if such notification is received by the purchasing authority prior to opening. (4-6-15)

03. Mistakes Discovered After Opening But Before Award. This subsection sets forth procedures to be applied in three (3) situations described below in which mistakes are discovered after opening but before award. (3-15-02)

a. Minor Informalities. Minor informalities are matters of form rather than substance evident from the bid or proposal document, or insignificant mistakes that can be waived or corrected without prejudice to other submitting vendors, that is, the effect of the mistake on price, quantity, quality, delivery or contractual conditions is not significant. The buyer may waive such informalities. Examples include the failure of a submitting vendor to: (3-15-02)

i. Return the required number of signed submissions. (3-15-02)

ii. Acknowledge the receipt of an addendum ~~amendment~~, but only if: (3-15-02) ~~()~~

(1) It is clear from the submission that the submitting vendor received the addendum ~~amendment~~ and intended to be bound by its terms; or (3-15-02) ~~()~~

(2) The addendum ~~amendment~~ involved had a negligible effect on price, quantity, quality or delivery. (3-15-02) ~~()~~

b. Mistakes Where Intended Submission is Evident. If the mistake and the intended submission are clearly evident on the face of the document, the submission shall be corrected to the intended submission and may not be withdrawn. Examples of mistakes that may be clearly evident on the face of the document are typographical errors,

errors in extending unit prices (unit prices will always govern in event of conflict with extension), transposition errors and arithmetical errors. (3-15-02)

c. Mistakes Where Intended Submission is not Evident. A vendor may be permitted to withdraw a low bid if: (3-15-02)

i. A mistake is clearly evident on the face of the submission document but the intended submission is not similarly evident; or (3-15-02)

ii. The vendor submits timely proof of evidentiary value that clearly and convincingly demonstrates that a mistake was made. (3-15-02)

04. Mistakes Discovered After Award. Mistakes shall not be corrected after award of the contract. (3-15-02)

05. Written Approval or Denial Required. In the event of a mistake discovered after the opening date, the administrator shall approve or deny, in writing, a request to correct or withdraw a submission. (3-15-02)

075. -- 080. (RESERVED)

081. EVALUATION AND AWARD. Any contract award shall comply with these provisions. (3-15-02)

01. General. The contract is to be awarded to the lowest responsible and responsive bidder or offeror. The solicitation shall set forth the requirements and criteria that will be used to make the lowest responsive and responsible determination. No submission shall be evaluated for any requirements or criteria that are not disclosed in the solicitation. (3-15-02) ~~()~~

02. Standards of Responsibility. Nothing herein shall prevent the buyer from establishing additional responsibility standards for a particular purchase, provided that these additional standards are set forth in the solicitation. Factors to be considered in determining whether a vendor is responsible include whether the vendor has: (3-15-02) ~~()~~

a. Available the appropriate financial, material, equipment, facility and personnel resources and expertise, or the ability to obtain them, necessary to indicate capability to meet all contractual requirements; (3-15-02)

b. A satisfactory record of integrity; (3-15-02)

c. Qualified legally to contract with the purchasing activity authority and qualified to do business in the state of Idaho; (3-15-02) ~~()~~

d. Unreasonably failed to supply any necessary information in connection with the inquiry concerning responsibility; (3-15-02)

e. Requisite Experience; or (3-15-02) ~~()~~

f. A satisfactory prior performance record, if any applicable. (3-15-02) ~~()~~

03. Information Pertaining to Responsibility. A submitting vendor shall supply information requested by the buyer concerning its responsibility. If such submitting vendor fails to supply the requested information, the buyer shall base the determination of responsibility upon any available information or may find the submitting vendor nonresponsible if such failure is unreasonable. (3-15-02)

04. Written Determination of Nonresponsibility Required. If a submitting vendor that otherwise would have been awarded a contract is found nonresponsible, a written determination of nonresponsibility setting forth the basis of the finding shall be prepared by the buyer. (3-15-02)

05. Extension of Time for Acceptance. After opening, the buyer may request submitting vendors to extend the time during which their bids or proposals may be accepted, provided that, with regard to bids, no other change is permitted. The reasons for requesting such extension shall be documented. (3-15-02)(~~_____~~)

06. Partial Award. A buyer shall have the discretion to award on an all or nothing basis or to accept any portion of a bid ~~response to a solicitation~~, excluding others ~~portions of a response and other offerors~~, unless the bidder ~~offeror~~ stipulates all or nothing in its bid ~~response to a solicitation~~. (3-15-02)(~~_____~~)

07. Only One Submission Received. If only one (1) responsive submission is received in response to a solicitation, an award may be made to the single submitting vendor. In addition, the buyer may pursue negotiations in accordance with applicable conditions and restrictions of these rules. Otherwise, the solicitation may be rejected and:

a. New bids or offers may be solicited; or (3-15-02)

b. The proposed acquisition may be canceled. (3-15-02)

082. TIE BIDS RESPONSES.
The following provisions shall apply to tie bids as defined herein. (3-15-02)

01. Tie Bids Responses -- Definition. Tie bids responses are low responsive bids ~~quotes or proposals~~ from responsible bidders ~~offerors~~ that are identical in price or score. ~~A responsible offeror is determined based upon the standards of responsibility set forth in Section 081 of these rules. The ranking of offers on price or score shall be weighed as set forth in the solicitation.~~ (3-15-02)(~~_____~~)

02. Award. Award shall not be made by drawing lots, except as set forth below, or by dividing business among identical bidders ~~offerors~~. In the discretion of the buyer, award shall be made in any permissible manner that will discourage ~~resolve~~ tie bids responses. Procedures that may be used to discourage tie bids responses include: (3-15-02)(~~_____~~)

a. If price is considered excessive or for ~~another~~ reason, such bids responses are unsatisfactory, reject all bids responses, rebid and seek a more favorable contract in the open market ~~or enter into negotiations pursuant to Paragraph 084.01.d. of these rules~~; (3-15-02)(~~_____~~)

b. Award to an Idaho resident or an Idaho domiciled bidder ~~offeror~~ or for an Idaho produced product ~~property~~ where other tie bid ~~response(s)~~ are from out of state or to a bidder ~~an offeror~~ submitting a domestic product ~~property~~ where other tie bid is ~~response(s) are~~ for foreign (external to Idaho) manufactured or supplied product; (3-15-02)(~~_____~~)

c. Where identical low bids responses include the cost of delivery, award the contract to the bidder ~~offeror~~ farthest from the point of delivery; (3-15-02)(~~_____~~)

d. Award the contract to the bidder ~~offeror~~ who received the previous award and continue to award succeeding contracts to the same bidder ~~offeror~~ so long as all low bids responses are identical; (3-15-02)(~~_____~~)

e. Award to the bidder ~~offeror~~ with the earliest delivery date. (3-15-02)(~~_____~~)

03. Drawing Lots. If no permissible method will be effective in discouraging ~~resolving~~ tie bids responses and a written determination is made so stating, award may be made by drawing lots or tossing a coin in the presence of witnesses if there are only two (2) tie bids responses. (3-15-02)(~~_____~~)

083. PROPOSAL DISCUSSION WITH INDIVIDUAL OFFERORS.

01. Classifying Proposals. For the purpose of conducting proposal discussions under this rule, proposals shall be initially classified as: (3-15-02)

- a. Acceptable; (3-15-02)
- b. Potentially acceptable, that is reasonably susceptible of being made acceptable; or (3-15-02)
- c. Unacceptable. (3-15-02)

02. “Offerors” Defined. For the purposes of this rule, the term “offerors” includes only those persons ~~vendors~~ submitting proposals that are acceptable or potentially acceptable. The term shall not include persons ~~vendors~~ that submitted unacceptable proposals. (3-15-02) ~~(_____)~~

03. Purposes of Discussions. Discussions are held to facilitate and encourage an adequate number of potential offerors to offer their best proposals, by amending their original offers, if needed. (3-15-02)

04. Conduct of Discussions. The solicitation document must provide for the possibility of discussions. Offerors shall be accorded fair and equal treatment with respect to any opportunity for discussions and revisions of proposals. The buyer should establish procedures and schedules for conducting discussions. If during discussions there is a need for clarification or change of the request for proposals, it shall be amended to incorporate such clarification or change. Auction techniques (revealing one offeror’s price to another) and disclosure of any information derived from competing proposals are prohibited. Any oral clarification or change of a proposal shall be reduced to writing by the offeror. (3-15-02)

05. Best and Final Offer. The buyer shall establish a common time and date for submission of best and final offers. Best and final offers shall be submitted only once unless the buyer makes a written determination before each subsequent round of best and final offers demonstrating another round is in the purchasing agency ~~state’s~~ interest, and additional discussions will be conducted or the agency’s requirements will be changed. Otherwise, no discussion of, or changes in, the best and final offers shall be allowed prior to award. Offerors shall also be informed that if they do not submit a notice of withdrawal or another best and final offer, their immediate previous offer will be construed as their best and final offer. (3-15-02) ~~(_____)~~

084. NEGOTIATIONS.

In accordance with Section 67-5717(12), Idaho Code, the administrator may negotiate acquisitions as follows: (3-15-02)

01. Price Agreements. The administrator may authorize and negotiate price agreements with vendors when such agreements are deemed appropriate. Price agreements shall provide for termination for any reason upon not more than thirty (30) days’ written notice. Price agreements may be appropriate when: (3-15-02)

- a. The dollar value of items or transactions is relatively small; (3-15-02)
- b. The property may not be conducive to standard competitive bidding procedures, such as automobile, truck or other equipment parts having individual low unit costs; (3-15-02)
- c. There exists a need to establish multiple agreements with vendors supplying property that is similar in nature or function but is represented by different manufacturers or needed in multiple locations; or (3-15-02)
- d. Non-exclusive agreements for periods not exceeding two (2) years are deemed necessary to establish consistent general business terms, including without limitation, price, use of catalogs, delivery or credit terms. (3-15-02)

02. ~~After a Competitive Solicitation~~ Use of Negotiations. Negotiations may be used under this rule when the administrator determines in writing that negotiations may be in the best interest of the state and that including, but not limited to, the following circumstances: (3-15-02) ~~(_____)~~

- a. A competitive solicitation has been unsuccessful because, without limiting other possible reasons, all offers are unreasonable, noncompetitive or all offers exceed available funds and the available time and circumstances do not permit the delay required for resolicitation; (3-15-02)

- b. There has been inadequate competition; or (3-15-02) ~~()~~
- c. During the evaluation process it is determined that more than one (1) vendor has submitted an acceptable proposal or bid and negotiations could secure advantageous terms or a reduced cost for the state. ~~or~~ (3-15-02) ~~()~~

~~d. During the evaluation process it is determined that all responsive offers exceed available funds and negotiations could modify the requirements of the solicitation to reduce the cost to available funds and avoid the expenditure of resources for a resolicitation. ()~~

032. Examples. Examples of situations in which negotiations, as permitted by Subsection 084.02.c. of this rule, may be appropriate include but are not limited to: (3-15-02) ~~()~~

- a. Ensuring that the offering vendor has a clear understanding of the scope of work required and the requirements that must be met; (3-15-02)
- b. Ensuring that the offering vendor will make available the required personnel and facilities to satisfactorily perform the contract; or (3-15-02)
- c. Agreeing to any clarifications regarding scope of work *specifications* or other contract terms. (3-15-02) ~~()~~

043. Conditions of Use. Negotiations, as permitted by Subsection *Paragraph* 084.02*1*.c. of this rule, are subject to the following: (3-15-02) ~~()~~

- a. The solicitation must specifically allow for the possibility of negotiation and describe, with as much specificity as possible, how negotiations may be conducted; (3-15-02)
- b. Submissions shall be evaluated and ranked based on the evaluation criteria in the solicitation; (3-15-02)
- c. Only those vendors whose proposals or bids are determined to be acceptable, in accordance with criteria for negotiations set forth in the solicitation, shall be candidates for negotiations; (3-15-02)
- d. Negotiations shall be conducted first with the vendor that is the apparent low responsive and responsible bidder; (3-15-02)
- e. ~~If one (1) or more responsive offers does not exceed available funds,~~ Negotiations shall be against the requirements of and criteria contained in the solicitation and shall not materially alter those criteria, ~~or~~ the specifications or scope of work; (3-15-02) ~~()~~
- f. Auction techniques (revealing one vendor's price to another) and disclosure of information derived from competing proposals is prohibited; (3-15-02)
- g. Any clarifications or changes resulting from negotiations shall be documented in writing; (3-15-02)
- h. If the parties to negotiations are unable to agree, the administrator shall formally terminate negotiations and may undertake negotiations with the next ranked vendor; and (3-15-02)
- i. If negotiations as provided for in this rule fail to result in a contract, as determined by the administrator, the solicitation may be cancelled and the administrator may negotiate in the best interest of the state with any qualified vendor. (3-15-02)

054. Timing of Use. If conducted, negotiations are the last step in the procurement process. Use of oral interviews or best and final procedures, as provided for in a solicitation, must precede negotiations as provided for in this rule. (3-15-02)

085. PRICE AGREEMENTS.

The administrator may authorize and negotiate price agreements with vendors when such agreements are deemed in the best interest of the state. Price agreements shall provide for termination for any reason upon not more than thirty (30) days' written notice. Price agreements may be in the best interest of the state when: ()

01. Dollar Value. *The dollar value of individual procurements of property is less than the maximum dollar value of an exempt small purchase under Section 044 of these rules and multiple individual procurements are anticipated within a state of Idaho fiscal year;* ()

02. Property. *The property may not be conducive to standard competitive bidding procedures;* ()

03. Multiple Agreements. *There exists a need to establish multiple agreements with vendors supplying property that is similar in nature or function but is represented by different manufacturers or needed in multiple locations; or* ()

04. Non-exclusive Agreements. *Non-exclusive agreements for periods not exceeding two (2) years are deemed necessary to establish consistent general business terms, including without limitation, price, use of catalogs, delivery or credit terms.* ()

085. -- 090. (RESERVED)

091. ACCEPTANCE OR REJECTION OF BIDS AND PROPOSALS.

Prior to the issuance of a purchase order or contract, the administrator shall have the right to accept or reject all or any part of a bid or proposal or any and all bids or proposals when: (3-15-02)()

01. Best Interest. It is in the best interests of the state of Idaho; (3-15-02)

02. Does Not Meet Specifications. The submission does not meet the minimum specifications; (3-15-02)

03. Not Lowest Responsible Bid. The submission is not the lowest responsible submission; (3-15-02)

04. Bidder Is Not Responsible. A finding is made based upon available evidence that a submitting vendor is not responsible or otherwise capable of currently meeting specifications or assurance of ability to fulfill contract performance; or (3-15-02)

05. Deviations. The item offered deviates to a major degree from the specifications, as determined by the administrator (minor deviations, as determined by the administrator, may be accepted as substantially meeting the requirements of the state of Idaho). Deviations will be considered major when such deviations appear to frustrate the competitive process or provides a submitting vendor an unfair advantage. (3-15-02)

092. CANCELLATION OF SOLICITATION.

Prior to the issuance of a purchase order or contract, the purchasing activity authority reserves the right to reject all bids, proposals, or quotations quotes, or to cancel a solicitation or request for quotation. In the event of the cancellation of an invitation to bid or request for proposals, all submitting vendors will be notified. Examples of reasons for cancellation are: (3-15-02)()

