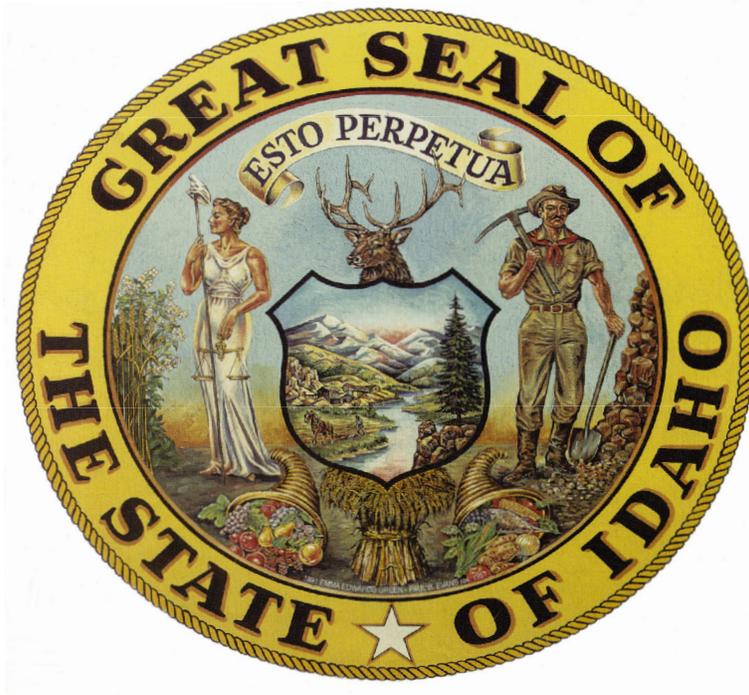


# IDAHO ADMINISTRATIVE BULLETIN

April 3, 2024 – Vol. 24-4

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

## THE DIFFERENT RULES PUBLISHED IN THE ADMINISTRATIVE BULLETIN

Idaho’s administrative rulemaking process, governed by the Administrative Procedure Act, Title 67, Chapter 52, Idaho Code, comprises distinct rulemaking actions: negotiated, proposed, temporary, pending and final rulemaking. Not all rulemakings incorporate or require all of these actions. At a minimum, a rulemaking includes proposed, pending and final rulemaking. Many rules are adopted as temporary rules when they meet the required statutory criteria and agencies must, when feasible, engage in negotiated rulemaking at the beginning of the process to facilitate consensus building. In the majority of cases, the process begins with proposed rulemaking and ends with the final rulemaking. The following is a brief explanation of each type of rule.

## **1. NEGOTIATED RULEMAKING**

Negotiated rulemaking is a process in which all interested persons and the agency seek consensus on the content of a rule through dialogue. Agencies are required to conduct negotiated rulemaking whenever it is feasible to do so. The agency files a “Notice of Intent to Promulgate – Negotiated Rulemaking” for publication in the Administrative Bulletin inviting interested persons to contact the agency if interested in discussing the agency’s intentions regarding the rule changes. This process is intended to result in the formulation of a proposed rule and the initiation of regular rulemaking procedures. One result, however, may also be that regular (proposed) rulemaking is not initiated and no further action is taken by the agency.

## **2. PROPOSED RULEMAKING**

A proposed rulemaking is an action by an agency wherein the agency is proposing to amend or repeal an existing rule or to adopt a new rule. Prior to the adoption, amendment, or repeal of a rule, the agency must publish a “Notice of Rulemaking – Proposed Rule” in the Bulletin. This notice must include very specific information regarding the rulemaking including all relevant state or federal statutory authority occasioning the rulemaking, a non-technical description of the changes being made, any associated costs, guidance on how to participate through submission of written comments and requests for public hearings, and the text of the proposed rule in legislative format.

## **3. TEMPORARY RULEMAKING**

Temporary rules may be adopted only when the governor finds that it is necessary for:

- a) protection of the public health, safety, or welfare; or
- b) compliance with deadlines in amendments to governing law or federal programs; or
- c) conferring a benefit.

If a rulemaking meets one or more of these criteria, and with the Governor’s approval, the agency may adopt and make a temporary rule effective prior to receiving legislative authorization and without allowing for any public input. The law allows an agency to make a temporary rule immediately effective upon adoption. A temporary rule expires at the conclusion of the next succeeding regular legislative session unless the rule is extended by concurrent resolution, is replaced by a final rule, or expires under its own terms.

## **4. PENDING RULEMAKING**

A pending rule is a rule that has been adopted by an agency under regular rulemaking procedures and remains subject to legislative review before it becomes a final, enforceable rule. When a pending rule is published in the Bulletin, the agency is required to include certain information in the “Notice of Rulemaking – Pending Rule.” This includes a statement giving the reasons for adopting the rule, a statement regarding when the rule becomes effective, a description of how it differs from the proposed rule, and identification of any fees being imposed or changed.

Agencies are required to republish the text of the pending rule when substantive changes have been made to the proposed rule. An agency may adopt a pending rule that varies in content from that which was originally proposed if the subject matter of the rule remains the same, the pending rule change is a logical outgrowth of the proposed rule, and the original notice was written so as to assure that members of the public were reasonably notified of the subject. It is not always necessary to republish all the text of the pending rule.

## **5. FINAL RULEMAKING**

A final rule is a rule that has been adopted by an agency under the regular rulemaking procedures and is of full force and effect.

## HOW TO USE THE IDAHO ADMINISTRATIVE BULLETIN

Rulemaking documents produced by state agencies and published in the **Idaho Administrative Bulletin** are organized by a numbering schematic. Each state agency has a two-digit identification code number known as the **“IDAPA”** number. (The **“IDAPA”** Codes are listed in the alphabetical/numerical index at the end of this Preface.) Within each agency there are divisions or 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
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23-9	September 2023	July 21, 2023	August 4, 2023	September 6, 2023	September 27, 2023
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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	<b>**November 27, 2023</b>	January 3, 2024	January 24, 2024

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25-1	January 2025	November 15, 2024	<b>**November 29, 2024</b>	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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<b>IDAPA 37</b>	<b>Water Resources, Department of</b>
<b>IDAPA 42</b>	<b>Wheat Commission, Idaho</b>

**IDAPA 02 – DEPARTMENT OF AGRICULTURE**  
**02.06.09 – RULES GOVERNING INVASIVE SPECIES AND NOXIOUS WEEDS**  
**DOCKET NO. 02-0609-2401**  
**NOTICE OF RULEMAKING – ADOPTION OF TEMPORARY RULE**

**EFFECTIVE DATE:** The effective date of the temporary rule being adopted through this rulemaking is the 2nd Regular Session of the 67th Idaho Legislature’s adjournment on *sine die*, 2024.

**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 replaces the December 18 update to the same rule by allowing for restricted access to the river at defined locations and per a defined requirement for watercraft and conveyances to be inspected and decontaminated and decontaminated as needed prior to launch and decontaminated upon exit.

**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 1st day of April, 2024.

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](mailto:lloyd.knight@isda.idaho.gov)

**THE FOLLOWING IS THE TEXT OF THE TEMPORARY RULE FOR DOCKET NO. 02-0609-2401**  
**(Only Those Sections With Amendments Are Shown.)**

**135. SNAKE RIVER QUARANTINE.**

ISDA has issued a quarantine of the Snake River from Twin Falls Dam to 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 via watercraft or other conveyance between Pillar Falls and Twin Falls hydroelectric facility is prohibited. Access to the river by watercraft or other conveyance between 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, and Pillar Falls is restricted. Launch of watercraft in this section is restricted to the hours when the watercraft inspection station at Centennial Park is in operation and requires inspection and decontamination of all conveyances and watercraft by ISDA or an assigned entity prior to launch into and upon exit from the water. This requirement applies to all motorized and non-motorized watercraft of any size, including paddle boards and kayaks. (SD 2024)T

**135~~6~~. -- 139. (RESERVED)**

## IDAPA 11 – IDAHO STATE POLICE

### 11.05.01 – RULES GOVERNING ALCOHOL BEVERAGE CONTROL

DOCKET NO. 11-0501-2401

#### NOTICE OF RULEMAKING – ADOPTION OF TEMPORARY RULE

**EFFECTIVE DATE:** The effective date of the temporary rules being adopted through this rulemaking is the 2nd Regular Session of the 67th Idaho Legislature’s adjournment on *sine die*, 2024.

**EXPIRATION DATE:** In accordance with Section 67-5226(5), Idaho Code, these temporary rules will expire on their own terms July 1, 2024.

**AUTHORITY:** In compliance with Section 67-5226, Idaho Code, notice is hereby given this agency has adopted a temporary rule. The action is authorized pursuant to Sections 23-932, 23-946(b), and 23-1408 Idaho Code.

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

The temporary rules provide clarification and help implement state law. They will assist Idaho’s liquor licensees and the industry in navigating Title 23, and seek to provide the ability to make informative business decisions when selling or transferring a liquor license in the future. These temporary amendments represent a reauthorization of the current rule in place set to expire upon *sine die*, and do not include any additional changes.

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

This rule is necessary to ensure continued support and guidance for Idaho businesses operating through new liquor laws recently passed by the Idaho Legislature.

**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 are no changes to the fees associated with this rule.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning the temporary rule, contact Captain Rocky Gripton, ISP Alcohol Beverage Control Section, (208) 884-7062, [rocky.gripton@isp.idaho.gov](mailto:rocky.gripton@isp.idaho.gov).

DATED this 19th day of March, 2024.

Lt Colonel Bill Gardiner  
Chief of Staff  
Idaho State Police  
700 S Stratford Drive  
Meridian Idaho 83642  
(208) 884-7004  
[Bill.gardiner@isp.idaho.gov](mailto:Bill.gardiner@isp.idaho.gov)

**THE FOLLOWING IS THE TEXT OF THE TEMPORARY RULE FOR DOCKET NO. 11-0501-2401**  
**(Only Those Sections With Amendments Are Shown.)**

**010. DEFINITIONS.**

**01. Actual Use.** Actual use constitutes when a liquor license is issued to a licensee and legitimate sales of liquor by the drink are being made on a weekly basis. (SD-24)T

**02. Associated.** A license is associated with a business or entity if such license is owned or leased by the business pursuant to Section 23-903(16)(c), or an incorporated municipal liquor license operated by a person whether owned or through a lease entered into prior to July 1, 2023. (SD-24)T

**03. Business or Entity.** Is defined the same as a Person in Section 23-902(13), Idaho Code, for the purposes of Section 23-903(16)(c), Idaho Code. (SD-24)T

**04. Business.** Business means any operation to carry out the normal day to day activities to exercise the privilege of holding a liquor license and operating a premises, as defined in Section 23-902(15), Idaho Code, for the purposes of Section 23-903(16)(d), Idaho Code. (SD-24)T

~~**04.5. Licensed Premises.** Any premises for which a license has been issued under any of the provisions of Title 23, Chapters 9, 10 or 13, Idaho Code. All areas included on the floor plan submitted to the Director with the licensee's application for a license constitute the licensed premises. In the event of loss or move of the physical licensed premises, the licensee has ninety (90) days to secure and occupy a new premises in which to display the license. All licenses must be prominently displayed in a suitable premises and remain in actual use by the licensee and available for legitimate sales of alcoholic beverages by the drink. An additional sixty (60) days may be granted by the Director, upon petition by the license holder.~~ (3-23-22)(SD-24)T

~~**02. New Licenses.** For purposes of Section 23-908(4), Idaho Code, a "new license" is one that has become available as an additional license within a city's limits under the quota system after July 1, 1980. The requirement of Section 23-908(4), Idaho Code, that a new license be placed into actual use by the licensee and remain in use for at least six (6) consecutive months is satisfied if the licensee makes actual sales of liquor by the drink during at least eight (8) hours per day, no fewer than six (6) days per week.~~ (3-23-22)

~~**03.6. Multipurpose Arena.** (3-23-22)~~

~~**a.** For purposes of Section 23-944(3), Idaho Code, a Multipurpose Arena is a: (3-23-22)~~

~~**i.** Publicly or privately owned or operated arena, coliseum, stadium, or other facility where sporting events, concerts, live entertainment, community events, and other functions are presented for a ticketed price of admission or one whose premises are leased for private events such as receptions; (3-23-22)~~

~~**ii.** Facility that is licensed to sell liquor by the drink at retail for consumption upon the premises; and (3-23-22)~~

~~**iii.** Facility that has been endorsed by the director. (3-23-22)~~

~~**b.** A Multipurpose Arena facility must apply annually for an endorsement on its alcohol beverage license. (3-23-22)~~

~~**c.** To receive a Multipurpose Arena endorsement under this Section will require the facility to have food available including, but not limited to, hamburgers, sandwiches, salads, or other snack food. The director may also restrict the type of events at a Multipurpose Arena facility at which beer, wine, and liquor by the drink may be served. The director will also consider the seating accommodations, eating facilities, and circulation patterns in such~~

a facility, and other amenities available at a Multipurpose Arena facility before the director will endorse the license. (3-23-22)

**d.** A licensee that applies for a Multipurpose Arena endorsement must submit with the application an operating/security plan to the director and the local law enforcement agency for review and approval. Once approved, the plan remains in effect until the licensee requests a change or the director determines that a change is necessary due to demonstrated problems or conditions not previously considered or adequately addressed in the original plan. The plan must be submitted in a format designated by the director and contain all of the following elements: (3-23-22)

i. How the Multipurpose Arena facility will prevent the sale and service of alcohol to persons under twenty-one (21) years of age and those who appear to be intoxicated; (3-23-22)

ii. The ratio of alcohol service staff and security staff to the size of the audiences at events where alcohol is being served; (3-23-22)

iii. Training provided to staff who serve, regulate, or supervise the service of alcohol; (3-23-22)

iv. The facility's policy on the number of alcoholic beverages that will be served to an individual patron during one (1) transaction; (3-23-22)

v. A list of event type/categories to be held in the facility at which alcohol service is planned, along with a request for the level of alcohol service at each event; and (3-23-22)

vi. Diagrams and designation of alcohol service areas for each type of event category with identified restrictions of minors. (3-23-22)

**e.** Prior to the first of each month, the licensee must provide a schedule of events for the upcoming month to the director and local law enforcement office showing the date and time of each event during which alcohol service is planned. The licensee must notify the director and local law enforcement at least twenty-four (24) hours in advance of any events where alcohol service is planned that were not included in the monthly schedule. (3-23-22)

**f.** To prevent persons who are under twenty-one (21) years of age or who appear intoxicated from gaining access to alcohol, the director may require that an operating plan include additional mandatory requirements if it is determined that the plan does not effectively prevent violations of liquor laws and regulations, particularly those that prevent persons under twenty-one (21) years of age or who are apparently intoxicated from obtaining alcohol. (3-23-22)

**g.** If premises, licensed as a Multipurpose Arena, subsequently ceases to meet the qualifications of a Multipurpose Arena, the restrictions contained in Section 23-943, Idaho Code, apply and the posting of signs as provided for in Section 23-945, Idaho Code, is required. The licensee shall advise the director, by mail, that his premises no longer constitute a Multipurpose Arena, so that the license may be modified accordingly. (3-23-22)

**047. Partition.** A partition, as used in Section 23-944 Idaho Code, is defined as a structure separating the place from the remainder of the premises. Access through the structure to the place will be controlled to prevent minors from entering the place. The structure must be: (3-23-22)

**a.** Permanently fixed from the premises ceiling to the premises floor. (3-23-22)

**b.** Made or constructed of solid material such as glass, wood, metal or a combination of those products. (3-23-22)

**c.** Designed to prevent an alcoholic beverage from being passed over, under or through the structure. (3-23-22)

**d.** All partitions must be approved by the Director. (3-23-22)

**058. Place.** For the purposes of Section 23-943, Idaho Code, "Place" as defined by Section 23-942(b),

for a one (1) room restaurant without a barrier or partition, refers to the immediate bar area wherein there is seating alongside a counter or barrier that encloses bar supplies and equipment that are kept, and where alcoholic beverages are mixed, poured, drawn or served for consumption. (3-23-22)

**069. Restaurant.** The term Restaurant, as defined by Section 23-942(c), Idaho Code, is further defined as an establishment maintained, advertised and held out to the public as primarily a food eating establishment, where individually priced meals are prepared and regularly served to the public, primarily for on-premises consumption. The establishment must also have a dining room or rooms, kitchen and cooking facilities for the preparation of food, and the number, and type of employees normally used in the preparing, cooking and serving of meals. Primarily as defined for the purposes of Section 010, also includes that the licensee must show to the director the following: (3-23-22)

- a. An established menu identifying the individually priced meals for consumption; (3-23-22)
- b. Food service and preparation occurs on the premises by establishment employees; (3-23-22)
- c. Stoves, ovens, refrigeration equipment or such other equipment usually and normally found in restaurants are located on the premises of the establishment; (3-23-22)
- d. The licensee must demonstrate to the satisfaction of the Director, through appropriate business records, that the establishment is advertised and held out to the public as primarily a food eating establishment, or that at least forty percent (40%) of the establishment's consumable purchases are derived from purchases of food and non-alcoholic beverages. (3-23-22)

**0710. Stock Transfer.** For the purposes of Section 23-908, Idaho Code, the sale or exchange of stock in a closely held corporation holding a license is deemed a transfer of the license. However, the sale or exchange of shares in a family corporation among family members, is not a transfer. (3-23-22)

**11. Transfer.** Any change to a person as defined in Section 23-902(13), Idaho Code, who owns, operates, or leases an alcohol beverage license as a privilege granted by ABC except the transfer conditions set forth in Section 23-903(16), Idaho Code. (SD-24)T

**011. GENERAL PROVISIONS.**

**01. Delegation of Authority to License Alcoholic Beverages.** The Director hereby delegates his authority for the licensing of establishments which sell alcoholic beverages, as contained in Title 23, Chapters 9, 10, and 13, Idaho Code, to the, Alcohol Beverage Control Bureau, Idaho State Police. All applications and inquiries concerning alcoholic beverage licenses must be directed to the Alcohol Beverage Control Bureau. The Alcohol Beverage Control Bureau provides forms for all applications and inquiries. Nothing contained herein interferes with the Director's supervisory authority for alcoholic beverage licensing. (Section 67-2901(4), Idaho Code). (3-23-22)

**02. Authority to Stagger the Renewal of Licenses to Sell Alcohol.** For the purposes of Sections 23-908, 23-1010 and 23-1316, Idaho Code, the Director may adjust the renewal month to accommodate population increases. Renewal months vary by county and are available on the Alcohol Beverage Control website. (3-23-22)

**03. Premises Loss, License Display, and Actual Use Requirement.** (SD-24)T

**a.** In the event of loss or move of the physical licensed premises, the licensee has one hundred eighty (180) days to secure and occupy a new premises in which to display the license. An additional sixty (60) days may be granted by ABC, upon petition by the license holder. (SD-24)T

**b.** All licenses must be prominently displayed in suitable premises and remain in Actual Use. (SD-24)T

**012. TRANSFER OF ALCOHOLIC BEVERAGE LICENSES.**

**01. Transfer of License Subject to Sanctions.** The Director of the Idaho State Police may deny the

transfer of an alcoholic beverage license which is subject to possible disqualification, revocation or suspension under the provisions of Title 23, Chapters 9, 10, and 13, Idaho Code, or these rules, when an action has been filed to such effect before the Idaho State Police pursuant to Sections 23-933, 23-1037 or 23-1331, Idaho Code. (3-23-22)

~~**02. Death or Incapacity of Licensee.** In the event of the incapacity, death, receivership, bankruptcy, or assignment for the benefit of creditors of a licensee, his guardian, executor, administrator, receiver, trustee in bankruptcy, or assignee for benefit of creditors may, upon written authorization from the Alcohol Beverage Control Bureau, continue the business of the licensee on the licensed premises for the duration of the license or until the business is terminated. Any person operating the licensed premises under this regulation must submit a signed agreement that he will assume all of the responsibilities of the licensee for operation of the premises in accordance with law. A person operating licensed premises under the regulation must demonstrate to the satisfaction of the Alcohol Beverage Control Bureau that he is qualified to hold an alcoholic beverage license. A guardian, executor, administrator, receiver, trustee in bankruptcy, or assignee for benefit of creditors may renew or transfer a license so held, in the same manner as other licensees, subject to the approval of the Alcohol Beverage Control Bureau. (Sections 23-908(1), 23-1005A, and 23-1317, Idaho Code). (3-23-22)~~

**02. Events Not Implicating the One Transfer Law Restriction.** (SD-24)T

**a.** In addition to Section 23-903(16) Idaho Code, any transfer of a license pursuant to Section 23-908(5)(a),(b),(d), and (e), Idaho Code, or the transfer of a license pursuant to Section 23-950, Idaho Code, or any other governmental entity acting under its authority to transfer a license. (SD-24)T

**b.** When any of the events occur pursuant to Sections 23-908(5)(a),(b), (d), and (e) and 23-903(16)(a) and (b), Idaho Code, a person must apply with ABC pursuant to Section 23-905, Idaho Code. (SD-24)T

**03. Authorization to Transfer and Assignment of Privilege to Renew.** Any person applying to renew a liquor license who was not the licensee at the applicable premises for the preceding year, must submit with the application to renew, a written Authorization to Transfer and Assignment of Privilege to Renew signed by the current licensee. (3-23-22)

