## IDAHO ADMINISTRATIVE BULLETIN

February 5, 2020 – Vol. 20-2

Office of the Governor
Division of Financial Management
Office of the Administrative Rules Coordinator
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Brad Little, Governor
Alex Adams, Administrator, Division of Financial Management
Dennis Stevenson, Administrative Rules Coordinator
Bradley Hunt, Administrative Rules Specialist
Jason Shaw, Publishing Specialist/Rules Analyst

### 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.

. "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.

A	LPHABETICAL INDEX OF STATE AGENCIES AND CORRESPONDING IDAPA NUMBERS
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IDAPA 38	Administration, Department of
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IDAPA 24.02	Athletic Commission, Idaho
IDAPA 04	Attorney General, Office of the
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IDAPA 28	Commerce, Idaho Department of
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IDAPA 08	Education, State Board of and State Department of
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IDAPA 13	Fish and Game, Department of
IDAPA 24.04	Geologists, Board of Registration for Professional

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IDAPA 05	Juvenile Corrections, Department of
IDAPA 09	Labor, Idaho Department of
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IDAPA 52	Lottery Commission, Idaho State
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	Acupuncture, Board of (24.17) Architectural Examiners, Board of (24.01)
	Athletic Commission, State (24.02)
	Barber and Cosmetology Services Licensing Board (24.28)
	Chiropractic Physicians, Board of (24.03)
	Contractors Board, Idaho State (24.21)
	Counselors and Marriage and Family Therapists, Licensing Board of Professional (24.15)
	Denturity, Board of (24.16)
	Drinking Water and Wastewater Professionals, Board of (24.05)
	Driving Businesses Licensure Board, Idaho (24.25)
	Genetic Counselors Licensing Board (24.24)
	Geologists, Board of Registration for Professional (24.04) Landscape Architects, Board of (24.07)
	Liquefied Petroleum Gas Safety Board (24.22)
	Massage Therapy, Board of (24.27)
	Midwifery, Board of (24.26)
	Morticians, Board of (24.08)
	Nursing Home Administrators, Board of Examiners of (24.09)
	Occupational Therapy Licensure Board (24.06)
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	Physical Therapy Licensure Board (24.13)
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	Real Estate Appraiser Board (24.18)
	Residential Care Facility Administrators, Board of Examiners of (24.19)
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IDAPA 50	Pardons and Parole, Commission for
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A	LPHABETICAL INDEX OF STATE AGENCIES AND CORRESPONDING IDAPA NUMBERS
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IDAPA 47	Vocational Rehabilitation, Division of
IDAPA 37	Water Resources, Department of
IDAPA 42	Wheat Commission

#### THE OFFICE OF THE GOVERNOR

#### EXECUTIVE DEPARTMENT STATE OF IDAHO BOISE

#### EXECUTIVE ORDER NO. 2020-01

#### ZERO-BASED REGULATION

WHEREAS, excessive regulation at all levels of government can impose high costs on businesses, inhibit job growth, and impede private sector investment; and

WHEREAS, Governor Little issued Executive Order No. 2019-02, the Red Tape Reduction Act, with a goal of identifying and eliminating costly, ineffective, and outdated regulations; and

WHEREAS, the Governor's efforts to eliminate regulations were augmented by the expiration of all administrative rules in 2019 pursuant to Section 67-5292, Idaho Code, creating an impetus for quicker action by state agencies; and

WHEREAS, this effort changed the dynamic for agencies. Previously, each rule the agency wanted to eliminate had to be justified as a new rulemaking action; however, in 2019, every regulation that agencies wanted to keep had to be justified, changing the burden of proof and combating bureaucratic inertia; and

WHEREAS, Idaho state agencies did a tremendous job of embracing this opportunity, holding more than 150 public meetings and making significant progress toward regulatory reform; and

WHEREAS, the new process proved to be successful, leading to historic regulatory reform with 75-percent of all rules cut or simplified in less than one year. The effort led to the elimination of 250 rule chapters, 1,804 pages of regulations, and close to 31,000 restrictions. For every new rule chapter added, 83 were eliminated, and Idaho become the least regulated state in the country; and

WHEREAS, the collaboration between the executive and legislative branches was unprecedented and enabled this success; and

WHEREAS, the proven success of this new process should be institutionalized to prevent the accumulation of costly, ineffective, and outdated regulations over time; and

WHEREAS, there is an opportunity to pair this process with a more thorough retrospective review of the cost and benefit of each rule, if agencies are provided adequate lead time; and

WHEREAS, given the volume of rulemaking in 2019, there is a need to provide businesses with certainty in the regulatory environment.

NOW, THEREFORE, I, Brad Little, Governor of the State of Idaho, by virtue of the authority vested in me by the Constitution and laws of this state, do hereby order that:

1. Executive Order No, 2019-02, the Red Tape Reduction Act, is hereby repealed and replaced with the Zero-Based Regulation process specified in this Executive Order.

#### Ongoing Review Process for Existing Rules

- 2. Each rule chapter effective on June 30, 2020, shall be reviewed by the agency that promulgated the rule according to a schedule established by the Division of Financial Management (DFM) as follows:
  - a. All rule chapters, excluding those issued by Constitutional officers, shall be reviewed and, if applicable, be promulgated as specified in this Executive Order no later than sine die in 2026;
  - b. The agency review schedule shall be staggered across agencies and within agencies if the agency has five (5) or more rule chapters. DFM shall ensure the volume of rules that are reviewed by the agencies

- in any given year is such that the public can engage and provide meaningful input in any individual rulemaking, with approximately twenty percent (20-percent) of rule chapters subject to review each vear; and
- c. The agency review schedule shall be posted on the website of the office of administrative rules coordinator no later than October 1, 2020, and a date for agency review shall be published on the cover sheet of each individual rule chapter.
- 3. Prior to the agency review date established by DFM, each agency must publish a notice of proposed rulemaking in accordance with the provisions of the Idaho Administrative Procedure Act, Chapter 52, Title 67, Idaho Code to repeal the existing rule chapter. The agency must finalize the chapter repeal as a pending rule for legislative review during the legislative session that coincides with the agency review date.
- 4. An agency wishing to renew a rule chapter beyond the agency review date must promulgate a new rule in accordance with the provisions of the Idaho Administrative Procedure Act, Chapter 52, Title 67, Idaho Code:
  - a. The agency must perform a retrospective analysis of the rule chapter to determine whether the benefits the rule intended to achieve are being realized, whether those benefits justify the costs of the rule, and whether there are less restrictive alternatives to accomplish the benefits. This analysis should be guided by the legislative intent articulated in the statute or act giving the agency the authority to promulgate the rule.
    - i. DFM shall develop a standardized process for the required retrospective analysis. Any such forms shall be posted on the website of the office of administrative rules coordinator no later than October 1, 2020.
    - ii. Agencies should start the new rulemaking from a zero-base, and not seek to simply reauthorize their existing rule chapter without a critical and comprehensive review. Agencies must use the retrospective analysis to guide which regulations, if any, should be re-promulgated in order to carry out the legislative intent articulated in the statute or act giving the agency the authority to promulgate the rule.
  - b. The agency must publish a notice of intent to promulgate rules and hold, at a minimum, two public hearings that are designed to maximize public participation in the rulemaking process. A copy of the retrospective analysis must be published on the agency's website prior to the public hearings.
  - c. The new rule chapter that the agency finalizes must reduce the overall regulatory burden, or remain neutral, as compared to the previous rule chapter. Process for New or Amended Rules
- 5. For the current year, there is a moratorium on rulemaking in order to create a more stable regulatory environment and provide businesses with certainty following the significant rulemaking volume undertaken in 2019. State agencies shall not conduct any new rulemaking action from the date of this Executive Order through December 31, 2020, unless all the following conditions apply or unless waived by the Office of the Governor:
  - a. The rulemaking is narrowly-tailored to achieve one or more of the following objectives:
    - i. To reduce or remove a regulatory burden;
    - i. To remove obsolete, outdated, or unnecessary regulations:
    - iii. To advance the objectives of the Licensing Freedom Act;
    - iv. To comply with a new statutory requirement or court order; or
    - v. To prevent a substantiated and well-documented threat to public health, peace, or safety.
  - b. At least one existing rule is repealed or significantly simplified in conjunction with the new or amended rule so that the net regulatory burden is decreased or neutral. Upon approval from the Office of the Governor, this condition will not apply if the rulemaking is mandated by new federal or state law or by court order;
  - c. At least one public hearing is conducted;
  - d. The agency completes a prospective analysis of the new or amended rule, using a standardized form developed by DFM.
    - i. Any such forms shall be posted on the website of the office of administrative rules coordinator no later than June 1, 2020.
    - ii. A copy of the prospective analysis must be published on the agency's website prior to the negotiated rulemaking session.

- 6. All proposed amendments to an existing chapter must be contained within a single rulemaking docket.
- 7. If the new rulemaking action results in a new chapter, it shall be reviewed by sine die five (5) years from when the rule becomes final.
  - a. The rules coordinator shall publish the agency review date on the cover sheet of each individual rule chapter.
- 8. Temporary rules shall be limited to those that are intended to avoid an immediate danger or are required to meet a specific deadline specified in statute or a court order.
- 9. Beginning January 1, 2021, state agencies shall, to the extent practicable, only amend rules in conjunction with the renewal of a rule chapter as specified in item 4 of this Executive Order.



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

BRAD LITTLE GOVERNOR

LAWERENCE DENNEY SECRETARY OF STATE

#### THE OFFICE OF THE GOVERNOR

#### EXECUTIVE DEPARTMENT STATE OF IDAHO BOISE

#### EXECUTIVE ORDER NO. 2020-02

#### TRANSPARENCY IN AGENCY GUIDANCE DOCUMENTS

WHEREAS, state agencies often rely on final orders as precedent or issue agency guidance documents in the form of written interpretations, policy statements, manuals, and letters to help clarify existing statutes or regulations; and

WHEREAS, while agency guidance documents are intended to be agency interpretations of law, they sometimes carry the implicit threat of enforcement action or otherwise can create confusion for Idahoans; and

WHEREAS, state agencies may only enforce duly enacted statutes, executive orders, or lawfully promulgated rules, unless as otherwise authorized by law or as incorporated into a contract; and

WHEREAS, section 67-5250, Idaho Code, requires each agency to make final orders and agency guidance documents available for public inspection.