01. Inadequate or Ambiguous Specifications. (3-15-02)

02. Specifications Have Been Revised. (3-15-02)

03. Cancellation Is in ~~the~~ Best Interest of ~~the~~ State. (3-15-02)()

(BREAK IN CONTINUITY OF SECTIONS)

102. TIME PURCHASE CONTRACTS.

01. Time Purchase for Personal Property. A time purchase or installment contract, that may include interest charges over a period of time, may be entered into provided: (3-15-02)

a. Such contract is in the best interest of the agency. Installment payments should be used judiciously in order to achieve economy and not to avoid budgetary restraints. (3-15-02)

b. Using agencies shall be responsible for ensuring that all statutory or other applicable requirements are met and that all budgetary or other required approvals are obtained. (3-15-02)

c. Documentation of any required approval shall be submitted to the division with any required requisition. (3-15-02)

d. Provision for installment payments must be included in the solicitation. (3-15-02)

02. Lack of Fund Contract Language Required. An installment or time purchase contract shall include appropriate language stating that the agency is not obligated to make payments beyond the term of any particular appropriation of state or federal funds that may exist from time to time and that the contract may be terminated upon such without any penalty or future liability. (3-15-02)

103. -- 110. (RESERVED)

111. SPECIFICATIONS -- POLICIES AND DEVELOPMENT.

01. Purpose. Unless exempted by these rules or by the administrator, all solicitations and requests for quotations require specifications. Specifications set forth the characteristics of the property to be acquired. Specifications serve as the basis for obtaining property adequate and suitable for the using agency's needs in a cost effective manner, taking into account the costs of ownership and operation as well as initial acquisition costs. Specifications shall be drafted clearly to describe the agency's needs and to enable the vendors to determine and understand the agency's requirements. Specifications shall, as much as practical, be nonrestrictive to provide an equal basis for participation by an optimum number of vendors and to encourage competition. This information may be in the form of a description of the physical, functional or performance characteristics, a reference brand name or both. It may include a description of any required inspection, testing or preparation or delivery. Specifications may be incorporated by reference or contained in an attachment. (3-15-02)

02. Use of Functional or Performance Descriptions. Specifications shall, to the extent practicable, emphasize functional or performance criteria while limiting design or other detailed physical descriptions to those necessary to meet the needs of the agency. To facilitate the use of such criteria, using agencies shall endeavor to include as a part of purchase requisitions their principal functional or performance needs. (3-15-02)

03. Preference for Commercially Available Products. Requirements shall be satisfied by standard commercial products whenever practicable. (3-15-02)

04. Brand Name or Equal Specification. (3-15-02)

a. A brand name or equal specifications may be used when the buyer determines that such a specification is in the agency's best interest. (3-15-02)

b. A brand name or equal specification shall seek to designate as many different brands as are practicable as "or equal" and shall state that products substantially equivalent to those designated will be considered for award. (3-15-02)

c. Unless the buyer authorized to finally approve specifications determines that the essential characteristics of the brand names included in the specifications are commonly known in the industry or trade, brand name or equal specifications shall include a description of the particular design and functional or performance characteristics required. (3-15-02)

d. Where a brand name or equal specification is used, the document shall contain explanatory language that the use of a brand name is for the purpose of designating the standard of quality, performance, and characteristics desired and is not intended to restrict competition. (3-15-02)

05. Brand Name Specification. (3-15-02)

a. Since use of a brand name specification is restrictive, such a specification may only be used when the administrator or designee makes a written determination. Such determination may be in any form, such as a purchase evaluation or a statement of single manufacturer justification. The written statement must state specific reasons for use of the brand name specification. (3-15-02)

b. The administrator shall seek to identify sources from which the designated brand name item or items can be obtained and shall solicit such sources to achieve whatever degree of competition is practicable. If only one (1) source can supply the requirement, the acquisition shall be made under Section 67-5720₂ of the Idaho Code. (3-15-02)

06. Specification of Alternates May Be Included. A specification may provide alternate descriptions of property where two (2) or more design, functional or performance criteria will satisfactorily meet the agency's requirements. (3-15-02)

112. CONTRACT TERMS - POLICIES AND LIMITATIONS.

01. Prohibited Terms. Purchasing authorities do not have the authority to bind the state of Idaho or an agency to the following terms. If a contract contains such a term, the term shall be void pursuant to Section 67-5725, Idaho Code. (4-6-15)

a. Terms waiving the sovereign immunity of the state of Idaho. (4-6-15)

b. Terms subjecting the state of Idaho or its agencies to the jurisdiction of the courts of other states. (4-6-15)

c. Terms limiting the time in which the state of Idaho or its agencies may bring a legal claim under the contract to a period shorter than that provided in Idaho law. (4-6-15)

d. Terms imposing a payment obligation, including a rate of interest for late payments, less favorable than the obligations set forth in Section 67-2302, Idaho Code. (4-6-15)

02. Terms Requiring Special Consideration. (4-6-15)

a. Unless specifically authorized by the Idaho legislature, terms requiring an agency or the state of Idaho indemnify a vendor shall be subject to the provisions of Section 59-1015, Idaho Code, and require an appropriation by the Idaho legislature. Indemnification terms not specifically authorized by the Idaho legislature or subject to appropriation shall be void pursuant to Section 67-5725, Idaho Code, and Section 59-1016, Idaho Code. (4-6-15)

b. Purchasing authorities shall consult with legal counsel prior to accepting terms submitting the contract to arbitration or waiving the state of Idaho's right to a jury trial. (4-6-15)

125. CONTRACT ADMINISTRATION.

01. General. *Agencies shall assign an individual contract manager for each service contract that meets or exceeds the sealed procedure limit established by Subsection 040.01 of these rules. A contract manager shall be the individual selected by the agency to administer the contract on behalf of the agency, including monitoring compliance with the contract terms and serving as the primary agency contact with the division for the procurement. The agency may select the procurement contact or another individual as the contract manager. Prior to the contract award, all contract managers shall complete a training program approved by the administrator or developed by the*

~~agency and approved by the administrator. ()~~

~~02. **Contract Renewals and Extensions.** Unless approved by the administrator or specified in the contract, a contract renewal or extension may not be executed more than six (6) months prior to the expiration of the contract. ()~~

~~03. **High Dollar Service Contracts.** Unless exempted in writing by the administrator or by these rules, the following additional requirements apply to high dollar service contracts issued under Section 041 of these rules. ()~~

~~03. **Exemptions.** ()~~

~~i. High dollar service contracts within the delegated authority purchase limit of an agency are exempt from use of a project oversight board under Paragraph 125.03.c. of this section and third party monitoring under Paragraph 125.03.f. of this section. ()~~

~~ii. The administrator will establish a policy identifying guidelines for the award of policy exemptions to the requirements in this section and consult with affected agencies in the development and modification of such policy. Policy exemptions may require the implementation of one (1) or more of the requirements of this section. The policy will allow for revocation of policy exemptions and provide a process for reconsideration of any revocation and escalation to the director. The decision of the director concerning the revocation of an exemption shall be final and shall not be subject to appeal pursuant to Section 67-5733, Idaho Code, or a contested case as that term is defined under the provisions of Title 67, Chapter 52, Idaho Code. ()~~

~~b. **Project Management.** Contract performance for high dollar service contracts shall be managed by a project manager engaged by the requisitioning agency. Project managers shall, at a minimum, be certified as a project management professional (PMP) through the Project Management Institute, other project management certification institution accepted by the administrator, or have demonstrated prior performance in the execution of projects similar in scope and complexity accepted by the administrator. If the project manager is not an agency employee, the engagement of a project manager shall comply with these rules. ()~~

~~e. **Project Oversight Board.** The requisitioning agency shall establish an oversight board for management of the contract. The oversight board's duties shall include monitoring the project manager, review of the reports of third party project monitors, and review of reporting provided to the division. The oversight board shall include no less than two (2) experts in the subject matter of the contract without a potential conflict of interest. For the purposes of this subsection, experts in the subject matter of the contract with a potential conflict of interest include individuals: ()~~

~~i. With a direct reporting relationship to any other individual providing supervision or management of the contract, other than the senior official of the agency; or ()~~

~~ii. Who are interested in the contract. An interest in the contract includes ownership in or employment by the company performing the contract of the individual or a spouse, parent, spouse's parent or a child of the individual. ()~~

~~03. **Training.** The project manager for a high dollar service contract shall complete a training program approved by the administrator. ()~~

~~e. **Reporting.** The project manager for a high dollar service contract shall ensure the division's buyer designated to administer the contract receives the reports, best practice checklists, and other information on the schedule set forth in the project administration agreement executed pursuant to Section 041 of these rules. ()~~

~~f. **Third Party Project Monitoring.** High dollar service contracts shall be monitored by an independent third party subject matter expert overseen by the project oversight board. The engagement of a third party subject matter expert shall comply with these rules. ()~~

113. -- 999. (RESERVED)

HOUSE CONCURRENT RESOLUTION NO. 4

LEGISLATURE OF THE STATE OF IDAHO
Sixty-Third Legislature, First Regular Session - 2015

IN THE HOUSE OF REPRESENTATIVES
HOUSE CONCURRENT RESOLUTION NO. 4
BY REVENUE AND TAXATION COMMITTEE

A CONCURRENT RESOLUTION STATING FINDINGS OF THE LEGISLATURE
AND REJECTING CERTAIN RULES OF THE STATE TAX COMMISSION RELATING TO
IDAHO SALES AND USE 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 rules of the State Tax Commission relating to Idaho Sales and Use 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-third Idaho Legislature, the House of Representatives and the Senate concurring therein, that IDAPA 35.01.02, State Tax Commission, Idaho Sales and Use Tax Administrative Rules, Sections 102 and 128, only, adopted as pending rules under Docket Number [35-0102-1403](#), 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 RS23442

This Concurrent Resolution rejects Rules 102 and 128 of the Idaho State Tax Commission. Rule 102 relates to the sales tax exemption for logging and Rule 128 relates to lodging sales tax exemptions. Both rules were part of State Tax Commission Docket No. 35-0102-1403.

FISCAL NOTE

There is no anticipated fiscal impact.

Contact:

Representative Gary E. Collins
(208) 332-1000

Adopted: February 27, 2015.

HOUSE CONCURRENT RESOLUTION NO. 6

LEGISLATURE OF THE STATE OF IDAHO
Sixty-Third Legislature, First Regular Session - 2015

IN THE HOUSE OF REPRESENTATIVES
HOUSE CONCURRENT RESOLUTION NO. 6
BY COMMERCE AND HUMAN RESOURCES COMMITTEE

A CONCURRENT RESOLUTION STATING FINDINGS OF THE LEGISLATURE
AND REJECTING A CERTAIN RULE DOCKET OF THE PERSI (PUBLIC EMPLOYEE
RETIREMENT SYSTEM OF IDAHO) RELATING TO PERSI CONTRIBUTION 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 docket of the PERSI (Public Employee Retirement System of Idaho) relating to PERSI Contribution 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-third Idaho Legislature, the House of Representatives and the Senate concurring therein, that IDAPA 59.01.03, PERSI (Public Employee Retirement System of Idaho), PERSI Contribution Rules, adopted as a pending rule under Docket Number **59-0103-1401**, 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 RS23553

The purpose of this resolution is to reject IDAPA 59.0103.1401, as it has been superseded by another rule relative to PERSI contributions.

FISCAL NOTE

There is no impact to the General Fund. Previous scheduled rate increases are now repealed, thus leaving more money in State employees' pockets.

Contact:

Don Drum
Public Employee Retirement System
(208) 332-1000

Adopted: March 13, 2015.

HOUSE CONCURRENT RESOLUTION NO. 10

LEGISLATURE OF THE STATE OF IDAHO
Sixty-Third Legislature, First Regular Session - 2015

IN THE HOUSE OF REPRESENTATIVES
HOUSE CONCURRENT RESOLUTION NO. 10
BY RESOURCES AND CONSERVATION COMMITTEE

A CONCURRENT RESOLUTION STATING FINDINGS OF THE LEGISLATURE AND REJECTING
A CERTAIN RULE DOCKET OF THE DEPARTMENT OF WATER RESOURCES RELATING TO
RULES FOR CONJUNCTIVE MANAGEMENT OF SURFACE AND GROUND WATER RESOURCES.

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 Department of Water Resources relating to Rules for Conjunctive Management of Surface and Ground Water Resources 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-third Idaho Legislature, the House of Representatives and the Senate concurring therein, that IDAPA 37.03.11, Department of Water Resources, Rules for Conjunctive Management of Surface and Ground Water Resources, adopted as a pending rule under Docket Number **37-0311-1101**, 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 RS23634

This rule was rejected in committee because it eliminated the current boundary lines of the Eastern Snake Plain Aquifer, and not enough technical data was available at the present time for the Department of Water Resources to accurately evaluate the underground water sources available in the additional territory added to the ESPA to define the effects on the various sections of the Aquifer.

FISCAL NOTE

No fiscal impact.

Contact:

Representative Dell Raybould
(208) 332-1000

Adopted: March 11, 2015.

HOUSE CONCURRENT RESOLUTION NO. 11

LEGISLATURE OF THE STATE OF IDAHO
Sixty-Third Legislature, First Regular Session - 2015

IN THE HOUSE OF REPRESENTATIVES
HOUSE CONCURRENT RESOLUTION NO. 11
BY HEALTH AND WELFARE COMMITTEE

A CONCURRENT RESOLUTION STATING FINDINGS OF THE LEGISLATURE
AND REJECTING A CERTAIN RULE DOCKET OF THE OFFICE OF THE GOVERNOR
RELATING TO THE IDAHO COMMISSION FOR THE BLIND AND VISUALLY IMPAIRED.

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 Office of the Governor relating to the Idaho Commission for the Blind and Visually Impaired 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-third Idaho Legislature, the House of Representatives and the Senate concurring therein, that IDAPA 15.02.02, Office of the Governor, Rules Governing the Idaho Commission for the Blind and Visually Impaired, adopted as a pending rule under Docket Number [15-0202-1401](#), 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 RS23639

This Concurrent Resolution rejects a certain Rule Docket of the Office of the Governor, Idaho Commission for the Blind and Visually Impaired that relates to vocational rehabilitation services.

FISCAL NOTE

There is no fiscal impact to the General Fund.

Contact:

Representative Fred Wood
(208) 332-1000

Adopted: March 16, 2015.

HOUSE CONCURRENT RESOLUTION NO. 13

LEGISLATURE OF THE STATE OF IDAHO
Sixty-Third Legislature, First Regular Session - 2015

IN THE HOUSE OF REPRESENTATIVES
HOUSE CONCURRENT RESOLUTION NO. 13
BY STATE AFFAIRS 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-third Idaho Legislature, the House of Representatives and the Senate concurring therein, that IDAPA 11.11.01, Idaho State Police, Rules of the Idaho Peace Officer Standards and Training Council, Section 052., Subsection 02., only, adopted as a pending rule under Docket Number **11-1101-1403**, 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 RS23550

This Concurrent Resolution rejects rule 11.11.01.052.02 of the Idaho Peace Officers Standards and Training contained in Docket 11-1101-1403 relating to applicants who are home schooled.