**04. Temporary Permits.** When application for transfer of an alcoholic beverage license has been made, the Alcohol Beverage Control Bureau, in its discretion, may authorize issuance of a temporary permit during the review of the application, during which time the applicant for transfer may conduct business as a temporary permit holder. The permit holder, in accepting the temporary permit, is responsible for complying with all statutes and rules pertinent to the sale of alcoholic beverages. Sanctions against such permit holder, whether civil, administrative, or criminal lies with the permittee, and acceptance of the permit constitutes a waiver of any defenses by permit holder based upon the fact that the permit holder is not, technically, a licensee. The Alcohol Beverage Control Bureau may withdraw a temporary permit it has issued pursuant to this rule at any time without hearing or notice. (3-23-22)

**05. Product Replacement and Credit.** Any beer or wine products removed from the licensed retailer's premises by a wholesaler/distributor for quality control or public health are not considered to be a violation of Section 23-1033 or 23-1325, Idaho Code, which prohibit aid to the retailer or of Sections 23-1031 or 23-1326, Idaho Code, which prohibit extension of credit to a retailer, if: (3-23-22)

**a.** The packages or kegs are replaced with identical product and quantity; or (3-23-22)

**b.** In the instance of replacement of a partial keg of beer or wine, a credit to be redeemed on subsequent alcoholic beverage purchases by the retailer is given for the value of the unused portion; or (3-23-22)

**c.** In the instance of removal of product for which the identical product or quantity thereof is not immediately available to the wholesaler/distributor at the time of removal of the product, a credit is given. The credit shall be redeemed on subsequent alcoholic beverage purchases by the retailer; or (3-23-22)

**d.** In the case of a licensed establishment which is in operation no less than two (2) months and no more than nine (9) months of each year, prior to its period of closure, it is apparent that product will become outdated or spoiled before the date of re-opening, a wholesaler/distributor may remove product from the retailer's premises and may give a credit to the retailer. Such credit shall be redeemed on subsequent alcoholic beverage purchases by the

same retailer. (3-23-22)

e. Credit is given to a retailer for the amount paid by the retailer at the time of purchase of the product being removed by the wholesaler/distributor. (3-23-22)

**06. Expiration of Licenses.** When a county or city has, pursuant to Sections 23-927 and/or 23-1012, Idaho Code, passed an ordinance extending the hours of sale of liquor and/or beer to two o'clock a.m. (2:00 a.m.), all liquor and/or beer licenses in that county expire at two a.m. (2 a.m.), on the first of the renewal month of the year following their issuance. (Section 23-908(1), Idaho Code). (3-23-22)

**07. Maintenance of Keg Receipts.** Licensees shall retain a copy of all completed keg receipts required by Section 23-1018, Idaho Code, for a period of six (6) months. (3-23-22)

**08. Application of 23-905(7).** Transfers made under Section 23-905(7), Idaho Code, are subject to the conditions set forth in Section 23-903(16)(c), Idaho Code. (SD-24)T

**09. Application of 23-908(4).** Transfers made under Section 23-908(4), Idaho Code, are subject to the conditions set forth in Section 23-903(16)(c), Idaho Code. (SD-24)T

**10. Continuous Operation Facilities Licenses.** An existing license issued under Section 23-903(8), Idaho Code, before July 1, 2028, may be renewed annually and may be transferable through sale or lease. (SD-24)T

**IDAPA 16 – DEPARTMENT OF HEALTH AND WELFARE**

**16.01.07 – EMERGENCY MEDICAL SERVICES (EMS) – PERSONNEL LICENSING REQUIREMENTS**

**DOCKET NO. 16-0107-2401**

**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 Sections 56-1003, and 56-1011 through 1023, Idaho Code.

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

<b>VIRTUAL TELECONFERENCE Via WebEx</b>
<b>Thursday, April 18, 2024 7:00-8:00pm (MT)</b>
<b>Join from the meeting link</b> <a href="https://idhw.webex.com/idhw/j.php?MTID=m04e6a6d379f434959fe93eed1af2cea2">https://idhw.webex.com/idhw/j.php?MTID=m04e6a6d379f434959fe93eed1af2cea2</a>
<b>Join by meeting number</b> <b>Meeting number (access code): 2818 526 1903</b> <b>Meeting password: F7fq3wMM72J</b> <b>Meeting password from phone: 37373966</b>
<b>Join by phone</b> <b>+1-415-527-5035 United States Toll</b> <b>+1-303-498-7536 United States Toll (Denver)</b>

<b>IN-PERSON MEETING</b>
<b>Thursday, April 18, 2024 6:00-7:00pm (PT)</b>
<b>Kootenai County Emergency Medical Services System Headquarters (limited to approx 30 people) 4381 W. Seltice Way Coeur D'Alene, Idaho</b>

**VIRTUAL TELECONFERENCE Via WebEx**

**Tuesday, April 23, 2024  
6:00-7:00pm (MT)**

**Join from the meeting link**  
<https://idhw.webex.com/idhw/j.php?MTID=m72963ed29b83bbc0fcb638593351fe70>

**Join by meeting number**  
**Meeting number (access code): 2829 572 5664**  
**Meeting password: uVg2QBA37vN**  
**Meeting password from phone: 88427223**

**Join by phone**  
**+1-415-527-5035 United States Toll**  
**+1-303-498-7536 United States Toll (Denver)**

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. Meeting(s) will conclude after 30 minutes if no participants sign in or wish to comment in the meeting.

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

1. Attend the negotiated rulemaking meeting and participate in the negotiation process;
2. Provide oral or written recommendations, or both, at the negotiated rulemaking meeting;
3. Submit written recommendations and comments to the address below.

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:

Under [Executive Order 2020-01: Zero-Based Regulation](#), the Department 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 Jathan Nalls, 208-334-4000. Materials pertaining to the negotiated rulemaking, including any available preliminary rule drafts, can be found on the Department web site at the following web address: [www.idahoems.org](http://www.idahoems.org).

Anyone may submit written comments regarding this negotiated rulemaking. All written comments must be directed to the undersigned and must be delivered on or before May 3, 2024.

DATED this 11th day of March, 2024.

Trinette Middlebrook and Frank Powell  
DHW - Administrative Rules Unit  
450 W. State Street - 10th Floor  
P.O. Box 83720  
Boise, ID 83720-0036  
(208) 334-5500 phone; (208) 334-6558 fax  
[dhwrules@dhw.idaho.gov](mailto:dhwrules@dhw.idaho.gov) email

**IDAPA 16 – DEPARTMENT OF HEALTH AND WELFARE**

**16.06.01 – CHILD AND FAMILY SERVICES**

**DOCKET NO. 16-0601-2401**

**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 Sections 16-1629, 16-1623, 16-2102, 16-2406, 16-2423, 16-2433, 39-1209 through 1211, 39-5603, 39-7501, 56-202(b), 56-204A, 56-803, 56-1003, 56-1004, 56-1004A, and 56-1007, Idaho Code.

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

<b>VIRTUAL TELECONFERENCES Via WebEx</b>
<p><b>Wednesday, April 17, 2024</b> <b>10:00 a.m. - 12:00 p.m. (MT)</b></p>
<p><b>Join from the meeting link</b> <a href="https://idhw.webex.com/idhw/j.php?MTID=m183d6c90fa176fc112077f658c100f30">https://idhw.webex.com/idhw/j.php?MTID=m183d6c90fa176fc112077f658c100f30</a></p> <p><b>Join by meeting number</b> <b>Meeting number (access code): 2760 439 2906</b> <b>Meeting password: mPWB5pdnD23 (67925736 from phones and video systems)</b></p> <p><b>Join by phone</b> <b>+1-415-527-5035 United States Toll</b> <b>+1-303-498-7536 United States Toll (Denver)</b></p>
<p><b>Wednesday, April 17, 2024</b> <b>4:30 p.m. - 6:30 p.m. (MT)</b></p>
<p><b>Join from the meeting link</b> <a href="https://idhw.webex.com/idhw/j.php?MTID=m2d649861fe82b2a24a6b7bbce04f2e84">https://idhw.webex.com/idhw/j.php?MTID=m2d649861fe82b2a24a6b7bbce04f2e84</a></p> <p><b>Join by meeting number</b> <b>Meeting number (access code): 2763 796 0949</b> <b>Meeting password: dXJFqxHi373 (39539744 from phones and video systems)</b></p> <p><b>Join by phone</b> <b>+1-415-527-5035 United States Toll</b> <b>+1-303-498-7536 United States Toll (Denver)</b></p>

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. Meeting(s) will conclude after 30 minutes if no participants sign in or wish to comment in the meeting.

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

1. Attend the negotiated rulemaking meeting and participate in the negotiation process;
2. Provide oral or written recommendations, or both, at the negotiated rulemaking meeting;
3. Submit written recommendations and comments to the address below.

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:

Under [Executive Order 2020-01: Zero-Based Regulation](#), the Department 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 Julie Sevcik, 208-863-4229, or Andie Blackwood, 208-334-5960. Materials pertaining to the negotiated rulemaking, including any available preliminary rule drafts, can be found on the Department web site at the following web address: <https://publicdocuments.dhw.idaho.gov/WebLink/Browse.aspx?id=21119&dbid=0&repo=PUBLIC-DOCUMENTS>.

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 April 19, 2024.

DATED this 11th day of March, 2024.

Trinette Middlebrook and Frank Powell  
DHW - Administrative Rules Unit  
450 W. State Street - 10th Floor  
P.O. Box 83720  
Boise, ID 83720-0036  
(208) 334-5500 phone; (208) 334-6558 fax  
[dhwrules@dhw.idaho.gov](mailto:dhwrules@dhw.idaho.gov) email

**IDAPA 20 – IDAHO DEPARTMENT OF LANDS**  
**20.03.02 – RULES GOVERNING MINED LAND RECLAMATION**  
**DOCKET NO. 20-0302-2401**  
**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 Sections 58-104(6) and 58-105, Idaho Code, and Title 47, Chapter 15, Idaho Code.

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

<b>Wednesday, April 24, 2024</b> <b>10:00 a.m. (PT)</b>
<b>Sandpoint Community Hall</b> <b>Main Room</b> <b>204 S. 1st Ave</b> <b>Sandpoint, Idaho 83864</b>
<b>To attend by Zoom:</b> <a href="https://idl.zoom.us/j/89780827339">https://idl.zoom.us/j/89780827339</a> <b>To attend by telephone call: +1 (669) 900-6833</b> <b>Meeting ID: 897 8082 7339</b>

<b>Thursday, April 25, 2024</b> <b>10:00 a.m. (PT)</b>
<b>Idaho Department of Lands</b> <b>Louise Shadduck Building</b> <b>Sundance Conference Room</b> <b>3284 W. Industrial Loop</b> <b>Coeur d’Alene, Idaho 83815</b>
<b>To attend by Zoom:</b> <a href="https://idl.zoom.us/j/86584470550">https://idl.zoom.us/j/86584470550</a> <b>To attend by telephone call: +1 (408) 638-0968</b> <b>Meeting ID: 865 8447 0550</b>

**Tuesday, April 30, 2024**  
**10:00 a.m. (MT)**

**Idaho Department of Lands**  
**Boise Staff Office**  
**Garnet Conference Room**  
**300 N. 6th St., Suite 103**  
**Boise, Idaho 83702**

**To attend by Zoom:**  
**<https://idl.zoom.us/j/84608438206>**  
**To attend by telephone call: +1 (408) 638-0968**  
**Meeting ID: 846 0843 8206**

**Wednesday, May 1, 2024**  
**10:00 a.m. (MT)**

**McCall City Hall**  
**American Legion Post 119**  
**216 Park Street**  
**McCall, ID 83638**

**To attend by Zoom:**  
**<https://idl.zoom.us/j/85297350764>**  
**To attend by telephone call: +1 (669) 444-9171**  
**Meeting ID: 852 9735 0764**

**Monday, May 6, 2024**  
**10:00 a.m. (MT)**

**Idaho Department of Lands/Idaho Department of Fish and Game**  
**Jerome Field Office**  
**324 S. 417 E., Suite 2**  
**Jerome, Idaho 83338**

**To attend by Zoom:**  
**<https://idl.zoom.us/j/87436405324>**  
**To attend by telephone call: +1 (669) 444-9171**  
**Meeting ID: 874 3640 5324**

**Tuesday, May 7, 2024**  
**10:00 a.m. (MT)**

**Idaho Department of Fish and Game**  
**Southeast Regional Office**  
**1345 Barton Road**  
**Pocatello, ID 83204**

**To attend by Zoom:**  
**<https://idl.zoom.us/j/83623454431>**  
**To attend by telephone call: +1 (346) 248-7799**  
**Meeting ID: 836 2345 4431**

If additional meetings are scheduled, the dates, times, and locations will be posted on the Idaho Department of Lands website at <https://www.idl.idaho.gov/rulemaking/docket-20-0302-2401>.

The meeting sites 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 by contacting the department at the address below.

**METHOD OF PARTICIPATION:** Those interested in participating in the negotiated rulemaking process are encouraged to attend scheduled meetings in person, via Zoom at the link provided, or by conference call using the number listed in this notice. Those interested may also submit written comments within the comment period by sending them to the address below or by email to [rulemaking@idl.idaho.gov](mailto:rulemaking@idl.idaho.gov).

Upon conclusion of the negotiated rulemaking, any unresolved issues, all key issues considered, and conclusions reached during the negotiated rulemaking will be addressed in a written summary. The summary will be made available to interested persons who contact the department, and the summary will be posted on the department 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:

Following [Executive Order 2020-01: Zero-Based Regulation](#), this rule chapter is scheduled to be rewritten in 2025 for review during the 2026 legislative session. Due to the anticipated interest and technical nature, the Department is starting negotiations early. The Department aims to right-size its rule chapter and achieve several objectives, including, but not limited to:

1. Eliminating duplicative statutory language or any rule language that conflicts with governing statutes;
2. Removing rule language that is not absolutely necessary, is outdated, or is overly restrictive; and
3. Removing any language that merely relates to the internal processes of the Department.

**ASSISTANCE ON TECHNICAL QUESTIONS, OBTAINING DRAFT COPIES:** For assistance on technical questions concerning this negotiated rulemaking or to obtain a preliminary draft copy of the rule text, contact Andy Mork at (208) 334-0247.

Materials pertaining to the negotiated rulemaking, including any preliminary rule drafts and research materials, can be found on the department website at the following web address: <https://www.idl.idaho.gov/rulemaking/docket-20-0302-2401>.

**SUBMISSION OF WRITTEN COMMENTS:** 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 June 13, 2025.

Any additional public comment opportunities will be posted on the department website at <https://www.idl.idaho.gov/rulemaking/docket-20-0302-2401>.

DATED this 8th day of March, 2024.

Andy Mork, PG, Minerals Program Manager  
Idaho Department of Lands  
300 N. 6th Street, Suite 103  
P.O. Box 83720  
Boise, Idaho 83720-0050  
Phone: (208) 334-0247  
Fax: (208) 334-3698  
[rulemaking@idl.idaho.gov](mailto:rulemaking@idl.idaho.gov)

**IDAPA 20 – IDAHO DEPARTMENT OF LANDS**

**20.03.04 – RULES FOR THE REGULATION OF BEDS, WATERS, AND AIRSPACE  
OVER NAVIGABLE LAKES IN THE STATE OF IDAHO**

**DOCKET NO. 20-0304-2401**

**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 Sections 58-1304 and 58-104(6), Idaho Code.

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

<p><b>Wednesday, April 24, 2024 1:00 – p.m. (PT)</b></p>
<p><b>Sandpoint Community Hall Main Room 204 S. 1st Ave Sandpoint, Idaho 83864</b></p> <p><b>To attend by Zoom: <a href="https://idl.zoom.us/j/82154991676">https://idl.zoom.us/j/82154991676</a> To attend by telephone call: +1 (669) 444-9171 Meeting ID: 821 5499 1676</b></p>

<p><b>Thursday, April 25, 2024 2:00 p.m. (PT)</b></p>
<p><b>Idaho Department of Lands Coeur d’Alene Staff Office Sundance Meeting Room 3284 W. Industrial Loop Coeur d’Alene, Idaho 83815</b></p> <p><b>To attend by Zoom: <a href="https://idl.zoom.us/j/85790111338">https://idl.zoom.us/j/85790111338</a> To attend by telephone call: +1 (719) 359-4580 Meeting ID: 857 9011 1338</b></p>

**Wednesday, May 1, 2024**  
**2:00 p.m. (MT)**

**McCall City Hall**  
**American Legion Post 119**  
**216 Park Street**  
**McCall, ID 83638**

**To attend by Zoom:**  
<https://idl.zoom.us/j/83510145645>  
**To attend by telephone call: +1 (669) 219-2599**  
**Meeting ID: 835 1014 5645**

**Monday, May 6, 2024**  
**2:00 p.m. (MT)**

**Idaho Department of Lands/Idaho Department of Fish and Game**  
**Jerome Field Office**  
**324 S. 417 E., Suite 2**  
**Jerome, Idaho 83338**

**To attend by Zoom:**  
<https://idl.zoom.us/j/81917084394>  
**To attend by telephone call: +1 (719) 359-4580**  
**Meeting ID: 819 1708 4394**

**Tuesday, May 7, 2024**  
**2:00 p.m. (MT)**

**Idaho Department of Fish and Game**  
**Southeast Regional Office**  
**1345 Barton Road**  
**Pocatello, ID 83204**

**To attend by Zoom:**  
<https://idl.zoom.us/j/89677581551>  
**To attend by telephone call: +1 (346) 248-7799**  
**Meeting ID: 896 7758 1551**

When additional meetings are scheduled, the dates, times, and locations will be posted on the Idaho Department of Lands website at <https://www.idl.idaho.gov/rulemaking/docket-20-0304-2401>.

The meeting sites 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 by contacting the department at the address below.

**METHOD OF PARTICIPATION:** Those interested in participating in the negotiated rulemaking process are encouraged to attend scheduled meetings in person, via Zoom at the link provided, or by conference call using the number listed in this notice. Those interested may also submit written comments within the comment period by sending them to the address below or by email to [rulemaking@idl.idaho.gov](mailto:rulemaking@idl.idaho.gov).

Upon conclusion of the negotiated rulemaking, any unresolved issues, all key issues considered, and conclusions reached during the negotiated rulemaking will be addressed in a written summary. The summary will be made available to interested persons who contact the department, and the summary will be posted on the department 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:

Following [Executive Order 2020-01: Zero-Based Regulation](#), this rule chapter is scheduled to be rewritten in 2025 for review during the 2026 legislative session. Due to the anticipated interest and technical nature, the Department is starting negotiations early. The Department aims to right-size its rule chapter and achieve several objectives, including, but not limited to:

1. Eliminating duplicative statutory language or any rule language that conflicts with governing statutes;
2. Removing rule language that is not absolutely necessary, is outdated, or is overly restrictive; and
3. Removing any language that merely relates to the internal processes of the Department.

**ASSISTANCE ON TECHNICAL QUESTIONS, OBTAINING DRAFT COPIES:** For assistance on technical questions concerning this negotiated rulemaking or to obtain a preliminary draft copy of the rule text, contact Marde Mensinger at (208) 334-0248.

Materials pertaining to the negotiated rulemaking, including any preliminary rule drafts and research materials, can be found on the department website at the following web address: <https://www.idl.idaho.gov/rulemaking/docket-20-0304-2401>.

**SUBMISSION OF WRITTEN COMMENTS:** 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 June 13, 2025.

Any additional public comment opportunities will be posted on the department website at <https://www.idl.idaho.gov/rulemaking/docket-20-0304-2401>.

DATED this 8th day of March, 2024.

Marde Mensinger, Navigable Waterways Program Manager  
Idaho Department of Lands  
300 N. 6th Street, Suite 103  
P.O. Box 83720  
Boise, Idaho 83720-0050  
Phone: (208) 334-0248  
Fax: (208) 334-3698  
[rulemaking@idl.idaho.gov](mailto:rulemaking@idl.idaho.gov)

**IDAPA 20 – IDAHO DEPARTMENT OF LANDS**

**20.07.02 – RULES GOVERNING CONSERVATION OF OIL AND NATURAL GAS  
IN THE STATE OF IDAHO**

**DOCKET NO. 20-0702-2401**

**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 Title 47, Chapter 3, Idaho Code and Title 67, Chapter 52, Idaho Code.

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

<b>Thursday, April 11, 2024 1:00 p.m. (MT)</b>
<b>Idaho Department of Lands Boise Staff Office Garnet Conference Room 300 N. 6th St., Suite 103 Boise, Idaho 83702</b>
<b>To attend by Zoom: <a href="https://idl.zoom.us/j/89113664775?pwd=R1JZYUZQUk5hNWVWT1AyTTdVUTV1UT09">https://idl.zoom.us/j/89113664775?pwd=R1JZYUZQUk5hNWVWT1AyTTdVUTV1UT09</a> To attend by telephone call: 1 (253) 215 8782 Meeting ID: 891 1366 4775 Passcode: 736013</b>

<b>Monday, April 15, 2024 1:00 p.m. (MT)</b>
<b>Fruitland City Hall Council Chambers 200 S. Whitley Fruitland, Idaho 83619</b>
<b>To attend by Zoom: <a href="https://idl.zoom.us/j/89113664775?pwd=R1JZYUZQUk5hNWVWT1AyTTdVUTV1UT09">https://idl.zoom.us/j/89113664775?pwd=R1JZYUZQUk5hNWVWT1AyTTdVUTV1UT09</a> To attend by telephone call: 1 (253) 215 8782 Meeting ID: 891 1366 4775 Passcode: 736013</b>

**Monday, April 29, 2024**  
**1:00 p.m. (MT)**

**Idaho Department of Lands**  
**Boise Staff Office**  
**Garnet Conference Room**  
**300 N. 6th St., Suite 103**  
**Boise, Idaho 83702**

**To attend by Zoom:**  
<https://idl.zoom.us/j/89113664775?pwd=R1JZYUZQUk5hNWVWT1AyTTdVUTV1UT09>  
**To attend by telephone call: 1 (253) 215 8782**  
**Meeting ID: 891 1366 4775**  
**Passcode: 736013**

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. In addition to the scheduled negotiated rulemaking meetings, the public may provide verbal and written comments at the Oil and Gas Conservation Commission's regular meeting on May 21, 2024. If additional negotiated rulemaking meetings or public comment opportunities are scheduled, then the dates, times, and locations will be posted on the Idaho Oil and Gas Conservation Commission website: <https://ogcc.idaho.gov/rulemaking/docket-20-0702-2401-oil-gas/>.

