

LEGAL NOTICE

Summary of Proposed Rulemakings

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

The following agencies of the state of Idaho have published the complete text and all required information concerning their intent to change or make new the following rules in the latest publication of the state Administrative Bulletin.

*The proposed rule public hearing request deadline is October 18, 2023, unless otherwise posted.
The proposed rule written comment submission deadline is October 25, 2023, unless otherwise posted.
(Temp & Prop) indicates the rulemaking is both Temporary and Proposed.
(*PH) indicates that a public hearing has been scheduled.*

IDAPA 02 – IDAHO DEPARTMENT OF AGRICULTURE PO Box 7249, Boise, ID 83707

02-0213-2301, Commodity Dealers' Rules. Zero-Based Rulemaking (ZBR) Chapter Rewrite clarifies procedure for licensing, assessment collection and remittance, determining claim value, maintaining electronic records, use of electronic scales and Department remedies for non-compliance.

02-0214-2301, Rules for Weights and Measures. Proposed rule updates incorporated document for commercial weighing and measuring devices.

02-0215-2301, Rules Governing the Seed Indemnity Fund. ZBR Chapter Rewrite outlines definitions, licensing procedure, recordkeeping requirements, collection and remittance to, and claim processes with, the Seed Indemnity Fund, and remedies of the Department for non-compliance.

02-0303-2301, Rules Governing Pesticide and Chemigation Use and Application. ZBR Chapter Rewrite governs the use, application, and registration of pesticides; licensing of pesticide applicators; and responsibilities for chemigation in Idaho.

02-0414-2301, Rules Governing Dairy Byproduct. ZBR Chapter Rewrite provides for review, approval, and enforcement by the Department of dairy environmental management plans.

02-0423-2301, Rules Governing Commercial Livestock Truck Washing Facilities. ZBR Chapter Rewrite regulates the permitting, construction, and management of commercial livestock truck washing facilities to protect the natural resources and water in Idaho.

02-0430-2301, Rules Governing Environmental and Nutrient Management. ZBR Chapter Rewrite governs: soil samplers and nutrient management planners certification and soil sample collection; contents request for, and formation of, a CAFO Site Advisory Team; development and submission of a site suitability determination to appropriate officials; management of odor and stockpiling of waste on agricultural operations.

02-0432-2301, Rules Governing Poultry Operations. ZBR Chapter Rewrite details the management practices of waste systems on poultry concentrated animal feeding operations.

02-0601-2301, Rules Governing the Production and Distribution of Seed. Changes reflect an industry petition for the agency to raise fees based on surrounding state and private sector seed labs to help support and sustain Idaho's seed program.

02-0602-2301, Rules Governing Registrations and Licenses. Proposed rule updates documents incorporated by reference to regulate commercial feed and fertilizer and soil and plant amendments.

02-0604-2301, Rules Governing Plant Exports. ZBR Chapter Rewrite governs the production of pest-free plants and plant products, provides procedures for compliance with phytosanitary regulations, and certification of virus-free nursery stock for export.

02-0609-2301, Rules Governing Invasive Species and Noxious Weeds. Updates reference document of decontamination protocols for firefighting equipment; creates lists of invasive insects and mollusks species; and

updates noxious weed lists.

02-0610-2301, Rules Governing the Growing of Potatoes. ZBR Chapter Rewrite provides the procedures for all potato management within Seed Potato Crop Management Areas; establishes procedures of testing uncertified seed potatoes; and the prevention of pests and disease in potato crops.

02-0616-2301, Rules Governing Honey Standards. ZBR Chapter Rewrite applies to all honey produced by honeybees and incorporates by reference the United States Standards for Grades of Extracted Honey as a quality control program.

02-0633-2301, Organic Food Products Rules. Proposed rule updates the National Organic Program Regulations incorporated document to ensure that organic certification is valid for customers wishing to utilize the agency for certification services.

IDAPA 05 – IDAHO DEPARTMENT OF JUVENILE CORRECTIONS

PO Box 83720, Boise, ID 83720-0285

***05-0102-2301, Rules and Standards for Secure Juvenile Detention Centers.** (*PH) ZBR Chapter Repeal moves necessary provisions to 05.01.04.

***05-0104-2301, Rules Governing County Juvenile Probation and Detention Services.** (*PH) ZBR Chapter Rewrite ensures that, with Department oversight, all county juvenile probation services departments and county juvenile detention centers operate under consistent standards.

***05-0201-2301, Rules for Residential Treatment Providers.** (*PH) ZBR Chapter Repeal shifts enforcement expectations to contract language.

IDAPA 08 – STATE BOARD OF EDUCATION

PO Box 83720, Boise, ID 83720-0037

08-0102-2301, Rules Governing the Postsecondary Credit Scholarship Program. ZBR Chapter Repeal due to changes in governing law.