FISCAL NOTE

This Resolution has no fiscal impact.

Contact:

Representative Richard Wills
(208) 332-1000

Adopted: March 18, 2015.

HOUSE CONCURRENT RESOLUTION NO. 21

LEGISLATURE OF THE STATE OF IDAHO
Sixty-Third Legislature, First Regular Session - 2015

IN THE HOUSE OF REPRESENTATIVES
HOUSE CONCURRENT RESOLUTION NO. 21
BY EDUCATION COMMITTEE

A CONCURRENT RESOLUTION STATING FINDINGS OF THE LEGISLATURE
AND REJECTING A CERTAIN RULE DOCKET OF THE STATE BOARD OF AND STATE
DEPARTMENT OF EDUCATION RELATING TO RULES GOVERNING THOROUGHNESS.

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 State Board of and State Department of Education relating to Rules Governing Thoroughness 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-third Idaho Legislature, the House of Representatives and the Senate concurring therein, that IDAPA 08.02.03, the State Board of and State Department of Education, Rules Governing Thoroughness, adopted as a pending rule under Docket Number **08-0203-1406**, 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 RS23783

Members of the First Regular Session of the Sixty-third Idaho Legislature, the House of Representatives and the Senate concurring therein, that IDAPA 08.02.03, the State Board of and State Department of Education, Rules Governing Thoroughness, adopted as a pending rule under Docket Number 08-0203-1406, the entire rulemaking docket, be, and the same is hereby rejected and declared null, void and of no force and effect.

FISCAL NOTE

There is no fiscal impact.

Contact:

Representative Julie VanOrden
(208) 332-1000

Adopted: March 27, 2015.

HOUSE CONCURRENT RESOLUTION NO. 22

LEGISLATURE OF THE STATE OF IDAHO
Sixty-Third Legislature, First Regular Session - 2015

IN THE HOUSE OF REPRESENTATIVES
HOUSE CONCURRENT RESOLUTION NO. 22
BY EDUCATION COMMITTEE

A CONCURRENT RESOLUTION STATING FINDINGS OF THE LEGISLATURE
AND REJECTING A CERTAIN RULE OF THE STATE BOARD OF AND STATE DEPARTMENT OF
EDUCATION RELATING TO RULES GOVERNING UNIFORMITY.

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 State Board of and State Department of Education relating to Rules Governing Uniformity 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-third Idaho Legislature, the House of Representatives and the Senate concurring therein, that IDAPA 08.02.02, the State Board of and State Department of Education, Rules Governing Uniformity, Section 004., Subsection 03., only, adopted as a pending rule under Docket Number **08-0202-1402**, 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 RS23782

Members of the First Regular Session of the Sixty-third Idaho Legislature, the House of Representatives and the Senate concurring therein, that IDAPA 08.02.02, the State Board of and State Department of Education, Rules Governing Uniformity, Section 004., Subsection 03., only, adopted as a pending rule under Docket Number 08-0202-1402, be, and the same is hereby rejected and declared null, void and of no force and effect.

FISCAL NOTE

There is no fiscal impact.

Contact:

Representative Julie VanOrden
(208) 332-1000

Adopted: March 27, 2015.

SENATE CONCURRENT RESOLUTION NO. 113

LEGISLATURE OF THE STATE OF IDAHO
Sixty-Third Legislature, First Regular Session - 2015

IN THE SENATE
SENATE CONCURRENT RESOLUTION NO. 113
BY STATE AFFAIRS COMMITTEE

A CONCURRENT RESOLUTION STATING FINDINGS OF THE LEGISLATURE AND REJECTING A CERTAIN RULE DOCKET OF THE IDAHO STATE DEPARTMENT OF AGRICULTURE RELATING TO RULES GOVERNING LIVESTOCK DEALERS, BUYING STATIONS, AND LIVESTOCK TRADER LOTS.

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 State Department of Agriculture relating to Rules Governing Livestock Dealers, Buying Stations, and Livestock Trader Lots 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-third Idaho Legislature, the Senate and the House of Representatives concurring therein, that IDAPA 02.04.28, the Idaho State Department of Agriculture, Rules Governing Livestock Dealers, Buying Stations, and Livestock Trader Lots, adopted as a pending rule under Docket Number [02-0428-1401](#), 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 RS23664

It is the finding of the Legislature that the rule docket of the Idaho State Department of Agriculture relating to Rules Governing Livestock Dealers, Buying Stations, and Livestock Trader Lots is not consistent with legislative intent and should be rejected.

FISCAL NOTE

No fiscal impact.

Contact:
Senator Jim Rice
(208) 332-1000
Senator Clifford R. Bayer
(208) 332-1000

Adopted: March 17, 2015.

SENATE CONCURRENT RESOLUTION NO. 119

LEGISLATURE OF THE STATE OF IDAHO
Sixty-Third Legislature, First Regular Session - 2015

IN THE SENATE
SENATE CONCURRENT RESOLUTION NO. 119
BY STATE AFFAIRS COMMITTEE

A CONCURRENT RESOLUTION STATING FINDINGS OF THE LEGISLATURE
AND REJECTING A CERTAIN RULE DOCKET OF THE STATE BOARD OF AND STATE
DEPARTMENT OF EDUCATION RELATING TO RULES GOVERNING UNIFORMITY.

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 State Board of and State Department of Education relating to Rules Governing Uniformity 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-third Idaho Legislature, the Senate and the House of Representatives concurring therein, that IDAPA 08.02.02, the State Board of and State Department of Education, Rules Governing Uniformity, adopted as a pending rule under Docket Number **08-0202-1401**, 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 RS23813

It is the finding of the Senate Education Committee that the rule docket of the Idaho State Board and Idaho Department of Education relating to Rules Governing Uniformity, under Docket No. 08-0202-1401, be rejected in full.

FISCAL NOTE

No fiscal impact.

Contact:
Senator Dean M. Mortimer
(208) 332-1321

Adopted: April 01, 2015.

SENATE CONCURRENT RESOLUTION NO. 121

LEGISLATURE OF THE STATE OF IDAHO
Sixty-Third Legislature, First Regular Session - 2015

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 OF THE STATE BOARD OF AND STATE
DEPARTMENT OF EDUCATION RELATING TO RULES GOVERNING THOROUGHNESS.

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 State Board of and State Department of Education relating to Rules Governing Thoroughness 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-third Idaho Legislature, the Senate and the House of Representatives concurring therein, that IDAPA 08.02.03, the State Board of and State Department of Education, Rules Governing Thoroughness, Section 105., Subsection 06., only, adopted as a pending rule under Docket Number **08-0203-1401**, 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 RS23817

It is the finding of the Senate Education Committee that the rule docket of the Idaho State Board and State Department of Education relating to Rules Governing Thoroughness, Subsection .105.06.e-I, under Docket No. 08-0203-1401, be rejected.

FISCAL NOTE

No fiscal impact.

Contact:
Senator Dean M. Mortimer
(208) 332-1321

Adopted: April 01, 2015.

SENATE CONCURRENT RESOLUTION NO. 127

LEGISLATURE OF THE STATE OF IDAHO
Sixty-Third Legislature, First Regular Session - 2015

IN THE SENATE
SENATE CONCURRENT RESOLUTION NO. 127
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-third 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 2015 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-third 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 are excepted from approval hereunder or which were not submitted to the Legislature for review during the 2015 legislative session shall expire by operation of statute upon adjournment of the First Regular Session of the Sixty-third 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 RS23923

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 approves and extends 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:
Dennis Stevenson, Administrative Rules Coordinator
Office of the Administrative Rules Coordinator
(208) 332-1822

Adopted: April 06, 2015.

SENATE CONCURRENT RESOLUTION NO. 128

LEGISLATURE OF THE STATE OF IDAHO
Sixty-Third Legislature, First Regular Session - 2015

IN THE SENATE
SENATE CONCURRENT RESOLUTION NO. 128
BY STATE AFFAIRS COMMITTEE

A CONCURRENT RESOLUTION STATING LEGISLATIVE FINDINGS AND APPROVING ADMINISTRATIVE RULES THAT IMPOSE A FEE OR CHARGE, WITH AN EXCEPTION, AND REJECTING A CERTAIN AGENCY RULE DOCKET THAT IS 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 docket of the Department of Insurance governing Schedule of Fees, Licenses, and Miscellaneous Charges 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-third 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 2015 legislative session, which impose a fee or charge, be, and the same are approved, with the exception of the following enumerated pending fee rule:

IDAPA 18.01.44, the Department of Insurance, Rules Governing the Schedule of Fees, Licenses, and Miscellaneous Charges, adopted as a pending fee rule under Docket Number [18-0144-1401](#), the entire rulemaking docket.

BE IT FURTHER RESOLVED that IDAPA 18.01.44, the Department of Insurance, Rules Governing the Schedule of Fees, Licenses, and Miscellaneous Charges, adopted as a pending fee rule under Docket Number 18-0144-1401, the entire rulemaking docket is hereby rejected and not approved, and thereby pursuant to Section 67-5291 and Section 67-5224, Idaho Code, is 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 RS23924

By statute, state agency rules promulgated under the Idaho Administrative Procedures Act that impose a fee or charge do not go into effect unless approved by concurrent resolution of the Legislature. This concurrent resolution, with one exception, approves agency rules imposing a fee or charge that were adopted during the prior calendar year and were submitted through the Office of the Administrative Rules Coordinator to the Legislature for review during the 2015 legislative session which shall be in full force and effect upon the adoption of this concurrent resolution or upon the date specified in the administrative rule.

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:
Dennis Stevenson, Administrative Rules Coordinator
Office of the Administrative Rules Coordinator
(208) 332-1822

Adopted: April 06, 2015.

SENATE CONCURRENT RESOLUTION NO. 129

LEGISLATURE OF THE STATE OF IDAHO
Sixty-Third Legislature, First Regular Session - 2015

IN THE SENATE
SENATE CONCURRENT RESOLUTION NO. 129
BY STATE AFFAIRS COMMITTEE

A CONCURRENT RESOLUTION STATING FINDINGS OF THE LEGISLATURE
AND REJECTING CERTAIN RULES OF THE DEPARTMENT OF ADMINISTRATION
RELATING TO RULES OF THE DIVISION OF PURCHASING.

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 of the Division of Purchasing 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-third Idaho Legislature, the Senate and the House of Representatives concurring therein, that IDAPA 38.05.01, Department of Administration, Rules of the Division of Purchasing, Sections 011., 021., 032., 033., 039., 040., 041., 042., 043., 044., 045., 046., 051., 052., 053., 054., 070., 073., 074. Subsection 03., 081., 082., 083., 084., 085., 086., 091., 092., 102., 103., 111., and 125., only, adopted as pending rules under Docket Number **38-0501-1401**, 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 RS23920

Relating to Docket 38.0501.1401 - Rules of the Division of Purchasing, the following executive agency rules under the provisions of Section 67-5291, Idaho Code, are rejected because they are not consistent with legislative intent. The rejected rules are: Rules of the Division of Purchasing, Sections 011, 021, 032, 033, 039, 040, 041, 042, 043, 044, 045, 046, 051, 052, 053, 054, 070, 073, 074 (subsection 03), 081, 082, 083, 084, 085, 086, 091, 092, 102, 103, 111, and 125. The following rules under Docket 38.0501.1401, are accepted: Sections 005; 061 (subsections 01. And 02.); 071; 072; 074 (subsections 01. and 02); and 112 in whole.

FISCAL NOTE

No fiscal impact.

Contact:

Senator Jim Patrick
(208) 332-1318

Adopted: April 06, 2015.

Sections Affected Index

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Docket No. **08-0203-1401**

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38.05.01 - Rules of the Division of Purchasing

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LEGAL NOTICE

Summary of Proposed Rulemakings

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

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

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

Please refer to the Idaho Administrative Bulletin, **May 6, 2015, Volume 15-5**, 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.

Office of the Administrative Rules Coordinator, Dept. of Administration, PO Box 83720, Boise, ID 83720-0306
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CUMULATIVE RULEMAKING INDEX OF IDAHO ADMINISTRATIVE RULES

*Office of the Administrative Rules Coordinator
Idaho Department of Administration*

July 1, 1993 -- Present

CUMULATIVE RULEMAKING INDEX OF IDAHO ADMINISTRATIVE RULES

This online index provides a history of all agency rulemakings beginning with the first Administrative Bulletin in July 1993 to the most recent Bulletin publication. It tracks all rulemaking activities on each chapter of rules by the rulemaking docket numbers and includes negotiated, temporary, proposed, pending and final rules, public hearing notices, vacated rulemaking notices, notice of legislative actions taken on rules, and executive orders of the Governor.

ABRIDGED RULEMAKING INDEX OF IDAHO ADMINISTRATIVE RULES (Index of Current Rulemakings)

*Office of the Administrative Rules Coordinator
Idaho Department of Administration*

March 20, 2014 -- May 6, 2015

(eff. PLR) - Final Effective Date Is 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 20, 2014 that are still in process and all current rulemakings promulgated after March 20, 2014 - Sine Die, 2014 Legislative Session.)