**METHOD OF PARTICIPATION:** Those interested in participating in the negotiated rulemaking process are encouraged to attend scheduled meetings in person, via Zoom at the link provided, or by conference call using the number listed in this notice. Those interested may also submit written comments within the comment period by sending them to the address below or by email to [rulemaking@idl.idaho.gov](mailto:rulemaking@idl.idaho.gov).

Upon conclusion of the negotiated rulemaking, any unresolved issues, all key issues considered, and conclusions reached during the negotiated rulemaking will be addressed in a written summary. The summary will be made available to interested persons who contact the agency, and the summary will 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:

These rules are required for the Oil and Gas Conservation Commission to fulfill their duty to prevent waste, protect correlative rights, and prevent pollution of fresh water supplies during the exploration and production of oil and gas resources. The rules define and clarify the procedures for regulating oil and gas exploration and development activities on public and private lands in the state.

Following [Executive Order 2020-01: Zero-Based Regulation](#), this rule chapter is scheduled for a comprehensive review in 2024 with the goal of simplifying the rules for increased clarity and ease of use. Revisions are also needed to better align the rules with statute revisions that occurred in 2017 and 2023. The Department aims to right-size its rule chapter and achieve several objectives, including, but not limited to:

1. Eliminating duplicative statutory language or any rule language that conflicts with governing statutes;
2. Removing rule language that is not absolutely necessary, is outdated, or is overly restrictive; and
3. Removing any language that merely relates to the internal processes of the Department.

**ASSISTANCE ON TECHNICAL QUESTIONS, OBTAINING DRAFT COPIES:** For assistance on technical questions concerning this negotiated rulemaking or to obtain a preliminary draft copy of the rule text, contact James Thum at (208) 334-0243.

Materials pertaining to the negotiated rulemaking, including any available preliminary rule drafts, can be found on the Oil and Gas Conservation Commission website at the following web address: <https://ogcc.idaho.gov/rulemaking/docket-20-0702-2401-oil-gas/>.

**SUBMISSION OF WRITTEN COMMENTS:** Anyone may submit written comments regarding this negotiated rulemaking. All written comments must be directed to the undersigned and must be delivered on or before Friday, May 31, 2024.

Any additional public comment opportunities will be posted on the Oil and Gas Conservation Commission website at <https://ogcc.idaho.gov/rulemaking/docket-20-0702-2401-oil-gas/>.

DATED this 8th day of March, 2024.

James Thum, Oil and Gas Program Manager  
Idaho Department of Lands  
300 N. 6th Street, Suite 103  
P.O. Box 83720  
Boise, Idaho 83720-0050  
Phone: (208) 334-0243  
Fax: (208) 334-3698  
[rulemaking@idl.idaho.gov](mailto:rulemaking@idl.idaho.gov)

# IDAPA 24 – DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES

## 24.36.01 – RULES OF THE IDAHO STATE BOARD OF PHARMACY

### DOCKET NO. 24-3601-2401

#### NOTICE OF RULEMAKING – ADOPTION OF TEMPORARY RULE

**EFFECTIVE DATE:** The effective date of the temporary rule is July 1, 2024.

**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 Section 54-1717, Idaho Code.

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

This temporary rule implements provisions of [House Bill 527](#), with a concurrent effective date of July 1, 2024. Specifically, it removes the regulations eliminated in the bill, updates cross-references to Idaho Code given the changing numbering in the bill, and adds emergency medications as a carve out to regulatory requirements given their status under the bill.

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

House Bill 527 passed the 2024 Legislature. This bill eliminated several existing Board of Pharmacy rules and changed the numbering of various sections of Idaho Code, effective July 1, 2024. This temporary rule ensures conforming edits are made to the Board of Pharmacy rules simultaneously, and therefore have an effective date of July 1, 2024.

**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 added or changed as part of this rulemaking.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning the temporary rule, contact Nicole Chopski at 208-334-3233.

DATED this March 28, 2024.

Nicole L. Chopski  
Executive Officer  
Division of Occupational & Professional Licenses  
11341 W. Chinden Blvd.  
P.O. Box 83720  
Boise, ID 83720-0063  
208-334-3233

**THE FOLLOWING IS THE TEXT OF THE TEMPORARY RULE FOR DOCKET NO. 24-3601-2401**  
**(Only Those Sections With Amendments Are Shown.)**

**24.36.01 – RULES OF THE IDAHO STATE BOARD OF PHARMACY**

**(BREAK IN CONTINUITY OF SECTIONS)**

**010. DEFINITIONS AND ABBREVIATIONS ~~(A – N)~~.**

The definitions set forth in Sections 54-1705~~4~~ and 37-2701, Idaho Code, are applicable to these rules. In addition, the following terms have the meanings set forth below: ~~(3-28-23)~~(7-1-24)T

- 01. ACCME.** Accreditation Council for Continuing Medical Education. (3-28-23)
- 02. ACPE.** Accreditation Council for Pharmacy Education. (3-28-23)
- 03. ADS – Automated Dispensing and Storage.** A mechanical system that performs operations or activities, other than compounding or administration, relative to the storage, packaging, dispensing, or distribution of drugs and that collects, controls, and maintains transaction information. (3-28-23)
- 04. Change of Ownership.** A change of majority ownership or controlling interest of a drug outlet licensed or registered by the Board. (3-28-23)
- 05. CME.** Continuing medical education. (3-28-23)
- 06. CPE.** Continuing pharmacy education. (3-28-23)
- 07. CPE Monitor.** An NABP service that allows pharmacists to electronically keep track of CPE credits from ACPE-accredited providers. (3-28-23)
- 08. DEA.** United States Drug Enforcement Administration. (3-28-23)
- 09. DME Outlet.** A registered outlet that may hold for sale at retail durable medical equipment (DME) and the following prescription drugs: pure oxygen for human application, nitrous oxide, sterile sodium chloride, and sterile water for injection. (3-28-23)
- 10. Drug Outlet.** Drug outlets include, but are not limited to, sterile product pharmacies, remote dispensing pharmacies, facilities operating narcotic treatment programs, DME outlets, prescriber drug outlets, outsourcing facilities, nuclear pharmacies, cognitive service pharmacies, correctional facilities, offsite ADSs for non-emergency dispensing, reverse distributors, mobile pharmacies, and analytical or research laboratories. (3-28-23)
- 11. FDA.** United States Food and Drug Administration. (3-28-23)
- 12. Flavoring Agent.** An additive in food or drugs in the minimum quantity necessary. (3-28-23)
- 13. Floor Stock.** Drugs or devices not labeled for a specific patient that are maintained at a nursing station or other department of an institutional facility, excluding the pharmacy, for the purpose of administering to patients of the facility. (3-28-23)
- 14. ~~FPGEC Certification.~~** ~~Foreign Pharmacy Graduate Examination Committee Certification.~~ ~~(3-28-23)~~

- 154. Hazardous Drug.** Any drug listed as such by the National Institute for Occupational Safety and Health or any drug identified by at least one (1) of the following criteria: carcinogenicity; teratogenicity or developmental toxicity; reproductive toxicity in humans; organ toxicity at low doses in humans or animals; genotoxicity; or new drugs that mimic existing hazardous drugs in structure or toxicity. (3-28-23)
- 165. HIPAA.** Health Insurance Portability and Accountability Act of 1996. (3-28-23)
- 176. NABP.** National Association of Boards of Pharmacy. (3-28-23)
- 18. ~~NAPLEX.~~** ~~North American Pharmacists Licensure Examination.~~ (3-28-23)
- 197. NDC.** National Drug Code. (3-28-23)
- 18. Parenteral Admixture.** The preparation and labeling of sterile products intended for administration by injection. (7-1-24)T
- 19. Pharmaceutical Care Services.** A broad range of services for patients performed independently or in collaboration with other health care professionals. Pharmaceutical care services are not limited to, but may include one (1) or more of the following: (7-1-24)T
- a.** Diagnosing the patient’s health status or condition; (7-1-24)T
  - b.** Reviewing or formulating a drug utilization plan; (7-1-24)T
  - c.** Monitoring and evaluating the patient’s response to drug therapy; (7-1-24)T
  - d.** Ordering and interpreting laboratory tests and imaging; (7-1-24)T
  - e.** Performing drug product selection, substitution, medication administration, prescription adaptation, or refill authorization as provided in these rules; and (7-1-24)T
  - f.** Prescribing drugs and devices as provided in these rules. (7-1-24)T
- 20. PDMP.** Prescription Drug Monitoring Program. (7-1-24)T
- 21. Prescriber.** An individual currently licensed, registered, or otherwise authorized to prescribe and administer drugs in the course of professional practice. (7-1-24)T
- 22. Purple Book.** The list of licensed biological products with reference product exclusivity and biosimilarity or interchangeability evaluations published by the FDA under the Public Health Service Act. (7-1-24)T
- 23. Readily Retrievable.** Records are considered readily retrievable if they are able to be completely and legibly produced upon request within seventy-two (72) hours. (7-1-24)T
- 24. Reconstitution.** The process of adding a diluent to a powdered medication to prepare a solution or suspension, according to the product’s labeling or the manufacturer’s instructions. (7-1-24)T
- 25. Restricted Drug Storage Area.** The area of a drug outlet where prescription drugs are prepared, compounded, distributed, dispensed, or stored. (7-1-24)T
- 26. Therapeutic Equivalent Drugs.** Products assigned an “A” code by the FDA in the Approved Drug Products with Therapeutic Equivalence Evaluations (Orange Book) and animal drug products published in the FDA Approved Animal Drug Products (Green Book). (7-1-24)T
- 27. USP-NF.** United State Pharmacopeia-National Formulary. (7-1-24)T
- 011. ~~DEFINITIONS AND ABBREVIATIONS (O – Z).~~**

The definitions set forth in Sections 54-1705 and 37-2701, Idaho Code, are applicable to these rules. In addition, the following terms have the meanings set forth below: (3-28-23)

~~01. **Parenteral Admixture.** The preparation and labeling of sterile products intended for administration by injection. (3-28-23)~~

~~02. **Pharmaceutical Care Services.** A broad range of services, activities and responsibilities intended to optimize drug related therapeutic outcomes for patients consistent with Rule 100. Pharmaceutical care services may be performed independent of, or concurrently with, the dispensing or administration of a drug or device and also encompasses services provided by way of DTM under a collaborative practice agreement. Pharmaceutical care services are not limited to, but may include one (1) or more of the following: (3-28-23)~~

~~a. Performing or obtaining necessary assessments of the patient's health status, including the performance of health screening activities or testing; (3-28-23)~~

~~b. Reviewing, analyzing, evaluating, formulating or providing a drug utilization plan; (3-28-23)~~

~~c. Monitoring and evaluating the patient's response to drug therapy, including safety and effectiveness; (3-28-23)~~

~~d. Coordinating and integrating pharmaceutical care services within the broader health care management services being provided to the patient; (3-28-23)~~

~~e. Ordering and interpreting laboratory tests; (3-28-23)~~

~~f. Performing drug product selection, substitution, prescription adaptation, or refill authorization as provided in these rules; (SD2301)~~

~~g. Prescribing drugs and devices as provided in these rules; and (SD2301)~~

~~h. Delegating services and duties to appropriate support personnel. (SD2301)~~

~~03. **PDMP.** Prescription Drug Monitoring Program. (3-28-23)~~

~~04. **Prescriber.** An individual currently licensed, registered, or otherwise authorized to prescribe and administer drugs in the course of professional practice. (3-28-23)~~

~~05. **Purple Book.** The list of licensed biological products with reference product exclusivity and biosimilarity or interchangeability evaluations published by the FDA under the Public Health Service Act. (3-28-23)~~

~~06. **Readily Retrievable.** Records are considered readily retrievable if they are able to be completely and legibly produced upon request within seventy-two (72) hours. (3-28-23)~~

~~07. **Reconstitution.** The process of adding a diluent to a powdered medication to prepare a solution or suspension, according to the product's labeling or the manufacturer's instructions. (3-28-23)~~

~~08. **Restricted Drug Storage Area.** The area of a drug outlet where prescription drugs are prepared, compounded, distributed, dispensed, or stored. (3-28-23)~~

~~09. **Therapeutic Equivalent Drugs.** Products assigned an "A" code by the FDA in the Approved Drug Products with Therapeutic Equivalence Evaluations (Orange Book) and animal drug products published in the FDA Approved Animal Drug Products (Green Book). (3-28-23)~~

~~10. **USP-NF.** United State Pharmacopeia National Formulary. (3-28-23)~~

~~0121. – 099. (RESERVED)~~

**SUBCHAPTER A – GENERAL PROVISIONS**  
**(Rules 100 through 199)**

**~~100. – 101. PRACTICE OF PHARMACY: GENERAL APPROACH. (RESERVED)~~**

~~To evaluate whether a specific act is within the scope of pharmacy practice in or into Idaho, or whether an act can be delegated to other individuals under their supervision, a licensee or registrant of the Board must independently determine whether:~~ (3-28-23)

~~**01. Express Prohibition.** The act is expressly prohibited by: (3-28-23)~~

~~**a.** The Idaho Pharmacy Act, Title 54, Chapter 17, Idaho Code; (3-28-23)~~

~~**b.** The Uniform Controlled Substances Act, Title 37, Chapter 27, Idaho Code; (3-28-23)~~

~~**c.** The rules of the Idaho State Board of Pharmacy; or (3-28-23)~~

~~**d.** Any other applicable state or federal laws or regulations. (3-28-23)~~

~~**02. Education, Training, and Experience.** The act is consistent with licensee or registrant's education, training, and experience. (3-28-23)~~

~~**03. Standard of Care.** Performance of the act is within the accepted standard of care that would be provided in a similar setting by a reasonable and prudent licensee or registrant with similar education, training and experience. (3-28-23)~~

**~~101. PRESCRIBER PERFORMANCE OF PHARMACY FUNCTIONS.~~**

~~For the purposes of this chapter, any function that a pharmacist may perform may similarly be performed by an Idaho prescriber or may be delegated by an Idaho prescriber to appropriate support personnel, in accordance with the prescriber's practice act. (3-28-23)~~

**102. WAIVERS OR VARIANCES.**

~~**01. Emergency Waiver.** In the event of an emergency declared by the President of the United States, the Governor of the State of Idaho, or by any other person with legal authority to declare an emergency, the division administrator may waive any requirement of these rules for the duration of the emergency. (3-28-23)(7-1-24)T~~

**(BREAK IN CONTINUITY OF SECTIONS)**

**~~211. – 212. PHARMACIST LICENSURE BY EXAMINATION. (RESERVED)~~**

~~To be considered for licensure, a person must satisfy the requirements of Section 54-1722(1)(a) through (e), Idaho Code, submit to the Board an application for licensure by examination, and meet the following: (3-28-23)~~

~~**01. Graduates of U.S. Pharmacy Schools.** Graduate from an ACPE-accredited school or college of pharmacy within the United States. (3-28-23)~~

~~**02. Graduates of Foreign Pharmacy Schools.** Graduate from a school or college of pharmacy located outside of the United States, submit certification by the FPGEC, and complete a minimum of seventeen hundred forty (1,740) experiential hours as verified on an employer's affidavit signed by a pharmacist licensed and practicing in the United States. The Board may request verifiable business records to document the hours. (3-28-23)~~

~~**03. Licensure Examinations.** Qualified applicants must pass the NAPLEX in accordance with NABP standards. A candidate who fails the NAPLEX three (3) times must complete at least thirty (30) hours of continuing education accredited by an ACPE-accredited provider prior to being eligible to sit for each subsequent reexamination. Candidates are limited to five (5) total NAPLEX attempts. (3-28-23)~~

~~04. **Score Transfer.** Score transfers into Idaho during the examination registration process are accepted for one (1) year. After taking the exam, score transfers into Idaho must be submitted within eighty-nine (89) days. (3-28-23)~~

~~**212. PHARMACIST LICENSURE BY RECIPROCITY.**~~

~~An applicant for pharmacist licensure by reciprocity must satisfy the requirements of Section 54-1723, Idaho Code, and submit a preliminary application for licensure transfer through NABP. An applicant whose pharmacist license is currently restricted by a licensing entity in another state must appear before the Board to petition for licensure by reciprocity. An applicant not actively engaged in the practice of pharmacy during the year preceding the date of application may have to complete intern hours for each year away from the practice of pharmacy. (3-28-23)~~

**(BREAK IN CONTINUITY OF SECTIONS)**

**350. PHARMACIST PRESCRIBING: GENERAL REQUIREMENTS.**

In accordance with Section 54-1705~~4~~, Idaho Code, a pharmacist may independently prescribe provided the following general requirements are met by the pharmacist: ~~(3-28-23)~~(7-1-24)T

**01. Education.** Only prescribe drugs or devices for conditions for which the pharmacist is educationally prepared and for which competence has been achieved and maintained. (3-28-23)

**02. Patient-Prescriber Relationship.** Only issue a prescription for a legitimate medical purpose arising from a patient-prescriber relationship as defined in Section 54-1733, Idaho Code. (3-28-23)

**03. Patient Assessment.** Obtain adequate information about the patient's health status to make appropriate decisions based on the applicable standard of care and the best available evidence. (3-28-23)

**04. Collaboration with Other Health Care Professionals.** Recognize the limits of the pharmacist's own knowledge and experience and consult with and refer to other health care professionals as appropriate. (3-28-23)

**05. Documentation.** Maintain documentation adequate to justify the care provided including, but not limited to, the information collected as part of the patient assessment, the prescription record, provider notification, and the follow-up care plan. (3-28-23)

**06. Prescribing Exemption.** The general requirements set forth in this section do not apply to ~~collaborative pharmacy practice agreements, the prescribing of devices, and nonprescription drugs.~~ prescribing under a collaborative pharmacy practice agreement, direct administration of a medication, or prescribing emergency drugs pursuant to Section 54-1735, Idaho Code. ~~(3-28-23)~~(7-1-24)T

# IDAPA 24 – DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES

## DOCKET NO. 24-ZBRR-2401 (ZBR CHAPTER REWRITES)

### OMNIBUS 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 67-2604, Idaho Code, Sections 67-9404, 67-9405, 67-9406, 67-9409, and 67-9413, Idaho Code, and the following additional sections of Idaho Code:

IDAPA 24.02 – Section 54-406, Idaho Code	IDAPA 24.33.03 – Sections 54-1801, 54-1806, 54-1806A,
IDAPA 24.03 – Sections 54-701 - 54-717, Idaho Code	54-1808, 54-1813, 54-1814, 54-1841, 54-3501,
IDAPA 24.08 – Sections 54-1101 - 54-1144, Idaho Code	54-3901, 54-4301, Idaho Code
IDAPA 24.09 – Sections 54-1601 - 54-1616, Idaho Code	IDAPA 24.33.04 – Sections 54-1801, 54-1806, 54-1806A,
IDAPA 24.19 – Sections 54-4201 - 54-4216, Idaho Code	54-1808, 54-1812, 54-1813, 54-1814, 54-1841,
IDAPA 24.24 – Sections 54-5601 - 54-5616, Idaho Code	Idaho Code
IDAPA 24.29 – Sections 54-3101 - 54-3118, Idaho Code	IDAPA 24.33.05 – Sections 54-1801, 54-1806, 54-1806A,
IDAPA 24.33.01 – Sections 54-1801, 54-1806,	54-3907, 54-3910, 54-3911, 54-3913, Idaho Code
54-1806A, 54-1808, 54-1812, 54-1813, 54-1814,	IDAPA 24.33.06 – Sections 45-1801, 54-1806, 54-1806A,
54-1841, Idaho Code	54-1814, 54-4301, 54-4304A, 54-4305, 54-4309
IDAPA 24.33.02 – Sections 54-1801, 54-1806,	through 54-4312, 54-4314, 54-4316, Idaho Code
54-1806A, 54-1808, 54-1812, 54-1813, 54-1814,	IDAPA 24.33.07 – Sections 54-1801, 54-1806, 54-1806A,
54-1841, Idaho Code	54-1814, 54-3501, 54-3503, Idaho Code
	IDAPA 24.36.01 – Title 37, Chapter 27, Idaho Code;
	Sections 54-1701, 54-1751, 54-1760, Idaho Code

**MEETING SCHEDULE:** Public meetings on the negotiated rulemaking will be held as follows. Additional meetings may be scheduled and will be posted on the DOPL website (<https://dopl.idaho.gov/calendar/>) and [townhall.idaho.gov](http://townhall.idaho.gov).

