

IDAHO ADMINISTRATIVE BULLETIN

August 7, 2019 – Vol. 19-8

Office of the Governor
Division of Financial Management
Office of the Administrative Rules Coordinator
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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 2019

Vol. No.	Monthly Issue of Bulletin	ARRF Due to DFM	Closing Date for Agency Filing	Bulletin Publication Date	21-day Comment Period End Date
19-1	January 2019		*November 30, 2018	January 2, 2019	January 23, 2019
19-2	February 2019		January 4, 2019	February 6, 2019	February 27, 2019
19-3	March 2019		February 8, 2019	March 6, 2019	March 27, 2019
19-4	April 2019		March 8, 2019	April 3, 2019	April 24, 2019
19-5	May 2019	March 22, 2019	April 5, 2019	May 1, 2019	May 22, 2019
19-6	June 2019	April 19, 2019	May 3, 2019	June 5, 2019	June 26, 2019
19-7	July 2019	May 24, 2019	June 7, 2019	July 3, 2019	July 24, 2019
19-8	August 2019	June 21, 2019	July 5, 2019	August 7, 2019	August 28, 2019
19-9	September 2019	July 19, 2019	August 2, 2019	September 4, 2019	September 25, 2019
19-10	October 2019	August 16, 2019	**August 30, 2019	October 2, 2019	October 23, 2019
19-11	November 2019	September 20, 2019	October 4, 2019	November 6, 2019	November 27, 2019
19-12	December 2019	October 18, 2019	November 1, 2019	December 4, 2019	December 25, 2019

BULLETIN PUBLICATION SCHEDULE FOR CALENDAR YEAR 2020

Vol. No.	Monthly Issue of Bulletin	ARRF Due to DFM	Closing Date for Agency Filing	Publication Date	21-day Comment Period End Date
20-1	January 2020	November 15, 2019	*November 29, 2019	January 1, 2020	January 22, 2020
20-2	February 2020	December 20, 2019	January 3, 2020	February 5, 2020	February 26, 2020
20-3	March 2020	January 22, 2020	February 7, 2020	March 4, 2020	March 25, 2020
20-4	April 2020	February 21, 2020	March 6, 2020	April 1, 2020	April 22, 2020
20-5	May 2020	March 20, 2020	April 3, 2020	May 6, 2020	May 27, 2020
20-6	June 2020	April 24, 2020	May 1, 2020	June 3, 2020	June 24, 2020
20-7	July 2020	May 22, 2020	June 5, 2020	July 1, 2020	July 22, 2020
20-8	August 2020	June 19, 2020	July 3, 2020	August 5, 2020	August 26, 2020
20-9	September 2020	July 24, 2020	August 7, 2020	September 2, 2020	September 23, 2020
20-10	October 2020	August 21, 2020	**August 28, 2020	October 7, 2020	October 28, 2020
20-11	November 2020	September 18, 2020	October 2, 2020	November 4, 2020	November 25, 2020
20-12	December 2020	October 23, 2020	November 6, 2020	December 2, 2020	December 23, 2020

****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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IDAPA 02 – DEPARTMENT OF AGRICULTURE

02.01.04 – RULES GOVERNING THE IDAHO PREFERRED® PROMOTION PROGRAM

DOCKET NO. 02-0104-1901

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 22-112, 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 August 21, 2019.

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:

The rulemaking was conducted to revise product qualifications for the voluntary Idaho Preferred program. Existing product qualifications for “processed food and beverage” products were not appropriate for some products. New categories were created for beer and for water. Changes were also made to beef and game meat. The beef qualifications were revised to be more in line with other meat products and game meat was revised to include all Cervidae and not just elk. In addition to the proposed changes, IDAPA 02.01.04 was reviewed for amendment or repeal of select sections in order to comply with the Red Tape Reduction Act resulting in the elimination of some portions of the rule.

IDAHO CODE SECTION 22-101A STATEMENT: This rule does not regulate an activity not already regulated by the federal government, nor is it broader in scope or more stringent than federal regulations.

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

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

ISDA does not anticipate any fiscal impact as a result of this rulemaking.

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 May 1, 2019 Idaho Administrative Bulletin, [Vol. 19-5, page 41](#). A negotiated rulemaking meeting was held at the Idaho State Department of Agriculture on May 21, 2019. There were 15 in attendance at the meeting. There were some written comments submitted and entered into the record that were taken into consideration when drafting this proposed rule.

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 Laura Johnson, Bureau Chief, Market Development at (208) 332-8533. 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 August 28, 2019.

Dated this 3rd day of July, 2019.

Brian Oakey, Deputy Director
Idaho Department of Agriculture
Phone: (208) 332-8550 / Fax: (208) 334-2710
Phone: (208) 332-8550
Fax: (208) 334-2710

2270 Old Penitentiary Road
P.O. Box 790
Boise, Idaho 83701

THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 02-0104-1901
(Only Those Sections With Amendments Are Shown.)

110. PARTICIPATION FEES.

01. Annual Fee. ~~The Director shall annually establish participation fees for each participation category by April first for the following program year.~~ Participation fees will be listed in the participation application and will not exceed one thousand dollars (\$1,000). ~~Fees for the first program year will be set by July 1, 2003.~~
(3-16-04)()

- 02. Participation Categories:** (3-16-04)
- a. Producer. (3-16-04)
 - b. Packer/Shipper/Processor. (3-16-04)
 - c. Supporting Organization. (3-16-04)
 - d. Retail/Foodservice. (3-16-04)
 - e. Broker/Distributor. (3-16-04)

03. Pro-Rated Fees. New participation agreements issued during the program year will be assessed one hundred percent (100%) of the annual fee if applying between July 1 and December 31 and fifty percent (50%) of the fee if applying between January 1 and June 30. (3-29-10)

04. Participation in Multiple Categories. Persons qualifying in multiple participation categories shall be assessed the greater of participation fees. (3-16-04)

111. PARTICIPATION PRIVILEGES.

Participants will benefit from privileges including: (3-16-04)

01. Use of the Idaho Preferred® Logo. Use of the Idaho Preferred® Logo on product labels, advertising, signage, or other promotional materials as allowed by the department. (3-30-07)

02. Listing. Listing In Idaho Preferred® Product Directories. (3-30-07)

03. Promotion. Promotion through advertising, retail and foodservice promotions, consumer and education events, and the Idaho Preferred® website. (3-29-10)

04. Visibility. Visibility from the department's promotion activities. (3-16-04)

~~**05. Other Privileges.** Other privileges as established by the Director. (3-16-04)~~

112. -- 199. (RESERVED)

200. PRODUCT QUALIFICATION.

01. Authority of Determination. The Director has sole authority in determining the eligibility of a product for participation in the program. (3-16-04)

02. General Product Qualifications. Except as specified in this chapter, or by written order of the

Director, products must meet or exceed the following criteria: (3-16-04)

- a. Fresh produce and commodities bearing the Idaho Preferred® logo shall be one hundred percent (100%) Idaho grown or raised. (4-2-08)
- b. Processed foods and beverages shall: (4-2-08)
 - i. Contain a minimum of twenty percent (20%) agricultural content by weight that has been grown or raised in Idaho; and (4-2-08)
 - ii. Be processed in the state of Idaho. (4-2-08)
- c. Non-food agricultural products must be at least twenty percent (20%) agricultural content by weight that has been grown or raised in Idaho and processing must occur in Idaho. (4-7-11)

03. Potatoes. Only certification marks owned or administered by the Idaho Potato Commission may be branded on potatoes grown in Idaho unless prior Idaho Potato Commission approval in writing is secured and granted for the use of additional words or designs. Any person or participant applying to the Idaho Preferred® program, with the intention to promote Idaho-grown potatoes or products made from Idaho-grown potatoes, shall provide proof of such permission prior to making application with the Department. (3-30-07)

04. Wine. Wines shall contain a minimum of ninety-five percent (95%) Idaho grapes. (4-6-05)

05. Beer. Beer shall: ()

a. Be brewed in Idaho; and ()

b. Contain at least one (1) Idaho agricultural product such as Idaho malt, Idaho wheat or Idaho hops, or soluble remnant thereof, but excluding water. ()

06. Water. Water must be extracted from an Idaho water source. ()

057. Nursery Stock. Nursery stock shall have been grown in Idaho a minimum of one (1) growing season or growing cycle. (4-6-05)

068. Beef and Beef Products. Beef and beef products shall come from cattle that: (4-6-05)

a. Were born, raised and harvested in the United States. No cattle that originate from outside the United States may qualify for the Idaho Preferred® logo. (3-30-07)

b. ~~Reside in Idaho at least twelve (12) months prior to harvest. The twelve (12) months need not be contiguous, but must be verifiable~~ **Are raised, fed, or processed in Idaho.** (4-6-05)()

e. ~~Reside their entire lives in Idaho if harvested prior to twelve (12) months of age.~~ (4-6-05)

d. Are processed in federally inspected plants ~~and meet marbling and age requirements for USDA grade Select or better.~~ (4-6-05)()

079. Lamb and Lamb Products. Lamb and lamb products shall come from sheep that: (5-8-09)

a. Are born, raised and harvested in the United States. No lambs that originate from, or reside for any portion of their life outside the United States may qualify for the Idaho Preferred® logo. (5-8-09)

b. Have grazed or been fed in Idaho at least three (3) months prior to harvest. The three (3) months need not be contiguous, but must be verifiable. (5-8-09)

c. Are processed at approximately one (1) year of age or less and qualify as lamb or carcasses from

older animals, identified as mutton by USDA inspectors, may qualify if they have met requirements in Subsection 200.07.b. (5-8-09)

108. Pork and Pork Products. Pork and pork products shall come from hogs that: (5-8-09)

a. Are born, raised and harvested in the United States. No hogs that originate from, or reside for any portion of their life outside the United States may qualify for the Idaho Preferred® logo. (5-8-09)

b. Are raised in or processed in Idaho. (5-8-09)

c. Are processed at less than one (1) year of age unless used exclusively for ground pork or sausage products, and are processed in a federally inspected plant. (4-7-11)

111. Poultry and Poultry Products. Poultry and poultry products shall come from fowl that: (5-8-09)

a. Are hatched, raised and harvested in the United States. No fowl that originate from, or reside for any portion of their life outside the United States may qualify for the Idaho Preferred® logo. (5-8-09)

b. Are raised and processed in Idaho. Fertile eggs, also known as hatching eggs, or chicks less than three (3) days of age that originate outside of Idaho, but are raised and processed in Idaho, may qualify for Idaho Preferred®. (5-8-09)

c. Are processed in a facility that is approved through a District Health Department for retail sales, or in a federally inspected plant. (5-8-09)

102. Game Meat. Game meat shall: (5-8-09)

a. Come from domestic ~~ell~~ Cervidae that are born, raised and processed in Idaho and originate from a facility ~~licensed~~ regulated by the Idaho State Department of Agriculture. (5-8-09)()

b. Come from domestic buffalo that are born, raised and processed in Idaho. (5-8-09)

c. Be processed in a federally inspected plant. (5-8-09)

143. Apicultural Products. Products produced by honey bees including ~~honey~~ honey, wax, pollen, and propolis shall be one hundred percent (100%) Idaho origin. Processed honey shall be eighty percent (80%) Idaho origin. (4-6-05)()

124. Forest Products. Forest products shall: (3-29-12)

a. Contain a minimum of eighty percent (80%) of their wood fiber content from trees grown in Idaho; and (3-29-12)

b. Be manufactured in Idaho. (3-29-12)

135. Exceptions. The Director has the authority to establish product qualification requirements specific to individual products and commodities by written order. (3-16-04)

IDAPA 02 – DEPARTMENT OF AGRICULTURE
02.06.20 – RULES GOVERNING GRAPE PLANTING STOCK
DOCKET NO. 02-0620-1901
NOTICE OF 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 22-2006, Idaho Code.

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

PUBLIC MEETING
Wednesday, August 14, 2019 9:00 a.m. to 9:20 a.m. (MDT)
Idaho State Department of Agriculture 2270 Old Penitentiary Road Boise, Idaho 83712

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 may submit any written comments for the record, questions, recommendations, or ideas to the Idaho State Department of Agriculture addressed to Jared.Stuart@isda.idaho.gov. Individuals may also attend the public meeting to be conducted on the above date during which the Idaho State Department of Agriculture 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:

As petitioned by the grape industry, the proposed rule change will add a quarantine pest to the regulated pest list for importing grape stock into Idaho. This change will protect the grape industry by preventing entry of a harmful pest known to be damaging to grape production and will additionally standardize regional import requirements for Idaho, Oregon, and Washington. IDAPA 02.06.20 will also be reviewed for amendment or repeal of select sections in order to comply with the Red Tape Reduction Act.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS, OBTAINING DRAFT COPIES: For assistance on technical questions concerning this negotiated rulemaking contact Jared Stuart, Section Manager, Plant Industries at (208) 332-8622. Materials pertaining to the negotiated rulemaking, including any available preliminary rule drafts, can be found on the ISDA web site at the following web address: www.agri.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 August 28, 2019.

Dated this 3rd day of July, 2019.

Brian Oakey, Deputy Director
Idaho Department of Agriculture
Phone: (208) 332-8550 / Fax: (208) 334-2710

2270 Old Penitentiary Road
P.O. Box 790
Boise, Idaho 83701

IDAPA 05 – IDAHO DEPARTMENT OF JUVENILE CORRECTIONS

05.01.04 – UNIFORM STANDARDS FOR JUVENILE PROBATION SERVICES

DOCKET NO. 05-0104-1901

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 20-504(12) and 20-504(15), Idaho Code.

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

**PUBLIC MEETING
VIA PHONE CONFERENCE**

**Wednesday, August 14, 2019
5:00 p.m. – 6:30 p.m. (MDT)**

**Phone Number – 1-877-820-7831
Guest Code – 212267**

The meeting 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:

Join the scheduled public meeting by phone. Individuals, also, may submit written comments to Chelsea Newton at chelsea.newton@idjc.idaho.gov or mail to Idaho Department of Juvenile Corrections, P.O. Box 83720, Boise, ID 83720-0285.

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 current version of the juvenile probation standards was approved in 2005; since that time, there have been significant advances in the dissemination of research information identifying policies and practices in the juvenile justice system that have been effective at reducing recidivism and improving outcomes for youth, families, and the individuals impacted by juvenile-offending behavior. The rule updates current standards that are obsolete and others that need modification to integrate best practice research and practices.

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 Chelsea Newton at (208) 577-5414. Materials pertaining to the negotiated rulemaking, including any available preliminary rule drafts, can be found on the Department web site at www.idjc.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 Monday, August 23, 2019.

Dated this 8th of July, 2019.

Monty Prow, Director
Idaho Department of Juvenile Corrections
Phone: (208) 334-5100 / Fax: (208) 334-5120

954 W. Jefferson St.
P.O. Box 83720
Boise, ID 83720-0285

IDAPA 08 – IDAHO STATE BOARD OF EDUCATION

DOCKET NO. 08-0000-1900

NOTICE OF PUBLIC HEARING FOR OMNIBUS RULEMAKING

AUTHORITY: In compliance with Sections 67-5221(1) and 67-5222, Idaho Code, notice is hereby given that this agency has scheduled a public hearing and extended the period of public comment. The action is authorized pursuant to Article IX, Section 2 of the Idaho Constitution and under Sections 33-101, 33-105, 33-107, 33-115, 33-116, 33-118, 33-118A, 33-119, 33-120, 33-125B, 33-130, 33-133, 33-134, 33-136, 33-203, 33-307, 33-310, 33-320, 33-523, 33-804A, 33-1002, 33-1002C, 33-1002F, 33-1004, 33-1006, 33-1007A, 33-1201, 33-1201A, 33-1202, 33-1204, 33-1205, 33-1210, 33-1212, 33-1212A, 33-1280, 33-1304, 33-1602, 33-1612, 33-1613, 33-1614, 33-1616, 33-1631, 33-2002, 33-2003, 33-2009, 33-2402, 33-2403, 33-4303, 33-4402, 33-4403, 33-4601A, 33-4605, 33-5203, 33-5205, 33-5207, 33-5208, 33-5210, 33-5504, 33-5505, 33-5507, and 22-1504 Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearings concerning this rulemaking will be held as follows:

PUBLIC HEARINGS	
Monday, August 19, 2019 6:00 p.m. - 9:30 p.m. (MDT)	Wednesday, August 21, 2019 6:00 p.m - 9:30 p.m. (MDT)
College of Western Idaho 5500 E. Opportunity Drive Academic Building Room 102E Nampa, ID 83687	College of Southern Idaho 315 Falls Avenue Hepworth Building Room 108 Twin Falls, ID 83301
Thursday, August 22, 2019 6:00 p.m. - 9:30 p.m. (PDT)	Tuesday, August 27, 2019 6:00 p.m. - 9:30 p.m. (MDT)
North Idaho College 1000 W. Garden Avenue Student Union Building Room: Lake Coeur d'Alene Coeur d'Alene, ID 83814	College of Eastern Idaho 1600 S. 25th E. Bldg. 6 (Health Education Bldg.) Room 150/152 Idaho Falls, Idaho 83404

The hearing sites 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 summary of this action is found in June 19, 2019 Idaho Administrative Bulletin (Special Edition), **Vol. 19-6SE, pages 1026 through 1171**. The hearing will provide an opportunity for the public to provide input on Docket Number 08-0000-1900, specifically, the Idaho Content Standards (incorporated by reference, Definitions, Assessments, Accountability, Unique Student Identifier, and Basic Values in IDAPA 08.02.03. Rules Governing Thoroughness (subsections 004, 007, 008, 009, 111, 112, 116, and 150); IDAPA 08.02.04 Rules Governing Public Charter Schools; IDAPA 08.03.01, Rules of the Public Charter School Commission; and IDAPA 08.04.01 Rules of the Idaho Digital Learning Academy.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this rulemaking, contact Tracie Bent, Chief Planning and Policy Officer, at (208) 332-1582 or tracie.bent@osbe.idaho.gov.

SUBMISSION OF WRITTEN COMMENTS: Anyone may submit written comments regarding this rulemaking during this comment period or a written comment may be submitted at the public hearing in lieu of giving an oral presentation. Any written comments submitted at a public hearing carry the same weight as oral testimony and will be considered as such.

All written comments must be directed to the undersigned and must be delivered on or before August 27, 2019.

Dated this 2nd day of August, 2019.

Tracie Bent, Chief Planning and Policy Officer
Office of the 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 OF AND STATE DEPARTMENT OF EDUCATION

08.02.02 – RULES GOVERNING UNIFORMITY

DOCKET NO. 08-0202-1902

NOTICE OF RULEMAKING – PROPOSED RULE

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Sections 33-105, 33-1254, and 33-1258, 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 August 21, 2019.

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:

The Professional Standards Commission (PSC) follows a strategic plan of annually reviewing 20 percent (20%) of the Idaho Standards for Initial Certification of Professional School Personnel, a document incorporated by reference, as well as the corresponding certification and endorsement language within IDAPA. The proposed rule reflects a revised State Board of Education adoption date of the Idaho Standards for Initial Certification of Professional School Personnel and certification and endorsement revisions for Exceptional Child Generalist, Blind and Visually Impaired, Deaf/Hard of Hearing, Blended Early Childhood Education/Early Childhood Special Education, School Psychologist, School Counselor, and School Social Worker. All standards and endorsements were revised to better align with national standards and best practices. Other amendments include revisions to sections for Alternative Authorization to Endorsement and Alternate Routes to Certification to ensure clarity and reflect best practices, and addition of clarifying language addressing Educator/Student Relationship. Technical corrections include corrections to numeric order, alphabetical order, vocabulary consistency, spelling, punctuation, and/or grammar.

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(1), Idaho Code, negotiated rulemaking was conducted. The Notice of Intent to Promulgate Rules - Negotiated Rulemaking was published in the March 6, 2019, Idaho Administrative Bulletin, [Vol. 19-3, page 12](#).

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 Standards for Initial Certification of Professional School Personnel is currently incorporated by reference. Because of the number of pages in the document, republication of the text would be unduly cumbersome and expensive. A complete copy of the proposed changes to the Idaho Standards for Initial Certification of Professional School Personnel can be found at the State Department of Education's website at <http://sde.idaho.gov/topics/admin-rules/>.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Lisa Colón Durham, Director of Certification and Professional Standards, at (208) 332-6886 or lcolondurham@sde.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 August 28, 2019.

Dated this 19th Day of June, 2019.

Sherri Ybarra
Superintendent of Public Instruction
650 W. State Street, 2nd Floor
P.O. Box 83720
Boise, ID 83720-0027
Office: (208) 332-6800
Fax: (208) 334-2228

**THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 08-0202-1902
(Only Those Sections With Amendments Are Shown.)**

004. INCORPORATION BY REFERENCE.

The State Board of Education adopts and incorporates by reference into its rules: (5-8-09)

01. Idaho Standards for the Initial Certification of Professional School Personnel as approved on June 2019, 2018. Copies of this document can be found on the Office of the State Board of Education website at <https://boardofed.idaho.gov>. (4-11-19)()

02. Standards for Idaho School Buses and Operations as approved on November 15, 2017. The Standards for Idaho School Buses and Operations are available at the Idaho State Department of Education, 650 W. State St., Boise Idaho, 83702 and can also be accessed electronically at <https://boardofed.idaho.gov>. (3-28-18)

03. Operating Procedures for Idaho Public Driver Education Programs as approved on June 16, 2016. The Operating Procedures for Idaho Public Driver Education Programs are available at the Idaho State Department of Education, 650 W. State St., Boise, Idaho, 83702 and can also be accessed electronically at <https://boardofed.idaho.gov>. (3-29-17)

(BREAK IN CONTINUITY OF SECTIONS)

007. DEFINITIONS.

~~**01. Active Teacher.** K-12 teacher with a valid Idaho certificate who is currently teaching in an Idaho K-12 classroom or school, either in person or online. (3-29-17)~~

~~**02. Alternative Routes.** Routes to teacher certification designed for candidates who want to enter the teaching profession from non education professions or the paraprofessional profession, or for teachers lacking certification in a specific area defined as an emergency district need. (3-29-17)~~

031. Clinical Experience. Guided, hands-on, practical applications and demonstrations of professional knowledge of theory to practice, skills, and dispositions through collaborative and facilitated learning in field-based assignments, tasks, activities, and assessments across a variety of settings. Clinical experience includes field experience and clinical practice as defined in this section. (4-11-19)

042. Clinical Practice. Student teaching or internship opportunities that provide candidates with an intensive and extensive culminating field-based set of responsibilities, assignments, tasks, activities, and assessments that demonstrate candidates' progressive development of the professional knowledge, skills, and dispositions to be

effective educators. Clinical practice includes student teaching and internship. (4-11-19)

~~053.~~ **Credential.** The general term used to denote the document on which all of a person's educational certificates and endorsements are listed. The holder is entitled to provide educational services in any and/or all areas listed on the credential. (3-16-04)

~~064.~~ **Endorsement.** Term used to refer to the content area or specific area of expertise in which a holder is granted permission to provide services. (3-16-04)

~~075.~~ **Field Experience.** Early and ongoing practice opportunities to apply content and pedagogical knowledge in Pre-K-12 settings to progressively develop and demonstrate knowledge, skills, and dispositions. (4-11-19)

~~086.~~ **Idaho Student Achievement Standards.** Standards of achievement for Idaho's K-12 students. See IDAPA 08.02.03, "Rules Governing Thoroughness." (3-16-04)

~~097.~~ **Individualized Professional Learning Plan.** An individualized professional development plan based on the Idaho framework for teaching evaluation as outlined in Section 120 of these rules to include interventions based on the individual's strengths and areas of needed growth. (3-28-18)

~~108.~~ **Institutional Recommendation.** Signed form or written verification from an accredited institution with a state board approved educator preparation program stating that an individual has completed the program, received a basic or higher rating in all components of the approved Idaho framework for teaching evaluation, has an individualized professional learning plan, has demonstrated the ability to produce measurable student achievement or student success, has the ability to create student learning objectives, and is now being recommended for state certification. Institutional recommendations must include statements of identified competency areas and grade ranges. Institutional Recommendation for administrators must additionally include a competency statement indicating proficiency in conducting accurate evaluations of instructional practice based upon the state's framework for evaluation as outlined in Section 120 of these rules. (3-28-18)

~~109.~~ **Internship.** Full-time or part-time supervised clinical practice experience in Pre-K-12 settings where candidates progressively develop and demonstrate their knowledge, skills, and dispositions. (4-11-19)

~~120.~~ **Local Education Agency (LEA).** An Idaho public school district or charter school pursuant to Section 33-5203(8), Idaho Code. (3-29-17)

~~13.~~ **Orientation.** ~~School district/school process used to acquaint teachers new to district/school on its policies, procedures and processes.~~ (3-16-04)

~~141.~~ **Paraprofessional.** A noncertificated individual who is employed by a ~~school district or charter school~~ local education agency to support educational programming. Paraprofessionals must work under the direct supervision of a properly certificated staff member for the areas they are providing support. Paraprofessionals cannot serve as the teacher of record and may not provide direct instruction to a student unless the paraprofessional is working under the direct supervision of a teacher. (3-29-17)()

a. To qualify as a paraprofessional the individual must have a high school diploma or general equivalency diploma (GED) and: (3-29-17)

i. Demonstrate through a state board approved academic assessment knowledge of and the ability to assist in instructing or preparing students to be instructed as applicable to the academic areas they are providing support in; or (4-11-19)

ii. Have completed at least two (2) years of study at an accredited postsecondary educational institution; or (3-29-17)

iii. Obtained an associate degree or higher level degree; demonstrate through a state board approved academic assessment knowledge of and the ability to assist in instructing or preparing students to be instructed as

applicable to the academic areas they are providing support in. (4-11-19)

b. Individuals who do not meet these requirements will be considered school or classroom aides. (3-29-17)

c. Duties of a paraprofessional include, but are not limited to, one-on-one tutoring; assisting in classroom management; assisting in computer instruction; conducting parent involvement activities; providing instructional support in a library or media center; acting as a translator in instructional matters; and providing instructional support services. Non-instructional duties such as providing technical support for computers, personal care services, and clerical duties are generally performed by classroom or school aides, however, this does not preclude paraprofessionals from also assisting in these non-instructional areas. (3-29-17)

152. Pedagogy. Teaching knowledge and skills. (3-16-04)

163. Practicum. Full-time or part-time supervised, industry-based experience in an area of intended career technical education teaching field to extend understanding of industry standards, career development opportunities, and application of technical skills. (4-11-19)

174. Student Learning Objective (SLO). A measurable, long-term academic growth target that a teacher sets at the beginning of the year for all student or for subgroups of students. SLOs demonstrate a teacher's impact on student learning within a given interval of instruction based upon baseline data gathered at the beginning of the course. (3-25-16)

185. Student Teaching. Extensive, substantive, and supervised clinical practice in Pre-K-12 schools for candidates preparing to teach. (4-11-19)

196. Teacher Leader. A teacher who facilitates the design and implementation of sustained, intensive, and job-embedded professional learning based on identified student and teacher needs. (3-25-16)

(BREAK IN CONTINUITY OF SECTIONS)

015. IDAHO EDUCATOR CREDENTIAL.

The State Board of Education authorizes the State Department of Education to issue certificates and endorsements to those individuals meeting the specific requirements for each area provided herein. (3-25-16)

01. Standard Instructional Certificate. A Standard Instructional Certificate makes an individual eligible to teach all grades, subject to the grade ranges and subject areas of the valid endorsement(s) attached to the certificate. A standard instructional certificate may be issued to any person who has a baccalaureate degree from an accredited college or university and who meets the following requirements: (3-29-17)

a. Professional education requirements: (3-29-17)

i. Earned a minimum of twenty (20) semester credit hours, or thirty (30) quarter credit hours, in the philosophical, psychological, methodological foundations, instructional technology, and in the professional subject matter, which shall include at least three (3) semester credit hours, or four (4) quarter credit hours, in reading and its application to the content area; (3-29-17)

ii. The required minimum credit hours must include at least six (6) semester credit hours, or nine (9) quarter credit hours, of student teaching in the grade range and subject areas as applicable to the endorsement; and (3-29-17)

b. Completed an approved educator preparation program and have an institutional recommendation from an accredited college or university specifying the grade ranges and subjects for which they are eligible to receive an endorsement in; (4-11-19)

c. Individuals seeking endorsement ~~in a secondary grade (pursuant to Section 33-1001, Idaho Code)~~ ~~range~~ must complete preparation in at least two (2) fields of teaching. One (1) of the teaching fields must consist of at least thirty (30) semester credit hours, or forty-five (45) quarter credit hours and a second field of teaching consisting of at least twenty (20) semester credit hours, or thirty (30) quarter credit hours. Preparation of not less than forty-five (45) semester credit hours, or sixty-seven (67) quarter credit hours, in a single subject area may be used in lieu of the two (2) teaching field requirements; (3-29-17)()

d. Proficiency in areas noted above is measured by completion of the credit hour requirements provided herein. Additionally, each candidate must meet or exceed the state qualifying score on the state board approved content area and pedagogy assessments. (3-29-17)

e. The Standard Instructional Certificate is valid for five (5) years. Six (6) semester credit hours are required every five (5) years in order to renew the certificate. (3-29-17)

02. Pupil Service Staff Certificate. Persons who serve as school counselors, school psychologists, speech-language pathologists, school social workers, school nurses and school audiologists are required to hold the Pupil Service Staff Certificate, with the respective endorsement(s) for which they qualify. Persons who serve as an occupational therapist or physical therapist may be required, as determined by the local educational agency, to hold the Pupil Service Staff Certificate with respective endorsements for which they qualify. (3-28-18)

a. School Counselor (K-12) Endorsement. To be eligible for a Pupil Service Staff Certificate - School Counselor (K-12) endorsement, a candidate must have satisfied the following requirements. The Pupil Service Staff Certificate with a School Counselor (K-12) endorsement is valid for five (5) years. Six (6) semester credit hours are required every five (5) years in order to renew the endorsement. (3-28-18)

i. Hold a master's degree and provide verification of completion of an approved program of graduate study in school counseling, including 60 semester credits, from a college or university approved by the Idaho State Board of Education or the state educational agency of the state in which the program was completed. The program must include successful completion of seven hundred (700) clock hours of supervised field experience, seventy-five percent (75%) of which must be in a K-12 school setting. This K-12 experience must be in each of the following levels: elementary, middle/junior high, and high school. Previous school counseling experience may be considered to help offset the field experience clock hour requirement; and (3-25-16)()

ii. An institutional recommendation is required for a School Counselor (K-12) endorsement. (3-28-18)

b. School Counselor – Basic (K-12) Endorsement. (3-28-18)

i. Individuals serving as a school counselor pursuant to Section 33-1212, Idaho Code, shall be granted a Pupil Service Staff Certificate with a School Counselor – Basic (K-12) endorsement. The endorsement is valid for five (5) years or until such time as the holder no longer meets the eligibility requirements pursuant to Section 33-1212, Idaho Code. Six (6) semester credit hours are required every five (5) years in order to renew the endorsement. (4-11-19)

ii. Individuals who received their endorsement pursuant to Section 33-1212, Idaho Code, prior to July 1, 2018, will be transitioned into the School Counselor – Basic (K-12) endorsement. Renewal date will remain the same as the initial credential. (3-28-18)

c. School Psychologist Endorsement. This endorsement is valid for five (5) years. In order to renew the endorsement, six (6) professional development credits are required every five (5) years. The renewal credit requirement may be waived if the applicant holds a current valid National Certification for School Psychologists (NCSP) offered through the National Association of School Psychologists (NASP). To be eligible for initial endorsement, a candidate must complete a minimum of sixty (60) graduate semester credit hours which must be accomplished through one (1) of the following options: (3-25-16)

i. Completion of an approved thirty (30) semester credit hour, or forty-five (45) quarter credit hours,

master's degree in education or psychology and completion of an approved thirty (30) semester credit hour, or forty-five (45) quarter credit hour, School Psychology Specialist Degree program, and completion of a minimum of twelve hundred (1,200) clock-hour internship within a ~~school district~~ local education agency under the supervision of the training institution and direct supervision of a certificated school psychologist; (3-25-16)()

ii. Completion of an approved sixty (60) semester credit hour, or ninety (90) quarter credit hour, master's degree program in School Psychology, and completion of a minimum of twelve hundred (1,200) clock-hour internship within a ~~school district~~ local education agency under the supervision of the training institution and direct supervision of a certificated school psychologist; (3-25-16)()

iii. Completion of an approved sixty (60) semester credit hour, or ninety (90) quarter credit hour, School Psychology Specialist degree program which did not require a master's degree as a prerequisite, with laboratory experience in a classroom, which may include professional teaching experience, student teaching or special education practicum, and completion of a minimum twelve hundred (1,200) clock-hour internship within a ~~school district school district~~ local education agency under the supervision of the training institution and direct supervision of a certificated school psychologist; and (3-25-16)()

iv. Earn a current and valid National Certification for School Psychologists (NCSP) issued by the National Association of School Psychologists (NASP). (3-25-16)

d. Interim Endorsement – School Psychologist. This endorsement will be granted for those who do not meet the educational requirements but hold a master’s degree in school psychology and are pursuing an educational specialist degree. This non-renewable endorsement will be issued for three (3) years while the applicant is meeting the educational requirements. ()

de. School Nurse Endorsement. This endorsement is valid for five (5) years. Six (6) credits are required every five (5) years in order to renew the endorsement. Initial endorsement may be accomplished through completion of either requirements in Subsections 015.02.c.i. or 015.02.c.ii. (4-11-19)

i. The candidate must possess a valid professional nursing (RN) license issued by the Idaho State Board of Nursing, and a baccalaureate degree in nursing, education, or a health-related field from an accredited institution. (4-11-19)

ii. The candidate must possess a valid professional nursing (RN) license issued by the Idaho State Board of Nursing; have two (2) years of full-time (or part-time equivalent) school nursing, community health nursing, or any other area of pediatric, adolescent, or family nursing experience; and have completed six (6) semester credit hours from a university or college in any of the following areas: (4-11-19)

- (1) Health program management. (3-25-16)
- (2) Nursing leadership. (4-11-19)
- (3) Pediatric nursing or child development. (4-11-19)
- (4) Population of community health. (4-11-19)
- (5) Health care policy, ethics, or cultural competency. (4-11-19)
- (6) Research and/or statistics. (4-11-19)

ef. Interim Endorsement - School Nurse. This endorsement will be granted for those who do not meet the educational and/or experience requirements but who hold a valid professional nursing (RN) license in Idaho. An Interim School Nurse Endorsement will be issued for three (3) years while the applicant is meeting the educational or experience requirements, or both, and it is not renewable. (4-11-19)

fg. Speech-Language Pathologist Endorsement. This endorsement is valid for five (5) years. Six (6) credits are required every five (5) years in order to renew the endorsement. The initial endorsement will be issued to

candidates who possess a master's degree from an accredited college or university in a speech/language pathology program approved by the State Board of Education, and who receive an institutional recommendation from an accredited college or university. (3-25-16)

~~h. Interim Endorsement - Speech-Language Pathologist. This endorsement will be granted for those who do not meet the educational requirements but hold a baccalaureate degree in speech-language pathology and are pursuing a master's degree. This endorsement will be issued for three (3) years while the applicant is meeting the educational requirements, and is not renewable. ()~~

~~g.i. Audiology Endorsement. This endorsement is valid for five (5) years. Six (6) credits are required every five (5) years in order to renew the endorsement. The initial endorsement will be issued to candidates who possess a master's degree from an accredited college or university in an audiology program approved by the State Board of Education, and who receive an institutional recommendation from an accredited college or university. (3-25-16)~~

~~h.j. School Social Worker Endorsement. This endorsement is valid for five (5) years. Six (6) credit hours are required every five (5) years in order to renew the endorsement. Initial endorsement shall be accomplished by meeting the following requirements of Subsections 015.02.g.i. through 02.g.iii., or by meeting the requirement in Subsection 015.02.g.iv: (3-29-17)()~~

~~i. A master's degree in social work (MSW) from a postsecondary institution accredited by an organization recognized by the State Board of Education. The program must be currently approved by the state educational agency of the state in which the program was completed; and (3-29-17)~~

~~ii. An institution recommendation from an Idaho State Board of Education approved program; and (3-29-17)~~

~~iii. The successful completion of a school social work practicum in a kindergarten preschool through grade twelve 12 (Pre-K-12) setting. Post-LMSW extensive experience working with children and families may be substituted for the completion of a school social work practicum in a Pre-K-12 setting; and (3-29-17)()~~

~~iv. A current and valid master's degree or higher social work license pursuant to chapter 32, title 54, Idaho Code, and the rules of the State Board of Social Work Examiners. (3-29-17)()~~

~~i. Interim Endorsement Speech Language Pathologist. This certificate will be granted for those who do not meet the educational requirements but who hold a baccalaureate degree in speech language pathology and are pursuing a master's degree in order to obtain the Pupil Service Staff Certificate endorsed in speech language pathology. An interim certificate will be issued for three (3) years while the applicant is meeting the educational requirements, and it is not renewable. (3-28-18)~~

~~j.k. Occupational Therapist Endorsement. A candidate with a current and valid Occupational Therapy license issued by the Occupational Therapy Licensure Board of Idaho will be granted an Occupational Therapist endorsement. The Pupil Service Staff Certificate with an Occupational Therapist endorsement is valid for five (5) years. Six (6) semester credit hours are required every five (5) years in order to renew the endorsement. Candidate must maintain current and valid Occupational Therapy Licensure for the endorsement to remain valid. (4-11-19)~~

~~l. Physical Therapist Endorsement. A candidate with a current and valid Physical Therapy license issued by the Idaho Physical Therapy Licensure Board will be granted a Physical Therapist endorsement. The Pupil Service Staff Certificate with a Physical Therapist endorsement is valid for five (5) years. Six (6) semester credit hours are required every five (5) years in order to renew the endorsement. Candidate must maintain current and valid Physical Therapy Licensure for the endorsement to remain valid. (3-28-18)~~

03. Administrator Certificate. Every person who serves as a superintendent, a director of special education, a secondary school principal, or principal of an elementary school with eight (8) or more teachers (including the principal), or is assigned to conduct the summative evaluation of certified staff is required to hold an Administrator Certificate. The certificate may be endorsed for service as a school principal, a superintendent, or a director of special education. Assistant superintendents are required to hold the Superintendent endorsement.

Assistant principals or vice-principals are required to hold the School Principal endorsement. Directors of special education are required to hold the Director of Special Education endorsement. Possession of an Administrator Certificate does not entitle the holder to serve as a teacher at a grade level for which the educator is not qualified or certificated. All administrator certificates require candidates to meet the Idaho Standards for School Principals. The Administrator Certificate is valid for five (5) years. Six (6) semester credit hours are required every five (5) years in order to renew the certificate. ~~(3-28-18)~~ ()

a. School Principal (Pre-K-12) Endorsement. To be eligible for an Administrator Certificate endorsed for School Principal (Pre-K-12), a candidate must have satisfied the following requirements: (3-28-18)

- i. Hold a master's degree from an accredited college or university. (3-25-16)
- ii. Have four (4) years of full-time certificated experience working with students, Pre-K-12, while under contract in an accredited school setting. (3-25-16)
- iii. Have completed an administrative internship in a state-approved program, or have one (1) year of experience as an administrator in grades Pre-K-12. (3-25-16)
- iv. Provide verification of completion of a state-approved program of at least thirty (30) semester credit hours, forty-five (45) quarter credit hours, of graduate study in school administration for the preparation of school principals at an accredited college or university. This program shall include the competencies of the Idaho Standards for School Principals. (3-28-18)
- v. An institutional recommendation is required for a School Principal (Pre-K-12) Endorsement. (3-28-18)

b. Superintendent (Pre-K-12) Endorsement. To be eligible for an Administrator Certificate with a Superintendent (Pre-K-12) endorsement, a candidate must have satisfied the following requirements: (3-28-18)

- i. Hold an education specialist or doctorate degree or complete a comparable post-master's sixth year program at an accredited college or university. (3-25-16)
- ii. Have four (4) years of full-time certificated/licensed experience working with Pre-K-12 students while under contract in an accredited school setting. (3-25-16)
- iii. Have completed an administrative internship in a state-approved program for the superintendent endorsement or have one (1) year of out-of-state experience as an assistant superintendent or superintendent in grades Pre-K-12. (3-25-16)
- iv. Provide verification of completion of an approved program of at least thirty (30) semester credit hours, or forty-five (45) quarter credit hours, of post-master's degree graduate study for the preparation of school superintendents at an accredited college or university. This program in school administration and interdisciplinary supporting areas shall include the competencies in Superintendent Leadership, in addition to the competencies in the Idaho Standards for School Principals. (3-28-18)
- v. An institutional recommendation is required for a School Superintendent Endorsement (Pre-K-12). (3-28-18)

c. Director of Special Education (Pre-K-12) Endorsement. To be eligible for an Administrator Certificate endorsed for Director of Special Education (Pre-K-12), a candidate must have satisfied all of the following requirements: (3-28-18)

- i. Hold a master's degree from an accredited college or university; (3-25-16)
- ii. Have four (4) years of full-time certificated/licensed experience working with students Pre-K-12, while under contract in a school setting; (3-25-16)

iii. Obtain college or university verification of demonstrated the competencies of the Director of Special Education in Idaho Standards for Initial Certification of Professional School Personnel; (3-28-18)

iv. Obtain college or university verification of demonstrated competencies in the following areas, in addition to the competencies in the Idaho Standards for School Principals: Concepts of Least Restrictive Environment; Post-School Outcomes and Services for Students with Disabilities Ages Three (3) to Twenty-one (21); Collaboration Skills for General Education Intervention; Instructional and Behavioral Strategies; Individual Education Programs (IEPs); Assistive and Adaptive Technology; Community-Based Instruction and Experiences; Data Analysis for Instructional Needs and Professional Training; Strategies to Increase Program Accessibility; Federal and State Laws and Regulations and School District Policies; Resource Advocacy; and Technology Skills for Referral Processes, and Record Keeping; (3-28-18)

v. Have completed an administrative internship in the area of administration of special education; and (4-11-19)

vi. An institutional recommendation is required for Director of Special Education (Pre-K-12) endorsement. (3-28-18)

04. Certification Standards For Career Technical Educators. Teachers of career technical courses or programs in secondary schools must hold an occupational specialist certificate and an endorsement in an appropriate occupational discipline. All occupational certificates must be approved by the Division of Career Technical Education regardless of the route an individual is pursuing to receive the certificate. (3-28-18)

05. Degree Based Career Technical Certification. (3-25-16)

a. Individuals graduating from an approved occupational teacher preparation degree program qualify to teach in the following five (5) disciplines: agricultural science and technology; business technology education; computer science technology; engineering; family and consumer sciences; marketing technology education; and technology education. Occupational teacher preparation course work must meet the Idaho Standards for the Initial Certification of Professional School Personnel. The occupational teacher education program must provide appropriate content to constitute a major in the identified field. Student teaching shall be in an approved program and include experiences in the major field. Applicants shall have accumulated one thousand (1,000) clock hours of related work experience or practicum in their respective field of specialization, as approved by the Division of Career Technical Education. The certificate is valid for five (5) years. Six (6) semester credit hours are required every five (5) years pursuant to Section 060 of these rules. (3-28-18)

b. The Career Technical Administrator certificate is required for an individual serving as an administrator, director, or manager of career technical education programs at the state Division of Career Technical Education or in Idaho public schools. Individuals must meet one (1) of the two (2) following prerequisites to qualify for the Career Technical Administrator Certificate. The certificate is valid for five (5) years. Six (6) semester credit hours are required every five (5) years pursuant to Section 060 of these rules to renew. (3-28-18)

i. Qualify for or hold an Advanced Occupational Specialist certificate or hold an occupational endorsement on a standard instructional certificate; provide evidence of a minimum of four (4) years teaching, three (3) of which must be in a career technical discipline; hold a master's degree; and complete at least fifteen (15) semester credits of administrative course work. (3-28-18)

(1) Applicants must have completed credits in: education finance, administration and supervision of personnel, legal aspects of education; and conducting evaluations using the statewide framework for teacher evaluations. (3-28-18)

(2) Additional course work may be selected from any of the following areas: administration and supervision of occupational programs; instructional supervision; administration internship; curriculum development; curriculum evaluation; research in curriculum; school community relations; communication; teaching the adult learner; coordination of work-based learning programs; and/or measurement and evaluation. (3-28-18)

ii. Hold a superintendent or principal (Pre-K-12) endorsement on a standard administrator certificate

and provide evidence of a minimum of four (4) years teaching, three (3) of which must be in a career technical discipline or successfully complete the Division of Career Technical Education twenty-seven (27) month Idaho career technical education leadership institute. (3-28-18)

c. Work-Based Learning Coordinator Endorsement. Educators assigned to coordinate approved work-based experiences must hold the Work-Based Learning Coordinator endorsement. To be eligible, applicants must hold an occupational endorsement on the Standard Instructional Certificate or qualify for an Occupational Specialist Certificate, plus complete course work in coordination of work-based learning programs. (3-29-17)

d. Career Counselor Endorsement. The endorsement for a Career Counselor may be issued to applicants who hold a current Pupil Service Staff Certificate with a School Counselor (K-12) endorsement, and who have satisfied the following career technical requirement: Career Pathways and Career Technical Guidance; Principles/Foundations of Career Technical Education; and Theories of Occupational Choice. (3-28-18)

06. Industry-Based Occupational Specialist Certificate. The industry-based Occupational Specialist Certificates are industry-based career technical certifications issued in lieu of a degree-based career technical certificate. Certificate holders must meet the following eligibility requirements: (3-28-18)

a. Be at least twenty-two (22) years of age; document recent, gainful employment in the area for which certification is requested; possess either a high school diploma or General Educational Development (GED) certificate; meet provisions of Idaho Code; and, verify technical skills through work experience, industry certification or testing as listed below. When applicable, requirements of occupationally related state agencies must also be met. Since educational levels and work experiences vary, applicants may be determined highly qualified under any one (1) of the following three (3) options: (3-28-18)

i. Have six (6) years or twelve thousand (12,000) hours of recent, gainful employment in the occupation for which certification is requested. Up to forty-eight (48) months credit or up to eight thousand (8,000) hours can be counted toward the six (6) years or twelve thousand (12,000) hours on a month-to-month basis for journeyman training or completed postsecondary training in a career technical education program; or (3-28-18)

ii. Have a baccalaureate degree in the specific occupation or related area, plus two (2) years or four thousand (4,000) hours of recent, gainful employment in the occupation for which certification is required, at least half of which must have been during the immediate previous five (5) years; or (3-28-18)

iii. Have completed a formal apprenticeship program in the occupation or related area for which certification is requested plus two (2) years or four thousand (4,000) hours of recent, gainful, related work experience, at least half of which must have been completed in the immediate previous five (5) years. (3-28-18)

b. Limited Occupational Specialist Certificate. This certificate is issued to individuals who are new to teaching in Idaho public schools or new to teaching in career technical education in Idaho public schools. The certificate is an interim certificate and is valid for three (3) years and is non-renewable. Applicants must meet all of the minimum requirements established in Subsection 015.06.a. of these rules. Individuals on a limited occupational specialist certificate must complete one (1) of the two (2) following pathways during the validity period of the certificate: (3-28-18)

i. Pathway I - Coursework: Within the three-year period of the Limited Occupational Specialist Certificate, the instructor must satisfactorily complete the pre-service training prescribed by the Division of Career Technical Education and demonstrate competencies in principles/foundations of occupational education and methods of teaching occupational education. Additionally, the instructor must satisfactorily demonstrate competencies in two (2) of the following areas: career pathways and guidance; analysis, integration, and curriculum development; and measurement and evaluation. (3-28-18)

ii. Pathway II – Cohort Training: Within the first twelve (12) months, the holder must enroll in the Division of Career Technical Education sponsored two-year cohort training and complete the two (2) training within the three-year validity period of the interim certificate. (3-28-18)

c. Standard Occupational Specialist Certificate. (3-28-18)

i. This certificate is issued to individuals who have held a limited occupational specialist certificate and completed one (1) of the pathways for completions. (3-28-18)

ii. The Standard Occupational Specialist Certificate is valid for five (5) years. Six (6) semester credit hours are required every five (5) years pursuant to Section 060 of these rules to renew. Credit equivalency will be based on verification of forty-five (45) hours of participation at approved technical conferences, institutes, or workshops where participation is prorated at the rate of fifteen (15) hours per credit; or one hundred twenty (120) hours of approved related work experience where hours worked may be prorated at the rate of forty (4) hours per credit; or any equivalent combination thereof, and having on file a new professional development plan for the next certification period. (3-28-18)

d. Advanced Occupational Specialist Certificate. This certificate is issued to individuals who: (3-29-17)

i. Are eligible for the Standard Occupational Specialist Certificate; (3-28-18)

ii. Provide evidence of completion of a teacher training degree program or eighteen (18) semester credits of Division of Career Technical Education approved education or content-related course work in addition to the twelve (12) semester credits required for the Standard Occupational Specialist Certificate (a total of thirty (30) semester credits); and (3-28-18)

iii. Have on file a new professional development plan for the next certification period. (3-28-18)

iv. The Advanced Occupational Specialist Certificate is valid for five (5) years. Six (6) semester credit hours are required every five (5) years pursuant to Section 060 of these rules to renew. (3-28-18)

07. Postsecondary Specialist. A Postsecondary Specialist certificate will be granted to a current academic faculty member whose primary employment is with any accredited Idaho postsecondary institution. To be eligible to teach in the public schools under this postsecondary specialist certificate, the candidate must supply a recommendation from the employing institution (faculty's college dean). The primary use of this state-issued certificate ~~will be~~ **is** for distance education, virtual classroom programs, and ~~for~~ public and postsecondary partnerships. (~~3-29-17~~)()

a. Renewal. This certificate is good for five (5) years and is renewable. To renew the certificate, the renewal application must be accompanied with a new written recommendation from the postsecondary institution (faculty's college dean level or higher). (3-25-16)

b. Fees. The fee is the same as ~~currently in effect for~~ an initial or renewal certificate as established in Section 066 of these rules. (~~3-25-16~~)()

c. The candidate must meet the following qualifications: (3-25-16)

i. Hold a master's degree or higher in the content area being taught; (3-25-16)

ii. Be currently employed by the postsecondary institution in the content area to be taught; and (3-25-16)

iii. Complete and pass a criminal history background check as required ~~according to~~ **by** Section 33-130, Idaho Code. (~~3-25-16~~)()

