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**IDAPA 17
TITLE 01
CHAPTER 01**

IDAPA 17 - INDUSTRIAL COMMISSION

17.01.01 - RULES OF ADMINISTRATIVE PROCEDURE OF THE IDAHO INDUSTRIAL COMMISSION

000. LEGAL AUTHORITY.

This chapter is adopted under the legal authority of Sections 67-5206(2), 67-5206(3), 67-5206(4), and 72-508, Idaho Code. (7-1-93)

001. TITLE AND SCOPE.

The title of this chapter is "Rules of Administrative Procedure of the Idaho Industrial Commission." This chapter is intended to adopt the provisions of IDAPA 04.11.01, "Idaho Rules of Administrative Procedure of the Attorney General," as they relate to procedural rules for rulemaking and to opt out of the provisions of IDAPA 04.11.01, "Idaho Rules of Administrative Procedure of the Attorney General," as they relate to procedures in contested cases. The Industrial Commission is exempted from the provisions of Chapter 52, Title 67, Idaho Code, as to promulgation and adoption of rules involving judicial matters. (7-1-93)

002. WRITTEN INTERPRETATIONS.

Written interpretations of these rules are available from the office of the Attorney General, State Capitol, Boise, Idaho 83720. Such interpretations are in the form of explanatory comments accompanying the notice of proposed rulemaking that originally proposed the rules and review of comments submitted in the rulemaking in the adoption of IDAPA 04.11.01, "Idaho Rules of Administrative Procedure of the Attorney General." (7-1-93)

003. ADMINISTRATIVE APPEALS.

This chapter does not provide for administrative appeal of rulemaking before the Idaho Industrial Commission. (7-1-93)

004. INCLUSIVE GENDER.

For all sections and subsections of all Industrial Commission administrative rules, the terms and references used in the masculine include the feminine and vice versa, as appropriate. (7-6-94)

005. SEVERABILITY.

The sections and subsections of these rules 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. (7-6-94)

006. DEFINITIONS.

01. Administrative Code. The Idaho administrative code established in Chapter 52, Title 67, Idaho Code. (7-1-93)

02. Agency Action. Agency action means: (7-1-93)

a. The whole or part of a rule; (7-1-93)

b. The failure to issue a rule; or (7-1-93)

c. The Commission's performance of, or failure to perform, any duty placed on it by law. (7-1-93)

03. Agency Head. The three-member commission created pursuant to Section 72-501, Idaho Code. (7-1-93)

04. Bulletin. The Idaho Administrative Bulletin established in Chapter 52, Title 67, Idaho Code. (7-1-93)

- 05. Contested Case.** A proceeding which results in the issuance of an order. (7-1-93)
- 06. Commission.** The Idaho Industrial Commission created pursuant to Section 72-501, Idaho Code. (7-1-93)
- 07. Coordinator.** The administrative rules coordinator prescribed in Section 67-5202, Idaho Code. (7-1-93)
- 08. Document.** Any proclamation, executive order, notice, rule or statement of policy of an agency. (7-1-93)
- 09. License.** The whole or part of any agency permit, certificate, approval, registration, charter, or similar form of authorization required by law, but does not include a license required solely for revenue purposes. (7-1-93)
- 10. Official Text.** The text of a document issued, prescribed, or promulgated by an agency in accordance with this chapter, and is the only legally enforceable text of such document. (7-1-93)
- 11. Order.** An agency action of particular applicability that determines the legal rights, duties, privileges, immunities or other legal interests of one (1) or more specific persons. (7-1-93)
- 12. Party.** Each person or agency named or admitted as a party, or properly seeking and entitled as of right to be admitted as a party. (7-1-93)
- 13. Person.** Any individual, partnership, corporation, association, governmental subdivision or agency, or public or private organization or entity of any character. (7-1-93)
- 14. Provision of Law.** The whole or a part of the state or federal constitution, or of any state or federal: (7-1-93)
- a.** Statute; or (7-1-93)
 - b.** Rule or decision of the court. (7-1-93)
- 15. Publish.** To bring before the public by publication in the bulletin or administrative code, or as otherwise specifically provided by law. (7-1-93)
- 16. Rule.** The whole or a part of an agency statement of general applicability that has been promulgated in compliance with the provisions of Chapter 52, Title 67, Idaho Code, and that implements, interprets, or prescribes: (7-1-93)
- a.** Law or policy, or (7-1-93)
 - b.** The procedure or practice requirements of an agency. The term includes the amendment, repeal, or suspension of an existing rule, but does not include: (7-1-93)
 - i.** Statements concerning only the internal management or internal personnel policies of an agency and not affecting private rights of the public or procedures available to the public; (7-1-93)
 - ii.** Declaratory rulings issued pursuant to section 67-5232, Idaho Code, or the Commission's Judicial Rules of Practice and Procedure; (7-1-93)
 - iii.** Intra-agency memoranda; (7-1-93)
 - iv.** Any written statements given by an agency which pertain to an interpretation of a rule or to the documentation of compliance with a rule; or (7-1-93)