IDAPA 01 -- IDAHO BOARD OF ACCOUNTANCY

01.01.01, Idaho Accountancy Rules

- 01-0101-1401** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 14-8
- 01-0101-1401** Proposed Rulemaking, Bulletin Vol. 14-10
- 01-0101-1402** Proposed Rulemaking, Bulletin Vol. 14-10
- 01-0101-1401** Adoption of Pending Rule, Bulletin Vol. 14-12 (eff. PLR 2015)
- 01-0101-1402** Adoption of Pending Rule, Bulletin Vol. 14-12 (eff. PLR 2015)
- 01-0101-1401** OAR Omnibus Notice of Legislative Action - Approval of Pending Rule, Bulletin Vol. 15-5 (eff. 4-11-15)
- 01-0101-1402** OAR Omnibus Notice of Legislative Action - Approval of Pending Rule, Bulletin Vol. 15-5 (eff. 4-11-15)

IDAPA 02 -- DEPARTMENT OF AGRICULTURE

02.01.05, Rules Governing Certificates of Free Sale

- 02-0105-1401** Proposed Rulemaking, Bulletin Vol. 14-8
- 02-0105-1401** Adoption of Pending Rule, Bulletin Vol. 14-11 (eff. PLR 2015)
- 02-0105-1401** OAR Omnibus Notice of Legislative Action - Approval of Pending Rule, Bulletin Vol. 15-5 (eff. 4-11-15)

02.02.14, Rules for Weights and Measures

- 02-0214-1401** Proposed Rulemaking, Bulletin Vol. 14-7
- 02-0214-1402** Proposed Rulemaking, Bulletin Vol. 14-7
- 02-0214-1403** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 14-7
- 02-0214-1401** Adoption of Pending Rule, Bulletin Vol. 14-9 (eff. PLR 2015)
- 02-0214-1402** Adoption of Pending Rule, Bulletin Vol. 14-9 (eff. PLR 2015)
- 02-0214-1403** Proposed Rulemaking (Fee Rule), Bulletin Vol. 14-9
- 02-0214-1403** Adoption of Pending Fee Rule, Bulletin Vol. 14-11 (eff. PLR 2015)
- 02-0214-1401** OAR Omnibus Notice of Legislative Action - Approval of Pending Rule, Bulletin Vol. 15-5 (eff. 4-11-15)
- 02-0214-1402** OAR Omnibus Notice of Legislative Action - Approval of Pending Rule, Bulletin Vol. 15-5 (eff. 4-11-15)
- 02-0214-1403** OAR Omnibus Notice of Legislative Action - Approval of Pending Fee Rule by SCR 128, Bulletin Vol. 15-5 (eff. 4-6-15)

02.03.03, Idaho Department of Agriculture Rules Governing Pesticide and Chemigation Use and Application

- 02-0303-1401** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 14-6
- 02-0303-1401** Proposed Rulemaking, Bulletin Vol. 14-8
- 02-0303-1401** Adoption of Pending Rule, Bulletin Vol. 14-11 (eff. PLR 2015)
- 02-0303-1401** OAR Omnibus Notice of Legislative Action - Approval of Pending Rule, Bulletin Vol. 15-5 (eff. 4-11-15)

02.04.05, Rules Governing Manufacture Grade Milk

- 02-0405-1401** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 14-6
- 02-0405-1401*** Proposed Rulemaking, Bulletin Vol. 14-9
- 02-0405-1401*** Adoption of Pending Rule, Bulletin Vol. 14-11 (eff. PLR 2015)
- 02-0405-1401*** OAR Omnibus Notice of Legislative Action - Approval of Pending Rule, Bulletin Vol. 15-5 (eff. 4-11-15)
*(*Rulemaking renames chapter from: "Rules of the Department of Agriculture Governing Manufacture Grade Milk" to: "Rules Governing Manufacture Grade Milk"*

02.04.06, Rules Governing Licensed Dairy Plants

- 02-0406-1401*** Proposed Rulemaking, Bulletin Vol. 14-6
- 02-0406-1401*** Adoption of Pending Rule, Bulletin Vol. 14-8 (eff. PLR 2015)
- 02-0406-1401*** OAR Omnibus Notice of Legislative Action - Approval of Pending Rule, Bulletin Vol. 15-5 (eff. 4-11-15)
*(*Rulemaking renames chapter from: "Requirements for Licensed Dairy Plants" to: "Rules Governing Licensed Dairy Plants"*

02.04.14, Rules Governing Dairy Waste

- 02-0414-1401** Proposed Rulemaking, Bulletin Vol. 14-6
- 02-0414-1401** Adoption of Pending Rule, Bulletin Vol. 14-8 (eff. PLR 2015)
- 02-0414-1401** OAR Omnibus Notice of Legislative Action - Approval of Pending Rule, Bulletin Vol. 15-5 (eff. 4-11-15)

02.04.19, Rules Governing Domestic Cervidae

- 02-0419-1401** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 14-6
- 02-0419-1401** Temporary and Proposed Rulemaking (Fee Rule), Bulletin Vol. 14-9 (eff. 9-1-14)T
- 02-0419-1401** Adoption of Pending Fee Rule, Bulletin Vol. 14-11 (eff. PLR 2015)
- 02-0419-1401** Notice of Correction to Pending Fee Rule and Temporary Rule, Bulletin Vol. 15-1
- 02-0419-1401** OAR Omnibus Notice of Legislative Action - Approval of Pending Fee Rule by SCR 128, Bulletin Vol. 15-5 (eff. 4-6-15)

02.04.21, Rules Governing the Importation of Animals

- 02-0421-1401** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 14-6
- 02-0421-1402** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 14-7
- 02-0421-1401** Proposed Rulemaking, Bulletin Vol. 14-9
- 02-0421-1402** Proposed Rulemaking, Bulletin Vol. 14-9
- 02-0421-1401** Adoption of Pending Rule, Bulletin Vol. 14-11 (eff. PLR 2015)
- 02-0421-1402** Adoption of Pending Rule, Bulletin Vol. 14-11 (eff. PLR 2015)
- 02-0421-1401** OAR Omnibus Notice of Legislative Action - Approval of Pending Rule, Bulletin Vol. 15-5 (eff. 4-11-15)
- 02-0421-1402** OAR Omnibus Notice of Legislative Action - Approval of Pending Rule, Bulletin Vol. 15-5 (eff. 4-11-15)

02.04.24, Rules Governing Tuberculosis

- 02-0424-1401** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 14-7
- 02-0424-1401** Proposed Rulemaking, Bulletin Vol. 14-9
- 02-0424-1401** Adoption of Pending Rule, Bulletin Vol. 14-12 (eff. PLR 2015)
- 02-0424-1401** OAR Omnibus Notice of Legislative Action - Approval of Pending Rule, Bulletin Vol. 15-5 (eff. 4-11-15)

02.04.28, Rules Governing Livestock Dealers, Buying Stations, and Livestock Trader Lots

- 02-0428-1401** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 14-7
- 02-0428-1401** Proposed Rulemaking, Bulletin Vol. 14-9
- 02-0428-1401** Adoption of Pending Rule, Bulletin Vol. 14-11 (eff. PLR 2015)
- 02-0428-1401** OAR Omnibus Notice of Legislative Action - Rejection of Pending Rule by SCR 113, Bulletin Vol. 15-5 (Null and Void)

02.04.29, Rules Governing Trichomoniasis

- 02-0429-1401** Proposed Rulemaking, Bulletin Vol. 14-6
- 02-0429-1401** Adoption of Pending Rule, Bulletin Vol. 14-9 (eff. PLR 2015)
- 02-0429-1401** OAR Omnibus Notice of Legislative Action - Approval of Pending Rule, Bulletin Vol. 15-5 (eff. 4-11-15)

02.06.02, Rules Pertaining to the Idaho Commercial Feed Law

- 02-0602-1401** Proposed Rulemaking, Bulletin Vol. 14-6
- 02-0602-1401** Adoption of Pending Rule, Bulletin Vol. 14-9 (eff. PLR 2015)
- 02-0602-1401** OAR Omnibus Notice of Legislative Action - Approval of Pending Rule, Bulletin Vol. 15-5 (eff. 4-11-15)

02.06.05, Rules Governing the Disease of Hops (*Humulus lupulus*)

- 02-0605-1401** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 14-6
- 02-0605-1401** Temporary and Proposed Rulemaking (Fee Rule), Bulletin Vol. 14-10 (eff. 9-1-14)T
- 02-0605-1401** Adoption of Pending Rule, Bulletin Vol. 14-12 (eff. PLR 2015)
- 02-0605-1401** OAR Omnibus Notice of Legislative Action - Approval of Pending Fee Rule by SCR 128, Bulletin Vol. 15-5 (eff. 4-6-15)

02.06.12, Rules Pertaining to the Idaho Fertilizer Law

- 02-0612-1401** Proposed Rulemaking, Bulletin Vol. 14-6
- 02-0612-1401** Adoption of Pending Rule, Bulletin Vol. 14-9 (eff. PLR 2015)
- 02-0612-1401** OAR Omnibus Notice of Legislative Action - Approval of Pending Rule, Bulletin Vol. 15-5 (eff. 4-11-15)

02.06.27, Rules Governing Bacterial Ring Rot Caused by (*Clavibacter michiganensis* subsp. *sepedonicus*) of Potato

- 02-0627-1401** Temporary Rulemaking (New Chapter), Bulletin Vol. 14-3 (eff. 2-26-14)T
- 02-0627-1402** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 14-6
- 02-0627-1402*** Notice of Intent to Promulgate Rules (***2nd Notice**) - Negotiated Rulemaking, Bulletin Vol. 14-7
- 02-0627-1401** Notice of Amendment to Temporary Rule, Bulletin Vol. 14-10

- 02-0627-1402 Proposed Rulemaking (Fee Rule) (New Chapter), Bulletin Vol. 14-10
- 02-0627-1402 Adoption of Pending Rule, Bulletin Vol. 14-12 (eff. PLR 2015)
- 02-0627-1402 OAR Omnibus Notice of Legislative Action - Approval of Pending Fee Rule by SCR 128, Bulletin Vol. 15-5 (eff. 4-6-15)

02.06.33, Organic Food Products Rules

- 02-0633-1401 Proposed Rulemaking, Bulletin Vol. 14-6
- 02-0633-1401 Adoption of Pending Rule, Bulletin Vol. 14-9 (eff. PLR 2015)
- 02-0633-1401 OAR Omnibus Notice of Legislative Action - Approval of Pending Rule, Bulletin Vol. 15-5 (eff. 4-11-15)

02.06.41, Rules Pertaining to the Idaho Soil and Plant Amendment Act of 2001

- 02-0641-1401 Proposed Rulemaking, Bulletin Vol. 14-6
- 02-0641-1401 Adoption of Pending Rule, Bulletin Vol. 14-9 (eff. PLR 2015)
- 02-0641-1401 OAR Omnibus Notice of Legislative Action - Approval of Pending Rule, Bulletin Vol. 15-5 (eff. 4-11-15)

02.08.01, Sheep and Goat Rules of the Idaho Board of Sheep Commissioners

- 02-0801-1401 Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 14-7
- 02-0801-1401 Proposed Rulemaking, Bulletin Vol. 14-9
- 02-0801-1401 Adoption of Pending Rule, Bulletin Vol. 14-11 (eff. PLR 2015)
- 02-0801-1401 OAR Omnibus Notice of Legislative Action - Approval of Pending Fee Rule by SCR 128, Bulletin Vol. 15-5 (eff. 4-6-15)

IDAPA 05 -- DEPARTMENT OF JUVENILE CORRECTIONS

(Rule Repealed) 05.01.01, Rules for Contract Providers

- 05-0101-1401 Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 14-7
- 05-0101-1401 Proposed Rulemaking (Chapter Repeal), Bulletin Vol. 14-9
- 05-0101-1401 Adoption of Pending Rule (Chapter Repeal), Bulletin Vol. 15-1 (eff. PLR 2015)
- 05-0101-1401 OAR Omnibus Notice of Legislative Action - Approval of Pending Rule, Bulletin Vol. 15-5 (eff. 4-11-15)

(Rule Repealed) 05.01.05, Rules for Reintegration Providers

- 05-0105-1401 Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 14-7
- 05-0105-1401 Proposed Rulemaking (Chapter Repeal), Bulletin Vol. 14-9
- 05-0105-1401 Adoption of Pending Rule (Chapter Repeal), Bulletin Vol. 15-1 (eff. PLR 2015)
- 05-0105-1401 OAR Omnibus Notice of Legislative Action - Approval of Pending Rule, Bulletin Vol. 15-5 (eff. 4-11-15)

05.02.01, Rules for Residential Treatment Providers

- 05-0201-1401 Notice of Intent to Promulgate Rules - Negotiated Rulemaking (New Chapter), Bulletin Vol. 14-7
- 05-0201-1401 Proposed Rulemaking, Bulletin Vol. 14-9
- 05-0201-1401 Adoption of Pending Rule (New Chapter), Bulletin Vol. 15-1 (eff. PLR 2015)
- 05-0201-1401 OAR Omnibus Notice of Legislative Action - Approval of Pending Rule, Bulletin Vol. 15-5 (eff. 4-11-15)

05.02.02, Rules for Staff Secure Providers

- 05-0202-1401 Notice of Intent to Promulgate Rules - Negotiated Rulemaking (New Chapter), Bulletin Vol. 14-7
- 05-0202-1401 Proposed Rulemaking, Bulletin Vol. 14-9
- 05-0202-1401 Adoption of Pending Rule (New Chapter), Bulletin Vol. 15-1 (eff. PLR 2015)
- 05-0202-1401 OAR Omnibus Notice of Legislative Action - Approval of Pending Rule, Bulletin Vol. 15-5 (eff. 4-11-15)

05.02.03, Rules for Reintegration Providers

- 05-0203-1401 Notice of Intent to Promulgate Rules - Negotiated Rulemaking (New Chapter), Bulletin Vol. 14-7
- 05-0203-1401 Proposed Rulemaking, Bulletin Vol. 14-9
- 05-0203-1401 Adoption of Pending Rule (New Chapter), Bulletin Vol. 15-1 (eff. PLR 2015)
- 05-0203-1401 OAR Omnibus Notice of Legislative Action - Approval of Pending Rule, Bulletin Vol. 15-5 (eff. 4-11-15)

05.02.04, Rules for Supported Living Providers

- 05-0204-1401 Notice of Intent to Promulgate Rules - Negotiated Rulemaking (New Chapter), Bulletin Vol. 14-7
- 05-0204-1401 Proposed Rulemaking, Bulletin Vol. 14-9

- 05-0204-1401 Adoption of Pending Rule (New Chapter), Bulletin Vol. 15-1 (eff. PLR 2015)
- 05-0204-1401 OAR Omnibus Notice of Legislative Action - Approval of Pending Rule, Bulletin Vol. 15-5 (eff. 4-11-15)

IDAPA 06 -- STATE BOARD OF CORRECTION

06.01.02, Rules of Correctional Industries

- 06-0102-1401 Notice of Proclamation of Rulemaking (New Chapter), Bulletin Vol. 14-6 (eff. 7-4-14)
- 06-0102-1501 Notice of Proclamation of Rulemaking, Bulletin Vol. 15-1 (eff. 2-6-15)
- 06-0102-1401 OAR Omnibus Notice of Legislative Action - Approval of Final Rule, Bulletin Vol. 15-5 (eff. 7-4-14)
- 06-0102-1501 OAR Omnibus Notice of Legislative Action - Approval of Final Rule, Bulletin Vol. 15-5 (eff. 2-6-15)

06.02.01, Rules Governing the Supervision of Offenders on Probation or Parole by the Department of Correction, Division of Probation and Parole

- 06-0201-1501 Notice of Proclamation of Rulemaking (New Chapter), Bulletin Vol. 15-1 (eff. 2-6-15)
- 06-0201-1501 OAR Omnibus Notice of Legislative Action - Approval of Final Rule, Bulletin Vol. 15-5 (eff. 2-6-15)

06.02.02, Rules Governing Establishment and Operation of a Limited Supervision Unit by the Department of Correction, Division of Probation and Parole

- 06-0202-1501 Notice of Proclamation of Rulemaking (New Chapter), Bulletin Vol. 15-1 (eff. 2-6-15)
- 06-0202-1501 OAR Omnibus Notice of Legislative Action - Approval of Final Rule, Bulletin Vol. 15-5 (eff. 2-6-15)

06.02.03, Rules Governing Release Readiness

- 06-0203-1501 Notice of Proclamation of Rulemaking (New Chapter), Bulletin Vol. 15-1 (eff. 2-6-15)
- 06-0203-1501 OAR Omnibus Notice of Legislative Action - Approval of Final Rule, Bulletin Vol. 15-5 (eff. 2-6-15)

IDAPA 07 -- DIVISION OF BUILDING SAFETY

07.01.03, Rules of Electrical Licensing and Registration - General

- 07-0103-1401 Proposed Rulemaking, Bulletin Vol. 14-10
- 07-0103-1401 Adoption of Pending Rule, Bulletin Vol. 14-12 (eff. PLR 2015)
- 07-0103-1401 OAR Omnibus Notice of Legislative Action - Approval of Pending Rule, Bulletin Vol. 15-5 (eff. 4-11-15)

