

# IDAHO ADMINISTRATIVE BULLETIN

September 2, 2020 – Vol. 20-9

Office of the Governor  
Division of Financial Management  
Office of the Administrative Rules Coordinator  
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The Idaho Administrative Bulletin is published monthly by the Office of the Administrative Rules Coordinator, Division of Financial Management, Office of the Governor, pursuant to Title 67, Chapter 52, Idaho Code.

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# IDAHO ADMINISTRATIVE BULLETIN

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# PREFACE

The Idaho Administrative Bulletin is an electronic-only, online monthly publication of the Office of the Administrative Rules Coordinator, Division of Financial Management, 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 **19-1** refers to the first Bulletin issued in calendar year **2019**; Bulletin **20-1** refers to the first Bulletin issued in calendar year **2020**. Volume numbers, which proceed from 1 to 12 in a given year, correspond to the months of publication, i.e.; Volume No. **19-1** refers to January 2019; Volume No. **20-2** refers to February 2020; and so forth. Example: The Bulletin published in January 2019 is cited as Volume **19-1**. The December 2019 Bulletin is cited as Volume **19-12**.

## 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 Bulletin publication. 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](http://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 sections 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. 38-0501-1901”**

“**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**).

“**1901**” 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 2019**. A subsequent rulemaking on this same rule chapter in calendar year 2019 would be designated as “**1902**”. The docket number in this scenario would be 38-0501-**1902**.

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 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	<b>*November 29, 2019</b>	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	<b>**August 28, 2020</b>	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

**BULLETIN PUBLICATION SCHEDULE FOR CALENDAR YEAR 2021**

Vol. No.	Monthly Issue of Bulletin	ARRF Due to DFM	Closing Date for Agency Filing	Bulletin Publication Date	21-day Comment Period End Date
21-1	January 2021	November 16, 2021	<b>*November 30, 2020</b>	January 6, 2021	January 27, 2021
21-2	February 2021	December 24, 2021	January 8, 2021	February 3, 2021	February 24, 2021
21-3	March 2021	January 22, 2021	February 5, 2021	March 3, 2021	March 24, 2021
21-4	April 2021	February 19, 2021	March 5, 2021	April 7, 2021	April 28, 2021
21-5	May 2021	March 19, 2021	April 2, 2021	May 5, 2021	May 26, 2021
21-6	June 2021	April 23, 2021	May 7, 2021	June 2, 2021	June 23, 2021
21-7	July 2021	May 21, 2021	June 4, 2021	July 7, 2021	July 28, 2021
21-8	August 2021	June 18, 2021	July 2, 2021	August 4, 2021	August 25, 2021
21-9	September 2021	July 16, 2021	July 30, 2021	September 1, 2021	September 22, 2021
21-10	October 2021	August 16, 2021	<b>**August 30, 2021</b>	October 6, 2021	October 27, 2021
21-11	November 2021	September 24, 2021	October 8, 2021	November 3, 2021	November 24, 2021
21-12	December 2021	October 22, 2021	November 5, 2021	December 1, 2021	December 22, 2021

**\*Last day to submit a proposed rulemaking before moratorium begins AND last day to submit a pending rule to be reviewed by upcoming legislature.**

**\*\*Last day to submit a proposed rule to remain on course for rulemaking to be completed and submitted for review by upcoming legislature.**



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**THE OFFICE OF THE GOVERNOR**

**EXECUTIVE DEPARTMENT  
STATE OF IDAHO  
BOISE**

**EXECUTIVE ORDER NO. 2020-15**

**DIRECTING IDAHO STATE TAX COMMISSION TO ADMINISTER THE BUDGET  
AND LEVY COMPONENTS OF THE GOVERNOR'S PUBLIC SAFETY GRANT INITIATIVE  
FOR CITIES AND COUNTIES**

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*WHEREAS, Congress has passed the Coronavirus Aid, Relief, and Economic Security (CARES) Act (P.L. 116-136), which provided the State of Idaho \$1.25 billion through the Coronavirus Relief Fund for qualifying expenses; and*

*WHEREAS, on April 30, 2020, the Board of Examiners approved, pursuant to Idaho Code § 67-3516(2), non-cognizable spending authority for the Governor's Office in fund 0345 for the \$1.25 billion for the time period of March 1, 2020, through December 30, 2020; and*

*WHEREAS, on June 30, 2020, the United States Department of Treasury ("U.S. Treasury") issued guidance for state, territorial, local, and tribal governments on the proper uses of the Coronavirus Relief Fund; and*

*WHEREAS, the U.S. Treasury guidance ("U.S. Treasury guidance") outlines a non-exclusive list of eligible expenditures, including expenditures for payroll expenses for public safety, public health, health care, human services, and similar employees whose services are substantially dedicated to mitigating or responding to the COVID-19 public health emergency; and*

*WHEREAS, the U.S. Treasury guidance states that as a matter of administrative convenience, the entire public health and public safety payroll costs may be presumed to be substantially dedicated to mitigating or responding to the COVID-19 public health emergency; and*

*WHEREAS, the U.S. Treasury Secretary and senior staff of the U.S. Treasury are quoted in various outlets stating that this presumption of substantial dedication to COVID-19 efforts exists regardless of whether or not the payroll costs were accounted for in the budget most recently approved as of March 27, 2020; and*

*WHEREAS, the U.S. Treasury states that the funds may be transferred from the state to units of local government with the addition of certain restrictions to satisfy the requirements of the CARES Act and guidance; and*

*WHEREAS, the U.S. Treasury notes that for payments to be deemed necessary, they must be reasonably necessary for their intended use in the reasonable judgment of the government officials responsible for spending Fund payments;*

*WHEREAS, in Executive Order 2020-07, I established the Coronavirus Financial Advisory Committee (CFAC) to make recommendations to me for prioritizing the use of Coronavirus Relief Funds; and*

*WHEREAS, CFAC is comprised of a broad group of stakeholders, including legislators, representatives of local and tribal governments, and representatives from the Idaho Association of Cities and Association of Idaho Counties; and*

*WHEREAS, on May 4, 2020, I approved a recommendation from CFAC to allocate \$94 million to local and tribal governments to cover their direct COVID-19 expenses, making Idaho one of the first states to provide local governments access to the fund, eliciting praise from the Trump Administration; and*

*WHEREAS, local governments have expressed that this initial \$94 million allocation is sufficient for and, in many cases in excess of, their direct COVID-19 costs and relatively little expenses have been incurred to date; and*

*WHEREAS, on May 28, 2020, CFAC sent a letter to U.S. Treasury staff outlining the potential use of the Fund for a Public Safety Grant Initiative (the Initiative) with restrictions to ensure compliance with U.S. Treasury guidance; and*

*WHEREAS, CFAC convened on June 11, 2020, and determined that, in its judgment, the expenditure of Coronavirus Relief Funds on local public safety payroll expenses was necessary to respond to COVID-19 and made unanimous recommendations to me on the expenditure of up to \$200 million with eligibility criteria targeted to the U.S. Treasury guidance; and*

*WHEREAS, CFAC voted unanimously to allow local governments to voluntarily apply for a grant to receive this additional allocation of funds, which is on top of the original \$94 million allocated to local governments; and*

*WHEREAS, CFAC established parameters for voluntary participation, aimed at advancing compliance with critical areas of U.S. Treasury guidance, namely (1) ensuring the receipt of this voluntary allocation does not constitute revenue replacement, which is not a permissible use of fund payments; and (2) ensuring that the allocation does not create a windfall that is used for non-COVID-19 related purposes; and*

*WHEREAS, CFAC further saw that these voluntary restrictions could advance other areas of U.S. Treasury guidance, namely the allowance to provide economic support to those suffering from the widespread COVID-19 related closures and expenses; and*

*WHEREAS, on June 11, 2020, I accepted the recommendation of CFAC and announced the program known as the Public Safety Grant Initiative that will provide funding for public safety payroll expenses to city and county governments that agree to participate in the Initiative and provide the resulting savings as property tax relief to the taxpayers of the participating units of local government by foregoing the taxes that would otherwise traditionally have been collected; and*

*WHEREAS, on July 6, 2020, CFAC sent an updated letter to U.S. Treasury re-outlining the proposed Public Safety Initiative in the context of U.S. Treasury guidance; and*

*WHEREAS, on July 16, 2020, I met with senior U.S. Treasury and White House staff in Washington, D.C., to discuss the Initiative and received positive reinforcement that the proposed plan aligns with U.S. Treasury guidance; and*

*WHEREAS, 54 cities and 28 counties submitted Letters of Intent to participate in this voluntary grant program; and*

*WHEREAS, the Initiative would provide a grant to these local governments in an amount that would cover approximately 42-percent of their public safety budget, allowing the funds to be targeted to those frontline public safety and public health officials who are substantially dedicated to COVID-19 mitigation and response; and*

*WHEREAS, local governments have the ability to finalize their participation in this voluntary grant program by discussing it in open, public meetings where public testimony on the merits may be taken; and*

*WHEREAS, I have agreed with the CFAC unanimous recommendation that this expenditure is necessary for its intended use.*

*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:*

- 1. The Idaho State Tax Commission shall ensure that the budget and levy effects of the Initiative remain neutral for those cities and counties that choose to participate. To accomplish this, the Idaho State Tax Commission shall not consider any subtraction from a participating entity's 2020 operating budget due to participation in this program when determining 2021 budget limitations according to Idaho Code § 63-802.*

2. *Urban renewal agencies that would otherwise lose funds due to the lowered levy rates of participating cities and counties shall be treated neutrally.*
3. *The Idaho State Tax Commission shall make such adjustments to the L-2 form as necessary to verify that participating cities and counties have met the requirements of the Initiative by certification.*



*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 6th day of August in the year of our Lord two thousand and twenty.*

**BRAD LITTLE**  
**GOVERNOR**

**LAWRENCE DENNEY**  
**SECRETARY OF STATE**

## **IDAPA 08 – STATE BOARD OF EDUCATION**

### **08.02.01 – RULES GOVERNING ADMINISTRATION**

#### **DOCKET NO. 08-0201-2001**

#### **NOTICE OF INTENT TO PROMULGATE RULES – NEGOTIATED RULEMAKING**

**AUTHORITY:** In compliance with Section 67-5220, Idaho Code, notice is hereby given that this agency intends to promulgate rules and desires public comment prior to initiating formal rulemaking procedures. This negotiated rulemaking action is authorized pursuant to Article IX, Section 2, Idaho Constitution and under Sections 33-105, 33-107, 33-116, 33-1001, 33-1002, 33-1004, 33-1004B, 33-1612, and 33-1027, Idaho Code.

**METHOD OF PARTICIPATION:** Interested persons wishing to participate in the negotiated rulemaking must respond to this notice by contacting the undersigned either in writing, by email, or by calling the phone number listed below. To participate, responses must be received by close of business on September 18, 2020.

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

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

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

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

HB 293 (2019) requires the State Board of Education to promulgate rules establishing how enrollment would be counted and reported to the state for students who attend public schools part-time or attend more than one public school at the same time. This bill also establishes additional provision on how school districts and charter school will report on the student populations based on specific student characteristics and how school districts use appropriated funds. The intent of the negotiated rulemaking is to establish a methodology for reporting student enrollment and provide any additional clarification identified by school districts for meeting the requirements established in HB 293 (2019). Additional amendments will explore methodologies for reporting average daily attendance when students are receiving virtual or blended instruction, removing the high school equivalency certificate application requirement and for making technical corrections or cleanup to existing provisions pertaining to funding and student counts that are identified during the negotiated rulemaking process as well as the removal of outdated or obsolete sections.

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

Dated this 17th day of August, 2020.

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



## **IDAPA 08 – STATE BOARD OF EDUCATION**

### **08.02.02 – RULES GOVERNING UNIFORMITY**

#### **DOCKET NO. 08-0202-2002**

#### **NOTICE OF INTENT TO PROMULGATE RULES – NEGOTIATED RULEMAKING**

**AUTHORITY:** In compliance with Section 67-5220, Idaho Code, notice is hereby given that this agency intends to promulgate rules and desires public comment prior to initiating formal rulemaking procedures. This negotiated rulemaking action is authorized pursuant to Article IX, Section 2, Idaho Constitution and under Sections 33-105, 33-107, 33-1002B, 33-1201A, and 33-1202, Idaho Code.

**METHOD OF PARTICIPATION:** Interested persons wishing to participate in the negotiated rulemaking must respond to this notice by contacting the undersigned either in writing, by email, or by calling the phone number listed below. To participate, responses must be received by close of business on September 18, 2020.

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

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

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

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

This rule will make two amendments to IDAPA 08.02.02 to bring it into alignment with HB523 (2020) and SB 1329 (2020). This rule will update Subsection 028, Professional Endorsement, to also reference the new Advanced Professional Endorsement, pursuant to Section 33-1201A, Idaho Code, as amended by HB 523 (2020). The second amendment will amend Subsection 015.06, Industry-Based Occupational Specialist Certificate (CTE Certification), to align with Section 33-2205, Idaho Code, as amended in SB 1329 (2020), setting provisions for career technical educator degree based certification, and hours of professional experience. Additional technical correction or the elimination of obsolete language that are identified during the negotiated rulemaking will also be considered.

**ASSISTANCE ON TECHNICAL QUESTIONS, MEETING ACCOMMODATIONS, SUBMISSION OF WRITTEN COMMENTS, OBTAINING DRAFT COPIES:** For assistance on technical questions concerning this negotiated rulemaking, requests for special meeting accommodations or accessibility, contact Tracie Bent at [tracie.bent@osbe.idaho.gov](mailto:tracie.bent@osbe.idaho.gov) or (208) 332-1582. Materials pertaining to the negotiated rulemaking, including any available preliminary rule drafts, can be found on the Idaho State Board of Education web site at the following web address: <https://boardofed.idaho.gov>.

Dated this 17th day of August, 2020.

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

## IDAPA 09 – IDAHO DEPARTMENT OF LABOR

### 09.01.01 – RULES OF ADMINISTRATIVE PROCEDURE OF THE DEPARTMENT OF LABOR

DOCKET NO. 09-0101-2001

#### NOTICE OF RULEMAKING – PROPOSED RULE

**AUTHORITY:** In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Title 72, Chapter 13, Section 1333, Idaho Code.

**PUBLIC HEARING SCHEDULE:** Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than September 16, 2020.

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

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

- **09.01.01, Sections 027, 035, 036 and 037 – Appeals to Appeals Examiner** – Clean up and update the language to reflect:
  - Electronic transmission (email) is an acceptable method for transmitting a protest or appeal;
  - The date the department receives a protest for a decision on an appeal for unemployment insurance benefits or a wage and hour claim will be the date deemed filed, or if the protest is received on a holiday, the next business day; and
  - The date of mailing or service indicated on the determination shall be deemed the date of service.

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

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

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted because proposed changes have no effect on the rule and are for purposes of accommodating the new technologies available for transmitting documents.

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

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the proposed rule, contact Amy Hohnstein, Appeals Bureau Administrator, (208) 332-3570 x 3330

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before September 23, 2020.

Dated this 14th day of August, 2020.

Amy Hohnstein, Administrator  
Appeals Bureau, Idaho Department of Labor  
317 W. Main Street  
Boise, ID 83735  
Phone: (208) 332-3570 x 3330.

THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 09-0101-2001  
(Only Those Sections With Amendments Are Shown.)

027. WAGE CLAIM AND EMPLOYMENT SECURITY LAW DETERMINATIONS.

01. **Determinations and Time for Filing Appeals.** Department determinations under the Claims for Wages Act and Employment Security Law must be in writing and contain provisions advising the interested parties of their right to appeal the determination within fourteen (14) days from the date of mailing, or the date of electronic transmission to an electronic-mail address approved by the Department, in accordance with Sections 45-617(5), 72-1361 and 72-1368(5), Idaho Code. ~~Every such determination, and~~ must contain and clearly identify the mailing address, fax number and electronic address for filing an appeal. The date of mailing or service indicated on the determination shall be deemed the date of service of the determination A determination is final unless, within fourteen (14) days after notice, as provided in Sections 45-617(5) and 72-1368(5), Idaho Code, an appeal is filed by an interested party with the Department in accordance with these rules. If an appeal from a wage claim determination is not timely filed, the amount awarded by a final determination will be immediately due and payable to the Department. (3-20-20)( )

02. **Appeals Heard By Appeals Examiners.** Appeals from wage claim and Employment Security Law determinations will be heard by an appeals examiner in accordance with the Claims for Wages Act, the Employment Security Law, and these rules. (3-20-20)

03. **Computation of Time.** In computing any time period prescribed or allowed by the Employment Security Law or the Claims for Wages Act, the day of the act, event, or default is not to be included. Saturdays, Sundays, and holidays will be counted during the period, except, if the last day of the period is a Saturday, Sunday, or legal holiday, the period extends to the next business day following the Saturday, Sunday, or legal holiday. (3-20-20)

(BREAK IN CONTINUITY OF SECTIONS)

035. APPEALS TO APPEALS EXAMINER – FORM AND MANNER OF FILING OF NOTICES OF APPEAL.

01. **Form of Notices of Appeal.** Any appeal taken to an appeals examiner pursuant to the Employment Security Law and the Claims for Wages Act must be in writing, signed by an interested party, the appellant or representative, and contain words that, by fair interpretation, request the appeal process for a specific determination or other decision of the Department. (3-20-20)

02. **Filing of Notices of Appeal.** To appeal a determination or other decision of the Department, interested parties must follow these rules and the instructions on ~~these rules and~~ the document determination or other decision being appealed. If an appeal is delivered personally, the personal delivery date will be noted on the appeal and deemed the date of filing. ~~A faxed or electronically transmitted appeal received after 5 p.m., mountain time zone, on a business day will be deemed filed on the next business day.~~ A faxed or electronically transmitted appeal will be deemed filed on the date received by the Department (mountain time) or, if received on a weekend or holiday, ~~will be deemed filed~~ the next business day. If mailed, the appeal will be deemed filed on the date of mailing as determined by the postmark on the envelope containing the appeal, unless a party establishes by a preponderance of the evidence that but for error by the U.S. Postal Service, the envelope would have been postmarked within the period for timely appeal. If such a postal error is established, the appeal will be deemed to be timely filed. Ref. Section 72-1368(6), and Section 45-617, Idaho Code. (3-20-20)( )

036. DATE OF MAILING SERVICE OF DETERMINATIONS.

The date indicated on ~~Department~~ determinations, ~~revised determinations, redeterminations~~ and decisions as the “Date of MAILING SERVICE” or “Date of MAILING” will be presumed to be the date the document was deposited in the

United States mail, or the date the document was electronically transmitted to an electronic-mail address approved by the Department pursuant to Section 72-1368(5), Idaho Code, unless shown otherwise by a preponderance of competent evidence. (3-20-20)( )

**037. EFFECT OF DELAY OR ERROR OF POSTAL SERVICE OR DEPARTMENT.**

**01. Department Determinations.** If a party establishes by a preponderance of the evidence that because of delay or error by the U.S. Postal Service, or because of error on the part of the Department, ~~notice of a Department~~ determination was not delivered to the party's last known address, or transmitted electronically to the party's electronic-mail address approved by the Department, within fourteen (14) days of the date of mailing, ~~as provided by the Employment Security Law and by the Claims for Wages Act~~ or service indicated on the determination, the period for filing a timely appeal extends to fourteen (14) days from the date of actual notice. (3-20-20)( )

**02. Decisions of the Appeals Examiner.** If a party establishes by a preponderance of the evidence that, because of delay or error by the U.S. Postal Service, or because of error on the part of the Department, ~~notice of~~ a decision by an appeals examiner was not delivered to the party's last known address, or transmitted electronically to the party's electronic-mail address approved by the Department, within the time periods prescribed by the Employment Security Law or the Claims for Wages Act for filing an application for rehearing or an appeal to the Industrial Commission, as the case may be, then: (3-20-20)( )

**a.** For an application for rehearing that must be filed within ten (10) days of notice of service of a decision, the period for filing a timely application for rehearing extends to ten (10) days from the date of actual notice; and (3-20-20)( )

**b.** For an appeal to the Industrial Commission that must be filed within fourteen (14) days of notice of service of a decision, the period for filing a timely appeal extends fourteen (14) days from the date of actual notice. Ref. Section 72-1368 (5) and (6) and Section 45-617(7), Idaho Code. (3-20-20)( )

## IDAPA 09 – IDAHO DEPARTMENT OF LABOR

### 09.01.30 – UNEMPLOYMENT INSURANCE BENEFITS ADMINISTRATION RULES

DOCKET NO. 09-0130-2002

#### NOTICE OF RULEMAKING – PROPOSED RULE

**AUTHORITY:** In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Title 72, Chapter 13, Section 1333, Idaho Code.

**PUBLIC HEARING SCHEDULE:** Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than September 16, 2020.

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

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

- **09.01.30.125 – Alien Eligibility** – Replace outdated references to the federal Immigration and Naturalization Service with the federal department’s current title - U.S. Department of Homeland Security.
- **09.01.30.425 – New Claims** – Replace outdated references to “Idaho Works” with “American Job Centers.”

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

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

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted because proposed changes have no effect on the rule and are for purposes of clean-up only.

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

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the proposed rule, contact Josh McKenna, UI Benefits Bureau Chief, (208) 332-3570 x 3919.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before September 23, 2020.

Dated this 14th day of August, 2020.

Josh McKenna, Bureau Chief  
UI Benefits Bureau, Idaho Department of Labor  
317 W. Main Street  
Boise, ID 83735  
Phone: (208) 332-3570 x 3919.

THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 09-0130-2002  
(Only Those Sections With Amendments Are Shown.)

125. ALIEN ELIGIBILITY.

~~01. Alien Eligibility. Benefits are not payable based on services performed by an alien unless the alien was lawfully admitted for permanent residence at the time such services were performed, was lawfully present for purposes of performing such services, or was permanently residing in the United States under color of law at the time the services were performed. Ref. Sec. 72-1366(19), Idaho Code. (3-19-99)~~

**021. Benefit Eligibility.** To be eligible for benefits, an alien must fall within one (1) of the following three (3) categories at the time the work on which the claim is based was performed. ~~In addition, and~~ at the time benefits are claimed, the alien must have current, valid authorization to work from the ~~Immigration and Naturalization Service~~ U.S. Department of Homeland Security in order to meet the continuing eligibility requirement of being able and available to work (unless the alien claimant is a Canadian resident who is claiming benefits under the Interstate Benefit Payment Plan, in which case the claimant must satisfy only Canadian availability requirements). Ref. Sec. 72-1366(4), (19), Idaho Code. (3-19-99)( )

a. Permanent Residence. ~~The category of individuals who are “lawfully admitted for permanent residence,” includes a~~ Aliens who have been lawfully admitted to the United States as “immigrants” and those whose status has been adjusted from that of “non-immigrant” under the Immigration and Nationality Act. Evidence of this status is the Alien Registration Receipt Card, or “green card,” issued to each lawful permanent resident by the Immigration and Naturalization Service. (3-19-99)( )

b. Performing Services. ~~The category of individuals who are “l~~awfully present for purposes of performing services” includes three (3) groups of aliens: (3-19-99)( )

i. Canadian and Mexican residents who commute daily or seasonally and are authorized to work in the United States; (3-19-99)

ii. Legally-admitted non-immigrants who are granted a status by the ~~Immigration and Naturalization Service~~ U.S. Department of Homeland Security which authorizes them to work in the United States during their stay; and (3-19-99)( )

iii. Other aliens with ~~Immigration and Naturalization Service~~ U.S. Department of Homeland Security authorization to work in the United States regardless of their status. (3-19-99)( )

c. Permanently Residing Under Color of Law. The category of individuals who are “permanently residing in the United States under color of law” includes the following groups of aliens: (3-19-99)

i. Refugees, asylees, and parolees, as identified in the Immigration and Nationality Act; (3-19-99)( )

ii. Aliens presumed by the ~~Immigration and Naturalization Service~~ U.S. Department of Homeland Security to be lawfully admitted for permanent residence; and (3-19-99)( )

iii. Aliens who, after review of their particular circumstances under ~~INS~~ U.S. Department of Homeland Security statutory or regulatory procedures, have been granted a status which allows them to remain in the United States for an indefinite period of time. For informal ~~Immigration and Naturalization Service~~ U.S. Department of Homeland Security action to authorize an alien’s residence under “color of law,” the ~~Immigration and Naturalization Service~~ U.S. Department of Homeland Security must know of the alien’s presence, and must provide the alien with official, documented assurance that enforcement of deportation is not planned. (3-19-99)( )

**(BREAK IN CONTINUITY OF SECTIONS)**

**425. NEW CLAIMS/ADDITIONAL CLAIMS.**

Ref. Sec. 72-1308, Idaho Code.

(3-19-99)

**01. Claims for Benefits, Delayed Filing.** When the Central Claims Office has determined that a claimant's attempt to file an initial claim was delayed due to problems with the Department's telephone or electronic filing system, the claim may be backdated if the claimant reported the access problem to the Central Claims Office within seven (7) days of the date the problem occurred. When a claim is backdated, the continued claim report for the period of time involved is timely if filed during the same week or the next week after the claim is filed. (3-20-20)

**02. Effective Date of Backdated Claims.** When the filing of an initial claim for benefits is backdated due to a Department system malfunction, the effective date is the Sunday of the week in which the claimant first reported to the Central Claims Office to file the claim or attempted to access the telephone or electronic claim filing system and there were problems with the system. (3-28-18)

**03. Filing of New Claims, Additional, and Reopen Claims.** Intrastate and interstate claims, including, without limitation, new claims, additional claims, and reopen claims, may be filed electronically or by telephone at the Department's discretion. (3-20-20)

**a. Electronically Filed Claims.** Claimants may file claims electronically by accessing Idaho's Internet claim system or, if filing through an ~~Idaho Works location~~ **American Job Center**, by accessing the Department's Intranet claim system. Electronically filed claims will be date and time stamped at the time the claimant completes the application process. The claim will not be completed until the claimant has finished the process and has electronically submitted the claim to the Department. A claim filed via the Internet or an ~~Idaho Works location~~ **American Job Center** is effective as of the Sunday of the week of the date shown on the date/time stamp. (3-20-20)( )

**b. Interstate Claims.** Any claim filed by an interstate claimant is accepted in the same manner and conditions for which claims are accepted from intrastate claimants. (3-20-20)

**c. Telephone Claims.** A claimant may also file a claim by calling the Central Claims Office. A claim filed via telephone is effective as of the Sunday of the week in which the claimant first calls the Central Claims Office to initiate the claim. (3-20-20)

**d. Claimants' Electronic Verification.** A unique confidential number or other electronic method of verification approved by the Department may be used by a claimant or an employer to submit information or engage in transactions with the Department through electronic or telephonic means. Use of this method of verification has the same force and effect as a manual signature. (3-20-20)

**04. Registration/Reporting Requirements -- Interstate Claimants.** Interstate claimants are required to comply with the same reporting requirements prescribed for regular Idaho intrastate claimants. Ref. Sec. 72-1366(1), (2), Idaho Code. (3-20-20)

**07. Requirement to Provide Information.** If a claimant fails to provide the Department with all necessary information pertinent to eligibility, the claimant is denied benefits until the information is provided. Any individual making a claim for benefits must provide the Department with: (3-20-20)

**a.** The claimant's legal name; (3-15-02)

**b.** The claimant's Social Security Number; (3-15-02)

**c.** The address where the claimant's mail is delivered; (3-15-02)

- d.** The claimant's place of last employment; (3-15-02)
  - e.** The name, correct mailing address, dates of employment, and the reason for separation from all of the claimant's most recent and base-period employers; (3-20-20)
  - f.** If requested by the Department, a list of all other employment in the past twenty-four (24) months; (3-15-02)
  - g.** The claimant's plans for finding other employment at the earliest possible time; and (3-15-02)
  - h.** Other information necessary for the proper processing of the claim. (3-15-02)
  - i.** Once a claim has been established, the claimant must provide, upon request, a record of the claimant's work search, in order for the Department to assess compliance with personal eligibility requirements. (3-20-20)
  - j.** If the claimant's identifying information does not match with data provided by the Social Security Administration, the Division of Motor Vehicles, or other public entities for identity verification purposes, the claimant will be provided notice and an opportunity to provide proof of identity before benefits are denied. (3-20-20)
- 08. Separation Notice.** (3-19-99)
- a.** Notice to Employer of Separation. Every employer (including employers not subject to Title 72, Chapter 13, Idaho Code), when contacted by a Department representative for a response, must respond to the Department with the reasons for the separation whenever the claimant: (3-20-20)

    - i.** Left his employment voluntarily; (3-19-99)
    - ii.** Was discharged from his employment due to misconduct; (3-19-99)
    - iii.** Is unemployed due to a strike, lockout, or other labor dispute; (3-30-07)
    - iv.** Is not working due to a suspension; or (3-30-07)
    - v.** Was separated for any other reason except lack of available work. (3-19-99)
  - b.** Employer Response. The employer's response must be given by the employer or on the employer's behalf by someone having personal knowledge of the facts concerning the separation. The employer should provide to the Department, via electronic media or mail, copies of any documentation supporting their position. (3-30-07)
- 09. Additional Claim or Reopened Claim.** A claim must be reestablished after a claimant has failed to report or has reported excessive earnings for two (2) or more consecutive weeks. (3-20-20)
- 10. Use of Wage Credits.** All unemployment insurance wage credits from any source that are assignable to the state of Idaho will be used in establishing a claim and determining the claimant's monetary eligibility. Ref. Sec. 72-1367(1), Idaho Code. (3-19-99)
- 11. Valid Claim.** To be a valid claim for benefits, a claim must be filed during a week of no work, a week of less than full-time work in which the total wages payable to the claimant for work performed in such week amount to less than one and one-half (1-1/2) times the claimant's weekly benefit amount, or a week in which the claimant is separated from employment. Ref. Sec. 72-1327A and 72-1312, Idaho Code. (3-19-99)



## IDAPA 09 – IDAHO DEPARTMENT OF LABOR

### 09.01.60 – COMPLAINT PROCEDURES UNDER THE WORKFORCE INNOVATION AND OPPORTUNITY ACT (WIOA)

#### DOCKET NO. 09-0160-2001 (CHAPTER REPEAL)

#### NOTICE OF RULEMAKING – PROPOSED RULE

**AUTHORITY:** In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Title 72, Chapter 13, Section 1333, Idaho Code.

**PUBLIC HEARING SCHEDULE:** Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than September 16, 2020.

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

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

- 09.01.60 “Complaint Procedures Under the Workforce Innovation and Opportunity Act (WIOA)” - The department proposes to delete this rule chapter. All provisions are duplicated in department procedures and federal law (Title 29 Subtitle Part A Part 38, Code of Federal Regulations - Implementation of the Non-Discrimination and Equal Opportunity Provisions of the Workforce Opportunity Act).

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

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

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted because the contents of this chapter are currently included in departmental procedures and federal law (Title 29 Subtitle Part A Part 38, Code of Federal Regulations - Implementation of the Non-Discrimination and Equal Opportunity Provisions of the Workforce Opportunity Act).

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

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the proposed rule, contact Amy Hohnstein, Appeals Bureau Administrator, (208) 332-3570 x 3330.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before September 23, 2020.

Dated this 17th day of July, 2020.

Amy Hohnstein, Administrator  
Appeals Bureau, Idaho Department of Labor  
317 W. Main Street  
Boise, ID 83735  
Phone: (208) 332-3570 x 3330

**IDAPA 09.01.60 IS BEING REPEALED IN ITS ENTIRETY.**

# **IDAPA 13 – DEPARTMENT OF FISH AND GAME**

## **13.01.04 – RULES GOVERNING LICENSING**

### **DOCKET NO. 13-0104-2002**

#### **NOTICE OF RULEMAKING – PROPOSED RULE**

**AUTHORITY:** In compliance with Section 67-5221, Idaho Code, this agency hereby gives notice of proposed rulemaking. The action is authorized by Sections 36-104(b), 36-301, 36-401 through 413, and 36-1101, Idaho Code.

**PUBLIC HEARING SCHEDULE:** Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than September 16, 2020.

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

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

1. The rulemaking would change the application period for Landowner Appreciation Program (LAP) controlled hunt tags to May 15 through June 15. Applications for LAP controlled hunt tags are currently accepted from June 15 through July 15. Moving the application period to an earlier time in the year would provide additional processing time and help ensure that the Department can provide timely draw result notification to landowners, especially for hunts beginning in August.

2. This rulemaking would provide the Commission the authority to limit the number of nonresident Disabled American Veterans (DAV) deer and elk tags. Nonresident DAV deer and elk tags are not subject to statewide quotas like other nonresident deer and elk tags (IDAPA 13.01.04.550), and nonresident DAV tags are significantly lower in price than other nonresident tags. The rulemaking proposes to limit discounted tags for nonresident DAVs to 500 deer and 300 elk tags. This rulemaking would not restrict the ability of nonresident DAVs to purchase available nonresident general deer and elk tags, with purchase of a discounted nonresident DAV hunting license. This rulemaking would not also restrict the ability of nonresident DAVs to purchase discounted nonresident DAV muzzleloader or archery permits, black bear tags or turkey tags. Nonresident DAV participation in deer and elk hunts has been growing, and this rulemaking would be in concert with other Commission actions to manage nonresident participation in general to address hunter congestion. From 2016 to 2019, nonresident DAV elk tag sales increased from 910 to 1,682 and nonresident DAV deer tag sales increased from 1,149 to 1,839. Nonresident DAV deer and elk tags cost \$22.00 and \$38.00, respectively, and it is reasonable to expect continued growth in at least the near term if tags are not limited.

**FEE SUMMARY:** The proposed rules have no associated fees.

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

There is no fiscal impact to the state general fund because IDFG licensing fees are managed in a dedicated fund.

1. The proposed rule to change the application period for the Landowner Appreciation Program will have no fiscal impact.

2. The proposed rule to provide the Commission the authority to limit the number of nonresident DAV deer and elk tags would cap potential revenue to the Department's Fish and Game fund from sales of these tag types and related nonresident DAV hunting licenses. All future year revenue from sales of these tag types would likely be lower than 2019 and 2020 tag sales, unless nonresident DAVs choose to still purchase nonresident DAV hunting licenses and equivalent amount of general tag items that would otherwise be unsold. If nonresident DAVs purchase other nonresident items instead of nonresident DAV tags (once nonresident DAV deer and elk tags sell out), Department revenue from license and tag sales to nonresident DAVs could remain neutral or increase.

Descriptive summary of fiscal impact, based on 2019 tag sales:

- Current tag sales framework (unlimited number of nonresident DAV deer and elk tags available):
  - Revenue from 2019 nonresident DAV deer tag sales: 1,839 tags at \$22.00 = \$40,458.
  - Revenue from 2019 nonresident DAV elk tag sales: 1,682 tags at \$38.00 = \$63,916.
  - Total 2019 nonresident DAV deer and elk tag sales = \$104,374.
- Proposed tag sales framework (restricted number of discounted deer and elk tags available):
  - Revenue from sale of 500 nonresident deer tag sales = 500 tags at \$22.00 = \$11,000.
  - Revenue from sale of 300 nonresident elk tag sales = 300 tags at \$38.00 = \$11,400
  - Total revenue = \$22,400
- Potential revenue reduction from above:
  - \$104,374 - \$22,400 = (\$81,974).
- Revenue neutral example of estimated revenue from the sale of 90 deer and 80 elk tags to nonresident DAV's at regular nonresident prices (once the discounted 500 deer and 300 elk tags sell out):
  - 90 deer tags: 90 tags at \$350.00 = \$31,500
  - 80 elk tags: 80 tags at \$650.00 = \$52,000
  - Total Revenue = \$83,500
- Net impact from above example:
  - (\$81,974) + \$83,500 = \$1,526 or roughly revenue neutral.

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220, Idaho Code, a Notice of Intent to Promulgate Rules - Negotiated Rulemaking was published in the June 3, 2020 Idaho Administrative Bulletin, [Vol. 20-6, page 28](#). This Notice identified the opportunity to provide rulemaking input during a 21-day comment period. The agency received 482 responses via on-line submissions regarding the proposal to change the application period for Landowner Appreciation Program controlled hunt tags. The agency received 1,121 responses via on-line submissions regarding the proposal to provide the Commission the authority to limit the number of deer and elk tags made available annually to nonresident Disabled American Veterans (DAV) at discounted prices. The Notice also identified the opportunity for people to express interest in participating in negotiated rulemaking meetings. No commenter stated interest in negotiated rulemaking meetings. Before advancing proposed rules, the agency provided an opportunity for in-person comment at a public hearing held during the quarterly meeting of the Commission in Idaho Falls on July 22, 2020. Pursuant to Section 67-5221, Idaho Code, the agency proceeded with proposed rulemaking.

**INCORPORATION BY REFERENCE:** Not Applicable

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions about the proposed rules, contact Toby Boudreau at (208) 334-2920. Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before September 23, 2020.

Dated this 31st day of July, 2020.

Paul Kline, Deputy Director  
Idaho Department of Fish and Game  
600 S. Walnut Street  
P.O. Box  
25 Boise, ID 83707  
Phone: (208)334-3771  
Fax: (208)334-4885  
Email: [rules@idfg.idaho.gov](mailto:rules@idfg.idaho.gov)

THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 13-0104-2002  
(Only Those Sections With Amendments Are Shown)

400. LANDOWNER APPRECIATION PROGRAM (LAP).

01. Property and Landowner Registration. (3-20-20)

a. Only landowners who have registered their eligible property with the Department are eligible to apply for LAP controlled hunt tags for deer, elk, pronghorn, and/or black bear. Registered landowners must notify the Department of any changes in property ownership or eligibility. (3-20-20)

b. Registration of an eligible property and landowner applicant will be on a form prescribed by the Department. The landowner must submit the registration form; a copy of the deed(s) and the most recent tax assessment(s) describing the eligible property and showing the name(s) of the owner(s); and a map of the eligible property to the Department regional office. Department personnel will certify the registration and land description and return a copy to the landowner. (3-20-20)

c. If the person registering is an authorized corporate or partnership representative, the registration will include written verification from the board of directors, partnership, or an officer of the corporation, other than himself, verifying that he is authorized to register the property and eligible applicants. (3-20-20)

02. Hunt Areas. LAP controlled hunt tags will be issued only for those controlled hunt areas designated by the Commission as eligible for such tags. (3-20-20)

03. Tag Eligibility. Landowners may receive LAP controlled hunt tags only for the species and sex that use the eligible property and only for LAP hunt areas in which the registered property is located. (3-20-20)

04. Controlled Hunt Applications. Applications for LAP controlled hunt tag(s) will be on a form prescribed by the Department. (3-20-20)

a. Applications from landowners with six hundred forty (640) acres or more will be accepted on or after ~~June~~ May 15 of each year. Applications submitted in person or mailed to the Department main office or any Regional Office, postmarked not later than ~~July~~ June 15 of each year, will be entered in the random drawing for LAP controlled hunt tags. Each application will be entered in the random drawing one (1) time based upon each six hundred and forty (640) acres of eligible property registered by the landowner that are within the LAP controlled hunt area. ~~For example, if a landowner has six thousand four hundred (6,400) eligible acres, the application will be entered into the random drawing ten (10) times.~~ (3-20-20)( )

b. One (1) application may be submitted by a landowner with eligible property consisting of six hundred forty (640) acres to four thousand nine hundred ninety-nine (4,999) acres. A second application may be submitted for eligible property consisting of five thousand (5,000) acres or more. (3-20-20)

05. Left Over Tags. Landowners with eligible property consisting of three hundred twenty (320) acres or more may apply for left-over tags following the random draw. Written applications will be accepted beginning on the first business day on or after August 15 of each year on a first-come, first-served basis, provided they are accompanied by the appropriate application fee as specified in Section 36-416, Idaho Code. (3-20-20)

06. Issuance of Controlled Hunt Tag(s). (3-20-20)

a. Once the Commission has determined the number of controlled hunt tags to be issued in any controlled hunt area, an additional ten percent (10%) of the number of controlled hunt tags may be issued as LAP tags. In subsequent years up to twenty-five percent (25%) of the number of controlled hunt tags may be issued only if the hunt is over subscribed by eligible LAP applicants. (3-20-20)

b. Where the number of LAP applicants exceeds the number of LAP controlled hunt tags available in an area, successful applicants will be determined by drawing. All eligible landowners in the drawing will be considered for one (1) tag before any landowner is eligible for a second tag. (3-20-20)

c. No more than two (2) LAP controlled hunt tags may be issued to any eligible landowner. (3-20-20)

d. Only one (1) leftover LAP controlled hunt tag may be issued for eligible property consisting of between three hundred twenty (320) and six hundred thirty-nine (639) acres within a LAP controlled hunt area. Only one (1) LAP controlled hunt tag may be issued for eligible property consisting of between six hundred forty (640) and four thousand nine hundred ninety-nine (4,999) acres within a LAP controlled hunt area. One (1) additional controlled hunt tag may be issued to a landowner or designated agent(s) for eligible property in excess of five thousand (5,000) acres within a LAP controlled hunt area. No landowner or designated agent(s) is eligible to receive more than one (1) LAP controlled hunt tag for one (1) species in a calendar year. (3-20-20)

e. A successful landowner, corporate or partnership representative drawing a LAP controlled hunt tag may designate an eligible individual to whom the controlled hunt tag will be issued. (3-20-20)

**07. Sale or Marketing Unlawful.** It is unlawful to sell or market LAP controlled hunt tags. In addition to any statutory penalties, a violator of this provision will not be eligible to participate in the LAP program for three (3) years. (3-20-20)

**08. Application of Controlled Hunt Restrictions.** (3-20-20)

a. The restriction that applying for a moose, bighorn sheep, or mountain goat controlled hunt makes the applicant ineligible to apply for any other controlled hunt does not apply to persons who are otherwise eligible to apply for a LAP controlled hunt tag. (3-20-20)

b. LAP controlled hunts are exempt from limits or quotas on nonresident tags. (3-20-20)

c. LAP controlled hunt tags are exempt from the one (1) year waiting periods for deer, elk and pronghorn controlled hunt applications under IDAPA 13.01.08, "Rules Governing the Taking of Big Game Animals," Section 257. (3-20-20)

**09. Special Restrictions.** Any person hunting with a LAP controlled hunt tag may hunt only within the boundaries described in the LAP controlled hunt area. Bag and possession limits set forth in IDAPA 13.01.08, "Rules Governing the Taking of Big Game Animals," Section 200, apply to holders of LAP controlled hunt tags. (3-20-20)

**(BREAK IN CONTINUITY OF SECTIONS)**

**550. NONRESIDENT DEER AND ELK TAG QUOTAS.**

**01. General Hunt Tag Quotas.** The following number of general hunt ~~deer tags and elk~~ tags will be set aside annually and reserved for sale to nonresidents: ~~(3-20-20)~~ ( )

a. Fourteen thousand (14,000) total deer tags (regular and white-tailed deer tags); (3-20-20)

b. Twelve thousand eight hundred fifteen (12,815) total elk tags (A and B tags); (3-20-20)

c. One thousand five hundred (1,500) white-tailed deer tags, available only upon sell out of deer tags referenced in Subsection 550.01.a. (3-20-20)

**02. Disabled American Veteran Hunt Tag Quotas.** The following number of disabled American veteran general hunt tags will be set aside annually and reserved for sale to eligible nonresidents. ( )

**a.** Five hundred (500) total disabled American veteran deer tags (regular and white-tailed deer tags); ( )

**b.** Three hundred (300) total disabled American veteran elk tags (A and B tags). ( )

**023.** **Exceptions.** ~~Sales of nonresident general hunt deer and elk tags~~ Tag sales to the following persons will not be counted in the quotas in Section 550 of these rules: ~~(3-20-20)~~( )

**a.** Unqualified Residents: Persons who have moved into Idaho and by notarized affidavit show proof of their intent to become bona fide Idaho residents but are not yet qualified to purchase a resident license. (3-20-20)

**b.** Designated Buyers of unused nonresident tags to which the quota has already applied: an unused nonresident general hunt deer or elk tag, accompanied by a notarized affidavit stating that the tag buyer has not hunted, may be designated to another nonresident for purchase at the regular tag price, by the original buyer or an outfitter or guide retained by the original buyer, or absent such designation, may be sold by the Department on a first-come, first-serve basis. (3-20-20)

**c.** Holders of resident lifetime license certificates who are no longer Idaho residents. (3-20-20)

**d.** Holders of nonresident junior mentored ~~and disabled American veteran~~ tags. ~~(3-20-20)~~( )

# IDAPA 13 – DEPARTMENT OF FISH AND GAME

## 13.01.04 – RULES GOVERNING LICENSING

DOCKET NO. 13-0104-2003

### NOTICE OF RULEMAKING – ADOPTION OF TEMPORARY RULE

**EFFECTIVE DATE:** The effective date of the temporary rule is December 1, 2020.

**AUTHORITY:** In compliance with Sections 67-5226, Idaho Code, notice is hereby given this agency has adopted a temporary rule. This action is authorized pursuant to Title 36, Idaho Code, including Sections 36-104 and 36-408, Idaho Code.

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

The Governor has found that temporary rulemaking to provide the Fish and Game Commission authority to limit the number of deer and elk tags made available for sale annually to nonresident Disabled American Veterans (DAV) at current discounted prices is appropriate and consistent with the Commission's objective to address hunter congestion and crowding in general season deer and elk hunt units and zones. New limits adopted by the Commission for nonresident DAV tags (at current reduced prices) equal 500 deer and 300 elk tags.

General season deer and elk tags available to nonresident DAVs at a reduced price are not included under the statewide limits for the total number of nonresident general season deer and elk tags (14,000 regular and white-tailed deer tags, 1,500 white-tailed deer tags and 12,815 elk tags). Nonresident DAV deer and elk tags currently cost \$22.00 and \$38.00, respectively.

Since 2016, the number of nonresident DAV deer tags sold annually has increased by 60% (from 1,149 tags in 2016 to 1,839 tags in 2019). The number of nonresident DAV elk tags sold annually has increased by 85% (from 910 tags in 2016 to 1,682 in 2019). It is reasonable to expect continued growth in sales of nonresident DAV tags if tags are not limited. If not limited, the increasing popularity of nonresident DAV deer and elk tags may potentially impact the Commission's ability to manage nonresident hunter numbers to address hunter congestion and crowding. Once the limited number of deer and elk tags made available annually sell out, nonresident DAVs remain able to purchase discounted nonresident DAV hunting licenses, and available nonresident deer and elk tags at regular nonresident prices. The sale of such tags are included under the stateside limits for the total number of nonresident general season deer and elk tags.

**TEMPORARY RULE JUSTIFICATION:** Pursuant to Sections 67-5226(1)(a), (c), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate for the following reasons. The Governor has found that temporary adoption of the rule is appropriate for the protection of the public health, safety or welfare or for otherwise conferring a benefit to resident Idaho hunters.

**FEE SUMMARY:** Not applicable. This temporary rule does not impose new fees or charges.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning the temporary rule, contact Toby Boudreau at (208) 334-2920.

Dated this 31st day of July, 2020.

Paul Kline, Deputy Director  
Idaho Department of Fish and Game  
600 S. Walnut Street  
P.O. Box 25  
Boise, ID 83707  
Phone (208) 334-3771  
Fax (208) 334-4885  
Email: [rules@idfg.idaho.gov](mailto:rules@idfg.idaho.gov)

THE FOLLOWING IS THE TEXT OF THE TEMPORARY RULE FOR DOCKET NO. 13-0104-2003  
(Only Those Sections With Amendments Are Shown)

550. NONRESIDENT DEER AND ELK TAG QUOTAS.

01. **General Hunt Tag Quotas.** The following number of general hunt ~~deer tags and elk~~ tags will be set aside annually and reserved for sale to nonresidents: ~~(3-20-20)~~(12-1-20)T

- a. Fourteen thousand (14,000) total deer tags (regular and white-tailed deer tags); (3-20-20)
- b. Twelve thousand eight hundred fifteen (12,815) total elk tags (A and B tags); (3-20-20)
- c. One thousand five hundred (1,500) white-tailed deer tags, available only upon sell out of deer tags referenced in Subsection 550.01.a. (3-20-20)

02. **Disabled American Veteran Hunt Tag Quotas.** The following number of disabled American veteran general hunt tags will be set aside annually and reserved for sale to eligible nonresidents. (12-1-20)T

- a. Five hundred (500) total disabled American veteran deer tags (regular and white-tailed deer tags); (12-1-20)T
- b. Three hundred (300) total disabled American veteran elk tags (A and B tags). (12-1-20)T

023. **Exceptions.** ~~Sales of nonresident general hunt deer and elk tags~~ Tag sales to the following persons will not be counted in the quotas in Section 550 of these rules: ~~(3-20-20)~~(12-1-20)T

- a. Unqualified Residents: Persons who have moved into Idaho and by notarized affidavit show proof of their intent to become bona fide Idaho residents but are not yet qualified to purchase a resident license. (3-20-20)
- b. Designated Buyers of unused nonresident tags to which the quota has already applied: an unused nonresident general hunt deer or elk tag, accompanied by a notarized affidavit stating that the tag buyer has not hunted, may be designated to another nonresident for purchase at the regular tag price, by the original buyer or an outfitter or guide retained by the original buyer, or absent such designation, may be sold by the Department on a first-come, first-serve basis. (3-20-20)
- c. Holders of resident lifetime license certificates who are no longer Idaho residents. (3-20-20)
- d. Holders of nonresident junior mentored ~~and disabled American veteran~~ tags. ~~(3-20-20)~~(12-1-20)T



**IDAPA 13 – DEPARTMENT OF FISH AND GAME**  
**13.01.08 – RULES GOVERNING THE TAKING OF BIG GAME ANIMALS**  
**DOCKET NO. 13-0108-2001**  
**NOTICE OF RULEMAKING – PROPOSED RULE**

**AUTHORITY:** In compliance with Section 67-5221, Idaho Code, this agency hereby gives notice of proposed rulemaking. The action is authorized by Sections 36-104, 36-105, 36-405, 36-408, 36-409, and 36-1101(a), Idaho Code.

**PUBLIC HEARING SCHEDULE:** Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than September 16, 2020.

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

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

The proposed rule would establish a one-year wait period for successful antelope controlled hunt applicants to be consistent with one-year wait periods for antlered deer and elk.

**FEE SUMMARY:** The proposed rule has no associated fees.

**FISCAL IMPACT:** The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year resulting from this rulemaking: Not applicable.

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220, Idaho Code, a Notice of Intent to Promulgate Rules - Negotiated Rulemaking was published in the June 3, 2020 Idaho Administrative Bulletin, [Vol. 20-6, page 30](#). This Notice identified the opportunity to provide rulemaking input, and the agency received 849 responses via on-line submissions during a 21-day comment period. The agency's Notice also identified the opportunity for people to express interest in participating in negotiated rulemaking meetings. No commenter stated interest in negotiated rulemaking meetings. Before advancing proposed rules, the agency provided an opportunity for in-person comment at a public hearing held during the quarterly meeting of the Commission in Idaho Falls on July 22, 2020. Pursuant to Section 67-5221, Idaho Code, the agency proceeded with proposed rulemaking.

**INCORPORATION BY REFERENCE:** Not Applicable

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions about the proposed rules, contact Toby Boudreau at (208) 334-2920. Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before September 23, 2020.

Dated this 31st day of July, 2020.

Paul Kline, Deputy Director  
Idaho Department of Fish and Game  
P.O. Box 25  
Boise, ID 83707  
Phone: (208)334-3771  
Fax: (208)334-4885  
Email: [rules@idfg.idaho.gov](mailto:rules@idfg.idaho.gov)

THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 13-0108-2001  
(Only Those Sections With Amendments Are Shown)

**257. ELIGIBILITY FOR CONTROLLED HUNT APPLICATION.**

A person must possess an Idaho hunting license valid for taking game animals to apply for any controlled hunt for big game species. (3-20-20)

**01. Bighorn Sheep.** (3-20-20)

**a.** Any person whose name was drawn on a controlled hunt for any bighorn sheep is not eligible to apply for any bighorn tag for two (2) years. Except that a person may apply for a bighorn tag in the second application period or a leftover bighorn tag the following year. (3-20-20)

**b.** Any person who has killed a California bighorn ram is not eligible to apply for a California bighorn ram controlled hunt tag; and any person who has killed a Rocky Mountain bighorn ram is not eligible to apply for a Rocky Mountain bighorn ram controlled hunt tag, except any person who has killed a California bighorn ram south of Interstate Highway 84 since 1974 and is otherwise eligible, may apply for a Rocky Mountain bighorn ram tag for any hunt north of Interstate Highway 84; and any person who has killed a Rocky Mountain bighorn ram north of Interstate Highway 84 since 1974 and is otherwise eligible, may apply for a California bighorn ram tag for any hunt south of Interstate Highway 84. (3-20-20)

**c.** Any person who kills a bighorn ewe is not eligible to apply for another bighorn ewe controlled hunt tag for five (5) years. The harvest of a bighorn ewe does not make the person ineligible to apply for a tag to take a California bighorn ram or a Rocky Mountain bighorn ram. Any person who applies for a bighorn ewe is not eligible to apply for any bighorn ram the same year. (3-20-20)

**02. Mountain Goat.** (3-20-20)

**a.** Any person whose name was drawn on a controlled hunt for mountain goat is not eligible to apply for a mountain goat tag for two (2) years. Except that a person may apply for a mountain goat tag in the second application period or a leftover mountain goat tag the following year. (3-20-20)

**b.** Any person who has killed a mountain goat since 1977 is not eligible to apply for a mountain goat tag. (3-20-20)

**03. Moose.** (3-20-20)

**a.** Any person whose name was drawn on a controlled hunt for moose is not eligible to apply for a moose permit for two (2) years. Except that a person may apply for a moose tag in the second application period or a leftover moose tag the following year. (3-20-20)

**b.** Any person who has killed an antlered moose in Idaho is not eligible to apply for a moose tag for antlered moose, and any person who has killed an antlerless moose in Idaho is not eligible to apply for a tag for antlerless moose except that any person may apply for tags remaining unsold after the controlled hunt draw. (3-20-20)

**04. Antlered-Only Deer, Antlered-Only Elk, and Pronghorn.** Any person whose name was drawn on a controlled hunt for antlered-only deer, antlered-only elk, or any pronghorn (including either sex, and doe and fawn) is not eligible in the following one (1) year to apply for any other controlled antlered-only deer hunt for one (1) year any controlled hunt for the respective species drawn (antlered-only deer, antlered-only elk, or any pronghorn). ( )

**i.** Exceptions, that a person may drawn in the previous year remains eligible to apply for an

~~antlered-only deer tag~~ controlled hunts in the second application period. controlled hunts with an unlimited number of tags, or Landowner Appreciation Program hunts. ~~or~~ Such person is also eligible to purchase a leftover antlered-only deer tag the following year or Governor's Wildlife Partnership Tag. (3-20-20)(\_\_\_\_)

~~05.~~ **Antlered Elk.** *Any person whose name was drawn on a controlled antlered-only elk hunt is not eligible to apply for any other controlled antlered-only elk hunt for one (1) year. Except that a person may apply for an antlered-only elk tag in the second application period or a leftover antlered-only elk tag the following year. The one (1) year waiting period does not apply to controlled hunts with an unlimited number of tags, Landowner Appreciation Program tags, or Governor's Wildlife Partnership Tags.* (3-20-20)

**065.** **Grizzly Bear.** No person who has killed a grizzly bear in Idaho may apply for a grizzly bear tag. (3-20-20)

**076.** **Black Bear.** Any nonresident applying for a controlled black bear hunt who wishes to use hounds must separately apply for a Hound Hunter Permit, subject to applicable limitations of IDAPA 13.01.15.200.04, "Rules Governing the Use of Dogs." (3-20-20)

**087.** **Landowner Permission Hunts.** Any person applying for a landowner permission hunt must have a permission slip including the name, address, and signature of a landowner who owns more than one hundred fifty-nine (159) acres in the hunt area. (3-20-20)

**098.** **Youth Only Hunts.** Youth-only controlled hunt application eligibility is limited to persons nine (9) to seventeen (17) years of age, provided they will be ten (10) to seventeen (17) years of age during the hunt for which they apply. A nine (9) year old cannot participate in the hunt until turning age ten (10). A person who turns eighteen (18) years of age during the hunt may continue to participate through the end of the youth-only controlled hunt. A person sixty-five (65) years of age or older with a senior or disabled combination or hunting license may apply during a second application period for youth-only controlled hunts or purchase leftover youth-only controlled hunt tags on a first come, first served basis. (3-20-20)

~~102.~~ **Outfitter Allocated Hunts.** Any person must have a written agreement with an outfitter to submit an application for an outfitter allocated controlled hunt. (3-20-20)

**110.** **Multiple Applications.** (3-20-20)

**a.** Any person applying for a bighorn sheep, mountain goat, grizzly bear, or moose controlled hunt is not eligible to apply for any other controlled hunt in the same year, except Unlimited Controlled Hunts, a controlled black bear hunt, a controlled gray wolf hunt, or a designated depredation or extra tag hunt for deer, elk or pronghorn. In addition, unsuccessful applicants for bighorn sheep, mountain goat or moose controlled hunts are eligible to participate in the second application period for deer, elk, and pronghorn and the first-come, first-served deer, elk, and pronghorn controlled hunt permit sales. (3-20-20)

**b.** Any person may apply for both a controlled hunt tag and a controlled hunt extra tag for the same big game species. (3-20-20)

**IDAPA 13 – DEPARTMENT OF FISH AND GAME**  
**13.01.09 – RULES GOVERNING THE TAKING OF GAME BIRDS**  
**DOCKET NO. 13-0109-2002**  
**NOTICE OF RULEMAKING – PROPOSED RULE**

**AUTHORITY:** In compliance with Section 67-5221, Idaho Code, this agency hereby gives notice of proposed rulemaking. The action is authorized by Sections 36-103, 36-104, 36-408, 36-409, 36-1101, and 36-1102, Idaho Code.