NOW, THEREFORE, I, Brad Little, Governor of the State of Idaho, by virtue of the authority vested in me by the Constitution and laws of this state, do hereby order that:

- 1. Each guidance document issued by an agency must:
  - a. Clearly state that it is not new law but is an agency interpretation of existing law, except as authorized by law or as incorporated into a contract; and
  - b. Provide a point of contact so that members of the public may seek additional information or provide input on the agency guidance document.
- 2. By July 1, 2020, any agency guidance document that an agency intends to continue must be posted on the agency's website on a single webpage, organized by subject, and with a direct link to the agency guidance document.
- 3. By December 31, 2020, any written final orders that an agency intends to rely upon as precedent must be posted on the agency's website on a single webpage, organized by subject, and with a direct link to the final order.
- 4. Coinciding with the deadlines above, each agency must prepare and deliver a report to the Division of Financial Management detailing what final order(s) and or agency guidance document(s), if any, the agency uses, and stating the purpose of each guidance document.
- 5. For the purposes of this Executive Order, "agency guidance" means all written documents, other than statutes, rules, orders, and pre-decisional material, that are intended to guide agency actions affecting the rights or interests of persons outside the agency. "Agency guidance" includes memoranda, manuals, policy statements, interpretations of law or rules, and other material that are of general applicability, whether prepared by the agency alone or jointly with other persons.
- 6. For purposes of this Executive Order, a "final order" has the meaning assigned to it in the Idaho Administrative Procedure Act, Chapter 52, Title 67, Idaho Code.



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

BRAD LITTLE GOVERNOR

LAWERENCE DENNEY SECRETARY OF STATE

# 13.01.07 – RULES GOVERNING THE TAKING OF UPLAND GAME ANIMALS DOCKET NO. 13-0107-2001P NOTICE OF PROCLAMATION

**AUTHORITY:** In compliance with Section 36-105(3), Idaho Code, notice is hereby given that at a January 23, 2020 meeting the Commission adopted by proclamation the 2020 and 2021 Upland Game, Turkey, and Furbearer proclamation, establishing seasons and limits for hunting animals that include but are not limited to rabbits and hares.

Hunters and trappers are advised that they must consult the text of the Commission's official proclamation before hunting or trapping as this notice is merely meant to advise that a new proclamation has been adopted.

# 13.01.08 – RULES GOVERNING THE TAKING OF BIG GAME ANIMALS IN THE STATE OF IDAHO DOCKET NO. 13-0108-1902AAP NOTICE OF AMENDED PROCLAMATION

**AUTHORITY:** In compliance with Section 36-105(3), Idaho Code, notice is hereby given that the Commission has amended its 2019 and 2020 Idaho Big Game Seasons at a meeting that occurred on January 23, 2020. The statewide hunter tag limit is now fifteen (15) wolves per calendar year and the statewide trapper tag limit is now fifteen (15) wolves per calendar year.

Hunter and trappers are advised that they must consult the text of the Commission's official proclamation before hunting and trapping as this notice is merely meant to advise that changes have been made. This notice is not an exhaustive list of those changes.

# 13.01.09 – RULES GOVERNING THE TAKING OF GAME BIRDS IN THE STATE OF IDAHO DOCKET NO. 13-0109-2001P NOTICE OF PROCLAMATION

**AUTHORITY:** In compliance with Section 36-105(3), Idaho Code, notice is hereby given that at a January 23, 2020 meeting the Commission adopted by proclamation the 2020 and 2021 Upland Game, Turkey, and Furbearer proclamation. The proclamation establishes seasons and limits for hunting birds that include but are not limited to: forest grouse; bobwhite and California quail; chukar and grey partridge; sharp-tailed grouse; pheasants; and turkey.

Hunters and trappers are advised that they must consult the text of the Commission's official proclamation before hunting or trapping as this notice is merely meant to advise that a new proclamation has been adopted.

# 13.01.11 – RULES GOVERNING FISH DOCKET NO. 13-0111-1901AAAAP NOTICE OF AMENDED PROCLAMATION

**AUTHORITY:** In compliance with Section 36-105(3), Idaho Code, notice is hereby given that at a December 18, 2019 special meeting the Commission amended by proclamation the 2020 Idaho Spring Steelhead Seasons, establishing seasons and limits for fishing in Idaho.

Effective January 1, 2020, the Commission will reopen steelhead fishing in the Clearwater River and lower Snake River downstream of Couse Creek Boat Ramp. The daily bag limit in those sections will be limited to one adipose-clipped steelhead per day, none over twenty-eight (28) inches in length. Anglers should note that the North Fork Clearwater River will be closed to steelhead fishing during the 2020 spring season.

Anglers are also advised that they must consult the text of the Commission's official proclamation before fishing as this notice is merely meant to advise that changes have been made. This notice is not an exhaustive list of those changes.

## 13.01.16 – THE TRAPPING OF PREDATORY AND UNPROTECTED WILDLIFE AND THE TAKING OF FURBEARING ANIMALS

## DOCKET NO. 13-0116-2001P NOTICE OF PROCLAMATION

**AUTHORITY:** In compliance with Section 36-105(3), Idaho Code, notice is hereby given that at a January 23, 2020 meeting the Commission adopted by proclamation the 2020 and 2021 Upland Game, Turkey, and Furbearer proclamation. The proclamation establishes seasons and limits for hunting and trapping animals that include but are not limited to badger, beaver, bobcat, fox, marten, mink, muskrat, and otter.

Hunters and trappers are advised that they must consult the text of the Commission's official proclamation before hunting or trapping as this notice is merely meant to advise that a new proclamation has been adopted.

#### **IDAPA 39 – IDAHO TRANSPORTATION DEPARTMENT**

#### **DOCKET NO. 39-0000-1900**

#### NOTICE OF CORRECTION TO OMNIBUS PENDING RULE

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 40-312 and 49-201, Idaho Code.

CORRECTION SUMMARY: This notice corrects an error in this docket that adopts as pending rules the administrative rules of the Department being reauthorized in this omnibus rulemaking action. In the Notice of Omnibus Rulemaking - Adoption of Pending Rule that published under Docket No. 39-0000-1900 in the November 20, 2019, Special Edition Administrative Bulletin Vol. No. 19-11SE, IDAPA 39.02.09, "Rules Governing Requirements for Manufacturer's Certificate of Origin (MCO)," and 39.02.46, "Rules Governing Temporary Motor Vehicle Registration Permit," were inadvertently included in the list of rules that were vacated as part of the omnibus rulemaking. These chapters were not vacated and were adopted by the Board as pending rules. This notice corrects that mistake and completes the Board action of reauthorizing these rules.

The rulemaking has been properly promulgated by the Department and Board and is being refiled with the legislature for review. These chapters are currently in effect as temporary rules and the pending rules are being reprinted in their entirety following this Notice as adopted by the Board.

**DESCRIPTIVE SUMMARY:** The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change.

This pending rule adopts and re-publishes the following existing and previously approved and codified chapter(s) under IDAPA 39, rules of the Idaho Transportation Department:

#### IDAPA 39

- 39.02.01, Rules Governing Vehicle Manufacturer and Distributor Franchise Requirements
- 39.02.02, Rules Governing Vehicle & Vessel Dealer License Requirements Motor Vehicles
- 39.02.03, Rules Governing Vehicle Dealer's Principal Place of Business
- 39.02.09, Rules Governing Requirements for Manufacturer's Certificate of Origin (MCO)
- 39.02.27, Rules Governing Titling and Registration of Non-Resident Commercial Vehicles and Transient Farm Labor Vehicles
- 39.02.42, Temporary Vehicle Registration When Proof of Ownership Is Insufficient
- 39.02.43, Rules Governing Registration and Title Fee Refunds
- 39.02.45, Rules Governing Fees for Lapsed Registration Periods
- 39.02.46, Rules Governing Temporary Motor Vehicle Registration Permit
- 39.02.70, Rules Governing Restricted Driving Permits
- 39.02.71, Rules Governing Driver's License Violation Point System
- 39.02.72, Rules Governing Administrative License Suspensions
- 39.02.73, Rules Governing Accident Prevention Course
- 39.02.75, Rules Governing Names on Drivers' Licenses and Identification Cards
- 39.02.76, Rules Governing Driver's License Renewal-by-Mail and Electronic Renewal Process
- 39.02.80, Rules Governing Motor Carrier Financial Responsibility
- 39.03.01, Rules Governing Definitions Regarding Special Permits
- 39.03.02, Rules Governing Movement of Disabled Vehicles
- 39.03.04, Rules Governing Special Permits Overweight Non-Reducible
- 39.03.05, Rules Governing Special Permits Oversize Non-Reducible
- 39.03.06, Rules Governing Special Permits for Extra-Length/Excess Weight Up to 129,000 Pound Vehicle Combinations
- 39.03.07, Rules Governing Special Permits for Reducible Loads
- 39.03.08, Rules Governing Self-Propelled Snowplows
- 39.03.40, Rules Governing Junkyards and Dumps
- \*39.03.41, Rules Governing Traffic Control Devices
- 39.03.42, Rules Governing Highway Right-of-Way Encroachments on State Rights-of-Way
- 39.03.43, Rules Governing Utilities On State Highway Right-of-Way
- 39.03.44, Rules Governing Highway Relocation Assistance for Persons Displaced by Public Programs
- 39.03.47, Rules Governing Certification of Local Improved Road Mileage