#### 24.02.01 – Rules of the State Athletic Commission

**June 18, 2024 – 9 a.m. (MT)**  
**Division of Occupational and Professional Licenses**  
**Chinden Campus Building 4**  
**11341 W. Chinden Blvd., Bldg. #4**  
**Boise, ID 83714**

[Virtual Meeting Link](#)

#### 24.03.01 – Rules of the State Board of Chiropractic Physicians

**May 15, 2024 – 9 a.m. (MT)**  
**Division of Occupational and Professional Licenses**  
**Chinden Campus Building 4, Coolwater Room**  
**11341 W. Chinden Blvd., Bldg. #4**  
**Boise, ID 83714**

[Virtual Meeting Link](#)

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

**June 18, 2024 – 10 a.m. (MT)  
Division of Occupational and Professional Licenses  
Chinden Campus Building 4  
11341 W. Chinden Blvd., Bldg. #4  
Boise, ID 83714**

**[Virtual Meeting Link](#)**

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

**April 17, 2024 – 11 a.m. (MT)  
Division of Occupational and Professional Licenses  
Chinden Campus Building 4, Coolwater Room  
11341 W. Chinden Blvd., Bldg. #4  
Boise, ID 83714**

**[Virtual Meeting Link](#)**

**24.19.01 – Rules for the Board of Examiners of Residential Care Facility Administrators**

**April 17, 2024 – 12 p.m. (MT)  
Division of Occupational and Professional Licenses  
Chinden Campus Building 4, Coolwater Room  
11341 W. Chinden Blvd., Bldg. #4  
Boise, ID 83714**

**[Virtual Meeting Link](#)**

**24.24.01 – Rules of the Genetic Counselors Licensing Board**

**April 17, 2024 – 10 a.m. (MT)  
Division of Occupational and Professional Licenses  
Chinden Campus Building 4, Coolwater Room  
11341 W. Chinden Blvd., Bldg. #4  
Boise, ID 83714**

**[Virtual Meeting Link](#)**

**24.29.01 – Rules of Procedure of the Idaho Certified Shorthand Reporters Board**

**May 15, 2024 – 10 a.m. (MT)  
Division of Occupational and Professional Licenses  
Chinden Campus Building 4, Coolwater Room  
11341 W. Chinden Blvd., Bldg. #4  
Boise, ID 83714**

**[Virtual Meeting Link](#)**

**24.33.01 – Rules of the Board of Medicine for the Licensure to Practice Medicine and  
Osteopathic Medicine in Idaho  
24.33.03 – General Provisions of the Board of Medicine  
24.36.01 – Rules of the Idaho State Board of Pharmacy**

**April 29, 2024 – 2 p.m. (MT)  
[Virtual Meeting Link](#)**

**May 20, 2024 – 2 p.m. (MT)  
[Virtual Meeting Link](#)**

**Division of Occupational and Professional Licenses  
Chinden Campus Building 4  
11341 W. Chinden Blvd., Bldg. #4  
Boise, ID 83714**

**24.33.02 – Rules for Licensure of Physician Assistants  
24.33.04 – Rules for Licensure of Naturopathic Medical Doctors  
24.33.05 – Rules of the Licensure of Athletic Trainers to Practice in Idaho  
24.33.06 – Rules of the Licensure Of Respiratory Therapists And Permitting Of  
Polysomnographers In Idaho  
24.33.07 – Rules of the Licensure Of Dietitians**

**April 15, 2024 – 2 p.m. (MT)  
[Virtual Meeting Link](#)**

**April 29, 2024 – 2 p.m. (MT)  
[Virtual Meeting Link](#)**

**Division of Occupational and Professional Licenses  
Chinden Campus Building 4  
11341 W. Chinden Blvd., Bldg. #4  
Boise, ID 83714**

Rulemaking meetings will be held in person and via web conferencing to provide a rulemaking platform that enables broad participation by stakeholders from across the state and minimize travel for stakeholders. 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:** Those interested in participating in the negotiated rulemaking process are encouraged to attend the scheduled meetings. The telephone and web conferencing information for a specific meeting will be posted at least two days prior to the meeting. For those who cannot participate by attending the meeting, information for submitting written comments is provided below.

Upon conclusion of the negotiated rulemaking, any unresolved issues, all key issues considered, and conclusions reached during the negotiated rulemaking will be addressed in a written summary. 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 negotiated rulemaking is being presented as part of the DOPL plan to review each rule chapter every 5 years. There are no specific rulemaking changes planned by DOPL at this time except for evaluation and amendment consistent with the Governor's [Executive Order 2020-01: Zero-Based Regulation](#). It is anticipated that rulemaking stakeholders will propose and advocate for rulemaking changes as part of the negotiated rulemaking process. DOPL intends to carefully consider all changes presented by the public and may propose certain changes so long as they are consistent with the rules' statutory authority and the Governor's Executive Order. DOPL will review the documents that are currently incorporated by reference in this rule and update that list as applicable.

Incorporated by reference documents presented for review will be part of informal negotiated rulemaking and stakeholders will provide input on that process.

The following IDAPA rule chapters are germane to this rulemaking:

- 24.02.01, Rules of the State Athletic Commission
- 24.03.01, Rules of the State Board of Chiropractic Physicians
- 24.08.01, Rules of the State Board Morticians
- 24.09.01, Rules of the Board of Examiners of Nursing Home Administrators
- 24.19.01, Rules for the Board of Examiners of Residential Care Facility Administrators
- 24.24.01, Rules of the Genetic Counselors Licensing Board
- 24.29.01, Rules of Procedure of the Idaho Certified Shorthand Reporters Board
- 24.33.01, Rules of the Board of Medicine for the Licensure to Practice Medicine and Osteopathic Medicine in Idaho
- 24.33.02, Rules for Licensure of Physician Assistants
- 24.33.03, General Provisions of the Board of Medicine
- 24.33.04, Rules for Licensure of Naturopathic Medical Doctors
- 24.33.05, Rules of the Licensure of Athletic Trainers to Practice in Idaho
- 24.33.06, Rules of the Licensure of Respiratory Therapists and Permitting of Polysomnographers in Idaho
- 24.33.07, Rules of the Licensure of Dietitians
- 24.36.01, Rules of the Idaho State Board of Pharmacy.

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS, OBTAINING DRAFT COPIES:** For assistance on technical questions concerning this negotiated rulemaking, contact Krissy Veseth, Bureau Chief, at (208) 577-2491. Materials pertaining to the negotiated rulemaking, including any available preliminary rule drafts, can be found on the following DOPL website: <https://dopl.idaho.gov/rulemaking-new/>.

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 June 26, 2024.

DATED this 12th day of March, 2024.

Krissy Veseth  
Bureau Chief, Bureau of Administration  
11341 W. Chinden Blvd., Bldg. #4  
Boise, ID 83714  
Phone: (208) 577-2491  
Email: [krissy.veseth@dopl.idaho.gov](mailto:krissy.veseth@dopl.idaho.gov)

**IDAPA 35 – STATE TAX COMMISSION**

**35.01.05 – IDAHO MOTOR FUELS TAX ADMINISTRATIVE RULES**

**DOCKET NO. 35-0105-2401**

**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 Sections 63-105, Idaho Code.

**MEETING SCHEDULE:** A negotiated rulemaking meeting will be held as follows:

<b>Wednesday, May 29, 2024 at 11:00 a.m. (MT)</b>
<b>In Person: Idaho State Tax Commission 11321 W Chinden Blvd., Bldg. 2 Boise, ID 83714 (Meeting to be held in the Turquoise Conference Room)</b>
<b>Teleconference via WebEx: Join from the meeting link: <a href="https://idahogov.webex.com/idahogov/j.php?MTID=m11b2d7cf1959d8bffc8843122cadcdc">https://idahogov.webex.com/idahogov/j.php?MTID=m11b2d7cf1959d8bffc8843122cadcdc</a></b>
<b>Join by meeting number: meeting number (access code): 2631 388 2509 meeting password: nUEdQpM36R5</b>
<b>Join by phone: +1-415-655-0001 US Toll When prompted please enter Passcode: 26313882509</b>

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 any of the following:

1. Attend the negotiated rulemaking meeting(s), in person or through teleconference, and participate in the negotiation process;
2. Provide oral or written recommendations, or both, at a negotiated rulemaking meeting;
3. Submit written comments to the address below.

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 State Tax Commission will perform a critical and comprehensive review of the statutes and existing rules chapter. We will rewrite this chapter under the premise of zero-based rulemaking, as per [Executive Order 2020-01: Zero Based Rule Regulation](#).

**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 Elena Gonzalez, (208) 334-7855. Materials pertaining to the negotiated rulemaking, including any available preliminary rule drafts, can be found on the commission web site at the following web address: <https://tax.idaho.gov/governance/rules/rules-product-tax-rules-committee/>.

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 July 8, 2024.

DATED this 3rd day of April, 2024.

Elena Gonzalez, Product Taxes Research Specialist  
Idaho State Tax Commission  
11321 W. Chinden Blvd., Bldg. 2, Boise ID 83714  
PO Box 36. Boise ID 83722-0036  
[elena.gonzalez@tax.idaho.gov](mailto:elena.gonzalez@tax.idaho.gov)  
(208) 334-7855

## IDAPA 35 – STATE TAX COMMISSION

### 35.01.10 – IDAHO CIGARETTE AND TOBACCO PRODUCTS TAXES ADMINISTRATIVE RULES

DOCKET NO. 35-0110-2401

#### 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 Sections 63-105, Idaho Code.

**MEETING SCHEDULE:** A negotiated rulemaking meeting will be held as follows:

Wednesday, May 29, 2024 at 1:00 p.m. (MT)
<p style="text-align: center;"><b>In Person:</b> <b>Idaho State Tax Commission</b> <b>11321 W Chinden Blvd., Bldg. 2</b> <b>Boise, ID 83714</b> <b>(Meeting to be held in the Turquoise Conference Room)</b></p> <p style="text-align: center;"><b>Teleconference via WebEx:</b> <b>Join from the meeting link: <a href="https://idahogov.webex.com/idahogov/j.php?MTID=m7ac721d04bf55b700f929756ef873f0c">https://idahogov.webex.com/idahogov/j.php?MTID=m7ac721d04bf55b700f929756ef873f0c</a></b></p> <p style="text-align: center;"><b>Join by meeting number:</b> <b>meeting number (access code): 2633 891 5633</b> <b>meeting password: g93kVwhnwm7</b></p> <p style="text-align: center;"><b>Join by phone:</b> <b>+1-415-655-0001 US Toll</b> <b>When prompted please enter Passcode: 26338915633</b></p>

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 any of the following:

1. Attend the negotiated rulemaking meeting(s), in person or through teleconference, and participate in the negotiation process;
2. Provide oral or written recommendations, or both, at a negotiated rulemaking meeting;
3. Submit written comments to the address below.

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 State Tax Commission will perform a critical and comprehensive review of the statutes and existing rules chapter. We will rewrite this chapter under the premise of zero-based rulemaking, as per [Executive Order 2020-01: Zero Based Rule Regulation](#).

**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 Elena Gonzalez, (208) 334-7855. Materials pertaining to the negotiated rulemaking, including any available preliminary rule drafts, can be found on the commission web site at the following web address: <https://tax.idaho.gov/governance/rules/rules-product-tax-rules-committee/>.

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 July 8, 2024.

DATED this 3rd day of April, 2024.

Elena Gonzalez, Product Taxes Research Specialist  
Idaho State Tax Commission  
11321 W. Chinden Blvd., Bldg. 2, Boise ID 83714  
PO Box 36. Boise ID 83722-0036  
[elena.gonzalez@tax.idaho.gov](mailto:elena.gonzalez@tax.idaho.gov)  
(208) 334-7855

# IDAPA 37 – IDAHO DEPARTMENT OF WATER RESOURCES

## 37.03.01 – ADJUDICATION RULES

DOCKET NO. 37-0301-2401

### 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 and input prior to initiating formal rulemaking procedures. This negotiated rulemaking action is authorized pursuant to Section(s) 42-1805(8), Idaho Code.

**MEETING SCHEDULE:** A negotiated rulemaking meeting will be held as follows. Any additional meeting dates will be posted on IDWR's website at: <https://idwr.idaho.gov/legal-actions/rules/idwr-rulemaking-2024-2025/adjudication-rules/>.

**\*PUBLIC MEETING\***  
**Thursday, May 16, 2024 at 2:00 p.m. (MT)**

**In Person:**  
**Idaho Dept. of Water Resources**  
**322 E Front St.**  
**Boise, ID 83720-0098**  
**(Meeting to be held at IDWR Office Conference Rooms B, C & D,**  
**located on the 6th Floor of the University of Idaho Water Center)**

**To sign up for attendance via telephone/videoconference,**  
**Contact Lori Harris at 208-287-4909 or [lori.harris@idwr.idaho.gov](mailto:lori.harris@idwr.idaho.gov) by May 15, 2024.**

**Materials pertaining to the negotiated rulemaking, including any available preliminary rule drafts, can be found on the agency web site at the following web address: <https://idwr.idaho.gov/legal-actions/rules/idwr-rulemaking-2024-2025/adjudication-rules/>.**

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 either attend the above-scheduled meeting or identify themselves to IDWR using the phone number or email address listed above in advance of the above-scheduled meeting.

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.

Should a reasonable number of persons respond to this notice, additional negotiated meetings may be scheduled and all scheduled meetings shall be posted and made accessible on IDWR's website listed in this notice.

A lack of a sufficient number of responses to this notice of intent may result in the discontinuation of further informal proceedings. In either event, IDWR has sole discretion in determining the feasibility of scheduling and conducting informal negotiated rulemaking and may proceed directly to formal rulemaking if proceeding with negotiated rulemaking is deemed infeasible.

**DESCRIPTIVE SUMMARY 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:

This rulemaking will review the “Adjudication Rules,” IDAPA 37.03.01. The Rule clarifies the minimum requirements for completing a notice of claim to a water right acquired under state law, establishes clear criteria for calculation of claim filing fees, sets clear criteria for refunding fees, and establishes criteria for rejecting incomplete claims, IDWR believes the regulatory measures in the Rule are necessary for the orderly, consistent, and efficient processing of adjudication claims filed in connection with any of the five separate active general stream adjudications within the state. IDWR is considering revising existing portions of the Adjudication Rules to be consistent with Idaho Code Title 42, Chapter 14 “Adjudication of Water Rights.” IDWR is also considering updating and clarifying definitions. During this rulemaking, general topics of discussion will be definitions, general information, required fees, refunds, claim requirements, and rejected claims.

**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, contact [rulesinfo@idwr.idaho.gov](mailto:rulesinfo@idwr.idaho.gov) or contact Erk Boe, IDWR Rules Review Officer at (208) 287-4800.

Materials pertaining to the negotiated rulemaking, including any available preliminary rule drafts, can be found on the Idaho Department of Water Resources’ website at the following web address: <https://idwr.idaho.gov/legal-actions/rules/idwr-rulemaking-2024-2025/adjudication-rules/>.

Anyone may submit written comments regarding this negotiated rulemaking. All written comments on topics covered during the May 16, 2024, meeting must be directed to the undersigned and must be delivered on or before May 31, 2024. Information regarding additional public comment opportunities will be posted on IDWR’s website listed above.

DATED this 1st day of April, 2024.

Erik Boe  
Ground Water Protection Section Manager, Rules Regulation Officer  
Idaho Department of Water Resources  
322 E Front St  
PO Box 83720  
Boise, Idaho 83720-0098  
Phone: (208) 287-4800  
Fax: (208) 287-6700  
Email: [erik.boe@idwr.idaho.gov](mailto:erik.boe@idwr.idaho.gov)

# IDAPA 37 – IDAHO DEPARTMENT OF WATER RESOURCES

## 37.03.02 – BENEFICIAL USE EXAMINATION RULES

DOCKET NO. 37-0302-2401

### 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 and input prior to initiating formal rulemaking procedures. This negotiated rulemaking action is authorized pursuant to Section 42-1805(8), Idaho Code.

**MEETING SCHEDULE:** A negotiated rulemaking meeting has been scheduled. Any additional meeting dates will be posted on IDWR’s website at <https://idwr.idaho.gov/legal-actions/rules/idwr-rulemaking-2024-2025/beneficial-use-exam-rules/>.

**\*PUBLIC MEETING\***  
**Monday, May 6, 2024 at 9:00 a.m. (MT)**

**In Person:**  
**Idaho Dept. of Water Resources**  
**322 E Front St.**  
**Boise, ID 83720-0098**  
**(Meeting to be held at IDWR Office Conference Rooms B, C & D,**  
**located on the 6th Floor of the University of Idaho Water Center)**

**To sign up for attendance via telephone/videoconference,**  
**Contact Jean Hersley at 208-287-4942 or [jean.hersley@idwr.idaho.gov](mailto:jean.hersley@idwr.idaho.gov) by May 3, 2024.**

**Materials pertaining to the negotiated rulemaking, including any available preliminary rule drafts,**  
**can be found on the agency web site at the following web address: <https://idwr.idaho.gov/legal-actions/rules/idwr-rulemaking-2024-2025/beneficial-use-exam-rules/>.**

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 either attend the above scheduled meeting in person, attend the scheduled meeting by telephone or video conference by identifying themselves to the Idaho Department of Water Resources (“IDWR”) using the phone number or email address listed above and request the participation information in advance, or submit written comments to [rulesinfo@idwr.idaho.gov](mailto:rulesinfo@idwr.idaho.gov) (please clearly identify the appropriate rule).

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.

Should a reasonable number of people respond to this notice, additional negotiated meetings may be scheduled, and all scheduled meetings shall be posted and made accessible on IDWR’s website listed in this notice.

A lack of a sufficient number of responses to this notice of intent may result in the discontinuation of further informal proceedings. In either event, IDWR has the sole discretion in determining the feasibility of scheduling and conducting informal negotiated rulemaking and may proceed directly to formal rulemaking in proceeding with negotiated rulemaking is deemed infeasible.

**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:

This rulemaking will review the “Beneficial Use Examination Rules of the Idaho Department of Water Resources,” IDAPA 37.03.02, consistent with [Executive Order 2020-01](#). This chapter governs the examination requirements necessary to consider and determine the extent of application of water to beneficial use accomplished under a water right permit, establishes the procedures and requirements for qualification to become a certified water right examiner appointed by the Director, and governs licensing examination fees which are used to offset costs incurred by IDWR in reviewing and determining the extent of beneficial use. IDWR reviewed these rules pursuant to the zero-based regulation process and is considering the re-promulgation of this chapter with substantive modifications.

IDWR identified the following areas as potential changes from the existing chapter:

- Simplify, condense, and modernize rule language;
- Remove obsolete or unnecessarily duplicative rule language;
- Address relevant statutes adopted or amended since 2012, including Idaho Code §§ 42-217, 42-218a, 42-219, 42-220, and 42-221; and
- Clarify rule language not adequately explained.

**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 [rulesinfo@idwr.idaho.gov](mailto:rulesinfo@idwr.idaho.gov) or Erik Boe, IDWR Rules Regulation Officer at (208) 287-4800. Materials pertaining to the negotiated rulemaking, including any available preliminary rule drafts, can be found on the IDWR’s website at the following web address: <https://idwr.idaho.gov/legal-actions/rules/idwr-rulemaking-2024-2025/beneficial-use-exam-rules/>.

Anyone may submit written comments regarding this negotiated rulemaking. All written comments on topics covered in the May 6, 2024 public meeting must be directed to [rulesinfo@idwr.idaho.gov](mailto:rulesinfo@idwr.idaho.gov) and must be delivered on or before May 17, 2024. Information regarding any additional public comment opportunities will be posted on IDWR’s website listed above.

DATED this 1st day of April, 2024.

Erik Boe  
Ground Water Protection Section Manager, Rules Regulation Officer  
Idaho Department of Water Resources  
322 E Front St  
PO Box 83720  
Boise, Idaho 83720-0098  
Phone: (208) 287-4800  
Fax: (208) 287-6700  
Email: [erik.boe@idwr.idaho.gov](mailto:erik.boe@idwr.idaho.gov)

# IDAPA 37 – IDAHO DEPARTMENT OF WATER RESOURCES

## 37.03.09 – WELL CONSTRUCTION STANDARDS RULES

DOCKET NO. 37-0309-2401

### 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 42-1805(8), Idaho Code. This action is consistent with [Executive Order 2020-01: Zero-Based Regulation](#), which directs agencies to review all administrative rules over the five-year period of 2021-2025 (completing review no later than Idaho Legislature sine die 2026).

**MEETING SCHEDULE:** A public meeting on the negotiated rulemaking will be held as follows. Any additional meeting dates will be posted on IDWR's website at <https://idwr.idaho.gov/legal-actions/rules/idwr-rulemaking-2024-2025/well-construction-rules/>.

**\*PUBLIC MEETING\***  
**Thursday, April 25, 2024 at 2:00 p.m. (MT)**

**In Person:**  
**Idaho Dept. of Water Resources**  
**322 E Front St.**  
**Boise, ID 83720-0098**  
**(Meeting to be held at IDWR Office Conference Rooms B, C & D,**  
**located on the 6th Floor of the University of Idaho Water Center)**

**To sign up for attendance via telephone/videoconference,**  
**Contact [rulesinfo@idwr.idaho.gov](mailto:rulesinfo@idwr.idaho.gov) or Erik Boe at 208-287-4800 by April 18, 2024.**

**Materials pertaining to the negotiated rulemaking, including any available preliminary rule drafts, can be found on the agency web site at the following web address: <https://idwr.idaho.gov/legal-actions/rules/idwr-rulemaking-2024-2025/well-construction-rules/>.**

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 either attend the above-scheduled meeting or identify themselves to IDWR using the phone number or email address listed above in advance of the above-scheduled meeting. Upon conclusion of negotiated rulemaking, any unresolved issues, all key issues considered, and conclusions reached during the negotiated rulemaking will be addressed in a written summary. The summary will be made available to interested persons who contact IDWR or, if IDWR chooses, the summary may be posted on IDWR's website listed above.

