

IDAHO ADMINISTRATIVE BULLETIN

June 7, 2017 - Vol. 17-6

Idaho Department of Administration
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IDAHO ADMINISTRATIVE BULLETIN

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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.

2. PROPOSED RULEMAKING

A proposed rulemaking is an action by an agency wherein the agency is proposing to amend or repeal an existing rule or to adopt a new rule. Prior to the adoption, amendment, or repeal of a rule, the agency must publish a “Notice of Rulemaking - Proposed Rule” in the Bulletin. This notice must include very specific information regarding the rulemaking including all relevant state or federal statutory authority occasioning the rulemaking, a non-technical description of the changes being made, any associated costs, guidance on how to participate through submission of written comments and requests for public hearings, and the text of the proposed rule in legislative format.

3. 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 these criteria, and with the Governor’s approval, the agency may adopt and make a temporary rule effective prior to receiving legislative authorization and without allowing for any public input. The law allows an agency to make a temporary rule immediately effective upon adoption. A temporary rule expires at the conclusion of the next succeeding regular legislative session unless the rule is extended by concurrent resolution, is replaced by a final rule, or expires under its own terms.

4. PENDING RULEMAKING

A pending rule is a rule that has been adopted by an agency under regular rulemaking procedures and remains subject to legislative review before it becomes a final, enforceable rule. When a pending rule is published in the Bulletin, the agency is required to include certain information in the “Notice of Rulemaking - Pending Rule.” This includes a statement giving the reasons for adopting the rule, a statement regarding when the rule becomes effective, a description of how it differs from the proposed rule, and identification of any fees being imposed or changed.

Agencies are required to republish the text of the pending rule when substantive changes have been made to the proposed rule. An agency may adopt a pending rule that varies in content from that which was originally proposed if the subject matter of the rule remains the same, the pending rule change is a logical outgrowth of the proposed rule, and the original notice was written so as to assure that members of the public were reasonably notified of the subject. It is not always necessary to republish all the text of the pending rule.

5. 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.

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.

1. **“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 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

BULLETIN PUBLICATION SCHEDULE FOR CALENDAR YEAR 2018

Vol. No.	Monthly Issue of Bulletin	Closing Date for Agency Filing	Publication Date	21-day Comment Period End Date
18-1	January 2018	*November 24, 2017	January 3, 2018	January 24, 2018
18-2	February 2018	January 5, 2018	February 7, 2018	February 28, 2018
18-3	March 2018	February 2, 2018	March 7, 2018	March 28, 2018
18-4	April 2018	March 2, 2018	April 4, 2018	April 25, 2018
18-5	May 2018	April 6, 2018	May 2, 2018	May 23, 2018
18-6	June 2018	May 4, 2018	June 6, 2018	June 27, 2018
18-7	July 2018	June 8, 2018	July 4, 2018	July 25, 2018
18-8	August 2018	July 6, 2018	August 1, 2018	August 22, 2018
18-9	September 2018	August 3, 2018	September 5, 2018	September 26, 2018
18-10	October 2018	**August 31, 2018	October 3, 2018	October 24, 2018
18-11	November 2018	October 5, 2018	November 7, 2018	November 28, 2018
18-12	December 2018	November 2, 2018	December 5, 2018	December 26, 2018

****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.***

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THE OFFICE OF THE GOVERNOR

**EXECUTIVE DEPARTMENT
STATE OF IDAHO
BOISE**

EXECUTIVE ORDER NO. 2017-03

CREATING THE IDAHO STRATEGIC ENERGY ALLIANCE

WHEREAS, it is the policy of the State of Idaho to promote development of the state's energy resources to increase energy supply in an economically efficient manner while maintaining the integrity of Idaho's natural resources; and

WHEREAS, the State of Idaho encourages public dialogue and educating citizens on the importance of the state's diverse energy portfolio; and

WHEREAS, the presence of an affordable, reliable and abundant energy supply is critical for our state and national economy while reducing dependence on foreign energy sources; and

WHEREAS, developing Idaho's energy resources will benefit the state by creating diverse, sustainable forms of energy and new job opportunities for Idahoans; and

WHEREAS, the state's energy portfolio should emphasize the importance of an affordable, reliable and secure energy supply, as well as diverse energy resources and production methods, while providing the highest value to the citizens of Idaho.

NOW, THEREFORE, I, C.L. "BUTCH" OTTER, Governor of the State of Idaho, by the authority vested in me under the Constitution and the laws of the state of Idaho do hereby order the following:

- 1. The continuation of the Idaho Strategic Energy Alliance (Alliance) as an effort between the State of Idaho and interested stakeholders to facilitate the discussion of a sound energy portfolio for Idaho.*
- 2. The responsibilities of the Alliance shall be to provide information to and a forum for open discussion with elected officials, stakeholders and the public through a Board of Directors. The focus of this information and discussion will be to:
 - a. Increase awareness and understanding of Idaho's diverse energy resources;*
 - b. Increase awareness of cost-effective energy efficiency and conservation opportunities within Idaho;*
 - c. Improve cooperation, collaboration and communication among public and private-sector entities in the areas of energy efficiency, conservation, and affordable and sustainable energy development; and*
 - d. Provide a forum to showcase Idaho's new and innovative energy technologies.**
- 3. Membership of the Board of Directors shall include, but not be limited to, stakeholder representatives and the following representatives of State entities or their designee:
 - a. Administrator of the Office of Energy and Mineral Resources;*
 - b. President of the Public Utilities Commission;*
 - c. Director of the Department of Lands;*
 - d. Director of the Department of Commerce; and*
 - e. Administrator of the Division of Building Safety.**
- 4. Members of the Board of Directors, including the Chairman and Vice Chairman, shall be designated by and serve at the pleasure of the Governor. Terms for Board members will be two years. The Board shall be governed by an Executive Committee consisting of the Chairman, Vice Chairman, and the Administrator of the Office of Energy and Mineral Resources.*

5. *The Idaho Strategic Energy Alliance shall be overseen, coordinated and supported by the Office of Energy and Mineral Resources.*
6. *When necessary, the Alliance's Board of Directors may engage representatives of the federal government, local government organizations, Idaho universities, private entities and not-for-profit organizations who can provide the expertise and resources necessary to contribute to the success of the Alliance.*



IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho at the Capitol in Boise on this 8th day of March, in the year of our Lord two thousand and seventeen and of the Independence of the United States of America the two hundred forty-first and of the Statehood of Idaho the one hundred twenty-seventh.

C.L. "BUTCH" OTTER
GOVERNOR

LAWRENCE DENNEY
SECRETARY OF STATE

THE OFFICE OF THE GOVERNOR

**EXECUTIVE DEPARTMENT
STATE OF IDAHO
BOISE**

EXECUTIVE ORDER NO. 2017-04

CREATING THE INTERAGENCY STUDENT SERVICES SUPPORT COMMITTEE

WHEREAS, the State of Idaho recognizes the need to aid special needs students in their readiness and ability to learn while providing federally mandated educational services; and

WHEREAS, the State of Idaho recognizes that public schools and their students are best served by establishing and jointly administering a school-based Medicaid program as part of an effective, transparent and accountable system for accessing available federal Medicaid funds; and

WHEREAS, coordination of health and educational services and development of partnerships between educational agencies, health agencies and public school-related stakeholders best serves the interests of public schools and their students throughout Idaho; and

WHEREAS, providing services through a school-based Medicaid program, in a manner that it as efficient and expeditious as possible, is in the best interest of Idaho's public schools and their special needs students;

NOW THEREFORE, I, C.L. "BUTCH" OTTER, Governor of the State of Idaho, by the authority vested in me under the Constitution and laws of the State of Idaho, do hereby order creation of the "Interagency Student Services Support Committee" (ISSSC) and do hereby further order as follows:

1. *By not later than August 1, 2017, the Department of Education and the Department of Health and Welfare shall create and jointly operate a school- based Medicaid student services support committee hereafter known as the Interagency Student Services Support Committee (ISSSC).*
2. *The Committee membership shall be comprised of the following standing members:*
 - a. *The State Superintendent of Public Instruction or designee;*
 - b. *The Director of the Department of Health and Welfare or designee*
 - c. *The Executive Director of the State Board of Education or designee*
 - d. *Two (2) members of the Idaho Legislature, one (1) representing a Health and Welfare Committee appointed by the chair of that committee and one (1) representing an Education Committee appointed by the chair of that committee;*
 - e. *One (1) member from the Division of Medicaid for school-based services within the Department of Health and Welfare;*
 - f. *One (1) member from the Division of Special Education or school-based Medicaid program within the Department of Education;*
 - g. *The Executive Director of the Idaho School Boards Association or designee;*
 - h. *The Executive Director of the Idaho Association of School Administrators or designee;*
 - i. *Two (2) of the six (6) special education members participating on the existing school-based Medicaid advisory committee.*
3. *Co-Chairs will be appointed by the Governor from the membership of the committee to serve up to two years with one Co-Chair representing either the School Boards Association or the Association of School Administrators:*
 - a. *Meetings shall be held no less than once each quarter during the calendar year. Additional meetings may be held at the discretion of the Co-Chairs;*
 - b. *Meetings shall comply with chapter 2, title 74, Idaho Code. Meetings will be held and postings associated with such meetings shall be done at the designated location of the meeting;*

- c. The Committee may form advisory subcommittees, as necessary, which must report back to the Committee;*
 - d. The Committee may seek out technical or professional assistance, as deemed necessary and appropriate.*
- 4. Each Committee member shall have full and equal voting rights. A simple majority of members voting shall be sufficient to decide any matter pending before the Committee.*
- 5. The Committee's responsibilities shall include, but not be limited to, the following:*
 - a. Identifying and recommending to the Division of Medicaid the elimination of state regulatory requirements, practices, interpretations and barriers that exceed federal requirements, when the committee believes such regulatory requirements are unnecessary;*
 - b. Developing recommendations to the Division of Medicaid that state Medicaid plans and related agreements support public schools seeking reimbursement for school-based Medicaid-eligible services. If existing state Medicaid plans and related agreements impede the ability for public schools to be reimbursed for all school-based Medicaid-eligible services that they provide, the Committee shall recommend amendments to the plans and agreements. Thereafter, the Committee shall annually review for best practices and recommend any necessary changes to the school-based Medicaid services portions of the state Medicaid plan;*
 - c. Developing recommendations for an Interagency Agreement between the Department of Health and Welfare and the Department of Education relating to IDEA and school-based Medicaid with the goal of ensuring schools shall be reimbursed for eligible school-based services that they provide and ensure that schools can utilize available federal Medicaid funds to deliver school-based programs;*
 - i) The Committee shall annually identify any areas that may require amendment to the Interagency Agreement in order to remain current with student needs, public school needs and the expansion of opportunities for reimbursement available to school-based programs;*
 - ii) The Committee shall annually review the professional development program associated with school-based Medicaid and make recommendations for additions and modifications to the program;*
 - iii) Any recommended amendments to the Interagency Agreement shall be approved by the Committee on or before December 31 of each year;*
 - d. Developing recommendations to the Division of Medicaid regarding requirements associated with third-party liability issues;*
 - e. Developing ways to eliminate administrative burdens on public schools by researching, identifying and recommending implementation of methodologies that simplify claims processing for billing, auditing, technical assistance and reimbursement activities associated with the school-based program;*
 - f. Reviewing Department of Health and Welfare and Department of Education forms utilized in the school-based Medicaid program, including but not limited to Medicaid provider agreements, annual certifications, audit forms and the annual committee report as addressed in this subsection, and recommending appropriate modifications. The review shall include implementation concerns raised by public schools or identified by the Department of Health and Welfare;*
 - g. Recommending regulatory and operational changes to ensure that public schools are utilizing available federal Medicaid funds to deliver school-based programs;*
 - h. Recommending content for the Department of Health and Welfare and Department of Education school-based Medicaid website and for the professional development program providing public schools with resources to assist in program implementation.*
- 6. No later than January 30 of each year, the Committee, through its chair, shall be responsible for providing a report to the Legislature and the Governor, which shall be made available to public schools. The report may include, but shall not be limited to:*
 - a. The number of public schools utilizing school-based Medicaid funding within the past school year;*



IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho at the Capitol in Boise on this 16th day of March, in the year of our Lord two thousand and seventeen and of the Independence of the United States of America the two hundred forty-first and of the Statehood of Idaho the one hundred twenty-seventh.

C.L. "BUTCH" OTTER
GOVERNOR

LAWRENCE DENNEY
SECRETARY OF STATE

THE OFFICE OF THE GOVERNOR

**EXECUTIVE DEPARTMENT
STATE OF IDAHO
BOISE**

EXECUTIVE ORDER NO. 2017-05

**CONTINUING THE IDAHO INVASIVE SPECIES COUNCIL
AND REPLACING EXECUTIVE ORDER 2010-14**

WHEREAS, the land, water and other resources of the State of Idaho are being severely impacted or threatened by the invasion of an increasing number of harmful, nonnative plant and animal species; and

WHEREAS, these impacts and potential infestations result in damage to Idaho's environment and causing economic hardships to public, private and tribal owners; and

WHEREAS, representatives of public and private organizations with an interest in controlling and preventing the spread of harmful invasive species to need a mechanism for facilitating cooperation, collaboration and development of statewide plans to this threat; and

WHEREAS, the Idaho Invasive Species Council serves as a mechanism for facilitating cooperation, collaboration and development of policy recommendations for statewide plans; and

WHEREAS, multiple agencies, authorities and information sources are used to implement a wide variety of invasive species management programs; and

WHEREAS, a need exists to build upon the strength of existing invasive species programs, to improve areas that are weaker and integrate efforts into an efficient unified state response to the threat of invasive species;

NOW THEREFORE, I, C.L. "BUTCH" OTTER, Governor of the State of Idaho, by the authority vested in me under the Constitution and laws of the State of Idaho do hereby order the following:

- 1. The continuation of the Idaho Invasive Species Council (the Council) as a joint effort between local, tribal, state, and federal governments, as well as for-profit and not-for-profit private entities. The purpose of the Council is to foster coordinated approaches that support local initiatives for the prevention and control of invasive species. The Council shall meet at least twice annually.*
- 2. Membership of the Council shall include:*
 - a. A representative from the Governor's Office;*
 - b. The Director of the Department of Agriculture or his/her designee;*
 - c. The Director of the Department of Environmental Quality or his/her designee;*
 - d. The Director of the Department of Parks and Recreation or his/her designee;*
 - e. The Director of the Department of Fish and Game or his/her designee;*
 - f. The Director of the Department of Lands or his/her designee;*
 - g. The Director of the Department of Water Resources or his/her designee;*
 - h. The Director of the Department of Commerce or his/her designee;*
 - i. The Director of the Idaho Transportation Department or his/her designee;*
 - j. The Administrator of the Office of Species Conservation or his/her designee;*
 - k. A member of the Idaho State Senate;*
 - l. A member of the Idaho State House of Representatives;*
 - m. A representative from the Idaho Outfitters and Guides Association.*
- 3. The director of the Idaho State Department of Agriculture or his/her designee shall chair the Council.*

4. *Representatives and members of federal entities, local government organizations, tribal governments, Idaho universities and private and not-for-profit organizations with an interest in the well-being of Idaho pertaining to invasive species shall be invited to participate by the director of the Department of Agriculture.*
5. *Additional Members may be added by consensus of the Council.*
6. *The Council's responsibilities shall be:*
 - a. *To provide policy level recommendations and planning assistance for combating harmful invasive species infestations throughout the state and preventing the introduction of others that may be potentially harmful; To serve as a nonpartisan forum for identifying and understanding invasive species issues;*
 - b. *To identify opportunities for cooperation and coordination between departments, tribal governments, stakeholders, Idaho universities, private and not-for-profit organizations, other states, and the federal government;*
 - c. *To recommend steps for implementing actions proposed in the Strategic Action Plan for Invasive Species;*
 - d. *To organize and streamline the process for identifying and controlling invasive species among all stakeholders;*
 - e. *The Director of the Department of Fish and Game or his/her designee;*
 - f. *To consider ways to halt the spread of invasive species as well as finding possible ways to bring existing problems under control.*
7. *The Council shall be responsible for providing a report of its activities to the Legislature and the Governor annually.*



IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho at the Capitol in Boise on this 6th day of April in the year of our Lord two thousand and seventeen, and of the Independence of the United States of America the two hundred forty-first and of the Statehood of Idaho the one hundred twenty-seventh.

