IDAHO ADMINISTRATIVE BULLETIN

March 1, 2017 -- Volume 17-3

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C.L. "Butch" Otter, Governor
Robert L. Geddes, Director, Department of Administration
Dennis Stevenson, Administrative Rules Coordinator
Bradley Hunt, Administrative Rules Specialist
Jason Shaw, Regulatory Analyst and Publishing Specialist

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Table of Contents

March 1, 2017 -- Volume 17-3

| PREFACE | 3 |
|--|----|
| IDAPA 02 – DEPARTMENT OF AGRICULTURE 02.06.17 – Rules Governing the Disposal of Cull Onions and Potatoes Docket No. 02-0617-1701 Notice of Rulemaking – Adoption of Temporary Rule | 13 |
| IDAPA 07 – DIVISION OF BUILDING SAFETY 07.03.01 – Rules of Building Safety Docket No. 07-0301-1701 Notice of Intent to Promulgate Rules – Negotiated Rulemaking | 16 |
| 07.08.17 – Idaho Minimum Safety Standards and Practices for Logging – Cable Assisted Logging Systems **Docket No. 07-0817-1701 (New Chapter)* Notice of Intent to Promulgate Rules – Negotiated Rulemaking | |
| 07.10.01 – Rules Governing the Damage Prevention Board, Division of Building Safety Docket No. 07-1001-1701 Notice of Intent to Promulgate Rules – Negotiated Rulemaking | 20 |
| IDAPA 13 – IDAHO DEPARTMENT OF FISH AND GAME 13.01.09 – Rules Governing the Taking of Game Birds in the State of Idaho Docket No. 13-0109-1701 Notice of Intent to Promulgate Rules – Negotiated Rulemaking | 22 |
| IDAPA 35 – STATE TAX COMMISSION 35.01.03 – Property Tax Administrative Rules Docket No. 35-0103-1701 Notice of Intent to Promulgate Rules – Negotiated Rulemaking | 24 |
| SECTIONS AFFECTED INDEX | 26 |
| LEGAL NOTICE - SUMMARY OF PROPOSED RULEMAKINGS | 27 |
| CUMULATIVE RULEMAKING INDEX OF IDAHO ADMINISTRATIVE RULES | 28 |
| SUBJECT INDEX | 48 |

Preface

The Idaho Administrative Bulletin is an electronic-only, online monthly publication of the Office of the Administrative Rules Coordinator, Department of Administration, 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 13-1 refers to the first Bulletin issued in calendar year 2013; Bulletin 14-1 refers to the first Bulletin issued in calendar year 2014. Volume numbers, which proceed from 1 to 12 in a given year, correspond to the months of publication, i.e.; Volume No. 13-1 refers to January 2013; Volume No. 13-2 refers to February 2013; and so forth. Example: The Bulletin published in January 2014 is cited as Volume 14-1. The December 2015 Bulletin is cited as Volume 15-12.

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

1. NEGOTIATED RULEMAKING

Negotiated rulemaking is a process in which all interested persons and the agency seek consensus on the content of a rule through dialogue. Agencies are required to conduct negotiated rulemaking whenever it is feasible to do so.

The agency files a "Notice of Intent to Promulgate - Negotiated Rulemaking" for publication in the Administrative Bulletin inviting interested persons to contact the agency if interested in discussing the agency's intentions regarding the rule changes. This process is intended to result in the formulation of a proposed rule and the initiation of regular rulemaking procedures. One result, however, may also be that regular (proposed) rulemaking is not initiated and no further action is taken by the agency.

1. 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:

- a) the specific statutory authority (from Idaho Code) for the rulemaking including a citation to a specific federal statute or regulation if that is the basis of authority for or is occasioning the rulemaking;
- b) a statement in nontechnical language of the substance of the proposed rule, including a specific description of any fee or charge imposed or increased;
- c) 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 when the pending rule will become effective; provided, however, that notwithstanding Section 67-5231, Idaho Code, the absence or accuracy of a fiscal impact statement provided pursuant to this subsection shall not affect the validity or enforceability of the rule.
- d) if any document is incorporated by reference in the proposed rule, a brief written synopsis of why the incorporation is needed must be included in the notice of proposed rulemaking, along with a link to the electronic version of the incorporated material or information on how it can be obtained.
- e) the text of the proposed rule prepared in legislative format;
- f) the location, date, and time of any public hearings the agency intends to hold on the proposed rule;
- g) the manner in which persons may make written comments on the proposed rule, including the name and address of a person in the agency to whom comments on the proposal may be sent;
- h) the manner in which persons may request an opportunity for an oral presentation as provided in Section 67-5222, Idaho Code; and
- i) the deadline for public (written) comments on the proposed rule.

Any proposed rulemaking that is submitted for publication in the Bulletin that would impose a fee or charge must be accompanied by a cost/benefit analysis that is prepared by the agency. This cost/benefit analysis must estimate, as reasonably as possible, the costs to the agency to implement the rule and the estimated costs that would be borne by citizens or the private sector. This analysis is filed with the Director of Legislative Services Office who then forwards it to the appropriate germane joint subcommittee assigned to review the promulgating agency's proposed rules.

When incorporating by reference, the notice of proposed rulemaking must include a brief synopsis detailing the need to incorporate by reference any additional materials into the rule. The agency must also provide information regarding access to the incorporated materials. At a minimum, and when available, the agency must provide an electronic link to the documents that can accessed on a web site or post this information on its own web site, or both. This link can be placed into the rule and activated once it is posted on the Coordinator's web site.

As stated, the text of the proposed rule must be published in the Bulletin. After meeting the statutory rulemaking criteria for a proposed rule, the agency may adopt the pending rule. Because a proposed rule is not enforceable, it has no effective date, even when published in conjunction with a temporary rule that is of full force and effect. An agency may vacate (terminate) a rulemaking after the publication of a proposed rule if it decides, for whatever reason, not to proceed further to finalize the rulemaking. The publication of a "Notice of Vacation of Proposed Rulemaking" in the Bulletin officially stops the formal rulemaking process.

1. TEMPORARY RULEMAKING

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

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

If a rulemaking meets one or more of the above legal criteria and the governor determines that it is necessary that a rule become effective prior to receiving legislative authorization and without allowing for any public input, the agency may proceed and adopt a temporary rule. The law allows an agency to make a temporary rule immediately effective upon adoption. However, a temporary rule that imposes a fee or charge may be adopted only if the governor finds that the fee or charge is necessary to avoid immediate danger which justifies the imposition of the fee or charge.

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.

The statute that regulates rulemaking in Idaho requires that the text of all proposed rulemakings publish in the Bulletin in order for the rulemaking to be valid. This is true for all temporary rules as well. In most cases, the agency wants the temporary rule to also become a final rule and in most of these cases, the temporary rule and the proposed rule text is identical. In this event, both rulemakings may be promulgated concurrently, however, they remain separate rulemaking actions. The rulemaking is published in the Bulletin as a temporary/proposed rule. Combining the rulemaking allows for a single publication of the text in the Bulletin.

An agency may, at any time, rescind a temporary rule that has been adopted and is in effect. The agency must publish a notice of rescission to effectively rescind the temporary rule. If the temporary rule is being replaced by a new temporary rule or if it has been published concurrently with a proposed rule that is being vacated, the agency, in most instances, will rescind the temporary rule.

1. 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) a statement giving the reasons for adopting the rule;
- b) a statement of any change between the text of the proposed rule and the pending rule with an explanation of the reasons for any changes;
- c) the date the pending rule will become final and effective and a statement that the pending rule may be rejected, amended or modified by concurrent resolution of the legislature;
- d) an identification of any portion of the rule imposing or increasing a fee or charge and a statement that this portion of the rule shall not become final and effective unless affirmatively approved by concurrent resolution of the legislature;
- (e) the specific statutory authority for the rulemaking including a citation to the specific section of the Idaho Code that has occasioned the rulemaking, or the federal statute or regulation if that is the basis of authority or requirement for the rulemaking; and
- (f) 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 when the pending rule will become effective; provided however, that notwithstanding section 67-5231, Idaho Code, the absence or accuracy of a fiscal impact statement provided pursuant to this subsection shall not affect the validity or the enforceability of the rule.

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. With the permission of the Rules Coordinator, only the sections or their subparts that have changed from the proposed text are republished. If no changes have been made to the previously published text, it is not required to republish the text again and only the "Notice of Rulemaking - Adoption of Pending Rule" is published.

1. FINAL RULEMAKING

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

No pending rule adopted by an agency becomes final and effective until it has been submitted to the legislature for review and approval. Where the legislature finds that an agency has violated the legislative intent of the authorizing statute, a concurrent resolution may be adopted to reject the rulemaking in whole or in part. A "Notice of Rulemaking - Final Rule" and the final codified text must be published in the Bulletin for any rule that is partially rejected by concurrent resolution of the legislature. Unless rejected by concurrent resolution, a pending rule that is reviewed by the legislature becomes final and effective at the end of the session in which it is reviewed without any further legislative action. All pending rules that are approved by concurrent resolution become final and effective upon adoption of the concurrent resolution unless otherwise stated. In no event can a pending rule become final and effective before the conclusion of the regular or special legislative session at which the rule was submitted for review. However, a rule that is final and effective may be applied retroactively, as provided in the rule.

AVAILABILITY OF THE ADMINISTRATIVE CODE AND BULLETIN

Internet Access - The Administrative Code and Administrative Bulletin are available on the Internet at the following address: **adminrules.idaho.gov**

SUBSCRIPTIONS AND DISTRIBUTION

For subscription information and costs, please contact the Department of Administration, Office of the Administrative Rules Coordinator, 650 W. State Street, Room 100, Boise, Idaho 83720-0306, telephone (208) 332-1820.

The Idaho Administrative Code - annual subscription on CD-ROM. The Code is an annual compilation of all final administrative rules and all enforceable temporary rules and also includes all executive orders of the Governor that have published in the Bulletin, all legislative documents affecting rules, a table of contents, reference guides, and a subject index.

The Idaho Administrative Bulletin - annual subscription available on individual CD-ROM sent out monthly. The Bulletin is an official monthly publication of the State of Idaho and is available for purchase on CD-ROM only. Yearly subscriptions or individual CD-ROM's are available for purchase.

Internet Access - The Administrative Code and Administrative Bulletin, and many other rules-related documents are available on the Internet at the following address: **adminrules.idaho.gov**

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 departments to which a two-digit "TITLE" number is assigned. There are "CHAPTER" numbers assigned within the Title and the rule text is divided among major sections that are further subdivided into subsections. An example IDAPA number is as follows:

IDAPA 38.05.01.200.02.c.ii.

"IDAPA" refers to Administrative Rules in general that are subject to the Administrative Procedures Act and are required by this act to be published in the Idaho Administrative Code and the Idaho Administrative Bulletin.

2. "38." refers to the Idaho Department of Administration

"05." refers to Title 05, which is the Department of Administration's Division of Purchasing

"01." refers to Chapter 01 of Title 05, "Rules of the Division of Purchasing"

"200." refers to Major Section 200, "Content of the Invitation to Bid"

"02." refers to Subsection 200.02.

"c." refers to Subsection 200.02.c.

"ii." refers to Subsection 200.02.c.ii.

DOCKET NUMBERING SYSTEM

Internally, the Bulletin is organized sequentially using a rule docketing system. Each rulemaking that is filed with the Coordinator is assigned a "DOCKET NUMBER." The docket number is a series of numbers separated by a hyphen "-", (38-0501-1401). Rulemaking dockets are published sequentially by IDAPA number (the two-digit agency code) in the Bulletin. The following example is a breakdown of a typical rule docket number:

"DOCKET NO. 38-0501-1401"

"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).

"1401" 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 2014**. A subsequent rulemaking on this same rule chapter in calendar year 2014 would be designated as "1402". The docket number in this scenario would be 38-0501-1402.

Within each Docket, only the affected sections of chapters are printed. (See **Sections Affected Index** in each Bulletin for a listing of these.) The individual sections affected are printed in the Bulletin sequentially (e.g. Section "200" appears before Section "345" and so on). Whenever the sequence of the numbering is broken the following statement will appear:

(BREAK IN CONTINUITY OF SECTIONS)

BULLETIN PUBLICATION SCHEDULE FOR CALENDAR YEAR 2016

| Vol. No. | Monthly Issue of Bulletin | Closing Date for Agency Filing | Publication Date | 21-day Comment Period End Date |
|-------------|---------------------------|-----------------------------------|-------------------|-----------------------------------|
| 16-1 | January 2016 | *November 27, 2015 | January 6, 2016 | January 27, 2016 |
| 16-2 | February 2016 | January 8, 2016 | February 3, 2016 | February 24, 2016 |
| 16-3 | March 2016 | February 5, 2016 | March 2, 2016 | March 23, 2016 |
| 16-4 | April 2016 | March 4, 2016 | April 6, 2016 | April 27, 2016 |
| 16-5 | May 2016 | April 8, 2016 | May 4, 2016 | May 25, 2016 |
| 16-6 | June 2016 | May 6, 2016 | June 1, 2016 | June 22, 2016 |
| 16-7 | July 2016 | June 3, 2016 | July 6, 2016 | July 27, 2016 |
| 16-8 | August 2016 | July 8, 2016 | August 3, 2016 | August 24, 2016 |
| 16-9 | September 2016 | August 5, 2016 | September 7, 2016 | September 28, 2016 |
| 16-10 | October 2016 | **September 2, 2016 | October 5, 2016 | October 26, 2016 |
| 16-11 | November 2016 | October 7, 2016 | November 2, 2016 | November 23, 2016 |
| 16-12 | December 2016 | November 4, 2016 | December 7, 2016 | December 28, 2016 |

BULLETIN PUBLICATION SCHEDULE FOR CALENDAR YEAR 2017

| Vol. No. | Monthly Issue of Bulletin | Closing Date for Agency Filing | Publication Date | 21-day Comment Period End Date |
|-------------|------------------------------|-----------------------------------|-------------------|-----------------------------------|
| 17-1 | January 2017 | *November 25, 2016 | January 4, 2017 | January 25, 2017 |
| 17-2 | February 2017 | January 6, 2017 | February 1, 2017 | February 22, 2017 |
| 17-3 | March 2017 | February 3, 2017 | March 1, 2017 | March 22, 2017 |
| 17-4 | April 2017 | March 3, 2017 | April 5, 2017 | April 26, 2017 |
| 17-5 | May 2017 | April 7, 2017 | May 3, 2017 | May 24, 2017 |
| 17-6 | June 2017 | May 5, 2017 | June 7, 2017 | June 28, 2017 |
| 17-7 | July 2017 | June 9, 2017 | July 5, 2017 | July 26, 2017 |
| 17-8 | August 2017 | July 7, 2017 | August 2, 2017 | August 23, 2017 |
| 17-9 | September 2017 | August 4, 2017 | September 6, 2017 | September 27, 2017 |
| 17-10 | October 2017 | **September 1, 2017 | October 4, 2017 | October 25, 2017 |
| 17-11 | November 2017 | October 6, 2017 | November 1, 2017 | November 22, 2017 |
| 17-12 | December 2017 | November 3, 2017 | December 6, 2017 | December 27, 2017 |

^{*}Last day to submit a proposed rulemaking before moratorium begins and last day to submit a pending rule to be reviewed by the legislature.

