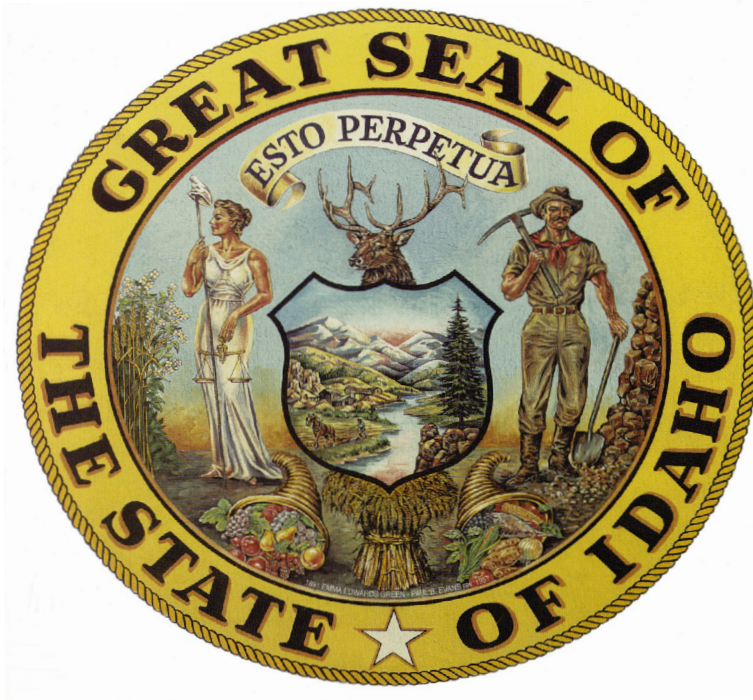


IDAHO ADMINISTRATIVE BULLETIN

November 1, 2023 – Vol. 23-11

Office of the Governor
Division of Financial Management
Office of the Administrative Rules Coordinator



The Idaho Administrative Bulletin is published monthly by the Office of the Administrative Rules Coordinator, Division of Financial Management, Office of the Governor, pursuant to Title 67, Chapter 52, Idaho Code.

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PREFACE

The Idaho Administrative Bulletin is an electronic-only, online monthly publication of the Office of the Administrative Rules Coordinator, Division of Financial Management, 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 **19-1** refers to the first Bulletin issued in calendar year **2019**; Bulletin **20-1** refers to the first Bulletin issued in calendar year **2020**. Volume numbers, which proceed from 1 to 12 in a given year, correspond to the months of publication, i.e.; Volume No. **19-1** refers to January 2019; Volume No. **20-2** refers to February 2020; and so forth. Example: The Bulletin published in January 2019 is cited as Volume **19-1**. The December 2019 Bulletin is cited as Volume **19-12**.

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 Bulletin publication. 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 sections to which a two-digit “TITLE” number is assigned. There are “CHAPTER” numbers assigned within the Title and the rule text is divided among major sections that are further subdivided into subsections. An example IDAPA number is as follows:

IDAPA 38.05.01.200.02.c.ii.

“**IDAPA**” refers to Administrative Rules in general that are subject to the Administrative Procedures Act and are required by this act to be published in the Idaho Administrative Code and the Idaho Administrative Bulletin.

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

“**05.**” refers to Title **05**, which is the Department of 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. 38-0501-1901”

“**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**).

“**1901**” 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 2019**. A subsequent rulemaking on this same rule chapter in calendar year 2019 would be designated as “**1902**”. The docket number in this scenario would be 38-0501-**1902**.

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 YEAR 2023

Vol. No.	Monthly Issue of Bulletin	ARRF Due to DFM	Closing Date for Agency Filing	Bulletin Publication Date	21-day Comment Period End Date
23-2	February 2023	December 23, 2023	January 6, 2023	February 1, 2023	February 22, 2023
23-3	March 2023	January 27, 2023	February 10, 2023	March 1, 2023	March 22, 2023
23-4	April 2023	February 24, 2023	March 10, 2023	April 5, 2023	April 26, 2023
23-5	May 2023	March 24, 2023	April 7, 2023	May 3, 2023	May 24, 2023
23-6	June 2023	April 21, 2023	May 5, 2023	June 7, 2023	June 28, 2023
23-7	July 2023	May 26, 2023	June 9, 2023	July 5, 2023	July 26, 2023
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23-9	September 2023	July 21, 2023	August 4, 2023	September 6, 2023	September 27, 2023
23-10	October 2023	August 18, 2023	*September 1, 2023	October 4, 2023	October 25, 2023
23-11	November 2023	September 22, 2023	October 6, 2023	November 1, 2023	November 22, 2023
23-12	December 2023	October 27, 2023	November 9, 2023	December 6, 2023	December 27, 2023
24-1	January 2024	November 13, 2023	**November 27, 2023	January 3, 2024	January 24, 2024

BULLETIN PUBLICATION SCHEDULE FOR YEAR 2024

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24-6	June 2024	April 19, 2024	May 3, 2024	June 5, 2024	June 26, 2024
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24-8	August 2024	June 21, 2024	July 5, 2024	August 7, 2024	August 28, 2024
24-9	September 2024	July 19, 2024	August 2, 2024	September 4, 2024	September 25, 2024
24-10	October 2024	August 16, 2024	*August 30, 2024	October 2, 2024	October 23, 2024
24-11	November 2024	September 20, 2024	October 4, 2024	November 6, 2024	November 27, 2024
24-12	December 2024	October 25, 2024	November 8, 2024	December 4, 2024	December 25, 2024
25-1	January 2025	November 15, 2024	**November 29, 2024	January 1, 2025	January 22, 2025

***Last day to submit a proposed rule for the rulemaking to remain on course for review by the upcoming legislature.**

****Last day to submit a pending rule to be reviewed by the upcoming legislature.**

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IDAPA 02 – DEPARTMENT OF AGRICULTURE
02.06.09 – RULES GOVERNING INVASIVE SPECIES AND NOXIOUS WEEDS
DOCKET NO. 02-0609-2303
NOTICE OF RULEMAKING – ADOPTION OF TEMPORARY RULE

EFFECTIVE DATE: The effective date of the temporary rule is October 19, 2023.

AUTHORITY: In compliance with Sections 67-5226, Idaho Code, notice is hereby given this agency has adopted a temporary rule. The action is authorized pursuant to Sections 22-2004, 22-2006, 22-2012, and 22-2013, Idaho Code.

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

Invasive quagga mussel samples were recently discovered in the Snake River. Left unchecked, quagga mussels pose a significant threat to the health and safety of Idaho’s environment, and water use as well as threaten Idaho’s economy. Accordingly, the Director has exercised the authority granted to them under Idaho law to quarantine certain areas of the snake river until the Department is able to eradicate any existing quagga mussels. This new temporary rule shrinks the scope of the original quarantine established by the Director in September, 2023 due to the ongoing success of the Department’s treatment efforts.

TEMPORARY RULE JUSTIFICATION: Pursuant to Section(s) 67-5226(1)(a), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate for the following reasons: Protection for and maintaining the safety of property and aquatic plant life.

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: There is no fee being charged by this temporary rule.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the temporary rule, contact Lloyd Knight.

DATED this 19th day of October, 2023.

Lloyd B. Knight
Deputy Director
Idaho State Department of Agriculture
2270 Old Penitentiary Road
P.O. Box 7249
Boise, ID 83707
Phone: (208) 332-8615
Email: lloyd.knight@isda.idaho.gov

THE FOLLOWING IS THE TEXT OF THE TEMPORARY RULE FOR DOCKET NO. 02-0609-2302
(Only Those Sections With Amendments Are Shown.)

135. SNAKE RIVER QUARANTINE.

ISDA has issued a quarantine of the Snake River from Twin Falls to Niagara Springs the partial bridge structure at the bottom of Yingst Grade (known as “the Broken Bridge”, “Yingst Grade Bridge”, the “Old Interstate Bridge”), which is approximately one-half (1\2) mile upstream of Auger Falls, to contain and treat quagga mussels. All public access to the Snake River between these areas is prohibited during ISDA’s active treatment and response plan.

~~(9-21-23)T~~(10-19-23)T

IDAPA 08 – STATE BOARD OF EDUCATION

08.01.13 – RULES GOVERNING THE OPPORTUNITY SCHOLARSHIP PROGRAM

DOCKET NO. 08-0113-2303

NOTICE OF RULEMAKING – ADOPTION OF TEMPORARY RULE

EFFECTIVE DATE: The effective date of the temporary rule is November 1, 2023.

AUTHORITY: In compliance with Sections 67-5226, Idaho Code, notice is hereby given this agency has adopted a temporary rule. The action is authorized pursuant Article IX, Section 2, Idaho Constitution and under Sections 33-105, 33-4303, and 33-4304, Idaho Code.

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

The temporary rule removes a reference to a four-year institution as this reference is unnecessary. The monetary value described in subsection 300.02.iv. is a prorated calculated based on ranges of credits earned if the credits earned in an academic year are less than twenty-four (24) credits. This recognizes the organizations prorated maximum award for adult learners.

The temporary rule also clarifies that scholarship recipients attending a two (2) year public postsecondary institution are eligible to renew a scholarship award only if the initial award was offered and accepted prior to July 1, 2023 and the student has completed a minimum of 18 credit hours for each academic year that the student received the award.

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

Addressing the continuing eligibility requirements for student recipients attending two (2) year public postsecondary institutions, clarifies that grant awards offered and accepted prior to the statutory change (effective July 1, 2023) will be administered as per the law in effect when the award was offered and accepted. This change holds students harmless. As the current law requires and the rule reflects, no new awards may be granted to students for the purpose of attending a community college on or after July 1, 2023.

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

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year resulting from this rulemaking: None

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the temporary rule, contact Nicholas Wagner at (208) 488-7586 or Nicholas.Wagner@osbe.idaho.gov.

DATED this 19th day of September, 2023.

Nicholas Wagner
Administrative Rules Coordinator
Idaho State Board of Education
650 W State St.
PO Box 83720
Boise, Idaho 83720-0037
Phone: (208)488-7586
fax: (208)334-2632

THE FOLLOWING IS THE TEXT OF THE TEMPORARY RULE FOR DOCKET NO. 08-0113-2303
(Only Those Sections With Amendments Are Shown.)

000. LEGAL AUTHORITY.

~~In accordance with Sections 33-105, and 33-4303, Idaho Code, the State Board of Education (Board) shall promulgate rules implementing the provisions of Title 33, Chapter 56, Idaho Code.~~ (4-6-23)(11-1-23)T

(BREAK IN CONTINUITY OF SECTIONS)

101. ELIGIBILITY.

~~Applicants must meet all of the eligibility requirements to be considered for the scholarship award.~~ (4-6-23)

01. Academic Eligibility. To be eligible for an opportunity scholarship, an applicant must meet minimum academic eligibility criteria, as follows: (4-6-23)

a. A student who has not yet graduated from an eligible secondary school or its equivalent in the state of Idaho must have an un-weighted minimum cumulative grade point of average of two point seven (2.7) or better on a scale of four point zero (4.0) to be eligible to apply for an opportunity scholarship. Cumulative grade point averages of more than one (1) decimal place shall be rounded to one (1) place. Home schooled students must provide a transcript of subjects taught and grades received signed by the parent or guardian of the student; or (4-6-23)

b. A student who has obtained a general equivalency diploma must have taken the ACT assessment and received a minimum composite score of twenty (20) or better, or the equivalent SAT assessment and received a one thousand ten (1,010) or better, to be academically eligible to apply for an opportunity scholarship; or (4-6-23)

c. A student currently enrolled in an eligible Idaho postsecondary educational institution must have a minimum cumulative grade point average of two point seven (2.7) or better on a scale of four point zero (4.0) at such institution in order to be academically eligible to apply for an opportunity scholarship. Cumulative grade point averages of more than one (1) decimal place shall be rounded to one (1) place. (4-6-23)

d. An Adult Learner must have a minimum cumulative grade point average of two point five (2.5) or higher on a scale of four point zero (4.0). Cumulative grade point averages of more than one (1) decimal place shall be rounded to one (1) decimal place. (4-6-23)

02. Financial Eligibility. The financial need of an applicant for an opportunity scholarship will be based upon the Student Aid Index (SAI), as identified by the free application for federal student aid (FAFSA) Submission Summary. (7-1-23)T

03. Additional Eligibility Requirements. (4-6-23)

a. A student must not be in default on a student educational loan, or owe a repayment on a federal grant, and must be in good financial standing with the opportunity scholarship program. (4-6-23)

b. If a student has attempted or completed more than one hundred and twenty (120) postsecondary credits, then such student must identify a major, the required number of credits necessary for graduation in such major, and shall submit an academic transcript that contains all courses taken and all postsecondary credit received to the Board office. A student shall not be eligible for an opportunity scholarship if: (4-6-23)

i. The student has completed more than one hundred fifty percent (150%) of the courses and academic credit necessary to graduate in such major; or (4-6-23)

ii. Upon review of the student's academic transcript(s), the student cannot complete a degree/

certificate in the major identified within two (2) semesters based on normal academic course load unless a determination by the executive director or designee has been made that there are extenuating circumstances and the student has a plan approved by the executive director or designee outlining the courses that will be taken and the completion date of the degree or certificate. (4-6-23)

(BREAK IN CONTINUITY OF SECTIONS)

300. SELECTION OF SCHOLARSHIP RECIPIENTS.

01. Selection Process. Scholarship awards will be based on the availability of scholarship program funds. Opportunity scholarships will be awarded to applicants, based on ranking and priority, in accordance with the following criteria: (4-6-23)

a. Eligible students shall be selected based on ranking criteria that assigns seventy percent (70%) to financial eligibility, and thirty percent (30%) to academic eligibility. In the event that this weighted score results in a tie, an eligible student who submitted an application to the Board earlier in time will be assigned a higher rank. (4-6-23)

b. Notwithstanding Subsection 300.01.a. of these rules, the priority for the selection of recipients of opportunity scholarship awards shall be to scholarship recipients who received an opportunity scholarship award during the previous fiscal year, and have met all of the continuing eligibility requirements provided in these rules. (4-6-23)

02. Monetary Value of the Opportunity Scholarship. (4-6-23)

a. The monetary value of the opportunity scholarship award to a student shall be based on the educational costs for attending an eligible Idaho postsecondary educational institution, less the following: (4-6-23)

i. The amount of the assigned student responsibility, established by the Board annually; (4-6-23)

ii. The amount of federal grant aid, as identified by the FAFSA Submission Summary if known at the time of award determination; (7-1-23)T

iii. The amount of other financial aid awarded the student, from private or other sources that is known at the time of award determination. (4-6-23)

iv. The eligible maximum award amount for Adult Learners enrolled in less than twenty-four (24) credit hours or its equivalent in an academic year ~~attending an eligible four-year postsecondary institution~~, will be prorated as follows: (7-1-23)T(11-1-23)T

(1) Enrolled in six (6) to eight (8) credits or its equivalent per term - fifty percent (50%) of the maximum; (4-6-23)

(2) Enrolled in nine (9) to eleven (11) credits or its equivalent per term - seventy-five percent (75%) of the maximum; and (4-6-23)

(3) Enrolled in twelve (12) or more credits or its equivalent per term - one hundred percent (100%) of the maximum. (4-6-23)

b. The amount of an opportunity scholarship award to an individual student shall not exceed the actual cost of tuition and fees at the institution the student attends or will attend, or if the student attends or will attend an Idaho private postsecondary educational institution, the average tuition at Idaho's public four (4) year postsecondary educational institutions. (4-6-23)

c. Due to federal delays in FAFSA applications for the 2024-25 academic year, the Board may

determine monetary value of the scholarship without the FAFSA Submission Summary and may adjust the final award and payment upon receipt of the FAFSA Submission Summary. (7-1-23)T

(BREAK IN CONTINUITY OF SECTIONS)

302. CONTINUING ELIGIBILITY.

~~To remain eligible for renewal of an opportunity scholarship, the recipient must comply with all of the provisions of the Opportunity Scholarship Program. (4-6-23)~~

01. Credit Hours. To remain eligible for renewal of an opportunity scholarship, the scholarship recipient attending a four (4) year eligible postsecondary institution must have completed a minimum of twenty-four (24) credit hours or its equivalent each academic year that the student received an opportunity scholarship award, and the scholarship recipient attending a two (2) year public postsecondary institution who accepted an award offer or renewed an award offer on or before June 30, 2023 must have completed a minimum of eighteen (18) credit hours or its equivalent each academic year that the student received an opportunity scholarship award. Notwithstanding these provisions, a scholarship recipient who has received the Opportunity Scholarship as an Adult Learner may retain eligibility by completing twelve (12) or more credit hours or its equivalent each academic year the student received the Opportunity Scholarship award. All students may use the summer term to meet the annual credit accumulation requirements. (7-1-23)T(11-1-23)T

02. Academic Progress. To remain eligible for renewal of an opportunity scholarship, the scholarship recipient must have maintained a minimum cumulative grade point average of two point seven (2.7) on a scale of four point zero (4.0), and must be maintaining satisfactory academic progress toward their identified postsecondary credential as determined by the institution they are enrolled in. Students receiving an Opportunity Scholarship award as an Adult Learner must make satisfactory progress on their graduation plan established with the eligible institution at the time of admission. (4-6-23)

03. Eligibility Following Interruption of Continuous Enrollment. A scholarship recipient whose continuous enrollment is interrupted for more than four (4) months but less than two (2) years for any reason but who intends to re-enroll in an eligible Idaho postsecondary educational institution must file a letter of intent to withdraw no later than thirty (30) days prior to the first day of the academic term of the discontinued attendance to the Office of the State Board of Education. Failure to do so may result in forfeiture of the scholarship. The Board's Executive Director or designee will review each request for interruption and notify the individual of approval or denial of the request. In addition, the individual must file a statement with the Board declaring intent to re-enroll as a full-time undergraduate student in an academic or career technical program in an eligible Idaho postsecondary educational institution for the succeeding academic year no later than thirty (30) days prior to the first day of the academic term in which the individual intends to re-enroll within two (2) years of the approval of the request to withdraw. Failure to do so will result in forfeiture of the scholarship unless an extension has been granted. An extension of interruption of continuous enrollment period may be granted for eligible students due to military service in the United States armed forces, medical circumstances, or other circumstances approved by the executive director. All requests for extension must be made thirty (30) days prior to the start of the succeeding academic year. (4-6-23)

IDAPA 13 – IDAHO FISH AND GAME COMMISSION
ESTABLISHING SEASONS AND LIMITS FOR HUNTING, FISHING, AND TRAPPING IN IDAHO
DOCKET NO. 13-0000-2300P8
NOTICE OF ADOPTED / AMENDED PROCLAMATIONS FOR CALENDAR YEAR 2023

AUTHORITY: As authorized by Section 36-104, Idaho Code, and in compliance with Sections 36-105(3), Idaho Code, the Commission adopts proclamations establishing seasons and limits for hunting, fishing, and trapping in Idaho.

AVAILABILITY OF OFFICIAL PROCLAMATIONS: Hunters, anglers, and trappers are advised to consult the text of the Commission’s official proclamation before hunting, fishing, or trapping. All proclamations are available on-line at <https://idfg.idaho.gov/rules>, with print versions available at Idaho Department of Fish and Game offices and license vendors.

DESCRIPTIVE SUMMARY AND PUBLIC MEETING SCHEDULE: The Commission meeting schedule and meeting agendas are available on-line at [Commission Meeting Schedule](#), with opportunities for public comment generally scheduled at its January, March, May, July, and November meetings.

Information for Commission proclamations for calendar year 2023 was initially published in the January 4, 2023, Idaho Administrative Bulletin, [Volume 23-1, pages 64-65](#).

At a meeting on September 29, 2023, the Commission took the following proclamation action:

1. Amended its proclamations for all hunting, fishing, and trapping 2023 seasons suspending fishing, hunting and trapping in a portion of the Snake River (below the ordinary high water mark) related to Idaho State Department of Agriculture (ISDA) closures and authorizing the Director to adjust IDFG closures in conjunction with any ISDA closure area modifications. This amendment to proclamations closed the Snake River from Twin Falls Hydroelectric Dam to the bridge crossing the Snake River at Highway 46 effective immediately. The following Proclamations are amended:
 - a. 2022-2024 Idaho Fishing Seasons;
 - b. 2022-2023 Idaho Upland Game, Turkey and Furbearer Seasons;
 - c. 2023 Idaho Big Game Seasons; and
 - d. 2023-2024 Idaho Migratory Game Bird Seasons.

At a meeting on October 17, 2023, the Commission took the following proclamation action:

1. Amended its September 29th closure. The Commission reopened the Snake River to hunting, fishing, and trapping from the Highway 46 Bridge upstream to and including the partial bridge structure in the Snake River at the bottom of Yingst Grade (known as “the Broken Bridge,” “Yingst Grade Bridge,” the “Old Interstate Bridge”), which is approximately one-half mile upstream of Auger Falls. The following Proclamations were amended:
 - a. 2022-2024 Idaho Fishing Seasons;
 - b. 2022-2023 Idaho Upland Game, Turkey and Furbearer Seasons;
 - c. 2023 Idaho Big Game Seasons; and
 - d. 2023-2024 Idaho Migratory Game Bird Seasons.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning proclamations, contact Owen Moroney at (208) 334-3715.

IDAPA 17 – IDAHO INDUSTRIAL COMMISSION

17.01.01 – ADMINISTRATIVE RULES UNDER THE WORKER'S COMPENSATION LAW

DOCKET NO. 17-0101-2301

NOTICE OF INTENT TO PROMULGATE RULES – ZERO-BASED REGULATION (ZBR) NEGOTIATED RULEMAKING

AUTHORITY: In compliance with Sections 67-5220(1) and 67-5220(2), Idaho Code, notice is hereby given that this agency intends to promulgate rules and desires public comment prior to initiating formal rulemaking procedures. This negotiated rulemaking action is authorized pursuant to Section(s) 72-301, 72-301A, 72-304, 72-327, 72-432, 72-508, 72-528, 72-602, 72-803, and 72-806, Idaho Code.

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

Wednesday, November 8, 2023, from 10:30 a.m. to 12:00 p.m. MT

Industrial Commission Main Office, Coral Room
11321 W. Chinden Blvd. Boise, ID 83714

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

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

Interested members of the public who wish to participate must submit any written comments, questions, recommendations, or ideas to the Industrial Commission by contacting the undersigned either in writing, by email, or by calling the phone number listed below. Individuals may also attend the public meeting to be conducted on the above date during which the Industrial Commission will allow oral comments or presentations to be made.

Upon conclusion of the negotiated rulemaking, any unresolved issues, all key issues considered, and conclusion 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 AND STATEMENT OF PURPOSE: The following is a statement in nontechnical language of the substance and purpose of the intended negotiated rulemaking and the principal issues involved:

The November 8, 2023 negotiated rulemaking meeting will only focus on topics related to the following rules: IDAPA 17.01.01.000-307. Other topics and rules will be discussed at subsequent negotiated rulemaking meetings.

In accordance with [Executive Order 2020-01: Zero-Based Regulation](#), the Industrial Commission is striving to prevent the accumulation of costly, ineffective, and outdated regulations and reduce regulatory burden to achieve a more efficient operation of government. The rule changes are intended to perform a comprehensive review of this chapter by collaborating with the public to streamline or simplify this rule language.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS, OBTAINING DRAFT COPIES: For assistance on technical questions concerning this negotiated rulemaking or to obtain a preliminary draft copy of the rule text if available, contact Kamerron Slay, 208-334-6017 or kamerron.slay@iic.idaho.gov. Materials pertaining to the negotiated rulemaking, including any available preliminary rule drafts, can be found on the Commission's web site at the following web address: iic.idaho.gov.

Anyone may submit written comments regarding this negotiated rulemaking. All written comments must be directed to the undersigned and must be delivered on or before August 1, 2024.

DATED this 4th day of October, 2023.

George Gutierrez, Director
Industrial Commission
11321 W. Chinden Blvd.
Boise, Idaho 83714
P.O. Box 83720
Boise, Idaho 83720-0041
Phone: 208-334-6000
Fax: 208-334-2321

IDAPA 17 – IDAHO INDUSTRIAL COMMISSION

17.10.01 – ADMINISTRATIVE RULES UNDER THE CRIME VICTIMS COMPENSATION ACT

DOCKET NO. 17-1001-2301 (ZBR CHAPTER REWRITE)

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2024 Idaho State Legislature that must be approved by concurrent resolution of the Legislature to go into effect, in accordance with Section 67-5224(2)(c), Idaho Code. The pending rule will become final and effective upon the adjournment, *sine die*, of the Second Regular Session of the Sixty-seventh Idaho Legislature after approval.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 72-1004 and 72-1013, Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change.

There are no changes to the pending rule and it is being adopted as originally proposed. The complete text of the proposed rule was published in the September 6, 2023 Idaho Administrative Bulletin, [Vol. 23-9, pages 207-217](#).

FEE SUMMARY: The following is a description of the fee or charge imposed or increased in this rulemaking: N/A

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

This rulemaking is not anticipated to have any fiscal impact on general funds, state funds, or any other known funds.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Kamerron Slay, (208) 334-6017 or kamerron.slay@iic.idaho.gov.

DATED this 28th day of September, 2023.

George Gutierrez, Director
Industrial Commission
11321 W. Chinden Blvd.
Boise, Idaho 83714
P.O. Box 83720
Boise, Idaho 83720-0041
Phone: 208-334-6000
Fax: 208-334-2321

IDAPA 21 – DIVISION OF VETERANS SERVICES
21.01.04 – RULES GOVERNING IDAHO STATE VETERANS CEMETERIES
DOCKET NO. 21-0104-2301
NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2024 Idaho State Legislature that must be approved by concurrent resolution of the Legislature to go into effect, in accordance with Section 67-5224(2)(c), Idaho Code. The pending rule will become final and effective upon the adjournment, *sine die*, of the Second Regular Session of the Sixty-seventh Idaho Legislature after approval.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending fee rule. The action is authorized pursuant to Sections 65-108 and 65-202, Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending fee rule and a statement of any change between the text of the proposed rule and the text of the pending fee rule with an explanation of the reasons for the change.

This Rule will expand eligibility for interment at Idaho State Veterans Cemeteries to non-retiree Guard and Reservists who completed an enlistment of service honorably but are otherwise ineligible because they were never activated federally or did not complete enough service time to retire out of the Guard or Reserves.

The text of the pending fee rule has been amended in accordance with Section 67-5227, Idaho Code. Only those sections that have changes that differ from the proposed text are printed in this bulletin. The complete text of the proposed rule was published in the March 1, 2023, Idaho Administrative Bulletin, [Vol. 23-3, pages 26-29](#).

FEE SUMMARY: The following is a description of the fee or charge imposed or increased in this rulemaking as authorized in Section 65-202, Idaho Code. Pursuant to Section 67-5224(2)(d), Idaho Code, this pending fee rule shall not become final and effective unless affirmatively approved by concurrent resolution of the Legislature.

This expands eligibility for burial to non-Veteran National Guard and Reservists. Because the VA does not provide a burial benefit to these individuals, these newly eligible individuals who wish to be buried in the State Veterans Cemetery will have to cover the cost (equivalent to the VA reimbursement/plot allowance benefit) as well as the cost of the cemetery marker either \$400 for a casket/upright marker or \$250 for all other interment/memorial marker types.

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

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the pending fee rule, contact Kevin Wallior, 208-780-1308.

DATED this 6th day of October, 2023.

Kevin R. Wallior
Management Assistant
Idaho Division of Veterans Services
351 N. Collins Road
Boise, ID 83702
Ph: 208-780-1308, fax: 208-780-1301
email: kevin.wallior@veterans.idaho.gov

DOCKET NO. 21-0104-2301 - ADOPTION OF PENDING FEE RULE

Substantive changes have been made in the pending rule.
Italicized text indicates amendments to the proposed text as adopted in the pending rule.

The text of the proposed rule was published in the Idaho Administrative Bulletin,
Volume 23-3, March 1, 2023, pages 26-29.

This rule has been adopted as a pending rule by the agency and is now awaiting
review and final approval by the 2024 Idaho State Legislature.

THE FOLLOWING IS THE TEXT OF THE PENDING FEE RULE FOR DOCKET NO. 21-0104-2301

**(Only those sections or subsections that have changed from the original proposed
text are printed in this Bulletin following this notice.)**

000. LEGAL AUTHORITY.

~~The Idaho Legislature has given the Administrator of the Division of Veterans Services the authority to promulgate rules governing the Idaho State Veterans Cemetery pursuant to Section 65-202, Idaho Code. (3-23-22)()~~

(BREAK IN CONTINUITY OF SECTIONS)

002. INCORPORATION BY REFERENCE.

- 01. Incorporated Documents.** These rules incorporate by reference the following: (3-23-22)
- a.** The full text of 38 CFR 38.620, dated July 1, 2001. (3-23-22)
 - b.** 38 U.S.C.A. Section 2402, (2004 and Supp. 2004). (3-23-22)
 - c.** 38 CFR 39.5(d), dated July 1, 2008. (3-23-22)

~~**02. Document Availability.** Copies are available from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402-0001. (3-23-22)~~

003. -- 009. (RESERVED)

010. DEFINITIONS.

- 01. Administrator.** The Administrator of the Idaho Division of Veterans Services or his designee. (3-23-22)
- 02. Applicant.** The individual requesting interment, disinterment or reinterment of a qualified person. (3-23-22)
- 03. Armed Forces Member.** A member or former member of the armed forces of the United States, the reserve component of the armed forces of the United States, the reserve officers training corps of the United States, or the armed forces of an ally of the United States who is eligible for burial in national cemeteries pursuant to 38 CFR 38.620 and 38 U.S.C. Section 2402. (3-23-22)

- 04.** Cemetery. Idaho State Veterans Cemeteries authorized pursuant to Section 65-108, Idaho Code. (3-23-22)
- 05.** Committal Service. A gathering of one (1) or more individuals prior to interment or reinterment. (3-23-22)
- 06.** Cremains. Cremated human remains. (3-23-22)
- ~~**07.** Designated Interpretive Trail. A public recreational trail designated by a sign or marker. (3-23-22)~~
- ~~**08.** Disinterment. The removal of human remains from their place of interment. (3-23-22)~~
- ~~**09.** Division. The Idaho Division of Veterans Services. (3-23-22)~~
- ~~**10.** Interment. The disposition of human remains by burial or the placement of cremains in a grave plot or in any location designated by the Administrator for use as a permanent location of cremains. (3-23-22)~~
- ~~**11.** Qualified Person. A person who satisfies the requirements for eligibility for interment in national cemeteries found at 38 CFR 38.620 and 38 U.S.C. Section 2402 and is not prohibited from being interred by 38 CFR 39.10(b); or a member or former member of the reserve component of the armed forces of the United States; the reserve officers training corps of the United States; or members of the Army National Guard or Air National Guard who completed at least one term of enlistment, or officers who completed at least four years of service. (3-23-22)()~~
- ~~**12.** Reinterment. The interment of previously interred human remains. (3-23-22)~~
- ~~**13.** Unremarried Spouse. An individual who is the surviving spouse of a deceased armed forces member and who has not remarried. (3-23-22)~~
- ~~**14.** USDVA. The United States Department of Veterans Affairs. (3-23-22)~~

(BREAK IN CONTINUITY OF SECTIONS)

- 024. FEES FOR INTERMENT, DISINTERMENT, REINTERMENT, AND MEMORIAL.** (3-23-22)
The Administrator shall charge the following fees:
- 01. Interment.** (3-23-22)
- a.** A fee equal to the then current USDVA reimbursement for opening and closing an interment site containing a pre-placed crypt. The Administrator will accept, as full payment, the amount of reimbursement by the USDVA to the Division for opening and closing an interment site containing a pre-placed crypt for ~~a qualified veteran~~ persons eligible for USDVA reimbursement. (3-23-22)()
- b.** ~~In An additional to the fee charged under Paragraph 024.01.a. of this rule, the Administrator shall charge a~~ fee of seven hundred dollars (\$700) for ~~preparation of a casket burial at~~ an interment site not containing a pre-placed crypt. (3-23-22)()
- c.** For interments ineligible for a USDVA provided marker, the Administrator shall charge: ()
- i.** \$400 for the cost of a Casket/Upright Marker; or ()
- ii.** \$250 for all other Interment/Memorial Marker types. ()

02. Disinterment. A fee equal to the then current USDVA reimbursement for opening and closing an interment site. The expenses of removal, transportation and reinterment of remains, and the expenses of removal, transportation and reinstallation of the grave marker, if any, shall be paid by the applicant for disinterment. (3-23-22)

03. Reinterment. A fee equal to the then current USDVA reimbursement for opening and closing an interment site for reinterment. The expenses of reinterment of remains and reinstallation of the grave marker, if any, shall be paid by the applicant for reinterment. (3-23-22)

04. Memorial Marker. A fee of two hundred fifty dollars (~~\$200~~250) to order, install, and provide perpetual care of a furnished flush granite marker to commemorate ~~an eligible deceased Veteran~~ a qualified person whose remains have not been recovered or identified, were buried at sea, donated to science, or cremated and the remains scattered. ~~(3-23-22)~~ ()

(BREAK IN CONTINUITY OF SECTIONS)

040. MEMORIALS AND DONATIONS.

01. Flowers and Grave Decorations. The Administrator will post the requirements for natural and artificial flowers and other grave decorations in the cemetery. Cemetery personnel may remove and discard grave decorations that fail to comply with the posted requirements or that are faded, wilted, tattered or worn. (3-23-22)

02. Plaques, Statues, and Other Memorials. The Administrator may approve plaques, statues, and other memorials to commemorate events, units, individuals, groups, and organizations. Persons wishing to install such memorials at their own cost may submit an application on a form prescribed by the Administrator. Memorials approved by the Administrator are considered donations to the cemetery. (3-23-22)

03. Grave Markers. Grave markers issued by the USDVA are approved as follows: (3-23-22)

a. Graves – Upright granite markers. (3-23-22)

b. Interments in an area reserved for the interment of cremains in the soil – Flush granite markers. (3-23-22)

c. Interment of cremains in a structure reserved for the interment of cremains – Granite niche markers. (3-23-22)

~~**04. Donations and Gifts.** The Administrator may accept gifts and donations to the Veterans Cemetery Maintenance Fund established pursuant to Section 65-107, Idaho Code. (3-23-22)~~

IDAPA 24 – DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES

24.01.01 – RULES OF THE BOARD OF ARCHITECTS AND LANDSCAPE ARCHITECTS

DOCKET NO. 24-0101-2301 (ZBR CHAPTER REWRITE)

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2024 Idaho State Legislature and must be approved by concurrent resolution of the Legislature to go into effect, in accordance with Section 67-5224(2)(c), Idaho Code. The pending rule will become final and effective, July 1, 2024, after approval.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 54-3003, Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change.

The pending rule is being adopted under [Executive Order 2020-01, Zero Based Regulation](#). Text amended since these rules were published as proposed are purely grammatical and typographical in nature. No substantive changes are made. The grammatical changes are found in:

- 100.01.b. – reworded to improve readability and reduce restrictive work count;
- 100.01.c. – adds the phrase “to the general public” to clarify the terms “health, safety, and welfare”; and
- 100.02.a. and b. – reworded to improve readability and reduce restrictive word count. The acronym of a national accrediting board is added for clarity.

The text of the pending rule has been amended in accordance with Section 67-5227, Idaho Code. Only those sections that have changes that differ from the proposed text are printed in this bulletin. The complete text of the proposed rule was published in the August 2, 2023, Idaho Administrative Bulletin, [Vol. 23-8, page 177](#).

FEE SUMMARY: The following is a description of the fee or charge imposed or increased in this rulemaking as authorized in Sections 54-5822 and 67-2614, Idaho Code. Pursuant to Section 67-5224(2)(d), Idaho Code, this pending fee rule shall not become final and effective unless affirmatively approved by concurrent resolution of the Legislature.

The fees for applications, licenses, registrations and reinstatement as designated in Rule 400 of these pending rules are authorized in Sections 54-5822 and 67-2614, Idaho Code. None of these fees are being changed as a result of this rulemaking or since being previously reviewed by the Idaho Legislature.

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

This rulemaking is not anticipated to have any negative fiscal impact on the State General Fund.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the pending rule, contact Katie Stuart at 208-577-2489.

DATED this 1st day of November, 2023.

Katie Stuart
Bureau Chief
11341 W. Chinden Blvd., Bldg. #4
Boise, ID 83714
Phone: (208) 577-2489
Email: katie.stuart@dopl.idaho.gov

DOCKET NO. 24-0101-2301 – ADOPTION OF PENDING RULE
(Zero Based Regulation (ZBR) Chapter Rewrite)

Substantive changes have been made to the pending rule.
Italicized text indicates changes between the text of the proposed rule as adopted in the pending rule.

The text of the proposed rule was published in the Idaho Administrative Bulletin,
[Volume 23-8, August 2, 2023, page 177.](#)

This rule has been adopted as a pending rule by the agency and is now awaiting
review and final approval by the 2024 Idaho State Legislature.

THE FOLLOWING IS THE TEXT OF THE PENDING RULE FOR DOCKET NO. 24-0101-2301
(Only those sections or subsections that have changed from the original proposed text
are printed in this Bulletin following this notice.)

**Note – Due to extensive reorganization of this ZBR chapter, the rule text below is presented as clean text without showing amendments in legislative format. A redline copy provided by the agency has been included at the end of the docket for transparency and can be utilized to track all edits used to formulate the pending rule.*

100. LICENSURE.

01. Architect Requirements. ()

a. Approved Architectural Experience Program. The National Council of Architectural Registration Boards' (NCARB) Architectural Experience Program (AXP). ()

b. Satisfactory Experience In Lieu Of Education. Eight (8) years consisting of at least six (6) years of experience under the direct supervision of a licensed architect and the remaining two (2) years may be under the direct supervision of a licensed engineer who practices in the field of building construction as approved by the board. ()

c. Continuing Education. Beginning the second year of licensure, to renew, a licensed architect must complete, during the prior licensure period, and retain proof of completion of twelve (12) hours of approved continuing education germane to the practice of architecture as it relates to the health, safety, and welfare of the general public. Approved courses are those offered by providers approved by NCARB, the National Architectural Accreditation Board (NAAB), or the American Institute of Architects (AIA). A licensee may submit a request for Board approval of other courses. ()

i. A licensee may carryover a maximum of six (6) hours of continuing education to meet the next year's continuing education requirement. ()

02. Landscape Architect Requirements. ()

a. Approved Education. A landscape architecture program accredited by the Landscape Architectural Accreditation Board (LAAB). ()

b. Satisfactory Experience in Lieu of Education. Eight (8) years consisting of at least four (4) years of experience under the supervision of a licensed landscape architect, with the remainder being directly related to landscape architecture. ()

c. Required Examination. Passage of the Landscape Architect Registration Examination administered by the Council of Landscape Architects Registration Boards (CLARB). ()

[Agency redlined courtesy copy]

24.01.01 – RULES OF THE BOARD OF ARCHITECTS AND LANDSCAPE ARCHITECTS ARCHITECTURAL EXAMINERS

100. LICENSURE

01. Accredited Degree Applicants.
01. Architect Requirements.

a. Approved Architectural Experience Program. ~~All applicants for the Architectural Registration Examination (ARE) will possess a professional degree in architecture from a program that is accredited by the The National Council of Architectural Registration Boards (NCARB) Accrediting Board (NAAB) or that is approved by the Board. All applicants for the ARE must have started or completed the Architectural Experience Program (AXP) requirements.~~()

02.b. Satisfactory Experience in Lieu of Education. ~~Degree Applicants. The Board may allow an applicant without an architecture degree to sit for the architecture examination upon determining that such applicant has attained the knowledge and skill approximating that attained by graduation from an accredited architecture curriculum including the submission of a record of The eight (8) years must consist of at least six (6) years of experience under the direct supervision of a licensed architect and the remaining two (2) years may be under the direct supervision of a licensed engineer who practices in the field of building construction as approved by the Board, or more of experience in architecture work of a character deemed satisfactory by the Board. Said experience may include that necessary for completion of the AXP. Two (2) years of eight (8) or more years of experience may be accepted if determined that such experience is directly related to architecture under the direct supervision of a registered engineer (practicing as a structural, civil, mechanical or electrical engineer in the field of building construction) or a registered landscape architect. At least six (6) years of such experience must be obtained while working under the direct supervision of a licensed architect. A person is qualified for the examination once they have met the experience requirement and started the AXP.~~()

PENDING TEXT 100.01.b.

b. Satisfactory Experience In Lieu Of Education. ~~The eight (8) years must consist of Eight (8) years consisting of at least four-six (46) years of experience under the direct supervision of a licensed-landscape architect, with the remainder being directly related to landscape architecture and the remaining two (2) years may be under the direct supervision of a licensed engineer who practices in the field of building construction as approved by the board.~~ ()

100.01.c. Continuing Education. Requirement. ~~Each Idaho Beginning the second year of licensure, to renew, a licensed architect must successfully complete, during the prior licensure period, and retain proof of completion a minimum of twelve (12) hours of approved continuing education in germane to architectural the health, safety, and welfare in the practice of architecture. Approved courses are those offered by providers approved by NCARB, the National Architectural Accreditation Board (NAAB), or the American Institute of Architects (AIA). A licensee may submit a request for Board approval of other courses. calendar year prior to license renewal.~~ ()

PENDING TEXT 100.01.c.

c. Continuing Education. Beginning the second year of licensure, to renew, a licensed architect must complete, during the prior licensure period, and retain proof of completion of twelve (12) hours of approved continuing education germane to the ~~health, safety, and welfare in the~~ practice of architecture as it relates to the health, safety, and welfare of the general public. Approved courses are those offered by providers approved by NCARB, the National Architectural Accreditation Board (NAAB), or the American Institute of Architects (AIA). A licensee may submit a request for Board approval of other courses. (____)

~~a. Each licensee will submit to the Board their annual renewal application form and required fees, and will certify that they have complied with annual CE requirements for the previous calendar year. Each licensee will provide to the Board together with their application for reinstatement of an expired license form and required fees, proof of compliance with annual CE requirements for each year that their license was expired. A license that has been canceled for failure to renew may be reinstated in accordance with Section 67-2614, Idaho Code. (____)~~

~~b. A licensee is considered to have satisfied their CE requirements for the first renewal of their initial license. Licensees who have failed to meet the annual continuing education requirement may petition the Board for additional time to complete their continuing education requirements. (____)~~

~~e.i. A licensee may carryover a maximum of six (6) hours of continuing education to meet the next year's continuing education requirement. (____)~~

~~d. One (1) continuing education hour is equal to one (1) learning unit, as determined by the American Institute of Architects, or one (1) clock hour of education, as determined by the Board. (____)~~

~~02. Architectural Health, Safety and Welfare Requirement. To qualify for continuing education, a course must involve architectural health, safety and welfare, which generally relates to the structural integrity or unimpairedness of a building or building sites and be germane to the practice of architecture. Courses may include the following subject areas: (____)~~

~~a. Legal, which includes laws, codes, zoning, regulations, standards, life safety, accessibility, ethics, insurance to protect owners and public. (____)~~

~~b. Building systems, which includes structural, mechanical, electrical, plumbing, communications, security, and fire protection. (____)~~

~~c. Environmental, which includes energy efficiency, sustainability, natural resources, natural hazards, hazardous materials, weatherproofing, and insulation. (____)~~

~~d. Occupant comfort, which includes air quality, lighting, acoustics, ergonomics. (____)~~

~~e. Materials and methods, which includes construction systems, products, finishes, furnishings, and equipment. (____)~~

~~f. Preservation, which includes historical, reuse, and adaptation. (____)~~

~~g. Pre-Design, which includes land use analysis, programming, site selection, site and soils analysis, and surveying. (____)~~

~~h. Design, which includes urban planning, master planning, building design, site design, interiors, safety and security measures. (____)~~

~~i. Construction documents, which includes drawings, specifications, and delivery methods. (____)~~

~~j. Construction contract administration, which includes contracts, bidding, contract negotiations.~~

()

~~03. **Approved Credit.** Continuing education courses must be presented by: ()~~

~~a. Providers approved by the National Architectural Accreditation Board (NAAB) schools of architecture; or ()~~

~~b. Providers approved by the National Council of Architectural Registration Board (NCARB); or ()~~

~~e. Providers approved by the American Institute of Architects (AIA); or ()~~

~~d. Providers as otherwise approved by the Board. All requests for approval or pre-approval of continuing education credits must be made to the Board in writing and must be accompanied by a statement that includes the name of the instructor or instructors, his or her qualifications, the date, time and location of the course, the specific agenda for the course, the number of continuing education hours requested, and a statement of how the course is believed to be in the nature of architectural health, safety and welfare. ()~~

~~04. **Verification of Attendance.** It shall be necessary for each licensee to maintain verification of attendance by securing authorized signatures or other documentation from the course instructors or sponsoring institution substantiating any and all hours attended by the licensee. This verification shall be maintained by the licensee for a period of five (5) years and provided to the Board upon request of the Board or its agent. ()~~

~~05. **Failure to Fulfill the Continuing Education Requirements.** The license will not be renewed for those licensees who fail to certify or otherwise provide acceptable documentation of meeting the CE requirements. Licensees who make a false attestation regarding compliance with the CE requirements shall be subject to disciplinary action by the Board. ()~~

~~06. **Exemptions.** A licensed architect shall be deemed to have complied with the CE requirements if the licensee attests in the required affidavit that for not less than ten (10) months of the preceding one (1) year period of licensure, the architect has met one (1) of the following criteria: ()~~

~~a. Meets the military exemption set forth in Section 67-2602A, Idaho Code. ()~~

~~b. Is a government employee working as an architect and assigned to duty outside the United States. ()~~

~~e. Special Exemption. The Board shall have authority to make exceptions for reasons of individual hardship, including health (certified by a medical doctor) or other good cause. The architect must provide any information requested by the Board to assist in substantiating hardship cases. This exemption is granted at the sole discretion of the Board. ()~~

[Agency redlined courtesy copy]

24.07.01 – RULES OF THE IDAHO STATE BOARD OF ARCHITECTS AND LANDSCAPE ARCHITECTS

101. 100.02. Landscape Architect Requirements.

Aa. Approved Education:

~~An approved college or school of landscape architecture shall have a landscape architecture program accredited by the Landscape Architectural Accreditation Board (LAAB), or shall substantially meet the accrediting standards of the LAAB as may be determined by the Board. ()~~

~~102.B. PRACTICAL SATISFACTORY~~

~~**Bb. Satisfactory** Experience In Lieu Of Education.~~

~~An applicant shall document at least The eight (8) years must consist of at least four (4) years of experience under the supervision of a licensed landscape architect, with the remainder being directly related to landscape architecture. of actual practical experience in landscape architecture in lieu of graduation from an approved college or school of landscape architecture. Such experience shall establish the applicant's education in those subjects and areas contained in the curriculum of an approved college or school of landscape architecture. No less than fifty percent (50%) of such practical experience shall be under the supervision of a licensed landscape architect.()~~

PENDING TEXT 100.02.a. and b.

a. Approved Education. A landscape architecture program accredited by the Landscape Architectural Accreditation Board ~~(LAAB).()~~

b. Satisfactory Experience in Lieu of Education. ~~The eight (8) years must consist of~~ Eight (8) years consisting of at least four (4) years of experience under the supervision of a licensed landscape architect, with the remainder being directly related to landscape architecture. ~~()~~

~~100.02.Cc. Required Examination. Passage of the Landscape Architect Registration Examination administered by the Council of Landscape Architects Registration Boards (CLARB). The examination prepared by the Council of Landscape Architectural Registration Boards is an approved examination. The Board may approve other examinations it deems appropriate.()~~

~~01. Minimum Passing Score. The minimum passing score for each section of the examination shall be the score as determined by the examination provider.()~~

~~02. Failing a Section of Exam. An applicant failing any section of the examination will be required to retake only that section failed.()~~

IDAPA 24 – DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES

24.06.01 – RULES FOR THE LICENSURE OF OCCUPATIONAL THERAPISTS AND OCCUPATIONAL THERAPY ASSISTANTS

DOCKET NO. 24-0601-2301 (ZBR CHAPTER REWRITE)

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2024 Idaho State Legislature and must be approved by concurrent resolution of the Legislature to go into effect, in accordance with Section 67-5224(2)(c), Idaho Code. The pending rule will become final and effective upon the adjournment, *sine die*, of the Second Regular Session of the Sixty-seventh Idaho Legislature after approval.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section(s) 67-2604, Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change.

Under [Executive Order 2020-01, Zero-Based Regulation](#), the Occupational Therapy Licensure Board is striving to prevent the accumulation of costly, ineffective, and outdated regulations and reduce regulatory burden to achieve a more efficient operation of government.

There are no changes to the pending rule, and it is being adopted as originally proposed. The complete text of the proposed rule was published in the August 2, 2023, Idaho Administrative Bulletin, [Vol. 23-8, pages 212-223](#).

FEE SUMMARY: The following is a description of the fee or charge imposed or increased in this rulemaking as authorized in Section 54-3712, Idaho Code. Pursuant to Section 67-5224(2)(d), Idaho Code, this pending fee rule shall not become final and effective unless affirmatively approved by concurrent resolution of the Legislature.

The fees for applications, licenses, registrations and reinstatement as designated in Rule 400 of these rules are authorized in Section 54-3712, Idaho Code. None of these fees are being changed as a result of this rulemaking or since they were previously reviewed by the Idaho Legislature.

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

This rulemaking is not anticipated to have any negative fiscal impact on the State General Fund.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Katie Stuart, Bureau Chief, at 208-577-2489.

DATED this 1st day of November, 2023.

Katie Stuart
Bureau Chief
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Boise, ID 83714
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IDAPA 24 – DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES

24.11.01 – RULES OF THE STATE BOARD OF PODIATRY

DOCKET NO. 24-1101-2301 (ZBR CHAPTER REWRITE)

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2024 Idaho State Legislature and must be approved by concurrent resolution of the Legislature to go into effect, in accordance with Section 67-5224(2)(c), Idaho Code. The pending rule will become final and effective upon the adjournment, *sine die*, of the Second Regular Session of the Sixty-seventh Idaho Legislature after approval.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section(s) 67-2604, Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change.

Under [Executive Order 2020-01, Zero-Based Regulation](#), the State Board of Podiatry is striving to prevent the accumulation of costly, ineffective, and outdated regulations and reduce regulatory burden to achieve a more efficient operation of government.

Section 67-5229, Idaho Code, requires agencies to identify materials incorporated by reference with specificity, including the date when the material was published. To correct this omission from the proposed rule, the text of the pending rule has been amended in accordance with Section 67-5227, Idaho Code. Only those sections that have changes that differ from the proposed text are printed in this bulletin. The complete text of the proposed rule was published in the August 2, 2023, Idaho Administrative Bulletin, [Vol. 23-8, pages 224-231](#).

FEE SUMMARY: The following is a description of the fee or charge imposed or increased in this rulemaking as authorized in Sections 54-606, 54-607, and 54-613, Idaho Code. Pursuant to Section 67-5224(2)(d), Idaho Code, this pending fee rule shall not become final and effective unless affirmatively approved by concurrent resolution of the Legislature.

The fees for applications, licenses, registrations and reinstatement as designated in Rule 400 of these rules are authorized in Sections 54-606, 54-607, and 54-613, Idaho Code. None of these fees are being changed as a result of this rulemaking or since they were previously reviewed by the Idaho Legislature.

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

This rulemaking is not anticipated to have any negative fiscal impact on the State General Fund.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the pending rule, contact Katie Stuart, Bureau Chief, at 208-577-2489.

DATED this 1st day of November, 2023.

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DOCKET NO. 24-1101-2301 – ADOPTION OF PENDING RULE
(Zero Based Regulation (ZBR) Chapter Rewrite)

Substantive changes have been made to the pending rule.
Italicized text indicates changes between the text of the proposed rule as adopted in the pending rule.

The text of the proposed rule was published in the Idaho Administrative Bulletin,
Volume 23-8, August 2, 2023, pages 224-231.

This rule has been adopted as a pending rule by the agency and is now awaiting
review and final approval by the 2024 Idaho State Legislature.

THE FOLLOWING IS THE TEXT OF THE PENDING RULE FOR DOCKET NO. 24-1101-2301
(Only those sections or subsections that have changed from the original proposed text
are printed in this Bulletin following this notice.)

**Note – Due to extensive reorganization of this ZBR chapter, the rule text below is presented as clean text without showing amendments in legislative format. A redline copy provided by the agency has been included at the end of the docket for transparency and can be utilized to track all edits used to formulate the pending rule.*

002. INCORPORATION BY REFERENCE.

The document titled “Code of Ethics,” published and adopted by the America Podiatric Medical Association, Inc., effective March of 2022, is adopted and incorporated by reference and is available on the association’s website. (https://www.apma.org/files/Code%20of%20Ethics_FINAL_1669749709677_2.pdf) ()

[Agency redlined courtesy copy]

24.11.01 – RULES OF THE STATE BOARD OF PODIATRY

002. INCORPORATION BY REFERENCE.

~~The document titled American Podiatric Medical Association’s Code of Ethics as published by the American Podiatric Medical Association, dated March 2013 and referenced in Section 500, is herein incorporated by reference and is available for review at the Board’s office and on the Board’s web site at <https://apps.dopl.idaho.gov/DOPLPortal/BoardAdditional.aspx?Bureau=POD&BureauLinkID=38>.~~

The current and updated document titled “Code of Ethics,” published by the America Podiatric Medical Association, Inc. is ~~herein~~ **adopted and** incorporated by reference and is available on the association’s website. ~~Code of Ethics_FINAL_1669749709677_2.pdf (apma.org) (https://www.apma.org/files/Code%20of%20Ethics_FINAL_1669749709677_2.pdf)~~ ()

PENDING TEXT 002

The ~~current and updated~~ document titled “Code of Ethics,” published ~~and adopted~~ by the America Podiatric Medical Association, Inc., ~~effective March of 2022~~, is adopted and incorporated by reference and is available on the association’s website. (https://www.apma.org/files/Code%20of%20Ethics_FINAL_1669749709677_2.pdf). ()

IDAPA 24 – DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES

24.13.01 – RULES GOVERNING THE PHYSICAL THERAPY LICENSURE BOARD

DOCKET NO. 24-1301-2301 (ZBR CHAPTER REWRITE)

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2024 Idaho State Legislature and must be approved by concurrent resolution of the Legislature to go into effect, in accordance with Section 67-5224(2)(c), Idaho Code. The pending rule will become final and effective upon the adjournment, *sine die*, of the Second Regular Session of the Sixty-seventh Idaho Legislature after approval.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section(s) 67-2604, Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change.