08. American Indian Language. Each Indian tribe shall provide to the State Department of Education the names of those highly and uniquely qualified individuals who have been designated to teach the tribe's native language in accordance with Section 33-1280, Idaho Code. Individuals identified by the tribe(s) may apply for an Idaho American Indian Certificate as American Indian languages teachers. (3-25-16)

a. The Office of Indian Education at the State Department of Education will process an application that has met the requirements of the Tribe(s) for an American Indian languages teacher. (3-25-16)

b. Once an application with Tribal approval has been received, it will be reviewed and, if approved, it will be forwarded to the Office of Certification for a criminal history background check as required in Section 33-130, Idaho Code. The application must include a ten-finger fingerprint card or scan and a fee for undergoing a background investigation check pursuant to Section 33-130, Idaho Code. (3-28-18)

c. The Office of Certification will review the application and verify the applicant is eligible for an Idaho American Indian Certificate. The State Department of Education shall authorize an eligible applicant as an American Indian languages teacher. An Idaho American Indian Certificate is valid for not more than five (5) years. Individuals may apply for a renewal certificate. (3-25-16)

09. Junior Reserved Officer Training Corps (Junior ROTC) Instructors. (3-25-16)

a. Each ~~school district~~ local education agency with a Junior ROTC program shall provide the State Department of Education with a list of ~~the names of those~~ individuals who have completed an official armed forces training program to qualify as Junior ROTC instructors in high schools: ~~and~~ (3-25-16)

~~b. Each school district with a Junior ROTC program shall provide the State Department of Education with a notarized copy of their certificate(s) of completion. (3-25-16)()~~

~~eb. Authorization Letter. Upon receiving the items identified in Subsections 015.09.a. and 09.b., the State Department of Education shall issue a letter authorizing these individuals as Junior ROTC instructors. (3-29-17)()~~

10. Additional Renewal Requirements. In addition to specific certificate or endorsement renewal requirements, applicants must meet the following renewal requirements as applicable: (3-25-16)

~~a. Mathematics In-Service Program. In order to recertify, the state board approved mathematics instruction course titled "Mathematical Thinking for Instruction," or another State Department of Education approved alternative course, shall be required. The "Mathematical Thinking for Instruction" course consists of three (3) credits. Teachers must take one (1) of the three (3) courses developed that is most closely aligned with their current assignment prior to July 1, 2019. Any teacher successfully completing said course shall be deemed to have met the requirement of Subsection 060.02.c. of this rule as long as said course is part of an official transcript or completed before September 1, 2013, and verified by the State Department of Education. Successful completion of a state board approved mathematics instruction course shall be a one-time requirement for renewal of certification for those currently employed in an Idaho school district and shall be included within current requirements for continuing education for renewal. The following must successfully complete the "Mathematical Thinking for Instruction" course or another State Department of Education approved alternative course in order to recertify: (4-11-19)~~

~~i. Each teacher holding a Blended Early Childhood Education/Early Childhood Special Education (Birth-Grade 3) endorsement who is employed by a school district or charter school as a K-3 multi-subject or special education teacher; (3-28-18)~~

~~ii. Each teacher holding an All Subjects (K-8) endorsement who is employed by a school district or charter school as a K-6 multi-subject teacher; (3-28-18)~~

~~iii. Each teacher holding an All Subjects (K-8) endorsement, Mathematics-Basic (5-9 or 6-12) endorsement, Mathematics (5-9 or 6-12) endorsement teaching in a mathematics content classroom (grade six (6) through grade twelve (12)) including Title I who is employed by a school district or charter school; and (3-28-18)~~

~~iv. Each teacher holding an Exceptional Child Generalist endorsement who is employed by a school district or charter school as a special education teacher. (3-28-18)~~

~~b. Waiver of Mathematics In-Service Program. When applying for certificate renewal, an automatic waiver of the mathematics in-service program requirement shall be granted for any certificated individual living outside of the state of Idaho who is not currently employed as an educator in the state of Idaho. This waiver applies only as long as the individual remains outside the state of Idaho or as long as the individual is not employed as an~~

~~educator in the state of Idaho. Upon returning to Idaho or employment in an Idaho public school, the educator will need to complete this requirement prior to the next renewal period.~~ (3-25-16)

ea. Administrator certificate renewal. In order to recertify, holders of an administrator certificate must complete a course consisting of a minimum of three (3) semester credits in the Idaho framework for teachers' evaluation pursuant to Section 33-1204, Idaho Code. Credits must be earned through an approved educator preparation program and include a laboratory component. The laboratory component must include in-person or video observation and scoring of teacher performance using the statewide framework for teacher's evaluation. The approved course must include the following competencies: (3-28-18)

i. Understanding professional practice in Idaho evaluation requirements, including gathering accurate evidence and artifacts, understanding and using the state framework for evaluation rubric with fidelity, proof of calibration and interrater reliability, ability to provide effective feedback for teacher growth, and understanding and advising teachers on individualized learning plan and portfolio development. (3-28-18)

ii. Understanding student achievement and growth in the Idaho evaluation framework, including understanding how measurable student achievement and growth measures impact summative evaluation ratings and proficiency in assessment literacy. (3-28-18)

016. IDAHO INTERIM CERTIFICATE.

The State Department of Education or the Division of Career Technical Education, as applicable to the certificate, is authorized to issue a three-year interim certificate to those applicants who hold a valid certificate/license from another state or other entity that participates in the National Association of State Directors of Teacher Education and Certification (NASDTEC) Interstate Agreement pursuant to Section 33-4104, Idaho Code, or engaged in ~~an alternate non-traditional~~ route to ~~teacher~~ certification as prescribed herein. (3-29-17)()

01. Interim Certificate Not Renewable. Interim certification is only available on a one-time basis ~~per individual~~ except under extenuating circumstances approved by the State Department of Education. It will be the responsibility of the individual to meet the requirements of the applicable alternate authorization route and to obtain a full Idaho Educator Credential during the term of the interim certificate. (3-29-17)()

02. Non-Traditional Route to Teacher Certification. An individual may acquire interim certification through a state board approved non-traditional route to teacher certification program. ()

a. Individuals who possess a baccalaureate degree or higher from an accredited institution of higher education may utilize this non-traditional route to an interim instructional certificate. To complete this non-traditional route, the individual must: ()

i. Complete a state board approved program; ()

ii. Pass the state board approved pedagogy and content area assessment; and ()

iii. Complete the Idaho Department of Education background investigation check. ()

b. Interim Certificate. Upon completion of this certification process, the individual will be awarded an interim certificate from the State Department of Education. During the term of the interim certificate, the individual must teach and complete a two (2) year state board approved teacher mentoring program and receive two (2) years of successful evaluations per Section 33-1001 (14), Idaho Code. ()

c. Interim Certificate Not Renewable. This interim certification is available on a one (1) time basis. The individual is responsible for obtaining a valid renewable standard instructional certificate during the three (3) year interim certification term. ()

d. Types of Certificates and Endorsements. The non-traditional route may be used for first-time certification, subsequent certificates, and additional endorsements. ()

023. Idaho Comprehensive Literacy Course. For all Idaho teachers working on interim certificates,

(alternate authorizations, nontraditional routes, reinstatements or coming from out of the state), completion of a state board approved Idaho Comprehensive Literacy course or assessment, or approved secondary equivalent shall be a one-time requirement for full certification. (4-11-19)

a. Those individuals who qualify for an Idaho certificate through state reciprocity shall be granted a three-year, non-renewable interim certificate to allow time to meet the Idaho Comprehensive Literacy Course requirement. (3-25-16)

~~034.~~ **Mathematical Thinking for Instruction.** For all Idaho teachers or administrators working on interim certificates (alternate authorizations, nontraditional routes, reinstatements or coming from out of the state), with an All Subjects (K-8) endorsement, any mathematics endorsement, Exceptional Child Generalist endorsement, Blended Early Childhood/Early Childhood Special Education endorsement, or Administrator certificate must complete a state board approved Mathematical Thinking for Instruction, or another State Department of Education approved alternative course, as a one-time requirement for full certification. (4-11-19)

~~045.~~ **Technology.** Out-of-state applicants may be reviewed by the hiring ~~district~~ local education agency for technology deficiencies and may be required to take technology courses to improve their technology skills. ~~(3-28-18)~~()

~~056.~~ **Reinstatement of Expired Certificate.** An individual holding an expired Idaho certificate may be issued a non-renewable three-year interim certificate. During the validity period of the interim certificate, the applicant must meet the following requirements to obtain ~~a~~ full certification during the term of the interim certificate: ~~(3-28-18)~~()

- a. Two (2) years of successful evaluations as per Section 33-1001(14), Idaho Code. (3-28-18)
- b. Measured annual progress on specific goals identified on Individualized Professional Learning Plan. (3-28-18)
- c. Six (6) credit renewal requirement. (3-28-18)
- d. Any applicable requirement for Idaho Comprehensive Literacy Course or Mathematical Thinking for Instruction as indicated in Subsections 016.02 and 016.03. (3-28-18)

~~067.~~ **Foreign Institutions.** An educator having graduated from a foreign institution may be issued a non-renewable, three-year interim certificate. The applicant must also complete the requirements listed in Section 013 of these rules. (3-28-18)

~~078.~~ **Codes of Ethics.** All laws and rules governing standard certificated staff with respect to conduct, discipline, and professional standards shall apply to all certified staff serving in an Idaho public school, including those employed under an interim certificate. (3-28-18)

017. CONTENT, PEDAGOGY AND PERFORMANCE ASSESSMENT FOR CERTIFICATION.

01. **Assessments.** State Board of Education approved content, pedagogy and performance area assessments shall be used ~~in the state of Idaho~~ to ensure qualified teachers are employed in Idaho's classrooms. The Professional Standards Commission shall recommend assessments and qualifying scores to the State Board of Education for approval. ~~(4-2-08)~~()

02. **Out-of-State Waivers.** An out-of-state applicant for Idaho certification holding a current certificate may request a waiver from the above requirement. The applicant shall provide evidence of passing a state board approved content, pedagogy and performance area assessment(s) or hold current National Board for Professional Standards Teaching Certificate. (4-11-19)

03. **Idaho Comprehensive Literacy Assessment.** All applicants for initial Idaho certification ~~(Kindergarten through grade twelve~~ (K-12) from an ~~Idaho state board~~ approved educator preparation program must demonstrate competency in comprehensive literacy. Areas to be included ~~as parts of~~ in the assessment are:

phonological awareness, phonics, fluency, vocabulary, comprehension, writing, and assessments and intervention strategies. Each Idaho public higher education institution shall be responsible for the assessment of teacher candidates in its educator preparation program. The assessment must measure teaching skills and knowledge congruent with current research on best literacy practices for elementary students or secondary students (adolescent literacy) dependent upon level of certification and English Language Learners. In addition, the assessment must measure understanding and the ability to apply strategies and beliefs about language, literacy instruction, and assessments based on current research and best practices congruent with International Reading Association/National Council of Teachers of English standards, National English Language Learner's Association professional teaching standards, National Council for Accreditation of Teacher Education standards, and state accreditation standards.

(4-11-19)()

018. -- 020. (RESERVED)

021. ENDORSEMENTS.

Holders of an ~~Standard~~ Instructional Certificate, ~~Standard Occupational Specialist Certificate, and Advanced or Occupational Specialist Certificate~~ may be granted endorsements in ~~subject~~ areas as provided herein. Instructional staff are eligible to teach in the grades and content areas of their endorsements. Idaho preparation programs shall prepare candidates for endorsements in accordance with the Idaho Standards for Initial Certification of Professional School Personnel. An official statement from the college of education of competency in a teaching area or field is acceptable in lieu of required credits if such statements are created in consultation with the department or division of the accredited college or university in which the competency is established and are approved by the director of teacher education of the recommending college or university. Statements must include the number of credits the competency evaluation is equivalent to. To add an endorsement to an existing ~~credential certificate~~, an individual shall complete the credit hour requirements as provided herein and ~~shall~~ also meet or exceed the state qualifying score on appropriate, state approved content, pedagogy and performance assessments. When converting semester credit hours to quarter credit hours, two (2) semester credit hours is equal to three (3) quarter credit hours. (3-28-18)()

01. **Clinical Experience Requirement.** All endorsements require supervised clinical experience in the relevant content area, or a State Department of Education or Division of Career Technical Education approved alternative clinical experience as applicable to the area of endorsement. (4-11-19)

02. **Alternative Authorization -- Teacher to New Endorsement.** ~~Candidates shall meet all requirements of the chosen option for the endorsement as provided herein. This alternative authorization allows a local education agency to request additional endorsement for a candidate when a professional position cannot be filled with someone who has the correct endorsement. This authorization is valid for one (1) year and may be renewed for two (2) additional years with evidence of satisfactory progress. The candidate shall provide evidence of pursuing one of the following options:~~ (3-28-18)()

a. Option I -- An official statement ~~from the college of education~~ of competency in a teaching area or field ~~from the college of education of an accredited college or university~~ is acceptable in lieu of courses ~~for a teaching field~~ if ~~such the~~ statements ~~are is~~ created in consultation with the department or division ~~of the accredited college or university~~ in which the competency is established and ~~are is~~ approved by the director of teacher education of the recommending college or university. (3-28-18)()

b. Option II -- National Board. By earning National Board Certification in content specific areas, teachers may gain endorsement in a corresponding subject area. (3-29-17)

c. Option III -- Master's degree or higher. By earning a graduate degree in a content specific area, candidates may add an endorsement in that same content area to a valid instructional certificate. (3-28-18)

d. Option IV -- ~~Testing and/or Content area Assessment and mentoring. Two (2) pathways are available to some teachers, depending upon endorsement(s) already held.~~ (3-29-17)

i. ~~Pathway I -- An E~~endorsements may be added ~~through by successfully completing a~~ state board approved ~~testing and a mentoring component. The appropriate test must be successfully completed~~ ~~content area assessment~~ within the first year of authorization ~~in an area closely compatible with an endorsement for which the~~

~~candidate already qualifies and is experienced. Additionally, requires the successful completion of and~~ a one (1) year state ~~board~~ approved mentoring ~~component; or program.~~ (3-28-18)()

~~ii. Pathway 2— Endorsements may be added through state-approved testing in an area less closely compatible with an endorsement for which the candidate already qualifies and is experienced. The appropriate test must be successfully completed within the first year of the authorization. Additionally, requires the successful completion of a one (1) year state-approved mentoring component and passing a final pedagogy assessment.~~ (3-25-16)

022. INSTRUCTIONAL CERTIFICATE ENDORSEMENTS A - D.

~~01. Agriculture Science and Technology (6-12). (3-16-04)~~

~~a. Forty five (45) semester credit hours including course work in each of the following areas: agriculture education; agriculture mechanics; agriculture business management; soil science; animal science; career technical student organization leadership; plant science; and occupational teacher preparation pursuant to Subsection 015.05.a.; or (3-28-18)~~

~~b. Occupational teacher preparation pursuant to Subsections 015.04 through 015.06. (3-29-17)~~

021. All Subjects (K-8). Allows one to teach in any educational setting (K-8). Twenty (20) semester credit hours, or thirty (30) quarter credit hours in the philosophical, psychological, methodological foundations, instructional technology, and professional subject matter must be in elementary education including at least six (6) semester credit hours, or nine (9) quarter credit hours, in developmental reading. This endorsement must be accompanied by at a minimum one (1) additional subject area endorsement allowing teaching of that subject through grade 9 or kindergarten through grade 12. (3-29-17)

032. American Government /Political Science (5-9 or 6-12). Twenty (20) semester credit hours to include: a minimum of six (6) semester credit hours in American government, six (6) semester credit hours in U.S. history survey, and a minimum of three (3) semester credit hours in comparative government. Remaining course work must be selected from political science. Course work may include three (3) semester credit hours in world history survey. (3-28-18)

043. Bilingual Education (K-12). Twenty (20) semester credit hours leading toward competency as defined by Idaho Standards for Bilingual Education Teachers to include all of the following: upper division coursework in one (1) modern language other than English, including writing and literature, and advanced proficiency according to the American Council on the Teaching of Foreign Languages guidelines; cultural diversity; ESL/bilingual methods; linguistics, second language acquisition theory and practice; foundations of ESL/bilingual education, legal foundations of ESL/bilingual education, identification and assessment of English learners, biliteracy; at least one (1) semester credit hour in bilingual clinical field experience. (4-11-19)

054. Biological Science (5-9 or 6-12). Twenty (20) semester credit hours including coursework in each of the following areas: molecular and organismal biology, heredity, ecology and biological adaptation. (3-29-17)

065. Blended Early Childhood Education/Early Childhood Special Education (Birth - Grade 3). The Blended Early Childhood Education/Early Childhood Special Education (Birth - Grade 3) endorsement allows one to teach in any educational setting birth through grade three (3). To be eligible, a candidate must have satisfied the following requirements. (3-28-18)

~~a. A~~ a minimum of thirty (30) semester credit hours, ~~or forty five (45) quarter credit hours,~~ in the philosophical, psychological, and methodological foundations, in instructional technology, and in the professional subject matter of early childhood and early childhood-special education. The professional subject matter shall include course work specific to the child from birth through grade three (3) in the areas of child development and learning; curriculum development and implementation; family and community relationships; assessment and evaluation; professionalism; and, application of technologies clinical experience including a combination of general and special education in the following settings: birth to age three (3), ages three to five (3-5), and grades K-3 general education. (3-29-17)()

~~b.~~ *The required credit hours here in, shall include not less than six (6) semester credit hours, or nine (9) quarter credit hours, of early childhood student teaching (K-3) and field experiences birth to age three (3) programs, and age three (3) to age five (5) programs, and three (3) semester credit hours, or four (4) quarter credit hours, of developmental reading.* (3-29-17)

~~e.~~ *Proficiency in areas noted above is measured by one (1) of the following options:* (3-29-17)

~~i.~~ *Option I— Demonstration of competency within the Idaho Standards for Blended Early Childhood Education/Early Childhood Special Education Teachers. Additionally, each candidate shall meet or exceed the state qualifying score on approved early childhood assessments.* (3-29-17)

~~ii.~~ *Option II— Completion of a CAEP accredited program in blended early childhood education/early childhood special education birth through grade three (3). Additionally, each candidate shall meet or exceed the state qualifying score on approved early childhood assessments.* (3-29-17)

076. Blended Elementary Education/Elementary Special Education (Grade 4 - Grade 6). The Blended Elementary Education/Elementary Special Education (Grade 4 - Grade 6) endorsement allows one to teach in any grade four (4) through grade six (6) education setting, except in a middle school setting. This endorsement may only be issued in conjunction with the Blended Early Childhood Education/Early Childhood Special Education (Birth - Grade 3) endorsement. To be eligible for a Blended Elementary Education/Elementary Special Education (Grade 4 - Grade 6) endorsement, a candidate must have satisfied the following requirements: (3-28-18)

~~a.~~ Completion of a program of a minimum of twenty (20) semester credit hours in elementary education and special education coursework to include: methodology (~~literacy, mathematics, science, physical education, art~~); and content knowledge (mathematics, literacy, science, health, physical education art); technology; assessment; and, field clinical experiences in grades four (4) through six (6). (3-28-18)()

~~08. Business Technology Education (6-12).~~ (3-16-04)

~~a.~~ *Twenty (20) semester credit hours to include course work in each of the following areas: accounting; computer and technical applications in business; economics; methods of teaching business education; career guidance; career technical student organization leadership; business communication/writing; and office procedures. Additional competencies may be satisfied through the following: entrepreneurship; finance; marketing; business law; or business management; and occupational teacher preparation pursuant to Subsection 015.05.a.; or* (3-28-18)

~~b.~~ *Occupational teacher preparation pursuant to Subsections 015.04 through 015.06.* (3-29-17)

097. Chemistry (5-9 or 6-12). Twenty (20) semester credit hours in the area of chemistry, to include coursework in each of the following areas: inorganic and organic chemistry. (3-29-17)

~~108. Communication (5-9 or 6-12).~~ Follow one (1) of the following options: (3-29-17)

~~a.~~ Option I -- Twenty (20) semester credit hours to include methods of teaching speech/communications plus course work in at least four (4) of the following areas: interpersonal communication/human relations; argumentation/personal persuasion; group communications; nonverbal communication; public speaking; journalism/mass communications; and drama/theater arts. (3-29-17)

~~b.~~ Option II -- Possess an English endorsement plus at least twelve (12) semester credit hours distributed among the following: interpersonal communication/human relations, public speaking, journalism/mass communications, and methods of teaching speech/communication. (3-29-17)

~~109. Computer Science (5-9 or 6-12).~~ (3-29-17)

~~a.~~ Twenty (20) semester credit hours of course work in computer science, including course work in the following areas: data representation and abstraction; design, development, and testing algorithms; software development process; digital devices systems network; and the role of computer science and its impact on the modern world; or (3-29-17)

- b. Occupational teacher preparation pursuant to Subsections 015.04 through 015.06. (3-29-17)

120. Deaf/Hard of Hearing (Pre-K-12). Completion of a minimum of thirty-three (33) semester credit hours in the area of deaf/hard of hearing with an emphasis on instruction for students who use sign language or completion of a minimum thirty-three (33) semester credit hours in the area of deaf/hard of hearing with an emphasis on instruction for students who use listening and spoken language. ~~An institutional recommendation specific to this endorsement is required. To be eligible for a Deaf/Hard of Hearing endorsement, a candidate must have satisfied the following requirements:~~ Coursework to include: American Sign Language, listening and spoken language development, hearing assessment, hearing assistive technology, students with disabilities, pedagogy for teaching students who are deaf or hard of hearing, assessments, and clinical practice. (3-29-17)()

- ~~a. Completion of a baccalaureate degree from an accredited college or university; (3-29-17)~~
- ~~b. Completion of a program from an Idaho college or university in elementary, secondary, or special education currently approved by the Idaho State Board of Education; or (3-29-17)~~
- ~~c. Completion of a program from an out-of-state college or university in elementary, secondary, or special education currently approved by the state educational agency of the state in which the program was completed; and (3-29-17)~~
- ~~d. Completion of a program of a minimum of thirty-three (33) semester credit hours in the area of Deaf/Hard of Hearing and must receive an institutional recommendation specific to this endorsement from an accredited college or university. (3-29-17)~~

023. INSTRUCTIONAL CERTIFICATE ENDORSEMENTS E - L.

01. Early Childhood Special Education (Pre-K-3). The Early Childhood Special Education (Pre-K-3) endorsement is non-categorical and allows one to teach in any Pre-K-3 special education setting. This endorsement may only be added to the Exceptional Child Generalist (K-8 or K-12) endorsement. To be eligible a candidate must have satisfied the following requirements: (3-28-18)

a. Completion of a program of a minimum of twenty (20) semester credit hours in the area of early childhood education to include course work in each of the following areas: child development and behavior with emphasis in cognitive-language, physical, social and emotional areas, birth through age eight (8); curriculum and program development for young children ages three to eight (3-8); transitional services; methodology: planning, implementing and evaluating environments and materials for young children ages three to eight (3-8); guiding young children's behavior: observing, assessing and individualizing ages three to eight (3-8); identifying and working with atypical young children ages three to eight (3-8) parent-teacher relations; and student teaching clinical practice at the Pre-K - 3 grades. (3-29-17)()

02. Earth and Space Science (5-9 or 6-12). Twenty (20) semester credit hours including course work in each of the following areas: earth science, astronomy, and geology. (3-29-17)

03. Economics (5-9 or 6-12). Twenty (20) semester credit hours to include a minimum of three (3) semester credit hours of micro-economics, a minimum of three (3) semester credit hours of macro-economics, and a minimum of six (6) semester credit hours of personal finance/consumer economics/economics methods. Remaining course work may be selected from business, economics, or finance course. (3-28-18)

04. Engineering (5-9 or 6-12). (3-29-17)

~~a. Twenty (20) semester credit hours of engineering course work. (3-29-17)()~~

~~b. Occupational teacher preparation pursuant to Subsections 015.04 through 015.06. (3-29-17)~~

05. English (5-9 or 6-12). Twenty (20) semester credit hours, including coursework in all of the following areas: grammar, American literature, British literature, multicultural/world literature, young adult

literature, and literary theory. Additionally, a course in advanced composition, excluding the introductory sequence designed to meet general education requirements, and a course in secondary English language arts methods are required. (4-11-19)

06. English as a Second Language (ESL) (K-12). Twenty (20) semester credit hours leading toward competency as defined by Idaho Standards for ESL Teachers to include all of the following: a modern language other than English; cultural diversity; ESL methods; linguistics; second language acquisition theory and practice; foundations of ESL/bilingual education, legal foundations of ESL/bilingual education, identification and assessment of English learners; and at least one (1) semester credit in ESL clinical field experience. (4-11-19)

07. Exceptional Child Generalist (K-8, 6-12, or K-12). The Exceptional Child Generalist endorsement is non-categorical and allows one to teach in any special education setting, applicable to the grade range of the endorsement. Regardless of prior special education experience, all initial applicants must provide an institutional recommendation that an approved special education program has been completed, with ~~field work~~ clinical experience to include student teaching in an elementary or secondary special education setting. To be eligible, a candidate must ~~have satisfied the following requirements:~~ complete thirty (30) semester credit hours in special education, or closely related areas, as part of an approved special education program. (3-29-17)()

~~a. Completion of thirty (30) semester credit hours in special education, or closely related areas, as part of an approved special education program; and (3-29-17)~~

~~b. Each candidate must have a qualifying score on an approved core content assessment and a second assessment related to the specific endorsement requested. (3-29-17)~~

~~08. Family and Consumer Sciences (6-12). (3-28-18)~~

~~a. Thirty (30) semester credit hours to include coursework in each of the following areas: child/human development; human/family relations; directed laboratory experience in childcare; apparel and textiles; cultural dress, fashion design and merchandising; nutrition; food preparation, food production, or culinary arts; housing, interior design, or home management; consumer economics or family resource management; introduction to family consumer sciences; career technical student organization leadership; career guidance; and family consumer science methods; and occupational teacher preparation pursuant to Subsection 015.05.a.; or (3-28-18)~~

~~b. Occupational teacher preparation pursuant to Section 015.04 through 015.06. (3-29-17)~~

098. Geography (5-9 or 6-12). Twenty (20) semester credit hours including course work in cultural geography and physical geography, and a maximum of six (6) semester credit hours in world history survey. The remaining semester credit hours must be selected from geography. (3-29-17)

109. Geology (5-9 or 6-12). Twenty (20) semester credit hours in the area of geology. (3-29-17)

110. Gifted and Talented (K-12). Twenty (20) semester credit hours leading toward competency as defined by Idaho Standards for Teachers of Gifted and Talented Students, to include coursework in the following areas of gifted and talented education: foundations, creative and critical thinking, social and emotional needs, curriculum, instruction, assessment and identification, differentiated instruction, program design, and clinical practice. (4-11-19)

121. Health (5-9, 6-12, or K-12). Twenty (20) semester credit hours to include course work in each of the following areas: organization/administration/planning of a school health program; health, wellness, and behavior change; secondary methods of teaching health, to include field experience in a traditional classroom; mental/emotional health; nutrition; human sexuality; substance use and abuse. Remaining semester credits must be in health-related course work. To obtain a Health K-12 endorsement, applicants must complete an elementary health methods course. (3-29-17)

132. History (5-9 or 6-12). Twenty (20) semester credit hours to include a minimum of six (6) semester credit hours of U.S. history survey and a minimum of six (6) semester credit hours of world history survey. Remaining course work must be in history. Course work may include three (3) semester credit hours in American

government. (3-29-17)

143. Humanities (5-9 or 6-12). An endorsement in English, history, music, visual art, drama, or foreign language and twenty (20) semester credit hours in one of the following areas or ten (10) semester credit hours in each of two (2) of the following areas: literature, music, foreign language, humanities survey, history, visual art, philosophy, drama, comparative world religion, architecture, and dance. (3-29-17)

154. Journalism (5-9 or 6-12). Follow one (1) of the following options: (3-29-17)

a. Option I -- Twenty (20) semester credit hours to include a minimum of fourteen (14) semester credit hours in journalism and six (6) semester credit hours in English and/or mass communication. (3-29-17)

b. Option II -- Possess an English endorsement with a minimum of six (6) semester credit hours in journalism. (3-16-04)

165. Literacy (K-12). Twenty (20) semester credit hours leading toward competency as defined by Idaho Standards for Literacy Teachers to include the following areas: foundations of literacy (including reading, writing, listening, speaking, viewing, and language); development and diversity of literacy learners; literacy in the content area; literature for youth; language development; corrective/diagnostic/remedial reading; writing methods; and reading methods. To obtain a Literacy endorsement, applicants must complete the Idaho Comprehensive Literacy Course or the Idaho Comprehensive Literacy Assessment. (4-11-19)

024. INSTRUCTIONAL CERTIFICATE ENDORSEMENTS M - Z.

~~**01. Marketing Technology Education (6-12).** (3-16-04)~~

~~**a.** Twenty (20) semester credit hours to include course work in each of the following areas: marketing; management; economics; coordination of cooperative programs; merchandising/retailing; methods of teaching marketing education; and career technical student organization leadership, with remaining credit hours in entrepreneurship; hospitality and tourism; finance; career guidance; or accounting and occupational teacher preparation pursuant to Subsection 015.05.a.; or (3-28-18)~~

~~**b.** Occupational teacher preparation pursuant to Subsections 015.04 through 015.06. (3-29-17)~~

021. Mathematics (5-9 or 6-12). Twenty (20) semester credit hours including course work in each of the following areas: Euclidean and transformational geometry, linear algebra, discrete mathematics, statistical modeling and probabilistic reasoning, and the first two (2) courses in a standard calculus sequence. A minimum of two (2) of these twenty (20) credits must be focused on secondary mathematics pedagogy. Statistics course work may be taken from a department other than the mathematics department. (3-29-17)()

032. Mathematics - Basic Middle Level (5-9 or 6-12). Twenty (20) semester credit hours in Mathematics content course work in algebraic thinking, functional reasoning, Euclidean and transformation geometry and statistical modeling and probabilistic reasoning. A minimum of two (2) of these twenty (20) credits must be focused on secondary mathematics pedagogy. Six (6) semester credit hours of computer programming may be substituted for six (6) semester credits in mathematics content. (3-29-17)()

043. Music (5-9 or 6-12 or K-12). Twenty (20) semester credit hours leading toward competency as defined by Idaho Standards for Music Teachers to include course work in the following: theory and harmony; aural skills, music history; conducting; applied music; and piano proficiency (class piano or applied piano), and secondary music methods/materials. To obtain a Music K-12 endorsement, applicants must complete an elementary music methods course. (3-29-17)

054. Natural Science (5-9 or 6-12). Follow one (1) of the following options: (3-29-17)

a. Option I -- Must hold an existing endorsement in one of the following areas: biological science, chemistry, Earth science, geology, or physics; and complete a total of twenty-four (24) semester credit hours as follows: (4-7-11)

i. Existing Biological Science Endorsement. Eight (8) semester credit hours in each of the following areas: physics, chemistry, and Earth science or geology. (3-29-17)

ii. Existing Physics Endorsement. Eight (8) semester credit hours in each of the following areas: biology, chemistry, and Earth science or geology. (3-29-17)

iii. Existing Chemistry Endorsement. Eight (8) semester credit hours in each of the following areas: biology, physics, and Earth science or geology. (3-29-17)

iv. Existing Earth science or Geology Endorsement. Eight (8) semester credit hours in each of the following areas: biology, physics, and chemistry. (3-29-17)

b. Option II -- Must hold an existing endorsement in Agriculture Science and Technology; and complete twenty-four (24) semester credit hours with at least six (6) semester credit hours in each of the following areas: biology, chemistry, Earth science or geology, and physics. (3-29-17)

065. Online-Teacher (K-12). To be eligible for an Online-Teacher (K-12) endorsement, a candidate must have satisfied the following requirements: (3-28-18)

a. Meets the state's professional teaching and/or licensure standards and is qualified to teach in his/her field of study. (3-25-16)

b. Provides evidence of online course time as a student and demonstrates online learning experience. (4-11-19)

c. Has completed an eight (8) week online clinical practice in a K-12 program, or has one (1) year of verifiable and successful experience as a teacher delivering curriculum online in grades K-12 within the past three (3) years. (4-11-19)

d. Provides verification of completion of a state-approved program of at least twenty (20) semester credit hours of study in online teaching and learning at an accredited college or university or a state-approved equivalent. (3-25-16)

e. Demonstrates proficiency in the Idaho Standards for Online Teachers. (4-11-19)

076. Physical Education (PE) (5-9 or 6-12 or K-12). Twenty (20) semester credit hours to include course work in each of the following areas: personal and teaching competence in sport, movement, physical activity, and outdoor skills; secondary PE methods; administration and curriculum to include field experiences in physical education; student evaluation in PE; safety and prevention of injuries; fitness and wellness; PE for special populations; exercise physiology; kinesiology/biomechanics; motor behavior; and current CPR and first aid certification. To obtain a PE K-12 endorsement, applicants must complete an elementary PE methods course. (3-29-17)

087. Physical Science (5-9 or 6-12). Twenty (20) semester credit hours in the area of physical science to include a minimum of eight (8) semester credit hours in each of the following: chemistry and physics. (3-29-17)

098. Physics (5-9 or 6-12). Twenty (20) semester credit hours in the area of physics. (3-28-18)

109. Psychology (5-9 or 6-12). Twenty (20) semester credit hours in the area of psychology. (3-29-17)

110. Science – Middle Level (5-9). Twenty-four (24) semester credit hours in science content coursework including at least eight (8) credits in each of the following: biology, earth science, and physical science to include lab components. Science foundation standards must be met. (4-11-19)

121. Social Studies (6-12). Must have an endorsement in history, American government/political science, economics, or geography plus a minimum of twelve (12) semester credit hours in each of the remaining core

endorsements areas: history, geography, economics, and American government/political science. (4-11-19)

132. Social Studies – Middle Level (5-9). Twenty (20) Semester credit hours in social studies content coursework including at least five (5) credits in each of the following: history, geography, and American government/political science or economics. Social studies foundations must be met. (4-11-19)

143. Sociology (5-9 or 6-12). Twenty (20) semester credit hours in the area of sociology. (3-29-17)

154. Sociology/Anthropology (5-9 or 6-12). Twenty (20) semester credit hours including a minimum of six (6) semester credit hours in each of the following: anthropology and sociology. (3-29-17)

165. Teacher Leader. Teacher leaders provide technical assistance to teachers and other staff in the ~~school district~~ local education agency with regard to the selection and implementation of appropriate teaching materials, instructional strategies, and procedures to improve the educational outcomes for students. Candidates who hold this endorsement facilitate the design and implementation of sustained, intensive, and job-embedded professional learning based on identified student and teacher needs. (~~4-11-19~~) ()

a. Teacher Leader – Instructional Specialist – Eligibility of Endorsement. To be eligible for a Teacher Leader – Instructional Specialist endorsement on the Standard Instructional Certificate, a candidate must have satisfied the following requirements: (4-11-19)

i. **Education requirement:** Hold a Standard Instructional Certificate. Content within coursework to include clinical supervision, instructional leadership, and advanced pedagogical knowledge, and have demonstrated competencies in the following areas: providing feedback on instructional episodes; engaging in reflective dialogue centered on classroom instruction, management, and/or experience; focused goal-setting and facilitation of individual and collective professional growth; understanding the observation cycle; and knowledge and expertise in data management platforms. (4-11-19)

ii. **Experience:** Completion of a minimum of three (3) years' full-time certificated teaching experience while under contract in an accredited school setting. (4-11-19)

iii. Provides verification of completion of a state-approved program of at least twenty (20) post baccalaureate semester credit hours of study at an accredited college or university or a state-approved equivalent. Program shall include ninety (90) supervised contact hours to include a combination of face-to-face and field-based professional development activities and evidence that knowledge gained and skills acquired are aligned with Idaho Teacher Leader Standards. (4-11-19)

b. Teacher Leader – Literacy – Eligibility for Endorsement. To be eligible for a Teacher Leader – Literacy endorsement on the Standard Instructional Certificate, a candidate must have satisfied the following requirements: (4-11-19)

i. **Education Requirements:** Hold a Standard Instructional Certificate and have demonstrated content competencies in the Idaho Literacy Standards. Coursework and content domains required include foundational literacy concepts; fluency, vocabulary development, and comprehension; literacy assessment concepts; and writing process, which are all centered on the following emphases: specialized knowledge of content and instructional methods; data driven decision making to inform instruction; research-based differentiation strategies; and culturally responsive pedagogy for diverse learners. (4-11-19)

ii. **Experience:** Completion of a minimum of three (3) years' full-time certificated experience while under contract in an accredited school setting. (4-11-19)

iii. Provides verification of completion of a state-approved program of at least twenty (20) post baccalaureate semester credit hours of study at an accredited college or university or a state-approved equivalent. Program shall include ninety (90) supervised contact hours to include a combination of face-to-face and field-based professional development activities and evidence that knowledge gained and skills acquired are aligned with Idaho Teacher Leader Standards. The candidate must meet or exceed the state qualifying score on appropriate state approved literacy content assessment. (4-11-19)

c. Teacher Leader – Mathematics – Eligibility for Endorsement. To be eligible for a Teacher Leader – Mathematics endorsement on the Standard Instructional Certificate, a candidate must have satisfied the following requirements: (4-11-19)

i. Education Requirements: Hold a Standard Instructional Certificate and have demonstrated content competencies. Coursework and content domains required include number and operation, geometry, algebraic reasoning, measurement and data analysis, and statistics and probability, which are centered on the following emphases: structural components of mathematics; modeling, justification, proof, and generalization; and specialized mathematical knowledge for teaching. (4-11-19)

ii. Experience: Completion of a minimum of three (3) years' full-time certificated teaching experience while under contract in an accredited school setting. (4-11-19)

iii. Provides verification of completion of a state-approved program of at least twenty (20) post baccalaureate semester credit hours of study at an accredited college or university or a state-approved equivalent. Program shall include ninety (90) supervised contact hours to include a combination of face-to-face and field-based professional development activities and evidence that knowledge gained and skills acquired are aligned with Idaho Teacher Leader Standards. The candidate must meet or exceed the state qualifying score on appropriate state approved math content assessment. (4-11-19)

d. Teacher Leader – Special Education – Eligibility for Endorsement. To be eligible for a Teacher Leader – Special Education endorsement on the Standard Instructional Certificate, a candidate must have satisfied the following requirements: (4-11-19)

i. Education Requirements: Hold a Standard Instructional Certificate endorsed Generalist K-12, K-8, or 5-9 and have demonstrated content competencies in the following areas: assessment of learning behaviors; individualization of instructional programs based on educational diagnosis; behavioral and/or classroom management techniques; program implementation and supervision; use of current methods, materials, and resources available and management and operation of special education management platforms; identification and utilization of community or agency resources and support services; counseling, guidance, and management of professional staff; and special education law, including case law. (4-11-19)

ii. Experience: Completion of a minimum of three (3) years' full-time certificated experience, at least two (2) years of which must be in a special education classroom setting, while under contract in an accredited school setting. (4-11-19)

iii. Provides verification of completion of a state-approved program of at least twenty (20) post baccalaureate semester credit hours of study at an accredited college or university or a state-approved equivalent. Program shall include ninety (90) supervised contact hours to include a combination of face-to-face and field-based professional development activities and evidence that knowledge gained and skills acquired are aligned with Idaho Teacher Leader Standards. (4-11-19)

176. Teacher Librarian (K-12). Twenty (20) semester credit hours of coursework leading toward competency as defined by Idaho Standards for Teacher Librarians to include the following: collection development/materials selection; literature for children and/or young adults; organization of information to include cataloging and classification; school library administration/management; library information technologies; information literacy; and reference and information service. (4-11-19)

~~**18. Technology Education (6-12).** (3-28-18)~~

~~**a.** Twenty (20) semester credit hours to include course work in each of the following areas: communication technology; computer applications; construction technology; electronics technology; manufacturing technology; power, energy and transportation and other relevant emerging technologies; career technical student organization leadership; principles of engineering design; and occupational teacher preparation pursuant to Subsection 015.05.a; or (3-28-18)~~

~~b. Occupational teacher preparation pursuant to Subsections 015.04 through 015.06. (3-29-17)~~

197. Theater Arts (5-9 or 6-12). Twenty (20) semester credit hours leading toward competency as defined by Idaho Standards for Theater Arts Teacher, including coursework in each of the following areas: acting and directing, and a minimum of six (6) semester credits in technical theater/stagecraft. To obtain a Theater Arts (6-12) endorsement, applicants must complete a comprehensive methods course including the pedagogy of acting, directing and technical theater. (3-29-17)

2018. Visual Arts (5-9, 6-12, or K-12). Twenty (20) Semester credit hours leading toward competency as defined by Idaho Standards for Visual Arts Teachers to include a minimum of nine (9) semester credit hours in: foundation art and design. Additional course work must include secondary arts methods, 2-dimensional and 3-dimensional studio areas. To obtain a Visual Arts (K-12) endorsement, applicants must complete an elementary art methods course. (3-29-17)

219. Visual Impairment (Pre-K-12). Completion of a program of a minimum of thirty (30) semester credit hours in the area of visual impairment. An institutional recommendation specific to this endorsement is required. To be eligible for a Visually Impaired endorsement, a candidate must have satisfied the following requirements: (3-28-18)()

~~a. Completion of a baccalaureate degree from an accredited college or university; (3-29-17)~~

~~b. Completion in an Idaho college or university of a program in elementary, secondary, or special education currently approved by the Idaho State Board of Education, or completion in an out of state college or university of a program in elementary, secondary, or special education currently approved by the state educational agency of the state in which the program was completed; (3-29-17)~~

~~c. Completion of a program of a minimum of thirty (30) semester credit hours in the area of Visual Impairment and must receive an institutional recommendation specific to this endorsement from an accredited college or university; and (3-29-17)~~

~~d. Each candidate must have a qualifying score on an approved core content assessment and a second assessment related to the specific endorsement requested. (3-29-17)~~

220. World Language (5-9, 6-12 or K-12). Twenty (20) semester credit hours to include a minimum of twelve (12) intermediate or higher credits in a specific world language. Course work must include two (2) or more of the following areas: grammar, conversation, composition, culture, or literature; and course work in foreign language methods. To obtain an endorsement in a specific foreign language (K-12), applicants must complete an elementary methods course. To obtain an endorsement in a specific foreign language, applicants must complete the following: (3-28-18)

a. Score an intermediate high (as defined by the American Council on the Teaching of Foreign Languages or equivalent) on an oral proficiency assessment conducted by an objective second party; and (3-28-18)

b. A qualifying score on a state approved specific foreign language content assessment, or if a specific foreign language content assessment is not available, a qualifying score on a state approved world languages pedagogy assessment (3-28-18)

(BREAK IN CONTINUITY OF SECTIONS)

042. ALTERNATE ROUTES TO CERTIFICATION.

The purpose of this program is to provide an alternative for individuals to become certificated teachers in Idaho without following a standard educator preparation program. Alternative Routes to Certification shall allow individuals to serve as the teacher of record prior to having earned full certification status. The teacher of record is defined as the person who is primarily responsible for planning instruction, delivering instruction, assessing students formatively and summatively, and designating the final grade. Individuals who are currently employed as

Paraprofessionals and, individuals with strong subject matter background but limited experience with educational methodology shall follow the alternate certification requirements provided herein. Individuals who are currently certificated to teach but who are in need of an emergency endorsement in another area may obtain an endorsement through an alternate route as described in Subsection 021.02 of these rules. (4-11-19)

01. Alternative Authorization -- Teacher To New Certification. ~~The purpose of this alternative authorization is to~~ allow a local education agency Idaho school districts to request additional certification for a candidate who already holds a current and valid Idaho instructional certificate when a professional position cannot be filled with someone who has the correct certification. ~~Alternative authorization in this area is valid for one (1) year and may be renewed for two (2) additional years with evidence of satisfactory progress toward completion of an approved alternative route preparation program. Interim certification is valid for not more than three (3) years total.~~ (3-29-17)()

a. Prior to application, a candidate must hold a baccalaureate degree, and a current and valid Idaho instructional certificate. The school district local education agency must ~~provide supportive information~~ attesting to the ~~ability of the~~ candidate's ability to fill the position. (3-29-17)()

b. A candidate must participate in ~~an~~ state board approved ~~alternative route~~ educator preparation program. (3-25-16)()

i. The candidate will work toward completion of ~~the alternative route preparation~~ a state board approved educator preparation program ~~through a participating college/university, and the employing school district.~~ The candidate must complete a minimum of nine (9) semester credits annually to maintain eligibility for renewal; and (3-25-16)()

ii. The participating ~~college/university~~ educator preparation program shall provide procedures to assess and credit equivalent knowledge, dispositions, and relevant life/work experiences. (3-20-04)()

02. Alternative Authorization -- Content Specialist. ~~The purpose of this alternative authorization is to offer an expedited route to certification~~ allows a local education agency to request an instructional certificate for an individuals who ~~are highly and uniquely qualified in a subject area~~ possesses distinct content knowledge and skills to teach in ~~a district with an area of need~~ identified need for teachers in that area. ~~Alternative authorization in this area is valid for one (1) year and may be renewed for two (2) additional years with evidence of satisfactory progress toward completion of an approved alternative route preparation program. Interim certification is valid for not more than three (3) years total~~ by the local education agency. (3-25-16)()

a. Initial Qualifications. (3-20-04)

i. A candidate must hold a baccalaureate degree or have completed all of the requirements of a baccalaureate degree except the student teaching portion; and (4-11-19)

ii. ~~The hiring district~~ Prior to entering the classroom, the local education agency shall ensure the candidate is qualified to teach in the area of identified need. through The candidate shall meet or exceed the state qualifying score on the appropriate state board approved content or pedagogy assessment, or the candidate shall demonstrated content knowledge. This may be accomplished through a combination of employment experience and education. (3-25-16)()

b. ~~Alternative Route Preparation Program -- College/University Preparation or Other~~ State Board Approved Certification Education Preparation Program. (3-25-16)()

i. ~~At the time of~~ Prior to authorization, a consortium comprised of a ~~designee from the college/university to be attended or other~~ state board approved certification educator preparation program representative, and a local education agency representative ~~from the school district,~~ and the candidate shall determine the preparation needed and develop a plan to meet the Idaho Standards for Initial Certification of Professional School Personnel. The educator preparation program shall provide procedures to assess and credit: equivalent knowledge, dispositions, and relevant life/work experiences. This The plan must include a state board approved mentoring program. While teaching under the alternative authorization, the mentor shall provide ~~and~~ a minimum of one (1) classroom

observation ~~by the mentor~~ per month, which will include feedback and reflection, ~~while teaching under the alternative authorization~~. The plan must include annual progress goals that must be met for annual renewal; (3-29-17)()

ii. The candidate must complete a minimum of nine (9) semester credit hours or its equivalent of accelerated study in education pedagogy prior to the end of the first year of authorization. The number of required credits will be specified in the consortium developed plan; ~~and~~ (3-29-17)()

iii. At the time of authorization the candidate must enroll in and work toward completion of the ~~alternative route preparation program through a participating college/university or other state board approved certification program, and the employing school district plan~~. ~~The candidate must complete a minimum of nine (9) semester credits annually to maintain eligibility for renewal. A teacher~~ The candidate must ~~attend, participate in, and successfully complete an individualized alternative route preparation program as one (1) of the conditions for annual renewal and~~ the plan to receive a certificate of completion; (4-11-19)()

~~iv. The participating college/university or other state board approved certification program shall provide procedures to assess and credit equivalent knowledge, dispositions and relevant life/work experiences; and~~ (3-25-16)

~~v. Prior to entering the classroom, the candidate shall meet or exceed the state qualifying score on appropriate state approved content, pedagogy, or performance assessment.~~ (3-20-04)

~~03. Non-Traditional Route to Teacher Certification. An individual may acquire interim certification as found in Section 016 of these rules through an approved non-traditional route certification program.~~ (3-25-16)

~~a. Individuals who possess a baccalaureate degree or higher from an accredited institution of higher education may utilize this non-traditional route to an interim Idaho Teacher Certification.~~ (3-29-17)

~~b. To complete this non-traditional route, the individual must:~~ (3-25-16)

~~i. Complete a Board approved program;~~ (4-6-05)

~~ii. Pass the Board approved pedagogy and content knowledge exams; and~~ (4-6-05)

~~iii. Complete the Idaho Department of Education background investigation check.~~ (3-28-18)

~~e. Interim Certificate. Upon completion of the certification process described herein, the individual will be awarded an interim certificate from the State Department of Education's Certification and Professional Standards Department. During the term of the interim certificate, teaching by the individual must be done in conjunction with a two (2) year teacher mentoring program approved by the Board. The individual must complete the mentoring program during the term of the interim certificate. All laws and rules governing standard instructional certificated teachers and pupil service staff with respect to conduct, discipline and professional standards shall apply to individuals teaching under any Idaho certificate including an interim certificate.~~ (3-28-18)

~~d. Interim Certificate Not Renewable. Interim certification hereunder is only available on a one (1) time basis per individual. It will be the responsibility of the individual to obtain a valid renewable Idaho Educator Credential during the three (3) year interim certification term.~~ (3-25-16)

~~e. Types of Certificates and Endorsements. The non-traditional route may be used for first time certification, subsequent certificates, and additional endorsements.~~ (3-20-14)

043. Alternative Authorization - Pupil Service Staff. ~~The purpose of~~ This alternative authorization is to allow ~~Idaho school districts~~ a local education agency to request endorsement/certification when a position requiring the Pupil Service Staff Certificate cannot be filled with someone who has the ~~correct~~ school counselor or school social worker endorsement/certification. ~~The exception to this rule is the Interim School Nurse endorsement and the Interim Speech Language Pathologist endorsement. The requirements for these endorsements are defined in Subsection 015.02 of these rules. The alternate authorization is valid for one (1) year and may be renewed for two (2) additional years with evidence of satisfactory progress toward completion of an approved alternative route~~

~~preparation program. Interim certification is valid for not more than three (3) years total.~~ (3-28-18)()

a. Initial Qualifications. The applicant must complete the following: (4-2-08)

i. Prior to application, a candidate must hold a ~~master's~~ baccalaureate degree ~~or higher and hold a current Idaho license from the Bureau of Occupational Licenses in the area of desired certification;~~ and (3-25-16)()

ii. The ~~employing school district~~ local education agency must ~~provide supportive information~~ attesting to the ability of the candidate to fill the position. (4-2-08)()

b. ~~Alternative Route~~ Educator Preparation Program. (4-2-08)()

i. ~~At the time of authorization~~ The candidate must enroll in and work toward completion of ~~the alternative route~~ a state board approved educator preparation program through a participating college/university and the ~~employing school district~~ local education agency. The ~~alternative route~~ educator preparation program must include annual progress goals. (3-25-16)()

ii. The candidate must complete a minimum of nine (9) semester credits annually to ~~be eligible for extension of up to a total of three (3) years~~ maintain eligibility for renewal. (4-2-08)()

iii. The participating ~~college/university or the State Department of Education~~ educator preparation program will provide procedures to assess and credit equivalent knowledge, dispositions, and relevant life/work experiences. (4-2-08)()

iv. The candidate must meet all requirements for the endorsement/certificate as provided herein. (4-2-08)

~~054.~~ Alternative Authorization Renewal. Annual renewal will be based on the school year and satisfactory progress toward completion of the applicable alternate authorization requirements. (3-25-16)

043. -- 059. (RESERVED)

060. APPLICATION PROCEDURES / PROFESSIONAL DEVELOPMENT.

To obtain a new, renew, or reinstate an Idaho Educator Credential, the applicant must submit an application on a form supplied by the State Department of Education or the Division of Career Technical Education as applicable to the type of certificate. All applications for new, renewed, or reinstated occupational specialist certificates must be submitted to the Division of Career Technical Education. The following requirements must be met to renew or reinstate an Idaho Educator Credential. (3-29-17)

01. State Board of Education Requirements for Professional Growth. (4-1-97)

a. Credits taken for recertification must be educationally related to the individualized professional learning plan or related to the professional practice of the applicant. (3-28-18)

i. Credits must be specifically tied to content areas and/or an area of any other endorsement; or (5-8-09)

ii. Credits must be specific to pedagogical best practices or for administrative/teacher leadership; or (4-2-08)

iii. Credits must be tied to a specific area of need designated by ~~district~~ local education agency administration. (4-2-08)()

iv. Credits must be taken during the validity period of the certificate. (3-28-18)

b. Graduate or undergraduate credit will be accepted for recertification. Credit must be transcribed and completed through a college or university accredited by an entity recognized by the State Board of Education.

