

Dear Senators MCKENZIE, Fulcher, Malepeai, and  
Representatives LOERTSCHER, Crane, Smith:

The Legislative Services Office, Research and Legislation, has received the enclosed rules of the  
Department of Administration - Public Works:

IDAPA 38.04.06 - Rules Pertaining To The Rules Governing Prequalification of Contractors on  
Capitol Building Projects - Chapter Repeal (Docket No. 38-0406-1101).

Pursuant to Section 67-454, Idaho Code, a meeting on the enclosed rules may be called by the  
cochairmen or by two (2) or more members of the subcommittee giving oral or written notice to Research  
and Legislation no later than fourteen (14) days after receipt of the rules analysis from Legislative  
Services. The final date to call a meeting on the enclosed rules is no later than 09/20/2011. If a meeting is  
called, the subcommittee must hold the meeting within forty-two (42) days of receipt of the rules analysis  
from Legislative Services. The final date to hold a meeting on the enclosed rules is 10/18/2011.

The germane joint subcommittee may request a statement of economic impact with respect to a  
proposed rule by notifying Research and Legislation. There is no time limit on requesting this statement,  
and it may be requested whether or not a meeting on the proposed rule is called or after a meeting has  
been held.

To notify Research and Legislation, call 334-4845, or send a written request to the address or FAX  
number indicated on the memorandum enclosed.



Jeff Youtz  
Director

# Legislative Services Office Idaho State Legislature

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*Serving Idaho's Citizen Legislature*

## MEMORANDUM

**TO:** Rules Review Subcommittee of the Senate State Affairs Committee and the House State Affairs Committee  
**FROM:** Division Manager - Mike Nugent  
**DATE:** August 31, 2011  
**SUBJECT:** Department of Administration - Public Works

IDAPA 38.04.06 - Rules Pertaining To The Rules Governing Prequalification of Contractors on Capitol Building Projects - Chapter Repeal (Docket No. 38-0406-1101)

The Department of Administration is proposing to repeal its rules governing prequalification of contractors on capitol building projects. The reason for the repeal is that the restoration of the State Capitol has been completed. The Department is to be commended for removing this outdated rule from the rule books. It appears the proposed rule change is within the scope of statutory authority granted to the Department.

cc: Department of Administration - Public Works  
Tim Mason

**IDAPA 38 - DEPARTMENT OF ADMINISTRATION**  
**38.04.06 - RULES GOVERNING PREQUALIFICATION OF CONTRACTORS**  
**ON CAPITOL BUILDING PROJECTS**

**DOCKET NO. 38-0406-1101 (CHAPTER REPEAL)**

**NOTICE OF RULEMAKING - PROPOSED RULE**

**AUTHORITY:** In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Section 67-5507 Idaho Code.

**PUBLIC HEARING SCHEDULE:** Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than September 21, 2011.

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

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

This chapter is being repealed because the restoration project on the State Capitol has been completed.

**FEE SUMMARY:** The following is a specific description of the fee or charge imposed or increased: None.

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

No impact to the General Fund.

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220(2), Idaho Code negotiated rulemaking was not conducted because the Restoration of the Capitol has been completed and the rules are no longer relevant.

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

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the proposed rule, contact Tim Mason at 332-1911, Email: [tim.mason@adm.idaho.gov](mailto:tim.mason@adm.idaho.gov).

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before September 28, 2011.

DATED this July 5, 2011.

Tim Mason, Administrator  
Department of Administration/Public Works  
502 N. Forth Street, PO Box 83720-0072  
Boise, Idaho 83720-0072  
Phone: 332-1900; Fax: 334-4031

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**IDAPA 38.04.06 IS BEING REPEALED IN ITS ENTIRETY.**