- v. Statements of general applicability related to judicial process or procedure before the Commission. (7-1-93)
- 17. Rulemaking.** The process for formulation, adoption, amendment or repeal of a rule. (7-1-93)
- 007. (RESERVED).**
- 008. OFFICE -- OFFICE HOURS -- MAILING ADDRESS AND STREET ADDRESS.**
 - 01. Office Hours.** Monday through Friday (except state holidays), 8:00 a.m. to 5:00 p.m., mountain time. (7-1-93)
 - 02. Address.** The street address and the mailing address for the Commission is: Idaho Industrial Commission, 317 Main Street, Statehouse Mail, Boise, Idaho 83720-6000. (7-1-93)
 - 03. Telephones.** The Commission uses the following telephone numbers: (7-1-93)
 - a. Business: (208) 334-6000. (7-1-93)
 - b. Toll free and V/TDD: (800) 950-2110. (7-1-93)
 - c. Fax: (208) 334-2321. (7-1-93)
- 009. (RESERVED).**
- 010. FILING OF DOCUMENTS -- NUMBER OF COPIES.**

Whenever a statute, these, or other rules or notice requires or allows the filing of documents in a rulemaking case, such documents must be filed by mailing or delivering the original only of such document to the Commission Secretary at the Commission office specified in Section 008 of this chapter. (7-1-93)
- 011. EFFECTIVE DATE.**

Unless otherwise indicated, the effective date of every rule in this chapter is July 1, 1993. (7-1-93)
- 012. GENERAL PROVISIONS.**

The Commission affirmatively declines to adopt the general provisions promulgated as IDAPA 04, Title 11, Chapter 01, Subchapter A, "Idaho Rules of Administrative Procedure of the Attorney General." (7-1-93)
- 013. -- 020. (RESERVED).**
- 021. RULES REGARDING CONTESTED CASES.**

The Commission affirmatively declines to adopt the contested-case provisions promulgated as Subchapter B of the "Idaho Rules of Administrative Procedure of the Attorney General," IDAPA 04.11.01, Sections 100 through 799. Procedures regarding contested cases fall within the Commission's Judicial Rules of Practice and Procedure Under the Idaho Workers' Compensation Law or the Revised Rules of Practice and Procedure of the Industrial Commission Under the Employment Security Law, as amended, as matters exempted from Chapter 52, Title 67, Idaho Code, by Section 72-508, Idaho Code. (7-1-93)
- 022. -- 030. (RESERVED).**
- 031. RULES REGARDING RULEMAKING.**

The Commission accepts the adoption of rules regarding rulemaking promulgated as Subchapter C of the "Idaho Rules of Administrative Procedure of the Attorney General," IDAPA 04.11.01, Sections 800 through 999 as the Commission's own rules of administrative procedure for rulemaking. (7-1-93)
- 032. -- 049. (RESERVED).**

050. PROCEEDINGS GOVERNED.

This chapter governs procedure before the Commission in rulemaking unless otherwise provided by rule or notice of the Commission. (7-1-93)

051. REFERENCE TO AGENCY.

Reference to the agency in these rules includes the Commission, agency secretary, hearing officer appointed by the agency, or presiding officer, as context requires. Reference to the agency head means to the Commission, as context requires, or such other officer designated by the agency head to review recommended or preliminary orders. (7-1-93)

052. LIBERAL CONSTRUCTION.

The rules in this chapter will be liberally construed to secure just, speedy and economical determination of all issues presented to the Commission. Unless prohibited by statute, the Commission may permit deviation from these rules when it finds that compliance with them is impracticable, unnecessary or not in the public interest. (7-1-93)

053. (RESERVED).

054. IDENTIFICATION OF COMMUNICATIONS.

Parties' communications addressing or pertaining to a given proceeding must be written under that proceeding's case caption and case number. General communications by other persons should refer to case captions, case numbers, permit or license numbers, or the like if this information is known. (7-1-93)

055. SERVICE BY AGENCY.

Unless otherwise provided by statute or these rules, the officer designated by the agency to serve rules and notices issued by the agency may serve these documents by certified mail, return receipt requested, to a party's last known mailing address or by personal service. Unless otherwise provided by statute, service of rules notices is complete when a copy, properly addressed and stamped, is deposited in the United States mail or the Statehouse mail, if the party is a state employee or state agency. The officer designated by the agency to serve documents in a proceeding must serve all orders and notices in a proceeding on the representatives of each party designated pursuant to these rules for that proceeding and upon other persons designated by these rules or by the agency. (7-1-93)

056. COMPUTATION OF TIME.

Whenever statute, these or other rules or notice requires an act to be done within a certain number of days of a given day, the given day is not included in the count. If the day the act must be done is Saturday, Sunday or a legal holiday, the act may be done on the first day following that is not Saturday, Sunday or a legal holiday. (7-1-93)

057. FEES AND REMITTANCES.

Fees and remittances to the agency must be paid by money order, bank draft or check payable to the agency. Remittances in currency or coin are wholly at the risk of the remitter, and the agency assumes no responsibility for their loss. (7-1-93)

058. -- 999. (RESERVED).

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