

IDAHO ADMINISTRATIVE BULLETIN

January 3, 2024 – Vol. 24-1

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



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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.

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 YEAR 2023

| Vol. No. | Monthly Issue of Bulletin | ARRF Due to DFM | Closing Date for Agency Filing | Bulletin Publication Date | 21-day Comment Period End Date |
|----------|---------------------------|--------------------|--------------------------------|---------------------------|--------------------------------|
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| 23-5 | May 2023 | March 24, 2023 | April 7, 2023 | May 3, 2023 | May 24, 2023 |
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| 24-1 | January 2024 | November 13, 2023 | **November 27, 2023 | January 3, 2024 | January 24, 2024 |

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| 24-3 | March 2024 | January 26, 2024 | February 9, 2024 | March 6, 2024 | March 27, 2024 |
| 24-4 | April 2024 | February 23, 2024 | March 8, 2024 | April 3, 2024 | April 24, 2024 |
| 24-5 | May 2024 | March 22, 2024 | April 5, 2024 | May 1, 2024 | May 22, 2024 |
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| 24-10 | October 2024 | August 16, 2024 | *August 30, 2024 | October 2, 2024 | October 23, 2024 |
| 24-11 | November 2024 | September 20, 2024 | October 4, 2024 | November 6, 2024 | November 27, 2024 |
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| 25-1 | January 2025 | November 15, 2024 | **November 29, 2024 | January 1, 2025 | January 22, 2025 |

***Last day to submit a proposed rule for the rulemaking to remain on course for review by the upcoming legislature.**

****Last day to submit a pending rule to be reviewed by the upcoming legislature.**

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| IDAPA 24 | Occupational and Professional Licenses, Division of (24.20) Accountancy, Board of (24.30) Acupuncture, Board of (24.17) Architectural Examiners, Board of (24.01) Athletic Commission, State (24.02) Barber and Cosmetology Services Licensing Board (24.28) Building Safety, Division of (24.39) Chiropractic Physicians, Board of (24.03) Contractors Board, Idaho State (24.21) Counselors and Marriage and Family Therapists, Licensing Board of Professional (24.15) Dentistry, State Board of (24.31) Denturity, Board of (24.16) Drinking Water and Wastewater Professionals, Board of (24.05) Driving Businesses Licensure Board, Idaho (24.25) Engineers and Land Surveyors, Board of Licensure of Professional (24.32) Genetic Counselors Licensing Board (24.24) Geologists, Board of Registration for Professional (24.04) Landscape Architects, Board of (24.07) Liquefied Petroleum Gas Safety Board (24.22) Massage Therapy, Board of (24.27) Medicine, Board of (24.33) Midwifery, Board of (24.26) Morticians, Board of (24.08) Nursing, Board of (24.34) Nursing Home Administrators, Board of Examiners of (24.09) Occupational Therapy Licensure Board (24.06) Optometry, Board of (24.10) Outfitters and Guides Licensing Board (24.35) Pharmacy, Board of (24.36) Physical Therapy Licensure Board (24.13) Podiatry, Board of (24.11) Psychologist Examiners, Board of (24.12) Real Estate Appraiser Board (24.18) Real Estate Commission (24.37) Residential Care Facility Administrators, Board of Examiners of (24.19) Shorthand Reporters Board, Idaho Certified (24.29) Social Work Examiners, Board of (24.14) Speech, Hearing and Communication Services Licensure Board (24.23) Veterinary Medicine, State Board of (24.38) |
| IDAPA 43 | Oilseed Commission, Idaho |
| IDAPA 50 | Pardons and Parole, Commission of |
| IDAPA 26 | Parks and Recreation, Idaho Department of |

| ALPHABETICAL INDEX OF STATE AGENCIES AND CORRESPONDING IDAPA NUMBERS | |
|---|--|
| IDAPA 11 | Police, Idaho State Alcohol Beverage Control (11.05) Brand Board (11.02) Commercial Vehicle Safety (11.13) Forensic Laboratory (11.03) Motor Vehicles (11.07) Peace Officer Standards and Training Council (11.11) Public Safety and Security Information (11.10) Racing Commission (11.04) |
| IDAPA 29 | Potato Commission, Idaho |
| IDAPA 61 | Public Defense Commission, State |
| IDAPA 59 | Public Employee Retirement System of Idaho (PERSI) |
| IDAPA 31 | Public Utilities Commission |
| IDAPA 34 | Secretary of State, Office of the |
| IDAPA 57 | Sexual Offender Management Board |
| IDAPA 60 | Soil and Water Conservation Commission, Idaho State |
| IDAPA 36 | Tax Appeals, Board of |
| IDAPA 35 | Tax Commission, State |
| IDAPA 39 | Transportation Department, Idaho |
| IDAPA 21 | Veterans Services, Division of |
| IDAPA 47 | Vocational Rehabilitation, Division of |
| IDAPA 37 | Water Resources, Department of |
| IDAPA 42 | Wheat Commission, Idaho |

IDAPA 02 – DEPARTMENT OF AGRICULTURE

02.02.13 – COMMODITY DEALERS' RULES

DOCKET NO. 02-0213-2301 (ZBR CHAPTER REWRITE, FEE RULE)

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2024 Idaho State Legislature and must be approved by concurrent resolution of the Legislature to go into effect, in accordance with Section 67-5224(2)(c), Idaho Code. The pending rule will become final and effective upon the adjournment, *sine die*, of the Second Regular Session of the Sixty-seventh Idaho Legislature.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 69-524, Idaho Code.

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

This rule is being presented for authorization as part of the ISDA's plan to review each rule every 5 years. Redundant language that is verbatim in statute has been removed, consistent with the Governor's [Zero-Based Regulation Executive Order](#).

The rule was reviewed over the course of two negotiated rulemaking meetings, and that review benefited from the participation of program stakeholders. No negative comments were submitted as part of this rulemaking process.

These rules clarify the procedure for licensing, collection and remittance of assessments, determining claim value, maintaining electronic records, use of electronic scales and remedies of the Department for non-compliance.

There are no changes to the pending rule and it is being adopted as originally proposed. The complete text of the proposed rule was published in the October 4, 2023, Idaho Administrative Bulletin, [Vol. 23-10, pages 16-24](#).

FEE SUMMARY: Pursuant to Section 67-5224(2)(d), Idaho Code, this pending fee rule shall not become final and effective unless affirmatively approved by concurrent resolution of the Legislature. The following is a description of the fee or charge imposed or increased in this rulemaking:

A rate of assessment of two-tenths of one percent (.2%) gross dollar amount, without deductions, due the producer pursuant to Section 69-257(2), Idaho Code. The Director may establish a lower rate of assessment whenever he deems it advisable or as recommended by the advisory committee established by Section 69-261, Idaho Code.

Additional license fees are included in statute at 69-508, Idaho Code, but are not included in this rule.

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:

No fiscal impact is anticipated from this rulemaking.

IDAHO CODE SECTION 22-101A STATEMENT: Pursuant to 22-101A(1), for any rule promulgated or adopted by the director which is broader in scope or more stringent than federal law or regulations, or which regulates an activity not regulated by the federal government, the director shall identify the portions of the adopted rule that are broader in scope or more stringent than federal law or rules, or which regulate an activity not regulated by the federal government. The following sections of the rule are broader in scope, more stringent than federal law or regulations, or regulate an activity not regulated by the federal government:

The federal government does not regulate warehouses or commodity dealers. This activity is defined in Idaho Code.

The detailed 22-101A analysis can be found on the agency's website at www.agri.idaho.gov.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Lloyd B. Knight, Deputy Director, at (208)332-8615.

DATED this 3rd of January, 2024.

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IDAPA 02 – DEPARTMENT OF AGRICULTURE

02.02.14 – RULES FOR WEIGHTS AND MEASURES

DOCKET NO. 02-0214-2301

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2024 Idaho State Legislature and must be approved by concurrent resolution of the Legislature to go into effect, in accordance with Section 67-5224(2)(c), Idaho Code. The pending rule will become final and effective upon the adjournment, *sine die*, of the Second Regular Session of the Sixty-seventh Idaho Legislature.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 71-111, 71-121, 71-232, 71-233, 71-236, 71-241, and 71-408, Idaho Code.

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

The proposed rule updates the publication date for the document Incorporated by Reference at Section 004.01. The publication edition is updated to 2023 for the National Institute of Standards and Technology, Handbook No. 44. This handbook contains the specifications, tolerances, and other technical requirements for commercial weighing and measuring devices.

There are no changes to the pending rule and it is being adopted as originally proposed. The complete text of the proposed rule was published in the October 4, 2023 Idaho Administrative Bulletin, [Vol. 23-10, pages 25 - 26](#).

FEE SUMMARY: Pursuant to Section 67-5224(2)(d), Idaho Code, this pending fee rule shall not become final and effective unless affirmatively approved by concurrent resolution of the Legislature. The following is a description of the fee or charge imposed or increased in this rulemaking:

No changes have been made to the fees for these rules.

As authorized in Section 71-121, Idaho Code, the fee(s) in this rule are authorized to compensate the state for the expense of administering weights and measures laws.

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

There is no fiscal impact due to these changes.

IDAHO CODE SECTION 22-101A STATEMENT: Pursuant to 22-101A(1), for any rule promulgated or adopted by the director which is broader in scope or more stringent than federal law or regulations, or which regulates an activity not regulated by the federal government, the director shall identify the portions of the adopted rule that are broader in scope or more stringent than federal law or rules, or which regulate an activity not regulated by the federal government. The following sections of the rule are broader in scope, more stringent than federal law or regulations, or regulate an activity not regulated by the federal government:

This rule regulates an activity that is not regulated by the federal government; therefore the entire rule is broader in scope or more stringent than federal law.

The detailed 22-101A analysis can be found on the agency's website at www.agri.idaho.gov.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Lloyd B. Knight, Deputy Director, at (208)332-8615.

DATED this 3rd of January, 2024.

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IDAPA 02 – DEPARTMENT OF AGRICULTURE
02.02.15 – RULES GOVERNING THE SEED INDEMNITY FUND
DOCKET NO. 02-0215-2301 (ZBR CHAPTER REWRITE, FEE RULE)
NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2024 Idaho State Legislature and must be approved by concurrent resolution of the Legislature to go into effect, in accordance with Section 67-5224(2)(c), Idaho Code. The pending rule will become final and effective upon the adjournment, *sine die*, of the Second Regular Session of the Sixty-seventh Idaho Legislature.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 22-5129, Idaho Code.

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

This rule is being presented for authorization as part of the ISDA’s plan to review each rule every 5 years. Redundant language that is verbatim in statute has been removed, consistent with the Governor’s [Zero-Based Regulation Executive Order](#).

The rule was reviewed over the course of two negotiated rulemaking meetings, and that review benefited from the participation of program stakeholders. No negative comments were submitted as part of this rulemaking process.

These rules clarify the procedure for licensing, collection and remittance of assessments, determining claim value, maintaining electronic records, use of electronic scales and remedies of the ISDA for non-compliance.

There are no changes to the pending rule and it is being adopted as originally proposed. The complete text of the proposed rule was published in the October 4, 2023 Idaho Administrative Bulletin, [Vol. 23-10, pages 27-33](#).

FEE SUMMARY: Pursuant to Section 67-5224(2)(d), Idaho Code, this pending fee rule shall not become final and effective unless affirmatively approved by concurrent resolution of the Legislature. The following is a description of the fee or charge imposed or increased in this rulemaking:

If an applicant is not licensed pursuant to the “Pure Seed Law,” Title 22, Chapter 4, Idaho Code, the license fee is equal to the out-of-state license fees, pursuant to Title 22, Chapter 4, and will be deposited to the state treasury and credited to the SIF.

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

There is no fiscal impact as a result of this rulemaking.

IDAHO CODE SECTION 22-101A STATEMENT: Pursuant to 22-101A(1), for any rule promulgated or adopted by the director which is broader in scope or more stringent than federal law or regulations, or which regulates an activity not regulated by the federal government, the director shall identify the portions of the adopted rule that are broader in scope or more stringent than federal law or rules, or which regulate an activity not regulated by the federal government. The following sections of the rule are broader in scope, more stringent than federal law or regulations, or regulate an activity not regulated by the federal government:

The entire rule regulates activity not regulated by the federal government. This activity is defined in Idaho Code.

The detailed 22-101A analysis can be found on the agency’s website at www.agri.idaho.gov.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Lloyd B. Knight, Deputy Director, at (208)332-8615.

DATED this 3rd of January, 2024.

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IDAPA 02 – DEPARTMENT OF AGRICULTURE

02.03.03 – RULES GOVERNING PESTICIDE AND CHEMIGATION USE AND APPLICATION

DOCKET NO. 02-0303-2301 (ZBR CHAPTER REWRITE, FEE RULE)

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2024 Idaho State Legislature and must be approved by concurrent resolution of the Legislature to go into effect, in accordance with Section 67-5224(2)(c), Idaho Code. The pending rule will become final and effective upon the adjournment, *sine die*, of the Second Regular Session of the Sixty-seventh Idaho Legislature.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 22-3421, Idaho Code.

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

This rule is being presented for authorization as part of the ISDA’s plan to review each rule every 5 years. Redundant language that is verbatim in statute has been removed, consistent with the Governor’s [Zero-Based Regulation Executive Order](#).

The rule was reviewed over the course of two negotiated rulemaking meetings, and that review benefited from the participation of program stakeholders. No negative comments were submitted as part of this rulemaking process.

This chapter governs the use and application of pesticides; licensing of pesticide applicators; registration of pesticides; and responsibilities for chemigation in Idaho.

The changes include:

- Replacing “commercial applicator” with “professional applicator” in order to be consistent with the definition found in statute.
- In 100.04.a., striking the word “surface” to make consistent with federal requirements.
- In 400.02, replacing “ALIP” with “AC, IP” to address a typographical error.
- In the table at 100.04, striking the proposed new “Microbial Pest Management” license category. Also adding “cooling towers; air washers; evaporative condensers; swimming pools; pulp and paper mills; sewer treatment; residential; and commercial building” to covered activities; and adding “health, dwellings, structures, and” to clarify benefits of protection.
- In 101.01.a., Records Requirements, amending records retention from three years to two years; amending to require the name and address of the person for whom the pesticide was applied; deleting the requirement for the dilution rate.

The text of the pending rule has been amended in accordance with Section 67-5227, Idaho Code. Only those sections that have changes that differ from the proposed text are printed in this bulletin. The complete text of the proposed rule was published in the October 4, 2023, Idaho Administrative Bulletin, [Vol. 23-10, pages 34-67](#).

FEE SUMMARY: Pursuant to Section 67-5224(2)(d), Idaho Code, this pending fee rule shall not become final and effective unless affirmatively approved by concurrent resolution of the Legislature. The following is a description of the fee or charge imposed or increased in this rulemaking:

No changes are being proposed to fees already included in the existing rule. Such fees are imposed on Pesticide Registration (22-3402(6), Idaho Code), License Fees (22-3404(2)(a) and (3)(d), Idaho Code), Dealer’s Fees (22-3406(1)(a), Idaho Code), and Examination 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:

There is no fiscal impact as a result of this rulemaking.

IDAHO CODE SECTION 22-101A STATEMENT: Pursuant to 22-101A(1), for any rule promulgated or adopted by the director which is broader in scope or more stringent than federal law or regulations, or which regulates an activity not regulated by the federal government, the director shall identify the portions of the adopted rule that are broader in scope or more stringent than federal law or rules, or which regulate an activity not regulated by the federal government. The following sections of the rule are broader in scope, more stringent than federal law or regulations, or regulate an activity not regulated by the federal government:

This rule does not regulate an activity regulated by the federal government.

The detailed 22-101A analysis can be found on the agency's website at www.agri.idaho.gov.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Lloyd B. Knight, Deputy Director, at (208)332-8615.

DATED this 3rd of January, 2024

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DOCKET NO. 02-0303-2301 – ADOPTION OF PENDING RULE
(Zero Based Regulation (ZBR) Chapter Rewrite)

Substantive changes have been made to the pending rule.
Italicized text indicates changes between the text of the proposed rule as adopted in the pending rule.

The text of the proposed rule was published in the Idaho Administrative Bulletin,
Volume 23-10, October 4, 2023, pages 34 through 67.

This rule has been adopted as a pending rule by the agency and is now awaiting
review and final approval by the 2024 Idaho State Legislature.

THE FOLLOWING IS THE TEXT OF THE PENDING RULE FOR ZBR DOCKET NO. 02-0303-2301
(Only those sections or subsections that have changed from the original proposed text
are printed in this Bulletin following this notice.)

02.03.03 – RULES GOVERNING PESTICIDE AND CHEMIGATION USE AND APPLICATION

(BREAK IN CONTINUITY OF SECTIONS)

SUBCHAPTER A – LICENSING OF APPLICATORS AND DEALERS

100. ~~LICENSING~~ PROFESSIONAL APPLICATORS ~~LICENSING~~.

To obtain a professional applicator’s license an applicant must:

()

[Subsection 100.04]

04. Categories. ~~B~~All professional applicators must be certified ~~and licensed~~ in Applicator Core Competency in one (1) or more of the following categories:

| Category Name | Category Description |
|--|---|
| Applicator Core Competency (CC) | Includes general knowledge of pesticides including proper use and disposal, product characteristics, first aid, labeling and laws. This category is required for all Idaho categories. |
| Agricultural Herbicide (AH) | For conducting herbicide applications to field crops, including rights of way, forests and rangelands. |
| Agricultural Insecticide/ Fungicide (AI) | For conducting insecticide and fungicide applications to field crops including in rights of way, forests, and rangelands. |
| Soil Fumigation (SF) | For applying soil fumigation pesticides to agricultural fields, plant nurseries, and other similar growing media for the growing of agricultural commodities, excluding rodent control. |
| Space (Area) Fumigation (AF) | For fumigating structures and spaces for pest control including buildings and similar structures, commodity storage facilities and containers, shipholds, railcars, RUP fumigant applications for burrowing rodent control, and sewer lines for root control. |
| Forest Environment (FE) | For application of pesticides to forests and rangelands, excluding vertebrate predator and avian control by U.S.D.A. Forest Service employees, Bureau of Land Management personnel, contractors, and private industry personnel. |

| Category Name | Category Description |
|---|--|
| Right-of-Way Herbicide (RW) | For the use of herbicides in the maintenance of rights-of-way, and similar terrestrial areas. |
| Public Health Pest (PH) | For the management and control of pests having medical and public health importance by employees of abatement districts and other public health related governmental entities. |
| Livestock Pest Control (LP) | For use of pesticides to control non-vertebrate pests on livestock or where livestock are confined, including the control of nuisance flying insects associated with livestock facilities. |
| Aerial Pest Control (AA) | For application of pesticides to all application sites by operating or flying fixed-wing or rotary aircraft. |
| Ornamental Herbicide (OH) | For conducting outside urban or residential herbicide applications to turfs, flowers, shrubs, trees, and associated landscapes, excluding soil-applied, total-vegetation-control pesticides. |
| Ornamental Insecticide/ Fungicide (OI) | For conducting outside urban or residential insecticide or fungicide applications to turfs, flowers, shrubs, trees and associated landscapes. |
| General Pest Control (GP) | For conducting pesticide applications in and around residential, commercial, or other buildings, excluding those applications applicable to Structural Pest Control (SP), Ornamental Herbicide (OH), and Ornamental Insecticide/Fungicide (OI) categories. |
| Structural Destroying Pest (SP) | For application of pesticides to control pests which destroy wooden structures. |
| General Vertebrate Control (GV) | For controlling vertebrate pests such as large and small predators, rodents, and birds by Wildlife Services (WS) personnel of the United States Department of Agriculture Animal and Plant Health Inspection Service (APHIS). |

| Category Name | Category Description |
|--|---|
| Rodent Control (RC) | For application of outdoor use non-fumigation rodenticides to control field rodents. |
| Aquatic Weed and Pest Control (AP) | For application of pesticides to control weeds and other pests to aquatic sites excluding those pests pertaining to the Public Health Pest Control (PH) category by employees of irrigation districts, canal companies, contractors, and others. |
| Seed Treatment (ST) | For application of pesticides to protect seeds used for plant reproduction. |
| Commodity Pest Control (CP) | For application of non-fumigation pesticides to control pests in stored commodities. |
| Potato Cellar Pest Control (PC) | For application of storage-enhancing pesticides in potato cellars. |
| Chemigation (CH) | For application of chemicals through an irrigation system, excluding Aquatic Weed and Pest Control (AP) category. |
| Livestock Protection Collars (LPC) | For use of Livestock Protection Collars (LPC) containing the restricted use pesticide (RUP) Compound 1080 to control predatory coyotes by employees of the USDA/APHIS. |
| Wood Preservative (WP) | For application of wood preservatives. |
| Pest Control Consultant Statewide (SW) | For consultations or recommendations to supply technical advice concerning the use of any pesticide for agricultural purposes. |
| Demonstration and Research (DR) | For application or supervision of the use of restricted use pesticides (RUPs) at no charge to demonstrate the action of the pesticide or conduct research with restricted use pesticides. The Pest Control Consultant Statewide (SW) is required. |

| Category Name | Category Description |
|----------------------------|---|
| Commercial Apprentice (CA) | <p>For conducting General Use Pesticide (GUP) surface applications only in situations applicable to the OI, OH, AI, AH, GP, and RW categories. Persons with this category can only perform pesticide applications under limited supervision, and cannot make any soil-active Total Vegetation Control (TVC) pesticide applications or injectable applications to soil or plants. Applicators with this category cannot supervise other pesticide applicators. This license category will expire on December 31st in the year it was obtained.</p> |

(3-15-22)

| Category Name | Category Description |
|---|--|
| <u>Applicator Core Competency (CO)</u> | <p><u>Includes general knowledge of pesticides including proper use and disposal, product characteristics, first aid, labeling and laws. An applicant will demonstrate competency standards outlined in 40 CFR 171.103(c). This category is required for all Idaho Professional Pesticide Applicator Licenses</u></p> |
| <u>Agricultural Crop Pest Control (AC)</u> | <p><u>This category applies to commercial applicators who use or supervise the use of pesticides in production of agricultural commodities including grasslands, and non-crop agricultural lands. An applicant will demonstrate competency standards outlined in 40 CFR 171.103(d)(1)(i).</u></p> |
| <u>Aerial Pest Control (AA)</u> | <p><u>For application of pesticides to all application sites by operating or flying fixed-wing or rotary aircraft. An applicant will demonstrate competency standards outlined in 40 CFR 171.103(d)(15).</u></p> |
| <u>Anti-Fouling Coatings (FC)</u> | <p><u>For applicators who use or supervise the use of anti-fouling coatings to control fouling organisms on aquatic vessels, underwater structures, and other similar structures. An applicant will demonstrate practical knowledge of problems caused by fouling organisms, methods of control using fouling organisms using through anti-fouling coatings, characteristics of antifouling coatings, alternative active ingredients other than copper-based paints, and best management practices for application and removal of anti-fouling coatings.</u></p> |
| <u>Agricultural Livestock Pest Control (LP)</u> | <p><u>For professional applicators who use or supervise the use of pesticides on animals or to places on or in which animals are confined. Certification in this category alone is not sufficient to authorize the purchase, use, or supervision of use of products for predator control listed in the General Vertebrate category or outlined in 40 CFR 171.101(k)(l). An applicant will demonstrate competency standards outlined in 40 CFR 171.103(d)(1)(ii).</u></p> |

| Category Name | Category Description |
|--|--|
| <u>Aquatic Weed and Pest Control (AP)</u> | For <i>professional</i> applicators who use or supervise the use of any pesticide purposefully applied to standing or running water, excluding applicators engaged in public health related activities included in as specified in the Public Health (PH) category. An applicant will demonstrate competency standards outlined in 40 CFR 171.103(d)(5). |
| <u>Chemigation (CH)</u> | For <i>professional</i> applicators who apply chemicals through an irrigation system, excluding applications made to control aquatic organisms. The application of pesticides through a chemigation system will require additional relevant professional applicator categories. An applicant will demonstrate practical knowledge of chemigation including backflow prevention, minimizing risks related to chemigation, and approved chemigation equipment. |
| <u>Consultant and Research (CR)</u> | For consultations or recommendations to supply technical advice concerning the use of agricultural pesticides and for the application or supervision of the use of restricted use pesticides (RUPs) for no compensation, to demonstrate the action of the pesticide or conduct research with restricted use pesticides. For all demonstration additional relevant professional applicator categories will be required. An applicant will demonstrate competency standards outlined in 40 CFR 171.103(d)(10). |
| <u>Forest Pest Control (FP)</u> | For <i>professional</i> applicators who use or supervise the use of pesticides in forests, forest nurseries and forest seed production. An applicant will demonstrate competency standards outlined in 40 CFR 171.103(d)(2). |
| <u>General Vertebrate Control (GV)</u> | For controlling vertebrate pests such as large and small predators, rodents, and birds by Wildlife Services (WS) personnel of the United States Department of Agriculture-Animal and Plant Health Inspection Service (APHIS). This category applies to professional applicators who use or supervise the use of sodium cyanide and sodium fluoroacetate to control regulated predators. An applicant will demonstrate competency standards outlined in 40 CFR 171.103(d)(11-12). |
| <u>Industrial, Institutional, and Structural Pest Control – Commodity (CP)</u> | For <i>professional</i> applicators who use or supervise the use of pesticides on manufactured products or commodities in the following: Food handling establishments, packing houses, and food-processing facilities; and industrial establishments, including commodity storage facilities, grain elevators, and any other similar areas, public or private, for the protection of stored, processed, manufactured products, or commodities. Applicators must demonstrate a practical knowledge of pests associated with manufactured products or commodities, including recognizing those pests and signs of their presence, their habitats, their life cycles, biology, and behavior as it may be relevant to problem identification and control. Applicators must demonstrate practical knowledge of types of formulations appropriate for control of pests associated with manufactured products or commodities, and methods of application that avoid contamination of food, minimize damage to and contamination of areas treated, minimize acute and chronic exposure of people and pets, and minimize environmental impacts. |

| Category Name | Category Description |
|--|---|
| <u>Industrial, Institutional, and Structural Pest Control – Non-Commodity (IP)</u> | <u>For professional applicators who use or supervise the use of restricted use pesticides in, on, or around the following: food handling establishments, packing houses, and food-processing facilities; human dwellings; cooling towers; air washers; evaporative condensers; swimming pools; pulp and paper mills; sewer treatment; residential and commercial building; institutions, such as schools, hospitals, and prisons; and industrial establishments, including manufacturing facilities, warehouses, and any other structures and adjacent areas, public or private, for the protection of health, dwellings, structures, and stored, processed, or manufactured products. An applicant will demonstrate competency standards outlined in 40 CFR 171.103(d)(7).</u> |
| <u>Non-Soil Fumigation (NS)</u> | <u>For professional applicators who use or supervise the use of a pesticide to fumigate anything other than soil. An applicant will demonstrate competency standards outlined in 40 CFR 171.103(d)(14).</u> |
| <u>Ornamental Pest (OP)</u> | <u>For professional applicators who use or supervise the use of pesticides to control pests in the maintenance and production of ornamental plants and turf. An applicant will demonstrate competency standards outlined in 40 CFR 171.103(d)(3).</u> |
| <u>Public Health Pest (PH)</u> | <u>For State, Tribal, Federal or other governmental employees and contractors who use or supervise the use of pesticides in government-sponsored public health programs for the management and control of pests having medical and public health importance. An applicant will demonstrate competency standards outlined in 40 CFR 171.103(d)(8).</u> |
| <u>Regulatory Pest Control (RP)</u> | <u>For State, Tribal, Federal, or other local governmental employees and contractors who use or supervise the use of restricted use pesticides in government-sponsored programs for the control of regulated pests. Certification in this category does not authorize the purchase, use, or supervision of use of products for predator control pesticides listed in the General Vertebrate category or outlined in 40 CFR 171.101(k)(l). An applicant will demonstrate competency standards outlined in 40 CFR 171.103(d)(9).</u> |
| <u>Right-of-Way Herbicide (RW)</u> | <u>For professional applicators who use or supervise the use of pesticides in the maintenance of roadsides, powerlines, pipelines, and railway rights-of-way, and similar areas. An applicant will demonstrate competency standards outlined in 40 CFR 171.103(d)(6).</u> |
| <u>Seed Treatment (ST)</u> | <u>For professional applicators using or supervising the use of pesticides on seeds in seed treatment facilities. An applicant will demonstrate competency standards outlined in 40 CFR 171.103(d)(4).</u> |
| <u>Soil Fumigation (SF)</u> | <u>For applying soil fumigation pesticides to agricultural fields, plant nurseries, and other similar growing media for the growing of agricultural commodities, excluding rodent control. An applicant will demonstrate competency standards outlined in 40 CFR 171.103(d)(13).</u> |

a. Professional Commercial Apprentice License. For conducting General Use Pesticide (GUP) applications only in situations applicable to the MP, OP, AC, IP, and RW categories. To obtain a professional commercial apprentice license the applicant must pass the Applicator Core Competency exam with a minimum score

of seventy percent (70%) or better, and meet the requirements as outlined in Section 100. Persons with this license may only perform pesticide applications under limited supervision of a properly certified professional applicator. Applicators with this license cannot supervise other pesticide applicators. The professional commercial apprentice license may not be reciprocated with other participating agencies. This license will expire one (1) year from the date of issuance. The professional commercial apprentice license is non-renewable. ()

b. Professional applicators who engage in janitorial services and use pesticides for cleaning, surface sanitation, and similar activities using general use pesticides with the labeled signal words Warning or Caution, are exempt from professional applicator licensing requirements as outlined in Sections 22-3404 (2)(3)(4), Idaho Code. ()

101. PROFESSIONAL APPLICATOR RECORD KEEPING REQUIREMENTS.

[Subsection 101.01]

01. Records Requirements. Maintain pesticide application records for two (2) years, ready to be inspected, duplicated, or submitted when requested by the Director. Such records shall contain: ()

- a.** The name and address of the person for whom the pesticide was applied; ()
- b.** The specific crop, animal, or property treated; ()
- c.** The location by the address, general legal description (township, range, and section) or latitude/longitude of the specific crop, animal, or property treated; ()
- d.** The size or amount of specific crop, animal, or property treated; ()
- e.** The trade name or brand name of the pesticide applied; ()
- f.** The total amount of pesticide applied; ()
- g.** The EPA registration number of the pesticide applied; ()
- h.** The date of application; ()
- i.** The time of day when the pesticide is applied; ()
- j.** The approximate wind velocity; ()
- k.** The approximate wind direction; ()
- l.** The full name of the professional applicator applying the pesticide; ()
- m.** The license number of the professional applicator applying the pesticide; ()
- n.** Full name and license number of professional applicator supervising the pesticide application of the professional applicator holding the Apprentice Category (CA). ()
- o.** Worker protection information exchange, if required, prior to pesticide application, including name of grower or operator contacted and date and time of contact. ()

(BREAK IN CONTINUITY OF SECTIONS)

[Proposed Section 400, reprinted in its entirety]

400. PESTICIDE RESTRICTIONS.

01. **Application of Restricted Use Pesticides by Noncertified Applicators.** ~~An uncertified noncertified~~ applicator may apply restricted use pesticides (RUPs) under on-site supervision by a professional applicator with the required license categories of the application being supervised if: (3-15-22)()

a. ~~One or both of the following conditions are met~~ Noncertified applicator has completed the following training within twelve (12) months prior to application: (3-15-22)()

i. ~~Uncertified applicator completes Applicator Core Competency (CO).~~ (3-15-22)

ii. ~~Uncertified applicator has completed~~ EPA approved Worker Protection Standard (WPS) certification for pesticide handler training or equivalent. (3-15-22)()

iii. The safe operation of any equipment they will use for mixing, loading, transferring, or applying pesticides. ()

b. The ~~un~~noncertified application of any pesticide is prohibited for: (3-15-22)()

i. Soil or ~~area (space)~~ non-soil fumigation; (3-15-22)()

ii. Aerial application ~~of pesticides.~~ (3-15-22)()

iii. Professional applications conducted by a person under eighteen (18) years of age. ()

c. Maintain noncertified applicator training records for three (3) years, ready to be inspected, duplicated, or submitted when requested by the Director. Such records shall contain: ()

i. Noncertified applicator's printed name and signature. ()

ii. Date of training. ()

iii. Full name of the person who provided the training. ()

iv. Trainer's qualification to conduct training. ()

v. Title or a description of the training provided. ()

vi. If the noncertified applicator is a licensed applicator who is not certified to perform the type of application being conducted while under on-site supervision by a professional applicator, the record must include all of the following information: ()

(1) Noncertified applicator's name. ()

(2) Noncertified applicator's license number. ()

(3) Expiration date of the noncertified applicator's license. ()

(4) Certifying authority that issued the license. ()

d. Requirements for supervisors of noncertified applicators of RUPs under on-site supervision. A certified applicator must ensure that all the following requirements are met before allowing a noncertified applicator to use a restricted use pesticide under their on-site supervision: ()

- i. The noncertified applicator must have access to the applicable product labeling at all times during its use. ()
- ii. Where the labeling of pesticide product requires that personal protective equipment be worn for mixing, loading, application, or any other use activities, the noncertified application has been provided clean, label required personal protective equipment in proper operating condition and the personal protective equipment is used correctly. ()
- iii. The certified applicator must provide to each noncertified applicator before use of a restricted use pesticide instructions specific to the site and pesticide used. These instructions must include labeling directions, precautions, and requirements applicable to the specific use and site, and how the characteristics of the use site and the conditions of application might increase or decrease the risk of adverse effects. ()
- iv. The certified applicator must ensure that before each day of use equipment used for mixing, loading, transferring, or applying pesticides is in proper operating condition as intended by the manufacturer, and can be used without risk of reasonably foreseeable adverse effects to the noncertified applicator, other persons, or the environment. ()
- v. The certified applicator must ensure that a means to immediately communicate with the certified applicator is available to each noncertified applicator using restricted use pesticides under their direct supervision. ()
- vi. The certified applicator must be physically present at the site of the use being supervised. ()
- vii. The certified applicator must create or verify the existence of the records required by Subsection 400.01.c. of this rule. ()

02. Application of General Use Pesticides by Noncertified Applicators. A Professional Commercial Apprentice applicator may apply general use pesticides (GUPs) under ~~OL, OH, AI, AH, GP~~ MP, OP, AC, IP, and RW categories with limited supervision by a professional applicator that has the required license categories of the application being supervised if: (3-15-22)()

- a. All of the following conditions are met: ()
 - i. The Professional Commercial Apprentice applicator has a valid ~~(CA)~~ license ~~category~~. (3-15-22)()
 - ii. Immediate communication requirements exist between the supervising professional applicator and the Professional Commercial Apprentice applicator. (3-15-22)()
- b. Applications of RUPs, ~~Total Vegetation Control pesticide, or injectables to soil or plants~~ are prohibited under the ~~CA~~ Professional Commercial Apprentice license ~~category~~. (3-15-22)()

03. Mixer-Loaders. No person will act as a mixer-loader for a professional applicator without first obtaining annual training. ()

- a. Training will be conducted and certified by the professional applicator who employs the mixer-loader. ~~Certification of training on a form prescribed by the Department must include the signatures of both the mixer loader and the professional applicator providing the training. Training recordkeeping requirements for mixer-loaders shall be the same as for noncertified applicators of restricted use pesticides under on-site supervision (see Subsection 400.01.c. of this rule.)~~ (3-15-22)()
- b. Training ~~includes areas relevant to the pesticide mixing and loading operation and instruction on the interpretation of pesticide labels, safety precautions, first aid, compatibility of mixtures, and protection of the environment~~ requirements shall be the same as for noncertified applicators of restricted use pesticides under on-site supervision (see Subsection 400.01a. of this rule.) (3-15-22)()

- 04. Non-Domestic Pesticides Restrictions.** ()
- a.** Home and Garden Restrictions. The following pesticides are to be registered only when labeled, distributed, sold or held for sale and use other than home and garden use and are not be sold to home and garden users or applied by professional applicators around any home or garden. ()
- i.** Bidrin (Foliar applications). ()
- ii.** Strychnine (one percent (1%) and above). ()
- iii.** Zinc Phosphide (two point one percent (2.1%) and above). ()
- b.** Ester Restriction. Low volatile liquid ester formulations of herbicides shall not be applied around any home or garden at any time when ambient air temperature exceeds or is forecasted to exceed eighty (80) degrees Fahrenheit during the day of application. ()
- 05. Restrictions to Protect Pollinators.** ()
- a.** Bee Restrictions. Any pesticide that is toxic to bees shall not be applied to any agricultural crop when such crop is in bloom or when bees are actively foraging on blooming weeds in the crop being sprayed except during the period beginning three (3) hours before sunset until three (3) hours after sunrise. ()
- b.** Green Pea Exception. In the counties of Benewah, Bonner, Boundary, Clearwater, Idaho, Kootenai, Latah, Lewis, Nez Perce, and Shoshone: Green (white) pea crops may be sprayed or dusted at any time. ()
- c.** Other Exceptions. Pesticides may be applied at any time to sweet corn for processing, hops, potatoes, and beans other than lima beans, subject to all other applicable regulations. ()
- 06. Deviations from Pesticide Labels and Labeling.** Any licensed professional or private applicator may deviate from pesticide label directions for use only as EPA or state laws, rules, and regulations permit. ()
- 07. Wind Velocity Restrictions.** No person will apply pesticides in sustained wind speeds that exceed the product label directions. If a pesticide label does not state a specific wind speed limitation, pesticides will not be applied in sustained wind conditions exceeding ten (10) miles per hour. ()
- a.** Exceptions. Application of pesticides by injection into application site or by impregnated granules shall be made according to label directions. ()
- b.** Approval for Use of Other Application Techniques. Other pesticide application techniques or methods may be approved by the Director or his agent on a case-by-case basis. ()
- c.** Chemigation Wind Speed Precautions. Chemicals shall not be applied when wind speed favors drift beyond the area intended for treatment or when chemical label restricts the use of a pesticide for wind speed. ()
- 08. Phenoxy Herbicide Restrictions.** ()
- a.** High Volatile Ester Restrictions. No aircraft pilot will apply high volatile ester formulations of 2,4-D: ()
- i.** In Latah, Nez Perce, and Clearwater Counties in Idaho; or ()
- ii.** Within five (5) miles of a susceptible crop or hazard area in any other county in Idaho. ()
- iii.** Waiver of the restriction ~~is in~~ Subsections 400.058.a.i. and 400.058.a.ii. may be issued on a project-by-project basis by the Director. (3-15-22)()

b. Low Volatile Ester Restrictions. No aircraft pilot will apply low volatile ester formulations of 2,4-D; MCPA and MCPB: ()

i. In Latah, Nez Perce, and Clearwater Counties in Idaho, unless ambient air temperatures are not above or expected to exceed eighty-five (85) degrees Fahrenheit within twenty-four (24) hours of the expected application time, or ()

ii. Within one (1) mile of a hazard area in any other county in Idaho. ()

iii. Waiver of the restriction in Subsection 400.058.b.i. may be issued on a project-by-project basis by the Director. ~~(3-15-22)~~()

c. A continuous smoke column or other device satisfactory to the Director will be employed to indicate to the pilot of any aircraft the direction and velocity of the airflow, and indicate a temperature inversion by layering of smoke, at the time and place of application when applying any formulation of 2,4-D; MCPA; MCPB and Dicamba. ()

09. Pesticide-Fertilizer Mix Restrictions. No person will distribute, sell, offer for sale, or hold for sale any dry pesticide incorporated in a dry blended bulk fertilizer mix. ()

10. Pesticide Drift Prohibitions. The application of pesticides that results in drift outside of the target area is prohibited. ()

IDAPA 02 – DEPARTMENT OF AGRICULTURE
02.04.14 – RULES GOVERNING DAIRY BYPRODUCT
DOCKET NO. 02-0414-2301 (ZBR CHAPTER REWRITE)
NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2024 Idaho State Legislature and must be approved by concurrent resolution of the Legislature to go into effect, in accordance with Section 67-5224(2)(c), Idaho Code. The pending rule will become final and effective upon the adjournment, *sine die*, of the Second Regular Session of the Sixty-seventh Idaho Legislature.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 37-603, Idaho Code

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

This rule is being presented for authorization as part of the ISDA’s plan to review each rule every 5 years. Redundant language that is verbatim in statute has been removed, consistent with the Governor’s [Zero-Based Regulation Executive Order](#).

