

# IDAHO ADMINISTRATIVE BULLETIN

February 6, 2019 – Vol. 19-2

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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](http://adminrules.idaho.gov).

## THE DIFFERENT RULES PUBLISHED IN THE ADMINISTRATIVE BULLETIN

Idaho’s administrative rulemaking process, governed by the Administrative Procedure Act, Title 67, Chapter 52, Idaho Code, comprises distinct rulemaking actions: negotiated, proposed, temporary, pending and final rulemaking. Not all rulemakings incorporate or require all of these actions. At a minimum, a rulemaking includes proposed, pending and final rulemaking. Many rules are adopted as temporary rules when they meet the required statutory criteria and agencies 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 2018**

<b>Vol. No.</b>	<b>Monthly Issue of Bulletin</b>	<b>Closing Date for Agency Filing</b>	<b>Publication Date</b>	<b>21-day Comment Period End Date</b>
18-1	January 2018	<b>*November 24, 2017</b>	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	<b>**August 31, 2018</b>	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

**BULLETIN PUBLICATION SCHEDULE FOR CALENDAR YEAR 2019**

<b>Vol. No.</b>	<b>Monthly Issue of Bulletin</b>	<b>Closing Date for Agency Filing</b>	<b>Publication Date</b>	<b>21-day Comment Period End Date</b>
19-1	January 2019	<b>*November 30, 2018</b>	January 2, 2019	January 23, 2019
19-2	February 2019	January 4, 2019	February 6, 2019	February 27, 2019
19-3	March 2019	February 8, 2019	March 6, 2019	March 27, 2019
19-4	April 2019	March 8, 2019	April 3, 2019	April 24, 2019
19-5	May 2019	April 5, 2019	May 1, 2019	May 22, 2019
19-6	June 2019	May 3, 2019	June 5, 2019	June 26, 2019
19-7	July 2019	June 7, 2019	July 3, 2019	July 24, 2019
19-8	August 2019	July 5, 2019	August 7, 2019	August 28, 2019
19-9	September 2019	August 2, 2019	September 4, 2019	September 25, 2019
19-10	October 2019	<b>**August 30, 2019</b>	October 2, 2019	October 23, 2019
19-11	November 2019	October 4, 2019	November 6, 2019	November 27, 2019
19-12	December 2019	November 1, 2019	December 4, 2019	December 25, 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.***

<b>ALPHABETICAL INDEX OF STATE AGENCIES AND CORRESPONDING IDAPA NUMBERS</b>	
<b>IDAPA 01</b>	<b>Accountancy</b> , Board of
<b>IDAPA 38</b>	<b>Administration</b> , Department of
<b>IDAPA 44</b>	<b>Administrative Rules Coordinator</b> , Office of the
<b>IDAPA 02</b>	<b>Agriculture</b> , Idaho Department of
<b>IDAPA 40</b>	<b>Arts</b> , Idaho Commission on the
<b>IDAPA 03</b>	<b>Athletic Commission</b>
<b>IDAPA 04</b>	<b>Attorney General</b> , Office of the
<b>IDAPA 53</b>	<b>Barley Commission</b> , Idaho
<b>IDAPA 51</b>	<b>Beef Council</b> , Idaho
<b>IDAPA 07</b>	<b>Building Safety</b> , Division of Electrical Board (07.01) Plumbing Board (07.02) Building Codes & Manufactured Homes (07.03) Building Code Advisory Board (07.03.01) Public Works Contractors License Board (07.05) Uniform School Building Safety (07.06) HVAC Board (07.07)
<b>IDAPA 43</b>	<b>Canola and Rapeseed Commission</b> , Idaho
<b>IDAPA 55</b>	<b>Career-Technical Education</b> , Division of
<b>IDAPA 28</b>	<b>Commerce</b> , Idaho Department of
<b>IDAPA 06</b>	<b>Correction</b> , Board of
<b>IDAPA 19</b>	<b>Dentistry</b> , Board of
<b>IDAPA 08</b>	<b>Education</b> , State Board of and State Department of
<b>IDAPA 10</b>	<b>Engineers and Land Surveyors</b> , Board of Professional
<b>IDAPA 58</b>	<b>Environmental Quality</b> , Department of
<b>IDAPA 12</b>	<b>Finance</b> , Department of
<b>IDAPA 13</b>	<b>Fish and Game</b> , Department of
<b>IDAPA 14</b>	<b>Geologists</b> , Board of Registration for Professional

<b>ALPHABETICAL INDEX OF STATE AGENCIES AND CORRESPONDING IDAPA NUMBERS</b>	
<b>IDAPA 15</b>	<b>Governor, Office of the</b> Idaho Commission on Aging (15.01) Idaho Commission for the Blind and Visually Impaired (15.02) Idaho Forest Products Commission (15.03) Division of Human Resources and Personnel Commission 15.04) Idaho Liquor Division (15.10) Idaho Military Division (Division of Homeland Security) (15.06)
<b>IDAPA 48</b>	<b>Grape Growers and Wine Producers Commission, Idaho</b>
<b>IDAPA 16</b>	<b>Health and Welfare, Department of</b>
<b>IDAPA 41</b>	<b>Health Districts, Public</b>
<b>IDAPA 45</b>	<b>Human Rights Commission</b>
<b>IDAPA 17</b>	<b>Industrial Commission</b>
<b>IDAPA 18</b>	<b>Insurance, Department of</b>
<b>IDAPA 05</b>	<b>Juvenile Corrections, Department of</b>
<b>IDAPA 09</b>	<b>Labor, Idaho Department of</b>
<b>IDAPA 20</b>	<b>Lands, Department of</b>
<b>IDAPA 30</b>	<b>Libraries, Commission for</b>
<b>IDAPA 52</b>	<b>Lottery Commission, Idaho State</b>
<b>IDAPA 22</b>	<b>Medicine, Board of</b>
<b>IDAPA 23</b>	<b>Nursing, Board of</b>