**PUBLIC HEARING SCHEDULE:** Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than September 16, 2020.

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

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

1. The proposed rule would establish consistent requirements for use of game bird tags authorized by statute (Section 36-409(c), Idaho Code) and establish mandatory check requirements for swan (prompted by legislation adopted to support federal approval of swan seasons).
2. The proposed rule would designate two special waterfowl hunting days for veterans and active military (prompted by 2019 federal legislation allowing states to make such designations).
3. The proposed rule would delay the opening date for pheasant season for all nonresident license holders. This citizen-petitioned change by residents of Franklin/Oneida Counties would expand by rule the statutory (Section 36-407(e), Idaho Code) 5-day delayed opener for nonresident small game license holders.
4. The proposed rule would simplify the agency's game tag framework for hunting turkey.

**FEE SUMMARY:** The proposed rules have no associated fees.

**FISCAL IMPACT:** The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year resulting from this rulemaking: Not applicable.

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220, Idaho Code, a Notice of Intent to Promulgate Rules - Negotiated Rulemaking was published in the June 3, 2020 Idaho Administrative Bulletin, Vol. 20-6, page 31. This Notice identified the opportunity to provide rulemaking input during a 21-day comment period. The agency received 365 responses via on-line submissions regarding the proposal to establish consistent requirements for use of game bird tags and establish mandatory check requirements for swan. The agency received 485 responses via on-line submissions regarding the proposal to designate two special waterfowl hunting days for veterans and active military. The agency received 480 responses via on-line submissions regarding the proposal to delay the opening date for pheasant season for all nonresident license holders. The agency received 440 responses via on-line submissions regarding the proposal to simplify the agency's game tag framework for hunting turkey. The agency's Notice also identified the opportunity for people to express interest in participating in negotiated rulemaking meetings. No commenter stated interest in negotiated rulemaking meetings. Before advancing proposed rules, the agency provided an opportunity for in-person comment at a public hearing held during the quarterly meeting of the Commission in Idaho Falls on July 22, 2020. Pursuant to Section 67-5221, Idaho Code, the agency proceeded with proposed rulemaking.

**INCORPORATION BY REFERENCE:** Not Applicable

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions about the proposed rules, contact Toby Boudreau at (208) 334-2920. Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before September 23, 2020.

Dated this 31st day of July, 2020.

Paul Kline, Deputy Director  
Idaho Department of Fish and Game  
P.O. Box 25  
Boise, ID 83707  
Phone: (208)334-3771  
Fax: (208)334-4885  
Email: [rules@idfg.idaho.gov](mailto:rules@idfg.idaho.gov)

THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 13-0109-2002  
(Only Those Sections With Amendments Are Shown)

**011. – ~~098~~9. (RESERVED)**

**090. GAME BIRD TAG VALIDATION AND ATTACHMENT.**

Any hunter who kills a game bird for which a game tag is required under Section 36-409(c), Idaho Code, must immediately validate the appropriate tag and securely attach the validated tag to the carcass. Tag validation means completely removing the two (2) triangles on the tag corresponding to the day and month of the kill date. The tag must remain attached to the carcass in transit or storage. ( )

**091. – 099. (RESERVED)**

**100. SAGE AND SHARP-TAILED GROUSE TAGS AND PERMITS AND VALIDATIONS.**

No person may hunt sage or sharp-tailed grouse anywhere within the state, except licensed shooting preserves, without having in possession the appropriate hunting license with tag (if required under Section 36-409, Idaho Code) or permit validation for sage grouse and sharp-tailed grouse whose fee is specified in Section 36-416, Idaho Code. (~~3-20-20~~) ( )

**101. MIGRATORY GAME BIRD TAGS, PERMITS, AND VALIDATIONS.**

**01. License Validation.** No person may hunt migratory game birds anywhere within the state, without having in possession the appropriate hunting license with validation for the Migratory Game Bird Harvest Information Program and tag. (3-20-20)

~~02. Sandhill Crane Tag. (3-20-20)~~

~~a. Immediately after any sandhill crane is killed, the sandhill crane tag must be validated and securely attached to the sandhill crane. Tag validation means cutting out and completely removing two (2) triangles on the border of the tag, one (1) for the month and one (1) for the day of the kill. (3-20-20)~~

~~b. The tag must remain attached so long as the sandhill crane is in transit or storage. (3-20-20)~~

**032. Youth and Veteran/Activity Duty Waterfowl Season.** The youth waterfowl season is open only to licensed hunters with Migratory Bird validation who are eight (8) to seventeen (17) years of age, and who are accompanied in the field at all times by a licensed hunter eighteen (18) years of age or older. The Veteran/Active Duty waterfowl season is open only to licensed hunters with Migratory Bird validation who are veterans (as defined in Section 65-203, Idaho Code) or members of the Armed Forces on active duty (which does not include members of the National Guard and Reserves performing drills or training), and who carry proof of eligibility on their person, such as

an official military or veteran identification card; DD214 form; or a state-issued driver's license or identification card with veteran's designation. (3-20-20)(\_\_\_\_)

**102. WILD TURKEY TAGS, ~~STAMPS, PERMITS, AND VALIDATIONS.~~**

No person may hunt wild turkey without having in possession the appropriate hunting license; and tag; ~~and controlled hunt permit.~~ (3-20-20)(\_\_\_\_)

**01. Tags.** ~~There are three (3) types of t~~ Turkey tags available: the ~~may be~~ general or controlled hunt tags, extra tag, and special unit tag. A hunter may purchase one (1) general tag, two (2) extra tags, and three (3) special unit tags. The general tag and one (1) extra tag may be used during the spring general season; however, if one (1) or both go unused, the unused tag(s) may be used during the general fall season. A second extra tag may also be used during the general fall season. A general tag or an extra tag may be used with a controlled hunt permit in the spring and fall seasons. Special unit tags may be used in designated units during any season set by the Commission or in a depredation hunt when authorized by the Director. (3-20-20)(\_\_\_\_)

**02. Youth General Hunts and Youth Passport Holder Hunt Eligibility.** Youth-only general hunts are limited to participation by hunters who are ten (10) to seventeen (17) years of age with a valid license. (3-20-20)

**a.** Youth-only general hunts are limited to participation by hunters who are ten (10) to seventeen (17) years of age with a valid license. (3-20-20)

**b.** Hunting passport holders eight (8) to seventeen (17) years of age are eligible to participate in general season hunts, youth-only general hunts, landowner permission controlled hunts ~~with the appropriate landowner permission tag,~~ and depredation hunts. (3-20-20)(\_\_\_\_)

**03. Controlled Hunts.** A controlled hunt permit tag for wild turkey is valid ~~only~~ for the take of turkey in the controlled hunt area for which the permit tag was ~~drawn~~ issued, and in general hunts. (3-20-20)(\_\_\_\_)

**a.** Eligibility: The holders of hunting licenses valid for game birds are eligible to apply for spring and fall controlled hunts subject to the following restrictions: (3-20-20)

**i.** In the event a permit tag is issued based on erroneous information, the permit tag will be invalidated and the person will remain on the drawn list. (3-20-20)(\_\_\_\_)

**ii.** Landowner permission controlled hunt application eligibility is limited to persons who have a signed permission slip, which includes the landowner's name and address, from a landowner who owns more than seventy-nine (79) acres in the hunt area. (3-20-20)(\_\_\_\_)

**iii.** Youth-only controlled hunt application eligibility is limited to persons nine (9) to seventeen (17) years of age, provided they will be ten (10) to seventeen (17) years of age during the hunt for which they apply. A nine (9) year old cannot participate in the hunt until turning age ten (10). A person who turns eighteen (18) years of age during the hunt may continue to participate through the end of the youth-only controlled hunt. A person sixty-five (65) years of age or older with a senior or disabled combination or hunting license may apply on a first-come, first-served basis for leftover youth-only controlled hunt permits tags. (3-20-20)(\_\_\_\_)

**b.** Applications: Applications for spring and fall controlled hunts may be submitted electronically through the automated licensing system at any vendor location, including Department offices, through the Internet, or via telephone, not later than March 1 for spring hunts and June 5 for fall hunts, annually. (3-20-20)

**i.** Duplicate license numbers will not be accepted. Applications from Holders of a Duplicate License (Type 501) will be processed only if they include original license numbers. (3-20-20)

**ii.** Only one (1) application per person or group will be accepted. Additional applications will result in all applicants being declared ineligible. (3-20-20)

**iii.** A single payment (~~either cashier's check, money order, certified check, or personal check~~) may be submitted to cover fees for all applications. If a check or money order is insufficient to cover the fees, all applications

will be voided and returned. (3-20-20)( )

iv. A “group application” is defined as two (2) hunters applying for the same controlled hunt on the same application. (3-20-20)

v. Hunting license and tag fees will NOT be refunded to unsuccessful applicants. (3-20-20)

c. Drawing information: Single or group applications which are not drawn for the first choice hunt will automatically be entered into a second choice drawing provided the second choice hunt applied for has not been filled. (3-20-20)

~~04. Tag Validation. (3-20-20)~~

~~a. Tag and permit validation and attachment: Immediately after any wild turkey is killed, the turkey tag and permit, if a controlled hunt, must be validated and securely attached to the wild turkey. Tag and permit validation means cutting out and completely removing two (2) triangles on the border of each tag and permit, one (1) for the month and one (1) for the day of the kill. (3-20-20)~~

~~b. The tag and permit must remain attached so long as the turkey is in transit or storage. (3-20-20)~~

~~054. Tag Designation. (3-20-20)~~

a. Any resident adult person who possesses a controlled hunt permit tag may designate the controlled hunt permit tag to his or her resident minor child or grandchild who is qualified to participate in the hunt. (3-20-20)( )

b. Any nonresident adult person who possesses a controlled hunt permit tag may designate the controlled hunt permit tag to his or her nonresident minor child or grandchild who is qualified to participate in the hunt. (3-20-20)( )

c. The designation of the controlled hunt permit tag is not effective unless it is: (3-20-20)( )

i. Made on a form prescribed by the Department and submitted either in person to any Department Office or by mail to the License Supervisor at P.O. Box 25, Boise, ID 83707. (3-20-20)

ii. Completed before the first opening hunt date for the permit tag. (3-20-20)( )

d. Any child cannot be designated more than one (1) controlled hunt permit tag per calendar year. (3-20-20)( )

~~06. Landowner Permission Tags. Landowner permission hunt tags will be sold on a first come, first served basis at Department offices after March 20 for spring hunts and after July 10 for fall hunts. (3-20-20)~~

**103. PHEASANT TAGS, PERMITS, ~~AND~~ VALIDATIONS AND NONRESIDENT PARTICIPATION.**

No person may hunt pheasant anywhere within the state, except licensed shooting preserves, without having in possession the appropriate hunting license and permit. (3-20-20)( )

**01. Upland Game Bird Permit. (3-20-20)**

a. Any person eighteen (18) years of age or older hunting for or having a pheasant in his or her possession on Fort Boise, C.J. Strike, Montour, Payette River, Sterling, Market Lake, Mud Lake, Cartier, or Niagara Springs Wildlife Management Areas, or at other locations where the Department stocks pheasants, as identified by Commission proclamation, must have a valid Upland Game Bird Permit in possession. (3-20-20)

b. Permit Limit. Each Upland Game Bird Permit has a limit of six (6) cocks. Multiple permits may be purchased. (3-20-20)

c. Permit Validation. Any person harvesting a pheasant where a Upland Game Bird Permit is required must immediately validate their Permit upon reducing a pheasant to possession by entering the harvest date and location in Non-Erasable ink, and removing a notch from the permit for each pheasant taken. (3-20-20)

02. **Youth Pheasant Season.** The youth pheasant season is open only to licensed hunters ten (10) to seventeen (17) years of age and hunting passport holders eight (8) to seventeen (17) years of age, provided such youth hunters/passport holders are accompanied in the field at all times by a licensed hunter eighteen (18) years of age or older. (3-20-20)

03. **Nonresident Participation.** The Commission may set by proclamation a later season start date, of no more than five (5) days, for nonresident participation. ( )

**(BREAK IN CONTINUITY OF SECTIONS)**

**201. – ~~249.~~ (RESERVED)**

**250. MANDATORY CHECK AND REPORT – SWANS.**

Any hunter killing a swan must, within three (3) days of the date of kill, present the swan carcass (for measurement and identification) to a conservation officer, regional office or check station, and complete a harvest report. A person may authorize another person to comply with the check and report if that person possesses sufficient information to complete the report. ( )

**251. – 299. (RESERVED)**



**IDAPA 13 – DEPARTMENT OF FISH AND GAME**  
**13.01.09 – RULES GOVERNING THE TAKING OF GAME BIRDS**  
**DOCKET NO. 13-0109-2004**  
**NOTICE OF RULEMAKING – ADOPTION OF TEMPORARY RULE**

**EFFECTIVE DATE:** The effective date of the temporary rule is August 1, 2020.

**AUTHORITY:** In compliance with Sections 67-5226, Idaho Code, notice is hereby given this agency has adopted a temporary rule. This action is authorized pursuant to Title 36, Idaho Code, including Sections 36-104, 36-408 36-409, and 36-1102, Idaho Code.

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

The Governor has found that temporary rulemaking to: 1) establish consistent requirements for use of game bird tags authorized by statute (I.C. 36-409(c)), 2) establish mandatory check requirements for swan and 3) designate two special waterfowl hunting days for veterans and active military is appropriate and consistent with Fish and Game Commission action.

With this rule, any hunter who kills a game bird for which a game tag is required under Section 36-409(c), Idaho Code, must immediately validate the appropriate tag and securely attach the validated tag to the carcass. This rule consolidates requirements to support a new swan hunting season in fall 2020 with prior requirements for turkey and crane tags into a single section for rule simplicity, consistent with [Executive Order 20-01](#).

The rule requires any hunter killing a swan to, within three (3) days of the date of kill, present the swan carcass (for measurement and identification) to a Fish and Game conservation officer, regional office or check station and complete a harvest report. This rule is consistent with legislation adopted to support federal approval of swan seasons.

The rule establishes a two-day veteran/active duty waterfowl season in October 2020, concurrent with the two-day youth season, for licensed hunters with migratory bird validation who are veterans or members of the Armed Forces on active duty. Adoption of this season by the Fish and Game Commission was prompted by 2019 federal legislation (the Natural Resources Management Act) allowing states to make such designations.

**TEMPORARY RULE JUSTIFICATION:** Pursuant to Sections 67-5226(1)(a), (b), (c), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate for the following reasons. The Governor has found that temporary adoption of the rule is appropriate for the protection of the public health, safety or welfare or for otherwise conferring a benefit to resident Idaho hunters. This temporary rule is also necessary to comply with amendments to Idaho Code sections 36-409 and 36-416 in House Bill 545 and supports federal approval of swan hunting so that Idaho may join neighboring states to authorize limited tundra swan hunting. 2020 Idaho Sess. Laws, Ch. 323 (H.B. 545).

**FEE SUMMARY:** Not applicable. This temporary rule does not impose new fees or charges.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning the temporary rule, contact Toby Boudreau at (208) 334-2920.

Dated this 31st day of July, 2020.

Paul Kline, Deputy Director  
Idaho Department of Fish and Game  
600 S. Walnut Street  
P.O. Box 25  
Boise, ID 83707  
Phone (208) 334-3771  
Fax (208) 334-4885  
Email: [rules@idfg.idaho.gov](mailto:rules@idfg.idaho.gov)

THE FOLLOWING IS THE TEXT OF THE TEMPORARY RULE FOR DOCKET NO. 13-0109-2004  
(Only Those Sections With Amendments Are Shown)

011. – ~~098~~9. (RESERVED)

**090. GAME BIRD TAG VALIDATION AND ATTACHMENT.**

Any hunter who kills a game bird for which a game tag is required under Section 36-409(c), Idaho Code, must immediately validate the appropriate tag and securely attach the validated tag to the carcass. Tag validation means completely removing the two (2) triangles on the tag corresponding to the day and month of the kill date. The tag must remain attached to the carcass in transit or storage. (8-1-20)T

~~091. – 099.~~ (RESERVED)

(BREAK IN CONTINUITY OF SECTIONS)

**101. MIGRATORY GAME BIRD TAGS, PERMITS, AND VALIDATIONS.**

**01. License Validation.** No person may hunt migratory game birds anywhere within the state, without having in possession the appropriate hunting license with validation for the Migratory Game Bird Harvest Information Program and tag. (3-20-20)

~~02. Sandhill Crane Tag. (3-20-20)~~

~~a. Immediately after any sandhill crane is killed, the sandhill crane tag must be validated and securely attached to the sandhill crane. Tag validation means cutting out and completely removing two (2) triangles on the border of the tag, one (1) for the month and one (1) for the day of the kill. (3-20-20)~~

~~b. The tag must remain attached so long as the sandhill crane is in transit or storage. (3-20-20)~~

~~032. Youth and Veteran/Activity Duty Waterfowl Season.~~ The youth waterfowl season is open only to licensed hunters with Migratory Bird validation who are eight (8) to seventeen (17) years of age, and who are accompanied in the field at all times by a licensed hunter eighteen (18) years of age or older. The Veteran/Active Duty waterfowl season is open only to licensed hunters with Migratory Bird validation who are veterans (as defined in Section 65-203, Idaho Code) or members of the Armed Forces on active duty (which does not include members of the National Guard and Reserves performing drills or training), and who carry proof of eligibility on their person, such as an official military or veteran identification card; DD214 form; or a state-issued driver's license or identification card with veteran's designation. (3-20-20)(8-1-20)T

**102. WILD TURKEY TAGS, ~~STAMPS, PERMITS, AND VALIDATIONS.~~**

No person may hunt wild turkey without having in possession the appropriate hunting license; ~~and tag; and controlled hunt permit.~~ (3-20-20)(8-1-20)T

**01. Tags.** There are three (3) types of turkey tags available: the general tag, extra tag, and special unit tag. A hunter may purchase one (1) general tag, two (2) extra tags, and three (3) special unit tags. The general tag and one (1) extra tag may be used during the spring general season; however, if one (1) or both go unused, the unused tag(s) may be used during the general fall season. A second extra tag may also be used during the general fall season. A general tag or an extra tag may be used with a controlled hunt permit in the spring and fall seasons. Special unit tags may be used in designated units during any season set by the Commission or in a depredation hunt when authorized by the Director. (3-20-20)

**02. Youth General Hunts and Youth Passport Holder Hunt Eligibility.** Youth-only general hunts are limited to participation by hunters who are ten (10) to seventeen (17) years of age with a valid license. (3-20-20)

**a.** Youth-only general hunts are limited to participation by hunters who are ten (10) to seventeen (17) years of age with a valid license. (3-20-20)

**b.** Hunting passport holders eight (8) to seventeen (17) years of age are eligible to participate in general season hunts, youth-only general hunts, landowner permission hunts with the appropriate landowner permission tag, and depredation hunts. (3-20-20)

**03. Controlled Hunts.** A controlled hunt permit for wild turkey is valid only for the hunt area for which the permit was drawn. (3-20-20)

**a.** Eligibility: The holders of hunting licenses valid for game birds are eligible to apply for spring and fall controlled hunts subject to the following restrictions: (3-20-20)

**i.** In the event a permit is issued based on erroneous information, the permit will be invalidated and the person will remain on the drawn list. (3-20-20)

**ii.** Landowner permission hunt application eligibility is limited to persons who have a signed permission slip, which includes the landowner's name and address, from a landowner who owns more than seventy-nine (79) acres in the hunt area. (3-20-20)

**iii.** Youth-only controlled hunt application eligibility is limited to persons nine (9) to seventeen (17) years of age, provided they will be ten (10) to seventeen (17) years of age during the hunt for which they apply. A nine (9) year old cannot participate in the hunt until turning age ten (10). A person who turns eighteen (18) years of age during the hunt may continue to participate through the end of the youth-only controlled hunt. A person sixty-five (65) years of age or older with a senior or disabled combination or hunting license may apply on a first-come, first-served basis for leftover youth-only controlled hunt permits. (3-20-20)

**b.** Applications: Applications for spring and fall controlled hunts may be submitted electronically through the automated licensing system at any vendor location, including Department offices, through the Internet, or via telephone, not later than March 1 for spring hunts and June 5 for fall hunts, annually. (3-20-20)

**i.** Duplicate license numbers will not be accepted. Applications from Holders of a Duplicate License (Type 501) will be processed only if they include original license numbers. (3-20-20)

**ii.** Only one (1) application per person or group will be accepted. Additional applications will result in all applicants being declared ineligible. (3-20-20)

**iii.** A single payment (either cashier's check, money order, certified check, or personal check) may be submitted to cover fees for all applications. If a check or money order is insufficient to cover the fees, all applications will be voided and returned. (3-20-20)

**iv.** A "group application" is defined as two (2) hunters applying for the same controlled hunt on the same application. (3-20-20)

**v.** Hunting license and tag fees will NOT be refunded to unsuccessful applicants. (3-20-20)

**c.** Drawing information: Single or group applications which are not drawn for the first choice hunt will automatically be entered into a second choice drawing provided the second choice hunt applied for has not been filled. (3-20-20)

~~**04. Tag Validation.** (3-20-20)~~

~~**a.** Tag and permit validation and attachment: Immediately after any wild turkey is killed, the turkey tag and permit, if a controlled hunt, must be validated and securely attached to the wild turkey. Tag and permit~~

~~validation means cutting out and completely removing two (2) triangles on the border of each tag and permit, one (1) for the month and one (1) for the day of the kill. (3-20-20)~~

~~b. The tag and permit must remain attached so long as the turkey is in transit or storage. (3-20-20)~~

**054. Tag Designation.** (3-20-20)

a. Any resident adult person who possesses a controlled hunt permit may designate the controlled hunt permit to his or her resident minor child or grandchild who is qualified to participate in the hunt. (3-20-20)

b. Any nonresident adult person who possesses a controlled hunt permit may designate the controlled hunt permit to his or her nonresident minor child or grandchild who is qualified to participate in the hunt. (3-20-20)

c. The designation of the controlled hunt permit is not effective unless it is: (3-20-20)

i. Made on a form prescribed by the Department and submitted either in person to any Department Office or by mail to the License Supervisor at P.O. Box 25, Boise, ID 83707. (3-20-20)

ii. Completed before the first opening hunt date for the permit. (3-20-20)

d. Any child cannot be designated more than one (1) controlled hunt permit per calendar year. (3-20-20)

**065. Landowner Permission Tags.** Landowner permission hunt tags will be sold on a first-come, first-served basis at Department offices after March 20 for spring hunts and after July 10 for fall hunts. (3-20-20)

**(BREAK IN CONTINUITY OF SECTIONS)**

**201. – 249. (RESERVED)**

**250. MANDATORY CHECK AND REPORT – SWANS.**

Any hunter killing a swan must, within three (3) days of the date of kill, present the swan carcass (for measurement and identification) to a conservation officer, regional office or check station, and complete a harvest report. A person may authorize another person to comply with the check and report if that person possesses sufficient information to complete the report. (8-1-20)T

**251. – 299. (RESERVED)**

## **IDAPA 13 – DEPARTMENT OF FISH AND GAME**

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

**DOCKET NO. 13-0116-2002**

#### **NOTICE OF RULEMAKING – PROPOSED RULE**

**AUTHORITY:** In compliance with Section 67-5221, Idaho Code, this agency hereby gives notice of proposed rulemaking. The action is authorized by Sections 36-104, 36-1101, and 36-1103, Idaho Code.

**PUBLIC HEARING SCHEDULE:** Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than September 16, 2020.

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

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

1. The proposed rule would establish additional restrictions on use of body-gripping traps (based on citizen petition by Idaho Trappers Association and others).

2. The proposed rule would simplify rules associated with use of bait for trapping furbearing, predatory and unprotected animals (based on citizen petition by Idaho Trappers Association and others). The proposed rule provides consistency with allowances for wolf trapping, unless a restriction exists in law (such as the statutory restriction on use of game parts for trapping furbearing animals).

**FEE SUMMARY:** The proposed rules have no associated fees.

**FISCAL IMPACT:** The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year resulting from this rulemaking: Not applicable.

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220, Idaho Code, a Notice of Intent to Promulgate Rules - Negotiated Rulemaking, was published in the June 3, 2020 Idaho Administrative Bulletin, [Vol. 20-6, page 35](#). This Notice identified the opportunity to provide rulemaking input during a 21-day comment period. The agency received 549 responses via on-line submissions regarding the proposal to establish additional restrictions on use of body-gripping traps. The agency received 393 responses via on-line submissions regarding the proposal to simplify rules associated with use of bait for trapping furbearing, predatory and unprotected animals. The Notice also identified the opportunity for people to express interest in participating in negotiated rulemaking meetings. No commenter stated interest in negotiated rulemaking meetings. Before advancing proposed rules, the agency provided an opportunity for in-person comment at a public hearing held during the quarterly meeting of the Commission in Idaho Falls on July 22, 2020. Pursuant to Section 67-5221, Idaho Code, the agency proceeded with proposed rulemaking.

**INCORPORATION BY REFERENCE:** Not Applicable

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions about the proposed rules, contact Toby Boudreau at (208) 334-2920. Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before September 23, 2020.

Dated this 31st day of July, 2020.

Paul Kline, Deputy Director  
Idaho Department of Fish and Game  
P.O. Box 25  
Boise, ID 83707  
Phone: (208) 334-3771  
Fax: (208) 334-4885  
Email: [rules@idfg.idaho.gov](mailto:rules@idfg.idaho.gov)

THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 13-0116-2002  
(Only Those Sections With Amendments Are Shown)

400. METHODS OF TAKE.

**01. Furbearing Animals.** No person may take beaver, muskrat, mink, marten, or otter by any method other than trapping. No person may hunt any furbearing animal with or by the aid of artificial light. (3-20-20)

**02. Hunting.** No person hunting furbearing animals or predatory or unprotected wildlife may hunt with dogs, except in accordance with IDAPA 13.01.15, "Rules Governing the Use of Dogs." (3-20-20)

**03. Trapping.** No person trapping furbearing animals or predatory or unprotected wildlife may: (3-20-20)

**a.** Use for bait or scent, any part of a ~~domestic or wild origin~~ game bird, big game animal, upland game animal, game fish, or protected nongame wildlife; **EXCEPT:** ~~(3-20-20)~~ ( )

**i.** Furbearing animals or predatory or unprotected wildlife may be trapped with bait, lures, or other attractants when not prohibited by Section 36-1103(a), Idaho Code. ( )

**ii.** Furbearing animals or predatory or unprotected wildlife may be trapped near a big game animal that has died naturally and the carcass has not been repositioned for trapping purposes. Natural causes do not include any man-caused mortality. ( )

**b.** Use any set within thirty (30) feet of any visible bait. (3-20-20)

**c.** Use a dirt hole ground set with bait unless the person ensures that the bait remains covered at all times to protect raptors and other meat-eating birds from being caught accidentally. (3-20-20)

**d.** Use live animals as a bait or attractant. (3-20-20)

**e.** Place any ground sets on, across, or within ten (10) feet of the edge of any maintained unpaved public trail. (3-20-20)

**f.** Place any ground set on, across, or within any public highway as defined in Section 36-202, Idaho Code; except ground sets may be placed underneath bridges and within and at culverts that are part of a public highway right-of-way. (3-20-20)

**g.** Place any ground set incorporating snare, trap, or attached materials within three hundred (300) feet of any designated public campground, trailhead, paved trail, or picnic area; except cage or box live traps may be placed within these areas as allowed by city, county, state, and federal law. (3-20-20)

**h.** Place or set any ground set snare without a break-away device or cable stop incorporated within the loop of the snare. (3-20-20)

**i.** Place any ground set incorporating a foothold trap with an inside jaw spread greater than nine (9) inches. (3-20-20)

**j.** Place or operate, except as a waterset, any body-gripping trap that has a maximum jaw opening, when set, of greater than seven and one-half (7 1/2) inches measured from the inside edges of the body-gripping portions of the jaws, within thirty (30) feet of any bait, lure, or other attractant. ( )

**k.** Place or operate, except as a waterset, any body-gripping trap that has a maximum jaw opening,

when set, greater than six and one half (6 1/2) inches and less than seven and one-half (7 1/2) inches measured from the inside edges of the body-gripping portions of the jaws, unless: ( )

i. The trap is in an enclosure and the trap trigger is recessed seven (7) inches or more from the top and front most portion of the open end of the enclosure; ( )

ii. No bait, lure, or other attractant is placed within thirty (30) feet of the trap; or ( )

iii. The trap is elevated at least three (3) feet above the surface of the ground or snowpack. ( )

**IDAPA 15 – OFFICE OF THE GOVERNOR  
DIVISION OF HUMAN RESOURCES AND PERSONNEL COMMISSION**

**15.04.01 – RULES OF THE DIVISION OF HUMAN RESOURCES  
AND IDAHO PERSONNEL COMMISSION**

**DOCKET NO. 15-0401-2002**

**NOTICE OF RULEMAKING – PROPOSED RULE**

**AUTHORITY:** In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Section 67-5309, Idaho Code.

**PUBLIC HEARING SCHEDULE:** Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than September 16, 2020.

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

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

Alter language in Subsection 073.04, Paragraphs (b) and (f), of these rules, which allows holiday pay in excess of eight (8) hours. Both subsections have been waived by the Administrator since 2009. In 2014, legislation (Senate Bill 1203) to pay employees more than eight (8) hours of holiday pay if they had an employer-mandated flexible schedule, failed on the House floor.

**FEE SUMMARY:** This rulemaking does not impose a fee or charge.

**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 current practice of holiday pay calculation is not changing. If the rule waiver is lifted and these Rule edits are not made, the fiscal impact would include up to 20 hours per year of additional holiday pay for full-time employees who regularly work more than eight (8) hours a day.

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted because it was not feasible to conduct negotiated rulemaking for edits of language that has been waived since 2009 and rejected by the 2014 Legislature.

**INCORPORATION BY REFERENCE:** Pursuant to Section 67-5229(2)(a), Idaho Code, incorporated material may be obtained or electronically accessed as provided in the text of the proposed rules attached hereto.

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the proposed rule, contact Sheena Buffi at [sheena.buffi@dhr.idaho.gov](mailto:sheena.buffi@dhr.idaho.gov) or (208) 854-3086.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before September 23, 2020.

Dated this 12th day of August, 2020.

Susan E. Buxton  
Administrator  
304 North 8th Street  
P.O. Box 83720  
Boise, Idaho 83720-0066  
[Susan.Buxton@dhr.idaho.gov](mailto:Susan.Buxton@dhr.idaho.gov)  
Phone: (208) 334-2263  
Fax: (208) 854-3088



**THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 15-0401-2002**  
**(Only Those Sections With Amendments Are Shown.)**

**073. CALCULATION OF PAY.**

**01. Standard Calculation of Pay.** For other than police, correctional officers, or fire employees, pay is calculated in the following order: (5-8-09)

- a. Holiday pay; (12-10-90)
- b. All hours worked on a holiday as overtime; (12-10-90)
- c. All hours worked over forty (40) in the workweek as overtime, excluding occasional or sporadic work; (4-7-11)
- d. Vacation, sick and other paid or unpaid leaves; and (12-10-90)
- e. All remaining hours worked at the employee's regular rate of pay. (5-8-09)

**02. Shift Differential.** Additional compensation paid to employees (including temporary or part-time employees) who work specific, designated hours. Shift differential is paid in addition to any other compensation. (Ref. Sections 67-5302(20) and 67-5328, Idaho Code; Shift differential may be awarded in amounts up to and including twenty-five percent (25%) of hourly rates, based on local market practice for similar jobs. (Ref. Section 67-5309(u), Idaho Code. (5-8-09)

**03. Calculation of Pay for Police, Correctional Officers, and Fire Employees.** Police, correctional officers, and fire employees on a twenty-eight (28) day work schedule will be compensated as described in Rules 073.01 and 073.02, except that overtime will be calculated based on one hundred sixty (160) hours in a twenty eight (28) day period instead of forty (40) hours in a workweek. (5-8-09)

**04. Holiday Pay Calculation. (7-1-87)**

a. Paid time off for holidays is a benefit and must be allocated in a substantially similar manner to all employees in the same classification. (5-8-09)

b. A full-time employee will receive holiday pay in accordance with the number of hours the employee works on a regular workday, not to exceed eight (8) hours. If the employee's schedule is so irregular that a regular workday cannot be determined, the employee will receive eight (8) hours of holiday pay. An employee must receive some paid leave, wages or salary for the pay period in which the holiday occurs to receive the holiday benefit. ~~(3-16-04)~~( )

c. A part-time employee who has a regular work schedule shall be paid for a holiday in the same ratio as eight (8) hours is to a forty (40) hour work week, which for calculation purposes converts to two tenths (.20) x hours normally worked. (3-16-04)

d. To avoid inequities with regard to the Family Medical Leave Act (FMLA) during holiday weeks, if an employee is recording all hours for the week as Family Medical "Leave Without Pay," no hours will be coded on the holiday. Therefore, the holiday will not be counted toward the twelve (12) weeks of family medical leave. (5-8-09)

e. If a part-time employee's hourly schedule is so irregular that a normal workweek cannot be determined, the holiday benefit is in the same proportion that the hours the employee works during a week in which a holiday occurs relate to forty (40). (3-16-04)

f. ~~Schedules resulting in holiday time off in excess of eight (8) hours may be approved by the appointing authority if included in the agency compensation plan.~~ Appointing authorities may *also* suspend flex schedules during holiday weeks or otherwise adjust work schedules to ensure internal consistency. ~~(5-8-09)~~ ( )

**05. Reduction of Salary.** The salary of an employee receiving more than the lowest rate of the pay grade for his classification may be reduced to a lower rate within the pay grade by the appointing authority for disciplinary reasons enumerated in Rule 190. (5-8-09)

**06. Salary Administration.** Each agency must develop a compensation plan designed to consider recruitment and retention and ensure pay equity within the organization. (Ref. Section 67-5309B, Idaho Code) (5-8-09)

**07. Salaries for Temporary Appointments.** Except as provided for in these rules, salaries for employees hired under temporary and project-exempt appointments will be governed by Section 59-1603, Idaho Code. (5-8-09)

# IDAPA 16 – DEPARTMENT OF HEALTH AND WELFARE

## 16.03.07 – HOME HEALTH AGENCIES

### DOCKET NO. 16-0307-2001

#### NOTICE OF RULEMAKING – PROPOSED RULE

**AUTHORITY:** In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Section 39-2401(2), Idaho Code.

**PUBLIC HEARING SCHEDULE:** Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than September 16, 2020.

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

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

The Governor's [Executive Order 2020-13](#) resulted in agencies reviewing temporarily waived rules that can be eliminated. These changes removing elements from Subsections 010, 022.02.d-f, 030.4-7, and 031.03, will align state licensure with Federal regulations (CARES Act, section 3708) allowing Licensed Independent Practitioners to order home health services and follow patients.

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

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

There is no anticipated fiscal impact to state or general funds.

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted because these changes reduce the regulatory burden for providers.

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

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the proposed rule, contact Debby Ransom at (208) 334-6626.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before September 23, 2020.

Dated this 23rd day of July, 2020.

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

**THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 16-0307-2001**  
**(Only Those Sections With Amendments Are Shown.)**

**010. DEFINITIONS.**

- 01. Abuse.** Any conduct as a result of which (a person) suffers skin bruising, bleeding, malnutrition, sexual molestation, burns, fracture of any bone, subdural hematoma, soft tissue swelling, failure to thrive or death, or mental injury, and such condition or death is not justifiably explained, or where the history given concerning such condition or death is at variance with the degree or type of such condition or death, or the circumstances indicate that such condition or death, may not be the product of accidental occurrence. (Idaho Code, Title 39, Chapter 5202(2)). (7-1-93)
- 02. Administrator.** The person appointed by the governing body delegated the responsibility for managing the (HHA). (3-20-20)
- 03. Audiologist.** A person who is licensed by the Idaho Bureau of Occupational Licenses to provide audiology services. (3-20-20)
- 04. Audit.** A methodical examination and review. (12-31-91)
- 05. Board.** The Idaho State Board of Health and Welfare. (12-31-91)
- 06. Branch Office.** A location from which a HHA provides services within a portion of the total geographic area served by the parent agency. The branch office is part of the HHA and must be sufficiently close to the parent agency that it is not impractical for it to receive administration, supervision and services from the parent agency. The branch office is not required to independently meet the requirements for licensure. (7-1-93)
- 07. Business Entity.** A public or private organization owned or operated by one (1) or more persons. (7-1-93)
- 08. Patient.** An individual who is a recipient of provided health care services. (3-20-20)
- 09. Clinical Note.** A notation of a contact with or regarding a patient that is written and dated by a member of the health team. (7-1-93)
- 10. Clinical Record.** A legal document containing all pertinent information relating to a patient. (7-1-93)
- 11. Complaint Investigation.** An investigation by an agency to determine the validity of an allegation against it. (3-20-20)
- 12. Complaint Survey.** On-site inspection conducted by the Department to investigate an allegation against an agency. (7-1-93)
- 13. Deficiency.** A determination of noncompliance with a specific rule or part of a rule. (7-1-93)
- 14. Department.** The Idaho Department of Health and Welfare. (7-1-93)
- 15. Directly.** Providing home health services either through salaried employees or through personnel under hourly or per visit contracts. (7-1-93)
- 16. Director.** A physician or licensed registered nurse responsible for general supervision, coordination, and direction of patient care in an HHA. (3-20-20)

17. **Follow-Up Survey.** A survey made to determine if corrections have been made to deficiencies cited in an earlier survey. Areas surveyed are determined by the nature of the deficiencies cited during the previous survey although new deficiencies may be cited in any area. (7-1-93)

18. **Governing Body.** The designated person or persons who assume full responsibility for the conduct and operation of the HHA. (3-20-20)

19. **Government Unit.** The state, or any county, municipality, or other political subdivision, or any department, division, board or other agency thereof. (7-1-93)

20. **Grievance Procedure.** A method to ensure patient rights by receiving, investigating, resolving, and documenting complaints related to the provision of services of the HHA. (3-20-20)

21. **Group of Professional Personnel.** A group which includes, at least, one (1) physician, at least, one (1) licensed registered nurse, and other health professionals representing at least the scope of the program, agency staff, and others. (7-1-93)

22. **Health Care Services.** Any of the following services that are provided at the residence of an individual: (7-1-93)

- a. Skilled nursing services; (7-1-93)
- b. Homemaker/home health aide services; (7-1-93)
- c. Physical therapy services; (7-1-93)
- d. Occupational therapy services; (7-1-93)
- e. Speech therapy services; (7-1-93)
- f. Nutritional Services/Registered Dietitian Services; (7-1-93)
- g. Respiratory therapy services; (7-1-93)
- h. Medical/social services; (7-1-93)
- i. Intravenous therapy services; and (7-1-93)
- j. Such other services as may be authorized by rule of the Board. (7-1-93)

23. **Home Health Agency (HHA).** Any business entity that primarily provides skilled nursing services by licensed nurses and at least one (1) other health care service as defined in Subsection 010.22 to a patient in that patient's place of residence. Any entity that has a provider agreement with the Department as a personal assistance agency under Title 39, Chapter 56, Idaho Code, requires licensure as an HHA only if it primarily provides nursing services. (3-20-20)

24. **Homemaker/Home Health Aide.** A person who has successfully completed a basic prescribed course or its equivalent. (3-20-20)

25. **Individual.** A natural person who is a recipient of provided health care services. (7-1-93)

**26. Licensed Independent Practitioner (LIP).** A person who is: ( )

**a. A licensed physician or physician assistant under Section 54-1803, Idaho Code; or** ( )

**b. A licensed advance practice registered nurse or Certified Nurse Specialist under Section 54-1402.**

Idaho Code.

( )

- ~~267~~. **Licensed Practical Nurse.** A person who is duly licensed pursuant to Title 54, Chapter 14 of the Idaho Code. (7-1-93)
- ~~278~~. **Licensing Agency.** The Department of Health and Welfare. (12-31-91)
- ~~289~~. **Medical Equipment and Supplies.** Items, which due to their therapeutic or diagnostic characteristics, are essential to provide patient care. (7-1-93)
- ~~2930~~. **Neglect.** The negligent failure to provide those goods or services which are reasonably necessary to sustain the life and health of a person. {Idaho Code, Title 39, Chapter 5302 (8)}. (7-1-93)
- ~~301~~. **Occupational Therapist.** A person licensed by the Idaho Bureau of Occupational Licenses to provide occupational therapy services. (3-20-20)
- ~~342~~. **Occupational Therapy Assistant.** A person certified by the Idaho Bureau of Occupational Licenses to provide occupational therapy services under the supervision of an occupational therapist. (3-20-20)
- ~~323~~. **Parent Unit.** The part of the HHA which develops and maintains administrative and professional control of branch offices. Services are provided by the parent unit. (3-20-20)
- ~~334~~. **Physical Therapist.** A person licensed by the Idaho Bureau of Occupational Licenses to provide physical therapy services. (3-20-20)
- ~~345~~. **Physical Therapy Assistant.** A person certified by the Idaho Bureau of Occupational Licenses to provide physical therapy services under the supervision of a physical therapist. (3-20-20)
- ~~356~~. **Physician.** Any person licensed as required by Title 54, Chapter 18, of the Idaho Code. (7-1-93)
- ~~367~~. **Place of Residence.** Wherever a patient makes their home. This may be a dwelling, an apartment, a relative's home, a residential care facility, a retirement center, or some other type of institution exclusive of licensed facilities which provide skilled nursing care. (7-1-93)
- ~~378~~. **Progress Note.** A written notation, dated and signed by a member of the health team, that documents facts about the patient's assessment, care provided, and the patient's response during a given period of time. (7-1-93)
- ~~389~~. **Registered Dietitian.** A person who is licensed by the Idaho Board of Medicine as a registered dietitian. (3-20-20)
- ~~3940~~. **Licensed Registered Nurse (RN).** A person who is duly licensed pursuant to Title 54, Chapter 14 of the Idaho Code. (7-1-93)
- ~~401~~. **Regulation.** A requirement established by state, federal, or local governments pursuant to law and having the effect of law. (7-1-93)
- ~~442~~. **Respiratory Therapist.** A person who is duly licensed by the Idaho Board of Medicine. (3-20-20)
- ~~423~~. **Skilled Nursing Services.** Those services provided directly by a licensed nurse for the purpose of promoting, maintaining, or restoring the health of an individual or to minimize the effects of injury, illness, or disability. (7-1-93)
- ~~434~~. **Social Services.** Those services provided by a person currently licensed by the Bureau of Occupational Licenses as a social worker in the state of Idaho. (12-31-91)
- ~~445~~. **Speech Therapist.** A person who is licensed by the Idaho Bureau of Occupational Licenses to

provide speech, hearing, and communication services. (3-20-20)

**456. Summary of Care Report.** The compilation of the pertinent factors of a patient's clinical and progress notes that is submitted to the patient's ~~physician~~ licensed independent practitioner. (7-1-93)(    )

**467. Supervision.** Authoritative procedural guidance by a qualified person for the accomplishment of a function or activity. (7-1-93)

**478. Under Arrangement.** Furnishing home health services through contractual or affiliation arrangements with other agencies, organizations or persons. (7-1-93)

**(BREAK IN CONTINUITY OF SECTIONS)**

**020. ADMINISTRATION - GOVERNING BODY.**

**01. Scope.** The HHA must be organized under a governing body, which assumes full legal responsibility for the conduct of the agency. (3-20-20)

**02. Structure.** The administrative responsibilities of the agency must be documented by means of a current organizational chart. (7-1-93)

**03. Responsibilities.** The governing body must assume responsibility for: (7-1-93)

**a.** Adopting appropriate bylaws and policies and procedures. (7-1-93)

**b.** Appointing the group of professional personnel. (3-20-20)

**c.** Appointing an administrator qualified to carry out the agency's overall responsibilities in relation to written goals and objectives and applicable state and federal laws. The administrator participates in deliberation and policy decisions concerning all services. (7-1-93)

**d.** Providing a continuing and annual program of overall agency evaluation. (11-19-76)

**e.** Assuring that appropriate space requirements, support services, and equipment for staff to carry out assigned responsibilities. (11-19-76)

**f.** Assuring that an agency having one or more branches providing service and located in a geographic area which varies from a centralized administrative area, provides, on a regular basis, supervision and guidance relating to all activities so as to maintain the entire agency on an equitable basis. (7-1-93)

**g.** Assuring that branches are held to the same standards and policies as the parent organization. Services offered by branches are specified in writing. Branches do not need to offer the same services as the parent agency. (7-1-93)

**h.** Seeking and promoting sources of reimbursement for home health services which will provide for the patient's economic protection. (7-1-93)

**i.** Cooperating in establishing a system by which to coordinate and provide continuity of care within the community served. (11-19-76)

**j.** Assuring that services will be provided directly or under arrangement with another person, agency or organization. Overall administrative and supervisory responsibility for services provided under arrangement rests with HHA. The HHA ensures that legal ~~physician~~ licensed independent practitioner's orders are carried out regardless of whether the service is provided directly or under arrangement. The HHA and its staff, including staff services under arrangement, must operate and furnish services in accordance with all applicable federal, state, and local laws. (3-20-20)(    )

**04. Patients' Rights.** Ensure that patients' rights are recognized and must include as a minimum the following: (3-20-20)

**a.** Home health providers have an obligation to protect and promote the exercise of these rights. The governing body of the agency must ensure patients' rights are recognized. (3-20-20)

**b.** A patient has a right to be informed of his rights and has a right to be notified in writing of his rights and obligations before treatment is begun. HHAs must provide each patient and family with a written copy of the bill of rights. A signed, dated copy of the patient's bill of rights will be included in the patient's medical record. (7-1-93)

**c.** A patient has the right to exercise his rights as a patient of the HHA. A patient's family or guardian may exercise a patient's rights when a patient has been judged incompetent. (7-1-93)

**d.** A patient's rights must include at a minimum the following: (7-1-93)

**i.** A patient has the right to courteous and respectful treatment, privacy, and freedom from abuse and neglect. (7-1-93)

**ii.** A patient has the right to be free from discrimination because of race, creed, color, sex, national origin, sexual orientation, and diagnosis. (7-1-93)

**iii.** A patient has the right to have his property treated with respect. (7-1-93)

**iv.** A patient has the right to confidentiality with regard to information about his health, social and financial circumstances and about what takes place in his home. (7-1-93)

**v.** The HHA will only release information about a patient as required by law or authorized by a patient. (7-1-93)

**vi.** A patient has the right to access information in his own record upon written request within two (2) working days. (7-1-93)

**vii.** A patient has the right to voice grievances regarding treatment or care that is or fails to be furnished, or regarding the lack of respect for property by anyone who is furnishing services on behalf of the HHA and must not be subjected to discrimination or reprisal for doing so. (7-1-93)

**viii.** The HHA investigates complaints made by a patient or the patient's family or guardian regarding treatment or care that is (or fails to be) furnished, or regarding the lack of respect for the patient's property by anyone furnishing services on behalf of the HHA and documents both the existence of the complaint and the resolution of the complaint. (7-1-93)

**ix.** A patient has the right to be advised of the availability of the toll-free HHA hotline in the state. When the agency accepts a patient for treatment or care, the HHA advises the patient in writing of the telephone number of the home health hotline established by the state, the hours of its operation and that the purpose of the hotline is to receive complaints or questions about local HHAs. (7-1-93)

**x.** A patient has the right to be informed of the HHA's right to refuse admission to, or discharge any patient whose environment, refusal of treatment, or other factors prevent the HHA from providing safe care. (7-1-93)

**xi.** A patient has the right to be informed of all services offered by the agency prior to, or upon admission to the agency. (7-1-93)

**xii.** A patient has the right to be informed of his condition in order to make decisions regarding his home health care. (7-1-93)

**xiii.** Upon admission, the HHA provides written and oral information to all adult patients regarding The



Natural Death Act (Idaho Code, Title 39, Chapter 45). The agency maintains documentation showing that it has complied with this requirement whether or not the patient has executed an advance directive (“Living Will” and/or “Durable Power of Attorney for Health Care”). (7-1-93)

xiv. An agency cannot condition the provision of care or otherwise discriminate against a patient based on whether or not the patient has executed an advance directive. (7-1-93)

xv. If the agency cannot comply with the patient’s “Living Will” and/or “Durable Power of Attorney for Health Care” as a matter of conscience, the agency will assist the patient in transferring to an agency that can comply. (7-1-93)

xvi. The HHA advises a patient, in advance, of the disciplines that will furnish, care, and frequency of visits proposed to be furnished. (7-1-93)

xvii. The HHA advises a patient in advance of any change in the plan of care before the change is made. (7-1-93)

xviii. A patient has the right to participate in the development of the plan of care, treatment, and discharge planning. The HHA advises the patient in advance of the right to participate in planning the care or treatment. (7-1-93)

xix. A patient has the right to be informed prior to any care provided by the agency which has experimental or research aspects. The patient’s or the patient’s legal guardian’s written consent is required. (7-1-93)

xx. A patient has the right to refuse services or treatment. (7-1-93)

xxi. Before the care is initiated, the HHA must inform a patient orally and in writing of the following: (7-1-93)

(1) The extent to which payment may be expected from third party payors; and (7-1-93)

(2) The charges for services that will not be covered by third party payors; and (7-1-93)

(3) The charges that the patient may have to pay; and (7-1-93)

(4) The HHA informs a patient orally and in writing of any changes in these charges as soon as possible, but no later than thirty (30) days from the date the HHA provider becomes aware of the change. (7-1-93)

xxii. A patient has the right to have access, upon request, to all bills for service he has received regardless of whether they are paid by him or by another party. (7-1-93)

**(BREAK IN CONTINUITY OF SECTIONS)**

**022. DIRECTOR.**

**01. Qualifications.** General supervision, coordination, and direction of the medical, nursing, and other services provided are the responsibility of a physician or licensed registered nurse. The physician or licensed registered nurse or their designee, who must be a physician or licensed registered nurse, must be available at all times during operating hours and must participate in all activities relative to the professional or other services provided, including the qualifications of personnel as related to their assigned duties. (11-19-76)

**02. Responsibilities.** The director or designee must be responsible for assuring that: (11-19-76)

**a.** An initial assessment/evaluation is made to provide a data base to plan and initiate care of the patient; (11-19-76)

- b. There is a plan of treatment established for each patient; (7-1-93)
- c. Continuing assessment and evaluation is provided in accordance with the patient's response and progress as related to the course of his disease or illness and the plan of treatment; (11-19-76)
- d. The initial plan of treatment and subsequent changes are approved by signature of the attending ~~physician~~ **licensed independent practitioner** and carried out according to his direction. ~~(11-19-76)~~( )
- e. The total plan of treatment is reviewed by the attending ~~physician~~ **licensed independent practitioner** as often as the severity of the patient's condition requires and is reviewed at least every sixty (60) days; ~~(5-3-03)~~( )
- f. Information is available to the attending ~~physician~~ **licensed independent practitioner** on an ongoing basis and is timely, accurate, and significant of change in clinical status or condition; ~~(11-19-76)~~( )
- g. Information is provided to the administrator and guidance requested as is necessary to carry out assigned duties. (11-19-76)

**(BREAK IN CONTINUITY OF SECTIONS)**

**030. PLAN OF CARE.**

Patients are accepted for treatment on the basis of a reasonable expectation that the patient's medical, nursing, and social needs can be met adequately by the agency in the patient's plan of care. (7-1-93)

- 01. Written Plan of Care.** A written plan of care must be developed and implemented for each patient by all disciplines providing services for that patient. Care follows the written plan of care and includes: (7-1-93)
  - a. All pertinent diagnoses; (7-1-93)
  - b. The patient's mental status; (7-1-93)
  - c. Types of services and equipment required; (7-1-93)
  - d. Frequency of visits; (7-1-93)
  - e. Functional limitations; (7-1-93)
  - f. Ability to perform basic activities of daily living; (7-1-93)
  - g. Activities permitted; (7-1-93)
  - h. Nutritional requirements; (7-1-93)
  - i. Medication and treatment orders; (7-1-93)
  - j. Any safety measures to protect against injury; (7-1-93)
  - k. Any environmental factors that may affect the agency's ability to provide safe, effective care; (7-1-93)
  - l. The family's or other caregiver's ability to provide care; (7-1-93)
  - m. The patient and his family's teaching needs; (7-1-93)

- n. Planning for discharge; and (7-1-93)
- o. Other appropriate items. (7-1-93)
- 02. Goals of Patient Care.** The goals of patient care must be expressed in behavioral terms that provide measurable indices for performance. (7-1-93)
- 03. Orders for Therapy Services.** Orders for therapy services include the specific procedures and modalities to be used and the amount, frequency, and duration. (7-1-93)
- 04. Initial Plan of Care.** The initial plan of care and subsequent changes to the plan of care are approved by a *doctor of medicine, osteopathy, or podiatric medicine* licensed independent practitioner. (7-1-93)( )
- 05. Total Plan of Care.** The total plan of care is reviewed by the attending *physician* licensed independent practitioner and HHA personnel as often as the severity of the patient's condition requires but at least once every sixty (60) days. (5-3-03)( )
- 06. Changes to Plan.** Agency professional staff promptly alert the *physician* licensed independent practitioner to any changes that suggest a need to alter the plan of care. (7-1-93)( )
- 07. Drugs and Treatments.** Drugs and treatments are administered by agency staff only as ordered by the *physician* licensed independent practitioner. The nurse or therapist immediately records and signs oral orders and obtains the physician's countersignature. Agency staff check all medications a patient may be taking to identify possible ineffective side effects, the need for laboratory monitoring of drug levels, drug allergies, and contraindicated medication and promptly report any problems to the *physician* licensed independent practitioner. (7-1-93)( )

**031. CLINICAL RECORDS.**

- 01. Purpose.** A clinical record containing past and current findings, in accordance with accepted professional standards, is maintained for every patient receiving home health services. (7-1-93)
- 02. Contents.** Clinical records must include: (7-1-93)
  - a. Appropriate identifying information; (7-1-93)
  - b. Assessments by appropriate personnel; (7-1-93)
  - c. The plan(s) of care; (7-1-93)
  - d. Name of physician and other providers involved in the patient's care; (3-20-20)
  - e. Drug, dietary treatment, and activity orders; (7-1-93)
  - f. Signed and dated clinical and progress notes; (7-1-93)
  - g. Copies of summary reports sent to the attending physician; (7-1-93)
  - h. Signed patient release or consent forms where indicated; (11-19-76)
  - i. A signed dated copy of the patient's bill of rights; (7-1-93)
  - j. Copies of transfer information sent with the patient; and (7-1-93)
  - k. A discharge summary. (7-1-93)
- 03. Clinical and Progress Notes, and Summaries of Care.** Clinical and progress notes must be

written or dictated on the day service is rendered and incorporated into the clinical record within seven (7) days. Summaries of care reports must be submitted to the attending ~~physician~~ licensed independent practitioner at least every sixty (60) days. ~~(5-3-03)~~( )

**04. Written Policies and Procedures.** Written policies and procedures must ensure that clinical records are legibly written in ink suitable for photocopying and are available and retrievable during operating hours either in the agency or by electronic means. (7-1-93)

**05. Retention Period.** Clinical records must be retained for five (5) years after the date of discharge, or in the case of a minor, three (3) years after the patient becomes of age. Policies provide for retention even if the HHA discontinues operations. Records must be protected from damage. (7-1-93)

**06. Disposal of Records.** There must be a method of disposal of clinical records, assuring prevention of retrieval and subsequent use of information. (7-1-93)

**07. Copies of Records.** There must be a means of submitting a copy of the clinical record or an abstract and copy of most recent summary report with the patient in the event of patient transfer to another agency or health care facility. (7-1-93)

**08. Safeguarding and Protection of the Record.** Agencies must ensure that records are protected from unauthorized use and damage and adhere to written procedures governing use and removal of records and conditions for release of information unless authorized by law. (7-1-93)

# IDAPA 16 – DEPARTMENT OF HEALTH AND WELFARE

## 16.03.21 – DEVELOPMENTAL DISABILITIES AGENCIES (DDA)

DOCKET NO. 16-0321-2001

### NOTICE OF RULEMAKING – PROPOSED RULE

**AUTHORITY:** In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Section 39-4605, Idaho Code, and under the authority of Executive Order 2020-13.