^{**}Last day to submit a proposed rule in order to have the rulemaking completed and submitted for review by legislature.

| | ALPHABETICAL INDEX OF STATE AGENCIES AND CORRESPONDING IDAPA NUMBERS |
|----------|--|
| IDAPA 01 | Accountancy, Board of |
| IDAPA 38 | Administration, Department of |
| IDAPA 44 | Administrative Rules Coordinator, Office of the |
| IDAPA 02 | Agriculture, Idaho Department of |
| IDAPA 40 | Arts, Idaho Commission on the |
| IDAPA 03 | Athletic Commission |
| IDAPA 04 | Attorney General, Office of the |
| IDAPA 53 | Barley Commission, Idaho |
| IDAPA 51 | Beef Council, Idaho |
| IDAPA 07 | Building Safety, Division of Electrical Board (07.01) Plumbing Board (07.02) Building Codes & Manufactured Homes (07.03) Building Code Advisory Board (07.03.01) Public Works Contractors License Board (07.05) Uniform School Building Safety (07.06) HVAC Board (07.07) |
| IDAPA 43 | Canola and Rapeseed Commission, Idaho |
| IDAPA 55 | Career-Technical Education, Division of |
| IDAPA 28 | Commerce, Idaho Department of |
| IDAPA 06 | Correction, Board of |
| IDAPA 19 | Dentistry, Board of |
| IDAPA 08 | Education, State Board of and State Department of |
| IDAPA 10 | Engineers and Land Surveyors, Board of Professional |
| IDAPA 58 | Environmental Quality, Department of |
| IDAPA 12 | Finance, Department of |
| IDAPA 13 | Fish and Game, Department of |
| IDAPA 14 | Geologists, Board of Registration for Professional |
| | |

| | ALPHABETICAL INDEX OF STATE AGENCIES AND CORRESPONDING IDAPA NUMBERS |
|----------|---|
| 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 Liquor Division (15.10) Idaho Military Division (Division of Homeland Security) (15.06) |
| IDAPA 48 | Grape Growers and Wine Producers Commission, Idaho |
| IDAPA 16 | Health and Welfare, Department of |
| IDAPA 41 | Health Districts, Public |
| IDAPA 45 | Human Rights Commission |
| IDAPA 17 | Industrial Commission |
| IDAPA 18 | Insurance, Department of |
| IDAPA 05 | Juvenile Corrections, Department of |
| IDAPA 09 | Labor, Idaho Department of |
| IDAPA 20 | Lands, Department of |
| IDAPA 30 | Libraries, Commission for |
| IDAPA 52 | Lottery Commission, Idaho State |
| IDAPA 22 | Medicine, Board of |
| IDAPA 23 | Nursing, Board of |

| A | ALPHABETICAL INDEX OF STATE AGENCIES AND CORRESPONDING IDAPA NUMBERS |
|----------|---|
| IDAPA 24 | Occupational Licenses, Board of (24.20) Acupuncture, Board of (24.17) Architectural Examiners, Board of (24.02) Chiropractic Physicians, Board of (24.03) Contractors Board, Idaho (24.21) Cosmetology, Board of (24.04) Counselors and Marriage and Family Therapists, Licensing Board of Professional (24.15) Denturity, Board of (24.16) Drinking Water and Wastewater Professionals, Board of (24.05) Driving Businesses Licensure Board, State (24.25) Landscape Architects, Board of (24.07) Liquefied Petroleum Gas Safety Board (24.22) Massage Therapy, Board of (24.27) Midwifery, State Board of (24.26) Morticians, Board of (24.08) Nursing Home Administrators, Board of Examiners of (24.09) Occupational Therapy Licensure Board, State (24.06) Optometry, Board of (24.10) Physical Therapy Licensure Board (24.13) Podiatry, Board of (24.11) Psychologist Examiners, Board of (24.12) Real Estate Appraiser Board (24.12) Real Estate Appraiser Board (24.14) Speech and Hearing Services Board (24.23) |
| IDAPA 25 | Outfitters and Guides Licensing Board |
| IDAPA 50 | Pardons and Parole, Commission for |
| IDAPA 26 | Parks and Recreation, Department of |
| IDAPA 27 | Pharmacy, Board of |
| IDAPA 11 | Police, Idaho State |
| IDAPA 29 | Potato Commission, Idaho |
| IDAPA 61 | Public Defense Commission, State |
| IDAPA 59 | Public Employee Retirement System of Idaho (PERSI) |
| IDAPA 31 | Public Utilities Commission |
| IDAPA 56 | Rangeland Resources Commission, Idaho |
| IDAPA 33 | Real Estate Commission, Idaho |
| IDAPA 34 | Secretary of State, Office of the |
| IDAPA 57 | Sexual Offender Management Board |
| IDAPA 49 | Shorthand Reporters Board, Idaho Certified |
| IDAPA 60 | Soil and Water Conservation Commission, Idaho State |

| | ALPHABETICAL INDEX OF STATE AGENCIES AND CORRESPONDING IDAPA NUMBERS |
|----------|--|
| IDAPA 36 | Tax Appeals, Board of |
| IDAPA 35 | Tax Commission, State |
| IDAPA 39 | Transportation Department, Idaho |
| IDAPA 54 | Treasurer, Office of the State |
| IDAPA 21 | Veterans Services, Division of |
| IDAPA 46 | Veterinary Medical Examiners, Board of |
| IDAPA 47 | Vocational Rehabilitation, Division of |
| IDAPA 37 | Water Resources, Department of |
| IDAPA 42 | Wheat Commission |

IDAPA 02 – DEPARTMENT OF AGRICULTURE

02.06.17 – RULES GOVERNING THE DISPOSAL OF CULL ONIONS AND POTATOES DOCKET NO. 02-0617-1701

NOTICE OF RULEMAKING - ADOPTION OF TEMPORARY RULE

EFFECTIVE DATE: The effective date of the temporary rule is February 8, 2017.

AUTHORITY: In compliance with Section 67-5226, Idaho Code, notice is hereby given this agency has adopted a temporary rule. The action is authorized pursuant to Sections 22-103(21) and 22-2006, Idaho Code.

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

There is a need to relax the cull onion disposal rule because of severe weather and heavy snowfall which collapsed onion storage sheds and packing buildings. The volume of onions to be disposed of across the onion growing region is significant and flexibility is needed in order to accommodate the challenges facing packing sheds and growers. Governor Otter declared an emergency in Washington County. Onion sheds have collapsed in Owyhee, Canyon, and Payette counties as well. The rule is limited to temporarily suspending the March 15 disposal deadline. All other disposal requirements remain in place. ISDA intends to rescind the temporary rule once the emergency is over.

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

Protection of the public health, safety, or welfare.

FEE SUMMARY: Pursuant to Section 67-5226(2), the Governor has found that the fee or charge being imposed or increased is justified and necessary to avoid immediate danger and the fee is described herein: N/A

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the temporary rule, contact Lloyd Knight, Plant Industries, (208) 332-8664.

Dated this 8th day of February, 2017.

Brian Oakey Deputy Director Idaho Department of Agriculture 2270 Old Penitentiary Road P.O. Box 790 Boise, Idaho 83701-0790 Phone: (208) 332-8552

Phone: (208) 332-8552 Fax: (208) 334-2710

THE FOLLOWING IS THE TEXT OF THE TEMPORARY RULE FOR DOCKET NO. 02-0617-1701 (Only Those Sections With Amendments Are Shown.)

070. DISPOSITION OF CULL ONIONS.

All cull onions existing in the control area shall be disposed of by a method approved of in Section 071 of this rule, to prevent sprouting. Disposal of all existing cull onions and debris must be completed prior to March 15th, of each year; provided; however, that in the case of onions sorted on or after March 15th of each year, the cull onions resulting therefrom shall be disposed of within one (1) week after such sorting regardless of the disposal method. The Department shall only enforce the cull onion disposal portions of this rule from March 15th through July 1st of each year as soon as reasonably possible.

(3-29-10)(2-8-17)T

071. DISPOSAL METHODS.

The intent of Section 071 of the rule is to control the spread of the onion maggot and related onion diseases. All disposal methods listed in Section 071 must be carried out to the extent that control of the regulated pest(s) is achieved in order to be in compliance with this rule. (4-11-06)

01. Disposal by Covering in Dumps or Pits.

(7-1-93)

- **a.** Cull onions disposed of by being dumped in pits shall be managed and covered as recommended by the University of Idaho Agricultural Extension Service. (3-30-01)
- **b.** Covering shall be accomplished by March 15th of each year as soon as reasonably possible or as provided in Section 070 of this rule.

 (3-30-01)(2-8-17)T

02. Disposal by Feeding After March 15th of Each Year.

(3 30 01)(2-8-17)T

- a. Sheep or goats shall be fed no more than fifty-three (53) pounds of cull onions per individual animal per day. Cull onions shall be fed from either bunks or by spreading throughout the pasture or feedlot. Cull onions shall not be fed from piles. (3-30-01)
- **b.** Cattle shall be fed a ration containing no more than twenty-five percent (25%) cull onions on a dry matter basis.
- c. Onion debris shall be completely removed from feeding areas and buried under twelve (12) inches or more of onion-free soil by March 15th of each year as soon as reasonably possible.

 (3-30-01)(2-8-17)T
- **d.** In the case of residues of onion debris two (2) inches or less in depth, or onions tramped into the soil so that they cannot be removed, such areas shall be disked and plowed as deep as possible, and such that all onions and debris are buried under eight (8) inches or more of onion-free soil by March 15th of each year as soon as reasonably possible.

 (4 11 06)(2-8-17)T
- e. Feeding areas and areas where onions are buried shall be treated in the manner set out in Section 071. (3-30-01)
- **f.** Cattle and sheep being finished for market or dairy cattle shall not be fed forage or grains grown on feeding areas treated in the manner set forth in Section 071. (3-30-01)
- **03. Disposal by Composting**. Cull onions being composted shall be covered by twelve (12) inches or more of onion-free soil or composting material until the onions have turned to compost. (3-30-01)

04. Disposal of Residue in Onion Producing Fields.

(7-1-93)

a. Commercial onion fields where sort-out bulbs are left at harvest shall be disked and plowed as deep

DEPARTMENT OF AGRICULTURE Rules Governing the Disposal of Cull Onions & Potatoes

Docket No. 02-0617-1701 Adoption of Temporary Rule

as possible, and such that all onions and debris are buried under eight (8) inches or more of onion-free soil by March 15th of each year. (4-11-06)

- **b.** Following final seed harvest, seed bulbs shall be disked and plowed as deep as possible, and such that all onions and debris are buried under eight (8) inches or more of onion-free soil by March 15th of each year.

 (4-11-06)
- **05. Disposal by Chopping or Shredding**. Cull onions that have been chopped or shredded to the point that they are incapable of sprouting, shall be disked and plowed as deep as possible, and such that all onions and debris are buried under eight (8) inches or more of onion-free soil by March 15th of each year as soon as reasonably possible.

 (4 11 06)(2-8-17)T
- **06. Disposal by Spreading**. Cull Onions may be disposed of by being spread on agricultural fields destined to be planted to a crop other than onions provided the onions are disked and plowed as deep as possible, and such that all onions and debris are buried under eight (8) inches or more of onion-free soil. (4-11-06)

IDAPA 07 – DIVISION OF BUILDING SAFETY

07.03.01 – RULES OF BUILDING SAFETY

DOCKET NO. 07-0301-1701

NOTICE OF INTENT TO PROMULGATE RULES - NEGOTIATED RULEMAKING

AUTHORITY: In compliance with Sections 67-5220(1) and 67-5220(2), Idaho Code, notice is hereby given that this agency intends to promulgate rules and desires public comment prior to initiating formal rulemaking procedures. This negotiated rulemaking action is authorized pursuant to Sections 39-4107 and 39-4109, Idaho Code.

MEETING SCHEDULE: Public meetings on the negotiated rulemaking will be held by the Idaho Building Code Board, and are scheduled as follows:

| Tuesday, April 25, 2017 | Tuesday, June 27, 2017 |
|-------------------------|------------------------|
| 9:30 a.m. (MDT) | 9:30 a.m. (MDT) |
| ` / | ` , |

Idaho Division of Building Safety 1090 E. Watertower, Suite 150 Meridian, ID 83642

via VIDEO-TELECONFERENCE (Same Dates and Times as Above) at the Following Division of Building Safety Locations:

Coeurd'Alene Regional Office 1250 Ironwood Drive, Suite 220 Coeur d'Alene, Idaho 83814 Pocatello Regional Office 2055 Garrett Way, Bldg. 1, Suite 4 Pocatello, Idaho 83201

During the scheduled public meetings, additional negotiated rulemaking meetings may be established by the Board, if necessary. Adequate notice of the dates, locations, and manner of participation of any such additional meetings will be posted on the Division of Building Safety website http://dbs.idaho.gov/.

The meeting sites will be accessible to persons with disabilities, if needed. Requests for accommodation must be made not alter than five (5) days prior to the meeting to the agency address below.

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

Interested members of the public who wish to participate must submit any written comments, questions, recommendations, or ideas to the Idaho Building Code Board on designated forms available at the Division of Building Safety website http://dbs.idaho.gov/ and at the DBS offices in Meridian, Coeur d'Alene, and Pocatello, Idaho. Individuals may also attend the public meetings to be conducted on the above dates during which the Idaho Building Code Board will allow oral comments or presentations to be made. The Division is also aware of a collaborative group working on ideas for submission to the Board. You may contact the group by contacting Ron Whitney at the Division of Building Safety. Mr. Whitney's email address is Ron.Whitney@dbs.idaho.gov.

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

DESCRIPTIVE SUMMARY: The following is a statement in nontechnical language of the substance and purpose of the intended negotiated rulemaking and the principle issues involved:

Pursuant to Sections 39-4107 and 39-4109, Idaho Code, the Idaho Building Code Board has the authority through the promulgation of rules to adopt and amend building codes which establish the building construction and

safety standards in the state of Idaho. These codes include the International Building Code, Idaho Residential Code, Idaho Energy Conservation Code, and the International Existing Building Code. The Building Code Board desires to amend provisions of these codes or adopt new editions of such codes as it determines necessary through the negotiated rulemaking process. The Board seeks the participation of the affected industry, enforcement jurisdictions, and the public at large in this rulemaking process to ensure that due consideration is given to the varying views about the adoption and amendments to these codes for application in Idaho.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS, OBTAINING COPIES: For assistance on technical questions concerning this negotiated rulemaking or to obtain a copy of the preliminary draft of the text of the proposed rule, if available, contact Ron Whitney, Deputy Administrator – Division of Building Safety (208) 332-7150. Materials pertaining to the negotiated rulemaking, including any available preliminary rule drafts, can be found on the DBS website at http://dbs.idaho.gov/.