For pupil service staff, continuing education units completed and applied to the renewal of an occupational license issued by the appropriate Idaho ~~Bureau of Occupational Licenses~~ state licensing board will be accepted for recertification. The continuing education units must be recognized by the appropriate Idaho ~~Bureau of Occupational Licenses~~ state licensing board. (4-11-19)()

- c. Credits and continuing education units must be taken during the validity period of the certificate. (4-11-19)
 - d. All requests for equivalent in-service training to apply toward recertification, except occupational specialist certificates, must be made through the State Department of Education upon recommendation of the board of trustees consistent with the State Department of Education guidelines. Individuals holding Occupational Specialist Certificates must be made through the Division of Career Technical Education. Applicants must receive prior approval of in-service training and course work prior to applying for renewal. All in-service training must be aligned with the individual's individualized professional learning plan or related to professional practice. (3-28-18)
 - e. At least fifteen (15) hours of formal instruction must be given for each hour of in-service credit granted. (4-1-97)
 - f. Recertification credits may not be carried over from one (1) recertification period to the next. (4-1-97)
 - g. An appeals process, developed by the State Department of Education in conjunction with the Professional Standards Commission or the Division of Career Technical Education, as applicable to the certificate type, shall be available to applicants whose credits submitted for recertification, in part or as a whole, are rejected for any reason if such denial prevents an applicant from renewing an Idaho certificate. An applicant whose credits submitted for recertification are rejected, in part or as a whole, within six (6) months of the expiration of the applicant's current certification shall be granted an automatic appeal and a temporary certification extension during the appeal or for one (1) year, whichever is greater. (3-29-17)
- 02. State Board of Education Professional Development Requirements.** (4-1-97)
- a. ~~Districts~~ Local education agencies will have professional development plans. (4-1-97)()
 - b. All certificated personnel will be required to complete at least six (6) semester credits or the equivalent within the five (5) year period of validity of the certificate being renewed. (4-11-19)
 - c. At least three (3) semester credits will be taken for university or college credit. Verification may be by official or unofficial transcript. Individuals found to have intentionally altered transcripts used for verification, who would have not otherwise met this renewal requirement, will be investigated for violations of the Code of Ethics for Idaho Professional Educators. Any such violations may result in disciplinary action. (3-28-18)
 - d. Pupil Service Staff Certificate holders who hold a professional license through the appropriate Idaho ~~Bureau of Occupational Licenses~~ state licensing board may use continuing education units applied toward the renewal of their professional license toward the renewal of the Pupil Service Staff Certificate. Fifteen (15) contact hours are equivalent to one (1) semester credit. (4-11-19)()

(BREAK IN CONTINUITY OF SECTIONS)

076. CODE OF ETHICS FOR IDAHO PROFESSIONAL EDUCATORS (SECTIONS 33-1208 AND 33-1209, IDAHO CODE).

Believing in the worth and dignity of each human being, the professional educator recognizes the supreme importance of pursuing truth, striving toward excellence, nurturing democratic citizenship and safeguarding the freedom of learn and to teach while guaranteeing equal educational opportunity for all. The professional educator accepts the responsibility to practice the profession according to the highest ethical principles. The Code of Ethics for Idaho Professional Educators symbolizes the commitment of all Idaho educators and provides principles by which to

judge conduct. (3-20-04)

01. Aspirations and Commitments. (3-20-04)

a. The professional educator aspires to stimulate the spirit of inquiry in students and to provide opportunities in the school setting that will help them acquire viable knowledge, skills, and understanding that will meet their needs now and in the future. (3-20-04)

b. The professional educator provides an environment that is safe to the cognitive, physical and psychological well-being of students and provides opportunities for each student to move toward the realization of his goals and potential as an effective citizen. (3-20-14)

c. The professional educator, recognizing that students need role models, will act, speak and teach in such a manner as to exemplify nondiscriminatory behavior and encourage respect for other cultures and beliefs. (3-20-14)

d. The professional educator is committed to the public good and will help preserve and promote the principles of democracy. He will provide input to the local school board to assist in the board's mission of developing and implementing sound educational policy, while promoting a climate in which the exercise of professional judgment is encouraged. (4-11-06)

e. The professional educator believes the quality of services rendered by the education profession directly influences the nation and its citizens. He strives, therefore, to establish and maintain the highest set of professional principles of behavior, to improve educational practice, and to achieve conditions that attract highly qualified persons to the profession. (4-11-06)

f. The professional educator regards the employment agreement as a pledge to be executed in a manner consistent with the highest ideals of professional service. He believes that sound professional personal relationships with colleagues, governing boards, and community members are built upon integrity, dignity, and mutual respect. The professional educator encourages the practice of the profession only by qualified persons. (4-11-06)

02. Principle I - Professional Conduct. A professional educator abides by all federal, state, and local education laws and statutes. Unethical conduct shall include the conviction of any felony or misdemeanor offense set forth in Section 33-1208, Idaho Code. (3-20-14)

03. Principle II - Educator/Student Relationship. A professional educator maintains a professional relationship with all students, both inside and outside the physical and virtual classroom. Unethical conduct includes, but is not limited to: (3-20-14)

a. Committing any act of child abuse, including physical or emotional abuse; (3-20-04)

b. Committing any act of cruelty to children or any act of child endangerment; (3-20-04)

c. Committing or soliciting any sexual act from any minor or any student regardless of age; (3-20-04)

d. Committing any act of harassment as defined by ~~district~~ local education agency policy; ~~(4-11-06)~~()

e. Soliciting, encouraging, or consummating a romantic ~~or inappropriate~~ relationship (whether written, verbal, virtual, or physical) with a student, regardless of age; ~~(3-20-14)~~()

f. Soliciting or encouraging any form of personal relationship with a student that a reasonable educator would view as undermining the professional boundaries necessary to sustain an effective educator-student relationship; ()

fg. Using inappropriate language including, but not limited to, swearing and improper sexual

comments (e.g., sexual innuendos or sexual idiomatic phrases); (3-20-04)

~~g~~h. Taking or possessing images (digital, photographic, or video) of students of a harassing, confidential, or sexual nature; (4-11-15)

~~h~~i. Inappropriate contact with any minor or any student regardless of age using electronic ~~or social~~ media; ~~(4-11-06)~~ ()

~~i~~j. Furnishing alcohol or illegal or unauthorized drugs to any student or allowing or encouraging a student to consume alcohol or unauthorized drugs except in a medical emergency; (3-20-14)

~~j~~k. Conduct that is detrimental to the health or welfare of students; and (3-20-14)

~~k~~l. Deliberately falsifying information presented to students. (3-20-14)

04. Principle III - Alcohol and Drugs Use or Possession. A professional educator refrains from the abuse of alcohol or drugs during the course of professional practice. Unethical conduct includes, but is not limited to: (3-20-14)

a. Being on school premises or at any school-sponsored activity, home or away, involving students while possessing, using, or consuming illegal or unauthorized drugs; (3-20-04)

b. Being on school premises or at any school-sponsored activity, home or away, involving students while possessing, using, or consuming alcohol; (3-20-04)

c. Inappropriate or illegal use of prescription medications on school premises or at any school-sponsored events, home or away; (4-11-06)

d. Inappropriate or illegal use of drugs or alcohol that impairs the individual's ability to function; and (4-11-06)

e. Possession of an illegal drug as defined in Chapter 27, Idaho Code, Uniform Controlled Substances. (3-20-04)

05. Principle IV - Professional Integrity. A professional educator exemplifies honesty and integrity in the course of professional practice. Unethical conduct includes, but is not limited to: (3-20-14)

a. Fraudulently altering or preparing materials for licensure or employment; (3-20-04)

b. Falsifying or deliberately misrepresenting professional qualifications, degrees, academic awards, and related employment history when applying for employment or licensure; (3-20-04)

c. Failure to notify the state at the time of application for licensure of past revocations or suspensions of a certificate or license from another state; (3-20-04)

d. Failure to notify the state at the time of application for licensure of past criminal convictions of any crime violating the statutes or rules governing teacher certification; (3-20-14)

e. Falsifying, deliberately misrepresenting, or deliberately omitting information regarding the evaluation of students or personnel, including improper administration of any standardized tests (changing test answers; copying or teaching identified test items; unauthorized reading of the test to students, etc.); (4-11-06)

f. Falsifying, deliberately misrepresenting, or deliberately omitting reasons for absences or leaves; (3-20-04)

g. Falsifying, deliberately misrepresenting, or deliberately omitting information submitted in the course of an official inquiry or investigation; (3-20-14)

h. Falsifying, deliberately misrepresenting, or deliberately omitting material information on an official evaluation of colleagues; and (3-20-14)

i. Failure to notify the state of any criminal conviction of a crime violating the statutes and/or rules governing teacher certification. (3-20-14)

06. Principle V - Funds and Property. A professional educator entrusted with public funds and property honors that trust with a high level of honesty, accuracy, and responsibility. Unethical conduct includes, but is not limited to: (3-20-14)

a. Misuse, or unauthorized use, of public or school-related funds or property; (3-20-04)

b. Failure to account for school funds collected from students, parents, ~~or~~ patrons, or other donors from all sources, including online donation platforms; ~~(3-20-14)~~ ()

c. Submission of fraudulent requests for reimbursement of expenses or for pay; (3-20-04)

d. Co-mingling of public or school-related funds in personal bank account(s); (3-20-04)

e. Use of school property for private financial gain; (3-20-14)

f. Use of school computers to deliberately view or print pornography; and, (3-20-04)

g. Deliberate use of poor budgeting or accounting practices. (3-20-04)

07. Principle VI - Compensation. A professional educator maintains integrity with students, colleagues, parents, patrons, or business personnel when accepting gifts, gratuities, favors, and additional compensation. Unethical conduct includes, but is not limited to: (3-20-14)

a. Unauthorized solicitation of students or parents of students to purchase equipment, supplies, or services from the educator who will directly benefit; (3-20-14)

b. Acceptance of gifts from vendors or potential vendors for personal use or gain where there may be the appearance of a conflict of interest; (3-20-04)

c. Tutoring students assigned to the educator for remuneration unless approved by the local board of education; and, (3-20-04)

d. Soliciting, accepting, or receiving a financial benefit greater than fifty dollars (\$50) as defined in Section 18-1359(b), Idaho Code. (3-20-14)

e. Keeping for oneself donations, whether money or items, that were solicited or accepted for the benefit of a student, class, classroom, or school. (3-28-18)

08. Principle VII - Confidentiality. A professional educator complies with state and federal laws and local school board policies relating to the confidentiality of student and employee records, unless disclosure is required or permitted by law. Unethical conduct includes, but is not limited to: (3-20-14)

a. Sharing of confidential information concerning student academic and disciplinary records, personal confidences, health and medical information, family status or income, and assessment or testing results with inappropriate individuals or entities; and (3-20-04)

b. Sharing of confidential information about colleagues obtained through employment practices with inappropriate individuals or entities. (3-20-04)

09. Principle VIII - Breach of Contract or Abandonment of Employment. A professional educator

fulfills all terms and obligations detailed in the contract with the local board of education or education agency for the duration of the contract. Unethical conduct includes, but is not limited to: (3-20-14)

- a. Abandoning any contract for professional services without the prior written release from the contract by the employing ~~school district or~~ local education agency; (3-20-04)()
- b. Willfully refusing to perform the services required by a contract; and, (3-20-04)
- c. Abandonment of classroom or failure to provide appropriate supervision of students at school or school-sponsored activities to ensure the safety and well-being of students. (3-20-04)

10. Principle IX - Duty to Report. A professional educator reports breaches of the Code of Ethics for Idaho Professional Educators and submits reports as required by Idaho Code. Unethical conduct includes, but is not limited to: (3-20-14)

- a. Failure to comply with Section 33-1208A, Idaho Code, (reporting requirements and immunity); (3-20-04)
- b. Failure to comply with Section 16-1605, Idaho Code, (reporting of child abuse, abandonment or neglect); (4-11-06)
- c. Failure to comply with Section 33-512B, Idaho Code, (suicidal tendencies and duty to warn); and (4-11-06)
- d. Having knowledge of a violation of the Code of Ethics for Idaho Professional Educators and failing to report the violation to an appropriate education official. (3-20-04)

11. Principle X - Professionalism. A professional educator ensures just and equitable treatment for all members of the profession in the exercise of academic freedom, professional rights and responsibilities while following generally recognized professional principles. Unethical conduct includes, but is not limited to: (3-20-14)

- a. Any conduct that seriously impairs the Certificate holder's ability to teach or perform his professional duties; (3-20-04)
- b. Committing any act of harassment toward a colleague; (4-11-06)
- c. Failure to cooperate with the Professional Standards Commission in inquiries, investigations, or hearings; (3-20-04)
- d. Using institutional privileges for the promotion of political candidates or for political activities, except for local, state or national education association elections; (4-11-06)
- e. Willfully interfering with the free participation of colleagues in professional associations; and (4-11-06)
- f. Taking, ~~or~~ possessing, or sharing images (digital, photographic, or video) of colleagues of a harassing, confidential, or sexual nature. (4-11-15)()

077. DEFINITIONS FOR USE WITH THE CODE OF ETHICS FOR IDAHO PROFESSIONAL EDUCATORS (SECTIONS 33-1208 AND 33-1209, IDAHO CODE).

01. Administrative Complaint. A document ~~issued by the State Department of Education~~ outlining the specific, purported violations of Section 33-1208, Idaho Code, or the Code of Ethics for Idaho Professional Educators. (3-20-04)()

02. Allegation. A purported violation of the Code of Ethics for Idaho Professional Educators or Idaho Code. (3-20-04)

~~03. Certificate. A document issued by the Department of Education under the authority of the State Board of Education allowing a person to serve in any elementary or secondary school in the capacity of teacher, supervisor, administrator, education specialist, school nurse or school librarian (Section 33-1201, Idaho Code). (3-20-04)~~

~~043. Certificate Denial. The refusal of the state to grant a certificate for an initial or reinstatement application. (3-20-04)()~~

~~054. Certificate Suspension. A time-certain invalidation of any Idaho certificate as determined by a stipulated agreement or a due process hearing panel as set forth in Section 33-1209, Idaho Code. (3-20-04)()~~

~~06. Complaint. A signed document defining the allegation that states the specific ground or grounds for revocation, suspension, denial, place reasonable conditions on a certificate or issuance of a letter of reprimand (Section 33-1209(1), Idaho Code). The State Department of Education may initiate a complaint. (4-11-06)~~

~~075. Conditional~~ed~~ Certificate. Allows an educator to retain licensure under certain s~~ Stated Certificate conditions as determined by the Professional Standards Commission (Section 33-1209(~~02~~), Idaho Code). (3-20-04)()

~~08. Contract. Any signed agreement between the school district and a certificated educator pursuant to Section 33-513(1), Idaho Code. (3-20-04)~~

~~09. Conviction. Refers to all instances regarding a finding of guilt by a judge or jury; a plea of guilt by Nolo Contendere or Alford plea; or all proceedings in which a sentence has been suspended, deferred or withheld. (3-20-04)~~

~~106. Educator. A person who held, holds, or applies for an Idaho Certificate (Section 33-1001(16) and Section 33-1201, Idaho Code). (3-20-04)()~~

~~107. Education Official. An individual identified by local school board policy, including, but not limited to, a superintendent, principal, assistant principal, or school resource officer (SRO). (3-20-04)~~

~~1208. Executive Committee. A decision-making body comprised of members of the Professional Standards Commission, including the chair and/or vice-chair of the Commission. A prime duty of the Committee is to review purported alleged violations of the Code of Ethics for Idaho Professional Educators to determine probable cause and direction for recommend possible disciplinary action to be taken against a Certificate holder. (3-20-14)()~~

~~1309. Hearing. A formal review proceeding that ensures the respondent due process. The request for a hearing is initiated by the respondent and is conducted by a panel of peers. (3-20-04)~~

~~140. Hearing Panel. A minimum of three (3) educators appointed by the chair of the Professional Standards Commission and charged with the responsibility to make a final determination regarding the charges specifically defined in the Administrative Complaint. (3-20-04)~~

~~151. Investigation. The process of gathering factual information concerning a valid, written complaint in preparation for review by the Professional Standards Commission Executive Committee, or following review by the Executive Committee at the request of the deputy attorney general assigned to the Department of Education Professional Standards Commission. (3-20-14)()~~

~~16. Minor. Any individual who is under eighteen (18) years of age. (3-20-04)~~

~~172. Not Sufficient Grounds No Probable Cause. A determination by the Executive Committee that there is not sufficient evidence to take action against an educator's certificate. (3-20-14)()~~

~~183. Principles. Guiding behaviors that reflect what is expected of professional educators in the state of~~

Idaho while performing duties as educators in both the private and public sectors. (3-20-04)

~~14. Probable Cause. A determination by the Executive Committee that sufficient evidence exists to issue an administrative complaint. ()~~

~~15. Reprimand. A written letter admonishing the Certificate holder for ~~his~~ their conduct. ~~The reprimand cautions that further unethical conduct may lead to consideration of a more severe action against the holder's Certificate. (3-20-04) ()~~~~

~~16. Respondent. The legal term for the professional educator who is under investigation for a purported violation of the Code of Ethics for Idaho Professional Educators. (3-20-04)~~

~~17. Revocation. The invalidation of any Certificate held by the educator. (3-20-04)~~

~~18. Stipulated Agreement. A written agreement between the respondent and the Professional Standards Commission to resolve matters arising from an allegation of unethical conduct following a complaint or an investigation. The stipulated agreement is binding to both parties and is enforceable under its own terms, ~~or by subsequent action by the Professional Standards Commission. (3-20-04) ()~~~~

~~23. Student. Any individual enrolled in any Idaho public or private school from preschool through grade 12. (3-20-04)~~

~~24. Sufficient Grounds. A determination by the Executive Committee that sufficient evidence exists to issue an Administrative Complaint. (3-20-04)~~

IDAPA 08 – STATE BOARD OF AND STATE DEPARTMENT OF EDUCATION

08.02.03 – RULES GOVERNING THOROUGHNESS

DOCKET NO. 08-0203-1903

NOTICE OF RULEMAKING – TEMPORARY AND PROPOSED RULE

EFFECTIVE DATE: The effective date of the temporary rule is July 1, 2019.

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 Sections 33-105 and 33-1612, Idaho Code, and ESEA Section 1111(b)1 and (2) and 34 CFR Sections 200.1-200.8.

PUBLIC HEARING SCHEDULE: A public hearing concerning this rulemaking will be held as follows:

PUBLIC HEARING

**Tuesday, August 20th, 2019
6:00 p.m. to 8:00 p.m. (MDT)**

**State Department of Education
Barbara Morgan Conference Room
650 W. State Street, 2nd Floor
Boise, Idaho 83720**

The hearing site 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 Elementary and Secondary Education Act (ESEA) requires that content standards for students with significant cognitive disabilities be aligned with general education standards. The Idaho Content Standards - Core Content Connectors, Science (Connectors) replaces the Idaho Extended Content Standards found at 08.02.03.004.05. The Connectors are aligned to the recently updated Idaho Content Standards for Science.

The ESEA requires states to have challenging academic content and achievement standards and to administer assessments aligned to these standards to all students. Further, ESEA requires that an assessment in science be administered at least once to all students in grade bands 3-5, 6-9, and 10-12. At present, the assessment is not aligned with science content standards, and in the 10-12 grade band, the assessment is an end of course assessment in either biology or chemistry. The end of course assessment in biology or chemistry is changed to a single, comprehensive science assessment, covering all high school science standards, administered in grade 11, and the grade band 6-9 assessment is moved from Grade 7 to Grade 8.

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 ESEA.

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: N/A

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted because compliance with the ESEA is not negotiable. Though no Notice of Intent to Promulgate Rules was published, after engagement with stakeholders during the development of the updated science content standards, and

in ongoing engagement since the adoption, stakeholders including educators, administrators, and parents agree the science standards are structured in a spiraled sequence that build on the skills in grade bands 3-5, 6-8, and high school. Engagement conversations between the Department of Education (Department) and these stakeholders have focused on administering assessments at the end of each of the grade bands (elementary school, middle school, and high-school), as this timeframe allows for teaching and learning progression of the standards in elementary, middle, and high school, while recognizing course sequences of the science domains (earth science, physical science, and life science) that vary across the state's local education agencies. Secondary teachers contributed perspectives on not limiting the high school science assessment to a single science domain (e.g. life science or earth science), as it restricts the value of a well-rounded science education and preparation of Idaho's students in necessary science skills and knowledge.

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 Extended Content Standards is currently incorporated by reference and will be replaced by the Idaho Extended Content Standards - Core Content Connectors, Science. Because of the number of pages in the document, republication of the text would be unduly cumbersome and expensive. A complete copy of the Idaho Extended Content Standards - Core Content Connectors, Science can be found at <http://sde.idaho.gov/topics/admin-rules/>.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the temporary and proposed rule, contact Karlynn Laraway, Director of Assessment and Accountability, at klaraway@sde.idaho.gov or (208) 332-6976.

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 August 28, 2019.

Dated this 19th Day of June, 2019.

Sherri Ybarra
Superintendent of Public Instruction
650 W. State Street, 2nd Floor
P.O. Box 83720
Boise, ID 83720-0027
Office: (208) 332-6800
Fax: (208) 334-2228

**THE FOLLOWING IS THE TEMPORARY RULE AND THE PROPOSED TEXT
OF DOCKET NO. 08-0203-1903
(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 <https://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 10, 2017. (3-28-18)
- 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 August 10, 2017. (3-28-18)
- 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 August 10, 2017. (3-28-18)
- k.** Social Studies, as revised and adopted on November 28, 2016. (3-24-17)
- l.** College and Career Readiness Competencies adopted on June 15, 2017. (3-28-18)
- m.** Career Technical Education Categories: (3-29-17)
 - i. Agricultural and Natural Resources, as revised and adopted on August 16, 2018. (4-11-19)
 - ii. Business and Marketing Education, as revised and adopted on August 31, 2017. (3-28-18)
 - iii. Engineering and Technology Education, as revised and adopted on August 16, 2018. (4-11-19)
 - iv. Health Sciences, as adopted on August 16, 2018. (4-11-19)
 - v. Family and Consumer Sciences, as revised and adopted on August 16, 2018. (4-11-19)
 - vi. Skilled and Technical Sciences, as revised and adopted on August 16, 2018. (4-11-19)
 - vii. 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 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 October 18, 2017. Copies of the document can be found on the State Board of Education website at <https://boardofed.idaho.gov>. (3-28-18)

04. 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 <https://boardofed.idaho.gov>. (3-29-17)

~~**05. The Idaho Extended Content Standards.** The Idaho Extended Content Standards as adopted by the State Board of Education on August 10, 2017. Copies of the document can be found at the State Board of Education website at <https://boardofed.idaho.gov>. (3-28-18)~~

~~**06. The Idaho Content Standards Core Content Connectors.** The Idaho Content Standards Core Content Connectors as adopted by the State Board of Education on August 10, 2017. Copies of the document can be found at the State Board of Education website at <https://boardofed.idaho.gov>. (3-28-18)~~ **(7-1-19)T**

a. English Language Arts, as adopted by the State Board of Education on August 10, 2017. (3-28-18)

b. Mathematics, as adopted by the State Board of Education on August 10, 2017. (3-28-18)

c. Science, as adopted by the State Board of Education on June 19, 2019. **(7-1-19)T**

~~**07. The Idaho Alternate Assessment Achievement Standards.** Alternate Assessment Achievement Standards as adopted by the State Board of Education on October 18, 2017. Copies of the document can be found on the State Board of Education website at <https://boardofed.idaho.gov>. (3-28-18)~~

08. 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 <https://boardofed.idaho.gov>. (4-2-08)

09. 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 <https://boardofed.idaho.gov>. (4-2-08)

~~**10. The Idaho Special Education Manual.** The Idaho Special Education Manual as adopted by the State Board of Education on October 17, 2018. Copies of the document can be found on the State Board of Education website at <https://boardofed.idaho.gov>. (4-11-19)~~

(BREAK IN CONTINUITY OF SECTIONS)

111. ASSESSMENT IN THE PUBLIC SCHOOLS.

01. Philosophy. Acquiring the basic skills is essential to realization of full educational, vocational and personal/social development. Since Idaho schools are responsible for instruction in the basic scholastic skills, the State Board of Education has a vested interest in regularly surveying student skill acquisition as an index of the effectiveness of the educational program. This information can best be secured through objective assessment of student growth. The State Board of Education will provide oversight for all components of the comprehensive assessment program. (4-2-08)

02. Purposes. The purpose of assessment in the public schools is to: (3-15-02)

a. Measure and improve student achievement; (3-15-02)

b. Assist classroom teachers in designing lessons; (3-15-02)

- c. Identify areas needing intervention and remediation, and acceleration; (3-15-02)
- d. Assist school districts in evaluating local curriculum and instructional practices in order to make needed curriculum adjustments; (3-15-02)
- e. Inform parents and guardians of their child's progress; (3-15-02)
- f. Provide comparative local, state and national data regarding the achievement of students in essential skill areas; (3-15-02)
- g. Identify performance trends in student achievement across grade levels tested and student growth over time; and (3-15-02)
- h. Help determine technical assistance/consultation priorities for the State Department of Education. (3-15-02)

03. Content. The comprehensive assessment program will consist of multiple assessments, including, the Idaho Reading Indicator (IRI), the National Assessment of Educational Progress (NAEP), the Idaho English Language Assessment, the Idaho Standards Achievement Tests (ISAT), the Idaho Alternate Assessment, and a college entrance exam. (3-29-12)

04. Testing Population. All students in Idaho public schools, grades kindergarten through twelve (K-12), are required to participate in the comprehensive assessment program approved by the State Board of Education and funded. (4-2-08)

a. All students who are eligible for special education shall participate in the statewide assessment program. (4-6-05)

b. Each student's individualized education program team shall determine whether the student shall participate in the regular assessment without accommodations, the regular assessment with accommodations or adaptations, or whether the student qualifies for and shall participate in the alternate assessment. (4-6-05)

c. Limited English Proficient (LEP) students, as defined in Subsection 112.05.g.iv., may receive designated supports or accommodations, or both, for the ISAT assessment if need has been indicated by the LEP student's Educational Learning Plan (ELP) team. The team shall outline the designated supports or accommodations, or both, in an ELP prior to the assessment administration. Designated supports or accommodations, or both, shall be familiar to the student during previous instruction and for other assessments. LEP students who are enrolled in their first year of school in the United States may take Idaho's English language assessment in lieu of the English language ISAT, but will still be required to take the ISAT (Mathematics and Science). Such LEP students will be counted as participants for the ninety-five percent (95%) participation target, as described in Subsection 112.05.e. However, such LEP students are not required to be counted for accountability purposes as described in Subsection 112.05.i. (3-29-17)

05. Scoring and Report Formats. Scores will be provided for each subject area assessed and reported in standard scores, benchmark scores, or holistic scores. Test results will be presented in a class list report of student scores, building/district summaries, content area criterion reports by skill, disaggregated group reports, and pressure sensitive labels as appropriate. Information about the number of students who are eligible for special education who participate in regular and alternate assessments, and their performance results, shall be included in reports to the public if it is statistically sound to do so and would not disclose performance results identifiable to individual students. (4-7-11)

a. Effective April 1, 2009, all students taking the Idaho Standards Achievement Test (ISAT) must have a unique student identifier. (4-7-11)

b. Districts must send all assessment results and related communication to parents within three (3) weeks of receipt from the state. (4-7-11)

06. Comprehensive Assessment Program. The State approved comprehensive assessment program is outlined in Subsections 111.06.a. through 111.06.n. Each assessment will be comprehensive of and aligned to the Idaho State Content Standards it is intended to assess. In addition, districts are responsible for writing and implementing assessments in those standards not assessed by the state assessment program. (3-29-17)

a. Kindergarten - Idaho Reading Indicator, Idaho Alternate Assessment, Idaho English Language Assessment. (4-2-08)

b. Grade 1 - Idaho Reading Indicator, Idaho Alternate Assessment, Idaho English Language Assessment. (4-2-08)

c. Grade 2 - Idaho Reading Indicator, Idaho Alternate Assessment, Idaho English Language Assessment. (4-11-15)

d. Grade 3 - Idaho Reading Indicator, Grade 3 Idaho Standards Achievement Tests in English language usage and mathematics, Idaho Alternate Assessment, Idaho English Language Assessment. (3-29-17)

e. Grade 4 - National Assessment of Educational Progress, Grade 4 Idaho Standards Achievement Tests in English language usage and mathematics, Idaho Alternate Assessment, Idaho English Language Assessment. (3-29-17)

f. Grade 5 - Grade 5 Idaho Standards Achievement Tests in English language usage, mathematics, and science; Idaho Alternate Assessment; Idaho English Language Assessment. (3-29-17)

g. Grade 6 - Grade 6 Idaho Standards Achievement Tests, ~~Idaho Alternate Assessment~~ in English language usage and mathematics, Idaho Alternate Assessment, Idaho English Language Assessment. ~~(3-29-17)~~(7-1-19)T

h. Grade 7 - Grade 7 Idaho Standards Achievement Tests, ~~Idaho Alternate Assessment~~ in English language usage, and mathematics, ~~and science~~, Idaho Alternate Assessment, Idaho English Language Assessment. ~~(3-29-17)~~(7-1-19)T

i. Grade 8 - National Assessment of Educational Progress; Grade 8 Idaho Standards Achievement Tests in English language usage, and mathematics, and science; Idaho Alternate Assessment; Idaho English Language Assessment. ~~(3-29-17)~~(7-1-19)T

j. Grade 9 - High School Idaho Standards Achievement Tests (optional at the discretion of the school district or charter school), Idaho Alternate Assessment, Idaho English Language Assessment. (3-29-17)

k. Grade 10 - High School Idaho Standards Achievement Tests in English language usage and mathematics, Idaho Alternate Assessment, Idaho English Language Assessment. ~~(4-2-08)~~(7-1-19)T

l. Grade 11 - High School Idaho Standards Achievement Test in science, Idaho Alternate Assessment, Idaho English Language Assessment, college entrance exam. ~~(3-29-17)~~(7-1-19)T

m. Grade 12 - National Assessment of Educational Progress, Idaho English Language Assessment. (4-2-08)

~~**n.** Students are required to take a high school End of Course Assessment in science provided by the state and administered by the district as applicable to the course completed by the students. (3-29-17)~~

07. Comprehensive Assessment Program Schedule. (5-3-03)

a. The Idaho Reading Indicator will be administered in accordance with Section 33-1615, Idaho Code. (3-29-17)

b. The National Assessment of Educational Progress will be administered in timeframe specified by the U.S. Department of Education. (3-15-02)

c. The Idaho Standards Achievement Tests will be administered in the Spring in a time period specified by the State Board of Education. (4-11-15)

d. The Idaho Alternate Assessment will be administered in a time period specified by the State Board of Education. (4-2-08)

e. Idaho's English Language Assessment will be administered in a time period specified by the State Board of Education. (3-29-17)

08. Costs Paid by the State. Costs for the following testing activities will be paid by the state: (4-1-97)

a. All consumable and non-consumable materials needed to conduct the prescribed statewide comprehensive assessment program; (3-15-02)

b. Statewide distribution of all assessment materials; and (3-29-12)

c. Processing and scoring student response forms, distribution of prescribed reports for the statewide comprehensive assessment program. (3-29-12)

09. Costs of Additional Services. Costs for any additional administrations or scoring services not included in the prescribed statewide comprehensive assessment program will be paid by the participating school districts. (3-15-02)

10. Services. The comprehensive assessment program should be scheduled so that a minimum of instructional time is invested. Student time spent in testing will not be charged against attendance requirements. (3-15-02)

11. Test Security, Validity and Reliability. (4-2-08)

a. Test security is of the utmost importance. To ensure integrity of secure test items and protect validity and reliability of test outcomes, test security must be maintained. School districts will employ security measures in protecting statewide assessment materials from compromise. Each individual who has any opportunity to see test items must sign a state-provided confidentiality agreement, which the district must keep on file in the district for at least two (2) years. Documentation of security safeguards must be available for review by authorized state and federal personnel. (4-2-08)

b. Any assessment used for federal reporting shall be independently reviewed for reliability, validity, and alignment with the Idaho Content Standards. (4-2-08)

12. Demographic Information. Accurate demographic information must be submitted as required for each test to assist in interpreting test results. It may include but is not limited to race, sex, ethnicity, and special programs, (Title I, English proficiency, migrant status, special education status, gifted and talented status, and socio-economic status). (4-2-08)

13. Dual Enrollment. For the purpose of non-public school student participation in non-academic public school activities as outlined in Section 33-203, Idaho Code, the Idaho State Board of Education recognizes the following: (3-15-02)

a. The Idaho Standards Achievement Tests (grades 3-8 and High School). (3-29-17)

b. A portfolio demonstrating grade level proficiency in at least five (5) of the subject areas listed in Subsections 111.13.b.i. through 111.13.b.vi. Portfolios are to be judged and confirmed by a committee comprised of at least one (1) teacher from each subject area presented in the portfolio and the building principal at the school where

- dual enrollment is desired. (4-6-05)
- i. Language Arts/Communications. (3-15-02)
 - ii. Math. (3-15-02)
 - iii. Science. (3-15-02)
 - iv. Social Studies. (3-15-02)
 - v. Health. (3-15-02)
 - vi. Humanities. (3-15-02)

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

DOCKET NO. 10-0000-1900F

NOTICE OF PUBLIC HEARING FOR OMNIBUS FEE RULEMAKING

AUTHORITY: In compliance with Sections 67-5221(1) and 67-5222, Idaho Code, notice is hereby given that this agency has scheduled a public hearing and extended the period of public comment. The action is authorized pursuant to Sections 54-1208 and 55-1606, Idaho Code.

PUBLIC HEARING SCHEDULE: A public hearing concerning this rulemaking will be held as follows:

PUBLIC HEARING
Tuesday, August 27th, 2019 - 10:00 a.m. (MDT)

**Board Office
1510 E Watertower St., Ste. 110
Meridian, Idaho 83642**

The hearing site 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 summary of this action is found in June 19, 2019 Idaho Administrative Bulletin (Special Edition), **Vol. 19-6SE, pages 1248-1272**. The subject of the hearing will include reauthorization of most the Board's rules, including Licensing Freedom Act, and Red Tape Reduction Act recommendations. The Board will explore consolidating all four rule chapters into one chapter, and address other changes to the proposed rule that reduce restrictions. The consolidation effort will vacate the rule chapters no longer needed.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this rulemaking, contact Keith Simila at (208) 373-7210 or keith.simila@ipels.idaho.gov.

SUBMISSION OF WRITTEN COMMENTS: Anyone may submit written comments regarding this rulemaking during this comment period or a written comment may be submitted at the public hearing in lieu of giving an oral presentation. Any written comments submitted at a public hearing carry the same weight as oral testimony and will be considered as such.

All written comments must be directed to the undersigned and must be delivered on or before August 27, 2019.

Dated this 16th day of July, 2019.

Keith Simila
Executive Director
Idaho Board of Professional Engineers and Land Surveyors
1510 E Watertower St., Ste. 110
Meridian, ID 83642
Phone: (208) 373-7210
Fax: (208)-373-7213

IDAPA 12 – IDAHO DEPARTMENT OF FINANCE

12.01.09 – RULES PURSUANT TO THE IDAHO CREDIT CODE

DOCKET NO. 12-0109-1901

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 28-46-104(1)(e) and Title 67, Chapter 93 [94], Idaho Code.

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

PUBLIC MEETING

Wednesday, August 14, 2019 – 1:00 p.m. (MDT)

**Idaho Department of Finance
Conference Room C
800 Park Boulevard, Suite 200
Boise, Idaho 83712**

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 may submit any written comments for the record, questions, recommendations, or ideas to the Idaho Department of Finance, addressed to icc.mail@finance.idaho.gov. Individuals may also attend the public meeting to be conducted on the above date during which the Idaho Department of Finance will allow oral comments or presentations to be made. Persons wishing to join the negotiated rulemaking meeting by conference call must email icc.mail@finance.idaho.gov or call (208) 332-8058, twenty-four (24) hours prior to the meeting to obtain the teleconference number and directions for participation.

Upon conclusion of the negotiated rulemaking, any unresolved issues, all key issues considered, and any 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 rulemaking is intended to update references to federal law and regulations applicable to persons originating and servicing consumer credit transactions and to address the treatment of license applications submitted by persons serving in the military, veterans, and the spouses of military members or veterans.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS, OBTAINING DRAFT COPIES: For assistance on technical questions concerning this negotiated rulemaking, contact Anthony Polidori at (208) 332-8060. Materials pertaining to the negotiated rulemaking, including any available preliminary rule drafts, can be found on the Department of Finance web site at the following web address: www.finance.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 August 23, 2019.

Dated this 1st day of July, 2019.

Anthony Polidori
Consumer Finance Bureau Chief
Idaho Department of Finance
800 Park Blvd.
P.O. Box 83720
Boise, ID 83702-0031
Phone: (208) 332-8060
Fax: (208) 332-8099

IDAPA 12 – IDAHO DEPARTMENT OF FINANCE

12.01.10 – RULES PURSUANT TO THE IDAHO MORTGAGE PRACTICES ACT

DOCKET NO. 12-0110-1901

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 26-31-103(2)(b), 26-31-204(5), 26-31-302(1)(a), 26-31-302(2), and Title 67, Chapter 93 [94], Idaho Code.

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

PUBLIC MEETING

Wednesday, August 14, 2019 – 10:00 a.m. (MDT)

Idaho Department of Finance
Conference Room C
800 Park Boulevard, Suite 200
Boise, Idaho 83712

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 may submit any written comments for the record, questions, recommendations, or ideas to the Idaho Department of Finance, addressed to mortgage@finance.idaho.gov. Individuals may also attend the public meeting to be conducted on the above date during which the Idaho Department of Finance will allow oral comments or presentations to be made. Persons wishing to join the negotiated rulemaking meeting by conference call must email mortgage@finance.idaho.gov or call (208) 332-8058, twenty-four (24) hours prior to the meeting to obtain the teleconference number and directions for participation.

Upon conclusion of the negotiated rulemaking, any unresolved issues, all key issues considered, and any 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 rulemaking is intended to update references to federal law and regulations applicable to the business of mortgage origination; eliminate duplicative rules relative to disclosure requirements; and, address the treatment of license applications submitted by persons serving in the military, veterans, and the spouses of military members or veterans.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS, OBTAINING DRAFT COPIES: For assistance on technical questions concerning this negotiated rulemaking, contact Anthony Polidori at (208) 332-8060. Materials pertaining to the negotiated rulemaking, including any available preliminary rule drafts, can be found on the Department of Finance web site at the following web address: www.finance.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 August 23, 2019.

Dated this 1st day of July, 2019.

Anthony Polidori
Consumer Finance Bureau Chief
Idaho Department of Finance
800 Park Blvd.
P.O. Box 83720
Boise, ID 83702-0031
Phone: (208) 332-8060
Fax: (208) 332-8099

IDAPA 12 – IDAHO DEPARTMENT OF FINANCE

12.01.11 – RULES PURSUANT TO THE IDAHO COLLECTION AGENCY ACT

DOCKET NO. 12-0111-1901

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 26-2228(4), 26-2248, and, Title 67, Chapter 93 [94], Idaho Code.

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

PUBLIC MEETING

Wednesday, August 14, 2019 – 8:00 a.m. (MDT)

Idaho Department of Finance
Conference Room C
800 Park Boulevard, Suite 200
Boise, Idaho 83712

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 may submit any written comments for the record, questions, recommendations, or ideas to the Idaho Department of Finance, addressed to collections@finance.idaho.gov. Individuals may also attend the public meeting to be conducted on the above date during which the Idaho Department of Finance will allow oral comments or presentations to be made. Persons wishing to join the negotiated rulemaking meeting by conference call must email collections@finance.idaho.gov or call (208) 332-8058, twenty-four (24) hours prior to the meeting to obtain the teleconference number and directions for participation.

Upon conclusion of the negotiated rulemaking, any unresolved issues, all key issues considered, and any 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 rulemaking is intended to update references to federal law and regulations applicable to the business of debt collections and to address the treatment of license applications submitted by persons serving in the military, veterans, and the spouses of military members or veterans.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS, OBTAINING DRAFT COPIES: For assistance on technical questions concerning this negotiated rulemaking, contact Anthony Polidori at (208) 332-8060. Materials pertaining to the negotiated rulemaking, including any available preliminary rule drafts, can be found on the Department of Finance web site at the following web address: www.finance.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 August 23, 2019.

Dated this 1st day of July, 2019.

Anthony Polidori
Consumer Finance Bureau Chief
Idaho Department of Finance
800 Park Blvd.
P.O. Box 83720
Boise, ID 83702-0031
Phone: (208) 332-8060
Fax: (208) 332-8099

IDAPA 13 – IDAHO FISH AND GAME COMMISSION

13.01.11 – RULES GOVERNING FISH

DOCKET NO. 13-0111-1903P

NOTICE OF PROCLAMATION

AUTHORITY: In compliance with Section 36-105(3), Idaho Code, notice is hereby given that at a June 13, 2019 special meeting the Commission adopted by proclamation the 2019 Idaho Chinook Season for the Middle Fork Clearwater River, establishing seasons and limits for fishing in Idaho.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the proclamation, contact Owen Moroney at (208) 334-3715.

IDAPA 16 – DEPARTMENT OF HEALTH AND WELFARE

DOCKET NO. 16-0000-1900

NOTICE OF PUBLIC HEARING FOR OMNIBUS RULEMAKING

AUTHORITY: In compliance with Sections 67-5221(1) and 67-5222, Idaho Code, notice is hereby given that this agency has scheduled a public hearing. The action is authorized pursuant to Sections 6-2604, 16-107, 16-1623, 16-2403, 16-2404, 16-2406, 16-2423, 16-2433, 31-3503C, 37-121, 39-242, 39-605, 39-906, 39-909, 39-910, 39-1003, 39-1118, 39-1301 through 39-1314, 39-1306, 39-1307, 39-1307A, 39-1307B, 39-1603, 39-2401(2), 39-3133, 39-3140, 39-3308, 39-3508, 39-4505(2), 39-4601 et seq., 39-4605, 39-4801, 39-5209, 39-5403, 39-5508, 39-5704, 56-133, 56-135, 56-201 et seq., 56-202, 56-202(b), 56-203, 56-204A, 56-209, 56-216, 56-221, 56-222, 56-227, 56-239, 56-250 through 257, 56-260 through 56-266, 56-1001, 56-1003, 56-1004, 56-1004A, 56-1005, 56-1007, 56-1009, 56-1011 through 56-1023, 54-1119, 56-1610, 66-317, Idaho Code, and 45 CFR Parts 260 - 265, Parts 400 and 401, by Section 412E, Title IV, Pub. L. 96-212, and Medicare Prescription Drug Improvement and Modernization Act of 2003, P.L. 108-173, Section 231, Section 1937 of the Social Security Act, the Low-Income Home Energy Assistance Act of 1981, 42 U.S.C Sections 8621 to 8629, 42 USC 5101 et seq., and 7 USC 7501 et seq.

PUBLIC HEARING SCHEDULE: Public hearings concerning this rulemaking will be held as follows:

PUBLIC HEARINGS	
Thursday, August 22, 2019 1:00 p.m. - 4:00 p.m. (MDT)	Friday, August 23, 2019 1:00 p.m - 4:00 p.m. (MDT)
Medicaid Central Office 3232 Elder Street Conf. Rooms D East & D West Boise, ID 83705	Region VII Office 150 Shoup Avenue 2nd Floor Conference Room Idaho Falls, ID 83402
Monday, August 26, 2019 9:00 a.m - 12:00 p.m. (PDT)	Tuesday, August 27, 2019 10:00 a.m - 12:00 p.m. (PDT)
Region I Office 1120 Ironwood Drive Lower Level, Conf. Room Coeur d'Alene, ID 83814	Lewiston State Office Bldg. 1118 F Street 3rd Floor Conf. Room Lewiston, ID 83501
Tuesday, August 27, 2019 3:00 p.m - 4:30 p.m. (PDT)	Wednesday, August 28, 2019 1:00 p.m. - 4:00 p.m. (MDT)
Grangeville Senior Center 108 Truck Route Road Grangeville, ID 83530	Region V Office 601 Poleline Road Main Conference Room Twin Falls, ID 83301

The hearing sites 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 summary of this action is found in Idaho Administrative Bulletin, [Vol. 19-6SE, dated June 19, 2019, pages 1900-3141.](#)

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this rulemaking or the hearing schedule, contact the Administrative Rules Unit, dhwrules@dhw.idaho.gov, 450 W. State Street, 10th Floor, Boise, ID, 83720.

The public comment period has been extended and will close on Wednesday, August 28th, 2019. Anyone may submit written comments at the public hearing regarding this rulemaking. Any written comments submitted at a public hearing carry the same weight as oral testimony.

Dated this 9th day of July, 2019.

Tamara Prisock
DHW – Administrative Rules Unit
450 W. State Street – 10th Floor
P.O. Box 83720
Boise, ID 83720-0036
Phone: (208) 334-5500
Fax: (208) 334-6558
dhwrules@dhw.idaho.gov

IDAPA 16 – DEPARTMENT OF HEALTH AND WELFARE

DOCKET NO. 16-0000-1900F

NOTICE OF PUBLIC HEARING FOR OMNIBUS FEE RULEMAKING

AUTHORITY: In compliance with Sections 67-5221(1) and 67-5222, Idaho Code, notice is hereby given that this agency has scheduled a public hearing. The action is authorized pursuant to Sections 7-1206, 16-1629, 16-2102, 16-2433, 19-2524, 20-511A, 32-1207, 32-1209, 32-1214G, 32-1217, 39-242, 39-309, 39-1105, 39-1107, 39-1111, 39-1209 through 1211, 39-1210(10), 39-1211(4), 39-1213, 39-3137, 39-3305, 39-3505, 39-3520, 39-5403, 39-5603, 39-5604, 39-7501, 39-9109, 56-202(b), 56-203(2), 56-203A, 56-204A, 56-803, 56-1003, 56-1004, 56-1004A, 56-1005, 56-1005(8), 56-1007, 56-1009 56-1023, 56-1028, 56-1041, 56-1043, 66-404(7), 15-5-308(4), 15-5-311(5), 15-5-316(5), Title 39, Chapter 3 and 31, Title 66, Chapters 1 and 3, and Title 67, Chapter 52, Idaho Code and 42 USC Section 9858f.

PUBLIC HEARING SCHEDULE: Public hearings concerning this rulemaking will be held as follows:

PUBLIC HEARINGS	
Thursday, August 22, 2019 1:00 p.m. - 4:00 p.m. (MDT)	Friday, August 23, 2019 1:00 p.m - 4:00 p.m. (MDT)
Medicaid Central Office 3232 Elder Street Conf. Rooms D East & D West Boise, ID 83705	Region VII Office 150 Shoup Avenue 2nd Floor Conference Room Idaho Falls, ID 83402
Monday, August 26, 2019 9:00 a.m - 12:00 p.m. (PDT)	Tuesday, August 27, 2019 10:00 a.m - 12:00 p.m. (PDT)
Region I Office 1120 Ironwood Drive Lower Level, Conference Room Coeur d'Alene, ID 83814	Lewiston State Office Bldg. 1118 F Street 3rd Floor Conference Room Lewiston, ID 83501
Tuesday, August 27, 2019 3:00 p.m - 4:30 p.m. (PDT)	Wednesday, August 28, 2019 1:00 p.m. - 4:00 p.m. (MDT)
Grangeville Senior Center 108 Truck Route Road Grangeville, ID 83530	Region V Office 601 Poleline Road Main Conference Room Twin Falls, ID 83301

The hearing sites 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 summary of this action is found in Idaho Administrative Bulletin, [Vol. 19-6SE, dated June 19, 2019, pages 3142-3584.](#)

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this rulemaking or the hearing schedule, contact the Administrative Rules Unit, dhwrules@dhw.idaho.gov, 450 W. State Street, 10th Floor, Boise, ID, 83720.

The public comment period has been extended and will close on Wednesday, August 28th, 2019. Anyone may submit written comments at the public hearing regarding this rulemaking. Any written comments submitted at a public hearing carry the same weight as oral testimony.

Dated this 9th day of July, 2019.

Tamara Prisock
DHW – Administrative Rules Unit
450 W. State Street – 10th Floor
P.O. Box 83720
Boise, ID 83720-0036
Phone: (208) 334-5500
Fax: (208) 334-6558
dhwrules@dhw.idaho.gov

IDAPA 18 – IDAHO DEPARTMENT OF INSURANCE

18.04.08 – INDIVIDUAL DISABILITY AND GROUP SUPPLEMENTAL DISABILITY INSURANCE MINIMUM STANDARDS RULE

DOCKET NO. 18-0408-1901

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 41-4207, Idaho Code.

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

PUBLIC MEETING

Wednesday, August 14, 2019 at 10:00 a.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:

This rule provides standards for various individual disability and group supplemental disability policies. This rulemaking seeks to fix confusing pre-existing condition language, remove limited benefit coverage type, make other clarifications and restructure sections in order to clarify which benefits apply to which type of coverage.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS, OBTAINING DRAFT COPIES: For assistance on technical questions concerning this negotiated rulemaking contact Weston Trexler at weston.trexler@doi.idaho.gov, or (208) 334-4315. Materials pertaining to the negotiated rulemaking, including any available preliminary rule drafts, can be found on the Idaho Department of Insurance web site at the following web address: <https://doi.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 August 30, 2019.

Dated this 2nd day of July, 2019.

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
18.04.16 – RULES GOVERNING SHORT-TERM HEALTH INSURANCE COVERAGE
DOCKET NO. 18-0416-1902 (NEW CHAPTER)
NOTICE OF RULEMAKING – ADOPTION OF TEMPORARY RULE

EFFECTIVE DATE: The effective date of the temporary rule is July 1, 2019.

