

IDAHO ADMINISTRATIVE BULLETIN

July 4, 2018 – Vol. 18-7

Idaho Department of Administration
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IDAHO ADMINISTRATIVE BULLETIN

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PREFACE

The Idaho Administrative Bulletin is an electronic-only, online monthly publication of the Office of the Administrative Rules Coordinator, Department of Administration, that is published pursuant to Section 67-5203, Idaho Code. The Bulletin is a compilation of all official rulemaking notices, official rule text, executive orders of the Governor, and all legislative documents affecting rules that are statutorily required to be published in the Bulletin. It may also include other rules-related documents an agency may want to make public through the Bulletin.

State agencies are required to provide public notice of all rulemaking actions and must invite public input. This is done through negotiated rulemaking procedures or after proposed rulemaking has been initiated. The public receives notice that an agency has initiated proposed rulemaking procedures through the Idaho Administrative Bulletin and a legal notice (Public Notice of Intent) that publishes in authorized newspapers throughout the state. The legal notice provides reasonable opportunity for the public to participate when a proposed rule publishes in the Bulletin. Interested parties may submit written comments to the agency or request public hearings of the agency, if none have been scheduled. Such submissions or requests must be presented to the agency within the time and manner specified in the individual “Notice of Rulemaking - Proposed Rule” for each proposed rule that is published in the Bulletin.

Once the comment period closes, the agency considers fully all comments and information submitted regarding the proposed rule. Changes may be made to the proposed rule at this stage of the rulemaking, but changes must be based on comments received and must be a “logical outgrowth” of the proposed rule. The agency may now adopt and publish the pending rule. A pending rule is “pending” legislative review for final approval. The pending rule is the agency’s final version of the rulemaking that will be forwarded to the legislature for review and final approval. Comment periods and public hearings are not provided for when the agency adopts a temporary or pending rule.

CITATION TO THE IDAHO ADMINISTRATIVE BULLETIN

The Bulletin is identified by the calendar year and issue number. For example, Bulletin **13-1** refers to the first Bulletin issued in calendar year **2013**; Bulletin **14-1** refers to the first Bulletin issued in calendar year **2014**. Volume numbers, which proceed from 1 to 12 in a given year, correspond to the months of publication, i.e.; Volume No. **13-1** refers to January 2013; Volume No. **13-2** refers to February 2013; and so forth. Example: The Bulletin published in January 2014 is cited as Volume **14-1**. The December 2015 Bulletin is cited as Volume **15-12**.

RELATIONSHIP TO THE IDAHO ADMINISTRATIVE CODE

The **Idaho Administrative Code** is an electronic-only, online compilation of all final and enforceable administrative rules of the state of Idaho that are of full force and effect. Any temporary rule that is adopted by an agency and is of force and effect is codified into the Administrative Code upon becoming effective. All pending rules that have been approved by the legislature during the legislative session as final rules and any temporary rules that are extended supplement the Administrative Code. These rules are codified into the Administrative Code upon becoming effective. Because proposed and pending rules are not enforceable, they are published in the Administrative Bulletin only and cannot be codified into the Administrative Code until approved as final.

To determine if a particular rule remains in effect or whether any amendments have been made to the rule, refer to the **Cumulative Rulemaking Index**. Link to it on the Administrative Rules homepage at adminrules.idaho.gov.

THE DIFFERENT RULES PUBLISHED IN THE ADMINISTRATIVE BULLETIN

Idaho’s administrative rulemaking process, governed by the Administrative Procedure Act, Title 67, Chapter 52, Idaho Code, comprises distinct rulemaking actions: negotiated, proposed, temporary, pending and final rulemaking. Not all rulemakings incorporate or require all of these actions. At a minimum, a rulemaking includes proposed, pending and final rulemaking. Many rules are adopted as temporary rules when they meet the required statutory criteria and agencies must, when feasible, engage in negotiated rulemaking at the beginning of the process to facilitate consensus building. In the majority of cases, the process begins with proposed rulemaking and ends with the final rulemaking. The following is a brief explanation of each type of rule.

1. NEGOTIATED RULEMAKING

Negotiated rulemaking is a process in which all interested persons and the agency seek consensus on the content of a rule through dialogue. Agencies are required to conduct negotiated rulemaking whenever it is feasible to do so. The agency files a “Notice of Intent to Promulgate - Negotiated Rulemaking” for publication in the Administrative Bulletin inviting interested persons to contact the agency if interested in discussing the agency’s intentions regarding the rule changes. This process is intended to result in the formulation of a proposed rule and the initiation of regular rulemaking procedures. One result, however, may also be that regular (proposed) rulemaking is not initiated and no further action is taken by the agency.

2. PROPOSED RULEMAKING

A proposed rulemaking is an action by an agency wherein the agency is proposing to amend or repeal an existing rule or to adopt a new rule. Prior to the adoption, amendment, or repeal of a rule, the agency must publish a “Notice of Rulemaking - Proposed Rule” in the Bulletin. This notice must include very specific information regarding the rulemaking including all relevant state or federal statutory authority occasioning the rulemaking, a non-technical description of the changes being made, any associated costs, guidance on how to participate through submission of written comments and requests for public hearings, and the text of the proposed rule in legislative format.

3. TEMPORARY RULEMAKING

Temporary rules may be adopted only when the governor finds that it is necessary for:

- a) protection of the public health, safety, or welfare; or
- b) compliance with deadlines in amendments to governing law or federal programs; or
- c) conferring a benefit.

If a rulemaking meets one or more of these criteria, and with the Governor’s approval, the agency may adopt and make a temporary rule effective prior to receiving legislative authorization and without allowing for any public input. The law allows an agency to make a temporary rule immediately effective upon adoption. A temporary rule expires at the conclusion of the next succeeding regular legislative session unless the rule is extended by concurrent resolution, is replaced by a final rule, or expires under its own terms.

4. PENDING RULEMAKING

A pending rule is a rule that has been adopted by an agency under regular rulemaking procedures and remains subject to legislative review before it becomes a final, enforceable rule. When a pending rule is published in the Bulletin, the agency is required to include certain information in the “Notice of Rulemaking - Pending Rule.” This includes a statement giving the reasons for adopting the rule, a statement regarding when the rule becomes effective, a description of how it differs from the proposed rule, and identification of any fees being imposed or changed.

Agencies are required to republish the text of the pending rule when substantive changes have been made to the proposed rule. An agency may adopt a pending rule that varies in content from that which was originally proposed if the subject matter of the rule remains the same, the pending rule change is a logical outgrowth of the proposed rule, and the original notice was written so as to assure that members of the public were reasonably notified of the subject. It is not always necessary to republish all the text of the pending rule.

5. FINAL RULEMAKING

A final rule is a rule that has been adopted by an agency under the regular rulemaking procedures and is of full force and effect.

HOW TO USE THE IDAHO ADMINISTRATIVE BULLETIN

Rulemaking documents produced by state agencies and published in the **Idaho Administrative Bulletin** are organized by a numbering schematic. Each state agency has a two-digit identification code number known as the “**IDAPA**” number. (The “IDAPA” Codes are listed in the alphabetical/numerical index at the end of this Preface.) Within each agency there are divisions or departments to which a two-digit “TITLE” number is assigned. There are “CHAPTER” numbers assigned within the Title and the rule text is divided among major sections that are further subdivided into subsections. An example IDAPA number is as follows:

IDAPA 38.05.01.200.02.c.ii.

“**IDAPA**” refers to Administrative Rules in general that are subject to the Administrative Procedures Act and are required by this act to be published in the Idaho Administrative Code and the Idaho Administrative Bulletin.

1. “**38.**” refers to the Idaho Department of Administration

“**05.**” refers to Title **05**, which is the Department of Administration’s Division of Purchasing

“**01.**” refers to Chapter **01** of Title 05, “Rules of the Division of Purchasing”

“**200.**” refers to Major Section **200**, “Content of the Invitation to Bid”

“**02.**” refers to Subsection 200.02.

“**c.**” refers to Subsection 200.02.c.

“**ii.**” refers to Subsection 200.02.c.ii.

DOCKET NUMBERING SYSTEM

Internally, the Bulletin is organized sequentially using a rule docketing system. Each rulemaking that is filed with the Coordinator is assigned a “DOCKET NUMBER.” The docket number is a series of numbers separated by a hyphen “-”, (**38-0501-1401**). Rulemaking dockets are published sequentially by IDAPA number (the two-digit agency code) in the Bulletin. The following example is a breakdown of a typical rule docket number:

“DOCKET NO. 38-0501-1401”

“**38-**” denotes the agency’s **IDAPA** number; in this case the Department of Administration.

“**0501-**” refers to the **TITLE AND CHAPTER** numbers of the agency rule being promulgated; in this case the Division of Purchasing (**TITLE 05**), Rules of the Division of Purchasing (**Chapter 01**).

“**1401**” denotes the year and sequential order of the docket being published; in this case the numbers refer to the first rulemaking action published in **calendar year 2014**. A subsequent rulemaking on this same rule chapter in calendar year 2014 would be designated as “**1402**”. The docket number in this scenario would be 38-0501-**1402**.

Within each Docket, only the affected sections of chapters are printed. (See **Sections Affected Index** in each Bulletin for a listing of these.) The individual sections affected are printed in the Bulletin sequentially (e.g. Section “200” appears before Section “345” and so on). Whenever the sequence of the numbering is broken the following statement will appear:

(BREAK IN CONTINUITY OF SECTIONS)

BULLETIN PUBLICATION SCHEDULE FOR CALENDAR YEAR 2018

Vol. No.	Monthly Issue of Bulletin	Closing Date for Agency Filing	Publication Date	21-day Comment Period End Date
18-1	January 2018	*November 24, 2017	January 3, 2018	January 24, 2018
18-2	February 2018	January 5, 2018	February 7, 2018	February 28, 2018
18-3	March 2018	February 2, 2018	March 7, 2018	March 28, 2018
18-4	April 2018	March 2, 2018	April 4, 2018	April 25, 2018
18-5	May 2018	April 6, 2018	May 2, 2018	May 23, 2018
18-6	June 2018	May 4, 2018	June 6, 2018	June 27, 2018
18-7	July 2018	June 8, 2018	July 4, 2018	July 25, 2018
18-8	August 2018	July 6, 2018	August 1, 2018	August 22, 2018
18-9	September 2018	August 3, 2018	September 5, 2018	September 26, 2018
18-10	October 2018	**August 31, 2018	October 3, 2018	October 24, 2018
18-11	November 2018	October 5, 2018	November 7, 2018	November 28, 2018
18-12	December 2018	November 2, 2018	December 5, 2018	December 26, 2018

BULLETIN PUBLICATION SCHEDULE FOR CALENDAR YEAR 2019

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

****Last day to submit a proposed rulemaking before moratorium begins and last day to submit a pending rule to be reviewed by the legislature.***

*****Last day to submit a proposed rule in order to have the rulemaking completed and submitted for review by legislature.***

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IDAPA 01 – BOARD OF ACCOUNTANCY

01.01.01 – IDAHO ACCOUNTANCY RULES

DOCKET NO. 01-0101-1801

NOTICE OF INTENT TO PROMULGATE RULES – NEGOTIATED RULEMAKING

AUTHORITY: In compliance with Sections 67-5220(1) and 67-5220(2), Idaho Code, notice is hereby given that this agency intends to promulgate rules and desires public comment prior to initiating formal rulemaking procedures. This negotiated rulemaking action is authorized pursuant to Section 54-204(1), Idaho Code.

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

NEGOTIATED RULEMAKING MEETING (LIVE)

Wednesday, July 18, 2018 - 2:00 pm (MDT)

**ISBA Office
3101 W. Main Street, Suite 210
Boise, ID 83702**

TELECONFERENCE CALL-IN 2:00 pm (MDT)

**Toll Free: 1-877-820-7831
Participant Code: 957362**

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

METHOD OF PARTICIPATION: Persons wishing to participate in the negotiated rulemaking must do the following:

Interested members of the public who wish to participate must submit any written comments, questions, recommendations, or ideas to the Board of Accountancy, PO Box 83720 Boise, ID 83720-0002, or by email to isba@isba.idaho.gov. Individuals may also attend the public meeting to be conducted on the above date during which the Idaho Board of Accountancy will allow oral recommendations or comments.

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

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

Rule 606: This rule is being updated to reflect that a firm/licensee that is advised by a peer reviewer or team captain that a grade of pass with deficiencies or fail will be recommended on their peer review must notify the Board within 30 days of said advisement. Amending this rule is needed to 1) help protect the public, those that rely on reports issued by CPAs and 2) to help firms/licensees be in compliance when issuing peer reviewable services for clients.

Rule 617: This rule is being amended to help the Board take appropriate action to protect the public should the Board determine through the peer review process that a firm/licensee's performance and/or reporting practices are not or may not be in accordance with applicable professional standards.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS, OBTAINING DRAFT COPIES: For assistance on technical questions concerning this negotiated rulemaking or to obtain a preliminary draft copy of the rule text, contact Kent A. Absec, Executive Director at (208) 334-2490. Materials pertaining to the negotiated rulemaking, including any available preliminary rule drafts, can be found on the ISBA web site at the following web address: <https://isba.idaho.gov/>.

Anyone may submit written comments regarding this negotiated rulemaking. All written comments must be directed to the undersigned and must be delivered on or before July 18, 2018.

Dated this 25th day of May, 2018.

Kent A. Absec, Executive Director
Idaho State Board of Accountancy
3101 W. Main St., Suite 210
Boise, ID 83702
P.O. Box 83820
Boise, Idaho 83720-0002
Phone: (208) 334-2490
Fax: (208) 334-2615
E-mail: kent.absec@isba.idaho.gov

IDAPA 01 – BOARD OF ACCOUNTANCY

01.01.01 – IDAHO ACCOUNTANCY RULES

DOCKET NO. 01-0101-1802

NOTICE OF INTENT TO PROMULGATE RULES – NEGOTIATED RULEMAKING

AUTHORITY: In compliance with Sections 67-5220(1) and 67-5220(2), Idaho Code, notice is hereby given that this agency intends to promulgate rules and desires public comment prior to initiating formal rulemaking procedures. This negotiated rulemaking action is authorized pursuant to Section 54-204(1), Idaho Code.

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

NEGOTIATED RULEMAKING MEETING (LIVE)

Wednesday, July 18, 2018 - 2:00 pm (MDT)

**ISBA Office
3101 W. Main Street, Suite 210
Boise, ID 83702**

**TELECONFERENCE CALL-IN
2:00 pm (MDT)**

**Toll Free: 1-877-820-7831
Participant Code: 957362**

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

METHOD OF PARTICIPATION: Persons wishing to participate in the negotiated rulemaking must do the following:

Interested members of the public who wish to participate must submit any written comments, questions, recommendations, or ideas to the Board of Accountancy, P.O. Box 83720 Boise, ID 83720-0002, or by email to isba@isba.idaho.gov. Individuals may also attend the public meeting to be conducted on the above date during which the Idaho Board of Accountancy will allow oral recommendations or comments.

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

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

Rule 108: Rule will eliminate reference to the former paper-based exam which is no longer applicable. The rule will now focus only on the applicable computer-based exam.

Rule 304: Rule will allow the agency to utilize established substantial equivalency standards of other states as established by the National Association of State Boards of Accountancy, NASBA, to help make a more efficient and less challenging process for reciprocal license applicants. This will allow the agency to gather information from the Accountancy Licensing Database electronically instead of requiring a candidate to have another jurisdiction supply the information to Idaho on a paper based medium.

Rule 502: Rule will now allow licensees with a status of CPA-Retired or CPA-Inactive to provide volunteer accounting services that they were prohibited from doing in the past or as the current rule stands. Individuals in these status' will now be able to serve on Boards of non-profit organizations such as Homeowner Associations and assist citizens in the Volunteer Income Tax Assistance, VITA, program, for example.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS, OBTAINING DRAFT COPIES: For assistance on technical questions concerning this negotiated rulemaking or to obtain a preliminary draft copy of the rule text, contact Kent A. Absec, Executive Director at (208) 334-2490. Materials pertaining to the negotiated rulemaking, including any available preliminary rule drafts, can be found on the ISBA web site at the following web address: <https://isba.idaho.gov/>.

Anyone may submit written comments regarding this negotiated rulemaking. All written comments must be directed to the undersigned and must be delivered on or before July 18, 2018.

DATED this 25th day of May, 2018.

Kent A. Absec, Executive Director
Idaho State Board of Accountancy
3101 W. Main St., Suite 210
Boise, ID 83702
P.O. Box 83820
Boise, Idaho 83720-0002
Phone: (208) 334-2490
Fax: (208) 334-2615
E-mail: kent.absec@isba.idaho.gov

IDAPA 02 – DEPARTMENT OF AGRICULTURE

02.04.08 – RULES GOVERNING GRADE A MILK AND MILK PRODUCTS

DOCKET NO. 02-0408-1801

NOTICE OF INTENT TO PROMULGATE RULES – NEGOTIATED RULEMAKING

AUTHORITY: In compliance with Section 67-5220, Idaho Code, notice is hereby given that this agency intends to promulgate rules and desires public comment prior to initiating formal rulemaking procedures. This negotiated rulemaking action is authorized pursuant to Section 37-303, Idaho Code.

METHOD OF PARTICIPATION: Interested persons wishing to participate in the negotiated rulemaking must respond to this notice by contacting the undersigned either in writing, by email, or by calling the phone number listed below. To participate, responses must be received by July 26, 2018.

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

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

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

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

To incorporate by reference the 2017 edition of the Grade A Pasteurized Milk Ordinance; 2017 edition of the Evaluation of Milk Laboratories reference document; 2017 Methods of Making Sanitation Ratings of Milk Shippers reference document and 2017 edition of Procedures Governing the Cooperative State-Public Health Service/Food and Drug Administration reference document.

ASSISTANCE ON TECHNICAL QUESTIONS, MEETING ACCOMMODATIONS, SUBMISSION OF WRITTEN COMMENTS, OBTAINING DRAFT COPIES: For assistance on technical questions concerning this negotiated rulemaking, requests for special meeting accommodations or accessibility, or to obtain a preliminary draft copy of the rule text (if available), contact Mitchell Vermeer, Section Manager – Division of Animal Industries at (208) 332-8550. Materials pertaining to the negotiated rulemaking, including any available preliminary rule drafts, can be found on the Idaho State Department of Agriculture web site at the following web address: www.agri.idaho.gov.

DATED this 6th day of June, 2018.

Brian Oakey
Deputy Director
Idaho Department of Agriculture
2270 Old Penitentiary Road
P.O. Box 790
Boise, Idaho 83701
Phone: (208) 332-8550
Fax: (208) 334-2710

IDAPA 02 – DEPARTMENT OF AGRICULTURE

02.04.13 – RULES GOVERNING RAW MILK

DOCKET NO. 02-0413-1801

NOTICE OF INTENT TO PROMULGATE RULES – NEGOTIATED RULEMAKING

AUTHORITY: In compliance with Section 67-5220, Idaho Code, notice is hereby given that this agency intends to promulgate rules and desires public comment prior to initiating formal rulemaking procedures. This negotiated rulemaking action is authorized pursuant to Section 37-303, Idaho Code.

METHOD OF PARTICIPATION: Interested persons wishing to participate in the negotiated rulemaking must respond to this notice by contacting the undersigned either in writing, by email, or by calling the phone number listed below. To participate, responses must be received by July 26, 2018.

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

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

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

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

To incorporate by reference the 2017 edition of the Grade A Pasteurized Milk Ordinance, except those provisions establishing raw milk standards for raw milk for pasteurization.

ASSISTANCE ON TECHNICAL QUESTIONS, MEETING ACCOMMODATIONS, SUBMISSION OF WRITTEN COMMENTS, OBTAINING DRAFT COPIES: For assistance on technical questions concerning this negotiated rulemaking, requests for special meeting accommodations or accessibility, or to obtain a preliminary draft copy of the rule text (if available), contact Mitchell Vermeer, Section Manager – Division of Animal Industries at (208) 332-8550. Materials pertaining to the negotiated rulemaking, including any available preliminary rule drafts, can be found on the Idaho State Department of Agriculture web site at the following web address: www.agri.idaho.gov.

DATED this 6th day of June, 2018.

Brian Oakey
Deputy Director
Idaho Department of Agriculture
2270 Old Penitentiary Road
P.O. Box 790
Boise, Idaho 83701
Phone: (208) 332-8550
Fax: (208) 334-2710

IDAPA 02 – DEPARTMENT OF AGRICULTURE

02.04.29 – RULES GOVERNING TRICHOMONIASIS

DOCKET NO. 02-0429-1801

NOTICE OF INTENT TO PROMULGATE RULES – NEGOTIATED RULEMAKING

AUTHORITY: In compliance with Sections 67-5220(1) and 67-5220(2), Idaho Code, notice is hereby given that this agency intends to promulgate rules and desires public comment prior to initiating formal rulemaking procedures. This negotiated rulemaking action is authorized pursuant to Title 25, Chapter 2, Idaho Code.

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

PUBLIC MEETING
Monday, July 16, 2018 – 1:30 pm to 3:30 pm (MDT)

Idaho State Dept. of Agriculture
2270 Old Penitentiary Road
Boise, ID 83712

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

METHOD OF PARTICIPATION: Persons wishing to participate in the negotiated rulemaking must do the following: interested members of the public who wish to participate must submit any written comments, questions, recommendations, or ideas to the Idaho State Department of Agriculture addressed to Dan Salmi, Laboratory Bureau Chief, Bureau of Laboratories. Individuals may also attend the public meeting to be conducted on the above date during which the Idaho State Department of Agriculture will allow oral comments or presentation to be made.

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

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

IDAPA 02.04.29.330.01 states “Official laboratories shall operate in accordance with the official Idaho “Protocol for *Trichomonas foetus* Diagnosis in Cattle.” The ISDA-Animal Health Lab has updated this protocol for *Trichomonas foetus* testing. Since this procedure is incorporated by reference, it should be updated. Specific changes include additional details and options for veterinarians to collect and transport samples to the laboratory. These changes will allow veterinarians to utilize more cost effective ways to submit *Trichomonas foetus* samples to the lab for testing. The new version was also rewritten to eliminate irrelevant and repetitive information.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS, OBTAINING DRAFT COPIES: For assistance on technical questions concerning this negotiated rulemaking or to obtain a preliminary draft copy of the rule text (if available), contact Dan Salmi, (208) 332-8526. Materials pertaining to the negotiated rulemaking, including any available preliminary rule drafts, can be found on the ISDA web site at the following web address: www.agri.idaho.gov.

Anyone may submit written comments regarding this negotiated rulemaking. All written comments must be directed to the undersigned and must be delivered on or before July 25, 2018.

DATED this 6th day of June, 2018.

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

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

IDAPA 02 – DEPARTMENT OF AGRICULTURE

02.05.01 – RULES GOVERNING PRODUCE SAFETY

DOCKET NO. 02-0501-1801 (NEW CHAPTER)

NOTICE OF RULEMAKING – PROPOSED RULE

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Sections 22-101(3), 22-113, and 22-5404, Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than July 18, 2018. The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

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

The Produce Safety Rule is part of the new FDA Food Safety Modernization Act (FSMA) and establishes science-based minimum standards for the safe growing, harvesting, packing, and holding of fruits and vegetables grown for human consumption. These minimum standards were developed to ensure the safe production and harvesting of produce by domestic and foreign farms. Farms that meet the criteria may be subject to on-farm inspections. ISDA was given statutory authority to conduct on-farm inspections of farms subject to the FDA Produce Safety Rule by the 2018 Legislature in House Bill No. 537.

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

No fee or charge is imposed or increased for 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 resulting from this rulemaking:

No negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year results from this rulemaking.

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(1), Idaho Code, negotiated rulemaking was conducted. The Notice of Intent to Promulgate Rules - Negotiated Rulemaking was published in the May 2, 2018 Idaho Administrative Bulletin, **Volume 18-5, pages 38-39**.

INCORPORATION BY REFERENCE: Pursuant to Section 67-5229(2)(a), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule: ISDA was given statutory authority to conduct on-farm inspections of farms subject to the FDA Produce Safety Rule by the 2018 Legislature in House Bill No. 537.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Pamm Juker, Chief of Staff at (208) 332-8502. Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before July 25, 2018.

DATED this 6th day of June, 2018.

Brian Oakey
Deputy Director
Idaho Department of Agriculture
2270 Old Penitentiary Road
P.O. Box 790, Boise, Idaho 83701
Phone: (208) 332-8550 / Fax: (208) 334-2710

IDAPA 02
TITLE 05
CHAPTER 01

02.05.01 – RULES GOVERNING PRODUCE SAFETY

000. LEGAL AUTHORITY.

This chapter is adopted under the legal authority of Section 22-5404, Idaho Code. ()

001. TITLE AND SCOPE.

01. Title. The title of this chapter is “Rules Governing Produce Safety.” ()

02. Scope. The purpose of these rules is to establish standards for growing, harvesting, packing, and holding of safe and unadulterated produce for human consumption. ()

03. Citation to Rule. The official citation of this chapter is IDAPA 02.05.01.000 et seq. For example, this Section’s citation is IDAPA 02.05.01.001. ()

002. WRITTEN INTERPRETATIONS.

In accordance with Section 67-5201(19)(b)(iv), Idaho Code, this agency may have written statements that pertain to the interpretations of rules of this chapter, or to the documentation of compliance with the rules of this chapter. Any such documentation is available for public inspection and copying at cost in the central office of this agency. ()

003. ADMINISTRATIVE APPEAL.

Persons may be entitled to appeal agency actions authorized under these rules pursuant to Title 67, Chapter 52, Idaho Code and IDAPA 02.01.01, Rules of Procedure. ()

004. INCORPORATION BY REFERENCE.

The following document is incorporated by reference pursuant to Idaho Code Section 67-5229. Copies of this document may be obtained from the Idaho State Department of Agriculture central office. ()

01. Code of Federal Regulations, Title 21, Part 112, January 1, 2018. Standards for the Growing, Harvesting, Packing, and Holding of Produce for Human Consumption. This document can be viewed online at <https://www.ecfr.gov/cgi-bin/text-idx?SID=7f8ab876ff3e20c6cdd06c9de9141296&mc=true&node=pt21.2.112&rgn=div5>. ()

005. OFFICE – OFFICE HOURS – MAILING ADDRESS – STREET ADDRESS – WEB ADDRESS.

01. Physical Address. The central office of the agency is in Boise, Idaho. The address is the Idaho State Department of Agriculture, 2270 Old Penitentiary Road, Boise, Idaho 83712-0790. ()

02. Mailing Address. The mailing address for the central office is P.O. Box 790, Boise, Idaho 83701. ()

03. Telephone Number. The telephone number of the central office is (208) 332-8500. ()

04. Fax Number. The fax number of the central office is (208) 334-2170. ()

05. Office Hours. Office hours of the central office are 8 a.m. to 5 p.m., Mountain Time, Monday

through Friday, except holidays designated by the state of Idaho. ()

06. Internet Website. The web address is www.agri.idaho.gov. ()

006. PUBLIC RECORDS ACT COMPLIANCE.

These rules are public records and are available for inspection and copying at the Idaho State Department of Agriculture. ()

007. – 009. (RESERVED)

010. DEFINITIONS.

The Idaho State Department of Agriculture adopts the definitions set forth in Section 22-5403, Idaho Code. In addition as used in this chapter: ()

01. Petition. A petition for submission to the U.S. Food and Drug Administration requesting a variance from the requirements of 21 CFR Part 112. ()

02. Petitioner. An individual, business, group, association, or entity who submits a petition to the Department for submission to the U.S. Food and Drug Administration requesting a variance from the requirements of 21 CFR Part 112. ()

011. ABBREVIATIONS.

01. FDA. The U.S. Food and Drug Administration. ()

012. VARIANCE.

01. Procedure for Seeking a Variance. Under the Produce Safety Rule, only a State, tribe, or a foreign country may request a variance from the Produce Safety Rule's requirements by submitting a petition to the FDA in accordance with Subpart P of the Produce Safety Rule and with 21 CFR 10.30. Pursuant to 22-5404, Idaho Code, the Idaho Legislature designated the Department to administer the Produce Safety Rule, which includes the authority to decide whether to submit petitions to the FDA. The Department will submit a petition to the FDA if the following procedures are followed: ()

a. The petitioner must prepare the petition in accordance with the requirements of Subpart P of the Produce Safety Rule and 21 CFR 10.30. Additionally, the petitioner must attach all required documentation and any other supporting documentation. The petitioner must submit the petition and all attached documents to the Department via the Department's food safety email at fsma@isda.idaho.gov or mailed to the Department at the mailing address above or hand delivered to the Department at the physical address above. ()

b. Within thirty (30) days of receiving a petition, the Department will complete a review of a petition to determine whether it meets the requirements of Subpart P of the Produce Safety Rule and 21 CFR 10.30. ()

i. If, after reviewing the petition, the Department determines that the petition meets the requirements of Subpart P of the Produce Safety Rule and 21 CFR 10.30, the Department will submit the petition to the FDA within ten (10) days of that determination. ()

ii. If, after reviewing the petition, the Department determines that the petition does not meet the requirements of Subpart P of the Produce Safety Rule and 21 CFR 10.30, the Department will notify the petitioner and return the petition for correction. After correcting the deficiencies, the petitioner must resubmit the petition to the Department. Within thirty (30) days, the Department will complete an additional review of the petition to determine if the petition meets the requirements of Subpart P of the Produce Safety Rule and 21 CFR 10.30. ()

iii. If, after reviewing the petition, the Department determines that the petition meets the requirements of Subpart P of the Produce Safety Rule and 21 CFR 10.30, the Department will submit the petition to the FDA within ten (10) days of that determination. If, after reviewing the petition, the Department determines that the petition still does not meet the requirements of Subpart P of the Produce Safety Rule and 21 CFR 10.30, the Department will

follow the procedure in Subparagraph 012.01.b.ii. ()

02. Support and Withdrawal of Petitions. ()

a. When the Department submits a petition to the FDA, the petitioner who prepared the petition, or an individual, business, group, association, or entity that supports the petition, shall assist the Department in responding to inquiries or directions from the FDA regarding the petition. If neither the petitioner nor an individual, business, group, association, or entity that supports the petition provides this assistance to the Department within thirty (30) days, the Department may withdraw the petition. ()

b. If the FDA takes action to modify or revoke a variance previously granted to the Department, the Department may waive the opportunity for a hearing unless a petitioner or an interested person adequately supports the Department in defending the variance in whole or in part from modification or revocation by FDA. ()

013. – 999. (RESERVED)

IDAPA 02 – DEPARTMENT OF AGRICULTURE

02.06.01 – RULES GOVERNING THE PURE SEED LAW

DOCKET NO. 02-0601-1801

NOTICE OF INTENT TO PROMULGATE RULES – NEGOTIATED RULEMAKING

AUTHORITY: In compliance with Sections 67-5220(1) and 67-5220(2), Idaho Code, notice is hereby given that this agency intends to promulgate rules and desires public comment prior to initiating formal rulemaking procedures. This negotiated rulemaking action is authorized pursuant to Title 22, Chapter 4, Idaho Code.

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

PUBLIC MEETING
Monday, July 23, 2018 – 1:30 pm to 3:30 pm (MDT)

Idaho State Dept. of Agriculture
2270 Old Penitentiary Road
Boise, ID 83712

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

METHOD OF PARTICIPATION: Persons wishing to participate in the negotiated rulemaking must do the following: interested members of the public who wish to participate must submit any written comments, questions, recommendations, or ideas to the Idaho State Department of Agriculture addressed to Dan Salmi, Laboratory Bureau Chief, Bureau of Laboratories. Individuals may also attend the public meeting to be conducted on the above date during which the Idaho State Department of Agriculture will allow oral comments or presentation to be made.

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

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

IDAPA 02.06.01.500-502 lists the different services and fees for seed testing. It was last updated in 2006. Over the last 12 years, the types of services offered by the lab have changed. Based on customer demand, some services are no longer offered and some new services have been added. For this reason, we would like to update this service/fee schedule. We are not increasing any prices for any currently offered service; however charging for new services will make this a fee rule. The following changes will be made to the list of services/fees:

1. Deleting tests that we no longer perform. For example, Ammonia Test and Hay Pellet Germination.
2. Adding tests that are now performed. For example, Round-Up-Ready Test, Certified Purity Tests, and Sand Germination Test.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS, OBTAINING DRAFT COPIES: For assistance on technical questions concerning this negotiated rulemaking or to obtain a preliminary draft copy of the rule text (if available), Dan Salmi, (208) 332-8526. Materials pertaining to the negotiated rulemaking, including any available preliminary rule drafts, can be found on the ISDA web site at the following web address: www.agri.idaho.gov

Anyone may submit written comments regarding this negotiated rulemaking. All written comments must be directed to the undersigned and must be delivered on or before July 25, 2018.

DATED this 6th day of June, 2018.

Brian Oakey
Deputy Director
Idaho Department of Agriculture
2270 Old Penitentiary Road
P.O. Box 790
Boise, Idaho 83701
Phone: (208) 332-8550
Fax: (208) 334-2710

IDAPA 07 – DIVISION OF BUILDING SAFETY

07.01.01 – RULES GOVERNING ELECTRICAL INSPECTION TAGS

DOCKET NO. 07-0101-1801

NOTICE OF INTENT TO PROMULGATE RULES – NEGOTIATED RULEMAKING

AUTHORITY: In compliance with Sections 67-5220(1) and 67-5220(2), Idaho Code, notice is hereby given that this agency intends to promulgate rules and desires public comment prior to initiating formal rulemaking procedures. This negotiated rulemaking action is authorized pursuant to Sections 54-1005 and 54-1006, Idaho Code.

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

PUBLIC (LIVE) MEETING	
Wednesday, July 25, 2018 - 9:30 am (MDT)	
Idaho Division of Building Safety 1090 E. Watertower St., Suite 150 Meridian, ID 83642	
Via VIDEO CONFERENCE (Same date and time as above)	
Coeur d’Alene Regional Office 1250 Ironwood Drive, Suite 220 Coeur d’Alene, ID 83814	Pocatello Regional Office 2055 Garrett Way, Bldg. 1, Suite 4 Pocatello, ID 83201

Additional negotiated rulemaking meetings may be established, if necessary. Adequate notice of the dates, locations, and manner of participation of any such additional meetings will be posted on the Idaho Division of Building Safety website at <http://dbs.idaho.gov/>.

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

METHOD OF PARTICIPATION: Persons wishing to participate in the negotiated rulemaking must do the following:

Interested members of the public who wish to participate must submit any written comments, questions, recommendations, or ideas to the Idaho Electrical Board on designated forms available at the Division’s website at <http://dbs.idaho.gov/> and at the Division’s offices in Meridian, Coeur d’Alene and Pocatello. Individuals may also attend the public meeting to be conducted on the date listed above. The Board will allow oral comments or presentations to be made at the meeting. More information on the meeting is available by contacting Deputy Administrator Ron Whitney at (208) 332-7150 or at ron.whitney@dbs.idaho.gov.

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

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

Pursuant to Sections 54-1005 and 54-1006, Idaho Code, the Board has the authority, through the promulgation of rules, to provide for permitting of electrical work and licensure of those performing electrical work in Idaho. The Board desires to amend provisions of the existing rules governing electrical inspection tags in Idaho through the

negotiated rulemaking process. Among other potential issues, the Board seeks to review and address provisions of IDAPA 07.01.01 regarding electrical permits (or inspection tags) and facility accounts (or industrial accounts) and update terminology in IDAPA 07.01.01 to match terminology in recently passed amendments to Title 54, Chapter 10, Idaho Code. The Board seeks the participation in this rulemaking process of the affected industry, enforcement jurisdictions, other interested parties, and the public at large to ensure that due consideration is given to the varying views about the adoption of rules governing electrical inspection tags for application in Idaho.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS, OBTAINING DRAFT COPIES: For assistance on technical questions concerning this negotiated rulemaking or to obtain a preliminary draft copy of the rule text, if available, contact Warren Wing, Electrical Program Manager, Division of Building Safety, at (208) 334-3950 or at warren.wing@dbs.idaho.gov. Materials pertaining to the negotiated rulemaking, including any available preliminary rule drafts, can be found on the Division's website at <http://dbs.idaho.gov/>.

Anyone may submit written comments regarding this negotiated rulemaking. All written comments must be directed to the undersigned and must be delivered by July 20, 2018.

DATED this 8th day of June, 2018.

Ron Whitney, Deputy Administrator
Division of Building Safety
1090 E. Watertower St., Ste. 150
P. O. Box 83720
Meridian, ID 83642
Phone: (208) 332-7150
Fax: (877) 810-2840

IDAPA 07 – DIVISION OF BUILDING SAFETY

07.01.02 – RULES GOVERNING FEES FOR ELECTRICAL INSPECTIONS

DOCKET NO. 07-0102-1801

NOTICE OF INTENT TO PROMULGATE RULES – NEGOTIATED RULEMAKING

AUTHORITY: In compliance with Sections 67-5220(1) and 67-5220(2), Idaho Code, notice is hereby given that this agency intends to promulgate rules and desires public comment prior to initiating formal rulemaking procedures. This negotiated rulemaking action is authorized pursuant to Sections 54-1005 and 54-1006, Idaho Code.

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

PUBLIC (LIVE) MEETING	
Wednesday, July 25, 2018 - 9:30 am (MDT)	
Idaho Division of Building Safety 1090 E. Watertower St., Suite 150 Meridian, ID 83642	
Via VIDEO CONFERENCE (Same date and time as above)	
Coeur d’Alene Regional Office 1250 Ironwood Drive, Suite 220 Coeur d’Alene, ID 83814	Pocatello Regional Office 2055 Garrett Way, Bldg. 1, Suite 4 Pocatello, ID 83201

Additional negotiated rulemaking meetings may be established, if necessary. Adequate notice of the dates, locations, and manner of participation of any such additional meetings will be posted on the Idaho Division of Building Safety website at <http://dbs.idaho.gov/>.

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

METHOD OF PARTICIPATION: Persons wishing to participate in the negotiated rulemaking must do the following:

Interested members of the public who wish to participate must submit any written comments, questions, recommendations, or ideas to the Idaho Electrical Board on designated forms available at the Division’s website at <http://dbs.idaho.gov/> and at the Division’s offices in Meridian, Coeur d’Alene and Pocatello. Individuals may also attend the public meeting to be conducted on the date listed above. The Board will allow oral comments or presentations to be made at the meeting. More information on the meeting is available by contacting Deputy Administrator Ron Whitney at (208) 332-7150 or at ron.whitney@dbs.idaho.gov.

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

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

Pursuant to Sections 54-1005 and 54-1006, Idaho Code, the Board has the authority, through the promulgation of rules, to set fees and provide for the inspection and permitting of electrical work in Idaho. The Board desires to amend provisions of the existing rules governing fees for electrical inspections in Idaho through the negotiated

rulemaking process. Among other potential issues, the Board seeks to review and address provisions of IDAPA 07.01.02 regarding fees for electrical permits and inspections, add a fee and allow for transferring a permit, and update terminology in IDAPA 07.01.02 to match terminology in recently passed amendments to Title 54, Chapter 10, Idaho Code. The Board seeks the participation in this rulemaking process of the affected industry, enforcement jurisdictions, other interested parties, and the public at large to ensure that due consideration is given to the varying views about the adoption of rules governing fees for electrical inspections for application in Idaho.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS, OBTAINING DRAFT COPIES: For assistance on technical questions concerning this negotiated rulemaking or to obtain a preliminary draft copy of the rule text, if available, contact Warren Wing, Electrical Program Manager, Division of Building Safety, at (208) 334-3950 or at warren.wing@dbs.idaho.gov. Materials pertaining to the negotiated rulemaking, including any available preliminary rule drafts, can be found on the Division's website at <http://dbs.idaho.gov/>.

Anyone may submit written comments regarding this negotiated rulemaking. All written comments must be directed to the undersigned and must be delivered by July 20, 2018.

DATED this 8th day of June, 2018.

Ron Whitney, Deputy Administrator
Division of Building Safety
1090 E. Watertower St., Ste. 150
P. O. Box 83720
Meridian, ID 83642
Phone: (208) 332-7150
Fax: (877) 810-2840

IDAPA 07 – DIVISION OF BUILDING SAFETY

07.01.03 – RULES OF ELECTRICAL LICENSING AND REGISTRATION – GENERAL

DOCKET NO. 07-0103-1802

NOTICE OF INTENT TO PROMULGATE RULES – NEGOTIATED RULEMAKING

AUTHORITY: In compliance with Sections 67-5220(1) and 67-5220(2), Idaho Code, notice is hereby given that this agency intends to promulgate rules and desires public comment prior to initiating formal rulemaking procedures. This negotiated rulemaking action is authorized pursuant to Sections 54-1005 and 54-1006, Idaho Code.

MEETING SCHEDULE: Public meetings on the negotiated rulemaking will be held as follows:

PUBLIC (LIVE) MEETING	
Wednesday, July 25, 2018 - 9:30 am (MDT)	
Idaho Division of Building Safety 1090 E. Watertower St., Suite 150 Meridian, ID 83642	
Via VIDEO CONFERENCE (Same date and time as above)	
Coeur d’Alene Regional Office 1250 Ironwood Drive, Suite 220 Coeur d’Alene, ID 83814	Pocatello Regional Office 2055 Garrett Way, Bldg. 1, Suite 4 Pocatello, ID 83201

Additional negotiated rulemaking meetings may be established, if necessary. Adequate notice of the dates, locations, and manner of participation of any such additional meetings will be posted on the Idaho Division of Building Safety website at <http://dbs.idaho.gov/>.

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

METHOD OF PARTICIPATION: Persons wishing to participate in the negotiated rulemaking must do the following:

Interested members of the public who wish to participate must submit any written comments, questions, recommendations, or ideas to the Idaho Electrical Board on designated forms available at the Division’s website at <http://dbs.idaho.gov> and at the Division’s offices in Meridian, Coeur d’Alene and Pocatello. Individuals may also attend the public meeting to be conducted on the date listed above. The Board will allow oral comments or presentations to be made at the meeting. More information on the meeting is available by contacting Deputy Administrator Ron Whitney at (208) 332-7150 or at ron.whitney@dbs.idaho.gov.

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

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

Pursuant to Section 54-1005 and 54-1006, Idaho Code, the Board has the authority, through the promulgation of rules, to provide for the registration and licensure of those performing electrical work in Idaho. The Board desires to amend provisions of the existing rules governing electrical licensing and registration in Idaho through the negotiated rulemaking process. Among other potential issues, the Board seeks to review and address provisions of IDAPA

07.01.03 regarding electrical licensing and registration of limited electrical (or specialty) categories and update terminology in IDAPA 07.01.03 to match terminology in recently passed amendments to Title 54, Chapter 10, Idaho Code. The Board seeks the participation in this rulemaking process of the affected industry, enforcement jurisdictions, other interested parties, and the public at large to ensure that due consideration is given to the varying views about the adoption of rules governing electrical licensing and registration for application in Idaho.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS, OBTAINING DRAFT COPIES: For assistance on technical questions concerning this negotiated rulemaking or to obtain a preliminary draft copy of the rule text, if available, contact Warren Wing, Electrical Program Manager, at (208) 334-3950 or at warren.wing@dbs.idaho.gov. Materials pertaining to the negotiated rulemaking, including any available preliminary rule drafts, can be found on the Division's web site at <http://dbs.idaho.gov>.

Anyone may submit written comments regarding this negotiated rulemaking. All written comments must be directed to the undersigned and must be delivered by July 20, 2018.

DATED this 8th day of June, 2018.

Ron Whitney, Deputy Administrator
Division of Building Safety
1090 E. Watertower St., Ste. 150
P. O. Box 83720
Meridian, ID 83642
Phone: (208) 332-7150
Fax: (877) 810-2840

IDAPA 07 – DIVISION OF BUILDING SAFETY

07.01.04 – RULES GOVERNING ELECTRICAL SPECIALTY LICENSING

DOCKET NO. 07-0104-1801

NOTICE OF INTENT TO PROMULGATE RULES – NEGOTIATED RULEMAKING

AUTHORITY: In compliance with Sections 67-5220(1) and 67-5220(2), Idaho Code, notice is hereby given that this agency intends to promulgate rules and desires public comment prior to initiating formal rulemaking procedures. This negotiated rulemaking action is authorized pursuant to Section 54-1006, Idaho Code.

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

PUBLIC (LIVE) MEETING
Wednesday, July 25, 2018 - 9:30 am (MDT)
Idaho Division of Building Safety 1090 E. Watertower St., Suite 150 Meridian, ID 83642
Via VIDEO CONFERENCE (Same date and time as above)

**Coeur d’Alene Regional Office
1250 Ironwood Drive, Suite 220
Coeur d’Alene, ID 83814**

**Pocatello Regional Office
2055 Garrett Way, Bldg. 1, Suite 4
Pocatello, ID 83201**

Additional negotiated rulemaking meetings may be established, if necessary. Adequate notice of the dates, locations, and manner of participation of any such additional meetings will be posted on the Idaho Division of Building Safety website at <http://dbs.idaho.gov/>.

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

METHOD OF PARTICIPATION: Persons wishing to participate in the negotiated rulemaking must do the following:

Interested members of the public who wish to participate must submit any written comments, questions, recommendations, or ideas to the Idaho Electrical Board on designated forms available at the Division’s website at <http://dbs.idaho.gov/> and at the Division’s offices in Meridian, Coeur d’Alene and Pocatello. Individuals may also attend the public meeting to be conducted on the date listed above. The Board will allow oral comments or presentations to be made at the meeting. More information on the meeting is available by contacting Deputy Administrator Ron Whitney at (208) 332-7150 or at ron.whitney@dbs.idaho.gov.

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

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

Pursuant to Section 54-1006, Idaho Code, the Board has the authority, through the promulgation of rules, to provide for licensure of those performing electrical work in Idaho. The Board desires to amend provisions of the existing rules governing electrical specialty licensing in Idaho through the negotiated rulemaking process. Among other potential issues, the Board seeks to review and address provisions of IDAPA 07.01.04 regarding limited

electrical (or specialty) categories and update terminology in IDAPA 07.01.04 to match terminology in recently passed amendments to Title 54, Chapter 10, Idaho Code. The Board seeks the participation in this rulemaking process of the affected industry, enforcement jurisdictions, other interested parties, and the public at large to ensure that due consideration is given to the varying views about the adoption of rules governing electrical specialty licensing for application in Idaho.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS, OBTAINING DRAFT COPIES: For assistance on technical questions concerning this negotiated rulemaking or to obtain a preliminary draft copy of the rule text, if available, contact Warren Wing, Electrical Program Manager, Division of Building Safety, at (208) 334-3950 or at warren.wing@dbs.idaho.gov. Materials pertaining to the negotiated rulemaking, including any available preliminary rule drafts, can be found on the Division's website at <http://dbs.idaho.gov/>.

Anyone may submit written comments regarding this negotiated rulemaking. All written comments must be directed to the undersigned and must be delivered by July 20, 2018.

DATED this 8th day of June, 2018.

Ron Whitney, Deputy Administrator
Division of Building Safety
1090 E. Watertower St., Ste. 150
P. O. Box 83720
Meridian, ID 83642
Phone: (208) 332-7150
Fax: (877) 810-2840

IDAPA 07 – DIVISION OF BUILDING SAFETY

07.01.05 – RULES GOVERNING EXAMINATIONS

DOCKET NO. 07-0105-1801

NOTICE OF INTENT TO PROMULGATE RULES – NEGOTIATED RULEMAKING

AUTHORITY: In compliance with Sections 67-5220(1) and 67-5220(2), Idaho Code, notice is hereby given that this agency intends to promulgate rules and desires public comment prior to initiating formal rulemaking procedures. This negotiated rulemaking action is authorized pursuant to Sections 54-1003, 54-1005 and 54-1006, Idaho Code.

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

PUBLIC (LIVE) MEETING
Wednesday, July 25, 2018 - 9:30 am (MDT)
Idaho Division of Building Safety 1090 E. Watertower St., Suite 150 Meridian, ID 83642
Via VIDEO CONFERENCE (Same date and time as above)

**Coeur d’Alene Regional Office
1250 Ironwood Drive, Suite 220
Coeur d’Alene, ID 83814**

**Pocatello Regional Office
2055 Garrett Way, Bldg. 1, Suite 4
Pocatello, ID 83201**

Additional negotiated rulemaking meetings may be established, if necessary. Adequate notice of the dates, locations, and manner of participation of any such additional meetings will be posted on the Idaho Division of Building Safety website at <http://dbs.idaho.gov/>.

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

METHOD OF PARTICIPATION: Persons wishing to participate in the negotiated rulemaking must do the following:

Interested members of the public who wish to participate must submit any written comments, questions, recommendations, or ideas to the Idaho Electrical Board on designated forms available at the Division’s website at <http://dbs.idaho.gov/> and at the Division’s offices in Meridian, Coeur d’Alene and Pocatello. Individuals may also attend the public meeting to be conducted on the date listed above. The Board will allow oral comments or presentations to be made at the meeting. More information on the meeting is available by contacting Deputy Administrator Ron Whitney at (208) 332-7150 or at ron.whitney@dbs.idaho.gov.

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

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

Pursuant to Sections 54-1003, 54-1005 and 54-1006, Idaho Code, the Board has the authority, through the promulgation of rules, to provide for licensure of those performing electrical work in Idaho. The Board desires to amend provisions of the existing rules governing examinations in Idaho through the negotiated rulemaking process. Among other potential issues, the Board seeks to review and address provisions of IDAPA 07.01.05 regarding limited

electrical (or specialty) categories and update terminology in IDAPA 07.01.05 to match terminology in recently passed amendments to Title 54, Chapter 10, Idaho Code. The Board seeks the participation in this rulemaking process of the affected industry, enforcement jurisdictions, other interested parties, and the public at large to ensure that due consideration is given to the varying views about the adoption of rules governing examinations for application in Idaho.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS, OBTAINING DRAFT COPIES: For assistance on technical questions concerning this negotiated rulemaking or to obtain a preliminary draft copy of the rule text, if available, contact Warren Wing, Electrical Program Manager, Division of Building Safety, at (208) 334-3950 or at warren.wing@dbs.idaho.gov. Materials pertaining to the negotiated rulemaking, including any available preliminary rule drafts, can be found on the Division's website at <http://dbs.idaho.gov/>.

Anyone may submit written comments regarding this negotiated rulemaking. All written comments must be directed to the undersigned and must be delivered by July 20, 2018.

DATED this 8th day of June, 2018.

Ron Whitney, Deputy Administrator
Division of Building Safety
1090 E. Watertower St., Ste. 150
P. O. Box 83720
Meridian, ID 83642
Phone: (208) 332-7150
Fax: (877) 810-2840

IDAPA 07 – DIVISION OF BUILDING SAFETY

07.01.06 – RULES GOVERNING THE USE OF NATIONAL ELECTRICAL CODE

DOCKET NO. 07-0106-1801

NOTICE OF INTENT TO PROMULGATE RULES – NEGOTIATED RULEMAKING

AUTHORITY: In compliance with Sections 67-5220(1) and 67-5220(2), Idaho Code, notice is hereby given that this agency intends to promulgate rules and desires public comment prior to initiating formal rulemaking procedures. This negotiated rulemaking action is authorized pursuant to Sections 54-1001, 54-1005 and 54-1006, Idaho Code.

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

PUBLIC (LIVE) MEETING
Wednesday, July 25, 2018 - 9:30 am (MDT)
Idaho Division of Building Safety 1090 E. Watertower St., Suite 150 Meridian, ID 83642
Via VIDEO CONFERENCE (Same date and time as above)

**Coeur d’Alene Regional Office
1250 Ironwood Drive, Suite 220
Coeur d’Alene, ID 83814**

**Pocatello Regional Office
2055 Garrett Way, Bldg. 1, Suite 4
Pocatello, ID 83201**

Additional negotiated rulemaking meetings may be established, if necessary. Adequate notice of the dates, locations, and manner of participation of any such additional meetings will be posted on the Idaho Division of Building Safety website at <http://dbs.idaho.gov/>.