**ALPHABETICAL INDEX OF STATE AGENCIES  
AND CORRESPONDING IDAPA NUMBERS**

<b>IDAPA 24</b>	<b>Occupational Licenses, Board of (24.20)</b> Acupuncture, Board of (24.17) Architectural Examiners, Board of (24.01) Barber Examiners, Board of (24.02) Chiropractic Physicians, Board of (24.03) Contractors Board, Idaho (24.21) Cosmetology, Board of (24.04) Counselors and Marriage and Family Therapists, Licensing Board of Professional (24.15) Dentistry, Board of (24.16) Drinking Water and Wastewater Professionals, Board of (24.05) Driving Businesses Licensure Board, State (24.25) Landscape Architects, Board of (24.07) Liquefied Petroleum Gas Safety Board (24.22) Massage Therapy, Board of (24.27) Midwifery, State Board of (24.26) Morticians, Board of (24.08) Nursing Home Administrators, Board of Examiners of (24.09) Occupational Therapy Licensure Board, State (24.06) Optometry, Board of (24.10) Physical Therapy Licensure Board (24.13) Podiatry, Board of (24.11) Psychologist Examiners, Board of (24.12) Real Estate Appraiser Board (24.18) Residential Care Facility Administrators, Board of Examiners of (24.19) Social Work Examiners, Board of (24.14) Speech and Hearing Services Board (24.23)
<b>IDAPA 25</b>	<b>Outfitters and Guides Licensing Board</b>
<b>IDAPA 50</b>	<b>Pardons and Parole, Commission for</b>
<b>IDAPA 26</b>	<b>Parks and Recreation, Department of</b>
<b>IDAPA 27</b>	<b>Pharmacy, Board of</b>
<b>IDAPA 11</b>	<b>Police, Idaho State</b>
<b>IDAPA 29</b>	<b>Potato Commission, Idaho</b>
<b>IDAPA 61</b>	<b>Public Defense Commission, State</b>
<b>IDAPA 59</b>	<b>Public Employee Retirement System of Idaho (PERSI)</b>
<b>IDAPA 31</b>	<b>Public Utilities Commission</b>
<b>IDAPA 56</b>	<b>Rangeland Resources Commission, Idaho</b>
<b>IDAPA 33</b>	<b>Real Estate Commission, Idaho</b>
<b>IDAPA 34</b>	<b>Secretary of State, Office of the</b>
<b>IDAPA 57</b>	<b>Sexual Offender Management Board</b>
<b>IDAPA 49</b>	<b>Shorthand Reporters Board, Idaho Certified</b>
<b>IDAPA 60</b>	<b>Soil and Water Conservation Commission, Idaho State</b>

<b>ALPHABETICAL INDEX OF STATE AGENCIES AND CORRESPONDING IDAPA NUMBERS</b>	
<b>IDAPA 36</b>	<b>Tax Appeals, Board of</b>
<b>IDAPA 35</b>	<b>Tax Commission, State</b>
<b>IDAPA 39</b>	<b>Transportation Department, Idaho</b>
<b>IDAPA 54</b>	<b>Treasurer, Office of the State</b>
<b>IDAPA 21</b>	<b>Veterans Services, Division of</b>
<b>IDAPA 46</b>	<b>Veterinary Medical Examiners, Board of</b>
<b>IDAPA 47</b>	<b>Vocational Rehabilitation, Division of</b>
<b>IDAPA 37</b>	<b>Water Resources, Department of</b>
<b>IDAPA 42</b>	<b>Wheat Commission</b>

**THE OFFICE OF THE GOVERNOR**

**EXECUTIVE DEPARTMENT  
STATE OF IDAHO  
BOISE**

**EXECUTIVE ORDER NO. 2019-01**

**LICENSING FREEDOM ACT OF 2019**

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*WHEREAS, then acting Governor Brad Little issued Executive Order No. 2017- 06, the Licensing Freedom Act, on May 19, 2017(“Licensing Freedom Act of 2017”); and*

*WHEREAS, the Licensing Freedom Act of 2017 initiated an unprecedented effort by executive branch agencies to systematically review applicable professional and occupational licensing laws and solicit feedback from the public. The Licensing Freedom Act was the first comprehensive review of occupational licensure in the state in more than 40 years; and*

*WHEREAS, under the Licensing Freedom Act of 2017, each executive department of the state of Idaho as set forth in section 67-2402, Idaho Code, including each division, bureau or self-governing agency with statutory or regulatory authority to issue a license to an individual, authorizing such person to engage in a profession, vocation or occupation, was required to submit certain information to then Lieutenant Governor Little, no later than July 1, 2018, which included the following information: The timeframe in which a license is either granted or denied; Prerequisites for a license; Renewal requirements; Requirements for accepting or denying an application and license renewal; Qualifications for suspension, revocation, or other disciplinary action; The cost to apply for an application or renewal of a license; The cost for administering the licensing and renewal process; and*

*WHEREAS, then Lt. Governor Brad Little issued a report compiling the reports from each executive department of the state of Idaho as set forth in section 67-2402, Idaho Code, including each division, bureau or self-governing agency with statutory or regulatory authority to issue a license to an individual, authorizing such person to engage in a profession, vocation or occupation, summarizing the findings, and providing a comprehensive snapshot of the scope of occupational licensure in Idaho; and*

*WHEREAS, the Licensing Freedom Act of 2017 report found at least 442 different occupational license types, with at least 204,000 licensees in Idaho, administered by 13 executive branch agencies and 47 boards and commissions; and*

*WHEREAS, in reporting back to the Lt. Governor Little, agencies made 241 total recommendations for improvement, modification, or elimination of licensing requirements or other regulatory burdens; and*

*WHEREAS, the Licensing Freedom Act of 2017 report identified 20 universal recommendations, aimed at identifying recommendations for improvement, modification, and/or elimination of licensing requirements or other regulatory burdens, while still ensuring public protection; and*

*WHEREAS, the top two recommendations from the Licensing Freedom Act Report concerned establishing a sunrise review process for new proposed licenses and a sunset review process for existing licenses.*

*NOW, THEREFORE, I, Brad Little, 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. Sunset of professional regulations. Each year, no later than March 31, the Administrator of the Division of Financial Management shall recommend to the Governor the review of no fewer than five (5) professions, vocations or occupations that are licensed by any executive department of the state of Idaho as set forth in section 67-2402, Idaho Code, including any division, bureau or self-governing agency, for the purpose of determining whether the continuation of those regulatory programs is in the public interest. Upon approval by the Governor of the requested reviews, the Division of Financial Management shall conduct such reviews as are determined by the Administrator to be appropriate. The Administrator shall report the findings of the Division of Financial Management’s*

*review to the Governor on or before September 30 of each year. This process shall result in the review of the licensure of each profession, occupation, or vocation at least once every four (4) years.*

2. *Sunrise restrictions on professional regulations. In evaluating proposals to regulate a business, profession or occupation, or to modify the regulation of a business, profession or occupation, the Governor and each executive department of the state of Idaho as set forth in section 67-2402, Idaho Code, including each division, bureau or self-governing agency, shall work with the Legislature to consider the following factors:*
- a. *Whether the unregulated business or practice of the profession or occupation will substantially harm or endanger the public health, safety or welfare and whether the potential for harm is recognizable, quantifiable and not remote; and*
  - b. *Whether the practice of the profession or occupation requires specialized skill or training and whether that skill or training is readily available and measurable or quantifiable so that examination or training requirements would reasonably assure initial and continuing professional or occupational ability; and*
  - c. *Whether the regulation will have an unreasonable effect on job creation or job retention in the state or will place unreasonable restrictions on the ability of individuals who seek to practice or who are practicing a given profession or occupation to continue to practice or to find employment; and*
  - d. *Whether the public is or can be effectively protected by other less restrictive means; and*
  - e. *Whether and how the occupation or profession is licensed in other states and the compatibility of the proposed regulation in Idaho with the reciprocity rules of other states; and*
  - f. *Whether the proposed regulation considers and addresses the unique needs of military personnel, spouses, and veterans who are members of the occupation or profession addressed; and*
  - g. *Whether the overall cost-effectiveness and economic impact of the proposed regulation, including the direct and indirect costs to consumers, will be outweighed by the benefits of regulation; and*
  - h. *Whether the proposed regulation is the least restrictive effective regulatory framework capable of adequately protecting the public.*