AUTHORITY: In compliance with Sections 67-5226, Idaho Code, notice is hereby given this agency has adopted a temporary rule. The action is authorized pursuant to Sections 41-211, 41-4207, 41-5211, Idaho Code, and House Bill 275.

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

On August 3, 2018, the U.S. Departments of Treasury, Labor and Health and Human Services issued new rules to amend the definition of short-term, limited-duration insurance to lengthen the maximum duration of short-term health insurance. This rulemaking follows enactment of HB 275 which defined enhanced short-term health insurance and directed the Department to establish standards through rulemaking.

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

House Bill 275 passed the legislature and was signed into law by the Governor. This rule is new and will offer choices to consumers for individual health insurance.

This rule will allow enhanced short-term plans and define the consumer protections required to offer such plans. Carriers may begin offering these plans following the adoption of this rule.

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 Weston Trexler at weston.trexler@doi.idaho.gov, or (208) 334-4315.

Dated this 28th day of June, 2019.

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

THE FOLLOWING IS THE TEXT OF THE TEMPORARY RULE FOR DOCKET NO. 18-0416-1902
(NEW CHAPTER)

IDAPA 18
TITLE 04
CHAPTER 16

18.04.16 – RULES GOVERNING SHORT-TERM HEALTH INSURANCE COVERAGE

000. LEGAL AUTHORITY.

This rule is promulgated and adopted pursuant to the authority vested in the Director under Chapters 2, 21, 42, and 52, Title 41, Idaho Code. (7-1-19)T

001. TITLE AND SCOPE.

01. Title. This rule is titled IDAPA 18.04.16, “Rules Governing Short-Term Health Insurance Coverage.” (7-1-19)T

02. Scope. The purpose of this rule is to implement Chapters 21, 42, and 52, Title 41, Idaho Code, regarding short-term, limited-duration insurance by separately defining requirements for enhanced short-term plans and nonrenewable short-term coverage, including minimum standards for benefits, rating rules, enrollment, renewability and required disclosure provisions. (7-1-19)T

03. Applicability. This rule applies to all enhanced short-term plans and nonrenewable short-term coverage that provide medical expense coverage. This rule shall not apply to short-term disability income protection coverage. (7-1-19)T

002. WRITTEN INTERPRETATIONS.

In accordance with Section 67-5201(19)(b)(iv), Idaho Code, this agency may have written statements which pertain to the interpretation of the rules of this chapter, or to the documentation of compliance with the rules of this chapter. These documents will be available for public inspection and copying at cost in the main office and at each regional or district office of this agency. (7-1-19)T

003. ADMINISTRATIVE APPEALS.

All administrative appeals will be governed by Chapter 2, Title 41, Idaho Code, and the Idaho Administrative Procedure Act, Title 67, Chapter 52, Idaho Code, and IDAPA 04.11.01, “Idaho Rules of Administrative Procedure of the Attorney General.” (7-1-19)T

004. OFFICE -- OFFICE HOURS -- MAILING ADDRESS, STREET ADDRESS AND WEB SITE.

01. Office Hours. The Department of Insurance is open from 8 a.m. to 5 p.m. except Saturday, Sunday and legal holidays. (7-1-19)T

02. Mailing Address. The department’s mailing address is: Idaho Department of Insurance, P.O. Box 83720, Boise, ID 83720-0043. (7-1-19)T

03. Street Address. The principal place of business is 700 West State Street, 3rd Floor, Boise, Idaho 83720-0043. (7-1-19)T

04. Web Site Address. The department’s website is <https://doi.idaho.gov>. (7-1-19)T

005. PUBLIC RECORDS ACT COMPLIANCE.

Any records associated with these rules are subject to the provisions of the Idaho Public Records Act, Title 74, Chapter 1, Idaho Code. (7-1-19)T

006. -- 009. (RESERVED)

010. DEFINITIONS.

For the purposes of this rule, the following terms will be used as defined below:

01. Benchmark Medical Plan. “Benchmark medical plan” means the health benefit plan identified by the U.S. Department of Health and Human Services to be applicable in establishing required benefit coverages by Qualified Health Plans within Idaho, excluding any supplements for pediatric dental or vision. (7-1-19)T

02. Exchange. “Exchange” means the Idaho health insurance exchange established through Title 41, Chapter 61, Idaho Code. (7-1-19)T

03. Nonrenewable Short-term Coverage. “Nonrenewable short-term coverage” means short-term, limited-duration insurance that is not renewable, has a duration of six (6) months or less in total, and does not meet the standards for an Enhanced Short-term Plan established by this rule. (7-1-19)T

04. Preexisting Condition. “Preexisting condition” shall not be defined more restrictively than the following: (7-1-19)T

a. A condition that would have caused an ordinarily prudent person to seek medical advice, diagnosis, care or treatment during the six (6) months immediately preceding the effective date of coverage; (7-1-19)T

b. A condition for which medical advice, diagnosis, care or treatment was recommended or received during the six (6) months immediately preceding the effective date of coverage; or (7-1-19)T

c. A pregnancy existing on the effective date of coverage. (7-1-19)T

05. Qualified Health Plan. “Qualified health plan” or “QHP” means a health plan that has been certified as such by the Exchange. (7-1-19)T

06. Reissuance. “Reissuance” or to “reissue” means the practice of the carrier issuing a short-term, limited-duration insurance policy covering at least one individual who had short-term, limited-duration insurance coverage within sixty-three (63) days of the policy’s effective date. This practice may also be called “replacement” or to “replace.” (7-1-19)T

07. Short-term, Limited-duration Insurance. “Short-term, limited-duration insurance” means health insurance coverage pursuant to a contract that has an expiration date specified in the contract that is less than twelve (12) months after the original effective date of the contract and, taking into account renewals or extensions, has a duration of no longer than thirty-six (36) months in total. (7-1-19)T

011. GENERAL RULES FOR ENHANCED SHORT-TERM PLANS.

01. Application of Requirements. Any short-term, limited-duration insurance that, considering possible renewals, reissuance or extensions, has a duration of longer than six (6) months in total shall be considered an enhanced short-term plan and subject to the requirements applicable to such a plan. (7-1-19)T

02. Requirement to Offer Exchange Plans. In order to offer an enhanced short-term plan, the carrier must also offer individual QHPs through the Exchange in the same service area. (7-1-19)T

03. Guaranteed Issue. Enhanced short-term plans must be offered only on a guaranteed issue basis. (7-1-19)T

04. Portability. Coverage through an enhanced short-term plan shall be considered qualifying previous coverage as defined by Chapter 52, Idaho Code, and therefore preexisting condition exclusions must be waived for the period of time an individual was previously covered by an enhanced short-term plan or other qualifying previous coverage. (7-1-19)T

012. -- 019. (RESERVED)

020. ENROLLMENT.

01. Enhanced Short-term Plans. Carriers may choose one of the following two options for enrolling individuals in enhanced short-term plans. (7-1-19)T

a. Enrollment Throughout the Year. A carrier that opts to allow year-round enrollment in enhanced short-term plans must apply the following provisions: (7-1-19)T

i. A preexisting condition exclusion period, as defined at Subsection 010.04, may be applied, subject to Section 41-5208, Idaho Code. (7-1-19)T

ii. The policy must be offered on a plan year rather than a calendar year basis. (7-1-19)T

b. Enrollment Through an Annual Open Enrollment Period. A carrier that opts to restrict enrollment in enhanced short-term plans to an annual open enrollment period must apply the following provisions: (7-1-19)T

i. No preexisting condition exclusion period may be applied. (7-1-19)T

ii. The beginning and ending dates of the open enrollment period shall be identical to those for enrollment in QHPs, unless the Director allows an extension of the open enrollment period for enhanced short-term plans, after determining it is in the public interest. (7-1-19)T

iii. Special enrollment periods must be allowed to the same extent as allowed for QHP enrollment. (7-1-19)T

02. Nonrenewable Short-term Coverage. Nonrenewable short-term coverage shall be offered on a year-round basis. (7-1-19)T

021. RENEWAL AND REISSUANCE.

01. Enhanced Short-term Plans Renewals. The following provisions apply to the renewal of enhanced short-term plans: (7-1-19)T

a. A policy must be renewable at the option of the enrollee, consistent with the provisions provided in Section 41-5207, Idaho Code. (7-1-19)T

b. No new application or questions concerning the health or medical condition of the covered individuals may be requested to effectuate the renewal. (7-1-19)T

c. A policy must not be renewed if a renewal would extend the total duration of coverage under the policy beyond thirty-six (36) consecutive months. (7-1-19)T

d. Upon exhaustion of a policy's renewability due to duration or age, the policyholder shall be eligible for enrollment into fully renewable coverage, including all of the current carrier's QHPs, when an enhanced short-term policy has been in effect for at least eleven (11) months. The carrier shall provide timely notification to the policyholder of this eligibility along with the notification of any offer of reissuance. (7-1-19)T

02. Enhanced Short-term Plans Reissuances. Enhanced short-term plans must be reissued at the option of the enrollee, upon exhausting any renewability due to duration or age, with the following provisions: (7-1-19)T

a. No new application or questions concerning the health or medical condition of the covered individuals may be requested to effectuate the reissuance. (7-1-19)T

b. The premium rate for reissuance shall be considered a change in premium rate and subject to the provisions of IDAPA 18.04.14.036.17, "Change in Premium Rate." (7-1-19)T

03. Nonrenewable Short-term Coverage. The following provisions apply to renewal and reissuance of nonrenewable short-term coverage, regardless of any change in benefits or to the terms of coverage: (7-1-19)T

a. Carriers are prohibited from renewing nonrenewable short-term coverage. (7-1-19)T

b. Carriers are prohibited from reissuing or replacing nonrenewable short-term coverage issued by the same or another carrier. (7-1-19)T

022. RATING REQUIREMENTS.

01. Enhanced Short-term Plans. The following provisions apply to the rates of enhanced short-term plans, in addition to any other requirements of Idaho Code or rules applicable to individual health benefit plans: (7-1-19)T

a. Unisex Rating. Premium rates may not vary according to gender. (7-1-19)T

b. Geographic Rating Areas. Geographic rating areas must be identical to those used for QHPs offered through the Exchange. (7-1-19)T

c. Medical Underwriting. Medical underwriting criteria may be used to ascertain the risk characteristics of an applicant, provided such criteria are limited to those found in the Universal Health Statement Addendum and available claims data. (7-1-19)T

d. Single Risk Pool. Enhanced short-term plans must comprise a single risk pool with all of a carrier's other actively marketed individual health benefit plans subject to Chapter 52, Title 41, Idaho Code. (7-1-19)T

e. Rating Period. The rating period shall be on a calendar year basis, meaning the rates filed must apply to all enrollees uniformly during a given calendar year, and changes to premium rates must occur at the start of a new calendar year. (7-1-19)T

02. Nonrenewable Short-term Coverage. The following provisions apply to the rates of nonrenewable short-term coverage, in addition to any other requirements of Idaho Code or rules for major medical health insurance coverage: (7-1-19)T

a. The rates for nonrenewable short-term coverage must not utilize case characteristics other than age, individual tobacco use, and geography. The rates may vary by the duration of coverage requested. (7-1-19)T

b. Case characteristics shall be applied in a uniform manner, without regard to the risk characteristics of an eligible individual. (7-1-19)T

c. An applicant's risk characteristics or health status shall not impact the premium rate. (7-1-19)T

d. The premium rate shall not change for the duration of the policy. (7-1-19)T

023. -- 029. (RESERVED)

030. MINIMUM STANDARDS FOR BENEFITS.

01. Covered Benefits. A policy subject to this rule must provide coverage for at least: (7-1-19)T

- a.** Daily hospital room and board expenses subject only to limitations based on average daily cost of the semiprivate room rate in the area where the insured resides; (7-1-19)T
- b.** Miscellaneous hospital services; (7-1-19)T
- c.** Surgical services; (7-1-19)T
- d.** Anesthesia services; (7-1-19)T
- e.** In-hospital medical services; and (7-1-19)T
- f.** Out-of-hospital care, consisting of physicians' services rendered on an ambulatory basis where coverage is not provided elsewhere in the policy for diagnosis and treatment of sickness or injury, diagnostic x-ray, laboratory services, radiation therapy, and hemodialysis ordered by a physician. (7-1-19)T

02. Additional Benefits. Any additional benefits may be included as part of the base contract or as a rider. A separate premium corresponding to benefits offered through a rider must be filed and actuarially justified. A policy subject to the rule must also provide not fewer than three (3) of the following additional benefits: (7-1-19)T

- a.** In-hospital private duty registered nurse services; (7-1-19)T
- b.** Convalescent nursing home care; (7-1-19)T
- c.** Diagnosis and treatment by a radiologist or physiotherapist; (7-1-19)T
- d.** Rental of special medical equipment, as defined by the insurer in the policy; (7-1-19)T
- e.** Artificial limbs or eyes, casts, splints, trusses or braces; (7-1-19)T
- f.** Treatment for functional nervous disorders, and mental and emotional disorders; or (7-1-19)T
- g.** Out-of-hospital prescription drugs and medications. (7-1-19)T

03. Enhanced Short-term Plans Covered Benefits. Enhanced short-term plans must provide covered benefits consistent with the Idaho benchmark medical plan, including: (7-1-19)T

- a.** Outpatient services; (7-1-19)T
- b.** Emergency care; (7-1-19)T
- c.** Hospitalization; (7-1-19)T
- d.** Maternity and newborn care; (7-1-19)T
- e.** Mental health and substance abuse disorder services; (7-1-19)T
- f.** Prescription drugs; (7-1-19)T
- g.** Rehabilitation treatment; (7-1-19)T
- h.** Laboratory services; and (7-1-19)T
- i.** Preventive care. (7-1-19)T

04. Prescription Drug Formulary. When a policy subject to this rule applies a prescription drug coverage formulary, the carrier's applicable formulary drug list must: (7-1-19)T

- a.** Include at least one drug in every United States Pharmacopeia (USP) category and class; (7-1-19)T
- b.** Cover a range of drugs across a broad distribution of therapeutic categories and classes and recommended drug treatment regimens that treat all covered disease states, and does not discourage enrollment by any group of enrollees; and (7-1-19)T
- c.** Provide appropriate access to drugs that are included in broadly accepted treatment guidelines and that are indicative of general best practices at the time. (7-1-19)T

05. Cost Sharing. A policy subject to this rule must meet the following cost sharing provisions: (7-1-19)T

- a.** Any coinsurance percentage is not to exceed fifty percent (50%) of covered charges. (7-1-19)T
- b.** The maximum out-of-pocket must be stated in the policy and in aggregate shall not exceed four percent (4%) of the aggregate annual limit under the policy for each covered person. All deductibles, copayments, coinsurance and any other cost-sharing must be applicable to the maximum out-of-pocket. The policy may include separate out-of-pocket limits applicable to particular services. (7-1-19)T
- c.** The annual limit must not be less than one million dollars (\$1,000,000) for each covered person. (7-1-19)T

06. Benefit Requirements. The minimum benefits required by Subsection 030.01 may be subject to all applicable deductibles, coinsurance and general policy exceptions and limitations. A policy may also have special or internal limitations for prescription drugs, nursing facilities, intensive care facilities, mental health treatment, alcohol or substance abuse treatment, transplants, experimental treatments, mandated benefits required by law and those services covered under Subsection 030.02 and other such special or internal limitations as are authorized or approved by the Director. Except as authorized by Subsection 030.05 through the application of special or internal limitations, a policy must be designed to cover, after any deductibles or coinsurance provisions are met, the usual, customary and reasonable charges, as determined consistently by the carrier and as subject to prior written approval by the Director or another rate agreed to between the insurer and provider, for covered services up to the annual limit. (7-1-19)T

031. -- 039. (RESERVED)

040. REQUIRED DISCLOSURE PROVISIONS.

In addition to complying with all applicable disclosure requirements found in IDAPA 18.04.08, "Individual Disability and Group Supplemental Disability Insurance Minimum Standards Rule," enhanced short-term plans and nonrenewable short-term coverage must display prominently, in the application for coverage, any application materials and the insurance contract, in at least 14 point type the following language:

"This coverage is not required to comply with certain federal market requirements for health insurance, principally those contained in the Affordable Care Act. Be sure to check your policy carefully to make sure you are aware of any exclusions or limitations regarding coverage of preexisting conditions or health benefits (such as hospitalization, emergency services, maternity care, preventive care, prescription drugs, and mental health and substance use disorder services). Your policy might also have lifetime and/or annual dollar limits on health benefits. If this coverage expires or you lose eligibility for this coverage, you might have to wait until an open enrollment period to get other health insurance coverage." (7-1-19)T

041. SEVERABILITY CLAUSE.

If any provision of this rule, or the application thereof to any person or circumstance, is held invalid, such determination shall not affect other provisions or applications of this rule which can be given effect without the invalid provision or application, and to that end the provisions of this rule are severable. (7-1-19)T

042. -- 999. (RESERVED)

IDAPA 18 – IDAHO DEPARTMENT OF INSURANCE

18.06.06 – RULES FOR THE SURPLUS LINE REGULATION

DOCKET NO. 18-0606-1901

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 41-1232, Idaho Code.

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

PUBLIC MEETING

Tuesday, August 20, 2019 at 2:00 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: 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:

This rule combines parts of three former rules regarding surplus lines into one rule following the Governor's Executive Order 19-02, the Red Tape Reduction Act. This rule provides updated procedures for the placement of surplus lines insurance in the state of Idaho.

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 Nathan Faragher at nathan.faragher@doi.idaho.gov, or (208) 334-4314. Materials pertaining to the negotiated rulemaking, including any available preliminary rule drafts, can be found on the Idaho Department of Insurance web site at the following web address: <https://doi.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 August 30, 2019.

Dated this 2nd day of July, 2019.

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 19 – IDAHO STATE BOARD OF DENTISTRY
DOCKET NO. 19-0101-1900F
NOTICE OF PUBLIC HEARING FOR OMNIBUS FEE RULEMAKING

AUTHORITY: In compliance with Sections 67-5221(1) and 67-5222, Idaho Code, notice is hereby given that this agency has scheduled a public hearing and extended the period of public comment. The action is authorized pursuant to Sections 54-912 (2)(3)(4)(10), Idaho Code.

PUBLIC HEARING SCHEDULE: A public hearing concerning this rulemaking will be held as follows:

PUBLIC HEARING
Wednesday, August 14th, 2019 1:00 p.m - 3:00 p.m. (MDT)
Idaho State Capitol – Room W433 700 W. Jefferson Street Boise, ID 83702
Conference Call-in
Phone Number: 1-866-343-3911 Conference Code: 510

The hearing site 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 summary of this action is found in the June 19, 2019 Idaho Administrative Bulletin (Special Edition), [Vol. 19-6SE, pages 4,077 to 4,098](#). The public hearing is being held as a result of:

1. Comments received on the reauthorized rules specific to telehealth services;
2. As a result of Board action on dental assisting rules; and
3. For additional non-substantive edits in the chapter.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this rulemaking, contact Susan Miller, Executive Director of the Board of Dentistry at (208) 334-2369.

SUBMISSION OF WRITTEN COMMENTS: Anyone may submit written comments regarding this rulemaking during this comment period or a written comment may be submitted at the public hearing in lieu of giving an oral presentation. Any written comments submitted at a public hearing carry the same weight as oral testimony and will be considered as such.

All written comments must be directed to the undersigned and must be delivered on or before August 21, 2019.

Dated this 18th day of July, 2019.

Susan Miller, Executive Director
Idaho State Board of Dentistry
P.O. Box 83720
350 N. 9th Street, Suite M-100
Boise, ID 83720-0021
Phone: (208) 334-2369
Fax: (208) 334-32467
Susan.miller@isbd.idaho.gov
www.isbd.idaho.gov

IDAPA 20 – IDAHO DEPARTMENT OF LANDS
DOCKET NO. 20-0000-1900
NOTICE OF PUBLIC HEARING FOR OMNIBUS RULEMAKING

AUTHORITY: In compliance with Sections 67-5221(1) and 67-5222, Idaho Code, notice is hereby given that this agency has scheduled a public hearing and extended the period of public comment. The action is authorized pursuant to Section 38-1304, Idaho Code.

PUBLIC HEARING SCHEDULE: A public hearing concerning this rulemaking will be held as follows:

Thursday, August 15, 2019 9:00 a.m. to 10:30 a.m. & 4:30 p.m. to 6:00 p.m. (PDT)
LIVE MEETING
IDL Coeur d'Alene Staff Office Sundance Conference Room 3284 W. Industrial Loop Coeur d'Alene, ID 83815
Or Join the Public Hearing by Calling:
Toll Free: 1-877-820-7831 Guest Passcode: 630559

The hearing site 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 summary of this action is found in the June 19, 2019 Idaho Administrative Bulletin (Special Edition), **Vol. 19-6SE, pages 4099-4100** and pages **4125-4151**.

This hearing is on the proposed rule for IDAPA 20.02.01, Rules Pertaining to the Idaho Forest Practices Act, specifically the following Subsection: 030.07.e.ii., which defines tree retention requirements for Class 1 streams.

This rule was previously approved and codified and has been re-published as a proposed rule. It is currently adopted as a temporary rule by the Land Board with an effective date of June 30, 2019.

This hearing will present a description of the adaptive process the Idaho Department of Lands (IDL) and the Forest Practices Advisory Committee (FPAC) committed to when the rule was codified in 2014. See <https://www.idl.idaho.gov/forestry/fpa/shade-rule/>.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this rulemaking, contact Gary Hess at (208) 666-8636 or ghess@idl.idaho.gov.

SUBMISSION OF WRITTEN COMMENTS: Anyone may submit written comments regarding this rulemaking during this comment period or a written comment may be submitted at the public hearing in lieu of giving an oral presentation. Any written comments submitted at a public hearing carry the same weight as oral testimony and will be considered as such.

All written comments must be directed to the undersigned and must be delivered on or before August 16, 2019.

Dated this 19th day of July, 2019.

Ara Andrea, Forestry Assistance Bureau Chief
Phone: (208) 769-1525/ Fax: (208) 769-1524
rulemaking@idl.idaho.gov

Idaho Department of Lands
3284 W. Industrial Loop
Coeur d'Alene, Idaho 83815

IDAPA 20 – IDAHO DEPARTMENT OF LANDS

DOCKET NO. 20-0000-1900F

NOTICE OF PUBLIC HEARING FOR OMNIBUS FEE RULEMAKING

AUTHORITY: In compliance with Sections 67-5221(1) and 67-5222, Idaho Code, notice is hereby given that this agency has scheduled a public hearing and extended the period of public comment. The action is authorized pursuant to Section 47-1316, Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearings concerning this rulemaking will be held as follows:

PUBLIC HEARINGS		
Wednesday, August 14, 2019 1:00 p.m. – 3:00 p.m (PDT)	Thursday, August 15, 2019 12:00 p.m. – 2:00 p.m. (MDT)	Friday, August 16, 2019 2:00 p.m. – 4:00 p.m. (MDT)
Idaho Dept. of Lands Coeur d’Alene Staff Office Sundance Conf. Room 3284 West Industrial Loop Coeur d’Alene, ID 83814	Idaho Dept. of Lands Eastern Supervisory Area 3563 Ririe Highway Idaho Falls, ID 83402	Idaho State Capitol Building Lincoln Auditorium Room WW02 700 West Jefferson Street Boise, ID 83702

The hearing sites 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 summary of this action is found in the June 19, 2019 Idaho Administrative Bulletin (Special Edition), [Vol. 19-6SE, pages 4160-4164](#) and pages [4169-4192](#).

This hearing is on the proposed rule for IDAPA 20.03.01, Rules Governing Dredge and Placer Mining Operations in Idaho. This rule was previously approved and codified and has been re-published as a proposed rule. It is currently adopted as a temporary rule by the Land Board with an effective date of June 30, 2019.

Each hearing will begin with a presentation on the history and scope of the Idaho Dredge and Placer Mining Protection Act (Title 47, Chapter 13, Idaho Code) and IDAPA 20.03.01, Rules Governing Dredge and Placer Mining Operations in Idaho.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this rulemaking, contact Eric Wilson at (208) 334-0261 or ewilson@idl.idaho.gov.

SUBMISSION OF WRITTEN COMMENTS: Anyone may submit written comments regarding this rulemaking during this comment period, or a written comment may be submitted at the public hearing in lieu of giving an oral presentation. Any written comments submitted at a public hearing carry the same weight as oral testimony and will be considered as such.

All written comments must be directed to the undersigned and must be delivered on or before August 16, 2019.

Dated this 19th day of July, 2019.

Eric Wilson
Resource Protection and Assistance Bureau Chief
Phone: (208) 334-0261 / Fax: (208) 334-3698
rulemaking@idl.idaho.gov

Idaho Department of Lands
300 N. 6th Street, Suite 103
P.O. Box 83720
Boise, Idaho 83720-0050

IDAPA 22 – BOARD OF MEDICINE
DOCKET NO. 22-0000-1900
NOTICE OF PUBLIC HEARING FOR OMNIBUS RULEMAKING

AUTHORITY: In compliance with Sections 67-5221(1) and 67-5222, Idaho Code, notice is hereby given that this agency has scheduled a public hearing and extended the period of public comment. The action is authorized pursuant to Section 54-1806(2) Idaho Code.

PUBLIC HEARING SCHEDULE: A public hearing concerning this rulemaking will be held as follows:

Monday, August 12th, 2019 5:00 p.m. – 6:00 p.m. (MDT)
LIVE MEETING
Idaho State Board of Medicine 345 W. Bobwhite Ct., Suite 150 Boise, Idaho 83706
Or Join the Public Hearing by Calling:
Toll Free: 1-877-820-7831 Guest Passcode: 125502

The hearing site 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 summary of this action is found in June 19, 2019 Idaho Administrative Bulletin (Special Edition), [Vol. 19-6SE, pages 4416-4417](#). These proposed and temporary rules are necessary to protect the public health, safety, and welfare of the citizens of Idaho and confer a benefit on its citizens. The Board of Medicine regulates medical professionals, including physicians, osteopathic physicians, physician assistants, dietitians, athletic trainers and respiratory therapists, all of whom have direct contact with the citizens of Idaho.

The Board is reviewing each of its rules chapters for clarity and consistency with the relevant statutes. The updated rules drafts removed outdated, non-essential, and redundant items, along with items that are inconsistent with the relevant statutes.

The chapter reworked is as follows:
IDAPA 22:

- 22.01.05, General Provisions of the Board of Medicine.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this rulemaking, contact Anne K. Lawler, Executive Director, (208) 327-7000.

SUBMISSION OF WRITTEN COMMENTS: Anyone may submit written comments regarding this rulemaking during this comment period or a written comment may be submitted at the public hearing in lieu of giving an oral presentation. Any written comments submitted at a public hearing carry the same weight as oral testimony and will be considered as such.

All written comments must be directed to the undersigned and must be delivered on or before August 12, 2019.

Dated this 26th day of July, 2019.

Anne K. Lawler, JD, RN, Executive Director
Idaho State Board of Medicine
345 W. Bobwhite Ct., Suite 150
Boise, Idaho 83706
Phone (208) 327-7000
Fax (208) 327-7005

IDAPA 22 – BOARD OF MEDICINE

DOCKET NO. 22-0000-1900F

NOTICE OF PUBLIC HEARING FOR OMNIBUS FEE RULEMAKING

AUTHORITY: In compliance with Sections 67-5221(1) and 67-5222, Idaho Code, notice is hereby given that this agency has scheduled a public hearing and extended the period of public comment. The action is authorized pursuant to Section 54-1806(2) Idaho Code.

PUBLIC HEARING SCHEDULE: A public hearing concerning this rulemaking will be held as follows:

Monday, August 12th, 2019 5:00 p.m. – 6:00 p.m. (MDT)
LIVE MEETING
Idaho State Board of Medicine 345 W. Bobwhite Ct., Suite 150 Boise, Idaho 83706
Or Join the Public Hearing by Calling:
Toll Free: 1-877-820-7831 Guest Passcode: 125502

The hearing site 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 summary of this action is found in June 19, 2019 Idaho Administrative Bulletin (Special Edition), [Vol. 19-6SE, pages 4424-4425](#). These proposed and temporary rules are necessary to protect the public health, safety, and welfare of the citizens of Idaho and confer a benefit on its citizens. The Board of Medicine regulates medical professionals, including physicians, osteopathic physicians, physician assistants, dietitians, athletic trainers and respiratory therapists, all of whom have direct contact with the citizens of Idaho.

The Board is reviewing each of its rules chapters for clarity and consistency with the relevant statutes. The updated rules drafts removed outdated, non-essential, and redundant items, along with items that are inconsistent with the relevant statutes. In addition, the Board is reorganizing and renumbering all its rules chapters for ease of use.

The chapters reworked are as follows:
IDAPA 22:

- 22.01.01, Rules of the Board of Medicine for the Licensure to Practice Medicine and Osteopathic Medicine in Idaho;
- 22.01.03, Rules for the Licensure of Physician Assistants;
- 22.01.10, Rules for the Licensure of Athletic Trainers to Practice in Idaho;
- 22.01.11, Rules for Licensure of Respiratory Therapists and Permitting of Polysomnographers in Idaho; and
- 22.01.13, Rules for the Licensure of Dietitians.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this rulemaking, contact Anne K. Lawler, Executive Director, (208) 327-7000.

SUBMISSION OF WRITTEN COMMENTS: Anyone may submit written comments regarding this rulemaking during this comment period or a written comment may be submitted at the public hearing in lieu of giving an oral presentation. Any written comments submitted at a public hearing carry the same weight as oral testimony and will be considered as such.

All written comments must be directed to the undersigned and must be delivered on or before August 12, 2019.

DATED this 26th day of July, 2019.

Anne K. Lawler, JD, RN, Executive Director
Idaho State Board of Medicine
345 W. Bobwhite Ct., Suite 150
Boise, Idaho 83706
Phone (208) 327-7000
Fax (208) 327-7005

IDAPA 22 – BOARD OF MEDICINE

22.01.07 – RULES OF THE LICENSURE OF NATUROPATHIC MEDICAL DOCTORS

DOCKET NO. 22-0107-1901 (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. The action is authorized Pursuant to Section 54-5105(2), Idaho Code.

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

Monday, August 12th, 2019 4:00 p.m. – 6:00 p.m. (MDT)
LIVE MEETING
Idaho State Board of Medicine 345 W. Bobwhite Ct., Suite 150 Boise, Idaho 83706
Or Join Via TELECONFERENCE by Calling:
Toll Free: 1-877-820-7831 Guest Passcode: 125502

The meeting site will be accessible to persons with disabilities. 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 on or before Monday, August 12, 2019, will be included for the Board’s consideration at its next meeting. For those planning to attend the open, public meeting, written and verbal comment will be accepted by Board Staff.

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’s website.

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

During the 2019 Legislative Session, the Legislature passed a law for the licensure of 4-year post-graduate educated Naturopathic Medical Doctors. Eligible Naturopathic Medical Doctors will be licensed beginning July 1, 2020, under the Board of Medicine. The Naturopathic Medical Board, a board formed under the Board of Medicine on July 1, 2019, proposes Rules that, in concert with the Naturopathic Medicine Licensing statute, will govern the licensure, scope of practice, and discipline of the Naturopathic Medical Doctors.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rules, contact Anne K. Lawler, Executive Director, (208) 327-7000.

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 August 12, 2019.

Dated this 17th day of July, 2019.

Anne K. Lawler, JD, RN, Executive Director
Idaho State Board of Medicine
345 W. Bobwhite Ct., Suite 150
Boise, Idaho 83706
Phone (208) 327-7000
Fax (208) 327-7005

IDAPA 27 – IDAHO BOARD OF PHARMACY

DOCKET NO. 27-0000-1900F

NOTICE OF PUBLIC HEARING FOR OMNIBUS FEE RULEMAKING

AUTHORITY: In compliance with Sections 67-5221(1) and 67-5222, Idaho Code, notice is hereby given that this agency has scheduled a public hearing and extended the period of public comment. The action is authorized pursuant to the Uniform Controlled Substances Act, Title 37, Chapter 27, Idaho Code; the Idaho Pharmacy Act, the Idaho Wholesale Drug Distribution Act, and the Idaho Legend Drug Donation Act, Title 54, Chapter 17, Idaho Code; and specifically pursuant to Sections 37-2702, 37-2715, 54-1717, 54-1753, 54-1755, and 54-1763, Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearings concerning this rulemaking will be held as follows:

PUBLIC HEARINGS	
Thursday, August 15, 2019 – 9:00 a.m. (MT)	Thursday, August 29, 2019 – 7:00 a.m. (MT)
Idaho State Capitol Building Room WW53 700 W Jefferson Street Boise, ID 83702	Idaho State Board of Pharmacy 1199 Shoreline Lane Suite 303 Boise, ID 83702

**Or Via Conference Call
(August 29 Hearing *ONLY*)**

Dial In: 877.820.7831

Passcode: 381637

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 summary of this action is found in June 19, 2019 Idaho Administrative Bulletin (Special Edition), [Vol. 19-6SE, pages 5067-5095](#).

These proposed rule changes were prompted as a result of two negotiated rule making sessions held June 13, 2019 and July 11, 2019 as a continued effort to clarify and streamline its rules, reduce or eliminate unnecessary restrictions, and in alignment with the recommendations in the Licensing Freedom Act and the Red Tape Reduction Act.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this rulemaking, contact Nicki Chopski, Executive Director (208) 334-2356

SUBMISSION OF WRITTEN COMMENTS: Anyone may submit written comments regarding this rulemaking during this comment period or a written comment may be submitted at the public hearing in lieu of giving an oral presentation. Any written comments submitted at a public hearing carry the same weight as oral testimony and will be considered as such.

All written comments must be directed to the undersigned and must be delivered on or before August 15, 2019.

Dated this 17th day of July, 2019.

Nicki Chopski, Executive Director
Idaho Board of Pharmacy
1199 W. Shoreline Lane, Suite 303
Boise, ID 83702-9103
Phone: (208) 334-2356
Fax: (208) 334-3536

IDAPA 31 – IDAHO PUBLIC UTILITIES COMMISSION

DOCKET NO. 31-0000-1900

NOTICE OF PUBLIC HEARING FOR OMNIBUS RULEMAKING

AUTHORITY: In compliance with Sections 67-5221(1) and 67-5222, Idaho Code, notice is hereby given that this agency has scheduled a public hearing and extended the period of public comment. The action is authorized pursuant Idaho Code these rules are adopted under the general legal authority of the Public Utilities Law, Chapters 1 through 7, Title 61, Idaho Code. Chapters 8 through 10, 13, 15 through 17, Title 61, Idaho Code; Chapters 3 and 4, Title 62, Idaho Code; the Telecommunications Act of 1988, as amended, Chapter 6, Title 62; Chapters 12 and 13, Title 62, Idaho Code; and the particular authority of Sections 56-904, 61-304 through 61-309, 61-501 through 61-505, 61-507, 61-516, 61-538, 61-541, 61-601 through 61-607, 61-610 through 61-619, 61-621 through 61-626, 61-803 through 61-806, 61-902 through 61-905, 61-909, 61-1003 through 61-1005, 61-1007, 61-1305, 61-1306, 61-1603 through 61-1607, 61-1703 through 61-1709, 62-304, 62-305, 62-424, 62-602 through 62-616A, 62-619, 62-622, 62-622A, 62-1201 through 62-1207, 62-1303, 62-1304, 63-3029I, 67-6528, 61-301, 61-302, 61-303, 61-315, 61-503, 61-615 and 61-520, Idaho Code. Sections 61-129, 62-606, 62-612, and 62-616, Idaho Code. Sections 61-515 and 61-515A.

PUBLIC HEARING SCHEDULE: A public hearing concerning this rulemaking will be held as follows:

Tuesday, August 20, 2019 – 9:00 a.m. (MDT)

LIVE MEETING

**Idaho Public Utilities Commission Hearing Room
427 W. Washington Street
Boise, ID 83702**

Or Via Teleconference:

**Toll Free: 1-800-920-7487
Participant Passcode: 6674832#**

The hearing site 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 summary of this action is found in June 19, 2019 Idaho Administrative Bulletin (Special Edition), **Vol. 19-6SE, pages 5149-5322**. In compliance with **Executive Order 2019-02: The Red Tape Reduction Act**. To provide staff overview of Commission Rules and receive input from the public and interested parties. The Rule sets that will be reviewed include:

31.01.01, Rules of Procedure of the Idaho Public Utilities Commission
31.11.01, Safety and Accident Reporting Rules for Utilities Regulated by the Idaho Public Utilities Commission
31.12.01, Systems of Accounts for Public Utilities Regulated by the Idaho Public Utilities Commission
31.21.01, Customer Relations Rules for Gas, Electric and Water Public Utilities (the Utility Customer Relations Rules)
31.26.01, Master-Metering Rules for Electric Utilities
31.31.01, Gas Service Rules
31.36.01, Policies and Presumptions for Small Water Companies
31.41.01, Customer Relations Rules for Telephone Corporations Providing Services in Idaho Subject to Customer Service Regulation by the Idaho Public Utilities Commission (The Telephone Customer Relations Rules)

- 31.46.01, Universal Service Fund Rules**
- 31.46.02, Rules for Telecommunications Relay Services (TRS)**
- 31.51.01, Operator Service and Pay Telephone Rules**
- 31.61.01, Rules for the Measurement of Stray Current or Voltage (Stray Voltage Rules)**
- 31.71.01, Railroad Clearance Rules**
- 31.71.03, Railroad Safety and Accident Reporting Rules**
- 31.81.01, Energy Consumption Reporting Rules**

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this rulemaking, contact Stephen Goodson at (208) 334-0323.

SUBMISSION OF WRITTEN COMMENTS: Anyone may submit written comments regarding this rulemaking during this comment period or a written comment may be submitted at the public hearing in lieu of giving an oral presentation. Any written comments submitted at a public hearing carry the same weight as oral testimony and will be considered as such.

All written comments must be directed to the undersigned and must be delivered on or before August 27, 2019.

Dated this 26th day of July, 2019.

Diane Hanian
Commission Secretary
Idaho Public Utilities Commission
472 W. Washington Street
P.O. Box 83720
Boise, ID 83702
Phone: (208) 334- 0323
Fax: (208) 334-4045

IDAPA 35 – STATE TAX COMMISSION
35.01.01 – INCOME TAX ADMINISTRATIVE RULES
DOCKET NO. 35-0101-1902
NOTICE OF RULEMAKING – PROPOSED RULE

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Sections 63-105 and 63-3039, 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 August 21, 2019.

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:

Rule 645 - The changes to this rule tells taxpayers how to report repatriated dividend income received from foreign entities on the Idaho return.

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(1), Idaho Code, negotiated rulemaking was conducted. The Notice of Intent to Promulgate Rules – Negotiated Rulemaking was published in the June 5, 2019 Idaho Administrative Bulletin, [Vol. 19-6, page 81](#).

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 Cynthia Adrian, (208) 334-7670. 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 August 28, 2019.

Dated this 7th day of August, 2019.

Cynthia Adrian, Income Tax Policy Specialist
State Tax Commission
P.O. Box 36
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Phone: (208) 334-7670
Fax: (208) 334-7690
cynthia.adrian@tax.idaho.gov

THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 35-0101-1902
(Only Those Sections With Amendments Are Shown.)

645. WATER'S EDGE: TREATMENT OF DIVIDENDS (RULE 645).
Section 63-3027C, Idaho Code

01. Dividends Received from Payors Incorporated Outside the United States. ()

a. Dividends received from payors who are incorporated outside the fifty (50) states and District of Columbia but are not included in the combined report are treated as business income. ~~These dividends are treated as business income of the water's edge combined group even if paid from earnings included in the taxpayer's combined report in prior years.~~ (3-20-97)()

b. As provided in Section 63-3027C(e)(1), Idaho Code, amounts included in income under sections 951 and 951A of the Internal Revenue Code are treated as dividends from payors outside the fifty (50) states and District of Columbia. ()

c. In order to avoid taxing income that had previously been included in Idaho apportionable income in a prior tax year, the remaining portion of the dividend that was not excluded from Idaho apportionable income under Section 63-3027C(e)(3), Idaho Code, is excluded from Idaho apportionable income if the taxpayer can prove that the income was previously included in Idaho apportionable income in a prior tax year. ()

02. Dividends Received from Payors Incorporated in the United States. Dividends received from payors who are incorporated within the fifty (50) states and District of Columbia but not included in the combined return are presumed to be business income of the water's edge combined group. (3-20-97)

03. Deemed Dividends from Possession Corporations. The income of a possession corporation, excluded in Section 63-3027B(ea), Idaho Code, shall be included in business income as a deemed dividend received from a payor incorporated outside the fifty (50) states and District of Columbia. The income of a possession corporation means taxable income greater than zero (0). Losses from possession corporations may not offset income of other possession corporations in determining the amount of deemed dividends. (4-5-00)()

04. Dividends from Foreign Sales Corporations. (4-5-00)

a. As provided in Section 63-3027C(d)(1), Idaho Code, dividends received from a Foreign Sales Corporation (FSC) shall be eliminated in the proportion that FSC federal taxable income for the year during which the dividend was paid bears to the total FSC income before taxes for that year. For purposes of computing the dividend elimination, total FSC income before taxes means book income before the deduction of federal income taxes. (4-5-00)

b. For example, a FSC paid one million dollars (\$1,000,000) in dividends during the taxable year. For that same taxable year, the FSC had federal taxable income totaling ten million dollars (\$10,000,000) and total FSC income before taxes of twenty million dollars (\$20,000,000). The dividends eliminated would be five hundred thousand dollars (\$500,000) computed as follows: $(\$10,000,000 \text{ federal taxable income} / \$20,000,000 \text{ total FSC income before taxes}) \times \$1,000,000 \text{ FSC dividend paid} = \$500,000 \text{ dividend elimination}$. (4-5-00)

05. Interest Expense Offset. The interest expense offset provided in Section 63-3022M, Idaho Code, does not apply to any dividends subject to the eighty-five percent (85%) or eighty percent (80%) exclusion provided in Section 63-3027C or 63-3027E, Idaho Code. (4-5-00)

IDAPA 35 – STATE TAX COMMISSION
35.01.01 – INCOME TAX ADMINISTRATIVE RULES
DOCKET NO. 35-0101-1904
NOTICE OF RULEMAKING – PROPOSED RULE

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Sections 63-105 and 63-3039, 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 August 21, 2019.

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:

Rule 872 - The changes to this rule add the statutory requirement to increase the monthly and annual threshold amounts when the cost of living adjustments cumulatively equal or exceeds \$5,000.

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 the rules are simple in nature.

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 Cynthia Adrian, (208) 334-7670. 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 August 28, 2019.

Dated this 7th day of August, 2019.

Cynthia Adrian, Income Tax Policy Specialist
State Tax Commission
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THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 35-0101-1904
(Only Those Sections With Amendments Are Shown.)

872. REPORTING AND PAYING STATE INCOME TAX WITHHOLDING (RULE 872).
 Sections 63-3035 and 63-3036, Idaho Code

01. Payment of State Income Tax Withheld. (4-6-05)

a. In General. An employer must remit monthly any state income tax withheld. These monthly payments are due on or before the 20th day of the following month. However, employers who owe seven hundred fifty dollars (\$750) or less per calendar quarter may, at the discretion of the Tax Commission, be allowed to remit the tax withheld on or before the last day of the month following the end of the quarter. Employers who owe less than seven hundred fifty dollars (\$750) annually may be allowed to remit the tax withheld annually on or before January 31. When a filing cycle is changed, the change will take effect on January 1 of the following year. (3-20-14)

b. Semimonthly Filers. (4-11-15)

i. An employer who withholds state income taxes that meet or exceed the monthly or annual threshold amounts provided in Section 63-3035, Idaho Code, and listed in Subparagraph 872.01.b.ii., of this rule, will remit the tax withheld based on semimonthly withholding periods. The first semimonthly withholding period begins on the first day of the month and ends on the 15th day of the same month with payment made no later than the 20th day of the same month. The second period begins on the 16th day of the month and ends on the last day of the same month with payment made no later than the fifth day of the following month. (4-11-15)

ii. Threshold amounts:

Withholding Periods Beginning	Monthly Threshold Amounts	Annual Threshold Amounts
Prior to January 1, 2004	\$5,000	\$60,000
On or After January 1, 2004, but Before July 1, 2005	\$6,000	\$72,000
On or After July 1, 2005	\$20,000	\$240,000
<u>On or After July 1, 2019</u>	<u>\$25,000</u>	<u>\$300,000</u>

(4-6-05)()

iii. An employer who meets the threshold amounts provided in Section 63-3035, Idaho Code, and listed in Subparagraph 872.01.b.ii. of this rule, but only has one (1) monthly pay period, may request approval by the Tax Commission to pay and report monthly. The request should include verification of monthly payroll. (3-29-17)

c. Farmer-Employers. Generally an employer who is a farmer will remit state income tax withheld on or before the last day of January. However, an employer who is a farmer will remit the state income tax withheld on or before the last day of the month following the end of the quarter if he is a covered employer required to file with the Department of Commerce and Labor. (3-20-14)

02. Filing of Annual Reconciliation Returns. (4-6-05)

a. In General. An employer must file an annual reconciliation return for any calendar year in which the employer had an active Idaho withholding account or withheld Idaho income taxes. Such return will: (3-20-14)

i. Report payroll paid during the preceding calendar year; and (4-6-05)

ii. Reconcile the state income tax withheld during the preceding calendar year with the tax remitted for the preceding calendar year. (4-6-05)

b. Due Date of Reconciliation Returns. The annual reconciliation return must be filed with the Forms W-2 on or before such date as required for filing of the W-2. See Rule 874 of these rules. The Tax Commission may require a shorter filing period and due date. (3-20-14)

c. Zero Tax Returns. For reporting periods in which the employer had no payroll or withheld no tax, the annual reconciliation return must be completed and filed by the due date. (3-20-14)

03. Extension of Time to Pay or File Returns. The Tax Commission may allow a one (1) month extension of time to make a monthly or quarterly payment or to file the annual reconciliation return. (4-6-05)

a. The employer must file a written request by the due date of the payment or annual reconciliation return that identifies the reason for the extension and includes the required minimum payment. The minimum payment must be at least ninety percent (90%) of the tax withheld for the period or one hundred percent (100%) of the tax withheld for the same period of the prior year. (3-20-14)

b. The employer must file the annual reconciliation return within one (1) month of the due date. The tax paid with the extension request must be shown on the payment line of the return. Interest from the due date applies to any additional tax due. (3-20-14)

04. Valid Returns. All withholding returns and other documents required to be filed pursuant to Sections 63-3035 and 63-3036, Idaho Code, and this rule will be filed using the proper forms as prescribed by the Tax Commission. The forms will include the taxpayer's name, signature, withholding account number, and federal employer identification number. Returns that fail to meet these requirements are invalid and may be returned to the taxpayer to be refiled. Failure to file a valid return by the due date may cause interest and penalties to be imposed. (3-20-14)

IDAPA 35 – STATE TAX COMMISSION

35.01.02 – IDAHO SALES AND USE TAX ADMINISTRATIVE RULES

DOCKET NO. 35-0102-1901

NOTICE OF RULEMAKING – PROPOSED RULE

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Sections 63-105(2), 63-3624(a), 63-3610 – 63-3611, 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 August 21, 2019.

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:

Rule 018 - This rule is being updated to reflect changes made by House Bill (HB) 259a effective June 1, 2019, that creates a requirement for retailers without a physical presence in Idaho to collect and remit Idaho sales tax on sales delivered into Idaho if in the current or previous calendar year those sales exceed \$100,000.

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(1), Idaho Code, negotiated rulemaking was conducted. The Notice of Intent to Promulgate Rules – Negotiated Rulemaking was published in the June 5, 2019 Idaho Administrative Bulletin, [Vol. 19-6, page 82](#).

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 Leah Parsons, (208) 334-7531. 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 August 28, 2019.

Dated this 7th day of August, 2019.

Leah Parsons, Sales Tax Policy Specialist
State Tax Commission
P.O. Box 36
Boise, ID 83722-0410
Phone: (208) 334-7531
Fax: (208) 334-7690
leah.parsons@tax.idaho.gov

THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 35-0102-1901
(Only Those Sections With Amendments Are Shown.)

018. RETAILER DEFINED (RULE 018).

Sections 63-3610, ~~and~~ 63-3611, 63-3614, 63-3620, 63-3620F and 63-1804, Idaho Code

01. **Retailer.** The term retailer ~~includes a person doing a regularly organized retail business in tangible personal property and defined services and selling to the user or consumer, not for resale. Retailer includes commission salesmen, sales at auctions, out of state sellers that must overcome the presumption defined in Section 63-3611, Idaho Code, assignees for the benefit of creditors, receivers and any salesmen, representatives, peddlers, or canvassers as agents of the dealers, distributors, irrespective of whether they are making sales on their own behalf or on behalf of such dealers, distributors, supervisors or employers, the Tax Commission may so regard them and may regard the dealers, distributors, supervisors or employers as retailers~~ is defined in Section 63-3610, Idaho Code. A retailer includes a seller as defined in Section 63-3614, Idaho Code as every person making retail sales to a buyer or consumer, whether as agent, broker, or principal. (3-26-19)()

02. **Retailer Engaged in Business in this State.** A retailer engaged in business in this state is defined in Section 63-3611, Idaho Code. A retailer engaged in business in this state is anyone required to collect and remit Idaho sales and use tax pursuant to Section 63-3611(2), Idaho Code. ()

023. **Retailers Selling Incidental Tangible Personal Property.** A person may be a retailer within the meaning of the act although the sale of tangible personal property is incidental to his general business. For example, a plumbing contractor may sell some plumbing supplies as a sideline and thereby become a retailer within the meaning of this act. (7-1-93)

034. **Farmers.** Farmers who ordinarily sell their grain, livestock and other horticultural products for resale or processing are not subject to tax. However, when they sell to ultimate consumers or users, they must obtain a seller's permit and report sales tax on their taxable sales. (7-1-93)

045. **An Agent as a Retailer.** Where there is a written agreement between a principal and his agent, dealer or other third party, and such agreement stipulates that the agent, dealer or other third party will be responsible for collection, reporting and payment of sales tax generated by sales, the Tax Commission will treat the position of the agent, dealer or third party as that of a retailer and impose on him the burden of collecting, accounting for, and paying the sales tax to the State Tax Commission. (7-1-93)

a. However, if for example, a milk route salesman, without such an agreement, makes regular deliveries, collects for the products, and sales tax is included in the total proceeds collected and remitted to the principal for proper crediting, accounting, discounts, etc., then it is the responsibility of the principal to relay the sales tax with proper reporting forms as prescribed by law. (7-1-93)

b. In some instances, such as the above, and the example of a newspaper delivery boy, the sales are actually made on behalf of the dairy and the newspaper company respectively. In the absence of any such written agreement, the Tax Commission will look to the principal as being responsible for the reporting and payment of the sales tax. (7-1-93)

IDAPA 35 – STATE TAX COMMISSION

35.01.02 – IDAHO SALES AND USE TAX ADMINISTRATIVE RULES

DOCKET NO. 35-0102-1902

NOTICE OF RULEMAKING – PROPOSED RULE

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Sections 67-5220(1) & (2), 63-105(2), 63-3624(a), 63-3612(2), 67-4917(A)(B) & (C), 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 August 21, 2019.