Should a reasonable number of persons respond to this notice, additional negotiated meetings may be scheduled, and all scheduled meetings shall be posted and made accessible on IDWR's website listed in this notice.

A lack of a sufficient number of responses to this notice of intent may result in the discontinuation of further informal proceedings. In either event, IDWR has sole discretion in determining the feasibility of scheduling and conducting informal negotiated rulemaking and may proceed directly to formal rulemaking if proceeding with negotiated rulemaking is deemed infeasible.

**DESCRIPTIVE SUMMARY 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:

This rulemaking will review the “Well Construction Standards Rules,” IDAPA 37.03.09, consistent with [Executive Order 2020-01](#). The Well Construction Rules provide minimum construction standards for the construction of all new wells and the modification and decommissioning (abandonment) of existing wells. The intent of the Rule is to protect the public health, safety, welfare and environment, and to prevent the waste of water or mixture of water from different aquifers. The Rule also implements the drilling permit fees set forth in Idaho Code § 42-235.

IDWR identified the following areas as potential changes from the existing chapter:

- Remove subsection rules if non-regulatory measures can be implemented in lieu of the rules.
- Simplify, condense, and modernize rule language.
- Remove obsolete or unnecessarily duplicative rule language.
- Clarify rule language not adequately explained.

**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, contact [rulesinfo@idwr.idaho.gov](mailto:rulesinfo@idwr.idaho.gov) or contact Erik Boe, IDWR Rules Regulation Officer at (208) 287-4800. Materials pertaining to the negotiated rulemaking, including any available preliminary rule drafts, can be found on the IDWR website at the following web address: <https://idwr.idaho.gov/legal-actions/rules/idwr-rulemaking-2024-2025/well-construction-rules/>.

Anyone may submit written comments regarding this negotiated rulemaking. All written comments on topics covered during the April 25, 2024 meeting must be directed to the undersigned and must be delivered on or before May 9, 2024. Information regarding any additional public comment opportunities will be posted on IDWR’s website listed above.

DATED this 1st day of April, 2024.

Erik Boe, Ground Water Protection Section Manager, Rules Regulation Officer  
Idaho Department of Water Resources  
322 E Front St  
PO Box 83720  
Boise, ID 83720-0098  
Phone: (208) 287-4800  
Fax: (208) 287-6700  
Email: [erik.boe@idwr.idaho.gov](mailto:erik.boe@idwr.idaho.gov)

## **IDAPA 58 – DEPARTMENT OF ENVIRONMENTAL QUALITY**

### **58.01.14 – RULES GOVERNING FEES FOR ENVIRONMENTAL OPERATING PERMITS, LICENSES, AND INSPECTION SERVICES**

**DOCKET NO. 58-0114-2401**

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

**AUTHORITY:** In compliance with Section 67-5220, Idaho Code, notice is hereby given that this agency intends to promulgate a rule and desires public participation before publishing a proposed rule. This rulemaking action is authorized by Sections 39-105, 39-107, 39-119, and 39-175C, Idaho Code.

**METHOD OF PARTICIPATION:** Those interested in participating in the negotiated rulemaking process are encouraged to attend the scheduled meeting. For those who cannot participate by attending the meeting, information for submission of written comments is provided at the end of this notice.

**MEETING SCHEDULE:** A negotiated rulemaking meeting has been scheduled. Any additional meeting dates will be posted at: <https://www.deq.idaho.gov/environmental-fees-docket-no-58-0114-2401>.

**Wednesday, April 17, 2024, 9:00 a.m. to 11:00 a.m. MT**

**ATTEND IN PERSON OR VIA MICROSOFT TEAMS**

**DEQ State Office  
Conference Room B  
1410 N. Hilton  
Boise, ID 83706**

**The Teams meeting link is available at:  
<https://www.deq.idaho.gov/environmental-fees-docket-no-58-0114-2401>**

The meeting location will be accessible to persons with disabilities, and language translators will be made available upon request. Requests must be made no later than five (5) business days prior to the meeting date. For arrangements contact the undersigned.

**DESCRIPTIVE SUMMARY:** DEQ initiated this rulemaking in compliance with [Executive Order No. 2020-01, Zero-Based Regulation \(EO 2020-01\)](#), issued by Governor Little on January 16, 2020. Pursuant to EO 2020-01, each rule chapter effective on June 30, 2020, shall be reviewed by the agency that promulgated the rule. The review will be conducted according to a schedule established by the Division of Financial Management, Office of the Governor (DFM), posted at [https://adminrules.idaho.gov/forms\\_menu.html](https://adminrules.idaho.gov/forms_menu.html). This is one of the DEQ rule chapters up for review in 2024. The goal of the rulemaking is to perform a critical and comprehensive review of the entire chapter in an attempt to reduce overall regulatory burden, streamline various provisions, increase clarity and ease of use.

DEQ intends to begin the process of consolidating environmental fees into one chapter in an effort to streamline access to fee schedules and to provide a single stop for the regulated community to view applicable fees. Phase one would be consolidation of fees applicable to wastewater treatment facilities. This rulemaking includes a proposal to move the IPDES permit fee schedule language currently in Section 110 of 58.01.25, Idaho Pollutant Discharge Elimination System Rules, to 58.01.14, Rules Governing Fees for Environmental Operating Permits, Licenses, and Inspection Services. DEQ will also explore the possibility of including a proposal for fees associated with Idaho DEQ's recycled water program. DEQ has evaluated the current number of recycled water permits and the workload associated with providing permits and compliance assistance for these facilities and determined that a minor fee is necessary to offset the costs to the state associated with this effort.

**PRELIMINARY DRAFT RULE:** The preliminary draft rule is available at: <https://www.deq.idaho.gov/environmental-fees-docket-no-58-0114-2401>. DEQ will facilitate negotiation of this rule in conjunction with a committee made up of stakeholders having an interest in the development of the rule. Upon conclusion of negotiations, DEQ intends to publish a proposed rule for public comment.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on questions concerning this rulemaking, contact Mary Anne Nelson at [mary.anne.nelson@deq.idaho.gov](mailto:mary.anne.nelson@deq.idaho.gov) or (208) 373-0291.

**SUBMISSION OF WRITTEN COMMENTS:** Information regarding public comment opportunities provided throughout the rulemaking process will be available at: <https://www.deq.idaho.gov/environmental-fees-docket-no-58-0114-2401>.

Dated this 3rd day of April, 2024.

Janeena White  
Senior Operations Analyst  
Department of Environmental Quality  
1410 N. Hilton Street  
Boise, Idaho 83706  
208-373-0151  
[Janeena.White@deq.idaho.gov](mailto:Janeena.White@deq.idaho.gov)

# IDAPA 58 – DEPARTMENT OF ENVIRONMENTAL QUALITY

## 58.01.22 – RULES FOR ADMINISTRATION OF PLANNING GRANTS FOR DRINKING WATER AND WASTEWATER FACILITIES

DOCKET NO. 58-0122-2401

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

**AUTHORITY:** In compliance with Section 67-5220, Idaho Code, notice is hereby given that this agency intends to promulgate a rule and desires public participation before publishing a proposed rule. This rulemaking action is authorized by Chapters 1 and 36, Title 39, Idaho Code.

**METHOD OF PARTICIPATION:** Those interested in participating in the negotiated rulemaking process are encouraged to attend the scheduled meeting. For those who cannot participate by attending the meeting, information for submission of written comments is provided at the end of this notice.

**MEETING SCHEDULE:** A negotiated rulemaking meeting has been scheduled. Any additional meeting dates will be posted at: <https://www.deq.idaho.gov/drinking-water-and-wastewater-grants-docket-no-58-0122-2401/>.

**Tuesday, April 16, 2024, 9:30 a.m. to 12:30 p.m. MT**

**ATTEND IN PERSON OR VIA MICROSOFT TEAMS**

**DEQ State Office  
Conference Rooms C & D  
1410 N. Hilton  
Boise, ID 83706**

**The Teams meeting link is available at:**

**<https://www.deq.idaho.gov/drinking-water-and-wastewater-grants-docket-no-58-0122-2401/>**

The meeting location will be accessible to persons with disabilities, and language translators will be made available upon request. Requests must be made no later than five (5) business days prior to the meeting date. For arrangements contact the undersigned.

**DESCRIPTIVE SUMMARY:** DEQ initiated this rulemaking in compliance with [Executive Order No. 2020-01, Zero-Based Regulation \(EO 2020-01\)](#), issued by Governor Little on January 16, 2020. Pursuant to EO 2020-01, each rule chapter effective on June 30, 2020, shall be reviewed by the agency that promulgated the rule. The review will be conducted according to a schedule established by the Division of Financial Management, Office of the Governor (DFM), posted at [https://adminrules.idaho.gov/forms\\_menu.html](https://adminrules.idaho.gov/forms_menu.html). This is one of the DEQ rule chapters up for review in 2024. The goal of the rulemaking is to perform a critical and comprehensive review of the entire chapter in an attempt to reduce overall regulatory burden, streamline various provisions, increase clarity and ease of use.

**PRELIMINARY DRAFT RULE:** The preliminary draft rule is available at: <https://www.deq.idaho.gov/drinking-water-and-wastewater-grants-docket-no-58-0122-2401/>. DEQ will facilitate negotiation of this rule in conjunction with a committee made up of stakeholders having an interest in the development of the rule. Upon conclusion of negotiations, DEQ intends to publish a proposed rule for public comment.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on questions concerning this rulemaking, contact MaryAnna Peavy at [MaryAnna.Peavy@deq.idaho.gov](mailto:MaryAnna.Peavy@deq.idaho.gov) (208) 373-0122.

**SUBMISSION OF WRITTEN COMMENTS:** Information regarding public comment opportunities provided throughout the rulemaking process will be available at: <https://www.deq.idaho.gov/drinking-water-and-wastewater-grants-docket-no-58-0122-2401/>.

Dated this 3rd day of April, 2024.

Janeena White  
Senior Operations Analyst  
Department of Environmental Quality  
1410 N. Hilton Street  
Boise, Idaho 83706  
208-373-0151  
[Janeena.White@deq.idaho.gov](mailto:Janeena.White@deq.idaho.gov)

# IDAPA 61 – IDAHO STATE PUBLIC DEFENSE COMMISSION

DOCKET NO. 61-0000-2400

## NOTICE OF OMNIBUS RULEMAKING – ADOPTION OF TEMPORARY RULE

**EFFECTIVE DATE:** The effective date of the temporary rule being adopted through this omnibus rulemaking as listed in the descriptive summary of this notice is the 2nd Regular Session of the 67th Idaho Legislature's adjournment on *sine die*, 2024. Pursuant to Section 19-6008, Idaho Code, these temporary rules will expire on October 1, 2024, on which date the affected administrative rules will become null, void, and of no force and effect.

**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 Section 19-850(1)(a), Idaho Code.

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

This temporary rulemaking adopts and republishes the following rule chapters previously submitted to and reviewed by the Idaho Legislature under IDAPA 61, rules of the Idaho State Public Defense Commission:

### IDAPA 61

- 61.01.01, *General Provisions and Definitions*;
- 61.01.02, *Requirements and Procedures for Representing Indigent Persons*;
- 61.01.03, *Records, Reporting, and Review*; and
- 61.01.04, *Financial Assistance and Training Resources*.

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

This temporary rule is necessary to protect the public health, safety, and welfare of the citizens of Idaho and confers a benefit on its citizens. These temporary rule chapters implement the duly enacted laws of the state of Idaho, provide citizens with the detailed rules and standards for complying with those laws, and assist in the orderly execution and enforcement of those laws. The expiration of these rules without due consideration and processes would undermine the public health, safety and welfare of the citizens of Idaho and deprive them of the benefit intended by these rules.

**FEE SUMMARY:** This rulemaking does not impose a fee or charge.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning the temporary rule, contact Kathleen Elliott at (208) 332-1735.

DATED this 3rd day of April, 2024.

Kathleen J. Elliott, Executive Director  
Idaho State Public Defense Commission  
322 E. Front Street, Suite 590  
Boise, Idaho 83702  
Phone: (208) 332-1735  
Fax: (208) 364-6147  
Email: [Kathleen.Elliott@pdc.idaho.gov](mailto:Kathleen.Elliott@pdc.idaho.gov)

**THE FOLLOWING IS THE TEMPORARY RULE TEXT FOR OMNIBUS DOCKET NO. 61-0000-2400  
(New Chapters)**

**61.01.01 – GENERAL PROVISIONS AND DEFINITIONS**

**000. LEGAL AUTHORITY.**

This chapter is adopted under the legal authority of Section 19-850(1)(a), Idaho Code. (SD2024)T

**001. TITLE AND SCOPE.**

This chapter is titled “General Provisions and Definitions,” and contains general provisions and definitions applicable to IDAPA 61. (SD2024)T

**002. ADMINISTRATIVE APPEALS.**

**01. Intermediate Administrative Appeal Procedure.** Except as set forth herein, IDAPA 04.11.01, “Idaho Rules of Administrative Procedure of the Attorney General,” shall apply to IDAPA 61. (SD2024)T

**02. Confidential Information Exempt From Public Records.** Documents containing confidential information and submitted in any administrative proceeding must be redacted or filed under seal. (SD2024)T

**003. FILING OF DOCUMENTS.**

Unless otherwise set forth in a Notice of Rulemaking or Order of the Commission or Executive Director, all written communications and documents that are intended to be part of an official record for decision in a rulemaking or contested case must be filed with the Executive Director. No copies in addition to the original document need be filed with the agency unless requested by the Executive Director or Commission. (SD2024)T

**004. – 009. (RESERVED)**

**010. DEFINITIONS.**

**01. Active Case.** A Capital Case is active when it is not stayed. All other Cases are active when there is an appointment, appearance, filing or investigation in the reporting period or it is not stayed. (SD2024)T

**02. Annual Report.** The Defending Attorney report required by Section 19-864, Idaho Code, including CLEs, Caseloads, Workloads and other information requested for the October 1 through September 30 reporting period to complete the Annual Report form provided by PDC Staff. (SD2024)T

**03. Capital Case.** A case in which the state has given notice it will seek the death penalty or is legally entitled to seek the death penalty under Section 18-4004A, Idaho Code. (SD2024)T

**04. Capital Defending Attorney.** A Defending Attorney who meets the qualifications for and is on the Capital Defending Attorney Roster. (SD2024)T

**05. Capital Defending Attorney Roster.** The PDC’s list of Defending Attorneys eligible for appointment by a court to represent an Indigent Person at public expense in a Capital Case. (SD2024)T

**06. Case.** All related charges against an individual from a single incident, transaction or occurrence filed within a single case number. A probation violation or motion for contempt is counted as a separate Case. (SD2024)T

**07. Caseload.** A Defending Attorney’s total number of Active Cases during the applicable reporting period as counted under IDAPA 61.01.02, “Requirements and Procedures for Representing Indigent Persons,” Paragraph 060.05.c. A county’s total Caseload to determine compliance with Workload rules is calculated as the mean of the Felony Case Equivalent calculation for each of the preceding three (3) years. (SD2024)T

**08. Compliance Plan.** A county’s plan for meeting Public Defense Rules and curing any Deficiencies including detailed action items and completion dates. (SD2024)T

**09. Cost Analysis.** A detailed explanation of the expected expenses for the county to complete its Compliance Plan and how the county is proposing to pay for those expenses. (SD2024)T

**10. Defending Attorney.** Any attorney employed by a county or under contract with a county as an institutional Defending Attorney or a contract Defending Attorney or otherwise appointed by a Court to represent adults or juveniles at public expense. (SD2024)T

**11. Defending Attorney Roster.** The PDC’s list of Defending Attorneys eligible for appointment by a court to represent an Indigent Person at public expense in a non-capital Case. (SD2024)T

**12. Deficiency.** The noncompliance with any Public Defense Rule by a county, Defending Attorney, employee, contractor, representative or other agent. (SD2024)T

**13. Executive Director.** PDC employee appointed by the Commission under Section 19-850(2)(a), Idaho Code. (SD2024)T

**14. Felony Case Equivalent (FCE).** The calculation after all Case types are converted to their felony equivalent to determine compliance with Caseload rules. (SD2024)T

**15. Financial Assistance.** The state funding a county may request and may be awarded under Section 19-862A, Idaho Code. (SD2024)T

**16. Indigent Person.** A person who, at the time his need is determined under Section 19-854, Idaho Code, is unable to provide for the full payment of a Defending Attorney and all other necessary expenses of representation. (SD2024)T

**17. Initial Appearance.** The first appearance of the defendant before any judge. In the event a defendant appears before more than one judge, the first appearance before the first judge constitutes the Initial Appearance. (SD2024)T

**18. Material.** An action or failure to act that could have an immediate and significant negative impact on the effective representation of Indigent Persons or result in the misuse of state funds. (SD2024)T

**19. PDC.** The Idaho State Public Defense Commission including PDC Staff and the Commission. Information reported to the PDC will be reported using available PDC forms. (SD2024)T

**20. PDC Staff.** Employees of the Commission who report to the Executive Director. References to PDC Staff include the Executive Director unless otherwise specified. (SD2024)T

**21. Public Defense Rules.** Any rule promulgated by the Commission under Section 19- 850(1)(a), Idaho Code. (SD2024)T

**22. Vertical Representation.** A Defending Attorney is responsible for the continuous and personal representation and oversight of an Indigent Person’s case, to the extent reasonably practicable, through trial proceedings and preservation of right to appeal. For purposes of this definition reasonably practicable means a Defending Attorney will make efforts to personally represent the client during all substantive proceedings where the facts of the case are discussed by counsel or the Court, provide unavailable dates at the time of setting, and seek continuances in the case of unforeseen absences. The Indigent Person may consent to have another Defending Attorney appear at a hearing. Each county is responsible to support and provide resources as necessary to ensure Vertical Representation. (SD2024)T

**23. Willful.** An action or failure to act that is deliberate and with knowledge. (SD2024)T

**24. Workload.** A Defending Attorney’s Caseload adjusted to account for available support staff, Case complexity, and distribution through the reporting year and other duties such as supervision. (SD2024)T

**011. – 999. (RESERVED)**

**61.01.02 – REQUIREMENTS AND PROCEDURES FOR REPRESENTING INDIGENT PERSONS**

**000. LEGAL AUTHORITY.**

This chapter is adopted under the legal authority of Section 19-850(1)(a), Idaho Code. (SD2024)T

**001. TITLE AND SCOPE.**

This chapter is titled “Requirements and Procedures for Representing Indigent Persons” and contains the minimum requirements for representation of Indigent Persons. (SD2024)T

**002. – 009. (RESERVED)**

**010. DEFINITIONS.**

For the purposes of this chapter, the definitions in IDAPA 61.01.01, “General Provisions and Definitions,” apply. (SD2024)T

**011. – 019. (RESERVED)**

**020. COUNTIES TO ADEQUATELY RESOURCE PUBLIC DEFENSE TO ENSURE EFFECTIVE REPRESENTATION IS PROVIDED TO INDIGENT PERSONS AS PROVIDED IN SECTIONS 19-860(2), 19-861(2)-(3), 19-862(1) AND 19-862A(1), (2) AND (8), IDAHO CODE.**

Counties shall ensure effective representation is provided to Indigent Persons by adequately resourcing public defense as follows: (SD2024)T

**01. Supported Defense Model.** Annually appropriate enough money to fund the public defense model selected under Section 19-859, Idaho Code: (SD2024)T

**a.** Employ or contract with attorneys to provide public defense services from the Defending Attorney Roster or, if the attorney is not yet on the Defending Attorney Roster, have the attorney complete and submit to the PDC the Roster form within thirty (30) days from the date of their employment or contract under Section 070 of these rules; (SD2024)T

**b.** Employ or contract with qualified staff and contractors with professional certificates, licenses and permissions as required by applicable rules and laws; and (SD2024)T

**c.** Provide resources for compliance with Public Defense Rules. (SD2024)T

**02. Defending Attorney Resources.** Provide Defending Attorneys with resources for carrying out the Defending Attorney’s responsibilities, including: (SD2024)T

**a.** Confidential office, jail and courthouse meeting rooms to protect client confidentiality; (SD2024)T

**b.** Confidential servers and systems to protect client confidentiality; (SD2024)T

**c.** Sufficient equipment, technology, supplies; and (SD2024)T

**d.** Other resources needed to provide constitutional representation. (SD2024)T

**03. Contracting.** Counties and contract Defending Attorneys will enter into a contract for public defense services as required by Section 19-859, Idaho Code, which must include the following core terms: (SD2024)T