**PUBLIC HEARING SCHEDULE:** Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than September 16, 2020.

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

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

The Governor's [Executive Order 2020-13](#) directed agencies to review temporarily waived rules to identify those that can be permanently removed. With the changes to telehealth, removing elements from Subsection 400.03 enables developmental disabilities agencies flexibility in supervision of direct care staff. The amendments to text under Section 410 reduce unnecessary training requirements that are addressed in other rules within the chapter.

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

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

There is no anticipated fiscal impact to state or general funds.

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted because this rulemaking is being done to comply with Executive Order 2020-13.

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

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the proposed rule, contact Eric Brown at (208) 334-0649.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before September 23, 2020.

Dated this 23rd day of July, 2020.

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

THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 16-0321-2001  
(Only Those Sections With Amendments Are Shown.)

STAFFING REQUIREMENTS AND PROVIDER QUALIFICATIONS  
(Sections 400-499)

**400. GENERAL STAFFING REQUIREMENTS FOR AGENCIES.**

Each DDA is accountable for all operations, policy, procedures, and service elements of the agency. (7-1-11)

**01. Agency Administrator Duties.** The agency administrator is accountable for the overall operations of the agency including ensuring compliance with this chapter of rules, overseeing and managing staff, developing and implementing written policies and procedures, and overseeing the agency's quality assurance program. (7-1-11)

**02. Agency Administrator Qualifications.** An agency administrator must have two (2) years of supervisory or management experience in a developmental disabilities services setting. (7-1-11)

**03. Clinical Supervisor Duties.** A clinical supervisor must be employed by the DDA on a continuous and regularly scheduled basis and be readily available *on-site* to provide for: (7-1-11)(    )

**a.** The supervision of service elements of the agency, including *face-to-face* supervision of agency staff providing direct care services; and (7-1-11)(    )

**b.** The ~~observation and~~ review of the direct services performed by all paraprofessional and professional staff on at least a monthly basis, or more often as necessary, to ensure staff demonstrate the necessary skills to correctly provide the DDA services. (7-1-11)(    )

**04. Clinical Supervisor Qualifications.** A person qualified to act as clinical supervisor of a DDA must meet the following requirements: (7-1-11)

**a.** Hold at least a bachelor's degree in a human services field from a nationally accredited university or college; and (7-1-11)

**b.** Provide documentation of one (1) year's supervised experience working with the population served; and (7-1-11)

**c.** Demonstrate competencies related to the requirements to provide intervention services as required by the Department; and (7-1-11)

**d.** Complete additional coursework as required by the Department; or (7-1-11)

**e.** Individuals working as Developmental Specialists or as Intensive Behavioral Interventionists prior to July 1, 2011, are qualified to provide clinical supervision until June 30, 2013. The individual must meet the requirements of the Department-approved competency coursework by June 30, 2013, to maintain their certification. (7-1-11)

**f.** The agency administrator and clinical supervisor can be the same individual. (7-1-11)

**05. Limitations.** If an agency administrator or a clinical supervisor also works as a professional delivering direct services, the agency must have policies and procedures demonstrating how the agency will continue to meet agency staffing requirements in Subsections 400.01 through 400.04 of this rule. (7-1-11)

**06. Professionals.** The agency must ensure that staff providing intervention services have the

appropriate licensure or certification required to provide services. A person qualified to provide intervention services must also meet the following minimum requirements: (7-1-11)

- a. Hold at least a bachelor's degree in a human services field from a nationally accredited university or college; (7-1-11)
- b. Provide documentation of one (1) year's supervised experience working with participants with developmental disabilities; (7-1-11)
- c. Demonstrate competencies related to the requirements to provide intervention services as required by the Department; and (7-1-11)
- d. Complete a supervised practicum and additional coursework as required by the Department; or (7-1-11)
- e. Individuals working as Developmental Specialists or as Intensive Behavioral Interventionists prior to July 1, 2011, are qualified to provide intervention services until June 30, 2013. The individual must meet the requirements of the Department-approved competency coursework by June 30, 2013, to maintain their certification. (7-1-11)

**07. Paraprofessionals.** A person qualified to provide support services must meet the following minimum requirements: (7-1-11)

- a. Meet the qualifications prescribed for the type of services to be rendered; (7-1-11)
- b. Have received instructions in the needs of the participant who will be provided the service; and (7-1-11)
- c. Demonstrate the ability to provide services according to a plan of service. (7-1-11)

**08. Records of Licenses or Certifications.** The agency must maintain documentation of the staff qualifications, including copies of applicable licenses and certificates. (7-1-11)

**09. Parent or Legal Guardian of Participant.** A DDA may not hire the parent or legal guardian of a participant to provide services to the parent's or legal guardian's child. (7-1-11)

**401. -- 409. (RESERVED)**

**410. GENERAL TRAINING REQUIREMENTS FOR DDA STAFF.**

Each DDA must ensure that all training of staff specific to service delivery to the participant is completed as follows: (7-1-11)

**01. Yearly Training.** The DDA must ensure that staff or volunteers who provide DDA services complete a minimum of twelve (12) hours of formal training each calendar year. Each agency staff providing services to participants must: (7-1-11)

- a. Participate in fire and safety training upon employment and annually thereafter; and (7-1-11)
- b. Be certified in CPR and first aid within ninety (90) days of hire and maintain current certification thereafter; and (7-1-11)
  - i. The agency must ensure that CPR and first-aid trained staff are present or accompany participants when services or DDA-sponsored activities are being provided. (7-1-11)
  - ii. Each agency staff person must have age appropriate CPR and first aid certification for the participants they serve. (7-1-11)

- c. Be trained to meet any special health or medical requirements of the participants they serve. (7-1-11)
- 02. Sufficient Training.** Training of all staff must include the following as applicable to their work assignments and responsibilities: (7-1-11)
- ~~a. Optimal independence of all participants is encouraged, supported, and reinforced through appropriate activities, opportunities, and training; (7-1-11)~~
- ba.** Correct and appropriate use of assistive technology used by participants; (7-1-11)
- eb.** Accurate record keeping and data collection procedures; (7-1-11)
- ~~d. Adequate observation, review, and monitoring of staff, volunteer, and participant performance to promote the achievement of participant goals and objectives; (7-1-11)~~
- ec.** Participant's rights, advocacy resources, confidentiality, safety, and welfare; and (7-1-11)
- fd.** The proper implementation of all policies and procedures developed by the agency. (7-1-11)
- 03. Additional Training for Professionals.** Training of all professional staff must include the following as applicable to their work assignments and responsibilities: (7-1-11)
- a.** Correct and consistent implementation of all participants' individual program plans and implementation plans, to achieve individual objectives; (7-1-11)
- b.** Consistent use of behavioral and developmental programming principles and the use of positive behavioral intervention techniques. (7-1-11)



# IDAPA 16 – DEPARTMENT OF HEALTH AND WELFARE

## 16.04.17 – RESIDENTIAL HABILITATION AGENCIES

DOCKET NO. 16-0417-2001

### NOTICE OF RULEMAKING – PROPOSED RULE

**AUTHORITY:** In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Sections 39-4601 et seq., Idaho Code, and under Section 56-1003, Idaho Code.

**PUBLIC HEARING SCHEDULE:** Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than September 16, 2020.

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

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

The Governor's [Executive Order 2020-13](#) resulted in agencies reviewing temporarily waived rules that can be eliminated. These changes removing elements from Subsections 203.07-08, 204.02.a, 204.02.f, 204.02.h, and 204.j.iii will remove unnecessary duplication in the rule chapter.

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

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

There is no anticipated fiscal impact to state or general funds.

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted because these changes remove duplicative language.

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

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the proposed rule, contact Eric Brown at (208) 334-0649.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before September 23, 2020.

Dated this 23rd day of July, 2020.

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

**THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 16-0417-2001**  
**(Only Those Sections With Amendments Are Shown.)**

**203. DIRECT SERVICE STAFF.**

Each direct service staff person for an agency must meet all of the following minimum qualifications: (7-1-18)

- 01. Age.** Be at least eighteen (18) years of age. (7-1-18)
- 02. Education.** Be a high school graduate, or have a GED or demonstrate the ability to provide services according to a plan of service. (7-1-18)
- 03. First Aid and CPR Certification.** Be certified in first aid and Cardio-Pulmonary Resuscitation (CPR) appropriate for the age of participants they serve prior to providing direct care or services to participants and maintain current certification thereafter. (7-1-18)
- 04. Health.** Have signed a statement maintained by the agency that they are free from communicable disease, understands universal precautions, and follows agency policies and procedures regarding communicable disease. (7-1-18)
- 05. “Assistance with Medications” Course.** Each staff person assisting with participant medications must successfully have completed and follow the “Assistance with Medications” course available through the Idaho Division of Career-Technical Education, or other Department-approved training. A copy of the certificate or other verification of successful completion must be maintained by the agency in the employee record. (7-1-18)
- 06. Criminal History Check.** Have satisfactorily completed a criminal history check in accordance with IDAPA 16.05.06, “Criminal History and Background Checks.” (7-1-18)

~~**07. Documentation of Job Description.** Have signed and received a copy of their job description from the agency stating that the requirements of their position have been explained. (7-1-18)~~

~~**08. Documentation of Training Requirements.** Have documentation maintained by the agency showing they have met all training requirements as outlined in Section 204 of these rules. (7-1-18)~~

**204. DIRECT SERVICE STAFF TRAINING.**

Each agency must ensure that all staff who provide direct services have completed training in accordance with these rules. (7-1-18)

- 01. Training Documentation.** (7-1-18)
  - a.** Training documentation must include the following: (7-1-18)
    - i.** Direct service staff receiving the training; (7-1-18)
    - ii.** Individual conducting the training; (7-1-18)
    - iii.** Name of the participant; (7-1-18)
    - iv.** Description of the content trained; and (7-1-18)
    - v.** Date and duration of the training. (7-1-18)
  - b.** Documentation of training must be available for review by the Department, and retained in each employee’s record. (7-1-18)

**02. Orientation Training.** Orientation training must be completed prior to working with participants. The orientation training must include: (7-1-18)

- ~~a. Purpose and philosophy of services;~~ (7-1-18)
- ba.** Policies and procedures; (7-1-18)
- eb.** Proper conduct in working with participants; (7-1-18)
- ~~dc.~~ Handling of confidential and emergency situations that involve the participant; (7-1-18)
- ed.** Participant rights to include personal, civil, and human rights; (7-1-18)
- ~~f. Universal Precautions;~~ (7-1-18)
- ge.** Body mechanics and lifting techniques; (7-1-18)
- ~~h. Housekeeping techniques;~~ (7-1-18)
- if.** Maintenance of a clean, safe, and healthy environment; and (7-1-18)

**ig.** Skills training specific to the needs of each participant served must be provided by a residential habilitation professional and include the following: (7-1-18)

- i. Instructional techniques including correct and consistent implementation of the participant's program plan or plan of care; **and** (7-1-18)( )
- ii. Managing behaviors including techniques and strategies for teaching adaptive behaviors; ~~and~~ (7-1-18)( )
- ~~iii. Accurate record keeping procedures.~~ (7-1-18)

**03. Ongoing Training.** The residential habilitation professional must provide and document ongoing training of direct service staff when changes are made to the participant's plan of service and corresponding program plans. Additionally, the agency will be responsible for providing on-going training to direct service staff when there are changes to the participant's physical, medical, and behavioral status. (7-1-18)

# IDAPA 18 – IDAHO DEPARTMENT OF INSURANCE

## 18.08.01 – ADOPTION OF THE INTERNATIONAL FIRE CODE

DOCKET NO. 18-0801-2001

### NOTICE OF RULEMAKING – PROPOSED RULE

**AUTHORITY:** In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Section 41-254, Idaho Code.

**PUBLIC HEARING SCHEDULE:** Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than September 16, 2020.

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

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

The State Fire Marshal adopts the International Fire Code (IFC) then adjusts, via negotiated rulemaking, provisions of the IFC that we wish to exempt Idaho from enforcing at least at the state level. Under the 2018 fire code (IFC) that will go into effect on January 1, 2021, there was a new section added regulating food trucks. Two sub sections require additional inconveniences on the part of the food truck owner and additional money to the entrepreneur. Section 319.2, International Fire Code, states that permits shall be required as set forth in Section 105.6, International Fire Code. This rulemaking seeks to change the language so that permits be required “if required by the local jurisdiction.”

The SFM is unaware of any company that provides this inspection and certification in Idaho. This rulemaking will leave it to the individual jurisdictions to determine inspection and enforcement feasibility.

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

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

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220(1), Idaho Code, negotiated rulemaking was conducted. The Notice of Intent to Promulgate Rules - Negotiated Rulemaking was published in the June 3, 2020 Idaho Administrative Bulletin, [Vol. 20-6, pages 183-184](#). A public meeting was held June 17, 2020.

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

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the proposed rule, contact Knute Sandahl at [knute.sandahl@doi.idaho.gov](mailto:knute.sandahl@doi.idaho.gov) or (208) 334-4377. Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before September 23, 2020.

Dated this 23rd day of July, 2020.

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

THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 18-0801-2001  
(Only Those Sections With Amendments Are Shown.)

**021. MOBILE FOOD PREPARATION VEHICLES, SECTION 319, INTERNATIONAL FIRE CODE.**

**01. Permit Required.** To Section 319.2, International Fire Code, add permissive language: “IF REQUIRED BY A LOCAL JURISDICTION, permits may be required as set forth in Section 105.6.” ( )

**02. Fuel Gas Systems.** To Section 319.10.3, International Fire Code, add permissive language: “IF REQUIRED BY THE LOCAL JURISDICTION, LP-gas containers installed on the vehicle and fuel-gas piping systems may be inspected annually by an approved inspection agency or a company that is registered with the U.S. Department of Transportation to requalify LP-gas cylinders, ... Upon satisfactory inspection, the approved inspection agency shall affix a tag on the fuel gas system or within the vehicle indicating the name of the inspection agency and the date of satisfactory inspection, OR PROVIDE DOCUMENTATION OF INSPECTION UPON REQUEST OF THE LOCAL JURISDICTION.” ( )

**02+2. CHAPTER 5 FIRE SERVICE FEATURES.**

Make the following changes within Chapter 5 of the International Fire Code; (3-20-14)

**01. Section 501.** (4-7-11)

**a.** To section 501.3 after the phrase, Construction documents for proposed, add the word “driveways.” (4-7-11)

**b.** To section 501.4 after the phrase, When fire apparatus access roads, add the word “driveways.” (4-7-11)

**02. Section 502.** (3-29-17)

**a.** To section 502, add the following word “DRIVEWAY.” (3-29-17)

**b.** To section 502, add the words “FIRE STATION.” (3-29-17)

**03. Section 503.** (4-7-11)

**a.** To section 503 add the words, “AND DRIVEWAYS” to the section heading. (4-7-11)

**b.** To section 503.1.1 add the following sentence, “Driveways need to be provided and maintained in accordance with Sections 503.1.1 through 503.13.” (3-29-17)

**c.** To section 503.6 delete the sentence, “The installation of security gates across a fire apparatus access road shall be approved by the fire chief.” (4-7-11)

**d.** Add the following section, “503.7 Driveways. Need be provided when any portion of an exterior wall of the first story of a building is located more than 150 feet (45720mm) from a fire apparatus access road. Driveways will provide a minimum unobstructed width of 12 feet (3658mm) and a minimum unobstructed height of 13 feet 6 inches (4115mm). Driveways in excess of 150 feet (45720mm) in length need to be provided with turnarounds. Driveways in excess of 200 feet (60960mm) in length and less than 20 feet (6096mm) in width may require turnouts in addition to turnarounds.” (4-7-11)

**e.** Add the following section, “503.7.1 Limits. A driveway cannot serve in excess of five single family dwellings.” (4-7-11)

**f.** Add the following section, “503.7.2 Turnarounds. Driveway turnarounds need to have an inside turning radius of not less than 30 feet (9144mm) and an outside turning radius of not less than 45 feet (13716mm). Driveways that connect with an access road or roads at more than one point may be considered as having a turnaround if all changes of direction meet the radius requirements for driveway turnarounds.” (4-7-11)

**g.** Add the following section, “503.7.3 Turnouts. Where line of sight along a driveway is obstructed by a man-made or natural feature, turnouts need to be located as may be needed by the fire code official to provide for safe passage of vehicles. Driveway turnouts will be of an all-weather road surface at least 10 feet (3048mm) wide and 30 feet (9144mm) long.” (4-7-11)

**h.** Add the following section, “503.7.4 Bridge Load Limits. Vehicle load limits will be posted at both entrances to bridges on driveways and private roads. Design loads for bridges will be established by the fire code official.” (4-7-11)

**i.** Add the following section, “503.7.5 Address markers. All buildings need to have a permanently posted address, which will be placed at each driveway entrance and be visible from both directions of travel along the road. In all cases, the address needs to be posted at the beginning of construction and maintained thereafter. The address need be visible and legible from the road on which the road on which the address is located. Address signs along one-way roads will be visible from both the intended direction of travel and the opposite direction. Where multiple address’s are required at a single driveway, they need to be mounted on a single post, and additional signs will be posted at locations where driveways divide.” (4-7-11)

**j.** Add the following section, “503.7.6 Grade. The gradient for driveways cannot exceed 10 percent unless approved by the fire code official.” (4-7-11)

**k.** Add the following section, “503.7.7 Security Gates. Where security gates are installed, they need to have an approved means of emergency operation. The security gates and emergency operation will be maintained operational at all times.” (4-7-11)

**l.** Add the following section, “503.7.8 Surface. Driveways need to be designed and maintained to support the imposed loads of local responding fire apparatus and will be surfaced as to provide all weather driving capabilities.” (4-7-11)

**04. Section 507.** To section 507.2 Type of water supply, delete the existing language and add the following, “A water supply will consist of water delivered by fire apparatus, reservoirs, pressure tanks, elevated tanks, water mains or other sources approved by the fire code official capable of providing the needed fire flow. Exception. The water supply prescribed by this code needs to apply to structures served by a municipal fire department or a fire protection district and within ten miles (16093m) of a responding fire station.” (4-7-11)

**0223. -- 026. (RESERVED)**

# IDAPA 24 – DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES

## 24.33.03 – GENERAL PROVISIONS OF THE BOARD OF MEDICINE

DOCKET NO. 24-3303-2001

### NOTICE OF RULEMAKING – PROPOSED RULE

**AUTHORITY:** In compliance with Sections 67-5220(1) and 67-5220(2), Idaho Code, notice is hereby given that this agency initiated proposed rulemaking procedures. The action is authorized Pursuant to Section 54-1806(2), Idaho Code.

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

<b>PUBLIC HEARING</b>
<b>Wednesday, September 23, 2020</b> <b>5:00 - 6:00 p.m. (MDT)</b>
<b>Idaho State Board of Medicine</b> <b>345 W. Bobwhite Court, Suite 150</b> <b>Boise, ID 83706</b>

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

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

The purpose of this rulemaking is to update the general provisions of the Board of Medicine to delete certain provisions suspended for COVID-19 that the Board determined to be duplicative or outdated. In addition, the Board removed outdated or duplicative language in other subsections of the rule that were not suspended to streamline the chapter.

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

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

Not applicable. The Board of Medicine is a dedicated funds agency, and therefore, there will be no fiscal impact to the state general fund. This rule also has no fiscal impact on the Board of Medicine funds.

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted because the changes made were in response to [Executive Order 2020-13](#).

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

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

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before September 23, 2020.

Dated this 7th day of August, 2020.

Anne K. Lawler, JD, RN, Executive Director  
Phone (208) 327-7000  
Fax (208) 327-7005

Idaho State Board of Medicine  
345 W. Bobwhite Court, Suite 150  
Boise, Idaho 83706

**THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 24-3303-2001**  
**(Only Those Sections With Amendments Are Shown.)**

**100. GENERAL QUALIFICATIONS FOR LICENSURE.**

~~01. **Applicant.** An applicant must meet the statutory requirements of licensure. The Board may refuse licensure or to issue a permit if it finds the applicant has engaged in conduct prohibited by state law for that specific category of licensure; provided the Board will take into consideration the rehabilitation of the applicant and other mitigating circumstances.~~ (3-20-20)

~~02. **Licensure.** Each applicant must have attained the level of education required by the Board, and have passed an examination required by the Board, or be entitled to apply by Licensure by Endorsement, or provisional licensure, if applicable.~~ (3-20-20)

**031. Application.** All applications for license or permit will be made to the Board on forms supplied by the Board, will be verified, must include all requested information, and must include the nonrefundable application fee. (3-20-20)

**042. Application Expiration.** All applicants must complete their license application within one (1) year unless extended by the Board after filing an application for extension. Unless extended, applications that remain on file for more than one (1) year will be considered null and void and a new application and new fees will be required as if filing for the first time. (3-20-20)

**053. Personal Interview.** The Board may, at its discretion, require the applicant to appear for a personal interview. (3-20-20)

**064. Residence.** No period of residence in Idaho is required of any applicant, however, each applicant for licensure must be legally able to work and live in the United States. Original documentation of lawful presence in the United States must be provided upon request only. The Board may refuse licensure or to renew a license if the applicant is not lawfully present in the United States. (3-20-20)

**(BREAK IN CONTINUITY OF SECTIONS)**

**103. ~~PROVISIONAL LICENSURE. (RESERVED)~~**

~~Where permitted by law, the Board may issue a provisional license to a person who has successfully completed the academic requirements required by the Board and has met all the other requirements for licensure set forth in statute, but who has not yet passed the relevant examination required by the Board for licensure in their specific profession.~~ (3-20-20)

~~01. **Application.** Each applicant for provisional licensure will submit a completed written application to the Board on forms prescribed by the Board, together with the application fee, and all requested information, including the affidavit of a monitor licensed to practice the same profession in the state who will undertake the supervision of the provisional licensee.~~ (3-20-20)

~~02. **Affidavit.** An affidavit must be signed by an monitor licensed in Idaho to practice the same profession, in which they affirm and attest to supervise and be responsible for the activities of the provisionally licensed provider being supervised and to review and countersign all records and documentation of services performed by the provisionally licensed provider.~~ (3-20-20)

~~03. **Supervision.** The practice of a provider holding a provisional license will be in direct association with an Idaho licensee of the same profession who shall is responsible for the activities of the provisionally licensed~~



~~provider being supervised and will review and countersign all patient documentation performed by the provisionally licensed provider. The supervising monitor need not be physically present or on the premises at all times but will be available for telephonic consultation. The extent of communication between the monitor and the provisionally licensed provider will be determined by the competency of the individual, the treatment setting, and the diagnostic category of the patients.~~ (3-20-20)

**104. INACTIVE LICENSE**

**01. Issuance of Inactive License.** Any applicant who is eligible to be issued a license by the Board, except a volunteer license, may be issued, upon request, an inactive license to practice on the condition that he will not engage in the practice of the relevant profession in this state. An inactive license fee will be collected by the Board. (3-20-20)

**02. Renewal of Inactive License.** Inactive licenses will be issued for a period of not more than five (5) years and such licenses will be renewed upon payment of an inactive license renewal fee ~~of no more than one hundred dollars (\$100) for each renewal year.~~ The inactive license certificate will set forth its date of expiration. (3-20-20)( )

**03. Inactive to Active License.** An inactive license may be converted to an active license by application to the Board and payment of required fees. Before the license will be converted the applicant must account for the time during which an inactive license was held. The Board may, in its discretion, require a personal interview. (3-20-20)

**(BREAK IN CONTINUITY OF SECTIONS)**

~~**152. NOTICE.**~~

~~The Board will notify, in writing, a licensee under investigation within ten (10) business days of the commencement of the investigation, and will provide an opportunity for any licensee under investigation to meet with the Committee on Professional Discipline or Board staff before the initiation of formal disciplinary proceedings by the Board.~~ (3-20-20)

~~**153. ON SITE REVIEW.**~~

~~The Board, by and through its designated agents, is authorized to conduct on-site reviews of the activities of its licensees at the locations and facilities in which the licensees practice at such times as the Board deems necessary.~~ (3-20-20)

~~**154. -- 200. (RESERVED)**~~

**(BREAK IN CONTINUITY OF SECTIONS)**

~~**202. IDAHO LICENSE REQUIRED.**~~

~~Any physician, physician assistant, respiratory therapist, polysomnographer, dietitian, athletic trainer, or naturopathic medical doctor who provides any telehealth services to patients located in Idaho must hold an active Idaho license issued by the Idaho State Board of Medicine for their applicable practice.~~ (3-20-20)

~~**203. PROVIDER-PATIENT RELATIONSHIP.**~~

~~In addition to the requirements set forth in Section 54-5705, Idaho Code, during the first contact with the patient, a provider licensed by the Idaho State Board of Medicine who is providing telehealth services must:~~ (4-11-19)

~~**01. Verification.** Verify the location and identity of the patient;~~ (4-11-19)

~~**02. Disclose.** Disclose to the patient the provider's identity, their current location and telephone number and Idaho license number;~~ (4-11-19)

**03. Consent.** Obtain appropriate consents from the patient after disclosures regarding the delivery models and treatment methods or limitations, including a special informed consent regarding the use of telehealth technologies; and (4-11-19)

**04. Provider Selection.** Allow the patient an opportunity to select their provider rather than being assigned a provider at random to the extent possible. (4-11-19)

**2043. STANDARD OF CARE.**

A provider providing telehealth services to patients located in Idaho must comply with the applicable Idaho community standard of care. The provider is personally responsible to familiarize themselves with the applicable Idaho community standard of care. If a patient's presenting symptoms and conditions require a physical examination, lab work or imaging studies in order to make a diagnosis, the provider shall not provide diagnosis or treatment through telehealth services unless or until such information is obtained. (4-11-19)

**2054. INFORMED CONSENT.**

In addition to the requirements of Section 54-5708, Idaho Code, evidence documenting appropriate patient informed consent for the use of telehealth technologies must be obtained and maintained at regular intervals consistent with the community standard of care. Appropriate informed consent should, at a minimum, include the following terms: (4-11-19)

**01. Verification.** Identification of the patient, the provider and the provider's credentials; (4-11-19)

**02. Telehealth Determination.** Agreement of the patient that the provider will determine whether or not the condition being diagnosed and/or treated is appropriate for telehealth services; (4-11-19)

**03. Security Measures Information.** Information on the security measures taken with the use of telehealth technologies, such as encrypting data, password protected screen savers and data files, or utilizing other reliable authentication techniques, as well as potential risks to privacy and notwithstanding such measures; (4-11-19)

**04. Potential Information Loss.** Disclosure that information may be lost due to technical failures. (4-11-19)

**2065. MEDICAL RECORDS.**

As required by Section 54-5711, Idaho Code, any provider providing telehealth services as part of his or her practice shall generate and maintain medical records for each patient. The medical record should include copies of all patient-related electronic communications, including patient-physician communications, prescriptions, laboratory and test results, evaluations and consultations, relevant information of past care, and instructions obtained or produced in connection with the utilization of telehealth technologies. Informed consents obtained in connection with the provision of telehealth services should also be documented in the medical record. The patient record established during the provision of telehealth services must be accessible and documented for both the physician and the patient, consistent with all established laws and regulations governing patient healthcare records. (4-11-19)

**2076. -- 999. (RESERVED)**

# **IDAPA 24 – DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES**

## **24.35.01 – RULES OF THE OUTFITTERS AND GUIDES LICENSING BOARD**

### **DOCKET NO. 25-0101-2000F (FEE RULE)**

#### **NOTICE OF OMNIBUS RULEMAKING – AMENDMENT TO TEMPORARY RULE**

**EFFECTIVE DATE:** A temporary rule was adopted under this docket number in the April 15, 2020 Idaho Administrative Bulletin, [Vol. 20-4SE, pages 1799-1831](#). The effective date of the amendment to the temporary rule is October 1, 2020.

**AUTHORITY:** In compliance with Section 67-5226, Idaho Code, notice is hereby given this agency has amended a temporary rule. The action is authorized pursuant to Sections 36-2107 and 36-2120, Idaho Code.

**DESCRIPTIVE SUMMARY:** The following is a concise explanatory statement of the reasons for amending the temporary rule and a statement of any change between the text of the temporary rule and text of the amended temporary rule with an explanation for any changes:

The changes to Section 057 “Designation of Allocated Deer and Elk Tags” of the temporary rules are necessary to implement House Bill 426 from the 2020 Regular Legislative Session, which changed the way that the Board designates deer and elk hunting tags that are allocated by the Idaho Fish and Game Commission for use by clients of licensed big game outfitters. The temporary rule also makes changes to other sections to remove unnecessary rules, clarify sections and make the language more concise.

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

These changes are necessary to comply with the changes to Idaho Code Sections 36-2107(j) and 36-2120 that were effective March 11, 2020 and to comply with [Executive Order 2020-01](#) (Zero-Based Regulation).

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

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning the amendments to the temporary rule, contact Lori Thomason at (208) 327-7380.

Dated this 12th day of August, 2020.

Lori Thomason  
Executive Director  
Outfitters and Guides Licensing Board  
1365 North Orchard Street #172  
Boise, Idaho 83706  
Phone: (208) 327-7380  
Fax: (208) 327-7382

#### **THE FOLLOWING IS THE TEXT OF THE AMENDED TEMPORARY RULE FOR OMNIBUS DOCKET NO. 25-0101-2000F**

The original text of the temporary rule was published in the Idaho Administrative Special Edition Bulletin, [Volume 20-4SE, April 15, 2020, pages 1799 through 1831](#).

(Only those sections or subsections that have changed from the original text are printed in this Bulletin following this notice.)

**002. DEFINITIONS.**

~~The Act defines certain terminology applicable to its interpretation and administration (The definitions set forth in Section 36-2102, Idaho Code). Further definitions, for the purposes of enforcement of the Act and these Rules are, are applicable to these rules. In addition, the following terms have the meanings set forth below: (3-20-20)T(10-1-20)T~~

**01.** **Act.** Title 36, Chapter 21, Idaho Code, commonly known as the Outfitters and Guides Act, as amended. (3-20-20)T

~~**02.** **Allocated Tag.** A hunting tag that has been allocated by the IFGC pursuant to section 36-408(4), Idaho Code. (3-20-20)T~~

~~**03.** **Authorized Person.** An investigator or enforcement agent in the employ of the Board, a conservation officer of the IFGC, or any local, state, or federal law enforcement officer. (3-20-20)T~~

~~**04.** **Booking Agent.** Any individual, firm, business, partnership, or corporation that makes arrangements for the use of the services of a licensed outfitter and receives compensation therefore. A booking agent does not supply personnel or facilities and services to outfitter clientele. (3-20-20)T~~

~~**05.** **Capped Zone.** A game management area, unit or zone for which the Idaho Fish and Game Commission has limited or “capped” the number of deer or elk tags available for use in a general season hunt. (3-20-20)T~~

~~**06.** **Classified River.** For the purpose of these rules, specific sections of some whitewater river or streams which are considered more hazardous than others have been designated “classified.” Classified rivers are denoted by an asterisk (\*) in the list of rivers contained in Subsection 059.01. (3-20-20)T~~

~~**07.** **Compensation or Consideration.** The receipt or taking of goods, services, or cash in exchange for outfitted or guided activities. A bona fide charging of out-of-pocket travel expenses by members of a recreational party is not deemed compensation. However, such out-of-pocket expenses may not include depreciation, amortization, wages, or other recompense. (3-20-20)T~~

~~**08.** **Controlled Hunt.** A hunt for a species that has a season structure and other conditions determined by the IFGC and that has a limited number of tags that are distributed by random drawing to hunters. (3-20-20)T~~

~~**09.** **Desert.** A region of scarce rainfall and vegetation in areas often having great differences between day, night and seasonal temperatures. A desert is a land surface ranging from level, plateau land, or undulating to sharply breaking hill lands and sand dunes that, in addition, may be broken by poor to well defined, deeply entrenched drainage systems, rims, cliffs, and escarpments. (3-20-20)T~~

~~**10.** **Designated Agent.** A licensed individual who is employed as an agent by any person, firm, partnership, corporation, or other organization or combination thereof that is licensed as an outfitter and who, together with the licensed outfitter, is responsible and accountable for the conduct of the licensed outfitter's operations. (3-20-20)T~~

~~**11.** **Enforcement Agent.** An individual employed by the Board having the power of peace officers to enforce the provisions of the Act and these Rules. (3-20-20)T~~

~~**12.** **Facilities and Services.** The provision of personnel, lodging (tent, home, lodge, or hotel/motel), transportation (other than by commercial carrier), guiding, preparation and serving of food and equipment, or any other accommodation for the benefit of clientele in the conduct of outdoor recreational activities as designed in Section 36-2102(b), Idaho Code. (3-20-20)T~~

~~**13.** **First Aid Card.** A valid card or other evidence demonstrating that the individual has successfully completed an applicable American Red Cross course or equivalent course that is acceptable to the Board. (3-20-20)T~~

~~140.~~ **Fishing.** Fishing activities on those waters and for those species described in the rules of the IFGC, IDAPA 13.01.11, “Rules Governing Fish,” general fishing seasons and any anadromous fishing rules; for purposes of the Act, fishing is defined as follows: (3-20-20)T

- a. Anadromous fishing means fishing for salmon or steelhead trout. (3-20-20)T
- b. Float boat fishing means the use of floatboats without motors for the conduct of fishing as a major activity on those waters open to commercial activities as set forth in Section 059. (3-20-20)T
- c. Fly fishing means a licensed activity restricted to the use of fly fishing equipment and procedures, as defined by IFGC rules. (3-20-20)T
- d. Incidental fishing means fishing conducted as a minor activity. (3-20-20)T
- e. Power boat fishing means the use of power boats in conduct of fishing as a major activity on those Idaho waters open to commercial outfitting activities as set forth in Section 059. (3-20-20)T
- f. Walk and wade fishing means fishing conducted along or in a river, stream, lake or reservoir, and may include the use of personalized flotation equipment, but does not include the use of watercraft. (3-20-20)T

~~151.~~ **Float Boats.** Watercraft (inflatable watercraft, dories, drift boats, canoes, catarafts, kayaks, sport yaks, or other small watercraft) propelled by, and moving with the stream flow, maneuvered by oars, paddles, sweeps, pike poles or by motors for downstream steerage only. Downstream steerage does not include holding or upstream travel of a watercraft with a motor. Excluded as float boats are personal flotation devices, innertubes, air mattresses, or similar devices. (3-20-20)T

~~162.~~ **Hazardous Excursions.** Outfitted or guided activities conducted outside municipal limits in a desert or mountainous environment that may constitute a potential danger to the health, safety, or welfare of participants involved. These activities include, but are not limited to: day or overnight trailrides, backpacking, technical mountaineering/rock climbing, cross-country skiing, backcountry alpine skiing, llama and goat packing, snowmobiling, survival courses, guiding courses, rescue courses, fishing courses, motored and non-motored cycling, wagon rides, sleigh rides, and dog sled rides. (3-20-20)T

~~173.~~ **Hunting.** The pursuit of any game animal or bird and all related activities including packing of client camp equipment, supplies, game meat and clients to and from a hunting camp. (3-20-20)T

~~184.~~ **IFGC.** The Idaho Department of Fish and Game or the Idaho Fish and Game Commission. (3-20-20)T

~~195.~~ **Minor Amendment.** All outfitter license amendment requests that can be processed by the Board without requiring outside research or recommendation of a land managing agency or other agency before the Board takes final action on said amendment request. (3-20-20)T

~~2016.~~ **Major Activity.** A licensed activity, the nature of which requires a significant commitment of time and effort by an outfitter in its execution and is intended to provide a significant amount of income to an outfitter. (3-20-20)T

~~217.~~ **Major Amendment.** All outfitter license amendment requests requiring Board research or recommendation of a land management agency or other agency before the Board takes final action on the amendment request. (3-20-20)T

~~2218.~~ **Minor or Incidental Activity.** A licensed activity the nature of which is carried out in conjunction with a major activity, but is not the primary purpose of the excursion. (3-20-20)T

~~23.~~ **Mountainous.** *A region receiving limited to abundant annual precipitation with an associated vegetative cover of grass, weeds, shrubs, or trees. Cool summer temperatures and cold winter temperatures prevail. A mountainous area is a land surface ranging from level to gently rolling low hills to elevated lands that are often*

~~broken with poor to well developed, deeply entrenched drainage systems, rims, cliffs, and escarpments to steep-sided land masses of impressive size and height.~~ (3-20-20)T

~~2419.~~ **New Opportunity.** A proposed commercial outfitted activity to be conducted in an area where no similar commercial outfitted activity has been conducted in the past. (3-20-20)T

~~250.~~ **Operating Area.** The area assigned by the Board to an outfitter for the conduct of outfitting activities. (3-20-20)T

~~261.~~ **Operating Plan.** A detailed schedule or plan of operation which an outfitter proposes to follow in the utilization of licensed privileges, areas, or activities. (See Subsection 018.03). (3-20-20)T

~~27.~~ **Outfitted Tag Use.** ~~The following definitions of outfitted tag use apply for purposes of the designation of allocated tags in capped zones and controlled hunts as set forth in Section 057 of these rules. Outfitted tag use for a capped zone is the number of tags used by clients of an outfitter for the species for the type of allocated tags being designated. Outfitted tag use for a controlled hunt zone, unit, or game management area is the number of tags used by clients of an outfitter in the hunt that has a species, season structure, and other conditions most closely matching the controlled hunt for which allocated tags are being designated. Until such time as the IDFG is able to collect and verify outfitted tag use as provided in Section 36-408(4) Idaho Code, outfitted tag use shall be based on an outfitter's use reports, or the best data available, and subject to verification by documentation or other reliable information acceptable to the Board.~~ (3-20-20)T

~~282.~~ **Out-of-Pocket Costs.** The direct costs attributable to a recreational activity. Such direct costs do not include: (3-20-20)T

- a. Compensation for either sponsors or participants; (3-20-20)T
- b. Amortization or depreciation of debt or equipment; or (3-20-20)T
- c. Costs of non-expendable supplies. (3-20-20)T

~~293.~~ **Power Boats.** All motorized watercraft used on Idaho waters open to commercial outfitting activities. Excluded as power boats are hovercraft, jetskis or similar devices, and float boats using motors for downstream steering. (3-20-20)T

~~30.~~ **Relinquish.** ~~The failure to re-apply at the expiration of a license; the loss through nonuse, inactivity, revocation, or voluntary surrender of a license; or other loss of license.~~ (3-20-20)T

~~3124.~~ **Third Party Agreement.** The allowing of the conduct of an outfitted or guided activity by the outfitter licensed to conduct those activities by any persons not directly employed by said outfitter. (See Section 023). (3-20-20)T

~~3225.~~ **Trainee.** A person not less than sixteen (16) years of age pursuing the necessary experience or skill qualifications for a guide license. A trainee may not provide any direct guiding services for clients, but may assist while under direct supervision. (3-20-20)T

~~3326.~~ **Training Log.** A form approved by the Board and completed in detail and attested to by the outfitter documenting the training completed by a person pursuing training or licensure as a guide pursuant to these rules. The log is maintained and made available for inspection by the Board or its agent by the outfitter during the time the guide is employed by the outfitter and for one (1) complete license year following the termination of employment of the guide, and for three (3) years from the date of an accident or incident jeopardizing the health, safety or welfare of a client, in which the trainee or guide is involved. (3-20-20)T

~~3427.~~ **Unethical/Unprofessional Conduct.** Any activity(ies) by ~~an outfitter or guide~~ a licensee which is inappropriate to the conduct of the outfitting or guiding profession. These activities include, but are not limited to: (3-20-20)T (10-1-20)T

- a. Providing false, fraudulent or misleading information to the Board or another governmental entity regulating outfitting activities including the use or verification of allocated tags; (3-20-20)T
  - b. Violation of an order of the Board; (3-20-20)T
  - c. Failure to provide services as advertised or contracted; (3-20-20)T
  - d. Harassment of the public in their use of Idaho’s outdoor recreational opportunities; (3-20-20)T
  - e. Violation of state or federal fish and game laws or rules or to condone or willfully allow a client's violation of those laws and rules; (3-20-20)T
  - f. For a licensed boating outfitter or guide, violation of the Idaho Safe Boating Act (Title 67, Chapter 70, Idaho Code) and IDAPA 26.01.30 “Idaho Safe Boating Rules”; (3-20-20)T
  - g. Engaging in unlicensed activities or conducting outfitter/guide services outside the operating area for which the licensee is licensed; (3-20-20)T
  - h. Disregard for the conservation, maintenance or enhancement of fish, game, land and water resources; (3-20-20)T
  - i. Killing a client's game or catching a client’s fish. (3-20-20)T
  - j. Failure to pay a supplier of goods or services to the outfitter business; (3-20-20)T
  - k. Failure to pay state taxes; (3-20-20)T
  - l. Operating in a manner which endangers the health, safety, or welfare of the public. (3-20-20)T
  - m. Selling lifetime excursions, lifetime hunts, or selling of outfitted activities to an individual for the life of that individual and collecting fees accordingly. (3-20-20)T
  - n. Operating under a name that is not associated with the license issued by the Board; or (3-20-20)T
  - o. Interference with private landowners, public land management agencies, and/or stockmen and their rights and privileges. (3-20-20)T
- ~~3528.~~ **Watercraft.** A boat or vessel propelled mechanically or manually, capable of operating on inland water surfaces. Excluded as watercraft are hovercraft, jetskis, personal flotation devices (PFD's), or similar devices. (3-20-20)T

**(BREAK IN CONTINUITY OF SECTIONS)**

**015. ANNUAL DATE, FEES, AND PAYMENT.**

- 01. Due Date.** All outfitter and designated agent license applications must be completed and received by the Board by January 31 of each year. (3-20-20)T
- 02. Penalty Fee.** When a completed renewal application is filed with the Board after the last day of the license year, a penalty fee must be paid before the license is issued. (3-20-20)T
- 03. License Lapsed and ~~Relinquished~~ Expired.** All licenses expire on March 31, and when a completed outfitter application has not been received by the Board after ninety (90) days after the last day of the license year, ~~the license is deemed relinquished, and~~ a renewal application will not be accepted for licensure. ~~(3-20-20)T~~ (10-1-20)T

- 04. Payment.** (3-20-20)T
- a.** Prior to the issuance of a license, an applicant must submit the appropriate fee. (3-20-20)T
- b.** The applicant must pay an annual license fee for each license issued, except for an outfitter licensed as a guide for the outfitter's operation. (3-20-20)T

~~05. Fees.~~

<i>Type</i>	<i>Application</i>	<i>Annual License—Online</i>	<i>Annual License—Offline</i>	<i>Late-Penalty</i>	<i>Amendment—Major</i>	<i>Amendment—Minor</i>
<i>Outfitter</i>	\$400	\$400	\$450	\$150	\$200	\$35
<i>Designated Agent</i>	\$50	\$140	\$160	n/a	\$20	\$20
<i>Guide</i>	\$20	\$105	\$115	n/a	\$20	\$20

~~(3-20-20)T~~

**016. -- 017. (RESERVED)**

**018. NEW OUTFITTER OR OUTFITTER LICENSE AMENDMENT APPLICATION.**

A complete application for a new outfitter license, outfitter license major amendment, or new landowner statement in existing areas must, in addition to all other requirements include: (3-20-20)T

- 01. Name.** The name(s) registered with the Idaho Secretary of State as an assumed business name, the name of the business entity, or both. (3-20-20)T
- 02. Other Signatures.** Signed landowner or land manager statement from: (3-20-20)T
- a.** The affected state and federal land managers in all areas where an outfitter plans to utilize lands administered by the state or federal government (this may involve memorandum of understanding procedures as applicable to proposed operation on national forest or public domain lands); and, (3-20-20)T
- b.** Private land owners, or their agents, where an outfitter applicant proposes to use such private lands in his operation. (3-20-20)T
- 03. Operating Plan.** An operating plan that includes, among other things, the following: (3-20-20)T
- a.** A list of the activities to be conducted in the operating area(s) requested. (3-20-20)T
- b.** A detailed map showing the operating area(s) requested for each activity and a worded description of the boundaries of said operating area(s), described in terms of rivers, creeks, and ridges with prominent reference coordinates (section, township, and range). (3-20-20)T
- c.** An outfitter whose operation is solely on rivers, streams, lakes or reservoirs should specify put-in and take-out points but need not send maps. (3-20-20)T
- d.** A detailed description of how and when each operating area(s) will be used for each activity. (3-20-20)T
- e.** The proposed number of guests intended to be accommodated for each activity within the proposed operating area(s). (3-20-20)T



**f.** A list of the names and locations of camps that will be used for each activity, and whether on public or private land. (3-20-20)T

**g.** A list of the basic equipment, facilities, and livestock, and proof of financial capability necessary to conduct the proposed outfitted activity or business. (3-20-20)T

**h.** The number, title (guide, lead guide, etc.), and principal activities of individuals to be employed in the business operation. (3-20-20)T

**i.** A plan to assure the safety and provide for emergency medical care of guests. (3-20-20)T

**04.** Public Need and Existing Use. Statement of the public need for the proposed service(s) in the area requested and the use by the general public and commercial use already licensed in the area. (10-1-20)T

**045.** **Insurance.** Current certificate or proof of insurance for the following: (3-20-20)T

**a.** Insurance coverage against loss resulting from liability imposed by law for bodily injury or death or damage to property suffered by any person, excluding employees, caused by the outfitter's operation, in the minimum amount of one hundred thousand (\$100,000) per accident, with the aggregate of three hundred thousand (\$300,000), because of bodily injury or death occurring in an accident. (3-20-20)T

**b.** Insurance coverage on vehicles carrying passengers against loss resulting from liability for bodily injury or death or property damage suffered by any person caused by the outfitter's operation, in the amount of three hundred thousand (\$300,000) for vehicles carrying one (1) to fifteen (15) passengers, and in the minimum amount of five hundred thousand (\$500,000) for vehicles carrying sixteen (16) or more passengers. (3-20-20)T

**056.** **Designated Agent.** When the applicant is a corporation, firm, partnership, or other organization or combination thereof, the designation at least one (1) designated agent who is a qualified outfitter, covered by the outfitter's bond, and who will be responsible for the outfitting business. The designated agent must apply for and be granted a license. (3-20-20)T

**067.** **Hearing.** If more than one (1) applicant submits a complete application with landowner statement(s), a hearing will be held to decide the successful applicant. (3-20-20)T

**078.** **Existing Operating Area.** A licensed outfitter may be given priority for any opportunities within the outfitter's existing operating area boundaries. (3-20-20)T

**(BREAK IN CONTINUITY OF SECTIONS)**

**021.** ~~**EVALUATION OF THE OUTFITTER APPLICATION. (RESERVED)**~~  
~~In evaluating an outfitter application the Board will consider, but not be limited to, the following criteria: (3-20-20)T~~

~~**01.** **Qualifications.** Applicant's qualifications under the Act and these rules. (3-20-20)T~~

~~**02.** **Need for Services.** The public need for the proposed service(s) in the area requested on the application. (3-20-20)T~~

~~**03.** **Other.** The extent of the applicant's experience, knowledge, and ability in the area and in the conduct of activities requested. (3-20-20)T~~

~~**04.** **Previous Record.** The applicant's previous record. (3-20-20)T~~

~~**05.** **Accessibility of Area.** The accessibility and use by the general public and commercial use already licensed in the area. (3-20-20)T~~

- ~~06. **Area Requested.** The probable impact on the area should additional licenses be issued. (3-20-20)F~~
- ~~07. **Operating Plan.** The adequacy and acceptability of the proposed operating plan. (3-20-20)F~~
- ~~a. The applicant's knowledge of financial and business management needs and practices. (3-20-20)F~~
- ~~b. The applicant's ability to manage and direct personnel and guests. (3-20-20)F~~

**(BREAK IN CONTINUITY OF SECTIONS)**

**028. OUTFITTER BUSINESS PURCHASE, LICENSE CONSIDERATIONS.**

**01. Sale of Outfitting Business.** The sale of an outfitting business requires an application for a new outfitter license by the purchaser, provided that the Board may give priority for licensure to an applicant who has negotiated an purchase agreement related to a sale with a licensee if the applicant meets all other requirements or upon documentation from a court. ~~(3-20-20)F~~ (10-1-20)T

**02. Notification to Clients.** When an existing operation is acquired by another outfitter, all clients who have booked with the original outfitter must be promptly notified and refunded any advanced payment, unless the client is satisfied with the new arrangements. (3-20-20)T

**(BREAK IN CONTINUITY OF SECTIONS)**

**030. AVAILABILITY OF OUTFITTER WAITING LISTING OPPORTUNITIES.**

~~When there are more outfitter applications for an outfitter operating area than the maximum number of licenses allowing such activity, or when an individual wishes to be considered in an area to which another outfitter has historically been licensed, the Board will maintain a list of such individuals for notification of an available opening. If there is no waiting list for an area, the Board may proceed with the license application or may employ~~ Except as provided in other sections of this chapter, when a new opportunity or existing opportunity, which had previously been licensed to another outfitter, becomes available, the Board may use a competitive application process through a waiting list, public notice, or both to select a qualified applicant. A competitive application process may be coordinated with another governmental agency that has management or permitting authority over the opportunity. ~~(3-20-20)F~~ (10-1-20)T

**01. Waiting List.** The waiting list will be maintained for each individual river, lake and reservoir outlined in Section 059 and for each specific IFGC unit listed in IDAPA 13.01.08, "Rules Governing the Taking of Big Game Animals in the State of Idaho." (3-20-20)T

~~02. **Outfitter Application or Outfitter Amendment Form.** A complete new outfitter application or outfitter amendment form must be submitted for each river section, lake and reservoir and for each specific IFGC unit and all activities for which the individual desires licensure. (3-20-20)F~~

~~03. **Length of Time Name Is Placement** on Waiting List. A written request, in a form specified by the Board, must be submitted to be placed on the waiting list, and a name on the waiting list will be maintained for a period of five (5) years or until December 31 of the fifth year that the name is placed on the list, whichever comes first. ~~(3-20-20)F~~ (10-1-20)T~~

~~04. **When Available Outfitting Opening Occurs Notification.** When, ~~or if, an available~~ public notice is used when an opening does occurs, and a public announcement is will be made, ~~the Board will use and may be made in conjunction with notice by another governmental agency. Persons on~~ the waiting list for direct notification by mail of interested parties, and will select a qualified candidate from those who apply. Any person on the list who remains interested in obtaining a license following notification of availability must re-apply by submitting all necessary forms and fees during the open period as announced by the Board in order to have his application considered will be~~

~~notified of the available opportunity in any competitive application process.~~

~~(3-20-20)T(10-1-20)T~~

~~05. **When an Operating Area Is Relinquished by the Licensee.** If an existing operating area (hunting, boating, or other) is relinquished by the licensee, the Board may publicize the area's availability and accept written applications for licensure for a thirty (30) day period of time from the date of public notice. The Board will then consider the qualifications of all applicants and license the area to the candidate determined to be most qualified including the consideration of criteria used to consider new or amendment outfitter applications.~~ (3-20-20)T

~~04. **Application Period and Consideration.** Anyone wishing to apply for the opportunity must submit a complete application or amendment, including all applicable fees, by the date specified in the notice. The Board will consider the qualifications of all applicants and in its discretion select the best qualified applicant.~~ (10-1-20)T

**(BREAK IN CONTINUITY OF SECTIONS)**

**057. DESIGNATION OF ALLOCATED DEER AND ELK TAGS.**

~~Beginning with the 2021 big game season setting, the Board will designate allocated tags to eligible outfitter operations as prescribed by Section 36-2107(j), Idaho Code, and when necessary, based on an outfitter's proportional use within the capped zone or controlled hunt zone, unit, or game management area as set forth in this section. For purposes of this section, an eligible outfitter operation is an outfitter whose licensed activities include hunting the species for the type of allocated tag being designated. For the purposes of this section, an outfitting operation is an outfitter licensee whose licensed activities include hunting for the species in the area of the allocated tag being designated. When IFGC sets big game seasons all allocated tags will be designated pursuant to Section 36-2120, Idaho Code, and IDAPA 24.35.01.057. The designation applies until the next big game season setting by IFGC.~~ (3-20-20)T(10-1-20)T

~~01. **Calculation and Designation of Allocated Tags.** Pursuant to Section 36-2107(j), Idaho Code and as set forth below, an outfitter's number of designated allocated tags will be the outfitter's base allocation number plus a proportional share of any surplus allocated tags based on outfitted tag use as set forth below; or when there is an insufficient number of allocated tags to satisfy each outfitter's base allocation, the outfitter's proportional use. The result is the number of allocated tags designated for the outfitter operation. The Board will notify outfitters of the number of designated allocated tags and the underlying basis for the designation. The designation applies until the next big game season setting by the Idaho Fish and Game Commission.~~ (3-20-20)T

~~a. An outfitter's base allocation number is:~~ (3-20-20)T

~~i. For a capped zone, the average of the last two (2) years of an outfitter's outfitted tag use.~~ (3-20-20)T

~~ii. For a controlled hunt, the highest year within the last two (2) years of an outfitter's outfitted tag use.~~ (3-20-20)T

~~b. An outfitter's proportional use is calculated by dividing an individual outfitter's base allocation by the total of the base allocations of all outfitters in the capped zone or controlled hunt zone, unit, or game management area, and then multiplying by the total number of allocated tags for the capped zone or controlled hunt.~~ (3-20-20)T

~~c. When a calculation results in a partial tag, the calculation will be rounded up when a decimal equals or exceeds zero point six (0.6) and rounded down when a decimal is less than zero point six (0.6).~~ (3-20-20)T

~~d. When there are remaining allocated tags after the Board has designated tags pursuant to Paragraphs a and b of this rule, the Board will designate remaining allocated tags based on the following priorities and in the following order:~~ (3-20-20)T

~~i. All eligible outfitters whose base allocation number is zero (0) and who want to be designated allocated tags are designated at least one (1) allocated tag;~~ (3-20-20)T

~~ii. Eligible outfitters with the fewest number of designated allocated tags have an equal number of designated allocated tags when possible. (3-20-20)T~~

~~iii. Based on a random drawing between the eligible outfitters with the fewest number of designated allocated tags provided that an outfitter is not designated more allocated tags than another outfitter that has a greater base allocation number. (3-20-20)T~~

~~iv. Based on the greater base allocation number between the eligible outfitters with the fewest number of designated allocated tags. (3-20-20)T~~

~~e. When there is a deficit of allocated tags to satisfy each outfitter's proportional use, the Board will identify the group of outfitters whose base allocation number was rounded up, and the deficit will be resolved against the outfitter whose base allocation number prior to rounding is closest to zero point six (0.6). In the event there are two outfitters with the same unrounded base allocation number closest to zero point six (0.6), the deficit will be resolved against one of those outfitters based on a random drawing. (3-20-20)T~~

**01. Base Allocation.** The base allocation number is computed pursuant to Section 36-2120(b), Idaho Code. (10-1-20)T

**02. Outfitted Hunter Tag Use History.** Until the IFGC is able to collect and verify outfitted tag use pursuant to Section 36-408(4), Idaho Code, the use history will be based on each outfitter's use reports, or the best data available, and subject to verification by documentation or other reliable information acceptable to the Board showing that the outfitter provided outfitting services to the hunter using the tag. (10-1-20)T

**a. The use history for a capped hunt is the number of tags used by clients of each outfitter for the hunt with the most similar framework to the hunt for which the allocated tag is being designated. (10-1-20)T**