The rule was reviewed over the course of two negotiated rulemaking meetings, and that review benefited from the participation of program stakeholders. No negative comments were submitted as part of this rulemaking process.

These rules govern the Department’s review, approval, and enforcement of dairy environmental management plans.

There are no changes to the pending rule and it is being adopted as originally proposed. The complete text of the proposed rule was published in the October 4, 2023 Idaho Administrative Bulletin, [Vol. 23-10, pages 68-74](#).

FEE SUMMARY: Pursuant to Section 67-5224(2)(d), Idaho Code, this pending fee rule shall not become final and effective unless affirmatively approved by concurrent resolution of the Legislature. The following is a description of the fee or charge imposed or increased in this rulemaking:

Does not apply to this rulemaking.

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

There is no fiscal impact as a result of this rulemaking.

IDAHO CODE SECTION 22-101A STATEMENT: Pursuant to 22-101A(1), for any rule promulgated or adopted by the director which is broader in scope or more stringent than federal law or regulations, or which regulates an activity not regulated by the federal government, the director shall identify the portions of the adopted rule that are broader in scope or more stringent than federal law or rules, or which regulate an activity not regulated by the federal government. The following sections of the rule are broader in scope, more stringent than federal law or regulations, or regulate an activity not regulated by the federal government:

This rule regulates an activity that is not regulated by the federal government; therefore the entire rule is broader in scope or more stringent than federal law.

The detailed 22-101A analysis can be found on the agency’s website at www.agri.idaho.gov.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Lloyd B. Knight, Deputy Director at (208)332-8615.

DATED this 3rd of January, 2024.

Lloyd B. Knight
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IDAPA 02 – DEPARTMENT OF AGRICULTURE

02.04.23 – RULES GOVERNING COMMERCIAL LIVESTOCK TRUCK WASHING FACILITIES

DOCKET NO. 02-0423-2301 (ZBR CHAPTER REWRITE)

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2024 Idaho State Legislature and must be approved by concurrent resolution of the Legislature to go into effect, in accordance with Section 67-5224(2)(c), Idaho Code. The pending rule will become final and effective upon the adjournment, *sine die*, of the Second Regular Session of the Sixty-seventh Idaho Legislature.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 22-110, Idaho Code.

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

This rule is being presented for authorization as part of the ISDA’s plan to review each rule every 5 years. Redundant language that is verbatim in statute has been removed, consistent with the Governor’s [Zero-Based Regulation Executive Order](#).

The rule was reviewed over the course of two negotiated rulemaking meetings, and that review benefited from the participation of program stakeholders. No negative comments were submitted as part of this rulemaking process.

These rules govern the permitting, construction, and management of commercial livestock truck washing facilities.

There are no changes to the pending rule and it is being adopted as originally proposed. The complete text of the proposed rule was published in the October 4, 2023 Idaho Administrative Bulletin, [Vol. 23-10, pages 75-81](#).

FEE SUMMARY: Pursuant to Section 67-5224(2)(d), Idaho Code, this pending fee rule shall not become final and effective unless affirmatively approved by concurrent resolution of the Legislature. The following is a description of the fee or charge imposed or increased in this rulemaking:

Does not apply to this rulemaking.

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

There is no fiscal impact as a result of this rulemaking.

IDAHO CODE SECTION 22-101A STATEMENT: Pursuant to 22-101A(1), for any rule promulgated or adopted by the director which is broader in scope or more stringent than federal law or regulations, or which regulates an activity not regulated by the federal government, the director shall identify the portions of the adopted rule that are broader in scope or more stringent than federal law or rules, or which regulate an activity not regulated by the federal government. The following sections of the rule are broader in scope, more stringent than federal law or regulations, or regulate an activity not regulated by the federal government:

This rule regulates activity and provides requirements beyond those required by the federal government, per the direction and authorization of Idaho Code.

The detailed 22-101A analysis can be found on the agency’s website at www.agri.idaho.gov.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Lloyd B. Knight, Deputy Director, at (208)332-8615.

DATED this 3rd of January, 2024.

Lloyd B. Knight
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IDAPA 02 – DEPARTMENT OF AGRICULTURE

02.04.30 – RULES GOVERNING ENVIRONMENTAL AND NUTRIENT MANAGEMENT

DOCKET NO. 02-0430-2301 (ZBR CHAPTER REWRITE)

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2024 Idaho State Legislature and must be approved by concurrent resolution of the Legislature to go into effect, in accordance with Section 67-5224(2)(c), Idaho Code. The pending rule will become final and effective upon the adjournment, *sine die*, of the Second Regular Session of the Sixty-seventh Idaho Legislature.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 22-110, 22-4903, 25-3802, 25-4012(2), 37-401(1), 37-405, 37-603(1), and 67-6529F(4), Idaho Code.

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

This rule is being presented for authorization as part of the ISDA’s plan to review each rule every 5 years. Redundant language that is verbatim in statute has been removed, consistent with the Governor’s [Zero-Based Regulation Executive Order](#).

The rule was reviewed over the course of two negotiated rulemaking meetings, and that review benefited from the participation of program stakeholders. No negative comments were submitted as part of this rulemaking process.

This rule governs the certification process for soil samplers and nutrient management planners, the process for collecting and handling soil samples, the contents of a request to form a CAFO Site Advisory Team, formation of a CAFO Site Advisory Team, development of a site suitability determination, submission of the suitability determination to the appropriate county officials, the management of odor generated on agricultural operations, except beef cattle animal feeding operations and large swine and poultry operations and the stockpiling of agricultural waste at agricultural operations to safeguard and protect animals, man, and the environment.

There are no changes to the pending rule and it is being adopted as originally proposed. The complete text of the proposed rule was published in the October 4, 2023, Idaho Administrative Bulletin, [Vol. 23-10, pages 82-100](#).

FEE SUMMARY: Pursuant to Section 67-5224(2)(d), Idaho Code, this pending fee rule shall not become final and effective unless affirmatively approved by concurrent resolution of the Legislature. The following is a description of the fee or charge imposed or increased in this rulemaking:

There are no fees included in this rule.

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

There is no fiscal impact as a result of this rulemaking.

IDAHO CODE SECTION 22-101A STATEMENT: Pursuant to 22-101A(1), for any rule promulgated or adopted by the director which is broader in scope or more stringent than federal law or regulations, or which regulates an activity not regulated by the federal government, the director shall identify the portions of the adopted rule that are broader in scope or more stringent than federal law or rules, or which regulate an activity not regulated by the federal government. The following sections of the rule are broader in scope, more stringent than federal law or regulations, or regulate an activity not regulated by the federal government:

This rule regulates activity and provides requirements beyond those required by the federal government, per the direction and authorization of Idaho Code.

The detailed 22-101A analysis can be found on the agency’s website at www.agri.idaho.gov.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Lloyd B. Knight, Deputy Director, at (208)332-8615.

DATED this 3rd of January, 2024.

Lloyd B. Knight
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IDAPA 02 – DEPARTMENT OF AGRICULTURE
02.04.32 – RULES GOVERNING POULTRY OPERATIONS
DOCKET NO. 02-0432-2301 (ZBR CHAPTER REWRITE, FEE RULE)
NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2024 Idaho State Legislature and must be approved by concurrent resolution of the Legislature to go into effect, in accordance with Section 67-5224(2)(c), Idaho Code. The pending rule will become final and effective upon the adjournment, *sine die*, of the Second Regular Session of the Sixty-seventh Idaho Legislature.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 25-4012, Idaho Code.

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

This rule is being presented for authorization as part of the ISDA’s plan to review each rule every 5 years. Redundant language that is verbatim in statute has been removed, consistent with the Governor’s [Zero-Based Regulation Executive Order](#).

The rule was reviewed over the course of two negotiated rulemaking meetings, and that review benefited from the participation of program stakeholders. No negative comments were submitted as part of this rulemaking process.

These rules govern the management practices of waste systems on poultry concentrated animal feeding operations.

There are no changes to the pending rule and it is being adopted as originally proposed. The complete text of the proposed rule was published in the October 4, 2023 Idaho Administrative Bulletin, [Vol. 23-10, pages 101-110](#).

FEE SUMMARY: Pursuant to Section 67-5224(2)(d), Idaho Code, this pending fee rule shall not become final and effective unless affirmatively approved by concurrent resolution of the Legislature. The following is a description of the fee or charge imposed or increased in this rulemaking:

No changes to fees were included in this rulemaking. Fees in the current rule include an assessment for each poultry permittee of no more than (\$0.03) per square foot of containment area.

As authorized in Section 25-4010, Idaho Code, the fee(s) in this rule are authorized for the purpose of carrying out the provisions of this chapter and rule.

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

There is no fiscal impact as a result of this rulemaking.

IDAHO CODE SECTION 22-101A STATEMENT: Pursuant to 22-101A(1), for any rule promulgated or adopted by the director which is broader in scope or more stringent than federal law or regulations, or which regulates an activity not regulated by the federal government, the director shall identify the portions of the adopted rule that are broader in scope or more stringent than federal law or rules, or which regulate an activity not regulated by the federal government. The following sections of the rule are broader in scope, more stringent than federal law or regulations, or regulate an activity not regulated by the federal government:

This rule regulates activity and provides requirements beyond those required by the federal government, per the direction and authorization of Idaho Code.

The detailed 22-101A analysis can be found on the agency’s website at www.agri.idaho.gov.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Lloyd B. Knight, Deputy Director at (208)332-8615.

DATED this 3rd of January, 2024.

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IDAPA 02 – DEPARTMENT OF AGRICULTURE

02.06.01 – RULES GOVERNING THE PRODUCTION AND DISTRIBUTION OF SEED

DOCKET NO. 02-0601-2301 (FEE RULE)

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2024 Idaho State Legislature and must be approved by concurrent resolution of the Legislature to go into effect, in accordance with Section 67-5224(2)(c), Idaho Code. The pending rule will become final and effective upon the adjournment, *sine die*, of the Second Regular Session of the Sixty-seventh Idaho Legislature.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 22-2006, Idaho Code.

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

The Idaho Eastern Oregon Seed Association (IEOSA) has petitioned the agency to open rulemaking regarding the service fee schedule for the State Seed Lab, which is operated by the agency. The petition expresses the concern that the current fee structure is “incompatible” with fee structures in surrounding state seed labs and private sector seed labs. The petition further states that the State Seed Lab fee structure is much lower than private sector and surrounding state seed labs.

Two rulemaking meetings were held, and the fee structure proposed is a result of those meetings. The fee structure includes a 51% increase across all fees, with additional increases for rush fees and beans.

There are no changes to the pending rule and it is being adopted as originally proposed. The complete text of the proposed rule was published in the October 4, 2023 Idaho Administrative Bulletin, [Vol. 23-10, pages 111-118](#).

FEE SUMMARY: Pursuant to Section 67-5224(2)(d), Idaho Code, this pending fee rule shall not become final and effective unless affirmatively approved by concurrent resolution of the Legislature. The following is a description of the fee or charge imposed or increased in this rulemaking:

| Purity, Germination, and Tetrazolium Fees | | | |
|---|--------------------|------------------------|--------------------------|
| Kind of Seeds | Purity* \$/Unit | Germination \$/Unit | Tetrazolium** \$/Unit |
| AGRICULTURAL GRASS SEED | | | |
| Bluegrasses | \$68 | \$38 | \$60 |
| Brome-grasses | \$57 | \$36 | \$60 |
| Fescues | \$53 | \$33 | \$60 |
| Orchardgrass | \$57 | \$38 | \$60 |
| Ryegrasses | \$57 | \$35*** | \$60 |
| Timothy | \$42 | \$35 | \$60 |
| For all others the hourly rate will apply | | | |
| | | | |

| | | | |
|--|-------------|------|------|
| FIELD SEED | | | |
| Alfalfa, clovers and trefoils | \$30 | \$26 | \$60 |
| Cereals (Barley, Oats, Rice, Rye, Triticale and Wheat | \$38 | \$26 | \$60 |
| Beans | \$32 | \$28 | \$60 |
| Corn (all types) | \$30 | \$26 | \$60 |
| Peas, and Lentils | \$27 | \$26 | \$60 |
| For all others the hourly rate will apply | | | |
| | | | |
| VEGETABLES, FLOWERS AND HERB SEED | | | |
| Brassica (Canola, Cauliflower, Broccoli, Radish, etc.) | \$60 | \$26 | \$76 |
| Beets and Swiss chard | \$44 | \$48 | \$60 |
| Carrots, celery, dill and parsley | \$41 | \$30 | \$60 |
| Cucurbits (Squash, melons, etc.) | \$38 | \$30 | \$60 |
| Flowers (Bachelors button, poppy, etc.) | \$60 | \$38 | \$76 |
| Lettuce, tomato, and pepper | \$38 | \$30 | \$60 |
| Onion and Chives | \$38 | \$30 | \$60 |
| For all others the hourly rate will apply | | | |
| | | | |
| TREE AND SHRUB SEED | | | |
| Bitterbrush | \$60 | \$45 | \$76 |
| Saltbush | \$91 | \$45 | \$76 |
| Chokecherry and Woods' rose | \$38 | \$91 | \$91 |
| Serviceberry, cliff-rose and mahogany | \$45 | \$45 | \$60 |
| Trees (Firs, pines, spruces, etc.) | \$38 | \$45 | \$60 |
| For all others the hourly rate will apply | | | |
| | | | |
| RANGE AND NATIVE SEED | | | |
| Bluestems and grammas | Hourly Rate | \$45 | \$76 |
| Globemallow and penstemons | \$60 | \$45 | \$76 |
| Kochia and forage Kochia | \$45 | \$45 | \$60 |
| Rushes and Sedges | Hourly Rate | \$45 | \$76 |
| Sagebrush and Rabbitbrush | Hourly Rate | \$45 | \$60 |
| Wheatgrasses, wildryes, and squirreltail | \$60 | \$38 | \$60 |

| | | | |
|---|-------------|------|-------------|
| Winterfat | Hourly Rate | \$45 | Hourly Rate |
| For all others the hourly rate will apply | | | |

* Samples with high levels of impurities (i.e. other crops, weeds, multiple florets, inert materials) requiring more than one (1) hour analyst time for purity testing will be charged the standard hourly rate of forty dollars (\$40) for each additional hour.

** For all samples submitted for a TZ or Germination test requiring more than one (1) hour for cleaning and/or preparing will be charged at the standard hourly rate of forty dollars (\$40) for each additional hour.

*** With germination fluorescence testing thirty dollars (\$30).

| Special Testing Fees | |
|---|--|
| Test Procedures: | Fees \$/Unit |
| All States Noxious | \$38 |
| Canada: Purity Germination | \$20 - Added to purity fee \$4.00- Added to germination fee |
| Certified Grains | \$13 - Added to purity fee |
| Cold Test | \$35 |
| Crop & Weed Check | \$37 |
| Dormancy Percentage | \$11 - Minimum or Dormant % found x germination fee |
| E.C. Norms | \$30 |
| Noxious Weed Germination (Compost/Mulch, etc.) | \$27 |
| Noxious Weed Purity (Hay, Straw, etc.) | \$Hourly Rate |
| Identification | \$8- Minimum or hourly if necessary |
| Inventory Germinations (For Carryover Seed Only, when requested) | 20% discount of listed germination fee; Available only for the months of March through July. |
| ISTA: Purity Germination | \$20 - Added to purity fee \$4.- Added to germination fee |
| Mixtures: Purity Germination Tetrazolium | \$19 - Added per kind exceeding 5% \$19 - Added per kind exceeding 5% \$27 - Added per kind exceeding 5% |
| Moisture Test | \$21 |

| | |
|--|---------|
| Round-Up-Ready Trait Test (Alfalfa, Canola, Corn) | \$60 |
| Sand Germination | \$38 |
| Seed Count | \$20 |
| Soil Exam | \$20.00 |
| Sod Quality: | |
| Bentgrass | \$100 |
| Bermudagrass | \$97 |
| Bluegrass | \$97 |
| Soil Germination | \$35 |
| Species Exam | \$37 |
| Undesirable Grass Species | \$39 |

| Miscellaneous Fees | |
|---|----------------------------|
| Type of Service: | Fees \$/Unit |
| Administrative Charge per Test for Internet Access and Data Processing. | Not to exceed \$2 per test |
| Hourly Charge | \$60 |
| Merge Records | \$4 |
| Rush Service (priority processing over standard) | \$75 |
| Super Rush Service (priority processing over Rush) | \$150 |

As authorized in Section 22-2006, Idaho Code, the fees in this rulemaking are necessary to compensate for the cost of providing voluntary services for seed analysis.

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:

If there are no changes in sample volume, the proposed changes would result in an additional \$110,000 in dedicated fund revenue.

IDAHO CODE SECTION 22-101A STATEMENT: Pursuant to 22-101A(1), for any rule promulgated or adopted by the director which is broader in scope or more stringent than federal law or regulations, or which regulates an activity not regulated by the federal government, the director shall identify the portions of the adopted rule that are broader in scope or more stringent than federal law or rules, or which regulate an activity not regulated by the federal government. The following sections of the rule are broader in scope, more stringent than federal law or regulations, or regulate an activity not regulated by the federal government:

This rule regulates an activity that is not regulated by the federal government; therefore the entire rule is broader in scope or more stringent than federal law. All activity is authorized or directed by Idaho Code.

The detailed 22-101A analysis can be found on the agency's website at www.agri.idaho.gov.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Lloyd B. Knight, Deputy Director, at (208)332-8615.

DATED this 3rd of January, 2024.

Lloyd B. Knight
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IDAPA 02 – DEPARTMENT OF AGRICULTURE
02.06.02 – RULES GOVERNING REGISTRATIONS AND LICENSES
DOCKET NO. 02-0602-2301
NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2024 Idaho State Legislature and must be approved by concurrent resolution of the Legislature to go into effect, in accordance with Section 67-5224(2)(c), Idaho Code. The pending rule will become final and effective upon the adjournment, *sine die*, of the Second Regular Session of the Sixty-seventh Idaho Legislature.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 22-604, 22-2204, 22-2303(5), 22-2503, 22-2511, and 25-2710, Idaho Code.

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

The proposed rule includes updates to the publication dates for publications Incorporated by Reference in the rule. The two publications include standardized definitions and standards utilized by states to regulate commercial feed, commercial fertilizer, and soil & plant amendments.

There are no changes to the pending rule and it is being adopted as originally proposed. The complete text of the proposed rule was published in the October 4, 2023 Idaho Administrative Bulletin, [Vol. 23-10, pages 119-121](#).

FEE SUMMARY: Pursuant to Section 67-5224(2)(d), Idaho Code, this pending fee rule shall not become final and effective unless affirmatively approved by concurrent resolution of the Legislature. The following is a description of the fee or charge imposed or increased in this rulemaking:

No changes have been made to fees for these rules.

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

There is no fiscal impact due to these changes.

IDAHO CODE SECTION 22-101A STATEMENT: Pursuant to 22-101A(1), for any rule promulgated or adopted by the director which is broader in scope or more stringent than federal law or regulations, or which regulates an activity not regulated by the federal government, the director shall identify the portions of the adopted rule that are broader in scope or more stringent than federal law or rules, or which regulate an activity not regulated by the federal government. The following sections of the rule are broader in scope, more stringent than federal law or regulations, or regulate an activity not regulated by the federal government:

This rule regulates an activity that is not regulated by the federal government; therefore the entire rule is broader in scope or more stringent than federal law.

The detailed 22-101A analysis can be found on the agency's website at www.agri.idaho.gov.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Lloyd B. Knight, Deputy Director, at (208)332-8615.

DATED this 3rd of January, 2024.

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IDAPA 02 – DEPARTMENT OF AGRICULTURE
02.06.04 – RULES GOVERNING PLANT EXPORTS
DOCKET NO. 02-0604-2301 (ZBR CHAPTER REWRITE, FEE RULE)
NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2024 Idaho State Legislature and must be approved by concurrent resolution of the Legislature to go into effect, in accordance with Section 67-5224(2)(c), Idaho Code. The pending rule will become final and effective upon the adjournment, *sine die*, of the Second Regular Session of the Sixty-seventh Idaho Legislature.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 22-107, 22-112, and 22-2303(5), Idaho Code.

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

This rule is being presented for authorization as part of the ISDA’s plan to review each rule every 5 years. Redundant language that is verbatim in statute has been removed, consistent with the Governor’s [Zero-Based Regulation Executive Order](#).

The rule was reviewed over the course of two negotiated rulemaking meetings, and that review benefited from the participation of program stakeholders. No negative comments were submitted as part of this rulemaking process.

These rules govern the production of pest-free plants, plant products, and like inspections. To provide procedures for compliance with phytosanitary regulations of other states and foreign countries, to protect Idaho agriculture from the introduction of foreign pests on imported plants and materials. These rules also govern procedures for voluntary certification of virus-free nursery stock for export. These rules also establish a ginseng registration and export program to protect American ginseng as an endangered species.

There are no changes to the pending rule and it is being adopted as originally proposed. The complete text of the proposed rule was published in the October 4, 2023, Idaho Administrative Bulletin, [Vol. 23-10, pages 122-138](#).

FEE SUMMARY: Pursuant to Section 67-5224(2)(d), Idaho Code, this pending fee rule shall not become final and effective unless affirmatively approved by concurrent resolution of the Legislature. The following is a description of the fee or charge imposed or increased in this rulemaking:

Fees are charged for services requested under this rule, including phytosanitary certification and sampling, field sampling, and lab services. Section 22-418(4), Idaho Code, authorizes the imposition of these 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:

There is no fiscal impact as a result of this rulemaking.

IDAHO CODE SECTION 22-101A STATEMENT: Pursuant to 22-101A(1), for any rule promulgated or adopted by the director which is broader in scope or more stringent than federal law or regulations, or which regulates an activity not regulated by the federal government, the director shall identify the portions of the adopted rule that are broader in scope or more stringent than federal law or rules, or which regulate an activity not regulated by the federal government. The following sections of the rule are broader in scope, more stringent than federal law or regulations, or regulate an activity not regulated by the federal government:

This rule outlines the application of federal quarantines or phytosanitary requirements and governs state or customer activities in order to comply with those requirements.

The detailed 22-101A analysis can be found on the agency’s website at www.agri.idaho.gov.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Lloyd B. Knight, Deputy Director, at (208)332-8615.

DATED this 3rd of January, 2024.

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IDAPA 02 – DEPARTMENT OF AGRICULTURE

02.06.09 – RULES GOVERNING INVASIVE SPECIES AND NOXIOUS WEEDS

DOCKET NO. 02-0609-2301

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2024 Idaho State Legislature and must be approved by concurrent resolution of the Legislature to go into effect, in accordance with Section 67-5224(2)(c), Idaho Code. The pending rule will become final and effective upon the adjournment, *sine die*, of the Second Regular Session of the Sixty-seventh Idaho Legislature.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 22-1907, 22-2004, 22-2006, 22-2403, and 22-2412, Idaho Code.

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

This rule is being presented for authorization as part of the ISDA's plan to review each rule every 5 years. Redundant language that is verbatim in statute has been removed, consistent with the Governor's [Zero-Based Regulation Executive Order](#).

The rule was reviewed over the course of two negotiated rulemaking meetings, and that review benefited from the participation of program stakeholders. No negative comments were submitted as part of this rulemaking process.

There are no changes to the pending rule and it is being adopted as originally proposed. The complete text of the proposed rule was published in the October 4, 2023, Idaho Administrative Bulletin, [Vol. 23-10, pages 139-146](#).

FEE SUMMARY: Pursuant to Section 67-5224(2)(d), Idaho Code, this pending fee rule shall not become final and effective unless affirmatively approved by concurrent resolution of the Legislature. The following is a description of the fee or charge imposed or increased in this rulemaking:

The only fees included in this rule are certification fees for the voluntary service provided by the weed free hay and forage program. These are not fees collected by the agency, but fees set for collection by certified inspectors.

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

There is no fiscal impact as a result of this rulemaking.

IDAHO CODE SECTION 22-101A STATEMENT: Pursuant to 22-101A(1), for any rule promulgated or adopted by the director which is broader in scope or more stringent than federal law or regulations, or which regulates an activity not regulated by the federal government, the director shall identify the portions of the adopted rule that are broader in scope or more stringent than federal law or rules, or which regulate an activity not regulated by the federal government. The following sections of the rule are broader in scope, more stringent than federal law or regulations, or regulate an activity not regulated by the federal government:

The entirety of the rule is broader in scope or more stringent than federal law or rules, but is consistent with the direction and authority defined in Idaho Code.

The detailed 22-101A analysis can be found on the agency's website at www.agri.idaho.gov.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Lloyd B. Knight, Deputy Director, at (208)332-8615.

DATED this 3rd of January, 2024.

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IDAPA 02 – DEPARTMENT OF AGRICULTURE

02.06.09 – RULES GOVERNING INVASIVE SPECIES AND NOXIOUS WEEDS

DOCKET NO. 02-0609-2304

NOTICE OF RULEMAKING – ADOPTION OF TEMPORARY RULE

EFFECTIVE DATE: The effective date of the temporary rule is December 18, 2023.

AUTHORITY: In compliance with Section 67-5226, Idaho Code, notice is hereby given this agency has adopted a temporary rule. The action is authorized pursuant to Sections 22-2004, 22-2006, 22-2012, and 22-2013, Idaho Code.

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

Invasive quagga mussel samples were recently discovered in the Snake River. Left unchecked, quagga mussels pose a significant threat to the health and safety of Idaho’s environment and water use, as well as threaten Idaho’s economy. Accordingly, the Director has exercised the authority granted to them under Idaho law to quarantine certain areas of the snake river until the Department is able to eradicate any existing quagga mussels. This new temporary rule replaces the October 19 update to the same rule by allowing for restricted access to the river at defined locations and per a defined requirement for watercraft and conveyances to be inspected and decontaminated prior to launch and upon exit.

TEMPORARY RULE JUSTIFICATION: Pursuant to Section 67-5226(1)(a), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate for the following reasons: Protection for and maintaining the safety of property and aquatic plant life.

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: There is no fee being charged by this temporary rule.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the temporary rule, contact the undersigned.

DATED this 18th day of December, 2023.

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THE FOLLOWING IS THE TEXT OF THE TEMPORARY RULE FOR DOCKET NO. 02-0609-2304 (Only Those Sections With Amendments Are Shown.)

135. SNAKE RIVER QUARANTINE.

ISDA has issued a quarantine of the Snake River from Twin Falls Dam to the partial bridge structure at the bottom of Yingst Grade (known as “the Broken Bridge”, “Yingst Grade Bridge”, the “Old Interstate Bridge”), which is approximately one-half (1\2) mile upstream of Auger Falls, to contain and treat quagga mussels. All public access to the Snake River between ~~these areas is prohibited during ISDA’s active treatment and response plan~~ Yingst Grade and Pillar Falls is restricted to the hours when the watercraft inspection stations at Centennial Park is in operation, and requires inspection and decontamination of all conveyances and watercraft by ISDA or an assigned entity prior to launch into and upon exit from the water. This requirement applies to all motorized and non-motorized watercraft of any size, including paddleboards and kayaks. Access to the section of the Snake River between Pillar Falls and Twin Falls Dam remains prohibited. ~~(10-19-23)T~~(12-18-23)T

IDAPA 02 – DEPARTMENT OF AGRICULTURE
02.06.10 – RULES GOVERNING THE GROWING OF POTATOES
DOCKET NO. 02-0610-2301 (ZBR CHAPTER REWRITE)
NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2024 Idaho State Legislature and must be approved by concurrent resolution of the Legislature to go into effect, in accordance with Section 67-5224(2)(c), Idaho Code. The pending rule will become final and effective upon the adjournment, *sine die*, of the Second Regular Session of the Sixty-seventh Idaho Legislature.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 22-505, 22-1907, 22-2004, 22-2006, and 22-2013, Idaho Code.

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

This rule is being presented for authorization as part of the ISDA’s plan to review each rule every 5 years. Redundant language that is verbatim in statute has been removed, consistent with the Governor’s [Zero-Based Regulation Executive Order](#).

The rule was reviewed over the course of two negotiated rulemaking meetings, and that review benefited from the participation of program stakeholders. No negative comments were submitted as part of this rulemaking process.

These rules govern the procedures for all potato management within Seed Potato Crop Management Areas and establish the procedures of identifying, handling and testing uncertified seed potatoes to be planted in Idaho. These rules also seek to prevent the spread of Pale Cyst Nematode and the introduction and/or spread of Cms and subsequently bacterial ring rot throughout Idaho and the United States.

There are no changes to the pending rule and it is being adopted as originally proposed. The complete text of the proposed rule was published in the October 4, 2023, Idaho Administrative Bulletin, [Vol. 23-10, pages 148-161](#).

FEE SUMMARY: Pursuant to Section 67-5224(2)(d), Idaho Code, a pending fee rule shall not become final and effective unless affirmatively approved by concurrent resolution of the Legislature. The following is a description of the fee or charge imposed or increased in this rulemaking: 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:

There is no fiscal impact as a result of this rulemaking.

IDAHO CODE SECTION 22-101A STATEMENT: Pursuant to 22-101A(1), for any rule promulgated or adopted by the director which is broader in scope or more stringent than federal law or regulations, or which regulates an activity not regulated by the federal government, the director shall identify the portions of the adopted rule that are broader in scope or more stringent than federal law or rules, or which regulate an activity not regulated by the federal government. The following sections of the rule are broader in scope, more stringent than federal law or regulations, or regulate an activity not regulated by the federal government:

The entire rule – except for Subchapter A – regulates activity not otherwise regulated by the federal government.

The detailed 22-101A analysis can be found on the agency’s website at www.agri.idaho.gov.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Lloyd B. Knight, Deputy Director, at (208)332-8615.

DATED this 3rd of January, 2024.

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IDAPA 02 – DEPARTMENT OF AGRICULTURE
02.06.16 – RULES GOVERNING HONEY STANDARDS
DOCKET NO. 02-0616-2301 (ZBR CHAPTER REWRITE)
NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2024 Idaho State Legislature and must be approved by concurrent resolution of the Legislature to go into effect, in accordance with Section 67-5224(2)(c), Idaho Code. The pending rule will become final and effective upon the adjournment, *sine die*, of the Second Regular Session of the Sixty-seventh Idaho Legislature.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 22-2808, Idaho Code.

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

This rule is being presented for authorization as part of the ISDA’s plan to review each rule every 5 years. Redundant language that is verbatim in statute has been removed, consistent with the Governor’s [Zero-Based Regulation Executive Order](#).

The rule was reviewed over the course of two negotiated rulemaking meetings, and that review benefited from the participation of program stakeholders. No negative comments were submitted as part of this rulemaking process.

These rules apply to all honey produced by honeybees and to incorporate by reference the United States Standards for Grades of Extracted Honey as a quality control program.

There are no changes to the pending rule and it is being adopted as originally proposed. The complete text of the proposed rule was published in the October 4, 2023, Idaho Administrative Bulletin, [Vol. 23-10, pages 162-166](#).

FEE SUMMARY: Pursuant to Section 67-5224(2)(d), Idaho Code, this pending fee rule shall not become final and effective unless affirmatively approved by concurrent resolution of the Legislature. The following is a description of the fee or charge imposed or increased in this rulemaking:

Does not apply to this rulemaking.

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

There is no fiscal impact as a result of this rulemaking.

IDAHO CODE SECTION 22-101A STATEMENT: Pursuant to 22-101A(1), for any rule promulgated or adopted by the director which is broader in scope or more stringent than federal law or regulations, or which regulates an activity not regulated by the federal government, the director shall identify the portions of the adopted rule that are broader in scope or more stringent than federal law or rules, or which regulate an activity not regulated by the federal government. The following sections of the rule are broader in scope, more stringent than federal law or regulations, or regulate an activity not regulated by the federal government:

The federal government sets a standard for the definition of “honey” but does not provide for application of that standard at the state level.

The detailed 22-101A analysis can be found on the agency’s website at www.agri.idaho.gov.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Lloyd B. Knight, Deputy Director, at (208)332-8615.

DATED this 3rd of January, 2024.

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IDAPA 02 – DEPARTMENT OF AGRICULTURE

02.06.33 – ORGANIC FOOD PRODUCTS RULES

DOCKET NO. 02-0633-2301

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2024 Idaho State Legislature and must be approved by concurrent resolution of the Legislature to go into effect, in accordance with Section 67-5224(2)(c), Idaho Code. The pending rule will become final and effective upon the adjournment, *sine die*, of the Second Regular Session of the Sixty-seventh Idaho Legislature.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 22-1103, Idaho Code.

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

The proposed rule includes an update to the publication date for the federal National Organic Program Regulations that were updated effective March 20, 2023. This rule needs to be current with the national regulation in order to ensure that organic certification is valid for those customers wishing to utilize the agency for certification services.

There are no changes to the pending rule and it is being adopted as originally proposed. The complete text of the proposed rule was published in the October 4, 2023, Idaho Administrative Bulletin, [Vol. 23-10, pages 167-168](#).

FEE SUMMARY: Pursuant to Section 67-5224(2)(d), Idaho Code, this pending fee rule shall not become final and effective unless affirmatively approved by concurrent resolution of the Legislature. The following is a description of the fee or charge imposed or increased in this rulemaking:

No changes have been made to fees for these rules. The fees are for the purposes of compensating the agency for the purpose of providing voluntary organic certification services for those desiring such services. Such fees are authorized under Section 22-1106, Idaho Code.

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

There is no fiscal impact due to these changes.

IDAHO CODE SECTION 22-101A STATEMENT: Pursuant to 22-101A(1), for any rule promulgated or adopted by the director which is broader in scope or more stringent than federal law or regulations, or which regulates an activity not regulated by the federal government, the director shall identify the portions of the adopted rule that are broader in scope or more stringent than federal law or rules, or which regulate an activity not regulated by the federal government. The following sections of the rule are broader in scope, more stringent than federal law or regulations, or regulate an activity not regulated by the federal government:

This rule regulates an activity that is not regulated by the federal government; therefore the entire rule is broader in scope or more stringent than federal law.

The detailed 22-101A analysis can be found on the agency's website at www.agri.idaho.gov.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Lloyd B. Knight, Deputy Director, at (208)332-8615.

DATED this 3rd of January, 2024.

Lloyd B. Knight
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IDAPA 05 – IDAHO DEPARTMENT OF JUVENILE CORRECTIONS
05.01.02 – RULES AND STANDARDS FOR SECURE JUVENILE DETENTION CENTERS
DOCKET NO. 05-0102-2301 (ZBR CHAPTER REPEAL)
NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2024 Idaho State Legislature and must be approved by concurrent resolution of the Legislature to go into effect, in accordance with Section 67-5224(2)(c), Idaho Code. The pending rule will become final and effective upon the adjournment, *sine die*, of the Second Regular Session of the Sixty-seventh Idaho Legislature after approval.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 20-504(3), Idaho Code.

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

This pending rule is adopted in compliance with [Executive Order 2020-01: Zero-Based Regulation](#). The department is repealing chapter 05.01.02 and intends to incorporate standards for county juvenile detention centers in the chapter rewrite under ZBR companion docket 05-0104-2301. The department held collaborative meetings with county partners to develop updates to both sets of standards and held two hearings.

IDAPA 05.01.02 IS BEING REPEALED IN ITS ENTIRETY. The notice of proposed rulemaking was published in the October 4, 2023, Idaho Administrative Bulletin, [Vol. 23-10, pages 169 through 170](#).

FEE SUMMARY: Pursuant to Section 67-5224(2)(d), Idaho Code, this pending fee rule shall not become final and effective unless affirmatively approved by concurrent resolution of the Legislature. The following is a description of the fee or charge imposed or increased in this rulemaking:

Does not apply to this rulemaking.

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

There is no negative fiscal impact on the state General Fund as a result of this rulemaking.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Estela Cabrera at (208) 577-5451.

DATED this 3rd of January, 2024.

Monty Prow, Director
Idaho Department of Juvenile Corrections
954 W. Jefferson St.
P.O. Box 83720
Boise, ID 83720-0285
Phone: 208.334.5100
Fax: 208.334.5120

IDAPA 05 – IDAHO DEPARTMENT OF JUVENILE CORRECTIONS

05.01.04 – RULES GOVERNING COUNTY JUVENILE PROBATION AND DETENTION SERVICES

DOCKET NO. 05-0104-2301 (ZBR CHAPTER REWRITE)

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2024 Idaho State Legislature and must be approved by concurrent resolution of the Legislature to go into effect, in accordance with Section 67-5224(2)(c), Idaho Code. The pending rule will become final and effective upon the adjournment, *sine die*, of the Second Regular Session of the Sixty-seventh Idaho Legislature after approval.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 20-504(5), Idaho Code.

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

This pending rulemaking is done in compliance with [Executive Order 2020-01: Zero-Based Regulation](#). The department is repealing chapter 05.01.02 and this rule consolidates the standards for county juvenile detention centers and county juvenile probation departments into one chapter as well as updates the standards. Subchapter B of the rule incorporates content previously held in chapter 05.01.02. Definitions previously in 05.01.02 were also added. Collaborative meetings were held with county partners to develop updates to both sets of standards that form this rule and two hearings were held.

There are no changes to the pending rule and it is being adopted as originally proposed. The complete text of the proposed rule was published in the October 4, 2023, Idaho Administrative Bulletin, [Vol. 23-10, pages 171 - 198](#).

FEE SUMMARY: Pursuant to Section 67-5224(2)(d), Idaho Code, a pending fee rule shall not become final and effective unless affirmatively approved by concurrent resolution of the Legislature. The following is a description of the fee or charge imposed or increased in this rulemaking:

Does not apply to this rulemaking.

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

There is no negative fiscal impact on the state General Fund as a result of this rulemaking.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Estela Cabrera at (208) 577-5451.

DATED this 3rd of January, 2024.

Monty Prow, Director
Idaho Department of Juvenile Corrections
954 W. Jefferson St.
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Boise, ID 83720-0285
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IDAPA 05 – IDAHO DEPARTMENT OF JUVENILE CORRECTIONS

05.02.01 – RULES FOR RESIDENTIAL TREATMENT PROVIDERS

DOCKET NO. 05-0201-2301 (ZBR CHAPTER REPEAL)

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2024 Idaho State Legislature and must be approved by concurrent resolution of the Legislature to go into effect, in accordance with Section 67-5224(2)(c), Idaho Code. The pending rule will become final and effective upon the adjournment, *sine die*, of the Second Regular Session of the Sixty-seventh Idaho Legislature after approval.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 20-504(10), Idaho Code.

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

This pending rulemaking is done in compliance with [Executive Order 2020-01: Zero-Based Regulation](#). The department is repealing chapter 05.02.01 and intends to include requirements and expectations for contracted residential treatment providers as part of the contract language. Since not all providers have the same expectations, the contract will be an adequate and enforceable tool to communicate expectations. Contracted residential treatment providers will be audited annually for compliance with expectations.

IDAPA 05.02.01 IS BEING REPEALED IN ITS ENTIRETY. The notice of proposed rulemaking was published in the October 4, 2023, Idaho Administrative Bulletin, [Vol. 23-10, pages 199 through 200](#).