*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 31st day of January, in the year of our Lord two thousand and nineteen.*



*BRAD LITTLE*  
COPY COPY

BRAD LITTLE  
GOVERNOR

*LAWRENCE DENNEY*  
COPY COPY

LAWRENCE DENNEY  
SECRETARY OF STATE

**THE OFFICE OF THE GOVERNOR**

**EXECUTIVE DEPARTMENT  
STATE OF IDAHO  
BOISE**

**EXECUTIVE ORDER NO. 2019-02**

**RED TAPE REDUCTION ACT**

---

*WHEREAS, Idaho's strong economic growth is vital to ensuring our citizens and our children are able to find great jobs and raise their families in Idaho; and*

*WHEREAS, excessive regulation at all levels of government can impose high costs on businesses, inhibit job growth, and impede private sector investment; and*

*WHEREAS, burdensome regulations continue to be a hardship for many small business owners; and*

*WHEREAS, Idaho's Administrative Code has grown to 736 chapters, totaling more than 8,200 pages, and containing more than 72,000 restrictions.*

*NOW, THEREFORE, I, Brad Little, 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. *Each executive department of the state of Idaho as set forth in section 67-2402, Idaho Code, including each division, bureau or self-governing agency that has the authority to issue administrative rules shall designate an existing employee of the agency as its Rules Review Officer (RRO) to undertake a critical and comprehensive review of the agency's administrative rules to identify costly, ineffective, or outdated regulations.*
  - a. *Agencies must submit the name and contact information of the RRO to the Division of Financial Management no later than March 1, 2019.*
2. *Through the end of fiscal year 2021, prior to proposing a new rule for publication in the Idaho Administrative Bulletin, each executive department of the state of Idaho as set forth in section 67-2402, Idaho Code, including each division, bureau or self-governing agency, shall submit to the Division of Financial Management:*
  - a. *A business/competitiveness impact statement that identifies the impact the proposed rule will have on individuals and small businesses; and*
  - b. *At least two existing rules to be repealed or significantly simplified, or a statement clearly and thoroughly stating why existing rules cannot be simplified or eliminated.*
3. *The Division of Financial Management shall produce an annual report to the Governor's office outlining the progress made in eliminating burdensome regulations and streamlining state government.*

*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 21st day of January, in the year of our Lord two thousand and nineteen.*



*BRAD LITTLE*

BRAD LITTLE, GOVERNOR

*LAWRENCE DENNEY*

LAWRENCE DENNEY, SECRETARY OF STATE

**IDAPA 13 – IDAHO FISH AND GAME COMMISSION**

**13.01.08 – RULES GOVERNING THE TAKING OF BIG GAME ANIMALS IN THE STATE OF IDAHO**

**DOCKET NO. 13-0108-1901P**

**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 2019-2020 Moose, Bighorn Sheep and Mountain Goat Seasons, establishing seasons and limits for hunting in Idaho.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning the proclamation, contact Owen Moroney at 208-334-3715.

**IDAPA 35 – IDAHO STATE TAX COMMISSION**

**35.01.01 – INCOME TAX ADMINISTRATIVE RULES**

**DOCKET NO. 35-0101-1901**

**NOTICE OF RULEMAKING – ADOPTION OF TEMPORARY RULE**

**EFFECTIVE DATE:** The effective date of the temporary rule is January 4, 2019.

**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 Sections 63-105 and 63-3039, Idaho Code.

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

**Rule 645 – Water’s Edge: Treatment Of Dividends**

This change is to avoid taxing repatriated dividend income that had previously been included in Idaho apportionable income in a prior tax year and to provide clarification on Idaho’s treatment of Global Intangible Low-Tax Income (GILTI).

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

**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 Cynthia Adrian (208) 334-7670.

Dated this 4th day of January, 2019.

Cynthia Adrian, Tax Policy Specialist  
Idaho State Tax Commission  
800 Park Blvd., Plaza IV  
P.O. Box 36  
Boise, ID 83722-0410  
(208) 334-7670  
[Cynthia.Adrian@tax.idaho.gov](mailto:Cynthia.Adrian@tax.idaho.gov)

**THE FOLLOWING IS THE TEXT OF THE TEMPORARY RULE FOR DOCKET NO. 35-0101-1901  
(Only Those Sections With Amendments Are Shown.)**

**645. WATER'S EDGE: TREATMENT OF DIVIDENDS (RULE 645).**

Section 63-3027C, Idaho Code

**01. Dividends Received from Payors Incorporated Outside the United States. (1-4-19)T**

**a.** Dividends received from payors who are incorporated outside the fifty (50) states and District of Columbia but are not included in the combined report are treated as business income. ~~These dividends are treated as business income of the water's edge combined group even if paid from earnings included in the taxpayer's combined report in prior years.~~ (3-20-97)(1-4-19)T

**b.** As provided in Section 63-3027C(e)(1), Idaho Code, amounts included in income under sections 951 and 951A of the Internal Revenue Code are treated as dividends from payors outside the fifty (50) states and District of Columbia. (1-4-19)T

**c.** In order to avoid taxing income that had previously been included in Idaho apportionable income in a prior tax year, the remaining portion of the dividend that was not excluded from Idaho apportionable income under Section 63-3027C(3), Idaho Code, is excluded from Idaho apportionable income if the taxpayer can prove that the income was previously included in Idaho apportionable income in a prior tax year. (1-4-19)T

**02. Dividends Received from Payors Incorporated in the United States.** Dividends received from payors who are incorporated within the fifty (50) states and District of Columbia but not included in the combined return are presumed to be business income of the water's edge combined group. (3-20-97)

**03. Deemed Dividends from Possession Corporations.** The income of a possession corporation, excluded in Section 63-3027B(c), Idaho Code, shall be included in business income as a deemed dividend received from a payor incorporated outside the fifty (50) states and District of Columbia. The income of a possession corporation means taxable income greater than zero (0). Losses from possession corporations may not offset income of other possession corporations in determining the amount of deemed dividends. (4-5-00)

**04. Dividends from Foreign Sales Corporations. (4-5-00)**

**a.** As provided in Section 63-3027C(d)(1), Idaho Code, dividends received from a Foreign Sales Corporation (FSC) shall be eliminated in the proportion that FSC federal taxable income for the year during which the dividend was paid bears to the total FSC income before taxes for that year. For purposes of computing the dividend elimination, total FSC income before taxes means book income before the deduction of federal income taxes. (4-5-00)

