

IDAHO ADMINISTRATIVE BULLETIN

January 7, 2026 – Vol. 26-1

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



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IDAHO ADMINISTRATIVE BULLETIN

Table of Contents

January 7, 2026 – Vol. 26-1

PREFACE	6
IDAPA 02 – DEPARTMENT OF AGRICULTURE	
02.01.08 – Rules Governing Grizzly Bear and Wolf Depredation Docket No. 02-0108-2501 (New Chapter) Notice of Rulemaking – Adoption of Pending Rule	13
02.02.05 – Rules Governing Stone Fruit Grades Docket No. 02-0205-2501 (ZBR Chapter Rewrite) Notice of Rulemaking – Adoption of Pending Rule	14
02.02.07 – Rules Governing Bulk Permits and Retail Sale of Potatoes Docket No. 02-0207-2501 (ZBR Chapter Rewrite) Notice of Rulemaking – Adoption of Pending Rule	15
02.02.14 – Rules for Weights and Measures Docket No. 02-0214-2501 (ZBR Chapter Rewrite) Notice of Rulemaking – Adoption of Pending Rule	16
02.03.03 – Rules Governing Pesticide and Chemigation Use and Application Docket No. 02-0303-2501 Notice of Rulemaking – Adoption of Pending Rule	17
02.04.20 – Rules Governing Brucellosis Docket No. 02-0420-2501 (ZBR Chapter Rewrite) Notice of Rulemaking – Adoption of Pending Rule	18
02.04.24 – Rules Governing Tuberculosis Docket No. 02-0424-2501 (ZBR Chapter Rewrite) Notice of Rulemaking – Adoption of Pending Rule	19
02.04.26 – Rules Governing the Public Exchange of Livestock Docket No. 02-0426-2501 (ZBR Chapter Rewrite) Notice of Rulemaking – Adoption of Pending Rule	20
02.06.01 – Rules Governing the Production and Distribution of Seed Docket No. 02-0601-2501 (ZBR Chapter Rewrite) Notice of Rulemaking – Adoption of Pending Rule	21
02.06.02 – Rules Governing Registrations and Licenses Docket No. 02-0602-2501 Notice of Rulemaking – Adoption of Pending Rule	22
02.06.06 – Rules Governing the Planting of Beans Docket No. 02-0606-2501 Notice of Rulemaking – Adoption of Pending Rule	23
02.06.09 – Rules Governing Invasive Species and Noxious Weeds Docket No. 02-0609-2503 Notice of Rulemaking – Adoption of Pending Rule	24

02.06.33 – Organic Food Products Rules Docket No. 02-0633-2501 Notice of Rulemaking – Adoption of Pending Rule	25
02.07.01 – Rules of the Idaho Hop Growers' Commission Docket No. 02-0701-2501 (ZBR Chapter Repeal) Notice of Rulemaking – Adoption of Pending Rule	26
IDAPA 08 – STATE BOARD OF EDUCATION	
08.02.02 – Rules Governing Uniformity Docket No. 08-0202-2501 Notice of Rulemaking – Adoption of Pending Rule	27
08.02.03 – Rules Governing Thoroughness Docket No. 08-0203-2501 Notice of Rulemaking – Adoption of Pending Rule	43
Docket No. 08-0203-2502 Notice of Rulemaking – Adoption of Pending Rule	46
08.02.05 – Rules Governing Pay for Success Contracting Docket No. 08-0205-2501 (ZBR Chapter Repeal) Notice of Rulemaking – Adoption of Pending Rule	49
IDAPA 13 – IDAHO DEPARTMENT OF FISH AND GAME	
13.01.03 – Public Use of Lands Owned or Controlled by the Department of Fish and Game Docket No. 13-0103-2501 (ZBR Chapter Rewrite) Notice of Rulemaking – Adoption of Pending Rule	50
13.01.04 – Rules Governing Licensing Docket No. 13-0104-2401 (ZBR Chapter Rewrite) Notice of Rulemaking – Adoption of Pending Rule	54
13.01.08 – Rules Governing Taking of Big Game Animals Docket No. 13-0108-2401 (ZBR Chapter Rewrite) Notice of Rulemaking – Adoption of Pending Rule	64
13.01.16 – Trapping of Wildlife and Taking of Furbearing Animals Docket No. 13-0116-2401 (ZBR Chapter Rewrite) Notice of Rulemaking – Adoption of Pending Rule	70
13.01.17 – Rules Governing Use of Bait for Hunting Big Game Animals Docket No. 13-0117-2401 (ZBR Chapter Repeal) Notice of Rulemaking – Adoption of Pending Rule	73
13.01.19 – Rules for Selecting, Operating, Discontinuing, and Suspending Vendors Docket No. 13-0119-2501 (ZBR Chapter Rewrite) Notice of Rulemaking – Adoption of Pending Rule	74
IDAPA 15 – OFFICE OF THE GOVERNOR / IDAHO COMMISSION FOR THE BLIND AND VISUALLY IMPAIRED	
15.02.30 – Business Enterprise Program Docket No. 15-0230-2401 (ZBR Chapter Rewrite) Notice of Rulemaking – Adoption of Pending Rule	75

IDAPA 16 – DEPARTMENT OF HEALTH AND WELFARE*16.02.10 – Idaho Reportable Diseases****Docket No. 16-0210-2501 (ZBR Chapter Rewrite)***

Notice of Correction to Pending Rule94

IDAPA 20 – IDAHO DEPARTMENT OF LANDS*20.03.02 – Rules Governing Mined Land Reclamation****Docket No. 20-0302-2401 (ZBR Chapter Rewrite)***

Notice of Rulemaking – Adoption of Pending Rule96

*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 (ZBR Chapter Rewrite)***

Notice of Rulemaking – Adoption of Pending Rule98

IDAPA 24 – DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES*24.05.01 – Rules of the Board of Drinking Water and Wastewater Professionals****Docket No. 24-0501-2501 (Fee Rule)***

Notice of Rulemaking – Adoption of Pending Rule115

*24.26.01 – Rules of Midwifery****Docket No. 24-2601-2501***

Notice of Rulemaking – Adoption of Pending Rule122

*24.31.01 – Rules of the Idaho State Board of Dentistry****Docket No. 24-3101-2501***

Notice of Rulemaking – Adoption of Pending Rule123

*24.32.01 – Rules of the Idaho Board of Licensure of Professional Engineers and Professional Land Surveyors****Docket No. 24-3201-2501***

Notice of Rulemaking – Adoption of Pending Rule124

*24.34.01 – Rules of the Idaho Board of Nursing****Docket No. 24-3401-2501***

Notice of Rulemaking – Adoption of Pending Rule127

*24.39.30 – Rules of Building Safety (Building Code Rules)****Docket No. 24-3930-2501***

Notice of Rulemaking – Adoption of Pending Rule128

Docket No. 24-3930-2502

Notice of Rulemaking – Adoption of Pending Rule129

*24.39.31 – Rules for Factory Built Structures****Docket No. 24-3931-2501***

Notice of Rulemaking – Adoption of Pending Rule140

*24.39.50 – Rules of the Public Works Contractors License Board****Docket No. 24-3950-2501***

Notice of Rulemaking – Adoption of Pending Rule141

IDAPA 26 – IDAHO DEPARTMENT OF PARKS AND RECREATION*26.01.20 – Rules Governing the Administration of Park and Recreation Areas and Facilities****Docket No. 26-0120-2501 (Fee Rule)***

Notice of Rulemaking – Adoption of Pending Rule142

IDAPA 28 – DEPARTMENT OF COMMERCE*28.02.03 – Department of Commerce Grant Program Rules****Docket No. 28-0203-2501 (ZBR Chapter Rewrite)***

Notice of Rulemaking – Adoption of Pending Rule 145

IDAPA 31 – IDAHO PUBLIC UTILITIES COMMISSION*31.27.01 – Rules Governing Pole Attachments****Docket No. 31-2701-2501 (New Chapter)***

Notice of Rulemaking – Adoption of Pending Rule 146

IDAPA 38 – IDAHO DEPARTMENT OF ADMINISTRATION*38.04.04 – Rules Governing Capitol Mall Parking****Docket No. 38-0404-2501 (ZBR Chapter Rewrite)***

Notice of Rulemaking – Adoption of Pending Rule 151

IDAPA 52 – IDAHO STATE LOTTERY*52.01.03 – Rules Governing Operations of the Idaho State Lottery****Docket No. 52-0103-2501 (ZBR Chapter Rewrite)***

Notice of Rulemaking – Adoption of Pending Rule 152

IDAPA 55 – DIVISION OF CAREER TECHNICAL EDUCATION*55.01.03 – Rules of Career Technical Centers****Docket No. 55-0103-2501***

Notice of Rulemaking – Adoption of Pending Rule 153

SECTIONS AFFECTED INDEX 154**LEGAL NOTICE - SUMMARY OF PROPOSED RULEMAKINGS 157****CUMULATIVE RULEMAKING INDEX OF IDAHO ADMINISTRATIVE RULES 158****SUBJECT INDEX 172**

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 **22-1** refers to the first Bulletin issued in calendar year **2022**; Bulletin **24-1** refers to the first Bulletin issued in calendar year **2024**. Volume numbers, which proceed from 1 to 12 in a given year, correspond to the months of publication, i.e.; Volume No. **22-1** refers to January 2022; Volume No. **24-2** refers to February 2024; and so forth. Example: The Bulletin published in January 2022 is cited as Volume **22-1**. The December 2022 Bulletin is cited as Volume **22-12**.

RELATIONSHIP TO THE IDAHO ADMINISTRATIVE CODE

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

To determine if a particular rule remains in effect or whether any amendments have been made to the rule, refer to the [Cumulative Rulemaking Index](#). Link to it on the Administrative Rules homepage at adminrules.idaho.gov.

THE DIFFERENT RULES PUBLISHED IN THE ADMINISTRATIVE BULLETIN

Idaho’s administrative rulemaking process, governed by the Idaho 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. For a rule to become final, at a minimum, a rulemaking includes proposed, pending, and final rulemaking. Some rules may be adopted as temporary rules when they meet the required statutory criteria. Agencies must, when feasible, engage in negotiated rulemaking at the beginning of the process to facilitate consensus building. In some cases, the process may begin with proposed rulemaking and end 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. 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.

4. FINAL RULEMAKING

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

5. 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) reducing a regulatory burden that would otherwise impact individuals or businesses.

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.

Agencies must concurrently promulgate a temporary rule and a proposed rule when the text of the two rulemakings is the same, unless the temporary rule will expire before a proposed rule could become final.

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 38.05.01.041.02.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”

“041.” refers to Major Section **041**, “Acquisition Procedures”

“02.” refers to Subsection 041.02.

“c.” refers to Subsection 041.02.c.

“ii.” refers to Subsection 041.02.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 **“-”**, (**38-0501-2201**). 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. 38-0501-2201”

“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**).

“2201” 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 2022**. A subsequent rulemaking on this same rule chapter in calendar year 2022 would be designated as **“2202”**. The docket number in this scenario would be 38-0501-**2202**.

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)

RULEMAKING DEADLINES CY 2025

BULLETIN MONTH / VOL.	FEB 25-2	MAR 25-3	APR 25-4	MAY 25-5	JUN 25-6	JUL 25-7	AUG 25-8	SEPT 25-9	OCT 25-10	NOV 25-11	DEC 25-12	JAN '26 26-1
ARRF DUE	Dec 20	Jan 24	Feb 21	Mar 21	April 18	May 23	June 20	July 18	Aug 15	Sept 19	Oct 24	Nov 21
AGENCY FILING DUE	Jan 3	Feb 7	Mar 7	April 4	May 2	June 6	July 3	Aug 1	*Aug 29	Oct 3	Nov 7	**Dec 5
BULLETIN PUBLISHED	Feb 5	Mar 5	April 2	May 7	June 4	July 2	Aug 6	Sept 3	Oct 1	Nov 5	Dec 3	Jan 7
21-DAY COMMENT ENDS	Feb 26	Mar 5	April 23	May 28	June 25	July 23	Aug 27	Sept 24	Oct 22	Nov 26	Dec 24	Jan 28

**August 29, 2025: Last day to submit a Proposed Rule for the upcoming Legislature*

***December 5, 2025: Last day to submit a Pending Rule for the upcoming Legislature*

RULEMAKING DEADLINES CY 2026

BULLETIN MONTH / VOL.	FEB 26-2	MAR 26-3	APR 26-4	MAY 26-5	JUN 26-6	JUL 26-7	AUG 26-8	SEPT 26-9	OCT 26-10	NOV 26-11	DEC 26-12	JAN '27 27-1
ARRF DUE	Dec 26	Jan 23	Feb 20	March 20	April 17	May 15	June 19	July 17	Aug 14	Sept 18	Oct 16	Nov 20
AGENCY FILING DUE	Jan 9	Feb 6	Mar 6	April 3	May 1	May 29	July 3	July 31	*Aug 28	Oct 2	Oct 30	**Dec 4
BULLETIN PUBLISHED	Feb 4	Mar 4	April 1	May 6	June 3	July 1	Aug 5	Sept 2	Oct 7	Nov 4	Dec 2	Jan 6
21-DAY COMMENT ENDS	Feb 25	Mar 25	April 22	May 27	June 24	July 22	Aug 26	Sept 23	Oct 28	Nov 25	Dec 23	Jan 27

**August 28, 2026: Last day to submit a Proposed Rule for the upcoming Legislature*

***December 4, 2026: Last day to submit a Pending Rule for the upcoming Legislature*

[Access to DFM's Administrative Rules Request Form \(ARRF\)](#)

[Access the Idaho Rule Writer's Manual](#)

ALPHABETICAL INDEX OF STATE AGENCIES AND CORRESPONDING IDAPA NUMBERS	
IDAPA 38	Administration , Department of
IDAPA 62	Administrative Hearings , Office of
IDAPA 02	Agriculture , Idaho State Department of Idaho Honey Commission (02.06.16) Idaho Hop Grower's Commission (02.07) Idaho Sheep and Goat Health Board (02.08)
IDAPA 40	Arts , Idaho Commission on the
IDAPA 04	Attorney General , Office of the
IDAPA 53	Barley Commission , Idaho
IDAPA 51	Beef Council , Idaho
IDAPA 55	Career Technical Education , Division of
IDAPA 28	Commerce , Idaho Department of
IDAPA 06	Correction , Idaho Department of
IDAPA 63	Domestic Violence and Victim Assistance , Idaho Council on
IDAPA 08	Education , State Board of and State Department of
IDAPA 32	Endowment Fund Investment Board
IDAPA 58	Environmental Quality , Department of
IDAPA 12	Finance , Idaho Department of
IDAPA 13	Fish and Game , Idaho Department of
IDAPA 15	Governor , Office of the Idaho Commission on Aging (15.01) Idaho Commission for the Blind and Visually Impaired (15.02) Idaho Forest Products Commission (15.03) Division of Human Resources and Personnel Commission (15.04) Idaho Military Division (Division of Homeland Security) (15.06) Idaho State Liquor Division (15.10)
IDAPA 48	Grape Growers and Wine Producers Commission , Idaho
IDAPA 16	Health and Welfare , Department of
IDAPA 45	Human Rights Commission
IDAPA 17	Industrial Commission , Idaho
IDAPA 18	Insurance , Idaho Department of
IDAPA 05	Juvenile Corrections , Department of

ALPHABETICAL INDEX OF STATE AGENCIES AND CORRESPONDING IDAPA NUMBERS	
IDAPA 09	Labor , Idaho Department of
IDAPA 20	Lands , Idaho Department of
IDAPA 52	Lottery Commission , Idaho State
IDAPA 24	Occupational and Professional Licenses , Division of Accountancy, Board of (24.30) Acupuncture, Board of (24.17) Architects and Landscape Architects, Board of (24.01) Athletic Commission, State (24.02) Barber and Cosmetology Services Licensing Board (24.28) Building Safety, Division of (24.39) Chiropractic Physicians, Board of (24.03) Contractors Board, Idaho State (24.21) Counselors and Marriage and Family Therapists, Licensing Board of Professional (24.15) Dentistry, State Board of (24.31) Dentistry, State Board of (24.16) Drinking Water and Wastewater Professionals, Board of (24.05) Driving Businesses Licensure Board, Idaho (24.25) Engineers and Land Surveyors, Board of Licensure of Professional (24.32) Genetic Counselors Licensing Board (24.24) Geologists, Board of Registration for Professional (24.04) Liquefied Petroleum Gas Safety Board (24.22) Massage Therapy, Board of (24.27) Medicine, Board of (24.33) Midwifery, Board of (24.26) Morticians, Board of (24.08) Naturopathic Health Care, Board of (24.40) Nursing, Board of (24.34) Nursing Home Administrators, Board of Examiners of (24.09) Occupational Therapy Licensure Board (24.06) Optometry, Board of (24.10) Outfitters and Guides Licensing Board (24.35) Pharmacy, Board of (24.36) Physical Therapy Licensure Board (24.13) Podiatry, Board of (24.11) Psychologist Examiners, Board of (24.12) Real Estate Appraiser Board (24.18) Real Estate Commission (24.37) Residential Care Facility Administrators, Board of Examiners of (24.19) Shorthand Reporters Board, Idaho Certified (24.29) Social Work Examiners, Board of (24.14) Speech, Hearing and Communication Services Licensure Board (24.23) Veterinary Medicine, State Board of (24.38)
IDAPA 43	Oilseed Commission , Idaho
IDAPA 50	Pardons and Parole , Commission of
IDAPA 26	Parks and Recreation , Idaho Department of

ALPHABETICAL INDEX OF STATE AGENCIES AND CORRESPONDING IDAPA NUMBERS	
IDAPA 11	Police, Idaho State Alcohol Beverage Control (11.05) Brand Board (11.02) Commercial Vehicle Safety (11.13) Forensic Laboratory (11.03) Motor Vehicles (11.07) Peace Officer Standards and Training Council (11.11) Public Safety and Security Information (11.10) Racing Commission (11.04)
IDAPA 29	Potato Commission, Idaho
IDAPA 59	Public Employee Retirement System of Idaho (PERSI)
IDAPA 31	Public Utilities Commission
IDAPA 34	Secretary of State, Office of the
IDAPA 57	Sexual Offender Management Board
IDAPA 60	Soil and Water Conservation Commission, Idaho State
IDAPA 36	Tax Appeals, Board of
IDAPA 35	Tax Commission, State
IDAPA 39	Transportation Department, Idaho
IDAPA 21	Veterans Services, Division of
IDAPA 47	Vocational Rehabilitation, Division of
IDAPA 37	Water Resources, Department of
IDAPA 42	Wheat Commission, Idaho

IDAPA 02 – DEPARTMENT OF AGRICULTURE
02.01.08 – RULES GOVERNING GRIZZLY BEAR AND WOLF DEPREDATION
DOCKET NO. 02-0108-2501 (NEW CHAPTER)
NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2026 Idaho State Legislature and must be approved by concurrent resolution of the Legislature to go into effect, in accordance with Section [67-5224\(2\)\(c\)](#), Idaho Code. Should the pending rule be approved, it will become final and effective on July 1 following the Second Regular Session of the Sixty-eighth Idaho Legislature, unless the concurrent resolution states a different effective date.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section [36-1121](#), Idaho Code.

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

Negotiated meetings were held on May 15, May 27, and July 17 with participation from agencies and stakeholders. Proposed amendments to the rule reflect those changes in statute outlined in authorizing statute as amended by the Idaho Legislature in H592 in the 2024 session, and again by H82 in the 2025 session.

Amendments to be consistent with statute include adding a definition of “possible”, changing “validated” to “confirmed”, and recognizing the Idaho Depredation Wildlife Appeals Board reports as Investigation Reports for the purposes of reimbursing for depredations by grizzly bears and wolves. Further clarification has been added regarding the depredation reimbursement process and protocols.

There are no changes to the pending rule, and it is being adopted as originally proposed. The complete text of the proposed rule was published in the October 1, 2025, Idaho Administrative Bulletin, [Vol. 25-10, pages 14-17](#).

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

There are no fees associated with this rule.

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

There is no fiscal impact due to this administrative rule.

ASSISTANCE WITH TECHNICAL QUESTIONS: For assistance with technical questions concerning this pending rule, contact Lloyd Knight, (208)332-8615.

DATED this 7th day of January, 2026.

Lloyd B. Knight
Deputy Director
Idaho State Department of Agriculture
2270 Old Penitentiary Road
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Email: Lloyd.knight@isda.idaho.gov

IDAPA 02 – DEPARTMENT OF AGRICULTURE
02.02.05 – RULES GOVERNING STONE FRUIT GRADES
DOCKET NO. 02-0205-2501 (ZBR CHAPTER REWRITE)
NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2026 Idaho State Legislature and must be approved by concurrent resolution of the Legislature to go into effect, in accordance with Section [67-5224\(2\)\(c\)](#), Idaho Code. Should the pending rule be approved, it will become final and effective on July 1 following the Second Regular Session of the Sixty-eighth Idaho Legislature, unless the concurrent resolution states a different effective date.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections [22-702](#), [22-703](#), and [22-803](#), Idaho Code.

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

Zero Based Rulemaking negotiated meetings were held on June 12 and July 2. The amendments include those consistent with a thorough review for relevance to current industry practices. The resulting rule is consistent with industry practices, and outlines Idaho specific grades and standards for stonefruits.

There are no changes to the pending rule, and it is being adopted as originally proposed. The complete text of the proposed rule was published in the October 1, 2025, Idaho Administrative Bulletin, [Vol. 25-10, pages 18-25](#).

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

There are no fees associated with this rule.

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

There is no fiscal impact due to this administrative rule.

ASSISTANCE WITH TECHNICAL QUESTIONS: For assistance with technical questions concerning this pending rule, contact Lloyd Knight, (208)332-8615.

DATED this 7th day of January, 2026.

Lloyd B. Knight
Deputy Director
Idaho State Department of Agriculture
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IDAPA 02 – DEPARTMENT OF AGRICULTURE

02.02.07 – RULES GOVERNING BULK PERMITS AND RETAIL SALE OF POTATOES

DOCKET NO. 02-0207-2501 (ZBR CHAPTER REWRITE)

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2026 Idaho State Legislature and must be approved by concurrent resolution of the Legislature to go into effect, in accordance with Section 67-5224(2)(c), Idaho Code. Should the pending rule be approved, it will become final and effective on July 1 following the Second Regular Session of the Sixty-eighth Idaho Legislature, unless the concurrent resolution states a different effective date.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 22-901, 22-911, and 22-2006, Idaho Code.

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

Zero Based Rulemaking negotiated meetings were held on June 12 and July 2. These rules govern the application for a permit to ship bulk potatoes, permit fees, and marketing order requirements and specify the general requirements for the inspection, grading, marking, and retail sales of potatoes in the state of Idaho.

There are no changes to the pending rule, and it is being adopted as originally proposed. The complete text of the proposed rule was published in the October 1, 2025, Idaho Administrative Bulletin, [Vol. 25-10, pages 26-29](#).

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

There were no changes to fees previously authorized in this rule chapter.

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

There is no fiscal impact as a result of this rulemaking.

ASSISTANCE WITH TECHNICAL QUESTIONS: For assistance with technical questions concerning this pending rule, contact Lloyd Knight, (208)332-8315.

DATED this 7th day of January, 2026.

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IDAPA 02 – DEPARTMENT OF AGRICULTURE
02.02.14 – RULES FOR WEIGHTS AND MEASURES
DOCKET NO. 02-0214-2501 (ZBR CHAPTER REWRITE)
NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2026 Idaho State Legislature and must be approved by concurrent resolution of the Legislature to go into effect, in accordance with Section 67-5224(2)(c), Idaho Code. Should the pending rule be approved, it will become final and effective on July 1 following the Second Regular Session of the Sixty-eighth Idaho Legislature, unless the concurrent resolution states a different effective date.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 71-111, 71-121, 71-232, 71-233, 71-236, 71-241, and 71-408, Idaho Code.

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

Zero Based Rulemaking negotiated meetings were held on June 12 and July 2. After review, significant deletions are recommended to rely on those national standards incorporated by reference as it is not necessary to keep language separately defined in the administrative rule as well as the incorporated standard. No changes were made to the fees already included in the rule.

There are no changes to the pending rule, and it is being adopted as originally proposed. The complete text of the proposed rule was published in the October 1, 2025, Idaho Administrative Bulletin, Vol. 25-10, pages 30-55.

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

There are no changes to fees included in this rule.

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

There is no fiscal impact due to this administrative rule.

ASSISTANCE WITH TECHNICAL QUESTIONS: For assistance with technical questions concerning this pending rule, contact Lloyd Knight, (208)332-8615.

DATED this 7th day of January, 2026.

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IDAPA 02 – DEPARTMENT OF AGRICULTURE

02.03.03 – RULES GOVERNING PESTICIDE AND CHEMIGATION USE AND APPLICATION

DOCKET NO. 02-0303-2501

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2026 Idaho State Legislature and must be approved by concurrent resolution of the Legislature to go into effect, in accordance with Section 67-5224(2)(c), Idaho Code. Should the pending rule be approved, it will become final and effective on July 1 following the Second Regular Session of the Sixty-eighth Idaho Legislature, unless the concurrent resolution states a different effective date.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 22-3421, Idaho Code.

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

The agency has opened this chapter for rulemaking for the purposes of possible amendments related to applicator license terms and license categories. Specifically, the agency presented proposals for consideration including offering the option of a five-year license term, separating new license categories for potato cellar and wood preservation licenses, adding a new category for applicators using aerial unmanned drones, and lengthening the sunset provisions on commercial apprentices.

There are no changes to the pending rule, and it is being adopted as originally proposed. The complete text of the proposed rule was published in the October 1, 2025, Idaho Administrative Bulletin, [Vol. 25-10, pages 56-72](#).

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

There were no changes to fees already included in the rule. The annual license fees were adjusted to a five-year fee at the same price per year to cover those five years.

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

There is no fiscal impact due to the amendments of this rule.

ASSISTANCE WITH TECHNICAL QUESTIONS: For assistance with technical questions concerning this pending rule, contact Lloyd Knight, (208)332-8615.

DATED this 7th day of January, 2026.

Lloyd B. Knight
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IDAPA 02 – DEPARTMENT OF AGRICULTURE
02.04.20 – RULES GOVERNING BRUCELLOSIS
DOCKET NO. 02-0420-2501 (ZBR CHAPTER REWRITE)
NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2026 Idaho State Legislature and must be approved by concurrent resolution of the Legislature to go into effect, in accordance with Section 67-5224(2)(c), Idaho Code. Should the pending rule be approved, it will become final and effective on July 1 following the Second Regular Session of the Sixty-eighth Idaho Legislature, unless the concurrent resolution states a different effective date.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 25-203 and 25-601, Idaho Code.

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

These rules are being presented for approval as part of the ISDA's plan to review each rule every 5 years. Amendments were identified by the agency and presented to stakeholders and are consistent with the Governor's Zero-Based Regulation Executive Order. Negotiated rulemaking meetings were held on June 17 and July 15 with broad stakeholder participation.

There are no changes to the pending rule, and it is being adopted as originally proposed. The complete text of the proposed rule was published in the October 1, 2025, Idaho Administrative Bulletin, [Vol. 25-10, pages 73-90](#).

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

There are no fees associated with this rule.

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

There is no fiscal impact due to this administrative rule.

ASSISTANCE WITH TECHNICAL QUESTIONS: For assistance with technical questions concerning this pending rule, contact Lloyd Knight, (208)332-8615.

DATED this 7th day of January, 2025.

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IDAPA 02 – DEPARTMENT OF AGRICULTURE
02.04.24 – RULES GOVERNING TUBERCULOSIS
DOCKET NO. 02-0424-2501 (ZBR CHAPTER REWRITE)
NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2026 Idaho State Legislature and must be approved by concurrent resolution of the Legislature to go into effect, in accordance with Section 67-5224(2)(c), Idaho Code. Should the pending rule be approved, it will become final and effective on July 1 following the Second Regular Session of the Sixty-eighth Idaho Legislature, unless the concurrent resolution states a different effective date.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 25-203, 25-305, and 25-401, Idaho Code.

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

These rules are being presented for approval as part of the ISDA's plan to review each rule every 5 years. Amendments were identified by the agency and presented to stakeholders and are consistent with the Governor's Zero-Based Regulation Executive Order. Negotiated rulemaking meetings were held on June 17 and July 15 with broad stakeholder participation.

There are no changes to the pending rule, and it is being adopted as originally proposed. The complete text of the proposed rule was published in the October 1, 2025, Idaho Administrative Bulletin, Vol. 25-10, pages 91-100.

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

There are no fees associated with this rule.

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

There is no fiscal impact due to this administrative rule.

ASSISTANCE WITH TECHNICAL QUESTIONS: For assistance with technical questions concerning this pending rule, contact Lloyd Knight, (208)332-8615.

DATED this 7th day of January, 2026.

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IDAPA 02 – DEPARTMENT OF AGRICULTURE
02.04.26 – RULES GOVERNING THE PUBLIC EXCHANGE OF LIVESTOCK
DOCKET NO. 02-0426-2501 (ZBR CHAPTER REWRITE)
NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2026 Idaho State Legislature and must be approved by concurrent resolution of the Legislature to go into effect, in accordance with Section 67-5224(2)(c), Idaho Code. Should the pending rule be approved, it will become final and effective on July 1 following the Second Regular Session of the Sixty-eighth Idaho Legislature, unless the concurrent resolution states a different effective date.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 25-203, 25-305, 25-401, 25-601, 25-1723(b), and 25-3520, Idaho Code.

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

These rules are being presented for approval as part of the ISDA's plan to review each rule every 5 years. Amendments were identified by the agency and presented to stakeholders and are consistent with the Governor's Zero-Based Regulation Executive Order. Negotiated rulemaking meetings were held on June 30 and July 14 with broad stakeholder participation.

There are no changes to the pending rule, and it is being adopted as originally proposed. The complete text of the proposed rule was published in the October 1, 2025, Idaho Administrative Bulletin, Vol. 25-10, pages 101-116.

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

There are no fees associated with this rule.

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

There is no fiscal impact due to this administrative rule.

ASSISTANCE WITH TECHNICAL QUESTIONS: For assistance with technical questions concerning this pending rule, contact Lloyd Knight, (208)332-8615.

DATED this 7th day of January, 2026.

Lloyd B. Knight
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IDAPA 02 – DEPARTMENT OF AGRICULTURE

02.06.01 – RULES GOVERNING THE PRODUCTION AND DISTRIBUTION OF SEED

DOCKET NO. 02-0601-2501 (ZBR CHAPTER REWRITE)

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2026 Idaho State Legislature and must be approved by concurrent resolution of the Legislature to go into effect, in accordance with Section [67-5224\(2\)\(c\)](#), Idaho Code. Should the pending rule be approved, it will become final and effective on July 1 following the Second Regular Session of the Sixty-eighth Idaho Legislature, unless the concurrent resolution states a different effective date.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections [22-108\(2\)](#), [22-418\(11\)](#), [22-2004](#), and [22-2006](#), Idaho Code.

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

These rules are being presented for approval as part of the ISDA's plan to review each rule every 5 years. Amendments were identified by the agency and presented to stakeholders and are consistent with the Governor's Zero-Based Regulation Executive Order. Negotiated rulemaking meetings were held on June 17 and July 15 with broad stakeholder participation.

There are no changes to the pending rule, and it is being adopted as originally proposed. The complete text of the proposed rule was published in the October 1, 2025, Idaho Administrative Bulletin, [Vol. 25-10, pages 117-141](#).

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

No changes were made to the fees in this chapter.

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

There is no fiscal impact due to the changes in this administrative rule.

ASSISTANCE WITH TECHNICAL QUESTIONS: For assistance with technical questions concerning this pending rule, contact Lloyd Knight, (208)332-8615.

DATED this 7th day of January, 2026.

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IDAPA 02 – DEPARTMENT OF AGRICULTURE
02.06.02 – RULES GOVERNING REGISTRATIONS AND LICENSES
DOCKET NO. 02-0602-2501

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2026 Idaho State Legislature and must be approved by concurrent resolution of the Legislature to go into effect, in accordance with Section [67-5224\(2\)\(c\)](#), Idaho Code. Should the pending rule be approved, it will become final and effective on July 1 following the Second Regular Session of the Sixty-eighth Idaho Legislature, unless the concurrent resolution states a different effective date.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections [22-604](#), [22-2204](#), [22-2303\(5\)](#), [22-2503](#), [22-2511](#), and [25-2710](#), Idaho Code.

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

This is an annual Incorporated by Reference update. Each year, The Association of American Feed Control Officials (AAFCO) and The Association of American Plant Food Control Officials (AAPFCO) update their official publications that the Idaho State Department of Agriculture references in IDAPA 02.06.02. The two publications are incorporated into this rule as standardized regulations for three subchapters of this rule – Commercial Feed, Commercial Fertilizer, and Soil and Plant Amendments. The updates to these documents include refinements to definitions, technical terms, and other standards necessary for regulation that meets state statutes as well as the national cooperation in regulating these products.

There are no changes to the pending rule, and it is being adopted as originally proposed. The complete text of the proposed rule was published in the October 1, 2025, Idaho Administrative Bulletin, [Vol. 25-10, pages 142-144](#).

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

There are no changes in fees associated with this rule.

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

There is no fiscal impact due to this administrative rule.

ASSISTANCE WITH TECHNICAL QUESTIONS: For assistance with technical questions concerning this pending rule, contact Lloyd Knight, (208)332-8615.

DATED this 7th day of January, 2026.

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IDAPA 02 – DEPARTMENT OF AGRICULTURE
02.06.06 – RULES GOVERNING THE PLANTING OF BEANS
DOCKET NO. 02-0606-2501
NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2026 Idaho State Legislature and must be approved by concurrent resolution of the Legislature to go into effect, in accordance with Section [67-5224\(2\)\(c\)](#), Idaho Code. Should the pending rule be approved, it will become final and effective on July 1 following the Second Regular Session of the Sixty-eighth Idaho Legislature, unless the concurrent resolution states a different effective date.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections [22-108\(2\)](#), [22-418\(11\)](#), [22-2004](#), and [22-2006](#), Idaho Code.

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

These rules are being presented for approval with amendments that were identified as necessary to address concerns brought to the agency by industry stakeholders regarding clarification needed around the seed imported to Idaho to be planted to produce edible beans. The amended language has been recommended and supported by industry. Negotiated rulemaking meetings were held on July 21 and July 28 with broad stakeholder participation.

There are no changes to the pending rule, and it is being adopted as originally proposed. The complete text of the proposed rule was published in the October 1, 2025, Idaho Administrative Bulletin, [Vol. 25-10, pages 145-146](#).

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

No changes were made to the fees in this chapter.

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

There is no fiscal impact due to the changes in this administrative rule.

ASSISTANCE WITH TECHNICAL QUESTIONS: For assistance with technical questions concerning this pending rule, contact Lloyd Knight, (208)332-8615.

DATED this 7th day of January, 2026.

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IDAPA 02 – DEPARTMENT OF AGRICULTURE

02.06.09 – RULES GOVERNING INVASIVE SPECIES AND NOXIOUS WEEDS

DOCKET NO. 02-0609-2503

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2026 Idaho State Legislature and must be approved by concurrent resolution of the Legislature to go into effect, in accordance with Section 67-5224(2)(c), Idaho Code. Should the pending rule be approved, it will become final and effective on July 1 following the Second Regular Session of the Sixty-eighth Idaho Legislature, unless the concurrent resolution states a different effective date.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 22-1907, 22-2004, 22-2006, 22-2403, and 22-2412, Idaho Code.

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

The purpose of this rulemaking is two-fold. First, to remove the previous prohibition of watercraft from the treatment area for Quagga mussel on the Snake River from Hansen Bridget to Pillar Falls.

Second, add Golden mussel to the Emergency Detection Rapid Response (EDRR) Invasive Species list. Golden mussel is an aggressive bivalve aquatic mussel that has been found in California water delivery systems. Infestations have already impacted on the delivery of water for irrigation and municipal use, and treatment efforts are already underway. Golden mussel presents significant challenges in potential spread and establishment beyond that found with the current quagga mussel infestation found in Idaho. Adding Golden mussel to the EDRR list ensures adequate legal authority for prevention and response efforts in Idaho.

There are no changes to the pending rule, and it is being adopted as originally proposed. The complete text of the proposed rule was published in the November 5, 2025, Idaho Administrative Bulletin, Vol. 25-11, pages 22-25.

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

No fee is being imposed or changed because of this rulemaking.

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

There is no fiscal impact on the General Fund or dedicated funds because of this rulemaking.

ASSISTANCE WITH TECHNICAL QUESTIONS: For assistance with technical questions concerning this pending rule, contact Lloyd Knight, (208)332-8615.

DATED this 7th day of January, 2026.

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IDAPA 02 – DEPARTMENT OF AGRICULTURE

02.06.33 – ORGANIC FOOD PRODUCTS RULES

DOCKET NO. 02-0633-2501

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2026 Idaho State Legislature and must be approved by concurrent resolution of the Legislature to go into effect, in accordance with Section [67-5224\(2\)\(c\)](#), Idaho Code. Should the pending rule be approved, it will become final and effective on July 1 following the Second Regular Session of the Sixty-eighth Idaho Legislature, unless the concurrent resolution states a different effective date.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section [22-1103](#), Idaho Code.

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

The agency has opened this chapter for rulemaking for the purposes of possible amendments related to an update to the publication date for the National Organic Program Regulations that are Incorporated by Reference, and to amend the application period for organic certification to more align with crop production years. That amendment will assist the agency in better managing certification workload for customers.

There are no changes to the pending rule, and it is being adopted as originally proposed. The complete text of the proposed rule was published in the October 1, 2025, Idaho Administrative Bulletin, [Vol. 25-10, pages 149-151](#).

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

No changes were made to the fees in this chapter.

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

There is no fiscal impact due to the changes in this administrative rule.

ASSISTANCE WITH TECHNICAL QUESTIONS: For assistance with technical questions concerning this pending rule, contact Lloyd Knight, (208)332-8615.

DATED this 7th day of January, 2026.

Lloyd B. Knight
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IDAPA 02 – DEPARTMENT OF AGRICULTURE
02.07.01 – RULES OF THE IDAHO HOP GROWERS' COMMISSION
DOCKET NO. 02-0701-2501 (ZBR CHAPTER REPEAL)
NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2026 Idaho State Legislature and must be approved by concurrent resolution of the Legislature to go into effect, in accordance with Section [67-5224\(2\)\(c\)](#), Idaho Code. Should the pending rule be approved, it will become final and effective on July 1 following the Second Regular Session of the Sixty-eighth Idaho Legislature, unless the concurrent resolution states a different effective date.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section [22-3104](#), Idaho Code.

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

Two negotiated rulemaking meetings were held on June 18 and July 16 as part of the Zero-Based Rulemaking review. During that review the agency and the Hops Commission concluded that the administrative rule is unnecessary due to the prescriptive nature of the authorizing statute. Therefore, repeal of this rule chapter is recommended.

There are no changes to the pending rule, and it is being adopted as originally proposed. The complete text of the proposed rule was published in the October 1, 2025, Idaho Administrative Bulletin, [Vol. 25-10, page 152](#).

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

Repeal of the rule in deference to the authorizing statute does not have an impact on the assessment authorized in the statute.

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

There is no fiscal impact related to the repeal of this rule chapter.

ASSISTANCE WITH TECHNICAL QUESTIONS: For assistance with technical questions concerning this pending rule, contact Lloyd Knight, (208)332-8615.

DATED this 7th day of January, 2026.

Lloyd B. Knight
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Idaho State Department of Agriculture
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IDAPA 08 – STATE BOARD OF EDUCATION

08.02.02 – RULES GOVERNING UNIFORMITY

DOCKET NO. 08-0202-2501

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2026 Idaho State Legislature and must be approved by concurrent resolution of the Legislature to go into effect, in accordance with Section [67-5224\(2\)\(c\)](#), Idaho Code. Should the pending rule be approved, it will become final and effective on July 1 following the Second Regular Session of the Sixty-eighth Idaho Legislature, unless the concurrent resolution states a different effective date.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Article IX, Section 2, Idaho Constitution and under Section [33-105](#), [33-107](#), [33-116](#), and [33-1612](#), Idaho Code.

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

The proposed changes to subsection 08.02.02.076, Code of Ethics for Idaho Professional Educators aim to reduce unethical interactions between educators and students by limiting educator/student communications to district approved devices and platforms that can be viewed and monitored by district staff. Communication tends to be more professional when personal accounts are not used, and educators are aware that communication with students is not private. Additionally, changes clarify that it is unethical to use a district device or network to engage in any sexually explicit activity, not just accessing pornography. Finally, proposed language provides that co-mingling public funds with any person account is unethical, not just personal bank accounts. The final change regarding the code of ethics section is to clarify that professionalism is not limited to conduct with colleagues but encompasses all professional conduct.

Additional amendments, adds the word “standard” prior to the CTE Administrator certificate. This will indicate the certificate is in the same classification as other standard certificates and eligible for reinstatement. Also, an update to Section 21 (Endorsements) clarifies that Occupational Specialist Certificates are included under the category of Instructional Certificates. This wording change reduces confusion when endorsement requirements refer to “instructional certificates,” but does not change the actual requirements for obtaining or adding endorsements.

Updates from the proposed rule to the pending rule stage listed below.

Updates from the proposed rule to the pending rule are in reference to section.076, Code of Ethics for Idaho Professional Educators. Based on public feedback and review from leadership, updates have been made to language pertaining to the unauthorized use of engaging in sexually explicit activity online more comprehensive by including “school-based accounts” as a prohibited means. Additionally, clarifying language pertaining to communication between educators and students that the device and platform for communication must be approved by the district and be on a school-based account.

The original proposed revisions in the proposed stage regarding Section 21, Endorsements, have been withdrawn. The pending rule retains the current rule language. No changes are being made to section 21, Endorsements, because the proposed revisions would restrict teachers from adding endorsements across certificate types, increasing both time and cost burdens. Additionally, retaining the current language helps districts fill positions more effectively and continues to support professional growth for educators.

The text of the pending rule has been amended in accordance with Section [67-5227](#), Idaho Code. Only those sections that have changes that differ from the proposed text are printed in this bulletin. The complete text of the proposed rule was published in the October 1, 2025, Idaho Administrative Bulletin, [Volume 25-10](#), pages [153-167](#).

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

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

ASSISTANCE WITH TECHNICAL QUESTIONS: For assistance with technical questions concerning this pending rule, contact Nicholas Wagner at rules@edu.idaho.gov or (208)-488-7586).

DATED this 21st day of November, 2025.

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

DOCKET NO. 08-0202-2501 - ADOPTION OF PENDING RULE

Substantive changes have been made in the pending rule.
Italicized red text that is *double underscored* indicates
amendments to the proposed text as adopted in the pending rule.

The text of the proposed rule was published in the Idaho Administrative Bulletin,
Volume 25-10, October 1, 2025, pages 153 through 167.

This rule has been adopted as a pending rule by the Agency and is now awaiting
review and final approval by the 2026 Idaho State Legislature.

THE FOLLOWING IS THE TEXT OF THE PENDING RULE FOR DOCKET NO. 08-0202-2501
(Only those sections or subsections that have changed from the original proposed
text are printed in this Bulletin following this notice.)

08.02.02 – RULES GOVERNING UNIFORMITY

015. IDAHO EDUCATOR CREDENTIAL.

All standard educator certificates are valid for five (5) years and are renewable, subject to the applicable renewal requirements set by the ~~s~~State ~~b~~Board of ~~e~~Education (*SBOE*) and any applicable conditions applied to an individual's certificate by the professional standards commission. (~~3-15-22~~)()

01. Standard Instructional Certificate. A Standard Instructional Certificate makes an individual eligible to teach all grades, subject to the grade ranges and subject areas of the valid endorsement(s) attached to the certificate. A standard instructional certificate may be issued to any person who has a baccalaureate degree or higher from an accredited college or university and who meets the following requirements or successfully completes an interim certificate requirements:
(4-6-23)

a. Minimum Credit Hours. Earned a minimum of twenty (20) semester credit hours in the philosophical, psychological, methodological foundations, instructional technology, and in the professional subject matter of education, which shall include demonstration of competencies as specified in the Idaho comprehensive literacy plan; and (3-15-22)

b. Student Teaching. Complete a minimum of ten (10) undergraduate or six (6) graduate semester credit hours, of student teaching; and (3-15-22)

c. Complete a state board approved educator preparation program and receive an institutional recommendation from the program specifying the grade ranges and subjects for which the applicant is eligible to receive an endorsement; (4-6-23)

i. To receive endorsement in two (2) fields of teaching, preparation must consist of completion of at least thirty (30) semester credit hours in one (1) field of teaching, and completion of at least twenty (20) semester credit hours in a second field of teaching. (3-15-22)

ii. To receive endorsement in (1) field of teaching, preparation must consist of completion of at least forty-five (45) semester credit hours in a single subject area; (3-15-22)

d. Meet or exceed the state qualifying score on the state board approved content area and pedagogy assessments. (4-6-23)

02. Standard Pupil Service Staff Certificate. Persons who serve as school counselors, school psychologists, school social workers, and school nurses are required to hold the Standard Pupil Service Staff Certificate, with the respective endorsement(s) for which they qualify. Persons who serve as a speech-language pathologist, school audiologist, occupational therapist, or physical therapist may be required, as determined by the local educational agency, to hold a Standard Pupil Service Staff Certificate with respective endorsements for which they qualify. (4-6-23)

a. School Counselor Endorsement. To be eligible for a School Counselor endorsement, a candidate must have satisfied the following requirements. (3-15-22)

i. Hold a master's degree and provide verification of completion of an approved program of graduate study in school counseling, including sixty (60) semester credits, from a college or university approved by the Idaho ~~State Board of Education~~ SBOE or the state educational agency of the state in which the program was completed. The program must include successful completion of seven hundred (700) clock hours of supervised field experience, seventy-five percent (75%) of which must be in a K-12 school setting. This K-12 experience must be in each of the following levels: elementary, middle/junior high, and high school. Previous school counseling experience may be considered to help offset the field experience clock hour requirement; and ~~(3-15-22)~~ ()

ii. An institutional recommendation is required for a School Counselor endorsement. (3-15-22)

b. School Counselor – Basic Endorsement. (3-15-22)

i. Individuals serving as a school counselor pursuant to [Section 33-1212, Idaho Code](#), shall be granted a School Counselor – Basic endorsement. The endorsement is valid for five (5) years or until such time as the holder no longer meets the eligibility requirements pursuant to [Section 33-1212, Idaho Code](#). (3-15-22)

ii. Individuals who received their endorsement pursuant to [Section 33-1212, Idaho Code](#), prior to July 1, 2018, will be transitioned into the School Counselor – Basic endorsement. Renewal date will remain the same as the initial credential. (3-15-22)

c. School Psychologist Endorsement. The renewal credit requirement may be waived if the applicant holds a current and valid National Certification for School Psychologists (NCSP) offered through the National Association of School Psychologists (NASP). To be eligible for a school psychologist endorsement, a candidate must

complete a minimum of sixty (60) graduate semester credit hours which must be accomplished through one (1) of the following options: (3-15-22)

i. Completion of an approved thirty (30) semester credit hour master's degree in education or psychology and completion of an approved thirty (30) semester credit hour School Psychology Specialist Degree program, and completion of a minimum of twelve hundred (1,200) clock-hour internship within a local education agency under the supervision of the training institution and direct supervision of a certificated school psychologist; (3-15-22)

ii. Completion of an approved sixty (60) semester credit hour, master's degree program in School Psychology, and completion of a minimum of twelve hundred (1,200) clock-hour internship within a local education agency under the supervision of the training institution and direct supervision of a certificated school psychologist; (3-15-22)

iii. Completion of an approved sixty (60) semester credit hour, School Psychology Specialist degree program which did not require a master's degree as a prerequisite, with laboratory experience in a classroom, which may include professional teaching experience, student teaching or special education practicum, and completion of a minimum twelve hundred (1,200) clock-hour internship within a local education agency under the supervision of the training institution and direct supervision of a certificated school psychologist; and (3-15-22)

iv. Earn a current and valid National Certification for School Psychologists (NCSP) issued by the National Association of School Psychologists (NASP). (3-15-22)

d. Interim Certificate – School Psychologist Endorsement. This certificate will be issued to those who do not meet the educational requirements but hold a master's degree or higher in psychology and are working toward a standard pupil service staff certificate with school psychologist endorsement. This certificate will be issued for three (3) years while the applicant is meeting the educational requirements or obtaining the applicable experience leading to certification. If the educational requirements cannot be met within the three (3)-year time frame of the certificate, the employing LEA may request one (1)-time renewal of this interim certificate for the applicant. (3-15-22)

e. School Nurse Endorsement. To be eligible for a school nurse endorsement, a candidate must complete one (1) of the following options: (3-15-22)

i. Possess a valid professional nursing (RN) license issued by the Idaho State Board of Nursing, and a baccalaureate degree in nursing, education, or a health-related field from an accredited institution. (3-15-22)

ii. Possess a valid professional nursing (RN) license issued by the Idaho State Board of Nursing; have two (2) years of full-time (or part-time equivalent) school nursing, community health nursing, or any other area of pediatric, adolescent, or family nursing experience. (3-15-22)

f. Interim Certificate - School Nurse Endorsement. This certificate will be issued to those who do not meet the educational and/or experience requirements but who hold a valid professional nursing (RN) license in Idaho. This non-renewable certificate will be issued for three (3) years while the applicant is meeting the educational or experience requirements. (3-15-22)

g. Speech-Language Pathologist Endorsement. To be eligible for a speech-language pathologist endorsement, a candidate must possess a master's degree from an accredited college or university in a speech/language pathology program approved by the ~~State Board of Education~~ SBOE. The renewal credit requirement may be waived if the applicant holds a current and valid Certificate of Clinical Competence in Speech-Language Pathology offered through the American Speech-Language-Hearing Association and/or a current and valid speech-language pathologist license issued by the appropriate Idaho state licensing board. ~~(3-15-22)~~ ()

h. Interim Certificate - Speech-Language Pathologist Endorsement. This certificate will be issued to those who do not meet the educational requirements but hold a baccalaureate degree in speech-language pathology and are pursuing a master's degree. This certificate will be issued for three (3) years while the applicant is meeting the educational requirements. If the educational requirements cannot be met within the three (3)-year timeframe of the certificate, the employing LEA may request one (1)-time renewal of this interim certificate for the applicant if the

applicant holds a valid occupational license or is supervised by a speech-language pathologist with a standard pupil service certificate. (3-15-22)

i. Audiology Endorsement. To be eligible for an audiology endorsement, a candidate must possess a master's degree from an accredited college or university in an audiology program approved by the ~~State Board of Education~~ SBOE. The renewal credit requirement may be waived if the applicant holds a current and valid Certificate of Clinical Competence in Audiology offered through the American Speech-Language-Hearing Association and/or a current and valid audiologist license issued by the appropriate Idaho state licensing board. ~~(3-15-22)~~ ()

j. School Social Worker Endorsement. To be eligible for a school social worker endorsement, a candidate must meet the following requirements: (3-15-22)

i. A master's degree in social work (MSW) from a postsecondary institution accredited by an organization recognized by the ~~State Board of Education~~ SBOE. The program must be currently approved by the state educational agency of the state in which the program was completed; and ~~(3-15-22)~~ ()

ii. An institutional recommendation from a state board approved program; and (3-15-22)

iii. The successful completion of a school social work practicum in a preschool through grade twelve 12 (Pre-K-12) setting. Post-LMSW extensive experience working with children and families may be substituted for the completion of a school social work practicum in a Pre-K-12 setting; and (3-15-22)

iv. A current and valid social work license pursuant to [chapter 32, title 54, Idaho Code](#), and the rules of the State Board of Social Work Examiners. (3-15-22)

k. Occupational Therapist Endorsement. To be eligible for an occupational therapist endorsement, a candidate must have a current and valid occupational therapy license issued by the Occupational Therapy Licensure Board of Idaho. The candidate must maintain current and valid occupational therapy licensure for the endorsement to remain valid. (3-15-22)

l. Physical Therapist Endorsement. to be eligible for a physical therapist endorsement a candidate must have a current and valid physical therapy license issued by the Idaho Physical Therapy Licensure Board. The candidate must maintain current and valid physical therapy licensure for the endorsement to remain valid. (3-15-22)