**b. The use history for a controlled hunt is the number of tags used by clients of each outfitter in the hunt or hunts that have the most similar framework to the hunt for which the allocated tag is being designated. Both the hunt with allocated tags and the matching hunt with non-allocated tags will be used. (10-1-20)T**

**c. Transfers – The original outfitter may transfer a designated allocated tag(s) to another outfitting operation for use that year in the same hunt and still retain credit for the tag. (10-1-20)T**

**d. Surrenders - An outfitter may surrender a designated allocated tag(s) to the undesignated tag pool at any time after notification of its tag designation. The surrendering outfitter does not retain credit for the surrendered tag unless it later uses the tag from the pool. The surrendered tag will be available to any outfitter in the same hunt pursuant to IDAPA 24.35.01.057.09. (10-1-20)T**

**03. New Hunt Allocated Tag Designation.** When the IFGC initially allocates tags for a new capped or controlled hunt, allocated tags will be designated for that hunt proportionately as follows: (10-1-20)T

**a. Divide each outfitting operation's base allocation by the total of all base allocations in the hunt, resulting in a percentage of total use. Truncate the decimal at the hundredths place. (10-1-20)T**

**b. Multiply the percentage of total use from IDAPA 24.35.01.057.03.a. by the total number of allocated tags for the hunt, which determines the number of allocated tags designated to the outfitting operation. (10-1-20)T**

**04. Use of Previously Designated Allocated Tags.** For established capped or controlled hunts, allocated tags will first be designated to each outfitting operation in an amount equal to the outfitting operation's use of the allocated tags previously designated to it for the same hunt. (10-1-20)T

**a. In a capped hunt, the use of previously designated allocated tags is the average use of allocated tags in the preceding two (2) years. (10-1-20)T**

**b. In a controlled hunt, the use of previously designated allocated tags is the highest year of use of**

allocated tags in the preceding two (2) years. (10-1-20)T

**05. Remaining or Additional Allocated Tags.** Allocated tags that were not designated pursuant to IDAPA 24.35.01.057.04 will be designated proportionately as follows: (10-1-20)T

**a.** Subtract each outfitting operation's use of previously designated allocated tags from its base allocation number to determine the number of non-allocated tags it used; then (10-1-20)T

**b.** Divide the result by the total number of non-allocated tags used by all outfitting operations, resulting in a percentage of the total non-allocated tags used by all outfitting operations in that hunt. Truncate the decimal at the hundredths place; and finally (10-1-20)T

**c.** Multiply the percentage of total use from IDAPA 24.35.01.057.05.b. by the number of allocated tags yet to be designated, which determines the number of allocated tags designated to the outfitting operation. (10-1-20)T

**06. Rounding.** If allocated tag designation results in a partial tag, the calculation will be rounded up when a decimal equals or exceeds six tenths (.6) and rounded down when a decimal is less than six tenths (.6). When calculating the reduction to the designation of allocated tags pursuant to Section 36-2120(4), Idaho Code, the calculation will be rounded up when a decimal equals or exceeds five tenths (.5) and rounded down when a decimal is less than five tenths (.5). (10-1-20)T

**07. Tie-breaker.** If after applying IDAPA 24.35.01.057.03-06 there is a surplus or deficit of allocated tags to be designated, the unrounded proportion, with as many decimal places as necessary, will be used as follows: (10-1-20)T

**a.** A surplus allocated tag will be designated to the outfitting operation whose unrounded proportion is the greatest. In the event there is more than one outfitting operation with the same unrounded proportion, the undesignated tag will be designated based on a random drawing between those outfitting operations. (10-1-20)T

**b.** A deficit will be resolved from the outfitting operation whose unrounded proportion is closest to six tenths (.6). If there is more than one (1) outfitting operation with the same unrounded proportion, a random drawing will be held between those outfitters. (10-1-20)T

**028. Stipulation by Outfitters.** ~~Outfitters in a capped zone or for a controlled hunt may submit to the Board a written stipulation determining the number of allocated tags designated for each outfitter within the capped zone or for the controlled hunt. The stipulation must be signed by all eligible outfitters for the capped zone or controlled hunt. If the Board accepts the stipulation, the stipulation will be effective until the Idaho Fish and Game Commission sets the next big game season~~ Outfitting operations in a hunt may submit to the Board a written stipulation determining the number of allocated tags designated for each outfitting operation within that hunt. The stipulation must be signed by all eligible outfitting operations for the hunt. If the Board approves the stipulation, the stipulation will be effective until the IFGC sets the next big game season. On or before November 1 preceding the hunt, any outfitting operation may petition the Board to vacate the stipulation for good cause that would make it unconscionable or unjust to enforce the stipulation. If the Board vacates the stipulation, the allocated tags in that hunt will be designated pursuant to Section 36-2120, Idaho Code, and IDAPA 24.35.01.057. (3-20-20)T(10-1-20)T

~~**a.** On or before November 1, any outfitter may petition the Board to withdraw from the stipulation for good cause. If the Board grants the withdrawal, then the Board will calculate and designate the allocated tags among the outfitters in that capped zone or controlled hunt according to Subsection 01 of this rule. (3-20-20)T~~

~~**b.** A stipulation only applies to the designation of allocated tags by the Board. (3-20-20)T~~

**09. Undesignated Tag Pool.** Any designated allocated tags that are surrendered or have not been utilized by an outfitting operation on or before the tenth (10) business day prior to July 31 for a capped hunt, or on or before September 10 or the next business day for a controlled hunt, will be available in an undesignated pool for any outfitting operation, as follows: (10-1-20)T

**a.** Beginning April 10 preceding the hunt, an outfitting operation without any designated allocated tags or who has utilized all of its designated allocated tags may submit a request for an allocated tag from the pool. The request must be in such a form as designated by the Board. (10-1-20)T

**b.** Beginning April 20 preceding the hunt or next business day, an allocated tag will be designated from the pool on a first-come, first-served basis, using a waiting list when as necessary, with a maximum of two (2) allocated tags designated to each requesting outfitting operation until all other requesting outfitting operations have been served, then a requesting outfitting operation is eligible to receive a maximum of two (2) additional allocated tags from the pool, repeated until all requesting outfitting operations are served or until no tags remain. (10-1-20)T

**103.** **Objection to Calculation.** If an outfitting operation believes the calculation is incorrect it may object by filing a petition with the Board within fourteen (14) days from the date the notification was sent and in accordance with the Idaho administrative procedures act. with the Board along with The petition will include any supporting information or documentation. (3-20-20)T(10-1-20)T

**a.** The Board will notify all other eligible outfitters in the capped zone or for the controlled hunt All outfitting operations in the hunt in question will be notified of the petition. (3-20-20)T(10-1-20)T

**b.** The outfitting operation bears the burden of establishing that the calculation was incorrect. (3-20-20)T(10-1-20)T

**0411.** **Hardship Request.** An outfitter may submit to the Board a written hardship request to maintain all or a portion of previous base allocation number when the outfitter can demonstrate hardship, including health, act of nature, state of federal restrictions on hunting or access or other good cause that prohibited or limited the outfitter's ability to seek and accommodate clients and impacted the outfitter's use of designated allocated tags. The outfitter must provide any information requested by the Board to assist in substantiating hardship cases. The hardship request must also be approved by the Idaho Department of Fish and Game to retain the outfitted hunter tag use history in respective outfitted hunter tag use history may be submitted to the Board on or before the November 1 preceding the biennial IFGC big game season setting. If a hardship occurs after October 21 but prior to the hunt being completed the request may be submitted within ten (10) days of the occurrence. A hardship may include health, act of nature, state or federal restrictions on hunting or access, or other good cause that prevented or limited the outfitting operation's ability to seek and accommodate clients and impacted its use of designated allocated tags. The outfitting operation must provide any information requested by the Board to substantiate the request. (3-20-20)T(10-1-20)T

**0512.** **Change in Operating Area or Owner of Business.** When an outfitting operation is sold or when an operating area is adjusted and designated allocated tags are associated with the affected operating area, the associated designated allocated tags will transfer to the new owner. (3-20-20)T

# IDAPA 35 – IDAHO STATE TAX COMMISSION

## 35.01.01 – INCOME TAX ADMINISTRATIVE RULES

### DOCKET NO. 35-0101-2001

#### NOTICE OF RULEMAKING – PROPOSED RULE

**AUTHORITY:** In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Section 63-105, Idaho Code.

**PUBLIC HEARING SCHEDULE:** Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than September 16, 2020. The hearing site will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

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

- Section 075—We propose to remove the oldest tax table and replace it with most current tax table.
- Section 263—We propose to add one line to the table for the year and amount of guaranteed payments sourced as compensation for services.
- Section 799—We propose to add the new credit to the priority list per 2020 HB550. Some credits are limited to 50% of your tax liability and others are not. There's a mix of refundable and nonrefundable credits, so the sequence of use matters and it's governed by law. We will add a short sentence for the employee college savings account credit to match the existing pattern.
- Sections 940, 943, 944 & 945—We propose to change the program end date from December 31, 2020 to December 31, 2030 per 2020 HB510.

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

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

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted because these are simple updates required by statute.

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

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the proposed rule, contact Cynthia Adrian, using the contact information below.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before September 23, 2020.

Dated this 2nd day of September, 2020.

Cynthia Adrian, Income Tax Research Specialist  
Idaho State Tax Commission  
Taxpayer Resources Unit, Tax Research  
11321 W. Chinden Blvd., Bldg. 2, Boise, ID 83714  
P.O. Box 36, Boise, ID 83722-0036  
[cynthia.adrian@tax.idaho.gov](mailto:cynthia.adrian@tax.idaho.gov)  
(208) 334-7670

**THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 35-0101-2001**  
**(Only Those Sections With Amendments Are Shown.)**

**075. TAX ON INDIVIDUALS, ESTATES, AND TRUSTS (RULE 075).**  
 Section 63-3024, Idaho Code

**01. In General.** The tax rates applied to the Idaho taxable income of an individual, trust or estate for the latest five (5) years are identified in Subsection 075.03 of this rule. The Idaho income tax brackets are adjusted for inflation. The maximum tax rate as listed for the applicable taxable year in Subsection 075.03 of this rule applies in computing the tax attributable to the S corporation stock held by an electing small business trust. See Rule 078 of these rules. (4-7-11)

**02. Tax Computation.** (5-3-03)

**a.** The tax rates and income tax brackets listed in Subsection 075.03 of this rule are those for a single individual or married individuals filing separate returns. (4-6-05)

**b.** The tax imposed on individuals filing a joint return, filing as a surviving spouse, or filing as a head of household is twice the tax that would be imposed on one-half (1/2) of the total Idaho taxable income of a single individual. (4-7-11)

**c.** For example, if a married couple filing a joint return reports Idaho taxable income of thirty thousand dollars (\$30,000), the tax is computed as if they had taxable income of fifteen thousand dollars (\$15,000). The tax amount is multiplied by two (2). (4-7-11)

**03. Tables Identifying the Idaho Tax Rates and Income Tax Brackets.** (3-20-04)

~~a.~~ *For taxable years beginning in 2015:*

<i>IF IDAHO TAXABLE INCOME IS</i>		<i>IDAHO TAX</i>		
<i>At least</i>	<i>But less than</i>	<i>Is</i>		<i>Plus</i>
\$1	\$1,452	\$0	+	1.6% of taxable income
\$1,452	\$2,904	\$23.23	+	3.6% of the amount over \$1,452
\$2,904	\$4,356	\$75.50	+	4.1% of the amount over \$2,904
\$4,356	\$5,808	\$135.03	+	5.1% of the amount over \$4,356
\$5,808	\$7,260	\$209.08	+	6.1% of the amount over \$5,808
\$7,260	\$10,890	\$297.65	+	7.1% of the amount over \$7,260
\$10,890 or more		\$555.38	+	7.4% of the amount over \$10,890

*Tax and bracket amounts were calculated using consumer price index amounts published on April 13, 2015.*

~~(3-25-16)~~

~~b.a.~~ For taxable years beginning in 2016:



IF IDAHO TAXABLE INCOME IS		IDAHO TAX		
At least	But less than	Is		Plus
\$1	\$1,454	\$0	+	1.6% of taxable income
\$1,454	\$2,908	\$23.26	+	3.6% of the amount over \$1,454
\$2,908	\$4,362	\$75.60	+	4.1% of the amount over \$2,908
\$4,362	\$5,816	\$135.21	+	5.1% of the amount over \$4,362
\$5,816	\$7,270	\$209.36	+	6.1% of the amount over \$5,816
\$7,270	\$10,905	\$298.05	+	7.1% of the amount over \$7,270
\$10,905 or more		\$556.14	+	7.4% of the amount over \$10,905

Tax and bracket amounts were calculated using consumer price index amounts published on April 13, 2016.

(3-29-17)

**eb.** For taxable years beginning in 2017:

IF IDAHO TAXABLE INCOME IS		IDAHO TAX		
At least	But less than	Is		Plus
\$1	\$1,472	\$0	+	1.6% of taxable income
\$1,472	\$2,945	\$23.56	+	3.6% of the amount over \$1,472
\$2,945	\$4,417	\$76.57	+	4.1% of the amount over \$2,945
\$4,417	\$5,890	\$136.94	+	5.1% of the amount over \$4,417
\$5,890	\$7,362	\$212.03	+	6.1% of the amount over \$5,890
\$7,362	\$11,043	\$301.85	+	7.1% of the amount over \$7,362
\$11,043 or more		\$563.21	+	7.4% of the amount over \$11,043

Tax and bracket amounts were calculated using consumer price index amounts published on April 13, 2017.

(3-28-18)

**dc.** For taxable years beginning in 2018:

IF IDAHO TAXABLE INCOME IS		IDAHO TAX		
At least	But less than	Is		Plus
\$1	\$1,504	\$0	+	1.125% of taxable income
\$1,504	\$3,008	\$16.92	+	3.125% of the amount over \$1,504
\$3,008	\$4,511	\$63.91	+	3.625% of the amount over \$3,008
\$4,511	\$6,015	\$118.42	+	4.625% of the amount over \$4,511
\$6,015	\$7,519	\$187.97	+	5.625% of the amount over \$6,015
\$7,519	\$11,279	\$272.56	+	6.625% of the amount over \$7,519

IF IDAHO TAXABLE INCOME IS		IDAHO TAX		
At least	But less than	Is		Plus
\$11,279 or more		\$521.63	+	6.925% of the amount over \$11,279

Tax and bracket amounts were calculated using consumer price index amounts published on April 13, 2018.

(3-26-19)

**ed.** For taxable years beginning in 2019:

IF IDAHO TAXABLE INCOME IS		IDAHO TAX		
At least	But less than	Is		Plus
\$1	\$1,541	\$0	+	1.125% of taxable income
\$1,541	\$3,081	\$17.33	+	3.125% of the amount over \$1,541
\$3,081	\$4,622	\$65.47	+	3.625% of the amount over \$3,081
\$4,622	\$6,162	\$121.32	+	4.625% of the amount over \$4,622
\$6,162	\$7,703	\$192.57	+	5.625% of the amount over \$6,162
\$7,703	\$11,554	\$279.22	+	6.625% of the amount over \$7,703
\$11,554 or more		\$534.37	+	6.925% of the amount over \$11,554

Tax and bracket amounts were calculated using consumer price index amounts published on April 13, 2019.

(3-20-20)

**e.** For taxable years beginning in 2020:

IF IDAHO TAXABLE INCOME IS		IDAHO TAX		
At least	But less than	Is		Plus
\$1	\$1,568	\$0	±	1.125% of taxable income
\$1,568	\$3,136	\$17.64	±	3.125% of the amount over \$1,568
\$3,3136	\$4,704	\$66.64	±	3.625% of the amount over \$3,136
\$4,704	\$6,272	\$123.48	±	4.625% of the amount over \$4,704
\$6,272	\$7,840	\$196.00	±	5.625% of the amount over \$6,272
\$7,840	\$11,760	\$284.20	±	6.625% of the amount over \$7,840
\$11,760 or more		\$543.90	±	6.925% of the amount over \$101,760

Tax and bracket amounts were calculated using consumer price index amounts published on April 13, 2015.

( )

**(BREAK IN CONTINUITY OF SECTIONS)**

**263. IDAHO SOURCE INCOME OF NONRESIDENT AND PART-YEAR RESIDENT INDIVIDUALS -- DISTRIBUTIVE SHARE OF S CORPORATION AND PARTNERSHIP INCOME (RULE 263).**  
Section 63-3026A(3), Idaho Code

**01. In General.** The taxable amount of a shareholder's pro rata share or a partner's distributive share of business income, gains, losses, and other pass-through items from an S corporation or partnership operating both within and without Idaho is determined by multiplying each pass-through item by the Idaho apportionment factor of the business. The Idaho apportionment factor is determined pursuant to Section 63-3027, Idaho Code, and related rules. (3-20-97)

**02. Nonbusiness Income.** Pass-through items of identifiable nonbusiness income, gains, or losses of an S corporation or partnership constitute Idaho source income to the shareholder or partner if allocable to Idaho pursuant to the principles set forth in Section 63-3027, Idaho Code. (3-20-97)

**03. Pass-Through Items.** Whether a pass-through item of income or loss is business or nonbusiness income is determined at the pass-through entity level. Pass-through items of business income or loss may include: (3-20-97)

- a. Ordinary income or loss from trade or business activities; (3-20-97)
- b. Net income or loss from rental real estate activities; (3-20-97)
- c. Net income or loss from other rental activities; (3-20-97)
- d. Interest income; (3-20-97)
- e. Dividends; (3-20-97)
- f. Royalties; (3-20-97)
- g. Capital gain or loss; (3-20-97)
- h. Other portfolio income or loss; (3-20-97)
- i. Gain or loss recognized pursuant to Section 1231, Internal Revenue Code. (3-20-97)

**04. Guaranteed Payments Treated As Compensation.** (3-20-14)

a. Guaranteed payments to an individual partner up to the amount shown in paragraph 263.04.b. in any calendar year is sourced as compensation for services. If a nonresident partner performs services on behalf of the partnership within and without Idaho, the amount included in Idaho compensation is determined as provided in Rule 270 of these rules. (3-20-14)

b. The amount of guaranteed payments that are sourced as compensation for services is as follows:

TAX YEAR	AMOUNT
<u>2020</u>	<u>\$274,360</u>
2019	\$269,500
2018	\$263,000
2017	\$257,500
2016	\$254,250

~~(3-20-20)~~( )

**05. Distributions.** (2-27-12)

**a.** Partnerships. The amount of distributions received by a partner that is from Idaho sources is determined by multiplying the taxable amount of distributions pursuant to Section 731, Internal Revenue Code, by the Idaho apportionment factor of the partnership. (2-27-12)

**b.** S Corporations. The amount of distributions received by a shareholder that is from Idaho sources is determined by multiplying the taxable amount of distributions pursuant to Section 1368, Internal Revenue Code, by the Idaho apportionment factor of the S corporation. (2-27-12)

**c.** The Idaho apportionment factor for purposes of Paragraphs 263.05.a. and 263.05.b. of this rule is determined pursuant to Section 63-3027, Idaho Code, and related rules. (2-27-12)

**(BREAK IN CONTINUITY OF SECTIONS)**

**799. PRIORITY ORDER OF CREDITS AND ADJUSTMENTS TO CREDITS (RULE 799).**

Section 63-3029P, Idaho Code

**01. Tax Liability.** Tax liability is the tax imposed by Sections 63-3024, 63-3025, and 63-3025A, Idaho Code. (3-20-97)

**02. Nonrefundable Credits.** A nonrefundable credit is allowed only to reduce the tax liability. A nonrefundable credit not absorbed by the tax liability is lost unless the statute authorizing the credit includes a carryover provision. Nonrefundable credits apply against the tax liability in the following order of priority: (3-20-97)

**a.** Credit for taxes paid to other states as authorized by Section 63-3029, Idaho Code; (3-20-97)

**b.** For part-year residents only, the grocery credit as authorized by Section 63-3024A, Idaho Code; (5-3-03)

**c.** Credit for contributions to Idaho educational institutions as authorized by Section 63-3029A, Idaho Code; (3-20-97)

**d.** Investment tax credit as authorized by Section 63-3029B, Idaho Code; (3-20-97)

**e.** Credit for contributions to Idaho youth facilities, rehabilitation facilities, and nonprofit substance abuse centers as authorized by Section 63-3029C, Idaho Code; (3-30-01)

**f.** Credit for equipment using postconsumer waste or postindustrial waste as authorized by Section 63-3029D, Idaho Code; (3-30-01)

**g.** Promoter-sponsored event credit as authorized by Section 63-3620C, Idaho Code; (3-15-02)

**h.** Credit for Idaho research activities as authorized by Section 63-3029G, Idaho Code; (3-15-02)

**i.** Broadband equipment investment credit as authorized by Section 63-3029I, Idaho Code; and (3-15-02)

**j.** Small employer investment tax credit as authorized by Section 63-4403, Idaho Code. (4-11-06)

**k.** Small employer real property improvement tax credit as authorized by Section 63-4404, Idaho Code. (4-11-06)

**l.** Small employer new jobs tax credit as authorized by Section 63-4405, Idaho Code. (4-11-06)

- m.** Credit for live organ donation expenses as authorized by Section 63-3029K, Idaho Code. (3-30-07)
- n.** Idaho child tax credit as authorized by Section 63-3029L, Idaho Code. (3-26-19)
- o.** Credit for employer contributions to employee's Idaho college savings program account as authorized by Section 63-3029M, Idaho Code. ( )
- 03. Adjustments to Credits.** (4-11-06)

  - a.** Adjustments to the amount of a credit earned is determined pursuant to the law applicable to the taxable year in which the credit was earned. (4-11-06)
  - b.** Adjustments to the amount of a credit earned may be made even though the taxable year in which the credit was earned is closed due to the statute of limitations. Such adjustments to the earned credit also applies to any taxable years to which the credit was carried over. (4-11-06)
  - c.** If the taxable year in which the credit was earned or carried over to is closed due to the statute of limitations, any adjustments to the credit earned does not result in any tax due or refund for the closed taxable years. However, the adjustments may result in tax due or a refund in a carryover year if the carryover year is open to the statute of limitations. (4-11-06)

**(BREAK IN CONTINUITY OF SECTIONS)**

**940. IDAHO SMALL EMPLOYER INCENTIVE ACT OF 2005 AS MODIFIED BY 2006 LEGISLATION – DEFINITIONS (RULE 940).**

Title 63, Chapter 44, Idaho Code. For purposes of administering the Idaho Small Employer Incentive Act of 2005, as modified by 2006 legislation, and Rules 940 through 946 of these rules, the following definitions apply: (3-30-07)

- 01. Buildings and Structural Components.** Buildings and structural components means buildings and structural components of buildings as defined in Federal Treasury Regulation Section 1.48-1 for Internal Revenue Code Section 48 repealed by Public Law 101-508. (3-30-07)
- 02. New Plant and Building Facilities.** New plant and building facilities are facilities where employees are physically employed. (3-30-07)
- 03. Investment in New Plant.** Investment in new plant means new plant and building facilities: (3-30-07)

  - a.** That are constructed or erected by the taxpayer, or (3-30-07)
  - b.** That are acquired by the taxpayer and whose original use begins with the taxpayer after such acquisition. Original use means the first use to which the property is put, whether or not such use corresponds to the use of such property by the taxpayer. Property used by the taxpayer prior to its acquisition does not qualify as new plant. (3-30-07)
  - c.** That qualify for the investment tax credit under Section 63-3029B, Idaho Code, or is a building or structural components of buildings. (3-30-07)
- 04. Making Capital Investments.** The date capital investments are considered made will be determined in the same manner as the date assets are considered placed in service pursuant to the federal treasury regulations. (3-30-07)
- 05. New Employee.** A new employee cannot be created by reorganizing the business in such a manner that the employee is reassigned to working in the project site instead of outside the project site. An employee within Idaho transferred to a qualifying position within the project site may qualify as a new employee if his previous

position is filled by another employee creating a net new job in Idaho. An employee working outside of Idaho and transferred to a qualifying position within the project site may also qualify as a new employee. (3-30-07)

- 06. Project Period.** The project period is a period of time that begins and ends as follows: (3-30-07)
- a.** The project period may begin on one (1) of the following dates, but not prior to January 1, 2006: (3-29-10)
    - i.** The date of a physical change to the project site; or (3-30-07)
    - ii.** The date new employees begin providing personal services at the project site. (3-30-07)
  - b.** The project period ends at the earliest of: (3-29-10)
    - i.** The conclusion of the project, (3-29-10)
    - ii.** Ten (10) years after the beginning of the project; or (3-29-10)
    - iii.** December 31, 20~~23~~<sup>30</sup>. (~~3-29-10~~)(    )

**07. Project Site.** The project site may include one (1) location or more than one (1) location in Idaho. However, if more than one (1) location in Idaho is used, eighty percent (80%) or more of the investment required in the tax incentive criteria is to be located at one (1) contiguous site. (3-30-07)

**08. Small Employer Investment Tax Credit.** Small employer investment tax credit means the additional income tax credit allowed by Section 63-4403, Idaho Code. (3-30-07)

**09. Small Employer New Jobs Tax Credit.** Small employer new jobs tax credit means the additional income tax credit for new jobs allowed by Section 63-4405, Idaho Code. (3-30-07)

**10. Small Employer Real Property Improvement Tax Credit.** Small employer real property improvement tax credit means the real property improvement tax credit allowed by Section 63-4404, Idaho Code. (3-30-07)

**11. Small Employer Tax Incentive Criteria.** Small employer tax incentive criteria means the tax incentive criteria defined in Section 63-4402(2)(j), Idaho Code. See Rule 942 of these rules for more information. (3-30-07)

**12. Small Employer Tax Incentives.** Small employer tax incentives means the tax incentives allowed by Title 63, Chapter 44, Idaho Code. (3-30-07)

**(BREAK IN CONTINUITY OF SECTIONS)**

**943. IDAHO SMALL EMPLOYER INCENTIVE ACT OF 2005 AS MODIFIED BY 2006 LEGISLATION – SMALL EMPLOYER INVESTMENT TAX CREDIT (RULE 943).**  
Sections 63-4403 and 63-4406, Idaho Code

- 01. Credit Allowed.** (3-30-07)
- a.** The small employer investment tax credit allowed by Section 63-4403, Idaho Code, may be earned during taxable years beginning on or after January 1, 2006 and before December 31, 20~~23~~<sup>30</sup>. (~~3-29-10~~)(    )
  - b.** The credit applies to qualified investments placed in service during the project period. Qualified investments placed in service during the project period, but in a taxable year that does not qualify, will not qualify for the small employer investment tax credit, but may qualify for the investment tax credit allowed by Section 63-3029B,

Idaho Code. For example, if a project begins after December 31, 2005, but in a fiscal year beginning in 2005, the qualified investments placed in service during that taxable year will not qualify for the small employer investment tax credit, but may qualify for the investment tax credit allowed by Section 63-3029B, Idaho Code. (3-30-07)

**02. Taxpayers Entitled to the Credit.** The small employer investment tax credit is allowed only to taxpayers who certify that they will meet the small employer tax incentive criteria. (3-30-07)

**03. Qualified Investments.** (3-30-07)

**a.** Investments in new plant must meet the definition of qualified investments found in Section 63-3029B, Idaho Code, and requirements of Rules 710 through 719 of these rules, in addition to the requirements of Section 63-4403, Idaho Code, and related rules to qualify as qualified investments. (3-30-07)

**b.** Qualified investments must be placed in service in Idaho, but may be located in or outside the project site to qualify. (3-30-07)

**04. Limitations.** The small employer investment tax credit allowable in any taxable year is to be limited as follows: (3-30-07)

**a.** The small employer investment tax credit claimed during a taxable year may not exceed the lesser of: (3-30-07)

**i.** Seven hundred fifty thousand dollars (\$750,000); or (3-30-07)

**ii.** Sixty-two and five-tenths percent (62.5%) of the tax, after allowing all other income tax credits that may be claimed before the small employer investment tax credit, regardless of whether this credit results from a carryover earned in prior years, the current year, or both. See Rule 799 of these rules for the priority order for nonrefundable credits. (3-30-07)

**b.** Unitary Taxpayers. Limitations apply to each taxpayer according to its own tax liability. Each corporation in a unitary group is a separate taxpayer. See Rule 711 of these rules. (3-30-07)

**05. Carryovers.** The carryover period for the small employer investment tax credit is fourteen (14) years. (3-30-07)

**06. Coordination with Investment Tax Credit Allowed by Title 63, Chapter 30, Idaho Code.** A taxpayer who is eligible to claim the small employer investment tax credit is not eligible to claim the investment tax credit allowed by Section 63-3029B, Idaho Code, on the same property. However, if a taxpayer has qualified investments in a taxable year in which the project period begins or ends, the taxpayer may qualify for both the small employer investment tax credit on property placed in service during the project period in that taxable year and for the investment tax credit allowed by Section 63-3029B, Idaho Code, for property placed in service before or after the project period in that taxable year. (3-30-07)

**944. IDAHO SMALL EMPLOYER INCENTIVE ACT OF 2005 AS MODIFIED BY 2006 LEGISLATION – SMALL EMPLOYER REAL PROPERTY IMPROVEMENT TAX CREDIT (RULE 944).**  
Sections 63-4404 and 63-4406, Idaho Code

**01. Credit Allowed.** (3-30-07)

**a.** The small employer real property improvement tax credit allowed by Section 63-4404, Idaho Code, may be earned during taxable years beginning on or after January 1, 2006 and before December 31, 20~~23~~<sup>30</sup>. (3-29-10)( )

**b.** The credit applies to buildings and structural components of buildings placed in service during the project period. Qualified investments placed in service during the project period, but in a taxable year that does not qualify, will not qualify for the small employer real property improvement tax credit. For example, if a project begins after December 31, 2005, but in a fiscal year beginning in 2005, the buildings and structural components placed in

service during that taxable year will not qualify for the small employer real property improvement tax credit. (3-30-07)

**02. Taxpayers Entitled to the Credit.** The small employer real property improvement tax credit is allowed only to taxpayers who certify that they will meet the small employer tax incentive criteria. (3-30-07)

**03. Buildings and Structural Components of Buildings.** (3-30-07)

**a.** To qualify for the small employer real property improvement tax credit, buildings and structural components of buildings must meet the following requirements: (3-30-07)

**i.** The buildings and structural components of buildings must be new as defined in Subsection 940.03 of these rules. Structural components placed in service as part of a renovation of an existing building do not qualify. (3-30-07)

**ii.** The buildings and structural components of buildings must be placed in service at the project site. (3-30-07)

**b.** Buildings and structural components of buildings that meet the definition of qualified investments pursuant to Section 63-3029B, Idaho Code, will not qualify for the small employer real property improvement tax credit. (3-30-07)

**04. Limitations.** The small employer real property improvement tax credit allowable in any taxable year will be limited as follows: (3-30-07)

**a.** The small employer real property improvement tax credit claimed during a taxable year may not exceed the lesser of: (3-30-07)

**i.** One hundred twenty-five thousand dollars (\$125,000); or (3-30-07)

**ii.** One hundred percent (100%) of the tax, after allowing all other income tax credits that may be claimed before the small employer real property improvement tax credit, regardless of whether this credit results from a carryover earned in prior years, the current year, or both. See Rule 799 of these rules for the priority order for nonrefundable credits. (3-30-07)

**b.** Unitary Taxpayers. Limitations apply to each taxpayer according to its own tax liability. Each corporation in a unitary group is a separate taxpayer. See Rule 711 of these rules. (3-30-07)

**05. Carryovers.** The carryover period for the small employer real property improvement tax credit is fourteen (14) years. (3-30-07)

**945. IDAHO SMALL EMPLOYER INCENTIVE ACT OF 2005 AS MODIFIED BY 2006 LEGISLATION – SMALL EMPLOYER NEW JOBS TAX CREDIT (RULE 945).**  
Sections 63-4405 and 63-4406, Idaho Code

**01. Credit Allowed.** (3-30-07)

**a.** The small employer new jobs tax credit allowed by Section 63-4405, Idaho Code, may be earned during taxable years beginning on or after January 1, 2006 and before December 31, 20~~23~~<sup>30</sup>. (~~3-29-10~~) ( )

**b.** The credit applies to new employees hired during the project period. New employees hired during the project period, but in a taxable year that does not qualify, will not qualify for the small employer new jobs tax credit. For example, if a project begins after December 31, 2005, but in a fiscal year beginning in 2005, new employees hired during that taxable year will not qualify for the small employer new jobs tax credit, but may qualify for the credit for qualifying new employees allowed by Section 63-3029F, Idaho Code. (3-30-07)

**c.** The applicable credit rate per new employee depends on the wage rate received by a qualifying new



employee. (3-30-07)

**02. Taxpayers Entitled to the Credit.** The small employer new jobs tax credit is allowed only to taxpayers who certify that they will meet the small employer tax incentive criteria. (3-30-07)

**03. Calculating Number of Employees.** (3-30-07)

**a. Number of Employees Clarified.** Only employees who meet the qualifications set forth in Sections 63-4402(2)(e) and 63-4405, Idaho Code, are included when computing the number of employees for a taxable year. Such requirements include the following: (3-30-07)

i. The employee must have worked primarily within the project site for the taxpayer. (3-30-07)

ii. The employee must have received earnings at a rate of more than twenty-four dollars and four cents (\$24.04) per hour worked. (3-30-07)

iii. The employee must have been eligible to receive employer provided coverage under a health plan described in Section 41-4703, Idaho Code. (3-30-07)

iv. The employee must have been subject to Idaho income tax withholding. (3-30-07)

v. The employee must have been covered for Idaho unemployment insurance purposes. (3-30-07)

vi. The employee must have been employed on a regular full-time basis. An employee who customarily performs duties at least forty (40) hours per week on average for the taxable year will be considered employed on a regular full-time basis. Leased employees do not qualify as employees of the lessee. (3-30-07)

vii. The employee must have been performing such duties for the taxpayer for a minimum of nine (9) months during the taxable year. An individual employed in a seasonal or new business that was in operation for less than nine (9) months during the taxable year does not qualify. (3-30-07)

**b. Idaho Department of Labor Reports.** The taxpayer should begin with his Idaho Department of Labor reports to determine the number of employees. However, all employees reported on these reports do not automatically qualify for the calculation of the number of employees. (3-30-07)

**c. Calculation.** To calculate the number of employees for a taxable year, add the total qualified employees for each month and divide that sum by the number of months of operation. (3-30-07)

**04. Calculating the Number of New Employees.** (3-30-07)

**a.** The number of new employees is the increase in the number of employees for the current taxable year over the greater of the following: (3-30-07)

i. The number of employees for the prior taxable year; or (3-30-07)

ii. The average of the number of employees for the three (3) prior taxable years. (3-30-07)

**b.** The requirements as to who qualifies for the calculation of number of employees in Paragraph 945.03.a., of this rule will apply in computing the number of employees in Subparagraphs 945.04.a.i., and 945.04.a.ii., of this rule. Calculations used in computing the number of new employees for the prior taxable year and average for the three (3) prior taxable years will be made consistent with the computations for the current taxable year. (3-30-07)

**c.** The number of new employees will be rounded down to the nearest whole number and must equal or exceed one (1) or no credit is earned. (3-30-07)

**05. Computing the Credit Earned.** The taxpayer will identify each new employee who qualifies for

the credit and his annual salary for the taxable year. (3-30-07)

**a.** If during the taxable year the new employee earned more than twenty-four dollars and four cents (\$24.04) per hour worked but less than or equal to an average rate of twenty-eight dollars and eighty-five cents (\$28.85) per hour worked, the credit for such new employee will be one thousand five hundred dollars (\$1,500). (3-30-07)

**b.** If during the taxable year the new employee earned more than an average rate of twenty-eight dollars and eighty-five cents (\$28.85) per hour worked but less than or equal to an average rate of thirty-six dollars and six cents (\$36.06) per hour worked, the credit for such new employee will be two thousand dollars (\$2,000). (3-30-07)

**c.** If during the taxable year the new employee earned more than an average rate of thirty-six dollars and six cents (\$36.06) per hour worked but less than or equal to an average rate of forty-three dollars and twenty-seven cents (\$43.27) per hour worked, the credit for such new employee will be two thousand five hundred dollars (\$2,500). (3-30-07)

**d.** If during the taxable year the new employee earned more than an average rate of forty-three dollars and twenty-seven cents (\$43.27) per hour worked, the credit for such new employee will be three thousand dollars (\$3,000). (3-30-07)

**06. Limitations.** The small employer new jobs tax credit allowable in any taxable year will be limited as follows: (3-30-07)

**a.** The small employer new jobs tax credit claimed during a taxable year may not exceed sixty-two and five-tenths percent (62.5%) of the tax, after allowing all other income tax credits that may be claimed before the small employer new jobs tax credit, regardless of whether this credit results from a carryover earned in prior years, the current year, or both. See Rule 799 of these rules for the priority order for nonrefundable credits. (3-30-07)

**b.** Unitary Taxpayers. Limitations apply to each taxpayer according to its own tax liability. Each corporation in a unitary group is a separate taxpayer. See Rule 711 of these rules. (3-30-07)

**07. Carryovers.** The carryover period for the small employer new jobs tax credit is ten (10) years. (3-30-07)

**08. Coordination With Credit for Qualifying New Employees Allowed by Title 63, Chapter 30, Idaho Code.** A taxpayer who has new employees who are eligible for the small employer new jobs tax credit may not claim the credit for qualifying new employees allowed by Section 63-3029F, Idaho Code, with respect to the same employees. However, a taxpayer may claim the credit for qualifying new employees for any new employees who do not meet the requirements for the small employer new jobs tax credit, but who meet the requirements of Sections 63-3029E and 63-3029F, Idaho Code. (3-30-07)

# IDAPA 35 – IDAHO STATE TAX COMMISSION

## 35.01.03 – PROPERTY TAX ADMINISTRATIVE RULES

### DOCKET NO. 35-0103-2001

#### NOTICE OF RULEMAKING – PROPOSED RULE

**AUTHORITY:** In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Section 63-105, Idaho Code.

**PUBLIC HEARING SCHEDULE:** Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than September 16, 2020. The hearing site will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

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

- Section 120: Subsection 35.01.03.02(c) will be deleted to clarify we do not fall into the APA contested case process.
- Section 701: 2020 HB381 added the residency requirement to statute making the section unnecessary now.
- Section 803: When a taxing district decides to set a budget for less than the allowed 3%, creating a forgone balance, the district must explicitly reserve, through a public resolution, such unused portions in order to recover the reserved amount in a subsequent year.

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

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

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted because these are simple updates required by statute.

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

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the proposed rule, contact Alan Dornfest, using the contact information below.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before September 23, 2020.

Dated this 2nd day of September, 2020.

Alan Dornfest, Property Tax Policy Bureau Chief  
Idaho State Tax Commission  
11321 W. Chinden Blvd., Bldg. 2, Boise, ID 83714  
P.O. Box 36, Boise, ID 83722-0036  
[Alan.Dornfest@tax.idaho.gov](mailto:Alan.Dornfest@tax.idaho.gov)  
Phone: (208) 334-7742  
Fax: (208) 334-7844

**THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 35-0103-2001**  
**(Only Those Sections With Amendments Are Shown.)**

**120. INVESTIGATION OF WRITTEN COMPLAINTS (RULE 120).**  
Section 63-105A, Idaho Code

**01. Definitions.** (4-11-15)

**a.** Complaint. Complaint means a signed, written statement submitted to the Tax Commission requesting that this agency investigate any actions by county officials relating to property tax assessment or administration, provided such actions are not related to personnel matter or matters relating to the expenditure of funds. (4-11-15)

**b.** Complainant. Complainant means any individual making a complaint. (7-1-99)

**c.** Investigation. Investigation means observation and close examination of a county official's application of property tax assessment or administration law and Tax Commission rules. The investigation may require field inspections of property, analysis of public records or the interviewing of witnesses. The investigation will be limited to specific issues identified in the complaint. (4-11-15)

**d.** County official. The term county official means the elected or appointed official whose actions are the subject of the complaint. (4-11-15)

**02. Investigation Procedure.** The following procedures apply to an investigation of a complaint. (7-1-99)

**a.** Examination of complaint. The complaint will be examined by the Tax Commission to decide if a formal investigation will be conducted. (7-1-99)

**b.** Notification. Within thirty (30) days of receipt of complaint, the Tax Commission will notify the complainant of the decision regarding initiation of an investigation. If an investigation is initiated, the affected county official(s) will also be notified within this time frame. (4-11-15)

~~**e.** Delivery of investigation order. Within thirty (30) days of a decision to conduct an investigation, the Tax Commission will deliver to the affected county official(s) a copy of the investigation order naming the investigators and outlining what is to be investigated. (4-11-15)~~

~~**c.** Preliminary report. A preliminary report will be prepared by the investigator and legal counsel. The report will include findings and recommendations, and may include information from the official(s). (4-11-15)~~

~~**d.** Presentation of preliminary report. The preliminary report will be presented to the complainant and the official(s). The Tax Commission investigators will be present when the report is discussed with the affected county official(s) and the complainant. (4-11-15)~~

~~**e.** Comment period. The complainant and the county official(s) will be given a specified time to review and comment on the preliminary report, particularly to correct any errors of fact. (4-11-15)~~

~~**f.** Final report. At the end of the review by the complainant and the public official a final report will be prepared by the investigator and legal counsel and submitted to any affected county official(s) with any changes from the preliminary report highlighted. (4-11-15)~~

**03. County Officials' Response to Final Report.** After the final report is completed, the county official(s) will outline how the investigator's recommendations will be implemented and provide a written

explanation of why any recommendation has been rejected. (4-11-15)

**04. Conclusion of Investigation.** The investigator's final report and the county officials' written response to the report will conclude the investigation. The conclusion of the investigation does not preclude the Tax Commission from enforcing additional powers and duties as prescribed by law or the complainant and county official(s) from exercising his or her right to appeal property valuations before a County Board of Equalization, the State Board of Tax Appeals or in District Court. (4-11-15)

**05. Special Rules for Investigation of Complaints About Property Tax Budgets or Levies.** When complaints are made about property tax budgets or levies of taxing districts, the results of any investigation will also be reported to the appropriate taxing district, the county prosecuting attorney, and affected county officials. The Tax Commission's investigatory authority is limited to determining whether a levy rate or property tax budget increase exceeds any statutory maximum, or whether a levy is unauthorized. Any such investigation must be conducted in accordance with the time constraints found in Section 63-809, Idaho Code. (4-11-15)

**(BREAK IN CONTINUITY OF SECTIONS)**

~~701. **HOW TO VERIFY THAT CLAIMANTS ARE LAWFULLY PRESENT IN THE UNITED STATES (RULE 701): (RESERVED)**~~  
~~Sections 63-701 through 710, Sections 67-7901 through 7903, Idaho Code~~

~~**01. Lawful Presence in the United States.** The county assessor will verify that any claimant for property tax reduction pursuant to Sections 63-701 through 710, Idaho Code, who is eighteen (18) years of age or older is lawfully present in the United States by doing the following: (3-29-12)~~

~~**a.** Providing to the Tax Commission electronically and by paper copies documentation verifying that the claimant's name, social security number, and date of birth used for social security records of the claimant and the claimant's spouse, if married, are correct. Examples of documentation that would verify that the information is correct include, but are not limited to the following: (4-2-08)~~

~~i. Federal Form W-2; (4-2-08)~~

~~ii. Federal Form 1099; (4-2-08)~~

~~iii. Form 1099 received by the claimant from the Social Security Administration or the Railroad Retirement Board, or the federal Personnel Management System; (4-2-08)~~

~~iv. Social Security Card; (4-2-08)~~

~~v. Birth Certificate; or (4-2-08)~~

~~vi. Documents listed under paragraph 701.01.b. of this rule. (4-2-08)~~

~~**b.** If the claimant or the claimant's spouse, if married, is not currently receiving benefits from the Social Security Administration, the Railroad Retirement Board, or the federal Personnel Management System, then requiring the claimant to submit the following, a copy of which will be attached to the application for property tax reduction: (4-2-08)~~

~~i. An Idaho driver's license or an Idaho identification card issued pursuant to Section 49-2444, Idaho Code; or (4-2-08)~~

~~ii. A valid driver's license or similar document issued for the purpose of identification by another state or territory of the United States, if such license or document contains a photograph of the individual or the claimant's age, sex, race, height, weight, or other such personal identifying information relating to the individual sufficient to show that the individual is the person identified in the other state or territory of the United States driver's license or~~

- ~~similar identification document; or (4-2-08)~~
- ~~iii. A United States military card or a military dependent's identification card; or (4-2-08)~~
  - ~~iv. A United States coast guard merchant mariner card; or (4-2-08)~~
  - ~~v. A Native American tribal document; or (4-2-08)~~
  - ~~vi. A valid United States passport. (4-2-08)~~
  - ~~e. Attestation of Lawful Presence. In addition to the documentation provided in Paragraphs 701.01.a. and 701.01.b. of this rule the claimant is also required to attest, under penalty of perjury and on a form designated by the Tax Commission, that: (4-2-08)~~
    - ~~i. The social security number(s) provided is/are valid; and (4-2-08)~~
    - ~~ii. The claimant and the claimant's spouse, if married, are United States citizens or legal permanent residents; or (4-2-08)~~
    - ~~iii. The claimant and the claimant's spouse, if married, are otherwise lawfully present in the United States pursuant to federal law. (4-2-08)~~
    - ~~d. Audit. During audit the Tax Commission will: (4-2-08)~~
      - ~~i. Verify the claimant's and the claimant's spouse's, if married, social security number(s) electronically with the Social Security Administration or through other appropriate governmental agencies or means. (4-2-08)~~
      - ~~ii. Presume the attestation to be proof of lawful presence for purposes of this section until such verification of lawful presence is made. (4-2-08)~~
  - ~~e. Successive Applications. Once a claimant and the claimant's spouse, if married, have been verified as lawfully present in the United States pursuant to this rule, a claimant and the claimant's spouse, if married, in successive years will be presumed to be lawfully present in the United States if the claimant and the claimant's spouse, if married, continue to attest in each successive application that no change has occurred in their status. (4-2-08)~~

**(BREAK IN CONTINUITY OF SECTIONS)**

**803. BUDGET CERTIFICATION -- DOLLAR CERTIFICATION FORM (L-2 FORM) (RULE 803).**

Sections 63-602G(5), 63-802, 63-803, 63-3029B(4), 63-3502B, 50-2903A, 50-2913, 63-3638(11), and (13), 63-1305C, Idaho Code

**01. Definitions. (4-5-00)**

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

**b.** "Prior Year's Market Value for Assessment Purposes." Prior year's market value for assessment purposes means the value used to calculate levies during the immediate prior year. This value will be used for calculating the permanent budget increase permitted for cities, pursuant to Section 63-802(1)(g), Idaho Code.

(3-26-19)

**c.** “Annual Budget.” For the purpose of calculating dollar amount increases permitted pursuant to Section 63-802(1), Idaho Code, the annual budget includes any amount approved as a result of an election held pursuant to Sections 63-802(1)(g) or 63-802(1)(h), Idaho Code, provided that said amount is certified on the L-2 Form as part of the budget request. If the amount certified does not include the entire amount approved as a result of the election held pursuant to Sections 63-802(1)(g) or 63-802(1)(h), Idaho Code, then the amount not used will be added to the foregone increase amount determined for the taxing district, provided the district reserves this amount as provided in Paragraph 803.03.b. of these rules. ~~(3-20-20)~~ ( )

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

**e.** “Recovered/Recaptured Property Tax and Refund List.” Recovered/recaptured property tax and refund list means the report sent by the county auditor to the appropriate taxing district(s) by the first Monday in August and to the Tax Commission with the L-2 Forms, listing the amount of revenue distributed, or refunds charged, to each appropriate taxing district during the twelve (12) month period ending June 30 each year under the following sections: (3-26-19)

- i. Section 63-602G(5), Idaho Code; (3-26-19)
- ii. Section 63-3029B(4), Idaho Code; (3-26-19)
- iii. Section 63-602KK(7), Idaho Code, for personal property exempted after 2013 for which no replacement money was paid; (3-26-19)
- iv. Section 63-3502B(2), Idaho Code, for distributions of gross earnings tax on solar farms; (3-26-19)
- v. Section 50-2903A(3), Idaho Code, for distributions of urban renewal allocations in excess of the amount necessary to pay indebtedness, when required; (3-26-19)
- vi. Section 50-2913(3)(c), Idaho Code, for distributions of urban renewal allocations in excess of the amount received during the immediate prior tax year, when required; (3-29-17)
- vii. Section 63-1305C(3), Idaho Code, for revoked provisional property tax exemptions; and (3-26-19)
- viii. Section 63-1305C(6), Idaho Code, for refunds related to provisional property tax exemptions. (3-26-19)

**f.** “Taxing District/Unit.” Taxing district/unit means any governmental entity with authority to levy property taxes as defined in Section 63-201, Idaho Code, and those governmental entities without authority to levy property taxes but on whose behalf such taxes are levied by an authorized entity such as the county or city. (3-26-19)

**g.** “New Taxing District.” For property tax budget and levy purposes, new taxing district means any taxing district for which no property tax revenue has previously been levied. See the Idaho Supreme Court case of Idaho County Property Owners Association, Inc. v. Syringa General Hospital District, 119 Idaho 309, 805 P.2d 1233 (1991). (4-2-08)

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

**03. Budget Certification Requested Documents.** Using the completed L-2 Form, each board of

county commissioners will submit to the Tax Commission a budget request for each taxing district in the county that certifies a budget request to finance the property tax funded portion of its annual budget. The board of county commissioners will only submit documentation specifically requested by the Tax Commission. (3-28-18)

**a.** Forgone Increase Documentation. For any taxing district submitting a budget including previously forgone increases, required documentation includes a copy of the resolution certifying the amount of the forgone increase being included and the specific purpose for which this increase is being budgeted. Each such taxing district must submit the resolution to the board of county commissioners representing each county in which the district is located along with the L-2 Form. The board of county commissioners must attach a copy of the resolution to be submitted to the Tax Commission along with the L-2 Form. Such submittal will constitute submittal to the Tax Commission. (3-28-18)

**b.** Forgone increase disclaimer reservation. Any resolution to disclaim reserve the right to recover accrue an annual increase in the forgone amount must state the amount of such forgone increase being disclaimed reserved and must be submitted to the board of county commissioners representing each county in which the district is located along with the L-2 Form. The board of county commissioners must attach a copy of the resolution to be submitted to the Tax Commission along with the L-2 Form. Such submittal will constitute submittal to the Tax Commission. *The following table illustrates calculation of the maximum forgone amount that may be disclaimed in 2018:*

<b>Step</b>	<b>Description</b>	<b>Comments</b>
1	<del>2017 maximum property tax \$10,000. This is an increase of \$1,000 from 2016.</del>	<del>The district has no prior forgone balance.</del>
2	<del>The district certifies \$9,800 in 2017.</del>	<del>The district now has \$200 in forgone balance.</del>
3	<del>2018 maximum property tax \$11,000 (not including \$200 forgone).</del>	
4	<del>2018 property tax budgeted (to be submitted for certification) is \$10,600.</del>	<del>This amount is approved to be levied and would generate \$400 in additional forgone balance.</del>
5	<del>2018 maximum amount of forgone increase that may be disclaimed by the district is \$400.</del>	<del>If the district disclaims the full \$400, their forgone balance remains at \$200.</del>

(3-28-18)( )

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

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

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

**c.** “Cash Forward Balance.” List any money retained, but intended to fund the approved budget being certified on the L-2 form. (3-26-19)

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

**e.** “Property Tax Replacement.” Report the following amounts received for the twelve (12) month period ending June 30 of the current tax year: (3-26-19)



- i. The amount of money received annually under Section 63-3638(11), Idaho Code, as replacement revenue for the agricultural equipment exemption under Section 63-602EE, Idaho Code; (4-11-15)
  - ii. The amount of money received as recovery of property tax exemption under Section 63-602G(5), Idaho Code, and listed on the “Recovered/recaptured property tax and refund list”; (3-26-19)
  - iii. The amount of money received as recapture of the property tax benefit under Section 63-3029B(4), Idaho Code, and listed on the “Recovered/recaptured property tax and refund list”; (3-26-19)
  - iv. The amount of money received under Section 63-3638(13), for the personal property exemption under 63-602KK(2), Idaho Code; (3-26-19)
  - v. The amount of money received under Section 63-602KK(7), Idaho Code, for personal property exempted after 2013, for which no replacement money was paid, and listed on the “Recovered/recaptured property tax and refund list”; (3-26-19)
  - vi. The amount of money received as a result of distributions of the gross earning tax on solar farms, as provided in Section 63-3502B(2), Idaho Code., and listed on the “Recovered/recaptured property tax and refund list”; (3-26-19)
  - vii. The amount of money received as a result of distributions of urban renewal allocations in excess of the amount necessary to pay indebtedness, as provided in Section 50-2903A(3), Idaho Code, and listed on the “Recovered/recaptured property tax and refund list”; (3-26-19)
  - viii. The amount of money received as a result of distributions of urban renewal allocations in excess of the amount received by the urban renewal agency in the immediate prior year, as provided in Section 50-2913(3)(c), Idaho Code and listed on the “Recovered/recaptured property tax and refund list”; and (3-26-19)
  - ix. The amount of money received as a result of distributions of recovered property tax for revoked provisional property tax exemptions pursuant to Section 63-1305C(3), Idaho Code. (3-26-19)
- f.** “Balance to be Levied.” Report the amount of money included in the total approved budget to be derived from property tax. (3-15-02)
- g.** Other Information. Provide the following additional information. (4-5-00)
- i. The name of the taxing district or unit; (3-20-04)
  - ii. The date of voter approval (if required by statute) and effective period for any new or increased fund which is exempt from the budget limitations in Section 63-802, Idaho Code; (4-5-00)
  - iii. The signature, date signed, printed name, address, and phone number of an authorized representative of the taxing district; and (5-3-03)
  - iv. For a hospital district which has held a public hearing, a signature certifying such action. (4-5-00)
  - v. For any taxing district including previously forgone increases in their budget or *disclaiming reserving* any forgone increase, an attestation to having held the required public hearing on the resolution to include or *disclaim reserve* the forgone amount. (~~3-28-18~~)( )
- h.** Attached Information. Other information submitted to the county auditor with the L-2 Form. (4-6-05)
- i. For all taxing districts, L-2 worksheet. (3-20-04)
  - ii. For newly formed recreation or auditorium districts, a copy of the petition forming the district showing any levy restrictions imposed by that petition. (3-20-04)

iii. For any new ballot measures (bonds, overrides, permanent overrides, supplemental maintenance and operations funds, cooperative service agency funds, and plant facility funds), notice of election and election results, and the expiration date of any voter approved levies. (3-26-19)( )

iv. Voter approved fund tracker. (3-20-04)

v. For fire districts, a copy of any new agreements with utility companies providing for payment of property taxes by that utility company to that fire district. (3-20-04)

vi. For any city with city funded library operations and services at the time of consolidation with any library district, each such city must submit a certification to the board of county commissioners and the board of the library district reporting the dedicated portion of that city's property tax funded library fund budget and separately reporting any portion of its property tax funded general fund budget used to fund library operations or services at the time of the election for consolidation with the library district. (3-20-04)

vii. For any library district consolidating with any city that had any portion of its property tax funded budget(s) dedicated to library operations or services at the time of the election for consolidation, each such library district must submit to the board of county commissioners a copy of the certification from that city reporting the information provided for in Subparagraph 803.04.h.vi. of this rule. (4-6-05)

viii. For any taxing district including previously forgone increases in their budget or disclaiming reserving any forgone increase, a copy of the resolution describing the amount of the forgone increase being disclaimed reserved, or the amount included and specific purpose for which it is being included. (3-28-18)( )

**05. Special Provisions for Fire Districts Levying Against Operating Property.** To prevent double counting of public utility property values, for any year following the first year in which any fire district increases its budget using the provision of Section 63-802(2), Idaho Code, such fire district will not be permitted further increases under this provision unless the following conditions are met: (3-30-01)

a. The fire district and public utility have entered into a new agreement of consent to provide fire protection to the public utility; and (3-30-01)

b. Said new agreement succeeds the original agreement; and (3-30-01)

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

**06. Special Provisions for Property Tax Replacement and Refunds Pursuant to Section 63-1305C(6), Idaho Code.** Property tax replacement monies must be reported on the L-2 Form and separately identified on accompanying worksheets. Except as provided in Paragraph 803.06.f. of this rule, for all taxing districts, these monies must be subtracted from or, in the case of refunds, not included in, the "balance to be levied". The reduced balance will be used to compute levies. The maximum amount permitted pursuant to Section 63-802(1), Idaho Code, will be based on the sum of these property tax replacement monies including recoveries received pursuant to Section 63-1305C(3), Idaho Code, but excluding monies received pursuant to Section 63-3502B(2), Idaho Code, and the amount actually levied. Each taxing district's proportionate share of refunds pursuant to Section 63-1305C(6), Idaho Code, as reported in Paragraph 803.01.e. of this rule, must be subtracted from the maximum amount permitted pursuant to Section 63-802(1), Idaho Code. (3-26-19)

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

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

**c.** Except as provided in Paragraph 803.06.d. of this rule, the subtraction required in Subsection 803.06 of this rule may be from any fund(s) subject to the limitations of Section 63-802, Idaho Code. For school districts these subtractions must be first from funds subject to the limitations of Section 63-802, Idaho Code, then from other property tax funded budgets. (3-26-19)

**d.** For taxing districts receiving distributions of the gross earning tax on solar farms described in Section 63-3502B(2), Idaho Code, the amount of any such distribution received during the 12 (twelve) months ending June 30 of the current tax year will be subtracted from the maximum amount of property tax revenue permitted pursuant to Section 63-802, Idaho Code. In addition to the amounts reported as described in Paragraph 803.06.b. of this rule, the county clerk will, by the first Monday in August, notify each taxing unit of the total amount of the gross earnings tax on solar farms billed for the current tax year. (3-26-19)

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

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

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

**07. Special Provisions for Library Districts Consolidating with Any City’s Existing Library Operations or Services.** For any library district consolidating with any city’s existing library operations or services, the amount of the dedicated property tax funded general fund and library fund budgets certified by the city under Subparagraph 803.04.h.vi., of this rule will be added to that library district’s property tax funded budget in effect at the time of the election for consolidation. This total will be used as this district’s property tax funded budget for the most recent year of the three (3) years preceding the current tax year for the purpose of deciding the property tax funded budget that may be increased as provided by Section 63-802, Idaho Code. (4-6-05)

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

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

**10. Special Provisions for School Districts' Tort Funds - Hypothetical New Construction Levy.** To calculate the new construction portion of the allowed annual increase in a school district's tort fund under Section 63-802(1), Idaho Code, calculate a Hypothetical New Construction Levy. To calculate this hypothetical levy, sum the amount of the school district's tort fund levied for the prior year, the agricultural equipment replacement revenue, and

the personal property replacement revenue, then divide this sum by the school district's taxable value used to determine the tort fund's levy for the prior year. For the current year, the allowed tort fund increase for new construction is this Hypothetical New Construction Levy times the current year's new construction roll value for the school district. (3-25-16)

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

**12. Special Provisions for Consolidating Cemetery Districts.** When two (2) or more cemetery districts consolidate, the first year in which the consolidated cemetery district levies property tax, the maximum budget subject to the limitations of Section 63-802, Idaho Code, will be computed as follows: (3-26-19)

**a.** Determine the highest levy rate of any of the former cemetery districts now consolidating, based on the sum of the immediate prior year's levies subject to the limitations of Section 63-802, Idaho Code. (3-26-19)

**b.** Multiply this levy rate by the current taxable value of property within the area of the former cemetery districts other than the district with the highest rate. (3-26-19)

**c.** Multiply this levy rate by the current taxable value of new construction, as reported on the new construction roll, within the area of the former cemetery district with the highest levy rate. (3-26-19)

**d.** Add: (3-26-19)

i. The amounts computed in Paragraphs 803.12.b. and 803.12.c., of this rule; (3-26-19)

ii. Three percent (3%) of the highest amount of property taxes certified by the former cemetery district determined in Paragraph 803.12.a. of this rule, to have had the highest levy rate, for its annual budget, as defined in Section 63-802(1)(a), Idaho Code; and (3-26-19)

iii. Any forgone amounts of the former cemetery districts now consolidating. (3-26-19)

**13. Special Provisions for Highway Districts in Urban Renewal Revenue Allocation Areas. For highway districts located wholly or partially within urban renewal revenue allocation areas (RAAs) formed July 1, 2020 or later or RAAs which annex property within a highway district, any agreement for an allocation of revenue to the urban renewal agency, as provided in Section 50-2908, Idaho Code, is to be submitted to the tax commission and the county clerk by September 1 of tax year to be in effect for that year's revenue allocation.** ( )

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

# IDAPA 35 – IDAHO STATE TAX COMMISSION

## 35.01.09 – IDAHO BEER AND WINE TAXES ADMINISTRATIVE RULES

DOCKET NO. 35-0109-2001

### NOTICE OF RULEMAKING – PROPOSED RULE

**AUTHORITY:** In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Section 63-105, Idaho Code, and Sections 23-1051 and 23-1319, Idaho Code.