08-0113-2302, Rules Governing the Opportunity Scholarship Program. Amendments move deadline for initial awards from July 1 to December 31 each year; and allow the Board to make awards pending financial need verification should student access to FAFSA be delayed.

08-0203-2301, Rules Governing Thoroughness. Changes remove duplicative satisfaction and engagement survey for alternative high schools.

08-0401-2301, Rules of the Idaho Digital Learning Academy. ZBR Chapter Rewrite provides requirements for the governance and administration of the Idaho Digital Learning Academy's Board of Directors.

IDAPA 11 – IDAHO STATE POLICE / STATE BRAND BOARD

PO Box 1177, Meridian, ID 83680-1177

11-0201-2301, Rules of the Idaho State Brand Board. Proposed rulemaking increases the cattle brand inspection fee by \$0.06 per head inspected.

IDAPA 12 – IDAHO DEPARTMENT OF FINANCE

800 Park Blvd, Ste 200, Boise, ID 83720-0031

12-0104-2301, Rules Pursuant to the Idaho Credit Union Act. ZBR Chapter Rewrite implements statutory intent with respect to the regulation and supervision of state-chartered credit unions in Idaho.

12-0108-2301, Rules Pursuant to the Uniform Securities Act (2004). ZBR Chapter Rewrite relates to the offer and sale of securities and the giving of investment advice in the state of Idaho by licensed individuals.

12-0110-2301, Rules Pursuant to the Idaho Residential Mortgage Practices Act. ZBR Chapter Rewrite adopts documents incorporated by reference to enforce provisions related to required disclosures; restricting fees and charges; deceptive advertising practices; and, prohibited practices in residential mortgage brokering, lending, and origination.

IDAPA 13 – IDAHO DEPARTMENT OF FISH AND GAME

PO Box 25, Boise, ID 83707

13-0106-2301, Rules Governing Classification and Protection of Wildlife. ZBR Chapter Rewrite establishes the classification and protection of wildlife including big and upland game animals, game birds and fish, fur-bearing animals, protected non-game species, and unprotected wildlife.

13-0108-2301, Rules Governing Taking of Big Game Animals. Proposed rule allows for the use of any metal or metal alloy in muzzleloaders and removes the restriction of non-jacketed projectile. Additional change allows for accuracy tips and pressure bases.

13-0111-2301, Rules Governing Fish. ZBR Chapter Rewrite integrates provisions from repealed chapter to govern: commercial and non-commercial take, seasons transport, and possession limits for all non-commercial fishing; the release of fish and crustacea; and fishing contests.

13-0112-2301, Rules Governing Commercial Fishing. ZBR Chapter Repeal moves necessary provisions to companion docket 13-0111-2301.

13-0115-2301, Rules Governing the Use of Dogs. ZBR Chapter Rewrite concerns the use of dogs in taking wildlife and use of game birds in field training dogs in Idaho.

IDAPA 15 – OFFICE OF THE GOVERNOR

Division of Human Resources and Personnel Commission, PO Box 83720, Boise, ID 83720-0066

Idaho State Liquor Division, 1349 E Beechcraft Ct, Boise, ID 83716

15-0401-2301, Rules of the Division of Human Resources and Idaho Personnel Commission. ZBR Chapter Rewrite establishes the policies and procedures of the Idaho Personnel System for public service employment.

15-1001-2301, Rules of the Idaho State Liquor Division. ZBR Chapter Rewrite governs Division operations and supports the Idaho Liquor Act, Title 23, Idaho Code, through regulation of retail stores, distributing stations, and suppliers; and establishes fees.

IDAPA 16 – DEPARTMENT OF HEALTH AND WELFARE

PO Box 83720, Boise, ID 83720-0036

***16-0305-2301, Eligibility for Aid to the Aged, Blind, and Disabled (AABD).** (*PH) ZBR Chapter Rewrite provides standards for issuing AABD cash benefits and related Medicaid benefits in the administration of public assistance programs.

***16-0310-2101, Medicaid Enhanced Plan Benefits.** (*PH) (Temp & Prop) Rule change aims to decrease regulatory burden, implements operations for end of public health emergency, compliance updates with K.W. Settlement, and aligns with federal regulations regarding conflicts of interest.

***16-0313-2101, Consumer-Directed Services.** (*PH) (Temp & Prop) Rule change makes technical corrections decreasing regulation, implements end of public health emergency, compliance updates with K.W. Settlement, and aligns with federal regulations regarding conflicts of interest.

***16-0318-2301, Medicaid Cost-Sharing.** (*PH) ZBR Chapter Rewrite describes general requirements regarding administration of the cost-sharing provisions for participation in a medical assistance program providing direct benefits in Idaho.

***16-0739-2301, Designated Examiners and Dispositioners.** (*PH) Proposed rule comports statutory changes by updating the application and letter of designation, such as a Senior Designated Examiners, for designated examiners and dispositioners operating in the state.