#### IDAHO TRANSPORTATION DEPARTMENT IDAPA 39

#### Docket No. 39-0000-1900 Correction to Omnibus Notice of Pending Rule

- 39.03.48, Rules Governing Routes Exempt From Local Plans and Ordinances
- 39.03.49, Rules Governing Ignition Interlock Breath Alcohol Devices
- 39.03.50, Rules Governing Safety Rest Areas
- \*39.03.60, Rules Governing Outdoor Advertising
- 39.03.65, Rules Governing Traffic Minute Entries
- 39.03.80, Rules Governing Legalization of Overloaded Vehicles
- 39.03.81, Rules Governing Issuance of Temporary Permits In Lieu of Full Registration
- \*39.04.01, Rules Governing Aeronautics and Aviation (New Chapter)

This pending rule vacates the following proposed rules previously promulgated under this docket number as part of the omnibus proposed rulemaking under IDAPA 39, rules of the Idaho Transportation Department:

- (VACATED) 39.02.05, Rules Governing Lien Filing on Certificate of Title
- (VACATED) 39.02.11, Rules Governing Odometer Readings on Title Records

- (VACATED) 39.02.12, Rules Governing Issuing Certificates of Title and Bonded Certificates of Title
   (VACATED) 39.02.24, Rules Governing 'Gray Market' Vehicle Registration and Titling
   (VACATED) 39.02.61, Rules Governing License Plates for Governmental Agencies and Taxing Districts
- (VACATED) 39.03.62, Rules Governing Logo Signs
- (VACATED) 39.03.64, Rules Governing Tourist Oriented Directional Signs (TODS)
- (VACATED) 39.03.61, Rules Governing Directional and Other Official Signs and Notices
- (VACATED) 39.03.63, Rules Governing Traffic Accident Memorials
- (VACATED) 39.04.01, Rules Governing Federal Aviation Regulations
- (VACATED) 39.04.02, Rules Governing Marking of Hazards to Air Flight
- (VACATED) 39.04.03, Rules Governing Restriction of Flight in Designated Emergency Areas (VACATED) 39.04.04, Rules Governing Idaho Airport Aid Program
- (VACATED) 39.04.05, Rules Governing Aircraft Registration
- (VACATED) 39.04.06, Rules Governing Commercial and Through-the-Fence Operations and Hangar Construction at State Airports
- (VACATED) 39.04.07, Rules Governing Aerial Search and Rescue of Lost Aircraft and Airmen
- (VACATED) 39.04.08, Rules Governing Operations at State Airports

The consolidation of various rule chapters was done in an effort to support the Governor's Red Tape Reduction Act. The changes enhance customer usability and also allowed for the deletion of antiquated and outdated information. Specifically, IDAPA 39.03.62 and 39.03.64 are combined and consolidated into IDAPA 39.03.41; 39.03.61 and 39.03.63 are combined and consolidated into **IDAPA 39.03.60**; and 39.04.01, 39.04.02, 39.04.03, 39.04.04. 39.04.05, 39.04.06, 39.04.07 and 39.04.08 are consolidated into **IDAPA 39.04.01**.

Any amendments to the text of the pending rule have been made in accordance with Section 67-5227, Idaho Code. The complete text of the proposed rule was published in the June 19, 2019 Idaho Administrative Bulletin, Vol. 19-6SE, pages 6236-6473.

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year: This rulemaking is not anticipated to have any fiscal impact on the state general fund because the FY2020 budget has already been set by the Legislature, and approved by the Governor, anticipating the existence of the rules and fees being reauthorized by this rulemaking.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning these pending rules, please contact Ramón Hobdey-Sánchez at (208) 334-8810. Additionally, please visit ITD's rulemaking website at itd.idaho.gov/rulemaking for rules drafts and educational materials.

Dated this 11th day of January, 2020.

Ramón S. Hobdey-Sánchez, J.D. Governmental Affairs Specialist Phone: (208) 334-8810

ramon.hobdey-sanchez@itd.idaho.gov

Idaho Transportation Department 3311 W. State Street Boise, ID 83703

#### IDAPA 39 TITLE 02 CHAPTER 09

## 39.02.09 - RULES GOVERNING REQUIREMENTS FOR MANUFACTURER'S CERTIFICATE OF ORIGIN (MCO)

#### 000. LEGAL AUTHORITY.

This rule is adopted under the authority of Sections 49-504 and 49-507, Idaho Code.

(12-26-90)

#### 001. TITLE AND SCOPE.

This rule is titled IDAPA 39.02.09, "Rules Governing Requirements for Manufacturer's Certificate of Origin (MCO)." The purpose of this rule is to outline the requirements for a manufacturer's certificate of origin (MCO).

#### 002. -- 099. (RESERVED)

#### 100. MCO REQUIREMENTS FOR TITLE APPLICATION.

- **01. Title Application Endorsement.** New vehicles sold in Idaho being titled for the first time must have the title application endorsed by an Idaho-licensed, franchised new vehicle dealer. (12-26-90)
- **02. Manufacturer's Certificate of Origin Required**. Title applications must be accompanied by a manufacturer's certificate of origin. (12-26-90)
- **Out-of-State Purchases**. New vehicles purchased out-of-state by Idaho residents shall be titled on the MCO that meets the legal requirements of the state where the vehicle was purchased. (12-26-90)

#### 101. -- 199. (RESERVED)

#### 200. CERTIFICATE CONTENTS.

**01. MCO Content Requirements**. Each manufacturer's certificate of origin accompanying application for title shall contain the following information: (12-26-90)

a.	Date;	(1	12-26-9	(0)
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- **b.** Invoice number and document serial number; (12-26-90)
- c. Name of distributor or dealer; (12-26-90)
- **d.** Issuing location city and state; (12-26-90)
- e. Manufacturer's name and signature of authorized manufacturer's representative; (12-26-90)
- f. Manufacturer statement "I, the undersigned authorized representative of the company, firm or corporation named below, hereby certify that the new vehicle described above is the property of the said company, firm or corporation and is transferred on the above date and under the Invoice Number indicated to the following distributor or dealer";

  (12-26-90)
  - g. Year, make, body type, series or model; (12-26-90)
  - h. Vehicle identification number, approved by the American Society of Automotive Engineers; (12-26-90)
- i. Shipping weight, horsepower (SAE), number of cylinders, Gross Vehicle Weight Rating (GVWR); and (12-26-90)

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- **j.** Certification attesting to the first transfer in ordinary trade or commerce: "It is further certified that this is the first transfer of such new vehicle in ordinary trade and commerce." (12-26-90)
- **O2.** Additional Motor Home Requirements. If the vehicle is a motor home, the following statement must be included: "The undersigned certifies that the vehicle described hereon is a motor home, equipped with at least four (4) of the following life support systems: cooking, refrigeration or ice box, self-contained toilet, heating and/or air conditioning, a potable water supply system including a faucet and sink, separate 110-115 volt electrical power supply and/or an LP as supply, all of which meet ANSI A119.2 standards." (12-26-90)
- **03.** MCO Assignments and Reassignments. The reverse side of the certificate shall contain information on distributor/dealer assignments and reassignments: See Exhibit "A" Attached. (12-26-90)

#### 201. CERTIFICATE DESIGN.

Each manufacturer's certificate of origin must be printed on safety paper meeting the following standards:

(12-26-90)

- **01. Security Features**. All "Certificates of Origin" should contain the following nine (9) security features: (12-26-90)
- a. Paper: Sensitized Security Paper -- paper that is reactive to chemicals commonly used to alter documents; Non-Optical Brightener Paper paper without added optical brighteners which will not fluoresce under ultraviolet light;

  (12-26-90)
- **b.** Engraved Border -- a border produced from engraved art work which shall appear on the front of the document; (12-26-90)
  - c. Prismatic -- rainbow printing which is used as a deterrent to color copying; and/or (12-26-90)
  - **d.** Copy Void Pantograph -- the word "void" appears when the document is copied; (12-26-90)
- **e.** Complex Colors -- colors which are developed by using a mixture of two (2) or more of the primary colors (red, yellow or blue) and black if required; (12-26-90)
- **f.** Erasable Fluorescent Background Inks -- fluoresces under ultraviolet light and reacts to any attempt to erase in such a manner as to be immediately detectable; (12-26-90)
- **g.** Background Security Design -- a repetitious design consisting of a pattern which hinders counterfeiting efforts; (12-26-90)
- h. Microline -- a line of small alpha characters in capitol letters which requires a magnifying glass to read; (12-26-90)
- i. Consecutively Numbered -- documents that contain a number which is consecutively numbered for control purposes; (12-26-90)
  - **j.** Security Thread -- with or without watermark; and/or (12-26-90)
  - **k.** Intaglio Print -- with or without latent image. (12-26-90)
- **O2. Document Size.** "Certificates of Origin" size specifications shall be seven (7) inches by eight (8) inches. (12-26-90)
  - **03. Paper Stock.** Sixty (60) pound offset or equivalent durability. (12-26-90)
- **04. Construction.** Unless otherwise specified by the user, the forms should be constructed and fanfolded for use on high-speed pinfed computer printer and/or continuous typewriters. (12-26-90)

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- **05. Layout**. Text matter space for one-tenth (1/10) inch horizontal and one-sixth (1/6) inch deep characters. (12-26-90)
- **96. Facility Security.** To insure the integrity of the manufacturer's "Certificates of Origin", the user should require the vendor to maintain secure printing and storage facilities. (12-26-90)

#### 202. -- 299. (RESERVED)

#### **300.** APPLICATION TO WAIVE SAFETY PAPER REQUIREMENTS.

- **01. Requirement Waives**. A request to waive requirements must be submitted and approved prior to application for title. (12-26-90)
- **a.** A sample copy of the proposed MCO or a complete list of printing specifications shall accompany the request. (12-26-90)
  - **b.** The certificate shall contain all information specified in Section 4 Certificate Contents. (12-26-90)
- **02. Waiver Authorization**. The Titles/Dealer Operations Manager or his designee may waive safety paper requirements upon written application documenting the reason for the requested action, and the benefits to the manufacturer and public. (12-26-90)
- **03. Minimum Requirement.** As a minimum requirement, the certificate shall be printed with MICR-type inks on number one (1) bond, smooth-surface, safety-checque paper. (12-26-90)
  - **04. Control Numbers.** The certificate shall have a control number for audit purposes. (12-26-90)