**b.** For example, a FSC paid one million dollars (\$1,000,000) in dividends during the taxable year. For that same taxable year, the FSC had federal taxable income totaling ten million dollars (\$10,000,000) and total FSC income before taxes of twenty million dollars (\$20,000,000). The dividends eliminated would be five hundred thousand dollars (\$500,000) computed as follows:  $((\$10,000,000 \text{ federal taxable income} / \$20,000,000 \text{ total FSC income before taxes}) \times \$1,000,000 \text{ FSC dividend paid} = \$500,000 \text{ dividend elimination})$ . (4-5-00)

**05. Interest Expense Offset.** The interest expense offset provided in Section 63-3022M, Idaho Code, does not apply to any dividends subject to the eighty-five percent (85%) or eighty percent (80%) exclusion provided in Section 63-3027C or 63-3027E, Idaho Code. (4-5-00)

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*35.01.01 – Income Tax Administrative Rules*

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# LEGAL NOTICE

## Summary of Proposed Rulemakings

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

***THERE ARE NO PROPOSED RULES PUBLISHED  
IN THE FEBRUARY 6, 2019, IDAHO ADMINISTRATIVE BULLETIN, VOL. 19-2.***

Please refer to the Idaho Administrative Bulletin, [February 6, 2019, Volume 19-2](#), 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](http://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](mailto: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.

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## **ABRIDGED RULEMAKING INDEX OF IDAHO ADMINISTRATIVE RULES**

**(Index of Current and Active Rulemakings)**

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

*March 28, 2018 – February 6, 2019*

*(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)*

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- 13-0109-1803 Temporary and Proposed Rulemaking, Bulletin Vol. 18-7 (eff. 5-10-18)T
- 13-0109-1804P Notice of Proclamation of Rulemaking, Bulletin Vol. 18-10
- 13-0109-1805 Proposed Rulemaking, Bulletin Vol. 18-10
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- 13-0110-1802 Temporary and Proposed Rulemaking, Bulletin Vol. 18-10 (eff. 7-26-18)T
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- 13-0111-1802AP\* Notice of Amended Proclamation of Rulemaking, Bulletin Vol. 18-7
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- 22-0115-1801 Proposed Rulemaking (Chapter Repeal), Bulletin Vol. 18-11
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- 24-0101-1801 Proposed Rulemaking, Bulletin Vol. 18-8
- 24-0101-1801 Adoption of Pending Rule, Bulletin Vol. 18-12 (PLR 2019)

**(Rule Repealed) 24.02.01, Rules of the Board of Barber Examiners**

- 24-0000-1800 OAR Omnibus Notice of Legislative Action - Abolishing the Board of Barber Examiners and the Board of Cosmetology and Establishing the Barber and Cosmetology Services Licensing Board (IDAPA 24.28.01) – Senate Bill No. 1324, Bulletin Vol. 18-8 (eff. 7-1-18)

**(Rule Repealed) 24.04.01, Rules of the Idaho Board of Cosmetology**

- 24-0000-1800 OAR Omnibus Notice of Legislative Action - Abolishing the Board of Barber Examiners and the Board of Cosmetology and Establishing the Barber and Cosmetology Services Licensing Board (IDAPA 24.28.01) – Senate Bill No. 1324, Bulletin Vol. 18-8 (eff. 7-1-18)

**24.03.01, Rules of the State Board of Chiropractic Physicians**

- 24-0301-1801 Proposed Rulemaking, Bulletin Vol. 18-10
- 24-0301-1801 Adoption of Pending Rule, Bulletin Vol. 18-12 (PLR 2019)

**24.05.01, Rules of the Board of Drinking Water and Wastewater Professionals**

- 24-0501-1801 Proposed Rulemaking, Bulletin Vol. 18-10
- 24-0501-1801 Adoption of Pending Rule, Bulletin Vol. 18-12 (PLR 2019)

**24.06.01, Rules for the Licensure of Occupational Therapists and Occupational Therapy Assistants**

- 24-0601-1801 Proposed Rulemaking, Bulletin Vol. 18-10

24-0601-1801 Adoption of Pending Rule, Bulletin Vol. 18-12 (PLR 2019)

**24.08.01, Rules of the State Board of Morticians**

24-0801-1801 Proposed Rulemaking, Bulletin Vol. 18-10  
24-0801-1801 Adoption of Pending Rule, Bulletin Vol. 18-12 (PLR 2019)

**24.09.01, Rules of the Board of Examiners of Nursing Home Administrators**

24-0901-1801 Temporary and Proposed Rulemaking, Bulletin Vol. 18-7 (eff. 7-1-18)T  
24-0901-1802 Proposed Rulemaking, Bulletin Vol. 18-10  
24-0901-1801 Adoption of Pending Rule, Bulletin Vol. 18-12 (PLR 2019)  
24-0901-1802 Adoption of Pending Rule, Bulletin Vol. 18-12 (PLR 2019)

**24.11.01, Rules of the State Board of Podiatry**

24-1101-1801 Proposed Rulemaking, Bulletin Vol. 18-10  
24-1101-1801 Adoption of Pending Rule, Bulletin Vol. 18-12 (PLR 2019)

**24.12.01, Rules of the State Board of Psychologist Examiners**

24-1201-1801\* Proposed Rulemaking, Bulletin Vol. 18-10  
24-1201-1802 Proposed Rulemaking (Fee Rule), Bulletin Vol. 18-10  
24-1201-1801\* Notice of Vacation of Proposed Rulemaking, Bulletin Vol. 18-12  
24-1201-1802 Adoption of Pending Fee Rule, Bulletin Vol. 18-12 (PLR 2019)

**24.13.01, Rules Governing the Physical Therapy Licensure Board**

24-1301-1801 Proposed Rulemaking, Bulletin Vol. 18-10  
24-1301-1801 Adoption of Pending Rule, Bulletin Vol. 18-12 (PLR 2019)

**24.14.01, Rules of the State Board of Social Work Examiners**

24-1401-1801 Proposed Rulemaking, Bulletin Vol. 18-10  
24-1401-1801 Adoption of Pending Rule, Bulletin Vol. 18-12 (PLR 2019)

**24.15.01, Rules of the Idaho Licensing Board of Professional Counselors and Marriage and Family Therapists**

24-1501-1801 Proposed Rulemaking, Bulletin Vol. 18-8  
24-1501-1802 Proposed Rulemaking, Bulletin Vol. 18-10  
24-1501-1801 Adoption of Pending Rule, Bulletin Vol. 18-12 (PLR 2019)  
24-1501-1802 Adoption of Pending Rule, Bulletin Vol. 18-12 (PLR 2019)

**24.17.01, Rules of the State Board of Acupuncture**

24-1701-1801 Proposed Rulemaking, Bulletin Vol. 18-10  
24-1701-1801 Adoption of Pending Rule, Bulletin Vol. 18-12 (PLR 2019)