03. Standard Administrator Certificate. Persons who serve as superintendent, director of special education, secondary school principal, or principal of an elementary school with eight (8) or more teachers (including the principal), or are assigned to conduct the summative evaluation of certified staff are required to hold an Administrator Certificate. The certificate may be endorsed for service as school principal, superintendent, or director of special education. Assistant superintendents are required to hold the Superintendent endorsement. Assistant principals or vice-principals are required to hold the School Principal endorsement. Directors of special education are required to hold the Director of Special Education endorsement. Possession of an Administrator Certificate does not entitle the holder to serve as a teacher at a grade level for which the educator is not qualified or certificated. (3-15-22)

a. School Principal Endorsement. To be eligible for the School Principal endorsement, a candidate must meet the following requirements: (3-15-22)

i. Hold a master's degree from an accredited college or university. (3-15-22)

ii. Have four (4) years of full-time certificated experience working with students, while under contract in an accredited school setting. (3-15-22)

iii. Complete an administrative internship in a state-approved program, or have one (1) year of experience as an administrator. (3-15-22)

iv. Provide verification of completion of a state-approved program of at least thirty (30) semester

credit hours of graduate study in school administration for the preparation of school principals at an accredited college or university. This program shall include the demonstration of proficiency in conducting instructional and pupil service staff evaluations based on the statewide framework for evaluation, and competencies in the Idaho Standards for School Principals. (3-15-22)

v. Receive an institutional recommendation for a School Principal endorsement. (3-15-22)

b. Superintendent Endorsement. To be eligible for the Superintendent endorsement, a candidate must meet the following requirements: (3-15-22)

i. Hold an education specialist or doctorate degree or complete a comparable post-master's sixth year program at an accredited college or university. (3-15-22)

ii. Have four (4) years of full-time certificated/licensed experience working with students while under contract in an accredited school setting. (3-15-22)

iii. Complete an administrative internship in a state board approved program for the superintendent endorsement or have one (1) year of out-of-state experience as an assistant superintendent or superintendent. (3-15-22)

iv. Provide verification of completion of an approved program of at least thirty (30) semester credit hours, of post-master's degree graduate study for the preparation of school superintendents at an accredited college or university. This program in school administration must include demonstration of proficiency in conducting instructional and pupil service staff evaluations based on the statewide framework for evaluation, and demonstration of competencies in the Idaho standards for superintendents and the Idaho Standards for School Principals. (3-15-22)

v. Receive an institutional recommendation for a Superintendent endorsement. (3-15-22)

c. Director of Special Education Endorsement. To be eligible for the Director of Special Education endorsement, a candidate must meet the following requirements: (3-15-22)

i. Hold a master's degree from an accredited college or university; (3-15-22)

ii. Have four (4) years of full-time certificated/licensed experience working with students Pre-K-12, while under contract in a school setting; (3-15-22)

iii. Provide verification of a state board approved program of graduate study of school administration for the preparation of directors of special education at an accredited college or university. This program shall include demonstration of proficiency in conducting instructional and pupil service staff evaluations based on the statewide framework for evaluation, and demonstration of competencies in the Idaho Standards for Directors of Special Education and the Idaho Standards for School Principals. Coursework shall include knowledge and competence in understanding the Individuals with Disabilities Education Act, utilizing the Idaho Special Education Manual, special education funding and fiscal accountability, results-driven leadership and accountability in special education, and instructional, behavioral, and management strategies for supporting students in the least restrictive environment. (3-15-22)

iv. Have completed an administrative internship in the area of administration of special education; and (3-15-22)

v. An institutional recommendation is required for Director of Special Education endorsement. (3-15-22)

04. Career Technical Certification Requirements. Teachers of career technical courses or programs in secondary schools must hold an occupational specialist certificate and an endorsement in an appropriate occupational discipline. All occupational certificates must be approved by the Division of Career Technical Education regardless of the route an individual is pursuing to receive the certificate. (3-15-22)

a. Standard Degree Based Career Technical Certificate. Persons who hold a degree based career technical certificate are eligible to teach in a career technical area, subject to the grade range(s) and subject area(s) of the valid endorsement(s) attached to the certificate. All degree based career technical certificates require candidates to meet the Idaho Core Teaching Standards. The degree based career technical certificate is valid for five years. A degree based career technical certificate may be issued to any person who has a baccalaureate degree from an accredited college or university and meets the following requirements: (3-15-22)

i. Earned a minimum of twenty (20) semester credit hours in the philosophical, psychological, methodological foundations, instructional technology, and in the professional subject matter of education, which shall include demonstration of competencies as specified in the Idaho Comprehensive Literacy Plan; (3-15-22)

ii. Earned a minimum of twelve (12) semester credit hours in career technical education foundation coursework to include principles and philosophies of career technical education, evaluation and assessment in career technical education, leadership and career technical student organization leadership, career guidance and transition, occupational analysis and curriculum development, and lab safety; (3-15-22)

iii. Accumulated one thousand (1,000) clock hours of related industry experience, or practicum as approved by the higher education institution, in the respective field of specialization; (3-15-22)

iv. Completed a total of at least ten (10) undergraduate semester credit hours or six (6) graduate semester credit hours of student teaching; (3-15-22)

v. Completed a state board approved educator preparation program and received an institutional recommendation specifying the grade ranges and subjects for which the person is eligible to receive an endorsement; (3-15-22)

(1) To receive endorsement in two (2) fields of teaching, preparation must consist of at least thirty (30) semester credit hours in one (1) field of teaching and completion of at least twenty (20) semester credit hours in a second field of teaching. (3-15-22)

(2) To receive endorsement in one (1) field of teaching, preparation must consist of completion of at least forty-five (45) semester credit hours in a single subject area. (3-15-22)

vi. Met or exceeded the state qualifying score on the state board-approved content area and pedagogy assessments. (3-15-22)

vii. The renewal credits required in Section 060 may be waived if the applicant holds a current, valid certificate from the National Board for Professional Teaching Standards at the time of renewal. Credits must be earned during the validity period of the certificate. (4-6-23)

b. Career Technical Education Program Standard Administrator Certificate. The career technical education program administrator certificate is required for an individual serving as an administrator, director, or manager of career technical education programs in Idaho public schools. Individuals must meet one (1) of the two (2) following prerequisites to qualify for the career technical education program administrator certificate. The certificate is valid for five (5) years and must meet the renewal requirements pursuant to Section 060 of these rules to renew. (4-6-23)

i. Qualify for or hold an advanced occupational specialist certificate or hold an occupational endorsement on a degree based career technical certificate; provide evidence of a minimum of four (4) years teaching, three (3) of which must be in a career technical education discipline; hold a master's degree; and complete at least fifteen (15) semester credits of administrative course work to include required credits in education finance, administration and supervision of personnel, and legal aspects of education. Remaining coursework may be selected from: administration and supervision of occupational programs; instructional supervision; administration internship; curriculum development; curriculum evaluation; research in curriculum; school community relations; communication; teaching the adult learner; coordination of work-based learning programs; and/or measurement and evaluation. (3-15-22)

ii. Hold a superintendent or principal endorsement on a standard administrator certificate and provide evidence of either a minimum of four (4) years teaching, three (3) of which must be in a career technical discipline; or successful completion of a Division of Career Technical Education career technical education leadership institute; or completion of course work including credits in: principles and foundations of career technical education, career technical student organizations, occupational analysis, curriculum design, one or more externships with career technical education industry advisor partners totaling 100 hours, and ongoing participation in technical advisory committee meetings associated with the school's career technical education programs. (4-6-23)

c. Industry-Based Occupational Specialist Certificate. Persons who hold an occupational specialist career technical certificate are eligible to teach in a career technical program pathway(s), subject to the grade range(s) and pathway areas(s) of the valid endorsement(s) attached to the certificate. All occupational specialist career technical certificates require candidates to meet the core teaching standards of the Idaho Standards for Initial Certification of Professional School Personnel. An occupational specialist career technical certificate may be issued to an experienced industry expert entering the teaching profession and meeting the following eligibility requirements: (3-15-22)

i. Possess either a high school diploma or General Educational Development (GED) certificate; meet provisions of Idaho Code; and, verify technical skills through work experience, industry certification or testing as listed below. When applicable, requirements of occupationally related state agencies must also be met. Since educational levels and work experiences vary, applicants may be determined qualified under any one (1) of the following three (3) options: (3-15-22)

(1) Have three (3) years or six thousand (6,000) hours of recent, gainful employment in the occupation for which certification is requested, at least half of which must have been during the immediate previous five (5) years; or (3-15-22)

(2) Have a baccalaureate degree in the specific occupation or related area, plus one (1) year or two thousand (2,000) hours of recent, gainful employment in the occupation for which certification is requested, at least half of which must have been during the immediate previous five (5) years; or (3-15-22)

(3) Hold or have held an industry certification in a field closely related to the content area in which the individual seeks to teach as approved by the Division of Career Technical Education. (3-15-22)

ii. Limited Occupational Specialist Certificate. This certificate is issued to individuals who are new to teaching in Idaho public schools or new to teaching in career technical education in Idaho public schools. The certificate is an interim certificate and is valid for three (3) years and is non-renewable. Applicants must meet all of the minimum requirements established in Subsection 015.06.a. of these rules. Individuals on a limited occupational specialist certificate must complete one (1) of the two (2) following pathways during the validity period of the certificate: (3-15-22)

(1) Pathway I - Coursework: Within the three-year period of the Limited Occupational Specialist Certificate, the instructor must satisfactorily complete the pre-service training prescribed by the Division of Career Technical Education and demonstrate competencies in principles/foundations of occupational education and methods of teaching occupational education. Additionally, the instructor must satisfactorily demonstrate competencies in two (2) of the following areas: career pathways and guidance; analysis, integration, and curriculum development; and measurement and evaluation. (3-15-22)

(2) Pathway II – Cohort Training: Within the first twelve (12) months, the holder must enroll in the Division of Career Technical Education sponsored education pedagogy training and complete all requirements within the three-year validity period of the interim certificate. (3-15-22)

iii. Standard Occupational Specialist Certificate. (3-15-22)

(1) This certificate is issued to individuals who have held a limited occupational specialist certificate and completed one (1) of the pathways for renewable certification. (3-15-22)

(2) The Standard Occupational Specialist Certificate is valid for five (5) years and must meet the

renewal requirements pursuant to Section 060 of these rules to renew. Credit equivalency will be based on verification of forty-five (45) hours of participation at approved technical conferences, institutes, or workshops where participation is prorated at the rate of fifteen (15) hours per credit; or one hundred twenty (120) hours of approved related work experience where hours worked may be prorated at the rate of forty (4) hours per credit; or any equivalent combination thereof. (4-6-23)

iv. **Advanced Occupational Specialist Certificate.** This certificate is issued to individuals who are eligible for the Standard Occupational Specialist Certificate; and provide evidence of completion of a teacher training degree program or eighteen (18) semester credits of Division of Career Technical Education approved education or content-related course work in addition to the twelve (12) semester credits required for the Standard Occupational Specialist Certificate (a total of thirty (30) semester credits. The Advanced Occupational Specialist Certificate is valid for five (5) years and must meet the renewal requirements pursuant to Section 060 of these rules to renew. (4-6-23)

05. Postsecondary Specialist Certificate. A Postsecondary Specialist certificate will be granted to a current academic faculty member whose primary employment is with any accredited Idaho postsecondary institution. To be eligible to teach in the public schools under this postsecondary specialist certificate, the candidate must supply a recommendation from the employing institution (faculty's college dean). The primary use of this state-issued certificate is for distance education, virtual classroom programs, and public and postsecondary partnerships. (3-15-22)

a. To renew this certificate, the renewal application must be accompanied with a new written recommendation from the postsecondary institution (faculty's college dean level or higher). (3-15-22)

b. The candidate must meet the following qualifications: (3-15-22)

i. Hold a baccalaureate degree or higher in the content area being taught; (3-15-22)

ii. Be currently employed by the postsecondary institution in the content area to be taught; and (3-15-22)

iii. Complete and pass a criminal history background check as required by [Section 33-130, Idaho Code](#). (3-15-22)

06. American Indian Tribal Language Certificate. The five (5) federally recognized tribes of Idaho shall provide to the State Department of Education the names of those highly and uniquely qualified individuals who have been designated to teach tribal language(s) in accordance with [Section 33-1280, Idaho Code](#). To be eligible for an American Indian Tribal Languages certificate an applicant designated to teach tribal language(s) shall submit a complete application. If approved the certificate shall be issued for five years and is renewable. (3-15-22)

07. Junior Reserved Officer Training Corps (Junior ROTC) Instructors. (3-15-22)

a. To be eligible for a Junior ROTC Instructor certificate, an applicant shall submit a complete application and provide a copy of their certificate(s) or letter of completion of an armed forces Junior ROTC training program. (3-15-22)

b. If approved the certificate shall be issued for five years and is renewable. (3-15-22)

08. Additional Renewal Requirements. In addition to specific certificate or endorsement renewal requirements, applicants must meet the following renewal requirements as applicable: (3-15-22)

a. **Administrator certificate renewal.** In order to recertify, holders of an administrator certificate must complete a course consisting of a minimum of three (3) semester credits in the Idaho framework for teachers' evaluation pursuant to [Section 33-1204, Idaho Code](#). Credits must be earned through an approved educator preparation program and include a laboratory component. The laboratory component must include in-person or video observation and scoring of teacher performance using the statewide framework for teacher's evaluation. The approved course must include the following competencies: (3-15-22)

i. Understanding professional practice in Idaho evaluation requirements, including gathering accurate evidence and artifacts, understanding and using the state framework for evaluation rubric with fidelity, proof of calibration and interrater reliability, ability to provide effective feedback for teacher growth, and understanding and advising teachers on individualized learning plan and portfolio development. (3-15-22)

ii. Understanding student achievement and growth in the Idaho evaluation framework, including understanding how measurable student achievement and growth measures impact summative evaluation ratings and proficiency in assessment literacy. (3-15-22)

016. IDAHO INTERIM CERTIFICATE.

A three (3) year interim certificate may be issued to applicants who hold a valid certificate or license from another state or other entity that participates in the National Association of State Directors of Teacher Education and Certification (NASDTEC) Interstate Agreement pursuant to [Section 33-4104, Idaho Code](#), or who are engaged in or completed a non-traditional route or alternative authorization to certification as prescribed herein. An interim certificate gives the holder the same rights and responsibilities as an individual with a standard certificate. (4-6-23)

01. Interim Certificate Not Renewable. Interim certification is only available on a one (1) time basis except under extenuating circumstances approved by the State Department of Education or Division of Career Technical Education. An applicant must meet the requirements of the applicable alternate authorization route or non-traditional route to obtain a standard Idaho Educator Credential during the term of the interim certificate. (3-15-22)

02. Non-Traditional Route to Teacher Certification. An individual may acquire interim certification through a state board approved non-traditional route to teacher certification program. The non-traditional route may be used for first-time certification, subsequent certificates, and additional endorsements. (3-15-22)

a. Individuals who possess a baccalaureate degree or higher from an institution of higher education accredited by an entity recognized by the ~~state board of education~~ SBOE may receive an interim instructional certificate. To receive the interim certificate, the individual must: (3-15-22)()

i. Complete or enroll in a state board approved program; and (3-15-22)

ii. Pass the state board approved pedagogy and content area assessment. (3-15-22)

b. Standard certification. Upon completion of the non-traditional route the applicant must complete a two (2) year state board approved teacher mentoring program and receive two (2) years of Idaho evaluations with a summative rating of proficient or better. (4-6-23)

03. Idaho Comprehensive Literacy Course. All Idaho teachers working on an interim certificate (alternate authorizations, nontraditional routes, reinstatement, or coming from out of state), must complete a state board approved Idaho Comprehensive Literacy course or assessment as a one-time requirement for standard instructional certificate. (3-15-22)

04. Teaching For Mathematical Thinking. All Idaho teachers or administrators with an interim certificate (alternate authorizations, nontraditional routes, reinstatements or coming from out of state), with an All Subjects (K-8) endorsement, any mathematics endorsement, Exceptional Child Education endorsement, Blended Early Childhood/Early Childhood Special Education endorsement, or Administrator certificate must complete the state board approved Teaching for Mathematical Thinking, course, as a one-time requirement for full certification. (4-6-23)

05. Reinstatement of Expired Certificate. An individual holding an expired standard Idaho certificate may be issued an interim certificate. During the validity period of the interim certificate, the applicant must meet the following requirements to obtain standard certification during the term of the interim certificate: (3-15-22)()

a. Two (2) years of Idaho evaluations, as applicable to the type of certification, with a summative rating of proficient or better; (4-6-23)

b. Measured annual progress on specific goals identified on the applicant's Individualized Professional Learning Plan; (3-15-22)

c. Completion of six (6) credit renewal requirement; and (4-6-23)

d. Completion of the Idaho Comprehensive Literacy Course or Teaching for Mathematical Thinking as provided herein. (3-15-22)

e. Individuals holding an expired certificate that was in good standing at the time the certificate expired, may have the certificate reinstated within one (1) year of the time the certificate expired by completing any outstanding professional development requirements that were pending at the time the certificate expired. (4-6-23)

06. Codes of Ethics. All laws and rules governing standard certificated staff with respect to conduct, discipline, and professional standards shall apply to all certified staff serving in an Idaho public school, including those employed under an interim certificate. (3-15-22)

(BREAK IN CONTINUITY OF SECTIONS)

021. ENDORSEMENTS.

Holders of an Instructional Certificate *or* Occupational Specialist Certificate must have one (1) or more endorsements attached to their certificate as applicable to the type of certification. Instructional staff are eligible to teach in the grades and content areas of their endorsements. Idaho educator preparation programs shall prepare candidates for endorsements in accordance with these certification requirements and the standards approved by the board. An official statement from the college of education of competency in a content area or field is acceptable in lieu of required credits if such statements are created in consultation with the department or division of the accredited college or university in which the competency is established and are approved by the director of teacher education of the recommending college or university. Statements must include the number of credits the competency evaluation is equivalent to. To add an endorsement to a certificate, an individual must complete the credit hour requirements as established by the ~~state board of education~~ SBOE and meet or exceed the state qualifying score on a board approved content, pedagogy or performance assessment. (4-6-23)()

01. Clinical Experience Requirement. All standard endorsements require supervised clinical experience in the relevant content area, or a State Department of Education or Division of Career Technical Education approved alternative clinical experience as applicable to the area of endorsement. (4-6-23)

02. Alternative Authorization - Teacher to New Endorsement. This alternative authorization allows a local education agency to request additional endorsement for a candidate. This authorization is valid for one (1) year and may be renewed for two (2) additional years with evidence of satisfactory progress on one (1) of the following options: (4-6-23)

a. Option I -- An official statement of competency in a teaching area or field from the college of education of an accredited college or university is acceptable in lieu of courses if the statement is created in consultation with the department or division in which the competency is established and is approved by the director of teacher education of the recommending college or university. (3-15-22)

b. Option II -- Master's degree or higher. By earning a graduate degree in a content specific area, candidates may add an endorsement in that same content area to a valid instructional certificate. Successful completion of a one (1) year, state board approved mentoring program must be completed during the first year to maintain the endorsement. (4-6-23)

c. Option III -- Content area assessment and mentoring. A candidate may add an endorsement by successfully completing a state board-approved content areas assessment and a one-year, state board-approved mentoring program within the first year of authorization. (3-15-22)

d. For all candidates *moving to an initial certification in a career technical education endorsement area*, the candidate will be required to complete or have completed *coursework in principles and foundations of career technical education and career technical student organizations, training in occupational analysis and curriculum design, and a minimum of two hundred (200) internship/externship hours in the career technical education endorsement area.* (4-6-23)

03. National Board Certification. An applicant holding an instructional certificate and current national board certification may add an endorsement in a corresponding content-specific area. (3-15-22)

(BREAK IN CONTINUITY OF SECTIONS)

076. CODE OF ETHICS FOR IDAHO PROFESSIONAL EDUCATORS (SECTIONS 33-1208 AND 33-1209, IDAHO CODE).

Believing in the worth and dignity of each human being, the professional educator recognizes the supreme importance of pursuing truth, striving toward excellence, nurturing democratic citizenship and safeguarding the freedom to learn and to teach while guaranteeing equal educational opportunity for all. The professional educator accepts the responsibility to practice the profession according to the highest ethical principles. The Code of Ethics for Idaho Professional Educators symbolizes the commitment of all Idaho educators and provides principles by which to judge conduct. (3-15-22)

01. Aspirations and Commitments. (3-15-22)

a. The professional educator aspires to stimulate the spirit of inquiry in students and to provide opportunities in the school setting that will help them acquire viable knowledge, skills, and understanding that will meet their needs now and in the future. (3-15-22)

b. The professional educator provides an environment that is safe to the cognitive, physical and psychological well-being of students and provides opportunities for each student to move toward the realization of his goals and potential as an effective citizen. (3-15-22)

c. The professional educator, recognizing that students need role models, will act, speak and teach in such a manner as to exemplify nondiscriminatory behavior and encourage respect for other cultures and beliefs. (3-15-22)

d. The professional educator is committed to the public good and will help preserve and promote the principles of democracy. He will provide input to the local school board to assist in the board's mission of developing and implementing sound educational policy, while promoting a climate in which the exercise of professional judgment is encouraged. (3-15-22)

e. The professional educator believes the quality of services rendered by the education profession directly influences the nation and its citizens. He strives, therefore, to establish and maintain the highest set of professional principles of behavior, to improve educational practice, and to achieve conditions that attract highly qualified persons to the profession. (3-15-22)

f. The professional educator regards the employment agreement as a pledge to be executed in a manner consistent with the highest ideals of professional service. He believes that sound professional personal relationships with colleagues, governing boards, and community members are built upon integrity, dignity, and mutual respect. The professional educator encourages the practice of the profession only by qualified persons. (3-15-22)

02. Principle I - Professional Conduct. A professional educator abides by all federal, state, and local education laws and statutes. Unethical conduct shall include the conviction of any felony or misdemeanor offense set forth in [Section 33-1208, Idaho Code](#). (3-15-22)

03. Principle II - Educator/Student Relationship. A professional educator maintains a professional relationship with all students, both inside and outside the physical and virtual classroom. All digital communication with students must occur on a device and platform approved by the district and on a school-based account. Unethical conduct includes, but is not limited to: ~~(3-15-22)~~ ()

- a. Committing any act of child abuse, including physical or emotional abuse; (3-15-22)
- b. Committing any act of cruelty to children or any act of child endangerment; (3-15-22)
- c. Committing or soliciting any sexual act from any minor or any student regardless of age; (3-15-22)
- d. Committing any act of harassment as defined by local education agency policy; (3-15-22)
- e. Soliciting, encouraging, or consummating a romantic relationship (whether written, verbal, virtual, or physical) with a student, regardless of age; (3-15-22)
- f. Soliciting or encouraging any form of personal relationship with a student that a reasonable educator would view as undermining the professional boundaries necessary to sustain an effective educator-student relationship; (3-15-22)
- g. Using inappropriate language including, but not limited to, swearing and improper sexual comments (e.g., sexual innuendos or sexual idiomatic phrases); (3-15-22)
- h. Taking or possessing images (digital, photographic, or video) of students of a harassing, confidential, or sexual nature; (3-15-22)
- i. Inappropriate contact with any minor or any student regardless of age using electronic or social media; (3-15-22)
- j. Furnishing alcohol or illegal or unauthorized drugs to any student or allowing or encouraging a student to consume alcohol or unauthorized drugs except in a medical emergency; (3-15-22)
- k. Conduct that is detrimental to the health or welfare of students; and (3-15-22)
- l. Deliberately falsifying information presented to students. (3-15-22)

04. Principle III - Alcohol and Drugs Use or Possession. A professional educator refrains from the abuse of alcohol or drugs during the course of professional practice. Unethical conduct includes, but is not limited to: (3-15-22)

- a. Being on school premises or at any school-sponsored activity, home or away, involving students while possessing, using, or consuming illegal or unauthorized drugs; (3-15-22)
- b. Being on school premises or at any school-sponsored activity, home or away, involving students while possessing, using, or consuming alcohol; (3-15-22)
- c. Inappropriate or illegal use of prescription medications on school premises or at any school-sponsored events, home or away; (3-15-22)
- d. Inappropriate or illegal use of drugs or alcohol that impairs the individual's ability to function; and (3-15-22)
- e. Possession of an illegal drug as defined in Title 37, Chapter 27, Idaho Code, Uniform Controlled Substances. ~~(3-15-22)~~ ()

05. Principle IV - Professional Integrity. A professional educator exemplifies honesty and integrity in the course of professional practice. Unethical conduct includes, but is not limited to: (3-15-22)

- a. Fraudulently altering or preparing materials for licensure or employment; (3-15-22)
- b. Falsifying or deliberately misrepresenting professional qualifications, degrees, academic awards, and related employment history when applying for employment or licensure; (3-15-22)
- c. Failure to notify the state at the time of application for licensure of past revocations or suspensions of a certificate or license from another state; (3-15-22)
- d. Failure to notify the state at the time of application for licensure of past criminal convictions of any crime violating the statutes or rules governing teacher certification; (3-15-22)
- e. Falsifying, deliberately misrepresenting, or deliberately omitting information regarding the evaluation of students or personnel, including improper administration of any standardized tests (changing test answers; copying or teaching identified test items; unauthorized reading of the test to students, etc.); (3-15-22)
- f. Falsifying, deliberately misrepresenting, or deliberately omitting reasons for absences or leaves; (3-15-22)
- g. Falsifying, deliberately misrepresenting, or deliberately omitting information submitted in the course of an official inquiry or investigation; (3-15-22)
- h. Falsifying, deliberately misrepresenting, or deliberately omitting material information on an official evaluation of colleagues; and (3-15-22)
- i. Failure to notify the state of any criminal conviction of a crime violating the statutes and/or rules governing teacher certification. (3-15-22)

06. Principle V - Funds and Property. A professional educator entrusted with public funds and property honors that trust with a high level of honesty, accuracy, and responsibility. Unethical conduct includes, but is not limited to: (3-15-22)

- a. Misuse, or unauthorized use, of public or school-related funds or property including a device or platform approved by the district or on a school-based account; ~~(3-15-22)~~ ()
- b. Failure to account for school funds collected from students, parents, patrons, or other donors from all sources, including online donation platforms; (3-15-22)
- c. Submission of fraudulent requests for reimbursement of expenses or for pay; (3-15-22)
- d. Co-mingling of public or school-related funds in personal ~~bank~~ account(s); ~~(3-15-22)~~ ()
- e. ~~Unauthorized Use~~ of school property for private financial gain; ~~(3-15-22)~~ ()
- f. ~~Use of school computers to deliberately view or print pornography~~ Engaging in sexually explicit activity on a device or platform approved by the district or on a school-based account, including, but not limited to, viewing pornographic or sexually explicit images, engaging in sexually explicit conversations, or creating or exchanging any type of sexually explicit content; and, ~~(3-15-22)~~ ()
- g. Deliberate use of poor budgeting or accounting practices. (3-15-22)

07. Principle VI - Compensation. A professional educator maintains integrity with students, colleagues, parents, patrons, or business personnel when accepting gifts, gratuities, favors, and additional compensation. Unethical conduct includes, but is not limited to: (3-15-22)

- a. Unauthorized solicitation of students or parents of students to purchase equipment, supplies, or services from the educator who will directly benefit; (3-15-22)

b. Acceptance of gifts from vendors or potential vendors for personal use or gain where there may be the appearance of a conflict of interest; (3-15-22)

c. Tutoring students assigned to the educator for remuneration unless approved by the local board of education; ~~and,~~ (3-15-22)()

d. Soliciting, accepting, or receiving a financial benefit greater than fifty dollars (\$50) as defined in Section 18-1359(b), Idaho Code; ~~and,~~ (3-15-22)()

e. Keeping for oneself donations, whether money or items, that were solicited or accepted for the benefit of a student, class, classroom, or school. (3-15-22)

08. Principle VII - Confidentiality. A professional educator complies with state and federal laws and local school board policies relating to the confidentiality of student and employee records, unless disclosure is required or permitted by law. Unethical conduct includes, but is not limited to: (3-15-22)

a. Sharing of confidential information concerning student academic and disciplinary records, personal confidences, health and medical information, family status or income, and assessment or testing results with inappropriate individuals or entities; and (3-15-22)

b. Sharing of confidential information about colleagues obtained through employment practices with inappropriate individuals or entities. (3-15-22)

09. Principle VIII - Breach of Contract or Abandonment of Employment. A professional educator fulfills all terms and obligations detailed in the contract with the local board of education or education agency for the duration of the contract. Unethical conduct includes, but is not limited to: (3-15-22)

a. Abandoning any contract for professional services without the prior written release from the contract by the employing local education agency; (3-15-22)

b. Willfully refusing to perform the services required by a contract; and, (3-15-22)

c. Abandonment of classroom or failure to provide appropriate supervision of students at school or school-sponsored activities to ensure the safety and well-being of students. (3-15-22)

10. Principle IX - Duty to Report. A professional educator reports breaches of the Code of Ethics for Idaho Professional Educators and submits reports as required by Idaho Code. Unethical conduct includes, but is not limited to: (3-15-22)

a. Failure to comply with Section 33-1208A, Idaho Code, (reporting requirements and immunity); (3-15-22)

b. Failure to comply with Section 16-1605, Idaho Code, (reporting of child abuse, abandonment or neglect); (3-15-22)

c. Failure to comply with Section 33-512B, Idaho Code, (suicidal tendencies and duty to warn); and (3-15-22)

d. Having knowledge of a violation of the Code of Ethics for Idaho Professional Educators and failing to report the violation to an appropriate education official. (3-15-22)

11. Principle X - Professionalism. A professional educator ensures just and equitable treatment for all members of the profession in the exercise of academic freedom, professional rights and responsibilities ~~while. A~~ professional educator follows generally recognized professional principles. Unethical conduct includes, but is not limited to: (3-15-22)()

- a.** Any conduct that seriously impairs the Certificate holder's ability to teach or perform his professional duties; (3-15-22)
- b.** Committing any act of harassment toward a colleague; (3-15-22)
- c.** Failure to cooperate with the Professional Standards Commission in inquiries, investigations, or hearings; (3-15-22)
- d.** Using institutional privileges for the promotion of political candidates or for political activities, except for local, state or national education association elections; (3-15-22)
- e.** Willfully interfering with the free participation of colleagues in professional associations; and (3-15-22)
- f.** Taking, possessing, or sharing images (digital, photographic, or video) of colleagues of a harassing, confidential, or sexual nature. (3-15-22)

IDAPA 08 – STATE BOARD OF EDUCATION

08.02.03 – RULES GOVERNING THOROUGHNESS

DOCKET NO. 08-0203-2501

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2026 Idaho State Legislature and must be approved by concurrent resolution of the Legislature to go into effect, in accordance with Section 67-5224(2)(c), Idaho Code. Should the pending rule be approved, it will become final and effective on July 1 following the Second Regular Session of the Sixty-eighth Idaho Legislature, unless the concurrent resolution states a different effective date.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Section 33-105, 33-116, 33-118, and 33-1612, Idaho Code.

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

The proposed change will edit the incorporated by reference Special Education Manual document, subsection 004.04. The incorporated by reference document was revised and approved in the previous years, 2024-25, rulemaking cycle. The section of the manual updated was the Specific Learning Disability (SLD) section, following an inquiry from the U.S. Department of Education's Office of Special Education Programs (OSEP) in 2023. Concurrently, the Idaho Department of Education underwent a Differentiated Monitoring and Support 2.0 (DMS 2.0) review by OSEP, which identified additional areas of concern. However, due to timing and procedural requirements for public input under the Individuals with Disabilities Education Act (IDEA), as well as rulemaking timelines set by the Department of Financial Management (DFM) and the Office of the State Board of Education (OSBE), these concerns could not be addressed in the same revision as the SLD update that was completed in the 2024-25 rulemaking cycle.

2025-26 manual updates and clarifications include: specific learning disability (SLD) eligibility requirements; guidance related to charter school, private school, and home-school students; and guidance related to graduation requirements and discipline.

Updates from the proposed rule to the pending rule are to the Incorporated by reference SPED Manual document. The updates are for all instances of “60 calendar days” to “45 school days” where the manual discusses the amount of time a school has to determine eligibility for special education services after receiving consent for an evaluation. (Updates to IBR pages 96, 127-130, and 222-223)

The text of the pending rule has been amended in accordance with Section 67-5227, Idaho Code. Only those sections that have changes that differ from the proposed text are printed in this bulletin. The complete text of the proposed rule was published in the October 1, 2025, Idaho Administrative Bulletin, [Volume 25-10, pages 168-170](#).

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

Not applicable.

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

Not applicable.

ASSISTANCE WITH TECHNICAL QUESTIONS: For assistance with technical questions concerning this pending rule, contact Nicholas Wagner at rules@edu.idaho.gov or (208)-488-7586).

DATED this 21st day of November, 2025.

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

DOCKET NO. 08-0203-2501 - ADOPTION OF PENDING RULE

Substantive changes have been made in the pending rule.
Italicized red text that is *double underscored* indicates
amendments to the proposed text as adopted in the pending rule.

The text of the proposed rule was published in the Idaho Administrative Bulletin,
Volume 25-10, October 1, 2025, pages 168 through 170.

This rule has been adopted as a pending rule by the Agency and is now awaiting
review and final approval by the 2026 Idaho State Legislature.

THE FOLLOWING IS THE TEXT OF THE PENDING RULE FOR DOCKET NO. 08-0203-2501
(Only those sections or subsections that have changed from the original proposed
text are printed in this Bulletin following this notice.)

08.02.03 – RULES GOVERNING THOROUGHNESS

004. INCORPORATION BY REFERENCE.

The following documents are incorporated into this rule: (3-15-22)

01. The Idaho Content Standards. The Idaho Content Standards as adopted by the State Board of Education. Individual subject content standards are adopted in various years in relation to the curricular materials adoption schedule. Copies of the document can be found on the State Board of Education website at <https://boardofed.idaho.gov/board-policies-rules/board-rules/documents-incorporated-by-reference-or-rule/>. (3-15-22)

- a.** Arts and Humanities Categories: (3-15-22)
 - i.** Dance, as revised and adopted on June 12, 2024; (7-1-25)
 - ii.** Interdisciplinary Humanities, as revised and adopted on June 12, 2024; (7-1-25)
 - iii.** Media Arts, as adopted on June 12, 2024. (7-1-25)
 - iv.** Music, as revised and adopted on June 12, 2024; (7-1-25)

- v. Theater, as revised and adopted on June 12, 2024; (7-1-25)
 - vi. Visual Arts, as revised and adopted on June 12, 2024; (7-1-25)
 - vii. World languages, as revised and adopted on June 12, 2024. (7-1-25)
 - b. Computer Science, adopted on June 12, 2024. (7-1-25)
 - c. Driver Education, as revised and adopted on June 12, 2024. (7-1-25)
 - d. Health, as revised and adopted on August 24, 2022. (4-6-23)
 - e. Information and Communication Technology, as revised and adopted on June 12, 2024. (7-1-25)
 - f. Physical Education, as revised and adopted on August 24, 2022. (4-6-23)
 - g. Social Studies, as revised and adopted on June 12, 2024. [**note – Grade 4 Social Studies and Grade 6-12 U.S. World History 1 remain as adopted on November 28, 2016.*] (7-1-25)
 - h. College and Career Readiness Competencies adopted on June 15, 2017. (3-15-22)
- 02. The Idaho Standards for Infants, Toddlers, Children, and Youth Who Are Deaf or Hard of Hearing.** As adopted by the State Board of Education on October 11, 2007. Copies of the document can be found on the State Board of Education website at <https://boardofed.idaho.gov/board-policies-rules/board-rules/documents-incorporated-by-reference-or-rule/>. (3-15-22)
- 03. The Idaho Standards for Infants, Toddlers, Children, and Youth Who Are Blind or Visually Impaired.** As adopted by the State Board of Education on October 11, 2007. Copies of the document can be found on the State Board of Education website at <https://boardofed.idaho.gov/board-policies-rules/board-rules/documents-incorporated-by-reference-or-rule/>. (3-15-22)
- 04. The Idaho Special Education Manual.** The Idaho Special Education Manual as adopted by the State Board of Education on ~~November 21, 2024~~ November 20, 2025. Copies of the document can be found on the State Board of Education website at <https://boardofed.idaho.gov/board-policies-rules/board-rules/documents-incorporated-by-reference-or-rule/>. ~~(7-1-25)~~ ()

IDAPA 08 – STATE BOARD OF EDUCATION

08.02.03 – RULES GOVERNING THOROUGHNESS

DOCKET NO. 08-0203-2502

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2026 Idaho State Legislature and must be approved by concurrent resolution of the Legislature to go into effect, in accordance with Section 67-5224(2)(c), Idaho Code. Should the pending rule be approved, it will become final and effective on July 1 following the Second Regular Session of the Sixty-eighth Idaho Legislature, unless the concurrent resolution states a different effective date.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 33-105, 33-116, 33-118, and 33-1612, Idaho Code.

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

The proposed rule changes are to the Social Studies K-12 content standards incorporated by reference document outlined in subsection 004.01.g, will be reviewed following the 2025 legislative session. The Social Studies standards were reviewed during the 2023-2024 school year and submitted to the Idaho Legislature for final approval during the 2025 session. The Legislature rejected portions of the revised Social Studies standards and would like the standards reviewed again. Based on the 2025 legislative action, revisions to the Social Studies standards have been facilitated by the Idaho Department of Education for legislative consideration during the 2026 session.

Updates from the proposed rule to the pending rule are to the Incorporated by reference Social Studies Content Standards. The updates include adding suffragette Rebecca Brown Michell to the list of individuals who influenced western expansion and the creation of the State of Idaho [(III)(E)(1)4.SS.1.3]. Additionally, several non-substantive clarifications were made: the word “modern” was added to section [(IX)(C)9.12.WC.8]; the phrase “the role of” was inserted to section [(IX)(C)9.12.WC.11]; and the term “experiment” was replaced with “republic” to section [(IX)(G)9.12.WC.49].

The text of the pending rule has been amended in accordance with Section 67-5227, Idaho Code. Only those sections that have changes that differ from the proposed text are printed in this bulletin. The complete text of the proposed rule was published in the October 1, 2025, Idaho Administrative Bulletin, Vol. 25-10, pages 171-173.

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

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

ASSISTANCE WITH TECHNICAL QUESTIONS: For assistance with technical questions concerning this pending rule, contact Nicholas Wagner at rules@edu.idaho.gov or (208)-488-7586.

DATED this 21st day of November, 2025.

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

DOCKET NO. 08-0203-2502 - ADOPTION OF PENDING RULE

Substantive changes have been made in the pending rule.
Italicized red text that is *double underscored* indicates
amendments to the proposed text as adopted in the pending rule.

The text of the proposed rule was published in the Idaho Administrative Bulletin,
Volume 25-10, October 1, 2025, pages 171 through 173.

This rule has been adopted as a pending rule by the Agency and is now awaiting
review and final approval by the 2026 Idaho State Legislature.

THE FOLLOWING IS THE TEXT OF THE PENDING RULE FOR DOCKET NO. 08-0203-2502

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

08.02.03 – RULES GOVERNING THOROUGHNESS

004. INCORPORATION BY REFERENCE.

The following documents are incorporated into this rule: (3-15-22)

01. The Idaho Content Standards. The Idaho Content Standards as adopted by the State Board of Education. Individual subject content standards are adopted in various years in relation to the curricular materials adoption schedule. Copies of the document can be found on the State Board of Education website at <https://boardofed.idaho.gov/board-policies-rules/board-rules/documents-incorporated-by-reference-or-rule/>. (3-15-22)

- a.** Arts and Humanities Categories: (3-15-22)
 - i. Dance, as revised and adopted on June 12, 2024; (7-1-25)
 - ii. Interdisciplinary Humanities, as revised and adopted on June 12, 2024; (7-1-25)
 - iii. Media Arts, as adopted on June 12, 2024. (7-1-25)
 - iv. Music, as revised and adopted on June 12, 2024; (7-1-25)
 - v. Theater, as revised and adopted on June 12, 2024; (7-1-25)
 - vi. Visual Arts, as revised and adopted on June 12, 2024; (7-1-25)
 - vii. World languages, as revised and adopted on June 12, 2024. (7-1-25)
- b.** Computer Science, adopted on June 12, 2024. (7-1-25)
- c.** Driver Education, as revised and adopted on June 12, 2024. (7-1-25)
- d.** Health, as revised and adopted on August 24, 2022. (4-6-23)

- e. Information and Communication Technology, as revised and adopted on June 12, 2024. (7-1-25)
 - f. Physical Education, as revised and adopted on August 24, 2022. (4-6-23)
 - g. Social Studies, as revised and adopted on ~~June 12, 2024. [*note Grade 4 Social Studies and Grade 6-12 U.S. World History I remain as adopted on November 28, 2016.]~~ November 20, 2025. ~~(7-1-25)~~ ()
 - h. College and Career Readiness Competencies adopted on June 15, 2017. (3-15-22)
- 02. The Idaho Standards for Infants, Toddlers, Children, and Youth Who Are Deaf or Hard of Hearing.** As adopted by the State Board of Education on October 11, 2007. Copies of the document can be found on the State Board of Education website at <https://boardofed.idaho.gov/board-policies-rules/board-rules/documents-incorporated-by-reference-or-rule/>. (3-15-22)
- 03. The Idaho Standards for Infants, Toddlers, Children, and Youth Who Are Blind or Visually Impaired.** As adopted by the State Board of Education on October 11, 2007. Copies of the document can be found on the State Board of Education website at <https://boardofed.idaho.gov/board-policies-rules/board-rules/documents-incorporated-by-reference-or-rule/>. (3-15-22)
- 04. The Idaho Special Education Manual.** The Idaho Special Education Manual as adopted by the State Board of Education on November 21, 2024. Copies of the document can be found on the State Board of Education website at <https://boardofed.idaho.gov/board-policies-rules/board-rules/documents-incorporated-by-reference-or-rule/>. (7-1-25)

IDAPA 08 – STATE BOARD OF EDUCATION
08.02.05 – RULES GOVERNING PAY FOR SUCCESS CONTRACTING
DOCKET NO. 08-0205-2501 (ZBR CHAPTER REPEAL)
NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2026 Idaho State Legislature and must be approved by concurrent resolution of the Legislature to go into effect, in accordance with Section [67-5224\(2\)\(c\)](#), Idaho Code. Should the pending rule be approved, it will become final and effective on July 1 following the Second Regular Session of the Sixty-eighth Idaho Legislature, unless the concurrent resolution states a different effective date.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section [33-125B](#), Idaho Code.

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

The rule was promulgated and structured around statute 33-125B, Idaho Code. 33-125B and the rule have not been utilized by the State Department of Education in recent years or possibly ever. Additionally, IDAPA 08.02.05 is scheduled for review in reference to the Zero-based Regulation review process brought forth by Executive Order 2020-21. The process requires full chapter evaluation of how it can be improved, simplified, and streamlined. Any provisions duplicative of statutory language will also be removed. For this reason, the action of this rule is to repeal the rule in its entirety.

There are no changes to the pending rule, and it is being adopted as originally proposed. The complete text of the proposed rule was published in the October 1, 2025, Idaho Administrative Bulletin, [Vol. 25-10, pages 176](#).

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

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

ASSISTANCE WITH TECHNICAL QUESTIONS: For assistance with technical questions concerning this pending rule, contact Nicholas Wagner at rules@edu.idaho.gov or (208)-488-7586).

DATED this 21st day of November, 2025.

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

IDAPA 13 – IDAHO DEPARTMENT OF FISH AND GAME

13.01.03 – PUBLIC USE OF LANDS OWNED OR CONTROLLED BY THE DEPARTMENT OF FISH AND GAME

DOCKET NO. 13-0103-2501 (ZBR CHAPTER REWRITE)

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2026 Idaho State Legislature and must be approved by concurrent resolution of the Legislature to go into effect, in accordance with Section [67-5224\(2\)\(c\)](#), Idaho Code. Should the pending rule be approved, it will become final and effective on July 1 following the Second Regular Session of the Sixty-eighth Idaho Legislature, unless the concurrent resolution states a different effective date.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section [36-104\(b\)](#), Idaho Code.

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

This rulemaking concerns the comprehensive review of current chapter IDAPA [13.01.03](#), “Public Use of Lands Owned or Controlled by the Department of Fish and Game,” in compliance with Executive Order [2020-01](#).

The agency added clarifying language around prohibited activities, to include the use of airsoft guns and exploding targets; added a definition for ‘camping;’ modified the ‘watercraft’ definition to match a definition in another section of rule; and added language that provides the agency more flexibility in posting camping stay limits.

The text of the pending rule has been amended in accordance with Section [67-5227](#), Idaho Code. Only those sections that have changes that differ from the proposed text are printed in this bulletin. The complete text of the proposed rule was published in the October 1, 2025, Idaho Administrative Bulletin, [Vol. 25-10, pages 183-185](#).

Changes to the proposed rule added a definition for ‘leash’ and separated language regarding dog control while on Department property, primarily to address enforceability issues. One other change modified camp language to address concerns around camping locations and to better clarify flexibility in stay limits.

FEE SUMMARY: Not applicable. The pending rule does not impose new fees or changes.

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

There is no fiscal impact to the General Fund.

ASSISTANCE WITH TECHNICAL QUESTIONS: For assistance with technical questions concerning this pending rule, contact Amber Worthington at (208) 334-3771 or amber.worthington@idfg.idaho.gov.

DATED this 26th day of November, 2025.

Amber Worthington, Deputy Director
Idaho Department of Fish and Game
600 S. Walnut Street
P.O. Box 25
Boise, ID 83707
Phone: (208) 334-3771

DOCKET NO. 13-0103-2501 — ADOPTION OF ZBR PENDING RULE

Substantive changes have been made in the pending rule.
Italicized red text that is double underscored indicates
amendments to the proposed text as adopted in the pending rule.

The text of the proposed rule was published in the Idaho Administrative Bulletin,
Volume 25-10, October 1, 2025, pages 183 through 185.

This rule has been adopted as a pending rule by the Agency and is now awaiting
review and final approval by the 2026 Idaho State Legislature.

THE FOLLOWING IS THE TEXT OF THE PENDING RULE FOR DOCKET NO. 13-0103-2501

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

13.01.03 – PUBLIC USE OF LANDS OWNED OR CONTROLLED BY
THE DEPARTMENT OF FISH AND GAME

010. DEFINITIONS.

01. **Aircraft.** Any vehicle capable of use for transportation on or in the air and any unmanned aircraft
system. (3-31-22)

02. **Camp(ing).** To use a location as a temporary or permanent place of dwelling, lodging or living
accommodation. Indicators of camping may include, but are not limited to, storing personal belongings, erecting tents
or other temporary structures, overnight sleeping, carrying on cooking activities, laying out bedding, or making any
fire. ()

03. **Commercial Use.** Any use or activity related to a business venture or for which a fee is charged, or
in which the primary purpose is the sale or barter of goods or services, regardless of whether the use or activity is
intended to produce a profit. (3-31-22)

04. **Designated Roads and Trails.** All roads and trails posted as open or designated as open on
Department public use maps. (3-31-22)

05. **Lands Owned or Controlled by the Department.** Real property, owned or controlled by the
Commission or Department, managed for public recreation or for the protection, maintenance, ~~and~~ or enhancement of
fish and wildlife. (3-31-22)()

06. **Leash.** A strap or cord with a physical connection between a dog and person, used for restraining
and guiding a dog. A dog with an electronic collar is off leash. ()

07. **Safety Zone.** A posted area established for the safety and protection of persons, equipment,
structures, or livestock, and where shooting within, across, or into the area is not permitted. (3-31-22)()

08. **Unattended.** As it pertains to decoys, the absence of any person within one hundred (100) yards
from any decoy for a period of more than one-half (1/2) hour. (3-31-22)

~~079.~~ Watercraft. ~~Any vessel capable of use for~~ Device as a means of transportation on or in the water. (3-31-22)()

011. – 099. (RESERVED)

100. PUBLIC USE RESTRICTIONS.

01. Activities Not Allowed Without Authorization. Unless specifically authorized by the Commission, Director, Regional Supervisor, or designee, no person may: (3-31-22)

a. Enter, use, or occupy lands or water when said lands are posted against such entry, use, or occupancy. (3-31-22)

b. Camp ~~or~~. ()

c. ~~P~~ Park a vehicle or trailer in any area posted against such use, or to or camp (at authorized locations) for more than ten (10) days during any thirty – (30) day period on land owned or controlled by the Department, or in excess of shorter stay limits where posted. ()

d. ~~L~~ Leave unattended a camp, vehicle, or trailer (at authorized location) for more than forty-eight (48) hours, or to camp or park a vehicle or trailer for more than ten (10) days during any thirty (30) day period on any one (1) Wildlife Management Area (WMA) or one (1) access site separate from a WMA. (3-31-22)()

ee. Operate any motorized vehicle, including over-snow use, except on designated roads and trails. (3-31-22)

ff. Use watercraft on any waters posted against such use. (3-31-22)

eg. Use any form of fireworks ~~or~~ explosives, or exploding targets. (3-31-22)()

fh. Permit any dog or other domestic animal to run at large when not present to control or care for it, ~~or to permit any dog to be off leash~~ when posted against such use. (3-31-22)()

i. ~~P~~ Permit any dog or other domestic animal to be off leash when posted against such use. ()

gi. Conduct a dog field trial of any type, except a dog field trial or dog training using artificially propagated game birds between August 1 and September 30 with ~~Department~~ authorization ~~under~~ pursuant to IDAPA 13.01.15.300, “Rules Governing the Use of Dogs.” (3-31-22)()

hk. Construct any blind, pit, platform, or tree stand, where soil is disturbed or trees are cut or altered, and fasteners, such as wire, rope, or nails are used; or to leave any portable manufactured blind or tree stand overnight. (3-31-22)

il. Adjust, open, close, tamper with, or manipulate in any manner, any diversion structure, headgate, flume, recorded or flow dock or any device for water control. This provision does not limit the powers of agencies or irrigation districts as provided by statute or rule. (3-31-22)

jmm. Shoot within, across, or into posted safety zones. (3-31-22)

kn. Leave any decoy unattended, or to place any decoy any earlier than two (2) hours before official shooting hours for waterfowl, or to leave any decoy at a hunting site later than two (2) hours after official shooting hours for waterfowl. (3-31-22)

lp. Discharge ~~any~~ paintball or airsoft guns. (3-31-22)()

mp. Disturb or remove any soils, gravel, or minerals. (3-31-22)

~~#g.~~ Turn domestic livestock into, or allow ~~said animals~~ them to graze or trail on or across Department lands, except riding and pack animals may be used in association with recreational uses or as posted. ~~(3-31-22)~~ ()

~~or.~~ Cut, dig, or remove any crops, trees, shrubs, grasses, forbs, logs, or fuel wood. (3-31-22)

~~ps.~~ Place, maintain, or store any beehives or bee boards. (3-31-22)

~~qt.~~ Use lands for any commercial purpose. (3-31-22)

~~ru.~~ Place a geocache. (3-31-22)

~~sv.~~ Use for group events of over fifteen (15) people. (3-31-22)

~~tw.~~ Land or launch aircraft except on public airstrips. (3-31-22)

~~xy.~~ Use or transport any hay, straw, or mulch that is not weed-free certified. (3-31-22)

101. – 999. (RESERVED)

IDAPA 13 – IDAHO DEPARTMENT OF FISH AND GAME

13.01.04 – RULES GOVERNING LICENSING

DOCKET NO. 13-0104-2401 (ZBR CHAPTER REWRITE)

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2026 Idaho State Legislature and must be approved by concurrent resolution of the Legislature to go into effect, in accordance with Section 67-5224(2)(c), Idaho Code. Should the pending rule be approved, it will become final and effective on July 1 following the Second Regular Session of the Sixty-eighth Idaho Legislature, unless the concurrent resolution states a different effective date.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 36-104, 36-301, 36-401, 36-402, 36-403, 36-404, 36-405, 36-406, 36-406a, 36-407, 36-408, 36-409, 36-409a, 36-410, 36-411, 36-412, 36-413, and 36-1101, Idaho Code.

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

This rulemaking concerns the comprehensive review of current IDAPA 13.01.04, “Rules Governing Licensing,” in compliance with Executive Order 2020-01. The agency has evaluated content of this chapter and IDAPA 13.01.08, “Rules Governing Taking of Big Game Animals,” and in an effort to streamline, has moved relevant content that specifically addresses big game to IDAPA 13.01.08 and content that addresses general licensing topics has been moved from 13.01.08 to 13.01.04.

The agency has added language around the newly adopted non-resident draw framework approved by the Commission through temporary rule. This rulemaking adds a provision to hunt turkeys through the Landowner Permission Hunt and Landowner Appreciation Program; adds a new Herd Health Landowner Permission Hunt; and adds stronger language highlighting the illegality of sale, marketing, or purchase of Landowner Appreciation Program tags. Language was added to the bighorn sheep auction and lottery tag sections to provide more opportunities for Hells Canyon hunters.

The text of the pending rule has been amended in accordance with Section 67-5227, Idaho Code. Only those sections that have changes that differ from the proposed text are printed in this bulletin. The complete text of the proposed rule was published in the October 1, 2025, Idaho Administrative Bulletin, Vol. 25-10, pages 186-214.