Under [Executive Order 2020-01, Zero-Based Regulation](#), the Physical Therapy Licensure Board is striving to prevent the accumulation of costly, ineffective, and outdated regulations and reduce regulatory burden to achieve a more efficient operation of government.

Section 67-5229, Idaho Code, requires agencies to identify materials incorporated by reference with specificity, including the date when the material was published. To correct this omission from the proposed rule, the text of the pending rule has been amended in accordance with Section 67-5227, Idaho Code. Only those sections that have changes that differ from the proposed text are printed in this bulletin. The complete text of the proposed rule was published in the August 2, 2023, Idaho Administrative Bulletin, [Vol. 23-8, pages 232-248](#).

FEE SUMMARY: The following is a description of the fee or charge imposed or increased in this rulemaking as authorized in Section 54-2207, Idaho Code. Pursuant to Section 67-5224(2)(d), Idaho Code, this pending fee rule shall not become final and effective unless affirmatively approved by concurrent resolution of the Legislature.

The fees for applications, licenses, registrations and reinstatement as designated in Rule 400 of these rules are authorized in Section 54-2207, Idaho Code. None of these fees are being changed as a result of this rulemaking or since they were previously reviewed by the Idaho Legislature.

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

This rulemaking is not anticipated to have any negative fiscal impact on the State General Fund.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the pending rule, contact Katie Stuart, Bureau Chief, at 208-577-2489.

DATED this 1st day of November, 2023.

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DOCKET NO. 24-1301-2301 – ADOPTION OF PENDING RULE
(Zero Based Regulation (ZBR) Chapter Rewrite)

Substantive changes have been made to the pending rule.
Italicized text indicates changes between the text of the proposed rule as adopted in the pending rule.

The text of the proposed rule was published in the Idaho Administrative Bulletin,
[Volume 23-8, August 2, 2023, page 232.](#)

This rule has been adopted as a pending rule by the agency and is now awaiting
review and final approval by the 2024 Idaho State Legislature.

THE FOLLOWING IS THE TEXT OF THE PENDING RULE FOR DOCKET NO. 24-1301-2301
(Only those sections or subsections that have changed from the original proposed text
are printed in this Bulletin following this notice.)

**Note – Due to extensive reorganization of this ZBR chapter, the rule text below is presented as clean text without showing amendments in legislative format. A redline copy provided by the agency has been included at the end of the docket for transparency and can be utilized to track all edits used to formulate the pending rule.*

002. INCORPORATION BY REFERENCE.

The documents titled “Code of Ethics for the Physical Therapist” and “Standards of Ethical Conduct for the Physical Therapist Assistant” published by the American Physical Therapy Association, effective August 12, 2020, are adopted and incorporated by reference and available on the APTA website. ([Code of Ethics for the Physical Therapist | APTA](#)) and ([Standards of Ethical Conduct for the Physical Therapist Assistant | APTA](#)). ()

[Agency redlined courtesy copy]

24.13.01 – RULES GOVERNING THE PHYSICAL THERAPY LICENSURE BOARD

002. INCORPORATION BY REFERENCE.

The current and updated documents titled “Code of Ethics for the Physical Therapist” and “Standards of Ethical Conduct for the Physical Therapist Assistant” published by the American Physical Therapy Association are adopted and incorporated by reference and available on the APTA website. ([Code of Ethics for the Physical Therapist | APTA](#)) and ([Standards of Ethical Conduct for the Physical Therapist Assistant | APTA](#)) ()

PENDING TEXT 002

The ~~current and updated~~ documents titled “Code of Ethics for the Physical Therapist” and “Standards of Ethical Conduct for the Physical Therapist Assistant” published by the American Physical Therapy Association, *effective August 12, 2020*, are adopted and incorporated by reference and available on the APTA website. ([Code of Ethics for the Physical Therapist | APTA](#)) and ([Standards of Ethical Conduct for the Physical Therapist Assistant | APTA](#)). ()

IDAPA 24 – DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES

24.15.01 – RULES OF THE IDAHO LICENSING BOARD OF PROFESSIONAL COUNSELORS AND MARRIAGE AND FAMILY THERAPISTS

DOCKET NO. 24-1501-2301 (ZBR CHAPTER REWRITE)

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2024 Idaho State Legislature and must be approved by concurrent resolution of the Legislature to go into effect, in accordance with Section 67-5224(2)(c), Idaho Code. The pending rule will become final and effective, July 1, 2024, after approval.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 54-3402, 54-3404, 54-3405, 54-3406, and 54-3410, Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change.

The pending rule is being adopted under [Executive Order 2020-01, Zero Based Regulation](#). Text amended since these rules were published as proposed are as follows:

- The text “current and updated” was removed from incorporation by reference language to ensure no authority is delegated to a third party;
- 100.01.a. – removed the word “otherwise,” as it was unnecessary;
- 100.01.c. – clarified educational institution supervision, as “Practicum” may have multiple meanings, and different universities may approach supervision differently;
- 100.02.a. – updated to clarify supervision is of “direct client contact”;
- 100.03.a. – removed the word “otherwise,” as it was unnecessary;
- 100.06 – clarified interns were “post-post graduate”;
- 100.07 – updated Continuing Education in response to feedback, changing required classes and referring to ethical obligations;
- 200.02.b. – provided a sunset date for LPC supervision and reintroduced contact hour supervising training requirements erroneously deleted from previous; and
- 200.03 – updated “acknowledged” to “documented”.

The text of the pending rule has been amended in accordance with Section 67-5227, Idaho Code. Only those sections that have changes that differ from the proposed text are printed in this bulletin. The complete text of the proposed rule was published in the August 2, 2023 Idaho Administrative Bulletin, [Vol. 23-8, pages 249-266](#).

FEE SUMMARY: The following is a description of the fee or charge imposed or increased in this rulemaking as authorized in Sections 54-3402 et. seq., and 67-2614, Idaho Code. Pursuant to Section 67-5224(2)(d), Idaho Code, this pending fee rule shall not become final and effective unless affirmatively approved by concurrent resolution of the Legislature.

The fees for applications, licenses, registrations, and reinstatement as designated in Rule 400 of these proposed rules are authorized in Sections 54-3402 et. seq., and 67-2614, Idaho Code. None of these fees are being changed as a result of this rulemaking or since being previously reviewed by the Idaho Legislature.

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

This rulemaking is not anticipated to have any negative fiscal impact on the State General Fund.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the pending rule, contact Katie Stuart at 208-577-2489.

DATED this 1st day of November, 2023.

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DOCKET NO. 24-1501-2301 – ADOPTION OF PENDING RULE
(Zero Based Regulation (ZBR) Chapter Rewrite)

Substantive changes have been made to the pending rule.
Italicized text indicates changes between the text of the proposed rule as adopted in the pending rule.

The text of the proposed rule was published in the Idaho Administrative Bulletin,
[Volume 23-8, August 2, 2023, pages 249-266.](#)

This rule has been adopted as a pending rule by the agency and is now awaiting
review and final approval by the 2024 Idaho State Legislature.

THE FOLLOWING IS THE TEXT OF THE PENDING RULE FOR DOCKET NO. 24-1501-2301
(Only those sections or subsections that have changed from the original proposed text
are printed in this Bulletin following this notice.)

**Note – Due to extensive reorganization of this ZBR chapter, the rule text below is presented as clean text without showing amendments in legislative format. A redline copy provided by the agency has been included at the end of the docket for transparency and can be utilized to track all edits used to formulate the pending rule.*

002. INCORPORATION BY REFERENCE.

01. ACA Code of Ethics. The document titled “ACA Code of Ethics,” published by the American Counseling Association (ACA) is herein adopted and incorporated by reference and is available on the ACA website: <https://www.counseling.org/resources/aca-code-of-ethics.pdf>. ()

02. AAMFT Code of Ethics. The document titled “AAMFT Code of Ethics,” published by the American Association for Marriage and Family Therapy (AAMFT) is herein adopted and incorporated by reference and is available on the AAMFT website: https://www.aamft.org/Legal_Ethics/Code_of_Ethics.aspx. ()

(BREAK IN CONTINUITY OF SECTIONS)

100. LICENSURE.

01. Professional Counselor. ()

a. Approved Graduate Program. A graduate program that is primarily counseling in nature and is

accredited by the Council for Accreditation of Counseling and Related Educational Programs (CACREP) or substantially similar and approved by the Board. ()

b. Required Examination. The National Counselor Examination prepared by the National Board of Certified Counselors (NBCC). ()

c. Acceptable Supervised Experience. Four hundred (400) of the one thousand (1,000) hours must be direct client contact and the supervised experience must include a minimum of one (1) hour of individual supervision for every twenty (20) hours of direct client contact. A supervised graduate-level educational experience (i.e. practicum or internship) may be utilized to fulfill this requirement which can be provided by a counselor education faculty member or doctoral student at an accredited college or university, or a site supervisor approved by an accredited college or university. ()

02. Clinical Professional Counselor. ()

a. Approved Experience. One thousand (1,000) of the two thousand (2,000) direct client contact hours must be supervised by a licensed clinical professional counselor, with the remaining supervision provided by any supervisor as defined in these rules; and one (1) hour of clinical supervision for every thirty (30) hours of direct client contact, with at least half of the supervised hours involving individual, rather than group, supervision. ()

b. Required Examination. The National Clinical Mental Health Counselor Examination (NCMHCE) prepared by the National Board of Certified Counselors (NBCC). ()

03. Associate Marriage And Family Therapist. ()

a. Approved Graduate Program. A graduate program in marriage and family therapy or a related field which is accredited by the Commission on Accreditation for Marriage and Family Therapy Education (COAMFTE) or the Council for Accreditation of Counseling and Related Educational Programs Marriage, Couple, and Family Counseling (CACREP-MCFC), or is substantially similar and approved by the Board. ()

b. Required Practicum. The practicum must occur over a period of twelve (12) months or longer and require three hundred (300) hours of direct client contact, of which at least one hundred (100) hours must be with two or more individuals conjointly who share an ongoing relationship beyond that which occurs in the therapeutic experience itself. These hours may be completed as part of a practicum, registered intern supervised experience, or supervised experience in another jurisdiction. ()

c. Required Examination. The National Marital and Family Therapy Examination as approved by the Association of Marital and Family Therapy Regulatory Boards (AMFTRB) or another recognized competency examination in marriage and family therapy that is approved by the Board. ()

04. Marriage And Family Therapists. ()

a. Approved Graduate Program. A graduate program in marriage and family therapy or a related field accredited by the Commission on Accreditation for Marriage and Family Therapy Education (COAMFTE) or substantially similar and otherwise approved by the Board. ()

b. Required Practicum. See Rule 100.03.b. ()

c. Required Postgraduate Supervised Experience. Two thousand (2,000) hours of direct client contact over a period of at least two (2) years which includes: (1) one thousand (1,000) direct client contact hours with two or more individuals conjointly who share an ongoing relationship beyond that which occurs in the therapeutic experience itself; and (2) two hundred (200) hours of supervision, of which one hundred (100) hours must be individual, rather than group, supervision. One hundred (100) hours must be supervised by a licensed marriage and family therapist, with the remaining one hundred (100) hours of supervision provided by a supervisor who has at least two (2) years of experience practicing marriage and family therapy. ()

d. Required Examination. The National Marital and Family Therapy Examination as approved by the

Association of Marital and Family Therapy Regulatory Boards (AMFTRB) or another recognized competency examination in marriage and family therapy that is approved by the Board. ()

05. Foreign Educated Applicants. Applicants with a graduate degree from a country other than the United States may be required to submit a certification from a credential evaluation service that is a member of the National Association of Credential Evaluation Services (NACES). The service must certify that the graduate degree is equivalent to an approved graduate degree from the United States. All information submitted to the Board must be submitted with an English translation. ()

06. Registered Post-Graduate Interns. A post-graduate intern registration is required to engage in the supervised practice of counseling or marriage and family therapy while completing supervised experience hours or while awaiting examination results. To register as an intern, the individual must: (1) have an approved graduate degree as defined in these Rules; and (2) designate a supervisor approved by the Board. An individual may not practice as an intern for more than four (4) years from the original date of registration, unless good cause is demonstrated to the board. ()

07. Continuing Education. In each twenty-four (24) month period preceding the renewal of a license, all licensees must complete six (6) hours in ethics, three (3) hours of boundaries, and three (3) hours in suicide assessment or intervention. Additionally, licensees are required to comply with the continuing education and competence sections of the Codes of Ethics pertaining to their licensure. ()

101. -- 199. (RESERVED)

200. PRACTICE STANDARDS.

01. Licensees. Licensees must comply with Board-adopted Code of Ethics pertaining to their licensure. ()

02. Supervision. ()

a. Registered interns obtaining supervised or postgraduate experience hours must be supervised by a Board-approved supervisor and must explicitly identify themselves as interns in documentation and advertising. ()

b. To become an approved supervisor, be licensed as a clinical professional counselor or licensed marriage and family therapist document a minimum of fifteen (15) contact hours of relevant education in supervisor training, and have received no discipline in the five (5) years prior to the approval request, provided the Board may approve a supervisor with disciplinary action for failing to complete continuing education requirements. A supervisor must supervise in conformance with statute and the guidelines for supervisors set forth in the ACA or AAMFT Code of Ethics. A licensed professional counselor may be an approved supervisor until July 1, 2026. ()

03. Informed Consent and Information Disclosure. The receipt of the disclosure must be documented in writing by the client and the licensee or intern, and such disclosure of information must include: the licensee's name, license type, license number, business address and phone number; if the licensee is a supervisee, the name of any supervisor, contact information for the supervisor, including address and phone number, and a statement that the intern is practicing under the supervision of licensee; the purposes, goals, techniques, procedures, limitations, potential risks, and benefits of services; the extents and limits of confidentiality; the client's rights to participate in treatment decisions, to seek a second opinion, to file a complaint without retaliation, and to refuse treatment; the fee structure, billing arrangements, and cancellation policy; a statement that the Board regulates the licensee's and intern's practices and providing the Board's phone number and address; and a statement that sexual intimacy is never appropriate with a client and should be reported to the Board. ()

[Agency redlined courtesy copy]

24.15.01 – RULES OF THE IDAHO LICENSING BOARD OF PROFESSIONAL
COUNSELORS AND MARRIAGE AND FAMILY THERAPISTS

~~002. 003.(RESERVED)~~

~~004~~**002.** INCORPORATION BY REFERENCE.

01. **ACA Code of Ethics.** ~~The current and updated document titled~~ “ACA Code of Ethics,” ~~as published by the American Counseling Association (ACA), effective 2014,~~ is herein **adopted and** incorporated by reference and is available ~~from the Board’s office and website~~ **on the ACA website:** <https://www.counseling.org/resources/aca-code-of-ethics.pdf>.()

PENDING TEXT 002.01

01. **ACA Code of Ethics.** The ~~current and updated~~ document titled “ACA Code of Ethics,” published by the American Counseling Association (ACA) is herein adopted and incorporated by reference and is available on the ACA website: <https://www.counseling.org/resources/aca-code-of-ethics.pdf>.()

02. **AAMFT Code of Ethics.** The ~~current and updated~~ document titled “AAMFT Code of Ethics,” ~~as published by the American Association for Marriage and Family Therapy (AAMFT), effective January 1, 2015,~~ is herein **adopted and** incorporated by reference and is available ~~from the Board’s office and website~~ **on the AAMFT website:** https://www.aamft.org/Legal_Ethics/Code_of_Ethics.aspx.()

PENDING TEXT 002.02

02. **AAMFT Code of Ethics.** The ~~current and updated~~ document titled “AAMFT Code of Ethics,” published by the American Association for Marriage and Family Therapy (AAMFT) is herein adopted and incorporated by reference and is available on the AAMFT website: https://www.aamft.org/Legal_Ethics/Code_of_Ethics.aspx.()

~~03. **Guidelines.** The document titled “Approved Supervision Designation Handbook” that provides supervision guidelines for supervisors, as published by the American Association for Marriage and Family Therapy (AAMFT), dated October 2007, is herein incorporated by reference and is available from the Board’s office and website.~~ ()

~~150~~**100. QUALIFICATIONS FOR PROFESSIONAL COUNSELOR LICENSURE.**

~~Licensure as a “professional counselor” is restricted to persons who have successfully completed the required examination and each of the following:()~~

01. **Professional Counselor.**
~~a. **Approved Graduate Program.** A graduate program that is primarily counseling in nature and is Graduate Program. Possess a master’s degree or higher, which includes an educational specialist degree, that is primarily counseling in nature, from an accredited university or college offering a graduate program in counseling, provided that the program is either:()~~

~~a. **Approved** accredited by the Council for Accreditation of Counseling and Related Educational Programs (CACREP); or substantially similar and otherwise approved by the Board.()~~

PENDING TEXT 100.01.a.

a. Approved Graduate Program. A graduate program that is primarily counseling in nature and is accredited by the Council for Accreditation of Counseling and Related Educational Programs (CACREP) or substantially similar and ~~otherwise~~ approved by the Board. (____)

~~b. A counseling program of at least sixty (60) semester hours or ninety (90) quarter hours in length and that at a minimum includes successful completion of one (1) graduate level course unique to the eight (8) areas and an advanced counseling practicum as follows: (____)~~

~~i. Human growth and development: Includes studies that provide a broad understanding of the nature and needs of individuals at all developmental levels. Emphasis is placed on psychological, sociological, and physiological approaches. Also included are areas such as human behavior (normal and abnormal), personality theory, and learning theory. (____)~~

~~ii. Social and cultural foundations: Includes studies of change, ethnic groups, subcultures, changing roles of women, sexism, urban and rural societies, population patterns, cultural mores, use of leisure time, and differing life patterns. (____)~~

~~iii. The helping relationship: Includes philosophic bases of the helping relationship: Consultation theory and/or an emphasis on the development of counselor and client (or consultee) self-awareness and self-understanding. (____)~~

~~iv. Groups: Includes theory and types of groups, as well as descriptions of group practices, methods dynamics, and facilitative skills. It includes either a supervised practice and/or a group experience. (____)~~

~~v. Life-style and career development: Includes areas such as vocational choice theory, relationship between career choice and life-style, sources of occupational and educational information, approaches to career decision-making processes, and career-development exploration techniques. (____)~~

~~vi. Appraisal of the individual: Includes the development of a framework for understanding the individual, including methods of data gathering and interpretation, individual and group testing, case study approaches and the study of individual differences. Ethnic, cultural, and sex factors are also considered. (____)~~

~~vii. Research and evaluation: Includes areas such as statistics, research design, and development of research and demonstration proposals. It also includes understanding legislation relating to the development of research, program development, and demonstration proposals, as well as the development and evaluation of program objectives. (____)~~

~~viii. Professional orientation: Includes goals and objectives of professional counseling organizations, codes of ethics, legal consideration, standards of preparation, certification, and licensing and role of identity of counselors. (____)~~

~~ix. Advanced counseling practicum: Complete at least two (2) semester courses of an advanced counseling practicum taken at the graduate school level, provided that the applicant completed a total of two hundred eighty hours (280) of direct client contact that is supervised at the ratio of at least one (1) hour of one-to-one supervision for every ten (10) hours of experience in the setting. An applicant may complete one (1) supplemental practicum hour for every hour in which the practicum was deficient and that meets the requirements of Subsection 230.02 of these rules. (____)~~

~~**b. Required Examination. The National Counselor Examination prepared by the National Board of Certified Counselors (NBCC).**~~

~~**02c. Acceptable Supervised Experience Requirement. One thousand (1,000) hours of supervised experience in counseling acceptable to the Board. (____)**~~

~~**a. Of the one thousand (1,000) hours required in Section 54-3405, Idaho Code, is defined as one thousand (1,000) clock hours of experience working in a counseling setting, four hundred (400) of the one thousand**~~

~~(1,000) hours of which must be direct client contact and Supervised experience in practicum taken at the graduate level may be utilized. The supervised experience must include a minimum of one (1) hour of Individual Supervision of face-to-face or one-to-one (1/1) or one-to-two (1/2) supervision with the supervisor for every twenty (20) hours of job/internship experience direct client contact. A supervised graduate-level practicum may be utilized to fulfill this requirement which can be provided by a counselor education faculty member or doctoral student at an accredited college or university.~~(—)

PENDING TEXT 100.01.c.

c. Acceptable Supervised Experience. Four hundred (400) of the one thousand (1,000) hours must be direct client contact and the supervised experience must include a minimum of one (1) hour of individual supervision for every twenty (20) hours of direct client contact. A supervised graduate-level ~~practicum~~ *educational experience (i.e. practicum or internship)* may be utilized to fulfill this requirement which can be provided by a counselor education faculty member or doctoral student at an accredited college or university, *or a site supervisor approved by an accredited college or university.*(—)

~~b. Supervision must be provided in compliance with the ACA Code of Ethics that was adopted by the Board at the time the supervision and provided by a counselor education faculty member at an accredited college or university, Professional Counselor, registered with the Board as a supervisor, or a licensed mental health professional supervisor as defined in these rules. If the applicant's supervision was provided in another state, it must have been provided by a counseling professional licensed by that state, provided the requirements for licensure in that state are substantially equivalent to the requirements in Idaho.~~(—)

~~e. Experience in counseling is defined as assisting individuals or groups, through the counseling relationship, to develop an understanding of personal problems, to define goals, and to plan action reflecting interests, abilities, aptitudes, and needs as related to personal social concerns, educational progress, and occupations and careers. Counseling experience may include the use of appraisal instruments, referral activities, and research findings.~~(—)

~~d. The Board considers the recommendation of the supervisor(s) when determining the acceptability of the applicant's supervised experience.~~(—)

~~151. 224.(RESERVED)~~

~~22502. Clinical Professional Counselor LICENSURE.~~

~~Licensure as a "clinical professional counselor" is restricted to applicants who have successfully passed the required examination and have met the following:~~(—)

~~01. License. Hold a "professional counselor" license in this state or a license or other authorization in another state that has substantially similar requirements to a licensed professional counselor in this state, provided the license or authorization is current and in good standing; and~~(—)

~~02a. Approved Experience. Pursuant to Section 54-3405A, Idaho Code, applicants must: Document two thousand (2,000) hours of direct client contact experience under supervision accumulated in no less than a two (2) year period after licensure or other authorization to practice in any state.~~(—)

~~a. All applicants must provide verification of meeting at least One thousand (1,000) of the two thousand (2,000) hours of supervised experience under the supervision of supervision by a licensed Clinical Professional professional Counselor counselor registered as a supervisor approved by with the Board, with the remaining supervision. The remainder of the supervision may be provided by a licensed mental health professional any supervisor as defined in these rules; and. If the applicant's supervision was provided in another state, it must have been provided by a counseling professional licensed by that state, provided the requirements for license and supervision are substantially equivalent to the requirements in Idaho.~~(—)

~~b. Provide verification of One (1) hour of clinical supervision for every thirty (30) hours of direct~~

client contact, ~~with at least half of the supervised hours involving individual, rather than group, supervision is required. Individual supervision is defined as one (1) hour of face to face, one on one (1:1) or one to two (1:2) supervision to every thirty (30) hours of direct client contact. Supervision must be provided in a face-to-face setting.~~
(—)

PENDING TEXT 100.02.a.

a. Approved Experience. One thousand (1,000) of the two thousand (2,000) direct client contact hours ~~of supervision must be supervised~~ by a licensed clinical professional counselor, with the remaining supervision provided by any supervisor as defined in these rules; and one (1) hour of clinical supervision for every thirty (30) hours of direct client contact, with at least half of the supervised hours involving individual, rather than group, supervision. (—)

~~e. NGroup Supervision comprising no more than one-half (1/2) of the required supervision supervision hours, may be group supervision.~~
(—)

~~03. Recommendation of the Supervisor(s). The Board considers the recommendation of the supervisor(s) when determining the acceptability of the applicant's supervised experience.~~
(—)

b. Required Examination. The National Clinical Mental Health Counselor Examination (NCMHCE) prepared by the National Board of Certified Counselors (NBCC).

~~226.—229.(RESERVED)~~

~~230~~**03. QUALIFICATIONS FOR Associate Marriage And Family Therapist.**

An applicant for associate marriage and family therapist licensure must pass the required examination and meet the following: (—)

~~01.a. Graduate Degree. Approved Graduate Program. A graduate program Possess a master's degree or higher in marriage and family therapy or a related field, from an accredited university or college provided that the program which is accredited by Possess a graduate degree as outlined in Subsection 238.01 of these rules or a master's degree or higher in marriage and family therapy or a related field from an accredited university or college, provided that the graduate program meets one of the following:~~
(—)

~~a. Accredited by the the Commission on Accreditation for Marriage and Family Therapy Education (COAMFTE); or~~
(—)

~~b. Accredited by or the Council for Accreditation of Counseling and Related Educational Programs- Marriage, Couple, and Family Counseling (CACREP-MCFC); or is substantially similar and otherwise approved by the bBoard.~~
(—)

PENDING TEXT 100.03.a.

a. Approved Graduate Program. A graduate program in marriage and family therapy or a related field which is accredited by the Commission on Accreditation for Marriage and Family Therapy Education (COAMFTE) or the Council for Accreditation of Counseling and Related Educational Programs Marriage, Couple, and Family Counseling (CACREP-MCFC), or is substantially similar and ~~otherwise~~ approved by the Board. (—)

~~e. The program includes, at a minimum, twenty-seven (27) semester credits or thirty-six (36) quarter credits of the graduate level coursework set forth in Subsection 238.01.b of these rules.~~
(—)

~~02b. Required Practicum. Completion of a supervised practicum in The practicum must occur In no less than a over a period of twelve (12) months or longer and require period, as part of the graduate program. The~~

~~practicum applicants must consist of complete at least three hundred (300) hours of direct client contact, of which at least one hundred fifty (150) hours must be with couples, families and other systems, two or more individuals conjointly who share an ongoing relationship beyond that which occurs in the therapeutic experience itself. provided that the Board may grant a license to an applicant who completed a practicum with fewer than the required hours and completed one (1) supplemental practicum hour for every hour in which the practicum was deficient. Supplemental practicum hours must be These hours may be completed as part of a practicum. Registered intern supervised experience, or supervised practice experience in another jurisdiction. (—)~~

c. Required Examination. The National Marital and Family Therapy Examination as approved by the Association of Marital and Family Therapy Regulatory Boards (AMFTRB) or another recognized competency examination in marriage and family therapy that is approved by the Board.

- a.** ~~A Registered Intern under Section 245 of these rules; or (—)~~
- b.** ~~Supervised practice in another jurisdiction that is sufficient to be considered substantially similar to the supplemental practicum hour requirements of these rules; or (—)~~
- e.** ~~A combination of Paragraph 02.a. and 02.b. of this subsection. (—)~~

~~231.— 237.(RESERVED)~~

23804. Marriage And Family Therapists.

~~An applicant for marriage and family therapist licensure must pass the required examination and meet the following: (—)~~

01a. Graduate Degree. Approved Graduate Program. A graduate program Possess a master's degree or higher in marriage and family therapy or a related field from an accredited university or college provided that the program is either: (—)

a. ~~Accredited by the Commission on Accreditation for Marriage and Family Therapy Education (COAMFTE); or substantially similar and otherwise approved by the Board. ()~~

b. ~~A program of at least sixty (60) semester hours or ninety (90) quarter hours in length and that includes at a minimum: (—)~~

i. ~~Marriage and family studies—Nine (9) semester credit hours or twelve (12) quarter credit hours: includes theoretical foundations, history, philosophy, etiology and contemporary conceptual directions of marriage and family therapy or marriage and family counseling; family systems theories and other relevant theories and their application in working with a wide variety of family structures, including families in transition, nontraditional families and blended families, and a diverse range of presenting issues; and preventive approaches, including premarital counseling, parent skill training and relationship enhancement, for working with couples, families, individuals, subsystems and other systems; (—)~~

ii. ~~Marriage and family therapy—Nine (9) semester credit hours or twelve (12) quarter credit hours: includes the practice of marriage and family therapy related to theory, and a comprehensive survey and substantive understanding of the major models of marriage and family therapy or marriage and family counseling; and interviewing and assessment skills for working with couples, families, individuals, subsystems and other systems, and skills in the appropriate implementation of systematic interventions across a variety of presenting clinical issues including, but not limited to, socioeconomic disadvantage, abuse and addiction; (—)~~

iii. ~~Biopsychosocial health and development across the lifespan—Nine (9) semester credit hours or twelve (12) quarter credit hours: includes individual development and transitions across the life span; family, marital and couple life cycle development and family relationships, family of origin and intergenerational influences, cultural influences, ethnicity, race, socioeconomic status, religious beliefs, gender, sexual orientation, social and equity issues and disability; human sexual development, function and dysfunction, impacts on individuals, couples and families, and strategies for intervention and resolution; and issues of violence, abuse and substance use in a relational context, and strategies for intervention and resolution; (—)~~

~~iv. Psychological and mental health competency—Six (6) semester credit hours or eight (8) quarter credit hours: includes psychopathology, including etiology, assessment, evaluation and treatment of mental disorders, use of the current diagnostic and statistical manual of mental disorders, differential diagnosis and multiaxial diagnosis; standard mental health diagnostic assessment methods and instruments, including standardized tests; and psychotropic medications and the role of referral to and cooperation with other mental health practitioners in treatment planning, and case management skills for working with individuals, couples, families, and other systems and relational groups;(—)~~

~~v. Professional ethics and identity—Three (3) semester credit hours or four (4) quarter credit hours: includes professional identity, including professional socialization, professional organizations, training standards, credentialing bodies, licensure, certification, practice settings and collaboration with other disciplines; ethical and legal issues related to the practice of marriage and family therapy, legal responsibilities of marriage and family therapy and marriage and family counseling practice and research, business aspects, reimbursement, recordkeeping, family law, confidentiality issues and the relevant codes of ethics, including the code of ethics specified by the board; and the interface between therapist responsibility and the professional, social and political context of treatment;()~~

~~vi. Research—Three (3) semester credit hours or four (4) quarter credit hours: includes research in marriage and family therapy or marriage and family counseling and its application to working with couples and families; and research methodology, quantitative and qualitative methods, statistics, data analysis, ethics and legal considerations of conducting research, and evaluation of research.(—)~~

~~**02b. Required Practicum. See Rule 100.03.b.** Completed a supervised practicum, including any supplemental practicum hours, which meets the requirements of Subsection 230.02 of these rules.:()~~

~~**03c. Required Postgraduate Supervised Marriage and Family Therapy Experience—Requirements.** Completed at least three thousand (3,000) hours of graduate or post graduate supervised experience in marriage and family therapy that meets the following requirements: (—)~~

~~**a.** A minimum of ~~two~~ two thousand (2,000) hours of post-master's direct client contact hours, over a period of ~~not less than~~ at least two (2) years; which must include: (1) a minimum of one thousand (1,000) direct client contact hours with two or more individuals conjointly who share an ongoing relationship beyond that which occurs in the therapeutic experience itself; and couples, families, and other systems; and(—)~~

~~**b.** (2) A minimum of two hundred (200) hours of post-master's supervision, of which one hundred (100) hours must be individual, rather than group, supervision. One hundred (100) hours must be supervised by a licensed marriage and family therapist, with the remaining supervision provided by a supervisor who has at least two (2) years of experience practicing marriage and family therapy.-()~~

~~**d.** Required Examination. The National Marital and Family Therapy Examination as approved by the Association of Marital and Family Therapy Regulatory Boards (AMFTRB) or another recognized competency examination in marriage and family therapy that is approved by the Board.~~

~~**e.** Other hours must support development as a marriage and family therapist, and may include: additional hours of supervision, additional practicum hours above the three hundred (300) hours required in Subsection 230.02 of these rules, writing clinical reports, writing case notes, case consultation, coordination of care, administering tests, and attending workshops, training sessions, and conferences.(—)~~

~~**de.** A minimum of one hundred (100) hours post master's supervision must be obtained from a registered marriage and family therapist supervisor. The remaining one hundred (100) hours of supervision may also be obtained from a licensed mental health professional supervisor as defined in these rules who documents:-(—)~~

~~**i.** A a minimum of five two ~~(52)~~ years of experience providing marriage and family therapy.; and()~~

~~**ii.** Fifteen (15) contact hours of education in supervisor training; and(—)~~

iii. Has not been the subject of any disciplinary action for five (5) years immediately prior to providing supervision.(—)

~~ed.~~ No more than one hundred (100) hours of ~~g~~Group ~~s~~Supervision are allowed. Group supervision is defined as up to six (6) supervisees and one (1) supervisor; and(—)

~~f.~~ Individual supervision is defined as up to two (2) supervisees per supervisor; and(—)

~~g.~~ Supervision must employ observation of client contact such as the use of audio technologies or video technologies or co-therapy, or live supervision; and(—)

~~h.~~ A supervisor may not act as an applicant's personal Professional Counselor/Therapist.(—)

~~i.~~ The Board considers the recommendation of the supervisor(s) when determining the acceptability of the applicant's supervised experience.(—)

~~j.~~ Supervision obtained in another jurisdiction or from a supervisor in another jurisdiction must conform with the jurisdiction's requirements provided they are substantially equivalent to Idaho's requirements.
(—)

239. SUPERVISOR REQUIREMENTS.

200. PRACTICE STANDARDS

Licenses in Idaho must ~~meet the following criteria to be~~ registered with ~~approved by~~ the board to provide supervision for those individuals pursuing licensure in the state of Idaho as a counselor or marriage and family therapist.
(—)

01. Licensees must comply with Board-adopted Code of Ethics pertaining to their licensure.

02. RequirementsSupervision, for Registration. The board will register an applicant who:(—)

a. Registered interns obtaining supervised or postgraduate experience hours must be supervised by a Board-approved supervisor and must explicitly identify themselves as interns in documentation and advertising.

b. To become an approved supervisor, the supervisor must submit an application; Possesses two (2) years experience as a ~~B~~ licensed as a clinical professional counselor (~~L~~CPC) or licensed marriage and family therapist, and (~~L~~MFT), or similar authorization to practice in another jurisdiction respective to the profession for which the applicant seeks registration as a ~~to~~ supervisor~~supervise~~, and document at least one thousand five hundred (1,500) hours of direct client contact as a counselor or two thousand (2,000) hours of direct client contact with couples, families, and other systems as a marriage and family therapist.(—)

~~b.~~ Possess two (2) years of experience under the licensure required in subsection (a). This requirement will be suspended for LCPCs until July 1, 2026.

~~be.~~ Documents ~~A minimum of fifteen~~ (15) contact hours of ~~relevant~~ education in supervisor training as approved by the Board.(—)

~~ed.~~ Has not been subject to disciplined ~~in the~~ for five (5) years prior to ~~registration~~~~supervision~~~~the approval request~~, provided ~~that~~ the Board may ~~in its discretion~~ approve a supervisor with disciplinary action for failing to complete continuing education requirements.(—)

02. Supervision.(—)

~~a.~~ A registered supervisor must ~~provide supervisions~~supervise in conformance with ~~statute and~~ the guidelines for supervisors set forth in the ~~American Counseling Association (ACA) Code of Ethics for counselor supervisors or the American Association for Marriage and Family Therapists (AAMFT) Code of Ethics, and the guidelines set forth in the AAMFT Code of Ethics for marriage and family therapist supervisors.(—)~~

PENDING TEXT 200.02.b.

b. To become an approved supervisor, be licensed as a clinical professional counselor or licensed marriage and family therapist; ~~and not been, document a minimum of fifteen (15) contact hours of relevant education in supervisor training, and have received no~~ disciplined in the five (5) years prior to the approval request, provided the Board may approve a supervisor with disciplinary action for failing to complete continuing education requirements. A supervisor must supervise in conformance with statute and the guidelines for supervisors set forth in the ACA or AAMFT Code of Ethics. ~~A licensed professional counselor may be an approved supervisor until July 1, 2026.~~ ()

b: Unless the primary work role of an individual is as a clinical supervisor, a registered supervisor may not supervise more than six (6) supervisees concurrently. ()

e: Supervision must be provided in a face-to-face setting, ~~which includes secure live electronic face-to-face connection between the supervisor and supervisee.~~ ()

d: A registered supervisor must ensure that informed consent containing information about the roles of the supervisor and supervisee is obtained from clients of the supervisee. ()

03. **Renewal.** A supervisor's registration is valid for a term of five (5) years, provided the supervisor's license remains current, active, in good standing, and is not subject to discipline. To renew a supervisor registration, the licensee must submit to the Board a complete application for registration renewal and document six (6) hours of continuing education in advanced supervisor training as approved by the Board and completed within the previous twenty-four (24) months, unless good cause is shown. ()

240. EXAMINATION FOR LICENSURE.

Applicants must have successfully completed ~~passed~~ the required ~~appropriate~~ written examination. ()

01. Examination. The required written examination is: ()

~~a01.~~ For counselor applicants, the National Counselor Examination prepared by the National Board of Certified Counselors (NBCC). ()

~~b02.~~ For clinical counselor applicants, the National Clinical Mental Health Counselor Examination (NCMHCE) prepared by the National Board of Certified Counselors (NBCC). ()

~~e03.~~ For associate marriage and family therapist and marriage and family therapist applicants, the National Marital and Family Therapy Examination as approved by the Association of Marital and Family Therapy Regulatory Boards (AMFTRB) or another recognized competency examination in marriage and family therapy that is approved by the Board. ()

02. Time and Place. The examination will be conducted at a time and place specified by the Board or the examining entity. ()

03. Successful Passage. Successful passage of the examination is defined as achievement of the passing score set by the preparer of the examination. Reexamination consists of the entire examination. ()

241100.05. NON-UNITED STATES Foreign Educated Applicants.

Applicants with a graduate degree from a country other than the United States may be required to submit a certification from a credential evaluation service that is a member of the National Association of Credential Evaluation Services (NACES) ~~or approved by the Board.~~ The service must certify that the graduate degree is equivalent to an approved graduate degree from the United States. ~~All costs for the certification are the responsibility of the applicant.~~ All information submitted to the Board must be submitted with an English translation. ()

~~242. — 244.(RESERVED)~~

~~245~~**100.06. Registered Interns.** An intern registration is required to engage in the supervised practice of counseling or marriage and family therapy while completing supervised experience hours or while awaiting examination results. To register as an intern, the individual must: (1) have an approved graduate degree as defined in these Rules; and (2) designate a supervisor approved by the Board. An individual may not practice as an intern for more than four (4) years from the original date of registration, unless good cause is demonstrated to the board.

The Board may issue a registration to allow an intern to engage in the practice of counseling or marriage and family therapy while completing either the supervised experience or supplemental practicum hours required for licensure or while waiting for passing examination results. A registered intern may only practice only under the direct supervision of a person registered as a supervisor with the Board or otherwise approved to provide supervision under this chapter.
(—)

PENDING TEXT 100.06

06. *Registered Post-Graduate Interns.* A post-graduate intern registration is required to engage in the supervised practice of counseling or marriage and family therapy while completing supervised experience hours or while awaiting examination results. To register as an intern, the individual must: (1) have an approved graduate degree as defined in these Rules; and (2) designate a supervisor approved by the Board. An individual may not practice as an intern for more than four (4) years from the original date of registration, unless good cause is demonstrated to the board.(—)

01. **Requirements for Registration.** An applicant must meet the following requirements:(—)

a. Possess a graduate degree in counseling, marriage and family therapy, or a closely related field from an accredited university or college.(—)

b. Designate a supervisor who is registered with approved by the board, as a supervisor as set forth in these rules or who is otherwise approved to provide marriage and family therapy supervision as set forth in Section 238 of these rules.(—)

02. **Supervision.** The designated supervisor is responsible to provide supervision and ensure that a Registered Intern is competent to practice such counseling or marriage and family therapy as may be provided.
(—)

~~**0302.** **Designation of Intern Status.** Only a Registered Intern may use the title Registered Counselor Intern or Registered Marriage and Family Therapist Intern. Registered interns must explicitly state that they are interns in their documentation and advertising, such as business cards, informed consent forms, and other disclosures.~~ (—)

~~**0403.** **Expiration.** An individual may not practice as an intern for more than four (4) years from the original date of registration, unless good cause is demonstrated to the board.~~ (—)

~~246. — 249.(RESERVED)~~

~~425~~**100.07. Continuing Education.**

~~**01.** All licensees must complete in each twenty-four-month period preceding the renewal of a license, forty (40) contact hours of continuing education. A contact hour is one (1) hour of actual participation in a continuing education activity, exclusive of breaks.~~ (—)

~~**01.** **Contact Hours.** The contact hours of continuing education must be obtained in areas of study germane to the practice for which the license is issued as approved by the Board. No less no fewer than six (6) contact~~

hours ~~for each renewal period must be~~ in ethics ~~and~~, which must be specific to legal issues, law, or ethics, ~~and no fewer than six (6) hours in suicide assessment or intervention~~. Therapeutic workshops, retreats and other self help activities are not considered continuing education training unless specific parts of the experience are applicable to counseling or therapy practice. (—)

PENDING TEXT 100.07

07. Continuing Education. In each twenty-four (24) month period preceding the renewal of a license, all licensees must complete six (6) hours in ethics ~~and six (6)~~, *three (3) hours of boundaries, and three (3) hours in suicide assessment or intervention. Additionally, licensees are required to comply with the continuing education and competence sections of the Codes of Ethics pertaining to their licensure.* (—)

~~**02. Documentation of Attendance.** Each licensee must maintain documentation verifying hours of attendance by securing authorized signatures or other documentation from the course instructors, providers, or sponsoring institution. This documentation is subject to audit and must be provide documentation verifying completion of continuing education upon request by the Board or its agent. Prior to reinstatement of an expired license pursuant to Idaho Code Section 67-2614, the licensee will attest to completion of the continuing education requirements of license renewal.~~ (—)

~~**03. Approved Contact Hours, Limitations, and Required Documents.**~~ (—)

~~**a.** College or University Courses for Credit or Audit.~~ There is no limit to the contact hours that a licensee may obtain in this category during each reporting period. However, all courses are subject to Board approval. For college or university courses, one (1) semester credit equals fifteen (15) contact hours; one (1) quarter credit equals ten (10) contact hours. The licensee must provide the Board with a copy of the licensee's transcript substantiating any hours attended by the licensee. (—)

~~**b.** Seminars, Workshops, Conferences.~~ There is no limit to the contact hours that a licensee may obtain in this category during each reporting period. Verifying documentation is a copy of the certificate, or letter signed by course instructors, providers, or sponsoring institution substantiating any hours attended by the licensee. (—)

~~**e.** Publications.~~ A maximum of eight (8) contact hours may be counted in this category during each reporting period. Publication activities are limited to articles in journals, a chapter in an edited book, or a published book or professional publication. Verifying documentation is a copy of the cover page or the article or book in which the licensee has been published. For a chapter in an edited book the licensee must submit a copy of the table of contents. (—)

~~**d.** Presentations.~~ A maximum of eight (8) contact hours may be counted in this category during each reporting period. Class, conference, or workshop presentations may be used for contact hour credit if the topic is germane to the field. A specific presentation given repeatedly can only be counted once. A particular presentation will qualify for contact hour credit one (1) time in a five (5) year period. Only actual presentation time may be counted; preparation time does not qualify for contact hour credit. Verifying documentation is a copy of the conference program or a letter from the sponsor, host organization, or professional colleague. (—)

~~**e.** Clinical Supervision and Case Consultation.~~ A maximum of ten (10) contact hours of received supervision/consultation may be counted in this category during each reporting period. In order to qualify for contact hour credit, supervision/consultation must be received on a regular basis with a set agenda. No credit will be given for the licensee's supervision of others. Verifying documentation is a letter from the supervisor or consultant listing periods of supervision or consultation. (—)

~~**f.** Dissertation.~~ A maximum of ten (10) contact hours may be counted in this category during each reporting period. Verifying documentation is a copy of the licensee's transcript and the title of the dissertation. (—)

~~g. Leadership. A maximum of eight (8) contact hours may be counted in this category during each reporting period. Verifying documentation is a letter from a professional colleague listing the position of leadership, periods of leadership, and the name of the organization under which the leadership took place. The following leadership positions qualify for continuing education credits:(—)~~

- ~~i. Executive officer of a state or national counseling or therapy organization;(—)~~
- ~~ii. Editor or editorial board service of a professional counseling or therapy journal;(—)~~
- ~~iii. Member of a national ethics disciplinary review committee rendering licenses, certification, or professional membership;(—)~~
- ~~iv. Active member of a counseling or therapy working committee producing a substantial written product;(—)~~
- ~~v. Chair of a major counseling or therapy conference or convention; or(—)~~
- ~~vi. Other leadership positions with justifiable professional learning experiences.(—)~~

~~h. Home Study and On line Education. There is no limit to the contact hours that a licensee may obtain in this category during each reporting period. Home study or on-line courses qualify for contact hours, provided that the course is provided by a Board approved continuing education provider or a course pre-approved by the Board. Verifying documentation is a copy of the certification that is verified by the authorized signatures from the course instructors, providers, or sponsoring institution and substantiates any hours completed by the licensee. A licensee seeking contact credit for reading a publication must submit results from a test on the information contained within the publication and administered by an independent third party.(—)~~

~~i. Board Meetings. Continuing education credit may be granted for a maximum of four (4) hours each renewal period for time spent attending two (2) Board meetings.(—)~~

~~0402. Waiver. The Board may waive continuing education requirements for reasons of individual hardship, including health (certified by a medical doctor) or other good cause. The licensee must request such waiver prior to renewal and provide any information requested by the Board to assist in substantiating hardship cases. This waiver is granted at the sole discretion of the Board.(—)~~

~~426.— 524.(RESERVED)~~

525200.03.DOCUMENTATION OF Informed Consent and Information Disclosure.

In accordance with Section 54-3410A, Idaho Code, all licensees and registered interns will document the process of obtaining the informed consent of clients at the beginning of treatment and at other times as appropriate. Licensees and interns must adhere to their respective Codes of Ethics and state law in obtaining informed consent and disclosing information to clients. The receipt of the disclosure must be acknowledged in writing by both the client and the licensee or intern, and such disclosure of information concerning their practice must include: the licensee's name, license type, license number, business address and phone number; if the licensee is a supervisee, the name of any supervisor, contact information for the supervisor, including address and phone number, and a statement that the intern is practicing under the supervision of licensee; the purposes, goals, techniques, procedures, limitations, potential risks, and benefits of services; the extents and limits of confidentiality; the client's rights to participate in treatment decisions, to seek a second opinion, to file a complaint without retaliation, and to refuse treatment; the fee structure, billing arrangements, and cancellation policy; a statement that the Board regulates the licensee's and intern's practices and providing the Board's phone number and address; and a statement that sexual intimacy is never appropriate with a client and should be reported to the Board.()

PENDING TEXT 200.03

03. Informed Consent and Information Disclosure. The receipt of the disclosure must be *acknowledged documented* in writing by the client and the licensee or intern, and such disclosure of information must

include: the licensee's name, license type, license number, business address and phone number; if the licensee is a supervisee, the name of any supervisor, contact information for the supervisor, including address and phone number, and a statement that the intern is practicing under the supervision of licensee; the purposes, goals, techniques, procedures, limitations, potential risks, and benefits of services; the extents and limits of confidentiality; the client's rights to participate in treatment decisions, to seek a second opinion, to file a complaint without retaliation, and to refuse treatment; the fee structure, billing arrangements, and cancellation policy; a statement that the Board regulates the licensee's and intern's practices and providing the Board's phone number and address; and a statement that sexual intimacy is never appropriate with a client and should be reported to the Board. (____)

~~01. **Name, Business Address and Phone Number of Licensee or Intern.** If the licensee or intern is practicing under supervision, the statement must include the licensee or intern status as such and the designated qualified supervisor's name, business address and phone number;(____)~~

~~02. **License Type and License Number, Credentials, and Certifications.**(____)~~

~~03. **Education.** Education with the name(s) of the institution(s) attended and the specific degree(s) received;(____)~~

~~04. **Theoretical Orientation and Approach.** Counseling or marriage and family therapy;(____)~~

~~05. **Relationship.** Information about the nature of the clinical relationship; fee structure and billing arrangements; cancellation policy;(____)~~

~~06. **The Extent and Limits of Confidentiality.**(____)~~

~~07. **Written Statement.** A statement that sexual intimacy is never appropriate with a client and should be reported to the board.(____)~~

~~08. **Client's Rights.** The client's rights to be a participant in treatment decisions, to seek a second opinion, to file a complaint without retaliation, and to refuse treatment.(____)~~

~~09. **Board Information.** The name, address, and phone number of the Board with the information that the practice of licensees and interns is regulated by the Board.(____)~~

~~526401. -- 999.(RESERVED)~~

IDAPA 24 – DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES

24.16.01 – RULES OF THE STATE BOARD OF DENTURITRY

DOCKET NO. 24-1601-2301 (ZBR CHAPTER REWRITE)

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2024 Idaho State Legislature and must be approved by concurrent resolution of the Legislature to go into effect, in accordance with Section 67-5224(2)(c), Idaho Code. The pending rule will become final and effective upon the adjournment, *sine die*, of the Second Regular Session of the Sixty-seventh Idaho Legislature after approval.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section(s) 67-2604, Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change.

Under [Executive Order 2020-01, Zero-Based Regulation](#), the State Board of Denturitry is striving to prevent the accumulation of costly, ineffective, and outdated regulations and reduce regulatory burden to achieve a more efficient operation of government.

There are no changes to the pending rule, and it is being adopted as originally proposed. The complete text of the proposed rule was published in the August 2, 2023, Idaho Administrative Bulletin, [Vol. 23-8, pages 267-279](#).

FEE SUMMARY: The following is a description of the fee or charge imposed or increased in this rulemaking as authorized in Sections 54-3309 and 54-3312, Idaho Code. Pursuant to Section 67-5224(2)(d), Idaho Code, this pending fee rule shall not become final and effective unless affirmatively approved by concurrent resolution of the Legislature.

The fees for applications, licenses, registrations and reinstatement as designated in Rule 400 of these rules are authorized in Sections 54-3309 and 54-3312, Idaho Code. None of these fees are being changed as a result of this rulemaking or since they were previously reviewed by the Idaho Legislature.

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

This rulemaking is not anticipated to have any negative fiscal impact on the State General Fund.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Katie Stuart, Bureau Chief, at 208-577-2489.

DATED this 1st day of November, 2023.

Katie Stuart
Bureau Chief
11341 W. Chinden Blvd., Bldg. #4
Boise, ID 83714
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Email: katie.stuart@dopl.idaho.gov

IDAPA 24 – DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES

24.27.01 – RULES OF THE IDAHO STATE BOARD OF MASSAGE THERAPY

DOCKET NO. 24-2701-2301 (ZBR CHAPTER REWRITE)

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2024 Idaho State Legislature and must be approved by concurrent resolution of the Legislature to go into effect, in accordance with Section 67-5224(2)(c), Idaho Code. The pending rule will become final and effective, July 1, 2024, after approval.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 54-4007, Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change.

The pending rule is being adopted under [Executive Order 2020-01, Zero Based Regulation](#). Text amended since these rules were published as proposed are as follows:

- Rules were reordered to match publication guidelines; and
- The text “current and updated” was removed from incorporation by reference language to ensure no authority is delegated to a third party.

The text of the pending rule has been amended in accordance with Section 67-5227, Idaho Code. Only those sections that have changes that differ from the proposed text are printed in this bulletin. The complete text of the proposed rule was published in the August 2, 2023 Idaho Administrative Bulletin, [Vol. 23-8, pages 280-295](#).

FEE SUMMARY: The following is a description of the fee or charge imposed or increased in this rulemaking as authorized in Sections 54-4001 et. seq., and 67-2614, Idaho Code. Pursuant to Section 67-5224(2)(d), Idaho Code, this pending fee rule shall not become final and effective unless affirmatively approved by concurrent resolution of the Legislature.

The fees for applications, licenses, registrations and reinstatement as designated in Rule 400 of these pending rules are authorized in Sections 54-4001 et. seq., and 67-2614, Idaho Code. None of these fees are being changed as a result of this rulemaking or since being previously reviewed by the Idaho Legislature.

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

This rulemaking is not anticipated to have any negative fiscal impact on the State General Fund.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the pending rule, contact Katie Stuart at 208-577-2489.

DATED this 1st day of November, 2023.

Katie Stuart
Bureau Chief
11341 W. Chinden Blvd., Bldg. #4
Boise, ID 83714
Phone: (208) 577-2489
Email: katie.stuart@dopl.idaho.gov

DOCKET NO. 24-2701-2301 – ADOPTION OF PENDING RULE
(Zero Based Regulation (ZBR) Chapter Rewrite)

Substantive changes have been made to the pending rule.
Italicized text indicates changes between the text of the proposed rule as adopted in the pending rule.

The text of the proposed rule was published in the Idaho Administrative Bulletin,
Volume 23-8, August 2, 2023, page 280.

This rule has been adopted as a pending rule by the agency and is now awaiting
review and final approval by the 2024 Idaho State Legislature.

THE FOLLOWING IS THE TEXT OF THE PENDING RULE FOR DOCKET NO. 24-2701-2301
(Only those sections or subsections that have changed from the original proposed text
are printed in this Bulletin following this notice.)