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

METHOD OF PARTICIPATION: Persons wishing to participate in the negotiated rulemaking must do the following:

Interested members of the public who wish to participate must submit any written comments, questions, recommendations, or ideas to the Idaho Electrical Board on designated forms available at the Division’s website at <http://dbs.idaho.gov/> and at the Division’s offices in Meridian, Coeur d’Alene and Pocatello. Individuals may also attend the public meeting to be conducted on the date listed above. The Board will allow oral comments or presentations to be made at the meeting. More information on the meeting is available by contacting Deputy Administrator Ron Whitney at (208) 332-7150 or at ron.whitney@dbs.idaho.gov.

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

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

Pursuant to Sections 54-1001, 54-1005 and 54-1006, Idaho Code, the Board has the authority, through the promulgation of rules, to adopt and amend the National Electrical Code. The Board desires to amend provisions of the code as it determines necessary through the negotiated rulemaking process. Among other potential issues, the Board seeks to address tamper resistant receptacles in garages, disconnect locations, and NMB in buildings or “other

structures.” The Board seeks the participation of the affected industry, enforcement jurisdictions, other interested parties, and the public at large in this rulemaking process to ensure that due consideration is given to the varying views about the adoption of amendments to this code for application in Idaho.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS, OBTAINING DRAFT COPIES: For assistance on technical questions concerning this negotiated rulemaking or to obtain a preliminary draft copy of the rule text, if available, contact Warren Wing, Electrical Program Manager, Division of Building Safety, at (208) 334-3950 or at warren.wing@dbs.idaho.gov. Materials pertaining to the negotiated rulemaking, including any available preliminary rule drafts, can be found on the Division’s website at <http://dbs.idaho.gov/>.

Anyone may submit written comments regarding this negotiated rulemaking. All written comments must be directed to the undersigned and must be delivered by July 20, 2018.

DATED this 8th day of June, 2018.

Ron Whitney, Deputy Administrator
Division of Building Safety
1090 E. Watertower St., Ste. 150
P. O. Box 83720
Meridian, ID 83642
Phone: (208) 332-7150
Fax: (877) 810-2840

IDAPA 07 – DIVISION OF BUILDING SAFETY

07.01.07 – RULES GOVERNING CONTINUING EDUCATION REQUIREMENTS

DOCKET NO. 07-0107-1801

NOTICE OF INTENT TO PROMULGATE RULES – NEGOTIATED RULEMAKING

AUTHORITY: In compliance with Sections 67-5220(1) and 67-5220(2), Idaho Code, notice is hereby given that this agency intends to promulgate rules and desires public comment prior to initiating formal rulemaking procedures. This negotiated rulemaking action is authorized pursuant to Sections 54-1003 and 54-1006, Idaho Code.

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

PUBLIC (LIVE) MEETING
Wednesday, July 25, 2018 - 9:30 am (MDT)
Idaho Division of Building Safety 1090 E. Watertower St., Suite 150 Meridian, ID 83642
Via VIDEO CONFERENCE (Same date and time as above)

**Coeur d’Alene Regional Office
1250 Ironwood Drive, Suite 220
Coeur d’Alene, ID 83814**

**Pocatello Regional Office
2055 Garrett Way, Bldg. 1, Suite 4
Pocatello, ID 83201**

Additional negotiated rulemaking meetings may be established, if necessary. Adequate notice of the dates, locations, and manner of participation of any such additional meetings will be posted on the Idaho Division of Building Safety website at <http://dbs.idaho.gov/>.

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

METHOD OF PARTICIPATION: Persons wishing to participate in the negotiated rulemaking must do the following:

Interested members of the public who wish to participate must submit any written comments, questions, recommendations, or ideas to the Idaho Electrical Board on designated forms available at the Division’s website at <http://dbs.idaho.gov/> and at the Division’s offices in Meridian, Coeur d’Alene and Pocatello. Individuals may also attend the public meeting to be conducted on the date listed above. The Board will allow oral comments or presentations to be made at the meeting. More information on the meeting is available by contacting Deputy Administrator Ron Whitney at (208) 332-7150 or at ron.whitney@dbs.idaho.gov.

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

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

Pursuant to Sections 54-1003 and 54-1006, Idaho Code, the Board has the authority, through the promulgation of rules, to address continuing education requirements of those engaging in the electrical trade in Idaho. The Board desires to amend provisions of the existing rules governing continuing education requirements in Idaho through the negotiated rulemaking process. Among other potential issues, the Board seeks to address continuing education

requirements for inspectors, journeyman electricians, and master electricians and obtaining continuing education credit for attending Board meetings. The Board seeks the participation in this rulemaking process of the affected industry, enforcement jurisdictions, other interested parties, and the public at large to ensure that due consideration is given to the varying views about the adoption of rules governing continuing education requirements for application in Idaho.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS, OBTAINING DRAFT COPIES: For assistance on technical questions concerning this negotiated rulemaking or to obtain a preliminary draft copy of the rule text, if available, contact Warren Wing, Electrical Program Manager, Division of Building Safety, at (208) 334-3950 or at warren.wing@dbs.idaho.gov. Materials pertaining to the negotiated rulemaking, including any available preliminary rule drafts, can be found on the Division's website at <http://dbs.idaho.gov/>.

Anyone may submit written comments regarding this negotiated rulemaking. All written comments must be directed to the undersigned and must be delivered by July 20, 2018.

DATED this 8th day of June, 2018.

Ron Whitney, Deputy Administrator
Division of Building Safety
1090 E. Watertower St., Ste. 150
P. O. Box 83720
Meridian, ID 83642
Phone: (208) 332-7150
Fax: (877) 810-2840

IDAPA 07 – DIVISION OF BUILDING SAFETY

07.01.08 – RULES GOVERNING ELECTRICAL INSPECTION TAG APPEALS

DOCKET NO. 07-0108-1801

NOTICE OF INTENT TO PROMULGATE RULES – NEGOTIATED RULEMAKING

AUTHORITY: In compliance with Sections 67-5220(1) and 67-5220(2), Idaho Code, notice is hereby given that this agency intends to promulgate rules and desires public comment prior to initiating formal rulemaking procedures. This negotiated rulemaking action is authorized pursuant to Sections 54-1005 and 54-1006, Idaho Code.

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

PUBLIC (LIVE) MEETING
Wednesday, July 25, 2018 - 9:30 am (MDT)
Idaho Division of Building Safety 1090 E. Watertower St., Suite 150 Meridian, ID 83642
Via VIDEO CONFERENCE (Same date and time as above)

**Coeur d’Alene Regional Office
1250 Ironwood Drive, Suite 220
Coeur d’Alene, ID 83814**

**Pocatello Regional Office
2055 Garrett Way, Bldg. 1, Suite 4
Pocatello, ID 83201**

Additional negotiated rulemaking meetings may be established, if necessary. Adequate notice of the dates, locations, and manner of participation of any such additional meetings will be posted on the Idaho Division of Building Safety website at <http://dbs.idaho.gov/>.

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

METHOD OF PARTICIPATION: Persons wishing to participate in the negotiated rulemaking must do the following:

Interested members of the public who wish to participate must submit any written comments, questions, recommendations, or ideas to the Idaho Electrical Board on designated forms available at the Division’s website at <http://dbs.idaho.gov/> and at the Division’s offices in Meridian, Coeur d’Alene and Pocatello. Individuals may also attend the public meeting to be conducted on the date listed above. The Board will allow oral comments or presentations to be made at the meeting. More information on the meeting is available by contacting Deputy Administrator Ron Whitney at (208) 332-7150 or at ron.whitney@dbs.idaho.gov.

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

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

Pursuant to Sections 54-1005 and 54-1006, Idaho Code, the Board has the authority, through the promulgation of rules, to provide for permitting of electrical work in Idaho. The Board desires to amend provisions of the existing rules governing electrical inspection tag appeals in Idaho through the negotiated rulemaking process. Among other potential issues, the Board seeks to review and address provisions of IDAPA 07.01.08 regarding electrical permits (or

inspection tags) and update terminology in IDAPA 07.01.08 to match terminology in recently passed amendments to Title 54, Chapter 10, Idaho Code. The Board seeks the participation in this rulemaking process of the affected industry, enforcement jurisdictions, other interested parties, and the public at large to ensure that due consideration is given to the varying views about the adoption of rules governing electrical inspection tag appeals for application in Idaho.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS, OBTAINING DRAFT COPIES: For assistance on technical questions concerning this negotiated rulemaking or to obtain a preliminary draft copy of the rule text, if available, contact Warren Wing, Electrical Program Manager, Division of Building Safety, at (208) 334-3950 or at warren.wing@dbs.idaho.gov. Materials pertaining to the negotiated rulemaking, including any available preliminary rule drafts, can be found on the Division's website at <http://dbs.idaho.gov/>.

Anyone may submit written comments regarding this negotiated rulemaking. All written comments must be directed to the undersigned and must be delivered by July 20, 2018.

DATED this 8th day of June, 2018.

Ron Whitney, Deputy Administrator
Division of Building Safety
1090 E. Watertower St., Ste. 150
P. O. Box 83720
Meridian, ID 83642
Phone: (208) 332-7150
Fax: (877) 810-2840

IDAPA 07 – DIVISION OF BUILDING SAFETY

07.01.11 – RULES GOVERNING CIVIL PENALTIES

DOCKET NO. 07-0111-1801

NOTICE OF INTENT TO PROMULGATE RULES – NEGOTIATED RULEMAKING

AUTHORITY: In compliance with Sections 67-5220(1) and 67-5220(2), Idaho Code, notice is hereby given that this agency intends to promulgate rules and desires public comment prior to initiating formal rulemaking procedures. This negotiated rulemaking action is authorized pursuant to Section 54-1006, Idaho Code.

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

PUBLIC (LIVE) MEETING
Wednesday, July 25, 2018 - 9:30 am (MDT)
Idaho Division of Building Safety 1090 E. Watertower St., Suite 150 Meridian, ID 83642
Via VIDEO CONFERENCE (Same date and time as above)

**Coeur d’Alene Regional Office
1250 Ironwood Drive, Suite 220
Coeur d’Alene, ID 83814**

**Pocatello Regional Office
2055 Garrett Way, Bldg. 1, Suite 4
Pocatello, ID 83201**

Additional negotiated rulemaking meetings may be established, if necessary. Adequate notice of the dates, locations, and manner of participation of any such additional meetings will be posted on the Idaho Division of Building Safety website at <http://dbs.idaho.gov/>.

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

METHOD OF PARTICIPATION: Persons wishing to participate in the negotiated rulemaking must do the following:

Interested members of the public who wish to participate must submit any written comments, questions, recommendations, or ideas to the Idaho Electrical Board on designated forms available at the Division’s website at <http://dbs.idaho.gov/> and at the Division’s offices in Meridian, Coeur d’Alene and Pocatello. Individuals may also attend the public meeting to be conducted on the date listed above. The Board will allow oral comments or presentations to be made at the meeting. More information on the meeting is available by contacting Deputy Administrator Ron Whitney at (208) 332-7150 or at ron.whitney@dbs.idaho.gov.

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

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

Pursuant to Section 54-1006, Idaho Code, the Board has the authority, through the promulgation of rules, to establish civil penalties for those performing electrical work in Idaho. The Board desires to amend provisions of the existing rules governing civil penalties in Idaho through the negotiated rulemaking process. Among other potential issues, the Board seeks to review and address provisions of IDAPA 07.01.11 regarding civil penalties for limited

electrical (or specialty) categories and facility accounts (or industrial accounts) and update terminology in IDAPA 07.01.11 to match terminology in recently passed amendments to Title 54, Chapter 10, Idaho Code. The Board seeks the participation in this rulemaking process of the affected industry, enforcement jurisdictions, other interested parties, and the public at large to ensure that due consideration is given to the varying views about the adoption of rules governing civil penalties for application in Idaho.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS, OBTAINING DRAFT COPIES: For assistance on technical questions concerning this negotiated rulemaking or to obtain a preliminary draft copy of the rule text, if available, contact Warren Wing, Electrical Program Manager, Division of Building Safety, at (208) 334-3950 or at warren.wing@dbs.idaho.gov. Materials pertaining to the negotiated rulemaking, including any available preliminary rule drafts, can be found on the Division's website at <http://dbs.idaho.gov/>.

Anyone may submit written comments regarding this negotiated rulemaking. All written comments must be directed to the undersigned and must be delivered by July 20, 2018.

DATED this 8th day of June, 2018.

Ron Whitney, Deputy Administrator
Division of Building Safety
1090 E. Watertower St., Ste. 150
P. O. Box 83720
Meridian, ID 83642
Phone: (208) 332-7150
Fax: (877) 810-2840

IDAPA 08 – STATE BOARD OF EDUCATION

08.01.04 – RESIDENCY

DOCKET NO. 08-0104-1801

NOTICE OF INTENT TO PROMULGATE RULES – NEGOTIATED RULEMAKING

AUTHORITY: In compliance with Section 67-5220, Idaho Code, notice is hereby given that this agency intends to promulgate rules and desires public comment prior to initiating formal rulemaking procedures. This negotiated rulemaking action is authorized pursuant to Article IX, Section 2 of the Idaho Constitution and under Section 33-3717B, Idaho Code.

METHOD OF PARTICIPATION: Interested persons wishing to participate in the negotiated rulemaking must respond to this notice by contacting the undersigned either in writing, by email, or by calling the phone number listed below. To participate, responses must be received by July 13, 2018.

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

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

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

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

The proposed amendments would update the residency language to make it consistent with the provisions added to Section 33-3717B, Idaho Code, by the 2018 Legislature. These include removing any provisions that would have restricted student who are matriculating to a graduate program from using the time spent in Idaho for educational purposes as part of the 12 month period required for determining domicile. Additional technical corrections identified during the negotiated rulemaking process will also be made.

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

DATED this 8th day of June, 2018.

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

IDAPA 08 – STATE BOARD OF EDUCATION

08.01.13 – RULES GOVERNING THE OPPORTUNITY SCHOLARSHIP PROGRAM

DOCKET NO. 08-0113-1802

NOTICE OF INTENT TO PROMULGATE RULES – NEGOTIATED RULEMAKING

AUTHORITY: In compliance with Section 67-5220, Idaho Code, notice is hereby given that this agency intends to promulgate rules and desires public comment prior to initiating formal rulemaking procedures. This negotiated rulemaking action is authorized pursuant to Article IX, Section 2, Idaho Constitution and under Sections 33-105, 33-107, and 33-4303, Idaho Code.

METHOD OF PARTICIPATION: Interested persons wishing to participate in the negotiated rulemaking must respond to this notice by contacting the undersigned either in writing, by email, or by calling the phone number listed below. To participate, responses must be received by July 13, 2018.

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

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

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

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

Proposed amendments would adjust the existing application and FAFSA completion deadlines and minimum GPA requirement. Additional amendments will establish requirements for students applying for the scholarship as an “Adult Learner” that are separate from the existing traditional student requirements. These will include the amount of time this population of students needs to be out of school prior to being eligible for the scholarship; the ability to attend part-time; and the requirement that the student be assessed for granting credit for prior learning and establishing a certificate/degree plan. Additional technical corrections identified during the negotiated rulemaking process will also be made.

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

DATED this 8th day of June, 2018.

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

IDAPA 08 – STATE BOARD OF EDUCATION

08.02.02 – RULES GOVERNING UNIFORMITY

DOCKET NO. 08-0202-1802

NOTICE OF INTENT TO PROMULGATE RULES – NEGOTIATED RULEMAKING

AUTHORITY: In compliance with Section 67-5220, Idaho Code, notice is hereby given that this agency intends to promulgate rules and desires public comment prior to initiating formal rulemaking procedures. This negotiated rulemaking action is authorized pursuant to Article IX, Section 2, Idaho Constitution and under Sections 33-105, 33-107, 33-116, and 33-1004B, 33-1201, 33-1201A, 33-1204, and 33-1612, Idaho Code.

METHOD OF PARTICIPATION: Interested persons wishing to participate in the negotiated rulemaking must respond to this notice by contacting the undersigned either in writing, by email, or by calling the phone number listed below. To participate, responses must be received by July 13, 2018.

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

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

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

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

The proposed rule would explore alternative routes for non-traditional administrators to achieve certification. Actual changes would be based on feedback received during the rulemaking process and would include any technical corrections that were identified.

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

DATED this 8th day of June, 2018.

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

IDAPA 08 – STATE BOARD OF EDUCATION

08.02.02 – RULES GOVERNING UNIFORMITY

DOCKET NO. 08-0202-1803

NOTICE OF INTENT TO PROMULGATE RULES – NEGOTIATED RULEMAKING

AUTHORITY: In compliance with Section 67-5220, Idaho Code, notice is hereby given that this agency intends to promulgate rules and desires public comment prior to initiating formal rulemaking procedures. This negotiated rulemaking action is authorized pursuant to Article IX, Section 2, Idaho Constitution and under Sections 33-105, 33-107, 33-116, and 33-1004B, 33-1201, 33-1201A, 33-1204, and 33-1612, Idaho Code.

METHOD OF PARTICIPATION: Interested persons wishing to participate in the negotiated rulemaking must respond to this notice by contacting the undersigned either in writing, by email, or by calling the phone number listed below. To participate, responses must be received by July 13, 2018.

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

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

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

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

The proposed rule would include clarification of the administrator evaluation training requirements for completing evaluations vs. the three credit requirement for re-certification, the requirement that new administrators from out-of-state be trained on conducting evaluations based on the state evaluation framework prior to re-certification, clarifications of educator preparation program accreditation requirements, clarification of degree based career technical educator preparation programs and the practicum requirement as well as how career technical certified teachers earn academic certification, how academically certified educators earn career technical certification and additional technical corrections identified during the negotiated rulemaking process.

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

DATED this 8th day of June, 2018.

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

IDAPA 08 – STATE BOARD OF EDUCATION

08.02.02 – RULES GOVERNING UNIFORMITY

DOCKET NO. 08-0202-1804

NOTICE OF INTENT TO PROMULGATE RULES – NEGOTIATED RULEMAKING

AUTHORITY: In compliance with Section 67-5220, Idaho Code, notice is hereby given that this agency intends to promulgate rules and desires public comment prior to initiating formal rulemaking procedures. This negotiated rulemaking action is authorized pursuant to Article IX, Section 2, Idaho Constitution and under Sections 33-105, 33-107, 33-116, and 33-1004B, 33-1201, 33-1201A, 33-1204, and 33-1612, Idaho Code.

METHOD OF PARTICIPATION: Interested persons wishing to participate in the negotiated rulemaking must respond to this notice by contacting the undersigned either in writing, by email, or by calling the phone number listed below. To participate, responses must be received by July 13, 2018.

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

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

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

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

Section 33-1201A, Idaho Code, establishes the professional endorsement and allows additional evidence to be provided demonstrating effective teaching that may be considered in exceptional cases, the proposed rule would create definition around “exceptional cases” and the process for consideration of the evidence. Additional amendments would add language providing clarification on how the professional endorsement requirements are applied to out-of-state teachers and teachers who take a break in service prior to earning the professional endorsement.

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

DATED this 8th day of June, 2018.

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

IDAPA 08 – STATE BOARD OF EDUCATION

08.02.02 – RULES GOVERNING UNIFORMITY

DOCKET NO. 08-0202-1805

NOTICE OF INTENT TO PROMULGATE RULES – NEGOTIATED RULEMAKING

AUTHORITY: In compliance with Section 67-5220, Idaho Code, notice is hereby given that this agency intends to promulgate rules and desires public comment prior to initiating formal rulemaking procedures. This negotiated rulemaking action is authorized pursuant to Article IX, Section 2, Idaho Constitution and under Sections 33-105, 33-107, 33-116, and 33-1004B, 33-1201, 33-1201A, 33-1204, and 33-1612, Idaho Code.

METHOD OF PARTICIPATION: Interested persons wishing to participate in the negotiated rulemaking must respond to this notice by contacting the undersigned either in writing, by email, or by calling the phone number listed below. To participate, responses must be received by July 13, 2018.

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

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

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

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

Like academic teacher credentials, career technical educator credentials also include endorsements in specific subject or industry areas. The requirements for these endorsements have resided with the Division of Career Technical Education with no formal approval by the Board. The adoption of the endorsement requirements in Administrative Code will provide a greater level of transparency for the endorsements and bring them up to the same level of academic educator certification endorsements. The proposed amendments would add the existing career technical education teacher endorsements into administrative rule.

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

DATED this 8th day of June, 2018.

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

IDAPA 08 – STATE BOARD OF EDUCATION

08.02.03 – RULES GOVERNING THOROUGHNESS

DOCKET NO. 08-0203-1803

NOTICE OF INTENT TO PROMULGATE RULES – NEGOTIATED RULEMAKING

AUTHORITY: In compliance with Section 67-5220, Idaho Code, notice is hereby given that this agency intends to promulgate rules and desires public comment prior to initiating formal rulemaking procedures. This negotiated rulemaking action is authorized pursuant to Article IX, Section 2 of the Idaho Constitution and under Sections 33-105, 33-107, 33-116, 33-118 and 33-1612, Idaho Code.

METHOD OF PARTICIPATION: Interested persons wishing to participate in the negotiated rulemaking must respond to this notice by contacting the undersigned either in writing, by email, or by calling the phone number listed below. To participate, responses must be received by July 13, 2018.

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

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

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

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

The proposed rule would incorporate the exemption to the senior math requirement created in Section 33-532, Idaho Code, exempting students from taking math during their senior year if they had earned eight (8) math credits and completed Algebra II. Additional changes would be based on feedback received during the negotiated rulemaking process and may include additional exemptions to the senior math requirement based on established math pathways. Other changes being discussed are strengthening the mastery based education language and clarifying how mastery and credit based graduation requirements interact and other technical corrections that may be identified as part of the negotiated rulemaking process.

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

DATED this 8th day of June, 2018.

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

IDAPA 08 – STATE BOARD OF EDUCATION

08.02.03 – RULES GOVERNING THOROUGHNESS

DOCKET NO. 08-0203-1804

NOTICE OF INTENT TO PROMULGATE RULES – NEGOTIATED RULEMAKING

AUTHORITY: In compliance with Section 67-5220, Idaho Code, notice is hereby given that this agency intends to promulgate rules and desires public comment prior to initiating formal rulemaking procedures. This negotiated rulemaking action is authorized pursuant to Article IX, Section 2 of the Idaho Constitution and under Sections 33-105, 33-107, 33-116, 33-118 and 33-1612, Idaho Code.

METHOD OF PARTICIPATION: Interested persons wishing to participate in the negotiated rulemaking must respond to this notice by contacting the undersigned either in writing, by email, or by calling the phone number listed below. To participate, responses must be received by July 13, 2018.

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

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

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

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

Like non-career technical education (CTE) subject areas, CTE subject areas taught in public schools are based on CTE content standards. The Division of Career Technical Education (DCTE) works with various educators and industry groups to establish and update these content standards. The proposed amendments would incorporate the following subsections within the broader established categories as follows: Agriculture and Natural Resources: Ag Mechanics and Power Systems, Ecology and Natural Resources, Ag Leadership and Applied Communication; Engineering & Technology Education: Computer Support and Journalism; Family & Consumer Sciences: Education Assistant; Health Sciences: Pharmacy Technician; Skilled & Technical Sciences: Automated Manufacturing, Firefighting, Cosmetology, and Precision Machining. In addition to adding these subsections to the existing categories, DCTE will be amending the current standards for Collision Repair by adding a section that outlines the standards to perform spray gun and related equipment operations. These additions are performance standards that were identified in the criticality survey and the technical skills assessment for collision repair, and were not included in the original content standards.

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

DATED this 8th day of June, 2018.

Tracie Bent
Chief Planning and Policy Officer
Phone: (208) 332-1582
FAX: (208) 334-2632

State Board of Education
650 W. State Street
P.O. Box 83720
Boise, Idaho 83720-0037

IDAPA 08 – STATE BOARD OF EDUCATION

08.05.01 – RULES GOVERNING SEED AND PLANT CERTIFICATION

DOCKET NO. 08-0501-1801

NOTICE OF INTENT TO PROMULGATE RULES – NEGOTIATED RULEMAKING

AUTHORITY: In compliance with Section 67-5220, Idaho Code, notice is hereby given that this agency intends to promulgate rules and desires public comment prior to initiating formal rulemaking procedures. This negotiated rulemaking action is authorized pursuant to Article IX, Section 2 of the Idaho Constitution and under Section 22-1504, Idaho Code.

METHOD OF PARTICIPATION: Interested persons wishing to participate in the negotiated rulemaking must respond to this notice by contacting the undersigned either in writing, by email, or by calling the phone number listed below. To participate, responses must be received by July 13, 2018.

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

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

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

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

The proposed amendments would standardize the terminology used in the Potato Seed Standards, changing “generation” to “field year.” Amending the terminology is intended as a first step in standardizing the terminology across states and thereby eliminating the need for states to maintain equivalency tables to keep track of the differences between states. Additionally “Nuclear year” would be changed to “field year” (FY) 1, Generation (Gen) 1 would become FY2, Gen 2 would become FY 3 and so forth through Gen 6, which would become FY7.

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

DATED this 8th day of June, 2018.

Tracie Bent
Chief Planning and Policy Officer
State Board of Education
650 W. State Street
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**IDAPA 10 – IDAHO BOARD OF LICENSURE OF PROFESSIONAL ENGINEERS
AND PROFESSIONAL LAND SURVEYORS**

10.01.01 – RULES OF PROCEDURE

DOCKET NO. 10-0101-1802

NOTICE OF RULEMAKING – ADOPTION OF TEMPORARY RULE

EFFECTIVE DATE: The effective date of the temporary rule is July 1, 2018.

AUTHORITY: In compliance with Sections 67-5226, Idaho Code, notice is hereby given this agency has adopted a temporary rule. The action is authorized pursuant to Section 54-1208, Idaho Code.

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

The amendments will implement the provisions of Senate Bill 1252 that relate to repealing examination failure requirements, allowing for early testing for professional examinations, and adding a new category for discontinued certificates of authorization.

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

Senate Bill 1252 goes into effect on July 1, 2018, and a concurrent rule change is needed to ensure the rule is consistent with the law. Also, a benefit to licensees is conferred by implementing a new provision that allows certificate holders to discontinue their certificate when not working in Idaho.

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 change associated with this rule change.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the temporary rule, contact Keith Simila at (208) 373-7210.

DATED this 7th day of June, 2018.

Keith Simila, P.E.
Executive Director
1510 Watertower St.
Meridian, Idaho 83642
Telephone: (208) 373-7210
Fax: (208) 373-7213
E-mail: keith.simila@ipels.idaho.gov

THE FOLLOWING IS THE TEXT OF THE TEMPORARY RULE FOR DOCKET NO. 10-0101-1802
(Only Those Sections With Amendments Are Shown.)

016. APPLICATION FOR LICENSURE OR CERTIFICATION.

01. Forms. Application forms for licensure as a professional engineer, or professional land surveyor, certification as an engineer intern, land surveyor intern or certificates of authorization to practice or offer to practice engineering or land surveying by a business entity may be obtained from the office of the Executive Director of the Board of Professional Engineers and Professional Land Surveyors. (5-8-09)

02. Completion of Application. Applications shall be made on such forms as may be prescribed by the Board. All forms, references, transcripts and other written materials shall be in English pursuant to Section 72-121, Idaho Code. An application that is not fully completed by the applicant need not be considered or acted upon by the Board. The application by a business entity for a certificate of authorization to practice or offer to practice engineering or land surveying must set forth its address, and name and address of the individual, or individuals, duly licensed to practice engineering or land surveying in this state, who will be in responsible charge of engineering or land surveying services offered or rendered by the business entity in this state. (4-11-15)

03. Dates of Submittal of Applications and Experience Examination Cutoff Date. Submittal of applications for licensure or intern certification must occur after passing the required national examinations. Examinations may be given in various formats and different submittal registration dates apply depending on the examination format. ~~For examinations administered once or twice a year in the Spring and Fall, there is an examination assignment cutoff date that varies depending on the actual date of the examination. (3-25-16)(7-1-18)T~~

a. For national examinations administered in a computer-based or paper format during testing windows, there is no once or twice per year the registration requirements, including the deadline and testing windows, are established by the National Council of Examiners for Engineering and Surveying (NCEES) for submittal of the application and the applicant, if assigned to the exam, will be allowed to test during the current testing window, if open on the date of the letter notifying of assignment, or during the next two (2) available testing windows. Failure to test during these periods will void the assignment. (3-25-16)(7-1-18)T

b. For national examinations administered continuously in a computer-based format, there is no deadline for submittal of the application and the applicant, if assigned to the exam, will be allowed to test during a nine (9) month period beginning on the date of the letter notifying of assignment. Failure to test during this period will void the assignment registering with NCEES. The registration requirements, including the testing windows, are established by NCEES. (3-25-16)(7-1-18)T

c. In order for the Board to be able to verify experience, only experience up to the date of submittal of the application for licensure will be considered as valid. ~~Experience anticipated between the date of the application submittal and the date of the examination or issuance of license or certificate will not be considered. (3-25-16)(7-1-18)T~~

d. Applications for certification as engineering or surveying interns are submitted after passing the Fundamentals of Engineering or the Fundamentals of Surveying examination and providing evidence of graduation with educational credentials required by Subsection 017.02~~3~~ of this chapter. (3-25-16)(7-1-18)T

04. Residency Requirement. Except for military personnel stationed in the state of Idaho on military orders, and except for persons employed full-time in the state of Idaho, only residents of the state of Idaho and students enrolled at an Idaho university or college may qualify for assignment to professional examinations for initial licensure or certification as an intern. The board will accept as proof of Idaho residency a valid Idaho issued driver's license, a utility bill issued within the last sixty (60) days with an Idaho address in the name of the applicant, a statement from a financial institution issued within the last sixty (60) days to the applicant at an Idaho address, proof of current voter registration in Idaho, or current Idaho vehicle registration in the name of the applicant. The board will

accept as proof of full-time employment in the state of Idaho an affidavit from the Idaho employer stating employment status. The Board will accept a valid student identification card as proof of enrollment at an Idaho university or college. (3-25-16)

05. Confidentiality of References. All information received from references named by the applicant shall be held in confidence by the Board except as provided by Section 74-113, Idaho Code. Neither members of the Board nor relatives of the applicant by blood or marriage shall be named or accepted as references. (5-8-09)

06. Minimum Standards -- References. An applicant may not be admitted to the examination until satisfactory replies have been received from a minimum of five (5) of his references for professional engineers or land surveyors. It shall be the responsibility of each applicant to furnish references with the forms prescribed by the Board. (3-29-12)

07. Minimum Boundary Survey Experience. The board shall require a minimum of two (2) years boundary survey experience as a condition of professional land surveyor licensure. (3-25-16)

017. EXAMINATIONS AND EDUCATION.

01. Special or Oral Examination. Examinations for licensure as a professional engineer or professional land surveyor, or certification as an engineer intern or land surveyor intern will be held on dates and at times and places to be determined by the Board. Special oral or written examinations may be given by the Board as necessary. (3-29-10)

02. Use of NCEES Examinations. National examinations prepared and graded by the National Council of Examiners for Engineering and Surveying (NCEES) may be used by the Board. Applicants registering for a national professional examination must have first passed the fundamentals examination unless exempted per Subsection 017.11 of this chapter. (7-1-18T)

023. Eligibility for Examinations Licensure, Educational Requirements. The application for licensure as a professional engineer or professional land surveyor together with a passing score on the written ethics questionnaire or Idaho specific land surveying examination, shall be considered in the determination of the applicant's eligibility. Each applicant must meet the minimum requirements as set forth in Section 54-1212, Idaho Code, before being ~~assigned to any professional examination~~ licensed. Prescriptive education requirements are as follows: (3-25-16)(7-1-18)T

a. In regard to educational requirements, the Board will consider as unconditionally approved only those engineering programs that are accredited by the Engineering Accreditation Commission (EAC) of ABET, Inc., or the Canadian Engineering Accrediting Board, or those engineering programs that are accredited by official organizations recognized by the U.K. Engineering Council. Non-EAC/ABET accredited engineering programs, related science programs, and engineering technology programs will be considered by the Board on their specific merits, but are not considered equal to engineering programs accredited by EAC/ABET. The Board may continue consideration of an application for valid reasons for a period of one (1) year, without forfeiture of the application fee. (3-28-18)

b. An applicant who has completed a four (4) year bachelor degree program in engineering not accredited by EAC/ABET or a four (4) year bachelor degree program in engineering technology, or in a related science degree program other than engineering must have completed the following before the Board will consider them to possess knowledge and skill approximating that attained through graduation from an approved four (4) year engineering curriculum as required by Section 54-1212(3)(b), Idaho Code, for certification as an Engineer Intern or as required by Section 54-1212(1)(b), Idaho Code, for assignment to the examination for licensure as a professional engineer: (3-25-16)

i. Thirty-two (32) college semester credit hours of higher mathematics and basic sciences. The credits in mathematics must be beyond algebra and trigonometry and must emphasize mathematical concepts and principles rather than computation. Courses in differential and integral calculus are required. Additional courses may include differential equations, linear algebra, numerical analysis, probability and statistics and advanced calculus. The credits in basic sciences must include at least two (2) courses. These courses must be in general chemistry, general calculus-

based physics, or general biological sciences; the two (2) courses may not be in the same area. Additional basic sciences courses may include earth sciences (geology, ecology), advanced biology, advanced chemistry, and advanced physics. Computer skills and/or programming courses may not be used to satisfy mathematics or basic science requirements. Basic engineering science courses or sequence of courses in this area are acceptable for credit but may not be counted twice. (3-25-16)

ii. Sixteen (16) college credit hours in a general education component that complements the technical content of the curriculum. Examples of traditional courses in this area are philosophy, religion, history, literature, fine arts, sociology, psychology, political science, anthropology, economics (micro and macro), professional ethics, social responsibility. Examples of other general education courses deemed acceptable include management (such as organizational behavior), accounting, written and oral communications, business, and law. No more than six (6) credit hours may come from courses in management, accounting, business, or law. Courses in engineering economics, engineering management, systems engineering/ analysis, production, and industrial engineering/management will not be counted. Language courses in the applicant's native language are not acceptable for credit; no more than six (6) credit hours of foreign language courses are acceptable for credit. Native language courses in literature and civilization may be considered in this area. Courses which instill cultural values are acceptable, while routine exercises of personal craft are not. (3-25-16)

iii. Forty-eight (48) college credit hours of engineering science and/or engineering design courses. Courses in engineering science shall be taught within the college / faculty of engineering having their roots in mathematics and basic sciences but carry knowledge further toward creative application of engineering principles. Examples of approved engineering science courses are mechanics, thermodynamics, heat transfer, electrical and electronic circuits, materials science, transport phenomena, and computer science (other than computer programming skills). Courses in engineering design stress the establishment of objectives and criteria, synthesis, analysis, construction, testing, and evaluation. Graduate level engineering courses may be included to fulfill curricular requirements in this area. Engineering technology courses cannot be considered to meet engineering topic requirements. (3-25-16)

iv. The Board may require detailed course descriptions for seminar, directed study, special problem and similar courses to ensure that the above requirements are met. (3-25-16)

c. In regard to educational requirements, the Board will consider as unconditionally approved only those surveying programs that are accredited either by the Engineering Accreditation Commission (EAC), the Applied and Natural Science Accreditation Commission (ANSAC) or the Engineering Technology Accreditation Commission (ETAC) of ABET, Inc. An applicant who has completed a four (4) year bachelor degree program in a related program must have completed a minimum of the following college level academic courses, or their equivalents as determined by the Board, before the Board will consider them to possess knowledge and skill approximating that attained through graduation from an approved four (4) year surveying curriculum as required by Section 54-1212(4)(b), Idaho Code, for certification as a Land Surveyor Intern or as required by Section 54-1212(2)(b), Idaho Code, for ~~assignment to the examination for~~ licensure as a professional land surveyor: (3-29-17)(7-1-18)T

i. Eighteen (18) college semester credit hours of mathematics and basic sciences. A minimum of twelve (12) credits in mathematics must be beyond basic mathematics, but the credits include college algebra or higher mathematics. These courses must emphasize mathematical concepts and principles rather than computation. Mathematics courses may include college algebra, trigonometry, analytic geometry, differential and integral calculus, linear algebra, numerical analysis, probability and statistics, and advanced calculus. A minimum of six (6) credits must be in basic sciences. These courses must cover one or more of the following topics: general chemistry, advanced chemistry, life sciences (biology), earth sciences (geology, ecology), general physics, and advanced physics. Computer skills and/or programming courses may not be used to satisfy mathematics or basic science requirements; (3-29-17)

ii. Sixteen (16) college semester credit hours in a general education component that complements the technical content of the curriculum. Examples of traditional courses in this area are religion, history, literature, fine arts, sociology, psychology, political science, anthropology, economics, professional ethics, and social responsibility. No more than six (6) credit hours of languages other than English or other than the applicant's native language are acceptable for credit. English and foreign language courses in literature and civilization may be considered in this

area. Courses that instill cultural values are acceptable, while routine exercises of personal craft are not; (3-29-17)

iii. Thirty (30) college semester credit hours of surveying science and surveying practice. Courses shall be taught by qualified surveying faculty. Examples of surveying courses are basic surveying, route surveying, geodesy, geographic information systems, land development design and planning, global positioning systems, photogrammetry, mapping, survey adjustment and coordinates systems, cartography, legal descriptions, and remote sensing. Required courses will include a minimum of basic surveying, route surveying, geodesy, surveying law, public land survey system and global positioning systems. Graduate-level surveying courses can be included to fulfill curricular requirements in this area. (3-29-17)

d. The Board may require an independent evaluation of the engineering education of an applicant who has a non-EAC/ABET accredited engineering degree or a non-engineering degree. Such evaluation shall be done through an organization approved by the Board and shall be done at the expense of the applicant to ensure that the applicant has completed the coursework requirements of Subsection 017.02.b. The Board may table action on the application pending receipt of the evaluation, and, in the event the applicant does not provide the evaluation within one (1) year, the Board may terminate the application, in which case the application fee shall be forfeited. (4-11-15)

~~03. **Excused Non-Attendance at Exam.** In the event that an applicant cannot attend an examination, he shall immediately notify the Board to that effect and shall state the reason for non-attendance. Normally, no more than one (1) valid excuse and reassignment shall be granted to an applicant. If an applicant fails to appear for two (2) administrations of an examination their application may be terminated and they may be required to submit a new application and pay a new application fee in order to be reconsidered. (3-30-01)~~

04. Two Examinations for Engineering Licensure. The complete examining procedure for licensure as a professional engineer normally consists of two (2) separate written examinations. The first is the Fundamentals of Engineering examination for engineer intern certification, and the second is the Principles and Practice of Engineering for professional engineer licensure. The examination shall be a duration as determined by the Board. Normally, applicants are eligible to take the Fundamentals of Engineering examination during the last or second-to-last semester of or after graduation from an accredited bachelor of science engineering program. A certificate as an Engineer Intern will be issued only to those student applicants who earn a passing grade on the examination and who receive a degree. Having passed the Fundamentals of Engineering examination, applicants will be required to take the Principles and Practice of Engineering examination at a later date when qualified by the Board. (3-28-18)

05. Fundamentals of Engineering. The Fundamentals of Engineering examination will cover such subjects as are ordinarily given in engineering college curricula and which are common to all fields of practice. The examination may also cover subject matters that are specific to the engineering discipline of the applicants' education. (5-8-09)

06. Principles and Practice of Engineering -- Disciplines. The Principles and Practice of Engineering examination will cover the practice of engineering to test the applicant's fitness to assume responsibility for engineering works affecting the public health, safety and welfare. Separate examinations will be given to test the applicant's fitness in any discipline for which there is an examination which, in the opinion of the Board, meets the requirements of duration and difficulty necessary to adequately test the applicant's fitness to practice in that particular discipline. The Board may use examinations prepared by the National Council of Examiners for Engineering and Surveying (NCEES) or it may prepare or commission the preparation of, or utilize other state examinations in disciplines other than those for which examinations may be available from NCEES. (3-25-16)

07. Three Examinations for Land Surveying Licensure. The complete examining procedure for licensure as a professional land surveyor consists of three (3) separate written examinations. The first is the Fundamentals of Surveying examination for land surveyor intern certification, and the second is the Principles and Practice of Surveying, and the third is the Idaho specific professional land surveying examination. All examinations are required for professional land surveyor licensure. The examination shall be a duration as determined by the Board. Having passed the Fundamentals of Surveying examination, applicants will be required to take the Principles and Practice of Surveying examination at a later date when qualified by the Board. The examination shall cover the theory and principles of surveying, the practice of land surveying and the requirements of legal enactments. The Principles and Practice of Surveying examination may consist of separate modules, each of which must be passed. Having passed the Principles and Practice of Surveying examination, applicants will be required to pass the Idaho

specific professional land surveying examination, which tests for knowledge of the laws and rules of Idaho, and the legal and technical aspects of land surveying in Idaho. (3-28-18)

08. Oral or Unassembled Examinations. An oral examination or unassembled written examination, in addition to the prescribed written examination, may be required for professional engineer and professional land surveyor applicants. (7-1-93)

09. Special Examinations. A special examination, written or oral or both, may be required in certain instances where the applicant is seeking licensure through comity or reciprocity with another state or political entity having required written examinations that are not wholly comparable in length, nature or scope. This examination supplements the certified qualifying record of the applicant and establishes a more common basis for judging the application and awarding a certificate of qualification or licensure in this state. The length of these special examinations shall be determined by the Board, but shall in no case exceed the lengths specified for the regular examination. Special examinations may be given at any date and need not conform with regular examination dates. (5-8-09)

10. Grading. ~~Each~~ Unless otherwise provided in 54-1219, or 54-1223 Idaho Code, each land surveyor intern, engineer intern, professional land surveyor and professional engineer applicant must ~~normally~~ attain a sealed passing score of seventy (70) or above on the entire examination or modules as determined by the Board, before being awarded certification or licensure. ~~Examinees on the Principles and Practice of Land Surveying examination must normally attain a sealed score of seventy (70) or above on each module of the examination~~ Passing scores on national examinations are established by the National Council of Examiners for Engineering and Surveying. A passing score on the Idaho specific ethics questionnaire is eighty (80), a passing score on the law and rules module of the Idaho specific land surveying examination is ninety (90), and a passing score on the public land surveying module of the Idaho specific land surveying examination is seventy-five (75). (3-29-10)(7-1-18)T

11. Use of NCEES Examinations. ~~Examinations prepared and graded by the National Council of Examiners for Engineering and Surveying (NCEES) for professional engineer, engineer intern, professional land surveyors, and land surveyor intern may be used by the Board. The examination for the Idaho specific professional land surveyor shall be the examination as determined by the Board.~~ Exemption – Examination on the Fundamentals of Engineering. The Board may exempt an exceptional individual who has twelve (12) or more years of appropriate engineering experience from the requirement for satisfactory completion of an examination on the fundamentals of engineering as specified in 54-1223(2), Idaho Code. The Board will exempt an individual who has an earned bachelor’s degree and an earned doctoral degree from an approved engineering program from the requirement for satisfactory completion of an examination on the fundamentals of engineering as specified in 54-1223(3), Idaho Code. (3-25-16)(7-1-18)T

12. Review of Examination by Examinee. Due to security concerns about the examinations, examinees shall not be allowed to review their examinations. Examinees who fail an examination will be provided a diagnostic analysis of their performance on the examination if such an analysis is available to the Board. (3-20-04)

13. Proctoring of Examinations. Unless otherwise approved, the Board will not proctor an examination for another jurisdiction except State-specific examinations, nor will they request another jurisdiction to proctor an examination for an Idaho applicant. (5-8-09)

018. REEXAMINATIONS.

The reexamination policy for each failed national examination will be established by NCEES. Reexamination for failed Idaho specific examinations will be allowed until a passing score is attained, but the Board may, in addition, require oral or other examinations. (7-1-18)T

01. Allowing Reexamination Upon First Failure. ~~An applicant failing a professional examination on the first attempt, and having requested reexamination as permitted by law, shall be reassigned to the examination for which a failing grade was received.~~ (3-25-16)

02. Allowing Reexamination Upon Two or More Failures. ~~An applicant who has failed a professional examination twice or more may be assigned by the Board to reexamination upon written request and evidence of having met the requirements set forth in Section 54-1214, Idaho Code.~~ (3-25-16)

(BREAK IN CONTINUITY OF SECTIONS)

020. DISCONTINUED, RETIRED, AND EXPIRED LICENSES AND CERTIFICATES.

01. Reinstatement – Disciplinary. Licensees who choose to convert their license to retired status as part of a disciplinary action, or in lieu of discipline, or in lieu of compliance with continuing professional development requirements, may be reinstated upon written request. The board will consider the reinstatement request at a hearing or may waive the hearing for minor violations. (3-25-16)

02. Reinstatement – Nondisciplinary. Licensees who chose to convert their license to retired status not as part of a disciplinary action or who want to reinstate an expired license may request reinstatement in writing. Reinstatement may require a hearing by the board. (3-25-16)

03. Continuing Professional Development. Licensees requesting reinstatement must demonstrate compliance with the continuing professional development requirements described in IDAPA 10.01.04, “Rules of Continuing Professional Development,” as a condition of reinstatement. (3-25-16)

04. Practice Not Permitted. Discontinued, Retired, or expired status does not permit a licensee or certificate holder to engage in the practice of professional engineering or professional land surveying. ~~(3-25-16)~~(7-1-18)T

05. Designation. Licensees who chose retired status shall represent themselves with the title of Professional Engineer Retired or Professional Land Surveyor Retired or similar designation. (3-25-16)

06. Fee for Renewal. The fee for renewing a retired license shall be as established by the Board. (3-25-16)

07. Fee for Reinstatement of Retired License. The fee for reinstatement of a retired license to active practice shall be as required for renewals in Section 54-1216, Idaho Code. (3-25-16)

08. Fee for Reinstatement of Expired License. The fee for reinstatement of an expired license or certificate to active practice shall be as required for delayed renewals in Section 54-1216, Idaho Code. (3-25-16)

09. Eligibility. Unless otherwise approved by the Board, only unexpired licenses are eligible to convert to retired status. (3-25-16)

10. Discontinued Certificate of Authorization. Business entities no longer providing engineering or land surveying services in Idaho may request their certificates be discontinued. Reinstatement of a discontinued certificate may be requested by submitting a new application with the Board. (7-1-18T)

11. Fee for Reinstatement of Discontinued Certificate of Authorization. The fee for reinstatement of a discontinued certificate will be as required for applications in Section 54-1213, Idaho Code. (7-1-18T)

IDAPA 13 – IDAHO DEPARTMENT OF FISH AND GAME

13.01.02 – RULES GOVERNING MANDATORY EDUCATION AND MENTORED HUNTING

DOCKET NO. 13-0102-1801

NOTICE OF RULEMAKING – PROPOSED RULE

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Sections 36-401 and 36-1508, Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than July 18, 2018.

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

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

It is being proposed that IDAPA 13.01.02.101 be changed to allow a youth who is age eight (8) but younger than age ten (10) to possess consecutive annual Hunting Passports until reaching age ten (10) and to make a technical correction to statutory authorization for the rulemaking.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased: This proposed rule change has no associated fee.

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year resulting from this rulemaking: There is no effect to the state general fund.

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted because the rule is simple in nature.

INCORPORATION BY REFERENCE: Pursuant to Section 67-5229(2)(a), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule: This proposed rule does not include an incorporation by reference.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Sharon W. Kiefer, (208) 334-3771.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before July 25, 2018.

DATED this 24th day of May, 2018.

Sharon W. Kiefer, Deputy Director
Idaho Department of Fish and Game
600 S. Walnut St.
P.O. Box 25
Boise, ID 83707
Phone: (208) 334-3771
Fax: (208) 334-4885

THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 13-0102-1801
(Only Those Sections With Amendments Are Shown.)

000. LEGAL AUTHORITY.

The Idaho Fish and Game Commission is authorized under Sections 36-103, 36-104(b) and 36-412, Idaho Code, to adopt rules concerning education programs in hunting, trapping, and archery. The Idaho Fish and Game Commission is authorized to adopt rules concerning a mentored hunting program under Idaho Code Sections 36-401(a)8 and 36-1508(b). ~~(3-24-17)~~()

(BREAK IN CONTINUITY OF SECTIONS)

101. MENTORED HUNTING PROGRAM.

Nothing in this section shall be construed as altering the requirements of Section 36-411, Idaho Code, to obtain a valid hunting license, or any other statutory or rule requirements for the take of wildlife. (4-4-13)

01. Hunting Passport. A Hunting Passport is a special authorization for any person to take wildlife when they are accompanied by a mentor and participating in the Mentored Hunting Program. (4-4-13)

a. Any person must obtain a Hunting Passport from the Department or a licensed vendor to participate as a mentee in the Mentored Hunting Program. (4-4-13)

b. Hunter education certification is not required for any person to possess a hunting passport. (4-4-13)

c. A Hunting Passport shall expire December 31 of the year for which it is valid. (4-4-13)

d. Any person who has possessed a Hunting Passport may not apply for a Hunting Passport in any subsequent year, except for any person who is eight (8) years of age who has possessed a Hunting Passport, may possess an additional Hunting Passport at nine each year until reaching ten (9-10) years of age. ~~(3-25-16)~~()

02. Eligibility of Mentee. (4-4-13)

a. Any person who has not previously possessed a hunting license or equivalent license in any other state may possess a Hunting Passport to participate in the Mentored Hunting Program as a mentee. (4-4-13)

b. Any mentee possessing a Hunting Passport is eligible to possess general big game, turkey, and sandhill crane tags if the mentee is qualified to participate in the hunt. (4-4-13)

c. Any mentee possessing a Hunting Passport is not eligible to possess a control hunt tag but may be designated for a Landowner controlled hunt tag if the mentee is qualified to participate in the hunt. (4-4-13)

d. Any mentee with a Hunting Passport shall be ten (10) years of age to hunt big game. (4-11-15)

e. Any mentee with a Hunting Passport must be accompanied by a mentor as provided in Subsection 101.03.a. (4-4-13)

f. Any person shall be eight (8) years or older to possess a Hunting Passport. (4-4-13)

g. Any mentee must possess on his person a hunting passport while hunting and produce the same for inspection upon request of a conservation officer or any other person authorized to enforce fish and game laws. (4-4-13)

03. Eligibility of Mentor. (4-4-13)

a. Any person who possesses a valid Idaho hunting license and who is eighteen (18) years or older may participate in the Mentored Hunting Program as a mentor. (4-4-13)

b. A mentor may not accompany more than two (2) mentees at one (1) time that are participating in the Mentored Hunting Program. (4-4-13)

c. A mentor may hunt while participating in the Mentored Hunting Program if the mentor is qualified to participate in the hunt. (4-4-13)

IDAPA 13 – IDAHO DEPARTMENT OF FISH AND GAME

13.01.09 – RULES GOVERNING THE TAKING OF GAME BIRDS IN THE STATE OF IDAHO

DOCKET NO. 13-0109-1803

NOTICE OF RULEMAKING – TEMPORARY AND PROPOSED RULE

EFFECTIVE DATE: The effective date of the temporary rule is May 10, 2018.

AUTHORITY: In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a temporary rule, and proposed rulemaking procedures have been initiated. The action is authorized pursuant to Sections 36-104 and 36-1101, Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than July 18, 2018.

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

DESCRIPTIVE SUMMARY: The following is the required finding and concise statement of its supporting reasons for adopting a temporary rule and a nontechnical explanation of the substance and purpose of the proposed rulemaking: This rule clarifies use of turkey tags in conjunction with a turkey controlled hunt permit including validation, and revises the controlled hunt application period to be consistent with the turkey season proclamation.