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:

Rule 028 - The State Tax Commission will be administering the collection of taxes for additional auditorium districts. This rule currently references only the Greater Boise Auditorium District. Changing the reference to “Auditorium or Community Center Districts” make the reference more generic. We also removed two obsolete terms.

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(1), Idaho Code, negotiated rulemaking was conducted. The Notice of Intent to Promulgate Rules – Negotiated Rulemaking was published in the June 5, 2019 Idaho Administrative Bulletin, [Vol. 19-6, page 83](#).

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 Leah Parsons, (208) 334-7531. 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 August 28, 2019.

Dated this 7th day of August, 2019.

Leah Parsons, Sales Tax Policy Specialist
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THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 35-0102-1902
(Only Those Sections With Amendments Are Shown.)

028. HOTELS, MOTELS AND CAMPGROUNDS (RULE 028).

Sections ~~63-1801 through 63-1804~~, 63-3612(2), ~~67-4718, 67-4917B and 67-4917C~~, Idaho Code

01. Fees. Fees charged for providing hotel, motel, and campground accommodations are subject to the state sales tax, the Idaho Travel and Convention taxes and may be subject to the ~~Greater-Boise Auditorium~~ or Community Center District sales tax. This includes fees collected for short-term rentals and vacation rentals even when the sale is facilitated by a short-term rental marketplace. These taxes are explained in IDAPA 35.01.06, "Hotel/Motel Room and Campground Sales Tax Administrative Rules." ~~(3-28-18)~~ ()

02. Purchases by Hotels, Motels, Lodging Operators, Short-Term Rentals, Vacation Rentals, and Campgrounds. Hotels, motels, lodging operators, short-term rentals, vacation rentals, and campgrounds may purchase tangible personal property for consumption by their customers without paying tax if the tangible personal property is included in the fee charged to the customer and is directly consumed by the customer in such a way that it cannot be reused. Hotels, motels, lodging operators, short-term rentals, vacation rentals, and campgrounds must provide a resale certificate to their vendor when purchasing such items for resale. Examples include: (3-28-18)

- a. Facial tissue, toilet tissue, ~~toilet sanitation tissues~~, disposable laundry pickup bags, and paper napkins. ~~(7-1-93)~~ ()
- b. Soaps, hair shampoo, hair conditioners, and lotions. (7-1-93)
- c. Disposable plastic drinking glasses, disposable plastic utensils, disposable shoe shine cloths, and disposable shower caps. (7-1-93)
- d. Candies, beverages, meals, and newspapers furnished with the room. (7-1-93)
- e. Room stationery, envelopes, notepads, and matches. (7-1-93)

03. Tangible Personal Property Subject to Tax. Tangible personal property which is not included in the fee charged to the customer and not directly consumed by the customer is subject to the tax when purchased by the hotel, motel, lodging operator, short-term rental, vacation rental, or campground. Tangible personal property subject to tax includes property which is not directly consumed by the customer, property that is nondisposable in nature, or property that is depreciated in the books and records of the hotel, motel, lodging operator, short-term rental, vacation rental, or campground. The hotel, motel, lodging operator, short-term rental, vacation rental, or campground is the user and consumer of such supplies and equipment and will pay sales tax on the purchase of such items. Examples include: (3-28-18)

- a. Bath towels, bath mats, linens, and bedding. (7-1-93)
- b. Glassware, silverware, and china. (7-1-93)
- c. Furniture and fixtures. (7-1-93)
- d. Bibles, room service menus, and directories. (7-1-93)
- e. ~~Toilet sanitary rings and~~ Garbage can liners. ~~(7-1-93)~~ ()
- f. Any tangible personal property available to the general public. (7-1-93)

IDAPA 35 – STATE TAX COMMISSION

35.01.02 – IDAHO SALES AND USE TAX ADMINISTRATIVE RULES

DOCKET NO. 35-0102-1903

NOTICE OF RULEMAKING – PROPOSED RULE

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Sections 63-105(2), 63-3624(a), 63-3622OO, 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 August 21, 2019.

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:

Rule 043 - This rule is being updated to reflect changes made by House Bill (HB) 86 effective July 1, 2019, that provides exemption for a dealer's labor or service charges for adding accessories to specific types of vehicles.

Rule 046 - This rule is being updated to reflect changes made by House Bill (HB) 86 effective July 1, 2019, that provides exemption for a dealer's labor or service charges for adding accessories to specific types of vehicles.

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(1), Idaho Code, negotiated rulemaking was conducted. The Notice of Intent to Promulgate Rules – Negotiated Rulemaking was published in the June 5, 2019 Idaho Administrative Bulletin, [Vol. 19-6, page 84](#).

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 Leah Parsons, (208) 334-7531. 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 August 28, 2019.

Dated this 7th day of August, 2019.

Leah Parsons, Sales Tax Policy Specialist
State Tax Commission
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THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 35-0102-1903
(Only Those Sections With Amendments Are Shown.)

043. SALES PRICE OR PURCHASE PRICE DEFINED (RULE 043).
Section 63-3613, Idaho Code

01. Sales Price and Purchase Price. The term sales price and purchase price may be used interchangeably. Both mean the price paid by the customer or user to the seller including: (7-1-93)

- a. The cost of transporting goods to the seller. See Rule 061 of these rules. (3-20-04)
- b. Manufacturer's or importer's excise tax. See Rule 060 of these rules. (3-20-04)
- c. Services agreed to be rendered as part of the sale. (7-1-97)
- d. Separately stated labor charges to produce or fabricate made to order goods. See Rule 029 of these rules. (3-20-04)

02. Services Agreed to Be Rendered as a Part of the Sale. The sales and use tax is computed on the sales price of a transaction. The term "sales price" is defined by Section 63-3613, Idaho Code, to include "services agreed to be rendered as a part of the sale." The following items are among those that are part of the sales price and, therefore, may not be deducted before computation of the sales price. This is not intended to be an exclusive list of such items: (4-4-13)

- a. Any charges for any services to bring the subject of a sale to its finished state ready for delivery and in the condition specified by the buyer, including charges for assembly, fabrication, alteration, lubrication, engraving, monogramming, cleaning, or any other servicing, customizing or dealer preparation except those exempted in Section 63-3622OO, Idaho Code. (~~3-20-04~~)()
- b. Any charge based on the amount or frequency of a purchase, such as a small order charge or the nature of the item sold, such as a slow-moving charge for an item not frequently sold. (3-20-04)
- c. Any commission or other form of compensation for the services of an agent, consultant, broker, or similar person. (3-20-04)
- d. Any charges for warranties, service agreements, insurance coverage, or other services required by the vendor to be taken as a condition of the sale. If the sale could be consummated without the payment of these charges, the charges are not part of the sales price if separately stated. Also, see Rule 049 of these rules. (3-20-04)
- e. Any fuel surcharges except those charges which the vendor can document are related only to delivery of the property to the end customer. (4-4-13)
- f. Any environmental or disposal fee except those fees directly imposed by a governmental agency. (4-4-13)

03. Charges Not Included. Sales price does not include charges for interest, carrying charges, amounts charged for optional insurance on the property sold, or any financing charge. These various charges may be deducted from the total sales price if they are separately stated in the contract. In the absence of a separate statement, it will be presumed that the amount charged is part of the total sales price. (3-20-04)

04. Gratuities. When a gratuity is paid in addition to the price of a meal, no sales tax applies to the gratuity. A gratuity can be paid voluntarily by the customer or be required by the seller. A gratuity is also commonly known as a tip. (3-29-12)

- tax:
- a. If a gratuity does not meet all of the following requirements, the gratuity will be subject to sales tax: (3-29-12)
 - i. A gratuity must be paid to the service provider of the meal as additional income to the base wages of the service provider; (3-29-12)
 - ii. A gratuity must be separately stated on the receipt or be voluntarily paid by the customer; and (3-29-12)
 - iii. A gratuity must not be used to avoid sales tax on the actual price of the meal. (3-29-12)
 - b. For the purposes of Subsection 043.04 of this rule, the following definitions apply: (3-29-12)
 - i. Meal. Food or drink prepared for or provided to a customer. (3-29-12)
 - ii. Service provider. An individual directly involved in preparing or providing a meal to a customer. This includes, but is not limited to, the server, the busser, the cook and the bartender. This does not include individuals who manage or own the company if they are not directly involved in preparing and providing a meal. (3-29-12)

05. Service Charges. Amounts designated as service charges, added to the price of meals or drinks, are a part of the selling price of the meals or drinks and accordingly, must be included in the purchase price subject to tax, even though such service charges are made in lieu of tips and paid over by the retailer to his employees. (7-1-93)

(BREAK IN CONTINUITY OF SECTIONS)

046. COATINGS ON TANGIBLE PERSONAL PROPERTY (RULE 046).
[Section 63-3613, Idaho Code](#)

01. Coatings Generally. A coating is a substance covering the surface of tangible personal property usually intended to improve the durability or aesthetic appeal of the tangible personal property to which it is applied. There are a variety of coatings including paint, powder coating, chrome plating, spray-on bedliners, and anodized coatings. Effective July 1, 2014, this rule applies to all types of coatings and it is intended that such coatings receive the same tax treatment. This rule does not apply to coatings applied directly to real property such as paint applied to the walls of a building. (3-20-14)

02. Coatings are Tangible Personal Property. The materials applied to tangible personal property to produce a coating are tangible personal property both before and after the application process. Therefore, unless an exemption applies, the sale of a coating is a taxable sale. (3-20-14)

03. Material Charges. Unless an exemption applies, the materials portion of a sale of a coating is taxable. If the seller is unable to measure the exact amount of material used, a reasonable method of estimation is acceptable. (3-20-14)

04. Nontaxable Labor Charges. In any of the following circumstances, the labor to apply a coating will be nontaxable labor: (3-20-14)

- a. A previous coating is removed and replaced with a new coating, regardless of any differences in quality between the two (2) coatings. (3-20-14)
- b. A coating is applied to used tangible personal property on top of an already existing coating. (3-20-14)
- c. Example 1: A vendor applies a spray-on bedliner to an individual's truck bed. The truck bed surface

is already coated with automotive paint. The materials charge is taxable, but the labor is not taxable. (3-20-14)

05. Taxable Labor Charges. In any of the following circumstances, the labor to apply a coating will be taxable labor: (3-20-14)

a. A coating is applied to new tangible personal property, regardless of whether the tangible personal property already has a coating except those exempted in Section 63-3622OO, Idaho Code. ~~(3-20-14)~~()

b. A coating is applied to new or used tangible personal property that has never been previously coated. (3-20-14)

06. Separate Statement. For circumstances under which the labor portion of the transaction is exempt, both materials and labor must be separately stated on the customer's billing statement. If there is no separate statement of materials and labor, the entire transaction is subject to sales tax. (3-20-14)

07. Used Tangible Personal Property. For purposes of this rule, tangible personal property is used if the tangible personal property has been previously put to the use for which it was intended. If a contractor hires someone to apply a coating to tangible personal property that the contractor intends to incorporate into real property, the tangible personal property has not been put to the use for which it was intended and is considered new tangible personal property. (3-20-14)

a. Example 1: A contractor hires someone to apply a coating to metal ducting. The contractor intends to incorporate the metal ducts into a ventilation system in a building. Since the ducting has not yet been put to the use for which it was intended, it is not used tangible personal property and all labor and material charges will be taxable. (3-20-14)

b. Example 2: A person buys a piece of furniture for use in the home. The person uses the drawers for a year before hiring someone to apply a stain to the drawers. At that point, the drawers are used tangible personal property. If the drawers had a previous coating of any kind, the labor to apply the stain will be nontaxable. If the drawers had no previous coating, the labor to apply the stain will be taxable. (3-20-14)

c. Example 3: A company buys equipment from a supplier. Before the equipment is ever put to the use for which it was intended, the company takes the equipment to be coated by a different supplier. Since the equipment has not yet been put to the use for which it was intended, it is new tangible personal property. Regardless of whether the equipment already has a coating, both the materials and labor to apply the new coating are taxable. (3-20-14)

08. Tangible Personal Property Held for Resale. For new or used tangible personal property held by a seller as part of its inventory, any labor costs incurred to apply a coating to the tangible personal property and charged to the end consumer are taxable services agreed to be rendered as part of the sale of the tangible personal property. The labor charges are exempt only if the sale of the tangible personal property is exempt or if the labor is exempted by Section 63-3622OO, Idaho Code. However, if the seller pays a third party to apply a coating to tangible personal property in its inventory, the seller may claim a resale exemption on the transaction. ~~(3-20-14)~~()

a. Example 1: A dealership has a used truck in its inventory. A customer will purchase the truck on the condition that the dealership will apply a spray-on bedliner. The dealership hires another company to apply the spray-on bedliner and pays three hundred dollars (\$300) for the job (split evenly between materials and labor). The dealership fills out a resale exemption certificate for the spray-on bedliner company. No tax should be charged on this transaction. The dealership then charges its customer five hundred dollars (\$500) (split evenly between materials and labor) and separately states these charges from the sales price of the truck. The materials charge is a taxable sale of tangible personal property. The labor charge is a taxable service agreed to be rendered as part of the sale of the truck. The dealership must charge tax on the entire five hundred dollars (\$500). (3-20-14)

09. Exemptions. Like any sale of tangible personal property, if the customer provides a valid exemption certificate to the seller claiming an exemption that applies to the transaction, the seller has no obligation to collect sales tax on the transaction. The seller must maintain a copy of the exemption certificate on file. See Rule 128 of these rules for additional information. (3-20-14)

IDAPA 35 – STATE TAX COMMISSION

35.01.02 – IDAHO SALES AND USE TAX ADMINISTRATIVE RULES

DOCKET NO. 35-0102-1904

NOTICE OF RULEMAKING – PROPOSED RULE

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Sections 63-105(2), 63-3624(a), 63-3623, 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 August 21, 2019.

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:

Rule 105 - This rule is being updated to remove the requirement for a federal taxpayer identification number to be on a return for it to be valid.

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(1), Idaho Code, negotiated rulemaking was conducted. The Notice of Intent to Promulgate Rules – Negotiated Rulemaking was published in the June 5, 2019 Idaho Administrative Bulletin, [Vol. 19-6, page 85](#).

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 Leah Parsons, (208) 334-7531. 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 August 28, 2019.

Dated this 7th day of August, 2019.

Leah Parsons, Sales Tax Policy Specialist
State Tax Commission
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THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 35-0102-1904
(Only Those Sections With Amendments Are Shown.)

105. TIME AND IMPOSITION OF TAX, RETURNS, PAYMENTS AND PARTIAL PAYMENTS (RULE 105).

Sections 63-3623 and 63-3634, Idaho Code

01. Time and Imposition of Tax. (7-1-93)

a. Sales Tax. Sales tax is imposed, computed and collected at the time of sale, without regard to the provisions of any contract relating to the time or method of payment. In the case of installment sales, sales on account, or other credit sales, the seller shall report as a taxable sale the entire sales price for the month in which the sale is made. No part of the sales tax may be deferred until the time the retailer actually collects payment from the buyer. A sale occurs when title to property passes through delivery to the customer or absolute and unconditional appropriation to a contract. Lease or rental payments are taxable during the month or other period for which the property is leased or rented. (7-1-93)

b. Use Tax. Use tax is determined at the time of the use, storage or other consumption of tangible personal property in Idaho. The tax is reported and payable in accordance with the provisions of this rule. Persons making purchases subject to use tax should apply for a use tax permit number from the Tax Commission. Application forms may be obtained by contacting any Tax Commission office. (7-1-93)

c. Taxable Sales Create State Revenue. The sales or use tax collected by a retailer from a customer at the time of purchase becomes state money at that time. The collected amounts may not be put to any use other than that allowed by Chapter 36, Title 63, Idaho Code, and these rules. (7-1-93)

02. Returns. (7-1-93)

a. Monthly Filing Generally Required. All retailers and persons subject to use tax are required to remit the tax to the state on a monthly basis unless a different reporting period is prescribed by the Commission. The remittance will include all sales and use tax due from the first through the last day of the preceding calendar month. (7-1-93)

b. Request to File Quarterly or Semiannually. Retailers or persons who owe seven hundred-fifty dollars (\$750) or less per quarter and have established a satisfactory record of timely filing and payment of the tax may request permission to file quarterly or semiannually instead of monthly. (5-8-09)

c. Request to File Annually. Retailers or persons who have seasonal activities, such as Christmas tree sales or repeating fair booths, may request permission to file annually. Approval of the request is at the discretion of the Commission and is limited to taxpayers who have established a satisfactory record of timely filing and payment of the tax. (7-1-93)

d. Variable Filing. If the Tax Commission finds it necessary or convenient for the administration of the Sales Tax Act, it may assign an account to a taxpayer with a variable filing requirement. In such a case the taxpayer would not be required to file returns at regular intervals. The Tax Commission may also create one-time filing only accounts for taxpayers who are making a single payment of sales or use tax. (4-6-05)

e. Change in Filing Frequency. If the Tax Commission finds it necessary or convenient for the efficient administration of the Sales Tax Act, it may require taxpayers reporting taxable sales of less than twelve thousand dollars (\$12,000) per year to file annually. (5-8-09)

f. Final Report. Whenever a taxpayer who is required to file returns under the Sales Tax Act or these

rules stops doing business, he must mark cancel on the last return he files. This return ends the taxable year for sales or use tax purposes and constitutes the taxpayer's final report of sales or use tax activities or liabilities. The taxpayer must enclose his seller's permit with his request for cancellation or send a written statement that the permit has been destroyed. If the taxpayer continues business activity after filing a final report he may be subject to liabilities or penalties for failing to comply with the Idaho Sales Tax Act and these rules. (7-1-93)

03. Valid Return. A tax return or other document required to be filed in accordance with Section 63-3623, Idaho Code, and these rules must meet the conditions prescribed below. Those that fail to meet these requirements are invalid. They may be rejected and returned to the taxpayer to be redone in accordance with these requirements and refiled. A taxpayer who does not file a valid return is considered to have filed no return. A taxpayer's failure to properly file in a timely manner may result in penalties imposed by Section 63-3634, Idaho Code, and related rules. (7-1-93)

a. The sales and use tax return form must be completed and requisite copies of all pertinent supporting documentation attached. The results of required supporting documentation must be carried forward to applicable lines on the sales or use tax return form. (7-1-93)

b. All sales and use tax returns or other documents filed by the taxpayer must include ~~his~~ **the** sales or use tax permit number ~~and federal taxpayer identification number in the spaces provided.~~ (7-1-93) ()

c. A sales or use tax return that does not provide sufficient information to compute a tax liability does not constitute a valid return. (7-1-93)

d. Perfect accuracy is not required of a valid return, although each of the following conditions is required: it must be on the proper form, as prescribed by the Commission; the tax liability must be calculated and have sufficient supporting information, if required, to demonstrate how the result was reached; and it must show an honest and genuine effort to satisfy the requirements of the law. (7-1-93)

04. Use of Estimates Extension of Time Returns. (7-1-93)

a. The Commission may, for good cause, grant authority for a taxpayer to file for an extension of time by filing an estimated return. When filing the Extension of Time estimated return, the taxpayer must attach a written request which sets forth the reason for estimating. The Commission will review each request to determine if there is good cause for filing an Extension of Time estimated return. If the Commission determines that the request should be denied, the taxpayer will be notified in writing and a penalty, as provided by Section 63-3046, Idaho Code, will apply to any delinquent tax due when the original return is filed. (7-1-93)

b. If the return for any period is filed on an estimated basis, the estimated return must be filed timely and the estimate must be reconciled to actual figures by filing an original return within one (1) month of the due date. Any additional tax due as a result of reconciliation must be remitted when the original return is filed and include interest on any unpaid balance due from the due date of the return. (4-6-05)

c. The estimated tax remitted must be at least ninety percent (90%) of the total sales and use tax due for the period or one hundred percent (100%) of the total sales and use tax due for the same month of the prior year. If the estimated tax paid is less than these requirements, a five percent (5%) penalty may be applied to the remaining tax due, as provided by Section 63-3046(a), Idaho Code. (7-1-93)

~~**d.** Taxpayers wishing to file an Extension of Time estimated return must obtain the required forms from the Commission.~~ (7-1-93)

05. Forms Required. The original return will be completed with the amount of total sales, nontaxable sales, taxable sales, items subject to use tax, and tax due inserted in the blanks. Payment must accompany the return. A complete sales and use tax return will be filed by each retailer or person subject to use tax. This return will be on a form prepared and mailed to the taxpayer by the Commission. If the original is lost or destroyed, a substitute form will be supplied upon request. (4-11-15)

a. Retailers Must Report Own Use and Nontaxed Transactions. All retailers must report any sales or

purchases on which no sales or use tax was collected or paid. Goods sold or produced and consumed by the retailer, items withdrawn from stock for personal use or employee use, stock removed and used for gift or promotional purposes, or any combination of such uses are subject to tax. (7-1-93)

b. Reporting Adjustments. Any adjustments for additional tax due or credits claimed should be made on the next return due after the adjustments are discovered. These adjustments are to be shown on the line designated for adjustments on the return form and must be accompanied by an explanation and any documents that support the claimed adjustment. (7-1-93)

06. Payment of Tax. (7-1-93)

a. Payment to Accompany Return. The return filed in accordance with this rule must be accompanied by a remittance of the total amount due as shown on the return. Checks or other negotiable instruments should be made payable to the Idaho State Tax Commission. (7-1-93)

b. Payment of One Hundred Thousand Dollars (\$100,000) or Greater. All taxes due to the state must be paid by electronic funds transfer whenever the amount due is one hundred thousand dollars (\$100,000) or greater, in accordance with rules promulgated by the Idaho State Board of Examiners, which is incorporated by reference to these rules. (7-1-93)

c. Remittance of Collections Required--Bracket Exception. Retailers are required to remit all taxes collected from purchasers, except any difference that may result from use of the bracket system described in Rule 068 of these rules. Any taxes erroneously collected in excess of those properly due should be refunded to the purchaser by the retailer. If the retailer either cannot or does not make the refund during the period for which the return is due, then the retailer must report the erroneously collected taxes on the return and pay them to the Commission. If the erroneously collected taxes are subsequently refunded to the purchaser from whom they were collected, the retailer may claim a credit or refund of sales taxes in accordance with Rule 117 of these rules. Under no circumstances may a retailer retain any amount collected as sales or use tax that is greater than the retained amount authorized under the bracket system by Rule 068 of these rules. (3-20-04)

07. Filing Dates--General Rule. The filing date for all sales or use tax returns is the twentieth day of the calendar month immediately following the last day of the reporting period, unless otherwise allowed by these rules. This is the filing due date for all regular monthly, quarterly, semiannual, and annual accounts. If the twentieth is a Saturday, Sunday, or legal holiday, the return is due on the next following day that is not a Saturday, Sunday or legal holiday. (4-6-05)

IDAPA 35 – STATE TAX COMMISSION
35.01.03 – PROPERTY TAX ADMINISTRATIVE RULES
DOCKET NO. 35-0103-1901
NOTICE OF RULEMAKING – PROPOSED RULE

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Sections 67-5221(1) and 63-105A, 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 August 21, 2019.

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:

Rule 006 - The rule updates verification of a working URL for the incorporation by reference of national publications for standards on ratio studies, appraisal procedures. The version and URL of this incorporated item has not changed. This rule also eliminates the reference to the “Official Railway Equipment Register.”

Rule 411 - The rule eliminates reference to the “Official Railway Equipment Register” and clarifying procedures.

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(1), Idaho Code, negotiated rulemaking was conducted. The Notice of Intent to Promulgate Rules – Negotiated Rulemaking was published in the June 5, 2019 Idaho Administrative Bulletin, [Vol. 19-6, page 88](#).

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 Alan Dornfest, (208) 334-7742. 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 August 28, 2019.

Dated this 7th day of August, 2019.

Alan Dornfest
Property Tax Policy Bureau Chief
State Tax Commission
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Boise, ID 83722-0410
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THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 35-0103-1901
(Only Those Sections With Amendments Are Shown.)

006. INCORPORATION BY REFERENCE (RULE 006).

Unless provided otherwise, any reference in these rules to any document identified in Rule 006 of these rules constitutes the full incorporation into these rules of that document for the purposes of the reference, including any notes and appendices therein. The term “documents” includes codes, standards, or rules adopted by an agency of the state or of the United States or by any nationally recognized organization or association. (5-3-03)

01. Availability of Reference Material. Copies of the documents incorporated by reference into these rules are available at the main office of the State Tax Commission as listed in Rule 005 of these rules or can be electronically accessed as noted in Subsection 006.02 of this rule. (5-8-09)

02. Documents Incorporated by Reference. The following documents are incorporated by reference into these rules: (5-3-03)

a. “Standard on Ratio Studies” published in 2013, “Standard on Digital Cadastral Maps and Parcel Identifiers” published in 2015, “Standard on Mass Appraisal of Real Property” published in 2012, “Standard on Verification and Adjustment of Sales” published in 2010, all published by the International Association of Assessing Officers. These documents can be electronically accessed at http://www.iaao.org/wcm/Resources/Publications_access/Technical_Standards/wcm/Resources_Content/Pubs/Technical_Standards.aspx?hkey=9c330567-135b-4adc-a772-00008232ab90 which was last accessed and verified on ~~June 30, 2017~~ July 18, 2019. (3-28-18)()

b. ~~“Official Railway Equipment Register” published for the last three (3) quarters in 2017 and the first quarter in 2018 issued by R. E. R. Publishing Corporation and published by JOC Group, Inc. (3-28-18)~~

eb. “Forest Habitat Types of Northern Idaho: A Second Approximation” published by the Government Printing Office for the U. S. Forest Service in 1991, General Technical Report INT-236, written by Cooper, Stephen V., Neiman, Kenneth E., Rev, David W., and Roberts, Kenneth E. (4-6-05)

ec. “Forest Habitat Types of Central Idaho” published by the Government Printing Office for the Intermountain Forest and Range Experimentation Station of the U. S. Forest Service in 1981, General Technical Report INT-114, written by Kittams, Jay A., Pfister, Robert D., Ryker, Russell A., and Steele, Robert. (5-3-03)

ed. “Yield of Even-Aged Stands of Ponderosa Pine” published by the Government Printing Office for the U. S. Department of Agriculture in 1938, Technical Bulletin No. 630. (5-3-03)

fe. “Second-Growth Yield, Stand, and Volume Table for the Western White Pine Type” published by the Government Printing Office for the U. S. Department of Agriculture in 1932, Technical Bulletin No. 323. (5-3-03)

gf. “Manual of Surveying Instructions” published by the Federal Bureau of Land Management and the Public Land Survey System Foundation in 2009. (4-4-13)

(BREAK IN CONTINUITY OF SECTIONS)

411. PRIVATE CAR REPORTING BY RAILROAD COMPANIES (RULE 411).

Section 63-411, Idaho Code. The president or other officer of each railroad company whose railroad tracks run through, in or into Idaho shall, by April 15 of each year file a report with the State Tax Commission that includes the

following: (5-3-03)

01. Name of Reporting Railroad Company. Report the name of the railroad company making the report. (5-3-03)

02. Name of Private Railcar Fleet. Report the name of each private railcar fleet, defined under Sections 63-201(14) and 63-411, Idaho Code, having traveled on the reporting railroad company's track. (5-3-03)

03. Private Railcar Fleet's Address. Report the business address of each reported private railcar fleet. (5-3-03)

04. Car Type. Report the type of cars by identifying symbol, ~~according to the edition of the "Official Railway Equipment Register" referenced in Rule 006 of these rules.~~ (5-3-03) ()

05. Marks. Report the car marks. (5-3-03)

06. Miles Traveled. Report the total number of miles traveled on the reporting railroad's track, including main line, branches, sidings, spurs, and warehouse or industrial track in Idaho during the year ending December 31 of the preceding year. (5-3-03)

IDAPA 35 – STATE TAX COMMISSION

35.01.03 – PROPERTY TAX ADMINISTRATIVE RULES

DOCKET NO. 35-0103-1909

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 63-209, 63-210 and 63-219, Idaho Code.

MEETING SCHEDULE: Negotiated meetings will be scheduled and all scheduled meetings shall be posted and made accessible on the following agency website address: <https://tax.idaho.gov/i-1090.cfm>.

The meeting site(s) 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:

1. Attend the negotiated rulemaking meeting(s), in person or through teleconference, and participate in the negotiation process,
2. Submit written comments to the address below.

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:

Rule 219 - This rule is being amended to remove the tabled examples which are also found in class materials and manuals.

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 Alan Dornfest, (208) 334-7742. Materials pertaining to the negotiated rulemaking, including any available preliminary rule drafts, can be found on the commission web site at the following web address: <https://tax.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 August 12, 2019.

Dated this 7th day of August, 2019.

Alan Dornfest, Property Tax Policy Bureau Chief
State Tax Commission
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IDAPA 35 – STATE TAX COMMISSION

35.01.03 – PROPERTY TAX ADMINISTRATIVE RULES

DOCKET NO. 35-0103-1910

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 63-205A, Idaho Code.

MEETING SCHEDULE: Negotiated meetings will be scheduled and all scheduled meetings shall be posted and made accessible on the following agency website address: <https://tax.idaho.gov/i-1090.cfm>

The meeting site(s) 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:

1. Attend the negotiated rulemaking meeting(s), in person or through teleconference, and participate in the negotiation process,
2. Submit written comments to the address below.

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:

Rule 220 - This rule is being amended to remove the tabled examples which are also found in class materials and manuals.

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 Alan Dornfest, (208) 334-7742. Materials pertaining to the negotiated rulemaking, including any available preliminary rule drafts, can be found on the commission web site at the following web address: <https://tax.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 August 12, 2019.

Dated this 7th day of August, 2019.

Alan Dornfest, Property Tax Policy Bureau Chief
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IDAPA 35 – STATE TAX COMMISSION

35.01.03 – PROPERTY TAX ADMINISTRATIVE RULES

DOCKET NO. 35-0103-1911

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 63-602P, Idaho Code.

MEETING SCHEDULE: Negotiated meetings will be scheduled and all scheduled meetings shall be posted and made accessible on the following agency website address: <https://tax.idaho.gov/i-1090.cfm>

The meeting site(s) 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:

1. Attend the negotiated rulemaking meeting(s), in person or through teleconference, and participate in the negotiation process,
2. Submit written comments to the address below.

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:

Rule 619 - This rule is being amended to remove the tabled examples which are also found in class materials and manuals.

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 Alan Dornfest, (208) 334-7742. Materials pertaining to the negotiated rulemaking, including any available preliminary rule drafts, can be found on the commission web site at the following web address: <https://tax.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 August 12, 2019.

Dated this 7th day of August, 2019.

Alan Dornfest, Property Tax Policy Bureau Chief
State Tax Commission
P.O. Box 36
Boise, ID 83722-0410
Phone: (208) 334-7742
Fax: (208) 334-7844
Alan.Dornfest@tax.idaho.gov

IDAPA 35 – STATE TAX COMMISSION

35.01.03 – PROPERTY TAX ADMINISTRATIVE RULES

DOCKET NO. 35-0103-1912

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 63-602BB, Idaho Code.

MEETING SCHEDULE: Negotiated meetings will be scheduled and all scheduled meetings shall be posted and made accessible on the following agency website address: <https://tax.idaho.gov/i-1090.cfm>

The meeting site(s) 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:

1. Attend the negotiated rulemaking meeting(s), in person or through teleconference, and participate in the negotiation process,
2. Submit written comments to the address below.

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:

Rule 628 - This rule is being amended to remove the tabled examples which are also found in class materials and manuals.

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 Alan Dornfest, (208) 334-7742. Materials pertaining to the negotiated rulemaking, including any available preliminary rule drafts, can be found on the commission web site at the following web address: <https://tax.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 August 12, 2019.

Dated this 7th day of August, 2019.

Alan Dornfest, Property Tax Policy Bureau Chief
State Tax Commission
P.O. Box 36
Boise, ID 83722-0410
Phone: (208) 334-7742
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Alan.Dornfest@tax.idaho.gov

IDAPA 35 – STATE TAX COMMISSION

35.01.03 – PROPERTY TAX ADMINISTRATIVE RULES

DOCKET NO. 35-0103-1913

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 63-604, Idaho Code.

MEETING SCHEDULE: Negotiated meetings will be scheduled and all scheduled meetings shall be posted and made accessible on the following agency website address: <https://tax.idaho.gov/i-1090.cfm>

The meeting site(s) 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:

1. Attend the negotiated rulemaking meeting(s), in person or through teleconference, and participate in the negotiation process,
2. Submit written comments to the address below.

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:

Rule 645 - This rule is being amended to remove the tabled examples which are also found in class materials and manuals.

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 Alan Dornfest, (208) 334-7742. Materials pertaining to the negotiated rulemaking, including any available preliminary rule drafts, can be found on the commission web site at the following web address: <https://tax.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 August 12, 2019.

Dated this 7th day of August, 2019.

Alan Dornfest, Property Tax Policy Bureau Chief
State Tax Commission
P.O. Box 36
Boise, ID 83722-0410
Phone: (208) 334-7742
Fax: (208) 334-7844
Alan.Dornfest@tax.idaho.gov

IDAPA 35 – STATE TAX COMMISSION

35.01.03 – PROPERTY TAX ADMINISTRATIVE RULES

DOCKET NO. 35-0103-1914

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 63-802, 63-301A, 63-602W and 63-602NN, Idaho Code.

MEETING SCHEDULE: Negotiated meetings will be scheduled and all scheduled meetings shall be posted and made accessible on the following agency website address: <https://tax.idaho.gov/i-1090.cfm>

The meeting site(s) 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:

1. Attend the negotiated rulemaking meeting(s), in person or through teleconference, and participate in the negotiation process,
2. Submit written comments to the address below.

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:

Rule 802 - This rule is being amended to remove tabled examples which are also found in class materials and manuals.

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 Alan Dornfest, (208) 334-7742. Materials pertaining to the negotiated rulemaking, including any available preliminary rule drafts, can be found on the commission web site at the following web address: <https://tax.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 August 12, 2019.

Dated this 7th day of August, 2019.

Alan Dornfest, Property Tax Policy Bureau Chief
State Tax Commission
P.O. Box 36
Boise, ID 83722-0410
Phone: (208) 334-7742
Fax: (208) 334-7844
Alan.Dornfest@tax.idaho.gov

IDAPA 35 – STATE TAX COMMISSION

35.01.03 – PROPERTY TAX ADMINISTRATIVE RULES

DOCKET NO. 35-0103-1915

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 63-1702 and 63-1703, Idaho Code.

MEETING SCHEDULE: Negotiated meetings will be scheduled and all scheduled meetings shall be posted and made accessible on the following agency website address: <https://tax.idaho.gov/i-1090.cfm>

The meeting site(s) 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:

1. Attend the negotiated rulemaking meeting(s), in person or through teleconference, and participate in the negotiation process,
2. Submit written comments to the address below.

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:

Rule 961 - This rule is being amended to delete the tabled example which is considered outdated and not helpful to the content of the rule.

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 Alan Dornfest, (208) 334-7742. Materials pertaining to the negotiated rulemaking, including any available preliminary rule drafts, can be found on the commission web site at the following web address: <https://tax.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 August 12, 2019.

Dated this 7th day of August, 2019.

Alan Dornfest, Property Tax Policy Bureau Chief
State Tax Commission
P.O. Box 36
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Phone: (208) 334-7742
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Alan.Dornfest@tax.idaho.gov

IDAPA 35 – STATE TAX COMMISSION

35.01.05 – IDAHO MOTOR FUELS TAX ADMINISTRATIVE RULES

DOCKET NO. 35-0105-1902

NOTICE OF RULEMAKING – PROPOSED RULE

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Sections 63-105, 63-2427, 63-2410, and 63-2423, 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 August 21, 2019.

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:

Rule 010 – This rule is being simplified. The definition of a bond will now reference our Administration and Enforcement Rule 600 (IDAPA 35.02.01). Two definitions have been removed.

Rules 141 and 180 – Combines these two rules that explain how distributors claim credits and refunds and that most credits or refunds can be claimed on the distributor return. One refund is allowed on the Form 75.

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 the rules are simple in nature.

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 Don Williams, (208) 334-7855. 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 August 28, 2019.

Dated this 7th day of August, 2019.

Don Williams, Product Taxes Policy Specialist
State Tax Commission
P.O. Box 36
Boise, ID 83722-0410
Phone: (208) 334-7855
Fax: (208) 334-7690
don.williams@tax.idaho.gov

THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 35-0105-1902
(Only Those Sections With Amendments Are Shown.)

010. DEFINITIONS (RULE 010).

Section 63-2401, Idaho Code

The definitions provided by statute, including the definitions in Section 63-2401, Idaho Code, apply to these rules. Additionally, the following definitions apply. (6-23-94)

01. Bond. ~~A person required to post a bond may, instead of posting a surety bond, deposit with the State Tax Commission any of the following amounts equivalent to the amount of the bond required:~~ Bond in these rules refers to financial security required to ensure payment of taxes, fees, penalty, and interest. These rules allow all forms of security listed in Tax Commission Administration and Enforcement Rule 600. (3-30-01)()

~~**a.** Lawful money. Lawful money of the United States. Cash bonds must be submitted as a cashier's check, money order or other certified funds that are payable to the Idaho State Tax Commission. A cash bond will not accrue interest. The State Tax Commission will cash the funds and hold the money for the duration the taxpayer holds a distributor license.~~ (3-30-01)

~~**b.** Letters of credit. Irrevocable standby letters of credit, not exceeding the federally insured amount, issued by a bank doing business in Idaho, and insured by the Federal Deposit Insurance Corporation, made to the benefit of the Idaho State Tax Commission. The terms of the letter of credit must allow the State Tax Commission to make demand directly against the issuer of the letter of credit for any taxes, penalties, and interest due and unpaid, upon which the taxpayer's rights to appeal have expired, and for which the letter of credit was submitted to secure. The letter must include the following items:~~ (3-30-01)

~~i. Issuing institution; (3-30-01)~~

~~ii. Taxpayer's name; (3-30-01)~~

~~iii. Effective date; (3-30-01)~~

~~iv. Expiration date and place; (3-30-01)~~

~~v. Idaho State Tax Commission as the payee; (3-30-01)~~

~~vi. Dollar amount covered; (3-30-01)~~

~~vii. Terms of letter; (3-30-01)~~

~~viii. Letter number; and (3-30-01)~~

~~ix. Authorized signatures. (3-30-01)~~

~~**c.** Time Certificates of Deposit (CD). Automatically renewable time certificates of deposit, not exceeding the federally insured amount, issued by a financial institution doing business in Idaho and federally insured, made in the name of the depositor, payable to the "Idaho State Tax Commission" and containing the provisions that interest earned shall be payable to the depositor. The State Tax Commission will hold the CD. If the financial institution holds the actual CD or does not issue a certificate, a verification form is required by the State Tax Commission confirming the CD. The form may be obtained from the State Tax Commission. (3-30-01)~~

~~**d.** Joint Savings Account. Joint savings accounts, not exceeding the federally insured amount, at a financial institution doing business in Idaho and federally insured. The joint savings account should be issued in the~~

~~name of the taxpayer and the "Idaho State Tax Commission." Evidence of the insured account must be delivered to the State Tax Commission. The taxpayer will be notified by the State Tax Commission of any increases in bonding when it becomes necessary. The taxpayer may send a check to cover the difference which will be deposited in the joint savings account. The interest accrued on the account is the taxpayer's. The terms of the joint savings account agreement must include the following:~~ (3-30-01)

- ~~i. No Automatic Teller Machine (ATM) card may be issued to the account; and~~ (3-30-01)
- ~~ii. Withdrawals require both signatures of the parties of the joint account or by the Idaho State Tax Commission alone.~~ (3-30-01)

02. Commercial Motor Boat. A commercial motor boat, as defined in Section 63-2401, Idaho Code, includes a motor boat used in a business that rents boats to others who use the boats for pleasure. (6-23-94)

03. IFTA. Means the International Fuel Tax Agreement referred to in the Intermodal Surface Transportation Act of 1991, Public Law 102-240 section 4008, 105 Stat. 1414, codified as 49 USC Sections 31701 through 31708, and in Section 63-2442A, Idaho Code. (3-30-01)

04. Indian-Owned Retail Outlet. An Indian-owned retail outlet is: (4-11-06)

- a. Located within the boundaries of a federally recognized Indian reservation; and (4-11-06)
- b. Owned and operated by: (4-11-06)
 - i. The Coeur d'Alene, Kootenai, Nez Perce, Shoshone/Bannock, or Shoshone/Paiute tribe; or (4-11-06)
 - ii. An enterprise owned by one (1) of the tribes listed above; or (4-11-06)
 - iii. An enrolled member of one (1) of the listed tribes on whose reservation the retail outlet is located. (4-11-06)

05. Pay, Paid, Payable or Payment. When used in reference to any amount of tax, penalty, interest, fee or other amount of money due to the ~~State Tax~~ Commission, the words pay, paid, payable, or payment mean an irrevocable tender to the ~~Idaho State Tax~~ Commission of lawful money of the United States. As used herein, lawful money of the United States means currency or coin of the United States at face value and negotiable checks that are payable in money of the United States; provided however, acceptance by the ~~State Tax~~ Commission of any check that is subsequently dishonored by the bank upon which it is drawn shall not constitute payment. Additionally, nothing herein shall limit the authority of the ~~State Tax~~ Commission to refuse to accept any check drawn upon the account of a taxpayer who has previously tendered any check that was dishonored by the bank upon which it was drawn. All amounts due the state must be paid by electronic funds transfer whenever the total amount of tax due plus any related fee, interest, penalty or other additional amount is one hundred thousand dollars (\$100,000) or more, according to rules promulgated by the Idaho State Board of Examiners. (3-30-01)()

~~06. These Rules.~~ The term "these rules" refers to this chapter, IDAPA 35.01.05, of rules relating to the Idaho Motor Fuels Tax and the Idaho Petroleum Transfer Fee. (6-23-94)

(BREAK IN CONTINUITY OF SECTIONS)

141. ~~REPORTING AND CALCULATION OF LINE FLUSH ALLOWANCE~~ **FUEL DISTRIBUTOR CREDIT AND REFUND CLAIMS (RULE 141).**
Sections ~~63-2410 and~~ 63-2423, Idaho Code

01. Eligibility Fuel Distributor Credit and Refund Claims. ~~Any licensed or unlicensed fuel credit and refund claims must be made on a distributor's fuel tax return unless authorized otherwise by this chapter. A~~

licensed distributor can claim credits or refunds by filing original or amended returns. Any distributor may use the Line Flush Allowance worksheet to calculate a refund of special fuels tax if the distributor delivers both dyed and undyed diesel fuel to customers from the same fuel delivery truck. These "mixed" deliveries may cause undyed, tax-paid, diesel fuel to be contaminated with red dye. This fuel must then be put into the truck's dyed diesel fuel tank. This situation occurs when All claims must provide records establishing both of the following: (3-15-02)()

a. Dyed diesel fuel is used to flush undyed diesel fuel from the truck's pressurized line; or The basis for the credit or refund claim, and (3-15-02)()

b. Undyed diesel fuel is used to flush dyed diesel fuel from the truck's pressurized line The amount of credit or refund. (3-15-02)()

02. Calculation Methods-Line Flush Allowance. Two (2) methods are available to calculate the total nontaxable gallons used to flush lines for the filing period. Both methods may be used throughout the filing period, but only one (1) method may be used to account for each separate flush. Check the box on the worksheet to indicate the methodology used to calculate nontaxable gallons. The two (2) methods are: Undyed, tax-paid diesel is contaminated with red dye when a distributor delivers dyed diesel then flushes the line with undyed diesel. The contaminated undyed diesel will be put into the delivery truck's dyed diesel fuel tank and sold as untaxed, dyed diesel. A distributor will claim a fuel tax refund using the Line Flush Allowance Worksheet. (4-5-00)()

a. A standard allowance of five (5) gallons multiplied by the number of flushes; or (4-5-00)

b. The actual gallons used to flush the lines. (4-5-00)

03. Records Required-Methods to Determine the Line Flush Allowance. Records supporting this claim should not be submitted with this claim, but must be retained by the claimant. All fuels tax refund claims are subject to review and/or audit by the Idaho State Tax Commission. The fuel distributor must keep records in accordance with one (1) or both of the methodologies that follow The distributor can claim a refund based on the actual gallons used to flush the line or a standard allowance. Indicate the method used to calculate nontaxable gallons on the form. Use the following procedure for the method chosen: (4-5-00)()

a. Standard allowance. Multiply five (5) gallons by the number of flushes using Logs prepared by the delivery truck driver indicating including the truck number, date, and number of flushes, and the type of each flush; and/or (4-5-00)()

b. Actual gallons. The actual gallons used to flush the lines. Delivery tickets or totalizer log readings for each flush including the truck number, date, and gallons used to flush the line. (4-5-00)()

04. Calculation of Line Flush Allowance. The line flush allowance worksheet contains the following elements: (4-5-00)

a. Total number of times the pressurized line was flushed during the filing period. (4-5-00)

b. Number of times the line was flushed using the standard allowance. (4-5-00)

c. Number of gallons to be claimed using the standard allowance (Subsection 141.04.b. multiplied by five (5) gallons per flush). (4-5-00)

d. Number of times the line was flushed using actual gallons. (4-5-00)

e. Number of gallons to be claimed using actual gallons (Delivery tickets/totalizer log readings). (4-5-00)

f. Nontaxable gallons to be reported on Form 75. (Add Subsections 141.04.c. and 141.04.e. Enter the total nontaxable gallons in the Refund Section under Undyed Diesel Fuel on the Form 75). (4-5-00)

(BREAK IN CONTINUITY OF SECTIONS)

~~172.—179.~~ (RESERVED)

~~180. REFUNDS TO LICENSED FUEL DISTRIBUTORS (RULE 180).~~

~~Section 63-2410, Idaho Code~~

~~01. Requirements of a Valid Refund Claim. Before the State Tax Commission can credit or refund motor fuels taxes or transfer fee, the licensed fuel distributor making the claim must establish both of the following: (4-2-08)~~

~~a. The basis for the credit or refund claim, and (4-2-08)~~

~~b. The amount of the credit or refund. (4-2-08)~~

~~02. Refund Claim. Any licensed fuel distributor believing that he has paid motor fuels taxes or transfer fees in any amount more than properly imposed may file a claim with the State Tax Commission for a refund of such excess motor fuels taxes or transfer fee on forms prescribed by the State Tax Commission. The claim for refund must conform with the requirements of this rule. (3-15-02)~~

~~03. Refund Claim Documentation. The claim must be filed on a distributor's fuel tax report and must include the full name and address of the claimant and his fuel distributor's license number. If the claim is for a casualty loss, the claim must include a detailed statement of the reason the claimant believes a refund is due. The statement should include a description of the transactions, if any, to which the motor fuel tax relates and must be filed on a distributor's fuel tax report for the period for which the claimed excess motor fuel tax or transfer fee amount was paid. (4-11-06)~~

~~04. Refund as a Credit. A licensed fuel distributor may claim a refund for motor fuels taxes or transfer fee as a credit against motor fuels taxes or transfer fee due on his distributor's fuel tax report. (4-2-08)~~

~~05. Statute of Limitation. No claim for refund will be allowed by the State Tax Commission if it is filed more than three (3) years from the time the payment of the claimed excess motor fuels taxes or transfer fee was made. The time the payment was made is the date upon which the distributor's fuel tax report relating to the payment was filed or was required to be filed, whichever occurred first. (3-15-02)~~

~~06. Appeal Procedures. No claim for refund may be filed relating to any motor fuels taxes or transfer fees that have been asserted by a Notice of Deficiency Determination. A taxpayer contending that motor fuels taxes or transfer fee have been erroneously or illegally collected by the State Tax Commission pursuant to a Notice of Deficiency Determination must seek a redetermination by using the appeal procedures required by law. (3-15-02)~~

~~07. Notice of Denial. All claims for refund or credit will be reviewed by the State Tax Commission's staff. If the staff concludes that all or any part of the claim should not be allowed to the claimant, notice of denial of the claim shall be mailed to the claimant by certified mail. The notice shall include a statement of the reasons for the denial. When seeking an appeal or redetermination of a denial of a claimed refund or credit, the notice of denial shall be the equivalent of a Notice of Deficiency Determination. If the taxpayer wishes to seek a redetermination of the denial notice, he must do so by filing a petition for redetermination in the manner prescribed in Tax Commission Administration and Enforcement Rules, IDAPA 35.02.01, Rule 300, as incorporated herein by Rule 004 of these rules. Such a petition for redetermination must be filed no later than sixty three (63) days from the date upon which the notice of denial is mailed to, or served upon, the claimant. (7-1-98)~~

~~181. -- 184.~~ (RESERVED)

**IDAPA 37 – IDAHO DEPARTMENT OF WATER RESOURCES
IDAHO WATER RESOURCE BOARD**

DOCKET NO. 37-0000-1900

NOTICE OF PUBLIC HEARING FOR OMNIBUS RULEMAKING

AUTHORITY: In compliance with Sections 67-5221(1) and 67-5222, Idaho Code, notice is hereby given that this agency has scheduled a public hearing. The action is authorized pursuant to Sections 42-238, 42-238(12), 42-603, 42-1414, 42-1701A, 42-1714, 42-1709, 42-1721, 42-1734D, 42-1734(19), 42-1761, 42-1762, 42-1765, 42-1414, 42-1805(8), 42-3803, 42-3913, 42-3914, 42-3915, 42-4001, 42-4010, 42-4015, and 67-5206(5), Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearings to allow the public to provide oral testimony consistent with 67-5222 will be held at the following times and locations:

PUBLIC HEARINGS		
September 11, 2019 6:30 p.m. – 8:30 p.m (PDT)	September 23, 2019 6:30 p.m. – 8:30 p.m. (MDT)	September 26, 2019 6:30 p.m. – 8:30 p.m. (MDT)
Kootenai County Administration Building Conference Room 1A 451 Government Way Coeur d’Alene, ID 83814	Bonneville County Courthouse Centennial Courtroom 605 N. Capital Ave. Idaho Falls, ID 83402	Idaho Department of Water Resources Water Center Building 322 E. Front Street Sixth Floor Boise, ID 83702

The hearing sites 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 summary of this action is found in the June 19, 2019 Idaho Administrative Bulletin, [Vol. 19-6SE, pages 5926-6170](#).

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this rulemaking or the hearing schedule, contact Rosemary DeMond at (208) 287-4800, rosemary.demond@idwr.idaho.gov.

Anyone may submit written comments at the public hearing regarding this rulemaking. Any written comments submitted at a public hearing carry the same weight as oral testimony.

Dated this 10th day of July, 2019.