#### **301. -- 399.** (RESERVED)

#### 400. EFFECTIVE DATE AND APPLICABILITY.

This regulation is applicable to all motor vehicles bearing a 1981 or later model year or, in the case of manufacturer who does not assign a model year to his motor vehicles, this rule is applicable to those motor vehicles manufactured on and after 12:01 a.m., October 1, 1980. (12-26-90)

#### **401. -- 999.** (RESERVED)

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#### IDAPA 39 TITLE 02 CHAPTER 46

#### 39.02.46 - RULES GOVERNING TEMPORARY MOTOR VEHICLE REGISTRATION PERMIT

#### 000. LEGAL AUTHORITY.

This rule is adopted under the authority of Sections 49-201, 49-444, 49-445 and 49-523, Idaho Code. (12-26-90)

#### 001. TITLE AND SCOPE.

This rule is titled IDAPA 39.02.46, "Rules Governing Temporary Motor Vehicle Registration Permit," and clarifies issuance of a thirty (30) day temporary motor vehicle registration permit. (12-26-90)

#### 002. -- 099. (RESERVED)

#### 100. ISSUANCE BY COUNTY ASSESSOR OR THE DEPARTMENT.

County assessors or the Department may issue thirty (30) day temporary registration permits to persons who cannot immediately complete the requirements to obtain registration. Some examples are: (12-26-90)

- **01. New Idaho Resident.** A new Idaho resident who has a title held by an out-of-state lienholder, or a new resident who must apply to his last place of residence for a duplicate or replacement title. (12-26-90)
- **O2. Newly Purchased Vehicle**. A person who has a newly purchased motor vehicle and the Certificate of Title is not immediately available. (12-26-90)

#### 101. ISSUANCE BY IDAHO VEHICLE DEALERS.

- **01. Dealer Issuance to Out-of-State Retail Purchasers**. Idaho vehicle dealers may issue a thirty day (30-day) temporary registration permit to an out-of-state retail purchaser who is transferring their newly-purchased vehicle to their state of residence. (4-11-19)
- **O2. Dealer Issuance to Commercial**, Farm and Non-Commercial Vehicles and Trailers. Commercial, farm or non-commercial vehicles, trailers, or semi-trailers purchased from an Idaho dealership are eligible for a dealer-issued thirty day (30-day) temporary registration permit for unladen movements; one hundred twenty hour (120-hour) temporary permits in lieu of registration are required for laden movements. (4-11-19)

#### 102. -- 199. (RESERVED)

#### 200. INELIGIBLE VEHICLES - COUNTY ASSESSOR OR DEPARTMENT ISSUANCE.

- **01. Commercial, Farm and Non-Commercial Vehicles.** Unregistered, commercial, farm or non-commercial motor vehicles exceeding eight thousand (8,000) pounds gross weight are required to operate under a one hundred twenty hour (120-hour) temporary permit for laden or unladen movements. (4-11-19)
- **02. Commercial, Farm and Non-Commercial Trailers.** Unregistered commercial, farm, or noncommercial trailers or semi-trailers are required to operate under a one hundred twenty hour (120-hour) temporary permit for laden or unladen movements. (4-11-19)

#### 201. -- 299. (RESERVED)

#### 300. EXEMPT VEHICLES.

- **01. Recreational Vehicles.** Snowmobiles, off-road motorcycles and all-terrain vehicles, dune buggies or any other vehicle that is not equipped for operation on the public roadways. (12-26-90)
  - **O2. Trailers.** Utility trailers and recreation trailers, where a title is not required for registration. (12-26-90)

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### IDAHO ADMINISTRATIVE CODE Idaho Transportation Department

IDAPA 39.02.46 – Rules Governing Temporary Motor Vehicle Registration Permit

**03. Special Make Equipment**. Drilling rigs; construction, drilling and wrecker cranes; loaders; log jammers; and similar vehicles operated in an overweight and/or oversize condition. (4-11-19)

**301. -- 399.** (RESERVED)

#### 400. ISSUANCE TO RECREATIONAL VEHICLES.

A thirty (30) day, temporary registration may be issued to a recreational vehicle, able to be titled. Payment of the recreational vehicle annual license fee is also required at the time the temporary registration is issued. A recreational vehicle which is able to be titled is defined as any recreational vehicle whose unladen weight is more than two thousand (2,000) pounds. Some examples are motor homes, travel trailers weighing over two thousand (2,000) pounds unladen, fifth-wheel trailers and park trailers. (12-26-90)

**401. -- 999. (RESERVED)** 

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#### **IDAPA 58 – DEPARTMENT OF ENVIRONMENTAL QUALITY**

#### 58.01.13 - RULES FOR ORE PROCESSING BY CYANIDATION **DOCKET NO. 58-0113-1901**

#### (SECOND) NOTICE OF INTENT TO PROMULGATE RULES - NEGOTIATED RULEMAKING

AUTHORITY: In compliance with Section 67-5220, Idaho Code, and IDAPA 58.01.23, Rules of Administrative Procedure Before the Board of Environmental Quality, Sections 810 through 815, 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 Chapter 1, Title 39, Idaho Code.

METHOD OF PARTICIPATION: Those interested in participating in the negotiated rulemaking process are encouraged to attend the meetings 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 meetings, information for submitting written comments is provided at the end of this notice.

MEETING SCHEDULE: Negotiated rulemaking meetings have been scheduled. Any additional meeting dates will be posted at www.deq.idaho.gov/58-0113-1901.

#### \*ORIGINATING LOCATION - LIVE MEETING\*

**DEO State Office Conference Center** 1410 N. Hilton, Boise, Idaho

Thursday, February 6th, 2020 – 9:00 a.m. to 12:30 p.m. (MST) and Friday, March 13th, 2020 – 9:00 a.m. to 12:30 p.m. (MDT)

Contact the undersigned to make arrangements

for participation by telephone and web conferencing.		
*TELEPHONE AND WEB CONFERENCE LOCATIONS*		
DEQ Coeur d'Alene Regional Office	DEQ Lewiston Regional Office	
2110 Ironwood Parkway	1118 F Street	
Coeur d'Alene, ID 83814	Lewiston, ID 83501	
DEQ Twin Falls Regional Office	DEQ Pocatello Regional Office	
650 Addison Avenue West, Suite 110	444 Hospital Way #300	

650 Addison Avenue West, Suite 110 Twin Falls, ID 83301

**DEQ Idaho Falls Regional Office** 900 N. Skyline, Suite B

Pocatello, ID 83201

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.

Idaho Falls, ID 83402

**NEGOTIATED RULE DRAFTS AND MEETING PRESENTATIONS:** Negotiated rule drafts, meeting presentations, and a list of previous meeting dates are available at www.deq.idaho.gov/58-0113-1901.

**DESCRIPTIVE SUMMARY:** DEQ published notice of this negotiated rulemaking in the May 1, 2019, Idaho Administrative Bulletin, Vol. 19-5, pages 100-101, in response to a request for rulemaking submitted by the Idaho Mining Association (IMA). The May 2019 notice included the following description and issues to be addressed. The purpose of this revised notice is to notify the public that, in addition to the issues listed in the May 2019 notice, item number 6 listed below will also be open for discussion and comment during this negotiated rulemaking.

The IMA requested, via letter submitted to the Director on March 18, 2019, that DEQ revise the rules to move away from prescriptive design and construction requirements to performance-based outcomes for design, construction and closure. The current rules, adopted by the Idaho Board of Environmental Quality in 2005 and approved by the Idaho Legislature in 2006, adopted minimum design and construction criteria for all cyanidation facilities. IMA's letter to DEQ states that technologies and industry best practices for cyanidation facilities have changed since 2006. Negotiated rulemaking is necessary to evaluate such changes and determine if the rules should be updated. IMA's letter is posted at www.deq.idaho.gov/58-0113-1901.

The rules will be evaluated and revised as appropriate to account for current best available technologies or best practices for design, construction and closure of cyanidation facilities that can achieve necessary regulatory goals of protecting human health and the environment. The negotiated rulemaking is anticipated to address the following:

- (1) applicability of the design criteria to different types of cyanidation facilities;
- (2) consideration of a broader range of acceptable materials included in the design;
- (3) broader interpretation of performance and compliance regarding constructibility of leak detection systems;
- (4) variability in design approach based on the physical characteristics of impounded materials;
- (5) variability in design approach based on the chemical characteristics of impounded materials and process water; and
- (6) cyanidation permit application and administration, including recovery of costs incurred by DEQ in processing permit applications and administering issued permits.

IMA, mining companies, companies or individuals with or intending to seek cyanidation permits, conservation and environmental groups, federal environmental and land management agencies, counties, cities, and citizens of Idaho 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 Don Carpenter at don.carpenter@deq.idaho.gov or (208) 373-0141.

**SUBMISSION OF WRITTEN COMMENTS:** Written comments may be submitted by mail, fax or email at the address below. Information regarding public comment opportunities provided throughout the rulemaking process will be available at <a href="https://www.deq.idaho.gov/58-0113-1901">www.deq.idaho.gov/58-0113-1901</a> or by contacting the undersigned. To sign up for email notifications, contact Paula Wilson at <a href="mailto:paula.wilson@deq.idaho.gov">paula.wilson@deq.idaho.gov</a>.

Dated this 5th day of February, 2020

Paula J. Wilson Hearing Coordinator Department of Environmental Quality 1410 N. Hilton Street Boise, Idaho 83706-1255 Phone: (208)373-0418 Fax No. (208)373-0481 paula.wilson@deq.idaho.gov

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## **LEGAL NOTICE**

## **Summary of Proposed Rulemakings**

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

THERE ARE NO PROPOSED RULES PUBLISHED IN THE FEBRUARY 5, 2020, IDAHO ADMINISTRATIVE BULLETIN, VOL. 20-2.