Anyone may submit written comments regarding this negotiated rulemaking. All written comments, questions, recommendations, and ideas must be directed to the undersigned and must be submitted on the appropriate form to the Division of Building Safety or the Idaho Building Code Board by April 17, 2017. Forms may be submitted via email to neg.rules@dbs.idaho.gov.

DATED this 17th day of February, 2017.

Ron Whitney, Deputy Administrator Division of Building Safety 1090 E. Watertower St., Ste. 150 P. O. Box 83720 Meridian, ID 83642 Phone: (208) 332-7150

Fax: (877) 810-2840

IDAPA 07 – DIVISION OF BUILDING SAFETY

07.08.17 – IDAHO MINIMUM SAFETY STANDARDS AND PRACTICES FOR LOGGING – CABLE ASSISTED LOGGING SYSTEMS

DOCKET NO. 07-0817-1701 (NEW CHAPTER)

NOTICE OF INTENT TO PROMULGATE RULES - NEGOTIATED RULEMAKING

AUTHORITY: In compliance with Sections 67-5220(1) and 67-5220(2), Idaho Code, notice is hereby given that this agency intends to promulgate rules addressing cable assisted logging systems in the State of Idaho. The Division of Building Safety desires public comment prior to initiating formal rulemaking procedures. This negotiated rulemaking action is authorized pursuant to Section 67-2601A, Idaho Code.

MEETING SCHEDULE: A public meeting on the negotiated rulemaking will be held by the Idaho Division of Building Safety, and is scheduled as follows:

Wednesday, April 19, 2017 - 3:00 p.m. (PDT) via VIDEO-TELECONFERENCING at the following locations:

DEQ Coeur d'Alene Regional Office 2110 Ironwood Parkway Coeur d'Alene, ID 83814 DEQ Lewiston Regional Office 1118 F Street Lewiston, ID 83501

Participation in the meeting will also be made available throughout the state via teleconference at a telephone number provided on the Division of Building Safety website: http://dbs.idaho.gov/. During the public meeting on April 19, 2017, additional negotiated rulemaking meetings may be established by the Division, if necessary. Adequate notice of the dates, locations, and manner of participation of any such meeting will be posted on the Division of Building Safety website http://dbs.idaho.gov/.

The meeting sites will be accessible to persons with disabilities, if needed. Requests for accommodation must be made not alter than five (5) days prior to the meeting to the agency address below.

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

Interested members of the public who wish to participate must submit any written comments, questions, recommendations, or ideas to the Division of Building Safety, Logging Safety Program on designated forms available at the Division of Building Safety website http://dbs.idaho.gov/ and at the DBS offices in Meridian, Coeur d'Alene, and Pocatello, Idaho. Individuals may also attend the public meeting to be conducted on the above date during which the Division will allow oral comments or presentations to be made. You may contact the Division by contacting Ron Whitney at the Division of Building Safety. Mr. Whitney's email address is Ron. Whitney@dbs.idaho.gov.

Upon conclusion of the negotiated rulemaking, any unresolved issues, all key issues considered, and conclusion reached during the negotiated rulemaking will be addressed in a written summary. The summary will be made available to interested persons who contact the agency or, if the agency chooses, the summary may be posted on the agency website.

DESCRIPTIVE SUMMARY: The following is a statement in nontechnical language of the substance and purpose of the intended negotiated rulemaking and the principle issues involved:

Pursuant to Section 67-2601A, Idaho Code, the Administrator of the Idaho Division of Building Safety has the authority to promulgate rules adopting minimum logging safety standards and procedures for conducting logging inspections and safety training. The Division desires to establish a new chapter of rules related to cable assisted (or tethered) logging systems, also known as steep-slope logging, as well as amend provisions of the existing logging safety rules as it determines necessary through the negotiated rulemaking process. Specifically, the Division seeks to

establish machine and equipment, line, and operational safety standards applicable to the practice of cable-assisted logging in Idaho. The Division seeks the participation of the affected industry, interested parties, and the public at large in this rulemaking process to ensure that due consideration is given to the varying views about the adoption of logging safety rules for application in Idaho.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS, OBTAINING COPIES: For assistance on technical questions concerning this negotiated rulemaking or to obtain a copy of the preliminary draft of the text of the proposed rule, contact Ron Whitney, Deputy Administrator – Division of Building Safety (208) 332-7150. Materials pertaining to the negotiated rulemaking, including any available preliminary rule drafts, can be found on the DBS website at http://dbs.idaho.gov/.

Anyone may submit written comments regarding this negotiated rulemaking. All written comments, questions, recommendations, and ideas must be directed to the undersigned and must be submitted on the appropriate form to the Division of Building Safety by April 7, 2017. Forms may be submitted via email to neg.rules@dbs.idaho.gov.

DATED this 1st day of February, 2017.

Ron Whitney, Deputy Administrator Division of Building Safety 1090 E. Watertower St., Ste. 150 P. O. Box 83720 Meridian, ID 83642

Phone: (208) 332-7150 Fax: (877) 810-2840

IDAPA 07 – DIVISION OF BUILDING SAFETY

07.10.01 – RULES GOVERNING THE DAMAGE PREVENTION BOARD, DIVISION OF BUILDING SAFETY

DOCKET NO. 07-1001-1701

NOTICE OF INTENT TO PROMULGATE RULES - NEGOTIATED RULEMAKING

AUTHORITY: In compliance with Sections 67-5220(1) and 67-5220(2), Idaho Code, notice is hereby given that this agency intends to promulgate rules and desires public comment prior to initiating formal rulemaking procedures. This negotiated rulemaking action is authorized pursuant to Sections 55-2203, 55-2208 and 55-2211, Idaho Code.

MEETING SCHEDULE: Public meetings on the negotiated rulemaking will be held by the Idaho Damage Prevention Board, and are scheduled as follows:

| Thursday, | Thursday, | Thursday, |
|-----------------|-----------------|-----------------|
| March 23, 2017 | May 25, 2017 | July 13, 2017 |
| 9:30 a.m. (MDT) | 9:30 a.m. (MDT) | 9:30 a.m. (MDT) |

Idaho Division of Building Safety 1090 E. Watertower, Suite 150 Meridian, ID 83642

via VIDEO-TELECONFERENCE (Same Dates and Times as Above) at the Following Division of Building Safety Locations:

Coeur d'Alene Regional Office 1250 Ironwood Drive, Suite 220 Coeur d'Alene, Idaho 83814

Pocatello Regional Office 2055 Garrett Way, Bldg. 1, Suite 4 Pocatello, Idaho 83201

During the scheduled public meetings, additional negotiated rulemaking meetings may be established by the Board, if necessary. Adequate notice of the dates, locations, and manner of participation of any such meeting will be posted on the Division of Building Safety website http://dbs.idaho.gov/.

The meeting sites will be accessible to persons with disabilities, if needed. Requests for accommodation must be made not alter than five (5) days prior to the meeting to the agency address below.

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

Interested members of the public who wish to participate must submit any written comments, questions, recommendations, or ideas to the Idaho Damage Prevention Board on designated forms available at the Division of Building Safety website at http://dbs.idaho.gov/ and at the DBS offices in Meridian, Coeur d'Alene and Pocatello, Idaho. Individuals may also attend the public meetings to be conducted on the above dates during which the Idaho Damage Prevention Board will allow oral comments or presentations to be made.

Upon conclusion of the negotiated rulemaking, any unresolved issues, all key issues considered, and conclusion reached during the negotiated rulemaking will be addressed in a written summary. The summary will be made available to interested persons who contact the agency or, if the agency chooses, the summary may be posted on the agency website.

DESCRIPTIVE SUMMARY: The following is a statement in nontechnical language of the substance and purpose of the intended negotiated rulemaking and the principle issues involved:

Pursuant to Sections 55-2203, 55-2208 and 55-2211, Idaho Code, the Idaho Damage Prevention Board has the authority through the promulgation of rules to provide for the following: the adoption of training programs on pertinent underground facility damage topics for general use and remedial training pursuant to Section 55-2211, Idaho Code; a process for reviewing the adequacy of facility owners internal performance measures; a process for reviewing and improving technologies and analyzing data related to underground facilities; the forms and procedures to be used for submitting complaints related to damage to underground facilities; the fines to be paid for civil penalties imposed for violations of Title 55, Chapter 22, Idaho Code; a procedure for processing claims of underground facility damage; and the reporting of information to the Board related to damage to underground facilities or excavator downtime. The Board seeks the participation of the affected industry, all interested stakeholders, enforcement jurisdictions, and the public at large in this rulemaking process to ensure that due consideration is given to the varying views about the adoption of rules related to the prevention of damage to underground facilities in Idaho.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS, OBTAINING COPIES: For assistance on technical questions concerning this negotiated rulemaking or to obtain a copy of the preliminary draft of the text of the proposed rule, contact Ron Whitney, Deputy Administrator – Division of Building Safety (208) 332-7150. Materials pertaining to the negotiated rulemaking, including any available preliminary rule drafts, can be found on the DBS website at http://dbs.idaho.gov/.

Anyone may submit written comments regarding this negotiated rulemaking. All written comments, questions, recommendations, and ideas must be directed to the undersigned and must be submitted on the appropriate form to the Division of Building Safety or the Idaho Damage Prevention Board by March 20, 2017. Forms may be submitted via email to neg.rules@dbs.idaho.gov.

DATED this 30th day of January, 2017.

Ron Whitney, Deputy Administrator Division of Building Safety 1090 E. Watertower St., Ste. 150 P. O. Box 83720 Meridian, ID 83642 Phone: (208) 332-7150

Fax: (877) 810-2840

IDAPA 13 – IDAHO DEPARTMENT OF FISH AND GAME

13.01.09 – RULES GOVERNING THE TAKING OF GAME BIRDS IN THE STATE OF IDAHO DOCKET NO. 13-0109-1701

NOTICE OF INTENT TO PROMULGATE RULES - NEGOTIATED RULEMAKING

AUTHORITY: In compliance with Sections 67-5220(1) and 67-5220(2), Idaho Code, notice is hereby given that this agency intends to promulgate rules and desires public comment prior to initiating formal rulemaking procedures. This negotiated rulemaking action is authorized pursuant to Section: 36-104(b)(5), Idaho Code.

MEETING SCHEDULE: A public meeting on the negotiated rulemaking will be held as follows:

Tuesday, March 7th, 2017 6:00 p.m. (MST)

Best Western Inn 800 N. Overland Ave Burley, ID 83318

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

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

Respond to this notice by contacting the undersigned either in writing, by email, or by calling the phone number listed below. To be considered, responses must be received by March 22, 2017.

Should a reasonable number of persons respond to this notice, additional negotiated meetings will be scheduled and all scheduled meetings shall be posted and made accessible on the agency website at the address listed below.

Failure of interested persons to respond to this notice of intent or the lack of a sufficient number of responses to this notice of intent may result in the discontinuation of further informal proceedings. In either event the agency shall have sole discretion in determining the feasibility of scheduling and conducting informal negotiated rulemaking and may proceed directly to formal rulemaking if proceeding with negotiated rulemaking is deemed infeasible.

Upon conclusion of the negotiated rulemaking, any unresolved issues, all key issues considered, and conclusion reached during the negotiated rulemaking will be addressed in a written summary. The summary will be made available to interested persons who contact the agency or, if the agency chooses, the summary may be posted on the agency website.

DESCRIPTIVE SUMMARY AND STATEMENT OF PURPOSE: The following is a statement in nontechnical language of the substance and purpose of the intended negotiated rulemaking and the principal issues involved:

Decades ago the Department closed several areas around the state to goose hunting. These areas were designed to give migrating goose populations a place to stop over and not be hunted (i.e., refuge), to meet a management objective to keep migrating geese around longer for hunting. Goose populations at the time were much lower than current populations.

The Department proposes to eliminate the goose hunting closure in the area upstream of Milner Dam. The area currently closed to goose hunting in the area up stream of Milner Dam is open for duck hunting and has been for decades.

The number of migrating geese throughout the Snake River Valley has increased substantially over the past several decades; therefore, a goose closure is no longer warranted. Removing this closure may provide additional goose hunting opportunities.

The purpose of the proposed rule is to increase goose hunting opportunities in the area upstream of Milner Dam.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS, OBTAINING DRAFT COPIES: For assistance on technical questions concerning this negotiated rulemaking or to obtain a preliminary draft copy of the rule text (if available), contact Jeff Knetter (208) 334-2920. Materials pertaining to the negotiated rulemaking, including any available preliminary rule drafts, can be found on the Idaho Department of Fish and Game web site at the following web address: https://idfg.idaho.gov/.

Anyone may submit written comments regarding this negotiated rulemaking. All written comments must be directed to the undersigned and must be delivered on or before March 22, 2017.

DATED this 30th day of January, 2017.

Jeff Knetter Upland Game and Migratory Game Bird Coordinator Idaho Department of Fish and Game 600 S. Walnut Boise, ID 83707 Phone: (208) 334-2920 Fax: (208) 334-2114

jeff.knetter@idfg.idaho.gov

IDAPA 35 – STATE TAX COMMISSION

35.01.03 - PROPERTY TAX ADMINISTRATIVE RULES

DOCKET NO. 35-0103-1701

NOTICE OF INTENT TO PROMULGATE RULES - NEGOTIATED RULEMAKING

AUTHORITY: In compliance with Section 67-5220, Idaho Code, notice is hereby given that this agency intends to promulgate rules and desires public comment prior to initiating formal rulemaking procedures. This negotiated rulemaking action is authorized pursuant to Section 63-105A, Idaho Code, and Section 63-802, Idaho Code.

METHOD OF PARTICIPATION: Interested persons wishing to participate in the negotiated rulemaking may do any of the following:

Negotiated meetings will be scheduled and all scheduled meetings shall be posted and made accessible on the agency website at https://tax.idaho.gov/i-1141.cfm?com=p.

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

Upon conclusion of the negotiated rulemaking, any unresolved issues, all key issues considered, and conclusions reached during the negotiated rulemaking will be addressed in a written summary and made available on the agency website.

Failure of interested persons to respond to this notice of intent or the lack of a sufficient number of responses to this notice of intent may result in the discontinuation of further informal proceedings. In either event the agency shall have sole discretion in determining the feasibility of scheduling and conducting informal negotiated rulemaking and may proceed directly to formal rulemaking if proceeding with negotiated rulemaking is deemed infeasible.

DESCRIPTIVE SUMMARY: The following is a statement in nontechnical language of the substance and purpose of the intended negotiated rulemaking and the principle issues involved:

Property Tax Rule 509 – This rule amendment will define the term "abstract" and will explain the verification process by clarifying the requirement that the abstract(s) be signed by the county auditor and assessor.

Property Tax Rule 609 – The examples of partial ownership relative to the homeowner's exemption will be clarified depending upon the ultimate determination of whether a community property ownership represents 66 2/3% or 50% share when a property is owned by a husband and wife and other person(s).