Gary Spackman, Director
Idaho Department of Water Resources
322 E. Front Street
PO Box 83720
Boise, ID 83720
Phone: (208) 287-4800
Fax: (208) 287-6700

**IDAPA 37 – IDAHO DEPARTMENT OF WATER RESOURCES
IDAHO WATER RESOURCE BOARD**

DOCKET NO. 37-0000-1900F

NOTICE OF PUBLIC HEARING FOR OMNIBUS RULEMAKING

AUTHORITY: In compliance with Sections 67-5221(1) and 67-5222, Idaho Code, notice is hereby given that this agency has scheduled a public hearing. The action is authorized pursuant to Sections 42-238, 42-238(12), 42-603, 42-1414, 42-1701A, 42-1714, 42-1709, 42-1721, 42-1734D, 42-1734(19), 42-1761, 42-1762, 42-1765, 42-1414, 42-1805(8), 42-3803, 42-3913, 42-3914, 42-3915, 42-4001, 42-4010, 42-4015, and 67-5206(5), Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearings to allow the public to provide oral testimony consistent with 67-5222 will be held at the following times and locations:

PUBLIC HEARINGS		
September 11, 2019 6:30 p.m. – 8:30 p.m (PDT)	September 23, 2019 6:30 p.m. – 8:30 p.m. (MDT)	September 26, 2019 6:30 p.m. – 8:30 p.m. (MDT)
Kootenai County Administration Building Conference Room 1A 451 Government Way Coeur d’Alene, ID 83814	Bonneville County Courthouse Centennial Courtroom 605 N. Capital Ave. Idaho Falls, ID 83402	Idaho Department of Water Resources Water Center Building 322 E. Front Street Sixth Floor Boise, ID 83702

The hearing sites 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 summary of this action is found in the June 19, 2019 Idaho Administrative Bulletin, [Vol. 19-6SE, pages 5926-6170](#).

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this rulemaking or the hearing schedule, contact Rosemary DeMond at (208) 287-4800, rosemary.demond@idwr.idaho.gov.

Anyone may submit written comments at the public hearing regarding this rulemaking. Any written comments submitted at a public hearing carry the same weight as oral testimony.

Dated this 10th day of July, 2019.

Gary Spackman, Director
Idaho Department of Water Resources
322 E. Front Street
PO Box 83720
Boise, ID 83720
Phone: (208) 287-4800
Fax: (208) 287-6700

IDAPA 40 – COMMISSION ON THE ARTS

40.01.01 – RULES OF THE IDAHO COMMISSION ON THE ARTS

DOCKET NO. 40-0101-1901

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 67-5605, Idaho Code.

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

PUBLIC MEETINGS	
Monday, August 12, 2019 1:30 - 3:00 p.m. (PDT) St. Gertrude’s Monastery 465 Keuterville Road Cottonwood, ID 83522	Tuesday, August 13, 2019 1:30 - 3:00 p.m. (PDT) Lewiston Library 411 D Street Lewiston, ID 83501
Wednesday, August 14, 2019 11:30 a.m. – 1:00 p.m. (MDT) Ashley Inn 500 N. Main Street Cascade, ID 83611	Wednesday, August 14, 2019 3:00 - 5:00 p.m. (PDT) Coeur d’Alene Library 702 E. Front Street Coeur d’Alene, ID 83814

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:

All written comments received by August 10, 2019 for the August 12, 13, and 14, 2019 meetings will be included in the Commission’s distributed meeting materials for consideration. For those planning to attend the open, public meetings, written and verbal comments will be accepted by and/or presented before the Commission.

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.

Additional negotiated rulemaking meetings may be established and notice of the dates, times, and locations of such additional meetings will be posted on the Commission on the Arts website at <https://arts.idaho.gov/>.

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 the intended negotiated rulemaking is to invite public comment regarding shortening the rules of the Idaho Commission on the Arts, which govern the grantmaking function of the agency. Simplified rules still would define the broad grantmaking function; but the logistics of each grant program would be moved from rules to policies of the Commission, approved by the board of commissioners as always, and in the context of constituent input through agency strategic planning. Currently, every detail of the grantmaking functions and processes are in rule. This slows the agency’s responsiveness to constituent needs as those needs are expressed in their participation in the

agency's strategic planning. This delays the agency's upgrades in constituent service by at least a year. By moving the details of the grantmaking functions of the agency to policies of the Commission, the implementation of responsive grant practices may be implemented within a year of the citizen input. Additionally, elimination or simplification of the rule provisions would comply with the requirements of the Red Tape Reduction Act (Governor's [Executive Order No. 2019-02](#)).

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 Michael Faison, Executive Director, at (208) 488-7504 or at michael.faison@arts.idaho.gov. Materials pertaining to the negotiated rulemaking, including any available preliminary rule drafts, can be found on the Commission's website at <http://dbs.idaho.gov/>.

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

Dated this 5th day of July, 2019.

Michael Faison, Executive Director
Idaho Commission on the Arts
2410 Old Penitentiary Road
P. O. Box 83720
Boise, ID 83720-0008
Phone: (208) 488-7504
Fax: (208) 334-2488
michael.faison@arts.idaho.gov

IDAPA 58 – DEPARTMENT OF ENVIRONMENTAL QUALITY
PALISADE SUBBASIN 2019 TOTAL MAXIMUM DAILY LOAD (TMDL) AND FIVE-YEAR REVIEW
(HUC 17040104)

DOCKET NO. 58-0000-1904
NOTICE OF FINAL DECISION

AUTHORITY: In compliance with Section 39-3611, Idaho Code, notice is hereby given that this agency has issued a final decision on the Palisades Subbasin 2019 Total Maximum Daily Load (TMDL) and Five-Year Review.

DESCRIPTIVE SUMMARY: The Department of Environmental Quality (DEQ) hereby gives notice of the final decision on the Palisades Subbasin 2019 TMDL and Five-Year Review. The final decision may be appealed to the Board of Environmental Quality by initiating a contested case in accordance with Sections 39-107(5), 67-5240 et seq., Idaho Code, and IDAPA 58.01.23, “Rules of Administrative Procedure Before the Board of Environmental Quality.” The petition initiating a contested case must be filed with the undersigned hearing coordinator within thirty-five (35) days of the publication date of this notice in the Idaho Administrative Bulletin.

The area covered by the Palisades Subbasin 2019 TMDL and Five-Year Review (Hydrologic Unit Code 17040104) establishes one (1) temperature TMDL on a water quality impaired stream reach (assessment units). DEQ has submitted this TMDL to the U.S. Environmental Protection Agency for approval under the Clean Water Act.

AVAILABILITY OF THE TMDL: Electronic copy of the TMDL can be obtained at <http://www.deq.idaho.gov/media/60182895/palisades-subbasin-2019-tmdl-five-year-review-0519.pdf> for by contacting Graham Freeman, TMDL Program Coordinator, (208) 373-0461, graham.freeman@deq.idaho.gov.

Dated this 7th day of August, 2019.

Paula J. Wilson
Hearing Coordinator
Department of Environmental Quality
1410 N. Hilton Street
Boise, Idaho 83706
Phone: (208) 373-0418
Fax: (208) 373-0481
paula.wilson@deq.idaho.gov

IDAPA 58 – DEPARTMENT OF ENVIRONMENTAL QUALITY

58.01.01 – RULES FOR THE CONTROL OF AIR POLLUTION IN IDAHO

DOCKET NO. 58-0101-1903

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. The action is authorized by Sections 39-105 and 39-107, Idaho Code.

PUBLIC HEARING SCHEDULE: A public hearing concerning this proposed rulemaking will be held as follows:

PUBLIC HEARING

**Tuesday, September 10th, 2019
3:00 p.m. (MDT)**

**Department of Environmental Quality
Conference Room A
1410 N. Hilton Street
Boise, Idaho**

The meeting location will be accessible to persons with disabilities, and language translators will be made available upon request. Requests for these accommodations must be made no later than five (5) days prior to the meeting date. For arrangements, contact the undersigned.

DESCRIPTIVE SUMMARY: DEQ initiated this rulemaking in response to [Executive Order No. 2019-02](#), Red Tape Reduction Act, issued by Governor Little on January 21, 2019. Upon review of its existing rules, DEQ has determined that certain rules are outdated and/or unnecessary. Sections 590-591, 845-848, and 855-859 have been identified for deletion.

Members of the regulated community subject to Idaho's air quality rules, special interest groups including industry associations and conservation and environmental groups, public officials, and members of the public who have an interest in the regulation of air emissions from sources in Idaho may be interested in commenting on this proposed rule. The proposed rule text is in legislative format. Language the agency proposes to add is underlined. Language the agency proposes to delete is struck out. It is these additions and deletions to which public comment should be addressed.

After consideration of public comments, DEQ intends to present the final proposal to the Idaho Board of Environmental Quality (Board) in November 2019 for adoption of a pending rule. The rule is expected to be final and effective upon adjournment of the 2020 legislative session if adopted by the Board and approved by the Legislature. DEQ will submit the final rule to EPA.

INCORPORATION BY REFERENCE: Pursuant to Section 67-5229(2)(a), Idaho Code, the following is a brief synopsis of why the incorporation by reference is necessary: Not applicable.

NEGOTIATED RULEMAKING: The text of the proposed rule was drafted based on discussions held and concerns raised during negotiations conducted pursuant to Idaho Code § 67-5220. On April 24, 2019, DEQ posted notice of the negotiated rulemaking on its website, and a preliminary draft rule was made available for public review. The Notice of Negotiated Rulemaking was published in the May 2019 issue of the Idaho Administrative Bulletin, and a meeting was held on May 22, 2019. Key information was posted on the DEQ website and distributed to the public. Members of the public participated in the negotiated rulemaking process by attending the meeting. No written comments were received.

At the conclusion of the negotiated rulemaking process, DEQ formatted the draft for publication as a proposed rule. DEQ is now seeking public comment on the proposed rule. The negotiated rulemaking record, which includes the negotiated rule draft, documents distributed during the negotiated rulemaking process, and the negotiated rulemaking summary, is available at www.deq.idaho.gov/58-0101-1903.

IDAHO CODE SECTION 39-107D STATEMENT: This proposed rule does not regulate an activity not regulated by the federal government, nor is it broader in scope or more stringent than federal regulations.

FISCAL IMPACT STATEMENT: 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: Not applicable.

ASSISTANCE ON TECHNICAL QUESTIONS AND SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning this rulemaking, contact Carl Brown at carl.brown@deq.idaho.gov or (208) 373-0206.

Anyone may submit written comments by mail, fax or e-mail at the address below regarding this proposed rule. DEQ will consider all written comments received by the undersigned on or before September 10, 2019.

Dated this 7th day of August, 2019.

Paula J. Wilson
Hearing Coordinator
Department of Environmental Quality
1410 N. Hilton Street
Boise, Idaho 83706
Phone: (208) 373-0418
Fax: (208) 373-0481
paula.wilson@deq.idaho.gov

THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 58-0101-1903
(Only Those Sections With Amendments Are Shown.)

588. -- ~~589~~1. (RESERVED)

~~590. NEW SOURCE PERFORMANCE STANDARDS.~~

~~The owner or operator of any stationary source shall comply with 40 CFR Part 60 as applicable to the stationary source. The applicable definitions for this Section shall be the definitions set forth in 40 CFR Part 60. (4-5-00)~~

~~591. NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS.~~

~~The owner or operator of any stationary source shall comply with 40 CFR Part 61 and 40 CFR Part 63 as applicable to the stationary source. (5-1-94)~~

(BREAK IN CONTINUITY OF SECTIONS)

840. -- ~~844~~59. (RESERVED)

~~845. RULES FOR CONTROL OF SULFUR OXIDE EMISSIONS FROM SULFURIC ACID PLANTS.~~

~~The purpose of Sections 845 through 848 is to establish sulfur oxide emission limits for sulfuric acid plants using elemental sulfur for the production of sulfuric acid. (5-1-94)~~

~~846. EMISSION LIMITS.~~

~~01. **General Restrictions.** No person shall allow, suffer, cause or permit the operation of any sulfuric acid plant which emits sulfur oxides into the atmosphere in excess of twenty eight (28) lbs/ton of one hundred percent (100%) sulfuric acid produced. (4-5-00)~~

~~02. **Averaging Period.** For the purposes of Section 846, emissions shall be averaged according to the following, whichever is the lesser period of time: (4-5-00)~~

~~a. One (1) complete cycle of operation; or (4-5-00)~~

~~b. Three (3) hours of operation representing worst case conditions for the emissions of sulfur oxide. (4-5-00)~~

~~847. **MONITORING AND TESTING.**~~

~~The appropriate test method under Sections 845 through 848 shall be EPA Method 8 contained in 40 CFR Part 60 or such comparable and equivalent methods approved in accordance with Subsection 157.02.d. Test methods and procedures shall comply with Section 157. (4-5-00)~~

~~848. **COMPLIANCE SCHEDULE.**~~

~~Any owner or operator of a source subject to Sections 845 through 848 shall no later than December 31, 1972, submit to the Department a proposed Compliance Schedule that demonstrates compliance as expeditiously as feasible but no later than July 31, 1975. (5-1-94)~~

~~849.—854. **(RESERVED)**~~

~~855. **COMBINED ZINC AND LEAD SMELTERS.**~~

~~The purpose of Sections 855 through 858 is to establish requirements for combined zinc and lead smelters. (5-1-94)~~

~~856. **COMBINED ZINC AND LEAD SMELTERS — CONTROL OF FUGITIVE SULFUR DIOXIDE EMISSIONS.**~~

~~The owner or operator of any combined zinc and lead smelter shall utilize best engineering techniques to capture and vent fugitive sulphur dioxide emissions through one (1) or more stacks. Such techniques shall include, but not be limited to: (5-1-94)~~

~~01. **Condition of Ducts, Flues, and Stacks.** Maintaining and operating all ducts, flues, and stacks in a leak free condition. (5-1-94)~~

~~02. **Prevention of Leakage in Equipment and Systems.** Maintaining and operating all process equipment and gas collection systems in such a fashion that leakage of sulfur dioxide gases will be prevented to the maximum extent possible. (5-1-94)~~

~~03. **Other Techniques.** Wherever possible, using gas collection systems and/or ducting emissions through the tallest stack or stacks serving the facility. (5-1-94)~~

~~857. **COMBINED ZINC AND LEAD SMELTERS — OXIDES OF SULFUR.**~~

~~01. **Final Emission Limitation.** Oxides of sulfur, expressed as sulfur dioxide (SO₂), in excess of one thousand nine hundred (1900) pounds per hour from all sources within any combined zinc and lead smelter shall not be discharged into the atmosphere. To assure compliance with this requirement, the Director shall issue permits specifying emission limits for equipment within the smelter. (5-1-94)~~

~~02. **Effective Date.** Compliance with the emission limitation established in Subsection 857.01 may be delayed until December 31, 1984, provided that there is compliance with the provisions of Subsections 857.04, 857.05 and 857.06. (5-1-94)~~

~~03. **Exception.** The provisions of Section 857 shall not apply to emissions generated solely from the combustion of fuel for the exclusive purpose of space heating or steam generation. (5-1-94)~~

~~04. **Interim Emission Limitations.** The owner or operator of the combined zinc and lead smelter shall obtain a non ferrous smelter order for sulfur dioxide emissions issued pursuant to 42 U.S.C. Section 7419, which may be in the form of an interim compliance agreement, permit to operate, or regulation, covering the period from September 1, 1979, until December 31, 1982. Failure to adhere to the terms and conditions of such order shall result in the provisions contained in Subsection 857.01 becoming effective in accordance with a compliance schedule to be established by the Director which shall require compliance within the minimum time the Director determines is technically feasible.~~ (5-1-94)

~~a. **Review of Non-Ferrous Smelter Order Provisions.** The owner or operator of a combined zinc and lead smelter shall obtain the Director's approval of any interim control measure to be employed pursuant to Subsection 857.04.~~ (5-1-94)

~~i. Use of any such interim control measure shall be disapproved by the Director if he has reasonable cause to believe it is not designed or implemented adequately to achieve and maintain the state and federal ambient air quality standards for sulfur dioxide.~~ (5-1-94)

~~ii. Prior to the Director's disapproval of use of any such interim control measure, he shall notify the owner or operator of the smelter of his intention and reasons for his decision.~~ (5-1-94)

~~iii. Prior to the Director's decision becoming final, the owner or operator of the smelter shall have thirty (30) days in which to either: amend the interim control measure to the Director's satisfaction; or request a public hearing on the matter.~~ (5-1-94)

~~iv. The Director shall not require enactment of any new interim control measures earlier than the timetable for implementation established by the nonferrous smelter order described in Subsection 857.04.~~ (5-1-94)

~~b. **Violations.** Once approved by the Director, a violation of any term or condition of an interim control measure shall constitute a violation of Section 857.~~ (5-1-94)

~~c. **Records Required.** The owner or operator of a combined zinc and lead smelter shall submit, on a monthly basis and within two (2) weeks after the end of each calendar month, copies of all records required pursuant to an applicable non ferrous smelter order, as described in Subsection 857.04.~~ (5-1-94)

~~05. **Compliance Schedule.** If the owner or operator of a combined zinc and lead smelter qualifies for a second nonferrous smelter order pursuant to 42 U.S.C. Section 7419, which may be in the form of an interim compliance agreement, permit to operate, or rule, and if the provisions of Subsection 857.01 are not being complied with on or before December 31, 1982, he shall comply with the following schedule of increments of progress. During the period of this compliance schedule, the owner or operator of the combined zinc and lead smelter shall comply with interim emission limitations established in the first non ferrous smelter order which has been approved by the Director and issued pursuant to 42 U.S.C. Section 7419.~~ (5-1-94)

~~a. By January 1, 1983, submit final plans and specifications of equipment or modifications to achieve compliance with Subsection 857.01.~~ (5-1-94)

~~b. By May 1, 1983, issue contracts or purchase orders for the required emission controls or process modifications.~~ (5-1-94)

~~c. By September 1, 1983, initiate on-site construction of the required emission controls or process modifications.~~ (5-1-94)

~~d. By September 1, 1984, complete on-site construction of the required emission controls or process modifications.~~ (5-1-94)

~~e. By December 31, 1984, assure final compliance with the provisions of Subsection 857.01.~~ (5-1-94)

~~06. **Extension of Compliance Date.** The following dates shall be extended for a period as prescribed by a second non ferrous smelter order, issued pursuant to 42 U.S.C. Section 7419, provided that such order has been~~

~~approved by the Director and provided that such order shall not exceed three (3) years: (5-1-94)~~

~~a. The compliance date extension allowed pursuant to Subsection 857.02; and (5-1-94)~~

~~b. The compliance schedule specified in Subsection 857.05. (5-1-94)~~

~~07. **Appeal.** On or before January 1, 1982, the owner or operator of the combined zinc and lead smelter may request a hearing on the emission limit set forth in Subsection 857.01. (5-1-94)~~

~~a. After public hearing and consideration of all testimony, if the Board determines that use of increased stack height or other dispersion techniques are valid pursuant to law, the Board shall amend Section 857 in accordance with the Idaho Administrative Procedure Act, Sections 67-5201 through 67-5299, Idaho Code, setting a new emission limit at a level to assure compliance with state and federal ambient air quality standards for sulfur dioxide. (5-1-94)~~

~~b. The emission limit in Subsection 857.01 shall become final after Board action in accordance with the Idaho Administrative Procedure Act either: (5-1-94)~~

~~i. As specified in Subsection 857.07.a.; or (5-1-94)~~

~~ii. On January 1, 1982, if no appeal and public hearing is requested pursuant to Subsection 857.07. (5-1-94)~~

858. ~~STACK MONITORING REQUIREMENTS.~~

~~The provisions of Section 858 shall apply during any time when a nonferrous smelter order, which may be in the form of an interim compliance agreement, permit to operate, or rule, is not in effect. (5-1-94)~~

~~01. **Measurement Systems.** The owner or operator of the combined zinc and lead smelter shall install, calibrate, maintain and operate measurement systems for continuously monitoring and recording emission rates of sulfur dioxide from each stack with an emission potential of fifty (50) tons or more sulfur dioxide per year. Measurement systems required pursuant to Subsection 858.01 shall be: (5-1-94)~~

~~a. Demonstrated in accordance with procedures prescribed by the Director; and (5-1-94)~~

~~b. Maintained, operated and calibrated in accordance with the methods prescribed by the Director. (5-1-94)~~

~~02. **Record Keeping and Reporting Requirements.** The owner or operator of the combined zinc and lead smelter shall maintain a record of all measurements required by Section 858. (5-1-94)~~

~~a. One (1) hour average sulfur dioxide emission rates shall be calculated each calendar month and submitted to the Director within fifteen (15) days following the end of each calendar month to enable him to determine the impact of the smelter on ambient air quality. The records of such measurements shall be retained by the owner or operator for a minimum of two (2) years following the date of such measurements. (5-1-94)~~

~~b. Records of maintenance and/or calibration of any measurement system required pursuant to Section 858 shall be kept on site for a minimum of two (2) years and shall be submitted to the Director upon request. These records shall clearly show instrument readings before and after such calibration and/or maintenance. (5-1-94)~~

~~e. When any ambient air quality monitor from which data are telemetered to the smelter indicates that a state or federal ambient air quality standard for sulfur dioxide is equalled or exceeded, the owner or operator of the combined zinc and lead smelter shall notify the Director within twelve (12) hours of the occurrence. (5-1-94)~~

859. ~~STANDARDS OF PERFORMANCE FOR MUNICIPAL SOLID WASTE LANDFILLS THAT COMMENCED CONSTRUCTION, RECONSTRUCTION OR MODIFICATION ON OR AFTER MAY 30, 1991.~~

~~01. **Applicability.** All owners or operators of each small or large municipal solid waste landfills in any~~

~~one (1) of the following categories are subject to Section 859: (4-5-00)~~

~~a. Landfills constructed after May 30, 1991; (4-5-00)~~

~~b. Existing landfills with modifications after May 30, 1991; or (4-5-00)~~

~~c. Landfills that closed after November 8, 1987 with modifications after May 30, 1991. (4-5-00)~~

~~02. Definitions. Unless specifically provided otherwise immediately below, the definitions for all terms set forth in Section 859 shall be the definitions set forth in 40 CFR Part 60. The following definitions apply to this Section: (4-5-00)~~

~~a. "Closed municipal solid waste landfill" (closed landfill) means a landfill in which solid waste is no longer being placed, and in which no additional solid wastes will be placed without first filing a notification of modification as prescribed under 40 CFR 60.7(a)(4). Once a notification of modification has been filed, and additional solid waste is placed in the landfill, the landfill is no longer closed. A landfill is considered closed after meeting the criteria of 40 CFR 258.60. (4-5-00)~~

~~b. "Effective date" means July 2, 1999. (4-5-00)~~

~~c. "Existing municipal solid waste landfill" (existing landfill) means a municipal solid waste landfill that began construction, reconstruction or modification before May 30, 1991 and has accepted waste at any time since November 8, 1987 or has additional design capacity available for future waste deposition. (4-5-00)~~

~~d. "Large municipal solid waste landfill" (large landfill) means a municipal solid waste landfill with a design capacity greater than or equal to two point five (2.5) million megagrams or two point five (2.5) million cubic meters. (4-5-00)~~

~~e. "Modification" means an action that results in an increase in the permitted volume design capacity of the landfill by either horizontal or vertical expansion based on its permitted design capacity as of May 30, 1991. Modification does not occur until the owner or operator commences construction on the horizontal or vertical expansion. (4-5-00)~~

~~f. "Municipal solid waste landfill" (landfill) means an entire disposal facility in a contiguous geographical space where household waste is placed in or on land. A municipal solid waste landfill may also receive other types of RCRA Subtitle D wastes such as commercial solid waste, nonhazardous sludge, conditionally exempt small quantity generator waste, and industrial solid waste. Portions of a municipal solid waste landfill may be separated by access roads and may be publicly or privately owned. A municipal solid waste landfill may be a new municipal solid waste landfill, an existing municipal solid waste landfill, or a lateral expansion (modification). (4-5-00)~~

~~g. "New municipal solid waste landfill" (new landfill) means a municipal solid waste landfill that began construction, reconstruction or modification or began accepting waste on or after May 30, 1991. (4-5-00)~~

~~h. "Small municipal solid waste landfill" (small landfill) means a municipal solid waste landfill with a design capacity less than two point five (2.5) million megagrams or two point five (2.5) million cubic meters. (4-5-00)~~

~~03. General Requirements. All owners or operators of landfills subject to Section 859 must comply with 40 CFR Part 60, Subpart WWW, as amended by 63 Fed. Reg. 32,743-53 (June 16, 1998) and 64 Fed. Reg. 9,257-62 (February 24, 1999) and incorporated by reference into these rules at Section 107. Where "Administrator" or "EPA" appears in 40 CFR Part 60, "Department" shall be substituted, except in any section of 40 CFR Part 60 for which a federal rule or delegation specifically indicates that authority will not be delegated to the state. (4-5-00)~~

~~04. Permitting Requirements. All owners or operators of landfills subject to Section 859 must comply with Federal Operating Permit Requirements (Title V) as specified in Sections 300 through 399 of these rules: (4-5-00)~~

~~a. All owners or operators of existing large landfills with modifications after May 30, 1991 must submit a complete Federal Operating Permit application by June 1, 2000. (4-5-00)~~

~~b. All owners or operators of existing large landfills with modifications after March 12, 1996 must submit a complete Federal Operating Permit application the earliest of one (1) year from the date EPA approves the Clean Air Act Section 111(d) State Plan for Section 859, or within one (1) year of the modification. (4-5-00)~~

~~c. All owners or operators of new large landfills, which includes newly constructed large landfills after March 12, 1996 and existing small landfills that become large landfills after March 12, 1996 must submit a complete Federal Operating Permit application within one (1) year of becoming subject to this requirement. (4-5-00)~~

~~d. All owners or operators of new and modified existing small landfills that are major sources as defined in 40 CFR Part 60, Subpart WWW, as amended by 63 Fed. Reg. 32,743-53 (June 16, 1998) and 64 Fed. Reg. 9,257-62 (February 24, 1999), must submit a complete Federal Operating Permit application within one (1) year of becoming a major source. (4-5-00)~~

~~05. **Reporting Requirements.** All owners or operators of landfills subject to Section 859 must comply with the following: (4-5-00)~~

~~a. All owners or operators of large landfills must: (4-5-00)~~

~~i. Submit an Initial Design Capacity Report and an Initial Nonmethane Organic Compound Report within thirty (30) days of the effective date of Section 859; and (4-5-00)~~

~~ii. Submit an annual Nonmethane Organic Compound Report until nonmethane emissions are less than fifty (50) Mg/yr. (4-5-00)~~

~~b. All owners or operators of small landfills of Section 859 must submit an Initial Design Capacity Report and an Initial Nonmethane Organic Compound Report within thirty (30) days of the effective date of Section 859. (4-5-00)~~

~~c. All owners or operators of landfills subject to Section 859 after the effective date of Section 859 must submit an Initial Design Capacity Report and an Initial Nonmethane Organic Compound Report within thirty (30) days of becoming subject to Section 859. (4-5-00)~~

IDAPA 58 – DEPARTMENT OF ENVIRONMENTAL QUALITY

58.01.01 – RULES FOR THE CONTROL OF AIR POLLUTION IN IDAHO

DOCKET NO. 58-0101-1905

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. The action is authorized by Sections 39-105 and 39-107, Idaho Code. This rulemaking updates federal regulations incorporated by reference as mandated by the U.S. Environmental Protection Agency (EPA) for approval of Idaho's Title V Operating Permit Program pursuant to 40 CFR Part 70 and fulfilling the requirements of Idaho's delegation agreement with EPA under Section 112(l) of the Clean Air Act. It also updates citations to other federal regulations necessary to retain state primacy of Clean Air Act programs.

PUBLIC HEARING SCHEDULE: A public hearing concerning this proposed rulemaking will be held as follows:

PUBLIC HEARING

Tuesday, September 10th, 2019 3:00 p.m. (MDT)
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**Department of Environmental Quality
Conference Room A
1410 N. Hilton Street
Boise, Idaho**

The meeting location will be accessible to persons with disabilities, and language translators will be made available upon request. Requests for these accommodations must be made no later than five (5) days prior to the meeting date. For arrangements, contact the undersigned.

DESCRIPTIVE SUMMARY: The purpose of this rulemaking is to ensure that the state rules remain consistent with federal regulations. The Rules for the Control of Air Pollution in Idaho, IDAPA 58.01.01, are updated annually to maintain consistency with federal regulations implementing the Clean Air Act. This proposed rule updates the incorporation by reference of federal regulations to include those revised as of July 1, 2019, and codified in the Code of Federal Regulations (CFR).

Members of the regulated community who may be subject to Idaho's air quality rules, special interest groups, public officials, and members of the public who have an interest in the regulation of air emissions from sources in Idaho may be interested in commenting on this proposed rule. The proposed rule text is in legislative format. Language the agency proposes to add is underlined. Language the agency proposes to delete is struck out. It is these additions and deletions to which public comment should be addressed.

After consideration of public comments, DEQ intends to present the final proposal to the Idaho Board of Environmental Quality (Board) in November 2019 for adoption of a pending rule. The rule is expected to be final and effective upon adjournment of the 2020 legislative session if adopted by the Board and approved by the Legislature. DEQ will submit the final rule to EPA.

INCORPORATION BY REFERENCE: Pursuant to Section 67-5229(2)(a), Idaho Code, the following is a brief synopsis of why the incorporation by reference is necessary:

Adoption of federal regulations is necessary for EPA approval of Idaho's Title V Operating Permit Program and state primacy of Clean Air Act programs. Incorporation by reference allows DEQ to keep its rules up to date with federal regulation changes and simplifies compliance for the regulated community. Information for obtaining a copy of the federal regulations is included in the rule.

In compliance with Idaho Code 67-5223(4), DEQ prepared a brief synopsis detailing the latest revised edition or version of the incorporated material being proposed for incorporation by reference. The Overview of Incorporations by Reference can be obtained at www.deq.idaho.gov/58-0101-1905 or by contacting the undersigned.

NEGOTIATED RULEMAKING: Negotiated rulemaking was not conducted. DEQ determined that negotiated rulemaking is not feasible due to the simple nature of this rulemaking and because DEQ has no discretion with respect to adopting federal regulations that are necessary for EPA approval of Idaho's Title V Operating Permit Program and state primacy of Clean Air Act programs. Whenever possible, DEQ incorporates federal regulations by reference to ensure that the state rules are consistent with federal regulations.

IDAHO CODE SECTION 39-107D STATEMENT: This proposed rule does not regulate an activity not regulated by the federal government, nor is it broader in scope or more stringent than federal regulations.

FISCAL IMPACT STATEMENT: 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: Not applicable.

ASSISTANCE ON TECHNICAL QUESTIONS AND SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning this rulemaking, contact Carl Brown at carl.brown@deq.idaho.gov or (208) 373-0206.

Anyone may submit written comments by mail, fax or e-mail at the address below regarding this proposed rule. DEQ will consider all written comments received by the undersigned on or before September 10, 2019.

Dated this 7th day of August, 2019.

Paula J. Wilson
Hearing Coordinator
Department of Environmental Quality
1410 N. Hilton Street
Boise, Idaho 83706
Phone: (208) 373-0418
Fax: (208) 373-0481
paula.wilson@deq.idaho.gov

THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 58-0101-1905
(Only Those Sections With Amendments Are Shown.)

107. INCORPORATIONS BY REFERENCE.

01. General. Unless expressly provided otherwise, any reference in these rules to any document identified in Subsection 107.03 constitutes the full incorporation into these rules of that document for the purposes of the reference, including any notes and appendices therein. The term "documents" includes codes, standards or rules which have been adopted by an agency of the state or of the United States or by any nationally recognized organization or association. (5-1-94)

02. Availability of Referenced Material. Copies of the documents incorporated by reference into these rules are available at the following locations: (5-1-94)

a. All federal publications: U.S. Government Printing Office at <http://www.ecfr.gov/cgi-bin/ECFR>; and; (3-25-16)

b. Statutes of the state of Idaho: <http://legislature.idaho.gov/idstat/TOC/IDStatutesTOC.htm>; and (3-20-14)

- c. All documents herein incorporated by reference: (7-1-97)
0502. i. Department of Environmental Quality, 1410 N. Hilton, Boise, Idaho 83706-1255 at (208) 373- (7-1-97)
- ii. State Law Library, 451 W. State Street, P.O. Box 83720, Boise, Idaho 83720-0051, (208) 334-3316. (7-1-97)
- 03. Documents Incorporated by Reference.** The following documents are incorporated by reference into these rules: (5-1-94)
- a. Requirements for Preparation, Adoption, and Submittal of Implementation Plans, [40 CFR Part 51](#) revised as of July 1, 201~~89~~. The following portions of 40 CFR Part 51 are expressly excluded from any incorporation by reference into these rules: ~~(4-11-19)~~()
- i. All sections included in 40 CFR Part 51, Subpart P, Protection of Visibility, except that 40 CFR 51.301, 51.304(a), 51.307, and 51.308 are incorporated by reference into these rules; and (3-30-07)
- ii. Appendix Y to Part 51, Guidelines for BART Determinations Under the Regional Haze Rule. (3-30-07)
- b. National Primary and Secondary Ambient Air Quality Standards, [40 CFR Part 50](#), revised as of July 1, 201~~89~~. ~~(4-11-19)~~()
- c. Approval and Promulgation of Implementation Plans, [40 CFR Part 52](#), Subparts A and N and Appendices D and E, revised as of July 1, 201~~89~~. ~~(4-11-19)~~()
- d. Ambient Air Monitoring Reference and Equivalent Methods, [40 CFR Part 53](#), revised as of July 1, 201~~89~~. ~~(4-11-19)~~()
- e. Ambient Air Quality Surveillance, [40 CFR Part 58](#), revised as of July 1, 201~~89~~. ~~(4-11-19)~~()
- f. Standards of Performance for New Stationary Sources, [40 CFR Part 60](#), revised as of July 1, 201~~89~~. ~~(4-11-19)~~()
- g. National Emission Standards for Hazardous Air Pollutants, [40 CFR Part 61](#), revised as of July 1, 201~~89~~. ~~(4-11-19)~~()
- h. Federal Plan Requirements for Hospital/Medical/Infectious Waste Incinerators Constructed on or Before December 1, 2008, [40 CFR Part 62, Subpart HHH](#), revised as of July 1, 201~~89~~. ~~(4-11-19)~~()
- i. National Emission Standards for Hazardous Air Pollutants for Source Categories, [40 CFR Part 63](#), revised as of July 1, 201~~89~~. ~~(4-11-19)~~()
- j. Compliance Assurance Monitoring, [40 CFR Part 64](#), revised as of July 1, 201~~89~~. ~~(4-11-19)~~()
- k. State Operating Permit Programs, [40 CFR Part 70](#), revised as of July 1, 201~~89~~. ~~(4-11-19)~~()
- l. Permits, [40 CFR Part 72](#), revised as of July 1, 201~~89~~. ~~(4-11-19)~~()
- m. Sulfur Dioxide Allowance System, [40 CFR Part 73](#), revised as of July 1, 201~~89~~. ~~(4-11-19)~~()
- n. Protection of Stratospheric Ozone, [40 CFR Part 82](#), revised as of July 1, 201~~89~~. ~~(4-11-19)~~()
- o. Clean Air Act, 42 U.S.C. Sections 7401 through 7671g (1997). (3-19-99)
- p. Medical Waste Combustors, [Section 39-128, Idaho Code \(1992\)](#). (3-20-14)

IDAPA 58 – DEPARTMENT OF ENVIRONMENTAL QUALITY

58.01.04 – RULES FOR ADMINISTRATION OF WASTEWATER TREATMENT FACILITY GRANTS

DOCKET NO. 58-0104-1901

NOTICE OF NEGOTIATED RULEMAKING

AUTHORITY: In compliance with Section 67-5220, Idaho Code, notice is hereby given that this agency intends to promulgate a rule and desires public participation before publishing a proposed rule. This rulemaking action is authorized by Chapters 1 and 36, Title 39, Idaho Code.

METHOD OF PARTICIPATION: Those interested in participating in the negotiated rulemaking process are encouraged to attend the meeting at one of the following locations. The public may participate by telephone and web conferencing at any of the meeting locations or with individual connections. Individuals interested in participating by telephone and web conferencing should contact the undersigned by the date provided in the table below. For those who cannot participate by attending the meeting, information for submitting written comments is provided at the end of this notice.

MEETING SCHEDULE: A negotiated rulemaking meeting has been scheduled. Any additional meeting dates will be posted at www.deq.idaho.gov/58-0104-1901.

ORIGINATING LOCATION – LIVE MEETING	
DEQ State Office Conference Center 1410 N. Hilton, Boise, Idaho	
Tuesday, August 27th, 2019 - 9:00 a.m. to 12:30 p.m. (MDT)	
Contact the undersigned by August 20, 2019, to make arrangements for participation by telephone and web conferencing.	
TELEPHONE AND WEB CONFERENCE LOCATIONS	
DEQ Coeur d’Alene Regional Office 2110 Ironwood Parkway Coeur d’Alene, ID 83814	DEQ Lewiston Regional Office 1118 F Street Lewiston, ID 83501
DEQ Twin Falls Regional Office 650 Addison Avenue West, Suite 110 Twin Falls, ID 83301	DEQ Pocatello Regional Office 444 Hospital Way #300 Pocatello, ID 83201
DEQ Idaho Falls Regional Office 900 N. Skyline, Suite B Idaho Falls, ID 83402	

The meeting locations will be accessible to persons with disabilities, and language translators will be made available upon request. Requests for these accommodations must be made no later than five (5) days prior to the meeting date. For arrangements, contact the undersigned.

PRELIMINARY DRAFT RULE: The preliminary draft rule is available at www.deq.idaho.gov/58-0104-1901.

DESCRIPTIVE SUMMARY: DEQ initiated this rulemaking in response to [Executive Order No. 2019-02](#), Red Tape Reduction Act, issued by Governor Little on January 21, 2019. Upon review of its existing rules, DEQ determined that its two facility planning grant rule chapters could be simplified and consolidated into a single chapter.

DEQ proposes to delete 58.01.04, Rules for Administration of Wastewater Treatment Facility Grants, and merge necessary and relevant sections of IDAPA 58.01.04 with IDAPA 58.01.22, Rules for Administration of Planning Grants for Public Drinking Water Facilities. DEQ has initiated a separate rulemaking for the revisions to IDAPA 58.01.22 (Docket No. 58-0122-1901).

The text of the rule will be drafted by DEQ in conjunction with a negotiating committee made up of persons having an interest in the development of this rule. Prospective grant and loan recipients, consulting engineers, grant and loan administrators, other funding agencies, public officials representing various counties and cities, and the public at large may be interested in participating in this rulemaking. Upon conclusion of negotiations, DEQ intends to publish a proposed rule for public comment.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on questions concerning this rulemaking, contact Tim Wendland at tim.wendland@deq.idaho.gov or (208) 373-0439.

SUBMISSION OF WRITTEN COMMENTS: Written comments may be submitted by mail, fax or email at the address below. The written comment deadline on the preliminary draft rule is September 12, 2019. Information regarding public comment opportunities provided throughout the rulemaking process will be available at www.deq.idaho.gov/58-0104-1901. To sign up for email notifications, contact Paula Wilson at paula.wilson@deq.idaho.gov.

Dated this 7th day of August, 2019.

Paula J. Wilson
Hearing Coordinator
Department of Environmental Quality
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Boise, Idaho 83706
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IDAPA 58 – DEPARTMENT OF ENVIRONMENTAL QUALITY

58.01.05 – RULES AND STANDARDS FOR HAZARDOUS WASTE

DOCKET NO. 58-0105-1901

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. The action is authorized by Chapters 44 and 58, Title 39, Idaho Code. In addition, 40 CFR 271.21(e) and Section 39-4404, Idaho Code, require DEQ to adopt amendments to federal law as proposed under this docket.

PUBLIC HEARING SCHEDULE: No hearings have been scheduled. Pursuant to Section 67-5222(2), Idaho Code, a public hearing will be held if requested in writing by twenty-five (25) persons, a political subdivision, or an agency. Written requests for a hearing must be received by the undersigned on or before August 21, 2019. If no such written request is received, a public hearing will not be held.

DESCRIPTIVE SUMMARY: The purpose of this rulemaking is to ensure that the state rules remain consistent with federal regulations. Idaho's Rules and Standards for Hazardous Waste, IDAPA 58.01.05, are updated annually to maintain consistency with the federal regulations implementing the Resource Conservation and Recovery Act (RCRA) as directed by the Idaho Hazardous Waste Management Act (HWMA). This proposed rule updates the incorporation by reference of federal regulations to include those revised as of July 1, 2019, and codified in the Code of Federal Regulations (CFR).

Groups interested in hazardous waste and handlers of hazardous waste including generators, transporters, and treatment, storage, and disposal facilities may be interested in commenting on this proposed rule. The proposed rule text is in legislative format. Language the agency proposes to add is underlined. Language the agency proposes to delete is struck out. It is these additions and deletions to which public comment should be addressed.

After consideration of public comments, DEQ intends to present the final proposal to the Idaho Board of Environmental Quality (Board) in November 2019 for adoption of a pending rule. The rule is expected to be final and effective upon the conclusion of the 2020 legislative session if adopted by the Board and approved by the Legislature.

INCORPORATION BY REFERENCE: Pursuant to Section 67-5229(2)(a), Idaho Code, the following is a brief synopsis of why the incorporation by reference is necessary:

Adoption of federal regulations is necessary to maintain program primacy. Incorporation by reference allows DEQ to keep its rules up to date with federal regulation changes and simplifies compliance for the regulated community. Information for obtaining a copy of the federal regulations is included in the rule.

In compliance with Idaho Code 67-5223(4), DEQ prepared a brief synopsis detailing the substantive difference between the previously incorporated material and the latest revised edition or version of the incorporated material being proposed for incorporation by reference. The Overview of Incorporations by Reference can be obtained at www.deq.idaho.gov/58-0105-1901 or by contacting the undersigned.

NEGOTIATED RULEMAKING: Negotiated rulemaking was not conducted. DEQ determined that negotiated rulemaking is not feasible due to the simple nature of this rulemaking and because DEQ has no discretion with respect to adopting EPA's federal regulations implementing the Resource Conservation and Recovery Act (RCRA) as directed by the Idaho Hazardous Waste Management Act (HWMA). Whenever possible, DEQ incorporates federal regulations by reference to ensure that the state rules are consistent with federal regulations.

IDAHO CODE SECTION 39-107D STATEMENT: This proposed rule does not regulate an activity not regulated by the federal government, nor is it broader in scope or more stringent than federal regulations.

FISCAL IMPACT STATEMENT: 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: Not applicable.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on questions concerning the proposed rulemaking, contact Caroline Moores at caroline.moores@deq.idaho.gov or (208) 373-0554.

Anyone can submit written comments by mail, fax or e-mail at the address below regarding this proposed rule. The Department will consider all written comments received by the undersigned on or before September 4, 2019.

Dated this 7th day of August, 2019.

Paula J. Wilson
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paula.wilson@deq.idaho.gov

THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 58-0105-1901
(Only Those Sections With Amendments Are Shown.)

002. INCORPORATION BY REFERENCE OF FEDERAL REGULATIONS.

Any reference in these rules to requirements, procedures, or specific forms contained in the Code of Federal Regulations (CFR), Title 40, Parts 124, 260 - 268, 270, 273, 278, and 279 shall constitute the full adoption by reference of that part and Subparts as they appear in 40 CFR, revised as of July 1, 201~~8~~⁹, including any notes and appendices therein, unless expressly provided otherwise in these rules. ~~(4-11-19)~~()

01. Exceptions. Nothing in 40 CFR Parts 260 - 268, 270, 273, 278, 279 or Part 124 as pertains to permits for Underground Injection Control (U.I.C.) under the Safe Drinking Water Act, the Dredge or Fill Program under Section 404 of the Clean Water Act, the National Pollution Discharge Elimination System (NPDES) under the Clean Water Act or Prevention of Significant Deterioration Program (PSD) under the Clean Air Act is adopted or included by reference herein. (5-8-09)

02. Availability of Referenced Material. The federal regulations adopted by reference throughout these rules are maintained at the following locations: (7-2-97)

- a. U.S. Government Printing Office, <http://www.ecfr.gov/cgi-bin/ECFR>; and (3-25-16)
- b. State Law Library, 451 W. State Street, P.O. Box 83720, Boise, ID 83720-0051, (208) 334-3316; and (7-2-97)
- c. Department of Environmental Quality, 1410 N. Hilton, Boise, ID 83706-1255, (208) 373-0502. (7-2-97)

(BREAK IN CONTINUITY OF SECTIONS)

004. HAZARDOUS WASTE MANAGEMENT SYSTEM.

40 CFR Part 260 and all Subparts, except 40 CFR 260.2, are herein incorporated by reference as provided in 40 CFR, revised as of July 1, 201~~8~~⁹. For the purposes of 40 CFR 260.4(a)(4) and 260.5(b)(2), "EPA" ~~shall be~~ **is** defined as the U.S. Environmental Protection Agency. For the purposes of 40 CFR 260.10 in the definition of electronic manifest and electronic manifest system, "EPA" ~~shall be~~ **is** defined as the U.S. Environmental Protection Agency. For

purposes of 40 CFR 260.10, in the definition of hazardous waste constituent, “Administrator” ~~shall be~~ **is** defined as the U.S. Environmental Protection Agency Administrator. For purposes of 40 CFR 260.20, “Federal Register” ~~shall be~~ **is** defined as the Idaho Administrative Bulletin. (4-11-19)()

005. IDENTIFICATION AND LISTING OF HAZARDOUS WASTE.

40 CFR Part 261 and all Subparts (excluding 261.4(b)(17)), except the language “in the Region where the sample is collected” in 40 CFR 261.4(e)(3)(iii), are herein incorporated by reference as provided in 40 CFR, revised as of July 1, 2018⁹. For purposes of 40 CFR 261.10 and 40 CFR 261.11, “Administrator” ~~shall be~~ **is** defined as the U.S. Environmental Protection Agency Administrator. For purposes of 40 CFR 261.4(b)(11)(ii), 40 CFR 261.39(a)(5), 40 CFR 261.41, and 40 CFR 261 Appendix IX, “EPA” ~~shall be~~ **is** defined as the U.S. Environmental Protection Agency. Copies of annual reports and advance notifications under these sections shall also be sent to the Director. (4-11-19)()

01. Hazardous Secondary Materials Managers Emergency Notification. In addition to the emergency notification required by 40 CFR 261.411(d)(3) and 261.420(f)(4)(ii), the emergency coordinator must also immediately notify the Idaho Office of Emergency Management by telephone, 1-800-632-8000, to file an identical report. (3-29-17)

02. Excluded Wastes. Chemically Stabilized Electric Arc Furnace Dust (CSEAFD) generated by Envirosafe Services of Idaho, Inc. (ESII) at ESII’s facility in Grand View, Idaho using the Super Detox(R) treatment process as modified by ESII and that is disposed of in a Subtitle D or Subtitle C landfill is excluded from the lists of hazardous waste provided ESII implements a program that meets the following conditions: (3-16-96)

a. Verification Testing Requirements. Sample Collection and analyses, including quality control procedures, conducted pursuant to Subsections 005.02.b. and 005.02.c., must be performed according to SW-846 methodologies and the RCRA Part B permit, including future revisions. (3-29-17)

b. Initial Verification Testing. (3-16-96)

i. For purposes of Subsections 005.02.b., “new source” means any generator of Electric Arc Furnace Dust (EAFD), EPA and Idaho Department of Environmental Quality Hazardous Waste No. KO61, whose waste has not previously been processed by ESII using the Super Detox(R) treatment process resulting in processed EAFD which has been subjected to initial verification testing and has demonstrated compliance with the delisting levels specified in Subsection 005.02.d. (3-29-17)

ii. Prior to the initial treatment of any new source of EAFD, ESII must notify the Department in writing. The written notification ~~shall~~ **includes:** (3-16-96)()

(1) The waste profile information; and (3-16-96)

(2) The name and address of the generator. (3-16-96)

iii. The first four (4) consecutive batches treated must be sampled in accordance with Subsection 005.02.a. Each of the four (4) samples shall be analyzed to determine if the CSEAFD generated meets the delisting levels specified in Subsection 005.02.d. (3-29-17)

iv. If the initial verification testing demonstrates that the CSEAFD samples meet the delisting levels specified in Subsection 005.02.d., ESII shall submit the operational and analytical test data, including quality control information, to the Department, in accordance with Subsection 005.02.f. Subsequent to such data submittal, the CSEAFD generated from EAFD originating from the new source shall be considered delisted. (3-29-17)

v. CSEAFD generated by ESII from EAFD originating from a new source shall be managed as hazardous waste in accordance with Subtitle C of RCRA until: (3-16-96)

(1) Initial verification testing demonstrates that the CSEAFD meets the delisting levels specified in Subsection 005.02.d.; and (3-29-17)

(2) The operational and analytical test data is submitted to the Department pursuant to Subsection 005.02.b.iv. (3-29-17)

vi. For purposes of Subsections 005.02.b. and 005.02.c., “batch” means the CSEAFD that results from a single treatment episode in a full scale mixing vessel. (3-29-17)

c. Subsequent Verification Testing. (3-16-96)

i. Subsequent to initial verification testing, ESII shall collect a representative sample, in accordance with Subsection 005.02.a., from each batch of CSEAFD generated by ESII. ESII may, at its discretion, conduct subsequent verification testing on composite samples. In no event shall a composite sample consist of representative samples from more than twenty (20) batches of CSEAFD. (3-29-17)

ii. The samples shall be analyzed prior to disposal of each batch of CSEAFD to determine if the CSEAFD meets the delisting levels specified in Subsection 005.02.d. (3-29-17)

iii. Each batch of CSEAFD generated by ESII shall be subjected to subsequent verification testing no later than thirty (30) days after it is generated by ESII. (3-16-96)

iv. If the levels of constituents measured in a sample, or composite sample, of CSEAFD do not exceed the levels set forth in Subsection 005.02.d., then any batch of CSEAFD which contributed to the sample that does not exceed the levels set forth in Subsection 005.02.d. is non-hazardous and may be managed and/or disposed of in a Subtitle D or Subtitle C landfill. (3-29-17)

v. If the constituent levels in a sample, or composite sample, exceed any of the delisting levels set forth in Subsection 005.02.d., then ESII must submit written notification of the results of the analysis to the Department within fifteen (15) days from receiving the final analytical results, and any CSEAFD which contributed to the sample must be: (3-29-17)

(1) Retested, and retreated if necessary, until it meets the levels set forth in Subsection 005.02.d.; or (3-29-17)

