

IDAHO ADMINISTRATIVE BULLETIN

February 7, 2018 - Vol. 18-2

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 December 2015 Bulletin is cited as Volume **15-12**.

RELATIONSHIP TO THE IDAHO ADMINISTRATIVE CODE

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

1. 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.

2. 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 very specific information regarding the rulemaking including all relevant state or federal statutory authority occasioning the rulemaking, a non-technical description of the changes being made, any associated costs, guidance on how to participate through submission of written comments and requests for public hearings, and the text of the proposed rule in legislative format.

3. 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 these criteria, and with the Governor’s approval, the agency may adopt and make a temporary rule effective prior to receiving legislative authorization and without allowing for any public input. The law allows an agency to make a temporary rule immediately effective upon adoption. 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.

4. 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 statement giving the reasons for adopting the rule, a statement regarding when the rule becomes effective, a description of how it differs from the proposed rule, and identification of any fees being imposed or changed.

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.

5. 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.

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.

1. “**38.**” refers to the Idaho Department of Administration

“**05.**” refers to Title **05**, which is the Department of Administration’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 2017

Vol. No.	Monthly Issue of Bulletin	Closing Date for Agency Filing	Publication Date	21-day Comment Period End Date
17-1	January 2017	*November 25, 2016	January 4, 2017	January 25, 2017
17-2	February 2017	January 6, 2017	February 1, 2017	February 22, 2017
17-3	March 2017	February 3, 2017	March 1, 2017	March 22, 2017
17-4	April 2017	March 3, 2017	April 5, 2017	April 26, 2017
17-5	May 2017	April 7, 2017	May 3, 2017	May 24, 2017
17-6	June 2017	May 5, 2017	June 7, 2017	June 28, 2017
17-7	July 2017	June 9, 2017	July 5, 2017	July 26, 2017
17-8	August 2017	July 7, 2017	August 2, 2017	August 23, 2017
17-9	September 2017	August 4, 2017	September 6, 2017	September 27, 2017
17-10	October 2017	**September 1, 2017	October 4, 2017	October 25, 2017
17-11	November 2017	October 6, 2017	November 1, 2017	November 22, 2017
17-12	December 2017	November 3, 2017	December 6, 2017	December 27, 2017

BULLETIN PUBLICATION SCHEDULE FOR CALENDAR YEAR 2018

Vol. No.	Monthly Issue of Bulletin	Closing Date for Agency Filing	Publication Date	21-day Comment Period End Date
18-1	January 2018	*November 24, 2017	January 3, 2018	January 24, 2018
18-2	February 2018	January 5, 2018	February 7, 2018	February 28, 2018
18-3	March 2018	February 2, 2018	March 7, 2018	March 28, 2018
18-4	April 2018	March 2, 2018	April 4, 2018	April 25, 2018
18-5	May 2018	April 6, 2018	May 2, 2018	May 23, 2018
18-6	June 2018	May 4, 2018	June 6, 2018	June 27, 2018
18-7	July 2018	June 8, 2018	July 4, 2018	July 25, 2018
18-8	August 2018	July 6, 2018	August 1, 2018	August 22, 2018
18-9	September 2018	August 3, 2018	September 5, 2018	September 26, 2018
18-10	October 2018	**August 31, 2018	October 3, 2018	October 24, 2018
18-11	November 2018	October 5, 2018	November 7, 2018	November 28, 2018
18-12	December 2018	November 2, 2018	December 5, 2018	December 26, 2018

****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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THE OFFICE OF THE GOVERNOR

**EXECUTIVE DEPARTMENT
STATE OF IDAHO
BOISE**

EXECUTIVE ORDER NO. 2017-13

**CONTINUING THE WORKFORCE DEVELOPMENT COUNCIL FOR PLANNING AND OVERSIGHT OF
THE STATE'S WORKFORCE DEVELOPMENT SYSTEM; AMENDING EXECUTIVE ORDER 2017-12**

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 Idaho employers 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; increase public awareness of and access to workforce development education and training opportunities; 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; and

WHEREAS, the Governor's Workforce Development Task Force recommended that the State of Idaho "Increase the role and responsibilities of an industry-driven Workforce Development Council to champion the development and implementation of a statewide, strategic workforce development plan that meets industries' needs today and tomorrow;"

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:

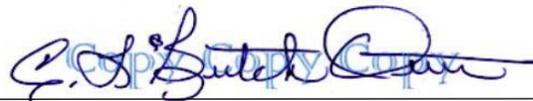
- 1. The Workforce Development Council (the "Council") is established within the Executive Office of the Governor in accordance with section 101 (a) of the Workforce Innovation and Opportunity Act (WIOA) of 2014 to coordinate efforts and direct public outreach and engagement in support of improving the quality of and access to workforce education and training programs throughout Idaho.*
- 2. The Council shall consist of 36 members, consistent with federal nomination and composition requirements set forth in section 101 (b) of WIOA. The Council's membership shall be as follows:*
 - a. 17 positions appointed by the Governor representing industry and nominated by statewide and regional business organizations;*
 - b. Seven positions appointed by the Governor representing the workforce, including two labor union representatives, two registered apprenticeship program representatives, one representative of a community-based organization for veterans, one representative of a community-based organization for the disabled, and one representative of a community-based organization for out-of-school youth;*
 - c. Nine positions appointed by the Governor representing government, including representatives from the Department of Labor, State Board of Education, Division of Career-Technical Education, Division of Vocational Rehabilitation, Department of Health and Welfare, Department of Commerce, an elected city official, an elected county official, and a community college representative.*

- d. *One member from each chamber of the Idaho Legislature, including a member of the Senate appointed by the Senate President Pro Tem, and a member of the House of Representatives appointed by the House Speaker;*
- e. *The Governor or his designee.*
3. *The Governor shall name the chair and vice chair from among industry members of the Council.*
4. *The Council's members shall serve at the pleasure of the Governor, and their appointments shall be for three-year terms.*
5. *The Council shall be staffed by an executive director appointed by the Governor and such additional personnel as shall be appointed by the executive director.*
6. *The Council will be responsible for advising the Governor, Legislature and appropriate executive agencies on matters related to developing and implementing a comprehensive workforce development strategy for Idaho that:*
 - a. *Increases public awareness of and access to career education and training opportunities;*
 - b. *Improves the effectiveness, quality and coordination of programs and services designed to maintain a highly skilled workforce;*
 - c. *Helps provide for the most efficient use of federal, state and local workforce development resources;*
7. *The Council will assist the Governor in fulfilling the requirements of the State Workforce Investment Board as set forth in WIOA.*
8. *The Council shall be responsible for developing and overseeing procedures, criteria and performance measures for the Workforce Development Training Fund.*
9. *The Council may empanel special committees, appointed by the chair. Special committee members may include non-Council members who have special knowledge and qualifications to be of assistance to the Council.*
10. *The Council shall meet quarterly. An Executive Committee made up of the chair, vice chair, and three additional Council members appointed by the chair and representing industry should meet monthly. The Executive Committee is authorized to act on the Council's behalf as necessary and shall report its actions at the Council's next regular meeting.*




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 13th day of December, in the year of our Lord two thousand and seventeen and of the Independence of the United States of America the two hundred forty-second and of the Statehood of Idaho the one hundred twenty-eighth.



C.L. "BUTCH" OTTER
GOVERNOR

THE OFFICE OF THE GOVERNOR

**EXECUTIVE DEPARTMENT
STATE OF IDAHO
BOISE**

EXECUTIVE ORDER NO. 2018-01

CREATING THE AUTONOMOUS AND CONNECTED VEHICLE AND DEPLOYMENT COMMITTEE

WHEREAS, the State of Idaho has been a leader in technology and transportation throughout its history; and

WHEREAS, the State of Idaho has contributed to significant advancements in technology and transportation; and

WHEREAS, the Idaho Transportation Department is considered one of the most innovative transportation departments in the country; and

WHEREAS, the State of Idaho has universities, corporations, businesses, start-ups, and other private-sector partners engaged in the development and implementation of new technology; and

WHEREAS, the State of Idaho is uniquely positioned to assist in the development and deployment of autonomous and connected vehicle technology; and

WHEREAS, the State of Idaho believes that studying the controlled testing and operation of autonomous and connected vehicles in a variety of real-world driving conditions on roads within the state will advance the safe and successful deployment of autonomous and connected vehicles; and

WHEREAS, the removal of barriers to the testing and deployment of autonomous and connected vehicle technology in Idaho may produce significant social, economic, environmental and innovative benefits, including enhancing mobility, creating jobs and improving transportation safety and efficiency;

NOW THEREFORE, I, C.L. "BUTCH" OTTER Governor of the State of Idaho, by the authority vested in me under the Constitution and law of the State of Idaho do hereby order creation of the "Autonomous and Connected Vehicle Testing and Deployment Committee" and do hereby further order as follows:

- 1. By not later than March 1, 2018, the Transportation Department shall create the committee hereafter known as the Autonomous and Connected Vehicle Testing and Deployment Committee.*
- 2. The Committee membership shall be comprised of the following standing members:*
 - a. The Director of the Transportation Department or designee;*
 - b. The Director of the Department of Commerce or designee;*
 - c. The Director of the Department of Insurance or designee;*
 - d. The Director of the Idaho State Police or designee;*
 - e. Legal counsel from the Office of the Governor;*
 - f. Two (2) members of the Idaho Legislature, one (1) appointed by the Speaker of the House and one (1) appointed by the President Pro Tempore of the Senate;*
 - g. The Director of Information Security.*
- 3. The Committee shall include, but not limited to, the following members appointed by the Governor:*
 - a. At least four representatives from the autonomous and connected vehicle technology sector, two of which must be representatives of automobile manufacturers.*
 - b. A representative from the Idaho Association of Highway Districts.*
 - c. A representative from the Local Highway Technical Assistance Council.*