Property Tax Rule 619 - The application due date (March 15) listed in Rule 619 conflicts with the application due date (April 15) in I. C. 63-602 for the air or water pollution control equipment exemption for properties assessed by the county assessor. It is proposed in the rule that the application due date in Rule 619 be changed to April 15.

Property Tax Rule 700 - The examples of partial ownership relative to the property tax reduction program (circuit breaker program) will be clarified depending upon the ultimate determination of whether a community property ownership represents 66 2/3% or 50% share when a property is owned by a husband and wife and other person(s).

Property Tax Rule 804 - This is an issue with respect to determining when there is a "new" bond that does not generate revenue for an urban renewal agency. There is a need to clarify how the refinancing of debt is to be handled in the levy setting process when the refinancing replaces bonded debt which existed as of December 31, 2007. A new paragraph will be added stating that when debt which existed as of December 31, 2007 is refinanced, the refinanced debt is not to be treated as new debt for levy setting purposes.

Property Tax Rule 995 - The rule will provide consistency to the process of paying taxing districts that were not in compliance, but are now in compliance, for withheld sales tax funds under Section 67-450E(d) Idaho Code. This rule adds the time frame for when the payment of withheld sales tax funds will be paid to the now complying taxing district. The payments will be made by no later than the next quarterly sales tax distribution.

CONTACT INFORMATION, WEB ADDRESS, ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning this negotiated rulemaking, contact Alan Dornfest, (208) 334-7742. Materials pertaining to the negotiated rulemaking, including any available preliminary rule drafts, can be found on the commission website at the following web address: www.tax.idaho.gov.

All written comments must be directed to the address below.

DATED this 7th day of February, 2017.

Alan Dornfest Tax Policy Supervisor State Tax Commission P.O. Box 36 Boise, ID 83722-0410 (208) 334-7742

Sections Affected Index

| _ | EPARTMENT OF AGRICULTURE Iles Governing the Disposal of Cull Onions and Potatoes | |
|-----------|--|----|
| Docket No | . 02-0617-1701 | 14 |
| | Disposal Methods. | |

LEGAL NOTICE

Summary of Proposed Rulemakings

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

The following agencies of the state of Idaho have published the complete text and all related, pertinent information concerning their intent to change or make the following rules in the latest publication of the state Administrative Bulletin.

There are no proposed rules being promulgated or published in this month's Bulletin.

Issues of the Idaho Administrative Bulletin can be viewed at adminrules.idaho.gov.

Office of the Administrative Rules Coordinator, Dept. of Administration, PO Box 83720, Boise, ID 83720-0306 Phone: (208) 332-1820; Fax: (208) 332-1896; Email: rulescoordinator@adm.idaho.gov

CUMULATIVE RULEMAKING INDEX OF IDAHO ADMINISTRATIVE RULES

Office of the Administrative Rules Coordinator Idaho Department of Administration

July 1, 1993 -- Present

CUMULATIVE RULEMAKING INDEX OF IDAHO ADMINISTRATIVE RULES

This online 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 Idaho Department of Administration

March 25, 2016 -- March 1, 2017

(eff. PLR) - Final Effective Date Is Pending Legislative Review
(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 01 -- IDAHO BOARD OF ACCOUNTANCY

01.01.01. Idaho Accountancy Rules 01-0101-1601 Proposed Rulemaking, Bulletin Vol. 16-9 **01-0101-1601** Adoption of Pending Rule, Bulletin Vol. 16-12 (eff. PLR 2017) IDAPA 02 -- IDAHO DEPARTMENT OF AGRICULTURE 02.02.14, Rules for Weights and Measures 02-0214-1601 Proposed Rulemaking, Bulletin Vol. 16-7 **02-0214-1601** Adoption of Pending Rule, Bulletin Vol. 16-9 (eff. PLR 2017) 02.04.08, Rules Governing Grade A Milk and Milk Products 02-0408-1601 Proposed Rulemaking, Bulletin Vol. 16-7 **02-0408-1601** Adoption of Pending Rule, Bulletin Vol. 16-10 (eff. PLR 2017) 02.04.14, Rules Governing Dairy Waste 02-0414-1601 Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 16-7 **02-0414-1601** Proposed Rulemaking, Bulletin Vol. 16-10 **02-0414-1601** Adoption of Pending Rule, Bulletin Vol. 16-12 (eff. PLR 2017) 02.04.15, Rules Governing Beef Cattle Animal Feeding Operations 02-0415-1601 Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 16-7 **02-0415-1601** Proposed Rulemaking, Bulletin Vol. 16-10 **02-0415-1601** Adoption of Pending Rule, Bulletin Vol. 16-12 (eff. PLR 2017) 02.04.16, Rules Governing Agriculture Odor Management 02-0416-1601 Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 16-7 **02-0416-1601** Proposed Rulemaking, Bulletin Vol. 16-10 **02-0416-1601** Adoption of Pending Rule, Bulletin Vol. 16-12 (eff. PLR 2017) 02.04.18, Rules Governing CAFO Site Advisory Team 02-0418-1601 Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 16-7 02.04.19, Rules Governing Domestic Cervidae 02-0419-1601 Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 16-7 02-0419-1601 Proposed Rulemaking, Bulletin Vol. 16-10 **02-0419-1601** Adoption of Pending Rule, Bulletin Vol. 16-12 (eff. PLR 2017) 02.04.21, Rules Governing the Importation of Animals 02-0421-1601 Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 16-7 **02-0421-1602** Adoption of Temporary Rule, Bulletin Vol. 16-8 (Eff. 7-1-16)T **02-0421-1601** Proposed Rulemaking, Bulletin Vol. 16-10 **02-0421-1601** Adoption of Pending Rule, Bulletin Vol. 16-12 (eff. PLR 2017) 02.04.30, Rules Governing Nutrient Management 02-0430-1601 Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 16-7 02.04.31, Rules Governing the Stockpiling of Agricultural Waste 02-0431-1601 Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 16-7

02.04.32, Rules Governing Poultry Operations

02-0432-1601 Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 16-7

OFFICE OF THE ADMINISTRATIVE RULES COORDINATOR

Cumulative Rulemaking Index (Abridged Index) of Active Rulemakings

```
02-0432-1601 Proposed Rulemaking, Bulletin Vol. 16-10
    02-0432-1601 Adoption of Pending Rule, Bulletin Vol. 16-12 (eff. PLR 2017)
02.06.02, Rules Pertaining to the Idaho Commercial Feed Law
    02-0602-1601 Proposed Rulemaking, Bulletin Vol. 16-7
    02-0602-1601 Adoption of Pending Rule, Bulletin Vol. 16-9 (PLR 2017)
02.06.12, Rules Pertaining to the Idaho Fertilizer Law
    02-0612-1601 Proposed Rulemaking, Bulletin Vol. 16-7
    02-0612-1601 Adoption of Pending Rule, Bulletin Vol. 16-9 (PLR 2017)
02.06.17, Rules Governing the Disposal of Cull Onions and Potatoes
    02-0617-1701 Adoption of Temporary Rule, Bulletin Vol. 17-3 (eff. 2-8-17)T
02.06.21, Rules for Voluntary Public Services of the Idaho Department of Agriculture Laboratories
    02-0621-1601 Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 16-7
02.06.22, Noxious Weed Rules
    02-0622-1601 Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 16-7
    02-0622-1601 Proposed Rulemaking, Bulletin Vol. 16-9
    02-0622-1601 Adoption of Pending Rule, Bulletin Vol. 16-11 (PLR 2017)
02.06.31, Noxious Weed Free Forage and Straw Certification Rules
    02-0631-1601 Adoption of Temporary Rule, Bulletin Vol. 16-7 (Eff. 6-1-16)T
    02-0631-1602 Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 16-7
    02-0631-1602 Proposed Rulemaking, Bulletin Vol. 16-9
    02-0631-1601 Adoption of Pending Rule, Bulletin Vol. 16-11 (PLR 2017)
02.06.41, Rules Pertaining to the Idaho Soil and Plant Amendment Act of 2001
    02-0641-1601 Proposed Rulemaking, Bulletin Vol. 16-7
    02-0641-1601 Adoption of Pending Rule, Bulletin Vol. 16-9 (PLR 2017)
                   IDAPA 05 -- DEPARTMENT OF JUVENILE CORRECTIONS
05.01.03, Rules of the Custody Review Board
    05-0103-1601 Proposed Rulemaking, Bulletin Vol. 16-9
    05-0103-1601 Adoption of Pending Rule, Bulletin Vol. 17-1 (eff. PLR 2017)
                             IDAPA 06 -- STATE BOARD OF CORRECTION
06.01.02, Rules of Correctional Industries
    06-0102-1601 Notice of Proclamation of Rulemaking, Bulletin Vol. 16-9 (eff. 10-7-16)
                            IDAPA 07 -- DIVISION OF BUILDING SAFETY
    07-0800-1501 Omnibus Notice of Intent to Promulgate - Negotiated Rulemaking, Bulletin Vol. 15-12
                  (Rulemaking affects all Chapters under Title 08 - "Idaho Minimum Safety Standards and Practices for Logging")
07.01.06, Rules Governing the Use of National Electrical Code
    07-0106-1601 Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 16-5
    07-0106-1601
                  Proposed Rulemaking, Bulletin Vol. 16-10
    07-0106-1601 Adoption of Pending Rule, Bulletin Vol. 16-12 (eff. PLR 2017)
```

```
07.02.02, Rules Governing Plumbing Permits
     07-0202-1601 Proposed Rulemaking (Fee Rule), Bulletin Vol. 16-10
    07-0202-1601 Adoption of Pending Fee Rule, Bulletin Vol. 16-12 (eff. PLR 2017)
07.02.05, Rules Governing Plumbing Safety Licensing
     07-0205-1601 Proposed Rulemaking, Bulletin Vol. 16-9
     07-0205-1601 Adoption of Pending Rule, Bulletin Vol. 16-12 (eff. PLR 2017)
07.02.06, Rules Concerning the Idaho State Plumbing Code
    07-0206-1601 Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 16-4
    07-0206-1601 Proposed Rulemaking, Bulletin Vol. 16-10
    07-0206-1601 Adoption of Pending Rule, Bulletin Vol. 16-12 (eff. PLR 2017)
07.02.07, Rules Governing Civil Penalties
    07-0207-1601 Proposed Rulemaking, Bulletin Vol. 16-9
    07-0207-1601 Adoption of Pending Rule, Bulletin Vol. 16-12 (eff. PLR 2017)
07.03.01, Rules of Building Safety
    07-0301-1601 Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 16-3
     07-0301-1601 Proposed Rulemaking, Bulletin Vol. 16-10
     07-0301-1601 Adoption of Pending Rule, Bulletin Vol. 16-12 (eff. PLR 2017)
    07-0301-1701 Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 17-3
07.05.01, Rules of the Public Works Contractors License Board
    07-0501-1601 Proposed Rulemaking, Bulletin Vol. 16-10
     07-0501-1601 Adoption of Pending Rule, Bulletin Vol. 16-12 (eff. PLR 2017)
07.07.01, Rules Governing Installation of Heating, Ventilation, and Air Conditioning Systems
     07-0701-1601 Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 16-6
    07-0701-1601 Proposed Rulemaking, Bulletin Vol. 16-10
     07-0701-1602 Proposed Rulemaking (Fee Rule), Bulletin Vol. 16-10
    07-0701-1601 Adoption of Pending Rule, Bulletin Vol. 16-12 (eff. PLR 2017)
     07-0701-1602 Adoption of Pending Fee Rule, Bulletin Vol. 16-12 (eff. PLR 2017)
07-0800-1501
                Omnibus Notice of Intent to Promulgate - Negotiated Rulemaking, Bulletin Vol. 15-12
                   (Rulemaking affects all Chapters under Title 08 - "Idaho Minimum Safety Standards and Practices for Logging")
07.08.01, Idaho Minimum Safety Standards and Practices for Logging -- General Provisions
     07-0800-1501 Omnibus Notice of Intent to Promulgate - Negotiated Rulemaking, Bulletin Vol. 15-12
    07-0801-1601 Proposed Rulemaking, Bulletin Vol. 16-10
     07-0801-1601 Adoption of Pending Rule, Bulletin Vol. 16-12 (eff. PLR 2017)
07.08.02, Idaho Minimum Safety Standards and Practices for Logging -- Health, Safety, and Sanitation
     07-0800-1501 Omnibus Notice of Intent to Promulgate - Negotiated Rulemaking, Bulletin Vol. 15-12
    07-0802-1601 Proposed Rulemaking, Bulletin Vol. 16-10
     07-0802-1601 Adoption of Pending Rule, Bulletin Vol. 16-12 (eff. PLR 2017)
07.08.03, Idaho Minimum Safety Standards and Practices for Logging -- Explosives and Blasting
     07-0800-1501 Omnibus Notice of Intent to Promulgate - Negotiated Rulemaking, Bulletin Vol. 15-12
                   Proposed Rulemaking (Chapter Repeal), Bulletin Vol. 16-10
     07-0803-1601
     07-0803-1601 Adoption of Pending Rule (Chapter Repeal), Bulletin Vol. 16-12 (eff. PLR 2017)
```