IDAPA 20 – IDAHO DEPARTMENT OF LANDS

PO Box 83720, Boise, ID 83720-0050

***20-0501-2301, Rules Pertaining to the Recreational Use of Endowment Land.** (*PH) New Chapter prescribes recent legislation mandating rules that govern the closure, restriction, regulation, or prohibition of certain regulated recreational uses on Idaho endowment lands.

IDAPA 24 – DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES

11341 W Chinden Blvd, Bldg 4, Boise, ID 83714

***24-1801-2301, Rules of the Real Estate Appraiser Board.** (*PH) ZBR Rewrite governs the practice of real estate appraisal in Idaho by

establishing: minimum standards of competency and qualifications for applicants; fees related to licensure; continuing education for trainees and licensees; requirements for registered trainees and supervisors; and uniform standards of professional appraisal practice and code of ethics.

***24-3301-2301, Rules of the Board of Medicine for the Licensure to Practice Medicine and Osteopathic Medicine in Idaho.** (*PH) Rulemaking addresses statutory changes resulting in the removal of the registration requirement for supervising physicians and the addition of a temporary registration for certain experienced international medical graduates.

***24-3910-2302, Rules of the Idaho Electrical Board.** (*PH) Rule change amends the Idaho Electrical Code, updates continuing education requirements, and adds residential electrician classification under supervision practice standards.

IDAPA 26 – DEPARTMENT OF PARKS AND RECREATION
5657 Warm Springs Ave, Boise, ID 83716

***26-0110-2301, Rules Governing the Administration of Temporary Permits on Lands Owned by the Idaho Department of Parks and Recreation.** (*PH) ZBR Rewrite sets forth procedures for administration of temporary permits on lands owned by the department by raising: 1) the processing fees for issuance or modification of a permit; and 2) the compensation for cost per acre, to be set by board action. Comment by 10-26-23.

***26-0120-2301, Rules Governing the Administration of Park and Recreation Areas and Facilities.** (*PH) Rulemaking updates definitions and standards, check-out time for facilities, fee caps on items currently at or near the cap, and the modification fee to separate out individual campsites and facilities from special use and group; removes redundant or unnecessary sections and fee schedules for winter recreational programs; and adds ability for day, month, season admission to the admission fee. Comment by 10-26-23.

IDAPA 31 – IDAHO PUBLIC UTILITIES COMMISSION
11331 W Chinden Blvd, Bldg 8, Ste 201-A, Boise, ID 83714

31-1201-2301, Systems of Accounts for Public Utilities Regulated by the Idaho Public Utilities Commission. ZBR Chapter Rewrite provides requirements for electric, gas, telephone, and water public utilities to maintain their books and records according to the systems of accounts.

31-2101-2301, Customer Relations Rules for Gas, Electric, and Water Public Utilities (The Utility Customer Relations Rules). ZBR Chapter Rewrite sets rules with regard to: deposits; guarantees; billing; application, denial or termination of service; and complaints to utilities.

31-2601-2301, Master-Metering Rules for Electric Utilities. ZBR Chapter Rewrite applies to electric utility companies that are defining when and under what circumstances their customers may master-meter tenants of the customer.

31-3101-2301, Gas Service Rules. ZBR Chapter Rewrite sets preliminary requirements and standards for service for gas utilities providing service.

IDAPA 37 – IDAHO DEPARTMENT OF WATER RESOURCES
PO Box 83720, Boise, ID 83720-0098

37-0308-2301, Water Appropriation Rules. ZBR Chapter Rewrite sets permitting procedures to divert and use unappropriated public waters.

IDAPA 39 – IDAHO TRANSPORTATION DEPARTMENT
11331 W Chinden Blvd, Boise, ID 83714

39-0204-2301, Rules Governing Manufacturer and New Vehicle Dealer Hearing Fees. ZBR Chapter Repeal due to changes in governing law.

39-0222-2301, Rules Governing Registration and Permit Fee Administration and Temporary Vehicle Clearance for Carriers. Rulemaking removes quarterly reporting provisions being moved and consolidated in companion docket 39-0301-2301 regarding special permit combinations.

39-0242-2301, Rules Governing Conditional Vehicle Registration When Proof of Ownership is Insufficient. ZBR Chapter Rewrite establishes conditional vehicle registration when applicant does not have sufficient proof of ownership and issuance of 30-day temporary motor vehicle permits.

39-0246-2301, Rules Governing Temporary Motor Vehicle Registration Permit. ZBR Chapter Repeal moves needed provisions to 39-0242-2301.

39-0260-2301, Rules Governing License Plate Provisions. ZBR Chapter Rewrite details various license plate allowances, special plate program provisions, and plate numbering structures necessary for managing the department's license plate programs.