Please refer to the Idaho Administrative Bulletin February 5, 2020, Volume 20-2, 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 P.O. Box 83720, Boise, ID 83720-0032

## 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 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 - February 5, 2020

(PLR 2020) – Final Effective Date Is Pending Legislative Review in 2020
(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
- 01-0101-1900F Idaho Accountancy Rules Notice of Omnibus Fee Rulemaking Notice of Public Hearing, Bulletin Vol. 19-9
- 01-0101-1900F Idaho Accountancy Rules Notice of Omnibus Fee Rulemaking Adoption of Pending Fee Rule, Bulletin Vol. 19-11SE (PLR 2020)

#### IDAPA 02 – IDAHO DEPARTMENT OF AGRICULTURE

- 02-0100-1901OM Notice of Intent to Promulgate Omnibus Negotiated Rulemaking, Bulletin Vol. 19-9
  (Omnibus Negotiated Rulemaking Consolidation & Reorganization of Chapters Under the Direction of ISDA Chapters 02.02.02 through 02.06.41)
- 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
- 02-0000-1900 Rules of the Idaho Department of Agriculture Notice of Omnibus Rulemaking Adoption of Pending Rule, Bulletin Vol. 19-11SE (PLR 2020)
- 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
- 02-0000-1900A Rules of the Idaho Department of Agriculture Notice of Omnibus Rulemaking Adoption of Pending Rule, Bulletin Vol. 19-11SE (PLR 2020)
- 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
- 02-0000-1900F Rules of the Idaho Department of Agriculture Notice of Omnibus Rulemaking Adoption of Pending Fee Rule, Bulletin Vol. 19-11SE (PLR 2020)
- 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
- 02-0000-1900FA Rules of the Idaho Department of Agriculture Notice of Omnibus Rulemaking Adoption of Pending Fee Rule, Bulletin Vol. 19-11SE (PLR 2020)
- 02-0000-1900FA Rules of the Idaho Department of Agriculture Notice of Correction to Omnibus Pending Fee Rulemaking, Bulletin Vol. 19-12 (PLR 2020)
- 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
- **02-0616-1900** Rules Governing Honey Standards Notice of Omnibus Rulemaking Adoption of Pending Rule, Bulletin Vol. 19-11SE (PLR 2020)
- 02-0701-1900F Rules of the Idaho Hop Growers Commission Notice of Omnibus Rulemaking Temporary and Proposed Fee Rulemaking Reauthorizes Title 07, Chapter 01 -- Bulletin Vol. 19-6SE (eff. 6-30-19)T
- 02-0701-1900F Rules of the Idaho Hop Growers Commission Notice of Omnibus Rulemaking Adoption of Pending Fee Rule, Bulletin Vol. 19-11SE (PLR 2020)
- 02-0801-1900F Rules of the Idaho Sheep and Goat Health Board Notice of Omnibus Fee Rulemaking Temporary and Proposed Fee Rulemaking Reauthorizes Title 08, 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 Adoption of Pending Fee Rule, Bulletin Vol. 19-11SE (PLR 2020)

#### 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

**02-0104-1901** Adoption of Pending Rule, Bulletin Vol. 19-11 (PLR 2020)

#### 02.01.06, Rules Governing the Labeling of Hemp Receptacles

02-0106-2001 Adoption of Temporary Rule (New Chapter), Bulletin Vol. 20-1 (eff. 11-26-19)T

#### 02.02.02, Idaho Department of Agriculture Controlled Atmosphere Storage Rules

**02-0100-1901OM** Notice of Intent to Promulgate - Omnibus Negotiated Rulemaking, Bulletin Vol. 19-9 (\*Combines previously codified chapter **02.02.02** into new chapter **02.02.02** - see next entry)

#### 02.02.02, Rules Governing Grading and Controlled Atmosphere Storage of Apples

02-0202-1901\* Proposed Rulemaking (New Chapter), Bulletin Vol. 19-11 (\*Rulemaking combines previously codified chapters 02.02.02 and 02.02.04 into this new chapter)
02-0202-1901\* Adoption of Pending Rule (New Chapter), Bulletin Vol. 20-1 (PLR 2020)

#### 02.02.04, Idaho Standards for Grades of Apples

**02-0100-1901OM** Notice of Intent to Promulgate - Omnibus Negotiated Rulemaking, Bulletin Vol. 19-9 (\*Combines previously codified chapter **02.02.04** into new chapter **02.02.02** - see above entry)

#### 02.02.05, Prune Standards

02-0205-1901 Notice of Intent to Promulgate a Rule – Negotiated Rulemaking, Bulletin Vol. 19-7
 02-0100-1901OM Notice of Intent to Promulgate - Omnibus Negotiated Rulemaking, Bulletin Vol. 19-9
 (\*Combines previously codified chapter 02.02.05 into new chapter 02.02.05 - see next entry)

#### 02.02.05, Rules Governing Stone Fruit Grades

02-0205-1902\* Proposed Rulemaking (New Chapter), Bulletin Vol. 19-11

(\*Rulemaking combines previously codified chapters 02.02.05, 02.02.06 and 02.02.10 into this new chapter)

02-0205-1902\* Adoption of Pending Rule (New Chapter), Bulletin Vol. 20-1 (PLR 2020)

#### 02.02.06, Idaho Standards for Grades of Sweet Cherries

**02-0100-1901OM** Notice of Intent to Promulgate - Omnibus Negotiated Rulemaking, Bulletin Vol. 19-9 (\*Combines previously codified chapter **02.02.06** into new chapter **02.02.05** - see above entry)

#### 02.02.07, Bulk Permit Procedure (Potatoes)

**02-0100-1901OM** Notice of Intent to Promulgate - Omnibus Negotiated Rulemaking, Bulletin Vol. 19-9 (\*Combines previously codified chapter **02.02.07** into new chapter **02.02.07** - see next entry)

#### 02.02.07, Rules Governing Bulk Permit and Retail Sale of Potatoes

02-0207-1901\* Proposed Rulemaking (New Chapter, Fee Rule), Bulletin Vol. 19-11 (\*Rulemaking combines previously codified chapters 02.02.07 and 02.02.09 into this new chapter) 02-0207-1901\* Adoption of Pending Rule (New Chapter), Bulletin Vol. 20-1 (PLR 2020)

#### 02.02.09, Rules Requiring Inspection of Potatoes Intended for Sale or Offered for Sale in Retail Outlets

**02-0100-1901OM** Notice of Intent to Promulgate - Omnibus Negotiated Rulemaking, Bulletin Vol. 19-9 (\*Combines previously codified chapter **02.02.09** into new chapter **02.02.07** - see above entry)

#### 02.02.10, Idaho Standards for Apricots

02-0100-1901OM Notice of Intent to Promulgate - Omnibus Negotiated Rulemaking, Bulletin Vol. 19-9 (\*Combines previously codified chapter 02.02.10 into new chapter 02.02.05)

#### 02.02.12, Bonded Warehouse Rules

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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
     02-0212-1901 Proposed Rulemaking, Bulletin Vol. 19-9
     02-0212-1901 Adoption of Pending Rule, Bulletin Vol. 19-11 (PLR 2020)
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
    02-0301-1901 Proposed Rulemaking, Bulletin Vol. 19-9
     02-0301-1901 Adoption of Pending Rule, Bulletin Vol. 19-11 (PLR 2020)
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
     02-0303-1901 Proposed Rulemaking (Fee Rule), Bulletin Vol. 19-9
    02-0303-1901 Adoption of Pending Fee Rule, Bulletin Vol. 19-11 (PLR 2020)
02.04.03, Rules Governing Animal Industry
     02-0100-1901OM Notice of Intent to Promulgate - Omnibus Negotiated Rulemaking, Bulletin Vol. 19-9
       (*Combines previously codified chapter 02.04.03 into new chapter 02.04.03 - see next entry)
02.04.03, Rules Governing Animal Industry
     02-0403-1901* Proposed Rulemaking (New Chapter, Fee Rule), Bulletin Vol. 19-11
       (*Rulemaking combines previously codified chapters 02.04.03 and 02.04.22 into this new chapter - no chapte to chapter name)
     02-0403-1901* Adoption of Pending Fee Rule (New Chapter), Bulletin Vol. 20-1 (PLR 2020)
02.04.05, Rules Governing Manufacture Grade Milk
    02-0100-1901OM Notice of Intent to Promulgate - Omnibus Negotiated Rulemaking, Bulletin Vol. 19-9
       (*Combines previously codified chapter 02.04.05 into new chapter 02.04.05 - see next entry)
02.04.05, Rules Governing Grade A Milk and Manufacture Grade Milk
     02-0405-1901* Proposed Rulemaking (New Chapter, Fee Rule), Bulletin Vol. 19-11
       (*Rulemaking combines previously codified chapters 02.04.05, 02.04.06, 02.04.08 and 02.04.09 into this new chapter)
     02-0405-1901* Adoption of Pending Fee Rule (New Chapter), Bulletin Vol. 20-1 (PLR 2020)
02.04.06, Rules Governing Licensed Dairy Plants
     02-0100-1901OM Notice of Intent to Promulgate - Omnibus Negotiated Rulemaking, Bulletin Vol. 19-9
       (*Combines previously codified chapter 02.04.06 into new chapter 02.04.05)
02.04.08, Rules Governing Grade A Milk and Milk Products
     02-0100-1901OM Notice of Intent to Promulgate - Omnibus Negotiated Rulemaking, Bulletin Vol. 19-9
       (*Combines previously codified chapter 02.04.08 into new chapter 02.04.05)
02.04.09, Rules Governing Milk and Cream Procurement and Testing
     02-0100-1901OM Notice of Intent to Promulgate - Omnibus Negotiated Rulemaking, Bulletin Vol. 19-9
       (*Combines previously codified chapter 02.04.09 into new chapter 02.04.05)
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
    02-0415-1901 Proposed Rulemaking, Bulletin Vol. 19-9
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02-0415-1901 Adoption of Pending Rule, Bulletin Vol. 19-11 (PLR 2020)
02.04.16, Rules Governing Agriculture Odor Management
     02-0416-1901 Adoption of Temporary Rule, Bulletin Vol. 19-7 (eff. 7-1-19)T
     02-0100-1901OM Notice of Intent to Promulgate - Omnibus Negotiated Rulemaking, Bulletin Vol. 19-9
       (*Combines previously codified chapter 02.04.16 into new chapter 02.04.30)
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
     02-0417-1901 Proposed Rulemaking, Bulletin Vol. 19-9
     02-0417-1901 Adoption of Pending Rule, Bulletin Vol. 19-11 (PLR 2020)
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
     02-0100-1901OM Notice of Intent to Promulgate - Omnibus Negotiated Rulemaking, Bulletin Vol. 19-9
       (*Combines previously codified chapter 02.04.18 into new chapter 02.04.30)
02.04.20, Rules Governing Brucellosis
     02-0420-1901 Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 19-6
     02-0420-1901 Proposed Rulemaking, Bulletin Vol. 19-9
     02-0420-1901 Adoption of Pending Rule, Bulletin Vol. 19-11 (PLR 2020)
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
     02-0421-1901 Proposed Rulemaking, Bulletin Vol. 19-9
     02-0421-1901 Adoption of Pending Rule, Bulletin Vol. 19-11 (PLR 2020)
02.04.22, Rules Governing Animal Health Emergencies
     02-0100-1901OM Notice of Intent to Promulgate - Omnibus Negotiated Rulemaking, Bulletin Vol. 19-9
       (*Combines previously codified chapter 02.04.22 into new chapter 02.04.03)
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
     02-0423-1901 Proposed Rulemaking, Bulletin Vol. 19-9
     02-0423-1901 Adoption of Pending Rule, Bulletin Vol. 19-11 (PLR 2020)
02.04.26, Rules Governing Livestock Marketing
     02-0100-1901OM Notice of Intent to Promulgate - Omnibus Negotiated Rulemaking, Bulletin Vol. 19-9
       (*Combines previously codified chapter 02.04.26 into new chapter 02.04.26 - see next entry)
02.04.26, Rules Governing the Public Exchange of Livestock
     02-0426-1901* Proposed Rulemaking (New Chapter, Fee Rule), Bulletin Vol. 19-11
       (*Rulemaking combines previously codified chapters 02.04.26 and 02.04.28 into this new chapter)
     02-0426-1901* Adoption of Pending Fee Rule (New Chapter), Bulletin Vol. 20-1 (PLR 2020)
02.04.28, Rules Governing Livestock Dealers, Buying Stations, and Livestock Trader Lots
     02-0100-1901OM Notice of Intent to Promulgate - Omnibus Negotiated Rulemaking, Bulletin Vol. 19-9
       (*Combines previously codified chapter 02.04.28 into new chapter 02.04.26 - see above entry)
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
     02-0100-1901OM Notice of Intent to Promulgate - Omnibus Negotiated Rulemaking, Bulletin Vol. 19-9
       (*Combines previously codified chapter 02.04.30 into new chapter 02.04.30 - see next entry)
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# 02.04.30, Rules Governing Environmental and Nutrient Management