**a.** All parties will comply with Public Defense Rules; (SD2024)T

**b.** Description of services and Case types included in the contract; (SD2024)T

- c. Prohibition of a single fixed fee for services and expenses; (SD2024)T
  - d. Fee structure and amount for services; (SD2024)T
  - e. The county will pay client related expenses and costs; (SD2024)T
  - f. Defending Attorney will safeguard and retain case files and records as necessary to protect Indigent Persons, and, at termination of their contract, transfer files to the successor contract Defending Attorney; proper safeguards will be put in place to ensure no file is transferred to an attorney who may have a conflict; (SD2024)T
  - g. All parties keep detailed records of their public defense services and expenditures; (SD2024)T
  - h. Defending Attorney will notify the county and the lead institutional or primary contracting Defending Attorney, as applicable, if the Idaho State Bar or other licensing organization files formal charges against a Defending Attorney or non-attorney staff; and (SD2024)T
  - i. Authorization for and disclosure of the contract to the PDC. (SD2024)T
- 04. Communication.** The County will frequently meet with the lead institutional or primary contracting Defending Attorneys who are the main providers of public defense services about the following: (SD2024)T
- a. Review compliance with Public Defense Rules, including monitoring Workloads and Vertical Representation; and (SD2024)T
  - b. Review county budget and expenditures for sufficient allocation of public defense resources and assess need for Financial Assistance. (SD2024)T
- 021. – 029. (RESERVED)**
- 030. PUBLIC DEFENSE INDEPENDENT OF POLITICAL AND JUDICIAL INFLUENCE.**  
Counties will ensure public defense is independent of political and to the extent possible, judicial influence, provided however, the judiciary is encouraged to contribute information and advice concerning the delivery of public defense services. (SD2024)T
- 01. No Judicial, Political or Conflict Influences.** The county’s selection and retention of Defending Attorneys will not involve conflicts of interest. (SD2024)T
  - 02. Independent Committees.** (SD2024)T
    - a. Selection Recommendation Committee. The county will use an independent committee from within the county or region for recommendations to the Board of County Commissioners for the selection of the lead institutional Defending Attorney or primary contracting Defending Attorneys as the main providers of public defense services as set forth in Sections 19-859 and 19-860(2), Idaho Code; and (SD2024)T
    - b. Independence Working Group. Each judicial district may establish an independent working group of one (1) attorney for each county who practices public defense in or who is familiar or will become familiar with public defense in the county and who is not a Defending Attorney for the appointing county and who is not a prosecutor, to act as a liaison in independence issues between Defending Attorneys and county stakeholders. The Administrative District Judge (ADJ) or Trial Court Administrator (TCA) will identify the members of the working group for their District, and if the ADJ or TCA does not, the Commission will identify group members. (SD2024)T
    - c. Information about an attorney’s fitness to represent Indigent Persons is confidential and exempt from Public Records Act under Section 74-105(18)(a), Idaho Code. (SD2024)T
  - 03. Independent Advocate.** A Defending Attorney exercising their professional or ethical obligations

or advocating for policies supporting constitutional representation of Indigent Persons is not cause for discipline or termination. Nothing in this Subsection 030.03 is intended to prohibit the discipline or termination of a Defending Attorney who has violated county employment policy or Idaho Rules of Professional Conduct. (SD2024)T

**04. Independence.** The county will limit prosecutor involvement in public defense matters that may jeopardize the independence of any Defending Attorney or undermine the delivery of public defense. (SD2024)T

**05. Independent Contract Negotiation.** The county should consider engaging independent legal counsel to negotiate Defending Attorney Contracts. (SD2024)T

**031. – 039. (RESERVED)**

**040. COUNTIES TO PROVIDE CONSISTENT RESOURCES FOR PUBLIC DEFENSE.**

Counties will provide adequate and equitable resources for public defense consistent with a properly funded prosecutor as provided in Sections 19-860(1), 19-861(3) and 19-850(1)(a)(vii)7, Idaho Code. (SD2024)T

**01. Staff and Facilities.** Defending Attorneys and prosecutors will have equal access to quality staff and facilities. (SD2024)T

**02. Pay.** So far as is possible, Defending Attorneys and their staff will not be compensated less than a properly funded prosecutor and staff with similar experience and performing similar duties. (SD2024)T

**03. Other Resources.** Defending Attorneys and the prosecutor will have equal access to resources necessary for legal representation. This includes but is not limited to the independent investigation and evaluation of evidence. (SD2024)T

**04. Equity Review.** The county will frequently review and assess equity between, and resource needs of, Defending Attorneys and prosecutors. (SD2024)T

**05. Budget for Equity.** The county will frequently review resource needs with Defending Attorney and adequately budget to meet those needs. (SD2024)T

**041. – 049. (RESERVED)**

**050. COURT APPOINTMENT OF COMPETENT DEFENDING ATTORNEYS.**

Courts will appoint Defending Attorneys who are competent to represent Indigent Persons as provided in Sections 19-855 and 19-850(1)(a)(vi), Idaho Code, and Subsection 060 of these rules. (SD2024)T

**01. Appointment in Non-Capital Cases.** (SD2024)T

**a.** Courts will appoint a Defending Attorney from the Defending Attorney Roster except in extraordinary circumstances where the Court: (SD2024)T

i. Finds there is good cause to appoint an attorney at public expense who is not on the Roster; (SD2024)T

ii. Finds the attorney is competent to represent the Indigent Person in the particular case; and (SD2024)T

iii. Directs the appointed attorney to notify the PDC of the appointment. (SD2024)T

**b.** Every attorney appointed under this Subsection 050.01 to represent an Indigent Person at public expense must comply with Subsection 060 of these rules. (SD2024)T

**02. Appointment in Capital Cases.** (SD2024)T

**a.** In Capital Cases, Courts will: (SD2024)T

i. Appoint a Defending Attorney from the Capital Defending Attorney Roster to represent an Indigent Person at public expense; (SD2024)T

ii. Inquire about the Defending Attorney’s Workload to ensure compliance with the Public Defense Rules; (SD2024)T

b. At or before the Initial Appearance in a Capital Case, appoint no less than two (2) qualified Capital Defending Attorneys, one (1) designated lead and the other(s) as co-counsel. (SD2024)T

**03. Conflicts of Interest.** A Court shall not appoint a Defending Attorney to any case with a conflict of interest in that case. (SD2024)T

**04. Eligibility.** Except as provided in Subsection 050.01.a. of these rules, attorneys who are not approved for inclusion on the applicable Roster are not eligible to represent Indigent Persons at public expense. (SD2024)T

**051. – 059. (RESERVED)**

**060. DEFENDING ATTORNEY MINIMUM REQUIREMENTS.**

Defending Attorneys shall meet the following minimum requirements for providing effective representation to Indigent Persons as provided in Sections 19-855, 19-860(2), 19-850(1)(a)(vi) and 19-850(1)(a)(v)(ii)5 and 8, Idaho Code. (SD2024)T

**01. Idaho State License, Defending Attorney Roster, and County Employment or Contract Requirements:** (SD2024)T

a. Licensed to practice law in Idaho and in compliance with Idaho State Bar rules; (SD2024)T

b. Member of the Defending Attorney Roster, except as provided in Subsection 050 of these rules; (SD2024)T

c. Employed or under contract to provide public defense services to a county; and (SD2024)T

d. If a Court attempts to appoint an attorney to represent an Indigent Person at public expense and the attorney does not meet one or more of the requirements in this Subsection 060.01, the attorney will immediately notify the Court. (SD2024)T

**02. Public Defense Competency.** Be competent to counsel and represent Indigent Persons.(SD2024)T

**03. Qualifications.** Have the ability, training, experience, and understanding necessary for their appointed Cases to do the following: (SD2024)T

a. Apply laws, rules, procedures, and practices to the Case and perform thorough legal research and analysis; (SD2024)T

b. Protect client confidentiality, and if breached, notify the client and any other entities when necessary to preserve the client’s constitutional and statutory rights; (SD2024)T

c. Ensure Vertical Representation from the time a Defending Attorney is appointed in each Case. Nothing in this rule is intended to prohibit a different Defending Attorney from representing the client at Initial Appearance. Defending Attorneys who are unable to comply with this rule will notify their supervisor, Board of County Commissioners, or the Court and request appropriate resources; (SD2024)T

d. Dedicate sufficient time to each Case; (SD2024)T

e. Promptly and independently investigate the Case; (SD2024)T

- f. Request funds as needed to retain an investigator; (SD2024)T
- g. Request the assistance of experts where it is reasonably necessary to prepare the defense and rebut the prosecution’s case; (SD2024)T
- h. Continually evaluate the Case for defense investigations or expert assistance; (SD2024)T
- i. Be present at the Initial Appearance and available to the Indigent Person in person or via technology, and; (SD2024)T
  - i. Preserve the client’s constitutional and statutory rights; (SD2024)T
  - ii. Discuss the charges, case and potential and collateral consequences with the client; (SD2024)T
  - iii. Obtain information relevant to Idaho Criminal Rule 46 (bail or release on own recognizance) and if appropriate, seek release; (SD2024)T
  - iv. Encourage the entry of a not guilty plea at Initial Appearance except in circumstances where a guilty plea is constitutionally appropriate; (SD2024)T
- j. Work within Caseload or Workload limits, defined in Subsection 060.05 of these rules. If a Defending Attorney’s Caseload exceeds the numeric standard, the attorney must disclose this in the Annual Report. The Report must include the reasons for the excessive Caseload or Workload, and if and how the representation met constitutional standards; (SD2024)T
- k. Have sufficient time and private space to confidentially meet with Indigent Persons; (SD2024)T
- l. Have confidential and secure information systems for Indigent Person’s confidential information; (SD2024)T
- m. Identify and resolve conflicts of interests in compliance with Idaho Rules of Professional Conduct (IRCP) and other applicable laws and rules; (SD2024)T
- n. Be familiar with and competent to identify or use: (SD2024)T
  - i. Forensic and scientific methods used in prosecution and defense; (SD2024)T
  - ii. Mental, psychological, medical, environmental issues and impacts; (SD2024)T
  - iii. Written and oral advocacy; (SD2024)T
  - iv. Motions practice to exhaust good faith procedural and substantive defenses; (SD2024)T
  - v. Evidence presentation and direct and cross examination; (SD2024)T
  - vi. Experts as consultants and witnesses and expert evidence; (SD2024)T
  - vii. Forensic investigations and evidence; (SD2024)T
  - viii. Mitigating factors and evidence; (SD2024)T
  - ix. Jury selection methods and procedures; (SD2024)T
  - x. Electronic filing, discovery and evidence and systems; (SD2024)T
  - xi. Constitutional representation; and (SD2024)T

xii. When a Defending Attorney’s abilities do not match the nature and complexity of the Case, they will seek the advice of experienced attorneys, seek training, or decline appointments. (SD2024)T

**04. Additional Qualifications for Capital Cases.** Capital Defending Attorneys must meet the following additional requirements: (SD2024)T

**a.** Have advanced familiarity and demonstrated competence with the above minimum requirements for Defending Attorneys; and (SD2024)T

**b.** Have knowledge and experience in the following: (SD2024)T

i. Capital laws, rules, procedures and practices; (SD2024)T

ii. Capital mitigation; (SD2024)T

iii. Use of mental health evaluations and evidence; (SD2024)T

iv. Managing and litigating complex cases; (SD2024)T

v. Assembling and leading a trial team; (SD2024)T

vi. Capital jury selection methods and procedures; and (SD2024)T

vii. Qualifications meeting or exceeding the American Bar Association Guidelines for the Appointment and Performance of Defense Counsel in Death Penalty Cases to extent they do not conflict with Idaho law; (SD2024)T

**c.** Lead trial Defending Attorney in Capital Cases will meet or exceed the following experience levels: (SD2024)T

i. Active trial practitioner with no less than ten (10) years in criminal defense litigation; (SD2024)T

ii. Lead counsel in no less than ten (10) felony jury trial tried to verdict; and (SD2024)T

iii. Lead or co-counsel in no less than one (1) Capital Case tried to verdict or capital sentencing; (SD2024)T

**d.** Trial co-counsel Defending Attorney in Capital Cases who are not qualified as lead trial counsel will meet or exceed the following experience levels: (SD2024)T

i. Active trial practitioner with no less than five (5) years in criminal defense litigation and one (1) of the following: (SD2024)T

ii. Lead counsel in no less than five (5) felony jury trial tried to verdict; or (SD2024)T

iii. Lead or co-counsel in no less than one (1) Capital Case tried to verdict or capital sentencing; (SD2024)T

**e.** Lead appellate/post-conviction Defending Attorney in Capital Cases will meet or exceed the following experience levels: (SD2024)T

i. Active appellate/post-conviction attorney with no less than ten (10) years in criminal defense litigation; and (SD2024)T

ii. Lead counsel in no less than one (1) Capital or federal capital habeas corpus Case; (SD2024)T

**f.** Appellate/post-conviction co-counsel in Capital Cases who are not qualified as lead appellate or lead post-conviction counsel will meet or exceed the following experience levels: (SD2024)T

i. Active appellate and post-conviction practitioner with no less than five (5) years in criminal defense litigation; and (SD2024)T

ii. Attorney in no less than one (1) felony appeal with appellate argument, or if tried to evidentiary hearing either a post-conviction or federal habeas corpus Case; (SD2024)T

**g.** Lead trial or appellate/post-conviction counsel who do not meet the numeric years of practice or numeric number of trials/cases will meet the following alternate requirements: (SD2024)T

i. Meet all the other minimum requirements to ensure their abilities, training, and experience are appropriate given the nature and complexity of a Capital Case, and (SD2024)T

ii. Demonstrate they are qualified to provide lead trial representation or appellate and post-conviction representation in a Capital Case, as applicable, despite their years in practice and trials/cases handled; (SD2024)T

**h.** Minimum requirements for Capital Case defense teams: (SD2024)T

i. At least two (2) qualified Capital Defending Attorneys, one (1) designated lead and the other or others as co-counsel, appointed at or before the Initial Appearance; (SD2024)T

ii. Immediate assembly of a team by Capital Defending Attorneys consisting of no less than the following: (SD2024)T

(1) Fact investigator; (SD2024)T

(2) Mitigation specialist; (SD2024)T

(3) Person trained and professionally qualified to screen for mental and psychological screenings; and (SD2024)T

(4) Other persons needed to provide effective and zealous representation; and (SD2024)T

(5) Require ongoing training and compliance with standards. (SD2024)T

**05. Caseloads and Workloads.** Defending Attorneys will have Caseloads and Workloads that are appropriately sized to permit effective representation as follows: (SD2024)T

**a.** Caseload standard. Maximum Caseloads by Active Case type shall not during the reporting period exceed: (SD2024)T

i. Two (2) Capital Cases at a time; (SD2024)T

ii. Two hundred ten (210) non-capital felony Cases; (SD2024)T

iii. Five hundred twenty (520) misdemeanor Cases; (SD2024)T

iv. Two hundred thirty-two (232) juvenile Cases; (SD2024)T

v. One hundred five (105) child protection or parent representation Cases; (SD2024)T

vi. Six hundred eight (608) civil contempt or mental health Cases; and (SD2024)T

vii. Thirty-five (35) non-capital substantive appeal Cases. (SD2024)T

viii. To determine maximum Caseloads for mixed Case types, add the percentage of the maximum Caseload for each category and the sum of those percentages is not to exceed one hundred percent (100%); and adjust the Caseload downward when the Case assignments are weighted toward more serious offenses, complex Cases, or those requiring significant expenditure of time and resources. (SD2024)T

**b. (RESERVED)**

c. Case Counting. (SD2024)T

i. A felony Case is counted as follows: (SD2024)T

(1) A Case filed as a felony is counted as one (1) felony, whether it is dismissed, remanded, pled, or tried to completion; (SD2024)T

(2) A Case filed as a misdemeanor that is later amended to a felony is counted as a felony; (SD2024)T

ii. A probation violation or motion for contempt is counted as a separate Case; (SD2024)T

iii. A Case that is conflicted or consolidated is counted by the Defending Attorney assigned to the conflicted or consolidated Case and not counted by the initial Defending Attorney; (SD2024)T

iv. A Case sent to a problem-solving court is counted once as initially filed as a felony, misdemeanor, or juvenile Case; (SD2024)T

v. A Case is counted as a Capital Case if, in any part of the reporting period, the state is legally entitled to seek the death penalty under Section 18-4004A, Idaho Code; (SD2024)T

vi. Post-judgment motions are not counted as a Case; (SD2024)T

d. Defending Attorneys who are unable to comply with the Caseload rules will notify their supervisor, Board of County Commissioners or the Court and request appropriate resources. (SD2024)T

e. Workloads. Caseloads maximums are based on the following considerations: (SD2024)T

i. Adequate support staff; (SD2024)T

ii. Cases of average complexity; (SD2024)T

iii. Reasonable distribution of Cases throughout the year; and (SD2024)T

iv. No supervisory duties; (SD2024)T

f. Defending Attorneys unable to comply with the Workload rules will notify their supervisor, Board of County Commissioners or the Court and request appropriate resources. (SD2024)T

**061. – 069. (RESERVED)**

**070. ATTORNEY ROSTERS REQUIREMENTS AND PROCEDURES.**

**01. Defending Attorney Roster.** (SD2024)T

a. Attorneys who complete the PDC form verifying they meet the items in this Subsection 070.01 will be automatically included and remain on the Defending Attorney Roster until they request removal or are removed for failing to comply with Public Defense Rules. Attorneys who are unable to verify the items in this Subsection 070.01 may submit a new verification form at any time. (SD2024)T

i. Have an active license to practice law in Idaho; (SD2024)T

ii. Attest they are in compliance with the Public Defense Rules or will comply with the Rules when appointed and representing an Indigent Person; (SD2024)T

iii. New attorneys admitted to the Idaho State Bar within the previous year will name and be mentored by an experienced Defending Attorney on the Defending Attorney Roster; (SD2024)T

iv. Have completed the minimum continuing legal education (“CLE”) requirements in Paragraph 090.03 of these rules within the previous year or within the next ninety (90) days of being placed on the Roster; (SD2024)T

v. Attorneys on the Defending Attorney Roster will complete Annual Reports as set forth in IDAPA 61.01.03, “Records, Reporting and Review,” Paragraph 020.01.a. Attorneys who at the time of inclusion on the Defending Attorney Roster are not under contract with a county will promptly provide PDC Staff notice and copy of any county contracts entered after inclusion. (SD2024)T

**b.** Continuing Eligibility. (SD2024)T

i. To remain on the Defending Attorney Roster attorneys must: (SD2024)T

(1) Comply with the Public Defense Rules; (SD2024)T

(2) Have completed the minimum CLE requirements under Subsection 090.03 of these rules; and (SD2024)T

(3) Have completed an Annual Report. (SD2024)T

ii. To address Defending Attorney Deficiencies: (SD2024)T

(1) PDC Staff will review reported Defending Attorney Deficiencies and work directly with the Defending Attorney, and the county when appropriate, to resolve them. (SD2024)T

(2) If the Deficiency cannot be resolved at the review, PDC Staff may ask the Defending Attorney to submit a plan to cure the Deficiency with proposed detailed action items and completion dates. (SD2024)T

(3) If a plan is requested and is not submitted or completed, or if the Defending Attorney Deficiency is not cured, it will be referred to the Commission with the Executive Director’s order of removal, which the Defending Attorney may appeal as set forth in Subsection 080.04 of these rules. County Deficiencies, which are not Defending Attorney Deficiencies, are the responsibility of the county and not the Defending Attorney. County responsibilities are set forth in these rules including without limitation Section 020 of these rules and subject to the county Deficiency process set forth in IDAPA 61.01.03, “Records, Reporting and Review,” Sections 050 through 060. (SD2024)T

**02. Capital Defending Attorney Roster.** (SD2024)T

**a.** For Inclusion on the Capital Defending Attorney Roster, a Defending Attorney must: (SD2024)T

i. Meet minimum qualifications under Subsection 060.04 of these rules; and (SD2024)T

ii. Have completed minimum CLE requirements under Paragraph 090.03.b. of these rules within two (2) years; (SD2024)T

iii. Have completed Capital Defending Attorney Roster forms. (SD2024)T

**b.** PDC Staff or contractor investigates an applicant for initial inclusion on the Capital Defending Attorney Roster. The Commission appointed subcommittee reviews applications and PDC Staff reports and makes recommendations to the Commission. The Commission makes the final decision. (SD2024)T

**c.** Continuing Eligibility. To remain on the Capital Defending Attorney Roster Defending Attorneys must comply with the Public Defense Rules and: (SD2024)T

i. Have completed the minimum CLE requirements under Subsection 090.03 of these rules; and (SD2024)T

ii. Have completed Capital Case reporting and authorization forms by November 1 every other year. (SD2024)T

**d.** PDC Staff or contractor investigates continuing eligibility to remain on the Capital Defending Attorney Roster. The Commission appointed subcommittee reviews continuing eligibility and PDC Staff reports and makes recommendations to the Commission. The Commission makes the final decision. The Commission will remove attorneys who do not meet continuing eligibility requirements from the Capital Defense Roster. (SD2024)T

**03. Confidentiality.** Information about an attorney’s fitness to represent Indigent Persons is confidential and exempt from the Public Records Act under Section 74-105(18)(a), Idaho Code. (SD2024)T

**071. – 079. (RESERVED)**

**080. REVIEW OF ROSTER DECISIONS.**

**01. Denial of Initial Inclusion on the Defending Attorney Roster.** (SD2024)T

**a.** An attorney may appeal a denial of initial inclusion on the Defending Attorney Roster by submitting a notice of appeal within fourteen (14) days of the date of the notice of denial. (SD2024)T

**b.** The Commission will review a timely appeal and issue a final agency order affirming or reversing the denial, or take other action deemed appropriate by the Commission. (SD2024)T

**02. Denial of Initial Inclusion on the Capital Defending Attorney Roster.** (SD2024)T

**a.** A Defending Attorney may appeal a denial of initial inclusion on the Capital Defending Attorney Roster by submitting a notice of appeal within fourteen (14) days of the date of the notice of denial. (SD2024)T

**b.** A hearing officer appointed by the Commission will review a timely appeal and issue a recommended order to the Commission. (SD2024)T

**c.** The Commission will issue a final agency order adopting or rejecting the hearing officer’s recommended order, or take other action deemed appropriate by the Commission. (SD2024)T

**03. Emergency Removal of an Attorney from the Defending Attorney Roster or Capital Defending Attorney Roster.** (SD2024)T

**a.** To prevent or avoid immediate danger when: (SD2024)T

i. An attorney’s Idaho license to practice law is suspended; (SD2024)T

ii. An attorney is disbarred in Idaho; or (SD2024)T

iii. An attorney’s Idaho license status is inactive. (SD2024)T

**b.** The attorney will be removed by the Executive Director who will notify the attorney and Commission upon issuance of the notice of removal which will include a statement of the immediate danger and is effective immediately. (SD2024)T

**c.** An appeal of the removal under Subsection 080.03 of these rules, will be reviewed by the Commission in an emergency proceeding under Section 67-5247, Idaho Code; (SD2024)T

**d.** An attorney may appeal their emergency removal by submitting a notice of appeal and all supporting documentation within fourteen (14) days of the date of the Executive Director’s notice of removal.