07.08.04, Idaho Minimum Safety Standards and Practices for Logging -- Garages, Machine Shops,

and Related Work Areas 07-0800-1501 Omnibus Notice of Intent to Promulgate - Negotiated Rulemaking, Bulletin Vol. 15-12 **07-0804-1601** Proposed Rulemaking, Bulletin Vol. 16-10 **07-0804-1601** Adoption of Pending Rule, Bulletin Vol. 16-12 (eff. PLR 2017) 07.08.05, Idaho Minimum Safety Standards and Practices for Logging -- Signals and Signal Systems 07-0800-1501 Omnibus Notice of Intent to Promulgate - Negotiated Rulemaking, Bulletin Vol. 15-12 **07-0805-1601** Proposed Rulemaking, Bulletin Vol. 16-10 **07-0805-1601** Adoption of Pending Rule, Bulletin Vol. 16-12 (eff. PLR 2017) 07.08.06, Idaho Minimum Safety Standards and Practices for Logging -- Truck Road Standards 07-0800-1501 Omnibus Notice of Intent to Promulgate - Negotiated Rulemaking, Bulletin Vol. 15-12 **07-0806-1601** Proposed Rulemaking, Bulletin Vol. 16-10 **07-0806-1601** Adoption of Pending Rule, Bulletin Vol. 16-12 (eff. PLR 2017) 07.08.07, Idaho Minimum Safety Standards and Practices for Logging -- Transportation of Employees 07-0800-1501 Omnibus Notice of Intent to Promulgate - Negotiated Rulemaking, Bulletin Vol. 15-12 **07-0807-1601** Proposed Rulemaking, Bulletin Vol. 16-10 **07-0807-1601** Adoption of Pending Rule, Bulletin Vol. 16-12 (eff. PLR 2017) 07.08.08, Idaho Minimum Safety Standards and Practices for Logging -- Falling and Bucking 07-0800-1501 Omnibus Notice of Intent to Promulgate - Negotiated Rulemaking, Bulletin Vol. 15-12 **07-0808-1601** Proposed Rulemaking, Bulletin Vol. 16-10 **07-0808-1601** Adoption of Pending Rule, Bulletin Vol. 16-12 (eff. PLR 2017) 07.08.09, Idaho Minimum Safety Standards and Practices for Logging -- Rigging, Lines, Blocks, and Shackles 07-0800-1501 Omnibus Notice of Intent to Promulgate - Negotiated Rulemaking, Bulletin Vol. 15-12 **07-0809-1601** Proposed Rulemaking, Bulletin Vol. 16-10 **07-0809-1601** Adoption of Pending Rule, Bulletin Vol. 16-12 (eff. PLR 2017) 07.08.10, Idaho Minimum Safety Standards and Practices for Logging -- Canopy and Canopy Construction for Logging Equipment 07-0800-1501 Omnibus Notice of Intent to Promulgate - Negotiated Rulemaking, Bulletin Vol. 15-12 **07-0810-1601** Proposed Rulemaking, Bulletin Vol. 16-10 **07-0810-1601** Adoption of Pending Rule, Bulletin Vol. 16-12 (eff. PLR 2017) 07.08.11, Idaho Minimum Safety Standards and Practices for Logging -- Skidding and Yarding 07-0800-1501 Omnibus Notice of Intent to Promulgate - Negotiated Rulemaking, Bulletin Vol. 15-12 **07-0811-1601** Proposed Rulemaking, Bulletin Vol. 16-10 **07-0811-1601** Adoption of Pending Rule, Bulletin Vol. 16-12 (eff. PLR 2017) 07.08.12, Idaho Minimum Safety Standards and Practices for Logging -- Road Transportation 07-0800-1501 Omnibus Notice of Intent to Promulgate - Negotiated Rulemaking, Bulletin Vol. 15-12 **07-0812-1601** Proposed Rulemaking, Bulletin Vol. 16-10 **07-0812-1601** Adoption of Pending Rule, Bulletin Vol. 16-12 (eff. PLR 2017) 07.08.13, Idaho Minimum Safety Standards and Practices for Logging -- Log Dumps, Landing, Log Handling Equipment, Loading and Unloading Booms, Log Ponds, Rafting, Towing, Stiff Booms, Boom Sticks and Foot Logs, Pond Boats and Tow Boats and Trailer Loading Hoists 07-0800-1501 Omnibus Notice of Intent to Promulgate - Negotiated Rulemaking, Bulletin Vol. 15-12 **07-0813-1601** Proposed Rulemaking, Bulletin Vol. 16-10 **07-0813-1601** Adoption of Pending Rule, Bulletin Vol. 16-12 (eff. PLR 2017) 07.08.14, Idaho Minimum Safety Standards and Practices for Logging -- Helicopter Logging

07-0800-1501 Omnibus Notice of Intent to Promulgate - Negotiated Rulemaking, Bulletin Vol. 15-12

```
07-0814-1601 Proposed Rulemaking, Bulletin Vol. 16-10
     07-0814-1601 Adoption of Pending Rule, Bulletin Vol. 16-12 (eff. PLR 2017)
07.08.15, Idaho Minimum Safety Standards and Practices for Logging -- Commonly Used Logging Terms
     07-0800-1501 Omnibus Notice of Intent to Promulgate - Negotiated Rulemaking, Bulletin Vol. 15-12
    07-0815-1601 Proposed Rulemaking, Bulletin Vol. 16-10
    07-0815-1601 Adoption of Pending Rule, Bulletin Vol. 16-12 (eff. PLR 2017)
07.08.16, Idaho Minimum Safety Standards and Practices for Logging -- Recommended Safety Program
     07-0800-1501 Omnibus Notice of Intent to Promulgate - Negotiated Rulemaking, Bulletin Vol. 15-12
     07-0816-1601 Proposed Rulemaking, Bulletin Vol. 16-10
    07-0816-1601 Adoption of Pending Rule, Bulletin Vol. 16-12 (eff. PLR 2017)
07.08.17, Idaho Minimum Safety Standards and Practices for Logging -- Cable Assisted Logging Systems
     07-0817-1701 Notice of Intent to Promulgate Rules - Negotiated Rulemaking (New Chapter), Bulletin Vol. 17-3
07.10.01, Rules Governing the Damage Prevention Board
     07-1001-1601 Temporary and Proposed Rulemaking (New Chapter - Fee Rule), Bulletin Vol. 16-11 (eff. 12-1-16)T
     07-1001-1601 Adoption of Pending Rule, Bulletin Vol. 17-1 (eff. PLR 2017)
     07-1001-1701 Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 17-3
                         IDAPA 08 -- IDAHO STATE BOARD OF EDUCATION
                              AND STATE DEPARTMENT OF EDUCATION
08.01.02, Rules Governing Postsecondary Credit Scholarship Program
     08-0102-1601 Notice of Intent to Promulgate a Rule - Negotiated Rulemaking (New Chapter), Bulletin Vol. 16-7
     08-0102-1601 Temporary and Proposed Rulemaking (New Chapter), Bulletin Vol. 16-10 (eff. 8-11-16)T
     08-0102-1601 Adoption of Pending Rule (New Chapter), Bulletin Vol. 17-1 (eff. PLR 2017)
08.01.04, Residency
     08-0104-1601 Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 16-7
    08-0104-1601 Temporary and Proposed Rulemaking (New Chapter), Bulletin Vol. 16-10 (eff. 8-11-16)T
    08-0104-1601 Adoption of Pending Rule, Bulletin Vol. 17-1 (eff. PLR 2017)
08.01.09, Rules Governing the GEAR UP Idaho Scholarship Program
     08-0109-1601 Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 16-6
     08-0109-1601 Proposed Rulemaking (Chapter Repeal), Bulletin Vol. 16-10
     08-0109-1601 Adoption of Pending Rule (Chapter Repeal), Bulletin Vol. 17-1 (eff. PLR 2017)
08.02.01, Rules Governing Administration
     08-0201-1601* Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 16-6 (*Rulemaking Terminated)
     08-0201-1602 Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 16-7
    08-0201-1603 Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 16-7
    08-0201-1604 Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 16-7
    08-0201-1602 Temporary and Proposed Rulemaking, Bulletin Vol. 16-10 (eff. 8-11-16)T
     08-0201-1603 Temporary and Proposed Rulemaking, Bulletin Vol. 16-10 (eff. 8-11-16)T
     08-0201-1604 Temporary and Proposed Rulemaking, Bulletin Vol. 16-10 (eff. 8-11-16)T
     08-0201-1605 Adoption of Temporary Rule, Bulletin Vol. 16-12 (eff. 10-19-16)T
    08-0201-1602 Adoption of Pending Rule, Bulletin Vol. 17-1 (eff. PLR 2017)
     08-0201-1603 Adoption of Pending Rule, Bulletin Vol. 17-1 (eff. PLR 2017)
     08-0201-1604 Adoption of Pending Rule, Bulletin Vol. 17-1 (eff. PLR 2017)
08.02.02, Rules Governing Uniformity
     08-0202-1601 Adoption of Temporary Rule, Bulletin Vol. 16-4 (eff. 2-18-16)T
```

```
08-0202-1602 Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 16-4
     08-0202-1603 Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 16-4
     08-0202-1604 Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 16-4
     08-0202-1605 Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 16-5
     08-0202-1606 Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 16-6 (docket pulled prior to publication)
                    Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 16-6
     08-0202-1607
     08-0202-1602
                    Proposed Rulemaking, Bulletin Vol. 16-8
     08-0202-1603
                    Proposed Rulemaking, Bulletin Vol. 16-8
     08-0202-1604
                    Proposed Rulemaking, Bulletin Vol. 16-8
                    Proposed Rulemaking, Bulletin Vol. 16-8
     08-0202-1605
     08-0202-1607
                    Proposed Rulemaking, Bulletin Vol. 16-10
                    Adoption of Pending Rule, Bulletin Vol. 17-1 (eff. PLR 2017)
     08-0202-1602
     08-0202-1603
                    Adoption of Pending Rule, Bulletin Vol. 17-1 (eff. PLR 2017)
     08-0202-1604
                    Adoption of Pending Rule, Bulletin Vol. 17-1 (eff. PLR 2017)
     08-0202-1605
                    Adoption of Pending Rule, Bulletin Vol. 17-1 (eff. PLR 2017)
     08-0202-1607
                     Adoption of Pending Rule, Bulletin Vol. 17-1 (eff. PLR 2017)
     08-0202-1607
                    Notice of Correction to Pending Rule, Bulletin Vol. 17-2 (eff. PLR 2017)
08.02.03, Rules Governing Thoroughness
     08-0203-1504* Temporary and Proposed Rulemaking, Bulletin Vol. 15-6 (4-16-15)T (*Temporary rule expires Sine Die 2016)
     08-0203-1504
                    Notice of Vacation of Proposed Rulemaking, Bulletin Vol. 16-10
     08-0203-1601
                    Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 16-4
     08-0203-1602* Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 16-4 (Rulemaking terminated,
                       promulgated incorrectly under wrong chapter, replaced by docket number 08-0202-1605)
     08-0203-1603
                    Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 16-4
     08-0203-1604
                    Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 16-4
     08-0203-1605
                    Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 16-4
     08-0203-1606 Temporary and Proposed Rulemaking, Bulletin Vol. 16-6 (eff. 4-14-16)T
     08-0203-1607* Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 16-6 (*Rulemaking Terminated)
     08-0203-1608
                    Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 16-6
     08-0203-1609
                    Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 16-6
                    Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 16-7
     08-0203-1610
                    Notice of Intent to Promulgate a Rule-Negotiated Rulemaking, Bulletin Vol. 16-7
     08-0203-1611
     08-0203-1604
                    Proposed Rulemaking, Bulletin Vol. 16-8
     08-0203-1605
                    Proposed Rulemaking, Bulletin Vol. 16-8
     08-0203-1601
                    Proposed Rulemaking, Bulletin Vol. 16-10
                     Temporary and Proposed Rulemaking, Bulletin Vol. 16-10 (eff. 8-11-16)T
     08-0203-1603
     08-0203-1608
                    Proposed Rulemaking, Bulletin Vol. 16-10
     08-0203-1609
                    Proposed Rulemaking, Bulletin Vol. 16-10
                    Proposed Rulemaking, Bulletin Vol. 16-10
     08-0203-1610
                    Temporary and Proposed Rulemaking, Bulletin Vol. 16-10 (eff. 8-11-16)T
     08-0203-1611
     08-0203-1612
                    Adoption of Temporary Rule, Bulletin Vol. 16-12 (eff. 10-20-16)T
     08-0203-1601 Adoption of Pending Rule, Bulletin Vol. 17-1 (eff. PLR 2017)
     08-0203-1603 Adoption of Pending Rule, Bulletin Vol. 17-1 (eff. PLR 2017)
     08-0203-1604 Adoption of Pending Rule, Bulletin Vol. 17-1 (eff. PLR 2017)
     08-0203-1605 Adoption of Pending Rule, Bulletin Vol. 17-1 (eff. PLR 2017)
     08-0203-1606
                    Adoption of Pending Rule, Bulletin Vol. 17-1 (eff. PLR 2017)
     08-0203-1608
                    Adoption of Pending Rule, Bulletin Vol. 17-1 (eff. PLR 2017)
                    Adoption of Pending Rule, Bulletin Vol. 17-1 (eff. PLR 2017)
     08-0203-1609
     08-0203-1610
                    Adoption of Pending Rule, Bulletin Vol. 17-1 (eff. PLR 2017)
                    Adoption of Pending Rule, Bulletin Vol. 17-1 (eff. PLR 2017)
     08-0203-1611
     08-0203-1608
                    Notice of Correction to Pending Rule, Bulletin Vol. 17-2 (eff. PLR 2017)
     08-0203-1701
                    Adoption of Temporary Rule, Bulletin Vol. 17-2 (eff. 12-15-16)T
08.02.05, Rules Governing Pay for Success Contracting
     08-0205-1601
                    Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 16-6
     08-0205-1601
                    Proposed Rulemaking (New Chapter), Bulletin Vol. 16-10
```

OFFICE OF THE ADMINISTRATIVE RULES COORDINATOR

Cumulative Rulemaking Index (Abridged Index) of Active Rulemakings

08-0205-1601 Adoption of Pending Rule (New Chapter), Bulletin Vol. 17-1 (eff. PLR 2017)

08.05.01, Rules Governing Seed and Plant Certification - Regents of the University of Idaho

08-0501-1601 Proposed Rulemaking, Bulletin Vol. 16-10

08-0501-1601 Adoption of Pending Rule, Bulletin Vol. 17-1 (eff. PLR 2017)

IDAPA 09 -- IDAHO DEPARTMENT OF LABOR

09.01.30, Unemployment Insurance Benefits Administration Rules

09-0130-1601 Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 16-7

09-0130-1601 Proposed Rulemaking, Bulletin Vol. 16-9

09-0130-1601 Adoption of Pending Rule, Bulletin Vol. 16-11 (eff. PLR 2017)

09.01.35, Unemployment Insurance Tax Administration Rules

09-0135-1601 Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 16-7

09-0135-1601 Proposed Rulemaking, Bulletin Vol. 16-9

09-0135-1601 Adoption of Pending Rule, Bulletin Vol. 16-11 (eff. PLR 2017)

IDAPA 10 -- IDAHO BOARD OF LICENSURE OF PROFESSIONAL ENGINEERS AND PROFESSIONAL LAND SURVEYORS

10.01.01, Rules of Procedure

10-0101-1601 Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 16-5

10-0101-1602 Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 16-5

10-0101-1603 Adoption of Temporary Rule, Bulletin Vol. 16-7 (Eff. 7-6-16)T

10-0101-1601 Proposed Rulemaking, Bulletin Vol. 16-8

10-0101-1602 Proposed Rulemaking, Bulletin Vol. 16-8

10-0101-1601 Adoption of Pending Rule, Bulletin Vol. 16-10 (eff. PLR 2017)

10-0101-1602 Adoption of Pending Rule, Bulletin Vol. 16-10 (eff. PLR 2017)

10.01.02, Rules of Professional Responsibility

10-0102-1601 Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 16-5

10-0102-1601 Proposed Rulemaking, Bulletin Vol. 16-8

10-0102-1601 Adoption of Pending Rule, Bulletin Vol. 16-10 (eff. PLR 2017)

10-0102-1701 Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 16-11

IDAPA 11 -- IDAHO STATE POLICE

Idaho State Racing Commission

11.04.02, Rules Governing Simulcasting

11-0402-1601 Proposed Rulemaking, Bulletin Vol. 16-10

11-0402-1601 Notice of Vacation of Proposed Rulemaking, Bulletin Vol. 17-1

11.04.03, Rules Governing Licensing and Fees

11-0403-1601 Proposed Rulemaking (Fee Rule), Bulletin Vol. 16-10

11-0403-1601 Adoption of Pending Rule, Bulletin Vol. 17-1 (eff. PLR 2017)