C.L. "BUTCH" OTTER
GOVERNOR

LAWRENCE DENNEY
SECRETARY OF STATE

THE OFFICE OF THE GOVERNOR

**EXECUTIVE DEPARTMENT
STATE OF IDAHO
BOISE**

EXECUTIVE ORDER NO. 2017-06

**ON REVIEWING THE NECESSITY FOR AND THE APPLICABILITY AND PROCESSING OF
LICENSURE REQUIREMENTS FOR INDIVIDUALS ENGAGED OR DESIRING TO BE ENGAGED
OR EMPLOYED IN TECHNICAL, PROFESSIONAL OR OTHER OCCUPATIONS WITHIN
THE STATE OF IDAHO, EMPHASIZING THE EFFECT OF LICENSURE REQUIREMENTS
ON IDAHO EMPLOYMENT OPPORTUNITIES**

WHEREAS, in order to protect the public, the Legislature has enacted laws in Idaho establishing licensure requirements for persons desiring to be employed or engaged in various professional, technical or other occupations within the state; and

WHEREAS, administration of such laws are vested in agencies or bureaus within state executive departments or in various self-governing agencies; and

WHEREAS, the extent of state occupational licensure is partially reflected in Title 54, Idaho Code, with 57 chapters devoted to licensure of persons to engage in certain professional, technical, and occupational endeavors, and the responsibility for licensure of persons to engage in those occupations is delegated by law to independent self-governing agencies, and substantial occupational licensing authority also has been granted to the 19 state executive departments; and

WHEREAS, while it is important to ensure public protection, it also is imperative that we ensure that the laws and rules do not create unnecessary barriers to commerce and employment, and although new and occasionally existing regulatory rules are reviewed by the Legislature, there has not been a comprehensive internal review of licensing requirements within the executive branch of Idaho's government since the reorganization of the state executive departments in the mid-1970s, more than 42 years ago; and

WHEREAS, there has been no comprehensive critical analysis of the effect of existing licensing requirements on employment opportunities within the state, nor has there been any re-examination of such requirements to determine the necessity for such licensure, or whether the public interest could not be equally or better served by less restrictive or less intrusive mechanisms than those now in place; and

WHEREAS, analysis of the laws and rules may well result in removing unnecessary barriers to desirable employment for qualified individuals and increasing the availability of a skilled and valuable workforce necessary to grow Idaho's economy; and

WHEREAS, Article IV, Section 5, of the Constitution of the State of Idaho vests the supreme executive power of the state in the governor and imposes upon the governor the responsibility to see that the laws of the state are faithfully executed; and

WHEREAS, Article IV, Section 5, of the Constitution of the State of Idaho provides that in the event of certain events, including the absence of the Governor from the state, the powers, duties and emoluments of the office of governor shall devolve upon the lieutenant governor until the governor shall not be absent from the state; and

WHEREAS, at the time of executing this Executive Order, the Governor is absent from the state and during such absence, the powers and duties of the office of governor have devolved upon the Lieutenant Governor;

NOW THEREFORE, I, BRAD LITTLE, Acting Governor, by virtue of the authority vested in me by the Constitution and laws of the State of Idaho, hereby declare the following:

- 1. Each executive department of the state of Idaho as set forth in section 67- 2402, Idaho Code,*

including each division, bureau or self-governing agency with statutory or regulatory authority to issue a license to an individual, authorizing such person to engage in a profession, vocation or occupation, shall review and report:

- a. the timeframe for final action either approving or denying a complete application for issuance of a professional, occupational, or vocational license; and*
 - b. review of requirements that are prerequisites for the issuance of each type of license and suggestions on requirements that can be eliminated; and*
 - c. review of renewal requirements and suggestions on requirements that can be eliminated; and*
 - d. statutory or regulatory prohibitions that require the department to deny either the acceptance of an application for a license or the denial of the issuance or renewal of a license, together with a report of the number of applicants denied licensure, or whose applications were not accepted for consideration by the department or agency, or who were refused renewal of a license for the one-year period immediately following or preceding the date of this executive order, and the factual or statutory basis for each such denial; and*
 - e. statutory or regulatory authority for the suspension, revocation or other disciplinary action relating to professional, technical, or occupational licenses issued by such agency, together with a report of the number of such disciplinary actions and the factual or statutory basis for such action; and*
 - f. the cost of administering the licensing process on a per applicant basis, and the fee charged to each applicant for issuance or renewal of a license.*
 - g. in recognition of the work by board members to address these issues, list the laws and rule changes enacted in the past five years to eliminate barriers.*
- 2. Each executive department of the state of Idaho as set forth in section 67- 2402, Idaho Code, including each division, bureau or self-governing agency with statutory or regulatory authority to issue a license to an individual, authorizing such person to engage in a professional, technical or occupation, shall:*
- a. provide an assessment or statement as to whether the licensure, or requirements relating thereto, are in the public interest, together with the reasons for such assessment or opinion; and*
 - b. provide recommendations for improvement, modification or elimination of licensure requirements within the department's or the self-governing agency's jurisdiction; and*
 - c. within thirty (30) days following the effective date of this Executive Order, adopt a process or procedure affording interested persons reasonable opportunity to submit to the department, bureau or self-governing agency, or to the Governor's office or the office of the Lieutenant Governor if the person chooses, data, views, opinions or arguments concerning any matter which is the subject of this Executive Order. Such information may be submitted either in writing or electronically. The process or procedure may provide a closing date for the submission of such information, which for the purposes of this Executive Order shall not be earlier than May 1, 2018; and*
 - d. upon adopting such process or procedure, provide notice to the Governor's office and to all interested persons of its intent to comply with the requirements of this Executive Order and the manner in which such interested persons may provide data, views, opinions or arguments either to the department, bureau, self-governing agency or to the Governor's office or the office of the Lieutenant Governor.*
- 3. The term "interested persons," as used in paragraphs 2c and 2d of this Executive Order shall include but not be limited to all persons currently licensed by the affected department or agency on the effective date of this Executive Order.*

4. *Each executive department of the state of Idaho as set forth in section 67- 2402, Idaho Code, including each division, bureau or self-governing agency, shall submit the report including the information required in this Executive Order to the Governor's office no later than July 1, 2018. Reports may be submitted electronically.*



IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho at the Capitol in Boise on this 19th day of May, in the year of our Lord two thousand and seventeen and of the Independence of the United States of America the two hundred forty-first and of the Statehood of Idaho the one hundred twenty-seventh.

BRAD LITTLE
ACTING GOVERNOR

LAWRENCE DENNEY
SECRETARY OF STATE

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 RULEMAKING – TEMPORARY AND PROPOSED RULE

EFFECTIVE DATE: The effective date of the temporary rule is May 1, 2017.

AUTHORITY: In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a temporary rule, and proposed regular rulemaking procedures have been initiated. The action is authorized pursuant to Section 67-2601A, Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than June 21, 2017.

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

DESCRIPTIVE SUMMARY: The following is the required finding and concise statement of its supporting reasons for adopting a temporary rule and a nontechnical explanation of the substance and purpose of the proposed rulemaking:

The Associated Logging Contractors, in collaboration with major forest land owners, requested the implementation of these rules for the primary purpose of ensuring the safety of those involved in logging operations. Entities within the industry are expected to be conducting cable-assisted (tethered) logging operations beginning in spring 2017. Conducting these operations safely requires specialized equipment. The safety provisions contained in these rules are intended to ensure industry participants understand best practices and deploy equipment that meets accepted industry safety standards. This will help ensure the safety of loggers, encourage investment in appropriate equipment, and maintain high standards of care and credibility within the industry.

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, through the negotiated rulemaking process. Specifically, the Division seeks to establish machine and equipment, tether line, and planning and operational safety standards applicable to the practice of cable-assisted logging in Idaho.

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:

The Idaho logging community, including loggers and landowners, has indicated their intent to engage in the relatively new practice of cable-assisted (tethered) logging operations in the spring of 2017. Typically, the commencement of busy logging operations in Idaho occurs in May each year. A temporary rule will establish important safety requirements related to the use of certain logging machinery and tether lines, as well as various planning and operational practices. Temporary rules will help ensure the safety of those operating logging equipment, as well as offer more certainty about the required safety practices for those who seek to invest in specialized equipment.

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

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

This rulemaking is not expected to impact the General Fund, and is not expected to have any significant effect on the funding for the program or the logging industry. The positive effect on the logging industry will be to enable those acquiring equipment for this type of logging operation the predictability they need to make informed investments in equipment that will likely meet industry standards into the future.

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(1), Idaho Code, negotiated rulemaking was conducted. The Notice of Intent to Promulgate Rules - Negotiated Rulemaking was published in the March 1, 2017 Idaho Administrative Bulletin, **Vol. 17-3, pages 18 through 19.**

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

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the temporary and proposed rule, contact Larry Jeffres at (208) 332-4014 or by email at larry.jeffres@dbs.idaho.gov.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before June 28, 2017.

DATED this 16th day of May, 2017.

Larry Jeffres, Deputy Administrator – Operations
Division of Building Safety
1090 E. Watertower St., Ste. 150
P. O. Box 83720
Meridian, ID 83642
Phone: (208) 332-4014
Fax: (877) 810-2840

**THE FOLLOWING IS THE TEMPORARY RULE AND THE PROPOSED TEXT
OF DOCKET NO. 07-0817-1701 (NEW CHAPTER)**

**IDAPA 07
TITLE 08
CHAPTER 17**

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

000. LEGAL AUTHORITY.

Pursuant to the provisions of Section 67-2601A, Idaho Code, the Division of Building Safety has the authority to promulgate and adopt rules for affecting the purposes therein. (5-1-17)T

001. TITLE AND SCOPE.

These rules shall be cited as IDAPA 07.08.17, “Idaho Minimum Safety Standards and Practices for Logging – Cable-Assisted Logging Systems,” and shall be applicable to the logging industry in the state of Idaho. (5-1-17)T

002. WRITTEN INTERPRETATIONS.

There are no written statements which pertain to the interpretation of these rules. (5-1-17)T

003. ADMINISTRATIVE APPEALS.

The procedure for appeals in logging safety matters is prescribed by IDAPA 07.08.16, "Idaho Minimum Safety Standards and Practices for Logging – Recommended Safety Program," and Title 67, Chapter 52, Idaho Code. (5-1-17)T

004. INCORPORATION BY REFERENCE.

There are no documents that have been incorporated by reference into these rules. (5-1-17)T

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

The principal place of business of the Division of Building Safety, Logging Safety Program, is at the Division office located at 1090 E. Watertower Street, Suite 150, Meridian, Idaho 83642. The Logging Safety Program may also be contacted at 1250 Ironwood Drive, Suite 220, Coeur d'Alene, Idaho 83814, and at 2055 Garrett Way, Suite 4, Pocatello, Idaho 83201. All locations are open from 8:00 a.m. to 5:00 p.m., except Saturday, Sunday and legal holidays. The telephone number of the office is (208) 334-3950. The facsimile number of the office is 1-877-810-2840. The Department website is <http://dbs.idaho.gov>. (5-1-17)T

006. PUBLIC RECORDS ACT COMPLIANCE.

The rules contained herein have been promulgated according to the provisions of Title 67, Chapter 52, Idaho Code, and are public records. (5-1-17)T

007. -- 008. (RESERVED)

009. DEFINITIONS.

For additional definitions to those contained herein, this chapter may refer to IDAPA 07.08.01, "Idaho Minimum Safety Standards and Practices for Logging -- General Provisions," Section 007, and IDAPA 07.08.15 "Idaho Minimum Safety Standards and Practices for Logging – Commonly Used Logging Terms." (5-1-17)T

01. Cable-Assisted Logging Systems. Logging systems, including but not limited to, winch-assisted, cable-assisted, tethered and traction-assisted systems, that enable ground-based timber harvesting machines including but not limited to feller bunchers, harvesters, loaders and shovels to be operated on slopes. (5-1-17)T

02. Competent Person. An individual who is capable of identifying existing and predictable hazards in the work site surroundings or working conditions which are unsanitary, hazardous or dangerous to employees, and who has authorization to take prompt corrective measures to eliminate such. (5-1-17)T

03. Qualified Person. An individual who, by possession of a recognized degree, certificate or professional standing, or who by extensive knowledge, training and experience, has successfully demonstrated the ability to solve or resolve problems relating to the subject matter, the work or the project. (5-1-17)T

010. MACHINE SAFETY REQUIREMENTS.

01. Harvesting Machines. Harvesting machines for cable-assisted logging operations shall comply with each of the following: (5-1-17)T

- a.** Meet the protective structure requirements set forth in IDAPA 07.08.10.010; (5-1-17)T
- b.** Be equipped with a certified roll-over protective structure (ROPS); and (5-1-17)T
- c.** Be equipped with at least a four (4)-point restraint system approved by the machine's manufacturer or a qualified person. (5-1-17)T

02. System Approval. The cable-assisted logging system shall be designed and constructed for cable-assisted logging applications by the original equipment manufacturer, or approved for cable-assisted logging applications in writing by the original equipment manufacturer or a registered professional engineer. (5-1-17)T

03. Operation of System. The cable-assisted logging system shall be operated, inspected and

maintained in accordance with the manufacturer's recommendations, specifications and limitations, or if no manufacturer's recommendations exist, then by the recommendations of a registered professional engineer. Cable-assisted logging systems not in safe operating condition shall be removed from service until repaired by a qualified person. (5-1-17)T

011. TETHERED LINE SAFETY REQUIREMENTS.

01. Inspection of Tethered Lines. Tether lines shall be new wire rope and have a rated breaking load according to the cable-assisted logging system manufacturer's recommendations and specifications. At a minimum, a competent person shall inspect the entire length of each tether line and drum connection prior to the startup of each cable-assisted logging operation, and thereafter on a monthly basis. A competent person shall also inspect the first fifty (50) feet of each tether line daily prior to use. These inspections shall be documented in writing. Tether lines must not be spliced and shall be replaced if there is evidence of chafing, sawing, crushing, kinking, crystallization, bird-caging, significant corrosion, heat damage, other damage that has weakened the tether line, or if the tether line reaches two thousand (2,000) hours of use. (5-1-17)T

02. Line Tension. The tether line tension and machine travel shall be synchronized to ensure tether line tension is continuously provided and does not exceed thirty-three percent (33%) of the rope's rated breaking load. The operator shall have an immediate and self-reliant or automated method to identify tether line tension, winch rotation and speed, amount of line on and off the drum, and anchor movement. (5-1-17)T

03. Tether Line Components. All tether line assembly components shall be rated with a greater safe working load than the wire rope. Tether line attachment points and hitches shall be engineered and certified to maintain a safety factor equal to or greater than the recommendations and specifications of the cable-assisted logging system manufacturer. Inspections of tether line assembly components (except drum connection as specified in Subsection 011.01 of these rules), hitches, winches, machines, and anchors shall be performed daily by a competent person prior to use. (5-1-17)T

012. OPERATION AND SAFETY REQUIREMENTS.

01. General. Cable-assisted logging systems shall be operated, inspected and maintained in accordance with the manufacturer's recommendations and specifications. Inspections shall be documented in writing. (5-1-17)T

02. Planning. All cable-assisted logging operations shall be planned by the operator and a competent person who has the knowledge, training or experience to identify existing and predictable hazards in the work site surroundings or working conditions, which could be hazardous to employees, and has been authorized by the employer or employer representative to eliminate the hazard or take corrective action therefrom. Items to consider during site-specific planning must include, but are not limited to, the following: (5-1-17)T

- a. Experience of the operator; (5-1-17)T
- b. Limitations of the equipment; (5-1-17)T
- c. Soil and terrain conditions; (5-1-17)T
- d. Environmental conditions; (5-1-17)T
- e. Poor visibility and lighting conditions; (5-1-17)T
- f. Weather conditions; (5-1-17)T
- g. Direction of travel; (5-1-17)T
- h. Requirements for turning the machine on slopes; (5-1-17)T
- i. Load sizes; (5-1-17)T