FEE SUMMARY: Pursuant to Section 67-5224(2)(d), Idaho Code, a pending fee rule shall not become final and effective unless affirmatively approved by concurrent resolution of the Legislature. The following is a description of the fee or charge imposed or increased in this rulemaking:

Does not apply to this rulemaking.

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

There is no negative fiscal impact on the state General Fund as a result of this rulemaking.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Estela Cabrera at (208) 577-5451.

DATED this 3rd of January, 2024.

Monty Prow, Director
Idaho Department of Juvenile Corrections
954 W. Jefferson St.
P.O. Box 83720
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Phone: 208.334.5100
Fax: 208.334.5120

IDAPA 12 – IDAHO DEPARTMENT OF FINANCE
12.01.04 – RULES PURSUANT TO THE IDAHO CREDIT UNION ACT
DOCKET NO. 12-0104-2301 (ZBR CHAPTER REWRITE)
NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2024 Idaho State Legislature and must be approved by concurrent resolution of the Legislature to go into effect, in accordance with Section 67-5224(2)(c), Idaho Code. The pending rule will become final and effective upon the adjournment, *sine die*, of the Second Regular Session of the Sixty-seventh Idaho Legislature after approval.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 26-2144, Idaho Code.

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

There are no changes to the pending rule and it is being adopted as originally proposed. The complete text of the proposed rule was published in the October 4, 2023, Idaho Administrative Bulletin, [Vol. 23-10, pages 218 - 224](#).

FEE SUMMARY: Pursuant to Section 67-5224(2)(d), Idaho Code, a pending fee rule shall not become final and effective unless affirmatively approved by concurrent resolution of the Legislature. The following is a description of the fee or charge imposed or increased in this rulemaking:

Does not apply to this rulemaking.

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 will not impact the state General Fund.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Anthony Polidori at (208)-332-8060.

DATED this 21st of November, 2023.

Anthony Polidori
Deputy Director
Idaho Department of Finance
11341 West Chinden Blvd., Suite A300
Boise, ID 83714
Phone: (208) 332-8060

IDAPA 12 – IDAHO DEPARTMENT OF FINANCE

12.01.08 – RULES PURSUANT TO THE UNIFORM SECURITIES ACT (2004)

DOCKET NO. 12-0108-2301 (ZBR CHAPTER REWRITE, FEE RULE)

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2024 Idaho State Legislature and must be approved by concurrent resolution of the Legislature to go into effect, in accordance with Section 67-5224(2)(c), Idaho Code. The pending rule will become final and effective upon the adjournment, *sine die*, of the Second Regular Session of the Sixty-seventh Idaho Legislature after approval.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 30-14-605(a), Idaho Code.

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

There are no changes to the pending rule and it is being adopted as originally proposed. The complete text of the proposed rule was published in the October 4, 2023, Idaho Administrative Bulletin, [Vol. 23-10, pages 225 - 259](#).

FEE SUMMARY: Pursuant to Section 67-5224(2)(d), Idaho Code, this pending fee rule shall not become final and effective unless affirmatively approved by concurrent resolution of the Legislature. The following is a description of the fee or charge imposed or increased in this rulemaking:

Rule 004.01: \$50 fee with each request for no-action position or interpretive opinion letter. Authorized pursuant to Sections 30-14-605(d) and 30-14-605(a), Idaho Code.

Rule 040.03: \$300 fee for annual renewal of registration statement. Authorized pursuant to Sections 30-14-305(b) and 30-14-605(a), Idaho Code.

Rule 053.01.b. and c.: \$300 fee for filing of notice of offering and annual renewal of mutual funds by investment companies, and \$100 filing fee for notice of offering and annual renewal of unit investment trusts. Authorized pursuant to Sections 30-14-302(b) and 30-14-605(a), Idaho Code.

Rules 053.02.b. and c.: \$50 fee for Regulation D Rule 506 notice filings. Authorized pursuant to Sections 30-14-302(c) and 30-14-605(a), Idaho Code.

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 will not impact the state General Fund.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Anthony Polidori at (208)-332-8060.

DATED this 21st of November, 2023.

Anthony Polidori
Deputy Director
Idaho Department of Finance
11341 West Chinden Blvd., Suite A300
Boise, ID 83714
Phone: (208) 332-8060

IDAPA 12 – IDAHO DEPARTMENT OF FINANCE

12.01.10 – RULES PURSUANT TO THE IDAHO RESIDENTIAL MORTGAGE PRACTICES ACT

DOCKET NO. 12-0110-2301 (ZBR CHAPTER REWRITE)

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2024 Idaho State Legislature and must be approved by concurrent resolution of the Legislature to go into effect, in accordance with Section 67-5224(2)(c), Idaho Code. The pending rule will become final and effective upon the adjournment, *sine die*, of the Second Regular Session of the Sixty-seventh Idaho Legislature after approval.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 26-31-103, 26-31-204, and 26-31-302, Idaho Code.

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

There are no changes to the pending rule and it is being adopted as originally proposed. The complete text of the proposed rule was published in the October 4, 2023, Idaho Administrative Bulletin, [Vol. 23-10, pages 260 - 263](#).

FEE SUMMARY: Pursuant to Section 67-5224(2)(d), Idaho Code, a pending fee rule shall not become final and effective unless affirmatively approved by concurrent resolution of the Legislature. The following is a description of the fee or charge imposed or increased in this rulemaking:

Does not apply to this rulemaking.

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 will not impact the state General Fund.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Anthony Polidori at (208)-332-8060.

DATED this 21st of November, 2023.

Anthony Polidori
Deputy Director
Idaho Department of Finance
11341 West Chinden Blvd., Suite A300
Boise, ID 83714
Phone: (208) 332-8060

IDAPA 13 – IDAHO FISH AND GAME COMMISSION
ESTABLISHING SEASONS AND LIMITS FOR HUNTING, FISHING, AND TRAPPING IN IDAHO
DOCKET NO. 13-0000-2300P9
NOTICE OF ADOPTED / AMENDED PROCLAMATIONS FOR CALENDAR YEAR 2023

AUTHORITY: As authorized by Section 36-104, Idaho Code, and in compliance with Sections 36-105(3), Idaho Code, the Commission adopts proclamations establishing seasons and limits for hunting, fishing, and trapping in Idaho.

AVAILABILITY OF OFFICIAL PROCLAMATIONS: Hunters, anglers, and trappers are advised to consult the text of the Commission’s official proclamation before hunting, fishing, or trapping. All proclamations are available on-line at <https://idfg.idaho.gov/rules>, with print versions available at Idaho Department of Fish and Game offices and license vendors.

DESCRIPTIVE SUMMARY AND PUBLIC MEETING SCHEDULE: The Commission meeting schedule and meeting agendas are available on-line at [Commission Meeting Schedule](#), with opportunities for public comment generally scheduled at its January, March, May, July, and November meetings.

Information for Commission proclamations for calendar year 2023 was initially published in the January 4, 2023, Idaho Administrative Bulletin, [Volume 23-1, pages 64-65](#).

At a meeting on November 16, 2023, the Commission took the following proclamation action:

1. Adopted a proclamation establishing an antler gathering closure in the Southeast and Upper Snake Regions from January 1 - April 14th, 2024, in response to the severe winter of 2022-2023.

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

IDAPA 13 – IDAHO DEPARTMENT OF FISH AND GAME

13.01.04 – RULES GOVERNING LICENSING

DOCKET NO. 13-0104-2301

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2024 Idaho State Legislature and must be approved by concurrent resolution of the Legislature to go into effect, in accordance with Section 67-5224(2)(c), Idaho Code. The pending rule will become final and effective upon the adjournment, *sine die*, of the Second Regular Session of the Sixty-seventh Idaho Legislature.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 36-104, 36-105, and 36-408, Idaho Code.

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

The pending rule supports the implementation of IDAPA 13.01.04.506, by removing from rule the limit for outfitter tag set-aside which then allows flexibility for the Commission to meet the outfitter tag allocation which is based on outfitter tag verified use. The rule change allows the Commission to create the set-aside in the same action as the outfitter tag allocation as it is already allowed in statute.

There are no changes to the pending rule and it is being adopted as originally proposed. The complete text of the proposed rule was published in the September 6, 2023, Idaho Administrative Bulletin, [Vol. 23-9, pages 37-38](#).

FEE SUMMARY: Not applicable. The pending rule does not impose new fees or changes.

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

There is no fiscal impact to the General Fund.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Amber Worthington at (208) 334-3771.

DATED this 22nd of November, 2023.

Amber Worthington, 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

IDAPA 13 – DEPARTMENT OF FISH AND GAME

13.01.06 – RULES GOVERNING CLASSIFICATION AND PROTECTION OF WILDLIFE

DOCKET NO. 13-0106-2301 (ZBR CHAPTER REWRITE)

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2024 Idaho State Legislature and must be approved by concurrent resolution of the Legislature to go into effect, in accordance with Section 67-5224(2)(c), Idaho Code. The pending rule will become final and effective upon the adjournment, *sine die*, of the Second Regular Session of the Sixty-seventh Idaho Legislature.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 36-104(b) and 36-201, Idaho Code.

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

The pending rule is being presented for authorization as part of the IDFG plan to review each rule chapter every 5 years. Consistent with the Governor's [Zero-Based Regulation Executive Order](#), the agency has revised current rule language to improve clarity and reduce duplication. Additionally, updates address a statute change made in the 2023 Idaho Legislative Session making rattlesnakes a predator, as well changes in common and scientific names which follow recognized taxonomic and nomenclatural authorities in North America.

The text of the pending rule has been amended in accordance with Section 67-5227, Idaho Code. Only those sections that have changes that differ from the proposed text are printed in this bulletin. The complete text of the proposed rule was published in the October 4, 2023, Idaho Administrative Bulletin, [Vol. 23-10, pages 264-270](#).

Changes to the proposed rule continued the work of addressing common and scientific names. The chapter underwent a final staff review and staff found other names that required updating and that needed italicized, capitalized or uncapitalized. No substantive changes were made.

FEE SUMMARY: Not applicable. The pending rule does not impose new fees or changes.

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

There is no fiscal impact to the General Fund.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Amber Worthington at (208) 334-3771.

DATED this 22nd of November, 2023.

Amber Worthington, 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

DOCKET NO. 13-0106-2301 – ADOPTION OF PENDING RULE
(Zero Based Regulation (ZBR) Chapter Rewrite)

Substantive changes have been made to the pending rule.
Italicized text indicates changes between the text of the proposed rule as adopted in the pending rule.

The text of the proposed rule was published in the Idaho Administrative Bulletin,
Volume 23-10, October 4, 2023, pages 264 through 270.

This rule has been adopted as a pending rule by the agency and is now awaiting
review and final approval by the 2024 Idaho State Legislature.

THE FOLLOWING IS THE TEXT OF THE PENDING RULE FOR ZBR DOCKET NO. 13-0106-2301
(Only those sections or subsections that have changed from the original proposed text
are printed in this Bulletin following this notice.)

13.01.06 – RULES GOVERNING CLASSIFICATION AND PROTECTION OF WILDLIFE

(BREAK IN CONTINUITY OF SECTIONS)

[Proposed Sections 100 through 200 are printed in their entirety]

100. CLASSIFICATION OF WILDLIFE – BIG GAME ANIMALS.

01. ***American*** Black bear—*Ursus americanus*. (3-31-22)()
02. **Bighorn sheep** – *Ovis canadensis*, identified as “California bighorn sheep” when occurring south of Interstate 84 and as “Rocky Mountain bighorn sheep” when occurring north of Interstate 84. ()
03. Elk—*Cervus canadensis*. (3-31-22)()
04. Gray wolf—*Canis lupus*. (3-31-22)()
05. Grizzly bear—*Ursus arctos*. (3-31-22)()
06. Moose—*Alces americanus*. (3-31-22)()
07. ***Rocky*** Mountain goat—*Oreamnos americanus*. (3-31-22)()
08. Mountain lion—*Puma concolor*. (3-31-22)()
09. Mule deer—*Odocoileus hemionus*. (3-31-22)()
10. Pronghorn—*Antilocapra americana*. (3-31-22)()
11. White-tailed deer—*Odocoileus virginianus*. (3-31-22)()

101. CLASSIFICATION OF WILDLIFE – UPLAND GAME ANIMALS.

- 01. Mountain cottontail—~~Sylvilagus nuttallii~~. (3-31-22)()
- 02. Pygmy rabbit—~~Brachylagus idahoensis~~. (3-31-22)()
- 03. Snowshoe hare—~~Lepus americanus~~. (3-31-22)()
- 04. ~~North American R~~ed squirrel—~~Tamiasciurus hudsonicus~~. (3-31-22)()

102. CLASSIFICATION OF WILDLIFE – GAME BIRDS.

Game birds include upland game birds, migratory game birds, and American crow. ()

01. Upland Game Birds. ()

- a. ~~Pheasants: Phasianus sp., including r~~Ring-necked pheasant (~~Phasianus. col~~chicus). (3-31-22)()
- b. Partridge: gray (Hungarian) partridge – *Perdix perdix*; chukar – *Alectoris sp.* ()
- c. Quail: northern bobwhite – *Colinus virginianus*; California quail – *Callipepla californica*; mountain quail – *Oreortyx pictus*; and Gambel’s quail – *Callipepla gambelii*. ()
- d. Grouse: Dusky (blue) grouse – *Dendragapus obscurus*; ruffed grouse – *Bonasa umbellus*; spruce grouse – *Falcapennis canadensis*; Greater ~~s~~Sage ~~s~~Grouse – *Centrocercus urophasianus*; and sharp-tailed grouse – *Tympanuchus phasianellus*. “Forest grouse” means dusky grouse, ruffed grouse, and spruce grouse. (3-31-22)()
- e. Wild turkey – *Meleagris gallopavo*. ()

02. Migratory Game Birds. ()

- a. American coot – *Fulica americana*. ()
- b. Doves: mourning dove – *Zenaida macroura* and white-winged dove – *Zenaida asiatica*. ()
- c. Ducks: members of the *Anatidae* family other than geese and swans, including bufflehead – *Bucephala albeola*; canvasback – *Aythya valisineria*; gadwall – *Mareca strepera*; Barrow’s goldeneye – *Bucephala islandica*; common goldeneye – *Bucephala clangula*; harlequin duck – *Histrionicus histrionicus*; mallard – *Anas platyrhynchos*; common merganser – *Mergus merganser*; hooded merganser – *Lophodytes cucullatus*; red-breasted merganser – *Mergus serrator*; long-tailed duck – *Clangula hyemalis*; northern pintail – *Anas acuta*; redhead – *Aythya americana*; ring-necked duck – *Aythya collaris*; ruddy duck – *Oxyura jamaicensis*; greater scaup – *Aythya marila*; lesser scaup – *Aythya affinis*; northern shoveler – *Spatula clypeata*; blue-winged teal – *Spatula discors*; cinnamon teal – *Spatula cyanoptera*; green-winged teal – *Anas crecca*; American wigeon – *Mareca americana*; Eurasian wigeon – *Mareca penelope*; and wood duck – *Aix sponsa*. ()
- d. Geese: members of the *Anatidae* family other than ducks and swans, including Canada goose – *Branta canadensis* (“Canada goose” to include cackling goose – *Branta hutchinsii*); Ross’s goose – *Anser rossii*; snow goose – *Anser caerulescens*; and greater white-fronted goose – *Anser albifrons*. ()

- e. Swans: members of the *Anatidae* other than ducks and geese, including Trumpeter swan – *Cygnus buccinator*; and Tundra swan – *Cygnus columbianus*. ()
- f. Wilson's snipe – *Gallinago delicata*. ()
- g. Sandhill Crane – *Antigone canadensis*. ()
- 03. American Crow – *Corvus brachyrhynchos*. ()

103. CLASSIFICATION OF WILDLIFE – GAME FISH.

Game fish includes the following fish and crayfish:

()

- 01. American shad—*Alosa sapidissima*. (3-31-22)()
- 02. Arctic grayling—*Thymallus arcticus*. (3-31-22)()
- ~~03.~~ Atlantic salmon—*Salmo salar*. (3-31-22)
- 043. Bear Lake whitefish—*Prosopium abyssiicola*. (3-31-22)()
- 054. Black bullhead—*Ameiurus melas*. (3-31-22)()
- 065. Black crappie—*Pomoxis nigromaculatus*. (3-31-22)()
- 076. Blue catfish—*Ictalurus fureatus*. (3-31-22)()
- ~~08.~~ Blueback trout—*Salvelinus alpinus oquassa*. (3-31-22)
- 097. Bluegill and hybrid with pumpkinseed—*Lepomis macrochirus*, including hybrid with pumpkinseed. (3-31-22)()
- 108. Bonneville cisco—*Prosopium gemmifer*. (3-31-22)()
- ~~1109.~~ Bonneville whitefish—*Prosopium spilonotus*. (3-31-22)()
- 120. Brook trout—*Salvelinus fontinalis*. (3-31-22)()
- 131. Brown bullhead—*Ameiurus nebulosus*. (3-31-22)()
- 142. Brown trout—*Salmo trutta*. (3-31-22)()
- 153. Bull trout—*Salvelinus confluentus*. (3-31-22)()
- 164. Burbot—*Lota lota*. (3-31-22)()
- 175. Channel catfish—*Ictalurus punctatus*. (3-31-22)()
- 186. Chinook salmon (land locked) – *Oncorhynchus tshawytscha*, residing in waters that prohibit migration to the ocean and back. (3-31-22)()
- 197. Coho salmon – *Oncorhynchus kisutch*. ()
- 2018. Crayfish – *Pacifastacus spp.* ()
- 2419. Cutthroat trout – *Oncorhynchus clarkii*, including subspecies Bonneville cutthroat trout – *O. clarkii utah*, Lahontan cutthroat trout – *O. clarkii henshawi*, Westslope cutthroat trout – *O. clarkii lewisi*, and Yellowstone (including “finespotted”) cutthroat trout – *O. clarkii bouvieri*. ()
- 220. Flathead catfish—*Pylodietis olivaris*. (3-31-22)()
- 231. Golden trout—*Oncorhynchus aguabonita*. (3-31-22)()
- 242. Green sunfish—*Lepomis cyanellus*. (3-31-22)()
- 253. Kokanee – *Oncorhynchus nerka kennerlyi* (not anadromous). ()

- ~~264.~~ Lake trout—*Salvelinus namaycush*. (3-31-22)()
- ~~275.~~ Lake whitefish—*Coregonus clupeaformis*. (3-31-22)()
- ~~286.~~ Largemouth bass—*Micropterus salmoides*. (3-31-22)()
- ~~297.~~ Mountain whitefish—*Prosopium williamsoni*. (3-31-22)()
- ~~3028.~~ Northern pike—*Esox lucius*. (3-31-22)()
- ~~3129.~~ Pumpkinseed—*Lepomis gibbosus*. (3-31-22)()
- ~~320.~~ Pygmy whitefish—*Prosopium coulterii*. (3-31-22)()
- ~~331.~~ Rainbow trout – *Oncorhynchus mykiss*, including redband trout – *O. mykiss gairdneri*. ()
- ~~342.~~ Rainbow/cutthroat trout (cutbow) – *O. mykiss* x *O. clarkii* hybrid. ()
- ~~353.~~ Sauger—*Sander canadensis*. (3-31-22)()
- ~~364.~~ Smallmouth bass—*Micropterus dolomieu*. (3-31-22)()
- ~~375.~~ Splake—*S. namaycush* x *S. fontinalis*. (3-31-22)()
- ~~36.~~ **Sunapee trout.** ()
- ~~38.~~ **Sockeye salmon**—*Oncorhynchus nerka* (anadromous). (3-31-22)
- ~~39.~~ **Steelhead trout**—*Oncorhynchus mykiss* (anadromous). (3-31-22)
- ~~4037.~~ Tiger Trout—*Salmo trutta* x *Salvelinus fontinalis*. (3-31-22)()
- ~~4138.~~ Tiger muskie—*Esox lucius* x *E. masquinongy*. (3-31-22)()
- ~~4239.~~ Walleye—*Sander vitreus*. (3-31-22)()
- ~~430.~~ Warmouth—*Lepomis gulosus*. (3-31-22)()
- ~~441.~~ White crappie—*Pomoxis annularis*. (3-31-22)()
- ~~452.~~ White sturgeon—*Acipenser transmontanus*. (3-31-22)()
- ~~463.~~ Yellow bullhead—*Ameiurus natalis*. (3-31-22)()
- ~~474.~~ Yellow perch—*Perca flavescens*. (3-31-22)()

104. CLASSIFICATION OF WILDLIFE – ANADROMOUS GAME FISH.

Anadromous game fish include members of the *Oncorhynchus* family that migrate to the ocean as a juvenile and return to freshwater. ()

- 01. Chinook salmon** – *Oncorhynchus tshawytscha* ()
- 02. Coho salmon** – *Oncorhynchus kisutch*. ()
- 03. Sockeye salmon** – *Oncorhynchus nerka*. ()

- 04. Steelhead – *Oncorhynchus mykiss*. ()**
- 1045. CLASSIFICATION OF WILDLIFE – FURBEARING ANIMALS.**
- 01. American badger—*Taxidea taxus*. (3-31-22)()
 - 02. American marten—*Martes americana*. (3-31-22)()
 - 03. American mink—*Vison vison*. (3-31-22)()
 - 04. North American Beaver—*Castor canadensis*. (3-31-22)()
 - 05. Bobcat—*Lynx rufus*. (3-31-22)()
 - 06. Canada lynx—*Lynx canadensis*. (3-31-22)()
 - 07. Common muskrat—*Ondatra zibethicus*. (3-31-22)()
 - 08. Fisher—*Pekania pennanti*. (3-31-22)()
 - 09. ~~Northern~~ American river otter—*Lontra canadensis*. (3-31-22)()
 - 10. Pacific marten—*Martes caurina*. (3-31-22)()
 - 11. Red fox – *Vulpes vulpes* (all color phases). ()
- 1056. – 149. (RESERVED)**
- 150. THREATENED OR ENDANGERED SPECIES.**
- 151. – 199. (RESERVED)**
- 200. PROTECTED NONGAME SPECIES.**
- 01. Mammals. ()
 - a. American pika—*Ochotona princeps*. (3-31-22)()
 - b. Bats – all species. ()
 - c. Chipmunks – *Tamias spp.* ()
 - d. ~~Columbia Plateau~~ Merriam's ground squirrel – *Urocitellus canus*. (3-31-22)()
 - e. ~~Common G~~ golden-mantled ground squirrel – *Callospermophilus lateralis*. (3-31-22)()
 - f. ~~Great Basin~~ Piute ground squirrel – *Urocitellus mollis*. (3-31-22)()
 - g. Kit fox—*Vulpes macrotis*. (3-31-22)()
 - h. Wolverine—*Gulo gulo*. (3-31-22)()
 - i. Northern Idaho ground squirrel – *Urocitellus brunneus*. ()
 - j. Northern flying squirrel—*Glaucomys sabrinus*. (3-31-22)()
 - k. ~~Common R~~ rock squirrel – *Otospermophilus variegatus*. (3-31-22)()

- l. Southern Idaho ground squirrel – *Uroditellus endemicus*. ()
- m. ~~Woodland~~ ~~e~~Caribou—~~Rangifer tarandus caribou~~. ~~(3-31-22)~~()
- n. Wyoming ground squirrel – *Uroditellus elegans nevadensis*. ()
- 02. **Birds.** All native species, except game birds. ()
- 03. **Amphibians.** All native species. ()
- 04. **Reptiles.** All native species. ()
- 05. **Fish.** ()
 - a. Bear Lake sculpin—~~Cottus extensus~~. ~~(3-31-22)~~()
 - b. Northern leatherside chub—~~Lepidomeda copei~~. ~~(3-31-22)~~()
 - c. Pacific ~~L~~amprey—~~Entosphenus tridentatus~~. ~~(3-31-22)~~()
 - d. Sand roller—~~Percopsis transmontana~~. ~~(3-31-22)~~()
 - e. Shoshone sculpin—~~Cottus greenei~~. ~~(3-31-22)~~()
 - f. Wood River sculpin—~~cottus leiopomus~~. ~~(3-31-22)~~()
 - g. ~~Bluehead~~Green sucker—~~Catostomus discobolus~~. ~~(3-31-22)~~()

IDAPA 13 – DEPARTMENT OF FISH AND GAME
13.01.08 – RULES GOVERNING TAKING OF BIG GAME ANIMALS
DOCKET NO. 13-0108-2301
NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2024 Idaho State Legislature and must be approved by concurrent resolution of the Legislature to go into effect, in accordance with Section 67-5224(2)(c), Idaho Code. The pending rule will become final and effective upon the adjournment, *sine die*, of the Second Regular Session of the Sixty-seventh Idaho Legislature.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 36-103, 36-104, 36-409, and 36-1101, Idaho Code.

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

The pending rule was brought by sportsmen who were concerned with the availability of muzzleloader bullets. This rulemaking expands the type of components for bullets that can be used in the muzzleloader special weapons hunts, thereby providing more options and availability for bullets.

There are no changes to the pending rule and it is being adopted as originally proposed. The complete text of the proposed rule was published in the October 4, 2023, Idaho Administrative Bulletin, [Vol. 23-10, pages 271-272](#).

FEE SUMMARY: Not applicable. The pending rule does not impose new fees or changes.

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

There is no fiscal impact to the General Fund.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Amber Worthington at (208) 334-3771.

DATED this 22nd of November, 2023.

Amber Worthington, Deputy Director
Idaho Department of Fish and Game
600 S. Walnut Street
P.O. Box 25 Boise, ID 83707
Phone (208) 334-3771
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IDAPA 13 – DEPARTMENT OF FISH AND GAME

13.01.11 – RULES GOVERNING FISH

DOCKET NO. 13-0111-2301 (ZBR CHAPTER REWRITE)

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2024 Idaho State Legislature and must be approved by concurrent resolution of the Legislature to go into effect, in accordance with Section 67-5224(2)(c), Idaho Code. The pending rule will become final and effective upon the adjournment, *sine die*, of the Second Regular Session of the Sixty-seventh Idaho Legislature.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 36-106, 36-104, 36-406a, 36-407, 36-410, 36-701, 36-706, 36-804, 36-901, 36-902, and 36-1001, Idaho Code.

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

The pending rule is being presented for authorization as part of the IDFG plan to review each rule chapter every 5 years. Consistent with the Governor's [Zero-Based Regulation Executive Order](#), the agency has revised current rule language to improve clarity and reduce duplication. The rulemaking includes consolidation of IDAPA 13.01.12 into this chapter, consolidates definitions into one location, and incorporates changes suggested from the public around fishing contests.

The text of the pending rule has been amended in accordance with Section 67-5227, Idaho Code. Only those sections that have changes that differ from the proposed text are printed in this bulletin. The complete text of the proposed rule was published in the October 4, 2023, Idaho Administrative Bulletin, [Vol. 23-10, pages 273-287](#).

Changes to the proposed rule make it so the public can possess and live transport crayfish (that are not invasive species) without a permit. Changes also incorporate the use of and provisions for an e-tagging option for salmon and steelhead permits.

FEE SUMMARY: Not applicable. The pending rule does not impose new fees or changes.

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

There is no fiscal impact to the General Fund.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Joe Kozfkay, State Fisheries Manager at (208) 334-3700.

DATED this 22nd of November, 2023.

Amber Worthington, Deputy Director
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600 S. Walnut Street
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DOCKET NO. 13-0111-2301 – ADOPTION OF PENDING RULE
(Zero Based Regulation (ZBR) Chapter Rewrite)

Substantive changes have been made to the pending rule.
Italicized text indicates changes between the text of the proposed rule as adopted in the pending rule.

The text of the proposed rule was published in the Idaho Administrative Bulletin,
Volume 23-10, October 4, 2023, pages 273 through 287.

This rule has been adopted as a pending rule by the agency and is now awaiting
review and final approval by the 2024 Idaho State Legislature.

THE FOLLOWING IS THE TEXT OF THE PENDING RULE FOR ZBR DOCKET NO. 13-0111-2301
(Only those sections or subsections that have changed from the original proposed text
are printed in this Bulletin following this notice.)

13.01.11 – RULES GOVERNING FISH

(BREAK IN CONTINUITY OF SECTIONS)

010. DEFINITIONS – FISH.

01. ~~Chinook Salmon~~ **Adipose Fin.** Anadromous (ocean run) salmon of the species *Oncorhynchus tshawytscha* in the Snake River drainage below Hells Canyon Dam, the Salmon River drainage, and the Clearwater River drainage, (excluding lakes, reservoirs, and the North Fork of the Clearwater River above Dworshak Dam), and the Boise River drainage **Small fatty fin along the back between the dorsal fin and tail.** (3-31-22)()
02. ~~Coho Salmon.~~ Anadromous (ocean run) salmon of the species *Oncorhynchus kisutch* in the Snake River drainage below Hells Canyon Dam, the Salmon River drainage, and Clearwater River drainage (excluding lakes, reservoirs, and the North Fork of the Clearwater River above Dworshak Dam). (3-31-22)
03. ~~Game Fish.~~ As classified in IDAPA 13.01.06, “Rules Governing Classification and Protection of Wildlife.” (3-31-22)
04. ~~Hybrid Fish~~ **Invasive Fish Species.** The offspring of two different species or subspecies of fish. **Fish, amphibians, and crustacea designated as invasive species in IDAPA 02.06.09.** (3-31-22)()
05. ~~Jack Salmon.~~ Anadromous (ocean run) ~~s~~Salmon of a size **length** set by Commission proclamation. (3-31-22)()
06. ~~Invasive Fish Species.~~ Bullfrog, fish and crustacea species designated invasive species by state authority (IDAPA 02.06.09 “Rules Governing Invasive Species of the Idaho Department of Agriculture”). (3-31-22)
07. ~~Snake River drainage below Hells Canyon Dam and the Salmon River drainage.~~ **Sockeye Salmon.** Anadromous (ocean run) salmon of the species *Oncorhynchus nerka* in the Snake River drainage below Hells Canyon Dam and the Salmon River drainage. (3-31-22)
08. ~~Steelhead.~~ Any rainbow trout longer than twenty (20) inches in the Snake River drainage below Hells Canyon Dam, the Salmon River drainage, and the Clearwater River drainage (excluding that portion above

~~Dworshak Dam); and any rainbow trout longer than twenty (20) inches in length with the adipose fin clipped (as evidenced by a healed scar) in the Snake River drainage from Hells Canyon Dam upstream to Oxbow Dam, and in the Boise River drainage from its mouth upstream to Barber Dam. (3-31-22)~~

~~09. **Trout.** Trout, including brown, cutthroat, golden, grayling, lake (Mackinaw), rainbow (other than steelhead), splake, sunapee, tiger, trout hybrids; and landlocked (not ocean runs) forms of chinook, coho, atlantic and kokanee (blueback) salmon. (3-31-22)~~

~~10. **Unprotected Fish.** Bullfrog and all fish species not classified in a protected category (game fish, protected nongame, threatened or endangered species) in IDAPA 13.01.06, "Rules Governing Classification and Protection of Wildlife." (3-31-22)~~

(BREAK IN CONTINUITY OF SECTIONS)

013. DEFINITIONS – SEASONS AND LIMITS.

- 01. General Fishing Season. Season, bag limits, and possession as determined by proclamation on a regional basis. ()**
- 02. Season Limit. Maximum number of fish that may be lawfully harvested in any declared season. ()**
- 03. Special Rule Waters. Any water with a gear, motor, watercraft restriction, season, bag limits, or possession adopted by proclamation and different from the general fishing season. ()**

014. DEFINITIONS – LOCATIONS.

- 01. Confluence. Location where two (2) rivers or streams join. ()**
- 02. Diversion. Man-made structure designed to divert water. ()**
- 03. Diversion Pond. Man-made basin holding diverted water, including basins connected by an open ditch or pipe. ()**
- 04. Drainage. All water flowing into a common river or stream system, either above or below ground, due to area geography. ()**
- 05. Fish Trap. Any man-made structure designed to capture fish. ()**
- 06. Fish Weir. Any man-made structure placed in a water body to delay or divert migrating fish. ()**
- 07. Mouth. Place where a river or stream enters a larger body of water. ()**
- 08. Reservoir. Portion of a dammed waterbody in which there is no observable direction of flow. Unless noted otherwise, a stream flowing through the drawdown portion of a reservoir is not considered part of the reservoir. ()**
- 09. Section. An area of a river, stream, or reservoir between specific boundary locations. ()**
- 10. Tributary. A stream flowing into a larger water. ()**
- 11. Upstream. Moving from a lower elevation towards a higher elevation point in the same stream. ()**

(BREAK IN CONTINUITY OF SECTIONS)

107. LIVE FISH AND EGGS – EXCEPTIONS.

No permit is required to:

()

01. **Fish.** Keep fish that can legally be reduced to possession (except for anadromous ~~salmon and steelhead~~ **game fish**), alive and in possession in a live well, ~~net, or on a stringer~~ while ~~at~~ **on** the body of water from which they were taken. (3-31-22)()

~~02. **Same Location.** Release fish at the same time and place where captured. (3-31-22)~~

~~03. **Aquarium Fish.** Possess ornamental or tropical aquarium fish of varieties commonly accepted for interstate shipment (not to include invasive species). (3-31-22)~~

02. **Crayfish.** Possess and transport live crayfish for personal consumption that are not designated as invasive species in IDAPA 02.06.09. ()

~~04. **Private Ponds or Commercial Fish Facility.** Possess fish from a private pond or commercial fish facility when accompanied by sales receipt and written permission from the ~~director~~ **Department**, as provided in ~~Chapter 7~~, Title 36, Chapter 7, Idaho Code or from the Department of Agriculture as provided in ~~Chapter 46~~, Title 22, Chapter 46, Idaho Code. (3-31-22)()~~

~~05. **Transport Between Commercial Fish Facilities.** Transport fish between commercial fish facilities licensed under Chapter 7, Title 36 and Chapter 46, Title 22, Idaho Code. (3-31-22)~~

~~06. **Fish Eggs.** Possess, sell, purchase or transport nonviable fish eggs used for bait or personal consumption. ()~~

(BREAK IN CONTINUITY OF SECTIONS)

400. ~~STEELHEAD AND ANADROMOUS SALMON~~ **GAME FISH** LICENSES, TAGS, AND PERMITS.

01. **Licenses.** Any person fishing for ~~steelhead or~~ anadromous ~~salmon~~ **game fish**, except those expressly exempt, must have in possession a valid fishing license. (3-31-22)()

02. **Permits.** No person may fish for, or reduce to possession, ~~steelhead or~~ anadromous ~~salmon~~ **game fish** without a valid ~~steelhead or salmon~~ permit in possession for the targeted species. Permits are only valid for the specified river sections and species, as well as mark types (adipose clipped or unclipped) as set by Commission proclamation. Permits may either be paper copies or electronic permits which anglers will determine at time of purchase. Electronic permits require use of the Department's official mobile app. (3-31-22)()

a. **Salmon Permit.** Allows for fishing, retention, and possession of Chinook or Coho salmon as authorized by Commission proclamation. ()

b. **Steelhead Permit.** Allows for fishing, retention, and possession of steelhead as authorized by Commission proclamation. ()

401. – 402. (RESERVED)

403. PERMIT VALIDATION.

For each ~~steelhead or adult~~ anadromous ~~salmon~~ **game fish** hooked, landed, and reduced to possession, the angler hooking the fish must immediately validate ~~her~~ **their salmon or steelhead** permit ~~by notching the permit and entering in ink with~~ the appropriate species, month, day, and river location code (listed by Commission proclamation). Paper validation requires entering in permanent ink. Electronic validation requires submission via the Department's official mobile app. (3-31-22)()

IDAPA 13 – DEPARTMENT OF FISH AND GAME
13.01.12 – RULES GOVERNING COMMERCIAL FISHING
DOCKET NO. 13-0112-2301 (ZBR CHAPTER REPEAL)
NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2024 Idaho State Legislature and must be approved by concurrent resolution of the Legislature to go into effect, in accordance with Section 67-5224(2)(c), Idaho Code. The pending rule will become final and effective upon the adjournment, *sine die*, of the Second Regular Session of the Sixty-seventh Idaho Legislature.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 36-104 and 36-804, Idaho Code.

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

The pending rule is being presented for repeal as part of the IDFG plan to review each rule chapter every 5 years. Consistent with the Governor’s [Zero-Based Regulation Executive Order](#), the agency has revised current rule language to improve clarity and reduce duplication. That language has been consolidated into IDAPA chapter 13.01.11, running concurrently with this chapter in Docket No 13-0111-2301.

There are no changes to the pending rule and it is being adopted as originally proposed for repeal. The complete text of the proposed rule was published in the October 4, 2023, Idaho Administrative Bulletin, [Vol. 23-10, pages 288-289](#).

FEE SUMMARY: Not applicable. The pending rule does not impose new fees or changes.

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

There is no fiscal impact to the General Fund.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Joe Kozfkay, State Fisheries Manager at (208) 334-3700.

DATED this 22nd of November, 2023.

Amber Worthington, Deputy Director
Idaho Department of Fish and Game
600 S. Walnut Street
P.O. Box 25 Boise, ID 83707
Phone (208) 334-3771
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IDAPA 13 – DEPARTMENT OF FISH AND GAME
13.01.15 – RULES GOVERNING THE USE OF DOGS
DOCKET NO. 13-0115-2301 (ZBR CHAPTER REWRITE)
NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2024 Idaho State Legislature and must be approved by concurrent resolution of the Legislature to go into effect, in accordance with Section 67-5224(2)(c), Idaho Code. The pending rule will become final and effective upon the adjournment, *sine die*, of the Second Regular Session of the Sixty-seventh Idaho Legislature.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 36-103, 36-104, 36-409, and 36-1001, Idaho Code.

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

The pending rule is being presented for authorization as part of the IDFG plan to review each rule chapter every 5 years. Consistent with the Governor’s [Zero-Based Regulation Executive Order](#), the agency has revised current rule language to improve clarity and reduce duplication. The rulemaking specifically addresses the process around permit issuance and season setting in an effort to achieve consistency in Commission management and authority.

The text of the pending rule has been amended in accordance with Section 67-5227, Idaho Code. Only those sections that have changes that differ from the proposed text are printed in this bulletin. The complete text of the proposed rule was published in the October 4, 2023, Idaho Administrative Bulletin, [Vol. 23-10, pages 290-293](#).

Changes to the proposed rule essentially reverse consolidation that was done in the proposed rulemaking around Subsection 100.02. The public had concerns around the interpretation of the consolidation and while the changes hadn’t altered the intent, the perception was that it would change the way they could use their dog(s) in the field. The agency addressed the concern of the number of dogs that could be used and the ability to train/pursue once a tag was filled.

FEE SUMMARY: Not applicable. The pending rule does not impose new fees or changes.

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

There is no fiscal impact to the General Fund.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Amber Worthington at (208) 334-3771.

DATED this 22nd of November, 2023.

Amber Worthington, 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

DOCKET NO. 13-0115-2301 – ADOPTION OF PENDING RULE
(Zero Based Regulation (ZBR) Chapter Rewrite)

Substantive changes have been made to the pending rule.
Italicized text indicates changes between the text of the proposed rule as adopted in the pending rule.

The text of the proposed rule was published in the Idaho Administrative Bulletin,
Volume 23-10, October 4, 2023, pages 290 through 293.

This rule has been adopted as a pending rule by the agency and is now awaiting
review and final approval by the 2024 Idaho State Legislature.

THE FOLLOWING IS THE TEXT OF THE PENDING RULE FOR ZBR DOCKET NO. 13-0115-2301
(Only those sections or subsections that have changed from the original proposed text
are printed in this Bulletin following this notice.)