**Note – Due to extensive reorganization of this ZBR chapter, the rule text below is presented as clean text without showing amendments in legislative format. A redline copy provided by the agency has been included at the end of the docket for transparency and can be utilized to track all edits used to formulate the pending rule.*

002. INCORPORATED BY REFERENCE.

The document titled “Code of Ethics,” except XVIII, published by the NCBTMB is herein adopted and incorporated by reference and is available on the NCBTMB website: <https://www.ncbtmb.org/code-of-ethics/>. ()

[Agency redlined courtesy copy]

24.27.01 – RULES OF THE IDAHO STATE BOARD OF MASSAGE THERAPY

~~800~~**002. CODE OF ETHICS INCORPORATED BY REFERENCE.**

~~All licensees must comply with the Code of Ethics for Massage Therapy as approved by the Board and attached to these rules as Appendix A.~~

~~The current and updated document titled “Code of Ethics”, except XVIII, published by the NCBTMB is herein adopted and incorporated by reference and is available on the NCBTMB website: <https://www.ncbtmb.org/code-of-ethics/>.~~

PENDING TEXT 002

002. INCORPORATED BY REFERENCE.

The ~~current and updated~~ document titled “Code of Ethics,” except XVIII, published by the NCBTMB is herein adopted and incorporated by reference and is available on the NCBTMB website: <https://www.ncbtmb.org/code-of-ethics/>. ()

IDAPA 24 – DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES

24.28.01 – RULES OF THE BARBER AND COSMETOLOGY SERVICES LICENSING BOARD

DOCKET NO. 24-2801-2301 (ZBR CHAPTER REWRITE)

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2024 Idaho State Legislature and must be approved by concurrent resolution of the Legislature to go into effect, in accordance with Section 67-5224(2)(c), Idaho Code. The pending rule will become final and effective, July 1, 2024, after approval.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 54-5807, 54-5810, 54-5815, and 54-5818, Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change.

The pending rule is being adopted under [Executive Order 2020-01, Zero Based Regulation](#). Text amended since these rules were published as proposed are as follows:

- Rules 100.02.e.i. through vi. are being reintroduced after being inadvertently omitted in the proposed rules;
- Rule 100.03 is adding the words “or otherwise approved by the board” to ensure flexibility with emerging technologies;
- Rule 125 is being reintroduced after staff realized deletion of its predecessor (prior rule 326.05) would create additional financial burden;
- Rule 150.01.c.ii. is being deleted as it is an unnecessary barrier to licensure;
- Rule 150.01.c.iii. is removing the word “hairecutter” as it is a vestigial word from an old practice act;
- Rule 150.01.c.iv. is changed to be a more objective standard, but with the same underlying intent;
- Rule 150.02.c. is removing the first sentence which is duplicative of other rules; and
- Rule 150.02.e. is removing subsections i and ii as they are arbitrary barriers to licensure.

The text of the pending rule has been amended in accordance with Section 67-5227, Idaho Code. Only those sections that have changes that differ from the proposed text are printed in this bulletin. The complete text of the proposed rule was published in the April 5, 2023, Idaho Administrative Bulletin, [Vol. 23-8, pages 295-326](#).

FEE SUMMARY: The following is a description of the fee or charge imposed or increased in this rulemaking as authorized in Sections 54-5801 et. seq., and 67-2614, Idaho Code. Pursuant to Section 67-5224(2)(d), Idaho Code, this pending fee rule shall not become final and effective unless affirmatively approved by concurrent resolution of the Legislature.

The fees for applications, licenses, registrations and reinstatement as designated in Rule 400 of these pending rules are authorized in Sections 54-5801 et. seq., and 67-2614, Idaho Code. None of these fees are being changed as a result of this rulemaking or since being previously reviewed by the Idaho Legislature.

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

This rulemaking is not anticipated to have any negative fiscal impact on the State General Fund.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the pending rule, contact Katie Stuart at 208-577-2489.

DATED this 1st day of November, 2023.

Katie Stuart
Bureau Chief
11341 W. Chinden Blvd., Bldg. #4
Boise, ID 83714
Phone: (208) 577-2489
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DOCKET NO. 24-2801-2301 – ADOPTION OF PENDING RULE
(Zero Based Regulation (ZBR) Chapter Rewrite)

Substantive changes have been made to the pending rule.
Italicized text indicates changes between the text of the proposed rule as adopted in the pending rule.

The text of the proposed rule was published in the Idaho Administrative Bulletin,
[Volume 23-8, August 2, 2023, pages 295-326.](#)

This rule has been adopted as a pending rule by the agency and is now awaiting
review and final approval by the 2024 Idaho State Legislature.

THE FOLLOWING IS THE TEXT OF THE PENDING RULE FOR DOCKET NO. 24-2801-2301
(Only those sections or subsections that have changed from the original proposed text
are printed in this Bulletin following this notice.)

**Note – Due to extensive reorganization of this ZBR chapter, the rule text below is presented as clean text without showing amendments in legislative format. A redline copy provided by the agency has been included at the end of the docket for transparency and can be utilized to track all edits used to formulate the pending rule.*

100. LICENSURE.

01. Approved Examination. The National Interstate Council of State Boards of Cosmetology's written and practical examinations. ()

02. Additional Licensure Educational Requirements. ()

a. Barber License. A currently licensed cosmetologist must complete one hundred (100) hours of barber-related instruction, to include barber theory, haircuts, and shaving. ()

b. Barber-Stylist License. A currently licensed cosmetologist must complete one hundred (100) hours of barber-stylist instruction, to include barber theory, haircuts, and shaving. ()

c. Cosmetologist License. ()

i. A currently licensed barber-stylist must complete three hundred (300) hours of cosmetology instruction, to include nail technology, esthetics, cosmetology theory, and hairstyling. ()

ii. A currently licensed barber must complete seven hundred (700) hours of cosmetology instruction, to include working on the hair with chemicals, nail technology, esthetics, cosmetology theory, and hairstyling. ()

iii. A currently licensed esthetician or nail technician must complete one thousand four hundred (1,400) hours of cosmetology instruction or two thousand eight hundred (2,800) hours as a cosmetology apprentice. ()

iv. A currently certificated makeup artist must complete one thousand five hundred fifty (1,500) hours of cosmetology instruction or three thousand one hundred (3,100) hours as a cosmetology apprentice. ()

d. Esthetician License. A currently certified makeup artist must complete five hundred fifty (550) hours of esthetics instruction or one thousand one hundred (1,100) hours as an esthetician apprentice.. ()

e. Out of State Licensure. A current licensee in another state, territory, possession or country, and who does not meet the qualifications for licensure through endorsement may be credited hours of instruction for practical work experience: ()

i. Barber: One Hundred (100) hours as a student or two hundred (200) hours as an apprentice for every six (6) months of practical experience in barbering; ()

ii. Barber-Stylist: Two hundred (200) hours as a student or four hundred (400) hours as an apprentice for every six (6) months of practical experience in barber-styling; ()

iii. Cosmetologist: Two hundred (200) hours as a student or four hundred (400) hours as apprentice for every six (6) months of practical experience in cosmetology; ()

iv. Electrologist: Forty (40) hours as a student or eighty (80) hours as an apprentice for every six (6) months of practical experience in electrology; ()

v. Esthetician: Sixty (60) hours as a student or one hundred twenty (120) hours as an apprentice for every six (6) months of practical experience in esthetics; ()

vi. Nail Technician: Forty (40) hours as a student or eighty (80) hours as an apprentice for every six (6) months in practical experience in nail technology. ()

03. Makeup Artist Certificate Approved Instruction. Classroom instruction, training, practical experience, or a combination received from a cosmetology school, a cosmetology or esthetics instructor, or a retail cosmetics dealer licensed in this state or another state, territory, possession, or country, or otherwise approved by the board. If an applicant does not have a documented record of sufficient training in makeup artistry, including safety and infection control, the Board may require additional training or other demonstration of competency in that area. ()

04. Establishment. An establishment may be licensed as primary or contiguous. ()

a. An applicant for primary establishment licensure must provide proof of compliance with Rule 200.01.a. A primary establishment license will not be issued if it includes or overlaps any portion of an existing establishment license. ()

b. An applicant for contiguous establishment licensure must certify that it is associated with and operates within a currently licensed primary establishment and the primary establishment license holder must certify that the primary establishment is equipped to meet all safety and disinfection requirements. ()

c. Establishment licenses cannot be transferred. A change of location or a full change in ownership requires a new license application. In a multiple ownership establishment, an owner may be removed upon written statement by all owners, including the withdrawing owner. ()

101. -- 124. (RESERVED)

125. OUT OF BUSINESS.

01. Submittal. Whenever any establishment or facility ceases operation at the licensed location, the owner(s) or authorized agent of the establishment or facility shall notify the Board by submitting: ()

a. A signed letter by the owner(s) or authorized agent advising that the establishment or facility is out of business; or ()

b. The establishment or facility license bearing the signature of the owner(s) or authorized agent and marked out of business; or ()

c. In the event that the Board has not been notified about the cessation of operations pursuant to this rule and documentation or evidence has been obtained that an establishment or facility has ceased operation at the licensed or registered location, the Board may cancel the license or facility registration upon a thirty (30) day written notice to the owner(s) or authorized agent of the establishment or facility. ()

126. -- 149. (RESERVED)

150. EDUCATION.

01. Licensed Schools. A licensed barber or cosmetology school must comply with the following: ()

a. The premises will provide adequate space, ventilation, lighting, facilities to safely accommodate all students, instructors, and customers and provide a restroom with a sink with hot and cold running water and drainage system. ()

b. Instructors are permitted to teach subject matters only within the instructor's licensed scope of practice. A cosmetology school teaching electrology will employ one (1) licensed electrologist instructor for every six (6) students being trained and require instructors to directly supervise the training. ()

c. Curriculum. To obtain approval to teach a subject, a school must submit a curriculum and course catalog which complies with Section 54-5815, Idaho Code. Any proposed changes to a curriculum or catalog must be submitted to the Board for approval. ()

i. A school may teach no more than fifty percent (50%) of its curriculum through distance education. ()

ii. For an esthetician, barber, barber stylist, or nail technician student, a licensed cosmetology school may credit eighty percent (80%) of accumulated hours, but no more than two hundred (200) hours, toward the required instructional hours for a cosmetology course. ()

iii. A licensed cosmetology school may credit two hundred (200) hours toward the required instructional hours for a nail technology course or esthetics course for a cosmetology student. ()

iv. Clinical work will be performed under the supervision of a licensed instructor. ()

v. A student may receive up to thirty (30) hours of credit toward the required hours of instruction for instructor-approved activities occurring outside the school. ()

d. A school will maintain a record of instruction for each student showing the classroom hours, the clinical hours, operations, and approved outside school activities completed each month in which the student is enrolled. The record of instruction will be provided to the student and maintained by the school for five (5) years from completion or termination. In the event of cessation of school operations, records of instruction will be provided to each enrolled student at or before the cessation of operations. ()

e. Licenses may not be transferred; any change in ownership or location requires a new license application. ()

- 02. Apprenticeships.** ()
- a.** An apprenticeship must be completed within the following period: ()
- i.** Barber: fifty-seven (57) weeks; ()
- ii.** Barber-Stylist: ninety-four (94) weeks; ()
- iii.** Cosmetologist: one hundred four (104) weeks; ()
- iv.** Estheticians/Electrologist: thirty-eight (38) weeks; ()
- v.** Nail Technicians: twenty-five (25) weeks. ()
- b.** Prior to beginning instruction, the instructor must submit and obtain Board approval of a curriculum which complies with Section 54-5815(1)(g), Idaho Code and Rule 150.02.a. ()
- c.** An electrology apprentice may only work under the direct personal supervision of a licensed electrologist instructor. Instructors and supervisor licensees may teach or supervise work only within their licensed scope of practice. An apprentice cannot be permitted to render clinical services to patrons prior to completion of five percent (5%) of the required hours of instruction. ()
- d.** An establishment or instructor under ongoing discipline may not supervise an apprentice. ()
- e.** Recordkeeping. The establishment must maintain the daily work records for a period of five (5) years following the apprentice's completion or termination. The apprentice must be provided access to the daily work records and be provided monthly progress reports. ()
- f.** An apprentice who has discontinued an apprenticeship must apply for and receive a new registration prior to resuming instruction. ()
- g.** Out of State Apprenticeship. An applicant who received instruction as an apprentice in another state must submit a summary or record of the out of state apprenticeship, including detailed information regarding operations and hours of instruction, which is certified by the relevant licensing agency or instructor(s). ()

[Agency redlined courtesy copy]

24.28.01 – RULES OF THE BARBER AND COSMETOLOGY SERVICES LICENSING BOARD

~~301.100. QUALIFICATIONS FOR ADDITIONAL LICENSE~~ LICENSURE.

~~The Board may grant a license to an applicant for licensure who meets the requirements set forth in Section 54-5810, Idaho Code, pays the required fee, meets the requirements prescribed in Section 300 of these rules, and the following education or apprenticeship, experience, and examination qualifications are required:~~ ()

~~021. Additional Licensure Educational Requirements. Original Barber License.~~ ()

~~**a.** Education- Barber License. For a currently licensed cosmetologist, a licensed barber school must credit eight hundred (800) hours toward the required nine hundred (900) hours for a barber course. The school must submit for the Board's approval a written explanation of how the credited hours and the remaining hours of instruction will be allotted among the subjects in the barber course curriculum, provided that the remaining must complete one hundred (100) hours of barber-related instruction, to include must at a minimum include:~~ ()

~~**i.** Barber theory, including male haircuts, and~~ ()

~~**ii.** Shaving.~~ ()

~~b.~~ For a currently licensed barber in another state, territory, possession or country, and who does not meet the qualifications for licensure by endorsement, fifty (50) hours of instruction may be credited for each three (3) months of practical experience in barbering.()

02. Original Barber Stylist License.()

~~a.b.~~ **Barber-Stylist License.** For a ~~a~~ currently licensed cosmetologist, a licensed barber school must credit one thousand four hundred (1,400) hours toward the required one thousand five hundred (1,500) hours for a barber-stylist course. The school must submit for the Board's approval a written explanation of how the credited hours and the remaining hours of instruction will be allotted among the subjects in the barber-stylist course curriculum, provided that ~~t~~ **The remaining must complete one hundred (100) hours of barber-stylist instruction, to** must at a minimum include the following:()

~~i.~~ **B** barber theory, including male haircuts, and()

~~ii.~~ **S**shaving. ()

~~b.~~ For a currently licensed barber stylist in another state, territory, possession or country, fifty (50) hours of instruction may be credited for each three (3) months of practical experience in barber-styling.()

03. Original Cosmetologist License.()

~~a.c.~~ **Education. Cosmetologist License.**

~~i.~~ For a ~~a~~ currently licensed barber-stylist, a licensed cosmetology school must credit one thousand three hundred (1,300) hours toward the required one thousand six hundred (1,600) hours for a cosmetology course. The school must submit for the Board's approval a written explanation of how the credited hours and the remaining hours of instruction will be allotted among the subjects in the cosmetology course curriculum, provided that ~~t~~ **The remaining must complete three hundred (300) hours of cosmetology instruction, to** must at a minimum include the following: ()

~~i.~~ **N**nail technology,;()

~~ii.~~ **E**esthetics,; and()

~~iii.~~ **C**osmetology theory, including female and hairstyling.()

~~b.ii.~~ For a ~~a~~ currently licensed barber, a licensed cosmetology school must credit nine hundred (900) hours toward the required one thousand six hundred (1,600) hours for a cosmetology course. The school must submit for the Board's approval a written explanation of how the credited hours and the remaining **must complete seven hundred (700) hours of cosmetology instruction, to** will be allotted among the subjects in the cosmetology course curriculum, provided that the remaining hours of instruction must at a minimum include the following:()

~~i.~~ **W**orking on the hair with chemicals,;()

~~ii.~~ **N**nail technology,;()

~~iii.~~ **E**esthetics,; and()

~~iv.~~ **C**osmetology theory, and including female hairstyling.()

~~e.iii.~~ A currently licensed esthetician, haircutter, or nail technician must ~~be given credit of two hundred (200) hours toward the required~~**complete** one thousand ~~six four~~ hundred (1,400) **hours of** hours for a cosmetology course ~~instruction~~ or four hundred (400) hours toward the required ~~three two~~ thousand ~~two eight~~ hundred (2,200) hours as a cosmetology apprentice.()

~~d.iv.~~ For a ~~a~~ currently certificated makeup artist in this state, a licensed cosmetology school may credit up to fifty (50) hours toward the required instructional hours for a cosmetology course, or a licensed instructor may

~~credit up to one hundred (100) hours toward the required apprenticeship hours. Must complete one thousand five hundred fifty (1,500) hours of cosmetology instruction or three thousand one hundred (3,100) hours as a cosmetology apprentice.()~~

~~e. For an esthetician, haircutter~~barber, barber stylist,~~ or nail technician student, a licensed cosmetology school may credit eighty percent (80%) of accumulated hours, but no more than two hundred (200) hours, toward the required instructional hours for a cosmetology course.()~~

~~f. For a currently licensed cosmetologist in another state, territory, possession or country, one hundred (100) hours of instruction or two hundred (200) hours as an apprentice may be credited for each six-month period of practical experience in cosmetology.()~~

~~**04. Original Electrologist License.** Education. For a currently licensed electrologist in another state, territory, possession or country, forty (40) hours of instruction or eighty (80) hours as an apprentice may be credited for each six-month period of practical experience in electrology.()~~

~~**05d. Original**-Esthetician License.()~~

~~a. Education. For a~~a~~ currently ~~certificated~~ certified makeup artist in this state, a licensed cosmetology school may credit up to fifty (50) hours toward the required must complete five hundred fifty (550) hours of esthetics instructional hours for an esthetics course or, a licensed instructor may credit up to one hundred (100) hours toward the required apprenticeship hours one thousand one hundred (1,100) hours as an esthetician apprentice.()~~

~~b. A licensed cosmetology school may credit one-seventh (1/7) of accumulated hours toward the required instructional hours for an esthetics course for a cosmetology student.()~~

~~b.e. For a currently licensed esthetician in another state, territory, possession or country, sixty fifty (~~650~~) hours of instruction or one hundred twenty (~~120~~100) hours as an apprentice may be given for each six-month period of practical experience in esthetics.()~~

PENDING TEXT [New] 100.02.e. through 100.02.e.vi.

~~*e. Out of State Licensure. A current licensee in another state, territory, possession or country, and who does not meet the qualifications for licensure through endorsement may be credited hours of instruction for practical work experience:()*~~

~~*i. Barber: One Hundred (100) hours as a student or two hundred (200) hours as an apprentice for every six (6) months of practical experience in barbering:()*~~

~~*ii. Barber-Stylist: Two hundred (200) hours as a student or four hundred (400) hours as an apprentice for every six (6) months of practical experience in barber-styling:()*~~

~~*iii. Cosmetologist: Two hundred (200) hours as a student or four hundred (400) hours as apprentice for every six (6) months of practical experience in cosmetology:()*~~

~~*iv. Electrologist: Forty (40) hours as a student or eighty (80) hours as an apprentice for every six (6) months of practical experience in electrology:()*~~

~~*v. Esthetician: Sixty (60) hours as a student or one hundred twenty (120) hours as an apprentice for every six (6) months of practical experience in esthetics:()*~~

~~*vi. Nail Technician: Forty (40) hours as a student or eighty (80) hours as an apprentice for every six (6) months in practical experience in nail technology.()*~~

06. Original Nail Technician License.(—)

a. 02.Education. ~~Successful completion and graduation from a program of nail technology consisting of not less than four hundred (400) hours of instruction in a cosmetology school approved by the Board or completed at least eight hundred (800) hours in an apprenticeship that meets the requirements of Section 550, or the following equivalent instruction: A licensed cosmetology school may credit one seventh (1/7) of accumulated hours toward the required instructional hours for a nail technology course for a cosmetology student.~~(—)

b. For a currently licensed nail technician in another state, territory, possession or country, forty (40) hours of instruction or eighty (80) hours as an apprentice may be credited for each six-month period of practical experience in nail technology.(—)

037. Makeup Artist Certificate Approved Instruction.(—)

a. Education/Training. Successful completion of instruction of not less than one hundred (100) hours in makeup artistry, which must include instruction and practical experience in safety and infection control. Hours may be classroom instruction, training, practical experience, or a combination. ~~Instruction may be received from one (one) or more of the following sources:~~(—)

i. ~~A~~ a cosmetology school, a cosmetology or esthetics instructor, or a retail cosmetics dealer licensed in this state or another state, territory, possession, or country.:(—)

ii. A cosmetology or esthetics instructor licensed in this state or another state, territory or possession; (—)

iii. A retail cosmetics dealer licensed in this state or another state, territory or possession; or(—)

iv. Other source of instruction that includes:(—)

(1): Knowledgeable and experienced instructor with a record of safe practices;(—)

(2): Instruction in client safety and safe product selection; and(—)

(3): Hands-on practice and training in infection control.(—)

v. Any combination of the sources listed in Subsections 301.07.a.i. through a.iv. of this rule.(—)

b. Documentation of Education/Training. An applicant may present proof of education/training in makeup artistry in the following ways:(—)

i. A current cosmetology or esthetician license from another state, territory, possession or country. (—)

ii. Transcripts or records of instruction.(—)

iii. ~~Documentation of work history and training as an employee for a retail cosmetics dealer licensed in this state or another state, territory or possession of the United States.~~(—)

iv. ~~Membership in the International Alliance of Theatrical Stage Employees Make-Up Artists and Hair Stylists Guild or other similar organization whose membership requirements meet or exceed the requirements of these rules.~~ (—)

v. Documentation of other training/experience must include:(—)

- (1). ~~Identity and qualifications of the person delivering the instruction/training;()~~
- (2). ~~Method of instruction/training and amount of hands-on training provided; and()~~
- (3). ~~Subject matters covered, particularly pertaining to topics listed in Subsection 301.07.a.iv of these rules. ()~~

~~be. Additional Education/Training. The Board may require. If an applicant who does not have a documented record of sufficient training in makeup artistry, including safety and infection control, the Board may to obtain require additional training or other demonstration of competency in that area.()~~

PENDING TEXT 100.03

03. Makeup Artist Certificate Approved Instruction. Classroom instruction, training, practical experience, or a combination received from a cosmetology school, a cosmetology or esthetics instructor, or a retail cosmetics dealer licensed in this state or another state, territory, possession, or country, or otherwise approved by the board. If an applicant does not have a documented record of sufficient training in makeup artistry, including safety and infection control, the Board may require additional training or other demonstration of competency in that area. ()

100.01311.Approved Examinations.

~~Applicants shall pass pproved examinations shall be tThe National Interstate Council of State Boards of Cosmetology's written and practical examinations, provided approved by the board.National Interstate Council of State Boards of Cosmetology (NIC) for the discipline for which licensure is sought. A passing score must be obtained on both the written and practical examination. A passing score will be determined by NIC.()~~

325100.04.Licensure And Operation Of Primary And Contiguous Establishments License.

~~Except as otherwise provided in statute and these rules, a licensed individual must practice within a licensed establishment. An establishment may be licensed as a primary establishment or a contiguous establishment that operates within a primary establishment. A primary establishment license must be issued prior to the opening or operation of any barber or cosmetology establishment. An applicant for primary establishment licensure must provide proof of compliance with Rule 200.01.a. A primary establishment will not be issued if it includes or overlaps any portion of an existing establishment license. An applicant for contiguous establishment licensure must certify that it is associated with and operates within a currently licensed primary establishment and the primary establishment license holder must certify that the primary establishment is equipped to meet all safety and disinfection requirements.()~~

~~100.04.c.01.Establishment licenses may cannot be transferred. Any change in ownership or location or a full change in ownership requires original a new license application.~~

~~01. Board Must Be Informed of All Changes. The Board must be informed in writing of any and all changes of ownership and location of establishments or facilities.()~~

~~02.Deletion of an Owner. In a multiple ownership establishment, an owner may be deletedremoved from the establishment license by delivering to the Board upon written statement Deletion of an owner in a multiple ownership may be affected by filing a written statement delivered to the Board signed by all owners, including the person withdrawing owner and the remaining owner(s).()~~

~~03. In the event the board is notified that an establishment or contingent establishment has gone out of business, the Board shall investigate the claim and may cancel the establishment license upon a thirty (30) day written notice to the owner(s) or authorized agent of the establishment facility.~~

~~03. Transfer of Ownership. If the transfer involves change of corporate structure or deleting one (1) or more owners, a written notarized statement signed by all former owners as registered with the Board shall be accepted. ()~~

~~04. **Addition of an Owner.** Addition of an owner to a multiple ownership constitutes a change in ownership and the requirements for a new establishment or facility apply.()~~

~~05. **Out of Business.** Whenever any establishment or facility ceases operation at the licensed or registered location, the owner(s) or authorized agent of the establishment or facility shall notify the Board by submitting: ()~~

~~a. A signed letter by the owner(s) or authorized agent advising that the establishment or facility is out of business; or()~~

~~b. The establishment or facility license or registration bearing the signature of the owner(s) or authorized agent and marked out of business; or()~~

~~c. For a contiguous establishment license, a signed statement by the associated primary establishment advising that the contiguous establishment is out of business.()~~

~~d. In the event that the Board has not been notified about the cessation of operations pursuant to this rule and documentation or evidence has been obtained that an establishment or facility has ceased operation at the licensed or registered location, the Board may cancel the establishment license or facility registration upon a thirty (30) day written notice to the owner(s) or authorized agent of the establishment or facility.()~~

~~0604.a **License Status.** A new primary establishment license will not be issued for any location that is currently licensed as a primary establishment at the time of application.()~~

PENDING TEXT [New] 125

101. -- 124.(RESERVED)

125. *OUT OF BUSINESS.*

01. *Submittal.* Whenever any establishment or facility ceases operation at the licensed location, the owner(s) or authorized agent of the establishment or facility shall notify the Board by submitting:()

a. A signed letter by the owner(s) or authorized agent advising that the establishment or facility is out of business; or()

b. The establishment or facility license bearing the signature of the owner(s) or authorized agent and marked out of business; or()

c. In the event that the Board has not been notified about the cessation of operations pursuant to this rule and documentation or evidence has been obtained that an establishment or facility has ceased operation at the licensed or registered location, the Board may cancel the license or facility registration upon a thirty (30) day written notice to the owner(s) or authorized agent of the establishment or facility.()

10126. -- 149.(RESERVED)

500150. *BARBER AND COSMETOLOGY SCHOOL REQUIREMENTS EDUCATION.*

The Board may grant a license to an applicant for licensure to operate a

- 1. *Licensed Schools.* A licensed barber or cosmetology school who must comply withmeets the following requirements:()**

01.a *Premises.* The premises of a barber or cosmetology school must will:()

~~a:~~ Possess sufficient apparatus and equipment for the proper and full teaching of all subjects or its curriculum. (—)

~~b:~~ Provide adequate space, ventilation, lighting, and facilities to safely accommodate all students, instructors, and customers; and. (—)

~~e:~~ Provide a restroom with a sink with hot and cold running water and approved drainage system. (—)

02. Faculty or Instructors.(—)

~~a:~~ A school must be under the direct, personal supervision at all times of a licensed cosmetology instructor if a cosmetology school or a licensed barber or barber stylist instructor if a barber school and must employ and maintain a licensed instructor for every twenty (20) students or fraction thereof, with an instructor trainee counting as an instructor for the purposes of the student-instructor ratio.(—)

~~b:~~ Instructors are only permitted to teach subject matters within the instructor's licensed scope of practice. A cosmetology school that teaches electrology must be under the direct, personal supervision at all times of will employ one (1) licensed electrologist instructor for every six (6) students or portion thereof being trained therein and require instructors to directly supervise the training. (—)

~~b03e:~~ An instructor shall teach only those subject areas for which the instructor has been issued a license by the Board to practice.(—)

~~d:~~ Instructors must devote their time during school or class hours to instructing students rather than engaging in occupational practice.()

03. Operations. A barber or cosmetology school must:(—)

~~a:~~ Maintain regular class and instruction hours, establish grades and hold monthly examinations. This information will be transferred to the record of instruction;(—)

~~b:~~ Prescribe a school term for training in all aspects of the practice being taught; and(—)

04c. Curriculum. Any proposed changes to a curriculum or catalog must be approved by the Board. The submission must identify what specific changes are being made to the curriculum.(—)

~~a:~~ To obtain approval to teach a subject. A school must submit a curriculum and course catalog that covers the subjects, as set forth in in which complies with Section 54-5815, Idaho Code, relating to the profession for which the school is seeking approval to teach. Any proposed changes to a curriculum or catalog must be submitted to the Board for approval.()

~~b:~~ A cosmetology school that teaches electrology must submit a curriculum and course catalog that covers the subjects relating to electrology as set forth in Section 54-5815(1), Idaho Code.(—)

~~e:~~ i. A school may teach no more than fifty percent (50%) of its curriculum through distance education. (—)

ii. A licensed cosmetology school offering an additional license curriculum to a currently licensed barber must submit for approval a written explanation of the seven hundred (700) hour course of cosmetology instruction, such instruction to include working on the hair with chemicals, nail technology, esthetics, cosmetology theory, and hairstyling. ()

PENDING TEXT [Deleted] 150.01.a.ii.

~~ii:~~ A licensed cosmetology school offering an additional license curriculum to a currently licensed

~~barber must submit for approval a written explanation of the seven hundred (700) hour course of cosmetology instruction, such instruction to include working on the hair with chemicals, nail technology, esthetics, cosmetology theory, and hairstyling.()~~

~~iii. For an esthetician, haircutter barber, barber stylist, or nail technician student, a licensed cosmetology school may credit eighty percent (80%) of accumulated hours, but no more than two hundred (200) hours, toward the required instructional hours for a cosmetology course. ()~~

~~iii. A licensed cosmetology school may credit one-seventh (1/7) of accumulated hours toward the required instructional hours for a nail technology course for a cosmetology student. ()~~

PENDING TEXT 150.01.a.iii.

iii. A licensed cosmetology school may credit ~~one-seventh (1/7) of accumulated~~ two hundred (200) hours toward the required instructional hours for a nail technology course or esthetics course for a cosmetology student. ()

~~05. Clinical Work. Each school shall advertise to the public that it is a school and that all work is done by students. The clinic area shall not have connecting entrances to establishments or businesses other than barber or cosmetology schools.()~~

~~a. Students shall not be permitted to render any clinical service to patrons until students have completed at least five percent (5%) of the required hours of instruction.()~~

~~b. iv. All clinical work shall will be performed under the supervision of a licensed instructor.()~~

~~e. Clinical work shall be recorded on the record of instruction for each month.()~~

~~vi. 06. Outside School Activities. Schools A student may receive credit a student with a maximum of up to thirty (30) hours of credit toward the required hours of instruction for a course of instruction for instructor-approved activities that take place occurring outside the school. These hours must be approved by the instructor.()~~

~~07. d. Student Records To be Maintained by the School. A school must will maintain the following records for each enrolled student:()~~

~~a. Proof of age showing student is no less than sixteen and one-half (16 ½) years of age;()~~

~~b. Proof of showing student has satisfactorily completed two (2) years of high school (tenth grade) or having equivalent education as evidenced in a manner identified in Subsection 300.02 of these rules;()~~

~~a. e. a Record of instruction for each student showing the classroom hours, the clinical hours, and operations, and approved outside school activities done for completed each month in which the student is enrolled, and ()~~

~~b. d. When a student's course of instruction has been completed or terminated, the completed operations, and number of hours of instruction are to be recorded by the school on the The record of instruction form, which is. This form is to will be provided to the student and maintained by the school for five (5) years from completion or termination.~~

~~e. In the event of cessation of school operations, student records of instruction must will be provided to each enrolled student at or before the cessation of operations()~~

~~08. Change in Ownership or Location.()~~

~~a. e. -Licenses may not be transferred; Any change in ownership or location requires an original new license application. Licenses are not transferable. (—)~~

~~b. A new application must be submitted to the Board and a license issued for a new or additional location or a change of ownership of an existing school. (—)~~

~~09. Cessation of School. When a school ceases to operate as a school, the school must provide each enrolled student their records of instruction at or before the cessation of operations. (—)~~

~~10. Rules for Cosmetology Schools Approved to Teach Electrology. (—)~~

~~a. Schools will provide a minimum of three hundred (300) square feet of designated floor space per six (6) students. (—)~~

~~b. Each school shall have the following equipment, which is considered the minimum equipment necessary for the proper instruction of students. This amount of equipment is based on six (6) students. (—)~~

~~i. Work stations equal to seventy-five percent (75%) of total enrollment; (—)~~

~~ii. Two (2) brands of machines, one (1) of which has three (3) method capability: Galvanic, Thermolysis, and Blend; (—)~~

~~iii. Two (2) treatment tables and adjustable technician chairs; (—)~~

~~iv. Two (2) swing arm lamps with magnifying lens; (—)~~

~~v. Two (2) magnifying glasses; (—)~~

~~vi. Tweezers; (—)~~

~~vii. One (1) basin with approved water source; (—)~~

~~viii. Necessary sanitation equipment for implements; and (—)~~

~~ix. Closed storage cabinet. (—)~~

~~e. Student Supplies. Each student is to be issued a basic kit containing two (2) tweezers, disposable probes, eye shields, disposable gloves, before treatment solution, after treatment lotion, hair pins or clips, and one (1) sharps container. (—)~~

5150.02 APPRENTICE REGISTRATION AND Apprenticeships.

The Board may issue a registration as an apprentice to allow a person to engage in any of the practices licensed under Section 54-5815, Idaho Code, while completing the required instructional hours for a license or certificate. An apprentice may only practice under direct supervision as provided below. (—)

~~01. Application and Qualifications. An applicant must submit a completed application on a form approved by the Board, pay the required fee, and meet the following qualifications: (—)~~

~~a. Be at least sixteen and one-half (16 ½) years of age; (—)~~

~~b. Have successfully completed at least two (2) years of high school or have attained an equivalent education as determined by the Board as evidenced in a manner identified in Subsection 300.01 of these rules; (—)~~

~~ca. Have certification from the establishment that the applicant is enrolled as an apprentice in the~~

establishment; ()

~~db.~~ Identify the names and license numbers of the licensed cosmetologists, electrologists, estheticians, and nail technicians employed in the establishment in which the ~~who will supervise the~~ applicant will serve as an apprentice; and ()

~~ec.~~ Identify the name(s) and license number(s) of the licensed instructor(s) who will instruct the applicant during the apprenticeship. ()

~~b.02. Instruction. Prior to beginning instruction.~~ The instructor for any apprenticeship must submit to the ~~and obtain~~ Board ~~approval of a curriculum for the entire course of apprenticeship instructions set forth in~~ which complies with Section 54-5815(1)(g), Idaho Code and Rule 150.02.a1. The Board must approve the curriculum prior to the beginning of instruction. The curriculum must cover the subjects relating to the profession for which the apprentice is pursuing licensure as set forth in Section 54-5815(1)(g), Idaho Code. ()

~~03. Supervision.~~ There must be at least one (1) licensed instructor and one (1) separate supervising licensee for each apprentice in the establishment at all times when an apprentice is being trained, except that an electrology apprentice may be supervised solely by the electrology instructor. ()

~~ac.~~ Apprentices must work under the immediate personal supervision of the licensed instructor or other qualified supervisor licensee, except that an electrology apprentice may only work under the direct personal supervision of a licensed electrologist instructor. The instructors and supervisor licensees must be licensed to teach the profession for which the registrant is pursuing licensure and the supervising licensee must be licensed to practice the profession for which the apprentice is pursuing licensure may only teach or supervise work within their licensed scope of practice. ()

PENDING TEXT 150.02.c.

~~c.~~ Apprentices must work under the immediate personal supervision of the licensed instructor or other qualified supervisor licensee, except that an ~~An~~ electrology apprentice may only ~~only~~ work under the direct personal supervision of a licensed electrologist instructor. Instructors and supervisor licensees may teach or supervise work only within their licensed scope of practice. An apprentice cannot be permitted to render clinical services to patrons prior to completion of five percent (5%) of the required hours of instruction. ()

~~b.~~ An instructor may not train more than three (3) currently registered apprentices, except that an electrology instructor may not train more than one (1) currently registered electrology apprentice. ()

~~c.~~ An establishment may not have more than six (6) currently registered apprentices, unless otherwise approved by the Board. ()

~~ded.~~ An establishment or ~~an~~ instructor under ~~current~~ ongoing discipline may not supervise an apprentice. ()

~~edc.~~ An apprentice ~~shall~~ cannot be permitted to render ~~any~~ clinical services to patrons ~~until the apprentice has~~ prior to completion of ~~at least~~ five percent (5%) of the required hours of instruction. ()

~~04. Recordkeeping.~~ Establishments employing an apprentice shall keep a daily work record of the attendance of the apprentice and a record of the types of instruction given and the work performed by the apprentice as set forth below. ()

~~ae.~~ Recordkeeping. An apprentice must be given monthly progress records, and the monthly record shall be signed and dated by the apprentice and the instructor. The establishment shall must maintain the daily work records for a period of five (5) years following the apprentice's completion or termination ~~of the apprentice instruction.~~ The apprentice must be provided access to the daily work records and be provided monthly progress reports. ()

~~**bi.** When certifying completion of an apprenticeship under Section 54-5817, Idaho Code, an apprentice's course of instruction has been completed or terminated, the completed operations and number of hours of instruction are to be recorded by the establishment on the Record of Instruction Form. The instructor ~~The establishment~~ must complete and submit the a Record of Instruction certifying completion to the Board within fourteen (14) days of the completion of the apprenticeship. The establishment must maintain a copy of the Record of Instruction for a period of five (5) years from completion or termination date.(~~_____~~)~~

~~**e.** Attendance, instruction, and work records must be kept in the establishment in which the apprentice is employed.~~(~~_____~~)

~~**d.** Apprenticeship records and are subject to inspection by the Board at any time.~~(~~_____~~)

~~**05. Termination of Registration.** A registration as an apprentice is valid from the date of issuance until the apprentice is no longer enrolled as an apprentice in the establishment identified on the apprentice's application. (~~_____~~)~~

~~**aii.** When an apprentice discontinues a course of studythe apprenticeship or an establishment ceases operation, the establishment must complete and submit a Record of Instruction Form with the total number of hours worked and the types of instruction given to the apprentice. The Record of Instruction Form must be submitted to the apprentice(s) and the Board within thirty (30) days of the discontinuance of the apprenticeship. If an apprentice discontinues a course of instruction and does not transfer to another salon establishment within sixty (60) days, the apprentice registration is automatically canceled and is to be submitted to the Board along with the Record of Instruction. ()~~

PENDING TEXT [Deleted] 150.02.e.i. and ii.

~~*i. The establishment must complete and submit a Record of Instruction certifying completion to the Board within fourteen (14) days of the apprenticeship completion.*~~(~~_____~~)

~~*ii. When an apprentice discontinues the apprenticeship or an establishment ceases operation, the establishment must complete and submit a Record of Instruction Form to the apprentice(s) and Board within thirty (30) days.*~~ (~~_____~~)

~~**b.** When an establishment where apprentices are being trained ceases operation as an establishment, the establishment must submit the records of instruction for each apprentice to the Board within thirty (30) days.~~ (~~_____~~)

~~**ef.** An apprentice who has discontinued a course of study must apply for and be grantedreceive a new registration under Subsection 550.01 of these rules, prior to resuming instruction.~~()

~~**06g.** Out of State Apprenticeship. An applicant who has received instruction as an apprentice in another state must file with the Boardsubmit a copy of the record of instruction from thesummary or record of the out of state apprenticeship. For purposes of this section, the record of instruction will be a statement which gives including detailed information regarding operations and hours of instruction, and which is to be verifiedcertified by the relevant licensing agency or instructor(s) in the state in which the instruction was obtained.()~~

~~**07a. Apprenticeship Length.** An apprenticeship registration must not exceed the following lengths of timebe completed within the following period:(~~_____~~)~~

~~**ai.** Barber: fifty-seven (57) weeks;()~~

~~**bii.** Barber-Stylist: ninety-four (94) weeks;()~~

~~**eiii.** Cosmetologist: one hundred four (104) weeks;()~~

diy. Estheticians/Electrologist: thirty-eight (38) weeks;()

ey. Nail Technicians: twenty-five (25) weeks.()

IDAPA 24 – DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES

24.40.01 – RULES FOR THE BOARD OF NATUROPATHIC HEALTH CARE

DOCKET NO. 24-4001-2301 (NEW CHAPTER)

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2024 Idaho State Legislature and must be approved by concurrent resolution of the Legislature to go into effect, in accordance with Section 67-5224(2)(c), Idaho Code. The pending rule will become final and effective upon the adjournment, *sine die*, of the Second Regular Session of the Sixty-seventh Idaho Legislature after approval.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section(s) 67-2604, Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change.

There are no changes to the pending rule, and it is being adopted as originally proposed. The complete text of the proposed rule was published in the September 6, 2023, Idaho Administrative Bulletin, [Vol. 23-9, pages 475-477](#).

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased:

The fees for applications, licenses, registrations and reinstatement as designated in Rule 400 of these rules are authorized in Sections 54-5904 and 54-5909, Idaho Code. Pursuant to Section 67-5224(2)(d), Idaho Code, this pending fee rule shall not become final and effective unless affirmatively approved by concurrent resolution of the Legislature.

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

This rulemaking is not anticipated to have any negative fiscal impact on the State General Fund.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Katie Stuart, Bureau Chief, at 208-577-2489.

DATED this 1st day of November, 2023.

Katie Stuart
Bureau Chief
11341 W. Chinden Blvd., Bldg. #4
Boise, ID 83714
Phone: (208) 577-2489
Email: katie.stuart@dopl.idaho.gov

IDAPA 32 – ENDOWMENT FUND INVESTMENT BOARD

32.01.01 – RULES GOVERNING THE CREDIT ENHANCEMENT PROGRAM FOR SCHOOL DISTRICTS

DOCKET NO. 32-0101-2301 (ZBR CHAPTER REWRITE, FEE RULE)

NOTICE OF RULEMAKING – PROPOSED RULE

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Section 57-238(2), Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than November 15, 2023.

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

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

In accordance with the [Zero-Based Regulation E. O. 2020-01](#) and the Board's 5-year review schedule, the goal of this rulemaking is to make changes and modifications that remove obsolete language, eliminate unnecessary restrictions, and provide overall clarity.

FEE SUMMARY: The following identifies the fee or charge imposed or increased through this rulemaking:

This rulemaking does not impose a new fee or charge, or increase an existing fee or charge, beyond what has been previously submitted for review in the prior rules. This rule indicates the Endowment Fund Investment Board will charge school districts an application fee of \$500 and a one-time bond guarantee fee equal to two one hundredths of one percent (0.02% or two basis points) of the Total Debt Service to provide credit enhancement for bonds issued to construct public schools. This fee or charge is being imposed pursuant to Section 57-728, Idaho Code.

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state General Fund greater than ten thousand dollars (\$10,000) during the fiscal year resulting from this rulemaking: N/A

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(1), Idaho Code, negotiated rulemaking was conducted. The Notice of Intent to Promulgate Rules – Negotiated Rulemaking was published in the August 2, 2023, Idaho Administrative Bulletin, [Vol. 23-8, pages 333-334](#).

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

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Chris Anton, Manager of Investments, Endowment Fund Investment Board, 816 West Bannock Street, Suite 301, Boise, ID 83702, (208)334-3312, chris.anton@efib.idaho.gov.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before November 22, 2023.

DATED this 10th Day of October, 2023.

Chris Anton
Endowment Fund Investment Board
816 West Bannock Street, Suite 301
Boise, ID 83712
Phone: (208)334-3312
Fax: (208)334-3786

THE FOLLOWING IS THE PROPOSED TEXT OF FEE DOCKET NO. 32-0101-2301
(ZBR Chapter Rewrite)

32.01.01 – RULES GOVERNING THE CREDIT ENHANCEMENT
PROGRAM FOR SCHOOL DISTRICTS

000. LEGAL AUTHORITY.

~~Section 57-728(2), Idaho Code, gives the Endowment Fund Investment Board authority to promulgate rules necessary to the discharge of the EFIB's duties for the administration of the Credit Enhancement Program. 2010 Idaho Attorney General Opinion 01 concludes that the EFIB must charge fees to offset the costs of the Credit Enhancement Program to the Endowments.~~ (3-25-22)()

001. SCOPE.

These rules contain the provisions for implementation of the Credit Enhancement Program pursuant to Section 57-728, Idaho Code. (3-25-22)()

002. -- 009. (RESERVED)

010. DEFINITIONS AND REFERENCES.

~~**01. Administrative Fees.** Application Fees and Pass-through Fees charged to School Districts applying for and receiving guarantees under the Credit Enhancement Program. (3-25-22)~~

~~**02. Application Fee.** The amount determined by the EFIB and set forth in this chapter as the cost of reviewing applications to the Credit Enhancement Program and administering the Credit Enhancement Program. (3-25-22)~~

~~**03. Credit Enhancement Program.** The Credit Enhancement Program for School District Bonds established in Section 57-728, Idaho Code. (3-25-22)~~

04. EFIB. Endowment Fund Investment Board. ()

05. Endowments. The trusts granted to the state of Idaho by the Idaho Admission Bill, 26 Statutory Laws 215, chapter 656 as amended. The Endowments include the Public School Endowment established by Idaho Admission Bill sections 4 and 13. ()

~~**06. Guarantee Fee.** The amount determined by the EFIB and set forth in this chapter as the cost of guaranteeing a school bond under the Credit Enhancement Program. The cost of guaranteeing a school bond includes the difference in the investment return to the Public School Endowment projected by the EFIB to arise from the guarantee and additional costs to the Endowments arising from investment of the Public School Endowment in the Credit Enhancement Program. (3-25-22)~~

~~**07. Guaranty Program.** The Idaho School Bond Guaranty Program established in Title 33, Chapter 53, Idaho Code. ()~~

~~**08. Pass-Through Fee.** A direct cost to the EFIB for reviewing an application to the Credit Enhancement Program or for issuing a note to pay a debt service payment under the Credit Enhancement Program. Direct costs include the costs billed to the EFIB by legal, accounting, and financial professionals. (3-25-22)~~

09. School District. As defined in Section 33-5302, Idaho Code. ()

~~**10. Total Debt Service.** The total amount to be repaid to bond purchasers over the stated maturity of~~

the School District bond (principal plus interest). ()

011. -- 019. (RESERVED)

020. APPLICATION.

01. Required Materials. School Districts must submit the following application materials to the EFIB: ()

a. Correspondence from the Idaho State Treasurer certifying that the School District has been approved to participate in the Guaranty Program and setting forth the maximum credit enhancement amount available to the School District ~~within the limitations set forth in Section 57-728(8), Idaho Code.~~ (3-25-22)()

b. A fully completed application form as prescribed by the EFIB from time to time executed by a party authorized to bind the School District. ()

c. Copies of the complete audited financial statements of the School District prepared pursuant to Section 33-701, Idaho Code, for the preceding three (3) fiscal years and the adopted budget for the current fiscal year. ()

d. Upon request of the EFIB, documentation substantiating the information set forth in materials submitted pursuant to Subsection 020.01 of these rules. ()

e. Application fee of five hundred dollars (\$500). ()

021. -- 029. (RESERVED)

030. ADMINISTRATIVE FEES.

01. Fees to Administer Program. Pursuant to Section 57-728(2), Idaho Code, EFIB may impose, when necessary, the following administrative fees to effectively administer the Credit Enhancement Program: ()

a. Application Fee. The fee required under Subsection 020.01.b.e. to pay the costs of reviewing applications. Any unexpended Application Fees will be deposited in the Public School Endowment at the end of each fiscal year. ()

b. Guarantee Fee. School Districts must remit to the EFIB a one-time fee, necessary to guarantee a school bond, equal to two one-hundredths of one percent (0.02% or two basis points) of the Total Debt Service. School Districts must remit the Guarantee Fee to the EFIB within five (5) days of the sale of bonds guaranteed by the Credit Enhancement Program. The EFIB will deposit the Guarantee Fee in the Public School Endowment. The cost includes the difference in the investment return to the Public School Endowment projected by the EFIB to arise from the guarantee and additional costs to the Endowments arising from investment of the Public School Endowment in the Credit Enhancement Program. (3-25-22)()

~~**02. Administrative Fees.**~~ (3-25-22)

~~**a.** Application Fee. School Districts shall submit to the EFIB an Application Fee of five hundred dollars (\$500). School Districts shall submit the Application Fee to the EFIB with the application materials. The EFIB will use Application Fees to pay costs of reviewing applications and administering the Credit Enhancement Program. At the conclusion of each fiscal year, the EFIB will deposit unexpended Application Fees in the Public School Endowment.~~ (3-25-22)

~~**b.c.** Pass-through Fee. The EFIB may incur a Pass-through Fee, which consists of costs billed to EFIB for any necessary professional services, related to the review of an application in its discretion and without prior approval of the School District. The EFIB will not invoice a School District for the full amount of Pass-through Fees related to the review of an application without the prior written approval of the School District. The EFIB may incur a Pass-through Fee related to the issuance of a note without prior approval of the School District. The EFIB will~~

~~invoice School Districts for the full amount of any Pass-through Fees related to the issuance of a note. School Districts shall remit each invoiced Pass-through Fee to the EFIB within thirty (30) days of invoice. The EFIB will use a Pass-through Fee to pay the direct costs to the EFIB under the Credit Enhancement Program giving rise to the fee. EFIB may deny an application for failure to pay any invoiced fee.~~ (3-25-22)(____)

031. -- 039. (RESERVED)

040. APPROVAL AND DENIAL OF APPLICATIONS.

01. Review Periods. The EFIB will provide written approval or denial of an **completed** application within twenty (20) days ~~of the submission of all required materials~~. If the Board requests substantiating documentation, the EFIB will provide written approval or denial of the application within twenty (20) days of the submission of the substantiating documentation. (3-25-22)(____)

~~**02. Delegation of Review and Approval.** The EFIB may delegate review of applications to EFIB staff or experts including legal, accounting, and financial professionals. The EFIB may delegate approval of applications to the EFIB's manager of investments. (3-25-22)~~

~~**03. Discretionary Investment.** The EFIB will invest in a School District bond issuance under the Credit Enhancement Program in its sole discretion and within its fiduciary responsibilities as trustees of the financial assets of the Endowments. The EFIB may deny an application for participation in the Credit Enhancement Program if the EFIB determines the investment is not in the best interests of one (1) or more of the Endowments. (3-25-22)~~

~~**04. Denial of Application for Unpaid Fees.** The EFIB may deny an application for participation in the Credit Enhancement Program if a School District has not paid a fee under a pending application or a prior guarantee issued by the Credit Enhancement Program. (3-25-22)~~

041. -- 999. (RESERVED)

IDAPA 35 – IDAHO STATE TAX COMMISSION

35.01.01 – INCOME TAX ADMINISTRATIVE RULES

DOCKET NO. 35-0101-2302

NOTICE OF RULEMAKING – PROPOSED RULE

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Section 63-105, Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than November 15, 2023.

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

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

RULE 874: The Taxpayer First Act of 2019 enacted July 1, 2019, authorized the Department of the Treasury and the Internal Revenue Service to issue regulations that reduce the e-file requirements (from 250 to 10) for W-2s and other information returns filed on or after January 1, 2024 (see link below).

General Instructions for Certain Information Returns (2023) | Internal Revenue Service ([irs.gov](https://www.irs.gov)).

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased: N/A

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state General Fund greater than ten thousand dollars (\$10,000) during the fiscal year resulting from this rulemaking: N/A

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted because Internal Revenue Service Section 6011 (which the rule points to) has changed.

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

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Cynthia Adrian at (208) 334-6691.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before November 22, 2023.

DATED this 1st day of November, 2023.

Cynthia Adrian, Income Tax Research Specialist
Idaho State Tax Commission
11321 W. Chinden Blvd., Bldg. 2, Boise ID 83714
PO Box 36, Boise ID 83722-0036
cynthia.adrian@tax.idaho.gov
(208) 334-6691

THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 35-0101-2302
(Only Those Sections With Amendments Are Shown.)

874. EMPLOYEE'S WAGE AND TAX STATEMENTS (RULE 874).
Sections 63-3035 and 63-3036, Idaho Code

01. Form and Information Required. Federal Form W-2 (W-2) or a form of similar size and design may be used. In addition to the information required by the Internal Revenue Code, total Idaho wages paid, Idaho income tax withheld, Idaho withholding permit number, and the name of the state must be shown in the appropriate boxes. Incomplete, incorrect or altered forms are not acceptable and may be returned to the employer for correction. (4-6-23)

02. Furnishing Forms W-2 to Employees. The employer must furnish each employee a W-2 before February 1, or at the request of the employee within thirty (30) days after termination of his employment. (4-6-23)

03. Filing Forms W-2 With the Tax Commission. On or before the last day of January, each employer must file with the Tax Commission a state copy of the W-2 for each employee to whom Idaho taxable wages were paid, regardless of whether Idaho income tax was withheld. If the employer had no employees and subsequently did not pay wages or withhold tax, no W-2s are required. (4-6-23)

04. Corrected Forms W-2. If a corrected W-2 is filed with the Internal Revenue Service, the W-2c must be filed with the Tax Commission. (4-6-23)

05. Employers ~~With Fifty or More Idaho Employees~~ Required to File Electronically. Each employer ~~with fifty (50) or more Idaho employees~~ who is required to file W-2s electronically by Section 6011, Internal Revenue Code, must file through electronic filing with Idaho. In addition to the information required by the Internal Revenue Code, the electronic filing must also include the employer's Idaho withholding account number, Idaho wages, and Idaho withholding. Employers who are required to file electronically but fail to do so are subject to the provisions of Section 63-3046(e)(1), Idaho Code, and treated as if no W-2s were filed. (4-6-23)()

06. Services Performed Within and Without Idaho. If services are performed within and without Idaho, the state wages shown on the W-2 furnished to the employee must include the portion of the employee's total wages reasonably attributed to services performed within Idaho as determined using the calculations in Rule 270 of these rules. (4-6-23)

07. Extension of Time to File Form W-2. The Tax Commission may allow a one (1) month extension of time to file the W-2s. (4-6-23)

a. The employer must file a written request by the due date of the W-2s that identifies the reason for the extension. (4-6-23)

b. The employer must file the W-2s within one (1) month of the due date. A penalty of two dollars (\$2) per W-2 per month not filed may be applied if the W-2s are not submitted by the due date. (4-6-23)

IDAPA 35 – IDAHO STATE TAX COMMISSION
35.01.02 – IDAHO SALES AND USE TAX ADMINISTRATIVE RULES
DOCKET NO. 35-0102-2301
NOTICE OF RULEMAKING – PROPOSED RULE

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Section 63-105, Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than November 15, 2023.

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

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

RULE 029: Two examples are being deleted because they conflict with a previous change to Section 63-3622TT, Idaho Code.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased: N/A

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state General Fund greater than ten thousand dollars (\$10,000) during the fiscal year resulting from this rulemaking: N/A

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted because this change is to conform to a change in statute.

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

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Philip Johnson at (208) 334-7505.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before November 22, 2023.

DATED this 1st day of November, 2023.