- j. Method and adequacy of anchorage; and (5-1-17)T
 - k. Any other condition that may adversely affect operations. (5-1-17)T
- 03. Operator Qualifications.** Cable-assisted logging operators shall have documented training or adequate experience to safely operate the equipment on slopes. (5-1-17)T
- 04. Operating Plans.** A cable-assisted logging system operator shall have a written operating plan on site detailing the following: (5-1-17)T
- a. Tether line replacement criteria; (5-1-17)T
 - b. Cable size, type and breaking strength, and method of assurance that tensions do not exceed one-third (1/3) of breaking strength to maintain a 3:1 safety factor or greater; (5-1-17)T
 - c. Inspection and maintenance to be performed on tether lines, end connectors, machines and winches; (5-1-17)T
 - d. How the operator will use tension limiting controls to maintain desired tension; (5-1-17)T
 - e. How the winch cable tension and machine travel are synchronized; (5-1-17)T
 - f. How the operator will monitor machine slope, anchor movement, winch tension, amount of line on and off drum, and winch function; (5-1-17)T
 - g. How the tether line attachment points to the harvesting machine are engineered to withstand potential loads; (5-1-17)T
 - h. All harvesting machine modifications that allow it to operate on steep slopes, including operator harness or restraint system; (5-1-17)T
 - i. How pre-operations planning and daily assessments will identify hazards for soil and terrain conditions; (5-1-17)T
 - j. How the operator will determine if soil and terrain conditions are unsafe during operations; (5-1-17)T
 - k. How operators will report new hazards identified during operations; (5-1-17)T
 - l. Operating guidance given to the operator; and (5-1-17)T
 - m. How emergencies are handled by the system, including line failure, machine failure, winch failure, anchor failure, winch machine movement or anchor movement, and whether there is an emergency stop for the operator or at the anchor. (5-1-17)T
- 05. Unsafe Conditions.** The employer shall establish and use procedures for operators to report unsafe conditions to a supervisor or qualified person. Such conditions must be corrected prior to resuming cable-assisted logging operations. Procedures shall also include steps to take in the event of equipment breakdown and for upset conditions. (5-1-17)T
- 06. Warning Signs.** Effective signage shall be affixed to all remotely operated equipment warning employees and others that lines and machines may start, stop, or move without warning. All employees working in close proximity of cable-assisted logging operations must receive training that enables them to recognize the potential hazards involved and to maintain safe distances. (5-1-17)T

013. -- 999. (RESERVED)

IDAPA 08 – STATE BOARD OF EDUCATION

08.02.02 – RULES GOVERNING UNIFORMITY

DOCKET NO. 08-0202-1707

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 33-5504, 5505, and 33-5507, Idaho Code.

METHOD OF PARTICIPATION: Interested persons wishing to participate in the negotiated rulemaking must respond to this notice by contacting the undersigned either in writing, by email, or by calling the phone number listed below. To participate, responses must be received by June 21, 2017.

Should a reasonable number of persons respond to this notice, 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 the 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 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:

SB 1123 (2017) amended Section 33-1006, Idaho Code, removing the prohibition that only allowed reimbursement for transporting students for the purposes of regular school attendance during regular days and hours and added language allowing for the cost of the program to be based on, in part, transportation to and from approved school activities as may be approved by the rules of the State Board of Education. The purpose of this negotiated rulemaking is to define categories for approved school activities, these may include transportation related to curriculum of specific subjects being taught to students and transportation of high school students to local postsecondary institutions for college visits. The actual categories will be determined through the negotiated rulemaking processes.

ASSISTANCE ON TECHNICAL QUESTIONS, MEETING ACCOMMODATIONS, SUBMISSION OF WRITTEN COMMENTS, OBTAINING DRAFT COPIES: For assistance on technical questions concerning this negotiated rulemaking, requests for special meeting accommodations or accessibility, or to obtain a preliminary draft copy of the rule text (if available), contact Tracie Bent at (208) 332-1582 or tracie.bent@osbe.idaho.gov. Materials pertaining to the negotiated rulemaking, including any available preliminary rule drafts, can be found on the State Board of Education web site at the following web address: www.boardofed.idaho.gov, when they become available.

DATED this 5th day of May, 2017

Tracie Bent, Chief Planning and Policy Officer
State Board of Education
650 W. State Street
P.O. Box 83720
Boise, Idaho 83720-0037
Phone: (208) 332-1582
Fax: (208) 334-2632

IDAPA 08 – STATE BOARD AND STATE DEPARTMENT OF EDUCATION

08.02.03 – RULES GOVERNING THOROUGHNESS

DOCKET NO. 08-0203-1708

NOTICE OF RULEMAKING – TEMPORARY AND PROPOSED RULE

EFFECTIVE DATE: The effective date of the temporary rule is April 20, 2017.

AUTHORITY: In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a temporary rule, and proposed rulemaking procedures have been initiated. The action is authorized pursuant to Sections 33-105, 33-1612, and 33-1617, Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than June 21, 2017.

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

DESCRIPTIVE SUMMARY: The following is the required finding and concise statement of its supporting reasons for adopting a temporary rule and a nontechnical explanation of the substance and purpose of the proposed rulemaking:

This rule is needed to incorporate by reference the Idaho English Language Proficiency Assessment (ELPA) Achievement Standards. The assessment was administered in the Spring of 2017. This rule is necessary to recognize student scores on the assessment and for the inclusion of student results to meet federal accountability reporting requirements.

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

To score the assessments English Learner students took this year and to provide score reports, the State Department of Education must adopt the cut scores. The temporary rule will allow for the proper and accurate identification of a student's proficiency and achievement levels.

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year:
There is no fiscal impact.

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted because the rule is necessary to comply with the Every Student Succeeds Act (ESSA). The English Language Proficiency Assessment (ELPA) Achievement Standards were set by a consortium standards review committee on which Idaho educators served.

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

The Idaho English Language Proficiency Assessment (ELPA) Achievement Standards must be incorporated by reference to recognize student scores on the assessment and for the inclusion of student results to meet federal accountability reporting requirements.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the temporary and proposed rule, contact Karlynn Laraway at (208) 332-6976.

Anyone may submit written comments regarding the proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before June 28, 2017.

DATED this 20th Day of April, 2017.

Sherri Ybarra
Superintendent of Public Instruction
Office: (208) 332-6800 / Fax: (208) 334-2228

650 W. State Street, 2nd Floor
P.O. Box 83720
Boise, ID 83720-0027

**THE FOLLOWING IS THE TEMPORARY RULE AND THE PROPOSED TEXT
OF DOCKET NO. 08-0203-1708
(Only Those Sections With Amendments Are Shown.)**

004. INCORPORATION BY REFERENCE.

The following documents are incorporated into this rule: (3-30-07)

01. The Idaho Content Standards. The Idaho Content Standards as adopted by the State Board of Education. Individual subject content standards are adopted in various years in relation to the curricular materials adoption schedule. Copies of the document can be found on the State Board of Education website at www.boardofed.idaho.gov. (3-29-10)

- a.** Arts and Humanities Categories: (3-24-17)
 - i.** Dance, as revised and adopted on August 11, 2016; (3-24-17)
 - ii.** Interdisciplinary Humanities, as revised and adopted on August 11, 2016; (3-24-17)
 - iii.** Media Arts, as adopted on August 11, 2016. (3-24-17)
 - iv.** Music, as revised and adopted on August 11, 2016; (3-24-17)
 - v.** Theater, as revised and adopted on August 11, 2016; (3-24-17)
 - vi.** Visual Arts, as revised and adopted on August 11, 2016; (3-24-17)
 - vii.** World languages, as revised and adopted on August 11, 2016. (3-24-17)
- b.** Computer Science, adopted on November 28, 2016. (3-24-17)
- c.** Driver Education, as revised and adopted on August 21, 2008. (3-29-10)
- d.** English Language Arts/Literacy, as revised and adopted on November 28, 2016. (3-24-17)
- e.** Health, as revised and adopted on August 11, 2016. (3-24-17)
- f.** Information and Communication Technology, as revised and adopted on April 22, 2010. (4-7-11)
- g.** Limited English Proficiency, as revised and adopted on August 21, 2008. (3-29-10)
- h.** Mathematics, as revised and adopted on August 11, 2016. (3-24-17)
- i.** Physical Education, as revised and adopted on August 11, 2016. (3-24-17)
- j.** Science, as revised and adopted on December 15, 2016. (12-15-16)T

- k.** Social Studies, as revised and adopted on November 28, 2016. (3-24-17)
- l.** Career Technical Education Categories: (3-29-17)
- i.** Agricultural and Natural Resources, as adopted on June 16, 2016. (3-29-17)
- ii.** Business and Marketing Education, as adopted on June 16, 2016. (3-29-17)
- iii.** Engineering and Technology Education, as adopted on June 16, 2016. (3-29-17)
- iv.** Family and Consumer Sciences, as adopted on June 16, 2016. (3-29-17)
- v.** Skilled and Technical Sciences, as adopted on June 16, 2016. (3-29-17)
- vi.** Workplace Readiness, as adopted on June 16, 2016. (3-29-17)
- 02. The English Language Development (ELD) Standards.** The World-Class Instructional Design and Assessment (WIDA) 2012 English Language Development (ELD) Standards as adopted by the State Board of Education on August 16, 2012. Copies of the document can be found on the WIDA website at www.wida.us/standards/eld.aspx. (4-4-13)
- 03. The Limited English Proficiency Program Annual Measurable Achievement Objectives (AMAOs) and Accountability Procedures.** The Limited English Proficiency Program Annual Measurable Achievement Objectives and Accountability Procedures as adopted by the State Board of Education on November 11, 2009. Copies of the document can be found on the State Department of Education website at www.sde.idaho.gov. (4-7-11)
- 04. The Idaho English Language Proficiency Assessment (ELPA) Achievement Standards. The Idaho English Language Proficiency Assessment (ELPA) Achievement Standards as adopted by the State Board of Education on April 20, 2017. Copies of the document can be found on the State Board of Education website at www.boardofed.idaho.gov. (4-20-17)T**
- 045. The Idaho Standards Achievement Tests (ISAT) Achievement Level Descriptors.** Achievement Level Descriptors as adopted by the State Board of Education on April 14, 2016. Copies of the document can be found on the State Board of Education website at www.boardofed.idaho.gov. (3-29-17)
- 056. The Idaho Extended Content Standards.** The Idaho Extended Content Standards as adopted by the State Board of Education on April 17, 2008. Copies of the document can be found at the State Board of Education website at www.boardofed.idaho.gov. (5-8-09)
- 067. The Idaho Alternate Assessment Achievement Standards.** Alternate Assessment Achievement Standards as adopted by the State Board of Education on September 3, 2015. Copies of the document can be found on the State Board of Education website at www.boardofed.idaho.gov. (10-20-16)T
- 078. The Idaho Standards for Infants, Toddlers, Children, and Youth Who Are Deaf or Hard of Hearing.** As adopted by the State Board of Education on October 11, 2007. Copies of the document can be found on the State Board of Education website at www.boardofed.idaho.gov. (4-2-08)
- 089. The Idaho Standards for Infants, Toddlers, Children, and Youth Who Are Blind or Visually Impaired.** As adopted by the State Board of Education on October 11, 2007. Copies of the document can be found on the State Board of Education website at www.boardofed.idaho.gov. (4-2-08)
- 109. The Idaho Special Education Manual.** The Idaho Special Education Manual as adopted by the State Board of Education on November 28, 2016. Copies of the document can be found on the State Board of Education website at www.boardofed.idaho.gov. (3-29-17)

IDAPA 08 – STATE BOARD OF EDUCATION

08.04.01 – RULES OF THE IDAHO DIGITAL LEARNING ACADEMY

DOCKET NO. 08-0401-1701

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 33-5504, 5505, and 33-5507, Idaho Code.

METHOD OF PARTICIPATION: Interested persons wishing to participate in the negotiated rulemaking must respond to this notice by contacting the undersigned either in writing, by email, or by calling the phone number listed below. To participate, responses must be received by June 21, 2017.

Should a reasonable number of persons respond to this notice, 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 the 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 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:

The purpose of this negotiated rulemaking is to update definitions, accreditation references, and accountability requirements as well as make technical changes such as correcting the Idaho Digital Learning Academy office address and contact information.

ASSISTANCE ON TECHNICAL QUESTIONS, MEETING ACCOMMODATIONS, SUBMISSION OF WRITTEN COMMENTS, OBTAINING DRAFT COPIES: For assistance on technical questions concerning this negotiated rulemaking, requests for special meeting accommodations or accessibility, or to obtain a preliminary draft copy of the rule text (if available), contact Tracie Bent at (208) 332-1582 or tracie.bent@osbe.idaho.gov. Materials pertaining to the negotiated rulemaking, including any available preliminary rule drafts, can be found on the State Board of Education web site at the following web address: www.boardofed.idaho.gov, when they become available.

DATED this 5th day of May, 2017

Tracie Bent, Chief Planning and Policy Officer
State Board of Education
650 W. State Street
P.O. Box 83720
Boise, Idaho 83720-0037
Phone: (208) 332-1582
Fax: (208) 334-2632

**IDAPA 10 – BOARD OF PROFESSIONAL ENGINEERS
AND PROFESSIONAL LAND SURVEYORS**

10.01.01 – RULES OF PROCEDURE

DOCKET NO. 10-0101-1701

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 54-1208, Idaho Code.

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

Wednesday, June 28, 2017 - 10:00 am

**1510 E. Watertower Street
Meridian, ID 83642**

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:

Attend the meeting and present your views and thoughts on the draft amendments or submit your views and thoughts in writing not later than June 28, 2017

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:

A new provision is added to clarify the Board will maintain a website for specific purposes; correct grammar and code references; and remove the Washington Accord (international education accord) as equivalent to US accredited engineering degrees.

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, contact Keith Simila, P.E., (208) 373-7210. Materials pertaining to the negotiated rulemaking, including any available preliminary rule drafts, can be found on the Board of Professional Engineers and Professional Land Surveyors web site at the following web address: <http://www.ipels.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 June 28, 2017.

DATED this 22nd day of May, 2017

Keith Simila, P.E., Executive Director
Board of Professional Engineers and Professional Land Surveyors
1510 E. Watertower St.
Meridian, Idaho 83642
Telephone: (208) 373-7210 / Fax: (208) 373-7213
E-mail: keith.simila@ipels.idaho.gov

**IDAPA 10 – BOARD OF PROFESSIONAL ENGINEERS
AND PROFESSIONAL LAND SURVEYORS**

10.01.04 – RULES OF CONTINUING PROFESSIONAL DEVELOPMENT

DOCKET NO. 10-0104-1701

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 54-1208, Idaho Code.

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

Wednesday, June 28, 2017 - 10:00 am

**1510 E. Watertower Street
Meridian, ID 83642**

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:

attend the meeting and present your views and thoughts on the draft amendments or submit your views and thoughts in writing not later than June 28, 2017

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:

The Board seeks to repeal a section of the rule that exempts engineers and land surveyors residing in other countries from the requirements of completing continuing professional development. With the advent of online professional development offerings, this exemption is no longer needed.

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, contact Keith Simila, P.E., (208) 373-7210. Materials pertaining to the negotiated rulemaking, including any available preliminary rule drafts, can be found on the Board of Professional Engineers and Professional Land Surveyors web site at the following web address: <http://www.ipels.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 June 28, 2017.

DATED this 22nd day of May, 2017

Keith Simila, P.E., Executive Director
Board of Professional Engineers and Professional Land Surveyors
1510 E. Watertower St.
Meridian, Idaho 83642
Telephone: (208) 373-7210 / Fax: (208) 373-7213
E-mail: keith.simila@ipels.idaho.gov

IDAPA 16 – DEPARTMENT OF HEALTH AND WELFARE

16.02.04 – RULES GOVERNING EMERGENCY MEDICAL SERVICES ACCOUNT III GRANTS

DOCKET NO. 16-0204-1701

(SECOND) 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 56-1011 through 56-1023, Idaho Code.