TEMPORARY RULE JUSTIFICATION: Pursuant to Section 67-5226(1)(c), Idaho Code, the Governor has found that temporary adoption of the rule confers a benefit to hunters for the upcoming 2018 fall turkey season by clarifying use of turkey tags in conjunction with a turkey controlled hunt permit. Fall controlled hunts begin September 15, 2018.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased: This rule change has no associated fee.

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 will not be a negative fiscal impact greater than \$10,000 as a result of this change in rule.

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted because the rule is simple in nature.

INCORPORATION BY REFERENCE: Pursuant to Section 67-5229(2)(a), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule: This rule does not include incorporation by reference.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the temporary and proposed rule, contact Sharon W. Kiefer, (208) 334-3771.

Anyone may submit written comments regarding the proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before July 25, 2018.

DATED this 29th day of May, 2018.

Sharon W. Kiefer
Deputy Director
Idaho Department of Fish and Game
600 S. Walnut St.
P.O. Box 25, Boise, ID 83707
Phone: (208) 334-3771
Fax: (208) 334-4885

**THE FOLLOWING IS THE TEMPORARY RULE AND THE PROPOSED TEXT
OF DOCKET NO. 13-0109-1803
(Only Those Sections With Amendments Are Shown.)**

100. TAGS, STAMPS, PERMITS, AND VALIDATIONS.

01. Sage Grouse or Sharp-Tailed Grouse. No person shall hunt sage or sharp-tailed grouse anywhere within the state, except licensed shooting preserves, without having in his or her possession the appropriate hunting license that has been validated for sage grouse and sharp-tailed grouse. The validation shall be valid from January 1 through December 31 of each year. (5-8-09)

02. Migratory Game Birds. No person shall hunt ducks, geese, brant, coots, Wilson's snipe, sandhill cranes, or mourning doves anywhere within the state, without having in his or her possession the appropriate hunting license that has been validated for the Federal Migratory Game Bird Harvest Information Program. The validation shall be valid from January 1 through December 31 of each year. (3-29-12)

a. Tag validation and attachment: Immediately after any sandhill crane is killed, the sandhill crane tag must be validated and securely attached to the sandhill crane. (4-4-13)

b. To validate the tag, the hunter must cut out and completely remove two (2) triangles on the border of the tag, one (1) for the month and one (1) for the day of the kill. (4-4-13)

c. The tag must remain attached so long as the sandhill crane is in transit or storage. (4-4-13)

03. Wild Turkey. No person shall hunt wild turkey without having in his or her possession the appropriate hunting license, tag, and controlled hunt permit. Persons obtaining and using tags, stamps, and permits must comply with the following requirements: (7-1-98)

a. There are three (3) types of turkey tags available each calendar year. These are the general tag, extra tag, and special unit tag. ~~Only three (3) turkey tags of the following may be purchased each year: one (1) general and two (2) extra. In addition to the previously mentioned three (3) turkey tags, three (3) special unit tags may also be purchased. A hunter may use the general tag to hunt in any spring general season or use the general tag with a controlled hunt permit to hunt in a controlled hunt.~~ A hunter may purchase one (1) general tag, two (2) extra tags, and three (3) special unit tags. The general tag and one (1) extra tag may be used during the spring general season; however, if one (1) or both go unused, the unused tag(s) may be used during the general fall season. A second extra tag may also be used during the general fall season. A general tag or an extra tag may be used with a controlled hunt permit in the spring and fall seasons. Special unit tags may be used in designated units during any season set by the Commission. (3-29-12)(5-10-18)T

b. Permits for Controlled Hunts: Any person who receives a controlled hunt permit for wild turkey is prohibited from using that permit to hunt in any other wild turkey controlled hunt. (3-29-12)

c. Nonresident permit limitations: On controlled hunts with ten (10) or fewer permits, not more than one (1) permit will be issued to nonresidents. On controlled hunts with more than ten (10) permits, not more than ten percent (10%) of the permits may be issued to nonresidents. (7-1-98)

d. Eligibility: The holders of valid hunting licenses are eligible to apply for controlled hunts subject to the following restrictions: (7-1-93)

i. Holders of a Type 208 Nongame Hunting License may not apply for any controlled hunt. (7-1-93)

ii. In the event a permit is issued based on erroneous information, the permit will be invalidated and the person will remain on the drawn list. (7-1-93)

e. Applications: Applications for spring and fall controlled hunts shall be made on a form prescribed by the Department and must be received at the Headquarters Office of the Idaho Department of Fish and Game or postmarked not later than ~~February 15~~ March 1 for spring hunts and ~~July 15~~ June 5 for fall hunts, annually. Applications must comply with the following requirements: ~~(5-8-09)~~(5-10-18)T

i. Holders of a Duplicate License (Type 501) must use their original license number to apply for a controlled hunt. Duplicate license numbers will not be accepted. (7-1-93)

ii. Only one (1) application card per person or group will be accepted. Additional application cards will result in all applicants being declared ineligible. (7-1-93)

iii. Fees: All applicants for controlled hunts must submit a non-refundable application fee with their application; one dollar (\$1) of this fee may be donated to the Citizens Against Poaching Program. (5-8-09)

iv. A single payment (either cashier's check, money order, certified check, or personal check) may be submitted to cover fees for all applications in the same envelope. If a check or money order is insufficient to cover the fees, all applications will be voided and returned. (2-7-95)

v. A "group application" is defined as two (2) hunters applying for the same controlled hunt on the same application. (2-7-95)

vi. Hunting license and tag fees will NOT be refunded to unsuccessful applicants. (7-1-93)

vii. All spring wild turkey hunters may apply for a Fall turkey controlled hunt permit during the same calendar year. (3-30-01)

f. Drawing information: Single or group applications which are not drawn for the first choice hunt will automatically be entered into a second choice drawing provided the second choice hunt applied for has not been filled. (7-1-93)

g. Tag and permit validation and attachment: Immediately after any wild turkey is killed, the turkey tag and permit, if a controlled hunt, must be validated and securely attached to the wild turkey. ~~(7-1-93)~~(5-10-18)T

h. To validate the tag and permit, the hunter must cut out and completely remove two (2) triangles on the border of the tag and permit, one (1) for the month and one (1) for the day of the kill. ~~(7-1-93)~~(5-10-18)T

i. The tag and permit must remain attached so long as the turkey is in transit or storage. ~~(7-1-93)~~(5-10-18)T

j. The Commission establishes youth-only general and controlled hunts by proclamation. Youth-only general hunts are limited to participation by hunters who are ten (10) to seventeen (17) years of age with a valid license. Only hunters nine (9) to seventeen (17) years of age with a valid license may apply for youth-only controlled hunts, provided they are ten (10) to seventeen (17) years of age during the hunt for which they are applying, EXCEPT hunters sixty-five (65) years of age or older or hunters with a senior combination hunting license or a disabled combination hunting license may apply for first-come, first-served leftover youth-only controlled hunt permits. Hunters nine (9) years of age with a valid license may apply for regular controlled hunts provided they are ten (10) years of age during the hunt for which they are applying. (3-29-17)

k. Any resident adult person who possesses a controlled hunt permit may designate the controlled hunt permit to his or her resident minor child or grandchild who is qualified to participate in the hunt. The designated child or grandchild shall possess the appropriate tag for the hunt. (3-20-14)

i. Designation of the controlled hunt permit shall be made on a form prescribed by the Department and may be submitted either in person to any Idaho Department of Fish and Game Office or by mail to the License Supervisor at P.O. Box 25, Boise, ID 83707. (4-4-13)

ii. Any resident child or grandchild cannot be designated more than one (1) control hunt permit per calendar year. (4-4-13)

iii. Designation of a controlled hunt permit shall be completed before the first opening hunt date for the permit. (4-4-13)

I. Any nonresident adult person who possesses a controlled hunt permit may designate the controlled hunt permit to his or her nonresident minor child or grandchild who is qualified to participate in the hunt. The designated child or grandchild shall possess the appropriate tag for the hunt. (3-20-14)

i. Designation of the controlled hunt ~~tag permit~~ shall be made on a form prescribed by the Department and may be submitted either in person to any Idaho Department of Fish and Game Office or by mail to the License Supervisor at P.O. Box 25, Boise, ID 83707. ~~(4-4-13)~~(5-10-18)T

ii. Any nonresident child or grandchild cannot be designated more than one (1) control hunt permit per calendar year. (3-29-17)

iii. Designation of a controlled hunt permit shall be completed before the first opening hunt date for the permit. (4-4-13)

04. Early September Canada Goose Hunts. Pursuant to Section 36-105(3), Idaho Code, the Commission now sets the seasons, bag limits, and possession limits by proclamation. The proclamation is published in a brochure available at Department offices and license vendors. (3-29-12)

IDAPA 13 – IDAHO FISH AND GAME COMMISSION

13.01.11 – RULES GOVERNING FISH

DOCKET NO. 13-0111-1802P

NOTICE OF AMENDED PROCLAMATION

AUTHORITY: In compliance with Section 36-105(3), Idaho Code, notice is hereby given that this agency has adopted by amended proclamation the 2018 Chinook Salmon Spring Fishing Season, establishing seasons and limits for fishing in Idaho, as follows:

I. Seasons. - Chinook Salmon. Previously approved Chinook Salmon Seasons and rules are unaffected by the current proclamation unless noted below.

- A. Fishing Areas. The following areas will close to Chinook Salmon fishing at the end of fishing on June 8, 2018:
 - Lower Salmon River from Rice Creek bridge upstream to the southernmost of the Twin Bridges that cross the Salmon River;
 - From the mouth of Short's Creek upstream to the boat ramp at Vinegar Creek.
- B. Fishing Days. Starting on June 9, 2018, fishing for Chinook Salmon in the Lower Salmon and Little Salmon rivers will be allowed four (4) days per week, Thursday, Friday, Saturday and Sunday.
- C. Closing Dates. Areas will be closed by Closure Order signed by the Director of the Idaho Department of Fish and Game.

II. Limits.

- A. Bag and Possession Limits for the Lower Salmon and Little Salmon rivers:
 - Daily: Four (4) Chinook Salmon, only one (1) of which may be an adult.
 - Possession: Twelve (12) Chinook Salmon, only three (3) of which may be adults.
- B. Season Limit, statewide. No person may take more than twenty (20) adult Chinook Salmon statewide during 2018 salmon seasons occurring prior to August 13, 2018.
- C. Definitions Pertaining to Limits. Areas will be closed by Closure Order signed by the Director of the Idaho Department of Fish and Game.
 - Adult: Adult Chinook Salmon are defined as any Chinook Salmon greater than or equal to 24 inches in length.
 - Jack: Jack Chinook Salmon are defined as any Chinook Salmon less than 24 inches in length.

PUBLIC HEARING SCHEDULE: The next public hearing before the Fish and Game Commission will be on July 25, 2018, at approximately 7 p.m. at the Upper Snake Regional Office, 4279 Commerce Circle, Idaho Falls, ID 83401.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed proclamation, contact James Stoll at (208) 334-3715.

Individuals with disabilities may request meeting accommodations by contacting the Director's office at the Idaho Department of Fish and Game directly at (208) 334-5159 or through the Idaho Relay Service at 1(800) 377-2529 (TDD).

IDAPA 13 – IDAHO FISH AND GAME COMMISSION

13.01.11 – RULES GOVERNING FISH

DOCKET NO. 13-0111-1803P

NOTICE OF PROCLAMATION

AUTHORITY: In compliance with Section 36-105(3), Idaho Code, notice is hereby given that the agency has adopted by proclamation the 2018 Chinook Salmon Summer Fishing Season, establishing seasons and limits for fishing in Idaho.

PUBLIC HEARING SCHEDULE: The next public hearing before the Fish and Game Commission will be:

**Wednesday, July 25, 2018
Approximately 7:00 p.m. (MDT)**

**Upper Snake River Regional Office
4279 Commerce Circle
Idaho Falls, ID 83401**

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed proclamation, contact James Stoll at (208) 334-3715.

Individuals with disabilities may request meeting accommodations by contacting the Director's office at the Idaho Department of Fish and Game directly at (208) 334-5159 or through the Idaho Relay Service at 1(800) 377-2529 (TDD).

IDAPA 13 – IDAHO DEPARTMENT OF FISH AND GAME
13.01.16 – THE TRAPPING OF PREDATORY AND UNPROTECTED WILDLIFE
AND THE TAKING OF FURBEARING ANIMALS

DOCKET NO. 13-0116-1803

NOTICE OF RULEMAKING – TEMPORARY AND PROPOSED RULE

EFFECTIVE DATE: The effective date of the temporary rule is May 10, 2018.

AUTHORITY: In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a temporary rule, and proposed rulemaking procedures have been initiated. The action is authorized pursuant to Sections 36-104 and 36-1101, Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than July 18 2018.

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

DESCRIPTIVE SUMMARY: The following is the required finding and concise statement of its supporting reasons for adopting a temporary rule and a nontechnical explanation of the substance and purpose of the proposed rulemaking:

The rule removes the restriction that red fox may only be taken by trapping in Valley County and portions of Adams County in the Little Salmon River drainage to align with the Fish and Game Commission adoption of the 2018 Furbearer Season allowing hunting red fox as a method of take in these counties.

TEMPORARY RULE JUSTIFICATION: Pursuant to Section 67-5226(1)(b), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate to provide compliance with a deadline in amendment to governing law so that the rule aligns with the method of take for red fox adopted during setting-setting by the Fish and Game Commission in January, 2018.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased: This rule change has no associated fee.

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 will not be a negative fiscal impact greater than \$10,000 as a result of this change in rule.

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted because the rule is simple in nature.

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

This rule does not include incorporation by reference.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the temporary and proposed rule, contact Sharon W. Kiefer, (208) 334-3771.

Anyone may submit written comments regarding the proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before July 25, 2018.

DATED this 24th day of May, 2018.

Sharon W. Kiefer
Deputy Director
Idaho Department of Fish and Game
600 S. Walnut St.
P.O. Box 25
Boise, ID 83707
Phone: (208) 334-3771
Fax: (208) 334-4885

**THE FOLLOWING IS THE TEMPORARY RULE AND THE PROPOSED TEXT
OF DOCKET NO. 13-0116-1803
(Only Those Sections With Amendments Are Shown.)**

400. METHODS OF TAKE.

01. Furbearing Animals. No person shall take beaver, muskrat, mink, marten, or otter by any method other than trapping. ~~*In Valley County and portions of Adams County in the Little Salmon River drainage, red fox may be taken only by trapping.*~~ ~~(5-3-03)~~**(5-10-18)T**

02. Hunting. No person hunting permissible furbearing animals or predatory or unprotected wildlife shall: (7-1-93)

a. Hunt with any weapon the possession of which is prohibited by state or federal law. (7-1-93)

b. Hunt with dogs unless they comply with IDAPA 13.01.15, "Rules Governing the Use of Dogs." (7-1-93)

c. Hunt any furbearing animal with or by the aid of artificial light. (4-7-11)

d. Persons may hunt raccoon with the aid of an artificial light without a permit from the Director but no person hunting raccoon at night shall: (4-7-11)

i. Hunt from a motorized vehicle. (7-1-93)

ii. Use any light attached to any motor vehicle. (7-1-93)

iii. Hunt on private land without obtaining written permission from the landowner or lessee. (7-1-93)

03. Trapping. No person trapping furbearing animals or predatory or unprotected wildlife shall: (7-1-93)

a. Use for bait or scent, any part of a domestic or wild origin game bird, big game animal, upland game animal, game fish, or protected nongame wildlife. (4-7-11)

b. Use any set within thirty (30) feet of any visible bait. (4-6-05)

c. Use a dirt hole ground set with bait unless the person ensures that the bait remains covered at all times to protect raptors and other meat-eating birds from being caught accidentally. (4-7-11)

d. Use live animals as a bait or attractant. (4-6-05)

e. Place any ground, water, or other sets on, across, or within five (5) feet of center line of any maintained public trail. (4-7-11)

f. Place any ground set on, across, or within any public highway as defined in Section 36-202, Idaho Code; except ground sets may be placed underneath bridges and within and at culverts that are part of a public highway right-of-way. (4-7-11)

g. Place any ground set incorporating snare, trap, or attached materials within three hundred (300) feet of any designated public campground, trailhead, or picnic area. Cage or box live traps are permitted within three hundred (300) feet of designated public campgrounds, trailheads, or picnic areas as allowed by city, county, state, and federal law. (3-29-12)

h. Place or set any ground set snare without a break-away device or cable stop incorporated within the loop of the snare. (3-29-12)

i. Place any ground set incorporating a foothold trap with an inside jaw spread greater than nine (9) inches. (3-29-12)

**IDAPA 16 – DEPARTMENT OF HEALTH AND WELFARE
16.01.02 – EMERGENCY MEDICAL SERVICES (EMS) – RULE DEFINITIONS**

DOCKET NO. 16-0102-1801

NOTICE OF RULEMAKING – TEMPORARY AND PROPOSED RULE

EFFECTIVE DATE: The effective date of the temporary rule is July 1, 2018.

AUTHORITY: In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a temporary rule, and proposed regular rulemaking procedures have been initiated. The action is authorized pursuant to Sections 56-1011 through 56-1023, Idaho Code, and Senate Bill 1310 (2018).

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

PUBLIC HEARINGS		
Wednesday, July 11, 2018 7:00 pm (MDT)	Friday, July 13, 2018 7:00 pm (MDT)	Monday, July 16, 2018 7:00 pm (MDT)
Salmon AEMTs 200 Fulton Suite 102 Salmon, ID 83467	Fremont Co. Annex 125 N. Bridge Street St. Anthony, ID 83445	Idaho Falls Fire Dept. 343 E Street Idaho Falls, ID 83402
WebEx Information:		
https://idhw.webex.com/idhw/j.php?MTID=m573abc07708805b8999012e7209e0b6f Meeting number: 809 114 798 Meeting password: 69JpfA6N (69573266 from phones)	https://idhw.webex.com/idhw/j.php?MTID=mf6d0fcab1da9d0559be5c74d73768bf0 Meeting number: 801 390 646 Meeting password: uey27W3J (83927935 from phones)	https://idhw.webex.com/idhw/j.php?MTID=m3a3185b39a60380bf140e403b3289168 Meeting number: 803 619 635 Meeting password: rsxK386M (77953866 from phones)

**TELECONFERENCE CALL-IN (all meetings)
6:00 pm (PDT) / 7:00 pm (MDT)**
1-240-454-0879 USA Toll

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

DESCRIPTIVE SUMMARY: The following is the required finding and concise statement of its supporting reasons for adopting a temporary rule and a nontechnical explanation of the substance and purpose of the proposed rulemaking:

Title 56 (EMS Act) requires that the minimum staffing requirement for patient care providers in ambulances in Idaho is an Emergency Medical Technician (EMT). The EMT is the second level of licensed Emergency Medical Services (EMS) patient care provider in Idaho. The first level is the Emergency Medical Responder (EMR). Senate

Bill 1310 (2018) changes this requirement from an EMT to an EMR with an Ambulance Certification. The Ambulance Certification is a new process so the current EMS Rules are silent on the requirements that agencies must meet in order to staff an ambulance with an ambulance certified EMR. This rulemaking is needed to align the chapter with Senate Bill 1310 (2018). Specifically, these rule changes add a definition of “Ambulance Certification” to this chapter. Companion rule changes are being made simultaneously under Dockets 16-0103-1801 and 16-0107-1801.

TEMPORARY RULE JUSTIFICATION: Pursuant to Section 67-5226(1)(b), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate to comply with deadlines in amendments to governing law or federal programs, specifically, this rulemaking is being done to align this chapter with Senate Bill 1310 (2018).

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

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

The Emergency Medical Services (EMS) program is funded through dedicated funds. This rulemaking has no fiscal impact to those funds or to the state general fund. This rulemaking is intended to be cost-neutral.

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted. Due to the tight timeframe for bringing these rules before the Board of Health and Welfare in May so that they can go into effect July 1, 2018, as per statute, formal negotiated rulemaking will not be conducted under notices in the Idaho Administrative Bulletin. However, informal negotiated rulemaking will be conducted with key stakeholders including volunteer EMS agencies and personnel, Bureau of EMS & Preparedness staff, the EMS Advisory Committee, and the Idaho EMS Physician Commission.

INCORPORATION BY REFERENCE: No materials are being incorporated by reference in this rulemaking.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the temporary and proposed rule, contact Wayne Denny at (208) 334-4000.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before July 25, 2018.

DATED this 5th day of June, 2018.

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

**THE FOLLOWING IS THE TEMPORARY RULE AND THE PROPOSED TEXT
OF DOCKET NO. 16-0102-1801
(Only Those Sections With Amendments Are Shown.)**

010. DEFINITIONS AND ABBREVIATIONS A THROUGH B.

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

(7-1-14)

- 01. Advanced Emergency Medical Technician (AEMT).** An AEMT is a person who: (7-1-14)
- 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”; (7-1-14)
 - b.** Is licensed by the Department under Sections 56-1011 through 56-1023, Idaho Code; (7-1-14)
 - 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, “Rules of the Idaho Emergency Medical Services (EMS) Physician Commission”; and (7-1-14)
 - d.** Practices under the supervision of a physician licensed in Idaho. (7-1-14)
- 02. 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 IDAPA 16.02.02, “Rules of the Idaho Emergency Medical Services (EMS) Physician Commission,” by persons licensed as Paramedics by the Department. (7-1-14)
- 03. 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. (7-1-14)
- 04. 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. (7-1-14)
- 05. 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. (7-1-14)
- 06. Affiliating EMS Agency.** The licensed EMS agency, or agencies, under which licensed personnel are authorized to provide patient care. (7-1-14)
- 07. 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 which otherwise comply with Sections 56-1011 through 56-1023, Idaho Code, and specifications established in IDAPA 16.01.03, “Emergency Medical Services (EMS) - Agency Licensing Requirements.” (7-1-14)
- 08. Air Medical Agency.** An agency licensed by the Department that responds to requests for patient care and transportation from hospitals and EMS agencies using a fixed wing aircraft or rotary wing aircraft. (7-1-14)
- 09. Air Medical.** 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.” (7-1-17)

10. Air Medical Response. The deployment of an aircraft licensed as an air ambulance to an emergency scene intended for the purpose of patient treatment and transportation. (7-1-14)

11. Air Medical Support. 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.” (7-1-17)

12. 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 which otherwise comply with Sections 56-1011 through 56-1023, Idaho Code, and specifications established in IDAPA 16.01.03, “Emergency Medical Services (EMS) - Agency Licensing Requirements.” (7-1-14)

13. 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. (7-1-14)

14. Ambulance Agency. 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,” 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. (7-1-14)

15. 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. (7-1-18)T

156. 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: (7-1-14)

- a. An organization seeking a new license; (7-1-14)
- b. An existing agency that intends to: (7-1-14)
 - i. Change the level of licensed personnel it utilizes; (7-1-14)
 - ii. Change its geographic coverage area (except by agency annexation); or (7-1-14)
 - iii. Begin or discontinue providing patient transport services. (7-1-14)

167. Assessment. The evaluation of a patient by EMS licensed personnel intending to provide treatment or transportation to that patient. (7-1-14)

178. Basic Life Support (BLS). The provision of medical care, medication administration, and treatment with medical devices which 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 IDAPA 16.02.02, “Rules of the Idaho Emergency Medical Services (EMS) Physician Commission,” by persons licensed as EMRs or EMTs by the Department. (7-1-14)

189. Board. The Idaho Board of Health and Welfare. (7-1-14)

IDAPA 16 – DEPARTMENT OF HEALTH AND WELFARE

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

DOCKET NO. 16-0103-1801

NOTICE OF RULEMAKING – TEMPORARY AND PROPOSED RULE

EFFECTIVE DATE: The effective date of the temporary rule is July 1, 2018.

AUTHORITY: In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a temporary rule, and proposed regular rulemaking procedures have been initiated. The action is authorized pursuant to Sections 56-1011 through 56-1023, Idaho Code, and Senate Bill 1310 (2018).

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

PUBLIC HEARINGS		
Wednesday, July 11, 2018 7:00 pm (MDT)	Friday, July 13, 2018 7:00 pm (MDT)	Monday, July 16, 2018 7:00 pm (MDT)
Salmon AEMTs 200 Fulton Suite 102 Salmon, ID 83467	Fremont Co. Annex 125 N. Bridge Street St. Anthony, ID 83445	Idaho Falls Fire Dept. 343 E Street Idaho Falls, ID 83402
WebEx Information:		
https://idhw.webex.com/idhw/j.php?MTID=m573abc07708805b8999012e7209e0b6f Meeting number: 809 114 798 Meeting password: 69JpfA6N (69573266 from phones)	https://idhw.webex.com/idhw/j.php?MTID=mf6d0fcab1da9d0559be5c74d73768bf0 Meeting number: 801 390 646 Meeting password: uey27W3J (83927935 from phones)	https://idhw.webex.com/idhw/j.php?MTID=m3a3185b39a60380bf140e403b3289168 Meeting number: 803 619 635 Meeting password: rsxK386M (77953866 from phones)

**TELECONFERENCE CALL-IN (all meetings)
6:00 pm (PDT) / 7:00 pm (MDT)**

1-240-454-0879 USA Toll

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

DESCRIPTIVE SUMMARY: The following is the required finding and concise statement of its supporting reasons for adopting a temporary rule and a nontechnical explanation of the substance and purpose of the proposed rulemaking:

Title 56 (EMS Act) requires that the minimum staffing requirement for patient care providers in ambulances in Idaho is an Emergency Medical Technician (EMT). The EMT is the second level of licensed Emergency Medical Services (EMS) patient care provider in Idaho. The first level is the Emergency Medical Responder (EMR). Senate

Bill 1310 (2018) changes this requirement from an EMT to an EMR with an Ambulance Certification. The Ambulance Certification is a new process so the current EMS Rules are silent on the requirements that agencies must meet in order to staff an ambulance with an ambulance-certified EMR. This rulemaking is needed to align the chapter with Senate Bill 1310 (2018). Specifically, these rule changes add language to this chapter that allows an EMS agency to use an ambulance-certified EMR to be the sole patient care provider. Companion rule changes are being made simultaneously under Dockets 16-0102-1801 and 16-0107-1801.

TEMPORARY RULE JUSTIFICATION: Pursuant to Section 67-5226(1)(b), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate to comply with deadlines in amendments to governing law or federal programs, specifically, this rulemaking is being done to align this chapter with Senate Bill 1310 (2018).

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

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

The Emergency Medical Services (EMS) program is funded through dedicated funds. This rulemaking has no fiscal impact to those funds or to the state general fund. This rulemaking is intended to be cost-neutral.

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted. Due to the tight timeframe for bringing these rules before the Board of Health and Welfare in May so that they can go into effect July 1, 2018, as per statute, formal negotiated rulemaking will not be conducted under notices in the Idaho Administrative Bulletin. However, informal negotiated rulemaking will be conducted with key stakeholders including volunteer EMS agencies and personnel, Bureau of EMS & Preparedness staff, the EMS Advisory Committee, and the Idaho EMS Physician Commission.

INCORPORATION BY REFERENCE: No materials are being incorporated by reference in this rulemaking.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the temporary and proposed rule, contact Wayne Denny at (208) 334-4000.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before July 25, 2018.

DATED this 5th day of June, 2018.

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

THE FOLLOWING IS THE TEMPORARY RULE AND THE PROPOSED TEXT
OF DOCKET NO. 16-0103-1801
(Only Those Sections With Amendments Are Shown.)

202. EMS AGENCY -- CLINICAL LEVELS.

An EMS agency is licensed at one (1) or more of the following clinical levels depending on the agency's highest level of licensed personnel and life support services advertised or offered. (7-1-14)

- 01. Non-transport:** (7-1-14)
 - a. EMR/BLS; (7-1-14)
 - b. EMT/BLS; (7-1-14)
 - c. AEMT/ILS; or (7-1-14)
 - d. Paramedic/ALS. (7-1-14)
- 02. Ambulance:** (7-1-14)
 - a. EMR (with Ambulance Certification)/BLS;** **(7-1-18)T**
 - ~~b.~~ EMT/BLS; (7-1-14)
 - ~~b.c.~~ AEMT/ILS; (7-1-14)
 - ~~d.~~ Paramedic/ALS; or (7-1-14)
 - ~~d.e.~~ Paramedic/ALS Critical Care. (7-1-14)
- 03. Air Medical:** (3-29-17)
 - a. Paramedic/ALS; or (7-1-14)
 - b. Paramedic/ALS Critical Care. (7-1-14)
- 04. Air Medical Support;** (3-29-17)
 - a. EMT/BLS; (3-29-17)
 - b. AEMT/ILS; or (3-29-17)
 - c. Paramedic/ALS. (3-29-17)

(BREAK IN CONTINUITY OF SECTIONS)

301. AMBULANCE EMS AGENCY -- PERSONNEL REQUIREMENTS.

Each ambulance agency must ensure that there are two (2) crew members on each patient transport or transfer. The crew member providing patient care, at a minimum, must be a licensed EMR with an ambulance certification or a licensed EMT. ~~(7-1-14)~~(7-1-18)T

302. AIR MEDICAL EMS AGENCY -- PERSONNEL REQUIREMENTS.

Each air medical agency must ensure that there are two (2) crew members, not including the pilot, on each patient transport or transfer. The crew member providing patient care, at a minimum, must be a licensed EMR with an ambulance certification or a licensed EMT. An air medical agency must also demonstrate that the following exists.
~~(7-1-14)~~(7-1-18)T

01. Personnel for Air Medical Agency. An Air Medical agency must ensure that each flight includes at a minimum, one (1) licensed registered nurse and one (1) Paramedic. Based on the patient's need, an exception for transfer flights may include a minimum of one (1) licensed respiratory therapist and one (1) licensed registered nurse, or two (2) licensed registered nurses. (3-29-17)

02. Personnel for Air Medical Support Agency. An Air Medical Support agency must ensure that each flight includes at a minimum, two (2) crew members with one (1) patient care provider licensed at or above the agency's highest clinical level of licensure. (3-29-17)

(BREAK IN CONTINUITY OF SECTIONS)

306. UTILIZING PHYSICIAN ASSISTANTS, LICENSED REGISTERED NURSES OR ADVANCED PRACTICE REGISTERED NURSES.

An AEMT/ILS ambulance agency may use a non-certified physician assistant, licensed registered nurse, or advanced practice registered nurse as the crew member who is providing ILS patient services, only when accompanied by a licensed EMR with an ambulance certification or a licensed EMT in the patient compartment of the transport vehicle.
~~(7-1-14)~~(7-1-18)T

IDAPA 16 – DEPARTMENT OF HEALTH AND WELFARE

16.01.07 – EMERGENCY MEDICAL SERVICES (EMS) – PERSONNEL LICENSING REQUIREMENTS

DOCKET NO. 16-0107-1801

NOTICE OF RULEMAKING – TEMPORARY AND PROPOSED RULE

EFFECTIVE DATE: The effective date of the temporary rule is July 1, 2018.

AUTHORITY: In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a temporary rule, and proposed regular rulemaking procedures have been initiated. The action is authorized pursuant to Sections 56-1011 through 56-1023, Idaho Code, and Senate Bill 1310 (2018).

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

PUBLIC HEARINGS		
Wednesday, July 11, 2018 7:00 pm (MDT)	Friday, July 13, 2018 7:00 pm (MDT)	Monday, July 16, 2018 7:00 pm (MDT)
Salmon AEMTs 200 Fulton Suite 102 Salmon, ID 83467	Fremont Co. Annex 125 N. Bridge Street St. Anthony, ID 83445	Idaho Falls Fire Dept. 343 E Street Idaho Falls, ID 83402
WebEx Information:		
https://idhw.webex.com/idhw/j.php?MTID=m573abc07708805b8999012e7209e0b6f	https://idhw.webex.com/idhw/j.php?MTID=mf6d0fcab1da9d0559be5c74d73768bf0	https://idhw.webex.com/idhw/j.php?MTID=m3a3185b39a60380bf140e403b3289168
Meeting number: 809 114 798	Meeting number: 801 390 646	Meeting number: 803 619 635
Meeting password: 69JpfA6N (69573266 from phones)	Meeting password: uey27W3J (83927935 from phones)	Meeting password: rsxK386M (77953866 from phones)

**TELECONFERENCE CALL-IN (all meetings)
6:00 pm (PDT) / 7:00 pm (MDT)**

1-240-454-0879 USA Toll

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

DESCRIPTIVE SUMMARY: The following is the required finding and concise statement of its supporting reasons for adopting a temporary rule and a nontechnical explanation of the substance and purpose of the proposed rulemaking:

Title 56 (EMS Act) requires that the minimum staffing requirement for patient care providers in ambulances in Idaho is an Emergency Medical Technician (EMT). The EMT is the second level of licensed Emergency Medical Services (EMS) patient care provider in Idaho. The first level is the Emergency Medical Responder (EMR). Senate

Bill 1310 (2018) changes this requirement from an EMT to an EMR with an Ambulance Certification. The Ambulance Certification is a new process so the current EMS Rules are silent on the requirements that agencies must meet in order to staff an ambulance with an ambulance-certified EMR. This rulemaking is needed to align the chapter with Senate Bill 1310 (2018). Specifically, these rule changes add language to this chapter that establishes the process that an EMR must follow to obtain the Ambulance Certification. Companion rule changes are being made simultaneously under Dockets 16-0102-1801 and 16-0103-1801.

TEMPORARY RULE JUSTIFICATION: Pursuant to Section 67-5226(1)(b), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate to comply with deadlines in amendments to governing law or federal programs, specifically, this rulemaking is being done to align this chapter with Senate Bill 1310 (2018).

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

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

The Emergency Medical Services (EMS) program is funded through dedicated funds. This rulemaking has no fiscal impact to those funds or to the state general fund. This rulemaking is intended to be cost-neutral.

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted. Due to the tight timeframe for bringing these rules before the Board of Health and Welfare in May so that they can go into effect July 1, 2018, as per statute, formal negotiated rulemaking will not be conducted under notices in the Idaho Administrative Bulletin. However, informal negotiated rulemaking will be conducted with key stakeholders including volunteer EMS agencies and personnel, Bureau of EMS & Preparedness staff, the EMS Advisory Committee, and the Idaho EMS Physician Commission.

INCORPORATION BY REFERENCE: No materials are being incorporated by reference in this rulemaking.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the temporary and proposed rule, contact Wayne Denny at (208) 334-4000.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before July 25, 2018.

DATED this 5th day of June, 2018.

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

THE FOLLOWING IS THE TEMPORARY RULE AND THE PROPOSED TEXT
OF DOCKET NO. 16-0107-1801
(Only Those Sections With Amendments Are Shown.)

151. AMBULANCE CERTIFICATION.

01. Ambulance Certification is Required. In order for a licensed EMR to serve as the sole patient care provider who is delivering patient care, the EMR must possess a current ambulance certification issued by the EMS Bureau. (7-1-18)T

02. Ambulance Certification Requirements. A licensed EMR applying for and meeting the requirements defined in this section of rule will be issued an ambulance certification. The requirements for ambulance certification are: (7-1-18)T

a. Have a valid, unrestricted EMR license; (7-1-18)T

b. Have successfully completed an ambulance certification training program, examination, and credentialing; (7-1-18)T

03. Duration of Certification. Ambulance certifications are valid as long as the license holder is continually licensed. (7-1-18)T

04. Disciplinary and Corrective Action. The Department may impose disciplinary and corrective actions on an ambulance certification based on the procedures for administrative license actions described in IDAPA 16.01.12, “Emergency Medical Services (EMS) – Complaints, Investigations, and Disciplinary Actions.” (7-1-18)T

~~152. -- 174.~~ **(RESERVED)**

IDAPA 16 – DEPARTMENT OF HEALTH AND WELFARE
16.02.11 – IMMUNIZATION REQUIREMENTS FOR CHILDREN ATTENDING
LICENSED DAYCARE FACILITIES IN IDAHO

DOCKET NO. 16-0211-1801

NOTICE OF RULEMAKING – TEMPORARY AND PROPOSED RULE

EFFECTIVE DATE: The effective date of the temporary rule is May 18, 2018.

AUTHORITY: In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a temporary rule, and proposed rulemaking procedures have been initiated. The action is authorized pursuant to Section 39-1118, Idaho Code.

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

PUBLIC HEARINGS		
Tuesday, July 10, 2018 10:00 am (PDT)	Thursday, July 12, 2018 10:00 am (MDT)	Friday, July 13, 2018 8:00 am (MDT)
Coeur d’Alene Hampton Inn Riverstone South meeting room 1500 West Riverstone Drive Coeur d’Alene, ID 83814	Meridian Courtyard by Marriott Balboa meeting room 1789 South Eagle Road Meridian, ID 83642	Idaho Falls Hampton Inn (at the mall) Hampton Bay meeting room 2500 Channing Way Idaho Falls, ID 83404

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

DESCRIPTIVE SUMMARY: The following is the required finding and concise statement of its supporting reasons for adopting a temporary rule and a nontechnical explanation of the substance and purpose of the proposed rulemaking:

Idaho legislators and interested stakeholders have identified the need to clarify this rule to ensure that the immunization exemption/opt-out language therein is consistent with Section 39-1118, Idaho Code, and legislative intent.

This rulemaking adds language clarifying that parents requesting an immunization exemption may do so either on the Department's standard form or in a written, signed statement indicating their choice to exempt their child from immunization requirements.

TEMPORARY RULE JUSTIFICATION: Pursuant to Section 67-5226(1)(b), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate in order to comply with deadlines in amendments to governing law or federal programs. This temporary rule adds language to ensure alignment with Idaho statute.

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

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

There is no anticipated fiscal impact to state general funds or any other funds except the costs of the rule promulgation, which includes printing and publication.

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted because this rule is a temporary rule being published under very short time frames. However, it is being done in conjunction with negotiations with stakeholders and interested Idaho legislators.

INCORPORATION BY REFERENCE: No materials are being incorporated by reference in this rulemaking.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the temporary and proposed rule, contact Rafe Hewett at (208) 334-5942.

Anyone may submit written comments regarding the proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before Wednesday, July 25, 2018.

DATED this 7th day of June, 2018.

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

**THE FOLLOWING IS THE TEMPORARY RULE AND THE PROPOSED TEXT
OF DOCKET NO. 16-0211-1801
(Only Those Sections With Amendments Are Shown.)**

110. EXEMPTIONS TO IMMUNIZATION REQUIREMENT.

When supporting documentation is in the possession of the licensed daycare facility operator, a child who meets one (1) or both of the conditions in Subsections 110.01 and 110.02 of this rule, will be exempt from the required immunizations. (4-7-11)

01. Life or Health Endangering Circumstances. A signed statement of a licensed physician that the child's life or health would be endangered if any or all of the required immunizations are administered. (4-7-11)

02. Religious or Other Objections. A signed statement of the parent, custodian, or ~~legal~~ guardian ~~on a form provided by the Department, that includes the following~~ that must be either: (4-7-11)(5-18-18)T

a. On a standard Department form or similar form provided by the school; or (5-18-18)T

b. A signed statement that must include: (5-18-18)T

i. The ~~A~~name of child, and the child's date of birth; and (4-7-11)(5-18-18)T

ii. A statement ~~of objection on~~ indicating that the child is exempt from immunization as provided in Section 110 of this rule for religious or other ~~grounds.~~ objections; and (1-25-79)(5-18-18)T

iii. The signature of the parent, custodian, or legal guardian. (5-18-18)T

IDAPA 16 – DEPARTMENT OF HEALTH AND WELFARE

16.02.15 – IMMUNIZATION REQUIREMENTS FOR IDAHO SCHOOL CHILDREN

DOCKET NO. 16-0215-1801

NOTICE OF RULEMAKING – TEMPORARY AND PROPOSED RULE

EFFECTIVE DATE: The effective date of the temporary rule is May 18, 2018.

AUTHORITY: In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a temporary rule, and proposed rulemaking procedures have been initiated. The action is authorized pursuant to Sections 39-4801 and 39-4802, Idaho Code.

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

PUBLIC HEARINGS		
Tuesday, July 10, 2018 10:00 am (PDT)	Thursday, July 12, 2018 10:00 am (MDT)	Friday, July 13, 2018 8:00 am (MDT)
Coeur d’Alene Hampton Inn Riverstone South meeting room 1500 West Riverstone Drive Coeur d’Alene, ID 83814	Meridian Courtyard by Marriott Balboa meeting room 1789 South Eagle Road Meridian, ID 83642	Idaho Falls Hampton Inn (at the mall) Hampton Bay meeting room 2500 Channing Way Idaho Falls, ID 83404

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

DESCRIPTIVE SUMMARY: The following is the required finding and concise statement of its supporting reasons for adopting a temporary rule and a nontechnical explanation of the substance and purpose of the proposed rulemaking:

Idaho legislators and interested stakeholders have identified the need to clarify this rule to ensure that the immunization exemption/opt-out language therein is consistent with Section 39-4802, Idaho Code, and legislative intent.

This rulemaking adds language clarifying that parents requesting an immunization exemption may do so either on the Department's standard form or in a written, signed statement indicating their choice to exempt their child from immunization requirements.

TEMPORARY RULE JUSTIFICATION: Pursuant to Section 67-5226(1)(b), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate in order to comply with deadlines in amendments to governing law or federal programs. This temporary rule adds language to ensure alignment with Idaho statute.

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

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

There is no anticipated fiscal impact to state general funds or any other funds except the costs of the rule promulgation, which includes printing and publication.

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted because this rule is a temporary rule being published under very short time frames. However, it is being done in conjunction with negotiations with stakeholders and interested Idaho legislators.

INCORPORATION BY REFERENCE: No materials are being incorporated by reference in this rulemaking.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the temporary and proposed rule, contact Rafe Hewett at (208) 334-5942.

Anyone may submit written comments regarding the proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before Wednesday, July 25, 2018.

DATED this 7th day of June, 2018.

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

**THE FOLLOWING IS THE TEMPORARY RULE AND THE PROPOSED TEXT
OF DOCKET NO. 16-0215-1801
(Only Those Sections With Amendments Are Shown.)**

110. EXEMPTIONS TO IMMUNIZATION REQUIREMENT.

When supporting documentation is in the possession of school authorities, at the time of admission and before attendance, a child who meets one (1) or both of the following conditions in Subsections 110.01 and 110.02 of this rule, will not be required to receive the required immunizations. (4-7-11)

01. Life or Health Endangering Circumstances. A signed statement of a licensed physician that the child's life or health would be endangered if any or all of the required immunizations are administered. (4-7-11)

02. Religious or Other Objections. A signed statement of the parent, custodian, or ~~legal~~ guardian ~~on a form provided by the Department, that includes the following~~ that must be either: (4-7-11)(5-18-18)T

a. On a standard Department form or similar form provided by the school; or (5-18-18)T

b. A signed statement that must include: (5-18-18)T

ai. The ~~A~~name of child, and the child's date of birth; and (4-7-11)(5-18-18)T

bii. A statement ~~of objection on~~ indicating that the child is exempt from immunization as provided in Section 110 of this rule for religious or other ~~grounds.~~ objections; and (1-25-79)(5-18-18)T

iii. The signature of the parent, custodian, or legal guardian. (5-18-18)T

IDAPA 16 – DEPARTMENT OF HEALTH AND WELFARE

16.02.15 – IMMUNIZATION REQUIREMENTS FOR IDAHO SCHOOL CHILDREN

DOCKET NO. 16-0215-1802

NOTICE OF INTENT TO PROMULGATE RULES – NEGOTIATED RULEMAKING

AUTHORITY: In compliance with Sections 67-5220(1) and 67-5220(2), Idaho Code, notice is hereby given that this agency intends to promulgate rules and desires public comment prior to initiating formal rulemaking procedures. This negotiated rulemaking action is authorized pursuant to Section 39-4801, Idaho Code.

MEETING SCHEDULE: Meetings on the negotiated rulemaking will be held as follows:

NEGOTIATED RULEMAKING MEETINGS		
Tuesday, July 10, 2018 1:00 pm (PDT)	Thursday, July 12, 2018 1:00 pm (MDT)	Friday, July 13, 2018 10:30 am (MDT)
Coeur d’Alene Hampton Inn Riverstone South meeting room 1500 West Riverstone Drive Coeur d’Alene, ID 83814	Meridian Courtyard by Marriott Balboa meeting room 1789 South Eagle Road Meridian, ID 83642	Idaho Falls Hampton Inn (at the mall) Hampton Bay meeting room 2500 Channing Way Idaho Falls, ID 83404

PUBLIC HEALTH -- NEW IMMUNIZATION REQUIREMENT FOR SCHOOLS

METHOD OF PARTICIPATION: Persons wishing to participate in the negotiated rulemaking may do any of the following:

1. Attend or call in to the negotiated rulemaking meetings as scheduled above;
2. Provide oral or written recommendations, or both, at the negotiated rulemaking meetings; or
3. Submit written recommendations and comments to this address on or before Friday, July 13, 2018:

Send to:
 Idaho Department of Health and Welfare
 Division of Public Health
 Attn: Rafe Hewett, Health Program Manager
 P.O. Box 83720
 Boise, ID 83720-0036
 E-mail: Rafe.Hewett@dhw.idaho.gov

Hand deliver to:
 Idaho Department of Health and Welfare
 Division of Public Health
 Attn: Rafe Hewett, Health Program Manager
 450 West State Street, 4th Floor
 Boise, ID 83702

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

The Department invites interested stakeholders to participate in negotiated rulemaking for this chapter, IDAPA 16.02.15, “Immunization Requirements for Idaho School Children.” The purpose of this rulemaking is to add a new school entry immunization requirement to require a second dose of meningococcal (MenACWY) vaccination before a student enters the 12th grade in Idaho, starting with school year 2020-2021. If a student received their first dose of meningococcal (MenACWY) vaccine at 16 years of age or older, they will not be required to receive the second dose before entry into the 12th grade.

CONTACT INFORMATION, WEB ADDRESS, ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:

For assistance on technical questions concerning this negotiated rulemaking, contact Rafe Hewett at (208) 334-5942 or e-mail: Rafe.Hewett@dhw.idaho.gov.

All written comments on the negotiated rules must be directed to the contact person specified above under “Method of Participation” and must be delivered on or before Friday, July 13, 2018.

DATED this 7th day of June, 2018.

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

IDAPA 16 – DEPARTMENT OF HEALTH AND WELFARE

16.03.09 – MEDICAID BASIC PLAN BENEFITS

DOCKET NO. 16-0309-1802

NOTICE OF RULEMAKING – TEMPORARY AND PROPOSED RULE

EFFECTIVE DATE: The effective date of the temporary rule is July 1, 2018.

AUTHORITY: In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a temporary rule, and proposed rulemaking procedures have been initiated. The action is authorized pursuant to Sections 56-202, 56-264, and 56-1610, Idaho Code, and Titles XIX and XXI of the Social Security Act and Title 56, Chapter 1, Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than July 18, 2018.

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

DESCRIPTIVE SUMMARY: The following is the required finding and concise statement of its supporting reasons for adopting a temporary rule and a nontechnical explanation of the substance and purpose of the proposed rulemaking:

Idaho Medicaid was directed during the 2018 session of the Idaho Legislature by passage of House Bill 465 to implement comprehensive dental benefits to all Idaho Medicaid participants.

TEMPORARY RULE JUSTIFICATION: Pursuant to Sections 67-5226(1)(a) and (c), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate for the following reasons: (a) it is necessary to protect the public health, safety, or welfare; and (c) it confers a benefit.

HB465 was passed during the 2018 legislative session to confer full dental benefits to adults on the Basic Medicaid benefit plan who had previously been limited to palliative and emergency care. This rule change will expand dental benefits to these participants to include the full range of dental benefits available under the Idaho Medicaid program.

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

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

There is an expected increase in General Fund expenditures of \$3.8 million. Medicaid will leverage the current Federal matching rate for the Idaho Medicaid program in addition to the anticipated future offset to the general fund of \$2.5 million from a reduction in emergency dental costs and treatment costs for other medical conditions complicated by lack of access to oral health care for these Medicaid participants. The system changes needed for this project are minimal and can be incorporated into existing operations.

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted because per legislative direction, the effective date for these benefits is July 1, 2018. To meet this time frame, these rules are being submitted as Temporary rules in this Bulletin.

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

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the temporary and proposed rule, contact Cindy Brock, (208) 364-1983.

Anyone may submit written comments regarding the proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before Wednesday, July 25, 2018.

DATED this 5th day of June, 2018.