**24.18.01, Rules of the Real Estate Appraiser Board**

24-1801-1801 Temporary and Proposed Rulemaking, Bulletin Vol. 18-6 (eff. 5-1-18)T  
24-1801-1802 Proposed Rulemaking (Fee Rule), Bulletin Vol. 18-10  
24-1801-1801 Adoption of Pending Rule, Bulletin Vol. 18-12 (PLR 2019)  
24-1801-1802 Adoption of Pending Fee Rule, Bulletin Vol. 18-12 (PLR 2019)

**24.19.01, Rules of the Board of Residential Care Facility Administrators**

24-1901-1801 Proposed Rulemaking, Bulletin Vol. 18-10  
24-1901-1801 Adoption of Pending Rule, Bulletin Vol. 18-12 (PLR 2019)

**24.23.01, Rules of the Speech, Hearing and Communication Services Licensure Board**

24-2301-1801 Temporary and Proposed Rulemaking, Bulletin Vol. 18-7 (eff. 7-1-18)T  
24-2301-1801 Adoption of Pending Rule, Bulletin Vol. 18-12 (PLR 2019)

**24.25.01, Rules of the Idaho Driving Businesses Licensure Board**

- 24-2501-1801 Proposed Rulemaking, Bulletin Vol. 18-10
- 24-2501-1801 Adoption of Pending Rule, Bulletin Vol. 18-12 (PLR 2019)

**24.26.01, Rules of the Idaho Board of Midwifery**

- 24-2601-1801 Proposed Rulemaking, Bulletin Vol. 18-10
- 24-2601-1801 Adoption of Pending Rule, Bulletin Vol. 18-12 (PLR 2019)

**24.28.01, Rules of the Barber and Cosmetology Services Licensing Board**

- 24-2801-1801 Notice of Adoption of Temporary Rule (New Chapter), Bulletin Vol. 18-8 (eff. 7-2-18)T
- 24-2801-1802 Proposed Rulemaking (New Chapter, Fee Rule), Bulletin Vol. 18-10
- 24-2801-1802 Adoption of Pending Fee Rule (New Chapter), Bulletin Vol. 18-12 (PLR 2019)

**IDAPA 25 – OUTFITTERS AND GUIDES LICENSING BOARD**

**25.01.01, Rules of the Outfitters and Guides Licensing Board**

- 25-0101-1801 Notice of Intent to Promulgate a Rule, Bulletin Vol. 18-6
- 25-0101-1802 Notice of Adoption of Temporary Rule, Bulletin Vol. 18-6 (eff. 3-28-18)T
- 25-0101-1802 Amendment to Temporary Rule, Bulletin Vol. 19-1 (eff. 12-10-18)AT

**IDAPA 26 – DEPARTMENT OF PARKS AND RECREATION**

**26.01.10, Rules Governing the Administration of Temporary Permits on Lands Owned by the Idaho Department of Parks and Recreation**

- 26-0110-1701 Notice of Intent to Promulgate a Rule – Negotiated Rulemaking, Bulletin Vol. 17-10
- 26-0110-1701 Proposed Rulemaking (Fee Rule), Bulletin Vol. 18-7
- 26-0110-1701 Adoption of Pending Fee Rule, Bulletin Vol. 18-10 (eff. PLR 2019)

**26.01.20, Rules Governing the Administration of Park and Recreation Areas and Facilities**

- 26-0120-1701 Notice of Intent to Promulgate a Rule – Negotiated Rulemaking, Bulletin Vol. 17-10
- 26-0120-1701 Proposed Rulemaking, Bulletin Vol. 18-7
- 26-0120-1701 Adoption of Pending Rule, Bulletin Vol. 18-10 (eff. PLR 2019)

**26.01.23, Rules Governing Filming Within Idaho State Parks**

- 26-0123-1701 Notice of Intent to Promulgate a Rule – Negotiated Rulemaking, Bulletin Vol. 17-10
- 26-0123-1701 Proposed Rulemaking, Bulletin Vol. 18-7
- 26-0123-1701 Adoption of Pending Rule, Bulletin Vol. 18-10 (eff. PLR 2019)

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**27.01.01, General Provisions**

- 27-0101-1801 Notice of Intent to Promulgate a Rule – Negotiated Rulemaking, Bulletin Vol. 18-7
- 27-0101-1801 Proposed Rulemaking, Bulletin Vol. 18-10
- 27-0101-1801 Adoption of Pending Rule, Bulletin Vol. 18-12 (PLR 2019)

**27.01.02, Rules Governing Licensure and Registration**

- 27-0102-1801 Adoption of Temporary Fee Rule, Bulletin Vol. 18-4 (eff. 7-1-18)T
- 27-0102-1802 Notice of Intent to Promulgate a Rule – Negotiated Rulemaking, Bulletin Vol. 18-7
- 27-0102-1802 Proposed Rulemaking (Fee Rule), Bulletin Vol. 18-10
- 27-0102-1802 Adoption of Pending Fee Rule, Bulletin Vol. 18-12 (PLR 2019)

**27.01.03, Rules Governing Pharmacy Practice**

- 27-0103-1801 Notice of Intent to Promulgate a Rule – Negotiated Rulemaking, Bulletin Vol. 18-7

- 27-0103-1801 Proposed Rulemaking, Bulletin Vol. 18-10
- 27-0103-1802 Adoption of Temporary Rule, Bulletin Vol. 18-10 (eff. 9-28-18)T
- 27-0103-1801 Adoption of Pending Rule, Bulletin Vol. 18-12 (PLR 2019)

**27.01.04, Rules Governing Pharmacist Prescriptive Authority**

- 27-0104-1801 Adoption of Temporary Rule, Bulletin Vol. 18-6 (eff. 7-1-18)T
- 27-0104-1802 Notice of Intent to Promulgate a Rule – Negotiated Rulemaking, Bulletin Vol. 18-7
- 27-0104-1802 Proposed Rulemaking, Bulletin Vol. 18-10
- 27-0104-1802 Adoption of Pending Rule, Bulletin Vol. 18-12 (PLR 2019)

**27.01.05, Rules Governing Drug Compounding**

- 27-0105-1801 Notice of Intent to Promulgate a Rule – Negotiated Rulemaking, Bulletin Vol. 18-7
- 27-0105-1801 Proposed Rulemaking, Bulletin Vol. 18-10
- 27-0105-1801 Adoption of Pending Rule, Bulletin Vol. 18-12 (PLR 2019)

**27.01.06, Rules Governing DME, Manufacturing, and Distribution**

- 27-0106-1801 Notice of Intent to Promulgate a Rule – Negotiated Rulemaking, Bulletin Vol. 18-7
- 27-0106-1801 Proposed Rulemaking (Chapter Repeal), Bulletin Vol. 18-10
- 27-0106-1801 Adoption of Pending Rule (Chapter Repeal), Bulletin Vol. 18-12 (PLR 2019)