- d. *A representative from the Idaho Sheriffs' Association.*
 - e. *A representative from the Idaho Chiefs of Police Association.*
 - f. *A representative from the American Automobile Association.*
 - g. *A representative from the Idaho Automobile Dealers Association.*
 - h. *A representative from the trucking industry.*
 - i. *Others not yet identified.*
4. *The Committee shall be chaired by the Director of the Transportation Department.*
 - a. *Meetings shall be held no less than twice each calendar year, and additional meetings may be held at the discretion of the Chair.*
 - b. *Meetings shall comply with chapter 2, title 74, Idaho Code. Meetings will be held and announcements associated with such meetings shall be posted at the designated location of the meeting.*
 - c. *The Committee may form advisory subcommittees as necessary, and such subcommittees shall report back to the Committee.*
 - d. *The Committee may seek technical or professional assistance as deemed necessary and appropriate.*
 5. *Each Committee member shall have full and equal voting rights. A simple majority of members voting shall be sufficient to decide any matter pending before the Committee.*
 6. *The Committee shall have the following mission:*
 - a. *Identify all agencies of the State of Idaho with pertinent jurisdiction to support the testing and deployment of autonomous and connected vehicles.*
 - b. *Coordinate with the identified agencies and discuss how best to administer the testing of autonomous and connected vehicles on roads in relation to issues such as vehicle registration, licensing, insurance, traffic regulations, and vehicle owner or operator responsibilities and liabilities under current law.*
 - c. *Review existing State statutes and administrative rules and identify existing laws or rules that impede the testing and deployment of autonomous and connected vehicles on roads.*
 - d. *Identify strategic partnerships to leverage the social, economic, and environmental benefits of autonomous and connected vehicles.*
 7. *The Transportation Department shall provide staff support for the Committee.*
 8. *The Transportation Department shall produce reports containing the Committee's findings and recommendations and shall submit its first report to the Governor no later than November 1, 2018.*




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 2nd day of January, in the year of our Lord two thousand and eighteen and of the Independence of the United States of America the two hundred forty-second and of the Statehood of Idaho the one hundred twenty-eighth.


C.L. "BUTCH" OTTER
GOVERNOR

THE OFFICE OF THE GOVERNOR

**EXECUTIVE DEPARTMENT
STATE OF IDAHO
BOISE**

EXECUTIVE ORDER NO. 2018-02

RESTORING CHOICE IN HEALTH INSURANCE FOR IDAHOANS

WHEREAS, the Patient Protection and Affordable Care Act, P.L. 111-148, 124 Stat.119 (2010), as amended by the Health Care and Education Reconciliation Act of 2010, P.L. 111-152,124 Stat. 1029 (2010) (“PPACA” or “Obamacare”) was signed into law on March 23, 2010; and

WHEREAS, I have always opposed the overreaching, intrusive nature of Obamacare and its infringement on Idahoans’ freedoms and the traditional prerogatives of the State on healthcare and insurance issues; and

WHEREAS, Obamacare provisions and subsequent rules make healthcare coverage more costly and more difficult to afford; and

WHEREAS, many of the provisions of Obamacare that supposedly were designed to stabilize the market either failed, were not funded or were inadequately managed by the Obama administration; and

WHEREAS, Idahoans continue to be faced with significant health insurance rate increases which are harmful to our citizens and are unsustainable; and

WHEREAS, these rate increases are driven by failures of the PPACA, which have disrupted risk pools and bifurcated the insurance market; and

WHEREAS, a sustainable risk pool attracts and retains an appropriate mix between younger and older Idahoans and between the healthy and those with illnesses; and

WHEREAS, the provisions and rules of the PPACA, combined with rising costs, are driving the young and the healthy away from the insurance market, which leads to higher rates and has forced the Idaho insurance pool and market in to a “death spiral”; and

WHEREAS, the Trump Administration showed its support for State-based solutions by issuing an Executive Order encouraging State flexibility and control in developing innovative and open healthcare programs; and

WHEREAS, Congress and the Trump Administration recently repealed the individual mandate penalty, allowing citizens to purchase plans without being penalized if those plans do not meet all the PPACA criteria; and

WHEREAS, the Trump Administration has taken executive action to increase healthcare options and reduce costs by requiring federal agencies to expand access to healthcare through small business health plans; and

WHEREAS, the State of Idaho has a continuing interest in implementing workable, realistic solutions to enhance access to affordable healthcare for all Idahoans; and

WHEREAS, the State of Idaho will continue to work with federal authorities to address problems with America’s healthcare system while retaining its power authority under the Tenth Amendment to pursue complementary Idaho remedies to pressing healthcare challenges;

NOW THEREFORE, I, C.L. “BUTCH” OTTER, Governor of the State of Idaho, by virtue of the authority vested in me under the Constitution and laws of the State of Idaho do hereby:

1. *Direct the Idaho Department of Insurance to seek creative options that encourage and permit health insurance carriers to offer health plans that expand access for Idahoans by providing benefits and plan designs to meet consumer needs at lower costs than those now available;*
2. *Direct the Idaho Department of Insurance to approve options that follow all State-based requirements, even if not all PPACA requirements are met, so long as the carrier offering the option also offers an exchange-certified alternative in Idaho; and*
3. *Authorize the Director of the Department of Insurance to seek a waiver from the U.S. Department of Health and Human Services in conjunction with this Executive Order if the Director believes it is appropriate or necessary.*



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 fifth day of January, in the year of our Lord two thousand and eighteen and of the Independence of the United States of America the two hundred forty-second and of the Statehood of Idaho the one hundred twenty-eighth.

A handwritten signature in blue ink, appearing to read "C.L. Butch Otter".

C.L. "BUTCH" OTTER
GOVERNOR

A handwritten signature in blue ink, appearing to read "Lawrence Denney".

LAWRENCE DENNEY
SECRETARY OF STATE

A handwritten signature in blue ink, appearing to read "Brad Little".

BRAD LITTLE
LT. GOVERNOR

THE OFFICE OF THE GOVERNOR

**EXECUTIVE DEPARTMENT
STATE OF IDAHO
BOISE**

EXECUTIVE ORDER NO. 2018-03

CONTINUING THE IDAHO CRIMINAL JUSTICE COMMISSION

WHEREAS, it is in the best interest of the citizens of the State of Idaho that government promote efficiency and effectiveness of the criminal justice system and, where possible, encourage dialogue among the respective branches of government to achieve this effectiveness and efficiency; and

WHEREAS, combating crime and protecting citizens from criminal depredations is of vital concern to government; and

WHEREAS, communication and cooperation among the various elements of the community of criminal justice professionals is of utmost importance in promoting efficiency and effectiveness; and

WHEREAS, providing policy makers and criminal justice decision makers with accurate information results in better decisions, improving public safety and resulting in more efficient use of public resources; and

WHEREAS, under the provisions of the Omnibus Crime Control and Safe Streets Act of 1968 and the Crime Control Act of 2005, each state is encouraged to develop and implement a competitive mechanism for awarding certain federal grant funds; and

WHEREAS, Idaho's current criminal justice efforts and initiatives require clear strategic planning and continued coordination;

NOW, THEREFORE, I, C.L. "BUTCH" OTTER, Governor of the State of Idaho, by the authority vested in me by the Constitution and the laws of the State of Idaho do hereby establish the Idaho Criminal Justice Commission.

1. The Idaho Criminal Justice Commission ("Commission") shall consist of 27 members. The Commission members representing the judiciary and the U.S. Attorney for the District of Idaho or designee will serve in a nonvoting, advisory capacity. The Commission's membership shall be as follows:

a. Ex Officio Members:

- i. The Attorney General or designee;*
- ii. The Director of the Idaho Department of Correction;*
- iii. The Director of the Idaho State Police;*
- iv. The Director of the Idaho Department of Juvenile Corrections;*
- v. The Administrator of the Office of Drug Policy;*
- vi. The Executive Director of the Idaho Association of Counties;*
- vii. The Executive Director of the Idaho Commission of Pardons and Parole;*
- viii. The Director of the Idaho Department of Health and Welfare;*
- ix. The Administrative Director of the State Courts;*
- x. The State Appellate Public Defender;*
- xi. The U.S. Attorney for the District of Idaho or designee.*

b. Members Appointed By the Governor:

- i. A representative from the Governor's Office;*
- ii. One (1) representative from the Idaho Prosecuting Attorneys Association;*
- iii. One (1) representative from the Idaho Commission on Hispanic Affairs;*