(2) Managed and disposed of in accordance with Subtitle C of RCRA. (3-16-96)

vi. Each batch of CSEAFD shall be managed as hazardous waste in accordance with Subtitle C of RCRA until subsequent verification testing demonstrates that the CSEAFD meets the delisting levels specified in Subsection 005.02.d. (3-29-17)

d. Delisting Levels. (3-16-96)

i. All leachable concentrations for these metals must not exceed the following levels (mg/l):

antimony	0.06	mercury	0.009
arsenic	0.50	nickel	1
barium	7.60	selenium	0.16
beryllium	0.010	silver	0.30
cadmium	0.050	thallium	0.020
chromium	0.33	vanadium	2
lead	0.15	zinc	70

(3-16-96)

- ii. Metal concentrations must be measured in the waste leachate by the method specified in 40 CFR Part 261.24. (3-16-96)
- e. Modification of Treatment Process. (3-16-96)
- i. If ESII makes a decision to modify the Super Detox(R) treatment process from the description of the process as set forth in ESII's Petition for Delisting Treated K061 Dust by the Super Detox(R) Process submitted to the Department on July 14, 1995, ESII shall notify the Department in writing prior to implementing the modification. (3-16-96)
- ii. After ESII's receipt of written approval from the Department, and subject to any conditions included with the approval, ESII may implement the proposed modification. (3-16-96)
- iii. If ESII modifies its treatment process without first receiving written approval from the Department, this exclusion of waste will be void from the time the process was modified. (3-16-96)
- iv. ESII's Petition for Delisting Treated K061 Dust by the Super Detox(R) Process submitted to the Department on July 14, 1995 is available at the Department of Environmental Quality, Waste Management and Remediation Division, 1410 N. Hilton, Boise, Idaho 83706. (3-29-12)
- f. Records and Data Retention and Submittal. (3-16-96)
- i. Records of disposal site, operating conditions and analytical data from verification testing must be compiled, summarized, and maintained at ESII's Grand View facility for a minimum of five (5) years from the date the records or data are generated. (3-16-96)
- ii. The records and data maintained by ESII must be furnished upon request to the Department or EPA. (3-16-96)
- iii. Failure to submit requested records or data within ten (10) business days of receipt of a written request or failure to maintain the required records and data on site for the specified time, will be considered by the Department, at its discretion, sufficient basis to revoke the exclusion to the extent directed by the Department. (3-16-96)
- iv. All records or data submitted to the Department must be accompanied by a signed copy of the following certification statement to attest to the truth and accuracy of the records or data submitted: "Under civil and/or criminal penalty of law for the making or submission of false or fraudulent statements or representations, I certify that the information contained in or accompanying this document is true, accurate, and complete. As to any identified sections of this document for which I cannot personally verify the truth and accuracy, I certify as the ESII official having supervisory responsibility for the persons who, acting under my direct instructions, made the verification that this information is true, accurate, and complete. In the event that any of this information is determined by the Department in its sole discretion to be false, inaccurate, or incomplete, and upon conveyance of this fact to ESII, I recognize and agree that this exclusion of waste will be void as if it never had effect or to the extent directed by the Department and that ESII will be liable for any actions taken in contravention of ESII's RCRA and CERCLA obligations premised upon ESII's reliance on the void exclusion." (3-16-96)
- g. Facility Merger and Name Change. On May 4, 2001, the Department was notified of a stock transfer that resulted in ESII's facility merging with American Ecology. This created a name change from EnviroSAFE Services of Idaho, Inc. (ESII) to US Ecology Idaho, Inc. effective May 1, 2001. All references to EnviroSAFE Services of Idaho, Inc. or ESII now refer to US Ecology Idaho, Inc. (3-15-02)

006. STANDARDS APPLICABLE TO GENERATORS OF HAZARDOUS WASTE.

01. Incorporation by Reference. 40 CFR Part 262 and all Subparts, except for the language "for the Region in which the generator is located" in 40 CFR 262.42(a)(2) and 40 CFR 262.42(b), are herein incorporated by reference as provided in 40 CFR, revised as of July 1, 2018⁹². For purposes of 40 CFR 262.82, 262.83, and 262.84, "EPA" ~~shall be~~ is defined as the U.S. Environmental Protection Agency. Copies of advance notification, annual

reports, and exception reports, required under those sections, shall also be provided to the Director. For purposes of 40 CFR 262.20, 262.21, 262.24, 262.25, and 262.39, EPA or Environmental Protection Agency ~~shall be~~ **is** defined as the U.S. Environmental Protection Agency. For purposes of 40 CFR Part 262, Subpart H, “United States or U.S.” ~~shall be~~ **is** defined as the United States. (4-11-19)()

02. Generator Emergency Notification. In addition to the emergency notification required by 40 CFR 262.16(b)(9)(iv)(C) and 262.265(d)(2), (see 40 CFR 262.17(a)(6), 263.30(c)(1), 264.56(d)(2), and 265.56(d)(2)) the emergency coordinator must also immediately notify the Idaho Office of Emergency Management by telephone, 1-800-632-8000, to file an identical report. (3-28-18)

007. STANDARDS APPLICABLE TO TRANSPORTERS OF HAZARDOUS WASTE.

40 CFR Part 263 and all Subparts are herein incorporated by reference as provided in 40 CFR, revised as of July 1, 2018⁹. For purposes of 40 CFR 263.20(g), 263.20(g)(1), 263.20(g)(4), 263.21(a)(4), and 263.22(d), “United States” ~~shall be~~ **is** defined as the United States. For the purposes of 40 CFR 263.20(a), “EPA” ~~shall be~~ **is** defined as U.S. Environmental Protection Agency. (4-11-19)()

008. STANDARDS FOR OWNERS AND OPERATORS OF HAZARDOUS WASTE TREATMENT, STORAGE AND DISPOSAL FACILITIES.

40 CFR Part 264 and all Subparts (excluding 40 CFR 264.1(f), 264.1(g)(12), 264.149, 264.150, 264.301(l), 264.1030(d), 264.1050(g), 264.1080(e), 264.1080(f) and 264.1080(g)) are herein incorporated by reference as provided in 40 CFR, revised as of July 1, 2018⁹. For purposes of 40 CFR Subsection 264.12(a), “Regional Administrator” ~~shall be~~ **is** defined as the U.S. Environmental Protection Agency Region 10 Regional Administrator. For purposes of 40 CFR 264.71 and 264.1082(c)(4)(ii), “EPA” ~~shall be~~ **is** defined as the U.S. Environmental Protection Agency. (4-11-19)()

009. INTERIM STATUS STANDARDS FOR OWNERS AND OPERATORS OF HAZARDOUS WASTE TREATMENT, STORAGE AND DISPOSAL FACILITIES.

40 CFR Part 265, and all Subparts (excluding Subpart R, 40 CFR 265.1(c)(4), 265.1(c)(15), 265.149, 265.150, 265.1030(c), 265.1050(f), 265.1080(e), 265.1080(f), and 265.1080(g)), except the language contained in 40 CFR 265.340(b)(2) as replaced with: “The following requirements continue to apply even when the owner or operator has demonstrated compliance with the MACT requirements of part 63, subpart EEE of this chapter: 40 CFR 265.351 (closure) and the applicable requirements of Subparts A through H, BB and CC of this part,” are herein incorporated by reference as provided in 40 CFR, revised as of July 1, 2018⁹. For purposes of 40 CFR Subsection 265.12(a), “Regional Administrator” ~~shall be~~ **is** defined as the U.S. Environmental Protection Agency Region 10 Regional Administrator. For purposes of 40 CFR 265.71 and 265.1083(c)(4)(ii), “EPA” ~~shall be~~ **is** defined as the U.S. Environmental Protection Agency. (4-11-19)()

010. STANDARDS FOR THE MANAGEMENT OF SPECIFIC HAZARDOUS WASTES AND SPECIFIC TYPES OF HAZARDOUS WASTE FACILITIES.

40 CFR Part 266 and all Subparts are herein incorporated by reference as provided in 40 CFR, revised as of July 1, 2018⁹. (4-11-19)()

011. LAND DISPOSAL RESTRICTIONS.

40 CFR Part 268 and all Subparts are herein incorporated by reference as provided in 40 CFR, revised as of July 1, 2018⁹, except for 40 CFR 268.1(e)(3), 268.5, 268.6, 268.13, 268.42(b), and 268.44(a) through (g). The authority for implementing the provisions of these excluded sections remains with the EPA. However, the requirements of Sections 39-4403(17) and 39-4423, Idaho Code, shall be applied in all cases where these requirements are more stringent than the federal standards. If the Administrator of the EPA grants a case-by-case variance pursuant to 40 CFR 268.5, that variance will simultaneously create the same case-by-case variance to the equivalent requirement of these rules. For purposes of 40 CFR 268.2(j) “EPA” ~~shall be~~ **is** defined as the U.S. Environmental Protection Agency. For purposes of 40 CFR 268.40(b), “Administrator” ~~shall be~~ **is** defined as U.S. Environmental Protection Agency Administrator. In 40 CFR 268.7(a)(9)(iii), “D009” is excluded, (from lab packs as noted in 40 CFR Part 268 Appendix IV.) (4-11-19)()

012. HAZARDOUS WASTE PERMIT PROGRAM.

40 CFR Part 270 and all Subparts, except 40 CFR 270.1(c)(2)(ix), 270.12(a) and 40 CFR 270.14(b)(18), are herein incorporated by reference as provided in 40 CFR, revised as of July 1, 2018⁹. For purposes of 40 CFR 270.2, 270.5,

270.10(e)(2), 270.10(e)(3), 270.10(f)(2), 270.10(f)(3), 270.10(g), 270.11(a)(3), 270.32(a), 270.32(b)(2), 270.32(c), 270.51, 270.72(a)(5), and 270.72(b)(5), “EPA” and “Administrator” or “Regional Administrator” ~~shall be~~ **is** defined as the U.S. Environmental Protection Agency and the U.S. Environmental Protection Agency Region 10 Regional Administrator respectively. (4-11-19)()

013. PROCEDURES FOR DECISION-MAKING (STATE PROCEDURES FOR RCRA OR HWMA PERMIT APPLICATIONS).

40 CFR Part 124, Subparts A, B and G are herein incorporated by reference as provided in 40 CFR, revised as of July 1, 2018⁹, except that the last sentence of 40 CFR 124.10(b)(1), 40 CFR 124.15(b)(2), 40 CFR 124.19, the fourth sentence of 40 CFR 124.31(a), the third sentence of 40 CFR 124.32(a), and the second sentence of 40 CFR 124.33(a) are expressly omitted from the incorporation by reference of each of those subsections. For purposes of 40 CFR 124.6(e), 124.10(b), and 124.10(c)(1)(ii) “EPA” and “Administrator” or “Regional Administrator” ~~shall be~~ **is** defined as the U.S. Environmental Protection Agency and the U.S. Environmental Protection Agency Region 10 Regional Administrator, respectively. (4-11-19)()

014. (RESERVED)

015. STANDARDS FOR THE MANAGEMENT OF USED OIL.

01. Incorporation by Reference. 40 CFR Part 279 and all Subparts are herein incorporated by reference as provided in 40 CFR, revised as of July 1, 2018⁹. For purposes of 40 CFR 279.43(c)(3)(ii) “Director” ~~shall be~~ **is** defined as the Director, U.S.DOT Office of Hazardous Materials Regulation. (4-11-19)()

02. Used Oil as a Dust Suppressant. 40 CFR Part 279 contains a prohibition on the use of used oil as a dust suppressant at 279.82(a), however, States may petition EPA to allow the use of used oil as a dust suppressant. Members of the public may petition the State to make this application to EPA. This petition to the State must: (2-11-94)

a. Be submitted to the Idaho Department of Environmental Quality, 1410 North Hilton, Boise, Idaho 83706-1255; and (2-11-94)

b. Demonstrate how the requirements of 40 CFR 279.82(b) will be met. (2-11-94)

016. STANDARDS FOR UNIVERSAL WASTE MANAGEMENT.

40 CFR Part 273 and all Subparts are herein incorporated by reference as provided in 40 CFR, revised as of July 1, 2018⁹. For purposes of 40 CFR 273.32(a)(3), “EPA” ~~shall be~~ **is** defined as the U.S. Environmental Protection Agency. (4-11-19)()

017. CRITERIA FOR THE MANAGEMENT OF GRANULAR MINE TAILINGS (CHAT) IN ASPHALT CONCRETE AND PORTLAND CEMENT CONCRETE IN TRANSPORTATION CONSTRUCTION PROJECTS FUNDED IN WHOLE OR IN PART BY FEDERAL FUNDS.

40 CFR Part 278 and all Subparts are herein incorporated by reference as provided in 40 CFR, revised as of July 1, 2018⁹. (4-11-19)()

018. STANDARDS FOR OWNERS AND OPERATORS OF HAZARDOUS WASTE FACILITIES OPERATING UNDER A STANDARDIZED PERMIT.

40 CFR Part 267 and all Subparts, except 40 CFR 267.150, are herein incorporated by reference as provided in 40 CFR, revised as of July 1, 2018⁹. (4-11-19)()

IDAPA 58 – DEPARTMENT OF ENVIRONMENTAL QUALITY

58.01.06 – SOLID WASTE MANAGEMENT RULES

DOCKET NO. 58-0106-1901

NOTICE OF NEGOTIATED RULEMAKING

AUTHORITY: In compliance with Section 67-5220, Idaho Code, notice is hereby given that this agency intends to promulgate a rule and desires public participation before publishing a proposed rule. This rulemaking action is authorized by Sections 39-105, 39-107, and 39-7408C, Idaho Code.

METHOD OF PARTICIPATION: Those interested in participating in the negotiated rulemaking process are encouraged to attend the meeting at one of the following locations. The public may participate by telephone and web conferencing at any of the meeting locations or with individual connections. Individuals interested in participating by telephone and web conferencing should contact the undersigned by the date provided in the table below. For those who cannot participate by attending the meeting, information for submitting written comments is provided at the end of this notice.

MEETING SCHEDULE: A negotiated rulemaking meeting has been scheduled. Any additional meeting dates will be posted at www.deq.idaho.gov/58-0106-1901.

ORIGINATING LOCATION – LIVE MEETING	
DEQ State Office Conference Center 1410 N. Hilton, Boise, Idaho	
Thursday, August 29th, 2019 - 9:00 a.m. to 12:30 p.m. (MDT)	
Contact the undersigned by August 22, 2019, to make arrangements for participation by telephone and web conferencing.	
TELEPHONE AND WEB CONFERENCE LOCATIONS	
DEQ Coeur d’Alene Regional Office 2110 Ironwood Parkway Coeur d’Alene, ID 83814	DEQ Lewiston Regional Office 1118 F Street Lewiston, ID 83501
DEQ Twin Falls Regional Office 650 Addison Avenue West, Suite 110 Twin Falls, ID 83301	DEQ Pocatello Regional Office 444 Hospital Way #300 Pocatello, ID 83201
DEQ Idaho Falls Regional Office 900 N. Skyline, Suite B Idaho Falls, ID 83402	

The meeting locations will be accessible to persons with disabilities, and language translators will be made available upon request. Requests for these accommodations must be made no later than five (5) days prior to the meeting date. For arrangements, contact the undersigned.

PRELIMINARY DRAFT RULE: The preliminary draft rule is available at www.deq.idaho.gov/58-0106-1901.

DESCRIPTIVE SUMMARY: DEQ initiated this rulemaking in response to [Executive Order No. 2019-02](#), Red Tape Reduction Act, issued by Governor Little on January 21, 2019. Upon review of its existing rules, DEQ determined that certain rules are outdated, unnecessary, or redundant. Various sections throughout IDAPA 58.01.06,

Solid Waste Management Rules, have been identified for deletion, simplification, or consolidation with other sections.

The text of the rule will be drafted by DEQ in conjunction with a negotiating committee made up of persons having an interest in the development of this rule. Public and private solid waste facility owners and operators, environmental professionals and consultants, special interest groups including industry associations and conservation and environmental groups, public officials representing various counties and cities, and the public at large may be interested in participating in this rulemaking. Upon conclusion of negotiations, DEQ intends to publish a proposed rule for public comment.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on questions concerning this rulemaking, contact Matt Beater at matthew.beeter@deq.idaho.gov or (208) 373-0121.

SUBMISSION OF WRITTEN COMMENTS: Written comments may be submitted by mail, fax or email at the address below. The written comment deadline on the preliminary draft rule is September 12, 2019. Information regarding public comment opportunities provided throughout the rulemaking process will be available at www.deq.idaho.gov/58-0106-1901. To sign up for email notifications, contact Paula Wilson at paula.wilson@deq.idaho.gov.

Dated this 7th day of August, 2019.

Paula J. Wilson
Hearing Coordinator
Department of Environmental Quality
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Fax: (208) 373-0481
paula.wilson@deq.idaho.gov

IDAPA 58 – DEPARTMENT OF ENVIRONMENTAL QUALITY

58.01.12 – RULES FOR ADMINISTRATION OF WATER POLLUTION CONTROL LOANS

DOCKET NO. 58-0112-1901

NOTICE OF NEGOTIATED RULEMAKING

AUTHORITY: In compliance with Section 67-5220, Idaho Code, notice is hereby given that this agency intends to promulgate a rule and desires public participation before publishing a proposed rule. This rulemaking action is authorized by Chapters 1 and 36, Title 39, Idaho Code.

METHOD OF PARTICIPATION: Those interested in participating in the negotiated rulemaking process are encouraged to attend the meeting at one of the following locations. The public may participate by telephone and web conferencing at any of the meeting locations or with individual connections. Individuals interested in participating by telephone and web conferencing should contact the undersigned by the date provided in the table below. For those who cannot participate by attending the meeting, information for submitting written comments is provided at the end of this notice.

MEETING SCHEDULE: A negotiated rulemaking meeting has been scheduled. Any additional meeting dates will be posted at www.deq.idaho.gov/58-0112-1901.

ORIGINATING LOCATION – LIVE MEETING	
DEQ State Office Conference Center 1410 N. Hilton, Boise, Idaho	
Tuesday, August 27th, 2019 - 9:00 a.m. to 12:30 p.m. (MDT)	
Contact the undersigned by August 20, 2019, to make arrangements for participation by telephone and web conferencing.	
TELEPHONE AND WEB CONFERENCE LOCATIONS	
DEQ Coeur d’Alene Regional Office 2110 Ironwood Parkway Coeur d’Alene, ID 83814	DEQ Lewiston Regional Office 1118 F Street Lewiston, ID 83501
DEQ Twin Falls Regional Office 650 Addison Avenue West, Suite 110 Twin Falls, ID 83301	DEQ Pocatello Regional Office 444 Hospital Way #300 Pocatello, ID 83201
DEQ Idaho Falls Regional Office 900 N. Skyline, Suite B Idaho Falls, ID 83402	

The meeting locations will be accessible to persons with disabilities, and language translators will be made available upon request. Requests for these accommodations must be made no later than five (5) days prior to the meeting date. For arrangements, contact the undersigned.

PRELIMINARY DRAFT RULE: The preliminary draft rule is available at www.deq.idaho.gov/58-0112-1901.

DESCRIPTIVE SUMMARY: DEQ initiated this rulemaking in response to [Executive Order No. 2019-02](#), Red Tape Reduction Act, issued by Governor Little on January 21, 2019. Upon review of its existing rules, DEQ

determined that its two revolving loan rule chapters could be simplified and consolidated into a single chapter. DEQ proposes to delete 58.01.20, Rules for Administration of Drinking Water Loan Program, and merge necessary and relevant sections of IDAPA 58.01.20 with IDAPA 58.01.12, Rules for Administration of Water Pollution Control Loans. DEQ has initiated a separate rulemaking for the deletion of IDAPA 58.01.20 (Docket No. 58-0120-1901).

The text of the rule will be drafted by DEQ in conjunction with a negotiating committee made up of persons having an interest in the development of this rule. Prospective grant and loan recipients, consulting engineers, grant and loan administrators, other funding agencies, public officials representing various counties and cities, and the public at large may be interested in participating in this rulemaking. Upon conclusion of negotiations, DEQ intends to publish a proposed rule for public comment.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on questions concerning this rulemaking, contact Tim Wendland at tim.wendland@deq.idaho.gov or (208) 373-0439.

SUBMISSION OF WRITTEN COMMENTS: Written comments may be submitted by mail, fax or email at the address below. The written comment deadline on the preliminary draft rule is September 12, 2019. Information regarding public comment opportunities provided throughout the rulemaking process will be available at www.deq.idaho.gov/58-0112-1901. To sign up for email notifications, contact Paula Wilson at paula.wilson@deq.idaho.gov.

Dated this 7th day of August, 2019.

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IDAPA 58 – DEPARTMENT OF ENVIRONMENTAL QUALITY

58.01.20 – RULES FOR ADMINISTRATION OF DRINKING WATER LOAN PROGRAM

DOCKET NO. 58-0120-1901

NOTICE OF NEGOTIATED RULEMAKING

AUTHORITY: In compliance with Section 67-5220, Idaho Code, notice is hereby given that this agency intends to promulgate a rule and desires public participation before publishing a proposed rule. This rulemaking action is authorized by Chapters 1 and 76, Title 39, Idaho Code.

METHOD OF PARTICIPATION: Those interested in participating in the negotiated rulemaking process are encouraged to attend the meeting at one of the following locations. The public may participate by telephone and web conferencing at any of the meeting locations or with individual connections. Individuals interested in participating by telephone and web conferencing should contact the undersigned by the date provided in the table below. For those who cannot participate by attending the meeting, information for submitting written comments is provided at the end of this notice.

MEETING SCHEDULE: A negotiated rulemaking meeting has been scheduled. Any additional meeting dates will be posted at www.deq.idaho.gov/58-0120-1901.

ORIGINATING LOCATION – LIVE MEETING	
DEQ State Office Conference Center 1410 N. Hilton, Boise, Idaho	
Tuesday, August 27th, 2019 - 9:00 a.m. to 12:30 p.m. (MDT)	
Contact the undersigned by August 20, 2019, to make arrangements for participation by telephone and web conferencing.	
TELEPHONE AND WEB CONFERENCE LOCATIONS	
DEQ Coeur d’Alene Regional Office 2110 Ironwood Parkway Coeur d’Alene, ID 83814	DEQ Lewiston Regional Office 1118 F Street Lewiston, ID 83501
DEQ Twin Falls Regional Office 650 Addison Avenue West, Suite 110 Twin Falls, ID 83301	DEQ Pocatello Regional Office 444 Hospital Way #300 Pocatello, ID 83201
DEQ Idaho Falls Regional Office 900 N. Skyline, Suite B Idaho Falls, ID 83402	

The meeting locations will be accessible to persons with disabilities, and language translators will be made available upon request. Requests for these accommodations must be made no later than five (5) days prior to the meeting date. For arrangements, contact the undersigned.

PRELIMINARY DRAFT RULE: The preliminary draft rule is available at www.deq.idaho.gov/58-0120-1901.

DESCRIPTIVE SUMMARY: DEQ initiated this rulemaking in response to [Executive Order No. 2019-02](#), Red Tape Reduction Act, issued by Governor Little on January 21, 2019. Upon review of its existing rules, DEQ

determined that its two revolving loan rule chapters could be simplified and consolidated into a single chapter. DEQ proposes to delete 58.01.20, Rules for Administration of Drinking Water Loan Program, and merge necessary and relevant sections of IDAPA 58.01.20 with IDAPA 58.01.12, Rules for Administration of Water Pollution Control Loans. DEQ has initiated a separate rulemaking for the revisions to IDAPA 58.01.12 (Docket No. 58-0112-1901).

The text of the rule will be drafted by DEQ in conjunction with a negotiating committee made up of persons having an interest in the development of this rule. Prospective grant and loan recipients, consulting engineers, grant and loan administrators, other funding agencies, public officials representing various counties and cities, and the public at large may be interested in participating in this rulemaking. Upon conclusion of negotiations, DEQ intends to publish a proposed rule for public comment.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on questions concerning this rulemaking, contact Tim Wendland at tim.wendland@deq.idaho.gov or (208) 373-0439.

SUBMISSION OF WRITTEN COMMENTS: Written comments may be submitted by mail, fax or email at the address below. The written comment deadline on the preliminary draft rule is September 12, 2019. Information regarding public comment opportunities provided throughout the rulemaking process will be available at www.deq.idaho.gov/58-0120-1901. To sign up for email notifications, contact Paula Wilson at paula.wilson@deq.idaho.gov.

Dated this 7th day of August, 2019.

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IDAPA 58 – DEPARTMENT OF ENVIRONMENTAL QUALITY

**58.01.22 – RULES FOR ADMINISTRATION OF PLANNING GRANTS
FOR DRINKING WATER FACILITIES**

DOCKET NO. 58-0122-1901

NOTICE OF NEGOTIATED RULEMAKING

AUTHORITY: In compliance with Section 67-5220, Idaho Code, notice is hereby given that this agency intends to promulgate a rule and desires public participation before publishing a proposed rule. This rulemaking action is authorized by Chapters 1 and 36, Title 39, Idaho Code.

METHOD OF PARTICIPATION: Those interested in participating in the negotiated rulemaking process are encouraged to attend the meeting at one of the following locations. The public may participate by telephone and web conferencing at any of the meeting locations or with individual connections. Individuals interested in participating by telephone and web conferencing should contact the undersigned by the date provided in the table below. For those who cannot participate by attending the meeting, information for submitting written comments is provided at the end of this notice.

MEETING SCHEDULE: A negotiated rulemaking meeting has been scheduled. Any additional meeting dates will be posted at www.deq.idaho.gov/58-0122-1901.

ORIGINATING LOCATION – LIVE MEETING	
DEQ State Office Conference Center 1410 N. Hilton, Boise, Idaho	
Tuesday, August 27th, 2019 - 9:00 a.m. to 12:30 p.m. (MDT)	
Contact the undersigned by August 20, 2019, to make arrangements for participation by telephone and web conferencing.	
TELEPHONE AND WEB CONFERENCE LOCATIONS	
DEQ Coeur d’Alene Regional Office 2110 Ironwood Parkway Coeur d’Alene, ID 83814	DEQ Lewiston Regional Office 1118 F Street Lewiston, ID 83501
DEQ Twin Falls Regional Office 650 Addison Avenue West, Suite 110 Twin Falls, ID 83301	DEQ Pocatello Regional Office 444 Hospital Way #300 Pocatello, ID 83201
DEQ Idaho Falls Regional Office 900 N. Skyline, Suite B Idaho Falls, ID 83402	

The meeting locations will be accessible to persons with disabilities, and language translators will be made available upon request. Requests for these accommodations must be made no later than five (5) days prior to the meeting date. For arrangements, contact the undersigned.

PRELIMINARY DRAFT RULE: The preliminary draft rule is available at www.deq.idaho.gov/58-0122-1901.

DESCRIPTIVE SUMMARY: DEQ initiated this rulemaking in response to [Executive Order No. 2019-02](#), Red Tape Reduction Act, issued by Governor Little on January 21, 2019. Upon review of its existing rules, DEQ

determined that its two facility planning grant rule chapters could be simplified and consolidated into a single chapter. DEQ proposes to delete 58.01.04, Rules for Administration of Wastewater Treatment Facility Grants, and merge necessary and relevant sections of IDAPA 58.01.04 with IDAPA 58.01.22, Rules for Administration of Planning Grants for Public Drinking Water Facilities. DEQ has initiated a separate rulemaking for the deletion of IDAPA 58.01.04 (Docket No. 58-0104-1901).

The text of the rule will be drafted by DEQ in conjunction with a negotiating committee made up of persons having an interest in the development of this rule. Prospective grant and loan recipients, consulting engineers, grant and loan administrators, other funding agencies, public officials representing various counties and cities, and the public at large may be interested in participating in this rulemaking. Upon conclusion of negotiations, DEQ intends to publish a proposed rule for public comment.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on questions concerning this rulemaking, contact Tim Wendland at tim.wendland@deq.idaho.gov or (208) 373-0439.

SUBMISSION OF WRITTEN COMMENTS: Written comments may be submitted by mail, fax or email at the address below. The written comment deadline on the preliminary draft rule is September 12, 2019. Information regarding public comment opportunities provided throughout the rulemaking process will be available at www.deq.idaho.gov/58-0122-1901. To sign up for email notifications, contact Paula Wilson at paula.wilson@deq.idaho.gov.

Dated this 7th day of August, 2019.

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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 August 21, 2019, unless otherwise posted.
The proposed rule written comment submission deadline is August 28, 2019, unless otherwise posted.
(Temp & Prop) indicates the rulemaking is both Temporary and Proposed.
(*PH) indicates that a public hearing has been scheduled.*

IDAPA 02 – DEPARTMENT OF AGRICULTURE P.O. Box 790, Boise, ID 83701

02-0104-1901, Rules Governing the Idaho Preferred Promotion Program. Revises product qualifications for the voluntary Idaho Preferred program; culls unnecessary language per the Red Tape Reduction Act.

IDAPA 08 – STATE BOARD AND DEPARTMENT OF EDUCATION P.O. Box 83720, Boise, ID 83720-0027

08-0202-1902, Rules Governing Uniformity. Incorporates by reference the 2019 revised standards for Initial Certification of Professional School Personnel including certification and endorsement revisions for Exceptional Child Generalist, Blind and Visually Impaired, Deaf/Hard of Hearing, Blended Early Childhood Education/Early Childhood Special Education, School Psychologist, School Counselor, and School Social Worker.

08-0203-1903, Rules Governing Thoroughness. (Temp & Prop) Per the Elementary and Secondary Education Act (ESEA) aligns the content standards (most recently revised Core Content Science Connectors) for students with significant cognitive disabilities with the general education standards for all students. (eff. 7-1-19)T

IDAPA 35 – IDAHO STATE TAX COMMISSION P.O. Box 36, Boise, ID 83722-0410

35.01.01 – Income Tax Administrative Rules

35-0101-1902, Addresses how to report repatriated dividend income received from foreign entities on the Idaho return.

35-0101-1904, Increases the monthly and annual threshold amounts within the cost of living adjustments cumulatively equal or exceed \$5,000.

35.01.02 – Idaho Sales and Use Tax Administrative Rules

35-0102-1901, Implements HB 259a requiring retailers without a physical presence in Idaho to collect and remit Idaho sales tax on sales delivered into Idaho if in the current or previous calendar year those sales exceed \$100,000.

35-0102-1902, Changes references to “Greater Boise Auditorium District” to “Auditorium or Community Center Districts”; removes obsolete terms.

35-0102-1903, Provides exemption for a dealer’s labor or service charges for adding accessories to specific types of vehicles.

35-0102-1904, Removes requirement that a federal taxpayer identification number must be on a return for the return to be valid.

35-0103-1901, Property Tax Administrative Rules, Updates standards on rations and appraisal procedures incorporated by reference; removes obsolete reference.

35-0105-1902, Idaho Motor Fuels Tax Administrative Rules. Simplifies definition of “bond” and explains how distributors can claim credits and refunds and that most credits and refunds can be claimed on the distributor return.

IDAPA 58 – DEPARTMENT OF ENVIRONMENTAL QUALITY
1410 N. Hilton St., Boise, ID 83706

58.01.01 - Rules for the Control of Air Pollution in Idaho

58-0101-1903, Removes obsolete sections from the rule.

58-0101-1905, Adopts the annually revised federal regulations incorporated by reference.

58-0105-1901, Rules and Standards for Hazardous Waste. Adopts the annually revised federal regulations incorporated by reference.

NOTICE OF ADOPTION OF TEMPORARY RULE ONLY

IDAPA 18 – DEPARTMENT OF INSURANCE

18-0416-1902, Rules Governing Short-Term Health Insurance Coverage. (New chapter) (eff 7-1-19)T

NOTICES OF SCHEDULED PUBLIC HEARINGS

(Please see the Administrative Bulletin for hearing dates and times and other participant information)

IDAPA 08 – STATE BOARD AND DEPARTMENT OF EDUCATION

08-0000-1900, Rules of the State Board of Education and the Department of Education (Omnibus rulemaking for reauthorization of rules)

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

10-0000-1900F, Rules of the Board of Licensure of Professional Engineers and Professional Land Surveyors (Omnibus rulemaking for reauthorization of fee rules)

IDAPA 16 – DEPARTMENT OF HEALTH AND WELFARE

16-0000-1900, Rules of the Department of Health and Welfare (Omnibus rulemaking for reauthorization of rules)

16-0000-1900F, Rules of the Department of Health and Welfare (Omnibus rulemaking for reauthorization of fee rules)

IDAPA 19 – BOARD OF DENTISTRY

19-0101-1900F – Rules of the Idaho State Board of Dentistry (Omnibus rulemaking for reauthorization of fee rules)

IDAPA 20 – DEPARTMENT OF LANDS

20-0000-1900 – Rules of the Department of Lands (Omnibus rulemaking for reauthorization of rules)

20-0000-1900F – Rules of the Department of Lands (Omnibus rulemaking for reauthorization of fee rules)

IDAPA 22 – BOARD OF MEDICINE

22-0000-1900 – Rules of the Department of Lands (Omnibus rulemaking for reauthorization of rules)

22-0000-1900F – Rules of the Department of Lands (Omnibus rulemaking for reauthorization of fee rules)

IDAPA 27 – BOARD OF PHARMACY

27-0000-1900F, Rules of the Board of Pharmacy (Omnibus rulemaking for reauthorization of fee rules)

IDAPA 31 – IDAHO PUBLIC UTILITIES COMMISSION

31-0000-1900 – Rules of the Idaho Public Utilities Commission

IDAPA 37 – DEPARTMENT OF WATER RESOURCES

37-0000-1900, Rules of the Department of Water Resources (Omnibus rulemaking for reauthorization of rules)

37-0000-1900F, Rules of the Department of Water Resources (Omnibus rulemaking for reauthorization of fee rules)

NOTICES OF INTENT TO PROMULGATE – NEGOTIATED RULEMAKING

(Please see the Administrative Bulletin for dates and times of scheduled meeting and other participant information)

IDAPA 02 – DEPARTMENT OF AGRICULTURE

02-0620-1901, Rules Governing Grape Planting Stock

IDAPA 05 – DEPARTMENT OF JUVENILE CORRECTIONS

05-0104-1901, Uniform Standards for Juvenile Probation Services

IDAPA 12 – DEPARTMENT OF FINANCE

12-0109-1901, Rules Pursuant to the Idaho Credit Code

12-0110-1901, Rules Pursuant to the Idaho Residential Mortgage Practices Act

12-0111-1901, Rules Pursuant to the Idaho Collection Agency Act

IDAPA 18 – DEPARTMENT OF INSURANCE

18-0408-1901, Individual Disability and Group Supplemental Disability Insurance Minimum Standards Rule

18-0606-1901, Rules for the Surplus Line Regulation

IDAPA 22 – BOARD OF MEDICINE

22-0107-1901, Rules for the Licensure of Naturopathic Medical Doctors (New Chapter)

IDAPA 35 – IDAHO STATE TAX COMMISSION

35-0103-1909; 35-0103-1910; 35-0103-1911; 35-0103-1912; 35-0103-1913; 35-0103-1914; 35-0103-1915 – Property Tax Administrative Rules

IDAPA 40 – COMMISSION ON THE ARTS

40-0101-1901, Rules of the Idaho Commission on the Arts

IDAPA 58 – DEPARTMENT OF ENVIRONMENTAL QUALITY

58-0104-1901, Rules for Administration of Wastewater Treatment Facility Grants

58-0106-1901, Rules and Standards for Hazardous Waste

58-0112-1901, Rules for Administration of Water Pollution Control Loans

58-0120-1901, Rules for Administration of Drinking Water Loan Program

58-0122-1901, Rules for Administration of Planning Grants for Drinking Water Facilities

Please refer to the Idaho Administrative Bulletin **August 7, 2019, Volume 19-8**, 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 www.adminrules.idaho.gov/

Office of the Administrative Rules Coordinator, Division of Financial Management

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CUMULATIVE RULEMAKING INDEX OF IDAHO ADMINISTRATIVE RULES

*Office of the Administrative Rules Coordinator
Division of Financial Management
Office of the Governor*

July 1, 1993 – Present

[CUMULATIVE RULEMAKING INDEX OF IDAHO ADMINISTRATIVE RULES](#)

This online index provides a history of all agency rulemakings beginning with the first Administrative Bulletin in July 1993 to the most recent Bulletin publication. It tracks all rulemaking activities on each chapter of rules by the rulemaking docket numbers and includes negotiated, temporary, proposed, pending and final rules, public hearing notices, vacated rulemaking notices, notice of legislative actions taken on rules, and executive orders of the Governor.

ABRIDGED RULEMAKING INDEX OF IDAHO ADMINISTRATIVE RULES

(Index of Current and Active Rulemakings)

*Office of the Administrative Rules Coordinator
Division of Financial Management*

April 11, 2019 – August 7, 2019

*(PLR) – Final Effective Date Is Pending Legislative Review
(eff. date)L – Denotes Adoption by Legislative Action
(eff. date)T – Temporary Rule Effective Date*

*SCR # – denotes the number of a Senate Concurrent Resolution (Legislative Action)
HCR # – denotes the number of a House Concurrent Resolution (Legislative Action)*

(This Abridged Index includes all active rulemakings.)

IDAPA 01 – IDAHO BOARD OF ACCOUNTANCY

01-0101-1900F *Idaho Accountancy Rules* - Notice of Omnibus Rulemaking - Temporary and Proposed Fee Rulemaking - Reauthorizes Title 01, Chapter 01 -- Bulletin Vol. 19-6SE (eff. 6-30-19)T

IDAPA 02 – IDAHO DEPARTMENT OF AGRICULTURE

02-0000-1900 *Rules of the Idaho Department of Agriculture* - Notice of Omnibus Rulemaking - Temporary and Proposed Rulemaking - Reauthorizes **Title 02**, Chapters 04-06, 10; **Title 04**, Chapters 05-06, 22, 24; **Title 05**, Chapter 01 - Bulletin Vol. 19-6SE (eff. 6-30-19)T

02-0000-1900A *Rules of the Idaho Department of Agriculture* - Notice of Omnibus Rulemaking - Temporary and Proposed Rulemaking (for rules requiring 22-101A statement) - Reauthorizes **Title 01**, Chapter 03; **Title 02**, Chapters 02, 09; **Title 04**, Chapters 04, 08, 13, 18, 20-21, 25, 27-29; **Title 06**, Chapters 07-11, 13, 15, 17, 20, 22, 24, 26, 32, 38, 39 -- Bulletin Vol. 19-6SE (eff. 6-30-19)T

02-0000-1900F *Rules of the Idaho Department of Agriculture* - Notice of Omnibus Rulemaking - Temporary and Proposed Fee Rulemaking - Reauthorizes **Title 01**, Chapters 02, 04, 05; **Title 06**, Chapter 33 -- Bulletin Vol. 19-6SE (eff. 6-30-19)T

02-0000-1900FA *Rules of the Idaho Department of Agriculture* - Notice of Omnibus Rulemaking - Temporary and Proposed Fee Rulemaking (Rules requiring 22-101A statement)-Reauthorizes **Title 02**, Chapters 07, 11-15; **Title 04**, Chapters 03, 09, 19, 26; **Title 06**, Chapters 01-06, 12, 14, 18, 27, 30-31, 34, 40-41 -- Bulletin Vol. 19-6SE (eff. 6-30-19)T

02-0616-1900 *Rules Governing Honey Standards* - Notice of Omnibus Rulemaking - Temporary and Proposed Rulemaking - Reauthorizes **Title 06**, Chapter 16 -- Bulletin Vol. 19-6SE (eff. 6-30-19)T

02-0701-1900F *Rules of the Idaho Hop Growers Commission* - Notice of Omnibus Rulemaking - Temporary and Proposed Rulemaking - Reauthorizes **Title 07**, Chapter 01 -- Bulletin Vol. 19-6SE (eff. 6-30-19)T

02-0801-1900F *Rules of the Idaho Sheep and Goat Health Board* - Notice of Omnibus Rulemaking - Temporary and Proposed Rulemaking - Reauthorizes **Title 08**, Chapter 01 -- Bulletin Vol. 19-6SE (eff. 6-30-19)T

02.01.04, Rules Governing the Idaho Preferred[®] Promotion Program

02-0104-1801* *Notice of Intent to Promulgate a Rule – Negotiated Rulemaking, Bulletin Vol. 18-6 (*Rulemaking terminated by agency)*

02-0104-1901 *Notice of Intent to Promulgate a Rule – Negotiated Rulemaking, Bulletin Vol. 19-5*

02-0104-1901 *Proposed Rulemaking, Bulletin Vol. 19-8*

02.02.05, Prune Standards

02-0205-1901 *Notice of Intent to Promulgate a Rule – Negotiated Rulemaking, Bulletin Vol. 19-7*

02.02.12, Bonded Warehouse Rules

02-0212-1901 *Notice of Intent to Promulgate a Rule – Negotiated Rulemaking, Bulletin Vol. 19-6*

02-0212-1902 *Adoption of Temporary Rule, Bulletin Vol. 19-6 (eff. 7-1-19)T*

02.02.14, Rules for Weights and Measures

02-0214-1901 *Notice of Intent to Promulgate a Rule – Negotiated Rulemaking, Bulletin Vol. 19-5*

02-0214-1901 *2nd Notice of Intent to Promulgate a Rule – Negotiated Rulemaking, Bulletin Vol. 19-7*

02.03.01, Rules Governing Pesticide Management Plans for Ground Water Protection

02-0301-1901 *Adoption of Temporary Rule, Bulletin Vol. 19-7 (eff. 7-1-19)T*

02.03.03, Idaho Department of Agriculture Rules Governing Pesticide and Chemigation Use and Application

02-0303-1901 *Adoption of Temporary Rule, Bulletin Vol. 19-7 (eff. 7-1-19)T*

02.04.14, Rules Governing Dairy Byproduct

02-0414-1901 Adoption of Temporary Rule, Bulletin Vol. 19-7 (eff. 7-1-19)T

02.04.15, Rules Governing Beef Cattle Animal Feeding Operations

02-0415-1901 Adoption of Temporary Rule, Bulletin Vol. 19-7 (eff. 7-1-19)T

02.04.16, Rules Governing Agriculture Odor Management

02-0416-1901 Adoption of Temporary Rule, Bulletin Vol. 19-7 (eff. 7-1-19)T

02.04.17, Rules Governing Dead Animal Movement and Disposal

02-0417-1901 Adoption of Temporary Rule, Bulletin Vol. 19-7 (eff. 7-1-19)T

02.04.18, Rules Governing CAFO Site Advisory Team

02-0418-1901 Notice of Intent to Promulgate a Rule – Negotiated Rulemaking, Bulletin Vol. 19-6

02.04.20, Rules Governing Brucellosis

02-0420-1901 Notice of Intent to Promulgate a Rule – Negotiated Rulemaking, Bulletin Vol. 19-6

02.04.21, Rules Governing the Importation of Animals

02-0421-1901 Notice of Intent to Promulgate a Rule – Negotiated Rulemaking, Bulletin Vol. 19-6

02.04.23, Rules Governing Commercial Livestock Truck Washing Facilities

02-0423-1901 Adoption of Temporary Rule, Bulletin Vol. 19-7 (eff. 7-1-19)T

02.04.30, Rules Governing Nutrient Management

02-0430-1901 Notice of Intent to Promulgate a Rule – Negotiated Rulemaking, Bulletin Vol. 19-6

02-0430-1902 Adoption of Temporary Rule, Bulletin Vol. 19-7 (eff. 7-1-19)T

02.04.31, Rules Governing the Stockpiling of Agricultural Waste

02-0431-1901 Adoption of Temporary Rule, Bulletin Vol. 19-7 (eff. 7-1-19)T

02.04.32, Rules Governing Poultry Operations

02-0432-1901 Adoption of Temporary Rule, Bulletin Vol. 19-7 (eff. 7-1-19)T

02.06.02, Rules Pertaining to the Idaho Commercial Feed Law

02-0602-1901 Notice of Intent to Promulgate a Rule – Negotiated Rulemaking, Bulletin Vol. 19-6

02.06.12, Rules Pertaining to the Idaho Fertilizer Law

02-0612-1901 Notice of Intent to Promulgate a Rule – Negotiated Rulemaking, Bulletin Vol. 19-6

02.06.20, Rules Governing Grape Planting Stock

02-0620-1901 Notice of Intent to Promulgate a Rule – Negotiated Rulemaking, Bulletin Vol. 19-8

02.06.31, Noxious Weed Free Forage and Straw Certification Rules

02-0631-1901 Notice of Intent to Promulgate a Rule – Negotiated Rulemaking, Bulletin Vol. 19-6

02.06.41, Rules Pertaining to the Idaho Soil and Plant Amendment Act of 2001

02-0641-1901 Notice of Intent to Promulgate a Rule – Negotiated Rulemaking, Bulletin Vol. 19-6

STATE ATHLETIC COMMISSION

(Moved and Re-designated) - Rules of the State Athletic Commissions (This chapter has been re-designated from *IDAPA 03.01.01* to *IDAPA 24.02.01* under the Bureau of Occupational Licenses - See IDAPA 24 in this Index.)