MEETING SCHEDULE: Public meetings on the negotiated rulemaking will be held as follows:

Monday, June 12, 2017 - 7:30 p.m.	Tuesday, June 13, 2017 - 6:00 p.m.
Lemhi County Emergency Mgmt./LEPC 200 Fulton, Suite 102 Salmon, ID 83467	North Custer Hospital District Training Room 605 Clinic Road Challis, ID 83226

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

1. Attend the negotiated rulemaking meetings and participate in negotiated process;
2. Provide oral or written recommendations, or both, at the negotiated rulemaking meetings;
3. Submit written recommendations and comments to this address on or before June 20, 2017:

John Cramer
Bureau of Emergency Medical Services
& Preparedness
P.O. Box 83720
Boise, ID 83720-0036

Hand Deliver to:
Idaho Department of Health & Welfare
2224 E. Old Penitentiary Rd.
Boise, ID 83712-8249

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

This chapter of rule has not been updated for several years and the Department is soliciting input on the EMS Grant rules to update and bring them current with new technology. These negotiated meetings are being held to ensure input from stakeholders throughout the state. These rules will have obsolete language removed, may amend or adjust grant criteria, and will also be moved to the Department's Emergency Medical Services rules under IDAPA 16.01.04.

CONTACT INFORMATION, WEB ADDRESS, ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning this negotiated rulemaking, contact John Cramer, at (208) 334-4000. Materials pertaining to the negotiated rulemaking under Docket 16-0204-1701, including any available preliminary rule drafts, can be found on the Department's web site at the following web address: www.healthandwelfare.idaho.gov.

All written comments on the negotiated rules must be directed to the contact person above and delivered on or before June 30, 2017.

DATED this 5th day of May, 2017.

Tamara Prisock
Phone: (208) 334-5564
Fax: (208) 334-6558
E-mail: dhwrules@dhw.idaho.gov

DHW - Administrative Rules Unit
450 W. State Street - 10th Floor
P.O. Box 83720
Boise, ID 83720-0036

IDAPA 16 – DEPARTMENT OF HEALTH AND WELFARE

16.03.09 – MEDICAID BASIC PLAN BENEFITS

DOCKET NO. 16-0309-1702

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 56-202, 56-203, 56-250 through 56-257, and 56-260 through 56-266, Idaho Code.

MEETING SCHEDULE: Public meetings on the negotiated rulemaking will be held as follows:

ALL TIMES LISTED ARE LOCAL	
Friday, June 16, 2017 8:00 a.m. to 9:30 a.m.	Friday, June 23, 2017 12:00 p.m. to 1:30 p.m.
Central Idaho - DHW Office 3232 Elder Street Conference Room D-East Boise, ID 83705	Northern Idaho - DHW Office 1120 Ironwood Dr., Ste 102 Lower Level - Conference Room Coeur d'Alene, ID 83814
Monday, June 26, 2017 – 1:30 p.m. to 3:00 p.m.	
Eastern Idaho - Human Development Center 421 Memorial Drive Large Conference Room Pocatello, ID 83201	
MENTAL HEALTH PARITY/SUBSTANCE USE DISORDER SERVICES	

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

1. Attend the negotiated rulemaking meetings as scheduled above;
2. Provide oral or written recommendations, or both, at the negotiated rulemaking meetings;
3. Submit written recommendations and comments to this address on or before June 30, 2017:

William Deseron, Policy Analyst
Division of Medicaid
P.O. Box 83720
Boise, ID 83720-0036

Hand Deliver to:
Idaho Department of Health and Welfare
3232 Elder Street
Boise, ID 83705

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

The Department invites interested stakeholders to participate in negotiated rulemaking in this chapter, IDAPA 16.03.09, "Medicaid Basic Plan Benefits." The purpose of this docket is to update and revise rules to comply with federal and state regulations which will enhance access to services for mental health care and substance use disorder services in accordance with mental health parity requirements in 42 CFR 438-440, and 457.

CONTACT INFORMATION, WEB ADDRESS, ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning this negotiated rulemaking, contact William Deseron at (208) 364-1967 or e-mail William.Deseron@dhw.idaho.gov. Materials pertaining to the negotiated rulemaking under Docket 16-0309-1702, including any available preliminary rule drafts, can be found on the at the following web address: <http://healthandwelfare.idaho.gov/Medical/Medicaid/tabid/123/Default.aspx>.

All written comments on the negotiated rules must be directed to the contact person above and must be delivered on or before June 30, 2017.

DATED this 5th day of May, 2017.

Tamara Prisock
Phone: (208) 334-5564
Fax: (208) 334-6558
E-mail: dhwrules@dhw.idaho.gov

DHW - Administrative Rules Unit
450 W. State Street - 10th Floor
P.O. Box 83720
Boise, ID 83720-0036

IDAPA 16 – DEPARTMENT OF HEALTH AND WELFARE

16.03.09 – MEDICAID BASIC PLAN BENEFITS

DOCKET NO. 16-0309-1703

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 56-202, 56-203, 56-250 through 56-257, and 56-260 through 56-266, Idaho Code.

MEETING SCHEDULE: Public meetings on the negotiated rulemaking will be held as follows:

ALL TIMES ARE LOCAL		
Friday, June 16, 2017 10:00 a.m. to 12:00 p.m.	Friday, June 23, 2017 9:30 a.m. to 11:00 a.m.	Monday, June 26, 2017 12:00 p.m. to 1:30 p.m.
Central Idaho - DHW Office 3232 Elder Street Conf. Rm. D-East Boise, ID 83705	Northern Idaho - DHW Office 1120 Ironwood Dr., Ste 102 Lower Level - Conf. Rm. Coeur d'Alene, ID 83814	Eastern Idaho - Human Development Center 421 Memorial Drive Large Conference Room Pocatello, ID 83201
INFANT TODDLER / PART C		

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

1. Attend the negotiated rulemaking meetings as scheduled above;
2. Provide oral or written recommendations, or both, at the negotiated rulemaking meetings;
3. Submit written recommendations and comments to this address on or before June 30, 2017:

Cindy Brock, Alternative Care Coordinator
Division of Medicaid
P.O. Box 83720
Boise, ID 83720-0036

Hand Deliver to:
Idaho Department of Health and Welfare
3232 Elder Street
Boise, ID 83705

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

The Department invites interested stakeholders to participate in negotiated rulemaking in this chapter, IDAPA 16.03.09, "Medicaid Basic Plan Benefits." The purpose of this docket is to update these rules to provide better access to early intervention services for infants and toddlers.

CONTACT INFORMATION, WEB ADDRESS, ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning this negotiated rulemaking, contact Cindy Brock at (208) 364-1983 or e-mail cindy.brock@dhw.idaho.gov. Materials pertaining to the negotiated rulemaking under Docket 16-0309-1703, including any available preliminary rule drafts, can be found on the at the following web address: <http://healthandwelfare.idaho.gov/Medical/Medicaid/tabid/123/Default.aspx>.

All written comments on the negotiated rules must be directed to the contact person above and must be delivered on or before June 30, 2017.

DATED this 5th day of May, 2017.

Tamara Prisock
Phone: (208) 334-5564
Fax: (208) 334-6558
E-mail: dhwrules@dhw.idaho.gov

DHW - Administrative Rules Unit
450 W. State Street - 10th Floor
P.O. Box 83720
Boise, ID 83720-0036

IDAPA 16 – DEPARTMENT OF HEALTH AND WELFARE

16.03.10 – MEDICAID ENHANCED PLAN BENEFITS

DOCKET NO. 16-0310-1702

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 56-202, 56-203, 56-250 through 56-257, and 56-260 through 56-266, Idaho Code.

MEETING SCHEDULE: Public meetings on the negotiated rulemaking will be held as follows:

ALL TIMES LISTED ARE LOCAL	
Friday, June 16, 2017 8:00 a.m. to 9:30 a.m.	Friday, June 23, 2017 12:00 p.m. to 1:30 p.m.
Central Idaho - DHW Office 3232 Elder Street Conference Room D-East Boise, ID 83705	Northern Idaho - DHW Office 1120 Ironwood Dr., Ste 102 Lower Level - Conference Room Coeur d'Alene, ID 83814
Monday, June 26, 2017 – 1:30 p.m. to 3:00 p.m.	
Eastern Idaho - Human Development Center 421 Memorial Drive Large Conference Room Pocatello, ID 83201	
MENTAL HEALTH PARITY/SUBSTANCE USE DISORDER SERVICES	

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

1. Attend the negotiated rulemaking meetings as scheduled above;
2. Provide oral or written recommendations, or both, at the negotiated rulemaking meetings;
3. Submit written recommendations and comments to this address on or before June 30, 2017:

William Deseron, Policy Analyst
Division of Medicaid
P.O. Box 83720
Boise, ID 83720-0036

Hand Deliver to:
Idaho Department of Health and Welfare
3232 Elder Street
Boise, ID 83705

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

The Department invites interested stakeholders to participate in negotiated rulemaking in this chapter, IDAPA 16.03.10, "Medicaid Enhanced Plan Benefits." The purpose of this docket is to update and revise rules to comply with federal and state regulations which will enhance access to services for mental health care and substance use disorder services in accordance with mental health parity requirements in 42 CFR 438-440, and 457.

CONTACT INFORMATION, WEB ADDRESS, ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning this negotiated rulemaking, contact William Deseron at (208) 364-1967 or e-mail William.Deseron@dhw.idaho.gov. Materials pertaining to the negotiated rulemaking under Docket 16-0310-1702, including any available preliminary rule drafts, can be found on the at the following web address: <http://healthandwelfare.idaho.gov/Medical/Medicaid/tabid/123/Default.aspx>.

All written comments on the negotiated rules must be directed to the contact person above and must be delivered on or before June 30, 2017.

DATED this 5th day of May, 2017.

Tamara Prisock
Phone: (208) 334-5564
Fax: (208) 334-6558
E-mail: dhwrules@dhw.idaho.gov

DHW - Administrative Rules Unit
450 W. State Street - 10th Floor
P.O. Box 83720
Boise, ID 83720-0036

IDAPA 16 – DEPARTMENT OF HEALTH AND WELFARE

16.03.10 – MEDICAID ENHANCED PLAN BENEFITS

DOCKET NO. 16-0310-1703

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 56-202, 56-203, 56-250 through 56-257, and 56-260 through 56-266, Idaho Code.

MEETING SCHEDULE: Public meetings on the negotiated rulemaking will be held as follows:

ALL TIMES ARE LOCAL		
Friday, June 16, 2017 10:00 a.m. to 12:00 p.m.	Friday, June 23, 2017 9:30 a.m. to 11:00 a.m.	Monday, June 26, 2017 12:00 p.m. to 1:30 p.m.
Central Idaho - DHW Office 3232 Elder Street Conf. Rm. D-East Boise, ID 83705	Northern Idaho - DHW Office 1120 Ironwood Dr., Ste 102 Lower Level - Conf. Rm. Coeur d'Alene, ID 83814	Eastern Idaho - Human Development Center 421 Memorial Drive Large Conference Room Pocatello, ID 83201
INFANT TODDLER / PART C		

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

1. Attend the negotiated rulemaking meetings as scheduled above;
2. Provide oral or written recommendations, or both, at the negotiated rulemaking meetings;
3. Submit written recommendations and comments to this address on or before June 30, 2017:

Cindy Brock, Alternative Care Coordinator
Division of Medicaid
P.O. Box 83720
Boise, ID 83720-0036

Hand Deliver to:
Idaho Department of Health and Welfare
3232 Elder Street
Boise, ID 83705

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

The Department invites interested stakeholders to participate in negotiated rulemaking in this chapter, IDAPA 16.03.10, "Medicaid Enhanced Plan Benefits." The purpose of this docket is to update these rules to provide better access to early intervention services for infants and toddlers.

CONTACT INFORMATION, WEB ADDRESS, ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning this negotiated rulemaking, contact Cindy Brock at (208) 364-1983 or e-mail cindy.brock@dhw.idaho.gov. Materials pertaining to the negotiated rulemaking under Docket 16-0310-1703, including any available preliminary rule drafts, can be found on the at the following web address: <http://healthandwelfare.idaho.gov/Medical/Medicaid/tabid/123/Default.aspx>.

All written comments on the negotiated rules must be directed to the contact person above and must be delivered on or before June 30, 2017.

DATED this 5th day of May, 2017.

Tamara Prisock
Phone: (208) 334-5564
Fax: (208) 334-6558
E-mail: dhwrules@dhw.idaho.gov

DHW - Administrative Rules Unit
450 W. State Street - 10th Floor
P.O. Box 83720
Boise, ID 83720-0036

IDAPA 16 – DEPARTMENT OF HEALTH AND WELFARE

16.03.10 – MEDICAID ENHANCED PLAN BENEFITS

DOCKET NO. 16-0310-1704

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 56-202, 56-203, 56-250 through 56-257, and 56-260 through 56-266, Idaho Code.

MEETING SCHEDULE: Public meetings on the negotiated rulemaking will be held as follows:

FRIDAY, JUNE 16, 2017 - ALL TIMES LISTED ARE LOCAL

* Live Meeting * 3:00 p.m. to 5:00 p.m.	* Via Video Conference * 2:00 p.m. to 4:00 p.m.	* Via Video Conference * 3:00 p.m. to 5:00 p.m.
Central Idaho - DHW Office 3232 Elder Street Conf. Room D-East & D-West Boise, ID 83705	Northern Idaho - DHW Office 1120 Ironwood Dr., Ste 102 Lower Level - Conf. Room Coeur d'Alene, ID 83814	Eastern Idaho - DHW Office 1070 Hiline Rd. (Brown Brick Bldg.) Large Conf. Room Pocatello, ID 83204

RESIDENTIAL HABILITATION - SUPPORTED LIVING

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

1. Attend the negotiated rulemaking meetings as scheduled above;
2. Provide oral or written recommendations, or both, at the negotiated rulemaking meetings;
3. Submit written recommendations and comments to this address on or before June 30, 2017:

Karen Westbrook, Alternative Care Coordinator Division of Medicaid P.O. Box 83720 Boise, ID 83720-0036	Hand Deliver to: Idaho Department of Health and Welfare 3232 Elder Street Boise, ID 83705
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DESCRIPTIVE SUMMARY: The following is a statement in nontechnical language of the substance and purpose of the intended negotiated rulemaking and the principal issues involved:

The Department invites interested stakeholders to participate in negotiated rulemaking in this chapter, IDAPA 16.03.10, "Medicaid Enhanced Plan Benefits." The purpose of this docket is to revise these rules regarding residential habilitation - supported living provider reimbursement and the related cost survey.

CONTACT INFORMATION, WEB ADDRESS, ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:

For assistance on technical questions concerning this negotiated rulemaking, contact Karen Westbrook at (208) 364-1960. Materials pertaining to the negotiated rulemaking under Docket 16-0310-1704, including any available preliminary rule drafts, can be found on the at the following web address: <http://healthandwelfare.idaho.gov/Medical/Medicaid/tabid/123/Default.aspx>.

All written comments on the negotiated rules must be directed to the contact person above and must be delivered on or before June 30, 2017.

DATED this 5th day of May, 2017.

Tamara Prisock
Phone: (208) 334-5564
Fax: (208) 334-6558
E-mail: dhwrules@dhw.idaho.gov

DHW - Administrative Rules Unit
450 W. State Street - 10th Floor
P.O. Box 83720
Boise, ID 83720-0036

IDAPA 16 – DEPARTMENT OF HEALTH AND WELFARE

16.03.18 – MEDICAID COST-SHARING

DOCKET NO. 16-0318-1701

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 56-202, 56-253 and 56-257, Idaho Code.

MEETING SCHEDULE: Public meetings on the negotiated rulemaking will be held as follows:

ALL TIMES LISTED ARE LOCAL	
Wednesday, June 14, 2017 3:00 to 5:00 p.m.	Friday, June 23, 2017 1:30 p.m. to 3:00 p.m.
Central Idaho - DHW Office 3232 Elder Street Conference Room D-West Boise, ID 83705	Northern Idaho - DHW Office 1120 Ironwood Dr., Ste 102 Lower Level - Conference Room Coeur d'Alene, ID 83814
Monday, June 26, 2017 – 3:00 p.m. to 4:30 p.m.	
Eastern Idaho - Human Development Center 421 Memorial Drive Large Conference Room Pocatello, ID 83201	
COST-SHARING FOR CHILDREN WITH SERIOUS EMOTIONAL DISTURBANCE	

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

1. Attend the negotiated rulemaking meetings as scheduled above;
2. Provide oral or written recommendations, or both, at the negotiated rulemaking meetings;
3. Submit written recommendations and comments to this address on or before June 30, 2017:

Clay Lord, Alternative Care Coordinator
Division of Medicaid
P.O. Box 83720
Boise, ID 83720-0036

Hand Deliver to:
Idaho Department of Health and Welfare
3232 Elder Street
Boise, ID 83705

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

The Department is holding negotiated rulemaking meetings on this chapter to update and revise rules in IDAPA 16.03.18, "Medicaid Cost-Sharing." The purpose of these changes is to add a new section to describe cost-sharing arrangements for participants and families under a new program for children with serious emotional disturbance (SED).