Proposed rule changes include: removal of the ‘physician’ definition since the Department is using the term ‘licensed medical provider,’ the addition of language previously missed from a list regarding exceptions to controlled hunt eligibility; clarification of language regarding a pronghorn controlled hunt extra tag holder; removal of language for bear tag exchange as it is out of alignment with new language regarding tag exchange period; modification of section structure around exchanges for greater clarity and addition of ‘other species’ to address confusion by the public; and making a non-substantive change to language for consistency.

FEE SUMMARY: Not applicable. The pending rule does not impose new fees or changes.

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

There is no fiscal impact on the General Fund.

ASSISTANCE WITH TECHNICAL QUESTIONS: For assistance with technical questions concerning this pending rule, contact Amber Worthington at (208) 334-3771 or amber.worthington@idfg.idaho.gov.

DATED this 26th day of November, 2025.

Amber Worthington, Deputy Director
Idaho Department of Fish and Game
600 S. Walnut Street
P.O. Box 25
Boise, ID 83707
Phone: (208) 334-3771

DOCKET NO. 13-0104-2401 — ADOPTION OF ZBR PENDING RULE

Substantive changes have been made in the pending rule.
Italicized red text that is *double underscored* indicates
amendments to the proposed text as adopted in the pending rule.

The text of the proposed rule was published in the Idaho Administrative Bulletin,
Volume 25-10, October 1, 2025, pages 186 through 214.

This rule has been adopted as a pending rule by the Agency and is now awaiting
review and final approval by the 2026 Idaho State Legislature.

THE FOLLOWING IS THE TEXT OF THE PENDING RULE FOR DOCKET NO. 13-0104-2401

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

13.01.04 – RULES GOVERNING LICENSING

010. DEFINITIONS.

01. Allocated Tag. Game tags ~~allocated under Section 36-408, Idaho Code~~ that may be sold only to an outfitted hunter. (4-6-23)()

02. Authorized Corporate Representative. Corporation shareholder designated in writing by the corporation as the eligible tag applicant. (4-6-23)

03. Blind or Visually Impaired. Persons meeting criteria set forth in Sections 36-202(w) or 67-5402(2), Idaho Code. (4-6-23)

04. Capped Hunt. A hunt framework for which the Commission has set a limit on the total number of tags available to residents and nonresidents by game management zone, unit, or other hunt area. In a capped hunt, tags are available to residents over the counter, without a drawing by lot, and tags are available to nonresidents either over the counter or by drawing by lot. ()

05. Controlled Hunt. A hunt framework for which tags are drawn by lot by game management zone, unit, or other hunt area. ()

046. Domicile. An individual's true, fixed, permanent home and where they intend to return whenever absent. Individuals can have only one (1) domicile. Determination of domicile may consider, without limitation:

- (4-6-23)
- a. Income tax return state of residency and filing address; (4-6-23)
 - b. Voter registration: (4-6-23)
 - c. Location where person and immediate family live: (4-6-23)
 - d. Mailing/forwarding address; (4-6-23)
 - e. Vehicle registration; (4-6-23)
 - f. Location claimed for homeowner exemption; or (4-6-23)
 - g. State of driver's license. (4-6-23)
- 057. Disabled.** Meeting criteria set forth in Sections 36-406(g), or 36-1101(b), Idaho Code. (4-6-23)
- 068. Eligible Property.** At least three hundred twenty (320) acres of land, excluding any government lands, in one (1) ~~controlled hunt area~~ Game Management Unit determined by the Department to be valuable for habitat or propagation purposes for deer, elk, pronghorn, or black bear, or at least seventy nine (79) acres of land, excluding any government lands, in one (1) Game Management Unit determined by the Department to be valuable for habitat or propagation purposes for turkey whether owned by one (1) or more persons, a partnership, or corporation. (4-6-23)()
- 079. Landowner.** Person or corporation whose name appears on a deed as the owner, or on a sales contract as the purchaser, and any affiliates, management companies, associated entities, wholly-owned subsidiaries, corporations, or limited liability companies wherein fifty percent (50%) or more of the ownership or controlling interest is maintained by a single individual, partnership, or corporation. (4-6-23)
- 10. Leftover Tag.** A tag that is unsold or returned without use. ()
- 11. Licensed Medical Provider.** Person licensed to practice medicine pursuant to the Idaho Medical Practice Act (Sections 54-1801 through 54-1820, Idaho Code), or equivalent state licensing authority in the state of practice. ()
- 12. NR DAV Draw Hunt.** Controlled hunt framework specific to drawing by lot of reduced fee deer and elk tags for eligible nonresident disabled veterans. ()
- 13. NR Draw Hunt.** Controlled hunt framework in which tags are available to residents over the counter but are issued by drawing by lot to nonresidents. These may include capped hunts and NRL hunts. These hunts are considered controlled hunts subject to application fees under sections 36-104 and 36-416, Idaho Code. ()
- 14. NRL Hunt.** Hunt framework in which nonresident tags are limited but tags are available to residents over the counter without limit. ()
- 0815. Non-Allocated Tag.** Game tag ~~other than an allocated tag~~ that may be sold to either outfitted or non-outfitted hunters. (4-6-23)()
- 16. Over the Counter (First come, First Served).** The sale of tags on a first-come, first-served basis on-line, at Department offices and other vendor locations, without a drawing by lot. ()
- 0917. Outfitted Hunter.** Person who obtains hunting services (excluding meat pack-out) under written agreement with an outfitter licensed under ~~Chapter 21, Title 36~~, Idaho Code, for the species and area for which the applicable game tag is valid. (4-6-23)()

~~1018.~~ **Permanent Disability.** Medically determinable physical impairment, which a ~~physician licensed medical provider~~ has certified as a condition having no expectation for a fundamental or marked improvement at any time in the future. (4-6-23)()

~~11.~~ **Physician.** ~~Person licensed to practice medicine pursuant to the Idaho Medical Practice Act (Sections 54-1801 through 54-1820, Idaho Code), or equivalent state licensing authority in the state of practice.~~ (4-6-23)

~~1219.~~ **Two-Year Outfitter Verified Use History.** Tag use by outfitted hunters, as verified and recorded in accordance with Section 36-408, Idaho Code, for each of the two (2) calendar years immediately preceding the date on which the Commission determines tag allocation for a hunt area. (4-6-23)

(BREAK IN CONTINUITY OF SECTIONS)

320. ELIGIBILITY FOR CONTROLLED HUNT APPLICATION.

A person must possess an Idaho hunting license valid for taking game animals to apply for any controlled hunt. ()

01. Bighorn Sheep. ()

a. Any person whose name was drawn on a controlled hunt for any bighorn sheep is not eligible to apply for any bighorn tag for two (2) years. Except that a person may apply for a bighorn tag in the second application period or a leftover bighorn tag in the current and the following year. ()

b. Any person who has killed a California bighorn ram is not eligible to apply for a California bighorn ram controlled hunt tag; and any person who has killed a Rocky Mountain bighorn ram is not eligible to apply for a Rocky Mountain bighorn ram controlled hunt tag, except any person who has killed a California bighorn ram south of Interstate Highway 84 since 1974 and is otherwise eligible, may apply for a Rocky Mountain bighorn ram tag for any hunt north of Interstate Highway 84; and any person who has killed a Rocky Mountain bighorn ram north of Interstate Highway 84 since 1974 and is otherwise eligible, may apply for a California bighorn ram tag for any hunt south of Interstate Highway 84. ()

c. Any person who kills a bighorn ewe is not eligible to apply for another bighorn ewe controlled hunt tag for five (5) years. The harvest of a bighorn ewe does not make the person ineligible to apply for a tag to take a California bighorn ram or a Rocky Mountain bighorn ram. Any person who applies for a bighorn ewe is not eligible to apply for any bighorn ram the same year. ()

02. Mountain Goat. ()

a. Any person whose name was drawn on a controlled hunt for mountain goat is not eligible to apply for a mountain goat tag for two (2) years. Except that a person may apply for a mountain goat tag in the second application period or a leftover mountain goat tag in the current and the following year. ()

b. Any person who has killed a mountain goat since 1977 is not eligible to apply for a mountain goat tag. ()

03. Moose. ()

a. Any person whose name was drawn on a controlled hunt for moose is not eligible to apply for a moose permit for two (2) years. Except that a person may apply for a moose tag in the second application period or a leftover moose tag in the current and the following year. ()

b. Any person who has killed an antlered moose in Idaho is not eligible to apply for a moose tag for antlered moose, and any person who has killed an antlerless moose in Idaho is not eligible to apply for a tag for antlerless moose, except that any person may apply for tags remaining unsold after the controlled hunt draw. ()

04. Antlered-Only Deer, Antlered-Only Elk, and Pronghorn. Any person whose name was drawn on a controlled hunt for antlered-only deer, antlered-only elk, or any pronghorn (including either sex, and doe and fawn) is not eligible in the following one (1) year to apply for any controlled hunt for the respective species drawn (antlered-only deer, antlered-only elk, or any pronghorn). ()

a. Exceptions. A person drawn in the previous year remains eligible to apply for controlled hunts in the second application period, controlled hunts with an unlimited number of tags, *NR Draw hunts*, *Outfitter Allocated Controlled hunts*, or Landowner Appreciation Program hunts. Such person is also eligible to purchase a leftover tag or Governor's Wildlife Partnership Tag. ()

05. Grizzly Bear. No person who has killed a grizzly bear in Idaho may apply for a grizzly bear tag. ()

06. Black Bear. Any nonresident applying for a controlled black bear hunt who wishes to use hounds must separately apply for a Hound Hunter Permit, subject to applicable limitations of IDAPA 13.01.15. ()

07. Landowner Permission Hunts. Any person applying for a landowner permission hunt must have a permission slip including the name, address, and signature of a landowner who owns more than one hundred fifty-nine (159) acres in the hunt area for big game species and seventy-nine acres (79) acres in the hunt area for game birds. ()

08. Herd Health Landowner Permission Hunts. Any person applying for a herd health Landowner Permission hunt must have a permission slip including the name, address, and signature of the landowner who owns or leases property in the defined hunt area. ()

09. Youth Only Hunts. Youth-only controlled hunt application eligibility is limited to persons nine (9) to seventeen (17) years of age, provided they will be ten (10) to seventeen (17) years of age during the hunt for which they apply. A nine (9) year old cannot participate in the hunt until turning ten (10). A person who turns eighteen (18) years of age during the hunt may continue to participate through the end of the youth-only controlled hunt. A person sixty-five (65) years of age or older, or a person with a disabled license, may apply during a second application period for youth-only controlled hunts or buy leftover youth-only controlled hunt tags on a first come, first served basis. ()

10. Outfitter Allocated Hunts. Any person must have a written agreement with an outfitter to submit an application for an outfitter allocated controlled hunt. ()

11. Multiple Applications. ()

a. Any person applying for a bighorn sheep, mountain goat, grizzly bear, or moose controlled hunt is not eligible to apply for any other controlled hunt in the same year, except Unlimited Controlled Hunts, a controlled black bear hunt, a controlled gray wolf hunt, or a designated depredation or extra tag hunt for deer, elk or pronghorn. Unsuccessful applicants for bighorn sheep, mountain goat, grizzly bear, or moose controlled hunts are eligible to participate in the second application period for deer, elk, and pronghorn, and of leftover controlled hunt tags. ()

b. A person may apply for both a controlled hunt tag and a controlled hunt extra tag for the same big game species. ()

(BREAK IN CONTINUITY OF SECTIONS)

350. USE OF CONTROLLED HUNT TAGS.

01. Use of Controlled Hunt Tags. No person may hunt in any controlled hunt without having a valid controlled hunt tag in possession as specified by species in Section 320. ()

- a.** A controlled hunt area with an “X” suffix is an extra tag hunt. ()
- b.** In the event a tag is issued based on erroneous information supplied by the applicant, the tag will be invalidated by the Department and may NOT be used. The Department will notify the person of the invalidation of the tag. The person will remain on the drawn list, and if there is a waiting period in a succeeding year, the person will be required to wait the specified time period. ()
- 02. Deer.** Any person who draws a controlled hunt tag for deer is not eligible to hunt in any other deer hunt--archery, muzzleloader, or general; except: ()
- a.** The person may choose not to purchase the controlled hunt tag by the date set by proclamation for the first deer drawing, allowing the person to participate in a general season hunt or the second application period or the leftover controlled hunt tag sale. ()
- b.** If the person draws an unlimited controlled hunt, the person may relinquish the controlled hunt prior to purchasing, allowing the person to participate in a general season hunt or the second application period or the leftover controlled hunt tag sale. ()
- c.** The holder of a deer controlled hunt tag may purchase a nonresident general season tag as a second tag. ()
- d.** Any person who draws a controlled hunt extra tag for deer may also possess any other deer general or any other non-extra controlled hunt deer tag hunt in any other deer hunt-archery, muzzleloader, general or controlled hunt. ()
- 03. Elk.** Any person who draws a controlled hunt tag for elk is not eligible to hunt in any other elk hunt--archery, muzzleloader, or general; except: ()
- a.** The person may choose not to purchase the controlled hunt tag by the date set by Commission rule for the first elk drawing, allowing the person to participate in a general season hunt or the second application period or the leftover controlled hunt tag sale. ()
- b.** If the person draws an unlimited controlled hunt, the hunter may relinquish the controlled hunt prior to purchasing, allowing the person to participate in a general season hunt or the second application period or the leftover controlled hunt tag sale. ()
- c.** The holder of an elk controlled hunt tag may purchase a nonresident general season tag as a second tag. ()
- d.** Any person who draws a controlled hunt extra tag for elk may also possess another elk hunt, general or any other non-extra controlled hunt elk tag hunt in any other elk hunt-archery, muzzleloader, general or controlled hunt. ()
- 04. NR Draw Tags.** A nonresident who draws an elk or deer tag in NR Draw Hunt or NR DAV Draw Hunt may participate in another hunt that is not an extra tag hunt, provided they exchange or relinquish the NR Draw or NR DAV Draw Hunt tag for the other controlled hunt tag or leftover tag by any applicable deadline. ()
- 05. Pronghorn.** Any person who draws a pronghorn controlled hunt tag is not eligible to hunt in any other pronghorn hunt; except: ()
- a.** The person may choose not to purchase the controlled hunt tag by the date set by Commission rule for the first pronghorn drawing allowing the person to participate in a general season hunt or the second application period or the leftover controlled hunt tag sale. ()
- b.** If the person draws an unlimited controlled hunt, the person may relinquish the controlled hunt prior to purchasing, allowing the person to participate in a general season hunt or the second application period or the leftover controlled hunt tag sale. ()

c. The holder of a pronghorn controlled hunt tag may purchase a controlled hunt extra tag for pronghorn. ()

d. Any person who draws a pronghorn extra hunt tag may possess one (1) other pronghorn non-extra hunt tag. ()

06. Black Bear. ()

a. Any person who draws a spring controlled hunt tag for black bear may choose to purchase the controlled hunt bear tag or return an unused general season bear tag in exchange for the controlled hunt bear tag. ()

[Proposed new Subsection 350.06.b. has been omitted]

351. – 399. (RESERVED)

400. LANDOWNER APPRECIATION PROGRAM (LAP).

01. Property and Landowner Registration. (3-31-22)

a. Only landowners who have registered their eligible property with the Department are eligible to apply for LAP controlled hunt tags for deer, elk, pronghorn, turkey, and/or black bear. Registered landowners must notify the Department of any changes in property ownership or eligibility. (3-31-22)()

b. Registration of an eligible property and landowner applicant will be on a form prescribed by the Department. The landowner must submit the registration form; a copy of the deed(s) and the most recent tax assessment(s) describing the eligible property and showing the name(s) of the owner(s); and a map of the eligible property to the Department regional office. Department personnel will certify the registration and land description and ~~return a copy to~~ notify the landowner. (3-31-22)()

c. If the person registering is an authorized corporate or partnership representative, the registration will include written verification from the board of directors, partnership, or an officer of the corporation, other than himself the registrant, verifying ~~that he is~~ they are authorized to register the property and eligible applicants. (3-31-22)()

02. Hunt Areas. LAP controlled hunt tags will be issued only for those controlled hunt areas designated by the Commission as eligible for such tags. (3-31-22)

03. Tag Eligibility. Landowners may receive LAP controlled hunt tags only for the species and sex that use the eligible property and only for LAP hunt areas in which the registered property is located. (3-31-22)

04. Controlled Hunt Applications. Applications for LAP controlled hunt tag(s) will be on a form prescribed by the Department. (3-31-22)

a. Applications from landowners with six hundred forty (640) acres or more will be accepted on or after May 15 of each year. Applications submitted in person or mailed to the Department main office or any Regional Office, postmarked ~~not later than June 15 of each year~~ on a date published in the LAP proclamation, will be entered in the random drawing for LAP controlled hunt tags. Each application will be entered in the random drawing one (1) time based upon each six hundred and forty (640) acres of eligible property registered by the landowner that are within the ~~LAP controlled hunt area~~ game management unit. (3-31-22)()

b. One (1) application may be submitted by a landowner with eligible property consisting of six hundred forty (640) acres to four thousand nine hundred ninety-nine (4,999) acres. A second application may be submitted for eligible property consisting of five thousand (5,000) acres or more. (3-31-22)

05. Left-~~O~~ver Tags. Landowners with eligible property consisting of three hundred twenty (320)

acres or more may apply for left-over tags following the random draw. ~~Written~~ Applications will be accepted ~~beginning on the first business day on or after July 15 of each year as specified in the brochure~~ on a first-come, first-served basis, provided they are accompanied by the appropriate application fee as specified in Section 36-416, Idaho Code. (3-31-22)()

06. Issuance of ~~Controlled Hunt~~ Tag(s). (3-31-22)()

a. Once the Commission has determined the number of controlled hunt tags to be issued in any controlled hunt area, an additional ten percent (10%) of the number of controlled hunt tags may be issued as LAP tags. In subsequent years up to twenty-five percent (25%) of the number of controlled hunt tags may be issued only if the hunt is over subscribed by eligible LAP applicants. (3-31-22)

b. Where the number of LAP applicants exceeds the number of LAP controlled hunt tags available in an area, successful applicants will be determined by drawing. All eligible landowners in the drawing will be considered for one (1) tag before any landowner is eligible for a second tag. (3-31-22)

c. No more than two (2) LAP controlled hunt tags and no more than one (1) LAP controlled hunt extra tag per species may be issued to any eligible landowner per registration. (3-31-22)()

d. Only one (1) leftover LAP controlled hunt tag may be issued for eligible property consisting of between three hundred twenty (320) and six hundred thirty-nine (639) acres within a ~~LAP controlled hunt area~~ Game Management Unit. Only one (1) LAP controlled hunt tag may be issued for eligible property consisting of between six hundred forty (640) and four thousand nine hundred ninety-nine (4,999) acres within a ~~LAP controlled hunt area~~ Game Management Unit. One (1) additional LAP controlled hunt tag may be issued to a landowner or designated agent(s) for eligible property in excess of five thousand (5,000) acres within a ~~LAP controlled hunt area~~ Game Management Unit. No landowner or designated agent(s) is eligible to receive more than one (1) LAP controlled hunt tag for one (1) species in a calendar year. (3-31-22)()

e. A successful landowner, corporate or partnership representative drawing a LAP controlled hunt tag may designate an eligible individual to whom the controlled hunt tag will be issued. (3-31-22)

07. ~~Sale or~~ Marketing, or Purchase Unlawful. It is unlawful for anyone other than the Department or Department-authorized representative to sell or market LAP controlled hunt tags, and it is unlawful for a person to buy an LAP controlled hunt tag from any person other than the Department or Department-authorized representative. In addition to any statutory penalties, a violator of this provision will not be eligible to participate in the LAP program for three (3) years. (3-31-22)()

08. Application of Controlled Hunt Restrictions. (3-31-22)

a. ~~The restriction that applying for a moose, bighorn sheep, or mountain goat controlled hunt makes the applicant ineligible to apply for any other controlled hunt does not apply to persons who are otherwise eligible to apply for a LAP controlled hunt tag~~ Applicants for LAP controlled hunt tags are not subject to nonresident limits or quota, or to waiting periods or restrictions based on other controlled hunt applications. (3-31-22)()

~~b. LAP controlled hunts are exempt from limits or quotas on nonresident tags.~~ (3-31-22)

~~c. LAP controlled hunt tags are exempt from the one (1) year waiting periods for deer, elk and pronghorn controlled hunt applications under IDAPA 13.01.08, "Rules Governing Taking of Big Game Animals," Section 257.~~ (3-31-22)

09. Special Restrictions. Any person hunting with a LAP controlled hunt tag may hunt only within the boundaries described in the LAP controlled hunt area. Bag and possession limits set forth in IDAPA 13.01.08, "Rules Governing Taking of Big Game Animals," Section 200, apply to holders of LAP controlled hunt tags. (3-31-22)()

(BREAK IN CONTINUITY OF SECTIONS)

601. REFUNDS ~~TO NONRESIDENTS~~ AND EXCHANGES.

The Department will not refund any fee for any resident or nonresident license (as defined in Section 36-202(aa), Idaho Code), except as follows, and provided the refund request is in writing, is accompanied by the original license and tag, and is received or postmarked on or before December 31 of the calendar year in which the license was valid, except in the event of death of the licensee, which must be submitted within one (1) year of the death.

~~(3-18-22)~~ ()

01. Refund Eligibility. ~~Nonresident general or controlled hunt deer or elk tag fees and hunting license fees may be refunded due to the death of licensee; illness or injury of licensee that totally disabled the licensee for the entire length of any applicable hunting season; or military deployment of licensee due to an armed conflict; as substantiated by death certificate, published obituary, written justification by a licensed medical doctor, copy of military orders, or similar documentation. The hunting license fee will not be refunded if it was used to apply for any controlled hunt or to purchase a turkey, mountain lion, or bear tag. The amount refunded will be the amount of the applicable deer or elk tag and hunting license fees, less all issuance fees and a fifty dollar (\$50) processing fee.~~

~~(3-18-22)~~ ()

a. The holders of general or controlled hunt deer, elk, pronghorn, moose, bighorn sheep, or mountain goat tag fees and hunting license fees are eligible for refund due to the death of licensee as substantiated by death certificate, published obituary, pregnancy of the tag holder with written confirmation from a licensed medical provider; or illness or injury of licensee that totally disabled the licensee for the entire length of any applicable hunting season with written justification by a licensed medical provider. Hunting license and tag fees will not be eligible for refund if used for hunting at any time during the validity of the license and/or tag. ()

b. Controlled hunt application fees and special controlled hunt application fees are nonrefundable. ()

c. Fees for adult controlled hunt tags subsequently designated to a minor child or grandchild are not refundable. ()

02. Amount Refunded. Refunds to residents under this section will be the amount of the applicable tag and hunting license, less all issuance fees. Refunds to non-residents will be the amount of the applicable tag and hunting license fees, less all issuance fees and a fifty dollar (\$50) processing fee. ()

03. Junior Mentored Refund. If the parent or legal guardian of an individual in possession of a Junior Mentored deer or elk tag is eligible for a refund pursuant to this section, the junior mentored tag holder will be eligible for the same refund options. ()

024. Partial Refund. Nonresident general and controlled hunt deer or elk tag fees may be partially refunded for a reason other than those in the preceding subsection based on the postmark date in the below table. The hunting license fee will not be refunded.

Postmarked	Percent of Tag Fee Refunded
Before April <u>May</u> 1	75%
In April <u>May</u> through June	50%
In July and August	25%
September <u>August</u> through December	0%

~~(3-18-22)~~ ()

05. Exchanges. ()

a. Deer and Elk Tags. Deer and elk general season or NR Draw Hunt tags may be exchanged for a tag in a different unit or zone of the same species until July 31 of each calendar year, provided there are tags available in desired unit or zone. Controlled hunt tags may be exchanged for a general season or leftover tag provided there are tags available in the desired unit or zone and the controlled hunt tag season has not started. Regular and white-tailed deer tags are considered the same species for purposes of exchange. ()

b. Other Species. Tags may be exchanged for a different tag of the same species provided the tag season has not started, there are tags available in the desired unit or zone, and subject to species-specific dates. ()

036. Department Administrative Error. The Department ~~will~~ may refund fees ~~when~~ if it determines that ~~a Department employee~~ the Department or other license vendor made an error in the issuance of the license. (3-18-22)()

07. Widespread Environmental Incidents Refund. The Department may provide a refund of a resident or nonresident moose, bighorn sheep, or mountain goat tag if an Administrative Closure is enacted by a land agency due to a natural disaster or widespread environmental incident, that limits public access by fifty percent (50% or more) during fifty percent (50%) or more of the tag season. ()

08. Subsequent Year Hunt Eligibility. Individuals who receive refunds under this section will be eligible for applications in subsequent years as if they had not applied for the refunded tag. ()

09. Overpayment of mailed payments. Overpayment of more than five dollars (\$5) for payments sent by mail will be refunded. Because of processing costs, overpayments of five dollars (\$5) or less will NOT be refunded and will be retained by the Department. ()

IDAPA 13 – IDAHO DEPARTMENT OF FISH AND GAME

13.01.08 – RULES GOVERNING TAKING OF BIG GAME ANIMALS

DOCKET NO. 13-0108-2401 (ZBR CHAPTER REWRITE)

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2026 Idaho State Legislature and must be approved by concurrent resolution of the Legislature to go into effect, in accordance with Section [67-5224\(2\)\(c\)](#), Idaho Code. Should the pending rule be approved, it will become final and effective on July 1 following the Second Regular Session of the Sixty-eighth Idaho Legislature, unless the concurrent resolution states a different effective date.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections [36-104](#), [36-405](#), [36-408](#), [36-409](#), and [36-1101](#), Idaho Code.

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

This rulemaking concerns the comprehensive review of current IDAPA [13.01.08](#), “Rules Governing Taking of Big Game,” in compliance with Executive Order [2020-01](#). The agency has evaluated content of this chapter and IDAPA [13.01.04](#), “Rules Governing Licensing,” and to streamline, has moved relevant content that specifically addresses big game to 13.01.08 from 13.01.04 and content that addresses general licensing topics from 13.01.08 to 13.01.04. Additionally, IDAPA 13.01.17 is in pending status for repeal and all content (current and modified) has been moved to 13.01.08.

The agency has added provisions to enable electronic tagging for big game animals; added a new Centerfire Open Sights Only special weapons season; removed language regarding draw length and let off percentage; added language comprised of recommendations from the Hunting and Advanced Technology Working Group, staff contributions and public comments which includes prohibition of thermal imaging, night vision technology, transmitting trail cameras, and any aircraft for big game scouting or hunting between August 1 to December 31; changed use restrictions date under the motorized hunting rule from December 31 to November 14 and removed use restrictions from units 30, 30A, 36A, 37, 47, 49, 70 and 72; and under use of bait, removed plastic from prohibited container material, modified language regarding number of bait sites allowed on land management agency land, and included language reauthorized by temporary rule regarding use of bait by a grizzly bear and the need to report and pull bait.

The text of the pending rule has been amended in accordance with Section [67-5227](#), Idaho Code. Only those sections that have changes that differ from the proposed text are printed in this bulletin. The complete text of the proposed rule was published in the October 1, 2025, Idaho Administrative Bulletin, [Vol. 25-10, pages 215-236](#).

Changes include the addition of language clarifying how tags are to be validated or attached with the use of electronic tagging or paper, and deletion of a section of language that was missed in the proposed rule bulletin. Due to public comments and staff comments, language regarding bear bait containers was reverted to the previous language, making only metal containers legal for use. Language around use of technology was modified to address public comments to further clarify use of smart optics, provide better enforceability around the restrictions of transmitting trail cameras, thermal imaging, night vision and aircraft, and to better define intent behind restrictions on the use of aircraft for scouting or hunting.

FEE SUMMARY: Not applicable. The pending rule does not impose new fees or changes.

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

There is no fiscal impact to the General Fund.

ASSISTANCE WITH TECHNICAL QUESTIONS: For assistance with technical questions concerning this pending rule, contact Amber Worthington at (208) 334-3771 or amber.worthington@idfg.idaho.gov.

DATED this 26th day of November, 2025.

Amber Worthington, Deputy Director
Idaho Department of Fish and Game
600 S. Walnut Street
P.O. Box 25
Boise, ID 83707
Phone: (208) 334-3771

DOCKET NO. 13-0108-2401 — ADOPTION OF ZBR PENDING RULE

Substantive changes have been made in the pending rule.
Italicized red text that is *double underscored* indicates
amendments to the proposed text as adopted in the pending rule.

The text of the proposed rule was published in the Idaho Administrative Bulletin,
[Volume 25-10, October 1, 2025, pages 215 through 236.](#)

This rule has been adopted as a pending rule by the Agency and is now awaiting
review and final approval by the 2026 Idaho State Legislature.

THE FOLLOWING IS THE TEXT OF THE PENDING RULE FOR ZBR DOCKET NO. 13-0108-2401

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

13.01.08 – RULES GOVERNING TAKING OF BIG GAME ANIMALS

320. TAG VALIDATION AND ATTACHMENT.

01. Tag. Immediately after any ~~deer, elk, pronghorn, moose, bighorn sheep, mountain goat, mountain lion, black bear, grizzly bear, or gray wolf~~ **big game animal** is killed, the appropriate big game animal tag must be validated ~~and~~ *If using a paper tag, it must be* securely attached to the animal. ~~(3-31-22)~~()

a. Validation. ~~Cut out and completely remove only the two (2) triangles indicating the date and month of kill~~ *Tags may be paper or electronic, as determined by the hunter at time of purchase. Electronic tags require use of the Department's official mobile app and must be validated for date and month through the app. Two (2) triangles indicating the date and month of kill must be cut out and completely removed from the paper tag.* ~~(3-31-22)~~()

b. Attachment of Tag. (3-31-22)

i. Deer, elk, pronghorn, moose, mountain goat, ~~black bear~~, and bighorn sheep: to the largest portion of

the edible meat to be retained by the hunter or any person transporting for the hunter. The tag must remain attached during transit to a place of processing and remain attached until the meat is processed. The validated tag must accompany the processed meat to the place of final storage or final consumption. (3-31-22)()

ii. Mountain lion, black bear, grizzly bear, and gray wolf: To the hide until the mandatory check is ~~complied with~~ completed. (3-31-22)()

(BREAK IN CONTINUITY OF SECTIONS)

410. UNLAWFUL METHODS OF TAKE – GENERAL.

No person may take big game animals as set forth in this section. (3-31-22)

01. Firearms. (3-31-22)

a. With any firearm that, in combination with a scope, sling, and/or any other attachments, weighs more than sixteen (16) pounds. (3-31-22)

b. With any shotgun using any shot smaller than double-aught (#00) buck. (3-31-22)

c. With any rimfire rifle, rimfire handgun or any muzzleloading handgun, except for mountain lion and trapped gray wolf. (3-31-22)

d. With a fully automatic firearm. (3-31-22)

e. With any electronic device attached to, or incorporated in, the firearm (including handguns and shotguns) or scope; except scopes containing battery powered or tritium lighted reticles are allowed. (3-31-22)

02. Bows, Crossbows, Arrows, Bolts, Airguns, Chemicals or Explosives. (3-31-22)

~~a. With arrows or bolts having broadheads measuring less than seven eighths (7/8) inch in width and having a primary cutting edge less than fifteen thousandths (0.015) inch thick. (3-31-22)~~

~~ba. With any bow having a peak draw weight of less than forty (40) pounds up to or at a draw of twenty-eight (28) inches, or any crossbow having a peak draw weight of less than one hundred-fifty (150) pounds. (3-31-22)()~~

~~eb. With any chemicals or explosives attached to the arrow or bolt. (3-31-22)~~

~~d. With arrows or bolts having expanding broadheads. (3-31-22)~~

~~e. With arrows or bolts having barbed broadheads. A barbed broadhead is a broadhead which has any portion of the rear edge of the broadhead forming an angle less than ninety (90) degrees with the shaft or ferrule. (3-31-22)~~

~~fc. With any electronic or tritium-powered device attached to, or incorporated into, an arrow, bolt, crossbow, or bow; except lighted nocks are allowed. (3-31-22)()~~

~~gd. With any bow capable of shooting more than one (1) arrow at a time. (3-31-22)~~

~~h. With any compound bow with more than eighty-five percent (85%) let-off. (3-31-22)~~

~~ic. With an arrow and broadhead, or bolt and broadhead, with a combined total weight of less than three hundred (300) grains. (3-31-22)~~

~~jf. With an arrow less than twenty-four (24) inches or a crossbow bolt less than twelve (12) inches in~~

length from the broadhead to the nock inclusive. (3-31-22)

~~k. With an arrow wherein the broadhead does not precede the shaft and nock. (3-31-22)~~

~~l. With any crossbow pistol. (3-31-22)~~

~~m. With any airgun using pre-charged pneumatic power to propel a projectile (excluding shot and arrows) with unignited compressed air or gas and projectiles less than thirty-five (0.35) caliber for deer, pronghorn antelope, mountain lion, or gray wolf, or less than forty-five (0.45) caliber for elk, moose, bighorn sheep, mountain goat, or black or grizzly bear. (3-31-22)~~

03. Muzzleloaders. (3-31-22)

a. With a muzzleloading rifle or musket which is less than forty-five (.45) caliber for deer, pronghorn, mountain lion, or gray wolf, or which is less than fifty (.50) caliber for elk, moose, bighorn sheep, mountain goat, or black bear. (3-31-22)

b. With any electronic device attached to, or incorporated in, the muzzleloader. (3-31-22)

04. Other. (3-31-22)

a. With electronic calls except for the hunting of mountain lions, black bears, and wolves in seasons set by proclamation and in accordance with Section 36-201, Idaho Code. (3-31-22)()

b. With any bait ~~for hunting, including grain, salt in any form (liquid or solid), or any other substance (not to include synthetic liquid scent) to constitute an attraction or enticement, except in accordance with IDAPA 13.01.17, "Rules Governing the Use of Bait for Hunting Big Game Animals."~~ for hunting, except as set forth in these Rules. (3-31-22)()

c. With dogs, except for mountain lion or black bear in accordance with IDAPA 13.01.15, "Rules Governing the Use of Dogs." (3-31-22)()

d. With any net, snare, trap, chemical, deadfall or device other than legal firearm, archery or muzzleloader equipment or airgun; except in accordance under Section 36-201, Idaho Code, and with IDAPA 13.01.16, "Rules Governing Trapping of Wildlife and Taking of Furbearing Animals." (3-31-22)()

e. Within an enclosure designed to prevent ingress or egress of big game animals, including fenced facilities defined as Domestic Cervidae Farms under Section 25-3501, Idaho Code, unless authorized by the director. This rule does not apply to domestic cervids. (3-31-22)

f. With radio telemetry or other electronic tracking devices used as an aid to locate big game animals. This rule does not affect the use of telemetry equipment on hounds or other sporting dogs. (3-31-22)

g. With the use of any smart optics when attached to a weapon or incorporated into a scope, except scopes with battery powered, tritium lighted reticles, or as defined by IDAPA T3.01.04.304, Reasonable Modification Permit. ()

h. From August 30 through December 31: ()

i. With the use of thermal imaging technology, including for scouting, hunting or retrieval: ()

ii. With the use of night vision technology, including for scouting, hunting or retrieval: ()

iii. With the use of a transmitting trail camera, including for hunting and scouting, on land in federal, state, or local government ownership; or ()

iv. With the use of any aircraft, including any unmanned aircraft system, for scouting or hunting. This ()

restriction is in addition to the restrictions for use of aircraft in Section 36-1101(b) Idaho Code. This restriction does not apply to aircraft flights with the purpose of picking up and discharging people or goods on direct routes between established airstrips or other pre-determined locations, without making detours for the purpose of scouting or hunting. ()

(BREAK IN CONTINUITY OF SECTIONS)

700. USE OF BAIT FOR HUNTING BIG GAME.

Bait may be used to hunt only black bear and only under the following conditions, except gray wolf may be taken incidentally to bear baiting. ()

01. Time. ()

a. No bait or bait container may be placed for the purpose of attracting or taking black bear prior to the opening of black bear take season, except bait may be placed one (1) week prior to the opening of bear season in Units 10, 12, 16A, 17, 19, 20, 20A, 26, and 27. ()

b. All bait, bait containers and materials must be removed and all excavations refilled no later than seven (7) days after the close of each season (spring, fall, or black bear dog training); except bait, bait containers, and materials may remain in Units 10 and 12 between the dog training season and the fall season. ()

02. Location. ()

a. No bait site may be located within two hundred (200) feet of any water (lake, pond, reservoir, year-round free flowing spring, or year-round free flowing stream). ()

b. No bait site may be located within two hundred (200) yards from any maintained trail or any established roadway; except in the Panhandle and Clearwater Regions, no bait site may be located within two hundred (200) feet from any maintained trail or any established roadway. ()

c. No bait site may be located within one-half (1/2) mile of any designated campground or picnic area, administrative site, or dwelling. ()

03. Types. ()

a. No person may use any part of a domestic or wild origin game bird, big game animal, upland game animal, game fish, or protected nongame wildlife for bait or scent. ()

b. The skin must be removed from any mammal parts or carcasses used as bait. ()

c. No person may use salt in any form (liquid or solid) for bait. ()

04. Containers. ()

a. No bait may be contained within paper, glass, wood, plastic, or other non-biodegradable materials, except that a single, metal container with a maximum size of fifty-five (55) gallons may be used if securely attached at the bait site. ()

b. No bait may be contained in any excavated hole greater than four (4) feet in diameter. ()

05. Establishment of Bait Sites. ()

a. Any structures constructed at bait sites using nails, spikes, ropes, screws, or other materials must be removed by the permit holder within seven (7) days after the close of each season (spring, fall, or black bear dog

training). ()

b. All bait sites must be visibly marked at the nearest tree or on the bait container using a tag supplied by the Department. ()

IDAPA 13 – IDAHO DEPARTMENT OF FISH AND GAME

13.01.16 – TRAPPING OF WILDLIFE AND TAKING OF FURBEARING ANIMALS

DOCKET NO. 13-0116-2401 (ZBR CHAPTER REWRITE)

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2026 Idaho State Legislature and must be approved by concurrent resolution of the Legislature to go into effect, in accordance with Section [67-5224\(2\)\(c\)](#), Idaho Code. Should the pending rule be approved, it will become final and effective on July 1 following the Second Regular Session of the Sixty-eighth Idaho Legislature, unless the concurrent resolution states a different effective date.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections [36-104\(b\)](#) and [36-1101\(a\)](#), Idaho Code.

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

This rulemaking concerns the comprehensive review of current IDAPA [13.01.16](#), “Trapping of Wildlife and Taking of Furbearing Animals,” in compliance with Executive Order [2020-01](#).

The agency added clarifying language in the ‘bait’ definition and increased accidental take reimbursement to \$25 for bobcat, otter, or fisher. Additional proposed changes included: a new allowance for director or supervisor discretion to authorize use of certain snow-covered routes, restrictions on trapping near wildlife crossing structures, clarification around trapping on private property, and improved agency flexibility regarding allowance of trapping on game preserves and agency owned or controlled lands.

The text of the pending rule has been amended in accordance with Section [67-5227](#), Idaho Code. Only those sections that have changes that differ from the proposed text are printed in this bulletin. The complete text of the proposed rule was published in the October 1, 2025, Idaho Administrative Bulletin, [Vol. 25-10, pages 237-243](#).

One change was made to the proposed rule that clarified language in a section regarding limits on trap sets.

FEE SUMMARY: Not applicable. The pending rule does not impose new fees or changes.

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

There is no fiscal impact to the General Fund.

ASSISTANCE WITH TECHNICAL QUESTIONS: For assistance with technical questions concerning this pending rule, contact Amber Worthington at (208) 334-3771 or amber.worthington@idfg.idaho.gov.

DATED this 26th day of November, 2025.

Amber Worthington, Deputy Director
Idaho Department of Fish and Game
600 S. Walnut Street
P.O. Box 25
Boise, ID 83707
Phone: (208) 334-3771

DOCKET NO. 13-0116-2401 — ADOPTION OF ZBR PENDING RULE

Substantive changes have been made in the pending rule.
Italicized red text that is *double underscored* indicates
amendments to the proposed text as adopted in the pending rule.

The text of the proposed rule was published in the Idaho Administrative Bulletin,
Volume 25-10, October 1, 2025, pages 237 through 243.

This rule has been adopted as a pending rule by the Agency and is now awaiting
review and final approval by the 2026 Idaho State Legislature.

THE FOLLOWING IS THE TEXT OF THE PENDING RULE FOR DOCKET NO. 13-0116-2401

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

13.01.16 – TRAPPING OF WILDLIFE AND TAKING OF FURBEARING ANIMALS

450. LIMITS ON TRAPPING.

- 01. Game Animals.** No person may trap for game birds or game animals, except gray wolf. (3-31-22)
- 02. Bait.** No person trapping for gray wolf, furbearing animals, or predatory or unprotected wildlife may use for bait or scent: (3-31-22)
- a.** Any part of a game bird, big game animal, upland game animal, game fish, or protected nongame wildlife; EXCEPT: (3-31-22)
- i.** Trappers may use portions of game birds, game animals, and game fish that are not edible portions, as defined by [Section 36-1202](#), Idaho Code, and may use parts of accidentally killed wildlife salvaged in accordance with [IDAPA 13.01.10, “Rules Governing the Importation, Possession, Release, Sale or Salvage of Wildlife,” Subsections Paragraphs 300.02.c. and 300.02.d.](#), unless such use is prohibited in areas identified by Commission Proclamation, adopted and published in accordance with [Section 36-105\(3\), Idaho Code.](#) ~~(3-31-22)~~()
- ii.** Trappers may place sets near a big game animal that has died naturally and the carcass has not been repositioned for trapping purposes. Natural causes do not include any man-caused mortality. (3-31-22)
- b.** Live animals. (3-31-22)
- 03. Limits on Sets.** No person trapping for gray wolf, furbearing animals, or predatory or unprotected wildlife may: (3-31-22)
- a.** Use any set within thirty (30) feet of any visible bait. (3-31-22)
- b.** Use a dirt hole ground set with bait unless the person ensures that the bait remains covered at all times to protect raptors and other meat-eating birds from being caught accidentally. (3-31-22)
- c.** Place any ground sets on, across, or within ten (10) feet of the edge of any maintained unpaved

public trail. (3-31-22)

d. Place any ground set on, across, or within any public highway as defined in Section 36-202, Idaho Code; ~~except ground sets may be placed underneath bridges and within and at culverts that are part of a public highway right-of-way.~~ (3-31-22)()

i. Except ground sets by may placed on snow-covered routes where authorized at the discretion of the director or regional supervisor; or ()

ii. Except ground sets may be placed underneath bridges and within and at culverts that are part of a public highway right-of-way, where they are not part of a wildlife crossing structure (overpass or underpass, and any related fencing, constructed to pass wildlife across the public highway). ()

e. Place any ground set incorporating snare, trap, or attached materials within three hundred (300) feet of any designated public campground, trailhead, paved trail, or picnic area; except cage or box live traps may be placed within these areas as allowed by city, county, state, and federal law. (3-31-22)

f. Place or set any ground set snare without a break-away device or cable stop incorporated within the loop of the snare. (3-31-22)

g. Place any ground set incorporating a foothold trap with an inside jaw spread greater than nine (9) inches. (3-31-22)

h. Place or operate, except as a waterset, any body-gripping trap that has a maximum jaw opening, when set, of greater than seven and one-half (7 1/2) inches measured from the inside edges of the body-gripping portions of the jaws, within thirty (30) feet of any bait, lure, or other attractant. (3-31-22)

i. Place or operate, except as a waterset, any body-gripping trap that has a maximum jaw opening, when set, greater than six and one half (6 1/2) inches and less than seven and one-half (7 1/2) inches measured from the inside edges of the body-gripping portions of the jaws, unless one (1) of the following is met: (3-31-22)()

i. The trap is in an enclosure and the trap trigger is recessed seven (7) inches or more from the top and front most portion of the open end of the enclosure; (3-31-22)

ii. No bait, lure, or other attractant is placed within thirty (30) feet of the trap; or (3-31-22)

iii. The trap is elevated at least three (3) feet above the surface of the ground or snowpack. (3-31-22)

IDAPA 13 – IDAHO DEPARTMENT OF FISH AND GAME

13.01.17 – RULES GOVERNING USE OF BAIT FOR HUNTING BIG GAME ANIMALS

DOCKET NO. 13-0117-2401 (ZBR CHAPTER REPEAL)

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2026 Idaho State Legislature and must be approved by concurrent resolution of the Legislature to go into effect, in accordance with Section 67-5224(2)(c), Idaho Code. Should the pending rule be approved, it will become final and effective on July 1 following the Second Regular Session of the Sixty-eighth Idaho Legislature, unless the concurrent resolution states a different effective date.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 36-104(b), 36-409, 36-1101A, and 36-1105, Idaho Code.

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

This rulemaking concerns the comprehensive review of current IDAPA 13.01.17, “Rules Governing the Use of Bait for Hunting Big Game Animals,” in compliance with Executive Order 2020-01. Upon review, the Department determined the content of this chapter is best suited in IDAPA 13.01.08, Rules Governing Taking of Big Game Animals. As such, the Department is proposing to repeal IDAPA 13.01.17 and add the reviewed and edited content to IDAPA 13.01.08. Rulemaking meetings evaluated the content of 13.01.17, independent of chapter 13.01.08. The result of the rulemaking meetings and public comment is reflected in new language added to chapter 13.01.08.

There are no changes to the pending rule, and it is being adopted as originally proposed. The complete text of the proposed rule was published in the October 1, 2025, Idaho Administrative Bulletin, Vol. 25-10, page 244.

FEE SUMMARY: Not applicable. The pending rule does not impose new fees or changes.

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

There is no fiscal impact to the General Fund.

ASSISTANCE WITH TECHNICAL QUESTIONS: For assistance with technical questions concerning this pending rule, contact Amber Worthington at (208) 334-3771 or amber.worthington@idfg.idaho.gov.

DATED this 2nd day of November, 2025.

Amber Worthington, Deputy Director
Idaho Department of Fish and Game
600 S. Walnut Street
P.O. Box 25
Boise, ID 83707
Phone: (208) 334-3771

IDAPA 13 – IDAHO DEPARTMENT OF FISH AND GAME

13.01.19 – RULES FOR SELECTING, OPERATING, DISCONTINUING, AND SUSPENDING VENDORS

DOCKET NO. 13-0119-2501 (ZBR CHAPTER REWRITE)

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2026 Idaho State Legislature and must be approved by concurrent resolution of the Legislature to go into effect, in accordance with Section [67-5224\(2\)\(c\)](#), Idaho Code. Should the pending rule be approved, it will become final and effective on July 1 following the Second Regular Session of the Sixty-eighth Idaho Legislature, unless the concurrent resolution states a different effective date.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections [36-301](#) and [36-307](#), Idaho Code.

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

This rulemaking concerns the comprehensive review of current chapter IDAPA [13.01.19](#), “Rules for Selecting, Operating, Discontinuing, and Suspending Vendors,” in compliance with Executive Order [20201-01](#).

The agency removed vendor classifications to simplify the approval process, added a ‘community benefit’ component to allow for applicants who previously would have not been qualified, added language to make vendor application disqualification or contract cancellations more structured and easier to understand and enforce, removed eligibility for out-of-state applicants (except those grandfathered in), and added a provision to allow vendors to collect a credit card fee.

There are no changes to the pending rule, and it is being adopted as originally proposed. The complete text of the proposed rule was published in the October 1, 2025, Idaho Administrative Bulletin, [Vol. 25-10, pages 245-251](#).

FEE SUMMARY: Not applicable. The pending rule does not impose new fees or changes.

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

There is no fiscal impact to the General Fund.

ASSISTANCE WITH TECHNICAL QUESTIONS: For assistance with technical questions concerning this pending rule, contact Amber Worthington at (208) 334-3771 or amber.worthington@idfg.idaho.gov.

DATED this 26th day of November, 2025.

Amber Worthington, Deputy Director
Idaho Department of Fish and Game
600 S. Walnut Street
P.O. Box 25
Boise, ID 83707
Phone: (208) 334-3771

**IDAPA 15 – OFFICE OF THE GOVERNOR
IDAHO COMMISSION FOR THE BLIND AND VISUALLY IMPAIRED**

15.02.30 – BUSINESS ENTERPRISE PROGRAM

DOCKET NO. 15-0230-2401 (ZBR CHAPTER REWRITE)

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2026 Idaho State Legislature and must be approved by concurrent resolution of the Legislature to go into effect, in accordance with Section 67-5224(2)(c), Idaho Code. Should the pending rule be approved, it will become final and effective on July 1 following the Second Regular Session of the Sixty-eighth Idaho Legislature, unless the concurrent resolution states a different effective date.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 67-5407(c)(e) and 67-5408, Idaho Code, and 34 CFR 395.3(a)(1).

DESCRIPTIVE SUMMARY: Under Executive Order 2020-01, Zero Based Regulations, the Idaho Commission for the Blind and Visually Impaired is striving to prevent non-compliance with federal regulations governing the Business Enterprise Program, the accumulation of ineffective and outdated regulations and reduce regulatory burden to achieve a more efficient operation of government. In conjunction with stakeholders, the pending rule changes reflect a comprehensive review of this chapter by collaborating with the public to streamline or simplify the rule language in this chapter and to use plain language for better understanding. Additionally, the Rehabilitation Services Administration of the United States Department of Education approved the pending rule as required by federal law.

After collaborating with stakeholders and the Rehabilitation Services Administration of the United States Department of Education, the Commission has adopted a Pending Rule that differs from the Proposed Rule. The following is a summary of the substantive differences between the Proposed Rule and the Pending Rule:

- 110.01. Active Participation. This definition was added to explain a vital dynamic between the BEP Vendors and ICBVI as the State Licensing Agency (SLA).
- 010.07 IBMC. The content of this definition was changed to clearly specify the structure and purpose of this group.
- 010.14. Permit. Renumbered to 010.09. Permit. This section was removed in the proposed rule but returned to the pending rule to maintain continuity.
- 030.03 Reactivation. We clarified that specific reactivation requirements are now documented in internal controls so there is a definitive process for all parties to follow.
- 031.02(d) General Rights and Responsibilities. The text of this paragraph was removed as there are federal protocols in place, and to reduce confusion over equipment ownership. A new paragraph unrelated to the previous text is now listed under 031.02(d).
- 031.02.(d). General Rights and Responsibilities. A new paragraph was added to indicate which jurisdiction governs a particular dispute.
- 040.01(d). Grounds for License Termination relocated to 040.02(d) Grounds for OA Termination. This section was relocated to this placement as it is more appropriate in terms of the termination of an Operating Agreement. Licenses do not expire per federal regulations and termination due to medical reasons could be discriminatory. Furthermore, a license could simply become inactive and there is a process for reactivation.
- 040.04.(b). Grounds for OA Suspension. Clarifying language was added to indicate that the Vendor has the right to respond to any accusation prior to the Supervisor making a determination about the facility.
- 040.11. Improvement Plan. This section now reflects that improvement plans can be collaborative and not solely used disciplinarily.
- 050.02. Qualification of Bidders. Prohibitions on license probation and suspension were removed in the proposed rule but returned to the pending rule to maintain standards of quality.
- 071. Maintenance and Replacement of Equipment.
- This section was rephrased to clarify that all maintenance and repair requests much go through the SLA.
- 160. Idaho Blind Merchants Committee. A statement was added to specify when IBMC elections occur and indicate term length is two years.
- 160.01. Active Participation.

- We removed this subsection in the pending rule because it is explained in the definition of Active Participation, and the amended definition of IBMC makes this redundant. See 110.07. IBMC.
- 180. Administrative Review. This section and all references therein have been removed. RSA stipulated that this process must be entirely voluntary for the Vendor or Blind Licensee in order for the SLA to remain federally compliant. The current language of this rule also undermines the Vendor's rights to an Evidentiary Hearing and Arbitration, IDAPA 15.02.30.190, and 200, and creates a potential conflict of interest for the state.
- 189. Informal Dispute Resolution. A new section was added to provide a dispute process for individuals going through the BEP Curriculum and Provisional Licensees.
- 190.01. Request. This section was rephrased to clarify that requesting an evidentiary hearing is done by filing a complaint rather than a separate request being made after a complaint was filed.
- 190.04. Hearing Officer. We were required to more clearly specify how this position is filled and by whom to avoid potential conflicts of interest, ensure the Vendor's rights, and maintain consistency in these proceedings.

The text of the pending rule has been amended in accordance with Section [67-5227](#), Idaho Code. Only those sections that have changes that differ from the proposed text are printed in this bulletin. The complete text of the proposed rule was published in the November 6, 2024, Idaho Administrative Bulletin, [Vol. 24-11, pages 37-54](#).