13.01.15 – RULES GOVERNING THE USE OF DOGS

(BREAK IN CONTINUITY OF SECTIONS)

100. USE OF DOGS.

No person may use dogs for taking wildlife, except for the following wildlife under the following conditions:

()

01. ~~Upland Game Animals, Upland Game Birds, and Migratory Game Birds~~ *Upland Game Animals.* *A One (1) or more dogs* may be used for training on or hunting ~~upland game animals, game birds, and migratory game birds~~ *upland game animals.* (3-31-22)()

02. **Black Bear, Mountain Lion, Bobcat, and Fox** – ~~Taking~~ *Hunting.* *One (1) or more D* dogs may be used for ~~taking~~ *hunting* black bear, mountain lion, bobcat, and fox in a ~~take~~ *hunting* season open for the species, unless ~~the prohibited by~~ Commission ~~prohibits dog use in the area by~~ proclamation. (3-31-22)()

03. **Black Bear, Mountain Lion, Bobcat, and Fox – Training/Pursuit Only.** *One (1) or more D* dogs may be used ~~for to~~ *training on* and ~~pursuit~~ *pursue* only (no harvest) ~~of~~ black bear, mountain lion, bobcat, and fox in a dog training season open for the species, unless ~~such use is prohibited by the~~ Commission ~~prohibits dog use in the area by~~ proclamation. A big game tag valid for the calendar year that has been filled is still valid for training/pursuit only of the species. *Outside of the bobcat hunting season, bobcats may be pursued and treed, but may not be captured, killed, or possessed.* (3-31-22)()

04. **Blood Trailing of Big Game.** ~~The u~~ *Use* of one (1) blood-trailing dog controlled by leash during hunting hours and within seventy-two (72) hours of hitting a big game animal is allowed to track animals and aid in recovery. (3-31-22)()

05. **Unprotected and Predatory Wildlife.** A dog may be used for training on or taking unprotected and predatory wildlife. ()

**IDAPA 15 – OFFICE OF THE GOVERNOR
IDAHO STATE LIQUOR DIVISION**

15.10.01 – RULES OF THE IDAHO STATE LIQUOR DIVISION

DOCKET NO. 15-1001-2301 (ZBR CHAPTER REWRITE, FEE RULE)

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2024 Idaho State Legislature and must be approved by concurrent resolution of the Legislature to go into effect, in accordance with Section 67-5224(2)(c), Idaho Code. The pending rule will become final and effective upon the adjournment, *sine die*, of the Second Regular Session of the Sixty-seventh Idaho Legislature.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The agency action is authorized pursuant to Section 23-206(b), Idaho Code.

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

There are no changes to the pending rule, and it is being adopted as originally proposed. The complete text of the proposed rule was published in the October 4, 2023, Idaho Administrative Bulletin, [Vol. 23-10, pages 332-341](#).

FEE SUMMARY: Pursuant to Section 67-5224(2)(d), Idaho Code, this pending fee rule shall not become final and effective unless affirmatively approved by concurrent resolution of the Legislature. The following is a description of the fee or charge imposed or increased in this rulemaking:

This rulemaking does not impose a new fee or charge, or increase an existing fee or charge, beyond what has been previously submitted for review in the prior rules. IDAPA 15.10.01, Section 022 allows the following fees to be charged by the Division:

1. Cost Reimbursement. The Division may seek cost reimbursement, as determined by the Division, from Supplier Representatives for mailing, shipping, or other expenses incurred by the Division to distribute information or displays to liquor stores at the request of a Supplier Representative.
2. Maximum Fee for Samples. There will be a maximum fee of twenty-five dollars (\$25) per case charged to Supplier Representatives for Samples.
3. Maximum Fee for Annual Supplier Representative Permit. There will be a maximum fee of fifty dollars (\$50) charged to Supplier Representatives each year for an annual permit.

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact to 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 to the state General Fund because the FY2024 budget has already been set by the Legislature, and approved by the Governor, anticipating the existence of the rules and fees being reauthorized by this rulemaking.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Tony Eldeen, Rules Review Officer/Business Analyst, at 208-947-9456.

DATED this 30th of November, 2023.

Jeffrey R. Anderson, Director
Idaho State Liquor Division
1349 E. Beechcraft Ct.
Boise, ID, 83716
208-947-9400

IDAPA 16 – DEPARTMENT OF HEALTH AND WELFARE
16.01.02 – EMERGENCY MEDICAL SERVICES (EMS) – RULE DEFINITIONS
DOCKET NO. 16-0102-2301
NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2024 Idaho State Legislature and must be approved by concurrent resolution of the Legislature to go into effect, in accordance with Section 67-5224(2)(c), Idaho Code. The pending rule will become final and effective upon the adjournment, *sine die*, of the Second Regular Session of the Sixty-seventh Idaho Legislature after approval.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 56-1003 and 56-1023, Idaho Code.

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

Under [Executive Order 2020-01](#): Zero-Based Regulation, IDAPA 16.01.03, “Emergency Medical Services (EMS) - Agency Licensing Requirements,” is being rewritten under companion Docket No. 16-0103-2301 publishing concurrently in this Bulletin. The changes being made in this definitions chapter align with the changes being made in the rewrite of the Agency Licensing chapter.

The text of the pending rule has been amended in accordance with Section 67-5227, Idaho Code. Only those sections that have changes that differ from the proposed text are printed in this bulletin. The complete text of the proposed rule was published in the August 2, 2023, Idaho Administrative Bulletin, [Vol. 23-8, pages 16 through 27](#).

FEE SUMMARY: Pursuant to Section 67-5224(2)(d), Idaho Code, a pending fee rule shall not become final and effective unless affirmatively approved by concurrent resolution of the Legislature. The following is a description of the fee or charge imposed or increased in this rulemaking: Does not apply to this rulemaking.

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, or any other known funds.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Jathan Nalls at 208-334-4007.

DATED this 17th of November, 2023.

Trinette Middlebrook and Frank Powell
DHW – Administrative Rules Unit
450 W. State Street – 10th Floor
P.O. Box 83720
Boise, ID 83720-0036
phone: (208) 334-5500
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DOCKET NO. 16-0102-2301 – ADOPTION OF PENDING RULE

Substantive changes have been made to the pending rule.
Italicized text indicates changes between the text of the proposed rule as adopted in the pending rule.

The text of the proposed rule was published in the Idaho Administrative Bulletin,
Volume 23-8, August 2, 2023, pages 16 through 27.

This rule has been adopted as a pending rule by the agency and is now awaiting
review and final approval by the 2024 Idaho State Legislature.

THE FOLLOWING IS THE TEXT OF THE PENDING RULE FOR DOCKET NO. 16-0102-2301
(Only those sections or subsections that have changed from the original proposed text
are printed in this Bulletin following this notice.)

010. DEFINITIONS AND ABBREVIATIONS A THROUGH B.

For the purposes of the Emergency Medical Services (EMS) chapters of rules In addition to definitions under Section 56-1012, Idaho Code, the following definitions apply: (3-17-22)()

01. 911 Call. Any request for emergency services that is received or dispatched by a CECS or PSAP, regardless of the method the request was received. ()

02. 911 Response Transport Service. An ambulance service type that licenses an agency to provide emergency medical care at emergency scenes, during transports or transfers, and has the primary responsibility of responding to 911 calls dispatched by a CECS or PSAP within a specified geographical area. ()

03. 911 Response Non-Transport Service. A non-transport service type that licenses an agency to provide emergency medical care at emergency scenes but does not transport patients and has the primary responsibility of responding to 911 calls dispatched by a CECS or PSAP within a specified geographical area. ()

04. Advanced Emergency Medical Technician (AEMT). An AEMT is a person who: (3-17-22)()

a. Has met the qualifications for licensure under Sections 56-1011 through 56-1023, Idaho Code, and IDAPA 16.01.07, “Emergency Medical Services (EMS) - Personnel Licensing Requirements”; (3-17-22)

b. Is licensed by the ~~Department~~ EMS Bureau under Sections 56-1011 through 56-1023, Idaho Code; (3-17-22)()

c. Carries out the practice of emergency medical care within the scope of practice for AEMT determined by the ~~Idaho Emergency Medical Services Physician Commission (EMSPC)~~; under IDAPA 16.02.02, “Idaho Emergency Medical Services (EMS) Physician Commission”; and (3-17-22)()

d. Practices under the supervision of a physician licensed in Idaho. (3-17-22)

05. Advanced Life Support (ALS). The provision of medical care, medication administration and treatment with medical devices that correspond to the knowledge and skill objectives in the Paramedic curriculum currently approved by the State Health Officer and within the scope of practice ~~defined in under~~ IDAPA 16.02.02, “Idaho Emergency Medical Services (EMS) Physician Commission,” by persons licensed as Paramedics by the ~~Department~~ EMS Bureau. (3-17-22)()

036. **Advanced Practice Registered Nurse.** A person who meets ~~all~~ the ~~applicable~~ requirements and is licensed ~~to practice~~ as an Advanced Practice Registered Nurse under Sections 54-1401 through 54-1418, Idaho Code. (3-17-22)()

047. **Advertise.** Communication of information to the public, institutions, or to any person concerned, by any oral, written, graphic means including handbills, newspapers, television, radio, telephone directories, billboards, or electronic communication methods. (3-17-22)

058. **Affiliation.** The formal association that exists between an agency and ~~those~~ licensed personnel who appear on the agency's roster, which includes active participation, collaboration, and involvement. Affiliation can be demonstrated by the credentialing of licensed personnel by the agency medical director. (3-17-22)()

069. **Affiliating EMS Agency.** The licensed EMS agency ~~(s), or agencies,~~ under which licensed personnel are authorized to provide patient care. (3-17-22)()

0710. **Air Ambulance.** Any privately or publicly owned fixed wing ~~aircraft~~ or rotary wing aircraft used for, or intended to be used for, the transportation of persons experiencing physiological or psychological illness or injury who may need medical attention during transport. This may include dual or multipurpose vehicles that ~~otherwise~~ comply with Sections 56-1011 through 56-1023, Idaho Code, and specifications ~~established in~~ under IDAPA 16.01.03, "Emergency Medical Services (EMS) - Agency Licensing Requirements." (3-17-22)()

0811. **Air Medical ~~Agency~~ Service.** An agency licensed by the ~~Department~~ EMS Bureau that responds to requests for patient care and transportation from hospitals and EMS agencies using a fixed wing ~~aircraft~~ or rotary wing aircraft. (3-17-22)()

0912. **Air Medical ~~Transport~~ Service.** ~~A service type available to a licensed air medical EMS agency that meets the requirements in IDAPA 16.01.03, "Emergency Medical Services (EMS) - Agency Licensing Requirements."~~ An air medical service type that licenses an agency to provide air medical response and transport of patients from an emergency scene, and hospital-to-hospital transfers of patients utilizing an air ambulance. (3-17-22)()

143. **Air Medical ~~Support~~ Rescue Service.** ~~An air medical~~ service type ~~available to a~~ that licensed ~~s air medical EMS~~ an agency ~~that meets the requirements in IDAPA 16.01.03, "Emergency Medical Services (EMS) - Agency Licensing Requirements."~~ to provide air medical response and transport of patients from an emergency scene to a rendezvous with air medical transport or ground transport ambulance services. (3-17-22)()

104. **Air Medical Response.** The deployment of an aircraft ~~licensed as an air ambulance~~ to respond to an emergency scene ~~intended~~ for the purpose of patient treatment and transportation. (3-17-22)()

125. **Ambulance.** Any privately or publicly owned motor vehicle, or nautical vessel, used for, or intended to be used for, the transportation of sick or injured persons who may need medical attention during transport. This may include dual or multipurpose vehicles that ~~otherwise~~ comply with Sections 56-1011 through 56-1023, Idaho Code, and specifications ~~established in~~ under IDAPA 16.01.03, "Emergency Medical Services (EMS) - Agency Licensing Requirements." (3-17-22)()

136. **Ambulance-Based Clinicians.** ~~Licensed~~ Registered Nurses and Advanced Practice Registered Nurses who are ~~currently~~ licensed under Sections 54-1401 through 54-1418, Idaho Code, and Physician Assistants who are ~~currently~~ licensed under Sections 54-1801 through 54-1841, Idaho Code. (3-17-22)()

157. **Ambulance Certification.** Designation issued by the EMS Bureau to a licensed EMR indicating that the EMR has ~~successfully~~ completed ambulance certification training, examination, and credentialing as required by the EMS Bureau. The ambulance certification allows a licensed EMR to serve as the sole patient care provider in an ambulance during transport or transfer. (3-17-22)()

148. **Ambulance ~~Agency~~ Service.** An agency licensed by the ~~Department~~ under Sections 56-1011 through 56-1023, Idaho Code, and IDAPA 16.01.03, "Emergency Medical Services (EMS) - Agency Licensing

Requirements,” ~~EMS Bureau and~~ operated with the intent to provide personnel and equipment for medical treatment at an emergency scene, during transportation or during transfer of persons experiencing physiological or psychological illness or injury who may need medical attention during transport. (3-17-22)()

19. Ambulance Service Type. *An agency that is licensed as an ambulance service is intended for patient transport or transfer.* ()

1620. Applicant. Any organization that is requesting an agency license under Sections 56-1011 through 56-1023, Idaho Code, and IDAPA 16.01.03, “Emergency Medical Services (EMS) - Agency Licensing Requirements,” including the following: (3-17-22)

- a. An organization seeking a new license; (3-17-22)
- b. An existing agency that intends to: (3-17-22)
 - i. Change the level of licensed personnel it utilizes; (3-17-22)
 - ii. Change its geographic coverage area (except by agency annexation); or (3-17-22)
 - iii. Begin or discontinue providing patient transport services. (3-17-22)

1721. Assessment. ~~The Patient~~ evaluation ~~of a patient~~ by EMS licensed personnel intending to provide treatment or transportation to that patient. (3-17-22)()

1822. Basic Life Support (BLS). The provision of medical care, medication administration, and treatment with medical devices that correspond to the knowledge and skill objectives in the EMR or EMT curriculum currently approved by the State Health Officer and within scope of practice ~~defined in under~~ IDAPA 16.02.02, “Idaho Emergency Medical Services (EMS) Physician Commission,” by persons licensed as EMRs or EMTs by the ~~Department~~ **EMS Bureau**. (3-17-22)()

1923. Board. The Idaho Board of Health and Welfare. (3-17-22)

011. DEFINITIONS AND ABBREVIATIONS C THROUGH E.

~~For the purposes of the Emergency Medical Services (EMS) chapters of rules, the following definitions apply:~~ (3-17-22)

01. Call Volume. The number of requests for service that an agency either anticipated or responded to during a designated period ~~of time~~. (3-17-22)()

02. Candidate. Any individual who is requesting an EMS personnel license under Sections 56-1011 through 56-1023, Idaho Code, ~~and~~ IDAPA 16.01.07, “Emergency Medical Services (EMS) - Personnel Licensing Requirements.” (3-17-22)()

03. Certificate of Eligibility. Documentation that an individual is eligible for affiliation with an EMS agency, having satisfied all requirements for an EMS Personnel Licensure except for affiliation, but is not licensed to practice. (3-17-22)

04. Certification. A credential issued by a designated certification body for a specified period ~~of time~~ indicating that minimum standards have been met. (3-17-22)()

05. Certified EMS Instructor. An individual approved by the ~~Department~~ **EMS Bureau**, who has met the requirements in IDAPA 16.01.05, “Emergency Medical Services (EMS) -- Education, Instructor, and Examination Requirements,” to provide EMS education and training. (3-17-22)()

06. CoAEMSP. Committee on Accreditation of Educational Programs for the Emergency Medical Services Professions. (3-17-22)

07. **Cognitive Exam.** Computer-based exam to demonstrate knowledge learned during an EMS education program. (3-17-22)
- ~~08. **Compensated Volunteer.** An individual who performs a service without promise, expectation, or receipt of compensation other than payment of expenses, reasonable benefits or a nominal fee to perform such services. This individual cannot be a part-time or full-time employee of the same organization performing the same services as a volunteer and employee. (3-17-22)~~
08. **Community Health EMS (CHEMS).** The practice of deploying EMS personnel to provide evaluation, advice, or treatment of eligible recipients outside of a hospital setting as part of a community-based team of health and social services providers as authorized by local medical control. ()
09. **Conflict of Interest.** A situation in which a decision by personnel acting in their official capacity is influenced by or may be a benefit to their personal interests. (3-17-22)
10. **Consolidated Emergency Communications System (CECS).** An emergency communication system operated or coordinated by a government entity that is composed of facilities, equipment, and dispatching services directly related to establishing, maintaining, or enhancing a 911 emergency communications service defined in Section 31-4802, Idaho Code. (3-17-22)()
11. **Core Content.** Set of educational goals, explicitly taught (and not taught), focused on making sure that all students involved learn certain material tied to a specific educational topic and defines the entire domain of out-of-hospital practice and identifies the universal body of knowledge and skills for emergency medical services providers who do not function as independent practitioners. (3-17-22)
12. **Course.** The specific portions of an education program that delineate the beginning and ~~the~~ end of an individual's EMS education. A course is also referred to as a "section" on the NREMT website. (3-17-22)()
13. **Course Physician.** A physician charged with reviewing and approving both the clinical and didactic content of a course. (3-17-22)
14. **Credentialing.** The local process by which licensed EMS personnel are authorized to provide medical care in the out-of-hospital, hospital, and medical clinic setting, including the determination of a local scope of practice. (3-17-22)
15. **Credentialed EMS Personnel.** Individuals who are authorized to provide medical care by the EMS medical director, hospital supervising physician, or medical clinic supervising physician. (3-17-22)
16. **Critical Care.** The treatment of a patient with continuous care, monitoring, medication, or procedures requiring knowledge or skills not contained within the Paramedic curriculum approved by the State Health Officer. Interventions provided by Paramedics are governed by the scope of practice defined in IDAPA 16.02.02, "Idaho Emergency Medical Services (EMS) Physician Commission." (3-17-22)
17. **Critical Care Agency.** An ambulance or air medical EMS agency that advertises and provides all of the skills and interventions defined as critical care in IDAPA 16.02.02, "Idaho Emergency Medical Services (EMS) Physician Commission." (3-17-22)
18. **Department.** The Idaho Department of Health and Welfare. (3-17-22)
19. **Director.** The Director of the ~~Idaho Department of Health and Welfare~~ or their designee. (3-17-22)()
20. **Division.** The Department's Division of Public Health, ~~Idaho Department of Health and Welfare~~. (3-17-22)()
21. **Emergency.** A medical condition, the onset of which is sudden, that manifests itself by symptoms of sufficient severity, including severe pain, that a prudent layperson, who possesses an average knowledge of health

and medicine, could reasonably expect the absence of immediate medical attention to result in placing the person's health in serious jeopardy, or in causing serious impairments of bodily function or serious dysfunction of any bodily organ or part. (3-17-22)

~~22. **Emergency Driving Procedures.** Any EMS response to an emergency utilizing emergency lights, sirens, and traffic exemptions under Section 49-623, Idaho Code. ()~~

~~23. **Emergency Medical Care.** The care provided to a person suffering from a medical condition, the onset of which is sudden, that manifests itself by symptoms of sufficient severity, including severe pain, that a prudent layperson, who possesses an average knowledge of health and medicine, could reasonably expect the absence of immediate medical attention to result in placing the person's health in serious jeopardy, or in causing serious impairments of bodily function or serious dysfunction of any bodily organ or part. (3-17-22)~~

~~24. **Emergency Medical Responder (EMR).** An EMR is a person who: (3-17-22)()~~

~~a. Has met the qualifications for licensure in Sections 56-1011 through 56-1023, Idaho Code, and IDAPA 16.01.07, "Emergency Medical Services - Personnel Licensing Requirements"; (3-17-22)~~

~~b. Is licensed by the Department EMS Bureau under Sections 56-1011 through 56-1023, Idaho Code; (3-17-22)()~~

~~c. Carries out the practice of emergency medical care within the scope of practice for EMR determined by the Idaho Emergency Medical Services Physician Commission (EMSPC); under IDAPA 16.02.02, "Emergency Medical Services (EMS) Physician Commission"; and (3-17-22)()~~

~~d. Practices under the supervision of a physician licensed in Idaho. (3-17-22)~~

~~25. **Emergency Medical Services (EMS).** Under Section 56-1012(16), Idaho Code, emergency medical services or EMS is aid rendered by an individual or group of individuals who do the following: (3-17-22)()~~

~~a. Respond to a perceived need for medical care in order to prevent loss of life, aggravation of physiological or psychological illness, or injury; (3-17-22)()~~

~~b. Are prepared to provide interventions that are within the scope of practice as defined by the Idaho Emergency Medical Services Physician Commission (EMSPC); under IDAPA 16.02.02, "Rules of the Idaho Emergency Medical Services (EMS) Physician Commission"; (3-17-22)()~~

~~c. Use an alerting mechanism to initiate a response to requests for medical care; and (3-17-22)~~

~~d. Offer, advertise, or attempt to respond as described in Subsection 011.245.a. through 011.245.c. of this rule. (3-17-22)()~~

~~25. **Emergency Medical Services Advisory Committee (EMSAC).** The statewide advisory board of the Department as described in IDAPA 16.01.01, "Emergency Medical Services (EMS) Advisory Committee (EMSAC)." EMSAC members are appointed by the Director of the Idaho Department of Health and Welfare to provide counsel to the Department on administering the EMS Act. (3-17-22)~~

~~26. **Emergency Medical Technician (EMT).** An EMT is a person who: (3-17-22)()~~

~~a. Has met the qualifications for licensure in under Sections 56-1011 through 56-1023, Idaho Code, and IDAPA 16.01.07, "Emergency Medical Services - Personnel Licensing Requirements"; (3-17-22)()~~

~~b. Is licensed by the EMS Bureau under Sections 56-1011 through 56-1023, Idaho Code; (3-17-22)~~

~~c. Carries out the practice of emergency medical care within the scope of practice for EMT determined by the Idaho Emergency Medical Services Physician Commission (EMSPC); under IDAPA 16.02.02,~~

“Idaho Emergency Medical Services (EMS) Physician Commission”; and (3-17-22)()

d. Practices under the supervision of a physician licensed in Idaho. (3-17-22)

~~27.~~ **Emergency Response.** Any EMS response to an emergency utilizing emergency lights, sirens, and traffic exemptions under Section 49-623, Idaho Code. ()

~~27~~**28.** **Emergency Scene.** Any setting outside of a hospital, with the exception of the inter-facility transfer, in which the provision of EMS may take place. (3-17-22)

~~28~~**29.** **EMS Agency.** Any organization licensed by the Department under Sections 56-1011 through 56-1023, Idaho Code, and IDAPA 16.01.03, “Emergency Medical Services (EMS) - Agency Licensing Requirements,” that operates an air medical service, ambulance service, or non-transport service. (3-17-22)()

~~29~~**30.** **EMS Bureau.** The Bureau of Emergency Medical Services (EMS) ~~&~~ and Preparedness of the Idaho Department of Health and Welfare. (3-17-22)()

~~30~~**31.** **EMS Education Program.** The institution or agency holding an EMS education course. (3-17-22)

~~31~~**32.** **EMS Education Program Director.** The individual responsible for an EMS educational program ~~(s) or programs.~~ (3-17-22)()

~~32~~**33.** **EMS Education Program Objectives.** The measurable outcome used by the program to determine student competencies. (3-17-22)

~~33~~**34.** **EMS Medical Director.** A physician who supervises the medical activities of licensed personnel affiliated with an EMS agency. (3-17-22)

~~34~~**35.** **EMS Physician Commission (EMSPC).** The Idaho Emergency Medical Services Physician Commission created under Section 56-1013A, Idaho Code, also referred to as “the Commission.” (3-17-22)

~~35~~**36.** **EMS Response.** A response to a request for assistance that would involve the medical evaluation or treatment of a patient, or both. (3-17-22)

012. DEFINITIONS AND ABBREVIATIONS F THROUGH N.

For the purposes of the Emergency Medical Services (EMS) chapters of rules, the following definitions apply: (3-17-22)

01. **Formative Evaluation.** Assessment, including diagnostic testing, that is a range of formal and informal assessment procedures employed by teachers during the learning process. (3-17-22)()

~~02.~~ **Full-Time Paid Personnel.** Personnel who perform a service with the promise, expectation, or receipt of compensation for performing such services. Full-time personnel differ from part-time personnel in that full-time personnel work a more regular schedule and typically work more than thirty-five (35) hours per week. (3-17-22)

~~03~~**2.** **Glasgow Coma Score (GCS).** A scale used to determine a patient's level of consciousness. It is a rating from three (3) to fifteen (15) of the patient's ability to open their eyes, respond verbally, and move normally. The GCS is used primarily during the examination of patients with trauma or stroke. (3-17-22)

~~04~~**3.** **Ground Transport Time.** The total elapsed time calculated from departure of the ambulance from the scene to arrival of the ambulance at the patient destination. (3-17-22)

~~05~~**4.** **Hospital.** A facility in Idaho licensed under Sections 39-1301 through 39-1314, Idaho Code, and defined in Section 39-1301(a)(1), Idaho Code. (3-17-22)

~~06~~**5.** **Instructor.** Person who assists a student in the learning process and meets the requirements to obtain instructor certification. (3-17-22)

076. Instructor Certification. A credential issued to an individual by the ~~Department~~ EMS Bureau for a specified period of time indicating that minimum standards for providing EMS instruction under IDAPA 16.01.05, “Emergency Medical Services (EMS) -- Education, Instructor, and Examination Requirements,” have been met. (3-17-22)()

087. Intermediate Life Support (ILS). The provision of medical care, medication administration, and treatment with medical devices that correspond to the knowledge and skill objectives in the AEMT curriculum currently approved by the State Health Officer and within the scope of practice defined in IDAPA 16.02.02, “Idaho Emergency Medical Services (EMS) Physician Commission,” by persons licensed as AEMTs by the ~~Department~~ EMS Bureau. (3-17-22)()

098. Investigation. Research of the facts concerning a complaint or issue of non-compliance that may include performing or obtaining interviews, inspections, document review, detailed subject history, phone calls, witness statements, other evidence, and collaboration with other jurisdictions of authority. (3-17-22)

109. License. A document issued by the ~~Department~~ EMS Bureau to an agency or individual authorizing specified activities and conditions ~~as described~~ under Sections 56-1011 through 56-1023, Idaho Code. (3-17-22)()

110. Licensed Personnel. Those individuals who are licensed by the ~~Department~~ EMS Bureau as Emergency Medical Responders (EMR), Emergency Medical Technicians (EMT), Advanced Emergency Medical Technicians (AEMT), and Paramedics. (3-17-22)()

12.1 Licensed Professional Nurse. A person who meets all the applicable requirements and is licensed to practice as a Licensed Professional Nurse under Sections 54-1401 through 54-1418, Idaho Code. (3-17-22)

132. Local Incident Management System. The local system of interagency communications, command, and control established to manage emergencies or demonstrate compliance with the National Incident Management System. (3-17-22)

143. Medical Supervision Plan. The written document describing the provisions for medical supervision of licensed EMS personnel. (3-17-22)

154. National Emergency Medical Services Information System (NEMSIS). ~~NEMSIS is~~ The national repository used to store national EMS data. ~~NEMSIS that~~ sets the uniform data conventions and structure for the Data Dictionary. ~~NEMSIS and~~ collects and provides aggregate data available for analysis and research through its technical assistance center accessed at <http://www.nemsis.org>. (3-17-22)()

165. National Registry of Emergency Medical Technicians (NREMT). An independent, non-governmental, not-for-profit organization that prepares validated examinations for the state's use in evaluating candidates for licensure. (3-17-22)()

176. Non-Transport-Agency Service. ~~An agency licensed by the Department, operated with the intent to provide personnel or equipment for medical stabilization at an emergency scene, but not intended to be the service that will actually transport sick or injured persons~~ An EMS agency that provides emergency medical care, but does not transport patients and does not respond to 911 calls or respond to calls using emergency driving procedures unless requested by CECS, PSAP, or a 911 Response agency. (3-17-22)()

17. Non-Transport Service Type. An agency that is licensed as a non-transport service type, is not intended for patient transport or transfers, and cannot advertise ambulance services. ()

18. Non-Transport Vehicle. Any vehicle operated by an agency with the intent to provide personnel or equipment for medical stabilization at an emergency scene, but not intended as the vehicle that will actually transport sick or injured persons. (3-17-22)

19. Nurse Practitioner. An Advanced Practice Registered Nurse, licensed in the category of Nurse

Practitioner, ~~as defined in under~~ IDAPA 24.34.01, “Rules of the Idaho Board of Nursing.” (3-17-22)()

013. DEFINITIONS AND ABBREVIATIONS O THROUGH Z.

~~For the purposes of the Emergency Medical Services (EMS) chapters of rules, the following definitions apply:~~ (3-17-22)

01. Optional Module (OM). ~~Optional modules (OMs) are s~~Skills identified by the EMSPC Physician Commission that exceed the floor level Scope of Practice for EMS personnel and may be adopted by the agency medical director. (3-17-22)()

02. Out-of-Hospital. Any setting outside of a hospital, including inter-facility transfers, in which the provision of EMS may take place. (3-17-22)

03. Paramedic. A ~~paramedic is a~~ person who: (3-17-22)()

a. Has met the qualifications ~~for licensure in under~~ Sections 56-1011 through 56-1023, Idaho Code, and IDAPA 16.01.07, “Emergency Medical Services - Personnel Licensing Requirements”; (3-17-22)()

b. Is licensed by the EMS Bureau under Sections 56-1011 through 56-1023, Idaho Code; (3-17-22)

c. Carries out the practice of emergency medical care within the scope of practice for paramedics determined by the ~~Idaho Emergency Medical Services Physician Commission (EMSPC);~~ under IDAPA 16.02.02, “Idaho Emergency Medical Services (EMS) Physician Commission”; and (3-17-22)()

d. Practices under the supervision of a physician licensed in Idaho. (3-17-22)

04. Paramedicine. Providing emergency care to sick and injured patients at the ~~advanced life support (ALS)~~ level with defined roles and responsibilities to be credentialed at the Paramedic level. (3-17-22)()

~~**05. Part Time Paid Personnel.** Personnel who perform a service with the promise, expectation, or receipt of compensation for performing such services. Part time personnel differ from the full time personnel in that the part time personnel typically work an irregular schedule and work less than thirty five (35) hours per week.~~ (3-17-22)

065. Patient. A sick, injured, incapacitated, or helpless person who is under medical care or treatment. (3-17-22)

~~**076. Patient Assessment.** The evaluation of a patient by EMS licensed personnel intending to provide treatment or transportation to that patient.~~ (3-17-22)

~~**087. Patient Care.** The performance of acts or procedures under emergency conditions in responding to a perceived individual need for immediate care ~~in order~~ to prevent loss of life, aggravation of physiological or psychological illness, or injury.~~ (3-17-22)()

~~**098. Patient Movement.** The relatively short distance transportation of a patient from an off-highway emergency scene to a rendezvous with an ambulance or air ambulance.~~ (3-17-22)

~~**109. Patient Transport.** The transportation of a patient by ambulance or air ambulance from a rendezvous or emergency scene to a medical care facility.~~ (3-17-22)

~~**110. Physician.** A person who holds a current active license ~~in accordance with under~~ Section 54-1803, Idaho Code, issued by the ~~State~~ Board of Medicine to practice medicine and surgery, osteopathic medicine and surgery, or osteopathic medicine ~~in Idaho~~ and is in good standing with no restrictions upon, or actions taken against, their license.~~ (3-17-22)()

~~**121. Physician Assistant.** A person who meets all the applicable requirements and is licensed to practice as a ~~licensed~~ physician assistant under Title 54, Chapter 18, Idaho Code.~~ (3-17-22)()

- ~~12.~~ **Planned Deployment.** The deliberate, planned placement of EMS personnel outside of an affiliating agency's deployment model declared on the application under which the agency is currently licensed. (3-17-22)
- ~~13.~~ **Prehospital.** A setting where emergency medical care is provided prior to or during transport to a hospital. (3-17-22)
- ~~14.~~ **Psychomotor Exam.** Practical demonstration of skills learned during an EMS education course. (3-17-22)
- 15. Public Safety Answering Point (PSAP).** An emergency communication center operated or coordinated by a government entity that is connected to local 911 phone services for the purpose of dispatching emergency services. ()
- 16. REPLICA.** The Recognition of EMS Personnel Licensure Interstate Compact ~~known as REPLICA~~ that allows recognition of EMS personnel licensed in other jurisdictions that have enacted the compact to have personnel licenses reciprocated in the state of Idaho. (3-17-22)()
- 17. Response Time.** The total time elapsed from when the agency receives a call for service to when the agency arrives and is available at the scene. (3-17-22)
- ~~18. **Seasonal.** An agency that is active and operational only during a period of time each year that corresponds to the seasonal activity that the agency supports.~~ (3-17-22)
- ~~18.~~ **Skills Proficiency.** The process overseen by an EMS agency medical director to verify competency in psychomotor skills. (3-17-22)
- 19. Special Pathogens Transport (SPT).** The practice of deploying specially trained EMS personnel and specialized equipment to provide medical care and transport of patients suffering from exposure or disease caused by highly infectious special pathogens. ()
- 20. State Health Officer.** The Administrator of the Department's Division of Public Health. (3-17-22)()
- 21. Summative Evaluation.** End of topic or end of course evaluation that covers both didactic and practical skills application. (3-17-22)
- 22. Supervision.** The medical direction by a licensed physician of activities provided by licensed personnel affiliated with a licensed ambulance, air medical, or non-transport service, including: (3-17-22)
- a. Establishing standing orders and protocols; (3-17-22)
 - b. Reviewing performance of ~~licensed~~ personnel; (3-17-22)()
 - c. Providing instructions for patient care via radio or telephone; and (3-17-22)
 - d. Other oversight. (3-17-22)
- 23. Third Service.** A public EMS agency that is neither law-enforcement nor fire-department-based. (3-17-22)
- 24. Transfer.** The transportation of a patient from one (1) medical care facility to another. (3-17-22)
- 25. Tactical EMS (TEMS).** The practice of deploying specially trained EMS personnel to provide emergency medical care in support of law enforcement activities. ()

26. **Transport Service.** An agency that provides emergency medical care during transports or transfers, but does not respond to 911 calls. Transport services only respond to calls using emergency driving procedures for emergency hospital-to-hospital transfers and when requested by CECS, PSAP, or a 911 Response agency. ()

~~25. **Uncompensated Volunteer.** An individual who performs a service without promise, expectation, or receipt of any compensation for the services rendered. An uncompensated volunteer cannot be a part-time or full-time employee of the same organization performing the same services as a volunteer and employee.~~ (3-17-22)

IDAPA 16 – DEPARTMENT OF HEALTH AND WELFARE

16.01.03 – EMERGENCY MEDICAL SERVICES (EMS) – AGENCY LICENSING REQUIREMENTS

DOCKET NO. 16-0103-2301 (ZBR CHAPTER REWRITE)

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2024 Idaho State Legislature and must be approved by concurrent resolution of the Legislature to go into effect, in accordance with Section 67-5224(2)(c), Idaho Code. The pending rule will become final and effective upon the adjournment, *sine die*, of the Second Regular Session of the Sixty-seventh Idaho Legislature after approval.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section(s) 56-1003 and 56-1023, Idaho Code.

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

Due to [Executive Order 2020-01](#), Zero-Based Regulation, agencies are required to rewrite IDAPA chapters every 5 years on an approved schedule. This rulemaking is complying to this mandate and is scheduled for presentation to the 2024 Legislature. The Department is striving to prevent the accumulation of costly, ineffective, and outdated regulations and reduce regulatory burden to achieve a more efficient operation of government. The rule changes are intended to perform a comprehensive review of this chapter having collaborated with the public to streamline or simplify this rule language. The companion docket with this rulemaking is 16-0102-2301 publishing concurrently in this Bulletin.

The text of the pending rule has been amended in accordance with Section 67-5227, Idaho Code. Only those sections that have changes that differ from the proposed text are printed in this bulletin. The complete text of the proposed rule was published in the August 2, 2023, Idaho Administrative Bulletin, [Vol. 23-8, pages 28 through 52](#).

FEE SUMMARY: Pursuant to Section 67-5224(2)(d), Idaho Code, this pending fee rule shall not become final and effective unless affirmatively approved by concurrent resolution of the Legislature. The following is a description of the fee or charge imposed or increased in this rulemaking: Does not apply to this rulemaking.

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, or any other known funds.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Jathan Nalls at 208-334-4007.

DATED this 17th day of November, 2023.

Trinette Middlebrook and Frank Powell
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DOCKET NO. 16-0103-2301 – ADOPTION OF PENDING RULE
(Zero Based Regulation (ZBR) Chapter Rewrite)

Substantive changes have been made to the pending rule.
Italicized text indicates changes between the text of the proposed rule as adopted in the pending rule.

The text of the proposed rule was published in the Idaho Administrative Bulletin,
Volume 23-8, August 2, 2023, pages 28 through 52.

This rule has been adopted as a pending rule by the agency and is now awaiting
review and final approval by the 2024 Idaho State Legislature.

THE FOLLOWING IS THE TEXT OF THE PENDING RULE FOR ZBR DOCKET NO. 16-0103-2301
(Only those sections or subsections that have changed from the original proposed text
are printed in this Bulletin following this notice.)