02-0430-1903\* Proposed Rulemaking (New Chapter), Bulletin Vol. 19-11

(\*Rulemaking combines previously codified chapters 02.04.16, 02.04.18, 02.04.30 and 02.04.31 into this new chapter)

02-0430-1903\* Adoption of Pending Rule (New Chapter), Bulletin Vol. 20-1 (PLR 2020)

# 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

02-0100-1901OM Notice of Intent to Promulgate - Omnibus Negotiated Rulemaking, Bulletin Vol. 19-9

(\*Combines previously codified chapter 02.04.31 into new chapter 02.04.30 - see above entry)

# 02.04.32, Rules Governing Poultry Operations

**02-0432-1901** Adoption of Temporary Rule, Bulletin Vol. 19-7 (eff. 7-1-19)T

02-0432-1901 Proposed Rulemaking (Fee Rule), Bulletin Vol. 19-9

**02-0432-1901** Adoption of Pending Fee Rule, Bulletin Vol. 19-11 (PLR 2020)

#### 02.06.01, Rules Governing the Pure Seed Law

02-0100-1901OM Notice of Intent to Promulgate - Omnibus Negotiated Rulemaking, Bulletin Vol. 19-9

(\*Combines previously codified chapter **02.06.01** into new chapter **02.06.01** - see next entry)

# 02.06.01, Rules Governing the Production and Distribution of Seed

02-0601-1901\* Proposed Rulemaking (New Chapter, Fee Rule), Bulletin Vol. 19-11

(\*Rulemaking combines previously codified chapters 02.06.01, 02.06.13 and 02.06.14 into this new chapter)

02-0601-1901\* Adoption of Pending Fee Rule (New Chapter), Bulletin Vol. 20-1 (PLR 2020)

#### 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

02-0100-1901OM Notice of Intent to Promulgate - Omnibus Negotiated Rulemaking, Bulletin Vol. 19-9

(\*Combines previously codified chapter 02.06.02 into new chapter 02.06.02 - see next entry)

# 02.06.02, Rules Governing Registrations and Licenses

02-0602-1902\* Proposed Rulemaking (New Chapter, Fee Rule), Bulletin Vol. 19-11

(\*Rulemaking combines previously codified chapters 02.06.02, 02.06.03, 02.06.12, 02.06.31 and 02.06.41 into this new chapter)

02-0602-1902\* Adoption of Pending Fee Rule (New Chapter), Bulletin Vol. 20-1 (PLR 2020)

#### 02.06.03, Rules Pertaining to the Idaho Nurseries and Florists Law

**02-0100-1901OM** Notice of Intent to Promulgate - Omnibus Negotiated Rulemaking, Bulletin Vol. 19-9

(\*Combines previously codified chapter 02.06.03 into new chapter 02.06.02 - see above entry)

# 02.06.04, Phytosanitary and Post-Entry Certification Rules

02-0100-1901OM Notice of Intent to Promulgate - Omnibus Negotiated Rulemaking, Bulletin Vol. 19-9

(\*Combines previously codified chapter 02.06.04 into new chapter 02.06.04 - see next entry)

# 02.06.04, Rules Governing Plant Exports

02-0604-1901\* Proposed Rulemaking (New Chapter, Fee Rule), Bulletin Vol. 19-11

(\*Rulemaking combines previously codified chapters 02.06.04, 02.06.34, and 02.06.40 into this new chapter)

02-0604-1901\* Adoption of Pending Fee Rule (New Chapter), Bulletin Vol. 20-1 (PLR 2020)

# 02.06.05, Rules Governing Diseases of Hops (Humulus lupulus)

02-0100-1901OM Notice of Intent to Promulgate - Omnibus Negotiated Rulemaking, Bulletin Vol. 19-9

(\*Combines previously codified chapter 02.06.05 into new chapter 02.06.05 - see next entry)

#### 02.06.05, Rules Governing Plant Disease and Quarantines

02-0605-1901\* Proposed Rulemaking (New Chapter, Fee Rule), Bulletin Vol. 19-11

(\*Rulemaking combines previously codified chapters 02.06.05, 02.06.07, 02.06.08, 02.06.11, 02.06.15, 02.06.17, 02.06.18, 02.06.20, 02.06.24, 20.06.32 and 02.06.38 into this new chapter)

02-0605-1901\* Adoption of Pending Fee Rule (New Chapter), Bulletin Vol. 20-1 (PLR 2020)

#### 02.06.07, Rules Governing White Rot Disease of Onion (Sclerotium cepivorum)

**02-0100-1901OM** Notice of Intent to Promulgate - Omnibus Negotiated Rulemaking, Bulletin Vol. 19-9 (\*Combines previously codified chapter **02.06.07** into new chapter **02.06.05** - see above entry)

### 02.06.08, Quarantine Rules Pertaining to Apples and Cherries

02-0100-1901OM Notice of Intent to Promulgate - Omnibus Negotiated Rulemaking, Bulletin Vol. 19-9 (\*Combines previously codified chapter 02.06.08 into new chapter 02.06.05)

### 02.06.09, Rules Governing Invasive Species

**02-0100-1901OM** Notice of Intent to Promulgate - Omnibus Negotiated Rulemaking, Bulletin Vol. 19-9 (\*Combines previously codified chapter **02.06.09** into new chapter **02.06.09** - see next entry)

#### 02.06.09, Rules Governing Invasive Species and Noxious Weeds

02-0609-1901\* Proposed Rulemaking (New Chapter, Fee Rule), Bulletin Vol. 19-11 (\*Rulemaking combines previously codified chapters 02.06.09, 02.06.22, and 02.06.39 into this new chapter) 02-0609-1901\* Adoption of Pending Fee Rule (New Chapter), Bulletin Vol. 20-1 (PLR 2020)

# 02.06.10, Rules Governing the Pale Cyst Nematode (Globodera pallida)

**02-0100-1901OM** Notice of Intent to Promulgate - Omnibus Negotiated Rulemaking, Bulletin Vol. 19-9 (\*Combines previously codified chapter **02.06.10** into new chapter **02.06.10** - see next entry)

#### 02.06.10, Rules Governing the Growing of Potatoes

02-0610-1901\* Proposed Rulemaking (New Chapter, Fee Rule), Bulletin Vol. 19-11 (\*Rulemaking combines previously codified chapters 02.06.10, 02.06.26, 02.06.27 and 02.06.31 into this new chapter) 02-0610-1901\* Adoption of Pending Fee Rule (New Chapter), Bulletin Vol. 20-1 (PLR 2020)

# 02.06.11, Rules Governing European Corn Borer (Ostrinia nubilalis)

02-0100-1901OM Notice of Intent to Promulgate - Omnibus Negotiated Rulemaking, Bulletin Vol. 19-9 (\*Combines previously codified chapter 02.06.11 into new chapter 02.06.05)

#### 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
 02-0100-1901OM Notice of Intent to Promulgate - Omnibus Negotiated Rulemaking, Bulletin Vol. 19-9
 (\*Combines previously codified chapter 02.06.12 into new chapter 02.06.02)

# 02.06.13, Rules Relating to Rapeseed Production and Establishment of Rapeseed Districts in the State of Idaho

02-0100-1901OM Notice of Intent to Promulgate - Omnibus Negotiated Rulemaking, Bulletin Vol. 19-9 (\*Combines previously codified chapter 02.06.13 into new chapter 02.06.01)