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**28.02.03, Rules of the Idaho Regional Travel and Convention Grant Program**

- 28-0203-1801 Adoption of Temporary Rule, Bulletin Vol. 18-5 (eff. 3-2-18)T
- 28-0203-1802 Proposed Rulemaking, Bulletin Vol. 18-10
- 28-0203-1802 Adoption of Pending Rule, Bulletin Vol. 19-1 (PLR 2019)

***IDAPA 29 – IDAHO POTATO COMMISSION***

**29.01.03, Rules Governing Nominations and Elections for Candidates to Be Selected for Commissioner**

- 29-0103-1801 Notice of Intent to Promulgate a Rule – Negotiated Rulemaking (New Chapter), Bulletin Vol. 18-7
- 29-0103-1802 Adoption of Temporary Rule (New Chapter), Bulletin Vol. 18-10 (eff. 8-29-18)T

***IDAPA 30 – IDAHO COMMISSION FOR LIBRARIES***

**30.01.01, Rules of the Idaho Commission for Libraries Governing the Use of Commission Services**

- 30-0101-1801 Proposed Rulemaking, Bulletin Vol. 18-7
- 30-0101-1801 Notice of Adoption of Pending Rule, Bulletin Vol. 18-9 (PLR 2019)

***IDAPA 31 – PUBLIC UTILITIES COMMISSION***

**31.11.01, Safety and Accident Reporting Rules for Utilities Regulated by Idaho Public Utilities Commission**

- 31-1101-1801 Proposed Rulemaking, Bulletin Vol. 18-10
- 31-1101-1801 Adoption of Pending Rule, Bulletin Vol. 18-12 (PLR 2019)

**31.71.03, Railroad Safety and Accident Reporting Rules**

- 31-7103-1801 Proposed Rulemaking, Bulletin Vol. 18-10
- 31-7103-1801 Adoption of Pending Rule, Bulletin Vol. 18-12 (PLR 2019)

***IDAPA 34 – SECRETARY OF STATE***

**34.06.02, Rules Governing the Electronic Recording of Plats, Records of Survey, and Corner Records**

- 34-0602-1801 Notice of Intent to Promulgate a Rule – Negotiated Rulemaking (New Chapter), Bulletin Vol. 18-6
- 34-0602-1801 Proposed Rulemaking, Bulletin Vol. 18-8
- 34-0602-1801 Adoption of Pending Rule (New Chapter), Bulletin Vol. 19-1 (PLR 2019)

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**35.01.01, Income Tax Administrative Rules**

- 35-0101-1801 Proposed Rulemaking, Bulletin Vol. 18-8
- 35-0101-1802 Notice of Adoption of Temporary Rule, Bulletin Vol. 18-8 (eff. 1-1-18)T
- 35-0101-1803 Notice of Adoption of Temporary Rule, Bulletin Vol. 18-9 (eff. 1-1-18)T
- 35-0101-1804 Proposed Rulemaking, Bulletin Vol. 18-10
- 35-0101-1805 Adoption of Temporary Rule, Bulletin Vol. 18-11 (eff. 1-1-18)T
- 35-0101-1801 Adoption of Pending Rule, Bulletin Vol. 19-1 (PLR 2019)
- 35-0101-1804 Adoption of Pending Rule, Bulletin Vol. 19-1 (PLR 2019)
- 35-0101-1901 Adoption of Temporary Rule, Bulletin Vol. 19-2 (eff. 1-4-19)T

**35.01.02, Idaho Sales and Use Tax Administrative Rules**

- 35-0102-1801 Notice of Intent to Promulgate a Rule – Negotiated Rulemaking, Bulletin Vol. 18-5
- 35-0102-1802 Notice of Intent to Promulgate a Rule – Negotiated Rulemaking, Bulletin Vol. 18-6
- 35-0102-1803 Notice of Intent to Promulgate a Rule – Negotiated Rulemaking, Bulletin Vol. 18-7
- 35-0102-1801 Proposed Rulemaking, Bulletin Vol. 18-8
- 35-0102-1802 Proposed Rulemaking, Bulletin Vol. 18-10
- 35-0102-1803 Proposed Rulemaking, Bulletin Vol. 18-10
- 35-0102-1801 Adoption of Pending Rule, Bulletin Vol. 19-1 (PLR 2019)
- 35-0102-1802 Adoption of Pending Rule, Bulletin Vol. 19-1 (PLR 2019)
- 35-0102-1803 Adoption of Pending Rule, Bulletin Vol. 19-1 (PLR 2019)

**35.01.03, Property Tax Administrative Rules**

- 35-0103-1801 Notice of Intent to Promulgate a Rule – Negotiated Rulemaking, Bulletin Vol. 18-5
- 35-0103-1802 Notice of Intent to Promulgate a Rule – Negotiated Rulemaking, Bulletin Vol. 18-6
- 35-0103-1803 Notice of Intent to Promulgate a Rule – Negotiated Rulemaking, Bulletin Vol. 18-7
- 35-0103-1804 Adoption of Temporary Rule, Bulletin Vol. 18-7 (eff. 5-23-18)T
- 35-0103-1805 Adoption of Temporary Rule, Bulletin Vol. 18-7 (eff. 1-1-18)T
- 35-0103-1801 Proposed Rulemaking, Bulletin Vol. 18-9
- 35-0103-1802 Proposed Rulemaking, Bulletin Vol. 18-9
- 35-0103-1803 Proposed Rulemaking, Bulletin Vol. 18-9
- 35-0103-1803 Correction to Notice of Proposed Rulemaking, Bulletin Vol. 18-10
- 35-0103-1801 Adoption of Pending Rule, Bulletin Vol. 19-1 (PLR 2019)
- 35-0103-1802 Adoption of Pending Rule, Bulletin Vol. 19-1 (PLR 2019)
- 35-0103-1803 Adoption of Pending Rule, Bulletin Vol. 19-1 (PLR 2019)

**35.01.05, Motor Fuels Tax Administrative Rules**

- 35-0105-1801 Notice of Intent to Promulgate a Rule – Negotiated Rulemaking, Bulletin Vol. 18-6
- 35-0105-1801 Proposed Rulemaking, Bulletin Vol. 18-8
- 35-0105-1801 Adoption of Pending Rule, Bulletin Vol. 19-1 (PLR 2019)

**35.01.06, Hotel/Motel Room and Campground Sales Tax Administrative Rules**

- 35-0106-1801 Notice of Intent to Promulgate a Rule – Negotiated Rulemaking, Bulletin Vol. 18-6
- 35-0106-1801 Proposed Rulemaking, Bulletin Vol. 18-9
- 35-0106-1801 Adoption of Pending Rule, Bulletin Vol. 19-1 (PLR 2019)