07.01.06, Rules Governing the Use of National Electrical Code

- 07-0106-1401 Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 14-5

07.01.07, Rules Governing Continuing Education Requirements

- 07-0107-1401 Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 14-5
- 07-0107-1401 Proposed Rulemaking, Bulletin Vol. 14-10
- 07-0107-1401 Adoption of Pending Rule, Bulletin Vol. 14-12 (eff. PLR 2015)
- 07-0107-1401 OAR Omnibus Notice of Legislative Action - Approval of Pending Rule, Bulletin Vol. 15-5 (eff. 4-11-15)

07.01.11, Rules Governing Civil Penalties

- 07-0111-1401 Proposed Rulemaking, Bulletin Vol. 14-10
- 07-0111-1401 Adoption of Pending Rule, Bulletin Vol. 14-12 (eff. PLR 2015)
- 07-0111-1401 OAR Omnibus Notice of Legislative Action - Approval of Pending Rule, Bulletin Vol. 15-5 (eff. 4-11-15)

07.02.03, Rules Governing Permit Fee Schedule

- 07-0203-1501 Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 15-4

07.02.04, Rules Governing Plumbing Safety Inspections

- 07-0204-1401 Proposed Rulemaking, Bulletin Vol. 14-10
- 07-0204-1401 Adoption of Pending Rule, Bulletin Vol. 14-12 (eff. PLR 2015)
- 07-0204-1401 OAR Omnibus Notice of Legislative Action - Approval of Pending Rule, Bulletin Vol. 15-5 (eff. 4-11-15)

07.02.05, Rules Governing Plumbing Safety Licensing

- 07-0205-1401** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 14-7
- 07-0205-1401** Proposed Rulemaking, Bulletin Vol. 14-10
- 07-0205-1401** Adoption of Pending Rule, Bulletin Vol. 14-12 (eff. PLR 2015)
- 07-0205-1501** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 15-4
- 07-0205-1502** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 15-4
- 07-0205-1401** OAR Omnibus Notice of Legislative Action - Approval of Pending Rule, Bulletin Vol. 15-5 (eff. 4-11-15)

07.02.06, Rules Concerning Uniform Plumbing Code

- 07-0206-1401** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 14-3
- 07-0206-1401** Proposed Rulemaking, Bulletin Vol. 14-10
- 07-0206-1401** Adoption of Pending Rule, Bulletin Vol. 14-12 (eff. PLR 2015)
- 07-0206-1501** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 15-4
- 07-0206-1401** OAR Omnibus Notice of Legislative Action - Approval of Pending Rule, Bulletin Vol. 15-5 (eff. 4-11-15)

07.03.01, Rules of Building Safety

- 07-0301-1401** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 14-6
- 07-0301-1401** Proposed Rulemaking, Bulletin Vol. 14-10
- 07-0301-1402** Temporary and Proposed Rulemaking, Bulletin Vol. 14-10 (eff. 10-1-14)T
- 07-0301-1401** Adoption of Pending Rule, Bulletin Vol. 14-12 (eff. PLR 2015)
- 07-0301-1402** Adoption of Pending Rule, Bulletin Vol. 14-12 (eff. PLR 2015)
- 07-0301-1501** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 15-4
- 07-0301-1401** OAR Omnibus Notice of Legislative Action - Approval of Pending Rule, Bulletin Vol. 15-5 (eff. 4-11-15)
- 07-0301-1402** OAR Omnibus Notice of Legislative Action - Approval of Pending Rule, Bulletin Vol. 15-5 (eff. 4-11-15)

07.05.01, Rules of the Public Works Contractors License Board

- 07-0501-1401** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 14-5

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08.01.11, Registration of Postsecondary Educational Institutions and Proprietary Schools

- 08-0111-1401** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 14-8
- 08-0111-1401** Proposed Rulemaking, Bulletin Vol. 14-10
- 08-0111-1401** Adoption of Pending Rule, Bulletin Vol. 15-1 (eff. PLR 2015)
- 08-0111-1401** OAR Omnibus Notice of Legislative Action - Approval of Pending Rule, Bulletin Vol. 15-5 (eff. 4-11-15)

08.02.01, Rules Governing Administration

- 08-0201-1401** Temporary and Proposed Rulemaking, Bulletin Vol. 14-8 (eff. 7-1-14)T
- 08-0201-1402** Temporary and Proposed Rulemaking, Bulletin Vol. 14-10 (eff. 8-14-14)T
- 08-0201-1401** Adoption of Pending Rule, Bulletin Vol. 15-1 (eff. PLR 2015)
- 08-0201-1402** Adoption of Pending Rule, Bulletin Vol. 15-1 (eff. PLR 2015)
- 08-0201-1401** OAR Omnibus Notice of Legislative Action - Approval of Pending Rule, Bulletin Vol. 15-5 (eff. 4-11-15)
- 08-0201-1402** OAR Omnibus Notice of Legislative Action - Approval of Pending Rule, Bulletin Vol. 15-5 (eff. 4-11-15)

08.02.02, Rules Governing Uniformity

- 08-0202-1401** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 14-8
- 08-0202-1401** Proposed Rulemaking, Bulletin Vol. 14-10
- 08-0202-1402** Proposed Rulemaking, Bulletin Vol. 14-10
- 08-0202-1403** Proposed Rulemaking, Bulletin Vol. 14-10
- 08-0202-1404** Proposed Rulemaking, Bulletin Vol. 14-10
- 08-0202-1405** Notice of Adoption of Temporary Rule, Bulletin Vol. 14-10 (8-14-14)T
- 08-0202-1401** Adoption of Pending Rule, Bulletin Vol. 15-1 (eff. PLR 2015)
- 08-0202-1402** Adoption of Pending Rule, Bulletin Vol. 15-1 (eff. PLR 2015)

- 08-0202-1403** Adoption of Pending Rule, Bulletin Vol. 15-1 (eff. PLR 2015)
- 08-0202-1404** Adoption of Pending Rule, Bulletin Vol. 15-1 (eff. PLR 2015)
- 08-0202-1401** OAR Omnibus Notice of Legislative Action - Rejection of Pending Rule by SCR 119, Bulletin Vol. 15-5 (Null and Void)
- 08-0202-1402** OAR Omnibus Notice of Legislative Action - Partial Rejection of Pending Rule by HCR 022, (Rejected Subsection 004.03 only), Bulletin Vol. 15-5 (eff. 3-27-15)
- 08-0202-1402** Notice of Final Rule - Agency Filing - Partial Rejection of Pending Rule by HCR 022, Bulletin Vol. 15-5 (eff. 3-27-15)
- 08-0202-1403** OAR Omnibus Notice of Legislative Action - Approval of Pending Rule, Bulletin Vol. 15-5 (eff. 4-11-15)
- 08-0202-1404** OAR Omnibus Notice of Legislative Action - Approval of Pending Rule, Bulletin Vol. 15-5 (eff. 4-11-15)

08.02.03, Rules Governing Thoroughness

- 08-0203-1401** Proposed Rulemaking, Bulletin Vol. 14-10
- 08-0203-1402** Temporary and Proposed Rulemaking, Bulletin Vol. 14-10 (eff. 8-14-14)T
- 08-0203-1403** Temporary and Proposed Rulemaking, Bulletin Vol. 14-10 (eff. 8-14-14)T
- 08-0203-1404** Temporary and Proposed Rulemaking, Bulletin Vol. 14-10 (eff. 8-14-14)T
- 08-0203-1405** Adoption of Temporary Rule, Bulletin Vol. 14-10 (eff. 8-14-14)T
- 08-0203-1406** Temporary and Proposed Rulemaking, Bulletin Vol. 14-10 (eff. 8-14-14)T
- 08-0203-1401** Adoption of Pending Rule, Bulletin Vol. 15-1 (eff. PLR 2015)
- 08-0203-1402** Adoption of Pending Rule, Bulletin Vol. 15-1 (eff. PLR 2015)
- 08-0203-1403** Adoption of Pending Rule and Amendment to Temporary Rule, Bulletin Vol. 15-1 (eff. PLR 2015) (eff. 11-24-14)T
- 08-0203-1404** Adoption of Pending Rule, Bulletin Vol. 15-1 (eff. PLR 2015)
- 08-0202-1406** Adoption of Pending Rule and Amendment to Temporary Rule, Bulletin Vol. 15-1 (eff. PLR 2015) (eff. 11-24-14)T
- 08-0203-1501** Adoption of Temporary Rule, Bulletin Vol. 15-2 (eff. 1-22-15)T
- 08-0203-1502** Adoption of Temporary Rule, Bulletin Vol. 15-4 (eff. 2-19-15)T
- 08-0203-1401** OAR Omnibus Notice of Legislative Action - Partial Rejection of Pending Rule by HCR 121 (Rejected Sub. 105.06 only), Bulletin Vol. 15-5 (eff. 4-1-15)
- 08-0203-1401** Notice of Final Rule - Agency Filing - Partial Rejection of Pending Rule by HCR 121, Bulletin Vol. 15-5 (eff. 4-1-15)
- 08-0203-1402** OAR Omnibus Notice of Legislative Action - Approval of Pending Rule, Bulletin Vol. 15-5 (eff. 4-11-15)
- 08-0203-1403** OAR Omnibus Notice of Legislative Action - Approval of Pending Rule, Bulletin Vol. 15-5 (eff. 4-11-15)
- 08-0203-1404** OAR Omnibus Notice of Legislative Action - Approval of Pending Rule, Bulletin Vol. 15-5 (eff. 4-11-15)
- 08-0203-1406** OAR Omnibus Notice of Legislative Action - Rejection of Pending Rule by HCR 21, Bulletin Vol. 15-5 (Null and Void)

08.05.01, Rules Governing Seed and Plant Certification - Regents of the University of Idaho

- 08-0501-1401** Temporary and Proposed Rulemaking (New Chapter, Fee Rule), Bulletin Vol. 14-6 (eff. 5-14-14)T
- 08-0501-1401** Adoption of Pending Fee Rule and Amendment to Temporary Rule, Bulletin Vol. 15-1 (eff. PLR 2015) (eff. 11-24-14)T
- 08-0501-1401** OAR Omnibus Notice of Legislative Action - Approval of Pending Fee Rule by SCR 128, Bulletin Vol. 15-5 (eff. 4-6-15)

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- 09-0104-1401** Proposed Rulemaking, Bulletin Vol. 14-9
- 09-0104-1401** Adoption of Pending Rule, Bulletin Vol. 15-1 (eff. PLR 2015)
- 09-0104-1401** OAR Omnibus Notice of Legislative Action - Approval of Pending Rule, Bulletin Vol. 15-5 (eff. 4-11-15)

09.01.06, Rules of the Appeals Bureau

- 09-0106-1401** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 14-7
- 09-0106-1401** Proposed Rulemaking, Bulletin Vol. 14-9
- 09-0106-1401** Adoption of Pending Rule, Bulletin Vol. 15-1 (eff. PLR 2015)
- 09-0106-1401** OAR Omnibus Notice of Legislative Action - Approval of Pending Rule, Bulletin Vol. 15-5 (eff. 4-11-15)

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- 09-0130-1401** Proposed Rulemaking, Bulletin Vol. 14-9
- 09-0130-1401** Adoption of Pending Rule, Bulletin Vol. 15-1 (eff. PLR 2015)
- 09-0130-1401** OAR Omnibus Notice of Legislative Action - Approval of Pending Rule, Bulletin Vol. 15-5 (eff. 4-11-15)

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- 10-0101-1401** Proposed Rulemaking, Bulletin Vol. 14-8
- 10-0101-1401** Adoption of Pending Rule, Bulletin Vol. 14-10 (eff. PLR 2015)
- 10-0101-1401** OAR Omnibus Notice of Legislative Action - Approval of Pending Rule, Bulletin Vol. 15-5 (eff. 4-11-15)

10.01.02, Rules of Professional Responsibility

- 10-0102-1401** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 14-5
- 10-0102-1401** Proposed Rulemaking, Bulletin Vol. 14-8
- 10-0102-1401** Adoption of Pending Rule, Bulletin Vol. 14-10 (eff. PLR 2015)
- 10-0102-1401** OAR Omnibus Notice of Legislative Action - Approval of Pending Rule, Bulletin Vol. 15-5 (eff. 4-11-15)

10.01.03, Rules for Corner Perpetuation and Filing

- 10-0103-1401** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 14-8
- 10-0103-1401** Proposed Rulemaking, Bulletin Vol. 14-10
- 10-0103-1401** Adoption of Pending Rule, Bulletin Vol. 14-12 (eff. PLR 2015)
- 10-0103-1401** OAR Omnibus Notice of Legislative Action - Approval of Pending Rule, Bulletin Vol. 15-5 (eff. 4-11-15)

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IDAHO STATE POLICE FORENSIC SERVICES

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- 11-0301-1401** Notice of Public Hearing and Extension of Comment Period, Bulletin Vol. 14-11
- 11-0301-1401** Adoption of Pending Rule and Amendment to Temporary Rule, Bulletin Vol. 15-1 (eff. PLR 2015) (eff. 12-1-14)T
- 11-0301-1401** OAR Omnibus Notice of Legislative Action - Approval of Pending Rule, Bulletin Vol. 15-5 (eff. 4-11-15)

IDAHO STATE RACING COMMISSION

11.04.02, Rules Governing Simulcasting

- 11-0402-1401** Temporary and Proposed Rulemaking, Bulletin Vol. 14-9 (eff. 9-1-14)T
- 11-0402-1401** Adoption of Pending Rule, Bulletin Vol. 14-12 (eff. PLR 2015)
- 11-0402-1401** OAR Omnibus Notice of Legislative Action - Approval of Pending Rule, Bulletin Vol. 15-5 (eff. 4-11-15)

11.04.09, Rules Governing Claiming Races

- 11-0409-1401** Proposed Rulemaking, Bulletin Vol. 14-10
- 11-0409-1401** Adoption of Pending Rule, Bulletin Vol. 14-12 (eff. PLR 2015)
- 11-0409-1401** OAR Omnibus Notice of Legislative Action - Approval of Pending Rule, Bulletin Vol. 15-5 (eff. 4-11-15)

11.04.10, Rules Governing Live Horse Races

- 11-0410-1401** Proposed Rulemaking, Bulletin Vol. 14-10
- 11-0410-1401** Adoption of Pending Rule, Bulletin Vol. 14-12 (eff. PLR 2015)
- 11-0410-1401** OAR Omnibus Notice of Legislative Action - Approval of Pending Rule, Bulletin Vol. 15-5 (eff. 4-11-15)