FEE SUMMARY: There is no fee or charge imposed or increased in this rulemaking.

FISCAL IMPACT: N/A.

ASSISTANCE WITH TECHNICAL QUESTIONS: For assistance with technical questions concerning this pending rule, contact Arianah Ruzovich (208)-639-8390, email arianah.ruzovich@icbvi.idaho.gov.

DATED this 12th day of December, 2025.

Arianah Ruzovich
Business Enterprise Program Specialist
Idaho Commission for the Blind and Visually Impaired
341 W. Washington St.
Boise, ID 83702
(208)-639-8390

DOCKET NO. 15-0230-2401 — ADOPTION OF ZBR PENDING RULE

Substantive changes have been made in the pending rule.
Italicized red text that is *double underscored* indicates
amendments to the proposed text as adopted in the pending rule.

The text of the proposed rule was published in the Idaho Administrative Bulletin,
[Volume 24-11, November 6, 2024, pages 37 through 54](#).

This rule has been adopted as a pending rule by the Agency and is now awaiting
review and final approval by the 2026 Idaho State Legislature.

THE FOLLOWING IS THE TEXT OF THE PENDING RULE FOR DOCKET NO. 15-0230-2401

15.02.30 – BUSINESS ENTERPRISE PROGRAM

000. LEGAL AUTHORITY.

~~The Idaho Legislature has designated the Commission for the Blind and Visually Impaired as the sole licensing agency under the provisions of the Randolph-Sheppard vending stand act pursuant to Section 67-5411, Idaho Code, and has given to the Board of the Idaho Commission for the Blind and Visually Impaired the legislative power to promulgate rules by the provisions of Section 67-5407(c), Idaho Code.~~ The Idaho Legislature, as approved by the U.S. Secretary of Education, recognizes the *Idaho* Commission for the Blind and Visually Impaired (*ICBVI*) as the sole State Licensing Agency (SLA) under the provisions of the Randolph-Sheppard Vending Stand Act pursuant to Section 67-5411, Idaho Code, and has given to the Board of the *ICBVI* the legislative power to establish a Business Enterprise Program (BEP) pursuant to Section 67-5407(c), Idaho Code, and promulgate rules by the provisions of Section 67-5407(c), Idaho Code. (3-31-22)()

001. ~~TITLE AND SCOPE.~~

~~01. Title.~~ These rules are titled IDAPA 15.02.30, “Business Enterprise Program.” (3-31-22)

~~02. Scope.~~ These rules specify the conditions and standards under which the ~~Business Enterprise Program~~ BEP facilities are operated. (3-31-22)()

002. INCORPORATION BY REFERENCE

The following federal laws and regulations are incorporated by reference into the rules of this chapter and copies are available at the *ICBVI* office. ()

01. 20 U.S.C Ch. 6A Randolph-Sheppard Act. ()

02. 34 CFR 395. ()

03. Section 67-5402, 67-5411, 67-5909, 67-6901, 67-6902, 67-6903, 67-6904, and 67-6905, Idaho Code. ()

002~~3~~. -- 009. (RESERVED)

010. DEFINITIONS.

~~Unless otherwise indicated in these rules,~~ The terms below are defined as follows: (3-31-22)()

01. Active Participation. An ongoing collaboration between the SLA and the Idaho Blind Merchants Committee (IBMC) on the development of Program rules, policies, standards, and procedures affecting the overall administration of the BEP, prior to being implemented by the SLA. ()

~~02.~~ Administrator. The Administrator of the ~~Commission~~ ICBVI. (3-31-22)()

~~02. Agreement.~~ An agreement between the Program and an operator for the operation of a vending facility as a primary location. (3-31-22)

03. Benefits. Retirement or pension plans, health insurance contributions, and paid sick and vacation, leave available only to operators. (See 34 CFR 395.8.) (3-31-22)()

~~04. Blind Person.~~ A person who, after examination by a physician skilled in diseases of the eye or by an optometrist, whichever such person selects, has been determined to have the following (see 34 CFR 395.1(c)): (3-31-22)

~~a. Not more than twenty-two hundred (20/200) central visual acuity in the better eye with correcting lenses; or (3-31-22)~~

~~b. An equally disabling loss of the visual field as evidenced by a limitation to the field of vision in the better eye to such a degree that its widest diameter subtends an angle of no greater than twenty (20) degrees. (3-31-22)~~

04. **Blind Licensee.** A blind person licensed by the SLA to operate a vending facility on federal or other property. ()

~~05. **Certified.** Having successfully completed the Commission-approved training program established by the Program as a requirement for licensing. (See Section 150 of these rules.) (3-31-22)~~

~~06. **Commission.** The Idaho Commission for the Blind and Visually Impaired. (3-31-22)~~

~~07. **Committee.** The Idaho Blind Merchants Committee (IBMC). (3-31-22)~~

~~08. **Contract.** A contract with a licensee or other qualified individual for the operation of a vending facility. Contracts are of limited duration. (3-31-22)~~
An agreement with a government entity or other business for the operation of a cafeteria. ()

~~09. **Contract Facility.** A facility operated under a contract by a licensee or other party. In addition to Section 67-6902(2), Idaho Code, a vending enterprise is defined as: (3-31-22)~~
()

10. **Facility.** A vending enterprise defined as: (3-31-22)

~~a. Automatic vending machines, cafeterias, snack bars, cart service, shelters, counters, and such other appropriate auxiliary equipment which may be operated by blind licensees and which is necessary for the sale of newspapers, periodicals, confections, tobacco products, foods, beverages, and other articles or services dispensed automatically or manually and prepared on or off the premises in accordance with all applicable health laws, and including the vending or exchange of chances for any lottery authorized by state law and conducted by an agency of a state within such a state. (See 34 CFR 395.1(x)); or (3-31-22)~~

~~b. Restaurants, cafeterias, snack bars, and goods and services customarily offered in connection with any of the foregoing, and includes vending machines dispensing foods when operated independently or in conjunction with such facilities. (See Section 67-6903, Idaho Code); or (3-31-22)~~

~~c. Any type of business which the Supervisor finds is consistent with and furthers the policies, goals, and objectives of the Program. (3-31-22)~~

a. A Vending Facility as defined in 34 CFR 395.1 (x) ()

b. Any business that sells articles or services consistent with the policies, goals, and objectives of the Program. ()

07. **IBMC.** A committee comprised of at least a Chair, Vice Chair, and Secretary, elected by the Idaho Vendors to represent their interests and actively participate with the SLA. ()

08. **Operating Agreement (OA).** An agreement between the SLA and a Vendor or other qualified individual for the operation of a vending Facility or individual location. ()

~~11. **License.** A written instrument issued by the state licensing agency to a blind person, authorizing such person to operate a vending facility on federal or other property. (See 34 CFR 395.1(i).) (3-31-22)~~

~~12. **Licensee.** A blind person licensed by the state licensing agency to operate a vending facility on federal or other property. (See 34 CFR 395.1(b).) (3-31-22)~~

- ~~13. Operator.~~ A licensee assigned to and operating a primary location. (3-31-22)
- ~~1409. Permit.~~ The official approval given ~~a state licensing agency~~ to an SLA by a department, agency, or instrumentality in control of the maintenance, operation, and protection of federal property or person in control of other property, whereby the ~~state licensing agency~~ SLA is authorized to establish a vending facility. ~~(See 34 CFR 395.1(o).)~~ (3-31-22)()
- ~~15. Primary Location.~~ A single building or group of buildings operated as a vending facility pursuant to an agreement. (3-31-22)
- ~~1610. Probation.~~ A conditional status wherein ~~a vendor has a specified period of time to correct identified problems before an agreement or contract may be terminated~~ the operation of a facility by a Vendor or Provisional Licensee is being monitored for a specified period. (3-31-22)()
- ~~17. Program.~~ The Business Enterprise Program (BEP), provided for by the Randolph Sheppard Act to give priority to the blind in need of economic opportunities. (See 34 CFR 395.1(p) and Title 67, Chapter 69, Idaho Code.) (3-31-22)
- ~~1811. Property Manager.~~ The individual or entity in charge of ~~administering vending~~ issuing e Contracts or ~~p~~ Permits in buildings on behalf of federal, state, or local government ~~buildings~~ or private ~~buildings~~ entities. (3-31-22)()
- ~~12. Provisional Licensee.~~ A trainee who is operating a facility during a six-month probationary period prior to becoming licensed as a BEP Vendor. ()
- ~~19. Satellite.~~ An ancillary site separate from a primary location granted to an operator as part of an agreement. (3-31-22)
- ~~20. Set Aside Funds.~~ Funds which accrue to a state licensing agency from an assessment against the net proceeds of each vending facility in the state's vending facility program and any income from vending machines on federal property which accrues to the state licensing agency. (See 34 CFR 395.1(s).) (3-31-22)
- ~~21. State Licensing Agency.~~ The Commission which has been designated by the Secretary of Education to issue licenses to blind persons for the operation of vending facilities on federal and other property. (See 34 CFR. 395.1(v).) (3-31-22)
- ~~2213. Supervisor.~~ ~~The BEP individual who administers the Program~~ The individual designated to administer the BEP. (3-31-22)()
- ~~2314. Suspension.~~ Temporary withdrawal by the Supervisor of privileges granted by a license, ~~agreement or contract~~ or any OA during which time a ~~v~~ Vendor may not continue to operate a facility. (3-31-22)()
- ~~2415. Vendor.~~ ~~A licensee who operates a primary location with or without satellites, pursuant to an agreement, or who operates a contract facility pursuant to a contract~~ A Blind Licensee who is operating a vending facility on federal or other property. (3-31-22)()
011. PURPOSE. SEE U.S. DEPARTMENT OF EDUCATION – RANDOLPH SHEPPARD VENDING FACILITY PROGRAM.
The purpose of the Program is to provide remunerative employment opportunities for blind individuals who have an interest in and aptitude for operating a facility, to demonstrate alternative techniques for coping with blindness, and to educate the public regarding the ability of blind individuals to independently operate businesses. The Supervisor is responsible for the administration of the Program and reports to the Administrator. The Program shall be coordinated with other vocational rehabilitation programs of the Commission. (3-31-22)()
012. -- 029. (RESERVED)
030. LICENSES.

01. **Issuance of Licenses.** Licenses ~~shall be~~ do not expire and are issued ~~for an indefinite period of time and shall be issued~~ only to persons who are determined by the ~~Program~~ SLA to be: blind, a United States citizen, and certified by a vocational rehabilitation agency as qualified to operate a vending facility. (3-31-22)()

a. ~~Blind, as defined in Subsection 010.04 of these rules; and~~ (3-31-22)

b. ~~Citizens of the United States; and~~ (3-31-22)

c. ~~Certified by the Program as qualified and trained to operate a facility.~~ (3-31-22)

02. **Inactive License.** ~~If a licensee, who is not an operator, fails for more than one (1) year to bid for a facility, the license of such licensee shall become inactive~~ A license will become inactive if a Blind Licensee fails to bid for a facility for more than one (1) year. (3-31-22)()

03. **Reactivation.** A license can be reactivated upon written request to the Supervisor. The ~~Supervisor may require a Blind Licensee~~ may be required to repeat some of the certification requirements ~~to reactivate a license outlined in internal controls.~~ (3-31-22)()

031. OPERATING AGREEMENTS.
To operate a facility, an individual must enter into an OA with the SLA that specifies the rights and responsibilities of each party as they relate to the operation of a facility. ()

01. SLA Responsibilities. In addition to the responsibilities stipulated by the OA and Idaho Code, the SLA will: ()

a. Periodically audit, or cause to be audited, the Vendor's records and financial data to verify the accuracy of the set aside report; and ()

b. Provide information or make available data in suitable format at the Vendor's request provided that such disclosure does not violate applicable federal or State laws pertaining to the disclosure of confidential information. ()

c. Make each facility's signed OA available to all Vendors. ()

02. General Rights and Responsibilities. ()

a. The Vendor is encouraged to hire blind persons or persons with other disabilities when feasible. ()

b. The Vendor shall report any unresolved complaints of the Property Manager to the Supervisor within one (1) business day. ()

c. The Vendor may, with written approval of the Supervisor, negotiate with Property Managers for additional facilities. ()

d. In the event of any dispute, the OA is governed by the jurisdiction of the state courts of Ada County in the state of Idaho unless said dispute is due to a violation of the Randolph-Sheppard Act in which case jurisdiction falls under the Randolph-Sheppard Act arbitration provisions with appeal to federal district court. ()

~~0342.~~ -- 039. (RESERVED)

040. TERMINATION AND SUSPENSION OF LICENSES AND /OR OPERATING AGREEMENTS.

01. **Grounds for License Termination.** Except in emergency situations, probation occurs prior to termination. Licenses are subject to termination after fifteen (15) business days' notice if the ~~Program~~ SLA finds:

~~(3-31-22)~~ ()

~~a. That the facility is not being operated in accordance with Commission rules, the terms and conditions governing the permit, or the terms and conditions of the agreement or contract (See Section 140 of these rules.); (3-31-22)~~

~~b. That the licensee no longer meets the definition of blind person as set out in Subsection 010.04 of these rules; (3-31-22)~~

~~c. That the licensee has received a medically documented diagnosis that will result in prolonged incapacity of the licensee and a continuing inability to operate a facility; (3-31-22)~~

~~d. That the licensee has withdrawn from the Program by submitting written notification to the Supervisor; (3-31-22)~~

~~e. That the licensee has made unauthorized use of retirement account funds; or (3-31-22)~~

~~f. That the licensee engages in conduct or allows a condition to exist for which the licensee has previously been placed on probation, or which has previously led to the suspension of the license. (3-31-22)~~

a. That the Vendor engages in conduct or allows a condition to exist for which the Vendor has previously been placed on Probation, or which has previously led to the suspension of the License or OA; ()

b. That the facility is not being operated in accordance with SLA rules, the terms and conditions governing the Permit, Contract, or OA; ()

c. That the Vendor no longer meets the definition of blind person. ()

[Proposed new Subsections 040.01.d. and 040.01.e. have been withdrawn]

02. Grounds for OA Termination. An OA may be terminated if: ()

a. The health and safety of the Vendor, the employees, or the customers are jeopardized; ()

b. The Vendor jeopardizes the state's investment in the facility by violating the terms of the Permit, Contract, or OA; applicable federal, state, or local laws, rules, and regulations; or by placing the facility in danger of being closed; ()

c. The business and premises of the facility are not covered by adequate insurance; ()

d. That the Vendor has received a medically documented diagnosis that will result in their being incapacitated or unable to oversee the operation of a facility for more than one (1) year. ()

03. Grounds for License Suspension. The Supervisor has the authority to suspend the license of a Vendor whose conduct may jeopardize a Contract, Permit or the Program. ()

04. Grounds for OA Suspension. Any OA may be suspended if: ()

a. The Vendor has committed any of the acts enumerated in Subsection 040.02 of these rules; or ()

b. The Property Manager requests the removal of the Vendor and documents the request in writing. The Vendor will have three (3) business days to respond; and the SLA will determine if immediate removal of the Vendor is in the best interest of the Program; or ()

c. The Supervisor and the Vendor cannot agree on a plan to resolve violations and improve ()

performance. ()

025. Notice of Termination or Suspension. ~~Notice shall be in writing, specify the grounds upon which the notice of termination is based; and advise the operator of his right to administrative review and a full evidentiary hearing. A written notice, in accessible format, will be provided to the Vendor that includes the specific grounds for termination or suspension and outlines a Vendor's right to pursue an evidentiary hearing within fifteen (15) business days following the issuance of this notice.~~ (3-31-22) ()

036. Request for Review. ~~Not a Stay. A timely filed request for administrative review shall not stay the termination of the license. If the Vendor seeks an evidentiary hearing, and any subsequent appeals including arbitration, and prevails during the proceedings, all rights and benefits are restored to the Vendor including compensation for the period the license or OA was terminated or suspended. Compensation is calculated at a weekly rate determined by averaging the net income of the facility for a designated period prior to the notice of termination or suspension. The designated timeframes are:~~ (3-31-22) ()

- a. The prior federal fiscal year in the case of license terminations; or ()
- b. The eight (8) weeks prior to the notice of termination in the case of any terminated OA; or ()
- c. The eight (8) weeks prior to the notice of suspension in the case of any suspended OA or license. ()

047. Termination. ~~The termination becomes effective following the fifteen (15) day notice period unless the vendor seeks administrative review, in which case the license may be suspended and any contract or agreement may be terminated pending completion of the administrative review, full evidentiary hearing, and subsequent appeals. Until the review process has been concluded, the Program shall operate the facility. At the conclusion of the review process, should the vendor prevail, the Program shall restore all rights and benefits to the vendor including compensation for the period of termination calculated at a weekly rate determined by averaging the net income for the facility for the prior federal fiscal year. The termination becomes effective following the fifteen (15) business day notice period unless the Vendor seeks an evidentiary hearing, in which case the license may be suspended, and any OA may be terminated pending completion of the evidentiary hearing and subsequent appeals, including arbitration.~~ (3-31-22) ()

058. Suspension. ~~The Supervisor has the authority to suspend the license of a vendor whose conduct may jeopardize a permit or the Program.~~ (3-31-22)

a. ~~The Supervisor shall notify the vendor in writing of the suspension and identify the specific deficiencies and the time allowed for the vendor to take corrective action. If no resolution has been made at the end of the specified time, the Supervisor shall issue a notice of termination.~~ (3-31-22)

b. ~~If the Supervisor and a vendor, whose license has been suspended, cannot agree on arrangements for a temporary replacement vendor, the procedures set out in Section 180 of these rules shall be followed to resolve the matter. Suspension may continue up to one hundred eighty (180) calendar days. If the Vendor seeks an evidentiary hearing and arbitration, the suspension will continue until the evidentiary hearing, arbitration, and subsequent proceedings have concluded.~~ (3-31-22) ()

069. Operating Agreement OA Cancellation. ~~The Supervisor has the authority to place a vendor who is not in compliance with the terms of an agreement or contract on probation. The Supervisor shall notify the vendor in writing of the probation and identify the specific deficiencies and the time allowed for the vendor to take corrective action. If no resolution has been made at the end of the specified time, the Supervisor shall issue a notice of termination. An OA may be cancelled by the SLA at any time should the facility cease to be a vending facility by revocation of the Permit by the Property Manager. Cancellation under this subsection will not affect licensure.~~ (3-31-22) ()

10. License Probation. ~~The Supervisor has the authority to place a Vendor who is not in compliance with the terms of an OA on Probation. The Vendor is provided written notification in their preferred format of the~~

Probation including the specific deficiencies and the timeframe to complete corrective action. A notice of termination will be issued if corrective action is not completed within the time frame. ()

~~0711.~~ **Improvement Plans.** ~~If the Supervisor receives a set aside report from a vendor that indicates no profit has been realized during two (2) consecutive months or three (3) months in a fiscal year the Supervisor shall review the situation and, with the vendor, devise a plan with measurable objectives and timetables for improvement. Should the facility not show a reasonable profit during the three (3) subsequent months the Supervisor may issue a notice of termination or the facility may be contracted or closed. If a Vendor's set aside report indicates that no profit has been realized during three (3) consecutive months or five (5) months in a fiscal year, or if a Vendor requests intervention due to other deficiencies, a review will be initiated. The Supervisor and Vendor will determine a six (6) month plan for improvement with measurable objectives. Should the facility not show reasonable improvements during that time, the Supervisor may issue a notice of termination of the OA or close the facility.~~ (3-31-22)()

041. -- 049. (RESERVED)

050. **SELECTION OF ~~OPERATORS~~ VENDORS.**

01. Notification of Opening. ~~The Supervisor shall notify all licensees and prospective operators, all commissioners and counselors of the Commission of all facility openings in writing. The notice of openings shall also be posted on the Commission web site. The notice shall state the facility location, the application procedure, and the deadline for application. The notice shall also solicit interest in operating the facility on a contract, in the event it is not awarded as a primary location. Interested parties will be provided specific information about the openings upon request. Written notification of any facility opening will be provided to all Vendors, Blind Licensees, Provisional Licensees and Trainees, Board of Commissioners, and VR Counselors of the ICBVI. The notice includes the facility location, application procedure, submission, and deadline.~~ (3-31-22)()

02. Qualification of Bidders. A bidder for a ~~primary location~~ facility shall be: (3-31-22)

~~a.~~ Licensed by the Commission, SLA or in training as a Provisional Licensee. (3-31-22)

~~b.~~ Current in financial good standing with Program payments, including monthly set asides and any other monies due the Program; and (3-31-22)

~~c.~~ In good standing and whose license has not have been suspended or placed on probation or had his license suspended within the last calendar year. (3-31-22)()

03. No Qualified Bidders. If no applications are received from qualified bidders, ~~licensees who expressed an interest in operating the facility as a contract facility will be given priority in the selection of a contractor. If no licensee is awarded the facility, the Supervisor may award a contract~~ one- (1) year OA to any qualified individual food service business with a registered EIN. (3-31-22)()

04. Application. An application ~~shall~~ will be in the form of a written letter to the Supervisor and include a statement of qualifications and pertinent experience. (3-31-22)()

05. Selection ~~Process~~ Panel. A panel is appointed to review all applications and conduct interviews. (3-31-22)()

~~a.~~ The Supervisor shall appoint a panel to review all applications and conduct interviews. The panel includes the Supervisor serving as chair, a representative Vendor selected by the IBMC Chair, and one (1) person from field services who will be selected through active participation. No member of the selection panel will have a conflict of interest with the applicants. (3-31-22)()

~~b.~~ The panel shall consist of the Supervisor who serves as chair, a representative of the Committee selected by the Committee chair, and one (1) person from field services. The person from field services shall not have

~~had a client relationship with the applicants.~~

~~(3-31-22)~~

eb. The panel ~~shall~~ review s all written applications and conducts interviews ~~s-at least~~ with the ~~top five~~ (5) candidates, using the same format and interview questions. All members of the panel must be ~~physically~~ present during the interviews. ~~(3-31-22)~~ ()

dc. A weighted evaluation form ~~shall be~~ is used by each panel member. Selection criteria ~~shall~~ will be consistent with the job requirements of that facility. ~~Points shall be given by each interviewer to each candidate in the various categories assessed. A composite score shall be tabulated for each candidate.~~ ~~(3-31-22)~~ ()

ed. The Supervisor ~~shall~~ make s a final selection from the two (2) candidates with the highest total points. If the candidate with the highest score is not selected, the Supervisor ~~must~~ will provide an written explanation ~~in writing to the highest scoring candidate upon request~~ with the documentation that supports the decision. In the event of a tie, the facility will be awarded to the bidder with the highest seniority. ~~(3-31-22)~~ ()

fe. If no bidder is awarded operation of the facility, the Supervisor may grant ~~it on a contract~~ a one- (1) year OA to a Vendor, Blind Licensee, Provisional Licensee, or other ~~qualified individual~~ food-service provider with a registered EIN. ~~(3-31-22)~~ ()

06. **Notification of Decision.** ~~The Supervisor shall notify all applicants in writing of the final decision~~ Written notification of final decision is provided to all applicants. ~~(3-31-22)~~ ()

07. **Records.** ~~The Supervisor shall maintain a record of all proceedings.~~ ~~(3-31-22)~~

087. **Transfer and Promotion.** ~~The procedure for transfer and promotion shall be the same as for original selection of vendors~~ Licenses, OAs, and Contracts are not transferable and must go through the original selection process. ~~(3-31-22)~~ ()

051. -- 059. (RESERVED)

060. ACCESS TO PROGRAM AND FINANCIAL INFORMATION.

~~Each licensee in the Program shall be provided access to all Program financial data relevant to the operation of the Program, including annual financial reports, provided that such disclosure does not violate applicable federal or state laws pertaining to the disclosure of confidential information. Insofar as practical, such data shall be made available in suitable alternative format. At the request of a licensee, qualified staff of the Program shall arrange a convenient time to assist in the interpretation of the financial data~~ See 34 CFR 395.12. ~~(3-31-22)~~ ()

061. -- 069. (RESERVED)

070. EQUIPMENT, INITIAL STOCK AND BUSINESS EXPENSES.

01. ~~Program Responsibility~~ SLA Responsibilities. The ~~Program~~ SLA assumes full responsibility for providing each facility established under the Program with adequate equipment and initial stock of merchandise. ~~(3-31-22)~~ ()

02. **Initial Stock of Merchandise.** ~~An initial stock of merchandise shall be provided by the Supervisor. The Supervisor shall determine the quantity of the initial stock, which shall be enough for at least one (1) full week of operation. The vendor shall account for the value of the initial stock when the operation is concluded~~ An initial stock of merchandise for a minimum of two (2) full weeks of operation is provided to the Vendor. ~~(3-31-22)~~ ()

03. **Vending Machine Contracts.** ~~The Program shall negotiate contracts with vending companies for installation or location of vending machines in or to be assigned to facilities.~~ ~~(3-31-22)~~

043. **Insurance.** All vendors ~~shall be responsible for~~ must obtaining general liability, product liability, and worker's compensation insurance, ~~and provide~~ Pproof of insurance ~~must be sent to the Supervisor~~ prior to the start of operation and within ten (10) days of the policy renewal date. ~~(3-31-22)~~ ()

071. MAINTENANCE AND REPLACEMENT OF EQUIPMENT.

~~The Program shall maintain or cause to be maintained all equipment in a safe and satisfactory working condition. Replacement in lieu of repair shall be a decision of the Supervisor. It is the vendor's responsibility to report any incident resulting in damage, breakage, theft, defacement, or malfunction of equipment or fixtures as soon as possible. Vendors are authorized to arrange for minor repairs or replacement of small equipment where the total cost does not exceed three hundred dollars (\$300). Repair shall be deemed unauthorized when the repair or replacement is attributable to negligent actions by the vendor or when the equipment or fixtures are not the maintenance responsibility of the Program. See 34 CFR 395.10. The Vendor must report any incident resulting in damage, breakage, theft, defacement, or malfunction of equipment or fixtures within three (3) days, and arrange repair or replacement with the SLA. The SLA will not be responsible for or cover the cost of repairs that are due to negligent actions of the Vendor or for equipment or fixtures not covered under an OA.~~ (3-31-22)()

072. ~~OPERATOR~~ VENDOR OWNERSHIP OF VENDING FACILITIES.

The ~~Commission~~ SLA does not vest title to state-purchased equipment and stock in ~~an operator~~ a Vendor. (3-31-22)()

073. -- 099. (RESERVED)

100. SETTING ASIDE OF FUNDS.

See 34 CFR 395.9. ()

~~01. Set Aside. The Commission may set aside, or cause to be set aside, from the net profit of the operation of facilities, funds for the purposes of maintenance and replacement and purchase of equipment. (3-31-22)~~

~~02. Other Purposes Allowed by the Randolph Sheppard Act. The Commission reserves the right to use set aside funds for other purposes as permitted in accordance with the provisions of the Randolph Sheppard Act and federal rules and regulations. (3-31-22)~~

~~03. Approval by the United States Department of Education. The funds set aside for those specified purposes shall not exceed the amount determined reasonable by the Rehabilitation Services Administration Commissioner, U.S. Department of Education. (3-31-22)~~

~~04. Record of Expenditures. The charge for each of the program purposes cited shall be determined on the basis of records of expenditures made for each of these purposes over a reasonable period of time with allowances for improving services, fluctuations in costs and program expansion. Adequate records shall be maintained to support the charges for each of the purposes cited. (3-31-22)~~

~~05. Increases. At no time shall the set aside charges be increased without prior consultation with the Committee. (3-31-22)~~

~~06. Review of Schedule of Funds. The schedule of funds to be set aside shall be reviewed periodically by the Supervisor and the Committee. After reviewing the accounting records and other criteria pertinent to the administration of the Program, it may be necessary to revise the set aside payment schedule. (3-31-22)~~

~~07. Income with No Program Operator. Vending machine income received from federal sites where there is no licensed Program operator shall be used for those purposes designated by the Committee in accordance with 34 CFR 395.8. (3-31-22)~~

101. DISTRIBUTION AND USE OF INCOME FROM VENDING MACHINES ON FEDERAL PROPERTY.

See 34 CFR 395.8. ()

~~01. Limitations. No limitation shall be imposed on income from vending machines combined to create a facility when such facility is maintained, serviced or operated by a program vendor. (3-31-22)~~

~~02. Vending Machine Income.~~ The Program shall manage vending machine income disbursed by a property managing department, agency or instrumentality of the United States in accordance with the requirements of 34 CFR 395.8. (3-31-22)

102. -- 119. (RESERVED)

120. **OPERATOR VENDOR BENEFITS.**

See 34 CFR 395.8(c). ()

~~01. Vending Machine Income.~~ The Program shall provide licensees with information regarding benefits. Upon a majority vote of licensees, the Program may retain vending machine income from federal property in accordance with 34 CFR 395.8(a). Such income may be used for the establishment and maintenance of retirement or pension plans, for health insurance contributions, and for the provision of paid sick leave and vacation time for operators. Distribution of benefit payments shall be determined by a majority vote of licensees and established as policy. (3-31-22)

~~02. Eligibility.~~ Only operators of a primary location pursuant to an agreement shall be eligible to receive benefits. There shall be a ninety (90) day waiting period before a new operator is eligible to receive benefits. Benefit payments will not be interrupted when an operator transfers from one primary location to another. Benefits shall be paid only after the appropriate documentation is submitted to the Program. (3-31-22)

~~03. Medical Insurance.~~ If a majority of licensees determines that operators shall be reimbursed for medical insurance premiums, operators shall be responsible for acquiring their own policies. The Program shall reimburse the operator in an amount determined by the vote of licensees. Operators shall provide documentation to the Program proving payment of their premiums, prior to any reimbursement. (3-31-22)

~~04. Retirement and Pension Accounts.~~ If a majority vote of licensees determines that operators shall have retirement accounts, the Program shall deposit into approved retirement accounts an amount determined by a majority vote of licensees, up to the maximum federal allowance for IRAs per year. The funds shall be deposited on a monthly basis directly into each operator's retirement account. (3-31-22)

~~05. Sick Leave and Vacation Funds.~~ If a majority vote of licensees determines that operators shall have sick or vacation leave funds, or both, the Program shall remit to each operator an amount determined by a majority vote of licensees. (3-31-22)

01. Eligibility. Only vendors operating a facility pursuant to an OA are eligible to receive benefits. ()

~~062. Non-Fully Funded Benefits.~~ If funds are not available for full payment of benefits, as voted by the licensees, the Program may pro-rate the payments from available funds, unless another method of disbursement of non-fully funded benefits was voted by a majority of the licensees. Vendors, the SLA may pro-rate the payments from available funds, unless another method of disbursement of non-fully funded Benefits was voted by a majority of the Vendors operating a facility. (3-31-22)()

121. -- 129. (RESERVED)

130. **AGREEMENTS/CONTRACTS.**

Vendors shall enter into an agreement or a contract with the Program that specifies the rights and responsibilities of the operator and Program as they relate to the operation of a primary location and any satellites. The contract shall specify the rights and responsibilities of the licensee or qualified operator and Program as they relate to the operation of a contract facility. (3-31-22)

~~01. Program Responsibilities.~~ The Program shall: (3-31-22)

~~a.~~ Equip the facility for carrying out the business authorized by the permit; (3-31-22)

~~b.~~ Furnish initial stocks of merchandise sufficient to enable the vendor to commence operating the

~~business. The Program shall also furnish the vendor with an inventory list of all equipment and initial stock;~~ (3-31-22)

~~c. Provide for the maintenance of the equipment and replace obsolete and worn out equipment as necessary;~~ (3-31-22)

~~d. Provide, or provide for supervisory and management services as deemed appropriate by the Supervisor for efficient operation;~~ (3-31-22)

~~e. Periodically audit, or cause to be audited, the vendor's records and financial data to verify the accuracy of the set aside report; and~~ (3-31-22)

~~f. Provide information or make available data in suitable format at the vendor's request when possible.~~ (3-31-22)

~~02. Vendor Responsibilities.~~ The vendor shall: (3-31-22)

~~a. Have the facility open for business as specified in the permit. Exceptions may be approved in advance by the Supervisor;~~ (3-31-22)

~~b. Operate on a cash basis. The Program shall not be responsible for bills incurred by the vendor. The vendor is responsible for notifying suppliers that the vendor alone is responsible and shall verify that notification by use of the purveyor letter supplied by the Program;~~ (3-31-22)

~~c. Be accountable to the Program for the income of the facility;~~ (3-31-22)

~~d. Provide for a temporary worker in the vendor's absence because of illness, vacation, or other causes. The salary of the person who substitutes for the vendor, or that of other emergency help, shall be paid for by the vendor. The vendor shall notify the Program a reasonable time in advance of taking any voluntary leave, and as soon as possible with respect to any involuntary leave;~~ (3-31-22)

~~e. Carry on the business of the facility in compliance with the permit and applicable health laws and regulations and make available to the Program copies of inspection reports;~~ (3-31-22)

~~f. Maintain a neat, business like appearance while working at the facility, and conduct business in an orderly, professional manner;~~ (3-31-22)

~~g. Take proper care of the equipment and not make structural alterations or changes to the facility without written approval of the Program;~~ (3-31-22)

~~h. Keep appropriate records and send a monthly report and set aside payment to the Program by the fifteenth day of the following month as required. Late reports or payments will be resolved in the manner set forth in Section 040 of these rules;~~ (3-31-22)

~~i. Be responsible for the day to day management of the facility. For staffed facilities, the vendor should be present the majority of the time the facility is staffed for service to the public. For vending only facilities, the Supervisor and vendor will mutually agree on the hours that the vendor shall be at the facility, and the agreement shall become an addendum to the contract or operating agreement; and~~ (3-31-22)

~~j. The vendor shall provide copies of proof of insurance as required by Subsection 070.04 of these rules.~~ (3-31-22)

~~03. General Rights and Responsibilities.~~ (3-31-22)

~~a. The business to be conducted shall be limited to that specified and authorized in the permit or contract between property managing agency and the Program.~~ (3-31-22)

~~b. The right, title to, and interest in the equipment and initial inventories of the facility are vested in the Program. At termination of the operating agreement, a value equal to that assigned to the outgoing vendor as beginning inventory will be returned to the Program. The Program will determine what inventory will be accepted from the outgoing vendor. The outgoing vendor shall have receipts no more than ninety (90) days old to show the value of inventory. Any inventory refused by the Program will become the property of the outgoing vendor. If the takeover inventory is less than initially assigned, the outgoing vendor will pay the difference in cash. If the Program agrees to accept more inventory than was initially assigned, the Program will reimburse the outgoing vendor in cash.~~ (3-31-22)

~~c. The monthly income of the vendor shall be the net profit for the period in question; the expenses shall be in accordance with the monthly set aside report as developed by the Program and the Committee.~~ (3-31-22)

~~d. Rebates, commissions, or bonuses received by the vendor from suppliers shall be reported as income. Such income is not to be treated as the separate, personal income of the vendor.~~ (3-31-22)

~~e. Merchandise taken from the stock in trade of the facility by the vendor for personal use shall be paid for at cost.~~ (3-31-22)

~~f. The business and premises shall be covered by adequate comprehensive and product liability insurance, and any such other insurance as will protect the vendor and anyone employed by the vendor against losses and claims arising out of the conduct of the business or which are required by law. The dollar amount of insurance shall be fixed by the Program and the Committee using industry standards and state requirements as guidelines to assure up to date coverage. The cost of such insurance shall be a cost of operating the business of the facility and taken into account as such in determining the net proceeds of the business operation.~~ (3-31-22)

~~g. After an initial commitment to operate a primary location for twelve (12) months, an agreement may be terminated at anytime by the operator with at least thirty (30) days written notice to the Program. During the initial twelve (12) month period, the operator cannot bid on other primary locations without the consent of the Supervisor.~~ (3-31-22)

~~h. The operator is encouraged to hire blind persons or persons with other disabilities when feasible.~~ (3-31-22)

~~i. The vendor shall report promptly to the Supervisor any unresolved complaints of the property manager.~~ (3-31-22)

~~j. The vendor may, with written approval of the Supervisor, negotiate with property managers for additional facilities.~~ (3-31-22)

~~k. A vendor may purchase equipment for a facility only if the purchase is approved in advance, in writing, by the Supervisor. The Program, in its sole discretion, has the first option to purchase from the vendor any equipment purchased without advance, written approval.~~ (3-31-22)

~~131.—139. (RESERVED)~~

~~140. TERMINATION AND SUSPENSION OF AGREEMENTS/CONTRACTS.~~

~~01. Grounds for Termination. Agreements and contracts may be terminated if:~~ (3-31-22)

~~a. The vendor is not operating the facility on a cash basis;~~ (3-31-22)

~~b. The health and safety of the vendor, the employees, or the customers are jeopardized;~~ (3-31-22)

~~c. The set aside report indicates the vendor did not show an average one thousand dollar (\$1,000) net profit per month, after set aside payment, for the prior federal fiscal year;~~ (3-31-22)

~~d. The vendor jeopardizes the state's investment in the facility by violating the terms of the permit,~~

agreement or contract, or by placing the facility in danger of being closed; (3-31-22)

e. The business and premises of the facility are not covered by adequate insurance; (3-31-22)

f. The facility is not being operated in accordance with the agreement, contract, Commission rules, or with applicable federal, state, or local laws, rules, and regulations; (3-31-22)

~~02. Notice of Termination.~~ The notice shall be in writing and specify the grounds upon which the notice of termination is based and advise the vendor of his right to administrative review and a full evidentiary hearing. (3-31-22)

~~03. Request for Review Not a Stay.~~ A timely filed request for administrative review shall not stay the termination of an agreement or contract. (3-31-22)

~~04. Review.~~ The termination becomes effective following the fifteen (15) day notice period unless the vendor seeks administrative review, in which case the License may be suspended and any contract or agreement may be terminated pending completion of the administrative review, full evidentiary hearing, and subsequent appeals. Until the review process has been concluded, the Program shall operate the facility. At the conclusion of the review process, should the vendor prevail, the Program shall restore all rights and benefits to the vendor including compensation for the period of termination calculated at a weekly rate determined by averaging the net income for the facility for the eight (8) weeks prior to the notice of termination. (3-31-22)

~~05. Grounds for Suspension.~~ Agreements and contracts may be suspended if: (3-31-22)

a. The vendor has committed any of the acts enumerated in Subsection 140.01 of these rules; or (3-31-22)

b. The property manager requests the removal of the vendor and documents the request in writing, and the Program determines that immediate removal of the vendor is in the best interest of the Program; or (3-31-22)

c. The Supervisor and the vendor cannot agree on a plan to resolve violations and improve performance. (3-31-22)

~~06. Notice of Suspension.~~ A written notice of suspension shall be delivered to the vendor and shall state the reason for the suspension. Suspension may continue up to sixty (60) days. If the vendor seeks administrative review of the suspension, the suspension shall continue until the administrative review, evidentiary hearing, and subsequent proceedings have concluded. During the suspension, the facility shall be operated by the Program. At the conclusion of the review process, should the vendor prevail, the Program shall restore all rights and benefits to the vendor including compensation for the period of termination calculated at a weekly rate determined by averaging the net income for the facility for the eight (8) weeks prior to the notice of termination. (3-31-22)

~~07. Cancellation.~~ An agreement or contract may be cancelled by the Program at any time should the facility cease to be a vending facility by revocation of the permit by the property manager. Cancellation under this Subsection shall not affect licensure and does not give rise to a right to administrative review, evidentiary hearing or other relief. (3-31-22)

~~141.~~ 149. (RESERVED)

150. TRAINING ~~PROGRAM~~ CURRICULUM.

01. Certification Licensing. Prior to certification, an applicant shall satisfactorily complete the training program established by the Program and any on-the-job training prescribed by the Supervisor. The training program shall have certain basic requirements but also be customized to meet the needs of each individual applicant. The training program shall include, but is not limited to: fundamentals of purchasing, inventory control, pricing, record keeping and other accounting systems; display and arrangement of merchandise and equipment; and public relations and promotion. A candidate becomes licensed after completing the training curriculum established by the SLA which is comprised of general non-visual skills training, core BEP subjects, on-the-job training, and a six-month

probationary period during which a trainee is to operate a facility.

~~(3-31-22)~~()

02. In-Service Training. The ~~Program shall~~ SLA provides each ~~v~~Vendor with regular and systematic assistance and in-service training to: promote maximum returns to the ~~v~~Vendor; maximum service to the clientele; maintenance of a clean and attractive place of business; utilization of sound business practices; and adherence to the ~~Commission's SLA's~~ rules, policies, and building management requirements. ~~(3-31-22)~~()

03. Post-Employment Services. Post-employment services may be provided to eligible vendors when necessary to assure that they maintain suitable employment within the agency's Business Enterprise Program. Eligibility for and provision of post-employment services shall be in accordance with IDAPA 15.02.02, "Vocational Rehabilitation Services." ~~(3-31-22)~~

151. -- 159. (RESERVED)

160. IDAHO BLIND MERCHANT'S COMMITTEE (IBMC).

See 34 CFR 395.14. *IBMC representatives shall be elected by the Vendors at a regular meeting and serve in their respective roles for two (2) years.* ()

01. Committee Name. The Program shall provide for a state committee of blind vendors per the Randolph Sheppard Act (See 34 CFR 395.14.) The name of this committee is the Idaho Blind Merchants Committee (IBMC). ~~(3-31-22)~~

02. Purpose of Committee. The purpose of the Committee is to: ~~(3-31-22)~~

~~a. Actively participate with the Commission in major administrative decisions and policy and program development decisions affecting the overall administration of the Program;~~ ~~(3-31-22)~~

~~b. Receive and transmit to the Commission grievances at the request of vendors and serve as advocates for such vendors in connection with such grievances;~~ ~~(3-31-22)~~

~~c. Actively participate with the Commission in the development and administration of a system for the transfer and promotion of vendors;~~ ~~(3-31-22)~~

~~d. Actively participate with the Commission in the development of training and retraining programs for vendors; and~~ ~~(3-31-22)~~

~~e. Sponsor, with the assistance of the Commission, meetings and instructional conferences for vendors within the state.~~ ~~(3-31-22)~~

[Proposed new Subsection 160.01 has been withdrawn]

03. Bylaws. The Committee shall, by a two-thirds (2/3) majority vote, adopt bylaws, consistent with the Randolph Sheppard Act, which govern the internal operation of the Committee. The Vendors shall, by a majority vote, adopt bylaws, consistent with the Randolph-Sheppard Act, which govern the internal operation of the IBMC. ~~(3-31-22)~~()

04. Committee Membership. The Committee comprises the operators of all facilities in the state. ~~(3-31-22)~~

05. Executive Board. An executive board consisting of a chair, vice chair, secretary, and two (2) at large representatives shall be elected by the Committee at a regular meeting. Members of the executive board shall serve for two (2) years in their respective positions. The executive board may conduct all business of the Committee between regular meetings of the Committee. ~~(3-31-22)~~

161. -- 169. (RESERVED)

170. MEETINGS OF THE COMMITTEE.

01. Annual Meetings. The ~~Committee~~ IBMC shall hold at least one (1) regular meeting each calendar year. ~~(3-31-22)~~ ()

~~02. Additional Meetings.~~ The Committee may provide for additional meetings in its bylaws. ~~(3-31-22)~~ ()

~~03.2. Program Responsibilities.~~ The ~~Program shall~~ SLA will work with the ~~Committee~~ IBMC ~~e~~Chair or designated representative to coordinate and participate in the regular meetings of the ~~Committee~~. ~~At regular meetings, the Program shall give financial and overview reports, review Program rules and policies; and receive Committee recommendations for changes to the Program rules or policies~~ IBMC. ~~(3-31-22)~~ ()

~~04.3. Expenses.~~ The SLA pays ~~A~~allowable expenses, ~~of not more than two (2) regular meetings per calendar year may be paid out of Program monies.~~ Allowable expenses include ing meeting rooms, lodging, per diem, and transportation, of not more than two (2) regular meetings per calendar year. The transportation arrangements ~~shall be~~ are determined by the Supervisor. Expenses for additional meetings of the ~~Committee~~ IBMC may be paid by the Program at the discretion of the ~~Supervisor after consultation with the Administrator~~ SLA. ~~(3-31-22)~~ ()

~~05. Future Meeting.~~ The date and time for the next regular meeting shall be set prior to adjournment. ~~(3-31-22)~~ ()

~~06.4. Minutes.~~ Minutes shall be kept by the Committee and made available to the Supervisor. Minutes shall be sent to each operator and to the Supervisor within ninety (90) days after conclusion of the meeting. See Section 74-205, Idaho Code. The Program ~~shall~~ will pay all reasonable costs for this service. ~~(3-31-22)~~ ()

171. -- ~~170.~~ (RESERVED)

180. ADMINISTRATIVE REVIEW.

~~01. Request for Review.~~ A vendor who is aggrieved by any action or failure to act arising from the operation or administration of the Program may ask for a review of the action by filing a written request with the Administrator. The written request for review, which may be filed by the vendor or a designated representative of the vendor, shall specify the matter to be reviewed and how the vendor has been aggrieved. ~~(3-31-22)~~ ()

~~02. Response.~~ Upon receipt of a request for administrative review, the Administrator shall notify the Supervisor, who has fifteen (15) calendar days to file a written response to the request. A copy of the Supervisor's response shall be sent to the vendor or the vendor's designated representative. ~~(3-31-22)~~ ()

~~03. Filing Objections, Replies, and Decisions.~~ Upon receipt of the response from the Supervisor, the vendor or the vendor's designated representative has fifteen (15) calendar days in which to file any objections or make reply, after which time the Administrator shall, in good faith, evaluate the materials submitted and issue a written decision within fifteen (15) calendar days. The vendor or the vendor's designated representative may request an evidentiary hearing in accordance with Subsection 190.01 of these rules if the decision issued by the Administrator fails to resolve the vendor's grievance(s). ~~(3-31-22)~~ ()

~~181. -- 180.~~ (RESERVED)

189. INFORMAL DISPUTE RESOLUTION. SEE IDAPA 15.02.01.150.01.
A candidate going through the BEP training curriculum or a Provisional Licensee who disagrees with the actions of the SLA may request an Informal Dispute Resolution with the Rehabilitation Services Chief. ()

190. ~~FULL~~ EVIDENTIARY HEARING.

01. Request. The ~~Commission shall~~ ICBVI will provide a vVendor or Blind Licensee an opportunity for an full evidentiary hearing. The vVendor, Blind Licensee, or ~~the vendor's~~ designated representative may request an full

evidentiary hearing ~~following the receipt of an unfavorable decision issued by the Administrator pursuant to Subsection 180.03 of these rules by filing a complaint.~~ The written request ~~shall~~ will be delivered to the Administrator, ~~with a copy to the Committee chair,~~ within fifteen (15) ~~calendar~~ business days of the aggrieved party's receipt of the Administrator's decision filed complaint. (3-31-22)()

02. **Suspension.** If the conduct of the vendor places the facility or permit in jeopardy, the Supervisor may suspend or terminate the agreement or contract pending the decision of the full evidentiary hearing. (3-31-22)

032. **Time and Place of Hearing.** The evidentiary hearing ~~shall~~ will be held in the ~~Commission~~ ICBVI headquarters at a mutually convenient time. (3-31-22)()

043. **Time Limit.** The hearing procedure ~~shall~~ will be limited to ninety (90) calendar days, beginning on the date the request for hearing is filed by the Vendor. The time limit may be extended due to illness of the Vendor or delay in obtaining evidence because of circumstances beyond the control of the Vendor or the Program SLA. (3-31-22)()

054. **Hearing Officer.** The Administrator ~~shall~~ will request the Idaho Office of Administrative Hearings to appoint an attorney as the Hearing Officer to conduct the evidentiary hearing and issue a report. (3-31-22)()

065. **Hearing Notice.** A notice of the hearing date ~~shall~~ will be provided to the Vendor or Blind Licensee at least twenty-one (21) calendar days prior to the date set for the hearing. (3-31-22)()

076. **Legal Counsel.** The Vendor or Blind Licensee may arrange to have legal counsel or other representation. Such counsel shall be at the expense of the Vendor. (3-31-22)()

087. **Evidence.** The Hearing Officer shall make a reasonable effort to obtain the most credible evidence of fact in the case, and the rules of evidence do not apply. (3-31-22)()

098. **Conduct of Hearing.** Each party ~~shall~~ will be given an opportunity to present its case, examine and cross-examine witnesses, present arguments, and rebut evidence. (3-31-22)()

109. **Transcripts.** A transcript of the proceedings ~~shall~~ will be made available to the parties upon request. The Program shall SLA will pay all transcript costs associated with the conduct of the hearing. (3-31-22)()

140. **Report of Facts, Findings, Conclusion, and Recommended Decision.** (3-31-22)

a. The Hearing Officer shall submit a report to the Administrator within twenty-one (21) calendar days after the hearing. This report ~~shall~~ will include: the issues and relevant facts adduced at the hearing; applicable provisions of law, rules, and ~~Commission~~ ICBVI policy; findings of fact and conclusions of law with respect to issues; and the reasons and basis thereof. (3-31-22)()

b. The report ~~shall~~ will also set forth any action necessary to resolve the issue and a recommended decision. (3-31-22)()

121. **Service of Report.** The report ~~shall~~ will be served ~~on~~ to the Administrator and all parties to the hearing. (3-31-22)()

132. **Written Comments, Arguments, and Exceptions.** Parties to the hearing may, within fifteen (15) ~~calendar~~ business days of the date the report was received in the Administrator's office, file written comments, arguments, and exceptions regarding factual or legal errors to the report with the Administrator. Comments, arguments, and exceptions received in a timely fashion become a part of the record and ~~shall~~ will be considered by the Administrator in making a final decision. (3-31-22)()

~~143.~~ **Exclusive Record for Decision.** The transcript of testimony, exhibits, and ~~all papers and documents~~ any written comments, arguments, and exception to the report filed ~~shall~~ with the Administrator will constitute an exclusive record for decision. ~~(3-31-22)~~ ()

~~154.~~ **Decision.** The final decision of the Administrator ~~shall~~ will be mailed to the ~~V~~Vendor within thirty (30) ~~calender~~ days of receipt of the ~~H~~Hearing ~~O~~Officer's report. ~~(3-31-22)~~ ()

191. -- 199. (RESERVED)

200. ARBITRATION.

If a Vendor is dissatisfied with a decision rendered after a ~~full~~full evidentiary hearing, the ~~V~~Vendor may request that an arbitration panel be convened by filing a complaint with the Secretary of the U.S. Department of Education in accordance with 34 CFR 395.13. ~~(3-31-22)~~ ()

201. -- 209. (RESERVED)

210. EXPLANATION TO VENDORS OF RIGHTS AND RESPONSIBILITIES.

The ~~Program shall~~ SLA will furnish to each ~~V~~Vendor copies of documents relevant to the operation of the facility, in an accessible format including rules and procedures, a written description of the arrangements for providing services, the ~~agreement~~ OA and ~~P~~Permit covering the operation of the facility, and ~~shall~~ will provide explanation of these documents upon request by the ~~V~~Vendor. ~~(3-31-22)~~ ()

211. -- ~~219.~~ (RESERVED)

~~**220. DISCRIMINATION.**~~

~~The Program shall not discriminate against any applicant, licensee or vendor on the basis of gender, race, age, creed, color, religion, physical or mental handicap, sexual orientation, or national origin.~~ ~~(3-31-22)~~

~~221.~~ -- 999. (RESERVED)

IDAPA 16 – DEPARTMENT OF HEALTH AND WELFARE

16.02.10 – IDAHO REPORTABLE DISEASES

DOCKET NO. 16-0210-2501 (ZBR CHAPTER REWRITE)

NOTICE OF CORRECTION TO PENDING RULE

CORRECTION SUMMARY: This notice corrects an error that occurred during the publication of the proposed rulemaking under Docket No. 16-0210-2501 in the June 4, 2025, Idaho Administrative Bulletin, Volume 25-6. The error was not removing Subsection 460.04.b., which is sufficiently addressed by existing Idaho Code.

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2026 Idaho State Legislature and must be approved by concurrent resolution of the Legislature to go into effect, in accordance with Section 67-5224(2)(c), Idaho Code. Should the pending rule be approved, it will become final and effective on July 1 following the Second Regular Session of the Sixty-eighth Idaho Legislature, unless the concurrent resolution states a different effective date.

AUTHORITY: In compliance with Sections 67-5224 and 67-5227, Idaho Code, notice is hereby given that this agency has corrected the previously adopted pending rule. The action is authorized pursuant to Sections 39-605, 39-906, 39-1003, 39-1603, 39-4505(2), 54-1119, 56-1003, and 56-1005, Idaho Code.