**35.01.09, Idaho County Option Kitchen and Table Wine Tax Administrative Rules**

- 35-0109-1801 Proposed Rulemaking, Bulletin Vol. 18-6

**35-0109-1801** Adoption of Pending Rule, Bulletin Vol. 19-1 (PLR 2019)

**35.01.10, Idaho Cigarette and Tobacco Products Tax Administrative Rules**

**35-0110-1801** Notice of Intent to Promulgate a Rule – Negotiated Rulemaking, Bulletin Vol. 18-6  
**35-0110-1802** Proposed Rulemaking, Bulletin Vol. 18-6  
**35-0110-1801** Proposed Rulemaking, Bulletin Vol. 18-9  
**35-0110-1801** Adoption of Pending Rule, Bulletin Vol. 19-1 (PLR 2019)  
**35-0110-1802** Adoption of Pending Rule, Bulletin Vol. 19-1 (PLR 2019)

**35.01.14, Prepaid Wireless E911 Fee Administrative Rules**

**35-0114-1801** Notice of Intent to Promulgate a Rule – Negotiated Rulemaking, Bulletin Vol. 18-7  
**35-0114-1801** Proposed Rulemaking, Bulletin Vol. 18-9  
**35-0114-1801** Adoption of Pending Rule, Bulletin Vol. 19-1 (PLR 2019)

**35.02.01, Tax Commission Administration and Enforcement Rules**

**35-0201-1801** Proposed Rulemaking, Bulletin Vol. 18-10  
**35-0201-1801** Adoption of Pending Rule, Bulletin Vol. 19-1 (PLR 2019)

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**37.03.13, The Water Management Rules**

**37-0313-9701** Notice of Intent to Promulgate a Rule – Negotiated Rulemaking, Bulletin Vol. 97-12  
**37-0313-9701** Proposed Rulemaking, Bulletin Vol. 98-10  
**37-0313-9701** Notice of Intent to Promulgate Rules – Negotiated Rulemaking (2nd Notice), Bulletin Vol. 00-11

**IDAPA 38 – IDAHO DEPARTMENT OF ADMINISTRATION**

**38.04.04, Rules Governing Capitol Mall Parking**

**38-0404-1801** Notice of Adoption of Temporary Rule, Bulletin Vol. 18-12 (11-7-18)T (*Temporary rule expires 1-4-19*)

**38.04.09, Rules Governing Use of the Chinden Office Complex**

**38-0409-1801** Adoption of Temporary Rule (New Chapter), Bulletin Vol. 18-2 (eff. 12-21-17)T  
**38-0409-1801** OARC Omnibus Notice of Legislative Action – Extension of Temporary Rule by SCR 150, Bulletin Vol. 18-5 (eff. 12-21-17)T  
**38-0409-1801** Notice of Amendment to Temporary Rule (New Chapter), Bulletin Vol. 18-9 (eff. 9-5-18)AT  
**38-0409-1802** Proposed Rulemaking (New Chapter), Bulletin Vol. 18-9  
**38-0409-1802** Adoption of Pending Rule, Bulletin Vol. 18-11 (eff. PLR 2019)

**38.05.01, Rules of the Division of Purchasing**

**38-0501-1801** Notice of Intent to Promulgate a Rule – Negotiated Rulemaking, Bulletin Vol. 18-6  
**38-0501-1801** Proposed Rulemaking, Bulletin Vol. 18-10  
**38-0501-1801** Adoption of Pending Rule, Bulletin Vol. 18-12 (PLR 2019)

**38.06.01, Rules of the Department of Administration Governing Billing Procedures of the Office of the Chief Information Officer (Rule Transferred to IDAPA 15.07.01 – eff. 7-1-18))**

**38-0601-1800** Notice of Legislative Action Creating the Office of Information Technology Service (ITS) and Transferring Rulemaking Authority from the Department of Administration’s Office of the Chief Information Officer to ITS – House Bill 607 (2018), Bulletin Vol. 18-6 (eff. 7-1-18)

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**39.02.46, Rules Governing Temporary Motor Vehicle Registration Permit**

- 39-0246-1801 Notice of Intent to Promulgate a Rule – Negotiated Rulemaking, Bulletin Vol. 18-7
- 39-0246-1801 Proposed Rulemaking, Bulletin Vol. 18-9
- 39-0246-1801 Adoption of Pending Rule, Bulletin Vol. 18-11 (eff. PLR 2019)

**39.02.61, Rules Governing License Plates for Governmental Agencies and Taxing Districts**

- 39-0261-1801 Temporary and Proposed Rulemaking, Bulletin Vol. 18-7 (eff. 6-21-18)T
- 39-0261-1801 Adoption of Pending Rule, Bulletin Vol. 18-9 (PLR 2019)

**OMNIBUS RULEMAKING – 39.03.01 through 39.03.25:**

**Rules that Regulate Vehicles and/or Loads that are Required to Operate Under an Overlegal Permit**

- 39-0300-1801 Notice of Intent to Promulgate Rules – Negotiated Rulemaking (Multiple Chapter Rulemaking), Bulletin Vol. 18-5

**39.03.01, Rules Governing Definitions Regarding Overlegal Permits**

- 39-0300-1801 Notice of Intent to Promulgate Rules - Negotiated Rulemaking (Multiple Chapter Rulemaking), Bulletin Vol. 18-5
- 39-0301-1801 Proposed Rulemaking (Chapter Repeal), Bulletin Vol. 18-10
- 39-0301-1801 Adoption of Pending Rule (Chapter Repeal), Bulletin Vol. 18-12 (PLR 2019)

**39.03.01, Rules Governing Definitions Regarding Special Permits (New Chapter)**

- 39-0300-1801 Notice of Intent to Promulgate Rules - Negotiated Rulemaking (Multiple Chapter Rulemaking), Bulletin Vol. 18-5
- 39-0301-1802 Proposed Rulemaking (New Chapter), Bulletin Vol. 18-10
- 39-0301-1802 Adoption of Pending Rule (New Chapter), Bulletin Vol. 18-12 (PLR 2019)

**39.03.02, Rules Governing Movement of Disabled Vehicles (New Chapter)**

- 39-0300-1801 Notice of Intent to Promulgate Rules - Negotiated Rulemaking (Multiple Chapter Rulemaking), Bulletin Vol. 18-5
- 39-0302-1801 Proposed Rulemaking (New Chapter), Bulletin Vol. 18-10
- 39-0302-1801 Adoption of Pending Rule (New Chapter), Bulletin Vol. 18-12 (PLR 2019)

**39.03.03, Rules Governing Special Permits - General Conditions and Requirements (New Chapter)**

- 39-0300-1801 Notice of Intent to Promulgate Rules - Negotiated Rulemaking (Multiple Chapter Rulemaking), Bulletin Vol. 18-5
- 39-0303-1801 Proposed Rulemaking (New Chapter, Fee Rule), Bulletin Vol. 18-10
- 39-0303-1801 Adoption of Pending Fee Rule (New Chapter), Bulletin Vol. 18-12 (PLR 2019)