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

**THE FOLLOWING IS THE TEMPORARY RULE AND THE PROPOSED TEXT
OF DOCKET NO. 16-0309-1802
(Only Those Sections With Amendments Are Shown.)**

399. COVERED SERVICES UNDER BASIC PLAN BENEFITS.

Individuals who are eligible for Medicaid Basic Plan Benefits are eligible for the following benefits, subject to the coverage limitations contained in these rules. Those individuals eligible for services under IDAPA 16.03.10, “Medicaid Enhanced Plan Benefits,” are also eligible for the services covered under this chapter of rules, unless specifically exempted. (5-8-09)

01. Hospital Services. The range of hospital services covered is described in Sections 400 through 449 of these rules. (5-8-09)

a. Inpatient Hospital Services are described in Sections 400 through 406. (3-30-07)

b. Outpatient Hospital Services are described in Sections 410 through 416. (3-30-07)

c. Reconstructive Surgery services are described in Sections 420 through 426. (3-30-07)

d. Surgical procedures for weight loss are described in Sections 430 through 436. (3-30-07)

e. Investigational procedures or treatments are described in Sections 440 through 446. (3-30-07)

02. Ambulatory Surgical Centers. Ambulatory Surgical Center services are described in Sections 450 through 499 of these rules. (5-8-09)

03. Physician Services and Abortion Procedures. Physician services and abortion procedures are described in Sections 500 through 519 of these rules. (5-8-09)

a. Physician services are described in Sections 500 through 506. (3-30-07)

b. Abortion procedures are described in Sections 510 through 516. (3-30-07)

04. Other Practitioner Services. Other practitioner services are described in Sections 520 through 559 of these rules. (5-8-09)

a. Non-physician practitioner services are described in Sections 520 through 526. (7-1-17)

- b. Chiropractic services are described in Sections 530 through 536. (3-30-07)
- c. Podiatrist services are described in Sections 540 through 545. (3-29-12)
- d. Licensed midwife (LM) services are described in Sections 546 through 552. (3-29-12)
- e. Optometrist services are described in Sections 553 through 556. (3-29-12)
- 05. Primary Care Case Management.** Primary care case management services are described in Sections 560 through 579 of these rules. (5-8-09)
- a. Healthy Connections services are described in Sections 560 through 566. (4-4-13)
- 06. Prevention Services.** The range of prevention services covered is described in Sections 580 through 649 of these rules. (4-4-13)
- a. Child Wellness Services are described in Sections 580 through 586. (3-30-07)
- b. Adult Physical Services are described in Sections 590 through 596. (3-30-07)
- c. Screening mammography services are described in Sections 600 through 606. (3-30-07)
- d. Diagnostic Screening Clinic services are described in Sections 610 through 614. (4-4-13)
- e. Additional Assessment and Evaluation services are described in Section 615. (4-4-13)
- f. Health Questionnaire Assessment is described in Section 618. (4-4-13)
- g. Preventive Health Assistance benefits are described in Sections 620 through 626. (5-8-09)
- h. Nutritional services are described in Sections 630 through 636. (3-30-07)
- i. Diabetes Education and Training services are described in Sections 640 through 646. (3-30-07)
- 07. Laboratory and Radiology Services.** Laboratory and radiology services are described in Sections 650 through 659 of these rules. (5-8-09)
- 08. Prescription Drugs.** Prescription drug services are described in Sections 660 through 679 of these rules. (5-8-09)
- 09. Family Planning.** Family planning services are described in Sections 680 through 689 of these rules. (5-8-09)
- 10. Outpatient Behavioral Health Services.** Community-based outpatient services for behavioral health treatment are described in Sections 707 through 711 of these rules. (3-20-14)
- 11. Inpatient Psychiatric Hospital Services.** Inpatient Psychiatric Hospital services are described in Sections 700 through 706. (3-20-14)
- 12. Home Health Services.** Home health services are described in Sections 720 through 729 of these rules. (5-8-09)
- 13. Therapy Services.** Occupational therapy, physical therapy, and speech-language pathology services are described in Sections 730 through 739 of these rules. (5-8-09)
- 14. Audiology Services.** Audiology services are described in Sections 740 through 749 of these rules. (5-8-09)

- 15. Durable Medical Equipment and Supplies.** The range of covered durable medical equipment and supplies is described in Sections 750 through 779 of these rules. (5-8-09)
- a. Durable Medical Equipment and supplies are described in Sections 750 through 756. (3-30-07)
 - b. Oxygen and related equipment and supplies are described in Sections 760 through 766. (3-30-07)
 - c. Prosthetic and orthotic services are described in Sections 770 through 776. (3-30-07)
- 16. Vision Services.** Vision services are described in Sections 780 through 789 of these rules. (5-8-09)
- 17. Dental Services.** The dental services covered ~~under the Basic Plan~~ by Medicaid are covered under a selective contract as described in Section 800 through 819 of these rules. (~~3-29-12~~)(7-1-18)T
- 18. Essential Providers.** The range of covered essential services is described in Sections 820 through 859 of these rules. (5-8-09)
- a. Rural health clinic services are described in Sections 820 through 826. (3-30-07)
 - b. Federally Qualified Health Center services are described in Sections 830 through 836. (3-30-07)
 - c. Indian Health Services Clinic services are described in Sections 840 through 846. (3-30-07)
 - d. School-Based services are described in Sections 850 through 857. (3-20-14)
- 19. Transportation.** The range of covered transportation services is described in Sections 860 through 879 of these rules. (5-8-09)
- a. Emergency transportation services are described in Sections 860 through 866. (3-30-07)
 - b. Non-emergency medical transportation services are described in Sections 870 through 876. (4-4-13)
- 20. EPSDT Services.** EPSDT services are described in Sections 880 through 889 of these rules. (5-8-09)
- 21. Specific Pregnancy-Related Services.** Specific pregnancy-related services are described in Sections 890 through 899 of these rules. (5-8-09)

(BREAK IN CONTINUITY OF SECTIONS)

SUB AREA: DENTAL SERVICES
(Sections 800 - 819)

800. DENTAL SERVICES: SELECTIVE CONTRACT FOR DENTAL COVERAGE.

All participants ~~who are~~ eligible for Medicaid's ~~Basic Plan~~ dental benefits are covered under a selective contract for a dental insurance program called Idaho Smiles at <http://www.healthandwelfare.idaho.gov/Medical/Medicaid/MedicalCare/DentalServices/tabid/696/Default.aspx>. (~~3-29-12~~)(7-1-18)T

801. DENTAL SERVICES: DEFINITIONS.

For the purposes of dental services covered in Sections 800 through 807 of these rules, the following definitions apply: (3-29-12)

- 01. Adult.** A person who is past the month of his twenty-first birthday. (3-29-12)

02. Child. A person from birth through the month of his twenty-first birthday. (3-29-12)

03. Idaho Smiles. A dental insurance program provided to eligible Medicaid participants through a selective contract between the Department and a dental insurance carrier. (3-29-12)

04. ~~Medicare/Medicaid Coordinated Plan (MMCP).~~ ~~Medical assistance in which Medicaid purchases services from a Medicare Advantage Organization (MAO) and provides other Medicaid-only services covered under the Medicaid Basic Plan in accordance with IDAPA 16.03.17, "Medicare/Medicaid Coordinated Plan Benefits."~~ (3-29-12)

802. DENTAL SERVICES: PARTICIPANT ELIGIBILITY.

Children, ~~and~~ adults, ~~and pregnant women on Medicaid's Pregnant Woman (PW) Program who meet the eligibility criteria~~ **eligible** for Medicaid's Basic Plan are eligible for Idaho Smiles dental benefits described in Section 803 of these rules. ~~Participants who are over age twenty-one (21), who are eligible for both Medicare A and Medicare B, and who have chosen to enroll in a Medicare/Medicaid Coordinated Plan (MMCP) under IDAPA 16.03.17, "Medicare/Medicaid Coordinated Plan Benefits," Section 100, receive dental benefits from the MMCP insurance carrier and not from Idaho Smiles.~~ (3-29-12)(7-1-18)T

803. DENTAL SERVICES: COVERAGE AND LIMITATIONS.

Some covered dental services may require authorization from the Idaho Smiles contractor. (3-29-12)

01. Dental Coverage for Children. Children are covered for dental services that include: (3-29-12)

a. ~~P~~**preventative and screenings** problem-focused **and comprehensive** exams, diagnostic, restorative, endodontic (**including root canals and crowns**), periodontic, prosthodontic, ~~and~~ orthodontic treatments, dentures, ~~crowns~~ and oral surgery; (3-29-12)(7-1-18)T

b. ~~Other dental services that are determined medically necessary by the Department, as required by the Early and Periodic Screening and Diagnostic Testing (EPSDT) guidelines specified in Section 1905(r) of the Social Security Act, are also covered.~~ (3-29-12)

02. Children's Orthodontics Limitations. Orthodontics are limited to children who meet the **Basic Plan Medicaid** eligibility requirements, and the Idaho Medicaid Handicapping Malocclusion Index as **evaluated determined** by the state Medicaid dental consultant and the dental insurance **State's** contractor's dental consultant. The Malocclusion Index is found in Appendix A of these rules. (3-29-12)(7-1-18)T

03. Dental Coverage and Limitations for Adults. ~~Adults who are not pregnant are limited to the dental services coverage using the Current Dental Terminology (CDT) codes listed in the following table~~ **Adults are covered for dental services that include:**

TABLE 803.03 - ADULT DENTAL SERVICES CODES	
Dental Code	Description
D0140	Limited oral evaluation. Problem focused
D0220	Intraoral periapical film
D0230	Additional intraoral periapical films
D0330	Panoramic film
D7140	Extraction
D7210	Surgical removal of erupted tooth
D7220	Removal of impacted tooth, soft tissue

TABLE 803.03 - ADULT DENTAL SERVICES CODES	
Dental Code	Description
D7230	Removal of impacted tooth, partially bony
D7240	Removal of impacted tooth, completely bony
D7241	Removal of impacted tooth, with complications
D7250	Surgical removal of residual tooth roots
D7260	Oroantral fistula closure
D7261	Primary closure of sinus perforation
D7285	Biopsy of hard oral tissue
D7286	Biopsy of soft oral tissue
D7450	Excision of malignant tumor <1.25 cm
D7451	Excision of malignant tumor >1.25 cm
D7510	Incision and drainage of abscess
D7511	Incision and drainage of abscess, complicated
D9110	Minor palliative treatment of dental pain
D9220	Deep sedation/anesthesia first 30 minutes
D9221	Regional block anesthesia
D9230	Analgesia, anxiolysis, nitrous oxide
D9241	IV conscious sedation first 30 minutes
D9242	IV conscious sedation each additional 15 minutes
D9248	Non-IV conscious sedation
D9420	Hospital call
D9610	Therapeutic parenteral drug single administration
D9630	Other drugs and/or medicaments by report

(3-29-12)(7-1-18)T

a. Preventative screenings, problem-focused and comprehensive exams, diagnostic, restorative, endodontic services with limitations, periodontics, prosthodontic, dentures, and oral surgery. (7-1-18)T

b. Root canals and crowns are not covered. (7-1-18)T

04. Dental Coverage for Pregnant Women. Pregnant women on Medicaid's Basic, Enhanced, or PW plans are covered for preventative and problem-focused exams, diagnostic, restorative, endodontic, periodontic, and oral surgery benefits. Specific information about pregnant women is available online at dental services at <http://www.healthandwelfare.idaho.gov/Medical/Medicaid/MedicalCare/DentalServices/tabid/696/Default.aspx>. (3-29-12)

054. **Benefit Limitations.** The dental insurance contractor may establish limitations and restrictions for benefits according to the terms of its contract with the Department, in addition to those specified in this rule. (3-29-12)(7-1-18)T

804. DENTAL SERVICES: PROCEDURAL REQUIREMENTS.

Providers must enroll in the Idaho Smiles network with the dental insurance contractor and meet both credentialing

and quality assurance guidelines of the contractor. (3-29-12)

01. Administer Idaho Smiles. The contractor is responsible for administering the Idaho Smiles program, including but not limited to dental claims processing, payments to providers, customer service, eligibility verification, and data reporting. (3-29-12)

02. Authorization. The contractor is responsible for authorization of covered dental services that require authorization prior to claim payment. (3-29-12)

03. Grievances. The contractor is responsible for tracking and reporting all grievances to the State's contract monitor. (7-1-18)T

034. ~~Complaints and Appeals.~~ ~~Complaints and a~~ Appeals are handled ~~through~~ by a process between ~~Idaho Smiles~~ the contractor and the Department ~~that is~~ as specified in IDAPA 16.05.03, "Rules Governing Contested Case Proceedings and Declaratory Rulings," and in compliance with state and federal requirements. (~~3-29-12~~)(7-1-18)T

(BREAK IN CONTINUITY OF SECTIONS)

806. DENTAL SERVICES: PROVIDER REIMBURSEMENT.

The Idaho Smiles administrator reimburses dental providers on a fee-for-service basis under a Department approved fee schedule. The State will collaborate with the contractor to establish rates that promote and ensure adequate access to dental services. (~~3-29-12~~)(7-1-18)T

IDAPA 16 – DEPARTMENT OF HEALTH AND WELFARE

16.03.09 – MEDICAID BASIC PLAN BENEFITS

DOCKET NO. 16-0309-1803

NOTICE OF INTENT TO PROMULGATE RULES – NEGOTIATED RULEMAKING

AUTHORITY: In compliance with Sections 67-5220(1) and 67-5220(2), Idaho Code, notice is hereby given that this agency intends to promulgate rules and desires public comment prior to initiating formal rulemaking procedures. This negotiated rulemaking action is authorized pursuant to Sections 56-202(b), 56-264, and 56-1610, Idaho Code.

MEETING SCHEDULE: Public meetings on the negotiated rulemaking will be held as follows:

****FOR PROVIDERS & STAKEHOLDERS****

NEGOTIATED RULEMAKING PUBLIC MEETING (LIVE)
Tuesday, July 17, 2018 - 3:00-4:30 pm (MDT)

**Department of Health & Welfare
Medicaid Central Office
3232 Elder Street
Conference Room D (East and West)
Boise, ID 83705**

VIDEOCONFERENCE OPTIONS

Wednesday, JULY 11, 2018, 12:00 - 1:30 p.m. (PDT)

- 1120 Ironwood Dr., Ste. 102, Coeur d'Alene, ID 83814 - Large Conf. Rm.
 - 2604 16th Ave. ITP-DD Site, Lewiston ID 83501 - NW Conf. Rm.
-

Thursday, JULY 12, 2018, 1:00 - 2:30 p.m. (MDT)

- 6010 Pole Line Rd., Twin Falls, ID 83301 - FACS Conf. Rm. B
-

Monday, JULY 16, 2018, 1:00 - 2:30 p.m. (MDT)

- 701 E. Alice St., Blackfoot, ID 83221 - Service Complex Classroom
 - 1070 Hiline Rd., Pocatello, ID 83201 - Conf. Rm. 230
-

Monday, JULY 16, 2018, 3:00 - 4:30 p.m. (MDT)

- 150 Shoup Ave. Ste. 17, Rm 240, Idaho Falls, ID 83401 - CFS Lg. Conf. Rm.
-

Tuesday, JULY 17, 2018, 1:00 - 2:30 p.m. (MDT)

- 3402 Franklin Rd., Caldwell, ID 83605 - Rm. 226 - Owyhee - BH
 - 823 Park Centre Way, Nampa, ID 83651 - Conf. Rm. 173
-

Tuesday, JULY 17, 2018, 3:00 - 4:30 p.m. (MDT)

- 3232 Elder St., Boise, ID 83705 - Conf. Rm. D East & West
 - 1720 Westgate Dr., Suite D, Boise, ID 83704 - Conf. Rm. Side B
-

****FOR FAMILIES****

NEGOTIATED RULEMAKING PUBLIC MEETING (LIVE)
Tuesday, July 17, 2018 - 5:30-7:00pm (MDT)

Department of Health & Welfare
Medicaid Central Office
3232 Elder Street
Conference Room D (East and West)
Boise, ID 83705

VIDEOCONFERENCE OPTIONS

Wednesday, JULY 11, 2018, 5:30 - 7:00 p.m. (PDT) and 6:30 - 8:00 p.m. (MDT)

- 1120 Ironwood Dr., Ste. 102, Coeur d'Alene, ID 83814 - Large Conf. Rm.
- 2604 16th Ave. ITP-DD Site, Lewiston ID 83501 - NW Conf. Rm.
- 3402 Franklin Rd., Caldwell, ID 83605 - Rm. 353 - Owyhee - FACS
- 823 Park Centre Way, Nampa, ID 83651 - Conf. Rm. 173

Thursday, JULY 12, 2018, 6:00 - 7:30 p.m. (MDT)

- 6010 Pole Line Rd., Twin Falls, ID 83301 - FACS Conf. Rm. B
- 1070 Hiline Rd., Pocatello, ID 83201 - Conf. Rm. 230
- 701 E. Alice St., Blackfoot, ID 83221 - Service Complex Classroom

Monday, JULY 16, 2018, 5:30 - 7:00 p.m. (MDT)

- 150 Shoup Ave. Ste. 17, Rm 240, Idaho Falls, ID 83401 - CFS Lg. Conf. Rm.

Tuesday, JULY 17, 2018, 5:30 - 7:00 p.m. (MDT)

- 3232 Elder St., Boise, ID 83705 - Conf. Rm. D East & West
- 1720 Westgate Dr., Suite D, Boise, ID 83704 - Conf. Rm. Side B

CHILDREN'S DD ENHANCEMENT - INTERVENTION SERVICES
MOVING INTO THE STATE PLAN, ENHANCED PROVIDER QUALIFICATIONS

METHOD OF PARTICIPATION: Persons wishing to participate in the negotiated rulemaking may do any of the following:

1. Attend or call in to the negotiated rulemaking meetings as scheduled above;
2. Provide oral or written recommendations, or both, at the negotiated rulemaking meetings; or
3. Submit written recommendations and comments to this address on or before Wednesday, July 25, 2018:

Send to:
Idaho Department of Health and Welfare
Division of Medicaid
Attn: Carolyn Burt or Angie Williams
Medicaid Program Policy Analysts
P.O. Box 83720
Boise, ID 83720-0009

Hand deliver to:
Idaho Department of Health and Welfare
Division of Medicaid
Attn: Carolyn Burt or Angie Williams
Medicaid Program Policy Analysts
3232 Elder Street
Boise, ID 83705

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

The Department invites interested stakeholders to participate in negotiated rulemaking in these Chapters: IDAPA 16.03.09, “Medicaid Basic Plan Benefits” and IDAPA 16.03.10, “Medicaid Enhanced Plan Benefits.” The purpose of these negotiated rulemaking meetings is to revise these rules regarding intervention services for children with developmental disabilities or a demonstrated need for these services, adding to the allowed provider qualifications for intervention services, and describing revisions related to the transition.

CONTACT INFORMATION, WEB ADDRESS, ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:

For assistance on technical questions concerning this negotiated rulemaking, contact Carolyn Burt at (208) 287-1174 or Angie Williams at (208) 287-1169.

Materials pertaining to the negotiated rulemaking for this docket, including any available preliminary rule drafts, can be found on the Department’s main Medicaid webpage at <http://healthandwelfare.idaho.gov/Medical/Medicaid/tabid/123/Default.aspx>, in the “Rulemaking” section of the right-hand column under the “2018” dropdown.

All written comments on the negotiated rules must be directed to the contact person specified above under “Method of Participation” and must be delivered on or before Wednesday, July 25, 2018.

DATED this 5th day of June, 2018.

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

IDAPA 16 – DEPARTMENT OF HEALTH AND WELFARE

16.03.09 – MEDICAID BASIC PLAN BENEFITS

DOCKET NO. 16-0309-1804

NOTICE OF INTENT TO PROMULGATE RULES – NEGOTIATED RULEMAKING

AUTHORITY: In compliance with Sections 67-5220(1) and 67-5220(2), Idaho Code, notice is hereby given that this agency intends to promulgate rules and desires public comment prior to initiating formal rulemaking procedures. This negotiated rulemaking action is authorized pursuant to Sections 56-202(b), 56-264, 56-1610, Idaho Code.

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

PUBLIC (LIVE) MEETING
Wednesday, July 25, 2018 - 10:00 a.m. (MDT)
Department of Health & Welfare Medicaid Central Office 3232 Elder Street Conference Room D-East Boise, ID 83705
TELECONFERENCE CALL-IN 9:00 a.m. (PDT) / 10:00 a.m. (MDT)
Toll Free: 1 (877) 820-7831 Participant Code: 701700

MEDICAID -- LABORATORY AND RADIOLOGY SERVICES

METHOD OF PARTICIPATION: Persons wishing to participate in the negotiated rulemaking may do any of the following:

1. Attend or call in to the negotiated rulemaking meeting as scheduled above;
2. Provide oral or written recommendations, or both, at the negotiated rulemaking meeting; or
3. Submit written recommendations and comments to this address on or before Friday, July 27, 2018:

Send to:
Idaho Department of Health and Welfare
Division of Medicaid
Attn: William Deseron, Policy Analyst
P.O. Box 83720
Boise, ID 83720-0009

Hand deliver to:
Idaho Department of Health and Welfare
Division of Medicaid
Attn: William Deseron, Policy Analyst
3232 Elder Street
Boise, ID 83705

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

The Department invites interested stakeholders to participate in negotiated rulemaking for this chapter, IDAPA 16.03.09, "Medicaid Basic Plan Benefits." The purpose of this docket is to update and revise rules for laboratory and radiology services to ensure quality of care.

CONTACT INFORMATION, WEB ADDRESS, ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:

For assistance on technical questions concerning this negotiated rulemaking, contact William Deseron at (208) 364-1967 or e-mail: William.Deseron@dhw.idaho.gov.

Materials pertaining to the negotiated rulemaking for this docket, including any available preliminary rule drafts, can be found on the Department's main Medicaid webpage at <http://healthandwelfare.idaho.gov/Medical/Medicaid/tabid/123/Default.aspx>, in the "Rulemaking" section of the right-hand column under the "2018" dropdown.

All written comments on the negotiated rules must be directed to the contact person specified above under "Method of Participation" and must be delivered on or before Friday, July 27, 2018.

DATED this 5th day of June, 2018.

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

IDAPA 16 – DEPARTMENT OF HEALTH AND WELFARE

16.03.09 – MEDICAID BASIC PLAN BENEFITS

DOCKET NO. 16-0309-1805

NOTICE OF INTENT TO PROMULGATE RULES – NEGOTIATED RULEMAKING

AUTHORITY: In compliance with Sections 67-5220(1) and 67-5220(2), Idaho Code, notice is hereby given that this agency intends to promulgate rules and desires public comment prior to initiating formal rulemaking procedures. This negotiated rulemaking action is authorized pursuant to Sections 56-202(b), 56-264, 56-1610, Idaho Code.

MEETING SCHEDULE: Public meetings on the negotiated rulemaking will be held as follows:

PUBLIC (LIVE) MEETINGS
Tuesday, July 17, 2018 - 8:00 am (MDT) Friday, July 20, 2018 - 8:00 am (MDT)
Department of Health & Welfare Medicaid Central Office 3232 Elder Street Conference Room D (East and West) Boise, ID 83705
TELECONFERENCE CALL-IN (both meetings) 7:00 am (PDT) / 8:00 am (MDT)
Toll Free: 1 (877) 820-7831 Participant Code: 701700

MEDICAID -- PRIMARY CARE CASE MANAGEMENT -- REGIONAL CARE ORGANIZATIONS

METHOD OF PARTICIPATION: Persons wishing to participate in the negotiated rulemaking may do any of the following:

1. Attend or call in to the negotiated rulemaking meetings as scheduled above;
2. Provide oral or written recommendations, or both, at the negotiated rulemaking meetings; or
3. Submit written recommendations and comments to this address on or before Friday, July 27, 2018:

Send to:

Idaho Department of Health and Welfare
Division of Medicaid
Attn: Cindy Brock, Alternate Care Coordinator
P.O. Box 83720
Boise, ID 83720-0009

Hand deliver to:

Idaho Department of Health and Welfare
Division of Medicaid
Attn: Cindy Brock, Alternate Care Coordinator
3232 Elder Street
Boise, ID 83705

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

The Department invites interested stakeholders to participate in negotiated rulemaking for this chapter, IDAPA 16.03.09, "Medicaid Basic Plan Benefits." Public input is needed on proposed rule changes to implement a fixed enrollment process for shared savings reimbursement for Healthy Connections and Regional Care Organizations (RCOs).

CONTACT INFORMATION, WEB ADDRESS, ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:

For assistance on technical questions concerning this negotiated rulemaking, contact Cindy Brock at (208) 364-1983 or e-mail: Cindy.Brock@dhw.idaho.gov.

Materials pertaining to the negotiated rulemaking for this docket, including any available preliminary rule drafts, can be found on the Department's main Medicaid webpage at <http://healthandwelfare.idaho.gov/Medical/Medicaid/tabid/123/Default.aspx>, in the "Rulemaking" section of the right-hand column under the "2018" dropdown.

All written comments on the negotiated rules must be directed to the contact person specified above under "Method of Participation" and must be delivered on or before Friday, July 27, 2018.

DATED this 5th day of June, 2018.

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

IDAPA 16 – DEPARTMENT OF HEALTH AND WELFARE

16.03.09 – MEDICAID BASIC PLAN BENEFITS

DOCKET NO. 16-0309-1806

NOTICE OF INTENT TO PROMULGATE RULES – NEGOTIATED RULEMAKING

AUTHORITY: In compliance with Sections 67-5220(1) and 67-5220(2), Idaho Code, notice is hereby given that this agency intends to promulgate rules and desires public comment prior to initiating formal rulemaking procedures. This negotiated rulemaking action is authorized pursuant to Sections 56-202(b), 56-264, 56-1610, Idaho Code.

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

PUBLIC (LIVE) MEETING
Wednesday, July 11, 2018 - 9:30 am (MDT)
Department of Health & Welfare Medicaid Central Office 3232 Elder Street Conference Room D-East Boise, ID 83705
TELECONFERENCE CALL-IN 8:30 am (PDT) / 9:30 am (MDT)
Toll Free: 1 (877) 820-7831 Participant Code: 701700

MEDICAID -- PHARMACY

METHOD OF PARTICIPATION: Persons wishing to participate in the negotiated rulemaking may do any of the following:

1. Attend or call in to the negotiated rulemaking meeting as scheduled above;
2. Provide oral or written recommendations, or both, at the negotiated rulemaking meeting; or
3. Submit written recommendations and comments to this address on or before Wednesday, July 25, 2018:

Send to:
Idaho Department of Health and Welfare
Division of Medicaid
Attn: Clay Lord, Policy Analyst
P.O. Box 83720
Boise, ID 83720-0009

Hand deliver to:
Idaho Department of Health and Welfare
Division of Medicaid
Attn: Clay Lord, Policy Analyst
3232 Elder Street
Boise, ID 83705

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

These changes are to comply with Centers for Medicare and Medicaid Services (CMS) Covered Outpatient Drugs final rule and to align with IDAPA 16.03.09 with corresponding CMS approved changes made to the Idaho State Plan. This docket will update coverage detail regarding reimbursable and excluded drugs, clarify the preferred drug list and prior authorization process, as well as update maintenance drugs that can be dispensed in a three-month supply.

CONTACT INFORMATION, WEB ADDRESS, ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:

For assistance on technical questions concerning this negotiated rulemaking, contact Clay Lord at (208) 364-1979 or e-mail: Clay.Lord@dhw.idaho.gov.

Materials pertaining to the negotiated rulemaking for this docket, including any available preliminary rule drafts, can be found on the Department's main Medicaid webpage at <http://healthandwelfare.idaho.gov/Medical/Medicaid/tabid/123/Default.aspx>, in the "Rulemaking" section of the right-hand column under the "2018" dropdown.

All written comments on the negotiated rules must be directed to the contact person specified above under "Method of Participation" and must be delivered on or before Wednesday, July 25, 2018.

DATED this 5th day of June, 2018.

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

IDAPA 16 – DEPARTMENT OF HEALTH AND WELFARE

16.03.09 – MEDICAID BASIC PLAN BENEFITS

DOCKET NO. 16-0309-1807

NOTICE OF INTENT TO PROMULGATE RULES – NEGOTIATED RULEMAKING

AUTHORITY: In compliance with Sections 67-5220(1) and 67-5220(2), Idaho Code, notice is hereby given that this agency intends to promulgate rules and desires public comment prior to initiating formal rulemaking procedures. This negotiated rulemaking action is authorized pursuant to Sections 56-202(b), 56-264, 56-1610, Idaho Code.

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

PUBLIC (LIVE) MEETING
Wednesday, July 11, 2018 - 9:30 am (MDT)
Department of Health & Welfare Medicaid Central Office 3232 Elder Street Conference Room D-East Boise, ID 83705
TELECONFERENCE CALL-IN 8:30 am.(PDT) / 9:30 am (MDT)
Toll Free: 1 (877) 820-7831 Participant Code: 701700

MEDICAID -- NON-EMERGENCY MEDICAL TRANSPORTATION (NEMT) PROGRAM

METHOD OF PARTICIPATION: Persons wishing to participate in the negotiated rulemaking may do any of the following:

1. Attend or call in to the negotiated rulemaking meeting as scheduled above;
2. Provide oral or written recommendations, or both, at the negotiated rulemaking meeting; or
3. Submit written recommendations and comments to this address on or before Wednesday, July 25, 2018:

Send to:
Idaho Department of Health and Welfare
Division of Medicaid
Attn: Clay Lord, Policy Analyst
P.O. Box 83720
Boise, ID 83720-0009

Hand deliver to:
Idaho Department of Health and Welfare
Division of Medicaid
Attn: Clay Lord, Policy Analyst
3232 Elder Street
Boise, ID 83705

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

The Department invites interested stakeholders to participate in negotiated rulemaking for this chapter, IDAPA 16.03.09, "Medicaid Basic Plan Benefits." In House Bill 695 (2018), the Legislature directed the Division of Medicaid to implement processes to improve the Non-Emergency Medical Transportation (NEMT) program. These processes will include developing and implementing a provider training program and conducting a rate review process to set reimbursement rates at a level that will enhance service quality and participant access. The rules being proposed would add participation in provider training programs and rate-setting activities to the duties of the transportation broker described in this chapter.

**CONTACT INFORMATION, WEB ADDRESS, ASSISTANCE ON TECHNICAL QUESTIONS,
SUBMISSION OF WRITTEN COMMENTS:**

For assistance on technical questions concerning this negotiated rulemaking, contact Clay Lord at (208) 364-1979 or e-mail: Clay.Lord@dhw.idaho.gov.

Materials pertaining to the negotiated rulemaking for this docket, including any available preliminary rule drafts, can be found on the Department's main Medicaid webpage at <http://healthandwelfare.idaho.gov/Medical/Medicaid/tabid/123/Default.aspx>, in the "Rulemaking" section of the right-hand column under the "2018" dropdown.

All written comments on the negotiated rules must be directed to the contact person specified above under "Method of Participation" and must be delivered on or before Wednesday, July 25, 2018.

DATED this 5th day of June, 2018.

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

IDAPA 16 – DEPARTMENT OF HEALTH AND WELFARE

16.03.09 – MEDICAID BASIC PLAN BENEFITS

DOCKET NO. 16-0309-1808

NOTICE OF INTENT TO PROMULGATE RULES – NEGOTIATED RULEMAKING

AUTHORITY: In compliance with Sections 67-5220(1) and 67-5220(2), Idaho Code, notice is hereby given that this agency intends to promulgate rules and desires public comment prior to initiating formal rulemaking procedures. This negotiated rulemaking action is authorized pursuant to Sections 56-202(b), 56-264, 56-1610, Idaho Code.

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

PUBLIC (LIVE) MEETING	
Friday, July 20, 2018 - 1:00 pm (MDT)	
Department of Health & Welfare Medicaid Central Office 3232 Elder Street Conference Room D East & West Boise, ID 83705	
Via VIDEO CONFERENCE	
12:00 pm (PDT)	1:00 pm (MDT)
Northern Idaho - Department of Health & Welfare Region 1 Office 1250 Ironwood Drive Suite 102 Lower Level - Large Conference Room Coeur d'Alene, ID 83814	Eastern Idaho - Department of Health & Welfare Region 6 Office 1070 Hiline Road (Brown Brick Building) Second Floor - Suite 230 VC Conference Room Pocatello, ID 83201

MEDICAID -- SCHOOL-BASED SERVICES -- YES

METHOD OF PARTICIPATION: Persons wishing to participate in the negotiated rulemaking may do any of the following:

1. Attend or call in to the negotiated rulemaking meeting as scheduled above;
2. Provide oral or written recommendations, or both, at the negotiated rulemaking meeting; or
3. Submit written recommendations and comments to this address on or before Wednesday, July 25, 2018:

Send to:
Idaho Department of Health and Welfare
Division of Medicaid
Attn: Angie Williams, Policy Analyst
P.O. Box 83720
Boise, ID 83720-0009

Hand deliver to:
Idaho Department of Health and Welfare
Division of Medicaid
Attn: Angie Williams, Policy Analyst
3232 Elder Street
Boise, ID 83705

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

The Department invites interested stakeholders to participate in negotiated rulemaking in this chapter, IDAPA 16.03.09, "Medicaid Basic Plan Benefits." The purpose of this negotiated rulemaking meeting is to revise the rules for School-Based Services to align the Community Based Rehabilitation Services (CBRS) definition with the Youth Empowerment Services (YES) Project and allow school personnel to participate in the Child and Family Team (CFT) meetings.

CONTACT INFORMATION, WEB ADDRESS, ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:

For assistance on technical questions concerning this negotiated rulemaking, contact Angie Williams at (208) 287-1169 or e-mail: Angie.Williams@dhw.idaho.gov.

Materials pertaining to the negotiated rulemaking for this docket, including any available preliminary rule drafts, can be found on the Department's School-Based Services Medicaid webpage at <http://healthandwelfare.idaho.gov/Medical/Medicaid/School-BasedServices/tabid/1587/Default.aspx>, in the "Rulemaking" section of the right-hand column.

All written comments on the negotiated rules must be directed to the contact person specified above under "Method of Participation" and must be delivered on or before Wednesday, July 25, 2018.

DATED this 8th day of June, 2018.

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

IDAPA 16 – DEPARTMENT OF HEALTH AND WELFARE

16.03.10 – MEDICAID ENHANCED PLAN BENEFITS

DOCKET NO. 16-0310-1805

NOTICE OF RULEMAKING – TEMPORARY AND PROPOSED RULE

EFFECTIVE DATE: The effective date of the temporary rule is July 1, 2018.

AUTHORITY: In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a temporary rule, and proposed rulemaking procedures have been initiated. The action is authorized pursuant to Sections 56-202, 56-264, and 56-1610, Idaho Code, and Titles XIX and XXI of the Social Security Act and Title 56, Chapter 1, Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than July 18, 2018.

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

DESCRIPTIVE SUMMARY: The following is the required finding and concise statement of its supporting reasons for adopting a temporary rule and a nontechnical explanation of the substance and purpose of the proposed rulemaking:

Idaho Medicaid was directed during the 2018 session of the Idaho Legislature by passage of House Bill 465 to implement comprehensive dental benefits to all Idaho Medicaid participants.

TEMPORARY RULE JUSTIFICATION: Pursuant to Sections 67-5226(1)(a) and (c), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate for the following reasons: (a) it is necessary to protect the public health, safety, or welfare; and (c), conferring a benefit.

HB465 was passed during the 2018 legislative session to confer full dental benefits to adults on the Basic Medicaid benefit plan who had previously been limited to palliative and emergency care. This rule change will expand dental benefits to these participants to include the full range of dental benefits available under the Idaho Medicaid program.

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

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

There is an expected increase in General Fund expenditures of \$3.8 million. Medicaid will leverage the current Federal matching rate for the Idaho Medicaid program in addition to the anticipated future offset to the general fund of \$2.5 million from a reduction in emergency dental costs and treatment costs for other medical conditions complicated by lack of access to oral health care for these Medicaid participants. The system changes needed for this project are minimal and can be incorporated into existing operations.

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted because per legislative direction, the effective date for these benefits is July 1, 2018. To meet this time frame, these rules are being submitted as Temporary rules in this Bulletin.

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

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the temporary and proposed rule, contact Cindy Brock, (208) 364-1983.

Anyone may submit written comments regarding the proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before Wednesday, July 25, 2018.

DATED this 5th day of June, 2018.

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

**THE FOLLOWING IS THE TEMPORARY RULE AND THE PROPOSED TEXT
OF DOCKET NO. 16-0310-1805
(Only Those Sections With Amendments Are Shown.)**

001. TITLE AND SCOPE.

01. Title. The title of these rules is IDAPA 16.03.10, “Medicaid Enhanced Plan Benefits.” (3-19-07)

02. Scope. These rules establish the Medicaid Enhanced Plan Benefits covered under Title XIX and Title XXI. Participants who are eligible for Enhanced Plan Benefits are also eligible for benefits under IDAPA 16.03.09, “Medicaid Basic Plan Benefits.” ~~Dental services for the Medicaid Enhanced Plan are covered under Sections 080 through 087 of these rules.~~ ~~Dental benefits and~~ outpatient behavioral health benefits are contained in IDAPA 16.03.09. “Medicaid Basic Plan Benefits.” (4-11-15)(7-1-18)T

03. Scope of Reimbursement System Audits. These rules also provide for the audit of providers’ claimed costs against these rules and Medicare standards. The Department reserves the right to audit financial and other records of the provider, and, when warranted, the records of entities related to the provider. Audits consist of the following types of records: (3-19-07)

- a.** Cost verification of actual costs for providing goods and services; (3-19-07)
- b.** Evaluation of provider’s compliance with the provider agreement, reporting form instructions, and any applicable law, rule, or regulation; (3-19-07)
- c.** Effectiveness of the service to achieve desired results or benefits; and (3-19-07)
- d.** Reimbursement rates or settlement calculated under this chapter. (3-19-07)

04. Exception to Scope for Audits and Investigations. Audits as described in these rules do not apply to the audit processes used in conducting investigations of fraud and abuse under IDAPA 16.05.07, “Investigation and Enforcement of Fraud, Abuse, and Misconduct.” (3-19-07)

(BREAK IN CONTINUITY OF SECTIONS)

075. ENHANCED PLAN BENEFITS: COVERED SERVICES.

Individuals who are eligible for the Medicaid Enhanced Plan Benefits are eligible for all benefits covered under IDAPA 16.03.09, “Medicaid Basic Plan Benefits.” In addition to those benefits, individuals in the enhanced plan are eligible for the following enhanced benefits as provided for in this chapter of rules. (4-11-15)

- 01. Dental Services.** Dental Services are *provided as* described *under Sections 080 through 089 of these rules* in IDAPA 16.03.09, “Medicaid Basic Plan Benefits.” (3-29-12)(7-1-18)T
- 02. Enhanced Hospital Benefits.** Organ transplants are provided under the Enhanced Hospital services as described in Sections 090 through 099 of these rules. (3-19-07)
- 03. Enhanced Outpatient Behavioral Health Benefits.** Enhanced Outpatient Behavioral Health services are described in IDAPA 16.03.09, “Medicaid Basic Plan Benefits.” (3-20-14)
- 04. Enhanced Home Health Benefits.** Private Duty Nursing services are provided under the Enhanced Home Health as described in Sections 200-219 of these rules. (3-19-07)
- 05. Therapies.** Physical, Speech, and Occupational Therapy Providers as described in Section 215 of these rules. (3-19-07)
- 06. Long Term Care Services.** The following services are provided under the Long Term Care Services. (3-30-07)
- a.** Nursing Facility Services as described in Sections 220 through 299 of these rules. (3-19-07)
- b.** Personal Care Services as described in Sections 300 through 308 of these rules. (3-30-07)
- c.** A & D Wavier Services as described in Sections 320 through 330 of these rules. (3-30-07)
- 07. Hospice.** Hospice services as described in Sections 450 through 459 of these rules. (3-19-07)
- 08. Developmental Disabilities Services.** (3-19-07)
- a.** Children’s Developmental Disability Services as described in Sections 520 through 528, 660 through 666, and 680 through 686 of these rules. (7-1-13)
- b.** Adult Developmental Disabilities Services as described in Sections 507 through 519, 645 through 657, and 700 through 706 of these rules. (7-1-16)
- c.** ICF/ID as described in Sections 580 through 649 of these rules. (3-19-07)
- 09. Service Coordination Services.** Service coordination as described in 720 through 779 of these rules. (3-19-07)
- 10. Breast and Cervical Cancer Program.** Breast and Cervical Cancer Program is described in Sections 780 through 800 of these rules. (3-19-07)

076. -- 0789. (RESERVED)

080. DENTAL SERVICES: SELECTIVE CONTRACT FOR DENTAL COVERAGE.

All participants who are eligible for Medicaid’s Enhanced Plan dental benefits are covered under a selective contract for a dental insurance program called Idaho Smiles at <http://www.healthandwelfare.idaho.gov/Medical/Medicaid/MedicalCare/DentalServices/tabid/696/Default.aspx>. (3-29-12)

081. DENTAL SERVICES: DEFINITIONS.

For the purposes of dental services covered in Sections 080 through 087 of these rules, the following definitions apply: (3-29-12)

- 01. Adult.** *A person who is past the month of his twenty-first birthday.* (3-29-12)
- 02. Child.** *A person from birth through the month of his twenty-first birthday.* (3-29-12)

~~03. **Idaho Smiles.** A dental insurance program provided to eligible Medicaid participants through a selective contract between the Department and a dental insurance carrier. (3-29-12)~~

~~082. **DENTAL SERVICES: PARTICIPANT ELIGIBILITY.**~~

~~All children and adults participating in Medicaid's Enhanced Plan are eligible for Idaho Smiles dental benefits described in Section 083 of these rules. (4-11-15)~~

~~083. **DENTAL SERVICES: COVERAGE AND LIMITATIONS.**~~

~~Some covered dental services may require authorization from the Idaho Smiles contractor. (3-29-12)~~

~~01. **Dental Coverage for Children.** Children are covered for dental services that include: (3-29-12)~~

~~a. Medically necessary preventive and problem-focused exams, diagnostic and restorative services, treatment for conditions of the gums and dental pulp, braces and other orthodontic treatments, dentures, crowns, and oral surgery; and (4-11-15)~~

~~b. Other dental services as required by the Early and Periodic Screening and Diagnostic Testing (EPSDT) guidelines specified in Section 1905(r) of the Social Security Act. (4-11-15)~~

~~02. **Children's Orthodontics Limitations.** Orthodontics are limited to children who meet the Enhanced Plan eligibility requirements, and the Idaho Medicaid Handicapping Malocclusion Index as evaluated by the state Medicaid dental consultant and the dental insurance contractor's dental consultant. The Malocclusion Index is found in Appendix A of these rules. (3-29-12)~~

~~03. **Dental Coverage for Adults.** Adults are covered for medically necessary preventive and problem-focused exams, diagnostic and restorative services, treatment for conditions of the gums and dental pulp, dentures, oral surgery, and adjunctive dental services within the limits of coverage established by the Department. (4-11-15)~~

~~04. **Benefit Limitations.** The dental insurance contractor may establish limitations and restrictions for benefits according to the terms of its contract with the Department. (3-29-12)~~

~~084. **DENTAL SERVICES: PROCEDURAL REQUIREMENTS.**~~

~~Providers must enroll in the Idaho Smiles network with the dental insurance contractor and meet both credentialing and quality assurance guidelines of the contractor. (3-29-12)~~

~~01. **Administer Idaho Smiles.** The contractor is responsible for administering the Idaho Smiles program, including but not limited to dental claims processing, payments to providers, customer service, eligibility verification, and data reporting. (3-29-12)~~

~~02. **Authorization.** The contractor is responsible for authorization of covered dental services that require authorization prior to claim payment. (3-29-12)~~

~~03. **Complaints and Appeals.** Complaints and appeals are handled through a process between Idaho Smiles and the Department that is in compliance with state and federal requirements. (3-29-12)~~

~~085. **DENTAL SERVICES: PROVIDER QUALIFICATIONS AND DUTIES.**~~

~~Providers are credentialed by the contractor to ensure they meet licensing requirements of the Idaho Board of Dentistry standards. Providers' duties are based on the contract requirements and are monitored and enforced by the contractor. (3-29-12)~~

~~086. **DENTAL SERVICES: PROVIDER REIMBURSEMENT.**~~

~~The Idaho Smiles administrator reimburses dental providers on a fee-for-service basis under a Department approved fee schedule. (3-29-12)~~

~~087. **DENTAL SERVICES: QUALITY ASSURANCE.**~~

~~Providers are subject to the contractor's Quality Assurance guidelines including monitoring for potential fraud,~~

~~overutilization, or abuse of Medicaid. The contractor is required to share such potential cases with the Medicaid Fraud Unit as discovered.~~ (3-29-12)

~~088. — 089.~~ (RESERVED)

(BREAK IN CONTINUITY OF SECTIONS)

624. ICF/ID: CAPPED COST.

Beginning October 1, 1996, this cost area includes all allowable costs except those specifically identified as property costs in Section 623 of these rules and exempt costs or excluded costs in Section 627 or 628 of these rules. This Section defines items and procedures to be followed in determining allowable and exempt costs and provides the procedures for extracting cost data from historical cost reports, applying a cost forecasting market basket to project cost forward, procedures to be followed to project costs forward, and procedures for computing the median of the range of costs and the ICF/ID cap. (3-19-07)

01. Costs Subject to the Cap. Items subject to the cap include all allowable costs except property costs identified in Section 623 of these rules and exempt costs or excluded costs identified in Section 627 or 628 of these rules. Property costs related to a home office are administrative costs, will not be reported as property costs, and are subject to the cap. (3-19-07)

02. Per Diem Costs. Costs to be included in this category will be divided by the total participant days for the facility for the cost reporting period to arrive at allowable per diem costs. If costs for services provided some or all non-Medicaid residents are not included in the total costs submitted, the provider must determine the costs and combine them with the submitted costs in order that a total per diem cost for that facility can be determined both for both the purposes of determining the ICF/ID cap and of computing final reimbursement. (3-19-07)

03. Cost Data to Determine the Cap. Cost data to be used to determine the cap for ICF/ID facilities will be taken from each provider's most recent final cost report available sixty (60) days before the beginning of the period for which the cap is being set. Cost reports are final when the final audit report is issued, or earlier if the Department informs the facility the report is final for rate setting purposes. The selected final cost report will be used to establish the facility's prospective reimbursement rate. However, the final cost reports covering a period of less than twelve (12) months will be included in the data for determining the cap at the option of the Department. (3-19-07)

04. Projection. Per diem allowable costs will be inflated forward using a cost forecasting market basket and forecasting indices according to the same table as used for free standing facilities. (3-19-07)

a. The projection method used in Section 624 of these rules to set the cap will also be used to set non property portions of the prospective rate that are not subject to the cap. (3-19-07)

b. Forecasting indices as developed by Data Resources, Incorporated, will be used unless they are unavailable. In such case, indices supplied by some other nationally recognized forecaster will be used. (3-19-07)

05. Costs That Can be Paid Directly by the Department to Non ICF/ID Providers. Costs that can be paid directly by the Department to non ICF/ID providers are excluded from the ICF/ID prospective rates and ICF/ID cap: (3-19-07)

a. Direct physician care costs. Physicians who provide these services must bill the Medicaid program directly using their own provider numbers. (3-19-07)

b. Costs of services covered under the Early and Periodic Screening Diagnosis and Treatment (EPSDT) portion of the Medicaid Program. Items such as eyeglasses and hearing aids are covered under IDAPA 16.03.09, "Medicaid Basic Plan Benefits." ~~Dental services provided to EPSDT participants who are under the age of twenty-one (21) and who reside in an ICF/ID, are covered under Sections 080 through 085 of these rules.~~ The cost of these services is not includable as a part of ICF/ID costs. Reimbursement can be made to a professional providing

these services through his billing the Medicaid Program on his own provider number.

~~(5-8-09)~~(7-1-18)T

c. Costs of services covered by other parts of the Medicaid Program. Examples of these items include legend drugs and ambulance transportation. These items must be billed to the Medicaid Program directly by the provider using his own provider number. (3-19-07)

06. Cost Projection. Allowable per diem costs will be projected forward from the midpoint of the Base Period to the midpoint of the Target Period. "Base Period" is defined as the last available final cost report period. "Target Period" is defined as the effective period of the prospective rate. Procedures for inflating these costs are as follows: (3-19-07)

a. The percentage change for each cost category in the market basket will be computed from the beginning to the end of the Base Period. These percentages will then be divided by two (2) and the resultant percentages will be used to project forward allowable per diem costs for each cost category from the midpoint to the end of the Base Period. (3-19-07)

b. The percentage change for each cost category in the market basket will be computed for the period from the end of the Base Period to the beginning of the Target Period. These percentages will then be used to project forward the allowable per diem costs for each cost category, as determined in Subsection 624.06.a. of these rules, from the end of the Base Period to the beginning of the Target Period. (3-19-07)

c. The percentage change for each cost category in the market basket will be computed for the beginning to the end of the Target Period. These percentages will then be divided by two (2) and the resultant percentages will be used to project forward the allowable per diem costs as determined in Subsection 624.06.b. of these rules from the beginning to the midpoint of the Target Period. (3-19-07)

07. Cost Ranking. Prior to October 1st of each year the Director will determine the that percent above the median that will assure aggregate payments to ICF/ID providers will approximate but not exceed amounts that would be incurred using Medicare cost principles of reimbursement. That percentage will apply to caps and rates set after September 30th of each year. Projected per diem costs as determined in this section and subject to the cap will be ranked from the highest to the lowest. The cap will be set at a percent of the bed-weighted median for each rate period. The initial cap will be set as of October 1, 1996. (3-19-07)

a. The median of the range will be computed based on the available data points being considered as the total population of data points. (3-19-07)

b. The cap for each ICF/ID facility with a fiscal year beginning October 1, 1996, will be computed prior to the beginning of that year. For those facilities with a fiscal year ending on a date other than September 30th, the first cap will be computed for the period beginning October 1, 1996, and ending on the fiscal year end date. (3-19-07)

c. Facilities with cost reports that transcend the period from October 1, 1996, through September 30, 1997, will be retrospectively settled using the previous reimbursement system for the period of the report up to September 30, 1996. There will not be a retrospective settlement on the portion of these cost reports attributed to October 1, 1996 through the end of the cost report period unless provisions of Section 626 of these rules apply. (3-19-07)

d. Cost reports for periods beginning on or after October 1, 1996, will not be subject to retrospective settlement except as required by other provisions of this chapter. (3-19-07)

e. A new cap and rate will be set on an annual basis for each facility the first of July every year. (3-19-07)

f. The cap and prospective rate will be determined and set on an annual basis for each facility July first of every year and will not be changed by any subsequent events or information with the exception that if the computations were found to contain mathematical or clerical errors, these errors will be corrected and the cap will be adjusted using the corrected figures. (3-19-07)

g. Payment of costs subject to the cap will be limited to the cap unless the Department determines the exclusions found in Section 628 of these rules apply. (3-19-07)

h. A facility that commences to offer participant care services as an ICF/ID on or after October 1, 1996, will be subject to retrospective settlement until the first prospective rate is set. Such facility will be subject to the ICF/ID cap as determined in this chapter. The first prospective rate for this provider will be set by the Department based on quarterly cost statements and final cost reports submitted for periods following the first three (3) months of operation. This first prospective rate may be set after the beginning of the second fiscal year of the provider. For the second year the provider will be paid a rate to be settled retrospectively unless both the Department and the provider agree to a prospective rate or rates covering that fiscal period. (3-19-07)

IDAPA 16 – DEPARTMENT OF HEALTH AND WELFARE

16.03.10 – MEDICAID ENHANCED PLAN BENEFITS

DOCKET NO. 16-0310-1806

NOTICE OF INTENT TO PROMULGATE RULES – NEGOTIATED RULEMAKING

AUTHORITY: In compliance with Sections 67-5220(1) and 67-5220(2), Idaho Code, notice is hereby given that this agency intends to promulgate rules and desires public comment prior to initiating formal rulemaking procedures. This negotiated rulemaking action is authorized pursuant to Sections 56-202(b), 56-264, and 56-1610, Idaho Code.

MEETING SCHEDULE: Public meetings on the negotiated rulemaking will be held as follows:

****FOR PROVIDERS & STAKEHOLDERS****

**NEGOTIATED RULEMAKING PUBLIC MEETING (LIVE)
Tuesday, July 17, 2018 - 3:00-4:30 pm (MDT)**

**Department of Health & Welfare
Medicaid Central Office
3232 Elder Street
Conference Room D (East and West)
Boise, ID 83705**

VIDEOCONFERENCE OPTIONS

Wednesday, JULY 11, 2018, 12:00 - 1:30 p.m. (PDT)

- 1120 Ironwood Dr., Ste. 102, Coeur d'Alene, ID 83814 - Large Conf. Rm.
- 2604 16th Ave. ITP-DD Site, Lewiston ID 83501 - NW Conf. Rm.

Thursday, JULY 12, 2018, 1:00 - 2:30 p.m. (MDT)

- 6010 Pole Line Rd., Twin Falls, ID 83301 - FACS Conf. Rm. B
- 2241 Overland Ave., Burley, ID 83318 - State Tr. Rm. VC

Monday, JULY 16, 2018, 1:00 - 2:30 p.m. (MDT)

- 701 E. Alice St., Blackfoot, ID 83221 - Service Complex Classroom
- 1070 Hiline Rd., Pocatello, ID 83201 - Conf. Rm. 230

Monday, JULY 16, 2018, 3:00 - 4:30 p.m. (MDT)

- 150 Shoup Ave., Ste. 17, Rm 240, Idaho Falls, ID 83401 - CFS Lg. Conf. Rm.

Tuesday, JULY 17, 2018, 1:00 - 2:30 p.m. (MDT)

- 3402 Franklin Rd., Caldwell, ID 83605 - Rm. 226 - Owyhee - BH
- 823 Park Centre Way, Nampa, ID 83651 - Conf. Rm. 173

Tuesday, JULY 17, 2018, 3:00 - 4:30 p.m. (MDT)

- 3232 Elder St., Boise, ID 83705 - Conf. Rm. D East & West
- 1720 Westgate Dr., Suite D, Boise, ID 83704 - Conf. Rm. Side B

****FOR FAMILIES****

**NEGOTIATED RULEMAKING PUBLIC MEETING (LIVE)
Tuesday, July 17, 2018 - 5:30-7:00 pm (MDT)**

Department of Health & Welfare
Medicaid Central Office
3232 Elder Street
Conference Room D (East and West)
Boise, ID 83705

VIDEOCONFERENCE OPTIONS

Wednesday, JULY 11, 2018, 5:30 - 7:00 p.m. (PDT) and 6:30 - 8:00 p.m. (MDT)

- 1120 Ironwood Dr., Ste. 102, Coeur d'Alene, ID 83814 - Large Conf. Rm.
- 2604 16th Ave. ITP-DD Site, Lewiston ID 83501 - NW Conf. Rm.
- 3402 Franklin Rd., Caldwell, ID 83605 - Rm. 353 - Owyhee - FACS
- 823 Park Centre Way, Nampa, ID 83651 - Conf. Rm. 173

Thursday, JULY 12, 2018, 6:00 - 7:30 p.m. (MDT)

- 6010 Pole Line Rd., Twin Falls, ID 83301 - FACS Conf. Rm. B
- 1070 Hiline Rd., Pocatello, ID 83201 - Conf. Rm. 230
- 701 E. Alice St., Blackfoot, ID 83221 - Service Complex Classroom

Monday, JULY 16, 2018, 5:30 - 7:00 p.m. (MDT)

- 150 Shoup Ave. Ste. 17, Rm 240, Idaho Falls, ID 83401 - CFS Lg. Conf. Rm.

