

Idaho Administrative Rules Process Overview

Office of the Administrative Rules Coordinator

Regulatory and Legislative Affairs Bureau

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Division of Financial Management

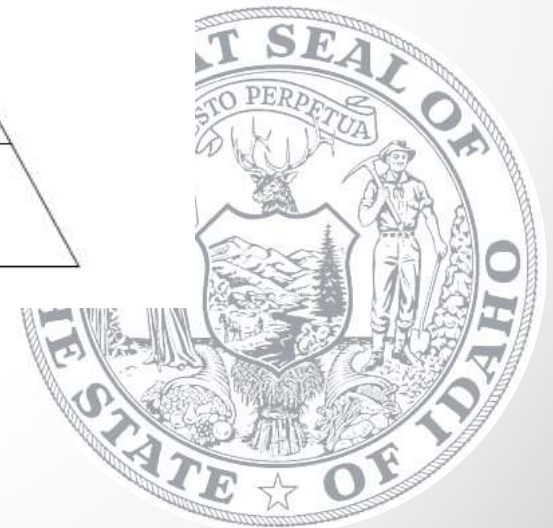
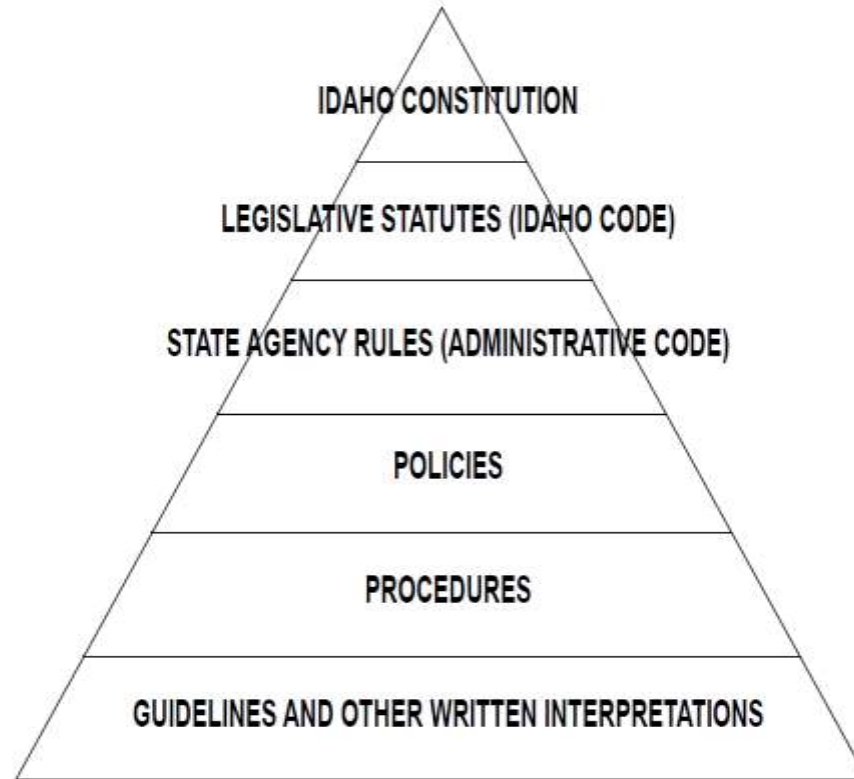
Executive Office of the Governor



DIVISION OF FINANCIAL MANAGEMENT

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Hierarchy of State Law & Guidance



DIVISION OF FINANCIAL MANAGEMENT

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Main Types of Rules

- Proposed Rule
- Pending Rule
- Final Rule
- Temporary Rule*



Authority to Adopt Rules

- A Board, Commission, or Agency must have statutory authority to adopt rules
- Agencies must follow the Administrative Procedures Act - Title 67, Chapter 52, Idaho Code



The Rulemaking Process

STEP 1: Agency Publishes Initial Notice of Negotiated Rulemaking

- Negotiated Rulemaking is conducted with stakeholders

STEP 2: Agency Publishes Notice of Proposed Rule (First Draft)

- Proposed rule adopted and prints in the Bulletin
- 21 days for public comment
- Negotiations on further changes continue as needed

STEP 3: Pending Rule Adopted and Published in Bulletin (Final Draft)

STEP 4: Legislative Review

STEP 5: Approved Rules Final on July 1

(unless a different date stipulated in concurrent resolution)



IDAPA 16 – DEPARTMENT OF HEALTH AND WELFARE

16.04.18 – CHILDREN'S AGENCIES AND RESIDENTIAL LICENSING

DOCKET NO. 16-0418-2401

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

[LINK: LSO Rules Analysis Memo](#)

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2025 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 First 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 39-1207, 39-1208, 39-1209, 39-1210, 39-1213, 56-1003, 56-1004A, and 56-1005(8), 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:

Because of the updates to 16.06.02, Foster Care Licensing, this rule makes corresponding changes to the children's agencies requirements for foster homes.