DESCRIPTIVE SUMMARY: The changes to the pending rules are described above and the affected sections are reprinted here in legislative format following this notice. There are no additional changes to the pending rule. The Notice of Adoption of Pending Rule was published in the August 6, 2025, Idaho Administrative Bulletin, Vol. 25-8, page 35. The complete text of the proposed rule was published in the June 4, 2025, Idaho Administrative Bulletin, Vol. 25-6, pages 35 through 87.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this correction notice, contact Jared Larsen at DHWRules@dhw.idaho.gov.

DATED this 7th day of January, 2026.

Jared Larsen, Chief of Staff
Idaho Department of Health & Welfare
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

DOCKET NO. 16-0210-2501 — CORRECTION TO PENDING RULE

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

The pending rule was noticed and published in the Idaho Administrative Bulletin,
[Volume 25-8, August 6, 2025, page 35.](#)

The text of the proposed rule was published in the Idaho Administrative Bulletin,
[Volume 25-6, June 4, 2025, pages 35 through 87.](#)

This rule has been adopted as a pending rule by the Agency and is now awaiting
review and final approval by the 2026 Idaho State Legislature.

THE FOLLOWING IS THE CORRECTED TEXT OF THE PENDING RULE
FOR ZBR DOCKET NO. 16-0210-2501

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

16.02.10 – IDAHO REPORTABLE DISEASES

460. MEASLES (RUBEOLA).

~~01. Reporting Requirements. Each case or suspected case of measles must be reported to the Department or Health District within one (1) working day of identification.~~ (3-17-22)

~~02. Investigation. Each reported case of measles must be investigated to confirm the diagnosis, identify clusters or outbreaks of the infection, identify the source of the infection, and to identify susceptible contacts.~~ (3-17-22)

~~03. Handling of Report. The Department and the Health District will exchange reported information within one (1) working day on any reported case of measles.~~ (3-17-22)

~~04.1. Restrictions - Daycare Facility and School.~~ (3-17-22)

a. A child diagnosed with measles must not attend a daycare facility or school as long as the disease is in a communicable form. (3-17-22)

~~b. In the event of a case of measles in a daycare or school, susceptible children must be excluded until adequate immunization is obtained, or the threat of further spread of the disease is contained, as provided in Sections 33-512(7) and 39-1118, Idaho Code.~~ (3-17-22)

~~c. A person who is diagnosed as having measles must not work in any occupation in which there is direct contact with children, as long as the disease is in a communicable form.~~ (3-17-22)

~~05. Restrictions - Health Care Facility. A person diagnosed with measles in a health care facility must be managed under the "Guideline for Isolation Precautions in Hospitals," as incorporated by reference in Section 004 of these rules.~~ (3-17-22)

IDAPA 20 – IDAHO DEPARTMENT OF LANDS
20.03.02 – RULES GOVERNING MINED LAND RECLAMATION
DOCKET NO. 20-0302-2401 (ZBR CHAPTER REWRITE)
NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2026 Idaho State Legislature and must be approved by concurrent resolution of the Legislature to go into effect, in accordance with Section [67-5224\(2\)\(c\)](#), Idaho Code. Should the pending rule be approved, it will become final and effective on July 1 following the Second Regular Session of the Sixty-eighth Idaho Legislature, unless the concurrent resolution states a different effective date.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections [58-1304](#) and [58-104\(6\)](#), Idaho Code.

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

- Section 155 modifications:
 - Title; for word count reduction
 - Subsection 155.02; for word count reduction and clarity
 - Subsection 155.03; deleted section for word count reduction and statute congruence

The text of the pending rule has been amended in accordance with Section [67-5227](#), Idaho Code. Only those sections that have changes that differ from the proposed text are printed in this bulletin. The complete text of the proposed rule was published in the October 1, 2025, Idaho Administrative Bulletin, [Vol. 25-10, pages 263 to 302](#).

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

No new fees will be imposed or increased in this rulemaking.

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

This rule will have no fiscal impact on the state general fund.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Andy Mork at (208) 334-0247.

DATED this 18th day of November, 2025.

Andrew Smyth
Resource Protection and Assistance Bureau Chief
Idaho Department of Lands
300 N. 6th Street, Suite 103
P.O. Box 83720 Boise, Idaho 83720-0050
Phone: (208) 666-8702
rulemaking@idl.idaho.gov

DOCKET NO. 20-0302-2401 — ADOPTION OF ZBR PENDING RULE

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

The text of the proposed rule was published in the Idaho Administrative Bulletin,
[Volume 25-10, October 1, 2025, pages 263 through 302.](#)

This rule has been adopted as a pending rule by the Agency and is now awaiting
review and final approval by the 2026 Idaho State Legislature.

THE FOLLOWING IS THE TEXT OF THE PENDING RULE FOR DOCKET NO. 20-0302-2401
(Only those sections or subsections that have changed from the original proposed
text are printed in this Bulletin following this notice.)

20.03.02 – RULES GOVERNING MINED LAND RECLAMATION

155. FIVE (5) YEAR UPDATES AND ~~PERIODIC~~ INSPECTIONS.

01. **Five (5) Year Updates.** The Department may require operators to submit an update on their mining operation at least every five (5) years. The update will be on a Department form, and will be used to assist the Department in determining whether or not adjustments are needed for financial assurance or if a plan amendment is required due to a material change. Failure by an operator to complete the form and return it to the Department, or an operator providing false statements on the form, may result in the penalties in Section [47-1513\(g\)](#), Idaho Code. A mine plan update provided to the federal government for mines subject to financial assurance requirements may be considered to meet the requirement. (3-18-22)()

02. **Right of Inspection.** Authorized representatives of the Department have the right to enter upon lands affected or proposed to be affected by exploration, mining operations, or cyanidation facilities to determine compliance with the reclamation or permanent closure plans, the Act, and these rules, and adequacy of the financial assurance. Inspections will be conducted at reasonable times in the presence of the operator or his authorized representative. The operator ~~shall~~ will make such a person available for the purpose of inspection. This rule does not prevent the Department from making an inspection of the site if the operator fails to make a representative available on request. (3-18-22)()

~~03. **Frequency of Inspection.**~~ (3-18-22)

~~a. Mining operations with an approved reclamation plan will be inspected at least once every five (5) years to determine compliance with the approved plan and adequacy of the financial assurance. Inspections may need to be more frequent due to the large size, rapid pace of mining, complexity of an operation, or high financial assurance.~~ (3-18-22)

~~b. Cyanidation facilities with an approved permanent closure plan will be inspected as often as is needed, but at least once a year.~~ (3-18-22)

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 (ZBR CHAPTER REWRITE)

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2026 Idaho State Legislature and must be approved by concurrent resolution of the Legislature to go into effect, in accordance with Section [67-5224\(2\)\(c\)](#), Idaho Code. Should the pending rule be approved, it will become final and effective on July 1 following the Second Regular Session of the Sixty-eighth Idaho Legislature, unless the concurrent resolution states a different effective date.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections [58-1304](#) and [58-104\(6\)](#), Idaho Code.

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

Changes to the proposed rule are based on comments received and are simple grammatical changes for consistency, clarifying the definition of a commercial marina, and ensuring sentences have correct syntax.

The text of the pending rule has been amended in accordance with Section [67-5227](#), Idaho Code. Only those sections that have changes that differ from the proposed text are printed in this bulletin. The complete text of the proposed rule was published in the September 3, 2025, Idaho Administrative Bulletin, [Vol. 25-9, pages 33-55](#).

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

No new fees will be imposed or increased in this rulemaking.

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

This rule will have no fiscal impact on the state general fund.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Marde Mensinger at (208) 334-0248.

DATED this 18th day of November, 2025.

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

DOCKET NO. 20-0304-2401 — ADOPTION OF ZBR PENDING RULE

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

The text of the proposed rule was published in the Idaho Administrative Bulletin,
Volume 25-9, September 3, 2025, pages 33 through 35.

This rule has been adopted as a pending rule by the Agency and is now awaiting
review and final approval by the 2026 Idaho State Legislature.

THE FOLLOWING IS THE TEXT OF THE PENDING RULE FOR DOCKET NO. 20-0304-2401
(Only those sections or subsections that have changed from the original proposed
text are printed in this Bulletin following this notice.)

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

010. DEFINITIONS.

Additional definitions can be found in Title 58, Chapter 13, Idaho Code. ()

01. Adjacent. Contiguous or touching, and with regard to land or land ownership having a common boundary. (3-18-22)

02. Aids to Navigation (ATON). Buoys, beacons, warning lights, and other encroachments ~~in aid of navigation intended to improve waterways for navigation~~ used to determine position or safe courses. (3-18-22)()

03. ~~Artificial High Water Mark.~~ ~~The high water elevation above the natural or ordinary high water mark resulting from construction of man-made dams or control works and impressing a new and higher vegetation line.~~ (3-18-22)

04. ~~Beds of Navigable Lakes.~~ ~~The lands lying under or below the “natural or ordinary high water mark” of a navigable lake and, for purposes of these rules only, the lands lying between the natural or ordinary high water mark and the artificial high water mark, if there be one.~~ (3-18-22)

05. ~~Board.~~ ~~The Idaho State Board of Land Commissioners or its designee.~~ (3-18-22)

063. Boat Garage. A ~~structure~~ nonnavigational encroachment with one (1) or more slips that is completely enclosed with walls, roof, and doors, ~~but no temporary or permanent residential area.~~ (3-18-22)()

074. Boat Lift. A ~~mechanism~~ navigational encroachment for mooring boats partially or entirely out of the water. (3-18-22)()

085. Boat Ramp. A ~~structure~~ navigational encroachment or improved surface extending below the ordinary or artificial high water mark whereby watercraft or equipment are launched from land-based vehicles or trailers. (3-18-22)()

06. Breakwater. A navigational encroachment that is designed to protect moorage by reducing wave

energy.

()

097. Commercial Marina. A commercial navigational encroachment whose ~~primary~~ purpose is to provide at least fifty percent (50%) of its moorage for rental or for free to the general public. (3-18-22)()

4008. Commercial Navigational Encroachment. A navigational encroachment used for commercial purposes. (3-18-22)

4409. Community Dock. A ~~structure~~ navigational encroachment that provides private moorage for three (3) or more than two (2) adjacent littoral owners, or other littoral owners possessing a littoral common area with littoral rights including, but not limited to homeowner's associations. No public access is required for a community dock. (3-18-22)()

120. Covered Slip. A slip, or group of slips, ~~with a~~ covered by a frame, ~~fabrie~~ canopy, and eaves that do not extend beyond the underlying dock. (3-18-22)()

131. Department. The Idaho Department of Lands ~~or its designee~~. (3-18-22)()

142. Director. The head of the Idaho Department of Lands or ~~his~~ their designee. (3-18-22)()

15. Encroachments in Aid of Navigation. Includes docks, piers, jet ski and boat lifts, buoys, pilings, breakwaters, boat ramps, channels or basins, and other facilities used to support water craft and moorage on, in, or above the beds or waters of a navigable lake. The term "encroachments in aid of navigation" is used interchangeably with the term "navigational encroachments." (3-18-22)

16. Encroachments Not in Aid of Navigation. Includes all other encroachments on, in, or above the beds or waters of a navigable lake, including landfills, bridges, utility and power lines, or other structures not constructed primarily for use in aid of navigation, such as float homes and boat garages. The term "encroachments not in aid of navigation" is used interchangeably with the term "nonnavigational encroachments." (3-18-22)

13. Dredging. The removal of earthen material below the ordinary or artificial high water mark. The term "dredging" may also be used interchangeably with "excavating". ()

174. Floating Home or Float Home. A ~~structure~~ nonnavigational encroachment that is designed and built to be used, or is modified to be used, as a stationary ~~waterborne~~ residential dwelling and is not self-propelled. These structures are usually dependent for utilities upon a continuous utility linkage to a source originating on shore, and must have either a permanent continuous connection to a sewage system on shore, or an alternative method of sewage disposal that does not violate local, state, or federal water quality and sanitation regulations. (3-18-22)()

185. Floating Toys. Trampolines, inflatable structures, water ski courses, slides, and other nonnavigational recreational equipment that are not permanently anchored to the lake bed ~~or an encroachment~~ and are either located between the shoreline and the line of navigability or are waterward of the line of navigability for less than twenty-four (24) consecutive hours. (3-18-22)()

196. Jet Ski Ramp, Port, or Lift. A ~~mechanism~~ navigational encroachment for mooring jet skis or other personal watercraft similar to a boat lift. ~~The lifts may be free standing or attached to a dock or pier.~~ (3-18-22)()

2017. Line of Navigability. A line located at such distance waterward of the low water mark established by the length of existing legally permitted encroachments, water depths waterward of the low water mark, and by other relevant criteria determined by the ~~b~~Board when a line has not already been established for the body of water in question. (3-18-22)()

18. Littoral Owner. The fee owner of land adjacent to a navigable lake, or a lessee, or the owner of littoral rights that have been segregated from the fee specifically by deed, lease, or other grant. ()

19. Littoral Right Lines. Lines that extend waterward from the intersection of the artificial or ordinary

high water mark and an upland ownership boundary to the line of navigation. ()

240. Low Water Mark. That line or elevation on the bed of a lake marked or located by the average low water elevations over a period of years, and marks the point to which the riparian rights of adjoining landowners extend as a matter of right, in aid of their right to use the waters of the lake for purposes of navigation. (3-18-22)

21. Marine Motor Fuel-Dispensing Facility. A nonnavigational encroachment where flammable and/or combustible liquids or gases used as fuel for watercraft are stored and dispensed from fixed equipment on shore, piers, wharves, floats or docks into the fuel tanks of marine craft and includes all other facilities used in connection therewith. ()

22. Moorage. A place to secure float homes, boat garages, and watercraft ~~including, but not limited to, boats, personal watercraft, jet skis, etc.~~ (3-18-22)()

23. Natural or Ordinary High Water Mark. ~~The high water elevation in a lake over a period of years, uninfluenced by man-made dams or works, at which elevation the water impresses a line on the soil by covering it for sufficient periods to deprive the soil of its vegetation and destroy its value for agricultural purposes.~~ (3-18-22)

24. Navigable Lake. ~~Any permanent body of relatively still or slack water, including man made reservoirs, not privately owned and not a mere marsh or stream eddy, and capable of accommodating boats or canoes. This definition does not include man-made reservoirs where the jurisdiction thereof is asserted and exclusively assumed by a federal agency.~~ (3-18-22)

253. Party. Each person or agency named or admitted as a party or properly seeking and entitled as of right to be admitted as a party. (3-18-22)

264. Person. ~~A partnership, association, corporation, natural person, or entity qualified to do business in the state of Idaho and any federal, state, tribal, or municipal unit of government~~ Any individual, partnership, corporation, association, governmental subdivision or agency, or public or private organization or entity of any character. (3-18-22)()

275. Piling. ~~A metal, concrete, plastic, or wood p~~ Posts ~~that is placed~~ are driven into the lakebed and used to secure floating docks and other structures. (3-18-22)()

28. Plans. ~~Maps, sketches, engineering drawings, aerial and other photographs, word descriptions, and specifications sufficient to describe the extent, nature and approximate location of the proposed encroachment and the proposed method of accomplishing the same.~~ (3-18-22)

296. Public Hearing. The type of hearing where members of the public and other interested parties or agencies are allowed to comment, in written or oral form, on the record at a public meeting held at a set time and place and presided over by a designated ~~representative of the Department who acts as the~~ hearing coordinator officer. This type of hearing is an informal opportunity for public comment and does not involve the presentation of witnesses, cross examination, oaths, or the rules of evidence. A recording of any oral presentations at ~~such these~~ hearings will be taken ~~by the Department by tape recorder. The hearing coordinator exercises such control at hearings as necessary to maintain order, decorum and common courtesy among the participants.~~ (3-18-22)()

3027. Public Trust Doctrine. The duty of the State to its people to ensure that the use of public trust resources is consistent with identified public trust values. This common law doctrine has been interpreted by decisions of the Idaho Appellate Courts and is codified at Title 58, Chapter 12, Idaho Code. (3-18-22)

3428. Pylon. ~~A metal, concrete, or wood post~~ post that is placed into the lakebed and used to support ~~fixed~~ piers encroachments. (3-18-22)()

32. Riparian or Littoral Rights. ~~The rights of owners or lessees of land adjacent to navigable waters of the lake to maintain their adjacency to the lake and to make use of their rights as riparian or littoral owners or~~

~~lessees in building or using aids to navigation but does not include any right to make any consumptive use of the waters of the lake.~~ (3-18-22)

~~33. **Riparian or Littoral Owner.** The fee owner of land immediately adjacent to a navigable lake, or his lessee, or the owner of riparian or littoral rights that have been segregated from the fee specifically by deed, lease, or other grant.~~ (3-18-22)

~~34. **Riparian or Littoral Right Lines.** Lines that extend waterward of the intersection between the artificial or ordinary high water mark and an upland ownership boundary to the line of navigation. Riparian or littoral right lines will generally be at right angles to the shoreline.~~ (3-18-22)

~~35. **Side Tie.** Moorage for watercraft where the dock or pier is on only one (1) side of the watercraft.~~ (3-18-22)

29. **Residential Area.** Any space used for habitation, whether temporarily or permanently, that may include, but is not limited to sleeping arrangements, cooking appliances, bathroom facilities, living amenities, recreational or entertaining space, or utility connections. ()

30. **Seawall.** A nonnavigational encroachment constructed to prevent erosion to an area of land. ()

~~361. **Single-Family Dock.** A structure navigational encroachment providing noncommercial moorage that serves one (1) waterfront owner ~~whose waterfront footage is no less than twenty-five (25) feet.~~ (3-18-22)()~~

~~372. **Slip.** Moorage for ~~boats~~ watercraft with pier or dock structures on at least two (2) sides of the moorage.~~ (3-18-22)()

~~383. **Submerged Lands.** The state-owned beds of navigable lakes, rivers and streams below the ~~natural or~~ ordinary high water marks.~~ (3-18-22)()

~~394. **Two-Family Dock.** A structure navigational encroachment providing noncommercial moorage that serves two (2) separate adjacent waterfront owners ~~having a combined waterfront footage of no less than fifty (50) feet. Usually the structure is located on the common littoral property line.~~ (3-18-22)()~~

~~4035. **Upland.** ~~The land bordering on~~ The land above the ordinary high water mark bordering on navigable lakes, rivers, and streams.~~ (3-18-22)()

36. **Water Line.** A nonnavigational encroachment used to collect or discharge water. ()

(BREAK IN CONTINUITY OF SECTIONS)

015. ENCROACHMENT STANDARDS.

~~01. **Single-Family and Two-Family Docks.** The following parameters govern the size and dimensions of single family docks and two family docks.~~ (3-18-22)()

a. **Total waterfront ownership must include at least twenty-five (25) linear feet of shoreline for single-family docks or fifty (50) feet of linear shoreline for two-family docks.** ()

~~ab. **No part of the structure encroachment waterward of the ~~natural or ordinary high water mark or artificial high water mark~~ O/AHWM may exceed ten (10) feet in width, excluding the slip cut out.**~~ (3-18-22)()

bc. **Total surface decking area waterward of the ~~natural or ordinary or artificial high water mark~~ O/AHWM, including approach ramp and walkway, may not exceed seven hundred (700) square feet, including approach ramp and walkway for a single-family dock ~~and may not exceed~~ or one thousand one hundred (1,100) square feet, including approach ramp and walkway for a two-family dock.** (3-18-22)()

~~ed.~~ No portion of the ~~docking facility~~ encroachment may extend beyond the line of navigability. Shorter docks are encouraged whenever practical and new docks normally will be installed within the waterward extent of existing docks or the line of navigability. (3-18-22)()

~~de.~~ A variance to the standards in this Subsection 015.01 ~~may~~ will only be approved by the Department when justified by site specific considerations, ~~such as the distance to the established line of navigability.~~ Any variance granted may require a lease per IDAPA 20.03.17. (3-18-22)()

02. Community Docks. (3-18-22)

~~a.~~ A community dock is considered a commercial navigational aid for purposes of processing the application. (3-18-22)

~~ba.~~ No part of the ~~structure~~ encroachment waterward of the ~~natural or ordinary high water mark or artificial high water mark O/AHWM~~ may exceed ten (10) feet in width except breakwaters when justified by site specific conditions and approved by the Department. (3-18-22)()

~~eb.~~ A community dock may not have less than Total waterfront ownership must have at least fifty (50) linear feet of combined shoreline frontage. Moorage facilities will be limited in size as a function of the length of shoreline dedicated to the community dock. The surface decking area of the community dock is limited to the product of the length of shoreline multiplied by seven (7) square feet per lineal foot or a minimum of seven hundred (700) square feet. However, the Department, at its discretion, may limit the ultimate size when evaluating the proposal and public trust values. (3-18-22)()

c. The surface decking area of the community dock is limited to the greater of seven hundred (700) square feet or the product of the linear feet of the upland shoreline multiplied by seven (7) feet. The Department, in its sole discretion, may limit the surface decking area when site specific considerations justify a reduction to protect public trust resources. ()

d. If a breakwater will be incorporated into the structure of a dock, and a need for the breakwater can be demonstrated, the Department may allow the surface decking area to exceed the size limitations of Paragraph 015.02.c of these rules The Department may allow the surface decking area of a community dock to exceed the size limitations if the need for a breakwater is demonstrated. (3-18-22)()

e. A person with permit is required to convert an existing community dock ~~that desires to change the facility in~~ into a commercial marina ~~must submit the following information to the Department.~~ (3-18-22)()

i. A new application for an encroachment permit. (3-18-22)

ii. Text and drawings that describe which moorage will be public and which moorage will be private. (3-18-22)

03. Commercial Marina. (3-18-22)

a. ~~Commercial marinas must have a minimum of~~ At least fifty percent (50%) of ~~their~~ moorage available for use by the at a commercial marina must be available to the general public on either a first come, first served basis for free or rent, or ~~a rent or lease agreement for a period of time up to one (1) for lease not to exceed one (1) year.~~ Moorage ~~contracts~~ leases may be renewed annually, ~~so long as a renewal term does not to exceed one (1) year.~~ Moorage for use by the general public may Public moorage must not include conditions that result in a transfer of ownership of moorage or real property, or require membership in a club or organization. (3-18-22)()

b. ~~Commercial marinas that are converted to a community dock must conform to all the community dock standards, including frontage requirements and square footage restrictions. This change of use must be approved by the Department through a new encroachment permit prior to implementing the change.~~ A permit is required to convert an existing commercial marina into any other type of encroachment. Commercial marinas must keep at least fifty percent (50%) of their moorage available to the general public. The permit application must illustrate and clearly

depict which is public moorage and which is private moorage.

(3-18-22)()

c. If local city or county ordinances governing parking requirements for marinas have not been adopted, commercial marinas must provide ~~a minimum of upland vehicle parking equivalent to~~ at least one (1) upland parking space per two (2) public watercraft or float home moorages. If private moorage is tied to ~~specific parking spaces or designated parking areas~~ designated parking spaces or areas, then the commercial marina must provide at least one (1) upland parking space per one (1) private watercraft or float home moorage ~~must be provided~~. In the event of conflict, the local ordinances prevail.

(3-18-22)()

~~d. If a commercial marina can be accessed from a road, marina customers must be allowed access via that road.~~

(3-18-22)

~~e.~~ Moorage that is not available for public use as described in Paragraph 015.03.a. of these rules is private moorage.

(3-18-22)

~~f.~~ When calculating the moorage percentage, the amount of public moorage is to be compared to the amount of private moorage. Commercial marinas with private float home moorage are required to provide either non-private float home moorage or two (2) public use boat moorages for ~~every~~ each private float home moorage in addition to any other required public use boat moorages.

(3-18-22)()

~~g.~~ When private moorage is permitted, the public moorage must be of similar size and quality as private moorage, except for float home moorage as provided in Paragraph 015.03.f.

(3-18-22)

~~h.~~ Commercial marinas with private moorage must form a condominium association, co-op, or other entity that owns and manages the marina, littoral rights, upland property sufficient to maintain and operate a marina; ~~and private submerged land, if present~~. This entity is responsible for obtaining and maintaining an encroachment permit under these rules and a submerged lands lease under IDAPA 20.03.17, ~~“Rules Governing Leases on State-Owned Submerged lands and Formerly Submerged Lands.”~~

(3-18-22)()

~~i.~~ Existing commercial marinas that desire to change their operations and convert some of their moorage to private use must keep at least fifty percent (50%) of their moorage available for use by the general public. This change in operations must be approved by the Department through a new encroachment permit prior to implementation of the change. The permit application must describe, in text and in drawings, which moorage will be public and which moorage will be private.

(3-18-22)

04. Covered Slip.

(3-18-22)

a. Covered slips, regardless of when constructed, may not have a temporary or permanent residential area.

(3-18-22)

~~b. Slip covers should have colors that blend with the natural surroundings and are approved by the Department.~~ Covered slips with hard roofs and up to three (3) walls may be maintained or replaced at their current size if previously permitted or constructed prior to January 1, 1975. These structures may not be expanded nor converted to boat garages.

(3-18-22)()

c. Covered slips may not be supported by extra piling nor constructed with hard roofs.

(3-18-22)

~~d. Slip covers with permanent roofs and up to three (3) walls may be maintained or replaced at their current size if they were previously permitted or if they were constructed prior to January 1, 1975. These structures may not be expanded nor converted to boat garages.~~ Covered slips should have colors that blend with the natural surroundings and are approved by the Department.

(3-18-22)()

~~e. Fabric e~~ Covered slips must be constructed as canopies without sides unless the following standards are followed:

(3-18-22)()

i. At least two (2) feet of open space is left between the bottom of the cover and the dock or pier surface; and

(3-18-22)

- ii. Fabric for canopy and sides will transmit at least seventy-five percent (75%) of the natural light. (3-18-22)
- 05. Boat Garage.** (3-18-22)
- a. Boat garages ~~are considered nonnavigational encroachments~~ must only be used for mooring watercraft, and may not have separate fully enclosed rooms, overhead storage, or a residential area of any kind as defined by these rules. (3-18-22)()
- b. Applications for permits to construct new boat garages, ~~expand the total square footage of the existing footprint, or raise the height will not be~~ or to expand the height or square footage of existing boat garage are no longer accepted unless the application is to support local emergency services. (3-18-22)()
- c. ~~Existing permitted boat garages may be maintained or replaced with the current square footage of their existing footprint and height~~ A permit is required to replace or relocate an existing boat garage. A new boat garage may not be expanded in size or height, and must retain the original square footage and footprint. (3-18-22)()
- ~~d. Relocation of an existing boat garage will require a permit.~~ (3-18-22)
- 06. Breakwaters.** Breakwaters ~~built upon the lake for use in aid of navigation~~ will not be authorized below the ~~level of normal~~ low water mark without an extraordinary showing of need, provided, however that this does not apply to floating breakwaters secured by piling and used to protect private property from recurring wind, wave, or ice damage, or used to control traffic in busy areas of lakes. The breakwater must be designed to counter wave actions of known wave heights and wave lengths. (3-18-22)()
- 07. Seawalls.** Seawalls should be placed at or above the ~~ordinary high water mark, or the artificial high water mark O/AHWM, if applicable possible.~~ Seawalls are ~~not an aid to navigation, nonnavigational~~ and placement waterward of the ~~ordinary or artificial high water mark O/AHWM~~ will generally not be allowed. (3-18-22)()
- 08. Riprap.** (3-18-22)
- a. Riprap used to stabilize shorelines will consist of rock or other materials that ~~is~~ are appropriately sized to resist movement from anticipated wave heights or tractive forces of the water flow. The rock must be sound, dense, durable, and angular rock resistant to weathering and free of fines. The riprap must overlie a distinct filter layer ~~which that~~ consists of sand, gravel, or nonwoven geotextile fabric. The riprap and filter layer must be keyed into the bed below the ~~ordinary or artificial high water mark O/AHWM~~, as applicable. If the applicant wishes to install riprap with different standards, they must submit a design that is signed and stamped for construction purposes by a professional engineer registered in the state of Idaho. (3-18-22)()
- b. Riprap used to protect the base of a seawall or other vertical walls may not need to be keyed into the bed and may not require a filter layer, at the Department's discretion. (3-18-22)
- 09. Mooring Buoys.** Buoys must be installed a minimum of thirty (30) feet away from littoral right lines of adjacent littoral owners. One (1) mooring buoy per littoral owner may be allowed for single-family encroachments. (3-18-22)()
- 10. Float Homes.** (3-18-22)
- a. Applications for permits to construct new float homes, convert existing encroachments into float homes, or to expand the total square footage of the existing footprint, will not be accepted. (3-18-22)()
- b. ~~Applications for relocation of~~ A permit is required to relocate, rebuild, or add another story to existing float homes ~~within a lake or from one (1) lake to another.~~ Applications are subject to the following requirements: (3-18-22)()

i. ~~The applicant must provide P~~proof of ownership or long term lease of the uplands ~~parcels~~ adjacent to the relocation site ~~must be furnished to the Department.~~ (3-18-22)()

ii. ~~The applicant must provide detailed, scaled drawings approved by an engineer licensed in the state of Idaho that accurately illustrate and depict all interior and exterior features, layouts, and dimensions.~~ ()

iii. The applicant must show that all wastes and waste water will be transported to shore disposal systems by a method approved by the Idaho Department of Environmental Quality or the appropriate local health authority. Applicant must either obtain a letter from the local sewer district stating that the district will serve the float home or demonstrate that sewage will be appropriately handled and treated. Applicant must also provide a statement from a professional plumber licensed in the state of Idaho that the plumbing was designed in accordance with IDAPA 24.39.20, ~~“Rules Governing Plumbing,”~~ as incorporated by reference in Section 003 of these rules, installed properly, and has been pressure tested. (3-18-22)

~~e. Enoachment applications and approved local permits are required for replacement of, or adding another story to, a float home.~~ (3-18-22)

~~d. All plumbing work on float homes must be done in accordance with IDAPA 24.29.20, “Rules Governing Plumbing” and IDAPA 29.39.10, “Rules of the Idaho Electrical Board,” as incorporated by reference in Section 003 of these rules.~~ (3-18-22)

~~e. All float homes in Idaho that connect with upland sewer or septic systems must implement the following standards by December 31, 2012:~~ (3-18-22)

i. ~~The holding tank with pump or grinder unit must be adequately sealed to prevent material from escaping and to prevent lake water from entering. The tank lid must have a gasket or seal, and the lid must be securely fastened at all times unless the system is being repaired or maintained. An audible overflow alarm must also be installed.~~ (3-18-22)

ii. ~~Grinders or solids handling pumps must be used to move sewage from the float home to the upland system.~~ (3-18-22)

iii. ~~If solids handling pumps are used, they must have a minimum two (2) inch interior diameter discharge, and the pipe to the shoreline must also have a minimum two (2) inch interior diameter. Connectors used on either end of this pipe may not significantly reduce the interior diameter.~~ (3-18-22)

iv. ~~The pipeline from the float home to the shoreline must be a continuous line with no mechanical connections. Check valves and manual shutoff valves must be installed at each end of the line. Butt fused HDPE, two hundred (200) psi black polyethylene pipe, or materials with similar properties must be used. The pipeline must contain sufficient slack to account for the maximum expected rise and fall of the lake or river level. The pipeline must be buried in the lakebed for freeze protection where it will be exposed during periods of low water. Pipelines on the bed of the lake must be appropriately located and anchored so they will not unduly interfere with navigation or other lake related uses.~~ (3-18-22)

v. ~~Manifolds below the ordinary, or artificial if applicable, high water mark that collect two (2) or more sewer lines and then route the discharge to the shore through a single pipe are not allowed. All float homes must have an individual sewer line from the float home to a facility on the shore.~~ (3-18-22)

f. ~~All float home permittees will have their float homes inspected by a professional plumber licensed in the state of Idaho by December 31, 2012. The inspection will be documented with a report prepared by the inspector. The report will document whether or not the float homes meet the standards in Paragraph 015.10.e. of these rules, and will be provided to the Department before the above date.~~ (3-18-22)

g. ~~A float home permittee must request an extension, and give cause for the extension, if their float home does not meet the standards in paragraph 015.01.e. of these rules by December 31, 2012. Extensions beyond December 31, 2016 will not be allowed. A permittee’s failure to either request the extension, if needed, or to meet the December 31, 2016 deadline will be a violation subject to the provisions of Section 080 of these rules.~~ (3-18-22)

~~h. Construction or remodel work on a float home that costs fifty percent (50%) or more of its assessed value will require an encroachment application and construction drawings stamped by an engineer licensed in the state of Idaho.~~ (3-18-22)

11. Excavated~~ing~~ or Dredged~~ing~~ Channel. (3-18-22)()

a. Excavating, ~~or~~ dredging, ~~or dredging channels~~ requires an encroachment permit and are processed in accordance with Section 030 of these rules. (3-18-22)()

b. ~~An excavated or dredged channel or basin to provide~~ Dredging to improve access to navigable waters must have a clear environmental, economic, or social benefit to the ~~people of the state~~ public, and must not result in any appreciable environmental degradation. ~~A channel or basin~~ Dredging will not be approved if the cumulative effects of these features ~~in the same navigable lake~~ would be adverse to fisheries or water quality. (3-18-22)()

c. Whenever practical, ~~such channels or basins~~ dredging must ~~be located to serve~~ benefit more than one (1) littoral owner or a commercial marina; provided, however, ~~that no basin or channel~~ dredging will ~~not~~ be approved that will provide access for watercraft to nonlittoral owners. (3-18-22)()

12. ATONs. Aids to Navigation will conform to the requirements established by the United States Aid to Navigation system. (3-18-22)

13. General Encroachment Standards. (3-18-22)

a. Square Footage. The square footage limitations in Subsections 015.01 and 015.02 include all ~~structures~~ encroachments beyond the ~~ordinary or artificial high water mark such as O/AHWM~~ including the approach, ramp, pier, dock, and all other floating or suspended structures that cover the lake surface, except for: (3-18-22)()

i. Boat lifts as allowed pursuant to Paragraph 015.13.b. (3-18-22)

ii. Jet ski ramp, port, or lift as allowed pursuant to Paragraph 015.13.b. (3-18-22)

iii. Slip covers. (3-18-22)

iv. Undecked portions of breakwaters. (3-18-22)

b. Boat Lifts and Jet Ski Lifts. (3-18-22)

i. Single-family docks are allowed ~~a single one (1)~~ boat lift and two (2) jet ski lifts, or two (2) boat lifts, ~~without adding their footprint to the dock which are not included in calculating total~~ square footage. Additional lifts will ~~require that include~~ fifty percent (50%) of the ~~footprint square footage~~ of the largest lifts ~~be included in the into calculating total~~ allowable square footage ~~of the dock or pier~~ as per Subsection 015.01. (3-18-22)()

ii. Two-family docks are allowed ~~either~~ two (2) boat lifts and four (4) jet ski lifts, or four (4) boat lifts, ~~without adding their footprint to the dock which are not included in calculating total~~ square footage. Additional lifts will ~~require that include~~ fifty percent (50%) of the ~~footprint square footage~~ of the largest lifts ~~be included in the allowable square footage of the dock or pier into calculating total allowable square footage~~ as per Subsection 015.01. (3-18-22)()

iii. A boat lift or jet ski lift within lines drawn perpendicular from the shore to the outside dock edges will not require a separate permit if the lift is outside the ten (10) foot adjacent littoral owner setback, the lift does not extend beyond the line of navigability, and the lift does not count toward the square footage of the dock as outlined in Subparagraphs 015.13.b.i. and 015.13.b.ii. The permittee must send a revised permit drawing with the lift location as an application to the Department. If the lift meets the above conditions, the application will be approved as submitted. Future applications must include the lifts. (3-18-22)

iv. Community docks are allowed either one (1) boat lift or two (2) jet ski lifts per moorage. Boat lifts placed outside of a slip must be oriented with the long axis parallel to the dock ~~structure~~. Additional lifts will require that fifty percent (50%) of their footprint be included in the allowable square footage of the dock or pier as per Subsection 015.02. (3-18-22)()

c. Angle from Shoreline. (3-18-22)

i. Where feasible, all docks, piers, or similar structures must ~~be constructed so as to protrude as nearly as possible~~ protrude at right angles to the general shoreline, ~~lessening the potential for as nearly as possible to minimize~~ infringement on adjacent littoral rights. (3-18-22)()

ii. Where ~~it is not feasible to place docks at~~ right angles to the ~~general~~ shoreline are not feasible, the Department will work with the applicant to ~~review and approve the applicant's proposed~~ design an acceptable alternative configuration and ~~location of the dock and the dock's~~ angle from shore. (3-18-22)()

d. Length of Community Docks and Commercial Navigational Encroachments. Docks, piers, or other ~~works~~ encroachments may extend ~~to a length that will provide as far as necessary to~~ access ~~to~~ a water depth that will afford sufficient draft for water craft ~~customarily in use on the particular body of water, except that no structure may extend beyond~~ within the normal accepted line of navigability ~~established through use unless additional length is authorized by permit or order of the Director. The Department may authorize a longer or shorter length if justified by specific site conditions.~~ If a ~~normally accepted~~ line of navigability has not been established through use, the ~~Director~~ Department may ~~from time to time as he deems necessary~~, designate a line of navigability for the purpose of effective administration of these rules. (3-18-22)()

e. Presumed Adverse Effect. It will be presumed, subject to rebuttal, that single-family and two-family navigational encroachments will have an adverse effect upon adjacent littoral rights if located closer than ten (10) feet from adjacent littoral right lines, and that commercial navigational encroachments, community docks or nonnavigational encroachments will have ~~a like an~~ adverse effect upon adjacent littoral rights if located closer than twenty-five (25) feet to adjacent littoral right lines. Written consent of the adjacent littoral ~~owner or~~ owners will automatically rebut the presumption. All boat lifts and other structures attached to the encroachments are subject to the above presumptions of adverse ~~ae~~ effects. (3-18-22)()

f. Weather Conditions. Encroachments and their building materials must be designed and installed to withstand normally anticipated weather conditions in the area. Docks, piers, and similar structures must be adequately secured to pilings or anchors to prevent displacement due to ice, wind, and waves. Flotation devices ~~for docks, float homes, etc.~~ must be reasonably resistant to puncture and other damage. (3-18-22)()

g. Markers. If the Department determines that an encroachment is not of sufficient size to be readily seen or poses a hazard to navigation, the permit will specify ~~that aids to navigation be used~~ the use of ATONs to clearly identify the ~~potential~~ navigational hazard. (3-18-22)()

h. All encroachments that connect with upland sewer or septic systems must implement the following standards: ()

i. The holding tank with pump or grinder unit must be adequately sealed to prevent material from escaping and to prevent lake water from entering. The tank lid must have a gasket or seal, and the lid must be securely fastened at all times unless the system is being repaired or maintained. An audible overflow alarm must also be installed. ()

ii. Grinders or solids handling pumps must be used to move sewage from the encroachment to the upland system. ()

iii. If solids handling pumps are used, they must have a minimum two (2) inch interior diameter discharge, and the pipe to the shoreline must also have a minimum two (2) inch interior diameter. Connectors used on either end of this pipe may not significantly reduce the interior diameter. ()

iv. The pipeline to the shoreline must be a continuous line with no mechanical connections. Check valves and manual shutoff valves must be installed at each end of the line. Butt fused High-Density Polyethylene, two hundred (200) psi black polyethylene pipe, or materials with similar properties must be used. The pipeline must contain sufficient slack to account for the maximum expected rise and fall of the water level. The pipeline must be buried in the lakebed for freeze protection where it will be exposed during periods of low water. Pipelines on the bed of the lake must be appropriately located and anchored so they will not unduly interfere with navigation or other lake related uses. ()

v. Manifolds below the O/AHWM that collect two (2) or more sewer lines and then route the discharge to the shore through a single pipe are not allowed. All encroachments must have an individual sewer line from the encroachment to a facility on the shore. ()

vi. All permittees will have their encroachment inspected by a professional plumber licensed in the state of Idaho. The inspection will be documented with a report prepared by the inspector. The report will document whether or not the encroachment meets the standards in Paragraph 015.13.h. of these rules, and will be provided to the Department within thirty (30) days of any modification that impacts plumbing. ()

i. All electrical work installed on encroachments must be done in accordance with IDAPA 24.39.10, as incorporated by reference in Section 003 of these rules. ()

j. All plumbing work on encroachments must be done in accordance with IDAPA 24.39.20, as incorporated by reference in Section 003 of these rules. ()

k. All encroachments beyond the O/AHWM mark must adhere to the safety standards set forth in IDAPA 18.08.01, as incorporated by reference in Section 003 of these rules. ()

h.l. Overhead Clearance. (3-18-22)

i. Overhead clearance between the ~~natural or ordinary high water mark or the artificial high water mark, if there be one,~~ O/AHWM and the structure or wires must be sufficient to pass the largest vessel that may reasonably be anticipated to use the ~~subject~~ waters in the vicinity of the encroachment. ~~In no case will the clearance be required to exceed~~ The clearance must not exceed thirty (30) feet unless ~~after public hearing~~, the Department determines ~~after public hearing that it a higher clearance is in the overall public interest that the clearance be in excess of thirty (30) feet. Irrespective of height above the water, approval of~~ necessary for the public's benefit. Approval of structures or wires presenting a ~~hazard for boating or other water related activities~~ navigational hazard may be conditioned upon ~~require~~ adequate safety marking to show clearance and ~~otherwise to~~ warn the public of the hazard, ~~which will be specified. The Department will specify in the permit the amount of overhead clearance and markings required.~~ (3-18-22) ()

ii. When the permit provides for overhead clearance or safety markings under Paragraph 015.13.h./i., the Department will consider the applicable requirements of the United States Coast Guard, the Idaho Transportation Department, the Idaho Public Utilities Commission and any other applicable federal, state, or local ~~regulations~~ laws. (3-18-22) ()

im. Beaded Foam Flotation. Beaded foam flotation must be completely encased in a manner that will maintain the structural integrity of the foam. The encasement must be resistant to the entry of rodents. (3-18-22)

14. Floating Toys. (3-18-22)

a. Encroachment permits are not required for floating toys, except where noted in Paragraph 015.14.b. Counties and cities may regulate floating toys for public safety and related concerns. (3-18-22)

ba. A floating toy becomes a nonnavigational ~~An~~ encroachment, ~~and an encroachment~~ permit is required, ~~when one (1) of the following occurs: for floating toys when they are anchored to the lakebed with an anchor that requires equipment for removal or when located waterward of the line of navigability for more than twenty-four (24) consecutive hours.~~ (3-18-22) ()

i. ~~It is anchored to the bed of the lake with a device that requires equipment to remove it from the bed of the lake, or;~~ (3-18-22)

ii. ~~It is located waterward of the line of navigability for more than twenty-four (24) consecutive hours.~~ (3-18-22)

15. Marine Motor Fuel Dispensing Facilities. ()

a. Any portion of a marine motor fuel dispensing facility located below the O/AHWM requires an encroachment permit. ()

16. Fill Material. ()

a. The placing of any dredged or fill material on or in the beds or waters of any navigable lake is an encroachment and requires a permit from the Department. ()

157. Lake Specific Encroachment Permit Terms. (3-18-22)

a. The Department may use encroachment permit conditions specific to individual ~~lakes~~ waterways if ~~the permit conditions are needed~~ necessary to protect public trust ~~values~~ resources and the permit condition is approved by the Land Board. (3-18-22)()

b. Lake specific encroachment permit conditions may supplement, negate, or alter encroachment standards established in Section 015 of these rules. (3-18-22)

c. Lake specific encroachment permit conditions will be used to assist with implementing lake management plans authorized by Title 39, Chapter 66, Idaho Code; Title 39, Chapter 85, Idaho Code; Title 67, Chapter 43, Idaho Code; and Title 70, Chapter 2, Idaho Code. ~~The purpose for using such lake specific permit conditions is to address lake specific environmental concerns that require attention and create a need for a variance from what is allowed on other lakes.~~ (3-18-22)()

d. Lake specific encroachment permit terms may be read at the Idaho Department of Lands website: <https://www.idl.idaho.gov/>. (3-18-22)()

016. -- 019. (RESERVED)

020. APPLICATIONS.

01. **Encroachment Applications.** No ~~person shall hereafter make or cause to be made any~~ encroachment s on, in or above the beds or waters of any navigable lake in the state of Idaho are allowed without first making application to and receiving ~~written approval~~ an encroachment permit from the ~~d~~Department. ~~The placing of dredged or fill material, refuse or waste matter intended as or becoming fill material, on or in the beds or waters of any navigable lake in the state of Idaho shall be considered an encroachment and written approval by the department is required. If demolition is required prior to construction of the proposed encroachment, then t~~ The application must ~~describe the~~ include a description of any demolition activities and the steps that will be taken to protect water quality and other public trust values. No demolition activities may proceed until the permit is issued. (3-18-22)()

02. **Signature Requirement.** Only persons who are littoral owners or lessees of a littoral owner ~~shall~~ be are eligible to apply for encroachment permits. A person who has been specifically granted littoral rights or dock rights from a littoral owner ~~shall is~~ also be eligible for an encroachment permit; the grantor of ~~such these~~ littoral rights, however, ~~shall are~~ no longer be eligible to apply for an encroachment permit. Except for waterlines or utility lines, the possession of an easement to the shoreline does not qualify a person to be eligible for an encroachment permit. (3-18-22)()

03. **Other Permits.** ~~Nothing in these rules shall excuse a~~ A person seeking to make an encroachment ~~from obtaining~~ must also obtain any additional approvals lawfully required by federal, local or other state agencies. (3-18-22)()

04. Repairs, Reinstallation of Structures. No permit is required to clean, maintain, or repair an existing permitted encroachment, but a permit is required to ~~completely~~ replace, enlarge, or extend an existing encroachment. Replacement of single-family and two-family docks ~~may will~~ not require a permit if ~~they meet the criteria in Section 58-1305(e), Idaho Code~~ the replacement is within current standards as provided in Idaho Code § 58-1305(e). ~~Reinstalling~~ Replacing the top or decking of a dock, wharf or similar structure ~~shall be an encroachment is~~ considered a repair; ~~reinstallation.~~ Replacement of winter damaged or wind and water damaged of wind or water damaged pilings, docks, or floats ~~logs shall be is~~ considered a repair. ~~Repairs, or replacements under Section 58-1305(e), Idaho Code.~~ Any repair or replacement that adversely affects the bed of the lake ~~will be considered is~~ a violation of these rules. (3-18-22)()

05. Dock Reconfiguration. (3-18-22)

a. ~~Rearrangement~~ Reconfiguration or rearrangement of single-family and two-family docks will require a new application for an encroachment permit. (3-18-22)()

b. Reconfiguration or Rearrangement of community docks and commercial navigational encroachments may not require a new application for an encroachment permit if the changes are only internal and navigational. The ~~d~~Department ~~shall must~~ be consulted prior to commencement of modifications ~~being made~~, and ~~shall use will consider~~ the following ~~criteria~~ to help determine if a new permit ~~must be submitted is required~~: (3-18-22)()

i. Overall footprint does not change in dimension or orientation; (3-18-22)

ii. No increase in the square footage, as described in the existing permit ~~and in accordance with Paragraph 015.13.a., occurs~~. This only applies to community docks; (3-18-22)()

iii. The entrances and exits of the ~~facility~~ encroachment do not change; (3-18-22)()

iv. The number of slips does not change. ()

06. Redredging Dredging. ~~Redredging~~ A permit is required before dredging or redredging a channel or basin ~~shall be considered a new encroachment and a permit is required~~ unless redredging is specifically authorized by ~~the outstanding an existing~~ permit. ~~Water quality certification from the Idaho Department of Environmental Quality is required regardless of how redredging is addressed in any existing or future permit.~~ (3-18-22)()

07. Forms, Filing. Applications ~~and plans shall must~~ be filed on forms provided by the Department together with filing fees and costs of publication when required by these rules. Costs ~~of preparation of incurred to~~ prepare the application, including all necessary maps and drawings, ~~shall must~~ be paid by the applicant. (3-18-22)()

a. Plans ~~shall must~~ include detailed information to demonstrate compliance with the applicable standards of these rules, and the following information at a scale sufficient to show the information requested: (3-18-22)()

i. Lakebed profile in relationship to the proposed encroachment. The lakebed profile ~~shall show must~~ clearly depict the ~~summer and winter water levels~~ O/AHWM, the line of navigability, and the low water mark. (3-18-22)()

ii. Copy of most recent survey or county plat showing the full extent of the applicant's ~~lot~~ upland parcel and the adjacent ~~littoral lots~~ upland parcels. (3-18-22)()

iii. Proof of current ownership or control of ~~littoral~~ upland property or littoral rights. (3-18-22)()

iv. ~~A general vicinity map~~ Scaled maps accurately depicting the location of all encroachments and their dimensions. (3-18-22)()

- v. Scaled air photos or maps ~~showing~~ accurately depicting the lengths of adjacent docks as an indication of the line of navigability, distances to adjacent encroachments, distance to littoral lines, and the location and orientation of the proposed encroachment in the lake. (3-18-22)()
- vi. Total square footage of proposed docks and other structures, excluding pilings, that cover the lake surface. (3-18-22)
- vii. Names and current mailing addresses of adjacent littoral landowners. (3-18-22)
- viii. Plans submitted for enclosed encroachments must accurately depict all interior and exterior features. Public, commercial, and residential encroachments may require engineered plans approved by a professional engineer licensed in the state of Idaho. ()
- b. Applications must be submitted or approved by the littoral owner or, if the encroachment will lie over or upon private lands between the ~~natural or ordinary high water mark~~ OHWM and the ~~artificial high water mark~~ AHWM, the application must be submitted or approved by the owner of ~~such those~~ lands. When the littoral owner is not the applicant, the application ~~shall~~ must bear the owner's signature as approving the encroachment prior to filing. (3-18-22)()
- c. If more than one (1) littoral owner exists, the application must bear the signature of all littoral owners, or the signature of an authorized officer of an entity or a designated homeowner's or property management association. (3-18-22)()
- d. Applications for noncommercial ~~encroachments intended to improve waterways for navigation~~ ATONs, wildlife habitat, and ~~other~~ recreational uses by members of the public must be filed by any municipality, county, state, or federal agency, or other entity empowered to make ~~such those~~ improvements. Application fees are not required for these encroachments. (3-18-22)()
- e. The following applications ~~shall~~ must be accompanied by the respective nonrefundable filing fees together with a deposit toward the cost of newspaper publication, which ~~deposit shall~~ will be determined by the ~~director~~ Department at the time of filing: (3-18-22)()
- i. Nonnavigational encroachments require a fee of one thousand dollars (\$1,000); except that nonnavigational encroachments for bank stabilization and erosion control require a fee of five hundred fifty dollars (\$550). (3-18-22)
- ii. Commercial navigational encroachments require a ~~base~~ fee of two thousand dollars (\$2,000). If the costs of processing an application exceed this amount, then the applicant may be charged additional costs as allowed by ~~Title 58, Chapter 13, Section~~ Idaho Code 58-1307, Idaho Code; (3-18-22)()
- iii. Community navigational encroachments require a fee of two thousand dollars (\$2,000); and (3-18-22)
- iv. Navigational encroachments extending beyond the line of navigability require a fee of one thousand dollars (\$1,000). (3-18-22)
- f. Applicants ~~shall~~ must pay any balance due ~~on publication costs~~ before written approval will be issued. The Department ~~shall~~ will refund ~~any excess at or before final action on the application~~ any publication costs if the notice is not published. (3-18-22)()
- g. Application for a single-family or two-family dock not extending beyond the line of navigability or a nonnavigational encroachment for a buried or submerged water ~~intake~~ line serving four or less households ~~shall~~ must be accompanied by a nonrefundable ~~filing~~ fee of four hundred twenty-five dollars (\$425). (3-18-22)()
- h. No publication cost is required for applications ~~s~~ for noncommercial navigational encroachments ~~s~~ not extending beyond the line of navigability or for application for installation of buried or submerged water ~~intake~~ lines and utility lines. (3-18-22)()

- i. Applications and plans ~~shall~~ must be stamped with the date ~~of filing~~ received by the Department. (3-18-22)()
- j. Applications that are incomplete, not in the proper form, not containing the required signature(s), or not accompanied by filing fees and costs of publication ~~when required, shall~~ will not be accepted for filing. The ~~Department shall~~ will send the applicant a written notice of incompleteness with a listing of the application's deficiencies. The applicant will be given thirty (30) days from receipt of the notice of incompleteness to resubmit the required information. The deadline may be extended with written consent of the ~~Department~~. If the given deadline is not met, the ~~Department~~ will notify the applicant that the application has been denied due to lack of sufficient information. The applicant may reapply at a later date, but will be required to pay another filing fee and publication fee, if applicable. (3-18-22)()

(BREAK IN CONTINUITY OF SECTIONS)

030. PROCESSING OF APPLICATIONS FOR ALL OTHER TYPES OF ENCROACHMENTS.

01. Nonnavigational, Community, and Commercial Navigational Encroachments. Within ten (10) days of receiving a complete application for a nonnavigational encroachment, a community dock, a commercial navigational encroachment, or a navigational encroachment extending beyond the line of navigability, the Department will ~~cause to be published~~ a notice of application once a week for two (2) consecutive weeks in a newspaper of general circulation in the county in which the encroachment is proposed. If, however, the Director orders a public hearing on the application within the time for publication of the above notice, the Department will dispense with publication of the notice of the application and proceed instead to publish a notice of the public hearing as provided in Subsection 030.05. Applications for installation of buried or submerged water ~~intake~~ lines and utility lines are exempt from the newspaper publication process. (3-18-22)()

02. Encroachments Not in Aid of Navigation. Encroachments not in aid of navigation ~~in navigable lakes~~ will normally not be approved by the Department ~~and will be considered only except~~ in cases involving major environmental, economic, or social benefits ~~to the general public that exceed the detrimental effects of the proposed encroachment to public trust values and adjacent real property, if any.~~ Approval under these circumstances is authorized only when consistent with the public trust doctrine and when there is no other feasible alternative with less impact on public trust values. (3-18-22)()

03. Notifications. ~~Upon request or when the Department deems it appropriate, t~~ The Department may ~~furnish~~ provide copies of the application and plans to federal, state and local agencies and to adjacent littoral owners, requesting comment on the likely effect of the proposed encroachment upon adjacent littoral property and public trust values such as navigation, fish and wildlife habitat, aquatic life, recreation, aesthetic beauty, water quality, etc. (3-18-22)()

04. Written Comments or Objections. Within thirty (30) days of the first date of publication, an agency, adjacent littoral owner ~~or lessee~~, or any resident of the state of Idaho may do one (1) of the following: (3-18-22)()

a. Notify the Department of their opinions and recommendation, if any, for alternate plans they believe will be economically feasible and will accomplish the purpose of the proposed encroachment without unreasonably adversely affecting adjacent littoral property or public trust values; or (3-18-22)

b. File with the Department written objections to the proposed encroachment and request a public hearing on the application. ~~The hearing must be specifically requested in writing.~~ Any person or agency requesting a public hearing on the application must deposit and pay to the Department an amount sufficient to cover the cost of publishing notice of hearing provided in Subsection 030.05. (3-18-22)()

05. Public Hearing. The Department will publish ~~N~~notice of the time and place of public hearing on the application ~~will be published by the Director~~ once a week for two (2) consecutive weeks in a newspaper in the

county in which the encroachment is proposed, ~~which~~. The public hearing will be held within ninety (90) days from the date the application is accepted for filing. (3-18-22)()

06. Hearing Participants. Any person may appear at the public hearing and present oral testimony. ~~Written comments will also be received by the Department~~ Persons may also submit written comments to the Department. (3-18-22)()

07. Decision After Hearing. The Director will render a final decision and order within thirty (30) days after close of the public hearing. A copy of ~~his the~~ final ~~decision order~~ will be mailed to the applicant and to each person or agency appearing at the hearing and giving oral or written testimony ~~in support of or in opposition to the proposed encroachment.~~ (3-18-22)()

08. Decision Where No Hearing. (3-18-22)

a. ~~In the event~~ If no objection to the proposed encroachment is filed with the Department and no public hearing is requested ~~under Subsection 030.04, or ordered by the Director under Subsection 030.01,~~ the Department will issue a final decision and order based upon its investigation and ~~considering~~ consideration the economics of the navigational necessity, justification or benefit, public or private, of ~~such the~~ proposed encroachment as well as its detrimental effects, if any, upon adjacent real property and public trust values such as navigation, fish and wildlife habitat, aquatic life, recreation, aesthetic beauty, water quality, etc. ~~will prepare and forward to the applicant its decision.~~ (3-18-22)()

b. The applicant, if dissatisfied with the Director's decision, has twenty (20) days from the date of the Director's decision to request reconsideration thereof. If reconsideration is ~~required~~ granted, the Director will set a time and place for a reconsideration hearing, not to exceed thirty (30) days from receipt of the request, at which time and place the applicant may appear in person or through an authorized representative and present briefing and oral argument. Upon conclusion of reconsideration, the Director will, by personal service or by registered or certified mail, notify the applicant of ~~his the~~ final decision. (3-18-22)()

09. Judicial Review. Any applicant or party aggrieved by the Director's final ~~decision, or an aggrieved party who appeared at a hearing order,~~ has the right to ~~have the proceedings and~~ judicial review of the final decision of the Director reviewed order by the district court in the county in which the encroachment is proposed by filing a notice of appeal within thirty (30) days from the date of the final ~~decision order~~. The applicant need post no bond with the court to prosecute an appeal. Any other aggrieved party is required to deposit an appeal bond with the court, in an amount to be determined by the court but not less than five hundred dollars (\$500), insuring payment to the applicant of damages caused by delay and costs and expenses, including reasonable attorney fees, incurred on the appeal in the event the district court sustains the action of the Director. (3-18-22)()

10. Factors in Decision. In recognition of continuing private property ownership of lands lying between the ~~natural or ordinary high water mark~~ OHW and the ~~artificial high water mark~~ AHW, if present, the Department will consider unreasonable adverse effect upon adjacent property and undue interference with navigation the most important factors to be considered in granting or denying an application for either a nonnavigational encroachment or a commercial navigational encroachment not extending below the ~~natural or ordinary high water mark~~ OHW. If no objections have been filed to the application and no public hearing has been requested or ordered by the Director, or, if upon reconsideration of a decision disallowing a permit, or following a public hearing, the Department determines that the benefits, whether public or private, to be derived from allowing ~~such the~~ encroachment exceed its detrimental effects, the permit will be granted. (3-18-22)()

IDAPA 24 – DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES

24.05.01 – RULES OF THE BOARD OF DRINKING WATER AND WASTEWATER PROFESSIONALS

DOCKET NO. 24-0501-2501 (FEE RULE)

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2026 Idaho State Legislature and must be approved by concurrent resolution of the Legislature to go into effect, in accordance with Section [67-5224\(2\)\(c\)](#), Idaho Code. Should the pending rule be approved, it will become final and effective on July 1 following the Second Regular Session of the Sixty-eighth Idaho Legislature, unless the concurrent resolution states a different effective date.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section [54-2406\(1\)](#), Idaho Code.

