

Dear Senators TIPPETS, Patrick, Schmidt, and
Representatives HARTGEN, Anderson, King:

The Legislative Services Office, Research and Legislation, has received the enclosed rules of
the Department of Commerce:

IDAPA 28.02.07 - Rules Pertaining To The Rules Governing the Administration of the IGEM Grant
Program (New Chapter) (Docket No. 28-0207-1301).

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 10/09/2013. 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 11/07/2013.

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 on the
memorandum attached below.



Jeff Youtz
Director

Legislative Services Office Idaho State Legislature

Serving Idaho's Citizen Legislature

MEMORANDUM

TO: Rules Review Subcommittee of the Senate Commerce & Human Resources Committee and the House Commerce & Human Resources Committee
FROM: Division Manager - Mike Nugent
DATE: September 20, 2013
SUBJECT: Department of Commerce

IDAPA 28.02.07 - Rules Pertaining To The Rules Governing the Administration of the IGEM Grant Program (New Chapter) (Docket No. 28-0207-1301)

In 2012 the Legislature enacted House Bill No. 546 which transformed the Idaho Innovation Council at the Department of Commerce to the Idaho Global Entrepreneurial Mission (IGEM) Council which provided definitions, membership and grant distribution. The bill defined the responsibilities and focus of the IGEM Council and the distribution of commercialization of revenue generated by IGEM research. These proposed rules establish procedures for the administering of the IGEM Grant Program. It appears the proposed rules have been promulgated within the scope of the statutory authority conferred on the Department of Commerce by HB 546 of 2012.

cc: Department of Commerce
Megan Ronk

IDAPA 28 - DEPARTMENT OF COMMERCE

28.02.07 - RULES GOVERNING THE ADMINISTRATION OF THE IGEN GRANT PROGRAM

DOCKET NO. 28-0207-1301 (NEW CHAPTER)

NOTICE OF RULEMAKING - PROPOSED RULE

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Sections 67-4702 and 67-4729, 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 October 16, 2013.

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:

These rules establish procedures for the administration of the IGEN (Idaho Global Entrepreneurial Mission) Grant Program.

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

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

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted because of the need to adopt a temporary rule which confers a benefit through the establishment and administration of this grant program.

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 Megan Ronk, Chief Communications & Governmental Affairs Officer, Idaho Department of Commerce at (208) 334-2470.

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 October 23, 2013.

DATED this 30th day of August, 2013.

Megan Ronk
Chief Communications & Governmental Affairs Officer
Idaho Department of Commerce
700 W State Street
Boise, ID, 83702
Phone: 208-334-2470
Fax: 208-334-2631

THE FOLLOWING IS THE PROPOSED TEXT FOR DOCKET NO. 28-0207-1301

IDAPA 28
TITLE 02
CHAPTER 07

28.02.07 - RULES GOVERNING THE ADMINISTRATION OF THE IGEM GRANT PROGRAM

000. LEGAL AUTHORITY.

These rules are promulgated under the legal authority of Sections 67-4702 and 67-4729, Idaho Code. ()

001. TITLE AND SCOPE.

01. Title. The title of this chapter shall be cited as IDAPA 28.02.07, Idaho Department of Commerce, "Rules Governing the Administration of the IGEM Grant Program." ()

02. Scope. These rules establish procedures for the administration of the IGEM Grant Program. ()

002. WRITTEN INTERPRETATIONS.

In accordance with Section 67-5201(19)(b)(iv), Idaho Code, any written interpretations of these rules are available from the Idaho Department of Commerce. ()

003. ADMINISTRATIVE APPEALS.

The award of grants under the IGEM Grant Program is a discretionary action to be performed by the Idaho Department of Commerce. There is no provision for administrative appeal under these rules. ()

004. INCORPORATION BY REFERENCE.

There are no documents incorporated by reference into the rules. ()

005. OFFICE -- OFFICE HOURS -- MAILING ADDRESS AND STREET ADDRESS.

The headquarters of the Idaho Department of Commerce is in Boise, Idaho. Office hours are from 8 a.m. to 5 p.m. except Saturdays, Sundays and legal holidays. The Department's mailing address for information regarding the IGEM Grant Program is: Idaho Department of Commerce, P.O. Box 83720, Boise ID 83720-0093. The street address is 700 West State Street, Boise, Idaho. The telephone number is (208) 334-2470 and the FAX number is (208) 334-2631. ()

006. PUBLIC RECORDS ACT COMPLIANCE.

All rules contained in this chapter are subject to the provisions of the Idaho Public Records Act, Title 9, Chapter 3, Idaho Code. ()

007. -- 009. (RESERVED)

010. DEFINITIONS.

As used in this chapter: ()

01. Department. Idaho Department of Commerce. ()

02. Eligible Applicant. Idaho research universities: Boise State University, Idaho State University, and University of Idaho. ()

03. IGEM Council. Idaho Global Entrepreneurial Mission Council as defined in Section 67-4726, Idaho Code. ()

04. IGEM Executive Committee. The IGEM Executive Committee is made up of the IGEM Council chairman, the director of the Idaho Department of Commerce, and the Idaho State Board of Education member of the IGEM Council. ()

05. IGEM Grant Program. A grant program established by the IGEM Council for the purpose of funding projects intended to further the purpose as described in Section 100 of these rules. ()

06. University. As used in these rules, University means Boise State University, Idaho State University, and the University of Idaho. ()

011. ABBREVIATIONS.
As used in this chapter: ()

01. IGEM. Idaho Global Entrepreneurial Mission. ()

02. RFP. Request for Proposal. ()

012. -- 099. (RESERVED)

100. PURPOSE.
The IGEM Grant Program funds commercialization grants supporting University and industry research partnerships for the purpose of enhancing technology transfer and commercialization of research and technologies developed at the Universities to create high-quality jobs and new industries in the private sector in Idaho. ()

101. -- 199. (RESERVED)

200. REQUEST FOR PROPOSAL (RFP).
The IGEM Council will release a RFP outlining the process and requirements for Eligible Applicants to apply for IGEM Grant Program awards. The RFP shall include requirements for performance measures and reporting. Awarded programs that fail to meet the requirements set forth in the RFP may be terminated. ()

201. -- 299. (RESERVED)

300. SELECTION PREFERENCE.
In selecting IGEM proposals for award, the IGEM Council shall give greater weight to proposals that partner with Idaho based entities. ()

301. MATCHING REQUIREMENT.
All approved awards must contain a match requirement. The match may be monetary or in-kind as established in the RFP. ()

302. -- 399. (RESERVED)

400. TERMINATION OF FUNDING.
Funding for projects may be terminated by the Department at any time for failure to meet the program requirements set out in the RFP or for the misuse of IGEM funds. Upon receipt of a written notice of termination from the Department, the grantee must immediately stop all expenditures of IGEM funds and return all unspent IGEM funds to the Department. The Department will make a final payment to the grantee based on the work completed, allowable costs incurred, and the documentation provided by the grantee as required by these rules. ()

401. -- 499. (RESERVED)

500. COMMERCIALIZATION REVENUE.
Any commercialization revenue generated through the IGEM University research initiative and by IGEM funded research faculty will be distributed as outlined in Section 67-4731, Idaho Code. ()

501. -- 999. (RESERVED)