(SD2024)T

**e.** The Commission will review a timely appeal and issue a decision within twenty-eight (28) days of receipt of timely filed notice and materials.

(SD2024)T

**f.** The Commission may base its decision on a written record or elect to hold a hearing. (SD2024)T

**04. Removal of an Attorney from the Defending Attorney Roster or Capital Defending Attorney Roster for Other Reasons.** (SD2024)T

**a.** An attorney removed from a Roster for reasons other than set forth in Subsection 080.03 of these rules, may appeal their removal by submitting a notice of appeal and all supporting documentation within fourteen (14) days of the Executive Director’s order of removal. A Defending Attorney will remain on the Roster pending resolution of the appeal. A Defending Attorney who fails to file a notice of appeal within fourteen (14) days will be immediately removed from the Roster.

(SD2024)T

**b.** The Commission will review a timely appeal and issue a final agency order affirming or reversing the Executive Director’s decision, or take other action deemed appropriate by the Commission.

(SD2024)T

**05. Confidentiality.** Information about an attorney’s fitness to represent Indigent Persons is confidential and exempt from Public Records Act under Section 74-105(18)(a), Idaho Code. (SD2024)T

**081. – 089. (RESERVED)**

**090. CONTINUING LEGAL EDUCATION.**

Roster members must complete the minimum continuing public defense legal education requirements as provided in Sections 19-850(1)(a)(vii)5 and 8, Idaho Code, as follows. (SD2024)T

**01. Approval.** CLE credits that meet the requirements in Subsection 090.02 of these rules will count toward minimum requirements. Roster members have the option to request advance approval of a CLE course to confirm the course meets minimum requirements. Courses that are not pre-approved by PDC Staff will not be approved if they do not meet these requirements. (SD2024)T

**02. Idaho Law.** Legal education must directly relate to Idaho substantive or procedural law and the Defending Attorney’s public defense practice to count toward minimum requirements, and will not be approved if not substantially related. (SD2024)T

**03. Minimum Number and Type of CLEs Required for Each Roster.** (SD2024)T

**a.** Defending Attorney Roster – Minimum of seven (7) CLE credits each county fiscal year (October 1 – September 30); (SD2024)T

**b.** Capital Defending Attorney Roster – Minimum of twelve (12) CLE credits with at least ten (10) from a nationally recognized and well-established capital trial training program, every other county fiscal year. Attorneys on both Rosters may count capital CLE credits toward the seven (7) CLE credits. (SD2024)T

**c.** Defending Attorneys with supervisory or management duties – Minimum of two (2) CLE credits each county fiscal year in leadership skills, attorney management, or mentoring, which count toward the seven (7) CLE credits. (SD2024)T

**091. – 999. (RESERVED)**

**61.01.03 – RECORDS, REPORTING, AND REVIEW**

**000. LEGAL AUTHORITY.**

This chapter is adopted under the legal authority of Section 19-850(1)(a), Idaho Code. (SD2024)T

**001. SCOPE.**

This chapter contains minimum public defense recordkeeping and reporting requirements and PDC’s review of this information. (SD2024)T

**002. – 009. (RESERVED)**

**010. DEFINITIONS.**

For the purposes of this chapter, the definitions in IDAPA 61.01.01, “General Provisions and Definitions,” apply. (SD2024)T

**011. – 019. (RESERVED)**

**020. ROSTER MEMBER INFORMATION RETENTION AND REPORTING.**

Roster members must keep and report information about representation of Indigent Persons and their eligibility to remain on the roster as provided in Sections 19-850(1)(c) and 19-862A(1), Idaho Code. (SD2024)T

**01. Compliance. (SD2024)T**

**a.** All information regarding compliance with Public Defense Rules; (SD2024)T

**b.** Annual Report; (SD2024)T

**c.** Public defense contracts; (SD2024)T

**d.** Line item public defense expenditures of county funds and Financial Assistance; and (SD2024)T

**e.** Resource and Financial Assistance needs; (SD2024)T

**02. Changes to Information.** Notify the PDC of any change in address, employer or county contracts for public defense services within thirty (30) days of the change. (SD2024)T

**03. Confidential Information. (SD2024)T**

**a.** Information reported to the PDC, the county, or administrative district judge must not include any records containing information protected or exempted from disclosure under the rules adopted by the Idaho Supreme Court, attorney work product, attorney-client privileged communication, or other confidential information. (SD2024)T

**b.** Requests for and expenditures of Extraordinary Litigation Fund shall only be disclosed to the PDC. (SD2024)T

**021. – 029. (RESERVED)**

**030. COUNTY INFORMATION RETENTION AND REPORTING.**

Counties must keep and report information about how the county provides public defense as provided in Sections 19-850(1)(c), 19-851(8), 19-862(1), 19-862A(1)–(2) and (6)(c), Idaho Code. (SD2024)T

**01. Compliance. (SD2024)T**

- a. All information regarding a county’s compliance with Public Defense Rules; (SD2024)T
- b. Public defense contracts; (SD2024)T
- 02. Changes to Public Defense Model or Defending Attorneys.** Notify the PDC of any change to the county’s public defense model or the attorneys employed or contracted by the county within thirty (30) days of the change. (SD2024)T
- 03. Financial Information.** (SD2024)T
- a. Line item budgets and expenditures of county funds and all Financial Assistance for Public Defense. (SD2024)T
- b. Extraordinary Litigation Fund reimbursements. (SD2024)T
- c. Annual financial reporting to the Commission. (SD2024)T
- i. Appropriation, budget, and expenditures for the immediately preceding county fiscal year identifying county funds, Financial Assistance, and other funds used or available to be used for public defense. (SD2024)T
- ii. The County’s annual financial report to the PDC is due by December 31 each year. (SD2024)T

**031. – 039. (RESERVED)**

**040. DETERMINATION OF COMPLIANCE.**

PDC staff may request, review, and audit county the following records to determine compliance with Public Defense Rules and Financial Assistance as provided in Sections 19-850(1)(c), 19-851(8), 19-862(1), 19-862A(1)–(2) and (6)(c), Idaho Code. (SD2024)T

- 01. Financial.** County budget and expenditures related to Public Defense Rules or Financial Assistance. (SD2024)T
- 02. Contracts.** Public defense contracts. (SD2024)T
- 03. Records.** Public defense records including Case names and numbers. (SD2024)T
- 04. Annual Reports.** Information reported in Annual Reports. (SD2024)T
- 05. Other.** Other information requested by PDC Staff or the Commission related to Public Defense Rules or Financial Assistance. (SD2024)T

**041. – 049. (RESERVED)**

**050. DEFICIENCY REPORTING, REVIEW, AND RESPONSE AS PROVIDED IN SECTIONS 19-850(1)(C), 19-862A(1, (11)–(12) AND 19-850(1)(A)(VI), IDAHO CODE.**

- 01. Reporting.** (SD2024)T
- a. Counties and Defending Attorneys have a duty to report Deficiencies to PDC Staff. (SD2024)T
- b. Deficiencies may be reported by Indigent Persons, PDC Staff, or others. (SD2024)T
- 02. Review and Response.** PDC Staff will review reported Deficiencies and may work directly with a county and Defending Attorney to resolve, make a report to the Commission, or both. (SD2024)T
- 03. Non-Material Deficiencies.** If a Deficiency may be readily resolved with the assistance of PDC

Staff, the Executive Director may ask the county to submit a plan to cure the Deficiency with proposed detailed action items and completion dates. If the plan is not submitted or not completed, or the Deficiency not cured according to the deadlines set by the Executive Director, the Non-Material Deficiency will be deemed Material. (SD2024)T

**04. Material but Non-Willful Deficiencies.** If the Commission determines a Deficiency is Material following review by PDC Staff and recommendation of the Executive Director or if a non-material Deficiency is not cured by the set deadline: (SD2024)T

**a.** The county must consult with PDC Staff on a Compliance Plan and timely apply for Financial Assistance, if necessary; (SD2024)T

**b.** The Compliance Plan must include timeframe to become compliant and progress reports from the county to PDC Staff; (SD2024)T

**c.** If compliance is not achieved by the deadline set by the Executive Director, the Commission may designate the Material Deficiency as Willful. (SD2024)T

**05. Material and Willful Non-Compliance.** (SD2024)T

**a.** If the Commission determines a Deficiency is Material and Willful following review by PDC Staff and recommendation of the Executive Director, and (SD2024)T

**b.** The Commission gives notice of its intent to remedy specific Deficiencies to the extent necessary to comply with Public Defense Rules at the county's expense: (SD2024)T

**i.** Within fourteen (14) days of the date of said notice, the Commission and the county or their designees shall meet to attempt resolve the issues of the Material and Willful Deficiency or agree on a schedule for further meetings; (SD2024)T

**ii.** If the Commission and the county are unable to resolve the Deficiency by meeting, and (SD2024)T

**iii.** The Commission determines it must take immediate action under Subsection 060.01 of these rules, the Commission may contract with contract Defending Attorneys or other resources as deemed appropriate to remediate at the county's expense; or (SD2024)T

**iv.** If the Commission does not proceed under Subsection 060.01 of these rules, the Commission and the county or their designees must agree on a mediator and a date for mediation within twenty-eight (28) days, with the cost of mediation to be paid equally by the parties; (SD2024)T

**v.** If after mediation the Commission and the county are unable to come to a resolution, the Commission shall provide written notice of its decision to remedy specific Deficiencies and may contract with Defending Attorneys or other resources as deemed appropriate to remediate at the county's expense; (SD2024)T

**06. Application to Resume Public Defense.** If the Commission remedies specific Deficiencies to the extent necessary to comply with Public Defense Rules at the county's expense, the county may make application to resume public defense upon showing the county is able to do so in compliance with Public Defense Rules. (SD2024)T

**051. – 059. (RESERVED)**

**060. REVIEW OF WILLFUL AND MATERIAL DEFICIENCY DECISIONS.**

**01. Emergency Action.** The Commission will take immediate action and contract with appropriate resources to remedy Willful and Material Deficiencies to avoid immediate danger and may act through an emergency proceeding under Section 67-5247, Idaho Code, when: (SD2024)T

**a.** A county is using a Defending Attorney who has been removed from the applicable PDC Roster for

the reasons set forth in IDAPA 61.01.02, “Requirements and Procedures for Representing Indigent Persons,” Subsection 080.03; or (SD2024)T

**b.** A county has not complied with or responded to a notice of Deficiency within thirty (30) days of the date of such notice; (SD2024)T

**c.** If the Commission issues an emergency order to remedy Willful and Material Deficiencies, the Commission will notify the county of its order. The Commission’s order will include a statement of the immediate danger and is effective immediately; (SD2024)T

**d.** A county may challenge the Commission’s emergency order to remedy Willful and Material Deficiencies hereunder by submitting a notice of appeal and all supporting documentation within fourteen (14) days of the date of the Commission’s order; (SD2024)T

**e.** The Commission will review any timely challenge and issue an emergency decision within twenty-eight (28) days of receipt of timely filed notice and materials. The Commission may base its decision on a written record or elect to hold a hearing. (SD2024)T

**02. Action for Other Reasons.** (SD2024)T

**a.** If the county is subject to a Commission order to remedy Willful and Material Deficiencies for reasons other than set forth in Subsection 060.01 of these rules, the county may appeal the order by submitting a notice of appeal and all supporting documentation within twenty-one (21) days of the Commission’s order. (SD2024)T

**b.** A hearing officer appointed by the Commission will review a timely appeal and issue a recommended order to the Commission. (SD2024)T

**c.** The Commission will issue a final agency order adopting or rejecting the recommended order, or take other action deemed appropriate by the Commission. (SD2024)T

**061. – 999. (RESERVED)**

**61.01.04 – FINANCIAL ASSISTANCE AND TRAINING RESOURCES**

**000. LEGAL AUTHORITY.**  
This chapter is adopted under the legal authority of Section 19-850(1)(a), Idaho Code. (SD2024)T

**001. SCOPE.**  
This chapter contains requirements for public defense financial assistance and trainings offered through the PDC. (SD2024)T

**002. – 009. (RESERVED)**

**010. DEFINITIONS.**  
For the purposes of this chapter, the definitions in IDAPA 61.01.01, “General Provisions and Definitions,” apply. (SD2024)T

**011. – 019. (RESERVED)**

**020. FINANCIAL ASSISTANCE FOR COUNTIES TO PROVIDE PUBLIC DEFENSE IN COMPLIANCE WITH PUBLIC DEFENSE RULES AS PROVIDED IN SECTION 19-862A, IDAHO CODE.**

**01. Information for Application.** Counties making application for Financial Assistance to continue complying with Public Defense Rules or cure any Deficiency must provide the following information: (SD2024)T

- a. Compliance Plan and Cost Analysis; (SD2024)T
- b. Compliance attestation required by Section 19-862A, Idaho Code; (SD2024)T
- c. Itemization of the County’s public defense: (SD2024)T
  - i. Expenditures for the prior county fiscal year; (SD2024)T
  - ii. Budget for the current county fiscal year; and (SD2024)T
  - iii. Anticipated budget for the upcoming county fiscal year; (SD2024)T
- d. Information from Defending Attorneys necessary for the Compliance Plan and application; and (SD2024)T
- e. Other information requested by PDC Staff or the Commission related to Public Defense Rules or Financial Assistance. (SD2024)T

**02. Preference.** Financial Assistance is subject to the availability of funds, with preference given: (SD2024)T

- a. First, to counties that need assistance to cure Deficiencies; (SD2024)T
- b. Second, to counties that need assistance to continue complying with Public Defense Rules; and (SD2024)T
- c. Third, to counties for other improvements to public defense. (SD2024)T

**03. Financial Assistance for Workload.** The Commission may award Financial Assistance for counties to pay for resources needed to meet the Workload rules in IDAPA 61.01.02, “Requirements and Procedures for Representing Indigent Persons,” Subsection 060.05 (“Workload Financial Assistance”) of these rules, which is subject to the following additional requirements: (SD2024)T

- a. Workload Financial Assistance can only be used for attorneys, staff, and other resources to comply with the Workload rules; (SD2024)T
- b. A county must specifically state in the Financial Assistance application all proposed designated uses for Workload Financial Assistance; (SD2024)T
- c. A county can only use Workload Financial Assistance for the designated uses approved by the Commission; (SD2024)T
- d. County responsibility for compliance with the maximum caseload standard is contingent upon the appropriation of state funds as provided in Section 19-862A, Idaho Code, at a level necessary to implement the numeric standard. If Caseload or Workload maximums are being exceeded and the county has timely requested and not received Financial Assistance to pay for resources needed to comply with Caseload or Workload rules, the county’s failure to comply with Caseload or Workload rules will not be deemed a Deficiency. (SD2024)T

**04. Financial Assistance for Joint Offices.** The Commission may award additional Financial Assistance to counties that have established a joint office of public defender under Section 19-859(2), Idaho Code. (SD2024)T

**05. Review.** PDC Staff will review county applications for Financial Assistance. The Executive Director or appointed subcommittee of the Commission will make recommendations to the Commission. The

Commission will determine the type, terms, and amount of Financial Assistance. (SD2024)T

**06. Extraordinary Litigation Fund (“ELF”).** The Executive Director or the Commission may award Financial Assistance for extraordinary litigation costs necessary for representation in a public defense case when such costs are a financial hardship on the county or when requesting from the court or the county may undermine an Indigent Person’s case. (SD2024)T

**a.** Defending Attorney applicants may apply exclusively for prospective litigation costs and any request seeking reimbursement for services already rendered or expenses already paid will be rejected. (SD2024)T

**b.** Counties may request ELF Financial Assistance for reimbursement of extraordinary litigation costs paid and the application may only seek reimbursement for services rendered within the same state fiscal year. (SD2024)T

**c.** Information provided in support of an ELF application is confidential and exempt from the Public Records Act under Section 74-105(18)(b), Idaho Code. (SD2024)T

**d.** The Executive Director will approve or disapprove and will determine the amount of ELF assistance for costs other than attorney fees. The Commission will approve or disapprove and determine the amount of ELF assistance for attorney fees. (SD2024)T

**07. Independence.** Counties applying for Financial Assistance must limit prosecutor involvement in the Financial Assistance process if the involvement may jeopardize the independence of any Defending Attorney or undermine the delivery of public defense. (SD2024)T

**021. – 029. (RESERVED)**

**030. TRAINING RESOURCES FOR ATTORNEYS ON THE PDC ROSTERS, AND THEIR STAFF WHO DIRECTLY SUPPORT PUBLIC DEFENSE PRACTICE.**

**01. PDC Training.** The PDC may partner with outside organizations to present free or reduced cost training. (SD2024)T

**02. Scholarships.** The PDC may award training scholarships for approved non-PDC training. (SD2024)T

**03. Non-Roster Attorneys.** Attorneys not on a Roster and their staff are not eligible for PDC training or scholarships but may participate through a partner organization, if applicable. (SD2024)T

**04. Preference and Conditions.** Training and scholarship funds are limited and subject to the following: (SD2024)T

**a.** Preference is given to qualified applicants whose experience levels and compliance needs best fit the particular training program, and who did not attend a free or discounted training within the previous year; (SD2024)T

**b.** Approved applicants must immediately notify PDC Staff if they cannot attend or fully participate in any training; and (SD2024)T

**c.** Approved applicants who, without timely notifying PDC Staff, were absent from or failed to fully participate in a previous training, will not get preference and may not be eligible for training and scholarship benefits for the next twelve (12) months. (SD2024)T

**031. – 999. (RESERVED)**

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# LEGAL NOTICE

## Summary of Proposed Rulemakings

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

*THERE ARE NO PROPOSED RULES PUBLISHED IN  
THE APRIL 3, 2024, IDAHO ADMINISTRATIVE BULLETIN, VOL. 24-4*

Please refer to the Idaho Administrative Bulletin [April 3, 2024, Volume 24-4](#), 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/](http://www.adminrules.idaho.gov/)*

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P.O. Box 83720, Boise, ID 83720-0032  
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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.