Tuesday, JULY 17, 2018, 5:30 - 7:00 p.m. (MDT)

- 3232 Elder St., Boise, ID 83705 - Conf. Rm. D East & West
- 1720 Westgate Dr., Suite D, Boise, ID 83704 - Conf. Rm. Side B

**CHILDREN'S DD ENHANCEMENT - INTERVENTION SERVICES
MOVING INTO THE STATE PLAN, ENHANCED PROVIDER QUALIFICATIONS**

METHOD OF PARTICIPATION: Persons wishing to participate in the negotiated rulemaking may do any of the following:

1. Attend or call in to the negotiated rulemaking meetings as scheduled above;
2. Provide oral or written recommendations, or both, at the negotiated rulemaking meetings; or
3. Submit written recommendations and comments to this address on or before Wednesday, July 25, 2018:

Send to:
Idaho Department of Health and Welfare
Division of Medicaid
Attn: Carolyn Burt or Angie Williams
Medicaid Program Policy Analysts
P.O. Box 83720
Boise, ID 83720-0009

Hand deliver to:
Idaho Department of Health and Welfare
Division of Medicaid
Attn: Carolyn Burt or Angie Williams
Medicaid Program Policy Analysts
3232 Elder Street
Boise, ID 83705

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

The Department invites interested stakeholders to participate in negotiated rulemaking in these Chapters: IDAPA 16.03.09, “Medicaid Basic Plan Benefits” and IDAPA 16.03.10, “Medicaid Enhanced Plan Benefits.” The purpose of these negotiated rulemaking meetings is to revise these rules regarding intervention services for children with developmental disabilities or a demonstrated need for these services, adding to the allowed provider qualifications for intervention services, and describing revisions related to the transition.

CONTACT INFORMATION, WEB ADDRESS, ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:

For assistance on technical questions concerning this negotiated rulemaking, contact Carolyn Burt at (208) 287-1174 or Angie Williams at (208) 287-1169.

Materials pertaining to the negotiated rulemaking for this docket, including any available preliminary rule drafts, can be found on the Department’s main Medicaid webpage at <http://healthandwelfare.idaho.gov/Medical/Medicaid/tabid/123/Default.aspx>, in the “Rulemaking” section of the right-hand column under the “2018” dropdown.

All written comments on the negotiated rules must be directed to the contact person specified above under “Method of Participation” and must be delivered on or before Wednesday, July 25, 2018.

DATED this 5th day of June, 2018.

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

IDAPA 16 – DEPARTMENT OF HEALTH AND WELFARE

16.05.06 – CRIMINAL HISTORY AND BACKGROUND CHECKS

DOCKET NO. 16-0506-1801

NOTICE OF RULEMAKING – TEMPORARY AND PROPOSED RULE

EFFECTIVE DATE: The effective date of the temporary rule is July 1, 2018.

AUTHORITY: In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a temporary rule, and proposed rulemaking procedures have been initiated. The action is authorized pursuant to Title 15 Chapter 5, Title 66 Chapter 4, Title 39 Chapter 3, Chapter 31, and Chapter 46, Title 56 Chapter 2, and Section 56-1004A, Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than July 18, 2018.

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

DESCRIPTIVE SUMMARY: The following is the required finding and concise statement of its supporting reasons for adopting a temporary rule and a nontechnical explanation of the substance and purpose of the proposed rulemaking:

DHW has identified a new class of individuals that must complete a DHW criminal history and background check due to the adoption of IDAPA 16.07.17, “Substance Use Disorders Services.” This class of individuals must be added to the chapter ensure that the Department of Health and Welfare retains the statutory authority to complete those background checks.

The Department’s Bureau of Emergency Medical Services has determined that the requirement to have its applicants processed as an enhanced background check is counterproductive to the needs of the EMS community as these background checks take longer to process due to the additional research required. The Bureau of Emergency Medical Services will still require their applicants to pass a DHW background check but needs to have them removed from the chapter.

TEMPORARY RULE JUSTIFICATION: Pursuant to Sections 67-5226(1)(a) and (b), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate for the following reasons: (a) it is necessary to protect the public health, safety, or welfare; and (b) it complies with deadlines in amendments to governing law or federal programs.

Due to the nature of the state administrative rulemaking process, when a DHW program makes changes to their rules, and those changes are approved and enacted by the state Legislature, DHW must change all other rules affected by those changes at the earliest possible opportunity. This temporary rule change is being sought to ensure that DHW retains the statutory authority to complete any new background check requirements, or, to cease any efforts to complete them once it has been determined that they are no longer required or needed.

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

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

There is no fiscal impact to the State General Fund or to dedicated funds for these rule changes. The monies needed for this change are already part of the Department's operational budget dedicated to the maintenance and operations of its web-based background check system. The Department will not increase the background check fee to the applicant with this change making it cost-neutral to the General Fund.

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted because it is not feasible due to the short time frame to implement these changes.

INCORPORATION BY REFERENCE: No materials are being incorporated by reference in this rulemaking.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the temporary and proposed rule, contact Fernando Castro, (208) 332-7999.

Anyone may submit written comments regarding the proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before July 25, 2018.

DATED this 5th day of June, 2018.

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

**THE FOLLOWING IS THE TEMPORARY RULE AND THE PROPOSED TEXT
OF DOCKET NO. 16-0506-1801
(Only Those Sections With Amendments Are Shown.)**

100. INDIVIDUALS SUBJECT TO A CRIMINAL HISTORY AND BACKGROUND CHECK.

Individuals subject to a Department criminal history and background check are those persons or classes of individuals who are required by statute, or Department rules to complete a criminal history and background check. (3-4-11)

01. Adoptive Parent Applicants. Individuals who must comply with IDAPA 16.06.01, “Child and Family Services,” and IDAPA 16.06.02, “Rules Governing Standards for Child Care Licensing.” (3-4-11)

02. Behavioral Health Community Crisis Centers. Individuals who must comply with IDAPA 16.07.30, “Behavioral Health Community Crisis Centers.” (4-6-15)

03. Behavioral Health Programs. Individuals who must comply with IDAPA 16.07.15, “Behavioral Health Programs.” (3-24-17)

04. Certified Family Homes. Individuals who must comply with Section 39-3520, Idaho Code, IDAPA 16.03.19, “Rules Governing Certified Family Homes,” and IDAPA 16.03.10, “Medicaid Enhanced Plan Benefits.” (3-4-11)

05. Children's Residential Care Facilities. Individuals who must comply with Section 39-1210, Idaho Code, and IDAPA 16.06.02, “Rules Governing Standards for Child Care Licensing.” (3-4-11)

06. Children's Therapeutic Outdoor Programs. Individuals who must comply with Section 39-1208, Idaho Code, and IDAPA 16.06.02, “Rules Governing Standards for Child Care Licensing.” (3-4-11)

07. Contracted Non-Emergency Medical Transportation Providers. Individuals who must comply with IDAPA 16.03.09, “Medicaid Basic Plan Benefits.” (3-4-11)

- 08. Court Appointed Guardians and Conservators.** Individuals who must comply with the requirements of Title 15, Chapter 5, Idaho Code, and Title 66, Chapter 4, Idaho Code. Court required guardian and conservator criminal history and background checks are not provided Department clearances described in Section 180.01 of these rules. (3-20-14)
- 09. Designated Examiners and Designated Dispositioners.** Individuals who must comply with IDAPA 16.07.39, "Appointment of Designated Examiners and Designated Dispositioners." (3-4-11)
- 10. Developmental Disabilities Agencies.** Individuals who must comply with IDAPA 16.03.21, "Developmental Disabilities Agencies (DDA)," and IDAPA 16.03.10, "Medicaid Enhanced Plan Benefits." (3-4-11)
- 11. Emergency Medical Services (EMS).** Individuals who must comply with IDAPA 16.01.05, "Emergency Medical Services (EMS) -- Education, Instructor, and Examination Requirements," and IDAPA 16.01.07, "Emergency Medical Services (EMS) -- Personnel Licensing Requirements." (3-24-17)
- 12. High Risk Providers of Medicaid.** Individuals who must comply with IDAPA 16.03.09, "Medicaid Basic Plan Benefits," and the Medicaid Provider Handbook. (4-6-15)
- 13. Home and Community-Based Services (HCBS).** Individuals who must comply with IDAPA 16.03.10, "Medicaid Enhanced Plan Benefits," and IDAPA 16.04.17, "Rules Governing Residential Habilitation Agencies." (7-1-12)
- 14. Home Health Agencies.** Individuals who must comply with IDAPA 16.03.07, "Home Health Agencies." (3-4-11)
- 15. Idaho Behavioral Health Plan (IBHP).** Individuals who are contractors, contractor's employees, and subcontractors in accordance with IDAPA 16.03.09, "Medicaid Basic Plan Benefits." (4-6-15)
- 16. Idaho Child Care Program (ICCP).** Individuals who must comply with IDAPA 16.06.12, "Rules Governing the Idaho Child Care Program." (3-4-11)
- 17. Intermediate Care Facilities for Persons with Intellectual Disabilities (ICF/ID).** Individuals who must comply with IDAPA 16.03.11, "Intermediate Care Facilities for Persons with Intellectual Disabilities (ICF/ID)." (3-4-11)
- 18. Licensed Foster Care.** Individuals who must comply with Section 39-1211, Idaho Code, and IDAPA 16.06.02, "Rules Governing Standards for Child Care Licensing." (3-4-11)
- 19. Licensed Day Care.** Individuals who must comply with Sections 39-1105, 39-1113, and 39-1114, Idaho Code, and IDAPA 16.06.02, "Rules Governing Standards for Child Care Licensing." (3-4-11)
- 20. Mental Health Services.** Individuals who must comply with IDAPA 16.07.33, "Adult Mental Health Services," and IDAPA 16.07.37, "Children's Mental Health Services." (4-6-15)
- 21. Nonhospital, Medically-Monitored Detoxification/Mental Health Diversion Units.** Individuals who must comply with IDAPA 16.07.50, "Minimum Standards for Nonhospital, Medically-Monitored Detoxification/Mental Health Diversion Units." (3-4-11)
- 22. Personal Assistance Agencies.** Individuals who must comply with IDAPA 16.03.10, "Medicaid Enhanced Plan Benefits." (3-4-11)
- 23. Personal Care Service Providers.** Individuals who must comply with Section 39-5604, Idaho Code, and IDAPA 16.03.10, "Medicaid Enhanced Plan Benefits." (3-4-11)
- 24. Residential Care or Assisted Living Facilities in Idaho.** Individuals who must comply with IDAPA 16.03.22, "Residential Care or Assisted Living Facilities in Idaho." (3-4-11)

25. Service Coordinators and Paraprofessional Providers. Individuals who must comply with IDAPA 16.03.10, “Medicaid Enhanced Plan Benefits.” (3-4-11)

26. Skilled Nursing and Intermediate Care Facilities. Individuals who must comply with IDAPA 16.03.02, “Rules and Minimum Standards for Skilled Nursing and Intermediate Care Facilities.” (3-4-11)

27. Substance Use Disorders Services. Individuals who must comply with IDAPA 16.07.17, “Substance Use Disorders Services.” (7-1-18)T

~~27~~. Support Brokers and Community Support Workers. Individuals who must comply with IDAPA 16.03.13, “Consumer-Directed Services.” (3-4-11)

(BREAK IN CONTINUITY OF SECTIONS)

126. APPLICANTS RECEIVING A DEPARTMENT ENHANCED CLEARANCE.

The following classes of individuals are required to provide their previous residence information for the preceding five (5) years in their application for a criminal history and background check. (7-1-17)

- 01. Adoptive Parent Applicants.** Described in Subsection 100.01 of these rules. (7-1-17)
- 02. Behavioral Health Community Crisis Centers.** Described in Subsection 100.02 of these rules. (7-1-17)
- 03. Behavioral Health Programs.** Described in Subsection 100.03 of these rules. (7-1-17)
- 04. Children’s Residential Care Facilities.** Described in Subsection 100.05 of these rules. (7-1-17)
- 05. Children’s Therapeutic Outdoor Programs.** Described in Subsection 100.06 of these rules. (7-1-17)
- ~~**06. Emergency Medical Services (EMS).** Described in Subsection 100.11 of these rules. (7-1-17)~~
- ~~**07. Idaho Child Care Program (ICCP).** Described in Subsection 100.16 of these rules. (7-1-17)~~
- ~~**08. Licensed Foster Care.** Described in Subsection 100.18 of these rules. (7-1-17)~~
- ~~**09. Licensed Day Care.** Described in Subsection 100.19 of these rules. (7-1-17)~~
- ~~**10. Mental Health Services.** Described in Subsection 100.20 of these rules. (7-1-17)~~
- ~~**11. Nonhospital, Medically-Monitored Detoxification/Mental Health Diversion Units.** Described in Subsection 100.21 of these rules. (7-1-17)~~
- 11. Substance Use Disorders Services.** Described in Subsection 100.27 of these rules. (7-1-18)T

IDAPA 16 – DEPARTMENT OF HEALTH AND WELFARE

16.07.37 – CHILDREN'S MENTAL HEALTH SERVICES

DOCKET NO. 16-0737-1801

NOTICE OF INTENT TO PROMULGATE RULES – NEGOTIATED RULEMAKING

AUTHORITY: In compliance with Sections 67-5220(1) and 67-5220(2), Idaho Code, notice is hereby given that this agency intends to promulgate rules and desires public comment prior to initiating formal rulemaking procedures. This negotiated rulemaking action is authorized pursuant to Sections 16-2404, 16-2406, 16-2423, 16-2433, 56-202(b), 56-203B, 56-204A, 56-1003, 56-1004, and 56-1004A, Idaho Code.

MEETING SCHEDULE: Public meetings on the negotiated rulemaking will be held as follows:

TELECONFERENCE CALL-IN	
Monday, July 9, 2018 - 10:00 am (MDT)	Tuesday, July 10, 2018 - 2:00 pm (MDT)
Toll Free: 1 (866) 906-9888 Participant Code: 2724607	Toll Free: 1 (866) 906-9888 Participant Code: 2724607
WebEx Information	
https://idhw.webex.com/idhw/j.php?MTID=md77e30aff74097f6f4841f14e030c7dc Meeting number (access code): 806 505 532 Meeting password: pqDDvdMF (77338363 from phones)	https://idhw.webex.com/idhw/j.php?MTID=m0f360dc9db0fdb70d58091fd72e88ecf Meeting number (access code): 807 924 459 Meeting password: pnTPYARv (76879178 from phones)

METHOD OF PARTICIPATION: Persons wishing to participate in the negotiated rulemaking may do any of the following:

1. Call in or log in (or both) to the negotiated rulemaking meetings as scheduled above;
2. Provide oral or written recommendations, or both, at the negotiated rulemaking meetings; or
3. Submit written recommendations and comments to one of following on or before Friday, July 13, 2018:

Send to:
Idaho Department of Health and Welfare
Division of Behavioral Health
Attn: Treena Clark
P.O. Box 83720
Boise, ID 83720-0036
E-mail: BHSurvey@dhw.idaho.gov

Hand deliver to:
Idaho Department of Health and Welfare
Division of Behavioral Health
Attn: Treena Clark
West State Street, 3rd Floor
Boise, ID 83702

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

The Department's Division of Behavioral Health (DBH) invites interested stakeholders to participate in negotiated rulemaking for this chapter, IDAPA 16.07.37, "Children's Mental Health Services." The intent of the rule change is to remove the rule for referring parents to Child Support for payment calculation and payment arrangement when placing a child in alternate care. The Department is seeking public input on the changes being proposed.

CONTACT INFORMATION, WEB ADDRESS, ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:

For assistance on technical questions concerning this negotiated rulemaking, contact Treena Clark at (208) 334-6611, or e-mail: Treena.Clark@dhw.idaho.gov.

Materials pertaining to the negotiated rulemaking for this docket, including any available preliminary rule drafts, may accessed, beginning July 1, 2018, at: <http://healthandwelfare.idaho.gov/Medical/SubstanceUseDisorders/tabid/105/Default.aspx>.

All written comments on the negotiated rules must be directed to the contact person specified above under "Method of Participation" and must be delivered on or before Friday, July 13, 2018.

DATED this 5th day of June, 2018.

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

IDAPA 16 – DEPARTMENT OF HEALTH AND WELFARE

**16.07.50 – MINIMUM STANDARDS FOR NONHOSPITAL, MEDICALLY MONITORED
DETOXIFICATION/MENTAL HEALTH DIVERSION UNITS**

DOCKET NO. 16-0750-1801

NOTICE OF INTENT TO PROMULGATE RULES – NEGOTIATED RULEMAKING

AUTHORITY: In compliance with Sections 67-5220(1) and 67-5220(2), Idaho Code, notice is hereby given that this agency intends to promulgate rules and desires public comment prior to initiating formal rulemaking procedures. This negotiated rulemaking action is authorized pursuant to Title 39, Chapter 3, Idaho Code, and Sections 56-1003, 56-1004, 56-1004A, 56-1007, and 56-1009, Idaho Code.

MEETING SCHEDULE: Public meetings on the negotiated rulemaking will be held as follows:

TELECONFERENCE CALL-IN	
Tuesday, July 10, 2018 - 10:00 am (MDT)	Wednesday, July 11, 2018 - 2:00 pm (MDT)
Toll Free: 1 (866) 906-9888 Participant Code: 2927162	Toll Free: 1 (866) 906-9888 Participant Code: 2927162
WebEx Information	
https://idhw.webex.com/idhw/ j.php?MTID=md06867f47183fafcf2df154234bb0d39	https://idhw.webex.com/idhw/ j.php?MTID=m228e8533a08e974fcbf4f3ee1ce84993
Meeting number (access code): 802 667 300	Meeting number (access code): 802 085 466
Meeting password: mFkXyYKt (63599958 from phones)	Meeting password: hpMF9PHb (47639742 from phones)

METHOD OF PARTICIPATION: Persons wishing to participate in the negotiated rulemaking may do any of the following:

1. Call in or log in (or both) to the negotiated rulemaking meetings as scheduled above;
2. Provide oral or written recommendations, or both, at the negotiated rulemaking meetings; or
3. Submit written recommendations and comments to one of following on or before Friday, July 13, 2018:

Send to:
Idaho Department of Health and Welfare
Division of Behavioral Health
Attn: Adam Panitch
P.O. Box 83720
Boise, ID 83720-0036
e-mail: BHSurvey@dhw.idaho.gov

Hand deliver to:
Idaho Department of Health and Welfare
Division of Behavioral Health
Attn: Adam Panitch
West State Street, 3rd Floor
Boise, ID 83702

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

The Department’s Division of Behavioral Health (DBH) invites interested stakeholders to participate in negotiated rulemaking for this chapter, IDAPA 16.07.50, “Minimum Standards for Nonhospital, Medically-Monitored Detoxification/Mental Health Diversion Units.” The intent of the rulemaking is to update limited sections of the rule that are outdated and no longer reflect best practices, update staffing requirements, and align the program approval process and fees with other DBH rules. The Department is seeking public input on the changes being proposed.

**CONTACT INFORMATION, WEB ADDRESS, ASSISTANCE ON TECHNICAL QUESTIONS,
SUBMISSION OF WRITTEN COMMENTS:**

For assistance on technical questions concerning this negotiated rulemaking, contact Adam Panitch at (208) 334-4916, or e-mail: Adam.Panitch@dhw.idaho.gov.

Materials pertaining to the negotiated rulemaking for this docket, including any available preliminary rule drafts, may accessed, beginning July 1, 2018, at: <http://healthandwelfare.idaho.gov/Medical/SubstanceUseDisorders/tabid/105/Default.aspx>.

All written comments on the negotiated rules must be directed to the contact person specified above under “Method of Participation” and must be delivered on or before Friday, July 13, 2018.

DATED this 5th day of June, 2018.

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

IDAPA 18 – IDAHO DEPARTMENT OF INSURANCE

18.01.06 – RULE TO IMPLEMENT UNIFORM COVERAGE FOR NEWBORN AND NEWLY ADOPTED CHILDREN

DOCKET NO. 18-0106-1801

NOTICE OF INTENT TO PROMULGATE RULES – NEGOTIATED RULEMAKING

AUTHORITY: In compliance with Sections 67-5220(1) and 67-5220(3), Idaho Code, notice is hereby given that this agency intends to promulgate rules and desires public comment prior to initiating formal rulemaking procedures. This negotiated rulemaking action is authorized pursuant to Section 41-211, Idaho Code.

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

PUBLIC MEETING
Monday, July 23, 2018 – 3:00 pm

Idaho Department of Insurance
700 W. State Street – 3rd Floor
Boise, ID 83720

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

METHOD OF PARTICIPATION: Interested persons wishing to participate in the negotiated rulemaking must respond to this notice by contacting the agency either in writing (paper or email) or by calling the phone number listed below, and/or by attending the public meeting.

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

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

The current rule applies to self-funded health plans subject to registration with the Department as well as health insurers and addresses coverage for congenital anomalies. There is some language in the rule that refers to premiums which denotes health insurance only and causes confusion for self-funded plans given that the terminology for payments by members covered by a self-funded plan is “contribution” and not “premium.” This rulemaking seeks to modify language in section 012 to include contributions in addition to premiums and possibly to clarify wording as to noticing responsibility (administrator/insurer/group sponsor).

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

Anyone may submit written comments regarding this negotiated rulemaking. All written comments must be directed to the above contact and must be delivered on or before July 27, 2018.

DATED this 8th day of June, 2018.

Dean L. Cameron, Director
Idaho Department of Insurance
700 W. State Street, 3rd Floor
P.O. Box 83720, Boise, ID 83702-0043
Phone: (208) 334-4250 / Fax: (208) 334-4398

IDAPA 18 – IDAHO DEPARTMENT OF INSURANCE

**18.01.23 – RULES PERTAINING TO IDAHO ACQUISITIONS OF CONTROL
AND INSURANCE HOLDING COMPANY SYSTEMS**

DOCKET NO. 18-0123-1801

NOTICE OF INTENT TO PROMULGATE RULES – NEGOTIATED RULEMAKING

AUTHORITY: In compliance with Sections 67-5220(1) and 67-5220(2), Idaho Code, notice is hereby given that this agency intends to promulgate rules and desires public comment prior to initiating formal rulemaking procedures. This negotiated rulemaking action is authorized pursuant to Sections 41-211 and 41-3817, Idaho Code.

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

PUBLIC MEETING
Monday, July 23, 2018 – 1:30 pm

Idaho Department of Insurance
700 W. State Street – 3rd Floor
Boise, ID 83720

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

METHOD OF PARTICIPATION: Interested persons wishing to participate in the negotiated rulemaking must respond to this notice by contacting the agency either in writing (paper or email) or by calling the phone number listed below, and/or by attending the public meeting.

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

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

We expect to revise language in IDAPA 23 at Subsection 027.01 regarding extraordinary dividends to be consistent with changes made to Idaho Code § 41-3812, following enactment of House Bill 454 in 2018.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS, OBTAINING DRAFT COPIES: For assistance on technical questions concerning this negotiated rulemaking, submission of comments, or to obtain a preliminary draft copy of the rule text, contact Nathan Faragher at nathan.faragher@doi.idaho.gov, or (208) 334-4314. Materials pertaining to the negotiated rulemaking, including any available preliminary rule drafts, can be found on the Idaho Department of Insurance web site at the following web address: www.doi.idaho.gov.

Anyone may submit written comments regarding this negotiated rulemaking. All written comments must be directed to the above contact and must be delivered on or before July 27, 2018.

DATED this 8th day of June, 2018.

Dean L. Cameron, Director
Idaho Department of Insurance
700 W. State Street, 3rd Floor
P.O. Box 83720, Boise, ID 83702-0043
Phone: (208) 334-4250 / Fax: (208) 334-4398

IDAPA 18 – IDAHO DEPARTMENT OF INSURANCE

18.01.24 – ADVERTISEMENT OF DISABILITY (ACCIDENT AND SICKNESS) INSURANCE

DOCKET NO. 18-0124-1801

NOTICE OF INTENT TO PROMULGATE RULES – NEGOTIATED RULEMAKING

AUTHORITY: In compliance with Sections 67-5220(1) and 67-5220(3), Idaho Code, notice is hereby given that this agency intends to promulgate rules and desires public comment prior to initiating formal rulemaking procedures. This negotiated rulemaking action is authorized pursuant to Section 41-211, Idaho Code.

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

PUBLIC MEETING
Monday, July 23, 2018 – 3:00 pm

Idaho Department of Insurance
700 W. State Street – 3rd Floor
Boise, ID 83720

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

METHOD OF PARTICIPATION: Interested persons wishing to participate in the negotiated rulemaking must respond to this notice by contacting the agency either in writing (paper or email) or by calling the phone number listed below, and/or by attending the public meeting.

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

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

Section 025 of the rule states that the Director may require the filing of “direct response” advertising regarding disability accident and sickness policies. Some carriers, typically those seeking to sell limited benefit plans, object to filing advertising materials. This results in the Department sending a separate request for this material. The Department believes that it's appropriate to be able to review advertising material, and this change would streamline that communication and process. This rulemaking seeks to modify the rule to eliminate the reference to “direct response” advertising.

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

Anyone may submit written comments regarding this negotiated rulemaking. All written comments must be directed to the above contact and must be delivered on or before July 27, 2018.

DATED this 8th day of June, 2018.

Dean L. Cameron, Director
Idaho Department of Insurance
700 W. State Street, 3rd Floor
P.O. Box 83720, Boise, ID 83702-0043
Phone: (208) 334-4250 / Fax: (208) 334-4398

IDAPA 18 – IDAHO DEPARTMENT OF INSURANCE

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

DOCKET NO. 18-0130-1801

NOTICE OF INTENT TO PROMULGATE RULES – NEGOTIATED RULEMAKING

AUTHORITY: In compliance with Sections 67-5220(1) and 67-5220(3), Idaho Code, notice is hereby given that this agency intends to promulgate rules and desires public comment prior to initiating formal rulemaking procedures. This negotiated rulemaking action is authorized pursuant to Sections 41-211 and 41-4207, Idaho Code.

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

PUBLIC MEETING
Monday, July 23, 2018 – 3:00 pm

Idaho Department of Insurance
700 W. State Street – 3rd Floor
Boise, ID 83720

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

METHOD OF PARTICIPATION: Interested persons wishing to participate in the negotiated rulemaking must respond to this notice by contacting the agency either in writing (paper or email) or by calling the phone number listed below, and/or by attending the public meeting.

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

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

This rulemaking follows House Concurrent Resolution 45 adopted in 2018 and meetings that have already occurred with the Department of Insurance. Health insurers have not covered hearing aids for children based on exclusionary language in this rule. The Department seeks to revise language in section 011 related to exclusions for hearing aids to provide an exception related to medically necessary treatment for a congenital anomaly. (This rule impacts individual insurance coverage; companion rulemaking will address the small group market in IDAPA 18.01.70.)

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

Anyone may submit written comments regarding this negotiated rulemaking. All written comments must be directed to the above contact and must be delivered on or before July 27, 2018.

DATED this 8th day of June, 2018.

Dean L. Cameron, Director
Idaho Department of Insurance
700 W. State Street, 3rd Floor
P.O. Box 83720, Boise, ID 83702-0043
Phone: (208) 334-4250 / Fax: (208) 334-4398

IDAPA 18 – IDAHO DEPARTMENT OF INSURANCE

18.01.44 – SCHEDULE OF FEES, LICENSES, AND MISCELLANEOUS CHARGES

DOCKET NO. 18-0144-1801

NOTICE OF INTENT TO PROMULGATE RULES – NEGOTIATED RULEMAKING

AUTHORITY: In compliance with Sections 67-5220(1) and 67-5220(3), Idaho Code, notice is hereby given that this agency intends to promulgate rules and desires public comment prior to initiating formal rulemaking procedures. This negotiated rulemaking action is authorized pursuant to Sections 41-211, and 41-401 Idaho Code.

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

PUBLIC MEETING
Monday, July 23, 2018 – 1:30 pm

Idaho Department of Insurance
700 W. State Street – 3rd Floor
Boise, ID 83720

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

METHOD OF PARTICIPATION: Interested persons wishing to participate in the negotiated rulemaking must respond to this notice by contacting the agency either in writing (paper or email) or by calling the phone number listed below, and/or by attending the public meeting.

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

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

The Department's general fee rule provides for an annual filing fee of \$300 to be charged to and paid by the Small Employer Health Reinsurance Program created in Idaho Code Section 41-4711 for information filed per Idaho Code Section 41-4711(12), which references a filing with the Director of the net loss of the program by March 1. This fee has never been collected, and the fee is insignificant in relation to revenue received by the Department. The Director or his designee serves on the Small Employer Health Reinsurance Program Board as an ex officio member per Idaho Code Section 41-5502(2). The financial information of the board is regularly provided to the board members, so the Director receives this information as a board member and not through a separate filing. This negotiated rulemaking seeks to repeal language at IDAPA 18.01.44.040.08.c providing for the imposition of a \$300 annual filing fee.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS, OBTAINING DRAFT COPIES: For assistance on technical questions concerning this negotiated rulemaking, submission of comments, or to obtain a preliminary draft copy of the rule text, contact Thomas Donovan at tom.donovan@doi.idaho.gov, or (208) 334-4214. Materials pertaining to the negotiated rulemaking, including any available preliminary rule drafts, can be found on the Idaho Department of Insurance web site at the following web address: www.doi.idaho.gov.

Anyone may submit written comments regarding this negotiated rulemaking. All written comments must be directed to the above contact and must be delivered on or before July 27, 2018.

DATED this 8th day of June, 2018.

Dean L. Cameron, Director
Idaho Department of Insurance
Phone: (208) 334-4250 / Fax: (208) 334-4398

700 W. State Street, 3rd Floor
P.O. Box 83720
Boise, ID 83702-0043

IDAPA 18 – IDAHO DEPARTMENT OF INSURANCE

18.01.49 – FIRE PROTECTION SPRINKLER CONTRACTORS

DOCKET NO. 18-0149-1801

NOTICE OF INTENT TO PROMULGATE RULES – NEGOTIATED RULEMAKING

AUTHORITY: In compliance with Sections 67-5220(1) and 67-5220(3), Idaho Code, notice is hereby given that this agency intends to promulgate rules and desires public comment prior to initiating formal rulemaking procedures. This negotiated rulemaking action is authorized pursuant to Sections 41-211 and 41-254, Idaho Code.

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

PUBLIC MEETING
Monday, July 23, 2018 – 1:30 pm

Idaho Department of Insurance
700 W. State Street – 3rd Floor
Boise, ID 83720

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

METHOD OF PARTICIPATION: Interested persons wishing to participate in the negotiated rulemaking must respond to this notice by contacting the agency either in writing (paper or email) or by calling the phone number listed below, and/or by attending the public meeting.

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

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

We expect to revise language in IDAPA 18.01.49 to eliminate subsection 011.07 providing for an advisory board, which board has never been formed; eliminate some language in section 021.06 concerning fees that tie the fee amount to one percent of the bid amount. Language imposing fees in the amount of \$2.00 per sprinkler head payable to the local department or the State Fire Marshal will be retained including the retention of the maximum and minimum fees.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS, OBTAINING DRAFT COPIES: For assistance on technical questions concerning this negotiated rulemaking, submission of comments, or to obtain a preliminary draft copy of the rule text, contact Knute Sandahl at knute.sandahl@doi.idaho.gov, or (208) 334-4377. Materials pertaining to the negotiated rulemaking, including any available preliminary rule drafts, can be found on the Idaho Department of Insurance web site at the following web address: www.doi.idaho.gov.

Anyone may submit written comments regarding this negotiated rulemaking. All written comments must be directed to the above contact and must be delivered on or before July 27, 2018.

DATED this 8th day of June, 2018.

Dean L. Cameron, Director
Idaho Department of Insurance
700 W. State Street, 3rd Floor
P.O. Box 83720, Boise, ID 83702-0043
Phone: (208) 334-4250 / Fax: (208) 334-4398

IDAPA 18 – IDAHO DEPARTMENT OF INSURANCE

18.01.54 – RULE TO IMPLEMENT THE NAIC MEDICARE SUPPLEMENT INSURANCE MINIMUM STANDARDS MODEL ACT

DOCKET NO. 18-0154-1801

NOTICE OF INTENT TO PROMULGATE RULES – NEGOTIATED RULEMAKING

AUTHORITY: In compliance with Sections 67-5220(1) and 67-5220(3), Idaho Code, notice is hereby given that this agency intends to promulgate rules and desires public comment prior to initiating formal rulemaking procedures. This negotiated rulemaking action is authorized pursuant to Sections 41-211 and 41-4409, Idaho Code.

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

PUBLIC MEETING
Monday, July 23, 2018 – 3:00 pm

Idaho Department of Insurance
700 W. State Street – 3rd Floor
Boise, ID 83720

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

METHOD OF PARTICIPATION: Interested persons wishing to participate in the negotiated rulemaking must respond to this notice by contacting the agency either in writing (paper or email) or by calling the phone number listed below, and/or by attending the public meeting.

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

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

This negotiated rulemaking seeks to make updates following the NAIC model rule to add definitions for the 2020 Standardized Medicare Supplement Benefit Plans and add more detailed sections with respect to such plans.

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

Anyone may submit written comments regarding this negotiated rulemaking. All written comments must be directed to the above contact and must be delivered on or before July 27, 2018.

DATED this 8th day of June, 2018.

Dean L. Cameron, Director
Idaho Department of Insurance
700 W. State Street, 3rd Floor
P.O. Box 83720, Boise, ID 83702-0043
Phone: (208) 334-4250 / Fax: (208) 334-4398

IDAPA 18 – IDAHO DEPARTMENT OF INSURANCE

18.01.62 – ANNUAL FINANCIAL REPORTING

DOCKET NO. 18-0162-1801

NOTICE OF INTENT TO PROMULGATE RULES – NEGOTIATED RULEMAKING

AUTHORITY: In compliance with Sections 67-5220(1) and 67-5220(2), Idaho Code, notice is hereby given that this agency intends to promulgate rules and desires public comment prior to initiating formal rulemaking procedures. This negotiated rulemaking action is authorized pursuant to Section 41-211, Idaho Code.

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

PUBLIC MEETING
Monday, July 23, 2018 – 1:30 pm

Idaho Department of Insurance
700 W. State Street – 3rd Floor
Boise, ID 83720

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

METHOD OF PARTICIPATION: Interested persons wishing to participate in the negotiated rulemaking must respond to this notice by contacting the agency either in writing (paper or email) or by calling the phone number listed below, and/or by attending the public meeting.

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

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

We expect to revise and update IDAPA 18.01.62 to include NAIC Annual Financial Reporting Model Regulation #205 provisions supporting the requirement of an independent internal audit function for large insurance companies or insurance holding company groups. The requirement would apply for insurance companies with over \$500 million in annual premiums written (or \$1 billion if a member of a group). This anticipated rulemaking will require a standard best corporate governance practice to assist company management and the board of large insurers by implementing sound business practices to maintain solvency and honor all policyholder obligations.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS, OBTAINING DRAFT COPIES: For assistance on technical questions concerning this negotiated rulemaking, submission of comments, or to obtain a preliminary draft copy of the rule text, contact Nathan Faragher at nathan.faragher@doi.idaho.gov, or (208) 334-4314. Materials pertaining to the negotiated rulemaking, including any available preliminary rule drafts, can be found on the Idaho Department of Insurance web site at the following web address: www.doi.idaho.gov.

Anyone may submit written comments regarding this negotiated rulemaking. All written comments must be directed to the above contact and must be delivered on or before July 27, 2018.

DATED this 8th day of June, 2018.

Dean L. Cameron, Director
Idaho Department of Insurance
700 W. State Street, 3rd Floor
P.O. Box 83720, Boise, ID 83702-0043
Phone: (208) 334-4250 / Fax: (208) 334-4398

IDAPA 18 – IDAHO DEPARTMENT OF INSURANCE

18.01.70 – RULES GOVERNING SMALL EMPLOYER HEALTH INSURANCE AVAILABILITY ACT PLAN DESIGN

DOCKET NO. 18-0170-1801

NOTICE OF INTENT TO PROMULGATE RULES – NEGOTIATED RULEMAKING

AUTHORITY: In compliance with Sections 67-5220(1) and 67-5220(3), Idaho Code, notice is hereby given that this agency intends to promulgate rules and desires public comment prior to initiating formal rulemaking procedures. This negotiated rulemaking action is authorized pursuant to Sections 41-211 and 41-4715, Idaho Code.

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

PUBLIC MEETING
Monday, July 23, 2018 – 3:00 pm

Idaho Department of Insurance
700 W. State Street – 3rd Floor
Boise, ID 83720

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

METHOD OF PARTICIPATION: Interested persons wishing to participate in the negotiated rulemaking must respond to this notice by contacting the agency either in writing (paper or email) or by calling the phone number listed below, and/or by attending the public meeting.

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

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

This rulemaking follows House Concurrent Resolution 45 adopted in 2018 and some meetings that have already occurred with the Department of Insurance. Health insurers have not covered hearing aids for children based on exclusionary language in this rule addressing the small group market. We seek to revise language of Section 016 related to exclusions for hearing aids to provide an exception for medically necessary treatment for a congenital anomaly. (This rule is a companion rule to that affecting the individual insurance market IDAPA 18.01.30.)

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

Anyone may submit written comments regarding this negotiated rulemaking. All written comments must be directed to the above contact and must be delivered on or before July 27, 2018.

DATED this 8th day of June, 2018.

Dean L. Cameron, Director
Idaho Department of Insurance
700 W. State Street, 3rd Floor
P.O. Box 83720, Boise, ID 83702-0043
Phone: (208) 334-4250 / Fax: (208) 334-4398

IDAPA 24 – BUREAU OF OCCUPATIONAL LICENSES

24.09.01 – RULES OF THE BOARD OF EXAMINERS OF NURSING HOME ADMINISTRATORS

DOCKET NO. 24-0901-1801

NOTICE OF RULEMAKING – TEMPORARY AND PROPOSED RULE

EFFECTIVE DATE: The effective date of the temporary rule is July 1, 2018.

AUTHORITY: In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a temporary rule, and proposed rulemaking procedures have been initiated. The action is authorized pursuant to Section 54-1604, Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than July 18, 2018.

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

DESCRIPTIVE SUMMARY: The following is the required finding and concise statement of its supporting reasons for adopting a temporary rule and a nontechnical explanation of the substance and purpose of the proposed rulemaking:

In 2018, the Legislature passed HB 409, which reduces the Nursing Home Administrators-in-Training (AIT) program from twelve (12) months to one-thousand (1,000 hours). The new requirements of 1,000 hours as an Administrator in Training will take approximately 6 months to complete. The rules for endorsement and the AIT program are being amended to implement these changes.

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

On July 1, 2018 HB 409 becomes effective. This temporary/proposed rule is necessary to implement those changes.

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

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

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted because this is a temporary rule.

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

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the temporary and proposed rule, contact Jennifer Carr at (208) 577-2599.

Anyone may submit written comments regarding the proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before July 25, 2018.

DATED this 13th Day of June, 2018.

Tana Cory, Bureau Chief
Bureau of Occupational Licenses
700 W. State Street
P.O. Box 83720
Boise, ID 83720
Phone: (208) 334-3233
Fax: (208) 334-3945

**THE FOLLOWING IS THE TEMPORARY RULE AND THE PROPOSED TEXT
OF DOCKET NO. 24-0901-1801
(Only Those Sections With Amendments Are Shown.)**

300. ENDORSEMENT (RULE 300).

Each applicant for licensure by endorsement shall be required to document compliance with each of the following requirements. (4-6-05)

01. A Valid License. Hold a valid and current nursing home administrator license issued in another state. (4-6-05)

02. Experience/Education. (3-30-07)

a. One ~~(1) year~~ thousand (1,000) hours of experience as an administrator in training in another state; ~~(3-30-07)~~ (7-1-18)T
or

b. A total of one ~~(1) year~~ thousand (1,000) hours of combined experience obtained in an administrator in training program and from practical experience as an administrator in another state; or ~~(3-30-07)~~ (7-1-18)T

c. A master's degree in health administration related to long-term care from an accredited institution; or (3-30-07)

d. A master's degree in health administration from an accredited institution and one (1) year management experience in long-term care. (3-30-07)

03. Criminal History. Has not been found guilty or convicted or received a withheld judgment or suspended sentence for any felony or any crime involving moral turpitude or received discipline for a license offense in any state. (4-6-05)

04. National Examination. Has taken and successfully passed the NAB examination. (4-6-05)

05. State Examination. Has taken and successfully completed the state of Idaho examination. (4-6-05)

06. Affidavit. Has certified under oath to abide by the laws and rules governing the practice of nursing home administration in Idaho. (4-6-05)

301. -- 399. (RESERVED)

400. NURSING HOME ADMINISTRATORS-IN-TRAINING (RULE 400).

01. ~~Related Health Care Field Supervised Hour Requirements.~~ “Related health care field” shall mean a field in health care related to administration. An individual must successfully complete one thousand (1,000) hours under the direct supervision of a licensed nursing home administrator in compliance with Section 54-1610, Idaho Code, and these rules in order to be eligible to take the examination. ~~(7-1-93)~~ (7-1-18)T

02. Trainees. ~~T~~ A trainees must work on a full time basis in any capacity in an Idaho licensed nursing home setting. Full time shall be at least a thirty-two (32) hour per week work schedule with consideration for normal leave taken. ~~Failure to comply with this rule or Section 54-1610, Idaho Code, shall not receive credit as a Nursing Home Administrator-In-Training.~~ (4-7-11) (7-1-18)T

a. Each trainee shall register with the Board as a Nursing Home Administrator-In-Training (AIT) by submitting an application provided by the Board together with the required fee. The effective date of each AIT program shall be the date the Board approves the application. (3-13-02)

b. ~~Quarterly~~ Reports for those trainees employed in a nursing home must be submitted to the Board after completion of each five hundred (500) hour increment and reflect that the preceptor of the trainee has instructed, assisted and given assignments as deemed necessary to fulfill the requirements of Subsection 400.03.

~~(7-1-98)~~(7-1-18)T

03. Nursing Home Administrator-in-Training Requirements. A Nursing Home Administrator-in-Training shall be required to train in all domains of nursing home administration including the following: (4-7-11)

a. Resident Care Management. (7-1-98)

b. Personnel Management. (7-1-93)

c. Financial Management. (7-1-93)

d. Environmental Management. (7-1-98)

e. Meeting Regulations and Governing Entities Directives. (7-1-98)

f. Organizational Management. (7-1-98)

g. Completion of a specialized course of study in nursing home long-term health care administration approved by NAB or otherwise approved by the Board. (4-6-05)

04. Facility Administrator. The trainee must spend no less than thirty-two (32) hours a month with the preceptor in a training and/or observational situation in the six (6) domains of nursing home administration as outlined in Subsection 400.03. Time spent with the preceptor must be in addition to the full time work that the trainee must perform under Subsection 400.02, unless the Administrator-in-Training role is designated as a full time training position. Collectively, ~~over the twelve (12) month~~ during the training period, ~~quarterly~~ reports must reflect particular emphasis on all six (6) domains of nursing home administration during the time spent in the nursing home.

~~(4-7-11)~~(7-1-18)T

05. Preceptor Certification. (7-1-93)

a. A nursing home administrator who serves as a preceptor for a nursing home administrator-in-training must be certified by the Board of Examiners of Nursing Home Administrators. The Board will certify the Idaho licensed nursing home administrator to be a preceptor who: (7-1-98)

i. Is currently practicing as a nursing home administrator and who has practiced a minimum of two (2) consecutive years as a nursing home administrator; and (7-1-98)

ii. Who successfully completes a six (6) clock hour preceptor orientation course approved by the Board. (7-1-93)

b. The orientation course will cover the philosophy, requirements and practical application of the nursing home administrator-in-training program and a review of the six (6) phases of nursing home administration as outlined in Subsection 400.03. (7-1-93)

c. The preceptor must be re-certified by the Board every ten (10) years. (4-7-11)

IDAPA 24 – BUREAU OF OCCUPATIONAL LICENSES

24.23.01 – RULES OF THE SPEECH, HEARING AND COMMUNICATION SERVICES LICENSURE BOARD

DOCKET NO. 24-2301-1801

NOTICE OF RULEMAKING – TEMPORARY AND PROPOSED RULE

EFFECTIVE DATE: The effective date of the temporary rule is July 1, 2018.

AUTHORITY: In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a temporary rule, and proposed rulemaking procedures have been initiated. The action is authorized pursuant to Section 54-2910, Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than July 18, 2018.

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

DESCRIPTIVE SUMMARY: The following is the required finding and concise statement of its supporting reasons for adopting a temporary rule and a nontechnical explanation of the substance and purpose of the proposed rulemaking:

In 2018, the Legislature passed HB 411, which lowers the age for licensure as sign language interpreter from twenty-one (21) to eighteen (18). This temporary/proposed rule will implement HB 411 and ensure conformity between Section 54-2916A, Idaho Code, and Section 260 of these rules.

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

On July 1, 2018 HB 411 becomes effective. This temporary/proposed rule is necessary to implement those changes.

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

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

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted because this is a temporary rule.

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

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the temporary and proposed rule, contact Jennifer Carr at (208) 577-2599.

Anyone may submit written comments regarding the proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before July 25, 2018.

DATED this 13th Day of June, 2018.

Tana Cory, Bureau Chief
Bureau of Occupational Licenses
700 W. State Street
P.O. Box 83720
Boise, ID 83720
Phone: (208) 334-3233
Fax: (208) 334-3945

**THE FOLLOWING IS THE TEMPORARY RULE AND THE PROPOSED TEXT
OF DOCKET NO. 24-2301-1801
(Only Those Sections With Amendments Are Shown.)**

260. QUALIFICATIONS FOR SIGN LANGUAGE INTERPRETER LICENSURE (RULE 260).

The Board may grant a sign language interpreter license to an applicant who completes an application as set forth in Section 150 and meets the following: (3-22-18)

01. General. (3-22-18)

a. Be at least ~~twenty-one~~ eighteen (~~21~~ 18) years of age; (~~3-22-18~~)(7-1-18)T

b. Certify that the applicant has not been found guilty, convicted, received a withheld judgment, or suspended sentence for a felony. If the applicant has been found guilty, convicted, received a withheld judgment, or suspended sentence for such a crime, the applicant must submit a written statement of suitability for licensure as set forth in Section 320 of these rules; and (3-22-18)

c. Certify that the applicant or the applicant's license or certification has not been subject to any disciplinary action by a regulatory entity in another state, territory, or country including, but not limited to, having an application for licensure denied. If the applicant or applicant's license has been subject to discipline, the applicant must submit a written statement of suitability for licensure as set forth in Section 320 of these rules. (3-22-18)

02. Education. Possess a high school diploma or the equivalent; (3-22-18)

03. Examination or Certification. Pass competency examinations approved by the Board or obtain a certification approved by the Board. (3-22-18)

IDAPA 26 – DEPARTMENT OF PARKS AND RECREATION

26.01.10 – RULES GOVERNING THE ADMINISTRATION OF TEMPORARY PERMITS ON LANDS OWNED BY THE IDAHO DEPARTMENT OF PARKS AND RECREATION

DOCKET NO. 26-0110-1701 (FEE RULE)

NOTICE OF RULEMAKING – PROPOSED RULE

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Sections 67-4210 and 67-4223, Idaho Code.

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

PUBLIC HEARING
Monday, July 23, 2018 – 5:30 pm to 6:30 pm

Idaho Dept. of Parks & Recreation
(Panhandle Room)
2885 Kathleen Ave.
Coeur d'Alene, ID 83815

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

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

The Proposed rule modifies the current rule to allow the department to charge processing fees comparable to associated costs and to be compensated at a reasonable rate based upon Fair Market Value of the site as if it were held in a fee simple state.

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

The rule change would increase Application and Modification fees from \$200 to \$300 and Assignment and Renewal fees from \$25 to \$300 per transaction as well as change the current permit compensation fee from \$50 per acre to the Fair Market Value per acre with a minimum permit fee of \$300.

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

The only negative fiscal impact is the cost of promulgating the rule changes. The positive fiscal impacts are the additional revenues generated to cover the cost of processing applications and modifications as well as assignments and renewals per transaction plus the additional revenue generated from charging Fair Market Value per acre for the property with an established minimum fee. The change should generate an additional \$2,000–\$3,000/year.

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(1), Idaho Code, negotiated rulemaking was conducted. The Notice of Intent to Promulgate Rules – Negotiated Rulemaking was published in the October 4, 2017 Idaho Administrative Bulletin, [Volume 17-10, page 389](#).

INCORPORATION BY REFERENCE: Pursuant to Section 67-5229(2)(a), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule: Not Applicable.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Keith Hobbs, Operations Administrator, (208) 514-2450. Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before July 25, 2018.

DATED this 5th day of June, 2018.

Keith Hobbs, Operations Administrator
Idaho Department of Parks and Recreation
(208) 514-2450

5657 Warm Springs Avenue
P.O. Box 83720
Boise, ID 83720-0065

THE FOLLOWING IS THE PROPOSED TEXT OF FEE DOCKET NO. 26-0110-1701
(Only Those Sections With Amendments Are Shown.)

010. DEFINITIONS.

- 01.** Assignment. The Department-approved transfer of a valid permit from a current Grantee to a new Grantee. ()
- 012.** **Board.** The Idaho Park and Recreation Board or such representative as may be designated by the board. (7-1-93)
- 023.** **Department and IDPR.** The Idaho Department of Parks and Recreation. (7-1-93)
- 034.** **Director.** The Director of the Idaho Department of Parks and Recreation or such representative as may be designated by the Director. (7-1-93)
- 045.** **Grantee.** The party to whom a temporary permit is granted and their assigns and successors in interest. (7-1-93)
- 056.** **Grantor.** The State of Idaho and its assigns and successors in interest. (7-1-93)
- 067.** **Park Manager.** The person responsible for administering and supervising a specific state park area, or department owned land not yet a state park, as designated by the Director of the Idaho Department of Parks and Recreation. (7-1-93)
- 078.** **Person.** An individual, partnership, association, or corporation qualified to do business in the state of Idaho, and any federal, state, county or local unit of government. (7-1-93)
- 089.** **Temporary Permit.** An instrument authorizing a temporary use of IDPR owned land for the construction, operation and maintenance of specific typically linear elements including but not limited to power and telephone lines, roadways, driveways, sewer lines, natural gas lines and water lines. (7-1-93)

011. -- 049. (RESERVED)

050. POLICY.

- 01.** **Issuing Authority.** Temporary permits are issued by the Director in lieu of easements, and shall be required for all associated activities on or over IDPR owned land. (7-1-93)()
- 02.** **Discretion.** The Board retains absolute discretion to grant or withhold a temporary permit on land which it owns. (7-1-93)
- 03.** **Consent Required.** Temporary permits, their amendment, renewal and assignment and all subsequent actions are not valid without the written consent of the Director. (7-1-93)
- 04.** **Modifications.** Temporary permits and subsequent modifications, assignments and renewals require a formal application, and payment of a processing fee to reimburse the ~~agency~~ Department for staff time

devoted to processing the request.