Peace Officer Standards and Training (POST) Council

11.11.01, Rules of the Idaho Peace Officer Standards and Training Council

11-1101-1601 Proposed Rulemaking, Bulletin Vol. 16-10

11-1101-1602 Temporary and Proposed Rulemaking, Bulletin Vol. 16-10 (eff. 9-1-16)T

```
11-1101-1601 Adoption of Pending Rule, Bulletin Vol. 17-1 (eff. PLR 2017)
     11-1101-1602 Adoption of Pending Rule, Bulletin Vol. 17-1 (eff. PLR 2017)
11.11.02, Rules of the Idaho POST Council for Juvenile Detention Officers
    11-1102-1601 Proposed Rulemaking, Bulletin Vol. 16-10
     11-1102-1601 Adoption of Pending Rule, Bulletin Vol. 17-1 (eff. PLR 2017)
11.11.04, Rules of the Idaho POST Council for Correctional Officers and Adult Probation and Parole Officers
     11-1104-1601 Proposed Rulemaking, Bulletin Vol. 16-10
    11-1104-1601 Adoption of Pending Rule, Bulletin Vol. 17-1 (eff. PLR 2017)
Idaho State Police Commercial Vehicle Safety
11.13.01, The Motor Carrier Rules
     11-1301-1601 Temporary and Proposed Rulemaking, Bulletin Vol. 16-10 (eff. 9-15-16)T
     11-1301-1602
                  Proposed Rulemaking, Bulletin Vol. 16-10
    11-1301-1603 Proposed Rulemaking, Bulletin Vol. 16-10
     11-1301-1601 Adoption of Pending Rule, Bulletin Vol. 17-1 (eff. PLR 2017)
    11-1301-1602 Adoption of Pending Rule, Bulletin Vol. 17-1 (eff. PLR 2017)
     11-1301-1603 Adoption of Pending Rule, Bulletin Vol. 17-1 (eff. PLR 2017)
                                IDAPA 12 -- DEPARTMENT OF FINANCE
12.01.08, Rules Pursuant to the Uniform Securities Act (2004)
    12-0108-1601 Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 16-5
     12-0108-1601 Proposed Rulemaking (Fee Rule), Bulletin Vol. 16-8
     12-0108-1601 Adoption of Pending Fee Rule, Bulletin Vol. 16-10 (eff. PLR 2017)
12.01.10, Rules Pursuant to the Idaho Residential Mortgage Practices Act
     12-0110-1601 Proposed Rulemaking, Bulletin Vol. 16-10
    12-0110-1601 Adoption of Pending Rule, Bulletin Vol. 16-12 (eff. PLR 2017)
                        IDAPA 13 -- IDAHO FISH AND GAME COMMISSION
13.01.02, Rules Governing Hunter Education and Mentored Hunting
     13-0102-1601 Proposed Rulemaking, Bulletin Vol. 16-10
     13-0102-1601 Adoption of Pending Rule, Bulletin Vol. 17-1 (eff. PLR 2017)
13.01.07, Rules Governing the Taking of Upland Game Animals
    13-0107-1601P Notice of Proposed Proclamation, Bulletin Vol. 16-10
13.01.08, Rules Governing the Taking of Big Game Animals in the State of Idaho
     13-0108-1601 Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 16-7
     13-0108-1602P Notice of Proposed Proclamation, Bulletin Vol. 16-8
     13-0108-1601 Proposed Rulemaking, Bulletin Vol. 16-10
    13-0108-1603* Proposed Rulemaking, Bulletin Vol. 16-10
     13-0108-1601 Adoption of Pending Rule, Bulletin Vol. 17-1 (eff. PLR 2017)
     13-0108-1603* Notice of Vacation of Proposed Rulemaking, Bulletin Vol. 17-1 (Rulemaking Terminated)
13.01.09, Rules Governing the Taking of Game Birds in the State of Idaho
     13-0109-1601 Temporary and Proposed Rulemaking, Bulletin Vol. 16-10 (eff. 8-8-16)T
     13-0109-1602 Proposed Rulemaking, Bulletin Vol. 16-10
     13-0109-1603P Notice of Proposed Proclamation, Bulletin Vol. 16-10
     13-0109-1601 Adoption of Pending Rule, Bulletin Vol. 17-1 (eff. PLR 2017)
```

Cumulative Rulemaking Index (Abridged Index) of Active Rulemakings

```
13-0109-1602 Adoption of Pending Rule, Bulletin Vol. 17-1 (eff. PLR 2017)
13-0109-1701 Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 17-3
13.01.11, Rules Governing Fish
13-0111-1601 Temporary and Proposed Rulemaking, Bulletin Vol. 16-10 (eff. 8-8-16)T
13-0111-1602P Notice of Proposed Proclamation, Bulletin Vol. 16-10
13-0111-1601 Adoption of Pending Rule, Bulletin Vol. 17-1 (eff. PLR 2017)
13.01.13, Rules Governing the Taking of American Crow in the State of Idaho
13-0113-1601P Notice of Proposed Proclamation, Bulletin Vol. 16-10
13.01.16, The Trapping of Predatory and Unprotected Wildlife and the Taking of Furbearing Animals
13-0116-1601P Notice of Proposed Proclamation, Bulletin Vol. 16-10
13.01.17, Rules Governing the Use of Bait and Trapping for Taking Big Game Animals
13-0117-1601 Proposed Rulemaking, Bulletin Vol. 16-10
13-0117-1601 Adoption of Pending Rule, Bulletin Vol. 17-1 (eff. PLR 2017)
```

IDAPA 15 -- OFFICE OF THE GOVERNOR

Executive Orders of the Governor

| Executive Order No. 2015-13 | Bulletin Vol. 16-2 |
|-----------------------------|---------------------|
| Executive Order No. 2016-01 | Bulletin Vol. 16-6 |
| Executive Order No. 2016-02 | Bulletin Vol. 16-12 |
| Executive Order No. 2016-03 | Bulletin Vol. 16-12 |
| Executive Order No. 2016-04 | Bulletin Vol. 16-12 |
| Executive Order No. 2016-05 | Bulletin Vol. 17-2 |
| Executive Order No. 2016-06 | Bulletin Vol. 17-2 |
| Executive Order No. 2016-07 | Bulletin Vol. 17-2 |
| Executive Order No. 2017-01 | Bulletin Vol. 17-2 |
| Executive Order No. 2017-02 | Bulletin Vol. 17-2 |

Division of Human Resources and Personnel Commission

15.04.01, Rules of the Division of Human Resources and Idaho Personnel Commission

```
15-0401-1601 Proposed Rulemaking, Bulletin Vol. 16-10
15-0401-1601 Adoption of Pending Rule, Bulletin Vol. 17-1 (eff. PLR 2017)
```

Idaho Military Division

Idaho Public Safety Communications Commission

15.06.01, Rules Governing the Idaho Public Safety Communications Commission

15-0601-1601* Temporary and Proposed Rulemaking, Bulletin Vol. 16-8 (eff. 7-1-16)T

*Rulemaking changes name of chapter from: "Rules Governing the Idaho Emergency Communications Commission" to: "Rules Governing the Idaho Public Safety Communications Commission"

15-0601-1601* Adoption of Pending Rule, Bulletin Vol. 16-10 (eff. PLR 2017)

15.06.02, Rules Governing the Idaho Public Safety Communications Commission Grants

```
15-0602-1601 Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 16-6
15-0602-1601 Proposed Rulemaking, Bulletin Vol. 16-8
```

15-0602-1602* Temporary and Proposed Rulemaking, Bulletin Vol. 16-8 (eff. 7-1-16)T

Cumulative Rulemaking Index (Abridged Index) of Active Rulemakings

*Rulemaking changes name of chapter from: "Rules Governing the Idaho Emergency Communications Commission Grants" to: "Rules Governing the Idaho Public Safety Communications Commission Grants"

15-0602-1601 Adoption of Pending Rule, Bulletin Vol. 16-10 (eff. PLR 2017)

15-0602-1602* Adoption of Pending Rule, Bulletin Vol. 16-10 (eff. PLR 2017)

Idaho Office of Emergency Management

15.06.06, Rules Governing Use of Disaster Emergency Account Funds

15-0606-1601 Notice of Intent to Promulgate a Rule - Negotiated Rulemaking (New Chapter), Bulletin Vol. 16-8

15-0606-1601 Proposed Rulemaking, Bulletin Vol. 16-10

15-0606-1601 Adoption of Pending Rule, Bulletin Vol. 16-12 (eff. PLR 2017)

IDAPA 16 -- DEPARTMENT OF HEALTH AND WELFARE

16.01.02, Emergency Medical Services (EMS) - Rule Definitions

16-0102-1601 Proposed Rulemaking, Bulletin Vol. 16-9

16-0102-1601 Adoption of Pending Rule, Bulletin Vol. 17-1 (eff. PLR 2017)

16.01.03, Emergency Medical Services (EMS) -- Agency Licensing Requirements

16-0103-1601 Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 16-6

16-0103-1601 Proposed Rulemaking, Bulletin Vol. 16-9

16-0103-1602 Temporary and Proposed Rulemaking, Bulletin Vol. 16-9 (eff. 8-18-16)T

16-0103-1601 Adoption of Pending Rule, Bulletin Vol. 17-1 (eff. PLR 2017)

16-0103-1602 Adoption of Pending Rule, Bulletin Vol. 17-1 (eff. PLR 2017)

16.01.06, Emergency Medical Services (EMS) -- Date Collection and Submission Requirements

16-0106-1601 Proposed Rulemaking, Bulletin Vol. 16-9

16-0106-1601 Adoption of Pending Rule, Bulletin Vol. 17-1 (eff. PLR 2017)

16.01.07, Emergency Medical Services (EMS) -- Personnel Licensing Requirements

16-0107-1501* Temporary and Proposed Rulemaking, Bulletin Vol. 15-1 (eff. 1-1-15)T (Expired 6-30-16)

16-0107-1501* OAR Omnibus Notice of Legislative Action - Extension of Temporary Rule by SCR 127, Bulletin Vol. 15-5

16-0107-1501* Vacation of Proposed Rulemaking, Bulletin Vol. 15-8

16-0107-1501 OAR Omnibus Notice of Legislative Action - Extension of Temporary Rule by SCR 154, Bulletin Vol. 16-5 (eff. 1-1-15)T

16-0107-1601 Proposed Rulemaking, Bulletin Vol. 16-9

16-0107-1601 Adoption of Pending Rule, Bulletin Vol. 17-1 (eff. PLR 2017)

16.02.01, Rules of the Idaho Time Sensitive Emergency System Council

16-0201-1601 Proposed Rulemaking, Bulletin Vol. 16-10

16-0201-1601 Adoption of Pending Rule, Bulletin Vol. 17-1 (eff. PLR 2017)

16.02.02, Rules of the Idaho Emergency Medical Services (EMS) Physician Commission

16-0202-1601 Proposed Rulemaking, Bulletin Vol. 16-10

16-0202-1601 Adoption of Pending Rule, Bulletin Vol. 17-1 (eff. PLR 2017)

16.02.10, Idaho Reportable Diseases

16-0210-1701 Temporary and Proposed Rulemaking, Bulletin Vol. 17-1 (eff. 1-1-17)T

16.02.19, Food Safety and Sanitation Standards for Food Establishments (The Idaho Food Code)

16-0219-1601 Proposed Rulemaking, Bulletin Vol. 16-9

16-0219-1601 Adoption of Pending Rule, Bulletin Vol. 17-1 (eff. PLR 2017)

16.03.03, Rules Governing Child Support Services

16-0303-1601 Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 16-7

```
16-0303-1601 Proposed Rulemaking, Bulletin Vol. 16-10
     16-0303-1601 Adoption of Pending Rule, Bulletin Vol. 16-12 (eff. PLR 2017)
16.03.04. Rules Governing the Food Stamp Program in Idaho
     16-0304-1601 Proposed Rulemaking, Bulletin Vol. 16-10
     16-0304-1601 Adoption of Pending Rule, Bulletin Vol. 16-12 (eff. PLR 2017)
16.03.05, Rules Governing Eligibility for Aid to the Aged, Blind, and Disabled (AABD)
     16-0305-1601 Proposed Rulemaking, Bulletin Vol. 16-10
     16-0305-1601 Adoption of Pending Rule, Bulletin Vol. 16-12 (eff. PLR 2017)
16.03.08, Rules Governing the Temporary Assistance for Families in Idaho (TAFI) Program
     16-0308-1601 Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 16-6
     16-0308-1601 Proposed Rulemaking, Bulletin Vol. 16-10
     16-0308-1601 Adoption of Pending Rule, Bulletin Vol. 16-12 (eff. PLR 2017)
16.03.09, Medicaid Basic Plan Benefits
     16-0309-1601 Proposed Rulemaking, Bulletin Vol. 16-10
     16-0309-1602 Proposed Rulemaking, Bulletin Vol. 16-10
     16-0309-1601 Adoption of Pending Rule, Bulletin Vol. 17-1 (eff. PLR 2017)
     16-0309-1602 Adoption of Pending Rule, Bulletin Vol. 17-1 (eff. PLR 2017)
16.03.10, Medicaid Enhanced Plan Benefits
     16-0310-1601 Temporary and Proposed Rulemaking, Bulletin Vol. 16-6 (eff. 1-1-16)T
     16-0310-1601 Adoption of Pending Rule, Bulletin Vol. 16-12 (eff. PLR 2017)
16.03.18, Medicaid Cost-Sharing
     16-0318-1601 Temporary and Proposed Rulemaking, Bulletin Vol. 16-6 (eff. 7-1-16)T
     16-0318-1601 Adoption of Pending Rule, Bulletin Vol. 16-12 (eff. PLR 2017)
16.03.19, Rules Governing Certified Family Homes
     16-0319-1601 Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 16-4
     16-0319-1601 (Second) Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 16-5
     16-0319-1601 Proposed Rulemaking, Bulletin Vol. 16-9
     16-0319-1601 Adoption of Pending Rule, Bulletin Vol. 17-1 (eff. PLR 2017)
16.03.22, Residential Care or Assisted Living Facilities in Idaho
     16-0322-1601 Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 16-4
     16-0322-1601 (Second) Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 16-5
16.04.17, Rules Governing Residential Habilitation Agencies
     16-0417-1601* Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 16-4
     16-0417-1601* (Second) Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 16-5 (Rulemaking Terminated)
     16-0417-1701 Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 16-12
     16-0417-1701 2nd Notice of Intent to Promulgate a Rule (2nd Notice) - Negotiated Rulemaking, Bulletin Vol. 17-1
     16-0417-1701 3rd Notice of Intent to Promulgate a Rule (3rd Notice) - Negotiated Rulemaking, Bulletin Vol. 17-2
16.05.06, Criminal History and Background Checks
     16-0506-1602 Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 16-6
     16-0506-1601 Temporary and Proposed Rulemaking (Fee Rule), Bulletin Vol. 16-7 (eff. 7-1-16)T
     16-0506-1602 Proposed Rulemaking (Fee Rule), Bulletin Vol. 16-9
                   Adoption of Pending Fee Rule, Bulletin Vol. 17-1 (eff. PLR 2017)
     16-0506-1601
     16-0506-1602 Adoption of Pending Fee Rule, Bulletin Vol. 17-1 (eff. PLR 2017)
```