16.01.03 – EMERGENCY MEDICAL SERVICES (EMS) – AGENCY LICENSING REQUIREMENTS

(BREAK IN CONTINUITY OF SECTIONS)

201. EMS AGENCY – SERVICE TYPES.

An EMS agency may be licensed as one (1) or more service types. An agency that provides multiple service types must meet the ~~minimum~~ requirements for each service type provided. The following are the agency services types available for EMS agency licensure. (3-17-22)()

01. ~~Ground Agency~~ **Ambulance** Service Types. An agency that is licensed as an ambulance service is intended for patient transport or transfer. (3-17-22)()

a. ~~Non-transport~~ 911 Response Transport Service. Available to an agency that provides emergency medical care at emergency scenes, during transports or transfers, and has the primary responsibility of responding to 911 calls dispatched by a Public Safety Answering Point (PSAP) or Consolidated Emergency Communication System (CECS) within a specified geographical area. (3-17-22)()

b. ~~Ambulance~~ Transport Service. Available to an agency that provides emergency medical care during transports or transfers but does not respond to 911 calls. Transport services only respond to calls using emergency driving procedures for emergency hospital-to-hospital transfers and when requested by a CECS, PSAP, or a 911 Response agency. (3-17-22)()

02. ~~Air Medical Agency~~ **Non-Transport** Service Types. An agency that is licensed as a non-transport service is not intended for patient transport or transfers and cannot advertise ambulance services. (3-17-22)()

a. ~~Air Medical~~ 911 Response Non-Transport Service. Available to an agency that provides emergency medical care at an emergency scene and has the primary responsibility of responding to 911 calls dispatched by a CECS or PSAP within a specified geographical area. (3-17-22)()

b. ~~Air Medical Support~~ Non-Transport Service. Available to an agency that provides emergency medical care but does not respond to 911 calls or respond to calls using emergency driving procedures unless

requested by a CECS, PSAP, or a 911 Response agency. (3-17-22)()

03. Air Medical Service Types. An agency that is licensed with an air medical service type is intended for patient transport, transfer, or rescue. ()

a. Air Medical Transport Service. Available to an agency that provides air medical response and transport of patients from emergency scenes and hospitals utilizing a fixed-wing or rotary-wing air ambulance. ()

b. Air Medical Rescue Service. Available to an agency that provides air medical response via fixed-wing or rotary-wing aircraft to emergency scenes for transportation of patients from an emergency scene to a rendezvous with a ground or air medical transport agency. ()

(BREAK IN CONTINUITY OF SECTIONS)

203. EMS AGENCY -- LICENSE DURATION, SPECIALTY SERVICES.

Each EMS agency must identify the license duration for each license type. License durations are: offering the following specialty services must report such services to the EMS Bureau. (3-17-22)()

01. Ongoing. The agency is licensed to provide EMS personnel and equipment for an ongoing period of time and plans to renew its license on an annual basis. Critical Care (CC). The provision of EMS personnel trained, credentialed, and equipped to provide all critical care skills and required staffing under IDAPA 16.02.02, "Idaho Emergency Medical Services Physician Commission." (3-17-22)()

02. Limited. The agency is licensed to provide EMS personnel and equipment for the duration of a specific event or a specified period of time with no expectation of renewing the agency license. Community Health EMS (CHEMS). The provision of evaluation, advice, or treatment of eligible recipients outside of a hospital setting as part of a community-based team of health and social services providers as authorized by local medical control. (3-17-22)()

a. Clinical treatments and assessments of CHEMS patients cannot exceed the agency's licensed clinical level. ()

b. Community Health EMS involving or related to emergency response must be provided by or in coordination with the primary 911 Response Transport agency for that area. ()

03. Seasonal. The agency is licensed to provide EMS personnel and equipment for the duration of time each year that corresponds to the seasonal activity that the agency supports. Tactical EMS (TEMS). The provision of emergency medical care in support of law enforcement activities. (3-17-22)()

a. The Tactical EMS specialty service must be formally affiliated with one (1) or more local law enforcement agencies. ()

b. Clinical treatments of patients cannot exceed the agency's licensed clinical level unless authorized by the EMSPC. ()

04. Special Pathogen Transport (SPT). The provision of emergency medical care and transport of patients suffering from exposure or disease caused by highly infectious special pathogens. ()

(BREAK IN CONTINUITY OF SECTIONS)

511. EMS AGENCY -- DISPATCH REQUIREMENTS.

Each EMS agency must have a twenty-four (24) hour dispatch arrangement. (3-17-22)

01. Twenty-four Hour Dispatch Arrangement. Each EMS agency must have a twenty-four (24) hour dispatch arrangement, except an agency with a twenty-four (24) hour response waiver may have a dispatch arrangement specific to the waiver deployment plan. ()

02. Incoming Requests for Out-of-Hospital Response. Each ambulance agency that is not dispatched by a CECS or PSAP must record incoming requests for out-of-hospital transports and retain such recordings for a period of one (1) year. ()

(BREAK IN CONTINUITY OF SECTIONS)

601. EMS AGENCY – AMBULANCE SERVICE RESPONSE AGREEMENTS.
Each EMS agency with out-of-hospital customer service agreements to provide ambulance services that are not dispatched by the local CECS or PSAP must provide the customer with written criteria to reasonably identify potential medical emergencies that should be referred to a CECS or PSAP for dispatch of a 911 Response agency unless a staffed ambulance is already on site at the patient's location. ()

IDAPA 16 – DEPARTMENT OF HEALTH AND WELFARE
16.02.02 – IDAHO EMERGENCY MEDICAL SERVICES (EMS) PHYSICIAN COMMISSION
DOCKET NO. 16-0202-2301 (ZBR CHAPTER REWRITE)
NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2024 Idaho State Legislature and must be approved by concurrent resolution of the Legislature to go into effect, in accordance with Section 67-5224(2)(c), Idaho Code. The pending rule will become final and effective upon the adjournment, *sine die*, of the Second Regular Session of the Sixty-seventh Idaho Legislature after approval.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 56-1013A, and 56-1023, Idaho Code.

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

Under [Executive Order 2020-01](#): Zero-Based Regulation, the Department is striving to prevent the accumulation of costly, ineffective, and outdated regulations and reduce regulatory burden to achieve a more efficient operation of government. The rule changes are intended to perform a comprehensive review of this chapter by collaborating with the public to streamline or simplify this rule language.

There are no changes to the pending rule and it is being adopted as originally proposed. The complete text of the proposed rule was published in the September 6, 2023, Idaho Administrative Bulletin, [Vol. 23-9, pages 39 through 48](#).

FEE SUMMARY: Pursuant to Section 67-5224(2)(d), Idaho Code, a pending fee rule shall not become final and effective unless affirmatively approved by concurrent resolution of the Legislature. The following is a description of the fee or charge imposed or increased in this rulemaking: Does not apply to this rulemaking.

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, or any other known funds.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Jathan Nalls at 208-334-4007.

DATED this 17th of November, 2023.

Trinette Middlebrook and Frank Powell
DHW – Administrative Rules Unit
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IDAPA 16 – DEPARTMENT OF HEALTH AND WELFARE
16.02.06 – QUALITY ASSURANCE FOR CLINICAL LABORATORIES
DOCKET NO. 16-0206-2301 (ZBR CHAPTER REWRITE)
NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2024 Idaho State Legislature and must be approved by concurrent resolution of the Legislature to go into effect, in accordance with Section 67-5224(2)(c), Idaho Code. The pending rule will become final and effective upon the adjournment, *sine die*, of the Second Regular Session of the Sixty-seventh Idaho Legislature after approval.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 56-1003, Idaho Code.

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

Under [Executive Order 2020-01](#): Zero-Based Regulation, the Department is striving to prevent the accumulation of costly, ineffective, and outdated regulations and reduce regulatory burden to achieve a more efficient operation of government. The rule changes are intended to perform a comprehensive review of this chapter by collaborating with the public to streamline or simplify this rule language. The title of this IDAPA chapter is changing from 16.02.06, “Quality Assurance for Idaho Clinical Laboratories” to “Quality Assurance for Clinical Laboratories.”

There are no changes to the pending rule and it is being adopted as originally proposed. The complete text of the proposed rule was published in the August 2, 2023, Idaho Administrative Bulletin, [Vol. 23-8, pages 53 through 59](#).

FEE SUMMARY: Pursuant to Section 67-5224(2)(d), Idaho Code, a pending fee rule shall not become final and effective unless affirmatively approved by concurrent resolution of the Legislature. The following is a description of the fee or charge imposed or increased in this rulemaking: Does not apply to this rulemaking.

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, or any other known funds.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Christopher Ball at 208-334-0568 or Michael Dillon at 208-334-0545.

DATED this 17th of November, 2023.

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IDAPA 16 – DEPARTMENT OF HEALTH AND WELFARE

16.03.02 – SKILLED NURSING FACILITIES

DOCKET NO. 16-0302-2301 (ZBR CHAPTER REWRITE)

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2024 Idaho State Legislature and must be approved by concurrent resolution of the Legislature to go into effect, in accordance with Section 67-5224(2)(c), Idaho Code. The pending rule will become final and effective upon the adjournment, *sine die*, of the Second Regular Session of the Sixty-seventh Idaho Legislature after approval.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 39-1303a, 39-1306, 39-1307, 39-1307A, and 39-1307B, Idaho Code.

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

Under [Executive Order 2020-01: Zero-Based Regulation](#), the Department is striving to prevent the accumulation of costly, ineffective, and outdated regulations and reduce regulatory burden to achieve a more efficient operation of government. The rule changes are intended to perform a comprehensive review of this chapter by collaborating with the public to streamline or simplify this rule language.

The text of the pending rule has been amended in accordance with Section 67-5227, Idaho Code. Only those sections that have changes that differ from the proposed text are printed in this bulletin. The complete text of the proposed rule was published in the September 6, 2023, Idaho Administrative Bulletin, [Vol. 23-9, pages 73 through 108](#).

FEE SUMMARY: Pursuant to Section 67-5224(2)(d), Idaho Code, this pending fee rule shall not become final and effective unless affirmatively approved by concurrent resolution of the Legislature. The following is a description of the fee or charge imposed or increased in this rulemaking: Does not apply to this rulemaking.

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, or any other known funds.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Nate Elkins, 208-334-6626, option #5.

DATED this 30th of November, 2023.

Trinette Middlebrook and Frank Powell
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DOCKET NO. 16-0302-2301 – ADOPTION OF PENDING RULE
(Zero Based Regulation (ZBR) Chapter Rewrite)

Substantive changes have been made to the pending rule.
Italicized text indicates changes between the text of the proposed rule as adopted in the pending rule.

The text of the proposed rule was published in the Idaho Administrative Bulletin,
[Volume 23-9, September 6, 2023, pages 73 through 108.](#)

This rule has been adopted as a pending rule by the agency and is now awaiting
review and final approval by the 2024 Idaho State Legislature.

THE FOLLOWING IS THE TEXT OF THE PENDING RULE FOR ZBR DOCKET NO. 16-0302-2301
(Only those sections or subsections that have changed from the original proposed text
are printed in this Bulletin following this notice.)

16.03.02 – SKILLED NURSING FACILITIES

(BREAK IN CONTINUITY OF SECTIONS)

002. INCORPORATION BY REFERENCE.

The following are incorporated by reference as provided by Section 67-5229(a), Idaho Code, and are available for public review upon request at the Department, 450 W. State Street, Boise, Idaho, 83702 or online for review as noted below. ()

01. Title 42, Chapter IV, Subchapter G, Part 483. Public Health, Centers for Medicare & Medicaid Services, Department of Health and Human Services, Standards and Certification, Requirements for States and Long Term Care Facilities. August 1, 1989. Online at <https://www.ecfr.gov/current/title-42/chapter-IV/subchapter-G/part-483?toc=1>. ()

02. Guidelines for Design and Construction of Residential Health, Care, and Support Facilities. Facility Guidelines Institute, 2022 Edition, Specific Requirements for Nursing Homes. Available at <https://healthandwelfare.idaho.gov/providers/facility-standards/facility-fire-safety-and-construction> or by registering free at FGI Digital Library <https://shop.fgiguideines.org/login>. ()

IDAPA 16 – DEPARTMENT OF HEALTH AND WELFARE

16.03.04 – IDAHO FOOD STAMP PROGRAM

DOCKET NO. 16-0304-2301 (ZBR CHAPTER REWRITE)

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2024 Idaho State Legislature and must be approved by concurrent resolution of the Legislature to go into effect, in accordance with Section 67-5224(2)(c), Idaho Code. The pending rule will become final and effective upon the adjournment, *sine die*, of the Second Regular Session of the Sixty-seventh Idaho Legislature after approval.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 56-203, Idaho Code.

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

Under [Executive Order 2020-01: Zero-Based Regulation](#), the Department is striving to prevent the accumulation of costly, ineffective, and outdated regulations and reduce regulatory burden to achieve a more efficient operation of government. The rule changes are intended to perform a comprehensive review of this chapter by collaborating with the public to streamline or simplify this rule language.

There are no changes to the pending rule and it is being adopted as originally proposed. The complete text of the proposed rule was published in the September 6, 2023, Idaho Administrative Bulletin, [Vol. 23-9, pages 109 through 186](#). An additional Notice of Public Hearing was published in the October 4, 2023, Idaho Administrative Bulletin, [Vol. 23-10, pages 342 through 343](#).

FEE SUMMARY: Pursuant to Section 67-5224(2)(d), Idaho Code, a pending fee rule shall not become final and effective unless affirmatively approved by concurrent resolution of the Legislature. The following is a description of the fee or charge imposed or increased in this rulemaking: Does not apply to this rulemaking.

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, or any other known funds.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Kristin Matthews at 208-334-5553.

DATED this 30th of November, 2023.

Trinette Middlebrook and Frank Powell
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IDAPA 16 – DEPARTMENT OF HEALTH AND WELFARE

16.03.05 – ELIGIBILITY FOR AID TO THE AGED, BLIND, AND DISABLED (AABD)

DOCKET NO. 16-0305-2301 (ZBR CHAPTER REWRITE)

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2024 Idaho State Legislature and must be approved by concurrent resolution of the Legislature to go into effect, in accordance with Section 67-5224(2)(c), Idaho Code. The pending rule will become final and effective upon the adjournment, *sine die*, of the Second Regular Session of the Sixty-seventh Idaho Legislature after approval.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 56-202, Idaho Code.

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

Under [Executive Order 2020-01: Zero-Based Regulation](#), the Department is striving to prevent the accumulation of costly, ineffective, and outdated regulations and reduce regulatory burden to achieve a more efficient operation of government. The rule changes are intended to perform a comprehensive review of this chapter by collaborating with the public to streamline or simplify this rule language. The change made in this Pending Rulemaking is to correct a citation to CFR.

The text of the pending rule has been amended in accordance with Section 67-5227, Idaho Code. Only those sections that have changes that differ from the proposed text are printed in this bulletin. The complete text of the proposed rule was published in the October 4, 2023, Idaho Administrative Bulletin, [Vol. 23-10, pages 344 through 429](#).

FEE SUMMARY: Pursuant to Section 67-5224(2)(d), Idaho Code, a pending fee rule shall not become final and effective unless affirmatively approved by concurrent resolution of the Legislature. The following is a description of the fee or charge imposed or increased in this rulemaking: Does not apply to this rulemaking.

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 state funds, including the General Fund, or any other known funds.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Laura Schumaker at 208-799-4335.

DATED this 30th of November, 2023.

Trinette Middlebrook and Frank Powell
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DOCKET NO. 16-0305-2301 – ADOPTION OF PENDING RULE
(Zero Based Regulation (ZBR) Chapter Rewrite)

Substantive changes have been made to the pending rule.
Italicized text indicates changes between the text of the proposed rule as adopted in the pending rule.

The text of the proposed rule was published in the Idaho Administrative Bulletin,
[Volume 23-10, October 4, 2023, pages 344 through 429.](#)

This rule has been adopted as a pending rule by the agency and is now awaiting
review and final approval by the 2024 Idaho State Legislature.

THE FOLLOWING IS THE TEXT OF THE PENDING RULE FOR ZBR DOCKET NO. 16-0305-2301
(Only those sections or subsections that have changed from the original proposed text
are printed in this Bulletin following this notice.)

16.03.05 – ELIGIBILITY FOR AID TO THE AGED, BLIND, AND DISABLED (AABD)

(BREAK IN CONTINUITY OF SECTIONS)

103. SOCIAL SECURITY NUMBER (SSN) REQUIREMENT.

01. SSN Required. The applicant must provide ~~his social security number~~ their (SSN), or proof they ~~has~~ ve applied for an SSN, to the Department before approval of eligibility. If the applicant has more than one (1) SSN, all numbers must be provided. ~~(3-17-22)~~()

a. The SSN must be verified by the ~~Social Security Administration~~ (SSA) electronically. An applicant with an unverified SSN is not eligible for AABD cash, Health Care Assistance, or Medicaid benefits. ~~(3-17-22)~~()

b. The Department must notify the applicant in writing if eligibility is denied or lost for failure to meet the SSN requirement. ()

02. Application for SSN. To be eligible, the applicant must apply for an SSN, or a duplicate SSN when they cannot provide ~~his~~ their SSN to the Department. If the SSN has been applied for but not issued by the SSA, the Department cannot deny, delay, or stop benefits. The Department will help an applicant with required documentation when the applicant applies for an SSN. ~~(3-17-22)~~()

03. Failure to Apply for SSN. The applicant may be granted a good cause exception for failure to apply for an SSN if they have a well-established religious objection to applying for an SSN. A well-established religious objection means the applicant: ()

a. Is a member of a recognized religious sect or division of the sect; and ()

b. Adheres to the tenets or teachings of the sect or division of the sect and for that reason is conscientiously opposed to applying for or using a national identification number. ()

04. SSN Requirement Waived. An applicant may have the SSN requirement waived when they-is are:

~~(3-17-22)~~()

a. Only eligible for emergency medical services ~~as described in Section 801 of these rules~~ under 42 CFR 440.255, Emergency and Poststabilization Services; or ~~(3-17-22)~~()

b. A newborn child deemed eligible ~~as described in Section 800 of these rules~~ under 42 CFR 435.117, Deemed Newborn Children. ~~(3-17-22)~~()

IDAPA 16 – DEPARTMENT OF HEALTH AND WELFARE

16.03.10 – MEDICAID ENHANCED PLAN BENEFITS

DOCKET NO. 16-0310-2101

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2024 Idaho State Legislature and must be approved by concurrent resolution of the Legislature to go into effect, in accordance with Section 67-5224(2)(c), Idaho Code. The pending rule will become final and effective upon the adjournment, *sine die*, of the Second Regular Session of the Sixty-seventh Idaho Legislature after approval.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 56-202(b), 56-264, and 56-1610, Idaho Code.

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

These rule changes will decrease regulatory burdens, make technical corrections, implement operations for the end of the public health emergency, update rules to comply with K.W. Settlement, and align with federal regulations regarding conflicts of interest. These changes are being made in conjunction with companion Docket No. 16-0313-2101, Consumer-Directed Services. Negotiated Rulemaking was conducted for these companion dockets in November 2021.

The text of the pending rule has been amended in accordance with Section 67-5227, Idaho Code. Only those sections that have changes that differ from the proposed text are printed in this bulletin. The complete text of the proposed rule was published in the October 4, 2023, Idaho Administrative Bulletin, [Vol. 23-10, pages 430 through 485](#).

FEE SUMMARY: Pursuant to Section 67-5224(2)(d), Idaho Code, a pending fee rule shall not become final and effective unless affirmatively approved by concurrent resolution of the Legislature. The following is a description of the fee or charge imposed or increased in this rulemaking: Does not apply to this rulemaking.

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact to 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 to state funds, including the General Fund, or any other known funds.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact William Deseron at 208-859-0046.

DATED this 30th of November, 2023.

Trinette Middlebrook and Frank Powell
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DOCKET NO. 16-0310-2101 – ADOPTION OF PENDING RULE

Substantive changes have been made to the pending rule.
Italicized text indicates changes between the text of the proposed rule as adopted in the pending rule.

The text of the proposed rule was published in the Idaho Administrative Bulletin,
Volume 23-10, October 4, 2023, pages 430 through 485.

This rule has been adopted as a pending rule by the agency and is now awaiting
review and final approval by the 2024 Idaho State Legislature.

THE FOLLOWING IS THE TEXT OF THE PENDING RULE FOR DOCKET NO. 16-0310-2101
(Only those sections or subsections that have changed from the original proposed text
are printed in this Bulletin following this notice.)

(BREAK IN CONTINUITY OF SECTIONS)

314. RESIDENTIAL PROVIDER-OWNED OR CONTROLLED SETTING QUALITIES.

In addition to the setting requirements ~~described in under~~ Section 313 of these rules, provider-owned or controlled settings, including ~~Residential Assisted Living Facilities~~ and ~~Certified Family Homes~~ that provide services to HCBS participants, must ~~also~~ meet the following conditions: (3-17-22)()

01. Written Agreement. A lease, residency agreement, admission agreement, or other form of written agreement will be in place for each HCBS participant at the time of occupancy. The lease or residency agreement must provide protections that address eviction processes and appeals comparable to those provided under Idaho landlord tenant law. (3-17-22)

02. Privacy. Participants have the right to privacy within their residence. Each participant must have privacy in their sleeping or living unit to include the following: (3-17-22)

a. The right to entrance doors that are lockable by the individual, with only appropriate staff having keys to doors. (3-17-22)

b. Participants sharing units have a choice of roommates in that setting. (3-17-22)

03. Décor. Participants have the freedom to furnish and decorate their sleeping or living units within the lease or other agreement. (3-17-22)

04. Schedules and Activities. Participants have the freedom and support to control their own schedules and activities. (3-17-22)

05. Access To Food. Participants have access to food at any time. (3-17-22)

06. Visitors. Participants are able to have visitors of their choosing at any time ~~in accordance with the applicable requirements under IDAPA 16.03.19, “Certified Family Homes,” and IDAPA 16.03.22, “Residential Assisted Living Facilities.”~~ Except, through the duration of the declared COVID-19 public health emergency, CFH providers may restrict visitation to minimize the spread of the COVID-19 infection. (3-17-22)()

07. Accessibility. The setting is physically accessible to the participant. (3-17-22)

(BREAK IN CONTINUITY OF SECTIONS)

326. AGED AND DISABLED WAIVER SERVICES: COVERAGE AND LIMITATIONS.

01. Adult Day Health. ~~Adult day health is a~~ **A** supervised, structured service generally furnished four (4) or more hours per day on a regularly scheduled basis, for one (1) or more days per week. It is provided outside the home of the participant in a non-institutional, community-based setting, and it encompasses health services, social services, recreation, supervision for safety, and assistance with ~~activities of daily living~~ **ADL** needed to ensure the optimal functioning of the participant. Adult day health services provided under this waiver will not include room and board payments. (3-17-22)()

02. Adult Residential Care Services. ~~Adult residential care services e~~ **C**onsist of a range of services provided in a homelike, non-institutional setting that includes ~~s~~ **RALFs** and **CFHs**. Payment is not made for the cost of room and board, including the cost of building maintenance, upkeep, and improvement. (3-17-22)()

a. ~~Adult residential care services consist of a range of~~ **These** services **are** provided in a congregate setting licensed under IDAPA 16.03.22, "Residential Assisted Living Facilities," that include: (3-17-22)()

- i. Medication assistance, to the extent permitted under State law; (3-17-22)
- ii. Assistance with ~~activities of daily living~~ **ADL**; (3-17-22)()
- iii. Meals, including special diets; (3-17-22)
- iv. Housekeeping; (3-17-22)
- v. Laundry; (3-17-22)
- vi. Transportation; (3-17-22)
- vii. Opportunities for socialization; (3-17-22)
- viii. Recreation; and (3-17-22)
- ix. Assistance with personal finances. (3-17-22)
- x. Administrative oversight must be provided for all services provided or available in this setting. (3-17-22)
- xi. A documented individual service plan must be negotiated between the participant or their legal representative, and a facility representative. (3-17-22)

b. ~~Adult residential care services also consist of a range of~~ **These** services **are** provided in a setting licensed under IDAPA 16.03.19, "Certified Family Homes," that include: (3-17-22)()

- i. Medication assistance, to the extent permitted under State law; (3-17-22)
- ii. Assistance with ~~activities of daily living~~ **ADL**; (3-17-22)()
- iii. Meals, including special diets; (3-17-22)
- iv. Housekeeping; (3-17-22)
- v. Laundry; (3-17-22)

- vi. Transportation; (3-17-22)
 - vii. Recreation; and (3-17-22)
 - viii. Assistance with personal finances. (3-17-22)
 - ix. Administrative oversight must be provided for all services provided or available in this setting. (3-17-22)
 - x. A documented individual service plan must be negotiated between the participant or their legal representative, and a facility representative. (3-17-22)
- 03. Specialized Medical Equipment and Supplies.** (3-17-22)
- ~~a. Specialized medical equipment and supplies include:~~ (3-17-22)
- ~~ia.~~ Devices, controls, or appliances that enable a participant to increase their abilities to perform activities of daily living **ADL**, or to perceive, control, or communicate with the environment in which they live; and (3-17-22)()
 - ~~ib.~~ Items necessary for life support, ancillary supplies and equipment necessary for the proper functioning of such items, and durable and non-durable medical equipment not available under the Medicaid State Plan. (3-17-22)
 - ~~ic.~~ Items reimbursed with waiver funds are in addition to any medical equipment and supplies furnished under the Medicaid State Plan and exclude those items that are not of direct medical or remedial benefit to the participant. (3-17-22)
- 04. Non-Medical Transportation.** ~~Non-medical transportation e~~ Enables a waiver participant to gain access to waiver and other community services and resources. (3-17-22)()
- a. Non-medical transportation is offered in addition to medical transportation required in IDAPA 16.03.09, "Medicaid Basic Plan Benefits," and will not replace it. (3-17-22)
 - b. Whenever possible, family, neighbors, friends, or community agencies who can provide this service without charge, or public transit providers will be utilized. (3-17-22)
- 05. Attendant Care.** Services provided under a Medicaid Home and Community-Based Services waiver that involve personal and medically oriented tasks dealing with the functional needs of the participant and accommodating the participant's needs for long-term maintenance, supportive care, or ~~activities of daily living (ADL)~~. These services may include personal assistance and medical tasks that can be done by unlicensed persons, or delegated to an unlicensed person by a licensed health care professional or the participant. Services are based on the participant's abilities and limitations, regardless of age, medical diagnosis, or other category of disability. This assistance may take the form of hands-on assistance (~~actually~~ performing a task for the person) or cueing to prompt the participant to perform a task. (3-17-22)()
- 06. Chore Services.** ~~Chore services i~~ include the following ~~services~~ when necessary to maintain the functional use of the home, or to provide a clean, sanitary, and safe environment: (3-17-22)()
- a. Intermittent assistance may include the following: (3-17-22)
 - i. Yard maintenance; (3-17-22)
 - ii. Minor home repair; (3-17-22)
 - iii. Heavy housework; (3-17-22)

- iv. Sidewalk maintenance; and (3-17-22)
- v. Trash removal to assist the participant to remain in the home. (3-17-22)
- b.** Chore activities may include the following: (3-17-22)
 - i. Washing windows; (3-17-22)
 - ii. Moving heavy furniture; (3-17-22)
 - iii. Shoveling snow to provide safe access inside and outside the home; (3-17-22)
 - iv. Chopping wood when wood is the participant's primary source of heat; and (3-17-22)
 - v. Tacking down loose rugs and flooring. (3-17-22)
- c.** These services are only available when neither the participant, nor anyone else in the household, is capable of performing or financially providing for them, and where no other relative, caregiver, landlord, community volunteer, agency, or third-party payer is willing to provide them or is responsible for their provision. (3-17-22)
- d.** In the case of rental property, the landlord's responsibility under the lease agreement will be examined prior to any authorization of service. Chore services are limited to the services provided in a home rented or owned by the participant. (3-17-22)

07. Companion Services. ~~Companion services include~~ non-medical care, supervision, and socialization provided to a functionally impaired adult. Companion services are in-home services to ensure the safety and well-being of a person who cannot be left alone because of frail health, a tendency to wander, inability to respond to emergency situations, or other conditions that would require a person on-site. The service provider, who may live with the participant, may provide voice cuing and occasional assistance with toileting, personal hygiene, dressing, and other ~~activities of daily living~~ ADL. Providers may also perform light housekeeping tasks that are incidental to the care and supervision of the participant. However, the primary responsibility is to provide companionship and be there in case they are needed. (3-17-22)()

08. Consultation. ~~Consultation services are s~~Services to a participant or family member. ~~Services that~~ are provided by a Personal Assistance Agency to a participant or family member to increase their skills as an employer or manager of their own care. Such services are directed at achieving the highest level of independence and self-reliance possible for the participant and the participant's family. Services include consulting with the participant and family to gain a better understanding of the special needs of the participant and the role of the caregiver. (3-17-22)()

09. Home-Delivered Meals. ~~Home delivered meals are m~~Meals that are delivered to the participant's home to promote adequate participant nutrition. One (1) to two (2) meals per day may be provided to a participant who: (3-17-22)()

- a.** Rents or owns a home; (3-17-22)
- b.** Is alone for significant parts of the day; (3-17-22)
- c.** Has no caregiver for extended periods of time; and (3-17-22)
- d.** Is unable to prepare a meal without assistance. (3-17-22)

10. Homemaker Services. ~~Homemaker services e~~Consist of performing for the participant, or assisting them with, or both, the following tasks: laundry, essential errands, meal preparation, and other routine housekeeping duties if there is no one else in the household capable of performing these tasks. (3-17-22)()

11. Environmental Accessibility Adaptations. ~~Environmental accessibility adaptations i~~include minor housing adaptations that are necessary to enable the participant to function with greater independence in the home, or without which, the participant would require institutionalization or have a risk to health, welfare, or safety. Such adaptations may include: (3-17-22)()

a. The installation of ramps and lifts, widening of doorways, modification of bathroom facilities, or installation of electric and plumbing systems that are necessary to accommodate the medical equipment and supplies necessary for the welfare of the waiver participant, but must exclude those adaptations or improvements to the home that are not of direct medical or remedial benefit to the participant, such as carpeting, roof repair, or central air conditioning. (3-17-22)

b. Unless otherwise authorized by the Department, permanent environmental modifications are limited to a home that is the participant's principal residence and is owned by the participant or the participant's non-paid family. (3-17-22)

c. Portable or non-stationary modifications may be made when such modifications can follow the participant to their next place of residence or be returned to the Department. (3-17-22)

12. Personal Emergency Response System (PERS). ~~PERS is a~~An electronic device that enables a waiver participant to secure help in an emergency. The participant may also wear a portable "help" button to allow for mobility. The system is connected to the participant's phone and programmed to signal a response center once a "help" button is activated. The response center is staffed by trained professionals. This service is limited to participants who: (3-17-22)()

a. Rent or own a home, or live with unpaid caregivers; (3-17-22)

b. Are alone for significant parts of the day; (3-17-22)

c. Have no caregiver for extended periods ~~of time~~; and (3-17-22)()

d. Would otherwise require extensive, routine supervision. (3-17-22)

13. Respite Care. ~~Respite care i~~Includes short-term breaks from care giving responsibilities to non-paid caregivers. The caregiver or participant is responsible for selecting, training, and directing the provider. While receiving respite care services, the waiver participant cannot receive other services that are duplicative in nature. Respite care services provided under this waiver do not include room and board payments. Respite care services may be provided in the participant's residence, a CFH, a ~~developmental disabilities agency~~ **DDA**, a RALF, or an adult day health facility. (3-17-22)()

14. Skilled Nursing. ~~Skilled nursing i~~Includes intermittent or continuous oversight, training, or skilled care that is within the scope of the Nurse Practice Act. Such care must be provided by an ~~licensed registered nurse RN~~, or ~~licensed practical nurse LPN~~ under the supervision of an ~~licensed registered nurse RN~~, licensed to practice in Idaho. These services are not appropriate if they are less cost-effective than a Home Health visit. (3-17-22)()

15. Residential Habilitation. ~~Habilitation services assist the participant to reside as independently as possible in the community, or maintain family unity.~~ (3-17-22)

~~Residential habilitation. Residential habilitation s~~Services consist of an integrated array of individually tailored services and supports furnished to eligible participants. These services and supports are designed to assist the participants to reside successfully in their own homes, with their families, ~~or in certified family homes.~~ The number of residents in a setting will be limited by an amount in the Idaho Medicaid Provider Handbook, unless otherwise authorized by the Department. The services and supports that may be furnished consist of the following: (3-17-22)()

~~u.~~ Self-direction consists of identifying and responding to dangerous or threatening situations, making decisions and choices affecting the individual's life, and initiating changes in living arrangements or life activities; (3-17-22)

~~##b.~~ Money management consists of training or assistance in handling personal finances, making purchases, and meeting personal financial obligations; (3-17-22)

~~##c.~~ Daily living skills consist of training in accomplishing routine housekeeping tasks, meal preparation, dressing, personal hygiene, self-administration of medications, and other areas of daily living including proper use of adaptive and assistive devices, ~~and~~ appliances, as well as following home safety, first aid, and emergency procedures; (3-17-22)()

~~##d.~~ Socialization consists of training or assistance in participation in general community activities and establishing relationships with peers with an emphasis on connecting the participant to their community. Socialization training associated with participation in community activities includes assisting the participant to identify activities of interest, working out arrangements to participate in such activities, and identifying specific training activities necessary to assist the participant to continue to participate in such activities on an on-going basis. Socialization training does not include participation in nontherapeutic activities that are merely diversional or recreational in nature; (3-17-22)

~~##e.~~ Mobility consists of training or assistance aimed at enhancing movement within the person's living arrangement, mastering the use of adaptive aids and equipment, accessing and using public transportation, independent travel, or movement within the community; ~~or~~ (3-17-22)()

~~##f.~~ Behavior shaping and management consist of training and assistance in appropriate expressions of emotions or desires, assertiveness, acquisition of socially appropriate behaviors, or extension of therapeutic services that consist of reinforcing physical, occupational, speech, and other therapeutic programs. (3-17-22)

~~##g.~~ Personal assistance services necessary to assist the individual in daily living activities, household tasks, and such other routine activities as the person or the person's primary caregiver(s) ~~are is~~ unable to accomplish on their own behalf. Personal assistance activities include direct assistance with grooming, bathing, and eating, assistance with medications that are ordinarily self-administered, supervision, communication assistance, reporting changes in the waiver participant's condition and needs, household tasks essential to health care at home to include general cleaning of the home, laundry, meal planning and preparation, shopping, and correspondence. (3-17-22)()

~~b16.~~ **Day ~~H~~abilitation.** ~~Day habilitation~~ ~~e~~Consists of assistance with acquisition, retention, or improvement in self-help, socialization, and adaptive skills that take place in a non-residential setting, separate from the home or facility in which the participant resides. Services will normally be furnished four (4) or more hours per day on a regularly scheduled basis, for one (1) or more days per week, unless provided as an adjunct to other day activities included in a participant's plan of care. Day habilitation services will focus on enabling the participant to attain or maintain their maximum functional level and will be coordinated with any physical therapy, occupational therapy, or speech-language pathology services listed in the plan of care. In addition, day habilitation services may serve to reinforce skills or lessons taught in school, therapy, or other settings. (3-17-22)()

~~167.~~ **Supported Employment.** ~~Supported employment~~ ~~e~~Consists of competitive work in integrated work settings for individuals with the most severe disabilities for whom competitive employment has not traditionally occurred, or for whom competitive employment has been interrupted or intermittent ~~as a result~~ because of a severe disability. Because of the nature and severity of their disability, these individuals need intensive supported employment services or extended services ~~in order~~ to perform such work. (3-17-22)()

a. Supported employment services rendered under this waiver are not available under a program funded by either the Rehabilitation Act of 1973, as amended, or the Individuals with Disabilities Education Act (IDEA). Documentation must be maintained in the file of each individual receiving this service verifying that the service is not otherwise available or funded under the Rehabilitation Act of 1973, as amended, or the IDEA. (3-17-22)

b. Federal Financial Participation (FFP) cannot be claimed for incentive payments, subsidies, or unrelated vocational training expenses such as the following: (1) incentive payments made to an employer of waiver participants to encourage or subsidize the employer's participation in a supported employment program, (2) payments

that are passed through to beneficiaries of a supported employment program, or ~~(3)~~ payments for vocational training that is not directly related to a waiver participant's supported employment program. ~~(3-17-22)~~()

178. Transition Services. ~~Transition services~~ include goods and services that enable a participant residing in a nursing facility, hospital, IMD, or ICF/IID to transition to a community-based setting. A participant is eligible to receive transition services immediately following discharge from a qualified institution after residing within that institution for a minimum of forty-five (45) days. ~~(3-17-22)~~()

- a. Qualified Institutions include the following: (3-17-22)
 - i. Skilled, or Intermediate Care Facilities; (3-17-22)
 - ii. Nursing Facilities; (3-17-22)
 - iii. ~~Licensed Intermediate Care Facilities for Persons with Intellectual Disabilities (ICF/IID);~~ ~~(3-17-22)~~()
 - iv. Hospitals; and (3-17-22)
 - v. Institutions for Mental Diseases (IMDs). (3-17-22)
- b. Transition services may include the following goods and services: (3-17-22)
 - i. Security deposits that are required to obtain a lease on an apartment or home; (3-17-22)
 - ii. Cost of essential household furnishings, including furniture, window coverings, food preparation items, and bed/bath linens; (3-17-22)
 - iii. Set-up fees or deposits for utility or service access, including telephone, electricity, heating, and water; (3-17-22)
 - iv. Services necessary for the individual's health and safety such as pest eradication and one-time cleaning prior to occupancy; (3-17-22)
 - v. Moving expenses; and (3-17-22)
 - vi. Activities to assess need, ~~and~~ arrange for and procure transition services. ~~(3-17-22)~~()
- c. Excluded goods and services. Transition services do not include ongoing expenses, real property, ongoing utility charges, décor, or diversion/recreational items such as televisions, DVDs, and computers. (3-17-22)
- d. ~~Service limitations.~~ Transition services are limited to a total cost of two thousand dollars (\$2,000) per participant and can be accessed every two (2) years, contingent upon a qualifying transition from an institutional setting. Transition services are furnished only to the extent that the participant is unable to meet such expense or when the support cannot be obtained from other sources. ~~(3-17-22)~~()

(BREAK IN CONTINUITY OF SECTIONS)

513. ADULT DEVELOPMENTAL DISABILITY SERVICES PRIOR AUTHORIZATION: PLAN OF SERVICE.

In collaboration with the participant, the Department will assure that the participant has one (1) plan of service. ~~This plan of service that~~ is based on the individualized participant budget referred to in Section 514 of these rules and must identify all services and supports. Participants may develop their own plan or designate a paid or non-paid plan developer. In developing the plan of service, the plan developer and the participant must identify services and supports available outside of Medicaid-funded services that can help the participant meet desired goals. Authorized

services must be delivered by providers who are selected by the participant.

(3-17-22)()

01. Qualifications of a Paid Plan Developer. Neither a provider of direct service to the participant nor the assessor may be chosen to be the paid plan developer. Family members and all others who wish to be paid for plan development must be employed as a service coordinator as defined in Sections 729 through 732 of these rules.

(3-17-22)

02. Plan Development. All participants must direct the development of their service plan through a person-centered planning process. Individuals invited to participate in the person-centered planning process will be identified by the participant and may include family members, guardian, or individuals who are significant to the participant. In developing the plan of service, the plan developer and participant must identify any services and supports available outside of Medicaid-funded services that can help the participant meet desired goals and outcomes.

(3-17-22)

a. The plan of service must be submitted within forty-five (45) days prior to the expiration of the existing plan of service unless delayed because of participant unavailability due to extenuating circumstances. If the plan is not submitted within this ~~time~~ period, authorization for provider payments may be terminated.

(3-17-22)()

b. The plan development process must meet the person-centered planning requirements described in Section 316 of these rules.

(3-17-22)

c. The participant may facilitate their own person-centered planning meeting or designate a paid or non-paid plan developer to facilitate the meeting. Individuals responsible for facilitating the person-centered planning meeting cannot be providers of direct services to the participant.

(3-17-22)

03. Prior Authorization Outside of These Rules. The plan developer must ensure that all services that require prior authorization outside of these rules are submitted to the appropriate unit of the Department. These services include:

(3-17-22)

a. Durable Medical Equipment (DME);

(3-17-22)

b. Transportation; and

(3-17-22)

c. Physical therapy, occupational therapy, and speech-language pathology services.

(3-17-22)

04. No Duplication of Services. The plan developer will ensure that there is no duplication of services. Duplicate services will not be authorized.

(3-17-22)

05. Plan Monitoring. The participant, service coordinator, or plan monitor must monitor the plan. The plan developer is the plan monitor unless there is a service coordinator, in which case the service coordinator assumes the roles of both service coordinator and plan monitor. The planning team must identify the frequency of monitoring, which must be at least every ninety (90) days. Plan monitoring must include the following:

(3-17-22)

a. Review of the plan of service in a face-to-face contact with the participant to identify the ~~current~~ status of programs and changes if needed. The face-to-face encounter may occur via synchronous interaction ~~telehealth~~ **virtual care**, as defined in Title 54, Chapter 57, Idaho Code;

(3-17-22)()

b. Contact with service providers to identify barriers to service provision;

(3-17-22)

c. Discuss with participant satisfaction regarding quality and quantity of services; and

(3-17-22)

d. Review of provider status reviews.

(3-17-22)

e. The provider will immediately report all allegations or suspicions of mistreatment, abuse, neglect, or exploitation, ~~as well as~~ **and** injuries of unknown origin to the agency administrator, the Department, the adult protection authority, and any other entity identified under Section 39-5303, Idaho Code, or federal law.