Philip Johnson, Sales Tax Research Specialist
Idaho State Tax Commission
11321 W. Chinden Blvd., Bldg. 2, Boise ID 83714
PO Box 36. Boise ID 83722-0036
philip.johnson@tax.idaho.gov
(208) 334-7505

THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 35-0102-2301
(Only Those Sections With Amendments Are Shown.)

029. PRODUCING, FABRICATING, AND PROCESSING (RULE 029).

Section 63-3612, Idaho Code

01. In General. Tax applies to charges for producing, fabricating, processing, printing, imprinting, or the engraving of tangible personal property for a consideration, whether consumers furnish either directly or indirectly the materials used in the producing, fabricating, processing, printing, imprinting, or engraving. (3-31-22)

a. Example 1: An owner purchases cabinets from a cabinetmaker to be made according to specifications furnished by the owner. The cabinetmaker delivers the cabinets to the owner who installs them himself. A sales tax will be collected by the cabinetmaker from the owner measured by the entire sales price. (3-31-22)

b. Example 2: An owner purchases material, on which he pays a sales tax, which he delivers to a cabinetmaker. The cabinetmaker uses this material to manufacture cabinets for the owner according to specification. These cabinets are delivered to the owner and an agreed price is paid for the work done by the cabinetmaker. A sales tax will be collected from the owner, measured by the entire price charged by the cabinetmaker. (3-31-22)

c. Example 3: An individual takes a plaque, on which sales tax has been paid, to an engraver and requests the plaque be engraved with an inscription. The total price paid for the engraving is taxable. (3-31-22)

d. Example 4: A club purchases trophies from a retailer and requests that the trophies be engraved with individual names. The trophies are engraved and delivered for an agreed price. The measure of the sales tax is the price of the trophies plus the engraving charge. (3-31-22)

~~**e.** Example 5: An individual takes a beef to a packing plant and requests that the meat be processed by cutting, wrapping, and freezing the meat to the buyer's specification. The total price paid for this processing is taxable. (3-31-22)~~

~~**f.** Example 6: A hunter takes a deer to a business which processes smoked meats. Although the material consumed in the smoking process may be minimal, the entire price paid for this processing is taxable. (3-31-22)~~

02. Repairing and Reconditioning Distinguished. Producing, fabricating, and processing includes any operation which results in the creation or production of tangible personal property or which is a step in a process or series of operations resulting in the creation or production of tangible personal property. The terms do not include operations which do not result in the creation or production of tangible personal property or which do not constitute a step in a process or series of operations resulting in the creation or production of tangible personal property, but which constitute merely the repair or reconditioning of tangible personal property to refit it for the use for which it was originally produced. (3-31-22)

03. Cross-References. (3-31-22)

a. Repairs and Renovation of Tangible Personal Property. See Rules 011 and 062 of these rules. (3-31-22)

b. Fabrications by Contractors. See Rule 012 of these rules. (3-31-22)

IDAPA 36 – IDAHO STATE BOARD OF TAX APPEALS

36.01.01 – IDAHO BOARD OF TAX APPEALS RULES

DOCKET NO. 36-0101-2301 (ZBR CHAPTER REWRITE)

NOTICE OF RULEMAKING – PROPOSED RULE

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Section 63-3808, Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than November 15, 2023.

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

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

Under [Executive Order 2020-01, Zero-Based Regulation](#), the Board of Tax Appeals is striving to prevent the accumulation of costly, ineffective, and outdated regulations and reduce regulatory burden to achieve a more efficient operation of government. In conjunction with stakeholders, the proposed rule changes will reflect a comprehensive review of this chapter by collaborating with the public to streamline or simplify the rule language in this chapter and to use plain language for better understanding. This proposed rulemaking updates the rules to comply with governing statute and Executive Order 2020-01.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased:

There are no fees or charges associated with this rulemaking.

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state General Fund greater than ten thousand dollars (\$10,000) during the fiscal year resulting from this rulemaking: N/A.

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(1), Idaho Code, negotiated rulemaking was conducted. The Notice of Intent to Promulgate Rules - Negotiated Rulemaking was published in the August 2, 2023, Idaho Administrative Bulletin, [Volume 23-8, page 341](#).

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

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Travis VanLith at 208-334-3354.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before November 22, 2023.

DATED this 12th day of October, 2023.

Cindy Pollock
Director & Clerk to the Board
Idaho Board of Tax Appeals
1673 W. Shoreline Drive, Suite 120
Boise, ID 83702
Phone 208-334-3354
Fax 208-334-4060

THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 36-0101-2301
(ZBR Chapter Rewrite)

36.01.01 – IDAHO BOARD OF TAX APPEALS RULES

000. LEGAL AUTHORITY ~~(RULE 0)~~.

~~These rules are promulgated in accordance with~~ Section 63-3808, Idaho Code. (4-6-23)()

001. ~~TITLE AND SCOPE (RULE 1)~~.

~~01. Title.~~ These rules are titled IDAPA 36.01.01, “Idaho Board of Tax Appeals Rules.” (4-6-23)

~~02. Scope.~~ These rules govern procedures before the Idaho Board of Tax Appeals (hereinafter “Board”). ()

002. -- 009. (RESERVED)

010. DEFINITIONS ~~(RULE 10)~~.

As used in this chapter: ()

01. **Appellant.** A party filing an appeal with the Board. ()

02. **Board.** The Idaho Board of Tax Appeals, board members, presiding officer, or hearing officer as the context may dictate whenever it occurs in this chapter. ()

03. **Case File.** The official record maintained by the Board regarding an appeal. ()

04. **Comparable Sales.** Recently sold properties that are similar in locational and physical characteristics to the property being appraised. “Recently sold property” is property with a sale date prior to the effective date of valuation. ()

05. **De Novo.** The Board decides questions of fact and of law based on the evidence and legal arguments presented before the Board. A de novo review means the parties must present anew any previously submitted evidence or argument they wish to have considered. New evidence and argument may also be presented. ()

~~06. Ex Parte.~~ A communication on behalf of one (1) party with the Board where the other side is not present or included. (4-6-23)

~~07. Parcel.~~ Each separate property ownership as represented by the county assessment rolls. ()

~~08. Party.~~ A person or governmental subdivision or agency authorized to appear before the Board. ()

~~09. Presiding Officer or Hearing Officer.~~ A member of the Board or other person assigned to conduct a conference or hearing for the Board. ()

~~10. Respondent.~~ A party answering or otherwise responding to an appeal. ()

~~11. Subject Property.~~ The property under discussion. ()

~~121.~~ **Substantive Issue.** An issue where a right, interest or privilege of any party is involved that may be prejudiced as opposed to minor or mere procedural matter. ()

011. ABBREVIATIONS ~~(RULE 11).~~

01. BTA. Idaho Board of Tax Appeals. ()

02. BOE. County Board of Equalization. ()

03. STC. Idaho State Tax Commission. ()

012. ORGANIZATION ~~(RULE 12).~~

The Chairman of the Board serves as the administrative officer. ()

~~01. Election.~~ The Chairman will be elected annually by the board members in consideration of experience with the Board and the member's availability to serve and support the Board's administrative duties. (4-6-23)

~~02. Power.~~ The Chairman will oversee the issuance of acknowledgment letters and notices, and is authorized to perform all other procedural duties such as issuing orders on nonsubstantive rulings without a formal meeting of the Board. (4-6-23)

013. -- 019. (RESERVED)

020. PROCEDURE GOVERNED ~~(RULE 20).~~

01. Procedure. These rules govern all practice and procedure before the Board. Except as provided in Rules 800 through 860, these rules are affirmatively promulgated to supersede IDAPA 04.11.01, et seq., "Idaho Rules of Administrative Procedure of the Attorney General". ()

~~02. Purpose.~~ The purpose for the establishment of the Idaho Board of Tax Appeals is to provide a fully independent, fair, and less expensive opportunity for taxpayers and other parties to appeal from most tax related decisions of county boards of equalization and the State Tax Commission. (4-6-23)

021. LIBERAL CONSTRUCTION ~~(RULE 21).~~

These rules will be liberally construed to secure just, speedy, and economical determination of all issues presented to the Board. (4-6-23)

022. -- 029. (RESERVED)

030. REPRESENTATION AND PRACTICE BEFORE THE BOARD ~~(RULE 30).~~

~~To the extent authorized by law:~~ The right to appear and practice before the Board is limited as follows: (4-6-23) ()

01. Taxpayers. A taxpayer has the right to appear or to be represented by another person of his choosing in any hearing or rehearing held on the taxpayer's appeal. ()

02. Authorized Attorneys. Attorneys duly authorized and qualified to practice in the courts of the state of Idaho; ()

03. Public Officers. Public officers or designated representatives when representing the governmental agency; ()

031. INITIAL PLEADING -- LISTING OF REPRESENTATIVES ~~(RULE 31).~~

The initial pleading of each party must name the party's qualified representative for service of documents and include the representative's address for receiving documents. Service of documents on the named representative is valid service upon the party. If no person is explicitly named as representative, the person signing the initial pleading will

be considered the representative. ()

032. SUBSTITUTION OF REPRESENTATIVE ~~(RULE 32)~~.

A party's representative may be changed by notice to the Board and to all other parties when the proceedings are not unreasonably delayed. The presiding officer may permit substitution of a representative at hearing. ()

033. PARTICIPATION BY TAXING AUTHORITY ~~(RULE 33)~~.

In proceedings where a taxing authority may participate, or in any instance where a report or recommendation of the taxing authority may be considered in reaching a decision, at the timely request of a party or upon the Board's motion, an informed representative of the taxing authority shall appear at hearing and be available for examination. When such a representative is summoned, the taxing authority may further participate in the hearing as a party. ()

034. (RESERVED)

035. CONDUCT ~~(RULE 35)~~.

A party, representative or witness shall conduct themselves in all Board proceedings in an ethical, respectful, and courteous manner. ()

036. ENFORCEMENT ~~(RULE 36)~~.

~~The Board and each party to an appeal are responsible for the efficient, just, and speedy conduct of the formal hearing and other proceedings before the Board.~~ Board members or the assigned hearing officer may impose sanctions on a party for delays, the failure to comply with a subpoena or discovery order, for discovery procedure abuses, and for any other matter regarding conduct of the appeal. Board sanctions include, but are not limited to, dismissal of an appeal or the granting of default judgment. (4-6-23)()

037. EX PARTE COMMUNICATIONS ~~(RULE 37)~~.

~~01. Prohibited Ex Parte. Unless permitted by law, the Board shall not communicate regarding any substantive issue with any party, except upon notice and opportunity for all parties to participate in the communication. (4-6-23)~~

02. Permitted Ex Parte. The Board may communicate ex parte with a party concerning a procedural or administrative matter. ()

038. -- 044. (RESERVED)

045. NOTICE OF APPEAL: CONTENTS ~~(RULE 45)~~.

01. Basic Contents. An appeal must be in writing and contain clear and concise statements of the matters that lay foundation for the relief claim that may be granted by the Board. ()

02. Additional Contents. The appeal shall further contain: ()

a. Appellant's full name, mailing address and telephone number; ()

b. The tax year(s) associated with the appeal; and ()

c. A signed statement by a natural person/appellant or by a qualified representative that the notice of appeal contents are correct. ()

03. Appeal Filed by an Attorney or Representative. An appeal filed by a qualified representative shall contain: ()

a. The representative's name, official title, mailing and street addresses, telephone number; and ()

b. If the representative is an attorney, the Idaho State Bar License number. ()

04. Change in Address or Phone Number. A party or representative must provide written notice to the Board and other parties of any change in contact information. ()

046. NOTICE OF APPEAL: BOE APPEALS ~~(RULE 46)~~.

01. Separate Notice. Each parcel assessment appealed must use a separate Board Appeal Form or separate notice of appeal. ()

02. BOE Appeal. An appeal brought under Section 63-511, Idaho Code, the notice of appeal shall contain: ()

a. A legal description of the property relating to the appeal; ()

b. A copy of the county board of equalization's final decision, and when available, the decision's postmarked mailing envelope or any accompanying certificate of service; ()

c. For a valuation appeal, a clear declaration of the alleged market value for the subject property. For a property tax exemption claim, the Idaho Code section(s) associated with the claim and a summary of the factual basis supporting why exempt status should be granted or denied; and ()

d. A copy of the final tax assessment notice for the assessment appealed. ()

~~**03. Filing Place.** A BOE appeal must be filed with the county auditor in the county in which the property assessment originated. (4-6-23)~~

047. NOTICE OF APPEAL: STC APPEALS ~~(RULE 47)~~.

An appeal brought under Section 63-3049 or 63-707, Idaho Code, shall contain: ()

01. Attachment. A copy of the written decision being appealed; ()

02. Objections. A list of objections to the STC's decision and the basis for said objections; ()

03. Amount in Dispute. A statement of the amount in dispute for each applicable tax year or period; and ()

04. Security Deposit. ~~When applicable, p~~ Proof of compliance with the deposit requirements in Section 63-3049(b), Idaho Code, may be in the form of a receipt or documented acknowledgment from the STC. (4-6-23)()

048. ACKNOWLEDGMENT (RULE 48).

01. Acknowledgment Letter. An acknowledgment letter will be mailed within fourteen (14) days of the receipt of an appeal in the Board's office. The Board may acknowledge multiple appeals by the same party with a single letter. Such acknowledgment does not constitute a formal consolidation of the appeals. ()

02. Defective Appeal. ~~If a~~ An appeal that is found to be materially defective, untimely, or not substantially in compliance with the requirements of this chapter ~~the Board may dismiss such appeal will be dismissed.~~ (4-6-23)()

049. (RESERVED)

050. ANSWER TO APPEAL ~~(RULE 50)~~.

A respondent or intervenor may file with the Board an answer to a notice of appeal. The answer shall be filed at least fifteen (15) days prior to hearing. ()

051. (RESERVED)

052. COUNTY AUDITOR REQUIREMENT ~~(RULE 52)~~.

01. Contents. ~~In addition to the requirements of Section 63-511, Idaho Code,~~ upon receiving a notice of appeal to the Board ~~under Section 63-511, Idaho Code,~~ the county auditor shall also transmit to the Board: (4-6-23)()

a. ~~A copy of the notice of appeal including~~ The date of receipt of the notice of appeal, and if received by mail, a copy of the mailing envelope; (4-6-23)()

~~b. The exhibits or other evidence considered by the BOE;~~ (4-6-23)

c. A copy of the initial appeal to the BOE; ()

d. A copy of any decision made or action taken by the BOE together with the mailing date of the notice of decision or other proof of service; ()

~~e. A copy of the certified minutes for related BOE proceedings, or a verbatim record provided on its own distinct storage device; and~~ (4-6-23)

~~f. When applicable, a certificate that the BOE failed to act on the appeal in the time required.~~ (4-6-23)

02. Minutes. The minutes should include at a minimum: ()

a. The full name of persons appearing before the BOE in the appeal; ()

b. Clear identification of the parcel number associated with the assessment appealed; and ()

c. The decision made by the BOE specifying the value determined or exempt status decided for each parcel. ()

053. -- 054. (RESERVED)

055. CONSOLIDATION ~~(RULE 55)~~.

Whenever two (2) or more ad valorem cases from the same county or different counties involve the same or substantially similar issues and the same or similar property, or where the same or similar issues exist in other tax type cases, the Board may issue a written or verbal order consolidating the cases. There shall be no consolidation of cases where the rights of any party would be prejudiced. Parties may also request a consolidation. Prior to issuing a consolidation order, the Board will consider whether the parcels are contiguous, any response given to a consolidation request, and any other matters deemed appropriate in judging whether consolidation would likely be beneficial. ()

056. -- 059. (RESERVED)

060. FORM OF PLEADINGS ~~(RULE 60)~~.

01. Form. Pleadings, except those filed on Board forms, submitted by a party and intended to be part of the record should be: (4-6-23)()

~~a.~~ dDouble-spaced; (4-6-23)()

~~a~~**b.** State the title of the pleading and the appeal number at the top of the cover page; ()

~~b~~**c.** Include the name, mailing and street address, and if available, the telephone and FAX number of the person filing the document; and ()

ed. Be signed by a qualified representative. ()

061. SERVICE OF DOCUMENTS ~~(RULE 61)~~.

01. Service. A notice, motion, brief, or other document submitted to the Board will be served upon all other parties' representatives of record. Service by regular mail is adequate service. A Board notice, order, or final decision is served upon a party's representative of record. The Board may direct documents be served on persons who are not parties. ()

02. Proof of Service. Every document filed with the Board must be accompanied by a certificate of service. ~~The following is an example:~~ An example of the certificate can be found on the Board's website.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this _____ day of _____, 20XX I caused to be served a true copy of the foregoing attached document by the method indicated below and addressed to each of the following:

(representative's name)	_____	U.S. Mail, Postage Prepaid
(mailing address)	_____	Hand Delivered
	_____	Overnight Mail
	_____	Certified Mail
(Signature)	_____	
(printed name of person signing)	_____	

(4-6-23)

062. DEFECTIVE, INSUFFICIENT OR LATE PLEADING ~~(RULE 62)~~.

A defective, insufficient, or untimely pleading may be returned, denied, or dismissed. ()

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

The presiding officer may allow any pleading to be amended or corrected or any omission to be supplied. Pleadings will be liberally construed, and defects that do not affect substantial rights of the parties will be disregarded. A party desiring to withdraw an appeal should file a notice of withdrawal and serve all parties with a copy. ()

064. (RESERVED)

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

In computing any period of time prescribed or allowed by these rules or by any applicable statute, the day of the act, event or default from which the designated period begins to run shall not be included. The last day of the period so computed shall be included in the count unless it is a weekend or legal holiday, in which event the period runs until the end of the next business day. ()

066. FILING ~~(RULE 66)~~.

01. Document Filing Place. A document filed with the Board shall be filed at the Board's mailing address or street address. ()

02. Number of Copies. Unless otherwise indicated by the Board, one (1) copy shall be filed. ()

03. Fax Filing. A filing by facsimile (fax) transmission is permitted for a notice of withdrawal or settlement, and for a notice or motion requiring an immediate response by the Board. Except for a notice of withdrawal, an original must be mailed to the Board and served on all other parties the same day. ()

a. The transmission must be ~~legible and~~ received in its entirety during office hours for it to be considered filed on the transmission date. (4-6-23)()

b. When making a filing by fax, if another party to the case is equipped with fax facilities, the service on that party should include fax service. ()

~~**e.** The originating party shall assume the risk in fax filing and retain proof of filing by fax.~~ (4-6-23)

067. -- 069. (RESERVED)

070. PREHEARING CONFERENCE ~~(RULE 70).~~

01. Subject of Conference. The Board may direct parties to appear before it to consider all matters that may expedite orderly and speedy conduct as will aid in the disposition of the controversy. (4-6-23)()

~~**a.** Any and all matters that can be agreed upon.~~ (4-6-23)

~~**b.** Formulating or simplifying the issues.~~ (4-6-23)

~~**c.** Stipulations which will avoid unnecessary proof.~~ (4-6-23)

~~**d.** Preliminary motions to be made prior to the hearing.~~ (4-6-23)

~~**e.** Requiring respondent and appellant to furnish to each other and the Board a list of all witnesses to be called by the parties at the hearing.~~ (4-6-23)

~~**f.** The limitation of the number of expert or lay witnesses and the disclosure of the identity of persons having knowledge of relevant facts and who may be called as a witness.~~ (4-6-23)

~~**g.** The scheduling of discovery, hearings, or other time sensitive matters.~~ (4-6-23)

~~**h.** Discussing settlement.~~ (4-6-23)

~~**i.** Fair hearing procedures.~~ (4-6-23)

~~**j.** Such other matters that may expedite orderly and speedy conduct as will aid in the disposition of the controversy.~~ (4-6-23)

02. Notice of Prehearing Conference. Notice of the place, date and hour of a prehearing conference will be served at least fourteen (14) days before the time set for the conference, unless the presiding officer finds it necessary or appropriate for the conference to be held earlier. ~~Notices for prehearing conference contain the same information as notices of hearing regarding the Board's obligations under the American with Disabilities Act.~~ (4-6-23)()

03. Failure to Appear. Failure of either party to appear at the time and place appointed by the Board ~~under Rule 70~~ may result in a dismissal of the appeal or the granting of said appeal. (4-6-23)()

04. Prehearing Order. The Board or its designate may prepare or require the preparation of an order reciting the findings and action taken at such conference. A prehearing order will control the course of subsequent proceedings unless modified by the Board for good cause. (4-6-23)

05. Determination Upon Results of Conference. If, after the prehearing conference ~~provided for in Rule 70~~, and after appropriate notice to the parties, the Board determines that there is sufficient evidence and

stipulation upon which it can make a decision, it may determine the appeal without conducting a hearing.

(4-6-23)()

071. (RESERVED)

072. MOTIONS (RULE 72).

01. Form and Contents. A motion should: ()

a. Fully state the facts upon which it is based; ()

b. Refer to the particular provision of statute, rule, order, notice, or other controlling law upon which it is based; and ()

c. State the relief sought. ()

02. Oral Argument. If the moving party desires oral argument on the motion it must state so in the motion. ()

03. Prehearing Motions. Unless otherwise provided in these rules, a prehearing motion must be filed at least fifteen (15) days prior to a scheduled hearing to be considered by the Board. ()

04. Answer to Motion. An answer to a motion, or a request for additional time to respond, may be filed within ten (10) days after the filing of the motion. ()

073. (RESERVED)

074. BRIEFS (RULE 74).

The Board may order briefs from the parties ~~prior to~~ before or after the hearing of the evidence ~~or after said hearing.~~
(4-6-23)()

075. DISCOVERY (RULE 75).

01. Written Permission. A party to a pending appeal may engage in discovery limited to a single discovery request upon the written order of the Board. The following procedures govern discovery: ()

a. The request for discovery must be filed within twenty (20) days of the mailing date of the Board's appeal acknowledgment letter. ()

b. The request should contain a statement covering the reasons the discovery is useful to the preparation of the appeal. ()

c. The request must include a complete copy of the discovery request. ()

d. Discovery must be completed at least ten (10) days prior to the scheduled hearing, unless otherwise ordered by the Board. ()

e. The Board may deny a discovery request that does not comply with the requirements of this chapter. ()

f. Discovery responses shall be served simultaneously on all other parties. At the same time, the responding party shall file with the Board a notice stating when and on whom the response was served. The actual contents of discovery responses will not be filed with the Board unless the order so directs. Discovery responses shall be signed by a qualified representative, and in the instance of interrogatory answers, the response shall also be signed by the person answering. Such signatures constitute a certification that the signer has reviewed the responses or answers and attests to their completeness and accuracy. ()

g. The discovery order may provide that voluminous answers need not be served so long as the documents are made available for inspection and copying under reasonable terms. ()

02. Scope and Method of Discovery: BOE Appeals. The method of discovery is limited to production requests and written interrogatories. The scope of discovery must pertain to the subject property, comparable sale, or a comparable rental. ()

a. The scope of discovery also includes: ()

i. Information or records concerning an appraisal, assessment, financial statement or related schedule, a completed study or report, and contracts including a sale agreement; ()

ii. The identity of individuals who will be called to testify as witnesses and a summary of their expected testimony; and ()

iii. For an exemption appeal, information or documents relating to the claimed exemption. ()

b. In a valuation case the request for production of documents or written interrogatories is limited to information from the last three (3) years preceding the assessment date unless otherwise specified by the Board. ()

c. The request for production of documents shall specifically identify each document requested. The request for inspection of land or other property shall be in accordance with the Idaho Rules of Civil Procedure. ()

d. The Board may limit or expand the above scope and method of discovery when it deems such action is appropriate. ()

03. Scope and Method of Discovery: STC Appeals. ()

a. Production requests, requests for admissions and written interrogatories are permissible methods of discovery. The Board may limit the scope and method of discovery when it deems such action appropriate. ()

b. A deposition may be taken when allowed by the Board. ()

04. Supplementation of Response. The party responding to a discovery order is under a continuing duty to promptly supplement an earlier response upon the availability of new information. ()

05. Special Case. The Board may order additional or reciprocal discovery not provided by this rule. ()

06. Sanctions. Failure to substantially comply with Board ordered discovery in a good faith attempt at full compliance may result in one or more sanctions up to and including a dismissal or default judgment of the appeals. ()

076. -- 084. (RESERVED)

085. INTERVENTION ~~(RULE 85)~~.

01. Intervention of Right. Upon written application received fifteen (15) days prior to the hearing of an appeal, anyone shall be permitted to intervene in an appeal when: the applicant demonstrates in writing an interest relating to the property or transaction which is the subject of the action that is not adequately represented by existing parties; (4-6-23)()

~~**a.** The applicant demonstrates in writing an interest relating to the property or transaction which is the subject of the action that is not adequately represented by existing parties; and~~ (4-6-23)

- ~~b~~**a.** The Idaho State Tax Commission may intervene as a matter of right. ()
- 02. Permissive Intervention.** Upon written application received at least fifteen (15) days prior to the hearing of an appeal a person may be permitted to intervene: ()
- a. In an appeal brought under Section 63-511, Idaho Code, when an applicant can show in writing that he is a person aggrieved by the BOE decision; ()
- b. When an applicant's claim or defense and the main action have a question of law or fact in common; or ()
- c. When a party to an action relies for ground of claim or defense upon any statute or executive order administered by a federal or a state governmental officer or agency or upon any regulation, order, requirement or agreement issued or made pursuant to the statute or executive order, the officer or agency may be permitted to intervene in the action. ()
- d. The Board may deny or conditionally grant a petition to intervene for untimely filing that fails to state good cause for the late filing, to prevent disruption or undue delay, due to prejudice to existing parties or undue broadening of the issues, or for other reasons. An intervener who does not file a timely petition is bound by orders and notices earlier entered as a condition of granting the untimely petition. ()
- 086. -- 099. (RESERVED)**
- 100. FAIR HEARING ~~(RULE 100).~~**
- ~~01. Hearing Opportunity.~~ All parties shall be afforded an opportunity for a fair hearing to present evidence and argument. (4-6-23)
- ~~02. Purpose of Hearing.~~ The Board's goal in conducting hearings is the acquisition of sufficient, accurate evidence to support a fair and just determination of the issues on appeal. (4-6-23)
- 031. Notice of Hearing -- Mailing.** A notice of hearing shall be mailed at least twenty (20) days before the date set for hearing. ()
- 042. Setting of Hearing.** The Board will schedule a reasonably convenient time and place where each party may appear and offer evidence and argument in support of their position. ()
- 053. Telephonic Hearing.** The Board may conduct a telephonic hearing wherein each participant has an opportunity to participate in the entire hearing. ()
- ~~06. Notice of Hearing -- Contents.~~ The notice of hearing shall include: (4-6-23)
- ~~a. A statement of the place, date, and time of the hearing;~~ (4-6-23)
- ~~b. A statement of the legal authority under which the hearing is to be held;~~ (4-6-23)
- ~~c. A reference to the sections of statute or rule concerning the conduct of the hearing;~~ (4-6-23)
- ~~d. The name of the hearing officer who is scheduled to conduct the hearing; and~~ (4-6-23)
- ~~e. A short and simple statement of the matters asserted or the issues involved.~~ (4-6-23)
- 074. Conference or Recess.** The presiding officer may convene the parties before hearing or recess the hearing to discuss formulation of issues, admissions of fact or identification of documents to avoid unnecessary proof, exchange of documents, exhibits or prepared testimony, limitation of witnesses, establishment of order of procedure, and other matters that may expedite an orderly hearing. ()

101. FAILURE TO APPEAR ~~(RULE 101)~~.

01. Default or Dismissal. Failure of either party to appear at the time and place appointed by the Board may result in a dismissal of that appeal or of the granting of the appeal. ()

~~**02. Waiver of Appearance.** Upon written stipulation of parties that no facts are at issue, an appeal may be submitted to the Board without oral argument. However, the Board may require appearance for argument or presentation of evidence. (4-6-23)~~

102. WITHDRAWAL ~~(RULE 102)~~.

An appellant may withdraw the notice of appeal in writing, by electronic filing, or on the record at hearing. ()

103. -- 104. (RESERVED)

105. INFORMAL DISPOSITION -- SETTLEMENT ~~(RULE 105)~~.

Any appeal may be dismissed by the Board by stipulation, agreed settlement, consent order, or default. For good cause shown and upon written motion made within ten (10) days of entry of a Board order, the Board may set aside such order. ()

01. Formalizing Agreements. An agreement by the parties may be put on the record or may be reduced to writing and filed with the Board. ()

02. Confidentiality. Settlement negotiations in a contested case are confidential, unless all participants to the negotiation agree to the contrary in writing. Facts disclosed, offers made and all other aspects of negotiation (except agreements reached) in settlement negotiations are not part of the record. ()

03. Consideration of Settlement. The Board may convene an evidentiary hearing to consider the reasonableness of the settlement and whether acceptance of the settlement is consistent with the Board's charge under the law. ()

04. Burden of Proof. Proponents of a proposed settlement carry the burden of showing that the settlement is in accordance with the law. ()

106. PRESIDING OFFICER ~~(RULE 106)~~.

Any member of the Board or assigned hearing officer may preside at the hearing and shall have power to: ()

01. Oath or Affirmation. Administer oaths or affirmations, call a party or other person present at hearing as a witness, examine witnesses and receive evidence; ()

02. Hearing. Regulate the course of the hearing and maintain an orderly proceeding; ()

03. Motions. Dispose of procedural requests, motions or similar matters; ()

04. Certification by Board. Make decisions or proposals for decisions subject to certification by a majority of the Board; ()

05. Official Record. Develop a full and accurate record and certify the record of said appeal on behalf of the Board; and ()

06. Other Action. Take any other appropriate action reasonable under the circumstances. ()

107. PROCEDURE AND TESTIMONY ~~(RULE 107)~~.

01. Preliminary Procedure. The presiding officer shall call the proceeding for hearing and proceed to take the appearances and act upon any pending motion. ~~Parties may then make opening statements. (4-6-23)()~~

02. Testimony. All testimony, except matters noticed officially or entered by stipulation at hearings or

prehearing conference, shall be taken only on oath or affirmation. ()

03. Order of Procedure. The appellant shall present first with the respondent and any intervenor then presenting. Parties may then make closing statements. The presiding officer may require the submission of briefs in addition to, or in lieu of, closing arguments. ~~A maximum of two (2) weeks is normally allowed to submit these briefs.~~ The presiding officer may prescribe a different procedure than herein provided. (4-6-23)()

~~**04. Presentation of Evidence.** Evidence may be presented in the following order: (4-6-23)~~

~~**a.** Evidence is presented by appellant. (4-6-23)~~

~~**b.** Evidence is presented by any intervening or opposing party. (4-6-23)~~

~~**c.** Rebuttal evidence is presented by appellant. (4-6-23)~~

~~**d.** Surrebuttal evidence is presented by any intervening or opposing party. (4-6-23)~~

~~**05. Examination of Witness.** Regarding any witness who testifies, the following examination may be conducted: (4-6-23)~~

~~**a.** Direct examination by the party who called the witness. (4-6-23)~~

~~**b.** Cross examination by any intervening or opposing party. (4-6-23)~~

~~**c.** Redirect examination by the party who called the witness. (4-6-23)~~

~~**d.** Recross examination by any intervening or opposing party. (4-6-23)~~

~~**e.** Examination by the presiding officer. (4-6-23)~~

108. -- 109. (RESERVED)

110. STIPULATIONS (RULE 110).

With the approval of the presiding officer the parties may stipulate as to any fact at issue. The stipulation may be filed, or offered through an exhibit or by oral statement shown upon the hearing record. Any such stipulation shall be binding upon all parties so stipulating and may be regarded by the Board as evidence. The Board, however, may require evidence of the facts stipulated, notwithstanding the stipulation. ()

111. CONTINUANCE (RULE 111).

01. Continuances. A continuance may be ordered by the Board upon filing of a timely and written motion containing the stipulated agreement and signature of all parties. Timely means at least fifteen (15) days prior to a noticed hearing date. The motion shall show a detailed good cause and contain the specific time extension requested. ()

02. Consideration. Continuances are disfavored by the Board. The Board may grant a single continuance only when unusual and highly pressing circumstances are present. In no instance shall an extension cause a delay in proceedings for more than three (3) months. In no instance may a second continuance be granted. ()

112. -- 114. (RESERVED)

115. OFFICIAL NOTICE (RULE 115).

The Board may take official notice of judicially cognizable facts. In addition, the Board may take notice of general, technical, financial, or scientific facts within the Board's specialized knowledge. Parties shall be notified either before or during the hearing of the material noticed. Parties shall be given a reasonable opportunity to object, review, examine, and rebut or contest the information sought to be noticed. ()

116. OPEN HEARINGS AND CLOSED DELIBERATIONS ~~(RULE 116)~~.

01. **Public Hearings.** Hearings conducted by the Board are open to the public except where confidential evidence is being taken under a protective order. ()

02. **Closed Deliberations.** The Board may recess to closed deliberations for the limited purpose of deciding the matter before it. ()

117. RULES OF EVIDENCE ~~(RULE 117)~~.

01. **Evidence, Admissibility and Evaluation.** Evidence should be taken by the Board to assist the parties' development of the record. The presiding officer is not bound by the Idaho Rules of Evidence. No informality in any proceeding or in the manner of taking testimony invalidates evidence. The presiding officer may exclude evidence that is irrelevant, immaterial, unduly repetitious, or inadmissible on constitutional or statutory grounds, or on the basis of any privilege recognized in Idaho. All other evidence may be admitted if it is of a type commonly relied upon by prudent persons in the conduct of serious affairs. ~~When proceedings will be expedited and the parties' interests not substantially prejudiced, evidence may be received in written form. The Board's experience, technical competence and specialized knowledge may be used in the evaluation of evidence.~~ (4-6-23)()

02. **Documentary Evidence.** ~~Upon request, parties shall be given an opportunity to compare the copy with the whole of the original document.~~ Filing of a document does not signify its receipt in evidence, and only those documents which have been received in evidence shall be considered as evidence in the official record of the case. (4-6-23)()

03. **Prepared Testimony.** The presiding officer may order a witness's prepared testimony previously distributed to all parties be included in the record of hearing as if read. ~~Admissibility of prepared testimony is subject to the standards expressed in this rule.~~ (4-6-23)()

04. **Objections.** Where objections are made to the admission or exclusion of evidence, the grounds relied upon shall be stated briefly at the time of objection and before the start of closing statements. ()

05. **Evidentiary Rulings.** The presiding officer shall rule on the admissibility of all evidence and may grant exceptions to the requirements of this rule in the interest of justice. Such rulings may be reviewed by the Board. An evidence ruling may be deferred to the entire Board by the presiding officer or taken under advisement. The presiding officer may receive evidence subject to a motion to strike at the conclusion of the hearing. ()

~~06. **Offer of Proof.** An Offer of Proof for the record consists of a statement of the substance of the evidence to which objection has been sustained. Where the presiding officer rules evidence inadmissible, the party seeking to introduce such evidence makes an Offer of Proof to have such evidence considered by the Board.~~ ()

~~07. **Failure to Produce Evidence -- Adverse Inference.** The Board may draw an adverse inference when a party or witness fails to produce requested evidence which is reasonably in the party or witness's control.~~ ()

~~08. **Post-Hearing Evidence.** Unless allowed by the presiding officer, no post-hearing evidence will be accepted.~~ ()

118. EXHIBITS ~~(RULE 118)~~.

01. **Custody.** The Board shall keep all original exhibits unless otherwise provided by law. ()

02. **Marking.** Exhibits will be marked to indicate the sponsoring and offering party. ()

03. **Form.** An exhibit prepared for hearing should be typed or printed on eight and one-half inch (8 1/2") by eleven inch (11") white paper, except a map, chart, photograph or non-documentary exhibit may be introduced on the size or kind of medium customarily used for them. ()

04. Copies. A copy of each documentary exhibit must be furnished to each party present and to the presiding officer, except for unusually bulky or voluminous exhibits that have previously been made available for the parties' inspection. Copies must be of good quality. ()

05. Objection. An exhibit identified at hearing is subject to appropriate and timely objection before the start of closing statements. A presented exhibit to which no objection is made is automatically admitted into evidence without motion. ()

119. -- 124. (RESERVED)

125. CONFIDENTIALITY -- PROTECTIVE ORDERS ~~(RULE 125)~~.

The decisions and official records in appeals before the Board are public records and are subject to disclosure unless otherwise provided by Title 74, Chapter 1, Idaho Code, or when a protective order, consistent with Title 74, Chapter 1, Idaho Code, is issued. A party may file a motion for a protective order showing good cause why specific information should remain confidential. The motion must include an affidavit as to the truthfulness of the contents. If another party opposes the request, that party must file a written objection within ten (10) days. ()

126. -- 138. (RESERVED)

139. SCOPE OF APPEAL IN AD VALOREM CASE ~~(RULE 139)~~.

In an appeal brought under Section 63-511, Idaho Code, where the appellant challenges only the value or exempt status upon either the land or the improvements on the land, the Board shall have jurisdiction to determine the value or exempt status over the entire property. The Board shall have the power to increase or decrease the value of property in a market value appeal. If the Board finds that a property classification is in error, it shall determine the correct classification. ()

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

01. Submission for a Decision. The proceeding will stand submitted for decision after the record is closed by the presiding officer or as otherwise prescribed by the Board. ()

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

03. Notice. Parties' representatives shall be notified by mail of any final decision or order. ()

04. Decisions. A decision of the Board will be based on the official record for the case. The Board shall hear and determine appeals as de novo proceedings. Decisions shall contain factual findings and conclusions of law upon which the Board's determination is based. ()

141. -- 144. (RESERVED)

145. RECONSIDERATION -- REHEARING ~~(RULE 145)~~.

01. Time for Filing and Service. A party adversely affected by a final decision may move for reconsideration or rehearing within ten (10) days of the time the decision is mailed. Service on other parties is required. The petitioner must file a supporting brief making a strong showing of good cause why reconsideration or rehearing should be granted. Where the presentation of additional evidence is sought, the motion shall include the reason why such evidence was not presented previously. ()

02. Consideration. Reconsideration or rehearing may be granted if, in reaching the decision the Board has overlooked or misconceived some material fact or statement of law; misconceived a material question in the case; found insufficient evidence in the record; or a party is found to have been denied the opportunity for a fair hearing. ()

03. Answer. Within ten (10) days after a motion for reconsideration or rehearing is filed, another party

may file a response in support of or in opposition to said motion. ()

04. Disposition. A motion for reconsideration or rehearing shall be deemed denied if, within thirty (30) days from the date the petition is received by the Board, no response is made by the Board. ()

146. -- 150. (RESERVED)

151. OFFICIAL RECORD ~~(RULE 151)~~.

01. Content. The record shall include: all notices, pleadings, motions, orders, testimony, and evidence taken in connection with the appeal. (4-6-23)()

- ~~a. All notices of proceedings;~~ (4-6-23)
- ~~b. All appeals, petitions, complaints, protests, motions, and answers filed in the proceeding;~~ (4-6-23)
- ~~c. All intermediate or interlocutory rulings;~~ (4-6-23)
- ~~d. All evidence received;~~ (4-6-23)
- ~~e. All offers of proof, however made;~~ (4-6-23)
- ~~f. All briefs, memoranda, proposed orders of the parties, statements of position or support, and objections, but not discovery responses;~~ (4-6-23)
- ~~g. All evidentiary rulings on testimony, exhibits, or offers of proof;~~ (4-6-23)
- ~~h. All taxing authority data submitted in connection with the consideration of the proceeding;~~ (4-6-23)
- ~~i. A statement of matters officially noticed;~~ (4-6-23)
- ~~j. All preliminary orders, final orders, and orders on reconsideration or rehearing; and~~ (4-6-23)
- ~~k. The recording or transcript specified in Rule 151.02.~~ (4-6-23)

02. Verbatim Record. The official recording of hearings will be taken by means of a recorder. A party requesting a court reporter shall bear the expense of the reporter's fees. If the reporter's transcript is deemed by the Board to be the official transcript, the party requesting the reporter shall furnish the Board a transcript free of charge. ()

152. -- 154. (RESERVED)

155. SUBPOENA ~~(RULE 155)~~.

01. Issuance of Subpoena. Upon a motion in writing, or upon the Board's own initiative without motion, the Board may issue a subpoena requiring: ()

- a.** The attendance of a witness from any place in Idaho; ()
- b.** The production of documents from any place in Idaho; or ()
- c.** The production of any book, paper, document, or tangible thing kept within or without Idaho to any designated place of deposition or hearing for the purpose of taking testimony or examining a document before the Board. ()

02. Motion Contents and Timing. The motion shall be in writing and include a showing of relevance

and the reasonable scope of the testimony or specific items sought. The motion for subpoena shall be filed at least fifteen (15) days before the date and time set forth in the subpoena, exceptions may be granted upon a showing of good cause. ()

03. Service. Service, and the filing of the proof of such service with the Board, shall be the responsibility of the requesting party. ()

04. Fees. A witness summoned pursuant to subpoena shall be paid by the party at whose instance they appear the same fees and mileage allowed by law to a witness in civil cases in the district court. ()

05. Motion to Quash. The Board, upon motion to quash may: ()

a. Quash or modify the subpoena if it is unreasonable or requires evidence not relevant to any matter in issue; or ()

b. Condition denial of the motion upon reasonable conditions. ()

156. REQUEST FOR TRANSCRIPT ~~(RULE 156)~~.

The party requesting a written transcript shall make the arrangements for preparation of transcript and payment of the fee directly with the transcriber. ()

157. -- 999. (RESERVED)

IDAPA 50 – COMMISSION OF PARDONS AND PAROLE
50.01.01 – RULES OF THE COMMISSION OF PARDONS AND PAROLE
DOCKET NO. 50-0101-2301 (ZBR CHAPTER REWRITE)
NOTICE OF RULEMAKING – PROPOSED RULE

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Section(s) 20-1004 and 20-1005, Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than November 15, 2023.

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

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

In accordance with the [Zero-Based Regulation E. O. 2020-01](#), the goal of this rulemaking is to make changes and modifications that remove obsolete language, eliminate unnecessary restrictions, and provide overall clarity.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased:

There are no fees or charges associated with this rulemaking.

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year resulting from this rulemaking: N/A

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(1), Idaho Code, negotiated rulemaking was conducted. The Notice of Intent to Promulgate Rules - Negotiated Rulemaking was published in the September 6, 2023, Idaho Administrative Bulletin, [23-9 pages 626-627](#).

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

There are no documents incorporated by reference in this chapter of rules.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Mary Schoeler 208-334-2520.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before November 22, 2023.

DATED this 5th day of October, 2023.

Ashley Dowell
Executive Director
3056 Elder St.
Boise, ID 83705
(208) 334-2520 phone
(208) 334-3501 Fax

THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 50-0101-2301
(ZBR Chapter Rewrite)

50.01.01 – RULES OF THE COMMISSION OF PARDONS AND PAROLE

000. LEGAL AUTHORITY.

This chapter is adopted in accordance with Section 20-1004, Idaho Code, which provides that the Idaho Commission of Pardons and Parole (hereinafter Commission) has the power to establish rules in compliance with Title 67, Chapter 52, Idaho Code. ~~(3-23-22)~~()

001. SCOPE.

The rules govern parole, pardons, firearm rights restoration, remission of fines, and commutations for the state of Idaho; and other matters within the authority of the Commission. ()

002. -- 009. (RESERVED)

010. DEFINITIONS.

01. Absconder. An offender who has fled supervision, whose whereabouts are unknown, and for whom a warrant for a violation of supervision has been issued or requested. ()

02. Commission Warrant. Warrant of arrest for alleged parole violation issued by the Executive Director or a Commissioner. ()

03. Commissioner. A member of the Commission who is appointed by the Governor to carry out decision-making functions regarding parole, pardons, commutations, remission of fines, and firearm rights restoration. ()

04. Commutation. Clemency powers pursuant to Article IV, Section 7 of the Idaho Constitution and Sections 20-1016 and 20-1012, Idaho Code, granted to the Commission or to the Commission with the approval of the Governor, as required by law, which allow for a sentence to be modified, including a final discharge from the remaining period of parole. ()

05. Concurrent Sentence. Sentence served at the same time as another. ()

06. Consecutive Sentence. Sentence served upon completion of another sentence or before beginning another sentence. ()

07. Detainer. A document authorizing the detention of an offender in custody for a parole violation. Offender may be housed in a county jail or a correctional institution in state or out of state. ()

08. Determinate Sentence. Fixed portion of the sentence when an offender is not eligible for release on parole. ()

09. Dispositional Hearing. A hearing held before the Commissioners to render a decision whether to reinstate, modify, or revoke parole. ()

10. Executive Session. Any meeting or part of a meeting of the Commission that is closed to the public for deliberation on certain matters, as set forth in Section 20-1003, Idaho Code. ()

11. File or Case Review. Review of central file, Commission file, and/or additional information

submitted, without testimony or interview of offender or parolee. ()

12. Full Term Release Date. The date an offender completes the term of sentence. ()

13. Hearing. The opportunity to be interviewed by the Commission, a Commissioner, or other designated Commission staff. ()

14. Hearing Session/Session. A series of hearings conducted by the Commission. ()

15. Indeterminate Sentence. Portion of sentence following the determinate sentence, during which time an offender is eligible for release on parole. ()

16. Offender. A person under the legal care, custody, supervision, or authority of the board of correction, including a person within or outside Idaho pursuant to agreement with another state or contractor. ()

17. Pardon. Clemency powers pursuant to Article IV, Section 7 of the Idaho Constitution and Section 20-1016, Idaho Code, granted to the Commission or to the Commission with the approval of the Governor as required by law, which allows for sparing the applicant from punishment for a crime, removing any other effects, penalties, or disabilities that the conviction carries or stem from that conviction, and restoring the applicant's civil rights. ()

18. Parole. Conditional release from a penal institution under a contractual agreement between the Commission of Pardons and Parole and offender. Parole is not a right, but is a matter of grace. ()

19. Parole Eligibility Date. The earliest date that an offender may be eligible for parole release, which coincides with the date that the indeterminate portion of the offender's sentence begins. In the event there are multiple sentences, the sentence having the latest indeterminate begin date will be used as the offender's parole eligibility date. ()

20. Preliminary Hearing. A hearing conducted by an objective representative of the supervising authority or an individual appointed by the Executive Director to determine if there is probable cause to believe the alleged violations of the parole contract occurred. ()

21. Risk Assessment. Validated tool developed to determine risk of recidivating based on offender criminogenic needs. ()

22. Respite. The temporary suspension of the execution of a sentence other than death until the next session of the Commission. ()

23. Reprieve. The temporary suspension of the execution of a sentence of death until the next session of the Commission. ()

24. Supervising Authority. The agency responsible for community supervision of parolees which is Idaho Department of Correction. ()

011. -- 099. (RESERVED)

100. GENERAL PROVISIONS.

The rules contained herein govern practice and procedure of the Idaho Commission of Pardons and Parole, hereafter referred to as the Commission. The Commission reserves the right to deviate from established rules whenever special circumstances warrant, and to act, at its discretion, in circumstances not specifically outlined but within confines established by the constitution and Idaho Code. ()

101. HEARINGS.

01. Conduct of Hearings. All hearings of the Commission will be conducted in accordance with the open meeting law as provided in Chapter 2, Title 74, Idaho Code, and as modified by Section 20-1003, Idaho Code. ~~Each Commissioner will have an opportunity to ask questions or provide comments, or both. The Executive Director~~

~~or Commission staff may provide information during the hearing or ask questions. (3-23-22)()~~

02. Deliberations. Receipt and exchange of information or opinion relating to a decision concerning the granting, revoking, reinstating, or denial of parole, or related decisions, to include commutations, pardons, remission of fines and fees and restoration of firearm rights. ~~Deliberations will be made in executive session. Votes of individual members will not be made public. (3-23-22)()~~

~~102. HEARING SESSIONS.~~

~~The Executive Director or designee will schedule hearing sessions according to the number of hearings required for the specific month. (3-23-22)~~

~~103. BUSINESS MEETINGS.~~

~~The Commission schedules a business meeting at least quarterly or at the call of the Executive Director and notice of such meetings must comply with the open meeting law requirements. Such meeting may be cancelled at the vote of a majority of the Commission or by the Executive Director if the scheduled business cannot be conducted. (3-23-22)~~

~~104. RECORD OF HEARINGS AND BUSINESS MEETINGS.~~

~~01. Minutes of Hearings and Case Reviews. ()~~

~~a. Summary minutes of individual hearings and case reviews shall be maintained by the Commission office constitute the official record of the hearing or case review. (3-23-22)()~~

~~b. Audio recordings of open hearings may be made and may be maintained by the Commission. The recordings will be subject to disclosure pursuant to the Idaho Public Records Act, Title 74, Chapter 1, Idaho Code. Executive sessions will not be recorded. (3-23-22)~~

02. Minutes of Business Meetings. Summary minutes of business meetings are reviewed by Commissioners who are present at the next business meeting. The summary minutes as approved by the Commissioners will be maintained by the Commission ~~and published on the Commission's website when the summary minutes are approved. (3-23-22)()~~

~~**03. Official Record of Hearing or Review.** The official record of a parole hearing or case review will be the summary minutes of that hearing or review. The official record will be maintained by the Commission and subject to public disclosure pursuant to the Idaho Public Records Act, Title 74, Chapter 1, Idaho Code. (3-23-22)~~

~~105. PREVIOUS DECISIONS.~~

~~The Commission reserves the right to review or reconsider any previous decision for any reason and to take whatever action is agreed upon. The Executive Director may bring forward any case determined to need review before the next hearing session. ()~~

~~106. (RESERVED)~~

~~107. APA APPLICABILITY.~~

~~The Commission has the authority to establish rules under Chapter 52, Title 67, Idaho Code (Administrative Procedures Act). No other provision or requirement of the Administrative Procedures Act applies to the Commission. (3-23-22)~~

~~108. RIGHTS, POWERS, AND AUTHORITY OF THE COMMISSION.~~

~~**01. Decision to Release to Parole.** The Commission has the authority to decide whether or not any offender eligible for parole may be released to parole. (3-23-22)~~

~~**02. Advisory Commission to Board of Correction.** The Commission may act as the advisory Commission to the board of correction. The Commission has any and all authority necessary to fulfill the duties and responsibilities and other duties imposed upon it by law under Section 20-201(2), Idaho Code, and other applicable provisions of Idaho law. (3-23-22)~~

~~109~~1. -- 149. (RESERVED)

150. COMMISSION AND STAFF.

~~01. Commission Members.~~ The Commission is composed of seven (7) members. (3-23-22)

~~02~~1. Commission Staff. ()

a. The Commission has delegated to the Executive Director the authority to approve recommended conditions of parole following the hearing process, allow for emergency suspension of a condition at the request of the Department of Correction, review Disciplinary Offense Reports and take action by executive decision, issue Commission warrants, issue parole release documents, and all other official documents pertaining, but not limited to paroles, commutations, pardons, firearms rights restoration, and remissions of fines. The Executive Director assumes all authority and duties as may be delegated by the Commission and the governor. (3-23-22)()

~~b.~~ The Executive Director assumes all authority and duties as may be delegated by the Commission and the governor. (3-23-22)

03. **Service of Process on Commissioners or Commission Staff.** All service of summons, complaints, subpoenas and other legal process for any cause of action arising from or related to the actions, duties or employment of the Commission or any employee of the Commission, shall be made upon the deputy attorneys general assigned to the Commission in the manner and form required by state and federal rules of procedure. ()

151. -- 199. (RESERVED)

200. HEARING PROCESS.

01. **Information for Scheduled Commission Hearings.** ()

a. A schedule of Commission hearings will be prepared prior to a hearing session and may be updated as necessary at any time. The hearing schedule will be available five (5) business days prior to a hearing session. The hearing schedule may be revised due to offender movement between institutions or other circumstances ~~and may not be published earlier. A person may obtain the offender's hearing date by contacting the Commission office or on the commission website at www.pardons.idaho.gov.~~ (3-23-22)()

~~b.~~ The hearing schedule will reflect the date, location and starting time of each hearing session and a list of offenders scheduled for hearings and will be published on the Commission website. (3-23-22)

02. **Location of Hearings.** ()

a. The Executive Director will determine the location of hearings, based upon available information when the schedule is set. Due to circumstances beyond the Commission's control, it may be necessary to change the location and date of a hearing or hearing session. ()

b. It may be necessary to continue a hearing to a later date to allow for the offender's personal appearance or for other unforeseen reasons. ()

03. **Interview Method.** For parole hearings, commutation hearings, pardon hearings, remission of fines hearings, and restoration of firearm rights hearings, an interview may be conducted face-to-face, by telephone, or by other electronic means. The interview may be conducted by a hearing officer or other designee of the Executive Director. ~~If an interview is not required, the offender may simply appear before the Commission for a hearing.~~ (3-23-22)()

~~a.~~ An in-depth investigational report explaining the offender's social history, criminal history, present condition, and offense will be prepared for the Commission. The in-depth investigational report for parole consideration is exempt from public disclosure pursuant to Section 20-1005, Idaho Code. (3-23-22)

ba. The Commission will determine if it will conduct another hearing or make a decision based upon the report. ()

~~**04. Psychological Reports, Mental Health Evaluations, Sex Offender Risk Assessment (SORA), Substance Abuse Evaluation, or Other.** (3-23-22)~~

~~**a.** A SORA will be prepared for the Commission for all offenders serving a commitment for a sex offense, or whose history and conduct indicate an offender may be a sexually dangerous person as described in Section 20-1005, Idaho Code. (3-23-22)~~

~~**b.** The Commission, the Executive Director, or a hearing officer can order any psychological report, evaluation, or assessment for an offender serving a commitment for any crime. (3-23-22)~~

~~**e.** All psychological, SORA, substance abuse evaluations, and mental health reports will be maintained in a confidential manner. (3-23-22)~~

054. Interview/Hearing. The subject of the interview/hearing is required to be present at a scheduled interview/hearing, unless presence is excused by the Commission or except as provided below. ()

a. Parole Consideration Hearing. The offender who is the subject of a hearing may be required to be present at a scheduled hearing. If the offender declines to be present at a parole consideration hearing, the offender is required to complete and submit the “Inmate Refusal to Participate in Parole Interview/Hearing Process” form and state the reason for not participating to the Commission. A decision will be made by the Commission based upon available information. ()

b. Parole Violation Hearing. The parolee is required to be present at the violation hearing, unless waived by the parolee as explained in Rule 400.06.f. ()

c. Medical Parole. ~~The offender is encouraged to be present at the hearing;~~ the Commission may make such an appearance mandatory or may make a final decision based on information available. (3-23-22)()