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

This pending rule would: (1) update the calculation of continuing education and limit the number of managerial units required, (2) reduce regulatory burdens by eliminating the responsible charge requirements and decrease system classifications, (3) clarify completions for apprenticeship programs, (4) streamline the process for acquiring a higher level of license, and (5) address the Board's cash balances by increasing fees.

Changes have been made to the proposed rule text in order to clarify the number of CEU hours and college credits needed when substituting for experience hours, reducing licensing and renewal fee increases, and adding minor technical corrections to the rule chapter.

The text of the pending rule has been amended in accordance with Section [67-5227](#), Idaho Code. Only those sections that have changes that differ from the proposed text are printed in this bulletin. The complete text of the proposed rule was published in the October 1, 2025, Idaho Administrative Bulletin, [Vol. 25-10, pages 307-312](#).

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

As authorized in Sections [54-2406\(1\)](#) and [54-2407\(1\)](#), Idaho Code, the fees in this rulemaking are increased to comply with Section [67-2608\(3\)](#), Idaho Code, requiring that low fund balances be rectified.

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

No fiscal impact on the state general fund will occur as a result of these changes.

ASSISTANCE WITH TECHNICAL QUESTIONS: For assistance with technical questions concerning this pending rule, contact Ryan Bernard, Legislative and Regulatory Affairs Chief, at (775) 870-7926.

DATED this 5th day of December, 2025.

Ryan Bernard
Legislative and Regulatory Affairs Chief
PO Box 83720
Boise, ID 83720-0063
Phone: (775) 870-7926
Email: ryan.bernard@dopl.idaho.gov

DOCKET NO. 24-0501-2501 — ADOPTION OF PENDING RULE

Substantive changes have been made in the pending rule.
Italicized red text that is *double underscored* indicates
amendments to the proposed text as adopted in the pending rule.

The text of the proposed rule was published in the Idaho Administrative Bulletin,
Volume 25-10, October 1, 2025, pages 307 through 312.

This rule has been adopted as a pending rule by the Agency and is now awaiting
review and final approval by the 2026 Idaho State Legislature.

THE FOLLOWING IS THE TEXT OF THE PENDING RULE FOR DOCKET NO. 24-0501-2501

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

24.05.01 – RULES OF THE BOARD OF DRINKING WATER AND WASTEWATER PROFESSIONALS

002. DEFINITIONS.

01. Very Small Public Drinking Water System. A community or non-transient non-community public *drinking* water system that serves five hundred (500) persons or ~~less~~ *fewer* and has no treatment other than disinfection or has only treatment which does not require any chemical treatment, process adjustment, backwashing or media regeneration by an operator (e.g. calcium carbonate filters, granular activated carbon filters, cartridge filters, ion exchangers). *(7-1-24)()*

02. Very Small *Public* Wastewater System. A public wastewater system that serves five hundred (500) connections or less and includes a collection system with a system size of six (6) points or ~~less~~ *fewer* on the Idaho Department of Environmental Quality (DEQ) system classification rating form and is limited to only one (1) of the following wastewater treatment processes: aerated lagoons; non-aerated lagoon(s); primary treatment; or primary treatment discharging to a large soil absorption system (LSAS). *(7-1-24)()*

03. System Classifications. All other system classifications used here are in accordance with DEQ *classifications.* *()*

003. -- 099. (RESERVED)

100. LICENSURE.

01. Classifications.

License Type	Classification
Drinking Water Distribution Operator Drinking Water Treatment Operator	Operator In Training, Very Small System, Class I- Restricted, Class I, II, III, or IV

License Type	Classification
Wastewater Treatment Operator Wastewater Collections Operator	Operator-In-Training, Very Small System, Class I Restricted, Class I, II, III, IV, or Land Application
Wastewater Laboratory Analyst	Class I, II, III, or IV
Backflow Assembly Tester	

License Discipline	License Type	Classification
Drinking Water	Drinking Water Distribution Operator	Operator-In-Training, Class I Restricted, Class I, II, III, or IV
	Drinking Water Treatment Operator	Operator-In-Training, Class I Restricted, Class I, II, III, or IV
		Very Small Drinking Water Systems
Wastewater	Wastewater Treatment Operator	Operator-In-Training, Class I Restricted, Class I, II, III, IV, or Land Application
	Wastewater Collections Operator	Operator-In-Training, Class I Restricted, Class I, II, III, or IV
	Wastewater Laboratory Analyst	Class I, II, III, or IV
		Very Small Wastewater Systems
Backflow Assembly Tester	Backflow Assembly Tester	BAT

(7-1-24)()

02. Examination Requirement. ~~Applicants must pass a written examination for each license type and classification. Applicants may apply and test for the classification level for which they have the requisite experience and education. Examination scores are valid for one (1) year from the examination date.~~ (7-1-24)()

03. Education and Experience Requirements. Applicants must present proof of the following:

(7-1-24)

a. Operator-In-Training. Passage of the board-approved examination or enrollment in a board-approved apprenticeship program. The Operator-In-Training license is valid for five (5) years. (7-1-24)

b. Very Small Drinking Water. Eighty-eight (88) hours of relevant on-site operating experience ~~at a water system~~ and twelve (12) hours of chlorination and drinking water distribution course(s). (7-1-24)()

c. Very Small Wastewater. Eighty-eight (88) hours of relevant on-site operating experience ~~at a wastewater collection or treatment system~~; six (6) hours of pumps and motors or collection course(s); and six (6) hours of lagoon operation and maintenance, large soil absorption system, or wastewater treatment course(s). (7-1-24)()

d. Class I Restricted. Two hundred sixty (260) hours of relevant on-site operating experience ~~at a Class I or higher system~~ during twelve (12) consecutive months with the a system and sixteen (16) hours of continuing education relevant to the license. A restricted license is limited to a specific system. (7-1-24)()

e. ~~Class I Operator. One thousand six hundred (1,600) hours of on-site operating experience at a Class I or higher system, or 3200 hours of experience at a Very Small Wastewater System, or successful completion of one (1) year of an approved apprenticeship program.~~ Class I Operator. One thousand six hundred (1,600) hours of relevant on-site operating experience, or successful completion of a board approved Class I apprenticeship program.

(7-1-24)()

f. ~~Class II Operator. Four thousand eight hundred (4,800) hours of on-site operating experience at a Class I or higher system or successful completion of an approved apprenticeship program.~~ Class II Operator. Four thousand eight hundred (4,800) hours of relevant on-site operating experience or successful completion of a board approved Class II apprenticeship program. (7-1-24)()

g. ~~Class III Operator. Two (2) years of postsecondary education in environmental control, engineering or related science or successful completion of an approved apprenticeship program and six thousand four hundred (6,400) hours of on-site operating experience, including three thousand two hundred (3,200) hours of responsible charge of a major segment of the system, at a Class II or higher system.~~ Class III Operator. Two (2) years of postsecondary education in environmental control, engineering or related science or successful completion of a board approved Class III apprenticeship program; and six thousand four hundred (6,400) hours of relevant on-site operating experience. (7-1-24)()

h. ~~Class IV Operator. Four (4) years of postsecondary education in environmental control, engineering or related science or successful completion of an approved apprenticeship program; and six thousand four hundred (6,400) hours of on-site operating experience, including three thousand two hundred (3,200) hours of responsible charge of a major segment of the system, at a Class III or higher system.~~ Class IV Operator. Four (4) years of postsecondary education in environmental control, engineering or related science or successful completion of a board approved Class IV apprenticeship program; and six thousand four hundred (6,400) hours of relevant on-site operating experience. (7-1-24)()

i. ~~Wastewater Land Application. A wastewater Class I or higher operation license and eight hundred (800) hours of on-site operating experience at a wastewater land application system. A wastewater land application operator who is in responsible charge must be licensed at a class equal to or greater than the wastewater system classification. The wastewater treatment license must be maintained to renew the wastewater land application.~~ Operator must hold and maintain an active Wastewater Treatment Operator license. (7-1-24)()

j. ~~Backflow Assembly Tester. Successful completion of a Bboard-approved training program and passage of a practical examination using the University of Southern California (USC) testing procedures~~ or other testing procedures approved by the board. (7-1-24)()

k. ~~Class I Wastewater Laboratory Analyst. One thousand six hundred (1,600) hours of lab experience at a Class I or higher system.~~ (7-1-24)()

l. ~~Class II Wastewater Laboratory Analyst. Four thousand eight hundred (4,800) hours of lab experience at a Class I or higher system~~ at a drinking water or wastewater laboratory. (7-1-24)()

m. ~~Class III Wastewater Laboratory Analyst. Two (2) years of postsecondary education in environmental control, engineering or related science and six thousand four hundred (6,400) hours of lab experience at a Class II or higher system~~ at a drinking water or wastewater laboratory. (7-1-24)()

n. ~~Class IV Wastewater Laboratory Analyst. Four (4) years of postsecondary education in environmental control, engineering or related science and six thousand four hundred (6,400) hours of lab experience at a Class III or higher system~~ at a drinking water or wastewater laboratory. (7-1-24)()

04. Substitutions. An applicant may substitute education and experience requirements as follows:
(7-1-24)

a. Completion of an apprenticeship program will be accepted in lieu of education or experience requirements as identified in Rule 100.03 if the program provides experience and education related to the operation of Class I-IV systems; is registered with the U.S. Department of Labor, Office of Apprenticeship; meets the Standards of Apprenticeship developed by the U.S. Department of Labor; and fulfills the requirements in Rules 100.03. (7-1-24)

b. Education for Experience. For Classes I, II, III and IV, postsecondary education in environmental control, engineering or related science can be substituted for up to fifty percent (50%) of the required experience, at a

rate of thirty (30) college ~~semester~~ credits or ~~forty-five~~ four hundred fifty (450) hours equivalent to forty-five (45) CEUs of germane continuing education for one thousand six hundred (1,600) hours of experience. Education substituted for experience must be in addition to the minimum education requirement. For non-environmental, engineering, or science related degrees only courses germane to these disciplines will be eligible for substitution as determined by the board. (7-1-24)()

c. Experience for Education. One thousand six hundred (1,600) hours of on-site operating experience may be substituted for ~~one (1) year of high school~~ each year of post secondary education. ~~For Class III and IV, responsible charge experience may be substituted for postsecondary education at a rate of one thousand six hundred (1,600) hours of experience for one (1) year postsecondary education.~~ Experience substituted for education must be in addition to the minimum experience requirement. (7-1-24)()

d. Experience for Experience. Fifty percent (50%) of the required operating experience must be met by relevant, onsite operating experience in the license type being applied for. The following experience may be used to substitute up to fifty percent (50%) of the required operating experience: (7-1-24)()

i. Environmental or operations consultants, or environmental or engineering branch of federal, state, county, or local government; ()

ii. Construction of a distribution, collections, or drinking water or wastewater treatment system if such experience is documented in a declaration from a system owner or licensed operator, or; ()

iii. Experience in the license disciplines of Drinking Water and Wastewater. ()

~~ic.~~ Laboratory Analyst Experience for Experience. Experience as a laboratory analyst may count towards ~~one half (1/2) fifty percent (50%)~~ of the required wastewater operating experience and experience as a wastewater operator may count towards ~~one half (1/2) fifty percent (50%)~~ of the required laboratory analyst experience. (7-1-24)()

~~ii.~~ ~~The following experience may be substituted for one half (1/2) of the operating experience requirement for Class I, II, III and IV: environmental or operations consultant; environmental or engineering branch of federal, state, county, or local government; wastewater collection system operator; wastewater treatment plant operator; water distribution system operator or manager; and/or waste treatment operation or maintenance.~~ (7-1-24)

~~iii.~~ ~~The following experience may be substituted for one half (1/2) of the operating experience requirement for Class I and II: construction of a water or wastewater distribution or collections system if such experience is documented in a declaration from a system owner or licensed operator.~~ (7-1-24)

05. Board approved Backflow or Operator Examination Providers Monitored and Audited. The board or its representative may monitor and audit any board approved examination provider. ()

056. **Continuing Education.** To renew, a licensee must complete, ~~during the prior licensing period,~~ and retain proof of completion of six (6) classroom hours (0.6 CEUs) for each year of the licensing period of continuing education germane to the license ~~type discipline (Drinking Water or Wastewater),~~ except that backflow assembly testers must complete an eight (8) hour refresher course every two (2) years. ~~A licensee holding both drinking water and wastewater licenses must complete six (6) classroom hours for each license type.~~ A remote or distant study course is acceptable if it is germane to the license type, except that backflow assembly testers must complete in-person and board-approved continuing education. (7-1-24)()

a. A licensee may carry forward up to six (6) classroom hours of unused continuing education (0.6 CEUs) per licensure discipline for up to one (1) renewal cycle. ()

b. A licensee who is an instructor for a drinking water or wastewater continuing education course may be credited the same number of classroom hours as the students of the germane course for one (1) presentation of the training per year of the licensing period. ()

101. -- 199. (RESERVED)

200. PRACTICE STANDARDS.

01. Operator-in-Training. Operators-in-training must practice under the direct supervision of an appropriately licensed operator ~~of a type, category, and classification higher than the operator-in-training. No operator in training can accept or perform the designated responsible charge duties at any system.~~ (7-1-24)()

02. Grandparent License. ~~The licensee may operate in responsible charge of the specific facility identified in the original application. The license is site specific, non transferable, and does not grant authority for the holder to practice as an operator at any other system. The license becomes invalid when the classification of the system changes to a higher classification.~~ (7-1-24)

03.2. Operators and Backflow Assembly Testers Code of Conduct. Operators and backflow assembly testers must: (7-1-24)

- a. Perform duties with due care and diligence to protect the safety, health, and welfare of the public. (7-1-24)
- b. Comply with all applicable local, state, and federal laws relating to their respective profession(s). (7-1-24)
- c. Perform only those duties within their education, training, and experience and scope of licensure. (7-1-24)
- d. Prepare reports which are accurate, objective, and include all relevant information. (7-1-24)
- e. Use standard test procedures, operating procedures, methods, and equipment when conducting inspections, sampling, and field tests with calibrated equipment. (7-1-24)
- f. Backflow assembly testers will observe or inspect existing installations of backflow prevention assemblies to identify whether the assembly is properly installed the assembly is adequate for the degree of hazard. (7-1-24)
- g. When a backflow prevention assembly passes a field test, the tester must submit the report ~~will be submitted~~ to the consumer and relevant public water system within fifteen (15) business days of the field test. ()
- h. When a backflow prevention assembly is defective or fails to pass the field test, the tester must submit the report ~~will be submitted~~ to the consumer and relevant public water system within two (2) business days of the field test. (7-1-24)()

[Proposed new Subsection 200.02.h. has been withdrawn]

201. -- 399. (RESERVED)

400. FEES.

All fees are non-refundable. Annual fees may be aggregated for biennial licensure.

TYPE	AMOUNTAPPLICATION (Not to Exceed)	ANNUAL RENEWAL (Not to Exceed)
Application	\$25	
Backflow Assembly Tester	\$100	\$85
Operator-In-Training	\$55	N/A

TYPE	AMOUNT APPLICATION (Not to Exceed)	ANNUAL RENEWAL (<u>Not to Exceed</u>)
<u>Very Small System</u>	\$75	<u>\$60</u>
<u>Land Application</u>	<u>\$80</u>	<u>\$65</u>
<u>Class I & Restricted Class I</u>	\$80	<u>\$65</u>
<u>Class II</u>	\$90	<u>\$75</u>
<u>Class III</u>	\$100	<u>\$85</u>
<u>Class IV</u>	\$100	<u>\$85</u>
<u>Endorsement</u>	\$100	N/A
License	\$30 annually 75	N/A
Reinstatement <u>Fee</u>	\$35	N/A

(~~7-1-24~~)()

IDAPA 24 – DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES

24.26.01 – RULES OF MIDWIFERY

DOCKET NO. 24-2601-2501

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2026 Idaho State Legislature and must be approved by concurrent resolution of the Legislature to go into effect, in accordance with Section [67-5224\(2\)\(c\)](#), Idaho Code. Should the pending rule be approved, it will become final and effective on July 1 following the Second Regular Session of the Sixty-eighth Idaho Legislature, unless the concurrent resolution states a different effective date.

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

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

This rulemaking seeks to make final certain amendments to the fee table made through temporary rulemaking earlier this year published in the January 1, 2025, Idaho Administrative Bulletin, [Vol. 25-1, Pages 70-71](#). These pending rules adjust permit fees downwards to address the Board's cash balance, while simultaneously reducing costs for licensees.

There are no changes to the pending rule, and it is being adopted as originally proposed. The complete text of the proposed rule was published in the November 5, 2025, Idaho Administrative Bulletin, [Vol. 25-11, pages 105-106](#).

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

There are no newly imposed or increased fees in this rule change. Instead, this rulemaking seeks to finalize the Board's authority to temporarily reduce fees when necessary. Under this pending fee rule, promulgated through temporary rulemaking earlier this year, the Division implemented fee reductions of thirty percent (30%) to ninety-six percent (96%) for four (4) of the Board's license fees beginning January 1, 2025.

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

No fiscal impact on the state general fund will occur as a result of these changes.

ASSISTANCE WITH TECHNICAL QUESTIONS: For assistance with technical questions concerning this pending rule, contact Ryan Bernard, Legislative and Regulatory Affairs Chief, at (775) 870-7926.

DATED this 5th day of December, 2025.

Ryan Bernard
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IDAPA 24 – DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES

24.31.01 – RULES OF THE IDAHO STATE BOARD OF DENTISTRY

DOCKET NO. 24-3101-2501

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2026 Idaho State Legislature and must be approved by concurrent resolution of the Legislature to go into effect, in accordance with Section [67-5224\(2\)\(c\)](#), Idaho Code. Should the pending rule be approved, it will become final and effective on July 1 following the Second Regular Session of the Sixty-eighth Idaho Legislature, unless the concurrent resolution states a different effective date.

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

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

This rulemaking seeks to make final certain amendments to the fee table made through temporary rulemaking earlier this year published in the January 1, 2025, Idaho Administrative Bulletin, [Vol. 25-1, Pages 72-73](#). These pending rules add language to the fee table that allows the Board of Dentistry greater capability to reduce fees temporarily to address the Board's existing cash balances and to lower costs for licensees.

There are no changes to the pending rule, and it is being adopted as originally proposed. The complete text of the proposed rule was published in the November 5, 2025, Idaho Administrative Bulletin, [Vol. 25-11, pages 107-108](#).

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

There are no newly imposed or increased fees in this rule change. Instead, this rulemaking seeks to finalize the Board's authority to temporarily reduce fees when necessary. Under this pending fee rule, promulgated through temporary rulemaking earlier this year, the Division implemented fee reductions of ten percent (10%) to twenty-six percent (26%) for three (3) of the Board's license/permit fees beginning January 1, 2025.

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

No fiscal impact on the state general fund will occur as a result of these changes.

ASSISTANCE WITH TECHNICAL QUESTIONS: For assistance with technical questions concerning this pending rule, contact Ryan Bernard, Legislative and Regulatory Affairs Chief, at (775) 870-7926.

DATED this 5th day of December, 2025.

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IDAPA 24 – DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES

24.32.01 – RULES OF THE IDAHO BOARD OF LICENSURE OF PROFESSIONAL ENGINEERS AND PROFESSIONAL LAND SURVEYORS

DOCKET NO. 24-3201-2501

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2026 Idaho State Legislature and must be approved by concurrent resolution of the Legislature to go into effect, in accordance with Section [67-5224\(2\)\(c\)](#), Idaho Code. Should the pending rule be approved, it will become final and effective on July 1 following the Second Regular Session of the Sixty-eighth Idaho Legislature, unless the concurrent resolution states a different effective date.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section [54-1208](#), Idaho Code.

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

This pending rule would move the official fee table for Idaho Board of Professional Engineers and Land Surveyors (IPELS) from a posting on the Division of Occupational and Professional Licensing website into rule to comply with Section [67-9402\(2\)](#), Idaho Code, requiring “all licensure fees shall be established in statute or rule.” Importantly, there are no contemplated changes to the current fee amounts. Instead, the current fees will simply be established in rule.

The changes made from proposed to pending decreased licensing and renewal fees for the Idaho Board of Professional Engineers and Land Surveyors (IPELS) by fifty-eight percent (58%) to sixty-two percent (62%). In addition, the Board added language to allow greater flexibility in temporary fee reductions and removed the renewal fee for Intern Certificates.

The text of the pending rule has been amended in accordance with Section [67-5227](#), Idaho Code. Only those sections that have changes that differ from the proposed text are printed in this bulletin. The complete text of the proposed rule was published in the October 1, 2025, Idaho Administrative Bulletin, [Vol. 25-10, pages 337-338](#).

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

As authorized in Section [54-1213](#), Idaho Code, the fees in this rulemaking are not being increased or imposed in a new or different manner. Section [67-9402\(2\)](#), Idaho Code, requires all fees to be in statute or rule, and this change would move the existing fees into rule.

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

No fiscal impact on the state general fund will occur as a result of these changes.

ASSISTANCE WITH TECHNICAL QUESTIONS: For assistance with technical questions concerning this pending rule, contact Ryan Bernard, Legislative and Regulatory Affairs Chief, at (775) 870-7926.

DATED this 5th day of December, 2025.

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DOCKET NO. 24-3201-2501 — ADOPTION OF PENDING RULE

Substantive changes have been made in the pending rule.
Italicized red text that is *double underscored* indicates
amendments to the proposed text as adopted in the pending rule.

The text of the proposed rule was published in the Idaho Administrative Bulletin,
Volume 25-10, October 1, 2025, pages 337 through 338.

This rule has been adopted as a pending rule by the Agency and is now awaiting
review and final approval by the 2026 Idaho State Legislature.

THE FOLLOWING IS THE TEXT OF THE PENDING RULE FOR DOCKET NO. 24-3201-2501

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

**24.32.01 – RULES OF THE IDAHO BOARD OF LICENSURE OF PROFESSIONAL ENGINEERS
AND PROFESSIONAL LAND SURVEYORS**

400. FEES.

01. Applications and Renewals. All fees are non-refundable. Annual fees may be aggregated for biennial licensure. All fees are set by the Board in the following categories ~~and are accessible on the Division's website.:~~

<u>Application Type</u>	<u>Fee (Not to Exceed)</u>
<u>Initial Licensure</u>	<u>\$30</u>
<u>Licensure by Comity</u>	<u>\$50</u>
<u>Business Entity Authorization Cert.</u>	<u>\$80</u>
<u>Faculty Restricted License</u>	<u>\$40</u>
<u>Intern Certificate</u>	<u>No Fee</u>

<u>Renewal Type</u>	<u>Fee (in US Dollars)</u>
<u>Engineers or Land Surveyors License</u>	<u>\$60</u>
<u>Business Entity Authorization Cert.</u>	<u>\$50</u>
<u>Intern Certificate</u>	<u>No Fee</u>
<u>Retired License</u>	<u>No Fee</u>

<u>Late Renewal Type</u>	<u>Fee (in US Dollars)</u>
<u>Engineers or Land Surveyors</u>	<u>\$30 per Month (Maximum of \$440 in late fees)</u>
<u>Business Entity Authorized Cert.</u>	<u>\$25 per Month (Maximum of \$450 in late fees)</u>

<u>Intern</u>	<u>No Fee</u>
<u>Retired License</u>	<u>No Fee</u>

~~(7-1-25)~~ ()

- a. Licensure as a professional engineer or professional land surveyor by examination. (3-28-23)
- b. Reinstatement of a retired or expired license. (3-28-23)
- c. Certification for a business entity applying for a certificate of authorization to practice or offer to practice engineering or land surveying. (3-28-23)
- d. Renewals for professional engineers, professional land surveyors, engineer interns, land surveyor interns, and business entities. (3-28-23)
- e. Licensure for professional engineers or professional land surveyors by comity. (3-28-23)

IDAPA 24 – DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES

24.34.01 – RULES OF THE IDAHO BOARD OF NURSING

DOCKET NO. 24-3401-2501

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2026 Idaho State Legislature and must be approved by concurrent resolution of the Legislature to go into effect, in accordance with Section [67-5224\(2\)\(c\)](#), Idaho Code. Should the pending rule be approved, it will become final and effective on July 1 following the Second Regular Session of the Sixty-eighth Idaho Legislature, unless the concurrent resolution states a different effective date.

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

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

This rulemaking seeks to make final certain amendments to the fee table made through temporary rulemaking earlier this year published in the January 1, 2025, Idaho Administrative Bulletin, [Vol. 25-1, Pages 74-75](#). These pending rules add language to the fee table that allows the Board of Nursing greater capability to reduce fees temporarily to address the Board's existing cash balances and to lower costs for licensees.

There are no changes to the pending rule, and it is being adopted as originally proposed. The complete text of the proposed rule was published in the November 5, 2025, Idaho Administrative Bulletin, [Vol. 25-11, pages 109-110](#).

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

There are no newly imposed or increased fees in this rule change. Instead, this rulemaking seeks to finalize the Board's authority to temporarily reduce fees when necessary. Under this pending fee rule, promulgated through temporary rulemaking earlier this year, the Division implemented fee reductions of seven percent (7%) to thirty-six percent (36%) for nine (9) of the Board's license fees beginning January 1, 2025.

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

No fiscal impact on the state general fund will occur as a result of these changes.

ASSISTANCE WITH TECHNICAL QUESTIONS: For assistance with technical questions concerning this pending rule, contact Ryan Bernard, Legislative and Regulatory Affairs Chief, at (775) 870-7926.

DATED this 5th day of December, 2025.

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IDAPA 24 – DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES

24.39.30 – RULES OF BUILDING SAFETY (BUILDING CODE RULES)

DOCKET NO. 24-3930-2501

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2026 Idaho State Legislature and must be approved by concurrent resolution of the Legislature to go into effect, in accordance with Section [67-5224\(2\)\(c\)](#), Idaho Code. Should the pending rule be approved, it will become final and effective on July 1 following the Second Regular Session of the Sixty-eighth Idaho Legislature, unless the concurrent resolution states a different effective date.

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

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

This rulemaking seeks to make final certain amendments to the permit fee table made through temporary rulemaking earlier this year published in the January 1, 2025, Idaho Administrative Bulletin, [Vol. 25-1, Page 78-80](#). These pending rules adjust permit fees downwards to address the Board's cash balance, while simultaneously reducing costs for licensees.

There are no changes to the pending rule, and it is being adopted as originally proposed. The complete text of the proposed rule was published in the November 5, 2025, Idaho Administrative Bulletin, [Vol. 25-11, pages 112-114](#).

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

There are no newly imposed or increased fees in this rule change. Instead, this rulemaking seeks to finalize the Board's fee reductions that were promulgated through temporary rulemaking earlier this year, reducing building permit fees by thirty percent (30%).

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

No fiscal impact on the state general fund will occur as a result of these changes.

ASSISTANCE WITH TECHNICAL QUESTIONS: For assistance with technical questions concerning this pending rule, contact Ryan Bernard, Legislative and Regulatory Affairs Chief, at (775) 870-7926.

DATED this 5th day of December, 2025.

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IDAPA 24 – DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES

24.39.30 – RULES OF BUILDING SAFETY (BUILDING CODE RULES)

DOCKET NO. 24-3930-2502

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2026 Idaho State Legislature and must be approved by concurrent resolution of the Legislature to go into effect, in accordance with Section [67-5224\(2\)\(c\)](#), Idaho Code. Should the pending rule be approved, it will become final and effective on July 1 following the Second Regular Session of the Sixty-eighth Idaho Legislature, unless the concurrent resolution states a different effective date.

AUTHORITY: In compliance with Section [67-5224](#), Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section [39-4107\(1\)](#), Idaho Code.

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

This pending rule would have the Idaho Building Code Board adopt the 2024 versions of the International Building Code (IBC); International Residential Code (IRC), and International Energy Conservation Code (IEC)—with exemptions as determined during the rulemaking process. Support for the currently adopted Building Code (IBC 2018) is being phased out including access to the tools and documentation that inspectors rely on to enforce the relevant codes.

After the proposed rule was published, changes were made as a result of public comment and to ensure the Board continued analogous exceptions adopted by the Board to the 2018 Codes. Other updates include: (1) updating footnotes to ensure they align with the modified tables previously adopted by the Board, (2) allowing for an additional floor on wood-framed buildings, and (3) requiring heat detection systems be added within garages to account for the increase in fires caused by lithium-ion batteries.

The text of the pending rule has been amended in accordance with Section [67-5227](#), Idaho Code. Only those sections that have changes that differ from the proposed text are printed in this bulletin. The complete text of the proposed rule was published in the October 1, 2025, Idaho Administrative Bulletin, [Vol. 25-10, pages 358-366](#).

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

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

No fiscal impact on the state general fund will occur as a result of these changes.

ASSISTANCE WITH TECHNICAL QUESTIONS: For assistance with technical questions concerning this pending rule, contact Ryan Bernard, Legislative and Regulatory Affairs Chief, at (775) 870-7926.

DATED this 5th day of December, 2025.

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DOCKET NO. 24-3930-2502 — ADOPTION OF PENDING RULE

Substantive changes have been made in the pending rule.
Italicized red text that is *double underscored* indicates
amendments to the proposed text as adopted in the pending rule.

The text of the proposed rule was published in the Idaho Administrative Bulletin,
Volume 25-10, October 1, 2025, pages 358 through 366.

This rule has been adopted as a pending rule by the Agency and is now awaiting
review and final approval by the 2026 Idaho State Legislature.

THE FOLLOWING IS THE TEXT OF THE PENDING RULE FOR DOCKET NO. 24-3930-2502

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

24.39.30 – RULES OF BUILDING SAFETY (BUILDING CODE RULES)

600. IDAHO BUILDING CODES.

Pursuant to Sections *39-4109* and *39-4109A*, Idaho Code, the Board adopts the following international codes with
identified amendments: (7-1-24)

01. International Building Code. The *2018* *2024* Edition, including appendices pertaining to building
accessibility, with the following amendments: (7-1-24)()

a. Delete Section 305.2.3 and replace with the following: 305.2.3 Twelve (12) or fewer children in a
dwelling unit. A facility such as the above within a dwelling unit and having twelve (12) or fewer children receiving
such day care shall be classified as a Group R-3 occupancy or shall comply with the International Residential Code.
(7-1-24)

i. Delete Section 308.2.4 and replace with the following: 308.2.4 Five (5) or fewer persons receiving
custodial care. A facility with five (5) or fewer persons receiving custodial care shall be classified as a Group R-3
occupancy or shall comply with the International Residential Code. (7-1-24)

ii. Delete Section 308.3.2 and replace with the following: 308.3.2 Five (5) or fewer persons receiving
medical care. A facility with five (5) or fewer persons receiving medical care shall be classified as a Group R-3
occupancy. (7-1-24)

iii. Delete Section 308.5.4 and replace with the following: 308.5.4 Persons receiving care in a dwelling
unit. A facility such as the above within a dwelling unit and having twelve (12) or fewer children receiving day care
or having five (5) or fewer persons receiving custodial care shall be classified as a Group R-3 occupancy or shall
comply with the International Residential Code. (7-1-24)

b. Section 310.4: Add the following: “Dwelling units providing day care for twelve (12) or fewer
children”. (7-1-24)

c. Section 310.4.1. Delete and replace with the following: 310.4.1 Care facilities within a dwelling.
Care facilities for twelve (12) or fewer children receiving day care or for five (5) or fewer persons receiving personal

care or custodial care that are within a one- or two-family dwelling are permitted to comply with the International Residential Code. (7-1-24)

d. Add new section 510.10: Group R-2 buildings of Type VA Construction. Subject to approved siting location by the applicable Planning Official and Fire Code Official, Group R-2 Occupancy buildings of Type VA Construction above the 3-hour fire rated horizontal assembly of a Type IA Construction lower podium building may be permitted to comply with the following, in addition to other applicable provisions of Section 510: ()

(1) May be permitted up to five (5) stories, with highest occupied floor not exceeding seventy-five (75) feet above the lowest level of fire department vehicle access, with maximum overall building height not exceeding ninety-five (95) feet above the lowest level of fire department vehicle access. An occupied roof is considered a floor level but not a story. ()

(2) R-2 Occupancy is the primary use allowed in the upper building with the following exceptions for accessory use areas: ()

(2.1) B Occupancy rooms or B Occupancy assembly areas accessory to the residential use are allowed at no more than ten percent (10%) of each floor area provided to total occupant load for the sum of B Occupancy areas does not exceed forty-nine (49) persons on each floor. ()

(2.2) An exterior Group A Occupancy assembly area (patio, deck) serving the residential use with an occupant load less than three hundred (300) persons is allowed directly on the top of the podium 3-hour fire rated horizontal assembly of the lower building. ()

(2.3) Entry lobbies, mechanical rooms, maintenance rooms, waste and recycling collection, bicycle storage, and similar incidental uses are allowed on any floor. ()

(3) For building area, the tabular allowable area for a non-sprinklered building of Group R-2 Occupancy of Type VA Construction shall be used and may be increased by twenty-five percent (25%) per floor over the area value listed in the allowable area Table. This area increase is calculated separately and is added in addition to any other area increases allowed for frontage increase and single occupancy, multi-story buildings in this Chapter. Fire walls may be required in order to comply with allowable area provisions. Multiple buildings can be located on top of the Type IA podium building. ()

(4) All portions of both the upper and lower building must be fully protected throughout with an automatic sprinkler system that complies with Section 903.3.1.1 (NFPA 13). ()

(5) Exit access travel distance shall be one hundred fifty (150) feet maximum for the Group R-2 Occupancy. ()

(6) Exterior walls shall be a minimum one-hour fire resistive wall assembly rated for exposure from both sides with noncombustible exterior wall finish materials. ()

(7) Required interior exit stairways shall be pressurized and at least two (2) exit stairways shall provide roof access for the Fire Department. ()

(8) Other Special Inspections: ()

(8.1) Structural observation shall be conducted by the engineer of record during construction. Report of structural observation adequacy, including key elements of the lateral force resisting system, shall be submitted to the jurisdiction. ()

(8.2) Special inspection by an independent third-party firm shall be provided for fire-resistant penetrations with report submitted to the jurisdiction. ()

(8.3) Reports on adequacy and balancing of the pressurization of the stairways by an independent third-party firm with report submitted to the jurisdiction. ()

(8.4) Where determined is needed by the code official, a survey of the building height may be required with report submitted to the jurisdiction. ()

(9) Fire alarm and fire sprinkler systems shall be inspected, tested, and maintained in accordance with NFPA 25 and NFPA 72 on a basis as determined by the applicable Fire Code Official. Inspection reports shall be submitted to the applicable Fire Code Official. ()

dg. Add new Section 602.1.2: 602.1.2 Alternative provisions. As an alternative to the construction types defined in Sections 602.2 through 602.5, buildings and structures erected or to be erected, altered, or extended in height or area may be classified as construction type IV-A, IV-B, or IV-C in accordance with the provisions adopted in Paragraph ~~604~~600.01.b of these rules. Buildings and structures classified as construction type IV-A, IV-B, or IV-C shall comply with the provisions adopted in Paragraph ~~604~~600.01 dg of these rules and all other applicable provisions of this code. (7-1-24)()

ef. Table 2902.1 Minimum Number of Required Plumbing Fixtures. Delete footnote e and replace with the following: e For business occupancies, excluding restaurants, and mercantile occupancies with an occupant load of thirty (30) or fewer, service sinks shall not be required. (7-1-24)

fg. Table 2902.1 Minimum Number of Required Plumbing Fixtures. Delete footnote f and replace with the following: f Drinking fountains are not required for an occupant load of thirty (30) or fewer Delete Section 2902.6, and replace with the following. 2902.6 Small Occupancies. Drinking fountains shall not be required for an occupant load of (30) or fewer. (7-1-24)()

gh. Section 3113 Relocatable Buildings. Delete. (7-1-24)

02. ~~International Building Code, 2021 Edition.~~ The following provisions of the 2021 Edition related to mass timber construction: (7-1-24)

a. ~~In Section 202, the definitions of the terms MASS TIMBER; NONCOMBUSTIBLE PROTECTION (FOR MASS TIMBER); SECONDARY STRUCTURAL MEMBERS; and WALL, LOAD BEARING;~~ (7-1-24)

b. ~~Sections 403.3.2, 508.4.4.1, 509.4.1.1, 602.4 through 602.4.3.6, 703.6, 703.7, 704.4, 722.7 through 722.7.2.2, 1705.5.3, 1705.20, 2304.10.1, 3313.1 through 3313.3.3, 3313.5, and 3314.1;~~ (7-1-24)

c. ~~Tables 504.3, 504.4, 506.2, 601, 705.5, 722.7.1(1), 722.7.1(2), and 1705.5.3, including any note following each table adopted in this subparagraph; and~~ (7-1-24)

d. ~~In Chapter 35, the referenced standards ANSI/APA PRG 320—2019: Standard for Performance-rated Cross-laminated Timber, referenced in Sections 602.4 and 2303.1.4, and ASTM D3498—03(2011): Standard Specification for Adhesives for Field Gluing Plywood to Lumber Framing for Floor Systems, referenced in Section 703.7.~~ (7-1-24)

032. ~~International Residential Code, 2018~~ **2024** Edition. Parts I, II, III, and IX of the ~~2018~~ **2024** Edition for one (1)- and two (2)- family dwellings, with the following amendments: (7-1-24)()

a. Section R101.2 Scope. Delete the exception and replace with the following: Exception: The following shall also be permitted to be constructed in accordance with this code: 1. Owner-occupied lodging houses with five (5) or fewer guestrooms and ten (10) or fewer total occupants. 2. A care facility with five (5) or fewer persons receiving custodial care within a dwelling unit or single-family dwelling. 3. A care facility for five (5) or fewer persons receiving personal care that are within a dwelling unit or single-family dwelling. 4. A care facility with twelve (12) or fewer children receiving day care within a dwelling unit or single-family dwelling. (7-1-24)

- b. Section R105.2. Amend Item number 7 under the “Building” subheading Replace the words “24 inches (610 mm)” with “four (4) feet (1219 mm)” (7-1-24)
- c. Section R105.2. Add the following exemption under the “Building” subheading: 11. Flag poles. (7-1-24)
- d. Section R301.2.1.2 Protection of Openings. Delete. (7-1-24)
- ~~e. Table R302.1(1). Delete and replace with the following:~~

~~TABLE R302.1(1) – EXTERIOR WALLS~~

EXTERIOR WALL ELEMENT		MINIMUM FIRE-RESISTANCE RATING	MINIMUM FIRE-SEPARATION-DISTANCE
Walls	Fire-resistance rated	1 hour tested in accordance with ASTM E 119, UL263, or Section 703.3 of the International Building Code with exposure from both sides	< 3 feet
	Not fire-resistance rated	0 hours	≥ 3 feet
Projections	Fire-resistance rated	1 hour on the underside, or heavy timber, or fire-retardant treated wood^{a, b}	≥ 2 feet to < 3 feet
	Not fire-resistance rated	0 hours	≥ 3 feet
Openings in Walls	Not allowed	N/A	< 3 feet
	25% maximum of wall area	0 hours	≥ 3 feet to < 5 feet
	Unlimited	0 hours	5 feet
Penetrations	All	Comply with Section R302.4	< 3 feet
		None required	≥ 3 feet

For SI: 1 foot = 304.8 mm.

N/A = Not Applicable

aThe fire-resistance rating shall be permitted to be reduced to zero (0) hours on the underside of the eave overhang if fireblocking is provided from the wall top plate to the underside of the roof sheathing.

bThe fire-resistance rating shall be permitted to be reduced to zero (0) hours on the underside of the rake overhang where gable vent openings are not installed. (7-1-24)

- ~~f. Delete Table R302.6 Dwelling-Garage Separation and replace with the following table:~~

Separation	Material
From the residence, attics, and habitable rooms above the garage From the dwelling unit and attics, and portions of the dwelling unit above the garage	Not less than 5/8-inch Type X gypsum board or equivalent applied to the garage side
Structure(s) supporting floor/ceiling assemblies used for separation required by this section	

Separation	Material
Garages located less than 3 feet from a dwelling unit on the same lot	Not less than 5/8-inch Type X gypsum board or equivalent applied to the interior side of exterior walls that are within this area

(7-1-24)()

~~g.f.~~ Section R302.13 Fire protection of floors. Delete. (7-1-24)

~~h.~~ Section R303.4. Delete and replace with the following: Mechanical Ventilation. Dwelling units shall be provided with whole-house mechanical ventilation in accordance with Section M1505.4. (7-1-24)

~~ig.~~ Section R313.1-309.1 Townhouse automatic fire sprinkler systems. Delete the exception and replace with the following: Exception: Automatic residential fire sprinkler systems shall not be required in townhouses where either two (2) one (1)-hour fire-resistance-rated walls or a common two (2)-hour fire-resistance rated wall, as specified in item number 2 of Section R302.2.2 is installed between dwelling units or when additions or alterations are made to existing townhouses that do not have an automatic residential fire sprinkler system installed. (7-1-24)()

~~j.h.~~ Section R313.2-309.2 One- and two-family dwellings automatic fire sprinkler systems. Delete. (7-1-24)()

~~k.i.~~ Section R314.2-2-310.2.2 Alterations, repairs and additions Exception Item #2. Delete. (7-1-24)()

~~l.i.~~ Section R315.2-2-311.2.2 Alterations, repairs and additions Exception Item #2. Delete. (7-1-24)()

~~m.k.~~ Section R322.1-10-306.1.10 As-built elevation documentation. Delete. (7-1-24)()

~~L.~~ Section R325.3. Delete and replace with the following: Mechanical Ventilation Buildings and dwelling units shall be provided with whole house mechanical ventilation in accordance with Section M1505.4. ()

~~n.m.~~ Tables R403 Minimum Depth (D) and Width (W) of Crushed Stone Footings (inches), R403.1(1) Minimum Width and Thickness for Concrete Footings for Light-Frame Construction (inches), R403.1(2) Minimum Width and Thickness for Concrete Footings for Light-Frame Construction and Brick Veneer (inches), and R403.1(3) Minimum Width and Thickness for Concrete Footings with Cast-In-Place or Fully Grouted Masonry Wall Construction (inches). Delete. (7-1-24)

~~n.~~ Add new Section R330.7.1 Heat Detector Within Garages. A heat detector(s), listed and interconnected to a smoke alarm(s), shall be installed in all attached garages and also in detached garages that do not meet the required fire separation distance and have an electrical service. ()

~~o.~~ Add the following as Table R403.1: (7-1-24)

TABLE R403.1
MINIMUM WIDTH OF CONCRETE, PRECAST, OR MASONRY FOOTINGS (inches)^a

	LOAD-BEARING VALUE OF SOIL (psf)			
	1,500	2,000	3,000	≥ 4,000
Conventional light-frame construction				

	LOAD-BEARING VALUE OF SOIL (psf)			
	1,500	2,000	3,000	≥ 4,000
1-Story	12	12	12	12
2-Story	15	12	12	12
3-Story	23	17	12	12
4-inch brick veneer over light frame or 8-inch hollow concrete masonry				
1-Story	12	12	12	12
2-Story	21	16	12	12
3-Story	32	24	16	12
8-inch solid or fully grouted masonry				
1-Story	16	12	12	12
2-Story	29	21	14	12
3-Story	42	32	21	16

For SI: 1 inch = 25.4 mm, 1 pound per square foot = 0.0479 kPa.

^aWhere minimum footing width is twelve (12) inches, use of a single wythe of solid or fully grouted twelve (12)-inch nominal concrete masonry units is permitted. (7-1-24)

p. Section R403.1.1. Delete and replace with the following: R403.1.1 Minimum size. Minimum sizes for concrete and masonry footings shall be as set forth in Table R403.1 and Figure R403.1(1). The footing width (W) shall be based on the load bearing value of the soil in accordance with Table R401.4.1. Spread footings shall be at least six (6) inches in thickness (T). Footing projections (P) shall be at least two (2) inches and shall not exceed the thickness of the footing. The size of footings supporting piers and columns shall be based on the tributary load and allowable soil pressure in accordance with Table R401.4.1. Footings for wood foundations shall be in accordance with the details set forth in Section R403.2 and Figures R403.1(2) and R403.1(3). (7-1-24)

g. Section 403.4.1 Crushed Stone Footings. Delete ()

r. Figure R403.1(1) detail five (5) delete "Provide lateral restraint at the base of walls supporting more than 48 inches of unbalance backfill in accordance with R404.1.3.2" ()

qs. Section R602.10. Delete and replace with the following: Buildings shall be braced in accordance with this Section or, when applicable Section R602.12, or the most current edition of APA System Report SR-102 as an alternate method. Where a building, or portion thereof, does not comply with one (1) or more of the bracing requirements in this Section, those portions shall be designed and constructed in accordance with Section R301.1. (7-1-24)

043. **International Existing Building Code.** ~~2018~~ 2024 Edition. (7-1-24)()

054. **International Energy Conservation Code – Commercial Provisions.** The ~~2018~~ 2024 Edition with the following amendments: (7-1-24)()

a. Add new Section C101.54.2: C101.54.2 Industrial, electronic, and manufacturing equipment. Buildings or portions thereof that are heated or cooled exclusively to maintain the required operating temperature of industrial, electronic, or manufacturing equipment shall be exempt from the provisions of this code. Such buildings or portions thereof shall be separated from connected conditioned space by building thermal envelope assemblies complying with this code. (7-1-24)()

b. Add the following Exemptions to section C402.1.1: (7-1-24)

i. Exemption 41. Accessory utility and storage buildings and sports practice buildings accessory to A, B, and E occupancies where buildings maintain no heating or cooling or where intermittent heating and cooling systems are installed. (7-1-24)()

ii. Exemption 52. Buildings for domestic water wells, irrigation wells, sewer pump facilities, and sewer lift station buildings where equipment produces internal heat loads and where intermittent heating or cooling is provided to prevent freezing or overheating of equipment. (7-1-24)()

c. Add the following as exceptions ~~s-number 7 under to~~ Section C403.5 Economizers (Prescriptive): 78. Unusual outdoor air contaminate conditions – Systems where special outside air filtration and treatment for the reduction and treatment of unusual outdoor contaminants, makes an air economizer infeasible. (7-1-24)()

d. Section C405.2.9 Interior Parking Area Lighting Control – Delete. ()

e. Section C405.2.10 Sleeping unit and Dwelling Unit Lighting and Switched Receptacle Controls – Delete. ()

f. Section C405.4 Horticultural Lighting – Delete. ()

g. Section C405.12 Automatic Receptacle Control – Delete. ()

h. Section C405.13 Energy Monitoring – Delete. ()

i. Section C405.15 Renewable Energy Systems – Delete. ()

j. Section C406.1.2 Additional Renewable and Load Management credit requirements – Delete. ()

k. Section C406.1.1 Exception 2 – Delete. ()

L. Table C406.1.1(2) Limit to Energy Efficiency Credit Carryover from Renewable and Load Management Credits – Delete. ()

m. Section C406.3 Renewable and Load Management Credit Achieved – Delete ()

065. **International Energy Conservation Code – Residential Provisions.** The ~~2018~~ 2024 Edition with the following amendments: (7-1-24)()

a. R202 General Definitions. Add the following to the definition of “Conditioned Space”: This definition shall not apply to garage spaces or other similar spaces where heating or cooling is installed for frost protection or intermittent use. (7-1-24)

b. Table R402.1.2 ~~Insulation and Fenestration Requirements by Component.~~ Delete the rows in climate zones “5 and Marine 4” and “6” and replace with the following table and footnotes:

TABLE R402.1.2
INSULATION AND FENESTRATION REQUIREMENTS BY COMPONENT ^a

Climate Zone	Fenestration U-Factor ^b	Skylight ^b U-factor	Glazed Fenestration SHGC ^{b, c}	Ceiling R-Value	Wood Frame Wall R-Value	Mass Wall R-Value ⁱ	Floor R-Value	Basement ^c Wall R-Value	Slab ^d R-Value & Depth	Crawlspace ^c Wall R-Value
5	0.32	0.55	NR	38	20 or 13+5 ^h	13/17	30 ^g	15/19	10, 2 ft	15/19
6	0.30	0.55	NR	49	22 or 13+5 ^h	15/20	30 ^g	15/19	10, 4 ft	15/19

NR = Not Required

For SI: 1 foot = 304.8 mm.