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## **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 – April 3, 2024*

*(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** Adoption of Pending Rule (ZBR Chapter Rewrite, Fee Rule), Bulletin Vol. 24-1 (PLR 2024)

**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** Adoption of Pending Rule, Bulletin Vol. 24-1 (PLR 2024)

**02-0214-2301** Notice of Proposed Rulemaking, Bulletin Vol. 23-10

***02.02.15, Rules Governing the Seed Indemnity Fund***

**02-0215-2301** Adoption of Pending Rule (ZBR Chapter Rewrite, Fee Rule), Bulletin Vol. 24-1 (PLR 2024)

**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** Adoption of Pending Rule (ZBR Chapter Rewrite, Fee Rule), Bulletin Vol. 24-1 (PLR 2024)

**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** Adoption of Pending Rule (ZBR Chapter Rewrite), Bulletin Vol. 24-1 (PLR 2024)

**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** Adoption of Pending Rule (ZBR Chapter Rewrite), Bulletin Vol. 24-1 (PLR 2024)

**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***

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**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***

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**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** Adoption of Pending Rule (Fee Rule), Bulletin Vol. 24-1 (PLR 2024)

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***02.06.02, Rules Governing Registrations and Licenses***

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- 02-0604-2301 Adoption of Pending Rule (ZBR Chapter Rewrite, Fee Rule), Bulletin Vol. 24-1 (PLR 2024)
- 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**

- 02-0609-2401 Adoption of Temporary Rule, Bulletin Vol. 24-4 (eff. *sine die* 2024)T
- 02-0609-2304 Adoption of Temporary Rule, Bulletin Vol. 24-1 (eff. 12-18-23)T
- 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 Adoption of Pending Rule, Bulletin Vol. 24-1 (PLR 2024)
- 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

**02.06.10, Rules Governing the Growing of Potatoes**

- 02-0610-2301 Adoption of Pending Rule (ZBR Chapter Rewrite), Bulletin Vol. 24-1 (PLR 2024)
- 02-0610-2301 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 06, Chapter 10 – Bulletin Vol. 23-5

**02.06.16, Rules Governing Honey Standards**

- 02-0616-2301 Adoption of Pending Rule (ZBR Chapter Rewrite), Bulletin Vol. 24-1 (PLR 2024)
- 02-0616-2301 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 06, Chapter 16 – Bulletin Vol. 23-5

**02.06.33, Organic Food Products Rules**

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- 04-1101-2300 Notice of Revocation of Final Rule, Bulletin Vol. 23-7

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**05.01.02, Rules and Standards for Secure Juvenile Detention Centers**

- 05-0102-2301 Adoption of Pending Rule (ZBR Chapter Repeal), Bulletin Vol. 24-1 (PLR 2024)
- 05-0102-2301 Notice of Proposed Rulemaking (ZBR Chapter Repeal), Bulletin Vol. 23-10
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\*Changes chapter name from: “Uniform Standards for Juvenile Probation Services”
- 05-0104-2301\* Notice of Proposed Rulemaking (ZBR Chapter Rewrite), Bulletin Vol. 23-10
- 05-0104-2301 Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking, Bulletin Vol. 23-4

**05.02.01, Rules for Residential Treatment Providers**

- 05-0201-2301 Adoption of Pending Rule (ZBR Chapter Repeal), Bulletin Vol. 24-1 (PLR 2024)
- 05-0201-2301 Notice of Proposed Rulemaking (ZBR Chapter Repeal), Bulletin Vol. 23-10
- 05-0201-2301 Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking, Bulletin Vol. 23-6

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- 08-0102-2301** Notice of Proposed Rulemaking (Chapter Repeal), Bulletin Vol. 23-10
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- 08-0113-2303** Adoption of Temporary Rule, Bulletin Vol. 23-11 (eff. 11-1-23)T
  
- 08-0113-2302** Adoption of Pending Rule, Bulletin Vol. 23-12 (PLR 2024)
- 08-0113-2302** Notice of Proposed Rulemaking, Bulletin Vol. 23-10
- 08-0113-2302** Notice of Intent to Promulgate Rules – Negotiated Rulemaking, Bulletin Vol. 23-7
  
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- 08-0203-2301** Adoption of Pending Rule, Bulletin Vol. 23-12 (PLR 2024)
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- 08-0204-2400** Notice of Revocation of Final Rule, Bulletin Vol. 24-3

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- 08-0401-2301** Adoption of Pending Rule (ZBR Chapter Rewrite), Bulletin Vol. 23-12 (PLR 2024)
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**Idaho State Brand Board**

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- 11-0401-2301** Notice of Temporary and Proposed Rule (New Chapter, Fee Rule), Bulletin Vol. 23-5 (eff. 4-6-23)T

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- 11-0501-2401** Adoption of Temporary Rule, Bulletin Vol. 24-4 (eff. *sine die* 2024)T
  
- 11-0501-2301** Adoption of Temporary Rule, Bulletin Vol. 23-7 (eff. 7-1-23)T

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- 11-0701-2301 Notice of Proposed Rulemaking (ZBR Chapter Rewrite), Bulletin Vol. 23-9
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16-0314-2301 Adoption of Temporary Rule, Bulletin Vol. 23-12 (eff. 11-14-23)T

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16-0318-2301 Adoption of Pending Rule (ZBR Chapter Rewrite, Fee Rule), Bulletin Vol. 24-1 (PLR 2024)

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16-0601-2301 Notice of Temporary and Proposed Rule, Bulletin Vol. 23-7 (eff. 8-1-23)T

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16-0602-2301\* Adoption of Pending Rule (ZBR Chapter Rewrite), Bulletin Vol. 24-1 (PLR 2024)

*\*Changes chapter name from: “Child Care and Foster Care Licensing”*

16-0602-2301\* Notice of Proposed Rulemaking (ZBR Chapter Rewrite), Bulletin Vol. 23-8

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16-0603-2301 Adoption of Pending Rule (New Chapter, Fee Rule), Bulletin Vol. 24-1 (PLR 2024)

16-0603-2301 Notice of Proposed Rulemaking (New Chapter, Fee Rule), Bulletin Vol. 23-8

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16-0719-2301\* Adoption of Pending Rule (ZBR Chapter Rewrite), Bulletin Vol. 23-12 (PLR 2024)

*\*Changes chapter name from: “Certification of Peer Support Specialists and Family Support Partners”*

16-0719-2301 Notice of Proposed Rulemaking (ZBR Chapter Rewrite), Bulletin Vol. 23-8

16-0719-2301 Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking, Bulletin Vol. 23-2

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16-0725-2301\* Adoption of Pending Rule (ZBR Chapter Rewrite), Bulletin Vol. 23-12 (PLR 2024)

*\*Changes chapter name from: “Prevention of Minors’ Access to Tobacco Products”*

16-0725-2301\* Notice of Proposed Rulemaking (ZBR Chapter Rewrite), Bulletin Vol. 23-8

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16-0737-2401 (Second) Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking, Bulletin Vol. 24-3

16-0737-2401 Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking, Bulletin Vol. 24-2

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**18-0706-2301\*** Adoption of Pending Rule (ZBR Chapter Rewrite), Bulletin Vol. 23-12 (PLR 2024)

\*Changes chapter name from: “Rules Governing Life and Health Reinsurance Agreements”

**18-0706-2301\*** Notice of Proposed Rulemaking (ZBR Chapter Rewrite), Bulletin Vol. 23-9

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**18-0710-2301** Adoption of Pending Rule (ZBR Chapter Rewrite), Bulletin Vol. 23-12 (PLR 2024)

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**20-0302-2401** Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking, Bulletin Vol. 24-4

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**20-0303-2301** Adoption of Pending Rule (ZBR Chapter Rewrite, Fee Rule), Bulletin Vol. 24-1 (PLR 2024)

**20-0303-2301** Notice of Proposed Rulemaking (ZBR Chapter Rewrite, Fee Rule), Bulletin Vol. 23-9

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\*Changes chapter name from: “Riverbed Mineral Leasing in Idaho”

**20-0305-2301\*** Notice of Proposed Rulemaking (ZBR Chapter Rewrite, Fee Rule), Bulletin Vol. 23-9

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**20.03.14, Rules Governing Grazing, Farming, Conservation, Noncommercial Recreation, and Communication Site Leases**

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**20-0315-2401** Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking, Bulletin Vol. 24-3

**20.03.16, Rules Governing Oil and Gas Leasing on Idaho State Lands**

**20-0316-2401** Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking, Bulletin Vol. 24-3

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**20-0501-2301** Notice of Proposed Rulemaking (New Chapter), Bulletin Vol. 23-10

**20-0501-2301** Notice of Intent to Promulgate Rules (New Chapter) – Negotiated Rulemaking, Bulletin Vol. 23-6

**20.07.02, Rules Governing Conservation of Oil and Natural Gas in the State of Idaho**

**20-0702-2401** Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking, Bulletin Vol. 24-4

***IDAPA 21 – DIVISION OF VETERANS SERVICES***

**21.01.04, Rules Governing Idaho State Veterans Cemeteries**

**21-0104-2301** Adoption of Pending Rule, Bulletin Vol. 23-11 (PLR 2024)

**21-0104-2301** Notice of Temporary and Proposed Rule, Bulletin Vol. 23-3 (eff. 3-1-23)T

***IDAPA 24 – DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES***

**24-ZBRR-2401** *Rules of the Division of Occupational and Professional Licenses* – Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 02, Chapter 01; Title 03, Chapter 01; Title 08, Chapter 01; Title 09, Chapter 01; Title 19, Chapter 01; Title 24, Chapter 01; Title 29, Chapter 01; Title 33, Chapters 01-07; and Title 36, Chapter 01 – Bulletin Vol. 24-4

**24-ZBRR-2301** *Rules of the Division of Occupational and Professional Licenses* – (Second) Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 01, Chapter 01; Title 05, Chapter 01; Title 06, Chapter 01; Title 07, Chapter 01; Title 11, Chapter 01; Title 13, Chapter 01; Title 14, Chapter 01; Title 15, Chapter 01; Title 16, Chapter 01; Title 18, Chapter 01; Title 27, Chapter 01; Title 28, Chapter 01; Title 31, Chapter 01; Title 38, Chapter 01; and Title 39, Chapters 30, 31, 50 – Bulletin Vol. 23-6

**24-ZBRR-2301** *Rules of the Division of Occupational and Professional Licenses* – Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 01, Chapter 01; Title 05, Chapter 01; Title 06, Chapter 01; Title 07, Chapter 01; Title 11, Chapter 01; Title 13, Chapter 01; Title 14, Chapter 01; Title 15, Chapter 01; Title 16, Chapter 01; Title 18, Chapter 01; Title 27, Chapter 01; Title 28, Chapter 01; Title 31, Chapter 01; Title 38, Chapter 01; and Title 39, Chapters 30, 31, 50 – Bulletin Vol. 23-4

**24.01.01, Rules of the Board of Architects and Landscape Architects**

**24-0101-2301\*** Adoption of Pending Rule (ZBR Chapter Rewrite, Fee Rule), Bulletin Vol. 23-11 (PLR 2024)

*\*Changes chapter name from: “Rules of the Board of Architectural Examiners”*

**24-0101-2301\*** Notice of Proposed Rulemaking (ZBR Chapter Rewrite, Fee Rule), Bulletin Vol. 23-8

**24-ZBRR-2301** *Rules of the Division of Occupational and Professional Licenses* – (Second) Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 01, Chapter 01 – Bulletin Vol. 23-6

**24-ZBRR-2301** *Rules of the Division of Occupational and Professional Licenses* – Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 01, Chapter 01 – Bulletin Vol. 23-4

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**24-ZBRR-2401** *Rules of the Division of Occupational and Professional Licenses* – Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 02, Chapter 01 – Bulletin Vol. 24-4

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**24-ZBRR-2401** *Rules of the Division of Occupational and Professional Licenses* – Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 03, Chapter 01 – Bulletin Vol. 24-4

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

**24-0501-2301** Adoption of Pending Rule (ZBR Chapter Rewrite, Fee Rule), Bulletin Vol. 23-12 (PLR 2024)

**24-0501-2301** Notice of Proposed Rulemaking (ZBR Chapter Rewrite, Fee Rule), Bulletin Vol. 23-8

**24-ZBRR-2301** *Rules of the Division of Occupational and Professional Licenses* – (Second) Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 05, Chapter 01 – Bulletin Vol. 23-6

**24-ZBRR-2301** *Rules of the Division of Occupational and Professional Licenses* – Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 05, Chapter 01 – Bulletin Vol. 23-4

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

**24-0601-2301** Adoption of Pending Rule (ZBR Chapter Rewrite), Bulletin Vol. 23-11 (PLR 2024)

**24-0601-2301** Notice of Proposed Rulemaking (ZBR Chapter Rewrite, Fee Rule), Bulletin Vol. 23-8

**24-ZBRR-2301** *Rules of the Division of Occupational and Professional Licenses* – (Second) Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 06, Chapter 01 – Bulletin Vol. 23-6

**24-ZBRR-2301** *Rules of the Division of Occupational and Professional Licenses* – Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 06, Chapter 01 – Bulletin Vol. 23-4

**24.07.01, Rules of the Idaho State Board of Landscape Architects**

- 24-0701-2301** Adoption of Pending Rule (ZBR Chapter Repeal), Bulletin Vol. 23-12 (PLR 2024)  
**24-0701-2301** Notice of Proposed Rulemaking (ZBR Chapter Repeal), Bulletin Vol. 23-9  
**24-ZBRR-2301** *Rules of the Division of Occupational and Professional Licenses* – (Second) Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 07, Chapter 01 – Bulletin Vol. 23-6  
**24-ZBRR-2301** *Rules of the Division of Occupational and Professional Licenses* – Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 01, Chapter 07 – Bulletin Vol. 23-4

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- 24-ZBRR-2401** *Rules of the Division of Occupational and Professional Licenses* – Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 08, Chapter 01 – Bulletin Vol. 24-4

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- 24-ZBRR-2401** *Rules of the Division of Occupational and Professional Licenses* – Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 09, Chapter 01 – Bulletin Vol. 24-4

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**24-ZBRR-2301** *Rules of the Division of Occupational and Professional Licenses* – (Second) Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 11, Chapter 01 – Bulletin Vol. 23-6  
**24-ZBRR-2301** *Rules of the Division of Occupational and Professional Licenses* – Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 11, Chapter 01 – Bulletin Vol. 23-4

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

- 24-1301-2301** Adoption of Pending Rule (ZBR Chapter Rewrite), Bulletin Vol. 23-11 (PLR 2024)  
**24-1301-2301** Notice of Proposed Rulemaking (ZBR Chapter Rewrite, Fee Rule), Bulletin Vol. 23-8  
**24-ZBRR-2301** *Rules of the Division of Occupational and Professional Licenses* – (Second) Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 13, Chapter 01 – Bulletin Vol. 23-6  
**24-ZBRR-2301** *Rules of the Division of Occupational and Professional Licenses* – Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 13, Chapter 01 – Bulletin Vol. 23-4

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

- 24-1401-2301** Adoption of Pending Rule (ZBR Chapter Rewrite, Fee Rule), Bulletin Vol. 23-12 (PLR 2024)  
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**24-ZBRR-2301** *Rules of the Division of Occupational and Professional Licenses* – (Second) Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 14, Chapter 01 – Bulletin Vol. 23-6  
**24-ZBRR-2301** *Rules of the Division of Occupational and Professional Licenses* – Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 14, Chapter 01 – Bulletin Vol. 23-4

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- 24-1501-2301** Adoption of Pending Rule (ZBR Chapter Rewrite), Bulletin Vol. 23-11 (PLR 2024)  
**24-1501-2301** Notice of Proposed Rulemaking (ZBR Chapter Rewrite, Fee Rule), Bulletin Vol. 23-8  
**24-ZBRR-2301** *Rules of the Division of Occupational and Professional Licenses* – (Second) Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 15, Chapter 01 – Bulletin Vol. 23-6  
**24-ZBRR-2301** *Rules of the Division of Occupational and Professional Licenses* – Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 15, Chapter 01 – Bulletin Vol. 23-4

**24.16.01, Rules of the State Board of Dentistry**

- 24-1601-2301** Adoption of Pending Rule (ZBR Chapter Rewrite), Bulletin Vol. 23-11 (PLR 2024)  
**24-1601-2301** Notice of Proposed Rulemaking (ZBR Chapter Rewrite, Fee Rule), Bulletin Vol. 23-8  
**24-ZBRR-2301** *Rules of the Division of Occupational and Professional Licenses* – (Second) Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 16, Chapter 01 – Bulletin Vol. 23-6  
**24-ZBRR-2301** *Rules of the Division of Occupational and Professional Licenses* – Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 16, Chapter 01 – Bulletin Vol. 23-4

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

- 24-1801-2301** Adoption of Pending Rule (ZBR Chapter Rewrite, Fee Rule), Bulletin Vol. 23-12 (PLR 2024)  
**24-1801-2301** Notice of Proposed Rulemaking (ZBR Chapter Rewrite, Fee Rule), Bulletin Vol. 23-10  
**24-ZBRR-2301** *Rules of the Division of Occupational and Professional Licenses* – (Second) Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 18, Chapter 01 – Bulletin Vol. 23-6

**24-ZBRR-2301** *Rules of the Division of Occupational and Professional Licenses* – Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 18, Chapter 01 – Bulletin Vol. 23-4

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**24-ZBRR-2401** *Rules of the Division of Occupational and Professional Licenses* – Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 19, Chapter 01 – Bulletin Vol. 24-4

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**24-2701-2301** Adoption of Pending Rule (ZBR Chapter Rewrite), Bulletin Vol. 23-11 (PLR 2024)

**24-2701-2301** Notice of Proposed Rulemaking (ZBR Chapter Rewrite, Fee Rule), Bulletin Vol. 23-8

**24-ZBRR-2301** *Rules of the Division of Occupational and Professional Licenses* – (Second) Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 27, Chapter 01 – Bulletin Vol. 23-6

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**24-2801-2301** Adoption of Pending Rule (ZBR Chapter Rewrite), Bulletin Vol. 23-11 (PLR 2024)

**24-2801-2301** Notice of Proposed Rulemaking (ZBR Chapter Rewrite, Fee Rule), Bulletin Vol. 23-8

**24-ZBRR-2301** *Rules of the Division of Occupational and Professional Licenses* – (Second) Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 28, Chapter 01 – Bulletin Vol. 23-6

**24-ZBRR-2301** *Rules of the Division of Occupational and Professional Licenses* – Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 28, Chapter 01 – Bulletin Vol. 23-4

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**24-ZBRR-2401** *Rules of the Division of Occupational and Professional Licenses* – Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 29, Chapter 01 – Bulletin Vol. 24-4

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**24-3101-2301** Adoption of Pending Rule (ZBR Chapter Rewrite, Fee Rule), Bulletin Vol. 23-12 (PLR 2024)

**24-3101-2301** Notice of Proposed Rulemaking (ZBR Chapter Rewrite, Fee Rule), Bulletin Vol. 23-9

**24-ZBRR-2301** *Rules of the Division of Occupational and Professional Licenses* – (Second) Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 31, Chapter 01 – Bulletin Vol. 23-6

**24-ZBRR-2301** *Rules of the Division of Occupational and Professional Licenses* – Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 31, Chapter 01 – Bulletin Vol. 23-4

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**24-ZBRR-2401** *Rules of the Division of Occupational and Professional Licenses* – Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 33, Chapter 02 – Bulletin Vol. 24-4

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**24-ZBRR-2401** *Rules of the Division of Occupational and Professional Licenses* – Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 33, Chapter 03 – Bulletin Vol. 24-4

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**24-ZBRR-2401** *Rules of the Division of Occupational and Professional Licenses* – Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 33, Chapter 05 – Bulletin Vol. 24-4

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**24-ZBRR-2401** *Rules of the Division of Occupational and Professional Licenses* – Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 33, Chapter 06 – Bulletin Vol. 24-4

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

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**24-ZBRR-2401** *Rules of the Division of Occupational and Professional Licenses* – Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 36, Chapter 01 – Bulletin Vol. 24-4

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**24-3601-2301** Adoption of Pending Rule, Bulletin Vol. 24-1 (PLR 2024)

**24-3601-2301** Notice of Proposed Rulemaking, Bulletin Vol. 23-12

**24.38.01, Rules of the State of Idaho Board of Veterinary Medicine**

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**24-3801-2301** Notice of Proposed Rulemaking (ZBR Chapter Rewrite, Fee Rule), Bulletin Vol. 23-9

**24-ZBRR-2301** *Rules of the Division of Occupational and Professional Licenses* – (Second) Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 38, Chapter 01 – Bulletin Vol. 23-6

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**24-3910-2302** Notice of Proposed Rulemaking (Fee Rule), Bulletin Vol. 23-10

**24-3910-2302** Notice of Intent to Promulgate Rules – Negotiated Rulemaking, Bulletin Vol. 23-6

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**24-3930-2302** Notice of Proposed Rulemaking (ZBR Chapter Rewrite, Fee Rule), Bulletin Vol. 23-9

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**24-3930-2301** Notice of Rulemaking – Adoption of Temporary (Fee) Rule, Bulletin Vol. 23-4 (eff. *sine die* 2023)T

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**24-ZBRR-2301** *Rules of the Division of Occupational and Professional Licenses* – (Second) Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 39, Chapter 31 – Bulletin Vol. 23-6

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**24.39.50, Rules of the Public Works Contractors License Board**

**24-3950-2301** Adoption of Pending Rule (ZBR Chapter Rewrite, Fee Rule), Bulletin Vol. 23-12 (PLR 2024)

**24-3950-2301** Notice of Proposed Rulemaking (ZBR Chapter Rewrite, Fee Rule), Bulletin Vol. 23-9

**24-ZBRR-2301** *Rules of the Division of Occupational and Professional Licenses* – (Second) Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 39, Chapter 50 – Bulletin Vol. 23-6

**24-ZBRR-2301** *Rules of the Division of Occupational and Professional Licenses* – Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 39, Chapter 50 – Bulletin Vol. 23-4

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- 24-4001-2301** Adoption of Pending Rule (New Chapter), Bulletin Vol. 23-11 (PLR 2024)
- 24-4001-2301** Notice of Proposed Rulemaking (New Chapter, Fee Rule), Bulletin Vol. 23-9
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- 26-0134-2201** Adoption of Pending Rule (ZBR Chapter Repeal), Bulletin Vol. 23-12 (PLR 2024)
- 26-0134-2201** Temporary and Proposed Rulemaking (ZBR Chapter Repeal), Bulletin Vol. 23-8 (eff. 8-30-23)T
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- 29-0101-2301** Notice of Proposed Rulemaking (ZBR Chapter Rewrite), Bulletin Vol. 23-9
- 29-0101-2301** (Second) Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking, Bulletin Vol. 23-5
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- 31-ZBRR-2301** *Rules of the Idaho Public Utilities Commission* – Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 12, Chapter 01; Title 21, Chapter 01; Title 26, Chapter 01; and Title 31, Chapter 01 – Bulletin Vol. 23-6

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- 31-1201-2301** Adoption of Pending Rule (ZBR Chapter Rewrite), Bulletin Vol. 23-12 (PLR 2024)
- 31-1201-2301** Notice of Proposed Rulemaking (ZBR Chapter Rewrite), Bulletin Vol. 23-10
- 31-ZBRR-2301** *Rules of the Idaho Public Utilities Commission* – Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 12, Chapter 01 – Bulletin Vol. 23-6

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- 31-ZBRR-2301** *Rules of the Idaho Public Utilities Commission* – Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 21, Chapter 01 – Bulletin Vol. 23-6

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- 31-2601-2301** Adoption of Pending Rule (ZBR Chapter Rewrite), Bulletin Vol. 23-12 (PLR 2024)
- 31-2601-2301** Notice of Proposed Rulemaking (ZBR Chapter Rewrite), Bulletin Vol. 23-10
- 31-ZBRR-2301** *Rules of the Idaho Public Utilities Commission* – Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 26, Chapter 01 – Bulletin Vol. 23-6

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