CONTACT INFORMATION, WEB ADDRESS, ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning this negotiated

rulemaking, contact Clay Lord at (208) 364-1979. Materials pertaining to the negotiated rulemaking under Docket 16-0318-1701, including any available preliminary rule drafts, can be found on the at the following web address: <http://healthandwelfare.idaho.gov/Medical/Medicaid/tabid/123/Default.aspx>.

All written comments on the negotiated rules must be directed to the contact person above and must be delivered on or before June 30, 2017.

DATED this 5th day of May, 2017.

Tamara Prisock
Phone: (208) 334-5564
Fax: (208) 334-6558
E-mail: dhwrules@dhw.idaho.gov

DHW - Administrative Rules Unit
450 W. State Street - 10th Floor
P.O. Box 83720
Boise, ID 83720-0036

IDAPA 17 – IDAHO INDUSTRIAL COMMISSION

17.02.08 – MISCELLANEOUS PROVISIONS

DOCKET NO. 17-0208-1701

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 72-508, and 72-806, Idaho Code.

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

Tuesday, June 20, 2017 - 1:00 p.m. (MDT)

**Idaho Industrial Commission
700 South Clearwater Lane
Boise, ID 83720-0041**

During the scheduled public meeting, additional negotiated rulemaking meetings may be established by the Commission, if necessary. Adequate notice of the dates, locations, and manner of participation of any such additional meetings will be posted on the Industrial Commission website <https://iic.idaho.gov>. 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:

Interested members of the public who wish to participate must submit any written comments, questions, recommendations, or ideas to the Industrial Commission by contacting the undersigned either in writing, by email, or by calling the phone number listed below. Individuals may also attend the public meeting to be conducted on the above date during which the Industrial Commission 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 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:

The Commission believes it important to clarify the regulations that define how benefits must be calculated and paid, and the time frame within which sureties must take certain actions. Without these changes, sureties may not know the Industrial Commission's expectations, and workers will not be protected against untimely payment.

This change would require that a worker receives notice of the acceptance, commencement, denial, reduction or cessation of medical or monetary compensation benefits to which the worker might presently or ultimately be entitled.

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 Patti Vaughn, Benefits Administration Manager, (208) 334-6063. Materials pertaining to the negotiated rulemaking, including any available preliminary rule drafts, can be found on the Industrial Commission's web site at the following web address: <https://iic.idaho.gov>.

Anyone may submit written comments regarding this negotiated rulemaking. All written comments must be directed to the undersigned or beth.kilian@iic.idaho.gov and must be delivered on or before June 28, 2017.

DATED this 3rd day of May, 2017.

Mindy Montgomery, Director
Industrial Commission
700 S. Clearwater Lane
P.O. Box 83720
Boise, Idaho 83720-0041
Phone: (208) 334-6000
Fax: (208) 334-2321

IDAPA 17 – IDAHO INDUSTRIAL COMMISSION

17.02.09 – MEDICAL FEES

DOCKET NO. 17-0209-1701

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 72-508, and 72-803, Idaho Code.

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

Thursday, June 22, 2017 - 9:00 a.m. (MDT)

**Idaho Industrial Commission
700 South Clearwater Lane
Boise, ID 83720-0041**

During the scheduled public meeting, additional negotiated rulemaking meetings may be established by the Commission, if necessary. Adequate notice of the dates, locations, and manner of participation of any such additional meetings will be posted on the Industrial Commission website <https://iic.idaho.gov>. 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:

Interested members of the public who wish to participate must submit any written comments, questions, recommendations, or ideas to the Industrial Commission by contacting the undersigned either in writing, by email, or by calling the phone number listed below. Individuals may also attend the public meeting to be conducted on the above date during which the Industrial Commission 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 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:

In compliance with Section 72-803, IC, the Industrial Commission will review the annual adjustment of the medical fee schedule for physician and hospital reimbursements; the negotiations will determine the appropriate annual adjustments to the medical fee schedule.

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 Patti Vaughn, Benefits Administration Manager, (208) 334-6063. Materials pertaining to the negotiated rulemaking, including any available preliminary rule drafts, can be found on the Industrial Commission's web site at the following web address: <https://iic.idaho.gov>.

Anyone may submit written comments regarding this negotiated rulemaking. All written comments must be directed to the undersigned or beth.kilian@iic.idaho.gov and must be delivered on or before June 28, 2017.

DATED this 3rd day of May, 2017.

Mindy Montgomery, Director
Industrial Commission
Phone: (208) 334-6000 / Fax: (208) 334-2321

700 S. Clearwater Lane
P.O. Box 83720
Boise, Idaho 83720-0041

IDAPA 17 – IDAHO INDUSTRIAL COMMISSION

17.02.10 – ADMINISTRATIVE RULES OF THE INDUSTRIAL COMMISSION UNDER THE WORKERS' COMPENSATION LAW – SECURITY FOR COMPENSATION – INSURANCE CARRIERS

DOCKET NO. 17-0210-1701

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(s) 72-508, 72-408 and 72-806, Idaho Code.

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

Tuesday, June 20, 2017 - 1:00 p.m. (MDT)

**Idaho Industrial Commission
700 South Clearwater Lane
Boise, ID 83720-0041**

During the scheduled public meeting, additional negotiated rulemaking meetings may be established by the Commission, if necessary. Adequate notice of the dates, locations, and manner of participation of any such additional meetings will be posted on the Industrial Commission website <https://iic.idaho.gov>. 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:

Interested members of the public who wish to participate must submit any written comments, questions, recommendations, or ideas to the Industrial Commission by contacting the undersigned either in writing, by email, or by calling the phone number listed below. Individuals may also attend the public meeting to be conducted on the above date during which the Industrial Commission 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 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:

The Commission believes it important to clarify the regulations that define how benefits must be calculated and paid, and the time frame within which sureties must take certain actions. Without these changes, sureties may not know the Industrial Commission's expectations, and workers will not be protected against untimely payment.

This change would require sureties or third-party administrators to make an initial decision to accept or deny a claim for an injury or occupational disease within 28 days after the surety and/or third-party claims administrator receives knowledge of the same, in accordance with 72-806; further, the change allows Temporary Partial Disability (TPD) payments to be calculated using the employee's pay period and establishes when TPD payments are due.

This language would 'mirror' the language in 17.02.11 for Self-insureds.

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 Patti Vaughn, Benefits Administration Manager, (208) 334-6063. Materials pertaining to the negotiated rulemaking, including any available preliminary rule drafts, can be found on the Industrial Commission's web site at the following web address: <https://iic.idaho.gov>.

Anyone may submit written comments regarding this negotiated rulemaking. All written comments must be directed to the undersigned or beth.kilian@ic.idaho.gov and must be delivered on or before June 28, 2017.

DATED this 3rd day of May, 2017.

Mindy Montgomery, Director
Industrial Commission
700 S. Clearwater Lane
P.O. Box 83720
Boise, Idaho 83720-0041
Phone: (208) 334-6000
Fax: (208) 334-2321

IDAPA 17 – IDAHO INDUSTRIAL COMMISSION

17.02.11 – ADMINISTRATIVE RULES OF THE INDUSTRIAL COMMISSION UNDER THE WORKERS' COMPENSATION LAW – SECURITY FOR COMPENSATION – SELF-INSURED EMPLOYERS

DOCKET NO. 17-0211-1701

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 72-508, 72-408 and 72-806, Idaho Code.

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

Tuesday, June 20, 2017 - 1:00 p.m. (MDT)

**Idaho Industrial Commission
700 South Clearwater Lane
Boise, ID 83720-0041**

During the scheduled public meeting, additional negotiated rulemaking meetings may be established by the Commission, if necessary. Adequate notice of the dates, locations, and manner of participation of any such additional meetings will be posted on the Industrial Commission website <https://iic.idaho.gov>. 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:

Interested members of the public who wish to participate must submit any written comments, questions, recommendations, or ideas to the Industrial Commission by contacting the undersigned either in writing, by email, or by calling the phone number listed below. Individuals may also attend the public meeting to be conducted on the above date during which the Industrial Commission 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 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:

The Commission believes it important to clarify the regulations that define how benefits must be calculated and paid, and the time frame within which sureties must take certain actions. Without these changes, sureties may not know the Industrial Commission's expectations, and workers will not be protected against untimely payment.

This change would require self-insured employers or third-party administrators to make an initial decision to accept or deny a claim for an injury or occupational disease within 28 days after the self-insured employer and/or third-party claims administrator receives knowledge of the same, in accordance with 72-806; further, the change allows Temporary Partial Disability (TPD) payments to be calculated using the employee's pay period and establishes when TPD payments are due.

This language would 'mirror' the language in 17.02.10 for Insurance Carriers.

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 Patti Vaughn, Benefits Administration Manager, (208) 334-6063. Materials pertaining to the negotiated rulemaking, including any available preliminary rule drafts, can be found on the Industrial Commission's web site at the following web address: <https://iic.idaho.gov>.

Anyone may submit written comments regarding this negotiated rulemaking. All written comments must be directed to the undersigned or beth.kilian@ic.idaho.gov and must be delivered on or before June 28, 2017.

DATED this 3rd day of May, 2017.

Mindy Montgomery, Director
Industrial Commission
700 S. Clearwater Lane
P.O. Box 83720
Boise, Idaho 83720-0041
Phone: (208) 334-6000
Fax: (208) 334-2321

IDAPA 18 – IDAHO DEPARTMENT OF INSURANCE

18.01.75 – CREDIT FOR REINSURANCE RULES

DOCKET NO. 18-0175-1701

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 41-211 and 41-515, Idaho Code.

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

Thursday, June 22, 2017 - 2:30 p.m.

**Idaho Department of Insurance
700 W State Street – 3rd Floor
Boise, ID 83720**

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: Interested persons wishing to participate in the negotiated rulemaking must respond to this notice by contacting the agency either in writing (paper or email) or by calling the phone number listed below, and/or by attending the public meeting.

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:

We expect to revise and update IDAPA 18.01.75 to include NAIC Credit for Reinsurance Model Regulation #786 provisions supporting the modernization of reinsurance regulation. This anticipated rulemaking will set forth rules and procedural requirements necessary to carry out the provisions of Idaho Code § 41-515.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS, OBTAINING DRAFT COPIES: For assistance on technical questions concerning this negotiated rulemaking, submission of comments, or to obtain a preliminary draft copy of the rule text, contact Thomas A. Donovan, tom.donovan@doi.idaho.gov (208) 334-4214. Materials pertaining to the negotiated rulemaking, including any available preliminary rule drafts, can be found on the Idaho Department of Insurance website at the following web address: www.doi.idaho.gov.

Anyone may submit written comments regarding this negotiated rulemaking. All written comments must be directed to the above contact and must be delivered on or before June 28, 2017.

DATED this 5th day of May, 2017.

Dean L. Cameron, Director
Idaho Department of Insurance
700 W. State Street, 3rd Floor
P.O. Box 83720, Boise, ID 83702-0043
Phone: (208) 334-4250 / Fax: (208) 334-4398

IDAPA 18 – IDAHO DEPARTMENT OF INSURANCE

18.01.81 – RULES GOVERNING CORPORATE GOVERNANCE

DOCKET NO. 18-0181-1701 (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 and desires public comment prior to initiating formal rulemaking procedures. This negotiated rulemaking action is authorized pursuant to Sections 41-211 and 41-6404, Idaho Code.

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

Thursday, June 22, 2017 - 2:30 p.m.

**Idaho Department of Insurance
700 W State Street – 3rd Floor
Boise, ID 83720**

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: Interested persons wishing to participate in the negotiated rulemaking must respond to this notice by contacting the agency either in writing (paper or email) or by calling the phone number listed below, and/or by attending the public meeting.

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:

House Bill No. 102 created Title 41, Chapter 64 Corporate Governance Annual Disclosure requiring companies to file a Corporate Governance Annual Disclosure (CGAD). The addition of a new rule following the enactment of Title 41 Chapter 64 will provide insurers with more detailed procedures for submitting the required Corporate Governance Annual Disclosure (CGAD) filing and would include the contents that are deemed necessary by the Director of Insurance to carry out the provisions of Chapter 64.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS, OBTAINING DRAFT COPIES: For assistance on technical questions concerning this negotiated rulemaking, submission of comments, or to obtain a preliminary draft copy of the rule text, contact Thomas A. Donovan, tom.donovan@doi.idaho.gov (208) 334-4214. Materials pertaining to the negotiated rulemaking, including any available preliminary rule drafts, can be found on the Idaho Department of Insurance website at the following web address: www.doi.idaho.gov.

Anyone may submit written comments regarding this negotiated rulemaking. All written comments must be directed to the above contact and must be delivered on or before June 28, 2017.

DATED this 5th day of May, 2017.

Dean L. Cameron, Director
Phone: (208) 334-4250
Fax: (208) 334-4398

Idaho Department of Insurance
700 W. State Street, 3rd Floor
P.O. Box 83720, Boise, ID 83702-0043

IDAPA 27 – BOARD OF PHARMACY

27.01.01 – RULES OF THE IDAHO STATE BOARD OF PHARMACY

DOCKET NO. 27-0101-1701

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 54-1717, Idaho Code.

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

Tuesday, August 1, 2017 - 8:00 a.m. (MDT)

**Idaho State Capitol Building
Room WW53
514 West Jefferson
Boise, ID 83702**

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:

All written comments received by July 14, 2017 will be included in the Board's distributed meeting materials for consideration. Written comments received between July 15, 2017 and July 31, 2017 will be printed and distributed to Board members at the meeting. For those planning to attend the open, public meeting, written and verbal comments will be accepted by and/or presented before the Board.

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:

The Board of Pharmacy is considering dividing its current rulebook into seven (7) different chapters grouped by subject matter. The Board does not intend to add any new regulatory requirements as part of this rulemaking; instead, as the Board better organizes its rules into chapters, it aims to simultaneously eliminate outdated regulations and those that stifle the emergence of new technology or practice models that can improve public health. The Board envisions its chapters as follows:

1. Rules of Procedure
2. Rules Governing Licensing and Registration
3. Rules Governing Pharmacy Practice
4. Rules Governing Pharmacist Prescriptive Authority
5. Rules Governing Drug Compounding
6. Rules Governing DME, Manufacturing, and Distribution
7. Rules Governing Veterinary Drug Outlets

Prior to the meeting, the Board will post drafts of all chapters on its website (<https://bop.idaho.gov/>), along with a rules crosswalk to help members of the public more easily identify what rules are proposed to be eliminated and what chapter the remaining rules are slated for.

Members of the public are encouraged to review the Board's minutes from its open, public meetings in 2017 for more background information on the Board's approach to rulemaking, specifically:

- January 13, 2017 – Licensing Strategic Planning Meeting: https://bop.idaho.gov/board_meeting/2017-04-18_Approved-Minutes_January%2012-%2013.pdf
- March 9, 2017 – Permissionless Innovation Strategic Planning Meeting: https://bop.idaho.gov/board_meeting/2017-04-18_Approved-Minutes_March%2009.pdf

Major areas of rulemaking under consideration are briefly summarized below for each individual chapter.

Chapter 1. Rules of Procedure

The Board proposes to:

- Remove definitions that merely duplicate those already defined in Sections 54-1705 and 37-2701, Idaho Code;
- Add definitions for 'ACCME,' 'CLIA-Waived Test,' 'Clinical Guidelines,' 'CPE Monitor,' and 'Student Technician;' and
- Unprofessional Conduct is proposed to be expanded to include provisions related to 'Standard of Care' and 'Unnecessary Services or Products.'