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

<b>PUBLIC HEARING</b>
<b>Tuesday, September 15, 2020</b> <b>1:00 - 2:00 p.m. (MDT)</b>
<b>Coral Conference Room</b> <b>State Tax Commission</b> <b>11321 W. Chinden Blvd., Bldg. 2</b> <b>Boise, ID 83714</b>

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

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

- Beer and Wine Rule 013 - This rule is being amended to remove the Tax Commission's requirement to witness the destruction of breakage and spoilage.

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

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

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted due to the directive by the Governor in [Executive Order 2020-13](#) to further the continuation of reducing regulatory burden for the citizens of Idaho while maintaining public safety. The Tax Commission will hold a public hearing and all public comments received will be considered in the formulation and adoption of the pending rule.

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

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the proposed rule, contact Don Williams using the contact information below.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before September 23, 2020.

Dated this 2nd day of September, 2020.

Don William, Excise Tax Research Specialist  
[don.williams@tax.idaho.gov](mailto:don.williams@tax.idaho.gov)  
Phone: (208) 334-7855  
Fax: (208) 334-7690

Idaho State Tax Commission  
Taxpayer Resources Unit, Tax Research  
11321 W. Chinden Blvd., Bldg. 2, Boise, ID 83714  
P.O. Box 36, Boise, ID 83722-0036

THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 35-0109-2001  
(Only Those Sections With Amendments Are Shown.)

**013. BREAKAGE OR SPOILAGE (RULE 013).**

Sections 23-1051, 23-1319, Idaho Code

**01. Percentage Method.** When a beer or wine container is damaged, contents spoiled, or is otherwise unfit for sale, the beer wholesaler or wine distributor may claim a percentage deduction of their total inventory purchases during the reporting period when the breakage or spoilage occurred. The taxpayer may claim a deduction without prior written approval when adequate records are maintained to verify actual breakage or spoilage. The maximum percentage deductions are one-half of one percent (0.50%) for beer and three-quarters of one percent (0.75%) for wine. (3-20-20)

**a.** The Commission may revoke the use of the percentage method for any taxpayer at any time. The Commission will notify the taxpayer in writing that future destructions of breakage or spoilage will require written approval from the Commission. (3-20-20)

**b.** Any taxpayer who has received written notice revoking the percentage method must file the destruction request form required by the Commission. (3-20-20)

**02. Destruction Request Method.** Taxpayers must submit the destruction request form before claiming breakage or spoilage when the amount claimed exceeds the maximum percentages allowed or the Commission revokes the percentage method. (3-20-20)

~~**a.** A destruction request form must be submitted ten (10) days before the proposed destruction date. (3-20-20)~~

~~**b.** The taxpayer must receive written approval from the Commission prior to destruction of any products referred to on the request. (7-1-93)~~

~~**c.** The Commission reserves the right to observe the destruction of beer or wine in person and to delay the destruction until a mutually agreed upon time can be arranged. (3-20-20)~~

**03. Deduction for Breakage or Spoilage.** A deduction may be claimed by the taxpayer for breakage or spoilage when reporting beer or wine tax due. (3-20-20)

**IDAPA 47 – IDAHO DIVISION OF VOCATIONAL REHABILITATION**

**47.01.01 – RULES GOVERNING VOCATIONAL REHABILITATION SERVICES**

**DOCKET NO. 47-0101-2001 (NEW CHAPTER)**

**NOTICE OF RULEMAKING – TEMPORARY AND PROPOSED RULE**

**EFFECTIVE DATE:** The effective date of the temporary rule is June 10, 2020.

**AUTHORITY:** In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a temporary rule, and proposed regular rulemaking procedures have been initiated. The action is authorized pursuant to Article IX, Section 2 of the Idaho Constitution, Sections 33-101, 33-105, 33-2303, Idaho Code, and the Rehabilitation Act of 1973, as amended by the Workforce Innovation and Opportunity Act (WIOA).

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

<b>PUBLIC HEARINGS</b>
<b>Thursday, September 10, 2020 - 4:00 p.m to 5:30 p.m. (MT), Location TBD</b>
<b>and</b>
<b>Thursday, September 17, 2020 - 9:30 a.m to 11:00 a.m. (MT), Location TBD</b>

**Locations and process to participate virtually will be posted at:**  
<https://vr.idaho.gov/>

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

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

This rule provides clarification to federal vocational rehabilitation program requirements. The Idaho Division of Vocational Rehabilitation is in the second year of a two year process to promulgate rules governing the vocational rehabilitation program. The vocational rehabilitation is heavily governed by federal requirements. This rule provides clarification to federal requirement that govern the vocational rehabilitation program, including but not limited to the customer appeals and fair hearing process, customer eligibility, individualized plans for employment, financial participation requirements, purchasing requirements and standards, and provision for community rehabilitation program services.

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

This rule is to comply with 34 CFR 361, the Rehabilitation Act of 1973, as amended by the Workforce Innovation and Opportunity Act.

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

**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: Not Applicable

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted because negotiated rulemaking for this rule was conducted in 2019.

**INCORPORATION BY REFERENCE:** Pursuant to Section 67-5229(2)(a), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule: Not Applicable

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the temporary and proposed rule, contact Teresa Pitt, Planning and Evaluation Manager at (208) 287-6466 or [teresa.pitt@vr.idaho.gov](mailto:teresa.pitt@vr.idaho.gov).

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before September 23, 2020.

Dated this 17th day of August, 2020.

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

**THE FOLLOWING IS THE TEMPORARY RULE AND THE PROPOSED TEXT  
OF DOCKET NO. 47-0101-2001  
(New Chapter)**

**47.01.01 – RULES GOVERNING VOCATIONAL REHABILITATION SERVICES**

**000. LEGAL AUTHORITY.**

Article IX, Section 2 of the Idaho Constitution, Section 33-2303, Idaho Code and the Rehabilitation Act of 1973, as amended by the Workforce Innovation and Opportunity Act (WIOA). (6-10-20)T

**001. TITLE AND SCOPE.**

**01. Title.** The title of this chapter is IDAPA 47.01.01, “Rules Governing Vocational Rehabilitation Services.” (6-10-20)T

**02. Scope.** The provision of these rules is to establish the program requirements and to implement program changes necessitated by the Rehabilitation Act of 1973, as amended by WIOA. (6-10-20)T

**002. ADMINISTRATIVE APPEALS.**

Administrative appeals are governed by Section 100 of these rules in accordance with 34 CFR 361.57. (6-10-20)T

**003. CONFIDENTIAL RECORDS.**

All personal information concerning the Division’s customers is confidential. The information is used only for purposes directly connected to the administration of Vocational Rehabilitation services, and may not be released without the informed, written consent of the customer, except as otherwise provided by law. (6-10-20)T

**004. – 009. (RESERVED)**

**010. DEFINITIONS.**



- 01. Authorization for Purchase.** A purchase order issued on behalf of the Division. (6-10-20)T
- 02. Customer.** Any individual who has applied for or is eligible for vocational rehabilitation services. (6-10-20)T
- 03. Division.** The Idaho Division of Vocational Rehabilitation. (6-10-20)T
- 04. State Administrator.** The Chief Executive Officer of the Idaho Division of Vocational Rehabilitation. (6-10-20)T

**011. ABBREVIATIONS.**

- 01. AFP.** Authorization for Purchase. (6-10-20)T
- 02. CAP.** Client Assistance Program. (6-10-20)T
- 03. CFR.** Code of Federal Regulations. (6-10-20)T
- 04. IPE.** Individualized Plan for Employment. (6-10-20)T
- 05. VRC.** Vocational Rehabilitation Counselor. (6-10-20)T
- 06. WIOA.** Workforce Innovation and Opportunity Act. (6-10-20)T

**012. – 099. (RESERVED)**

**100. CUSTOMER APPEALS.**

In accordance with 34 CFR 361.57, the customer appeals process is governed by Sections 101-103 of these rules. (6-10-20)T

**101. INFORMAL REVIEW PROCESS.**

An informal review process is an option available to the customer as a method to resolve disagreements or dissatisfaction with the provision of services. An individual may request an informal review. The request must be in writing to the regional manager, describe the complaint, and be made within twenty-one (21) calendar days of the agency notice regarding the provision or denial of services that are in question. The regional manager will function as the administrative review officer in the informal review process. At the customer's request another regional manager may be substituted. The reviewer will be responsible for: (6-10-20)T

**01. Advising the Customer.** Advising the customer of their right to have a representative present and encouraging the customer to use the services of the Client Assistance Program (CAP). (6-10-20)T

**02. Conducting the Review.** Conducting the review within twenty-one (21) calendar days following receipt of a written request for such a review, unless both parties agree upon an extension. (6-10-20)T

**03. Documented Effort.** Extending the time allowed for conducting an information review accordingly, when the customer makes a documented effort to utilize CAP or another advocate to resolve the dissatisfaction. (6-10-20)T

**04. Review Location.** Holding the review at a time and place convenient to the customer, generally at the local Division branch office. (6-10-20)T

**05. Communication Method.** Provide communication using appropriate methods for those customers who have a sensory impairment. Providing an interpreter for those customers who cannot communicate in English. (6-10-20)T

**06. Transportation.** Provide transportation to and from the review site, if needed. (6-10-20)T

**07. Informal Review Decision.** The regional manager will provide a written decision after conducting the informal review. The customer may request mediation or fair hearing within twenty-one (21) calendar days of the informal review written decision. (6-10-20)T

**102. MEDIATION.**

Mediation is an alternate dispute resolution method available to applicants and eligible customers who have initiated the formal appeals process. (6-10-20)T

**01. Timeline.** A customer may request mediation. The request must be made within twenty-one (21) calendar days of the original decision or twenty-one (21) calendar days following the written decision from the informal review. Mediation is available to a customer when an informal review has not resolved the dispute to the satisfaction of the customer. (6-10-20)T

**02. Written Request.** Requests for mediation must be made in writing to the field services chief and clearly state the reason for dissatisfaction with the decision or results of the informal review. The field services chief will represent the Division or assign a member of the administrative or supervisory staff who has not participated in the agency action that created the customer's dissatisfaction. (6-10-20)T

**03. Participation.** Participation in the mediation process is voluntary on the part of the customer and on the part of the Division. Either party may reject mediation as an alternate dispute resolution method. Once mediation has been accepted as an alternate dispute resolution method, either party may terminate the mediation process. (6-10-20)T

**04. Right to Fair Hearing.** Mediation may not be used to deny or delay the customer's right to pursue a fair hearing. Should the customer and/or designated representative select mediation in lieu of a fair hearing, the option for a fair hearing will be extended to allow the results of the mediation to be established. Once the final results of the mediation are determined, the customer retains the right to request a fair hearing. (6-10-20)T

**05. Mediator.** All mediation is conducted by a qualified and impartial mediator who is selected randomly from a list of mediators maintained by the Division. (6-10-20)T

**06. Confidentiality.** Mediation discussions are confidential and may not be used as evidence in a fair hearing. Both parties at the beginning of the mediation process will sign a confidentiality agreement. (6-10-20)T

**07. Mediation Agreement.** The mediator will develop a written mediation agreement if an agreement between the parties is reached. The agreement must be signed by the customer, the mediator, and the Division designated representative. (6-10-20)T

**08. Cost.** Cost of mediation is paid by the Division. The Division does not pay for any cost related to the representation of a customer. (6-10-20)T

**103. FAIR HEARING PROCESS.**

The fair hearing process is an option available to any customer who is dissatisfied with any determination made by personnel of the Division that affects the provision of vocational rehabilitation services. A customer may request a fair hearing immediately without having to go through any other appeal steps. A customer may request, or if appropriate may request through the customer's representative, a timely review of the determination. Such request must be made within twenty-one (21) calendar days of the Division's decision resulting in the initial disagreement or within twenty-one (21) calendar days of the conclusion of the informal review or mediation process, whichever is later. The fair hearing process will be conducted by a fair hearing officer. (6-10-20)T

**01. Procedure.** A fair hearing is a procedure whereby a customer who is dissatisfied with any determination concerning the provision or denial of Division services or the findings of the informal review or mediation may seek a determination of agency action before a fair hearing officer. (6-10-20)T

**02. Written Request.** Requests for a fair hearing must be sent in writing to the field services chief and clearly state the customer's dissatisfaction with the agency's decision. (6-10-20)T

**03. Timeline.** The hearing will be conducted within sixty (60) calendar days of receipt of the individual's request for review, unless informal resolution is achieved prior to the 60th day, or both parties agree to a specific extension of time. (6-10-20)T

**04. Fair Hearing Officers.** The Administrator of the Division and the State Rehabilitation Council will identify a list of fair hearing officers jointly. The Administrator and the customer will select the fair hearing officer from the list. (6-10-20)T

**05. Written Report.** The fair hearing officer will issue a written report of the findings and decision of the hearing within thirty (30) calendar days of the completion of the hearing. (6-10-20)T

**06. Decision.** The decision of the fair hearing officer will be considered final by the Division. (6-10-20)T

**07. Dispute.** Any party who disagrees with the findings and decisions of a fair hearing officer will have the right to bring a civil action with respect to the matter in dispute. The action may be brought in any state court of competent jurisdiction or in a district court of the United States of competent jurisdiction without regard to the amount in controversy. (6-10-20)T

**104. – 199. (RESERVED)**

**200. PROVISION OF SERVICES ON A STATEWIDE BASIS.**

Vocational Rehabilitation services are offered on a statewide basis to individuals with disabilities, subject to eligibility determination. (6-10-20)T

**201. REFERRAL AND APPLICATION FOR SERVICES.**

**01. Referral.** An agency, organization, individual (including self) or programs of the American Job Center Network may refer an individual for services. The Division will make a minimum of three (3) attempts to respond to the individual before closing the referral. (6-10-20)T

**02. Application for Services.** The application process includes the following; an individual must sign and date an application, or make a request for alternate application, provide necessary information to begin an assessment of eligibility, information gathered in the intake interview meets this criterion, and the customer is available and free of restrictions to complete the assessment process for determining eligibility for Division services. (6-10-20)T

**a. Residency Requirement.** There is no duration of residency to apply for Division services. Individuals must be living in the state of Idaho and legally able to work in the United States (i.e., non-U.S. citizens must show they are legally able to work within the United States). (6-10-20)T

**b. Other Requirements.** Customers must be available to participate in the eligibility determination process and will be informed of their rights and responsibilities as a customer of the program. (6-10-20)T

**202. ELIGIBILITY REQUIREMENTS.**

Eligibility for vocational rehabilitation services provided by the Division is based upon the following criteria: (6-10-20)T

**01. Professional Documentation of Impairment.** The customer has a physical or mental impairment documented by a qualified professional; (6-10-20)T

**02. Impediment Determined by Counselor.** The customer's physical or mental impairment constitutes a substantial impediment to employment as determined by a qualified Vocational Rehabilitation Counselor (VRC); (6-10-20)T

**03. Determination of Services for Employment.** A determination by a qualified VRC employed by the Division that the customer requires vocational rehabilitation services to prepare for, secure, retain, advance in, or

regain employment consistent with the applicant's unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice. A qualified VRC is an individual who meets the Division's Comprehensive System of Personnel Development policy. (6-10-20)T

**203. PRESUMPTIVE ELIGIBILITY.**

Individuals eligible for Social Security benefits under Title II or Title XVI of the Social Security Act, based upon their disability, are presumed to meet the eligibility requirements for vocational rehabilitation services, unless the VRC questions the individual's ability to benefit from vocational rehabilitation services because of the severity of the individual's disability. (6-10-20)T

**204. TRIAL WORK EXPERIENCE.**

In cases where a VRC questions a customer's ability to benefit from vocational rehabilitation services, due to the severity of their disability, the VRC must obtain clear and convincing evidence that the individual cannot benefit from services, prior to closing the individual's case. A trial work plan should only include those services which will assess an individual's ability to work in competitive integrated employment. (6-10-20)T

**205. SEVERITY OF DISABILITY.**

At the time a customer is determined eligible for vocational rehabilitation services, a determination of the significance of disability, as it relates to employment, will also be determined. A priority category assignment will be determined for all eligible individuals, in one (1) of the following categories: (6-10-20)T

**01. Priority Category 1 - Eligible Individuals with the Most Significant Disabilities (MSD).**

(6-10-20)T

**a.** Meets criteria established for a customer with a significant disability; and (6-10-20)T

**b.** Experiences a severe physical and/or mental impairment that seriously limits three (3) or more functional categories (such as mobility, work skills, self-care, interpersonal skills, communication, self-direction or work tolerance) in terms of an employment outcome; and (6-10-20)T

**c.** Requires multiple primary Individualized Plan for Employment (IPE) services for six (6) months or longer. (6-10-20)T

**02. Priority Category 2 - Eligible Individuals with Significant Disabilities (SD).** (6-10-20)T

**a.** Meets the criteria for a customer with no significant disability; and (6-10-20)T

**b.** Experiences a severe physical and/or mental impairment that seriously limits two (2) functional categories (such as mobility, work skills, self-care, interpersonal skills, communication, self-direction or work tolerance) in terms of an employment outcome; and (6-10-20)T

**c.** Requires multiple primary IPE services for six (6) months or longer. (6-10-20)T

**03. Priority Category 3 - All other Eligible Individuals with Disabilities (D).** (6-10-20)T

**a.** Has a physical or mental impairment; and (6-10-20)T

**b.** Impairment constitutes or results in a substantial impediment to employment; and (6-10-20)T

**c.** Requires vocational rehabilitation services to prepare for, secure, retain, regain or advance in employment consistent with the individual's strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice. (6-10-20)T

**206. COMPREHENSIVE ASSESSMENT OF REHABILITATION NEEDS.**

A comprehensive assessment of rehabilitation needs is a process utilized to identify the customer's strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice as it relates to identifying and selecting a vocational goal. The assessment will be conducted in the most integrated setting possible, consistent with

the informed choice of the customer. (6-10-20)T

**207. INDIVIDUALIZED PLAN FOR EMPLOYMENT (IPE).**

**01. IPE Requirements.** An eligible customer, or their representative, may develop all or part of their IPE, with or without assistance from the Division, however the IPE must be agreed to by a qualified Division staff member. The Division will not pay for IPE development services from other providers. The customer is given a copy of the signed IPE and any subsequent IPEs. There will be only one (1) active IPE at any given time. The Division supports vocational goals in competitive integrated employment, including supported employment and self-employment. (6-10-20)T

**02. IPE Content.** Per federal requirements, the IPE will contain the following elements: (6-10-20)T

**a.** Identification of a specific employment outcome; (6-10-20)T

**b.** Necessary rehabilitation services to achieve the employment outcome; (6-10-20)T

**c.** Timelines for achieving the employment outcome and for the initiation of services; (6-10-20)T

**d.** Identification of service providers; (6-10-20)T

**e.** Criteria used to evaluate progress; (6-10-20)T

**f.** Terms and conditions including customer rights and responsibilities; (6-10-20)T

**g.** Customer's financial participation, if appropriate; (6-10-20)T

**h.** Identification of comparable benefits as appropriate; and (6-10-20)T

**i.** The expected need for post-employment services. (6-10-20)T

**03. Annual IPE Review.** IPEs will be reviewed on an annual basis. (6-10-20)T

**208. CASE CLOSURE.**

The Division may close a customer's case at any time in the vocational rehabilitation process for various reasons, in compliance with federal regulations, and reporting guidelines. General reasons for case closure may occur when the VRC determines that a customer is either not eligible or no longer eligible for vocational rehabilitation services; is unavailable to participate in the VR program; declines to participate in the VR program; or the customer achieves an employment outcome. Regardless of when in the process the record of service is closed, the VRC must make reasonable attempts to contact the individual, or as appropriate their representative, prior to case closure to discuss the pending case closure. A closure letter or appropriate form of communication is also sent to all individuals whose case is being closed. (6-10-20)T

**209. ORDER OF SELECTION.**

**01. Order of Selection.** When the Division cannot provide the full range of vocational rehabilitation services to all eligible customers because of fiscal or personnel capacity constraints, the agency will enter an order of selection. The order of selection will be based on the following requirements: (6-10-20)T

**a.** Students with disabilities, as defined by 34 CFR 361.5(c)(51), who received pre-employment transition services prior to eligibility determination and assignment to a disability priority category will continue to receive such services. (6-10-20)T

**b.** All customers who have an Individualized Plan for Employment will continue to be served. (6-10-20)T

**02. Priority Status.** Priority will be given to eligible individuals with the most significant disabilities,

followed by those eligible individuals with significant disabilities, and finally those eligible individuals with disabilities. All eligible customers will be assigned to one (1) of the priority categories as outlined in Section 205 of these rules. (6-10-20)T

**03. When Unable to Serve Eligible Individuals.** If the Idaho Division of Vocational Rehabilitation (IDVR) cannot serve all eligible individuals within a given priority category, individuals will be released from the statewide waitlist based on disability priority category and date of application. (6-10-20)T

**210. – 299. (RESERVED)**

**300. FINANCIAL PARTICIPATION REQUIREMENTS.**

The Idaho Division of Vocational Rehabilitation will consider the financial need of an eligible customer for the purposes of determining the extent of their participation in the costs of vocational rehabilitation services. Financial participation will not be a consideration in the determination of eligibility for vocational rehabilitation services but will be a consideration in allocating the cost of vocational rehabilitation services, with some exceptions. (6-10-20)T

**01. Financial Participation Assessment.** Financial participation will be assessed after eligibility, during plan development, while exploring comparable benefits, prior to a plan amendment, and on an annual basis or if a customer's financial circumstances change significantly, whichever occurs sooner. (6-10-20)T

**02. Services Exempt from Financial Participation.** Services exempt from financial participation include: (6-10-20)T

**a.** Assessment for determining eligibility and vocational rehabilitation needs. (6-10-20)T

**b.** Vocational rehabilitation counseling and guidance and referral services. (6-10-20)T

**c.** Auxiliary aid or services (e.g., interpreter services or reader services) that an individual with a disability requires in order to participate in the vocational rehabilitation program. (6-10-20)T

**d.** Personal assistance services. (6-10-20)T

**e.** Job related services, including; job readiness training, job search assistance and placement assistance, SE job coaching, job supports – short term, and youth extended services. (6-10-20)T

**f.** Pre-employment Transition Services. (6-10-20)T

**03. Financial Participation Criteria.** Several factors are considered in determining a customer's level of financial participation, including the household income, family size, estimated annual plan costs, exclusions such as disability impairment related work expenses, and available financial resources which exceed the Department of Health and Human Services (HHS) Federal Poverty Guidelines. Individuals who receive Social Security benefits, because of their disability, are exempt for contributing towards plan costs, except for those costs exceeding Division limits. The Division has limits for services and uses a low bid, when possible. Exceptions to financial participation may be granted with appropriate approval when adherence to financial participation could seriously jeopardize the customer's opportunity to achieve the IPE objectives and employment outcome. (6-10-20)T

**301. COMPARABLE BENEFITS.**

Eligible customers will identify and use all comparable benefits that may be available during the development of the IPE, including, but not limited to, accommodations and auxiliary aids and services, which may meet, in whole or in part, the cost of vocational rehabilitation services. Comparable benefits and services must be utilized before agency funds are used. (6-10-20)T

**01. Exempt Services.** Services exempt from the requirement to utilize comparable services and benefits include; medical, psychological or other examinations to determine eligibility, vocational counseling and guidance, information and referral, job related services to include job search, job supports, job placement and retention services, evaluation of vocational rehabilitation potential, and rehabilitation technology (not including personally prescribed devices). (6-10-20)T

**02. Availability of Comparable Benefits.** If comparable services or benefits are not available at the time needed to ensure progress toward achieving the employment outcome, the Division may provide such services until comparable services and benefits become available. (6-10-20)T

**302. – 399. (RESERVED)**

**400. PURCHASING REQUIREMENTS.**

All services and purchases will follow federal, state, and Division purchasing guidelines. Purchases require written authorization prior to the initiation of the purchased service. Authorizations are issued on or before the beginning date of service. If services are provided without a Division approved authorization, the Division reserves the right to deny the vendor's invoice. The method of procurement is determined in partnership with the customer; however the Division prefers that an authorization for purchase be used over other methods, with an invoice from the vendor documenting the service provision. The Division will pay for pre-employment transition services and other services that contribute to the determination of eligibility or that are necessary to achieve an employment outcome. (6-10-20)T

**401. PURCHASING STANDARDS.**

The Division pays usual, customary, and reasonable charges for services. The Division has established hierarchical levels of purchasing authority to balance process efficiency with the Division's internal controls. The majority of service negotiation is at the counselor level. When necessary, varying levels of exceptions to purchasing authority are available by appropriate management staff. Decisions on case expenditures are determined on an individualized basis. The customer may choose their preferred vendor, however, if the cost of a service exceeds a control threshold, the customer will be responsible for the excess amount, absent an exception. Services that will meet the customer's need at the least cost to the Division will be the service cost considered for planning purposes. Services available in the State of Idaho are preferred over more costly out-of-state options, where applicable. (6-10-20)T

**402. PROVISION OF COMMUNITY REHABILITATION PROGRAM (CRP) SERVICES.**

Idaho Division of Vocational Rehabilitation will purchase vocational services from CRPs that are accredited by either the Commission on Accreditation of Rehabilitation Facilities (CARF) or the Rehabilitation Services Accreditation System (RSAS). In conjunction with the customer, the qualified professional Vocational Rehabilitation Counselor will determine which CRP services, if any, are required for the customer to achieve an employment outcome. The Division will determine the method for establishing CRP service rates. (6-10-20)T

**403. – 999. (RESERVED)**

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

## **58.01.02 – WATER QUALITY STANDARDS**

### **DOCKET NO. 58-0102-2001**

#### **NOTICE OF RULEMAKING – PROPOSED RULE**

**AUTHORITY:** In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking. This rulemaking action is authorized by Sections 39-105, 39-107, and 39-3601 et seq., Idaho Code.

**PUBLIC HEARING SCHEDULE:** Pursuant to Section 67-5222(2), Idaho Code, a public hearing will be held if requested in writing by twenty-five (25) persons, a political subdivision, or an agency. Written requests for a hearing must be received by the undersigned on or before September 18, 2020. If no such written request is received, a public hearing pursuant to Section 67-5222(2), Idaho Code, will not be held. Two public meetings were held during the negotiated rulemaking process. The public will have the opportunity to provide oral comments on the proposed rule during the meeting of the Idaho Board of Environmental Quality (Board) scheduled for November 2020. The meeting details are in the Notice of Meeting of the Idaho Board of Environmental Quality, Docket No. 58-0102-2001, published in the Idaho Administrative Bulletin on [September 2, 2020, Vol. 20-9](#), and available at [deq.idaho.gov/58-0102-2001](http://deq.idaho.gov/58-0102-2001).

**DESCRIPTIVE SUMMARY:** This rulemaking was initiated to: (1) revise water quality criteria based on stakeholder comments from the 2018 rulemaking and the 2019 legislative session regarding the implementation of the bacteria criteria; and (2) delete obsolete rule language contained in Subsection 260.02 as it is no longer needed due to disapproval of the standard by EPA.

#### **Address Concerns Regarding Implementation of Bacteria Criteria**

During 2019 legislative review of pending rule Docket No. [58-0102-1802](#), stakeholders raised concerns regarding the implementation of Idaho bacteria criteria as presented in the pending rule. On March 18, 2019, the House adopted House Concurrent Resolution No. 23 (HCR23) to reject Subsection 251.02, adopted as a pending rule under Docket No. 58-0102-1802. On March 19 2019, HCR23 was introduced in the Senate and referred to the Senate Health & Welfare Committee. HCR23 was not reported out of committee; the pending rule docket became final and effective on April 11, 2019. This rulemaking seeks to revise Idaho Water Quality Standards to address the stakeholders' unresolved concerns.

DEQ conducted another series of negotiations to better understand the stakeholder concerns regarding the recommended and subsequently proposed criteria. During these negotiations, DEQ agreed to include several provisions to help clarify the intent of the criteria and implementation of the criteria. DEQ has worked closely with the stakeholder groups who initially brought up the concerns and, due to their involvement in helping draft the proposed language, believes that the proposed language addresses their concerns. Specifically, language was included to address concerns regarding implementation of the statistical threshold value, increasing the time period used in calculating geometric mean values, and including a recommendation for public swimming beaches.

#### **Delete Obsolete Rule Language**

DEQ proposes to delete Subsection 260.02 including footnotes. Subsection 260.02, Variances from Water Quality Standards, Specific Variances, was adopted by the Board in 2000 and approved by the Idaho Legislature in 2001 (Docket No. 58-0102-0002). On May 29, 2003, DEQ submitted the final rule to EPA. On May 7, 2010, EPA disapproved the variance; therefore, Subsection 260.02 is not effective for Clean Water Act purposes and has been identified for deletion.

Idahoans that recreate in, drink from, or fish Idaho's surface waters, and any who discharge pollutants to those same waters, may be interested in commenting on this proposed rule. The proposed rule text is in legislative format. Language the agency proposes to add is underlined. Language the agency proposes to delete is struck out. It is these additions and deletions to which public comment should be addressed.

After consideration of public comments, DEQ intends to present the final proposal to the Board in November 2020 for adoption of a pending rule. The rule is expected to be final and effective upon the conclusion of the 2021 legislative session if adopted by the Board and approved by the Legislature.



**EFFECTIVE FOR CLEAN WATER ACT PURPOSES:** Water quality standards adopted and submitted to EPA since May 30, 2000, are not effective for federal Clean Water Act (CWA) purposes until EPA approves them (see [40 CFR 131.21](#)). This is known as the Alaska Rule. This rulemaking will be promulgated so that the existing rule effective for CWA purposes remains in the Idaho Administrative Code until EPA approves the rule revisions. Notations explaining the effectiveness of the rule sections are also included. Upon EPA approval, the revised rule will become effective for CWA purposes and the previous rule and notations will be deleted from the Idaho Administrative Code. Information regarding the status of EPA review will be posted at [deq.idaho.gov](http://deq.idaho.gov), EPA Actions on Proposed Standards.

**INCORPORATION BY REFERENCE:** Pursuant to Section 67-5229(2)(a), Idaho Code, the following is a brief synopsis of why the incorporation by reference is necessary: Not applicable.

**NEGOTIATED RULEMAKING:** On April 1, 2020, the notice of negotiated rulemaking was published in the Idaho Administrative Bulletin and posted on DEQ's website. A meeting was held on May 7, 2020. On June 8, 2020, a preliminary draft rule was posted on DEQ's website. One additional meeting was held on June 11, 2020. Stakeholders and members of the public participated by signing up for email notifications, attending the meetings, and submitting comments. Key information was posted on DEQ's website and distributed to persons who participated in the negotiated rulemaking.

All comments received during the negotiated rulemaking process were considered by DEQ when making decisions regarding the development of the rule. At the conclusion of the negotiated rulemaking process, DEQ submitted the draft rule to the Division of Financial Management to review for compliance with [Executive Order No. 2020-01, Zero-Based Regulation](#). Based on that review, DEQ has formatted the draft for publication as a proposed rule. DEQ is now seeking public comment on the proposed rule. The negotiated rulemaking record, which includes the negotiated rule drafts, documents distributed during the negotiated rulemaking process, and the negotiated rulemaking summary, is available at [deq.idaho.gov/58-0102-2001](http://deq.idaho.gov/58-0102-2001).

**IDAHO CODE SECTION 39-107D STATEMENT:** This proposed rule does not regulate an activity not regulated by the federal government, nor is it broader in scope or more stringent than federal regulations.

**FISCAL IMPACT STATEMENT:** The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year when the pending rule will become effective: Not applicable.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on questions concerning this rulemaking, contact Michelle Dale at [michelle.dale@deq.idaho.gov](mailto:michelle.dale@deq.idaho.gov), (208) 373-0187.

**SUBMISSION OF WRITTEN COMMENTS:** Anyone may submit written comments by mail, fax or email at the address below regarding this proposed rule. DEQ will consider all written comments received by the undersigned on or before October 2, 2020.

Dated this 2nd day of September, 2020.

Paula J. Wilson  
Hearing Coordinator  
Department of Environmental Quality  
1410 N. Hilton Street  
Boise, Idaho 83706-1255  
Phone: (208) 373-0418  
Fax: (208) 373-0481  
[paula.wilson@deq.idaho.gov](mailto:paula.wilson@deq.idaho.gov)

THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 58-0102-2001  
(Only Those Sections With Amendments Are Shown.)

251. SURFACE WATER QUALITY CRITERIA FOR RECREATION USE DESIGNATIONS.

Effective for CWA purposes until the date EPA issues written notification that the revisions in Docket No. 58-0102-~~4802~~2001 have been approved.

**01. E. Coli Bacteria.** Waters designated for recreation are not to contain *E. coli* bacteria, used as indicators of human pathogens, in concentrations exceeding: (4-11-06)

**a. Geometric Mean Criterion.** Waters designated for primary or secondary contact recreation are not to contain *E. coli* bacteria in concentrations exceeding a geometric mean of one hundred twenty-six (126) *E. coli* organisms per one hundred (100) mL based on a minimum of five (5) samples taken every three (3) to seven (7) days over a thirty (30) day period. (4-11-06)

**b. Use of Single Sample Values.** A water sample exceeding the *E. coli* single sample maximums below indicates likely exceedance of the geometric mean criterion, but is not alone a violation of water quality standards. If a single sample exceeds the maximums set forth in Subsections 251.01.b.i., 251.01.b.ii., and 251.01.b.iii., then additional samples must be taken as specified in Subsection 251.01.c.: (4-11-06)

**i.** For waters designated as secondary contact recreation, a single sample maximum of five hundred seventy-six (576) *E. coli* organisms per one hundred (100) mL; or (4-11-06)

**ii.** For waters designated as primary contact recreation, a single sample maximum of four hundred six (406) *E. coli* organisms per one hundred (100) mL; or (4-11-06)

**iii.** For areas within waters designated for primary contact recreation that are additionally specified as public swimming beaches, a single sample maximum of two hundred thirty-five (235) *E. coli* organisms per one hundred (100) mL. Single sample counts above this value should be used in considering beach closures. (4-11-06)

**c. Additional Sampling.** When a single sample maximum, as set forth in Subsections 251.01.b.i., 251.01.b.ii., and 251.01.b.iii., is exceeded, additional samples should be taken to assess compliance with the geometric mean *E. coli* criteria in Subsection 251.01.a. Sufficient additional samples should be taken by the Department to calculate a geometric mean in accordance with Subsection 251.01.a. This provision does not require additional ambient monitoring responsibilities for dischargers. (4-11-06)

251. SURFACE WATER QUALITY CRITERIA FOR RECREATION USE DESIGNATIONS.

Not effective for CWA purposes until the date EPA issues written notification that the revisions in Docket No. 58-0102-~~4802~~2001 have been approved.

**01. Toxics Criteria.** Waters designated for recreation must meet the Fish Only water quality criteria set forth in Subsection 210.01.b. (4-11-19)

**02. Fecal Indicators.** Waters designated for recreation must meet criteria for indicator ~~organisms~~ bacteria of fecal contamination. Either of the following indicators ~~s criterion would be considered~~ is sufficient for determining compliance with the fecal indicator criteria: (4-11-19)( )

**a. E. Coli Bacteria.** ( )

**i.** Waters designated for recreation are not to contain *E. coli* bacteria, used as indicators of human

pathogens, in concentrations exceeding: (4-11-06)

~~i.1) Geometric Mean Criterion. Not to contain E. coli in concentrations exceeding a~~ geometric mean of one hundred twenty-six (126) *E. coli* counts per one hundred (100) mL based on a minimum of five (5) samples taken every three (3) to ~~seven eleven (711)~~ days over a ~~thirty forty-five (3045)~~ day period; or ~~(4-11-19)( )~~

~~ii.2) SA statistical Threshold Value (STV). No greater than ten percent (10%) of valid samples collected over a thirty (30) day period are to contain E. coli bacteria in concentrations exceeding an STV~~ of four hundred and ten (410) *E. coli* counts per one hundred (100) mL ~~or in more than ten percent (10%) of samples collected over a forty-five (45) day period. The Department will ensure samples collected represent the forty-five (45) day duration.~~ ~~(4-11-19)( )~~

~~ii. For public swimming beaches, a single sample value of two hundred thirty-five (235) E. coli counts per one hundred (100) mL should be used in considering beach closures.~~ ~~( )~~

b. Enterococci. Waters designated for recreation are not to contain enterococci bacteria, used as indicators of human pathogens, in concentrations exceeding: (4-11-19)

i. ~~Geometric Mean Criterion. Not to contain E. coli in concentrations exceeding a~~ geometric mean of thirty-five (35) enterococci counts per one hundred (100) mL based on a minimum of five (5) samples taken every three (3) to ~~seven eleven (711)~~ days over a ~~thirty forty-five (3045)~~ day period; or ~~(4-11-19)( )~~

ii. ~~SA statistical Threshold Value (STV). No greater than ten percent (10%) of valid samples collected over a thirty (30) day period are to contain enterococci bacteria in concentrations exceeding an STV~~ of one hundred and thirty (130) enterococci counts per one hundred (100) mL ~~in more than ten percent (10%) of samples collected over forty-five (45) day period. The Department will ensure samples collected represent the forty-five (45) day duration.~~ ~~(4-11-19)( )~~

~~c. When comparing effluent bacteria samples to the criteria, the averaging period shall be thirty (30) days or less based on a minimum of five (5) samples.~~ ~~( )~~

**(BREAK IN CONTINUITY OF SECTIONS)**

**260. VARIANCES FROM WATER QUALITY STANDARDS.**

~~01. Variances.~~ Variances from meeting certain water quality standards may be granted by the Department provided they are consistent with the following requirements: ~~(8-24-94)( )~~

~~01. When granted by the Department, i~~ **Procedure.** Individual variances are to be pollutant and discharger specific, and shall be granted pursuant to the following ~~procedure~~: ~~(3-15-02)( )~~

~~a.~~ Prior to granting a variance, the Department ~~shall will~~ publish notice of the Department's tentative determination to grant a variance and ~~shall will~~ receive written comments for not less than thirty (30) days after the date the notice is published. The notice ~~shall will~~ contain a clear description of the impacts of the variance upon the receiving stream segment. The Department ~~shall will~~ also provide an opportunity for oral presentation of comments, if requested in writing within fourteen (14) days of the notice, by twenty-five (25) persons, a political subdivision, or an agency. ~~(3-15-02)( )~~

~~ii.b.~~ The Department's final **variance** decision ~~with respect to a variance~~ may be appealed pursuant to IDAPA 58.01.23, "Rules of Administrative Procedure Before the Board of Environmental Quality." The Department ~~shall will~~ maintain and make available to the public an updated list of variances. ~~(3-15-02)( )~~

~~02. Attainability.~~ In order to obtain a variance from a water quality standard, the discharger must demonstrate that meeting the standard is unattainable based on one or more of the following grounds: ~~(8-24-94)( )~~

- ~~ii~~**a.** Naturally occurring pollutant concentrations prevent the attainment of the standard; or (8-24-94)
- or
- ~~ii~~**b.** Natural, intermittent, or low flow conditions or water levels prevent the attainment of the standard; (4-5-00)
- ~~ii~~**c.** Human caused conditions or sources of pollution prevent the attainment of the standard and cannot be remedied or would cause more environmental damage to correct than to leave in place; or (8-24-94)
- ~~ii~~**d.** Dams, diversions or other types of hydrologic modifications preclude the attainment of the standard, and it is not feasible to restore the water body to its original condition or to operate such modification in a way that would result in attainment of the standard; or (8-24-94)
- ~~ii~~**e.** Physical conditions related to the natural features of the water body, unrelated to water quality, preclude attainment of the standard; or (8-24-94)
- ~~ii~~**f.** Controls more stringent than technology-based effluent limitations would result in substantial and widespread economic and social impact. (8-24-94)

~~e~~**03.** **Documentation.** The discharger must submit to the Department documentation that treatment more advanced than required by technology-based effluent limitations have been considered and that alternative effluent control strategies have been evaluated. (8-24-94)(      )

~~e~~**04.** **Effective Period.** Any variance granted by the Department will remain in effect for a period of five (5) years or the life of the permit. (8-24-94)(      )

~~ii~~**a.** Upon expiration ~~of the five (5) year time period or permit~~, the discharger must either meet the standard or ~~must~~ re-apply for the variance in accordance with these rules. (8-24-94)(      )

~~ii~~**b.** ~~In considering a re-application for a variance, the Department will require t~~The discharger to ~~must~~ demonstrate reasonable progress towards meeting the standard ~~when reapplying for a variance.~~ (8-24-94)(      )

~~02.~~ **Specific Variances.** ~~In addition to any variances listed separately from these rules as described in Subsection 260.01.a.ii., the following variances have also been granted by the Department in accordance with Subsection 260.01:~~ (3-15-02)

~~a.~~ ~~The South Fork Coeur d'Alene River Sewer District (Page Wastewater Treatment Facility) is granted variances from meeting water quality standards in Section 250 for ammonia and chlorine, and Section 210 for cadmium, lead, and zinc, discharged to the West Page Swamp, located in T49N, R2E, S32, Boise Prime Meridian.~~ (3-30-01)

~~b.~~ ~~The variances provided in Subsection 260.02.a. are conditioned upon the discharges showing reasonable progress toward reducing their discharge of ammonia and chlorine. Reasonable progress shall be measured according to the terms of the state's certification of the discharges.~~ (3-30-01)

**Note:** Final rule submitted to EPA on May 29, 2003 (docket 58-0102-0002). This revision grants a variance to the South Fork Coeur d'Alene River Sewer District (Page Wastewater Treatment Facility) from meeting water quality standards for ammonia, chlorine, cadmium, lead, and zinc discharged to the West Page Swamp. On May 7, 2010, EPA disapproved the variance; therefore, Subsections 260.02.a. and b. are not effective for CWA purposes. For more information, go to <http://www.deq.idaho.gov/epa-actions-on-proposed-standards>.

**IDAPA 58 – DEPARTMENT OF ENVIRONMENTAL QUALITY**

**58.01.02 – WATER QUALITY STANDARDS**

**DOCKET NO. 58-0102-2001**

**NOTICE OF MEETING OF THE IDAHO BOARD OF ENVIRONMENTAL QUALITY**

**NOTICE OF PUBLIC MEETING:** Notice is hereby given that during the meeting scheduled for November 19, 2020, DEQ will present Rule Docket No. 58-0102-2001 to the Idaho Board of Environmental Quality (Board) for adoption of a pending rule.

**BOARD MEETING SCHEDULE:** The meeting agenda will be available by November 7, 2020, at [deq.idaho.gov](http://deq.idaho.gov). Contingent upon COVID 19 safety protocols, the public may attend in person or remotely via telephone and video conferencing. Remote attendance is encouraged. Information for signing up is provided below. The Board meeting will be held as follows:

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**PUBLIC MEETING**

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**Thursday, November 19, 2020  
Call to Order at 9:00 a.m. (MST)**

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**In Person:  
DEQ State Office  
1410 N. Hilton Street  
Conference Center  
Boise, Idaho 83706**

**All attendees must comply with current  
COVID-19 safety protocols for public gatherings.  
Remote attendance is encouraged.**

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**Via Telephone and Video Conferencing:**

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**To sign up for remote attendance via telephone and video conferencing,  
contact [Paula Wilson](mailto:Paula.Wilson@deq.idaho.gov) by November 12, 2020.**

The meeting location will be accessible to persons with disabilities, and language translators will be made available upon request. To request accommodations for language translation, contact the undersigned by November 12, 2020.

**DESCRIPTIVE SUMMARY:** Proposed Rule Docket No. 58-0102-2001 was published in the Idaho Administrative Bulletin on [September 2, 2020, Vol. 20-9](#), and is available at [deq.idaho.gov/58-0102-2001](http://deq.idaho.gov/58-0102-2001). The written comment deadline for Docket No. 58-0102-2001 is October 2, 2020. After consideration of public comments, DEQ intends to present the final proposal to the Board for adoption of a pending rule. The public will have an opportunity to provide oral comments on the proposed rule during the Board meeting. The rule is expected to become final and effective upon the conclusion of the 2021 legislative session if adopted by the Board and approved by the Legislature.

Dated this 2nd day of September, 2020.

Paula J. Wilson, Hearing Coordinator  
Department of Environmental Quality  
1410 N. Hilton Street, Boise, Idaho 83706-1255  
Phone: (208) 373-0418 / Fax: (208) 373-0481  
[paula.wilson@deq.idaho.gov](mailto:paula.wilson@deq.idaho.gov)

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

### **58.01.03 – INDIVIDUAL/SUBSURFACE SEWAGE DISPOSAL RULES AND RULES FOR CLEANING OF SEPTIC TANKS**

**DOCKET NO. 58-0103-1901**

#### **NOTICE OF RULEMAKING – PROPOSED RULE**

**AUTHORITY:** In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking. The action is authorized by Chapters 1 and 36, Title 39, Idaho Code.

**PUBLIC HEARING SCHEDULE:** No hearings have been scheduled. Pursuant to Section 67-5222(2), Idaho Code, a public hearing will be held if requested in writing by twenty-five (25) persons, a political subdivision, or an agency. Written requests for a hearing must be received by the undersigned on or before September 16, 2020. If no such written request is received, a public hearing will not be held. Four public meetings were held during the negotiated rulemaking process.

**DESCRIPTIVE SUMMARY:** This rulemaking was initiated in response to challenges made in enforcing and updating portions of the Technical Guidance Manual for Individual Subsurface Sewage Disposal Systems (TGM) available at [deq.idaho.gov](http://deq.idaho.gov). The rules currently only specify the requirements for standard individual/subsurface sewage disposal systems to be installed in Idaho, while leaving the majority of the requirements for alternative/proprietary systems in the TGM. Currently, if a standard system cannot be installed on a parcel, an alternative system may be permitted if it is approved by the Director and in accordance with the recommendations of the Technical Guidance Committee as documented in the TGM.

This proposed rule revises the Individual/Subsurface Sewage Disposal System Rules and Rules for Cleaning of Septic Tanks, IDAPA 58.01.03, by adding into the rules requirements applicable to facilitate the permitting, design, and construction activities for alternative and/or proprietary systems currently in the TGM. The proposed rule also clarifies the operation and maintenance requirements currently required for all systems as well as service provider responsibilities and provides the basis under which approved systems may be revoked or amended.

Health districts, subsurface sewage disposal system installers and manufacturers of subsurface sewage disposal systems as outlined in the TGM, conservation and environmental groups, counties, cities, and citizens of Idaho may be interested in commenting on this proposed rule. The proposed rule text is in legislative format. Language the agency proposes to add is underlined. Language the agency proposes to delete is struck out. It is these additions and deletions to which public comment should be addressed.

After consideration of public comments, DEQ intends to present the final proposal to the Idaho Board of Environmental Quality (Board) in November 2020 for adoption of a pending rule. The rule is expected to be final and effective upon the conclusion of the 2021 legislative session if adopted by the Board and approved by the Legislature.

**INCORPORATION BY REFERENCE:** Pursuant to Section 67-5229(2)(a), Idaho Code, the following is a brief synopsis of why the incorporation by reference is necessary: Not applicable.

**NEGOTIATED RULEMAKING:** The text of the proposed rule was drafted based on discussions held and concerns raised during negotiations conducted pursuant to Idaho Code § 67-5220. On May 31, 2019, DEQ posted notice of the negotiated rulemaking on its website. On June 5, 2019, the notice of negotiated rulemaking was published in the Idaho Administrative Bulletin, and a meeting was held on July 10, 2019. On September 4, 2019, a preliminary draft rule was posted on DEQ's website. Three additional meetings were held between September 2019 and April 2020. Stakeholders and members of the public participated by signing up for email notifications, attending the meetings, and submitting comments. Key information was posted on DEQ's website and distributed to persons who participated in the negotiated rulemaking.

All comments received during the negotiated rulemaking process were considered by DEQ when making decisions regarding the development of the rule. At the conclusion of the negotiated rulemaking process, DEQ submitted the draft rule to the Division of Financial Management to review for compliance with [Executive Order No. 2020-01, Zero-Based Regulation](#). Based on that review, DEQ has formatted the draft for publication as a proposed rule. DEQ is now seeking public comment on the proposed rule. The negotiated rulemaking record, which includes the negotiated rule drafts, documents distributed during the negotiated rulemaking process, and the negotiated rulemaking summary, is available at [deq.idaho.gov/58-0103-1901](http://deq.idaho.gov/58-0103-1901).

**IDAHO CODE SECTION 39-107D STATEMENT:** This rule regulates an activity not regulated by the federal government. Chapters 1 and 36, Title 39, Idaho Code, grant authority to the Board to adopt rules and standards to protect the environment and health of the state of Idaho for the installation of cottage site sewage treatment facilities and for the issuance of pollution source permits.

**FISCAL IMPACT STATEMENT:** The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year: Not applicable.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this rulemaking, contact Peter Adams at [peter.adams@deq.idaho.gov](mailto:peter.adams@deq.idaho.gov) or (208) 373-0464.

**SUBMISSION OF WRITTEN COMMENTS:** Anyone may submit written comments by mail, fax or e-mail at the address below regarding this proposed rule. DEQ will consider all written comments received by the undersigned on or before September 30, 2020.

Dated this 2nd day of September, 2020.