#### 02.06.14, Rules Governing Annual Bluegrass (Poa annua)

02-0100-1901OM Notice of Intent to Promulgate - Omnibus Negotiated Rulemaking, Bulletin Vol. 19-9 (\*Combines previously codified chapter 02.06.14 into new chapter 02.06.01)

#### 02.06.15, Rules Governing Peach Tree Diseases

**02-0100-1901OM** Notice of Intent to Promulgate - Omnibus Negotiated Rulemaking, Bulletin Vol. 19-9 (\*Combines previously codified chapter **02.06.15** into new chapter **02.06.05**)

# 02.06.16, Rules Governing Honey Standards

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

**02-0616-1900** Rules Governing Honey Standards - Notice of Omnibus Rulemaking - Adoption of Pending Rule, Bulletin Vol. 19-11SE (PLR 2020)

# 02.06.17, Rules Governing the Disposal of Cull Onions and Potatoes

**02-0100-1901OM** Notice of Intent to Promulgate - Omnibus Negotiated Rulemaking, Bulletin Vol. 19-9 (\*Combines previously codified chapter **02.06.17** into new chapter **02.06.05**)

#### 02.06.18, Rules Governing Mint Rootstock and Clone Production

02-0100-1901OM Notice of Intent to Promulgate - Omnibus Negotiated Rulemaking, Bulletin Vol. 19-9 (\*Combines previously codified chapter 02.06.18 into new chapter 02.06.05)

#### 02.06.20, Rules Governing Grape Planting Stock

02-0620-1901 Notice of Intent to Promulgate a Rule – Negotiated Rulemaking, Bulletin Vol. 19-8
 02-0100-1901OM Notice of Intent to Promulgate - Omnibus Negotiated Rulemaking, Bulletin Vol. 19-9
 (\*Combines previously codified chapter 02.06.20 into new chapter 02.06.05)

#### 02.06.22, Noxious Weed Rules

**02-0100-1901OM** Notice of Intent to Promulgate - Omnibus Negotiated Rulemaking, Bulletin Vol. 19-9 (\*Combines previously codified chapter **02.06.22** into new chapter **02.06.09**)

# 02.06.24, Rules Governing the Japanese Beetle (Popillia japonica)

**02-0100-1901OM** Notice of Intent to Promulgate - Omnibus Negotiated Rulemaking, Bulletin Vol. 19-9 (\*Combines previously codified chapter **02.06.24** into new chapter **02.06.05**)

# 02.06.26, Rules Concerning Seed Potato Crop Management Areas

02-0100-1901OM Notice of Intent to Promulgate - Omnibus Negotiated Rulemaking, Bulletin Vol. 19-9 (\*Combines previously codified chapter 02.06.26 into new chapter 02.06.10)

# 02.06.27, Rules Governing Bacterial Ring Rot Caused By (Clavibacter michiganensis subsp. sepedonicus) of Potato

02-0100-1901OM Notice of Intent to Promulgate - Omnibus Negotiated Rulemaking, Bulletin Vol. 19-9 (\*Combines previously codified chapter 02.06.27 into new chapter 02.06.10)

# 02.06.30, Rules Under the Idaho Bee Inspection Law

02-0100-1901OM Notice of Intent to Promulgate - Omnibus Negotiated Rulemaking, Bulletin Vol. 19-9 (\*Combines previously codified chapter 02.06.30 into new chapter 02.06.02)

# 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
 02-0100-1901OM Notice of Intent to Promulgate - Omnibus Negotiated Rulemaking, Bulletin Vol. 19-9
 (\*Combines previously codified chapter 02.06.31 into new chapter 02.06.09)

# 02.06.32, Rules Concerning the Anthracnose Disease of Lentil (lens culinaris medik)

**02-0100-1901OM** Notice of Intent to Promulgate - Omnibus Negotiated Rulemaking, Bulletin Vol. 19-9 (\*Combines previously codified chapter **02.06.32** into new chapter **02.06.05**)

# 02.06.34, Rules Concerning Virus-Free Certification of Nursery Stock

02-0100-1901OM Notice of Intent to Promulgate - Omnibus Negotiated Rulemaking, Bulletin Vol. 19-9 (\*Combines previously codified chapter 02.06.34 into new chapter 02.06.04)

# 02.06.38, Rules Governing Plum Curculio (Conotrachelus nenuphar)

**02-0100-1901OM** Notice of Intent to Promulgate - Omnibus Negotiated Rulemaking, Bulletin Vol. 19-9 (\*Combines previously codified chapter **02.06.38** into new chapter **02.06.05**)

#### 02.06.39, Rules Governing Minimum Standards for Planting Uncertified Seed Potatoes in Idaho

02-0100-1901OM Notice of Intent to Promulgate - Omnibus Negotiated Rulemaking, Bulletin Vol. 19-9 (\*Combines previously codified chapter 02.06.39 into new chapter 02.06.10)

# 02.06.40, Rules Governing Ginseng Export

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02-0100-1901OM Notice of Intent to Promulgate - Omnibus Negotiated Rulemaking, Bulletin Vol. 19-9 (\*Combines previously codified chapter 02.06.40 into new chapter 02.06.04)

#### 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

02-0100-1901OM Notice of Intent to Promulgate - Omnibus Negotiated Rulemaking, Bulletin Vol. 19-9

(\*Combines previously codified chapter 02.06.41 into new chapter 02.06.02)

# 02.07.01, Rules of the Idaho Hop Growers' Commission

02-0701-1900F Rules of the Idaho Hop Growers Commission - Notice of Omnibus Rulemaking - Temporary and Proposed Fee Rulemaking - Reauthorizes Title 07, Chapter 01 -- Bulletin Vol. 19-6SE (eff. 6-30-19)T

02-0701-1900F Rules of the Idaho Hop Growers Commission - Notice of Omnibus Rulemaking - Adoption of Pending Fee Rule, Bulletin Vol. 19-11SE (PLR 2020)

# 02.08.01, Sheep and Goat Rules of the Idaho Board of Sheep Commissioners

02-0801-1900F Rules of the Idaho Sheep and Goat Health Board - Notice of Omnibus Fee Rulemaking - Temporary and Proposed Fee Rulemaking - Reauthorizes Title 08, 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 - Adoption of Pending Fee Rule, Bulletin Vol. 19-11SE (PLR 2020)

# 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; Title 11, Chapter 01; Title 12, Chapter 01; Title 20, Chapter 01 - Bulletin Vol. 19-6SE (eff. 6-30-19)T

04-0000-1900 Rules of the Attorney General - Notice of Omnibus Rulemaking - Adoption of Pending Rule, Bulletin Vol. 19-11SE (PLR 2020)

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

04-0000-1900F Rules of the Attorney General - Notice of Omnibus Rulemaking - Adoption of Pending Fee Rule, Bulletin Vol. 19-11SE (PLR 2020)

# 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

05-0000-1900 Rules of the Department of Juvenile Corrections - Notice of Omnibus Rulemaking - Adoption of Pending Rule, Bulletin Vol. 19-11SE (PLR 2020)

# 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)

06.02.02, Rules Governing Establishment and Operation of a Limited Supervision Unit by

# the Department of Correction, Division of Probation and Parole

**06-0202-1901** Notice of Proclamation of Rulemaking, Bulletin Vol. 19-10 (eff. 11-1-19)

#### 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

07-0000-1900 Rules of the Division of Building Safety - Notice of Omnibus Rulemaking - Notice of Public Hearing, Bulletin Vol. 19-9

07-0000-1900 Rules of the Division of Building Safety - Notice of Omnibus Rulemaking - Adoption of Pending Rule,

Bulletin Vol. 19-11SE (PLR 2020)

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

07-0000-1900F Rules of the Division of Building Safety - Notice of Omnibus Fee Rulemaking - Notice of Public Hearing, Bulletin Vol. 19-9

07-0000-1900F Rules of the Division of Building Safety - Notice of Omnibus Rulemaking - Adoption of Pending Fee Rule, Bulletin Vol. 19-11SE (PLR 2020)

# 07.01.01, Rules of the Idaho Electrical Board

07-0101-1901\* Proposed Rulemaking (New Chapter - Rule Consolidation), Bulletin Vol. 19-9

(\*This rulemaking consolidates all rules previously promulgated under Title 01, Chapters 01-11)

07-0101-1901\* Adoption of Pending Rule (New Chapter - Rule Consolidation), Bulletin Vol. 19-12 (PLR 2020)

# 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 (Terminated) (\*Rulemaking has been included in the newly consolidated rule chapter under Docket 07-0101-1901)

#### 07.02.02, Rules Governing Plumbing Permits

07-0202-1901\* Proposed Fee Rulemaking, Bulletin Vol. 19-7

(\*This rulemaking consolidates provisions from IDAPA 07.02.03, 07.02.04, and 07.02.07 into this chapter)

07-0202-1901\* Notice of Vacation of Proposed Fee Rulemaking, Bulletin Vol. 19-10