Chapter 2. Rules Governing Licensing and Registration

The Board proposes to eliminate several categories of licensure or registration. Such elimination does not mean that these activities cannot occur; it merely removes the need for a separate government permission slip prior to engaging in these activities as it relates to the practice of pharmacy. The licenses and registrations proposed to be eliminated include:

- Nursing Home
- Non-Pharmacy Retail Outlet
- Veterinary Drug Technician
- Pharmacist Controlled Substances Registration
- Distributor Controlled Substances Registration

With the elimination of the pharmacist and distributor controlled substances registrations, the Board proposes to bundle these with the pharmacist license and manufacturer/wholesaler registrations, respectively, so that duplicative work is not needed by the licensee/registrant and Board staff. Fees for these license types would be adjusted so that the end result is budget neutral. The Board also proposes to set the fee for prescriber drug outlets at \$100 to cover the costs associated with on-site inspections prior to opening and annually thereafter.

The Board also proposes to amend the annual renewal deadline as follows (unless otherwise stated):

- Individuals: by the end of their birth month.
- Facilities: by December 31.

For individual licenses and registrations, the Board proposes to:

- Streamline pharmacist continuing education requirements by removing all specifically delineated requirements, and remove Board-approved credits, which duplicates a service provided commonly and more effectively by the private sector;
- Consolidate externs and interns into a single license type, now called 'pharmacist interns;' and
- Cap the technician-in-training registration period at two (2) years from the date of issuance, remove the employer requirement, and create a student technician category for individuals who are enrolled in a school-supervised program.

For facility licenses and registrations, the Board proposes to:

- Enable a temporary license number so that pharmacies can start health plan contracting prior to opening;
- Remove the requirement that a floor plan must be submitted to, and approved by, Board staff prior to a remodel; and
- Streamline the process for permanently closing a pharmacy.

Chapter 3. Rules Governing Pharmacy Practice

The Board proposes to eliminate regulations related to the *business* of pharmacy, specifically removing outdated

provisions or those that have become obsolete in a rapidly changing technology environment. For example, delineated requirements related to specific fixtures, books, equipment, or staffing patterns that pharmacies must have are proposed to be removed, and instead left to the discretion of the PIC and the prevailing community standard of care.

The Board proposes to remove delineated technology-specific regulations, and business model-specific regulations, and instead focus on “what” needs to occur as a means to improve public safety, as opposed to “how” or “where” it occurs.

Chapter 4. Rules Governing Pharmacist Prescriptive Authority

The Board proposes to draft new rules to implement the intent of House Bill 191, which passed in the 2017 legislative session with wide margins (69-0 and 33-1). This bill amended Section 54-1704, Idaho Code, and provided the Board of Pharmacy with rulemaking authority to designate drugs, drug classes, and devices that pharmacists may prescribe, provided certain conditions are met. The Board proposes to adopt some general requirements that would apply to all drugs or devices added to the rules, specifically regarding pharmacist education, patient assessment, collaboration, notification, and documentation. The Board will also take an evidence-based approach to proposing specific drugs and devices to add to the rules.

Chapter 5. Rules Governing Drug Compounding

The Board proposes no substantive changes to the drug compounding rules.

Chapter 6. Rules Governing DME, Manufacturing, and Distribution

The Board proposes no substantive changes to the rules governing DME, manufacturing, and distribution.

Chapter 7. Rules Governing Veterinary Drug Outlets

The Board proposes no substantive changes to the rules governing veterinary drug outlets, aside from removing references to Veterinary Drug Technicians, as this category of registration is proposed to be cut in Chapter 2, as described previously.

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 rules text, if available, contact Alex Adams at (208) 334-2356. Materials pertaining to the negotiated rulemaking, including any available preliminary rule drafts, can be found on the Board of Pharmacy website at the following web address: <http://bop.idaho.gov>.

Anyone may submit written comments regarding this negotiated rulemaking. All written comments must be directed to the undersigned and must be delivered as described above.

DATED this 3rd day of May 2017.

Alex Adams, Pharm D, MPH
Executive Director
Board of Pharmacy
1199 W. Shoreline Ln., Ste. 303
P. O. Box 83720
Boise, ID 83720-0067
Phone: (208) 334-2356
Fax: (208) 334-3536

IDAPA 35 – IDAHO STATE TAX COMMISSION

35.01.03 – PROPERTY TAX ADMINISTRATIVE RULES

DOCKET NO. 35-0103-1703

NOTICE OF RULEMAKING – ADOPTION OF TEMPORARY RULE

EFFECTIVE DATE: The effective date of the temporary rule is July 1, 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 67-5224 and 67-5291, Idaho Code.

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

RULE 803 - Budget Certification - Dollar Certification Form (L-2 Form) House Bill 207 is effective July 1, 2017 creating an immediate need for taxing district officials to know how to determine the portion of the forgone amount that may be disclaimed for the current year. The maximum amount of forgone increase subject to being disclaimed in 2017 is the difference between the total forgone amount based on the approved portion of each taxing district's budget certified in September, 2016 and the district's total forgone amount based on the approved portion of the taxing district's budget certified in September, 2015.

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

Compliance with deadlines in amendments to governing law or federal programs, and confers a benefit to taxpayers.

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 Alan Dornfest (208) 334-7742.

DATED this 5th Day of May, 2017.

Alan Dornfest
Tax Policy Supervisor
Idaho State Tax Commission
800 Park Blvd., Plaza IV
P.O. Box 36
Boise, ID 83722-0410
(208) 334-7742

THE FOLLOWING IS THE TEXT OF THE TEMPORARY RULE FOR DOCKET NO. 35-0103-1703
(Only Those Sections With Amendments Are Shown.)

803. BUDGET CERTIFICATION -- DOLLAR CERTIFICATION FORM (L-2 FORM) (RULE 803).
 Sections 63-602G(5), 63-802, 63-803, 63-3029B(4), 63-3502B, 50-2903A, 50-2913, 63-3638(11), and (13), Idaho Code

01. Definitions. (4-5-00)

a. “Dollar Certification Form” (L-2 Form). The Dollar Certification Form (L-2 Form) is the form used to submit to the State Tax Commission the budget request from each board of county commissioners for each taxing district. This form shall be presumed a true and correct representation of the budget previously prepared and approved by a taxing district. The budget will be presumed adopted in accordance with pertinent statutory provisions unless clear and convincing documentary evidence establishes that a budget results in an unauthorized levy and action as provided in Section 63-809, Idaho Code. (4-6-05)

b. “Prior Year’s Market Value for Assessment Purposes.” Prior year’s market value for assessment purposes shall mean the value used to calculate levies during the immediate prior year. This value shall be used for calculating the permanent budget increase permitted for cities, pursuant to Section 63-802(1)(f), Idaho Code. (4-2-08)

c. “Annual Budget.” For the purpose of calculating dollar amount increases permitted pursuant to Section 63-802(1), Idaho Code, the annual budget shall include any amount approved as a result of an election held pursuant to Sections 63-802(1)(f) or 63-802(1)(g), Idaho Code, provided that said amount is certified on the L-2 Form as part of the budget request. If the amount certified does not include the entire amount approved as a result of the election held pursuant to Sections 63-802(1)(f) or 63-802(1)(g), Idaho Code, then the amount not used shall be added to the foregone increase amount determined for the taxing district. See the following example.

CERTIFIED PROPERTY TAX BUDGET LIBRARY DISTRICT*				
	FY 1999	FY 2000	FY 2001	FY 2002
Annual Budget	\$10,000	\$10,000	\$10,700	\$11,621
3% Increase	\$0	\$300	\$321	\$349
Subtotal	\$10,000	\$10,300	\$11,021	\$11,970
1999 Election Amount	\$0	\$400 of \$1,000	\$600 of \$1,000	\$0
Certified Budget	\$10,000	\$10,700	\$11,621	\$11,970

*The Library District with zero dollars (\$0) in value for new construction and/or annexation approves an additional budget amount of one thousand dollars (\$1,000) in 1999, but only certifies four hundred dollars (\$400) for the year 2000. Note the example does not account for any foregone amount resulting from the district's decision to not increase its budget by three percent (3%) in 1997, 1998 or 1999. (4-6-05)

d. “Property Tax Funded Budget.” Property tax funded budget means that portion of any taxing district’s budget certified to the board of county commissioners, approved by the State Tax Commission, and subject to the limitations of Section 63-802, Idaho Code. (3-20-04)

e. “Recovered/Recaptured Property Substitute Funds Tax List.” Recovered/recaptured property tax substitute funds list means the report sent by the county auditor to the appropriate taxing district(s)/unit(s) by the first Monday in August and to the State Tax Commission with the L-2 Forms, listing the amount of revenue distributed to

each appropriate taxing district/unit as recovery of property tax or other payments during the twelve (12) month period ending June 30 each year under the following sections: (5-8-09)

- i. Section 63-602G(5), Idaho Code; and (5-8-09)
- ii. Section 63-3029B(4), Idaho Code; and (5-8-09)
- iii. Section 63-602KK(7), Idaho Code, for personal property exempted after 2013 for which no replacement money was paid; and (3-29-17)
- iv. Section 63-3502B(2), Idaho Code, for distributions of gross earnings tax on solar farms; and (3-29-17)
- v. Section 50-2903A(3), Idaho Code, for distributions of urban renewal allocations in excess of the amount necessary to pay indebtedness, when required; and (3-29-17)
- vi. Section 50-2913(3)(c), Idaho Code, for distributions of urban renewal allocations in excess of the amount received during the immediate prior tax year, when required. (3-29-17)
- f. "Taxing District/Unit." Taxing district/unit means any governmental entity with authority to levy property taxes as defined in Section 63-201, Idaho Code, and those noncountywide governmental entities without authority to levy property taxes but on whose behalf such taxes are levied or allocated by an authorized entity such as the county or city for such entities as county road and bridge funds or urban renewal agencies, respectively. (4-6-05)
- g. "New Taxing District." For property tax budget and levy purposes, new taxing district means any taxing district for which no property tax revenue has previously been levied. See the Idaho Supreme Court case of Idaho County Property Owners Association, Inc. v. Syringa General Hospital District, 119 Idaho 309, 805 P.2d 1233 (1991). (4-2-08)

02. Budget Certification. The required budget certification shall be made to each board of county commissioners representing each county in which the district is located by submitting the completed and signed L-2 Form prescribed by the State Tax Commission. Unless otherwise provided for in Idaho Code, budget requests for the property tax funded portions of the budget shall not exceed the amount published in the notice of budget hearing if a budget hearing notice is required in Idaho Code for the district. The levy approved by the State Tax Commission shall not exceed the levy computed using the amount shown in the notice of budget hearing. (3-20-14)

03. Budget Certification Requested Documents. Using the completed L-2 Form, each board of county commissioners shall submit to the State Tax Commission a budget request for each taxing district in the county that certifies a budget request to finance the property tax funded portion of its annual budget. The board of county commissioners shall only submit documentation specifically requested by the State Tax Commission.

(7-1-17)T

a. Foregone Increase Documentation. For any taxing district submitting a budget including previously forgone increases, required documentation includes a copy of the resolution certifying the amount of the forgone increase being included and the specific purpose for which this increase is being budgeted. Each such taxing district must submit the resolution to the board of county commissioners representing each county in which the district is located along with the L-2 Form. The board of county commissioners must attach a copy of the resolution to be submitted to the State Tax Commission along with the L-2 Form. Such submittal will constitute submittal to the State Tax Commission. (3-29-17)(7-1-17)T

b. Foregone increase disclaimer. Any resolution to disclaim the right to recover an increase in the forgone amount from the immediate prior year's amount must state the amount of such forgone increase being disclaimed and must be submitted to the board of county commissioners representing each county in which the district is located along with the L-2 Form. The board of county commissioners must attach a copy of the resolution to be submitted to the State Tax Commission along with the L-2 Form. Such submittal will constitute submittal to the State Tax Commission. For budgets to be certified in September, 2017, the maximum amount of forgone increase

subject to being disclaimed is the difference between the total forgone amount based on the approved portion of each taxing district's budget certified in September, 2016 and the district's total forgone amount based on the approved portion of the taxing district's budget certified in September, 2015. (7-1-17)T

04. L-2 Form Contents. Each taxing district or unit completing an L-2 Form shall include the following information on or with this form. (3-20-04)

a. "Department or Fund." Identify the department or fund for which the taxing district is requesting a budget for the current tax year. (4-5-00)

b. "Total Approved Budget." List the dollar amount of the total budget for each department or fund identified. The amounts must include all money that a taxing district has a potential to spend at the time the budget is set, regardless of whether funds are to be raised from property tax. (4-5-00)

c. "Cash Forward Balance." List any money retained, but intended to be spent to fund the approved budget being certified on the L-2 form. (4-11-15)

d. "Other Revenue not Shown in Column 5." List the revenue included in the total approved budget to be derived from sources other than property tax or money brought forward from a prior year. For example, sales tax revenue is included. (3-15-02)

e. "Property Tax Replacement." Report the following: (5-8-09)

i. The amount of money received annually under Section 63-3638(11), Idaho Code, as replacement revenue for the agricultural equipment exemption under Section 63-602EE, Idaho Code; (4-11-15)

ii. The amount of money received as recovery of property tax exemption under Section 63-602G(5), Idaho Code, and listed on the "Recovered/recaptured property tax substitute funds list"; (5-8-09)

iii. The amount of money received as recapture of the property tax benefit under Section 63-3029B(4), Idaho Code, and listed on the "Recovered/recaptured property tax substitute funds list"; (4-11-15)

iv. The appropriate amount of money listed on the statement and distributed to the county and each appropriate city under Section 63-2603, Idaho Code, as county property tax relief and detention facility debt retirement; (3-25-16)

v. The amount of money received annually under Section 63-3638(13), for the personal property exemption under 63-602KK(2), Idaho Code; (3-29-17)

vi. The amount of money received annually under Section 63-602KK(7), Idaho Code, for personal property exempted after 2013, for which no replacement money was paid, and listed on the "Recovered/recaptured property tax substitute funds list"; (3-29-17)

vii. The amount of money received in the twelve (12) month period ending June 30 of the current tax year as a result of distributions of the gross earning tax on solar farms, as provided in Section 63-3502B(2), Idaho Code., and listed on the "Recovered/recaptured property tax substitute funds list"; (3-29-17)

viii. The amount of money received in the twelve (12) month period ending June 30 of the current tax year as a result of distributions of urban renewal allocations in excess of the amount necessary to pay indebtedness, as provided in Section 50-2903A(3), Idaho Code, and listed on the "Recovered/recaptured property tax substitute funds list"; and (3-29-17)

ix. The amount of money received in the twelve (12) month period ending June 30 of the current tax year as a result of distributions of urban renewal allocations in excess of the amount received by the urban renewal agency in the immediate prior year, as provided in Section 50-2913(3)(c), Idaho Code and listed on the "Recovered/recaptured property tax substitute funds list." (3-29-17)

f. "Balance to be Levied." Report the amount of money included in the total approved budget to be