Paula J. Wilson  
Hearing Coordinator  
Department of Environmental Quality  
1410 N. Hilton Street  
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Phone: (208) 373-0418  
Fax: (208) 373-0481  
[paula.wilson@deq.idaho.gov](mailto:paula.wilson@deq.idaho.gov)

**THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 58-0103-1901**  
**(Only Those Sections With Amendments Are Shown.)**

~~000.~~ ~~(RESERVED)~~

~~0070.~~ **LEGAL AUTHORITY.**

Title 39, Chapter 1 and Title 39, Chapter 36, Idaho Code, grants authority to the Board of Environmental Quality to adopt rules and standards to protect the environment and the health of the State, for the installation of cottage site sewage treatment facilities and for the issuance of pollution source permits. Title 39, Chapter 1, Idaho Code, grants to the Director the authority to issue pollution source permits; charges the Director to enforce all laws, rules, regulations, and standards relating to environmental protection and health, and those relating to the storage, handling and transportation of solids, liquids and gases which may cause or contribute to water pollution, and authorizes the Department of Environmental Quality to review for approval the plans and specifications for all proposed waste treatment facilities prior to their construction. (5-7-93)

~~0021.~~ **TITLE, SCOPE, CONFLICT AND RESPONSIBILITIES.**

**01. Title.** These rules are titled IDAPA 58.01.03, "Individual/Subsurface Sewage Disposal Rules and Rules for Cleaning of Septic Tanks." (3-20-20)

**02. Scope.** The provisions of these rules establish limitations on the construction and use of individual and subsurface sewage disposal systems and establish the requirements for obtaining an installation permit and an installer's registration permit. These rules apply to every individual and every subsurface blackwaste and wastewater

treatment system in Idaho. These rules also establish general requirements for the handling, transportation and disposal of septic tank wastes and for obtaining a septic tank pumping permit. (3-20-20)

**03. Conflict of Rules, Standards, and Ordinances.** In any case where a provision of these rules is found to be in conflict with a provision of any state or local zoning, building, fire, safety, or health regulation, standard or ordinance, the provision that, in the judgment of the Director, establishes the higher standard for the promotion and protection of the health and safety of the people, shall prevail. (5-7-93)

**04. Responsibilities.** (7-1-93)

**a.** Every owner of real property is jointly and individually responsible for: (10-1-90)

**i.** Storing, treating, and disposing of blackwaste and wastewater generated on that property. (10-1-90)

**ii.** Connecting all plumbing fixtures on that property that discharge wastewaters to an approved wastewater system or facility. (10-1-90)

**iii.** Obtaining necessary permits and approvals for installation of individual or subsurface blackwaste and wastewater disposal systems. (10-1-90)

**iv.** Abandonment of an individual or subsurface sewage disposal system. (10-1-90)

**b.** Each engineer, building contractor, individual or subsurface system installer, excavator, plumber, supplier, and every other person, who for compensation shall design, construct, abandon, or provide any system or part thereof, is jointly and individually responsible for compliance with each of these rules that are relevant to that service or product. (5-7-93)

**002. REFERENCED MATERIAL.**

**01. NSF International.** The NSF International (NSF) NSF/ANSI 40: Residential Onsite Systems and NSF/ANSI 245: Nitrogen Reduction are referenced in these rules. The NSF/ANSI 40 and NSF/ANSI 245 are available at [www.nsf.org/services/by-industry/water-wastewater/onsite-wastewater](http://www.nsf.org/services/by-industry/water-wastewater/onsite-wastewater). ( )

**02. Technical Guidance Manual for Individual Subsurface Sewage Disposal Systems (TGM).** The TGM is referenced in these rules and available at the Idaho Department of Environmental Quality, Water Quality Division, 1410 N. Hilton, Boise, ID 83706-1255, <http://deq.idaho.gov>. ( )

**003. DEFINITIONS.** For the purposes of these rules, the following definitions apply. (5-7-93)

**01. Abandoned System.** A system which has ceased to receive blackwaste or wastewater due to diversion of those wastes to another treatment system or due to termination of waste flow. (10-1-90)

**02. Alternative System.** Any system for which the Department has issued design guidelines or which the Director judges to be a simple modification of a standard system. (10-1-90)

**03. Authorized or Approved.** The state of being sanctioned or acceptable to the Director as stated in a written document. (10-1-90)

**04. Blackwaste.** Human body waste, specifically excreta or urine. This includes toilet paper and other products used in the practice of personal hygiene. (10-1-90)

**05. Blackwater.** A wastewater whose principal pollutant is blackwaste; a combination of blackwaste and water. (10-1-90)

**06. Board.** Idaho State Board Of Environmental Quality. (10-1-90)



**07. Building Sewer.** The extension of the building drain beginning five (5) feet outside the inner face of the building wall. (10-1-90)

**08. Central System.** Any system which receives blackwaste or wastewater in volumes exceeding twenty-five hundred (2,500) gallons per day; any system which receives blackwaste or wastewater from more than two (2) dwelling units or more than two (2) buildings under separate ownership. (10-1-90)

**09. Construct.** To make, form, excavate, alter, expand, repair, or install a system, and, their derivations. (5-7-93)

**10. Director.** The Director of the Idaho Department of Environmental Quality or the Director's designee or authorized agent. (10-1-90)

**11. Existing System.** Any system which was installed prior to the effective date of these rules. (5-7-93)

**12. Expand.** To enlarge any nonfailing system. (10-1-90)

**13. Extended Treatment Package System (ETPS).** An advanced subsurface package sewage treatment product that provides secondary wastewater treatment and/or tertiary wastewater treatment to septic tank effluent. ( )

**134. Failing System.** Any system which exhibits one (1) or more of the following characteristics: (10-1-90)

**a.** The system does not meet the intent of these rules as stated in Subsection 004.01. (5-7-93)

**b.** The system fails to accept blackwaste and wastewater. (10-1-90)

**c.** The system discharges blackwaste or wastewater into the waters of the State or onto the ground surface. (10-1-90)

**145. Ground Water.** Any water of the state which occurs beneath the surface of the earth in a saturated geological formation of rock or soil. (5-7-93)

**156. High Groundwater Level -- Normal, Seasonal.** High ground water level may be established by the presence of low chroma mottles, actual ground water monitoring or historic records. (5-7-93)

**a.** The normal high groundwater level is the highest elevation of ground water that is maintained or exceeded for a continuous period of six (6) weeks a year. (5-7-93)

**b.** The seasonal high groundwater level is the highest elevation of ground water that is maintained or exceeded for a continuous period of one (1) week a year. (5-7-93)

**167. High Water Mark.** The line which the water impresses on the soil by covering it for sufficient periods of time to prevent the growth of terrestrial vegetation. (10-1-90)

**178. Individual System.** Any standard, alternative or subsurface system which is not a central system. (10-1-90)

**189. Install.** To excavate or to put in place a system or a component of a system. (10-1-90)

**1920. Installer.** Any person, corporation, or firm engaged in the business of excavation for, or the construction of individual or subsurface sewage disposal systems in the State. (10-1-90)

**201. Large Soil Absorption System.** A large soil absorption system is a subsurface sewage disposal system designed to receive two thousand five hundred (2,500) gallons of wastewater or more per day, including

where the total wastewater flow from the entire proposed project exceeds two thousand five hundred (2,500) gallons per day but the flow is separated into absorption modules which receive less than two thousand five hundred (2,500) gallons per day. (5-7-93)

~~272.~~ **Limiting Layer.** A characteristic subsurface layer or material which will severely limit the capability of the soil to treat or absorb wastewater including, but not limited to, water tables, fractured bedrock, fissured bedrock, excessively permeable material and relatively impermeable material. (10-1-90)

23. **Manufactured Medium Sand.** Sand that meets the following gradation requirements:

<u>Manufactured medium sand allowable particle size percent composition.</u>	
<u>Sieve Size</u>	<u>Passing (%)</u>
<u>4</u>	<u>95-100</u>
<u>8</u>	<u>80-100</u>
<u>16</u>	<u>50-85</u>
<u>30</u>	<u>25-60</u>
<u>50</u>	<u>10-30</u>
<u>100</u>	<u>2-10</u>
<u>200</u>	<u>&lt;2</u>

( )

~~224.~~ **Mottling.** Irregular areas of different color in the soil that vary in contrast, density, number and size. Mottling generally indicates poor aeration and impeded drainage. (5-7-93)

~~235.~~ **New System.** A system which is or might be authorized or approved on or after the effective date of these rules. (5-7-93)

~~246.~~ **Nondischarging System.** Any system which is designed and constructed to prevent the discharge of blackwaste or wastewater. (10-1-90)

~~257.~~ **Permit.** An individual or subsurface system installation permit or installer's registration permit. (10-1-90)

~~268.~~ **Pollutants.** Any chemical, biological, or physical substance whether it be solid, liquid, gas, or a quality thereof, which if released into the environment can, by itself or in combination with other substances, create a public nuisance or render that environment harmful, detrimental, or injurious to public health, safety or welfare or to domestic, commercial, industrial, agricultural, recreational, aesthetic, or other beneficial uses. (10-1-90)

29. **Proprietary Wastewater System Technology.** A manufactured product through which effluent flows and may be stored before infiltration. ( )

30. **Proprietary Wastewater Treatment System.** A subsurface sewage treatment system that incorporates proprietary wastewater system technology to provide additional treatment to a septic tank effluent system. ( )

~~2731.~~ **Public System.** Any system owned by a county, city, special service district, or other governmental entity or Indian tribe having the authority to dispose of blackwaste or wastewater; a municipal wastewater treatment facility. (10-1-90)

~~2832.~~ **Repair.** To remake, reform, replace, or enlarge a failing system or any component thereof as is necessary to restore proper operation. (10-1-90)

~~2933~~. **Scarp.** The side of a hill, canyon, ditch, river bank, roadcut or other geological feature characterized by a slope of forty-five (45) degrees or more from the horizontal. (10-1-90)

~~304~~. **Service Provider.** Any person, corporation, or firm engaged in the business of providing operation, maintenance, and monitoring of complex alternative systems in the state of Idaho. (7-1-17)

~~315~~. **Sewage.** Sewage has the same meaning as wastewater. (10-1-90)

~~326~~. **Soil Texture.** The relative proportion of sand, silt, and clay particles in a mass of soil. (10-1-90)

~~337~~. **Standard System.** Any system recognized by the Board through the adoption of design and construction regulations. (10-1-90)

~~348~~. **Subsurface System.** Any system with a point of discharge beneath the earth's surface. (10-1-90)

~~359~~. **Surface Water - Intermittent, Permanent, Temporary.** (7-1-93)

a. Any waters of the State which flow or are contained in natural or man-made depressions in the earth's surface. This includes, but is not limited to, lakes, streams, canals, and ditches. (10-1-90)

b. An intermittent surface water exists continuously for a period of more than two (2) months but not more than six (6) months a year. (10-1-90)

c. A permanent surface water exists continuously for a period of more than six (6) months a year. (10-1-90)

d. A temporary surface water exists continuously for a period of less than two (2) months a year. (10-1-90)

~~3640~~. **System.** Beginning at the point of entry physically connected piping, treatment devices, receptacles, structures, or areas of land designed, used or dedicated to convey, store, stabilize, neutralize, treat, or dispose of blackwaste or wastewater. (10-1-90)

~~3741~~. **Wastewater.** Any combination of liquid or water and pollutants from activities and processes occurring in dwellings, commercial buildings, industrial plants, institutions and other establishments, together with any groundwater, surface water, and storm water that may be present; liquid or water that is chemically, biologically, physically or rationally identifiable as containing blackwater, grey water or commercial or industrial pollutants; and sewage. (10-1-90)

~~3842~~. **Waters of the State.** All the accumulations of water, surface and underground, natural and artificial, public and private or parts thereof which are wholly or partially within, which flow through or border upon the state of Idaho. (10-1-90)

~~3943~~. **Water Table.** The surface of an aquifer. (10-1-90)

#### 004. GENERAL REQUIREMENTS.

**01. Intent of Rules.** The Board, in order to protect the health, safety, and environment of the people of the state of Idaho establishes these rules governing the design, construction, siting and abandonment of individual and subsurface sewage disposal systems. These rules are intended to ensure that blackwastes and wastewater generated in the state of Idaho are safely contained and treated and that blackwaste and wastewater contained in or discharged from each system: ~~(5-7-93)~~( )

a. Are not accessible to insects, rodents, or other wild or domestic animals; (10-1-90)

b. Are not accessible to individuals; (10-1-90)

- c. Do not give rise to a public nuisance due to odor or unsightly appearance; (10-1-90)
- d. Do not injure or interfere with existing or potential beneficial uses of the waters of the State. (10-1-90)
- 02. Compliance with Intent Required.** The Director shall not authorize or approve any system if, in the opinion of the Director, the system will not be (is not) in compliance with the intent of these rules. (5-7-93)
- 03. System Limitations.** Cooling water, backwash or backflush water, hot tub or spa water, air conditioning water, water softener brine, groundwater, oil, or roof drainage cannot be discharged into any system unless that discharge is approved by the Director. (10-1-90)
- 04. Increased Flows.** Unless authorized by the Director, no person shall provide for or connect additional blackwaste or wastewater sources to any system if the resulting flow or volume would exceed the design flow of the system. (10-1-90)
- 05. Failing System.** The owner of any failing system shall obtain a permit and cause the failing system's repair: (10-1-90)
- a. As soon as practical after the owner becomes aware of its failure; or (10-1-90)
- b. As directed in proper notice from the Director. (10-1-90)
- 06. Subsurface System Replacement Area.** An area of land which is suitable in all respects for the complete replacement of a new subsurface system disposal field shall be reserved as a replacement area. This area will be kept vacant, free of vehicular traffic and free of any soil modification which would negatively affect its use as a replacement disposal field construction site. (10-1-90)
- 07. Technical Guidance Committee (TGC).** The Director shall appoint a ~~Technical Guidance Committee~~ **TGC** composed of three (3) representatives from the seven (7) Health Districts, one (1) representative from the Department of Environmental Quality, one (1) professional engineer licensed in the state of Idaho and one (1) licensed installer. Initially two (2) committee members shall be appointed to each of one (1), two (2) and three (3) year terms. Appointments to vacancies thereafter shall be to three (3) year terms. ~~(12-31-91)~~( )
- 08. Duties of the ~~Technical Guidance Committee~~ TGC.** The ~~Committee~~ **TGC** shall maintain a ~~technical guidance manual which shall~~ **the TGM to** be used in the design, construction, alteration, operation, and maintenance of conventional systems, their components and alternatives. The **TGC** shall review variances **and commercially manufactured wastewater treatment components and systems** at the request of the Director and provide recommendations on such variances. ~~(10-1-90)~~( )
- 09. ~~Technical Guidance Manual for Individual and Subsurface Alternative Sewage Disposal~~ TGM.** The ~~manual~~ **TGM** maintained by the ~~Technical Guidance Committee~~ **TGC** shall provide state-of-the-art technical guidance on alternative sewage disposal components and systems, soil type determination methodology and other information pertinent to the best management practices of individual and subsurface sewage disposal. ~~(10-1-90)~~( )
- 10. Alternative System.** If a standard system as described in these rules cannot be installed on a parcel of land, an alternative system may be permitted if that system is in accordance with the recommendations of the ~~Technical Guidance Committee~~ **TGC** and is approved by the Director. ~~(5-7-93)~~( )

**005. PERMIT AND PERMIT APPLICATION.**

- 01. Permit Required.** Except as specified in Subsection 005.02 it shall be unlawful for any person to cause or to perform the modification, repair or construction of any individual or subsurface sewage disposal system within the state of Idaho unless there is a valid installation permit authorizing that activity. (12-31-91)

**02. Exceptions to Permit Requirement.** The activities listed in this subsection may be lawfully performed in the absence of a valid installation permit. They are, however, subject to all other relevant rules and regulations. (10-1-90)

**a.** Portable nondischarging systems may be installed where needed as temporary blackwaste or wastewater systems if they are properly maintained and if they are of a design which has been approved by the Director. (10-1-90)

**b.** Individual and subsurface systems may be repaired when needed as a result of clogged or broken solid piping or of malfunctions in an electrical or mechanical system. Such repair may not expand the system unless authorized by the Director. (10-1-90)

**03. Permit Application.** The owner of the system or the owner's authorized representative shall make application to the Director in writing and in a manner or form prescribed by the Director. (10-1-90)

**04. Contents of Application.** A permit application will be used to help determine if the proposed construction will be in conformance with applicable rules and regulations. Information required in the application may include, but is not limited to: (10-1-90)

- a.** The name and address of the owner of the system and of the applicant, if different; (10-1-90)
- b.** The legal description of the parcel of land; (10-1-90)
- c.** The type of establishment served; (10-1-90)
- d.** The maximum number of persons served, number of bedrooms, or other appropriate measure of wastewater flow; (10-1-90)
- e.** The type of system; (10-1-90)
- f.** The construction activity (new construction, enlargement, repair); (10-1-90)
- g.** A scaled or dimensioned plot plan including, if needed, adjacent properties illustrating: (10-1-90)
- i.** The location and size of all existing and proposed wastewater systems including disposal field replacement areas; (10-1-90)
- ii.** The location of all existing water supply system features; (10-1-90)
- iii.** The location of all surface waters; (10-1-90)
- iv.** The location of scarps, cuts, and rock outcrops; (10-1-90)
- v.** Land elevations, surface contours, and ground slopes between features of interest; (10-1-90)
- vi.** Property lines, easements, and rights-of-way; and (10-1-90)
- vii.** Location and size of buildings and structures. (7-1-93)
- h.** The plans and specifications of the proposed system which include: (10-1-90)
  - i.** Diagrams of all system facilities which are to be made or fabricated at the site; (10-1-90)
  - ii.** The manufacturer's name and identification of any component approved pursuant to Sections 007 and 009; and (12-31-91)
  - iii.** List of materials. (10-1-90)

- i.** Soil description and profile, groundwater data, percolation or permeability test results and/or a site evaluation report; (10-1-90)
- j.** The nature and quantity of blackwaste and wastewater which the system is to receive including the basis for that estimate; (10-1-90)
- k.** Proposed operation, maintenance, and monitoring procedures to insure the system’s performance and failure detection; (10-1-90)
- l.** Copies of legal documents relating to access and to responsibilities for operation, maintenance, and monitoring; (10-1-90)
- m.** A statement from the local zoning or building authority indicating that the proposed system would not be contrary to local ordinances; (10-1-90)
- n.** The signature of the owner of the proposed system and, if different, of the applicant; and (10-1-90)
- o.** Any other information, document, or condition that may be required by the Director to substantiate that the proposed system will comply with applicable rules and regulations. (10-1-90)
- 05. Basis for Permit Application Denial.** The Director may deny a permit application if in the Director’s judgment: (10-1-90)

  - a.** The application is incomplete, inaccurate, or misleading; (10-1-90)
  - b.** The system as proposed is not in compliance with applicable rules and regulations; (10-1-90)
  - c.** The system as proposed would, when put into use, be considered a failing system; (10-1-90)
  - d.** The design and description of a public system was not made by a professional engineer; (10-1-90)
  - e.** Public or central wastewater treatment facilities are reasonably accessible. (10-1-90)
- 06. Notice of Denial.** Upon denial of an application the Director shall notify the applicant of the reason for denial. (10-1-90)
- 07. Issuance of Permit.** When, in the opinion of the Director the system as proposed will be in conformance with applicable rules and regulations, the Director shall issue an “Individual and Subsurface System Installation Permit”. (10-1-90)
- 08. Application and Permit Valid for One Year.** Unless otherwise stated on the application or permit, it shall become invalid if the authorized construction or activity is not completed and approved within one (1) year of the date of issuance. (10-1-90)
- 09. Permit Renewal.** At the discretion of the Director, a permit may be renewed one (1) or more times upon request by the applicant or owner provided that the request is received by the Director prior to the permit’s date of expiration. (10-1-90)
- 10. Immediate Effect of the Permit.** A valid permit authorizes the construction of an individual or subsurface system and requires that the construction be conducted in compliance with plans, specifications, and conditions contained in the approved permit application. Any deviation from the plans, specifications, and conditions is prohibited unless it is approved in advance by the Director. (10-1-90)
- 11. Cottage Site Facility Certification.** A valid permit shall constitute certification and approval for the purposes of Section 39-3637, Idaho Code. (10-1-90)

12. **Existing Installation Permits.** Individual and subsurface sewage disposal installation permits or other lot-specific approvals for systems issued prior to February 7, 1978, pursuant to Idaho Code Title 39, Chapter 1 and Title 39, Chapter 36, will become invalid one (1) year after written notice is given by the Director notifying the owner or holder of such a permit or approval that the permit or approval will no longer be valid unless construction or installation of the system provided for in the permit or approval is commenced within one (1) year after giving of the notice. This provision does not apply to certificates filed to satisfy a sanitary restriction pursuant to Section 50-1326, Idaho Code. (10-1-90)

13. **Abandonment May Be Required.** The Director may require as a condition for issuing a permit that the system be abandoned by a specified date or under specific predetermined circumstances. The date or circumstances will be established before the issuance of the permit and be contained in the permit application. These conditions may relate to a specific date, dwelling density, completion of a municipal system or other circumstances relative to the availability of central sewerage system services. (10-1-90)

14. **Operation, Maintenance and Monitoring.** ( )

a. The Director may require as a condition of issuing a permit, that specific operation, maintenance, and monitoring procedures be observed. Those procedures will be contained in the installation permit ~~application~~. (10-1-90) ( )

b. All operation, maintenance, and monitoring requirements of installation permits including effluent sampling shall be perpetual unless: ( )

i. The system is not installed; ( )

ii. The system is removed, abandoned, or replaced; or ( )

iii. The permit is amended or revoked by the Director. ( )

c. If a system gains approval as described by the TGM, sampling requirements may be removed. ( )

15. **As-Built Plans and Specifications.** The Director may require as a condition of issuing a permit, that complete and accurate record drawings and specifications depicting the actual construction be submitted to the Director within thirty (30) days after the completion of the construction. Alternately, if the construction proceeded in compliance with the approved plans and specifications, a statement to that effect may be submitted. (10-1-90)

16. **Permit Fee.** All applications shall be accompanied by payment of the fee specified in IDAPA 58.01.14, Section 110, "Rules Governing Fees for Environmental Operating Permits, Licenses, and Inspection Services". (5-7-93)

#### 006. INSTALLER'S REGISTRATION PERMIT AND SERVICE PROVIDER CERTIFICATION.

01. **Permit and Certification Required.** Every installer and service provider shall secure from the Director an installer's registration permit. Service providers must also obtain a service provider's certification. Two (2) types of installer permits and one (1) type of service provider certification are available. (7-1-17)

a. A standard and basic alternative system installer's registration permit is required to install all individual systems not listed under Subsection 006.01.b. (5-7-93)

b. A complex alternative system installer's registration permit is required to install evapotranspiration systems, ~~extended treatment package systems~~ ETPSs, lagoon systems, large soil absorption systems, pressure distribution systems, proprietary wastewater treatment systems, intermittent sand filters, sand mounds, or other systems as may be specified by the Director. (7-1-17) ( )

c. A service provider certification is required to perform operation, maintenance, or monitoring of ~~complex alternative systems~~ ETPSs and any other Director-identified complex alternative systems. (7-1-17) ( )

**02. Examination.** The initial issuance of the installer’s permit and service provider certification shall be based on the completion of an examination, with a passing score of seventy percent (70%) or more, of the applicant’s knowledge of the principles set forth in these rules and the applicable sections of the Technical Guidance Manual. The examinations will be prepared, administered and graded by the Director. The installer examination and service provider examination shall be separate exams. (7-1-17)

**03. Permits and Certifications Required Annually.** Registration permits and service provider certifications expire annually on the first (1st) day of January, and all permits and certifications issued thereafter will be issued for the balance of the calendar year. Additionally, installers and service providers shall attend at least one (1) refresher course approved by the state of Idaho, Department of Environmental Quality, every three (3) years. Individuals holding both a complex installer registration permit and service provider certification shall attend one refresher course for the complex installer registration permit and another course for the service provider certification. Installer and service provider refresher courses are not interchangeable. (7-1-17)

**04. Contents of Application.** (7-1-17)

**a.** Applications for installer permits and service provider certifications shall: (7-1-17)

i. Be in writing: (7-1-17)

ii. Be signed by the applicant or by an officer or authorized agent of a corporation: (7-1-17)

iii. Contain the name and address of the applicant: ~~and~~ (7-1-17)( )

iv. Indicate whether the permit is to be for: (7-1-17)( )

(1) Installation of standard and basic alternative systems; (7-1-17)

(2) Installation of standard, basic and complex alternative systems; or (7-1-17)

(3) Installation of standard, basic and complex alternative systems and certification as a service provider; and (7-1-17)

v. Contain the expiration date of the bond required by Subsection 006.05. (7-1-17)

**b.** Additionally, for applicants seeking certification as a service provider, the application shall also contain ~~annual~~ documentation of manufacturer specific training, as required by Subsection 006.06.a. (7-1-17)( )

**05. Bond Required.** At the time of application, all applicants, including those seeking a service provider certification, shall deliver to the Director a bond in a form approved by the Director in the sum of five thousand dollars (\$5,000) for a standard and basic alternative system installer’s registration permit, or in the sum of fifteen thousand dollars (\$15,000) for standard, basic and complex alternative system installer’s registration permit. The bond will be executed by a surety company duly authorized to do business in the state of Idaho and must run concurrent with the installer’s registration permit. The bond shall be approved by the Director and must guarantee the installer or service provider’s faithful performance of all work undertaken under the provisions of the installer’s registration permit or service provider certification, or both. Any person who suffers damage as the result of negligent or wrongful acts of the installer or service provider or by the installer or service provider’s failure to competently perform any of the work agreed to be done under the terms of the registration permit or certification shall, in addition to other legal remedies, have a right of action on the bond for all damages not exceeding five thousand dollars (\$5,000) for standard and basic alternative systems or fifteen thousand dollars (\$15,000) for complex alternative systems or required operation, maintenance, or monitoring by certified service providers. The maximum liability of the surety and/or sureties on the bond, regardless of the number of claims filed against the bond, shall not exceed the sum of five thousand dollars (\$5,000) for standard and basic alternative systems or fifteen thousand dollars (\$15,000) for complex alternative systems or required operation, maintenance, or monitoring by certified service providers. (7-1-17)



**06. Service Provider Responsibilities.** All certified service providers who provide operation, maintenance, or monitoring for any complex alternative system are responsible for compliance with each of these rules that are relevant to those services. Additionally, each certified service provider shall: (7-1-17)

**a.** Obtain documentation of the completed manufacturer-specific training of each manufactured and packaged treatment system for which the service provider intends to provide operation, maintenance, or monitoring. Proper documentation includes a certificate or letter of training completion provided by the manufacturer and an expiration date of the manufacturer's certification. If a system manufacturer is no longer in business, that manufacturer-specific training is not required. (7-1-17)( )

**b.** Maintain a comprehensive list of real property owners who contracted with the certified service provider. ~~The list shall include~~ ing the current real property owner name, service property address, real property owner contact address, and subsurface sewage disposal permit number. This list shall be provided to the Director as part of the annual operation, maintenance, and monitoring reports for individual real property owners; ~~and~~ (7-1-17)( )

**c.** Notify the system owner in writing of any improper system function that cannot be remedied during the time of operation, maintenance, and monitoring services; and ( )

**d.** Submit all operation, maintenance, and monitoring records in the form of an annual report for each individual real property owner with for whom the service provider contracts agrees to fulfill the real property owner's operation, maintenance, or monitoring responsibilities required through the real property owner's subsurface sewage disposal installation permit as allowed in Subsection ~~005.14~~ 009.03. The annual reports shall are to be provided to the Director by the timeframe specified in the Technical Guidance Manual TGM for the specific complex alternative system for which operation, maintenance, or monitoring is required. (7-1-17)( )

**07. Exemption.** An installer's permit shall not be required for: (10-1-90)

**a.** Any person, corporation, or firm constructing a central or municipal subsurface sewage disposal system if that person, corporation, or firm is a licensed public works contractor as provided in Title 54, Chapter 19, Idaho Code, is experienced in the type of system to be installed and is under the direction of a professional engineer licensed in the state of Idaho; or (5-7-93)

**b.** Owners installing their own standard or basic alternative systems. (7-1-17)

**08. Application Fee.** All applications shall be accompanied by payment of the fee specified in IDAPA 58.01.14, Section 120, "Rules Governing Fees for Environmental Operating Permits, Licenses, and Inspection Services". (5-7-93)

**09. Grounds for Revocation.** Failure to comply with these rules shall be grounds for revocation of the permit or the certification, or both. (7-1-17)

**10. Transfer from Non-Profit Operation and Maintenance Entity to Certified Service Provider.** (7-1-17)

**a.** Real property owners who want to install extended treatment package systems must retain a permitted installer and certified service provider. An easement granting general access to a non-profit operation and maintenance entity is no longer required for extended treatment package system installation permits. (7-1-17)

**b.** Beginning July 1, 2017, real property owners who had extended treatment package systems installed are not required to be members of non-profit operation and maintenance entities. To meet the operation, maintenance, and monitoring requirements of their extended treatment package systems, real property owners shall retain a certified service provider for their existing extended treatment package systems. (7-1-17)

**(BREAK IN CONTINUITY OF SECTIONS)**

009. OTHER COMPONENTS.

01. **Design Approval Required.** Commercially manufactured ~~blackwaste and~~ wastewater treatment ~~and storage~~ components ~~may~~ and systems must not be used in the construction of a subsurface sewage system unless their design is approved by the Director through the recommendation of the TGC as directed in Section 004. The Department has developed recommended standards and guidance for these systems in the TGM. Approval may be limited to those locations or conditions for which achievement of standards has been demonstrated. Commercially manufactured wastewater treatment components and systems may include but are not limited to: (10-1-90)( )

- a. ETPSs (e.g., aerobic treatment systems); ( )
- b. Proprietary wastewater treatment systems (e.g., proprietary wastewater system technology with specified sand); ( )
- c. Proprietary wastewater system technology (e.g., gravelless distribution products); and ( )
- d. Proprietary non-discharging systems (e.g., individual wastewater incinerators, composting toilets, or vault toilets). ( )

02. **Plan and Specification Submittal.** Plans and specifications for all commercially manufactured ~~individual and subsurface~~ wastewater treatment ~~and storage~~ components and systems will be submitted to the Director for approval. Plans and specifications will ~~show or~~ include ~~as requested by the Director,~~ detailed construction drawings, capacities, structural calculations, list of materials, evidence of stability and durability, performance standards, manufacturers installation, operation and maintenance instructions, an installation inspection checklist, a list of all prior approvals from other states including any review or compliance related issues, and any other relevant information as requested by the Director. (10-1-90)( )

03. ETPSs. ( )
- a. In addition to the items listed in Subsection 009.02, ETPS plan and specification submittals must include: ( )
    - i. A plan for training and certifying system installers and service providers under Section 006; ( )
    - ii. An operation and maintenance manual which contains all operation and maintenance specified by the design engineer or manufacturer and the Department; and ( )
    - iii. A quality assurance project plan which documents how sampling will occur if sampling is required by the Director for product approval and continued monitoring. ( )
  - b. Manufacturers seeking approval of these systems for reducing total suspended solids (TSS) and carbonaceous biological oxygen demand 5-day (CBOD5) when used with residential strength wastewater must submit NSF/ANSI 40: Residential Onsite Systems approvals, reports, and associated data or equivalent third-party standards. ( )
  - c. Manufacturers seeking approval for reduction of total nitrogen (TN) must submit NSF/ANSI 245: Nitrogen Reduction approvals, reports, and associated data or equivalent third-party standards. ( )
  - d. Design and installation of these systems must meet the following: ( )
    - i. The effluent is discharged to a drainfield meeting the requirements of a standard drainfield as directed in Section 008 or a Director-approved alternative. ( )
    - ii. Separation between the bottom of the trench or bed to limiting layers protects ground water quality if the distance deviates from the table in Subsection 008.02.c. ( )
    - iii. The distribution laterals within the trench or bed meet the requirements of Section 008 or a

Director-approved alternative. ( )

iv. Tank access lids are to grade or above with a sealed riser and fitted with a secured lid for monitoring and maintenance. ( )

v. If vertical separation distances are reduced from the distances defined in the table in Subsection 008.02.c., a sampling port has to be installed to provide a representative sample of the effluent from the system. ( )

e. Within thirty (30) days of completing installation of an ETPS, the property owner shall provide certification to the health district from a representative approved by the manufacturer that the system has been installed and will operate in accordance with the manufacturer's recommendations. The health district shall not finalize the subsurface sewage disposal permit until the certification of proper installation and operation is received and includes information on the manufacturer, product, model number, and serial number of the ETPS installed. ( )

f. Property owners with an ETPS installed on their property must have all operation, maintenance, and monitoring requirements specified in the permit completed by June 30th each year by a certified service provider in accordance with Section 006, including effluent monitoring if required by the permit. The certified service provider who completed operation, maintenance, and monitoring for the system as specified in the TGM must submit an annual report by July 31st of each calendar year demonstrating that the system is working as designed. ( )

g. Permit requirements for ETPSs transfer with ownership changes. Before transferring ownership of a property with an ETPS, the system owner must notify all transferees of the ETPS operation, maintenance, and monitoring requirements. Within thirty (30) days of transferring ownership of a property with an ETPS, the transferee must notify the health district of the new owner of the property. ( )

**04. Proprietary Wastewater Treatment Systems.** ( )

a. Manufacturers seeking approval for these systems for reducing total suspended solids (TSS) and carbonaceous biological oxygen demand 5-day (CBOD5) when used with residential strength wastewater must submit NSF/ANSI 40: Residential Onsite Systems approvals, reports, and associated data or equivalent third-party standards. ( )

b. Manufacturers seeking approval for reduction of total nitrogen (TN) must submit NSF/ANSI 245: Nitrogen Reduction approvals, reports, and associated data or equivalent third-party standards. ( )

c. Proprietary wastewater system media utilized with a proprietary wastewater treatment system must: ( )

i. Be constructed or manufactured from materials that are non-decaying and non-deteriorating and do not leach unacceptable chemicals when exposed to sewage and the subsurface soil environment; ( )

ii. Support the distribution pipe and provide suitable effluent distribution and infiltration rate to the absorption area at the soil interface; and ( )

iii. Maintain the integrity of the trench or bed. The material used, by its nature and manufacturer-prescribed installation procedure, needs to withstand the physical forces of the soil sidewalls, soil backfill, and weight of equipment used in the backfilling. ( )

d. Design and installation of these systems must meet the following: ( )

i. The effluent is discharged to a drainfield that meets the required effective soil depth for standard drainfields as directed in Section 008. ( )

ii. Separation between the bottom of the manufactured medium sand component of the trench or bed to limiting layers protects ground water quality if the distance deviates from the table in Subsection 008.02.c. ( )

iii. The distribution laterals within the trench or bed meet the requirements of Section 008 or a Director-approved alternative. ( )

iv. Drainfields sized based on the manufacturer's recommended minimum sizing requirement or the maximum daily flow of effluent divided by the hydraulic application rate for the applicable soil design subgroup, whichever is greater. ( )

v. Pressure distribution, when used with a proprietary wastewater treatment product, is designed by an Idaho licensed professional engineer. ( )

e. A proprietary wastewater treatment system may be required to follow the same operation, maintenance, monitoring, and reporting requirements described in Subsection 009.03.f. due to factors such as product complexity and/or site specific constituent reduction requirements. ( )

f. Permit requirements for these systems transfer with ownership changes. Before transferring ownership of a property with this system, the system owner must notify all transferees of the system operation, maintenance, and monitoring requirements. Within thirty (30) days of transferring ownership of a property with the system, the transferee must notify the health district of the new owner of the property. ( )

**034. Effect of Design Approval.** The Director may condition a design approval by specifying circumstances under which the component must be installed, used, operated, maintained, or monitored. (7-1-17)

**a.** The Director shall specify the complex alternative systems that must undergo professionally managed operation, maintenance, service, or effluent testing. (7-1-17)

**b.** Manufacturers shall provide training to a reasonable number of service providers to perform required operation, maintenance, or monitoring as specified by the Director. (7-1-17)

**c.** Manufacturers may enter into agreements with certified service providers trained in their technology but shall not limit the service providers from being trained in the technology of other manufacturers. (7-1-17)

**045. Notice of Design Disapproval.** If the Director is satisfied that the component described in the submittal may not be in compliance with or may not consistently function in compliance with these rules, or that the manufacturer of the proposed system failed to comply with Subsection 009.03, the Director will disapprove the design as submitted. The manufacturer or distributor submitting the design for approval will be notified in writing of the disapproval and the reason for that action. (7-1-17)

**07. Amendments or Revocations.** The Director may amend or revoke any permit or system approved by the Department if: ( )

**a.** Approval was based on false or misleading information; ( )

**b.** The material, technology, or design no longer achieves performance standards for which it was approved or does not meet the intent of the rules; or ( )

**c.** The manufacturer is not meeting the requirements of these rules or conditions of the approval. ( )

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*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.

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**(Index of Current and Active Rulemakings)**

*Office of the Administrative Rules Coordinator  
Division of Financial Management*

*March 20, 2020 – September 2, 2020*

*(PLR 2021) – Final Effective Date Is Pending Legislative Review in 2021*

*(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)*

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**02-0701-2000F Rules of the Idaho Hop Growers Commission** – Notice of Omnibus Rulemaking – Adoption of Temporary (Fee) Rule – Reauthorizes **Title 07**, Chapter 01 – Bulletin Vol. 20-4SE (eff. 3-20-20)T

**02-0801-2000F Rules of the Idaho Sheep and Goat Health Board** – Notice of Omnibus Rulemaking – Adoption of Temporary (Fee) Rule – Reauthorizes **Title 08**, Chapter 01 – Bulletin Vol. 20-4SE (eff. 3-20-20)T

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### ***02.03.03, Rules Governing Pesticide and Chemigation Use and Application***

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### ***02.04.14, Rules Governing Dairy Byproduct***

**02-0414-2002 Notice of Intent to Promulgate a Rule (New Chapter)** – Negotiated Rulemaking, Bulletin Vol. 20-6

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***IDAPA 07 – DIVISION OF BUILDING SAFETY***

**07-0000-2000 IDAPA 07 – DIVISION OF BUILDING SAFETY** – Notice of Legislative and Executive Action Affecting the Division of Building Safety and Its Constituent Boards Under the Department of Self-Governing Agencies – House Bill 318, Session Law 96, and Executive Order 2020-10 and Assignment of New IDAPA Designation Number Under the Division of Occupational and Professional Licenses – Redesignated as ***IDAPA 24, Title 39, Chapter 01*** through ***Chapter 90*** – Bulletin Vol. 20-7 (eff. 7-1-20)

**24-0000-2000 IDAPA 24 – DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES** – Notice of Legislative and Executive Action Affecting Certain Boards and Commissions Under the Department of Self-Governing Agencies – House Bill 318, Session Law 96, and Executive Order 2020-10 and Assignment of New IDAPA Designation Number Under the Division of Occupational and Professional Licenses – Redesignated as ***IDAPA 24, Title 39, Chapters 01-90*** – Bulletin Vol. 20-7 (eff. 7-1-20)

**07-0000-2000F Rules of the Division of Building Safety** – Notice of Omnibus Rulemaking – Adoption of Temporary (Fee) Rule – Reauthorizes Title 01, Chapter 01; Title 02, Chapter 02; 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. 20-4SE (eff. 3-20-20)T

***(MOVED AND REDESIGNATED) 07.01.01, Rules of the Idaho Electrical Board***

**07-0000-2000 IDAPA 07 – DIVISION OF BUILDING SAFETY** – Notice of Legislative and Executive Action Affecting the Division of Building Safety and Its Constituent Boards Under the Department of Self-Governing Agencies – House Bill 318, Session Law 96, and Executive Order 2020-10 and Assignment of New IDAPA Designation Number Under the Division of Occupational and Professional Licenses – Redesignated as ***IDAPA 24, Title 39, Chapter 10*** – Bulletin Vol. 20-7 (eff. 7-1-20)

**24-0000-2000 IDAPA 24 – DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES** – Notice of Legislative and Executive Action Affecting Certain Boards and Commissions Under the Department of Self-Governing Agencies – House Bill 318, Session Law 96, and Executive Order 2020-10 and Assignment of New IDAPA Designation Number Under the Division of Occupational and Professional Licenses – Redesignated as ***IDAPA 24, Title 39, Chapter 10*** – Bulletin Vol. 20-7 (eff. 7-1-20)

**07-0000-2000F Rules of the Division of Building Safety** – Notice of Omnibus Rulemaking – Adoption of Temporary (Fee) Rule – Reauthorizes ***Title 01, Chapter 01*** – Bulletin Vol. 20-4SE (eff. 3-20-20)T

***(MOVED AND REDESIGNATED) 07.02.02, Rules Governing Plumbing***

**07-0000-2000 IDAPA 07 – DIVISION OF BUILDING SAFETY** – Notice of Legislative and Executive Action Affecting the Division of Building Safety and Its Constituent Boards Under the Department of Self-Governing Agencies – House Bill 318, Session Law 96, and Executive Order 2020-10 and Assignment of New IDAPA Designation Number Under the Division of Occupational and Professional Licenses – Redesignated as ***IDAPA 24, Title 39, Chapter 20*** – Bulletin Vol. 20-7 (eff. 7-1-20)

**24-0000-2000 IDAPA 24 – DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES** – Notice of Legislative and Executive Action Affecting Certain Boards and Commissions Under the Department of Self-Governing Agencies – House Bill 318, Session Law 96, and Executive Order 2020-10 and Assignment of New IDAPA Designation Number Under the Division of Occupational and Professional Licenses – Redesignated as ***IDAPA 24, Title 39, Chapter 20*** – Bulletin Vol. 20-7 (eff. 7-1-20)

**07-0000-2000F Rules of the Division of Building Safety** – Notice of Omnibus Rulemaking – Adoption of Temporary (Fee) Rule – Reauthorizes ***Title 02, Chapter 02*** – Bulletin Vol. 20-4SE (eff. 3-20-20)T

***(MOVED AND REDESIGNATED) 07.03.01, Rules of Building Safety (Building Code Rules)***

**07-0000-2000 IDAPA 07 – DIVISION OF BUILDING SAFETY** – Notice of Legislative and Executive Action Affecting the Division of Building Safety and Its Constituent Boards Under the Department of Self-Governing Agencies – House Bill 318, Session Law 96, and Executive Order 2020-10 and Assignment of New IDAPA Designation Number Under the Division of Occupational and Professional Licenses – Redesignated as ***IDAPA 24, Title 39, Chapter 30*** – Bulletin Vol. 20-7 (eff. 7-1-20)

**24-0000-2000 IDAPA 24 – DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES** – Notice of Legislative and Executive Action Affecting Certain Boards and Commissions Under the Department of Self-Governing Agencies – House Bill 318, Session Law 96, and Executive Order 2020-10 and Assignment of New IDAPA Designation Number Under the Division of Occupational and Professional Licenses – Redesignated as ***IDAPA 24, Title 39, Chapter 30*** – Bulletin Vol. 20-7 (eff. 7-1-20)

**07-0000-2000F** *Rules of the Division of Building Safety* – Notice of Omnibus Rulemaking – Adoption of Temporary (Fee) Rule – Reauthorizes **Title 03, Chapter 01** – Bulletin Vol. 20-4SE (eff. 3-20-20)T

**(MOVED AND REDESIGNATED)** *07.03.03, Rules for Modular Buildings*

**07-0000-2000** **IDAPA 07 – DIVISION OF BUILDING SAFETY** – Notice of Legislative and Executive Action Affecting the Division of Building Safety and Its Constituent Boards Under the Department of Self-Governing Agencies – House Bill 318, Session Law 96, and Executive Order 2020-10 and Assignment of New IDAPA Designation Number Under the Division of Occupational and Professional Licenses – Redesignated as **IDAPA 24, Title 39, Chapter 31** – Bulletin Vol. 20-7 (eff. 7-1-20)

**24-0000-2000** **IDAPA 24 – DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES** – Notice of Legislative and Executive Action Affecting Certain Boards and Commissions Under the Department of Self-Governing Agencies – House Bill 318, Session Law 96, and Executive Order 2020-10 and Assignment of New IDAPA Designation Number Under the Division of Occupational and Professional Licenses – Redesignated as **IDAPA 24, Title 39, Chapter 31** – Bulletin Vol. 20-7 (eff. 7-1-20)

**07-0000-2000F** *Rules of the Division of Building Safety* – Notice of Omnibus Rulemaking – Adoption of Temporary (Fee) Rule – Reauthorizes **Title 03, Chapter 03** – Bulletin Vol. 20-4SE (eff. 3-20-20)T

**(MOVED AND REDESIGNATED)** *07.03.09, Rules Governing Manufactured Homes – Consumers Complaints – Dispute Resolution*

**07-0000-2000** **IDAPA 07 – DIVISION OF BUILDING SAFETY** – Notice of Legislative and Executive Action Affecting the Division of Building Safety and Its Constituent Boards Under the Department of Self-Governing Agencies – House Bill 318, Session Law 96, and Executive Order 2020-10 and Assignment of New IDAPA Designation Number Under the Division of Occupational and Professional Licenses – Redesignated as **IDAPA 24, Title 39, Chapter 32** – Bulletin Vol. 20-7 (eff. 7-1-20)

**24-0000-2000** **IDAPA 24 – DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES** – Notice of Legislative and Executive Action Affecting Certain Boards and Commissions Under the Department of Self-Governing Agencies – House Bill 318, Session Law 96, and Executive Order 2020-10 and Assignment of New IDAPA Designation Number Under the Division of Occupational and Professional Licenses – Redesignated as **IDAPA 24, Title 39, Chapter 32** – Bulletin Vol. 20-7 (eff. 7-1-20)

**(MOVED AND REDESIGNATED)** *07.03.11, Rules Governing Manufactured/Mobile Home Industry Licensing*

**07-0000-2000** **IDAPA 07 – DIVISION OF BUILDING SAFETY** – Notice of Legislative and Executive Action Affecting the Division of Building Safety and Its Constituent Boards Under the Department of Self-Governing Agencies – House Bill 318, Session Law 96, and Executive Order 2020-10 and Assignment of New IDAPA Designation Number Under the Division of Occupational and Professional Licenses – Redesignated as **IDAPA 24, Title 39, Chapter 33** – Bulletin Vol. 20-7 (eff. 7-1-20)

**24-0000-2000** **IDAPA 24 – DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES** – Notice of Legislative and Executive Action Affecting Certain Boards and Commissions Under the Department of Self-Governing Agencies – House Bill 318, Session Law 96, and Executive Order 2020-10 and Assignment of New IDAPA Designation Number Under the Division of Occupational and Professional Licenses – Redesignated as **IDAPA 24, Title 39, Chapter 33** – Bulletin Vol. 20-7 (eff. 7-1-20)

**07-0000-2000F** *Rules of the Division of Building Safety* – Notice of Omnibus Rulemaking – Adoption of Temporary (Fee) Rule – Reauthorizes **Title 03, Chapter 11** – Bulletin Vol. 20-4SE (eff. 3-20-20)T

**(MOVED AND REDESIGNATED)** *07.03.12, Rules Governing Manufactured or Mobile Home Installations*

**07-0000-2000** **IDAPA 07 – DIVISION OF BUILDING SAFETY** – Notice of Legislative and Executive Action Affecting the Division of Building Safety and Its Constituent Boards Under the Department of Self-Governing Agencies – House Bill 318, Session Law 96, and Executive Order 2020-10 and Assignment of New IDAPA Designation Number Under the Division of Occupational and Professional Licenses – Redesignated as **IDAPA 24, Title 39, Chapter 34** – Bulletin Vol. 20-7 (eff. 7-1-20)

**24-0000-2000** **IDAPA 24 – DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES** – Notice of Legislative and Executive Action Affecting Certain Boards and Commissions Under the Department of Self-Governing Agencies – House Bill 318, Session Law 96, and Executive Order 2020-10 and Assignment of New IDAPA Designation Number Under the Division of Occupational and Professional Licenses – Redesignated as **IDAPA 24, Title 39, Chapter 34** – Bulletin Vol. 20-7 (eff. 7-1-20)

**07-0000-2000F** *Rules of the Division of Building Safety* – Notice of Omnibus Rulemaking – Adoption of Temporary (Fee) Rule – Reauthorizes **Title 03, Chapter 12** – Bulletin Vol. 20-4SE (eff. 3-20-20)T

**(MOVED AND REDESIGNATED)** 07.03.13, *Rules Governing Mobile Home Rehabilitation*

**07-0000-2000 IDAPA 07 – DIVISION OF BUILDING SAFETY** – Notice of Legislative and Executive Action Affecting the Division of Building Safety and Its Constituent Boards Under the Department of Self-Governing Agencies – House Bill 318, Session Law 96, and Executive Order 2020-10 and Assignment of New IDAPA Designation Number Under the Division of Occupational and Professional Licenses – Redesignated as **IDAPA 24, Title 39, Chapter 35** – Bulletin Vol. 20-7 (eff. 7-1-20)

**24-0000-2000 IDAPA 24 – DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES** – Notice of Legislative and Executive Action Affecting Certain Boards and Commissions Under the Department of Self-Governing Agencies – House Bill 318, Session Law 96, and Executive Order 2020-10 and Assignment of New IDAPA Designation Number Under the Division of Occupational and Professional Licenses – Redesignated as **IDAPA 24, Title 39, Chapter 35** – Bulletin Vol. 20-7 (eff. 7-1-20)

**(MOVED AND REDESIGNATED)** 07.04.02, *Safety Rules for Elevators, Escalators, and Moving Walks*

**07-0000-2000 IDAPA 07 – DIVISION OF BUILDING SAFETY** – Notice of Legislative and Executive Action Affecting the Division of Building Safety and Its Constituent Boards Under the Department of Self-Governing Agencies – House Bill 318, Session Law 96, and Executive Order 2020-10 and Assignment of New IDAPA Designation Number Under the Division of Occupational and Professional Licenses – Redesignated as **IDAPA 24, Title 39, Chapter 40** – Bulletin Vol. 20-7 (eff. 7-1-20)

**24-0000-2000 IDAPA 24 – DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES** – Notice of Legislative and Executive Action Affecting Certain Boards and Commissions Under the Department of Self-Governing Agencies – House Bill 318, Session Law 96, and Executive Order 2020-10 and Assignment of New IDAPA Designation Number Under the Division of Occupational and Professional Licenses – Redesignated as **IDAPA 24, Title 39, Chapter 40** – Bulletin Vol. 20-7 (eff. 7-1-20)

**07-0000-2000F Rules of the Division of Building Safety** – Notice of Omnibus Rulemaking – Adoption of Temporary (Fee) Rule – Reauthorizes **Title 04, Chapter 02** – Bulletin Vol. 20-4SE (eff. 3-20-20)T

**(MOVED AND REDESIGNATED)** 07.05.01, *Rules of the Public Works Contractors License Board*

**07-0000-2000 IDAPA 07 – DIVISION OF BUILDING SAFETY** – Notice of Legislative and Executive Action Affecting the Division of Building Safety and Its Constituent Boards Under the Department of Self-Governing Agencies – House Bill 318, Session Law 96, and Executive Order 2020-10 and Assignment of New IDAPA Designation Number Under the Division of Occupational and Professional Licenses – Redesignated as **IDAPA 24, Title 39, Chapter 50** – Bulletin Vol. 20-7 (eff. 7-1-20)

**24-0000-2000 IDAPA 24 – DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES** – Notice of Legislative and Executive Action Affecting Certain Boards and Commissions Under the Department of Self-Governing Agencies – House Bill 318, Session Law 96, and Executive Order 2020-10 and Assignment of New IDAPA Designation Number Under the Division of Occupational and Professional Licenses – Redesignated as **IDAPA 24, Title 39, Chapter 50** – Bulletin Vol. 20-7 (eff. 7-1-20)

**07-0000-2000F Rules of the Division of Building Safety** – Notice of Omnibus Rulemaking – Adoption of Temporary (Fee) Rule – Reauthorizes **Title 05, Chapter 01** – Bulletin Vol. 20-4SE (eff. 3-20-20)T

**(MOVED AND REDESIGNATED)** 07.06.01, *Rules Governing Uniform School Building Safety*

**07-0000-2000 IDAPA 07 – DIVISION OF BUILDING SAFETY** – Notice of Legislative and Executive Action Affecting the Division of Building Safety and Its Constituent Boards Under the Department of Self-Governing Agencies – House Bill 318, Session Law 96, and Executive Order 2020-10 and Assignment of New IDAPA Designation Number Under the Division of Occupational and Professional Licenses – Redesignated as **IDAPA 24, Title 39, Chapter 60** – Bulletin Vol. 20-7 (eff. 7-1-20)

**24-0000-2000 IDAPA 24 – DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES** – Notice of Legislative and Executive Action Affecting Certain Boards and Commissions Under the Department of Self-Governing Agencies – House Bill 318, Session Law 96, and Executive Order 2020-10 and Assignment of New IDAPA Designation Number Under the Division of Occupational and Professional Licenses – Redesignated as **IDAPA 24, Title 39, Chapter 60** – Bulletin Vol. 20-7 (eff. 7-1-20)

**(MOVED AND REDESIGNATED)** 07.07.01, *Rules Governing Installation of Heating, Ventilation, and Air Conditioning Systems*

**07-0000-2000 IDAPA 07 – DIVISION OF BUILDING SAFETY** – Notice of Legislative and Executive Action Affecting the Division of Building Safety and Its Constituent Boards Under the Department of Self-Governing Agencies – House Bill 318, Session Law 96, and Executive Order 2020-10 and Assignment of New IDAPA Designation Number Under the Division of Occupational and Professional Licenses – Redesignated as **IDAPA 24, Title 39, Chapter 70** – Bulletin Vol. 20-7 (eff. 7-1-20)

**24-0000-2000 IDAPA 24 – DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES** – Notice of Legislative and Executive Action Affecting Certain Boards and Commissions Under the Department of Self-Governing Agencies – House Bill 318, Session Law 96, and Executive Order 2020-10 and Assignment of New IDAPA Designation Number Under the Division of Occupational and Professional Licenses – Redesignated as **IDAPA 24, Title 39, Chapter 70** – Bulletin Vol. 20-7 (eff. 7-1-20)

**07-0000-2000F Rules of the Division of Building Safety** – Notice of Omnibus Rulemaking – Adoption of Temporary (Fee) Rule – Reauthorizes **Title 07, Chapter 01** – Bulletin Vol. 20-4SE (eff. 3-20-20)T

**(MOVED AND REDESIGNATED)** *07.08.01, Idaho Minimum Safety Standards and Practices for Logging*

**07-0000-2000 IDAPA 07 – DIVISION OF BUILDING SAFETY** – Notice of Legislative and Executive Action Affecting the Division of Building Safety and Its Constituent Boards Under the Department of Self-Governing Agencies – House Bill 318, Session Law 96, and Executive Order 2020-10 and Assignment of New IDAPA Designation Number Under the Division of Occupational and Professional Licenses – Redesignated as **IDAPA 24, Title 39, Chapter 80** – Bulletin Vol. 20-7 (eff. 7-1-20)

**24-0000-2000 IDAPA 24 – DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES** – Notice of Legislative and Executive Action Affecting Certain Boards and Commissions Under the Department of Self-Governing Agencies – House Bill 318, Session Law 96, and Executive Order 2020-10 and Assignment of New IDAPA Designation Number Under the Division of Occupational and Professional Licenses – Redesignated as **IDAPA 24, Title 39, Chapter 80** – Bulletin Vol. 20-7 (eff. 7-1-20)

**(MOVED AND REDESIGNATED)** *07.10.01, Rules Governing the Damage Prevention Board*

**07-0000-2000 IDAPA 07 – DIVISION OF BUILDING SAFETY** – Notice of Legislative and Executive Action Affecting the Division of Building Safety and Its Constituent Boards Under the Department of Self-Governing Agencies – House Bill 318, Session Law 96, and Executive Order 2020-10 and Assignment of New IDAPA Designation Number Under the Division of Occupational and Professional Licenses – Redesignated as **IDAPA 24, Title 39, Chapter 90** – Bulletin Vol. 20-7 (eff. 7-1-20)

**24-0000-2000 IDAPA 24 – DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES** – Notice of Legislative and Executive Action Affecting Certain Boards and Commissions Under the Department of Self-Governing Agencies – House Bill 318, Session Law 96, and Executive Order 2020-10 and Assignment of New IDAPA Designation Number Under the Division of Occupational and Professional Licenses – Redesignated as **IDAPA 24, Title 39, Chapter 90** – Bulletin Vol. 20-7 (eff. 7-1-20)

**07-0000-2000F Rules of the Division of Building Safety** – Notice of Omnibus Rulemaking – Adoption of Temporary (Fee) Rule – Reauthorizes **Title 10, Chapter 01** – Bulletin Vol. 20-4SE (eff. 3-20-20)T

**(MOVED AND REDESIGNATED)** *07.11.01, Rules of the Division of Building Safety*

**07-0000-2000 IDAPA 07 – DIVISION OF BUILDING SAFETY** – Notice of Legislative and Executive Action Affecting the Division of Building Safety and Its Constituent Boards Under the Department of Self-Governing Agencies – House Bill 318, Session Law 96, and Executive Order 2020-10 and Assignment of New IDAPA Designation Number Under the Division of Occupational and Professional Licenses – Redesignated as **IDAPA 24, Title 39, Chapter 01** – Bulletin Vol. 20-7 (eff. 7-1-20)

**24-0000-2000 IDAPA 24 – DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES** – Notice of Legislative and Executive Action Affecting Certain Boards and Commissions Under the Department of Self-Governing Agencies – House Bill 318, Session Law 96, and Executive Order 2020-10 and Assignment of New IDAPA Designation Number Under the Division of Occupational and Professional Licenses – Redesignated as **IDAPA 24, Title 39, Chapter 01** – Bulletin Vol. 20-7 (eff. 7-1-20)

**IDAPA 08 – IDAHO STATE BOARD OF EDUCATION  
AND STATE DEPARTMENT OF EDUCATION**

**08-0000-2000F Rules of the State Board of Education and the Department of Education** – Notice of Omnibus Rulemaking – Adoption of Temporary (Fee) Rule – 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. 20-4SE (eff. 3-20-20)T

**08.02.01, Rules Governing Administration**

**08-0201-2001** Notice of Intent to Promulgate Rules – Negotiated Rulemaking, Bulletin Vol. 20-9

**08.02.02, Rules Governing Uniformity**

**08-0202-2002** Notice of Intent to Promulgate Rules – Negotiated Rulemaking, Bulletin Vol. 20-9

**08-0202-2001** Notice of Adoption of Temporary Rule, Bulletin Vol. 20-5 (eff. 4-1-20)T

**08-0000-2000F** *Rules of the State Board of Education and the Department of Education* – Notice of Omnibus Rulemaking – Adoption of Temporary (Fee) Rule – Reauthorizes Title 02, Chapter 02, Sections 066 and 075 only – Bulletin Vol. 20-4SE (eff. 3-20-20)T