(7-1-93)()

05. Purpose Compatible. The purpose for which the temporary permit is sought must not interfere with the existing or anticipated values, objectives, or operation of Department-owned lands. (7-1-93)

06. Compensation. An appropriate compensation for use of Department-owned lands, as set out in Section 150 of this chapter, shall be paid to the IDPR in cash or in the form of offsetting benefits to be determined by the Director. (7-1-93)

07. Control. At all times the control of gates, roads and park lands shall be retained by the State. The permit granted shall be for the Grantee's use only, shall be revocable for cause, shall be issued for a specific period of time, not to exceed ten (10) years, but usually five (5) years or less, and shall automatically expire if not used for a period of one (1) year. (7-1-93)

051. -- 099. (RESERVED)

100. PROCESSING FEES.

01. Issuance or Modification. The processing fee for a new temporary permit, or modification of an existing temporary permit, is ~~one~~ ~~three~~ hundred dollars (~~\$1~~~~3~~00), which must be received from all applicants before processing can proceed. The processing fees are designed to offset processing costs and are nonrefundable.

(7-1-93)()

02. Assignment or Renewal. The processing fee for assignment or renewal of an existing temporary permit is ~~twenty-five~~ ~~three hundred~~ dollars (~~\$25~~~~3~~00), and must be received before processing can proceed. The processing fees are designed to offset processing costs and are nonrefundable.

(7-1-93)()

101. -- 149. (RESERVED)

150. COMPENSATION.

01. Payable in Advance. Cash compensation for the entire term of the temporary permit shall be collected from the applicant prior to issuance. (7-1-93)

02. Cost per Acre Permit Rate. ~~Cash compensation for a temporary permit shall be charged at a rate of fifty dollars (\$50) per acre of IDPR land utilized per year or any portion thereof, and shall be specified in the temporary permit~~ The cash compensation rate for a temporary permit shall be set so as to provide the Department a reasonable return based upon the fair market value (FMV) of the permit site as if it was held in fee simple estate. Cash compensation is calculated as a percentage of the FMV of the permit site as determined by the Department in consultation with real estate professionals. In the event permit applicant disputes the FMV established by the Department, the Department may hire a certified appraiser to establish the FMV of the permit site. Permit applicant will pay for the cost of the appraisal. The minimum cash compensation for a temporary permit shall be three hundred dollars (\$300). Temporary permits of less than one (1) year in duration will not be prorated. (7-1-93)()

03. Noncash Compensation. Offsetting (non-cash) compensation for a temporary permit may be approved on an individual basis by the Director, and the terms of the agreement shall be outlined in the temporary permit. (7-1-93)

04. Nonrefundable. Compensation to IDPR for a temporary permit is non-refundable, except as set out in Subsection 200.08 of this chapter. (7-1-93)

IDAPA 26 – DEPARTMENT OF PARKS AND RECREATION

26.01.20 – RULES GOVERNING THE ADMINISTRATION OF PARK AND RECREATION AREAS AND FACILITIES

DOCKET NO. 26-0120-1701

NOTICE OF RULEMAKING – PROPOSED RULE

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Sections 67-4210, 67-4223, and 67-4249, Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than July 18, 2018.

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

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

The rule change clarifies that failure to properly display proof of payment of motor vehicle entrance and camping fees may result in a surcharge assessment.

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

The rule change would not impose a new fee or increase an existing fee.

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

There is no fiscal impact, as this rule change clarifies the current enforcement practice at IDPR.

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(1), Idaho Code, negotiated rulemaking was conducted. The Notice of Intent to Promulgate Rules – Negotiated Rulemaking was published in the October 4, 2017 Idaho Administrative Bulletin, [Volume 17-10, page 390](#).

INCORPORATION BY REFERENCE: Pursuant to Section 67-5229(2)(a), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule: Not applicable.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Anna Canning, Management Services Administrator, (208) 514-2252. Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before July 25, 2018.

DATED this 10th day of May, 2018.

Anna Canning, Management Services Administrator
Idaho Department of Parks and Recreation
5657 Warm Springs Avenue
P.O. Box 83720
Boise, ID 83720-0065
(208) 514-2252

THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 26-0120-1701
(Only Those Sections With Amendments Are Shown.)

151. PARKING VIOLATIONS.

01. Land or Facilities Administered by the Department. No person shall stop, stand, or park a motor vehicle or trailer anywhere within land or facilities administered by the Department unless proof of payment of all required fees or other lawful authorization for entry is plainly visible and properly displayed. (4-4-13)

02. Designated Campgrounds. No person shall stop, stand, or park a motor vehicle within designated campgrounds unless proof of payment of the applicable campsite fees as set forth in Section 250 of this chapter is plainly visible and properly displayed on either the lower windshield or dashboard of the driver's side of the vehicle. (4-4-13)

03. Designated Overnight Use Area. Except for authorized campers, no person shall stop, stand, park, or leave a motor vehicle or trailer unattended outside day use hours unless the motor vehicle or trailer is in a designated overnight use area and proof of payment of the overnight-use fee is plainly visible and properly displayed. (4-4-13)

04. Fee Collection Surcharge. Any person stopping, standing, or parking a motor vehicle or trailer without payment or properly displaying proof of payment of all required fees is subject to the fee collection surcharge as provided in Subsection 225.06 of this chapter. (~~4-4-13~~)()

05. Citations for Violations. Citations for violations of this Section may be issued to the operator of the motor vehicle. If the operator cannot be readily identified, the citation may be issued to the registered owner or lessee of the motor vehicle, subject to the provisions of Section 67-4237, Idaho Code. (4-4-13)

(BREAK IN CONTINUITY OF SECTIONS)

225. FEES AND SERVICES.

01. Authority. (3-13-97)

a. The Board shall adopt fees for the use of lands, facilities, and equipment. Visitors shall pay all required fees. (3-27-13)

b. Park managers or designees may set fees for goods available for resale and services provided by staff to enhance the users experience unique to the individual park. Fees for lands, facilities, and equipment unique to an individual park will be posted at that site. (3-27-13)

02. General Provisions. All fees in this chapter are maximum fees unless otherwise stated. Actual fees charged shall be established by Board Policy. (3-7-03)

03. Camping. Camping fees include the right to use designated campsites and facilities for the period camp fees are paid. Utilities and facilities may be restricted by weather or other factors. (3-16-04)

04. Group Use. (7-1-93)

a. Groups of twenty-five (25) persons or more, or any group needing special considerations or deviations from these rules shall obtain a permit. Permits may be issued after arrangements have been made for proper sanitation, population density limitations, safety of persons and property, and regulation of traffic. (3-30-06)

b. Permits for groups of up to two hundred fifty (250) people may be approved by the park manager with thirty (30) days advance notice. Permits for groups of two hundred fifty (250) or more people may be approved by the Director with forty-five (45) days advance notice. (3-27-13)

c. The motor vehicle entrance fee may be charged to groups entering a designated area for a non-camping visit. (3-27-13)

05. Fees and Deposits. Fees and deposits may be required for certain uses or the reservation of certain facilities unique to an individual park and will be posted at that site. (3-30-06)

06. Fee Collection Surcharge. A ten dollar (\$10) surcharge may be added to all established fees when the operator of a motor vehicle or responsible party of a camping unit fails to pay all required fees or fails to properly display proof of payment for required fees prior to entering a park area or occupying a campsite. If the surcharge is assessed, and the operator of the vehicle or responsible party is not present, all required fees in addition to the ten dollar (\$10) surcharge will be assessed against the registered owner of the motor vehicle or camping unit. (3-27-13)()

07. Admission Fees. A maximum per person fee of ten dollars (\$10) may be charged for internal park facilities which provide an educational opportunity or require special accommodations. (3-10-00)

08. Cooperative Fee Programs. The Department may collect and disperse fees in cooperation with fee programs of other state and federal agencies. (3-10-00)

09. Encroachment Permit Application Fee. The Department may assess an encroachment application fee as set by the Board to cover administrative costs incurred by the Department in reviewing the application and the site, and in preparing the appropriate document(s). (3-27-13)

IDAPA 26 – DEPARTMENT OF PARKS AND RECREATION
26.01.23 – RULES GOVERNING FILMING WITHIN IDAHO STATE PARKS
DOCKET NO. 26-0123-1701
NOTICE OF RULEMAKING – PROPOSED RULE

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Sections 67-4210 and 67-4223, Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than July 18, 2018.

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

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

This rule change amends rules governing commercial film production in Idaho State Parks to better define the permitting requirements of commercial photographers and to limit existing permitting requirements on casual photographers.

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

The rule change would not impose a new fee or increase an existing fee.

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

There is no fiscal impact.

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(1), Idaho Code, negotiated rulemaking was conducted. The Notice of Intent to Promulgate Rules – Negotiated Rulemaking was published in the October 4, 2017 Idaho Administrative Bulletin, **Volume 17-10, page 391**.

INCORPORATION BY REFERENCE: Pursuant to Section 67-5229(2)(a), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule: Not applicable.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Keith Hobbs, Operations Administrator, (208) 514-2450. Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before July 25, 2018.

DATED this 30th day of May, 2018.

Keith Hobbs, Operations Administrator
Idaho Department of Parks and Recreation
5657 Warm Springs Avenue
P.O. Box 83720
Boise, ID 83720-0065
(208) 514-2450

THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 26-0123-1701
(Only Those Sections With Amendments Are Shown.)

000. LEGAL AUTHORITY.

These rules are promulgated by the Idaho Parks and Recreation Board pursuant to Section 67-5201, et seq., Idaho Code, and Sections 67-4210 and 67-4223, Idaho Code, in order to establish procedures for the issuance of permits for Commercial ~~f~~Filming within state parks. (7-1-93)()

(BREAK IN CONTINUITY OF SECTIONS)

010. DEFINITIONS.

Certain terminology and phrases used in these rules shall have the following meanings unless a different meaning is expressly provided or unless the context clearly indicates otherwise. (7-1-93)

01. Applicant. An individual or organization who submits an application to the Department ~~to~~ for Commercial ~~f~~Filming within state parks, ~~for other than personal or news purposes~~ or within lands managed by the Department. (7-1-93)()

02. Commercial Filming. Unless as defined in Exempt Filming, all recording of moving images by use of film, magnetic, digital media or other recording media, for the purpose of generating revenue. Or the recording of still or moving images that makes use of sets, props or models, or requires on-site management to protect park resources or minimize visitor conflicts. ()

023. Department. The Idaho Department of Parks and Recreation. (7-1-93)

034. Director. The director of the Idaho Department of Parks and Recreation or the designee of the director. (7-1-93)

05. Exempt Filming. All recording of moving images by use of film, magnetic, digital media or other recording media, not for the purpose of generating revenue, or still photography which does not require the use of sets, props or models, or require on-site management to protect park resources or minimize visitor conflicts. Filming for news purposes is considered Exempt Filming. ()

046. Film and Filming. ~~Still and movie camera filming and video taping~~ The recording of moving or still images by use of film, magnetic, digital media or other recording media. (7-1-93)()

057. Filmmaker. An applicant who has received approval ~~to~~ for Commercial ~~f~~Filming within state parks, or lands managed by the Idaho Department of Parks and Recreation through the issuance of a filming permit by the director. (7-1-93)()

011. -- 049. (RESERVED)

050. FILMING WITHIN STATE PARKS.

The Department recognizes the desire of individuals and organizations to film within the state parks, or within lands managed by the Department. Individuals and organizations may film within state parks ~~in a manner which is not disruptive to park users or resources when the filming is for personal or news purposes~~ without a filming permit, when the filming purpose is consistent with the definition of Exempt Filming. Individuals and organizations that desire to conduct Commercial ~~f~~Filming within state parks, ~~for other than personal or news purposes~~ may do so only after acquiring a filming permit, in accordance with the filming permit requirements of Section 100 of this chapter. (7-1-93)()

051. -- 099. (RESERVED)

100. FILMING PERMIT APPLICATION, FEE, AND CONDITIONS.

Persons or organizations that desire to conduct Commercial ~~Filming~~ within a state park, ~~for other than personal or news purposes~~ or within lands managed by the Department, shall complete and submit a film permit application, on forms provided by the director, to the Idaho Department of Parks and Recreation, Statehouse Mail, Boise, ID 83720 ~~Park Manager of the park, or parks, in which the filming will take place.~~ (7-1-93)()

01. Application Fee. Each application shall be accompanied by a nonrefundable application fee of one hundred dollars (\$100) which shall be in the form of a check or money order payable to the Idaho Department of Parks and Recreation. (7-1-93)

02. Conditions. All applicants shall agree to film in a manner which is compatible with the activities of park visitors, does not damage facilities or resources, does not disrupt wildlife, does not imply the endorsement of the Department for the content of the film, acknowledges the cooperation of the Department, and conforms with all of the applicable statutes, rules, policies, and procedures of the Department and the instructions of the department staff who supervise the filming. (7-1-93)

101. -- 149. (RESERVED)

150. APPROVAL OR DISAPPROVAL OF FILM PERMIT APPLICATION.

The director shall approve or disapprove a film permit application and establish the filming locations, time periods, and conditions for an approved application. The director may require an approved applicant to submit the following to the Department prior to the issuance of a film permit: (7-1-93)

01. Fees. Fees payable to the Idaho Department of Parks and Recreation in the form of a check or money order in an amount, as determined by the director, which will at a minimum, covers the charges for the facilities to be used by a filmmaker and any staff costs to be incurred by the Department due to the filming that are beyond the regular responsibilities of the staff of the Department. (7-1-93)()

02. Security. A bond or damage deposit payable to the Idaho Department of Parks and Recreation in an amount, as determined by the director, which is sufficient to cover any damages to park resources or facilities which may occur during the filming; and (7-1-93)

03. Proof of Insurance. Certification that an approved applicant has liability insurance in an amount, as determined by the director, which is sufficient to cover any liability costs associated with the actions of a filmmaker during filming, and that the State of Idaho and the Idaho Department of Parks and Recreation be named as insured parties. (7-1-93)

IDAPA 27 – BOARD OF PHARMACY

27.01.01 – GENERAL PROVISIONS

DOCKET NO. 27-0101-1801

NOTICE OF INTENT TO PROMULGATE RULES – NEGOTIATED RULEMAKING

AUTHORITY: In compliance with Sections 67-5220(1) and 67-5220(2), Idaho Code, notice is hereby given that this agency intends to promulgate rules and desires public comment prior to initiating formal rulemaking procedures. This negotiated rulemaking action is authorized pursuant to Section 54-1717, Idaho Code.

MEETING SCHEDULE: Public meetings on the negotiated rulemaking will be held as follows:

PUBLIC (LIVE) NEGOTIATED MEETING

**Thursday, August 2, 2018
1:00 pm (MDT)**

**Idaho State Capitol Building
Room WW53
700 W. Jefferson
Boise, Idaho 83702**

VIA TELECONFERENCE CALL-IN

**Thursday, August 30, 2018
8:00 am (MDT)**

**Dial-in: 1-877-820-7831
Passcode: 381637**

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

METHOD OF PARTICIPATION: Persons wishing to participate in the negotiated rulemaking must do the following:

For the in-person meeting, written comments received by July 18, 2018 will be included in the Board's distributed meeting materials for consideration. Written comments received between July 19, 2018 and August 1, 2018 will be printed and distributed to Board members at the meeting. For those planning to attend the open, public meeting, written and verbal comments will be accepted by and/or presented before the Board.

For the conference call, all written comments received by August 27, 2018 will be included in the Board's distributed meeting materials for consideration. For those planning to participate in the open, public conference call, verbal comments will be accepted by the Board.

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

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

Over the past two years, the Board of Pharmacy has engaged in strategic efforts to promote regulatory reform and reduce obstacles to licensure and practice. Last year, the Board of Pharmacy cut 55% of its rules by word count, 62% of restrictions, and eliminated 6 categories of licensure.

This year, the Board intends to continue with these efforts. In particular, the Board intends to eliminate IDAPA 27.01.06, Rules Governing DME, Manufacturing, and Distribution, as much of the chapter needlessly duplicates other state laws. The Board will carefully extract the few rules from the chapter that are needed to protect public health, and add them to other Board chapters as appropriate. To IDAPA 27.01.01, the Board intends to add a definition for “DME Outlet,” remove the definition for “MPJE,” add distributing to the section of unprofessional conduct regarding misbranded or adulterated products, and make some minor corrections.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS, OBTAINING DRAFT COPIES: For assistance on technical questions concerning this negotiated rulemaking or to obtain a preliminary draft copy of the rule text, if available, contact Alex Adams, Executive Director, at (208) 334-2356. Materials pertaining to the negotiated rulemaking, including any available preliminary rule drafts, can be found on the Board of Pharmacy website at <https://bop.idaho.gov/index.html>.

Anyone may submit written comments regarding this negotiated rulemaking. All written comments must be directed to the undersigned and must be delivered as described above.

DATED this 6th day of June, 2018.

Alex J. Adams, Pharm D, MPH
Executive Director
Board of Pharmacy
1199 W. Shoreline Ln., Ste. 303
P. O. Box 83720
Boise, ID 83720-0067
Phone: (208) 334-2356
Fax: (208) 334-3536

IDAPA 27 – BOARD OF PHARMACY

27.01.02 – RULES GOVERNING LICENSURE AND REGISTRATION

DOCKET NO. 27-0102-1802

NOTICE OF INTENT TO PROMULGATE RULES – NEGOTIATED RULEMAKING

AUTHORITY: In compliance with Sections 67-5220(1) and 67-5220(2), Idaho Code, notice is hereby given that this agency intends to promulgate rules and desires public comment prior to initiating formal rulemaking procedures. This negotiated rulemaking action is authorized pursuant to Section 54-1717, Idaho Code.

MEETING SCHEDULE: Public meetings on the negotiated rulemaking will be held as follows:

PUBLIC (LIVE) NEGOTIATED MEETING

**Thursday, August 2, 2018
1:00 pm (MDT)**

**Idaho State Capitol Building
Room WW53
700 W. Jefferson
Boise, Idaho 83702**

VIA TELECONFERENCE CALL-IN

**Thursday, August 30, 2018
8:00 am (MDT)**

**Dial-in: 1-877-820-7831
Passcode: 381637**

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

METHOD OF PARTICIPATION: Persons wishing to participate in the negotiated rulemaking must do the following:

For the in-person meeting, written comments received by July 18, 2018 will be included in the Board's distributed meeting materials for consideration. Written comments received between July 19, 2018 and August 1, 2018 will be printed and distributed to Board members at the meeting. For those planning to attend the open, public meeting, written and verbal comments will be accepted by and/or presented before the Board.

For the conference call, all written comments received by August 27, 2018 will be included in the Board's distributed meeting materials for consideration. For those planning to participate in the open, public conference call, verbal comments will be accepted by the Board.

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

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

The Board of Pharmacy intends to continue its efforts on occupational licensure reform with a goal of increasing the portability and mobility of licensure. The Board intends to remove the MPJE as a precondition to pharmacist licensure. The exam in its current form has been rendered obsolete by the Board's new regulations and its removal is consistent with the entry-level licensure requirements of nearly every other Idaho licensed health profession. The Board also intends to change the nomenclature of the "nonresident pharmacist" registration category to "nonresident PICs" to further clarify that most nonresident pharmacists do not need to hold a Board of Pharmacy registration if they are working for a nonresident Idaho-licensed facility. The Board intends to move language from IDAPA 27.01.06 regarding pharmaceutical manufacturers to this chapter; this does not add any new requirements to manufacturers above existing law. Lastly, the Board intends to make some minor corrections.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS, OBTAINING DRAFT COPIES: For assistance on technical questions concerning this negotiated rulemaking or to obtain a preliminary draft copy of the rule text, if available, contact Alex Adams, Executive Director, at (208) 334-2356. Materials pertaining to the negotiated rulemaking, including any available preliminary rule drafts, can be found on the Board of Pharmacy website at <https://bop.idaho.gov/index.html>.

Anyone may submit written comments regarding this negotiated rulemaking. All written comments must be directed to the undersigned and must be delivered as described above.

DATED this 6th day of June, 2018.

Alex J. Adams, Pharm D, MPH
Executive Director
Board of Pharmacy
1199 W. Shoreline Ln., Ste. 303
P. O. Box 83720
Boise, ID 83720-0067
Phone: (208) 334-2356
Fax: (208) 334-3536

IDAPA 27 – BOARD OF PHARMACY

27.01.03 – RULES GOVERNING PHARMACY PRACTICE

DOCKET NO. 27-0103-1801

NOTICE OF INTENT TO PROMULGATE RULES – NEGOTIATED RULEMAKING

AUTHORITY: In compliance with Sections 67-5220(1) and 67-5220(2), Idaho Code, notice is hereby given that this agency intends to promulgate rules and desires public comment prior to initiating formal rulemaking procedures. This negotiated rulemaking action is authorized pursuant to Section 54-1717, Idaho Code.

MEETING SCHEDULE: Public meetings on the negotiated rulemaking will be held as follows:

PUBLIC (LIVE) NEGOTIATED MEETING

**Thursday, August 2, 2018
1:00 pm (MDT)**

**Idaho State Capitol Building
Room WW53
700 W. Jefferson
Boise, Idaho 83702**

VIA TELECONFERENCE CALL-IN

**Thursday, August 30, 2018
8:00 am (MDT)**

**Dial-in: 1-877-820-7831
Passcode: 381637**

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

METHOD OF PARTICIPATION: Persons wishing to participate in the negotiated rulemaking must do the following:

For the in-person meeting, written comments received by July 18, 2018 will be included in the Board's distributed meeting materials for consideration. Written comments received between July 19, 2018 and August 1, 2018 will be printed and distributed to Board members at the meeting. For those planning to attend the open, public meeting, written and verbal comments will be accepted by and/or presented before the Board.

For the conference call, all written comments received by August 27, 2018 will be included in the Board's distributed meeting materials for consideration. For those planning to participate in the open, public conference call, verbal comments will be accepted by the Board.

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

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

The Board intends to move current requirements from IDAPA 27.01.06 into this chapter regarding distributor recordkeeping and reporting requirements; this does not add any new requirements to distributors above existing law. The passage of 2018 House Bills 339 and 351 compel some minor additions to this chapter. The Board also intends to remove the requirement for PICs; removing this will reduce paperwork burdens and hassles on Idaho facilities. Further, the Board intends to make some minor corrections.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS, OBTAINING DRAFT COPIES: For assistance on technical questions concerning this negotiated rulemaking or to obtain a preliminary draft copy of the rule text, if available, contact Alex Adams, Executive Director, at (208) 334-2356. Materials pertaining to the negotiated rulemaking, including any available preliminary rule drafts, can be found on the Board of Pharmacy website at <https://bop.idaho.gov/index.html>.

Anyone may submit written comments regarding this negotiated rulemaking. All written comments must be directed to the undersigned and must be delivered as described above.

DATED this 6th day of June, 2018.

Alex J. Adams, Pharm D, MPH
Executive Director
Board of Pharmacy
1199 W. Shoreline Ln., Ste. 303
P. O. Box 83720
Boise, ID 83720-0067
Phone: (208) 334-2356
Fax: (208) 334-3536

IDAPA 27 – BOARD OF PHARMACY

27.01.04 – RULES GOVERNING PHARMACIST PRESCRIPTIVE AUTHORITY

DOCKET NO. 27-0104-1802

NOTICE OF INTENT TO PROMULGATE RULES – NEGOTIATED RULEMAKING

AUTHORITY: In compliance with Sections 67-5220(1) and 67-5220(2), Idaho Code, notice is hereby given that this agency intends to promulgate rules and desires public comment prior to initiating formal rulemaking procedures. This negotiated rulemaking action is authorized pursuant to Section 54-1717, Idaho Code.

MEETING SCHEDULE: Public meetings on the negotiated rulemaking will be held as follows:

PUBLIC (LIVE) NEGOTIATED MEETING

**Thursday, August 2, 2018
1:00 pm (MDT)**

**Idaho State Capitol Building
Room WW53
700 W. Jefferson
Boise, Idaho 83702**

VIA TELECONFERENCE CALL-IN

**Thursday, August 30, 2018
8:00 am (MDT)**

**Dial-in: 1-877-820-7831
Passcode: 381637**

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

METHOD OF PARTICIPATION: Persons wishing to participate in the negotiated rulemaking must do the following:

For the in-person meeting, written comments received by July 18, 2018 will be included in the Board's distributed meeting materials for consideration. Written comments received between July 19, 2018 and August 1, 2018 will be printed and distributed to Board members at the meeting. For those planning to attend the open, public meeting, written and verbal comments will be accepted by and/or presented before the Board.

For the conference call, all written comments received by August 27, 2018 will be included in the Board's distributed meeting materials for consideration. For those planning to participate in the open, public conference call, verbal comments will be accepted by the Board.

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

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

The Board of Pharmacy intends to make some updates based on discussions that occurred as part of the 2018 legislative rules review. Further the Board intends to add the statutorily authorized drugs that pharmacists can already prescribe to the rules to reduce confusion among licensees.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS, OBTAINING DRAFT COPIES: For assistance on technical questions concerning this negotiated rulemaking or to obtain a preliminary draft copy of the rule text, if available, contact Alex Adams, Executive Director, at (208) 334-2356. Materials pertaining to the negotiated rulemaking, including any available preliminary rule drafts, can be found on the Board of Pharmacy website at <https://bop.idaho.gov/index.html>.

Anyone may submit written comments regarding this negotiated rulemaking. All written comments must be directed to the undersigned and must be delivered as described above.

DATED this 6th day of June, 2018.

Alex J. Adams, Pharm D, MPH
Executive Director
Board of Pharmacy
1199 W. Shoreline Ln., Ste. 303
P. O. Box 83720
Boise, ID 83720-0067
Phone: (208) 334-2356
Fax: (208) 334-3536

IDAPA 27 – BOARD OF PHARMACY

27.01.05 – RULES GOVERNING DRUG COMPOUNDING

DOCKET NO. 27-0105-1801

NOTICE OF INTENT TO PROMULGATE RULES – NEGOTIATED RULEMAKING

AUTHORITY: In compliance with Sections 67-5220(1) and 67-5220(2), Idaho Code, notice is hereby given that this agency intends to promulgate rules and desires public comment prior to initiating formal rulemaking procedures. This negotiated rulemaking action is authorized pursuant to Section 54-1717, Idaho Code.

MEETING SCHEDULE: Public meetings on the negotiated rulemaking will be held as follows:

PUBLIC (LIVE) NEGOTIATED MEETING

**Thursday, August 2, 2018
1:00 pm (MDT)**

**Idaho State Capitol Building
Room WW53
700 W. Jefferson
Boise, Idaho 83702**

VIA TELECONFERENCE CALL-IN

**Thursday, August 30, 2018
8:00 am (MDT)**

**Dial-in: 1-877-820-7831
Passcode: 381637**

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

METHOD OF PARTICIPATION: Persons wishing to participate in the negotiated rulemaking must do the following:

For the in-person meeting, written comments received by July 18, 2018 will be included in the Board's distributed meeting materials for consideration. Written comments received between July 19, 2018 and August 1, 2018 will be printed and distributed to Board members at the meeting. For those planning to attend the open, public meeting, written and verbal comments will be accepted by and/or presented before the Board.

For the conference call, all written comments received by August 27, 2018 will be included in the Board's distributed meeting materials for consideration. For those planning to participate in the open, public conference call, verbal comments will be accepted by the Board.

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

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

The Board of Pharmacy convened a compounding committee to provide suggestions to update the state compounding laws. Modest changes are envisioned for required fixtures, policies and procedures, and dosage forms requiring sterility.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS, OBTAINING DRAFT COPIES: For assistance on technical questions concerning this negotiated rulemaking or to obtain a preliminary draft copy of the rule text, if available, contact Alex Adams, Executive Director, at (208) 334-2356. Materials pertaining to the negotiated rulemaking, including any available preliminary rule drafts, can be found on the Board of Pharmacy website at <https://bop.idaho.gov/index.html>.

Anyone may submit written comments regarding this negotiated rulemaking. All written comments must be directed to the undersigned and must be delivered as described above.

DATED this 6th day of June, 2018.

Alex J. Adams, Pharm D, MPH
Executive Director
Board of Pharmacy
1199 W. Shoreline Ln., Ste. 303
P. O. Box 83720
Boise, ID 83720-0067
Phone: (208) 334-2356
Fax: (208) 334-3536

IDAPA 27 – BOARD OF PHARMACY

27.01.06 – RULES GOVERNING DME, MANUFACTURING, AND DISTRIBUTION

DOCKET NO. 27-0106-1801 (CHAPTER REPEAL)

NOTICE OF INTENT TO PROMULGATE RULES – NEGOTIATED RULEMAKING

AUTHORITY: In compliance with Sections 67-5220(1) and 67-5220(2), Idaho Code, notice is hereby given that this agency intends to promulgate rules and desires public comment prior to initiating formal rulemaking procedures. This negotiated rulemaking action is authorized pursuant to Section 54-1717, Idaho Code.

MEETING SCHEDULE: Public meetings on the negotiated rulemaking will be held as follows:

PUBLIC (LIVE) NEGOTIATED MEETING

**Thursday, August 2, 2018
1:00 pm (MDT)**

**Idaho State Capitol Building
Room WW53
700 W. Jefferson
Boise, Idaho 83702**

VIA TELECONFERENCE CALL-IN

**Thursday, August 30, 2018
8:00 am (MDT)**

**Dial-in: 1-877-820-7831
Passcode: 381637**

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

METHOD OF PARTICIPATION: Persons wishing to participate in the negotiated rulemaking must do the following:

For the in-person meeting, written comments received by July 18, 2018 will be included in the Board's distributed meeting materials for consideration. Written comments received between July 19, 2018 and August 1, 2018 will be printed and distributed to Board members at the meeting. For those planning to attend the open, public meeting, written and verbal comments will be accepted by and/or presented before the Board.

For the conference call, all written comments received by August 27, 2018 will be included in the Board's distributed meeting materials for consideration. For those planning to participate in the open, public conference call, verbal comments will be accepted by the Board.

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

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

In continuing efforts to promote regulatory reform and reduce obstacles to licensure and practice, the Board of Pharmacy intends to eliminate this chapter as much of it needlessly duplicates other state laws. The Board will carefully extract the few rules from this chapter that are needed to protect public health, and add them to other Board chapters as appropriate.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS, OBTAINING DRAFT COPIES: For assistance on technical questions concerning this negotiated rulemaking or to obtain a preliminary draft copy of the rule text, if available, contact Alex Adams, Executive Director, at (208) 334-2356. Materials pertaining to the negotiated rulemaking, including any available preliminary rule drafts, can be found on the Board of Pharmacy website at <https://bop.idaho.gov/index.html>.

Anyone may submit written comments regarding this negotiated rulemaking. All written comments must be directed to the undersigned and must be delivered as described above.

DATED this 6th day of June, 2018.

Alex J. Adams, Pharm D, MPH
Executive Director
Board of Pharmacy
1199 W. Shoreline Ln., Ste. 303
P. O. Box 83720
Boise, ID 83720-0067
Phone: (208) 334-2356
Fax: (208) 334-3536

IDAPA 29 – IDAHO POTATO COMMISSION

**29.01.03 – RULES GOVERNING NOMINATIONS AND ELECTIONS
FOR CANDIDATES TO BE SELECTED FOR COMMISSIONER**

DOCKET NO. 29-0103-1801 (NEW CHAPTER)

NOTICE OF INTENT TO PROMULGATE RULES – NEGOTIATED RULEMAKING

AUTHORITY: In compliance with Sections 67-5220(1) and 67-5220(2), Idaho Code, notice is hereby given that this agency intends to promulgate rules and desires public comment prior to initiating formal rulemaking procedures. This negotiated rulemaking action is authorized pursuant to Sections 22-1205 and 22-1207, Idaho Code.

MEETING SCHEDULE: Public meetings on the negotiated rulemaking will be held as follows:

NEGOTIATED RULEMAKING MEETINGS (ALL TIMES ARE LOCAL)		
Tuesday, July 24, 2018 4:00 to 6:00pm	Tuesday, July 31, 2018 5:00 to 9:00 pm	Wednesday, August 1, 2018 5:00 to 9:00 pm
IPC Offices 661 S. Rivershore Ln., Ste. 230 Eagle, ID 83616	Burley Inn & Convention Center 800 N. Overland Avenue Burley, ID 83318	Shoshone-Bannock Hotel 777 Bannock Trail Fort Hall, ID 83203

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

METHOD OF PARTICIPATION: Persons wishing to participate in the negotiated rulemaking must do the following:

Interested members of the public who wish to participate must submit any written comments, questions, recommendations, or ideas to the Idaho Potato Commission addressed to Patrick Kole, PO Box 1670, Eagle, ID 83616 or by email to Patrick.kole@potato.idaho.gov. Individuals may also attend the public meetings to be conducted on the above dates during which the Idaho Potato Commission will allow oral comments or presentations to be made.

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

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

This rulemaking will specify our commissioner nomination procedures, including commissioner eligibility, nominating process, and voting methods. Our proposed chapter will be titled IDAPA 29.01.03 - "Rules Governing Nominations and Elections for Candidates to be Selected for Commissioner."

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS, OBTAINING DRAFT COPIES: For assistance on technical questions concerning this negotiated rulemaking or to obtain a preliminary draft copy of the rule text contact Patrick Kole, VP of Legal and Government Affairs, at (208) 514-4208. Materials pertaining to the negotiated rulemaking, including any available preliminary rule drafts, can be found on the Idaho Potato Commission's web site at the following web address: www.idahopotato.com.

Anyone may submit written comments regarding this negotiated rulemaking. All written comments must be directed to the undersigned and must be delivered on or before Wednesday, August 15.

Dated this 8th day of June, 2018.

Patrick Kole, VP Legal and Government Affairs
Idaho Potato Commission
661 S. Rivershore Ln. Ste. 230
PO Box 1670
Eagle, ID 83616
Phone: (208) 514-4208
Fax: (208) 334-2274

IDAPA 30 – IDAHO COMMISSION FOR LIBRARIES
30.01.01 – RULES OF THE IDAHO COMMISSION FOR LIBRARIES
GOVERNING THE USE OF COMMISSION SERVICES

DOCKET NO. 30-0101-1801

NOTICE OF RULEMAKING – PROPOSED RULE

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Section 33-2503, Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than July 18, 2018.

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

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

The rulemaking is needed to address the agency's state-funded grant programs, which didn't exist in 2008; and to make eligibility requirements the same for agency state- and federally-funded grant programs. Rule changes define eligibility to apply for agency grant programs, broaden the range of eligible libraries, and make eligibility requirements the same for agency state- and federally-funded grant programs. Rule changes are also needed to reflect the Talking Book Service's move to digital and downloadable content and alignment with current National Library Services (the content and device provider) guidelines.

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

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

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted because the rulemaking is simple in nature. The rulemaking simply expands the eligibility to apply for agency grant programs and broadens the range of eligible libraries. In regard to the Talking Book Service, the rulemaking reflects the move to digital and downloadable content and alignment with current National Library Service guidelines.

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

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Ann Joslin, State Librarian, at (208) 334-2150.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before July 25, 2018.

DATED this 13th day of June, 2018.

Ann Joslin
State Librarian
Idaho Commission for Libraries
325 W. State St.
P. O. Box 83720
Boise, ID 83702
Phone: (208) 334-2150
FAX: (208) 334-4016

THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 30-0101-1801
(Only Those Sections With Amendments Are Shown.)

003. ADMINISTRATIVE APPEALS.

Appeals from the agency's denial of eligibility for *LSTA* grant funding or denial of a request for exemption from criteria for a proposed library district shall be governed by the provisions of the Administrative Procedure Act, Title 67, Chapter 52, Idaho Code, and IDAPA 04.11.01, "Idaho Rules of Administrative Procedure of the Attorney General." (4-2-08)()

004. INCORPORATION BY REFERENCE.

The Library Services and Technology Act, 20 U.S.C.A. Section 91201, et. seq., ~~as set forth in Title II of the Museum and Library Services Act, Public Law 108-81, effective September 25, 2003.~~ Copies of the Library Services and Technology Act are available at the offices of the Commission and at Museum and Library Services website at <http://imls.gov/about/services2003.shtm> https://www.imls.gov/assets/1/AssetManager/MLSA_2010_asamended.pdf. (3-29-10)()

(BREAK IN CONTINUITY OF SECTIONS)

006. FILING OF DOCUMENTS.

~~All documents, applications, correspondence, or other written materials that are intended to be acted upon by the Commission must be mailed to the Commission at the mailing address set forth in Section 005 of these rules. The original of any documents, applications, correspondence, or other written materials that are submitted to the Commission using its facsimile number or sent via electronic mail must be deposited into the U.S. Mail, postage prepaid, addressed to the Commission, that same day.~~ (4-2-08)

007. PUBLIC RECORDS ACT COMPLIANCE.

All rules contained in this chapter are subject to and in compliance with the Idaho Public Records Act (Title 74, Chapter 1, Idaho Code). (4-2-08)

008. -- 010. (RESERVED)

011. DEFINITIONS.

01. Academic Library. A library organized and operating as part of an institution of higher education. An academic library may be, or be part of, a registered non-profit organization with tax exempt status. (4-2-08)()

02. Board. The Idaho Board of Library Commissioners as established in Title 33, Chapter 25, Idaho Code. (4-2-08)

03. Commission. The Idaho Commission for Libraries as established in Title 33, Chapter 25, Idaho Code. (4-2-08)

04. Library Clientele. The clientele of a library is dependent upon the type of library: (4-2-08)

a. Academic library. The students, staff, and faculty of the academic institution. (4-2-08)

b. Public library. The residents of the library's legal service area, as defined by the boundaries of its jurisdiction, and any non-residents as further defined by the library board's policies and contracts. (4-2-08)

c. School library. The students, staff, and faculty of the school or school district. (4-2-08)

- d. Special library. The patrons of the individual library or its parent institution, or both. (4-2-08)
05. **Library Consortia.** A local, regional, statewide, or interstate cooperative association of library entities which provides for the systematic and effective coordination of the resources of academic, public, school, and special libraries for improved services for the clientele of the member library entities. (4-2-08)
06. **Public Library.** A library organized and operating in compliance with Title 33, Chapter 26 or Title 33, Chapter 27, Idaho Code. (4-2-08)
07. **School Library.** A library organized and operating as part of a primary or secondary school, or both, or school district. Also called a school library media center. (4-2-08)
08. **Special Library.** A library that is not an academic, public, or school library, usually organized to meet a specialized mission and operating with a specialized collection, or to serve a specialized clientele. A special library may be a tribal, military or correctional institution library, or one that is, or is part of, a registered non-profit organization with tax exempt status. (4-2-08)()

(BREAK IN CONTINUITY OF SECTIONS)

020. ~~LSTA (LIBRARY SERVICES AND TECHNOLOGY ACT) GRANT PROGRAMS – GENERAL ELIGIBILITY REQUIREMENTS – ADDITIONAL ELIGIBILITY REQUIREMENTS.~~

01. **General Eligibility Requirements for Public, School, Academic, and Special Library Grant Program Applicants.** ~~In addition to applicant specific criteria set forth in Subsections 020.02 and 020.03 of these rules, a~~Any LSTA grant program library applicant ~~or participant~~ must meet the following eligibility requirements: (4-2-08)()

- ~~a. The library is, or is part of, a non-profit institution or agency that receives substantial support from public tax revenues. (4-2-08)~~
- ~~b. The library has a current, written long range or strategic plan that is available in the library for review. (4-2-08)~~
- ea. The library consists of a specific, permanent space exclusively designated for providing library services. (4-2-08)
- eb. The library collects, provides, and coordinates access to library materials. (4-2-08)
- ec. The library serves its clientele free of charge. (4-2-08)
- fd. The library maintains regular ~~and published~~ hours of operation posted at the library door, and is open at least five (5) hours per week. (4-2-08)()
- i. ~~Academic library: minimum of seventy-five (75) hours per week while school is in session. (4-2-08)~~
- ii. ~~Public library: minimum of twelve (12) hours per week, including some evening or weekend hours. (4-2-08)~~
- iii. ~~School library: minimum of six (6) hours per day while school is in session. (4-2-08)~~
- iv. ~~Special library: dependent upon mission. (4-2-08)~~
- ge. The library ~~employs an administrator who is responsible for the daily operations of the library~~ has

complied with previous Commission grant conditions during the preceding fiscal year. (4-2-08)()

kf. The library has at least one (1) paid staff member *on duty in* responsible for the daily operation of the library *during the hours the library is open.* (4-2-08)()

i. *The library has an operable phone within the place set aside for the library and an e-mail address.* (4-2-08)

j. *The library loans its materials to other Idaho libraries without charge.* (4-2-08)

k. *The library provides training opportunities for its staff.* (4-2-08)

l. *The library offers computer access, including Internet access, for its clientele, and has a policy that addresses acceptable use.* (4-2-08)

g. The library is not affiliated with any school, university or organization controlled by any church, sectarian, or religious denomination (Idaho State Constitution, Article IX, Section 5). ()

h. The library seeking to participate in any grant program must apply on forms provided by the Commission for that purpose. ()

02. Additional Eligibility Requirements for School and Academic Libraries Grant Program Applicants. In addition to the criteria set forth in Subsection 020.01 of these rules, any *LSTA* grant program school or academic library applicant *or participant* must also meet the following requirements: (4-2-08)()

a. *The school is on the Idaho State Department of Education's current Accreditation Summary Report.* For school libraries, the school maintains a space that: (4-2-08)()

i. Is dedicated to library services, and is not space solely used for other instructions, such as a teacher's classroom; ()

ii. Houses books and other tools supporting the curriculum, research and reading requirements of students and staff; ()

iii. Is accessible for the students, teachers and staff at the school; and ()

b. *The school district employs a certificated media generalist.* (4-2-08)

eb. For academic libraries, ~~T~~the academic institution is accredited by the Northwest Commission on Colleges and Universities. (4-2-08)()

03. Additional Eligibility Requirements for Public Libraries Grant Program Applicants. In addition to the criteria set forth in Subsection 020.01 of these rules, any *LSTA* grant program public library applicant *or participant* must also meet the following requirements: (4-2-08)()

a. The library is established and operating in compliance with Title 33, Chapter 26 or Title 33, Chapter 27, Idaho Code. (4-2-08)

b. The library is open to the general public and does not charge a fee to any resident of its legal service area for any basic library service. Basic library services include: (4-2-08)()

i. Access during posted operating hours to library collections and the ~~I~~internet. (4-2-08)()

ii. Circulation of library materials, regardless of format. (4-2-08)

iii. Access to interlibrary loan services. Postage charges for interlibrary loans are assumed by the library, not the user. (4-2-08)

- iv. Reference services, regardless of format. (4-2-08)
- c. The library has a completed annual “Idaho Public-~~District~~ Library ~~Annual Statistical Report Survey~~” for the preceding fiscal year accepted by, and on file at, the Commission. (4-2-08)()
- d. The library has adopted a written internet safety policy that has been reviewed within the last three (3) years by the library’s board of trustees and is posted at the library. ()
- ~~d.e.~~ The library maintains a website presence that provides current information about, or access to, its services including: (4-2-08)()
 - i. Library ~~name~~ contact information. (4-2-08)()
 - ~~ii. Library address – both mailing address and street address, if different. (4-2-08)~~
 - ~~iii. Library phone number. (4-2-08)~~
 - ~~iv. E-mail address or contact form, or both. (4-2-08)~~
 - ~~v. Hours of operation. (4-2-08)~~
 - ~~vi. Names of library board members. (4-2-08)~~
 - ~~vii. Link to online catalog, if the library has one. (4-2-08)~~
 - ~~viii. Link to the LiLI Portal or to the LiLI Databases and the LiLI Unlimited statewide catalog with the “funded by LiLI” icon. (4-2-08)()~~
 - ~~ix. Description of library services. (4-2-08)~~
 - ~~x. Date “last updated” or “last reviewed” appears on each web page. (4-2-08)~~

021. LIBRARY CONSORTIUM GRANT PROGRAM APPLICANTS.

In addition to the criteria set forth in Subsection 020.01 of these rules, any LSTA grant program library consortium applicant or participant must have a formal organizational structure with at least the following elements in place: (4-2-08)()

- 01. Name.** A name for the consortium. (4-2-08)
- 02. Identification Number.** A tax identification number or an employer identification number (EIN) for the consortium. (4-2-08)
- 03. Members List.** A list of all the members. (4-2-08)
- 04. Governance Structure.** A representative governance structure and the name or names of the individuals with leadership roles and responsibilities identified. (4-2-08)
- 05. Funding Mechanism.** A sustaining funding mechanism supported in part by local funds from the members involved. (4-2-08)
- ~~06. Plan.~~ Plan. A current, written long range or strategic plan approved by the members and available for review. (4-2-08)
- ~~07. Agreement or By-Laws.~~ **07. Agreement or By-Laws.** A cooperative agreement or by-laws of the organization signed by each member. (4-2-08)

~~08. **Policies and Procedures.** Policies and procedures for services, such as reciprocal borrowing, shared circulation, materials delivery, and cooperative collection development. (4-2-08)~~

~~09. **Addition or Withdrawal of Members.** Procedures for adding members to, and withdrawing members from, the consortia. (4-2-08)~~

022. NON-LIBRARY ENTITIES.

Any LSTA grant program non-library entity applicant or participant must: (4-2-08)

~~01. **Registered Non-Profit.** Be a non-profit corporation registered with the Idaho Secretary of State under the Idaho Non-Profit Corporation Act (Title 30, Chapter 3, Idaho Code); and (4-2-08)~~

~~02. **Tax Exempt.** Have tax exempt status under Internal Revenue Code, 26 U.S.C. Section 501(c)(3) or be tax-exempt as a governmental unit or publicly supported organization under Internal Revenue Code, 26 U.S.C. Section 509(a)(1). (4-2-08)~~

023. LSTA GRANT PROGRAM.

All applicants seeking to participate in any LSTA grant program must apply on forms provided by the Commission. (3-29-10)

~~024.~~ – 029. (RESERVED)

(BREAK IN CONTINUITY OF SECTIONS)

050. TALKING BOOK SERVICE (TBS).

01. Patron Status. (3-29-10)

a. Active status. To remain active, users must borrow or download at least one (1) book per year or subscribe to at least one (1) magazine provided through the service. (3-29-10)()

b. Changes of status. The user must notify the Talking Book Service of address changes, a desire to cancel the service, and temporary or permanent service transfer to another state. (3-29-10)

~~**e.** Good standing. To receive a digital player and books, user's account must reflect: (3-29-10)~~

~~**i.** The current permanent mailing address and contact information; and (3-29-12)~~

~~**ii.** No history of lost machines as defined by library procedures or more than one (1) Recorded Cassette (RC) player currently checked out. (3-29-12)~~

02. Materials Loaned. (3-29-10)

a. Formats. Recorded Audio and Braille books, magazines, and descriptive videos and discs print/Braille books are loaned free to eligible registered users. The Talking Book Service keeps records of all loans. (3-29-10)()

b. Equipment. Equipment necessary to listen to recorded audio materials will be loaned for as long as the user meets National Library Service eligibility requirements and is using the equipment to listen to materials provided by the Talking Book Service. Materials received from sources other than the Talking Book Service do not qualify for continuance of service. Playback equipment needing repair must be returned to the Talking Book Service. A replacement will be provided upon request. The user should not attempt to repair the playback equipment or replace the battery. (3-29-10)()

c. Sharing materials. Users may not lend Talking Book Service materials or equipment to other

persons. (3-29-10)

03. Circulation. (3-29-10)

a. Number of titles loaned. The Board shall establish the maximum number of titles each user may request and that information is available at the Commission office. Once a user reaches the established maximum number of titles, no additional titles will be sent in that format until outstanding titles are returned. A user may request a change in the number of titles received at any time, up to the maximum. (3-29-12)

b. Loan periods. The Board shall establish loan periods for all titles and that information is available at the Commission office. (3-29-12)

c. Overdue materials. Users are urged to return materials promptly so they can be circulated to other patrons. (3-29-12)

d. Fines. No fines are levied for materials returned later than the circulation due date. (3-29-10)

e. Returning materials. Materials can be returned free via the United State Postal Service using Free Matter for the Blind mailing cards. Place materials in a mailbox or take them to the Post Office. (3-29-10)

~~**f.** *Lost or damaged materials. The user is charged a replacement fee for each lost or damaged descriptive video or disc as outlined in Section 33-2620, Idaho Code, "Failure to Return Borrowed Material."*~~ (3-29-10)

04. Service Suspension. If any of the rules of Section 050 of these rules are repeatedly violated, the user's service may be suspended pursuant to the following suspension procedure: (3-29-10)

a. Service staff will discuss the violation with the user. (3-29-10)

b. A warning letter will be sent to the user that summarizes the discussion and the violation. The user will have an opportunity to reply within ten (10) business days. (3-29-10)

c. If rule violations continue, a second warning letter will be sent citing the earlier warning letter and listing examples of subsequent violations. The service can be suspended for up to six (6) months. A specific date to reinstate service will be included in this letter. The user will have an opportunity to reply within ten (10) business days. (3-29-10)

d. When service is reinstated, a letter will be sent notifying the user of reinstatement of service and reminding the user that further documented violations will result in another suspension of service. (3-29-10)

IDAPA 35 – STATE TAX COMMISSION

35.01.02 – IDAHO SALES AND USE TAX ADMINISTRATIVE RULES

DOCKET NO. 35-0102-1803

NOTICE OF INTENT TO PROMULGATE RULES – NEGOTIATED RULEMAKING

AUTHORITY: In compliance with Sections 67-5220, Idaho Code, notice is hereby given that this agency intends to promulgate rules and desires public comment prior to initiating formal rulemaking procedures. This negotiated rulemaking action is authorized pursuant to Sections 63-105(2), 63-3624(a), 63-3635, and 63-3039, Idaho Code.

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

MEETING SCHEDULE: Negotiated meetings will be scheduled and all scheduled meetings shall be posted and made accessible on the agency website at the address listed below.

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

METHOD OF PARTICIPATION: Persons wishing to participate in the negotiated rulemaking must do the following:

Negotiated meetings will be scheduled and all scheduled meetings shall be posted and made accessible on the agency website at the address listed below.

1. Attend the negotiated rulemaking meeting(s) and participate in the negotiation process,
2. Attend through a teleconference,
3. Provide oral or written recommendations, or both, at the negotiated rulemaking meeting, and/or
4. Submit written recommendations and comments to the address below.

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

DESCRIPTIVE SUMMARY AND STATEMENT OF PURPOSE: The following is a statement in nontechnical language of the substance and purpose of the intended negotiated rulemaking and the principle issues involved:

Rule 018 – The legislature amended the Idaho Sales Tax Act to provide a presumption that under certain conditions out-of-state retailers making sales to customers located in this state are retailers engaged in business in this state. These rules must be updated to reflect these changes. We are adding to the list of entities that are retailers, “out-of-state sellers that must overcome the presumption defined by Section 63-3611, Idaho code. We are also adding the statutory reference to the beginning of the rule

Rule 029 – Idaho law provides that the fee a retailer charges for assembling, producing, or fabricating their products to the special order of a customer is part of the sales price subject to sales tax. Assembly is not referenced in Subsection 029.01, of these rules, and adding this will provide clarity for retailers. We will add assembly in Subsection 029.01, of these rules, and an example of assembly that would be subject to sales tax. We will add statutory references at the beginning of the section.

Rule 041 – In 2014, the legislature added Subsection 63-3621(o), extending exemption to the use of food or beverages donated to individuals or nonprofit organizations. The Tax Commission missed removing Subsection 041.12.c. of this rule when that change was made. The change removes Subsection 041.12.c as an example that is subject to tax.

Rule 077 – The legislature amended the exemption for Research and Development at the INL by adding a new section. Section 070 must be revised to include the new language. We will add the new language to the rule and provide the statutory reference at the top.