- derived from property tax. (3-15-02)
- g.** Other Information. Provide the following additional information. (4-5-00)
 - i.** The name of the taxing district or unit; (3-20-04)
 - ii.** The date of voter approval (if required by statute) and effective period for any new or increased fund which is exempt from the budget limitations in Section 63-802, Idaho Code; (4-5-00)
 - iii.** The signature, date signed, printed name, address, and phone number of an authorized representative of the taxing district; and (5-3-03)
 - iv.** For a hospital district which has held a public hearing, a signature certifying such action. (4-5-00)
 - v.** For any taxing district including previously forgone increases in their budget or disclaiming any forgone increase, an attestation to having held the required public hearing on the resolution to include or disclaim the forgone amount. (~~3-29-17~~)(7-1-17)T
 - h.** Attached Information. Other information submitted to the county auditor with the L-2 Form. (4-6-05)
 - i.** For all taxing districts, L-2 worksheet. (3-20-04)
 - ii.** For newly formed recreation or auditorium districts, a copy of the petition forming the district showing any levy restrictions imposed by that petition. (3-20-04)
 - iii.** For any new ballot measures (bonds, overrides, permanent overrides, supplemental maintenance and operations funds, and plant facility funds), notice of election and election results. (3-20-04)
 - iv.** Voter approved fund tracker. (3-20-04)
 - v.** For fire districts, a copy of any new agreements with utility companies providing for payment of property taxes by that utility company to that fire district. (3-20-04)
 - vi.** For any city with city funded library operations and services at the time of consolidation with any library district, each such city must submit a certification to the board of county commissioners and the board of the library district reporting the dedicated portion of that city's property tax funded library fund budget and separately reporting any portion of its property tax funded general fund budget used to fund library operations or services at the time of the election for consolidation with the library district. (3-20-04)
 - vii.** For any library district consolidating with any city that had any portion of its property tax funded budget(s) dedicated to library operations or services at the time of the election for consolidation, each such library district must submit to the board of county commissioners a copy of the certification from that city reporting the information provided for in Subparagraph 803.04.h.vi. of this rule. (4-6-05)
 - viii.** For any taxing district including previously forgone increases in their budget or disclaiming any forgone increase, a copy of the resolution describing the amount of the forgone increase being disclaimed, or the amount included and specific purpose for which it is being included. (~~3-29-17~~)(7-1-17)T
- 05. Special Provisions for Fire Districts Levying Against Operating Property.** To prevent double counting of public utility property values, for any year following the first year in which any fire district increases its budget using the provision of Section 63-802(2), Idaho Code, such fire district shall not be permitted further increases under this provision unless the following conditions are met: (3-30-01)
- a.** The fire district and public utility have entered into a new agreement of consent to provide fire protection to the public utility; and (3-30-01)
 - b.** Said new agreement succeeds the original agreement; and (3-30-01)

c. In the first year in which levies are certified following the new agreement, the difference between the current year's taxable value of the consenting public utility and public utility value used in previous budget calculations made pursuant to this section is used in place of the current year's taxable value of the consenting public utility. (3-30-01)

06. Special Provisions for Property Tax Replacement. Property tax replacement monies must be reported on the L-2 Form and separately identified on accompanying worksheets. Except as provided in Paragraph 803.06.f. of this rule, for all taxing districts, these monies must be subtracted from the "balance to be levied". The reduced balance shall be used to compute levies, but the maximum amount permitted pursuant to Section 63-802, Idaho Code, shall be based on the sum of these property tax replacement monies, excluding monies received pursuant to Section 63-3502B(2), Idaho Code, and the amount actually levied. (3-29-17)

a. The State Tax Commission shall, by the fourth Monday of July, notify each county clerk if the amount of property tax replacement money, pursuant to Sections 63-3638(11) and (13), Idaho Code, to be paid to a taxing district changes from the amount paid in the preceding year. By the first Monday of May, the State Tax Commission shall further notify each school district and each county clerk of any changes in the amount of property tax replacement money to be received by that school district pursuant to Sections 63-3638(11) and (13), Idaho Code. (4-11-15)

b. By no later than the first Monday of August of each year, each county clerk shall notify each appropriate taxing district or unit of the total amount of property tax replacement monies and the type of replacement money as described in Paragraph 803.04.e. of this rule. For charter school districts subject to the provisions of Paragraph 803.06.f. of this rule, the amount to be subtracted shall be reported. (3-29-17)

c. Except as provided in Paragraph 803.06.d. of this rule, the subtraction required in Subsection 803.06 of this rule may be from any fund(s) subject to the limitations of Section 63-802, Idaho Code. For school districts this subtraction must be first from funds subject to the limitations of Section 63-802, Idaho Code, then from other property tax funded budgets. (5-8-09)

d. For taxing districts receiving distributions of the gross earning tax on solar farms described in Section 63-3502B(2), Idaho Code, the amount of any such distribution received during the 12 (twelve) months ending June 30 of the current tax year shall be subtracted from the maximum amount of property tax revenue permitted pursuant to Section 63-802, Idaho Code. In addition to the amounts reported as described in Paragraph 803.06.b. of this rule, the county clerk shall, by the third Monday in August, notify each taxing unit of the total amount of the gross earnings tax on solar farms billed for the current tax year. (3-29-17)

e. Levy limits shall be tested against the amount actually levied. (3-15-02)

f. For charter school districts with a levy in 2013 for maintenance and operations, as provided in Section 33-802(6), Idaho Code, a portion of the property tax replacement money received for property subject to the exemption in Section 63-602KK, Idaho Code, is not required to be subtracted in determining the "balance to be levied." Said portion shall be the amount calculated by applying the 2013 levy rate for the maintenance and operations levy amount, as authorized in the district's charter, to the 2013 exempt value of personal property used to compute replacement money provided to the school district. (4-11-15)

g. For recovered personal property exemptions, as provided in Section 63-602KK(7), Idaho Code, for personal property exempted in 2013 for which replacement money was paid, recovered amounts shall be distributed to the State Tax Commission. Once received, the amount of future payments to the affected taxing districts shall be reduced by the amount received. (3-25-16)

07. Special Provisions for Library Districts Consolidating with Any City's Existing Library Operations or Services. For any library district consolidating with any city's existing library operations or services, the amount of the dedicated property tax funded general fund and library fund budgets certified by the city under Subparagraph 803.04.h.vi., of this rule shall be added to that library district's property tax funded budget in effect at the time of the election for consolidation. This total shall be used as this district's property tax funded budget for the most recent year of the three (3) years preceding the current tax year for the purpose of deciding the property tax

funded budget that may be increased as provided by Section 63-802, Idaho Code. (4-6-05)

08. Special Provisions for Cities with Existing Library Operations or Services Consolidating with Any Library District. For any city with existing library operations or services at the time of consolidation with any library district, the amount of the dedicated property tax funded library fund budget included in the certification by the city under Subparagraph 803.04.h.vi., of this rule shall be subtracted from that city's total property tax funded budget in effect at the time of the election for the consolidation. This difference shall be used as this city's property tax funded budget for the most recent year of the three (3) years preceding the current tax year for the purpose of deciding the property tax funded budget that may be increased as provided by Section 63-802, Idaho Code. (4-6-05)

09. Special Provisions for Calculating Total Levy Rate for Taxing Districts or Units with Multiple Funds. Whenever the "Calculated Levy Rate" column of the L-2 Form indicates that a levy rate has been calculated for more than one (1) fund for any taxing district or unit, the "Column Total" entry must be the sum of the levy rates calculated for each fund. Prior to this summation, the levy rates to be summed must be rounded or truncated at the ninth decimal place. No additional rounding is permitted for the column total. (4-6-05)

10. Special Provisions for School Districts' Tort Funds - Hypothetical New Construction Levy. To calculate the new construction portion of the allowed annual increase in a school district's tort fund under Section 63-802(1), Idaho Code, calculate a Hypothetical New Construction Levy. To calculate this hypothetical levy, sum the amount of the school district's tort fund levied for the prior year, the agricultural equipment replacement revenue, and the personal property replacement revenue, then divide this sum by the school district's taxable value used to determine the tort fund's levy for the prior year. For the current year, the allowed tort fund increase for new construction is this Hypothetical New Construction Levy times the current year's new construction roll value for the school district. (3-25-16)

11. Special Provisions for Interim Abatement Districts. When an interim abatement district transitions into a formally defined abatement district under Section 39-2812, Idaho Code, the formally defined abatement district shall not be considered a new taxing district as defined in Paragraph 803.01.g. of this rule for the purposes of Section 63-802, Idaho Code. For the formally defined abatement district, the annual budget subject to the limitations of Section 63-802, Idaho Code, shall be the amount of property tax revenue approved for the interim abatement district. (4-2-08)

12. Cross Reference for School Districts with Tuition Funds. School district tuition fund levies are exempt from the limitations of Section 63-802, Idaho Code. See Section 33-1408, Idaho Code. (4-11-15)

IDAPA 35 – IDAHO STATE TAX COMMISSION

35.01.03 – PROPERTY TAX ADMINISTRATIVE RULES

DOCKET NO. 35-0103-1704

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 Sections 63-105A and 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 the address listed below.

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 314 – This rule would adopt the guidance found in “IAAO Standard on Mass Appraisal of Real Property, 2013” or discuss possible modifications to the standard’s section entitled “Alternative to Periodic On-site Inspections” to give assessors guidance as to the extent that aerial maps could supplement field inspections.

PROPERTY TAX RULE 404 – The existing rule provides companies an automatic extension of the due date for the entire operator’s statement whenever the tax commission fails to submit changes in tax code area boundary lines by March 1. This delays the appraisal of the company because the entire operator’s statement is not available until the mapping changes are completed. This rule allows an extension of the filing date for only the portion of the operator’s statement, which relates to specific tax code area information, but would exclude all other information that is not dependent upon map changes. The portions of the operator’s statement not affected by map changes would not be granted an automatic due date extension from the current due date of April 30.

PROPERTY TAX RULE 612 – This rule adds the provision that the assessor determines whether a park model recreational vehicle can be licensed and registered. This rule clarifies that the assessor makes the determination whether or not park model recreational vehicles qualify for the property tax exemption by using the criteria set out in newly amended I.C. 49-445 (HB156). In addition, this rule provides that park model recreational vehicles that are not licensed and registered be subject to the property tax. An additional clarification provides that park models which are licensed and registered before the fourth Monday in November are exempt from property tax regardless of the taxable status of park models on January 1 of any year.

PROPERTY TAX RULE 631 – Recently enacted HB 235 changed the investment threshold for which a taxpayer may qualify for the property tax exemption found in I.C. 63-602NN, which is the exemption for value added by business investment. The rule changes the qualifying investment threshold from \$3 million to not less than \$500 thousand at the discretion of the County Commission. In addition, rule will provide guidance on maintaining uniformity under the ordinance, and the examples will be updated to reflect the new law.

PROPERTY TAX RULE 803 – Taxing districts and other county officials need clarification on how to compute forgone amount presented in recently enacted HB207. This rule explains how to compute the amount of forgone increase that may be disclaimed. The maximum amount of forgone increase subject to being disclaimed in the current year is the difference between the total forgone amount based on the approved portion of each taxing district’s budget certified in September of the previous year and the district’s total forgone amount based on the approved portion of the taxing district’s budget certified two years ago.

CONTACT INFORMATION, WEB ADDRESS, ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning this negotiated rulemaking, contact Alan Dornfest at (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 3rd day of May, 2017

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

IDAPA 35 – IDAHO STATE TAX COMMISSION

35.02.01 – TAX COMMISSION ADMINISTRATION AND ENFORCEMENT RULES

DOCKET NO. 35-0201-1701

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 63-105 and 63-3039, Idaho Code.

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

Tuesday, June 13, 2017 - 1:30 p.m. (MDT)

**Idaho State Tax Commission
Room 1CR5 – 1st Floor
800 Park Boulevard, Plaza IV
Boise, ID 83712-7742**

It is possible that the rules will require further discussion in a follow up meeting that will also be open to the public. Notification of any additional meetings will be posted on the Tax Commission's website at <http://tax.idaho.gov/i-1090.cfm> at least one week prior to the date of the meeting. All meeting agendas are also posted on the website which will contain specific information on the rules that will be discussed at a particular meeting. Keep in mind there is no guarantee that a particular rule will be discussed beyond the meeting noted above, so please plan accordingly.

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

Attend the scheduled meeting and participate in the discussion for any of the rules on the agenda. You may join the meeting by phone if you wish; however, notice must be given in advance so accommodations can be arranged.

Submit a written comment addressing one or more of the rules to be negotiated. All written comments must be received by June 30, 2017, or they may not receive consideration in the negotiated rulemaking process.

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:

Rules 326, 327, and 328 are being promulgated to provide guidance for the appeals process. These rules will establish definitions, provide restrictions, exceptions, permitted communications and procedures for a taxpayer to participate in communications between the appeals unit and the originating division and others during the redetermination process.

CONTACT INFORMATION, WEB ADDRESS, ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning this negotiated rulemaking, contact Cynthia Adrian, (208) 334-7670. Materials pertaining to the negotiated rulemaking, including any available preliminary rule drafts, can be found on the Tax Commission web site at the following web address: www.tax.idaho.gov.

All written comments must be directed to the undersigned and must be delivered on or before June 30, 2017. Comments may be submitted via email to sherry.briscoe@tax.idaho.gov.

DATED this 5th day of May, 2017.

Cynthia Adrian, Tax Policy Specialist
Phone: (208) 334-7670
Fax: (208) 334-7844

Idaho State Tax Commission
800 Park Blvd., Plaza IV
P.O. Box 36, Boise, ID 83722-0410

IDAPA 35 – IDAHO STATE TAX COMMISSION

35.02.01 – TAX COMMISSION ADMINISTRATION AND ENFORCEMENT RULES

DOCKET NO. 35-0201-1702

NOTICE OF RULEMAKING – ADOPTION OF TEMPORARY RULE

EFFECTIVE DATE: The effective date of the temporary rule is July 1, 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 67-5224 and 67-5291, Idaho Code.

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

These rules are to give guidance regarding the appeals process as provided in 2017 HB23 and 24:

RULE 326 – Communications Between the Appeals Unit and the Originating Division and Others During the Redetermination: Definitions

RULE 327 – Communications Between the Appeals Unit and the Originating Division and Others During the Redetermination: Restrictions, Exemptions and Permitted Communications

RULE 328 – Opportunity to Participate: Notice to Petitioner

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

Compliance with deadlines in amendments to governing law or federal programs.

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 Cynthia Adrian (208) 334-7670.

DATED this 5th Day of May, 2017.

Cynthia Adrian
Tax Policy Specialist
Idaho State Tax Commission
800 Park Blvd., Plaza IV
P.O. Box 36
Boise, ID 83722-0410
(208) 334-7742

**THE FOLLOWING IS THE TEXT OF THE TEMPORARY RULE FOR DOCKET NO. 35-0201-1702
(Only Those Sections With Amendments Are Shown.)**

326. COMMUNICATIONS BETWEEN THE APPEALS UNIT AND THE ORIGINATING DIVISION AND OTHERS DURING THE REDETERMINATION: DEFINITIONS (RULE 326).

Section 63-3045, Idaho Code. For purposes of Rules 327 and 328, the following definitions apply:

01. Appeals Unit. Appeals unit means the business unit created within the Tax Commission with the responsibility for performing the independent administrative redetermination provided for in Section 63-3045, Idaho Code. (7-1-17)T

02. Appeals Officer. Appeals officer means the staff of the appeals unit performing the redetermination. (7-1-17)T

03. Originating Division. Originating division means the division within the Tax Commission that issued the notice of deficiency determination or other determination under dispute. (7-1-17)T

04. Petitioner. Petitioner means the taxpayer or the taxpayer's authorized representative. (7-1-17)T

05. Unable to Participate. Unable to participate means the petitioner had expressed intent to participate in the discussion with the originating division but did not participate and did not provide adequate notice to the appeals officer to reschedule the discussion. (7-1-17)T

327. COMMUNICATIONS BETWEEN THE APPEALS UNIT AND THE ORIGINATING DIVISION AND OTHERS DURING THE REDETERMINATION: RESTRICTIONS, EXEMPTIONS AND PERMITTED COMMUNICATIONS (RULE 327).

Section 63-3045, Idaho Code.