(3-17-22)()

06. Provider Status Reviews. Service providers, with exceptions identified in Subsection 513.09 of ~~these~~ this rules, must report the participant's progress toward goals to the plan monitor on the provider status review when the plan has been in effect for six (6) months and at the annual person-centered planning meeting. The semi-annual review is due fifteen (15) days after the end of the six (6) month period. The annual review is due thirty (30) days after plan's end. The semi-annual and annual reviews must include: (3-17-22)()

- a. The status of supports and services to identify progress; (3-17-22)
- b. Maintenance; or (3-17-22)
- c. Delay or prevention of regression. (3-17-22)

07. Content of the Plan of Service. The plan of service must identify the type of service to be delivered, goals to be addressed within the plan year, frequency of supports and services, and identified service providers. The plan of service must include activities to promote progress, maintain functional skills, or delay or prevent regression. (3-17-22)

a. The written plan of service must meet the person-centered planning requirements described in Section 317 of these rules. (3-17-22)

b. The written plan of service must be finalized and agreed to ~~according to~~ under procedural requirements described in Section 704 of these rules. (3-17-22)()

c. The Department will distribute a copy of the plan of service to adult DD service providers defined in Section 317 of these rules. Additionally, the plan developer will be responsible to distribute a copy of the plan of service, in whole or part, to any other ~~developmental disability~~ DD service provider identified by the participant during the person-centered planning process. (3-17-22)()

08. Informed Consent. Unless the participant has a guardian who retains full decision-making authority, the participant must make decisions regarding the type and amount of services required. Prior to plan development, the plan developer must document that they have provided information and support to the participant to maximize their ability to make informed choices regarding the services and supports they receive and from whom. During plan development and amendment, planning team members must each indicate whether they believe the plan meets the needs of the participant and represents the participant's choice. If there is a conflict that cannot be resolved among person-centered planning members or if a member does not believe the plan meets the participant's needs or represents the participant's choice, the plan or amendment may be referred to the Bureau of Developmental Disability Services to negotiate a resolution with members of the planning team. (3-17-22)

09. Provider Implementation Plan. Each provider of Medicaid services must develop an implementation plan that complies with home and community-based setting requirements and identifies specific objectives that relate to goals finalized and agreed to in the participant's authorized plan of service. These objectives must demonstrate how the provider will assist the participant to meet the participant's goals, desired outcomes, and needs identified in the plan of service. (3-17-22)

- a. Exceptions. An implementation plan is not required for waiver providers of: (3-17-22)
 - i. Specialized medical equipment; (3-17-22)
 - ii. Home-delivered meals; (3-17-22)
 - iii. Environmental accessibility adaptations; (3-17-22)
 - iv. Non-medical transportation; (3-17-22)
 - v. Personal emergency response systems ~~(PERS)~~; (3-17-22)()

vi. Respite care; ~~and~~ (3-17-22)()

vii. Chore services; ~~and~~ (3-17-22)()

viii. Community crisis support services; and ()

ix. Adult DD service coordination. ()

b. Time for Completion. Implementation plans must be completed within fourteen (14) days of receipt of the authorized plan of service or the service start date, whichever is later. (3-17-22)

i. If the authorized plan of service is received after the service start date, service providers must support billing by documenting service provision as agreed to by the participant and consistent with Section 704 of these rules. (3-17-22)

ii. Implementation plan revision must be based on changes to the needs of the participant. (3-17-22)

c. Documentation of Changes. Documentation of Implementation Plan changes will be included in the participant's record. ~~This documentation, and~~ must include, ~~at a minimum,~~ the reason for the change, documentation of coordination with other service providers (where applicable), the date the change was made, ~~and~~ the signature of the person making the change complete with the date and title. (3-17-22)()

10. ~~Home and Community-Based Services~~ Plan of Service Signature. Upon receipt of the authorized plan of service, HCBS providers responsible for the implementation of the plan ~~as identified in under~~ Section 317 of these rules must sign the plan indicating they will deliver services according to the finalized and authorized plan of service, and consistent with home and community-based requirements. Each HCBS provider responsible for the implementation of the plan must maintain their signed plan in the participant's record. Documentation of signature must include the signature of the professional responsible for service provision complete with their title and the date signed. Provider signature ~~will is to~~ be completed each time an initial or annual plan of service is implemented. (3-17-22)()

11. Addendum to the Plan of Service. (3-17-22)

a. A plan of service may be adjusted during the year with an addendum to the plan. These adjustments must be based on a change to a cost, addition ~~or increase~~ of a service ~~or increase to a service~~, or a change of provider, addition of a restrictive intervention, or addition of alone time. Additional assessments or information may be clinically necessary. Adjustment of the plan of service is subject to prior authorization by the Department. (3-17-22)()

b. When a service plan has been adjusted, the Department will distribute a copy of the addendum to HCBS providers responsible for the implementation of the plan of service ~~as identified in under~~ Section 317 of these rules. (3-17-22)()

c. Upon receipt of the addendum, the HCBS provider must sign the addendum indicating they have reviewed the plan adjustment and will deliver services accordingly. Documentation must include the signature of the professional responsible for service provision complete with their title and the date signed, and must be maintained in the participant's record. Provider signature ~~will is to~~ be completed each time an addendum is authorized. (3-17-22)()

12. Annual Reauthorization of Services. A participant's plan of service must be reauthorized annually. The Department will review and authorize the new plan of service prior to the expiration of the current plan. (3-17-22)

a. ~~Plan Developer Responsibilities for Annual Reauthorization~~—A new plan of service must be provided to the Department by the plan developer at least forty-five (45) days prior to the expiration date of the current plan unless delayed because of participant unavailability due to extenuating circumstances. If the plan is not

submitted within the period, authorization for provider payments may be terminated. Prior to ~~this submission~~, the plan developer must: (3-17-22)()

- i. Notify the providers who appear on the plan of service of the annual review date. (3-17-22)
- ii. Obtain a copy of the current annual provider status review from each provider for use by the person-centered planning team. Each provider status review must meet the requirements in Subsection 513.06 of ~~these~~is rules. (3-17-22)()
- iii. Convene the person-centered planning team to develop a new plan of service inviting individuals to participate that have been identified by the participant. (3-17-22)
- b. ~~Evaluation and Prior Authorization of the Plan of Service.~~ The plan of service will be evaluated and prior authorized ~~in accordance with~~ under the requirements in Sections 507 and 513 of these rules. (3-17-22)()
- c. ~~Adjustments to the Annual Budget and Services.~~ The annual budget and services may be adjusted by the Department based on demonstrated outcomes, progress toward goals and objectives, and benefit of services. (3-17-22)()
- d. ~~Annual Status Reviews Requirement.~~ If the provider's annual status reviews are not submitted to the plan developer with the annual plan, services ~~will~~ may not be authorized at the time of the annual reauthorization. These services may be added to the plan of service only by means of an addendum to the plan ~~in accordance with~~ under Subsection 513.10 of ~~these~~is rules. (3-17-22)()
- e. ~~Reapplication After a Lapse in Service.~~ For participants who are re-applying for service after a lapse in service, the assessor will evaluate whether assessments are current and accurately describe the status of the participant. (3-17-22)()
- f. ~~Annual Assessment Results.~~ An annual assessment will be completed ~~in accordance with~~ under Section 512 of these rules. (3-17-22)()

13. ~~Complaints and Administrative Appeals~~ Participant Plan of Service Notifications. The Department will notify each participant whether their plan of service was approved in whole, in part, or denied. The notification will include an individualized explanation of the decision and how the participant may appeal the service plan decision. (3-17-22)()

- ~~a. Participant complaints about the assessment process, eligibility determination, plan development, quality of service, and other relevant concerns may be referred to the Division of Medicaid. (3-17-22)~~
- ~~b. A participant who disagrees with a Department decision regarding program eligibility and authorization of services under these rules may file an appeal. Administrative appeals are governed by provisions of IDAPA 16.05.03, "Contested Case Proceedings and Declaratory Rulings." (3-17-22)~~

(BREAK IN CONTINUITY OF SECTIONS)

727. SERVICE COORDINATION: COVERAGE AND LIMITATIONS.

Service coordination consists of services provided to assist individuals in gaining access to needed services. ~~Service coordination, and~~ includes the following ~~activities described in Subsections 727.01 through 727.10 of this rule.~~ (3-17-22)()

01. Plan Assessment and Periodic Reassessment. Activities that are required to determine the participant's needs by development of a plan assessment and periodic reassessment as described in Section 730 of these rules. These activities include: (3-17-22)

- a. Taking a participant's history; (3-17-22)

- b. Identifying the participant’s needs and completing related documentation; and (3-17-22)
- c. Gathering information from other sources such as family members, medical providers, social workers, and educators to form a complete assessment of the participant. (3-17-22)

02. Development of the Plan. Development and revision of a specific plan, described in Section 731 of these rules that includes information collected through the assessment and specifies goals and actions needed by the participant. The plan must be updated at least annually ~~(or extended through the duration of the declared COVID-19 public health emergency)~~ and as needed to meet the needs of the participant. (3-17-22)()

03. Referral and Related Activities. Activities that help link the participant with service providers ~~that are capable of providing needed~~ able to provide services to address identified needs and achieve goals specified in the service coordination plan. (3-17-22)()

04. Monitoring and Follow-Up Activities. Monitoring and follow-up contacts that are necessary to ensure the plan is implemented and adequately addresses the participant's needs. These activities may be with the participant, family members, providers, or other entities or individuals and conducted as frequently as necessary. These activities must include at least one (1) face-to-face contact with the participant at least every ninety (90) days. ~~(The face-to-face encounter may occur via synchronous interaction—telehealth virtual care, as defined in Title 54, Chapter 57, Idaho Code),~~ to determine whether the following conditions are met: (3-17-22)()

- a. Services are being provided according to the participant's plan; (3-17-22)
- b. Services in the plan are adequate; and (3-17-22)
- c. Whether there are changes in the needs or status of the participant, and if so, making necessary adjustments in the plan and service arrangements with providers. (3-17-22)

05. Crisis Assistance. Crisis ~~assistance is~~ service coordination used to assist a participant to access community resources ~~in order~~ to resolve a crisis. ~~Crisis service coordination; it~~ does not include crisis counseling, transportation to emergency service providers, or direct skill-building services. The need for all crisis assistance hours must meet the definition of “crisis” in Section 721 of these rules. (3-17-22)()

a. Crisis Assistance for Children's Service Coordination. Crisis hours are ~~not~~ unavailable until ~~four and a half (4.5)~~ all available hours of service coordination have already been provided in the month. Crisis hours for children’s service coordination must be authorized by the Department. (3-17-22)()

b. Crisis Assistance for Adults With a Developmental Disability. Crisis hours are ~~not~~ unavailable until ~~four and a half (4.5)~~ all available hours of service coordination have already been provided in the month. Crisis assistance for adults with a developmental disability must be authorized by the Department and is based on community crisis supports ~~as found in~~ under Section 646 through 648 of these rules. (3-17-22)()

c. Authorization for crisis assistance hours may be requested retroactively ~~as a result~~ because of a crisis, ~~defined in~~ under Section 721 of these rules; when a participant’s service coordination benefits have been exhausted and no other means of support is available to the participant. In retroactive authorizations, the service coordinator must complete a crisis resolution plan and submit a request for crisis services to the Department within ~~seventy-two (72) hours~~ five (5) business days of the last day of providing the service. (3-17-22)()

06. Contacts for Assistance. Service coordination may include contacts with non-eligible individuals only when the contact is directly related to identifying the needs and supports to help the participant access services. (3-17-22)

- 07. Exclusions.** Service coordination does not include activities that are: (3-17-22)
 - a. An integral component of another covered Medicaid service; (3-17-22)

b. Integral to the administration of foster care programs; (3-17-22)

c. Integral to the administration of another non-medical program for which a participant may be eligible. This exclusion does not apply to case management provided as part of the individualized education program or individualized family service plan required by the Individuals with Disabilities Education Act. (3-17-22)

08. Limitations on the Provision of Direct Services. Providers of service coordination services may only provide both service coordination and direct services to the same Medicaid participant when the participant is receiving children's service coordination. The service coordination provider must document that the participant has made a free choice of service coordinators and direct service providers. (3-17-22)

09. Limitations on Service Coordination. Service coordination is limited to four and a half (4.5) hours per month, except when utilizing unused hours in the individual's current plan of service from previous months. (3-17-22)()

10. Limitations on Service Coordination Plan Assessment and Plan Development. Reimbursement for the annual assessment and plan development cannot exceed ~~six~~ twelve (6~~12~~) hours per year. (3-17-22)()

IDAPA 16 – DEPARTMENT OF HEALTH AND WELFARE

16.03.13 – CONSUMER-DIRECTED SERVICES

DOCKET NO. 16-0313-2101

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2024 Idaho State Legislature and must be approved by concurrent resolution of the Legislature to go into effect, in accordance with Section 67-5224(2)(c), Idaho Code. The pending rule will become final and effective upon the adjournment, *sine die*, of the Second Regular Session of the Sixty-seventh Idaho Legislature after approval.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 56-202, 56-203, 56-250 through 257, and 56-260 through 266, Idaho Code.

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

This rule change will decrease regulatory burdens, make technical corrections, implement operations for the end of the public health emergency, and align with federal regulations regarding conflicts of interest. These changes are being made in conjunction with companion Docket No. 16-0310-2101, Medicaid Enhanced Plan Benefits. Negotiated Rulemaking was conducted for these companion dockets in November 2021.

There are no changes to the pending rule and it is being adopted as originally proposed. The complete text of the proposed rule was published in the October 4, 2023, Idaho Administrative Bulletin, [Vol. 23-10, pages 486 through 492](#).

FEE SUMMARY: Pursuant to Section 67-5224(2)(d), Idaho Code, a pending fee rule shall not become final and effective unless affirmatively approved by concurrent resolution of the Legislature. The following is a description of the fee or charge imposed or increased in this rulemaking: Does not apply to this rulemaking.

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 state funds, including the General Fund, or any other known funds.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact William Deseron at 208-859-0046.

DATED this 30th of November, 2023.

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IDAPA 16 – DEPARTMENT OF HEALTH AND WELFARE

16.03.18 – MEDICAID COST-SHARING

DOCKET NO. 16-0318-2301 (ZBR CHAPTER REWRITE, FEE RULE)

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2024 Idaho State Legislature and must be approved by concurrent resolution of the Legislature to go into effect, in accordance with Section 67-5224(2)(c), Idaho Code. The pending rule will become final and effective upon the adjournment, *sine die*, of the Second Regular Session of the Sixty-seventh Idaho Legislature after approval.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 56-202(b), 56-253, and 56-257, Idaho Code, and Title XIX and Title XXI of the Social Security Act.

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

Due to [Executive Order 2020-01, Zero-Based Regulation](#), agencies are required to rewrite IDAPA chapters every 5 years on an approved schedule. This rulemaking is complying to this mandate and is scheduled for presentation to the 2024 Legislature. Under this Executive Order, the Department is rewriting this chapter of rules to prevent the accumulation of costly, ineffective, and outdated regulations and reduce regulatory burden to achieve a more efficient operation of government while serving those receiving benefits subject to Medicaid Cost-Sharing. This chapter rewrite is intended to perform a comprehensive review of this chapter in collaboration with the public to update, clarify, streamline, and simplify the rule language.

There are no changes to the pending rule and it is being adopted as originally proposed. The complete text of the proposed rule was published in the October 4, 2023, Idaho Administrative Bulletin, [Vol. 23-10, pages 493 through 503](#).

FEE SUMMARY: Pursuant to Section 67-5224(2)(d), Idaho Code, this pending fee rule shall not become final and effective unless affirmatively approved by concurrent resolution of the Legislature. The following is a description of the fee or charge imposed or increased in this rulemaking:

There are no changes to the fees under this chapter of rule. This chapter establishes a premium fee schedule for Youth Empowerment Services (YES) program participants. The authorizing statutes for these fees are: Sections 56-253 and 56-257, Idaho Code.

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 state funds, including the General Fund, or any other known funds.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Cindy Brock at 208-364-1983 or Jennifer Pinkerton at 208-287-1171.

DATED this 30th of November, 2023.

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IDAPA 16 – DEPARTMENT OF HEALTH AND WELFARE

16.03.22 – RESIDENTIAL ASSISTED LIVING FACILITIES

DOCKET NO. 16-0322-2301

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2024 Idaho State Legislature and must be approved by concurrent resolution of the Legislature to go into effect, in accordance with Section 67-5224(2)(c), Idaho Code. The pending rule will become final and effective upon the adjournment, *sine die*, of the Second Regular Session of the Sixty-seventh Idaho Legislature after approval.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 39-3305 and 39-3358, Idaho Code.

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

Many Residential Assisted Living Facilities (RALFs) have communicated they are unable to admit residents based on their staffing levels which potentially leaves residents without placement options. This rulemaking is being made by the Department of Health and Welfare in collaboration with stakeholders such as the Idaho Health Care Association. These changes are to assist and streamline the process for potential applicants for RALFs while balancing the safety of residents. The changes included allow for widening of the labor pool for RALFs, and also give the Department different options instead of only the revocation of a license.

There are no changes to the pending rule and it is being adopted as originally proposed. The complete text of the proposed rule was published in the July 5, 2023, Idaho Administrative Bulletin, [Vol. 23-7, pages 80 through 85](#).

FEE SUMMARY: Pursuant to Section 67-5224(2)(d), Idaho Code, a pending fee rule shall not become final and effective unless affirmatively approved by concurrent resolution of the Legislature. The following is a description of the fee or charge imposed or increased in this rulemaking: Does not apply to this rulemaking.

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 state funds, including the General Fund, or any other known funds.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Tom Moss at 208-830-6730.

DATED this 30th of November, 2023.

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IDAPA 16 – DEPARTMENT OF HEALTH AND WELFARE

16.04.18 – CHILDREN’S AGENCIES AND RESIDENTIAL LICENSING

DOCKET NO. 16-0418-2301

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2024 Idaho State Legislature and must be approved by concurrent resolution of the Legislature to go into effect, in accordance with Section 67-5224(2)(c), Idaho Code. The pending rule will become final and effective upon the adjournment, *sine die*, of the Second Regular Session of the Sixty-seventh Idaho Legislature after approval.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 39-1207, 39-1208, 39-1209, 39-1210, 39-1213, 56-1003, 56-1004A, and 56-1005(8), Idaho Code.

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

The Federal Bureau of Investigation (FBI) Criminal Justice Information Law Unit denied the background clearance information in the current set of rules within 16.04.18, “Children’s Agencies and Residential Licensing,” based on their interpretation of Pub. L. 92-544. The revised language follows the current FBI guidance to identify and clarify specific actual classes of individuals subject to a Department background check.

There are no changes to the pending rule and it is being adopted as originally proposed. The complete text of the proposed rule was published in the May 3, 2023, Idaho Administrative Bulletin, [Vol. 23-5, pages 152 through 160](#).

FEE SUMMARY: Pursuant to Section 67-5224(2)(d), Idaho Code, a pending fee rule shall not become final and effective unless affirmatively approved by concurrent resolution of the Legislature. The following is a description of the fee or charge imposed or increased in this rulemaking: Does not apply to this rulemaking.

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

There is no anticipated impact to the state General Fund, any dedicated fund, or federal fund.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Ms. Frede’ Teske at 208-334-0649.

DATED this 30th of November, 2023.

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IDAPA 16 – DEPARTMENT OF HEALTH AND WELFARE

16.05.03 – CONTESTED CASE PROCEEDINGS AND DECLARATORY RULINGS

DOCKET NO. 16-0503-2301 (ZBR CHAPTER REWRITE)

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2024 Idaho State Legislature and must be approved by concurrent resolution of the Legislature to go into effect, in accordance with Section 67-5224(2)(c), Idaho Code. The pending rule will become final and effective upon the adjournment, *sine die*, of the Second Regular Session of the Sixty-seventh Idaho Legislature after approval.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 16-107, 56-133, 56-135, 56-202, 56-204A, 56-216, 56-1003, 56-1004, and 56-1005, Idaho Code.

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

Under [Executive Order 2020-01: Zero-Based Regulation](#), the Department of Health and Welfare is striving to prevent the accumulation of costly, ineffective, and outdated regulations and reduce regulatory burden to achieve a more efficient operation of government. The rule changes are intended to perform a comprehensive review of this chapter by collaborating with the public to streamline or simplify this rule language.

There are no changes to the pending rule and it is being adopted as originally proposed. The complete text of the proposed rule was published in the September 6, 2023, Idaho Administrative Bulletin, [Vol. 23-9, pages 190 through 206](#).

FEE SUMMARY: Pursuant to Section 67-5224(2)(d), Idaho Code, a pending fee rule shall not become final and effective unless affirmatively approved by concurrent resolution of the Legislature. The following is a description of the fee or charge imposed or increased in this rulemaking: Does not apply to this rulemaking.

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, or any other known funds.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Miren Unsworth at 208-334-5506.

DATED this 30th of November, 2023.

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IDAPA 16 – DEPARTMENT OF HEALTH AND WELFARE

16.06.01 – CHILD AND FAMILY SERVICES

DOCKET NO. 16-0601-2301

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2024 Idaho State Legislature and must be approved by concurrent resolution of the Legislature to go into effect, in accordance with Section 67-5224(2)(c), Idaho Code. The pending rule will become final and effective upon the adjournment, *sine die*, of the Second Regular Session of the Sixty-seventh Idaho Legislature after approval.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 16-1629, 16-1623, 16-2102, 16-2406, 16-2423, and 16-2433, 39-1209 through 1211, 39-5603, 39-7501, 56-202(b), 56-204A, 56-803, 56-1003, 56-1004, 56-1004A, and 56-1007, Idaho Code.

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

Under the Adoption Section there is clear language that outlines that only social workers are responsible for assisting children in processing grief and loss as a result of their separation from their parents. Language specific to “social workers” needs to be modified to include family services workers, which includes licensed and non-licensed social workers and individuals with a human services degree. This change aligns with current staffing and practices and allows all Department staff who fall under the definition of “family services worker” (who maintains case planning and case management responsibilities) the authority to complete monthly contacts with children in foster care as required by the Social Security Act under Sections 422(b)(17) and 424(f).

There are no changes to the pending rule and it is being adopted as originally proposed. The complete text of the proposed rule was published in the July 5, 2023, Idaho Administrative Bulletin, [Vol. 23-7, pages 86 through 93](#).

FEE SUMMARY: Pursuant to Section 67-5224(2)(d), Idaho Code, a pending fee rule shall not become final and effective unless affirmatively approved by concurrent resolution of the Legislature. The following is a description of the fee or charge imposed or increased in this rulemaking: Does not apply to this rulemaking.

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 state funds, including the General Fund, or any other known funds.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Andie Blackwood at 208-334-5960.

DATED this 30th of November, 2023.

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IDAPA 16 – DEPARTMENT OF HEALTH AND WELFARE

16.06.02 – FOSTER CARE LICENSING

DOCKET NO. 16-0602-2301 (ZBR CHAPTER REWRITE)

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2024 Idaho State Legislature and must be approved by concurrent resolution of the Legislature to go into effect, in accordance with Section 67-5224(2)(c), Idaho Code. The pending rule will become final and effective upon the adjournment, *sine die*, of the Second Regular Session of the Sixty-seventh Idaho Legislature after approval.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 39-1211, 39-1213, 56-1003, 56-1004A, and 56-1005(8), Idaho Code.

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

The 2023 Legislature requested that IDAPA chapter 16.06.02, “Child Care and Foster Care Licensing,” be separated by content for Daycare Licensing and Foster Care Licensing. IDAPA chapter 16.06.02 will now contain content for “Foster Care Licensing” and IDAPA 16.06.03 will contain content for “Daycare Licensing.” The update to this chapter will reflect the removal of the daycare licensing rules.

There are no changes to the pending rule and it is being adopted as originally proposed. The complete text of the proposed rule was published in the August 2, 2023, Idaho Administrative Bulletin, [Vol. 23-8, pages 67 through 106](#).

FEE SUMMARY: Pursuant to Section 67-5224(2)(d), Idaho Code, a pending fee rule shall not become final and effective unless affirmatively approved by concurrent resolution of the Legislature. The following is a description of the fee or charge imposed or increased in this rulemaking: Does not apply to this rulemaking.

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 state funds, including the General Fund, or any other known funds.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Andie Blackwood: 208-334-5960 (FACS), or Julie Sevcik, 208-863-4229.

DATED this 30th of November, 2023.

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IDAPA 16 – DEPARTMENT OF HEALTH AND WELFARE

16.06.03 – DAYCARE LICENSING

DOCKET NO. 16-0603-2301 (NEW CHAPTER, FEE RULE)

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2024 Idaho State Legislature and must be approved by concurrent resolution of the Legislature to go into effect, in accordance with Section 67-5224(2)(c), Idaho Code. The pending rule will become final and effective upon the adjournment, *sine die*, of the Second Regular Session of the Sixty-seventh Idaho Legislature after approval.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 39-1107, 39-1111, 56-1003, 56-1004A, 56-1005(8), and 56-1007, Idaho Code.

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

The House Health and Welfare Committee of the 2023 Legislature requested that IDAPA chapter 16.06.02, “Child Care and Foster Care Licensing,” be separated by content for Daycare Licensing and Foster Care Licensing. IDAPA chapter 16.06.03 will now contain content for “Daycare Licensing” and IDAPA 16.06.02 will contain content for “Foster Care Licensing.” The update to this chapter will reflect only content regarding daycare licensing rules.

There are no changes to the pending rule and it is being adopted as originally proposed. The complete text of the proposed rule was published in the August 2, 2023, Idaho Administrative Bulletin, [Vol. 23-8, pages 107 through 127](#).

FEE SUMMARY: Pursuant to Section 67-5224(2)(d), Idaho Code, a pending fee rule shall not become final and effective unless affirmatively approved by concurrent resolution of the Legislature. The following is a description of the fee or charge imposed or increased in this rulemaking:

Fees are required to be paid by daycare providers for licensing. In this new chapter of rules, there are no changes to fees currently paid by childcare providers for licensing. The authorizing statutes for these fees are Sections 39-1107 and 56-1007, Idaho Code.

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 state funds, including the General Fund, or any other known funds.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Aubrie Hunt at 208-334-5686.

DATED this 30th of November, 2023.

Trinette Middlebrook and Frank Powell
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
e-mail: dhwrules@dhw.idaho.gov

IDAPA 16 – DEPARTMENT OF HEALTH AND WELFARE

16.07.39 – DESIGNATED EXAMINERS AND DISPOSITIONERS

DOCKET NO. 16-0739-2301

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2024 Idaho State Legislature and must be approved by concurrent resolution of the Legislature to go into effect, in accordance with Section 67-5224(2)(c), Idaho Code. The pending rule will become final and effective upon the adjournment, *sine die*, of the Second Regular Session of the Sixty-seventh Idaho Legislature after approval.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 16-2403, 66-317, 56-1003, and 56-1004, Idaho Code.

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

These changes are being initiated to align and comply with new statute changes from Senate Bill 1327 (2022). The consequences of this rulemaking not being approved will prevent designations as a Senior Designated Examiners and will result in the continued use of outdated regulations that increases the regulatory burden on behavioral health professionals in Idaho. The application and letter of designation for designated examiners and dispositioners will be updated as a result of this rulemaking being approved.

There are no changes to the pending rule and it is being adopted as originally proposed. The complete text of the proposed rule was published in the October 4, 2023, Idaho Administrative Bulletin, [Vol. 23-10, pages 504 through 511](#).

FEE SUMMARY: Pursuant to Section 67-5224(2)(d), Idaho Code, a pending fee rule shall not become final and effective unless affirmatively approved by concurrent resolution of the Legislature. The following is a description of the fee or charge imposed or increased in this rulemaking: Does not apply to this rulemaking.

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 state funds, including the General Fund, or any other known funds.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Treena Clark at 208-334-6611.

DATED this 30th of November, 2023.

Trinette Middlebrook and Frank Powell
DHW – Administrative Rules Unit
450 W. State Street – 10th Floor
P.O. Box 83720
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IDAPA 20 – IDAHO DEPARTMENT OF LANDS

20.01.01 – RULES OF PRACTICE AND PROCEDURE BEFORE THE STATE BOARD OF LAND COMMISSIONERS

DOCKET NO. 20-0101-2301 (ZBR CHAPTER REWRITE)

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and the Idaho State Board of Land Commissioners and is now pending review by the 2024 Idaho State Legislature and must be approved by concurrent resolution of the Legislature to go into effect, in accordance with Section 67-5224(2)(c), Idaho Code. The pending rule will become final and effective upon the adjournment, *sine die*, of the Second Regular Session of the Sixty-seventh Idaho Legislature after approval.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency and the State Board of Land Commissioners have adopted a pending rule. The action is authorized pursuant to Section 58-104, Idaho Code, State Land Board, Powers and Duties and Section 67-5206(2)(b), Idaho Code, Promulgation of Rules Implementing Administrative Procedure Act.

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

Following [Executive Order 2020-01: Zero-Based Regulation](#), this rule chapter is scheduled for a comprehensive review in 2023 with the goal of simplifying the rules for increased clarity and ease of use. The overall regulatory burden has been reduced by decreasing both total word count and the number of restrictive words in the new rule chapter.

The text of the pending rule has been amended in accordance with Section 67-5227, Idaho Code. Only those sections that have changes that differ from the proposed text are printed in this bulletin. The complete text of the proposed rule was published on August 2, 2023, Idaho Administrative Bulletin, [Vol. 23-8, pages 153-176](#).

The changes in the pending rule were to remove Section 004, previously added, due to redundancy with statute.

FEE SUMMARY: Pursuant to Section 67-5224(2)(d), Idaho Code, a pending fee rule shall not become final and effective unless affirmatively approved by concurrent resolution of the Legislature. The following is a description of the fee or charge imposed or increased in this rulemaking: N/A

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

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Scott Phillips at 208-334-0294 or sphillips@idl.idaho.gov.

DATED this 21st of November, 2023.

Scott Phillips, Policy and Communications Chief
Idaho Department of Lands
300 N. 6th St, Suite 103
P.O. Box 83720
Boise, Idaho 83720-0050
Phone: (208) 334-0294
Fax: (208) 334-3698
rulemaking@idl.idaho.gov

DOCKET NO. 20-0101-2301 – ADOPTION OF PENDING RULE
(Zero Based Regulation (ZBR) Chapter Rewrite)

Substantive changes have been made to the pending rule.
Italicized text indicates changes between the text of the proposed rule as adopted in the pending rule.

The text of the proposed rule was published in the Idaho Administrative Bulletin,
[Volume 23-8, August 2, 2023, pages 153 through 176.](#)

This rule has been adopted as a pending rule by the agency and is now awaiting
review and final approval by the 2024 Idaho State Legislature.

THE FOLLOWING IS THE TEXT OF THE PENDING RULE FOR ZBR DOCKET NO. 20-0101-2301
(Only those sections or subsections that have changed from the original proposed text
are printed in this Bulletin following this notice.)

20.01.01 – RULES OF PRACTICE AND PROCEDURE BEFORE
THE STATE BOARD OF LAND COMMISSIONERS

(BREAK IN CONTINUITY OF SECTIONS)

[Proposed New Section 004 has been omitted from the pending rule]

~~781~~004. -- 999. (RESERVED)

IDAPA 20 – IDAHO DEPARTMENT OF LANDS

20.03.01 – RULES GOVERNING DREDGE AND PLACER MINING OPERATIONS IN IDAHO

DOCKET NO. 20-0301-2301 (ZBR CHAPTER REWRITE, FEE RULE)

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and the Idaho State Board of Land Commissioners and is now pending review by the 2024 Idaho State Legislature and must be approved by concurrent resolution of the Legislature to go into effect, in accordance with Section 67-5224(2)(c), Idaho Code. The pending rule will become final and effective upon the adjournment, *sine die*, of the Second Regular Session of the Sixty-seventh Idaho Legislature after approval.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 58-104(6) and 58-105, Idaho Code, and Title 47, Chapter 13, Idaho Code.

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

Following [Executive Order 2020-01, Zero-Based Regulation](#), this rule chapter is scheduled for a comprehensive review in 2023 with the goal of simplifying the rules for increased clarity and ease of use. The overall regulatory burden has been reduced by decreasing both total word count and the number of restrictive words in the new rule chapter. Inspection fees have been increased to cover the costs of performing inspections, and the late payment policy was updated. Surety companies issuing bonds must be listed in the U.S Department of the Treasury's Circular 570, and the 120 day cancellation notification was reduced to 90 days. Time Deposit Receipts were recognized as acceptable forms of bonding.

The text of the pending rule has been amended in accordance with Section 67-5227, Idaho Code. Only those sections that have changes that differ from the proposed text are printed in this bulletin. The complete text of the proposed rule was published in the September 6, 2023, Idaho Administrative Bulletin, [Vol. 23-9, pages 280-307](#).

The changes in the pending rule were mostly to fix punctuation and capitalization errors. The definition of Permittee was shortened for clarity. A word was added in Subsection 035.09 to better align with statute. The word order in Paragraph 040.14.d. was modified for clarity of the written notice.

FEE SUMMARY: Pursuant to Section 67-5224(2)(d), Idaho Code, this pending fee rule shall not become final and effective unless affirmatively approved by concurrent resolution of the Legislature. The following is a description of the fee or charge imposed or increased in this rulemaking:

The annual inspection fee in place since 1991 is increased to \$435 for all permits. This fee is being imposed pursuant to Section 47-1317(d), Idaho Code. The current annual inspection fees are \$100 for permits on United States Forest Service lands and \$250 for all other permits.

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

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

DATED this 21st of November, 2023.

Eric Wilson
Resource Protection and Assistance Bureau Chief
Idaho Department of Lands
300 N. 6th Street, Suite 103

P.O. Box 83720
Boise, Idaho 83720-0050
Phone: (208) 334-0261
Fax: (208) 334-3698

DOCKET NO. 20-0301-2301 – ADOPTION OF PENDING RULE
(Zero Based Regulation (ZBR) Chapter Rewrite)

Substantive changes have been made to the pending rule.
Italicized text indicates changes between the text of the proposed rule as adopted in the pending rule.

The text of the proposed rule was published in the Idaho Administrative Bulletin,
Volume 23-9, September 6, 2023, pages 280 through 307.

This rule has been adopted as a pending rule by the agency and is now awaiting
review and final approval by the 2024 Idaho State Legislature.

THE FOLLOWING IS THE TEXT OF THE PENDING RULE FOR ZBR DOCKET NO. 20-0301-2301
(Only those sections or subsections that have changed from the original proposed text
are printed in this Bulletin following this notice.)

20.03.01 – RULES GOVERNING DREDGE AND PLACER MINING OPERATIONS IN IDAHO

(BREAK IN CONTINUITY OF SECTIONS)

010. DEFINITIONS.

In addition to the definitions set forth in the Act, the following definitions apply to these rules: ()

[Proposed Subsection 010.11]

191. **Permittee.** The person in whose name the permit is issued and who is ~~to be~~ held responsible for
compliance with the conditions of the permit by the Department. (~~3-18-22~~) ()

(BREAK IN CONTINUITY OF SECTIONS)

020. PLACER OR DREDGE EXPLORATION OPERATIONS.

[Proposed Subsection 020.03]

043. **Reclamation Required.** The following reclamation activities, required to be conducted on
exploration sites, must be performed in a workmanlike manner with all reasonable diligence, and as to a given
exploration drill hole, road, pit, or trench, within one (1) year after abandonment thereof: ()

a. Drill holes must be plugged within one (1) year of abandonment with a permanent concrete or
bentonite plug. (~~3-18-22~~) ()

b. Restore all disturbed lands, including roads, to conditions reasonably comparable to conditions

existing prior to the placer or dredge exploration operations: ~~(47-1314(b))~~; (3-18-22)()

c. Conduct revegetation activities in accordance with Subsection 040.175. Unless otherwise required by a federal agency, one (1) pit or trench on a federal mining claim showing discovery, may be left open pending verification by federal mining examiners. Such abandoned pits and trenches must be reclaimed within one (1) year of verification; (3-18-22)()

d. If water runoff from exploration operations causes siltation or other pollution of surface waters, the operator will prepare disturbed lands and adjoining lands under his or her control, as is necessary to meet state water quality standards: (3-18-22)()

e. Abandoned lands disturbed by an exploration operation must be top-dressed to the extent that such overburden is reasonably available from any pit or other excavation created by the exploration operation, with that type of overburden that is conducive to the control of erosion or the growth of vegetation that the operator elects to plant thereon; and (3-18-22)()

f. Any water containment structure created in connection with exploration operations will be constructed, maintained, and reclaimed so as not to constitute a hazard to human health or the environment. ()

(BREAK IN CONTINUITY OF SECTIONS)

035. PERFORMANCE BOND REQUIREMENTS.

[Proposed Subsection 035.09]

~~1209.~~ **Insufficient Bond.** In the event the amount of the bond is insufficient to reclaim the land in compliance with the ~~a~~Act, these rules, the ~~approved~~ permit, and the ~~reclamation~~ plan of operations, the attorney general is empowered to commence legal action against the Permittee in the name of the Board to recover the amount, in excess of the recoverable bond, necessary to reclaim the land in compliance with the ~~a~~Act, these rules, the ~~approved~~ permit, and the ~~reclamation~~ plan of operations. (3-18-22)()

036. -- 039. (RESERVED)

040. BEST MANAGEMENT PRACTICES AND RECLAMATION FOR PLACER AND DREDGE MINING OPERATION.

[Proposed Subsection 040.04]

04. Overburden/Topsoil. To aid in the revegetation of disturbed land, where placer or dredge mining operations result in the removal of substantial amounts of overburden, including any topsoil, the Permittee must remove, where practicable, the available topsoil or other growth medium as a separate operation for such area. Unless there are previously disturbed lands which are graded and immediately available for placement of the newly removed topsoil or other growth medium, the topsoil or other growth medium must be stockpiled and protected from erosion and contamination until such areas become available. ()

a. Overburden/topsoil removal: ()

i. Any overburden/topsoil to be removed will be removed prior to any other mining activity to prevent loss or contamination; ()

ii. Where overburden/topsoil removal exposes land area to potential erosion, the Director may, as a condition of a permit, limit the size of any one (1) area having topsoil removed at any one (1) time: and (3-18-22)()

iii. Where the Permittee can show that an overburden material other than topsoil is more conducive to plant growth, or where overburden other than topsoil is the only material reasonably available, such overburden may be allowed as a substitute for or a supplement to the available topsoil. ()

b. Topsoil storage. Topsoil stockpiles must be placed to minimize rehandling and exposure and to avoid excessive wind and water erosion. Topsoil stockpiles must be protected, as necessary, from erosion by use of temporary vegetation or by other methods which will control erosion including, but not limited to, silt fences, chemical binders, seeding, and mulching. ()

c. Overburden storage. Stockpiled ridges of overburden must be leveled to a minimum width of ten (10) feet at the top. Peaks of overburden must be leveled to a minimum width of fifteen (15) feet at the top. The overburden piles must be reasonably prepared to control erosion using best management practices such as terracing, silt fences, chemical binders, seeding, and mulching. ()

[Proposed Subsection 040.08]

4008. Backfilling and Grading. ()

a. Every operator who conducts placer mining exploration operations that disturb less than one-half (1/2) acre must contour the disturbed land to its approximate previous contour. These lands must be revegetated in accordance with Subsection 040.175. For showing discovery on federal mining claims, unless otherwise required by a federal agency, one (1) pit may be left open on each claim pending verification by federal mining examiners, but must not create a hazard to humans or animals. Such pits and trenches must be reclaimed within one (1) year of verification. (3-18-22)()

b. Every Permittee who disturbs more than one-half (1/2) acre must shape and smooth the disturbed ground to a grade reasonably comparable with the natural contour of the ground prior to mining, and to a condition that promotes the growth of vegetation except as provided in Paragraph 040.15.m. or minimize erosion through other means. Any disturbed natural watercourse must be restored to a configuration and structure conducive to good fish and wildlife habitat and recreational use. ()

c. Backfill materials must be compacted in a manner to ensure stability of the fill. ()

d. After the disturbed land has been graded, slopes will be measured by the ~~the~~ Department for compliance with the requirements of the ~~a~~ Act, these rules, and the ~~placer or dredge mining permit, and the reclamation plan.~~ (3-18-22)()

[Proposed Subsection 040.14]

164. Permanent Cessation and Time Limits for Planting. ()

a. Wherever possible, but not later than one (1) year after grading, seeding and planting of disturbed lands ~~must will~~ be completed during the first favorable growth period after seedbed preparation. If permanent vegetation is delayed or slow in establishment, temporary cover of small annual grains, grasses, or legumes may be used to control erosion until adequate permanent cover is established. (3-18-22)()

b. Reclamation activities should be concurrent with the mining operation and may be included in the approved ~~placer or dredge mining permit and reclamation plan.~~ Final reclamation of the permit area or any part of the permit area must begin within one (1) year after the placer or dredge mining operations have permanently ceased ~~on a mine panel. If the Permittee permanently ceases disposing of overburden on a waste area or permanently ceases removing minerals from a pit or permanently ceases using a road or other disturbed land, the reclamation activity on each given area must start within one (1) year of such cessation, despite the fact that all operations as to the mine panel, which included such pit, road, overburden pile, or other disturbed land, has not permanently ceased on those parts of the permit area.~~ (3-18-22)()

c. A Permittee will be presumed to have permanently ceased placer or dredge mining operations on a given portion of disturbed land where no substantial amount of mineral or overburden material has been removed or overburden placed on an overburden dump, or no significant use has been made of a road during the previous one (1) year. ()

d. If a Permittee does not plan to use disturbed land for one (1) or more years, but intends thereafter to use the disturbed land for placer or dredge mining operations, and desires to defer final reclamation until after its subsequent use, the Permittee must submit written a notice of intent and request for deferral of reclamation to the Director Department, in writing. If the Director Department determines that the Permittee plans to continue the operation within a reasonable period of time, the Director Department will notify the Permittee and may require actions to be taken to reduce degradation of surface resources stabilize stockpiles and maintain water quality until operations resume. If the Director Department determines that the use of the disturbed land for placer or dredge mining operations will not be continued within a reasonable period of time, the Director Department will proceed as though the placer or dredge mining operation has been abandoned, but the Permittee Department will be notified notify the Permittee of such decision at least thirty (30) days before taking any formal administrative action. (3-18-22)()

(BREAK IN CONTINUITY OF SECTIONS)

051. ENFORCEMENT AND FAILURE TO COMPLY.

[Proposed Subsection 051.01]

01. **Inspection.** The Director Department may inspect the operation under permit from time to time to determine compliance with the a Act, these rules, and the permit, and the reclamation plan. The Permittee will pay the cost and expense of such inspections will be borne by the Permittee as required by Section 47-1317, Idaho Code. (3-18-22)()

a. Cost of inspection is assessed at a flat rate of two hundred and fifty four hundred thirty five dollars (\$250435) per year for each permit. Permits upon U.S. Forest Service administered lands is assessed at a flat rate of one hundred dollars (\$100) per year for each permit, to reflect the reduced inspection work for the department. (3-18-22)()

b. A billing for inspection costs fees will be made in advance each May 1, with the costs bill due and payable within thirty (30) days of receipt of an inspection cost statement. Inspection fees become delinquent if not paid on or before June 1, and the department may assess the greater of the following: either a twenty-five dollars (\$25) late payment charge or penalty at the rate of one percent (1%) for each calendar month or fraction thereof, compounded monthly, for late payments from the date the inspection fee is due. Such costs constitute a lien upon equipment, personal property, or real property of the Permittee and upon minerals produced from the permit area. Should inspection fees be delinquent, the department will send a single notice of delinquent payment by certified mail, return receipt requested, to the Permittee. If payment is not received by the department within thirty (30) days from the date of receipt, the department may take appropriate administrative action to cancel the permit as provided by Subsection 050.02. Fees not received by the due date are considered late. (3-18-22)()

c. Late inspection fees will result in the following monthly charges: ()

i. A late charge of twenty-five dollars (\$25) or one percent (1%) of the unpaid principal obligation, whichever is greater; and ()

ii. An interest charge of one percent (1%) on the unpaid principal obligation. ()

d. Failure to pay the inspection fees may result in permit termination and the Department placing a lien upon the Permittee's equipment, personal property, or real property and upon minerals produced from the permit area. ()

e. Inspection ~~costs~~ **fees** related to a reported violation are assessed at actual costs and in addition to ~~these costs~~ **the fees** in Paragraph 051.01.a. Costs include mileage to and from the mine site, employee meals, lodging, personnel costs, and administrative overhead. ~~Costs~~ **Fees** are due and payable thirty (30) days after receipt of the inspection cost statement. ~~(3-18-22)~~ **()**

IDAPA 20 – IDAHO DEPARTMENT OF LANDS

20.03.03 – RULES GOVERNING ADMINISTRATION OF THE RECLAMATION FUND

DOCKET NO. 20-0303-2301 (ZBR CHAPTER REWRITE, FEE RULE)

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and the Idaho State Board of Land Commissioners and is now pending review by the 2024 Idaho State Legislature and must be approved by concurrent resolution of the Legislature to go into effect, in accordance with Section 67-5224(2)(c), Idaho Code. The pending rule will become final and effective upon the adjournment, *sine die*, of the Second Regular Session of the Sixty-seventh Idaho Legislature after approval.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 58-104(6) and 58-105, Idaho Code, and Title 47, Chapter 18, Idaho Code.