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- 11-1101-1402** Proposed Rulemaking, Bulletin Vol. 14-8
- 11-1101-1401** Adoption of Pending Rule, Bulletin Vol. 14-10 (eff. PLR 2015)
- 11-1101-1402** Adoption of Pending Rule, Bulletin Vol. 14-10 (eff. PLR 2015)
- 11-1101-1403** Proposed Rulemaking, Bulletin Vol. 14-10
- 11-1101-1403** Adoption of Pending Rule, Bulletin Vol. 15-1 (eff. PLR 2015)
- 11-1101-1401** OAR Omnibus Notice of Legislative Action - Approval of Pending Rule, Bulletin Vol. 15-5 (eff. 4-11-15)
- 11-1101-1402** OAR Omnibus Notice of Legislative Action - Approval of Pending Rule, Bulletin Vol. 15-5 (eff. 4-11-15)
- 11-1101-1403** OAR Omnibus Notice of Legislative Action - Partial Rejection of Pending Rule by HCR 013, (Rejects Subsection 052.02 only), Bulletin Vol. 15-5 (eff. 3-18-15)
- 11-1101-1403** Notice of Final Rule - Agency Filing - Partial Rejection of Pending Rule by HCR 013, Bulletin Vol. 15-5 (eff. 3-18-15)

11.11.04, Rules of the Idaho POST Council for Correctional Officers and Adult Probation and Parole Officers

- 11-1104-1401** Proposed Rulemaking, Bulletin Vol. 14-10
- 11-1104-1401** Adoption of Pending Rule, Bulletin Vol. 14-12 (eff. PLR 2015)
- 11-1104-1401** OAR Omnibus Notice of Legislative Action - Approval of Pending Rule, Bulletin Vol. 15-5 (eff. 4-11-15)

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- 11-1301-1402** Proposed Rulemaking, Bulletin Vol. 14-10
- 11-1301-1401** Adoption of Pending Rule, Bulletin Vol. 14-12 (eff. PLR 2015)
- 11-1301-1402** Adoption of Pending Rule, Bulletin Vol. 14-12 (eff. PLR 2015)
- 11-1301-1401** OAR Omnibus Notice of Legislative Action - Approval of Pending Rule, Bulletin Vol. 15-5 (eff. 4-11-15)
- 11-1301-1402** OAR Omnibus Notice of Legislative Action - Approval of Pending Rule, Bulletin Vol. 15-5 (eff. 4-11-15)

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- 12-0110-1401** Proposed Rulemaking, Bulletin Vol. 14-10
- 12-0110-1401** Adoption of Pending Rule, Bulletin Vol. 15-1 (eff. PLR 2015)
- 12-0110-1401** OAR Omnibus Notice of Legislative Action - Approval of Pending Rule, Bulletin Vol. 15-5 (eff. 4-11-15)

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- 13-0102-1401** Adoption of Pending Rule, Bulletin Vol. 15-1 (eff. PLR 2015)
- 13-0102-1401** OAR Omnibus Notice of Legislative Action - Approval of Pending Rule, Bulletin Vol. 15-5 (eff. 4-11-15)

13.01.04, Rules Governing Licensing

- 13-0104-1401** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 14-1
- 13-0104-1402** Temporary and Proposed Rulemaking, Bulletin Vol. 14-10 (eff. 8-1-14)T
- 13-0104-1403** Temporary and Proposed Rulemaking, Bulletin Vol. 14-10 (eff. 8-1-14)T
- 13-0104-1404** Temporary and Proposed Rulemaking, Bulletin Vol. 14-10 (eff. 8-11-14)T
- 13-0104-1402** Adoption of Pending Rule, Bulletin Vol. 15-1 (eff. PLR 2015)
- 13-0104-1403** Adoption of Pending Rule, Bulletin Vol. 15-1 (eff. PLR 2015)
- 13-0104-1404** Adoption of Pending Rule, Bulletin Vol. 15-1 (eff. PLR 2015)

- [13-0104-1402](#) OAR Omnibus Notice of Legislative Action - Approval of Pending Rule, Bulletin Vol. 15-5 (eff. 4-11-15)
- [13-0104-1403](#) OAR Omnibus Notice of Legislative Action - Approval of Pending Rule, Bulletin Vol. 15-5 (eff. 4-11-15)
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13.01.08, Rules Governing the Taking of Big Game Animals in the State of Idaho

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- [13-0108-1402](#) Proposed Rulemaking, Bulletin Vol. 14-10
- [13-0108-1403](#) Temporary and Proposed Rulemaking, Bulletin Vol. 14-10 (eff. 8-1-14)T
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- [13-0108-1402](#) Adoption of Pending Rule, Bulletin Vol. 15-1 (eff. PLR 2015)
- [13-0108-1403](#) Adoption of Pending Rule, Bulletin Vol. 15-1 (eff. PLR 2015)
- [13-0108-1404](#) Adoption of Pending Rule, Bulletin Vol. 15-1 (eff. PLR 2015)
- [13-0108-1402](#) OAR Omnibus Notice of Legislative Action - Approval of Pending Rule, Bulletin Vol. 15-5 (eff. 4-11-15)
- [13-0108-1403](#) OAR Omnibus Notice of Legislative Action - Approval of Pending Rule, Bulletin Vol. 15-5 (eff. 4-11-15)
- [13-0108-1404](#) OAR Omnibus Notice of Legislative Action - Approval of Pending Rule, Bulletin Vol. 15-5 (eff. 4-11-15)

13.01.09, Rules Governing the Taking of Game Birds in the State of Idaho

- [13-0109-1401](#) Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 14-2
- [13-0109-1401](#) Temporary and Proposed Rulemaking, Bulletin Vol. 14-10 (eff. 8-1-14)T
- [13-0109-1401](#) Adoption of Pending Rule, Bulletin Vol. 15-1 (eff. PLR 2015)
- [13-0109-1501](#) Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 15-2
- [13-0109-1401](#) OAR Omnibus Notice of Legislative Action - Approval of Pending Rule, Bulletin Vol. 15-5 (eff. 4-11-15)

13.01.11, Rules Governing Fish

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13.01.16, The Trapping of Predatory and Unprotected Wildlife and the Taking of Furbearing Animals

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13.01.17, Rules Governing the Use of Bait and Trapping for Taking Big Game Animals

- [13-0117-1401](#) Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 14-1

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Idaho Commission for the Blind and Visually Impaired

15.02.02, Vocational Rehabilitation Services

- 15-0202-1401** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 14-7
- 15-0202-1401** Proposed Rulemaking, Bulletin Vol. 14-9
- 15-0202-1401** Adoption of Pending Rule, Bulletin Vol. 14-11 (eff. PLR 2015)
- 15-0202-1401** OAR Omnibus Notice of Legislative Action - Rejection of Pending Rule by HCR 011, Bulletin Vol. 15-5 (Null and Void)

15.02.30, Business Enterprise Program

- 15-0230-1401*** *Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 14-7 (*Rulemaking has been terminated)*

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15.03.01, Rules of Administrative Procedure of the Idaho Forest Products Commission

- 15-0301-1401** Proposed Rulemaking, Bulletin Vol. 14-10
- 15-0301-1401** Adoption of Pending Rule, Bulletin Vol. 14-12 (eff. PLR 2015)
- 15-0301-1401** OAR Omnibus Notice of Legislative Action - Approval of Pending Rule, Bulletin Vol. 15-5 (eff. 4-11-15)

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- 15-0605-1401** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 14-7

Idaho State Liquor Division

15.10.01, Rules of the Idaho State Liquor Division

- 15-1001-1401** Temporary and Proposed Rulemaking, Bulletin Vol. 14-6 (eff. 7-1-14)T
- 15-1001-1401** Adoption of Pending Rule, Bulletin Vol. 14-8 (eff. PLR 2015)
- 15-1001-1401** OAR Omnibus Notice of Legislative Action - Approval of Pending Rule, Bulletin Vol. 15-5 (eff. 4-11-15)

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- 16-0102-1401** Adoption of Pending Rule, Bulletin Vol. 15-1 (eff. PLR 2015)
- 16-0102-1401** OAR Omnibus Notice of Legislative Action - Approval of Pending Rule, Bulletin Vol. 15-5 (eff. 4-11-15)

16.01.05, Emergency Medical Services (EMS) -- Education, Instructor, & Examination Requirements

- 16-0105-1501** Notice of Intent to Promulgate Rules - Negotiated Rulemaking (New Chapter), Bulletin Vol. 15-3
- 16-0105-1501** (Second) Notice of Intent to Promulgate Rules - Negotiated Rulemaking (New Chapter), Bulletin Vol. 15-4
- 16-0105-1501** (Third) Notice of Intent to Promulgate Rules - Negotiated Rulemaking (New Chapter), Bulletin Vol. 15-5

16.01.07, Emergency Medical Services (EMS) -- Personnel Licensing Requirements

- 16-0107-1501** Temporary and Proposed Rulemaking, Bulletin Vol. 15-1 (eff. 1-1-15)T
- 16-0107-1502** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 15-4
- 16-0107-1501** OAR Omnibus Notice of Legislative Action - Extension of Temporary Rule by SCR 127, Bulletin Vol. 15-5 (eff. 1-1-15)T
- 16-0107-1502** (Second) Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 15-5

16.02.01, Rules of the Idaho Time Sensitive Emergency System Council

- 16-0201-1401** Notice of Intent to Promulgate Rules - Negotiated Rulemaking (New Chapter), Bulletin Vol. 14-9
- 16-0201-1401** Notice of Adoption of Temporary Rule (New Chapter) (Fee Rule), Bulletin Vol. 15-2 (eff. 1-1-15)T
- 16-0201-1401** OAR Omnibus Notice of Legislative Action - Extension of Temporary Rule by SCR 127, Bulletin Vol. 15-5 (eff. 1-1-15)T

16.02.02, Rules of the Idaho Emergency Medical Services (EMS) Physician Commission

- 16-0202-1401** Proposed Rulemaking, Bulletin Vol. 14-10

- 16-0202-1401 Adoption of Pending Rule, Bulletin Vol. 15-1 (eff. PLR 2015)
- 16-0202-1401 OAR Omnibus Notice of Legislative Action - Approval of Pending Rule, Bulletin Vol. 15-5 (eff. 7-1-15)

16.02.08, Vital Statistics Rules

- 16-0208-1401 Proposed Rulemaking (Fee Rule), Bulletin Vol. 14-9
- 16-0208-1401 Adoption of Pending Fee Rule, Bulletin Vol. 15-1 (eff. PLR 2015)
- 16-0208-1401 OAR Omnibus Notice of Legislative Action - Approval of Pending Fee Rule by SCR 128, Bulletin Vol. 15-5 (eff. 4-6-15)

16.02.10, Idaho Reportable Diseases

- 16-0210-1401 Proposed Rulemaking, Bulletin Vol. 14-9
- 16-0210-1401 Adoption of Pending Rule, Bulletin Vol. 15-1 (eff. PLR 2015)
- 16-0210-1401 OAR Omnibus Notice of Legislative Action - Approval of Pending Rule, Bulletin Vol. 15-5 (eff. 4-11-15)

16.02.19, Food Safety and Sanitation Standards for Food Establishments (The Idaho Food Code)

- 16-0219-1401 Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 14-3
- 16-0219-1401 Notice of Intent to Promulgate Rules - Negotiated Rulemaking (2nd Notice), Bulletin Vol. 14-4
- 16-0219-1401 Temporary and Proposed Rulemaking, Bulletin Vol. 14-10 (eff. 9-1-14)T
- 16-0219-1401 Adoption of Pending Rule, Bulletin Vol. 15-1 (eff. PLR 2015)
- 16-0219-1501 Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 15-4
- 16-0219-1401 OAR Omnibus Notice of Legislative Action - Approval of Pending Rule, Bulletin Vol. 15-5 (eff. 4-11-15)
- 16-0219-1501 (Second) Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 15-5

16.02.27, Idaho Radiation Control Rules

- 16-0227-1401 Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 14-6
- 16-0227-1401* Notice of Intent to Promulgate Rules - Negotiated Rulemaking (*2nd Notice), Bulletin Vol. 14-7
- 16-0227-1401 Proposed Rulemaking (Chapter Repeal), Bulletin Vol. 14-9
- 16-0227-1402 Proposed Rulemaking (Fee Rule) (Chapter Rewrite), Bulletin Vol. 14-9
- 16-0227-1401 Adoption of Pending Rule (Chapter Repeal), Bulletin Vol. 15-1 (eff. PLR 2015)
- 16-0227-1402 Adoption of Pending Fee Rule (Chapter Rewrite), Bulletin Vol. 15-1 (eff. PLR 2015)
- 16-0227-1401 OAR Omnibus Notice of Legislative Action - Approval of Pending Rule, Bulletin Vol. 15-5 (eff. 4-11-15)
- 16-0227-1402 OAR Omnibus Notice of Legislative Action - Approval of Pending Fee Rule by SCR 128, Bulletin Vol. 15-5 (eff. 4-6-15)

16.03.01, Eligibility for Health Care Assistance for Families and Children

- 16-0301-1401 Proposed Rulemaking, Bulletin Vol. 14-10
- 16-0301-1401 Adoption of Pending Rule, Bulletin Vol. 14-12 (eff. PLR 2015)
- 16-0301-1401 OAR Omnibus Notice of Legislative Action - Approval of Pending Rule, Bulletin Vol. 15-5 (eff. 4-11-15)

16.03.03, Rules Governing Child Support Services

- 16-0303-1401 Proposed Rulemaking, Bulletin Vol. 14-10
- 16-0303-1401 Adoption of Pending Rule, Bulletin Vol. 14-12 (eff. PLR 2015)
- 16-0303-1401 OAR Omnibus Notice of Legislative Action - Approval of Pending Rule, Bulletin Vol. 15-5 (eff. 4-11-15)

16.03.04, Rules Governing the Food Stamp Program in Idaho

- 16-0304-1401 Proposed Rulemaking, Bulletin Vol. 14-10
- 16-0304-1401 Adoption of Pending Rule, Bulletin Vol. 14-12 (eff. PLR 2015)
- 16-0304-1401 OAR Omnibus Notice of Legislative Action - Approval of Pending Rule, Bulletin Vol. 15-5 (eff. 4-11-15)

16.03.05, Rules Governing Eligibility for Aid to the Aged, Blind, and Disabled (AABD)

- 16-0305-1401 Proposed Rulemaking, Bulletin Vol. 14-10
- 16-0305-1401 Adoption of Pending Rule, Bulletin Vol. 14-12 (eff. PLR 2015)
- 16-0305-1401 OAR Omnibus Notice of Legislative Action - Approval of Pending Rule, Bulletin Vol. 15-5 (eff. 4-11-15)

16.03.10, Medicaid Enhanced Plan Benefits

- 16-0310-1401 Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 14-5
- 16-0310-1401 Temporary and Proposed Rulemaking, Bulletin Vol. 14-7 (eff. 7-1-14)T
- 16-0310-1401 Adoption of Pending Rule, Bulletin Vol. 14-11 (eff. PLR 2015)

16-0310-1401 OAR Omnibus Notice of Legislative Action - Approval of Pending Rule, Bulletin Vol. 15-5 (eff. 4-11-15)

16.03.11, Rules Governing Intermediate Care Facilities for People with Intellectual Disabilities (ICF/ID)

16-0311-1401 Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 14-5

16-0311-1401 Proposed Rulemaking (Chapter Repeal), Bulletin Vol. 14-9

16-0311-1402* Proposed Rulemaking (Chapter Rewrite), Bulletin Vol. 14-9

16-0311-1401 Adoption of Pending Rule (Chapter Repeal), Bulletin Vol. 15-1 (eff. PLR 2015)

16-0311-1402* Adoption of Pending Rule (Chapter Rewrite), Bulletin Vol. 15-1 (eff. PLR 2015)