01. In General. Section 63-3045, Idaho Code, does not adopt the formal *ex parte* restrictions on communications that would apply in a judicial proceeding or under section 67-5253, Idaho Code. However, the Tax Commission will apply the following procedures as part of its redetermination process. The provisions contained within this rule do not create substantive rights affecting the taxpayer's tax liability, or the Tax Commission's ability to determine, assess, or collect the tax liability (including statutory interest and any penalties, if applicable). (7-1-17)T

02. Restrictions on Certain Communications. The appeals officer may engage in discussions relating to the petitioner's petition with employees of the originating division, including the strengths and weaknesses of the issues, new issues, and the parties' positions, only after having provided the petitioner the opportunity to participate in the discussions. (7-1-17)T

03. Exceptions. The limitation on communications contained within subsection 02 of this rule does not apply to communications with or by: (7-1-17)T

a. A Commissioner of the Tax Commission; (7-1-17)T

b. An employee of a Tax Commission outside of the originating division; (7-1-17)T

c. An employee of Idaho Attorney General's Office; (7-1-17)T

d. An employee of another state agency that the Tax Commission has entered into an exchange agreement with; (7-1-17)T

e. An employee of the Internal Revenue Service; (7-1-17)T

f. An employee of the Multi State Tax Commission. (7-1-17)T

04. Permitted Communications. Communications with the originating division that do not require the appeals officer to first provide the petitioner with an opportunity to participate in the communication include: (7-1-17)T

- a. Any matters that are ministerial, administrative, or procedural including routine account inquiries, transcript requests, and other similar inquiries in an electronic environment because they do not involve more than a limited amount of dialogue or interaction between appeals and the originating division. (7-1-17)T
- b. Communications in which the petitioner is given an opportunity to participate and is unresponsive, declines or is unable to participate in a discussion between the appeals officer and the originating division. (7-1-17)T
- c. Assisting the appeals officer in locating or indexing documents within the originating division's audit file that were relied upon by the originating division when it issued its notice of deficiency determination. (7-1-17)T
- d. Requesting verification of calculations that the appeals officer may utilize as part of a settlement or decision. (7-1-17)T
- e. Obtaining a response from the originating division when the petitioner provides new information or makes new legal arguments during the redetermination. The originating division's response must be in writing and a copy of the written response provided to the petitioner. (7-1-17)T
- f. Requesting confirmation of calculations that the petitioner has provided during the redetermination process. (7-1-17)T
- g. Requesting verification that information provided by the petitioner during the redetermination is the same or different from what was previously submitted to the originating division. (7-1-17)T
- h. A settlement meeting conducted in accordance with Rule 501 of these rules. (7-1-17)T

328. OPPORTUNITY TO PARTICIPATE: NOTICE TO PETITIONER (RULE 328).

01. Notification and Participation. If the appeals officer believes a discussion with staff from the originating division is warranted to review matters restricted by Rule 327.02 of these rules, the appeals officer shall provide petitioner reasonable notice of the time and date of any discussion. Such notice may be provided to the petitioner by telephone, mail or electronic form and pursuant to Section 63-4003, Idaho Code. The appeals officer shall make a reasonable effort to accommodate the petitioner's schedule but will not unduly delay the discussion. The petitioner may participate by telephone or in-person at the Tax Commission office in Boise, Idaho, and any discussion will be held during normal business hours. (7-1-17)T

02. Additional Petitioner Participation Information. Any discussion held under this rule that includes petitioner participation is not an informal hearing under Rule 325 of these rules, and does not start the one hundred and eighty (180) day period for issuing a final decision. (7-1-17)T

326 -- 399. (RESERVED)

IDAPA 42 – IDAHO WHEAT COMMISSION

42.01.01 – RULES OF THE IDAHO WHEAT COMMISSION

DOCKET NO. 42-0101-1701

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 22-3309, Idaho Code.

MEETING SCHEDULE: Public meetings are scheduled by the Idaho Wheat Commission as follows:

Friday, June 30, 2017 - 9:00 a.m.	Monday, August 28, 2017 - 9:00 a.m.
Idaho Wheat Commission 821 W. State Street Boise, ID 83706	La Quinta Inn & Suites 1440 Bench Road Pocatello, ID 83201

The meeting sites 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:

Interested members of the public who wish to participate must submit any written comments, questions, recommendations, or ideas to the Idaho Wheat Commission at the address below. Individuals may also attend the public meetings to be conducted on the above dates during which the Commission will allow oral comments or presentations to be made.

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 Commission’s 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 principle issues involved:

The Idaho Wheat Commission (“Commission”) will take up negotiated rulemaking with regard to the Report of Tax on Wheat form (or equivalent), including, but not limited to, the manner in which the form is completed, the manner in which the form is returned to the Commission, the timing upon which the form is delivered to the Commission, and the information included in the form.

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 Blaine Jacobson, Executive Director, at (208) 334-2353. Materials pertaining to the negotiated rulemaking, including any available preliminary rule drafts, can be found on the Commission’s website at the following web address: <http://www.idahowheat.org/>.

Anyone may submit written comments regarding this negotiated rulemaking. All written comments, questions, recommendations, or ideas must be directed to the undersigned and must be submitted to the Idaho Wheat Commission at least three (3) days prior to the meeting dates at the address below or via email to blaine@idahowheat.org.

DATED this 5th day of May 2017.

Blaine Jacobson, Executive Director
Phone: (208) 334-2353
Fax: (208) 334-2505

Idaho Wheat Commission
821 W. State Street
P.O. Box 82720
Boise, ID 83720-0099

IDAPA 59 – PUBLIC EMPLOYEES RETIREMENT SYSTEM OF IDAHO

59.01.02. – PERSI RULES FOR ELIGIBILITY

DOCKET NO. 59-0102-1701

NOTICE OF RULEMAKING – PROPOSED RULE

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Section 59-1306.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than not later than June 21, 2017.

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

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

Section 59-1302(15), Idaho Code, was amended in the 2017 legislative session. The definition of “Employer” as applied to all new employers must be in compliance with the Internal Revenue Service regulations governing governmental retirement plans.

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

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

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted because it is not feasible as it would be inconsistent with the Retirement Board’s obligation under Section 59-1306, Idaho Code, to conform to the federal tax code to maintain qualified plan tax status. The 2017 legislative change requires following Internal Revenue Service regulations. The requirement to follow Internal Revenue Service regulations contradicts the need for negotiated rulemaking.

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

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Cheryl George at (208) 287-9231.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before June 28, 2017.

DATED this 27th day of April, 2017.

Don Drum
Executive Director
Public Employee Retirement System of Idaho
607 North 8th Street
P.O. Box 83720
Boise, ID 83720-0078
Phone: (208) 287-9230
Fax: (208) 334-3408

THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 59-0102-1701
(Only Those Sections With Amendments Are Shown.)

005. DEFINITIONS (RULE 5).

The following definitions are supplemental to those provided by Section 59-1302, Idaho Code. (1-1-94)

01. Board. “Board” means the governing authority of the Public Employee Retirement System of Idaho as provided by Section 59-1304, Idaho Code, of the Firefighters’ Retirement Fund created by Chapter 14, Title 72, Idaho Code, and the Policeman’s Retirement Fund created by Chapter 15, Title 50, Idaho Code. (1-1-94)

02. Compensation. “Compensation” as used in Section 59-1342(6), Idaho Code, means “salary” as defined by Section 59-1302(31), Idaho Code. (1-1-94)

03. Date of Retirement. “Date of retirement” means the effective date on which a retirement allowance becomes payable. (1-1-94)

04. Employee. “Employee” means a person as defined in Section 59-1302(14), Idaho Code. (1-1-94)

05. Employer. “Employer” means the state of Idaho or any political subdivision or governmental entity, provided such subdivision or entity has elected to come into the system. Governmental entity means any organization composed of units of government of Idaho or organizations funded only by government or employee contributions or organizations who discharge governmental responsibilities or proprietary responsibilities that would otherwise be performed by government. A political subdivision and government entity also means an entity that meets each of the requirements of paragraphs (a), (b), and (c) of this subsection, taking into account all of the facts and circumstances. Entities that may qualify as political subdivisions include, among others, general purpose governmental entities, such as cities and counties (whether or not incorporated as municipal corporations), and special purpose governmental entities, such as special assessment districts that provide for roads, water, sewer, gas, light, reclamation, drainage, irrigation, levee, school, harbor, port improvements, and other governmental purposes for a State or local governmental unit. ()

a. Sovereign powers. Pursuant to a State or local law of general application, the entity has a delegated right to exercise a substantial amount of at least one of the following recognized sovereign powers of a State or local governmental unit: The power of taxation, the power of eminent domain, and police power. ()

b. Governmental purpose. The entity serves a governmental purpose. The determination of whether an entity serves a governmental purpose is based on, among other things, whether the entity carries out the public purposes that are set forth in the entity’s enabling legislation and whether the entity operates in a manner that provides a significant public benefit with no more than incidental private benefit. ()

c. Governmental control. A State or local governmental unit exercises control over the entity. For this purpose, control is defined in subparagraph (i) of this paragraph and a State or local governmental unit exercises such control only if the control is vested in persons described in subparagraph (ii) of this paragraph. ()

i. Definition of control. “Control” means an ongoing right or power to direct significant actions of the entity. Rights or powers may establish control either individually or in the aggregate. Among rights or powers that may establish control, an ongoing ability to exercise one or more of the following significant rights or powers, on a discretionary and non-ministerial basis, constitutes control: the right or power both to approve and to remove a majority of the governing body of the entity; the right or power to elect a majority of the governing body of the entity in periodic elections of reasonable frequency; or the right or power to approve or direct the significant uses of funds or assets of the entity in advance of that use. Procedures designed to ensure the integrity of the entity but not to direct significant actions of the entity are insufficient to constitute control of an entity. Examples of such procedures include requirements for submission of audited financial statements of the entity to a higher level State or local governmental unit, open meeting requirements, and conflicts of interest limitations. ()

ii. Control vested in a State or local governmental unit or an electorate. Control is vested in persons described as a State or local governmental unit possessing a substantial amount of each of the sovereign powers and acting through its governing body or through its duly authorized elected or appointed officials in their official capacities or an electorate established under applicable State or local law of general application, provided the electorate is not a private faction. ()

iii. Definition of “private faction”. A private faction is any electorate if the outcome of the exercise of control described in subparagraph (i) of this paragraph is determined solely by the votes of an unreasonably small number of private persons. The determination of whether a number of such private persons is unreasonably small depends on all of the facts and circumstances, including, without limitation, the entity’s governmental purpose, the number of members in the electorate, the relationships of the members of the electorate to one another, the manner of apportionment of votes within the electorate, and the extent to which the members of the electorate adequately represent the interests of persons reasonably affected by the entity’s actions. For purposes of this definition, an electorate is a private faction if any three private persons that are members of the electorate possess, in the aggregate, a majority of the votes necessary to determine the outcome of the relevant exercise of control. Provided however, an electorate is not a private faction if the smallest number of private persons who can combine votes to establish a majority of the votes necessary to determine the outcome of the relevant exercise of control is greater than 10 persons. For example, if an electorate consists of 20 private persons with equal, five-percent shares of the total votes, that electorate is not a private faction because a minimum of 11 members of that electorate is necessary to have a majority of the votes. By contrast, for example, if an electorate consists of 20 private persons with unequal voting shares in which some combination of 10 or fewer members has a majority of the votes, then that electorate does not qualify for the safe harbor from treatment as a private faction under this subparagraph. The following rules apply for purposes of determining numbers of voters and voting control in subparagraph (iii) of this paragraph, related parties (as defined in 26 CFR § 1.150-1(b)) are treated as a single person; and in computing the number of votes necessary to determine the outcome of the relevant exercise of control, all voters entitled to vote in an election are assumed to cast all votes to which they are entitled. ()

056. Employment. “Employment” as used in Section 59-1302(14)(B)(b), Idaho Code, shall mean the period of time from a member’s date of hire to the member’s succeeding date of separation from that employer. Placing a member on leave of absence with or without pay shall not be considered as a separation from the employer. (1-1-94)

067. Firefighters’ Retirement Fund. “Firefighters’ Retirement Fund” or “FRF” is the retirement fund provided by Chapter 14, Title 72, Idaho Code. (1-1-94)

078. General Member. “General member” is a PERSI member not classified as a police officer, firefighter, or paid firefighter. (1-1-94)

089. Paid Firefighter. “Paid firefighter” includes a former FRF members and paid firefighters as defined by Section 59-1391(f), Idaho Code, hired October 1, 1980, and thereafter. (4-7-11)

109. Police Officer. “Police officer” means an employee who is serving in a position designated by Section 59-1303(3), Idaho Code, or in a position so designated by the Retirement Board as provided by Section 59-1303(4), Idaho Code. (1-1-94)

101. Primary Employer. The primary employer is the employer from whom the employee receives the highest aggregate salary per month. (1-1-94)

172. Public Employee Retirement System of Idaho. “Public Employee Retirement System of Idaho” or “PERSI” is the retirement system created by Chapter 13, Title 59, Idaho Code. (1-1-94)

123. Retirement Board. “Retirement Board” means the governing authority of the Public Employee Retirement System of Idaho as provided by Section 59-1304, Idaho Code, and of the Firefighters’ Retirement Fund created by Chapter 14, Title 72, Idaho Code, and the Policeman’s Retirement Fund created by Chapter 15, Title 50, Idaho Code. (1-1-94)

134. **Same Position.** “Same position” as set forth in Section 59-1303(7), Idaho Code, means the same job classification or position title including continued employment in any revised job classification or new position title evolving from that same position as the result of personnel reclassification procedures provided the continued employment remains within the same state agency or within the same department of a political subdivision. (1-1-94)

145. **Surviving Spouse.** “Surviving spouse” is a person as defined in Section 15-2-802, Idaho Code. (1-1-94)

156. **Teacher.** “Teacher” is defined as a school employee who is required to be certified. (1-1-94)

Sections Affected Index

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07.08.17 – Idaho Minimum Safety Standards and Practices for Logging – Cable-Assisted Logging Systems

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08.02.03 – Rules Governing Thoroughness

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IDAPA 59 – PUBLIC EMPLOYEES RETIREMENT SYSTEM OF IDAHO

59.01.02. – PERSI Rules for Eligibility

Docket No. 59-0102-1701

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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.

*The proposed rule public hearing request deadline is June 21, 2017 unless otherwise posted.
The proposed rule written comment submission deadline is June 28, 2017 unless otherwise posted.
(Temp & Prop) indicates the rulemaking is both Temporary and Proposed.
(*PH) indicates that a public hearing has been scheduled.*

IDAPA 07 – DIVISION OF BUILDING SAFETY

PO Box 83720, Meridian, ID 83642

07-0817-1701, Idaho Minimum Safety Standards and Practice for Logging – Cable-Assisted Logging Systems. (Temp & Prop) New chapter establishes safety provisions for tethered logging operations to ensure best practices and equipment meet accepted industry safety standards.

IDAPA 08 – STATE BOARD OF EDUCATION AND DEPARTMENT OF EDUCATION

PO Box 83720, Boise, ID 83720-0027

08-0203-1708, Rules Governing Thoroughness. (Temp & Prop) Incorporates by reference the Idaho English Language Proficiency Assessment Achievement Standards.

IDAPA 59 – PUBLIC EMPLOYEE RETIREMENT SYSTEM OF IDAHO

PO Box 83720, Boise, ID 83720-0078

59-0102-1702, PERSI Rules for Eligibility. The term “employer” as applied to all new employees is defined to comply with the IRS regulations for governmental retirement plans.

NOTICES OF ADOPTION OF TEMPORARY RULE

IDAPA 35 – Idaho State Tax Commission

35-0103-1703, Property Tax Administrative Rules (eff. 7-1-17)T

35-0201-1702, Tax Commission Administration and Enforcement Rules (eff. 7-1-17)T

NOTICE OF INTENT TO PROMULGATE - NEGOTIATED RULEMAKING

IDAPA 08 – State Board of Education/Department of Education

08-0202-1707, Rules Governing Uniformity (To participate respond by 6/21/17)

08-0401-1701, Rules of the Idaho Digital Learning Academy (To participate respond by 6/21/17)

IDAPA 10 - Board of Professional Engineers and Professional Land Surveyors

10-0101-1701, Rules of Procedure (meeting scheduled)

10-0104-1701, Rules of Continuing Professional Development (meeting scheduled)

IDAPA 16 – Department of Health and Welfare

16-0204-1701, Rules Governing Emergency Medical Services Account III Grants (meetings scheduled) (2nd Notice)

16-0309-1702 and 16-0309-1703, Medicaid Basic Plan Benefits (meetings scheduled)

16-0310-1702, 16-0310-1703 and 16-0310-1704, Medicaid Enhanced Plan Benefits (meetings scheduled)

16-0318-1701, Medicaid Cost Sharing (meetings scheduled)

IDAPA 17 – Idaho Industrial Commission

17-0208-1701, Miscellaneous Provisions (meeting scheduled)

17-0209-1701, Medical Fees (meeting scheduled)

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17-0211-1701, Administrative Rules of the Industrial Commission Under the Workers' Compensation Law -- Security for Compensation -- Self-Insured Employers (meeting scheduled)

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Please refer to the Idaho Administrative Bulletin **June 7, 2017, Volume 17-6**, for the notices and text of all rulemakings, proclamations, negotiated rulemaking and public hearing information and schedules, executive orders of the Governor, and contact information.

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

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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.

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(Index of Current and Active Rulemakings)

*Office of the Administrative Rules Coordinator
Idaho Department of Administration*

March 29, 2017 — June 7, 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)

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