065. Witnesses and Documents. The Commission allows for the participation of attorneys, supporters of the offender, parolee, victims, and others who have a direct relationship to the specific hearing or offender/parolee. ()

a. Persons who want to testify at a hearing must notify the Commission staff five (5) days in advance of the scheduled hearing. Minors will not be allowed to attend, or testify at, the hearings without prior approval of the Executive Director. ()

b. All written documents and letters must be submitted seven (7) days in advance of the scheduled hearing; other documents may be allowed by the presiding Commissioners or the Executive Director. ()

~~**e.** An attorney or others as determined by the Executive Director or Commission may be seated with the offender/parolee at the hearing. (3-23-22)~~

~~**dc.** Verbal testimony by witnesses, victims, and attorneys may be limited by the number of persons allowed to give testimony and by a certain time limit. The Commission will allow the attorney representing the offender/parolee a designated time frame to provide information to the Commission. Victims will be allowed to testify. All persons who testify will direct their comments to the Commission. Persons will keep their comments relevant to the proceedings. ()~~

~~**ed.** Any communication outside the hearing process directed to a Commissioner is prohibited. Communication from any person concerning a hearing, a decision, Commission practice, or to relay a concern, must be forwarded to the Executive Director. ()~~

076. Recusal by Commissioner. It is the responsibility of a Commissioner who has personal knowledge

of a case or other conflict to decide whether to recuse himself from participating in deliberations and voting. The Commissioner must inform the Executive Director of the potential conflict and recusal. ()

087. Decisions. ()

a. Any decision of the full Commission requires a majority vote of four (4) Commissioners, except as provided by Section 20-1002, Idaho Code. ~~Panels of less than the full commission are identified below.~~ (3-23-22)()

i. ~~Two (2) members of the Commission may meet to make decisions on the disposition of parole violations. Such decisions must be unanimous. In the event they are not unanimous, then the parole violation disposition decision will be continued and made by the full Commission, pursuant to Section 20-1002, Idaho Code.~~ (3-23-22)

ii. Three (3) members of the Commission may meet to make decisions to grant or deny parole. Such decisions must be unanimous. In the event they are not unanimous, then the decision to grant or deny parole will be continued and made by the full Commission, pursuant to Section 20-1002, Idaho Code. ()

b. Decisions will be given orally following the hearing and deliberation of a case by the Commission. ~~The decision may be sent to the offender in writing with specific information/conditions.~~ (3-23-22)()

c. In the case of a review without a Commission hearing, the decision will be published within a reasonable time on the Commission website and the offender will be notified via their case manager. (3-23-22)()

~~d. Any decision made by the Commission may be reconsidered at any time pursuant to Rule 105.~~ (3-23-22)

098. Rules of Conduct at Hearings. ()

a. All persons attending any hearing will conduct themselves in a manner that does not disrupt the proceedings or they may be removed from the hearing. ()

b. All persons attending a hearing must abide by security policies and pertinent statutes of the facility where the hearing is being held, including being subject to search. The number of witnesses allowed in the hearing room will follow the security policies of the facility. ()

c. Audio recording or video recording of any hearing is prohibited unless allowed at the discretion of the Commission or the Executive Director, to include placement, manner, and type of equipment. ()

i. Media interviews with offenders, witnesses, victims, Commission, or staff will not be allowed during the hearing process. The Commission is not responsible for arranging interviews with persons other than the Commission or its staff. Interviews are not allowed without the express consent of the individual. ()

4009. Review of Respites and Reprieves Granted by the Governor. ()

a. Approval of Respite or Reprieve. If the Governor approves a petition for a respite or reprieve, the Commission will review the respite or reprieve at the next regularly scheduled session of the full Commission. At that time, the Commission shall ~~either~~ determine the respite or reprieve is no longer appropriate or continue the respite or reprieve until the matter can be scheduled for a commutation or pardon hearing as outlined in these rules. (3-23-22)()

201. -- 249. (RESERVED)

250. PAROLE.

01. Parole Consideration. ()

- all.
- a. The Commission may release an offender to parole on or after the date of parole eligibility, or not at ()
 - b. Parole consideration is determined by the individual merits of each case. ()
 - c. Parole decisions will consider factors to include, but not limited to: ()
 - i. Seriousness of and aggravating factors involved in the crime. ()
 - ii. Mitigating factors involved in the crime or related to the offender’s circumstances. ()
 - iii. Prior criminal history of the offender. ()
 - iv. Failure or success of past probation and parole. ()
 - v. Institutional history to include overall behavior, involvement in programs, jobs, custody level at time of the hearing, and disciplinary and corrective action. ()
 - vi. Evidence of the development of a positive social attitude and the willingness to fulfill the obligations of a good citizen. ()
 - vii. Information or reports regarding physical or psychological condition. ()
 - viii. The strength and stability of the proposed parole plan, including adequate home placement and employment. ()
 - ix. Outcome of a validated risk and needs assessment. ()
- 02. Primary Review.** For all offenders eligible for parole, a review for the purpose of setting the initial parole hearing will be conducted. ()
- a. The Executive Director or a designee will conduct the primary review following receipt of the sentence calculation from the Department of Correction. The month and year of the initial parole hearing will be established based upon the sentence calculation. ()
 - i. In cases where an offender is serving both a court-ordered retained jurisdiction period and a current sentence of imprisonment, the primary review will not be conducted on the imprisonment case until the court-retained jurisdiction case has been concluded. ()
 - ii. In cases where the offender has a death sentence, or a life without parole sentence, a primary review will not be conducted. ()
 - iii. In cases with specified fixed terms, the initial hearing will be scheduled approximately six (6) months prior to the offender’s parole eligibility date. An initial hearing will not be scheduled until all fixed terms (consecutive and concurrent) the offender is currently serving are within six (6) months of completion. ()
 - iv. If an offender escapes prior to the primary review or the initial hearing, the review or hearing will be conducted within a reasonable time of notification of the offender’s return to custody, taking into consideration any new commitments, changes in sentence calculation, and the time to conduct an interview and report. ()
 - v. If an offender is committed to the department of correction and such offender is eligible for parole immediately, or within the first six (6) months of their incarceration, the initial parole hearing will be scheduled ~~within~~ six (6) months from the month the Commission was notified of the commitment. (3-23-22)()
- 03. General Conditions of Parole.** The Commission establishes rules and conditions for every offender released to parole. Rules and conditions of parole will be provided in writing and signed by the parolee

indicating the parolee’s understanding of the conditions of parole. Conditions of parole include: ()

a. The parolee is required to enter into and comply with an agreement of supervision with the Idaho Department of Correction. The agreement of supervision shall include provisions setting forth potential sanctions for a violation of the conditions imposed and potential rewards for compliance with the conditions imposed, as such sanctions and rewards are set forth in rules of the Board. ()

b. The parolee will go directly to the destination approved by the Commission and, upon arrival, report as instructed to the parole officer or person whose name and address appear on the arrival notice; any deviation in travel plans will require prior permission from the Commission staff. ()

c. The parolee will: ()

i. Support dependents to the best of parolee’s ability. ()

d. The parolee must report to the assigned parole officer as instructed. ()

e. If at any time it becomes necessary to communicate with the assigned parole officer or other official designee who is unavailable, communication will be directed to the district section supervisor. ()

f. The parolee will: ()

i. Obey all municipal, county, state, and federal laws. ()

ii. Not engage in conduct that is, or may be, harmful to himself or others. ()

iii. Not purchase, own, sell, or have in the parolee’s control, to include storing in residence, vehicle, etc., any type of firearm for whatever purpose. ()

iv. Not have in the parolee’s control any dangerous weapons used, or intended to be used, for other than normal purposes, such as knives for household use. ()

g. The parolee will: ()

i. Abstain from use of alcoholic beverages. ()

ii. Abstain completely from the possession, procurement, use, or sale of narcotics or controlled substances, except as prescribed by a licensed medical practitioner. ()

iii. Freely cooperate and voluntarily submit to medical and chemical tests and examinations for the purpose of determining if parolee is using or under the influence of alcohol, narcotics, or other substances, which may be at the parolee’s expense. ()

iv. Participate in treatment programs as specified by the Commission or ordered by the parole officer. ()

h. A parolee will submit to a search of person or property, or both, to include residence and vehicle, at any time and place by the supervisory authority or at the direction of the Commission, and the parolee waives the constitutional right to be free from such searches. ()

i. The parolee is fully advised that written permission is required to: ()

i. Willfully change employment and must work diligently in a lawful occupation or a program approved by the supervising officer; ()

ii. Willfully change residence; or ()

- iii. Leave the assigned district. ()
- j. The parolee will not abscond from supervision. ()
- k. Parolee will waive all rights relating to extradition proceedings if taken into custody outside the State of Idaho for failing to comply with conditions of parole and will freely and voluntarily return to the State of Idaho to answer the allegations of parole violations. ()
- 04. Special Conditions of Parole.** ()
- a. In addition to general conditions of parole, the Commission may add special conditions of parole appropriate to the individual case. ()
- b. The Commission delegates authority to the Executive Director to add additional special conditions and to allow for emergency suspension of a condition at the request of the Department of Correction. ()
- 05. Medical Parole.** ~~The Commission may parole an offender for medical reasons pursuant to Section 20-1006, Idaho Code, the Commission will accept petitions for medical parole from the offender or DOC personnel.~~ In addition to Section 20-1006, Idaho Code, the Commission will accept petitions for medical parole from the offender or DOC personnel. (3-23-22)()
- ~~a. Consideration will occur when the offender is permanently incapacitated or terminally ill and when the Commission reasonably believes the offender no longer poses a threat to the safety of society.~~ (3-23-22)
- ~~b. An offender or designated Department of Correction personnel may petition the Commission to consider medical parole.~~ (3-23-22)
- 06. Discharge from Parole.** ~~When the maximum sentence has expired, a final discharge will be issued by the Commission, unless~~ No parole discharge shall be granted if a Commission warrant was issued before the full-term release date. (3-23-22)()
- 07. Detainers.** ()
- a. The Commission may grant a parole to any county, state, or federal detainer that has been lodged against an offender. ()
- i. While in the custody of the detaining jurisdiction, the parolee is serving parole and is subject to all rules of the housing facility and may be required to submit monthly reports to Commission staff or the supervising authority. ()
- ii. If the parolee is released from custody by the detaining jurisdiction, the parolee must report to the nearest Idaho probation and parole office within five (5) days of release. The parolee must abide by all regular rules of parole and any special conditions ordered by the Commission. ()
- b. The Commission may grant an offender parole to a federal immigration detainer for deportation proceedings. ()
- i. If the parolee is granted a release on bond or is allowed to remain in the United States, the parolee must contact the nearest Idaho probation and parole office within five (5) days of release. ()
- ii. If the parolee is deported from the United States to the country of citizenship, the parolee is not to return to the United States and doing so is considered failure to obey the law and is in violation of the parole contract. ()
- 08. Miscellaneous File Review.** A miscellaneous file review request may be submitted by the supervising authority to request modification of a special condition of parole or request permission for international travel. ()

09. Interstate Compact. ()

a. An offender must be eligible for transfer of supervision to another state under the Interstate Compact and the receiving state must accept the transfer before the offender is released on parole. ()

~~**i.** Any person under state parole who applies for a transfer of supervision to another state shall be required to post an application fee pursuant to Section 20-225A, Idaho Code, payable to Idaho Department of Correction, in addition to the Commission's bond.~~ (3-23-22)

~~**b.** Any offender granted parole under the Interstate Compact may be required to post a bond prior to release or prior to such acceptance under the Interstate Compact. The amount of the bond set by the Commission required by Section 20-1005(3) Idaho Code is five hundred dollars (\$500).~~ (3-23-22)()

~~**i.** The bond must be posted at the Commission office. A by cashier check, money order, or online payment shall be the only acceptable means of posting bond only.~~ (3-23-22)()

ii. Failure to successfully complete parole is grounds for forfeiture of the bond. ()

iii. Upon successful completion or discharge of parole without violation, the amount of the bond may be returned to payee less an amount of ninety-five dollars (\$95) for administrative costs. ()

iv. A request must be made for return of the bond within one (1) year of discharge of the offense for which the offender was serving parole. ()

251. -- 299. (RESERVED)

300. VICTIMS.

01. Notice of Victim Rights. The Commission will advise victims of their constitutional and statutory rights at Parole Commission proceedings. The Commission will exercise all due diligence to notify victims of their rights. ()

02. Testimony. The victim is invited to attend all hearings, except executive sessions, pertinent to the case and to provide testimony. Testimony may be provided verbally in the hearing or in writing prior to the hearing. ()

301. -- 349. (RESERVED)

350. PAROLE PLAN AND RELEASE PROCEDURES.

01. Parole Plan. ()

a. The proposed parole plan should be available at the parole hearing interview and parole consideration hearing and should include a stable residence, employment or maintenance and care plan, as well as treatment for alcohol or drug problems, mental health problems, sex offender treatment, after care treatment, or any other treatment deemed necessary. The plan will be developed to manage and mitigate offender risk and will address the offender's needs. ()

~~**b.** Educational programs may be considered, but the offender must demonstrate how normal living, treatment, and transportation expenses, etc., will be paid for.~~ (3-23-22)

eb. All parole plans will be investigated by the supervising authority in the area in which the prospective parolee plans to reside. ()

02. Tentative Parole Dates. All parole release dates granted by the Commission are tentative. ()

a. The parole plan must be approved before the actual release date can be set to allow time for

processing the release. ()

b. The Commission may reconsider its decision, and void the tentative parole date if the Commission receives information that was not available at the time of the hearing or the offender has disciplinary problems following the parole hearing. ()

03. Contract. Prior to release to parole, the offender must sign a contract with the Commission and acknowledge all general and special conditions of parole. ()

a. The parolee will be issued reporting instructions that will include contact information for the supervising office. ()

351. -- 399. (RESERVED)

400. PAROLE DISPOSITION PROCESS.

01. Initiated. The parole disposition process is initiated by a written or verbal report describing the conditions of parole that are alleged to have been violated. ()

02. Warrants. ()

a. A supervising authority may issue an agent's warrant to authorize local law enforcement to transport the parolee to the appropriate jurisdiction to be housed pending an appearance before the Commission, pursuant to Section 20-227, Idaho Code. ()

b. After receipt of a report of violation, a Commission warrant may be issued by the Executive Director or by a member or members of the Commission. There is no bond ~~on this warrant on any warrant issued pursuant to Section 20-1007, Idaho Code~~ and issuance of this warrant suspends the offender's parole until a determination has been made on the merits of the case. ~~The Any time that~~ a parolee is considered to be a fugitive from justice will not be counted towards the time on parole or as part of the sentence. (3-23-22)()

~~i. Following arrest on a Commission warrant, the Executive Director or the Commission will decide if the parolee will be released to continue parole.~~ (3-23-22)

ii. If the location of the offender is unknown, the warrant will be entered into National Crime Information Center or other law enforcement database and will designate from which states the Commission will extradite the offender once arrested. At any time the Executive Director or designee may change the area of extradition. ()

iii. If an offender is being held in custody on new charges in a state outside of Idaho, the warrant may be placed as a detainer only, and written notice of this action will be submitted to the holding facility. The time limits prescribed by law for service of the factual allegations of the violation of the conditions of parole will begin on the date the holding facility notifies the Commission either the warrant has been served or is notified the offender is available for return to Idaho, whichever is earlier. ()

~~iv~~**ii.** If the offender is arrested in a state other than Idaho and refuses extradition to Idaho, it may be necessary to request a governor's warrant. ()

03. Notice of Hearing Rights. ()

a. Every parolee arrested on a Commission warrant for alleged violation(s) of parole is entitled to a fair and impartial hearing of the factual allegations of violation of the conditions of parole. ()

b. ~~The parolee shall be provided pertinent due process including~~ Any notice entitled to a parolee arrested by Commission warrant will include written notice of the date, time, and location of any and all public hearings involved in the disposition process. (3-23-22)()

04. Witnesses. The accusing parole officer or alleged parole violator may present witnesses in support or defense of the allegations of parole violation. ()

a. The Commission has no subpoena power to compel any witness to attend a hearing. The alleged parole violator may make a timely written request to the Commission office for certain adverse witnesses to be available for cross-examination, and such request must include the name, address, telephone number, email, and relationship to the case; the hearing officer will make reasonable efforts to request their participation. However, it is the alleged parole violator's responsibility and the accusing parole officer's responsibility to notify their witnesses of the date, time, and location of any and all hearings or change of hearings. ()

b. If it is determined by the hearing officer or the Executive Director that the identification of an informant or the personal appearance of a witness would subject such person to potential risk or harm, confrontation or cross-examination will not be allowed, and the record will reflect such determination. ()

05. Attorney. The alleged parole violator may utilize the services of an attorney at any public hearing conducted during the disposition process. ()

a. An attorney will be paid at the alleged parole violator's expense. ()

b. It is the alleged parole violator's responsibility to notify his attorney of the date, time, and location of any and all hearings or change of hearings. The alleged parole violator's attorney may make a request of the Commission office to be notified of any hearings and if requested in writing, the Commission office will provide the attorney with copies of reports or documents that are subject to disclosure according to the public records act. ()

c. Commission Provided Attorney. Prior to a hearing, the alleged parole violator may request legal representation be provided by the Commission. The Executive Director or designee will determine if the facts presented by the alleged parole violation or the circumstances of the alleged parole violator demonstrate that alleged parole violator does not understand the proceedings and is otherwise incapable of representing himself. ()

i. If a hearing officer, after meeting with the alleged parole violator, believes that the individual is not able to fully understand the hearing proceedings or is otherwise incapable of representing himself, the hearing officer shall notify the Executive Director. Upon receipt of such notification, the Executive Director or the Commission will make an attorney available to assist the alleged parole violator at the Commission's expense if the facts presented demonstrate that the alleged parole violator meets the criteria for Commission-provided attorney. In reaching this decision, the Executive Director or Commission shall: ()

(1) Review the case file and documents regarding the alleged parole violator's personal history, including his physical and mental health status. ()

(2) Consider the alleged parole violator's ability and capacity to understand the proceedings. ()

(3) Order a current or competency assessment if such would be helpful in making a decision regarding the request for counsel. ()

ii. Specific time limits provided for in these rules may be waived at the discretion of the Executive Director when an attorney is requested or provided, or both, at Commission expense. ()

06. Violation and Disposition Hearings. The hearing officer or Executive Director will determine the location of all hearings. The parolee is required to be present at the violation or disposition hearing, unless waived by the ~~offender~~ parolee. (3-23-22)()

a. Violation Hearings. ()

i. Non-technical violations. If the alleged parole violator is accused of violation of parole by absconding supervision or being convicted of a felony or misdemeanor offense, the subject is not entitled to a preliminary hearing, but is entitled to a hearing to determine guilt or innocence of the alleged parole violation within a reasonable time following service of a copy of the report of violation. ()

ii. Technical violations. If the alleged parole violator is accused of a violation of parole other than by absconding supervision or being convicted of a felony or misdemeanor offense the subject is entitled to a preliminary hearing by the supervising authority within a reasonable amount of time. An on-site hearing will be conducted by a Commission hearing officer to determine guilt or innocence within thirty (30) days from the date the accused was served with the copy of the report of violation. ()

iii. Preliminary hearing. A technical parole violator under Sections 20-1008(1) and 20-1009(1) is entitled to a preliminary hearing to establish whether there is probable cause to believe the violations may have occurred, and such hearing will be conducted by staff of the supervising authority or as otherwise directed by the Executive Director. The alleged parole violator is entitled to a written decision within a reasonable time following the preliminary hearing. If it is determined at the preliminary hearing that there is no probable cause to support the allegations of violation of the conditions of parole, the parolee will be released to continue parole. ~~(3-23-22)~~()

iv. On-Site Violation Hearing. A technical parole violator is entitled to an on-site fact-finding hearing conducted by a hearing officer. The on-site hearing is conducted reasonably near the site of the alleged parole violation(s). The Executive Director or hearing officer will determine where the hearing will be conducted. In situations where the violation(s) occurred outside the state of Idaho, the Executive Director or hearing officer will determine the location of the hearing. Based on Interstate Compact rules, an on-site hearing under Section 20-1009(1) may not be possible if charged and arrested in a state other than Idaho. ~~(3-23-22)~~()

v. Violation Hearing. In most cases, a hearing officer will conduct a fact-finding or violation hearing and will make a finding on each allegation as to the guilt or innocence of the alleged parole violator and may dismiss some or all allegations. ~~If a hearing officer is unavailable, the Executive Director will appoint someone to conduct the hearing.~~ ~~(3-23-22)~~()

b. The parolee shall have the right to appear at a violation hearing and respond to the allegations of violation of the conditions of parole, present witnesses, and present evidence. ()

c. The parolee may confront and cross-examine adverse witnesses who have given information on which the charges have been based unless it would subject such person to potential risk or harm as determined by the hearing officer. ()

d. The alleged parole violator is entitled to a verbal or written decision within twenty (20) days. When a verbal decision has been rendered at the conclusion of the hearing, such finding must be noted in the hearing officer's report. ()

i. Prior to a disposition hearing, the hearing officer will prepare a report of findings summarizing the violation hearing, to include testimony, and will make specific findings for each allegation. ()

e. **Disposition Hearing.** If finding of guilt was made on one (1) or more of the violations, the Commission will consider whether to reinstate the offender on parole on the same or modified conditions, or to revoke parole. The Commission will consider all options available and will state its reasoning if parole is revoked. The type of violations raised in the allegations and recommendations will determine the type of disposition hearing available to the alleged parole violator. ()

f. Absentia Hearing. The Commission can hold a disposition hearing without the alleged parole violator's appearance if the alleged parole violator has signed the proper document waiving the right to appear before the Commission, and the Commission accepts such a waiver. ()

07. Miscellaneous Hearing Information. ()

a. The Commission, through the Executive Director, shall designate the county, state, or other facility where the alleged parole violator shall be held. ()

b. The alleged parole violator can request a continuance of any hearing. The hearing officer, Executive Director, or the Commission will determine if the continuance will be granted. If a continuance is granted

at the alleged parole violator's request, said request will constitute a waiver of any and all time limits involved. ()

08. Credit of Time on Parole. If parole is revoked, the time during which the offender was on parole from the parole release date to the arrest date on the agent's warrant or Commission warrant is not credited toward the sentence unless the Commission, in their discretion, chooses to credit the time in whole or in part per Idaho Code 20-1007. ()

a. Any time the offender is incarcerated on a parole agent's warrant and/or a Commission warrant will be credited toward the sentence, including discretionary jail time. ()

b. The offender will not receive credit for incarceration time if the incarceration was for a new crime and a Commission warrant was not served. ()

c. The offender must provide the hearing officer or the Executive Director with dates of incarceration and the location of the incarceration. ()

401. -- 449. (RESERVED)

450. COMMUTATIONS.

A Commutation may be considered for a person convicted of any misdemeanor or felony crime to modify a sentence imposed by the sentencing jurisdiction. ()

01. Petition. A petition must be submitted to initiate the process. Only forms approved by the Commission will be accepted and must be completed correctly per the instructions on the form. ()

a. The petition must contain the reason a modification of sentence is requested and the precise modification which is requested, such as the following. ()

i. Change a consecutive sentence to concurrent. ()

ii. Reduce the maximum length of sentence. ()

iii. Reduce the minimum fixed term of a sentence. ()

iv. Change a fixed sentence to indeterminate. ()

v. Change a sentence in any other manner not described. ()

b. The Commission may consider one (1) application from any one (1) person in any twelve (12) month period from the date of denial. ()

c. Petitions may be considered at any time by the Commission but are usually scheduled for consideration in the quarterly sessions in January, April, July, and October. ()

d. Petitions must be received no later than the first day of the month prior to the next designated quarterly hearing session for which the offender is applying. ()

e. Review or deliberation on the petition by the Commission will be conducted in executive session. ()

f. Any petition may be continued for additional information or for further consideration. ()

g. The petition is limited to no more than six (6) pages; the petition will not be considered if the document exceeds this number. ()

h. An alleged parole violator is not eligible to file a petition until the violation has been adjudicated.

()

i. The Commission will not consider a commutation for early discharge from parole in any case until the parolee has served at least one (1) year on parole as outlined in Section 20-1012, Idaho Code. ()

i. The Commission will not consider an early discharge for a parolee who has a sex crime or violent crime until one-third (1/3) of the remaining time from the parole release date to full term release date has been served on parole; or until ten (10) years have been served on parole on a life sentence for any crime. ()

ii. A parole officer, parole officer designee, or parole officer supervisor can petition the Commission to consider an early discharge upon reaching the timelines established in this section. ()

iii. If the parolee is permanently incapacitated or terminally ill, the Commission may consider and grant an early discharge from parole after one (1) year for any crime. ()

02. Commutation Hearing. The scheduling of a hearing is at the complete discretion of the Commission; if a commutation hearing is scheduled, the Commission will determine the date of the hearing. ()

a. Notice of a commutation hearing will be published in a newspaper of general circulation at Boise, Idaho, at least once a week for four (4) consecutive weeks immediately prior to the hearing. ()

b. A copy of the notice of publication will be mailed to the prosecuting attorney of the county from which the petitioner was committed. ()

c. Victims of the offender will be notified when a hearing is scheduled. ()

d. Written notice of the hearing date, time, and location will be sent to the applicant at the address given on the application or as otherwise requested. ()

i. The Commission shall make such appearance mandatory, or may deny the commutation. ()

e. The decision and supporting documents regarding a commutation will be filed with the Secretary of State and the Executive Director will provide all notice that a commutation is granted consistent with Section 20-1018, Idaho Code. ()

03. Death Sentence. ()

a. Exceptions to the commutation petition page limit may be made by the Executive Director in cases of offenders under sentence of death. ()

b. At any time, the Commission may review a file, information, or interview an offender without activating the commutation process. ()

c. Commutation petitions must be initiated by the petitioner or his legal counsel. Legal counsel must provide verification that he has been retained by the petitioner or his family to prepare and submit the petition. ()

d. The Commission may elect to receive and consider a petition for a death penalty modification at any time. ()

451. -- 499. (RESERVED)

500. SELF-INITIATED PAROLE RECONSIDERATION.

01. Petition. An incarcerated offender making a request for reconsideration of parole denial must initiate the process by submitting an application. ()

a. The only acceptable form is the one provided by the Commission, and it must be signed by the offender and Department of Correction case manager. ()

b. The petition must be typed and completed correctly, per the instructions on the form, or it will not be considered. ()

c. The petition must state the reason reconsideration is requested and the circumstances that have changed since the last hearing. The offender must have had no disciplinary issues in the year prior to ~~submitted~~ submitting the petition. (3-23-22)()

d. The Commission will consider one (1) application from the offender who was denied parole one (1) year after the initial decision. After the initial SIPR is heard, the Commission will consider applications once per year from the date of the initial SIPR denial. ()

e. Petitions must be received no later than the first day of the month prior to the next month's hearing session. ()

f. Review or deliberation on the petition by the Commission will be conducted in executive session. ()

g. Any petition may be continued for additional information or for further consideration. ()

h. The petitioner will be notified of the decision. ()

i. The petition is limited to four (4) pages; the petition will not be considered if the petition exceeds this number. ()

02. Hearing. The scheduling of a hearing is at the complete discretion of the Commission. ()

501. -- 549. (RESERVED)

550. PARDON.

A pardon may be considered for a person convicted of any misdemeanor or felony crime. A pardon does not expunge or remove the crime from the applicant's criminal history. ()

01. General. An application for a pardon may not be considered until a period of time has elapsed since the applicant's discharge from custody as defined below. ()

a. Applications for pardon for non-violent and non-sex crimes may be submitted for consideration no sooner than five (5) years after the satisfaction of the sentence on the crime for which they are requesting a pardon. ()

b. Applications for pardon for violent or sex crimes or other crimes against a person may be submitted for consideration no sooner than ten (10) years after the satisfaction of the sentence on the crime for which they are requesting a pardon. ()

c. In addition to the provisions of (a) and (b), applications for pardon for vehicular manslaughter pursuant to Section 18-4006(3)(b), Idaho Code or driving under the influence, including any violation of Sections 18-8004, 18-8004C, 18-8005 or 18-8006, Idaho Code, may be submitted for consideration no sooner than fifteen (15) years after that date which the applicant pled guilty to or was found guilty of such a crime. ()

d. A pardon application will not be considered while an offender is incarcerated or on supervision. ()

e. The Commission will determine whether a hearing will be granted and the applicant will be notified of the decision in writing. ()

02. Application. A pardon application can be obtained from the Commission office or on the Commission website. ()

a. The application must be completed and returned to the Commission office. ()

i. The completed application must include the reasons why the pardon is requested. ()

ii. The applicant may attach letters of recommendation or other documents to support the request. ()

iii. The applicant must include copies of all court judgments and conviction documents, as well as police reports for each crime for which a pardon is requested. ()

iv. A pardon may be requested only once during a twelve-month (12) period from the date of denial unless otherwise stated by the Commission. ()

v. An application may not be considered if there is significant law enforcement contact since sentence or discharge. ()

b. Upon receipt of the completed application and required documentation, eligible applications will be reviewed by the Commission. The Commission may request an investigation of the applicant by Commission staff. The report will contain the following: ()

i. A criminal records check will be conducted to include any law enforcement contact since the release from supervision or incarceration. ()

ii. The applicant's employment history since discharge from supervision or incarceration. ()

iii. The applicant's willingness to fulfill the obligations of a law-abiding citizen, including family information, community involvement, volunteer service, hobbies, and related interests. ()

iv. The applicant's employment and education status, including any professional or vocational achievements, training, and any additional information as deemed necessary or appropriate. ()

v. Confirmation that all restitution and fines as ordered by the sentencing court are paid. ()

vi. An interview with the applicant may be conducted and a summary of the interview provided. Said interview may be conducted in person or by electronic means. ()

03. Hearing. The scheduling of a hearing is at the complete discretion of the Commission. If a pardon hearing is scheduled, the Commission will determine the date of the hearing. ()

a. Notice of a pardon hearing shall be published in a newspaper of general circulation at least once a week for four (4) consecutive weeks immediately prior to the hearing. ()

b. A copy of the publication will be mailed to the prosecuting attorney of the county from which the petitioner was sentenced. ()

c. Victims of the offender will be notified in writing when a hearing is scheduled. ()

d. Written notice of the hearing date, time, and location will be sent to the applicant at the address given on the application or as otherwise requested. ()

i. The Commission shall make such appearance mandatory, or may deny the pardon. ()

e. The applicant will be given written notice of the decision and such notice will be sent to the last known address. ()

f. The decision and supporting documents regarding a pardon will be filed with the Secretary of State consistent with Section 20-1018, Idaho Code. ()

551. RESTORATION OF FIREARMS RIGHTS PURSUANT TO SECTION 18-310, IDAHO CODE.

01. General. ~~An application for restoration of the civil right to ship, transport, possess, or receive a firearm may be considered upon final discharge under Section 18-310(2), Idaho Code. This~~ Any restoration pursuant to Section 18-310, Idaho Code is not a pardon for the conviction of a crime, nor is the applicant's criminal record expunged. ~~(3-23-22)~~()

02. Application. An application may ~~not be made until five (5) years after the date of final discharge of the crime for which they are requesting restoration of firearm rights~~ be obtained from the Commission office or on the Commission website. The application must be original, in writing and returned to the Commission office. ~~(3-23-22)~~()

~~a. An application may be obtained from the Commission office or on the Commission website.~~ (3-23-22)

~~b. The application must be the original and returned to the Commission office.~~ (3-23-22)

~~i. The application must request the restoration of the right to ship, transport, possess, or receive a firearm under Section 18-310, Idaho Code.~~ (3-23-22)

~~ii. The application must be in writing and legible.~~ (3-23-22)

~~iii.a.~~ All court convictions, judgment orders, including any dismissal documents, as well as police reports related to said convictions must accompany the application. ()

~~iv.b.~~ An application may be submitted once every twelve (12) months from the date of denial. ()

~~v. The petition must state the reason for the request.~~ (3-23-22)

~~vi.c.~~ Review or deliberation on the petition will be conducted in executive session. ()

~~vii.d.~~ The Commission will determine whether a hearing will be granted and the applicant will be advised of the decision. ()

~~viii.e.~~ No applications will be considered for individuals who are incarcerated or on supervision. ()

f. An application may not be considered if there is significant law enforcement contact since sentence or discharge. ()

eg. Upon receipt of the completed application and required documentation, eligible applications will be reviewed by the Commission. The Commission may request an investigation of the applicant by Commission staff. The report shall include, but not be limited to, the following: ()

i. A criminal records check will be conducted to include any law enforcement contact since release from supervision or incarceration. ()

ii. The applicant's employment history since the date of final discharge of the crime for which they are requesting restoration of firearm rights. ()

iii. The applicant's willingness to fulfill the obligations of a law-abiding citizen, including family information, community involvement, volunteer service, hobbies, and related interests. ()

iv. The applicant's employment and education status, including any professional or vocational

achievements, training and any additional information as deemed necessary or appropriate. ()

v. Confirmation that all restitution and fines as ordered by the sentencing court have been paid. ()

vi. An interview with the applicant may be conducted and a summary of the interview provided. The interview may be conducted in person or by electronic means. ()

03. Hearing. The scheduling of a hearing is at the complete discretion of the Commission. ()

a. If a hearing is scheduled, the Commission will determine the date of the hearing. ()

b. Any hearing may be continued for additional information. ()

c. Written notice of the hearing date, time, and location will be sent to the applicant at the address given on the application or as otherwise requested. ()

i. The Commission shall make such appearance mandatory or may deny the restoration of firearm rights. ()

d. The applicant will be given written notice of the decision and such notice will be sent to the last known address. ()

~~**04. Authority to Grant.** The Commission has the full and final authority and discretion to grant restoration of civil rights to ship, transport, possess, or receive a firearm under Section 18-310, Idaho Code, except as provided therein. (3-23-22)~~

552. -- 599. (RESERVED)

600. REMISSION OF FINE OR PENALTY PURSUANT TO SECTION 20-1004, IDAHO CODE.

01. Request. An application for remission of fine or penalty must be made to the Commission. The application must be in writing and outline the reasons action is requested. (3-23-22)()

~~a. The application must be in writing. (3-23-22)~~

~~b. The application must outline the reasons action is requested to remit such fine or penalty. (3-23-22)~~

ea. The applicant must submit a certified copy of the judgment or order assessing said fine or penalty ()

02. Review. The Commission will review the application to remit a fine or penalty. ()

a. The Commission will ~~usually~~ review such application on a month designated as a quarterly session. The review will be conducted by the full Commission. (3-23-22)()

b. The Commission will conduct such review in executive session. ()

c. Any application may be continued for further consideration or additional information. ()

d. The Commission will determine whether a hearing will be granted and the applicant will be notified of the decision in writing. ()

03. Hearing. The scheduling of a hearing is at the complete discretion of the Commission. ()

a. If a hearing is scheduled, the Commission will determine the date of the hearing. ()

b. If a hearing is scheduled, notice of the hearing will be published in a newspaper of general circulation at Boise, Idaho, at least once a week for four (4) consecutive weeks immediately prior to the hearing. ()

c. A copy of the notice of publication will be mailed to the prosecuting attorney of the county from which the petitioner was sentenced. ()

d. Written notice of the hearing date, time, and location will be sent to the applicant at the last known address. ()

i. The Commission shall make such appearance mandatory or may deny the remission of fine or penalty. ()

ii. The Commission may continue the hearing to a later date for any reason. ()

04. Satisfaction of Judgment. If the Commission determines that such fine or penalty is to be remitted, an official document of such action will be submitted to the clerk of the court where said fine or penalty was assessed, and this will constitute a satisfaction of the judgment. The decision and supporting documents regarding a remission of fine or penalty will be filed with the Secretary of State consistent with Section 20-1018 Idaho Code. ()

601. -- 799. (RESERVED)

800. FOREIGN NATIONAL TREATY TRANSFER PURSUANT TO SECTION 20-1014, IDAHO CODE.
~~An offender may be transferred upon request to a country of which the offender is a citizen or national if a treaty is in effect between that country and the United States.~~ (3-23-22)

01. Governors Authorization. Subject to the terms of a treaty and on behalf of the state of Idaho, the Governor has authorized the Commission to consent to transfers or exchanges of offenders and take any other action necessary to initiate the participation of the state in such treaty. ()

02. Request for Transfer. An offender may request a transfer to a foreign country when the offender meets the requirements enumerated below. The Commission will receive the request and relevant documents from the Department of Correction. The Commission may request additional information from the offender, any victims, the Department, or any other source the Commission deems appropriate. ()

a. The offender must be a citizen or national of the foreign country. ()

b. The United States and the foreign country must be parties to a treaty that provides for the transfer or exchange of convicted offenders. ()

c. The offender must not be serving a life sentence. ()

d. The offender cannot be less than two (2) years from his parole eligibility date. ()

e. The offender must meet the Department of Justice's guidelines for international transfer applications. ()

03. Hearing. The full Commission may review a transfer request that meets all the requirements under the law in a hearing. ()

a. The Commission may require the offender's appearance or may make a final decision based upon the materials with the request and other information which is available. The offender is not entitled to be personally present, to have counsel, to present witnesses or evidence, or to have any particular evidence considered. ()

b. The Commission may continue the hearing to a later date for any reason. The Commission will schedule the application for review during a scheduled hearing session at a time and place of its choosing. ()

- 04. Decision.** ()
- a.** The offender is not entitled to appeal the Commission’s decision. ()
- b.** The offender may reapply two (2) years from the date of denial by either the Governor or the Commission. ()
- 05. Approval of Transfer Request.** If the Commission approves the transfer request, the request packet is sent to the Department of Justice for consideration and approval. Once the Department of Justice approves the transfer, the offender is under the jurisdiction of the Department of Justice. ()
- 801. -- 999. (RESERVED)**

IDAPA 59 – PUBLIC EMPLOYEES RETIREMENT SYSTEM OF IDAHO

59.01.01 – RULES FOR THE PUBLIC EMPLOYEE RETIREMENT SYSTEM OF IDAHO (PERSI)

DOCKET NO. 59-0101-2301 (ZBR CHAPTER REWRITE)

NOTICE OF RULEMAKING – PROPOSED RULE

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Section 1-2002, Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than November 15, 2023.

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

In accordance with the [Zero-Based Regulation E. O. 2020-01](#), the goal of this rulemaking is to make changes and modifications that remove obsolete language, eliminate unnecessary restrictions, and provide overall clarity.

Sections 002, 012, 013, 150, 325, 375, 376, 401, 532, 544, 548, and 600 are deleted as unnecessary; Sections 103, 114, and 503 are amended to be more easily read; Section 200 is amended to change statutory reference; Section 308 is amended to delete subsection 03 as unnecessary; Section 404 is amended to delete the last sentence as unnecessary; Section 526 deletes the phrase “will not be considered in determining benefits” as is unnecessary; Sections 532 and 543 are deleted as duplicative; Section 535 is deleted and replaced by Section 539; Section 549 amended to delete the first two sentences as unnecessary and 549.02 deleted because this is addressed in 508; Section 702 is replaced with the language from Subsection 004.01; and Section 508 is amended to comply with federal law, Secure 2.0 Act of 2022 section 107.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased:

There are no fees or charges associated with this rulemaking.

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state General Fund greater than ten thousand dollars (\$10,000) during the fiscal year: The change in this rule will not have any fiscal impact on the state General Fund.

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(1), Idaho Code, negotiated rulemaking was conducted. The Notice of Intent to Promulgate Rules – Negotiated Rulemaking was published in the September 6, 2023, Idaho Administrative Bulletin, [23-9 pages 909-910](#).

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

There are no documents incorporated by reference in this chapter of rules.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule(s), contact Cheryl George, (208) 287-9231.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before November 22, 2023.

DATED this 6th day of October, 2023.

Don Drum, Executive Director
Public Employees Retirement System of Idaho
PO Box 83720, Boise, ID 83720-0078
Phone: (208) 287-9230
Fax: (208) 334-3804

THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 59-0101-2301
(ZBR Chapter Rewrite)

59.01.01 – RULES FOR THE PUBLIC EMPLOYEE RETIREMENT SYSTEM OF IDAHO (PERSI)

001. LEGAL AUTHORITY.

~~All PERSI rules are adopted under the legal authority of~~ Sections 50-1507, 50-1508, 50-1524, 59-1301, 59-1314, 59-1372, 59-1383, 59-1392, and 72-1405, Idaho Code. (3-31-22)()

002. ~~WRITTEN INTERPRETATIONS—AGENCY GUIDELINES. (RESERVED)~~

~~Written interpretations of these rules, to the extent they exist, are available from PERSI, at the Boise Office at 607 North Eighth Street, Boise, Idaho 83702.~~ (3-31-22)

003. ADMINISTRATIVE APPEAL.

Administrative appeals are conducted pursuant to these rules. ()

004. DEFINITIONS.

The definitions in Section 59-1302, Idaho Code, and the following apply to this chapter: ()

01. Active Member. A member participates in the active member allocation only if they are active and have at least twelve (12) months of accrued membership service on the last day of the fiscal year. For purposes of allocating extraordinary gains, active members also include: ()

a. Seasonal employees who have a pattern of employment that includes at least six (6) months of membership service in each of the preceding three (3) consecutive years; and ()

b. Employees who are on leave of absence on the last day of the fiscal year and either: ()

i. Return to active service for at least thirty (30) days before December 31 immediately following the end of the fiscal year; or ()

ii. Are entitled to benefits under the Uniformed Services Employment and Re-employment Rights Act of 1994 (USERRA). ()

02. Actuary. This is the actuary retained by the Board. ()

03. Administrator. The Board. ()

04. Applicant. “Applicant” means an applicant for disability retirement under Section 59-1352, Idaho Code, or an individual requesting resumption of a disability retirement allowance under Section 59-1354A, Idaho Code. ()

05. Base Plan or Account. This is the PERSI defined benefit plan not including gain sharing allocations or interest thereon, or the individual accounts therein. ()

06. Board. “Board” means the governing authority of the Public Employee Retirement System of Idaho as provided by Section 59-1304, Idaho Code, of the Firefighters’ Retirement Fund created by Chapter 14, Title 72, Idaho Code, and the Policeman’s Retirement Fund created by Chapter 15, Title 50, Idaho Code. ()

07. Choice Plan or Account. This includes two (2) elements: ()

a. The defined contribution component of the PERSI plan consisting of gain sharing allocations

together with earnings thereon or the individual accounts therein; and ()

b. The plan designated to receive voluntary and employer contributions as provided in Section 59-1308, Idaho Code, or the individual accounts therein. ()

08. Code. The Internal Revenue Code of 1986, as now in effect or as hereafter amended. All citations to sections of the IRS Code are to such sections as they may from time to time be amended or renumbered. ()

09. Compensation. “Compensation” as used in Section 59-1342(6), Idaho Code, means “salary” as defined by Section 59-1302(31), Idaho Code. ()

10. Court Security. “Court Security” as used in Section 59-1303(3)(g), Idaho Code, means the employee’s primary responsibilities are designated by court order to quell disturbances in the courthouse, to prevent the escape of prisoners, to exclude weapons from the courthouse, and to perform other related courthouse security matters. ()

11. Date of Retirement. “Date of retirement” means the effective date on which a retirement allowance becomes payable. ()

12. Designated Beneficiary. The individual who is designated as the beneficiary under the Plan and is the designated beneficiary under section 401(a)(9) of the IRS Code and section 1.401(a)(9)-4, Q&A-4, of the Treasury regulations. ()

~~**13. Employer.** Entities that may qualify as political subdivisions include, among others, general purpose governmental entities, such as cities and counties (whether or not incorporated as municipal corporations), and special purpose governmental entities, such as special assessment districts that provide for roads, water, sewer, gas, light, reclamation, drainage, irrigation, levee, school, harbor, port improvements, and other governmental purposes for a State or local governmental unit. (4-6-23)~~

143. Employment. “Employment” as used in Section 59-1302(14)(B)(b), Idaho Code, shall mean the period of time from a member’s date of hire to the member’s succeeding date of separation from that state agency, political subdivision or government entity. Placing a member on leave of absence with or without pay shall not be considered as a separation from the employer. ()

154. Firefighters' Retirement Fund. “Firefighters’ Retirement Fund” or “FRF” is the retirement fund provided by Chapter 14, Title 72, Idaho Code. ()

165. Gain Sharing. This refers to the process of allocating extraordinary gains from the base plan into the defined contribution component of the PERSI plan as permitted in Section 414(k) of the Internal Revenue Code and as provided by Section 59-1309, Idaho Code, and these rules. ()

176. General Member. “General member” is a PERSI member not classified as a police officer, firefighter, paid firefighter, or school employee. (4-6-23)

187. Likely. For the purpose of Section 59-1302(12)(b), Idaho Code, “likely” means with reasonable medical certainty. ()

198. Occupational Hazard. “Occupational Hazard” means an injury or ailment solely resulting from the work an applicant does or from the environment in which an applicant works. ()

~~**2019. Pension Protection Act Definitions.** Solely for purposes of the implementation by PERSI of section 402(l) of the Internal Revenue Code, the following definitions apply: ()~~

~~**a.** Chaplain. Any individual serving as an officially recognized or designated member of a legally organized volunteer fire department or legally organized police department, or an officially recognized or designated public employee of a legally organized fire or police department who was responding to a fire, rescue, or police emergency. ()~~

b. Eligible Retired Public Safety Officer. An individual who, by reason of disability or attainment of normal retirement age, is separated from service as a public safety officer with the state agency, political subdivision or government entity who maintains the eligible retirement plan from which distributions are made. ()

c. Normal Retirement Age. The member’s age at the time that the member is eligible to retire with an unreduced benefit. ()

d. Public Safety Officer. An individual serving a public agency in an official capacity, with or without compensation, as a law enforcement officer, as a firefighter, as a chaplain, or as a member of a rescue squad or ambulance crew. ()

210. **Primary Employer.** The primary employer is the state agency, political subdivision or government entity from whom the employee receives the highest aggregate salary per month. ()

221. **Public Employee Retirement System of Idaho.** “Public Employee Retirement System of Idaho” or “PERSI” is the retirement system created by Chapter 13, Title 59, Idaho Code. ()

232. **Required Beginning Date.** The date specified in Section 508.02 of these rules. ()

243. **Retiree.** Retiree includes any member, contingent annuitant, or surviving spouse, receiving regular monthly allowances at the close of the fiscal year. It also includes members receiving a monthly disability retirement allowance, surviving spouses who elected an annuity option under Section 59-1361(5), Idaho Code, and members who were inactive at the close of the fiscal year but retire on or before the first day of January following the end of the fiscal year, retroactive to the first day of June of the fiscal year or earlier. ()

254. **Service.** For the purposes of Sections 536 and 539, “service” includes only service for which the member is normally in the administrative offices of the state agency, political subdivision or government entity or normally required to be present at any particular work station for the state agency, political subdivision or government entity. ()

265. **Surviving Spouse.** “Surviving spouse” is a person as defined in Section 15-2-802, Idaho Code. ()

276. **Transportation Of Prisoners.** “Transportation of prisoners” as used in Section 59-1303(3)(g), Idaho Code, means the employee’s primary responsibility is designated by court order to move prisoners from one (1) place to another. ()

005. -- 010. (RESERVED)

SUBCHAPTER A – PERSI RULES OF ADMINISTRATIVE PROCEDURE
Rules 011 through 099

011. OPT OUT OF ATTORNEY GENERAL’S RULES – TABLE.

PERSI declines to adopt the following Idaho Rules of Administrative Procedure of the Attorney General, IDAPA 04.11.01 as follows for the reasons listed:

Rules Promulgated by the Office of the Attorney General will be followed except the following sections of IDAPA 04.11.01 will be excluded	
151	PERSI procedure uses “petitioners” or “appellants” rather than “applicants” or “claimants.”
155	PERSI procedure uses “petitioners” rather than “protestants.”
156	PERSI procedure does not separately use intervention.

Rules Promulgated by the Office of the Attorney General will be followed except the following sections of IDAPA 04.11.01 will be excluded	
220	PERSI procedure uses "petitions" rather than "applications," "claims" or "appeals."
250	PERSI procedure uses "petitions" rather than "protests."
350 - 399	PERSI procedure does not separately use intervention.
420 - 425	PERSI does not have a prosecutorial investigative function.
566	PERSI does not hold joint hearings.
730	PERSI statutes do not provide for preliminary orders.
741	PERSI has no authority to award costs or fees.
791.01.c.	The venue of all actions in which the Board is a party shall be Ada County, Idaho." Idaho Code § 59-1305(1)
791.01.d.	The venue of all actions in which the Board is a party shall be Ada County, Idaho. Idaho Code § 59-1305(1)

()

~~012. VENUE.~~

~~Venue under Section 67-5272, Idaho Code, is not applicable on its face. Venue is Ada County, Idaho, per Section 59-1305, Idaho Code.~~ (3-31-22)

~~013. OBTAINING COPIES OF IRAP.~~

~~An official copy of IDAPA 04.11.01, "Idaho Rules of Administrative Procedure of the Attorney General," can be obtained through the Office of the Administrative Rules Coordinator, Division of Financial Management.~~ (3-31-22)

~~014. – 099. (RESERVED)~~

SUBCHAPTER B – PERSI RULES FOR ELIGIBILITY
Rules 100 through 249

100. MANDATORY MEMBERSHIP.

Membership in PERSI is mandatory for all persons who meet the statutory definition of an "employee" in Section 59-1302(14), Idaho Code. ()

101. MULTIPLE EMPLOYERS -- MEMBERSHIP ELIGIBILITY.

An employee establishes separate PERSI membership eligibility with each state agency, political subdivision or government entity with which the employee meets the statutory definition of an "employee" as found in Section 59-1302(14), Idaho Code. ()

01. Does Not Meet the Statutory Definition. Because membership eligibility is established independently with each state agency, political subdivision or government entity, neither employer nor employee contributions are required on salary paid by employers to employees who do not meet the statutory definition of an "employee" as found in Section 59-1302(14), Idaho Code. ()

02. State Agencies. An employee working for more than one (1) state agency establishes eligibility based on the total hours of employment worked with all state agencies. ()

102. ELECTED AND APPOINTED OFFICIALS NOT SUBJECT TO TWENTY HOUR REQUIREMENT.

Elected and appointed officials are not subject to the hourly requirement of Section 59-1302(14)(A)(a), Idaho Code. ()

103. ELECTED AND APPOINTED OFFICIALS—MEMBERS OF PERSI.

~~Elected and appointed officials serving on boards, councils, or commissions who receive salary or honorarium for services performed are members of PERSI even though they receive nominal salary and do not normally work twenty (20) hours or more per week.~~ (3-31-22)

01. Hourly Requirement. Elected and appointed officials are not subject to the hourly requirement of Section 59-1302(14)(A)(a), Idaho Code. ()

02. Salary and Honorarium. Elected and appointed officials serving on boards, councils, or commissions who receive salary or honorarium for services performed are members of PERSI even though they receive nominal salary and do not normally work twenty (20) hours or more per week. ()

104. -- 110. (RESERVED)

111. TEACHER WORKING HALF-TIME OR MORE.

For the purposes of Section 59-1302(14)(A)(a), Idaho Code, a teacher is considered to be working half-time or more if the teacher's contract specifies that the engagement is half or more of a full contract. Teachers and all other school employees not employed under such a contractual arrangement shall be required to meet the requirement of normally working twenty (20) hours or more per week. ()

112. RESPONSIBILITY OF EMPLOYER TO DETERMINE EMPLOYEE ELIGIBILITY.

It is the responsibility of each state agency, political subdivision or government entity to make the initial determination of which employees within its jurisdiction meet the requirements of eligibility for membership and to withhold the required member contributions from salary paid. ()

113. NORMALLY WORKS TWENTY HOURS.

If a person works twenty (20) hours or more per week for more than one-half (1/2) of the weeks during the period of employment being considered, then the person meets the requirements of Section 59-1302(14)(A)(a), Idaho Code ("normally works twenty (20) hours or more per week"), and shall be considered an employee if the person meets the other requirements of Section 59-1302(14), Idaho Code. ~~Statutory References: Section 59-1302(14)(A)(a).~~ (3-31-22)()

114. APPLICATION OF THE FIVE MONTH REQUIREMENT.

An employee working twenty (20) hours or more per week who is hired with the expectation of working less than five (5) consecutive months, becomes retroactively eligible for membership and employee and employer contributions must be immediately withheld whenever it becomes evident the period of employment will be five (5) consecutive months or longer and the employee meets the other requirements of Section 59-1302(14), Idaho Code. Delinquent payments will be paid by the employer within three (3) months. Regular interest will be assessed against the outstanding balance at the rate provided in Section 59-1325, Idaho Code. (3-31-22)()

~~**01. Employee and Employer Contributions.** Employee and Employer contributions must be immediately withheld by the state agency, political subdivision or government entity and forwarded when it becomes evident the period of employment will be five (5) consecutive months or more, and the employee meets the other requirements of Section 59-1302(14), Idaho Code. Delinquent employee and employer contributions on all prior months of employment, shall be paid by the state agency, political subdivision or government entity pursuant to Subsection 114.02 of this chapter.~~ (3-31-22)

~~**02. Delinquent Contributions.** Employer shall collect and pay delinquent contributions of employer and employee within three (3) months once it becomes evident the period of employment will be five (5) consecutive months or more. If the delinquent contributions are not paid within three (3) months, regular interest will be assessed against the outstanding balance until the delinquent employee contributions are paid in full.~~ (3-31-22)

115. -- 120. (RESERVED)

121. CEASING TO BE AN EMPLOYEE.

A member ceases to be an employee on the day following the effective date that the member is separated from their

employer. Membership service credits stop on the day the member ceases to be an employee. ()

122. LEAVE OF ABSENCE.

A member is ineligible to contribute and receive membership service credit while on leave of absence without pay or while on leave of absence with less than one-half (1/2) pay, unless the absence is occasioned by a worker's compensation claim approved by a surety. An active member separated from employment under conditions where both the member and the employer plan a later return to employment should be placed on leave of absence without pay during the planned period of absence. ()

01. Employer and Employee Contributions -- Leave of Absence. During the leave of absence without pay, employer and employee contributions cease. If the member is on a leave of absence as a result of an approved worker's compensation claim, employer and employee contributions are due and payable on any salary paid to the member. The member is entitled to a month of membership service credit for each month the member remains on leave of absence as a result of an approved worker's compensation claim and receives salary in addition to income benefits. ()

02. Documentation of Leave of Absence. The employer shall provide PERSI with documentation, on a form provided by PERSI, of a leave of absence to clarify the member's status and retirement benefit entitlement. ()

03. Status of Employee on Leave of Absence. An employee placed on a leave of absence by an employer remains in an employee status and is ineligible for payment of any separation benefits or for payment of a service, early, disability, or vested retirement allowance. If a member on leave of absence without pay terminates employment without returning to work, the leave without pay status is negated. ()

04. Leave of Absence -- Effect on Benefit Enhancement. An employee shall not be placed on a leave of absence without pay prior to the effective date of a benefit enhancement and then return to work after the effective date of the benefit enhancement for the purpose of qualifying for the benefit enhancement. An employee placed on unpaid leave of absence prior to the date of the benefit enhancement who returns to work after the effective date of the benefit enhancement and subsequently applies for retirement shall include with the application for retirement, certification from the state agency, political subdivision or government entity that the leave of absence was not granted for the purpose of allowing the person to qualify for the benefit enhancement. ()

~~123. -- 149. (RESERVED)~~

~~**150. POLICE OFFICER MEMBERSHIP CERTIFICATION.**~~

~~The executive director or the executive director's designee may accept or reject the employer's certification that an employee's primary position with the employer is a police officer for retirement purposes as required in Section 59-1303, Idaho Code. Acceptance of the certification shall not limit PERSI's right to review and reclassify the position for retirement purposes based upon an audit or other relevant information presented to PERSI. A position title or occasional assignments to active law enforcement service or hazardous law enforcement duties does not create a condition for designation as a police officer member for retirement purposes. (3-31-22)~~

~~**151.—199. (RESERVED)**~~

200. DETERMINATION OF FIREFIGHTER.

~~A "firefighter" means an employee whose primary occupation with an employer as defined by Section 59-1302(16), Idaho Code, is that of preventing and extinguishing fires. In addition to Section 59-1302(16), Idaho Code, a firefighter member for retirement purposes is an employee appointed to the position of fire chief by a city council but not eligible to be a "paid firefighter," or the chief fire warden of a timber protective association, or is an employee of either the department of lands or of a timber protective association whose primary position and principal accountability in that position either requires direct supervision of employees engaged in the prevention, presuppression and suppression of wild land fires or requires the performance of those duties as the principal function of the position. A firefighter member for retirement purposes does not include an employee who may be required on occasion to engage in those functions as a secondary requirement of the position. Statutory References: Sections 59-1302(16), 59-1391(f) and 72-1403, Idaho Code. (3-31-22)()~~

201. INCORRECT CLASSIFICATION OF FIREFIGHTER.

An employer or agency which believes that any position is incorrectly classified as a firefighter position or a non-firefighter position may petition the Board for inclusion or exclusion of such position as a firefighter position. Such petition shall be in writing and explain in detail the principal duties of the position. The Board will review the petition and evidence, together with such information and evidence as may be presented by the staff of PERSI. The Board may decide the matter based upon the information supplied, may request additional information, or may request an oral presentation before the Board.