16.05.07, The Investigation and Enforcement of Fraud, Abuse, and Misconduct

OFFICE OF THE ADMINISTRATIVE RULES COORDINATOR **Cumulative Rulemaking Index** (Abridged Index) of Active Rulemakings 16-0507-1601 Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 16-4 16-0507-1601 Temporary and Proposed Rulemaking, Bulletin Vol. 16-7 (eff. 7-1-16)T **16-0507-1601** Adoption of Pending Rule, Bulletin Vol. 17-1 (eff. PLR 2017) 16.06.01, Child and Family Services 16-0601-1601 Proposed Rulemaking, Bulletin Vol. 16-9 **16-0601-1601** Adoption of Pending Rule, Bulletin Vol. 17-1 (eff. PLR 2017) 16.06.12, Rules Governing the Idaho Child Care Program (ICCP) 16-0612-1601 Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 16-6 16-0612-1601 Temporary and Proposed Rulemaking, Bulletin Vol. 16-9 (eff. 10-1-16)T **16-0612-1601** Adoption of Pending Rule, Bulletin Vol. 16-12 (eff. PLR 2017) 16.07.19, Behavioral Health Peer Specialist and Family Support Partner Certification 16-0719-1601 Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 16-6 **16-0719-1601** Proposed Rulemaking, Bulletin Vol. 16-10 **16-0719-1601** Adoption of Pending Rule, Bulletin Vol. 17-1 (eff. PLR 2017) 16.07.37, Children's Mental Health Services **16-0737-1601** Proposed Rulemaking, Bulletin Vol. 16-10 **16-0737-1601** Adoption of Pending Rule, Bulletin Vol. 17-1 (eff. PLR 2017) IDAPA 18 -- DEPARTMENT OF INSURANCE 18.01.10, Producers Handling of Fiduciary Funds 18-0110-1601 Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 16-7 18-0110-1601 Proposed Rulemaking, Bulletin Vol. 16-9 **18-0110-1601** Adoption of Pending Rule, Bulletin Vol. 16-11 (eff. PLR 2017) 18.01.29, Restrictions on Discretionary Clauses in Health Insurance Contracts 18-0129-1601 Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 16-7. 18.01.48, Rule to Implement the Privacy of Consumer Financial Information 18-0148-1601 Temporary and Proposed Rulemaking, Bulletin Vol. 16-10 (eff. 9-1-16)T **18-0148-1601** Adoption of Pending Rule, Bulletin Vol. 16-12 (eff. PLR 2017) 18.01.50, Adoption of the International Fire Code 18-0150-1601 Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 16-7 18-0150-1601 Proposed Rulemaking, Bulletin Vol. 16-9 **18-0150-1601** Adoption of Pending Rule, Bulletin Vol. 16-11 (eff. PLR 2017) 18.01.54, Rule to Implement the NAIC Medicare Supplement Insurance Minimum Standards Model Act 18-0154-1601 Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 16-7 18-0154-1601 Proposed Rulemaking, Bulletin Vol. 16-9 **18-0154-1601** Adoption of Pending Rule, Bulletin Vol. 16-11 (eff. PLR 2017)

IDAPA 19 -- BOARD OF DENTISTRY

18.01.56, Rebates and Illegal Inducements to Obtaining Title Insurance Business Rules
 18-0156-1601 Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 16-8

18-0156-1601 Proposed Rulemaking, Bulletin Vol. 16-10

18-0156-1601 Adoption of Pending Rule, Bulletin Vol. 16-12 (eff. PLR 2017)

Cumulative Rulemaking Index (Abridged Index) of Active Rulemakings

| 10.01.01.01 | | | | | |
|--|---|--|--|--|--|
| | of the Idaho State Board of Dentistry | | | | |
| 19-0101-1601 Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 16-6 | | | | | |
| 19-0101-1601 | | | | | |
| 19-0101-1601 | Adoption of Pending Rule, Bulletin Vol. 16-12 (eff. PLR 2017) | | | | |
| | IDAPA 20 DEPARTMENT OF LANDS | | | | |
| 20.02.14, Rules | for Selling Forest Products on State-Owned Endowment Lands | | | | |
| | Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 16-6 | | | | |
| 20-0214-1601 | Proposed Rulemaking, Bulletin Vol. 16-8 | | | | |
| 20-0214-1601 | Adoption of Pending Rule, Bulletin Vol. 17-1 (eff. PLR 2017) | | | | |
| 20.03.16, Rules | Governing Oil and Gas Leasing on Idaho State Lands | | | | |
| 20-0316-1601 | Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 16-7 | | | | |
| 20-0316-1601 | Proposed Rulemaking, Bulletin Vol. 16-10 | | | | |
| 20-0316-1601 | Adoption of Pending Rule, Bulletin Vol. 17-1 (eff. PLR 2017) | | | | |
| 20.07.01, Rules | of Practice and Procedure Before the Idaho Oil And Gas Conservation Commission | | | | |
| 20-0701-1601 | | | | | |
| 20-0701-1601 | Adoption of Pending Rule (Chapter Repeal), Bulletin Vol. 16-11 (eff. PLR 2017) | | | | |
| 20.07.02, Rules | Governing Conservation of Crude Oil and Natural Gas in the State of Idaho | | | | |
| 20-0702-1601 | Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 16-5 | | | | |
| 20-0702-1601 | Proposed Rulemaking, Bulletin Vol. 16-10 | | | | |
| 20-0702-1601 | Adoption of Pending Rule, Bulletin Vol. 17-1 (eff. PLR 2017) | | | | |
| | IDAPA 22 BOARD OF MEDICINE | | | | |
| 22.01.03, Rules | for the Licensure of Physician Assistants | | | | |
| 22-0103-1601 | Proposed Rulemaking, Bulletin Vol. 16-10 | | | | |
| 22-0103-1601 | Adoption of Pending Rule, Bulletin Vol. 16-12 (eff. PLR 2017) | | | | |
| | IDAPA 23 BOARD OF NURSING | | | | |
| 23.01.01. Rules | of the Idaho Board of Nursing | | | | |
| 23-0101-1601 | · | | | | |
| 23-0101-1601 | Proposed Rulemaking (Fee Rule), Bulletin Vol. 16-10 | | | | |
| 23-0101-1602 | Temporary and Proposed Rulemaking, Bulletin Vol. 16-10 (eff. 8-1-16)T | | | | |
| 23-0101-1601 | Adoption of Pending Fee Rule, Bulletin Vol. 16-12 (eff. PLR 2017) | | | | |
| 23-0101-1602 | Adoption of Pending Rule, Bulletin Vol. 16-12 (eff. PLR 2017) | | | | |
| | IDAPA 24 BUREAU OF OCCUPATIONAL LICENSES | | | | |
| 24.01.01, Rules | of the Board of Architectural Examiners | | | | |
| 24-0101-1601 | Proposed Rulemaking, Bulletin Vol. 16-10 | | | | |
| 24-0101-1601 | Adoption of Pending Rule, Bulletin Vol. 16-12 (eff. PLR 2017) | | | | |

24.03.01, Rules of the State Board of Chiropractic Physicians 24-0301-1601 Proposed Rulemaking, Bulletin Vol. 16-10

24-0301-1601 Adoption of Pending Fee Rule, Bulletin Vol. 16-12 (eff. PLR 2017)

```
24.08.01, Rules of the State Board of Morticians
    24-0801-1601 Temporary and Proposed Rulemaking, Bulletin Vol. 16-9 (eff. 7-12-16)T
    24-0801-1601 Adoption of Pending Rule, Bulletin Vol. 16-12 (eff. PLR 2017)
24.10.01, Rules of the State Board of Optometry
    24-1001-1601 Proposed Rulemaking, Bulletin Vol. 16-10
    24-1001-1601 Adoption of Pending Rule, Bulletin Vol. 17-1 (eff. PLR 2017)
24.12.01, Rules of the State Board of Psychologist Examiners
    24-1201-1601 Proposed Rulemaking, Bulletin Vol. 16-10
    24-1201-1601 Adoption of Pending Rule, Bulletin Vol. 17-1 (eff. PLR 2017)
24.16.01, Rules of the State Board of Denturity
    24-1601-1601 Proposed Rulemaking, Bulletin Vol. 16-10
    24-1601-1601 Adoption of Pending Rule, Bulletin Vol. 16-12 (eff. PLR 2017)
24.17.01, Rules of the State Board of Acupuncture
    24-1701-1601 Proposed Rulemaking, Bulletin Vol. 16-10
    24-1701-1601 Adoption of Pending Rule, Bulletin Vol. 16-12 (eff. PLR 2017)
24.18.01, Rules of the Real Estate Appraiser Board
    24-1801-1601 Adoption of Temporary Rule, Bulletin Vol. 16-5 (eff. 4-1-16)T
    24-1801-1602 Proposed Rulemaking (Fee Rule), Bulletin Vol. 16-10
    24-1801-1602 Adoption of Pending Fee Rule, Bulletin Vol. 17-1 (eff. PLR 2017)
24.19.01, Rules of the Board of Residential Care Facility Administrators
    24-1901-1601 Proposed Rulemaking (Fee Rule), Bulletin Vol. 16-10
    24-1901-1601 Adoption of Pending Fee Rule, Bulletin Vol. 16-12 (eff. PLR 2017)
24.22.01, Rules of the Idaho State Liquefied Petroleum Gas Safety Board
    24-2201-1601 Proposed Rulemaking, Bulletin Vol. 16-10
    24-2201-1601 Adoption of Pending Rule, Bulletin Vol. 16-12 (eff. PLR 2017)
24.23.01, Rules of the Speech and Hearing Services Licensure Board
    24-2301-1601 Proposed Rulemaking (Fee Rule), Bulletin Vol. 16-10
    24-2301-1601 Adoption of Pending Fee Rule, Bulletin Vol. 16-12 (eff. PLR 2017)
24.25.01, Rules of the Idaho Driving Businesses Licensure Board
    24-2501-1601 Proposed Rulemaking, Bulletin Vol. 16-10
    24-2501-1601 Adoption of Pending Rule, Bulletin Vol. 16-12 (eff. PLR 2017)
24.27.01, Rules of the Idaho State Board of Massage Therapy
    24-2701-1601 Proposed Rulemaking, Bulletin Vol. 16-10
    24-2701-1601 Adoption of Pending Fee Rule, Bulletin Vol. 17-1 (eff. PLR 2017)
                    IDAPA 26 -- DEPARTMENT OF PARKS AND RECREATION
26.01.20, Rules Governing the Administration of Park and Recreation Areas and Facilities
    26-0120-1601 Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 16-9
```

26-0120-1601 Proposed Rulemaking, Bulletin Vol. 16-11

26-0120-1601 Adoption of Pending Fee Rule, Bulletin Vol. 17-1 (eff. PLR 2017)

IDAPA 27 -- BOARD OF PHARMACY

| 27-0101-1601 | Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 16-6 |
|--------------|---|
| 27-0101-1601 | Proposed Rulemaking, Bulletin Vol. 16-9 |
| 27-0101-1602 | Proposed Rulemaking, Bulletin Vol. 16-9 |
| 27-0101-1603 | Proposed Rulemaking, Bulletin Vol. 16-9 |
| 27-0101-1604 | Proposed Rulemaking, Bulletin Vol. 16-9 |
| 27-0101-1605 | Adoption of Temporary Rule, Bulletin Vol. 16-9 (eff. 8-13-16)T |
| 27-0101-1606 | Proposed Rulemaking, Bulletin Vol. 16-10 |
| 27-0101-1601 | Adoption of Pending Rule, Bulletin Vol. 16-12 (eff. PLR 2017) |
| 27-0101-1602 | Adoption of Pending Rule, Bulletin Vol. 16-12 (eff. PLR 2017) |
| 27-0101-1603 | Adoption of Pending Rule, Bulletin Vol. 16-12 (eff. PLR 2017) |
| 27-0101-1604 | Adoption of Pending Rule, Bulletin Vol. 16-12 (eff. PLR 2017) |
| 27-0101-1606 | Adoption of Pending Rule, Bulletin Vol. 16-12 (eff. PLR 2017) |

IDAPA 28 -- DEPARTMENT OF COMMERCE

28.02.07, Rules Governing the Administration of the IGEM Grant Program

28-0207-1601 Proposed Rulemaking, Bulletin Vol. 16-10

28-0207-1601 Adoption of Pending Rule, Bulletin Vol. 17-11 (eff. PLR 2017)

IDAPA 31 -- PUBLIC UTILITIES COMMISSION

31.46.02, Rules for Telecommunications Relay Services (TRS)

```
31-4602-1601 Notice of Adoption of Temporary Rule, Bulletin Vol. 16-7 (eff. 5-1-16)T
31-4602-1602 Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 16-7
31-4602-1602 Proposed Rulemaking, Bulletin Vol. 16-9
31-4602-1602 Adoption of Pending Rule, Bulletin Vol. 16-12 (eff. PLR 2017)
```

IDAPA 35 -- STATE TAX COMMISSION

35.01.01, Income Tax Administrative Rules

```
35-0101-1601 Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 16-6
35-0101-1602 Proposed Rulemaking, Bulletin Vol. 16-10
```

35-0101-1602 Adoption of Pending Rule, Bulletin Vol. 16-12 (eff. PLR 2017)

35.01.02, Idaho Sales and Use Tax Administrative Rules

| 35-0102-1601 | Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 16-5 |
|--------------|---|
| 35-0102-1602 | Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 16-7 |
| 35-0102-1601 | Proposed Rulemaking, Bulletin Vol. 16-10 |
| 35-0102-1602 | Proposed Rulemaking, Bulletin Vol. 16-10 |
| 35-0102-1603 | Proposed Rulemaking, Bulletin Vol. 16-10 |
| 35-0102-1601 | Adoption of Pending Rule, Bulletin Vol. 16-12 (eff. PLR 2017) |
| 35-0102-1602 | Adoption of Pending Rule, Bulletin Vol. 16-12 (eff. PLR 2017) |
| 35-0102-1603 | Adoption of Pending Rule, Bulletin Vol. 16-12 (eff. PLR 2017) |

35.01.03, Property Tax Administrative Rules

| 35-0103-1601 | Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 16-4 |
|--------------|---|
| 35-0103-1602 | Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 16-5 |
| 35-0103-1603 | Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 16-7 |
| 25 0102 1604 | A dention of Tourness Della Dellatin Val. 16.9 (aff. 7.1.16)T |