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

Following [Executive Order 2020-01, Zero-Based Regulation](#), this rule chapter is scheduled for a comprehensive review in 2023 with the goal of simplifying the rules for increased clarity and ease of use. The overall regulatory burden has been reduced by decreasing both total word count and the number of restrictive words in the new rule chapter. The late payment policy was updated.

The text of the pending rule has been amended in accordance with Section 67-5227, Idaho Code. Only those sections that have changes that differ from the proposed text are printed in this bulletin. The complete text of the proposed rule was published in the September 6, 2023, Idaho Administrative Bulletin, [Vol. 23-9, pages 308-313](#).

The changes in the pending rule were to fix punctuation and clarify some statute references.

FEE SUMMARY: Pursuant to Section 67-5224(2)(d), Idaho Code, this pending fee rule shall not become final and effective unless affirmatively approved by concurrent resolution of the Legislature. The following is a description of the fee or charge imposed or increased in this rulemaking:

A monthly late fee of the greater of twenty-five dollars (\$25) or one percent (1%) of the unpaid principal, and an interest charge of one percent (1%) on the unpaid principal. These charges are authorized by Section 47-1803, Idaho Code.

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

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

DATED this 21st of November, 2023.

Eric Wilson, Resource Protection and Assistance Bureau Chief
Idaho Department of Lands
300 N. 6th Street, Suite 103
Boise, Idaho 83720-0050
P.O. Box 83720
Phone: (208) 334-0261
Fax: (208) 334-3698
rulemaking@idl.idaho.gov

DOCKET NO. 20-0303-2301 – ADOPTION OF PENDING RULE
(Zero Based Regulation (ZBR) Chapter Rewrite)

Substantive changes have been made to the pending rule.
Italicized text indicates changes between the text of the proposed rule as adopted in the pending rule.

The text of the proposed rule was published in the Idaho Administrative Bulletin,
Volume 23-9, September 6, 2023, pages 308 through 313.

This rule has been adopted as a pending rule by the agency and is now awaiting
review and final approval by the 2024 Idaho State Legislature.

THE FOLLOWING IS THE TEXT OF THE PENDING RULE FOR ZBR DOCKET NO. 20-0303-2301
(Only those sections or subsections that have changed from the original proposed text
are printed in this Bulletin following this notice.)

20.03.03 – RULES GOVERNING ADMINISTRATION OF THE RECLAMATION FUND

(BREAK IN CONTINUITY OF SECTIONS)

010. DEFINITIONS.

Except as provided in these rules, the Board adopts the definitions set forth in the Mineral ~~Leasing Act~~ Rights in State Lands, the Dredge Mining Act, and the Mined Land Reclamation Act. As used in these rules: ~~(3-18-22)~~()

[Proposed Subsections 010.06 through 010.07]

06. Dredge Mining Act. Idaho Dredge and Placer Mining Protection Act, Title 47, Chapter 13, Idaho Code, and IDAPA 20.03.01, “Dredge and Placer Mining Operations in Idaho.” ~~(3-18-22)~~()

07. Financial Assurance. ()

a. Cash, corporate surety bond, collateral bond, or letter of credit as described in the Dredge Mining Act, or the Mineral Leasing Act, or a mineral lease, Rights in State Lands; and ()

b. Financial assurance as defined in the Mined Land Reclamation Act. ~~(3-18-22)~~()

[Proposed Subsection 010.18]

18. Reclamation Fund Act; Act. Title 47, Chapter 18, Idaho Code, and IDAPA 20.03.03, “Rules Governing Administration of the Reclamation Fund.” ~~(3-18-22)~~()

IDAPA 20 – IDAHO DEPARTMENT OF LANDS
20.03.05 – NAVIGABLE WATERWAYS MINERAL LEASING IN IDAHO
DOCKET NO. 20-0305-2301 (ZBR CHAPTER REWRITE, FEE RULE)
NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and the Idaho State Board of Land Commissioners and is now pending review by the 2024 Idaho State Legislature and must be approved by concurrent resolution of the Legislature to go into effect, in accordance with Section 67-5224(2)(c), Idaho Code. The pending rule will become final and effective upon the adjournment, *sine die*, of the Second Regular Session of the Sixty-seventh Idaho Legislature after approval.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 58-104(6) and 58-105, Idaho Code, and Title 47, Chapter 13, Idaho Code.

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

Following [Executive Order 2020-01, Zero-Based Regulation](#), this rule chapter is scheduled to be repealed and replaced in 2023 for review during the 2024 legislative session. The overall regulatory burden has been reduced by decreasing both total word count and the number of restrictive words in the new rule chapter. Application and assignment fees have been increased to cover the costs of reviewing applications. Late payment policy is updated, and revised wording in the rule will now cover all navigable waterways rather than just rivers.

The text of the pending rule has been amended in accordance with Section 67-5227, Idaho Code. Only those sections that have changes that differ from the proposed text are printed in this bulletin. The complete text of the proposed rule was published in the September 6, 2023, Idaho Administrative Bulletin, [Vol. 23-9, pages 314-320](#).

The changes in the pending rule were to fix punctuation and grammatical errors.

FEE SUMMARY: Pursuant to Section 67-5224(2)(d), Idaho Code, this pending fee rule shall not become final and effective unless affirmatively approved by concurrent resolution of the Legislature. The following is a description of the fee or charge imposed or increased in this rulemaking:

The \$50 lease application fee in place since 1991 is increased to \$425. The application advertising fee is increased from \$45 to \$75. The exploration location fee is increased from \$250 to \$500. The \$50 assignment fee is increased to \$200. These fees are being imposed pursuant to Sections 58-104 and 58-127, Idaho Code, and Section 47-7, Idaho Code.

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

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Marde Mensinger at (208) 334-0248 or mmensinger@idl.idaho.gov.

DATED this 21st of November, 2023.

Marde Mensinger, Navigable Waterways Program Manager
Idaho Department of Lands
300 N. 6th Street, Suite 103
P.O. Box 83720
Boise, Idaho 83720-0050
Phone: (208) 334-0248
Fax: (208) 334-3698
rulemaking@idl.idaho.gov

DOCKET NO. 20-0305-2301 – ADOPTION OF PENDING RULE
(Zero Based Regulation (ZBR) Chapter Rewrite)

Substantive changes have been made to the pending rule.
Italicized text indicates changes between the text of the proposed rule as adopted in the pending rule.

The text of the proposed rule was published in the Idaho Administrative Bulletin,
Volume 23-9, September 6, 2023, pages 314 through 320.

This rule has been adopted as a pending rule by the agency and is now awaiting
review and final approval by the 2024 Idaho State Legislature.

THE FOLLOWING IS THE TEXT OF THE PENDING RULE FOR ZBR DOCKET NO. 20-0305-2301
(Only those sections or subsections that have changed from the original proposed text
are printed in this Bulletin following this notice.)

20.03.05 – ~~RIVERBED~~ **NAVIGABLE WATERWAYS** MINERAL LEASING IN IDAHO

(BREAK IN CONTINUITY OF SECTIONS)

030. RENTAL AND ROYALTY AND LATE PAYMENTS.

01. **Minimum Annual Rental.** The minimum annual rental is ~~one~~ **five** hundred ~~sixty~~ dollars (\$~~160~~**500**)
for any area up to ~~one hundred sixty (160) acres, and one dollar (\$1) for each additional acre.~~ (3-18-22)()

02. ~~**Minimum Annual Royalty.** In addition to the annual rental, the commercial lessee pays an annual
minimum royalty of five hundred dollars (\$500) per year and all other lessees pay an annual minimum royalty of
three hundred forty dollars (\$340) per year.~~ (3-18-22)

03. ~~**Deduction of Royalty.** The annual minimum royalty and the annual rental for any year is deducted
from the actual production royalty as it accrues for that year.~~ (3-18-22)

04. ~~**Royalty Schedule.** The appropriate Board approved~~ **A** royalty schedule for ~~each~~ **the** commodity
~~mined~~ **leased** must be attached and made a part of the mineral lease. (3-18-22)()

05. ~~**Late Payments.** Rental or royalty not paid by the due date is considered late. A twenty-five dollars
(\$25) late payment charge or penalty interest from the due date, whichever is greater, will be added to the rental or
royalty amount. The penalty interest is one percent (1%) for each calendar month or fraction thereof. **and will result in
the following monthly charges:**~~ (3-18-22)()

a. ~~A late charge of twenty-five dollars (\$25) or one percent (1%) of the unpaid principal obligation,
whichever is greater; and~~ ()

b. ~~An interest charge of one percent (1%) on the unpaid principal obligation.~~ ()

04. ~~**Late Charge Accrual.** The Department will send monthly statements with the outstanding balance
that will remain on the account and will continue to accrue late charges and interest each month, or any portion of a~~

month, until the balance is paid in full. All payments will be applied first to accrued interest and late charges, and then to principal. ()

(BREAK IN CONTINUITY OF SECTIONS)

040. BOND.

01. **Minimum Lease Bond.** Concurrent with the lessee's execution of the lease ~~by the lessee~~, lessee must furnish to the ~~Director~~ Department a ~~good and sufficient~~ bond ~~or undertaking in favor of the state of Idaho~~ on a Department form in the amount of five thousand dollars (\$5,000) for commercial operations and one thousand dollars (\$1,000) for all other operations; ~~The bond will be in favor of the state of Idaho~~, conditioned on the payment of all damages to the land and all improvements thereon which result from the lessee's operation and conditioned on complying with statute, these rules and the lease terms. This bond is in addition to ~~the~~ bonds required by ~~the Idaho Dredge and Placer Mining Protection Act~~ (Title 47, Chapter 13, Idaho Code). (3-18-22)()

02. **Statewide Bond.** ~~In lieu of the above bond, the lessee may furnish a good and sufficient "statewide" bond conditioned as above in the amount of fifty thousand dollars (\$50,000) in favor of the state of Idaho, to cover all lessee's leases and operations carried on under statute and these rules.~~ (3-18-22)

03. **Motorized Exploration.** Motorized exploration on ~~an site under exploration~~ location is subject to a ~~minimum~~ bond ~~in the amount of seven hundred fifty dollars (\$750). A larger bond not exceeding seven hundred fifty dollars (\$750) per acre may be required by the Department depending on the size and scope of the operation that covers the estimated reasonable cost of reclamation as provided in Section 47-703A, Idaho Code.~~ (3-18-22)()

IDAPA 20 – IDAHO DEPARTMENT OF LANDS

20.05.01 – RULES PERTAINING TO THE RECREATIONAL USE OF ENDOWMENT LAND

DOCKET NO. 20-0501-2301 (NEW CHAPTER)

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and the Idaho State Board of Land Commissioners and is now pending review by the 2024 Idaho State Legislature and must be approved by concurrent resolution of the Legislature to go into effect, in accordance with Section 67-5224(2)(c), Idaho Code. The pending rule will become final and effective upon the adjournment, *sine die*, of the Second Regular Session of the Sixty-seventh Idaho Legislature after approval.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 58-156 and 58-104(6), Idaho Code.

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

Aside from misdemeanor or felony criminal trespass charges, Idaho Code 58-156 offers a less severe remedy for those who inflict relatively minor damage to endowment land while recreating. Idaho's increasing population has resulted in more people recreating on endowment land and more damage to the land. Allowing POST certified Idaho law enforcement to issue warnings/citations for relatively minor offenses will help discourage destructive behaviors on endowment land which both reduces the revenue generating potential of the land and costs money to remediate. Rulemaking is required under the new law before a warning or infraction ticket may be written.

There are no changes to the pending rule and it is being adopted as originally proposed. The complete text of the proposed rule was published in the October 4, 2023, Idaho Administrative Bulletin, [Vol. 23-10, pages 516-519](#).

FEE SUMMARY: Pursuant to Section 67-5224(2)(d), Idaho Code, a pending fee rule shall not become final and effective unless affirmatively approved by concurrent resolution of the Legislature. The following is a description of the fee or charge imposed or increased in this rulemaking: N/A

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

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Todd Wernex at (208) 334-0282 or twernex@idl.idaho.gov.

DATED this 21st of November, 2023.

Todd Wernex, Recreation Program Manager
Idaho Department of Lands
300 N. 6th Street, Suite 103
P.O. Box 83720
Boise, Idaho 83720-0050
Phone: (208) 334-0282
Fax: (208) 334-3698

IDAPA 24 – DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSING

24.36.01 – RULES OF THE IDAHO STATE BOARD OF PHARMACY

DOCKET NO. 24-3601-2301

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2024 Idaho State Legislature and must be approved by concurrent resolution of the Legislature to go into effect, in accordance with Section 67-5224(2)(c), Idaho Code. Should the pending rule be approved, it will become final and effective upon the adjournment, *sine die*, of the Second Regular Session of the Sixty-seventh Idaho Legislature.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 67-2604, Idaho Code, and Sections 37-2702, 37-2715, 54-1717, 54-1753, 54-1755, 67-2614, 67-9406, and 67-9409, Idaho Code.

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

The Idaho Board of Pharmacy engaged in this rulemaking pursuant to Section 67-5230, Idaho Code. In September 2023, the Board granted a waiver of IDAPA 24.36.01.301.04. Pursuant to Section 67-5230, Idaho Code, the Board initiated rulemaking proceedings to allow all similarly situated persons to derive the same benefits granted to the individual who petitioned for the waiver.

There are no changes to the pending rule and it is being adopted as originally proposed. The complete text of the proposed rule was published in the December 6, 2023, Idaho Administrative Bulletin, [Vol. 23-12, pages 162–164](#).

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

The pending amendments to the rules do not impose any new or increased 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: N/A.

This rulemaking is not anticipated to have any negative fiscal impact on the State General Fund.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Katie Stuart, Bureau Chief, at 208-577-2489.

DATED this 3rd day of January, 2024.

Katie Stuart
Bureau Chief- Administration
11341 W. Chinden Blvd., Bldg. #4
Boise, ID 83714
Phone: (208) 577-2489
Email: katie.stuart@dopl.idaho.gov

IDAPA 32 – ENDOWMENT FUND INVESTMENT BOARD

32.01.01 – RULES GOVERNING THE CREDIT ENHANCEMENT PROGRAM FOR SCHOOL DISTRICTS

DOCKET NO. 32-0101-2301 (ZBR CHAPTER REWRITE, FEE RULE)

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2024 Idaho State Legislature and must be approved by concurrent resolution of the Legislature to go into effect, in accordance with Section 67-5224(2)(c), Idaho Code. The pending rule will become final and effective upon the adjournment, *sine die*, of the Second Regular Session of the Sixty-seventh Idaho Legislature.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 57-238(2), Idaho Code.

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

The credit enhancement program allows School Districts to issue bonds to construct schools with an improved credit rating which lowers debt service expenses. In order to participate in the program, School Districts pay a \$500 application fee and a one-time fee equal to two one-hundredths of one percent (0.02% or two basis points) of the Total Debt Service.

This is a long-standing rule, however, the text was simplified to comply with the [Zero-Based Regulation E. O. 2020-01](#). There are no changes to the pending rule and it is being adopted as originally proposed. The complete text of the proposed rule was published in the November 1, 2023, Idaho Administrative Bulletin, [Vol. 23-11, pages 72-75](#).

FEE SUMMARY: Pursuant to Section 67-5224(2)(d), Idaho Code, this pending fee rule shall not become final and effective unless affirmatively approved by concurrent resolution of the Legislature. The following is a description of the fee or charge imposed or increased in this rulemaking:

This rulemaking does not impose a new fee or charge, or increase an existing fee or charge, beyond what has been previously submitted for review in prior rules. This rule indicated that the Endowment Fund Investment Board will change School Districts an application fee of \$500 and a one-time bond guarantee fee equal to two one hundredths of one percent (0.02% or two basis points) of the Total Debt Service to provide credit enhancement for bonds issue to construct public schools. The fee or charge is being imposed pursuant to Section 57-728, Idaho Code.

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.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Chris Anton, Manager of Investments, Endowment Fund Investment Board, 816 West Bannock Street, Suite 301, Boise, ID 83702, (208)334-3312, chris.anton@efib.idaho.gov.

DATED this 30th of November, 2023.

Chris Anton
Endowment Fund Investment Board
816 West Bannock Street, Suite 301
Boise, ID 83712
Phone: (208)334-3312
Fax: (208)334-3786

IDAPA 35 – IDAHO STATE TAX COMMISSION

35.01.01 – INCOME TAX ADMINISTRATIVE RULES

DOCKET NO. 35-0101-2302

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2024 Idaho State Legislature and must be approved by concurrent resolution of the Legislature to go into effect, in accordance with Section 67-5224(2)(c), Idaho Code. The pending rule will become final and effective upon the adjournment, *sine die*, of the Second Regular Session of the Sixty-seventh Idaho Legislature.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 63-105 Idaho Code.

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

Rule 874: The Taxpayer First Act of 2019 enacted July 1, 2019, authorized the Department of the Treasury and the Internal Revenue Service to issue regulations that reduce the e-file requirements for W-2s and other information returns filed on or after January 1, 2024. This rule change is to conform to those e-file requirements to match those in Section 6011, Internal Revenue Code.

General Instructions for Certain Information Returns (2023) | Internal Revenue Service: <https://www.irs.gov/filing/e-file-information-returns>.

There are no changes to the pending rule and it is being adopted as originally proposed. The complete text of the proposed rule was published in the November 1, 2023, Idaho Administrative Bulletin, Vol. 23-11, pages 76-77.

FEE SUMMARY: Pursuant to Section 67-5224(2)(d), Idaho Code, this pending fee rule shall not become final and effective unless affirmatively approved by concurrent resolution of the Legislature. The following is a description of the fee or charge imposed or increased in this rulemaking:

Does not apply to this rulemaking.

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

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Cynthia Adrian at (208) 332-6691.

DATED this 3rd of January, 2024.

Cynthia Adrian, Income Tax Research Specialist
Idaho State Tax Commission
11321 W. Chinden Blvd., Bldg. 2, Boise ID 83714
PO Box 36, Boise ID 83722-0036
cynthia.adrian@tax.idaho.gov
(208) 332-6691

IDAPA 35 – IDAHO STATE TAX COMMISSION

35.01.02 – IDAHO SALES AND USE TAX ADMINISTRATIVE RULES

DOCKET NO. 35-0102-2301

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2024 Idaho State Legislature and must be approved by concurrent resolution of the Legislature to go into effect, in accordance with Section 67-5224(2)(c), Idaho Code. The pending rule will become final and effective upon the adjournment, *sine die*, of the Second Regular Session of the Sixty-seventh Idaho Legislature.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 63-105, Idaho Code.

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

RULE 029: Two examples are being deleted because they conflict with a previous change to Section 63-3622TT, Idaho Code.

There are no changes to the pending rule and it is being adopted as originally proposed. The complete text of the proposed rule was published in the November 1, 2023, Idaho Administrative Bulletin, [Vol. 23-11, pages 78-79](#).

FEE SUMMARY: Pursuant to Section 67-5224(2)(d), Idaho Code, this pending fee rule shall not become final and effective unless affirmatively approved by concurrent resolution of the Legislature. The following is a description of the fee or charge imposed or increased in this rulemaking:

Does not apply to this rulemaking.

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

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Philip Johnson at (208) 334-7505.

DATED this 3rd of January.

Philip Johnson, Sales and Use Tax Research Specialist
Idaho State Tax Commission
11321 W. Chinden Blvd., Bldg. 2, Boise ID 83714
PO Box 36, Boise ID 83722-0036
philip.johnson@tax.idaho.gov
(208) 334-7505

IDAPA 36 – IDAHO STATE BOARD OF TAX APPEALS

36.01.01 – IDAHO BOARD OF TAX APPEALS RULES

DOCKET NO. 36-0101-2301 (ZBR CHAPTER REWRITE)

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2024 Idaho State Legislature and must be approved by concurrent resolution of the Legislature to go into effect, in accordance with Section 67-5224(2)(c), Idaho Code. The pending rule will become final and effective July 1, 2024, after approval.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 3808, Title 63, Idaho Code.

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

The pending rule is being adopted under [Executive Order 2020-01 Zero Based Regulation](#). There are no changes to the pending rule and it is being adopted as originally proposed. The complete text of the proposed rule was published in the November 1, 2023, Idaho Administrative Bulletin, [Vol. 23-11, pages 80 - 96](#).

FEE SUMMARY: Pursuant to Section 67-5224(2)(d), Idaho Code, this pending fee rule shall not become final and effective unless affirmatively approved by concurrent resolution of the Legislature. The following is a description of the fee or charge imposed or increased in this rulemaking:

Does not apply to this rulemaking.

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

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Cindy Pollock at 208-334-3354.

DATED this 30th of November, 2023.

Cindy Pollock, Director
Idaho Board of Tax Appeals
1673 W. Shoreline Drive
Suite 120
Boise, ID 83702
Phone: 208-334-3354
Fax: 208-334-4060

IDAPA 37 – IDAHO DEPARTMENT OF WATER RESOURCES

37.03.08 – WATER APPROPRIATION RULES

DOCKET NO. 37-0308-2301 (ZBR CHAPTER REWRITE, FEE RULE)

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2024 Idaho State Legislature and must be approved by concurrent resolution of the Legislature to go into effect, in accordance with Section 67-5224(2)(c), Idaho Code. The pending rule will become final and effective upon the adjournment, *sine die*, of the Second Regular Session of the Sixty-seventh Idaho Legislature.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. This action is authorized pursuant to Section 42-1805(8), Idaho Code.

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

This rule sets the procedures for obtaining a permit to divert and use unappropriated public waters or a permit for a reallocation of trust water within the Swan Falls Trust Water Area. The rule governs the filing and processing of applications for permit to appropriate water.

There is one change to the pending rule: the inclusion of the definition of beneficial use from the existing rule (IDAPA 37.03.08 Rule 10.06 – Beneficial Use). With the exception of this single insertion, the pending rule is adopted as originally proposed.

The text of the pending rule has been amended in accordance with Section 67-5227, Idaho Code. Only those sections that have changes that differ from the proposed text are printed in this bulletin. The complete text of the proposed rule was published in the October 4, 2023, Idaho Administrative Bulletin, [Vol. 23-10, pages 610–641](#).

FEE SUMMARY: Pursuant to Section 67-5224(2)(d), Idaho Code, this pending fee rule shall not become final and effective unless affirmatively approved by concurrent resolution of the Legislature. The following is a description of the fee or charge imposed or increased in this rulemaking:

IDAPA 37.03.08 sets the procedures for obtaining a permit to divert and use unappropriated public waters or a permit for a reallocation of trust water within the Swan Falls Trust Water Area. The rule governs the filing and processing of applications for permit to appropriate water. The rule also establishes the collection of fee(s) to file or republish notice of an application set forth in Idaho Code §§ 42-221A and 42-221F. The rule also establishes the collection of fee(s) to file a protest or petition to intervene in a protested matter set forth in Idaho Code § 42-221L.

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

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Mathew Weaver at mathew.weaver@idwr.idaho.gov, (208) 287-4800.

DATED this 30th of November 2023.

Mathew Weaver, Director
Idaho Department of Water Resources
322 E. Front Street
PO Box 83720
Boise, ID 83720-0098
Phone: (208) 287-4800

DOCKET NO. 37-0308-2301 – ADOPTION OF PENDING RULE
(Zero Based Regulation (ZBR) Chapter Rewrite)

Substantive changes have been made to the pending rule.
Italicized text indicates changes between the text of the proposed rule as adopted in the pending rule.

The text of the proposed rule was published in the Idaho Administrative Bulletin,
Volume 23-10, October 4, 2023, pages 610 through 641.

This rule has been adopted as a pending rule by the agency and is now awaiting
review and final approval by the 2024 Idaho State Legislature.

THE FOLLOWING IS THE TEXT OF THE PENDING RULE FOR ZBR DOCKET NO. 37-0308-2301
(Only those sections or subsections that have changed from the original proposed text
are printed in this Bulletin following this notice.)

37.03.08 – WATER APPROPRIATION RULES

(BREAK IN CONTINUITY OF SECTIONS)

010. DEFINITIONS (~~RULE 10~~).

~~Unless the context otherwise requires, the following definitions govern these rules:~~ The terms “consumptive use,” “digital boundary,” “local public interest,” “municipality,” “municipal provider,” “municipal purposes,” “planning horizon,” “reasonably anticipated future needs,” and “service area” have the meaning given for those terms in Section 42-202B, Idaho Code. The terms “ground water” and “low temperature geothermal resource” have the meaning given for those terms in Section 42-230, Idaho Code. The term “critical ground water area” has the meaning given for that term in Section 42-233a, Idaho Code. (3-18-22)()

01. **Acre-Foot (A~~F~~af).** A volume of water sufficient to cover one (1) acre of land one (1) foot deep and is equal to ~~forty~~ three thousand ~~hundred twenty~~ five thousand, eight ~~hundred sixty~~ (43,560) ~~cubic feet~~ fifty ~~(325,850) gallons.~~ (3-18-22)()

02. **Advertisement.** ~~The action taken by the Director to provide notice, usually by publication of a legal notice in one (1) or more newspapers, of a proposed appropriation or other notice required in administration of his duties and responsibilities.~~ (3-18-22)

03. **Applicant.** The person, corporation, association, firm, governmental entity or agency, or other entity, ~~or the holder of a permit being reprocessed pursuant to Section 42-203D, Idaho Code, who initiates an appropriation of water or related~~ applies to divert and beneficially use public waters ~~matter for the Director’s consideration.~~ (3-18-22)()

04. **Application ~~for Permit.~~** ~~The written request to the department on forms furnished by the department proposing to appropriate the public waters or trust waters of the state~~ An application for permit to appropriate water filed with the Department. (3-18-22)()

05. **Board.** The Idaho Water Resource Board. ()

[Proposed change to Subsection 010.05 has been withdrawn]

~~065.~~ **Beneficial Use.** One (1) or more of the recognized beneficial uses of water including, but not limited to, domestic, municipal, irrigation, hydropower generation, industrial, commercial, recreation, stockwatering, and fish propagation uses for which permits to appropriate water can be issued as well as other uses which provide a benefit to the user of the water as determined by the Director. Industrial use as used for purposes of these rules includes, but is not limited to, manufacturing, mining, and processing uses of water. ()

~~076.~~ **Cubic Foot Per Second (CFS/cfs).** A rate of flow approximately equal to four hundred forty-eight and eight-tenths (448.8) gallons per minute and also equals fifty (50) Idaho miner's inches. (3-18-22)()

~~08.~~ **DCMI.** An acronym for domestic, commercial, municipal and industrial. In these rules it designates certain classes of these uses presumed to satisfy public interest requirements. Domestic use, for purposes of this definition, is water for one or more households and water used for all other purposes including irrigation of a residential lot in connection with each of the households where the diversion to each household does not exceed thirteen thousand (13,000) gallons per day. Also for purposes of this definition, commercial, municipal and industrial uses are any such uses which do not deplete the system containing the trust water more than two (2) acre feet per day. (3-18-22)

~~097.~~ **Department.** The Idaho Department of Water Resources. ()

~~10-08.~~ **Director.** The Director of the Idaho Department of Water Resources. Per Section 42-1701(3), Idaho Code, the Director may delegate authority to perform duties imposed upon the Director by law, including duties described herein, to a Department employee. (3-18-22)()

~~09.~~ **Generally Described Place of Use.** A place of use authorized by an existing water right or permit pursuant to Sections 42-202, 42-219, 42-222, or 42-1411, Idaho Code, consisting of a general area or boundary within which water diverted under the water right or permit is used. ()

~~11.~~ **Legal Subdivision.** A tract of land described by the government land survey and usually is described by government lot or quarter-quarter, section, township and range. A lot and block of a subdivision plat recorded with the county recorder may be used in addition to the quarter-quarter, section, township and range description. (3-18-22)

~~10.~~ **Idaho State Water Plan.** The current comprehensive state water plan formally adopted by the Idaho Water Resource Board pursuant to Sections 42-1734A and 42-1734B, Idaho Code. ()

~~11.~~ **Murphy Gage.** The United States Geological Survey stream gage station (site identification number 13172500) located on the right bank of the Snake River at river mile 456.8, approximately eight point five (8.5) miles east-northeast of Murphy, Idaho and zero point nine (0.9) miles downstream from the Swan Falls power plant at latitude 43° 15' 17.33" N, longitude 116° 23' 26.30" W, North American Datum of 1983, in the NW ¼ of the NW ¼ of Section 18, T.2S., R.1E., Boise Meridian, Hydrologic Unit 17050103. ()

~~12.~~ **Permit or Water Right Permit.** The water right document issued by the Director authorizing the diversion and use of unappropriated public waters of the state or water held in or reallocated trust by the state water. (3-18-22)()

~~13.~~ **Priority, or Priority of Appropriation, or Priority Date.** The date of appropriation established in the development of a water right. The priority of a water right for public water or trust water is used to determine the order of water delivery from a source during times of shortage. The earlier or prior date being the better right, when an application is filed in acceptable form, including the applicable filing fee, unless a later date is set in accordance with applicable law. (3-18-22)()

~~14.~~ **Project Works.** A general term which that includes diversion works, conveyance works infrastructure, and any devices which may be used to apply the water to the intended use. Improvements which have been made as a result of application of water, such as land preparation for cultivation, are not a part of the project

works. (3-18-22)()

~~15. **Single Family Domestic Purposes.** Water for household use or livestock and water used for all other purposes including irrigation of up to one half (1/2) acre of land in connection with said household where total use is not in excess of thirteen thousand (13,000) gallons per day. (3-18-22)~~

~~15. **Public Interest.** The interests that the people of Idaho have in the effects of a proposed reallocation of trust water pursuant to Section 42-203C(2), Idaho Code. For the definition of "local public interest," see Section 42-202B, Idaho Code. ()~~

~~16. **Reallocation of Trust Water.** Appropriation of trust water for a use other than hydropower generation to the extent the water rights held in trust are subordinated to permits issued for such other uses of water pursuant to Section 42-203C, Idaho Code. ()~~

~~16. **Subordinated Water Right.** A water right used for hydropower generation purposes that is subject to diminishment or depletion without compensation by upstream water rights which are initiated later in time and which are for a purpose other than hydropower generation purposes. (3-18-22)()~~

~~18. **Swan Falls Trust Water Area.** The reach of the Snake River extending downstream from Milner Dam (located in Sections 28 and 29, Township 10 South, Range 21 East, Boise Meridian) to Swan Falls Dam (located in Section 18, Township 2 South, Range 1 East, Boise Meridian) and all surface and ground water sources tributary to that reach of the Snake River. The area within which ground water is presently designated tributary to the reach of the Snake River extending downstream from Milner Dam to Swan Falls Dam is depicted in APPENDIX A. The Swan Falls Trust Water Area excludes any reach of the Snake River upstream of Milner Dam, any surface or ground water tributary to the Snake River upstream of Milner Dam, the Snake River downstream of Swan Falls Dam, and any surface or ground water tributary to the Snake River downstream of Swan Falls Dam. ()~~

~~17. **Trust Water.** That portion of an unsubordinated water right used for hydropower generation purposes which is in excess of a minimum stream flow established pursuant to the water rights now held in trust by the state action either with agreement of the holder of the of Idaho and that is made available for reallocation to uses other than hydropower right as provided by generation to the extent the water rights held in trust are subordinated to permits issued for such other uses pursuant to Section 42-203B(5)C, Idaho Code or without an agreement as provided by Section 42-203B(3), Idaho Code. (3-18-22)()~~

~~18. **Unappropriated Water.** The public waters of the state of Idaho in streams, rivers, lakes, springs, or other natural surface water bodies, ground water in excess of that, or low temperature geothermal resources exceeding the amount necessary to satisfy prior existing water rights including prior rights reserved by federal law. (3-18-22)()~~

~~21. **Water Right Held in Trust.** A water right used for hydropower generation purposes that is in excess of a minimum stream flow established by state action and is held in trust by the state of Idaho pursuant to Subsections (2) or (3) of Section 42-203B, Idaho Code. The water rights held in trust for the Swan Falls Trust Water Area are numbered 02-02001A, 02-02001B, 02-02032B, 02-02036, 02-02056, 02-02057, 02-02059, 02-02060, 02-02064, 02-02065, 02-04000B, 02-04001B, 02-10135, 36-02013, 36-02018, 36-02026, 37-02128, 37-02471, 37-02472, 37-20709, and 37-20710. ()~~

IDAPA 50 – COMMISSION OF PARDONS AND PAROLE
50.01.01 – RULES OF THE COMMISSION OF PARDONS AND PAROLE
DOCKET NO. 50-0101-2301 (ZBR CHAPTER REWRITE)
NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2024 Idaho State Legislature and must be approved by concurrent resolution of the Legislature to go into effect, in accordance with Section 67-5224(2)(c), Idaho Code. The pending rule will become final and effective upon the adjournment, *sine die*, of the Second Regular Session of the Sixty-seventh Idaho Legislature after approval.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 20-1004 and 20-1005, Idaho Code.

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

There are no changes to the pending rule and it is being adopted as originally proposed. The complete text of the proposed rule was published in the November 1, 2023, Idaho Administrative Bulletin, [Vol. 23-11, pages 97-118](#).

FEE SUMMARY: Pursuant to Section 67-5224(2)(d), Idaho Code, this pending fee rule shall not become final and effective unless affirmatively approved by concurrent resolution of the Legislature. The following is a description of the fee or charge imposed or increased in this rulemaking:

Does not apply to this rulemaking.

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: NA

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Mary Schoeler (208) 334-2520.

DATED this 30th day of November, 2023.

Ashley Dowell
Executive Director
3056 Elder St.
Boise, ID 83705
(208) 334-2520 phone
(208) 334-3501 Fax

IDAPA 52 – IDAHO STATE LOTTERY

52.01.03 – RULES GOVERNING OPERATIONS OF THE IDAHO STATE LOTTERY

DOCKET NO. 52-0103-2301

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2024 Idaho State Legislature and must be approved by concurrent resolution of the Legislature to go into effect, in accordance with Section 67-5224(2)(c), Idaho Code. Should the pending rule be approved, it will become final and effective upon the adjournment, *sine die*, of the Second Regular Session of the Sixty-seventh Idaho Legislature.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 67-7408(1), Idaho Code.