Rule 106 – The Commission would like to look at making a change to the current NADA standard, “Clean Retail Value.” Currently, the rule states that in the absence of a bill of sale, we are to use the value established as the “clean retail price.” We would like to propose that an alternate **NADA value** be used. The value assessed should not be a penalty to an individual in the absence of a bill of sale, rather we want to collect the correct amount for the vehicle based upon its make, model, year, options, mileage, and condition. The proposed changes will also separate private party vehicles sales from retailers who are not dealers making vehicle sales. The private party section will be Subsection 106.05, and will break the existing sections into the following subcategories to provide clarity about how these are reviewed and subsequently valued by the tax commission: bill of sale, low bill of sale, no bill of sale, trade in, barter/exchange. This rule is also being updated to reflect changes that have been made to exemption claim forms during 2018.

Rule 117 - A taxpayer has three years to request a refund of sales tax related to bad debt or that it has paid in error. A refund request submitted with the appropriate documentation stops the statute of limitations for the requester. The Tax Commission would like to clarify the language in the list of items that need to be provided with a refund request to ensure it is crystal clear exactly what should be submitted with a refund request at the time it is made. We will also add language that clarifies that the taxpayer must first “satisfy” any outstanding liability to request a refund.

Rule 128 – This rule provides description and guidance on the proper execution of approved exemption claim forms. This rule is being updated to reflect changes that have been made to exemption claim forms during 2018.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS, OBTAINING DRAFT COPIES: For assistance on technical questions concerning this negotiated rulemaking, contact Leah Parsons, (208) 334-7531. For general questions, contact Kimberlee Stratton, (208) 334-7544. Materials pertaining to the negotiated rulemaking, including any available preliminary rule drafts, can be found on the commission website at the following web address: www.tax.idaho.gov.

Anyone may submit written comments regarding this negotiated rulemaking. All written comments must be directed to the undersigned and must be delivered on or before July 25, 2018.

DATED this 8th day of June, 2018.

Leah Parsons, Tax Policy Specialist
State Tax Commission/Sales Tax
800 Park Blvd. Plaza IV
P.O. Box 36
Boise, ID 83722-0410
Phone: (208) 334-7531
FAX: (208) 334-7844

IDAPA 35 – STATE TAX COMMISSION

35.01.03 – PROPERTY TAX ADMINISTRATIVE RULES

DOCKET NO. 35-0103-1803

NOTICE OF INTENT TO PROMULGATE RULES – NEGOTIATED RULEMAKING

AUTHORITY: In compliance with Section 67-5220, Idaho Code, notice is hereby given that this agency intends to promulgate rules and desires public comment prior to initiating formal rulemaking procedures. This negotiated rulemaking action is authorized pursuant to Sections 63-105A and 63-802, Idaho Code.

MEETING SCHEDULE: Negotiated meetings will be scheduled and all scheduled meetings shall be posted and made accessible on the agency website at the address listed below.

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

METHOD OF PARTICIPATION: Persons wishing to participate in the negotiated rulemaking may do any of the following:

1. Attend the negotiated rulemaking meeting(s) and participate in the negotiation process,
2. Attend through a teleconference,
3. Provide oral or written recommendations, or both, at the negotiated rulemaking meeting, and/or
4. Submit written recommendations and comments to the address below.

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

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

Property Tax Rule 600 – Recently enacted HB 559 provides a property tax exemption to property during construction provided the property will fulfill a purpose that is exempt. Clarification is provided to explain that the exemption is applicable based on planned use and eventual ownership, and not on current ownership of the property. For example, land and a building to be used as a church and under construction and owned by a contractor may be eligible for the exemption offered by Section 63-1305C, Idaho Code.

Property Tax Rule 616 - Currently agricultural equipment that is personal property and used exclusively for the production of field crops is exempt from property tax under Section 63-602EE, Idaho Code. This rule describes the difference between the production of field crops and the processing of field crops.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Alan Dornfest, (208) 334-7742. For general questions, contact Kimberlee Stratton, (208) 334-7544. Anyone may submit written comments regarding this negotiated rulemaking. All written comments must be directed to the undersigned and must be delivered on or before July 25, 2018.

DATED this 8th day of June, 2018.

Alan Dornfest, Tax Policy Supervisor
State Tax Commission/Property Tax
P.O. Box 36
Boise, ID 83722-0410
(208) 334-7742

IDAPA 35 – STATE TAX COMMISSION
35.01.03 – PROPERTY TAX ADMINISTRATIVE RULES
DOCKET NO. 35-0103-1804
NOTICE OF RULEMAKING – ADOPTION OF TEMPORARY RULE

EFFECTIVE DATE: The effective date of the temporary rule is May 23, 2018.

AUTHORITY: In compliance with Sections 67-5226, Idaho Code, notice is hereby given this agency has adopted a temporary rule. This temporary rulemaking action is authorized pursuant to Section 63-105A, Idaho Code.

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

Temporary Rule 802 - Newly enacted HB559 has retro-active provisions that need to be implemented in order to determine the next new construction roll prepared following the granting of the provisional exemption.

Temporary Rule 803 - This rule clarifies taxing district budget provisions of HB559 creating a provisional property tax exemption and HB392 which changed the date when solar farm gross earnings receipts are deducted from budgets. These provisions need to be applied to the current property tax (levy) year, beginning with levies certified in September 2018.

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

Temporary Rule 802 - This rule will provide that a deduction from the next new construction roll will be made in the amount of the taxable market value added to the 2016 or 2017 new construction rolls. This amount is the amount that was granted the provisional exemption after being placed on new construction rolls. This new construction roll would be prepared as early as June 2018.

Temporary Rule 803 - The changes will describe the handling of revenue distributed or refunds made pertaining to the new provisional exemption found in Section 63-1305C, Idaho Code. The dates for reporting certain gross earnings tax amounts have been changed to June 30 and the deduction of the solar tax revenue from the property tax budget will be explained.

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

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the proposed rule, contact Alan Dornfest, (208) 334-7742. For general questions, contact Kimberlee Stratton, (208) 334-7544.

DATED this 8th day of June, 2018.

Alan Dornfest
Tax Policy Supervisor
State Tax Commission/Property Tax
P.O. Box 36
Boise, ID 83722-0410
(208) 334-7742

THE FOLLOWING IS THE TEXT OF THE TEMPORARY RULE FOR DOCKET NO. 35-0103-1804
(Only Those Sections With Amendments Are Shown.)

802. BUDGET CERTIFICATION RELATING TO NEW CONSTRUCTION AND ANNEXATION (RULE 802).

Sections 63-802, 63-301A, 63-602W, and 63-602NN, Idaho Code

01. Definitions. (4-5-00)

a. “Change of Land Use Classification.” “Change of land use classification” shall mean any change in land use resulting in a secondary category change and in a change in taxable land value to be reflected on the current property roll. (4-7-11)

b. “Incremental Value as of December 31, 2006.” “Incremental value as of December 31, 2006” means the total of the increment values on the property roll, subsequent property roll, missed property roll, and operating property roll for the 2006 tax year. (4-7-11)

c. “Non-residential Structure.” “Non-residential structure” shall mean any structure listed by the assessor in any secondary category not described as residential, manufactured homes, or improvements to manufactured homes in Rule 511 of these rules. (4-2-08)

02. New Construction Roll Listing. “Listing” shall mean a summary report of the net taxable value of property listed on the new construction roll. This listing shall include the taxable value of qualifying new construction throughout each taxing district or unit, but shall not include otherwise qualifying new construction, the value of which will be included in the increment value of any revenue allocation area (RAA) within any urban renewal district encompassed by the taxing district or unit. In addition, new construction related to change of land use classification, but required by section 50-2903(4) to be added to the base assessment roll, cannot be added to any new construction roll. This report is to summarize the value reported on the new construction roll by taxing district or unit. Taxing districts and units shall be listed in the same order that is used for the certification of value required pursuant to Section 63-510(1), Idaho Code. (3-29-12)

a. Qualifying new construction which is valued by the State Tax Commission shall be reported to the county assessor for each applicable taxing district by October 1 and shall be listed by the assessor on the immediate next new construction roll. (3-25-16)

b. Previously allowable new construction that has never been included. When a taxing district proves new construction described by Section 63-301A(3), Idaho Code, occurred during any one of the immediately preceding five (5) years and has never been included on a new construction roll, the county assessor must list that property on the immediate next new construction roll at the value proven by the taxing district. Any such additional new construction must also be separately listed for each taxing district or unit. The taxing district has the burden of proving the new construction was omitted from a new construction roll and the value that would have been listed for that property had it been listed on the appropriate new construction roll. No taxing district shall ever be granted any increase in budget authority greater than the amount that would have resulted had the property been listed on the appropriate new construction roll. Regardless of the year that the new construction should have been listed on the appropriate new construction roll, additional budget authority resulting from new construction previously omitted from a new construction roll and listed on the current year’s new construction roll shall be permitted only if the taxing district is in compliance with the budget hearing notification requirements of Section 63-802A, Idaho Code, for the current year. (3-29-12)

c. Reporting the amount of taxable market value to be deducted. For each taxing district or unit, the new construction roll listing shall separately identify the total amount of taxable market value to be deducted as required in Section 63-301A(1)(f), Idaho Code, and Subparagraph 802.02.e. of this rule. In addition to other requirements, the amount of value deducted shall never exceed the amount originally added to a new construction roll. ~~(3-29-12)~~ (5-23-18)T

d. Determining the amount of taxable market value to be deducted – appeals. The amount of taxable market value to be deducted under Section 63-301A(1)(f)(i), Idaho Code, shall be determined by the highest authority to which the assessment is ultimately appealed. Accordingly, adjustments should not be made until there has been a final decision on any appeal. In addition, the deduction for lower values resulting from appeals shall be made only for property that was placed on a new construction roll within the immediately preceding five (5) years.

~~(3-29-12)~~(5-23-18)T

e. Determining the amount of taxable market value to be deducted – provisional exemptions. The amount of taxable market value added to the 2016 or 2017 new construction rolls for property subsequently granted a provisional exemption under Section 63-1305C, Idaho Code, shall be deducted from the taxable market value otherwise included on the immediate next new construction roll prepared following the granting of the provisional exemption.

(5-23-18)T

03. Special Provisions for Value Increases and Decreases. Special provisions for value increases and decreases related to change of land use classification as defined in Paragraph 802.01.a. of this rule or increases in land value resulting from loss of the exemption provided in Section 63-602W(4), Idaho Code. (4-4-13)

a. Value increases. Certain related land value increases are to be included on the new construction roll. (4-7-11)

i. Except as provided in Subparagraph 802.03.a.iii., increases in land value shall be reported on the new construction roll in the year in which the new category appears on the current property roll. (4-4-13)

ii. Except as provided in Subparagraph 802.03.a.iii., the increase in taxable land value to be reported shall be computed by subtracting the taxable land value, had the land remained in its previous use category, from the taxable land value in the current use category. (4-4-13)

iii. Subject to the limitations found in Paragraph 802.06.a. of this rule, increases in land value resulting from loss of the exemption provided in Section 63-602W(4), Idaho Code, shall be reported on the new construction roll in the year the exemption is lost, provided this occurs no later than June 30 of that year. If the exemption is lost after June 30 of a given year, the resulting increase in land value shall be reported on the new construction roll in the immediate following year. (4-4-13)

b. Value decreases. Certain related land value decreases are to be included on the new construction roll and subtracted from total new construction value for any taxing district. The amount of decrease in any one year shall never exceed the amount of value originally added to the new construction roll for the same property. (4-4-13)

i. Value decreases are to be reported only for land for which taxable market value was reduced as a result of change of land use classification or granting of the exemption for site improvements provided in Section 63-602W(4), Idaho Code, during any one (1) of the immediately preceding five (5) years and for which an increase in value due to addition of site improvements or change of land use classification during the same five-year period had been added to a new construction roll. For the site improvement exemption provided in Section 63-602W(4), Idaho Code, the five-year period shall commence with the year following the year the exemption is first granted. For example, if a parcel first received the exemption in 2012, any site improvement related addition to a new construction roll for 2008 or more recently must be subtracted from the 2013 new construction roll, unless the exemption is lost by June 30, 2013, in which case there is no subtraction and no addition to the new construction roll for the loss of this exemption. (4-4-13)

ii. If the current land category is the same as the category prior to the change that resulted in an addition to the new construction roll, the amount to be subtracted shall equal the amount originally added. For example, a dry grazing land parcel that would have had a value of ten thousand dollars (\$10,000) became commercial land and was assessed at fifty thousand dollars (\$50,000). The forty thousand dollar (\$40,000) difference was reported on the new construction roll in year one (1). In year two (2), the parcel is reclassified as dry grazing land and is to be assessed at fifteen thousand dollars (\$15,000). The forty thousand dollar (\$40,000) difference that was added to the year one (1) new construction roll must be deducted from the value shown on the new construction roll in year two (2). (4-7-11)

iii. If the current land category is different than the category prior to the change that resulted in an addition to the new construction roll, the amount to be subtracted shall be the lesser of the amount originally added or the amount that would have been added had the first change in land use been from the current land category. For example, a dry grazing land parcel that would have had a value of ten thousand dollars (\$10,000) became commercial land and was assessed at fifty thousand dollars (\$50,000). The forty thousand dollar (\$40,000) difference was reported on the new construction roll in year one (1). In year two (2), the parcel is reclassified as irrigated agricultural land and would have had a value in year one (1) of twenty thousand dollars (\$20,000). The amount to be subtracted from the value shown on the new construction roll in year two (2) is thirty thousand dollars (\$30,000). (4-7-11)

iv. Provided the criteria in Subparagraph 802.03.b.i. are met, value decreases resulting from previously included land value becoming exempt are to be reported and subtracted. (4-4-13)

v. Except as provided in Subparagraph 802.03.b.vi., only land value decreases that meet the criteria listed in Subparagraphs 802.03.b.i. or 802.03.b.iv. of this rule and include and result from a change in land secondary category can be considered. (4-4-13)

vi. Provided the criteria in Subparagraph 802.03.b.i. are met, land value decreases resulting from the exemption provided in Section 63-602W(4), Idaho Code, are to be subtracted from the new construction roll in the year immediately following the most recent year in which the exemption has been granted. To comply with the budget adjustments required by Section 63-802, Idaho Code, which limits taxing district budgets based on the highest amount of property tax revenue requested during the previous three (3) years, such subtraction shall be required for up to three (3) years, provided the property continues to receive the exemption. For example, a property for which five hundred thousand dollars (\$500,000) was added to the 2011 new construction roll for site improvements that were added and taxable at that time receives a five hundred thousand dollar (\$500,000) exemption pursuant to Section 63-602W(4), Idaho Code, in 2012. The property continues to receive the exemption in the same amount in 2013, but the exempt amount increases to five hundred twenty thousand dollars (\$520,000) in 2014. The property loses the exemption before June 30, 2015. However, the 2015 value of the site improvements has been determined to be only four hundred thousand dollars (\$400,000) because of market value changes. Therefore, only four hundred thousand dollars (\$400,000) in value is added as a result of the loss of the exemption. Table A shows the effect on each year's new construction roll, while Table B shows the effect on a hypothetical taxing district's maximum allowable property tax budget. (4-4-13)

vii. Table A - Effect on New Construction Roll:

Table A - Effect on New Construction Roll		
Year	Occurrence	Effect on New Construction Roll (for that year)
2011	Site improvements added and taxable	+ \$500,000
2012	Site improvements exempt	NA (no prior year's exemption)
2013	Site improvements exempt	- \$500,000
2014	Site improvements exempt	- \$500,000
2015	Loses site improvement exemption before June 30	+ \$400,000

(4-4-13)

viii. In Table B, assume that the taxing district has a tax levy rate of zero point zero zero two five (0.0025) in 2010, a total taxable value of one hundred million dollars (\$100,000,000) in 2010 and a property tax budget in 2010 that is two hundred fifty thousand dollars (\$250,000) and was the highest of the preceding three (3) years. The total amount of new construction is the amount due to the site improvements and no other value change occurs in the district during the period shown. There are no property tax replacement monies for this district. Beginning in 2011 the taxing district levies the maximum it is allowed each year. The factor of one point zero three (1.03) shown in Table B is used to calculate the allowable three percent (3%) increase. (4-4-13)

ix. Table B - Effect on Hypothetical Taxing District's Maximum Allowable Property Tax Budget:

Table B - Effect on Hypothetical Taxing District's Maximum Allowable Property Tax Budget				
Year	Occurrence	Effect on New Construction Roll (for that year)	Maximum Allowable Property Tax Budget	Calculations
2011	Site improvements added and taxable	+ \$500,000	\$258,750	$(\$250,000 \times 1.03) + (\$500,000 \times 0.0025)$ (tax levy rate = \$258,750 / \$100,500,000 = 0.002574627)
2012	Site improvements exempt	NA (no prior year's exemption; no new construction value)	\$266,512	$\$258,750 \times 1.03$ (tax levy rate = \$266,512 / \$100,000,000 = 0.002665120)
2013	Site improvements exempt	- \$500,000	\$273,174	$(\$266,512 \times 1.03) - (\$500,000 \times 0.002665120)$ (tax levy rate = \$273,174 / \$100,000,000 = 0.002731744)
2014	Site improvements exempt	- \$500,000	\$280,003	$(\$273,174 \times 1.03) - (\$500,000 \times 0.002731744)$ (tax levy rate = \$280,003 / \$100,000,000 = 0.002800033)
2015	Loses site improvement exemption before June 30	+ \$400,000	\$289,523	$(\$280,003 \times 1.03) + (\$400,000 \times 0.002731744)$ (tax levy rate = \$289,523 / \$100,400,000 = 0.002883696)

(4-4-13)

04. Manufactured Housing. "Installation" of new or used manufactured housing shall mean capturing the net taxable market value of the improvement(s) that did not previously exist within the county. (7-1-97)

05. Partial New Construction Values. Except as provided in Subsection 802.06 of this rule, the net taxable market value attributable directly to new construction shall be reported on the new construction roll in the tax year it is placed on the current assessment roll. Except as provided in Subsection 802.06 of this rule, any increase in a non-residential parcel's taxable value, due to new construction, shall be computed by subtracting the previous year's or years' partial taxable value(s) from the current taxable value. If any of this difference is attributable to inflation, such value, except as provided in Subsection 802.06 of this rule, shall not be included on the new construction roll.

Example: Assume a partially completed, non-residential improvement was assessed at ten thousand dollars (\$10,000) as of January 1, 2009. The improvement was occupied February 2, 2009. Assume the ten thousand dollar (\$10,000) value was on the 2009 new construction roll. Assume that in 2010 the improvement is assessed at ninety thousand dollars (\$90,000). Assume there has been no inflation. The value that can be reported on the 2010 new construction roll is calculated as follows:

2010 Value	\$90,000
2009 Value Already Reported on New Construction Roll	<\$10,000>
2010 New Construction Roll Value (this improvement)	\$80,000

(4-7-11)

06. Change in Status. (4-2-08)

a. A previously exempt improvement which becomes taxable shall not be included on the new construction roll, unless the loss of the exemption occurs during the year in which the improvement was constructed or unless the improvement has lost the exemption provided in Section 63-602W(3) or (4), Section 63-602E(3), or Section 63-602NN, Idaho Code. For any such property, the amount that may be included on the new construction roll shall be the value of the portion of the property subject to the exemption at the time the exemption was first granted. Examples of special cases for the exemption provided in Section 63-602W(4), Idaho Code, follow: (4-4-13)

i. If the exemption is lost by June 30 of the year in which the exempt amount was to be subtracted from the new construction roll, then there shall be no subtraction, nor shall the formerly exempt amount be added, to the new construction roll, unless it had been previously subtracted from a new construction roll. For example, the property first became exempt in 2012, but lost the exemption by June 30, 2013. The 2013 new construction roll was not adjusted downward, so any previous inclusion of the exempt value would not be added in the future. Had the property lost the exemption later in 2013, there would have been a subtraction from the 2013 new construction roll and a subsequent addition to the 2014 new construction roll. (4-4-13)

ii. If the exemption was granted to property for which no value had been added to any new construction roll, the value of the property (site improvements) at the time the exemption was first granted may be added to the new construction roll following loss of the exemption. (4-4-13)

b. Upon receipt by the State Tax Commission of a resolution recommending adoption of an ordinance for termination of an RAA under Section 50-2903(5), Idaho Code, any not previously included positive difference of the most current increment value minus the “incremental value as of December 31, 2006,” or the entire current increment value, if there was no such value as of December 31, 2006, shall be added to the appropriate year’s new construction roll. Upon the effective date of any de-annexation of a portion of an RAA, the immediate prior year’s increment value associated with the parcels in the de-annexed area is to be included in the appropriate year’s new construction roll as described in Paragraph 802.06.d. of this rule, provided such value has not been previously included on any new construction roll. When this information is received after the fourth Monday in July, this positive net increment value shall be added to the following year’s new construction roll. (3-29-17)

c. Upon receipt by the State Tax Commission of an attestation indicating that an urban renewal plan has been modified in such a way as to result in resetting the base value in an RAA, as provided in Section 50-2903A, Idaho Code, increases in base value due to the addition of previously determined increment value may be added to the new construction roll as described in Section 63-301A(3)(j), Idaho Code, provided such value has not previously been included on any new construction roll. In such a case, at termination of the RAA, only new additional increment value following the reset of the base value shall be included on the new construction roll. (3-29-17)

d. When a portion of an RAA is de-annexed, the following steps must be used to determine the amount to be added to the current year’s new construction roll and the amount to be subtracted from the “incremental value as of December 31, 2006.” (4-7-11)

i. Step 1. For the parcels in the de-annexed area, determine the December 31, 2006, increment value. (4-7-11)

ii. Step 2. Subtract the increment value determined in Step 1 from the immediate prior year’s increment value for the parcels in the de-annexed area. (3-29-17)

iii. Step 3. Add any positive difference calculated in Step 2 to the current year’s new construction roll value. (4-7-11)

iv. Step 4. Adjust the “incremental value as of December 31, 2006” for the RAA by subtracting the increment value determined in Step 1. (4-7-11)

v. The following table shows the amount to be added to the current year’s new construction roll and the amount to be subtracted from the “incremental value as of December 31, 2006” applicable to the adjusted remaining RAA. The table assumes an area is de-annexed from an original RAA effective December 31, 2016.

Steps (as designated in Paragraph 802.06.d.)	Area	Value
	December 31, 2006, increment value of the original RAA	\$10,000,000
Step 1	December 31, 2006, increment value of the de-annexed area	\$1,000,000
	December 31, 2015, increment value of the de-annexed area	\$3,000,000
Steps 2 and 3	Amount related to the de-annexed area to be added to the 2017 new construction roll	\$2,000,000
Step 4	Adjustment amount to be deducted from the original RAA's "incremental value as of December 31, 2006"	<\$1,000,000>
	Adjusted "incremental value as of December 31, 2006" for the remaining RAA (base for future new construction roll additions upon dissolution of all or part of remaining RAA)	\$9,000,000

(3-29-17)

vi. If the de-annexation in the example in sub-paragraph v. had taken effect prior to the fourth Monday of July 2016, the 2015 increment value for the affected parcels would have been added to the 2016 new construction roll after subtracting the 2006 increment value. (3-29-17)

vii. The value of operating property increment value to be included on the new construction roll when a de-annexation occurs is computed as shown in the following example:

Sum the previous year's increment values of the locally assessed parcels in the area to be de-annexed	\$15,000,000
Divide this sum by the previous year's increment value of all locally assessed parcels in the RAA	$\$15,000,000 \div \$130,000,000 = .1154$
Multiply by 100 to determine the percentage applicable to the locally assessed parcels located within the area to be de-annexed	$.1154 \times 100 = 11.54\%$
Determine the difference between the operating property increment value in the whole RAA for the year preceding the de-annexation from the 2006 increment value of all operating in the whole RAA	$\$2,000,000 - \$500,000 = \$1,500,000$
Multiply the locally assessed percentage by the increase in the operating property increment value	$11.54\% \times \$1,500,000 = \$173,100$
The value of operating property increment to be included on the new construction roll when a de-annexation occurs	\$173,100

(3-29-17)

07. Limitation on Annexation and New Construction Roll Value. For any taxing district annexing property in a given year, the new construction roll for the following year shall not include value that has been included in the annexation value. When an annexation includes any part of a revenue allocation area, only taxable value that is part of the current base value of the taxing district is to be included in the annexation value reported for that taxing district for the year following the year of the annexation. (3-29-10)

08. Notification of New Construction Roll and Annexation Values. On or before the fourth Monday in July, each county auditor must report the net taxable values on the new construction roll and within annexed areas for each appropriate taxing district or unit to that taxing district or unit. (3-20-04)

803. BUDGET CERTIFICATION -- DOLLAR CERTIFICATION FORM (L-2 FORM) (RULE 803).

Sections 63-602G(5), 63-802, 63-803, 63-3029B(4), 63-3502B, 50-2903A, 50-2913, 63-3638(11), and (13), Idaho Code

01. Definitions. (4-5-00)

a. “Dollar Certification Form” (L-2 Form). The Dollar Certification Form (L-2 Form) is the form used to submit to the State Tax Commission the budget request from each board of county commissioners for each taxing district. This form shall be presumed a true and correct representation of the budget previously prepared and approved by a taxing district. The budget will be presumed adopted in accordance with pertinent statutory provisions unless clear and convincing documentary evidence establishes that a budget results in an unauthorized levy and action as provided in Section 63-809, Idaho Code. (4-6-05)

b. “Prior Year’s Market Value for Assessment Purposes.” Prior year’s market value for assessment purposes shall mean the value used to calculate levies during the immediate prior year. This value shall be used for calculating the permanent budget increase permitted for cities, pursuant to Section 63-802(1)(fg), Idaho Code. ~~(4-2-08)~~(5-23-18)T

c. “Annual Budget.” For the purpose of calculating dollar amount increases permitted pursuant to Section 63-802(1), Idaho Code, the annual budget shall include any amount approved as a result of an election held pursuant to Sections 63-802(1)(fg) or 63-802(1)(gh), Idaho Code, provided that said amount is certified on the L-2 Form as part of the budget request. If the amount certified does not include the entire amount approved as a result of the election held pursuant to Sections 63-802(1)(fg) or 63-802(1)(gh), Idaho Code, then the amount not used shall be added to the foregone increase amount determined for the taxing district. See the following example.

CERTIFIED PROPERTY TAX BUDGET LIBRARY DISTRICT*				
	FY 1999	FY 2000	FY 2001	FY 2002
Annual Budget	\$10,000	\$10,000	\$10,700	\$11,621
3% Increase	\$0	\$300	\$321	\$349
Subtotal	\$10,000	\$10,300	\$11,021	\$11,970
1999 Election Amount	\$0	\$400 of \$1,000	\$600 of \$1,000	\$0
Certified Budget	\$10,000	\$10,700	\$11,621	\$11,970

*The Library District with zero dollars (\$0) in value for new construction and/or annexation approves an additional budget amount of one thousand dollars (\$1,000) in 1999, but only certifies four hundred dollars (\$400) for the year 2000. Note the example does not account for any foregone amount resulting from the district's decision to not increase its budget by three percent (3%) in 1997, 1998 or 1999. ~~(4-6-05)~~(5-23-18)T

d. “Property Tax Funded Budget.” Property tax funded budget means that portion of any taxing district’s budget certified to the board of county commissioners, approved by the State Tax Commission, and subject to the limitations of Section 63-802, Idaho Code. (3-20-04)

e. “Recovered/Recaptured Property ~~Substitute Funds~~ Tax ~~and Refund~~ List.” Recovered/recaptured property tax ~~substitute funds and refund~~ list means the report sent by the county auditor to the appropriate taxing district(s) ~~unit(s)~~ by the first Monday in August and to the State Tax Commission with the L-2 Forms, listing the amount of revenue distributed, ~~or refunds charged~~, to each appropriate taxing district ~~unit as recovery of property tax or other payments~~ during the twelve (12) month period ending June 30 each year under the following sections: ~~(5-8-09)~~(5-23-18)T

- i. Section 63-602G(5), Idaho Code; and (5-8-09)
- ii. Section 63-3029B(4), Idaho Code; and (5-8-09)

- iii. Section 63-602KK(7), Idaho Code, for personal property exempted after 2013 for which no replacement money was paid; and (3-29-17)
 - iv. Section 63-3502B(2), Idaho Code, for distributions of gross earnings tax on solar farms; and (3-29-17)
 - v. Section 50-2903A(3), Idaho Code, for distributions of urban renewal allocations in excess of the amount necessary to pay indebtedness, when required; and (3-29-17)
 - vi. Section 50-2913(3)(c), Idaho Code, for distributions of urban renewal allocations in excess of the amount received during the immediate prior tax year, when required-; and ~~(3-29-17)~~(5-23-18)T
 - vii. Section 63-1305C(3), Idaho Code, for revoked provisional property tax exemptions; and (5-23-18)T
 - viii. Section 63-1305C(6), Idaho Code, for refunds related to provisional property tax exemptions. (5-23-18)T
- f. “Taxing District/Unit.” Taxing district/unit means any governmental entity with authority to levy property taxes as defined in Section 63-201, Idaho Code, and those non-countywide governmental entities without authority to levy property taxes but on whose behalf such taxes are levied or allocated by an authorized entity such as the county or city for such entities as county road and bridge funds or urban renewal agencies, respectively. (4-6-05)
- g. “New Taxing District.” For property tax budget and levy purposes, new taxing district means any taxing district for which no property tax revenue has previously been levied. See the Idaho Supreme Court case of Idaho County Property Owners Association, Inc. v. Syringa General Hospital District, 119 Idaho 309, 805 P.2d 1233 (1991). (4-2-08)

02. Budget Certification. The required budget certification shall be made to each board of county commissioners representing each county in which the district is located by submitting the completed and signed L-2 Form prescribed by the State Tax Commission. Unless otherwise provided for in Idaho Code, budget requests for the property tax funded portions of the budget shall not exceed the amount published in the notice of budget hearing if a budget hearing notice is required in Idaho Code for the district. The levy approved by the State Tax Commission shall not exceed the levy computed using the amount shown in the notice of budget hearing. (3-20-14)

03. Budget Certification Requested Documents. Using the completed L-2 Form, each board of county commissioners shall submit to the State Tax Commission a budget request for each taxing district in the county that certifies a budget request to finance the property tax funded portion of its annual budget. The board of county commissioners shall only submit documentation specifically requested by the State Tax Commission. (3-28-18)

a. Foregone Increase Documentation. For any taxing district submitting a budget including previously forgone increases, required documentation includes a copy of the resolution certifying the amount of the forgone increase being included and the specific purpose for which this increase is being budgeted. Each such taxing district must submit the resolution to the board of county commissioners representing each county in which the district is located along with the L-2 Form. The board of county commissioners must attach a copy of the resolution to be submitted to the State Tax Commission along with the L-2 Form. Such submittal will constitute submittal to the State Tax Commission. (3-28-18)

b. Foregone increase disclaimer. Any resolution to disclaim the right to recover an annual increase in the forgone amount must state the amount of such forgone increase being disclaimed and must be submitted to the board of county commissioners representing each county in which the district is located along with the L-2 Form. The board of county commissioners must attach a copy of the resolution to be submitted to the State Tax Commission along with the L-2 Form. Such submittal will constitute submittal to the State Tax Commission. The following table illustrates calculation of the maximum forgone amount that may be disclaimed in 2018:

Step	Description	Comments
1	2017 maximum property tax \$10,000. This is an increase of \$1,000 from 2016.	The district has no prior forgone balance.
2	The district certifies \$9,800 in 2017.	The district now has \$200 in forgone balance.
3	2018 maximum property tax \$11,000 (not including \$200 forgone).	
4	2018 property tax budgeted (to be submitted for certification) is \$10,600.	This amount is approved to be levied and would generate \$400 in additional forgone balance.
5	2018 maximum amount of forgone increase that may be disclaimed by the district is \$400.	If the district disclaims the full \$400, their forgone balance remains at \$200.

(3-28-18)

04. L-2 Form Contents. Each taxing district or unit completing an L-2 Form shall include the following information on or with this form. (3-20-04)

a. “Department or Fund.” Identify the department or fund for which the taxing district is requesting a budget for the current tax year. (4-5-00)

b. “Total Approved Budget.” List the dollar amount of the total budget for each department or fund identified. The amounts must include all money that a taxing district has a potential to spend at the time the budget is set, regardless of whether funds are to be raised from property tax. (4-5-00)

c. “Cash Forward Balance.” List any money retained, but intended to *be spent to* fund the approved budget being certified on the L-2 form. (~~4-11-15~~)(5-23-18)T

d. “Other Revenue not Shown in Column 5.” List the revenue included in the total approved budget to be derived from sources other than property tax or money brought forward from a prior year. For example, sales tax revenue is included. (3-15-02)

e. “Property Tax Replacement.” Report the following amounts received for the twelve (12) month period ending June 30 of the current tax year: (~~5-8-09~~)(5-23-18)T

i. The amount of money received annually under Section 63-3638(11), Idaho Code, as replacement revenue for the agricultural equipment exemption under Section 63-602EE, Idaho Code; (4-11-15)

ii. The amount of money received as recovery of property tax exemption under Section 63-602G(5), Idaho Code, and listed on the “Recovered/recaptured property tax *substitute funds* and refund list”; (~~5-8-09~~)(5-23-18)T

iii. The amount of money received as recapture of the property tax benefit under Section 63-3029B(4), Idaho Code, and listed on the “Recovered/recaptured property tax *substitute funds* and refund list”; (~~4-11-15~~)(5-23-18)T

iv. The amount of money received *annually* under Section 63-3638(13), for the personal property exemption under 63-602KK(2), Idaho Code; (~~3-29-17~~)(5-23-18)T

v. The amount of money received *annually* under Section 63-602KK(7), Idaho Code, for personal property exempted after 2013, for which no replacement money was paid, and listed on the “Recovered/recaptured property tax *substitute funds* and Refund list”; (~~3-29-17~~)(5-23-18)T

vi. The amount of money received *in the twelve (12) month period ending June 30 of the current tax*

~~year~~ as a result of distributions of the gross earning tax on solar farms, as provided in Section 63-3502B(2), Idaho Code., and listed on the “Recovered/recaptured property tax ~~substitute funds~~ and refund list”; ~~(3-29-17)~~(5-23-18)T

vii. The amount of money received ~~in the twelve (12) month period ending June 30 of the current tax year~~ as a result of distributions of urban renewal allocations in excess of the amount necessary to pay indebtedness, as provided in Section 50-2903A(3), Idaho Code, and listed on the “Recovered/recaptured property tax ~~substitute funds~~ and refund list”; ~~and~~ ~~(3-29-17)~~(5-23-18)T

viii. The amount of money received ~~in the twelve (12) month period ending June 30 of the current tax year~~ as a result of distributions of urban renewal allocations in excess of the amount received by the urban renewal agency in the immediate prior year, as provided in Section 50-2913(3)(c), Idaho Code and listed on the “Recovered/recaptured property tax ~~substitute funds~~ and refund list.”; ~~and~~ ~~(3-29-17)~~(5-23-18)T

ix. The amount of money received as a result of distributions of recovered property tax for revoked provisional property tax exemptions pursuant to Section 63-1305C(3), Idaho Code. (5-23-18)T

f. “Balance to be Levied.” Report the amount of money included in the total approved budget to be derived from property tax. (3-15-02)

g. Other Information. Provide the following additional information. (4-5-00)

i. The name of the taxing district or unit; (3-20-04)

ii. The date of voter approval (if required by statute) and effective period for any new or increased fund which is exempt from the budget limitations in Section 63-802, Idaho Code; (4-5-00)

iii. The signature, date signed, printed name, address, and phone number of an authorized representative of the taxing district; and (5-3-03)

iv. For a hospital district which has held a public hearing, a signature certifying such action. (4-5-00)

v. For any taxing district including previously forgone increases in their budget or disclaiming any forgone increase, an attestation to having held the required public hearing on the resolution to include or disclaim the forgone amount. (3-28-18)

h. Attached Information. Other information submitted to the county auditor with the L-2 Form. (4-6-05)

i. For all taxing districts, L-2 worksheet. (3-20-04)

ii. For newly formed recreation or auditorium districts, a copy of the petition forming the district showing any levy restrictions imposed by that petition. (3-20-04)

iii. For any new ballot measures (bonds, overrides, permanent overrides, supplemental maintenance and operations funds, and plant facility funds), notice of election and election results. (3-20-04)

iv. Voter approved fund tracker. (3-20-04)

v. For fire districts, a copy of any new agreements with utility companies providing for payment of property taxes by that utility company to that fire district. (3-20-04)

vi. For any city with city funded library operations and services at the time of consolidation with any library district, each such city must submit a certification to the board of county commissioners and the board of the library district reporting the dedicated portion of that city’s property tax funded library fund budget and separately reporting any portion of its property tax funded general fund budget used to fund library operations or services at the time of the election for consolidation with the library district. (3-20-04)

vii. For any library district consolidating with any city that had any portion of its property tax funded budget(s) dedicated to library operations or services at the time of the election for consolidation, each such library district must submit to the board of county commissioners a copy of the certification from that city reporting the information provided for in Subparagraph 803.04.h.vi. of this rule. (4-6-05)

viii. For any taxing district including previously forgone increases in their budget or disclaiming any forgone increase, a copy of the resolution describing the amount of the forgone increase being disclaimed, or the amount included and specific purpose for which it is being included. (3-28-18)

05. Special Provisions for Fire Districts Levying Against Operating Property. To prevent double counting of public utility property values, for any year following the first year in which any fire district increases its budget using the provision of Section 63-802(2), Idaho Code, such fire district shall not be permitted further increases under this provision unless the following conditions are met: (3-30-01)

a. The fire district and public utility have entered into a new agreement of consent to provide fire protection to the public utility; and (3-30-01)

b. Said new agreement succeeds the original agreement; and (3-30-01)

c. In the first year in which levies are certified following the new agreement, the difference between the current year's taxable value of the consenting public utility and public utility value used in previous budget calculations made pursuant to this section is used in place of the current year's taxable value of the consenting public utility. (3-30-01)

06. Special Provisions for Property Tax Replacement and Refunds Pursuant to Section 63-1305C(6), Idaho Code. Property tax replacement monies must be reported on the L-2 Form and separately identified on accompanying worksheets. Except as provided in Paragraph 803.06.f. of this rule, for all taxing districts, these monies must be subtracted from or, in the case of refunds, not included in, the "balance to be levied". The reduced balance shall be used to compute levies, ~~but~~ The maximum amount permitted pursuant to Section 63-802(1), Idaho Code, shall be based on the sum of these property tax replacement monies including recoveries received pursuant to Section 63-1305C(3), Idaho Code, but excluding monies received pursuant to Section 63-3502B(2), Idaho Code, and the amount actually levied. Each taxing district's proportionate share of refunds pursuant to Section 63-1305C(6), Idaho Code, as reported in Paragraph 803.01.e. of this rule, must be subtracted from the maximum amount permitted pursuant to Section 63-802(1), Idaho Code. ~~(3-29-17)~~ (5-23-18)T

a. The State Tax Commission shall, by the fourth Monday of July, notify each county clerk if the amount of property tax replacement money, pursuant to Sections 63-3638(11) and (13), Idaho Code, to be paid to a taxing district changes from the amount paid in the preceding year. By the first Monday of May, the State Tax Commission shall further notify each school district and each county clerk of any changes in the amount of property tax replacement money to be received by that school district pursuant to Sections 63-3638(11) and (13), Idaho Code. (4-11-15)

b. By no later than the first Monday of August of each year, each county clerk shall notify each appropriate taxing district or unit of the total amount of property tax replacement monies and the type of replacement money as described in Paragraph 803.04.e. of this rule. For charter school districts subject to the provisions of Paragraph 803.06.f. of this rule, the amount to be subtracted shall be reported. (3-29-17)

c. Except as provided in Paragraph 803.06.d. of this rule, the subtraction required in Subsection 803.06 of this rule may be from any fund(s) subject to the limitations of Section 63-802, Idaho Code. For school districts this subtraction must be first from funds subject to the limitations of Section 63-802, Idaho Code, then from other property tax funded budgets. (5-8-09)

d. For taxing districts receiving distributions of the gross earning tax on solar farms described in Section 63-3502B(2), Idaho Code, the amount of any such distribution received during the 12 (twelve) months ending June 30 of the current tax year shall be subtracted from the maximum amount of property tax revenue permitted pursuant to Section 63-802, Idaho Code. In addition to the amounts reported as described in Paragraph 803.06.b. of this rule, the county clerk shall, by the ~~third~~ first Monday in August, notify each taxing unit of the total amount of the

gross earnings tax on solar farms billed for the current tax year.

~~(3-29-17)~~(5-23-18)T

e. Levy limits shall be tested against the amount actually levied. (3-15-02)

f. For charter school districts with a levy in 2013 for maintenance and operations, as provided in Section 33-802(6), Idaho Code, a portion of the property tax replacement money received for property subject to the exemption in Section 63-602KK, Idaho Code, is not required to be subtracted in determining the “balance to be levied.” Said portion shall be the amount calculated by applying the 2013 levy rate for the maintenance and operations levy amount, as authorized in the district’s charter, to the 2013 exempt value of personal property used to compute replacement money provided to the school district. (4-11-15)

g. For recovered personal property exemptions, as provided in Section 63-602KK(7), Idaho Code, for personal property exempted in 2013 for which replacement money was paid, recovered amounts shall be distributed to the State Tax Commission. Once received, the amount of future payments to the affected taxing districts shall be reduced by the amount received. (3-25-16)

07. Special Provisions for Library Districts Consolidating with Any City’s Existing Library Operations or Services. For any library district consolidating with any city’s existing library operations or services, the amount of the dedicated property tax funded general fund and library fund budgets certified by the city under Subparagraph 803.04.h.vi., of this rule shall be added to that library district’s property tax funded budget in effect at the time of the election for consolidation. This total shall be used as this district’s property tax funded budget for the most recent year of the three (3) years preceding the current tax year for the purpose of deciding the property tax funded budget that may be increased as provided by Section 63-802, Idaho Code. (4-6-05)

08. Special Provisions for Cities with Existing Library Operations or Services Consolidating with Any Library District. For any city with existing library operations or services at the time of consolidation with any library district, the amount of the dedicated property tax funded library fund budget included in the certification by the city under Subparagraph 803.04.h.vi., of this rule shall be subtracted from that city’s total property tax funded budget in effect at the time of the election for the consolidation. This difference shall be used as this city’s property tax funded budget for the most recent year of the three (3) years preceding the current tax year for the purpose of deciding the property tax funded budget that may be increased as provided by Section 63-802, Idaho Code. (4-6-05)

09. Special Provisions for Calculating Total Levy Rate for Taxing Districts or Units with Multiple Funds. Whenever the “Calculated Levy Rate” column of the L-2 Form indicates that a levy rate has been calculated for more than one (1) fund for any taxing district or unit, the “Column Total” entry must be the sum of the levy rates calculated for each fund. Prior to this summation, the levy rates to be summed must be rounded or truncated at the ninth decimal place. No additional rounding is permitted for the column total. (4-6-05)

10. Special Provisions for School Districts' Tort Funds - Hypothetical New Construction Levy. To calculate the new construction portion of the allowed annual increase in a school district's tort fund under Section 63-802(1), Idaho Code, calculate a Hypothetical New Construction Levy. To calculate this hypothetical levy, sum the amount of the school district's tort fund levied for the prior year, the agricultural equipment replacement revenue, and the personal property replacement revenue, then divide this sum by the school district's taxable value used to determine the tort fund's levy for the prior year. For the current year, the allowed tort fund increase for new construction is this Hypothetical New Construction Levy times the current year's new construction roll value for the school district. (3-25-16)

11. Special Provisions for Interim Abatement Districts. When an interim abatement district transitions into a formally defined abatement district under Section 39-2812, Idaho Code, the formally defined abatement district shall not be considered a new taxing district as defined in Paragraph 803.01.g. of this rule for the purposes of Section 63-802, Idaho Code. For the formally defined abatement district, the annual budget subject to the limitations of Section 63-802, Idaho Code, shall be the amount of property tax revenue approved for the interim abatement district. (4-2-08)

12. Cross Reference for School Districts with Tuition Funds. School district tuition fund levies are exempt from the limitations of Section 63-802, Idaho Code. See Section 33-1408, Idaho Code. (4-11-15)

IDAPA 35 – STATE TAX COMMISSION
35.01.03 – PROPERTY TAX ADMINISTRATIVE RULES
DOCKET NO. 35-0103-1805
NOTICE OF RULEMAKING – ADOPTION OF TEMPORARY RULE

EFFECTIVE DATE: The effective date of the temporary rule is January 1, 2018.

AUTHORITY: In compliance with Sections 67-5226, Idaho Code, notice is hereby given this agency has adopted a temporary rule. This temporary rulemaking action is authorized pursuant 63-105A, Idaho Code.

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

Temporary Rule 600 - Recently enacted HB559 provides an exemption to property, during construction, that is being constructed to fulfill a purpose that is exempt. Clarification is needed to explain that the exemption is applicable to the property and is not based on the ownership of the property.

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

Temporary Rule 600 - A major section or a new subsection will be added to Section 600, of this chapter, stating that the provisional exemption offered by HB 559 will be determined based on the purpose of the property and not based on the ownership of the property. For example, land and a building to be used as a church and is under construction and owned by a contractor may be eligible for the exemption offered by 63-1305C, Idaho Code.

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

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the temporary rule, contact Alan Dornfest, (208) 334-7742. For general questions, contact Kimberlee Stratton, (208) 334-7544.

DATED this 13th day of June, 2018.

Alan Dornfest, Tax Policy Supervisor
State Tax Commission/Property Tax
P.O. Box 36
Boise, ID 83722-0410
(208) 334-7742

THE FOLLOWING IS THE TEXT OF THE TEMPORARY RULE FOR DOCKET NO. 35-0103-1805
(Only Those Sections With Amendments Are Shown.)

600. PROPERTY EXEMPT FROM TAXATION (RULE 600).

Sections ~~63-602~~ and ~~63-1305C~~, Idaho Code

01. Burden of Proof. The burden of proof of entitlement to the exemption is on the person claiming exemption for the property. (4-4-13)

02. Notice of Decision. (4-4-13)

a. For property subject to local assessment with exemptions requiring annual application as specified in the statute providing the exemption or in Section 63-602(3), Idaho Code, the taxpayer must be notified of the decision of the county commissioners to grant or deny the exemption by May 15 unless a different date is prescribed in the law providing the exemption or if the exemption is provisional pursuant to Section 63-1305C, Idaho Code. ~~(4-4-13)~~(1-1-18)T

b. For property subject to assessment by the State Tax Commission, application for any exemption shall be included with the operator's statement to be submitted as provided in Section 404, of these rules. (4-4-13)

03. Confidentiality. Information disclosed as part of an application for an exemption is confidential to the extent provided by in Section 74-107, Idaho Code, or elsewhere in law. Information disclosed to the county commissioners as part of the application process for an exemption shall be deemed submitted to the assessor and entitled to any confidentiality that would have been conferred had such information been disclosed initially to the assessor. (4-4-13)

04. Provisional Exemptions. The following definitions apply in determining the extent and process for applying for the provisional exemption provided in Section 63-1305C, Idaho Code. (1-1-18)T

a. "Property that is being constructed." Property that is being constructed or renovated may include land, buildings, and associated personal property that would receive an exemption once the construction is complete and the property is used for exempt purposes. (1-1-18)T

i. If part of the land or other property owned by the entity seeking the exemption is to be used for non-exempt purposes, that part shall not be eligible for the provisional exemption. (1-1-18)T

ii. Renovations and personal property related to the exempt purpose of the property, but that add value after the granting of the provisional exemption, shall not be taxed. (1-1-18)T

iii. Application for the provisional exemption may be filed with the county commissioners at any time once a building permit is issued or renovation begins. Deadlines for application and notification of the decision of the county commissioners found in Section 63-602(3), Idaho Code, do not apply. (1-1-18)T

b. "Property owner." The property owner may apply for the provisional exemption provided the intended use of the property is to fulfill a purpose that is exempt from property tax. The owner must apply for the exemption, but need not be an exempt entity or the intended user. (1-1-18)T

IDAPA 35 – STATE TAX COMMISSION

35.01.14 – PREPAID WIRELESS E911 FEE ADMINISTRATIVE RULES

DOCKET NO. 35-0114-1801

NOTICE OF INTENT TO PROMULGATE RULES – NEGOTIATED RULEMAKING

AUTHORITY: In compliance with Sections 67-5220(1) and 67-5220(2), Idaho Code, notice is hereby given that this agency intends to promulgate rules and desires public comment prior to initiating formal rulemaking procedures. This negotiated rulemaking action is authorized pursuant to Sections 67-5220(1) & (2), 63-105(2), 31-4813, 63-3631, 63-3045, 63-3045A, 63-3045B, 63-3049, Idaho Code.

MEETING SCHEDULE: Negotiated meetings will be scheduled and all scheduled meetings shall be posted and made accessible on the agency website at the address listed below.

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

METHOD OF PARTICIPATION: Persons wishing to participate in the negotiated rulemaking must do the following:

Negotiated meetings will be scheduled and all scheduled meetings shall be posted and made accessible on the agency website at the address listed below.

1. Attend the negotiated rulemaking meeting(s) and participate in the negotiation process,
2. Attend through a teleconference,
3. Provide oral or written recommendations, or both, at the negotiated rulemaking meeting, and/or
4. Submit written recommendations and comments to the address below.

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

DESCRIPTIVE SUMMARY AND STATEMENT OF PURPOSE: The following is a statement in nontechnical language of the substance and purpose of the intended negotiated rulemaking and the principle issues involved:

Rule 003 – Currently the Prepaid Wireless E911 Fee Administrative Rules only reference statutes related to administrative appeals and lack a reference to IDAPA 35.02.01 and IDAPA 35.01.02.121. We will add reference to IDAPA 35.02.01 and 35.01.02.121 (Rules relating to appeals in the Tax Commission Administration and Enforcement Rules and Sales Tax Rules).

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS, OBTAINING DRAFT COPIES: For assistance on technical questions concerning this negotiated rulemaking, contact Leah Parsons, (208) 334-7531. For general questions, contact Kimberlee Stratton, (208) 334-7544. Materials pertaining to the negotiated rulemaking, including any available preliminary rule drafts, can be found on the commission website at the following web address: www.tax.idaho.gov.

Anyone may submit written comments regarding this negotiated rulemaking. All written comments must be directed to the undersigned and must be delivered on or before July 25, 2018.

DATED this 8th day of June, 2018.

Leah Parsons, Tax Policy Specialist
State Tax Commission/Sales Tax
Phone: (208) 334-7531 / FAX: (208) 334-7844

800 Park Blvd. Plaza IV
P.O. Box 36
Boise, ID 83722-0410

IDAPA 39 – IDAHO TRANSPORTATION DEPARTMENT

39.02.46 – RULES GOVERNING TEMPORARY MOTOR VEHICLE REGISTRATION PERMIT

DOCKET NO. 39-0246-1801

NOTICE OF INTENT TO PROMULGATE RULES – NEGOTIATED RULEMAKING

AUTHORITY: In compliance with Sections 67-5220(1) and 67-5220(2), Idaho Code, notice is hereby given that this agency intends to promulgate rules and desires public comment prior to initiating formal rulemaking procedures. This negotiated rulemaking action is authorized pursuant to Sections 40-312 and 49-201, Idaho Code, and Section 49-523(2-4), Idaho Code.