- iv. *One (1) representative from the Idaho Sheriffs' Association;*
 - v. *One (1) representative from the Idaho Chiefs of Police Association;*
 - vi. *A representative from the Idaho Department of Education;*
 - vii. *Two (2) citizens at large with special consideration given to individuals within disciplines related to the purpose of the Commission; and*
 - viii. *One (1) representative from the Idaho Public Defense Commission.*
- c. *Members designated by other officials:*
- i. *Two (2) members from the Idaho Senate as designated by the President Pro Tempore;*
 - ii. *Two (2) members from the Idaho House of Representatives as designated by the speaker;*
 - iii. *Three (3) representatives from the judiciary as designated by the Chief Justice;*
2. *The purpose of the Commission shall be to provide policy-level direction and to promote efficient and effective use of resources, based on a data- driven approach and evidenced-based practices, for matters related to the State's criminal justice system. To that end it shall:*
- a. *Identify critical challenges facing the criminal justice system and recommend strategies to resolve them by;*
 - i. *Developing and adopting a three-year strategic plan to be reviewed annually;*
 - ii. *Analyzing the long-range needs of the criminal justice system;*
 - iii. *Assessing the cost-effectiveness, return on investment and performance measures of the use of State and local funds in the criminal justice system;*
 - iv. *Reviewing data and reporting relating to Idaho's implementation of the Justice Reinvestment Act.*
 - b. *Advise and develop recommendations for the Governor and the Legislature, when appropriate, on public policy and strategies to improve the State's criminal justice system.*
 - c. *Review and evaluate criminal justice policies and proposed legislation to determine the impact on the State's adult and juvenile justice systems.*
 - d. *Promote communication among criminal justice professionals and the respective branches of State and local government to improve professionalism, create partnerships, and improve cooperation and coordination at all levels of the criminal justice system.*
 - e. *Research and evaluate evidenced-based practices and use findings to influence decisions on policy.*
3. *All Commission members appointed by the Governor serve at the pleasure of the Governor.*
4. *The Chair of the Commission shall be appointed by the Governor to serve at the pleasure of the Governor. A Vice-Chair shall be selected annually by the members of the Commission. The term of office of the Vice-Chair shall be one (1) year. The Chair and the Vice-Chair may succeed themselves as approved by the Governor.*
5. *The Commission shall receive administrative staff support from the State agencies represented on the Commission.*
6. *The Commission will meet no less than four times annually.*
7. *The Commission may appoint sub-committees consistent with the needs of the Commission to address pertinent issues that merit more in-depth consideration.*
8. *Commission members will serve without compensation or reimbursement for expenses, including related travel and per diem to attend Commission meetings.*

9. *The Grant Review Council (“Council”) shall be established under the Commission and is charged with disbursing federal grant funding appropriated under provisions of the Omnibus Crime Control and Safe Streets Act of 1968, as amended; of the Violence Against Women Act of 1994, and other such federal grant programs as may come within the purview of the Idaho State Police with the overall mission of enhancing the efficiency and effectiveness of the criminal justice system in Idaho.*
- a. *The Council shall consist of thirteen (13) members of the Idaho Criminal Justice Commission for the purpose of assisting the Idaho State Police in its distribution of grant funds. The Council membership shall be as follows:*
 - i. *The Attorney General or his or her designee;*
 - ii. *The Administrative Director of the State Courts;*
 - iii. *The Director of the Idaho Department of Correction;*
 - iv. *The Director of the Idaho State Police;*
 - v. *The Director of the Idaho Department of Juvenile Corrections;*
 - vi. *The Administrator of the Office of Drug Policy;*
 - vii. *One (1) representative from the Office of the Idaho State Appellate Public Defender;*
 - viii. *One (1) representative from the Idaho Prosecuting Attorneys Association;*
 - ix. *The Executive Director of the Idaho Association of Counties;*
 - x. *Two (2) citizens at large;*
 - xi. *One (1) representative from the Idaho Sheriffs’ Association;*
 - xii. *One (1) representative from the Idaho Chiefs of Police Association;*
 - b. *In addition, the Council shall consist of the following seven (7) members appointed by the Chair of the Commission upon recommendation by the Commission:*
 - i. *One (1) representative from the Idaho Council on Domestic Violence;*
 - ii. *One (1) representative from a statewide advocacy agency;*
 - iii. *One (1) prosecuting attorney;*
 - iv. *One (1) representative from the juvenile justice system;*
 - v. *One (1) representative from the misdemeanor probation system;*
 - vi. *One (1) Chief of Police;*
 - vii. *One (1) Sheriff;*
 - c. *The Chair of the Council shall be appointed by vote of the members of the Council and shall serve a term of four (4) years. The Chair will report to the Commission not less than annually on the activities, actions, and decisions of the Council regarding the distribution of grant funds.*
 - d. *Each member of the Council shall be entitled to one vote in the matters before them.*
 - e. *No member may participate in a vote for a direct award of funds in which the member receives personal pecuniary benefits, as defined by Idaho Code. Unless prohibited by federal grant restriction, when a member has authority over an entity or agency which has applied for a direct award of funds, the member shall disclose the relationship to the Council. Upon disclosure of such relationship, the member may vote upon the award unless the member requests to be excused.*
 - f. *Participation by Council members (or their designees) in the scoring and evaluation of the individual grant applications is required. Members not participating in the scoring and evaluation process will not be entitled to vote on the awarding of the application.*
 - g. *Meetings of the Council shall be convened as determined necessary by the Chair of the Council, Chair of the Commission, or the Idaho State Police.*
 - h. *The principal staff functions of the Council shall be located with the Idaho State Police.*
 - i. *Members of the Council will receive travel reimbursement in accordance with Idaho State Police policy and procedures.*

- j. *The Council will establish by-laws in accordance with guidance provided by the Bureau of Justice Assistance and the Idaho State Police, and consistent with the Commission's long-term strategies.*
- k. *Members of the Council will receive training provided by the Idaho State Police and in conjunction with the Commission.*
- l. *Members of the Council will meet at least once a year to assist in strategic planning efforts with representatives from the Idaho State Police. The Council shall develop a strategic funding plan consistent with the statewide strategic planning efforts of the Commission.*



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 30th day of January, in the year of our Lord two thousand and eighteen and of the Independence of the United States of America the two hundred forty-second and of the Statehood of Idaho the one hundred twenty-eighth.

C.L. "Butch" Otter

C.L. "BUTCH" OTTER
GOVERNOR

IDAPA 07 – DIVISION OF BUILDING SAFETY

07.02.06 – RULES CONCERNING IDAHO STATE PLUMBING CODE

DOCKET NO. 07-0206-1702

(SECOND) NOTICE OF INTENT TO PROMULGATE RULES – NEGOTIATED RULEMAKING

AUTHORITY: In compliance with Sections 67-5220(1) and 67-5220(2), Idaho Code, notice is hereby given that this agency intends to promulgate rules and desires public comment prior to initiating formal rulemaking procedures. This negotiated rulemaking action is authorized pursuant to Section 54-2606, Idaho Code.

MEETING SCHEDULE: Public meetings on the negotiated rulemaking will be held by the Idaho Plumbing Board, and are scheduled as follows:

Thursday, March 29, 2018 9:30 a.m. (MDT)	Thursday, May 17, 2018 9:30 a.m. (MDT)
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Idaho Division of Building Safety
1090 E. Watertower, Suite 150
Meridian, ID 83642

via VIDEO-TELECONFERENCE
(same dates and times as above)
at the following Division of Building Safety locations:

Coeur d’Alene Regional Office
1250 Ironwood Drive, Suite 220
Coeur d’Alene, ID 83814

Pocatello Regional Office
2055 Garrett Way, Bldg. 1, Suite 4
Pocatello, ID 83201

Additional negotiated rulemaking meetings may be established, if necessary. Adequate notice of the dates, locations, and manner of participation of any such additional meetings will be posted on the Division of Building Safety website at <http://dbs.idaho.gov/>.

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

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

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

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

Pursuant to Section 54-2606, Idaho Code, the Idaho Plumbing Board has the authority through the promulgation of rules to adopt and amend the Idaho State Plumbing Code. The Plumbing Board desires to amend provision of the code as it determines necessary through the negotiated rulemaking process. The Board seeks the participation of the affected industry, enforcement jurisdictions, and the public at large in this rulemaking process to ensure that due consideration is given to the varying views about the adoption of amendments to this code for application in Idaho.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS, OBTAINING COPIES: For assistance on technical questions concerning this negotiated rulemaking or to obtain a copy of the preliminary draft of the text of the proposed rule, if available, contact John Nielsen, Plumbing Program Manager, Division of Building Safety at (208) 332-7112. Materials pertaining to the negotiated rulemaking, including any available preliminary rule drafts, can be found on the DBS website at <http://dbs.idaho.gov/>.

Anyone may submit written comments regarding this negotiated rulemaking. All written comments, questions, recommendations, and ideas must be directed to the undersigned and must be submitted on the appropriate form to the Division of Building Safety or the Idaho Plumbing Board by March 23, 2018 for the March 29th meeting, and by May 11, 2018 for the May 17th meeting. Forms may be submitted via e-mail to neg.rules@dbs.idaho.gov.

DATED this 4th day of January, 2018.

Ron Whitney, Deputy Administrator
Division of Building Safety
1090 E. Watertower St., Ste. 150
P. O. Box 83720
Meridian, ID 83642
Phone: (208) 332-7150
Fax: (877) 810-2840

IDAPA 07 – DIVISION OF BUILDING SAFETY

**07.07.01 – RULES GOVERNING INSTALLATION OF HEATING, VENTILATION,
AND AIR CONDITIONING SYSTEMS, DIVISION OF BUILDING SAFETY**

DOCKET NO. 07-0701-1703

(SECOND) NOTICE OF INTENT TO PROMULGATE RULES – NEGOTIATED RULEMAKING

AUTHORITY: In compliance with Sections 67-5220(1) and 67-5220(2), Idaho Code, notice is hereby given that this agency intends to promulgate rules and desires public comment prior to initiating formal rulemaking procedures. This negotiated rulemaking action is authorized pursuant to Section 54-5005, Idaho Code.