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

Statute requires Lottery retailers to pay winning ticket prizes up to \$599. However, staffing challenges and increasing threats of robbery create concerns over employee safety. Retailers are often unable to pay prizes under \$600 when presented winning tickets because safety concerns necessitate keeping no more than \$100 in the cash drawer. The retail industry has offered solutions. They have requested the ability to pay lottery prizes up to \$599 with no-fee prepaid prize payment cards, electronic fund transfer and other modern methods of payment. Lottery Administrative Rules allow only for prize payment by cash, money order, or check. Retailers will not pay by check and money orders are obsolete. The problem cannot be solved by non-regulatory measures.

There are no changes to the pending rule and it is being adopted as originally proposed. The complete text of the proposed rule was published in the December 6, 2023, Idaho Administrative Bulletin, [Vol. 23-12, pages 228–242](#).

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

The pending amendments to the rules do not impose any new or increased 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: N/A.

This rulemaking is not anticipated to have any negative fiscal impact on the State General Fund.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Director Jeffrey Anderson, undersigned below.

DATED this 3rd day of January, 2024.

Jeffrey R. Anderson, Director
Idaho State Lottery Commission
1199 Shoreline Lane, Suite 100
Boise, ID 83702
Ph. 208.780.2500

IDAPA 59 – PUBLIC EMPLOYEES RETIREMENT SYSTEM OF IDAHO

59.01.01 – RULES FOR THE PUBLIC EMPLOYEE RETIREMENT SYSTEM OF IDAHO (PERSI)

DOCKET NO. 59-0101-2301 (ZBR CHAPTER REWRITE)

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2024 Idaho State Legislature and must be approved by concurrent resolution of the Legislature to go into effect, in accordance with Section 67-5224(2)(c), Idaho Code. The pending rule will become final and effective upon the adjournment, *sine die*, of the Second Regular Session of the Sixty-seventh Idaho Legislature.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 59-1301, 59-1314, 59-1372, 59-1383, and 59-1392, Idaho Code.

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

There are changes to two sections of the pending rule. Section 200 is the addition of the words “the definition of” to clarify that the addition to Section 59-1302(16), Idaho Code, is with respect to the definition of a firefighter. Section 702 has changes to clarify the active member is the member that participates in the active member allocation. The other changes are to correct grammar.

The text of the pending rule has been amended in accordance with Section 67-5227, Idaho Code. Only those sections that have changes that differ from the proposed text are printed in this bulletin. The complete text of the proposed rule was published in the November 1, 2023, Idaho Administrative Bulletin, [Vol. 23-11, pages 119-153](#).

FEE SUMMARY: Pursuant to Section 67-5224(2)(d), Idaho Code, this pending fee rule shall not become final and effective unless affirmatively approved by concurrent resolution of the Legislature. The following is a description of the fee or charge imposed or increased in this rulemaking:

Does not apply to this rulemaking.

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:

The change in this rule will not have any fiscal impact on the state General Fund.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact: Cheryl George, (208) 287-9231.

DATED this 27th of November 2023.

Don Drum, Executive Director
Public Employees Retirement System of Idaho
P.O. Box 83720
Boise, ID 83720-0078
Phone: (208) 287-9230
Fax: (208) 334-3804

DOCKET NO. 59-0101-2301 – ADOPTION OF PENDING RULE
(Zero Based Regulation (ZBR) Chapter Rewrite)

Substantive changes have been made to the pending rule.
Italicized text indicates changes between the text of the proposed rule as adopted in the pending rule.

The text of the proposed rule was published in the Idaho Administrative Bulletin,
Volume 23-11, November 1, 2023, pages 119 through 153.

This rule has been adopted as a pending rule by the agency and is now awaiting
review and final approval by the 2024 Idaho State Legislature.

THE FOLLOWING IS THE TEXT OF THE PENDING RULE FOR ZBR DOCKET NO. 59-0101-2301
(Only those sections or subsections that have changed from the original proposed text
are printed in this Bulletin following this notice.)

59.01.01 – RULES FOR THE PUBLIC EMPLOYEE RETIREMENT SYSTEM OF IDAHO (PERSI)

(BREAK IN CONTINUITY OF SECTIONS)

200. DETERMINATION OF FIREFIGHTER.

~~A “firefighter” means an employee whose primary occupation with an employer as defined by Section 59-1302(16), Idaho Code, is that of preventing and extinguishing fires. A~~ In addition to Section 59-1302(16), Idaho Code, the definition of a firefighter member for retirement purposes is an employee appointed to the position of fire chief by a city council but not eligible to be a “paid firefighter,” or the chief fire warden of a timber protective association, or is an employee of either the department of lands or of a timber protective association whose primary position and principal accountability in that position either requires direct supervision of employees engaged in the prevention, presuppression and suppression of wild land fires or requires the performance of those duties as the principal function of the position. A firefighter member for retirement purposes does not include an employee who may be required on occasion to engage in those functions as a secondary requirement of the position.
~~Statutory References: Sections 59-1302(16), 59-1391(f) and 72-1403, Idaho Code. (3-31-22)()~~

(BREAK IN CONTINUITY OF SECTIONS)

702. ACTIVE MEMBER.

~~A member participates in the active member allocation only if he is an active member as defined in this subchapter. Whenever a member is placed on leave of absence under circumstances making that member eligible for benefits under USERRA, the employer shall notify PERSI in writing within thirty (30) days and attach a copy of the member’s orders.~~ A member participates in the active member allocation only if such member is active and has at least twelve (12) months of accrued membership service on the last day of the fiscal year. For purposes of allocating extraordinary gains, active members also include: ()

a. Seasonal employees who have a pattern of employment that includes at least six (6) months of membership service in each of the preceding three (3) consecutive years; and ()

- b.** Employees who are on leave of absence on the last day of the fiscal year and either: ()
- i. Return to active service for at least thirty (30) days before *the* December 31st immediately following the end of the fiscal year; or ()
- ii. Are entitled to benefits under the Uniformed Services Employment and Re-employment Rights Act of 1994 (USERRA). ()

IDAPA 59 – PUBLIC EMPLOYEES RETIREMENT SYSTEM OF IDAHO

59.02.01 – RULES FOR THE JUDGES’ RETIREMENT FUND

DOCKET NO. 59-0201-2301 (ZBR CHAPTER REWRITE)

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2024 Idaho State Legislature and must be approved by concurrent resolution of the Legislature to go into effect, in accordance with Section 67-5224(2)(c), Idaho Code. The pending rule will become final and effective upon the adjournment, *sine die*, of the Second Regular Session of the Sixty-seventh Idaho Legislature.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 59-1301, 59-1314, 59-1372, 59-1383, and 59-1392, Idaho Code.

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

There is a change to 59.02.01.002 to reflect that the rule is now Rule 2 not Rule 3. There is a change to add a new Subsection 59.02.01.010.17 to the pending rule. This addition was missed in the proposed rule and is necessary to accurately reflect service credit. There is a change to correct typographical and grammatical errors to Section 59.01.02.100 and 59.01.02.402.

The text of the pending rule has been amended in accordance with Section 67-5227, Idaho Code. Only those sections that have changes that differ from the proposed text are printed in this bulletin. The complete text of the proposed rule was published in the November 1, 2023, Idaho Administrative Bulletin, [Vol. 23-11, pages 154 - 168](#).

FEE SUMMARY: Pursuant to Section 67-5224(2)(d), Idaho Code, this pending fee rule shall not become final and effective unless affirmatively approved by concurrent resolution of the Legislature. The following is a description of the fee or charge imposed or increased in this rulemaking:

Does not apply to this rulemaking.

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:

The change in this rule will not have any fiscal impact on the state General Fund.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact: Cheryl George, (208) 287-9231.

DATED this 27th of November, 2023.

Don Drum
Executive Director
Public Employees Retirement System of Idaho
P.O. Box 83720, Boise, ID 83720-0078
Phone: (208) 287-9230
Fax: (208) 334-3804

DOCKET NO. 59-0201-2301 – ADOPTION OF PENDING RULE
(Zero Based Regulation (ZBR) Chapter Rewrite)

Substantive changes have been made to the pending rule.
Italicized text indicates changes between the text of the proposed rule as adopted in the pending rule.

The text of the proposed rule was published in the Idaho Administrative Bulletin,
Volume 23-11, November 1, 2023, pages 154 through 168.

This rule has been adopted as a pending rule by the agency and is now awaiting
review and final approval by the 2024 Idaho State Legislature.

THE FOLLOWING IS THE TEXT OF THE PENDING RULE FOR ZBR DOCKET NO. 59-0201-2301
(Only those sections or subsections that have changed from the original proposed text
are printed in this Bulletin following this notice.)

59.02.01 – RULES FOR THE JUDGES' RETIREMENT FUND

(BREAK IN CONTINUITY OF SECTIONS)

003~~2~~. ADMINISTRATIVE APPEAL (RULE 3~~2~~).

Administrative appeals are conducted pursuant to IDAPA 59.01.01, ~~“Rules of Administrative Procedure,” Rules 101 through 104 and 150 through 789.~~ (3-31-22)()

004. ~~OFFICE – OFFICE HOURS – MAILING ADDRESS AND STREET ADDRESS (RULE 4).~~

~~Office hours are 8 a.m. to 5 p.m. Monday through Friday. PERSI's mailing and street addresses, telephone numbers, and fax numbers are as follows:~~ (3-31-22)

005. ~~PUBLIC RECORDS ACT COMPLIANCE (RULE 5).~~

~~All rules required to be adopted by this chapter are public records.~~ (3-31-22)

006. ~~CITATION (RULE 6).~~

~~The official citation of this chapter is IDAPA 59.02.01.000, et seq. For example, this section's citation is IDAPA 59.02.01.006. In documents submitted to the Board or issued by the Board these rules may be cited as Rules for the Judges' Retirement Fund and section number less leading zeros. For example, this rule may be cited as Rules for the Judges' Retirement Fund Rule 7.~~ (3-31-22)

007. ~~EFFECTIVE DATE (RULE 7).~~

~~Unless otherwise indicated in the bracketed material following each rule, the effective date of every rule in this chapter is July 1, 2014.~~ (3-31-22)

008~~3~~. -- 009. (RESERVED)

010. DEFINITIONS (RULE 10).

The following definitions apply to this chapter: ()

01. Accrued Benefit. The actuarial value of the retirement benefit to which the Member is entitled

under the Judges' Retirement Fund upon attainment of Normal Retirement Age. ()

02. Active Member. Each justice or judge who participates in the Judges' Retirement Fund as provided by Idaho Code. ()

03. Administrator. The Board. ()

~~**04. Annual Additions.** Annual additions are the total of all after tax Member contributions in a year (not including rollovers) and forfeitures allocated to a Member's account under the Judges' Retirement Fund and all other qualified plans to which contributions are made based on the Member's service with the Employer. (3-31-22)~~

~~**054. Beneficiary.** The designated person (or, if none, the Member's estate) who is entitled to receive benefits under the Plan after the death of a Member. ()~~

~~**065. Board.** The retirement board established in Section 59-1304, Idaho Code. ()~~

~~**076. Code.** The Internal Revenue Code of 1986, as now in effect or as hereafter amended. All citations to Sections of the Code are to such Sections as they may from time to time be amended or renumbered. ()~~

~~**087. Compensation.** All cash compensation for services to the Employer, including salary, wages, fees, commissions, bonuses, and overtime pay, that is includible in the Member's gross income for the calendar year, plus amounts that would be cash compensation for services to the Employer includible in the Member's gross income for the calendar year but for a compensation reduction election under Sections 125, 132(f), 401(k), 403(b), or 457(b) of the Code. ()~~

~~**098. Contingent Annuitant.** The person designated by a Member under certain retirement options to receive payments upon the death of the Member. The person so designated must be born and living on the effective date of retirement. ()~~

~~**109. Designated Beneficiary.** The individual who is designated as the beneficiary under the Plan and is the designated beneficiary under Section 401(a)(9) of the Code and Section 1.401(a)(9)-4, Q&A-4, of the Treasury regulations. ()~~

~~**11. Differential Wage Payments.** Differential Wage Payments as defined in 26 U.S.C. 3401(h). A differential wage payment generally refers to an employer payment to an employee called to active duty in the uniformed services for more than thirty (30) days that represents all or a portion of the compensation he would have received from the employer if he were performing services for the employer. (3-31-22)~~

~~**120. Employer.** The common law employer of a Member State of Idaho Judicial Branch. (3-31-22)()~~

~~**11. Inactive Member.** A former active member who is not receiving a retirement allowance or has not received a refund of contributions. ()~~

~~**132. Judges' Retirement Fund.** The Judges' Retirement Fund established under Title 1, Chapter 20, Idaho Code, and rules applicable to the Judges' Retirement Fund. The Judges' Retirement Fund is intended to satisfy Code Section 401(a) as applicable to governmental plans described in Code Section 414(d). It is maintained for the exclusive benefit of Members and their beneficiaries. ()~~

~~**143. Member.** An individual who is currently accruing benefits or who has previously accrued benefits under the Plan and who has not received a distribution of his entire benefit under the Plan active member, inactive member, or a retired member. (3-31-22)()~~

~~**15. Normal Retirement Age.** The age (or combination of age and years of service) at which a Member is entitled to an actuarially unreduced retirement benefit under the Plan. A Member will be fully vested upon attainment of Normal Retirement Age. (3-31-22)~~

- ~~164.~~ **Plan.** The plan of benefits under the Judges' Retirement Fund. ()
- ~~175.~~ **Required Beginning Date.** The date specified in Rule 100 of these rules. ()
- ~~16.~~ **Retired Member.** A former active member receiving retirement compensation. ()
- ~~17.~~ **Service Credit.** Being shown on Employer's payroll as an Active Member receiving a salary. For each calendar month, service is credited only when the Active Member is employed for fifteen (15) days or more during the calendar month. ()
- 18. Severance from Employment.** The date that the Member dies, retires, or otherwise has a separation from employment with the Employer, as determined by the Administrator (and taking into account guidance issued under the Code). ()
- 011. -- 099. (RESERVED)**

SUBCHAPTER B – DISTRIBUTIONS
Rules 100 through 250

100. REQUIRED MINIMUM DISTRIBUTIONS (RULE 100).

- 01. Default Application of Federal Requirements.** With respect to distributions under the Judges' Retirement Fund, and except as provided in Subsection 100.06, the Judges' Retirement Fund will apply the minimum distribution requirements of Section 401(a)(9) of the Internal Revenue Code (Code) in accordance with a good faith interpretation of Section 401(a)(9), notwithstanding any provision of the Judges' Retirement Fund to the contrary. ()
- 02. Required Beginning Date.** Except as otherwise provided in Subsections 100.03 through 100.06, distributions under the Judges' Retirement Fund shall begin not later than April 1 following the later of: ()
- a.** ~~The calendar year (hereinafter referred to as the "Commencement Year") in which the member reaches age seventy and one half (70 ½); and~~ The commencement year, which is defined as the year in which a member reaches the applicable age, as defined in Internal Revenue Code Section 401(a) as now in effect and thereafter amended. (3-31-22)()
- b.** The year in which ~~he~~ they retires. (3-31-22)()
- 03. PERSI Selects Retirement Option.** Any member required to take minimum distributions, as required in this Section 100 and fails to complete and submit an approved retirement application and select either a regular or optional retirement allowance by April 1 following the later of the commencement year or the year the member separates from employment, the member shall be deemed to have made the following selection. ()
- a.** If single, a regular retirement allowance and no other selection shall be required or permitted. ()
- b.** If married, a one hundred percent (100%) spousal option and no other selection shall be required or permitted unless proof is provided that the spouse has no community property interest in the benefit. ()
- 034. Lifetime Distributions.** ~~Distribution shall be made over the life of the Member or the lives of the Member and their contingent annuitant his beneficiary; or over a period certain not extending beyond the life expectancy of the member or the joint life and last survivor expectancy of the member and his beneficiary.~~ (3-31-22)()
- 045. Timing of Required Distributions.** A required distribution shall be deemed to have been made during the Commencement Year if actually made by the following April 1, but such delayed distribution shall not change the amount of such distribution, and the distribution otherwise required during the subsequent calendar year shall be calculated as if the first distribution had been made on the last day of the Commencement Year. ()

~~05. **Adjustment of Required Distributions.** Benefits paid prior to the Commencement Year shall reduce the aggregate amount subject to (but shall not otherwise negate) the minimum distribution requirements described herein. (3-31-22)~~

~~06. **Annuity Benefits Payable on Death of a Member.** All death benefits payable in the form of an annuity will begin to be paid as soon as administratively practicable after the member's death, but must in any event begin to be paid before the end of the calendar year following the calendar year in which the member died. (3-31-22)~~

~~07. **Death Benefits.** All death benefits payable in a lump sum will be distributed as soon as administratively practicable after request, but must in any event be distributed within fifteen (15) months of the member's death, unless the identity of the beneficiary is not ascertainable. ()~~

(BREAK IN CONTINUITY OF SECTIONS)

~~4032. **RETIREMENT APPLICATION AND SPOUSAL CONSENT (RULE 4032).**~~

~~A member is required to complete and submit a retirement application and select either a regular or optional retirement allowance. The member's signature must be notarized. The application for retirement indicating the election made by the retiring member shall also be signed by the spouse certifying they understand and consent to the election made by the member. The spouse's signature must be notarized. ~~If an inactive member reaches service retirement age, or an active member who has reached service retirement age separates from service, and has failed to complete and submit an approved retirement application and select either a regular or optional retirement allowance within ninety (90) days thereafter, the member shall be deemed to have selected a regular retirement allowance and no other selection shall be required or permitted.~~ (3-31-22)()~~

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Please refer to the Idaho Administrative Bulletin [January 3, 2024, Volume 24-1](#), for the notices and text of all rulemakings, proclamations, negotiated rulemaking and public hearing information and schedules, executive orders of the Governor, and agency contact information.

Electronic issues of the Idaho Administrative Bulletin can be viewed at www.adminrules.idaho.gov/

Office of the Administrative Rules Coordinator, Division of Financial Management
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CUMULATIVE RULEMAKING INDEX OF IDAHO ADMINISTRATIVE RULES

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

July 1, 1993 – Present

[CUMULATIVE RULEMAKING INDEX OF IDAHO ADMINISTRATIVE RULES](#)

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(eff. date)L – Denotes Adoption by Legislative Action

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SCR # – denotes the number of a Senate Concurrent Resolution (Legislative Action)

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16-0305-2301 Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking, Bulletin Vol. 23-4

16.03.06, Refugee Medical Assistance

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16-0306-2301 Notice of Proposed Rulemaking, Bulletin Vol. 23-9

16.03.09, Medicaid Basic Plan Benefits

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16-0309-2301 Notice of Temporary and Proposed Rule, Bulletin Vol. 23-7 (eff. 7-1-23)T

16.03.10, Medicaid Enhanced Plan Benefits

16-0310-2101 Adoption of Pending Rule, Bulletin Vol. 24-1 (PLR 2024)

16-0310-2101 Notice of Temporary and Proposed Rule, Bulletin Vol. 23-10 (eff. 9-1-23)T

16-0310-2101 Notice of Intent to Promulgate Rules – Negotiated Rulemaking, Bulletin Vol. 21-11

16.03.13, Consumer-Directed Services

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16-0313-2101 Notice of Temporary and Proposed Rule, Bulletin Vol. 23-10 (eff. 9-1-23)T

16-0313-2101 Notice of Intent to Promulgate Rules – Negotiated Rulemaking, Bulletin Vol. 21-11

16.03.14, Hospitals

16-0314-2301 Adoption of Temporary Rule, Bulletin Vol. 23-12 (eff. 11-14-23)T

16.03.18, Medicaid Cost-Sharing

16-0318-2301 Adoption of Pending Rule (ZBR Chapter Rewrite, Fee Rule), Bulletin Vol. 24-1 (PLR 2024)

16-0318-2301 Notice of Proposed Rulemaking (ZBR Chapter Rewrite, Fee Rule), Bulletin Vol. 23-10

16-0318-2301 Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking, Bulletin Vol. 23-5

16.03.22, Residential Assisted Living Facilities

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16-0322-2301 Notice of Proposed Rule, Bulletin Vol. 23-7

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16.04.18, Children's Agencies and Residential Licensing

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16.05.03, Contested Cases Proceedings and Declaratory Rulings

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16-0503-2301 Notice of Proposed Rulemaking (ZBR Chapter Rewrite), Bulletin Vol. 23-9
16-0503-2301 Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking, Bulletin Vol. 23-2
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16.06.01, Child and Family Services

- 16-0601-2301** Adoption of Pending Rule, Bulletin Vol. 24-1 (PLR 2024)
16-0601-2301 Notice of Temporary and Proposed Rule, Bulletin Vol. 23-7 (eff. 8-1-23)T

16.06.02, Foster Care Licensing

- 16-0602-2301** Adoption of Pending Rule (ZBR Chapter Rewrite), Bulletin Vol. 24-1 (PLR 2024)
16-0602-2301 Notice of Proposed Rulemaking (ZBR Chapter Rewrite), Bulletin Vol. 23-8

16.06.03, Daycare Licensing

- 16-0603-2301** Adoption of Pending Rule (New Chapter, Fee Rule), Bulletin Vol. 24-1 (PLR 2024)
16-0603-2301 Notice of Proposed Rulemaking (New Chapter, Fee Rule), Bulletin Vol. 23-8

16.07.19, Certification of Peer Support Specialists and Family Support Partners

- 16-0719-2301*** Adoption of Pending Rule (ZBR Chapter Rewrite), Bulletin Vol. 23-12 (PLR 2024)
**Changes chapter name from: "Certification of Peer Support Specialists and Family Support Partners"*
16-0719-2301 Notice of Proposed Rulemaking (ZBR Chapter Rewrite), Bulletin Vol. 23-8
16-0719-2301 Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking, Bulletin Vol. 23-2

16.07.25, Prevention of Minors' Access to Tobacco Products

- 16-0725-2301*** Adoption of Pending Rule (ZBR Chapter Rewrite), Bulletin Vol. 23-12 (PLR 2024)
**Changes chapter name from: "Prevention of Minors' Access to Tobacco Products"*
16-0725-2301* Notice of Proposed Rulemaking (ZBR Chapter Rewrite), Bulletin Vol. 23-8
16-0725-2301 Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking, Bulletin Vol. 23-3

16.07.39, Designated Examiners and Dispositioners

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17.10.01, Administrative Rules Under the Crime Victims Compensation Act

- 17-1001-2301** Adoption of Pending Rule (ZBR Chapter Rewrite), Bulletin Vol. 23-11 (PLR 2024)
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17-1001-2301 (Second) Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking, Bulletin Vol. 23-6
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18.01.02, Schedule of Fees, Licenses, and Miscellaneous Charges

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18.04.04, The Managed Care Reform Act Rule

- 18-0404-2301 Adoption of Pending Rule (ZBR Chapter Rewrite), Bulletin Vol. 23-12 (PLR 2024)
- 18-0404-2301 Notice of Proposed Rulemaking (ZBR Chapter Rewrite), Bulletin Vol. 23-9
- 18-ZBRR-2301 *Rules of the Idaho Department of Insurance* – Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 04, Chapter 04 – Bulletin Vol. 23-6

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- 18-0408-2301 Adoption of Pending Rule (ZBR Chapter Rewrite), Bulletin Vol. 23-12 (PLR 2024)
- 18-0408-2301 Notice of Proposed Rulemaking (ZBR Chapter Rewrite), Bulletin Vol. 23-9
- 18-ZBRR-2301 *Rules of the Idaho Department of Insurance* – Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 04, Chapter 08 – Bulletin Vol. 23-6

18.06.01, Rules Pertaining to Bail Agents

- 18-0601-2301 Adoption of Pending Rule (ZBR Chapter Rewrite), Bulletin Vol. 23-12 (PLR 2024)
- 18-0601-2301 Notice of Proposed Rulemaking (ZBR Chapter Rewrite), Bulletin Vol. 23-9
- 18-ZBRR-2301 *Rules of the Idaho Department of Insurance* – Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 06, Chapter 01 – Bulletin Vol. 23-6

18.06.02, Producers Handling of Fiduciary Funds

- 18-0602-2301 Adoption of Pending Rule (ZBR Chapter Rewrite), Bulletin Vol. 23-12 (PLR 2024)
- 18-0602-2301 Notice of Proposed Rulemaking (ZBR Chapter Rewrite), Bulletin Vol. 23-9
- 18-ZBRR-2301 *Rules of the Idaho Department of Insurance* – Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 06, Chapter 02 – Bulletin Vol. 23-6

18.06.03, Rules Governing Disclosure Requirements for Insurance Producers When Charging Fees

- 18-0603-2301 Adoption of Pending Rule (ZBR Chapter Repeal), Bulletin Vol. 23-12 (PLR 2024)
- 18-0603-2301 Notice of Proposed Rulemaking (ZBR Chapter Repeal), Bulletin Vol. 23-9
- 18-ZBRR-2301 *Rules of the Idaho Department of Insurance* – Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 06, Chapter 03 – Bulletin Vol. 23-6

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- 18-0706-2301* Adoption of Pending Rule (ZBR Chapter Rewrite), Bulletin Vol. 23-12 (PLR 2024)
*Changes chapter name from: “Rules Governing Life and Health Reinsurance Agreements”
- 18-0706-2301* Notice of Proposed Rulemaking (ZBR Chapter Rewrite), Bulletin Vol. 23-9
- 18-ZBRR-2301 *Rules of the Idaho Department of Insurance* – Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 07, Chapter 06 – Bulletin Vol. 23-6

18.07.10, Corporate Governance Annual Disclosure

- 18-0710-2301 Adoption of Pending Rule (ZBR Chapter Rewrite), Bulletin Vol. 23-12 (PLR 2024)
- 18-0710-2301 Notice of Proposed Rulemaking (ZBR Chapter Rewrite), Bulletin Vol. 23-9
- 18-ZBRR-2301 *Rules of the Idaho Department of Insurance* – Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 07, Chapter 10 – Bulletin Vol. 23-6

18.08.01, Adoption of the International Fire Code

- 18-0801-2301 Adoption of Pending Rule (ZBR Chapter Rewrite), Bulletin Vol. 23-12 (PLR 2024)
- 18-0801-2301 Notice of Proposed Rulemaking (ZBR Chapter Rewrite), Bulletin Vol. 23-9
- 18-ZBRR-2301 *Rules of the Idaho Department of Insurance* – Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 08, Chapter 01 – Bulletin Vol. 23-6

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- 20-0101-2301 Adoption of Pending Rule (ZBR Chapter Rewrite), Bulletin Vol. 24-1 (PLR 2024)
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- 20-0101-2301 Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking, Bulletin Vol. 23-5

20.03.01, Rules Governing Dredge and Placer Mining Operations in Idaho

- 20-0301-2301 Adoption of Pending Rule (ZBR Chapter Rewrite, Fee Rule), Bulletin Vol. 24-1 (PLR 2024)
- 20-0301-2301 Notice of Proposed Rulemaking (ZBR Chapter Rewrite, Fee Rule), Bulletin Vol. 23-9
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- 20-0303-2301 Adoption of Pending Rule (ZBR Chapter Rewrite, Fee Rule), Bulletin Vol. 24-1 (PLR 2024)
- 20-0303-2301 Notice of Proposed Rulemaking (ZBR Chapter Rewrite, Fee Rule), Bulletin Vol. 23-9
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20.03.05, Riverbed Mineral Leasing in Idaho

- 20-0305-2301* Adoption of Pending Rule (ZBR Chapter Rewrite, Fee Rule), Bulletin Vol. 24-1 (PLR 2024)
*Changes chapter name from: “Riverbed Mineral Leasing in Idaho”
- 20-0305-2301* Notice of Proposed Rulemaking (ZBR Chapter Rewrite, Fee Rule), Bulletin Vol. 23-9
- 20-0305-2301 Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking, Bulletin Vol. 23-4

20.04.01, Rules Pertaining to Forest Fire Protection

- 20-0401-2301 Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking, Bulletin Vol. 23-10

20.04.02, Rules Pertaining to the Idaho Forestry Act and Fire Hazard Reduction Laws

- 20-0402-2301 Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking, Bulletin Vol. 23-10

20.05.01, Rules Pertaining to the Recreational Use of Endowment Land

- 20-0501-2301 Adoption of Pending Rule (New Chapter), Bulletin Vol. 24-1 (PLR 2024)
- 20-0501-2301 Notice of Proposed Rulemaking (New Chapter), Bulletin Vol. 23-10
- 20-0501-2301 Notice of Intent to Promulgate Rules (New Chapter) – Negotiated Rulemaking, Bulletin Vol. 23-6

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- 21-0104-2301 Adoption of Pending Rule, Bulletin Vol. 23-11 (PLR 2024)
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24-ZBRR-2301 **Rules of the Division of Occupational and Professional Licenses** – (Second) Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 01, Chapter 01; Title 05, Chapter 01; Title 06, Chapter 01; Title 07, Chapter 01; Title 11, Chapter 01; Title 13, Chapter 01; Title 14, Chapter 01; Title 15, Chapter 01; Title 16, Chapter 01; Title 18, Chapter 01; Title 27, Chapter 01; Title 28, Chapter 01; Title 31, Chapter 01; Title 38, Chapter 01; and Title 39, Chapters 30, 31, 50 – Bulletin Vol. 23-6

24-ZBRR-2301 **Rules of the Division of Occupational and Professional Licenses** – Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 01, Chapter 01; Title 05, Chapter 01; Title 06, Chapter 01; Title 07, Chapter 01; Title 11, Chapter 01; Title 13, Chapter 01; Title 14, Chapter 01; Title 15, Chapter 01; Title 16, Chapter 01; Title 18, Chapter 01; Title 27, Chapter 01; Title 28, Chapter 01; Title 31, Chapter 01; Title 38, Chapter 01; and Title 39, Chapters 30, 31, 50 – Bulletin Vol. 23-4

24.01.01, Rules of the Board of Architects and Landscape Architects

- 24-0101-2301* Adoption of Pending Rule (ZBR Chapter Rewrite, Fee Rule), Bulletin Vol. 23-11 (PLR 2024)
*Changes chapter name from: “Rules of the Board of Architectural Examiners”
- 24-0101-2301* Notice of Proposed Rulemaking (ZBR Chapter Rewrite, Fee Rule), Bulletin Vol. 23-8
- 24-ZBRR-2301 **Rules of the Division of Occupational and Professional Licenses** – (Second) Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 01, Chapter 01 – Bulletin Vol. 23-6
- 24-ZBRR-2301 **Rules of the Division of Occupational and Professional Licenses** – Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 01, Chapter 01 – Bulletin Vol. 23-4

24.05.01, Rules of the Board of Drinking Water and Wastewater Professionals

- 24-0501-2301 Adoption of Pending Rule (ZBR Chapter Rewrite, Fee Rule), Bulletin Vol. 23-12 (PLR 2024)
- 24-0501-2301 Notice of Proposed Rulemaking (ZBR Chapter Rewrite, Fee Rule), Bulletin Vol. 23-8
- 24-ZBRR-2301 **Rules of the Division of Occupational and Professional Licenses** – (Second) Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 05, Chapter 01 – Bulletin Vol. 23-6
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24.06.01, Rules for the Licensure of Occupational Therapists and Occupational Therapy Assistants

- 24-0601-2301 Adoption of Pending Rule (ZBR Chapter Rewrite), Bulletin Vol. 23-11 (PLR 2024)

- 24-0601-2301** Notice of Proposed Rulemaking (ZBR Chapter Rewrite, Fee Rule), Bulletin Vol. 23-8
- 24-ZBRR-2301** *Rules of the Division of Occupational and Professional Licenses* – (Second) Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 06, Chapter 01 – Bulletin Vol. 23-6
- 24-ZBRR-2301** *Rules of the Division of Occupational and Professional Licenses* – Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 06, Chapter 01 – Bulletin Vol. 23-4

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- 24-0701-2301** Adoption of Pending Rule (ZBR Chapter Repeal), Bulletin Vol. 23-12 (PLR 2024)
- 24-0701-2301** Notice of Proposed Rulemaking (ZBR Chapter Repeal), Bulletin Vol. 23-9
- 24-ZBRR-2301** *Rules of the Division of Occupational and Professional Licenses* – (Second) Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 07, Chapter 01 – Bulletin Vol. 23-6
- 24-ZBRR-2301** *Rules of the Division of Occupational and Professional Licenses* – Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 01, Chapter 07 – Bulletin Vol. 23-4

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- 24-1101-2301** Adoption of Pending Rule (ZBR Chapter Rewrite), Bulletin Vol. 23-11 (PLR 2024)
- 24-1101-2301** Notice of Proposed Rulemaking (ZBR Chapter Rewrite, Fee Rule), Bulletin Vol. 23-8
- 24-ZBRR-2301** *Rules of the Division of Occupational and Professional Licenses* – (Second) Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 11, Chapter 01 – Bulletin Vol. 23-6
- 24-ZBRR-2301** *Rules of the Division of Occupational and Professional Licenses* – Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 11, Chapter 01 – Bulletin Vol. 23-4

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- 24-1301-2301** Adoption of Pending Rule (ZBR Chapter Rewrite), Bulletin Vol. 23-11 (PLR 2024)
- 24-1301-2301** Notice of Proposed Rulemaking (ZBR Chapter Rewrite, Fee Rule), Bulletin Vol. 23-8
- 24-ZBRR-2301** *Rules of the Division of Occupational and Professional Licenses* – (Second) Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 13, Chapter 01 – Bulletin Vol. 23-6
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- 24-1401-2301** Adoption of Pending Rule (ZBR Chapter Rewrite, Fee Rule), Bulletin Vol. 23-12 (PLR 2024)
- 24-1401-2301** Notice of Proposed Rulemaking (ZBR Chapter Rewrite, Fee Rule), Bulletin Vol. 23-9
- 24-ZBRR-2301** *Rules of the Division of Occupational and Professional Licenses* – (Second) Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 14, Chapter 01 – Bulletin Vol. 23-6
- 24-ZBRR-2301** *Rules of the Division of Occupational and Professional Licenses* – Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 1s4, Chapter 01 – Bulletin Vol. 23-4

24.15.01, Rules of the Idaho Licensing Board of Professional Counselors and Marriage and Family Therapists

- 24-1501-2301** Adoption of Pending Rule (ZBR Chapter Rewrite), Bulletin Vol. 23-11 (PLR 2024)
- 24-1501-2301** Notice of Proposed Rulemaking (ZBR Chapter Rewrite, Fee Rule), Bulletin Vol. 23-8
- 24-ZBRR-2301** *Rules of the Division of Occupational and Professional Licenses* – (Second) Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 15, Chapter 01 – Bulletin Vol. 23-6
- 24-ZBRR-2301** *Rules of the Division of Occupational and Professional Licenses* – Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 15, Chapter 01 – Bulletin Vol. 23-4

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- 24-1601-2301** Adoption of Pending Rule (ZBR Chapter Rewrite), Bulletin Vol. 23-11 (PLR 2024)
- 24-1601-2301** Notice of Proposed Rulemaking (ZBR Chapter Rewrite, Fee Rule), Bulletin Vol. 23-8
- 24-ZBRR-2301** *Rules of the Division of Occupational and Professional Licenses* – (Second) Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 16, Chapter 01 – Bulletin Vol. 23-6
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- 24-1801-2301** Adoption of Pending Rule (ZBR Chapter Rewrite, Fee Rule), Bulletin Vol. 23-12 (PLR 2024)
- 24-1801-2301** Notice of Proposed Rulemaking (ZBR Chapter Rewrite, Fee Rule), Bulletin Vol. 23-10
- 24-ZBRR-2301** *Rules of the Division of Occupational and Professional Licenses* – (Second) Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 18, Chapter 01 – Bulletin Vol. 23-6
- 24-ZBRR-2301** *Rules of the Division of Occupational and Professional Licenses* – Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 18, Chapter 01 – Bulletin Vol. 23-4

24.27.01, Rules of the Idaho State Board of Massage Therapy

- 24-2701-2301 Adoption of Pending Rule (ZBR Chapter Rewrite), Bulletin Vol. 23-11 (PLR 2024)
- 24-2701-2301 Notice of Proposed Rulemaking (ZBR Chapter Rewrite, Fee Rule), Bulletin Vol. 23-8
- 24-ZBRR-2301 **Rules of the Division of Occupational and Professional Licenses** – (Second) Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 27, Chapter 01 – Bulletin Vol. 23-6
- 24-ZBRR-2301 **Rules of the Division of Occupational and Professional Licenses** – Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 27, Chapter 01 – Bulletin Vol. 23-4

24.28.01, Rules of the Barber and Cosmetology Services Licensing Board

- 24-2801-2301 Adoption of Pending Rule (ZBR Chapter Rewrite), Bulletin Vol. 23-11 (PLR 2024)
- 24-2801-2301 Notice of Proposed Rulemaking (ZBR Chapter Rewrite, Fee Rule), Bulletin Vol. 23-8
- 24-ZBRR-2301 **Rules of the Division of Occupational and Professional Licenses** – (Second) Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 28, Chapter 01 – Bulletin Vol. 23-6
- 24-ZBRR-2301 **Rules of the Division of Occupational and Professional Licenses** – Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 28, Chapter 01 – Bulletin Vol. 23-4

24.31.01, Rules of the Idaho State Board of Dentistry

- 24-3101-2301 Adoption of Pending Rule (ZBR Chapter Rewrite, Fee Rule), Bulletin Vol. 23-12 (PLR 2024)
- 24-3101-2301 Notice of Proposed Rulemaking (ZBR Chapter Rewrite, Fee Rule), Bulletin Vol. 23-9
- 24-ZBRR-2301 **Rules of the Division of Occupational and Professional Licenses** – (Second) Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 31, Chapter 01 – Bulletin Vol. 23-6
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24.33.01, Rules of the Board of Medicine for the Licensure to Practice Medicine & Osteopathic Medicine in Idaho

- 24-3301-2301 Adoption of Pending Rule, Bulletin Vol. 23-12 (PLR 2024)
- 24-3301-2301 Notice of Proposed Rulemaking, Bulletin Vol. 23-10
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- 24-3501-2301 Adoption of Pending Rule, Bulletin Vol. 23-12 (PLR 2024)
- 24-3501-2301 Notice of Proposed Rulemaking, Bulletin Vol. 23-9
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24.36.01, Rules of the Idaho State Board of Pharmacy

- 24-3601-2301 Adoption of Pending Rule, Bulletin Vol. 24-1 (PLR 2024)
- 24-3601-2301 Notice of Proposed Rulemaking, Bulletin Vol. 23-12

24.38.01, Rules of the State of Idaho Board of Veterinary Medicine

- 24-3801-2301 Adoption of Pending Rule (ZBR Chapter Rewrite, Fee Rule), Bulletin Vol. 23-12 (PLR 2024)
- 24-3801-2301 Notice of Proposed Rulemaking (ZBR Chapter Rewrite, Fee Rule), Bulletin Vol. 23-9
- 24-ZBRR-2301 **Rules of the Division of Occupational and Professional Licenses** – (Second) Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 38, Chapter 01 – Bulletin Vol. 23-6
- 24-ZBRR-2301 **Rules of the Division of Occupational and Professional Licenses** – Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 38, Chapter 01 – Bulletin Vol. 23-4

24.39.10, Rules of the Idaho Electrical Board

- 24-3910-2302 Adoption of Pending Rule, Bulletin Vol. 23-12 (PLR 2024)
- 24-3910-2302 Notice of Proposed Rulemaking (Fee Rule), Bulletin Vol. 23-10
- 24-3910-2302 Notice of Intent to Promulgate Rules – Negotiated Rulemaking, Bulletin Vol. 23-6

- 24-3910-2301 Adoption of Temporary Rule, Bulletin Vol. 23-5 (eff. 3-28-23)T

24.39.30, Rules of Building Safety (Building Code Rules)

- 24-3930-2302 Adoption of Pending Rule (ZBR Chapter Rewrite, Fee Rule), Bulletin Vol. 23-12 (PLR 2024)
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