Statutory References: Sections ~~59-1302(16), 59-1391(f) and 72-1403, Idaho Code.~~ (3-31-22)()

202. PAID FIREFIGHTER EXCLUSION FROM RULES 200 AND 201.

The provisions of Sections 200 and 201 of this subchapter do not apply to a “paid firefighter” as defined by Sections 59-1391(f) or 72-1403(A), Idaho Code, or to any references to “firefighter” found in Title 72, Chapter 14, Idaho Code.

Statutory References: Sections 59-1302(16), 59-1391(f) and 72-1403, Idaho Code. ()

203. -- 249. (RESERVED)

**SUBCHAPTER C – PERSI GENERAL PROVISIONS, CONTRIBUTION RATE,
MISCELLANEOUS, AND INTEREST RATE RULES**
Rules 250 through 374

250. -- 302. (RESERVED)

303. EMPLOYEE CONTRIBUTIONS BASED ON GROSS SALARY.

Employee contributions shall be based on the employee’s total gross salary regardless of source or employer funds from which the employee is paid. ()

304. (RESERVED)

305. MULTIPLE EMPLOYERS -- CONTRIBUTION RATE.

If the employee has met eligibility requirements with more than one (1) employer that would result in different contribution rates, contributions shall be made at the rate for the member’s classification with the primary employer. ()

306. STATE EMPLOYEE CONTRIBUTIONS.

If an employee establishes membership with the state, the employee and each agency must make contributions on the employee’s salary regardless of the number of hours worked at each state agency. ()

307. POLICE OFFICER CONTRIBUTIONS WITHHELD INCORRECTLY.

If an employee’s contributions are withheld by an employer and received by PERSI at the rate established for police members on the presumption the certification required by Section 59-1303, Idaho Code, will be accepted, but if it is rejected, the employer shall adjust the employee’s contribution rate to a general member rate and PERSI shall return to the employer any excess employee contributions that have occurred. ()

308. CONTRIBUTIONS DUE WHILE MEMBER IS RECEIVING WORKER'S COMPENSATION.

01. Contributions Due and Payable. Contributions are due and payable on whatever percentage of salary is paid while the member is on a leave of absence occasioned by an approved worker’s compensation claim and the member will be entitled to a month of membership service credit for each month the member remains eligible. ()

02. Accruing Service. This means for an employee to continue accruing service the employer must continue to pay salary equal to the lesser of: ()

a. The amount necessary to meet the statutory definition of employee (half-time at the pre-injury rate or more), or ()

b. The employee's full-time salary less the employee's worker's compensation income benefit. ()

~~03. **Maintaining Eligibility for Injured Workers.** The intent of this rule is to permit employers to maintain eligibility for injured workers without having to pay salary that, when added to the employee's worker's compensation income benefit, would exceed the employee's total salary prior to the injury. Section 122 is inapplicable to the extent it conflicts with this rule. (3-31-22)~~

309. VACATION AND CONTRACTUAL PAYMENTS SUBJECT TO CONTRIBUTIONS.
Compensation paid for vacation or remaining contractual payments is salary subject to employee and employer contributions and earns membership credit through the effective date of separation from employment at the usual rate of compensation. ()

310. -- 324. (RESERVED)

~~325. **TRANSFER OF CONTRIBUTIONS TO PERSI.** Employee and employer contributions shall be calculated and forwarded to PERSI by each employer for each employee that meets the statutory definition of "employee" as defined in Section 59-1302 (14), Idaho Code. All Contributions shall be remitted, together with an approved report to PERSI no later than five (5) days after each pay date as provided in Section 59-1325(1), Idaho Code. (3-31-22)~~

~~326. -- 349. (RESERVED)~~

350. REGULAR INTEREST.
Regular interest for each calendar year shall be the greater of ninety percent (90%) of the rate of return on the PERSI fund net of all expenses for the fiscal year ending immediately prior to the calendar year as reported in the actuary's annual valuation report or one percent (1%). ()

351. INTEREST – MEMBER CONTRIBUTIONS.
Regular interest as defined in Section 59-1302(26), Idaho Code, ~~and Section 300 in this subchapter,~~ shall accrue to and be credited monthly to a member's accumulated contributions. (3-31-22)()

352. REINSTATEMENT INTEREST.
Reinstatement interest for each calendar year shall equal the average of the prime rate on June 30 of the latest three (3) years, plus one percent (1%). For purposes of this rule, the prime rate is the "prime rate" listed in the "Money Rates" section of the Wall Street Journal on June 30, or in the event no rate is listed on June 30, on the latest date preceding June 30 for which a prime rate is listed. Unless otherwise provided by statute or rule, reinstatement interest shall apply to all amounts owed to the fund. ()

353. -- 374. (RESERVED)

SUBCHAPTER D – PERSI DISABILITY RULES
Rules 375 through 499

~~375. **GENERAL RULE.** Only members of PERSI with five (5) years of credited service are eligible for disability retirement except as provided in Section 59-1352(2), Idaho Code. (3-31-22)~~

~~376. **SERVICE RELATED DISABILITY FOR POLICE, GENERAL MEMBERS, AND FIREFIGHTERS.** Police, general members, and certain firefighter members are eligible for disability retirement beginning from the first day of employment when the disability is caused by occupational hazards, as provided in Section 59-1352(2), Idaho Code. (3-31-22)~~

~~377. -- 399. (RESERVED)~~

400. APPLYING FOR DISABILITY RETIREMENT.

Eligible members may apply for disability retirement by completing a required form available from any PERSI office. The application process may include an interview by a PERSI representative. Applicants must release all medical records and information to PERSI. The hours worked to qualify as an employee as defined in Section 59-1302(14), Idaho Code, is inapplicable for purposes of determining disability. ()

401. ~~INITIAL APPLICATION REVIEW. (RESERVED)~~

~~Applications will first be reviewed to determine whether the applicant meets eligibility requirements. If all eligibility requirements are met, the application will proceed to disability assessment review. If all eligibility requirements are not met, the applicant will be notified in writing.~~ (3-31-22)

402. DISABILITY ASSESSMENT REVIEW.

Applicants will be assessed to determine whether they qualify for disability retirement under the applicable standard. The assessment may include without limitation, records review, medical and psychological examinations, vocational assessments, or any combination thereof as determined by PERSI. Failure to timely comply with any request made by PERSI during the assessment process shall result in automatic denial of disability retirement. At the conclusion of the assessment process, PERSI will notify applicants in writing whether or not they qualify for disability retirement. ()

403. RECONSIDERATION OF DISABILITY ASSESSMENT DECISION.

Applicants who are denied disability retirement as a result of an adverse disability assessment decision, and wish to contest that decision, are required to participate in a reconsideration process. A request for reconsideration must be made within thirty (30) days of the issuance of the disability assessment decision. Any additional information the applicant wishes to be considered must be submitted to PERSI within thirty (30) days of the request for reconsideration. The additional information will be reviewed and a reconsideration decision will be issued in writing to the applicant. ()

404. ADMINISTRATIVE REVIEW OF THE RECONSIDERATION DECISION.

A reconsideration decision shall be considered a final decision under Section 59-1314(2), Idaho Code, and may be appealed to the Board for review. In any related administrative hearing, the applicant shall be limited to presenting facts and evidence made available to PERSI in the reconsideration process. No new or additional evidence may be presented at the hearing. If the applicant has additional facts or evidence that were not made available to PERSI during the assessment or reconsideration process, the applicant must submit a new application for disability retirement, proceed again through the assessment process, and pay the costs associated with the second or subsequent assessment process. ~~This rule is intended to promote the efficient use of fund resources by encouraging full and complete disclosure of information during the disability assessment process.~~ (3-31-22)()

405. DELEGATION.

PERSI may, by contract or otherwise, delegate all or part of these processes to third parties. Where such delegation has been made, the term "PERSI" includes those third parties. When a member requests the resumption of a disability retirement allowance pursuant to Section 59-1354A, Idaho Code, the board may delegate its authority under Section 59-1354A, Idaho Code, to a third party. Where such delegation has been made, the term "Board" includes those third parties. ()

406. REASSESSMENT OF DISABILITY RETIREES.

Disability retirees are subject to reassessment of their disability at any time to determine whether they continue to be disabled under the standard in Section 59-1302(12), Idaho Code. However, pursuant to Section 59-1302(12)(b), Idaho Code, after two (2) years of continuous disability retirement, a disability retiree is not required to undergo medical examinations more often than every twelve (12) months. Disability retirees who are notified that they have been selected for reassessment are under the same obligation as applicants to supply information. ()

407. ATTORNEY'S FEES AND COSTS.

Attorney's fees and costs incurred by an applicant in his efforts to obtain disability retirement are the sole responsibility of the applicant and shall not be paid by PERSI except for fees related to judicial review for which applicant is found to be entitled under applicable law. ()

408. -- 424. (RESERVED)

425. BURDEN ON APPLICANT.

Applicant must demonstrate that, on or before applicant's last day of employment, he was disabled under the disability standard. The last day of employment is the last day applicant earned compensation, including annual leave and sick leave. When a member requests the resumption of a disability retirement allowance pursuant to Section 59-1354A, Idaho Code, the member must demonstrate that he could not successfully return to work because of the same disability on which his disability retirement was based. ()

426. STATUTORY STANDARD.

In applying the disability standard in Section 59-1302(12), Idaho Code, substantially all avenues of employment are reasonably closed if the applicant is permanently prevented, due to bodily injury or disease, from performing every substantial and material duty of any occupation for which the applicant is reasonably qualified by education, training or experience. ()

427. (RESERVED)

428. HIRE-ABILITY OF APPLICANT.

The inability of the applicant to secure employment in and around the area where the applicant resides is not considered in determining whether or not the applicant is disabled. If the applicant is able to perform every substantial and material duty of any jobs existing in the economy for which the applicant is reasonably qualified by education, training or experience, the applicant will not be considered disabled regardless of other factors that might affect the applicant's ability to actually secure employment, such as employer decisions and practices or the fact that there are no open positions or that the applicant is not selected for those positions. ()

429. -- 449. (RESERVED)

450. COMMENCEMENT AND DURATION OF DISABILITY ALLOWANCE.

The commencement and duration of payment of disability benefits is governed by Section 59-1354, Idaho Code. For purposes of Section 59-1354(1)(b), Idaho Code, a member "becomes eligible" on the first of the month following the date selected by the member which follows the date on which the member is unable to and thereafter does not return to work on a regular basis for two (2) consecutive weeks but not later than the date on which the member ceases to make contributions. ()

451. DETERMINING WORKER'S COMPENSATION OFFSET.

To determine the offset required by Section 59-1353, Idaho Code, the amount payable under the provisions of any worker's compensation law which represents income benefits as defined in Section 72-102, Idaho Code, shall be converted to a monthly equivalent and deducted from the monthly retirement allowance. ()

452. EFFECT OF UNUSED SICK LEAVE ON DISABILITY ALLOWANCE.

Unused sick leave entitlement provided for by either Section 33-1228, 33-2109A, or 67-5339, Idaho Code, shall not be considered salary or compensation in the application of Section 59-1354(1), Idaho Code. ()

453. -- 474. (RESERVED)

475. APPLICATION OF THIS SUBCHAPTER TO FRF DISABILITY RETIREMENT.

All the provisions of this subchapter, except Sections 375, 376, 406, 426, 427, 451 and 452, apply also to applications for disability retirement under the FRF plan to the extent they do not conflict with the provisions of Title 72, Chapter 14, Idaho Code. ()

476. -- 499. (RESERVED)

SUBCHAPTER E – PERSI SEPARATION FROM SERVICE RULES
Rules 500 through 524

500. REPAYMENT OF SEPARATION BENEFITS -- EMPLOYEE STATUS.

Repayment of a separation benefit must commence while the member is an employee, as defined in Section 59-1302(14), Idaho Code. For purposes of this rule the term employee includes employees accruing benefits under the Department of Employment Retirement Plan, the Firefighters' Retirement Fund, and the Policeman's Retirement

Fund.

[Statutory Reference: Section 59-1360, Idaho Code.](#)

(3-31-22)()

501. INTEREST ACCRUAL AND CALCULATION ON SEPARATION BENEFITS.

Repayment of separation benefits as provided in Section 59-1360, Idaho Code, for employees whose most recent date of reemployment is after January 23, 1990, shall include payment of interest that shall accrue from the date each separation benefit was issued. Repayment of separation benefits as provided in Section 59-1360, Idaho Code, for employees whose most recent date of reemployment is before January 23, 1990, shall include payment of interest as determined by the law, statutes and rules in effect on the date of last reinstatement to employee status, except as provided in Section 502 of this subchapter.

[Statutory Reference: Section 59-1360, Idaho Code.](#)

(3-31-22)()

502. REPAYMENT OF SEPARATION BENEFITS BY EMPLOYEES PREVIOUSLY PRECLUDED FROM REPAYMENT.

Any employee who was precluded from repaying a separation benefit due to the fact they failed to meet the requirements of Section 59-1360, Idaho Code, may reinstate their previous credited service by repaying the full amount of their accumulated contributions provided such repayment includes payment of regular interest accruing from the date of each such separation benefit payment.

[Statutory Reference: Section 59-1360, Idaho Code.](#)

(3-31-22)()

503. METHODS OF REPAYMENT OF SEPARATION BENEFITS.

01. Periodic and Lump-Sum Payments. Where an active member elects to repay a separation benefit to reinstate previous service as provided in Section 59-1360, Idaho Code, the member may request that repayment be made in periodic payments or in a lump-sum payment. No service will be reinstated until the full repayment has been made. ()

02. Repayments Initiated on or After March 1, 2000. For all repayments initiated on or after March 1, 2000, except as provided in Section 501 of this subchapter, a repayment amount will be determined which shall be the sum of the separation benefit(s) plus regular interest from the date of the benefit payment(s) until the date of the first payment. The repayment amount will be amortized over the repayment period at the reinstatement rate in effect on the date of the first periodic payment. ()

03. Repayments Initiated Before March 1, 2000. For all periodic repayments initiated before March 1, 2000, a repayment amount will be determined which shall be the sum of the separation benefit(s) plus regular interest from the date of the benefit payment(s) until the date of the first payment. The repayment amount will be amortized over the repayment period at four point seventy-five percent (4.75%) interest. This is a grandfathered rate based on the rate in effect December 31, 1999, and will apply so long as payments exceed interest charges on a calendar year basis. If payments fail to exceed interest charges in any calendar year, the grandfathered rate will be forfeited and replaced by the reinstatement rate beginning in January immediately after the year in which the failure occurs. For purposes of these rules, a repayment is initiated by signing an agreement and making a payment. ()

04. Repayments Under Section 59-1331(2), Idaho Code. For (waiting period) payments made pursuant to Section 59-1331(2), Idaho Code, ~~a the~~ repayment amount ~~shall be determined which shall be~~ is the sum of contributions that would have been made plus regular interest from December 31, 1975 until the date of the first payment. The repayment amount will be amortized over the payment period at the reinstatement rate in effect on the date of the first periodic payment. (3-31-22)()

504. IN-SERVICE TRANSFERS TO REINSTATE SERVICE.

To the extent permitted by federal law, and in accordance with any regulation or other guidance issued by the Internal Revenue Service, an active member may transfer funds from a 401(k), a 403(b), or an eligible 457(b) plan, in which they are currently eligible to participate, to the Base Plan for purposes of buying back service previously forfeited due to receiving a separation benefit, purchasing service related to eligible waiting periods, or purchasing service for periods of delinquent contributions. ()

505. (RESERVED)

506. ROLLOVERS ACCEPTED INTO THE BASE PLAN.

The PERSI Base Plan will accept participant rollover contributions and direct rollovers of distributions made after December 31, 2001, for purposes of reinstating or purchasing service as permitted under the plan, from the following plans. No after-tax contributions may be rolled over into the Base Plan. ()

01. Qualified Plans. A qualified plan described in section 401(a) or 403(a) of the Internal Revenue Code (Code). ()

02. Annuity Contracts. An annuity contract described in section 403(b) of the IRS Code. ()

03. 457 Plans. An eligible plan under section 457(b) of the IRS Code which is maintained by a state, political subdivision of a state, or any agency or instrumentality of a state or political subdivision of a state. ()

04. IRAs. Any portion of a distribution from an individual retirement account or annuity described in section 408(a) or 408(b) of the IRS Code that is eligible to be rolled over and would otherwise be includable in gross income. ()

507. DIRECT ROLLOVERS OUT OF THE BASE PLAN.

A direct rollover is a payment by the plan to an eligible retirement plan specified by the distributee. ()

01. Rollover Election. Notwithstanding any provision of the plan to the contrary that would otherwise limit a distributee's election under this part, a distributee may elect, at the time and in the manner prescribed by the plan administrator, to have any portion of an eligible rollover distribution that is equal to at least five hundred dollars (\$500) paid directly to an eligible retirement plan specified by the distributee in a direct rollover. ()

02. Eligible Rollover Distribution. An eligible rollover distribution is any distribution of all or any portion of the balance to the credit of the distributee, except that an eligible rollover distribution does not include: ()

a. Any distribution that is one (1) of a series of substantially equal periodic payments (not less frequently than annually) made for the life (or life expectancy) of the distributee or the joint lives (or joint life expectancies) of the distributee and the distributee's designated beneficiary, or for a specified period of ten (10) years or more; ()

b. Any distribution to the extent such distribution is required under section 401(a)(9) of the IRS Code); ()

c. Any amount that is distributed on account of hardship; ()

d. The portion of any distribution that is not includable in gross income (determined without regard to the exclusion for net unrealized appreciation with respect to employer securities); and ()

e. Any other distribution(s) that is reasonably expected to total less than two hundred dollars (\$200) during a year. ()

03. After-Tax Contributions. For purposes of the direct rollover provisions in Subsection 507.02, a portion of a distribution shall not fail to be an eligible rollover distribution merely because the portion consists of after-tax employee contributions that are not includable in gross income. However, such portion may be transferred only to an individual retirement account or annuity described in section 408(a) or (b) of the IRS Code, or to a qualified defined contribution plan described in section 401(a) or 403(a) of the IRS Code that agrees to separately account for the amounts so transferred, including separately accounting for the portion of such distribution which is includable in gross income and the portion of such distribution which is not so includable. ()

04. Eligible Retirement Plan. An eligible retirement plan is an individual retirement account described in section 408(a) of the IRS Code, an individual retirement annuity described in section 408(b) of the IRS

Code, a Roth IRA described in Section 408A of the IRS Code, an annuity plan described in section 403(a) of the IRS Code, an annuity contract described in section 403(b) of the IRS Code, an eligible plan under section 457(b) of the IRS Code which is maintained by a state, political subdivision of a state, or any agency or instrumentality of a state or political subdivision of a state and which agrees to separately account for amounts transferred into such plan from this plan, or a qualified plan described in section 401(a) of the IRS Code, that accepts the distributee's eligible rollover distribution. ()

05. Alternate Payees. A distributee includes an employee or former employee. In addition, the employee's or former employee's surviving spouse and the employee's or former employee's spouse or former spouse, who is the alternate payee under a domestic retirement order, approved as provided in Sections 59-1319 and 1320, Idaho Code, are distributees with regard to the interest of the spouse or former spouse. ()

508. REQUIRED MINIMUM DISTRIBUTIONS.

01. Default Application of Federal Requirements. With respect to distributions under the Base Plan, and except as provided in Subsection 508.06, the Plan will apply the minimum distribution requirements of section 401(a)(9) of the IRS Code in accordance with a good faith interpretation of section 401(a)(9), notwithstanding any provision of the Base Plan to the contrary. ()

02. Required Beginning Date. Except as otherwise provided in Subsections 508.04 through 508.08, distributions under the Base Plan shall begin not later than April 1 following the later of (a) the commencement year or (b) the year in which the member retires. For purposes of Section 508, the "commencement year" is the calendar year in which the member reaches ~~age seventy-two (72)~~ the applicable age, as defined in Internal Revenue Code Section 401(a) as now in effect and thereafter amended. (3-31-22)()

03. PERSI Selects Retirement Option. Any member required to take minimum distributions, as provided in this Section 508, and fails to complete and submit an approved retirement application and select either a regular or optional retirement allowance by April 1 following the later of (a) the commencement year or (b) the year in which the member retires shall be deemed to have made the following selection: ()

a. If single, a regular retirement allowance and no other selection shall be required or permitted. ()

b. If married, Option 1 and no other selection shall be required or permitted, unless proof is provided that spouse has no community property interest in the benefit. ()

04. Lifetime Distributions. Distribution shall be made over the life of the participant or the lives of the participant and his beneficiary; or over a period certain not extending beyond the life expectancy of the member or the joint life and last survivor expectancy of the member and his beneficiary. ()

05. Timing of Required Distributions. A required distribution shall be deemed to have been made during the commencement year if actually made by the following April 1, but such delayed distribution shall not change the amount of such distribution, and the distribution otherwise required during the subsequent calendar year shall be calculated as if the first distribution had been made on the last day of the commencement year. ()

06. Adjustment of Required Distributions. Benefits paid prior to the commencement year shall reduce the aggregate amount subject to (but shall not otherwise negate) the minimum distribution requirements described herein. ()

07. Benefits Deferred Beyond Service Retirement. The first payment of benefits of an inactive member following deferment beyond service retirement will be in a lump sum that includes payment for those months of service dating from the date of service retirement when a monthly retirement payment would have started through the current monthly payment. Subsequent payments will be for the monthly retirement allowance only. ()

08. Death Benefits. All death benefits payable under the Base Plan will be distributed as soon as administratively practicable after request, but must in any event be distributed within fifteen (15) months of the

member's death, unless the identity of the beneficiary is not ascertainable. ()

509. TRANSFERS TO NON-SPOUSE BENEFICIARIES.

Notwithstanding any other provision of the Base Plan to the contrary that would otherwise limit the options of the beneficiary of a deceased member who is not the member's spouse, the administrator shall, upon the request of such a beneficiary, transfer a lump sum distribution to the trustee of an individual account established under Section 408 of the IRS Code in accordance with the provisions of Section 402(e)(11) of the IRS Code. ()

510. -- 524. (RESERVED)

SUBCHAPTER F – PERSI RETIREMENT RULES
Rules 525 through 649

525. AVERAGE MONTHLY SALARY COMPUTATION -- EQUITABLE TREATMENT -- DIFFERENT WORK PERIODS.

Equitable treatment for all members can be achieved only if members whose career patterns covering the same time frame and who received identical annual salaries during each of the twelve-month periods of that time frame accrue the same monthly service retirement allowance. To achieve this equity for the member whose annual salary has been paid on other than a twelve-month salary schedule during any contractual or like twelve-month period, the average monthly salary used for each one of those twelve-month periods will be determined from the total base period salary by using a divisor representing the months of membership service which would have been accumulated at that rate over a full base period.

~~Statutory Reference: Sections 59-1302(5A), 59-1391(b), Idaho Code.~~

~~(3-31-22)()~~

526. UNUSUAL COMPENSATION PATTERN EFFECT ON RETIREMENT CALCULATION.

Upon application for a retirement benefit, any portion of compensation which represents payments in excess of and inconsistent with the usual compensation pattern, for example, but not limited to lump sum contract payouts, excess vacation paid but not taken, paid sick leave, or a clothing allowance ~~will not be considered in determining benefits.~~

~~(3-31-22)()~~

527. MAXIMUM RETIREMENT ALLOWANCE (RULE 111).

If the amount of a member's initial retirement allowance on the date of retirement would exceed the average salary during the member's highest thirty-six (36) consecutive calendar months of salary, then the member's initial retirement allowance will be limited to the greater of: the average salary during the highest thirty-six (36) consecutive calendar months of salary; or the initial retirement allowance based on credited service through April 1990. Optional retirement allowances will be computed after any limitation above has been applied. ()

528. MEMBER NOTIFIED OF AVAILABLE RETIREMENT OPTIONS PRIOR TO BOARD APPROVAL.

The Retirement Board shall not act on any application for retirement unless the member has previously been provided with notification of the regular retirement option and options one (1) and two (2) election available to the member including the value of the monthly allowance of each. The value of options three (3) and four (4) will be provided if the member so requests the value of the option and provides information required to calculate that option (such as but not limited to social security benefit estimates) which is not available to PERSI but that can be provided by the member. ()

529. -- 530. (RESERVED)

531. RETIREMENT APPLICATIONS.

Except as provided in this rule, a member is required to complete and submit an approved retirement application and select either a regular or optional retirement allowance. The member's signature must be notarized. The application for retirement indicating the election made by the retiring member shall also be signed by the spouse certifying the spouse understands and consents to the election made by the member. The spouse's signature must be notarized. Until an application for retirement is filed, no benefit payment is required. Applications with retroactive retirement dates are entitled to lump sum payments and do not include interest. ()

532. ~~PAYMENT DATE OF EARLY OR SERVICE RETIREMENT ALLOWANCE – GENERAL MEMBERS.~~(RESERVED)

~~As set forth by Section 59-1344, Idaho Code, a PERSI member's service retirement allowance or early retirement allowance is payable on the first of the month following the month in which the member ceases to be an employee while eligible for either of these forms of retirement.~~

~~Statutory References: Section 59-1344 and 59-1356(2), Idaho Code. (3-31-22)~~

533. ELECTED OR APPOINTED OFFICIAL WORKING FOR MULTIPLE STATE AGENCIES, POLITICAL SUBDIVISIONS OR GOVERNMENT ENTITIES.

An active member separated from employment by one (1) state agency, political subdivision or government entity for whom he or she did normally work twenty (20) hours or more per week and who is age sixty-two (62) or older and eligible to retire but remains an elected or appointed official with a different state agency, political subdivision or government entity, may retire and continue in that elected or appointed position provided that position is one in which he or she does not normally work twenty (20) hours or more per week. The member shall receive retirement allowances under the conditions provided by Section 538.

~~Statutory References: Sections 59-1344 and 59-1356(2), Idaho Code. (3-31-22)()~~

534. ELECTED OR APPOINTED OFFICIAL RETIRING IN PLACE.

An active member serving as an elected or appointed official who does not normally work twenty (20) hours or more per week who is age sixty-two (62) or older and eligible to retire and who is not an eligible employee with another state agency, political subdivision or government entity pursuant to Section 101 may then retire and continue in that position. The member shall receive retirement allowances under the conditions provided by Section 538.

~~Statutory References: Sections 59-1344 and 59-1356(2), Idaho Code. (3-31-22)()~~

535. ~~RESTRICTIONS ON REEMPLOYMENT OF RETIRED MEMBERS.~~(RESERVED)

~~There are no restrictions placed upon employment or earnings of retired members except with respect to employment by a state agency, political subdivision or government entity member of PERSI. Unless specified otherwise, the conditions of reemployment outlined in this subchapter apply for employment with any state agency, political subdivision or government entity member of the system.~~

~~Statutory Reference: Section 59-1356, Idaho Code. (3-31-22)~~

536. RETIRED MEMBER BECOMING AN ACTIVE MEMBER.

01. Return to Service. A PERSI retired member employed in a position which involves service of normally twenty (20) hours or more per week for a period of five (5) or more consecutive months or longer will return to the status of an active member. Retirement benefits will suspend on reemployment and employee and employer contributions will resume to provide additional retirement credits. If a retired member is reemployed in a position which involves service of twenty (20) hours or more per week for a period of less than five (5) consecutive months, their monthly retirement benefits will continue to be paid. If the member's reemployment should equal or exceed the five (5) month period for any reason, the member will be required to repay the retirement benefits paid during the five (5) month period which they were reemployed and they will return to the status of an active member. Employee and employer contributions will be due for the five (5) consecutive month period.

~~Statutory Reference: Section 59-1356, Idaho Code. (3-31-22)()~~

02. Return to School District. A PERSI retired member who qualifies to return to employment with a school district under Section 59-1356(4), Idaho Code, must return in the same job capacity to fulfill the intent of the statute, to fill hard to fill positions. A school teacher must return to work as a school teacher, a qualified bus driver must return to work as a bus driver, an administrator must return to work as an administrator.

~~(3-31-22)~~

537. REEMPLOYMENT LESS THAN FIVE CONSECUTIVE MONTHS.

If the period of reemployment develops to be less than five (5) consecutive months, contributions will be refunded and retirement allowances will resume as of the date they were discontinued.

~~Statutory Reference: Section 59-1356, Idaho Code. (3-31-22)()~~

538. REEMPLOYMENT -- WORKING LESS THAN TWENTY HOURS OR LESS THAN FIVE CONSECUTIVE MONTHS.

Monthly retirement allowances will continue to be paid to the PERSI retired member who returns to employment in a

position where the member does not normally work twenty (20) hours or more per week or the reemployment is for a period which does not total five (5) consecutive months and the state agency, political subdivision or government entity so certifies. In such cases, employee and employer contributions are neither required nor acceptable and no new retirement credits can be earned.

Statutory Reference: [Section 59-1356, Idaho Code.](#) (3-31-22)()

539. RETIRED MEMBER BECOMING AN ELECTED OR APPOINTED OFFICIAL.

A PERSI retired member who is subsequently elected or appointed by an employer to public office and who is not normally required to perform services of twenty (20) hours or more per week in that position may continue to receive retirement allowances in the status of a reemployed retired member under conditions outlined by Section 537.

Statutory Reference: [Section 59-1356, Idaho Code.](#) (3-31-22)()

540. SEPARATION FROM EMPLOYMENT AFTER REEMPLOYMENT.

Upon subsequent separation from employment after reemployment, the member's original monthly retirement allowance will resume with appropriate cost-of-living adjustments plus the addition of a separate allowance computed with respect to salary and service credited during the reemployment period.

Statutory Reference: [Section 59-1356, Idaho Code.](#) (3-31-22)()

541. EARLY RETIREMENT MEMBER -- REEMPLOYMENT.

A PERSI member who had been receiving an early retirement allowance and who returns to employment as an active member may refund all retirement benefits previously paid plus regular interest accrued from the date each monthly allowance had been paid, thereby negating the previous retirement status. The month of last contribution prior to the negated retirement and the month of initial contribution upon return to active membership shall be considered consecutive months of contributions in the determination of an appropriate salary base period upon subsequent retirement.

Statutory Reference: [Section 59-1356, Idaho Code.](#) (3-31-22)()

542. BENEFIT ENHANCEMENT -- QUALIFICATION.

To qualify for a benefit enhancement, a person must remain an active member through the day following the effective date of the enhancement. ()

~~**543. - 544. POST RETIREMENT ALLOWANCE ADJUSTMENTS PERSI RETIREES (RESERVED)**~~

~~The Board shall annually determine the post-retirement cost of living adjustment (COLA) for the Public Employee Retirement System of Idaho (PERSI) pursuant to Section 59-1355, Idaho Code. The Board shall have discretion in adopting a yearly discretionary and/or retro-active COLA. The Board shall yearly adopt this COLA no later than the December Board meeting of each year with an effective date of March 1 of the next year.~~

~~Statutory References: [Section 59-1355, Idaho Code.](#) (3-31-22)~~

~~**544. ACTUARIAL ASSUMPTION TABLES.**~~

~~The actuarial tables used for determining optional and early retirement benefits are as follows:~~

TABLE A — PAGE 4 PUBLIC EMPLOYEE RETIREMENT SYSTEM OF IDAHO EARLY RETIREMENT FACTORS If the date of last contribution is prior to 10/1/92											
Months	Years										
	0	1	2	3	4	5	6	7	8	9	10
0	1.00	.970	.940	.910	.880	.850	.770	.690	.610	.530	.450
4	.998	.968	.938	.908	.878	.843	.763	.683	.603	.523	
2	.995	.965	.935	.905	.875	.837	.757	.677	.597	.517	
3	.993	.963	.933	.903	.873	.830	.750	.670	.590	.510	

TABLE A — PAGE 1											
PUBLIC EMPLOYEE RETIREMENT SYSTEM OF IDAHO											
EARLY RETIREMENT FACTORS											
If the date of last contribution is prior to 10/1/92											
Months	Years										
4	.990	.960	.930	.900	.870	.823	.743	.663	.583	.503	
5	.988	.958	.928	.898	.868	.817	.737	.657	.577	.497	
6	.985	.955	.925	.895	.865	.810	.730	.650	.570	.490	
7	.983	.953	.923	.893	.863	.803	.723	.643	.563	.483	
8	.980	.950	.920	.890	.860	.797	.717	.637	.557	.477	
9	.978	.948	.918	.888	.858	.790	.710	.630	.550	.470	
10	.975	.945	.915	.885	.855	.783	.703	.623	.543	.463	
11	.973	.943	.913	.883	.853	.777	.697	.617	.537	.457	

First sixty months reduction: 0.2500% Next sixty months reduction: 0.6667% (3-31-22)

TABLE A — PAGE 2											
PUBLIC EMPLOYEE RETIREMENT SYSTEM OF IDAHO											
EARLY RETIREMENT FACTORS											
If the date of last contribution is on or after 10/1/92 but prior to 10/1/93											
Months	Years										
	0	1	2	3	4	5	6	7	8	9	10
0	1.00	.970	.940	.910	.880	.850	.777	.705	.632	.560	.487
1	.998	.968	.938	.908	.878	.844	.771	.699	.626	.554	
2	.995	.965	.935	.905	.875	.838	.765	.693	.620	.548	
3	.993	.963	.933	.903	.873	.832	.759	.687	.614	.542	
4	.990	.960	.930	.900	.870	.826	.753	.681	.608	.536	
5	.988	.958	.928	.898	.868	.820	.747	.675	.602	.530	
6	.985	.955	.925	.895	.865	.814	.741	.669	.596	.524	
7	.983	.953	.923	.893	.863	.808	.735	.663	.590	.518	
8	.980	.950	.920	.890	.860	.802	.729	.657	.584	.512	
9	.978	.948	.918	.888	.858	.796	.723	.651	.578	.506	
10	.975	.945	.915	.885	.855	.790	.717	.645	.572	.500	
11	.973	.943	.913	.883	.853	.784	.711	.639	.566	.494	

First sixty months reduction: 0.2500% Next sixty months reduction: 0.6042% (3-31-22)

TABLE A—PAGE 3											
PUBLIC EMPLOYEE RETIREMENT SYSTEM OF IDAHO											
EARLY RETIREMENT FACTORS											
If the date of last contribution is on or after 10/1/93 but prior to 10/1/94											
Months	Years										
	0	1	2	3	4	5	6	7	8	9	10
0	1.00	.970	.940	.910	.880	.850	.785	.720	.655	.590	.525
1	.998	.968	.938	.908	.878	.845	.780	.715	.650	.585	
2	.995	.965	.935	.905	.875	.839	.774	.709	.644	.579	
3	.993	.963	.933	.903	.873	.834	.769	.704	.639	.574	
4	.990	.960	.930	.900	.870	.828	.763	.698	.633	.568	
5	.988	.958	.928	.898	.868	.823	.758	.693	.628	.563	
6	.985	.955	.925	.895	.865	.817	.752	.687	.622	.557	
7	.983	.953	.923	.893	.863	.812	.747	.682	.617	.552	
8	.980	.950	.920	.890	.860	.807	.742	.677	.612	.547	
9	.978	.948	.918	.888	.858	.804	.736	.671	.606	.541	
10	.975	.945	.915	.885	.855	.796	.731	.666	.601	.536	
11	.973	.943	.913	.883	.853	.790	.725	.660	.595	.530	

First sixty months reduction: 0.2500% Next sixty months reduction: 0.5417%

(3-31-22)

TABLE A—PAGE 4											
PUBLIC EMPLOYEE RETIREMENT SYSTEM OF IDAHO											
EARLY RETIREMENT FACTORS											
Date of last contribution is on or after 10/1/94 or later											
Months	Years										
	0	1	2	3	4	5	6	7	8	9	10
0	1.0	.970	.940	.910	.880	.850	.792	.735	.677	.620	.562
1	.998	.968	.938	.908	.878	.845	.788	.730	.673	.615	
2	.995	.965	.935	.905	.875	.840	.783	.725	.668	.610	
3	.993	.963	.933	.903	.873	.836	.778	.721	.663	.606	
4	.990	.960	.930	.900	.870	.831	.773	.716	.658	.601	
5	.988	.958	.928	.898	.868	.826	.769	.711	.654	.596	
6	.985	.955	.925	.895	.865	.821	.764	.706	.649	.591	
7	.983	.953	.923	.893	.863	.816	.759	.701	.644	.586	
8	.980	.950	.920	.890	.860	.812	.754	.697	.639	.582	
9	.978	.948	.918	.888	.858	.807	.749	.692	.634	.577	

TABLE A — PAGE 4 PUBLIC EMPLOYEE RETIREMENT SYSTEM OF IDAHO EARLY RETIREMENT FACTORS Date of last contribution is on or after 10/1/94 or later											
Months	Years										
10	.975	.945	.915	.885	.855	.802	.745	.687	.630	.572	
11	.973	.943	.913	.883	.853	.797	.740	.682	.625	.567	

(3-31-22)

TABLE B — Page 4 PUBLIC EMPLOYEE RETIREMENT SYSTEM OF IDAHO RETIREMENT REDUCTION FACTORS FOR OPTIONS 3 AND 4 AND CERTAIN DEATH BENEFITS Options 3 and 4: Years and Months Until Member Would Be Social Security Retirement Age Death Benefits: Additional Years and Months Until Member Would Qualify for an Unreduced Service Retirement Allowance AFTER Applying Table A factors											
Months	Years										
	0	1	2	3	4	5	6	7	8	9	10
0	1.00	.923	.853	.787	.727	.671	.620	.572	.528	.488	.451
1	.993	.917	.847	.782	.722	.667	.616	.568	.525	.485	
2	.987	.911	.841	.777	.717	.662	.612	.565	.521	.481	
3	.980	.905	.836	.772	.713	.658	.608	.561	.518	.478	
4	.974	.899	.830	.767	.708	.654	.604	.557	.515	.475	
5	.967	.893	.825	.762	.703	.649	.600	.554	.511	.472	
6	.961	.887	.819	.756	.699	.645	.596	.550	.508	.469	
7	.955	.881	.814	.751	.694	.641	.592	.546	.504	.466	
8	.948	.876	.808	.746	.689	.636	.588	.543	.501	.463	
9	.942	.870	.803	.742	.685	.632	.584	.539	.498	.460	
10	.936	.864	.798	.737	.680	.628	.580	.535	.494	.457	
11	.930	.858	.793	.732	.676	.624	.576	.532	.491	.454	

(3-31-22)

TABLE B—Page 2
PUBLIC EMPLOYEE RETIREMENT SYSTEM OF IDAHO
RETIREMENT REDUCTION FACTORS FOR OPTIONS 3 AND 4 AND CERTAIN DEATH BENEFITS
Options 3 and 4: Years and Months Until Member Would Be Social Security Retirement Age
Death Benefits: Additional Years and Months Until Member Would Qualify
for an Unreduced Service Retirement Allowance
AFTER Applying Table A factors

Months	Years										
	10	11	12	13	14	15	16	17	18	19	20
0	.451	.416	.384	.355	.327	.302	.279	.258	.238	.220	.203
1	.448	.413	.382	.352	.325	.300	.277	.256	.236	.218	
2	.445	.411	.379	.350	.323	.298	.276	.254	.235	.217	
3	.442	.408	.377	.348	.321	.296	.274	.253	.233	.215	
4	.439	.405	.374	.345	.319	.294	.272	.251	.232	.214	
5	.436	.402	.372	.343	.317	.293	.270	.249	.230	.213	
6	.433	.400	.369	.341	.315	.291	.268	.248	.229	.211	
7	.430	.397	.367	.339	.313	.289	.267	.246	.227	.210	
8	.427	.394	.364	.336	.311	.287	.265	.244	.226	.208	
9	.424	.392	.362	.334	.308	.285	.263	.243	.224	.207	
10	.422	.389	.359	.332	.306	.283	.261	.241	.223	.206	
11	.419	.387	.357	.330	.304	.281	.260	.240	.221	.204	

(3-31-22)

TABLE B—Page 3
PUBLIC EMPLOYEE RETIREMENT SYSTEM OF IDAHO
RETIREMENT REDUCTION FACTORS FOR OPTIONS 3 AND 4
AND CERTAIN DEATH BENEFITS
Options 3 and 4: Years and Months Until Member
Would Be Social Security Retirement Age
Death Benefits: Additional Years and Months Until Member Would Qualify
for an Unreduced Service Retirement Allowance
AFTER Applying Table A Factors

Months	Years					
	20	21	22	23	24	25
0	.203	.187	.173	.160	.148	.136
1	.202	.186	.172	.159	.147	.135
2	.200	.185	.171	.158	.146	.134
3	.199	.184	.170	.157	.145	.134
4	.198	.183	.169	.156	.144	.133

TABLE B— Page 3 PUBLIC EMPLOYEE RETIREMENT SYSTEM OF IDAHO RETIREMENT REDUCTION FACTORS FOR OPTIONS 3 AND 4 AND CERTAIN DEATH BENEFITS Options 3 and 4: Years and Months Until Member Would Be Social Security Retirement Age Death Benefits: Additional Years and Months Until Member Would Qualify for an Unreduced Service Retirement Allowance AFTER Applying Table A Factors						
Months	Years					
5	-.196	-.184	-.167	-.155	-.143	-.132
6	-.195	-.180	-.166	-.154	-.142	-.131
7	-.194	-.179	-.165	-.153	-.141	-.130
8	-.192	-.178	-.164	-.152	-.140	-.129
9	-.194	-.177	-.163	-.151	-.139	-.128
10	-.190	-.175	-.162	-.150	-.138	-.127
11	-.189	-.174	-.161	-.149	-.137	-.127

(3-31-22)

TABLE C— Page 4 PUBLIC EMPLOYEE RETIREMENT SYSTEM OF IDAHO CONTINGENT ANNUITANT FACTORS For persons retiring before July 1, 1995			
	Age-Difference in Years	Factors	
		Option 1	Option 2
	15 *	0.600	0.750
	14	0.610	0.758
	13	0.621	0.766
	12	0.631	0.775
	11	0.642	0.782
Member	10	0.652	0.789
Older	9	0.663	0.797
Than	8	0.674	0.804
Contingent Annuitant	7	0.685	0.812
	6	0.697	0.821
	5	0.708	0.830
	4	0.720	0.838
	3	0.732	0.846

TABLE C — Page 4			
PUBLIC EMPLOYEE RETIREMENT SYSTEM OF IDAHO			
CONTINGENT ANNUITANT FACTORS			
For persons retiring before July 1, 1995			
	Age-Difference in Years	Factors	
	2	0.746	0.855
	4	0.762	0.865
	0	0.780	0.876
	1	0.799	0.887
	2	0.823	0.902
	3	0.836	0.910
	4	0.847	0.918
	5	0.856	0.924
Member	6	0.865	0.930
Younger	7	0.873	0.935
Than	8	0.881	0.940
Contingent Annuitant	9	0.888	0.944
	10	0.897	0.949
	11	0.906	0.955
	12	0.916	0.961
	13	0.926	0.967
	14	0.934	0.969
	15 or more	0.940	0.970

*For each year the member is more than fifteen (15) years older than the contingent annuitant subtract .01 from the factor for Option 1 and subtract .006 from the factor for Option 2. (3-31-22)

TABLE C — Page 2			
PUBLIC EMPLOYEE RETIREMENT SYSTEM OF IDAHO			
CONTINGENT ANNUITANT FACTORS			
For persons retiring on or after July 1, 1995			
	Age-Difference in Years	Factors	
		Option 1	Option 2
	15 *	0.690	0.810
	14	0.700	0.816
	13	0.710	0.822

TABLE C — Page 2 PUBLIC EMPLOYEE RETIREMENT SYSTEM OF IDAHO CONTINGENT ANNUITANT FACTORS For persons retiring on or after July 1, 1995			
	Age-Difference in Years	Factors	
	12	0.720	0.828
	11	0.730	0.834
Member	10	0.735	0.840
Older	9	0.740	0.846
Than	8	0.745	0.852
Contingent Annuitant	7	0.750	0.858
	6	0.755	0.864
	5	0.760	0.870
	4	0.765	0.876
	3	0.770	0.882
	2	0.785	0.888
	1	0.800	0.894
	0	0.815	0.900
	1	0.835	0.915
	2	0.855	0.925
	3	0.875	0.935
	4	0.890	0.945
	5	0.900	0.950
Member	6	0.910	0.955
Younger	7	0.920	0.960
Than	8	0.930	0.965
Contingent Annuitant	9	0.940	0.967
	10	0.944	0.969
	11	0.946	0.971
	12	0.948	0.973
	13	0.950	0.975
	14	0.952	0.977
	15 or more	0.954	0.979

*For each year the member is more than fifteen (15) years older than the contingent annuitant subtract .01 from the

factor for Option 1 and subtract .006 from the factor for Option 2. (Amended 96)

(3-31-22)

TABLE C — Page 3 PUBLIC EMPLOYEE RETIREMENT SYSTEM OF IDAHO CONTINGENT ANNUITANT FACTORS For persons retiring on or after July 1, 2011			
	Age Difference in Years	Factors	
		Option 1	Option 2
	15 *	0.729	0.851
	14	0.736	0.856
	13	0.743	0.861
	12	0.750	0.866
	11	0.757	0.871
Member	10	0.764	0.876
Older	9	0.771	0.881
Than	8	0.778	0.886
Contingent Annuitant	7	0.785	0.891
	6	0.792	0.896
	5	0.799	0.902
	4	0.808	0.908
	3	0.818	0.914
	2	0.833	0.920
	1	0.848	0.926
	0	0.863	0.932
	1	0.875	0.938
	2	0.887	0.944
	3	0.895	0.949
	4	0.902	0.954
	5	0.909	0.959
Member	6	0.916	0.963
Younger	7	0.923	0.966
Than	8	0.930	0.968
Contingent Annuitant	9	0.940	0.970
	10	0.944	0.972
	11	0.946	0.974

TABLE C— Page 3			
PUBLIC EMPLOYEE RETIREMENT SYSTEM OF IDAHO			
CONTINGENT ANNUITANT FACTORS			
For persons retiring on or after July 1, 2014			
	Age Difference in Years	Factors	
	42	0.948	0.976
	43	0.950	0.978
	44	0.952	0.980
	45 or more	0.954	0.982

*For each year the member is more than fifteen (15) years older than the contingent annuitant subtract .01 from the factor for Option 1 and subtract .01 from the factor for Option 2. (3-31-22)

545. PRE-ERISA VESTING RULES.

01. Termination or Partial Termination. Upon the effective date of any termination or partial termination or upon a complete discontinuation of contributions: ()

a. No persons who were not theretofore members shall be eligible to become members; ()

b. No further benefits shall accrue; and ()

c. The accrued benefits of all members not theretofore vested and not theretofore forfeited shall immediately become fully vested. ()

546. FORFEITURES.

Forfeitures will not be applied to increase the benefits any employee would otherwise receive under the Base Plan. ()

547. ACTUARIAL ASSUMPTIONS TO BE SPECIFIED.

Whenever the amount of any Base Plan benefit is to be determined on the basis of actuarial assumptions, such assumptions will be specified in rule in a manner that precludes employer discretion. ()

548. ~~COMPENSATION LIMIT (RESERVED)~~

~~**01. Limit.** Except for members of the system prior to July 1, 1996, as provided in Section 59-1302(31)(B), Idaho Code, the annual compensation of each participant taken into account in determining benefit accruals in any plan year beginning after December 31, 2001, shall not exceed two hundred thousand dollars (\$200,000). Annual compensation means compensation during the calendar year (the determination period). In determining benefit accruals for determination periods beginning before January 1, 2002, compensation shall be two hundred thousand dollars (\$200,000). (3-31-22)~~

~~**02. Limit Adjustment.** The two hundred thousand dollars (\$200,000) limit on annual compensation in Subsection 548.01 shall be adjusted for cost of living increases in accordance with Section 401(a)(17)(B) of the IRS Code. The cost of living adjustment in effect for a calendar year applies to annual compensation for the determination period that begins with or within such calendar year. (3-31-22)~~

549. DEFINED BENEFIT DOLLAR LIMITATION.

The “defined benefit dollar limitation” is one hundred sixty thousand dollars (\$160,000), as adjusted, effective January 1 of each year thereafter, under Section 415(d) of the IRS Code in such manner as the Secretary shall prescribe, and payable in the form of a straight life annuity. A limitation as adjusted under Section 415(d) will apply to limitation years ending with or within the calendar year for which the adjustment applies. The “maximum permissible benefit” is the defined benefit dollar limitation (adjusted where required, as provided in Subsection

549.01 and, if applicable, in Subsections 549.02 through 549.04 of these rules). ~~(3-31-22)~~()

01. Less Than Ten Years of Service. If the participant has fewer than ten (10) years of participation in the plan, the defined benefit dollar limitation shall be multiplied by a fraction: ()

a. The numerator of which is the number of years (or part thereof) of participation in the plan; and ()

b. The denominator of which is ten (10). ()

~~**02. Benefit Begins Prior to Age Sixty-Two.** If the benefit of a participant begins prior to age sixty-two (62), the defined benefit dollar limitation applicable to the participant at such earlier age is an annual benefit payable in the form of a straight life annuity beginning at the earlier age that is the actuarial equivalent of the defined benefit dollar limitation applicable to the participant at age sixty-two (62) (adjusted under Subsection 549.01, if required). The defined benefit dollar limitation applicable at an age prior to age sixty-two (62) is determined as set forth in IRS regulation under section 415(b)(2) of the IRS Code. This Subsection 549.02 does not apply to participants who have at least fifteen (15) years of credited service for which the member was classified as a police officer or firefighter.~~

~~(3-31-22)~~

~~**03. Benefit Begins at Age Sixty-Five.** If the benefit of a participant begins after the participant attains age sixty-five (65), the defined benefit dollar limitation applicable to the participant at the later age is the annual benefit payable in the form of a straight life annuity beginning at the later age that is actuarially equivalent to the defined benefit dollar limitation applicable to the participant at age sixty-five (65) (adjusted under Subsection 549.01, if required). The actuarial equivalent of the defined benefit dollar limitation applicable at an age after age sixty-five (65) is determined as set forth in IRS regulation under section 415(b)(2) of the IRS Code.~~

~~**04. Transition.** Benefit increases resulting from the increase in the limitations of section 415(b) of the IRS Code shall be provided to all current and former participants (with benefits limited by section 415(b)) who have an accrued benefit under the plan immediately prior to the effective date of this Section (other than an accrued benefit resulting from a benefit increase solely as a result of the increases in limitations under section 415(b)).~~

550. COMPUTATION OF BENEFITS FOR EMPLOYEES OF WITHDRAWN EMPLOYER.

01. PERSI's Responsibility. PERSI's responsibility to a withdrawing political subdivision or governmental entity or its employees is limited to the vested accrued actuarial benefits of the system's members upon the date of complete withdrawal, ~~Section 59-1326(10), Idaho Code.~~ ~~(3-31-22)~~()