^aR-values are minimums. U-factors and SHGC are maximum. Where insulation is installed in a cavity that is less than the label or design thickness of the insulation, the installed R-value of the insulation shall be not less than the R-value specified in the table.

^bThe fenestration U-factor column excludes skylights. The SHGC column applies to all glazed fenestration.

Exception: In Climate Zones 1 through 3, skylights shall be permitted to be excluded from glazed fenestration SHGC requirements provided that the SHGC for such skylights does not exceed 0.30.

^c"10/13" means R-10 continuous insulation on the interior or exterior of the home or R-13 cavity insulation on the interior of the basement wall. "15/19" means R-15 continuous insulation on the interior or exterior of the home or R-19 cavity insulation at the interior of the basement wall. Alternatively, compliance with "15/19" shall be R-13 cavity insulation on the interior of the basement wall plus R-5 continuous insulation on the interior or exterior of the home.

^dR-5 insulation shall be provided under the full slab area of a heated slab in addition to the required slab edge insulation R-value for slabs. As indicated in the table. The slab edge insulation for heated slabs shall not be required to extended below the slab.

^eThere are no SHGC requirements in the Marine Zone.

^fBasement wall insulation is not required in warm-humid locations as defined by Figure R301.1 and Table R301.1

^gAlternatively, insulation sufficient to fill the framing cavity and providing not less than an R-value of R-19.

^hThe first value is cavity insulation, the second value is continuous insulation. Therefore, as an example, "13+5" means R-13 cavity insulation plus R-5 continuous insulation.

ⁱMass walls shall be in accordance with Section R402.2.5. The second R-value applies where more than half of the insulation is on the interior of the mass wall.

^jFor residential log home building thermal envelop construction requirements see Section R402.6

(7-1-24)()

~~^e Table R402.1.2—Insulation and Fenestration Requirements by Component. Add the following as footnote k to the Table title: k. For residential log home building thermal envelope construction requirements see Section R402.6.~~

(7-1-24)

~~^{d,c} Add Table R402.1.4³ Equivalent U-Factors. Delete the rows in climate zones "5 and Marine 4" and "6" and replace with the following with footnotes:~~

TABLE R402.1.4 3 EQUIVALENT U-FACTORS ^a								
Climate Zone	Fenestration U-factor ^b	Skylight U-factor ^b	Ceiling U-factor ^b R-Value	Frame Wall U-factor ^b R-Value	Mass Wall U-factor ^b R-Value	Floor U-factor ^b R-Value	Basement Wall U-factor ^b R-Value	Crawlspace Wall U-factor ^b R-Value
5	0.32	0.55	0.030	0.060	0.082	0.033	0.050	0.055
6	0.30	0.55	0.026	0.057	0.060	0.033	0.050	0.055

NR = Not Required
For SI: 1 foot = 304.8 mm.
^a*Nonfenestration U-factors shall be obtained from measurement, calculation or approved source.*
^b*Mass walls shall be in accordance with Section R402.2.6. Where more than half the insulation is on the interior, the mass wall U-factor shall not exceed 0.17 in climate Zones 6 through 8.*
^c*In warm-humid locations as defined by figure R301.1, the basement wall U-factor shall not exceed 0.360.*

(7-1-24)()

ed. Section R402.4~~5~~.1.2. Add the following exception: Visual Inspection. The Permit Holder will determine at the time of permit application the method of determining building envelope tightness. A visual inspection shall be considered acceptable in lieu of testing when the items listed in Table R402.4.1.1 below, applicable to the method of construction, are field verified.

(7-1-24)()

- i. Access doors and covers shall be gasketed to allow for repeated entrance. ()
- ii. Framing spaces between windows, doors and skylights shall be sealed. ()
- iii. Recessed light fixtures shall be sealed to drywall or interior air barrier. ()
- iv. HVAC registers and boots shall be sealed to subfloor, walls, or ceilings. ()
- v. Interior joints of top plates shall be sealed. ()
- vi. Narrow cavities (less than one inch) are sealed when not insulated. ()
- vii. Holes created by electrical and plumbing shall be sealed. ()
- viii. Penetrations through the exterior air barrier shall be sealed. ()
- ix. Joints in sill plate shall be sealed during subfloor assembly. ()

fe. Add new Section R402.6~~7~~: R402.6~~7~~ Residential log home thermal envelope. Residential log home construction shall comply with Section R401 (General), Section R402.4~~5~~ (Air leakage), Section R402.5~~6~~ (Maximum fenestration U-factor and SHGC), Section R403.1 (Controls), the mandatory sections of Sections R403.3 through R403.9, Section R404 (Electrical Power and Lighting Systems and Renewable Energy Systems), and either 1., 2., or 3. as follows: 1. Sections R402.2 ~~through and~~ R402.3~~4~~, Section R403.3.1 (Insulation), Section R404.1 (Lighting ~~Lighting~~ equipment), and Table R402.6~~7~~ (Log Home Prescriptive Thermal Envelope Requirements by Component). 2. Section R405 (Simulated Performance Alternative). 3. REScheck (U.S. Department of Energy Building Codes Program).

(7-1-24)()

gf. Add new Table R402.6~~7~~:

TABLE R402.6Z
LOG HOME PRESCRIPTIVE THERMAL ENVELOPE REQUIREMENTS BY COMPONENT

For SI: 1 foot = 304.8 mm.

Climate Zone	Fenestration U-factor ^a	Skylight U-factor	Glazed Fenestration SHGC	Ceiling R-value	Min. Average Log Size In Inches	Floor R-value	Basement Wall R-value ^d	Slab R-value & Depth ^b	Crawl Space Wall R-value ^d
5, 6 - High efficiency equipment path ^c	0.32	0.60	NR	49	5	30	15/19	10, 4 ft.	10/13
5	0.32	0.60	NR	49	8	30	10/13	10, 2 ft.	10/13
6	0.30	0.60	NR	49	8	30	15/19	10, 4 ft.	10/13

^aThe fenestration U-factor column excludes skylights. The SHGC column applies to all glazed fenestration.

^bR-5 shall be added to the required slab edge R-values for heated slabs.

^c90% AFUE natural gas or propane, 84% AFUE oil, or 15 SEER heat pump heating equipment (zonal electric resistance heating equipment such as electric base board electric resistance heating equipment as the sole source for heating is considered compliant with the high efficiency equipment path).

^d"15/19" means R-15 continuous insulated sheathing on the interior or exterior of the home or R-19 cavity insulation at the interior of the basement wall. "15/19" shall be permitted to be met with R-13 cavity insulation on the interior of the basement wall plus R-5 continuous insulated sheathing on the interior or exterior of the home. "10/13" means R-10 continuous insulated sheathing on the interior or exterior of the home or R-13 cavity insulation at the interior of the basement wall.

(7-1-24)()

- g.** *Section R403.6.1 Heat Recovery in CZ 6 – Delete.* ()
- h.** *Section R403.6.3 Testing mechanical ventilation systems – Delete.* ()
- i.** *Section R403.7.1 Electric resistance heating – Delete.* ()
- j.** *Section R404.2 Interior lighting controls – Delete.* ()
- k.** *Section R4.08 Additional efficiency requirements – Delete.* ()

IDAPA 24 – DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES

24.39.31 – RULES FOR FACTORY BUILT STRUCTURES

DOCKET NO. 24-3931-2501

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2026 Idaho State Legislature and must be approved by concurrent resolution of the Legislature to go into effect, in accordance with Section [67-5224\(2\)\(c\)](#), Idaho Code. Should the pending rule be approved, it will become final and effective on July 1 following the Second Regular Session of the Sixty-eighth Idaho Legislature, unless the concurrent resolution states a different effective date.

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

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

This rulemaking seeks to make final certain amendments to the permit fee table made through temporary rulemaking earlier this year published in the January 1, 2025, Idaho Administrative Bulletin, [Vol. 25-1, Pages 81-82](#). These pending rules adjust permit fees downwards to address the Board's cash balance, while simultaneously reducing costs for licensees.

There are no changes to the pending rule, and it is being adopted as originally proposed. The complete text of the proposed rule was published in the November 5, 2025, Idaho Administrative Bulletin, [Vol. 25-1, Pages 115-118](#).

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

There are no newly imposed or increased fees in this rule change. Instead, this rulemaking seeks to finalize the Board's fee reductions that were promulgated through temporary rulemaking earlier this year, reducing fees by twenty percent (20%) for eleven (11) of the Board's license and permit fees beginning January 1, 2025.

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

No fiscal impact on the state general fund will occur as a result of these changes.

ASSISTANCE WITH TECHNICAL QUESTIONS: For assistance with technical questions concerning this pending rule, contact Ryan Bernard, Legislative and Regulatory Affairs Chief, at (775) 870-7926.

DATED this 5th day of December, 2025.

Ryan Bernard
Legislative and Regulatory Affairs Chief
PO Box 83720
Boise, ID 83720-0063
Phone: (775) 870-7926
Email: ryan.bernard@dopl.idaho.gov

IDAPA 24 – DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES

24.39.50 – RULES OF THE PUBLIC WORKS CONTRACTORS LICENSE BOARD

DOCKET NO. 24-3950-2501

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2026 Idaho State Legislature and must be approved by concurrent resolution of the Legislature to go into effect, in accordance with Section [67-5224\(2\)\(c\)](#), Idaho Code. Should the pending rule be approved, it will become final and effective on July 1 following the Second Regular Session of the Sixty-eighth Idaho Legislature, unless the concurrent resolution states a different effective date.

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

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

This rulemaking seeks to make final certain amendments to the fee table made through temporary rulemaking earlier this year published in the January 1, 2025, Idaho Administrative Bulletin, [Vol. 25-1, Pages 86-87](#). These pending rules add language to the fee table that allows the Board greater capability to reduce fees temporarily to address the Board's existing cash balances and to lower costs for licensees.

There are no changes to the pending rule, and it is being adopted as originally proposed. The complete text of the proposed rule was published in the November 5, 2025, Idaho Administrative Bulletin, [Vol. 25-11, pages 119-121](#).

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

There are no newly imposed or increased fees in this rule change. Instead, this rulemaking seeks to finalize the Board's authority to temporarily reduce fees when necessary. Under this pending fee rule, promulgated through temporary rulemaking earlier this year, the Division implemented fee reductions of seventeen percent (17%) to twenty percent (20%) for seventeen (17) of the Board's license fees beginning January 1, 2025.

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

No fiscal impact on the state general fund will occur as a result of these changes.

ASSISTANCE WITH TECHNICAL QUESTIONS: For assistance with technical questions concerning this pending rule, contact Ryan Bernard, Legislative and Regulatory Affairs Chief, at (775) 870-7926.

DATED this 5th day of December, 2025.

Ryan Bernard
Legislative and Regulatory Affairs Chief
PO Box 83720
Boise, ID 83720-0063
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IDAPA 26 – IDAHO DEPARTMENT OF PARKS AND RECREATION

26.01.20 – RULES GOVERNING THE ADMINISTRATION OF PARK AND RECREATION AREAS AND FACILITIES

DOCKET NO. 26-0120-2501 (FEE RULE)

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2026 Idaho State Legislature and must be approved by concurrent resolution of the Legislature to go into effect, in accordance with Section 67-5224(2)(c), Idaho Code. Should the pending rule be approved, it will become final and effective on July 1 following the Second Regular Session of the Sixty-eighth Idaho Legislature, unless the concurrent resolution states a different effective date.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. This action is authorized pursuant to Sections 67-4223 and 67-4249 Idaho Code.

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

The Department adopted changes that remove outdated references, clarify unclear language, update fees to align with economic climate. The Department added language to clarify authority for enforcing board policy.

There are no changes to the pending rule, and it is being adopted as originally proposed. The complete text of the proposed rule was published in the September 3, 2025, Idaho Administrative Bulletin, Vol. 25-9, pages 57-63.

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

All fees listed below are maximum fees. The board has the authority to set actual fees under Idaho Code 67-4223. Proposed fees maximums are being recommended to address rising service, maintenance, electricity, and water costs. All fees, except for campsite fees, have been charged at the maximum rate for many years and do not keep up with the rising costs to provide services.

FEE SCHEDULE: FEE COLLECTION SURCHARGE.

Category	Fee
Fee Collection Surcharge	\$25 35/day

FEE SCHEDULE: ENTRANCE.

Category	Fee
Daily MVEF	\$7 10/day/vehicle
Annual MVEF	\$80 100/year/vehicle
Annual MVEF Replacement	\$5/vehicle
Commercial Motor Vehicle Entrance	\$50 100/day/vehicle
Admission	\$20/person

FEE SCHEDULE: INDIVIDUAL CAMPSITE OR FACILITY.

Category	Fee
Basic Campsite: site may have water	\$ 34 42/day
Electric Campsite: site has electricity and may have water	\$ 42 56/day
Full Hook-up Campsite: site has electricity, water, and sewer	\$ 46 60/day
Companion Campsite: site has electricity and may have water	\$ 84 112/day
Hike-in/Bike-in Campsite	\$12/person/day
Extra Vehicle	\$8/day
Overnight Use of Parking Areas	\$20/night/vehicle, trailer, or vehicle with attached trailer
Use of Campground Showers by Non-campers	\$ 3 5/person/day
Camping Cabins and Yurts	\$500/night
Each additional person above the base occupancy of camping cabin or yurt	\$12/person/night
Pets	\$15/pet/night
Cleaning	\$50

FEE SCHEDULE: GROUP CAMPSITE OR FACILITY.

Category	Fee
Reservation Service Charge (non-transferable, non-refundable)	\$ 25 50
Group use of day use facility, overnight facility, or group camp (set by park or program manager)	Varies
Each additional person above the base occupancy of the overnight facility	\$12/person/night

FEE SCHEDULE: BOATING FACILITIES.

Category	Fee
Vessel Launching	MVEF or \$ 7 10/day/vessel
Overnight moorage at dock or buoy, person staying at campsite or facility and not staying on the vessel	\$ 9 10/night
Overnight moorage at dock, person staying on vessel	\$10/night
Overnight moorage at buoy, person staying on vessel	\$ 9 10/night

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

There is no impact to the general fund.

ASSISTANCE WITH TECHNICAL QUESTIONS: For assistance on technical questions concerning this rulemaking, contact Seth Hobbs, (208) 514-2427, seth.hobbs@idpr.idaho.gov.

DATED this 18th day of November, 2025.

Seth Hobbs
Idaho Department of Parks and Recreation
5657 Warm Springs Ave.
Boise, ID 83716
Phone: (208) 514-2427

IDAPA 28 – DEPARTMENT OF COMMERCE
28.02.03 – DEPARTMENT OF COMMERCE GRANT PROGRAM RULES
DOCKET NO. 28-0203-2501 (ZBR CHAPTER REWRITE)
NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2026 Idaho State Legislature and must be approved by concurrent resolution of the Legislature to go into effect, in accordance with Section 67-5224(2)(c), Idaho Code. Should the pending rule be approved, it will become final and effective on July 1 following the Second Regular Session of the Sixty-eighth Idaho Legislature, unless the concurrent resolution states a different effective date.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 67-4733 and 67-4744, Idaho Code.

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

There are no changes to the pending rule, and it is being adopted as originally proposed. The complete text of the proposed rule was published in the October 1, 2025, Idaho Administrative Bulletin, [Volume 25-10, pages 371-378](#).

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

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

No Fiscal Impact.

ASSISTANCE WITH TECHNICAL QUESTIONS: For assistance with technical questions concerning this pending rule, contact Ewa Szewczyk, 208-287-0784.

DATED this 4th day of December, 2025.

Ewa Szewczyk
Grants & Contracts Manager Idaho Commerce
700 W State St. Boise, ID 83702
(208) 334-2470
ewa.szewczyk@commerce.idaho.gov
commerce.idaho.gov

IDAPA 31 – IDAHO PUBLIC UTILITIES COMMISSION

31.27.01 – RULES GOVERNING POLE ATTACHMENTS

DOCKET NO. 31-2701-2501 (NEW CHAPTER)

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2026 Idaho State Legislature and must be approved by concurrent resolution of the Legislature to go into effect, in accordance with Section [67-5224\(2\)\(c\)](#), Idaho Code. Should the pending rule be approved, it will become final and effective on July 1 following the Second Regular Session of the Sixty-eighth Idaho Legislature, unless the concurrent resolution states a different effective date.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section [61-538](#), Idaho Code.

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

The Idaho Public Utilities Commission adopts the Pending Rule to implement the requirements of House Bill 180a (2025 Legislative Session) and to carry out the authority granted under Idaho Code § 61-538(5). House Bill 180a directed the Commission to establish rules relating to the timing of the permitting process for pole attachments. Adoption of this rule provides a uniform, transparent, and efficient permitting process, reduces disputes between utilities and attaching entities, and promotes the expansion of broadband service throughout Idaho in the public interest.

After collaborating with stakeholders, receiving and considering written comments to the Proposed Rule, and listening to and considering comments at the negotiated rulemaking meeting and public hearing, the Commission has adopted a Pending Rule that differs from the Proposed Rule. The following is summary of the differences between the Proposed Rule and the Pending Rule:

- “Good and Sufficient Cause”: removes this from IDAPA 31.27.01.030.02 in the Proposed Rule and adds it as a formal definition in the Pending Rule under IDAPA 31.27.01.02.10. Also, it narrows the scope by removing references to “work moratoriums,” “pole owner capacity,” and “engineering complexity” to ensure clarity and reduce ambiguity.
- IDAPA 31.27.01.10.01 of Pending Rule:
 - Adjusts all timelines to calendar days to have consistency in language and reduces Application Re-Review periods to streamline processes.
 - Increases the order sizes by 50 poles for Regular and Mid-Sized order sizes to accommodate more poles per request.
- IDAPA 31.27.01.010.02 and 31.27.01.010.03 of Pending Rule:
 - Formats these as individual line items.
 - Reduces advance-notice burdens for large orders and eliminates Mid-sized order advanced notifications in effort to reduce timing of process.
- Narrows the focus of rules to only “timing of permitting process” by:
 - Removing several grounds for denying access in IDAPA 31.27.01.20.02 in the Proposed Rule.
 - Removing IDAPA 31.27.01.50 of the Proposed Rule on enforcement penalties for unauthorized attachments.
- Adds procedural clarity for deviation and third-party make-ready processes in IDAPA 31.27.01.30 of the Pending Rule.

The text of the pending rule has been amended in accordance with Section [67-5227](#), Idaho Code. Only those sections that have changes that differ from the proposed text are printed in this bulletin. The complete text of the proposed rule was published in the October 1, 2025, Idaho Administrative Bulletin, [Vol. 25-10, pages 379-383](#).

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

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

ASSISTANCE WITH TECHNICAL QUESTIONS: For assistance with technical questions concerning this pending rule, contact Taylor Thomas at (208) 334-0363. Documents relating to this rulemaking can be found on the Commission's website at RUL-U-25-01.

DATED this 5th day of December, 2025.

Monica Barrios-Sanchez, Commission Secretary
Secretary@puc.idaho.gov
Idaho Public Utilities Commission
11331 W. Chinden Blvd., Bldg. 8, Ste 201-A Boise, ID 83714
P.O. Box 83720
(208) 334-0323 Office
(208) 334-4045 Fax

DOCKET NO. 31-2701-2501 — ADOPTION OF PENDING RULE

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

The text of the proposed rule was published in the Idaho Administrative Bulletin,
[Volume 25-10, October 1, 2025, pages 379 through 383.](#)

This rule has been adopted as a pending rule by the Agency and is now awaiting
review and final approval by the 2026 Idaho State Legislature.

THE FOLLOWING IS THE TEXT OF THE PENDING RULE FOR DOCKET NO. 31-2701-2501

31.27.01 – RULES GOVERNING POLE ATTACHMENTS

000. LEGAL AUTHORITY.

Section 61-538, Idaho Code. ()

001. SCOPE.

These rules apply to all pole attachments by a provider of telecommunications service, broadband, or cable services company. ()

002. DEFINITIONS.

01. Application. The application request as required by an agreement between the pole owner and attaching entity. ()

02. Attaching Entity. A provider of telecommunications, broadband, or cable services with or seeking pole attachments. A single attaching entity shall include multiple subsidiaries from the same parent company. ()

03. Commission. The Idaho Public Utilities Commission. ()

04. Coordination Between Attaching Entities. A requesting attaching entity's communication or coordination with other attaching entities for completion of make-ready work. ()

05. Make-Ready Work. Work required to prepare a pole for a new or modified attachment, including rearrangements or pole replacements. ()

06. Permit. A written or electronic authorization from the pole owner to install a pole attachment. ()

07. Pole. A utility pole used for electric distribution at or below thirty-four point 5 kilovolt (34.5 kV), which includes transmission poles where existing distribution is under built. ()

08. Pole Owner. A public utility that owns or controls poles used for attachments. ()

09. Unauthorized Attachment. A pole attachment installed without the pole owner's authorization. ()

10. Good and Sufficient Cause. *Good and sufficient cause means:* ()

a. Permitting delays outside the control of both parties; ()

b. Lack of coordination between attaching entities for make-ready work; ()

c. Stop work orders for wildfire operational restrictions; ()

d. Force majeure events; ()

e. Electrical safety risks; or ()

f. Violations of the applicable pole attachment agreement. ()

003. – 009. (RESERVED)

010. TIMELINES FOR PERMITTING PROCESS.

01. Pole Attachment Timelines.

Pole Attachment Timelines

Pole Access Phase	Regular Orders	Mid-Sized Orders	Large Orders
	Under 150 pole attachment requests	151 – 500 pole attachment requests	501 – 1,500 pole attachment requests
Application Completeness Review	14 calendar days	14 calendar days	14 calendar days
Application re-review	7 calendar days	7 calendar days	7 calendar days
Multiple pole attachment requests from an attaching entity during a <i>calendar month</i> will be counted toward the number of pole attachment requests in the table above.			

Pole Attachment Timelines

Pole Access Phase	Regular Orders	Mid-Sized Orders	Large Orders
Survey/Review on Merits	45 calendar days	60 calendar days	90 calendar days
Make-Ready Estimate	14 calendar days after survey	14 calendar days after survey	29 calendar days after survey
Communications Space Make-Ready	30 calendar days after attaching entity payment of make-ready estimate	75 calendar days after attaching entity payment of make-ready estimate	120 calendar days after attaching entity payment of make-ready estimate
Above Comms Make-Ready (Electric Space)	90 calendar days after attaching entity payment of make-ready estimate	135 calendar days after attaching entity payment of make-ready estimate	180 calendar days after attaching entity payment of make-ready estimate
Multiple pole attachment requests from an attaching entity during a <i>calendar month</i> will be counted toward the number of pole attachment requests in the table above.			

()

02. Large Orders. For Large or above large order, an attaching entity must provide a pole owner advanced written notice at least fifteen (15) calendar days prior to submitting an application associated with a single-network deployment. ()

a. The notice must include: ()

i. The attaching entity's contact information; ()

ii. Description of the proposed deployment area; and ()

iii. Anticipated route and build-out schedule. ()

03. Order Sizes. For order sizes above larger orders, the notice must also include a request for a meet and confer within thirty (30) calendar days of submitting an application or as may be mutually agreed upon by the parties. ()

011. – 019. (RESERVED)

020. NON-DISCRIMINATORY ACCESS TO POLES – DENIAL OF ACCESS.

01. Owner/Provider Agreement to Access. A pole owner shall provide nondiscriminatory access to any pole, duct, conduit, owned or controlled by it to any provider of telecommunications service, broadband, or cable services company. A pole owner will require an attaching entity to execute a pole attachment agreement consistent with the duties to provide non-discriminatory access as set forth by Section 030 and upon just and reasonable rates, terms, and conditions. ()

02. Denial to Access. Notwithstanding Subsection 020.01 above, a pole owner may deny access on a non-discriminatory basis: ()

a. *Where there is insufficient capacity (space and/or load on a pole); or* ()

b. For reasons of safety, reliability, or generally applicable engineering purposes; ()

03. Documentation to Support Denial. If access is not granted within the timelines contained in Section 010, the utility must confirm the denial in writing by the *Survey/Review on Merits deadline in Section 010*. The pole owner's denial of access shall include all relevant documentation and information supporting its denial, and if it is unclear, shall explain how such documentation and information relate to a denial of access for reasons stated above. ()

021. – 029. (RESERVED)

030. MAKE-READY WORK.

01. Time Limits Infeasible. *If good and sufficient cause makes it infeasible to meet the timelines specified in Section 010, pole owners may deviate from the timelines established in this chapter for make-ready work.* ()

02. Determination and Notification. Each pole owner *must* determine if make-ready work or attachment cannot be completed. *If deviations from the timeframes in Section 010 are necessary*, the pole owner shall notify the new attaching entity and affected existing attaching entities with: ()

a. Identification of the affected poles; ()

b. An explanation of the reason for the deviation; and ()

c. An estimated new completion date. ()

03. Resume Routine Operations. The pole owner shall deviate from the time limits specified in this rule for a period no longer than is reasonably necessary under the circumstances to complete make-ready on the affected poles and shall resume make-ready when it returns to routine operations. ()

04. Selection of a Mutually Acceptable Third Party. If a pole owner cannot meet the timeframes for attachment established by this rule, the pole owner *must notify the attaching entity as soon as reasonably practicable and conduct a meeting with the attaching entity within fifteen (15) calendar days or at a time mutually agreeable to the parties. At the meeting, the parties will select a mutually acceptable third party for make-ready work.* Any third party must meet the pole owner's safety and qualification requirements. ()

031. – 049. (RESERVED)

[Proposed new Section 040 has been withdrawn]

050. TIME FOR DECISION – APPLICABLE RULES OF PROCEDURE.

Whenever a public utility and any provider of telecommunications service, broadband, or cable services companies are unable to agree upon pole attachments as regulated by the Commission under Section 61-538, Idaho Code, the Commission will follow the timeframes set forth in IDAPA 31.01.01.151 and the procedural rules adopted in IDAPA 31.01.01.152. ()

051. – 999. (RESERVED)

IDAPA 38 – IDAHO DEPARTMENT OF ADMINISTRATION

38.04.04 – RULES GOVERNING CAPITOL MALL PARKING

DOCKET NO. 38-0404-2501 (ZBR CHAPTER REWRITE)

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2026 Idaho State Legislature and must be approved by concurrent resolution of the Legislature to go into effect, in accordance with Section [67-5224\(2\)\(c\)](#), Idaho Code. Should the pending rule be approved, it will become final and effective on July 1 following the Second Regular Session of the Sixty-eighth Idaho Legislature, unless the concurrent resolution states a different effective date.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section [67-5708](#), Idaho Code.

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

The Department is proposing a rule change on this chapter to update and revise Capitol Mall Parking. Topics include, but are not limited to, the following: Capitol Mall Parking; definitions; parking lot locations; type of parking; parking space allocation; parking permits; parking permit fees; parking lot violations; enforcement; suspension or revocation of parking privileges; surrender of parking permits; loading zone parking spaces; and waiver of rules. There are no changes to fees and there is no fiscal impact.

There are no changes to the pending rule, and it is being adopted as originally proposed. The complete text of the proposed rule was published in the September 3, 2025, Idaho Administrative Bulletin, [Vol. 25-9, pages 199-208](#).

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

This rulemaking does not impose or increase a fee beyond what was previously submitted to and reviewed by the Idaho Legislature in prior rules.

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

ASSISTANCE WITH TECHNICAL QUESTIONS: For assistance with technical questions concerning this pending rule, contact Kim Rau at 208-332-1824.

DATED this 10th day of December, 2025.

Steve Walker, Deputy Director
Department of Administration
650 W State St. Rm 100
PO Box 83720 Boise, Idaho 83720-0035
208-332-1824

IDAPA 52 – IDAHO STATE LOTTERY

52.01.03 – RULES GOVERNING OPERATIONS OF THE IDAHO STATE LOTTERY

DOCKET NO. 52-0103-2501 (ZBR CHAPTER REWRITE)

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2026 Idaho State Legislature and must be approved by concurrent resolution of the Legislature to go into effect, in accordance with Section 67-5224(2)(c), Idaho Code. Should the pending rule be approved, it will become final and effective on July 1 following the Second Regular Session of the Sixty-eighth Idaho Legislature, unless the concurrent resolution states a different effective date.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 67-7408(1), Idaho Code.

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

In accordance with Governor Brad Little's Executive Order 2020-01: Zero-Based Regulation (ZBR), the Idaho Lottery will reduce regulatory burdens by removing costly, inefficient, or outdated regulations.

There are no changes to the pending rule, and it is being adopted as originally proposed. The complete text of the proposed rule was published in the August 6, 2025, Idaho Administrative Bulletin, Vol. 25-8, pages 179-230.

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

N/A. No fees have been changed or added.

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

There is no expected fiscal impact, positive or negative from these changes.

ASSISTANCE WITH TECHNICAL QUESTIONS: For assistance with technical questions concerning this pending rule, contact Director Arulanandam, listed below.

DATED this 9th day of December, 2025.

Andrew Arulanandam, Director
Idaho State Lottery
1199 Shoreline Lane, Suite 100
Boise, ID 83702
Ph. 208.780.2500
aarulanandam@lottery.idaho.gov
www.idaholottery.com

IDAPA 55 – DIVISION OF CAREER TECHNICAL EDUCATION

55.01.03 – RULES OF CAREER TECHNICAL CENTERS

DOCKET NO. 55-0103-2501

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2026 Idaho State Legislature and must be approved by concurrent resolution of the Legislature to go into effect, in accordance with Section 67-5224(2)(c), Idaho Code. Should the pending rule be approved, it will become final and effective on July 1 following the Second Regular Session of the Sixty-eighth Idaho Legislature, unless the concurrent resolution states a different effective date.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 33-101, 33-105, 33-107, 33-1002G, 33-1629, 33-2202, 33-2207, and 33-2211 in Idaho Code.

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

This amendment would remove an unnecessary term that is federally defined as part of the Perkins V program to align with federal changes. The proposed amendment removes the definition of the term concentrator and the reference to the term concentrator from the definition of participation. The current methodology references enrolled concentrator students in a capstone course because the students in a capstone course already meet the definition of a concentrator.

There are no changes to the pending rule, and it is being adopted as originally proposed. The complete text of the proposed rule was published in the October 1, 2025, Idaho Administrative Bulletin, Volume 25-10, pages 452-453.

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

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

ASSISTANCE WITH TECHNICAL QUESTIONS: For assistance with technical questions concerning this pending rule, contact Nicholas Wagner at rules@edu.idaho.gov or (208)-488-7586).

DATED this 21st day of November, 2025.

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

Sections Affected Index

IDAPA 08 – STATE BOARD OF EDUCATION

08.02.02 – Rules Governing Uniformity

Docket No. 08-0202-2501

015. Idaho Educator Credential.	28
016. Idaho Interim Certificate.	36
021. Endorsements.	37
076. Code Of Ethics For Idaho Professional Educators (Sections 33-1208 And 33-1209, Idaho Code).	38

08.02.03 – Rules Governing Thoroughness

Docket No. 08-0203-2501

004. Incorporation By Reference.	44
---------------------------------------	----

Docket No. 08-0203-2502

004. Incorporation By Reference.	47
---------------------------------------	----

IDAPA 13 – IDAHO DEPARTMENT OF FISH AND GAME

13.01.03 – Public Use of Lands Owned or Controlled by the Department of Fish and Game

Docket No. 13-0103-2501 (ZBR Chapter Rewrite)

010. Definitions.	51
011. – 099. (Reserved)	52
100. Public Use Restrictions.	52
101. – 999. (Reserved)	53

13.01.04 – Rules Governing Licensing

Docket No. 13-0104-2401 (ZBR Chapter Rewrite)

010. Definitions.	55
320. Eligibility For Controlled Hunt Application.	57
350. Use Of Controlled Hunt Tags.	58
351. – 399. (Reserved)	60
400. Landowner Appreciation Program (LAP).	60
601. Refunds To Nonresidents And Exchanges.	62

13.01.08 – Rules Governing Taking of Big Game Animals

Docket No. 13-0108-2401 (ZBR Chapter Rewrite)

320. Tag Validation And Attachment.	65
410. Unlawful Methods Of Take – General.	66
700. Use of Bait for Hunting Big Game.	68

13.01.16 – Trapping of Wildlife and Taking of Furbearing Animals

Docket No. 13-0116-2401 (ZBR Chapter Rewrite)

450. Limits On Trapping.	71
-------------------------------	----

IDAPA 15 – OFFICE OF THE GOVERNOR / IDAHO COMMISSION FOR THE BLIND AND VISUALLY IMPAIRED

15.02.30 – Business Enterprise Program

Docket No. 15-0230-2401 (ZBR Chapter Rewrite)

000. Legal Authority.	77
001. Title And Scope.	77
0023. -- 009. (Reserved)	77
010. Definitions.	77
011. Purpose. See U.S. Department Of Education – Randolph Sheppard Vending Facility Program.	79
012. -- 029. (Reserved)	79
030. Licenses.	79
031. Operating Agreements.	80

0312. -- 039. (Reserved).....	80
040. Termination And Suspension Of Licenses And / Or Operating Agreements.....	80
041. -- 049. (Reserved).....	83
050. Selection Of Operators Vendors.	83
051. -- 059. (Reserved).....	84
060. Access To Program And Financial Information.....	84
061. -- 069. (Reserved).....	84
070. Equipment, Initial Stock And Business Expenses.....	84
071. Maintenance And Replacement Of Equipment.....	85
072. Operator Vendor Ownership Of Vending Facilities.....	85
073. -- 099. (Reserved).....	85
100. Setting Aside Of Funds.....	85
101. Distribution And Use Of Income From Vending Machines On Federal Property.....	85
102. -- 119. (Reserved).....	86
120. Operator Vendor Benefits.....	86
121. -- 129. (Reserved).....	86
130. Agreements/Contracts.....	86
131. -- 139. (Reserved).....	88
140. Termination And Suspension Of Agreements/Contracts.....	88
141. -- 149. (Reserved).....	89
150. Training Program Curriculum.....	89
151. -- 159. (Reserved).....	90
160. Idaho Blind Merchant's Committee (IBMC).....	90
161. -- 169. (Reserved).....	90
170. Meetings Of The Committee.....	91
171. -- 179. (Reserved).....	91
180. Administrative Review.....	91
181. -- 1898. (Reserved).....	91
189. Informal Dispute Resolution. See IDAPA 15.02.01.150.01.....	91
190. Full Evidentiary Hearing.....	91
191. -- 199. (Reserved).....	93
200. Arbitration.....	93
201. -- 209. (Reserved).....	93
210. Explanation To Vendors Of Rights And Responsibilities.....	93
211. -- 219. (Reserved).....	93
220. Discrimination.....	93
221. -- 999. (Reserved).....	93

IDAPA 16 – DEPARTMENT OF HEALTH AND WELFARE

16.02.10 – Idaho Reportable Diseases

Docket No. 16-0210-2501 (ZBR Chapter Rewrite)

460. Measles (Rubeola).....	95
-----------------------------	----

IDAPA 20 – IDAHO DEPARTMENT OF LANDS

20.03.02 – Rules Governing Mined Land Reclamation

Docket No. 20-0302-2401 (ZBR Chapter Rewrite)

155. Five (5) Year Updates And Periodic Inspections.....	97
--	----

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 (ZBR Chapter Rewrite)

010. Definitions.....	99
015. Encroachment Standards.....	102

016. -- 019. (Reserved).....	110
020. Applications.....	110
030. Processing Of Applications For All Other Types Of Encroachments.	113
IDAPA 24 – DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES	
<i>24.05.01 – Rules of the Board of Drinking Water and Wastewater Professionals</i>	
Docket No. 24-0501-2501 (Fee Rule)	
002. Definitions.	116
003. -- 099. (Reserved).....	116
100. Licensure.....	116
101. -- 199. (Reserved).....	120
200. Practice Standards.....	120
201. -- 399. (Reserved).....	120
400. Fees.....	120
<i>24.32.01 – Rules of the Idaho Board of Licensure of Professional Engineers and Professional Land Surveyors</i>	
Docket No. 24-3201-2501	
400. Fees.....	125
<i>24.39.30 – Rules of Building Safety (Building Code Rules)</i>	
Docket No. 24-3930-2502	
600. Idaho Building Codes.....	130
IDAPA 26 – IDAHO DEPARTMENT OF PARKS AND RECREATION	
<i>26.01.20 – Rules Governing the Administration of Park and Recreation Areas and Facilities</i>	
Docket No. 26-0120-2501 (Fee Rule)	
Fee Schedule: Fee Collection Surcharge.	142
Fee Schedule: Entrance.	142
Fee Schedule: Individual Campsite Or Facility.	143
Fee Schedule: Group Campsite or Facility.	143
Fee Schedule: Boating Facilities.	143
IDAPA 31 – IDAHO PUBLIC UTILITIES COMMISSION	
<i>31.27.01 – Rules Governing Pole Attachments</i>	
Docket No. 31-2701-2501 (New Chapter)	
000. Legal Authority.	147
001. Scope.	147
002. Definitions.	147
003. -- 009. (Reserved).....	148
010. Timelines For Permitting Process.	148
011. -- 019. (Reserved).....	149
020. Non-Discriminatory Access To Poles – Denial Of Access.	149
021. -- 029. (Reserved).....	150
030. Make-Ready Work.	150
031. -- 049. (Reserved).....	150
050. Time For Decision – Applicable Rules Of Procedure.....	150
051. -- 999. (Reserved).....	150

LEGAL NOTICE

Summary of Proposed Rulemakings

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

***THERE ARE NO PROPOSED RULES PUBLISHED IN
THE JANUARY 7, 2026, IDAHO ADMINISTRATIVE BULLETIN, VOL. 26-1***

Please refer to the Idaho Administrative Bulletin [January 7, 2026, Volume 26-1](#), for the notices and text of all rulemakings, proclamations, negotiated rulemaking and public hearing information and schedules, executive orders of the Governor, and agency contact information.

Electronic issues of the Idaho Administrative Bulletin can be viewed at www.adminrules.idaho.gov/

Office of the Administrative Rules Coordinator, Division of Financial Management
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CUMULATIVE RULEMAKING INDEX OF IDAHO ADMINISTRATIVE RULES

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

July 1, 1993 – Present

CUMULATIVE RULEMAKING INDEX OF IDAHO ADMINISTRATIVE RULES

This index provides a history of all agency rulemakings beginning with the first Administrative Bulletin in July 1993 to the most recent Bulletin publication. It tracks all rulemaking activities on each chapter of rules by the rulemaking docket numbers and includes negotiated, temporary, proposed, pending and final rules, public hearing notices, vacated rulemaking notices, notice of legislative actions taken on rules, and executive orders of the Governor.

ABRIDGED RULEMAKING INDEX OF IDAHO ADMINISTRATIVE RULES

(Index of Current and Active Rulemakings)

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

April 4, 2025 – January 7, 2026

(PLR 2026) – Final Effective Date Is Pending Legislative Review in 2026

(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

02.01.03, Airborne Control of Unprotected or Predatory Animals Rules

02-0103-2501 Notice of Intent to Promulgate Rules–Zero-Based Regulation (ZBR) Negotiated Rulemaking, Bulletin Vol. 25-5 (terminated)

02.01.05, Rules Governing Certificates of Free Sale

02-0105-2501 Notice of Intent to Promulgate Rules–Zero-Based Regulation (ZBR) Negotiated Rulemaking, Bulletin Vol. 25-5 (terminated)

02.01.08, Rules Governing Grizzly Bear and Wolf Depredation

02-0108-2501 Adoption of Pending Rule (New Chapter), Bulletin Vol. 26-1 (PLR 2026)

02-0108-2501 Notice of Proposed Rulemaking (New Chapter), Bulletin Vol. 25-10

02-0108-2501 Notice of Intent to Promulgate Rules – Negotiated Rulemaking (New Chapter), Bulletin Vol. 25-5

02-0108-2401 OARC Omnibus Notice of Legislative Action – Extension of Temporary Rule, Bulletin Vol. 25-7 (eff. 11-12-24)T

02-0108-2401 Adoption of Temporary Rule, Bulletin Vol. 24-12 (eff. 11-12-24)T

02.02.05, Rules Governing Stone Fruit Grades

02-0205-2501 Adoption of Pending Rule (ZBR Chapter Rewrite), Bulletin Vol. 26-1 (PLR 2026)

02-0205-2501 Notice of Proposed Rulemaking (ZBR Chapter Rewrite), Bulletin Vol. 25-10

02-0205-2501 Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking, Bulletin Vol. 25-5

02.02.07, Rules Governing Bulk Permits and Retail Sale of Potatoes

02-0207-2501 Adoption of Pending Rule (ZBR Chapter Rewrite), Bulletin Vol. 26-1 (PLR 2026)

02-0207-2501 Notice of Proposed Rulemaking (ZBR Chapter Rewrite), Bulletin Vol. 25-10

02-0207-2501 Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking, Bulletin Vol. 25-5

02.02.11, Rules Governing Eggs and Egg Products

02-0211-2501 Notice of Intent to Promulgate Rules–Zero-Based Regulation (ZBR) Negotiated Rulemaking, Bulletin Vol. 25-5 (terminated)

02.02.14, Rules for Weights and Measures

02-0214-2501 Adoption of Pending Rule (ZBR Chapter Rewrite), Bulletin Vol. 26-1 (PLR 2026)

02-0214-2501 Notice of Proposed Rulemaking (ZBR Chapter Rewrite), Bulletin Vol. 25-10

02-0214-2501 Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking, Bulletin Vol. 25-5

02.03.03, Rules Governing Pesticide and Chemigation Use and Application

02-0303-2501 Adoption of Pending Rule, Bulletin Vol. 26-1 (PLR 2026)

02-0303-2501 Notice of Proposed Rulemaking, Bulletin Vol. 25-10

02-0303-2501 Notice of Intent to Promulgate Rules – Negotiated Rulemaking, Bulletin Vol. 25-7

02.04.20, Rules Governing Brucellosis

02-0420-2501 Adoption of Pending Rule (ZBR Chapter Rewrite), Bulletin Vol. 26-1 (PLR 2026)

02-0420-2501 Notice of Proposed Rulemaking (ZBR Chapter Rewrite), Bulletin Vol. 25-10

02-0420-2501 Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking, Bulletin Vol. 25-5

02.04.24, Rules Governing Tuberculosis

02-0424-2501 Adoption of Pending Rule (ZBR Chapter Rewrite), Bulletin Vol. 26-1 (PLR 2026)

02-0424-2501 Notice of Proposed Rulemaking (ZBR Chapter Rewrite), Bulletin Vol. 25-10

02-0424-2501 Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking, Bulletin Vol. 25-5

02.04.26, Rules Governing the Public Exchange of Livestock

02-0426-2501 Adoption of Pending Rule (ZBR Chapter Rewrite), Bulletin Vol. 26-1 (PLR 2026)

02-0426-2501 Notice of Proposed Rulemaking (ZBR Chapter Rewrite), Bulletin Vol. 25-10

02-0426-2501 Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking, Bulletin Vol. 25-5

02.06.01, Rules Governing the Production and Distribution of Seed

02-0601-2501 Adoption of Pending Rule (ZBR Chapter Rewrite), Bulletin Vol. 26-1 (PLR 2026)

02-0601-2501 Notice of Proposed Rulemaking (ZBR Chapter Rewrite), Bulletin Vol. 25-10

02-0601-2501 Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking, Bulletin Vol. 25-5

02.06.02, Rules Governing Registrations and Licenses

02-0602-2501 Adoption of Pending Rule, Bulletin Vol. 26-1 (PLR 2026)

02-0602-2501 Notice of Proposed Rulemaking, Bulletin Vol. 25-10

02.06.06, Rules Governing the Planting of Beans

02-0606-2501 Adoption of Pending Rule, Bulletin Vol. 26-1 (PLR 2026)

02-0606-2501 Notice of Proposed Rulemaking, Bulletin Vol. 25-10

02-0606-2501 Notice of Intent to Promulgate Rules – Negotiated Rulemaking, Bulletin Vol. 25-7

02.06.09, Rules Governing Invasive Species and Noxious Weeds

02-0609-2503 Adoption of Pending Rule, Bulletin Vol. 26-1 (PLR 2026)

02-0609-2503 Notice of Proposed Rulemaking, Bulletin Vol. 25-11

02-0609-2502 Adoption of Temporary Rule, Bulletin Vol. 25-11 (eff. 10-24-25)T

02-0609-2501 *Adoption of Temporary Rule, Bulletin Vol. 25-10 (eff. 9-29-25)T [superseded]*

02-0609-2406 *OARC Omnibus Notice of Legislative Action – Extension of Temporary Rule, Bulletin Vol. 25-7 (eff. 11-9-24)T*

02-0609-2406 *Adoption of Temporary Rule, Bulletin Vol. 24-12 (eff. 11-9-24)T [superseded]*

02-0609-2405 *Adoption of Temporary Rule, Bulletin Vol. 24-11 (eff. 10-7-24)T [superseded]*

02-0609-2404 *Adoption of Temporary Rule, Bulletin Vol. 24-10 (eff. 9-26-24)T [superseded]*

02-0609-2403 *Adoption of Temporary Rule, Bulletin Vol. 24-8 (eff. 6-28-24)T [superseded]*

02-0609-2401 *Adoption of Temporary Rule, Bulletin Vol. 24-4 (eff. sine die 2024)T [superseded]*

02.06.33, Organic Food Products Rules

02-0633-2501 Adoption of Pending Rule, Bulletin Vol. 26-1 (PLR 2026)

02-0633-2501 Notice of Proposed Rulemaking, Bulletin Vol. 25-10

02-0633-2501 Notice of Intent to Promulgate Rules – Negotiated Rulemaking, Bulletin Vol. 25-7

02.07.01, Rules of the Idaho Hop Growers' Commission

02-0701-2501 Adoption of Pending Rule (ZBR Chapter Repeal), Bulletin Vol. 26-1 (PLR 2026)

02-0701-2501 Notice of Proposed Rulemaking (ZBR Chapter Repeal), Bulletin Vol. 25-10

02-0701-2501 Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking, Bulletin Vol. 25-5

**IDAHA 08 – IDAHO STATE BOARD OF EDUCATION
AND STATE DEPARTMENT OF EDUCATION**

08.01.13, Rules Governing the Opportunity Scholarship Program

08-0113-2501 *Notice of Intent to Promulgate Rules – Negotiated Rulemaking, Bulletin Vol. 25-6 (rulemaking terminated by agency)*

08.01.15, Rules Governing the Firearms Safety Grant Program

08-0115-2401 *Notice of Intent to Promulgate Rules (New Chapter) – Negotiated Rulemaking, Bulletin Vol. 24-6 (rulemaking terminated)*

08.02.02, Rules Governing Uniformity

08-0202-2501 Adoption of Pending Rule, Bulletin Vol. 26-1 (PLR 2026)

08-0202-2501 Notice of Proposed Rulemaking, Bulletin Vol. 25-10

08-0202-2501 Notice of Intent to Promulgate Rules – Negotiated Rulemaking, Bulletin Vol. 25-6

08.02.03, Rules Governing Thoroughness

08-0203-2503 Adoption of Temporary Rule, Bulletin Vol. 25-10 (eff. 8-20-25)T

08-0203-2502 Adoption of Pending Rule, Bulletin Vol. 26-1 (PLR 2026)

08-0203-2502 Notice of Proposed Rulemaking, Bulletin Vol. 25-10

08-0203-2502 Notice of Intent to Promulgate Rules – Negotiated Rulemaking, Bulletin Vol. 25-6

08-0203-2501 Adoption of Pending Rule, Bulletin Vol. 26-1 (PLR 2026)

- 08-0203-2501** Notice of Proposed Rulemaking, Bulletin Vol. 25-10
08-0203-2501 Notice of Intent to Promulgate Rules – Negotiated Rulemaking, Bulletin Vol. 25-6

08.02.05, Rules Governing Pay for Success Contracting

- 08-0205-2501** Adoption of Pending Rule (ZBR Chapter Repeal), Bulletin Vol. 26-1 (PLR 2026)
08-0205-2501 Notice of Proposed Rulemaking (ZBR Chapter Repeal), Bulletin Vol. 25-10
08-0205-2501 Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking, Bulletin Vol. 25-6

IDAPA 09 – IDAHO DEPARTMENT OF LABOR**09.05.03, Rules for Determining Bargaining Representatives**

- 09-0503-2401** Notice of Intent to Promulgate Rules–Zero-Based Regulation (ZBR) Negotiated Rulemaking, Bulletin Vol. 24-8 (terminated)

IDAPA 11 – IDAHO STATE POLICE**Alcohol Beverage Control Bureau****11.05.01, Rules Governing Alcohol Beverage Control**

- 11-0501-2501** Adoption of Pending Rule, Bulletin Vol. 25-12 (PLR 2026)
11-0501-2501 Notice of Proposed Rulemaking, Bulletin Vol. 25-10
11-0501-2501 Notice of Intent to Promulgate Rules – Negotiated Rulemaking, Bulletin Vol. 25-7

11.06.01, Rules Governing Civil Asset Forfeiture Reporting

- 11-0601-2501** Adoption of Pending Rule (ZBR Chapter Rewrite), Bulletin Vol. 25-10 (PLR 2026)
11-0601-2501 Notice of Proposed Rulemaking (ZBR Chapter Rewrite), Bulletin Vol. 25-8
11-0601-2501 Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking, Bulletin Vol. 25-6

11.10.01, Rules Governing Idaho Public Safety and Security Information System

- 11-1001-2501** Adoption of Pending Rule (ZBR Chapter Rewrite), Bulletin Vol. 25-11 (PLR 2026)
11-1001-2501 Notice of Proposed Rulemaking (ZBR Chapter Rewrite), Bulletin Vol. 25-8
11-1001-2501 Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking, Bulletin Vol. 25-6

11.10.02, Rules Governing State Criminal History Records and Crime Information

- 11-1002-2501** Adoption of Pending Rule (ZBR Chapter Rewrite), Bulletin Vol. 25-10 (PLR 2026)
11-1002-2501 Notice of Proposed Rulemaking (ZBR Chapter Rewrite), Bulletin Vol. 25-8
11-1002-2501 Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking, Bulletin Vol. 25-6

11.10.03, Rules Governing the Sex Offender Registry

- 11-1003-2501** Adoption of Pending Rule (ZBR Chapter Rewrite), Bulletin Vol. 25-11 (PLR 2026)
11-1003-2501 Notice of Proposed Rulemaking (ZBR Chapter Rewrite), Bulletin Vol. 25-8
11-1003-2501 Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking, Bulletin Vol. 25-6

IDAPA 13 – IDAHO FISH AND GAME COMMISSION**Establishing Seasons and Limits for Hunting, Fishing, and Trapping in Idaho**

- 13-0000-2500P5** Notice of Adopted / Amended Proclamations for Calendar Year 2025, Bulletin Vol. 25-8
13-0000-2500P4 Notice of Adopted / Amended Proclamations for Calendar Year 2025, Bulletin Vol. 25-7
13-0000-2500P3 Notice of Adopted / Amended Proclamations for Calendar Year 2025, Bulletin Vol. 25-6
13-0000-2500P2 Notice of Adopted / Amended Proclamations for Calendar Year 2025, Bulletin Vol. 25-5
13-0000-2500P1 Notice of Adoption of Proclamation for Calendar Year 2025, Bulletin Vol. 25-2