***IDAPA 09 – IDAHO DEPARTMENT OF LABOR***

**09.01.01, Rules of Administrative Procedure of the Department of Labor**

**09-0101-2001** Proposed Rulemaking, Bulletin Vol. 20-9

**09.01.30, Unemployment Insurance Benefits Administration Rules**

**09-0130-2002** Proposed Rulemaking, Bulletin Vol. 20-9

**09-0130-2001** *Notice of Intent to Promulgate a Rule – Negotiated Rulemaking, Bulletin Vol. 20-8 (terminated)*

**09.01.60, Complaint Procedures Under the Workforce Innovation and Opportunity Act**

**09-0160-2001** Proposed Rulemaking (Chapter Repeal), Bulletin Vol. 20-9

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

**(MOVED AND REDESIGNATED)** *10.01.01, Rules of the Idaho Board of Licensure of Professional Engineers and Professional Land Surveyors*

**10-0000-2000** **IDAPA 10 – IDAHO BOARD OF LICENSURE OF PROFESSIONAL ENGINEERS AND PROFESSIONAL LAND SURVEYORS** – Notice of Legislative and Executive Action Affecting the Idaho Board of Licensure of Professional Engineers and Professional Land Surveyors Under the Department of Self-Governing Agencies – House Bill 318, Session Law 96, and Executive Order 2020-10 and Assignment of New IDAPA Designation Number Under the Division of Occupational and Professional Licenses – Redesignated as **IDAPA 24, Title 32, Chapter 01**, – Bulletin Vol. 20-7 (eff. 7-1-20)

**24-0000-2000** **IDAPA 24 – DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES** – Notice of Legislative and Executive Action Affecting Certain Boards and Commissions Under the Department of Self-Governing Agencies – House Bill 318, Session Law 96, and Executive Order 2020-10 and Assignment of New IDAPA Designation Number Under the Division of Occupational and Professional Licenses – Redesignated as **IDAPA 24, Title 32, Chapter 01** – Bulletin Vol. 20-7 (eff. 7-1-20)

**10-0101-2000F** *Rules of the Board of Professional Engineers and Professional Land Surveyors* – Notice of Omnibus Rulemaking – Adoption of Temporary (Fee) Rule – Reauthorizes Title 01, Chapter 01 – Bulletin Vol. 20-4SE (eff. 3-20-20)T

***IDAPA 11 – IDAHO STATE POLICE***

**11-0000-2000F** *Rules of the Idaho State Police* – Notice of Omnibus Rulemaking – Adoption of Temporary (Fee) Rule – Reauthorizes Title 05, Chapter 01; Title 10, Chapter 02 – Bulletin Vol. 20-4SE (eff. 3-20-20)T

**Idaho State Brand Board**

**11.02.01, Rules of the Idaho State Brand Board**

**11-0201-2000F** *Rules of the Idaho State Brand Board* – Notice of Omnibus Rulemaking – Adoption of Temporary (Fee) Rule – Reauthorizes Title 02, Chapter 01 – Bulletin Vol. 20-4SE (eff. 3-20-20)T

**Idaho State Racing Commission**

**11-0400-2000F** *Rules of the Idaho State Racing Commission* – Notice of Omnibus Rulemaking – Adoption of Temporary (Fee) Rule – Reauthorizes Title 04, Chapters 02, 03, 05, 07, 11, 15 – Bulletin Vol. 20-4SE (eff. 3-20-20)T

**11.08.01, Rules Governing Hemp Transportation**

**11-0801-2002** Adoption of Temporary Rule (New Chapter), Bulletin Vol. 20-4 (eff. 3-20-20)T

**11-0801-2001** *Adoption of Temporary Rule (New Chapter), Bulletin Vol. 20-1 (eff. 11-19-19)T (Expired 3-20-20)*

**Public Safety and Security Information Bureau**

**11.10.01, Rules Governing Idaho Public Safety and Security Information System**

**11-1001-2000F** *Idaho Public Safety and Public Information Systems* – Notice of Omnibus Rulemaking – Adoption of Temporary (Fee) Rule – Reauthorizes Title 10, Chapter 01 – Bulletin Vol. 20-4SE (eff. 3-20-20)T

**Peace Officer Standards and Training (POST) Council**

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

**11-1101-2000F** *Rules of the Peace Officer Standards and Training Council* – Notice of Omnibus Rulemaking – Adoption of Temporary (Fee) Rule – Reauthorizes Title 11, Chapter 01 – Bulletin Vol. 20-4SE (eff. 3-20-20)T

***IDAPA 12 – DEPARTMENT OF FINANCE***

**12-0000-2000F** *Rules of the Department of Finance* – Notice of Omnibus Rulemaking – Adoption of Temporary (Fee) Rule – Reauthorizes Title 01, Chapter 08 – Bulletin Vol. 20-4SE (eff. 3-20-20)T

***IDAPA 13 – IDAHO FISH AND GAME COMMISSION***

**13-0000-2000F** *Rules of the Idaho Fish and Game Commission* – Notice of Omnibus Rulemaking – Adoption of Temporary (Fee) Rule – Reauthorizes Title 01, Chapter 02, Sections 200 and 201 only; Title 01, Chapter 04, Section 601 only; Title 01, Chapter 08, Section 263 only; Title 01, Chapter 10, Section 410 only; Title 01, Chapter 19, Section 102 only – Bulletin Vol. 20-4SE (eff. 3-20-20)T

**13.01.04, Rules Governing Licensing**

**13-0104-2003** Adoption of Temporary Rule, Bulletin Vol. 20-9 (eff. 12-1-20)T

**13-0104-2002** Proposed Rulemaking, Bulletin Vol. 20-9

**13-0104-2002** Notice of Intent to Promulgate a Rule – Negotiated Rulemaking, Bulletin Vol. 20-6

**13-0104-2001** *Notice of Rulemaking – Rescission of Temporary Rule, Bulletin Vol. 20-6*

**13-0104-2001** *Notice of Adoption of Temporary Rule, Bulletin Vol. 20-5 (eff. 4-4-20)T / (4-9-20)T*

**13.01.07, Rules Governing the Taking of Upland Game Animals**

**13-0107-2001P** Notice of Proclamation of Rulemaking, Bulletin Vol. 20-2

**13.01.08, Rules Governing the Taking of Big Game Animals**

**13-0108-2001** Proposed Rulemaking, Bulletin Vol. 20-9



**13-0108-2001** Notice of Intent to Promulgate a Rule – Negotiated Rulemaking, Bulletin Vol. 20-6

**13-0108-1902AAAAAP\*** Notice of Amended Proclamation of Rulemaking, Bulletin Vol. 20-5 (\*4th Amendment)

**13-0108-1902AAAP\*** Notice of Amended Proclamation of Rulemaking, Bulletin Vol. 20-4 (\*3rd Amendment)

**13-0108-1902AAP\*** Notice of Amended Proclamation of Rulemaking, Bulletin Vol. 20-2 (\*2nd Amendment)

**13-0108-1902AP\*** Notice of Amended Proclamation of Rulemaking, Bulletin Vol. 19-6 (\*1st Amendment)

**13-0108-1902P** Notice of Proclamation of Rulemaking, Bulletin Vol. 19-4

### ***13.01.09, Rules Governing the Taking of Game Birds***

**13-0109-2004** Adoption of Temporary Rule, Bulletin Vol. 20-9 (eff. 8-1-20)T

**13-0109-2003P** Notice of Proclamation of Rulemaking, Bulletin Vol. 20-6

**13-0109-2002** Proposed Rulemaking, Bulletin Vol. 20-9

**13-0109-2002** Notice of Intent to Promulgate a Rule – Negotiated Rulemaking, Bulletin Vol. 20-6

**13-0109-2001P** Notice of Proclamation of Rulemaking, Bulletin Vol. 20-2

### ***13.01.11, Rules Governing Fish***

**13-0111-2002P** Notice of Proclamation of Rulemaking, Bulletin Vol. 20-8

**13-0111-2001AP\*** Notice of Amended Proclamation of Rulemaking, Bulletin Vol. 20-6 (\*1st Amendment)

**13-0111-2001P** Notice of Proclamation of Rulemaking, Bulletin Vol. 20-5

**13-0111-1901AAAAAP\*** Notice of Amended Proclamation of Rulemaking, Bulletin Vol. 20-5 (\*5th Amendment)

**13-0111-1901AAAAP\*** Notice of Amended Proclamation of Rulemaking, Bulletin Vol. 20-2 (\*4th Amendment)

**13-0111-1901AAAP\*** Notice of Amended Proclamation of Rulemaking, Bulletin Vol. 19-12 (\*3rd Amendment)

**13-0111-1901AAP\*** Notice of Amended Proclamation of Rulemaking, Bulletin Vol. 19-11 (\*2nd Amendment)

**13-0111-1901AP\*** Notice of Amended Proclamation of Rulemaking, Bulletin Vol. 19-10 (\*1st Amendment)

**13-0111-1901P** Notice of Proclamation, Bulletin Vol. 19-1

### ***13.01.16, The Trapping of Predatory and Unprotected Wildlife and the Taking of Furbearing Animals***

**13-0116-2002** Proposed Rulemaking, Bulletin Vol. 20-9

**13-0116-2002** Notice of Intent to Promulgate a Rule – Negotiated Rulemaking, Bulletin Vol. 20-6

**13-0116-2001P** Notice of Proclamation of Rulemaking, Bulletin Vol. 20-2

## ***IDAPA 15 – OFFICE OF THE GOVERNOR***

### ***Executive Orders of the Governor***

Executive Order No. **2020-15** Directing Idaho State Tax Commission to Administer the Budget and Levy Components of the Governor's Public Safety Grant Initiative for Cities and Counties, Bulletin Vol. 20-9

Executive Order No. **2020-14** Temporary Reduction of General Fund Spending Authority, Bulletin Vol. 20-8

Executive Order No. **2020-13** Regulatory Relief to Support Economic Recovery, Bulletin Vol. 20-7

Executive Order No. **2020-12** Related to Return to Work Bonuses, Bulletin Vol. 20-7

Executive Order No. **2020-11** Related to the Idaho Department of Labor, Bulletin Vol. 20-7

Executive Order No. **2020-10** Enhancing Licensing Freedom: Organization of the Department of Self-Governing Agencies, Bulletin Vol. 20-7

Executive Order No. **2020-09** Establishing a Program to Procure and Distribute Personal Protective Equipment to Idaho Businesses and Nonprofits, Bulletin Vol. 20-7

Executive Order No. **2020-08-A** Establishing Idaho Rebound Cash Grants for Small Businesses, Bulletin Vol. 20-6

Executive Order No. **2020-08** Establishing Idaho Rebound Cash Grants for Small Businesses, Bulletin Vol. 20-5

Executive Order No. **2020-07** Establishing a Process to Evaluate & Implement Federal Coronavirus Funding, Bulletin Vol. 20-5

Executive Order No. **2020-06** Authorizing the Transfer of Funds to the Disaster Emergency Account, Bulletin Vol. 20-4

Executive Order No. **2020-05** Temporary Reduction of General Fund Spending Authority, Bulletin Vol. 20-4

Executive Order No. **2020-04** Creating the Idaho Behavioral Health Council, Bulletin Vol. 20-4

Executive Order No. <a href="#">2020-03</a>	Families First Act, Bulletin Vol. 20-4
Executive Order No. <a href="#">2020-02</a>	Transparency In Agency Guidance Documents, Bulletin Vol. 20-2
Executive Order No. <a href="#">2020-01</a>	Zero-Based Regulation, Bulletin Vol. 20-2
Executive Order No. <a href="#">2019-15</a>	Assignments of All-Hazard Prevention, Protection, Mitigation, Response and Recovery Functions to State Agencies in Support of Local and State Government Relating to Emergencies and Disasters, Bulletin Vol. 20-6
Executive Order No. <a href="#">2019-14</a>	Establishing the Idaho Early Childhood Advisory Council, Bulletin Vol. 20-6
Executive Order No. <a href="#">2019-13</a>	Transportation of Hemp, Bulletin Vol. 20-1

### **Idaho Forest Products Commission**

[15-0300-2000F](#) *Rules of the Idaho Forest Products Commission* – Notice of Omnibus Rulemaking – Adoption of Temporary (Fee) Rule – Reauthorizes Title 03, Chapter 01 – Bulletin Vol. 20-4SE (eff. 3-20-20)T

### **Division of Human Resources and Personnel Commission**

#### ***15.04.01, Rules of DHR & Idaho Personnel Commission***

[15-0401-2002](#) Proposed Rulemaking, Bulletin Vol. 20-9

[15-0401-2001](#) Adoption of Temporary Rule, Bulletin Vol. 20-4 (eff. 3-25-20)T

### **Idaho Military Division**

[15-0600-2000F](#) *Rules of the Idaho Military Division* – Notice of Omnibus Rulemaking – Adoption of Temporary (Fee) Rule – Reauthorizes Title 06, Chapter 03 – Bulletin Vol. 20-4SE (eff. 3-20-20)T

### **Idaho State Liquor Division**

[15-1000-2000F](#) *Rules of the Idaho State Liquor Division* – Notice of Omnibus Rulemaking – Adoption of Temporary (Fee) Rule – Reauthorizes Title 10, Chapter 01 – Bulletin Vol. 20-4SE (eff. 3-20-20)T

## ***IDAPA 16 – DEPARTMENT OF HEALTH AND WELFARE***

[16-0000-2000F](#) *Rules of the Department of Health and Welfare* – Notice of Omnibus Rulemaking – Amendment to Temporary Rule – Amends Title 02, Chapter 01; Title 03, Chapters 19, 22; Title 05, Chapter 06 – Bulletin Vol. 20-7 (eff. 7-1-20)

[16-0000-2000F](#) *Rules of the Department of Health and Welfare* – Notice of Correction to Omnibus Rulemaking – Adoption of Temporary Rule – Corrects Title 02, Chapter 01; Title 03, Chapters 19, 22; Title 05, Chapter 06 – Bulletin Vol. 20-6 (eff. 3-20-20)T

[16-0000-2000F](#) *Rules of the Department of Health and Welfare* – Notice of Omnibus Rulemaking – Adoption of Temporary (Fee) Rule – Reauthorizes Title 01, Chapter 07; Title 02, Chapters 01, 08, 13, 14, 25-27; Title 03, Chapters 03, 18, 19, 22; Title 04, Chapter 07; Title 05, Chapter 06; Title 06, Chapters 01, 02; Title 07, Chapter 01 – Bulletin Vol. 20-4SE (eff. 3-20-20)T

#### ***16.02.01, Rules of the Idaho Time Sensitive Emergency System Council***

[16-0000-2000F](#) *Rules of the Department of Health and Welfare* – Notice of Omnibus Rulemaking – Amendment to Temporary Rule – Amends Title 02, Chapter 01 – Bulletin Vol. 20-7 (eff. 7-1-20)

[16-0000-2000F](#) *Rules of the Department of Health and Welfare* – Notice of Correction to Omnibus Rulemaking – Adoption of Temporary Rule – Corrects Title 02, Chapter 01 – Bulletin Vol. 20-6 (eff. 3-20-20)T

[16-0000-2000F](#) *Rules of the Department of Health and Welfare* – Notice of Omnibus Rulemaking – Adoption of Temporary (Fee) Rule – Reauthorizes Title 02, Chapter 01 – Bulletin Vol. 20-4SE (eff. 3-20-20)T

#### ***16.03.07, Home Health Agencies***

[16-0307-2001](#) Proposed Rulemaking, Bulletin Vol. 20-9

#### ***16.03.09, Medicaid Basic Plan Benefits***

[16-0309-2003](#) Adoption of Temporary Rule, Bulletin Vol. 20-4 (eff. 3-13-20)T

**16-0309-2002** Adoption of Temporary Rule, Bulletin Vol. 20-4 (eff. 3-20-20)T

**16-0309-2001** OARC Omnibus Notice of Legislative Action - Temporary Rule Not Extended, Bulletin Vol. 20-5 (*Expired: Null and Void*)

**16-0309-2001** Adoption of Temporary Rule, Bulletin Vol. 20-1 (eff. 1-1-20)T (*Expired*)

#### **16.03.10, Medicaid Enhanced Plan Benefits**

**16-0310-2001** Adoption of Temporary Rule, Bulletin Vol. 20-4 (eff. 3-13-20)T

#### **16.03.13, Consumer-Directed Services**

**16-0313-2001** Adoption of Temporary Rule, Bulletin Vol. 20-4 (eff. 3-13-20)T

#### **16.03.19, Certified Family Homes**

**16-0000-2000F** *Rules of the Department of Health and Welfare* – Notice of Omnibus Rulemaking – Amendment to Temporary Rule – Amends Title 03, Chapter 19 – Bulletin Vol. 20-7 (eff. 7-1-20)

**16-0000-2000F** *Rules of the Department of Health and Welfare* – Notice of Correction to Omnibus Rulemaking – Adoption of Temporary Rule – Corrects Title 03, Chapter 19 – Bulletin Vol. 20-6 (eff. 3-20-20)T

**16-0000-2000F** *Rules of the Department of Health and Welfare* – Notice of Omnibus Rulemaking – Adoption of Temporary (Fee) Rule – Reauthorizes Title 03, Chapter 19 – Bulletin Vol. 20-4SE (eff. 3-20-20)T

#### **16.03.21, Developmental Disabilities Agencies (DDA)**

**16-0321-2001** Proposed Rulemaking, Bulletin Vol. 20-9

#### **16.03.22, Residential Assisted Living Facilities**

**16-0000-2000F** *Rules of the Department of Health and Welfare* – Notice of Omnibus Rulemaking – Amendment to Temporary Rule – Amends Title 03, Chapter 22 – Bulletin Vol. 20-7 (eff. 7-1-20)

*\*Rulemaking changes chapter name from “Residential Care or Assisted Living Facilities in Idaho”*

**16-0000-2000F** *Rules of the Department of Health and Welfare* – Notice of Correction to Omnibus Rulemaking – Adoption of Temporary Rule – Corrects Title 03, Chapter 22 – Bulletin Vol. 20-6 (eff. 3-20-20)T

**16-0000-2000F** *Rules of the Department of Health and Welfare* – Notice of Omnibus Rulemaking – Adoption of Temporary (Fee) Rule – Reauthorizes Title 03, Chapter 22 – Bulletin Vol. 20-4SE (eff. 3-20-20)T

#### **16.04.17, Residential Habilitation Agencies**

**16-0417-2001** Proposed Rulemaking, Bulletin Vol. 20-9

#### **16.05.06, Criminal History and Background Checks**

**16-0000-2000F** *Rules of the Department of Health and Welfare* – Notice of Omnibus Rulemaking – Amendment to Temporary Rule – Amends Title 05, Chapter 06 – Bulletin Vol. 20-7 (eff. 7-1-20)

**16-0000-2000F** *Rules of the Department of Health and Welfare* – Notice of Correction to Omnibus Rulemaking – Adoption of Temporary Rule – Corrects Title 05, Chapter 06 – Bulletin Vol. 20-6 (eff. 3-20-20)T

**16-0000-2000F** *Rules of the Department of Health and Welfare* – Notice of Omnibus Rulemaking – Adoption of Temporary (Fee) Rule – Reauthorizes Title 05, Chapter 06 – Bulletin Vol. 20-4SE (eff. 3-20-20)T

### **IDAPA 17 – INDUSTRIAL COMMISSION**

**17-0000-2000F** *Rules of the Idaho Industrial Commission* – Notice of Omnibus Rulemaking – Adoption of Temporary (Fee) Rule – Reauthorizes Title 01, Chapter 01 – Bulletin Vol. 20-4SE (eff. 3-20-20)T

### **IDAPA 18 – DEPARTMENT OF INSURANCE**

**18-0000-2000F** *Rules of the Idaho Department of Insurance* – Notice of Omnibus Rulemaking – Adoption of Temporary (Fee) Rule – Reauthorizes Title 01, Chapter 02; Title 08, Chapter 02 – Bulletin Vol. 20-4SE (eff. 3-20-20)T

#### **18.08.01, Adoption of the International Fire Code**

**18-0801-2001** Proposed Rulemaking, Bulletin Vol. 20-9

**18-0801-2001** Notice of Intent to Promulgate a Rule – Negotiated Rulemaking, Bulletin Vol. 20-6

### ***IDAPA 19 – BOARD OF DENTISTRY***

**(MOVED AND REDESIGNATED)** *19.01.01, Rules of the Idaho State Board of Dentistry*

**19-0000-2000 IDAPA 19 – IDAHO STATE BOARD OF DENTISTRY** – Notice of Legislative and Executive Action Affecting the Idaho State Board of Dentistry Under the Department of Self-Governing Agencies – House Bill 318, Session Law 96, and Executive Order 2020-10 and Assignment of New IDAPA Designation Number Under the Division of Occupational and Professional Licenses – Redesignated as **IDAPA 24, Title 31, Chapter 01** – Bulletin Vol. 20-7 (eff. 7-1-20)

**24-0000-2000 IDAPA 24 – DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES** – Notice of Legislative and Executive Action Affecting Certain Boards and Commissions Under the Department of Self-Governing Agencies – House Bill 318, Session Law 96, and Executive Order 2020-10 and Assignment of New IDAPA Designation Number Under the Division of Occupational and Professional Licenses – Redesignated as **IDAPA 24, Title 31, Chapter 01** – Bulletin Vol. 20-7 (eff. 7-1-20)

**19-0101-2000F Rules of the Idaho State Board of Dentistry** – Notice of Omnibus Rulemaking – Adoption of Temporary (Fee) Rule – Reauthorizes Title 01, Chapter 01 – Bulletin Vol. 20-4SE (eff. 3-20-20)T

### ***IDAPA 20 – DEPARTMENT OF LANDS***

**20-0000-2000F Rules of the Idaho Department of Lands** – Notice of Omnibus Rulemaking – Adoption of Temporary (Fee) Rule – Reauthorizes Title 02, Chapter 14; Title 03, Chapters 01-05, 08, 09, 13-17; Title 04, Chapter 02; Title 06, Chapter 01; Title 07, Chapter 02 – Bulletin Vol. 20-4SE (eff. 3-20-20)T

**20.03.02, Rules Governing Mined Land Reclamation**

**20-0302-2001** Notice of Intent to Promulgate a Rule – Negotiated Rulemaking (New Chapter), Bulletin Vol. 20-5

**20-0000-2000F Rules of the Idaho Department of Lands** – Notice of Omnibus Rulemaking – Adoption of Temporary (Fee) Rule – Reauthorizes Title 03, Chapter 02 – Bulletin Vol. 20-4SE (eff. 3-20-20)T

### ***IDAPA 21 – DIVISION OF VETERANS SERVICES***

**21-0000-2000F Rules of the Division of Veterans Services** – Notice of Omnibus Rulemaking – Adoption of Temporary (Fee) Rule – Reauthorizes Title 01, Chapters 01, 04 – Bulletin Vol. 20-4SE (eff. 3-20-20)T

### ***IDAPA 22 – BOARD OF MEDICINE***

**22-0000-2000 IDAPA 22 – BOARD OF MEDICINE** – Notice of Legislative and Executive Action Affecting the Idaho Board of Medicine Under the Department of Self-Governing Agencies – House Bill 318, Session Law 96, and Executive Order 2020-10 and Assignment of New IDAPA Designation Number Under the Division of Occupational and Professional Licenses – Redesignated as **IDAPA 24, Title 33, Chapters 01 through 07** – Bulletin Vol. 20-7 (eff. 7-1-20)

**24-0000-2000 IDAPA 24 – DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES** – Notice of Legislative and Executive Action Affecting Certain Boards and Commissions Under the Department of Self-Governing Agencies – House Bill 318, Session Law 96, and Executive Order 2020-10 and Assignment of New IDAPA Designation Number Under the Division of Occupational and Professional Licenses – Redesignated as **IDAPA 24, Title 33, Chapters 01 – 07** – Bulletin Vol. 20-7 (eff. 7-1-20)

**22-0000-2000F Rules of the Idaho Board of Medicine** – Notice of Omnibus Rulemaking – Adoption of Temporary (Fee) Rule – Reauthorizes Title 01, Chapters 01, 03, 07, 10, 11, 13 – Bulletin Vol. 20-4SE (eff. 3-20-20)T

**(MOVED AND REDESIGNATED)** *22.01.01, Rules of the Board of Medicine for the Licensure to Practice Medicine and*

*Osteopathic Medicine in Idaho*

**22-0000-2000 IDAPA 22 – BOARD OF MEDICINE** – Notice of Legislative and Executive Action Affecting the Idaho Board of Medicine Under the Department of Self-Governing Agencies – House Bill 318, Session Law 96, and Executive Order 2020-10 and Assignment of New IDAPA Designation Number Under the Division of Occupational and Professional Licenses – Redesignated as **IDAPA 24, Title 33, Chapter 01** – Bulletin Vol. 20-7 (eff. 7-1-20)

**24-0000-2000 IDAPA 24 – DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES** – Notice of Legislative and Executive Action Affecting Certain Boards and Commissions Under the Department of Self-Governing Agencies – House Bill 318, Session Law 96, and Executive Order 2020-10 and Assignment of New IDAPA Designation Number Under the Division of Occupational and Professional Licenses – Redesignated as **IDAPA 24, Title 33, Chapter 01** – Bulletin Vol. 20-7 (eff. 7-1-20)

**22-0000-2000F Rules of the Idaho Board of Medicine** – Notice of Omnibus Rulemaking – Adoption of Temporary (Fee) Rule – Reauthorizes **Title 01, Chapter 01** – Bulletin Vol. 20-4SE (eff. 3-20-20)T

**(MOVED AND REDESIGNATED)** *22.01.03, Rules for the Licensure of Physician Assistants*

**22-0000-2000 IDAPA 22 – BOARD OF MEDICINE** – Notice of Legislative and Executive Action Affecting the Idaho Board of Medicine Under the Department of Self-Governing Agencies – House Bill 318, Session Law 96, and Executive Order 2020-10 and Assignment of New IDAPA Designation Number Under the Division of Occupational and Professional Licenses – Redesignated as **IDAPA 24, Title 33, Chapter 02** – Bulletin Vol. 20-7 (eff. 7-1-20)

**24-0000-2000 IDAPA 24 – DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES** – Notice of Legislative and Executive Action Affecting Certain Boards and Commissions Under the Department of Self-Governing Agencies – House Bill 318, Session Law 96, and Executive Order 2020-10 and Assignment of New IDAPA Designation Number Under the Division of Occupational and Professional Licenses – Redesignated as **IDAPA 24, Title 33, Chapter 02** – Bulletin Vol. 20-7 (eff. 7-1-20)

**22-0000-2000F Rules of the Idaho Board of Medicine** – Notice of Omnibus Rulemaking – Adoption of Temporary (Fee) Rule – Reauthorizes **Title 01, Chapter 03** – Bulletin Vol. 20-4SE (eff. 3-20-20)T

**(MOVED AND REDESIGNATED)** *22.01.05, General Provisions of the Board of Medicine*

**22-0000-2000 IDAPA 22 – BOARD OF MEDICINE** – Notice of Legislative and Executive Action Affecting the Idaho Board of Medicine Under the Department of Self-Governing Agencies – House Bill 318, Session Law 96, and Executive Order 2020-10 and Assignment of New IDAPA Designation Number Under the Division of Occupational and Professional Licenses – Redesignated as **IDAPA 24, Title 33, Chapter 03** – Bulletin Vol. 20-7 (eff. 7-1-20)

**24-0000-2000 IDAPA 24 – DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES** – Notice of Legislative and Executive Action Affecting Certain Boards and Commissions Under the Department of Self-Governing Agencies – House Bill 318, Session Law 96, and Executive Order 2020-10 and Assignment of New IDAPA Designation Number Under the Division of Occupational and Professional Licenses – Redesignated as **IDAPA 24, Title 33, Chapter 03** – Bulletin Vol. 20-7 (eff. 7-1-20)

**(MOVED AND REDESIGNATED)** *22.01.07, Rules for the Licensure of Naturopathic Medical Doctors*

**22-0000-2000 IDAPA 22 – BOARD OF MEDICINE** – Notice of Legislative and Executive Action Affecting the Idaho Board of Medicine Under the Department of Self-Governing Agencies – House Bill 318, Session Law 96, and Executive Order 2020-10 and Assignment of New IDAPA Designation Number Under the Division of Occupational and Professional Licenses – Redesignated as **IDAPA 24, Title 33, Chapter 04** – Bulletin Vol. 20-7 (eff. 7-1-20)

**24-0000-2000 IDAPA 24 – DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES** – Notice of Legislative and Executive Action Affecting Certain Boards and Commissions Under the Department of Self-Governing Agencies – House Bill 318, Session Law 96, and Executive Order 2020-10 and Assignment of New IDAPA Designation Number Under the Division of Occupational and Professional Licenses – Redesignated as **IDAPA 24, Title 33, Chapter 04** – Bulletin Vol. 20-7 (eff. 7-1-20)

**22-0000-2000F Rules of the Idaho Board of Medicine** – Notice of Omnibus Rulemaking – Adoption of Temporary (Fee) Rule – Reauthorizes **Title 01, Chapter 07** – Bulletin Vol. 20-4SE (eff. 3-20-20)T

**(MOVED AND REDESIGNATED)** *22.01.10, Rules for the Licensure of Athletic Trainers to Practice in Idaho*

**22-0000-2000 IDAPA 22 – BOARD OF MEDICINE** – Notice of Legislative and Executive Action Affecting the Idaho Board of Medicine Under the Department of Self-Governing Agencies – House Bill 318, Session Law 96, and Executive Order 2020-10 and Assignment of New IDAPA Designation Number Under the Division of Occupational and Professional Licenses – Redesignated as **IDAPA 24, Title 33, Chapter 05** – Bulletin Vol. 20-7 (eff. 7-1-20)

**24-0000-2000 IDAPA 24 – DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES** – Notice of Legislative and Executive Action Affecting Certain Boards and Commissions Under the Department of Self-Governing Agencies – House Bill 318, Session Law 96, and Executive Order 2020-10 and Assignment of New IDAPA Designation Number Under the Division of Occupational and Professional Licenses – Redesignated as **IDAPA 24, Title 33, Chapter 05** – Bulletin Vol. 20-7 (eff. 7-1-20)

**22-0000-2000F Rules of the Idaho Board of Medicine** – Notice of Omnibus Rulemaking – Adoption of Temporary (Fee) Rule – Reauthorizes **Title 01, Chapter 10** – Bulletin Vol. 20-4SE (eff. 3-20-20)T

**(MOVED AND REDESIGNATED)** *22.01.11, Rules for Licensure of Respiratory Therapists and Permitting of Polysomnographers in Idaho*

**22-0000-2000 IDAPA 22 – BOARD OF MEDICINE** – Notice of Legislative and Executive Action Affecting the Idaho Board of Medicine Under the Department of Self-Governing Agencies – House Bill 318, Session Law 96, and Executive Order 2020-10 and Assignment of New IDAPA Designation Number Under the Division of Occupational and Professional Licenses – Redesignated as **IDAPA 24, Title 33, Chapter 06** – Bulletin Vol. 20-7 (eff. 7-1-20)

**24-0000-2000 IDAPA 24 – DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES** – Notice of Legislative and Executive Action Affecting Certain Boards and Commissions Under the Department of Self-Governing Agencies – House Bill 318, Session Law 96, and Executive Order 2020-10 and Assignment of New IDAPA Designation Number Under the Division of Occupational and Professional Licenses – Redesignated as **IDAPA 24, Title 33, Chapter 06** – Bulletin Vol. 20-7 (eff. 7-1-20)

**22-0000-2000F Rules of the Idaho Board of Medicine** – Notice of Omnibus Rulemaking – Adoption of Temporary (Fee) Rule – Reauthorizes **Title 01, Chapter 11** – Bulletin Vol. 20-4SE (eff. 3-20-20)T

**(MOVED AND REDESIGNATED)** *22.01.13, Rules for the Licensure of Dietitians*

**22-0000-2000 IDAPA 22 – BOARD OF MEDICINE** – Notice of Legislative and Executive Action Affecting the Idaho Board of Medicine Under the Department of Self-Governing Agencies – House Bill 318, Session Law 96, and Executive Order 2020-10 and Assignment of New IDAPA Designation Number Under the Division of Occupational and Professional Licenses – Redesignated as **IDAPA 24, Title 33, Chapter 07** – Bulletin Vol. 20-7 (eff. 7-1-20)

**24-0000-2000 IDAPA 24 – DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES** – Notice of Legislative and Executive Action Affecting Certain Boards and Commissions Under the Department of Self-Governing Agencies – House Bill 318, Session Law 96, and Executive Order 2020-10 and Assignment of New IDAPA Designation Number Under the Division of Occupational and Professional Licenses – Redesignated as **IDAPA 24, Title 33, Chapter 07** – Bulletin Vol. 20-7 (eff. 7-1-20)

**22-0000-2000F Rules of the Idaho Board of Medicine** – Notice of Omnibus Rulemaking – Adoption of Temporary (Fee) Rule – Reauthorizes **Title 01, Chapter 13** – Bulletin Vol. 20-4SE (eff. 3-20-20)T

### **IDAPA 23 – BOARD OF NURSING**

**(MOVED AND REDESIGNATED)** *23.01.01, Rules of the Idaho Board of Nursing*

**23-0000-2000 IDAPA 23 – BOARD OF NURSING** – Notice of Legislative and Executive Action Affecting the Idaho Board of Nursing Under the Department of Self-Governing Agencies – House Bill 318, Session Law 96, and Executive Order 2020-10 and Assignment of New IDAPA Designation Number Under the Division of Occupational and Professional Licenses – Redesignated as **IDAPA 24, Title 34, Chapter 01** – Bulletin Vol. 20-7 (eff. 7-1-20)

**24-0000-2000 IDAPA 24 – DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES** – Notice of Legislative and Executive Action Affecting Certain Boards and Commissions Under the Department of Self-Governing Agencies – House Bill 318, Session Law 96, and Executive Order 2020-10 and Assignment of New IDAPA Designation Number Under the Division of Occupational and Professional Licenses – Redesignated as **IDAPA 24, Title 34, Chapter 01** – Bulletin Vol. 20-7 (eff. 7-1-20)

**23-0101-2000F** *Rules of the Idaho Board of Nursing* – Notice of Omnibus Rulemaking – Adoption of Temporary (Fee) Rule – Reauthorizes Title 01, Chapter 01 – Bulletin Vol. 20-4SE (eff. 3-20-20)T

### ***IDAPA 24 – DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES***

**24-0000-2000** **IDAPA 24 – DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES** – Notice of Legislative and Executive Action Affecting Certain Boards and Commissions Under the Department of Self-Governing Agencies – House Bill 318, Session Law 96, and Executive Order 2020-10 and Assignment of New IDAPA Designation Number Under the Division of Occupational and Professional Licenses – Bulletin Vol. 20-7 (eff. 7-1-20)

**24-0101-2000F** *Rules of the Board of Architectural Examiners* – Notice of Omnibus Rulemaking – Adoption of Temporary (Fee) Rule – Reauthorizes Title 01, Chapter 01 – Bulletin Vol. 20-4SE (eff. 3-20-20)T

**24-0201-2000F** *Rules of the State Athletic Commission* – Notice of Omnibus Rulemaking – Adoption of Temporary (Fee) Rule – Reauthorizes Title 02, Chapter 01 – Bulletin Vol. 20-4SE (eff. 3-20-20)T

**24-0301-2000F** *Rules of the State Board of Chiropractic Physicians* – Notice of Omnibus Rulemaking – Adoption of Temporary (Fee) Rule – Reauthorizes Title 03, Chapter 01 – Bulletin Vol. 20-4SE (eff. 3-20-20)T

**24-0401-2000F** *Rules of Procedure of the Board of Registration for Professional Geologists* – Notice of Omnibus Rulemaking – Adoption of Temporary (Fee) Rule – Reauthorizes Title 04, Chapter 01 – Bulletin Vol. 20-4SE (eff. 3-20-20)T

**24-0501-2000F** *Rules of the Board of Drinking Water and Wastewater Professionals* – Notice of Omnibus Rulemaking – Adoption of Temporary (Fee) Rule – Reauthorizes Title 05, Chapter 01 – Bulletin Vol. 20-4SE (eff. 3-20-20)T

**24-0601-2000F** *Rules for the Licensure of Occupational Therapists & Occupational Therapy Assistants* – Notice of Omnibus Rulemaking – Adoption of Temporary (Fee) Rule – Reauthorizes Title 06, Chapter 01 – Bulletin Vol. 20-4SE (eff. 3-20-20)T

**24-0701-2000F** *Rules of the Idaho State Board of Landscape Architects* – Notice of Omnibus Rulemaking – Adoption of Temporary (Fee) Rule – Reauthorizes Title 07, Chapter 01 – Bulletin Vol. 20-4SE (eff. 3-20-20)T

**24-0801-2000F** *Rules of the State Board of Morticians* – Notice of Omnibus Rulemaking – Adoption of Temporary (Fee) Rule – Reauthorizes Title 08, Chapter 01 – Bulletin Vol. 20-4SE (eff. 3-20-20)T

**24-0901-2000F** *Rules of the Board of Examiners of Nursing Home Administrators* – Notice of Omnibus Rulemaking – Adoption of Temporary (Fee) Rule – Reauthorizes Title 09, Chapter 01 – Bulletin Vol. 20-4SE (eff. 3-20-20)T

**24-1001-2000F** *Rules of the Board of Optometry* – Notice of Omnibus Rulemaking – Adoption of Temporary (Fee) Rule – Reauthorizes Title 10, Chapter 01 – Bulletin Vol. 20-4SE (eff. 3-20-20)T

**24-1101-2000F** *Rules of the State Board of Podiatry* – Notice of Omnibus Rulemaking – Adoption of Temporary (Fee) Rule – Reauthorizes Title 11, Chapter 01 – Bulletin Vol. 20-4SE (eff. 3-20-20)T

**24-1201-2000F** *Rules of the Idaho State Board of Psychological Examiners* – Notice of Omnibus Rulemaking – Adoption of Temporary (Fee) Rule – Reauthorizes Title 12, Chapter 01 – Bulletin Vol. 20-4SE (eff. 3-20-20)T

**24-1301-2000F** *Rules Governing the Physical Therapy Licensure Board* – Notice of Omnibus Rulemaking – Adoption of Temporary (Fee) Rule – Reauthorizes Title 13, Chapter 01 – Bulletin Vol. 20-4SE (eff. 3-20-20)T

**24-1401-2000F** *Rules of the State Board of Social Work Examiners* – Notice of Omnibus Rulemaking – Adoption of Temporary (Fee) Rule – Reauthorizes Title 14, Chapter 01 – Bulletin Vol. 20-4SE (eff. 3-20-20)T

**24-1501-2000F** *Rules of the Idaho Licensing Board of Professional Counselors and Marriage and Family Therapists* – Notice of Omnibus Rulemaking – Adoption of Temporary (Fee) Rule – Reauthorizes Title 15, Chapter 01 – Bulletin Vol. 20-4SE (eff. 3-20-20)T

- 24-1601-2000F** *Rules of the State Board of Dentistry* – Notice of Omnibus Rulemaking – Adoption of Temporary (Fee) Rule – Reauthorizes Title 16, Chapter 01 – Bulletin Vol. 20-4SE (eff. 3-20-20)T
- 24-1701-2000F** *Rules of the State Board of Acupuncture* – Notice of Omnibus Rulemaking – Adoption of Temporary (Fee) Rule – Reauthorizes Title 17, Chapter 01 – Bulletin Vol. 20-4SE (eff. 3-20-20)T
- 24-1801-2000F** *Rules of the Real Estate Appraiser Board* – Notice of Omnibus Rulemaking – Adoption of Temporary (Fee) Rule – Reauthorizes Title 18, Chapter 01 – Bulletin Vol. 20-4SE (eff. 3-20-20)T
- 24-1901-2000F** *Rules of the Board of Examiners of Residential Care Facility Administrators* – Notice of Omnibus Rulemaking – Adoption of Temporary (Fee) Rule – Reauthorizes Title 19, Chapter 01 – Bulletin Vol. 20-4SE (eff. 3-20-20)T
- 24-2101-2000F** *Rules of the Idaho State Contractors Board* – Notice of Omnibus Rulemaking – Amendment to Temporary (Fee) Rule – Amends Title 21, Chapter 01 – Bulletin Vol. 20-8 (eff. 7-1-20)
- 24-2101-2000F** *Rules of the Idaho State Contractors Board* – Notice of Omnibus Rulemaking – Adoption of Temporary (Fee) Rule – Reauthorizes Title 21, Chapter 01 – Bulletin Vol. 20-4SE (eff. 3-20-20)T
- 24-2201-2000F** *Rules of the Idaho State Liquefied Petroleum Gas Safety Board* – Notice of Omnibus Rulemaking – Adoption of Temporary (Fee) Rule – Reauthorizes Title 22, Chapter 01 – Bulletin Vol. 20-4SE (eff. 3-20-20)T
- 24-2301-2000F** *Rules of the Speech, Hearing and Communication Services Licensure Board* – Notice of Omnibus Rulemaking – Adoption of Temporary (Fee) Rule – Reauthorizes Title 23, Chapter 01 – Bulletin Vol. 20-4SE (eff. 3-20-20)T
- 24-2401-2000F** *Rules of the Genetic Counselors Licensure Board* – Notice of Omnibus Rulemaking – Adoption of Temporary (Fee) Rule – Reauthorizes Title 24, Chapter 01 – Bulletin Vol. 20-4SE (eff. 3-20-20)T
- 24-2501-2000F** *Rules of the Idaho Driving Businesses Licensure Board* – Notice of Omnibus Rulemaking – Adoption of Temporary (Fee) Rule – Reauthorizes Title 25, Chapter 01 – Bulletin Vol. 20-4SE (eff. 3-20-20)T
- 24-2601-2000F** *Rules of the Idaho Board of Midwifery* – Notice of Omnibus Rulemaking – Adoption of Temporary (Fee) Rule – Reauthorizes Title 26, Chapter 01 – Bulletin Vol. 20-4SE (eff. 3-20-20)T
- 24-2701-2000F** *Rules of the Idaho State Board of Massage Therapy* – Notice of Omnibus Rulemaking – Adoption of Temporary (Fee) Rule – Reauthorizes Title 27, Chapter 01 – Bulletin Vol. 20-4SE (eff. 3-20-20)T
- 24-2801-2000F** *Rules of the Barber and Cosmetology Services Licensure Board* – Notice of Omnibus Rulemaking – Adoption of Temporary (Fee) Rule – Reauthorizes Title 28, Chapter 01 – Bulletin Vol. 20-4SE (eff. 3-20-20)T
- 24-2901-2000F** *Rules of Procedure of the Idaho Certified Shorthand Reporters Board* – Notice of Omnibus Rulemaking – Adoption of Temporary (Fee) Rule – Reauthorizes Title 29, Chapter 01 – Bulletin Vol. 20-4SE (eff. 3-20-20)T

**24.02.01, Rules of the State Athletic Commission**

- 24-0201-2001** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 20-4
- 24-0201-2000F** *Rules of the State Athletic Commission* – Notice of Omnibus Rulemaking – Adoption of Temporary (Fee) Rule – Reauthorizes Title 02, Chapter 01 – Bulletin Vol. 20-4SE (eff. 3-20-20)T

**24.03.01, Rules of the State Board of Chiropractic Physicians**

- 24-0301-2001** Notice of Intent to Promulgate a Rule – Negotiated Rulemaking (New Chapter), Bulletin Vol. 20-6
- 24-0301-2000F** *Rules of the State Board of Chiropractic Physicians* – Notice of Omnibus Rulemaking – Adoption of Temporary (Fee) Rule – Reauthorizes Title 03, Chapter 01 – Bulletin Vol. 20-4SE (eff. 3-20-20)T

**24.08.01, Rules of the State Board of Morticians**

- 24-0801-2001** Notice of Intent to Promulgate Rules – Negotiated Rulemaking, Bulletin Vol. 20-4



**24-0801-2000F** *Rules of the State Board of Morticians* – Notice of Omnibus Rulemaking – Adoption of Temporary (Fee) Rule – Reauthorizes Title 08, Chapter 01 – Bulletin Vol. 20-4SE (eff. 3-20-20)T

**24.12.01, Rules of the Idaho State Board of Psychologist Examiners**

**24-1201-2001** *Notice of Intent to Promulgate Rules – Negotiated Rulemaking, Bulletin Vol. 20-4 (Terminated)*

**24-1201-2000F** *Rules of the Idaho State Board of Psychological Examiners* – Notice of Omnibus Rulemaking – Adoption of Temporary (Fee) Rule – Reauthorizes Title 12, Chapter 01 – Bulletin Vol. 20-4SE (eff. 3-20-20)T

**24.13.01, Rules Governing the Physical Therapy Licensure Board**

**24-1301-2001** *Notice of Intent to Promulgate Rules – Negotiated Rulemaking, Bulletin Vol. 20-4*

**24-1301-2000F** *Rules Governing the Physical Therapy Licensure Board* – Notice of Omnibus Rulemaking – Adoption of Temporary (Fee) Rule – Reauthorizes Title 13, Chapter 01 – Bulletin Vol. 20-4SE (eff. 3-20-20)T

**24.20.01, Rules of the Division of Occupational and Professional Licenses**

**24-2001-2001** *Notice of Intent to Promulgate Rules – Negotiated Rulemaking, Bulletin Vol. 20-4*

**24.25.01, Rules of the Idaho Driving Businesses Licensure Board**

**24-2501-2001** *Notice of Intent to Promulgate Rules – Negotiated Rulemaking, Bulletin Vol. 20-4*

**24-2501-2000F** *Rules of the Idaho Driving Businesses Licensure Board* – Notice of Omnibus Rulemaking – Adoption of Temporary (Fee) Rule – Reauthorizes Title 25, Chapter 01 – Bulletin Vol. 20-4SE (eff. 3-20-20)T

**24.28.01, Rules of the Barber and Cosmetology Services Licensing Board**

**24-2801-2001** *Notice of Intent to Promulgate Rules – Negotiated Rulemaking, Bulletin Vol. 20-4*

**24-2801-2000F** *Rules of the Barber and Cosmetology Services Licensing Board* – Notice of Omnibus Rulemaking – Adoption of Temporary (Fee) Rule – Reauthorizes Title 28, Chapter 01 – Bulletin Vol. 20-4SE (eff. 3-20-20)T

**24.30.01, Idaho Accountancy Rules**

*\*(Re-designated from IDAPA 01.01.01 to 24.30.01)*

**24-0000-2000** **IDAPA 24 – DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES** – Notice of Legislative and Executive Action Affecting Certain Boards and Commissions Under the Department of Self-Governing Agencies – House Bill 318, Session Law 96, and Executive Order 2020-10 and Assignment of New IDAPA Designation Number Under the Division of Occupational and Professional Licenses – Redesignated as **IDAPA 24, Title 30, Chapter 01** – Bulletin Vol. 20-7 (eff. 7-1-20)

**01-0000-2000** **IDAPA 01 – IDAHO BOARD OF ACCOUNTANCY** – Notice of Legislative and Executive Action Affecting the Idaho Board of Accountancy Under the Department of Self-Governing Agencies – House Bill 318, Session Law 96, and Executive Order 2020-10 and Assignment of New IDAPA Designation Number Under the Division of Occupational and Professional Licenses – Redesignated as **IDAPA 24, Title 30, Chapter 01**, – Bulletin Vol. 20-7 (eff. 7-1-20)

**01-0101-2000F** *Idaho Accountancy Rules* – Notice of Omnibus Rulemaking – Adoption of Temporary (Fee) Rule – Reauthorizes Title 01, Chapter 01 – Bulletin Vol. 20-4SE (eff. 3-20-20)T

**24.31.01, Rules of the Idaho State Board of Dentistry**

*\*(Re-designated from IDAPA 19.01.01 to 24.31.01)*

**24-0000-2000** **IDAPA 24 – DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES** – Notice of Legislative and Executive Action Affecting Certain Boards and Commissions Under the Department of Self-Governing Agencies – House Bill 318, Session Law 96, and Executive Order 2020-10 and Assignment of New IDAPA Designation Number Under the Division of Occupational and Professional Licenses – Redesignated as **IDAPA 24, Title 31, Chapter 01** – Bulletin Vol. 20-7 (eff. 7-1-20)

**19-0000-2000** **IDAPA 19 – IDAHO STATE BOARD OF DENTISTRY** – Notice of Legislative and Executive Action Affecting the Idaho State Board of Dentistry Under the Department of Self-Governing Agencies – House Bill 318, Session Law 96, and Executive Order 2020-10 and Assignment of New IDAPA Designation Number Under the Division of Occupational and Professional Licenses – Redesignated as **IDAPA 24, Title 31, Chapter 01**, – Bulletin Vol. 20-7 (eff. 7-1-20)

**19-0101-2000F** *Rules of the Idaho State Board of Dentistry* – Notice of Omnibus Rulemaking – Adoption of Temporary (Fee) Rule – Reauthorizes Title 01, Chapter 01 – Bulletin Vol. 20-4SE (eff. 3-20-20)T

**24.32.01, Rules of the Idaho Board of Licensure of Professional Engineers and Professional Land Surveyors**

*\*(Re-designated from IDAPA 10.01.01 to 24.32.01)*

**24-0000-2000** IDAPA 24 – DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES – Notice of Legislative and Executive Action Affecting Certain Boards and Commissions Under the Department of Self-Governing Agencies – House Bill 318, Session Law 96, and Executive Order 2020-10 and Assignment of New IDAPA Designation Number Under the Division of Occupational and Professional Licenses – Redesignated as *IDAPA 24, Title 32, Chapter 01* – Bulletin Vol. 20-7 (eff. 7-1-20)

**10-0000-2000** IDAPA 10 – IDAHO BOARD OF LICENSURE OF PROFESSIONAL ENGINEERS AND PROFESSIONAL LAND SURVEYORS – Notice of Legislative and Executive Action Affecting the Idaho Board of Licensure of Professional Engineers and Professional Land Surveyors Under the Department of Self-Governing Agencies – House Bill 318, Session Law 96, and Executive Order 2020-10 and Assignment of New IDAPA Designation Number Under the Division of Occupational and Professional Licenses – Redesignated as *IDAPA 24, Title 32, Chapter 01*, – Bulletin Vol. 20-7 (eff. 7-1-20)

**10-0101-2000F** *Rules of the Board of Professional Engineers and Professional Land Surveyors* – Notice of Omnibus Rulemaking – Adoption of Temporary (Fee) Rule – Reauthorizes Title 01, Chapter 01 – Bulletin Vol. 20-4SE (eff. 3-20-20)T

**24.33.01, Rules of the Board of Medicine for the Licensure to Practice Medicine and Osteopathic Medicine in Idaho**

*\*(Re-designated from IDAPA 22.01.01 to 24.33.01)*

**24-0000-2000** IDAPA 24 – DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES – Notice of Legislative and Executive Action Affecting Certain Boards and Commissions Under the Department of Self-Governing Agencies – House Bill 318, Session Law 96, and Executive Order 2020-10 and Assignment of New IDAPA Designation Number Under the Division of Occupational and Professional Licenses – Redesignated as *IDAPA 24, Title 33, Chapter 01* – Bulletin Vol. 20-7 (eff. 7-1-20)

**22-0000-2000** IDAPA 22 – BOARD OF MEDICINE – Notice of Legislative and Executive Action Affecting the Idaho Board of Medicine Under the Department of Self-Governing Agencies – House Bill 318, Session Law 96, and Executive Order 2020-10 and Assignment of New IDAPA Designation Number Under the Division of Occupational and Professional Licenses – Redesignated as *IDAPA 24, Title 33, Chapter 01* – Bulletin Vol. 20-7 (eff. 7-1-20)

**22-0000-2000F** *Rules of the Idaho Board of Medicine* – Notice of Omnibus Rulemaking – Adoption of Temporary (Fee) Rule – Reauthorizes Title 01, Chapter 01 – Bulletin Vol. 20-4SE (eff. 3-20-20)T

**24.33.02, Rules for the Licensure of Physician Assistants**

*\*(Re-designated from IDAPA 22.01.03 to 24.33.02)*

**24-0000-2000** IDAPA 24 – DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES – Notice of Legislative and Executive Action Affecting Certain Boards and Commissions Under the Department of Self-Governing Agencies – House Bill 318, Session Law 96, and Executive Order 2020-10 and Assignment of New IDAPA Designation Number Under the Division of Occupational and Professional Licenses – Redesignated as *IDAPA 24, Title 33, Chapter 02* – Bulletin Vol. 20-7 (eff. 7-1-20)

**22-0000-2000** IDAPA 22 – BOARD OF MEDICINE – Notice of Legislative and Executive Action Affecting the Idaho Board of Medicine Under the Department of Self-Governing Agencies – House Bill 318, Session Law 96, and Executive Order 2020-10 and Assignment of New IDAPA Designation Number Under the Division of Occupational and Professional Licenses – Redesignated as *IDAPA 24, Title 33, Chapter 02* – Bulletin Vol. 20-7 (eff. 7-1-20)

**22-0000-2000F** *Rules of the Idaho Board of Medicine* – Notice of Omnibus Rulemaking – Adoption of Temporary (Fee) Rule – Reauthorizes Title 01, Chapter 03 – Bulletin Vol. 20-4SE (eff. 3-20-20)T

**24.33.03, General Provisions of the Board of Medicine**

*\*(Re-designated from IDAPA 22.01.05 to 24.33.03)*

**24-3303-2001** Proposed Rulemaking, Bulletin Vol. 20-9

**24-0000-2000 IDAPA 24 – DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES** – Notice of Legislative and Executive Action Affecting Certain Boards and Commissions Under the Department of Self-Governing Agencies – House Bill 318, Session Law 96, and Executive Order 2020-10 and Assignment of New IDAPA Designation Number Under the Division of Occupational and Professional Licenses – Redesignated as **IDAPA 24, Title 33, Chapter 03** – Bulletin Vol. 20-7 (eff. 7-1-20)

**22-0000-2000 IDAPA 22 – BOARD OF MEDICINE** – Notice of Legislative and Executive Action Affecting the Idaho Board of Medicine Under the Department of Self-Governing Agencies – House Bill 318, Session Law 96, and Executive Order 2020-10 and Assignment of New IDAPA Designation Number Under the Division of Occupational and Professional Licenses – Redesignated as **IDAPA 24, Title 33, Chapter 03** – Bulletin Vol. 20-7 (eff. 7-1-20)

**24.33.04, Rules for the Licensure of Naturopathic Medical Doctors**

*\*(Re-designated from IDAPA 22.01.07 to 24.33.04)*

**24-0000-2000 IDAPA 24 – DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES** – Notice of Legislative and Executive Action Affecting Certain Boards and Commissions Under the Department of Self-Governing Agencies – House Bill 318, Session Law 96, and Executive Order 2020-10 and Assignment of New IDAPA Designation Number Under the Division of Occupational and Professional Licenses – Redesignated as **IDAPA 24, Title 33, Chapter 04** – Bulletin Vol. 20-7 (eff. 7-1-20)

**22-0000-2000 IDAPA 22 – BOARD OF MEDICINE** – Notice of Legislative and Executive Action Affecting the Idaho Board of Medicine Under the Department of Self-Governing Agencies – House Bill 318, Session Law 96, and Executive Order 2020-10 and Assignment of New IDAPA Designation Number Under the Division of Occupational and Professional Licenses – Redesignated as **IDAPA 24, Title 33, Chapter 04** – Bulletin Vol. 20-7 (eff. 7-1-20)

**22-0000-2000F Rules of the Idaho Board of Medicine** – Notice of Omnibus Rulemaking – Adoption of Temporary (Fee) Rule – Reauthorizes **Title 01, Chapter 07** – Bulletin Vol. 20-4SE (eff. 3-20-20)T

**24.33.05, Rules for the Licensure of Athletic Trainers to Practice in Idaho**

*\*(Re-designated from IDAPA 22.01.10 to 24.33.05)*

**24-0000-2000 IDAPA 24 – DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES** – Notice of Legislative and Executive Action Affecting Certain Boards and Commissions Under the Department of Self-Governing Agencies – House Bill 318, Session Law 96, and Executive Order 2020-10 and Assignment of New IDAPA Designation Number Under the Division of Occupational and Professional Licenses – Redesignated as **IDAPA 24, Title 33, Chapter 05** – Bulletin Vol. 20-7 (eff. 7-1-20)