39-0301-2301, Rules Governing Definitions Regarding Special Permits. ZBR Chapter Rewrite combines and consolidates IDAPA chapters 39.03.01 through 39.03.07 to form a single streamlined rule governing the conditions for issuing commercial vehicle special permits.

39-0302-2301, Rules Governing Movement of Disabled Vehicles. ZBR Chapter Repeal moves necessary provisions to 39-0301-2301.

39-0303-2301, Rules Governing Special Permits – General Conditions & Requirements. ZBR Chapter Repeal moves provisions to 39-0301-2301.

39-0304-2301, Rules Governing Special Permits – Overweight Non-Reducible. ZBR Chapter Repeal consolidates provisions in 39-0301-2301.

39-0305-2301, Rules Governing Special Permits – Oversize Non-Reducible. ZBR Chapter Repeal moves necessary provisions to 39-0301-2301.

39-0306-2301, Rules Governing Special Permits for Extra-Length/Excess Weight, Up to 129,000 Pound Vehicle Combinations. ZBR Chapter Repeal combines, consolidates, and moves necessary provisions to 39-0301-2301.

39-0307-2301, Rules Governing Special Permits for Reducible Loads. ZBR Chapter Repeal moves necessary provisions to 39-0301-2301.

39-0308-2301, Rules Governing Self-Propelled Snowplows. ZBR Chapter Rewrite addresses regulations, safety, and lighting systems standards for overwidth self-propelled snowplows operated by the department.

39-0340-2301, Rules Governing Junkyards and Dumps. ZBR Chapter Rewrite provides guidelines for the control of junkyards and dumps within 1,000 feet of the nearest edge of the right-of-way for interstate, primary freeways, and primary highways of the state.

39-0342-2301, Rules Governing Highway Right-of-Way Encroachments on State Rights-of-Way. ZBR Chapter Rewrite establishes standards and guidelines for encroachments on, and approaches of, state highway rights-of-way.

39-0348-2301, Rules Governing Routes Exempt From Local Plans and Ordinances. ZBR Chapter Rewrite clarifies provisions concerning the prevention of local control over improvements to transportation systems of statewide importance.

39-0350-2301, Rules Governing Safety Rest Areas. ZBR Chapter Rewrite sets standards not addressed in statute for use of developed rest areas.

39-0401-2301, Rules Governing Aeronautics and Aviation. ZBR Chapter Rewrite implements state law related to: aircraft registration; marking of hazards to air flight; restriction of flight in emergency areas; commercial, through-the-fence, and general state airport operations; aerial search and rescue; and Federal Aviation Regulations and the Idaho Airport Aid Program.

IDAPA 55 – STATE BOARD OF CAREER TECHNICAL EDUCATION

PO Box 83720, Boise, ID 83720-0037

55-0103-2301, Rules of Career Technical Schools. ZBR Chapter Rewrite serves measures and accountability standards, funding calculations, application process, and component criteria for Career Technical centers in Idaho and defines the duties of the Division of CTE.

55-0104-2301, Rules Governing Idaho Quality Program Standards Incentive Grants and Agricultural Education Program Start-Up Grants. ZBR Chapter Rewrite governs application to the Idaho Quality Program Standards Incentive Grants and the Agricultural Education Program Start-up Grants as administered by the Idaho Division of CTE.

IDAPA 62 – OFFICE OF ADMINISTRATIVE HEARINGS

816 W Bannock St, Ste 203, Boise, ID 83702

62-0101-2301, Idaho Rules of Administrative Procedure. New Chapter aims to simplify, modernize, and replace the existing Idaho Rules of Administrative Procedure of the Attorney General, which govern the conduct of contested cases before Idaho's administrative agencies.

NOTICES OF ADOPTION OF TEMPORARY RULE ONLY

IDAPA 02 – DEPARTMENT OF AGRICULTURE

02-0609-2302, Rules Governing Invasive Species and Noxious Weeds

NOTICE OF PUBLIC HEARING AND EXTENSION OF WRITTEN COMMENT PERIOD

IDAPA 16 – DEPARTMENT OF HEALTH AND WELFARE

16-0304-2301, Idaho Food Stamp Program. Comment period extended through 10/17/23.

NOTICES OF INTENT TO PROMULGATE RULES – NEGOTIATED RULEMAKING

(Please see the Administrative Bulletin for dates and times of meetings and other participant information)

IDAPA 20 – IDAHO DEPARTMENT OF LANDS

20-0401-2301, Rules Pertaining to Forest Fire Protection

20-0402-2301, Rules Pertaining to the Idaho Forestry Act and Fire Hazard Reduction Laws

IDAPA 52 – IDAHO STATE LOTTERY

52-0103-2301, Rules Governing Operations of the Idaho State Lottery

Please refer to the Idaho Administrative Bulletin **October 4, 2023, Volume 23-10**, 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/

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