MEETING SCHEDULE: Public meetings on the negotiated rulemaking will be held by the Idaho HVAC Board, and are scheduled as follows:

Wednesday, March 14, 2018 9:30 a.m. (MDT)	Wednesday, May 9, 2018 9:30 a.m. (MDT)
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**Idaho Division of Building Safety
1090 E. Watertower, Suite 150
Meridian, ID 83642**

**via VIDEO-TELECONFERENCE
(same dates and times as above)
at the following Division of Building Safety locations:**

**Coeur d’Alene Regional Office
1250 Ironwood Drive, Suite 220
Coeur d’Alene, ID 83814**

**Pocatello Regional Office
2055 Garrett Way, Bldg. 1, Suite 4
Pocatello, ID 83201**

Additional negotiated rulemaking meetings may be established, if necessary. Adequate notice of the dates, locations, and manner of participation of any such additional meetings will be posted on the Division of Building Safety website at <http://dbs.idaho.gov/>.

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

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

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

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

Pursuant to Section 54-5005, Idaho Code, the Idaho HVAC Board has the authority through the promulgation of rules to ensure that all HVAC licensure and HVAC systems in the state are enforced or installed in accordance with the adopted codes and rules. The HVAC Board desires to propose rules that allow HVAC apprentices to test upon completion of school, add tables for unlisted appliances, and define more clearly licensing.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS, OBTAINING

COPIES: For assistance on technical questions concerning this negotiated rulemaking or to obtain a copy of the preliminary draft of the text of the proposed rule, if available, contact John Nielsen, HVAC Program Manager, Division of Building Safety at (208) 332-7112. Materials pertaining to the negotiated rulemaking, including any available preliminary rule drafts, can be found on the DBS website at <http://dbs.idaho.gov/>.

Anyone may submit written comments regarding this negotiated rulemaking. All written comments, questions, recommendations, and ideas must be directed to the undersigned and must be submitted on the appropriate form to the Division of Building Safety or the Idaho HVAC Board by March 9, 2018 for the March 14th meeting, and by May 4, 2018 for the May 9th meeting. Forms may be submitted via email to neg.rules@dbs.idaho.gov.

DATED this 4th day of January 2018.

Ron Whitney, Deputy Administrator
Division of Building Safety
1090 E. Watertower St., Ste. 150
P. O. Box 83720
Meridian, ID 83642
Phone: (208) 332-7150
Fax: (877) 810-2840

IDAPA 08 – STATE BOARD OF AND STATE DEPARTMENT OF EDUCATION

08.02.02 – RULES GOVERNING UNIFORMITY

DOCKET NO. 08-0202-1801

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 Sections 33-1254 and 33-1258, 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 February 28, 2018.

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.

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.

Upon the 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. The summary will be made available to interested persons who contact the agency or, if the agency chooses, the summary may be posted on the agency website.

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

The Professional Standards Commission follows a strategic plan of annually reviewing 20 percent (20%) of the Idaho Standards for Initial Certification of Professional School Personnel, a document incorporated by reference, as well as the certification and endorsement language within IDAPA corresponding to the preparation standards. The following preparation standards are being reviewed by committees of content experts: school nurse, teacher librarian, teacher leader, gifted and talented, English, online teacher, and literacy. Also, a new definition of clinical experience and new endorsements for Middle School Social Studies and Middle School Science are needed.

The rule language change will reflect a revised State Board of Education approval date of the Idaho Standards for Initial Certification of Professional School Personnel. Additional changes will reflect certification and endorsement revisions which include school nurse, teacher librarian, teacher leader, gifted and talented, English, online teacher, and literacy. A new definition of clinical experience will be created, as well as new endorsements for Middle School Social Studies and Middle School Science. Additional amendments may be made as a result of the negotiation process, to provide clarification, and/or to correct any errors found in numeric order, alphabetical order, spelling, or grammar.

ASSISTANCE ON TECHNICAL QUESTIONS, MEETING ACCOMMODATIONS, SUBMISSION OF WRITTEN COMMENTS, OBTAINING DRAFT COPIES: For assistance on technical questions concerning this negotiated rulemaking, requests for special meeting accommodations or accessibility, or to obtain a preliminary draft copy of the rule text (if available), contact Lisa Colón Durham, Director of Certification and Professional Standards, at (208) 332-6886 or lcolondurham@sde.idaho.gov. Materials pertaining to the negotiated rulemaking, including any available preliminary rule drafts, can be found on the State Department of Education web site at the following web address: <http://sde.idaho.gov/topics/admin-rules>.

DATED this 5th Day of January, 2018.

Sherri Ybarra
Superintendent of Public Instruction
Office: (208) 332-6800 / Fax: (208) 334-2228

650 W. State Street, 2nd Floor
PO Box 83720
Boise ID 83720-0027

IDAPA 08 – STATE BOARD OF AND STATE DEPARTMENT OF EDUCATION

08.02.03 – RULES GOVERNING THOROUGHNESS

DOCKET NO. 08-0203-1801

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 Sections 33-105, 33-1612 and 33-2202, 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 February 28, 2018.

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.

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.

Upon the 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. The summary will be made available to interested persons who contact the agency or, if the agency chooses, the summary may be posted on the agency website.

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

Regular review and revision of the Special Education Manual (Manual), a document incorporated by reference into IDAPA 08.02.03, is necessary to ensure compliance with IDAPA, Idaho Code, the Individuals with Disabilities Education Act (IDEA), the Every Student Succeeds Act (ESSA), and recent court decisions.

Anticipated discussion and possible amendments to the Manual include: Revision of definition of visual impairment, emotional disturbance, and graduation; participation criteria for taking the ISAT-Alt; addition of definition of significant cognitive disability/impairment; review and possible revision for consistency with ESSA and IDEA; review of dispute resolution section; renewal of sufficiency review process; clarification of “specially designed” instruction; and other technical corrections, revisions and clarifications identified during the negotiation process that will help practitioners to more effectively utilize the manual and to ensure compliance with IDAPA, Idaho Code, IDEA, ESSA, and recent court decisions.

ASSISTANCE ON TECHNICAL QUESTIONS, MEETING ACCOMMODATIONS, SUBMISSION OF WRITTEN COMMENTS, OBTAINING DRAFT COPIES: For assistance on technical questions concerning this negotiated rulemaking, requests for special meeting accommodations or accessibility, or to obtain a preliminary draft copy of the rule text (if available), contact Dr. Charlie Silva, Director Special Education, at (208) 332-6806 or csilva@sde.idaho.gov. Materials pertaining to the negotiated rulemaking, including any available preliminary rule drafts, can be found on the State Department of Education web site at the following web address: <http://sde.idaho.gov/topics/admin-rules>.

DATED this 5th Day of January, 2018.

Sherri Ybarra
Superintendent of Public Instruction
650 W. State Street, 2nd Floor
P.O. Box 83720
Boise ID 83720-0027
Office: (208) 332-6800 / Fax: (208) 334-2228

**IDAPA 11 – IDAHO STATE POLICE
IDAHO BRAND BOARD**

11.02.01 – RULES OF THE IDAHO STATE BRAND BOARD

DOCKET NO. 11-0201-1701 (FEE RULE)

NOTICE OF PUBLIC HEARING

AUTHORITY: In compliance with Sections 67-5221(1) and 67-5222, Idaho Code, notice is hereby given that this agency has scheduled a public hearing. The action is authorized pursuant to Section 25-1160, Idaho Code.

PUBLIC HEARING SCHEDULE: A public hearing concerning this rulemaking will be held as follows:

Thursday, February 15, 2018 - 1:00 p.m. (MST)

**Idaho State Police Headquarters
Building 9 Conference Room
700 S. Stratford Drive
Meridian, ID 83642**

TELECONFERENCE CALL-IN

**Toll Free: 1-877-820-7831
Guest Code: 681205**

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

DESCRIPTIVE SUMMARY: The following is a summary of the substance of the proposed rule that is the subject of this public hearing:

The funds needed to perform the Board's regulatory functions and to meet the Governor's recommended budget for FY2018 are inadequate. The Brand Board adopted the temporary rule on October 2, 2017, increasing cattle and horse brand inspection fees to make up this shortfall. The increases move the Board fees closer to the cap set in Section 25-1160, Idaho Code. This public hearing has been scheduled to receive additional input regarding the proposed changes.

The temporary and proposed rulemaking notice and rule text can be found in Idaho Administrative Bulletin [Vol. 17-11, dated November 1, 2017, pages 45 through 48](#).

This hearing will be moderated by a hearing officer. All testimony delivered during the hearing must be specific to Docket No. 11-0201-1701.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this rulemaking, contact Larry A. Hayhurst, State Brand Inspector, at (208) 884-7070.

SUBMISSION OF WRITTEN COMMENTS: Written comments regarding this rulemaking will be accepted at the public hearing in lieu of giving an oral presentation. Any written comments submitted at a public hearing carry the same weight as oral testimony and will be considered as such.

DATED this 19th day of January, 2018.

Larry A. Hayhurst, Idaho State Brand Inspector
700 S. Stratford Drive
Meridian, ID 83642
Phone: (208) 884-7070
Fax: (208) 884-7097

Idaho State Brand Board
P.O. Box 1177
Meridian, ID 83680

IDAPA 13 – IDAHO FISH AND GAME COMMISSION

13.01.11 – RULES GOVERNING FISH

DOCKET NO. 13-0111-1801P

NOTICE OF PROCLAMATION

AUTHORITY: In compliance with Section 36-105(3), Idaho Code, notice is hereby given that this agency has adopted by proclamation the 2018 Steelhead Fishing Season, establishing the Spring season and limits for fishing in Idaho.