**22-0000-2000 IDAPA 22 – BOARD OF MEDICINE** – Notice of Legislative and Executive Action Affecting the Idaho Board of Medicine Under the Department of Self-Governing Agencies – House Bill 318, Session Law 96, and Executive Order 2020-10 and Assignment of New IDAPA Designation Number Under the Division of Occupational and Professional Licenses – Redesignated as **IDAPA 24, Title 33, Chapter 05** – Bulletin Vol. 20-7 (eff. 7-1-20)

**22-0000-2000F Rules of the Idaho Board of Medicine** – Notice of Omnibus Rulemaking – Adoption of Temporary (Fee) Rule – Reauthorizes **Title 01, Chapter 10** – Bulletin Vol. 20-4SE (eff. 3-20-20)T

**24.33.06, Rules for Licensure of Respiratory Therapists and Permitting of Polysomnographers in Idaho**

*\*(Re-designated from IDAPA 22.01.11 to 24.33.06)*

**24-0000-2000 IDAPA 24 – DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES** – Notice of Legislative and Executive Action Affecting Certain Boards and Commissions Under the Department of Self-Governing Agencies – House Bill 318, Session Law 96, and Executive Order 2020-10 and Assignment of New IDAPA Designation Number Under the Division of Occupational and Professional Licenses – Redesignated as **IDAPA 24, Title 33, Chapter 06** – Bulletin Vol. 20-7 (eff. 7-1-20)

**22-0000-2000 IDAPA 22 – BOARD OF MEDICINE** – Notice of Legislative and Executive Action Affecting the Idaho Board of Medicine Under the Department of Self-Governing Agencies – House Bill 318, Session Law 96, and Executive Order 2020-10 and Assignment of New IDAPA Designation Number Under the Division of Occupational and Professional Licenses – Redesignated as **IDAPA 24, Title 33, Chapter 06** – Bulletin Vol. 20-7 (eff. 7-1-20)

**22-0000-2000F Rules of the Idaho Board of Medicine** – Notice of Omnibus Rulemaking – Adoption of Temporary (Fee) Rule – Reauthorizes **Title 01, Chapter 11** – Bulletin Vol. 20-4SE (eff. 3-20-20)T

**24.33.07, Rules for the Licensure of Dietitians**

*\*(Re-designated from IDAPA 22.01.13 to 24.33.07)*

**24-0000-2000 IDAPA 24 – DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES** – Notice of Legislative and Executive Action Affecting Certain Boards and Commissions Under the Department of Self-Governing Agencies – House Bill 318, Session Law 96, and Executive Order 2020-10 and Assignment of New IDAPA Designation Number Under the Division of Occupational and Professional Licenses – Redesignated as **IDAPA 24, Title 33, Chapter 07** – Bulletin Vol. 20-7 (eff. 7-1-20)

**22-0000-2000 IDAPA 22 – BOARD OF MEDICINE** – Notice of Legislative and Executive Action Affecting the Idaho Board of Medicine Under the Department of Self-Governing Agencies – House Bill 318, Session Law 96, and Executive Order 2020-10 and Assignment of New IDAPA Designation Number Under the Division of Occupational and Professional Licenses – Redesignated as **IDAPA 24, Title 33, Chapter 07** – Bulletin Vol. 20-7 (eff. 7-1-20)

**22-0000-2000F Rules of the Idaho Board of Medicine** – Notice of Omnibus Rulemaking – Adoption of Temporary (Fee) Rule – Reauthorizes **Title 01, Chapter 13** – Bulletin Vol. 20-4SE (eff. 3-20-20)T

#### **24.34.01, Rules of the Idaho Board of Nursing**

*\*(Re-designated from IDAPA 23.01.01 to 24.34.01)*

**24-0000-2000 IDAPA 24 – DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES** – Notice of Legislative and Executive Action Affecting Certain Boards and Commissions Under the Department of Self-Governing Agencies – House Bill 318, Session Law 96, and Executive Order 2020-10 and Assignment of New IDAPA Designation Number Under the Division of Occupational and Professional Licenses – Redesignated as **IDAPA 24, Title 34, Chapter 01** – Bulletin Vol. 20-7 (eff. 7-1-20)

**23-0000-2000 IDAPA 23 – BOARD OF NURSING** – Notice of Legislative and Executive Action Affecting the Idaho Board of Nursing Under the Department of Self-Governing Agencies – House Bill 318, Session Law 96, and Executive Order 2020-10 and Assignment of New IDAPA Designation Number Under the Division of Occupational and Professional Licenses – Redesignated as **IDAPA 24, Title 34, Chapter 01**, – Bulletin Vol. 20-7 (eff. 7-1-20)

**23-0101-2000F Rules of the Idaho Board of Nursing** – Notice of Omnibus Rulemaking – Adoption of Temporary (Fee) Rule – Reauthorizes Title 01, Chapter 01 – Bulletin Vol. 20-4SE (eff. 3-20-20)T

#### **24.35.01, Rules of the Outfitters and Guides Licensing Board**

*\*(Re-designated from IDAPA 25.01.01 to 24.35.01)*

**24-0000-2000 IDAPA 24 – DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES** – Notice of Legislative and Executive Action Affecting Certain Boards and Commissions Under the Department of Self-Governing Agencies – House Bill 318, Session Law 96, and Executive Order 2020-10 and Assignment of New IDAPA Designation Number Under the Division of Occupational and Professional Licenses – Redesignated as **IDAPA 24, Title 35, Chapter 01** – Bulletin Vol. 20-7 (eff. 7-1-20)

**25-0000-2000 IDAPA 25 – IDAHO OUTFITTERS AND GUIDES LICENSING BOARD** – Notice of Legislative and Executive Action Affecting the Idaho Outfitters and Guides Licensing Board Under the Department of Self-Governing Agencies – House Bill 318, Session Law 96, and Executive Order 2020-10 and Assignment of New IDAPA Designation Number Under the Division of Occupational and Professional Licenses – Redesignated as **IDAPA 24, Title 35, Chapter 01**, – Bulletin Vol. 20-7 (eff. 7-1-20)

**25-0101-2000F Rules of the Outfitters and Guides Licensing Board** – Notice of Omnibus Rulemaking – Amendment to Temporary (Fee) Rule – Amends IDAPA 24, Title 35, Chapter 01 – Bulletin Vol. 20-9 (eff. 10-1-20)T

**25-0101-2000F Rules of the Outfitters and Guides Licensing Board** – Notice of Omnibus Rulemaking – Adoption of Temporary (Fee) Rule – Reauthorizes Title 01, Chapter 01 – Bulletin Vol. 20-4SE (eff. 3-20-20)T

**25-0101-2001** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 20-3

#### **24.36.01, Rules of the Idaho State Board of Pharmacy**

*\*(Re-designated from IDAPA 27.01.01 to 24.36.01)*

**24-0000-2000 IDAPA 24 – DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES** – Notice of Legislative and Executive Action Affecting Certain Boards and Commissions Under the Department of Self-Governing Agencies – House Bill 318, Session Law 96, and Executive Order 2020-10 and Assignment of New IDAPA Designation Number Under the Division of Occupational and Professional Licenses – Redesignated as **IDAPA 24, Title 36, Chapter 01** – Bulletin Vol. 20-7 (eff. 7-1-20)

**27-0000-2000 IDAPA 27 – BOARD OF PHARMACY** – Notice of Legislative and Executive Action Affecting the Idaho Board of Pharmacy Under the Department of Self-Governing Agencies – House Bill 318, Session Law 96, and Executive Order 2020-10 and Assignment of New IDAPA Designation Number Under the Division of Occupational and Professional Licenses – Redesignated as **IDAPA 24, Title 36, Chapter 01**, – Bulletin Vol. 20-7 (eff. 7-1-20)

**27-0101-2000F Rules of the Idaho State Board of Pharmacy** – Notice of Omnibus Rulemaking – Adoption of Temporary (Fee) Rule – Reauthorizes Title 01, Chapter 01 – Bulletin Vol. 20-4SE (eff. 3-20-20)T

**24.37.01, Rules of the Idaho Real Estate Commission**

*\*(Re-designated from IDAPA 33.01.01 to 24.37.01)*

**24-0000-2000 IDAPA 24 – DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES** – Notice of Legislative and Executive Action Affecting Certain Boards and Commissions Under the Department of Self-Governing Agencies – House Bill 318, Session Law 96, and Executive Order 2020-10 and Assignment of New IDAPA Designation Number Under the Division of Occupational and Professional Licenses – Redesignated as **IDAPA 24, Title 37, Chapter 01** – Bulletin Vol. 20-7 (eff. 7-1-20)

**33-0000-2000 IDAPA 33 – REAL ESTATE COMMISSION** – Notice of Legislative and Executive Action Affecting the Idaho Real Estate Commission Under the Department of Self-Governing Agencies – House Bill 318, Session Law 96, and Executive Order 2020-10 and Assignment of New IDAPA Designation Number Under the Division of Occupational and Professional Licenses – Redesignated as **IDAPA 24, Title 37, Chapter 01**, – Bulletin Vol. 20-7 (eff. 7-1-20)

**33-0101-2000F Rules of the Idaho Real Estate Commission** – Notice of Omnibus Rulemaking – Adoption of Temporary (Fee) Rule – Reauthorizes Title 01, Chapter 01 – Bulletin Vol. 20-4SE (eff. 3-20-20)T

**24.38.01, Rules of the State of Idaho Board of Veterinary Medicine**

*\*(Re-designated from IDAPA 46.01.01 to 24.38.01)*

**24-0000-2000 IDAPA 24 – DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES** – Notice of Legislative and Executive Action Affecting Certain Boards and Commissions Under the Department of Self-Governing Agencies – House Bill 318, Session Law 96, and Executive Order 2020-10 and Assignment of New IDAPA Designation Number Under the Division of Occupational and Professional Licenses – Redesignated as **IDAPA 24, Title 38, Chapter 01** – Bulletin Vol. 20-7 (eff. 7-1-20)

**46-0000-2000 IDAPA 46 – IDAHO BOARD OF VETERINARY MEDICINE** – Notice of Legislative and Executive Action Affecting the State of Idaho Board of Veterinary Medicine Under the Department of Self-Governing Agencies – House Bill 318, Session Law 96, and Executive Order 2020-10 and Assignment of New IDAPA Designation Number Under the Division of Occupational and Professional Licenses – Redesignated as **IDAPA 24, Title 38, Chapter 01**, – Bulletin Vol. 20-7 (eff. 7-1-20)

**46-0101-2000F Rules of the Idaho Board of Veterinary Medicine** – Notice of Omnibus Rulemaking – Adoption of Temporary (Fee) Rule – Reauthorizes Title 01, Chapter 01 – Bulletin Vol. 20-4SE (eff. 3-20-20)T

**24.39.01, Rules of the Division of Building Safety**

*\*(Re-designated from IDAPA 07.11.01 to 24.39.01)*

**24-0000-2000 IDAPA 24 – DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES** – Notice of Legislative and Executive Action Affecting Certain Boards and Commissions Under the Department of Self-Governing Agencies – House Bill 318, Session Law 96, and Executive Order 2020-10 and Assignment of New IDAPA Designation Number Under the Division of Occupational and Professional Licenses – Redesignated as **IDAPA 24, Title 39, Chapter 01** – Bulletin Vol. 20-7 (eff. 7-1-20)

**07-0000-2000 IDAPA 07 – DIVISION OF BUILDING SAFETY** – Notice of Legislative and Executive Action Affecting the Division of Building Safety and Its Constituent Boards Under the Department of Self-Governing Agencies – House Bill 318, Session Law 96, and Executive Order 2020-10 and Assignment of New IDAPA Designation Number Under the Division of Occupational and Professional Licenses – Redesignated as **IDAPA 24, Title 39, Chapter 01** – Bulletin Vol. 20-7 (eff. 7-1-20)

**24.39.10, Rules of the Idaho Electrical Board**

*\*(Re-designated from IDAPA 07.01.01 to 24.39.10)*

**24-0000-2000 IDAPA 24 – DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES** – Notice of Legislative and Executive Action Affecting Certain Boards and Commissions Under the Department of Self-Governing Agencies – House Bill 318, Session Law 96, and Executive Order 2020-10 and Assignment of New IDAPA Designation Number Under the Division of Occupational and Professional Licenses – Redesignated as **IDAPA 24, Title 39, Chapter 10** – Bulletin Vol. 20-7 (eff. 7-1-20)

**07-0000-2000 IDAPA 07 – DIVISION OF BUILDING SAFETY** – Notice of Legislative and Executive Action Affecting the Division of Building Safety and Its Constituent Boards Under the Department of Self-Governing Agencies – House Bill 318, Session Law 96, and Executive Order 2020-10 and Assignment of New IDAPA Designation Number Under the Division of Occupational and Professional Licenses – Redesignated as *IDAPA 24, Title 39, Chapter 10* – Bulletin Vol. 20-7 (eff. 7-1-20)

**07-0000-2000F Rules of the Division of Building Safety** – Notice of Omnibus Rulemaking – Adoption of Temporary (Fee) Rule – Reauthorizes Title 01, Chapter 01 – Bulletin Vol. 20-4SE (eff. 3-20-20)T

### ***24.39.20, Rules Governing Plumbing***

*\*(Re-designated from IDAPA 07.02.02 to 24.39.20)*

**24-0000-2000 IDAPA 24 – DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES** – Notice of Legislative and Executive Action Affecting Certain Boards and Commissions Under the Department of Self-Governing Agencies – House Bill 318, Session Law 96, and Executive Order 2020-10 and Assignment of New IDAPA Designation Number Under the Division of Occupational and Professional Licenses – Redesignated as *IDAPA 24, Title 39, Chapter 20* – Bulletin Vol. 20-7 (eff. 7-1-20)

**07-0000-2000 IDAPA 07 – DIVISION OF BUILDING SAFETY** – Notice of Legislative and Executive Action Affecting the Division of Building Safety and Its Constituent Boards Under the Department of Self-Governing Agencies – House Bill 318, Session Law 96, and Executive Order 2020-10 and Assignment of New IDAPA Designation Number Under the Division of Occupational and Professional Licenses – Redesignated as *IDAPA 24, Title 39, Chapter 20* – Bulletin Vol. 20-7 (eff. 7-1-20)

**07-0000-2000F Rules of the Division of Building Safety** – Notice of Omnibus Rulemaking – Adoption of Temporary (Fee) Rule – Reauthorizes **Title 02, Chapter 02** – Bulletin Vol. 20-4SE (eff. 3-20-20)T

### ***24.39.30, Rules of Building Safety (Building Code Rules)***

*\*(Re-designated from IDAPA 07.03.01 to 24.39.30)*

**24-0000-2000 IDAPA 24 – DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES** – Notice of Legislative and Executive Action Affecting Certain Boards and Commissions Under the Department of Self-Governing Agencies – House Bill 318, Session Law 96, and Executive Order 2020-10 and Assignment of New IDAPA Designation Number Under the Division of Occupational and Professional Licenses – Redesignated as *IDAPA 24, Title 39, Chapter 30* – Bulletin Vol. 20-7 (eff. 7-1-20)

**07-0000-2000 IDAPA 07 – DIVISION OF BUILDING SAFETY** – Notice of Legislative and Executive Action Affecting the Division of Building Safety and Its Constituent Boards Under the Department of Self-Governing Agencies – House Bill 318, Session Law 96, and Executive Order 2020-10 and Assignment of New IDAPA Designation Number Under the Division of Occupational and Professional Licenses – Redesignated as *IDAPA 24, Title 39, Chapter 30* – Bulletin Vol. 20-7 (eff. 7-1-20)

**07-0000-2000F Rules of the Division of Building Safety** – Notice of Omnibus Rulemaking – Adoption of Temporary (Fee) Rule – Reauthorizes **Title 03, Chapter 01** – Bulletin Vol. 20-4SE (eff. 3-20-20)T

### ***24.39.31, Rules for Modular Buildings***

*\*(Re-designated from IDAPA 07.03.03 to 24.39.31)*

**24-0000-2000 IDAPA 24 – DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES** – Notice of Legislative and Executive Action Affecting Certain Boards and Commissions Under the Department of Self-Governing Agencies – House Bill 318, Session Law 96, and Executive Order 2020-10 and Assignment of New IDAPA Designation Number Under the Division of Occupational and Professional Licenses – Redesignated as *IDAPA 24, Title 39, Chapter 31* – Bulletin Vol. 20-7 (eff. 7-1-20)

**07-0000-2000 IDAPA 07 – DIVISION OF BUILDING SAFETY** – Notice of Legislative and Executive Action Affecting the Division of Building Safety and Its Constituent Boards Under the Department of Self-Governing Agencies – House Bill 318, Session Law 96, and Executive Order 2020-10 and Assignment of New IDAPA Designation Number Under the Division of Occupational and Professional Licenses – Redesignated as *IDAPA 24, Title 39, Chapter 31* – Bulletin Vol. 20-7 (eff. 7-1-20)

**07-0000-2000F Rules of the Division of Building Safety** – Notice of Omnibus Rulemaking – Adoption of Temporary (Fee) Rule – Reauthorizes Title 03, Chapter 03 – Bulletin Vol. 20-4SE (eff. 3-20-20)T

### ***24.39.32, Rules Governing Manufactured Homes – Consumer Complaints – Dispute Resolution***

*\*(Re-designated from IDAPA 07.03.09 to 24.39.32)*

**24-0000-2000 IDAPA 24 – DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES** – Notice of Legislative and Executive Action Affecting Certain Boards and Commissions Under the Department of Self-Governing Agencies – House Bill 318, Session Law 96, and Executive Order 2020-10 and Assignment of New IDAPA Designation Number Under the Division of Occupational and Professional Licenses – Redesignated as *IDAPA 24, Title 39, Chapter 32* – Bulletin Vol. 20-7 (eff. 7-1-20)

**07-0000-2000 IDAPA 07 – DIVISION OF BUILDING SAFETY** – Notice of Legislative and Executive Action Affecting the Division of Building Safety and Its Constituent Boards Under the Department of Self-Governing Agencies – House Bill 318, Session Law 96, and Executive Order 2020-10 and Assignment of New IDAPA Designation Number Under the Division of Occupational and Professional Licenses – Redesignated as *IDAPA 24, Title 39, Chapter 32* – Bulletin Vol. 20-7 (eff. 7-1-20)

**24.39.33, Rules Governing Manufactured/Mobile Home Industry Licensing**

*\*(Re-designated from IDAPA 07.03.11 to 24.39.33)*

**24-0000-2000 IDAPA 24 – DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES** – Notice of Legislative and Executive Action Affecting Certain Boards and Commissions Under the Department of Self-Governing Agencies – House Bill 318, Session Law 96, and Executive Order 2020-10 and Assignment of New IDAPA Designation Number Under the Division of Occupational and Professional Licenses – Redesignated as *IDAPA 24, Title 39, Chapter 33* – Bulletin Vol. 20-7 (eff. 7-1-20)

**07-0000-2000 IDAPA 07 – DIVISION OF BUILDING SAFETY** – Notice of Legislative and Executive Action Affecting the Division of Building Safety and Its Constituent Boards Under the Department of Self-Governing Agencies – House Bill 318, Session Law 96, and Executive Order 2020-10 and Assignment of New IDAPA Designation Number Under the Division of Occupational and Professional Licenses – Redesignated as *IDAPA 24, Title 39, Chapter 33* – Bulletin Vol. 20-7 (eff. 7-1-20)

**07-0000-2000F Rules of the Division of Building Safety** – Notice of Omnibus Rulemaking – Adoption of Temporary (Fee) Rule – Reauthorizes Title 03, Chapter 11 – Bulletin Vol. 20-4SE (eff. 3-20-20)T

**24.39.34, Rules Governing Manufactured or Mobile Home Installations**

*\*(Re-designated from IDAPA 07.03.12 to 24.39.34)*

**24-0000-2000 IDAPA 24 – DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES** – Notice of Legislative and Executive Action Affecting Certain Boards and Commissions Under the Department of Self-Governing Agencies – House Bill 318, Session Law 96, and Executive Order 2020-10 and Assignment of New IDAPA Designation Number Under the Division of Occupational and Professional Licenses – Redesignated as *IDAPA 24, Title 39, Chapter 34* – Bulletin Vol. 20-7 (eff. 7-1-20)

**07-0000-2000 IDAPA 07 – DIVISION OF BUILDING SAFETY** – Notice of Legislative and Executive Action Affecting the Division of Building Safety and Its Constituent Boards Under the Department of Self-Governing Agencies – House Bill 318, Session Law 96, and Executive Order 2020-10 and Assignment of New IDAPA Designation Number Under the Division of Occupational and Professional Licenses – Redesignated as *IDAPA 24, Title 39, Chapter 34* – Bulletin Vol. 20-7 (eff. 7-1-20)

**07-0000-2000F Rules of the Division of Building Safety** – Notice of Omnibus Rulemaking – Adoption of Temporary (Fee) Rule – Reauthorizes Title 03, Chapter 12 – Bulletin Vol. 20-4SE (eff. 3-20-20)T

**24.39.35, Rules Governing Mobile Home Rehabilitation**

*\*(Re-designated from IDAPA 07.03.13 to 24.39.35)*

**24-0000-2000 IDAPA 24 – DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES** – Notice of Legislative and Executive Action Affecting Certain Boards and Commissions Under the Department of Self-Governing Agencies – House Bill 318, Session Law 96, and Executive Order 2020-10 and Assignment of New IDAPA Designation Number Under the Division of Occupational and Professional Licenses – Redesignated as *IDAPA 24, Title 39, Chapter 35* – Bulletin Vol. 20-7 (eff. 7-1-20)

**07-0000-2000 IDAPA 07 – DIVISION OF BUILDING SAFETY** – Notice of Legislative and Executive Action Affecting the Division of Building Safety and Its Constituent Boards Under the Department of Self-Governing Agencies – House Bill 318, Session Law 96, and Executive Order 2020-10 and Assignment of New IDAPA Designation Number Under the Division of Occupational and Professional Licenses – Redesignated as *IDAPA 24, Title 39, Chapter 35* – Bulletin Vol. 20-7 (eff. 7-1-20)

**24.39.40, Safety Rules for Elevators, Escalators, and Moving Walks**

*\*(Re-designated from IDAPA 07.04.02 to 24.39.40)*

**24-0000-2000 IDAPA 24 – DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES** – Notice of Legislative and Executive Action Affecting Certain Boards and Commissions Under the Department of Self-Governing Agencies – House Bill 318, Session Law 96, and Executive Order 2020-10 and Assignment of New IDAPA Designation Number Under the Division of Occupational and Professional Licenses – Redesignated as **IDAPA 24, Title 39, Chapter 40** – Bulletin Vol. 20-7 (eff. 7-1-20)

**07-0000-2000 IDAPA 07 – DIVISION OF BUILDING SAFETY** – Notice of Legislative and Executive Action Affecting the Division of Building Safety and Its Constituent Boards Under the Department of Self-Governing Agencies – House Bill 318, Session Law 96, and Executive Order 2020-10 and Assignment of New IDAPA Designation Number Under the Division of Occupational and Professional Licenses – Redesignated as **IDAPA 24, Title 39, Chapter 40** – Bulletin Vol. 20-7 (eff. 7-1-20)

**07-0000-2000F Rules of the Division of Building Safety** – Notice of Omnibus Rulemaking – Adoption of Temporary (Fee) Rule – Reauthorizes Title 04, Chapter 02 – Bulletin Vol. 20-4SE (eff. 3-20-20)T

#### **24.39.50, Rules of the Public Works Contractors License Board**

*\*(Re-designated from IDAPA 07.05.01 to 24.39.50)*

**24-0000-2000 IDAPA 24 – DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES** – Notice of Legislative and Executive Action Affecting Certain Boards and Commissions Under the Department of Self-Governing Agencies – House Bill 318, Session Law 96, and Executive Order 2020-10 and Assignment of New IDAPA Designation Number Under the Division of Occupational and Professional Licenses – Redesignated as **IDAPA 24, Title 39, Chapter 50** – Bulletin Vol. 20-7 (eff. 7-1-20)

**07-0000-2000 IDAPA 07 – DIVISION OF BUILDING SAFETY** – Notice of Legislative and Executive Action Affecting the Division of Building Safety and Its Constituent Boards Under the Department of Self-Governing Agencies – House Bill 318, Session Law 96, and Executive Order 2020-10 and Assignment of New IDAPA Designation Number Under the Division of Occupational and Professional Licenses – Redesignated as **IDAPA 24, Title 39, Chapter 50** – Bulletin Vol. 20-7 (eff. 7-1-20)

**07-0000-2000F Rules of the Division of Building Safety** – Notice of Omnibus Rulemaking – Adoption of Temporary (Fee) Rule – Reauthorizes Title 05, Chapter 01 – Bulletin Vol. 20-4SE (eff. 3-20-20)T

#### **24.39.60, Rules Governing Uniform School Building Safety**

*\*(Re-designated from IDAPA 07.06.01 to 24.39.60)*

**24-0000-2000 IDAPA 24 – DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES** – Notice of Legislative and Executive Action Affecting Certain Boards and Commissions Under the Department of Self-Governing Agencies – House Bill 318, Session Law 96, and Executive Order 2020-10 and Assignment of New IDAPA Designation Number Under the Division of Occupational and Professional Licenses – Redesignated as **IDAPA 24, Title 39, Chapter 60** – Bulletin Vol. 20-7 (eff. 7-1-20)

**07-0000-2000 IDAPA 07 – DIVISION OF BUILDING SAFETY** – Notice of Legislative and Executive Action Affecting the Division of Building Safety and Its Constituent Boards Under the Department of Self-Governing Agencies – House Bill 318, Session Law 96, and Executive Order 2020-10 and Assignment of New IDAPA Designation Number Under the Division of Occupational and Professional Licenses – Redesignated as **IDAPA 24, Title 39, Chapter 60** – Bulletin Vol. 20-7 (eff. 7-1-20)

#### **24.39.70, Rules Governing Installation of Heating, Ventilation, and Air Conditioning Systems**

*\*(Re-designated from IDAPA 07.07.01 to 24.39.70)*

**24-0000-2000 IDAPA 24 – DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES** – Notice of Legislative and Executive Action Affecting Certain Boards and Commissions Under the Department of Self-Governing Agencies – House Bill 318, Session Law 96, and Executive Order 2020-10 and Assignment of New IDAPA Designation Number Under the Division of Occupational and Professional Licenses – Redesignated as **IDAPA 24, Title 39, Chapter 70** – Bulletin Vol. 20-7 (eff. 7-1-20)

**07-0000-2000 IDAPA 07 – DIVISION OF BUILDING SAFETY** – Notice of Legislative and Executive Action Affecting the Division of Building Safety and Its Constituent Boards Under the Department of Self-Governing Agencies – House Bill 318, Session Law 96, and Executive Order 2020-10 and Assignment of New IDAPA Designation Number Under the Division of Occupational and Professional Licenses – Redesignated as **IDAPA 24, Title 39, Chapter 70** – Bulletin Vol. 20-7 (eff. 7-1-20)

**07-0000-2000F Rules of the Division of Building Safety** – Notice of Omnibus Rulemaking – Adoption of Temporary (Fee) Rule – Reauthorizes Title 07, Chapter 01 – Bulletin Vol. 20-4SE (eff. 3-20-20)T

#### **24.39.80, Idaho Minimum Safety Standards and Practices for Logging**



*\*(Re-designated from IDAPA 07.08.01 to 24.39.80)*

**24-0000-2000 IDAPA 24 – DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES** – Notice of Legislative and Executive Action Affecting Certain Boards and Commissions Under the Department of Self-Governing Agencies – House Bill 318, Session Law 96, and Executive Order 2020-10 and Assignment of New IDAPA Designation Number Under the Division of Occupational and Professional Licenses – Redesignated as **IDAPA 24, Title 39, Chapter 80** – Bulletin Vol. 20-7 (eff. 7-1-20)

**07-0000-2000 IDAPA 07 – DIVISION OF BUILDING SAFETY** – Notice of Legislative and Executive Action Affecting the Division of Building Safety and Its Constituent Boards Under the Department of Self-Governing Agencies – House Bill 318, Session Law 96, and Executive Order 2020-10 and Assignment of New IDAPA Designation Number Under the Division of Occupational and Professional Licenses – Redesignated as **IDAPA 24, Title 39, Chapter 80** – Bulletin Vol. 20-7 (eff. 7-1-20)

### **24.39.90, Rules Governing the Damage Prevention Board**

*\*(Re-designated from IDAPA 07.10.01 to 24.39.90)*

**24-0000-2000 IDAPA 24 – DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES** – Notice of Legislative and Executive Action Affecting Certain Boards and Commissions Under the Department of Self-Governing Agencies – House Bill 318, Session Law 96, and Executive Order 2020-10 and Assignment of New IDAPA Designation Number Under the Division of Occupational and Professional Licenses – Redesignated as **IDAPA 24, Title 39, Chapter 90** – Bulletin Vol. 20-7 (eff. 7-1-20)

**07-0000-2000 IDAPA 07 – DIVISION OF BUILDING SAFETY** – Notice of Legislative and Executive Action Affecting the Division of Building Safety and Its Constituent Boards Under the Department of Self-Governing Agencies – House Bill 318, Session Law 96, and Executive Order 2020-10 and Assignment of New IDAPA Designation Number Under the Division of Occupational and Professional Licenses – Redesignated as **IDAPA 24, Title 39, Chapter 90** – Bulletin Vol. 20-7 (eff. 7-1-20)

**07-0000-2000F Rules of the Division of Building Safety** – Notice of Omnibus Rulemaking – Adoption of Temporary (Fee) Rule – Reauthorizes Title 10, Chapter 01 – Bulletin Vol. 20-4SE (eff. 3-20-20)T

## **IDAPA 25 – OUTFITTERS AND GUIDES LICENSING BOARD**

**(MOVED AND REDESIGNATED) 25.01.01, Rules of the Outfitters and Guides Licensing Board**

**25-0000-2000 IDAPA 25 – IDAHO OUTFITTERS AND GUIDES LICENSING BOARD** – Notice of Legislative and Executive Action Affecting the Idaho Outfitters and Guides Licensing Board Under the Department of Self-Governing Agencies – House Bill 318, Session Law 96, and Executive Order 2020-10 and Assignment of New IDAPA Designation Number Under the Division of Occupational and Professional Licenses – Redesignated as **IDAPA 24, Title 35, Chapter 01**, – Bulletin Vol. 20-7 (eff. 7-1-20)

**24-0000-2000 IDAPA 24 – DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES** – Notice of Legislative and Executive Action Affecting Certain Boards and Commissions Under the Department of Self-Governing Agencies – House Bill 318, Session Law 96, and Executive Order 2020-10 and Assignment of New IDAPA Designation Number Under the Division of Occupational and Professional Licenses – Redesignated as **IDAPA 24, Title 35, Chapter 01** – Bulletin Vol. 20-7 (eff. 7-1-20)

**25-0101-2000F Rules of the Outfitters and Guides Licensing Board** – Notice of Omnibus Rulemaking – Amendment to Temporary (Fee) Rule – Amends IDAPA 24, Title 35, Chapter 01 – Bulletin Vol. 20-9 (eff. 10-1-20)T

**25-0101-2000F Rules of the Outfitters and Guides Licensing Board** – Notice of Omnibus Rulemaking – Adoption of Temporary (Fee) Rule – Reauthorizes Title 01, Chapter 01 – Bulletin Vol. 20-4SE (eff. 3-20-20)T

**25-0101-2001** Notice of Intent to Promulgate Rules – Negotiated Rulemaking, Bulletin Vol. 20-3

## **IDAPA 26 – DEPARTMENT OF PARKS AND RECREATION**

**26-0000-2000F Rules of the Department of Parks and Recreation** – Notice of Omnibus Rulemaking – Adoption of Temporary (Fee) Rule – Reauthorizes Title 01, Chapters 10, 20, 33 – Bulletin Vol. 20-4SE (eff. 3-20-20)T

## **IDAPA 27 – BOARD OF PHARMACY**

***(MOVED AND REDESIGNATED)*** 27.01.01, *Rules of the Idaho State Board of Pharmacy*

**27-0000-2000** IDAPA 27 – BOARD OF PHARMACY – Notice of Legislative and Executive Action Affecting the Idaho Board of Pharmacy Under the Department of Self-Governing Agencies – House Bill 318, Session Law 96, and Executive Order 2020-10 and Assignment of New IDAPA Designation Number Under the Division of Occupational and Professional Licenses – Redesignated as **IDAPA 24, Title 36, Chapter 01** – Bulletin Vol. 20-7 (eff. 7-1-20)

**24-0000-2000** IDAPA 24 – DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES – Notice of Legislative and Executive Action Affecting Certain Boards and Commissions Under the Department of Self-Governing Agencies – House Bill 318, Session Law 96, and Executive Order 2020-10 and Assignment of New IDAPA Designation Number Under the Division of Occupational and Professional Licenses – Redesignated as **IDAPA 24, Title 36, Chapter 01** – Bulletin Vol. 20-7 (eff. 7-1-20)

**27-0101-2000F** *Rules of the Idaho State Board of Pharmacy* – Notice of Omnibus Rulemaking – Adoption of Temporary (Fee) Rule – Reauthorizes Title 01, Chapter 01 – Bulletin Vol. 20-4SE (eff. 3-20-20)T

***IDAPA 32 – ENDOWMENT FUND INVESTMENT BOARD***

**32-0101-2000F** *Rules of the Credit Enhancement Program for School Districts* – Notice of Omnibus Rulemaking – Adoption of Temporary (Fee) Rule – Reauthorizes Title 01, Chapter 01 – Bulletin Vol. 20-4SE (eff. 3-20-20)T

***IDAPA 33 – REAL ESTATE COMMISSION***

***(MOVED AND REDESIGNATED)*** 33.01.01, *Rules of the Idaho Real Estate Commission*

**33-0000-2000** IDAPA 33 – REAL ESTATE COMMISSION – Notice of Legislative and Executive Action Affecting the Idaho Real Estate Commission Under the Department of Self-Governing Agencies – House Bill 318, Session Law 96, and Executive Order 2020-10 and Assignment of New IDAPA Designation Number Under the Division of Occupational and Professional Licenses – Redesignated as **IDAPA 24, Title 37, Chapter 01** – Bulletin Vol. 20-7 (eff. 7-1-20)

**24-0000-2000** IDAPA 24 – DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES – Notice of Legislative and Executive Action Affecting Certain Boards and Commissions Under the Department of Self-Governing Agencies – House Bill 318, Session Law 96, and Executive Order 2020-10 and Assignment of New IDAPA Designation Number Under the Division of Occupational and Professional Licenses – Redesignated as **IDAPA 24, Title 37, Chapter 01** – Bulletin Vol. 20-7 (eff. 7-1-20)

**33-0101-2000F** *Rules of the Idaho Real Estate Commission* – Notice of Omnibus Rulemaking – Adoption of Temporary (Fee) Rule – Reauthorizes Title 01, Chapter 01 – Bulletin Vol. 20-4SE (eff. 3-20-20)T

***IDAPA 34 – SECRETARY OF STATE***

**34-0000-2000F** *Rules of the Idaho Secretary of State* – Notice of Omnibus Rulemaking – Adoption of Temporary (Fee) Rule – Reauthorizes Title 05, Chapters 01-03, 06 – Bulletin Vol. 20-4SE (eff. 3-20-20)T

***34.07.01, Rules Governing Notarial Acts Performed for Remotely Located Individuals***

**34-0701-2002** Adoption of Temporary Rule (New Chapter), Bulletin Vol. 20-4 (eff. 3-20-20)T)

**34-0701-2001** *OARC Omnibus Notice of Legislative Action – Temporary Rule Not Extended, Bulletin Vol. 20-5 (Expired: Null & Void)*

**34-0701-2001** *Adoption of Temporary Rule (New Chapter), Bulletin Vol. 20-1 (eff. 1-1-20)T (Expired)*

***IDAPA 35 – STATE TAX COMMISSION***

***35.01.01, Income Tax Administrative Rules***

**35-0101-2001** Proposed Rulemaking, Bulletin Vol. 20-9

***35.01.03, Property Tax Administrative Rules***

**35-0103-2001** Proposed Rulemaking, Bulletin Vol. 20-9

**35.01.09, Idaho Beer and Wine Taxes Administrative Rules**

**35-0109-2001** Proposed Rulemaking, Bulletin Vol. 20-9

***IDAPA 36 – IDAHO BOARD OF TAX APPEALS***

**36-0101-2000F** *Idaho Board of Tax Appeals Rules* – Notice of Omnibus Rulemaking – Adoption of Temporary (Fee) Rule – Reauthorizes Title 01, Chapter 01 – Bulletin Vol. 20-4SE (eff. 3-20-20)T

***IDAPA 37 – DEPARTMENT OF WATER RESOURCES***

**37-0000-2000F** *Rules of the Idaho Department of Water Resources* – Notice of Omnibus Rulemaking – Adoption of Temporary (Fee) Rule – Reauthorizes Title 01, Chapter 01; Title 02, Chapter 03; Title 03, Chapters 01-10 – Bulletin Vol. 20-4SE (eff. 3-20-20)T

***IDAPA 38 – IDAHO DEPARTMENT OF ADMINISTRATION***

**38-0000-2000F** *Rules of the Idaho Department of Administration* – Notice of Omnibus Rulemaking – Adoption of Temporary (Fee) Rule – Reauthorizes Title 04, Chapter 04 – Bulletin Vol. 20-4SE (eff. 3-20-20)T

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

**39-0000-2000F** *Rules of the Idaho Transportation Department* – Notice of Omnibus Rulemaking – Adoption of Temporary (Fee) Rule – Reauthorizes Title 02, Chapters 04, 05, 22, 26, 41, 60; Title 03, Chapter 03 – Bulletin Vol. 20-4SE (eff. 3-20-20)T

**39.02.60, Rules Governing License Plate Provisions**

**39-0260-2001** Notice of Intent to Promulgate a Rule – Negotiated Rulemaking (New Chapter), Bulletin Vol. 20-6

**39-0000-2000F** *Rules of the Idaho Transportation Department* – Notice of Omnibus Rulemaking – Adoption of Temporary (Fee) Rule – Reauthorizes Title 02, Chapter 60 – Bulletin Vol. 20-4SE (eff. 3-20-20)T

**39.02.71, Rules Governing Driver’s License Violation Point System**

**39-0271-2001** Notice of Intent to Promulgate a Rule – Negotiated Rulemaking, Bulletin Vol. 20-6

***IDAPA 41 – PUBLIC HEALTH DISTRICTS***

**41-0101-2000** *Rules of the Idaho Public Health Districts (Panhandle Health District #1)* – Notice of Omnibus Rulemaking – Adoption of Temporary Rule – Reauthorizes Title 01, Chapter 01 – Bulletin Vol. 20-4SE (eff. 3-20-20)T

***IDAPA 42 – IDAHO WHEAT COMMISSION***

**42-0101-2000F** *Rules of the Idaho Wheat Commission* – Notice of Omnibus Rulemaking – Adoption of Temporary (Fee) Rule – Reauthorizes Title 01, Chapter 01 – Bulletin Vol. 20-4SE (eff. 3-20-20)T

***IDAPA 43 – IDAHO OILSEED COMMISSION***

**43-0101-2000F** *Rules Governing the Idaho Oilseed Commission* – Notice of Omnibus Rulemaking – Adoption of Temporary (Fee) Rule – Reauthorizes Title 01, Chapter 01 – Bulletin Vol. 20-4SE (eff. 3-20-20)T

### ***IDAPA 46 – BOARD OF VETERINARY MEDICINE***

**(MOVED AND REDESIGNATED)** *46.01.01, Rules of the State of Idaho Board of Veterinary Medicine*

**46-0000-2000** **IDAPA 46 – IDAHO BOARD OF VETERINARY MEDICINE** – Notice of Legislative and Executive Action Affecting the State of Idaho Board of Veterinary Medicine Under the Department of Self-Governing Agencies – House Bill 318, Session Law 96, and Executive Order 2020-10 and Assignment of New IDAPA Designation Number Under the Division of Occupational and Professional Licenses – Redesignated as ***IDAPA 24, Title 38, Chapter 01*** – Bulletin Vol. 20-7 (eff. 7-1-20)

**24-0000-2000** **IDAPA 24 – DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES** – Notice of Legislative and Executive Action Affecting Certain Boards and Commissions Under the Department of Self-Governing Agencies – House Bill 318, Session Law 96, and Executive Order 2020-10 and Assignment of New IDAPA Designation Number Under the Division of Occupational and Professional Licenses – Redesignated as ***IDAPA 24, Title 38, Chapter 01*** – Bulletin Vol. 20-7 (eff. 7-1-20)

**46-0101-2000F** *Rules of the Idaho Board of Veterinary Medicine* – Notice of Omnibus Rulemaking – Adoption of Temporary (Fee) Rule – Reauthorizes Title 01, Chapter 01 – Bulletin Vol. 20-4SE (eff. 3-20-20)T

### ***IDAPA 47 – DIVISION OF VOCATIONAL REHABILITATION***

**47.01.01, Rules Governing Vocational Rehabilitation Services**

**47-0101-2001** Temporary and Proposed Rulemaking (New Chapter), Bulletin Vol. 20-9 (eff. 6-10-20)T

### ***IDAPA 48 – GRAPE GROWERS AND WINE PRODUCERS COMMISSION***

**48-0101-2000F** *Rules of the Idaho Grape Growers and Wine Producers Commission* – Notice of Omnibus Rulemaking – Adoption of Temporary (Fee) Rule – Reauthorizes Title 01, Chapter 01 – Bulletin Vol. 20-4SE (eff. 3-20-20)T

### ***IDAPA 50 – COMMISSION FOR PARDONS AND PAROLE***

**50.01.01, Rules of the Commission of Pardons and Parole**

**50-0101-2001** Adoption of Temporary Rule, Bulletin Vol. 20-3 (eff. 1-13-20)T

### ***IDAPA 51 – IDAHO BEEF COUNCIL***

**51-0101-2000F** *Rules of the Idaho Beef Council* – Notice of Omnibus Rulemaking – Adoption of Temporary (Fee) Rule – Reauthorizes Title 01, Chapter 01 – Bulletin Vol. 20-4SE (eff. 3-20-20)T

### ***IDAPA 52 – IDAHO STATE LOTTERY COMMISSION***

**52-0103-2000F** *Rules of the Idaho State Lottery Commission* – Notice of Omnibus Rulemaking – Adoption of Temporary (Fee) Rule – Reauthorizes **Title 01, Chapter 03** – Bulletin Vol. 20-4SE (eff. 3-20-20)T

### ***IDAPA 53 – IDAHO BARLEY COMMISSION***

**53-0101-2000F** *Rules of the Idaho Barley Commission* – Notice of Omnibus Rulemaking – Adoption of Temporary (Fee) Rule – Reauthorizes Title 01, Chapter 01 – Bulletin Vol. 20-4SE (eff. 3-20-20)T

***IDAPA 57 – SEXUAL OFFENDER MANAGEMENT BOARD***

**57-0101-2000F** *Rules of the Sexual Offender Management Board* – Notice of Omnibus Rulemaking – Adoption of Temporary (Fee) Rule  
– Reauthorizes Title 01, Chapter 01 – Bulletin Vol. 20-4SE (eff. 3-20-20)T

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

**58-0000-2000F** *Rules of the Department of Environmental Quality* – Notice of Omnibus Rulemaking – Adoption of Temporary (Fee) Rule  
– Reauthorizes Title 01, Chapters 01, 05-09, 11-14, 18, 20, 25 – Bulletin Vol. 20-4SE (eff. 3-20-20)T

TMDLs:

***58.01.01, Rules for the Control of Air Pollution in Idaho***

**58-0000-2000F** *Rules of the Department of Environmental Quality* – Notice of Omnibus Rulemaking – Adoption of Temporary (Fee) Rule  
– Reauthorizes Title 01, Chapter 01 – Bulletin Vol. 20-4SE (eff. 3-20-20)T

**58-0101-1902** Notice of Intent to Promulgate a Rule – Negotiated Rulemaking, Bulletin Vol. 19-5

**58-0101-1901** Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 19-3

***58.01.02, Water Quality Standards***

**58-0102-2001** Proposed Rulemaking, Bulletin Vol. 20-9

**58-0102-2001** Notice of Meeting of the Idaho Board of Environmental Quality, Bulletin Vol. 20-9

**58-0102-2001** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 20-4

***58.01.03, Individual/Subsurface Sewage Disposal Rules and Rules for Cleaning of Septic Tanks***

**58-0103-1901** Proposed Rulemaking, Bulletin Vol. 20-9

**58-0103-1901** Notice of Intent to Promulgate Rules – Negotiated Rulemaking, Bulletin Vol. 19-6

***58.01.04, Rules for Administration of Wastewater Treatment Facility Grants***

**58-0104-1901** Adoption of Pending Rule (Chapter Repeal), Bulletin Vol. 20-7 (PLR 2021)

**58-0104-1901** Proposed Rulemaking (Chapter Repeal), Bulletin Vol. 19-11 (*\*Repeals and Consolidates into 58.01.22*)

**58-0104-1901** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 19-8

***58.01.06, Solid Waste Management Rules***

**58-0000-2000F** *Rules of the Department of Environmental Quality* – Notice of Omnibus Rulemaking – Adoption of Temporary (Fee) Rule  
– Reauthorizes Title 01, Chapter 06 – Bulletin Vol. 20-4SE (eff. 3-20-20)T

**58-0106-1901** Proposed Rulemaking, Bulletin Vol. 19-11

**58-0106-1901** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 19-8

***58.01.12, Rules for Administration of Water Pollution Control Loans***

**58-0000-2000F** *Rules of the Department of Environmental Quality* – Notice of Omnibus Rulemaking – Adoption of Temporary (Fee) Rule  
– Reauthorizes Title 01, Chapter 12 – Bulletin Vol. 20-4SE (eff. 3-20-20)T

**58-0112-1901\*** Proposed Rulemaking\*\*, Bulletin Vol. 19-11 (*\*Consolidates 58.01.20 into this chapter*)

(*\*\*Rulemaking changes chapter name to: “Rules for Administration of Wastewater and Drinking Water Loan Funds”*)

**58-0112-1901** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 19-8

***58.01.13, Rules for Ore Processing by Cyanidation***

**58-0000-2000F** *Rules of the Department of Environmental Quality* – Notice of Omnibus Rulemaking – Adoption of Temporary (Fee) Rule  
– Reauthorizes Title 01, Chapter 13 – Bulletin Vol. 20-4SE (eff. 3-20-20)T

**58-0113-1901** (Second) Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 20-2

**58-0113-1901** Notice of Intent to Promulgate a Rule – Negotiated Rulemaking, Bulletin Vol. 19-5

**58.01.19, Rules for the Design and Construction of Phosphogypsum Stacks**

**58-0119-2001** Notice of Intent to Promulgate Rules – Negotiated Rulemaking (New Chapter), Bulletin Vol. 20-4

**58.01.20, Rules for Administration of Drinking Water Loan Program**

**58-0000-2000F** *Rules of the Department of Environmental Quality* – Notice of Omnibus Rulemaking – Adoption of Temporary (Fee) Rule – Reauthorizes Title 01, Chapter 20 – Bulletin Vol. 20-4SE (eff. 3-20-20)T

**58-0120-1901\*** Proposed Rulemaking (Chapter Repeal), Bulletin Vol. 19-11 (*\*Repeals and Consolidates into 58.01.12*)

**58-0120-1901** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 19-8

**58.01.22, Rules for Administration of Planning Grants for Drinking Water Facilities**

**58-0122-1901\*** Adoption of Pending Rule, Bulletin Vol. 20-7 (PLR 2021)

(*\*Rulemaking changes chapter name to: “Rules for Administration of Planning Grants for Drinking Water and Wastewater Facilities”*)

**58-0122-1901\*** Proposed Rulemaking\*\*, Bulletin Vol. 19-11 (*\*Consolidates 58.01.04 into this chapter*)

**58-0122-1901** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 19-8

**58.01.25, Rules Regulating the Idaho Pollutant Discharge Elimination System Program**

**58-0000-2000F** *Rules of the Department of Environmental Quality* – Notice of Omnibus Rulemaking – Adoption of Temporary (Fee) Rule – Reauthorizes Title 01, Chapter 25 – Bulletin Vol. 20-4SE (eff. 3-20-20)T

**58-0125-2001** Notice of Intent to Promulgate Rules – Negotiated Rulemaking, Bulletin Vol. 20-4

***IDAPA 60 – IDAHO STATE SOIL AND WATER CONSERVATION COMMISSION***

**60.05.01, Rules of the Idaho State Soil and Water Conservation Commission**

**60-0501-2000F** *Rules of the Idaho State Soil and Water Conservation Commission* – Notice of Omnibus Rulemaking – Adoption of Temporary (Fee) Rule – Reauthorizes Title 05, Chapter 01 – Bulletin Vol. 20-4SE (eff. 3-20-20)T

***IDAPA 61 – STATE PUBLIC DEFENSE COMMISSION***

***Omnibus Rulemaking – Consolidation and Reorganization of Chapters Under the Direction of ISPDC Chapters 61.01.01, through 61.01.08***

**61-0100-2001OM** Notice of Intent to Promulgate Rules – Omnibus Negotiated Rulemaking, Bulletin Vol. 20-7

# LEGAL NOTICE

## Summary of Proposed Rulemakings

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

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

*The proposed rule public hearing request deadline is September 16, 2020, unless otherwise posted.  
The proposed rule written comment submission deadline is September 23, 2020, unless otherwise posted.  
(Temp & Prop) indicates the rulemaking is both Temporary and Proposed.  
(\*PH) indicates that a public hearing has been scheduled.*

#### **IDAPA 09 – IDAHO DEPARTMENT OF LABOR 317 W Main St., Boise, ID 83735**

**09-0101-2001, Rules of Administrative Procedure of the Department of Labor.** Reflects email as an acceptable method for protest or appeal; updates language to reflect an appeal being deemed filed upon date and (Mountain) time of Department receipt to protest a determination for unemployment insurance benefit or wage and hour claim; date of mailing or service indicated on a determination is deemed date of service.

**09-0130-2002, Unemployment Insurance Benefits Administration Rules.** Replaces references from Immigration and Naturalization Service to US Department of Homeland Security, and from Idaho Works location to American Job Centers.

**09-0160-2001, Complaint Procedures Under the Workforce Innovation and Opportunity Act (WIOA).** Repeals chapter due to program administration currently being duplicated in departmental procedures and federal law.

#### **IDAPA 13 – DEPARTMENT OF FISH AND GAME PO Box 25, Boise, ID 83707**

**13-0104-2002, Rules Governing Licensing.** Changes application period for Landowner Appreciation Program controlled hunt tags to May 15 through June 15, providing additional time to notify landowners; provides Commission authority to limit discounted nonresident Disabled American Veterans tags to 500 for deer and 300 for elk to address hunter congestion.

**13-0108-2001, Rules Governing the Taking of Big Game Animals.** Establishes a one-year wait period for successful antelope controlled hunt applicants to be consistent with one-year wait periods for antlered deer and elk.

**13-0109-2002, Rules Governing the Taking of Game Birds.** Establishes consistent requirements for use of game bird tags authorized by statute and mandatory check requirements for swan; designates two special waterfowl hunting days for veterans and active military; delays opening date for pheasant season for nonresident license holders; simplifies game tag framework for hunting turkey.

**13-0116-2002, The Trapping of Predatory and Unprotected Wildlife and the Taking of Furbearing Animals.** Establishes additional restrictions on use of body-gripping traps; simplifies rules associated with use of bait for trapping and provides consistency with allowances for wolf trapping, unless a restriction exists in law.

#### **IDAPA 15 – OFFICE OF THE GOVERNOR, DIVISION OF HUMAN RESOURCES AND PERSONNEL COMMISSION PO Box 83720, Boise, ID 83720-0066**

**15-0401-2002, Rules of the Division of Human Resources and Idaho Personnel Commission.** Amends current text that allows holiday pay in excess of eight hours for employees.

**IDAPA 16 – DEPARTMENT OF HEALTH AND WELFARE****PO Box 83720, Boise, ID 83720-0036**

**16-0307-2001, Home Health Agencies.** Furthering Governor’s Executive Order 2020-13 in eliminating temporarily waived rules by aligning state licensure with Federal regulations allowing Licensed Independent Practitioners to order home health services and follow patients.

**16-0321-2001, Developmental Disabilities Agencies (DDA).** Furthering Governor’s Executive Order 2020-13 in eliminating temporarily waived rules by enabling developmental disabilities agencies flexibility in supervision of direct care staff with telehealth.

**16-0417-2001, Residential Habilitation Agencies.** Furthering Governor’s Executive Order 2020-13 in eliminating temporarily waived rules by removing duplication in the rule chapter.

**IDAPA 18 – IDAHO DEPARTMENT OF INSURANCE****PO Box 83720, Boise, ID 83720-0021**

**18-0801-2001, Adoption of the International Fire Code.** Exempts food truck owners in Idaho from new requirements in the International Fire Code regarding permits and inspections by changing language to reflect local jurisdiction enforcement.

**IDAPA 24 – DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES, Board of Medicine****345 W Bobwhite Court, Ste 150, Boise, ID 83706**

**\*24-3303-2001, General Provisions of the Board of Medicine.** (\*PH) Furthering Governor’s Executive Order 2020-13 in eliminating temporarily waived rules by deleting certain provisions suspended for COVID-19 determined by the Board to be duplicative or outdated.

**IDAPA 35 – IDAHO STATE TAX COMMISSION****PO Box 36, Boise, ID 83722-0036**

**35-0101-2001, Income Tax Administrative Rules.** Removes and replaces oldest (2015) Tax Rates and Income Tax Brackets table with most current (2020); adds current year and amount limit of guaranteed payments to an individual partner sourced as compensation for services; adds a new line per enacted legislation for the employee college savings account to the priority order list of nonrefundable credits applying against tax liability to match the existing pattern in governing law; extends the program end date per enacted legislation from December 31, 2020, to December 31, 2030, for available credits in the Idaho Small Employer Incentive Act.

**35-0103-2001, Property Tax Administrative Rules.** Clarifies that the Tax Commission does not fall under the Idaho Administrative Procedure Act contested case process; deletes section regarding verification of lawful U.S. residency for property tax reduction by moving requirement to Idaho statute; outlines process for a taxing district to recover in a subsequent year unused portions of a forgone balance, explicitly reserved through a public resolution, when setting a budget for less than the allowed 3%.

**\*35-0109-2001, Idaho Beer and Wine Taxes Administrative Rules.** (\*PH) Removes Commission’s requirement to witness the destruction of breakage and spoilage for a taxpayer to claim a percentage deduction.

**IDAPA 47– IDAHO DIVISION OF VOCATIONAL REHABILITATION****PO Box 83720, Boise, ID 83720-0037**

**\*47-0101-2001, Rules Governing Vocational Rehabilitation Services.** (\*PH) (Temp & Prop) New Chapter clarifies federal vocational rehabilitation program requirements and services. (eff. 6-10-20)T

**IDAPA 58 – DEPARTMENT OF ENVIRONMENTAL QUALITY****1410 N. Hilton St., Boise, ID 83706**

**58-0102-2001, Water Quality Standards.** Revises water quality criteria based on implementation of bacteria criteria; removes language due to EPA disapproval. Comment by 10/2/2020

**58-0103-1901, Individual/Subsurface Sewage Disposal Rules and Rules for Cleaning of Septic Tanks.** Updates permitting, design and construction requirements found in the Technical Guidance Manual; clarifies operation and maintenance for all systems. Comment by 9/30/2020



**NOTICE OF ADOPTION OF TEMPORARY RULE ONLY**

**IDAPA 13 – DEPARTMENT OF FISH AND GAME**

*13-0104-2003*, Rules Governing Licensing. (eff. 12-1-20)T

*13-0109-2004*, Rules Governing the Taking of Game Birds. (eff. 8-1-20)T

**IDAPA 24 – DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES,  
Outfitters and Guides Licensing Board**

*25-0101-2000F*, Rules of the Outfitters and Guides Licensing Board (amended Temporary Rule) (eff. 10-1-20)T

**NOTICE OF INTENT TO PROMULGATE RULES – NEGOTIATED RULEMAKING**

(Please see the Administrative Bulletin for dates and times of meetings and other participant information)

**IDAPA 08 – STATE BOARD OF EDUCATION**

*08-0201-2001*, Rules Governing Administration (respond by 9/18/2020)

*08-0202-2002*, Rules Governing Uniformity (respond by 9/18/2020)

Please refer to the Idaho Administrative Bulletin [September 2, 2020, Volume 20-9](#), 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/](http://www.adminrules.idaho.gov/)*

Office of the Administrative Rules Coordinator, Division of Financial Management

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