02. Withdrawal Liability Calculations. On the occasion that a withdrawing political subdivision or governmental entity fails to pay, in full with accrued interest from date of withdrawal, the withdrawal liability calculated in accordance with Section 59-1326(7), Idaho Code, PERSI shall exhaust all efforts to collect the outstanding withdrawal liability as follows: ()

a. Collect the full withdrawal liability from withdrawing political subdivision or governmental entity at date of withdrawal. If full withdrawal liability is not paid, then; ()

b. Contract with withdrawing political subdivision or governmental entity, in accordance with section 59-1326(9) and file a lien on the assets of the withdrawing political subdivision or governmental entity. If scheduled payments are not timely made or assets are insufficient or unavailable, then; ()

c. PERSI will pursue collection efforts against the authorizing state agency, political subdivision or governmental entity that caused the withdrawing political subdivision or governmental entity to be formed. If these collection efforts are ineffective, then; ()

d. PERSI will cause an actuarial study to be performed for the withdrawing political subdivision or governmental entity and its employees to determine the actuarial value of the accrued benefits at time of withdrawal and will reduce an employee's benefit to match funded status. ()

551. COMPUTING VALUE OF SICK LEAVE.

For those members who accrue sick leave based upon each month of service, the rate of pay for purposes of computing the monetary value of a retired member's unused sick leave as outlined in Sections 59-1365, 67-5333, and 33-2109A, Idaho Code, shall be the base hourly rate of compensation reported by the employer during the month of separation from employment prior to retirement, not including any temporary increases, bonuses, or payoffs. For those members employed on a contract basis under Section 33-1228, Idaho Code, the rate of pay for purposes of computing the monetary value of a retiring member's unused sick leave based upon each month of service shall be determined at a daily rate by dividing the annual contract amount by the required days of work. No temporary increases, bonuses or payoffs shall be included in the contract amount. Where the daily rate is affected by changes in the work week such as adoption of a four (4) day work week or similar events, adjustments shall be made to convert the daily rate to maintain equity within the pool. No other forms of leave may be converted to sick leave or otherwise considered in computing the value of unused sick leave. ()

552. SICK LEAVE FUNDING RATES.

The sick leave pools shall be funded by employer contributions as follows: ()

01. State Agencies and Junior College Districts. All employer groups participating in the pools established by Sections 33-2109A and 67-5333, Idaho Code, shall contribute point sixty-five percent (.65%) of employee covered payroll. ()

02. Schools. All employer groups participating in the pool established by Section 33-1228, Idaho Code, shall contribute the percentage of employee covered payroll based on the number of days of paid sick leave permitted during the contract year for certified teachers as set forth in the following table:

Beginning:	July 1, 2006
9-10 days	1.16%
11-14 days	1.26%
More than 14 days	Individual rate to be set by the Retirement Board based on current cost and actuarial data and reviewed annually

Where a four (4) day work week or similar policies have been adopted, adjustments shall be made to convert the number of days of paid sick leave to the contribution level necessary to maintain equity within the pool. ()

03. Subdivisions. All political subdivision or government entity groups participating in the pool established by Section 59-1365, Idaho Code, shall make contributions as provided in Section 578. ()

553. LIMITATION ON INSURANCE PROGRAMS.

The health, accident, and life insurance programs maintained by state agencies, political subdivisions or government entities as outlined in Sections 59-1365, 33-1228, and 33-2109A, Idaho Code, are limited to plans where the policy holder is the state agency, political subdivision or government entity or a consortium of state agencies, political subdivisions or government entities. Insurance programs outlined in Section 67-5333, Idaho Code, shall be maintained by the state agency, political subdivision or government entity. The board may require plans to sign an agreement before participating. ()

554. PAYMENT OF INSURANCE PREMIUMS.

Upon certification by the state agency, political subdivision or government entity and the insurance carrier that a plan qualifies under Section 553 of this subchapter, the board may pay the monthly premiums for a retired member using unused sick leave account funds as prescribed by Idaho Code. ()

01. Adjustments. Coverage and premium changes or adjustments must be submitted to PERSI no less than thirty (30) days prior to their effective date unless PERSI has previously agreed in writing to a shorter period. ()

02. Duration of Payments. Premium payments will continue to be made from the unused sick leave

account until credits are insufficient to make a premium payment, or until the retiree's death, whichever first occurs. ()

555. SEPARATION BY REASON OF RETIREMENT.

Unused sick leave benefits are credited only to employees who are eligible to retire at the time they separate from the state agency, political subdivision or government entity. When an employee separates from service and does not immediately retire, unused sick leave benefits are credited to the member but not available for use unless the member actually retires without intervening employment resulting in PERSI participation. The existence of available unused sick leave credits does not necessarily mean they are usable. A member must also be eligible to participate in the retiree plan offered by the state agency, political subdivision or government entity from which the member retired. Except for school district employees transferring from one (1) district to another, unused sick leave credits may not be transferred from one (1) state agency, political subdivision or government entity to another. If a member negates their retirement under Section 541 and returns to work for a new PERSI state agency, political subdivision or government entity, unused sick leave credits are also negated and eligibility for unused sick leave credits must be reestablished with the new state agency, political subdivision or government entity. ()

556. PROHIBITION AGAINST CASH OPTION.

All state agencies, political subdivisions or government entities participating in any PERSI administered sick leave pool are prohibited from offering or permitting any employee to convert unused sick leave to cash, other forms of leave, or any other benefit, even if the employee is not eligible to receive credits. Failure to comply with this prohibition will result in the state agencies, political subdivisions or government entities inability to participate in PERSI administered unused sick leave pools. ()

557. -- 575. (RESERVED)

576. PARTICIPATION IN SUBDIVISION UNUSED SICK LEAVE POOL.

Any PERSI state agency, political subdivision or government entity meeting the following requirements may elect to participate in the unused sick leave pool authorized by Section 59-1365, Idaho Code: ()

01. No Current Plan. The state agency, political subdivision or government entity does not participate in any other statutorily created plan that offers benefits for unused sick leave, including but not limited to, those plans created under Sections 33-1228, 33-2109, and 67-5333, Idaho Code. ()

02. All Inclusive Participation. All of a participating state agencies, political subdivisions or government entities employees who are PERSI members and who accrue sick leave must be participants in the plan, except that state agencies, political subdivisions or government entities may exclude certain distinctive classes of employees for legitimate business reasons. For example, a city could exclude employees covered by a collective bargaining agreement, or a county may choose to exclude elected officials. ()

03. No Other Options for Unused Sick Leave. No employee may be given any option to receive benefits from unused sick leave other than through this plan. For example, no employee, other than those properly excluded under Subsection 576.02, may be given the option of exchanging sick leave for cash or other forms of payment or leave. ()

04. Fixed Annual Accrual of Sick Leave. State agency, political subdivision or government entity must comply with a policy that offers a fixed amount of sick leave annually that is applicable to all employees or employee groups. A "personal leave" option that fails to distinguish between sick, vacation, or other forms of leave is not permitted. ()

05. Medicare Eligible Retirees. State agencies, political subdivisions or government entities plan must provide coverage to all retired employees eligible for unused sick leave credits, including retirees that become Medicare eligible. ()

06. Annual Application. State agency, political subdivision or government entity must annually update and submit an application for participation in the Subdivision Unused Sick Leave Pool on the form prescribed by PERSI. ()

577. OPERATION OF SUBDIVISION POOL.

Upon separation from employment by retirement, in accordance with Chapter 13, Title 59, Idaho Code, every employee of a participating state agency, political subdivision or government entity shall, upon payment by the state agency, political subdivision or government entity under Section 578, receive a credit for unused sick leave in the same manner and under the same terms as provided in Section 67-5333(1), Idaho Code. ()

578. FUNDING OF SUBDIVISION POOL.

Participating state agencies, political subdivisions or government entities shall, within ten (10) days of retiree's last day in pay status, pay to PERSI a sum equal to the retiree's unused sick leave credit, together with any administrative fees the board may require. Investment earnings on funds paid into this pool will remain in the pool, together with any reversions due to the death of a retiree, and may be used by the board to pay some or all administrative costs. ()

579. TERMINATION, WITHDRAWAL, OR REMOVAL FROM SUBDIVISION POOL.

Any state agency, political subdivision or government entity failing to meet the requirements of participation provided by Section 576 shall be terminated from participation in the Subdivision Pool. Any state agency, political subdivision or government entity failing to meet the funding requirements provided by Section 578 shall be terminated from participation in the Subdivision Pool, provided however, a state agency, political subdivision or government entity may submit a detailed explanation for its failure to meet the funding requirements as required in Section 578 and subject to PERSI approval. State agencies, political subdivisions or government entities that have withdrawn or have been terminated shall not be allowed to rejoin. ()

580. -- ~~599~~600. (RESERVED)

~~600. PAYMENT DATE OF RETIREMENT ALLOWANCE FOR FRF MEMBERS.~~

~~A paid firefighter who retires under the provisions of Chapter 14, Title 72, Idaho Code, is entitled to a retirement allowance computed from the date following separation from employment, payable at the end of the calendar month following separation from employment. (3-31-22)~~

601. FIREFIGHTER RETIREMENT ALLOWANCE.

Notwithstanding Sections 525 and 526 of this subchapter, the retirement allowances of firefighter members, as defined by Section 59-1391(b), Idaho Code, shall be determined pursuant to the provisions of Chapter 14, Title 72, Idaho Code. ()

602. REEMPLOYMENT OF RETIRED FRF FIREFIGHTER.

A paid firefighter retired under the provisions of Chapter 14, Title 72, (FRF), Idaho Code, who returns to employment as a paid firefighter with the same fire department from which retired shall be considered reemployed in the manner provided for PERSI members by Section 59-1356(1), Idaho Code. Retirement benefits shall then terminate and contributions shall again commence under conditions specified prior to retirement. The terminated benefit shall resume upon subsequent retirement with adjustments made in the manner prescribed by Section 59-1356(1), Idaho Code, as they would apply to the member's retirement benefit entitlement computed under the provisions of Chapter 14, Title 72, Idaho Code.

~~Statutory References: Section 59-1356, Idaho Code.~~

~~(3-31-22)()~~

603. -- 624. (RESERVED)

625. PURCHASE OF SERVICE GENERALLY.

No member may purchase more than forty-eight (48) months of membership service, whether purchased under Section 59-1362, or 59-1363, Idaho Code, or a combination thereof. In all cases, the cost of purchasing service shall be the full actuarial costs, as determined by the board, of providing additional benefits resulting from the purchased service. Service may only be purchased at the time of retirement. In no event can a member revoke a purchase of service after payment has been made. ()

626. TIME OF RETIREMENT.

Within ninety (90) days before a member's effective date of retirement, the member may request the cost of service to be purchased. Costs provided for purchased service are valid only for the effective date requested. Purchased service will be calculated into the member's benefit only to the extent that it is paid by the effective date. In no event shall

service be credited for which payment has not been made. Service may be purchased with after-tax dollars or with eligible rollover distributions. The member's service class at the time of purchase determines the class of service that may be purchased. ()

627. RETIREMENT DELAYED OR NEGATED AFTER PURCHASE.

If a member purchases service and thereafter revokes their application for retirement or negates their retirement as provided in Rule 541, the contributions made to purchase the service shall remain in the system until a distributable event occurs. If the distributable event results in payment of a monthly retirement benefit or an optional death benefit, the purchase price of the service previously purchased will be recalculated based on factors existing on the date the new benefit becomes effective. If, based on the new factors, the purchase price is higher than previously determined, the number of months purchased will be reduced to reflect the higher cost unless the member elects to pay the difference. If the purchase price is lower, the difference will be paid to the member as a lump-sum payment within sixty (60) days after the date of retirement unless the member elects to convert the difference into additional months and can do so without exceeding the forty-eight (48) month limit, the IRS limit referenced in Subsection 705.05, or any other statutory limitation, including the limitation in Section 59-1342(6), Idaho Code. ()

628. TREATMENT OF PURCHASE OF SERVICE CONTRIBUTIONS.

Contributions made for purposes of purchasing service, and interest earnings thereon, are not considered for purposes of determining death benefits under Section 59-1361(3), Idaho Code, and distributions under Section 59-1309(5), Idaho Code. When determining death benefits under Section 59-1361(3), Idaho Code, first calculate two hundred percent (200%) of accumulated contributions, excluding contributions and interest related to purchased service, then add member contributions and interest related to purchased service. Member contributions and interest will also be included in any separation benefit. In no event shall employer contributions for purchased service be included in any separation benefit or lump-sum death benefit. ()

629. EMPLOYER PARTICIPATION.

State agency, political subdivision or government entity participation must be in the form of lump-sum payments at the time of retirement. In the event a state agency, political subdivision or government entity makes a contribution on behalf of a member and a distribution other than periodic payments occurs prior to the actual retirement effective date, the state agency, political subdivision or government entity may claim a credit against future contributions equal to the amount of the contribution. State agency, political subdivision or government entity contributions must be accompanied by or preceded by a written statement endorsed by the governing body or officer of the state agency, political subdivision or government entity verifying that the participation is properly authorized and that the state agency, political subdivision or government entity indemnifies PERSI against any loss resulting from failure of the state agency, political subdivision or government entity, or any person acting on its behalf, to act within its authority. ()

630. ADDITIONAL LIMITS ON PURCHASED SERVICE.

The Internal Revenue Code imposes limits on the amount of retirement benefits that can be paid to a retiree under a defined benefit plan. Benefits acquired through purchase of service are subject to these limits for some purposes. In no event can a member purchase service that would result in the member exceeding the limits imposed in Section 415(n)(1)(A) of the IRS Code. In addition, a member's initial retirement benefit, including purchased service, continues to be subject to the limitation in Section 59-1342(6), Idaho Code. ()

631. -- 649. (RESERVED)

SUBCHAPTER G – PERSI GAIN SHARING RULES
Rules 650 through 755

650. EXISTENCE OF EXTRAORDINARY GAINS.

The existence of extraordinary gains triggers the possibility that allocations will be made as provided in Section 59-1309, Idaho Code. However, the existence of extraordinary gains does not obligate the retirement board to make an allocation. The Board may choose not to allocate extraordinary gains, or it may choose to allocate all or part of the extraordinary gains. Extraordinary gains exist when, at the close of the fiscal year, the value of plan assets exceeds plan liabilities as determined by the actuary, plus a sum necessary to absorb a one (1) standard deviation market event without increasing contribution rates, as determined by the Board. The amount of extraordinary gains available for possible distribution equals the amount by which the assets exceed the sum of the liabilities and the one standard

deviation. ()

651. VALUE OF PLAN ASSETS.

This is the total assets held in the PERSI base plan, as reported in the actuarial valuation at the end of the fiscal year. ()

652. PLAN LIABILITIES.

This is the actuarial liability of the PERSI base plan, including but not limited to, the cost of the proposed COLA to be effective in March following the close of the fiscal year, the cost of any benefit enhancements to the base plan approved by the legislature, and the cost of actuarial gains and losses, as reported in the actuarial valuation for the fiscal year. ()

653. ONE STANDARD DEVIATION.

This is the amount of reserve necessary to absorb normal market fluctuations and is a function of the risk associated with investment holdings and strategies, and will be determined by the Board based on those factors. ()

654. BOARD DISCRETION.

The Board retains full discretion in determining whether to allocate extraordinary gains when they exist. Because of the broad range of factors that might be relevant to such a determination, and to assure that the Board will not be limited in exercising its discretion, these rules do not attempt to identify any of the factors that might be considered in the Board's fiduciary capacity. When extraordinary gains exist, the Board will decide whether they will be allocated no later than the first day of December following the end of the fiscal year. Such decision shall be in writing and shall constitute an amendment to the plan document for purposes of the Internal Revenue Code of 1986, as amended, or any successor thereto. In the absence of any such decision, the allocation for that year shall be zero (0.00). ()

655. -- 674. (RESERVED)

675. ALLOCATION BETWEEN GROUPS.

If extraordinary gains exist, and the Board determines that all or part of such gains should be allocated, an allocation will be made among the three (3) groups identified by Section 59-1309, Idaho Code. The three (3) groups and allocations are: ()

- a. Active PERSI members - 38 percent (38%); ()
- b. PERSI retirees - twelve percent (12%); and ()
- c. PERSI employers - fifty percent (50%) ()

676. -- 699. (RESERVED)

700. ACTIVE MEMBER ALLOCATION.

After the amount to be allocated to the active member group has been determined, it shall be allocated among the members of the group. The active member allocation determines each member's initial share before considering any applicable individual limits. Each member's initial share shall be determined by dividing that member's accumulated contributions in the base plan at the close of the fiscal year by the total accumulated contributions in the base plan of all members of the group at the close of the fiscal year, multiplied by the amount allocated to the active member group. In no event shall a member's initial share, before considering individual limits, exceed the maximum annual contribution limit under Section 415(c) of the IRS Code applicable for the limitation year. ()

701. MINIMUM ALLOCATION AMOUNT.

Due to the costs associated with maintaining individual choice accounts, no allocation shall be made to any member whose allocation share does not exceed thirty-eight dollars (\$38) after considering individual limits, unless the member had a PERSI choice account on the last day of the fiscal year and has not withdrawn funds before the allocation date. ()

702. ACTIVE MEMBER.

~~A member participates in the active member allocation only if he is an active member as defined in this subchapter.~~

~~Whenever a member is placed on leave of absence under circumstances making that member eligible for benefits under USERRA, the employer shall notify PERSI in writing within thirty (30) days and attach a copy of the member's orders. A member participates in the active member allocation only if they are active and have at least twelve (12) months of accrued membership service on the last day of the fiscal year. For purposes of allocating extraordinary gains, active members also include:~~ ()

~~a. Seasonal employees who have a pattern of employment that includes at least six (6) months of membership service in each of the preceding three (3) consecutive years; and~~ ()

~~b. Employees who are on leave of absence on the last day of the fiscal year and either:~~ ()

~~i. Return to active service for at least thirty (30) days before December 31 immediately following the end of the fiscal year; or~~ ()

~~ii. Are entitled to benefits under the Uniformed Services Employment and Re-employment Rights Act of 1994 (USERRA).~~ ()

703. ACCUMULATED CONTRIBUTIONS.

For purposes of allocating extraordinary gains within the active member group, accumulated contributions do not include contributions or interest related to the purchase of permissive service credits or contributions or interest in the Choice Plan or accounts. ()

704. TRANSFER TO DEFINED CONTRIBUTION CHOICE ACCOUNTS.

After each member's initial share has been determined, it will be transferred to an individual account as permitted under Section 414(k) of the IRS Code, subject to individual limits imposed by the Internal Revenue Code. The Board may transfer allocations anytime after necessary compensation data is received and processed by the Board. ()

705. LIMITATIONS ON ALLOCATION.

In no event shall a member's final allocation exceed the limits imposed by Section 415(c) of the IRS Code, based on compensation earned during the calendar year that included the end of the fiscal year. ()

706. INTERVENING RETIREMENT.

When a member is included in the active member pool but retires prior to the transfer of allocations, the member's allocation will be made as a one-time payment directly to the member rather than a transfer to an individual account. Such allocations will not be limited by Section 705 but will be subject to the limitations of Section 729. ()

707. INTERVENING WITHDRAWAL OF CONTRIBUTIONS.

When a member is included in the active member pool but terminates prior to the transfer of allocations, the allocation will be made to the member's individual account if the member has not withdrawn contributions from the Base account prior to the date of transfer of the allocation. No member who has withdrawn contributions from the Base account prior to the transfer of the allocation is eligible to receive an allocation. ()

708. INTERVENING DEATH OF ACTIVE MEMBER.

When a member would have been included in the active member allocation but dies prior to the transfer of allocations, no allocation shall be made to the member, beneficiary or estate except that an optional death benefit recipient will receive the active member's allocation as limited by Section 729. ()

709. TREATMENT OF GAIN SHARING ALLOCATIONS IN THE CHOICE ACCOUNT.

Gain sharing allocations transferred to individual Choice Accounts have no effect on an individual's Base Plan benefit. Gain sharing allocations, and the earnings thereon, will be accounted for separately from other Choice Plan contributions but will be treated as one plan for purposes of reporting, investing, distributions, and fees to the extent they are applicable. Related provisions of the Plan adopted by the Board to facilitate voluntary and employer contributions are applicable to gain sharing allocations to the extent not inconsistent with these rules and Sections 59-1308 and 59-1309, Idaho Code. However, no loans or hardship withdrawals may be taken against gain sharing account balances. ()

710. -- 724. (RESERVED)

725. RETIREE ALLOCATION.

After the amount to be allocated to the retiree group has been determined, it shall be allocated among the members of the group. The retiree allocation determines each member's share before considering any applicable individual limits. Each member's initial share shall be determined by dividing that retiree's monthly benefit at the close of the fiscal year by the total monthly benefits payable to all members of the group at the close of the fiscal year, multiplied by the amount allocated to the retiree group. ()

726. RETIREE.

For purposes of allocating extraordinary gains, a member must be a retiree as defined in this subchapter. ()

727. MONTHLY BENEFIT.

This is the monthly benefit for the last month of the fiscal year but does not include benefits related to other months that may also have been paid during the last month of the fiscal year. In no event shall a retiree's share be determined based on more than the retiree's annual benefit, not including any gain sharing allocations, divided by twelve (12). ()

728. PAYMENT OF ALLOCATION.

After each retiree's initial share has been determined, it will be paid no later than February 1 following the close of the fiscal year directly to the retiree either together with the retiree's monthly benefit or separately, subject to individual limits imposed by the Internal Revenue Code. ()

729. LIMITATIONS ON ALLOCATION.

Prior to allocation, a retiree's initial share shall be further limited as necessary to comply with the limits of Section 415(b) of the IRS Code. ()

730. INTERVENING DEATH OF A RETIREE.

When a retiree is included in the retiree allocation but dies prior to the transfer of allocations, no allocation shall be made unless benefit payments are continuing to be made to a contingent annuitant. ()

731. INTERVENING REEMPLOYMENT.

When a retiree is included in the retiree allocation but becomes reemployed as defined in Section 59-1356, Idaho Code, prior to the date of distribution, the retiree allocation shall be made in the form of an active member allocation, and shall be subject to active member limitations. ()

732. NEGATED RETIREMENT.

Gain sharing allocations received by a retiree are not included in the amounts required to be repaid when negating retirement under Section 541. ()

733. -- 749. (RESERVED)

750. EMPLOYER ALLOCATION.

After the amount to be allocated to the employer group has been determined, it shall be allocated among the members of the group. Each employer's share shall be determined by dividing that employer's contribution liability for the fiscal year by the total contribution liability for all members of the group for the fiscal year, multiplied by the amount allocated to the employer group. ()

751. EMPLOYER.

Participation in the employer pool is limited to those entities defined as an employer in this subchapter. ()

752. CONTRIBUTION LIABILITY.

This includes only employer contributions that are accrued during the fiscal year and required to be paid by Section 59-1322, Idaho Code, unreduced by gain sharing credits. It does not include contributions made to fund sick leave pools, to pay costs of other plans such as the Firefighters Retirement Fund, or to contributions required by Sections 33-107A and 33-107B, Idaho Code. Only adjustments related to fiscal year contributions will be considered. ()

753. CREDIT OF ALLOCATION.

After each employer's share has been determined, it will be credited against the employer's future contribution invoices. The credits shall be applied only to offset future employee and employer contributions required to be remitted by Section 59-1325(1), Idaho Code, until the credit is exhausted. An employer may elect to use the credits solely against employer contributions to the extent that no carry-over credits (as described in Section 754) result.

()

754. CARRY-OVER OF CREDIT.

Should the credit exceed the employer's contribution invoices for the succeeding twelve (12) month period, any remaining credits will carry over to the following year together with an additional credit representing an interest payment. The interest credit shall equal the balance of remaining credits multiplied by a ratio representing the regular rate of interest. This process shall be repeated annually until all credits have been used.

()

755. WITHDRAWAL OF EMPLOYER.

When an employer is included in the employer pool but withdraws from the system as provided in Section 59-1326, Idaho Code, prior to allocation of credits, the employer shall not be entitled to receive any credits. When an employer is entitled to carry-over credits but withdraws prior to using all its credits, it shall not be entitled to additional credits based on interest payments.

()

756. -- 999. (RESERVED)

IDAPA 59 – PUBLIC EMPLOYEES RETIREMENT SYSTEM OF IDAHO

59.02.01 – RULES FOR THE JUDGES’ RETIREMENT FUND

DOCKET NO. 59-0201-2301 (ZBR CHAPTER REWRITE)

NOTICE OF RULEMAKING – PROPOSED RULE

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Sections, 59-1301, 59-1314, 59-1372, 59-1383 and 59-1392.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than November 15, 2023.

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

JRF Rule, IDAPA 59.02.01.02, 04, .05, .06, .07, and .11 are deleted as unnecessary. Rule 59.02.01.10.04 is deleted since this rule is not applicable to the JRF as there are not purchase options by statute. Rule 59.02.01.10.64 is deleted because this rule is not applicable because judges do not have purchase options. Rule 59.02.01.12 is amended to make specific reference to the JRF. New definition is added for “Inactive Member and “Retired Member”. The definition for “Member” is revised. The definition of “Normal Retirement Age” is deleted because the JRF plan makes no distinction between early and normal retirement. Rule 59.02.01.100.02.a is amended to define the commencement year when a member is required to take a minimum distribution as defined in the Internal Revenue Code section 401(a). This change is a result of Secure 2.0 Act 2022. Rule 59.02.01.100 new subsection .03 is added to add the enforcement mechanism for when PERSI has to issue payments under this section and to specify the retirement option that would be selected. Rule 59.02.01.100.03 becomes the new subsection .04 and is amended to simplify the language used and make it consistent with proper terms. Rule 59.02.01.100 subsection .05 and .06 are deleted since if any prior payments were made, the distribution would not be issued as payments would have continued. Rule 59.02.01.102 is deleted because there aren't any options for annual additions in the JRF plan. JRF doesn't have a purchase of service. Rule 59.02.01.103.01 deleted the last sentence because the only option for a forced distribution would be a lump-sum payment direct to the member or the initiation of monthly retirement benefits. There isn't an option for a forced distribution to be made as a rollover to another plan. Rule 59.02.01.103.03 is deleted because the JRF doesn't allow for post-tax contributions to be made to the plan, so this is unnecessary. Rule 59.02.01.252 is deleted because it refers to tables that are also being deleted. Rule 59.02.01.300 and .301 are deleted as the statute provides that PERSI Board sets the contribution rates, and the rates will be posted on the PERSI web page. Rule 59.02.01.352,.359, are amended to provide gender inclusive language. Rule 59.02.01.401 is deleted because COLAs are in statute (1- 2001(2)(a)(ii - iii)). Rule 59.02.01.403 is amended by removing the last sentence as it is redundant. It is part of the Required Minimum Distribution section. Appendix A is deleted as it is not needed in the rules and the table will be available on the PERSI website.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased: N/A

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state General Fund greater than ten thousand dollars (\$10,000) during the fiscal year: The change in this rule will not have any fiscal impact on the state General Fund.

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(1), Idaho Code, negotiated rulemaking was conducted. The Notice of Intent to Promulgate Rules – Negotiated Rulemaking was published in the September 6, 2023, Idaho Administrative Bulletin, [23-9 pages 911-912](#).

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

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule(s), contact Cheryl George, (208) 287-9231.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before November 22, 2023.

DATED this 6th day of October, 2023.

Don Drum
Executive Director
Public Employees Retirement System of Idaho
P.O. Box 83720, Boise, ID 83720-0078
Phone: (208) 287-9230 Fax: (208) 334-3804

THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 59-0201-2301
(ZBR Chapter Rewrite)

59.02.01 – RULES FOR THE JUDGES' RETIREMENT FUND

SUBCHAPTER A – GENERAL PROVISIONS
Rules 001 through 099

000. LEGAL AUTHORITY (RULE 0).

~~The Rules for the Judges' Retirement Fund rules are adopted under the legal authority of~~ Section 1-2012, Idaho Code.
(3-31-22)()

001. TITLE AND SCOPE (RULE 1).

- 01. Title.** The title of this chapter is IDAPA 59.02.01, "Rules for the Judges' Retirement Fund." ()
- 02. Scope.** This chapter relates to retirement under the Judges' Retirement Fund. ()

~~**002. WRITTEN INTERPRETATIONS—AGENCY GUIDELINES (RULE 2).**~~

~~Written interpretations of these rules, to the extent they exist, are available from PERSI (Public Employee Retirement System of Idaho), at the locations listed in Rule 4 of these rules.~~ (3-31-22)

~~**003. ADMINISTRATIVE APPEAL (RULE 3).**~~

~~Administrative appeals are conducted pursuant to IDAPA 59.01.01, "Rules of Administrative Procedure," Rules 101 through 104 and 150 through 789.~~ (3-31-22)()

~~**004. OFFICE—OFFICE HOURS—MAILING ADDRESS AND STREET ADDRESS (RULE 4).**~~

~~Office hours are 8 a.m. to 5 p.m. Monday through Friday. PERSI's mailing and street addresses, telephone numbers, and fax numbers are as follows:~~ (3-31-22)

~~**005. PUBLIC RECORDS ACT COMPLIANCE (RULE 5).**~~

~~All rules required to be adopted by this chapter are public records.~~ (3-31-22)

~~**006. CITATION (RULE 6).**~~

~~The official citation of this chapter is IDAPA 59.02.01.000, et seq. For example, this section's citation is IDAPA 59.02.01.006. In documents submitted to the Board or issued by the Board these rules may be cited as Rules for the Judges' Retirement Fund and section number less leading zeros. For example, this rule may be cited as Rules for the Judges' Retirement Fund Rule 7.~~ (3-31-22)

~~**007. EFFECTIVE DATE (RULE 7).**~~

~~Unless otherwise indicated in the bracketed material following each rule, the effective date of every rule in this chapter is July 1, 2014.~~ (3-31-22)

~~0083~~. -- 009. (RESERVED)

010. DEFINITIONS (RULE 10).

The following definitions apply to this chapter: ()

01. Accrued Benefit. The actuarial value of the retirement benefit to which the Member is entitled under the Judges' Retirement Fund upon attainment of Normal Retirement Age. ()

02. Active Member. Each justice or judge who participates in the Judges' Retirement Fund as provided by Idaho Code. ()

03. Administrator. The Board. ()

~~04. Annual Additions.~~ Annual additions are the total of all after-tax Member contributions in a year (not including rollovers) and forfeitures allocated to a Member's account under the Judges' Retirement Fund and all other qualified plans to which contributions are made based on the Member's service with the Employer. (3-31-22)

~~054.~~ **Beneficiary.** The designated person (or, if none, the Member's estate) who is entitled to receive benefits under the Plan after the death of a Member. ()

~~065.~~ **Board.** The retirement board established in Section 59-1304, Idaho Code. ()

~~076.~~ **Code.** The Internal Revenue Code of 1986, as now in effect or as hereafter amended. All citations to Sections of the Code are to such Sections as they may from time to time be amended or renumbered. ()

~~087.~~ **Compensation.** All cash compensation for services to the Employer, including salary, wages, fees, commissions, bonuses, and overtime pay, that is includible in the Member's gross income for the calendar year, plus amounts that would be cash compensation for services to the Employer includible in the Member's gross income for the calendar year but for a compensation reduction election under Sections 125, 132(f), 401(k), 403(b), or 457(b) of the Code. ()

~~098.~~ **Contingent Annuitant.** The person designated by a Member under certain retirement options to receive payments upon the death of the Member. The person so designated must be born and living on the effective date of retirement. ()

~~109.~~ **Designated Beneficiary.** The individual who is designated as the beneficiary under the Plan and is the designated beneficiary under Section 401(a)(9) of the Code and Section 1.401(a)(9)-4, Q&A-4, of the Treasury regulations. ()

~~11.~~ **Differential Wage Payments.** Differential Wage Payments as defined in 26 U.S.C. 3401(h). A differential wage payment generally refers to an employer payment to an employee called to active duty in the uniformed services for more than thirty (30) days that represents all or a portion of the compensation he would have received from the employer if he were performing services for the employer. (3-31-22)

~~120.~~ **Employer.** The common law employer of a Member State of Idaho Judicial Branch. (3-31-22)()

~~11.~~ **Inactive Member.** A former active member who is not receiving a retirement allowance or has not received a refund of contributions. ()

~~132.~~ **Judges' Retirement Fund.** The Judges' Retirement Fund established under Title 1, Chapter 20, Idaho Code, and rules applicable to the Judges' Retirement Fund. The Judges' Retirement Fund is intended to satisfy Code Section 401(a) as applicable to governmental plans described in Code Section 414(d). It is maintained for the exclusive benefit of Members and their beneficiaries. ()

~~143.~~ **Member.** An individual who is currently accruing benefits or who has previously accrued benefits

~~under the Plan and who has not received a distribution of his entire benefit under the Plan~~ active member, inactive member, or a retired member. (3-31-22)()

~~15. Normal Retirement Age. The age (or combination of age and years of service) at which a Member is entitled to an actuarially unreduced retirement benefit under the Plan. A Member will be fully vested upon attainment of Normal Retirement Age.~~ (3-31-22)

~~164. Plan.~~ The plan of benefits under the Judges' Retirement Fund. ()

~~175. Required Beginning Date.~~ The date specified in Rule 100 of these rules. ()

~~16. Retired Member. A former active member receiving retirement compensation.~~ ()

~~187. Severance from Employment.~~ The date that the Member dies, retires, or otherwise has a separation from employment with the Employer, as determined by the Administrator (and taking into account guidance issued under the Code). ()

011. -- 099. (RESERVED)

SUBCHAPTER B – DISTRIBUTIONS
Rules 100 through 250

100. REQUIRED MINIMUM DISTRIBUTIONS (RULE 100).

01. Default Application of Federal Requirements. With respect to distributions under the Judges' Retirement Fund, and except as provided in Subsection 100.06, the Judges' Retirement Fund will apply the minimum distribution requirements of Section 401(a)(9) of the Internal Revenue Code (Code) in accordance with a good faith interpretation of Section 401(a)(9), notwithstanding any provision of the Judges' Retirement Fund to the contrary. ()

02. Required Beginning Date. Except as otherwise provided in Subsections 100.03 through 100.06, distributions under the Judges' Retirement Fund shall begin not later than April 1 following the later of: ()

~~a. The calendar year (hereinafter referred to as the "Commencement Year") in which the member reaches age seventy and one half (70 ½); and~~ The commencement year, which is defined as the year in which a member reaches the applicable age, as defined in Internal Revenue Code Section 401(a) as now in effect and thereafter amended. (3-31-22)()

~~b. The year in which he they retires.~~ (3-31-22)()

~~03. PERSI Selects Retirement Option. Any member required to take minimum distributions, as required in this Section 100 and fails to complete and submit an approved retirement application and select either a regular or optional retirement allowance by April 1 following the later of the commencement year or the year the member separates from employment, the member shall be deemed to have made the following selection.~~ ()

~~a. If single, a regular retirement allowance an no other selectino shall be required or permitted.~~ ()

~~b. If married, a one hundred percent (100%) spousal option and no other selection shall be required or permitted unless proof is provided that the spouse has no community property interest in the benefit.~~ ()

~~034. Lifetime Distributions. Distribution shall be made over the life of the Member or the lives of the Member and their contingent annuitant his beneficiary; or over a period certain not extending beyond the life expectancy of the member or the joint life and last survivor expectancy of the member and his beneficiary.~~ (3-31-22)()

~~045. Timing of Required Distributions.~~ A required distribution shall be deemed to have been made

during the Commencement Year if actually made by the following April 1, but such delayed distribution shall not change the amount of such distribution, and the distribution otherwise required during the subsequent calendar year shall be calculated as if the first distribution had been made on the last day of the Commencement Year. ()

~~05. Adjustment of Required Distributions. Benefits paid prior to the Commencement Year shall reduce the aggregate amount subject to (but shall not otherwise negate) the minimum distribution requirements described herein. (3-31-22)~~

~~06. Annuity Benefits Payable on Death of a Member. All death benefits payable in the form of an annuity will begin to be paid as soon as administratively practicable after the member's death, but must in any event begin to be paid before the end of the calendar year following the calendar year in which the member died. (3-31-22)~~

~~07.6. Death Benefits. All death benefits payable in a lump sum will be distributed as soon as administratively practicable after request, but must in any event be distributed within fifteen (15) months of the member's death, unless the identity of the beneficiary is not ascertainable. ()~~

101. MAXIMUM LIMITATIONS ON BENEFITS (RULE 101).

Beginning effective January 1, 2002, the "defined benefit dollar limitation" is one hundred sixty thousand dollars (\$160,000), as adjusted, effective January 1 of each year thereafter, under Section 415(d) of the Internal Revenue Code (Code) in such manner as the Secretary shall prescribe, and payable in the form of a straight life annuity. A limitation as adjusted under Section 415(d) will apply to limitation years ending with or within the calendar year for which the adjustment applies. The "maximum permissible benefit" is the defined benefit dollar limitation (adjusted where required, as provided in Subsection 101.01 and, if applicable, in Subsections 101.02 through 101.04). ()

01. Less Than Ten Years of Service. If the Member has fewer than ten (10) years of participation in the Judges' Retirement Fund, the defined benefit dollar limitation shall be multiplied by a fraction: ()

a. The numerator of which is the number of years (or part thereof) of participation in the Judges' Retirement Fund; and ()

b. The denominator of which is ten (10). ()

02. Benefit Begins Prior to Age Sixty-Two. If the benefit of a Member begins prior to age sixty-two (62), the defined benefit dollar limitation applicable to the Member at such earlier age is an annual benefit payable in the form of a straight life annuity beginning at the earlier age that is the actuarial equivalent of the defined benefit dollar limitation applicable to the Member at age sixty-two (62) (adjusted under Rule 101.01, if required). The defined benefit dollar limitation applicable to an age prior to age sixty-two (62) is determined as set forth in IRS regulation under Section 415(b)(2) of the Code. ()

03. Benefit Begins at Age Sixty-Five. If the benefit of a Member begins after the Member attains age sixty-five (65), the defined benefit dollar limitation applicable to the Member at the later age is the annual benefit payable in the form of a straight life annuity beginning at the later age that is actuarially equivalent to the defined benefit dollar limitation applicable to the Member at age sixty-five (65) (adjusted under Rule 101.01, if required.) The actuarial equivalent of the defined benefit dollar limitation applicable to an age after age sixty-five (65) is determined as set forth in IRS regulation under Section 415(b)(2) of the Code. ()

04. Transition. Benefit increases resulting from the increase in the limitations of Section 415(b) of the Code shall be provided to all current and former Members (with benefits limited by Section 415(b)) who have an accrued benefit under the Judges' Retirement Fund immediately prior to the effective date of this Rule (other than an accrued benefit resulting from a benefit increase solely as a result of the increases in limitations under Section 415(b).) ()

05. Aggregation. If any member participates in two (2) or more qualified defined benefit plans maintained by the employer (or a predecessor employer), the combined benefits from all such plans may not exceed the "maximum permissible benefit" described in this Rule 101. ()

~~**102. MAXIMUM LIMITATION ON ANNUAL ADDITIONS (RULE 102).**~~

~~01. **Annual Additions Limitation.** Effective January 1, 2002, annual additions shall not exceed the lesser of: (3-31-22)~~

~~a. Forty thousand dollars (\$40,000); or (3-31-22)~~

~~b. One hundred percent (100%) of the Member's compensation. (3-31-22)~~

~~02. **Annual Adjustments.** As of January 1 of each calendar year on and after January 1, 2002, the dollar limitation in Subsection 102.01 of these rules, with respect to both active and retired members, shall be adjusted for increases in the cost of living, taking into consideration applicable guidelines. (3-31-22)~~

~~03. **Other Qualified Plans.** To the extent that any Member of the Judges Retirement Plan is also a member of any other qualified plan, and annual additions to all plans covering the Member would otherwise exceed the limits set forth above, annual additions to such other qualified plan shall be reduced to the extent necessary to avoid exceeding the limitations on annual additions. (3-31-22)~~

103.2. ROLLOVER DISTRIBUTIONS (RULE 103.2).

01. Direct Rollovers. A Member of the Judges' Retirement Fund or a beneficiary of a Member (including a Member's former spouse who is the alternate payee under an approved domestic relations order) who is entitled to an eligible rollover distribution may elect, at the time and in the manner prescribed by the Administrator, to have all or any portion of the distribution paid directly to an eligible retirement plan specified by the Member in a direct rollover. ~~Effective January 1, 2006, in the event of a mandatory distribution greater than one thousand dollars (\$1,000), if the Member does not elect to have such distribution paid directly to an eligible retirement plan specified by the Member in a direct rollover or to receive the distribution directly, then the plan administrator will pay the distribution in a direct rollover to an individual retirement plan designated by the plan administrator. (3-31-22)~~ ()

02. Eligible Rollover Distribution Defined. For purposes of this Rule, an eligible rollover distribution means any distribution of all or any portion of a Member's account balance, except that an eligible rollover distribution does not include (a) any installment payment for a period of ten (10) years or more, (b) any distribution made as a result of an unforeseeable emergency, or (c) for any other distribution, the portion, if any, of the distribution that is a required minimum distribution under Code Section 401(a)(9). In addition, an eligible retirement plan means an individual retirement account described in Section 408(a) of the Code, an individual retirement annuity described in Section 408(b) of the Code, a qualified trust described in Section 401(a) of the Code, an annuity plan described in Section 403(a) or 403(b) of the Code, or an eligible governmental plan described in Section 457(b) of the Code, that accepts the eligible rollover distribution. Effective January 1, 2008, an eligible retirement plan shall also mean a Roth IRA described in Section 408A of the Code. ()

~~03. **After-Tax Contributions.** For purposes of the direct rollover provisions in Rule 103.01, a portion of a distribution shall not fail to be an eligible rollover distribution merely because the portion consists of after tax employee contributions that are not includible in gross income. However, such portion may be transferred only to an individual retirement account or annuity described in section 408(a) or (b) of the Code, or to a qualified defined contribution plan described in section 401(a) or 403(a) of the Code that agrees to separately account for the amounts so transferred, including separately accounting for the portion of such distribution which is includible in gross income and the portion of such distribution which is not so includible. (3-31-22)~~

04.3 Alternate Payees. A distributee includes an employee or former employee. In addition, the employee's or former employee's surviving spouse and the employee's or former employee's spouse or former spouse, who is the alternate payee under a domestic retirement order, approved as provided in Rule 402 are distributees with regard to the interest of the spouse or former spouse. ()

05.4 Transfers to Non-Spouse Beneficiaries. This Rule 103.05 applies to distributions made on or after July 1, 2008. Notwithstanding any provision of the Judges' Retirement Fund to the contrary that would otherwise limit the options of the Beneficiary of a deceased Member who is not the Member's spouse, the administrator shall, upon the request of such a Beneficiary transfer a lump sum distribution to the trustee of an individual retirement account established under Section 408 of the Code in accordance with the provisions of Code

Section 402(e)(11). ()

~~1043~~ -- 250. (RESERVED)

SUBCHAPTER C – ASSUMPTIONS
Rules 251 through 299

251. ACTUARIAL ASSUMPTIONS TO BE SPECIFIED (RULE 251).

Whenever the amount of any benefit is to be determined on the basis of actuarial assumptions, such assumptions will be specified in a manner that precludes employer discretion. ()

~~252. ACTUARIAL TABLES (RULE 252).~~

~~The actuarial tables used for determining optional retirement benefits are set forth in Appendix A, which is hereby incorporated by reference and made a part hereof. (3-31-22)~~

~~253~~ -- 299. (RESERVED)

SUBCHAPTER D – CONTRIBUTION RATES
Rules 300 through 349

~~300. EMPLOYER CONTRIBUTION RATE (RULE 300).~~

~~The employer contribution rate shall be fifty-five point twenty-eight percent (55.28%) of salaries until next determined by the Board. Beginning July 1, 2017, the employer contribution rate shall be sixty-two point fifty-three percent (62.53%) of salaries until next determined by the Board. (3-31-22)~~

~~301. EMPLOYEE CONTRIBUTION RATE (RULE 301).~~

~~The employee contribution rate shall be ten point twenty-three percent (10.23%) of salary until next determined by the Board. Beginning July 1, 2017, the employee contribution rate shall be eleven point fifty-seven percent (11.57%) of salaries until next determined by the Board. (3-31-22)~~

~~302~~ **0. VACATION AND CONTRACTUAL PAYMENTS SUBJECT TO CONTRIBUTIONS (RULE 302).**

Compensation paid for vacation is salary subject to employee and employer contributions. ()

~~303~~ **1. REPORTS (RULE 303).**

The Employer shall provide to the Board such reports, including compensation and contribution reports, as are required by the Board to verify contributions benefits required or provided and unless extended in writing by the executive director such reports shall be provided no later than five (5) business days after each pay date. ()

~~304~~ -- 349. (RESERVED)

SUBCHAPTER E – DISABILITY RETIREMENT
Rules 350 through 399

350. APPLYING FOR DISABILITY RETIREMENT (RULE 350).

Eligible members may apply for disability retirement, as provided for in Section 1-2001(4)(a), Idaho Code, by completing a required form available from any PERSI office. The application process may include an interview by a Board representative. Applicants must release all medical records and information to the Board or its agent. ()

351. INITIAL APPLICATION REVIEW (RULE 351).

Applications will first be reviewed to determine whether the applicant meets applicable eligibility requirements. If eligibility requirements are met, the application will proceed to disability assessment review. If all eligibility requirements are not met, the applicant will be notified in writing. ()

352. DISABILITY ASSESSMENT REVIEW (RULE 352).

An applicant will be assessed to determine whether ~~he qualifies~~ they qualify for disability retirement under the applicable standard. The assessment may include without limitation, records review, medical and psychological examinations, vocational assessments, or any combination thereof as determined by the Board. Failure to timely

comply with any request made by the Board during the assessment process shall result in automatic denial of disability retirement. At the conclusion of the assessment process, the Board will notify the applicant in writing whether or not ~~he qualifies~~ they qualify for disability retirement. (3-31-22)()

353. RECONSIDERATION OF DISABILITY ASSESSMENT DECISION (RULE 353).

Applicants, who are denied disability retirement as a result of an adverse disability assessment decision, and wish to contest that decision, are required to participate in a reconsideration process. A request for reconsideration must be made within thirty (30) days of the issuance of the disability assessment decision. Any additional information the applicant wishes to be considered must be submitted within thirty (30) days of the request for reconsideration. The additional information will be reviewed and a reconsideration decision will be issued in writing to the applicant. ()

354. ADMINISTRATIVE REVIEW OF THE RECONSIDERATION DECISION (RULE 354).

A reconsideration decision shall be considered a final decision, and may be appealed to the Board for review. In any related administrative hearing, the applicant shall be limited to presenting facts and evidence made available in the reconsideration process. No new or additional evidence may be presented at the hearing. If the applicant has additional facts or evidence that were not made available during the assessment or reconsideration process, the applicant must submit a new application for disability retirement, proceed again through the assessment process, and pay the costs associated with the second or subsequent assessment process. This rule is intended to promote the efficient use of fund resources by encouraging full and complete disclosure of information during the disability assessment process. ()

355. DELEGATION (RULE 355).

The Board may, by contract or otherwise, delegate all or part of these processes to third parties. Where such delegation has been made, the term "Board" includes those third parties. Where such delegation has been made, the term "Board" includes those third parties. ()

356. REASSESSMENT OF DISABILITY RETIREES (RULE 356).

A disability retiree is subject to reassessment of his disability at any time to determine whether he continues to be disabled under the standard in Section 1-2001(4)(a), Idaho Code. However, after two (2) years of continuous disability retirement, a disability retiree is not required to undergo medical examinations more often than every twelve (12) months. A disability retiree notified that he has been selected for reassessment is under the same obligation as applicants to supply information. ()

357. BURDEN ON APPLICANT (RULE 357).

Applicant must demonstrate that, on or before applicant's last day of employment, ~~he was~~ they were disabled under the disability standard. The last day of employment is the last day applicant earned compensation, including annual leave and sick leave. (3-31-22)()

358. STATUTORY STANDARD (RULE 358).

In applying the disability standard in Section 1-2001(4)(a), Idaho Code, the applicant is prevented from further performance of the duties of his office if the applicant is permanently prevented, due to bodily injury or disease, from performing every substantial and material duty of his office. ()

359. ATTORNEY'S FEES AND COSTS (RULE 359).

Attorney's fees and costs incurred by an applicant in ~~his~~ their efforts to obtain disability retirement are the sole responsibility of the applicant and shall not be paid by the Board except for fees related to judicial review for which applicant is found to be entitled under applicable law. (3-31-22)()

360. -- 399. (RESERVED)

SUBCHAPTER F – MISCELLANEOUS PROVISIONS
Rules 400 through 999

400. ADMINISTRATIVE PROCEDURE -- CROSS REFERENCE (RULE 400).

See IDAPA 59.01.01, "Rules of Administrative Procedure of PERSI," concerning rules for administrative procedure. ()

~~401. POST RETIREMENT ALLOWANCE ADJUSTMENTS (RULE 401).~~

~~01. Adjustments Under Section 59-1355, Idaho Code.~~ For those retirees whose post retirement allowance adjustment is to be determined in accordance with Section 59-1355, Idaho Code, the Board shall annually consider the post retirement cost of living adjustment (COLA) pursuant to Section 59-1355, Idaho Code. The Board has the discretion afforded under Section 59-1355, Idaho Code, related to a discretionary and/or retro-active COLA. The Board shall annually consider the COLA no later than the December Board meeting of each year with an effective date of July 1 of the next year. (3-31-22)

~~02. Adjustments Under Section 1-2001(2)(a)(ii).~~ For those retirees whose COLA is to be determined in accordance with Section 1-2001(2)(a)(ii), Idaho Code, the COLA, if any, shall have an effective date of July 1 of the applicable year. (3-31-22)

4021. APPROVED DOMESTIC RETIREMENT ORDERS (RULE 4021).

As permitted under Code Section 414(p)(11), the Plan shall recognize and give effect to domestic retirement orders that have been approved in accordance with Plan procedures. An order shall be approved only if it substantially meets the requirements for a qualified domestic relations order under Code Section 414(p), except for Subsection (9) thereof, as determined by the Administrator or its agent. Amounts segregated for the accounts of alternate payees pursuant to a Plan approved domestic retirement order shall be available for immediate distribution to the alternate payee. Distributions pursuant to a domestic retirement order to an alternate payee who is a spouse or former spouse of the Member shall be taxable to the alternate payee rather than the Member to the extent permitted under Code Section 414(p)(12). Distributions pursuant to a qualified domestic relations order to an alternate payee who is not a spouse or former spouse of the Member shall be taxable to the Member. ()

~~4032. RETIREMENT APPLICATION AND SPOUSAL CONSENT (RULE 4032).~~

A member is required to complete and submit a retirement application and select either a regular or optional retirement allowance. The member's signature must be notarized. The application for retirement indicating the election made by the retiring member shall also be signed by the spouse certifying he understands and consents to the election made by the member. The spouse's signature must be notarized. ~~If an inactive member reaches service retirement age, or an active member who has reached service retirement age separates from service, and has failed to complete and submit an approved retirement application and select either a regular or optional retirement allowance within ninety (90) days thereafter, the member shall be deemed to have selected a regular retirement allowance and no other selection shall be required or permitted.~~ (3-31-22)()

4043. FORFEITURES (RULE 4043).

Forfeitures will not be applied to increase the benefits any member would otherwise receive. ()

4054. PRE-ERISA VESTING (RULE 4054).

Upon any termination of the Plan or upon any complete discontinuance of contributions under the Plan, the rights of all Members to benefits accrued to the date of such termination or discontinuance, to the extent then funded, shall become one hundred percent (100%) vested. ()

4065. EXCLUSIVE PURPOSE (RULE 4065).

The Board shall hold the assets of the Judges' Retirement Fund in trust for the exclusive purpose of providing benefits to Members and Beneficiaries and paying reasonable expenses of administration. It shall be impossible by operation of the Judges' Retirement Fund, by termination, by power of revocation or amendment, by the happening of any contingency, by collateral arrangement or by other means, for any part of the corpus or income of the Judges' Retirement Fund, or any funds contributed thereto, to inure to the benefit of any Employer or otherwise be used for or diverted to purposes other than providing benefits to Members and Beneficiaries and defraying reasonable expenses of administering the Judges' Retirement Fund. ()

4076. BENEFITS DURING MILITARY SERVICES (RULE 4076).

01. Death Benefits. ()

a. This Subsection 407.01 applies to a member of the Judges' Retirement Fund who dies on or after

January 1, 2007, while performing qualified military service as defined in Chapter 43, Title 38 of the United States Code. ()

b. The period of military service that results in the member's death will be counted in the determination of whether the member qualifies for the death benefit described in Section 2009-1(b) to the extent required by Code Section 401(a)(37). ()

02. Determination of Return to Employment for Benefit Accrual Purposes. ()

a. This Subsection 407.02 applies to a member of the Judges' Retirement Fund who becomes disabled or dies on or after January 1, 2007, while performing qualified military service as defined in Chapter 43, Title 38 of the United States Code. ()

b. For benefit accrual purposes, a member of the Judges' Retirement Fund shall be treated as having returned to employment on the day before the death or disability and then terminated on the date of death or disability to the extent permitted by Code Section 414(u)(8). ()

03. Differential Wage Payments. ()

a. This Subsection 407.02 applies to a member of the Judges' Retirement Fund who, on or after January 1, 2009, receives differential wage payments from his or her Employer while performing qualified military service as defined in Chapter 43, Title 38 of the United States Code. ()

b. A member of the Judges' Retirement Fund shall be treated as employed by the Employer while performing qualified military service to the extent required by Code Section 3401(h). ()

4087. -- 999. (RESERVED)

PUBLIC EMPLOYEES RETIREMENT SYSTEM OF IDAHO
Rules for the Judges' Retirement Fund

Docket No. 59-0201-2301
ZBR Proposed Rulemaking

APPENDIX A

Judges' Retirement Fund of the State of Idaho
100% Contingent Annuitant Factors for Spouses
Judges hired before July 1, 2012