PUBLIC HEARING SCHEDULE: The next public hearing before the Fish and Game Commission will be:

**Wednesday, March 21, 2018
Approximately 7:00 p.m. (MDT)**

**Idaho Fish and Game Headquarters
600 S. Walnut Street
Boise, ID 83712**

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed proclamation, contact James Stoll at (208) 334-3715.

Individuals with disabilities may request meeting accommodations by contacting the Director's office at the Idaho Department of Fish and Game directly at (208) 334-5159 or through the Idaho Relay Service at 1(800) 377-2529 (TDD).

IDAPA 38 – DEPARTMENT OF ADMINISTRATION
38.04.09 – RULES GOVERNING USE OF THE CHINDEN OFFICE COMPLEX
DOCKET NO. 38-0409-1801 (NEW CHAPTER)
NOTICE OF RULEMAKING – ADOPTION OF TEMPORARY RULE

EFFECTIVE DATE: The effective date of the temporary rule is December 21, 2017.

AUTHORITY: In compliance with Section 67-5226, Idaho Code, notice is hereby given this agency has adopted a temporary rule. The action is authorized pursuant to Section 67-5709, Idaho Code.

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

The property was transferred to state control on December 21, 2017 and requires immediately applicable rules to govern its use. The rulemaking uses the existing rules framework for the capitol mall and multi-tenant facilities and applies it in a single chapter to the new office complex. Variations to accommodate the sports facilities and private entity tenants are included, however, the majority of the provisions are those in place for the capitol mall and multi-tenant facilities elsewhere in the state.

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

The State of Idaho took responsibility for the former HP Office Complex on December 21, 2017. Imposition of temporary rules governing the use of the property is necessary protect the property, its tenants and the public.

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

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the temporary rule, contact Keith Reynolds at (208) 332-1812 or at keith.reynolds@adm.idaho.gov.

DATED this 2nd day of January, 2018.

Keith Reynolds
Deputy Director
Department of Administration
650 W. State St.
P. O. Box 83720
Boise, ID 83720-0013
Phone: (208) 332-1812
Fax: (208) 334-2307

THE FOLLOWING IS THE TEXT OF THE TEMPORARY RULE FOR DOCKET NO. 38-0409-1801
(New Chapter)

IDAPA 38
TITLE 04
CHAPTER 09

38.04.09 – RULES GOVERNING USE OF THE CHINDEN OFFICE COMPLEX

000. LEGAL AUTHORITY.

Section 67-5709, Idaho Code, gives the Director of the Department of Administration authority to manage state facilities and to promulgate rules governing state facilities. (12-21-17)T

001. TITLE AND SCOPE.

01. Title. These rules shall be cited as IDAPA 38.04.09, “Rules Governing Use of the Chinden Office Complex.” (12-21-17)T

02. Scope. These rules contain the provisions for use of the exterior and interior of the Chinden Office Complex. (12-21-17)T

002. WRITTEN INTERPRETATIONS.

In accordance with Section 67-5201(19)(b)(iv), Idaho Code, this agency may have written statements that pertain to the interpretation of the rules of this chapter, or to compliance with the rules of this chapter. Any such documents are available for public inspection and copying at cost at the Department’s office. (12-21-17)T

003. ADMINISTRATIVE APPEALS.

These rules do not provide for appeals of the requirements for use of the Chinden Office Complex. (12-21-17)T

004. INCORPORATION BY REFERENCE.

There are no documents that have been incorporated by reference into these rules. (12-21-17)T

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

01. Office Hours. The Department is open from 8 a.m. to 5 p.m. except Saturday, Sunday, and legal holidays. (12-21-17)T

02. Mailing Address. The Department’s mailing address is P. O. Box 83720, Boise, Idaho 83720-0013. (12-21-17)T

03. Street Address. The Department’s principal place of business is located at 650 West State Street, Boise, Idaho 83702-5972. (12-21-17)T

04. Website Address. The Department’s website address is <http://adm.idaho.gov/>. (12-21-17)T

006. PUBLIC RECORDS ACT COMPLIANCE.

All records associated with these rules are subject to the provisions of the Idaho Public Records Act, Title 74, Chapter 1, Idaho Code. (12-21-17)T

007. SEVERABILITY IN CHINDEN OFFICE COMPLEX.

Pursuant to IDAPA 44.01.01, "Rules of the Administrative Rules Coordinator," all administrative rules in Idaho are presumed severable unless specifically provided to the contrary. If any rule, or part thereof, or the application of such rule to any person or circumstance is declared invalid, that invalidity does not affect the validity of any remaining portion. (12-21-17)T

008. -- 009. (RESERVED)

010. DEFINITIONS.

01. Camping. Any activity prohibited under Section 67-1613, Idaho Code. (12-21-17)T

02. Chinden Office Complex. The Chinden Office Complex is bounded to the north by West Chinden Boulevard, to the west by North Cloverdale Road, to the east by North Five Mile Road, and to the south by the Jones-Stiburek, Orchid Point, De Meyer Estates No. 7, Hickories No. 1, 9 and 12, Hickories East and EMS Avenue Subdivisions. The following buildings and the grounds adjacent to such buildings located in Boise, Idaho shall be the Chinden Office Complex under these rules: (12-21-17)T

a. 11301 West Chinden Boulevard, identified as Building 1 of the Chinden Office Complex. (12-21-17)T

b. 11311 West Chinden Boulevard, identified as Building 3 of the Chinden Office Complex. (12-21-17)T

c. 11321 West Chinden Boulevard, identified as Building 2 of the Chinden Office Complex. (12-21-17)T

d. 11331 West Chinden Boulevard, identified as Building 8 of the Chinden Office Complex. (12-21-17)T

e. 11341 West Chinden Boulevard, identified as Building 4 of the Chinden Office Complex. (12-21-17)T

f. 11351 West Chinden Boulevard, identified as Building 6 of the Chinden Office Complex. (12-21-17)T

g. 11361 West Chinden Boulevard, identified as Building 7 of the Chinden Office Complex. (12-21-17)T

h. 11371 West Chinden Boulevard, identified as Building 5 of the Chinden Office Complex. (12-21-17)T

03. Commemorative Installation. Any statue, monument, sculpture, memorial or landscape feature designed to recognize a person, group, event or element of history. (12-21-17)T

04. Common Space. The portion of the Chinden Office Complex that is not Tenant Space. Common Space includes but is not limited to interior lobbies not within Tenant Space and restrooms not accessed through Tenant Space. Common Space does not include Tenant Space or any area marked "private," "no admission," "staff only" or similarly designated as not open to the public. (12-21-17)T

05. Department. The Department of Administration. (12-21-17)T

06. Director. The Director of the Department of Administration or his designee. (12-21-17)T

07. Private Event or Private Exhibit. Any activity sponsored or initiated by a member of the public that is open only to invited or qualifying individuals or groups. Private Events and Private Exhibits include, but are

not limited to, weddings, dinners, award ceremonies, memorials, and seminars. (12-21-17)T

08. Public Use. Use that is not: (12-21-17)T

a. A State Event or Exhibit; (12-21-17)T

b. Use by a public officer, official, employee, contractor, agency, or board or commission for state of Idaho business; (12-21-17)T

c. State Maintenance and Improvements; or (12-21-17)T

d. Use by a Tenant. (12-21-17)T

09. Recreational Facilities. Facilities designated by the Director for Recreational Use. (12-21-17)T

10. Recreational Use. Use for leisure or athletic purposes such as picnicking and sports practices or informal sports games. (12-21-17)T

11. Security Personnel. A state of Idaho employee or a staff member of a state of Idaho contractor whose job duties include monitoring compliance with and enforcing these rules. (12-21-17)T

12. State Business Day. Monday through Friday, excluding the holidays set forth in Section 73-108, Idaho Code. (12-21-17)T

13. State Events and Exhibits. All functions initiated and controlled by any state of Idaho agency, board, commission, officer or elected official acting on behalf of the state of Idaho. (12-21-17)T

14. State Maintenance and Improvements. Maintenance or improvement of the Chinden Office Complex by the state of Idaho or its contractors. Maintenance for the purpose of this definition includes, but is not limited to, grounds maintenance such as mowing, watering, landscaping, aerating, resodding, fertilizing and planting, and structural maintenance such as pressure washing, painting, and window cleaning and re-glazing. Improvement for the purpose of this definition includes, but is not limited to, the following: construction of new buildings or portions of buildings; renovations to existing buildings; the installation of permanent structures and equipment such as benches, sprinklers, flagpoles, monuments and memorials; and, the installation of temporary equipment and structures such as construction fencing, generators and portable buildings. (12-21-17)T

15. Tenant. A state of Idaho officer, official, agency, board or commission or a public agency or a private individual or entity with a license or lease to use the Chinden Office Complex. (12-21-17)T

16. Tenant Space. The portion of the exterior of the Chinden Office Complex licensed or leased to a private individual or entity and the portion of the interior of the Chinden Office Complex occupied by a state of Idaho officer, official, agency, board or commission or leased to a public agency or a private individual or entity. (12-21-17)T

011. – 199. (RESERVED)

200. USE OF THE CHINDEN OFFICE COMPLEX.

01. Authorized Uses by the Public. Except as provided otherwise in these rules, the Chinden Office Complex is available for Public Use. (12-21-17)T