35-0103-1604 Adoption of Temporary Rule, Bulletin Vol. 16-8 (eff. 7-1-16)T

Cumulative Rulemaking Index (Abridged Index) of Active Rulemakings

| 35-0103-1601 | Proposed Rulemaking, Bulletin Vol. 16-9 |
|-----------------|---|
| 35-0103-1602 | Proposed Rulemaking, Bulletin Vol. 16-9 |
| 35-0103-1603 | Proposed Rulemaking, Bulletin Vol. 16-9 |
| 35-0103-1605 | Proposed Rulemaking, Bulletin Vol. 16-9 |
| 35-0103-1606 | Adoption of Temporary Rule, Bulletin Vol. 16-11 (eff. 10-1-16)T |
| 35-0103-1601 | Adoption of Pending Rule, Bulletin Vol. 16-12 (eff. PLR 2017) |
| 35-0103-1602 | Adoption of Pending Rule, Bulletin Vol. 16-12 (eff. PLR 2017) |
| 35-0103-1603 | Adoption of Pending Rule, Bulletin Vol. 16-12 (eff. PLR 2017) |
| 35-0103-1605 | Adoption of Pending Rule, Bulletin Vol. 16-12 (eff. PLR 2017) |
| 35-0103-1605 | Notice of Correction to Pending Rule, Bulletin Vol. 17-1 |
| 35-0103-1701 | Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 17-3 |
| 35.01.05, Motor | Fuels Tax Administrative Rules |
| 35-0105-1601 | Proposed Rulemaking, Bulletin Vol. 16-5 |
| 35-0105-1602 | Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 16-5 |
| 35-0105-1602 | Proposed Rulemaking, Bulletin Vol. 16-7 |
| 35-0105-1601 | Adoption of Pending Rule, Bulletin Vol. 16-12 (eff. PLR 2017) |
| 35-0105-1602 | Adoption of Pending Rule, Bulletin Vol. 16-12 (eff. PLR 2017) |
| 85.01.10, Idaho | Cigarette and Tobacco Products Tax Administrative Rules |
| 35-0110-1601 | Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 16-5 |
| 35-0110-1601 | Proposed Rulemaking, Bulletin Vol. 16-10 |
| 35-0110-1601 | Adoption of Pending Rule, Bulletin Vol. 16-12 (eff. PLR 2017) |
| 35.02.01, Tax C | ommission Administration and Enforcement Rules |
| 35-0201-1601 | Proposed Rulemaking, Bulletin Vol. 16-10 |
| 35-0201-1601 | Adoption of Pending Rule, Bulletin Vol. 16-12 (eff. PLR 2017) |

IDAPA 37 -- DEPARTMENT OF WATER RESOURCES

37.03.13, The Water Management Rules

| 37-0313-9701 | Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 97-12 |
|--------------|--|
| 37-0313-9701 | Proposed Rulemaking, Bulletin Vol. 98-10 |
| 37-0313-9701 | Notice of Intent to Promulgate Rules - Negotiated Rulemaking (2nd Notice), Bulletin Vol. 00-11 |

IDAPA 38 -- IDAHO DEPARTMENT OF ADMINISTRATION

38.05.01, Rules of the Division of Purchasing

```
38-0501-1601 Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 16-6
38-0501-1601 Proposed Rulemaking, Bulletin Vol. 16-10
38-0501-1601 Adoption of Pending Rule, Bulletin Vol. 16-12 (eff. PLR 2017)
```

IDAPA 39 -- IDAHO TRANSPORTATION DEPARTMENT

39-0300-1601 Omnibus Notice of Intent to Promulgate - Negotiated Rulemaking, Bulletin Vol. 16-5
(Rulemaking may affect Chapters under Title 03 - "Vehicles and/or Loads Required to Operate Under an Overlegal Permit")

39.03.06, Rules Governing Allowable Vehicle Size

```
39-0306-1601 Proposed Rulemaking, Bulletin Vol. 16-9
39-0306-1601 Adoption of Pending Rule, Bulletin Vol. 16-12 (eff. PLR 2017)
```

39.03.11, Rules Governing Overlegal Permittee Responsibility and Travel Restrictions

Cumulative Rulemaking Index (Abridged Index) of Active Rulemakings

```
39-0311-1601 Proposed Rulemaking, Bulletin Vol. 16-9
    39-0311-1601 Adoption of Pending Rule, Bulletin Vol. 17-1 (eff. PLR 2017)
39.03.12, Rules Governing Safety Requirements of Overlegal Permits
    39-0312-1601 Proposed Rulemaking, Bulletin Vol. 16-9
    39-0312-1601 Adoption of Pending Rule, Bulletin Vol. 16-12 (eff. PLR 2017)
39.03.15, Rules Governing Excess Weight Permits for Reducible Loads
    39-0315-1601 Proposed Rulemaking, Bulletin Vol. 16-10
    39-0315-1601 Adoption of Pending Rule, Bulletin Vol. 17-1 (eff. PLR 2017)
39.03.22, Rules Governing Overlegal Permits for Extra-Length, Excess Weight, and Up To 129,000 Pound
            Vehicle Combinations
    39-0322-1601 Proposed Rulemaking, Bulletin Vol. 16-9
    39-0322-1601 Adoption of Pending Rule, Bulletin Vol. 16-12 (eff. PLR 2017)
39.03.23, Rules Governing Revocation of Overlegal Permits
    39-0323-1601 Proposed Rulemaking, Bulletin Vol. 16-9
    39-0323-1601 Adoption of Pending Rule, Bulletin Vol. 16-12 (eff. PLR 2017)
                               IDAPA 42 -- IDAHO WHEAT COMMISSION
42.01.01, Rules of the Idaho Wheat Commission
    42-0101-1601 Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 16-6
    42-0101-1601 Notice of Intent to Promulgate a Rule - Negotiated Rulemaking (2nd Notice), Bulletin Vol. 16-10
    42-0101-1601 Proposed Rulemaking, Bulletin Vol. 16-11
    42-0101-1602 Proposed Rulemaking, Bulletin Vol. 16-11
    42-0101-1601 Adoption of Pending Rule, Bulletin Vol. 17-1 (eff. PLR 2017)
    42-0101-1602 Adoption of Pending Rule, Bulletin Vol. 17-1 (eff. PLR 2017)
                 IDAPA 46 -- BOARD OF VETERINARY MEDICAL EXAMINERS
46.01.01, Rules of the State of Idaho Board of Veterinary Medicine
    46-0101-1601 Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 16-6
    46-0101-1602 Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 16-7
    46-0101-1601 Proposed Rulemaking, Bulletin Vol. 16-9
    46-0101-1603 Temporary and Proposed Rulemaking (Fee Rule), Bulletin Vol. 16-9 (eff. 7-1-16)T
    46-0101-1601 Adoption of Pending Rule, Bulletin Vol. 16-11 (eff. PLR 2017)
    46-0101-1603 Adoption of Pending Fee Rule and Amendment to Temporary, Bulletin Vol. 16-11 (eff. PLR 2017) (eff. 10-11-16)T
                   IDAPA 47 -- DIVISION OF VOCATIONAL REHABILITATION
47.01.01, Rules of the Idaho Division of Vocational Rehabilitation
```

| 47-0101-1601 | Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 16-6 |
|--------------|---|
| 47-0101-1601 | Proposed Rulemaking, Bulletin Vol. 16-10 |
| 4-0404 4604 | 11 - 1 - 0 - 1 - D 1 - D 11 - 1 - 1 - 1 - 1 - 1 - |

47-0101-1601 Adoption of Pending Rule, Bulletin Vol. 17-1 (eff. PLR 2017)

47.01.02, Rules and Minimum Standards Governing Extended Employment Services

47-0102-1601 Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 16-6

47-0102-1601 Proposed Rulemaking, Bulletin Vol. 16-10

47-0102-1601 Adoption of Pending Rule, Bulletin Vol. 17-1 (eff. PLR 2017)

IDAPA 48 -- GRAPE GROWERS AND WINE PRODUCERS COMMISSION

48.01.01, Rules of Procedure of the Idaho Grape Growers and Wine Producers Commission, IAC Vol. 8

- 48-0101-1601 Notice of Intent to Promulgate a Rule Negotiated Rulemaking, Bulletin Vol. 16-6
- 48-0101-1601 Notice of Intent to Promulgate a Rule Negotiated Rulemaking, Bulletin Vol. 16-7 (2nd Notice)
- **48-0101-1601** Proposed Rulemaking, Bulletin Vol. 16-9
- **48-0101-1601** Adoption of Pending Rule, Bulletin Vol. 16-12 (eff. PLR 2017)

IDAPA 50 -- COMMISSION FOR PARDONS AND PAROLE

50.01.01, Rules of the Commission of Pardons and Parole

- 50-0101-1601 Proposed Rulemaking (Rulemaking pulled and not published)
- **50-0101-1602** Adoption of Temporary Rule, Bulletin Vol. 16-10 (eff. 8-8-16)T

IDAPA 55 -- DIVISION OF CAREER TECHNICAL EDUCATION

(Senate Bill 1210 enacted 7/1/16 changed the name of the Division from Professional Technical Education to Career Technical Education)

55.01.03, Rules for Career-Technical Schools

- 55-0103-1601 Notice of Intent to Promulgate a Rule Negotiated Rulemaking, Bulletin Vol. 16-6
- **55-0103-1601** Proposed Rulemaking, Bulletin Vol. 16-10
- 55-0103-1601* Notice of Vacation of Proposed Rulemaking, Bulletin Vol. 17-1 (Rulemaking Terminated)

55.01.05, Rules Governing Industry Partner Fund

55-0105-1601 Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 16-7

IDAPA 57 -- SEXUAL OFFENDER MANAGEMENT BOARD

57.01.01, Rules of the Sexual Offender Management Board

- 57-0101-1601 Notice of Intent to Promulgate a Rule Negotiated Rulemaking, Bulletin Vol. 16-8
- **57-0101-1601** Proposed Rulemaking (Fee Rule), Bulletin Vol. 16-10
- **57-0101-1601** Adoption of Pending Rule, Bulletin Vol. 17-1 (eff. PLR 2017)

IDAPA 58 -- DEPARTMENT OF ENVIRONMENTAL QUALITY

- 58-0000-1601 Paradise Creek Total Maximum Daily Load (TMDL): 2015 Bacteria Addendum (HUC ID 17060108) Bulletin Vol. 16-1
- 58-0000-1602 Little Lost River Total Maximum Daily Load (TMDL): 2015 Temperature Addendum (HUC ID 17040217) Bul.Vol. 16-2
- 58-0000-1603 Medicine Lodge Creek Total Maximum Daily Load (TMDL): 2016 Addendum and Five-Year Review
 - (HUC ID 17040215) Bulletin Vol. 16-4
- 58-0000-1604 Upper Salmon River Subbasin Assessment and Total Maximum Daily Load (TMDL): 2016 Addendum
 - and Five-Year Review (HUC ID 17060201) Bulletin Vol. 16-11
- 58-0000-1605 Teton River Subbasin 2016 Total Maximum Daily Load (TMDL) and Five-year Review (HUC ID 17040204)
 - Bulletin Vol. 16-11
- **58-0000-1701** Camas Creek Subbasin Total Maximum Daily Load (TMDL): 2016 Temperature Addendum (HUC ID 17040220)
 - Bulletin Vol. 17-1

58.01.01, Rules for the Control of Air Pollution in Idaho

- 58-0101-1601 Notice of Intent to Promulgate a Rule Negotiated Rulemaking, Bulletin Vol. 16-5
- **58-0101-1602** Proposed Rulemaking, Bulletin Vol. 16-8
- 58-0101-1603 Proposed Rulemaking, Bulletin Vol. 16-8
- **58-0101-1601** Proposed Rulemaking, Bulletin Vol. 16-9

Cumulative Rulemaking Index (Abridged Index) of Active Rulemakings

58-0101-1604 Proposed Rulemaking, Bulletin Vol. 16-9 **58-0101-1602** Adoption of Pending Rule, Bulletin Vol. 16-11 (eff. PLR 2017) **58-0101-1603** Adoption of Pending Rule, Bulletin Vol. 16-11 (eff. PLR 2017) 58.01.02, Water Quality Standards 58-0102-1502 Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 15-10 58-0102-1502 Notice of Rescheduling - Negotiated Rulemaking Meeting, Bulletin Vol. 15-11 58.01.03, Individual/Subsurface Sewage Disposal Rules 58-0103-1501 Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 15-10 58-0103-1501 Proposed Rulemaking, Bulletin Vol. 16-1 **58-0103-1601** Adoption of Pending Rule, Bulletin Vol. 16-6 (eff. PLR 2017) 58.01.05, Rules and Standards for Hazardous Waste 58-0105-1601 Proposed Rulemaking, Bulletin Vol. 16-8 **58-0105-1601** Adoption of Pending Rule, Bulletin Vol. 16-11 (eff. PLR 2017) 58.01.07, Rules Regulating Underground Storage Tank Systems 58-0107-1601 Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 16-4 58-0107-1601 Proposed Rulemaking (Fee Rule), Bulletin Vol. 16-8 **58-0107-1601** Adoption of Pending Fee Rule, Bulletin Vol. 16-11 (eff. PLR 2017)

IDAPA 59 -- PUBLIC EMPLOYEE RETIREMENT SYSTEM OF IDAHO (PERSI)

59.02.01, Rules for the Judges' Retirement Fund

```
59-0201-1601 Temporary and Proposed Rulemaking, Bulletin Vol. 16-1 (eff. 12-1-15)T

59-0201-1601 Adoption of Pending Rule, Bulletin Vol. 16-4 (eff. PLR 2017)

59-0201-1602 OAR Omnibus Notice of Legislative Action - Extension of Temporary Rule by SCR 154, Bulletin Vol. 16-5 (eff. 12-1-15)T

59-0201-1602 Proposed Rulemaking, Bulletin Vol. 16-5

59-0201-1602 Adoption of Pending Rule, Bulletin Vol. 16-11 (eff. PLR 2017)
```

59.01.03, PERSI Contribution Rules

59-0103-1701 Adoption of Temporary Rule, Bulletin Vol. 17-2 (eff. 2-1-17)T

IDAPA 61 -- STATE PUBLIC DEFENSE COMMISSION

61.01.01, Rules Governing the Administration of Training Funds Allocation for Defending Attorneys

61-0101-1601 Temporary and Proposed Rulemaking (New Chapter), Bulletin Vol. 16-8 (eff. 7-1-16)T

61-0101-1601 Adoption of Pending Rule, Bulletin Vol. 17-1 (eff. PLR 2017)

61.01.07, Rules Governing the Standards for Defending Attorneys that Utilize Idaho's Principles of an Indigent Defense Delivery System

| 61-0107-1601 | Notice of Int | tent to Pr | omulgate a Rule - N | egotiated Rulema | king (New Cha | pter), Bulletin Vol. 16-8 | |
|--------------|---------------|------------|---------------------|------------------|---------------|---------------------------|--|
| 61-0107-1601 | Proposed Ru | ilemaking | Bulletin Vol. 16-1 | 0 | | | |

61-0107-1601 Adoption of Pending Rule, Bulletin Vol. 17-1 (eff. PLR 2017)

Subject Index

Disposal Methods
Disposal by Chopping or
Shredding 15
Disposal by Composting 14
Disposal by Covering in Dumps or
Pits 14
Disposal by Feeding After March
15th of Each Year 14
Disposal by Spreading 15
Disposal of Residue in Onion
Producing Fields 14
Disposition Of Cull Onions 14