16-0311-1401 OAR Omnibus Notice of Legislative Action - Approval of Pending Rule, Bulletin Vol. 15-5 (eff. 7-1-15)

16-0311-1402* OAR Omnibus Notice of Legislative Action - Approval of Pending Rule, Bulletin Vol. 15-5 (eff. 7-1-15)

(*Rulemaking renames chapter from: “*Rules Governing Intermediate Care Facilities For People With Intellectual Disabilities (ICF/ID)*” to: “*Intermediate Care Facilities for People with Intellectual Disabilities (ICFs/ID)*”

16.03.17, Medicare/Medicaid Coordinated Plan Benefits

16-0317-1401 Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 14-4

16-0317-1401 Temporary and Proposed Rulemaking, Bulletin Vol. 14-6 (eff. 7-1-14)T

16-0317-1401 Adoption of Pending Rule, Bulletin Vol. 14-11 (eff. PLR 2015)

16-0317-1401 OAR Omnibus Notice of Legislative Action - Approval of Pending Rule, Bulletin Vol. 15-5 (eff. 4-11-15)

16.03.19, Rules Governing Certified Family Homes

16-0319-1501 Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 15-5

16.03.22, Residential Care or Assisted Living Facilities in Idaho

16-0322-1401 Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 14-5

16-0322-1401 Proposed Rulemaking, Bulletin Vol. 14-8

16-0322-1401 Adoption of Pending Rule, Bulletin Vol. 15-1 (eff. PLR 2015)

16-0322-1401 OAR Omnibus Notice of Legislative Action - Approval of Pending Rule, Bulletin Vol. 15-5 (eff. 7-1-15)

16.05.01, Use and Disclosure of Department Rules

16-0501-1401 Proposed Rulemaking, Bulletin Vol. 14-9

16-0501-1401 Adoption of Pending Rule, Bulletin Vol. 15-1 (eff. PLR 2015)

16-0501-1401 OAR Omnibus Notice of Legislative Action - Approval of Pending Rule, Bulletin Vol. 15-5 (eff. 4-11-15)

16.05.06, Criminal History and Background Checks

16-0506-1401 Temporary and Proposed Rulemaking (Fee Rule), Bulletin Vol. 14-7 (eff. 7-1-14)T

16-0506-1401 Adoption of Pending Fee Rule, Bulletin Vol. 15-1 (eff. PLR 2015)

16-0506-1401 OAR Omnibus Notice of Legislative Action - Approval of Pending Fee Rule by SCR 128, Bulletin Vol. 15-5 (eff. 4-6-15)

16.05.07, The Investigation and Enforcement of Fraud, Abuse, and Misconduct

16-0507-1401 Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 14-7

16-0507-1401 Proposed Rulemaking, Bulletin Vol. 14-10

16-0507-1401 Adoption of Pending Rule, Bulletin Vol. 14-12 (eff. PLR 2015)

16-0507-1401 OAR Omnibus Notice of Legislative Action - Approval of Pending Rule, Bulletin Vol. 15-5 (eff. 4-11-15)

16.06.01, Child and Family Services

16-0601-1401 Proposed Rulemaking, Bulletin Vol. 14-9

16-0601-1402 Proposed Rulemaking, Bulletin Vol. 14-9 (**VOID - Pulled and Not Published**)

16-0601-1401 Adoption of Pending Rule, Bulletin Vol. 15-1 (eff. PLR 2015)

16-0601-1401 OAR Omnibus Notice of Legislative Action - Approval of Pending Rule, Bulletin Vol. 15-5 (eff. 4-11-15)

16.06.12, Rules Governing the Idaho Child Care Program (ICCP)

16-0612-1401 Temporary Rulemaking, Bulletin Vol. 14-1 (eff. 11-1-13)T

16-0612-1401 OAR Omnibus Rulemaking Notice - Extension of Temporary Rule by SCR 148, Bulletin Vol. 14-5 (eff. 11-1-13)T

16-0612-1401 Proposed Rulemaking, Bulletin Vol. 14-5

16-0612-1401 Adoption of Pending Rule, Bulletin Vol. 14-11 (eff. PLR 2015)

16-0612-1401 OAR Omnibus Notice of Legislative Action - Approval of Pending Rule, Bulletin Vol. 15-5 (eff. 4-11-15)

16.07.17, Alcohol and Substance Use Disorders Services

16-0717-1501 Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 15-5

16.07.20, Alcohol and Substance Use Disorders Treatment and Recovery Support Services Facilities and Programs

16-0720-1501 Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 15-5

16.07.33, Adult Mental Health Services

16-0733-1401 Proposed Rulemaking, Bulletin Vol. 14-10

16-0733-1401 Adoption of Pending Rule, Bulletin Vol. 14-12 (eff. PLR 2015)

16-0733-1401 OAR Omnibus Notice of Legislative Action - Approval of Pending Rule, Bulletin Vol. 15-5 (eff. 7-1-15)

IDAPA 17 -- INDUSTRIAL COMMISSION

17.02.04, Administrative Rules of the IC Under the Worker's Compensation Law - Benefits

17-0204-1401 Proposed Rulemaking, Bulletin Vol. 14-10

17-0204-1401 Adoption of Pending Rule, Bulletin Vol. 15-1 (eff. PLR 2015)

17-0204-1401 OAR Omnibus Notice of Legislative Action - Approval of Pending Rule, Bulletin Vol. 15-5 (eff. 4-11-15)

17.02.06, Employers' Reports

17-0206-1401 Proposed Rulemaking, Bulletin Vol. 14-10

17-0206-1401 Adoption of Pending Rule, Bulletin Vol. 15-1 (eff. PLR 2015)

17-0206-1401 OAR Omnibus Notice of Legislative Action - Approval of Pending Rule, Bulletin Vol. 15-5 (eff. 4-11-15)

17-0206-1501 Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 15-5

17.02.07, Procedures to Obtain Compensation

17-0207-1501 Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 15-5

17.02.08, Miscellaneous Provisions

17-0208-1401 Proposed Rulemaking, Bulletin Vol. 14-10

17-0208-1401 Adoption of Pending Rule, Bulletin Vol. 15-1 (eff. PLR 2015)

17-0208-1401 OAR Omnibus Notice of Legislative Action - Approval of Pending Rule, Bulletin Vol. 15-5 (eff. 4-11-15)

17-0208-1501 Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 15-5

17.02.09, Medical Fees

17-0209-1401 Proposed Rulemaking, Bulletin Vol. 14-10

17-0209-1401 Notice of Public Hearing and Extension of Comment Period, Bulletin Vol. 14-11

17-0209-1401 Adoption of Pending Rule, Bulletin Vol. 15-1 (eff. PLR 2015)

17-0209-1501 Adoption of Temporary Rule, Bulletin Vol. 15-1 (eff. 1-1-15)T

17-0209-1501 OAR Omnibus Notice of Legislative Action - Extension of Temporary Rule by SCR 127, Bulletin Vol. 15-5 (eff. 1-1-15)T

17-0209-1401 OAR Omnibus Notice of Legislative Action - Approval of Pending Rule, Bulletin Vol. 15-5 (eff. 7-1-15)

17-0209-1502 Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 15-5

**17.02.10, Administrative Rules of the Industrial Commission Under the Workers' Compensation Law --
Security for Compensation -- Insurance Carriers**

17-0210-1501 Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 15-5

**17.02.11, Administrative Rules of the Industrial Commission Under the Workers' Compensation Law --
Security for Compensation -- Self-Insured Employers**

17-0211-1401 Proposed Rulemaking, Bulletin Vol. 14-8

17-0211-1401 Adoption of Pending Rule, Bulletin Vol. 15-1 (eff. PLR 2015)

17-0211-1401 OAR Omnibus Notice of Legislative Action - Approval of Pending Rule, Bulletin Vol. 15-5 (eff. 4-11-15)

17-0211-1501 Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 15-5

17.05.01, Rules Under the Crime Victims Compensation Act

- 17-0501-1401** Proposed Rulemaking, Bulletin Vol. 14-10
- 17-0501-1401** Adoption of Pending Rule, Bulletin Vol. 15-1 (eff. PLR 2015)
- 17-0501-1401** OAR Omnibus Notice of Legislative Action - Approval of Pending Rule, Bulletin Vol. 15-5 (eff. 7-1-15)

IDAPA 18 -- DEPARTMENT OF INSURANCE

18.01.25, Title Insurance and Title Insurance Agents and Escrow Officers

- 18-0125-1401*** *Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 14-7 (*Rulemaking has been terminated)*

18.01.30, Individual Disability and Group Supplemental Disability Insurance Minimum Standards Rule

- 18-0130-1301** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 13-7

18.01.44, Schedule of Fees, Licenses, and Miscellaneous Charges

- 18-0144-1401** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 14-7
- 18-0144-1401** Proposed Rulemaking (Fee Rule), Bulletin Vol. 14-9
- 18-0144-1401** Adoption of Fee Pending Rule, Bulletin Vol. 14-11 (eff. PLR 2015)
- 18-0144-1401** OAR Omnibus Notice of Legislative Action - Rejection of Pending Fee Rule by SCR 128, Bulletin Vol. 15-5 (Null & Void)

18.01.46, Recognition of New Annuity Mortality Tables for Use in Determining Reserve Liabilities for Annuities and Pure Endowment Contracts

- 18-0146-1401** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 14-7
- 18-0146-1401** Proposed Rulemaking, Bulletin Vol. 14-9
- 18-0146-1401** Adoption of Pending Rule and Adoption of Temporary Rule, Bulletin Vol. 14-11 (eff. PLR 2015) -- (1-1-15)T
- 18-0146-1401** OAR Omnibus Notice of Legislative Action - Approval of Pending Rule, Bulletin Vol. 15-5 (eff. 4-11-15)

18.01.53, Continuing Education

- 18-0153-1401** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 14-7
- 18-0153-1401** Proposed Rulemaking, Bulletin Vol. 14-9
- 18-0153-1401** Adoption of Pending Rule, Bulletin Vol. 14-11 (eff. PLR 2015)
- 18-0153-1401** OAR Omnibus Notice of Legislative Action - Approval of Pending Rule, Bulletin Vol. 15-5 (eff. 4-11-15)

18.01.56, Rebates and Illegal Inducements to Obtaining Title Insurance Business Rules

- 18-0156-1401*** *Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 14-7 (*Rulemaking has been terminated)*

IDAPA 19 -- BOARD OF DENTISTRY

19.01.01, Rules of the Idaho State Board of Dentistry

- 19-0101-1401** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 14-7
- 19-0101-1401** Proposed Rulemaking, Bulletin Vol. 14-9
- 19-0101-1401** Adoption of Pending Rule, Bulletin Vol. 14-12 (eff. PLR 2015)
- 19-0101-1401** OAR Omnibus Notice of Legislative Action - Approval of Pending Rule, Bulletin Vol. 15-5 (eff. 4-11-15)

IDAPA 20 -- DEPARTMENT OF LANDS

20.03.16, Rules Governing Oil and Gas Leasing on Idaho State Lands

- 20-0316-1401** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 14-7

20.07.02, Rules Governing Conservation of Oil and Natural Gas in the State of Idaho

- 20-0702-1401** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 14-6
- 20-0702-1401** Proposed Rulemaking, Bulletin Vol. 14-9
- 20-0702-1401** Adoption of Pending Rule, Bulletin Vol. 14-12 (eff. PLR 2015)

20-0702-1401 OAR Omnibus Notice of Legislative Action - Approval of Pending Rule, Bulletin Vol. 15-5 (eff. 4-11-15)

IDAPA 23 -- BOARD OF NURSING

23.01.01, Rules of the Idaho Board of Nursing

- 23-0101-1401 Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 14-6
- 23-0101-1402 Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 14-6
- 23-0101-1401 Proposed Rulemaking, Bulletin Vol. 14-9
- 23-0101-1402 Proposed Rulemaking, Bulletin Vol. 14-9
- 23-0101-1401 Adoption of Pending Rule, Bulletin Vol. 14-11 (eff. PLR 2015)
- 23-0101-1402 Notice of Vacation of Proposed Rulemaking, Bulletin Vol. 14-11
- 23-0101-1401 OAR Omnibus Notice of Legislative Action - Approval of Pending Rule, Bulletin Vol. 15-5 (eff. 4-11-15)

IDAPA 24 -- BUREAU OF OCCUPATIONAL LICENSES

24.02.01, Rules of the Board of Barber Examiners

- 24-0201-1401 Proposed Rulemaking, Bulletin Vol. 14-10
- 24-0201-1401 Notice of Public Hearing, Bulletin Vol. 14-11
- 24-0201-1401 Adoption of Pending Rule, Bulletin Vol. 14-12 (eff. PLR 2015)
- 24-0201-1401 OAR Omnibus Notice of Legislative Action - Approval of Pending Rule, Bulletin Vol. 15-5 (eff. 4-11-15)

24.04.01, Rules of the Idaho Board of Cosmetology

- 24-0401-1401 Proposed Rulemaking, Bulletin Vol. 14-10
- 24-0401-1401 Adoption of Pending Rule, Bulletin Vol. 14-12 (eff. PLR 2015)
- 24-0401-1401 OAR Omnibus Notice of Legislative Action - Approval of Pending Rule, Bulletin Vol. 15-5 (eff. 4-11-15)

24.06.01, Rules for the Licensure of Occupational Therapists and Occupational Therapy Assistants

- 24-0601-1401 Proposed Rulemaking (Fee Rule), Bulletin Vol. 14-10
- 24-0601-1401 Adoption of Pending Rule, Bulletin Vol. 14-12 (eff. PLR 2015)
- 24-0601-1401 OAR Omnibus Notice of Legislative Action - Approval of Pending Fee Rule by SCR 128, Bulletin Vol. 15-5 (eff. 4-6-15)

24.09.01, Rules of the Board of Examiners of Nursing Home Administrators

- 24-0901-1401 Proposed Rulemaking (Fee Rule), Bulletin Vol. 14-10
- 24-0901-1401 Adoption of Pending Rule, Bulletin Vol. 14-12 (eff. PLR 2015)
- 24-0901-1401 OAR Omnibus Notice of Legislative Action - Approval of Pending Fee Rule by SCR 128, Bulletin Vol. 15-5 (eff. 4-6-15)

24.10.01, Rules of the State Board of Optometry

- 24-1001-1401 Proposed Rulemaking, Bulletin Vol. 14-8
- 24-1001-1401 Adoption of Pending Rule, Bulletin Vol. 14-11 (eff. PLR 2015)
- 24-1001-1401 OAR Omnibus Notice of Legislative Action - Approval of Pending Rule, Bulletin Vol. 15-5 (eff. 4-11-15)

24.11.01, Rules of the State Board of Podiatry

- 24-1101-1401 Proposed Rulemaking (Fee Rule), Bulletin Vol. 14-9
- 24-1101-1401 Adoption of Pending Fee Rule, Bulletin Vol. 14-11 (eff. PLR 2015)
- 24-1101-1401 OAR Omnibus Notice of Legislative Action - Approval of Pending Fee Rule by SCR 128, Bulletin Vol. 15-5 (eff. 4-6-15)