02. Prohibited Uses. The following uses are prohibited at the Chinden Office Complex: (12-21-17)T

a. Commercial Activity. The Chinden Office Complex shall not be used for any activity conducted for profit and no persons shall solicit to sell any merchandise or service at the Chinden Office Complex. The following are not commercial activity prohibited by this subsection: (12-21-17)T

- i. Meetings or conferences for public employees or their relatives describing employee benefits and approved by a state of Idaho agency. (12-21-17)T
- ii. Concessions authorized by law. (12-21-17)T
- iii. Vaccinations may be provided in exchange for a fee without the prior written permission of the Director where approved by a state of Idaho agency, board, commission or elected official. (12-21-17)T
- iv. The conduct of business by a Tenant. (12-21-17)T
- b. Camping. (12-21-17)T
- c. Private Events and Exhibits, except use of the Recreational Facilities as authorized by these rules. (12-21-17)T
- d. Use by the public for press conferences, performances, ceremonies, presentations, meetings, rallies, receptions or gatherings. (12-21-17)T
- e. Use by the public for attended or unattended displays, including but not limited to equipment, machines, vehicles, products, samples, paintings, sculptures, arts and crafts, photographs, signs, banners or other graphic displays. (12-21-17)T

03. Public Access to Interior. Public access to the interior of the buildings at the Chinden Office Complex and to exterior Tenant Space at the Chinden Office Complex is limited to the conduct of business with the Tenant. (12-21-17)T

04. Priority of Uses. State Maintenance and Improvements shall have priority over all other use of the Chinden Office Complex. (12-21-17)T

201. HOURS OF USE.

01. Hours for Use by the Public. The hours for public access to the exterior of the Chinden Office Complex are from sunrise to sunset. The hours for public access to interior Common Space shall be as posted on the public entrance to each building at the Chinden Office Complex. (12-21-17)T

02. Parking Hours. Unless approved by the Director, motorized vehicles shall not park overnight at the Chinden Office Complex. (12-21-17)T

202. USE OF RECREATIONAL FACILITIES.

The Director may authorize reservation of Recreational Facilities under this subsection for Recreational Use and the exclusion of members of the public from use of Recreational Facilities during reserved periods. The Director will not approve a reservation for a Private Event or Private Exhibit under this section. (12-21-17)T

01. Recreational Facilities Available for Reservation. Recreational Facilities available for reservation are identified by a sign at facility. Recreational Facilities are available for Recreational Use from sunrise to sunset daily. (12-21-17)T

02. Effect of Reservation. A reservation provides priority for use of the area specified in the reservation. Unless reserved, Recreational Facilities are available for use on a first-come, first-used basis during the permitted hours for Recreational Use. (12-21-17)T

03. Application Process. Reservation applications shall be in writing on a form prescribed by the Director and available at the office of the Division of Public Works and the Department's website. The Director will only process applications that are complete and signed by the individual making a request or an authorized representative of the entity or organization making the request. The Director may make reasonable inquiry to confirm the accuracy of the application and the authority of the party signing the application. (12-21-17)T

04. Timing of Application. Reservation applications shall be submitted to the Department at least two (2) State business days prior to the requested date and time period of the reservation. The Department will not accept reservation applications submitted more than six (6) months prior to the requested date of the reservation, however, reservations for Recreational Use at the same times and days of the week for a successive period will be accepted six (6) months prior to the first requested date of reservation. The Department will not grant reservations for Recreational Use at the same times and days of the week for a successive period longer than ninety (90) days under a single reservation application. (12-21-17)T

05. Validity. Reservations are valid only for the dates, times, and locations specified on the reservation issued by the Department. The Director may impose reasonable conditions on Recreational Use for the purpose of protecting persons and property. Reservations are non-transferable. (12-21-17)T

203. EQUIPMENT AND SUPPLIES.

Except as provided in these rules, the Department will not provide equipment or supplies for use of the Chinden Office Complex. (12-21-17)T

204. ESTABLISHMENT OF PERIMETERS.

Security personnel and law enforcement may establish perimeters separating participants in Public Use of the Chinden Office Complex or State Events and Exhibits. Participants in and observers of any Public Use or State Events and Exhibits shall observe perimeters set pursuant to this section. (12-21-17)T

205. AREA CLOSURES.

The Director may direct that any portion of the Chinden Office Complex be closed for Public Use upon a finding that the closed portion of the Chinden Office Complex has sustained damage or is in imminent danger of sustaining damage. The closure directive shall identify the portion of the Chinden Office Complex closed, the damage that has occurred or that will occur without closure, and the estimated period of closure to restore or prevent the damage. A notice of closure and information on how to obtain a copy of the closure directive shall be posted at the closed portion of the Chinden Office Complex. Circumstances presenting an imminent danger of damage to the Chinden Office Complex include, but are not limited to, the saturation of soil, turf or landscaped areas with water, excessive foot traffic over landscaped areas, preventing turf or plants from obtaining adequate sunlight, and the buildup of ice or snow on landscaped areas. (12-21-17)T

206. – 299. (RESERVED)

300. RESTRICTIONS AND LIMITATIONS ON USE.

The restrictions and limitations on use of the Chinden Office Complex set forth in Sections 301 through 399 of these rules shall apply to all Public Use of the Chinden Office Complex. The lease or license of Tenant Space may vary these rules for use by the Tenant, its employees, and its invited guests. (12-21-17)T

301. USES INTERFERING WITH ACCESS OR USE OF FACILITY.

01. Interference with Primary Use of Facility or Real Property. Public Use of the Chinden Office Complex shall not interfere with the primary use of the facility or real property adjoining the facility. The primary uses of the Chinden Office Complex include, but are not limited to, the conduct of business by private Tenants leasing or licensing a portion of the Chinden Office Complex, public meetings and hearings, court proceedings, and the conduct of public business by agencies or officials of the state of Idaho that normally occupy and use the affected facility or the real property adjoining the facility. (12-21-17)T

02. Interference with Access. Public Use of the Chinden Office Complex shall not block fire hydrants, fire or emergency vehicle lanes, vehicular drives, pedestrian walkways, doorways, steps or similar access routes through, in or out of the Chinden Office Complex. (12-21-17)T

302. MAINTENANCE AND IMPROVEMENTS.

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

schedule's publication. (12-21-17)T

303. MOTORIZED VEHICLES.

Motorized vehicles not owned or operated by the state of Idaho or law enforcement must remain on designated roadways and parking areas. Public parking at the Chinden Office Complex is limited to the period the operator or passengers are using the Chinden Office Complex. Wheelchairs, motorized scooters, and other equipment providing individual mobility to the disabled are not motorized vehicles for the purposes of this section. (12-21-17)T

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

Bicycles, skates, skateboards, and scooters may not be used at the Chinden Office Complex. Users of all other non-motorized transportation must remain on designated pathways during use. Where indicated by a posted notice or where requested by Security Personnel, law enforcement or a state employee or agent supervising the Chinden Office Complex, users must store non-motorized transportation in a designated storage area on the exterior of the Chinden Office Complex. Wheelchairs and other equipment providing individual mobility to the disabled are not non-motorized transportation for the purposes of this section. (12-21-17)T

305. ANIMALS.

The following shall apply to animals at the Chinden Office Complex: (12-21-17)T

01. Wildlife. Unless authorized by the Director no person shall: (12-21-17)T

a. Interfere with, hunt, molest, harm, frighten, kill, trap, chase, tease, annoy, shoot, or throw any object at a wild animal at the Chinden Office Complex. (12-21-17)T

b. No person shall feed, give, or offer food or any noxious substance to a wild animal at the Chinden Office Complex. (12-21-17)T

02. Domestic Animals. (12-21-17)T

a. Domestic animals are not allowed at the Chinden Office Complex unless leashed and under the control of the person bringing the animal to the state facility. (12-21-17)T

b. The person bringing the animal to the Chinden Office Complex shall have in his possession the equipment necessary to remove the animal's fecal matter and shall immediately remove all fecal matter deposited by the animal. (12-21-17)T

306. LANDSCAPING.

Unless authorized by the Director, no person shall: (12-21-17)T

01. Plants. Damage, cut, carve, transplant or remove any plant, including but not limited to trees, at the Chinden Office Complex. (12-21-17)T

02. Grass. Dig in or otherwise damage grass areas at the Chinden Office Complex. (12-21-17)T

03. Irrigation Equipment. Interfere with, damage or remove irrigation equipment at the Chinden Office Complex. (12-21-17)T

04. Landscaping Materials. Move or alter landscaping materials at the Chinden Office Complex including, but not limited to, rock, edging materials, and bark or mulch. (12-21-17)T

05. Climbing. Climb or scale buildings, memorials, statues, trees, fences, or improvements at the Chinden Office Complex. (12-21-17)T

307. FOOD AND BEVERAGES.

Consumption of food and beverages at the Chinden Office Complex is subject to the following: (12-21-17)T

01. Consumption May Be Prohibited. The consumption of food and beverages may be prohibited by a notice posted at the entrance to all or a portion of the Chinden Office Complex. (12-21-17)T

02. Alcohol. Alcohol may not be consumed or distributed in the Common Space. (12-21-17)T

308. SMOKING.

All persons shall observe the smoke free entrance notices and shall smoke only in designated exterior areas of the Chinden Office Complex. (12-21-17)T

309. FIRES, CANDLES, AND FLAMES.

Except in designated barbecue facilities, no fires, candles, or other sources of open flame are permitted at the Chinden Office Complex. (12-21-17)T

310. POSTERS, PLACARDS, BANNERS, SIGNS, EQUIPMENT, TABLES, MATERIALS, AND DISPLAYS.

01. Electrical Cords. Electrical cords must be protected by cord covers or gaffers tape to prevent an electrical or trip hazard. (12-21-17)T