IDAPA 04 -- OFFICE OF THE ATTORNEY GENERAL

- 04-0000-1900** *Rules of the Attorney General* - Notice of Omnibus Rulemaking - Temporary and Proposed Rulemaking - Reauthorizes Title 02, Chapter 01; Titles 11, 12, 20 - Bulletin Vol. 19-6SE (eff. 6-30-19)T
- 04-0000-1900F** *Rules of the Attorney General* - Notice of Omnibus Rulemaking - Temporary and Proposed Fee Rulemaking - Reauthorizes Title 02, Chapter 02 -- Bulletin Vol. 19-6SE (eff. 6-30-19)T

IDAPA 05 -- DEPARTMENT OF JUVENILE CORRECTIONS

- 05-0000-1900** *Rules of the Department of Juvenile Corrections* - Notice of Omnibus Rulemaking - Temporary and Proposed Rulemaking - Reauthorizes Title 01, Chapters 02-04; Title 02, Chapters 01-03 -- Bulletin Vol. 19-6SE (eff. 6-30-19)T

05.01.04, Uniform Standards for Juvenile Probation Services

- 05-0104-1901** Notice of Intent to Promulgate a Rule – Negotiated Rulemaking, Bulletin Vol. 19-8

IDAPA 06 -- STATE BOARD OF CORRECTION

- 06-0000-1900** *Rules of the State Board of Correction* - Omnibus Notice of Proclamation of Rulemaking - Reauthorizes Title 01, Chapters 01-02; Title 02, Chapters 01-02 -- Bulletin Vol. 19-6SE (eff. 6-30-19)

IDAPA 07 -- DIVISION OF BUILDING SAFETY

- 07-0000-1900*** *Rules of the Division of Building Safety* - Notice of Omnibus Rulemaking - Temporary and Proposed Rulemaking - Reauthorizes Title 01, Chapters 01, 04-08, 10; Title 02, Chapters 04-06; Title 03, Chapters 09, 13; Title 04, Chapter 01; Title 06, Chapter 01; Title 08, Chapter 01 -- Bulletin Vol. 19-6SE (eff. 6-30-19)T
- (*Rulemaking combines Title 08, Chapters 02-17 into 07.08.01

- 07-0000-1900F** *Rules of the Division of Building Safety* - Notice of Omnibus Rulemaking - Temporary and Proposed Fee Rulemaking, Reauthorizes Title 01, Chapters 02-03, 11; Title 02, Chapters 02- 03, 07; Title 03, Chapters 01, 03, 11-12; Title 04, Chapter 02; Title 05, Chapter 01; Title 07, Chapter 01; Title 10, Chapter 01 -- Bulletin Vol. 19-6SE (eff. 6-30-19)T

07.01.03, Rules of Electrical Licensing and Registration – General

- 07-0103-1901** Notice of Intent to Promulgate a Rule – Negotiated Rulemaking, Bulletin Vol. 19-5

07.02.02, Rules Governing Plumbing Permits

- 07-0202-1901*** Proposed Fee Rulemaking, Bulletin Vol. 19-7
- (*This rulemaking combines provisions from IDAPA 07.02.03, 07.02.04, and 07.02.07 into this chapter)

07.02.03, Rules Governing Permit Fee Schedule

- 07-0203-1901** Notice of Intent to Promulgate a Rule – Negotiated Rulemaking, Bulletin Vol. 19-5
- 07-0203-1902** Proposed Rulemaking (Chapter Repeal), Bulletin Vol. 19-7

07.02.04, Rules Governing Plumbing Safety Inspections

- 07-0204-1901*** Proposed Rulemaking (Chapter Repeal), Bulletin Vol. 19-7 (*See above entry)

07.02.05, Rules Governing Plumbing Safety Licensing

- 07-0205-1901** Notice of Intent to Promulgate a Rule – Negotiated Rulemaking, Bulletin Vol. 19-5
- 07-0205-1901** Proposed Rulemaking, Bulletin Vol. 19-7

07.02.07, Rules Governing Civil Penalties

- 07-0207-1901*** Proposed Rulemaking (Chapter Repeal), Bulletin Vol. 19-7 (*See 07.02.02 entry above)

07.03.01, Rules of Building Safety

07-0301-1901 Notice of Intent to Promulgate a Rule – Negotiated Rulemaking, Bulletin Vol. 19-6

07.03.12, Rules Governing Manufactured or Mobile Home Installations

07-0312-1901* Notice of Intent to Promulgate a Rule – Negotiated Rulemaking, Bulletin Vol. 19-7 (*Rulemaking has been terminated)

07.05.01, Rules of the Public Works Contractors License Board

07-0501-1901 Notice of Intent to Promulgate a Rule – Negotiated Rulemaking, Bulletin Vol. 19-5

07.07.01, Rules Governing Installation of Heating, Ventilation, and Air Conditioning Systems

07-0701-1901 Notice of Intent to Promulgate a Rule – Negotiated Rulemaking, Bulletin Vol. 19-5

07-0701-1901 Proposed Rulemaking, Bulletin Vol. 19-7

07-0701-1902 Notice of Intent to Promulgate a Rule – Negotiated Rulemaking, Bulletin Vol. 19-7

07-0000-1900* *Rules of the Division of Building Safety* - Notice of Omnibus Rulemaking - Temporary and Proposed Rulemaking - Reauthorizes Title 01, Chapters 01, 04-08, 10; Title 02, Chapters 04-06; Title 03, Chapters 09, 13; Title 04, Chapter 01; Title 06, Chapter 01; ***Title 08, Chapter 01** -- Bulletin Vol. 19-6SE (eff. 6-30-19)T

(*Rulemaking combines Title 08, Chapters 02-17 into Title 08, Chapter 01 (07.08.01))

07.08.01, Idaho Minimum Safety Standards and Practices for Logging -- General Provisions

07-0801-1901 Notice of Intent to Promulgate a Rule – Negotiated Rulemaking, Bulletin Vol. 19-6

***IDAPA 08 – IDAHO STATE BOARD OF EDUCATION
AND STATE DEPARTMENT OF EDUCATION***

08-0000-1900 *Rules of the State Board of Education and the Department of Education* - Notice of Omnibus Rulemaking - Temporary and Proposed Rulemaking - Reauthorizes Title 01, Chapters 02, 10, 11, 13; Title 02, Chapters 01-05; Title 03, Chapter 01; Title 04, Chapter 01; Title 05, Chapter 01 -- Bulletin Vol. 19-6SE (eff. 6-30-19)T

08-0000-1900F *Rules of the State Board of Education and the Department of Education* - Notice of Omnibus Rulemaking - Temporary and Proposed Fee Rulemaking - Reauthorizes Title 01, Chapter 11, Sections 200 and 300 only; Title 02, Chapter 02, Sections 066 and 075 only; Title 02, Chapter 03, Section 128 only -- Bulletin Vol. 19-6SE (eff. 6-30-19)T

08-0000-1900 *Rules of the State Board of Education and the Department of Education* - Notice of Public Hearing, Bulletin Vol. 19-8

08.01.13, Rules Governing the Idaho Opportunity Scholarship Program

08-0113-1901 Notice of Intent to Promulgate a Rule – Negotiated Rulemaking, Bulletin Vol. 19-7

08.02.01, Rules Governing Administration

08-0201-1901 Notice of Intent to Promulgate a Rule – Negotiated Rulemaking, Bulletin Vol. 19-7

08-0201-1902 Notice of Intent to Promulgate a Rule – Negotiated Rulemaking, Bulletin Vol. 19-7

08.02.02, Rules Governing Uniformity

08-0202-1901 Notice of Intent to Promulgate a Rule – Negotiated Rulemaking, Bulletin Vol. 19-3

08-0202-1902 Notice of Intent to Promulgate a Rule – Negotiated Rulemaking, Bulletin Vol. 19-3

08-0202-1903 Notice of Intent to Promulgate a Rule – Negotiated Rulemaking, Bulletin Vol. 19-7

08-0202-1902 Proposed Rulemaking, Bulletin Vol. 19-8

08.02.03, Rules Governing Thoroughness

08-0203-1901 Notice of Intent to Promulgate a Rule – Negotiated Rulemaking, Bulletin Vol. 19-7

08-0203-1902 Notice of Intent to Promulgate a Rule – Negotiated Rulemaking, Bulletin Vol. 19-7

08-0203-1903 Temporary and Proposed Rulemaking, Bulletin Vol. 19-8 (eff. 7-1-19)T

08.02.04, Rules Governing Public Charter Schools

08-0204-1901 Notice of Intent to Promulgate a Rule – Negotiated Rulemaking, Bulletin Vol. 19-7

IDAPA 09 – IDAHO DEPARTMENT OF LABOR

09-0000-1900 *Rules of the Idaho Department of Labor* - Notice of Omnibus Rulemaking - Temporary and Proposed Rulemaking - Reauthorizes Title 01, Chapters 01, 08, 30, 35, 60; Title 02, Chapter 01; Title 05, Chapter 03 -- Bulletin Vol. 19-6SE (eff. 6-30-19)T

09.01.30, Unemployment Insurance Benefits Administration Rules

09-0130-1901 Notice of Adoption of Temporary Rule, Bulletin Vol. 19-3 (eff. 3-6-19)T

09-0130-1902 Notice of Intent to Promulgate a Rule – Negotiated Rulemaking, Bulletin Vol. 19-5

09-0130-1903 Notice of Intent to Promulgate a Rule – Negotiated Rulemaking, Bulletin Vol. 19-5

09-0130-1902* 2nd Filing - Notice of Intent to Promulgate a Rule – Negotiated Rulemaking, Bulletin Vol. 19-7

09-0130-1903* 2nd Filing - Notice of Intent to Promulgate a Rule – Negotiated Rulemaking, Bulletin Vol. 19-7

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

10-0000-1900F *Rules of the Board of Professional Engineers and Professional Land Surveyors* - Notice of Omnibus Rulemaking - Temporary and Proposed Fee Rulemaking - Reauthorizes Title 01, Chapters 01-04 -- Bulletin Vol. 19-6SE (eff. 6-30-19)T

10-0000-1900F *Rules of the Board of Professional Engineers and Professional Land Surveyors* - Notice of Public Hearing, Bulletin Vol. 19-8

10.01.01, Rules of Procedure

10-0101-1901 Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 19-6

10.01.04, Rules of Continuing Professional Development

10-0104-1901 Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 19-6

10.01.05, Rules for Military or Veterans Licensure

10-0105-1901 Notice of Intent to Promulgate Rules - Negotiated Rulemaking (New Chapter), Bulletin Vol. 19-6

IDAPA 11 – IDAHO STATE POLICE

11-0000-1900 *Rules of the Idaho State Police* - Notice of Omnibus Rulemaking - Temporary and Proposed Rulemaking - Reauthorizes **Title 03**, Chapter 01; **Title 06**, Chapter 01; **Title 07**, Chapters 01-03; **Title 10**, Chapter 03; **Title 13**, Chapter 01 -- Bulletin Vol. 19-6SE (eff. 6-30-19)T

11-0000-1900F *Rules of the Idaho State Police* - Notice of Omnibus Rulemaking - Temporary and Proposed Fee Rulemaking - Reauthorizes Title 05, Chapter 01; **Title 10**, Chapter 02 -- Bulletin Vol. 19-6SE (eff. 6-30-19)T

11-0200-1900F *Rules of the Idaho State Brand Board* - Notice of Omnibus Rulemaking - Temporary and Proposed Fee Rulemaking - Reauthorizes **Title 02**, Chapters 01-02 -- Bulletin Vol. 19-6SE (eff. 6-30-19)T

11-0400-1900 *Rules of the Idaho State Racing Commission* - Notice of Omnibus Rulemaking - Temporary and Proposed Rulemaking - Reauthorizes **Title 04**, Chapters 04, 06, 08-10, 13-14 -- Bulletin Vol. 19-6SE (eff. 6-30-19)T

11-0400-1900F *Rules of the Idaho State Racing Commission* - Notice of Omnibus Rulemaking - Temporary and Proposed Fee Rulemaking - Reauthorizes **Title 04**, Chapters 02, 03, 05, 07, 11, 15 -- Bulletin Vol. 19-6SE (eff. 6-30-19)T

11-1001-1900F *Idaho Public Safety and Public Information Systems* - Notice of Omnibus Rulemaking - Temporary and Proposed Fee Rulemaking, - Reauthorizes **Title 10**, Chapter 01, Bulletin Vol. 19-6SE (eff. 6-30-19)T

- 11-1101-1900F*** *Rules of the Peace Officer Standards and Training Council* - Notice of Omnibus Rulemaking - Temporary and Proposed Rulemaking, - Reauthorizes **Title 11**, Chapter 01, Bulletin Vol. 19-6SE (eff. 6-30-19)T
**(Reauthorization combines previous chapters 11.02, 11.03, 11.04, 11.05, and 11.06 into Title 11, Chapter 01)*

Idaho State Brand Board

- 11-0200-1900F** *Rules of the Idaho State Brand Board* - Notice of Omnibus Rulemaking - Temporary and Proposed Fee Rulemaking - Reauthorizes Title 02, Chapters 01-02 -- Bulletin Vol. 19-6SE (eff. 6-30-19)T

11.02.01, Rules of the Idaho State Brand Board

- 11-0201-1901** Adoption of Temporary Rule, Bulletin Vol. 19-6 (eff. 7-1-19)T
11-0201-1902 Notice of Intent to Promulgate a Rule – Negotiated Rulemaking, Bulletin Vol. 19-7

Idaho State Police Forensic Services

- 11-0000-1900** *Rules of the Idaho State Police* - Notice of Omnibus Rulemaking - Temporary and Proposed Rulemaking - Reauthorizes **Title 03, Chapter 01**; Title 06, Chapter 01; Title 07, Chapters 01-03; Title 13, Chapter 01 -- Bulletin Vol. 19-6SE (eff. 6-30-19)T

11.03.01, Rules Governing Alcohol Testing

- 11-0301-1801** Adoption of Temporary Rule, Bulletin Vol. 18-1 (eff. 12-14-17)T
11-0301-1801 OARC Omnibus Notice of Legislative Action - Extension of Temporary Rule by SCR150, Bulletin Vol. 18-5 (eff. 10-2-17)T
11-0301-1801 OARC Omnibus Notice of Legislative Action-Extension of Temporary Rule by SCR113, Bulletin Vol. 19-5 (eff. 12-14-19)T

Idaho State Racing Commission

- 11-0400-1900** *Rules of the Idaho State Racing Commission* - Notice of Omnibus Rulemaking - Temporary and Proposed Rulemaking - Reauthorizes Title 04, Chapters 04, 06, 08-10, 13-14 -- Bulletin Vol. 19-6SE (eff. 6-30-19)T

- 11-0400-1900F** *Rules of the Idaho State Racing Commission* - Notice of Omnibus Rulemaking - Temporary and Proposed Fee Rulemaking - Reauthorizes Title 04, Chapters 02, 03, 05, 07, 11, 15 -- Bulletin Vol. 19-6SE (eff. 6-30-19)T

11.04.03, Rules Governing Licensing and Fees

- 11-0403-1801** Adoption of Temporary Rule, Bulletin Vol. 18-11 (eff. 9-17-18)T
11-0403-1801 OARC Omnibus Notice of Legislative Action-Extension of Temporary Rule by SCR 114, Bulletin Vol. 19-5 (eff. 9-17-18)T

11.04.11, Rules Governing Equine Veterinary Practices, Permitted Medications, Banned Substances and Drug Testing of Horses

- 11-0411-1801*** *Notice of Intent to Promulgate Rules – Negotiated Rulemaking, Bulletin Vol. 18-3 (*Rulemaking terminated by agency)*
11-0411-1802 Adoption of Temporary Rule, Bulletin Vol. 18-11 (eff. 9-17-18)T
11-0411-1802 OARC Omnibus Notice of Legislative Action-Extension of Temporary Rule by SCR 114, Bulletin Vol. 19-5 (eff. 9-17-18)T

11.06.01, Rules Governing Civil Asset Forfeiture Reporting

- 11-0601-1901** Adoption of Temporary Rule, Bulletin Vol. 19-3 (eff. 2-7-19)T

Public Safety and Security Information Bureau

- 11-0000-1900** *Rules of the Idaho State Police* - Notice of Omnibus Rulemaking - Temporary and Proposed Rulemaking - Reauthorizes Title 03, Chapter 01; Title 06, Chapter 01; Title 07, Chapters 01-03; **Title 10, Chapter 03**; Title 13, Chapter 01 -- Bulletin Vol. 19-6SE (eff. 6-30-19)T

- 11-1001-1900F** *Idaho Public Safety and Public Information Systems* - Notice of Omnibus Rulemaking - Temporary and Proposed Fee Rulemaking, - Reauthorizes **Title 10, Chapter 01**, Bulletin Vol. 19-6SE (eff. 6-30-19)T

11-0000-1900F *Rules of the Idaho State Police* - Notice of Omnibus Rulemaking - Temporary and Proposed Fee Rulemaking - Reauthorizes Title 05, Chapter 01; **Title 10, Chapter 02** -- Bulletin Vol. 19-6SE (eff. 6-30-19)T

11.10.02, Rules Governing State Criminal History Records and Crime Information

11-1002-1901 Adoption of Temporary Rule, Bulletin Vol. 19-3 (eff. 2-5-19)T

Peace Officer Standards and Training (POST) Council

11-1101-1900F *Rules of the Peace Officer Standards and Training Council* - Notice of Omnibus Rulemaking - Temporary and Proposed Rulemaking, - Reauthorizes Title 11, Chapter 01, Bulletin Vol. 19-6SE (eff. 6-30-19)T

*(Reauthorization combines previous chapters 11.02, 11.03, 11.04, 11.05, and 11.06 into Chapter 11.01)

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

11-1101-1901 Adoption of Temporary Rule, Bulletin Vol. 19-4 (eff. 3-14-19)T

IDAPA 12 – DEPARTMENT OF FINANCE

12-0000-1900 *Rules of the Department of Finance* - Notice of Omnibus Rulemaking - Temporary and Proposed Rulemaking, Reauthorizes Title 01, Chapters 04, 09, 10, 11 -- Bulletin Vol. 19-6SE (eff. 6-30-19)T

12-0000-1900F *Rules of the Department of Finance* - Notice of Omnibus Rulemaking - Temporary and Proposed Rulemaking, Reauthorizes Title 01, Chapters 06, 08 -- Bulletin Vol. 19-6SE (eff. 6-30-19)T

12.01.09, Rules Pursuant to the Idaho Credit Code

12-0109-1901 Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 19-8

12.01.10, Rules Pursuant to the Idaho Residential Mortgage Practices Act

12-0110-1901 Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 19-8

12.01.11, Rules Pursuant to the Idaho Collection Agency Act

12-0111-1901 Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 19-8

IDAPA 13 – IDAHO FISH AND GAME COMMISSION

13-0000-1900 *Rules of the Idaho Fish and Game Commission* - Notice of Omnibus Rulemaking - Temporary and Proposed Rulemaking, Reauthorizes Title 01, Chapters 01-04, 06-12, 14-19 -- Bulletin Vol. 19-6SE (eff. 6-30-19)T

13-0000-1900F *Rules of the Idaho Fish and Game Commission* - Notice of Omnibus Rulemaking - Temporary and Proposed Fee Rulemaking, Reauthorizes Title 01, Chapter 02, Sections 100 and 102 only; Title 01, Chapter 04, Section 600 only; Title 01, Chapter 08, Subsection 260.06 only; Title 01, Chapter 10, Subsection 400.09 only; Title 01, Chapter 19, Section 112 only; Title 01, Chapter 20, Subsection 102.04 only -- Bulletin Vol. 19-6SE (eff. 6-30-19)T

13.01.08, Rules Governing the Taking of Big Game Animals in the State of Idaho

13-0108-1902AP Notice of Amended Proclamation of Rulemaking, Bulletin Vol. 19-6

13-0108-1903 Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 19-6

13-0108-1904 Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 19-6

13.01.09, Rules Governing the Taking of Game Birds in the State of Idaho

13-0109-1901P Notice of Proclamation of Rulemaking, Bulletin Vol. 19-6

13-0109-1902 Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 19-6

13.01.10, Rules Governing the Importation, Possession, Release, Sale, or Salvage of Wildlife

13-0110-1901 Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 19-6

13.01.11, Rules Governing Fish

- 13-0111-1901P** Notice of Proclamation, Bulletin Vol. 19-1
- 13-0111-1902P** Notice of Proclamation of Rulemaking, Bulletin Vol. 19-4
- 13-0111-1903P** Notice of Proclamation of Rulemaking, Bulletin Vol. 19-8

13.01.14, Rules Governing Falconry

- 13-0114-1901P** Notice of Proclamation of Rulemaking, Bulletin Vol. 19-4

13.01.17, Rules Governing the Use of Bait and Trapping for Taking Big Game Animals

- 13-0117-1901** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 19-6

BOARD OF REGISTRATION OF PROFESSIONAL GEOLOGISTS

Moved and Re-designated) - *Rules of the Board of Registration of Professional Geologists* (This chapter has been re-designated from *IDAPA 14.01.01* to *IDAPA 24.04.01* under the Bureau of Occupational Licenses - See IDAPA 24 in this Index.)

IDAPA 15 – OFFICE OF THE GOVERNOR

Executive Orders of the Governor

- Executive Order No. **2019-01** Licensing Freedom Act of 2019, Bulletin Vol. 19-2
- Executive Order No. **2019-02** Red Tape Reduction Act, Bulletin Vol. 19-2
- Executive Order No. **2019-03** Regional Government Efficiency Working Group, Bulletin Vol. 19-6

Idaho Commission On Aging

- 15-0100-1900** *Rules of the Idaho Commission on Aging* - Notice of Omnibus Rulemaking - Temporary and Proposed Rulemaking, Reauthorizes Title 01, Chapters 01-03, 20, 30 -- Bulletin Vol. 19-6SE (eff. 6-30-19)T

Idaho Commission for the Blind and Visually Impaired

- 15-0200-1900** *Rules of the Idaho Commission for the Blind and Visually Impaired* - Notice of Omnibus Rulemaking - Temporary and Proposed Rulemaking, Reauthorizes Title 02, Chapters 02-04, 30 -- Bulletin Vol. 19-6SE (eff. 6-30-19)T

Idaho Forest Products Commission

- 15-0300-1900F** *Rules of the Idaho Forest Products Commission* - Notice of Omnibus Rulemaking - Temporary and Proposed Rulemaking, Reauthorizes Title 03, Chapter 01 -- Bulletin Vol. 19-6SE (eff. 6-30-19)T

Division of Human Resources and Personnel Commission

- 15-0400-1900** *Rules of the Division of Human Resources and Personnel Commission* - Notice of Omnibus Rulemaking - Temporary and Proposed Rulemaking, Reauthorizes Title 04, Chapter 01 -- Bulletin Vol. 19-6SE (eff. 6-30-19)T

Idaho Military Division

- 15-0600-1900** *Rules of the Idaho Military Division* - Notice of Omnibus Rulemaking - Temporary and Proposed Rulemaking, Reauthorizes Title 06, Chapters 01-02, 04-06 -- Bulletin Vol. 19-6SE (eff. 6-30-19)T
- 15-0600-1900F** *Rules of the Idaho Military Division* - Notice of Omnibus Rulemaking - Temporary and Proposed Fee Rulemaking, Reauthorizes Title 06, Chapter 03 -- Bulletin Vol. 19-6SE (eff. 6-30-19)T

Idaho State Liquor Division

15-1000-1900F *Rules of the Idaho State Liquor Division* - Notice of Omnibus Rulemaking - Temporary and Proposed Fee Rulemaking, Reauthorizes Title 10, Chapter 01 -- Bulletin Vol. 19-6SE (eff. 6-30-19)T

IDAPA 16 – DEPARTMENT OF HEALTH AND WELFARE

16-0000-1900 *Rules of the Department of Health and Welfare* - Notice of Omnibus Rulemaking - Temporary and Proposed Rulemaking, Reauthorizes Title 01, Chapters 01-06, 12; Title 02, Chapters 02, 06, 10-12, 15, 19, 23-24; Title 03, Chapters 01-02, 04-11, 13-14, 17, 20-21, 23-25; Title 04, Chapters 10, 13-14, 16-17; Title 05, Chapters 01, 03-04, 07; Title 06, Chapters 05, 12-13; Title 07, Chapters 17, 19, 25, 33, 37, 39 -- Bulletin Vol. 19-6SE (eff. 6-30-19)T

16-0000-1900 *Rules of the Department of Health and Welfare* - Notice of Public Hearing, Bulletin 19-8

16-0000-1900F *Rules of the Department of Health and Welfare* - Notice of Omnibus Rulemaking - Temporary and Proposed Fee Rulemaking, Reauthorizes Title 01, Chapter 07; Title 02, Chapters 01, 08, 13-14, 25-27; Title 03, Chapters 03, 18, 19, 22; Title 04, Chapters 07, 08; Title 05, Chapter 06; Title 06, Chapters 01-02; Title 07, Chapters 01, 15 -- Bulletin Vol. 19-6SE (eff. 6-30-19)T

16-0000-1900F *Rules of the Department of Health and Welfare* - Notice of Public Hearing, Bulletin 19-8

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

16-0103-1901 Notice of Intent to Promulgate a Rule – Negotiated Rulemaking, Bulletin Vol. 19-5

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

16-0107-1901 Notice of Intent to Promulgate a Rule – Negotiated Rulemaking, Bulletin Vol. 19-5

16.02.01, Rules of the Idaho Time Sensitive Emergency System Council

16-0201-1901 Notice of Intent to Promulgate a Rule – Negotiated Rulemaking, Bulletin Vol. 19-7

16.02.04, Syringe and Needle Exchange Program

16-0204-1901 Notice of Intent to Promulgate Rules - Negotiated Rulemaking (New Chapter), Bulletin Vol. 19-6

16.02.08, Vital Statistics Rules

16-0208-1901 Temporary and Proposed Rulemaking, Bulletin Vol. 19-7 (eff. 7-1-19)T

16.03.09, Medicaid Basic Plan Benefits

16-0309-1803 Notice of Intent to Promulgate a Rule – Negotiated Rulemaking, Bulletin Vol. 18-7

16-0309-1803 Temporary and Proposed Rulemaking, Bulletin Vol. 19-7 (eff. 7-1-19)T

16.03.10, Medicaid Enhanced Plan Benefits

16-0310-1704 4th Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 19-6

16-0310-1806 Notice of Intent to Promulgate a Rule – Negotiated Rulemaking, Bulletin Vol. 18-7

16-0310-1806 Temporary and Proposed Rulemaking, Bulletin Vol. 19-7 (eff. 7-1-19)T

16.03.18, Medicaid Cost-Sharing

16-0318-1901 Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 19-6

16.03.19, Rules Governing Certified Family Homes

16-0319-1901 Notice of Intent to Promulgate a Rule – Negotiated Rulemaking, Bulletin Vol. 19-5

16.03.22, Residential Care or Assisted Living Facilities in Idaho

16-0322-1901 Notice of Intent to Promulgate a Rule – Negotiated Rulemaking, Bulletin Vol. 19-7

16.05.04, Rules of the Idaho Council on Domestic Violence and Victim Assistance Grant Funding

16-0504-1901 Notice of Intent to Promulgate a Rule – Negotiated Rulemaking, Bulletin Vol. 19-7

16.05.06, Criminal History and Background Checks

- 16-0506-1901** OARC Omnibus Notice of Legislative Action-Extension of Temporary Rule by SCR 114, Bulletin Vol. 19-5 (eff. 1-1-19)T
16-0506-1902 Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 19-6

IDAPA 17 – INDUSTRIAL COMMISSION

- 17-0000-1900** *Rules of the Idaho Industrial Commission* - Notice of Omnibus Rulemaking - Temporary and Proposed Rulemaking, Reauthorizes Title 10, Chapter 01; Title 11, Chapter 01 -- Bulletin Vol. 19-6SE (eff. 6-30-19)T

- 17-0000-1900F** *Rules of the Idaho Industrial Commission* - Notice of Omnibus Rulemaking - Temporary and Proposed Fee Rulemaking, Reauthorizes Title 01, Chapter 01 -- Bulletin Vol. 19-6SE (eff. 6-30-19)T

IDAPA 18 – DEPARTMENT OF INSURANCE

- 18-0000-1900*** *Rules of the Idaho Department of Insurance* - Notice of Omnibus Rulemaking - Temporary and Proposed Rulemaking, Reauthorizes and Re-designates Title 01, Chapter 01; Title 02, Chapters 01-03; Title 03, Chapters 01-05; Title 04, Chapters 01-15; Title 05, Chapters 01-03; Title 06, Chapters 01-06; Title 07, Chapters 01-12; Title 08, Chapter 01 -- Bulletin Vol. 19-6SE (eff. 6-30-19)T

- 18-0000-1900F*** *Rules of the Idaho Department of Insurance* - Notice of Omnibus Rulemaking - Temporary and Proposed Fee Rulemaking, Reauthorizes and Re-designates Title 01, Chapter 02; Title 08, Chapter 02 --- Bulletin Vol. 19-6SE (eff. 6-30-19)T

*These chapters indexed under IDAPA 18 are re-designated with new Title and Chapter numbers as follows:

New Designation [Old Designation]: **18.01.01** [18.01.48]; **18.01.02** [18.01.44]; **18.02.01** [18.01.19]; **18.02.02** [18.01.20]; **18.02.03** [18.01.34]; **18.03.01** [18.01.09]; **18.03.02** [18.01.13]; **18.03.03** [18.01.16]; **18.03.04** [18.01.41]; **18.03.05** [18.01.61]; **18.04.01** [18.01.05]; **18.04.02** [18.01.06]; **18.04.03** [18.01.24]; **18.04.04** [18.01.26]; **18.04.05** [18.01.27]; **18.04.06** [18.01.28]; **18.04.07** [18.01.29]; **18.04.08** [18.01.30]; **18.04.09** [18.01.31]; **18.04.10** [18.01.54]; **18.04.11** [18.01.60]; **18.4.12** [18.01.69]; **18.04.13** [18.01.70]; **18.04.14** [18.01.72]; **18.04.15** [18.01.77]; **18.05.01** [18.01.01]; **18.05.02** [18.01.25]; **18.05.03** [18.01.56]; **18.06.01** [18.01.04]; **18.06.02** [18.01.10]; **18.06.03** [18.01.52]; **18.06.04** [18.01.53]; **18.06.05** [18.01.64]; **18.06.06** [18.01.65]; **18.07.01** [18.01.23]; **18.07.02** [18.01.46]; **18.07.03** [18.01.47]; **18.07.04** [18.01.62]; **18.07.05** [18.01.66]; **18.07.06** [18.01.67]; **18.07.07** [18.01.68]; **18.07.08** [18.01.75]; **18.07.09** [18.01.76]; **18.07.10** [18.01.77]; **18.07.11** [18.01.78]; **18.07.12** [18.01.81]; **18.08.01** [18.01.50]; **18.08.02** [18.01.49]

18.04.08, [18.01.30] Individual Disability and Group Supplemental Disability Insurance Minimum Standards Rule

- 18-0408-1901** Notice of Intent to Promulgate a Rule – Negotiated Rulemaking, Bulletin Vol. 19-8

18.04.16, Rules Governing Short-Term Health Insurance Coverage

- 18-0416-1901** Notice of Intent to Promulgate a Rule – Negotiated Rulemaking (New Chapter), Bulletin Vol. 19-7
18-0416-1902 Adoption of Temporary Rule (New Chapter), Bulletin Vol. 19-8 (eff. 7-1-19)T

18.06.06, [18.01.65] Rules for the Surplus Lines Brokers

- 18-0606-1901** Notice of Intent to Promulgate a Rule – Negotiated Rulemaking, Bulletin Vol. 19-8

IDAPA 19 – BOARD OF DENTISTRY

- 19-0101-1900F** *Rules of the Idaho State Board of Dentistry* - Notice of Omnibus Rulemaking - Temporary and Proposed Fee Rulemaking, Reauthorizes Title 01, Chapter 01 -- Bulletin Vol. 19-6SE (eff. 6-30-19)T

- 19-0101-1900F** *Rules of the Idaho State Board of Dentistry* - Notice of Public Hearing (Omnibus Fee Rulemaking), Bulletin Vol. 19-8

19.01.01, Rules of the Idaho State Board of Dentistry

- 19-0101-1901** Notice of Intent to Promulgate a Rule – Negotiated Rulemaking, Bulletin Vol. 19-7

IDAPA 20 – DEPARTMENT OF LANDS

20-0000-1900 *Rules of the Idaho Department of Lands* - Notice of Omnibus Rulemaking - Temporary and Proposed Rulemaking, Reauthorizes Title 01, Chapter 01; Title 02, Chapter 01; Title 04, Chapter 01 -- Bulletin Vol. 19-6SE (eff. 6-30-19)T

20-0000-1900 *Rules of the Idaho Department of Lands* - Notice of Public Hearing (Omnibus Rulemaking), Bulletin Vol. 19-8

20-0000-1900F *Rules of the Idaho Department of Lands* - Notice of Omnibus Rulemaking - Temporary and Proposed Fee Rulemaking, Reauthorizes Title 02, Chapter 14; Title 03, Chapters 01-05, 08, 09, 13-17; Title 04, Chapter 02; Title 06, Chapter 01; Title 07, Chapter 02 -- Bulletin Vol. 19-6SE (eff. 6-30-19)T

20-0000-1900F *Rules of the Idaho Department of Lands* - Notice of Public Hearing (Omnibus Fee Rulemaking), Bulletin Vol. 19-8

20.03.02, Rules Governing Exploration, Surface Mining, and Closure of Cyanidation Facilities

20-0302-1901 Notice of Intent to Promulgate a Rule – Negotiated Rulemaking, Bulletin Vol. 19-5

20.03.03, Rules Governing Administration of the Reclamation Fund

20-0303-1901 Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 19-6

20.03.04, Rules Governing the Regulation of Beds, Waters, and Airspace Over Navigable Lakes in the State of Idaho

20-0304-1901 Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 19-6

IDAPA 21 -- DIVISION OF VETERANS SERVICES

21-0000-1900 *Rules of the Division of Veterans Services* - Notice of Omnibus Rulemaking - Temporary and Proposed Rulemaking, Reauthorizes Title 01, Chapter 06 -- Bulletin Vol. 19-6SE (eff. 6-30-19)T

21-0000-1900F *Rules of the Division of Veterans Services* - Notice of Omnibus Rulemaking - Temporary and Proposed Fee Rulemaking, Reauthorizes Title 01, Chapters 01, 04 -- Bulletin Vol. 19-6SE (eff. 6-30-19)T

IDAPA 22 – BOARD OF MEDICINE

22-0000-1900 *Rules of the Idaho Board of Medicine* - Notice of Omnibus Rulemaking - Temporary and Proposed Rulemaking, Reauthorizes Title 01, Chapter 05 -- Bulletin Vol. 19-6SE (eff. 6-30-19)T

22-0000-1900 Notice of Public Hearing (Omnibus Rulemaking), Bulletin Vol. 19-8

22-0000-1900F *Rules of the Idaho Board of Medicine* - Notice of Omnibus Rulemaking - Temporary and Proposed Fee Rulemaking, Reauthorizes Title 01, Chapters 01, 03, 10, 11, 13 -- Bulletin Vol. 19-6SE (eff. 6-30-19)T

22-0000-1900F Notice of Public Hearing (Omnibus Fee Rulemaking), Bulletin Vol. 19-8

22.01.07, Rules for the Licensure of Naturopathic Medical Doctors

22-0107-1901 Notice of Intent to Promulgate Rules - Negotiated Rulemaking (New Chapter), Bulletin Vol. 19-8

IDAPA 23 – BOARD OF NURSING

23-0101-1900F *Rules of the Idaho Board of Nursing* - Notice of Omnibus Rulemaking - Temporary and Proposed Fee Rulemaking, Reauthorizes Title 01, Chapter 01 -- Bulletin Vol. 19-6SE (eff. 6-30-19)T

23.01.01, Rules of the Idaho Board of Nursing

23-0101-1901 Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 19-6

IDAPA 24 – BUREAU OF OCCUPATIONAL LICENSES

24-0101-1900F *Rules of the Board of Architectural Examiners* - Notice of Omnibus Rulemaking - Temporary and Proposed Fee Rulemaking, Reauthorizes Title 01, Chapter 01 -- Bulletin Vol. 19-6SE (eff. 6-30-19)T

- 24-0201-1900F*** *Rules of the State Athletic Commissions* - Notice of Omnibus Rulemaking - Temporary and Proposed Fee Rulemaking - Reauthorizes re-designated Title 02, Chapter 01 -- Bulletin Vol. 19-6SE (eff. 6-30-19)T
**(Re-designated from IDAPA 03.01.01 to 24.02.01)*
- 24-0301-1900F** *Rules of the State Board of Chiropractic Physicians* - Notice of Omnibus Rulemaking - Temporary and Proposed Fee Rulemaking, Reauthorizes Title 03, Chapter 01 -- Bulletin Vol. 19-6SE (eff. 6-30-19)T
- 24-0401-1900F*** *Rules of Procedure of the Board of Registration for Professional Geologists* - Notice of Omnibus Rulemaking - Temporary and Proposed Fee Rulemaking, Reauthorizes re-designated Title 04, Chapter 01 -- Bulletin Vol. 19-6SE (eff. 6-30-19)T
**(Re-designated from IDAPA 14.01.01 to 24.04.01)*
- 24-0501-1900F** *Rules of the Board of Drinking Water and Wastewater Professionals* - Notice of Omnibus Rulemaking - Temporary and Proposed Fee Rulemaking, Reauthorizes Title 05, Chapter 01 -- Bulletin Vol. 19-6SE (eff. 6-30-19)T
- 24-0601-1900F** *Rules for the Licensure of Occupational Therapists & Occupational Therapy Assistants* - Notice of Omnibus Rulemaking - Temporary and Proposed Fee Rulemaking, Reauthorizes Title 06, Chapter 01 -- Bulletin Vol. 19-6SE (eff. 6-30-19)T
- 24-0701-1900F** *Rules of the Idaho State Board of Landscape Architects* - Notice of Omnibus Rulemaking - Temporary and Proposed Fee Rulemaking, Reauthorizes Title 07, Chapter 01 -- Bulletin Vol. 19-6SE (eff. 6-30-19)T
- 24-0801-1900F** *Rules of the State Board of Morticians* - Notice of Omnibus Rulemaking - Temporary and Proposed Fee Rulemaking, Reauthorizes Title 08, Chapter 01 -- Bulletin Vol. 19-6SE (eff. 6-30-19)T
- 24-0901-1900F** *Rules of the Board of Examiners of Nursing Home Administrators* - Notice of Omnibus Rulemaking - Temporary and Proposed Fee Rulemaking, Reauthorizes Title 09, Chapter 01 -- Bulletin Vol. 19-6SE (eff. 6-30-19)T
- 24-1001-1900F** *Rules of the Board of Examiners of Nursing Home Administrators* - Notice of Omnibus Rulemaking - Temporary and Proposed Fee Rulemaking, Reauthorizes Title 10, Chapter 01 -- Bulletin Vol. 19-6SE (eff. 6-30-19)T
- 24-1101-1900F** *Rules of the State Board of Podiatry* - Notice of Omnibus Rulemaking - Temporary and Proposed Fee Rulemaking, Reauthorizes Title 11, Chapter 01 -- Bulletin Vol. 19-6SE (eff. 6-30-19)T
- 24-1201-1900F** *Rules of the Idaho State Board of Psychological Examiners* - Notice of Omnibus Rulemaking - Temporary and Proposed Fee Rulemaking, Reauthorizes Title 12, Chapter 01 -- Bulletin Vol. 19-6SE (eff. 6-30-19)T
- 24-1301-1900F** *Rules Governing the Physical Therapy Licensure Board* - Notice of Omnibus Rulemaking - Temporary and Proposed Fee Rulemaking, Reauthorizes Title 13, Chapter 01 -- Bulletin Vol. 19-6SE (eff. 6-30-19)T
- 24-1401-1900F** *Rules of the State Board of Social Work Examiners* - Notice of Omnibus Rulemaking - Temporary and Proposed Fee Rulemaking, Reauthorizes Title 14, Chapter 01 -- Bulletin Vol. 19-6SE (eff. 6-30-19)T
- 24-1501-1900F** *Rules of the Idaho Licensing Board of Professional Counselors and Marriage and Family Therapists*-Notice of Omnibus Rulemaking - Temporary and Proposed Fee Rulemaking, Reauthorizes Title 15, Chapter 01 -- Bulletin Vol. 19-6SE (eff. 6-30-19)T
- 24-1601-1900F** *Rules of the State Board of Dentistry* - Notice of Omnibus Rulemaking - Temporary and Proposed Fee Rulemaking, Reauthorizes Title 16, Chapter 01 -- Bulletin Vol. 19-6SE (eff. 6-30-19)T
- 24-1701-1900F** *Rules of the State Board of Acupuncture* - Notice of Omnibus Rulemaking - Temporary and Proposed Fee Rulemaking, Reauthorizes Title 17, Chapter 01 -- Bulletin Vol. 19-6SE (eff. 6-30-19)T
- 24-1801-1900F** *Rules of the Real Estate Appraiser Board* - Notice of Omnibus Rulemaking - Temporary and Proposed Fee Rulemaking, Reauthorizes Title 18, Chapter 01 -- Bulletin Vol. 19-6SE (eff. 6-30-19)T
- 24-1901-1900F** *Rules of the Board of Examiners of Residential Care Facility Administrators* - Notice of Omnibus Rulemaking - Temporary and Proposed Fee Rulemaking, Reauthorizes Title 19, Chapter 01 -- Bulletin Vol. 19-6SE (eff. 6-30-19)T

- 24-2001-1900F** *Rules of the Bureau of Occupational Licenses* - Notice of Omnibus Rulemaking - Temporary and Proposed Fee Rulemaking, Reauthorizes Title 20, Chapter 01 -- Bulletin Vol. 19-6SE (eff. 6-30-19)T
- 24-2101-1900F** *Rules of the Idaho State Contractors Board* - Notice of Omnibus Rulemaking - Temporary and Proposed Fee Rulemaking, Reauthorizes Title 21, Chapter 01 -- Bulletin Vol. 19-6SE (eff. 6-30-19)T
- 24-2201-1900F** *Rules of the Idaho State Liquefied Petroleum Gas Safety Board* - Notice of Omnibus Rulemaking - Temporary and Proposed Fee Rulemaking, Reauthorizes Title 22, Chapter 01 -- Bulletin Vol. 19-6SE (eff. 6-30-19)T
- 24-2301-1900F** *Rules of the Speech, Hearing and Communication Services Licensure Board* - Notice of Omnibus Rulemaking - Temporary and Proposed Fee Rulemaking, Reauthorizes Title 23, Chapter 01 -- Bulletin Vol. 19-6SE (eff. 6-30-19)T
- 24-2401-1900F** *Rules of the Genetic Counselors Licensing Board* - Notice of Omnibus Rulemaking - Temporary and Proposed Fee Rulemaking, Reauthorizes Title 24, Chapter 01 -- Bulletin Vol. 19-6SE (eff. 6-30-19)T
- 24-2501-1900F** *Rules of the Idaho Driving Businesses Licensure Board* - Notice of Omnibus Rulemaking - Temporary and Proposed Fee Rulemaking, Reauthorizes Title 25, Chapter 01 -- Bulletin Vol. 19-6SE (eff. 6-30-19)T
- 24-2601-1900F** *Rules of the Idaho Board of Midwifery* - Notice of Omnibus Rulemaking - Temporary and Proposed Fee Rulemaking, Reauthorizes Title 26, Chapter 01 -- Bulletin Vol. 19-6SE (eff. 6-30-19)T
- 24-2701-1900F** *Rules of the Idaho State Board of Massage Therapy* - Notice of Omnibus Rulemaking - Temporary and Proposed Fee Rulemaking, Reauthorizes Title 27, Chapter 01 -- Bulletin Vol. 19-6SE (eff. 6-30-19)T
- 24-2801-1900F** *Rules of the Barber and Cosmetology Services Licensing Board* - Notice of Omnibus Rulemaking - Temporary and Proposed Fee Rulemaking, Reauthorizes Title 28, Chapter 01 -- Bulletin Vol. 19-6SE (eff. 6-30-19)T
- 24-2901-1900F*** *Rules of Procedure of the Idaho Certified Shorthand Reporters Board* - Notice of Omnibus Rulemaking - Temporary and Proposed Fee Rulemaking, Reauthorizes re-designated Title 29, Chapter 01 -- Bulletin Vol. 19-6SE (eff. 6-30-19)T
**(Re-designated from IDAPA 49.01.01 to 24.29.01)*

IDAPA 25 – OUTFITTERS AND GUIDES LICENSING BOARD

- 25-0101-1900F** *Rules of the Outfitters and Guides Licensing Board* - Notice of Omnibus Rulemaking - Temporary and Proposed Fee Rulemaking, Reauthorizes Title 01, Chapter 01 -- Bulletin Vol. 19-6SE (eff. 6-30-19)T

25.01.01, Rules of the Outfitters and Guides Licensing Board

- 25-0101-1901** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 19-6
- 25-0101-1902** Adoption of Temporary Rule, Bulletin Vol. 19-6 (eff. 4-26-19)T, (5-22-19)T

IDAPA 26 – DEPARTMENT OF PARKS AND RECREATION

- 26-0000-1900** *Rules of the Department of Parks and Recreation* - Notice of Omnibus Rulemaking - Temporary and Proposed Fee Rulemaking, Reauthorizes Title 01, Chapters 03, 21-22, 24, 30-31, 34, 37 -- Bulletin Vol. 19-6SE (eff. 6-30-19)T

- 26-0000-1900F** *Rules of the Department of Parks and Recreation* - Notice of Omnibus Rulemaking - Temporary and Proposed Fee Rulemaking, Reauthorizes Title 01, Chapters 10, 20, 33, 36 -- Bulletin Vol. 19-6SE (eff. 6-30-19)T

26.01.20, Rules Governing the Administration of Park and Recreation Areas and Facilities

- 26-0120-1901** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 19-7

26.01.36, Rules Governing the Winter Recreational Parking Permit Program

- 26-0136-1901** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 19-7

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- 27-0101-1900F** *Rules of the Idaho Board of Pharmacy* - Notice of Omnibus Rulemaking - Temporary and Proposed Fee Rulemaking, Reauthorizes Title 01, Chapter 01 (This rulemaking consolidates contents from Chapters 27.01.02, 27.01.03, 27.01.04, and 27.01.05 into Title 01, Chapter 01) -- Bulletin Vol. 19-6SE (eff. 6-30-19)T
- 27-0000-1900F** *Rules of the Idaho Board of Pharmacy* - Notice of Public Hearing (Omnibus Fee Rulemaking), Bulletin 19-8

27.01.01, General Provisions

- 27-0101-1901*** *1st Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 19-6*
- 27-0101-1901*** *2nd Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 19-7 (*Rulemaking Terminated)*

IDAPA 28 – DEPARTMENT OF COMMERCE

- 28-0000-1900** *Rules of the Idaho Department of Commerce* - Notice of Omnibus Rulemaking - Temporary and Proposed Rulemaking, Reauthorizes Title 02, Chapters 03-05, 07; Titles 03, Chapter 01; Title 04, Chapter 01 -- Bulletin Vol. 19-6SE (eff. 6-30-19)T

IDAPA 29 – IDAHO POTATO COMMISSION

- 29-0000-1900** *Rules of the Idaho Potato Commission* - Notice of Omnibus Rulemaking - Temporary and Proposed Rulemaking, Reauthorizes Title 01, Chapter 01 -- Bulletin Vol. 19-6SE (eff. 6-30-19)T

IDAPA 30 – IDAHO COMMISSION FOR LIBRARIES

- 30-0101-1900** *Rules of the Idaho Commission for Libraries Governing the Use of Commission Services* - Notice of Omnibus Rulemaking - Temporary and Proposed Rulemaking, Reauthorizes Title 01, Chapter 01 -- Bulletin Vol. 19-6SE (eff. 6-30-19)T

IDAPA 31 – PUBLIC UTILITIES COMMISSION

- 31-0000-1900** *Rules of the Idaho Public Utilities Commission* - Notice of Omnibus Rulemaking - Temporary and Proposed Rulemaking, Reauthorizes Title 01, Chapter 01; Title 11, Chapter 01; Title 12, Chapter 01; Title 21, Chapter 01; Title 26, Chapter 01; Title 31, Chapter 01; Title 36, Chapter 01; Title 41, Chapter 01; Title 46, Chapters 01-02; Title 51, Chapter 01; Title 61, Chapter 01; Title 71, Chapters 01, 03; Title 81, Chapter 01 -- Bulletin Vol. 19-6SE (eff. 6-30-19)T
- 31-0000-1900** *Rules of the Idaho Public Utilities Commission* - Notice of Public Hearing (Omnibus Rulemaking), Bulletin 19-8

IDAPA 32 - ENDOWMENT FUND INVESTMENT BOARD

- 32-0101-1900F** *Rules of the Credit Enhancement Program for School Districts* - Notice of Omnibus Rulemaking - Temporary and Proposed Rulemaking, Reauthorizes Title 01, Chapter 01 -- Bulletin Vol. 19-6SE (eff. 6-30-19)T

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- 33-0101-1900F** *Rules of the Idaho Real Estate Commission* - Notice of Omnibus Rulemaking - Temporary and Proposed Fee Rulemaking, Reauthorizes Title 01, Chapter 01 -- Bulletin Vol. 19-6SE (eff. 6-30-19)T

IDAPA 34 – SECRETARY OF STATE

34-0000-1900 *Rules of the Idaho Secretary of State* - Notice of Omnibus Rulemaking - Temporary and Proposed Rulemaking, Reauthorizes Title 02, Chapter 02; Title 03, Chapter 01; Title 04, Chapter 02; Title 05, Chapter 05; Title 06, Chapter 01-02 -- Bulletin Vol. 19-6SE (eff. 6-30-19)T

34-0000-1900F *Rules of the Idaho Secretary of State* - Notice of Omnibus Rulemaking - Temporary and Proposed Fee Rulemaking, Reauthorizes Title 04, Chapter 01; Title 05, Chapter 01-03, 06 -- Bulletin Vol. 19-6SE (eff. 6-30-19)T

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35-0000-1900 *Rules of the Idaho State Tax Commission* - Notice of Omnibus Rulemaking - Temporary and Proposed Rulemaking, Reauthorizes Title 01, Chapters 01-03, 05-10, 12, 14; Title 02, Chapter 01 -- Bulletin Vol. 19-6SE (eff. 6-30-19)T

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- 35-0101-1901** Adoption of Temporary Rule, Bulletin Vol. 19-2 (eff. 1-4-19)T
- 35-0101-1901** OARC Omnibus Notice of Legislative Action - Extension of Temporary Rule - SCR 113, Bulletin Vol. 19-5 (eff. 1-4-19)T
- 35-0101-1902** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 19-6
- 35-0101-1903** Proposed Rulemaking, Bulletin Vol. 19-7
- 35-0101-1902** Proposed Rulemaking, Bulletin Vol. 19-8
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- 35-0102-1902** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 19-6
- 35-0102-1903** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 19-6
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- 35-0103-1902** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 19-6
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- 35-0103-1908** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 19-7
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37-0000-1900F *Rules of the Idaho Department of Water Resources* - Notice of Omnibus Rulemaking - Temporary and Proposed Fee Rulemaking, Reauthorizes Title 01, Chapter 01; Title 02, Chapter 03; Title 03, Chapters 01-10 -- Bulletin Vol. 19-6SE (eff. 6-30-19)T

37-0000-1900F *Rules of the Idaho Department of Water Resources* - Notice of Public Hearing (Fee Rules), Bulletin 19-8

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38-0000-1900 *Rules of the Idaho Department of Administration* - Notice of Omnibus Rulemaking - Temporary and Proposed Rulemaking, Reauthorizes Title 04, Chapters 06-09; Title 05, Chapters 01-02 -- Bulletin Vol. 19-6SE (eff. 6-30-19)T

38-0000-1900F *Rules of the Idaho Department of Administration* - Notice of Omnibus Rulemaking - Temporary and Proposed Fee Rulemaking, Reauthorizes Title 04, Chapter 04 -- Bulletin Vol. 19-6SE (eff. 6-30-19)T

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39-0000-1900F *Rules of the Idaho Transportation Department* - Notice of Omnibus Rulemaking - Temporary and Proposed Fee Rulemaking, Reauthorizes Title 02, Chapter 04, 07, 22, 26, 41, 60; Title 03, Chapter 03 -- Bulletin Vol. 19-6SE (eff. 6-30-19)T

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41-0101-1900 *Rules of the Idaho Public Health Districts (Panhandle Health District #1)*- Notice of Omnibus Rulemaking - Temporary and Proposed Rulemaking, Reauthorizes Title 01, Chapter 01 -- Bulletin Vol. 19-6SE (eff. 6-30-19)T

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42-0101-1900F *Rules of the Idaho Wheat Commission* - Notice of Omnibus Rulemaking - Temporary and Proposed Fee Rulemaking, Reauthorizes Title 01, Chapter 01 -- Bulletin Vol. 19-6SE (eff. 6-30-19)T

IDAPA 43 -- IDAHO OILSEED COMMISSION

43-0101-1900F *Rules Governing the Idaho Oilseed Commission* - Notice of Omnibus Rulemaking - Temporary and Proposed Fee Rulemaking, Reauthorizes Title 01, Chapter 01 -- Bulletin Vol. 19-6SE (eff. 6-30-19)T

IDAPA 45 -- HUMAN RIGHTS COMMISSION

45-0101-1900 *Rules of the Idaho Human Rights Commission* - Notice of Omnibus Rulemaking - Temporary and Proposed Rulemaking, Reauthorizes Title 01, Chapter 01 -- Bulletin Vol. 19-6SE (eff. 6-30-19)T

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46-0101-1900F *Rules of the Idaho Board of Veterinary Medicine* - Notice of Omnibus Rulemaking - Temporary and Proposed Fee Rulemaking, Reauthorizes Title 01, Chapter 01 -- Bulletin Vol. 19-6SE (eff. 6-30-19)T

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46-0101-1901 Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 19-6

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IDAPA 48 -- GRAPE GROWERS AND WINE PRODUCERS COMMISSION

48-0101-1900F *Rules of the Idaho Grape Growers and Wine Producers Commission* - Notice of Omnibus Rulemaking - Temporary and Proposed Fee Rulemaking, Reauthorizes Title 01, Chapter 01 -- Bulletin Vol. 19-6SE (eff. 6-30-19)T

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50-0101-1900 *Rules of the Commission of Pardons and Parole* - Notice of Omnibus Rulemaking - Temporary and Proposed Rulemaking, Reauthorizes Title 01, Chapter 01 -- Bulletin Vol. 19-6SE (eff. 6-30-19)T

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51-0101-1900F *Rules of the Idaho Beef Council* - Notice of Omnibus Rulemaking - Temporary and Proposed Fee Rulemaking, Reauthorizes Title 01, Chapter 01 -- Bulletin Vol. 19-6SE (eff. 6-30-19)T

IDAPA 52 -- IDAHO STATE LOTTERY COMMISSION

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54-0000-1900 *Rules of the Idaho State Treasurer* - Notice of Omnibus Rulemaking - Temporary and Proposed Rulemaking, Reauthorizes Title 02, Chapter 01; Title 03, Chapter 01 -- Bulletin Vol. 19-6SE (eff. 6-30-19)T

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55-0000-1900 *Rules of the Idaho Division of Career Technical Education* - Notice of Omnibus Rulemaking - Temporary and Proposed Rulemaking, Reauthorizes Title 01, Chapters 03-04 -- Bulletin Vol. 19-6SE (eff. 6-30-19)T

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57-0101-1900F *Rules of the Sexual Offender Management Board* - Notice of Omnibus Rulemaking - Temporary and Proposed Fee Rulemaking, Reauthorizes Title 01, Chapter 01-- Bulletin Vol. 19-6SE (eff. 6-30-19)T

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58-0000-1900F *Rules of the Department of Environmental Quality* - Notice of Omnibus Rulemaking - Temporary and Proposed Rulemaking, Reauthorizes Title 01, Chapters 05-08, 12-14, 18, 20, 25 -- Bulletin Vol. 19-6SE (eff. 6-30-19)T

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- 58-0000-1903** Big Lost River Subbasin Temperature Total Maximum Daily Load (TMDL): 2019 Addendum and Five-Year Review (HUC 17040218), Bulletin Vol. 19-7
- 58-0000-1904** Palisade Subbasin 2019 Total Maximum Daily Load (TMDL) And Five-Year Review (HUC 17040104), Bulletin Vol. 19-8

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59-0000-1900 *Rules of the Idaho Public Retirement System of Idaho* - Notice of Omnibus Rulemaking - Temporary and Proposed Rulemaking, Reauthorizes Title 01, Chapters 01-06, 08; Title 02, Chapter 01 -- Bulletin Vol. 19-6SE (eff. 6-30-19)T

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60-0000-1900 *Rules of the Idaho State Soil and Water Conservation* - Notice of Omnibus Rulemaking - Temporary and Proposed Rulemaking, Reauthorizes Title 05, Chapter 04 -- Bulletin Vol. 19-6SE (eff. 6-30-19)T

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