24.14.01, Rules of the State Board of Social Work Examiners

- 24-1401-1401 Proposed Rulemaking (Fee Rule), Bulletin Vol. 14-10
- 24-1401-1401 Adoption of Pending Rule, Bulletin Vol. 14-12 (eff. PLR 2015)
- 24-1401-1401 OAR Omnibus Notice of Legislative Action - Approval of Pending Fee Rule by SCR 128, Bulletin Vol. 15-5 (eff. 4-6-15)

24.15.01, Rules of the Idaho Licensing Board of Professional Counselors and Marriage and Family Therapists

- 24-1501-1401 Proposed Rulemaking, Bulletin Vol. 14-10

- 24-1501-1401 Adoption of Pending Rule, Bulletin Vol. 14-12 (eff. PLR 2015)
- 24-1501-1401 OAR Omnibus Notice of Legislative Action - Approval of Pending Rule, Bulletin Vol. 15-5 (eff. 4-11-15)

24.17.01, Rules of the State Board of Acupuncture

- 24-1701-1401 Proposed Rulemaking, Bulletin Vol. 14-8
- 24-1701-1401 Adoption of Pending Rule, Bulletin Vol. 14-11 (eff. PLR 2015)
- 24-1701-1401 OAR Omnibus Notice of Legislative Action - Approval of Pending Fee Rule by SCR 128, Bulletin Vol. 15-5 (eff. 4-6-15)

24.19.01, Rules of the Board of Examiners of Residential Care Facility Administrators

- 24-1901-1401 Proposed Rulemaking (Fee Rule), Bulletin Vol. 14-9
- 24-1901-1401 Adoption of Pending Fee Rule, Bulletin Vol. 14-11 (eff. PLR 2015)
- 24-1901-1401 OAR Omnibus Notice of Legislative Action - Approval of Pending Fee Rule by SCR 128, Bulletin Vol. 15-5 (eff. 4-6-15)

24.23.01, Rules of the Speech and Hearing Services Licensure Board

- 24-2301-1401 Temporary and Proposed Rulemaking, Bulletin Vol. 14-9
- 24-2301-1401 Adoption of Pending Rule, Bulletin Vol. 14-11 (eff. PLR 2015)
- 24-2301-1401 OAR Omnibus Notice of Legislative Action - Approval of Pending Rule, Bulletin Vol. 15-5 (eff. 7-17-14)

24.25.01, Rules of the Idaho Driving Businesses Licensure Board

- 24-2501-1401 Temporary and Proposed Rulemaking, Bulletin Vol. 14-7 (eff. 5-23-14)T
- 24-2501-1401 Adoption of Pending Rule, Bulletin Vol. 14-12 (eff. PLR 2015)
- 24-2501-1401 OAR Omnibus Notice of Legislative Action - Approval of Pending Rule, Bulletin Vol. 15-5 (eff. 4-11-15)

24.26.01, Rules of the Idaho Board of Midwifery

- 24-2601-1401 Temporary and Proposed Rulemaking, Bulletin Vol. 14-7 (eff. 7-1-14)T
- 24-2601-1402 Proposed Rulemaking, Bulletin Vol. 14-10
- 24-2601-1401 Adoption of Pending Rule, Bulletin Vol. 14-11 (eff. PLR 2015)
- 24-2601-1402 Adoption of Pending Rule, Bulletin Vol. 14-12 (eff. PLR 2015)
- 24-2601-1401 OAR Omnibus Notice of Legislative Action - Approval of Pending Rule, Bulletin Vol. 15-5 (eff. 7-1-14)
- 24-2601-1402 OAR Omnibus Notice of Legislative Action - Approval of Pending Rule, Bulletin Vol. 15-5 (eff. 4-11-15)

24.27.01, Rules of the Idaho State Board of Massage Therapy

- 24-2701-1401 Proposed Rulemaking, Bulletin Vol. 14-8
- 24-2701-1401 Adoption of Pending Rule, Bulletin Vol. 14-11 (eff. PLR 2015)
- 24-2701-1401 OAR Omnibus Notice of Legislative Action - Approval of Pending Rule, Bulletin Vol. 15-5 (eff. 4-11-15)

IDAPA 26 -- DEPARTMENT OF PARKS AND RECREATION

26.01.03, Rules Governing Recreational Registration Program Vendors

- 26-0103-1401 Temporary and Proposed Rulemaking, Bulletin Vol. 14-7 (eff. 7-1-14)T
 - 26-0103-1401 Adoption of Pending Rule, Bulletin Vol. 15-1 (eff. PLR 2015)
 - 26-0103-1401 OAR Omnibus Notice of Legislative Action - Approval of Pending Rule, Bulletin Vol. 15-5 (eff. 4-11-15)
- (*Rulemaking renames chapter from: "Rules Governing Recreational Registration Vendors"
to: "Rules Governing Recreational Registration Program Vendors")

26.01.20, Rules Governing the Administration of Park and Recreation Areas and Facilities

- 26-0120-1401 Temporary and Proposed Rulemaking, Bulletin Vol. 14-7 (eff. 7-1-14)T
- 26-0120-1401 Adoption of Pending Rule, Bulletin Vol. 15-1 (eff. PLR 2015)
- 26-0120-1401 OAR Omnibus Notice of Legislative Action - Approval of Pending Rule, Bulletin Vol. 15-5 (eff. 4-11-15)

**26.01.21, Rules Governing Leasing Practices and Procedures for Recreational Residences Within
Heyburn State Park**

- 26-0121-1401 Temporary and Proposed Rulemaking, Bulletin Vol. 14-5 (eff. 3-18-14)T
- 26-0121-1401 Adoption of Pending Rule, Bulletin Vol. 15-1 (eff. PLR 2015)

26-0121-1401 OAR Omnibus Notice of Legislative Action - Approval of Pending Rule, Bulletin Vol. 15-5 (eff. 4-11-15)

26.01.30, Idaho Safe Boating Rules

26-0130-1401 Temporary and Proposed Rulemaking, Bulletin Vol. 14-7 (eff. 7-1-14)T

26-0130-1401 Adoption of Pending Rule, Bulletin Vol. 15-1 (eff. PLR 2015)

26-0130-1401 OAR Omnibus Notice of Legislative Action - Approval of Pending Rule, Bulletin Vol. 15-5 (eff. 4-11-15)

**26.01.31, Rules Governing the Administration of the Idaho Department of Parks and Recreation
State and Federal Grant Funds**

26-0131-1401 Temporary and Proposed Rulemaking, Bulletin Vol. 14-7 (7-1-14)T

26-0131-1401 Adoption of Pending Rule, Bulletin Vol. 15-1 (eff. PLR 2015)

26-0131-1401 OAR Omnibus Notice of Legislative Action - Approval of Pending Rule, Bulletin Vol. 15-5 (eff. 4-11-15)

26.01.34, Idaho Protection Against Invasive Species Sticker Rules

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26-0134-1401 Adoption of Pending Rule, Bulletin Vol. 15-1 (eff. PLR 2015)

26-0134-1401 OAR Omnibus Notice of Legislative Action - Approval of Pending Rule, Bulletin Vol. 15-5 (eff. 4-11-15)

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 Notice of Legislative Action - Extension of Temporary Rule by SCR 126, Bulletin Vol. 13-5 (*Expired)

26-0136-1401 Temporary and Proposed Rulemaking, Bulletin Vol. 14-7 (eff. 7-1-14)T

26-0136-1201* Notice of Vacation of Proposed Rulemaking, Bulletin Vol. 15-1

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27-0101-1401 Notice of Intent to Promulgate Rules - Negotiated Rulemaking (**2nd Notice**), Bulletin Vol. 14-8

27-0101-1401 Proposed Rulemaking, Bulletin Vol. 14-10

27-0101-1402 Temporary and Proposed Rulemaking (Fee Rule), Bulletin Vol. 14-10 (9-1-14)T

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27-0101-1401 Adoption of Pending Rule, Bulletin Vol. 15-1 (eff. PLR 2015)

27-0101-1402 Adoption of Pending Fee Rule and Amendment to Temporary Rule, Bulletin Vol. 15-1 (eff. PLR 2015) (eff. 9-1-14)T

27-0101-1403 Adoption of Pending Rule, Bulletin Vol. 15-1 (eff. PLR 2015)

27-0101-1404 Adoption of Pending Rule, Bulletin Vol. 15-1 (eff. PLR 2015)

27-0101-1405 Adoption of Pending Rule, Bulletin Vol. 15-1 (eff. PLR 2015)

27-0101-1401 OAR Omnibus Notice of Legislative Action - Approval of Pending Rule, Bulletin Vol. 15-5 (eff. 4-11-15)

27-0101-1402 OAR Omnibus Notice of Legislative Action - Approval of Pending Fee Rule by SCR 128, Bulletin Vol. 15-5 (eff. 4-6-15)

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27-0101-1405 OAR Omnibus Notice of Legislative Action - Approval of Pending Rule, Bulletin Vol. 15-5 (eff. 4-11-15)

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28-0401-1401 Notice of Amendment to Temporary Rule, Bulletin Vol. 14-10 (eff. 8-29-14)T

28-0401-1402 Proposed Rulemaking (New Chapter), Bulletin Vol. 14-10

28-0401-1402 Adoption of Pending Rule (New Chapter), Bulletin Vol. 15-1 (eff. PLR 2015)

28-0401-1402 OAR Omnibus Notice of Legislative Action - Approval of Pending Rule, Bulletin Vol. 15-5 (eff. 4-11-15)

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- 33-0101-1401 OAR Omnibus Notice of Legislative Action - Approval of Pending Rule, Bulletin Vol. 15-5 (eff. 4-11-15)

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- 33-0102-1401 Proposed Rulemaking, Bulletin Vol. 14-10
- 33-0102-1401 Adoption of Pending Rule, Bulletin Vol. 14-12 (eff. PLR 2015)
- 33-0102-1401 OAR Omnibus Notice of Legislative Action - Approval of Pending Rule, Bulletin Vol. 15-5 (eff. 4-11-15)

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- 35-0101-1401 Proposed Rulemaking, Bulletin Vol. 14-10
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- 35-0101-1401 OAR Omnibus Notice of Legislative Action - Approval of Pending Rule, Bulletin Vol. 15-5 (eff. 4-11-15)
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- 35-0102-1401** Adoption of Pending Rule, Bulletin Vol. 14-12 (eff. PLR 2015)
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- 35-0102-1403** OAR Omnibus Notice of Legislative Action - Partial Rejection of Pending Rule by HCR 004, (Rejected Sections 102 & 108), Bulletin Vol. 15-5 (eff. 2-27-15)
- 35-0102-1403** Notice of Final Rule - Agency Filing - Partial Rejection of Pending Rule by HCR 004, Bulletin Vol. 15-5 (eff. 2-27-15)
- 35-0102-1404** OAR Omnibus Notice of Legislative Action - Approval of Pending Rule, Bulletin Vol. 15-5 (eff. 4-11-15)
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- 35-0103-1406** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 14-8
- 35-0103-1403** Proposed Rulemaking, Bulletin Vol. 14-10
- 35-0103-1406** Proposed Rulemaking, Bulletin Vol. 14-10
- 35-0103-1401** Adoption of Pending Rule, Bulletin Vol. 14-12 (eff. PLR 2015)
- 35-0103-1403** Adoption of Pending Rule, Bulletin Vol. 14-12 (eff. PLR 2015)
- 35-0103-1404** Adoption of Pending Rule, Bulletin Vol. 14-12 (eff. PLR 2015)
- 35-0103-1405** Adoption of Pending Rule and Amendment to Temporary Rule, Bulletin Vol. 14-12 (eff. PLR 2015) - (8-6-14)T
- 35-0103-1406** Notice of Vacation of Proposed Rulemaking, Bulletin Vol. 14-12
- 35-0103-1501** Adoption of Temporary Rule, Bulletin Vol. 15-1 (eff. 1-1-15)T
- 35-0103-1501** OAR Omnibus Notice of Legislative Action - Extension of Temporary Rule by SCR 127, Bulletin Vol. 15-5 (eff. 1-1-15)T
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- 35-0103-1403** OAR Omnibus Notice of Legislative Action - Approval of Pending Rule, Bulletin Vol. 15-5 (eff. 4-11-15)
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- 35-0105-1401** Proposed Rulemaking, Bulletin Vol. 14-6
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- 37-0311-1101** Proposed Rulemaking, Bulletin Vol. 14-10
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- 37-0311-1101** OAR Omnibus Notice of Legislative Action - Rejection of Pending Rule by HCR 10, Bulletin Vol. 15-5 (Null & Void)

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- 38-0301-1401** OAR Omnibus Notice of Legislative Action - Approval of Pending Rule, Bulletin Vol. 15-5 (eff. 7-1-14)

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- 38-0404-1401** Temporary and Proposed Rulemaking (Fee Rule), Bulletin Vol. 14-7 (eff. 7-1-14)T
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- 38-0404-1401** OAR Omnibus Notice of Legislative Action - Approval of Pending Fee Rule by SCR 128, Bulletin Vol. 15-5 (eff. 4-6-15)

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- 38-0501-1401** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 14-6
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- 38-0501-1401** Adoption of Pending Rule, Bulletin Vol. 14-12 (eff. PLR 2015)
- 38-0501-1401** OAR Omnibus Notice of Legislative Action - Partial Rejection of Pending Rule by SCR 129 (Rejected Sections 011, 021, 032, 033, 039, 040, 041, 042, 043, 044, 045, 046, 051, 052, 053, 054, 070, 073, 074.03, 081, 082, 083, 084, 085, 086, 091, 092, 102, 103, 111, and 125, only), Bulletin Vol. 15-5 (eff. 4-6-15)
- 38-0501-1401** Notice of Final Rule - Agency Filing - Partial Rejection of Pending Rule by HCR 129, Bulletin Vol. 15-5 (eff. 4-6-15)

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- 38-0601-1401** Proposed Rulemaking (New Chapter), Bulletin Vol. 14-10
- 38-0601-1401** Adoption of Pending Rule (New Chapter), Bulletin Vol. 14-12 (eff. PLR 2015)
- 38-0601-1401** OAR Omnibus Notice of Legislative Action - Approval of Pending Rule, Bulletin Vol. 15-5 (eff. 4-11-15)

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- 39-0203-1402** Proposed Rulemaking, Bulletin Vol. 14-10
- 39-0203-1402** Adoption of Pending Rule, Bulletin Vol. 14-12 (eff. PLR 2015)
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- 39-0310-1401** OAR Omnibus Notice of Legislative Action - Approval of Pending Rule, Bulletin Vol. 15-5 (eff. 4-11-15)

39.03.16, Rules Governing Oversize Permits For Non-Reducible Vehicles And/Or Loads

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- 55-0104-1401** Adoption of Pending Rule, Bulletin Vol. 15-1 (eff. PLR 2015)
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- 58-0101-1401** OAR Omnibus Notice of Legislative Action - Approval of Pending Rule, Bulletin Vol. 15-5 (eff. 4-11-15)
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59-0103-1402 Adoption of Temporary Rule, Bulletin Vol. 14-12 (eff. 10-21-14)T

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59-0106-1401 Adoption of Pending Rule, Bulletin Vol. 14-9 (eff. PLR 2015)

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