02. Railings and Stairways. No items may be placed on railings or stairways and no persons shall sit or stand on railings or stairways. (12-21-17)T

03. Tossing or Dropping Items. No items may be tossed or dropped over railings or from one level of a facility to another level or to the ground. (12-21-17)T

04. Ingress or Egress. No item, including tables, chairs, exhibits, equipment, materials, and displays shall be located so as to block ingress or egress to any portion of the Chinden Office Complex, or to restrict the follow of individuals using the facility, or to restrict emergency egress or ingress. (12-21-17)T

05. Attaching, Affixing, Leaning, or Propping Materials. Posters, placards, banners, signs, and displays, including any printed materials, shall not be affixed on any exterior surface of the Chinden Office Complex not designed for that purpose or on any permanent commemorative installation, post, railing, fence or landscaping, including trees. All posters, placards, banners, signs, and displays must be free-standing or supported by individuals. No items may be leaned or propped against any exterior surface of the Chinden Office Complex or embedded into the ground, including, but not limited to, placement of a stake, post or rod into the ground to support materials. (12-21-17)T

06. Materials Causing Damage to Exterior Surface. Stages, risers, chairs, tables, sound equipment, props, materials, displays, and similar items shall be constructed and used in a manner that will not damage, scratch, dent, dig or tear any surface at the Chinden Office Complex or any systems or utilities of the Chinden Office Complex including, but not limited to, fire suppression systems, storm drains, ventilation systems, and landscape watering systems. (12-21-17)T

07. Free Distribution of Literature and Printed Material. All literature and printed material must be distributed at no charge. The party distributing literature and printed material shall ensure periodically and at the conclusion of its use of the Chinden Office Complex that such material is not discarded outside of designated trash receptacles. (12-21-17)T

08. Surface Markings. Users shall not use any material to mark on any surface of the Chinden Office Complex including chalk, paint, pens, ink, or dye. (12-21-17)T

311. ITEMS SUBJECT TO SEARCH.

To enhance security and public safety, security personnel or law enforcement may inspect: (12-21-17)T

01. Packages and Bags. Packages, backpacks, purses, bags, and briefcases reasonably suspected of concealing stolen items or items prohibited by these rules. (12-21-17)T

02. Items. Items brought to the Chinden Office Complex, if there is a reasonable suspicion that an item may be capable of injuring, damaging or harming persons or property at the Chinden Office Complex. (12-21-17)T

312. PROHIBITED ITEMS.

The following, as defined in Title 18, Chapter 33, Idaho Code, are not permitted at the Chinden Office Complex: bombs, destructive devices, shrapnel, weapons of mass destruction, biological weapons, and chemical weapons. Security personnel or law enforcement may direct that any person at the Chinden Office Complex immediately remove from the Chinden Office Complex any club, bat, or other item that can be used to injure, damage, or harm persons or property. (12-21-17)T

313. (RESERVED)

314. UTILITY SERVICE.

The public may not use the utility services of the Chinden Office Complex other than restrooms; provided, however, the Director may authorize limited use of electrical service for the duration of Public Use authorized by these rules. Utility services include, but are not limited to, electrical, sewage, water, heating, and geothermal services. The Director may terminate the use of utilities if such use interferes with the utility services of the Chinden Office Complex or the equipment or apparatus using utility service fails to comply with applicable rules or codes. (12-21-17)T

315. LAW ENFORCEMENT AND FACILITY EXIGENCY.

In case of a fire, bomb threat, utility malfunction, structural failure or other unforeseen emergency or threat endangering public safety or health, or endangering public property, law enforcement, security personnel and state employees or officials may direct all persons off of the Chinden Office Complex and delay or postpone any activity until the emergency or threat is abated. (12-21-17)T

316. COMPLIANCE WITH LAW.

All use of the Chinden Office Complex shall comply with applicable law including, but not limited to, fire and safety codes. (12-21-17)T

317. HEALTH, SAFETY, AND MAINTENANCE OF CHINDEN OFFICE COMPLEX.

01. Clean Condition After Use. Users shall leave the Chinden Office Complex in reasonably clean condition after use, including depositing all trash in designated receptacles. (12-21-17)T

02. Items Return to Proper Location. Users shall return all items including, but not limited to, movable furniture and trash receptacles, to their location at the conclusion of the use. (12-21-17)T

03. Public Health. No person shall excrete human waste at the Chinden Office Complex except in designated restroom facilities. For purposes of this section, excrete means the discharge of human waste from the body, including the acts of defecation and urination. For purposes of this section, human waste means human feces or human urine. (12-21-17)T

04. Fireworks. No person shall possess or use fireworks at the Chinden Office Complex. (12-21-17)T

318. -- 399. (RESERVED)

400. LIABILITY.

01. State Liability. Nothing in these rules shall extend the liability of the state of Idaho beyond that provided in the Idaho Tort Claims Act, Title 6, Chapter 9, Idaho Code. (12-21-17)T

02. No Endorsement. Action or inaction of the Department shall not imply endorsement or approval by the state of Idaho of the actions, objectives or views of participants in Public Use of the Chinden Office Complex. (12-21-17)T

401. – 999. (RESERVED)

Sections Affected Index

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38.04.09 – Rules Governing Use of the Chinden Office Complex

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LEGAL NOTICE

Summary of Proposed Rulemakings

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

*THERE ARE NO PROPOSED RULES PUBLISHED
IN THE FEBRUARY, 2018 IDAHO ADMINISTRATIVE BULLETIN, VOL. 18-2.*

Please refer to the Idaho Administrative Bulletin, [February 7, 2018, Volume 18-2](#), 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, P.O. Box 83720, Boise, ID 83720-0306
Phone: 208-332-1820; Email: rulescoordinator@adm.idaho.gov

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 and Active Rulemakings)

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

March 29, 2017 — February 7, 2018

(eff. PLR) - Final Effective Date Is Pending Legislative Review

(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 all active rulemakings.)

IDAPA 01 -- IDAHO BOARD OF ACCOUNTANCY**01.01.01, Idaho Accountancy Rules**

- 01-0101-1701** Proposed Rulemaking, Bulletin Vol. 17-9
- 01-0101-1702** Proposed Rulemaking, Bulletin Vol. 17-9
- 01-0101-1703** Proposed Rulemaking, Bulletin Vol. 17-9
- 01-0101-1704** Proposed Rulemaking, Bulletin Vol. 17-9
- 01-0101-1701** Adoption of Pending Rule, Bulletin Vol. 17-11 (eff. PLR 2018)
- 01-0101-1702** Adoption of Pending Rule, Bulletin Vol. 17-11 (eff. PLR 2018)
- 01-0101-1703** Adoption of Pending Rule, Bulletin Vol. 17-11 (eff. PLR 2018)
- 01-0101-1704** Adoption of Pending Rule, Bulletin Vol. 17-11 (eff. PLR 2018)

IDAPA 02 -- IDAHO DEPARTMENT OF AGRICULTURE**02.01.01, Idaho Rules of Practice and Procedure of the Department of Agriculture**

- 02-0101-1701** Proposed Rulemaking (Chapter Repeal), Bulletin Vol. 17-7
- 02-0101-1702*** Proposed Rulemaking (Chapter Rewrite), Bulletin Vol. 17-7 (*Changes chapter name to "Rules of Procedure")
- 02-0101-1701** Adoption of Pending Rule, Bulletin Vol. 17-11 (eff. PLR 2018)
- 02-0101-1702*** Adoption of Pending Rule, Bulletin Vol. 17-11 (eff. PLR 2018)

02.02.14, Rules for Weights and Measures

- 02-0214-1701** Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 17-7
- 02-0214-1702** Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 17-7
- 02-0214-1703** Proposed Rulemaking, Bulletin Vol. 17-7
- 02-0214-1701** Proposed Rulemaking, Bulletin Vol. 17-9
- 02-0214-1702** Proposed Rulemaking, Bulletin Vol. 17-9
- 02-0214-1701** Adoption of Pending Rule, Bulletin Vol. 17-11 (eff. PLR 2018)
- 02-0214-1702** Adoption of Pending Rule, Bulletin Vol. 17-11 (eff. PLR 2018)
- 02-0214-1703** Adoption of Pending Rule, Bulletin Vol. 17-11 (eff. PLR 2018)

02.04.14, Rules Governing Dairy Byproduct

- 02-0414-1701** Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 17-7
- 02-0414-1702** Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 17-7
- 02-0414-1702** Proposed Rulemaking, Bulletin Vol. 17-10
- 02-0414-1702** Adoption of Pending Rule, Bulletin Vol. 17-12 (eff. PLR 2018)

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- 02-0602-1701** Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 17-7
- 02-0602-1701** Proposed Rulemaking, Bulletin Vol. 17-9
- 02-0602-1701** Adoption of Pending Rule, Bulletin Vol. 17-11 (eff. PLR 2018)

02.06.12, Rules Pertaining to the Idaho Fertilizer Law

- 02-0612-1701** Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 17-7
- 02-0612-1701** Proposed Rulemaking, Bulletin Vol. 17-9
- 02-0612-1701** Adoption of Pending Rule, Bulletin Vol. 17-11 (eff. PLR 2018)

02.06.17, Rules Governing the Disposal of Cull Onions and Potatoes

- 02-0617-1701** Adoption of Temporary Rule, Bulletin Vol. 17-3 (eff. 2-8-17)T
- 02-0617-1701** Notice of Rescission of Temporary Rule, Bulletin Vol. 17-5 (Rescission effective 4-17-17)