Judge	Spouse																	
	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57
50	0.92242	0.92474	0.92710	0.92949	0.93192	0.93437	0.93685	0.93933	0.94182	0.94431	0.94678	0.94923	0.95166	0.95406	0.95641	0.95872	0.96097	0.96316
51	0.91758	0.91995	0.92236	0.92482	0.92732	0.92985	0.93241	0.93500	0.93759	0.94019	0.94278	0.94536	0.94792	0.95045	0.95296	0.95541	0.95782	0.96016
52	0.91243	0.91484	0.91731	0.91983	0.92240	0.92500	0.92765	0.93032	0.93302	0.93572	0.93843	0.94113	0.94382	0.94650	0.94915	0.95176	0.95432	0.95683
53	0.90695	0.90940	0.91192	0.91449	0.91712	0.91979	0.92251	0.92527	0.92806	0.93087	0.93369	0.93651	0.93934	0.94215	0.94494	0.94771	0.95043	0.95310
54	0.90114	0.90362	0.90618	0.90880	0.91148	0.91422	0.91701	0.91985	0.92273	0.92563	0.92856	0.93150	0.93445	0.93739	0.94033	0.94325	0.94613	0.94897
55	0.89498	0.89750	0.90009	0.90275	0.90548	0.90827	0.91112	0.91404	0.91699	0.91999	0.92301	0.92606	0.92913	0.93221	0.93529	0.93836	0.94140	0.94440
56	0.88851	0.89105	0.89366	0.89636	0.89913	0.90197	0.90488	0.90785	0.91088	0.91396	0.91708	0.92023	0.92341	0.92662	0.92983	0.93304	0.93624	0.93941
57	0.88174	0.88429	0.88693	0.88965	0.89245	0.89533	0.89829	0.90132	0.90441	0.90756	0.91077	0.91401	0.91730	0.92062	0.92396	0.92731	0.93066	0.93400
58	0.87468	0.87725	0.87990	0.88264	0.88546	0.88837	0.89137	0.89445	0.89760	0.90081	0.90409	0.90741	0.91080	0.91423	0.91769	0.92118	0.92467	0.92816
59	0.86737	0.86994	0.87260	0.87535	0.87819	0.88112	0.88415	0.88727	0.89046	0.89373	0.89707	0.90047	0.90394	0.90747	0.91104	0.91465	0.91828	0.92192
60	0.85979	0.86236	0.86501	0.86777	0.87062	0.87357	0.87662	0.87976	0.88300	0.88631	0.88970	0.89317	0.89671	0.90033	0.90400	0.90772	0.91147	0.91525
61	0.85196	0.85451	0.85717	0.85992	0.86277	0.86573	0.86879	0.87196	0.87521	0.87856	0.88200	0.88552	0.88912	0.89281	0.89657	0.90039	0.90426	0.90816
62	0.84393	0.84647	0.84911	0.85185	0.85470	0.85766	0.86072	0.86390	0.86717	0.87055	0.87401	0.87757	0.88123	0.88498	0.88881	0.89272	0.89669	0.90071
63	0.83567	0.83819	0.84081	0.84354	0.84637	0.84932	0.85238	0.85556	0.85884	0.86223	0.86572	0.86930	0.87300	0.87680	0.88069	0.88467	0.88873	0.89285
64	0.82725	0.82974	0.83233	0.83504	0.83786	0.84079	0.84384	0.84700	0.85028	0.85368	0.85718	0.86078	0.86450	0.86834	0.87228	0.87632	0.88045	0.88465
65	0.81863	0.82108	0.82365	0.82632	0.82912	0.83202	0.83505	0.83820	0.84147	0.84486	0.84836	0.85197	0.85570	0.85956	0.86354	0.86762	0.87181	0.87608
66	0.80982	0.81224	0.81477	0.81741	0.82016	0.82304	0.82604	0.82917	0.83242	0.83578	0.83927	0.84288	0.84662	0.85049	0.85448	0.85859	0.86282	0.86715
67	0.80090	0.80328	0.80576	0.80837	0.81108	0.81392	0.81689	0.81998	0.82320	0.82654	0.83001	0.83360	0.83733	0.84120	0.84520	0.84932	0.85358	0.85794
68	0.79182	0.79415	0.79659	0.79915	0.80182	0.80462	0.80754	0.81059	0.81377	0.81708	0.82051	0.82407	0.82778	0.83164	0.83563	0.83976	0.84402	0.84841
69	0.78251	0.78479	0.78718	0.78968	0.79230	0.79504	0.79792	0.80092	0.80405	0.80732	0.81071	0.81423	0.81791	0.82173	0.82570	0.82981	0.83407	0.83846
70	0.77303	0.77526	0.77759	0.78003	0.78260	0.78528	0.78810	0.79105	0.79412	0.79733	0.80067	0.80414	0.80777	0.81156	0.81549	0.81957	0.82381	0.82818

Judge	Spouse																	
	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75
50	0.96529	0.96735	0.96933	0.97125	0.97308	0.97484	0.97653	0.97814	0.97967	0.98112	0.98251	0.98382	0.98506	0.98623	0.98733	0.98837	0.98934	0.99026
51	0.96245	0.96466	0.96681	0.96887	0.97086	0.97277	0.97460	0.97635	0.97802	0.97960	0.98111	0.98254	0.98389	0.98517	0.98637	0.98750	0.98856	0.98956
52	0.95927	0.96165	0.96396	0.96619	0.96835	0.97042	0.97240	0.97431	0.97612	0.97785	0.97950	0.98106	0.98254	0.98393	0.98525	0.98648	0.98764	0.98873
53	0.95571	0.95827	0.96075	0.96316	0.96548	0.96773	0.96988	0.97195	0.97393	0.97582	0.97762	0.97933	0.98095	0.98247	0.98392	0.98527	0.98655	0.98774
54	0.95176	0.95449	0.95715	0.95974	0.96225	0.96468	0.96702	0.96927	0.97143	0.97349	0.97545	0.97732	0.97910	0.98077	0.98236	0.98385	0.98525	0.98656
55	0.94737	0.95028	0.95313	0.95591	0.95861	0.96123	0.96377	0.96621	0.96856	0.97081	0.97296	0.97501	0.97695	0.97878	0.98054	0.98221	0.98377	0.98517
56	0.94255	0.94564	0.94868	0.95166	0.95456	0.95738	0.96012	0.96277	0.96532	0.96778	0.97012	0.97237	0.97450	0.97653	0.97845	0.98026	0.98196	0.98356
57	0.93730	0.94058	0.94381	0.94698	0.95009	0.95313	0.95608	0.95894	0.96171	0.96438	0.96694	0.96939	0.97173	0.97395	0.97607	0.97806	0.97994	0.98171
58	0.93164	0.93509	0.93851	0.94188	0.94520	0.94845	0.95162	0.95471	0.95770	0.96059	0.96338	0.96606	0.96862	0.97106	0.97338	0.97558	0.97766	0.97961
59	0.92556	0.92918	0.93279	0.93636	0.93988	0.94335	0.94674	0.95006	0.95329	0.95642	0.95945	0.96236	0.96516	0.96783	0.97038	0.97280	0.97509	0.97725
60	0.91904	0.92283	0.92662	0.93038	0.93411	0.93779	0.94141	0.94497	0.94844	0.95181	0.95509	0.95825	0.96130	0.96422	0.96701	0.96967	0.97219	0.97458
61	0.91209	0.91605	0.92000	0.92395	0.92788	0.93177	0.93562	0.93941	0.94312	0.94675	0.95029	0.95371	0.95702	0.96021	0.96326	0.96618	0.96895	0.97158
62	0.90477	0.90887	0.91298	0.91711	0.92123	0.92533	0.92940	0.93342	0.93738	0.94127	0.94506	0.94876	0.95233	0.95581	0.95914	0.96232	0.96537	0.96826
63	0.89703	0.90125	0.90552	0.90981	0.91411	0.91841	0.92269	0.92695	0.93115	0.93529	0.93936	0.94333	0.94720	0.95095	0.95457	0.95805	0.96138	0.96455
64	0.88893	0.89328	0.89768	0.90212	0.90659	0.91107	0.91556	0.92004	0.92448	0.92887	0.93321	0.93746	0.94162	0.94566	0.94959	0.95337	0.95700	0.96048
65	0.88045	0.88489	0.88941	0.89399	0.89861	0.90327	0.90795	0.91263	0.91731	0.92195	0.92655	0.93108	0.93553	0.93988	0.94411	0.94821	0.95216	0.95596
66	0.87158	0.87611	0.88073	0.88542	0.89018	0.89499	0.89985	0.90473	0.90962	0.91450	0.91936	0.92417	0.92891	0.93356	0.93812	0.94254	0.94683	0.95096
67	0.86242	0.86702	0.87172	0.87651	0.88139	0.88634	0.89135	0.89641	0.90151	0.90661	0.91171	0.91679	0.92182	0.92677	0.93165	0.93640	0.94104	0.94551
68	0.85292	0.85756	0.86232	0.86719	0.87217	0.87723	0.88239	0.88761	0.89289	0.89820	0.90353	0.90887	0.91417	0.91943	0.92462	0.92971	0.93469	0.93952
69	0.84298	0.84765	0.85245	0.85738	0.86243	0.86759	0.87286	0.87822	0.88366	0.88916	0.89471	0.90028	0.90585	0.91139	0.91690	0.92232	0.92765	0.93285
70	0.83270	0.83738	0.84220	0.84716	0.85226	0.85749	0.86285	0.86833	0.87390	0.87957	0.88530	0.89109	0.89691	0.90272	0.90853	0.91427	0.91996	0.92553

PUBLIC EMPLOYEES RETIREMENT SYSTEM OF IDAHO
Rules for the Judges' Retirement Fund

Docket No. 59-0201-2301
ZBR Proposed Rulemaking

APPENDIX A

Judges' Retirement Fund of the State of Idaho
50% Contingent Annuitant Factors for Spouses
Judges hired on or after July 1, 2012

Spouse																		
Judge	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57
50	0.96636	0.96745	0.96855	0.96966	0.97078	0.97190	0.97304	0.97417	0.97529	0.97641	0.97752	0.97861	0.97968	0.98074	0.98177	0.98278	0.98375	0.98470
51	0.96407	0.96519	0.96633	0.96748	0.96865	0.96982	0.97101	0.97219	0.97338	0.97455	0.97572	0.97688	0.97802	0.97915	0.98025	0.98133	0.98238	0.98340
52	0.96161	0.96277	0.96394	0.96514	0.96635	0.96757	0.96880	0.97004	0.97128	0.97252	0.97376	0.97498	0.97619	0.97739	0.97857	0.97973	0.98085	0.98195
53	0.95896	0.96015	0.96136	0.96260	0.96385	0.96512	0.96640	0.96770	0.96899	0.97030	0.97159	0.97288	0.97417	0.97544	0.97669	0.97793	0.97914	0.98032
54	0.95612	0.95734	0.95859	0.95986	0.96115	0.96247	0.96380	0.96515	0.96650	0.96786	0.96922	0.97058	0.97194	0.97329	0.97462	0.97593	0.97723	0.97849
55	0.95306	0.95432	0.95560	0.95691	0.95824	0.95960	0.96098	0.96238	0.96379	0.96521	0.96664	0.96806	0.96949	0.97091	0.97233	0.97372	0.97510	0.97645
56	0.94981	0.95109	0.95240	0.95375	0.95512	0.95652	0.95795	0.95940	0.96087	0.96234	0.96383	0.96532	0.96682	0.96832	0.96981	0.97129	0.97276	0.97420
57	0.94635	0.94766	0.94901	0.95038	0.95180	0.95324	0.95471	0.95621	0.95772	0.95926	0.96081	0.96237	0.96394	0.96551	0.96708	0.96865	0.97020	0.97173
58	0.94269	0.94403	0.94540	0.94681	0.94826	0.94974	0.95125	0.95280	0.95437	0.95596	0.95757	0.95919	0.96083	0.96247	0.96412	0.96577	0.96741	0.96904
59	0.93884	0.94020	0.94160	0.94304	0.94452	0.94603	0.94759	0.94918	0.95080	0.95244	0.95411	0.95579	0.95749	0.95921	0.96094	0.96267	0.96440	0.96612
60	0.93477	0.93615	0.93758	0.93905	0.94056	0.94211	0.94370	0.94533	0.94700	0.94869	0.95041	0.95216	0.95393	0.95572	0.95752	0.95933	0.96115	0.96296
61	0.93049	0.93190	0.93335	0.93484	0.93638	0.93796	0.93959	0.94126	0.94297	0.94471	0.94649	0.94829	0.95012	0.95198	0.95386	0.95575	0.95765	0.95955
62	0.92603	0.92745	0.92892	0.93043	0.93200	0.93361	0.93527	0.93698	0.93873	0.94052	0.94234	0.94420	0.94609	0.94801	0.94996	0.95193	0.95391	0.95590
63	0.92134	0.92278	0.92427	0.92581	0.92739	0.92903	0.93073	0.93247	0.93425	0.93608	0.93795	0.93986	0.94181	0.94380	0.94581	0.94786	0.94992	0.95200
64	0.91647	0.91792	0.91942	0.92098	0.92259	0.92426	0.92597	0.92775	0.92957	0.93144	0.93335	0.93530	0.93731	0.93935	0.94143	0.94355	0.94569	0.94785
65	0.91138	0.91284	0.91436	0.91593	0.91756	0.91924	0.92099	0.92279	0.92464	0.92655	0.92850	0.93050	0.93255	0.93465	0.93679	0.93897	0.94118	0.94342
66	0.90606	0.90753	0.90906	0.91065	0.91229	0.91400	0.91576	0.91759	0.91947	0.92141	0.92340	0.92543	0.92753	0.92968	0.93188	0.93412	0.93640	0.93872
67	0.90056	0.90204	0.90358	0.90517	0.90683	0.90855	0.91034	0.91218	0.91409	0.91606	0.91808	0.92015	0.92229	0.92449	0.92674	0.92904	0.93138	0.93377
68	0.89484	0.89632	0.89786	0.89947	0.90114	0.90287	0.90467	0.90653	0.90846	0.91045	0.91250	0.91461	0.91678	0.91902	0.92132	0.92367	0.92608	0.92853
69	0.88882	0.89031	0.89185	0.89346	0.89514	0.89688	0.89869	0.90057	0.90252	0.90453	0.90660	0.90874	0.91095	0.91322	0.91556	0.91796	0.92042	0.92293
70	0.88256	0.88404	0.88559	0.88720	0.88888	0.89063	0.89245	0.89434	0.89630	0.89833	0.90042	0.90258	0.90481	0.90712	0.90950	0.91194	0.91445	0.91701
Spouse																		
Judge	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75
50	0.98562	0.98650	0.98735	0.98816	0.98894	0.98968	0.99039	0.99106	0.99170	0.99230	0.99288	0.99342	0.99393	0.99441	0.99487	0.99529	0.99569	0.99606
51	0.98439	0.98535	0.98627	0.98715	0.98799	0.98880	0.98958	0.99031	0.99101	0.99167	0.99230	0.99289	0.99345	0.99398	0.99447	0.99494	0.99537	0.99578
52	0.98302	0.98405	0.98505	0.98600	0.98692	0.98781	0.98865	0.98945	0.99022	0.99094	0.99163	0.99228	0.99289	0.99347	0.99401	0.99452	0.99500	0.99544
53	0.98146	0.98258	0.98366	0.98470	0.98570	0.98666	0.98758	0.98846	0.98929	0.99009	0.99084	0.99156	0.99223	0.99286	0.99346	0.99402	0.99455	0.99503
54	0.97972	0.98093	0.98209	0.98322	0.98431	0.98535	0.98636	0.98732	0.98823	0.98911	0.98993	0.99072	0.99146	0.99216	0.99282	0.99343	0.99401	0.99455
55	0.97778	0.97907	0.98033	0.98155	0.98273	0.98387	0.98496	0.98601	0.98702	0.98797	0.98888	0.98975	0.99056	0.99133	0.99206	0.99274	0.99338	0.99398
56	0.97562	0.97701	0.97836	0.97968	0.98096	0.98220	0.98339	0.98453	0.98563	0.98668	0.98768	0.98863	0.98953	0.99039	0.99119	0.99194	0.99265	0.99331
57	0.97324	0.97473	0.97619	0.97761	0.97899	0.98033	0.98162	0.98287	0.98407	0.98522	0.98632	0.98737	0.98836	0.98930	0.99019	0.99103	0.99181	0.99255
58	0.97065	0.97223	0.97379	0.97532	0.97681	0.97826	0.97966	0.98102	0.98233	0.98359	0.98480	0.98595	0.98704	0.98808	0.98906	0.98999	0.99086	0.99167
59	0.96783	0.96951	0.97118	0.97281	0.97441	0.97598	0.97750	0.97897	0.98040	0.98177	0.98309	0.98436	0.98556	0.98670	0.98779	0.98881	0.98978	0.99069
60	0.96476	0.96655	0.96832	0.97007	0.97179	0.97347	0.97511	0.97670	0.97825	0.97975	0.98119	0.98257	0.98390	0.98516	0.98636	0.98749	0.98856	0.98957
61	0.96145	0.96334	0.96522	0.96708	0.96891	0.97071	0.97248	0.97420	0.97588	0.97750	0.97907	0.98059	0.98204	0.98342	0.98474	0.98600	0.98718	0.98830
62	0.95790	0.95989	0.96188	0.96385	0.96580	0.96772	0.96961	0.97147	0.97328	0.97504	0.97675	0.97840	0.97998	0.98150	0.98296	0.98434	0.98565	0.98689
63	0.95408	0.95617	0.95826	0.96035	0.96242	0.96447	0.96649	0.96848	0.97042	0.97233	0.97418	0.97597	0.97770	0.97937	0.98096	0.98248	0.98393	0.98530
64	0.95002	0.95221	0.95441	0.95660	0.95879	0.96096	0.96311	0.96523	0.96732	0.96937	0.97137	0.97332	0.97520	0.97702	0.97876	0.98043	0.98203	0.98354
65	0.94569	0.94797	0.95026	0.95257	0.95487	0.95716	0.95945	0.96171	0.96394	0.96614	0.96829	0.97039	0.97243	0.97441	0.97632	0.97815	0.97990	0.98157
66	0.94106	0.94344	0.94583	0.94824	0.95065	0.95307	0.95548	0.95788	0.96026	0.96260	0.96491	0.96718	0.96939	0.97153	0.97361	0.97561	0.97754	0.97937
67	0.93619	0.93865	0.94113	0.94364	0.94617	0.94870	0.95124	0.95378	0.95630	0.95880	0.96127	0.96370	0.96608	0.96840	0.97065	0.97283	0.97494	0.97695
68	0.93102	0.93356	0.93614	0.93874	0.94137	0.94402	0.94668	0.94935	0.95202	0.95467	0.95729	0.95989	0.96245	0.96495	0.96739	0.96976	0.97205	0.97425
69	0.92550	0.92811	0.93077	0.93346	0.93619	0.93895	0.94174	0.94453	0.94734	0.95014	0.95293	0.95569	0.95842	0.96111	0.96375	0.96631	0.96880	0.97121
70	0.91964	0.92232	0.92505	0.92783	0.93066	0.93352	0.93642	0.93934	0.94228	0.94523	0.94818	0.95111	0.95402	0.95690	0.95973	0.96249	0.96520	0.96781

APPENDIX A

Judges' Retirement Fund of the State of Idaho
 100% Contingent Annuitant Factors for Spouses
 Judges hired on or after July 1, 2012

Judge	Spouse																		
	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	
50	0.89139	0.89464	0.89794	0.90129	0.90469	0.90812	0.91158	0.91507	0.91855	0.92203	0.92549	0.92892	0.93232	0.93568	0.93898	0.94221	0.94536	0.94843	
51	0.88461	0.88792	0.89131	0.89475	0.89825	0.90179	0.90538	0.90900	0.91263	0.91627	0.91989	0.92350	0.92709	0.93064	0.93414	0.93758	0.94095	0.94423	
52	0.87740	0.88078	0.88424	0.88776	0.89135	0.89501	0.89871	0.90245	0.90623	0.91001	0.91380	0.91758	0.92135	0.92510	0.92881	0.93246	0.93605	0.93956	
53	0.86973	0.87316	0.87668	0.88028	0.88396	0.88771	0.89152	0.89538	0.89929	0.90322	0.90717	0.91112	0.91507	0.91901	0.92292	0.92679	0.93060	0.93434	
54	0.86159	0.86507	0.86865	0.87232	0.87607	0.87991	0.88382	0.88779	0.89182	0.89589	0.89998	0.90409	0.90822	0.91235	0.91647	0.92055	0.92458	0.92856	
55	0.85297	0.85650	0.86012	0.86385	0.86767	0.87158	0.87557	0.87965	0.88379	0.88798	0.89222	0.89648	0.90078	0.90510	0.90941	0.91370	0.91796	0.92216	
56	0.84391	0.84747	0.85113	0.85490	0.85878	0.86275	0.86683	0.87099	0.87524	0.87955	0.88391	0.88832	0.89277	0.89726	0.90176	0.90626	0.91074	0.91518	
57	0.83443	0.83801	0.84170	0.84551	0.84943	0.85346	0.85760	0.86185	0.86618	0.87059	0.87507	0.87961	0.88421	0.88886	0.89354	0.89824	0.90293	0.90759	
58	0.82456	0.82815	0.83186	0.83569	0.83965	0.84372	0.84792	0.85223	0.85664	0.86114	0.86572	0.87038	0.87512	0.87992	0.88477	0.88965	0.89454	0.89942	
59	0.81432	0.81791	0.82164	0.82549	0.82947	0.83357	0.83781	0.84217	0.84665	0.85123	0.85590	0.86066	0.86552	0.87046	0.87546	0.88051	0.88559	0.89068	
60	0.80371	0.80730	0.81102	0.81488	0.81887	0.82300	0.82727	0.83167	0.83619	0.84084	0.84559	0.85044	0.85540	0.86046	0.86560	0.87080	0.87606	0.88135	
61	0.79275	0.79632	0.80003	0.80389	0.80788	0.81202	0.81631	0.82074	0.82530	0.82999	0.83480	0.83972	0.84474	0.84984	0.85502	0.86026	0.86556	0.87143	
62	0.78150	0.78506	0.78875	0.79259	0.79658	0.80072	0.80501	0.80946	0.81404	0.81876	0.82362	0.82860	0.83372	0.83897	0.84434	0.84981	0.85536	0.86099	
63	0.76994	0.77346	0.77713	0.78095	0.78492	0.78905	0.79333	0.79778	0.80237	0.80712	0.81200	0.81702	0.82220	0.82752	0.83297	0.83854	0.84422	0.84999	
64	0.75815	0.76163	0.76527	0.76905	0.77300	0.77710	0.78137	0.78581	0.79040	0.79515	0.80005	0.80509	0.81030	0.81568	0.82119	0.82685	0.83263	0.83851	
65	0.74608	0.74952	0.75311	0.75685	0.76076	0.76483	0.76907	0.77349	0.77806	0.78280	0.78770	0.79275	0.79799	0.80339	0.80896	0.81467	0.82053	0.82652	
66	0.73374	0.73713	0.74067	0.74437	0.74823	0.75226	0.75646	0.76084	0.76538	0.77010	0.77498	0.78003	0.78526	0.79068	0.79627	0.80203	0.80795	0.81401	
67	0.72126	0.72459	0.72807	0.73171	0.73552	0.73949	0.74365	0.74798	0.75248	0.75716	0.76201	0.76704	0.77226	0.77767	0.78327	0.78905	0.80591	0.81112	
68	0.70855	0.71181	0.71523	0.71881	0.72255	0.72646	0.73056	0.73483	0.73928	0.74391	0.74872	0.75370	0.75890	0.76429	0.76988	0.77566	0.78163	0.78777	
69	0.69551	0.69870	0.70205	0.70555	0.70922	0.71306	0.71708	0.72129	0.72568	0.73024	0.73499	0.73992	0.74507	0.75042	0.75598	0.76174	0.76769	0.77384	
70	0.68225	0.68536	0.68862	0.69205	0.69564	0.69940	0.70334	0.70747	0.71177	0.71627	0.72094	0.72580	0.73088	0.73618	0.74169	0.74740	0.75333	0.75945	

Judge	Spouse																		
	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	
50	0.95140	0.95429	0.95707	0.95974	0.96232	0.96478	0.96714	0.96939	0.97153	0.97357	0.97551	0.97735	0.97908	0.98072	0.98227	0.98372	0.98508	0.98636	
51	0.94743	0.95053	0.95353	0.95642	0.95921	0.96188	0.96444	0.96689	0.96922	0.97144	0.97356	0.97556	0.97745	0.97924	0.98092	0.98250	0.98399	0.98538	
52	0.94298	0.94631	0.94955	0.95267	0.95568	0.95858	0.96137	0.96403	0.96657	0.96899	0.97130	0.97348	0.97555	0.97750	0.97935	0.98108	0.98270	0.98422	
53	0.93800	0.94157	0.94505	0.94842	0.95168	0.95482	0.95784	0.96073	0.96351	0.96615	0.96867	0.97106	0.97332	0.97546	0.97748	0.97938	0.98116	0.98283	
54	0.93246	0.93628	0.94001	0.94363	0.94715	0.95055	0.95383	0.95698	0.96000	0.96288	0.96563	0.96825	0.97074	0.97308	0.97530	0.97739	0.97935	0.98119	
55	0.92631	0.93039	0.93438	0.93827	0.94205	0.94573	0.94927	0.95269	0.95598	0.95913	0.96214	0.96501	0.96773	0.97031	0.97276	0.97505	0.97722	0.97924	
56	0.91957	0.92390	0.92815	0.93232	0.93638	0.94034	0.94417	0.94788	0.95145	0.95489	0.95817	0.96131	0.96430	0.96714	0.96983	0.97236	0.97475	0.97698	
57	0.91223	0.91681	0.92133	0.92578	0.93013	0.93438	0.93851	0.94252	0.94640	0.95013	0.95371	0.95715	0.96042	0.96354	0.96649	0.96929	0.97192	0.97440	
58	0.90429	0.90913	0.91391	0.91864	0.92328	0.92783	0.93227	0.93659	0.94078	0.94483	0.94874	0.95248	0.95607	0.95948	0.96273	0.96581	0.96872	0.97146	
59	0.89578	0.90086	0.90590	0.91090	0.91584	0.92069	0.92544	0.93009	0.93461	0.93899	0.94323	0.94731	0.95122	0.95496	0.95853	0.96191	0.96512	0.96815	
60	0.88665	0.89197	0.89727	0.90254	0.90775	0.91291	0.91798	0.92295	0.92781	0.93254	0.93712	0.94155	0.94582	0.94991	0.95382	0.95754	0.96107	0.96441	
61	0.87693	0.88246	0.88800	0.89353	0.89903	0.90448	0.90987	0.91517	0.92037	0.92545	0.93040	0.93520	0.93983	0.94429	0.94857	0.95265	0.95653	0.96021	
62	0.86668	0.87241	0.87818	0.88395	0.88972	0.89546	0.90116	0.90679	0.91233	0.91777	0.92309	0.92827	0.93329	0.93813	0.94279	0.94725	0.95152	0.95556	
63	0.85584	0.86176	0.86773	0.87373	0.87976	0.88578	0.89177	0.89772	0.90361	0.90941	0.91510	0.92067	0.92608	0.93133	0.93640	0.94126	0.94593	0.95037	
64	0.84450	0.85059	0.85675	0.86297	0.86922	0.87550	0.88179	0.88805	0.89427	0.90042	0.90649	0.91245	0.91827	0.92393	0.92942	0.93471	0.93980	0.94467	
65	0.83263	0.83885	0.84517	0.85158	0.85805	0.86458	0.87113	0.87769	0.88427	0.89073	0.89716	0.90351	0.90974	0.91583	0.92176	0.92749	0.93303	0.93834	
66	0.82021	0.82655	0.83302	0.83959	0.84625	0.85299	0.85979	0.86662	0.87347	0.88031	0.88710	0.89384	0.90047	0.90699	0.91336	0.91955	0.92556	0.93134	
67	0.80739	0.81383	0.82040	0.82711	0.83394	0.84087	0.84789	0.85498	0.86211	0.86926	0.87640	0.88351	0.89055	0.89748	0.90431	0.91096	0.91745	0.92372	
68	0.79409	0.80059	0.80725	0.81407	0.82103	0.82813	0.83534	0.84265	0.85004	0.85748	0.86495	0.87241	0.87984	0.88720	0.89447	0.90159	0.90856	0.91533	
69	0.78018	0.78671	0.79343	0.80033	0.80740	0.81463	0.82200	0.82951	0.83712	0.84482	0.85259	0.86039	0.86819	0.87595	0.88365	0.89124	0.89871	0.90599	
70	0.76579	0.77233	0.77908	0.78603	0.79317	0.80049	0.80799	0.81566	0.82346	0.83139	0.83942	0.84753	0.85567	0.86381	0.87194	0.87998	0.88794	0.89574	

**PUBLIC EMPLOYEES RETIREMENT SYSTEM OF IDAHO
Rules for the Judges' Retirement Fund**

**Docket No. 59-0201-2301
ZBR Proposed Rulemaking**

APPENDIX A

Judges' Retirement Fund of the State of Idaho
50% Contingent Annuitant Factors for Non-Spouses
For all Judges, irrespective of hire date

Judge	Non-Spouse																	
	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57
50	0.91590	0.91862	0.92136	0.92414	0.92694	0.92976	0.93259	0.93541	0.93823	0.94102	0.94379	0.94651	0.94920	0.95184	0.95442	0.95694	0.95939	0.96175
51	0.91017	0.91298	0.91583	0.91871	0.92162	0.92456	0.92752	0.93048	0.93344	0.93638	0.93931	0.94220	0.94506	0.94787	0.95063	0.95333	0.95596	0.95851
52	0.90402	0.90692	0.90986	0.91284	0.91587	0.91892	0.92201	0.92511	0.92821	0.93131	0.93439	0.93745	0.94048	0.94348	0.94642	0.94931	0.95213	0.95488
53	0.89740	0.90038	0.90341	0.90649	0.90962	0.91280	0.91601	0.91924	0.92249	0.92574	0.92898	0.93221	0.93542	0.93860	0.94174	0.94482	0.94784	0.95079
54	0.89029	0.89335	0.89647	0.89965	0.90288	0.90617	0.90950	0.91287	0.91626	0.91966	0.92306	0.92646	0.92985	0.93321	0.93655	0.93983	0.94306	0.94623
55	0.88266	0.88579	0.88900	0.89227	0.89561	0.89900	0.90246	0.90595	0.90948	0.91303	0.91659	0.92016	0.92373	0.92728	0.93081	0.93431	0.93775	0.94113
56	0.87452	0.87773	0.88101	0.88437	0.88781	0.89131	0.89488	0.89850	0.90216	0.90586	0.90958	0.91331	0.91706	0.92080	0.92453	0.92824	0.93190	0.93550
57	0.86588	0.86915	0.87251	0.87596	0.87949	0.88309	0.88677	0.89051	0.89431	0.89815	0.90202	0.90592	0.90984	0.91377	0.91770	0.92161	0.92550	0.92933
58	0.85673	0.86007	0.86350	0.86703	0.87065	0.87435	0.87813	0.88199	0.88592	0.88989	0.89391	0.89797	0.90206	0.90618	0.91031	0.91443	0.91853	0.92260
59	0.84709	0.85049	0.85399	0.85760	0.86129	0.86509	0.86897	0.87294	0.87699	0.88110	0.88526	0.88947	0.89374	0.89804	0.90236	0.90669	0.91101	0.91530
60	0.83693	0.84038	0.84395	0.84762	0.85140	0.85527	0.85926	0.86333	0.86749	0.87173	0.87603	0.88039	0.88482	0.88929	0.89380	0.89834	0.90287	0.90740
61	0.82624	0.82974	0.83337	0.83710	0.84095	0.84491	0.84898	0.85315	0.85742	0.86178	0.86621	0.87071	0.87530	0.87994	0.88464	0.88937	0.89412	0.89887
62	0.81507	0.81862	0.82229	0.82609	0.83000	0.83403	0.83819	0.84245	0.84683	0.85130	0.85585	0.86049	0.86522	0.87003	0.87490	0.87983	0.88478	0.88976
63	0.80336	0.80695	0.81067	0.81451	0.81849	0.82259	0.82682	0.83117	0.83564	0.84021	0.84489	0.84965	0.85452	0.85949	0.86453	0.86964	0.87480	0.87999
64	0.79117	0.79480	0.79856	0.80245	0.80648	0.81064	0.81494	0.81937	0.82392	0.82860	0.83338	0.83826	0.84327	0.84838	0.85358	0.85886	0.86421	0.86961
65	0.77844	0.78210	0.78589	0.78982	0.79390	0.79811	0.80247	0.80697	0.81161	0.81637	0.82125	0.82624	0.83137	0.83662	0.84198	0.84743	0.85296	0.85856
66	0.76515	0.76883	0.77265	0.77662	0.78073	0.78499	0.78941	0.79397	0.79868	0.80352	0.80849	0.81358	0.81883	0.82420	0.82970	0.83530	0.84101	0.84680
67	0.75140	0.75510	0.75894	0.76294	0.76708	0.77138	0.77584	0.78046	0.78523	0.79014	0.79519	0.80038	0.80572	0.81122	0.81684	0.82259	0.82846	0.83442
68	0.73709	0.74080	0.74465	0.74867	0.75284	0.75717	0.76167	0.76634	0.77116	0.77613	0.78125	0.78652	0.79196	0.79755	0.80330	0.80918	0.81519	0.82132
69	0.72206	0.72577	0.72964	0.73366	0.73785	0.74221	0.74674	0.75144	0.75630	0.76133	0.76651	0.77184	0.77736	0.78305	0.78890	0.79491	0.80105	0.80733
70	0.70640	0.71011	0.71397	0.71800	0.72220	0.72657	0.73112	0.73585	0.74075	0.74582	0.75105	0.75644	0.76203	0.76780	0.77374	0.77985	0.78612	0.79253

Judge	Non-Spouse																	
	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75
50	0.96404	0.96624	0.96836	0.97039	0.97234	0.97419	0.97596	0.97765	0.97925	0.98076	0.98220	0.98355	0.98483	0.98604	0.98717	0.98823	0.98923	0.99016
51	0.96098	0.96337	0.96567	0.96787	0.96999	0.97201	0.97394	0.97578	0.97752	0.97918	0.98075	0.98223	0.98363	0.98494	0.98618	0.98734	0.98843	0.98945
52	0.95754	0.96012	0.96261	0.96501	0.96731	0.96951	0.97162	0.97363	0.97554	0.97735	0.97907	0.98069	0.98223	0.98367	0.98503	0.98630	0.98749	0.98860
53	0.95366	0.95645	0.95914	0.96175	0.96425	0.96665	0.96895	0.97114	0.97323	0.97522	0.97711	0.97889	0.98058	0.98216	0.98365	0.98505	0.98636	0.98758
54	0.94931	0.95232	0.95523	0.95805	0.96077	0.96338	0.96589	0.96829	0.97058	0.97276	0.97484	0.97680	0.97865	0.98040	0.98204	0.98359	0.98503	0.98638
55	0.94444	0.94767	0.95082	0.95387	0.95682	0.95967	0.96241	0.96503	0.96754	0.96993	0.97221	0.97437	0.97641	0.97834	0.98015	0.98186	0.98346	0.98495
56	0.93905	0.94252	0.94590	0.94920	0.95240	0.95549	0.95847	0.96133	0.96408	0.96670	0.96920	0.97158	0.97383	0.97596	0.97797	0.97986	0.98163	0.98329
57	0.93311	0.93683	0.94046	0.94402	0.94747	0.95082	0.95406	0.95719	0.96019	0.96306	0.96581	0.96842	0.97091	0.97326	0.97548	0.97757	0.97953	0.98137
58	0.92662	0.93058	0.93448	0.93830	0.94202	0.94565	0.94916	0.95256	0.95583	0.95898	0.96199	0.96487	0.96760	0.97020	0.97265	0.97497	0.97715	0.97919
59	0.91957	0.92379	0.92795	0.93203	0.93604	0.93994	0.94375	0.94744	0.95100	0.95444	0.95773	0.96089	0.96390	0.96676	0.96948	0.97204	0.97445	0.97672
60	0.91191	0.91638	0.92081	0.92517	0.92946	0.93366	0.93777	0.94176	0.94563	0.94937	0.95298	0.95643	0.95974	0.96289	0.96589	0.96872	0.97140	0.97391
61	0.90362	0.90835	0.91305	0.91769	0.92227	0.92678	0.93119	0.93550	0.93969	0.94376	0.94769	0.95147	0.95509	0.95856	0.96186	0.96499	0.96796	0.97075
62	0.89475	0.89973	0.90469	0.90962	0.91449	0.91930	0.92404	0.92867	0.93320	0.93760	0.94187	0.94600	0.94996	0.95376	0.95740	0.96085	0.96413	0.96722
63	0.88520	0.89044	0.89566	0.90087	0.90604	0.91116	0.91622	0.92119	0.92606	0.93082	0.93544	0.93993	0.94426	0.94842	0.95241	0.95621	0.95983	0.96325
64	0.87505	0.88053	0.88601	0.89150	0.89696	0.90239	0.90777	0.91309	0.91831	0.92343	0.92843	0.93329	0.93800	0.94254	0.94691	0.95110	0.95507	0.95885
65	0.86421	0.86992	0.87566	0.88141	0.88717	0.89291	0.89861	0.90427	0.90985	0.91534	0.92072	0.92598	0.93109	0.93603	0.94080	0.94538	0.94976	0.95393
66	0.85266	0.85859	0.86457	0.87059	0.87663	0.88267	0.88870	0.89470	0.90064	0.90651	0.91229	0.91795	0.92347	0.92883	0.93403	0.93903	0.94384	0.94843
67	0.84048	0.84662	0.85284	0.85911	0.86542	0.87176	0.87811	0.88444	0.89075	0.89699	0.90317	0.90924	0.91519	0.92099	0.92664	0.93208	0.93734	0.94237
68	0.82756	0.83390	0.84034	0.84685	0.85343	0.86005	0.86671	0.87338	0.88004	0.88666	0.89324	0.89973	0.90611	0.91236	0.91847	0.92439	0.93012	0.93563
69	0.81374	0.82027	0.82691	0.83365	0.84048	0.84738	0.85434	0.86133	0.86834	0.87534	0.88231	0.88923	0.89606	0.90277	0.90936	0.91577	0.92201	0.92802
70	0.79909	0.80580	0.81263	0.81959	0.82665	0.83381	0.84105	0.84836	0.85571	0.86308	0.87044	0.87778	0.88506	0.89224	0.89932	0.90624	0.91299	0.91954

**PUBLIC EMPLOYEES RETIREMENT SYSTEM OF IDAHO
Rules for the Judges' Retirement Fund**

**Docket No. 59-0201-2301
ZBR Proposed Rulemaking**

APPENDIX A

Judges' Retirement Fund of the State of Idaho
100% Contingent Annuity Factors for Non-Spouses
For all Judges, irrespective of hire date

Judge	Non-Spouse																	
	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57
50	0.84485	0.84948	0.85420	0.85898	0.86384	0.86874	0.87369	0.87867	0.88365	0.88862	0.89356	0.89846	0.90332	0.90811	0.91282	0.91744	0.92194	0.92633
51	NA	0.83989	0.84472	0.84964	0.85464	0.85970	0.86483	0.86999	0.87518	0.88038	0.88556	0.89071	0.89584	0.90091	0.90591	0.91083	0.91564	0.92033
52	NA	NA	0.83462	0.83966	0.84479	0.85001	0.85530	0.86065	0.86604	0.87145	0.87686	0.88226	0.88765	0.89300	0.89830	0.90352	0.90864	0.91365
53	NA	NA	NA	0.82898	0.83423	0.83958	0.84503	0.85055	0.85613	0.86174	0.86738	0.87302	0.87867	0.88430	0.88989	0.89541	0.90086	0.90620
54	NA	NA	NA	NA	0.82296	0.82844	0.83402	0.83970	0.84545	0.85127	0.85712	0.86299	0.86889	0.87479	0.88067	0.88650	0.89226	0.89794
55	NA	NA	NA	NA	NA	0.81654	0.82225	0.82807	0.83399	0.83998	0.84603	0.85212	0.85826	0.86442	0.87058	0.87671	0.88280	0.88881
56	NA	NA	NA	NA	NA	NA	0.80976	0.81570	0.82177	0.82792	0.83416	0.84045	0.84682	0.85323	0.85966	0.86608	0.87248	0.87882
57	NA	NA	NA	NA	NA	NA	NA	0.80264	0.80883	0.81513	0.82153	0.82801	0.83459	0.84124	0.84792	0.85463	0.86132	0.86799
58	NA	NA	NA	NA	NA	NA	NA	NA	0.79520	0.80163	0.80818	0.81483	0.82160	0.82846	0.83538	0.84235	0.84934	0.85632
59	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.78747	0.79415	0.80095	0.80789	0.81494	0.82209	0.82930	0.83656	0.84383
60	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.77941	0.78634	0.79343	0.80065	0.80800	0.81543	0.82294	0.83050
61	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.77103	0.77825	0.78562	0.79314	0.80078	0.80851	0.81632
62	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.76246	0.76996	0.77763	0.78544	0.79338	0.80141
63	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.75360	0.76139	0.76934	0.77746	0.78570
64	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.74456	0.75264	0.76089	0.76931
65	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.73525	0.74361	0.75217
66	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.72564	0.73430
67	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.71588
68	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
69	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
70	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA

Judge	Non-Spouse																	
	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75
50	0.93058	0.93469	0.93867	0.94249	0.94617	0.94969	0.95306	0.95627	0.95933	0.96225	0.96501	0.96764	0.97012	0.97246	0.97466	0.97674	0.97869	0.98051
51	0.92489	0.92932	0.93361	0.93774	0.94172	0.94554	0.94920	0.95270	0.95603	0.95921	0.96222	0.96508	0.96778	0.97034	0.97274	0.97500	0.97713	0.97911
52	0.91855	0.92331	0.92792	0.93239	0.93669	0.94083	0.94481	0.94861	0.95224	0.95571	0.95900	0.96212	0.96507	0.96786	0.97050	0.97297	0.97529	0.97746
53	0.91143	0.91653	0.92150	0.92631	0.93096	0.93545	0.93977	0.94391	0.94786	0.95164	0.95524	0.95866	0.96189	0.96495	0.96783	0.97054	0.97309	0.97547
54	0.90351	0.90897	0.91430	0.91948	0.92450	0.92936	0.93404	0.93854	0.94285	0.94697	0.95091	0.95465	0.95819	0.96155	0.96472	0.96770	0.97050	0.97313
55	0.89473	0.90055	0.90625	0.91181	0.91722	0.92246	0.92753	0.93242	0.93712	0.94162	0.94592	0.95001	0.95390	0.95759	0.96108	0.96436	0.96745	0.97035
56	0.88510	0.89128	0.89736	0.90331	0.90912	0.91477	0.92025	0.92555	0.93065	0.93555	0.94025	0.94473	0.94900	0.95305	0.95689	0.96051	0.96392	0.96712
57	0.87461	0.88116	0.88762	0.89397	0.90018	0.90625	0.91216	0.91789	0.92342	0.92875	0.93388	0.93878	0.94346	0.94791	0.95213	0.95612	0.95989	0.96342
58	0.86327	0.87018	0.87702	0.88377	0.89040	0.89689	0.90324	0.90941	0.91540	0.92119	0.92676	0.93212	0.93724	0.94212	0.94676	0.95116	0.95531	0.95922
59	0.85111	0.85837	0.86558	0.87272	0.87976	0.88669	0.89349	0.90012	0.90658	0.91284	0.91889	0.92472	0.93031	0.93566	0.94076	0.94559	0.95018	0.95449
60	0.83808	0.84567	0.85324	0.86076	0.86822	0.87558	0.88283	0.88993	0.89687	0.90362	0.91018	0.91651	0.92260	0.92844	0.93403	0.93934	0.94439	0.94915
61	0.82419	0.83209	0.84001	0.84790	0.85576	0.86355	0.87124	0.87882	0.88625	0.89351	0.90057	0.90743	0.91405	0.92041	0.92653	0.93235	0.93790	0.94316
62	0.80954	0.81773	0.82597	0.83422	0.84246	0.85066	0.85880	0.86684	0.87476	0.88253	0.89013	0.89752	0.90469	0.91161	0.91828	0.92465	0.93074	0.93652
63	0.79405	0.80251	0.81104	0.81962	0.82822	0.83682	0.84539	0.85389	0.86230	0.87059	0.87872	0.88667	0.89440	0.90189	0.90914	0.91609	0.92276	0.92910
64	0.77786	0.78655	0.79535	0.80424	0.81318	0.82215	0.83112	0.84007	0.84896	0.85775	0.86642	0.87492	0.88324	0.89132	0.89917	0.90673	0.91401	0.92096
65	0.76089	0.76978	0.77882	0.78797	0.79722	0.80654	0.81589	0.82526	0.83461	0.84390	0.85309	0.86216	0.87106	0.87975	0.88822	0.89641	0.90433	0.91192
66	0.74316	0.75222	0.76145	0.77084	0.78036	0.78999	0.79970	0.80946	0.81924	0.82901	0.83872	0.84834	0.85782	0.86712	0.87623	0.88507	0.89366	0.90191
67	0.72485	0.73404	0.74343	0.75302	0.76277	0.77267	0.78270	0.79283	0.80301	0.81323	0.82343	0.83358	0.84364	0.85355	0.86330	0.87281	0.88207	0.89103
68	0.70584	0.71512	0.72464	0.73438	0.74433	0.75447	0.76477	0.77522	0.78577	0.79640	0.80707	0.81773	0.82834	0.83885	0.84924	0.85941	0.86938	0.87905
69	NA	0.69530	0.70490	0.71476	0.72486	0.73518	0.74572	0.75644	0.76732	0.77832	0.78941	0.80055	0.81169	0.82278	0.83379	0.84463	0.85530	0.86570
70	NA	NA	0.68440	0.69432	0.70452	0.71499	0.72571	0.73665	0.74781	0.75913	0.77061	0.78218	0.79382	0.80545	0.81706	0.82855	0.83991	0.85106

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LEGAL NOTICE

Summary of Proposed Rulemakings

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

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

*The proposed rule public hearing request deadline is November 15, 2023, unless otherwise posted.
The proposed rule written comment submission deadline is November 22, 2023, unless otherwise posted.
(Temp & Prop) indicates the rulemaking is both Temporary and Proposed.
(*PH) indicates that a public hearing has been scheduled.*

IDAPA 32 – ENDOWMENT FUND INVESTMENT BOARD

816 W Bannock St, Ste 301, Boise, ID 83712

32-0101-2301, Rules Governing the Credit Enhancement Program for School Districts. Zero-Based Rulemaking (ZBR) Chapter Rewrite implements the Credit Enhancement Program for school districts that are issuing bonds to finance the construction or remodeling of public schools.

IDAPA 35 – IDAHO STATE TAX COMMISSION

11321 W Chinden Blvd, Bldg 2, Boise, ID 83714

35-0101-2302, Income Tax Administrative Rules. Change reduces IRS requirement for employers electronically filing employees' W-2s.

35-0102-2301, Idaho Sales and Use Tax Administrative Rules. Processing materials examples are removed due to conflict with governing law.

IDAPA 36 – IDAHO STATE BOARD OF TAX APPEALS

1673 W Shoreline Dr, Ste 120, Boise, ID 83702

36-0101-2301, Idaho Board of Tax Appeals Rules. ZBR Chapter Rewrite establishes the specific fairness for participants in appeals and procedures for cases heard and decided by the Idaho Board of Tax Appeals.

IDAPA 50 – COMMISSION OF PARDONS AND PAROLE

3056 Elder St, Boise, ID 83705

50-0101-2301, Rules of the Commission of Pardons and Parole. ZBR Chapter Rewrite governs proceedings of the Commission concerning offender hearings on parole, pardons, firearm rights restoration, remission of fines, and commutations for the state of Idaho.

IDAPA 59 – PUBLIC EMPLOYEES RETIREMENT SYSTEM OF IDAHO

PO Box 83720, Boise, ID 83720-0078

59-0101-2301, Rules for the Public Employee Retirement System of Idaho (PERSI). ZBR Chapter Rewrite establishes the administration of the PERSI plan, to include rules on: eligibility; contribution and interest rates; disability benefits; separation from service; retirement; and gain sharing.

59-0201-2301, Rules for the Judges' Retirement Fund. ZBR Chapter Rewrite establishes rules for the efficient and effective administration of the JRF plan for justices and judges as members, having the State of Idaho Judicial Branch as their employer.

NOTICE OF ADOPTED / AMENDED PROCLAMATION(S)

IDAPA 13 – IDAHO FISH AND GAME COMMISSION

13-0000-2300P8, Establishing Seasons and Limits for Hunting, Fishing, and Trapping in Idaho

NOTICES OF ADOPTION OF TEMPORARY RULE ONLY

IDAPA 02 – DEPARTMENT OF AGRICULTURE

02-0609-2302, Rules Governing Invasive Species and Noxious Weeds

IDAPA 08 – STATE BOARD OF EDUCATION

08-0113-2303, Rules Governing the Opportunity Scholarship Program

NOTICES OF INTENT TO PROMULGATE RULES – NEGOTIATED RULEMAKING

(Please see the Administrative Bulletin for dates and times of meetings and other participant information)

IDAPA 17 – IDAHO INDUSTRIAL COMMISSION

17-0101-2301, Administrative Rules Under the Worker's Compensation Law

Please refer to the Idaho Administrative Bulletin **November 1, 2023, Volume 23-11**, for the notices and text of all rulemakings, proclamations, negotiated rulemaking and public hearing information and schedules, executive orders of the Governor, and agency contact information.

Electronic issues of the Idaho Administrative Bulletin can be viewed at www.adminrules.idaho.gov/

Office of the Administrative Rules Coordinator, Division of Financial Management
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CUMULATIVE RULEMAKING INDEX OF IDAHO ADMINISTRATIVE RULES

*Office of the Administrative Rules Coordinator
Division of Financial Management
Office of the Governor*

July 1, 1993 – Present

[CUMULATIVE RULEMAKING INDEX OF IDAHO ADMINISTRATIVE RULES](#)

This 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
Division of Financial Management*

April 6, 2023 – November 1, 2023

(PLR 2024) – Final Effective Date Is Pending Legislative Review in 2024

(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 02 – IDAHO DEPARTMENT OF AGRICULTURE

02-ZBRR-2301 *Rules of the Idaho Department of Agriculture* – Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 02, Chapters 13, 15; Title 03, Chapter 03; Title 04, Chapters 14, 23, 30, 32; and Title 06, Chapters 04, 09, 10, 16 – Bulletin Vol. 23-5

02.02.13, Commodity Dealers’ Rules

02-0213-2301 Notice of Proposed Rulemaking (ZBR Chapter Rewrite, Fee Rule), Bulletin Vol. 23-10

02-ZBRR-2301 *Rules of the Idaho Department of Agriculture* – Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 02, Chapter 13 – Bulletin Vol. 23-5

02.02.14, Rules for Weights and Measures

02-0214-2301 Notice of Proposed Rulemaking, Bulletin Vol. 23-10

02.02.15, Rules Governing the Seed Indemnity Fund

02-0215-2301 Notice of Proposed Rulemaking (ZBR Chapter Rewrite, Fee Rule), Bulletin Vol. 23-10

02-ZBRR-2301 *Rules of the Idaho Department of Agriculture* – Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 02, Chapter 15 – Bulletin Vol. 23-5

02.03.03, Rules Governing Pesticide and Chemigation Use and Application

02-0303-2301 Notice of Proposed Rulemaking (ZBR Chapter Rewrite, Fee Rule), Bulletin Vol. 23-10

02-ZBRR-2301 *Rules of the Idaho Department of Agriculture* – Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 03, Chapter 3 – Bulletin Vol. 23-5

02.04.14, Rules Governing Dairy Byproduct

02-0414-2301 Notice of Proposed Rulemaking (ZBR Chapter Rewrite), Bulletin Vol. 23-10

02-ZBRR-2301 *Rules of the Idaho Department of Agriculture* – Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 04, Chapter 14 – Bulletin Vol. 23-5

02.04.23, Rules Governing Commercial Livestock Truck Washing Facilities

02-0423-2301 Notice of Proposed Rulemaking (ZBR Chapter Rewrite), Bulletin Vol. 23-10

02-ZBRR-2301 *Rules of the Idaho Department of Agriculture* – Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 04, Chapter 23 – Bulletin Vol. 23-5

02.04.30, Rules Governing Environmental and Nutrient Management

02-0430-2301 Notice of Proposed Rulemaking (ZBR Chapter Rewrite), Bulletin Vol. 23-10

02-ZBRR-2301 *Rules of the Idaho Department of Agriculture* – Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 04, Chapter 30 – Bulletin Vol. 23-5

02.04.32, Rules Governing Poultry Operations

02-0432-2301 Notice of Proposed Rulemaking (ZBR Chapter Rewrite, Fee Rule), Bulletin Vol. 23-10

02-ZBRR-2301 *Rules of the Idaho Department of Agriculture* – Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 04, Chapter 32 – Bulletin Vol. 23-5

02.06.01, Rules Governing the Production and Distribution of Seed

02-0601-2301 Notice of Proposed Rulemaking (Fee Rule), Bulletin Vol. 23-10

02-0601-2301 Notice of Intent to Promulgate Rules – Negotiated Rulemaking, Bulletin Vol. 23-7

02.06.02, Rules Governing Registrations and Licenses

02-0602-2301 Notice of Proposed Rulemaking, Bulletin Vol. 23-10

02.06.04, Rules Governing Plant Exports

02-0604-2301 Notice of Proposed Rulemaking (ZBR Chapter Rewrite, Fee Rule), Bulletin Vol. 23-10

02-ZBRR-2301 *Rules of the Idaho Department of Agriculture* – Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 06, Chapter 04 – Bulletin Vol. 23-5

02.06.09, Rules Governing Invasive Species and Noxious Weeds

02-0609-2303 Adoption of Temporary Rule, Bulletin Vol. 23-11 (eff. 10-19-23)T

02-0609-2302 Adoption of Temporary Rule, Bulletin Vol. 23-10 (eff. 9-21-23)T

02-0609-2301 Notice of Proposed Rulemaking, Bulletin Vol. 23-10

02-ZBRR-2301 *Rules of the Idaho Department of Agriculture* – Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 06, Chapter 09 – Bulletin Vol. 23-5

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*Changes chapter name from: “Rules of the Board of Architectural Examiners”

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**Changes chapter name from: "Rules Governing Definitions Regarding Special Permits"*

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62.01.01, Idaho Rules of Administrative Procedure

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