#### 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

07-0203-1902 Notice of Vacation of Proposed Rulemaking, Bulletin Vol. 19-10

# 07.02.04, Rules Governing Plumbing Safety Inspections

**07-0204-1901** Proposed Rulemaking (Chapter Repeal), Bulletin Vol. 19-7

07-0204-1901 Notice of Vacation of Proposed Rulemaking, Bulletin Vol. 19-10

# 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

07-0205-1901 Notice of Vacation of Proposed Rulemaking, Bulletin Vol. 19-10

#### 07.02.07, Rules Governing Civil Penalties

07-0207-1901 Proposed Rulemaking (Chapter Repeal), Bulletin Vol. 19-7

07-0207-1901 Notice of Vacation of Proposed Rulemaking, Bulletin Vol. 19-10

# 07.03.01, Rules of Building Safety

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07-0301-1901 Notice of Intent to Promulgate a Rule – Negotiated Rulemaking, Bulletin Vol. 19-6
     07-0301-1901 Proposed Rulemaking, Bulletin Vol. 19-10
    07-0301-1901 Adoption of Pending Rule, Bulletin Vol. 19-12 (PLR 2020)
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
     07-0501-1901 Temporary and Proposed Rulemaking, Bulletin Vol. 19-9 (eff. 7-15-19)T
     07-0501-1901 Adoption of Pending Rule, Bulletin Vol. 19-12 (PLR 2020)
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
     07-0701-1902 Proposed Rulemaking (Fee Rule), Bulletin Vol. 19-9
     07-0701-1901 Adoption of Pending Rule, Bulletin Vol. 20-1 (PLR 2020)
    07-0701-1902 Adoption of Pending Fee Rule, Bulletin Vol. 20-1 (PLR 2020)
07.08.01, Idaho Minimum Safety Standards and Practices for Logging
     07-0801-1901 Notice of Intent to Promulgate a Rule – Negotiated Rulemaking, Bulletin Vol. 19-6
     07-0801-1901 Proposed Rulemaking, Bulletin Vol. 19-10
     07-0801-1901 Adoption of Pending Rule, Bulletin Vol. 19-12 (PLR 2020)
07.11.01, Rules of the Division of Building Safety
    07-1101-1901 Proposed Rulemaking (New Chapter), Bulletin Vol. 19-9
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# IDAPA 08 – IDAHO STATE BOARD OF EDUCATION AND STATE DEPARTMENT OF EDUCATION

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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
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8-0000-1900 Rules of the State Board of Education and the Department of Education - Notice of Omnibus Rulemaking - Adoption on Pending Fee Rule, Bulletin Vol. 20-1 (PLR 2020)

**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

08-0000-1900F Rules of the State Board of Education and the Department of Education - Notice of Omnibus Rulemaking - Adoption of Pending Fee Rule, Bulletin Vol. 20-1 (PLR 2020)

# 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 08-0113-1901 Temporary and Proposed Rulemaking, Bulletin Vol. 19-10 (eff. 8-29-19)T

07-1101-1901 Adoption of Pending Rule (New Chapter), Bulletin Vol. 19-12 (PLR 2020)

**08-0113-1901** Adoption of Pending Rule, Bulletin Vol. 20-1 (PLR 2020)

# 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

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08-0201-1902 Proposed Rulemaking, Bulletin Vol. 19-10
     08-0201-1903 Notice of Adoption of Temporary Rule, Bulletin Vol. 19-12 (eff. 10-17-19)T
     08-0201-1902 Adoption of Pending Rule, Bulletin Vol. 20-1 (PLR 2020)
08.02.02, Rules Governing Uniformity
     08-0202-1901 Notice of Intent to Promulgate a Rule – Negotiated Rulemaking, Bulletin Vol. 19-3
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     08-0202-1903 Adoption of Pending Rule, Bulletin Vol. 20-1 (PLR 2020)
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
     08-0203-1901 Proposed Rulemaking, Bulletin Vol. 19-10
     08-0203-1902 Proposed Rulemaking, Bulletin Vol. 19-10
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08.02.04, Rules Governing Public Charter Schools
     08-0204-1901 Notice of Intent to Promulgate a Rule – Negotiated Rulemaking, Bulletin Vol. 19-7
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# 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
 09-0000-1900 Rules of the Idaho Department of Labor - Notice of Omnibus Rulemaking - Adoption of Pending Rule,
Bulletin Vol. 19-11SE (PLR 2020)

#### 09.01.30, Unemployment Insurance Benefits Administration Rules

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09-0130-1901* Notice of Adoption of Temporary Rule, Bulletin Vol. 19-3 (eff. 3-6-19)T (*Temporary rule expired 7-1-19)
09-0130-1902 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
09-0130-1902 Proposed Rulemaking, Bulletin Vol. 19-9
09-0130-1903 Adoption of Pending Rule, Bulletin Vol. 19-11 (PLR 2020)
09-0130-1903 Adoption of Pending Rule, Bulletin Vol. 19-11 (PLR 2020)
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# 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
- 10-0000-1900F Rules of the Board of Professional Engineers and Professional Land Surveyors Notice of Omnibus Rulemaking Adoption of Pending Fee Rule, Bulletin Vol. 19-11SE (PLR 2020)

#### **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
- 11-0000-1900 Rules of the Idaho State Police Notice of Omnibus Rulemaking Adoption of Pending Rule, Bulletin Vol. 19-11SE (PLR 2020)
- 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
- 11-0000-1900F Rules of the Idaho State Police Notice of Omnibus Rulemaking Adoption of Pending Fee Rule, Bulletin Vol. 19-11SE (PLR 2020)
- 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
- 11-0200-1900F Rules of the Idaho State Brand Board Notice of Omnibus Rulemaking Adoption of Pending Fee Rule, Bulletin Vol. 19-11SE (PLR 2020)
- 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
- 11-0400-1900 Rules of the Idaho State Racing Commission Notice of Omnibus Rulemaking Adoption of Pending Rule, Bulletin Vol. 19-11SE (PLR 2020)
- 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
- 11-0400-1900F Rules of the Idaho State Racing Commission Notice of Omnibus Rulemaking Adoption of Pending Fee Rule, Bulletin Vol. 19-11SE (PLR 2020)
- 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
- 11-1001-1900F Idaho Public Safety and Public Information Systems Notice of Omnibus Rulemaking Adoption of Pending Fee Rule, Bulletin Vol. 19-11SE (PLR 2020)
- 11-1101-1900F\* Rules of the Peace Officer Standards and Training Council Notice of Omnibus Rulemaking Temporary and Proposed Fee 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)
- 11-1101-1900F Rules of the Peace Officer Standards and Training Council Notice of Omnibus Rulemaking Adoption of Pending Fee Rule, Bulletin Vol. 19-11SE (PLR 2020)

#### **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

11-0200-1900F Rules of the Idaho State Brand Board - Notice of Omnibus Rulemaking - Adoption of Pending Fee Rule, Bulletin Vol. 19-11SE (PLR 2020)

# 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

11-0000-1900 Rules of the Idaho State Police - Notice of Omnibus Rulemaking - Adoption of Pending Rule, Bulletin Vol. 19-11SE (PLR 2020)

#### 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 - SCR150, Bulletin Vol. 18-5 (eff. 10-2-17)T

11-0301-1801 OARC Omnibus Notice of Legislative Action-Extension of Temporary Rule - SCR113, Bulletin Vol. 19-5 (eff. 12-14-19)T

11-0301-1901 Proposed Rulemaking, Bulletin Vol. 19-11

**11-0301-1901** Adoption of Pending Rule, Bulletin Vol. 20-1 (PLR 2020)

#### **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

11-0400-1900 Rules of the Idaho State Racing Commission - Notice of Omnibus Rulemaking - Adoption of Pending Rule, Bulletin Vol. 19-11SE (PLR 2020)

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

11-0400-1900F Rules of the Idaho State Racing Commission - Notice of Omnibus Rulemaking - Adoption of Pending Fee Rule, Bulletin Vol. 19-11SE (PLR 2020)

# 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

11-0000-1900 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

11-0000-1900 Rules of the Idaho State Police - Notice of Omnibus Rulemaking - Adoption of Pending Rule, Bulletin Vol. 19-11SE (PLR 2020)

# 11.06.01, Rules Governing Civil Asset Forfeiture Reporting

11-0601-1901 Notice of Adoption of Temporary Rule, Bulletin Vol. 19-3 (eff. 2-7-19)T (Expired 6-30-19) (See entry above)

#### 11.08.01, Rules Governing Hemp Transportation

11-0801-2001 Adoption of Temporary Rule (New Chapter), Bulletin Vol. 20-1 (eff. 11-19-19)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
- 11-0000-1900 Rules of the Idaho State Police Notice of Omnibus Rulemaking Adoption of Pending Rule, Bulletin Vol. 19-11SE (PLR 2020)
- 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
- 11-0000-1900F Rules of the Idaho State Police Notice of Omnibus Rulemaking Adoption of Pending Fee Rule, Bulletin Vol. 19-11SE (PLR 2020)
- 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
- 11-1001-1900F Idaho Public Safety and Public Information Systems Notice of Omnibus Rulemaking Adoption of Pending Fee Rule, Bulletin Vol. 19-11SE (PLR 2020)

#### 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 (Expired)

# 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)
- 11-1101-1900F Rules of the Peace Officer Standards and Training Council Notice of Omnibus Rulemaking Adoption of Pending Fee Rule, Bulletin Vol. 19-11SE (PLR 2020)

# 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 (Expired)

# 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
- 12-0000-1900 Rules of the Department of Finance Notice of Omnibus Rulemaking Adoption of Pending Rule, Bulletin Vol. 19-11SE (PLR 2020)
- 12-0000-1900F Rules of the Department of Finance Notice of Omnibus Rulemaking Temporary and Proposed Fee Rulemaking, Reauthorizes Title 01, Chapters 06, 08 -- Bulletin Vol. 19-6SE (eff. 6-30-19)T
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- 17-0000-1900 Rules of the Idaho Industrial Commission Notice of Omnibus Rulemaking Adoption of Pending Rule, Bulletin Vol. 19-11SE (PLR 2020)

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- 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
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- 18-0000-1900\* Rules of the Idaho Department of Insurance Notice of Omnibus Rulemaking Adoption of Pending Rule, Bulletin Vol. 19-11SE (PLR 2020)

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# \*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 [18.01.01]; 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]

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- 22-0000-1900 Notice of Public Hearing (Omnibus Rulemaking), Bulletin Vol. 19-8
- 22-0000-1900 Rules of the Idaho Board of Medicine Notice of Omnibus Rulemaking Adoption of Pending Rule, Bulletin Vol. 19-11SE (PLR 2020)
- 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
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- 24-0101-1900F Rules of the Board of Architectural Examiners Notice of Omnibus Rulemaking Adoption of Pending Fee Rule, Bulletin Vol. 19-11SE (PLR 2020)
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- 24-0301-1900F Rules of the State Board of Chiropractic Physicians Notice of Omnibus Rulemaking Adoption of Pending Fee Rule, Bulletin Vol. 19-11SE (PLR 2020)
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- 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
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