02.06.21, Rules for Voluntary Public Services of the Idaho Department of Agriculture Laboratories

- 02-0621-1701** Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 17-7
- 02-0621-1701** Proposed Rulemaking (Chapter Repeal), Bulletin Vol. 17-9
- 02-0621-1701** Adoption of Pending Rule, Bulletin Vol. 17-11 (eff. PLR 2018)

02.06.22, Noxious Weed Rules

02-0622-1701 Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 17-5

02.06.41, Rules Pertaining to the Idaho Soil and Plant Amendment Act of 2001

02-0641-1701 Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 17-7

02-0641-1701 Proposed Rulemaking, Bulletin Vol. 17-9

02-0641-1701 Adoption of Pending Rule, Bulletin Vol. 17-11 (eff. PLR 2018)

02.08.01, Sheep and Goat Rules of the Idaho Board of Sheep Commissioners

02-0801-1701 Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 17-8

02-0801-1701 Proposed Rulemaking, Bulletin Vol. 17-11

02-0801-1701 Adoption of Pending Rule, Bulletin Vol. 18-1 (eff. PLR 2018)

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05-0102-1701 Proposed Rulemaking, Bulletin Vol. 17-10

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07-0106-1701 Adoption of Pending Rule, Bulletin Vol. 17-11 (eff. PLR 2018)

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07-0204-1701 Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 17-4

07-0204-1701 Proposed Rulemaking, Bulletin Vol. 17-9

07-0204-1701 Adoption of Pending Rule, Bulletin Vol. 17-11 (eff. PLR 2018)

07.02.06, Rules Concerning the Idaho State Plumbing Code

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07-0206-1702 Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 17-10

07-0206-1701 Adoption of Pending Rule, Bulletin Vol. 17-11 (eff. PLR 2018)

07-0206-1702 (Second) Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 18-2

07.03.01, Rules of Building Safety

07-0301-1701 Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 17-3

07-0301-1701 Proposed Rulemaking, Bulletin Vol. 17-9

07-0301-1701 Adoption of Pending Rule, Bulletin Vol. 17-11 (eff. PLR 2018)

07.03.11, Rules Governing Manufactured/Mobile Home Industry Licensing

07-0311-1701 Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 17-4

07-0311-1701 Proposed Rulemaking, Bulletin Vol. 17-9

07-0311-1701 Adoption of Pending Rule, Bulletin Vol. 17-11 (eff. PLR 2018)

07.03.12, Rules Governing Manufactured or Mobile Home Installations

07-0312-1701 Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 17-4

07-0312-1701 Proposed Rulemaking, Bulletin Vol. 17-9

07-0312-1701 Adoption of Pending Rule, Bulletin Vol. 17-11 (eff. PLR 2018)

07.04.01, Rules Governing Safety Inspections - General

- 07-0401-1701** Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 17-4
- 07-0401-1701** Proposed Rulemaking, Bulletin Vol. 17-9
- 07-0401-1701** Adoption of Pending Rule, Bulletin Vol. 17-11 (eff. PLR 2018)

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- 07-0402-1701** Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 17-4
- 07-0402-1701** Proposed Rulemaking, Bulletin Vol. 17-9
- 07-0402-1701** Adoption of Pending Rule, Bulletin Vol. 17-11 (eff. PLR 2018)

07.07.01, Rules Governing Installation of Heating, Ventilation, and Air Conditioning Systems

- 07-0701-1701** Proposed Rulemaking, Bulletin Vol. 17-9
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- 07-0701-1703** Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 17-10
- 07-0701-1701** Adoption of Pending Rule, Bulletin Vol. 17-11 (eff. PLR 2018)
- 07-0701-1702** Adoption of Pending Rule, Bulletin Vol. 17-11 (eff. PLR 2018)
- 07-0701-1703** (Second) Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 18-2

07.08.17, Idaho Minimum Safety Standards and Practices for Logging -- Cable Assisted Logging Systems

- 07-0817-1701** Temporary and Proposed Rulemaking (New Chapter), Bulletin Vol. 17-6 (eff. 5-1-17)T
- 07-0817-1701** Adoption of Pending Rule, Bulletin Vol. 17-9 (PLR 2018)

07.09.01, Safety and Health Rules for Places of Public Employment

- 07-0901-1701** Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 17-4
- 07-0901-1701** Proposed Rulemaking (Chapter Repeal), Bulletin Vol. 17-9
- 07-0901-1701** Adoption of Pending Rule, Bulletin Vol. 17-11 (eff. PLR 2018)

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- 07-1001-1701** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 17-3
- 07-1001-1701** Temporary and Proposed Rulemaking, Bulletin Vol. 17-9 (eff. 9-1-17)T
- 07-1001-1701** Adoption of Pending Rule, Bulletin Vol. 17-11 (eff. PLR 2018)

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- 08-0111-1701** Proposed Rulemaking, Bulletin Vol. 17-10
- 08-0111-1701** Adoption of Pending Rule, Bulletin Vol. 18-1 (eff. PLR 2018)

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- 08-0113-1701** Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 17-5
- 08-0113-1701** Temporary and Proposed Rulemaking, Bulletin Vol. 17-10 (eff. 8-31-17)T
- 08-0113-1701** Adoption of Pending Rule, Bulletin Vol. 18-1 (eff. PLR 2018)

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- 08-0202-1701** Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 17-4
- 08-0202-1702** Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 17-4
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- 08-0202-1705 Temporary and Proposed Rulemaking, Bulletin Vol. 17-10 (eff. 8-31-17)T
- 08-0202-1707 Temporary and Proposed Rulemaking, Bulletin Vol. 17-10 (eff. 8-31-17)T
- 08-0202-1708 Proposed Rulemaking, Bulletin Vol. 17-10
- 08-0202-1701 Adoption of Pending Rule, Bulletin Vol. 18-1 (eff. PLR 2018)
- 08-0202-1702 Adoption of Pending Rule, Bulletin Vol. 18-1 (eff. PLR 2018)
- 08-0202-1703 Adoption of Pending Rule, Bulletin Vol. 18-1 (eff. PLR 2018)
- 08-0202-1705 Adoption of Pending Rule, Bulletin Vol. 18-1 (eff. PLR 2018)
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- 08-0203-1612 Adoption of Temporary Rule, Bulletin Vol. 16-12 (eff. 10-20-16)T
- 08-0203-1701 Adoption of Temporary Rule, Bulletin Vol. 17-2 (eff. 12-15-16)T
- 08-0203-1702 Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 17-4
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- 08-0203-1709 Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 17-7
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- 08-0203-1702 Proposed Rulemaking, Bulletin Vol. 17-8
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- 08-0203-1712 Proposed Rulemaking, Bulletin Vol. 17-10
- 08-0203-1702 Adoption of Pending Rule, Bulletin Vol. 17-12 (eff. PLR 2018)
- 08-0203-1708 Adoption of Pending and Amendment to Temporary Rule, Bulletin Vol. 17-12 (eff. (10-8-17)T, PLR 2018)
- 08-0203-1711 Adoption of Pending Rule, Bulletin Vol. 17-12 (eff. PLR 2018)
- 08-0203-1703 Adoption of Pending Rule, Bulletin Vol. 18-1 (eff. PLR 2018)
- 08-0203-1704 Adoption of Pending Rule, Bulletin Vol. 18-1 (eff. PLR 2018)
- 08-0203-1705 Adoption of Pending Rule, Bulletin Vol. 18-1 (eff. PLR 2018)
- 08-0203-1707 Adoption of Pending Rule, Bulletin Vol. 18-1 (eff. PLR 2018)
- 08-0203-1709 Adoption of Pending Rule, Bulletin Vol. 18-1 (eff. PLR 2018)
- 08-0203-1710 Adoption of Pending Rule, Bulletin Vol. 18-1 (eff. PLR 2018)
- 08-0203-1712 Adoption of Pending Rule, Bulletin Vol. 18-1 (eff. PLR 2018)
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- 08-0204-1701 Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 17-5
- 08-0204-1701 Temporary and Proposed Rulemaking, Bulletin Vol. 17-10 (eff. 8-31-17)T
- 08-0204-1701 Adoption of Pending Rule, Bulletin Vol. 18-1 (eff. PLR 2018)

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- 08-0301-1701** Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 17-5
- 08-0301-1701** Temporary and Proposed Rulemaking, Bulletin Vol. 17-10 (eff. 8-31-17)T
- 08-0301-1701** Adoption of Pending Rule, Bulletin Vol. 18-1 (eff. PLR 2018)

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- 08-0401-1701** Proposed Rulemaking, Bulletin Vol. 17-10
- 08-0401-1701** Adoption of Pending Rule, Bulletin Vol. 18-1 (eff. PLR 2018)

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- 08-0501-1701** Proposed Rulemaking, Bulletin Vol. 17-10
- 08-0501-1701** Adoption of Pending Rule, Bulletin Vol. 18-1 (eff. PLR 2018)

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- 09-0130-1701** Temporary and Proposed Rulemaking, Bulletin Vol. 17-7 (eff. 6-2-17)T
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- 10-0104-1701** Proposed Rulemaking, Bulletin Vol. 17-8
- 10-0104-1701** Adoption of Pending Rule, Bulletin Vol. 17-11 (PLR 2018)

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- 13-0104-1703** Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 17-7
- 13-0104-1701** Proposed Rulemaking, Bulletin Vol. 17-10
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- 13-0104-1701** Adoption of Pending Rule, Bulletin Vol. 18-1 (eff. PLR 2018)
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