**39.03.04, Rules Governing Movement of Disabled Vehicles**

- 39-0300-1801 Notice of Intent to Promulgate Rules - Negotiated Rulemaking (Multiple Chapter Rulemaking), Bulletin Vol. 18-5
- 39-0304-1801 Proposed Rulemaking (Chapter Repeal), Bulletin Vol. 18-10
- 39-0304-1801 Adoption of Pending Rule (Chapter Repeal), Bulletin Vol. 18-12 (PLR 2019)

**39.03.04, Rules Governing Special Permits - Overweight Non-Reducible (New Chapter)**

- 39-0300-1801 Notice of Intent to Promulgate Rules - Negotiated Rulemaking (Multiple Chapter Rulemaking), Bulletin Vol. 18-5
- 39-0304-1802 Proposed Rulemaking (New Chapter), Bulletin Vol. 18-10
- 39-0304-1802 Adoption of Pending Rule (New Chapter), Bulletin Vol. 18-12 (PLR 2019)

**39.03.05, Rules Governing Variable Load Suspension Axles**

- 39-0300-1801 Notice of Intent to Promulgate Rules - Negotiated Rulemaking (Multiple Chapter Rulemaking), Bulletin Vol. 18-5
- 39-0305-1801 Proposed Rulemaking (Chapter Repeal), Bulletin Vol. 18-10
- 39-0305-1801 Adoption of Pending Rule (Chapter Repeal), Bulletin Vol. 18-12 (PLR 2019)

**39.03.05, Rules Governing Special Permits - Oversize Non-Reducible (New Chapter)**

- 39-0300-1801 Notice of Intent to Promulgate Rules - Negotiated Rulemaking (Multiple Chapter Rulemaking), Bulletin Vol. 18-5
- 39-0305-1802 Proposed Rulemaking (New Chapter), Bulletin Vol. 18-10
- 39-0305-1802 Adoption of Pending Rule (New Chapter), Bulletin Vol. 18-12 (PLR 2019)

**39.03.06, Rules Governing Allowable Vehicle Size**

- 39-0300-1801 Notice of Intent to Promulgate Rules - Negotiated Rulemaking (Multiple Chapter Rulemaking), Bulletin Vol. 18-5

- 39-0306-1801** Proposed Rulemaking (Chapter Repeal), Bulletin Vol. 18-10
- 39-0306-1801** Adoption of Pending Rule (Chapter Repeal), Bulletin Vol. 18-12 (PLR 2019)

***39.03.06, Rules Governing Special Permits for Extra-Length/Excess Weight, Up to 129,000 Pound Vehicle Combinations (New Chapter)***

- 39-0300-1801** Notice of Intent to Promulgate Rules - Negotiated Rulemaking (Multiple Chapter Rulemaking), Bulletin Vol. 18-5
- 39-0306-1802** Proposed Rulemaking (New Chapter), Bulletin Vol. 18-10
- 39-0306-1802** Adoption of Pending Rule (New Chapter), Bulletin Vol. 18-12 (PLR 2019)

***39.03.07, Rules Governing Restricted Routes for Semitrailers***

- 39-0300-1801** Notice of Intent to Promulgate Rules - Negotiated Rulemaking (Multiple Chapter Rulemaking), Bulletin Vol. 18-5
- 39-0307-1801** Proposed Rulemaking (Chapter Repeal), Bulletin Vol. 18-10
- 39-0307-1801** Adoption of Pending Rule (Chapter Repeal), Bulletin Vol. 18-12 (PLR 2019)

***39.03.07, Rules Governing Special Permits for Reducible Loads (New Chapter)***

- 39-0300-1801** Notice of Intent to Promulgate Rules - Negotiated Rulemaking (Multiple Chapter Rulemaking), Bulletin Vol. 18-5
- 39-0307-1802** Proposed Rulemaking (New Chapter), Bulletin Vol. 18-10
- 39-0307-1802** Adoption of Pending Rule (New Chapter), Bulletin Vol. 18-12 (PLR 2019)

***39.03.08, Rules Governing Self-Propelled Snowplows (New Chapter)***

- 39-0300-1801** Notice of Intent to Promulgate Rules - Negotiated Rulemaking (Multiple Chapter Rulemaking), Bulletin Vol. 18-5
- 39-0308-1801** Proposed Rulemaking (New Chapter), Bulletin Vol. 18-10
- 39-0308-1801** Adoption of Pending Rule (New Chapter), Bulletin Vol. 18-12 (PLR 2019)

***39.03.09, Rules Governing Overlegal Permits - General Conditions and Requirements***

- 39-0300-1801** Notice of Intent to Promulgate Rules - Negotiated Rulemaking (Multiple Chapter Rulemaking), Bulletin Vol. 18-5
- 39-0309-1801** Proposed Rulemaking (Chapter Repeal), Bulletin Vol. 18-10
- 39-0309-1801** Adoption of Pending Rule (Chapter Repeal), Bulletin Vol. 18-12 (PLR 2019)

***39.03.10, Rules Governing When An Overlegal Permit Is Required***

- 39-0300-1801** Notice of Intent to Promulgate Rules - Negotiated Rulemaking (Multiple Chapter Rulemaking), Bulletin Vol. 18-5
- 39-0310-1801** Proposed Rulemaking (Chapter Repeal), Bulletin Vol. 18-10
- 39-0310-1801** Adoption of Pending Rule (Chapter Repeal), Bulletin Vol. 18-12 (PLR 2019)

***39.03.11, Rules Governing Overlegal Permittee Responsibility and Travel Restrictions***

- 39-0300-1801** Notice of Intent to Promulgate Rules - Negotiated Rulemaking (Multiple Chapter Rulemaking), Bulletin Vol. 18-5
- 39-0311-1801** Proposed Rulemaking (Chapter Repeal), Bulletin Vol. 18-10
- 39-0311-1801** Adoption of Pending Rule (Chapter Repeal), Bulletin Vol. 18-12 (PLR 2019)

***39.03.12, Rules Governing Safety Requirements of Overlegal Permits***

- 39-0300-1801** Notice of Intent to Promulgate Rules - Negotiated Rulemaking (Multiple Chapter Rulemaking), Bulletin Vol. 18-5
- 39-0312-1801** Proposed Rulemaking (Chapter Repeal), Bulletin Vol. 18-10
- 39-0312-1801** Adoption of Pending Rule (Chapter Repeal), Bulletin Vol. 18-12 (PLR 2019)

***39.03.13, Rules Governing Overweight Permits***

- 39-0300-1801** Notice of Intent to Promulgate Rules - Negotiated Rulemaking (Multiple Chapter Rulemaking), Bulletin Vol. 18-5
- 39-0313-1801** Proposed Rulemaking (Chapter Repeal), Bulletin Vol. 18-10
- 39-0313-1801** Adoption of Pending Rule (Chapter Repeal), Bulletin Vol. 18-12 (PLR 2019)

***39.03.14, Rules Governing Policy During Spring Breakup Season***

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