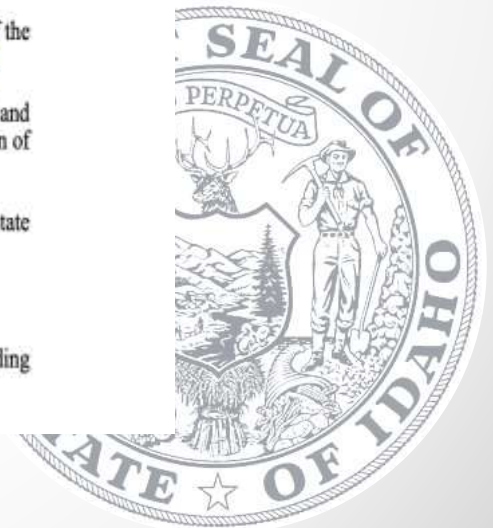
There are no changes to the pending rule and it is being adopted as originally proposed. The complete text of the proposed rule was published in the July 3rd, 2024 Idaho Administrative Bulletin, Vol. 24-7, pages 80 through 86.

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:

There will not be a negative fiscal impact greater than \$10,000.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Jared Larsen at 208-334-5500.



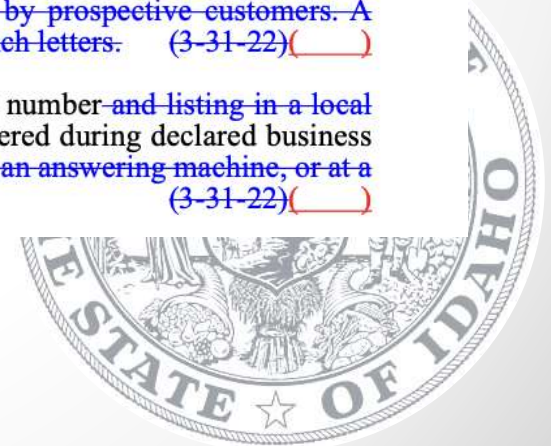
j. All electronic copies of records ~~shall~~ **will** be supplemented with a back-up copy of the electronic records, ~~either retained on-site or an off-site location, which permits the business record to be retrieved within three (3) business days.~~ (3-31-22)()

k. Any device, server, network device, or any internal or external storage medium which stores the electronic records ~~must~~ **will** have security access controls and physical security measures to protect the records from unauthorized access, viewing, or alteration. (3-31-22)()

l. Any dealer storing electronic or physical records that contain personal information ~~shall~~ **will** ensure that disposal of any records be completed in a secure manner, by shredding, erasing, or otherwise modifying the personal information to make it unreadable or undecipherable through any means. (3-31-22)()

02. Vehicle Dealer Sign Requirements. An exterior sign permanently affixed to the land or building, with clearly visible letters, visible to major avenue of traffic meeting local building or zoning codes with the trade name of the dealership clearly visible ~~is required~~ **from fifty (50) feet.** ~~Wholesale dealer signs may be painted on the window of the office next to the entrance door of sufficient size to be easily read by prospective customers. A suggested retail sign size is twenty-four (24) square feet, with a minimum of four (4) inch letters.~~ (3-31-22)()

03. Telephone. A ~~business~~ phone that has a **publicly** published business number ~~and listing in a local telephone directory~~ in the name of the dealership. Business phones ~~shall~~ **will** be answered during declared business hours, in the name of the licensed dealer. ~~The telephone may be answered in person, by an answering machine, or at a remote location in person.~~ (3-31-22)()



How to Access Rules

- [2025 Administrative Rules Review Books | https://adminrules.idaho.gov](https://adminrules.idaho.gov)
 - Select Your Committee

OR

- [Idaho Legislature | https://legislature.idaho.gov/sessioninfo/](https://legislature.idaho.gov/sessioninfo/)
 - Administrative Rules Review Books



Other Highlights

- Zero-Based Regulation (ZBR)
- Legislative Periodic Review of Administrative Rules
- Townhall Idaho (Proclamation | 2022)



Questions?

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