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

PUBLIC (LIVE) MEETING
Wednesday, July 25, 2018 - 9:00 am - Noon (MDT)
Idaho Transportation Department Headquarters – Auditorium 3311 W. State Street Boise, ID 83703
WebEx TELECONFERENCE CALL-IN
Toll Free: 1-844-740-1264 Event number: 807 545 716
WebEx ONLINE INFORMATION:
Click here to Join WebEx meeting online Event number: 807 545 716 Event Password: 12345

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

METHOD OF PARTICIPATION: Persons wishing to participate in the negotiated rulemaking must do the following:

1. Attend the negotiated rulemaking meeting and participate in the negotiation process,
2. Attend through a teleconference or online via WebEx,
3. Provide oral or written recommendations, or both, at the negotiated rulemaking meeting, and/or
4. Submit written recommendations and comments to the address provided.

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

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

IDAPA 39.02.46 conflicts with current business needs and practices of allowing the issuance of 30-day temporary registration permits by dealers for sales of commercial, farm and non-commercial vehicles over 8,000 lbs. This change clarifies current practice and removes outdated business rules. It also aligns the rule with the needs of

dealers and retail purchasers needing to move vehicles back to their home states for titling and registration. This rule change supports the current needs of retail sales of motor vehicles over 8,000 lbs and provides dealers and their out-of-state customers the ability to return to their home state for titling and registration.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS, OBTAINING DRAFT COPIES: For assistance on technical questions concerning this negotiated rulemaking or to obtain a preliminary draft copy of the rule text, please contact Brendan Floyd, DMV Policy Program Specialist, at (208) 334-8474.

Anyone may submit written comments regarding this negotiated rulemaking. All written comments must be directed to the undersigned and must be delivered on or before July 27, 2018.

DATED this 12th Day of June, 2018.

Ramon S. Hobdey-Sanchez
Governmental Affairs Program Specialist
Idaho Transportation Department
3311 W. State Street
P.O. Box 7129
Boise, ID 83707-1129
Phone: (208) 334-8810
ramon.hobdey-sanchez@itd.idaho.gov

IDAPA 39 – IDAHO TRANSPORTATION DEPARTMENT

**39.02.61 – RULES GOVERNING LICENSE PLATES
FOR GOVERNMENTAL AGENCIES AND TAXING DISTRICTS**

DOCKET NO. 39-0261-1801

NOTICE OF RULEMAKING – TEMPORARY AND PROPOSED RULE

EFFECTIVE DATE: The effective date of the temporary rule is June 21, 2018.

AUTHORITY: In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a temporary rule, and proposed rulemaking procedures have been initiated. The action is authorized pursuant to Sections 40-312 and 49-201, Idaho Code, and Section 49-443B, Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than July 18, 2018.

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

DESCRIPTIVE SUMMARY: The following is the required finding and concise statement of its supporting reasons for adopting a temporary rule and a nontechnical explanation of the substance and purpose of the proposed rulemaking:

With the passage of **Senate Bill 1282 (2018)**, the sections of this rule being deleted have now been codified. This legislation did change the exempt license plate designator for Sheriff's Office license plate numbers from "SD" to "SO". The law change lists the designators for all "Exempt Agency" plates making paragraph 100 of this rule unnecessary and duplicative.

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

This rule change is needed in order to align IDAPA rule with Section 49-443B, Idaho Code, due to the passage of Senate Bill 1282 (2018); which went into effect July 1, 2018.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased: There are no fees being imposed or increased with 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 impact to the state general fund.

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted because the rule change is simple in nature. Legislation passed by the 2nd Regular Session of the 64th Idaho Legislature directly necessitated this rule change.

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

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning this temporary and proposed rule, please contact Chris Fisher, DMV Policy Program Specialist, at (208) 334-8167.

Anyone may submit written comments regarding the proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before July 25, 2018.

DATED this 12th Day of June, 2018.

Ramon S. Hobdey-Sanchez
Governmental Affairs Program Specialist
Idaho Transportation Department
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P.O. Box 7129
Boise, ID 83707-1129
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ramon.hobdey-sanchez@itd.idaho.gov

**THE FOLLOWING IS THE TEMPORARY RULE AND THE PROPOSED TEXT
OF DOCKET NO. 39-0261-1801
(Only Those Sections With Amendments Are Shown.)**

100. STANDARD EXEMPT PLATE DESIGNATORS.

The ~~following shall be the~~ standard exempt license plate designators: used to identify the agency, entity or office will be assigned pursuant to Section 49-443B (2), Idaho Code.

"A"	Trailer (all weights); small plate
"C"	Miscellaneous City, County, and School District vehicles, including school buses
"D"	Highway Districts
"F"	Fire Districts
"G"	Fish & Game
"H"	Health & Welfare
"ISP"	Idaho State Police
"J"	Dept of Commerce and Labor (Job Service)
"L"	Law Enforcement
"M"	Motorcycle-small plate
"P"	City Police
"R"	Dept of Parks & Recreation
"SD"	Sheriff's Dept
"T"	Transportation Dept
"X"	Miscellaneous State Agencies
"Y"	Irrigation Districts
"Z"	Dept of Lands

~~(1-2-93)~~(6-21-18)T

IDAPA 39 – IDAHO TRANSPORTATION DEPARTMENT

39.03.41 – RULES GOVERNING TRAFFIC CONTROL DEVICES

DOCKET NO. 39-0341-1801

NOTICE OF RULEMAKING – TEMPORARY AND PROPOSED RULE

EFFECTIVE DATE: The effective date of the temporary rule is June 21, 2018.

AUTHORITY: In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a temporary rule, and proposed rulemaking procedures have been initiated. The action is authorized pursuant to Sections 40-312 and 49-201, Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than July 18, 2018.

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

DESCRIPTIVE SUMMARY: The following is the required finding and concise statement of its supporting reasons for adopting a temporary rule and a nontechnical explanation of the substance and purpose of the proposed rulemaking:

The Idaho Transportation Department (ITD), on behalf of the State of Idaho, had received permission from the Federal Highway Administration (FHWA) to experiment with a traffic control device, called IdaShield, at passive highway-railroad grade crossings. The experiment has ended and in accordance with the conditions of the permission to experiment, no new or replacement IdaShields are permitted to be installed after December 31, 2017. When Idaho received permission to experiment with the IdaShield, the device was included in IDAPA 39.03.41, "Rules Governing Traffic Control Devices." The rule now needs to be revised to remove references to the IdaShield.

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

Pursuant to FHWA direction, no new or replacement IdaShield signs are permitted to be installed after December 31, 2017. Existing IdaShield signs that are already installed in the field as of December 31, 2017, may remain in place for the remainder of their useful service life.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased: There are no fees being imposed or increased with 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 impact to the state general fund.

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted because the rule change is simple in nature. Based on direction given by FHWA, ITD shall no longer replace or install IdaShield signs.

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

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning this temporary and proposed rule, please contact Ryan Lancaster, Traffic engineer, at (208) 334-8528.

Anyone may submit written comments regarding the proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before July 25, 2018.

DATED this 12th Day of June, 2018.

Ramon S. Hobdey-Sanchez
Governmental Affairs Program Specialist
Idaho Transportation Department
3311 W. State Street
P.O. Box 7129
Boise, ID 83707-1129
Phone: (208) 334-8810
ramon.hobdey-sanchez@itd.idaho.gov

**THE FOLLOWING IS THE TEMPORARY RULE AND THE PROPOSED TEXT
OF DOCKET NO. 39-0341-1801
(Only Those Sections With Amendments Are Shown.)**

004. INCORPORATION BY REFERENCE.

The “Manual on Uniform Traffic Control Devices for Streets and Highways” is published by the Federal Highway Administration of the U.S. Department of Transportation. The 2009 edition including revisions 1 and 2 of the Manual with an effective date of June 13, 2012, is hereby incorporated by reference and made a part of the Rules of the Idaho Transportation Department. The following conforming additions to the Manual are adopted by the Idaho Transportation Board: (4-4-13)

01. Section 1A.11, Relation to Other Documents. On page 7 - in the first paragraph under Standard, change the paragraph to read as follows: To the extent that they are incorporated by specific reference, the latest editions of the following publications, or those editions specifically noted, shall be a part of this Manual: “Standard Highway Signs and Markings” book, the Idaho Transportation Department (~~ITD~~) Sign Chart Supplement to the Standard Highway Signs and Markings book; and “Color Specifications for Retroreflective Sign and Pavement Marking Materials” (appendix to subpart F of Part 655 of Title 23 of the Code of Federal Regulations). Add the following as the first sentence of the “Support” statement: Idaho Transportation Department Sign Chart includes all signs approved for use on a highway under the jurisdiction of the Idaho Transportation Department, their sign number designations and a cross reference index for comparison of all MUTCD approved signs and those included on the Idaho Transportation Department sign chart. (3-29-12)(6-21-18)T

02. Section 2C.48, Traffic Signal Signs (W25-1, W25-2). On page 128 - delete the section in its entirety, and Figure 2C-9. Intersection Warning Signs and Plaques, on page 127, remove the W25-1 and W25-2 signs from the figure. (3-29-12)

03. Section 2C.63, Object Marker Design and Placement Height. (4-4-13)

a. On page 134 - make the following changes to allow alternate methods of marker construction and additional types of markers:

Support:
Type 1, 2, 3, ~~5~~ and 6 object markers are used to mark obstructions within or adjacent to the roadway, Type 4 object markers are used to mark the end of a roadway, ~~Type 5 for Rail-grade Crossings~~ and Type 6 for Truck Escape Ramps.

Standard:

When used, object markers (see Figure 2C-13) shall not have a border and shall consist of an arrangement of one (1) or more of the following types:

Type 1 - either a diamond-shaped sign, at least eighteen (18) inches on a side, consisting of either a yellow (OM1-1) or black (OM1-2) sign with nine (9) yellow retroreflective devices, each with a minimum diameter of three (3) inches, mounted symmetrically on the sign, or an all-yellow retroreflective sign (OM1-3) or a marker consisting of a rigid substrate sheeted with yellow retroreflective sheeting screen printed to display nine (9) yellow retroreflective circles, each with a minimum diameter of three (3) inches, arranged symmetrically on a black (OM1-2) diamond shaped panel eighteen (18) inches or more on a side; or an all-yellow retroreflective diamond shaped panel (OM1-3) of the same size.

Type 2 - either a marker (OM2-1V or OM2-1H) consisting of three (3) yellow retroreflective devices, each with a minimum diameter of three (3) inches, arranged either horizontally or vertically on a white sign measuring at least six (6) inches by twelve (12) inches; or an all-yellow horizontal or vertical retroreflective sign (OM2-2V or OM2-2H), measuring at least six (6) inches by twelve (12) inches; or a marker (OM2-1V or OM2-1H) consisting of a rigid substrate sheeted with white retroreflective sheeting and displaying three (3) yellow circles of retroreflective sheeting, each with a minimum diameter of three (3) inches, arranged either horizontally or vertically on a white panel measuring at least six (6) inches by twelve (12) inches; or on an all-yellow horizontal or vertical retroreflective panel (OM2-2V or OM2-2H), sheeted with retroreflective sheeting measuring at least six (6) inches by twelve (12) inches.

Type 3 - a striped marker, twelve (12) inches by thirty-six (36) inches, consisting of a rigid substrate sheeted with yellow retroreflective sheeting screen printed to display a vertical rectangle with alternating black stripes and retroreflective yellow stripes sloping downward at an angle of forty-five (45) degrees toward the side of the obstruction on which traffic is to pass. The minimum width of the yellow and black stripes shall be three (3) inches.

Type 4 - a diamond-shaped sign, at least eighteen (18) inches on a side, consisting of either a red (OM4-1) or black (OM4-2) sign with nine (9) red retroreflective devices, each with a minimum diameter of three (3) inches, mounted symmetrically on the sign, or an all-red retroreflective sign (OM4-3).

~~Type 5 - add a category for Type 5 object markers to read as follows: a striped marker to be used for marking of Highway-Rail Grade or Highway-Light Rail Transit Grade crossings ONLY. The marker is to be thirty-three (33) inches by thirty-eight (38) inches, consisting of a vertical rectangle with two (2), eleven point five (11.5) inch side wings and an eight point five (8.5) inch center section which are formed by bending the panel from top to bottom at a forty-five (45) degree angle away from approaching traffic. The rigid substrate panel is sheeted on both sides with white diamond grade prismatic retroreflective sheeting and has reflective chrome stripes and red transparent ink stripes applied to the side wings sloping downward from the top outer corners at an angle of forty-five (45) degrees toward the center of the marker where they meet corresponding stripes which have been placed at a ninety (90) degree angle across the center section of the marker, except on the back of the marker which shall have the center section unsheeted and on the areas of the bends which shall have a point seventy-five (.75) inch wide strip from top to bottom left unsheeted. The stripes shall meet the following dimensions: chrome stripes shall be one point five (1.5) inches and red stripes shall be five point five (5.5) inches.~~

Type 6 - add a category for Type 6 object markers to read as follows: a striped marker, twelve (12) inches by thirty-six (36) inches, consisting of a vertical rectangle with alternating white and retroreflective red stripes sloping downward at an angle of forty-five (45) degrees toward the side of the obstruction on which traffic is to pass, to be used for entrance to Truck Escape Ramps ONLY. The minimum width of the white and red stripes shall be three (3) inches. Red retroreflective stripes shall meet the minimum requirements of sheeting.

~~(4-4-13)~~(6-21-18)T

- b. On page 134 under “Support:” add the following revised paragraph 2:

Type 3 and Type 6 object markers with stripes that begin at the upper right side and slope downward to the lower left side are designated as right object markers (OM3-R) or (OM6-R). Object markers with stripes that begin at the upper left side and slope downward to the lower right side are designated as left object markers (OM3-L) or (OM6-L).

(4-4-13)

- c. On page 134 under “Guidance:” add the following as paragraph 3 to read as follows:

~~The Type 5 object marker, known in Idaho as OM-5 (IdaShield), should be placed below the Highway-Rail Grade or Highway Light Rail Transit Grade crossing Crossbuck Sign Assembly on the right hand side of the roadway on each approach to a crossing where automatic signal warning devices do not exist. The bottom of the shield should be twenty-four (24) inches above the top of the rail and shall not be more than thirty-six (36) inches above the ground.~~

(4-4-13)

- d. On page 135, Figure 2C-13, Object Markers - add a *Type 5 and* Type 6 Object Marker category to the figure which shall include an example of ~~an OM-5 object marker known in Idaho as IdaShield and~~ the OM-6 object marker known as the Idaho Truck Escape Ramp marker:

~~Type 5 Object Markers
OM-5 (IdaShield)~~

~~FRONT~~

~~[GRAPHIC DELETED]~~

~~Type 5 Object Markers
OM-5 (IdaShield)~~

~~BACK~~

~~GRAPHIC DELETED~~



~~(3-29-12)~~(6-21-18)T

- 04. Section 2D.43, Street Name Signs (D3-1 or D3-1a).** (3-29-12)
- a.** On page 162, change the second sentence of the fourteenth paragraph under the Standard statement to read as follows: The color of the legend and border shall contrast with the background color of the sign.”(3-29-12)
- b.** On page 162, change the fifteenth paragraph under the Option statement to read as follows: The border may not be omitted from a street name sign if used on the State Highway System or related roadways. (3-29-12)
- 05. Section 2E.31, Interchange Exit Numbering.** On page 212, in the fourth sentence under “Standard” revise the sentence to read as follows: “The exit number plaque (E1-5P) (see Figure 2E-22) shall be thirty-six (36) inches in height and shall include the word “EXIT” along with the appropriate exit number.”(3-29-12)
- 06. Section 4D.04, Meaning of Vehicular Signal Indications.** On page 451- in the second paragraph of Item C.1, substitute the following for the first sentence: “Except when a sign is in place prohibiting a turn on steady circular red signal or a RED ARROW signal indication is displayed, vehicular traffic facing a steady CIRCULAR RED signal indication may turn right or turn left from a one-way or two-way highway into a one-way street, after stopping in conformance with the provisions of the Idaho Vehicle Code.” (3-29-12)
- 07. Section 4L.03, Warning Beacon.** On page 524 - in the second paragraph under “Standard.” add the following as a second sentence to read as follows: “The beacon shall not be included within the border of the sign or marker.” (3-29-12)
- 08. Figure 5C.1, Horizontal Alignment and Intersection Warning Signs and Plaques and Object Markers on Low-Volume Roads.** On page 536, add ~~a Type 5 Object Marker OM-5 (IdaShield)~~ and a Type 6 Object Marker OM-6 (Truck Escape Ramp). ~~(3-29-12)~~(6-21-18)T
- 09. Section 5F.04, STOP and YIELD Signs (R1-1, R1-2).** On page 543, delete “and YIELD” from the title and insert the following paragraph as the third paragraph under “Standard”: “Under Idaho law, wherever a highway crosses one (1) or more railroads at grade, the Department or local authorities within their respective jurisdictions, shall place and maintain stop signs, directing vehicular traffic approaching the crossing to come to a full stop prior to entering the crossing at all railroad crossings where electric or mechanical warning signals do not exist. Placement of these stop signs shall be mandatory except when, in the determination of the Department or local authorities, the existence of stop signs at a given crossing would constitute a greater hazard than their absence, based on a recognized engineering study.” (3-29-12)
- 10. Table 7B.1, School Area Sign and Plaque Sizes.** On page 733, remove S4-2P, “When Children Are Present.” (3-29-12)

11. **Figure 7B.1, School Area Signs.** On page 735, remove figure S4-2P. (3-29-12)
12. **Section 7B.15, School Speed Limit Assembly (S4-1P, S4-2P, S4-3P, S4-4P, S4-6P, S5-1).** (3-29-12)
- a. On page 742, remove S4-2P in the title; and (3-29-12)
- b. On page 743, in the second paragraph under “Standard” remove the S4-2P and in the third paragraph under “Option” add the following as a fourth sentence to read as follows: “The lenses of the Speed Limit Sign Beacon shall not be positioned within the face of the School Speed Limit (S5-1) sign.” (3-29-12)
13. **Section 8A.03, Use of Standard Devices, Systems, and Practices at Highway-LRT Grade Crossings.** On page 748, under “Standard” add the following statement as a second sentence to read as follows: “Per Section 49-202(25), Idaho Code, “Wherever a highway crosses one (1) or more railroads at grade, the Department or local authorities within their respective jurisdictions, shall place and maintain stop signs, directing vehicular traffic approaching the crossing to come to a full stop prior to entering the crossing at all railroad crossings where electric or mechanical warning signals do not exist. Placement of these stop signs shall be mandatory except when, in the determination of the public highway agencies, the existence of stop signs at a given crossing would constitute a greater hazard than their absence, based on a recognized engineering study.” (3-29-12)
14. **Figure 8B.3, Crossbuck Assembly with a YIELD or STOP Sign on a Separate Sign Support (Sheet 1 of 2).** Delete figure in its entirety. (3-29-12)
15. **Figure 8B.3, Crossbuck Assembly with a YIELD or STOP Sign on a Separate Sign Support (Sheet 2 of 2).** Delete “YIELD or” from the title of the figure. Change Note 1 to read as follows: “Per Section 49-202(25), Idaho Code, “Wherever a highway crosses one (1) or more railroads at grade, the Department or local authorities within their respective jurisdictions, shall place and maintain stop signs, directing vehicular traffic approaching the crossing to come to a full stop prior to entering the crossing at all railroad crossings where electric or mechanical warning signals do not exist. Placement of these stop signs shall be mandatory except when, in the determination of the public highway agencies, the existence of stop signs at a given crossing would constitute a greater hazard than their absence, based on a recognized engineering study.”” (3-29-12)
16. **Section 8B.04, Crossbuck Assemblies with YIELD or STOP Signs at Passive Grade Crossings.** On pages 754,757 and 758, delete “YIELD or” from the title and modify the Section to read as follows:

Standard:

A grade crossing Crossbuck Assembly shall consist of a Crossbuck (R15-1) sign, and a Number of Tracks (R15-2P) plaque if two (2) or more tracks are present, that complies with the provisions of Section 8B.03, and shall have a STOP (R1-1) sign installed on the same support, as pursuant to the following requirement: “Per Section 49-202(25), Idaho Code, “Wherever a highway crosses one (1) or more railroads at grade, the Department or local authorities within their respective jurisdictions, shall place and maintain stop signs, directing vehicular traffic approaching the crossing to come to a full stop prior to entering the crossing at all railroad crossings where electric or mechanical warning signals do not exist. Placement of these stop signs shall be mandatory except when, in the determination of the public highway agencies, the existence of stop signs at a given crossing would constitute a greater hazard than their absence, based on a recognized engineering study.””

At all public highway-rail grade crossings that are not equipped with the active traffic control systems that are described in Chapter 8C, except crossings where road users are directed by an authorized person on the ground to not enter the crossing at all times that an approaching train is about to occupy the crossing, a Crossbuck Assembly shall be installed on the right-hand side of the highway on each approach to the highway-rail grade crossing.

If a Crossbuck sign is used on a highway approach to a public highway-LRT grade crossing that is not equipped with the active traffic control systems that are described in Chapter 8C, a Crossbuck Assembly shall be installed on the right-hand side of the highway on each approach to the highway-LRT grade crossing.

Where restricted sight distance or unfavorable highway geometry exists on an approach to a grade crossing that has a Crossbuck Assembly, or where there is a one-way multi-lane approach, an additional Crossbuck Assembly shall be installed on the left-hand side of the highway.

Guidance:

The use of STOP signs at passive grade crossings should be placed in accordance with Idaho law.

Support:

Sections 8A.02 and 8A.03 contain information regarding the responsibilities of the highway agency and the railroad company or LRT agency regarding the selection, design, and operation of traffic control devices placed at grade crossings.

Option:

When a STOP sign is installed for a Crossbuck Assembly at a grade crossing, it may be installed on the same support as the Crossbuck sign or it may be installed on a separate support at a point where the highway vehicle is to stop, or as near to that point as practical, but in either case, the STOP sign is considered to be a part of the Crossbuck Assembly.

Standard:

When a STOP sign is installed on an existing Crossbuck sign support, the minimum height, measured vertically from the bottom of the STOP sign to the top of the curb, or in the absence of curb, measured vertically from the bottom of the STOP sign to the elevation of the near edge of the traveled way, shall be four (4) feet (see Figure 8B-2).

If a Crossbuck Assembly is installed on a new sign support (see Figure 8B-2) or if the STOP sign is installed on a separate support (see Figure 8B-3), the minimum height, measured vertically from the bottom of the STOP sign to the top of the curb, or in the absence of curb, measured vertically from the bottom of the STOP sign to the elevation of the near edge of the traveled way, shall be seven (7) feet if the Crossbuck Assembly is installed in an area where parking or pedestrian movements are likely to occur.

Guidance:

If a STOP sign is installed for a Crossbuck Assembly at a grade crossing on a separate support than the Crossbuck sign (see Figure 8B-3), the STOP sign should be placed at a point where the highway vehicle is to stop, or as near that point as practical, but no closer than fifteen (15) feet measured perpendicular from the nearest rail.

Support:

Certain commercial motor vehicles and school buses are required to stop at all grade crossings in accordance with 49 CFR 392.10.

The meaning of a Crossbuck Assembly that includes a STOP sign is that a road user approaching the grade crossing must come to a full and complete stop not less than fifteen (15) feet short of the nearest rail, and remain stopped while the road user determines if there is rail traffic either occupying the crossing or approaching and in such close proximity to the crossing that the road user must yield the right-of-way to rail traffic. The road user is permitted to proceed when it is safe to cross.

Standard:

A vertical strip of retroreflective white material, not less than two (2) inches in width, shall be used on each Crossbuck support at passive grade crossings for the full length of the back of the support from the Crossbuck sign or Number of Tracks plaque to within two (2) feet above the ground, except as provided in Paragraph 16.

(3-29-12)

17. Section 8B.05, STOP (R1-1) Or YIELD (R1-2) Signs without Crossbuck Signs at Highway-LRT Grade Crossings. On page 758, delete “Or YIELD (R1-2)” from the title and delete the Guidance Statement, retaining the Standard and insert the following paragraph as the first paragraph under Standard: “Per Section 49-202(25), Idaho Code, “Wherever a highway crosses one (1) or more railroads at grade, the Department or local authorities within their respective jurisdictions, shall place and maintain stop signs, directing vehicular traffic approaching the crossing to come to a full stop prior to entering the crossing at all railroad crossings where electric or mechanical warning signals do not exist. Placement of these stop signs shall be mandatory except when, in the determination of the public highway agencies, the existence of stop signs at a given crossing would constitute a greater hazard than their absence, based on a recognized engineering study.”” (3-29-12)

18. Section 8B.07, EXEMPT Highway-Rail Grade Crossing Plaques (R15-3P, W10-1aP).

(3-29-12)

a. On page 759 - add the following paragraph titled as: “Standard: All EXEMPT (R15-3) signs placed at a highway-rail grade crossing, shall require train crews to flag the crossing and stop all vehicular traffic prior to allowing any railroad equipment to enter the crossing. Placement of an EXEMPT (R15-3) sign shall require a written agreement between the railroad company and the agency having jurisdiction over the highway which requires both parties to comply with the proper procedures for placement of EXEMPT signs at Highway-Rail Grade Crossings. A copy of all agreements shall be forwarded to the Idaho Transportation Department Highway-Rail Safety Coordinator.” (3-29-12)

b. Retain the “Option” statement and modify the “Support” statement on page 760 to read as follows: Support: These supplemental signs inform drivers of vehicles carrying passengers for hire, school buses carrying students, or vehicles carrying hazardous materials that a stop is not required at certain designated highway-rail grade crossings. (5-1-10)

19. Section 8B.09, DO NOT STOP ON TRACKS Sign (R8-8). On page 760, change the second paragraph of the Guidance statement to read as follows:

When a STOP sign is installed at a location, including at a circular intersection, that is downstream from the grade crossing such that highway vehicle queues are likely to extend beyond the tracks, a DO NOT STOP ON TRACKS sign (R8-8) should be used.

(3-29-12)

20. Section 8B.16, Divided Highway with Light Rail Transit Crossing Signs (R15-7 Series). On page 762, change the second sentence of the first paragraph of the Option statement to read as follows: The sign shall be mounted separately. (3-29-12)

21. Section 8B.18, Emergency Notification Sign (I-13). On page 763, change the second paragraph of the Guidance statement to read as follows: Emergency Notification signs should be oriented so as to face highway vehicles at the grade crossing or on the traveled way near the grade crossing. (3-29-12)

22. Section 8C.09, Traffic Control Signals at or Near Highway-Rail Grade Crossings. On page 777, in the fourth paragraph titled “Standard,” replace “if applicable” with “if justified by an engineering study,” at the end of the final sentence in the paragraph. (3-29-12)

005. AVAILABILITY OF THE “MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES FOR STREETS AND HIGHWAYS.”

01. Review of Manual. Persons wishing to review the Manual may do so at any of the locations listed in Section 006. The Manual and subsequent amendments are also available for review on the Federal Highway Administration website at <http://mutcd.fhwa.dot.gov>. (3-29-12)

02. Purchase of Manual. The Manual with an effective date of ~~January 15, 2010~~ **June 13, 2012**, may be viewed and printed from the Federal Highway Administration website at <http://mutcd.fhwa.dot.gov>, or purchased from a number of organizations described on the website, such as ~~the U.S. Government Printing Office~~, AASHTO, ATSSA, and ITE. (~~3-29-12~~)(**6-21-18**)T

IDAPA 55 – DIVISION OF CAREER TECHNICAL EDUCATION

55.01.03 – RULES OF CAREER TECHNICAL SCHOOLS

DOCKET NO. 55-0103-1801

NOTICE OF INTENT TO PROMULGATE RULES – NEGOTIATED RULEMAKING

AUTHORITY: In compliance with Section 67-5220, Idaho Code, notice is hereby given that this agency intends to promulgate rules and desires public comment prior to initiating formal rulemaking procedures. This negotiated rulemaking action is authorized pursuant to Article IX, Section 2 of the Idaho Constitution and under Sections 33-2205, 33-2211 and 33-1002G.

METHOD OF PARTICIPATION: Interested persons wishing to participate in the negotiated rulemaking must respond to this notice by contacting the undersigned either in writing, by email, or by calling the phone number listed below. To participate, responses must be received by July 13, 2018.

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

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

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

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

The proposed amendments would eliminate the career technical school funding formula based on average daily attendance and support units and replace the funding formula with an enrollment based model.

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

DATED this 8th day of June, 2018.

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

IDAPA 58 – DEPARTMENT OF ENVIRONMENTAL QUALITY
UPPER NORTH FORK CLEARWATER RIVER SUBBASIN ASSESSMENT AND TOTAL MAXIMUM
DAILY LOAD (TMDL): 2017 LAKE CREEK TEMPERATURE TMDL (HUC 17060307)

DOCKET NO. 58-0000-1802

NOTICE OF FINAL DECISION

AUTHORITY: In compliance with Section 39-3611, Idaho Code, notice is hereby given that this agency has issued a final decision on the Upper North Fork Clearwater River Subbasin Assessment and Total Maximum Daily Load (TMDL): 2017 Lake Creek Temperature TMDL.

DESCRIPTIVE SUMMARY: The Department of Environmental Quality (DEQ) hereby gives notice of the final decision on the Upper North Fork Clearwater River Subbasin Assessment and TMDL: 2017 Lake Creek Temperature TMDL. The final decision may be appealed to the Board of Environmental Quality by initiating a contested case in accordance with Sections 39-107(5), 67-5240 et seq., Idaho Code, and IDAPA 58.01.23, "Rules of Administrative Procedure Before the Board of Environmental Quality." The petition initiating a contested case must be filed with the undersigned hearing coordinator within thirty-five (35) days of the publication date of this notice in the Idaho Administrative Bulletin.

The area covered by the Upper North Fork Clearwater River Subbasin Assessment and TMDL: 2017 Lake Creek Temperature TMDL (Hydrologic Unit Code 17060307) establishes one (1) temperature TMDL on a water quality impaired stream reach (assessment unit). DEQ has submitted this TMDL to the U.S. Environmental Protection Agency for approval under the Clean Water Act.

AVAILABILITY OF THE TMDL: Electronic copy of the TMDL can be obtained at <http://www.deq.idaho.gov/media/60181560/upper-north-fork-clearwater-river-sba-assessment-2017-lake-creek-temp-tmdl-0518.pdf> or by contacting Graham Freeman, TMDL Program Coordinator, (208) 373-0461, graham.freeman@deq.idaho.gov.

Dated this 4th day of July, 2018.

Paula J. Wilson
Hearing Coordinator
Department of Environmental Quality
1410 N. Hilton
Boise, Idaho 83706-1255
Phone: (208) 373-0418/ FAX: (208) 373-0481
paula.wilson@deq.idaho.gov

IDAPA 58 – DEPARTMENT OF ENVIRONMENTAL QUALITY

58.01.02 – WATER QUALITY STANDARDS

DOCKET NO. 58-0102-1803

NOTICE OF NEGOTIATED RULEMAKING

AUTHORITY: In compliance with Section 67-5220, Idaho Code, and IDAPA 58.01.23, Rules of Administrative Procedure Before the Board of Environmental Quality, Sections 810 through 815, notice is hereby given that this agency intends to promulgate a rule and desires public participation before publishing a proposed rule. This rulemaking action is authorized by Sections 39-105, 39-107, and 39-3601 et seq., Idaho Code.

METHOD OF PARTICIPATION: Those interested in participating in the negotiated rulemaking process are encouraged to attend the meeting at one of the following locations. The public may participate by telephone and web conferencing at any of the meeting locations or with individual connections. Individuals interested in participating by telephone and web conferencing should contact the undersigned by the date provided in the table below. For those who cannot participate by attending the meeting, information for submitting written comments is provided at the end of this notice.

MEETING SCHEDULE: The negotiated rulemaking meeting will be held as follows. Additional meetings will be scheduled if necessary.

ORIGINATING LOCATION – LIVE MEETING	
DEQ State Office Conference Center 1410 N. Hilton, Boise, Idaho	
Friday, July 20th, 2018 - 9:00 am to 12:30 pm (MDT)	
TELEPHONE AND WEB CONFERENCE LOCATIONS	
DEQ Coeur d’Alene Regional Office 2110 Ironwood Parkway Coeur d’Alene, ID 83814	DEQ Pocatello Regional Office 444 Hospital Way #300 Pocatello, ID 83201
<i>Contact the undersigned by July 13, 2018, to make arrangements for participation by telephone and web conferencing.</i>	

The meeting locations will be accessible to persons with disabilities, and language translators will be made available upon request. Requests for these accommodations must be made no later than five (5) days prior to the meeting date. For arrangements, contact the undersigned.

PRELIMINARY DRAFT RULE: The preliminary draft rule is available at www.deq.idaho.gov/58-0102-1803 or by contacting the undersigned.

DESCRIPTIVE SUMMARY: This rulemaking has been initiated to allow insignificant additions of heat in waters that exceed applicable temperature criteria. Currently, Idaho’s point source treatment requirements limit point sources of heat to raising receiving water temperatures by no more than 0.3°C when the receiving water is naturally warmer than numeric criteria. There is not an allowance for any increase, however small, when it cannot be shown receiving water temperatures are naturally warmer than criteria.

Idaho has many very small point sources. All add some heat to the waters to which they discharge. And, in most cases, the water bodies to which they discharge are warmer than Idaho’s numeric temperature criteria set to protect aquatic life for a portion of each year. Heat is a non-conservative pollutant, and the sources of heat can be relatively

small. This rulemaking proposes allowing NPDES/IPDES regulated human sources of heat loading to cause no more than a de minimus 0.3°C increase in receiving water temperatures. This would allow a 0.3°C increase to waters that are exceeding the numeric temperature criteria upstream for the designated aquatic life use. DEQ proposes to accomplish this by striking the words “due to natural conditions” for the current allowance for human use in Subsection 401.01.c.

The text of the rule will be drafted by DEQ in conjunction with a negotiating committee made up of persons having an interest in the development of this rule. Idahoans that recreate in, drink from, or fish Idaho’s surface waters and all who discharge pollutants to those same waters may be interested in participating in this rulemaking.

Upon conclusion of negotiations, DEQ intends to publish a proposed rule for public comment in the fall of 2018 and then present the final proposal to the Idaho Board of Environmental Quality (Board) in November 2018 for adoption of a pending rule. If adopted by the Board, the rule will be reviewed by the 2019 Idaho Legislature.

EFFECTIVE FOR CLEAN WATER ACT PURPOSES: Water quality standards adopted and submitted to EPA since May 30, 2000, are not effective for federal Clean Water Act (CWA) purposes until EPA approves them (see **40 CFR 131.21**). This is known as the Alaska Rule. This rulemaking will be promulgated so that the existing rule, which continues to be effective for CWA purposes, remains in the Idaho Administrative Code until EPA approves the rule revisions. Notations explaining the effectiveness of the rule sections are also included. Upon EPA approval, the revised rule will become effective for CWA purposes and the previous rule and notations will be deleted from the Idaho Administrative Code. Information regarding the status of EPA review will be posted at <http://www.deq.idaho.gov/epa-actions-on-proposed-standards>.

ASSISTANCE ON TECHNICAL QUESTIONS AND SUBMISSION OF WRITTEN COMMENTS: For assistance on questions concerning this rulemaking, contact Jason Pappani at Jason.pappani@deq.idaho.gov, (208) 373-0515.

Written comments may be submitted by mail, fax or email at the address below. The written comment deadline on the preliminary draft rule is July 30, 2018. Information regarding public comment opportunities provided throughout the negotiated rulemaking process is available at www.deq.idaho.gov/58-0102-1803 or by contacting the undersigned.

Dated this 4th day of July, 2018.

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

IDAPA 60 – IDAHO STATE SOIL AND WATER CONSERVATION COMMISSION

60.05.01 – RESOURCE CONSERVATION AND RANGELAND DEVELOPMENT PROGRAM

DOCKET NO. 60-0501-1801

(SECOND) NOTICE OF INTENT TO PROMULGATE RULES – NEGOTIATED RULEMAKING

AUTHORITY: In compliance with Section 67-5220, Idaho Code, and IDAPA 04.11.01, the Idaho Rules of Administrative Procedure of the Attorney General, Sections 811 through 812, notice is hereby given that this agency intends to promulgate a rule and desires public participation before publishing a proposed rule. This rulemaking action is authorized by Section 22-2718, Idaho Code.

METHOD OF PARTICIPATION: Those interested in participating in the negotiated rulemaking process are encouraged to attend the meeting at the following location. The public may participate by telephone conference by calling the number provided in the table below. For those who cannot participate by attending the meeting, information for submitting written comments is provided at the end of this notice.

MEETING SCHEDULE: A negotiated rulemaking meeting will be held as follows. Additional meeting(s) will be scheduled if necessary.

PUBLIC (LIVE) MEETING
Wednesday, July 18, 2018 - 9:00 a.m. to Noon (MDT)
Idaho Water Center 322 E. Front Street, Boise, Idaho 5th Floor, Suite 560 Conference Room
TELECONFERENCE CALL-IN (Same time as above)
Toll Free: 1-877-820-7831 Participant Code: 922837

The meeting location will be accessible to persons with disabilities, and language translators will be made available upon request. Requests for these accommodations must be made no later than five (5) days prior to the meeting date. For arrangements, contact the undersigned.

PRELIMINARY DRAFT RULE: The preliminary draft rule is available from the Idaho Soil and Water Conservation Commission (ISWCC) website at <https://swc.idaho.gov> or by contacting Terry Hoebelheinrich at terry.hoebelheinrich@swc.idaho.gov, (208) 332-1793.

DESCRIPTIVE SUMMARY: ISWCC initiated this rulemaking to resolve inconsistencies between Title 22, Chapter 27, Idaho Code and the Resource Conservation and Rangeland Development Program (RCRDP) Rules, remove outdated references, resolve internal inconsistencies, and correct typographical errors. The revisions also include adding or changing provisions to streamline the loan application process, update credit guidelines, and give more flexibility to set maximum loan amounts.

The proposed changes include: Adding sections to the rules as required by the Office of Administrative Rules Coordinator. Update section 10 (Definitions) to resolve inconsistencies with Title 22, Chapter 27, Idaho Code and other rule provisions, and/or clarify ambiguous terms. Update various sections in order to streamline the application process, incorporate more comprehensive and adaptable credit standards, and give ISWCC more flexibility to set loan limits. It is intended that the text of the rules will be drafted by ISWCC in conjunction with interested persons who participate in negotiated rulemaking. ISWCC also intends to make changes throughout other Sections of the rules as needed for internal consistency, to correct typographical errors, or to remove outdated references.

ASSISTANCE ON TECHNICAL QUESTIONS AND SUBMISSION OF WRITTEN COMMENTS: For assistance on questions concerning this rulemaking, contact Terry Hoebelheinrich at terry.hoebelheinrich@swc.idaho.gov, (208) 332-1793.

Written comments may be submitted by mail, fax or email at the address below. The written comment deadline on the preliminary draft rule is July 27, 2018. Information regarding future public comment opportunities provided throughout the negotiated rulemaking process for this rule docket is available from the ISWCC website at <https://swc.idaho.gov> or by contacting the undersigned below.

Dated this 20th of June, 2018.

Terry Hoebelheinrich
Loan Officer
Idaho Soil and Water Conservation Commission
P.O. Box 83720
Boise, ID 83720-0083
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LEGAL NOTICE

Summary of Proposed Rulemakings

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

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

*The proposed rule public hearing request deadline is July 18, 2018, unless otherwise posted.
The proposed rule written comment submission deadline is July 25, 2018, unless otherwise posted.
(Temp & Prop) indicates the rulemaking is both Temporary and Proposed.
(*PH) indicates that a public hearing has been scheduled.*

IDAPA 02 – DEPARTMENT OF AGRICULTURE PO Box 790, Boise, ID 83701

02-0501-1801, Rules Governing Produce Safety. New rule chapter establishes science-based minimum standards to ensure the safe growing, harvesting, packing, and holding of fruits and vegetables for human consumption. HB 537 authorizes ISDA to conduct on-farm inspections of farms subject to the FDA Produce Safety Rule.

IDAPA 13 – DEPARTMENT OF FISH AND GAME PO Box 25, Boise, ID 83707

13-0102-1801, Rules Governing Mandatory Education and Mentored Hunting. Allows youth aged 8 but younger than age 10 to possess consecutive annual Hunting Passports until reaching age 10; corrects the cited statutory authorization for the rulemaking.

13-0109-1803, Rules Governing the Taking of Game Birds in the State of Idaho. (Temp & Prop) Clarifies use of turkey tags in conjunction with a turkey controlled hunt permit, including validation, and revises the controlled hunt application period to be consistent with the Commission Proclamation on turkey season. (eff. 5-10-18)T

13-0116-1803, The Trapping of Predatory and Unprotected Wildlife and the Taking of Furbearing Animals. (Temp & Prop) Removes the restriction on trapping as the only method of take for red fox in Valley County and portions of Adams County aligning rule to 2018 Commission Proclamation on red fox hunting. (eff. 5-10-18)T

IDAPA 16 – DEPARTMENT OF HEALTH AND WELFARE PO Box 83720, Boise, ID 83720-0036

***16-0102-1801, Emergency Medical Services (EMS) – Rule Definitions.** (*PH)(Temp & Prop) Aligns rule to SB 1310 by adding a definition for “Ambulance Certification” as a designation issued to an certificated Emergency Medical Responder (EMR) expanding the scope of practice. (eff. 7-1-18)T

***16-0103-1801, Emergency Medical Services (EMS) – Agency Licensing Requirements.** (*PH)(Temp & Prop) Aligns rule to SB 1310 by adding language allowing an EMS agency to use an ambulance-certified EMR to be the sole patient care provider. (eff. 7-1-18)T

***16-0107-1801, Emergency Medical Services (EMS) – Personnel Licensing Requirements.** (*PH)(Temp & Prop) Aligns rule to SB 1310 by adding language that establishes the process that an EMR must follow to obtain the Ambulance Certification. (eff. 7-1-18)T

***16-0211-1801, Immunization Requirements for Children Attending Licensed Daycare Facilities in Idaho.** (*PH)(Temp & Prop) Clarifies that parents requesting an immunization exemption may do so either on the

Department's standard form or in a written, signed statement indicating their choice to exempt their child from immunization requirements. (eff. 5-18-18)T

***16-0215-1801, Immunization Requirements for Idaho School Children.** (*PH)(Temp & Prop) Clarifies that parents requesting an immunization exemption may do so either on the Department's standard form or in a written, signed statement indicating their choice to exempt their child from immunization requirements. (eff. 5-18-18)T

16-0309-1802, Medicaid Basic Plan Benefits. (Temp & Prop) Implements HB 465 by providing comprehensive dental benefits to all Idaho Medicaid participants. (eff. 7-1-18)T

16-0310-1805, Medicaid Enhanced Plan Benefits. (Temp & Prop) Implements HB 465 by providing comprehensive dental benefits to all Idaho Medicaid participants. (eff. 7-1-18)T

16-0506-1801, Criminal History and Background Checks. Adds "Substance Abuse Disorders Services" to list of individuals required to complete a DHW criminal background check; removes EMS from list of applicants receiving Department-enhanced clearance.

IDAPA 24 – BUREAU OF OCCUPATIONAL LICENSES

PO Box 83720, Boise, ID 83720-0065

24-0901-1801, Rules of the Board of Examiners of Nursing Home Administrators. (Temp & Prop) Reduces the Nursing Home Administrators-in-Training (AIT) program from 12 months to 1,000 hours. (eff. 7-1-18)T

24-2301-1801, Rules of the Speech, Hearing and Communication Services Licensure Board. (Temp & Prop) Lowers the age for licensure as a sign language interpreter from 21 to 18 years of age. (eff. 7-1-18)T

IDAPA 26 – DEPARTMENT OF PARKS AND RECREATION

PO Box 83720, Boise, ID 83720-0065

26-0110-1701, Rules Governing the Administration of Temporary Permits on Lands Owned by the Idaho Department of Parks and Recreation. Allows the department to charge processing fees comparable to associated costs and to be compensated at a reasonable rate based upon Fair Market Value of the site as if it were held in a fee simple state.

26-0120-1701, Rules Governing the Administration of Park and Recreation Areas and Facilities. Clarifies that failure to properly display proof of payment of motor vehicle entrance and camping fees may result in a surcharge assessment.

26-0123-1701, Rules Governing Filming Within Idaho State Parks. Clarifies and adds definitions for "applicant," "commercial filming," "exempt filming," "film and filming," and "filmmaker"; clarifies permitting process for commercial photographers and limits existing permitting requirements on casual photographers.

IDAPA 30 – IDAHO COMMISSION FOR LIBRARIES

PO Box 83720, Boise, ID 83720-00

30-0101-1801, Rules of the Idaho Commission For Libraries Governing the Use of Commission Services. Addresses the agency's state-funded grant programs; makes eligibility requirements the same for agency state- and federally-funded grant programs; defined eligibility to apply for agency grant programs; expands eligible libraries; aligns the Talking Book Service's move to digital and downloadable content with current National Library Services (the content and device provider) guidelines.

IDAPA 39 – IDAHO TRANSPORTATION DEPARTMENT

Po Box 7129, Boise, ID 83707-1129

39-0261-1801, Rules Governing License Plates for Governmental Agencies and Taxing Districts. (Temp & Prop) Deletes from rule the table listing the standard exempt license plate designators and references those listed in Idaho Code. (eff. 6-21-18)T

39-0341-1801, Rules Governing Traffic Control Devices. (Temp & Prop) Removes reference to a pilot program using a traffic control device called IdaShield at railroad crossing that has ended. (eff. 6-21-18)T

NOTICES OF ADOPTION OF TEMPORARY RULE

IDAPA 10 – BOARD OF PROFESSIONAL ENGINEERS AND PROFESSIONAL LAND SURVEYORS
10-0101-1802, Rules of Procedure (eff. 7-1-18)T

IDAPA 35 – IDAHO STATE TAX COMMISSION

35-0103-1804, Property Tax Administrative Rules (eff. 5-23-18)T
35-0103-1805, Property Tax Administrative Rules (eff. 1-1-18)T

NOTICES OF PROCLAMATION

IDAPA 13 – IDAHO FISH AND GAME COMMISSION / DEPT OF FISH AND GAME

13-0111-1802AP – Rules Governing Fish (Notice of Amended Proclamation)
13-0111-1803P – Rules Governing Fish

NOTICES OF INTENT TO PROMULGATE – NEGOTIATED RULEMAKING

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

IDAPA 01 – IDAHO STATE BOARD OF ACCOUNTANCY

01-0101-1801 & 01-0101-1802, Idaho Accountancy Rules

IDAPA 02 – DEPARTMENT OF AGRICULTURE

02-0408-1801, Rules Governing Grade A Milk and Milk Products
02-0413-1801, Rules Governing Raw Milk
02-0429-1801, Rules Governing Trichomoniasis
02-0601-1801, Rules Governing the Pure Seed Law

IDAPA 07 – DIVISION OF BUILDING SAFETY

07-0101-1801, Rules Governing Electrical Inspection Tags
07-0102-1801, Rules Governing Fees for Electrical Inspections
07-0103-1802, Rules of Electrical Licensing and Registration – General
07-0104-1801, Rules Governing Electrical Specialty Licensing
07-0105-1801, Rules Governing Examinations
07-0106-1801, Rules Governing the Use of National Electrical Code
07-0107-1801, Rules Governing Continuing Education Requirements
07-0108-1801, Rules Governing Electrical Inspection Tag Appeals
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IDAPA 08 – STATE BOARD OF EDUCATION / DEPARTMENT OF EDUCATION

08-0104-1801, Residency
08-0113-1802, Rules Governing the Opportunity Scholarship Program
08-0202-1802, *08-0202-1803*, *08-0202-1804*, & *08-0202-1805*, Rules Governing Uniformity
08-0203-1803 & 08-0203-1804, Rules Governing Thoroughness
08-0501-1801, Rules Governing Seed and Plant Certification

IDAPA 16 – DEPARTMENT OF HEALTH AND WELFARE

16-0215-1802, Immunization Requirements for Idaho School Children.
16-0309-1803, *16-0309-1804*, *16-0309-1805*, *16-0309-1806*, *16-0309-1807*, & *16-0309-1808*, Medicaid Basic Plan Benefits
16-0310-1806, Medicaid Enhanced Plan Benefits
16-0737-1801, Children's Mental Health Services
16-0750-1801, Minimum Standards for Nonhospital, Medically Monitored Detoxification/Mental Health Diversion Units

IDAPA 18 – DEPARTMENT OF INSURANCE

18-0106-1801, Rule to Implement Uniform Coverage for Newborn and Newly Adopted Children
18-0123-1801, Rules Pertaining to Idaho Acquisitions of Control and Insurance Holding Company Systems
18-0124-1801, Advertisement of Disability (Accident and Sickness) Insurance
18-0130-1801, Individual Disability and Group Supplemental Disability Insurance Minimum Standards Rule

18-0144-1801, Schedule of Fees, Licenses, and Miscellaneous Charges

18-0149-1801, Fire Protection Sprinkler Contractors

18-0154-1801, Rule to Implement the NAIC Medicare Supplement Insurance Minimum Standards Model Act

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18-0170-1801, Rules Governing Small Employer Health Insurance Availability Act Plan Design

IDAPA 27 – IDAHO BOARD OF PHARMACY

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27-0105-1801, Rules Governing Drug Compounding

27-0106-1801, Rules Governing DME, Manufacturing, and Distribution

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29-0103-1801, Rules Governing Nominations and Elections for Candidates to Be Selected for Commissioner (New Chapter)

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55-0103-1801, Rules of Career Technical Schools

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58-0102-1803, Water Quality Standards

IDAPA 60 – IDAHO STATE SOIL AND WATER CONSERVATION COMMISSION

60-0501-1801, Resource Conservation and Rangeland Development Program (2nd Notice)

Please refer to the Idaho Administrative Bulletin, **July 4, 2018, Volume 18-7**, for the notices and text of all rulemakings, public hearings schedules, information on negotiated rulemakings, executive orders of the Governor, and agency contact information.

Issues of the Idaho Administrative Bulletin can be viewed at adminrules.idaho.gov.

Office of the Administrative Rules Coordinator, Dept. of Administration, P.O. Box 83720, Boise, ID 83720-0306
Phone: 208-332-1820; Email: rulescoordinator@adm.idaho.gov

CUMULATIVE RULEMAKING INDEX OF IDAHO ADMINISTRATIVE RULES

*Office of the Administrative Rules Coordinator
Idaho Department of Administration*

July 1, 1993 – Present

CUMULATIVE RULEMAKING INDEX OF IDAHO ADMINISTRATIVE RULES

This online index provides a history of all agency rulemakings beginning with the first Administrative Bulletin in July 1993 to the most recent Bulletin publication. It tracks all rulemaking activities on each chapter of rules by the rulemaking docket numbers and includes negotiated, temporary, proposed, pending and final rules, public hearing notices, vacated rulemaking notices, notice of legislative actions taken on rules, and executive orders of the Governor.

ABRIDGED RULEMAKING INDEX OF IDAHO ADMINISTRATIVE RULES

(Index of Current and Active Rulemakings)

*Office of the Administrative Rules Coordinator
Idaho Department of Administration*

March 28, 2018 – July 4, 2018

(eff. PLR) – Final Effective Date Is Pending Legislative Review

(eff. date)L – Denotes Adoption by Legislative Action

(eff. date)T – Temporary Rule Effective Date

SCR # – denotes the number of a Senate Concurrent Resolution (Legislative Action)

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- 08-0501-1801** Notice of Intent to Promulgate a Rule – Negotiated Rulemaking, Bulletin Vol. 18-7

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- 10-0101-1801** Notice of Intent to Promulgate a Rule – Negotiated Rulemaking, Bulletin Vol. 18-6
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10.01.02, Rules of Professional Responsibility

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- 11-0201-1701** Temporary and Proposed Rulemaking (Fee Rule), Bulletin Vol. 17-11 (eff. 10-2-17)T
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