13.01.03, Public Use of Lands Owned or Controlled by the Department of Fish and Game

- 13-0103-2501** Adoption of Pending Rule (ZBR Chapter Rewrite), Bulletin Vol. 26-1 (PLR 2026)
13-0103-2501 Notice of Proposed Rulemaking (ZBR Chapter Rewrite), Bulletin Vol. 25-10
13-0103-2501 Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking, Bulletin Vol. 25-5

13.01.04, Rules Governing Licensing

- 13-0104-2501** Adoption of Temporary Rule, Bulletin Vol. 25-6 (eff. 5-22-25)T

- 13-0104-2401** Adoption of Pending Rule (ZBR Chapter Rewrite), Bulletin Vol. 26-1 (PLR 2026)
- 13-0104-2401** Notice of Proposed Rulemaking (ZBR Chapter Rewrite), Bulletin Vol. 25-10
- 13-0104-2401** Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking, Bulletin Vol. 24-5

13.01.08, Rules Governing Taking of Big Game Animals

- 13-0108-2501** Adoption of Temporary Rule, Bulletin Vol. 25-5 (eff. 4-15-25)T

- 13-0108-2401** Adoption of Pending Rule (ZBR Chapter Rewrite), Bulletin Vol. 26-1 (PLR 2026)
- 13-0108-2401** Notice of Proposed Rulemaking (ZBR Chapter Rewrite), Bulletin Vol. 25-10
- 13-0108-2401** Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking, Bulletin Vol. 24-5

13.01.16, Trapping of Wildlife and Taking of Furbearing Animals

- 13-0116-2401** Adoption of Pending Rule (ZBR Chapter Rewrite), Bulletin Vol. 26-1 (PLR 2026)
- 13-0116-2401** Notice of Proposed Rulemaking (ZBR Chapter Rewrite), Bulletin Vol. 25-10
- 13-0116-2401** Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking, Bulletin Vol. 24-5

13.01.17, Rules Governing Use of Bait for Hunting Big Game Animals

- 13-0117-2401** Adoption of Pending Rule (ZBR Chapter Repeal), Bulletin Vol. 26-1 (PLR 2026)
- 13-0117-2401** Notice of Proposed Rulemaking (ZBR Chapter Repeal), Bulletin Vol. 25-10
- 13-0117-2401** Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking, Bulletin Vol. 24-5

13.01.19, Rules for Selecting, Operating, Discontinuing, and Suspending Vendors

- 13-0119-2501** Adoption of Pending Rule (ZBR Chapter Rewrite), Bulletin Vol. 26-1 (PLR 2026)
- 13-0119-2501** Notice of Proposed Rulemaking (ZBR Chapter Rewrite), Bulletin Vol. 25-10
- 13-0119-2501** Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking, Bulletin Vol. 25-5

IDAPA 15 – OFFICE OF THE GOVERNOR**Executive Orders of the Governor**

- Executive Order No. **2025-08** Making Rural Idaho Healthy Again Act, Bulletin Vol. 25-11
- Executive Order No. **2025-07** Deferred Compensation Program for Employees of the State of Idaho; Repealing and Replacing Executive Order No. 2021-09, Bulletin Vol. 25-11
- Executive Order No. **2025-06** Creation of the Idaho Advanced Nuclear Energy Task Force, Bulletin Vol. 25-11
- Executive Order No. **2025-05** The Idaho Act, Bulletin Vol. 25-9
- Executive Order No. **2025-04** Make Forests Healthy Again Act, Bulletin Vol. 25-5
- Executive Order No. **2025-03** Border Security and Immigration Enforcement Act, Bulletin Vol. 25-3
- Executive Order No. **2025-02** Idaho Strategic Permitting, Efficiency and Economic Development (SPEED) Act, Bulletin Vol. 25-2
- Executive Order No. **2025-01** Gone With the Lava Ridge Wind Project Act, Bulletin Vol. 25-2

Idaho Commission On Aging**15.01.01, Rules Governing Senior Services and Older Americans Act Programs**

- 15-0101-2501** Adoption of Pending Rule (ZBR Chapter Rewrite), Bulletin Vol. 25-12 (PLR 2026)
- 15-0101-2501** Notice of Proposed Rulemaking (ZBR Chapter Rewrite), Bulletin Vol. 25-10
- 15-0101-2501** Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking, Bulletin Vol. 25-7

15.01.03, Rules Governing Ombudsman for the Elderly Program

- 15-0103-2501** Notice of Intent to Promulgate Rules–Zero-Based Regulation (ZBR) Negotiated Rulemaking, Bulletin Vol. 25-7 (terminated)

15.01.20, Rules Governing Area Agency on Aging (AAA) Operations

- 15-0120-2501** Adoption of Pending Rule (ZBR Chapter Repeal), Bulletin Vol. 25-12 (PLR 2026)
- 15-0120-2501** Notice of Proposed Rulemaking (ZBR Chapter Repeal), Bulletin Vol. 25-10
- 15-0120-2501** Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking, Bulletin Vol. 25-7

Idaho Commission for the Blind and Visually Impaired**15.02.30, Business Enterprise Program**

- 15-0230-2401** Adoption of Pending Rule (ZBR Chapter Rewrite), Bulletin Vol. 26-1 (PLR 2026)
- 15-0230-2401** Notice of Public Hearing and Extension of Written Comment Period, Bulletin Vol. 25-9

- 15-0230-2401** Notice of Proposed Rulemaking (ZBR Chapter Rewrite), Bulletin Vol. 24-11
15-0230-2401 Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking, Bulletin Vol. 24-9

Idaho Forest Products Commission***15.03.01, Rules of Administrative Procedure of the Idaho Forest Products Commission***

- 15-0301-2501** Notice of Intent to Promulgate Rules–Zero-Based Regulation (ZBR) Negotiated Rulemaking, Bulletin Vol. 25-4 (terminated)

Idaho Military Division***– Idaho Public Safety Communications Commission******15.06.01, Rules Governing the Idaho Public Safety Communications Commission***

- 15-0601-2501** Adoption of Pending Rule, Bulletin Vol. 25-12 (PLR 2026)
15-0601-2501 Notice of Temporary and Proposed Rule, Bulletin Vol. 25-5 (eff. 5-1-25)T

IDAPA 16 – DEPARTMENT OF HEALTH AND WELFARE***16.02.10, Idaho Reportable Diseases***

- 16-0210-2501** Correction to Pending Rule (ZBR Chapter Rewrite), Bulletin Vol. 26-1 (PLR 2026)
16-0210-2501 Adoption of Pending Rule (ZBR Chapter Rewrite), Bulletin Vol. 25-8 (PLR 2026)
16-0210-2501 Notice of Proposed Rulemaking (ZBR Chapter Rewrite), Bulletin Vol. 25-6
16-0210-2501 Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking, Bulletin Vol. 25-4

16.02.27, Idaho Radiation Control Rules

- 16-0227-2501** Adoption of Pending Rule (ZBR Chapter Rewrite), Bulletin Vol. 25-8 (PLR 2026)
16-0227-2501 Notice of Proposed Rulemaking (ZBR Chapter Rewrite), Bulletin Vol. 25-6
16-0227-2501 Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking, Bulletin Vol. 25-4

16.03.08, Temporary Assistance for Families in Idaho (TAFI) Program

- 16-0308-2501** Adoption of Pending Rule (ZBR Chapter Repeal), Bulletin Vol. 25-10 (PLR 2026)
16-0308-2501 Notice of Proposed Rulemaking (ZBR Chapter Repeal), Bulletin Vol. 25-7
16-0308-2501 Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking, Bulletin Vol. 25-4

16.03.08, Federal Welfare Programs

- 16-0308-2502** Adoption of Pending Rule (ZBR New Chapter), Bulletin Vol. 25-10 (PLR 2026)
16-0308-2502 Notice of Proposed Rulemaking (ZBR New Chapter), Bulletin Vol. 25-7

(Rule Revoked) 16.03.10, Medicaid Enhanced Plan Benefits

- 16-0000-2500** Notice of Omnibus Rulemaking – Revocation of Final Rules – Certain provisions rendered null and void pertaining to IDAPA chapter 16.03.10 – Bulletin Vol. 25-7

- 16-0310-2501*** Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking, Bulletin Vol. 25-4
*Negotiations terminated under this docket and moved under docket 16-0326-2501

16.03.13, Consumer-Directed Services

- 16-0313-2501** Adoption of Pending Rule (Chapter Repeal), Bulletin Vol. 25-11 (PLR 2026)
16-0313-2501 Notice of Proposed Rulemaking (Chapter Repeal), Bulletin Vol. 25-9

16.03.21, Developmental Disabilities Agencies (DDA)

- 16-0321-2501*** Adoption of Pending Rule (Chapter Rewrite), Bulletin Vol. 25-8 (PLR 2026)
*Changes chapter name from: “Developmental Disabilities Agencies (DDA)”
16-0321-2501* Notice of Proposed Rulemaking (Chapter Rewrite), Bulletin Vol. 25-6

16.03.22, Residential Assisted Living Facilities

- 16-0322-2501** Adoption of Pending Rule (ZBR Chapter Rewrite), Bulletin Vol. 25-8 (PLR 2026)
16-0322-2501 Notice of Proposed Rulemaking (ZBR Chapter Rewrite), Bulletin Vol. 25-6
16-0322-2501 Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking, Bulletin Vol. 25-4

16.03.26, Medicaid Plan Benefits

- 16-0326-2501** Adoption of Pending Rule (New Chapter), Bulletin Vol. 25-11 (PLR 2026)
16-0326-2501 Notice of Temporary and Proposed Rule (New Chapter), Bulletin Vol. 25-6 (eff. 7-1-25)T

16.04.14, Low-Income Home Energy Assistance Program (LIHEAP)

- 16-0414-2501** Adoption of Pending Rule (Chapter Repeal), Bulletin Vol. 25-9 (PLR 2026)
16-0414-2501 Notice of Proposed Rulemaking (Chapter Repeal), Bulletin Vol. 25-7

16.04.17, Residential Habilitation Agencies

- 16-0417-2501** Adoption of Pending Rule (ZBR Chapter Repeal), Bulletin Vol. 25-9 (PLR 2026)
16-0417-2501 Notice of Proposed Rulemaking (ZBR Chapter Repeal), Bulletin Vol. 25-6
16-0417-2501 Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking, Bulletin Vol. 25-4

16.05.01, Use and Disclosure of Department Records

- 16-0501-2501** Adoption of Pending Rule (ZBR Chapter Rewrite), Bulletin Vol. 25-8 (PLR 2026)
16-0501-2501 Notice of Proposed Rulemaking (ZBR Chapter Rewrite), Bulletin Vol. 25-6
16-0501-2501 Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking, Bulletin Vol. 25-4

16.06.02, Foster Care Licensing

- 16-0602-2501** Adoption of Pending Rule, Bulletin Vol. 25-9 (PLR 2026)
16-0602-2501 Notice of Temporary and Proposed Rule, Bulletin Vol. 25-7 (eff. 7-1-25)T

16.06.03, Daycare Licensing

- 16-0603-2501*** Adoption of Pending Rule (Chapter Rewrite), Bulletin Vol. 25-9 (PLR 2026)
**Renames chapter from: "Daycare Licensing"*
16-0603-2501* Notice of Proposed Rulemaking (Chapter Rewrite), Bulletin Vol. 25-7

16.06.12, Idaho Child Care Program (ICCP)

- 16-0612-2501** Adoption of Pending Rule (ZBR Chapter Repeal), Bulletin Vol. 25-9 (PLR 2026)
16-0612-2501 Notice of Proposed Rulemaking (ZBR Chapter Repeal), Bulletin Vol. 25-7
16-0612-2501 Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking, Bulletin Vol. 25-4

16.06.13, Emergency Assistance for Families and Children

- 16-0613-2501** Adoption of Pending Rule (Chapter Repeal), Bulletin Vol. 25-9 (PLR 2026)
16-0613-2501 Notice of Proposed Rulemaking (Chapter Repeal), Bulletin Vol. 25-7

IDAPA 18 – DEPARTMENT OF INSURANCE

- 18-ZBRR-2501** *Rules of the Idaho Department of Insurance* – Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 04, Chapters 05, 06, 11-15; & Title 06, Chapter 05 – Bulletin Vol. 25-5

18.03.03, Variable Contracts

- 18-ZBRR-2401** *Rules of the Idaho Department of Insurance* – Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 03, Chapter 03 – Bulletin Vol. 24-7 (rulemaking terminated)

18.03.04, Replacement of Life Insurance and Annuities

- 18-ZBRR-2401** *Rules of the Idaho Department of Insurance* – Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 03, Chapter 04 – Bulletin Vol. 24-7 (rulemaking terminated)

18.04.03, Advertisement of Disability (Accident and Sickness) Insurance

- 18-ZBRR-2401** *Rules of the Idaho Department of Insurance* – Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 04, Chapter 03 – Bulletin Vol. 24-7 (rulemaking terminated)

18.04.05, Self-Funded Health Care Plans Rule

- 18-0405-2501** Adoption of Pending Rule (ZBR Chapter Rewrite), Bulletin Vol. 25-11 (PLR 2026)
18-0405-2501 Notice of Proposed Rulemaking (ZBR Chapter Rewrite), Bulletin Vol. 25-8
18-ZBRR-2501 *Rules of the Idaho Department of Insurance* – Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 04, Chapter 05 – Bulletin Vol. 25-5

18.04.06, Governmental Self-Funded Employee Health Care Plans Rule

- 18-0406-2501** Adoption of Pending Rule (ZBR Chapter Rewrite), Bulletin Vol. 25-11 (PLR 2026)
18-0406-2501 Notice of Proposed Rulemaking (ZBR Chapter Rewrite), Bulletin Vol. 25-8

18-ZBRR-2501 *Rules of the Idaho Department of Insurance* – Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 04, Chapter 06 – Bulletin Vol. 25-5

18.04.11, Long-Term Care Insurance Minimum Standards

18-0411-2501 Adoption of Pending Rule (ZBR Chapter Rewrite), Bulletin Vol. 25-11 (PLR 2026)

18-0411-2501 Notice of Proposed Rulemaking (ZBR Chapter Rewrite), Bulletin Vol. 25-8

18-ZBRR-2501 *Rules of the Idaho Department of Insurance* – Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 04, Chapter 11 – Bulletin Vol. 25-5

18.04.12, The Small Employer Health Insurance and Availability Act

18-0412-2501 Adoption of Pending Rule (ZBR Chapter Rewrite), Bulletin Vol. 25-11 (PLR 2026)

18-0412-2501 Notice of Proposed Rulemaking (ZBR Chapter Rewrite), Bulletin Vol. 25-8

18-ZBRR-2501 *Rules of the Idaho Department of Insurance* – Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 04, Chapter 12 – Bulletin Vol. 25-5

18.04.13, The Individual Health Insurance Availability Act

18-0413-2501 Adoption of Pending Rule (ZBR Chapter Rewrite), Bulletin Vol. 25-11 (PLR 2026)

18-0413-2501 Notice of Proposed Rulemaking (ZBR Chapter Rewrite), Bulletin Vol. 25-8

18-ZBRR-2501 *Rules of the Idaho Department of Insurance* – Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 04, Chapter 13 – Bulletin Vol. 25-5

18.04.14, Coordination of Benefits

18-0414-2501 Adoption of Pending Rule (ZBR Chapter Rewrite), Bulletin Vol. 25-11 (PLR 2026)

18-0414-2501 Notice of Proposed Rulemaking (ZBR Chapter Rewrite), Bulletin Vol. 25-8

18-ZBRR-2501 *Rules of the Idaho Department of Insurance* – Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 04, Chapter 14 – Bulletin Vol. 25-5

18.04.15, Rules Governing Short-Term Health Insurance Coverage

18-0415-2501 Adoption of Pending and Temporary Rule (ZBR Chapter Rewrite), Bulletin Vol. 25-11 (PLR 2026) (eff. 10-15-25)T

18-0415-2501 Notice of Proposed Rulemaking (ZBR Chapter Rewrite), Bulletin Vol. 25-8

18-ZBRR-2501 *Rules of the Idaho Department of Insurance* – Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 04, Chapter 15 – Bulletin Vol. 25-5

18-0415-2401 Notice of Intent to Promulgate Rules – Negotiated Rulemaking, Bulletin Vol. 24-7 (rulemaking terminated)

18.06.05, Managing General Agents

18-0605-2501 Adoption of Pending Rule (ZBR Chapter Rewrite), Bulletin Vol. 25-11 (PLR 2026)

18-0605-2501 Notice of Proposed Rulemaking (ZBR Chapter Rewrite), Bulletin Vol. 25-8

18-ZBRR-2501 *Rules of the Idaho Department of Insurance* – Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 06, Chapter 05 – Bulletin Vol. 25-5

18.07.04, Annual Financial Reporting

18-ZBRR-2401 *Rules of the Idaho Department of Insurance* – Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 07, Chapter 04 – Bulletin Vol. 24-7 (rulemaking terminated)

18.07.05, Director's Authority for Companies Deemed to be in Hazardous Financial Condition

18-ZBRR-2401 *Rules of the Idaho Department of Insurance* – Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 07, Chapter 05 – Bulletin Vol. 24-7 (rulemaking terminated)

IDAPA 20 – DEPARTMENT OF LANDS

20.03.02, Rules Governing Mined Land Reclamation

20-0302-2401 Adoption of Pending Rule (ZBR Chapter Rewrite), Bulletin Vol. 26-1 (PLR 2026)

20-0302-2401 Notice of Proposed Rulemaking (ZBR Chapter Rewrite), Bulletin Vol. 25-10

20-0302-2401 (2nd) Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking, Bulletin Vol. 25-4

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

20.03.04, Rules for the Regulation of Beds, Waters, and Airspace Over Navigable Lakes in the State of Idaho

20-0304-2401* Adoption of Pending Rule (ZBR Chapter Rewrite), Bulletin Vol. 26-1 (PLR 2026)

*Renames chapter from: “Rules for the Regulation of Beds, Waters, and Airspace Over Navigable Lakes in the State of Idaho”

20-0304-2401* Notice of Proposed Rulemaking (ZBR Chapter Rewrite), Bulletin Vol. 25-9

- 20-0304-2401** (2nd) Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking, Bulletin Vol. 25-4
20-0304-2401 Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking, Bulletin Vol. 24-4

20.03.08, Easements on State Owned Lands

- 20-0308-2501** Adoption of Pending Rule (ZBR Chapter Rewrite), Bulletin Vol. 25-11 (PLR 2026)
20-0308-2501 Notice of Proposed Rulemaking (ZBR Chapter Rewrite), Bulletin Vol. 25-8
20-0308-2501 Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking, Bulletin Vol. 25-3

IDAPA 21 – DIVISION OF VETERANS SERVICES**21.01.01, Rules Governing Admission, Residency, and Maintenance Charges in Idaho State Veterans Homes and Division of Veterans Services Administrative Procedure**

- 21-0101-2501** Adoption of Pending Rule (ZBR Chapter Rewrite), Bulletin Vol. 25-8 (PLR 2026)
21-0101-2501 Notice of Proposed Rulemaking (ZBR Chapter Rewrite), Bulletin Vol. 25-7
21-0101-2501 Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking, Bulletin Vol. 25-4

IDAPA 24 – DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES**24.02.01, Rules of the State Athletic Commission**

- 24-0201-2501** Notice of Vacation of Proposed Rulemaking, Bulletin Vol. 25-12
24-0201-2501 Notice of Proposed Rulemaking (Fee Rule), Bulletin Vol. 25-10
24-0201-2501 Notice of Intent to Promulgate Rules – Negotiated Rulemaking, Bulletin Vol. 25-8

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

- 24-0501-2501** Adoption of Pending (Fee) Rule, Bulletin Vol. 26-1 (PLR 2026)
24-0501-2501 Notice of Proposed Rulemaking (Fee Rule), Bulletin Vol. 25-10
24-0501-2501 Notice of Intent to Promulgate Rules – Negotiated Rulemaking, Bulletin Vol. 25-8

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

- 24-0601-2501** Adoption of Pending (Fee) Rule, Bulletin Vol. 25-12 (PLR 2026)
24-0601-2501 Notice of Proposed Rulemaking (Fee Rule), Bulletin Vol. 25-10
24-0601-2501 Notice of Intent to Promulgate Rules – Negotiated Rulemaking, Bulletin Vol. 25-5

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

- 24-0901-2501** Adoption of Pending Rule (Chapter Repeal), Bulletin Vol. 25-12 (PLR 2026)
24-0901-2501 Notice of Proposed Rulemaking (Chapter Repeal), Bulletin Vol. 25-10

24.13.01, Rules Governing the Physical Therapy Licensure Board

- 24-1301-2501** Adoption of Pending (Fee) Rule, Bulletin Vol. 25-12 (PLR 2026)
24-1301-2501 Notice of Proposed Rulemaking (Fee Rule), Bulletin Vol. 25-10
24-1301-2501 Notice of Intent to Promulgate Rules – Negotiated Rulemaking, Bulletin Vol. 25-5

24.17.01, Rules of the State Board of Acupuncture

- 24-1701-2501** Adoption of Pending (Fee) Rule, Bulletin Vol. 25-12 (PLR 2026)
24-1701-2501 Notice of Proposed Rulemaking (Fee Rule), Bulletin Vol. 25-10
24-1701-2501 Notice of Intent to Promulgate Rules – Negotiated Rulemaking, Bulletin Vol. 25-5

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

- 24-1901-2501** Adoption of Pending Rule (Chapter Repeal), Bulletin Vol. 25-12 (PLR 2026)
24-1901-2501 Notice of Proposed Rulemaking (Chapter Repeal), Bulletin Vol. 25-10

24.21.01, Rules of the Idaho State Contractors Board

- 24-2101-2501** Adoption of Pending (Fee) Rule, Bulletin Vol. 25-12 (PLR 2026)
24-2101-2501 Notice of Proposed Rulemaking (Fee Rule), Bulletin Vol. 25-10
24-2101-2501 Notice of Intent to Promulgate Rules – Negotiated Rulemaking, Bulletin Vol. 25-5

24.22.01, Rules of the Idaho State Liquefied Petroleum Gas Safety Board

- 24-2201-2501** Adoption of Pending (Fee) Rule, Bulletin Vol. 25-12 (PLR 2026)
24-2201-2501 Notice of Proposed Rulemaking (Fee Rule), Bulletin Vol. 25-10
24-2201-2501 Notice of Intent to Promulgate Rules – Negotiated Rulemaking, Bulletin Vol. 25-5

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

- 24-2301-2501** Adoption of Pending (Fee) Rule, Bulletin Vol. 25-12 (PLR 2026)
- 24-2301-2501** Notice of Proposed Rulemaking (Fee Rule), Bulletin Vol. 25-10
- 24-2301-2501** Notice of Intent to Promulgate Rules – Negotiated Rulemaking, Bulletin Vol. 25-8

24.26.01, Rules of Midwifery

- 24-2601-2501** Adoption of Pending Rule, Bulletin Vol. 26-1 (PLR 2026)
- 24-2601-2501** Notice of Proposed Rulemaking, Bulletin Vol. 25-11
- 24-2601-2501** OARC Omnibus Notice of Legislative Action – Extension of Temporary Rule, Bulletin Vol. 25-7 (eff. 1-1-25)T
- 24-2601-2501** Adoption of Temporary Rule, Bulletin Vol. 25-1 (eff. 1-1-25)T

24.28.01, Rules of the Barber and Cosmetology Services Licensing Board

- 24-2801-2501** Adoption of Pending (Fee) Rule, Bulletin Vol. 25-12 (PLR 2026)
- 24-2801-2501** Notice of Proposed Rulemaking (Fee Rule), Bulletin Vol. 25-10
- 24-2801-2501** Notice of Intent to Promulgate Rules – Negotiated Rulemaking, Bulletin Vol. 25-5

24.31.01, Rules of the Idaho State Board of Dentistry

- 24-3101-2501** Adoption of Pending Rule, Bulletin Vol. 26-1 (PLR 2026)
- 24-3101-2501** Notice of Proposed Rulemaking, Bulletin Vol. 25-11
- 24-3101-2501** OARC Omnibus Notice of Legislative Action – Extension of Temporary Rule, Bulletin Vol. 25-7 (eff. 1-1-25)T
- 24-3101-2501** Adoption of Temporary Rule, Bulletin Vol. 25-1 (eff. 1-1-25)T

24.32.01, Rules of the Idaho Board of Licensure of Professional Engineers and Professional Land Surveyors

- 24-3201-2501** Adoption of Pending Rule, Bulletin Vol. 26-1 (PLR 2026)
- 24-3201-2501** Notice of Proposed Rulemaking, Bulletin Vol. 25-10
- 24-3201-2501** Notice of Intent to Promulgate Rules – Negotiated Rulemaking, Bulletin Vol. 25-8

24.34.01, Rules of the Idaho Board of Nursing

- 24-3401-2501** Adoption of Pending Rule, Bulletin Vol. 26-1 (PLR 2026)
- 24-3401-2501** Notice of Proposed Rulemaking, Bulletin Vol. 25-11
- 24-3401-2501** OARC Omnibus Notice of Legislative Action – Extension of Temporary Rule, Bulletin Vol. 25-7 (eff. 1-1-25)T
- 24-3401-2501** Adoption of Temporary Rule, Bulletin Vol. 25-1 (eff. 1-1-25)T

24.35.01, Rules of the Outfitters and Guides Licensing Board

- 24-3501-2501** Adoption of Pending Rule, Bulletin Vol. 25-12 (PLR 2026)
- 24-3501-2501** Notice of Proposed Rulemaking, Bulletin Vol. 25-10
- 24-3501-2501** Notice of Intent to Promulgate Rules – Negotiated Rulemaking, Bulletin Vol. 25-8

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

- 24-3801-2501** OARC Omnibus Notice of Legislative Action – Extension of Temporary Rule, Bulletin Vol. 25-7 (eff. 1-1-25)T
- 24-3801-2501** Adoption of Temporary Rule, Bulletin Vol. 25-1 (eff. 1-1-25)T

24.39.30, Rules of Building Safety (Building Code Rules)

- 24-3930-2502** Adoption of Pending Rule, Bulletin Vol. 26-1 (PLR 2026)
- 24-3930-2502** Notice of Proposed Rulemaking, Bulletin Vol. 25-10
- 24-3930-2502** Notice of Intent to Promulgate Rules – Negotiated Rulemaking, Bulletin Vol. 25-8

- 24-3930-2501** Adoption of Pending Rule, Bulletin Vol. 26-1 (PLR 2026)
- 24-3930-2501** Notice of Proposed Rulemaking, Bulletin Vol. 25-11
- 24-3930-2501** OARC Omnibus Notice of Legislative Action – Extension of Temporary Rule, Bulletin Vol. 25-7 (eff. 1-1-25)T
- 24-3930-2501** Adoption of Temporary Rule, Bulletin Vol. 25-1 (eff. 1-1-25)T

24.39.31, Rules for Factory Built Structures

- 24-3931-2501** Adoption of Pending Rule, Bulletin Vol. 26-1 (PLR 2026)
- 24-3931-2501** Notice of Proposed Rulemaking, Bulletin Vol. 25-11
- 24-3931-2501** OARC Omnibus Notice of Legislative Action – Extension of Temporary Rule, Bulletin Vol. 25-7 (eff. 1-1-25)T
- 24-3931-2501** Adoption of Temporary Rule, Bulletin Vol. 25-1 (eff. 1-1-25)T

24.39.50, Rules of the Public Works Contractors License Board

- 24-3950-2501** Adoption of Pending Rule, Bulletin Vol. 26-1 (PLR 2026)

- 24-3950-2501** Notice of Proposed Rulemaking, Bulletin Vol. 25-11
24-3950-2501 OARC Omnibus Notice of Legislative Action – Extension of Temporary Rule, Bulletin Vol. 25-7 (eff. 1-1-25)T
24-3950-2501 Adoption of Temporary Rule, Bulletin Vol. 25-1 (eff. 1-1-25)T

24.41.01, Rules of the Long-Term Care Administrators Board

- 24-4101-2501** Adoption of Pending (New Chapter, Fee Rule) Rule, Bulletin Vol. 25-12 (PLR 2026)
24-4101-2501 Notice of Proposed Rulemaking (New Chapter), Bulletin Vol. 25-10
24-4101-2501 Notice of Intent to Promulgate Rules (New Chapter) – Negotiated Rulemaking, Bulletin Vol. 25-8

IDAPA 26 – DEPARTMENT OF PARKS AND RECREATION***26.01.20, Rules Governing the Administration of Park and Recreation Areas and Facilities***

- 26-0120-2501** Adoption of Pending (Fee) Rule, Bulletin Vol. 26-1 (PLR 2026)
26-0120-2501 Notice of Proposed Rulemaking (Fee Rule), Bulletin Vol. 25-9
26-0120-2501 Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking, Bulletin Vol. 25-5

26.01.21, Rules Governing Leasing Practices & Procedures for Recreational Residences Within Heyburn State Park

- 26-0121-2501** Notice of Intent to Promulgate Rules – Zero-Based Regulation Negotiated Rulemaking, Bulletin Vol. 25-5 (terminated)

IDAPA 28 – DEPARTMENT OF COMMERCE***28.02.03, Department of Commerce Grant Program Rules***

- 28-0203-2501** Adoption of Pending Rule (ZBR Chapter Rewrite), Bulletin Vol. 26-1 (PLR 2026)
28-0203-2501 Notice of Proposed Rulemaking (ZBR Chapter Rewrite), Bulletin Vol. 25-10
28-0203-2501 Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking, Bulletin Vol. 25-7

28.04.01, Rules Governing the Idaho Reimbursement Incentive Act

- 28-0401-2501** Notice of Intent to Promulgate Rules–Zero-Based Regulation (ZBR) Negotiated Rulemaking, Bulletin Vol. 25-7 (terminated)

IDAPA 31 – PUBLIC UTILITIES COMMISSION***31.27.01, Rules Governing Pole Attachments***

- 31-2701-2501** Adoption of Pending Rule (New Chapter), Bulletin Vol. 26-1 (PLR 2026)
31-2701-2501 Notice of Proposed Rulemaking (New Chapter), Bulletin Vol. 25-10
31-2701-2501 Notice of Intent to Promulgate Rules (New Chapter) – Negotiated Rulemaking, Bulletin Vol. 25-8

IDAPA 34 – SECRETARY OF STATE***34.03.01, Rules Implementing the Sunshine Law***

- 34-0301-2501** Adoption of Pending Rule, Bulletin Vol. 25-11 (PLR 2026)
34-0301-2501 Notice of Proposed Rulemaking, Bulletin Vol. 25-6

IDAPA 35 – STATE TAX COMMISSION***35.01.02, Idaho Sales and Use Tax Administrative Rules***

- 35-0102-2501** Adoption of Pending Rule (ZBR Chapter Rewrite), Bulletin Vol. 25-12 (PLR 2026)
35-0102-2501 Notice of Proposed Rulemaking (ZBR Chapter Rewrite), Bulletin Vol. 25-9
35-0102-2501 Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking, Bulletin Vol. 25-5

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

- 35-0106-2501** Adoption of Pending Rule (ZBR Chapter Rewrite), Bulletin Vol. 25-12 (PLR 2026)
35-0106-2501 Notice of Proposed Rulemaking (ZBR Chapter Rewrite), Bulletin Vol. 25-9
35-0106-2501 Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking, Bulletin Vol. 25-5

IDAPA 37 – DEPARTMENT OF WATER RESOURCES***37.02.04, Shoshone-Bannock Tribal Water Supply Bank Rules***

- 37-0204-2501*** Adoption of Pending Rule (ZBR Chapter Rewrite), Bulletin Vol. 25-12 (PLR 2026)

**Renames chapter from: "Shoshone-Bannock Tribal Water Supply Bank Rules"*

37-0204-2501* Notice of Proposed Rulemaking (ZBR Chapter Rewrite), Bulletin Vol. 25-10

37-0204-2501 Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking, Bulletin Vol. 25-4

37.03.07, Stream Channel Alteration Rules

37-0307-2501 Adoption of Pending Rule (ZBR Chapter Rewrite), Bulletin Vol. 25-12 (PLR 2026)

37-0307-2501 Notice of Proposed Rulemaking (ZBR Chapter Rewrite), Bulletin Vol. 25-10

37-0307-2501 Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking, Bulletin Vol. 25-4

37.03.12, Idaho Department of Water Resources Water Distribution Rules - Water District 34

37-0312-2501 Adoption of Pending Rule (ZBR Chapter Rewrite), Bulletin Vol. 25-12 (PLR 2026)

37-0312-2501 Notice of Proposed Rulemaking (ZBR Chapter Rewrite), Bulletin Vol. 25-10

37-0312-2501 Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking, Bulletin Vol. 25-4

IDAPA 38 – IDAHO DEPARTMENT OF ADMINISTRATION

38.04.04, Rules Governing Capitol Mall Parking

38-0404-2501 Adoption of Pending Rule (ZBR Chapter Rewrite), Bulletin Vol. 26-1 (PLR 2026)

38-0404-2501 Notice of Proposed Rulemaking (ZBR Chapter Rewrite), Bulletin Vol. 25-9

38-0404-2501 Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking, Bulletin Vol. 25-5

IDAPA 39 – IDAHO TRANSPORTATION DEPARTMENT

39-ZBRR-2501 *Rules of the Idaho Transportation Department* – Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 02, Chapter 60; and Title 03, Chapter 49 – Bulletin Vol. 25-5

39.02.60, Rules Governing License Plate Provisions

39-0260-2501 Adoption of Pending Rule (ZBR Chapter Rewrite), Bulletin Vol. 25-12 (PLR 2026)

39-0260-2501 Notice of Proposed Rulemaking (ZBR Chapter Rewrite), Bulletin Vol. 25-10

39-ZBRR-2501 *Rules of the Idaho Transportation Department* – Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 02, Chapter 60 – Bulletin Vol. 25-5

39.03.49, Rules Governing Ignition Interlock Devices

39-0349-2501 Adoption of Pending Rule (ZBR Chapter Rewrite), Bulletin Vol. 25-12 (PLR 2026)

39-0349-2501 Notice of Proposed Rulemaking (ZBR Chapter Rewrite), Bulletin Vol. 25-10

39-ZBRR-2501 *Rules of the Idaho Transportation Department* – Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 03, Chapter 49 – Bulletin Vol. 25-5

IDAPA 42 – IDAHO WHEAT COMMISSION

42.01.01, Rules of the Idaho Wheat Commission

42-0101-2401 Notice of Intent to Promulgate Rules–Zero-Based Regulation (ZBR) Negotiated Rulemaking, Bulletin Vol. 24-8 (terminated)

IDAPA 52 – IDAHO STATE LOTTERY COMMISSION

52.01.03, Rules Governing Operations of the Idaho State Lottery

52-0103-2501 Adoption of Pending Rule (ZBR Chapter Rewrite), Bulletin Vol. 26-1 (PLR 2026)

52-0103-2501 Notice of Proposed Rulemaking (ZBR Chapter Rewrite), Bulletin Vol. 25-8

52-0103-2501 Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking, Bulletin Vol. 25-5

IDAPA 55 – DIVISION OF CAREER TECHNICAL EDUCATION

55.01.03, Rules of Career Technical Centers

55-0103-2501 Adoption of Pending Rule, Bulletin Vol. 26-1 (PLR 2026)

55-0103-2501 Notice of Proposed Rulemaking, Bulletin Vol. 25-10

55-0103-2501 Notice of Intent to Promulgate Rules – Negotiated Rulemaking, Bulletin Vol. 25-6

IDAPA 57 – SEXUAL OFFENDER MANAGEMENT BOARD

57.01.01, Rules of the Sexual Offender Management Board

- 57-0101-2501** Adoption of Pending Rule, Bulletin Vol. 25-12 (PLR 2026)
57-0101-2501 Notice of Proposed Rulemaking, Bulletin Vol. 25-10
57-0101-2501 Notice of Intent to Promulgate Rules – Negotiated Rulemaking, Bulletin Vol. 25-4

57-0101-2502 Adoption of Temporary Rule, Bulletin Vol. 25-4 (eff. 2-14-25)T

IDAPA 58 – DEPARTMENT OF ENVIRONMENTAL QUALITY

TMDLs:

- 58-0000-2501** Notice of Final Decision, Willow Creek 2024 Total Maximum Daily Loads (TMDLs) (HUC 17040205), Bulletin Vol. 25-4

58.01.01, Rules for the Control of Air Pollution in Idaho

- 58-0101-2501** Adoption of Pending Rule, Bulletin Vol. 25-12 (PLR 2026)
58-0101-2501 Notice of Proposed Rulemaking, Bulletin Vol. 25-9

58.01.02, Water Quality Standards

- 58-0102-2501** Adoption of Pending Rule, Bulletin Vol. 25-12 (PLR 2026)
58-0102-2501 Notice of Proposed Rulemaking, Bulletin Vol. 25-7

58.01.05, Rules and Standards for Hazardous Waste

- 58-0105-2501** Adoption of Pending Rule, Bulletin Vol. 25-12 (PLR 2026)
58-0105-2501 Notice of Proposed Rulemaking, Bulletin Vol. 25-8

58.01.06, Solid Waste Management Rules

- 58-0106-2501** Adoption of Pending Rule (ZBR Chapter Rewrite), Bulletin Vol. 25-12 (PLR 2026)
58-0106-2501 Notice of Proposed Rulemaking (ZBR Chapter Rewrite), Bulletin Vol. 25-8
58-0106-2501 Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking, Bulletin Vol. 25-3

58.01.08, Idaho Rules for Public Drinking Water Systems

- 58-0108-2501** Adoption of Pending Rule, Bulletin Vol. 25-12 (PLR 2026)
58-0108-2501 Notice of Proposed Rulemaking, Bulletin Vol. 25-9

58-0105-2502 Adoption of Pending Rule, Bulletin Vol. 25-12 (PLR 2026)
58-0108-2502 Notice of Proposed Rulemaking, Bulletin Vol. 25-10
58-0108-2502 Notice of Intent to Promulgate Rules – Negotiated Rulemaking, Bulletin Vol. 25-8

58.01.11, Ground Water Quality Rule

- 58-0111-2501** Adoption of Pending Rule (ZBR Chapter Rewrite), Bulletin Vol. 25-12 (PLR 2026)
58-0111-2501 Notice of Proposed Rulemaking (ZBR Chapter Rewrite), Bulletin Vol. 25-9
58-0111-2501 Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking, Bulletin Vol. 25-3

58.01.12, Rules for Administration of Wastewater and Drinking Water Loan Funds

- 58-0112-2501** Adoption of Pending Rule (ZBR Chapter Rewrite), Bulletin Vol. 25-12 (PLR 2026)
58-0112-2501 Notice of Proposed Rulemaking (ZBR Chapter Rewrite), Bulletin Vol. 25-9
58-0112-2501 Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking, Bulletin Vol. 25-4

58.01.13, Rules for Ore Processing by Cyanidation

- 58-0113-2502** Notice of Intent to Promulgate Rules – Negotiated Rulemaking, Bulletin Vol. 25-12

58-0113-2501 Adoption of Pending and Amendment to Temporary Rule, Bulletin Vol. 25-12 (eff. 12-3-25)T (PLR 2026)
58-0113-2501 Notice of Temporary and Proposed Rule, Bulletin Vol. 25-7 (eff. 7-1-25)T

58.01.16, Wastewater Rules

- 58-0116-2501** Adoption of Pending Rule (ZBR Chapter Rewrite), Bulletin Vol. 25-12 (PLR 2026)
58-0116-2501 Notice of Proposed Rulemaking (ZBR Chapter Rewrite), Bulletin Vol. 25-9
58-0116-2501 Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking, Bulletin Vol. 25-3

IDAPA 62 – OFFICE OF ADMINISTRATIVE HEARINGS

62.01.01, Idaho Rules of Administrative Procedure

- 62-0101-2501** Adoption of Pending Rule, Bulletin Vol. 25-12 (PLR 2026)
- 62-0101-2501** Notice of Proposed Rulemaking, Bulletin Vol. 25-10
- 62-0101-2501** Notice of Intent to Promulgate Rules – Negotiated Rulemaking, Bulletin Vol. 25-6

Subject Index

A

Access To Program & Financial Information 84
 Administrative Review 91
 Filing Objections, Replies, & Decisions 91
 Request for Review 91
 Response 91
 Agreements/Contracts 86
 General Rights & Responsibilities 87
 Program Responsibilities 86
 Vendor Responsibilities 87
 Applications 110
 Encroachment Applications 110
 Other Permits 110
 Repairs, Reinstallation of Structures 111
 Signature Requirement 110

C

Code Of Ethics For Idaho Professional Educators 38
 Aspirations & Commitments 38
 Principle I - Professional Conduct 38
 Principle II - Educator/Student Relationship 39
 Principle III - Alcohol & Drugs Use or Possession 39
 Principle IV - Professional Integrity 39
 Principle IX - Duty to Report 41
 Principle V - Funds & Property 40
 Principle VI - Compensation 40
 Principle VII - Confidentiality 41
 Principle VIII - Breach of Contract or Abandonment of Employment 41
 Principle X - Professionalism 41
 Commercial Navigational Encroachment 100

D

Definitions 99, 116, 147
 Adjacent 99
 Aids to Navigation 99
 Application 147
 Artificial High Water Mark 99
 Attaching Entity 147
 Beds of Navigable Lakes 99
 Board 99
 Boat Garage 99
 Boat Lift 99
 Boat Ramp 99
 Breakwater 99
 Commercial Marina 100
 Commercial Navigational Encroachment 100
 Commission 147
 Community Docks 100
 Coordination Between Attaching

Entities 148
 Covered Slip 100
 Department 100
 Director 100
 Dredging 100
 Encroachments in Aid of Navigation 100
 Encroachments Not in Aid of Navigation 100
 Float Home 100
 Floating Toys 100
 Good and Sufficient Cause 148
 Jet Ski Ramp, Port, or Lift 100
 Line of Navigability 100
 Littoral Owner 100
 Littoral Right Lines 100
 Low Water Mark 101
 Make-Ready Work 148
 Marine Motor Fuel-Dispensing Facility 101
 Moorage 101
 Natural or Ordinary High Water Mark 101
 Navigable Lake 101
 Party 101
 Permit 148
 Person 101
 Piling 101
 Plans 101
 Pole 148
 Pole Owner 148
 Public Hearing 101
 Public Trust Doctrine 101
 Pylon 101
 Residential Area 102
 Riparian or Littoral Owner 102
 Riparian or Littoral Right Lines 102
 Riparian or Littoral Rights 101
 Seawall 102
 Side Tie 102
 Single-Family Dock 102
 Slip 102
 Submerged Lands 102
 Two-Family Dock 102
 Unauthorized Attachment 148
 Upland 102
 Water Line 102
 Definitions, IDAPA 13.01.03 51
 Aircraft 51
 Camp(ing) 51
 Commercial Use 51
 Designated Roads & Trails 51
 Lands Owned or Controlled by the Department 51
 Leash 51
 Safety Zone 51
 Unattended 51
 Watercraft 52
 Definitions, IDAPA 13.01.04 55
 Allocated Tag 55
 Authorized Corporate Representative 55
 Blind or Visually Impaired 55

Capped Hunt 55
 Controlled Hunt 55
 Disabled 56
 Domicile 55
 Eligible Property 56
 Landowner 56
 Leftover Tag 56
 Licensed Medical Provider 56
 Non-Allocated Tag 56
 NR DAV Draw Hunt 56
 NR Draw Hunt 56
 NRL Hunt 56
 Outfitted Hunter 56
 Over the Counter (First come, First Served) 56
 Permanent Disability 57
 Physician 57
 Two-Year Outfitter Verified Use History 57
 Definitions, IDAPA 15.02.30, Business Enterprise Program 77
 Active Participation 77
 Administrator 77
 Agreement 77
 Benefits 77
 Blind Licensee 78
 Blind Person 77
 Certified 78
 Commission 78
 Committee 78
 Contract 78
 Facility 78
 IBMC 78
 License 78
 Licensee 78
 Operating Agreement (OA) 78
 Operator 79
 Permit 79
 Primary Location 79
 Probation 79
 Program 79
 Property Manager 79
 Provisional Licensee 79
 Satellite 79
 Set Aside Funds 79
 State Licensing Agency 79
 Supervisor 79
 Suspension 79
 Vendor 79
 Definitions, IDAPA 24.05.01
 System Classifications 116
 Very Small Public Drinking Water System 116
 Very Small Public Wastewater System 116
 Discrimination 93
 Distribution & Use Of Income From Vending Machines On Federal Property 85
 Limitations 85
 Vending Machine Income 86
 Dock Reconfiguration 111

E

Eligibility For Controlled Hunt
Application 57
Antlered-Only Deer, Antlered-
Only Elk, and Pronghorn 58
Bighorn Sheep 57
Black Bear 58
Grizzly Bear 58
Herd Health Landowner
Permission Hunts 58
Landowner Permission Hunts 58
Moose 57
Mountain Goat 57
Multiple Applications 58
Outfitter Allocated Hunts 58
Youth Only Hunts 58
Encroachment Standards 102
ATONs 107
Boat Garage 105
Breakwaters 105
Commercial Marina 103
Community Docks 103
Covered Slip 104
Excavating or Dredging 107
Fill Material 110
Float Homes 105
Floating Toys 109
General Encroachment
Standards 107
Lake Specific Encroachment
Permit Terms 110
Marine Motor Fuel Dispensing
Facilities 110
Mooring Buoys 105
Riprap 105
Seawalls 105
Single-Family & Two-Family
Docks 102
Endorsements 37
Alternative Authorization -
Teacher to New
Endorsement 37
Clinical Experience
Requirement 37
National Board Certification 38
Equipment, Initial Stock & Business
Expenses 84
Initial Stock of Merchandise 84
Insurance 84
SLA Responsibilities 84
Vending Machine Contracts 84
Evidentiary Hearing 91
Conduct of Hearing 92
Decision 93
Evidence 92
Exclusive Record for Decision 93
Hearing Notice 92
Hearing Officer 92
Legal Counsel 92
Report of Facts, Findings,
Conclusion, & Recommended
Decision 92
Request 91

Service of Report 92
Time & Place of Hearing 92
Time Limit 92
Transcripts 92
Written Comments, Arguments, &
Exceptions 92
Explanation To Vendors Of Rights &
Responsibilities 93

F

Fees 120, 125
Applications & Renewals 125
Five (5) Year Updates &
Inspections 97
Five (5) Year Updates 97
Inspection 97
Five (5) Year Updates & Periodic
Inspections
Frequency of Inspection 97
Full Evidentiary Hearing
Suspension 92

I

Idaho Blind Merchant's Committee
Committee Membership 90
Committee Name 90
Executive Board 90
Purpose of Committee 90
Idaho Blind Merchant's Committee
(IBMC) 90
Bylaws 90
Idaho Building Codes 130
International Building Code 130
International Building Code, 2021
Edition 132
International Energy Conservation
Code – Commercial
Provisions 135
International Energy Conservation
Code – Residential
Provisions 136
International Existing Building
Code 135
International Residential Code,
2024 Edition 132
Idaho Educator Credential 28
Additional Renewal
Requirements 35
American Indian Tribal Language
Certificate 35
Career Technical Certification
Requirements 32
Junior Reserved Officer Training
Corps (Junior ROTC)
Instructors 35
Postsecondary Specialist
Certificate 35
Standard Administrator
Certificate 31
Standard Instructional
Certificate 28
Standard Pupil Service Staff
Certificate 29
Idaho Interim Certificate 36

Codes of Ethics 37
Idaho Comprehensive Literacy
Course 36
Interim Certificate Not
Renewable 36
Non-Traditional Route to Teacher
Certification 36
Reinstatement of Expired
Certificate 36
Teaching For Mathematical
Thinking 36
Incorporation By Reference 44, 47
The Idaho Content Standards 44,
47
The Idaho Special Education
Manual 45, 48
The Idaho Standards for Infants,
Toddlers, Children, and Youth
Who Are Blind or Visually
Impaired 45, 48
The Idaho Standards for Infants,
Toddlers, Children, and Youth
Who Are Deaf or Hard of
Hearing 45, 48
Informal Dispute Resolution 91

L

Landowner Appreciation Program
(LAP) 60
Application of Controlled Hunt
Restrictions 61
Controlled Hunt Applications 60
Hunt Areas 60
Issuance of Tag(s) 61
Left over Tags 60
Property & Landowner
Registration 60
Sale, Marketing, or Purchase
Unlawful 61
Special Restrictions 61
Tag Eligibility 60
Legal Authority 77, 147
Licenses 79
Inactive License 80
Issuance of Licenses 80
Reactivation 80
Licensure 116
Board approved Backflow or
Operator Examination Providers
Monitored and Audited 119
Classifications 116
Continuing Education 119
Education and Experience
Requirements 117
Examination Requirement 117
Substitutions 118
Limits On Trapping 71
Bait 71
Game Animals 71

M

Maintenance & Replacement Of
Equipment 85
Make-Ready Work 150

Determination & Notification 150
Resume Routine Operations 150
Selection of a Mutually Acceptable
Third Party 150
Time Limits Infeasible 150
Measles (Rubeola) 95
Handling of Report 95
Investigation 95
Reporting Requirements 95
Restrictions - Day Care Facility &
School 95
Restrictions - Health Care
Facility 95
Meetings Of The Committee 91
Additional Meetings 91
Annual Meetings 91
Expenses 91
Future Meeting 91
Minutes 91
Program Responsibilities 91

N

Non-Discriminatory Access To Poles –
Denial Of Access 149
Denial to Access 150
Documentation to Support
Denial 150
Owner/Provider Agreement to
Access 149

O

Operating Agreements 80
General Rights and
Responsibilities 80
SLA Responsibilities 80
Operator Benefits
Eligibility 86
Medical Insurance 86
Retirement & Pension
Accounts 86
Sick Leave & Vacation Funds 86
Vending Machine Income 86

P

Practice Standards 120
Grandparent License 120
Operator-in-Training 120
Operators and Backflow Assembly
Testers Code of Conduct 120
Processing Of Applications For All
Other Types Of Encroachments 113
Decision After Hearing 114
Decision Where No Hearing 114
Encroachments Not in Aid of
Navigation 113
Factors in Decision 114
Hearing Participants 114
Judicial Review 114
Nonnavigational, Community &
Commercial Navigational
Encroachments 113
Notifications 113
Public Hearing 113
Written Comments or

Objections 113
Public Use Restrictions 52
Activities Not Allowed Without
Authorization 52
Purpose. See U.S. Department Of
Education – Randolph Sheppard
Vending Facility Program 79

R

Redredging 111
Refunds And Exchanges 62
Administrative Error 63
Amount Refunded 62
Exchanges 62
Junior Mentored Refund 62
Overpayment of mailed
payments 63
Partial Refund 62
Refund Eligibility 62
Subsequent Year Hunt
Eligibility 63
Widespread Environmental
Incidents Refund 63

S

Scope 77, 147
Selection Of Operators
Notification of Opening 83
Records 84
Selection Of Vendors 83
Application 83
No Qualified Bidders 83
Notification of Decision 84
Qualification of Bidders 83
Selection Panel 83
Transfer & Promotion 84
Setting Aside Of Funds 85
Approval by the United States
Department of Education 85
Income with No Program
Operator 85
Increases 85
Other Purposes Allowed by the
Randolph-Sheppard Act 85
Record of Expenditures 85
Review of Schedule of Funds 85
Set Aside 85

T

Tag Validation & Attachment 65
Termination & Suspension Of
Agreements/Contracts 88
Cancellation 89
Grounds for Suspension 89
Grounds for Termination 88
Notice of Suspension 89
Notice of Termination 89
Request for Review Not a Stay 89
Review 89
Termination & Suspension Of Licenses
And / Or Operating Agreements 80
Grounds for License
Suspension 81
Grounds for OA Suspension 81

Grounds for OA Termination 81
Improvement Plans 83
License Probation 82
Notice of Termination or
Suspension 82
OA Cancellation 82
Request for Review 82
Suspension 82
Termination 82
Termination & Suspension of Licenses
and Operating Agreements
Grounds for License
Termination 80
Time For Decision – Applicable Rules
Of Procedure 150
Timelines For Permitting Process 148
Large Orders 149
Order Sizes 149
Pole Attachment Timelines 148
Training Curriculum 89
In-Service Training 90
Licensing 89
Training Program
Post-Employment Services 90

U

Unlawful Methods Of Take –
General 66
Use of Bait for Hunting Big Game 68
Containers 68
Establishment of Bait Sites 68
Location 68
Time 68
Types 68
Use Of Controlled Hunt Tags 58
Black Bear 60
Deer 59
Elk 59
NR Draw Tags 59
Pronghorn 59
Use of Controlled Hunt Tags 58

V

Vendor Benefits 86
Eligibility 86
Non-Fully Funded Benefits 86
Vendor Ownership Of Vending
Facilities 85